

May 06 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Richland County

Honorable Daniel McLeod Coble, Circuit Court Judge

ANDRE T. HEATLEY, JR.

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001526

APPENDIX

GARY H JOHNSON
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

D. RUSSELL BARLOW
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211-1549
(803) 734-3737

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JANUARY 22-30, 2019.....	1
APPLICATION FOR POST-CONVICTION RELIEF	1278
RETURN.....	1285
AMENDED POST-CONVICTION RELIEF APPLICATION.....	1293
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED MAY 12, 2023.....	1296
ORDER OF DISMISSAL.....	1325
INDICTMENTS	1347
SENTENCE SHEETS	1353

1 MR. O'NEIL: I don't think so, Your Honor.

2 MR. GOLDBERG: Judge, there is one witness
3 that we may have to do a few minutes in camera in
4 the morning regarding the issue that we addressed
5 about what statements were made, to the effect of
6 what this witness said to the victim. I don't
7 anticipate it being a lengthy situation, it's not a
8 lengthy commentary. It's pretty much just a very
9 short exchange.

10 THE COURT: Is that your first witness?

11 MR. GOLDBERG: It can be.

12 THE COURT: Well --

13 MR. GOLDBERG: I just didn't want to show up
14 tomorrow, get started, and then that witness come
15 up and, Why didn't you tell me about it?

16 THE COURT: You don't have to call them first.
17 I've already told them 9:30. Maybe we can do it
18 during the break or at lunchtime? Around
19 lunchtime?

20 MR. GOLDBERG: I truly -- even if it was the
21 first one, I really don't anticipate it lasting
22 long at all. It's a very short exchange that they
23 have between each other.

24 THE COURT: All right. We'll start at 9:30.
25 If that's your first witness, we'll do the in

1 camera testimony and then we'll bring them in. I
2 don't want the jurors to have to sit back there too
3 long.

4 MR. GOLDBERG: I understand. I'll let you
5 know.

6 THE COURT: They told me yesterday it was two
7 hours, we were here until 7:00 o'clock.

8 Anything else?

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

10 MR. GOLDBERG: No, Your Honor.

11 THE COURT: Thank you. Have a good evening.

12 MR. O'NEIL: Your Honor, are we leaving in
13 shifts again?

14 THE COURT: Yes, I'm sorry. We are leaving in
15 shifts.

16 (Pause.)

17 THE COURT: You all can go ahead and leave.
18 Have a good evening.

19 (WHEREUPON, court adjourned for the
20 evening at 5:15 p.m.)

21 **JANUARY 24, 2019**

22 (WHEREUPON, the proceedings began at
23 9:43 a.m.)

24 THE COURT: Are you ready to bring them in?

25 MR. GOLDBERG: Yes, Your Honor.

1 (WHEREUPON, the jury came into open
2 court at 9:44 a.m.)

3 THE BAILIFF: The jury is seated, Your Honor.

4 THE COURT: Good morning, ladies and gentlemen
5 of the jury. I hope you had a restful evening. At
6 this time, we're ready to continue with the case.

7 I'll ask the State to call their next witness.

8 MR. GOLDBERG: Thank you, Your Honor. The
9 State calls Dr. Amy Durso.

10 (Witness approaches.)

11 THE BAILIFF: Place your left hand on the
12 Bible and raise your right.

13 (Witness complies.)

14 THE CLERK: Do you swear or affirm the
15 testimony you're about to give in this case will be
16 the truth, the whole truth and nothing but the
17 truth, so help you God?

18 THE DEFENDANT: I do.

19 THE CLERK: Thank you. Have a seat in the
20 witness stand, please.

21 (Witness seated.)

22 THE CLERK: State your name for the record.

23 THE WITNESS: I'm Amy Durso, D-U-R-S-O.

24 AMY DURSO, M.D.,
25 after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GOLDBERG:

Q Dr. Durso, good morning.

A Good morning.

Q Can you tell this jury a little bit about who you are, where you're employed and what you do?

A Sure. So, I'm Dr. Durso. I'm a forensic pathologist employed with Professional Pathology Services. So, basically my job -- so I'm a medical doctor, but I specialize in a field of actually examining bodies after death. So my main job is to not only determine the cause of death, but to also document any injuries, natural disease, anything else I can find to do what's called an autopsy. And I usually do that for the Richland County Coroner's Office.

Q What sort of education and training and experience do you have in this area?

A Sure. So I got a 4-year Bachelor's Degree in Psychology at Emory University. Then I went to University of North Carolina in Chapel Hill where I got my 4-year medical degree, my M.D. I then did four years at Wake Forest Medical Center in residency training. So after medical school, all physicians have to go and specialize in something,

1 and I did pathology. And I spent an additional
2 year at Wake Forest doing a fellowship, a specialty
3 year, specifically in the field of forensic
4 pathology, which, again, is examining the bodies
5 after death.

6 MR. GOLDBERG: Your Honor, at this time we'd
7 offer Dr. Durso as an expert in forensic pathology.

8 THE COURT: Any voir dire?

9 MR. O'NEIL: No voir dire and no objection,
10 Your Honor.

11 THE COURT: All right. Ladies and gentlemen
12 of the jury, I explained to you yesterday that
13 expert witnesses are allowed to give opinion
14 testimony and you can use it in any way you feel
15 necessary. It is for you to consider. And I'll
16 give you a jury charge at the end regarding expert
17 witnesses. But she will be qualified as an expert
18 in the area of forensic pathology.

19 Thank you.

20 MR. GOLDBERG: Thank you very much, Your
21 Honor.

22 BY MR. GOLDBERG:

23 Q Dr. Durso, I want to turn your attention to the
24 case at hand. Did you have an opportunity to
25 examine Deandra Roach on January 30th of 2016?

1 A Yes, I did.

2 Q And would you happen to note her age at the time?

3 A She was 19 years old.

4 Q Thank you. And what information was presented to
5 you upon having this case come in?

6 A Basically that she was found in her car with
7 multiple gunshot wounds.

8 Q Did you have an opportunity to examine her?

9 A Yes.

10 Q Can you give the jury kind of a broad overview of
11 how that process works?

12 A Right. So we pretty much do the process, no matter
13 if it's a heart attack victim or gunshot wound
14 victim, the same way. We start with what's called
15 an external examination of the body. So we weigh
16 the body, we measure the body. We look for
17 identifying marks and scars, tattoos, eye color,
18 hair color. And then we just look at the outside
19 of the body looking for any injuries, such as
20 gunshot wounds, scrapes, abrasions, bruises, that
21 sort of thing.

22 After we complete that part, we start making
23 incisions into the body. So how we do that is we
24 make what's called a Y-shaped incision --

25 THE COURT REPORTER: I'm sorry, can you speak

1 in the microphone?

2 A Sure, sorry. So we make an incision that starts
3 here at the shoulders and it comes down to the
4 sternum and then goes down. At that point we're
5 able to open up the body and remove the front of
6 the rib cage. And we can see all of the organs at
7 that point. And then we remove each organ,
8 weighing it, examining it individually. And for
9 the brain, we're actually able to make an incision
10 in the back of the head, reflect the scalp back and
11 remove a portion of the skull and able to remove
12 the brain at that point and examine it as well.

13 Q And upon beginning your examination of Ms. Roach,
14 what did you observe about her body?

15 A There were numerous gunshot wounds in this case.
16 So I documented each and every one of them. And
17 then, you know, we can look at the characteristics,
18 you know, entrance/exit wounds. It's not till we
19 can really open the body and actually follow the
20 wound tract that we know which entrance goes with
21 which exit wound. So we did that with her to
22 determine how each of these gunshot wounds, which
23 direction they're going, which organs they hit.

24 Q And in doing so, do you regularly create a chart,
25 if you will, documenting where those gunshots are

1 located on the body?

2 A Right. So all of my external exams, I have
3 basically an empty diagram of either a male or a
4 female, kind of a generic diagram. And I write all
5 of my findings on that and I document where the
6 gunshot wounds are.

7 Q I show you State's 126. Is that the diagram you
8 did in this case?

9 A Yes, it's a much enlarged version of the document
10 in this case.

11 Q Does it accurately represent the diagram you made
12 for Ms. Roach?

13 A Yes, it does.

14 MR. GOLDBERG: Your Honor, at this time we'd
15 offer State's 126 into the evidence.

16 THE COURT: Any objection?

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

18 THE COURT: It will be entered without
19 objection.

20 (WHEREUPON, State's Exhibit No. 126 was
21 marked for identification and received
22 into evidence.)

23 MR. GOLDBERG: May the witness step down?

24 THE COURT: Yes, sir.

25 (Witness steps down.)

1 BY MR. GOLDBERG:

2 Q If you would tell the jury --

3 A So this is my diagram just showing the gunshot
4 wounds along with her body weight, body length. So
5 she weighed 180 pounds, she was 70 inches tall.
6 And so this is just showing the gunshot wounds. So
7 each hole, each entrance or exit, graze wound,
8 whatever I found, when I do the external
9 examination, I just mark arbitrarily with a letter.
10 And then after I match them up, I kind of make them
11 Gunshot Number 1, 2, 3, 4. And these have nothing
12 to do with order they were --

13 Q Delivered?

14 A -- delivered. I have no way of knowing that. When
15 they're all coming in succession, there's no change
16 that I can find at autopsy to know which one came
17 first. So I'll just start with the order that I
18 have them in my report.

19 Q Sure.

20 A The first one I'm going to talk about enters the
21 forehead here near the hairline at what is called
22 Entrance Wound A. So kind of around here on her
23 head. This actually goes into her skull through
24 both sides of her brain. And I actually found the
25 projectile. You can actually see it even on the

1 external examination. Even though it is in the
2 body, it's actually protruding through the skin
3 here just behind the left ear. So, again, it goes
4 in here, I find the projectile here, so it goes
5 through both sides of her brain, which is pretty
6 much known as a universally fatal gunshot wound.
7 This would render her immediately unconscious and
8 it would be fatal in a somewhat short amount of
9 time.

10 The next gunshot wound I'm going to talk about
11 is the entrance I have labeled as J, which is up
12 here kind of in her torso here. Actually, it's
13 this little wound right here. So this doesn't do
14 much. It goes through her breast tissue. And I
15 actually found a projectile over here underneath
16 the skin. So it did not perforate any vital
17 organs. So it didn't perforate anything that would
18 have immediately killed her. You know, it would
19 have been painful, but other than that, it wouldn't
20 have killed her with that gunshot wound alone.

21 The next one I'm going to talk about enters at
22 what I labeled Gunshot Wound K, which is here on
23 the outside of the right breast. This one actually
24 goes into the right lung tissue, so that would have
25 caused stress, difficulty breathing. And then I

1 was actually able to get part of the projectile out
2 of the muscle here on the right part of the chest,
3 so underneath the skin and within the muscle. So
4 that's the third one.

5 Number 4 that I'm going to describe, the
6 entrance wound is labeled G on the diagram, which
7 is here, kind of on the lower side of the chest
8 there. Can you all see? And this one goes through
9 the diaphragm, which is kind of the muscle that
10 separates your lungs from your abdomen. And it
11 helps with breathing. Also, again, between the
12 last one hitting her lung and this one hitting the
13 diaphragm --

14 THE COURT REPORTER: I'm sorry, I didn't hear
15 that.

16 A I said, the last one hitting her lung and this one
17 hitting the diaphragm, it's going to cause
18 difficulty for her to breathe at that point. And I
19 was able to get part of the projectile. It was
20 kind of sitting around the area of the diaphragm in
21 the abdomen.

22 The next one, Number 5, entered at what I
23 label H, which is here on the right lower back, so
24 it enters in the back. This one hits the liver and
25 the stomach, causing all the stomach contents to

1 spill out into the abdominal cavity, and also the
2 liver bleeds a lot, so, again, that could be a
3 life-threatening injury without medical
4 intervention very quickly.

5 This one, I was able to find a projectile. It
6 actually comes up and it's in the abdomen just
7 under the skin here. So, again, it goes kind of
8 from the back forward and, again, underneath the
9 skin. Let's see, that's Number 5.

10 Number 6, the entrance wound, I have labeled
11 as I, which, again, is here on the right lower back
12 this time. This one goes through the small bowel,
13 so it goes into the stomach cavity. And then I was
14 able to obtain the projectile from the lower pelvic
15 soft tissue. So it kind of goes in from back to
16 front, this one, and was able to -- it was kind of
17 underneath the skin in this area.

18 Number 7, this one enters the thigh here, so
19 the left thigh. This actually goes through the
20 femur, so this very large bone in your leg, it
21 actually breaks the femur. And then I was able to
22 get the projectile. It stays within the leg, left
23 upper leg, near the femur. It kind of slowed down
24 the projectile, kind of stopped it in its tract.

25 Number 8 is going to enter at C, which is the

1 wrist here. So it enters the front of the left
2 wrist here and goes right and exits the back part
3 of the wrist. So likely had her hand up to try to
4 defend herself from the incoming wounds, incoming
5 projectiles.

6 And let's see. Then Number 9 enters through
7 what I label as S here on kind of the back of the
8 right arm. That just goes through the soft tissue
9 there and exits through what I have labeled N here
10 on the front of the arm, so kind of from here to
11 the front. And it's possible, I can't know for
12 sure, that this could have been -- this entrance
13 wound I described earlier where it goes back in at
14 G -- where's G? Right here. Could be the same
15 projectile. So it could have gone in the back of
16 the arm, out, and then back in, but I have no way
17 of knowing where her arm was to know if that truly
18 lines up. So that could be all one wound. I
19 don't -- I can't say with 100 percent accuracy on
20 that one.

21 Next, Number 10, it enters through what I have
22 labeled O here on the back part of the right arm,
23 again similar to the last one. This one actually
24 hits the humerus, which is the big bone here in the
25 right upper arm, fractures that bone. So that has

1 been fractured. And I found part of a lead core
2 part of the projectile there and the rest exited
3 through M here on the front of the arm. And,
4 again, that one could have re-entered as Gunshot
5 Wound K here. So, again, that one could be
6 possibly all one together, but I wouldn't know for
7 sure from the autopsy.

8 Let's see. That was Number 9. No, that was
9 Number 11. Sorry, so Number 11 enters at what I
10 have labeled P here near the right elbow. This one
11 hits the radius and ulna, so it hits the bones of
12 the lower arm fracturing them. And then this
13 exits -- I find part of the projectile and part of
14 it exits through what's labeled R here on the front
15 of the right arm. Again, it goes through her right
16 arm.

17 And then the last one I'm going to describe,
18 Number 12, is a graze wound to the right breast, so
19 the characteristics of a graze wound up here on
20 right breast, so there's no projectile, but it was
21 cutting the skin, didn't really enter the body.

22 Also, I found on the right lower arm was a
23 little abrasion here. It was so superficial, I
24 can't tell for sure if that was an abrasion from
25 something else or if that was another projectile,

1 another bullet going across her arm.

2 And so the other thing I want to point out, so
3 most of all these are going either right to left.
4 Everything seems to be coming from the right side
5 of the body, some from the front, some from the
6 back, but all going mostly from right to left.

7 Q The trajectory --

8 A Right, the trajectory of the bullets coming into
9 her body.

10 Q Is from right to left?

11 A Right. So there's also some findings too of what I
12 called pseudo-stippling. So there's things we look
13 at to know how far away the gun is from the victim
14 at the time they're shot. So contact wounds have a
15 very characteristic finding. There's usually soot
16 within the wound because the gun is, you know,
17 against the skin. I did not find any of that. So
18 it's definitely not a contact wound. As you get
19 further away, up to six inches, you can still see a
20 little bit of soot on the skin. Again, did not see
21 any of that on her.

22 As you get further away, around two feet, you
23 can see stippling, which is actually from the
24 grains of gun powder on the skin, it actually
25 causes tiny little pinpoint abrasions. I did not

1 see that on her either. However, if the projectile
2 goes through something, like a car window, car
3 door, it would stop the stippling, it would stop
4 the soot. So on these, I can say it's not contact,
5 but I can't really say exactly how far the
6 projectile was -- or the gun was, sorry, from her
7 when she was shot.

8 There was something I found on her called
9 pseudo stippling, which is not the nice fine
10 abrasions you see. It's very irregular looking,
11 which I often see when it goes through what we call
12 an intermediary target, meaning it went through a
13 window, a door, something else that kind of broke
14 apart. So you can imagine a projectile going -- a
15 bullet going through a car window and it's going to
16 break a window, little grains of glass could come
17 and abrade as well, but it's a much different look.
18 So she had some of that as well, which makes me
19 believe that at least some of these projectiles
20 went through part of the car before it hit her.

21 Q So overall you noted 12 gunshot wounds, is that
22 correct?

23 A Yes. And I think possibly two to three of them
24 could be re-entrances, so at least ten shots.

25 Q At least ten shots, okay. And I'd like to show you

1 while you're up what has previously been marked as
2 State's 127 through 134. If you can just kind of
3 generally describe what these show and what they
4 are.

5 A Do you want me to show them as well?

6 Q Not yet.

7 A So Number 127 is showing where I found the
8 projectile behind her left ear.

9 Exhibit 128, as well as 129, are showing
10 different views of the projectile recovered from
11 behind the left ear.

12 Exhibit 130 is a photograph of one of the
13 X-rays I did at autopsy. X-rays to show -- to look
14 for all of the projectiles, so they're going to
15 show up on X-ray, so that way I can make sure I
16 recover all of the bullets from the body. Number
17 130 is an X-ray of the head.

18 131 shows an X-ray of the right upper and
19 lower arm showing the fractures and the projectiles
20 there.

21 Number 132 shows the left upper leg, again,
22 with the fracture of the femur and the projectile
23 there.

24 133 shows the chest and upper abdomen showing
25 the main projectiles I recovered from there.

1 And 134 shows the pelvis showing the
2 projectile I was able to recover from that area.

3 MR. GOLDBERG: Your Honor, at this time, we'd
4 offer State's 127 through 134 into evidence.

5 THE COURT: Any objection?

6 MR. O'NEIL: One moment, Your Honor.

7 (Pause.)

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

9 THE COURT: Entered without objection.
10 (WHEREUPON, State's Exhibit Nos. 127 -
11 134 was marked for identification and
12 received into evidence.)

13 BY MR. GOLDBERG:

14 Q Now, if you could show and describe to the jury
15 what you're talking about.

16 A Sure. So this is Exhibit 127. This is showing
17 kind of the back of the head. So this is her ear
18 right here. This is her head, so you can see right
19 behind her right ear is where I recovered the
20 projectile that went through her brain. So this
21 would be, of all the gunshot wounds, the most
22 immediately fatal gunshot wound that she sustained,
23 and it would render immediately unconscious and it
24 would definitely kill her.

25 Q And that would have shown the projectile --

1 A Right.

2 Q -- on the way out, I guess?

3 A Right. So it's trying to exit, but, you know,
4 didn't have quite enough energy, so it had to go
5 through the skull. The skull can be fairly thick,
6 so it has to have enough energy to get beyond the
7 skull on the way in, go to the brain, but also the
8 skull on the way out. So it kind of had enough
9 energy to make it through the skull, but not enough
10 energy to make it through the skin there, so that's
11 where it kind of got lodged.

12 This is 128. This is just showing one view of
13 the projectile from behind her right ear that I
14 recovered at autopsy. This is kind of the left
15 core part. And this is showing the opposite side,
16 so you can see the copper-colored jacket covering
17 the projectile. This is the same projectile, just
18 a different view of it.

19 Number 130 is showing one of the X-rays, a
20 photograph of from inside the head. So, again, you
21 can see the projectile that recovered from behind
22 her right ear, just showing that on X-ray. You can
23 see some of the skull fractures from that.

24 This is 131. So to kind of orient you, this
25 would be her shoulder here. This right here.

1 Q The right shoulder?

2 A The right shoulder. This is the right upper arm.
3 This is the right lower arm. So you can see
4 there's a fracture here with some fragments of the
5 bullets. And this is a fracture of the radius here
6 and the ulna here, the two lower bones in the arm.
7 Again, showing how fractured they are and there's a
8 little projectile piece there.

9 Number 132, this is of the left upper leg, so
10 this is the hip joint right here, hip. This is the
11 bone. You can see it's a big thick bone. And this
12 is where the two pieces should have been connected.
13 It looked like it had been shortened from this.
14 But these are all the pieces of the projectile that
15 kind of got lodged from those fractures. So it had
16 enough energy to hit the femur and it kind of broke
17 up, kind of like the femur, but the projectile as
18 well.

19 This is 133. It's showing several gunshot
20 wounds. And it's just showing where I recovered
21 all of those projectiles I discussed earlier.
22 There's one here in the right upper chest. That
23 was one kind of found in the breast tissue there.
24 And there's one here in the midline --

25 THE COURT REPORTER: I'm sorry?

1 A I'm sorry. In the breast tissue there. And there
2 is one here in the midline, and some other smaller
3 fragments from some of the other gunshot wounds as
4 well.

5 And this is 134. And this shows the one
6 projectile we found in the left lower pelvis, the
7 one that kind of goes from the lower back and goes
8 through the small bowel. And we recovered that
9 projectile there.

10 That's all of them.

11 MR. GOLDBERG: Your Honor, may I publish them
12 to the jury?

13 THE COURT: Yes, sir.

14 (Witness returns to witness stand.)

15 (Exhibits published to jury.)

16 BY MR. GOLDBERG:

17 Q And you indicated earlier that in addition to the
18 examination and the findings that you just
19 discovered, that it's regular practice to then also
20 examine the remainder of the body, the organs, that
21 sort of thing --

22 A Right.

23 Q -- to look for any deformities, and things of that
24 nature. Did you do that in this case?

25 A I did.

1 Q What, if anything, did you find?

2 A I didn't find any natural disease. She was
3 otherwise a healthy 19-year-old woman.

4 Q And you said, again, based upon your expert
5 opinion, these wounds in totality are consistent
6 with being shot from the right side, is that
7 correct?

8 A Yes.

9 Q Okay. Just briefly. So you indicated, again, that
10 there were 12 wounds, 12 gunshot wounds, correct?

11 A Yes.

12 Q And then there were a number of projectiles that
13 were recovered?

14 A Yes.

15 Q Of course, once those are removed from the body,
16 you don't maintain them, is that right?

17 A No. So the law enforcement officer that's in
18 charge with investigating, either the County
19 Sheriff's Department or the Columbia Police
20 Department attends -- they have a representative
21 from Crime Scene attend the autopsy. So they not
22 only take the photographs of the body, such as the
23 one from behind the ear that you saw, but they also
24 take any evidence, including clothing, projectiles,
25 anything else that they would need for their

1 investigation. And so there's a chain of custody
2 started and it's all signed over to them.

3 Q And you can only address the number of wounds that
4 were -- gunshot wounds that were sustained.
5 There's no way for you to know, obviously, how many
6 shots were actually fired in some sort of exchange,
7 correct?

8 A No, I have no way of knowing that.

9 MR. GOLDBERG: All right. That's all I have.
10 Thank you very much.

11 THE COURT: Yes, sir?

12 MR. O'NEIL: Thank you. May it please the
13 Court?

14 CROSS-EXAMINATION

15 BY MR. O'NEIL:

16 Q Good morning.

17 A Good morning.

18 Q Doctor, who do you talk to from law enforcement
19 before you begin your examination?

20 A I don't talk to anyone from law enforcement.
21 Typically, it's the Richland County Coroner's
22 Office.

23 Q I apologize. I group the Coroner's Office with law
24 enforcement. But you talk to the deputy coroner
25 before you get started?

1 A Yes. Typically, they send us a brief report and
2 either they call or message us to let us know that
3 we need to investigate.

4 Q Who was the deputy coroner in the case, do you
5 remember?

6 A Yes, it was Ann Neeley.

7 Q Okay. Do you remember her report?

8 A I don't have it on me, but she would have sent a
9 report, yes.

10 MR. O'NEIL: Permission to approach, Your
11 Honor?

12 THE COURT: Yes, sir.

13 BY MR. O'NEIL:

14 Q Doctor, is that the report you get from the deputy
15 coroner before you get started?

16 A Yes, it is.

17 Q You kind of allow that kind of as a basis of
18 your -- a starting point for your examination?

19 A Yes. I mean, I look it over and then I do my own
20 separate evaluation of the body, yes.

21 Q Okay. According to that, your review of that, when
22 was the approximate time of death?

23 A That is determined by the Coroner's Office.

24 Q Yes, ma'am.

25 A Because the changes after death, once the body is

1 placed in a cooler, it kind of slows it down. The
2 changes we look for after death is rigor, which is
3 stiffening of the body lividity, the settling of
4 the blood to the body dependent surfaces, and that
5 would be altered by being placed in the morgue
6 cooler. So I defer that completely to the
7 Coroner's Office.

8 Q And what did they determine based --

9 A They have written down, let me see, January 29th,
10 2016, between 4:00 a.m. and 1700, which would be
11 5:00 p.m.

12 Q So the Coroner's Office determined on January 29th,
13 somewhere between 4:00 a.m. and 5:00 p.m., correct?

14 A That's what is written down.

15 Q And you did the autopsy on what day?

16 A I did the autopsy on January 30th.

17 Q So the following day?

18 A Yes.

19 Q Okay. So I want to make sure I'm absolutely clear.
20 The Coroner's Office determined that she died on
21 Friday, January 29th? You may not remember.

22 A Yes. Actually, it has a day of the week notified,
23 so Friday, January 29th, yes.

24 Q So we have Friday, January 29th, between 4:00 a.m.
25 in the morning?

1 A That's what it says, yes.

2 Q And 5:00 p.m. that afternoon?

3 A Yes.

4 Q And that was the estimated time of death?

5 A Yes.

6 Q January 30th, 4:00 a.m. to 5:00 p.m.?

7 A No, January 29th.

8 Q I apologize. January 29th, make sure I'm correct,
9 January 29th, 4:00 a.m. to 5:00 p.m.?

10 A Yes.

11 Q Did you find anything in your investigation that
12 contradicted that?

13 A No.

14 Q All right. So you found nothing to contradict the
15 fact that she died on January 29th, between
16 4:00 a.m. and 5:00 p.m.?

17 A Right.

18 Q Okay. And I think you were able to -- well, not
19 you personally, but I think there were nine
20 projectiles recovered during the autopsy?

21 A I believe that's right. I don't have the evidence
22 sheet in front of me either, so.

23 Q That sounds correct?

24 A It sounds correct.

25 Q And I think from your characterization of the

1 report here, the projectile that entered her brain
2 was severely deformed? Is that a fair
3 characterization of it?

4 A What did I put? I believe I just put deformed
5 projectile. I didn't say severely, no.

6 Q It is deformed, I apologize.

7 A Just meaning it is not looking like the perfect
8 little round projectile that comes out of a gun.
9 So, yes, it is smashed in at the front end.

10 Q So the projectile was smashed in on the front end,
11 correct?

12 A Right.

13 Q And that's because, in your opinion, it traveling
14 through the skull essentially almost twice?

15 A Right.

16 Q And the projectile traveling through the skull
17 twice basically deformed the projectile, is that
18 correct?

19 A Right. Yes, typical, the front, the nose of the
20 projectile going through.

21 Q And I'm not asking you to get into any high tech
22 ballistic analysis here --

23 A That's good.

24 Q -- but coming through the skull, it changed the
25 nature of the -- changed the appearance of the

1 projectile, correct?

2 A I mean, the basic overall, yeah. I mean, just the
3 front of it, so.

4 Q And I think you noted on almost all of the
5 projectiles that you recovered were deformed in
6 some form or fashion?

7 A Right.

8 Q And I think you said earlier, I just want to make
9 sure I close on this, that your investigation only
10 kind of goes to the manner of death, correct?

11 A The cause and manner, uh-huh.

12 Q You can't testify in any form or fashion about who
13 caused the death?

14 A No, not at all, no. No, I just examine the body
15 and do my part, yes.

16 Q Now, in this case, there is forensic evidence of
17 the cause of death?

18 A Yes, she clearly died from multiple gunshot wounds.

19 Q Okay. And I just want to make sure I'm clear on
20 that. That projected time of death was
21 January 29th, 2016, between 4:00 a.m. and
22 5:00 p.m.?

23 A Yes. Just reading from the coroner's report, yes.

24 MR. O'NEIL: Permission to approach, Your
25 Honor?

1 Q Let me get that back from you.

2 A Oh, yes, sorry.

3 MR. O'NEIL: Thank you, Your Honor. That's
4 all I have.

5 THE COURT: All right.

6 Yes, sir?

7 MR. GOLDBERG: Just briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. GOLDBERG:

10 Q He asked you about time of death. How familiar are
11 you through your training and experience on issues
12 related to time of death?

13 A So obviously that is a part of our training to look
14 at how long it takes for different changes to occur
15 after death. Okay, so typically here, you know,
16 it's much more accurately determined at the scene
17 because things haven't been altered by being placed
18 in a cold morgue cooler, so it kind of -- if it's
19 warmer outside, you go through the changes more
20 rapidly or in the environment. If it's colder, it
21 gets slowed down. So we typically defer to the
22 Coroner's Office who respond to the actual scene
23 and examine the body there before it's placed in
24 the cooler. So I really usually don't have that
25 much of a role in it here.

1 Q And the time that was noted on the information
2 given to you was -- have you seen that?

3 A Yes.

4 Q Can you actually tell me exactly what it says there
5 under that line?

6 A Estimated between 4:00 a.m. and 1700 hours.

7 Q Okay. And so if I understand you correctly, it
8 would be more accurate to get the information
9 related to why that was estimated from the
10 Coroner's Office?

11 A Right, whoever made that determination. I'm just
12 reading off a piece of paper that I didn't write.

13 Q I understand. Thank you.

14 A You're welcome.

15 THE COURT: Anything else?

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

17 THE COURT: All right, you may step down.

18 Any objection to this witness being excused?

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

20 THE COURT: All right, you're free to leave,
21 Doctor.

22 (Witness steps down and is excused.)

23 THE COURT: Call your next witness.

24 MR. FYALL: The State calls Investigator
25 Trevor Holt.

1 (Witness approaches.)

2 THE BAILIFF: Place your left hand on the
3 Bible, and raise your right hand, please.

4 (Witness complies.)

5 THE CLERK: Do you swear or affirm the
6 testimony you are about to give in this case will
7 be the truth, the whole truth, and nothing but the
8 truth, so help you God?

9 THE WITNESS: I do.

10 THE CLERK: Have a seat in witness stand,
11 please.

12 (Witness seated.)

13 THE CLERK: State your name for the record.

14 THE WITNESS: Trevor Holt.

15 TREVOR HOLT,
16 after being duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. FYALL:

19 Q Good morning, Investigator Holt.

20 A Good morning.

21 Q Can you tell us where you're employed?

22 A Richland County Sheriff's Department.

23 Q How long have you been there?

24 A I've been with Richland County 23 years, the last
25 11 of which in forensic science.

1 Q All right. In forensic science, what are your
2 current duties?

3 A My main duties are to respond to crime scenes as
4 directed, process evidence that may have
5 evidentiary value, process vehicles that may have
6 been involved in some type of crime, attend
7 autopsies, and testify in state, local, and federal
8 courts.

9 Q All right. Did you attend the autopsy of Deannra
10 Roach?

11 A I did.

12 Q What day was that?

13 A January 30th of 2016.

14 Q All right. What did you do at that autopsy?

15 A I received multiple items of clothing via chain of
16 custody from Dr. Durso. I received several
17 fragment, bullet fragments from Dr. Durso. And I
18 received several projectiles via chain of custody
19 from Dr. Durso. I also photographed multiple, what
20 appeared to be impact points on the victim. I
21 collected a gunshot residue kit from the victim's
22 hands, and I collected inked fingerprints, inked
23 palm prints, a sexual assault kit from Dr. Durso,
24 nail scrapings, hair standards, and a DNA standard.

25 Q Gotcha. I'm going to show you State's 127, 128,

1 and just 134. Are those some of the photos you
2 took?

3 A Yes.

4 Q All right. I want to show you what has been marked
5 137 and 138. Do you recognize those?

6 A I do.

7 Q What are they?

8 A 138 contains projectiles and bullet fragments.

9 137 contains a GSR kit collected from
10 Ms. Roach.

11 MR. FYALL: Your Honor, at this time I'd like
12 to introduce 137 and 138 into evidence.

13 THE COURT: Any objection?

14 MR. O'NEIL: Can I see it, Your Honor? No
15 objection.

16 THE COURT: Entered without objection.

17 (WHEREUPON, State's Exhibit No. 137 was
18 marked for identification and received
19 into evidence.)

20 (WHEREUPON, State's Exhibit No. 138 was
21 marked for identification and received
22 into evidence.)

23 BY MR. FYALL:

24 Q All right. Once you left the autopsy, what was
25 your next involvement in this case?

1 A I secured a search warrant on February 2nd, 2016,
2 on a Ford Fusion, 2011 model.

3 Q What's the tag on that Ford Fusion?

4 A South Carolina Juliet Juliet X-ray [REDACTED].

5 Q All right. What did you do during -- when you were
6 with that vehicle, I'm sorry?

7 A Photographed it, interior, exterior, processed
8 exterior doors, windows and handles. I processed
9 interior doors, windows and handles. I processed
10 the driver's side and passenger side mirrors, gear
11 shifter, rearview mirror, collected multiple swabs,
12 collected a GSR kit. I collected a sample of
13 fabric from the front passenger's seat, a swab from
14 the sun visor, jewelry, black headband, hair brush,
15 and a firearm's disposition report.

16 Q I want to show you State's 140 and 142. You
17 recognize those?

18 A I do.

19 Q What are they?

20 A 142 contains a GSR kit from a 2011 Ford Fusion with
21 the same South Carolina tag.

22 140 contains swabs collected from the
23 interior, exterior of the vehicle, the same vehicle
24 with the same South Carolina tag.

25 MR. FYALL: At this time, the State offers 140

1 and 142 in evidence, Your Honor.

2 THE COURT: Any objection?

3 MR. O'NEIL: Your Honor, I would renew my
4 previous objection that 140 and 142 were all
5 obtained in violation of Mr. Heatley's Fourth
6 Amendment rights.

7 THE COURT REPORTER: I'm sorry, I didn't hear
8 you, Mr. O'Neil.

9 MR. O'NEIL: I said I would renew my previous
10 objection that Items 140 and 142 were all obtained
11 in violation of Mr. Heatley's Fourth Amendment
12 rights.

13 THE COURT: It will be entered over the
14 objection of the Defense based on the Court's
15 previous ruling.

16 (WHEREUPON, State's Exhibit No. 140 was
17 marked for identification and received
18 into evidence.)

19 (WHEREUPON, State's Exhibit No. 142 was
20 marked for identification and received
21 into evidence.)

22 BY MR. FYALL:

23 Q I'm showing you Exhibits 139 and 141. Tell me if
24 you recognize those.

25 A I do.

1 Q What are they?

2 A 139 is a sample of fabric marked as Number 8
3 containing brown-red stain from the front passenger
4 seat, and a swab marked as Number 9, brown-red
5 stain, passenger side sun visor.

6 141 is marked as firearms disposition report,
7 yellow folder.

8 MR. FYALL: Your Honor, at this time we offer
9 State's 139 and 141 into evidence.

10 THE COURT: Any objection?

11 MR. O'NEIL: Same objection, Your Honor.

12 THE COURT: All right. Overruled.

13 MR. FYALL: Thank you, Your Honor.

14 (WHEREUPON, State's Exhibit No. 139 was
15 marked for identification and received
16 into evidence.)

17 (WHEREUPON, State's Exhibit No. 141 was
18 marked for identification and received
19 into evidence.)

20 BY MR. FYALL:

21 Q After you processed the 2011 Ford Fusion, did you
22 have any further involvement in this case?

23 A I did not.

24 MR. FYALL: No further questions, Your Honor.

25 THE COURT: Yes, sir?

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

3 CROSS-EXAMINATION

4 BY MR. O'NEIL:

5 Q You didn't run any fingerprints tests or any
6 processing or anything, did you?

7 A I'm sorry?

8 Q You didn't do any fingerprint testing or any
9 processing of fingerprints or anything, did you?

10 A No, sir.

11 Q You just collected evidence and took pictures,
12 correct?

13 A Correct.

14 MR. O'NEIL: No questions, Your Honor. That's
15 all.

16 THE COURT: Yes, sir?

17 MR. FYALL: Nothing further, Your Honor.

18 THE COURT: All right, you may step down.

19 (Witness steps down.)

20 MR. GOLDBERG: Your Honor, may we approach the
21 bench?

22 THE COURT: Yes, sir.

23 (WHEREUPON, a bench conference was held
24 in the presence of the jury but out of
25 the hearing of the jury.)

1 THE COURT: All right, ladies and gentlemen of
2 the jury, there's a matter of law that I need to
3 take up outside of your presence. I am going to go
4 ahead and send you all out. You can go ahead and
5 take a break to refresh yourself.

6 Remember, do not discuss the case. And we
7 will receive you back in shortly.

8 Thank you.

9 (WHEREUPON, the jury retires to the jury
10 room at 10:31 a.m.)

11 MR. FYALL: Thank you, Your Honor. The State
12 calls Ashley Gadson.

13 (Witness approaches.)

14 THE BAILIFF: Place your left hand on the
15 Bible, and raise your right hand, please.

16 (Witness complies.)

17 THE CLERK: Do you swear or affirm the
18 testimony you are about to give in this case will
19 be the truth, the whole truth, and nothing but the
20 truth, so help you God?

21 THE WITNESS: Yes, ma'am.

22 THE CLERK: Thank you. Have a seat in the
23 witness stand, please.

24 (Witness seated.)

25 THE CLERK: State your name for the record.

1 THE WITNESS: Ashley Gadson.

2 ASHLEY GADSON,
3 after being duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. FYALL:

6 Q All right. Ms. Gadson, I'm just going to ask you a
7 few questions for right now, okay? Do you remember
8 the last time you spoke to Deanndra Roach?

9 A Yes, it was on the 28th of the first.

10 Q The 28th of January?

11 A Yes, 2016.

12 Q About how long did y'all talk?

13 A About for two hours.

14 Q When was the last time you talked to her?

15 A That Thursday.

16 Q All right. That Thursday night?

17 A Yes.

18 Q And when you talked to her that Thursday night, I
19 don't want you to tell me what she told you, but
20 what did you tell her before she hung up?

21 A I told her to not go and be safe.

22 Q When you told her not to go, what were you
23 referring to?

24 A She told me she was going to a shooting spot, and I
25 told her not to go.

1 Q And this was after she had got off work that night?

2 A Yes.

3 MR. FYALL: That's all, Your Honor.

4 THE COURT: Any questions?

5 MR. O'NEIL: I do have one question, a couple
6 of questions. I know we are doing a proffer right
7 now, I just want to make sure exactly what the
8 witness's statement is.

9 CROSS-EXAMINATION

10 BY MR. O'NEIL:

11 Q Ms. Gadson, what precisely did Deandra tell you
12 that night when y'all talked right before she was
13 about to get off?

14 A Excuse me, say that again?

15 Q When you -- when Deandra called you back that
16 Thursday night -- you missed a call initially,
17 right?

18 A Yes.

19 Q Then she called you back or you called her back?

20 A I called her back.

21 Q When you called her back, what precisely did she
22 tell you about where she was going?

23 A She said she was going to a shooting spot.

24 Q And do you remember giving a statement, at that
25 time it was Investigator Taylor, this young lady

1 right here, now Investigator Torres, but at that
2 time Investigator Taylor?

3 A Uh-huh.

4 Q Do you remember giving her a statement as to what
5 happened?

6 A Yes.

7 Q Do remember what you told her?

8 A I told her not to go and be safe.

9 Q I apologize. I didn't ask a good question.

10 A Uh-huh.

11 Q Do you remember what you told the investigator
12 about what Deannadra told you?

13 A Yes, she was saying she was going to a shooting
14 spot.

15 Q Do you remember signing a statement back then?

16 A Yes.

17 MR. O'NEIL: Permission to approach, Your
18 Honor?

19 THE COURT: Yes, sir.

20 BY MR. O'NEIL:

21 Q Ms. Gadson, look at the first paragraph of your
22 statement after the question, Tell me about that.

23 A You said the first one?

24 Q Yeah, the first paragraph after the question that
25 says, Tell me about that. What was your answer?

1 A That I had missed a call, so I called her back. We
2 spoke, then she got off the phone and off work.
3 She told me that A.J. wanted her to go back to his
4 house, but she wasn't going. She said that he was
5 currently at the shooting spot. Then she said he
6 had -- she had to call her boyfriend. She didn't
7 talk to him all day. So we hung up the phone and
8 that's the last time I talked to her.

9 Q Okay. I want to make sure, you told Investigator
10 Taylor that -- at the time, Investigator Torres
11 now -- that Deannadra told you that A.J. wanted her
12 to go to his house, correct?

13 A Yes.

14 Q Not the shooting spot, correct?

15 A Yes.

16 Q So which one? What did she tell you? Did she tell
17 you she was going to go to A.J.'s house or did she
18 tell you A.J. wanted her to meet him at the
19 shooting spot.

20 A Go to A.J.'s house.

21 Q I just want to make sure we're clear on that.

22 A Okay.

23 Q That's what she told you?

24 A Yes.

25 MR. O'NEIL: Permission to approach, Your

1 Honor?

2 THE COURT: Yes.

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

4 THE COURT: Any redirect?

5 REDIRECT EXAMINATION

6 BY MR. FYALL:

7 Q Just to restate it, she told you she wasn't going
8 to his house, but he was currently at the shooting
9 spot?

10 A Yes.

11 MR. FYALL: That's all, Your Honor.

12 MR. O'NEIL: I apologize, Your Honor.

13 RECROSS-EXAMINATION

14 BY MR. O'NEIL:

15 Q Let's go over this one more time slowly so
16 everybody is clear. Were you told -- what you told
17 the investigator was that, and I quote from your
18 statement, She told me, meaning Deandra, she told
19 me that A.J. wanted her to go back to his house,
20 but that she wasn't going, correct? Those were
21 your words?

22 A Yes.

23 Q Your words, nobody else's words, but your words?

24 A Yes.

25 Q What you signed and what you wrote, correct?

1 A Yes.

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

3 THE COURT: All right, ma'am, you may step
4 down.

5 (Witness steps down.)

6 THE COURT: All right. I'll be glad to hear
7 from you regarding -- I mean, I think there's a
8 motion. We proffered the testimony. Your motion
9 was to exclude any testimony as to what --

10 MR. O'NEIL: I think we've already considered
11 that we're going to exclude any testimony that the
12 victim said. That's already been ruled on by the
13 Court.

14 MR. FYALL: We're not planning on getting into
15 the victim's statements.

16 MR. O'NEIL: So I guess the only thing we're
17 arguing about at this point is whether or not
18 what's not in the original statement as what she
19 just proffered was the fact that she told the
20 victim not to go. That's my understanding for this
21 hearing.

22 MR. FYALL: And to be safe.

23 MR. O'NEIL: And to be safe. So my
24 understanding is that what the State wants to
25 introduce is something that's not in her original

1 statement, but she would testify to at this hearing
2 that in addition to what the victim told her, that
3 she told the victim not to go and be safe.

4 THE COURT: I guess what I'm confused is you
5 asked questions on response -- you asked
6 specifically asked the question what did the
7 victim -- where did the victim tell you she was
8 going?

9 MR. O'NEIL: Yes, because she stated -- the
10 last question on the proffer was what the victim
11 said, and she stated that incorrectly from what her
12 previous statement was. I just wanted to clear
13 that up.

14 THE COURT: So you're not getting into what
15 the victim --

16 MR. FYALL: Your Honor, I think that's moot
17 for this hearing.

18 MR. O'NEIL: No, Your Honor. I just wanted to
19 make sure that was clear, that that's not what the
20 victim told her, but I don't think the State is
21 trying to get that part in. I think what we're
22 discussing in this hearing is whether or not to get
23 in what Ms. Gadson said in response to what the
24 victim said.

25 THE COURT: But you can impeach her on what

1 she said.

2 MR. O'NEIL: I was asking her what the victim
3 said just mainly for background. We're not --

4 THE COURT: I understand, but I'm talking
5 about you saying she told investigator one thing
6 and it's different than what she's saying today?

7 MR. O'NEIL: Yes. I say that because that
8 puts -- the question today is what Ms. Gadson said.
9 I just wanted to clear up what Ms. Roach said to
10 Ms. Gadson. That's the background of whether or
11 not what Ms. Gadson said is actually admissible.

12 THE COURT: All right. So your objection
13 is -- I guess I'm trying to figure out what your
14 objection is. Your objection is that it's hearsay?

15 MR. O'NEIL: Well, my precise objection to
16 what Ms. Gadson said, not only that it's hearsay,
17 it's also improper opinion testimony, because
18 that's why I wanted to clear up what the victim
19 said to her. Basically her response is, Don't go
20 and be safe. That's basically her opinion about
21 what Ms. Roach should do. Her testimony is
22 basically her opinion as to what Ms. Roach should
23 do. First, it's improper opinion testimony.
24 Second, it's hearsay. Third, it's not relevant.
25 And, fourth, even if it is relevant --

1 THE COURT: How is it opinion testimony?

2 MR. O'NEIL: Because it states an opinion
3 about what Ms. Roach should do.

4 THE COURT: If she's saying that's what she
5 said. I mean, he's asking her -- opinion testimony
6 would be like in terms of an expert saying it's
7 more likely true that she went. If she got up
8 there and said, It's my opinion that she went and
9 met him, then that would be opinion testimony.
10 She's just saying what she said to him. That's not
11 opinion testimony.

12 MR. O'NEIL: But what she said to her is her
13 opinion as to what Ms. Roach should do.

14 THE COURT: But that's what she said. People
15 say all the time what they said or what they did.

16 MR. O'NEIL: But if it's in the form of
17 opinion, it's not admissible.

18 THE COURT: Okay, you have to give me some
19 case law for that because that's not a correct
20 statement of the law. She's just saying what she
21 told her to do.

22 MR. O'NEIL: Yes, and that's her opinion.

23 THE COURT: She had a conversation with the
24 victim and she is testifying as to what she said to
25 the victim in response to the conversation.

1 MR. O'NEIL: Yeah, she's testifying to her
2 opinion to the victim. The victim said --

3 THE COURT: How is that not admissible?

4 MR. O'NEIL: Because it's opinion, one. And
5 thee victim said, A.J. wants me to go to his house.
6 And the witness's response then, Don't go and be
7 safe. That's her opinion about what the victim
8 should do, first of all.

9 THE COURT: No, that's what she told the
10 victim.

11 MR. O'NEIL: Those two things, they're not
12 mutually exclusive here, what she told her, but
13 it's also her opinion.

14 THE COURT: I think you are confusing what
15 opinion testimony is. That's not opinion
16 testimony. Opinion testimony would be if she got
17 up here and said, Based on everything that I knew
18 regarding his relationship or her relationship, I
19 think that he's the one that murdered her.

20 MR. O'NEIL: Well, both of those --

21 THE COURT: Then that would be opinion
22 testimony. But she's just saying what -- at this
23 time, she's testifying to what -- a fact as to what
24 she did on that evening.

25 MR. O'NEIL: Well, she's testifying on what

1 her opinion as to what the victim should do. Both
2 of those are opinions.

3 THE COURT: What she said to the victim.

4 MR. O'NEIL: In the form of an opinion.

5 THE COURT: Okay. Well, unless you can show
6 me something in the law that supports that being
7 opinion testimony, her statement as to what she
8 said to the victim, I'm not -- I'm not going to
9 exclude it on that ground. Let's go to hearsay.

10 MR. O'NEIL: It's hearsay because it's an
11 out-of-court statement by somebody other than the
12 Declarant by testifying at trial. It's the
13 textbook definition of hearsay. Third --

14 THE COURT: Isn't she the Declarant?

15 MR. O'NEIL: She's testifying about something
16 she said prior to trial.

17 THE COURT: Out-of-court statement.

18 MR. O'NEIL: Yes.

19 THE COURT: Offered in court.

20 MR. O'NEIL: Yes.

21 THE COURT: Say what you said again.

22 MR. O'NEIL: It's an out-of-court statement
23 offered in court for the truth of the matter
24 asserted. It's the textbook definition of hearsay.

25 MR. FYALL: By someone other than --

1 THE COURT: Other than the Declarant.

2 MR. O'NEIL: While testifying at court.

3 THE COURT: She's the Declarant. If she says
4 it.

5 MR. O'NEIL: She's testifying to something she
6 said -- she's repeating something she said out of
7 court, which makes it hearsay.

8 THE COURT: All right. That is overruled.

9 Now, but I guess my concern is -- I'm assuming
10 you are going to lay some background to her --
11 other than just putting her up there and saying, I
12 told her --

13 MR. FYALL: Yes.

14 THE COURT: So that's my concern, what
15 background -- what are you going to lay? Because
16 the concern is -- the hearsay is what the victim
17 said to her.

18 MR. FYALL: Yes.

19 THE COURT: Declarant, that would be the
20 hearsay. And then they need to provide an
21 exception as to what that hearsay is.

22 MR. FYALL: It would not --

23 THE COURT: If there is an exception. If not,
24 it's hearsay. The hearsay would be what the victim
25 said to her.

1 MR. O'NEIL: Your Honor, I think both of them
2 would be hearsay. But I definitely think what the
3 victim said is hearsay. And what the witness said
4 in response at that point is not -- it's -- what we
5 would have, basically -- the testimony would
6 basically go is, You had a conversation with the
7 victim, you can't tell us what she said, but what
8 did you say? And the victim -- and the witness's
9 response would be, I told her not to go and be
10 safe. And the jury is left to think where did she
11 tell her not to go to and why to be safe.

12 THE COURT: And that's on them, they have the
13 burden of proof.

14 MR. O'NEIL: What it is, it's prejudicial to
15 Mr. Heatley why is she saying this. It's more
16 prejudicial than it is probative. It's probative
17 of nothing. It leaves the jury with the impression
18 that somehow the victim was going to meet
19 Mr. Heatley and she's telling her to be safe. We
20 don't have any of that. There is no admissible
21 background to put this in context.

22 MR. FYALL: Your Honor, it's not hearsay.
23 She's allowed to say what she said to the victim.
24 And if inferences can be drawn from that based on
25 relevant testimony, it can be drawn.

1 MR. O'NEIL: But they can't. I mean, that's
2 the definition of more prejudicial than probative.
3 You can't just throw a statement out there and say
4 let the jury kind of figure out what it means.

5 MR. FYALL: The jury has to do that with every
6 statement that everyone says while testifying in
7 court all the time.

8 THE COURT: Let me see y'all one second.

9 (WHEREUPON, a bench conference was
10 held.)

11 THE COURT: We'll go back on the record.
12 Based on -- we had a bench conference. My ruling
13 is that her stating what she said to the victim is
14 not hearsay. I am going to allow her to testify to
15 it, only to what she said to the victim, because
16 the State has conceded that what the victim said to
17 her would be hearsay and that they did not -- I
18 guess whether y'all conceded -- y'all are just not
19 going to get into what the victim said?

20 MR. FYALL: Yes.

21 THE COURT: All right. Mr. O'Neil will have
22 an opportunity to question her regarding the
23 original statement she gave and any inconsistencies
24 between that statement and what she testified to
25 today.

1 But your objection is noted for the record as
2 to her testifying as to what she said being
3 hearsay.

4 MR. O'NEIL: Also, so the record is clear,
5 that in addition to those two grounds, it is also
6 not relevant, and, secondly, based on that, I think
7 it is also more prejudicial than it is probative.

8 THE COURT: And the Court found -- yes, that
9 was the other thing, you brought up relevance. The
10 relevance is that -- I think everyone was asked
11 questions about which way the victim went and where
12 did she go. And so for those reasons, under 402 --
13 supported by 401, it does find that the testimony
14 was relevant and that the probative value outweighs
15 any prejudicial effect regarding where she was
16 going after she left the Walmart, considering that
17 has been the topic of discussion for the last day
18 and a half, did she turn right, did she turn left,
19 did she go the way she normally goes.

20 So for those reasons, I am going to deny the
21 motion. But it is noted for the record. Your
22 objections are noted for the record.

23 All right. Did you get the jurors some hot
24 coffee? Are they ready? Somebody wanted some hot
25 coffee.

1 THE BAILIFF: I'll check.

2 THE COURT: Do y'all need to take a break now?
3 We'll take about a 5-minute bathroom break while
4 they get the jury some hot coffee.

5 (WHEREUPON, a break was taken.)

6 THE COURT: Bring them on in.

7 (WHEREUPON, the jury came into open
8 court at 11:16 a.m.)

9 THE BAILIFF: The jury is seated, Your Honor.

10 THE COURT: All right. Thank you. Call your
11 next witness.

12 MR. FYALL: The State calls Ashley Gadson.

13 (Witness approaches.)

14 THE BAILIFF: Place your left hand on the
15 Bible, and raise your right hand, please.

16 (Witness complies.)

17 THE CLERK: Do you swear or affirm the
18 testimony you are about to give in this case will
19 be the truth, the whole truth, and nothing but the
20 truth, so help you God?

21 THE WITNESS: I swear.

22 THE CLERK: Thank you. Have a seat in the
23 witness stand, please.

24 (Witness seated.)

25 THE CLERK: State your name for the record.

1 THE WITNESS: Ashley Gadson.

2 ASHLEY GADSON,
3 after being duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. FYALL:

6 Q All right, Ms. Gadson, can you tell us where you're
7 from and where you work?

8 A I'm from Columbia, South Carolina. I used to work
9 at Zaxby's.

10 Q Do you know Deanndra Roach?

11 A Yes.

12 Q How do you know her?

13 A I know her from high school, Blythewood High
14 School.

15 Q What was y'all's relationship like?

16 A Friendship.

17 Q Do you also know Andre Heatley?

18 A Yes.

19 Q How do you know him?

20 A I met him once before from a dinner party.

21 Q What was his relationship with Deanndra?

22 A On-again/off-again relationship.

23 Q All right. January 28th, 2016, did you speak with
24 Deanndra that afternoon?

25 A Yes.

1 Q All right. And did you speak with her again later
2 that night?

3 A Yes.

4 Q When y'all spoke later that night, about how long
5 did y'all's conversation last?

6 A It was like two hours.

7 Q All right. So I just want to slow down. The
8 conversation y'all had the night after she got off
9 from work?

10 A Oh --

11 Q How long was that conversation?

12 A She had sent -- we talked about how she --

13 MR. O'NEIL: Objection, Your Honor. Hearsay.

14 MR. FYALL: I don't want to talk about what
15 she --

16 THE COURT: Sustained.

17 BY MR. FYALL:

18 Q Don't talk about what she told you, just y'all
19 talked after she got off from work?

20 A Yes.

21 Q All right. And what did you say to her before
22 y'all got off the phone?

23 A I said, Be careful -- be safe and don't go.

24 Q Don't go?

25 A Yes.

1 Q Are you aware of some of the ways Deanndra and
2 Andre would communicate with each other?

3 A Yes.

4 Q Tell us some of those ways.

5 A Via Snapchat.

6 Q Anything else?

7 A Facetime, texting.

8 Q All right. As far as Snapchat is concerned, if
9 you're familiar, once you check a Snapchat message,
10 what happens to it?

11 A It disappears.

12 MR. O'NEIL: Objection, Your Honor. There's
13 no foundation laid the witness has that knowledge.

14 THE COURT: Sustained. Rephrase the question.

15 BY MR. FYALL:

16 Q Do you have Snapchat on your phone?

17 A Yes.

18 Q Do you use it?

19 A Yes.

20 Q When you receive a Snapchat on your phone and you
21 check it, what happened to it?

22 A It disappears.

23 MR. FYALL: No further questions -- hold on
24 one second.

25 BY MR. FYALL:

1 Q I just want to clarify something, when you say you
2 talk to Deannadra for two hours, that was earlier
3 that afternoon?

4 A Yes.

5 MR. FYALL: Nothing further.

6 THE COURT: Yes, sir.

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

9 CROSS-EXAMINATION

10 BY MR. O'NEIL:

11 Q I'm a little confused, because at first you said
12 you talked to Ms. Roach two hours after she got off
13 work, correct?

14 A Yes.

15 Q That's what you first said, correct?

16 A Yes.

17 Q Then Mr. Fyall asked a different question and you
18 gave him -- he asked you the same question in a
19 different way and you gave him a different answer,
20 right? Correct?

21 A Yes.

22 Q Why was that? Why did you give him a different
23 answer when he asked you the same question a
24 different way? Do you need me to repeat the
25 question?

1 A You said -- can you say that again?

2 Q Why did you give him a different answer when he
3 asked you the same question a different way?

4 A Because it came to my mind when we had last talked.

5 Q So it came back to your memory in the 45 seconds in
6 between the first question and the second question?

7 A Yes.

8 Q Okay. Your testimony today is that you told
9 Ms. Roach on the night of the 28th to, I think -- I
10 want to make sure I got your words correct -- Be
11 safe and don't go, correct?

12 A Yes.

13 Q All right. And you gave a written statement to, at
14 that time Investigator Taylor, now Investigator
15 Torres, back on February 2nd, 2016, at
16 9:00 o'clock, I think, at headquarters there on Two
17 Notch, correct?

18 A Yes.

19 Q All right. And you knew giving that statement was
20 going to be important, correct?

21 A Yes.

22 Q And you knew you had to be accurate and honest and
23 detailed as possible in that statement, correct?

24 A Yes.

25 Q And I'm going to hand you the statement. Show me

1 anywhere in this statement when you were talking to
2 the investigator about this case where you told the
3 investigator that you told Ms. Roach to, Be safe
4 and don't go? Can you show me where that's at in
5 this statement?

6 A Show you?

7 Q Yes, ma'am.

8 (Pause.)

9 Q That statement is three pages, Ms. Gadson?

10 A Yes.

11 Q That's nowhere on any one of three pages, correct?

12 A Yes.

13 Q When was the first time you told anybody that
14 that's what you told Ms. Roach?

15 A You said the first time?

16 Q Yes, when was first time you told anybody that you
17 told Ms. Roach on the night of the 28th to, Be safe
18 and don't go? When was the first time you ever
19 said that to anybody?

20 A Nobody.

21 Q I'm sorry?

22 A I said nobody.

23 Q Okay. You also indicate today that you said that
24 Ms. Roach and Mr. Heatley communicated on Snapchat
25 and Facetime. Is that what your testimony was to

1 Mr. Fyall was just now?

2 A Yes.

3 Q Where in that statement did you tell law
4 enforcement that back in 2016?

5 A Nowhere.

6 Q Nowhere. Nowhere in that 3-page statement do you
7 say anything about that. When was the first time
8 you ever told anybody that, that Mr. Heatley and
9 Ms. Roach allegedly communicated on Snapchat and
10 Facetime?

11 A When investigators asked me.

12 Q And when was that, do you remember? And I
13 apologize, I don't want a specific date, but was it
14 this year or was it three years ago?

15 A This year.

16 Q In preparation of this trial, some investigators
17 came and talked to you?

18 A Yes.

19 Q All right. And that's the first time you ever said
20 that?

21 A Yes.

22 Q And you say you talked with Ms. Roach about two
23 hours during the day of 2000 and -- on
24 January 28th, 2018?

25 A No, '16.

1 Q I'm sorry, you're right. 2016, correct?

2 A Yes.

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

4 THE COURT: All right. Redirect?

5 MR. FYALL: No, ma'am.

6 THE COURT: All right, ma'am, you may step
7 down.

8 Any objection to this witness being excused?

9 MR. O'NEIL: No, ma'am.

10 THE COURT: All right, ma'am, you're free to
11 leave.

12 (Witness steps down and is excused.)

13 THE COURT: Call your next witness.

14 MR. GOLDBERG: The State calls Brittany
15 Carroway.

16 (Witness approaches.)

17 THE BAILIFF: Place your left hand on the
18 Bible, and raise your right hand, please.

19 (Witness complies.)

20 THE CLERK: Do you swear or affirm the
21 testimony you are about to give in this case will
22 be the truth, the whole truth, and nothing but the
23 truth, so help you God?

24 THE WITNESS: I do.

25 THE CLERK: Thank you. Have a seat in the

1 witness stand, please.

2 (Witness seated.)

3 THE CLERK: State your name for the record.

4 THE WITNESS: My name is Brittany Carroway.

5 BRITTANY CARROWAY,

6 after being duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. GOLDBERG:

9 Q Ms. Carroway, good morning. How are you?

10 A I'm good. How are you?

11 Q Good, thanks. If you can just make sure you keep
12 your voice up as we talk to you because the court
13 reporter has to take down what you say and the jury
14 has got to hear you, okay?

15 A Okay.

16 Q All right, thank you. Where are you from?

17 A I'm from Hartsville, South Carolina.

18 Q From where?

19 A Hartsville, South Carolina.

20 Q Hartsville, I'm sorry. Okay. Do you live in
21 Columbia now?

22 A Yes. I've been here for 12 years now.

23 Q Okay. And where did you go to high school?

24 A I went to Blythewood my ninth grade year, and then
25 I transferred to Westwood and graduated from there.

1 THE COURT REPORTER: Transferred to where?

2 A Westwood. Westwood High School.

3 Q Let me move this a little closer for you. You said
4 you went to Ridgeview and then Westwood?

5 A I went to Blythewood.

6 Q Blythewood.

7 A And then Westwood High School.

8 Q Okay, great. Tell the jury how you know Deanndra
9 Roach.

10 A We met in ninth grade at Longleaf Middle School.
11 We became best friends over the course of the
12 years.

13 Q And did you guys spend a lot of time with each
14 other over the years?

15 A Yes.

16 Q Did you spend time together at school?

17 A Yes.

18 Q Did you spend time together outside of school?

19 A Yes.

20 Q And when you say best friends, what does that mean?

21 A Like, we literally did everything together. My
22 grandma was her grandma. My mom was her mom. My
23 sisters and brothers was her sisters and brothers.

24 Q Over that time, did she get to learn a lot of
25 information about you and your life?

1 A Yes.

2 Q Did you talk to her about boyfriends that you had?

3 A Yes.

4 Q And did you learn things about her life?

5 A Yes.

6 Q Did you talk to her about boyfriends that she had?

7 A Yes.

8 Q And other friends as well?

9 A Yes.

10 Q All right. And who were some of the boyfriends
11 that she had that you knew about?

12 A I knew about Shanard was her boyfriend.

13 Q Shanard Stokes?

14 A Yes.

15 Q When you say that was her boyfriend, was that her
16 boyfriend at the time that she went missing?

17 A Yes.

18 Q Back in January of 2016?

19 A Yes.

20 Q Okay. Who else?

21 A She also dated Andre. She also dated --

22 Q Andre Heatley?

23 A Yes.

24 Q Did he go by any other name as well?

25 A A.J.

1 Q All right.

2 A She also dated a guy named Lamarcus Capers. And
3 that was about it. She wasn't really serious with
4 anyone else.

5 THE COURT REPORTER: I'm sorry, who?

6 A Lamarcus Capers.

7 Q You say she wasn't really serious with anyone else?

8 A With anyone else other than those.

9 Q Okay. When did you first meet Andre Heatley?

10 A I met him sometime in high school. I can't
11 remember exactly when, but it was in high school.

12 Q Did you have an opportunity to be around him on
13 regular occurrences?

14 A Yes.

15 Q All right. Can you -- was that while Deanndra was
16 in a relationship with him?

17 A Yes.

18 Q Okay. And so at some point, Deanndra started
19 dating A.J., is that right?

20 A Yes.

21 Q Did they date straight through high school?

22 A No.

23 Q Okay. Did they break up at some point?

24 A Yes.

25 Q Did they get back together?

1 A Yes.

2 Q Did they break up again?

3 A Yes.

4 Q Was this a pattern that you observed over time,
5 that they would -- how would you describe that
6 relationship?

7 A They were on and off.

8 Q On and off. Okay. And that's over a period of
9 what weeks, months, years?

10 A Years.

11 Q Years. Okay. And you said you were around him
12 from time to time while they were dating, is that
13 right?

14 A Yes.

15 Q Okay. What, if anything, did you ever observe
16 about the types of clothes that he used to wear?

17 A He dressed like everybody, like nice. She would
18 buy him things to wear.

19 Q What kind of things would she buy him?

20 A Well, I remember she bought him a red pullover
21 jersey to match these red sneakers. They was red
22 Nike Air Force Ones.

23 Q Red Nike Air Force Ones?

24 A Yes.

25 Q Now, at the time that Ms. Roach -- that this all

1 happened, did law enforcement come and talk to you
2 to get some information?

3 A Yes.

4 Q Okay. And when they did so, did they show you some
5 images from various ATM machines around town?

6 A Yes.

7 Q And I believe it was three different ATMs, but this
8 is just one of them, State's 115 and 116. Are
9 those pictures that they showed you?

10 A Yes.

11 Q And then some other photos from two other ATMs, is
12 that right?

13 A Yes, sir.

14 Q And when they asked you if you recognized who the
15 person in those pictures were, did you recognize
16 who it was?

17 A Yes.

18 Q Who did you recognize it to be?

19 A Andre Heatley.

20 Q And how did you know it was him?

21 A The red sneakers.

22 Q Okay. And were there also some shots of like his
23 overall body and his face as well?

24 A Yes. They showed me up-close pictures of his face
25 at the ATM.

1 Q And the person that -- how sure were you when you
2 saw those photos that it was him?

3 A A hundred percent.

4 Q And the person that you recognized in those photos
5 as Andre Heatley, do you see him in the courtroom
6 here today?

7 A Yes.

8 Q Can you point him out, please?

9 A Right here.

10 Q Can you describe what he looks like?

11 A Yes.

12 Q Can you describe him?

13 A He's wearing the black glasses and the plaid pink
14 and blue shirt.

15 Q Thank you.

16 A Button-up shirt.

17 MR. GOLDBERG: Let the record reflect that
18 Ms. Carroway has identified Mr. Heatley sitting at
19 the table next to Mr. O'Neil.

20 BY MR. GOLDBERG:

21 Q Do you have any siblings?

22 A Yes, I have two sisters and two brothers.

23 Q Two sisters, two brothers. What are their names?

24 A My oldest sister is Jazmine, little sister is Dee
25 Dee, older brother is Deshawn Carroway, little

1 brother is Tyrek Carroway.

2 Q Tyrek Carroway, okay. Are you familiar with the
3 kind of car that Deannandra had?

4 A Yes, a Honda Civic.

5 Q All right. Did you ride in it from time to time?

6 A Of course.

7 Q Okay. Did your brother Tyrek ever have an
8 opportunity to ride in that car?

9 A Yes.

10 Q Were you with him at that time?

11 A Yes.

12 Q Can you describe what that was?

13 A We had all went to the Riverbanks Zoo together. It
14 was me, my little sister, Jordan, which is my
15 little brother's friend, and then my little brother
16 and Deannandra.

17 Q And that was in Deannandra's car?

18 A Uh-huh.

19 Q And do you recall where you or your brother Tyrek
20 were seated?

21 A I was in the front passenger seat and he was in the
22 back seat.

23 Q Tyrek was in the back seat?

24 A Uh-huh.

25 MR. GOLDBERG: I believe that's all I have.

1 Thank you very much. Please answer any questions
2 of Mr. O'Neil.

3 THE COURT: Yes, sir?

4 CROSS-EXAMINATION

5 BY MR. O'NEIL:

6 Q Ms. Carroway, I just have a few questions for you,
7 okay? In the circle of friends that you and
8 Ms. Roach had back then, there was a little bit of
9 overlapping when it comes to relationships, is that
10 fair enough to say?

11 A Yes.

12 Q Okay. Because back in January of 2016, Ms. Roach
13 was dating Shanard Stokes, correct?

14 A Say it again?

15 Q Back in January of 2016, Ms. Roach was dating
16 Shanard Stokes?

17 A Yes.

18 Q Yes. Shanard went to school up in Charlotte?

19 A Yes.

20 Q So you have Ms. Roach dating Shanard. Shanard's
21 ex-girlfriend was Desha Anderson, correct?

22 A Yes.

23 Q So Ms. Roach dating Shanard, Shanard's
24 ex-girlfriend was Desha Anderson. Who was Desha
25 Anderson dating at that time?

1 A She was currently talking to A.J.

2 Q So you got -- basically, you got Ms. Roach,
3 Deanndra Roach's current boyfriend used to date, at
4 that time Mr. Heatley's current girlfriend. Am I
5 saying that correctly? Have I got that right?

6 A Right.

7 Q So Mr. Heatley's current girlfriend at that time is
8 the ex-girlfriend of Ms. Roach's boyfriend?

9 A Yes.

10 Q And you also had, I think at that time -- well,
11 sometime previous to that, Deanndra Roach used to
12 date, I think -- well, she used to talk to Kelvin
13 Davis, is that right?

14 A They were friends, yes.

15 Q Friends. I think -- I think in your words, they
16 were talking together, that's a term used for
17 almost dating, but they were talking?

18 A Yes, they were friends.

19 Q Okay. And Kelvin -- what do you mean by the fact
20 they were talking? Let me make sure I'm clear on
21 that.

22 A We were just all friends.

23 Q But Kelvin Davis at that time was the father of
24 Ivory Fleming's child?

25 A Yes.

1 Q And to your knowledge, did Ms. Fleming and
2 Ms. Roach get along?

3 A I never seen them interact with each other.

4 Q You don't know one way or the other?

5 A Yes -- no.

6 Q And the pictures that the investigator showed you,
7 were they color photos?

8 A I'm not sure. I can't remember.

9 Q Did they show you more than one picture or did they
10 show you one or you don't remember?

11 A Multiple pictures.

12 MR. O'NEIL: Beg the Court's indulgence, Your
13 Honor.

14 (Pause.)

15 BY MR. O'NEIL:

16 Q One thing, Ms. Carroway, before I leave here. Your
17 testimony is that Ms. Roach would normally buy
18 Mr. Heatley clothes?

19 A Yes.

20 Q How often would she do that, do you remember?

21 A Like birthdays, things of that nature.

22 Q Special occasions?

23 A He would ask sometimes.

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

25 THE COURT: Redirect?

1 REDIRECT EXAMINATION

2 BY MR. GOLDBERG:

3 Q All right. It is a little confusing about the
4 relationships, so let's make sure we got it
5 straight.

6 A Uh-huh.

7 Q Okay. So Deandra, you said, was dating A.J. off
8 and on, correct?

9 A Yes.

10 Q Okay. And then you said at the time she was
11 killed, she was dating?

12 A Shanard.

13 Q Shanard. Okay. And Shanard lived where?

14 A North Carolina. He was going to school there.

15 Q Okay. And A.J. was dating?

16 A Desha Anderson.

17 Q Desha Anderson. And you said that Desha and
18 Shanard used to date --

19 A Yes.

20 Q -- previously? Okay. So is that about what we got
21 there?

22 A Yes.

23 Q All right. And then Mr. O'Neil asked you about
24 Kelvin Davis?

25 A Yes.

1 Q But Deannadra never dated Kelvin?

2 A No.

3 Q They knew each other?

4 A Yes.

5 Q They were friends?

6 A Yes.

7 Q All right. Had you ever met Shanard before?

8 A Yes. I went to school with him at Westwood.

9 Q Okay.

10 MR. GOLDBERG: That's all I have. Thank you.

11 THE COURT: All right. You may step down.

12 (Witness steps down.)

13 THE COURT: Any objection to this witness
14 being excused?

15 MR. GOLDBERG: No, ma'am.

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

17 THE COURT: You're free to leave, ma'am.

18 (Witness excused.)

19 THE COURT: All right, call your next witness.

20 MR. GOLDBERG: The State calls Ann Neeley.

21 (Witness approaches.)

22 THE BAILIFF: Place your left hand on the
23 Bible and raise your right.

24 (Witness complies.)

25 THE CLERK: Do you swear or affirm the

1 testimony you are about to give in this case will
2 be the truth, the whole truth and nothing but the
3 truth, so help you God?

4 THE WITNESS: I do.

5 THE CLERK: Thank you. Have a seat in the
6 witness stand, please.

7 (Witness seated.)

8 THE CLERK: State your name for the record.

9 THE WITNESS: My name is Ann Neeley,
10 N-E-E-L-E-Y.

11 ANN NEELEY,
12 after being duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. GOLDBERG:

15 Q Good morning.

16 A Hi.

17 Q Where are you currently employed?

18 A Richland County Coroner's Office.

19 Q How long have you been employed there?

20 A About 17 years.

21 Q Okay. Can you tell the jury what the Coroner's
22 Office is and what you do there?

23 A We investigate death. We are there to find out the
24 incidences that occur to a person and report them
25 back to a pathologist, who does an autopsy in some

1 cases and an exam in some cases. And the coroner
2 himself does the actual manner of death. So the
3 pathologist does the cause of death and the
4 Coroner's Office does the manner of death.

5 Q Tell the jury a little about what your duties are
6 at the Coroner's Office.

7 A I respond to the calls that come to our office
8 through either the EMS dispatch or to a hospital,
9 sometimes they're hospice nurses. And my
10 responsibilities are to go to where the person is
11 and make observations, take pictures, help preserve
12 evidence, communicate with the other law
13 enforcement officers, and schedule autopsies,
14 interview family, friends, witnesses, that sort of
15 thing.

16 Q When you show up to a scene where a body is
17 located, do you walk in blindly or are you given
18 any information from other people?

19 A It depends on case to case. I believe on this
20 situation, I was informed that there was a female
21 that had been found and she had been shot, so.

22 Q Okay. And I want to turn your attention to this
23 case, actually. And you actually went out to the
24 crime scene, is that correct?

25 A I did, yes, sir.

1 Q All right. And you generated a report, is that
2 right?

3 A I did.

4 Q Okay. So looking at your report, can you tell the
5 jury what it says at the top of the page in terms
6 of the basic information?

7 A Yes. We -- that paragraph, historically speaking,
8 is what time I received the call, who I received
9 the call from, the information that was given to me
10 over the telephone, the time that I arrived on
11 scene, that sort of thing.

12 Q Okay. In this case, it was in regards to Deannadra
13 Roach?

14 A That is correct, yes, sir.

15 Q And the date was January 29th of 2016?

16 A That is correct.

17 Q All right. Now, as part of your job -- I notice on
18 here it talks about, and Mr. O'Neil already asked
19 the question of the pathologist, about time of
20 death.

21 A Okay.

22 Q Can you explain to the jury a little bit about what
23 time of death is and how you make determinations
24 about that?

25 A First of all, it's not an exact science. It is, at

1 best, a guesstimate. Sometimes the body can give
2 you information as far as the lividity or the
3 pooling of blood, the rigor or the stiffness of the
4 muscles and joints, and so forth, can speak to us,
5 but a lot of times we are more interested in when
6 someone was last seen, when the body was found, the
7 conditions of the -- like, in this situation, the
8 body was outside, the conditions that were outside
9 where she was at the time.

10 Q How do outdoor conditions impact this issue of time
11 of death?

12 A Well, the hotter it is outside, the faster the body
13 with start experiencing skin slippage. We saw none
14 of that. Skin slippage is just where the skin
15 becomes very loose. And the colder it is, the
16 better the body is preserved. And I believe, if
17 I'm not mistaken, it was like 57 degrees outside
18 when I got there at the scene, so.

19 Q Now, have you had an opportunity to look at your
20 report or do you have it in front of you?

21 A I have a little bit, yes.

22 Q Now, what did you notate on here as the time of
23 death?

24 A I have it estimated between 4:00 a.m. and 5:00 p.m.

25 Q Okay. Now, what information did you have upon

1 which you based that statement of estimating
2 4:00 a.m.?

3 A The family had noted at some point in time -- and I
4 could have heard this on scene by one of the
5 investigators that she was last heard from at
6 4:00 a.m. and then the discovery of her body was at
7 5:00 p.m. and --

8 Q Now, if you look at Page 11 -- if you don't have
9 it, I'll show it to you. Can you tell the jury
10 about the information you were given about that
11 4:00 a.m. in terms of being heard from?

12 A By what I have written, I can --

13 Q Is that your report?

14 A It is.

15 MR. O'NEIL: Objection, Your Honor. May we
16 approach?

17 THE WITNESS: I'm sorry?

18 MR. GOLDBERG: Hold on one second.

19 (WHEREUPON, a bench conference was held
20 in the presence of the jury but out of
21 the hearing of the jury.)

22 THE COURT: Go ahead. Objection overruled.

23 MR. GOLDBERG: Thank you, Your Honor.

24 BY MR. GOLDBERG:

25 Q All right. So you were given some information

1 about where or how we knew that there was some
2 contact from the victim at 0400 hours?

3 A Right.

4 Q What was that?

5 A It was from her mother, Cynthia Roach. And she
6 informed us that she left work at 10:00 o'clock
7 that night and made her last post on Facebook at
8 4:00 a.m.

9 Q Post on Facebook?

10 A Last known contact information.

11 Q All right. And so is it fair to say that based on
12 that information, is that where you got this 0400

13 --

14 A It is.

15 Q -- number?

16 A It is.

17 Q Because, obviously, even if you assume for a minute
18 that there was a post at 4:00 a.m., there's no way
19 to know that --

20 A Right.

21 Q -- the death occurred at 4:00 a.m.?

22 A That's why it's estimated.

23 Q That's why it's estimated. Now, speaking of
24 estimations, estimates are -- can be a wide range,
25 correct?

1 A Yes, exactly.

2 Q So upon your review of what you saw at the scene of
3 Ms. Roach and the conditions, the temperature and
4 everything else, and your experience in this area,
5 is it possible that the time of death was earlier
6 than 4:00 a.m.?

7 A I would have to say that it is possible. When we
8 have a scene like that, we try to preserve as much
9 evidence as we possibly can. So being able to look
10 at her body for lividity and rigor at the scene or
11 in the area was difficult, so I had to go on the
12 information that I was provided verbally.

13 Q Such as Facebook?

14 A Such as Facebook.

15 Q So it's possible that it could have been 10:30 at
16 night, say the night before, some five hours prior?

17 A It is possible, yes, sir.

18 Q And possible it's not?

19 A And possible it's not.

20 Q So that's why you put the estimated time based on
21 the information that you have?

22 A That is correct, yes.

23 Q In fact, there's no way to know exactly what time
24 it was?

25 A Right.

1 MR. GOLDBERG: All right. Thank you. That's
2 all I have.

3 THE COURT: Yes, sir?

4 MR. O'NEIL: Thank you, Your Honor, may it
5 please the Court?

6 CROSS-EXAMINATION

7 BY MR. O'NEIL:

8 Q Ms. Neeley, how many potential homicide scenes have
9 you gone to in your career?

10 A Couple hundred maybe.

11 Q Two or 300?

12 A I would saw at least a hundred, maybe 200.

13 Q And you know how serious these cases are?

14 A Yes, I do.

15 Q We're talking about serious stuff here?

16 A Yes, I do.

17 Q And one of the reasons why you have this
18 investigation form you fill out, you want to make
19 sure that you detail what you do down to the last
20 detail?

21 A As best we can, yes.

22 Q You have like date, time of day, temperature, every
23 little detail that you can think of, there's a spot
24 on this form for that?

25 A Right.

1 Q And you know it's important to be accurate on this
2 form?

3 A Yes, sir.

4 Q You want us to believe that the only reason why you
5 estimated her time of death for 4:00 o'clock in the
6 morning is because of a Facebook post?

7 A That was the last time the Decedent had been heard
8 from. That was the last known time that she was
9 alive.

10 Q And that's not actually true according to your
11 report, is it, Ms. Neeley? Because later on in
12 your report, you indicate that there was an online
13 purchase that was done at 1:00 o'clock that
14 morning, correct?

15 A I have no idea who made that purchase, sir.

16 Q You have no idea who made the Facebook post either,
17 do you?

18 A That's exactly right.

19 Q Still, according to you, indicated the time of
20 death to be 4:00 o'clock that morning, correct?

21 A It is an estimated time and I went based on the
22 information that was given to me.

23 Q Why didn't you use the 1:00 o'clock time for time
24 of death?

25 A I don't have anything to base the 1:00 o'clock time

1 off of.

2 Q I'm sorry?

3 A I said I did not have anything to base a 1:00
4 o'clock time off of.

5 Q You did, you put it in your report. You want me to
6 read it to you?

7 A Sure.

8 Q Your report says, and I quote: Ms. Roach stated
9 that the last post her daughter made on Facebook
10 was done at 0400 hours on January 29th, 2016,
11 correct?

12 A Yes, sir.

13 Q What's the next sentence after that?

14 A It states that --

15 Q I'll read it to you. There was also a mention of
16 an online purchase that was made on Deandra's
17 credit card at approximately 1:00 a.m. on
18 January 29th, 2016, correct?

19 A Correct.

20 Q So there was information that there was an online
21 purchase on her credit card at 1:00 a.m. on the
22 29th, correct?

23 A The last time that she was heard from as far as we
24 know was at 4:00 a.m.

25 Q But you don't know who posted on the Facebook page?

1 A Nor do we know the person who made the purchase,
2 sir.

3 Q And that's my point exactly, so why did you pick
4 the 4:00 a.m. as opposed to 1:00 a.m.?

5 A Because it's the last time we thought that she was
6 alive.

7 Q So you thought?

8 A Right.

9 Q So your opinion in this report that we all have to
10 rely on --

11 A Yes.

12 Q -- that you thought her time of death was between
13 4:00 a.m. and 5:00 p.m. that night?

14 A That is the information that I had verbally, yes,
15 sir.

16 Q And I love the report here because it also -- your
17 report, when it comes to time of death, it just
18 says -- it has three options. You have the actual
19 time, correct?

20 A Right.

21 Q Which you didn't have?

22 A Right.

23 Q You could have the estimated time?

24 A Correct.

25 Q It also has a box that says what else?

1 A Unknown.

2 Q Unknown?

3 A Right.

4 Q So you didn't know?

5 A Right.

6 Q You could have picked, I don't know, fair enough?

7 A Fair enough.

8 Q But you didn't put that, did you?

9 A No, I didn't.

10 Q You put estimated time 4:00 a.m. on the 29th until
11 5:00 p.m. that day?

12 A That's correct.

13 Q You put that on there knowing people are going to
14 rely on that after you put it there?

15 A Sure.

16 Q And you had an opportunity to change it at any time
17 through an amended report saying, I don't think it
18 happened at 4:00 a.m., I think it happened at a
19 different time here, I want to amend it and make
20 sure everybody knows what's going on?

21 A I didn't have any reason to do that, sir.

22 Q Exactly. You had no reason to believe that the
23 estimated time of death was not 4:00 a.m. on the
24 29th -- between 4:00 a.m. on the 29th until
25 5:00 p.m. on 29th, correct?

1 A Correct.

2 Q Let's talk about what else you knew here. On Page
3 11 of your report here, you indicated that Deanndra
4 had been talking to a young man named Kelvin Davis,
5 correct?

6 A Correct.

7 Q And you said several people thought Mr. Davis and
8 Deanndra were dating, but that Deanndra told her
9 mother that they were just friends, correct?

10 A If that's what's in my report, yes, sir.

11 Q You indicated that Ms. Roach stated that Mr. Davis
12 had a child with a woman named Ivory?

13 MR. GOLDBERG: Objection, Your Honor. This is
14 way beyond the scope of this witness's testimony.

15 MR. O'NEIL: It's right out of her report,
16 Your Honor. I don't know how more --

17 MR. GOLDBERG: It's hearsay.

18 THE COURT: It's cross-examination.

19 MR. GOLDBERG: May we approach?

20 THE COURT: Yes, sir.

21 (WHEREUPON, a bench conference was held
22 in the presence of the jury but out of
23 the hearing of the jury.)

24 THE COURT: All right. Objection is
25 sustained. It is outside the scope of

1 cross-examination.

2 MR. O'NEIL: Your Honor, I would ask to be
3 able to proffer that testimony.

4 THE COURT: We'll mark that as a Court
5 Exhibit. I'm assuming that's what you want.

6 MR. O'NEIL: No, I want to be able to proffer
7 why I want to ask this witness that question.

8 THE COURT: All right. Ladies and gentlemen
9 of the jury, let me send you all out for a moment.

10 All right, thank you.

11 (WHEREUPON, the jury retires to the jury
12 room at 12:00 p.m.)

13 THE COURT: All right. Let's go ahead and put
14 the objection on the record. I know the objection
15 was hearsay.

16 MR. GOLDBERG: It's hearsay, and it is also
17 outside the scope, and it's not relevant in that
18 the whole reason that this witness is here is
19 because there's been an issue created about the
20 time of death. The point of the testimony about
21 the Facebook post, the information given by the
22 mother regarding the Facebook point goes directly
23 towards the time of death issue that has been
24 created here.

25 Mr. O'Neil was about to question this witness

1 about the next paragraph that deals with
2 information that the mother provided about the fact
3 that the victim had dated A.J. and that she had
4 also been talking with a guy named Kelvin Davis and
5 that some people thought Mr. Davis and her were
6 dating, and all these things about the
7 relationship, which has absolutely nothing to do
8 with time of death issue. It's just background
9 information that was given to the witness and it's
10 completely irrelevant to this line of questioning
11 about the time of death.

12 THE COURT: So his objection is outside scope,
13 I guess, of cross-examination, and also that it's
14 hearsay. And so I need an exception as to why it's
15 not hearsay. And we can go ahead and put on the
16 record, earlier there was an objection to
17 discussing the date -- the time of death as
18 determined by this witness and the Court allowed it
19 in under 803(6) and (9) and (4).

20 And so now we're talking about the same report
21 for purposes of getting into other information not
22 related to the coroner and the death of the victim
23 in the case.

24 And so under what exception do you get that in
25 under the hearsay rule?

1 MR. O'NEIL: Two things, Your Honor. As
2 relation to the relevance objection, I think my
3 cross-examination is not limited to the precise
4 scope of the direct examination. I think recross
5 and redirect are limited to those previous
6 examinations, but cross-examination is only limited
7 by what information I can get in that is relevant
8 information. It's not limited to what they did on
9 direct on my cross-examination. Mr. Heatley has a
10 due process right to cross-examine this witness on
11 anything that is relevant.

12 Secondly, it is not hearsay. I'm not asking
13 it for the truth of the matter asserted. I want --
14 I ask for this Court to allow me to lay the
15 foundation of this witness as to why this
16 information is in her report. It's in her report
17 for a reason. It was relevant to her because she
18 put it in her report. I'm able to ask her to lay
19 the foundation why it's in her report and then the
20 Court will have a better determination about
21 whether or not it's relevant or not.

22 THE COURT: All right. Well, I am going to
23 let you proffer the testimony and you can ask her,
24 but I still need an exception as to why it's not
25 hearsay.

1 MR. O'NEIL: Your Honor, I said it's not
2 hearsay --

3 THE COURT: Oh, you're saying it's not hearsay
4 because it's not offered for the truth of the
5 matter asserted.

6 MR. O'NEIL: It's not offered for the truth of
7 the matter asserted. It is offered to the
8 thoroughness of her investigation, she put it in
9 for a reason, so why it's in here is relevant to
10 how thoroughly she investigated the case. She was
11 part of the case here.

12 THE COURT: All right. Go ahead and proffer
13 the testimony.

14 EXAMINATION IN CAMERA

15 BY MR. O'NEIL:

16 Q Ms. Neeley?

17 A Yes, sir.

18 Q Apart from doing the initial form of the death
19 scene investigation, you also do case notes?

20 A That's correct, yes, sir.

21 Q And your case notes have a couple of different
22 sections. It has actualization, property, witness?

23 A Correct.

24 Q Depositions, all different sections?

25 A Right.

1 Q What point -- kind of go through them one by one.
2 What is the point or the reason for the very first
3 couple of paragraphs of your case notes here?

4 A It's my observations of what I have heard, what I
5 have seen with my own eyes.

6 Q Okay. Then you have another section that says
7 actualization. What is the point of that section?

8 A That is a description of the body. And, again, we
9 were unable to unclothe the body on scene because
10 we're trying to preserve evidence.

11 Q You have another section called property. What's
12 the point of that section?

13 A If there's any personal property on the Decedent,
14 we collect that property and put it into
15 safekeeping in our office until it can be returned
16 to the next of kin.

17 Q You have another part of your report that's
18 entitled witness. What's the point of that
19 section?

20 A That is a place that I record any of the
21 conversations that I have had with anyone I've
22 spoken with in regards to the case. And that is --
23 the rule of thumb that I use is if I know it, I'm
24 going to put it in my report.

25 Q And why is that important to put that section in

1 your report?

2 A Because it helps me remember the case two years,
3 three years later.

4 Q Any other reason?

5 A At the time, I don't know what is relevant and
6 don't know what to include or exclude, so if I know
7 it, I include it.

8 Q Okay. So you put this information in your report
9 here because you don't know at the time you are
10 doing it that it may be relevant and may not be
11 relevant?

12 A Exactly.

13 Q Are there times when you take stuff out of your
14 report?

15 A I don't take things out of my report.

16 Q You never take it out of your report?

17 A No, sir.

18 Q So if it's relevant and it's in your report, what
19 would you do with that information? Let's say, for
20 instance, this testimony about the mother of the
21 victim stating that Deandra had an ex-boyfriend,
22 A.J. Heatley, why is that in your report?

23 A Because that is what was said to me.

24 Q And did you find that important one way or the
25 other in your role in the case?

1 A If I know it, I'm going to put it in my report.

2 Q That's not exactly what I asked you. Did you find
3 it important one way or the other in your role in
4 the case?

5 A Yes, I did, because it was said to me and I put it
6 in my report.

7 Q All right. And that -- what you put in your
8 report -- why do you put everything that's said to
9 you in your report?

10 A Because it may be needed at some point in time and
11 I have to fill out a complete report. I don't know
12 at the time if it's going to be needed or not, but
13 I have to report on what I know.

14 Q Okay.

15 A If I don't write it in my report, it never
16 happened.

17 MR. O'NEIL: Okay. That's all, Your Honor.

18 And my argument would be that this witness --

19 THE COURT: Hold on, you're proffering.

20 EXAMINATION IN CAMERA

21 BY MR. GOLDBERG:

22 Q Was the mother actually out at the scene?

23 A No, she was not. I went to her home.

24 Q You didn't talk to her directly, correct?

25 A I went to her home after we left the scene.

1 Q After the scene?

2 A Right.

3 Q Is that when this information was gathered?

4 A That is correct.

5 Q And the information provided to you in this
6 paragraph that was referenced here about boyfriends
7 and the like, did that play any role in your
8 determination regarding the time of death?

9 A It did not.

10 MR. GOLDBERG: Thank you.

11 MR. O'NEIL: My turn, Your Honor?

12 THE COURT: Yes, sir.

13 MR. O'NEIL: This is why I want it now, Your
14 Honor. This witness says she put this information
15 in her report because it may be relied upon later
16 by other people. I want to lay the foundation that
17 this witness put this in the report because she
18 didn't know whether or not it was important or not,
19 and then how was that information followed up on by
20 other investigators whose job is to follow up on
21 everything in the case here as relates to those
22 points.

23 MR. GOLDBERG: Those are questions that can be
24 asked of the case officers who actually did
25 investigate the case. This is -- it's hearsay. We

1 have a hearsay exception regarding the previous
2 paragraph, 803(4) but there is no hearsay exception
3 relating to this paragraph regarding all this
4 extraneous information about the boyfriends.

5 MR. O'NEIL: Your Honor, once again, I don't
6 want it for the truth of the matter asserted, so
7 it's not hearsay. All I want it for is that this
8 deputy coroner thought it was important to put in
9 the report, I want to know -- I want to establish
10 to the jury that she thought it was important
11 enough to put it in the report, and I'm going to
12 seek from the other investigators what they did to
13 follow up on it. I'm allowed to do both. It's not
14 either/or. I'm not restricted to only
15 cross-examine one witness about it, I'm allowed to
16 examine both witnesses about it. The source of
17 information and then who followed up on it.

18 THE COURT: All right, the objection is
19 sustained. The Court finds that the information is
20 hearsay. It's double hearsay. She's saying what
21 the mom told her that somebody else told her, that
22 somebody else said, it might be triple hearsay for
23 those. And I've not been given any exception. So
24 for those reasons, I am going to sustain the
25 objection.

1 Bring the jury back in, please.

2 You can mark that as a Court Exhibit, a copy
3 of it.

4 (WHEREUPON, Court's Exhibit No. 5 was
5 marked for identification only.)

6 (WHEREUPON, the jury came into open
7 court at 12:11 p.m.)

8 THE BAILIFF: The jury is seated, Your Honor.

9 THE COURT: The objection is sustained.
10 Yes, sir?

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

12 CROSS-EXAMINATION CONTINUES

13 BY MR. O'NEIL:

14 Q Ms. Neeley, how many times have you reviewed your
15 file in preparation for today's trial?

16 A Two.

17 Q How many times in the last almost three years did
18 you tell anybody that you thought maybe the time of
19 death was not 4:00 a.m. to 5:00 p.m. on the 29th?

20 A I don't know that I ever have.

21 Q You never told anybody that you --

22 A Not that I know of. I don't recall doing it.

23 Q When, if any time, did the issue of this estimated
24 time of 4:00 a.m. come up?

25 A Today.

1 Q Today when?

2 A During this court session.

3 Q Just a few seconds ago?

4 A Right.

5 Q But until then you were still solid on the fact
6 that it was January 29th, 2016, between 4:00 a.m.

7 --

8 A Yes, sir.

9 Q -- and 5:00 p.m.?

10 A Correct.

11 Q Nothing in your examination led you to think that
12 was any different?

13 A Right.

14 Q In fact, you signed your name to a report saying
15 that?

16 A That's correct.

17 Q And you wouldn't have signed your name to a report
18 if you didn't think that was true and accurate?

19 A Right. It is estimated. It is not an estimated
20 science, but it is an estimated time.

21 Q And you know -- you had an opportunity to say you
22 didn't know, but you took the option saying this is
23 an estimated time?

24 A That's correct.

25 MR. O'NEIL: That's all we have, Your Honor.

1 THE COURT: All right. Yes, sir?

2 REDIRECT EXAMINATION

3 BY MR. GOLDBERG:

4 Q And, again, you testified earlier I believe that
5 regarding time of death -- and tell me if it's not
6 what you said, but I wrote down that you said that
7 it is, at best, a guesstimate?

8 A That is true, yes, sir.

9 Q And in this case, the 4:00 a.m. was based upon the
10 information given you by the mother, correct?

11 A The last time the Decedent's was known or thought
12 to be alive and the time that she was found.

13 Q Or thought to be alive?

14 A Right.

15 Q In this instance, based on this Facebook post?

16 A Exactly.

17 Q And, briefly, he asked you about this part of your
18 report that talks about actual, estimated, and
19 unknown times of death?

20 A Correct.

21 Q So the actual time of death might be, what, like in
22 a hospital, somebody -- what would that be?

23 A Yes, if we have a witness to the death who was
24 there to say that that person died at that time, we
25 use an actual time of death. Hospice cases,

1 hospital cases sometimes. The estimated time is
2 when we don't have an actual witness there to say
3 this is when it actually happened. The unknown
4 time, we use that a lot of times when a person is
5 in a decomposed state, maybe found in their home,
6 and they have not been heard from for weeks.

7 Q And that, obviously, wasn't the case in this case?

8 A That's not the case in this case, right.

9 Q And your estimate was based on the Facebook
10 information?

11 A That's correct, yes, sir.

12 Q But you don't know for sure when?

13 A We were not able to examine the body on the scene,
14 so that is what I had to go with.

15 Q Right. And there's no way to know exactly when it
16 was?

17 A Correct.

18 MR. GOLDBERG: Thank you very much.

19 THE COURT: All right. You may step down.

20 Any objection to this witness being excused?

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

22 THE COURT: All right, ma'am, you're free to
23 leave.

24 (Witness steps down and is excused.)

25 THE COURT: Let me see you all.

1 (WHEREUPON, a bench conferenced was held
2 in the presence of the jury, but outside
3 the hearing of the jury.)

4 THE COURT: All right, ladies and gentlemen of
5 the jury, we are up here having a conversation
6 trying to figure out the schedule in terms of
7 lunch. So the next witness is probably going to
8 take quite some time, or the next witness that they
9 have available at this time will probably take some
10 time -- I'm not sure if they're going to call them
11 after lunch or not, but it would put us here well
12 after the lunch period. I'm sure you all are
13 probably ready for a lunch break. So we're going
14 to go ahead and take a lunch break.

15 It's going to be a little bit longer because I
16 have something else to do. So we'll come back
17 around 2:15. I usually try to give you an hour,
18 hour and a half to get out of the building, go
19 where you're going and take care of whatever
20 matters you need to take. So that's a little bit
21 longer, but we'll see you all back at 2:15.

22 Before you go, though, I need to inquire,
23 remember on Tuesday, I went down that whole
24 potential list of witnesses. There was one name
25 that was left off, and that name is Investigator

1 Amos Jones.

2 Is there any member of the jury panel that
3 knows Investigator Jones, who is related by blood
4 or marriage, has a close personal relationship with
5 Investigator Amos Jones? There's a possibility he
6 may testify.

7 (WHEREUPON, there was no response.)

8 THE COURT: No one? All right.

9 Remember, if you're going to eat around here,
10 keep those badges on, and we will see you back at
11 2:15.

12 Thank you.

13 (WHEREUPON, the jury is excused for
14 lunch at 12:20 p.m.)

15 THE COURT: All right. So we'll start back
16 at -- now, the witness that you have, is that the
17 one we need to proffer testimony?

18 MR. GOLDBERG: No, ma'am, not yet.

19 THE COURT: Okay.

20 MR. GOLDBERG: The one that we would have had
21 to proffer is the one that we're still waiting on
22 to arrive.

23 THE COURT: So we'll start back at 2:15. As I
24 told you all, I am probably going to have to break
25 to go -- I'm going to try to see if Judge Newman

1 can do it, but I have to go over to the State Grand
2 Jury and accept returns before 5:00 o'clock. You
3 know what? I may try to go do it now if they are
4 ready, and then that way we can work a little
5 later. And then tomorrow I'm going to order lunch
6 so y'all can make preparations so we can go
7 straight through. I'll order lunch for the jurors.
8 So we'll take about a 30-minute break and keep on
9 going. I don't intend on keeping them here late
10 tomorrow night. But we'll try to do that and get
11 all the evidence in.

12 All right. Everybody have a good lunch.
13 Thank you.

14 (WHEREUPON, a lunch break was taken.)

15 THE COURT: All right. Are we ready?
16 Bring them in.

17 (WHEREUPON, the jury came into open
18 court at 2:41 p.m.)

19 THE BAILIFF: The jury is seated, Your Honor.

20 THE COURT: All right. Ladies and gentlemen,
21 we will continue with our next witness.

22 Call your next witness.

23 MR. FYALL: The State calls Harold Bouknight.

24 (Witness approaches.)

25 THE BAILIFF: Place your left hand on the

1 Bible, and raise your right hand, please.

2 (Witness complies.)

3 THE CLERK: Do you swear or affirm the
4 testimony you are about to give in this case will
5 be the truth, the whole truth, and nothing but the
6 truth, so help you God?

7 THE WITNESS: I swear.

8 THE CLERK: Thank you. Have a seat in the
9 witness stand.

10 (Witness seated.)

11 THE CLERK: State your name for the record.

12 THE WITNESS: Lieutenant Harold Bouknight.

13 HAROLD BOUKNIGHT,
14 after being duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. FYALL:

17 Q Lieutenant Bouknight, where are you employed?

18 A Richland County Sheriff's Department Crime Scene
19 Unit.

20 Q How long have you been employed there?

21 A In the Crime Scene Unit, since August of 2005.

22 Q How long have you been employed there overall?

23 A Since 2002.

24 Q In the Crime Scene Unit, what are some of your
25 duties?

1 A To process crime scenes, to observe, collect,
2 photograph, document, and process evidence, also
3 supervise. I'm called out to assist on scenes.
4 And I also do latent print processing and
5 comparison, footwear processing and comparisons,
6 blood stain examination, shooting reconstruction,
7 and crime scene reconstruction.

8 Q Specifically, you said shooting reconstruction?

9 A Yes, sir.

10 Q And crime scene reconstruction?

11 A Yes, sir.

12 Q Regarding footwear impressions, shooting
13 reconstruction, crime scene reconstruction, what
14 type of training and education have you had in that
15 regard?

16 A I have a 2-year degree in criminal justice from
17 Midlands Tech. And then I've gone through our
18 internal training program whenever I first started,
19 which took about two years to get through, which
20 consisted of reading and taking written tests and
21 then practical exercises to show competency in
22 different areas. And during that time, I've also
23 been through blood stain pattern examination
24 courses, advanced blood stain, shooting incident
25 reconstruction courses, officer-involved shooting

1 reconstruction courses, and crime scene
2 reconstruction, and advanced crime scene
3 reconstruction courses. I'm also certified through
4 the International Association for Identification as
5 a crime scene investigator and blood stain pattern
6 examiner.

7 Q Have you been qualified as an expert in crime scene
8 reconstruction before?

9 A Yes, sir.

10 Q Do you know approximately how many times?

11 A Give me one moment and I can tell you.
12 Approximately seven times in blood stain and crime
13 scene reconstruction.

14 MR. FYALL: Your Honor, at this point I tender
15 Lieutenant Bouknight as an expert in crime scene
16 reconstruction.

17 THE COURT: Any voir dire?

18 MR. O'NEIL: No voir dire and no objection.

19 THE COURT: All right. Ladies and gentlemen
20 of the jury, this officer will be qualified as an
21 expert in crime -- is it crime scene investigation?

22 MR. FYALL: Reconstruction.

23 THE COURT: Reconstruction. To offer opinion
24 testimony in that area. You can give it whatever
25 weight you choose.

1 Thank you.

2 BY MR. FYALL:

3 Q Investigator Bouknight, in regards to this case,
4 did you go to the actual crime scene?

5 A No, sir, I didn't.

6 Q What -- I guess, what items of evidence did you
7 process in regards to this case?

8 A The involvement I had with this case was a footwear
9 examination where I compared known shoes to
10 footwear impressions from the scene. And I
11 assisted Captain or Lieutenant Cavanaugh in
12 processing the vehicle and doing some slight
13 trajectory analysis on the projectiles --

14 THE COURT REPORTER: The what, I'm sorry?

15 A The projectiles and impact points from the vehicle.

16 Q All right. I'm going to start with the footwear
17 impressions. I'm going to show you State's 111 and
18 State's 109. Tell me if you recognize those.

19 A Yes, sir. They are the two pair of Nike shoes that
20 I did an examination on.

21 Q What did that examination consist of?

22 A When doing an examination, we'll document the
23 shoes, the wear on them, if there's anything
24 specific on the out sole, which is the tread
25 portion of the shoe. And then there's other ways

1 you can -- there's several ways to make a known
2 comparison, and the easiest of which is using an
3 overlay. And we use photo transport film, which is
4 used in the photo industry. You wet it with water,
5 squeegee it off, and it softens the emulsion that's
6 on it. And we dust the bottom of the shoe with
7 black powder and then just lay it on there and it
8 makes a known impression on a clear piece of
9 acetate that we can then lay over our questioned
10 impressions to see if they match up for size, tread
11 pattern, anything like that.

12 Q I'm going to show you what is marked as State's
13 208. Do you recognize that?

14 A Yes, sir. It's the overlays from the two right
15 shoes from those two pair of Nike Air Force Ones.

16 MR. FYALL: Your Honor, at this time, the
17 State offers 208 into evidence.

18 THE COURT: Any objection?

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

20 THE COURT: It will be entered without
21 objection.

22 (WHEREUPON, State's Exhibit No. 108 was
23 marked for identification and received
24 into evidence.)

25 BY MR. FYALL:

1 Q All right. I'm going to show you State's 143 and
2 144. Can you tell us what that is?

3 A These are photographs of the overlays that we took.

4 Q I'm also going to show you State's 145, 146, and
5 147. Can you tell us what those are pictures of?

6 A These are photographs of the questioned
7 impressions, or the casts of the questioned
8 impression.

9 MR. FYALL: Your Honor, at this time the State
10 offers 143 through 147 into evidence.

11 THE COURT: What number is that?

12 MR. FYALL: 143 through 147.

13 THE COURT: Any objection?

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

15 (WHEREUPON, State's Exhibit Nos. 143 -
16 147 were marked for identification and
17 received into evidence.)

18 BY MR. FYALL:

19 Q Exhibit 143 and 145, just tell the jury again what
20 you do with these two items?

21 A The cast from the scene as --

22 Q I'm sorry, can you step down?

23 MR. FYALL: Can he step down, Your Honor?

24 THE COURT: Yes.

25 (Witness steps down.)

1 A If you can see here, it's very small, but if you
2 can see, the cast is going to show the impression
3 that was left at the scene in a 3-dimensional view.
4 And whenever we have this overlay, we can just lay
5 it right on top and see if everything lines up. If
6 it's the wrong size, then you can tell immediately
7 it's too big, too small whatever.

8 THE COURT REPORTER: I'm sorry, you need to
9 face this way.

10 A But if they do match in size, then we start looking
11 at the tread pattern, and that's to see if all of
12 this, you know, the circles line up and the lines
13 line up.

14 And then if that matches, then we start
15 looking for wear pattern because everybody
16 whenever -- we all walk differently. And we can
17 try to -- you know, my heels wear on the outside
18 faster than on the inside and some people, it's
19 opposite. And we'll see if the wear pattern is
20 there. And if it's the same, then we'll start
21 looking at more detail. Like if there's a nick in
22 the shoe, then we'll leave it in the unknown
23 question impression, things like that. And if you
24 have enough of those nicks, cuts from rocks in a
25 shoe, then you can say that's it's a match.

1 Q Sit back down.

2 (Witness returns to witness stand.)

3 Q And in this case, what conclusions, if any, were
4 you able to draw?

5 A The only conclusion that we were able to make was
6 that the shoe was consistent in size, shape, and
7 tread pattern and general condition as the known
8 impression. That's what we call class
9 characteristics.

10 Q Say those things again, those characteristics one
11 more time.

12 A Size, shape, tread pattern and general condition.

13 Q And just to be clear, you're not able to say that
14 those shoes, the shoes that were made from the
15 casting, were the same shoes that you tested?

16 A No, sir. Those shoes, the right shoe from both
17 pairs could have made that impression, along with
18 any other shoe with that same size, a Nike Air
19 Force One, that size with that general condition.

20 Q Thank you. And you said you also processed -- you
21 also did some analysis on the victim's car?

22 A Yes, sir.

23 Q Can tell us a little bit about that?

24 A I assisted Lieutenant Cavanaugh doing a trajectory
25 analysis. There were four impact points in the

1 vehicle where a projectile of some type struck the
2 vehicle. One was in the passenger door frame that
3 went through the door and impacted the post behind
4 the door. And then there were three in the
5 driver's door from the inside. One of those went
6 through, what we call perforated, meaning it went
7 all the way through, and the other two just
8 penetrated the door. It went in, didn't come out.

9 Q All right. I'm going to show you State's 157 all
10 the way through 178. I'll give you some time to
11 look at those.

12 A Yes.

13 Q Can you tell us generally what those are?

14 A It's pictures of the vehicle and the impact points
15 and what appears to be a blood stain.

16 Q All right. And do those pictures fairly and
17 accurate represent the vehicle when you did that
18 analysis?

19 A Yes, sir.

20 MR. FYALL: Your Honor, at this point the
21 State offers 157 through 178 into evidence.

22 THE COURT: Any objection?

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

24 (WHEREUPON, State's Exhibit Nos. 157 -
25 178 were marked for identification and

1 received into evidence.)

2 BY MR. FYALL:

3 Q Just 157 and 158, can you just tell us what those
4 are?

5 A It's an overall photo of the vehicle from the rear
6 passenger side and a photo of the license plate.

7 Q And 159, 160, 161?

8 A More overall photos, and then an overall photo of
9 the interior.

10 Q All right. I'm going to start by showing you
11 State's 170 and 171. Can you tell us what that is?

12 A An overall photo of the driver's door and a
13 close-up photo showing impact points B, C, and D.

14 Q And just for clarification, what are impact points?

15 A Where a projectile or something impacted a surface.

16 Q All right. 172 is another close-up of D?

17 A Yes, sir.

18 Q I'm going to show you 173, 174.

19 A That's an overall and a close-up of the exterior of
20 the vehicle showing where C exited the vehicle --
21 or exited the door, and where B impacted the
22 interior of that panel.

23 Q Were you able to match up impact points C and D
24 from the inside to impacts on the outside?

25 A B and C, yes, sir.

1 Q B and C, sorry. I want to show you 177 and 178.
2 Can you describe those?

3 A Yes, sir. It's an interior photo of the driver's
4 door with trajectory rods inserted into B and C,
5 and then the exterior of the driver's door with a
6 trajectory rod going out of C.

7 Q What are trajectory rods used for?

8 A It's used to show a projectile path, either where
9 the projectile went to or came from, whichever way
10 you're trying to figure it out. And they can be
11 used as long distances with lasers or strings tied
12 to them, and things like that, but it gives you a
13 general directionality of where the gun was
14 whenever it was fired.

15 Q What's the directionality you could conclude from
16 these?

17 A It went from the inside out on the driver's door.
18 They both had a slight downward angle, 14 degrees
19 and -- approximately 14 degrees and 17 degrees.
20 And then B was a little left to right. And C was a
21 little right to left by just a couple of degrees.

22 Q So what does that tell you about the position of
23 the firearm?

24 A Whenever it was fired, it was above that area. It
25 was being shot down at approximately, we will

1 average it out, at 15 and-a-half degrees.

2 Q And with respect to -- I'm sorry. I'm going to
3 show you 162, 163. Can you tell us what that is?

4 A That's the impact point in the passenger door.

5 Q Passenger's door?

6 A Yes, sir, the passenger door frame.

7 Q I want to show you 165 and 166.

8 A Yes, sir. That's the same impact, but it's in the
9 post behind that piece of the door frame.

10 Q So you had to open the door to see it?

11 A Yes.

12 Q Did you ever label that impact point?

13 A We labeled it A.

14 Q That's 167?

15 A Yes, sir.

16 Q And 168?

17 A Yes, sir.

18 Q And based on your analysis, you concluded that 167
19 and 168 were made by the same projectile?

20 A Yes, sir.

21 Q All right. I'm going to show you 176 and 175.

22 A That's the trajectory rod at impact point A.

23 Q What can you tell us about impact point A?

24 A It was also around the same downward angle, that
25 was approximately 16 degrees. And then it was

1 right to left also.

2 Q Downward angle right to left?

3 A Yes, sir.

4 Q All right. Can you tell us the positioning of the
5 right passenger door when the bullet was fired?

6 A It was closed.

7 Q All right. After you processed the victim vehicle
8 this day, did you then process it again or attempt
9 to process it again?

10 A I was asked to go back out and search the vehicle
11 for any other evidence in our compound. And I went
12 out and searched it, but didn't find anything.

13 MR. FYALL: Beg the Court's indulgence.

14 (Pause.)

15 BY MR. FYALL:

16 Q And I just want to ask you again with regards to
17 impact point A. Based on your expertise, can you
18 tell us which side of the vehicle that would have
19 been shot from?

20 A From the passenger side. And we also, the next day
21 after the trajectory was done, we -- I helped cut
22 open the door to look for any projectiles and --

23 Q Which side?

24 A The driver's door and the passenger side post to
25 try and find any projectiles. And we found jacket

1 fragments.

2 Q Jacket fragments?

3 A Pieces of a projectile.

4 Q And who did you give those to?

5 A Those were collected by Lieutenant Cavanaugh.

6 Q Lieutenant Cavanaugh.

7 MR. FYALL: Thank you.

8 THE COURT: Yes, sir?

9 CROSS-EXAMINATION

10 BY MR. O'NEIL:

11 Q Investigator Bouknight, just so I'm clear, did you
12 actually do the footwear analysis or did Sergeant
13 Stan Richards do it?

14 A Sergeant Richards did it, but I verified his
15 findings.

16 Q You verified what he did?

17 A Yes, sir.

18 Q I want to make sure we're on the same page. And
19 according to Sergeant Richards' report here, of the
20 four casts that were made, three of them were of no
21 value?

22 A Yes, sir.

23 Q So you are talking about you only had one of those
24 casts we have in evidence here that was actually of
25 any value at all?

1 A Yes, sir.

2 Q And the two shoes that you were able to compare
3 that came from Mr. Heatley's residence here, both
4 right shoes were of the same class of shoes that
5 made the impression, is that fair enough to say?

6 A Yes, sir. Class characteristics.

7 Q It was two right shoes. Both right shoes made --
8 correspond to that same class?

9 A Yes, sir.

10 Q And that class would be pretty much the entire
11 universe of similar size Nike Air Force Ones in the
12 world?

13 A Same size Air Force Ones in that condition, yes,
14 sir.

15 Q And did you also supervise the forensic analysis of
16 the shoes, meaning the DNA and blood testing of the
17 shoes?

18 A No, sir.

19 Q Somebody else did that?

20 A Yes, sir.

21 MR. O'NEIL: Beg the Court's indulgence, Your
22 Honor.

23 (Pause.)

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

25 THE COURT: Anything else?

1 MR. FYALL: Briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. FYALL:

4 Q In regards to the shoes, same brand, size, class,
5 condition, what do you mean by condition?

6 A That would be a wear pattern, but there was minimal
7 wear pattern on this, so.

8 Q So they weren't worn very much apparently?

9 A Right.

10 MR. FYALL: No further questions, Your Honor.
11 Beg the Court's indulgence.

12 (WHEREUPON, a bench conference was held
13 in the presence of the jury but out of
14 the hearing of the jury.)

15 MR. O'NEIL: Your Honor, I do have one
16 question for Mr. Bouknight.

17 THE COURT: Yes, sir.

18 RECROSS-EXAMINATION

19 BY MR. O'NEIL:

20 Q Investigator Bouknight, I'm showing you what's
21 marked --

22 MR. O'NEIL: Permission to approach, Your
23 Honor?

24 THE COURT: Yes.
25

1 BY MR. O'NEIL:

2 Q I'm showing you what's marked State's Exhibit 149.

3 A Yes.

4 Q One of the shoes in 149 has a black substance on
5 the bottom of it. Is that the way it was brought
6 to you or is that something added in the evaluation
7 process?

8 A Whatever -- I was talking about how we made the
9 impression, the overlays earlier, that's from the
10 black powder we added to it.

11 Q I want to make sure, the black powder that's added
12 on the bottom of 149 was added to forensically
13 evaluate the shoe?

14 A To make the overlay, yes, sir.

15 Q That was not the condition that it was seized from
16 Mr. Heatley in?

17 A Correct.

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

19 THE COURT: Thank you.

20 All right, sir, you can step down.

21 (Witness steps down.)

22 THE COURT: Any objection to this witness
23 being excused?

24 MR. FYALL: No, Your Honor.

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

1 (Witness excused.)

2 THE COURT: Did you enter 162 and 163?

3 THE COURT REPORTER: He entered 157 to 178.

4 THE COURT: All right. Call your next
5 witness.

6 MR. GOLDBERG: The State calls Captain Anna
7 Cavanaugh.

8 (Witness approaches.)

9 THE BAILIFF: Place your left hand on the
10 Bible, and raise your right hand, please.

11 (Witness complies.)

12 THE CLERK: Do you swear or affirm the
13 testimony you are about to give in this case will
14 be the truth, the whole truth, and nothing but the
15 truth, so help you God?

16 THE WITNESS: I do.

17 THE CLERK: Have a seat in the witness stand.

18 (Witness seated.)

19 THE CLERK: State your name for the record.

20 THE WITNESS: Anna Cavanagh, C-A-V-A-N-A-G-H.

21 ANNA CAVANAGH,
22 after being duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. GOLDBERG:

25 Q Captain Cavanagh, where are you employed?

1 A The Richland County Sheriff's Department.

2 Q Tell the jury a little bit about what you do there
3 and how long you have been there and what you do in
4 your job?

5 A I've been there since July of 1996. I worked on
6 the road for a couple of years. And then I was
7 promoted to the laboratory in '98, and I've been in
8 the lab since that time.

9 Q And you're currently the captain over the lab, is
10 that right?

11 A I am.

12 Q And what do your duties as captain over the lab
13 entail?

14 A So I am primarily administrative at this point, I
15 have been for the last few years. So at this point
16 I do budgeting, ordering supplies, scheduling,
17 protocols. I also oversee our accreditation
18 status, so we are accredited throughout ASCLD lab.
19 And part of that is making sure that everyone is
20 competency tested prior to doing case work, and
21 then they have to do proficiency testing every year
22 to ensure they're maintaining their skills. We
23 also have to adhere to certain regulations and
24 standards to maintain our accreditation for doing
25 policies and procedures and implementation of

1 things to maintain our accreditation.

2 Q And prior to your administrative role, were you an
3 actual crime scene investigator?

4 A Yes. And I still can respond -- I still respond to
5 assist on major scenes.

6 Q What sort of things do you have experience in doing
7 as a crime scene investigator?

8 A So prior to working for the Sheriff's Department, I
9 got a degree in biology and psychology and then a
10 Master's Degree in forensic DNA and serology in
11 2006. Then once I was promoted, we go through
12 training there to be able to work and process
13 scenes. So blood stain pattern analysis, several
14 classes, advanced blood stain pattern analysis,
15 crime scene reconstruction, crime scene
16 investigation, shooting reconstruction. I
17 graduated from the FBI Academy in 2011, and then
18 I've have been a certified crime scene
19 investigation through IAI since 2008.

20 Q Have you ever testified as an expert in court
21 before?

22 A I have.

23 Q What were you qualified as an expert in?

24 A I've been qualified in blood stain pattern
25 analysis, crime scene reconstruction, shooting

1 reconstruction, digital photography, crime scene
2 investigation, and latent prints.

3 MR. GOLDBERG: Your Honor, at this time, I'd
4 offer Captain Cavanagh as an expert in crime scene
5 investigation and reconstruction.

6 THE COURT: Any voir dire?

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

8 THE COURT: All right, ladies and gentlemen of
9 the jury, Captain Cavanagh will be qualified as an
10 expert in crime scene investigation and crime scene
11 reconstruction to give opinion testimony in that
12 area. You can give it whatever weight you see fit.

13 Yes, sir, you may continue.

14 MR. GOLDBERG: Thank you, Your Honor.

15 BY MR. GOLDBERG:

16 Q I want to turn your attention to January of 2016 in
17 the case at hand. Did you have an opportunity to
18 respond out to the incident location on Farrow
19 Road?

20 A I did.

21 Q And that was on what date?

22 A July 29th.

23 Q January 29th?

24 A I'm sorry, January 29th, yes.

25 Q And when you arrived at the scene, what was your

1 goal, what were your responsibilities, what was
2 happening at the crime scene at that point?

3 A So upon arrival, I made contact with Investigator
4 Schroder and Rainsford, who were already on the
5 scene, started processing, photographing, marking
6 items of evidence, and we completed a walk-through
7 of the initial scene.

8 Q Okay. And the initial marking and collection of
9 any evidence at the scene, like shell casings and
10 the like, were you tasked with handling that, or
11 were one of the other investigators handling that?

12 A I assisted with the documentation. Investigator
13 Rainsford, I believe, collected the items.

14 Q While you were out there, did you actually collect
15 a couple of things?

16 A Yes, I did. Some items that were marked and
17 documented necessarily on the scene, but some items
18 that were collected from the victim.

19 Q Did you have an opportunity to observe a bullet
20 fragment in the vicinity of the victim?

21 A We did. The victim's pockets and her being
22 searched and they pulled several items off of her,
23 one of them was a fragment from under her right
24 arm.

25 Q I show you what has been marked as State's 209.

1 A That's it. It's labeled a fragment collected from
2 the victim right side under arm.

3 MR. GOLDBERG: I offer State's 209 in
4 evidence.

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

6 THE COURT: Entered without objection.

7 (WHEREUPON, State's Exhibit No. 209 was
8 marked for identification and received
9 into evidence.)

10 BY MR. GOLDBERG:

11 Q When you say under her right arm, like, can you
12 describe how it looked to you?

13 A Yes. Once they rolled her over and they started
14 searching the clothing, there was -- it was just
15 embedded in the clothing.

16 Q Kind of sitting up on top?

17 A Yes.

18 Q And then there were two other items, I believe,
19 that you also gathered from her, is that right?

20 A Yes. They were actually -- I believe it was Ann
21 Neeley from the Coroner's Office and Investigator
22 Schroder pulled from her pockets, the left pocket
23 of her Walmart vest, a Walmart ID tag, and the
24 right front pants pocket, Carmex lip balm.

25 Q State's 211?

1 A That's the Walmart ID tag from the left front
2 pocket of the Walmart vest, and the Carmex right
3 front pants pocket.

4 Q Upon collecting those, you submitted them into
5 evidence?

6 A I did, after photographing them and swabbing them.

7 Q Did you have an opportunity to return to the
8 incident location, crime scene?

9 A I returned July 30th.

10 Q January?

11 A January 30th.

12 Q What was the purpose of going back out on the 30th?

13 A To conduct a daytime search and take some
14 initial -- some photographs of the daytime of the
15 scene itself to get an overall perspective during
16 the daytime.

17 Q All right. Take a look at State's 179 through 182.
18 Generally, what are those photos of?

19 A The scene during the daytime with the markers still
20 in place from the previous nights.

21 Q On the 30th?

22 A On the 30th, January 30th.

23 Q Do those photos fairly and accurately depict the
24 scene as it appeared on the 30th?

25 A It does.

1 MR. GOLDBERG: Your Honor, I offer State's 179
2 through 182 into evidence.

3 THE COURT: Any objection?

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

5 (WHEREUPON, State's Exhibit Nos. 179 -
6 182 were marked for identification and
7 received into evidence.)

8 BY MR. GOLDBERG:

9 Q Let's talk about State's 179. We saw a good number
10 of pictures from Investigator Rainsford previously
11 about the scene, but if you could kind of describe
12 what we're looking at here in 179.

13 A So this is just showing the overall scene. This is
14 where we would make entry generally into the scene.
15 These are the markers that were there marking the
16 items of evidence the night prior that were
17 collected.

18 Q Were those actually the markers that were placed by
19 the shell casings that were located out at the
20 scene, generally speaking?

21 A And other items of evidence collected, yes.

22 Q The majority of them were the shell casings?

23 A They were.

24 Q That's going to be over here, you said?

25 A Correct.

1 Q And 180 and 181?

2 A That's a little bit closer view showing the tree
3 and the markers that were in front of the marked
4 items of evidence. And this is from the opposite
5 view. Right here where you see the divots, that's
6 where the vehicle was removed from the night
7 before. That's where it was originally. And then
8 the markers on the far side of that.

9 Q The vehicle was actually towed from the location,
10 is that right?

11 A It was.

12 Q And so those divots that we see in the photo here
13 are from when it was towed out of there?

14 A Correct.

15 Q Same thing in a different angle here in State's
16 182, is that right?

17 A That's correct.

18 Q Is there anything else you notice there in 182?

19 A So if you look here at 182, this Marker C, that
20 would have been on the passenger side, and there is
21 glass fragments on the side there.

22 Q By Marker C?

23 A On that, yes.

24 Q Passenger side?

25 A That's where the passenger side of the vehicle was

1 located.

2 Q All right. What was your next step in this
3 investigation?

4 A On February 1st, Investigator Bouknight and I
5 processed the Honda Civic in our forensic garage.

6 Q When you say processed, what is your objective at
7 that point?

8 A To locate, identify, document any items of evidence
9 from the vehicle.

10 Q And what did you locate and identify during the
11 processing of the vehicle at that time?

12 A So on February 1st, photographs were taken of the
13 vehicle. We identified several impact points to
14 the vehicle and then marked several items of --
15 they're marked as reddish-brown stains. Items that
16 we believed to be blood were marked 1 through 14.
17 And then a couple of other swabs were collected
18 from the vehicle.

19 Q And, generally speaking, I'll have you look at
20 State's 183 to 200. If you can just generally
21 describe what we're looking at.

22 A So these are photographs of the interior of the
23 vehicle marking Items 1 through 14, which were
24 stains that were, again, identified, marked,
25 photographed, and then a swab was collected from

1 each area.

2 Q Do those photos fairly and accurately depict that
3 as you saw it on the day?

4 A It is.

5 MR. GOLDBERG: I offer State's 183 through 200
6 into evidence.

7 THE COURT: Any objection?

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

9 THE COURT: What was that?

10 MR. GOLDBERG: 183 through 200.

11 (WHEREUPON, State's Exhibit Nos. 183 -
12 200 were marked for identification and
13 received into evidence.)

14 MR. GOLDBERG: Your Honor, may the witness
15 step down?

16 THE COURT: Yes.

17 (Witness steps down.)

18 BY MR. GOLDBERG:

19 Q Now. I'm going to hand you State's 183 and 184 and
20 have you explain about that.

21 A So these are -- again, this is a general photograph
22 of several markers showing the front interior of
23 the vehicle. You can see the different areas
24 marked here, 3, 4, 8, and 5. And then you can see
25 6 in this photo. Just overall photos that were

1 marked.

2 Q And how do you determine where to place markers in
3 this type of situation?

4 A It depends on the actual scene. Here, I wanted to
5 try to identify all of the major areas that I saw
6 and identified stains in the vehicle.

7 Q All right. And if you can just go through and tell
8 us in State's 185?

9 A May I refer to my notes?

10 Q Sure.

11 A This is the front passenger side door frame and the
12 seat and the door.

13 Q Passenger side?

14 A Passenger side.

15 Q State's 186?

16 A This is the front passenger side door, portion of
17 the window.

18 Q And 187?

19 A This is showing Number 3, the front passenger seat.

20 Q If you could just point out the areas where you see
21 those -- marked those stains?

22 A Here?

23 Q Yes.

24 A On the seat itself.

25 Q 188?

1 A So this is the top portion of the center console.

2 Q 189, Marker 5?

3 A This is the driver's seat.

4 Q 190?

5 A The lower portion of the driver's door.

6 Q 191 and 192?

7 A This is marker is just showing a little bit closer
8 view. And then this actually shows the area that
9 was marked to be swabbed.

10 Q 193?

11 A On the steering wheel, Marker 7.

12 Q 194?

13 A Number 8 is the gear shift panel.

14 Q 195?

15 A That's Marker 9, and it's the driver's side of the
16 center console area.

17 Q 196?

18 A That's Number 10, the driver's side door frame, the
19 metal portion.

20 Q 195?

21 A That's Number 11, and that's the hinge of the
22 driver's door.

23 Q 198?

24 A Number 12, that's the driver's side door frame
25 panel at the foot portion.

1 Q 199?

2 A 13, that's the brake pedal.

3 Q 200?

4 A That's Marker Number 14, and that's the plastic
5 portion just to the left of the steering wheel.

6 Q And the purpose in marking each of these areas is
7 to denote that you observed some sort of
8 reddish-brown stain in these areas, is that
9 correct?

10 A Correct, and then to swab it.

11 Q Then to swab it. Why would you swab those areas?

12 A For any later testing to confirm the potential
13 source of the blood.

14 Q Thank you. It's not being tested at that moment
15 for blood?

16 A No, it's not.

17 (Witness returns to witness stand.)

18 Q And did you, in fact, swab each one of those areas?

19 A I did.

20 Q And upon taking the swabs, what do you do with
21 them?

22 A They were packaged and sealed and submitted to our
23 evidence and property.

24 Q And that would include each of those locations that
25 you denoted, correct?

1 A Correct.

2 Q And you indicated that Lieutenant Bouknight was
3 present during this processing of the vehicle,
4 correct?

5 A Correct.

6 Q All right. And what, if anything, did you all
7 collect from the vehicle?

8 A That day, I just collected swabs.

9 Q Okay. Have you had an opportunity to examine the
10 vehicle again on another occasion?

11 A We did. We continued on February 2nd processing
12 the vehicle.

13 Q Any reason for splitting those up?

14 A Well, Day One, we worked on the vehicle from 10:25
15 to about 5:25 in the afternoon. So we just broke.
16 It stay secured in a secure environment, so we
17 stopped for the day and continued the following
18 day.

19 Q Okay. So that was on the 2nd when you started
20 back?

21 A Yes.

22 Q Okay. And, again, as you were doing so, you found
23 some more reddish-brown stains, is that right?

24 A That I located and marked and swabbed three
25 additional areas, 15, 16, and 17.

1 Q State's 201 through 203?

2 A Showing 15, 16, and 17 markers.

3 MR. GOLDBERG: Your Honor, I would offer 201
4 through 203.

5 THE COURT: Any objection?

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

7 (WHEREUPON, State's Exhibit No. 201 -
8 203 were marked for identification and
9 received into evidence.)

10 BY MR. GOLDBERG:

11 Q And, again, without you coming down, 15?

12 A So 15 is the front passenger side door frame bottom
13 at the floorboard.

14 Q Okay.

15 A Number 16 is the driver's side front corner at the
16 door. And Number 17 is the center console area in
17 front of the brake.

18 Q And same thing where documenting, swabbing,
19 correct?

20 A Yes.

21 Q And then swabs would have been submitted for later
22 testing?

23 A Correct.

24 Q And what other items did you discover while
25 processing the car on this day?

1 A Well, I collected trace tape from inside the
2 vehicle, from the driver's seat, the front
3 passenger seat, and then the rear passenger area.

4 Q What does that mean?

5 A Again, it's just taking a piece of tape and
6 collecting from those particular areas for any
7 particular trace evidence that might be located on
8 the seats, hairs or fibers.

9 Q And?

10 A And then they were submitted to evidence and
11 property for potential later analysis.

12 Q All right. And then did you continue to examine
13 the internal compartment of the vehicle?

14 A So then I -- Investigator Bouknight continued and I
15 retrieved the projectiles from the impacts that we
16 located. So I collected fragments Marker E through
17 L from the driver's door and the passenger area.

18 Q State's 204 through 207?

19 A These are photographs of the fragments retrieved
20 from the vehicle.

21 Q And State's 210?

22 A This is Fragment E from inside the driver door,
23 Fragment F inside driver's door, Fragment G inside
24 driver's door, Fragment H inside driver's door,
25 Fragment I inside driver's door, Fragment J from

1 the weather stripping on the passenger door that
2 was marked A, Fragment K from front passenger door
3 frame where A was marked, and then fragment L,
4 front passenger door frame.

5 MR. GOLDBERG: Your Honor, I'd offer State's
6 204 through 207 and 210 in evidence.

7 THE COURT: Any objection?

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

9 THE COURT: 204 through 207, and 210?

10 MR. GOLDBERG: Yes, ma'am.

11 (WHEREUPON, State's Exhibit Nos. 204 -
12 207 were marked for identification and
13 received into evidence.)

14 (WHEREUPON, State's Exhibit No. 210 was
15 marked for identification and received
16 into evidence.)

17 BY MR. GOLDBERG:

18 Q So State's 210, inside here are the actual
19 fragments that were pulled out of the vehicle?

20 A Yes, sir. That's what I submitted in, yes.

21 Q And describe for the jury what we're looking at
22 here in 204 through 207.

23 A This shows a picture of Fragment E from inside the
24 driver's door. And then this is showing fragments
25 labeled F, G, H, and I from inside the driver's

1 door. This is a fragment marked J from the impact
2 point marked A, the weather stripping of the front
3 passenger door. And then this is fragments marked
4 K and L from impact point marked A from the front
5 passenger door frame.

6 Q And maybe I glossed over this a little bit. We're
7 talking about fragments. What is a fragment?

8 A It's other firearms evidence that we've located
9 from impact points.

10 Q And you've described where they have been pulled
11 out of the car, all those places you just
12 mentioned. How do you retrieve those bullet
13 fragments from the vehicle?

14 A It depends. We ended up having to pull parts of
15 the vehicle apart, pulling the door apart to try to
16 locate some of the fragments themselves that were
17 still in the vehicle.

18 Q All right. What did you do next?

19 A I photographed the fragment that was collected from
20 under the victim's right arm. I photographed the
21 Walmart tag and the lip balm and a piece of plastic
22 that was recovered from the scene. And then I
23 swabbed all of the fragments that were collected
24 from the vehicle and the one from the victim.

25 Q Did you also have an opportunity to process the ID

1 tag and the lip balm?

2 A I did.

3 Q And, again, when we're talking about processing.

4 What are you looking for?

5 A So those were processed for potential latent
6 prints. I processed it with magnetic powder and
7 then with what's called LCD. LCD is a chemical
8 that reacts with the hemoglobin in the blood, so
9 when you mix LCD with the hydrogen peroxide and it
10 is applied to an object, if there's blood, it will
11 turn a purple color. So we use it to bring out
12 detail and potential impression evidence that may
13 be present, latent prints.

14 Q Did you locate any on those items?

15 A I did not.

16 Q It was negative?

17 A It was negative.

18 Q That actually reminds me. Just jumping back real
19 quick, when you were processing the vehicle on the
20 2nd of February, did you actually use the LCD
21 process on the outside of the vehicle as well?

22 A Outside and inside the vehicle.

23 Q And no results?

24 A No, it was negative. Nothing developed.

25 Q Is that uncommon?

1 A Impression-wise. No, it's not.

2 MR. GOLDBERG: I believe that's all I have.

3 Thank you.

4 THE COURT: Yes, sir?

5 CROSS-EXAMINATION

6 BY MR. O'NEIL:

7 Q Investigator Cavanagh, you assisted Investigator
8 Rainsford in documenting the shell casings on the
9 first night?

10 A I did help in doing some of the documentation.

11 Q According to your report, I think you --
12 specifically, you dealt with shell casings that
13 were marked 1 through 21, does that sound right?

14 A Markers 1 through 21, and then A through H.

15 Q Markers 1 through 21, what brand of shell casings
16 were those?

17 A Can I refer to my notes?

18 Q Yes, ma'am.

19 A Marker -- according to my notes, Marker 1 through
20 17 were Hornady 9-millimeter Luger fired cartridge
21 casings, as well as 19, 20, and 21.

22 Q Those are all Hornady -- am I saying it correctly?

23 A Hornady, uh-huh.

24 Q That was brand of 1 through --

25 A One through 17. Eighteen was actually marked as a

1 cigarette butt, and then 19 through 21.

2 Q All Hornady brand?

3 A And also Marker A and B were Hornady.

4 Q Okay.

5 A And it looks like C was a Winchester.

6 Q Okay.

7 A And then I have G as a Hornady and H as a Blazer.

8 Q You indicated that also Investigator Lee took some
9 foot impressions the first day?

10 A I have got Lee, he photographed and collected casts
11 of footwear impressions.

12 Q And I think you said on the second day, some
13 additional footprints were located, correct?

14 A Yes. Investigator Rainsford and Schroder.
15 Additional footwear impressions were located and
16 photographed and casts by Investigator Rainsford
17 and Schroder.

18 Q So we have footwear impressions on the passenger
19 side of the car, correct?

20 A That's correct.

21 Q Where was the foot impressions that were located on
22 the second day?

23 A I did not notate that, but I see that would have
24 been, like I said, Investigator Rainsford and
25 Schroder collected those.

1 Q From your recollection, they were different than
2 the ones on the first day, am I correct on that?

3 A Different areas?

4 Q You said additional, so I'm assuming you mean
5 different --

6 A Additional --

7 Q In some form or fashion, they're different in the
8 same area or different in a different area?

9 A So the impressions for the first day, I believe
10 were marked AA and AB. And for the second day,
11 they were marked AC and AD.

12 Q You don't know what area of the crime scene the
13 second day footprints were located in?

14 A I do not. I do not see that in my notes.

15 Q Lastly, Investigator Cavanagh, you also swabbed I
16 think the inside of the car and the glove box and
17 the console?

18 A I did the handle of the glove box and the release
19 latch of the center console.

20 Q Was that just for DNA or was that processed for
21 fingerprints as well?

22 A The vehicle had been processed the day before for
23 fingerprints by Investigator Schroder, so I was
24 collecting for potential DNA.

25 Q And you just passed that on to the DNA lab for them

1 to do the analysis on the swabs?

2 A Correct, they would have been submitted into
3 evidence for additional processing.

4 Q Do you know if anybody tried to get any tire tracks
5 out there that night or the day after?

6 A I don't believe any were identified to have been
7 collected.

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

9 THE COURT: Anything else?

10 MR. GOLDBERG: No, ma'am.

11 THE COURT: Any objection to this witness
12 being excused?

13 MR. O'NEIL: No, ma'am.

14 (Witness steps down and is excused.)

15 THE COURT: Call your next witness.

16 MR. FYALL: The State calls Investigator Trish
17 Odom.

18 (Witness approaches.)

19 THE BAILIFF: Place your left hand on the
20 Bible, and raise your right hand, please.

21 (Witness complies.)

22 THE CLERK: Do you swear or affirm the
23 testimony you are about to give in this case will
24 be the truth, the whole truth, and nothing but the
25 truth, so help you God?

1 THE WITNESS: I do.

2 THE CLERK: Thank you. Have a seat in the
3 witness stand, please.

4 (Witness seated.)

5 THE CLERK: State your name for the record.

6 THE WITNESS: Trisha Collins Odom. The
7 spelling of my last name is O-D-O-M.

8 TRISHA ODOM,
9 after being duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. FYALL:

12 Q Investigator Odom, can tell us where you work?

13 A I work for the Richland County Sheriff's Department
14 in the crime scene latent print section.

15 Q Latent print section?

16 A Yes.

17 Q What are your duties there in the section?

18 A I'm the senior latent print analyst, and so it's my
19 job to look at all of the latent prints that have
20 been brought in from crime scenes and try to find
21 out who left those prints behind.

22 Q How long have you been a latent print analyst?

23 A For approximately 19 years.

24 Q Before that and during those 19 years, have you had
25 any training, education?

1 A I have.

2 Q Tell us about that.

3 A I've been to an advanced palm print class. I've
4 been to a basic fingerprint training class that was
5 put on here in Columbia at our Criminal Justice
6 Academy. I've been to a forensic ridgeology
7 course, a complex latent print examination course,
8 a course on reducing erroneous exclusions and
9 latent print comparisons. Then to classes to help
10 me run the computer system that helps us with our
11 job. I have been to class on the distortion in
12 latent fingerprints and how to analyze those. And
13 I most recently went to a logical latent analysis
14 class.

15 MR. FYALL: Your Honor, at this point, I would
16 tender Investigator Odom as an expert in latent
17 print analysis.

18 THE COURT: Any voir dire?

19 MR. O'NEIL: No voir dire, Your Honor. No
20 objection.

21 THE COURT: All right, ladies and gentlemen of
22 the jury, this witness will be classified as an
23 expert in latent print analysis to give expert
24 testimony in that area.

25 Thank you.

1 BY MR. FYALL:

2 Q Were you requested to do some analysis on the case
3 involving Mr. Heatley?

4 A I was.

5 Q All right. And before we get into it, can you tell
6 us the -- well, tell us a little bit about
7 fingerprints, how they're made and how you can
8 analyze it.

9 A So if you look at the surface of your hand, the
10 palmar surface of your hand, you'll notice that
11 it's not smooth. It's got ridges all over it.
12 Those little lines, we call those ridges. They're
13 friction ridges. And what we believe they're for
14 is to help you grip things. So what we're mostly
15 concerned with -- usually, what we're concerned
16 with is the fingertip, but we can also do analysis
17 on the palms as well.

18 So you can think of these ridges on your
19 fingers, they're kind of like an ink stamp that you
20 would get at a craft store. They make the same
21 impression over and over and over again. And they
22 also happen to be unique and persistent, meaning
23 that they don't change throughout your lifetime and
24 no one else has the same fingerprints as you do.
25 And so when someone leaves a fingerprint behind,

1 we're able to -- if we have the proper person to
2 compare them to, we're able to say that a
3 fingerprint came from the same source.

4 So typically the way a fingerprint is left
5 behind is if someone touches something. If you go
6 back to the example I gave you of the ink stamp,
7 the ink on the ink stamp that leaves your
8 fingerprint is going to be the oils and the sweat
9 and maybe some other things, some dirt and other
10 residue that you pick up along during the day. But
11 that's actually going to be what leaves the
12 impression that's left behind on whatever object
13 you touch.

14 Q All right. And if you leave a fingerprint
15 somewhere initially, does that mean it's going to
16 always be there?

17 A No.

18 Q What are some of the factors in that?

19 A Well, a couple of things that could affect whether
20 or not you leave a fingerprint behind to begin with
21 is the condition of your fingers. If you have
22 super dry skin, you have to have that ink on the
23 ridges to leave the impression behind. The other
24 thing would be maybe you have some sort of disease
25 or scars on your fingertips and so you might not

1 leave something that's legible, we call legible,
2 behind as well as the surface that you leave it on.
3 If it's very bumpy, like, say, the dashboard of
4 your car, it's got the little dotty, dash kind
5 of -- not ridge, but kind of bubbled-up surface and
6 it's made not to show fingerprints. That's exactly
7 what it's made not to show. It's much harder to
8 get a fingerprint off a surface like that. If
9 you're cold, you tend not to sweat, so you're less
10 likely to leave a fingerprint behind. And then
11 also, I mean, if the surface is cleaned, clearly
12 they'll be wiped away. They don't stay forever,
13 only as long as the residue is left behind.

14 Q Can you tell us about the fingerprint analysis you
15 did in this case?

16 A In this case, I was given some information from
17 another analyst who was running our computer
18 database. And she told me that she had received
19 what we call a hit on some fingerprints that she
20 had submitted to our computer database. She then
21 gave me the known fingerprint card that she printed
22 off from the database as well as the latent
23 fingerprint cards and then I looked at them and
24 tried to determine whether or not they came from
25 the same source.

1 Q So when you say known fingerprint card, just
2 basically what does that mean?

3 A That just means you know the source of where it
4 came from. You know the name and the identity of
5 the person who is leaving those behind. It's that
6 typical rolled fingerprint. Lot of times, we get
7 them for jobs or -- for like my job, I had to be
8 fingerprinted for my job -- and for licensing and
9 then also during an arrest.

10 Q Did you have a known in this case?

11 A I was given one, yes.

12 Q And who was that from?

13 A It was Andre Tyrone Heatley, Jr.

14 Q All right. And so you compared that to the latent
15 prints you -- you compared that to latent prints?

16 A Yes, sir.

17 Q And latent prints, again, are prints that are left
18 behind?

19 A Right. So latent is just kind of an umbrella term
20 that we use for any kind of crime scene
21 fingerprints. Latent means unseen. So typically
22 we have to put some powder on it like you've
23 probably heard some other people testify to today.
24 But you have other prints that you might be able to
25 see that could be left behind in blood or oil or,

1 you know, I jokingly say something like Dorito
2 dust. And then you have another kind of print that
3 is called a plastic print, which is a 3D print of
4 your ridges. And that's something like you would
5 see in like Play-Doh.

6 Q Just begin and tell us about the -- starting with
7 the first latent print you analyzed.

8 A Sure. So we have -- I was given 11 latent print
9 cards to look at. And on those latent print cards,
10 we identified some, I believe it was 15 individual
11 latent prints that we came to a conclusion on. The
12 way we number our cards is just L for latent and 1,
13 first one is 1. And then we subnumber the latent
14 prints on that cards .1 and .2. So if I have a
15 latent print card that has two individual latent
16 prints on it, those latent prints will be L-1.1 and
17 L-1.2, just to give you an idea of what I'm about
18 to say.

19 So in this case, of the 15 prints that I came
20 to a conclusion on, L-1.1 was inconclusive. I
21 couldn't come to a conclusion. There was
22 insufficient ridge detail on it for me to make a
23 conclusion of whether or not Mr. Heatley had left
24 that print.

25 Q So basically you can't tell if Mr. Heatley or

1 anyone else left that print, you wouldn't be able
2 to tell?

3 A I can't tell that Mr. Heatley left it. It could be
4 that if I have another print, I might be able to
5 look at it and come to a conclusion about it.

6 Q All right. Tell us about L-2.1.

7 A L-2.1 was not made by Mr. Heatley.

8 Q All right. On L-2.1, can you tell us what you have
9 listed as the origin of that latent print?

10 A Sure. So what I use in my report is what's written
11 on the back side of the latent print card. And
12 this one was -- it read, SC tag KDK[REDACTED], rear
13 passenger side window -- excuse me, door window
14 interior top middle .and that was lifted by
15 Investigator Schroder.

16 Q Thank you. Tell us about L-3.

17 A L-3 had three individual latent prints on it, so
18 it'll be L-3.1, L-3.2, L-3.3. And it came from the
19 SC tag KDK[REDACTED], rear driver's side exterior door
20 above the door handle, also lifted by Investigator
21 Schroder. And in that case, L-3.1 was of no value.
22 I'll never be able to come to any kind of
23 conclusion on that one. L-3.2 and L-3.3 were both
24 inconclusive.

25 Q And L-4?

1 A So L-4 had two individual latents on it. And it
2 was listed as having come from SC tag KDK[REDACTED], rear
3 driver's side door window interior small glass,
4 also lifted by Investigator Schroder. And I
5 determined that both L-4.1 and L-4.2 were of no
6 value.

7 Q So, again, you wouldn't be able to analyze those?

8 A No, sir.

9 Q L-5?

10 A L-5 had just a single latent that we looked at and
11 it came from the rearview mirror, Ford Fusion WHI,
12 which is the abbreviation we use for white, SC
13 JJX[REDACTED], Marker E. It was lifted by Investigator
14 Holt. And I determined that that print was made by
15 Mr. Heatley's left thumb.

16 Q All right. Continue.

17 A L-6.1 was listed as having come from the rearview
18 mirror of the Ford Fusion, white, SC JJX[REDACTED], Marker
19 E, also lifted by Investigator Holt. And L-6.1 was
20 of no value.

21 L-7.1 -- I'm sorry, L-7 had a single latent on
22 it. And that latent came from the gear shifter,
23 Marker D, Ford Fusion, white, SC JJX[REDACTED], Marker F,
24 lifted by Investigator Holt. And I determined that
25 that was made by Mr. Heatley's right palm.

1 L-8.1 came from the exterior rear passenger
2 door area, Ford Fusion, white, SC JJX[REDACTED], Marker A,
3 lifted by Investigator Holt. And it was
4 inconclusive.

5 L-9.1 came from the interior front passenger
6 door of a Ford Fusion, white, SC JJX[REDACTED], Marker A,
7 Investigator Holt, and it's of no value.

8 L-10 had two individuals latents that we
9 looked at on it. It came from the interior, the
10 interior rear passenger side door in the Ford
11 Fusion, white, SC JJX[REDACTED], Marker B, lifted by
12 Investigator Holt. And both L-10.1 and L-10.2 were
13 inconclusive.

14 And then the final one we have is L-11.1 from
15 the interior door frame driver's side rear door
16 Ford Fusion, white, SC JJX[REDACTED], Marker C, lifted by
17 Investigator Holt. And it was, likewise,
18 inconclusive.

19 Q And so basically the three determinations you make
20 in this report is they were of no value, they were
21 inconclusive, or you know for a fact that they were
22 not made by Mr. Heatley?

23 A Right. The three conclusions we can come to are an
24 identification, an exclusion, or inclusive.

25 Q So tell us the things that result when you examine

1 the fingerprint that's an inconclusive finding.

2 A I'm sorry, I'm not sure I understand what you're
3 asking.

4 Q So if you're looking at -- if you're analyzing a
5 print and your result is inconclusive, what are
6 some of the factors that lead to that?

7 A Okay. So it could be that what we see is one of
8 the basic pattern types. We see a fingerprint and
9 we can see a pattern type. There are three basic
10 pattern types: A looping formation, a whirl
11 formation, and an arch. And if we can -- if we can
12 look at a fingerprint card and say they have none
13 of those same pattern types, we know that person
14 couldn't have left that fingerprint behind.

15 Likewise, if we see the pattern type, but we
16 can't see any of the small -- the minute details,
17 what we call the minutia points, if we can't see
18 those, we can't come to a determination. But
19 because the pattern is similar, we can't say that
20 that individual didn't leave it behind, so we have
21 to come up with inclusive.

22 Sometimes you might have enough of these
23 minute points, these minutia points in common, but
24 maybe not enough that rise to the level to meet
25 what I -- make me believe without any doubt that it

1 was made by the same source, then I would call it
2 inconclusive.

3 And, again, sometimes, it's just the basic
4 pattern type. Sometimes they'll have the same
5 pattern type and you just won't be able to tell.

6 Q Tell us those three pattern types again.

7 A They are a loop, which is a formation that starts
8 on one side of the finger, rises up, it kind of
9 arches around and comes back and ends -- it exits
10 out the same side of the finger.

11 You have the whirl formation, which is just
12 what it sounds like. It is almost like -- most of
13 them are concentric circles.

14 And then you have an arch formation, which has
15 the ridges starting on one side of the print, kind
16 of rising in the middle, and then going back down
17 and exiting out the other side of the finger.

18 Q All right. So just hypothetically, if Mr. Heatley
19 had a loop and when you looked at some of these
20 prints and saw a whirl pattern, then you would be
21 able to exclude him as?

22 A If Mr. Heatley had nothing but whirls on his
23 fingers and we had a looping formation, then, yes,
24 he would be excluded.

25 Q All right.

1 MR. FYALL: Beg the Court's indulgence.

2 (Pause.)

3 BY MR. FYALL:

4 Q I think I just skipped something. You talked about
5 L-1. Can you tell us the origin of that latent
6 print?

7 A Yes. That is listed as having come from a
8 9-millimeter -- excuse me, 9-millimeter magazine,
9 and was lifted by Investigator Lee.

10 Q And that was inconclusive?

11 A Yes, sir.

12 MR. FYALL: No further questions.

13 THE COURT: Yes, sir. Cross-examination.

14 CROSS-EXAMINATION

15 BY MR. O'NEIL:

16 Q Investigator, just so we're clear, just clear up
17 the fact that Item 1.1 was the 9-millimeter
18 magazine, correct?

19 A Yes, sir.

20 Q And Item 2.1 essentially through 4.2 all refer back
21 to the Honda Civic 2012 tag KDK[REDACTED]?

22 A It is L-2 through L-4, yes.

23 Q L-2 through L-4 all from the vehicle -- you may not
24 have it on your documentation, but it all come from
25 the vehicle that was owned by the victim, correct?

1 A That, I don't know. I know that it is -- it came
2 from a vehicle that had vehicle license KDK[REDACTED].

3 Q And that's a Honda Civic? So we all on the same
4 page, correct?

5 A I don't know that.

6 Q You don't get the make of the car, you just get the
7 license tag?

8 A That's right. I don't even get that. I just get
9 the latent.

10 Q So we know it's license tag KDK[REDACTED]. We'll put that
11 together later on. But let's go back to one here.
12 On 1.1, this 9-millimeter magazine, you said that's
13 inconclusive?

14 A Yes, sir.

15 Q And you said there are a couple of different
16 reasons for inconclusive?

17 A Sure.

18 Q What's the reason for being inconclusive on Item
19 1.1?

20 A What we call this was insufficient ridge detail,
21 which just means that we didn't have enough of
22 those minutia points to come to a conclusion.

23 Q So you had Mr. Heatley's fingerprint here, you had
24 a known sample from Mr. Heatley?

25 A Yes, sir.

1 Q And you compared it against the sample you had from
2 the 9-millimeter magazine?

3 A Yes, sir.

4 Q You didn't have -- not enough known facts to make a
5 determination, is that fair enough to say?

6 A Yes.

7 Q Okay. Item 2.1, what was that item?

8 A 2.1 was from that vehicle license KDK [REDACTED], the rear
9 passenger's side door window interior top middle.

10 Q Okay. Inside of the back passenger side?

11 A I'm sorry, all I have is what's written on the
12 card, so I really don't have any frame of reference
13 for it.

14 Q You said that was comparable, but it just didn't
15 match Mr. Heatley?

16 A That's correct.

17 Q Did you further -- did you do any further
18 investigation to see who that fingerprint did
19 match?

20 A So -- I did not, no.

21 Q So we know we have a fingerprint on the inside rear
22 of the vehicle here at some point, but we don't --
23 you did not do any further investigation to see who
24 it matched?

25 A I did not.

1 Q But we know it didn't match Mr. Heatley?

2 A That's correct.

3 Q And then 3.1 was no value?

4 A Yes.

5 Q 3.2 and 3, why were those two inconclusive?

6 A Again --

7 Q Same?

8 A -- insufficient ridge detail.

9 Q And then Items 4.1 and 4.2, didn't have any value
10 at all?

11 A That's correct.

12 Q And then the items that did match Mr. Heatley were
13 Items 5 and 7.1, all came from the Ford Fusion car?

14 A Yes, sir.

15 Q And you probably don't have -- that's all the
16 details you had about that car?

17 A Everything -- what I read about the description is
18 everything I have on it.

19 Q And we'll put that together later on, but it came
20 from a different vehicle than Items 2.1 through
21 4.2?

22 A It appears so, yes.

23 Q And there is -- there was a fingerprint on Item 9.1
24 that came from the rear door -- or was that no
25 value? 9.1 was no value?

1 A It was no value.

2 Q But 10.1 and 10.2 and 11.1 were all inconclusive?

3 A Yes, sir.

4 MR. O'NEIL: Beg the Court's indulgence, Your
5 Honor.

6 THE COURT: Yes, sir.

7 (Pause.)

8 BY MR. O'NEIL:

9 Q Just to be absolutely clear, there were no
10 fingerprints that matched Mr. Heatley that were
11 associated with anything lifted from the car tag
12 number KDK [REDACTED], correct?

13 A That's correct.

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

15 THE COURT: Anything else?

16 MR. FYALL: No, ma'am.

17 THE COURT: All right, ma'am, you may step
18 down.

19 (Witness steps down.)

20 THE COURT: Any objection to this witness
21 being excused?

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

23 (Witness excused.)

24 THE COURT: I think we are ready for our
25 afternoon break. The afternoon break sometimes is

1 one that's needed the most and maybe they have some
2 chocolate or something back there for you. We'll
3 take about ten minutes and then we'll come back in
4 shortly.

5 All right. Thank you. Please do not discuss
6 the case.

7 (WHEREUPON, the jury retires to the jury
8 room at 4:03 p.m.)

9 THE COURT: Just as a reminder, I know some of
10 you may not have been yesterday or the day before,
11 but we wait until the jury leaves before we all
12 stand up and get ready to leave out, for those of
13 you who were not there.

14 I'll try to remind or make a statement
15 regarding that in the morning, but for those of you
16 who have been here, if you can help me out and let
17 them know that we cannot leave until after the jury
18 leaves.

19 All right. Thank you. We'll take about ten
20 minutes.

21 MR. GOLDBERG: Judge, I'm sorry, before we go,
22 I've been advised -- I haven't laid eyes on him
23 myself, but I've been advised the witness who would
24 be the subject of an in camera exchange regarding
25 conversations with the victim is actually here. So

1 if you want to take that up during the break while
2 they're out.

3 THE COURT: Yes.

4 MR. GOLDBERG: I've got to make sure that he
5 is here, but I've been told that he is.

6 THE COURT: All right. We'll take five
7 minutes since they're taking ten.

8 (WHEREUPON, a break was taken.)

9 THE COURT: All right.

10 MR. GOLDBERG: Your Honor, per our previous
11 engagements, if you will, regarding prior contact
12 with the victim, the State's next witness would
13 intend to be Reno Jordan, and we are prepared to
14 proffer his testimony at this time.

15 MR. O'NEIL: Your Honor, before we start, can
16 the State let us know which part of the witness
17 statement they intend to introduce so we can focus
18 on it precisely here.

19 MR. GOLDBERG: I can tell you that based on my
20 conversations with him, what was relayed to me was
21 that while Mr. Jordan was at work in Walmart -- he
22 was the loss prevention officer -- he came in
23 contact with Ms. Roach and other employees of the
24 store. They were all standing around talking on
25 the night in question. And as they were doing so,

1 people were just talking about what was going on.

2 And according to him, Ms. Roach said that she
3 was going to meet up with her boyfriend. And
4 Mr. Jordan's response to her was, Don't go.

5 And when I asked him what her reaction to that
6 was, he said that she kind of laughed it off. He
7 said that other people standing there made comments
8 and certainly we would not try to elicit from him.
9 And that's about it, really.

10 MR. O'NEIL: Mr. Goldberg might have
11 misquoted. He said boyfriend.

12 MR. GOLDBERG: That is what he told me. I
13 spoke accurately based on what he told me.

14 THE COURT: So are you objecting to that?

15 MR. O'NEIL: Not if that's what he said.

16 THE COURT: Let's hear it. Let's hear it.
17 Because earlier I think what you said and maybe
18 when we were at the bench is that -- when we were
19 talking about the cases -- when we were talking
20 about the cases, I thought -- and even the cases he
21 handed up to me said they can testify as to where
22 the victim went, but they just couldn't get into
23 why.

24 MR. O'NEIL: Can the witness step out for a
25 second?

1 THE COURT: Well, let's just hear him, then we
2 can talk about it.

3 (Witness approaches.)

4 THE BAILIFF: Place your left hand on the
5 Bible, and raise your right hand, please.

6 (Witness complies.)

7 THE CLERK: Do you swear or affirm the
8 testimony you are about to give in this case will
9 be the truth, the whole truth, and nothing but the
10 truth, so help you God?

11 THE WITNESS: Yes.

12 THE CLERK: Thank you. Have a seat in the
13 witness stand, please.

14 (Witness seated.)

15 THE COURT: State your name for the record.

16 THE WITNESS: Reno Jordan.

17 RENO JORDAN,
18 after being duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. GOLDBERG:

21 Q Mr. Jordan, on January the 28th of 2016, where were
22 you employed?

23 A I'm sorry?

24 Q On January 28th, 2016, where were you employed?

25 A Walmart Two Notch Road.

1 Q Walmart Two Notch Road. What was your job there?

2 A Loss prevention.

3 Q And at some point that evening -- did you know

4 Deanndra Roach?

5 A Yes, I knew her.

6 Q She worked in the store also?

7 A Yes.

8 Q At some point that evening, did you come in contact
9 with her?

10 A Yes, at the end of the night.

11 Q End of the night. And who all was standing around
12 when you talked to her?

13 A Just a bunch of us employees. Some of us was
14 getting off and some of us was just hanging around
15 to talk.

16 Q Okay. And what, if anything, did Ms. Roach say to
17 you about what she was doing when she got off work?

18 A She just told me she was going to meet her
19 boyfriend.

20 Q She said she was going to meet her boyfriend.

21 A (Nods affirmatively.)

22 Q Do you know who that is?

23 A I don't know him.

24 Q Don't know any names?

25 A No.

1 Q Or anything. In response to her saying she was
2 going to meet up with her boyfriend, what did you
3 say to her?

4 A I told her don't go.

5 Q And what was her reaction to that?

6 A She kind of laughed it off, brushed it off, and,
7 you know, that was that.

8 Q And did you have any other conversation with her
9 after that point in the night?

10 A No, that was the last time I talked to her.

11 MR. GOLDBERG: Your Honor, for purposes of
12 this hearing, that's all.

13 THE COURT: Cross-examination?

14 MR. O'NEIL: Just briefly.

15 CROSS-EXAMINATION

16 BY MR. O'NEIL:

17 Q And, Mr. Jordan, I want to be absolutely clear
18 because this is important. You heard Ms. Roach say
19 she was going to meet her boyfriend?

20 A (Nods affirmatively.)

21 Q You have to say yes or no?

22 A Yes.

23 Q Not her ex-boyfriend?

24 A No.

25 Q Boyfriend?

1 A Boyfriend.

2 MR. O'NEIL: Okay. That's all I have.

3 THE COURT: All right. Anything else?

4 MR. GOLDBERG: No, ma'am.

5 THE COURT: You can step down, sir.

6 (Witness steps down.)

7 THE COURT: I'll be glad to hear any motions
8 or anything.

9 MR. O'NEIL: The original information Mr.
10 Goldberg stated, he said ex-boyfriend. I just want
11 to make -- because what Mr. Goldberg sent me was
12 different than what he just said. I just wanted to
13 make sure we're on the same page. That's why I
14 thought you misspoke.

15 I just wanted to make sure. When me and
16 Mr. Goldberg spoke about it earlier, the impression
17 I got was that Mr. Goldberg was saying that the
18 victim was going to meet with her ex-boyfriend,
19 but -- I mean, he's cleared that up, that's not
20 what he told me and Mr. Jordan has cleared up
21 that's not what she said. So if that's what he's
22 going to say, I don't object to that.

23 THE COURT: All right. Bring the jury in.

24 Well, before we bring them in. It's 4:33.

25 He's obviously not going to be up very long. Do

1 you have somebody after that?

2 MR. GOLDBERG: Yes, ma'am. We can call --
3 there's two more witnesses other than him that are
4 here ready to go that would not be that extensive,
5 depending on cross. One is Mr. Stokes, Shanard
6 Stokes.

7 MR. O'NEIL: Short.

8 MR. GOLDBERG: Short. And then the pawn shop
9 owner.

10 MR. O'NEIL: Shorter.

11 MR. GOLDBERG: So I think we should be able to
12 do it.

13 THE COURT: All right. Of course, we don't
14 want to put the investigator up today.

15 MR. GOLDBERG: No, ma'am. No, I wouldn't do
16 that to anybody.

17 MR. O'NEIL: One more thing, Your Honor.

18 THE COURT: Yes, sir?

19 MR. O'NEIL: I want to -- need to completely
20 proffer exactly what he's going to say if he said
21 something additional to that as well. I just
22 wanted to make sure.

23 THE COURT: What did he say?

24 MR. O'NEIL: Can we approach, Your Honor? I
25 just want to make sure we're on the same page.

1 (WHEREUPON, a bench conference was
2 held.)

3 THE COURT: Do we need to call him back?

4 MR. GOLDBERG: That's fine.

5 (Witness returns to witness stand.)

6 EXAMINATION IN CAMERA

7 BY MR. GOLDBERG:

8 Q All right, Mr. Jordan, just to go back through it
9 briefly. Deandra told you that she was going to
10 meet up with her boyfriend?

11 A Uh-huh.

12 Q And you told her what?

13 A Not to go.

14 Q Why did you tell her that?

15 A Well, Deandra had told us in the past that she had
16 been having problems with him, that he had been
17 beating on her and he had shot at her a couple of
18 times, and stuff like that. And, you know, that's
19 why I told her wasn't no need in going if you was
20 already having problems with him like that. If he
21 was beating on you or shooting at you, why would
22 you want to fool with somebody like that.

23 Q Now, you tell me, when I -- when we met with you
24 before and I asked you about this and you were
25 telling me about this exchange, did you tell me

1 that -- when I asked you, Well, you know, why did
2 you tell her not to go, you said because she was
3 always so negative about him?

4 A Uh-huh.

5 Q I mean, is that what you were describing?

6 A Yes.

7 Q Is that kind of what you were talking about?

8 A (Nods affirmatively.)

9 MR. GOLDBERG: That's all I have.

10 THE COURT: Any --

11 MR. GOLDBERG: I mean, obviously we're not
12 going to have him say all of that about shooting
13 and beating.

14 THE COURT: Well, that's not going to be
15 admissible.

16 MR. GOLDBERG: No, of course not. But it
17 would be offered in the limited capacity of, What
18 did you tell her? I told her not to go. Why did
19 you tell her that? And it wouldn't be about those
20 other things, it would be limited -- I suppose it
21 would be limited to him saying that she always
22 talked negative about him.

23 MR. O'NEIL: Your Honor, based off my
24 discussion with my client and the bench conference,
25 I think at this point I would object to his

1 testimony coming in as it being hearsay and not
2 being a proper statement as it relates to
3 Declarant's state of mind here. I think I cited
4 State v. Hughes here, it's a 2017 case here. It's
5 419 S.C. 149.

6 And I think the requisite language in Hughes
7 talks about this idea -- on Page 4 of the decision,
8 it talks about this idea that our Supreme Court has
9 held that while the present state of Declarant's
10 mind is admissible as an exception of hearsay, the
11 reason for the Declarant's state of mind is not,
12 and it cites State v. Garcia. The opinion goes on
13 to say that the Court cautions that if the
14 reservation in the text of the rule is to have any
15 effect, it must be understood to merely limit those
16 admissible statements to declarations of condition,
17 i.e., I'm scared, and not belief, i.e., I'm scared
18 because of someone threatening me.

19 So based off that interpretation, when I look
20 at Griffin -- I look at Garcia, the decision in
21 Griffin appears that could actually might be dicta
22 because I think in Griffin, the Court talks about
23 the fact that those statements were admissible on
24 other grounds and that other witnesses had already
25 testified to the information and the Defendant in

1 Griffin objected to that testimony that it was
2 basically that evidence had already come in. I
3 think the decision in Griffin, the case the Court
4 referenced earlier, is actually based on other
5 grounds other than 803 ground, that decision was
6 based on other grounds that the statement of the
7 victim in that case was cumulative, the evidence
8 had already come in, and that Mr. Griffin would be
9 so prejudiced.

10 So based off that, I would object to that
11 testimony coming in and that it constitutes
12 impermissible hearsay.

13 THE COURT: Your response?

14 MR. GOLDBERG: My response would be just based
15 on the previous arguments citing the Griffin case,
16 we believe it qualifies as an exception.

17 THE COURT: All right. So in reading Hughes
18 -- let me put the cites on there. 796 S.E.2d 174,
19 Garcia, 334 S.C. 71, and Griffin 339 S.C. 74.
20 Actually, Griffin was -- Garcia was in '99, Griffin
21 was in 2000, and Hughes in 2007.

22 And they all three say that the state of mind
23 is admissible under hearsay exception 803(3). And
24 they all say but the reason is not.

25 For that reason, I will allow him to testify

1 that she was negative about him, but he cannot get
2 into any testimony regarding anybody beating
3 anybody or shooting anybody. That would fall along
4 the same lines as fear and why we were fearful.

5 MR. O'NEIL: I just want to point out for the
6 court record here, if the statement that she was
7 always so negative about him, that is past tense,
8 that is not the then state of mind, that is a
9 previous state of mind. I think the testimony is
10 that she was, past tense, always negative about
11 him. That's not her then state of mind.

12 THE COURT: Let me look at the rule.

13 MR. O'NEIL: I think if you look at the rule,
14 it actually says not including a statement of
15 memory or belief to prove the fact remembered or
16 believed.

17 THE COURT: It does say then existing state of
18 mind. I will be glad to hear from the State
19 regarding that. It says existing state of mind.

20 MR. FYALL: It was her existing state of mind
21 when he told her, Your Honor. When he told her --
22 when she told him that the Defendant shot at her,
23 her state of mind at that point was negative.
24 We're not going into the instance when she told him
25 that, we're just going -- we're accumulating all of

1 those individual statements up, he shot at her, he
2 threatened her, all that up into, she was always so
3 negative about him. Each of those individual
4 statements that she said to him was her state of
5 mind at that time.

6 MR. O'NEIL: Your Honor, I was not an English
7 major in college, but I think that the word *was*, in
8 my opinion, is past tense.

9 THE COURT: The word *was*?

10 MR. O'NEIL: What I have is, he said they were
11 all standing around talking at work and she said
12 she was going to meet with her, now said boyfriend.
13 He told her not to go because she *was* always so
14 negative about him. Not that she was negative
15 about him now, that she *was* always so negative
16 about him, which in my limited knowledge of the
17 English language indicates a past tense belief on
18 the victim's part.

19 MR. FYALL: I think, Your Honor, the fact that
20 she was going to see him is one thing. That's
21 past. That is her intent at that time. Her being
22 negative about him was her intent at the time she
23 gave him those statements. It's hearsay. It's
24 always something that someone said in the past.
25 The analysis is when they said that in the past,

1 what was their state of mind when they said it.
2 When she said, He shot at me, at that time that was
3 negative. At the time that she told him that he
4 threatened her, at that time it was negative. It's
5 about the state of mind at the time she made those
6 statements to him.

7 Those are two separate issues. Her state of
8 mind going to see him, that's one issue. That's
9 her state of mind when she's leaving Walmart.

10 THE COURT: And that's where 803(3) falls in.
11 But the question -- what he's saying is it is the
12 then existing -- and the reason I'm allowing that
13 in is because the case law says the then existing,
14 and it's referring to her plan -- I mean, it
15 specifically says it would be the Declarant -- it
16 would be her intent, her plan.

17 What he is saying is that -- which I'm not
18 even sure if it's hearsay, but what you've asked
19 him is, Why are you saying this?

20 MR. FYALL: His motive behind telling her not
21 to go.

22 MR. O'NEIL: Your Honor, this witness says --
23 the plain reading of what the witness said was that
24 he told her not to go because she, meaning the
25 victim, was always so negative about him, meaning

1 that in the past, the victim had told him things
2 that were negative about the boyfriend. So he said
3 don't go because she was always so negative about
4 him. Not that she was saying negative things about
5 him at that moment. His statement was that don't
6 go because she was always so negative about him,
7 meaning she had made prior statements about him
8 that was negative. Those prior statements --
9 there's no evidence that those prior statements was
10 a then existing state of mind. By definition --

11 THE COURT: But I think now the question is
12 you've got to go back and look at his -- 803(3)
13 allows him to say what her existing state of mind,
14 what she was doing. She was going to see her
15 boyfriend. That's the exception to that hearsay.

16 Then, now, the second part of the question is,
17 he says the reason she -- the reason he said what
18 he said was because she's always so negative about
19 him. So I'm trying -- is that hearsay or is
20 that --

21 MR. FYALL: I would think it is hearsay, Your
22 Honor. That's his motive for saying what he said.
23 In the sense that you would even agree that it's
24 hearsay, it is based -- you have to bifurcate these
25 issues. He said she told him at one point that he

1 shot at her. The question is, when she told him,
2 He shot at me, was she being negative towards him
3 at that point in time? And the answer is yes. He
4 can't testify, He shot at me, that he told her
5 that, but he can testify to her feelings towards
6 him at the time he told her he shot at her.

7 MR. O'NEIL: Well, that's not what he's
8 testifying to. He's testifying to --

9 MR. FYALL: Because he can't.

10 MR. O'NEIL: -- that he told her not to go
11 because she was always so negative about him. Not
12 that she was negative about him at that moment, the
13 past tense, she was always so negative about him.

14 THE COURT: All right. I'm going to allow him
15 to testify to what he said, where she told him she
16 was going. I'm not going to ask him why -- allow
17 him to answer the question as to why he felt that
18 way, because I think it gets into past
19 conversation. Even though she wasn't saying what
20 she was negative about or what the problems were, I
21 think he testified today he said they had always
22 had problems, it gets into previous behaviors and I
23 think you're on a fine line right there. So I'm
24 going to allow, I guess, the first part of the
25 testimony that you proffered, and then he can

1 testify as to what he told her.

2 All right? All right.

3 Are you clear, sir, or have I confused you?

4 THE WITNESS: I'm good.

5 THE COURT: All right. You can bring the jury
6 back in.

7 (Witness steps down.)

8 (WHEREUPON, the jury came into open
9 court at 4:55 p.m.)

10 THE BAILIFF: The jury is seated.

11 THE COURT: All right. Call your next
12 witness.

13 MR. GOLDBERG: Thank you, Your Honor. The
14 State calls Reno Jordan.

15 (Witness approaches.)

16 THE BAILIFF: Place your left hand on the
17 Bible, and raise your right hand, please.

18 (Witness complies.)

19 THE CLERK: Do you swear or affirm the
20 testimony you are about to give in this case will
21 be the truth, the whole truth, and nothing but the
22 truth, so help you God?

23 THE WITNESS: Yes.

24 THE CLERK: Thank you. Have a seat in the
25 witness stand, please.

1 (Witness seated.)

2 THE CLERK: State your name for the record.

3 THE WITNESS: Reno Jordan.

4 RENO JORDAN,
5 after being duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. GOLDBERG:

8 Q Mr. Jordan, where are you from?

9 A Sumter.

10 Q And how long did you live in Sumter? Did you grow
11 up there?

12 A (Nods affirmatively.)

13 Q Yes?

14 A Yes.

15 Q Did you move from Sumter anywhere else?

16 A To Columbia.

17 Q And when did you do that?

18 A 2001.

19 Q Okay. And where did you go to high school?

20 A Lower Richland.

21 Q All right. And back in January of 2016, where were
22 you working?

23 A Walmart Two Notch Road.

24 Q Walmart Two Notch Road. And what was your job
25 there at Walmart?

1 A Loss prevention.

2 Q What does loss prevention mean?

3 A You go around the store and make sure people are
4 not stealing, and stuff like that.

5 Q Okay. And while you were employed at the Walmart,
6 did you come to know a Deanndra Roach?

7 A Yes.

8 Q How did you know her?

9 A Just walking around the store joking, laughing,
10 stuff like that.

11 Q Okay. On the night of January 28th, 2016, did you
12 see Deanndra at work that night?

13 A Yes, in the lobby of Walmart.

14 Q Okay. And without going into what was said at this
15 point, did you speak to her?

16 A Uh-huh, always.

17 Q And was it just the two of you?

18 A No, it was a crowd of us.

19 Q A crowd of you?

20 A (Nods affirmatively.)

21 Q Were they customers or co-workers?

22 A Co-workers.

23 Q All right. And was this towards the beginning of
24 the day or the end of the day?

25 A End of the day.

1 Q And how do you remember that?

2 A I just remember the night she clocked out. I was
3 up front.

4 Q Okay. And where did Ms. Roach, if anywhere, tell
5 you that she was going that night when she left
6 work?

7 A To see her boyfriend.

8 Q To see her boyfriend?

9 A (Nods affirmatively.)

10 Q What was your response to her?

11 A I told her not to go.

12 Q You told her not to go. And did she ultimately
13 leave work that night?

14 A She left.

15 Q Did you ever see her at work again after that?

16 A No.

17 MR. GOLDBERG: All right. Thank you. That's
18 all I have.

19 CROSS-EXAMINATION

20 BY MR. O'NEIL:

21 Q Mr. Jordan, I want to be absolutely clear about one
22 thing. Ms. Roach told you she was going to see her
23 boyfriend?

24 A Yes.

25 Q Current boyfriend?

1 A Current boyfriend.

2 Q Not ex-boyfriend?

3 A No.

4 Q How sure are you that she said she was going to see
5 her current boyfriend?

6 A That's what she told me.

7 Q If you had to put a percentage on that, how sure
8 would you be?

9 A I mean, I don't know anything about her and her
10 relationship, I'm just telling you what she told
11 me, that she was going to see her boyfriend.

12 Q How certain are you that that's what you heard her
13 say?

14 A I'M very certain.

15 Q A hundred percent certain?

16 A (Nods affirmatively.)

17 Q You have got to say yes or no for the court
18 reporter.

19 A Yes.

20 Q A hundred percent certain that she said her current
21 boyfriend?

22 A Uh-huh, yes.

23 Q Yes?

24 A (Nods affirmatively.)

25 MR. GOLDBERG: That's all I have.

REDIRECT EXAMINATION

BY MR. GOLDBERG:

Q Did you hear her say the word current, the actual word current?

A No.

Q No. What was the actual word that she used?

A She just said she was going to see her boyfriend.

Q Okay. So when Mr. O'Neil says current boyfriend, those are his words, not yours, correct?

A Yes.

Q You didn't hear her say the word current?

A No.

Q Do you know what her boyfriend's name was at the time?

A I don't know his name.

MR. GOLDBERG: Thank you.

THE COURT: All right, sir, you may step down.

Any objection to this witness being excused?

MR. O'NEIL: No, Your Honor.

(Witness steps down and is excused.)

THE COURT: Call your next witness.

MR. FYALL: The State calls Eddie Rogers.

(Witness approaches.)

MR. FYALL: Your Honor, may I approach?

(WHEREUPON, a bench conference was held

1 in the presence of the jury, but outside
2 the hearing of the jury.)

3 THE BAILIFF: Place your left hand on the
4 Bible, and raise your right hand, please.

5 (Witness complies.)

6 THE CLERK: Do you swear or affirm the
7 testimony you are about to give in this case will
8 be the truth, the whole truth, and nothing but the
9 truth, so help you God?

10 THE WITNESS: I do.

11 THE CLERK: Thank you. Have a seat in the
12 witness stand, please.

13 (Witness seated.)

14 THE CLERK: State your name for the record.

15 THE WITNESS: Edward Rogers. I'm manager at
16 Best Deal Pawn & Gun.

17 EDWARD ROGERS,
18 after being duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. FYALL:

21 Q Mr. Rogers, you said you're the manager at Best
22 Deal & Pawn?

23 A That's correct.

24 Q All right. How long you been a manager there?

25 A Fifteen years.

1 Q Are you in charge of maintaining the records at
2 Best Deal & Pawn?

3 A Yes.

4 Q Do you also have control over the surveillance
5 video over there?

6 A I do.

7 Q Let me show you State's 213 and 212. Do you
8 recognize those?

9 A I do.

10 Q What are they?

11 A It's thumb drive and video of the shops.

12 Q All right. These are from your shop?

13 A That's Best Deal, right.

14 Q Can you tell us what's on this thumb drive?

15 A On that one is copies of the 4473, the federal form
16 for background check, sales receipts, copies.

17 Q All right. And 213 is the video?

18 A Video, sales receipts, ID.

19 Q Thank you.

20 MR. FYALL: Your Honor, at this time the
21 State's offers 212 and 213 into evidence.

22 THE COURT: Any objection?

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

24 (WHEREUPON, State's Exhibit No. 212 was
25 marked for identification and received

1 into evidence.)

2 (WHEREUPON, State's Exhibit No. 213 was
3 marked for identification and received
4 into evidence.)

5 BY MR. FYALL:

6 Q Item 212, I show you this real quick. What is
7 this?

8 A That is a -- one of the presales slips. I believe
9 that is the first one, when he put it on layaway.

10 Q When you say he put it on layaway, who are you
11 talking about?

12 A Mr. Heatley.

13 Q Mr. Heatley? I'm going to show you the second
14 document. What is that?

15 A That is the final layaway payment receipt.

16 Q What does that mean?

17 A He came in and paid \$255 and finished paying it off
18 of layaway.

19 Q What type of weapon was purchased?

20 A It is a High Point 9-millimeter Carbine. It's a
21 rifle, semi-automatic.

22 Q All right. And you say this is the --

23 A That's the first part of the federal background
24 check. You fill out the form, answer the
25 questions. That's the first page.

1 Q Again, whose name is on that form?

2 A Mr. Heatley.

3 Q All right. And, finally, can you tell us what this
4 document is?

5 A When we do a gun sale, we get an ID of whoever is
6 purchasing it and we scan it, keep a copy of it.
7 And then the top part there is the paperwork
8 received from the NICS Department saying proceed.

9 Q And that's just an enlarged copy?

10 A Right.

11 Q All right. And this last page here shows the date
12 he made the final payment?

13 A Right. The first payment was the 20th, the final
14 payment would be the 26th.

15 Q Thank you, sir. Can you tell us what this is?

16 A That is when he had picked it up, it was on the
17 27th. It's a video of the counter he had went to.

18 Q All right. And on the counter there, what is that?

19 A That's the Carbine, the High Point Carbine.

20 MR. FYALL: Thank you very much.

21 Nothing further, Your Honor.

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

23 THE COURT: All right, sir, you may step down.

24 Any objection to this witness being excused?

25 MR. FYALL: No, ma'am.

1 (Witness steps down and is excused.)

2 THE COURT: Call your next witness.

3 MR. GOLDBERG: The State calls Shanard Stokes.

4 (Witness approaches.)

5 THE BAILIFF: Place your left hand on the

6 Bible, and raise your right hand, please.

7 (Witness complies.)

8 THE CLERK: Do you swear or affirm the

9 testimony you are about to give in this case will

10 be the truth, the whole truth, and nothing but the

11 truth, so help you God?

12 THE WITNESS: Yes.

13 THE CLERK: Have a seat in the witness stand,

14 please.

15 (Witness seated.)

16 THE CLERK: State your name for the record.

17 THE WITNESS: Shanard Stokes.

18 SHANARD STOKES,

19 after being duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. GOLDBERG:

22 Q Mr. Stokes, good afternoon.

23 A How you doing?

24 Q Mr. Stokes, where are you from?

25 A Columbia, South Carolina.

1 Q And were you born in Columbia?

2 A Yes, sir.

3 Q And what part of town did you grow up in?

4 A Irmo side, then moved to northeast side.

5 Q Northeast side? Make sure you talk loud enough
6 that everybody can hear you.

7 A Okay.

8 Q And where did you go to school?

9 A Westwood and Blythewood High School.

10 Q Where did you graduate from?

11 A I graduated from Westwood in 2015.

12 Q 2015?

13 A (Nods affirmatively.)

14 Q And after high school, what did you do?

15 A I went to college in North Carolina, played
16 football.

17 Q What school?

18 A Lenoir-Rhyne in Hickory, North Carolina.

19 Q What position did you play?

20 A Linebacker.

21 Q Okay. And when did you start at Lenoir-Rhyne?

22 A I went in August of the 2015 year.

23 Q And were you attending Lenoir-Rhyne in January of
24 2016?

25 A Yes.

1 Q I guess that would have been still part of your
2 freshman year, is that right?

3 A Correct.

4 Q Okay. And how do you know Deannandra Roach?

5 A By friend association at first, and then we
6 developed a relationship.

7 Q Okay. And, in fact, there had been -- it's come up
8 a little bit previously, who is Desha Anderson?

9 A Is an ex-girlfriend of mine, during the senior year
10 of high school, probably August through
11 December-ish.

12 Q Okay. Did you know Deannandra at that time?

13 A No.

14 Q When did you meet Deannandra?

15 A Met her the summer between college -- I mean, high
16 school and college.

17 Q Okay. So that would have been the summer of 2015?

18 A Yes.

19 Q Okay. And describe your relationship with her.

20 A She was my girlfriend at the time of probably from
21 August -- from the whole time I was at Lenoir-Rhyne
22 from the fall to January.

23 Q Okay. When you say girlfriend, you were dating?

24 A Yes, we were. Yes.

25 Q And did that begin before you went to Lenoir-Rhyne?

1 A Yes. It was a slower type thing, you know.

2 Q So what kind of things were y'all doing? I mean,
3 were you --

4 A Just talking on the phone. You know, just being
5 there for each other.

6 Q Okay. And did you stay in contact with her during
7 that fall semester at Lenoir-Rhyne?

8 A Yes.

9 Q Would you call her your girlfriend at the time?

10 A Yeah, I would.

11 Q And then I want to take you to January 28th, 2016.
12 Were you at Lenoir-Rhyne then?

13 A Yes.

14 Q Was school in session?

15 A School was in session.

16 Q Okay. Did you live by yourself?

17 A I had a roommate.

18 Q What was your roommate's name?

19 A Diablo was my roommate -- I mean, I'm sorry,
20 Saheem.

21 Q Saheem. Okay. And on January 28th of 2016, did
22 you talk to -- well, at that time, were you and
23 Deannandra still boyfriend/girlfriend?

24 A Yes.

25 Q Okay. And did you have occasion to speak to her on

1 that day?

2 A Yes, I spoke to her.

3 Q How did you speak to her? What manner of
4 communication?

5 A Normally how we always were like, Hey, how you
6 doing? Oh, are you at work, you know.

7 Q I'm sorry, I don't mean what was said. I mean, was
8 it like text, phone call, Snapchat or?

9 A Oh, texts and calls.

10 Q Okay. And on the night of the 28th, were you --
11 what were you doing that night?

12 A That night, I don't remember exactly what I was
13 doing. I know was on campus in my dorm, though.

14 Q Okay. Oh, you were in your dorm?

15 A Yeah, I was.

16 Q Were you by yourself?

17 A I was with Saheem.

18 Q And did you receive a phone call from Deannadra that
19 night?

20 A Yes, I did.

21 Q Okay. And, actually, when spoken to by law
22 enforcement later, did you actually take a
23 screenshot denoting when that phone call was?

24 A Right, yes.

25 Q I want to show you what's marked as State's 214,

1 and if you can kind of describe what that is, just
2 generally.

3 A It's a screenshot of the phone call on
4 January 28th.

5 Q Okay. And does this photocopy adequately represent
6 the actual screenshot as you took it on your phone?

7 A Yes, that is.

8 Q Okay.

9 MR. GOLDBERG: Your Honor, I offer 214 into
10 evidence.

11 THE COURT: Any objection?

12 MR. O'NEIL: I just want to see it first. No
13 objection.

14 (WHEREUPON, State's Exhibit No. 214 was
15 marked for identification and received
16 into evidence.)

17 BY MR. GOLDBERG:

18 Q From the screenshot you took, can you describe who
19 the call is from, the date and the time?

20 A It is from Deannadra to me on January 28th at
21 10:16 p.m., approximately three minutes long.

22 Q Three minutes long. Okay. So you actually talked
23 to her on the phone -- well, I'm sorry, let me ask
24 you. It says three minutes. Did you actually
25 speak to her?

1 A Yes, I did.

2 Q Okay. And this says it was about a 3-minute call?

3 A Right.

4 Q Once that call concluded, did you ever have
5 occasion to speak to her again?

6 A I never spoke to her after that.

7 Q In fact, I believe it was just a few days later the
8 investigators actually came and talked to you,
9 correct?

10 A Right.

11 Q No more texts after that?

12 A No texts and no more type of communication after
13 that, no phone call.

14 Q Thank you.

15 A Thank you.

16 THE COURT: Yes, sir?

17 CROSS-EXAMINATION

18 BY MR. O'NEIL:

19 Q Mr. Stokes, you and Ms. Roach's relationship, it
20 was not secret, was it?

21 A What was that?

22 Q It was not a secret relationship?

23 A No, I wouldn't call it secret.

24 Q It was public knowledge that y'all were boyfriend
25 and girlfriend?

1 A Yes.

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

3 THE COURT: Anything else from the State?

4 MR. GOLDBERG: No, ma'am.

5 THE COURT: All right, sir, you may step down.

6 Any objection to this witness being excused?

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

8 MR. FYALL: No, ma'am.

9 (Witness steps down and is excused.)

10 THE COURT: All right. It is 5:17, and I
11 think we are ready for our evening break. We will
12 start back at 9:30 in the morning. I ask that you
13 not talk to anyone regarding the case, anything
14 that was discussed in the courtroom. Please do not
15 do any independent research about any issue in this
16 case. And we'll see you back at 9:30.

17 You all -- someone inquired earlier and I had
18 already decided that I was going -- we're going to
19 order lunch tomorrow.

20 Was it you?

21 THE JUROR: It wasn't me. I'm just laughing.

22 THE COURT: We will order lunch tomorrow for
23 you, so when you get here at 9:30, she'll have the
24 menus in the back. And so what we'll do is order
25 lunch, lunch will get here, and we'll take about 30

1 minutes to eat and keep on going. I am not
2 planning on staying -- the bailiffs -- the deputies
3 already asked me if I was staying late tomorrow
4 night, I told them no, we're not going to stay late
5 tomorrow night. So we'll try to work and get as
6 much testimony in tomorrow, but I do not anticipate
7 staying here all night on tomorrow. So if you have
8 plans, you can keep those plans.

9 All right, so we'll see you all in the morning
10 at 9:30. We'll see you a little bit later since
11 you've got to order your food, so we'll see you
12 after that.

13 Have a good evening. Thank you.

14 (WHEREUPON, the jury is excused for the
15 day at 5:19 p.m.)

16 THE COURT: We're going to wait on the jurors
17 to leave. I'll let you all leave first tonight
18 since I've been doing it the opposite way, and you
19 all can leave last. All right? So we will wait a
20 minute for the jurors to leave, to exit.

21 9:30 in the morning. Nothing we need to put
22 on the record ahead of time?

23 MR. FYALL: No, ma'am.

24 (WHEREUPON, court adjourned for the
25 evening at 5:20 p.m.)

JANUARY 25, 2019

(WHEREUPON, the proceedings began at
9:48 a.m.)

THE COURT: Are you ready?

MR. GOLDBERG: Yes, ma'am.

THE COURT: Let's bring them on in.

(WHEREUPON, the jury came into open
court at 9:48 a.m.)

THE BAILIFF: The jury is all present, Judge.

THE COURT: Good morning, ladies and gentlemen
of the jury, I hope that you had a restful evening.
At this time, we are ready to begin -- continue
with the State's case.

The State can call their next witness.

MR. GOLDBERG: Thank you, Your Honor. The
State calls J.P. Smith.

(Witness approaches.)

THE BAILIFF: Place your left hand on the
Bible and raise your right.

(Witness complies.)

THE CLERK: Do you swear or affirm the
testimony you are about to give in this case will
be the truth, the whole truth and nothing but the
truth, so help you God?

THE DEFENDANT: I do.

1 THE CLERK: Thank you. Have a seat in the
2 witness stand, please.

3 (Witness seated.)

4 THE CLERK: State your name for the record.

5 THE WITNESS: Joe Smith.

6 JOE SMITH,
7 after being duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. GOLDBERG:

10 Q Sir, where are you employed?

11 A Richland County Sheriff's Department.

12 Q How long you been employed there?

13 A Approximately six years.

14 Q And how long have you been in law enforcement all
15 together?

16 A About 34 years.

17 Q Okay. And tell the jury a little bit about what
18 your duties are with Richland County.

19 A I'm currently assigned to the Victim Advocate Unit
20 where I assist victim of crimes. Prior to that,
21 when I was hired, I came straight into
22 investigations. I got assigned to the Major Crime
23 Unit, which I began to start doing assault cases
24 and homicides. I then left that unit and went to
25 the Special Victim Unit, which dealt with criminal

1 sexual conduct cases. And then I came to the
2 victim advocate side.

3 Q All right. And back in January of 2016, did you
4 become involved in the investigation regarding
5 Deanndra Roach and Andre Heatley?

6 A I did.

7 Q And how did you first get involved in the
8 investigation?

9 A At that point, I was notified by my captain, who
10 was Captain Senn, that it was an ongoing missing
11 person homicide investigation. And he requested me
12 to go pick up video concerning that case.

13 Q Okay. Where did you go to?

14 A I went to the Walmart.

15 Q And did you retrieve video from the Walmart?

16 A I did.

17 Q All right. And what day was that?

18 A That was on January 29th of 2016.

19 Q Okay. Later that same night, into the next
20 morning, on January 30th, what part of the
21 investigation were you involved in?

22 A I assisted in -- we had a search warrant concerning
23 the same case. They were getting investigators and
24 other units together to go conduct that search
25 warrant.

1 Q Okay. What part of town was that in?

2 A This was in the Irmo part of town.

3 Q Okay. Whose residence were you going to serve the
4 search warrant on?

5 A That of the Defendant, Mr. Heatley.

6 Q Okay. So tell us what your role in that was at
7 that point.

8 A My role initially was to assist with the conduction
9 of the search warrant of the residence. Once we
10 staged the, what we call the target, Mr. Heatley's
11 vehicle began to move. And that point, where I was
12 staged at, I pulled out and got back onto the main
13 thorough-way because I didn't know what his car
14 would do, whether he was going to run or whether it
15 was going to be what we call a without-incident
16 take-down. So I positioned my car at that point in
17 anticipation of what he may do.

18 Q And where were you located?

19 A At that point, when I pulled out the gas station,
20 it was like a Kangaroo gas station, when I pulled
21 out, I pulled back into the median of what would
22 have been Broad River Road anticipating what he may
23 do. At that point, his vehicle came up to Broad
24 River and turned into the Burger King restaurant.

25 Q And once he pulled into the Burger King, other

1 officers made contact with him?

2 A Correct. There was approximately two other cars in
3 front of mine when I turned in. I pulled in,
4 positioned myself off to the right. At that point,
5 he was taken out the car and I moved up to his car
6 where he got out of it to secure that vehicle to
7 make sure nobody else was in it.

8 Q Okay. And what were you then tasked with doing
9 once Mr. Heatley was removed from the vehicle?

10 A I secured the vehicle. I stayed with the vehicle
11 until the tow truck got there, until we took to car
12 to the impound lot. Once I arrived at the impound
13 lot, I stayed with the car until Sergeant Faust
14 with the search warrant arrived back at the impound
15 lot with the search warrant.

16 Q So there was no search conducted of the car at the
17 gas station, anything like that?

18 A No.

19 Q You stayed with it to make sure nobody tampered
20 with it?

21 A Correct. Stayed with it and followed the tow truck
22 from the Burger King back to our impound lot.

23 Q And then once the search warrant was presented back
24 at the impound lot, you were --

25 A I left.

1 Q You were released?

2 A Yes, sir.

3 Q And the vehicle again, the type, make, model?

4 A It was a white Ford Fusion. It was a 4-door with a
5 South Carolina tag of JXX[REDACTED]. And the last four on
6 the VIN was 3160.

7 Q All right. After that, did you have any additional
8 involvement with the investigation?

9 A I did not.

10 MR. GOLDBERG: Thank you, sir.

11 CROSS-EXAMINATION

12 BY MR. O'NEIL:

13 Q Investigator Smith, what distance was the gas
14 station from where Mr. Heatley resided,
15 approximately? You don't have to be super exact.

16 A I don't know exactly because I never made it to the
17 residence. I staged at the gas station. I would
18 say less than a mile. It wasn't that far away.

19 Q Is it fair to say less than a mile away?

20 A Correct.

21 Q What time of day -- I guess, what time of night was
22 this?

23 A I got 0130, which is 1:30 in the morning, which
24 that would be my staging time, so it was right
25 around that time.

1 Q And you say the gas station is next to the Burger
2 King, fair enough?

3 A Correct.

4 Q And basically Mr. Heatley passed you when you were
5 staged at the gas station and he turned into the
6 Burger King lot?

7 A From where I was staged at, he wouldn't have passed
8 me. We staged at the Kangaroo. Once I heard that
9 the car was moving, I pulled out of the Kangaroo
10 and pulled onto Broad River, so now I'm facing
11 where he's coming from.

12 Q You don't have any blue lights or anything on at
13 that point?

14 A No, not at that point.

15 Q In fact, you never had to turn your blue lights on
16 in order to stop Mr. Heatley?

17 A I turned my blue lights on once the car behind him
18 initiated blue lights and he turned into the Burger
19 King. Those blue lights were initiated and then I
20 initiated my blue lights to get across those two
21 lanes of traffic to get in behind the other units.

22 Q And, in fact, Mr. Heatley turned into the
23 drive-through of the Burger King there?

24 A Right.

25 Q He didn't try to park in a parking space, he was --

1 his vehicle was detained in the drive-through of
2 the Burger King parking lot?

3 A Correct.

4 Q And that Burger King was still open at that time?

5 A It was.

6 MR. O'NEIL: All right. That's all I have.

7 THE COURT: Anything, Mr. Goldberg?

8 MR. GOLDBERG: No, ma'am.

9 THE COURT: All right. You may step down.

10 Any objection to this witness being excused?

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

12 THE COURT: Sir, you're free to leave.

13 (Witness steps down and is excused.)

14 THE COURT: Call your next witness.

15 MR. GOLDBERG: The State calls Kristen Polis.

16 (Witness approaches.)

17 THE BAILIFF: Place your left hand on the
18 Bible, and raise your right hand, please.

19 (Witness complies.)

20 THE COURT: Do you swear or affirm the
21 testimony you are about to give in this case will
22 be the truth, the whole truth, and nothing but the
23 truth, so help you God?

24 THE WITNESS: Yes, ma'am.

25 KRISTIN POLIS,

1 after being duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. GOLDBERG:

4 Q Investigator Polis, where are you employed?

5 A With the Richland County Sheriff's Department.

6 Q Tell the jury a little bit about how long you've
7 been there and what you do.

8 A Okay. I've been with the Sheriff's Department for
9 16 years. I was hired in 2002. I've got a
10 Bachelor's Degree in criminal justice from
11 Charleston Southern University. I've got a
12 Master's Degree in social work from University of
13 South Carolina. I was hired, as I said, in 2002,
14 and I got promoted to the crime scene section in
15 2008 -- I'm sorry, in 2006.

16 At that time, I started our in-house training
17 program, which is an extensive amount of forensic
18 literature that we have to read. We have to take
19 written tests and practical examinations to show
20 that we're proficient in all the areas of
21 processing that we're responsible for. And that
22 program took me 20 months from beginning to end to
23 complete. In addition to that in-house training,
24 at this point I've had about 550 hours of external
25 training in a variety of forensic topics.

1 In 2010, I was certified as a crime scene
2 investigator through the International Association
3 for identification. In 2013, I was promoted to the
4 senior analyst in the crime scene section. And
5 that's -- I worked in that position up until 2017.
6 So during the time that this case occurred, that is
7 the position that I was working in.

8 In 2017, I moved over to the latent print
9 section, so primarily doing work with fingerprints
10 starting at that time. And of that training that I
11 had, I would estimate at this point that I've done
12 about 800 to 1,000 comparisons for criminal cases.

13 MR. GOLDBERG: Your Honor, at this time we
14 would offer Investigator Polis as an expert in
15 crime scene investigation and latent print
16 analysis.

17 THE COURT: Any voir dire?

18 MR. O'NEIL: No voir dire. No objection,
19 Judge.

20 THE COURT: Crime scene analysis.

21 Ladies and gentlemen of the jury, Investigator
22 Polis will be qualified in the area of crime scene
23 analysis to give opinion testimony in that area.
24 That does not mean that you must accept the
25 opinion, but it is evidence for you to use in any

1 way you see fit and give it the weight and
2 credibility you believe it deserves.

3 MR. GOLDBERG: Also, Your Honor, latent print
4 analysis as well.

5 THE COURT: Any objection to that?

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

7 THE COURT: And also latent print analysis.

8 MR. GOLDBERG: Thank you, Your Honor.

9 BY MR. GOLDBERG:

10 Q Investigator Polis, can you tell the jury how you
11 got involved in the case at hand?

12 A I can. So on January 26th of -- I'm sorry,
13 January 29th of 2016, this incident occurred. And
14 an item was submitted to our evidence section and
15 it required follow-up processing. So at that time,
16 one of my duties was to go down and collect
17 anything that was marked for some kind of
18 processing.

19 So on February the 10th, 2016, I received a
20 bag from our evidence technician, Melody Galinski,
21 and that bag contained \$110 in cash. And there was
22 a request for it to be processed for latent prints
23 and DNA. And I completed that processing.

24 Q All right. And how do you go about processing
25 currency like that for latent prints?

1 A The best thing for porous items, which paper is a
2 porous item, is to use a chemical called ninhydrin.
3 And it comes in an aerosol spray container, and we
4 spray it on both sides of the paper item, and then
5 we allow that to dry. So it has to dry usually 24
6 to 48 hours. And that particular process, it will
7 react with any of the amino acids that are left
8 behind when we touch something, and so it takes a
9 period of time for the reaction to be visible. If
10 we have positive results, we'll see those in a
11 purple color. The print itself will come up in a
12 purple. And in this case, I processed the money.
13 It was five \$20 bills, ten \$1 bills. And I did not
14 get any usable fingerprints.

15 Q How uncommon is that to not come up with anything
16 when testing money like that?

17 A It's not. Particularly something usable. We may
18 come up with some ridges. There may be ridges that
19 develop on that item, but it just might not be
20 enough for us to use to try to identify those. And
21 if you think about money being in circulation and
22 how many people handle that, that's not going to be
23 uncommon at all.

24 Q Okay. And after that, what was your next
25 involvement in this investigation?

1 A I also collected a swab from that money and
2 submitted that to our evidence section.

3 Q Okay. And then did you have an opportunity to make
4 some comparisons between some latent prints later
5 in the case?

6 A I did. May 8th, 2017, I was notified by
7 Investigator Polis that we had received a reverse
8 hit on a fingerprint. So at the time when the --
9 when prints are initially entered -- Investigator
10 Odom did this work -- we can store those in the
11 system. If they don't immediately hit, we are able
12 to store those. And then any type new fingerprints
13 get added to the database, there's a constant
14 search that happens. And so occasionally we will
15 get notified that there potentially could be a hit
16 on prints. So we have to go through and look at
17 those and determine if, in fact, this is
18 potentially a match or is this, you know, two
19 fingerprints that have characteristics in common,
20 but they're not the same. So in this case, we
21 received -- she received the reverse hit and gave
22 it to me. Then I retrieved those latent print
23 cards and did a comparison on those prints.

24 Q Okay. And the prints that you were comparing them
25 to was a latent print card that had been collected

1 by Investigator Schroder, is that right?

2 A That's correct.

3 Q And can you describe what that print card is and
4 where it came from?

5 A We did. We labeled it L-2, which is just our
6 numbering system to track each latent. And this
7 print card was developed and lifted by Investigator
8 Schroder from South Carolina tag KDK [REDACTED], rear
9 passenger's side door window, interior top middle.

10 Q Okay. And so describe the process of how you would
11 take that print that was lifted from what I believe
12 we now know is the victim's car and in comparison
13 to the sample you were talking about just a moment
14 ago.

15 A Okay. So we pulled the actual latent print card,
16 so we're working from that original latent. We're
17 not working from what's provided in the database.
18 And we capture that image -- I typically do mine on
19 a computer. They don't have to be done on a
20 computer screen, but we can capture the image and
21 put it side-by-side on the computer screen with our
22 known print, which would be the print that was
23 returned as a reverse hit. So those two images are
24 side-by-side on the screen. And through our
25 process of comparison, we're going through and

1 picking out the features, marking those that are in
2 common. We're going to evaluate and determine if
3 we have enough there for this to be considered a
4 match or are they not made by the same source.

5 Q And in this instance, the print that you were
6 working with from the database, what was the name
7 attached to those fingerprints?

8 A Mr. Tyrek J. Carroway.

9 Q Okay. And what were your conclusions in comparing
10 Mr. Tyrek Carroway's latent to the latent print
11 lifted from the vehicle?

12 A We were able to determine that it was his right
13 thumb, the right thumb of Tyrek Carroway.

14 Q And, of course, you can't time stamp latent prints,
15 is that right?

16 A Not at all. No.

17 Q Was there any other examination that you did in
18 this regard?

19 A No, that's it.

20 MR. GOLDBERG: Okay. Thank you. That's all I
21 have.

22 CROSS-EXAMINATION

23 BY MR. O'NEIL:

24 Q Investigator Polis, what was the incident date that
25 you have on your report?

1 A For the processing of the money or for the latents?

2 Q For the processing of the money.

3 A The incident date I have as January 29th. The date
4 that I did the work on the money, February 10th,
5 2016.

6 Q Okay. And January 29th, 2016, I'm assuming?

7 A I'm sorry.

8 Q Assuming January 29th, 2016?

9 A Sixteen, yes, sir, I'm sorry.

10 Q Where did that date come from?

11 A The case number.

12 Q And who -- we don't know -- who generated the case
13 number?

14 A They're automatically generated through dispatch.
15 When a call comes in, those are generated with the
16 case information and then it's just attached to
17 everything. We can look at it quickly. The first
18 two digits are the year, the next two are the
19 month, then there's a 4-digit case number, the last
20 two digits are the day of the week. So I can
21 quickly look at it and say January 29th, 2016.

22 Q So the incident date generated by the Sheriff's
23 Department was January 29th, 2016?

24 A Yes, sir, to my knowledge.

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

1 THE COURT: Yes, sir?

2 MR. GOLDBERG: Just briefly.

3 REDIRECT EXAMINATION

4 BY MR. GOLDBERG:

5 Q Just so we're clear, you said that that is
6 automatically generated once the Sheriff's
7 Department is notified about an incident, correct?

8 A That's my understanding. This is work I've not
9 ever done with dispatch, but it's my understanding
10 that that's automatically generated when a call is
11 placed.

12 Q So, for example, if an incident happened, say, on
13 January 28th, actually occurred on the 28th, but
14 nobody called in to report it until the 29th,
15 you're saying this would show up as the 29th?

16 A I believe so. It would be the first contact.

17 MR. GOLDBERG: Thank you.

18 THE COURT: All right, ma'am, you may step
19 down.

20 (Witness steps down.)

21 THE COURT: Any objection to this witness
22 being excused?

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

24 (Witness excused.)

25 THE COURT: Call your next witness.

1 MR. FYALL: The State calls Ivory Fleming.

2 (Witness approaches.)

3 THE BAILIFF: Place your left hand on the
4 Bible, and raise your right hand, please.

5 (Witness complies.)

6 THE CLERK: Do you swear or affirm the
7 testimony you are about to give in this case will
8 be the truth, the whole truth, and nothing but the
9 truth, so help you God?

10 THE WITNESS: I do.

11 THE CLERK: Have a seat in witness stand,
12 please.

13 (Witness seated.)

14 THE CLERK: State your name for the record.

15 THE WITNESS: Ivory Fleming.

16 IVORY FLEMING,
17 after being duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. FYALL:

20 Q Ms. Fleming, can you spell your last name?

21 A F-L-E-M-I-N-G.

22 Q All right. Can you just tell the jury a little bit
23 about yourself, where you're from, where you work?

24 A I work at a car dealership.

25 THE COURT REPORTER: You are going to have to

1 speak up, please.

2 A I work at a car dealership. And I'm from here.

3 Q From Columbia?

4 A Uh-huh.

5 Q Do you know Andre Heatley?

6 A I do.

7 Q How do you know him?

8 A I worked at Taco Bell and I guess he was a --

9 THE COURT REPORTER: I'm sorry, you need to
10 speak in that microphone.

11 THE COURT: We can't hear you, I'm sorry.

12 THE WITNESS: He was a previous employee from
13 Taco Bell.

14 BY MR. FYALL:

15 Q Did y'all ever work at Taco Bell at the same time?

16 A No.

17 Q When you worked there, would he just come and
18 visit?

19 A Yes.

20 Q Did he know other people there?

21 A Yes.

22 Q Did he ever show any sort of interest in you
23 romantically?

24 A At a point.

25 Q How did that happen?

1 A Just from conversation.

2 Q In that conversation, did you -- what did you ask
3 him about as far as his relationships?

4 A I asked him who he was dealing with at the time.
5 That was really it.

6 Q Anybody specific?

7 A Deandra. And I asked him about his baby's mother.

8 THE COURT REPORTER: About what, I'm sorry?

9 THE WITNESS: His daughter's mother.

10 BY MR. FYALL:

11 Q What did he tell you about Deandra?

12 A I knew mostly about bad times they had.

13 MR. O'NEIL: Objection, Your Honor. May we
14 approach?

15 (WHEREUPON, a bench conference was held
16 in the presence of the jury, but outside
17 the hearing of the jury.)

18 THE COURT: Please rephrase the question.

19 BY MR. FYALL:

20 Q What did A.J. tell you about him and Deandra's
21 relationship?

22 A He didn't tell me too much about the relationship.

23 Q What did he say?

24 A I knew of the incident they had, or the incidents
25 that occurred while they were in the relationship.

1 Q Do you remember any specific incident he told you
2 about?

3 A One time she keyed his car.

4 Q How did he feel about that?

5 A He was upset.

6 Q Are you familiar with the time when Deanndra went
7 missing?

8 A A little.

9 Q Did you receive a call from A.J. or Andre around
10 that time?

11 A I did.

12 Q What did he tell you?

13 A He didn't really tell me anything. He was just
14 speaking. Nothing was going on, just a regular
15 conversation.

16 Q Did he ask you about Kelvin?

17 MR. O'NEIL: Objection, Your Honor. Leading.

18 THE WITNESS: He did.

19 THE COURT: Hold on.

20 Sustained. Please rephrase your question.

21 BY MR. FYALL:

22 Q Who is Kelvin?

23 A My child's father.

24 Q Around the time that Deanndra went missing, did
25 A.J. ask you about him?

1 A He did.

2 Q Tell me how the conversation went?

3 A He asked me where did he stay and that her last
4 transaction occurred in Irmo.

5 Q He told you that Deannandra's last transaction
6 occurred in Irmo?

7 A Yes.

8 Q What was -- based on your conversation, what was
9 sort of his demeanor on the phone about her last
10 transaction?

11 A He was quiet. Like, he was talking, but it was a
12 little in and out.

13 MR. O'NEIL: Objection, Your Honor.

14 THE COURT: Hold on.

15 Ma'am -- I can't even hear what she said. Can
16 we get you to speak up a little bit more. You can
17 pull the microphone closer if that helps. Thank
18 you.

19 One more time.

20 What's your objection?

21 MR. O'NEIL: My objection was going to be
22 leading. Did he seem like. I think that's a
23 leading question.

24 THE COURT: I didn't hear. What was the
25 question?

1 MR. FYALL: I was going to ask --

2 THE COURT: Rephrase the question. Don't
3 lead, please.

4 BY MR. FYALL:

5 Q From your perspective, could you tell whether or
6 not he knew what was going on?

7 A I couldn't tell if he knew or not.

8 Q Who was Kelvin in a relationship with, Deandra?

9 A I guess they dated, on and off, talked.

10 MR. FYALL: Beg the Court's indulgence.

11 (Pause.)

12 BY MR. FYALL:

13 Q At some point after that, did you text Kelvin
14 regarding A.J.?

15 A I did. I texted him and I asked him --

16 MR. O'NEIL: Objection, Your Honor. That's
17 hearsay, what she told Kelvin.

18 MR. FYALL: She's the Declarant.

19 THE COURT: What she said?

20 MR. O'NEIL: Yes, sir, Your Honor. It's an
21 out-of-court statement entered for the truth of the
22 matter asserted. It's hearsay.

23 THE COURT: Overruled. It's not hearsay.
24 She's saying what she said. She can say what she
25 said. She can't say what Kelvin said. She can say

1 what she said.

2 THE WITNESS: I told him, you know, he --
3 well, he asked where he lived, A.J. asked where he
4 lived. That was all.

5 BY MR. FYALL:

6 Q Back in 2016, January, what was your phone number?

7 A I don't remember.

8 Q I'm going to show you what's marked as State's 215.
9 All right. I show you State's 215. Does that
10 refresh your memory as to what your phone number
11 was at that time?

12 A Uh-huh.

13 Q And during that time, did you send any text
14 messages to Kelvin?

15 A Can you say that again?

16 Q During that time, did you send any text messages to
17 Kelvin recording A.J.?

18 A Yes, about the situation.

19 THE COURT REPORTER: I'm sorry, about what?

20 A Yes, about the situation.

21 Q Based on that, can you tell us what you said in
22 that first text message at the top? Can you read
23 it?

24 MR. O'NEIL: Objection, Your Honor, if she's
25 going to read it. She can testify, but she can't

1 read from a piece of evidence that's not in
2 evidence yet. She can testify from her memory, she
3 can't read it if it's not in evidence.

4 BY MR. FYALL:

5 Q I'll give you a chance to review it.

6 (Pause.)

7 Q All right. Can you tell us what you said? I'll
8 take that back.

9 A Basically, I was telling Kelvin about the
10 situation, things I've heard and things that I had
11 pieced together in my mind.

12 Q Can you tell them anything that he said to you?

13 A Who?

14 Q A.J.

15 A Uh-huh, yes.

16 Q What were those things?

17 A I don't remember.

18 Q I'm going to show you 215 again. Would you look at
19 the bottom left?

20 (Pause.)

21 Q All right. I know you're nervous. I just want you
22 to tell me what you said.

23 A I told him that A.J. used to say bad things about
24 Deannadra. That's about it. And he really didn't
25 mess with her, or things like that nature.

1 Q Is that all he said?

2 A No.

3 Q What else did he say?

4 A I recall -- I don't recall those messages, but he
5 was talking about what he would do to her, and
6 stuff like that.

7 MR. FYALL: Beg the Court's indulgence.

8 BY MR. FYALL:

9 Q All right. Lastly, did you give a statement to law
10 enforcement in this case?

11 A Say that again?

12 Q Did you provide a statement, a signed statement to
13 law enforcement?

14 A I did.

15 Q Is that your statement?

16 A Yes.

17 Q And that's February 8th, 2016?

18 A Yes.

19 Q All right. I'm going to direct your attention to
20 Page 2 of your statement.

21 MR. O'NEIL: I object to this, Your Honor. He
22 has to have a reason to show her the statement.
23 Either it has to be refreshing her memory or
24 there's no other valid reason for her to look at
25 the statement because it's not in evidence at this

1 point.

2 THE COURT: The objection is sustained. Ask a
3 question and give it to her and lay the foundation
4 if she does not remember. Refresh her memory.

5 BY MR. FYALL:

6 Q All right. You said there were times when Andre
7 would come by the Taco Bell, correct?

8 A Yes.

9 Q When you left Taco Bell, did he start working
10 there?

11 A Yes.

12 Q Can you tell us who Latoya is?

13 A My manager.

14 Q When Latoya was managing Taco Bell, was Andre
15 working there?

16 A Yes.

17 Q Was there a time you were talking to Latoya and
18 Andre got on the phone?

19 A I don't remember.

20 Q You don't remember? And you don't remember what --
21 obviously, what you would have said on the phone?

22 A No.

23 Q I'm going to show you a statement you gave to law
24 enforcement February 8th, 2016.

25 A Yes.

1 Q Does that refresh your memory about that
2 conversation?

3 A Yes.

4 Q Can you tell us what was said?

5 A What was said. I was on the phone with Latoya,
6 then A.J. got on the phone asking about me and him.

7 Q What did you tell him?

8 A I asked him basically who he was already dealing
9 with.

10 Q Did you ask him about Deannandra?

11 A I did.

12 Q What did he say?

13 A He said he wasn't really messing with her like
14 that, and he was just using her.

15 Q Using her for what?

16 A I guess her money.

17 Q Did he say anything else?

18 A He knew her pin number to her debit card.

19 MR. FYALL: No further questions. I'm sorry,
20 beg the Court's indulgence.

21 (Pause.)

22 MR. FYALL: I'm sorry, Your Honor.

23 BY MR. FYALL:

24 Q You also said you spoke to Andre on the 29th,
25 correct?

1 A Uh-huh.

2 Q Tell us again what he told you.

3 A I don't remember.

4 Q I'm going to show you Page 3 of the statement you
5 gave to law enforcement. Does that refresh your
6 memory as to what you told them?

7 A A little.

8 Q What is that?

9 A That he got her debit card and gave someone some
10 money.

11 Q Did you ever hear him make any specific threats
12 about what he was going to do to Deannandra?

13 A No.

14 Q You said no?

15 A No.

16 Q In your statement to law enforcement --

17 MR. O'NEIL: Objection, Your Honor. He's
18 about to read what statement she said to law
19 enforcement.

20 THE COURT: What?

21 MR. O'NEIL: If he's going to read the
22 statement from law enforcement --

23 MR. FYALL: Can we approach?

24 (WHEREUPON, a bench conference was held
25 in the presence of the jury but out of

1 the hearing of the jury.)

2 THE COURT: All right. Please rephrase the
3 question.

4 MR. FYALL: No problem.

5 BY MR. FYALL:

6 Q Again, you gave a statement to law enforcement on
7 February 8th, 2016?

8 A Yes.

9 Q Do you remember in that statement when asked, What
10 did you hear A.J. say, you responded -- in regards
11 to Deandra, you responded, He said Denise wants to
12 beat her ass and I want that girl dead?

13 A Yes.

14 Q Do you remember what you told them was the reason
15 for him making that statement?

16 A No.

17 Q Do you know of any area referred to as the shooting
18 spot?

19 A No.

20 MR. FYALL: Beg the Court's indulgence.

21 (Pause.)

22 BY MR. FYALL:

23 Q And, again, when they asked you about the threats,
24 you heard him say, I want that girl dead?

25 A Say that again?

1 Q When they asked you about the threats in your
2 statement to law enforcement, he told you, I want
3 that girl dead?

4 A Yes.

5 MR. FYALL: No further questions, Your Honor.

6 MR. O'NEIL: May it please the Court, Your
7 Honor?

8 THE COURT: Yes, sir.

9 CROSS-EXAMINATION

10 BY MR. O'NEIL:

11 Q Ms. Fleming, let's talk a little bit about the
12 statement. This Taco Bell conversation, do you
13 know when this was?

14 A I don't remember.

15 Q Do you know whether or not it -- do you know
16 approximately how long before it was before January
17 of 2016?

18 A I don't remember.

19 Q What about this keying the car incident, do you
20 know when that conversation -- when you had that
21 conversation?

22 A I know it was before -- probably before his baby.

23 Q We don't have a point of reference of that. Do you
24 know when -- before he had the baby or before --

25 A I think it was before he had a baby.

1 Q And at that point, how old -- how old was his baby
2 at that point?

3 A I don't know.

4 Q Let me ask you this. Was this car keying incident
5 a year before this conversation or was it months
6 before this conversation?

7 A I don't remember, probably a year before.

8 Q Okay. So probably this whole incident that Andre
9 told you that he was upset about the car keying
10 was -- and you don't remember, so this was probably
11 a year prior to the conversation you had about it?

12 A Could have been.

13 Q It wasn't like the car was keyed like a day before
14 you talked to him about it?

15 A No.

16 Q It was at least a year?

17 A It was some time before.

18 Q And the Solicitor talked to you about giving a
19 statement to law enforcement. Let's talk a little
20 bit about how practically that works. When you
21 give a statement to law enforcement, it's not like
22 a handwritten statement, is it?

23 A It is.

24 Q And did you write down the statement that you gave
25 law enforcement?

1 A Yes.

2 Q And then did you sign that statement?

3 A Yes.

4 Q What the Solicitor showed you just now, was that a
5 handwritten statement he showed you just now?

6 A It was typed.

7 Q So what he showed you just now, you gave two
8 different statements or two different versions of
9 the same statement? Help me understand that a
10 little bit here.

11 A It was just the question and answers that I gave.

12 Q So what he showed you just now is a typed version
13 of the conversation that you had?

14 A Yes.

15 Q Who did the typing of it?

16 A I'm not sure.

17 Q Let me ask you this way, did you type it?

18 A No, I wrote.

19 Q You wrote something down, they typed it up?
20 Somebody, when I saw somebody, somebody from law
21 enforcement typed it up?

22 A Yes.

23 Q Did you read it before you signed it?

24 A Yes.

25 Q Did you make sure everything that was in the

1 written version of what you said was also in the
2 typed version of what you said?

3 A I didn't see the typed version until now.

4 Q So this is the first time you've seen the typed
5 version of it?

6 A I only remember the written statement I gave.
7 That's all I remember.

8 Q So if this is the first time you have seen this
9 typed version of what you said, you don't know
10 whether or not the typed version you said matches
11 the written version of what you said?

12 A I guess so.

13 Q You've never seen the two -- you've never seen the
14 two of them at the same time?

15 A No.

16 Q Do you know whether or not -- that conversation was
17 back on February 8th, 2016?

18 A Uh-huh.

19 Q About three years ago almost now, close to three
20 years ago now?

21 A Yes.

22 Q That's why it's kind of hard to remember some of
23 the stuff you said, it's been over two years?

24 A Uh-huh.

25 Q And you don't know whether anybody audio recorded

1 or video recorded your conversations with law
2 enforcement?

3 A There were two people sitting in the room.

4 Q Two people -- when you say two people, two people
5 from law enforcement?

6 A Yes.

7 Q Did they anybody from law enforcement ever indicate
8 to you that you could be charged with anything?

9 A No.

10 Q And your baby's father is Kelvin Davis, correct?

11 A It is.

12 Q And you use the word talked. Him and Deannadra, in
13 your explanation, talked at one point in time?

14 A Uh-huh.

15 Q Did you and Deannadra -- did y'all get along? Did
16 y'all ever have any words?

17 A We didn't have any, like, negative words. It was
18 more so about Kelvin, about that situation.

19 Q Okay. I think one time you may have saw a text
20 message between Kelvin and Deannadra?

21 A Uh-huh.

22 Q I'm not going to ask you what it said, but that
23 text message didn't make you too happy?

24 A No.

25 Q Do you know when that was?

1 A No.

2 Q And some of the things -- you talked about I think
3 a little bit on direct here that some of the things
4 in your statement here was stuff you were trying to
5 piece together?

6 A Uh-huh.

7 Q And I think it was you and another lady, a Julia,
8 trying to piece some stuff together?

9 A Uh-huh.

10 Q So everything you thought about -- everything you
11 knew about the incident didn't come just from A.J.?

12 A No.

13 Q It came from kind of you trying to put some stuff
14 together, you and other people trying to put some
15 stuff together?

16 A Yes.

17 MR. O'NEIL: Beg the Court's indulgence, Your
18 Honor.

19 (Pause.)

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

21 THE COURT: Yes, sir.

22 MR. FYALL: Briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. FYALL:

25 Q The statement that Mr. O'Neil referred -- was

1 talking about you gave to law enforcement, did you
2 sign it?

3 A Yes.

4 Q And you had an opportunity to review and read each
5 page?

6 A Yes.

7 Q And your signature is actually on every single page
8 of that statement?

9 A Yes.

10 Q And when you were done with that statement, they
11 also asked you if you wanted to add anything or
12 take anything away?

13 A I don't remember.

14 Q He was talking to you about the last conversation
15 you had with A.J., and he was asking you about
16 Kelvin. Do you remember exactly how the
17 conversation went?

18 A I don't remember exactly how it went, no.

19 Q All right. I'm going to show you again the
20 statement that you signed February 8th. Does that
21 refresh your memory?

22 A Yes.

23 Q Can you tell us about that conversation?

24 A Me -- A.J. asked where Kelvin stayed, because the
25 last transaction from Deandra was in Irmo. And

1 then he told me some things had been purchased by,
2 I guess her last transactions, what was purchased.

3 Q What did he say was purchased?

4 A It was a Michael Kors purse.

5 Q Based on that, did he seem like he knew anything
6 about it?

7 MR. O'NEIL: Objection, Your Honor. It calls
8 for speculation.

9 THE COURT: Hold on one second. Sustained,
10 please rephrase the question.

11 BY MR. FYALL:

12 Q When he was talking to you about these
13 transactions, was it your impression that he knew
14 about them or didn't know about them?

15 MR. O'NEIL: Objection, Your Honor, calls for
16 speculation. What her impression was.

17 MR. FYALL: I'm not asking about his state of
18 mind, I'm asking about how she perceived it.

19 THE COURT: Hold on. Rephrase the question
20 again.

21 BY MR. FYALL:

22 Q When he was talking to you about these
23 transactions, was it your impression that he was --

24 MR. O'NEIL: Objection, Your Honor. Calls for
25 speculation. What her impression is is speculative

1 at best.

2 MR. FYALL: About her own impression?

3 THE COURT: Overruled.

4 BY MR. FYALL:

5 Q Was it your impression that he was implying that he
6 knew or didn't know about the transaction?

7 A He was talking to me like everything was normal.

8 Q Did he talk to you about anything regarding
9 Deandra in that conversation?

10 A I don't remember.

11 Q All right. I'm going to show you your statement
12 one more time.

13 MR. O'NEIL: Your Honor, may we approach?

14 (WHEREUPON, a bench conference was held
15 in the presence of the jury but out of
16 the hearing of the jury.)

17 THE COURT: Ladies and gentlemen, I'm going to
18 send you all out. There's a matter of law I need
19 to take up outside your presence.

20 Thank you.

21 (WHEREUPON, the jury retires to the jury
22 room at 10:48 a.m.)

23 THE COURT: Just ask the question. Go ahead
24 and proffer the question.

25 PROFFER BY MR. FYALL

1 BY MR. FYALL:

2 Q What did he tell you about anything that Deanndra
3 was going to do?

4 A As far as -- you said what she was going to do? I
5 don't know.

6 Q What he told -- I'm sorry, I'm just going to
7 refresh your memory again since we took that break.
8 All right. What did he tell you about Deanndra's
9 actions in that conversation?

10 A He didn't tell me anything about her actions.

11 Q Regarding where she was going?

12 A She was going somewhere after work.

13 Q Did he say who she was going to be with?

14 A Not that I remember.

15 Q I'm going to show it to you again.

16 MR. O'NEIL: I don't think he can show it -- I
17 think she said she didn't remember. She's giving
18 him an answer. He can show it to her if she needed
19 her memory refreshed, but she's given him an
20 answer. He can't show it to her because he's not
21 happy with the answer given.

22 MR. FYALL: I thought she said, Not that I
23 remember.

24 THE COURT: I thought she said, Not that I
25 remember.

1 MR. O'NEIL: I didn't think --

2 THE COURT: But, regardless, he can show it to
3 her. If the statement says something different
4 than what she says in here today, he can show it to
5 her and question her about the statement. Whether
6 he's going to do it under refreshing her memory or
7 impeachment or for what she said. If she said she
8 didn't say it, then he can impeach her.

9 Regardless, he can show her the statement. He's
10 just got to lay the foundation.

11 BY MR. FYALL:

12 Q And, again, you gave law enforcement this statement
13 February 8th, 2016?

14 A Yes.

15 Q You signed it?

16 A Yes.

17 Q What did he tell you about where Deannandra was
18 going?

19 A Going to be with him after work.

20 Q Just to be clear, did he say that he knew that or
21 that she had told people that?

22 A That's what she told people.

23 MR. FYALL: I think that's it for this, Your
24 Honor.

25 THE COURT: And his objection as hearsay.

1 MR. O'NEIL: I do have a few questions.

2 THE COURT: Oh, I'm sorry. Go ahead.

3 PROFFER BY MR. O'NEIL

4 BY MR. O'NEIL:

5 Q Ms. Fleming, did Mr. Heatley tell you how he knew
6 Deandra had told people that she was going to meet
7 with him after work?

8 A I don't know.

9 MR. O'NEIL: No further questions.

10 THE COURT: All right. And your objection?

11 MR. O'NEIL: My objection is that it's hearsay
12 within hearsay. It's not an admission on his part.
13 The statement is he said Deandra told people that
14 she was going to be with him after she got off work
15 because he had some -- this witness doesn't --
16 there's not a foundation as to -- there is not a
17 non-hearsay foundation as to how Mr. Heatley would
18 have known that. It's not a statement he overheard
19 the victim say. The statement is that he said
20 Deandra told people. If he didn't overhear her
21 say that, the only basis of him knowing that would
22 be some hearsay source if he didn't hear it
23 himself. So he would have got it from another
24 person. If he didn't overhear it himself, he would
25 have gotten information from another person who

1 told him that Deandra said this to other people.
2 It's almost like three layers of hearsay, but it's
3 definitely two layers of hearsay that he's saying
4 that Deandra told other people this. So I think
5 it's two layers of hearsay. Therefore, Your Honor,
6 I would ask that it be -- I object to it on the
7 grounds that it's hearsay, one. I think it's also
8 more prejudicial than it is probative. And I would
9 ask that particular statement be suppressed.

10 THE COURT: Yes, sir?

11 MR. GOLDBERG: If the objection is that it's
12 hearsay within hearsay, my response would be is
13 that it's not, because it's not hearsay within
14 hearsay because what she is testifying to is what
15 he said. What he said is, by rule, not hearsay. I
16 mean, 801(d), a statement is not hearsay if Section
17 2, admission by a party opponent, the statement
18 that he has made that she's testifying to, that is
19 by rule here, by letter of the rule, not hearsay.
20 So it cannot be hearsay within hearsay if it isn't
21 coming from hearsay. It is what he said to her.
22 His words.

23 MR. O'NEIL: But, Your Honor, it is based on
24 what he said she said. He doesn't have a
25 non-hearsay way of knowing.

1 MR. GOLDBERG: What if -- and we counter that.
2 Hypothetically, what if the testimony was, I was
3 talking to A.J. and A.J. told me that he heard
4 Deannandra was mad at me. Would she be allowed to
5 say that? I would argue yes, because it was his
6 words. He said that. But, again, using
7 Mr. O'Neil's argument, that wouldn't be something
8 that he had witnessed a conversation and was
9 reporting it back, but it would still be admissible
10 because it would be his words. This is the same
11 thing.

12 THE COURT: Ask the question one more time.

13 MR. FYALL: The question, What did he tell you
14 about where Deannandra was going?

15 THE COURT: And her response? And her
16 response, if any? Your question and her response?

17 BY MR. FYALL:

18 Q What did he tell you about where Deannandra was
19 going?

20 A Going to meet with him after work.

21 MR. O'NEIL: I think we keep getting a
22 slightly different version of what the response is.
23 I think that's a slightly different version than
24 the Court's ruling.

25 BY MR. FYALL:

1 Q Did he tell you --

2 MR. O'NEIL: I'm not saying the State is doing
3 anything, but he keeps getting a different kind of
4 response.

5 THE COURT: Let him finish.

6 MR. FYALL: Thank you, Your Honor.

7 BY MR. FYALL:

8 Q Did he tell you that she said that or that people
9 were saying that?

10 A That people were saying that.

11 THE COURT: All right. The objection --
12 Go ahead.

13 MR. O'NEIL: I think we're still getting a
14 different version of what the State -- even that
15 time, that was worded differently. And it makes a
16 legal difference because that's worded differently.

17 THE COURT: That he told her that people were
18 saying that they were going to meet him after work.

19 MR. O'NEIL: Yes, but that's different than --
20 that's a totally different -- that's a different
21 legally significant version of what the
22 conversation was. The answer we got just now was
23 that Mr. Heatley told her that people were saying
24 that she was going to meet with him.

25 THE COURT: I thought that was the answer she

1 gave earlier.

2 MR. O'NEIL: No, that's not. That's not the
3 answer. The answer that she gave earlier was the
4 other way around. The answer we got just now was
5 that Mr. Heatley told her that people were saying
6 that she said she was going to meet with him at
7 work.

8 THE COURT: And I think under --

9 MR. O'NEIL: Because that's three different
10 layers.

11 THE COURT: -- 801(d), that would be allowed.

12 MR. O'NEIL: The answer just now is,
13 Mr. Heatley said that people were saying that
14 Deannandra said.

15 THE COURT: That she was -- that she was
16 coming to meet him?

17 MR. O'NEIL: Yes. That's three different
18 layers.

19 THE COURT: All right. Ask the question one
20 more time.

21 BY MR. FYALL:

22 Q What did he tell you about where Deannandra was
23 going?

24 A Say that again?

25 Q What did he tell you about where Deannandra was

1 going?

2 A To meet with him after work.

3 Q How did he tell you he got that information?

4 A I don't know.

5 Q You remember telling law enforcement that he said

6 Deandra told people that she was going to meet

7 with him?

8 A Yes.

9 MR. O'NEIL: Your Honor, I guess my legal
10 problem with that is that the State is allowed to
11 impeach her, but that impeachment statement is
12 not -- it doesn't have any evidential value. So
13 they can't use the impeachment statement for the
14 truth of matter asserted, it's just impeachment
15 value. We keep getting a different response. It's
16 impossible to make do an in limine motion on what
17 the response is if we keep getting different
18 versions of it.

19 THE COURT: All right. Well, of course, he
20 can't tell her what to say, neither can I or you.
21 But let's do this. If you're going to impeach her,
22 you can ask her, Do you remember telling law
23 enforcement -- do you remember telling law
24 enforcement, whatever she told law enforcement, and
25 she said yes. That might be a better way to do it

1 instead of --

2 MR. O'NEIL: The impeachment value -- the
3 impeachment statement does not come into evidence
4 for the truth of the matter asserted. If they're
5 using that -- if they're using this statement for
6 impeachment value, it does not -- that statement
7 does not come into evidence. It's only admissible
8 for impeachment purposes, not for the truth of what
9 is said. They can't use it for the truth of what
10 is says. They can only use it to impeach her if
11 she says something different, and she hasn't said
12 anything different yet.

13 THE COURT: All right. Let's bring the jury
14 back in and ask the question. If you need to
15 object, you can object, and then I'll deal with it
16 at that point. All right? But at this point, the
17 objection is overruled as to it being hearsay. But
18 you have got to ask the question the right way.

19 (WHEREUPON, the jury came into open
20 court at 11:02 a.m.)

21 THE BAILIFF: The jury is all present, Judge.

22 THE COURT: All right. Yes, sir.

23 MR. FYALL: Thank you, Your Honor.

24 DIRECT EXAMINATION CONTINUES

25 BY MR. FYALL:

1 Q Just briefly, the 29th when you had that call with
2 A.J., did he tell you anything about where Deanndra
3 was going?

4 A No. I don't remember.

5 Q Do you remember in your statement to law
6 enforcement telling them, He said Deanndra told
7 people that she was going to be with him after she
8 got off work because he had some drama going on?

9 A That's what I said.

10 MR. O'NEIL: Objection, Your Honor. Hearsay,
11 and I think it violates the confrontation clause of
12 the state constitution.

13 THE COURT: All right. The objection is
14 overruled.

15 MR. FYALL: Nothing further.

16 THE COURT: You may cross-examine.

17 MR. O'NEIL: No questions.

18 THE COURT: Okay. All right. Anything else?
19 You may step down.

20 (Witness steps down.)

21 THE COURT: Call your next witness.

22 MR. FYALL: The State calls Desha Anderson.

23 (Witness approaches.)

24 THE BAILIFF: Place your left hand on the
25 Bible, and raise your right hand, please.

1 (Witness complies.)

2 THE CLERK: Do you swear or affirm the
3 testimony you are about to give in this case will
4 be the truth, the whole truth, and nothing but the
5 truth, so help you God?

6 THE WITNESS: Yes.

7 THE CLERK: Thank you. Have a seat in the
8 witness stand.

9 (Witness seated.)

10 THE COURT: State your name for the record.

11 THE WITNESS: Desha Anderson.

12 DESHA ANDERSON,
13 after being duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. FYALL:

16 Q Make sure you speak up, okay?

17 A Okay.

18 Q All right, Desha, where are you from?

19 A I'm from here, Columbia.

20 Q Let me be straightforward. Do you know Andre
21 Heatley?

22 A Yes. I dated him for two years.

23 Q Do you call him Andre or A.J.?

24 A I call him A.J.

25 Q How long did y'all date?

1 A Two years.

2 Q While y'all were dating, did he ever purchase any
3 firearms?

4 A He bought a rifle.

5 Q At some point did law enforcement come and talk to
6 you about this case?

7 A Yes, for the past three days after the incident.

8 Q After the incident? And did you give them some
9 written statements?

10 A I think I did. We were mostly talking. They
11 probably wrote down what I said.

12 Q Did they also -- did you also provide them with
13 some text messages?

14 A I did.

15 Q I'm going to show you State's 216 through 219. I'm
16 going to give you a chance to look at those. Look
17 through them. Do you remember those?

18 A Yes, I do.

19 Q Whose phone did those text messages come from?

20 A Mine.

21 Q Do these text messages fairly and accurately
22 represent the text messages you had with A.J.?

23 A Yes, sir.

24 MR. FYALL: Your Honor, at this point the
25 State offers 216 through 219 into evidence.

1 MR. O'NEIL: I would object, Your Honor. May
2 we approach?

3 (WHEREUPON, a bench conference was held
4 in the presence of the jury but out of
5 the hearing of the jury.)

6 THE COURT: The objection is overruled.

7 MR. FYALL: Thank you, Your Honor.

8 (WHEREUPON, State's Exhibit Nos. 216 -
9 219 were marked for identification and
10 received into evidence.)

11 BY MR. FYALL:

12 Q Desha, can you tell us -- I'm going to show you
13 State's 216. Can you read those first two text
14 messages you sent?

15 MR. O'NEIL: Objection. She cannot read from
16 something -- do we have it in evidence at this
17 point?

18 THE COURT: Yes, it's entered over --

19 MR. O'NEIL: Over my objection.

20 THE COURT: Over your objection, so, yes.

21 216 through 219 are in evidence over objection
22 of the Defense. When we take a break, we'll put
23 the objection on the record.

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

25 BY MR. FYALL:

1 Q Can you tell us the first two text messages you
2 sent to A.J.?

3 A It says, Why won't you answer? And then it just
4 says, Babe.

5 Q What is the times listed next to those two?

6 A 10:58 a.m. for the first one, and then 11:13 a.m.
7 for the second.

8 Q Why did you text him that?

9 A Because he wasn't answering my phone call.

10 Q Wasn't answering your phone call. All right. I
11 remember you saying while y'all were together, he
12 bought a rifle. Did he have any other guns that
13 you knew about?

14 A The handheld one that he carried around.

15 Q He had a handheld gun?

16 A I don't know, Smith & Wesson, I think that's what
17 it is.

18 Q And where did he keep that gun?

19 A In his car most of the time.

20 Q I'm going to show you State's 217 from later on
21 that Thursday. Can you tell us the conversation
22 y'all had within that 6:16 p.m.?

23 A I asked him what he was doing. And he said, About
24 to get ready to try you know what.

25 Q What did you take that to mean?

1 MR. O'NEIL: Objection, Your Honor. Calls for
2 speculation.

3 THE COURT: Sustained.

4 BY MR. FYALL:

5 Q When he said he was getting ready to do you know
6 what, did that remind you of anything that he had
7 said in the past?

8 A Yes, it did.

9 Q What kind of things?

10 A About harming Deanndra.

11 Q Did he ever say --

12 MR. O'NEIL: Objection, Your Honor. Leading.

13 BY MR. FYALL:

14 Q -- about harming Deanndra?

15 THE COURT: Objection sustained.

16 BY MR. FYALL:

17 Q What kind of things did he say about harming
18 Deanndra?

19 A What do you mean?

20 Q Are you aware of -- what kind of things would he
21 say to you about harming Deanndra?

22 A He did say he wanted to kill her.

23 Q I'm going to show you State's 218. Can you tell me
24 about the text you sent at 7:18 p.m.?

25 A It says to, Update me.

1 Q Read it exactly as you wrote it.

2 A Okay. At 7:14, it says, You got three hours. He
3 said, For what? And I said, To update me.

4 Q Why did you send him that?

5 A Because I wanted to know what he was doing.

6 Q Why did you want to know?

7 A Because I didn't trust him.

8 Q All right. Did he also text you that day about
9 where he was?

10 A Later that night, he Face-timed me.

11 Q And when he Face-timed you, what did he say?

12 A He said him and Deannadra got into an argument and
13 she tried to pepper spray him.

14 Q Do you know about what time that was?

15 A Between 10:00 and 10:30, I think.

16 Q Between 10:00 and 10:30. Are you familiar with the
17 shooting spot?

18 A I've been there once or twice.

19 Q Who took you there?

20 A A.J. did.

21 Q What would he do out there?

22 A He would just shoot his gun.

23 Q Now, you spoke earlier that A.J. was making threats
24 about Deannadra. How long before she died did he
25 make those threats?

1 A A few weeks maybe.

2 Q A few weeks maybe. Did he say why he wanted to
3 kill her?

4 A It was something about her keying his car.

5 Q And what did you say to him about that?

6 A About what?

7 Q When he made those threats?

8 A I didn't take him seriously because he had a baby,
9 so I didn't think he was going to jeopardize that.

10 Q Did he tell you whether or not he was serious?

11 A No.

12 Q And you also gave a statement to law enforcement,
13 right?

14 A I did.

15 Q And one of those statements, it said February 4th,
16 2016. I'm going to approach. Do you recognize
17 that statement?

18 A All of it?

19 Q No, do you just recognize that?

20 A Uh-huh.

21 Q Is that your signature on the bottom right there?

22 A It is.

23 Q Do you remember telling law enforcement that after
24 you told him he wasn't because he had a baby that
25 he said, I'm serious, and then he stated, You and

1 Denise think I'm playing?

2 A Yes, that's correct.

3 Q Did he ever tell you how he was going to kill her?

4 A He said by gunfire or a knife.

5 MR. FYALL: Beg the Court's indulgence.

6 (Pause.)

7 BY MR. FYALL:

8 Q During this time right before Deannadra was killed,
9 was A.J. employed?

10 A I think he was still at McDonald's.

11 Q Did he ever talk to you about Deannadra and her
12 finances?

13 A He did say she had money in the bank.

14 Q Are you familiar with Snapchat?

15 A I am.

16 Q Did you and A.J. ever use Snapchat to communicate?

17 A Not really, no.

18 Q You said not really. That means never or just --

19 A No. We'd either text or FaceTime.

20 Q In that same statement that I talked to you about
21 earlier, you remember them asking have you ever
22 used Snapchat to communicate with A.J. and you said
23 yes, but I commonly use FaceTime?

24 A I didn't remember saying yes.

25 MR. FYALL: Beg the Court's indulgence.

1 (Pause.)

2 BY MR. FYALL:

3 Q All right. Andre Heatley, or as you know him as
4 A.J., you see him in the courtroom here today?

5 A Yes.

6 Q Can you point him out and tell us what he has on?

7 A Purple button-up shirt.

8 MR. FYALL: Let the record reflect the witness
9 has identified the Defendant.

10 No further questions.

11 THE COURT: Yes, sir. Cross-examination.

12 CROSS-EXAMINATION

13 BY MR. O'NEIL:

14 Q Ms. Anderson, you and Mr. Heatley were dating for
15 about two years?

16 A Yes, sir.

17 Q And it's your testimony this morning that he told
18 you that he wanted to kill Ms. Roach?

19 A Yes.

20 Q Why should we believe that's the truth?

21 A Because that's what he told me.

22 Q And if he told you that, what did you do about that
23 in the two years y'all were dating?

24 A Nothing, because we were at the end.

25 Q Well, at any point, did you ever call law

1 enforcement and say hey, my boyfriend just said he
2 wants to kill a young lady?

3 A No, because I didn't take him seriously.

4 Q Did you ever contact the young lady and say my boy
5 just said he wants to kill you?

6 A No, because I didn't know her.

7 Q Did you ever tell your friends that your boyfriend
8 just said he wanted to kill somebody?

9 A No, I did not.

10 Q Did you ever tell any of your family that your
11 boyfriend said he wanted to kill somebody?

12 A No, I did not.

13 Q Tell your pastor?

14 A I didn't tell anyone.

15 Q Therapist?

16 A Nobody.

17 Q Nobody?

18 A No.

19 Q In fact, you gave two statements to law
20 enforcement, correct?

21 A Yes, sir.

22 Q On February 2nd, 2016, and then again on
23 February 4th, 2016, correct?

24 A Yes, sir.

25 Q And when you talked to law enforcement on February

1 2nd, 2016, where in that statement did you tell
2 them that your boyfriend said he wanted to kill
3 somebody?

4 A Just along the questions they was asking.

5 Q And as a matter of fact, these last questions they
6 asked you is: What do you know about the murder of
7 Deanndra Roach? You remember them asking you that
8 question?

9 A I don't.

10 Q Let me show you the statement and see if it
11 refreshes your memory. (Hands witness statement.)
12 Take a look at it.

13 A I remember saying that.

14 Q Okay. I'll get it back from you. You were talking
15 to law enforcement, I think Investigator Gonzales,
16 correct?

17 A Yes, sir.

18 Q He let you know he was investigating the murder of
19 Deanndra Roach, didn't he?

20 A Yes.

21 Q And you understood that could be a serious matter?

22 A I did.

23 Q And, in fact, according to this statement here, you
24 swore under oath here to tell the truth, the whole
25 truth, nothing but the truth, correct?

1 A Yes.

2 Q Same oath you took here today?

3 A Yes.

4 Q And what did you say when they asked you what do
5 you know about the murder of Deannadra Roach?

6 A That I didn't know her, I just knew of her and I
7 had seen her a few times.

8 Q So none of this what you just said today did you
9 tell law enforcement on February 2nd, 2016?

10 A None of what?

11 Q What testimony you just said about A.J. threatening
12 to kill her and telling you all this stuff?

13 A I told them all that.

14 Q In this statement on February 2nd, 2016?

15 A No.

16 Q I didn't hear you, I'm sorry?

17 A No.

18 Q No. You swore under oath that you were going to
19 tell the truth and you didn't say anything in this
20 statement about that, correct?

21 A Yes.

22 Q And you knew that's what they were asking you
23 about, correct?

24 A Yes.

25 Q Who else did you talk to about the case -- you came

1 back to talk to law enforcement I think on the 4th
2 of February, correct?

3 A Yes.

4 Q Now, at that time, did law enforcement tell you
5 they suspected you to have any sort of involvement
6 with this?

7 A They did.

8 Q They did?

9 A (Nods affirmatively.)

10 Q What did they tell you they thought your
11 involvement was?

12 A I don't remember. They just said they thought I
13 was involved.

14 Q They told you they thought you were involved in the
15 murder?

16 A Yes.

17 Q Did they tell you the penalty for murder that you
18 could face?

19 A Yes.

20 Q What did they tell you?

21 MR. FYALL: Objection, Your Honor.

22 MR. O'NEIL: It goes to bias, clearly goes to
23 bias.

24 MR. FYALL: May we approach, Your Honor?

25 (WHEREUPON, a bench conference was held

1 in the presence of the jury but outside
2 the presence of the jury.)

3 THE COURT: Objection is sustained.

4 MR. O'NEIL: Your Honor, can I proffer the
5 testimony?

6 THE COURT: Ladies and gentlemen of the jury,
7 let me send you all out for a second.

8 (WHEREUPON, the jury retires to the jury
9 room at 11:34 a.m.)

10 THE COURT: Go ahead.

11 PROFFER

12 BY MR. O'NEIL:

13 Q Ms. Anderson, February 2nd, you gave a statement to
14 law enforcement, correct?

15 A Yes.

16 Q In that statement, you didn't mention anything
17 about knowing any details about the murder of
18 Deanndra Roach, correct?

19 A Yes.

20 Q Okay. And you came back to talk to law enforcement
21 on February 4th of 2016, correct?

22 A Yes.

23 Q Okay. And at that time, they told you they thought
24 you had some involvement in the murder of Deanndra
25 Roach, correct?

1 A Yes.

2 Q They told you at some point you could be facing
3 murder charges, correct?

4 A Yes.

5 Q They told you the punishment, the penalties you
6 could face if you were charged with murder,
7 correct?

8 A Yes.

9 Q What did they tell you you could be facing if you
10 were charged with murder?

11 A Prison time.

12 Q Did they tell you what precise prison time you
13 could face?

14 A I don't remember.

15 MR. O'NEIL: That's the testimony I want, Your
16 Honor.

17 THE COURT: Same objection?

18 MR. FYALL: Same objection, Your Honor.

19 THE COURT: I think if she's going to answer
20 prison time, my concern is her getting into any
21 penalty.

22 MR. FYALL: It's still a penalty, Your Honor.
23 The jury is not to have knowledge of potential
24 penalty for any one on trial for anything.

25 MR. O'NEIL: I'll provide case law at the

1 break. This is black letter case law, I'm allowed
2 to ask her --

3 THE COURT: It's easy to say it black letter,
4 but I need to see it. I'm up here looking on
5 Westlaw, too. So go take a moment and go find the
6 black letter case law.

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

8 THE COURT: Let's actually go on and take a
9 break. Let's take about 10 minutes.

10 Ma'am, you may step down, I'm sorry. You
11 can't talk to anyone regarding your testimony
12 during the break, okay.

13 THE WITNESS: (Nods affirmatively.)

14 (WHEREUPON, a short break was taken.)

15 (Witness returns to stand.)

16 THE COURT: Yes, sir.

17 MR. O'NEIL: I think we're done with the
18 proffer, just arguing the case law, Your Honor.

19 THE COURT: Yes.

20 MR. O'NEIL: I think I e-mailed to both the
21 Court and the Solicitor's office case law that I --

22 THE COURT: Yes, I got some, too. State v.
23 Gilliam, State v. Curry all say that the defense
24 can cross-examine Co-Defendants on possible
25 sentence. And I under Mr. Goldberg's position --

1 MR. GOLDBERG: Co-Defendant. Co-Defendant.
2 Every one of these cases talks about a charged
3 Co-Defendant, which is not what we have here. And
4 even the case that Mr. O'Neil referenced cites
5 Mizell, which is, I guess, the underlying case here
6 on this 349 S.C. 826, was also a Co-Defendant
7 situation. And in that case, the Court said the
8 jury is generally not entitled to learn the
9 possible sentence of a Defendant because the
10 sentence is irrelevant to finding guilt or
11 innocence. However, other constitutional concerns,
12 such as confrontation case limit the applicability
13 of this rule when the Defendants right to
14 cross-examine a co-conspirator witness. She's not
15 a co-conspirator witness. She was never charged.
16 Every line of cases that allows you to question a
17 witness about a sentence and exposing dealings with
18 somebody who has been charged because it goes
19 towards their bias about what they're facing in
20 exchange for their testimony. That is not what we
21 have here.

22 State v. Wiles, 407 S.C. 432, also talks about
23 how generally a judge cites Mizell. It cites
24 Mizell and it also talks about co-conspirator
25 witnesses and whether there's a substantial

1 possibility that the witness would give bias
2 testimony in an effort to have the Solicitor
3 highlight in future court how the witness
4 cooperate. Again, we don't have that here. All
5 these cases deal with charged Co-Defendants that
6 show they can be shown some bias based on what
7 they're looking at. She's not looking at any of
8 that.

9 He's established through his questioning and
10 answering of her that they told her that she could
11 have been charged with murder. That is sufficient
12 for this jury to understand. Okay, if you want to
13 make the inference that what -- she made it all up
14 because they said she might be charged with murder,
15 great, you got that out there. There is no reason
16 for this jury to know what the potential charge
17 and -- penalty, excuse me, of murder carries in
18 this case as it relates to this witness without her
19 being charged.

20 MR. O'NEIL: Your Honor, again, with all due
21 respect to Mr. Goldberg, he doesn't get to decide
22 what's sufficient when it comes to my
23 cross-examination. The South Carolina Constitution
24 gets to decide what's sufficient when it comes to
25 my cross-examination. Mr. Goldberg stopped short

1 in Mizell when he quoted Mizell. If you continue
2 to read what Mizell said, it also says that a
3 defendant has a right to cross-examine a witness
4 concerning bias under the confrontation clause. On
5 cross-examination, any fact may be elicited which
6 tends to show interest, bias or partiality of the
7 witness. Just because this witness --

8 I let you speak, Mr. Goldberg, let me speak.

9 Just because this witness was not officially
10 charged with murder is of no relevance. They told
11 her the possibility of that and they told her what
12 would happen if she would be. The fact that she
13 was told that information goes to show -- goes to
14 whether or not she has any bias in saying a
15 different story than what she initially said. I'm
16 allowed to delve into that.

17 MR. GOLDBERG: Now, the difference is all of
18 these cases that we cited, we threw out these
19 points of law as relates to them, but we still have
20 to look at the underlying facts in these cases.
21 When you look at Mizell, the issue that it dealt
22 with was a witness -- the witness admitted -- I'm
23 looking at Page -- I guess, it's after headnote
24 seven. The witness admitted on direct examination
25 that she testified in exchange for being charged

1 with only one count of conspiracy.

2 The case law that has been created by Mizell
3 deals with a fact specific situation where you have
4 a witness that was actually charged. The
5 questioning of that witness that the Court did the
6 analysis on dealt with that precise issue, that she
7 had only been charged with one count of conspiracy
8 and she could face a maximum sentence of seven
9 and-a-half years and the issue came up when the
10 judge precluded the defense from asking about the
11 penalty.

12 That was the situation in Mizell where they
13 were allowed to do it. What we're saying here is
14 this is not that situation. None of this case law
15 deals with any factual situation where you're
16 talking about someone who was not charged, only
17 cases where people were charged. Every one of
18 them.

19 MR. O'NEIL: Your Honor, that fact is a
20 factor, it's not determinative of the Court's
21 decision. What's determinative of the Court's
22 decision is whether or not the witness has bias or
23 potentially has bias. The fact that she's charged
24 or not charged doesn't negate the fact that she may
25 have bias. She had the same amount of bias by the

1 fact that they didn't charge her with it, but they
2 told her they could have.

3 MR. GOLDBERG: At the risk of belaboring the
4 point, and I'm not going to go back through it
5 because I think you're very clear on my position, I
6 will also add for the record, however, that we
7 further object under 403 that any probative value
8 that comes from bringing this out, about what
9 murder carries as a penalty is substantially
10 outweighed by the danger of unfair prejudice that
11 comes from it.

12 MR. O'NEIL: Your Honor, I think the case law
13 has clearly decided that the Defendant's
14 confrontation class rights outweigh any sort of
15 bias to the State. Throughout the whole line of
16 those casing, they state that fact.

17 THE COURT: Y'all done?

18 MR. GOLDBERG: Yes, ma'am.

19 MR. O'NEIL: Yes, ma'am.

20 THE COURT: All right. They do state that,
21 but they also, Mr. O'Neil, say that you have to do
22 a 403 analysis, which I have done.

23 Based on the testimony that's been proffered,
24 the Court finds that the Defendant does have the
25 right to cross-examine a witness concerning

1 potential bias under the confrontation clause. Any
2 fact may be elicited which tends to show interest,
3 bias or partiality of a witness. That doesn't
4 state that it has to be a Co-Defendant.

5 But in terms of 403 and weighing the
6 prejudicial effect and probative value, she's going
7 to testify -- I'm not going to allow her to
8 testify -- well, she's already said she doesn't
9 know. She just said jail time. I don't find under
10 403 that the prejudicial effect of that outweigh
11 the probative value.

12 Now, if you got into the actual amount of
13 time, then I have to -- then I may reconsider that.
14 But if she's going to testify that murder -- she
15 could have potentially been charged with murder and
16 that she's going to be facing jail time, I will
17 allow her to testify to it. So the objection is
18 overruled.

19 MR. GOLDBERG: Thank you, Your Honor.

20 THE COURT: All right. Let's bring them in.

21 (WHEREUPON, the jury came into open
22 court at 12:05 p.m.)

23 THE BAILIFF: The jury is present, Judge.

24 THE COURT: All right. Thank you.

25 Yes, sir. Objection overruled.

1 MR. O'NEIL: Just for clarity, the previous
2 objection --

3 THE COURT: I said it was overruled.

4 CROSS-EXAMINATION

5 MR. O'NEIL:

6 Q Ms. Anderson, let's back up for a minute. You gave
7 a statement on February 2nd, correct?

8 A Correct.

9 Q Didn't mention anything about knowing any of these
10 facts you told this jury this morning, correct?

11 A I told them when I went in to talk to them the last
12 time.

13 Q We're going to get to that, but I'm talking about
14 February 2nd first. February 2nd, you didn't
15 mention anything about these facts you told this
16 jury at that time, correct?

17 A Correct.

18 Q And then you went back on February 4th -- like you
19 just said, you went back to headquarters on
20 February 4th, correct?

21 A Yes, sir.

22 Q And at that time, law enforcement told you that you
23 could be charged with murder, correct?

24 A Yes.

25 Q And did they tell you what you could be facing if

1 you were charged with murder?

2 A Just jail time.

3 Q I'm sorry, couldn't hear you?

4 A Just jail time.

5 Q And I'm assuming, you didn't want to face any jail
6 time, did you?

7 A No.

8 Q You told them something different when you came
9 back on February 4th than you told them on February
10 2nd, correct?

11 A I added to it.

12 Q You added a lot to it, fair enough?

13 A Yes.

14 Q That's when you first talked all this stuff about
15 what you told the jury today, correct?

16 A Yes.

17 Q I asked you before during this whole two-year
18 period, you never told anybody that A.J. had
19 threatened Ms. Roach, correct?

20 A That is true.

21 Q Only after -- time-wise, only after they told you
22 you would be facing prison time for murder did you
23 tell them this stuff that you told the jury this
24 morning, correct? You have to answer yes or no.

25 A Correct.

1 Q This keying the car incident, how long ago -- how
2 long prior to January 2016 did this occur?

3 A I don't know. I didn't know him then.

4 Q So you knew him -- y'all dated for two years,
5 correct?

6 A (Nods affirmatively.) That's correct.

7 Q And to your understanding, this keying the car
8 incident would happen before you knew him?

9 A Yes.

10 Q So from your perspective, it had to be, at least,
11 two years ago -- two years ago prior to
12 January 2016?

13 A Yes.

14 Q Do you know whether or not Mr. Heatley's father
15 stayed over on the Killian Road side of Columbia?

16 A Did I know?

17 Q Did you know that?

18 A Yes, I knew that.

19 Q Where did he stay at?

20 A Where did A.J. stay?

21 Q No, where did A.J.'s father stay?

22 A Somewhere on the Killian side.

23 Q That's the northeast side of Columbia?

24 A Yes.

25 Q And I think on direct you said when Mr. Heatley

1 text you at 6:17, that reminded you of what you
2 claim he made threats about the victim before,
3 correct?

4 A Yes.

5 Q So I'm assuming based off -- if you talking about
6 that reminded you of him making threats to kill
7 somebody in the past, I'm assuming when you got
8 that text message, you ceased any sort of further
9 communication with Mr. Heatley, correct?

10 A Yes.

11 Q You stopped text him after you got that?

12 A After I got what?

13 Q After he texted you -- you said he gave you a text
14 at 6:17 that reminded you that -- about some
15 threats that he made against Ms. Roach in the past,
16 correct?

17 A Yes.

18 Q If that was true, I would assume you would react in
19 some way that would not be indicative of you
20 continuing to communicate with him. How did you
21 react? What did you say?

22 A I don't remember what I said.

23 Q Did you not say, Oh, Lord, baby, please be careful,
24 please?

25 A Yes, I said that.

1 Q And the next thing you texted him was, On second
2 thought, you can just come get me from the house,
3 I'm not going in tomorrow?

4 A Yes.

5 Q So you want this jury to believe that you
6 thought -- well, take that back. You want the jury
7 to believe that he made a statement that reminded
8 you of him making a threats against a victim in the
9 past, correct?

10 A Yes.

11 Q And you responded by saying, On second thought,
12 just come get me from the house, I'm not going in
13 tomorrow?

14 A I had already planned to go to his house.

15 Q So I want to make sure I'm clear on this. You want
16 us to believe that he made a comment that reminded
17 you of threatening to kill somebody a while back
18 and you were still planning to go to his house the
19 next day?

20 A I didn't take him seriously.

21 Q In fact, you did go to his house the next day,
22 correct?

23 A I did.

24 Q He came and picked you up around 2:30 the next day,
25 correct?

1 A I don't remember the time.

2 Q And you -- because you didn't go into work the next
3 day?

4 A No.

5 Q So, obviously, you didn't think anything had
6 happened either that morning or the night before,
7 did you?

8 A No.

9 Q Because you were at his house the whole entire day,
10 correct?

11 A Pretty much.

12 Q In fact, you were there at the house at 1 o'clock
13 in the morning when the police showed up, correct?

14 A I was.

15 Q In fact, I think did you not tell Mr. Heatley to go
16 to Burger King that morning?

17 A I mean, he said he wanted to get something to eat,
18 so went to Burger King.

19 Q In fact, the morning law enforcement got in
20 touch -- came in contact with Mr. Heatley, he was
21 going to Burger King to get something to eat,
22 correct?

23 A Yes.

24 Q He wasn't fleeing the state, was he?

25 A No.

1 Q He didn't have any bags packed fleeing the country?

2 A No.

3 Q He was going half a mile up the road to Burger
4 King?

5 A Yes.

6 Q Now, I'm not going to go through every single one
7 of these text messages, but between 6 o'clock on
8 that Thursday here, you and Mr. Heatley texted
9 several times back and forth, correct?

10 A Yes.

11 Q You saying I love you, he saying I love you,
12 correct?

13 A Yes.

14 Q And this whole update me in three hours text, you
15 said that was, basically, because you thought maybe
16 he was with somebody else, is that fair enough?

17 A Yes.

18 Q You didn't think he was doing anything harmful to
19 anybody else, you thought he was with some other
20 girl, is that fair to say?

21 A Yes.

22 Q This quote, unquote shooting spot, who all called
23 that location that name?

24 A Just him.

25 Q And you had been there before?

1 A Yes.

2 Q And, in fact, I think you said Mr. Heatley had been
3 there before, the same week, the Wednesday of this
4 incident, correct?

5 A Yes.

6 Q Law enforcement came and did the search warrant at
7 the house late Friday night, early Saturday
8 morning?

9 A Yes.

10 Q And Mr. Heatley had been there Wednesday of that
11 same week?

12 A Yes.

13 Q And according to you, he had been shooting a rifle
14 that same week at this location, correct?

15 A Yes.

16 Q Was this location, was it like a secret location or
17 did other people know about it?

18 A I don't know.

19 Q You knew about it, you had been there?

20 A Yes.

21 Q What other sort of activities occurred at this
22 location?

23 A Nothing.

24 Q People just hang out there? I mean --

25 A I don't know.

1 Q Now, you indicated on direct that you and
2 Mr. Heatley had Facetimed between 10:00 and 11:00
3 o'clock on Thursday, January 28th, 2016, correct?

4 A Yes.

5 Q How long did that FaceTime last?

6 A Not very long.

7 Q I think on direct, he asked you specifically, said
8 probably sometime between 10:00 and 10:30 that
9 night, correct?

10 A Yes.

11 Q How did Mr. Heatley -- what was his demeanor during
12 that FaceTime? Was it anything out of the
13 ordinary?

14 A I couldn't really see him.

15 MR. FYALL: Objection.

16 THE COURT: What's the objection?

17 MR. FYALL: Speculation.

18 THE COURT: Objection overruled.

19 BY MR. O'NEIL:

20 Q How was Mr. Heatley's demeanor during that
21 FaceTime?

22 A I couldn't really see him. It was dark.

23 Q I guess, demeanor, did anything appear out of the
24 ordinary to you?

25 A He seemed a little jittery.

1 Q This was what time?

2 A During the FaceTime call.

3 Q And when you have FaceTime calls on your phone,
4 does those FaceTime records, in your experience,
5 are they still recoverable off your phone?

6 A I'm not sure.

7 Q Do they show up in your call logs?

8 A I think they show up in like the FaceTime log.

9 Q When you open up the FaceTime app, it shows a log
10 of all your Facetimes, correct?

11 A Uh-huh.

12 Q Is that a yes?

13 A Yes.

14 Q All right. So if anybody wanted -- if anybody got
15 your phone, anybody's phone using FaceTime, they
16 could see the times you Facetimed and how long
17 those Facetimes lasted, correct?

18 A Yes.

19 Q And sometimes we assume everybody knows what we're
20 talking about here, FaceTime is, basically, just a
21 video phone call conversation, correct?

22 A Yes.

23 Q Where both sides of the conversation get to see the
24 other side?

25 A Yes.

1 Q And you said that's how you and Mr. Heatley would
2 communicate a lot?

3 A Yes.

4 Q But there's a record of those stills saved in your
5 applications -- FaceTime application on your phone,
6 correct?

7 A I think so. I don't know.

8 Q And you use FaceTime a lot, I would assume,
9 correct?

10 A Yes.

11 Q And, Ms. Anderson, we had a little chart over your
12 shoulder to the left here. But you, at one point,
13 was in a relationship with Mr. Shanard Stokes, is
14 that fair?

15 A Yes.

16 Q And time-wise here, how long before you dated
17 Mr. Heatley did you date Mr. Stokes?

18 A Maybe dated for a little over a year.

19 Q You dated for over a year. But how much time was
20 between you dating Mr. Stokes when you started
21 dating Mr. Heatley here?

22 A A few months.

23 Q So a few months' separation between dating Mr.
24 Stokes and dating Mr. Heatley, correct?

25 A Yes.

1 Q At the time of January 28th, 2016, to your
2 knowledge, Mr. Stokes was dating Ms. Roach,
3 correct?

4 A I didn't know they were dating.

5 Q You didn't know they were dating. But at that
6 particular time in January 2016, Mr. Heatley was
7 your current boyfriend, correct?

8 A Yes.

9 Q He was not still dating Ms. Roach at that time?

10 A I guess not.

11 Q He was dating you?

12 A Yes.

13 MR. O'NEIL: Beg the Court's indulgence, Your
14 Honor?

15 (Pause.)

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

17 THE COURT: Redirect.

18 MR. FYALL: Yes, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. FYALL:

21 Q Desha, you doing okay?

22 A I'm good.

23 Q Are you nervous?

24 A Uh-huh.

25 Q Mr. O'Neil said to you that when you gave your

1 statement on February 2nd, 2016, when they asked
2 you, What do you know about the murder of Deannandra
3 Roach, your response was, I know her, but we never
4 met or spoke to each other. He then asked you, Is
5 that the only thing you put about the murder in
6 that first statement? And you said, Yes. Right?

7 A Yes.

8 Q That February 2nd statement, isn't that also when
9 you told them about three days before her death
10 A.J. made a comment that he was going to kill that
11 girl?

12 A Yes.

13 Q Because he was still bitter about his car being
14 keyed?

15 A Yes.

16 Q And you said he would use gunfire or knife?

17 A Yes.

18 Q All right. Now, when you gave the February 2nd
19 statement -- let me ask you this. Were you there
20 when Ms. Roach got killed?

21 A No.

22 Q When you gave these statements, were you aware of
23 whether or not A.J. had anything to do with it?

24 A No.

25 Q When you responded to them that y'all called

1 between 10:00 and 11:00 that night, were you aware
2 whether or not that would be relevant to the
3 murder?

4 A No.

5 Q They just asked you a question and you answered it?

6 A Yes.

7 Q And that's on February 2nd, the statement that
8 Mr. O'Neil says didn't contain anything else about
9 the murder, right?

10 A Correct.

11 Q Thank you. Then you came back on February the 4th.
12 Who brought you to headquarters that second time?

13 A My grandmother took me the second time.

14 Q Your grandmother took you in the car and brought
15 you to headquarters?

16 A Yes.

17 Q Did law enforcement come knocking at your door?

18 A No.

19 Q Anyone -- did law enforcement call you and say,
20 Come to headquarters right now?

21 A No.

22 Q Your grandmother brought you to headquarters?

23 A Yes.

24 Q Now, in that second statement, you gave them some
25 text messages, correct?

1 A Yes.

2 Q Did you create those text messages right there in
3 the RCSD headquarters?

4 A No.

5 Q Do you even know how to do that?

6 A No.

7 Q And those text messages, they were taken from your
8 phone, correct?

9 A Yes.

10 Q Okay. When -- so when Mr. O'Neil talked about the
11 stuff that you added the second time that you came
12 to headquarters, did you add anything or just
13 showed them text messages that were already there?

14 A Just showed them messages.

15 Q And this was your boyfriend, correct?

16 A Yes.

17 Q Did you want to believe that he had anything to do
18 with the murder of Deannadra Roach?

19 A No.

20 MR. FYALL: No further questions.

21 THE COURT: All right, ma'am, you may step
22 down.

23 (Witness steps down.)

24 THE COURT: Any objection to this witness
25 being excused?

1 MR. FYALL: None from the State.

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

3 (Witness excused.)

4 THE COURT: Let me see you all.

5 (WHEREUPON, a bench conference was held
6 in the presence of the jury but out of
7 the hearing of the jury.)

8 THE COURT: All right, ladies and gentlemen,
9 we are just trying to plan the rest of the day.
10 But your food is here, and so we're going to go
11 ahead and take our break. It is about 25 after.
12 We will take about 30 minutes, 30 or 40 minutes for
13 you all to have lunch and refresh yourselves. Then
14 we'll come back for additional testimony. And then
15 we'll -- as I told you yesterday, I don't plan on
16 staying late tonight. So we'll get out of here at
17 a reasonable time. All right. Thank you all.
18 Don't discuss the case over lunch.

19 (WHEREUPON, the jury retires to the jury
20 room at 12:27 p.m.)

21 THE COURT: We'll go ahead and take a break
22 until about 10 after.

23 (WHEREUPON, a lunch break was taken.)

24 THE COURT: Bring the jury in.

25 Anything we need to take up before the jury

1 comes in?

2 MR. GOLDBERG: (Nods negatively.)

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

4 THE COURT: Are you ready to bring them in?

5 Bring them on in.

6 (WHEREUPON, the jury came into open

7 court at 1:35 p.m.)

8 THE BAILIFF: The jury is all present, Judge.

9 THE COURT: We are ready to continue with the
10 State's case.

11 I'll ask the State to call their next witness.

12 MR. GOLDBERG: The State calls Investigator
13 Gonzalez.

14 (Witness approaches.)

15 THE BAILIFF: Place your left hand on the
16 Bible and raise your right.

17 (Witness complies.)

18 THE CLERK: Do you swear or affirm the
19 testimony you are about to give in this case will
20 be the truth, the whole truth and nothing but the
21 truth, so help you God?

22 THE WITNESS: I do.

23 THE CLERK: Have a seat in the witness stand,
24 please.

25 (Witness seated.)

1 THE CLERK: State your name for the record.

2 THE WITNESS: William Gonzalez.

3 WILLIAM GONZALEZ,

4 after being duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. GOLDBERG:

7 Q Investigator Gonzalez, where are you employed?

8 A Richland County Sheriff's Department.

9 Q How long have you worked there?

10 A Eighteen plus years.

11 Q Can you tell the jury a little bit about what
12 you've done with the department over your 18 plus
13 years?

14 A I've served in different capacities during those 18
15 years. Currently, I'm serving as a school resource
16 officer. In 2017, I retired from the department
17 and came back. And back when this incident
18 happened, I was working the Major Crimes Unit.

19 Q All right. And what were your duties as an
20 investigator in Major Crimes?

21 A I would investigate armed robberies, assault and
22 battery high and aggravated nature, all the
23 Hispanic cases that happened in the county, and
24 homicide.

25 Q How did you come to be involved with the

1 investigation recording Deannadra Roach and Andre
2 Heatley?

3 A I was working the night shift on Friday,
4 January the 29th of 2016, when Captain Senn called
5 me up and he stated that Investigator Nations and
6 Investigator Boland were working a missing person
7 case in reference to Deannadra Roach.

8 Since I was working the night shift, he stated
9 that he wanted me to go to the Walmart on Two Notch
10 Road, 10060 block of Two Notch Road, because that's
11 where Deannadra was working and that was the last
12 place that she was seen. He wanted me to go over
13 there and look at the video surveillance for the
14 Walmart to ensure that there was no foul play or
15 any other incident that might have happened at the
16 parking lot as she was getting in the car.

17 Q And were you able to do that?

18 A No.

19 Q Okay. Why not?

20 A Approximately about, maybe half hour after that
21 conversation with Captain Senn, I was called by
22 Investigator J.P. Smith, and he told me that he
23 heard on the radio that they just discovered a
24 female body at an open field on Farrow Road. So I
25 figured at that time, let me head down there just

1 to see what was going on, which I did.

2 Q And so you responded out to the incident location?

3 A That's correct.

4 Q And I believe this is already in evidence as
5 State's 53. I'll hold it up for you. And that
6 would be up here in the Farrow Road area, is that
7 right?

8 A That's correct.

9 Q And so you actually went out there. And what did
10 you do when you arrived on scene?

11 A I arrived on scene and I was able to see that there
12 were several Richland County vehicles at the
13 location. EMS was there. Richland County
14 Sheriff's Department CSI was there. And there was
15 yellow tape around an area where there was a
16 vehicle and what had looked like an unresponsive
17 body laying on the ground.

18 Q And that vehicle was a Honda Civic, correct?

19 A That's correct. It was a Honda Civic, South
20 Carolina tag Kilo Delta Kilo [REDACTED].

21 Q Okay. And you said that the body was laying on the
22 ground next to the vehicle?

23 A The body was laying on the ground facing down by
24 the driver's side.

25 Q Okay. And you said there was a crime scene

1 investigator out there at that time?

2 A That's correct.

3 Q So would it be your job at this time to get
4 involved with the collection of any evidence or
5 anything like that?

6 A No.

7 Q Okay. That's what the crime scene guys are for?

8 A That's what crime scene is there for.

9 Q All right. So what are you doing at this time?

10 A Well, at that time, I knew that the case was going
11 to come to me because I was on night shift and I
12 was homicide on call, so at that moment I started
13 looking more to where the body was at. I was able
14 to see that it was a young black female wearing
15 black clothing, reddish hair. And I was able to
16 see that that person had several impact bullet
17 wounds on her. Keep in mind, I never went in the
18 yellow crime scene. All this was done outside from
19 the yellow crime scene to maintain chain of custody
20 and our procedure.

21 And then I decided I'd call Investigator
22 Torres. I called her up and I explained where we
23 were at. I gave a quick synopsis of what was going
24 on and then further, later on, maybe about a half
25 hour later, she showed up.

1 Q She would have been the other investigator on this
2 case?

3 A That's correct.

4 Q Okay. What else did you notice about Ms. -- what
5 we later found out to be Ms. Roach, the body laying
6 on the ground in terms of what she was wearing?

7 A I could see that -- and everybody knows the vest
8 from Walmart, and stuff like that, the uniform. I
9 could see she was wearing a uniform from Walmart.
10 I could see that there was kind of like a tag on
11 the uniform. So based on what Captain Senn had
12 told me earlier that evening, I came to the
13 conclusion -- and I believe I had one of the
14 deputies that responded there to run the tag -- and
15 I came to the conclusion that that was the missing
16 person that we were looking for.

17 Q All right. And what information did you have at
18 that time about any financial activities that had
19 been done in regards to Ms. Roach's credit card,
20 debit card?

21 A At that time, what we had was what Investigator
22 Nations and Investigator Boland had investigated
23 earlier the day before and what they obtained from
24 the bank. That was passed onto us.

25 Q And that was actually some still shots and some

1 video, correct?

2 A That's correct. That was some still shots of an
3 individual that was at several banks, I think there
4 were three banks, Palmetto Citizen, Bank of
5 America, and Wells Fargo, that was supposedly using
6 Deandra's credit card.

7 Q At the ATM?

8 A At the ATM.

9 Q Okay. All right. And did you then come in contact
10 with Ms. Roach's family?

11 A Yes.

12 Q Okay. Can you describe what the nature of that
13 contact was?

14 A Once I was pretty sure that the young lady that was
15 deceased was Deandra Roach, myself, Investigator
16 Torres, and the coroner, a representative from the
17 coroner, I believe it was Ms. Neeley, I believe it
18 was, we decided to go and do a family notification.
19 She did most of the talking, the Coroner's Office.
20 And we made contact with the Roach family at the
21 residence, and we spoke with Cynthia's husband, and
22 her son was there.

23 Q And at this time throughout the investigation, the
24 information you had been given by Investigator
25 Nations, who was doing the missing persons

1 investigation, Captain Senn, all these folks that
2 had provided this information, at this point, what
3 names had you been given about people who Deanndra
4 Roach may have been known to associate with?

5 A Based on the information that we were relayed down
6 from Investigator Nations and Boland and what the
7 family had told us, the main name that came out was
8 Andre Heatley.

9 Q Okay. Did they mention another male name as well?

10 A The family did, the mother. She also mentioned a
11 Kelvin Davis.

12 Q Okay. And so based on this information, where do
13 you go from here with your investigation?

14 A We spoke to the family, and I believe that the
15 mother informed Investigator Torres of some names,
16 some friends of hers, of her daughter, Deanndra,
17 gave us some names, and stuff like that. And we
18 started following up on that immediately.

19 Q You went to go talk to some of these people who may
20 have known Deanndra?

21 A Correct. The first name that we went to was Ashley
22 Gadson.

23 Q You talked to her?

24 A We went to her house. It was approximately about
25 2152 hours.

1 Q So you meet with her and get some information from
2 her. And then who do you meet with after that?

3 A After that, we met with Brittany Carroway.

4 Q Uh-huh.

5 A Yes, at her residence.

6 Q And when you met with Brittany, did you show her
7 the images that you had from the ATM?

8 A Yes, I did. I showed her some images from the ATM
9 that we had. And I asked her if she could look at
10 these images and tell me if that resembles
11 somebody. And she looked at it and immediately
12 stated, That's A.J. I asked her, Well, how do you
13 know that's A.J.? She mentioned about the red Air
14 Force Ones that he had. She said Deannadra bought
15 those for him.

16 Q Okay. And so once you've done that, what's your
17 next step? And what day is this now at this point
18 that you're conducting this?

19 A At this point, we're still at that Friday,
20 January the 29th.

21 Q Okay.

22 A Late at night.

23 Q Okay. And just for orientation for the jury,
24 that's -- you were notified about the body around
25 5:00 or 6:00 o'clock that night, is that right?

1 A That's correct, close.

2 Q So it's getting a little bit later in the evening,
3 and your next step is what?

4 A Well, we went back to the headquarters. We
5 informed Captain McDonald of what these two young
6 ladies had told us. We went back to headquarters
7 and we decided that we had enough probable cause to
8 get a search warrant. After we did some background
9 on Mr. Heatley's locations, and all that, we
10 decided that we had enough probable cause to get a
11 search warrant for Mr. Heatley's residence, which
12 at that time we determined to be the [REDACTED] Kirkstone
13 Road in Irmo.

14 Q In Irmo, okay. And, again, I show you State's 220.
15 Is that an overall map of the Columbia area?

16 A Yes, sir.

17 MR. GOLDBERG: Your Honor, I would offer
18 State's 220 in evidence.

19 MR. O'NEIL: No objection.

20 THE COURT: It will be entered without
21 objection.

22 (WHEREUPON, State's Exhibit No. 220 was
23 marked for identification and received
24 into evidence.)
25

1 BY MR. GOLDBERG:

2 Q All right. Can you point out on this map,
3 generally speaking, where the incident location
4 was, the crime scene off Farrow Road? Let's see,
5 we've got 20 and 77.

6 A 20, 77.

7 Q Up there?

8 A 555, right before the railroad tracks.

9 Q 555 is another designation for Farrow Road?

10 A For Farrow Road, correct.

11 Q So that's where the incident location was in terms
12 of the body being located?

13 A Right in this area, correct.

14 Q And the area that you're talking about where the
15 search warrant would have been executed generally
16 would have been what part of town?

17 A In this part, Irmo area, this part.

18 Q What's the most common way to get from Farrow Road
19 out to the Irmo area there?

20 A The most common way is to hit further down Clemson
21 and Killian and hit 77, go down 77, hit I-20, come
22 down I-20, then hit 26 straight up to Irmo.

23 Q Okay. All right. So you guys were out in the Irmo
24 area headed towards what you know as the
25 Defendant's residence on Kirkstone, correct, [REDACTED]

1 Kirkstone?

2 A That's correct.

3 Q And that was to execute a search warrant. Where
4 are you physically located in preparation of
5 executing this search warrant?

6 A Once we obtained the search warrant, we had --
7 Sergeant Faust went ahead of us, kind of like the
8 eyes on the house just to check it out and see
9 what's there, and all that. And we were -- it was
10 myself, Investigator Torres, Investigator Roe, and
11 Investigator Rebolj, we all went and started
12 staging at the Kangaroo, which is right next to the
13 Burger King, which is like maybe a quarter of a
14 mile from the actual search warrant location. We
15 staged there because we were waiting for a K-9 unit
16 and we were also waiting for Irmo PD.

17 Q All right. And while you were getting organized,
18 if you will, did you receive contact from Sergeant
19 Faust?

20 A Yes, I received a phone call from Sergeant Faust
21 and he told me that there was an individual that
22 got into a white vehicle and was leaving the house.
23 We knew at that moment that the Defendant's vehicle
24 was white and it was a strong possibility that that
25 was him.

1 Q And so --

2 A Sergeant Faust kind of like followed him and he was
3 kind of giving us play by play of where he was
4 going, where he's at. So we all got in our cars
5 and we were standing by. If he hit the major road,
6 we were able to see him, and then execute from
7 there.

8 Q And he ended up going to the Burger King, is that
9 right?

10 A He ended up -- he stated he's making a left turn, I
11 believe it was, into the drive-through of Burger
12 King. We were like right next-door, so --

13 Q He just so happened to pull into the business
14 next-door to where you guys were set up waiting to
15 go?

16 A That's correct.

17 Q Okay. Once he pulls in, law enforcement makes
18 contact with him?

19 A Yes. Myself -- I know myself and Sergeant Faust,
20 we approached through the driver door.

21 Q Okay. And as you were approaching the vehicle,
22 what exchanges did you have with the driver?

23 A Sergeant Faust was kind of like ahead of me a few
24 steps, and he asked him to put hands up, if there
25 was any weapons in the car.

1 MR. O'NEIL: Objection, Your Honor, based on
2 my previous objection.

3 THE COURT: All right. Objection is
4 overruled. Thank you.

5 BY MR. GOLDBERG:

6 Q Go ahead. Faust got to him first?

7 A He got to him first, and then I was behind him,
8 kind of like, I retouched the same thing, I said,
9 Is there any weapons in the car? And he answered
10 the same thing, Yes, it's in the glove compartment.

11 So I opened the door and I got him out of the
12 car. I pat him down and I put handcuffs on him.
13 And I told him at this time, you are detained for
14 our safety.

15 Q Because of the fact that he had indicated there was
16 a weapon, correct?

17 A There was a weapon in the car and it was at easy
18 fast reach.

19 Q But at that point, you don't go looking for the
20 weapon, you're just focused on having him detained,
21 correct?

22 A Correct.

23 Q All right. And who did you recognize the driver of
24 the vehicle to be?

25 A I recognized him as being Andre Heatley.

1 Q Okay. And was there anybody else in the car?

2 A He was the only person in the car in the driver's
3 side.

4 Q Once you had him detained and handcuffed, where did
5 you take him?

6 A Myself and Investigator Torres walked him over to
7 my car.

8 Q What kind of car were you driving?

9 A I was driving a Ford Explorer unmarked. I placed
10 him in the front passenger seat of my vehicle.
11 Investigator Torres sat in the back rear seat on
12 the passenger side directly behind him. And then,
13 of course, I sat in the front driver's seat.

14 Q What did you tell Mr. Heatley at that point once he
15 was in your vehicle?

16 A I informed Mr. Heatley at that moment that we were
17 investigating the disappearance of Deannadra Roach,
18 and that I wanted to know why was he using her
19 credit card.

20 Q What was his response?

21 A His response was -- he stated that he wanted to
22 speak with his parents because, and I quote: They
23 told him he should always have an attorney.

24 Q Okay. At that point, did he actually ask you to
25 contact an attorney?

1 A At no -- at no time did Mr. Heatley say, Hold up
2 Gonzalez, stop, I don't want to talk to you without
3 my attorney present, I don't want to talk to you
4 unless I speak to an attorney, or I don't want to
5 talk to you unless I get some advice from an
6 attorney.

7 Q All he said at this point is he wanted to talk to
8 his parents?

9 A That's correct.

10 Q Okay. And so in response to that, what did you do?

11 A In response to that, I immediately reached into my
12 pocket -- I always carry a business card, little
13 wallet with Miranda Rights -- so I pulled out my
14 Miranda Rights as I have this card, and I read
15 Mr. Heatley his rights as follows:

16 Before we ask you any questions, you must
17 understand your rights. You have the right to
18 remain silent. Anything you say can be used
19 against you in a court of law. You have the right
20 to talk to a lawyer for advice before we ask you
21 any questions and to have a lawyer with you during
22 questioning. If you cannot afford a lawyer, one
23 will be appointed for you before any questioning if
24 you wish. If you decide to answer questions now
25 without a lawyer present, you still have the right

1 to stop answering questions at any time. You also
2 have the right to stop answering at any time --
3 stop answering questions at any time until you talk
4 to a lawyer. Do you understand your rights?

5 And at that moment, he understood his rights.
6 He acknowledged that he understood his rights.

7 Q All right. So once he has indicated he understood
8 his rights, what did you tell him about that, or
9 what did he say? Did he indicate he wanted to talk
10 to you?

11 A Well, my next question to him was that I wanted to
12 speak to him about Deannadra. And he said okay.

13 Q He said okay?

14 A (Nods affirmatively.)

15 Q Did you use any threats of violence in order to get
16 him to talk to you?

17 A No.

18 Q Any promises of leniency in any way?

19 A Absolutely not.

20 Q He says he wants to talk to you, says okay. What
21 else did he say besides okay?

22 A Well, after he said okay, he then stated that he
23 would like to use my cell phone. I asked him, Why
24 you want to use my cell phone? He said, Because I
25 want to call my mother. I told him, You are a

1 grown adult and at this moment you are not calling
2 your mother.

3 Q And at that point, did you then begin to ask him
4 questions about Deanndra?

5 A Yes.

6 Q Did he, again, at any of this point in time say he
7 didn't want to talk to you?

8 A That's correct.

9 Q And he didn't ask for a lawyer at that time either?

10 A That's correct.

11 Q Okay. And so then you begin to talk about what you
12 know, correct?

13 A That's correct. I asked him -- I asked him, When
14 was the last time you saw or you spoke with
15 Deanndra? And he told me it was over two months
16 ago.

17 Q All right. What else -- describe for the jury the
18 next part of the conversation between the two of
19 you.

20 A Okay.

21 Q Did you ask him about her credit cards?

22 A I asked him when was the last time he had used her
23 credit card, and he stated, Over two months ago,
24 the same time that I saw her, the last time I saw
25 her.

1 Q All right. And did he indicate something about her
2 giving him her credit cards?

3 A I'm sorry?

4 Q Did he say anything to you about Deannadra giving
5 him her card in the past?

6 A Yes, he did mention that he had used her credit
7 card in the past and had her pin number.

8 Q Okay. And when you asked him the last time that
9 she gave him the card, I believe you said a minute
10 ago it was about two months ago?

11 A That's correct, that's what he stated.

12 Q And he said that was the last time he saw her?

13 A That's correct.

14 Q Okay. What did you talk about next?

15 A I then asked him -- well, I then showed him the
16 same picture I showed Ashley and Brittany of the
17 individual that was at the ATM machine using her
18 debit card. I showed him that picture. He looked
19 at it, he stared at it, and he looked up at me and
20 said, That's me.

21 Q He said, That's me?

22 A That's correct.

23 Q And that would be -- I know there were different
24 versions of the photos, but that would be like in
25 State's 114 through 116?

1 A That's correct.

2 Q The ATM photos, he admitted that was him, correct?

3 A Yes, sir.

4 Q All right.

5 A Because I believe I told him -- when he said,
6 That's me, I said, Okay, these were taken Thursday
7 at about 2309 at the, I want to say that was the
8 Palmetto Citizen Bank, since he already told me
9 that he hadn't spoke to her or seen her over two
10 months ago.

11 Q Now, jumping back a second, did you ask him where
12 he was on the night of Thursday, the 28th?

13 A Yes, he stated he was at his house.

14 Q Okay. All right. And so he admits that's him in
15 the ATM photos and you tell him, you know, when
16 it's from. What does he say to you after that?

17 A So he admitted that that was him using her credit
18 card. And then --

19 Q Did he actually admit to using the cards?

20 A Yes. I believe, if I'm not mistaken. That's
21 correct. I told him -- I told him that, That was
22 on Thursday at 2309 at the Palmetto Bank ATM
23 machine right across from the entrance of your
24 neighborhood. He then looked at me and paused
25 again for a few seconds and admitted he used

1 Deannandra's credit card at that bank.

2 And then I asked him, Where is the credit card
3 now? He initially stated that he threw it away at
4 the last ATM, at the last bank he used the ATM,
5 which was the Wells Fargo, that once he tried that
6 transaction, he threw it away.

7 Q What else does he say about the use of the card?

8 A So, at that moment, we have prior information that
9 that was not the only transaction, so I confronted
10 him. I said, Well, did you do any other
11 transaction? So he thought about it and he said,
12 Yes, I bought -- I bought a Michael Kors watch. As
13 a matter of fact, and I quote --

14 MR. O'NEIL: I apologize. The witness can
15 always refresh his memory. He can't read from his
16 report. I object to him reading his report.

17 THE COURT: I don't think he was reading
18 directly from it.

19 MR. O'NEIL: He is.

20 THE WITNESS: I'm quoting what he told me.

21 THE COURT: All right. Objection is
22 overruled. He's going to say what the Defendant
23 says.

24 MR. O'NEIL: I'm not objecting to what he
25 said, I'm objecting to him actually reading from

1 it. He can testify from his personal knowledge.

2 He can't read from his report.

3 MR. GOLDBERG: He can refer to his notes.

4 THE COURT: Objection is overruled. He can
5 refer --

6 A So when I asked him if he bought anything else, he
7 told me, and I quote -- I just had it -- that he
8 bought -- that he bought on the internet with the
9 credit card a Michael Kors watch.

10 Q Did he say how he -- what mechanism he used to make
11 that purchase?

12 A Yes, he said he used his cell phone to order -- to
13 go online and order the credit card -- order the
14 watch using her credit card.

15 Q Did he say what time that was?

16 A I asked him what time, and he stated it was roughly
17 about 1:00 o'clock in the morning. So that's when
18 I confronted him and I said, Well, hold up for a
19 minute. Explain this to me. How is it possible
20 that you tell me that at 12:30 you threw the credit
21 card away at the Wells Fargo and then at
22 1:00 o'clock, roughly about 1:00 o'clock in the
23 morning, you're making a transaction on the
24 internet making an order of a Michael Kors watch
25 with Deandra's credit card?

1 Q What was his response to that?

2 A He gave me this kind of deep stare, and then he
3 looked at me and he stated that -- that's when he
4 came out with a name of a guy that was supposedly
5 sitting in the car that gave him the credit card by
6 the name of Von.

7 Q All right. Did he have any identifying information
8 that he could provide at that time about Von?

9 A The more I asked him about Von, phone number,
10 roughly where he lives at, or anybody that knows
11 Von, or any third or fourth person that might know
12 this person that might know Von, anything that
13 would relate to Von, he said, No, I just met him.

14 Q He said he actually met him sometime on Friday
15 night, correct?

16 A That's correct, by his house by the stop sign.

17 Q What did he say Von son gave him?

18 A He said Von gave him Deannandra's credit card. And
19 then when he looked at it, he knew it was
20 Deannandra's credit card. That's what he said.

21 Q And, again, he couldn't provide you with any
22 specific information about Von?

23 A That's correct.

24 Q Did he indicate to you how many times he had met
25 Von?

1 A I think he just mentioned that he just met Von.

2 Q Did he say something to you about one time before
3 meeting Von to buy a chain?

4 A Oh, yes, that's correct. Because Andre stated that
5 he sells gold chains, kind of like fantasy chains,
6 that he sells gold chains.

7 Q That was the only time he met Von before?

8 A That's correct.

9 Q All right. And when -- did you then ask him some
10 questions about the timeline of Deandra leaving
11 work to the time the credit card was used?

12 A Well, I made a comment to him, and I said that, You
13 know, it's kind of odd that the timeline from the
14 last time that Deandra was seen and that possibly
15 she had her credit card to the time that that
16 credit card was initially used, the window was so
17 close that it would have been impossible for him to
18 go through all these other steps, and meeting this
19 Von guy, talking to him, getting all this
20 information back and forth, and then going to the
21 bank.

22 Q And his response was?

23 A He just starred at me. He just stared, and I don't
24 think he said anything. Well, correction, I think
25 his response was, he goes back to the name Von.

1 Von gave it to me.

2 Q Did he say anything else about Deandra at that
3 point?

4 A I believe at that point he stated -- I believe he
5 stated that he didn't kill Deandra, that he got
6 the credit card from Von.

7 Q All right. And Investigator Torres was in the car
8 with you while you're talking to him, correct?

9 A Yes. Yes.

10 Q And during the time that you're talking to him,
11 you're still in the front seat of the car, right?

12 A That's correct.

13 Q Did you have occasion to go in and out of the
14 vehicle, or were you in there non-stop the whole
15 time while he was in the car with you?

16 A No, I was getting phone calls from Sergeant Faust,
17 from Investigator Roe in reference to they were at
18 the house. So I was trying to ignore the phone
19 calls, but they kept coming in, so I figured, well,
20 it's got to be something important.

21 So at one point, I get out of the car. I take
22 the phone call, and it was Sergeant Faust.
23 Sergeant Faust advised me that they found the
24 clothes that was used -- that Mr. Heatley used that
25 night at the ATM machine at different banks.

1 Q The clothes that he was seen wearing on the
2 surveillance were located during the search of the
3 house through the search warrant?

4 A That's correct.

5 Q And while you were taking that phone call,
6 Investigator Torres was still in the vehicle with
7 Mr. Heatley, correct?

8 A That's correct.

9 Q All right. Do you guys remain in the vehicle and
10 continue talking at this point, or do you travel to
11 another location?

12 A At that moment, based on the totality of the
13 circumstances that we knew, the facts and the
14 evidence that we knew at that moment, that we knew
15 that he was the one that was using Deannandra's
16 credit card within that short window, by his own
17 admission that he stated that, That's me, at that
18 surveillance video print, the fact that we have
19 recovered the clothes that he used that night --

20 Q You had also just found or been told there was a
21 gun in his car?

22 A And the fact that we knew that there was a gun in
23 the car, that was a strong possibility that that
24 gun could have been involved with Deannandra's death.
25 So at that moment, with all that -- taking all that

1 totality and circumstance in consideration, I
2 strongly believed at that moment that we had the
3 individual that executed Deannandra Roach. So at
4 that moment I told him, You are under arrest.

5 Q All right. And by placing him under arrest, where
6 did you take him to?

7 A At that moment I told him that we needed to go to
8 headquarters and we needed to clear up some things.

9 Q Okay. And as you did that, officers remained
10 behind to secure his vehicle, correct?

11 A Investigator J.P. Smith, he stayed with the
12 vehicle, securing it at all times. And I believe
13 CSI, Tim Lee, was taking pictures -- or was
14 processing -- taking pictures, processing the
15 vehicle and they were waiting for the tow truck to
16 tow the vehicle.

17 Q Okay. So you're now going back to headquarters.
18 And are you in your car?

19 A Yes.

20 Q And the Defendant is still in the car with you?

21 A That's correct.

22 Q And is Investigator Torres in the car?

23 A That's correct.

24 Q And headquarters is located where?

25 A Headquarters is at 5623 Two Notch Road.

1 Q Okay.

2 A Close to Columbia Mall.

3 Q Okay, Columbia Mall. During the car ride, did you
4 guys continue to question Mr. Heatley at that
5 point?

6 A Not me. I was pretty much concentrating on the
7 road, and I wasn't saying too much at that moment.
8 I believe Investigator Torres had some small talk
9 with him until we got to headquarters.

10 Q Okay. Once you get to headquarters, what do you
11 do? Was he allowed -- offered any food, drink,
12 bathroom, anything like that?

13 A Yes. We offered him something to drink, something
14 to eat. He stated he just wanted something to
15 drink, so we got him some water. We allowed him to
16 use the bathroom.

17 Q And where did you take him to physically at
18 Richland County Sheriff's Department?

19 A I took him to my office, kind of like a cubicle.
20 It's an open bay, something like this, but it has a
21 lot of cubicles, quadrants inside the open bay. So
22 I took him to my little cubicle.

23 Q All right. And at that point you continue
24 questioning him, is that right?

25 A Pretty much recapping what we already had spoke to

1 in the car.

2 Q Okay. And I meant to ask you this previously.
3 When you asked Mr. Heatley if he understood his
4 rights and he said he did, and then he indicated
5 that, Okay, I want to talk to you, waiving his
6 rights, correct?

7 A That's correct.

8 Q You were in the car, right?

9 A That's correct.

10 Q Did you have him fill out any kind of form, written
11 form denoting that he was wanting to talk to you at
12 that time?

13 A No.

14 Q Why not?

15 A He was advised of rights, which he already
16 understood, and I didn't have the form with me. So
17 we just continued to go on with the advisement of
18 rights that he understood and he waived.

19 Q Okay. And, again, during that conversation in the
20 car, he didn't ever tell you that he wanted to stop
21 talking?

22 A Not even once.

23 Q Okay. So now that you're back at headquarters and
24 you begin to talk to him again by your cubicle, at
25 this point does he tell you that he no longer

1 wishes to talk to you? Does he ask you for --

2 A I'm sorry, no.

3 Q Does he ask you for an attorney?

4 A No.

5 Q Okay. He got some water, he used the bathroom, and
6 then you resume questioning of him. What did you
7 ask him at that point?

8 A Well, basically, at that point I started to use the
9 Q & A, which is a question and answer statement in
10 writing. I recapped some of the information that
11 we already did in the car. And I could have
12 written down, jotted down maybe a word or two, like
13 credit card, or whatever other thing, just to
14 remind me to ask that question when we go into the
15 Q & A type on the computer for the statement.

16 Q And did Mr. Heatley give you consent to search his
17 person at headquarters?

18 A Yes, he gave us consent to -- for DNA, he gave us
19 consent to search his phone. And since he was
20 under arrest, we pat him down at headquarters real
21 good, and that's when we noted he had two or three
22 layers of pants on.

23 Q What did you find in his pants?

24 A Well, we kind of like peeled the first layer down,
25 and then he had some basketball shorts underneath.

1 We patted him down real good to make sure he didn't
2 have no weapon hidden in there. And we were able
3 to find some money that he had in his pocket. I
4 think they were \$20s or \$1s -- \$20s, \$5s, and maybe
5 some \$1s. It totaled \$110 that he had.

6 Q Was there anything unusual to your eyes upon
7 physically looking at the money that was taken out
8 of his pocket?

9 A Yes, we counted the money -- we had to count it to
10 put it into evidence to make sure we had the right
11 amount. We counted it with him present there so
12 nobody would say that we took any money. And then
13 while we were looking at the money and counting it,
14 we observed that it had a red stain, one or two
15 bills had some red stain on it. So I looked at it
16 and I kind of like touched it. You know, it looked
17 like it was blood, but when I touched it, it just
18 didn't seem like it. So my opinion at that moment,
19 it looked like it wasn't blood. So I figured, I
20 ain't got nothing to lose, so I'm going to tell him
21 that it looks like this money that you have here
22 has a red stain, and I showed it to him, and it
23 looks like that's blood.

24 Q What did he say?

25 A That's when he kind of like give you that -- gave

1 me that look, that deer-in-the-headlight look and
2 he was thinking for a while and then he came out
3 and said, Well, it must have been from when Von
4 gave me Deannandra's credit card it had blood on it
5 and when I put it in my pocket, it transferred that
6 blood to my money.

7 Q And through the course of the investigation, we've
8 since learned, and I believe there was testimony to
9 this effect already, that that money ultimately did
10 not have blood on it, is that right?

11 A Correct.

12 Q All right. What, if anything, did you then ask
13 A.J. about the area where Ms. Roach was located?

14 A I asked him if he knew what they call the dirt road
15 on Farrow Road across from the electrical plant.
16 And that's when he told me that -- he said, Yes,
17 that they call it several names, the shooting spot,
18 the smoking spot, the sex spot.

19 Q And did he indicate he had been there before?

20 A Yes.

21 Q What did he say he's been there before?

22 A He'd been there before I believe -- he had stated
23 that he had been there before to shoot some guns
24 and have sex.

25 Q Okay. And so at this point, we're still in

1 conversational format, is that right?

2 A That's correct.

3 Q Nothing has been put into official writing,
4 correct?

5 A I believe -- I believe at that moment right there,
6 I started to do the formal writing.

7 Q And can you tell the jury a little about how that
8 process works and how you go from this conversation
9 that you had with him both in the car and in your
10 cubicle where you gather all this information, and
11 the process of how you get from that to reducing to
12 a typed statement, generally how that process
13 works?

14 A Well, we normally want to ask the individual
15 questions that we want to clarify that we have
16 developed within our investigation. And once those
17 questions are clarified, for whatever reason, it
18 could be a truth, it could be a lie, whatever it
19 is, that's his statement. So we're going to put
20 down in that statement whatever he says, whether
21 it's the truth or whether it's a lie.

22 So when we get back to headquarters, I start
23 doing the Q & A statement on the computer. I asked
24 him basically the same questions I asked him
25 previously, and then his response, I will annotate

1 it down as the answer. And then we will go to the
2 next question, and I will annotate it down, his
3 answer. And it's pretty much kind of like in
4 chronological order from, you know, When was the
5 last time you seen Deandra? Have you used her
6 credit card? When is the last time you used her
7 credit card? You identify yourself on the picture
8 as the person using her credit card? Did you order
9 a Michael Kors watch from your phone, and all that?
10 In chronological order. And then we'll -- I'll
11 type it into the statement.

12 Q And once you type it into the statement, do you
13 then go through the typed version with him and
14 review it with him?

15 A Yes. I like to call it kind of like a rough draft,
16 you know, once we're done and I look at it and I've
17 got everything I pretty much need. So while it's
18 still on the screen, I'll go over all the
19 questions. For example, The question I asked you
20 is, When was the last time you seen Deandra?
21 Answer, your answer, you stated two months ago, is
22 that correct? And he'll either say yes or no. And
23 then I'll go to the next question. So if there's
24 any typos that need to be done or anything that
25 needs to be changed or he don't feel comfortable

1 with it, I'll change it right there. Again, that's
2 his statement.

3 Q And once that's completed, you print it out, right?

4 A Once that's completed and he feels comfortable with
5 it, I'll print it out. It's kind of like a rough
6 first print. And once I print it out, I'll bring
7 it to him and I'll take the paper. Normally, in my
8 cubicle, here's my computer and I have a chair here
9 and he's sitting there. And I'll take the paper
10 and I turn it around upside down and we go through
11 everything in that statement.

12 Q All right. I'm going to show you State's Exhibit
13 Number 1 for identification. Do you recognize
14 that?

15 A Yes, that's the statement that I took on Deandra
16 from Andre Heatley.

17 MR. GOLDBERG: Your Honor, at this time, I
18 would offer State's Number 1 in evidence.

19 THE COURT: Any objection?

20 MR. O'NEIL: Your Honor, I renew my previous
21 objection to the statement.

22 THE COURT: All right. The objection is
23 overruled pursuant to the Court's ruling in the
24 pretrial hearing.

25 MR. GOLDBERG: Thank you, Your Honor.

1 (WHEREUPON, State's Exhibit No. 1 was
2 marked for identification and received
3 into evidence.)

4 BY MR. GOLDBERG:

5 Q Then do you actually read the whole thing back to
6 Mr. Heatley?

7 A That's correct.

8 Q And if you would, read the statement for the jury
9 from what you read to him starting at the very top.

10 A Again, by this time, the statement will be upside
11 down when we're reading it to him. And I will
12 start from the very top and I will say:

13 Andre, this is your statement. I have your
14 name up here, which is Andre Tyrone Heatley, your
15 date of birth, your address where you live at,
16 Irmo, South Carolina, and his phone number.

17 And then I will read: This statement is made
18 in Columbia, South Carolina, this 30th day of
19 January of 2016, at 0352 in the presence of
20 Investigator Gonzalez, William Gonzalez, Richland
21 County Sheriff's Department.

22 And, again, I would recap his Miranda Rights,
23 which are written in here of what I read to him
24 earlier in the car. And it would state that:

25 I, Andre Heatley, understand that I have the

1 right to remain silent. Anything I say can be used
2 against me in a court of law. I have the right to
3 talk to a lawyer for advice before we ask any
4 question -- excuse me, before you ask me any
5 questions, and to have a lawyer with me during any
6 questioning. If I can not afford a lawyer, one
7 will be appointed for me before any questioning if
8 I wish. If I decide to answer questions now
9 without a lawyer present, I still have the right to
10 stop answering at any time. I also have the right
11 to stop answering at any time until I talk to a
12 lawyer.

13 And then it states -- and then I read this
14 little portion here which says: I do make the
15 following statement. And I explain that the Q
16 means I'm, Investigator Gonzalez, is asking the
17 question and that the A means Andre Heatley, his
18 answer, and at the location of headquarters.

19 And on my first question, which is a normal --
20 it is kind of like a normal procedure question on
21 statement. If I went out and arrested somebody in
22 their house or arrested somebody on the crime scene
23 or for whatever reason that was not at
24 headquarters, that I would advise them of their
25 rights. My first question kind of is always going

1 to be as follows, as this one here.

2 My first question to him was: Do you
3 understand your Miranda Rights as I read them to
4 you in my vehicle? And he stated, Yes.

5 My second question would be: Were you willing
6 to talk to me in reference to Deanndra Roach? And
7 he stated, Yes.

8 So then I would ask the other question and I
9 would relay that to him, would say: Okay, I asked
10 where were you on Thursday, January 28th, on 2016?
11 His answer was: I was in my mother's house all
12 day, all night.

13 So once I finish that answer, I say, Are you
14 comfortable with that? Yes.

15 Now, we go to the next one. What about
16 Friday? Question: What about Friday? Answer: I
17 was at home. I also texted my baby mother -- my
18 baby mother, Denise Winston, just to say hi, and we
19 would exchange pictures. I also went to pick up my
20 girlfriend Desha around 1:30 in the afternoon at
21 her grandmother's house. Then we went back to my
22 mother's house and I stayed at the house the rest
23 of the night.

24 Do you feel comfortable with that answer? And
25 he would say, Yes. And then we'll go to the next

1 one.

2 So at any moment, if he says, I don't feel
3 comfortable with that, no, that's not true, I have
4 it on my screen, so I say, Okay, so how do you want
5 this to read? And he'll tell me, and then I'll
6 make the changes on the screen.

7 So I'll go to the next page. And on the next
8 page, Question: Did you use Deannndra Roach's
9 credit card at several ATMs? Answer: Yes. That's
10 my photo -- that's me in the photo. I used her
11 credit card after this guy I only know as Von, I
12 only know this guy by face. I don't know anything
13 about him.

14 I said, Do feel comfortable with that? And he
15 stated, Yes.

16 So we go to the next question. How did you
17 meet this guy, Von? Answer: I see him all the
18 time around the North Clemson Road area. He called
19 me up on Thursday and gave me a credit card. When
20 I looked at it, it was Deannndra's credit card. Von
21 told me that he knew I had her pin number and he
22 wanted me to find out how much money she had in her
23 account.

24 And, again, Do you feel comfortable with that
25 answer? And they would say, Yes. If they say no,

1 I will say, Well, what you don't feel comfortable
2 with? What do we need to change? They'll tell me
3 what it is, and we'll make the changes.

4 Next question: Why does the money in your
5 pocket left side have red stains? That's
6 probably -- that probably happened when Von gave me
7 the credit card and when I put the credit card in
8 my pocket with the rest of the money, it got
9 stained with blood. That was his answer.

10 Do you feel comfortable with that? Yes.

11 Next question: What do people call the dirt
12 road on Farrow Road where we found Deannandra? It's
13 call the shooting spot or the smoking place.
14 That's the spot people hang out. That's where
15 people go to smoke weed, sex, shoot guns. I have
16 shot weapons in the past at that spot.

17 Do you feel comfortable with that? Yes.

18 Okay, we will go to the next question.

19 Have you been there before? Question.

20 Answer: Yes. I've been back there and had some
21 head by some girls.

22 Do you feel comfortable with that? Yes. Then
23 we go to next question. Question: Did you use
24 Deannandra's credit card to order something over the
25 internet? Answer: Yes, I ordered a Michael Kors

1 watch for me. I believe it was around 1:00 a.m. on
2 Friday morning and did it from my phone. I was in
3 the living room of my house when I did the order.
4 I had the watch sent to [REDACTED] Stanford Street, which
5 is my grandmother's house.

6 Question: Do you feel comfortable with that
7 answer? Yes.

8 Next question: Are you currently working?

9 Answer: No. I was working at the Taco Bell on
10 Clemson Road, but I quit last week.

11 Do you feel comfortable with that? Yes.

12 Okay, next question: What's your current
13 girlfriend's name? Answer: Desha Anderson. He
14 gave me her cell phone, but I don't want to state
15 her cell phone at this moment. She lives at
16 Brookhaven subdivision.

17 Do you feel comfortable with that? Yes.

18 Next question: Did you kill Deannandra Roach?

19 Answer: No. I have not seen her for over two
20 months. I had a relationship at one point with her
21 and her older sister, but that was over several
22 months ago.

23 Do you feel good with that? Yes.

24 We go to the next question. Again, at this
25 point, if there's any change that he feels

1 uncomfortable with, you know, I let him know, you
2 feel uncomfortable with something, let me know and
3 we'll change it, and I'll make that change at the
4 moment right there on my screen.

5 Question: Tell me again where you met this
6 guy Von that gave you Deandra's credit card?

7 Answer: By the stop sign on top of the hill by my
8 house. He had told me he wanted to buy some gold
9 chains from me because that's what I sell. I went
10 to the top of the hill and I met him by the stop
11 sign, and then he gave me the credit card.

12 Do you feel comfortable with that? Yes.

13 Next question. Question: Where is the credit
14 card at this moment? Answer: I told you I left
15 it -- I left the card on the ground at the Wells
16 Fargo Bank. But that was a lie. I gave it back to
17 Von when I did that -- the last -- when I did --
18 I'm sorry. I gave it back to Von when I did the
19 last transaction at Wells Fargo Bank. He was
20 sitting in my car. I told him the card is already
21 canceled, and he told me, You better not be lying
22 to me. I had first used the card at the Palmetto
23 Bank, then at Bank of America, and then at Wells
24 Fargo, which was the last one. I walked back to my
25 car and gave it back to Von that was sitting in the

1 back passenger seat behind me.

2 Do you feel comfortable with that? Yes.

3 Next question. Question: Why did you have

4 Deannandra's credit card pin number? Answer:

5 Because in the past, she has trusted me with the

6 pin number so I could be -- so I could buy food and

7 other stuff.

8 Do you feel comfortable with that? Yes.

9 Next question. Question: On Thursday,

10 January 28th, were you anywhere around or close to

11 the northeast side area of Columbia? Answer: No,

12 I was at home.

13 Do you feel comfortable with that? Yes.

14 Okay, next question. Question: Did you go to

15 each ATM back to back and retrieve money? Answer:

16 No, because at the Palmetto Bank I slipped as I was

17 walking back to my car. I then went to the Bank of

18 America, and that's when I noticed I had mud on my

19 shoes and jacket. After using the ATM at the Bank

20 of America, I drove back home and changed. Then I

21 went to the other ATM at Wells Fargo. That was the

22 last one.

23 You feel comfortable with that? Yes.

24 Next question. Question: Were you together

25 with Von on Thursday and Friday? Answer: Just

1 with the credit card incident, that's it.

2 Question: Do you have another gun? Answer:

3 No, just the one in the glove compartment of my
4 car.

5 Do you feel comfortable with that? Yes.

6 Question: When was last time you shot that
7 gun? Answer: When the Panthers won their last
8 game. I believe it was last week.

9 Are you comfortable with that answer? Yes.

10 Next question: Do you have the Deandra's
11 cell phone? Answer: No.

12 Next question: Is this statement the truth
13 and of your own free will and accord? Answer:
14 Yes.

15 And this last question is kind of like a
16 general question that we ask everybody. I mean,
17 that's like a mandatory question because we're
18 giving them the opportunity before they sign this
19 statement if there's anything else -- and the
20 question is, Is there anything else that you want
21 to add or change from this statement? So we're
22 giving them that opportunity that during our
23 conversation, if they remember something, maybe
24 this is the time to say it, or if something that
25 was said in the statement that he don't agree with,

1 maybe this is the time to say it. His answer was,
2 No.

3 And then we finish off typing it, end of
4 statement. And the reason I do that almost real
5 close to the last answer is because I don't want
6 nobody else to think that you can come later on and
7 start adding to that.

8 Q So you've got four pages, correct?

9 A That's correct.

10 Q And the bottom of each page is laid out the exact
11 same, is that right? It gives a place for you to
12 sign, for any witnesses to sign, and for
13 Mr. Heatley to sign, correct?

14 A That's correct.

15 Q And does Mr. Heatley sign the statement on each of
16 the four pages?

17 A That's correct.

18 Q And could you read for the jury the language there
19 at the bottom of the statement just above his first
20 signature on each page?

21 A Yes. The language is pretty much standard
22 procedure on each page. And it says:

23 I have made the foregoing statement freely and
24 voluntarily, without fear, threat, promise, or
25 reward or hope of reward of any kind.

1 Q And he then signs there, correct?

2 A Excuse me?

3 Q And Mr. Heatley then signs underneath that,
4 correct?

5 A That's correct.

6 Q And then there's another section that -- underneath
7 that?

8 A The other section underneath that, it says: This
9 is certified that I have read and have -- I'm
10 sorry: This is to certify that I have read or have
11 read to me the foregoing statement consisting of,
12 so many pages -- and in this case it would be four
13 of four pages -- and a true copy has been given to
14 me on this date, and whatever date it was.

15 Q And he then signs it?

16 A Then signs at the bottom.

17 Q That's a total of eight times he signed the
18 statement, correct?

19 A That's correct. If you notice, if you notice on
20 his signature, once we are done with the statement,
21 if there's no changes or there's any other changes,
22 then I'll go ahead and reprint the new one and I'll
23 rip off the old one, bring the new one in and I
24 have him look at it. He feel free to read it, or
25 whatever. If they feel good with it -- once they

1 feel good with it, I tell them -- and I always
2 either mark an X or a check mark where they need to
3 sign in each one of the pages. So on each one of
4 these pages, you will notice that there is an X
5 mark where he needs to sign, and that's just to
6 make sure that the signature is placed on the
7 proper place that he needs to sign.

8 Q All right. And you indicated also just prior to
9 this that Mr. Heatley agreed to consent to search
10 of his cell phone, is that correct?

11 A That's correct. I believe he gave Investigator
12 Torres a written consent.

13 Q All right. Let me show you State's 236 and 237. I
14 believe these are photocopies, but if you can
15 describe what they are.

16 A Yes, the first one, 236, is a Richland County
17 Sheriff's Department consent to search form, which
18 has the date 30 January 2016, at headquarters.

19 I, Andre Heatley, give consent to the premises
20 automobile search, whatever, to Investigator
21 Gonzalez and Investigator Torres in reference to
22 his cell phone.

23 Q All right.

24 A And he signed it. And he also gave the
25 investigator the password to the phone, and we

1 annotated it here.

2 Q How to access the phone?

3 A Correct.

4 Q Okay. That's State's 236. What about 237?

5 A 237 is a Richland County Sheriff's Department
6 consent to search DNA, which has the date, the
7 location, and his name, and giving us, Investigator
8 Gonzalez and Investigator Taylor, consent to obtain
9 a buccal swab from him. And he signed it, and
10 myself and Investigators Torres signed it as well.

11 Q 236 and 237 are copies. Do they fairly and
12 accurately depict the originals as Mr. Heatley
13 signed on that date?

14 A That's correct.

15 MR. GOLDBERG: Your Honor, I offer State's 236
16 and 237 into evidence.

17 THE COURT: Any objection?

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

19 (WHEREUPON, State's Exhibit No. 236 was
20 marked for identification and received
21 into evidence.)

22 (WHEREUPON, State's Exhibit No. 237 was
23 marked for identification and received
24 into evidence.)

25 BY MR. GOLDBERG:

1 Q So he signed consent to search DNA and he signed
2 consent to search his phone. You actually took his
3 phone, is that right?

4 A Investigator Torres grabbed his phone and went
5 through it.

6 Q Okay. That would have been put into evidence?

7 A That's correct.

8 Q For further examination as well?

9 A That's correct.

10 Q All right. At that point, he's under arrest,
11 correct?

12 A Correct. At that point, I advised him that he was
13 being charged with murder and armed robbery.

14 Q What was his reaction to that?

15 A No reaction.

16 Q No reaction?

17 A No reaction.

18 Q All right. And then from that point, I think on
19 the statement -- what time is it noted on the
20 statement there that it was taken?

21 A It started at 0352.

22 Q That's almost 4:00 o'clock in the morning?

23 A Correct.

24 Q So is that it for the investigation for the night
25 once you complete talking to him?

1 A No. We placed him in the D Cell so the paddy wagon
2 could come and pick him up.

3 Q Okay.

4 A And we still had paperwork that we had to process
5 and continue on our investigation.

6 Q Okay. And did you actually continue investigating
7 right that minute or did you guys take a break or
8 what?

9 A No, we didn't. We had been going on it for a
10 while, so I believe we took a few hours to rest and
11 then came back that afternoon.

12 Q Okay. So the next day, you resumed the
13 investigation and actually returned out to the
14 Farrow Road area, is that right?

15 A That's correct.

16 Q And what were you looking for in the Farrow Road
17 area when you went back out?

18 A We went out there and we started looking around
19 those businesses to see if we could see any video
20 cameras that are pointing towards the road.

21 Q Were you successful?

22 A There were some businesses that had video
23 surveillance camera that were pointing to the road,
24 but when we went and speak to the manager of those
25 businesses, it was either poor quality or the

1 actual camera was pointing -- it looked like it was
2 pointing towards the road, but it was actually
3 pointed down to their parking lot. Because most of
4 businesses are a pretty far distance from the road.

5 Q And then there were actually some that just didn't
6 have video at all?

7 A And there was actually ones that just didn't have
8 none.

9 Q All right. And then you and Investigator Torres
10 come back to the crime scene, correct?

11 A I'm sorry?

12 Q You and Investigator Torres actually go back out to
13 the crime scene as well?

14 A That's correct.

15 Q And was CSI out there still working?

16 A Yes. Yes.

17 Q All right. Ms. Roach's belongings, was her -- were
18 any of her personal items, like her purse, her car
19 keys, or her cell phone ever located in her
20 vehicle?

21 A No.

22 Q Were they located on the ground where she was
23 found?

24 A No. As of this date, her car keys that also had
25 the pepper spray attached to the key, her purse nor

1 her phone have ever been recovered.

2 Q Nor her credit card?

3 A Nor her credit card.

4 Q All right. So at this point, safe to say, you guys
5 now have some witnesses you need to go talk to,
6 correct?

7 A Correct.

8 Q And so you talk to some of her co-workers at
9 Walmart, is that right?

10 A That's correct. The group -- specifically, the
11 group that they all left together when Deandra
12 Roach was clocking out with everybody.

13 Q Okay. You talk to each one of them. And did you
14 have some information also at that point, courtesy
15 of the missing persons investigation, about the
16 last phone numbers that Ms. Roach appeared to dial
17 on her phone on the 28th?

18 A Yes. They have forward us -- also with the still
19 pictures, they have checked the phone records, and
20 we saw some numbers that kept repeating themselves
21 on her phone records within that day or within the
22 last few minutes or hours. So, yes, we kind of
23 like highlighted three numbers.

24 Q And one of those belonged to Jordan Harding, is
25 that right?

1 A That's correct.

2 Q Who was that?

3 A She's a friend of Deandra.

4 Q Okay. And then there's also Ashley Gadson?

5 A Ashley Gadson. That's also a friend of Deandra.

6 Q And then the final call in her call log was from --
7 was with Shanard Stokes, correct?

8 A That's correct. He was -- that was the final phone
9 call on her phone record.

10 Q And that was at 10:16 p.m., correct?

11 A That was at 2216, and it lasted for approximately
12 three minutes.

13 Q Okay. And you actually had him send you a
14 screenshot of that, correct?

15 A That's correct. That's correct. That's correct.
16 I also had -- I also had an investigator that lived
17 up by the Rock Hill area, and I gave him the task
18 to go -- since he lived close to where he was at
19 school, to go down there and talk to him, get his
20 statement, and just look at his phone and check his
21 alibi to see where he was at.

22 Q And they did, in fact, talk to him and take a
23 statement, is that correct?

24 A That's correct.

25 Q At this point, you guys kind of regroup at

1 headquarters, talk about the case, is that right?

2 A That's correct.

3 Q And what general information did you have about any
4 firearms evidence in the case at this point?

5 A I believe it was February 1st at 9:00 o'clock in
6 the morning we had a meeting at headquarters. And
7 normally those meetings consists of forensics, the
8 investigators, chief of CID, and other supervisors,
9 and stuff like that. And during that meeting is
10 when I learned some things.

11 Q And did you, in fact, learn that there was a
12 connection between the projectiles taken from
13 Ms. Roach's body to the weapon pulled from
14 Mr. Heatley's car, is that right?

15 A That's correct. That's when we were aware that the
16 projectile that was recovered from Deannandra's ear
17 was a match to the weapon that was recovered from
18 Mr. Heatley's vehicle.

19 Q And, additionally, there were other shell casings
20 located at the scene of -- I believe it was a High
21 Point 9-millimeter?

22 A There was a High Point 9-millimeter shell casing.
23 There were several of those shell casings
24 recovered.

25 Q In fact, did you have information about Mr. Heatley

1 going to the pawn shop and purchasing a weapon?

2 A Yes. While we were looking -- I think it was
3 Investigators Torres, while she was looking through
4 his cell phone, and we had dumped his cell phone,
5 there was a picture of a Carbine rifle that was in
6 his phone, so we took a picture of that. We
7 started showing it around. We figured if anybody
8 might recognize where that location might be. And
9 one of our investigators, one of our sergeants,
10 Sergeant Isenhoward, looked at it and said, That
11 looks like Best Pawn -- Best Deal and Pawn Shop,
12 because of the background. So we figured, Well,
13 let's go to Best Deal and Pawn Shop. And that's
14 when we realized that, yes, he was the person that
15 purchased that gun. They had the video, they had
16 all the information, they had his information, and
17 all that.

18 Q And that was a High Point 9-millimeter that was
19 purchased?

20 A That was a High Point 9-millimeter Carbine.

21 Q And, additionally, you also were looking at
22 Deannandra's bank records, correct?

23 A Yes. I had gone up to the Bank of America
24 headquarters and I obtained a copy of Deannandra's
25 bank records, at least for those last two to three

1 days.

2 Q Did any of the purchases that she made other than
3 the -- we know about the ATM transactions and the
4 Michael Kors watch, of course, but other than
5 those, were there any other purchases that stood
6 out in your mind in your review of those records?

7 A Yes. When I was reviewing her statement,
8 especially we started kind of like in the reverse
9 search from the time she went missing and we work
10 our way backwards. On the day that she was
11 reported missing, there was two other transactions
12 that were made. One at the Chick-Fil-A and one at
13 the Sonic.

14 Q What time of the day was the Chick-Fil-A purchase
15 made?

16 A The Chick-Fil-A purchase was made at approximately,
17 I want to say, 8:45 in the morning. And that was
18 at Chick-Fil-A that's right down the road from
19 Walmart. She also had a 9:00 o'clock meeting that
20 morning at Walmart with a whole bunch of other
21 employees. So we figured she went through
22 Chick-Fil-A, bought some breakfast, and then went
23 in and clocked in at 9:00 o'clock.

24 Q And what was the next purchase that struck you
25 about her bank activity?

1 A The next purchase was that same day at 1645, which
2 is like 4:45, at the Sonic. And that's the Sonic
3 that's in the shopping center directly in front of
4 Walmart. And we figured she went in there and
5 grabbed something to eat before she clocked in at
6 5:00 o'clock. And that's the time she clocked in.

7 Q State's 221, what is that?

8 A Yes, that's around the area of the Walmart, some
9 other businesses that around there, and the Sonic
10 that's right in front.

11 MR. GOLDBERG: Your Honor, we'd offer State's
12 221.

13 THE COURT: Any objection?

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

15 THE COURT: Entered without objection.

16 (WHEREUPON, State's Exhibit No. 221 was
17 marked for identification and received
18 into evidence.)

19 BY MR. GOLDBERG:

20 Q And, actually, I think your notes reference,
21 correct me if I'm wrong, that that purchase was at
22 1649, is that correct?

23 A That's correct. I stand corrected, it was 1649.

24 Q So 4:49 p.m.?

25 A That's correct.

1 Q Before her 5:00 o'clock shift?

2 A That's correct.

3 Q And the Sonic where she made that purchase is
4 where?

5 A Here's the Walmart, and that's the Sonic.

6 Q You can step down.

7 A (Witness steps down.) Here's the Walmart right
8 here, and the Sonic is right here, which is in that
9 group of shopping center right here. That's the
10 Sonic right there that she went to.

11 Q That's when her card made a purchase at 4:49 on
12 Thursday, the 28th?

13 A That's correct.

14 Q Thank you.

15 (Witness returns to witness stand.)

16 A And the reason I know that -- I think this is
17 important to say -- the reason I know that is that
18 on her credit statement next to Sonic, it had a
19 number, which I believe was the store number. So I
20 started calling all the Sonics, started from ground
21 zero, which was Walmart, and the first Sonic that I
22 called was actually that one. And when I spoke to
23 the manager and asked the manager what was the
24 store number for that Sonic, she gave me the same
25 number that was on that transaction.

1 Q Sonic Number 4407?

2 A That's correct. And that's the same thing with the
3 Chick-Fil-A. I did the same thing with the
4 Chick-Fil-A.

5 Q Okay. All right. So we've heard a lot about this
6 Michael Kors watch. What efforts did you make to
7 try and find out if that watch was actually being
8 delivered somewhere?

9 A We got information from the transaction, and it had
10 an address. Under the buyer, it had Deandra
11 Roach, her address. And then where to be shipped,
12 it had a name and another address.

13 Q And was that [REDACTED] Stanford Drive as the place to
14 ship the item?

15 A That's correct.

16 Q So did you go out there?

17 A Yes, we did.

18 Q The first time you went out there, was there a
19 package there?

20 A No, we spoke to -- we spoke to a gentleman and a
21 lady inside the house, and we asked them what was
22 their relationship to Andre Heatley. And that was
23 the grandmother and uncle's residence.

24 Q And they hadn't gotten any packages at that point?

25 A At that moment, no.

1 Q Did they contact you later about receiving a
2 package?

3 A Yes, sir. I left them my business card, and I
4 asked them that once that package get here, very
5 important that they call us because we needed to
6 retrieve that package.

7 Q And on February 3rd, 2016, they did exactly that,
8 is that correct, they contacted you?

9 A That's correct. They contacted me and told me the
10 package was there. And we went over to retrieve
11 the package.

12 Q And you did, in fact, get the package?

13 A That's correct.

14 Q State's 222. What do you recognize that to be?

15 A Can I pull it out?

16 Q Sure.

17 A Yes, that's the Michael Kors watch that we
18 retrieved.

19 MR. GOLDBERG: Your Honor, we would offer
20 State's 222 into evidence.

21 THE COURT: Any objection?

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

23 (WHEREUPON, State's Exhibit No. 222 was
24 marked for identification and received
25 into evidence.)

1 BY MR. GOLDBERG:

2 Q So Ms. Roach's card was used on the night of the
3 28th into the 29th to purchase this watch, is that
4 right?

5 A That's correct.

6 Q And this watch was shipped to a family member's
7 house of Andre Heatley where you recovered it?

8 A That's correct.

9 Q Did you make any attempt to speak to a witness
10 named Denise Winston?

11 A Yes.

12 Q Who is Denise Winston?

13 A Denise Winston was the mother of Andre Heatley's
14 child.

15 Q Okay. Were you able to speak to her?

16 A Well, we went to the house. I want to say it was
17 like 8:00 o'clock, 9:00 o'clock at night. We went
18 to house and we wanted to speak to her, but at that
19 moment, had -- several family members started
20 coming out and they were preventing us from
21 speaking to Denise, even though she was a grown-up.
22 So we tried to explain to them that we needed to
23 talk to her in reference to what we were
24 investigating. And the next thing we know, more
25 family members started coming in and it was getting

1 a little bit too hostile, so we decided it was to
2 the best interest for everybody for us to leave.
3 Never actually spoke to her.

4 Q Okay. Never got a chance to speak to her. You did
5 get an opportunity to speak to Desha Anderson,
6 correct?

7 A Yes.

8 Q And was she cooperative with you when you spoke to
9 her?

10 A Yes, she was.

11 Q She provided a written statement on February 2nd,
12 correct?

13 A That's correct.

14 Q And one on February 4th?

15 A That's correct.

16 Q At any point, was Ms. Anderson ever charged with a
17 crime?

18 A No.

19 Q Did you ever make any threats or promises or use
20 any coercion at all in speaking with Ms. Anderson
21 about the information she relayed to you?

22 A Absolutely not.

23 Q In fact, she was pretty helpful to you, correct?

24 A Yes, she was.

25 Q And cooperative?

1 A Yes.

2 Q All right. I want to turn your attention to
3 February the 4th of 2016. Did you have an
4 opportunity to return to the [REDACTED] Kirkstone
5 residence?

6 A Yes.

7 Q And was that for purposes of executing another
8 search warrant at Mr. Heatley's house?

9 A Yes. At that time we assisted other investigators
10 that had a search warrant for the house.

11 Q Okay. And was anybody home when you were there?

12 A No.

13 Q All right. And did you execute the search warrant
14 and begin your search?

15 A We did.

16 Q All right. And while you were there, what items --
17 well, let me back up. Well, go ahead. What items
18 of significance did you locate while you were
19 there?

20 A Some shell casings and an ammo box -- and weapons
21 ammo container box that was located in the room
22 that he was sleeping in.

23 Q All right. First, I'm going to show you State's
24 224 through 235. And just kind of generically
25 describe what those are photos of. Well, let me

1 ask you this, are 224 through 235 photos depicting
2 what you observed at Kirkstone during the execution
3 of the search warrant?

4 A That's correct.

5 Q Okay. Do those photos fairly and accurately depict
6 how those items appeared on that day?

7 A Yes.

8 MR. GOLDBERG: Your Honor, we'd offer 224
9 through 235 into evidence, please.

10 THE COURT: Any objection?

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

12 (WHEREUPON, State's Exhibit Nos. 224 -
13 235 were marked for identification and
14 received into evidence.)

15 BY MR. GOLDBERG:

16 Q And you also referenced you collected some items to
17 include shell casings, gun box, and ammo. I show
18 you State's 223. Are those the items that you
19 collected on that day?

20 A Yes.

21 MR. GOLDBERG: Your Honor, we would offer
22 State's 223.

23 THE COURT: Any objection?

24 MR. O'NEIL: No.

25

1 (WHEREUPON, State's Exhibit No. 223 was
2 marked for identification and received
3 into evidence.)

4 BY MR. GOLDBERG:

5 Q Actually, would you mind stepping down?

6 A (Witness steps down.)

7 Q If you can just kind of explain to the jury what
8 we're looking at here in those photos. Just when
9 describe them, make sure you note which exhibit
10 number it is?

11 A This is kind of like a small baby crib or area to
12 change a diaper for a baby. This was actually
13 located in -- it could have been the living room.
14 As you first come into the left, this is where the
15 Defendant's bed was at. And in between the crib,
16 we found the ammo box tucked right in there
17 between -- on the side, which this is the ammo box
18 that we found in there. And when we opened the
19 ammo box, there was a whole bunch of rounds and
20 magazines in there.

21 This was in the garage. And this is where we
22 found a whole bunch of spent shell casings.

23 Q Let me stop you right there real quick before we
24 get to the garage. Let's go back to the house.
25 The photos that have just been described were

1 State's 224 through 229. The gun box, this is the
2 gun box that was by the baby items, is that right?

3 A That's correct.

4 Q And that's what it looked like inside?

5 A That's correct. And then all these are live
6 rounds.

7 Q They have not been fired?

8 A They have not been fired.

9 Q And then what are these two things in the middle
10 there?

11 A Those are magazines for the weapon.

12 Q For those that don't know, is that where you put
13 the bullets into to load the weapon?

14 A That's where you take the bullets and you load them
15 into the magazine, then take the magazine and load
16 it into the weapon.

17 Q Okay. And these are all 9-millimeter Luger rounds?

18 A Yes.

19 Q All right. And so as you progress into the garage,
20 talk about what you found in State's 230.

21 A Yes. So, like I stated, previously stated, this is
22 the garage. And there's this box right here --

23 Q What is that box? What does it say on it?

24 A It's an infant car seat box that was in the garage.
25 And inside that box, there's a whole bunch of spent

1 shells inside there.

2 Q This is State's 231, and this is the inside of the
3 infant car seat box, and you found spent or fired
4 shell casings?

5 A Fired shell casings.

6 Q Okay. And what did you do with them?

7 A I collected them.

8 Q Okay. And submitted them into evidence?

9 A Yes.

10 Q As part of --

11 A Part of the evidence.

12 Q As part of 223? Okay. Go ahead. Did you find any
13 other shell casings?

14 A Yes, we found some fired shell casings outside of
15 the house by the -- I believe this is the side
16 kitchen entrance door right here of the house. And
17 right next to the steps --

18 Q It's kind of hard to see. There's a close-up in
19 State's 234.

20 A You see a little bit more clearly here, because we
21 have a close-up, some of the fired shell casings
22 right there next to the door. And there was
23 another fired shell casing in the same general
24 area.

25 Q And that was in State's 235. Thank you. You can

1 have a seat.

2 A (Witness returns to witness stand.)

3 Q The shell casings were collected and submitted into
4 evidence for analysis and examination, is that
5 right?

6 A That's correct.

7 Q In fact, these are shell casings, right?

8 A That's correct.

9 Q Now, at this point, February the 4th, what did you
10 have going on personally at this point in your
11 life?

12 A I made annotation on my follow-up that February the
13 4th was pretty much the last day I was working on
14 the case because the next day, I had an operation
15 on my rotator cuff that I was going to be out for a
16 month or two. So Investigator Torres, from that
17 point on, along with other investigators, picked up
18 the lead on it.

19 Q Okay. A couple more quick things I want to kind of
20 clear up with you, then we'll wrap it up.

21 MR. GOLDBERG: One moment, please.

22 (Pause.)

23 BY MR. GOLDBERG:

24 Q State's 216 through 219, already in evidence, are
25 some screenshots of text messages between Desha

1 Anderson and Mr. Heatley. As I'm looking at them,
2 there are some -- they're photographs of
3 screenshots, right?

4 A Correct.

5 Q And I happen to notice that there's some actual
6 literal writing on the paper, copies of writing.
7 Can you just kind of tell us what that is and what
8 that writing is? Whose handwriting is that?

9 A Yes, that's my handwriting. I put the name Desha
10 Anderson, since we had a lot of screenshots from
11 different phones, to ensure that, you know, when we
12 need to look at it, we know this is Desha
13 Anderson's cell phone. And that's why her name is
14 written there. And also if you look down at the
15 bottom, I named or numbered each sheet, put a
16 number and then circled it. That's one. And this
17 being as two right here. And then on this one, I
18 underline and had a question mark on, You got three
19 hours.

20 Q Is it safe to say that these notations were just
21 notes that you made on the copies of these
22 screenshots in an effort to --

23 A Yes, just a reference, mark, note, yeah.

24 Q They don't have any impact on the actual content of
25 the screenshots in any way?

1 A No. No. And then this one was labeled three.

2 That's all.

3 Q Thank you. I just wanted to clear that up. Now,
4 there's been some question about witnesses and
5 their process -- not of Mr. Heatley, we've gone
6 through that in depth, but witnesses and statements
7 being given to law enforcement. There's been some
8 discussion about handwritten versus typed, things
9 of that nature.

10 In this case, for all the witnesses that you
11 met with and took statements from them in person,
12 how many of those witnesses that you met with in
13 person, how many of those actually wrote out by
14 their own hands their own statement?

15 A Not even one. Zero.

16 Q Is that a regular practice?

17 A To --

18 Q I mean, would it be a regular practice for you guys
19 to type it as opposed to them -- a witness write it
20 themselves?

21 A Right. That's pretty much our standard, regular
22 practice, is that we're the ones that would be
23 doing the question and they would be doing the
24 answer. We don't have -- give them a piece of
25 paper and say, Okay, write down what happened, like

1 you see on TV. No.

2 Q And in this case, as far as William Gonzalez is
3 concerned, no witnesses that you met with in person
4 wrote out their own statements by hand, correct?

5 A That's correct.

6 Q There has also been some discussion or reference to
7 traffic routes, if you will. I want to show you
8 what has been marked as -- actually, if you can
9 step on down, please.

10 A (Witness steps down.)

11 Q I know you've been up there for a while. I promise
12 we're getting to the end here. Go on this side.
13 It is easier for her to hear.

14 All right. Looking at State's 53 that's
15 already in evidence, can you point out where the
16 Walmart that Ms. Roach worked at was?

17 A This is Highway 1, which is also known as Two Notch
18 Road. And Walmart would be right here.

19 Q Okay. And the general location, I think we've
20 already noted on here, of the incident location
21 where her body was found?

22 A Correct.

23 Q Is?

24 A It's 55, right before the railroad track right
25 there.

1 Q Okay. You're familiar with Richland County, yes?

2 A Yes, sir.

3 Q What are some of the main roads that a person can
4 travel to get from Walmart to the shooting spot?

5 A Killian and Clemson Road will pretty much take you
6 to all those places right there and Two Notch Road.
7 You can take -- from Walmart, you could go down Two
8 Notch, take North Brickyard, all the way from North
9 Brickyard down to Farrow Road, and into the
10 shooting spot.

11 Q Now, if you turned right out of the Walmart, how
12 could you get there?

13 A If you turned right out of the Walmart, you go to
14 what I call the Clemson Road route. You take the
15 Clemson Road route, you get back on the overpass,
16 and then you take 55 going all the way -- I'm
17 sorry, you take Clemson, go all the way down till
18 it meets 55, hang a right, and it will take you
19 right there to the spot.

20 Q And those are just only two of the ways you can go.
21 I mean, in theory, there's lots of different ways
22 you could go, correct?

23 A Yes. You can go back ways, and stuff like that.

24 Q All right. Thank you. You can have a seat?

25 A (Witness returns to witness stand.)

1 Q The location of where Ms. Roach was found, is that
2 in Richland County?

3 A Yes, it is.

4 MR. GOLDBERG: Thank you, sir. That's all I
5 have.

6 THE COURT: All right, ladies and gentlemen of
7 the jury, at this time I think we are going to go
8 ahead and take our afternoon break. We'll take
9 about 10 minutes, and then we'll receive you all
10 back in.

11 Thank you. Please do that discuss the case.
12 (WHEREUPON, the jury retires to the jury
13 room at 3:10 p.m.)

14 THE COURT: You can step down.

15 (Witness steps down.)

16 THE COURT: All right. We'll take about 10
17 minutes.

18 (WHEREUPON, a break was taken.)

19 THE COURT: Bring them in.

20 (WHEREUPON, the jury came into open
21 court at 3:40 p.m.)

22 THE BAILIFF: All jurors are present, Judge.

23 THE COURT: Yes, sir. We're ready for
24 cross-examination.

25 CROSS-EXAMINATION

1 BY MR. O'NEIL:

2 Q Investigator Gonzalez, for lack of a better term,
3 you were lead investigator on this case, correct?

4 A Yes, sir.

5 Q And as the lead investigator, you're kind of like
6 the overseer of the whole entire investigation?

7 A To a certain degree, yes.

8 Q There are other investigators -- we've seen a lot
9 of people on the witness stand. There are other
10 investigators also involved in the case?

11 A Yes, kind of delegate some things for others to do.

12 Q You're, for lack of a better word, you're the man
13 in charge?

14 A You can say that, yes.

15 Q The buck stops with you. You have to review all
16 the information that comes in involved in the case,
17 correct?

18 A Well, we do it as a team.

19 Q And you're part of that team?

20 A I'm part of that team, correct.

21 Q You want to review the report that Investigator
22 Stan Smith might have done or Investigator
23 Cavanaugh or all the other investigators that we've
24 heard from, you have to review their reports, and
25 things of that nature, correct?

1 A I don't have to review their report. I mean, their
2 follow-up is there for everybody to read it.

3 Q You want to make sure you have a thorough
4 investigation, correct?

5 A To some degree yes, sir.

6 Q I would hope that you want to make sure you have
7 the most thorough and detailed investigation you
8 could possibly have?

9 A I agree.

10 Q For everybody involved?

11 A I agree.

12 Q And to do that, you want to make sure you have
13 knowledge of all the information that comes in
14 about the case?

15 A Yes.

16 Q You don't want some investigator doing some work
17 that's important in the case that you don't know
18 of, would that be fair to say?

19 A Correct.

20 Q All right. And part of the reason why you're
21 trying to -- that you are kind of invested in
22 making sure you have all the information, you want
23 to be able to follow-up on any necessary leads that
24 become involved in the case, especially early on?

25 A Yes.

1 Q I think one of the first things you talked about
2 doing, you met with the family, correct?

3 A Correct.

4 Q Not to ask you what they did, but after there was a
5 feeling that there may have been a connection
6 between the body found and the missing person,
7 Ms. Roach, we're going to meet with the family?

8 A Once we determined that, yes, that was a missing
9 person, then, yes, we went and met with the family.

10 Q Because one of things you want to do -- I think we
11 talked about this idea -- you want to speak with
12 the family to see and learn about any people that
13 the victim may have been involved with? I think
14 you said that during direct?

15 A Correct. Most of the time family has information
16 that can be useful.

17 Q And why is knowing who the victim could be involved
18 with, why is that important to you as the lead
19 Investigator?

20 A Can you say that again?

21 Q I said why would knowing who the victim was
22 involved with be important to you as the lead
23 investigator?

24 A Well, it's what we call victimization. We try to
25 find everything that's involved with the victim.

1 People that are involved directly or indirectly
2 with the victim, last contact with the victim, and
3 so on.

4 Q And why is that -- I guess, my question is why is
5 that important to you as the lead investigator?

6 A It could lead us to people that might be a person
7 of interest.

8 Q Yes. Especially if somebody had animosity towards
9 the victim, would that be fair enough?

10 A That would be fair enough to say.

11 Q And when you talked with the victim's mother, she
12 indicated two names that you need to -- well, she
13 at least initially indicated to you two people --
14 two ex-boyfriends you need to be -- that you need
15 to look into, correct?

16 A Right, she gave us two names.

17 Q She told you -- I think you even said earlier, you
18 said Andre Heatley, but she also gave you the name
19 Kelvin Davis, correct?

20 A That's correct.

21 Q Both of these -- her words, her daughter's
22 ex-boyfriends?

23 A Yes.

24 Q And she also talked about Kelvin Davis's baby
25 mother, correct?

1 A Yes.

2 Q And Kelvin Davis's baby mother was Ivory Fleming,
3 correct?

4 A Correct.

5 Q All right. And specifically what the victim's
6 mother told you about Ivory Fleming was that Ivory
7 Fleming hated the victim, correct?

8 A I think she made a comment in reference to that.

9 Q Uh-huh. She said Ivory hated the victim and wanted
10 her head?

11 MR. GOLDBERG: Objection to the hearsay, Your
12 Honor.

13 MR. O'NEIL: Not for the truth of the matter
14 asserted, Your Honor. It can --

15 THE COURT: Hold on. Hold on. Let me see you
16 all one second.

17 (WHEREUPON, a bench conference was held
18 in the presence of the jury but out of
19 the hearing of the jury.)

20 THE COURT: The objection is sustained.

21 Ladies and gentlemen of the jury, disregard --
22 I'm going to strike that last question and answer,
23 so please disregard the question and answer.

24 I ask Mr. O'Neil to rephrase the question.

25 BY MR. O'NEIL:

1 Q Investigator Gonzalez, don't say what Ms. Roach
2 said. Did Ms. Roach, the mother of the victim
3 here, give you information about the feelings Ivory
4 Fleming had towards her daughter?

5 A She did not speak to me anything about Ivory, just
6 the two names that initially she gave.

7 Q Did she speak to, at that time Investigator Taylor,
8 now Investigator Torres, about that?

9 A That's a possibility. You are going to have to ask
10 her.

11 Q Like I said earlier, you would have reviewed the
12 other investigators' reports in this case, correct?

13 A Well, everybody works in the case. I delegate
14 things around, you know. Some things are more
15 important than others to make sure that they
16 happen.

17 Q And definitely you would agree with me that if
18 Ms. Roach told you -- or told Investigator Taylor
19 at that time about the animosity an individual had
20 towards her daughter, that would be important?

21 A You would have to ask Investigator Taylor because
22 that was not related to me.

23 Q I'm not asking what was said, but I'm asking -- I'm
24 going to say it again. What I'm asking you is that
25 if the victim's mother told you about -- told

1 Investigator Taylor about animosity an individual
2 had towards the victim, would that be important for
3 you to know as the lead investigator?

4 A It could have been mentioned in our meetings, and
5 stuff like that.

6 Q That's not what I'm asking you. I'm going to say
7 this one more time, Investigator Gonzalez. If
8 Ms. Roach, the victim's mother, told Investigator
9 Taylor that an individual had animosity towards her
10 daughter, would that fact be important to you as
11 the lead investigator?

12 A Yes.

13 Q Okay. And you would want to follow up on that?

14 A Right. We'll follow up on it and eliminate what I
15 call the what if factor.

16 Q Okay. That's all I wanted to know. That's all I
17 wanted to know.

18 Did you ascertain through your investigation
19 here who the victim's current boyfriend was back on
20 January 28th, 2016?

21 A During our investigation, it came out that it was
22 Mr. -- one second -- Shanard Stokes.

23 Q Did any conversation you had with any individuals
24 involved with the case here give you contrary
25 information to that fact?

1 A To that fact?

2 Q Yes. That Mr. Stokes was the victim's current
3 boyfriend at that time?

4 A Everybody we pretty much spoke to mentioned
5 Mr. Stokes as her current boyfriend.

6 Q So that's a no? Nobody said anything?

7 A That I know of, no.

8 Q All right. So I would imagine, Investigator
9 Gonzalez, one of the first things you would try to
10 do was build a timeline in this case, fair enough?

11 A It always good to know, yes.

12 Q And I think some of the basis of that timeline was
13 developed from the surveillance video there at
14 Walmart, correct?

15 A Correct.

16 Q And I think Investigator -- well, at that point,
17 Major Smith here helped along with you to kind of
18 build that timeline, correct?

19 A Did he help?

20 Q Yes, sir.

21 A Not that I know of. I was the one that created a
22 timeline.

23 Q Okay. So we know that -- based on the timeline
24 created, that the victim clocked out at Walmart at
25 10:09, correct?

1 A That's correct.

2 Q That's 10:09 on January 28th, 2016?

3 A Right.

4 Q And by looking at the surveillance video here, we
5 know that she gets in her car in the Walmart
6 parking lot at 10:12, correct?

7 A That's correct.

8 Q All right. And per the video, we also know that
9 she pulls out of the parking lot in Walmart at
10 10:13, correct?

11 A That's correct.

12 Q And you know through your investigation -- you said
13 this earlier here that the Walmart we're referring
14 to is right here, correct?

15 A Correct.

16 Q And we know that the victim actually resides in a
17 subdivision near the crime scene, correct?

18 A Correct.

19 Q Off of Farrow Road over here. All right. And in
20 your investigation, we know that the victim turned
21 left on this little side road right here, correct?

22 A Turned what?

23 Q To the left, when she left the Walmart parking lot
24 on this little side road?

25 A Turned left, correct.

1 Q Came to the Two Notch intersection right there?

2 A Correct.

3 Q And we know -- you know from your investigation
4 here that normally when the victim was going home,
5 she takes a left onto Two Notch?

6 A That's what was portrayed to us initially by
7 co-workers that normally, yes, she would take a
8 left.

9 Q Did anybody tell you anything different?

10 A Yes. One of the witnesses, co-workers stated that
11 at that moment, he was behind her and she took a
12 right.

13 Q I didn't phrase the question correctly. Did
14 anybody ever tell you that she didn't normally go
15 left right there when she was going home? Did
16 anybody ever tell you that she didn't normally go
17 left?

18 A No, they said she would normally go left.

19 Q So everybody agreed that she normally turned left
20 here on Two Notch and she'd take some combination
21 of roads over here to Farrow Road?

22 A That's correct.

23 Q Nobody testified -- nobody told you specifically
24 what road she took, whether it was North Brickyard,
25 whether it was any road, they told you she normally

1 turned left to go to her house?

2 A Yes.

3 Q But on this night, we know that, according to your
4 investigation, she turned right, correct?

5 A Correct.

6 Q Nobody contradicts that?

7 A Correct.

8 Q I think you said -- I think the investigation
9 revealed she turned right towards Sandhills,
10 correct?

11 A Correct.

12 Q Nobody knows exactly where she went, fair enough?

13 A That's fair.

14 Q But we know she's going right away from her
15 residence and away from the shooting spot, is that
16 fair enough to say?

17 A You can say that, but that's another way probably
18 to go down to that area.

19 Q Yeah, but you would agree, Investigator, the most
20 direct way is to turn left and go through these
21 roads to get there, correct?

22 A I don't know if that's the most direct route. It
23 is a route. It's a route.

24 Q You know that's the route that she normally took to
25 go to -- her house is right over here as well?

1 A Right. We were told initially, yes.

2 Q And we know --

3 A Well, we were told initially that at that point
4 right there, she turns left. Now, whether --
5 nothing was mentioned whether she normally goes
6 down Brickyard, normally turns here or turns there,
7 but goes left, yes.

8 Q We know she normally goes left to go to her
9 residence over here? We know that?

10 A Correct.

11 Q And we know on this night, she went right?

12 A Yes.

13 Q And we know that -- and for lack of a better word,
14 the incident location is left of Walmart, but she
15 went right from Walmart?

16 A Correct.

17 Q And she went -- right is opposite from left -- she
18 went in the opposite direction of where she was
19 later found --

20 A Correct.

21 Q -- deceased at, fair enough?

22 A Fair enough.

23 Q All right. And we don't know where she stopped at,
24 where she went after she turned right?

25 A Correct.

1 Q All right. And that was -- she left the parking
2 lot at 10:13? Make sure I'm correct on that.

3 A That's correct. You're right.

4 Q And I think you drove a potential route,
5 Investigator Gonzalez, during your investigation
6 from the Walmart to the incident location?

7 A I think the route I took was from the incident
8 location to Irmo, just to have a roughly time
9 period how much that would have taken.

10 Q What was that time period?

11 A Somewhere between 25, 28 minutes maybe. That's
12 going the speed limit.

13 Q And, Investigator, I want to make sure we're clear.
14 It's noted in Major Smith's report -- do you need
15 to see Major Smith's report to refresh your memory
16 on which route you took?

17 MR. GOLDBERG: Objection, Your Honor. I don't
18 see how he can ask him about what Major Smith put
19 in Major Smith's report.

20 MR. O'NEIL: I'm not asking him about what
21 Major Smith put in his report, I simply asked did
22 he need to see Major Smith's report to refresh his
23 memory about whether or not he measured the --

24 THE COURT: You can't refresh his memory with
25 Major Smith's report. You have to ask Major Smith.

1 MR. O'NEIL: I can -- if Major Smith's report
2 refreshes his memory, it does. If it doesn't, it
3 doesn't.

4 THE COURT: But it's not his report.

5 MR. O'NEIL: It doesn't have to be his report
6 to refresh his memory on it.

7 THE COURT: All right. The objection is
8 sustained.

9 MR. GOLDBERG: Thank you, Your Honor.

10 BY MR. O'NEIL:

11 Q Let me put it this way, Investigator Gonzalez,
12 didn't you, in fact, measure the route from Walmart
13 to the incident location on Farrow Road and note
14 that at 18 minutes?

15 A I don't recall that.

16 Q Okay. I'll ask Major Smith about that. But in any
17 event, do you know if anybody ever determined how
18 long it would take to get to the Walmart to the
19 incident location on Farrow Road?

20 A You know, that's very subjective because it could
21 depend on the person. Somebody that drives the
22 speed limit, other person that drives fast, other
23 person that just runs through the stop sign or run
24 through the light, a light traffic, maybe one day
25 at that time there might be heavy traffic, another

1 day at that same time might be light traffic. So
2 it's very difficult to determine exactly time.

3 Q I understand that, but you do realize that is of
4 vital importance in this case, fair enough?

5 A It just gives you an estimated time of maybe the
6 time that it took her to go from the Walmart to the
7 spot location traveling on the right -- going
8 right. Again, you know, I don't know if she was
9 going 60, 70 miles an hour. All the lights could
10 have been all green at the moment she went through,
11 but when I probably drove by there or somebody else
12 drive by there, they might catch all the lights
13 red. It's give or take.

14 Q But this is what we do know, Investigator Gonzalez,
15 we do know that -- and you said 11:09 here, but the
16 individual from Palmetto said something different.
17 We know that Mr. Heatley is on video over in Irmo
18 at 11:01 at the Palmetto Citizens Federal Credit
19 Union. I know your notes say 11:09, but the
20 testimony from the individual from Palmetto
21 Citizens said he's there at 11:01.

22 A Give or take a few minutes.

23 Q We know she left here at 10:13. You didn't
24 determine how long it takes to get from here to
25 here, but you did say how long it took to get from

1 here to -- when I say here, get from the incident
2 location to Palmetto Citizens Federal Credit Union,
3 what did you determine that to be?

4 A Between 25 and 28 minutes, and I was driving the
5 speed limit.

6 Q Okay. So that would be -- if we reverse that
7 backwards here, if you -- if an individual got here
8 the same way you drove at 11:01 driving the same
9 speed you drove here, then they would have to have
10 left this location here at around 10:33, 10:34,
11 correct?

12 A Give or take several minutes.

13 Q If my math is correct.

14 A Yeah.

15 Q You're the investigator, you are the one that drove
16 the route here?

17 A Yes.

18 Q You knew driving the route was important because
19 you wanted to figure out how long it would have
20 took?

21 A I wanted to have an idea, yes.

22 Q Okay. So --

23 A But it's not a perfect science thing.

24 Q I understand that.

25 A You've got to take all the other elements in

1 consideration.

2 Q I understand that, Investigator Gonzalez. But you
3 did it because you knew it was important. So it's
4 vital to know how long it took to get from here to
5 here because if it takes more than 20, 25 minutes
6 to get from here to here, then if an individual got
7 here at 11:01 and it took them 25, 28 minutes to
8 get to here, they may not -- that person may not be
9 there at the same time as somebody that leaves from
10 here to get to the incident location, correct?

11 A Again, I don't know exactly. That's a lot of
12 elements -- you know, it's a lot of elements in
13 there. It's just -- the time period is just a
14 guesstimation just to see if that was possible that
15 it could have happened, you know.

16 Q Yes, and that's important --

17 A So --

18 Q We know some definite time points in the case.
19 Some things aren't guesstimations, some things are
20 definite, correct? We know definitely what time
21 she left here and we know definitely, according to
22 the Palmetto Citizens, what time Mr. Heatley is on
23 video here, correct?

24 A Correct.

25 Q So we know what time he's on video here, 11:01, and

1 we know what time precisely she's on video here,
2 10:13, leaving the parking lot?

3 A That we know for a fact.

4 Q Yes.

5 A Yes.

6 Q So how long it took for the victim to get to the
7 incident location would be of extreme importance,
8 correct? I know you may not be able to figure out
9 how long it was, but it would be extremely
10 important?

11 A It will be important, but the best you could get
12 out of it is generalization of the time. That's
13 the best you can get out of it.

14 Q And that's okay. But my question is, it's
15 extremely important to know, correct?

16 A It's good to know.

17 Q Not only it's good to know, Mr. Gonzalez, it would
18 be extremely important to know?

19 A If I have other factors in there that, let's say,
20 for example, her vehicle was caught in one of the
21 cameras out there or in a business camera, you
22 know, and then we caught her in another camera that
23 we could narrow that window down, then I would say
24 that would be totally extremely important, but at
25 the moment, that information that we had, it would

1 be good to know, but it wasn't something that we
2 could actually scientifically say we know for a
3 fact that she passed through this intersection at
4 2220. So, I mean, it's just a generalization.

5 Q Investigator Gonzalez, I know you wasn't involved
6 with the investigation too much after your shoulder
7 surgery here.

8 A Yes, sir.

9 Q But there were cell phone records of the victim,
10 correct?

11 A Yes, sir.

12 Q And attached to those cell phone records are cell
13 tower information from the victim?

14 A That information, we have never gone over that.

15 Q We actually have that information, don't we?

16 A Excuse me?

17 Q We actually have that information about the
18 victim's cell phone tower?

19 A That's correct.

20 Q Okay. And we might not know where she was, but we
21 know exactly where her cell phone was, correct?

22 A That's correct.

23 Q We know where her cell phone -- what towers her
24 cell phone bounced off of?

25 A That's correct.

1 Q Can you tell the jury which towers those were?

2 A I don't -- I am not familiar with that part.

3 Q Okay, but you --

4 A We have the information, but I am not familiar with
5 that part.

6 Q And you would agree with me as being the lead
7 investigator, it probably would be important for
8 you to be familiar with that part of the case too?

9 A I mean, I got some familiarization with it.
10 Whether I'm an expert on what tower is what and how
11 it pings and how it goes, we got somebody else that
12 does that.

13 Q Not exactly, Investigator Gonzalez. What if her
14 cell phone was -- and I'm not saying it was, but
15 what if her cell phone was pinging way over here
16 somewhere, would that not be important to know, for
17 you to know?

18 A Oh, yeah, we would have known that.

19 Q Okay. But do you know where her cell phone pinged
20 between 10:12 and just say 10:35, have any idea,
21 any idea on this map anywhere where her cell phone
22 was between those times?

23 A We know the cell phone was pinging the same route
24 that we were talking about down Clemson Road
25 straight down Farrow Road. We know that.

1 Q Show us what sites her cell phone was pinging off
2 of.

3 A I don't have the exact site where the tower is at,
4 but I can tell you that -- and that will probably
5 come on later on in Captain McDonald's declaration
6 that where her cell phone was pinging throughout
7 that route.

8 Q Okay. So I guess for lack of a better word,
9 Investigator Gonzalez, you just don't know? And
10 that's fine if you don't know. You can say you
11 don't know.

12 A Yes, sir.

13 Q Okay. All through the timeline, you said something
14 on direct, you said that, We know she has -- we
15 know that there were credit card purchases at the
16 Chick-Fil-A that morning?

17 A Correct.

18 Q And we know that there was a credit card purchase
19 at the Sonic at 4:49 that afternoon, correct?

20 A That's correct.

21 Q Okay. And I paid close attention and I actually
22 wrote it down here. You said you figured she made
23 those purchases, correct?

24 A That's correct.

25 Q And I paid close attention because you used the

1 word figured, because we don't know whether or not
2 she made those purchases, correct?

3 A I don't know 100 percent, okay, but the reason why
4 I say figured is that she made a transaction at
5 8:45, correct?

6 Q Okay.

7 A Let me --

8 Q Let me ask the question.

9 A I'd like to answer that question.

10 Q You don't know that she made the transaction
11 at 8:00 --

12 A A transaction was made --

13 Q With her card?

14 A -- with her card at 8:45.

15 Q Correct.

16 A Okay. She clocked in at 8:58. We know that
17 because we have the paperwork. So from 8:58 to
18 1645, there's no activity on her credit card, none
19 whatsoever. And if somebody would have had her
20 credit card, trust me, working on financial crime,
21 they would have used that credit card several times
22 and maxed it out.

23 Q Let me stop you right there. You're just assuming
24 that, Investigator Gonzalez, correct?

25 A Right, I mean, that is --

1 Q You don't have any evidence of that, that's just
2 your assumption?

3 A I mean, that's my common sense theory behind that.
4 And then from 1645, there's another transaction
5 made at the Chick-Fil-A, and she clocks in at 1700.
6 So from 1700 all the way up to 2301, 2309, give or
7 take a few minutes, there is no activity on her
8 credit card. None. And she got off work at 10:00
9 o'clock. As a matter of fact, she clocked out at
10 --

11 Q 10:09.

12 A -- 10:09. There's no activity. So if somebody
13 that would have stolen her credit card, taken her
14 credit card, there would have been some activity,
15 trust me, in a gas station buying beer, some other
16 stuff.

17 Q But you're just assuming that, Investigator
18 Gonzalez, fair enough?

19 A Fair enough.

20 Q It's based off your history, but you're assuming?

21 A In my experience and knowledge, fair enough, yes.

22 Q Okay. And we also know from documentation from
23 professionals involved with the case that the
24 deputy coroner's office estimated her time of death
25 as 4:00 a.m. the next morning, between 4:00 a.m.

1 the next morning and 5:00 p.m. the next day,
2 correct?

3 A Correct.

4 Q And that's all the information that you had when
5 you were trying to investigate this case?

6 A Yes. And as we were going -- and as we were
7 moving, you know, more information kept coming in,
8 so we rolled with the punches, yes, sir.

9 Q Yes. And you didn't -- we have videos of
10 Mr. Heatley at this pawn shop, we have videos of
11 Mr. Heatley at ATMs, we have videos of the victim
12 at Walmart here. Do we have videos -- did you get
13 any videos from the victim at the Sonic or at the
14 Chick-Fil-A?

15 A No.

16 Q And you would agree with me that if you had videos
17 of the victim at the Sonic or the Chick-Fil-A here,
18 that that would be conclusive proof that she was
19 the one using the credit card at that particular
20 time, correct?

21 A Absolutely. And when I spoke -- when I spoke to
22 the manager to find out what was the store number
23 to see if it matched her transaction, I asked her,
24 the manager, do they have video surveillance, and
25 they said yes. I said, Well, how long are those

1 video surveillance are kept? In some businesses,
2 they're kept for 48 hours, others purge at 72
3 hours, so --

4 Q What was the purge time in these two cases,
5 Chick-Fil-A and Sonic?

6 A Well, the Sonic didn't have -- because normally the
7 Sonic is either drive-through or outside stuff. I
8 believe the Chick-Fil-A was 48 hours.

9 Q And how quickly did you contact the Chick-Fil-A?

10 A The Chick-Fil-A, that was -- I mean, I contacted
11 the Chick-Fil-A once I got the actual printout of
12 her account, and I believe that was either February
13 1st or the 2nd that that happened. So when he said
14 that, I knew that whatever video was there already
15 got purged, it's over.

16 Q And you also said one of the things that you did
17 the next -- the Friday after the Thursday that you
18 were helping in staging of this search warrant of
19 the residence that Mr. Heatley stayed at, correct?

20 A I'm sorry, say that again, sir?

21 Q You were helping to stage for the search warrant at
22 the residence where Mr. Heatley resided at,
23 correct?

24 A That's correct. That was that Friday, right?

25 Q Yes, sir.

1 A Okay, yes.

2 Q And Mr. Heatley leaves his home about 1:00 o'clock
3 in the morning and goes to the Burger King,
4 correct?

5 A Roughly, yes, sir.

6 Q Yes. Did he go anywhere else?

7 A Not that I know of, because the person that had
8 eyes on the house was Sergeant Faust.

9 Q So he pulls into the Burger King next to the gas
10 station where all the other law enforcement
11 officers were staging, correct?

12 A That's correct.

13 Q Pulls in the drive-through and voluntarily -- after
14 coming in contact with Investigator Faust,
15 voluntarily gives himself up, fair enough?

16 A Fair enough.

17 Q Without incident, no struggle, no chase, nothing
18 like that?

19 A That's correct.

20 Q And it's your testimony here today, probably one of
21 the first questions that you asked him is did he
22 have any -- were there any firearms either on him
23 or in the car, correct?

24 A Yes. Trust me, that's a standard operation
25 procedure for law enforcement.

1 Q The very first thing you want to know about is
2 whether or not there's a firearm anywhere around
3 there?

4 A That's correct.

5 Q And your testimony is that he voluntarily told you
6 that there's a firearm in the glove box?

7 A That's correct.

8 Q And I think your testimony here is that through
9 your investigation you believe that this firearm
10 was linked back to one of the projectiles involved
11 in the homicide of Ms. Roach, correct?

12 A Yes. I didn't find that out until we had our
13 meeting that our forensics was able to confirm
14 that, that's correct.

15 Q And there was actually a fingerprint on the
16 magazine of the 9-millimeter in this case, correct?

17 A There was a fingerprint, latent.

18 Q One of the latent fingerprints on the magazine of
19 the 9-millimeter, correct?

20 A Correct.

21 Q All right. And that fingerprint did not match Mr.
22 Heatley, correct?

23 MR. GOLDBERG: Objection, Your Honor. That's
24 a mischaracterization of the evidence and the
25 testimony that's already in the record.

1 MR. O'NEIL: I'm not sure that's a --

2 MR. GOLDBERG: May we approach?

3 (WHEREUPON, a bench conference was held
4 in the presence of the jury but out of
5 the hearing of the jury.)

6 THE COURT: The objection is sustained.

7 Please rephrase the question.

8 BY MR. O'NEIL:

9 Q Investigator Gonzalez, the fingerprint that was on
10 the magazine of the 9-millimeter that was linked to
11 the murder of Deandra Roach was inconclusive as it
12 relates to identifying Mr. Heatley, correct?

13 A To the best of my knowledge, it was inconclusive,
14 that's correct.

15 Q And that would be a point that you would want to be
16 extremely aware about, correct?

17 A I mean, we can't -- we can't fabricate stuff. If
18 it's inconclusive, it's inconclusive.

19 Q I guess what I'm asking you, you want to be -- if
20 there's a fingerprint on the murder weapon, you
21 want to be sure who that matches or doesn't match,
22 correct?

23 A That's a concern, absolutely.

24 Q Yes. And when Mr. Heatley was -- you said
25 Mr. Heatley voluntarily talked with you, correct?

1 A That's correct.

2 Q You say you didn't twist his arm, didn't threaten
3 him, didn't force him to come talk to you, right?

4 A Absolutely not.

5 Q But you didn't videotape the conversation you had
6 with him, correct?

7 A My vehicle -- we were not capable of that
8 technology right then.

9 Q You talked to him in the video and back at
10 headquarters -- it is a cubicle, correct?

11 A That's correct.

12 Q And you didn't have that technology in your cubicle
13 there at headquarters?

14 A That's correct.

15 Q You did not?

16 A We don't, yes, that's correct.

17 Q You currently do, though?

18 A We currently within -- I want to say within the
19 last six months maybe, yes, we have rooms set up
20 now for audio and video recording.

21 Q And why is that?

22 A I don't know. That's something you are going to
23 have to ask the sheriff. That's beyond my scope.

24 Q That's above your pay grade?

25 A Yes, sir.

1 Q Somebody in Richland County thought it necessary to
2 start videotaping interrogations?

3 A I'm with you on that, thank you.

4 Q It would make it a lot easier for everybody
5 involved?

6 A That's correct.

7 Q We would know exactly what was said and what wasn't
8 said?

9 A That's correct.

10 Q Right now, we just have your recollection three
11 years later based off your notes what was said?

12 A That's correct.

13 Q And, I apologize, I don't want to misconstrue
14 anything. We also have a statement that bears Mr.
15 Heatley's signature, fair enough?

16 A That's correct.

17 Q Now, in that statement, did he use the word -- the
18 name Von or Vonnice for the individual who he told
19 gave him the victim's credit card?

20 A Well, if I'm not mistaken, in my notes, he gave
21 both. He said Von first, and then he referred to
22 him as Vonnice. It was both.

23 Q Okay. He indicated that this Vonnice individual was
24 sitting in a car while he was at -- when I say he,
25 Mr. Heatley -- was at the ATM?

1 A He mentioned -- that's correct, but he referred to
2 the last transaction, which was the Wells Fargo, on
3 the last one, because that's when he said that he
4 threw the credit card away. So when I confronted
5 him to how it's possible that he threw the credit
6 card away and then at 1:00 o'clock make a
7 transaction, that's when he brought this Von guy
8 was sitting in the back seat of his car.

9 Q Okay. And I notice you don't have it in your
10 notes, Investigator Gonzalez, I'm asking if you
11 remember it or not. Do you remember Mr. Heatley,
12 before you got to headquarters, while y'all were
13 sitting in the car in the drive-through -- not in
14 the drive-through, but in the parking lot of Burger
15 King here, do you remember Mr. Heatley at that
16 point saying that this Vonnie individual pulled a
17 handgun on him? And it's not in your notes, it's
18 in Investigator Taylor's notes, but do you
19 remember?

20 A Okay. I don't remember that. He could have said
21 that at one of the moments when I stepped out, or
22 something like that, but I don't remember that
23 because I don't think it's in my follow-up.

24 Q You were in and out of the car?

25 A Yes, sir.

1 Q All right. But in any event, Mr. Heatley
2 emphatically told you that -- well, let me make I'm
3 clear. Mr. Heatley told you that he did not kill
4 the victim, Ms. Roach?

5 A He did mention that, correct.

6 Q And I think one thing, you told him at one point
7 that the money that was found in his pocket you
8 believe had blood on it? That's what you told him?

9 A That's correct.

10 Q I think on direct you indicated that you didn't
11 actually believe that when you told him that?

12 A That's correct.

13 Q But you figured, I'll just lie to him about this
14 detail and then see what he says, fair enough?

15 A That's fair enough.

16 Q And he still -- still based off that untruth that
17 you told him here, he still denied killing
18 Ms. Roach, correct?

19 A Correct.

20 Q All right. In fact, he gave consent for the
21 Sheriff's Department here to have a sample of his
22 DNA and consent for the Sheriff's Department to
23 search his phone?

24 A That's correct.

25 Q And you executed both of those consents in a

1 written form, correct?

2 A No, that was not me. That was Investigator Torres.

3 Q And those written forms or consent that
4 Investigator Torres executed, those are in evidence
5 today?

6 A That's correct.

7 Q All right. Do you know why you use a written form
8 for the DNA consent, a written form for the cell
9 phone consent here, but no written form for his
10 waiver of his Miranda Warnings?

11 A Well, for the phone, yes. When we go through the
12 process of downloading his phone, they require to
13 have -- the person that downloads the phone is
14 required to have either the search warrant or a
15 written consent. And then within that written
16 consent, if we can get the code to open the phone,
17 it makes it a lot easier.

18 Q And what about DNA? The DNA --

19 A DNA is the same thing. When we process DNA through
20 the lab, their requirement is to either have a
21 search warrant or a consent form for DNA attached
22 to the request form for the lab.

23 Q And when we say the lab, this is Richland County
24 lab?

25 A Yes, sir.

1 Q And when you say they, you're referring to the
2 people at the Richland County Sheriff's Department
3 lab?

4 A That's correct.

5 Q Do you know why they require a written form? Why
6 don't they just take your word?

7 A I speculate if I say something.

8 Q Do you know why they won't take your word for it,
9 that Mr. Heatley consented to this?

10 A Well, you know, having documents that will follow
11 up on the request form, it's a lot better.

12 Q Yes, and I agree with you, Investigator Gonzalez,
13 just like it would be a lot better if we had
14 documentation that Mr. Heatley waived his Miranda
15 Warnings to speak with you on those two occasions,
16 correct?

17 A Yes, that would help.

18 Q Okay.

19 A But is it a requirement? No.

20 Q Now, I think on direct you indicated that the
21 reason why you didn't use any form for the waiver
22 of Miranda Warnings while you were at Burger King
23 is you were out in the field and you didn't have
24 the form with you, correct?

25 A Well, I mean, one, I didn't have the form. Two,

1 it's not a requirement because I already advised
2 him of his rights, which he understood and waived.
3 So that was it.

4 Q But you definitely, when you got back to
5 headquarters, you had access to the form at
6 headquarters, correct?

7 A Yes.

8 Q Okay. And still didn't use it at headquarters
9 either?

10 A That was not my priority at that moment.

11 Q I understand. Your priority wasn't documenting
12 whether or not Mr. Heatley's constitutional rights
13 were adhered to, okay. Let's look at some stuff
14 you didn't find in the case here. So your overview
15 of the case here, there were never any fingerprints
16 that matched Mr. Heatley found on the victim's car,
17 correct?

18 A As far as I understand, no.

19 Q And you would want to know that if that was true,
20 correct?

21 A Correct.

22 Q You would have told us that on direct if that was
23 the case here?

24 A Correct.

25 Q All right. There was no -- none of Mr. Heatley's

1 DNA on the victim's body, correct?

2 A As far as I understand right now, that's correct.

3 Q There was none of Mr. Heatley's DNA on the victim's
4 clothing, correct?

5 A Correct.

6 Q Mr. Heatley's shoes were taken into evidence,
7 correct?

8 A Correct.

9 Q We have them sitting on the table there?

10 A Correct.

11 Q None of the victim's DNA was on Mr. Heatley's
12 shoes, correct?

13 A Correct.

14 Q They were tested for blood and there was no blood
15 on Mr. Heatley's shoes belonging to the victim,
16 correct?

17 A That's correct.

18 Q We took -- the Richland County Sheriff's Department
19 took soil samples from the incident location,
20 correct?

21 A That's what I was -- understood, yes.

22 Q And none of that soil or dirt was found on the
23 shoes taken from Mr. Heatley, correct?

24 A I don't know, I don't know the outcome of that, of
25 the soil sample, but if something would have come

1 up, I would have definitely known about it.

2 Q You would have mentioned that if that was true,
3 correct?

4 A Yes.

5 Q And you didn't mention that before, correct?

6 A Yes.

7 Q There were, of course, no eyewitnesses to the
8 actual murder in this case, correct?

9 A Correct.

10 Q You would have led with that if that was the case?

11 A Excuse me?

12 Q You would have led with that information if that
13 was the case? If you had an eyewitness that said
14 they saw somebody there, you would have stated that
15 before, correct?

16 A Correct.

17 Q None of the victim's belongings were ever found on
18 Mr. Heatley, correct?

19 A That's correct.

20 Q I think you testified in direct that to this day,
21 her cell phone, credit card, and purse have not
22 been located, or keys?

23 A That's correct. But the last ping on her phone was
24 across the street from the entrance of the
25 Defendant's residence.

1 Q Now, are you sure about that?

2 A Neighborhood.

3 Q Are you sure about that, Mr. Gonzalez?

4 A Neighborhood.

5 Q Are you sure about that?

6 A Either the bank or the entrance of the
7 neighborhood, the last ping of the phone.

8 Q We can't just say something like that if we aren't
9 sure about. I want to make sure you're absolutely
10 sure about that?

11 A Yes, I am.

12 Q Okay. But you're not the cell phone guy?

13 A Correct.

14 Q Sergeant McDonald is the cell phone guy?

15 A Absolutely.

16 Q And he's going to come in and testify where those
17 pinging of the cell phone towers happened at?

18 A That's correct.

19 Q So we take his word for it?

20 A That's correct.

21 Q None of the victim's belongings, her purse, wallet,
22 cell phone, keys were found in Mr. Heatley's house
23 or his car, correct?

24 A That's correct.

25 Q And, in fact, you pulled both Mr. Heatley's and the

1 victim's cell phone records, correct?

2 A Correct.

3 Q Do you have Mr. Heatley's phone today in evidence?

4 A It should be in evidence.

5 Q It is not in evidence right now to your knowledge?

6 A To my knowledge, it should be in there.

7 Q It should be, but it's not, correct?

8 A I don't know.

9 Q Have you seen the cell phone at any time in this
10 trial in court?

11 A No.

12 Q We have pictures of screenshots, correct?

13 A Correct.

14 Q But you've got both -- I say you, not you directly,
15 but the Sheriff's Department has got both
16 Mr. Heatley's cell phone records and the victim's
17 cell phone records, correct?

18 A Correct.

19 Q In fact, Mr. Heatley, of course, gave you consent
20 to search his cell phone?

21 A Consent.

22 Q There are absolutely no phone calls between
23 Mr. Heatley and the victim, are there?

24 A As far as I understand, that's correct.

25 Q You would have mentioned that if that was true?

1 You would have mentioned, Hey, Mr. Heatley called
2 the victim at this time and the victim answered the
3 phone and the victim called Heatley at this time
4 and he answered the phone. You have none of that
5 evidence?

6 A That's correct.

7 Q And as relates to the shell casings found at the
8 crime scene, it's fair enough to say that there
9 were at least two, maybe four different brands of
10 shell casings found at the crime scene that day
11 when the Sheriff's Department got there to
12 investigate the crime?

13 A Yes, there was.

14 Q The majority of them were Hornaday brand?

15 A That's correct.

16 Q And that's a different brand than the brand you
17 found at Mr. Heatley's house, correct?

18 A Correct.

19 Q Investigator Gonzalez, does Richland County
20 Sheriff's Department, do they have a database you
21 kind of run like names and nicknames through?

22 A Normally when we arrest somebody -- and it's not a
23 standard procedure, some investigators do it,
24 others don't, but we ask the person if he's known
25 on the street by a certain nickname.

1 Q Yes.

2 A And if they say yes, on the arrest report, there's
3 a portion in there that you can put it in.

4 Q Yes.

5 A And then that gets into the data. Or the gang unit
6 might be -- might have some people they know by a
7 street name, and it's placed in there.

8 Q So if you want to -- if you as an investigator want
9 to look up a Vonnie in your database to see if it
10 came back to anybody, could you have done that?

11 A I believe we did.

12 Q Okay. Did it come back to anybody?

13 A No.

14 Q There's no Von -- there's nobody all in Richland
15 County or the surrounding area with the nickname
16 Vonnie or Von in your database?

17 A Correct.

18 MR. O'NEIL: Beg the Court's indulgence, Your
19 Honor.

20 (Pause.)

21 BY MR. O'NEIL:

22 Q One thing, I apologize, Investigator Gonzalez. You
23 did some handwritten notes in this case as well?

24 A I'm sorry?

25 Q You had some handwritten notes as well?

1 A Yes.

2 Q You did handwritten notes and then you kind of
3 transferred those handwritten notes to actually
4 typed notes, correct?

5 A I don't understand the question.

6 Q You have handwritten notes when you are
7 investigating a case contemporaneously, and then
8 after that, you type those handwritten notes up
9 into an investigative report?

10 A Sometimes, yes. Yes.

11 Q In some form or fashion, you transfer the
12 handwritten notes to a typed version of those
13 notes?

14 A On the follow-up, yes.

15 Q All right. You spoke -- you interviewed at some
16 point Ms. Anderson, correct?

17 A Yes, we spoke to her.

18 Q Yes, Desha Anderson?

19 A Yes.

20 Q The young lady that was in here a few minutes ago?

21 A Yes, sir.

22 Q She indicated that she was told by law enforcement
23 that she could have been charged with a crime. Do
24 you remember her saying that?

25 A Uh-huh.

1 Q Did you, as an investigator, feel as though she had
2 some involvement with the case?

3 A At one point, I did.

4 Q Did you, in fact, tell her that?

5 A After I saw her text message, yes, I did.

6 Q In fact, in your notes here, you indicated Bonnie
7 and Clyde and put a question mark?

8 A I did.

9 Q What did you mean by Bonnie and Clyde?

10 A What I meant by Bonnie and Clyde, that Bonnie and
11 Clyde were committing crimes together.

12 Q And did you tell that to Ms. Anderson, that you
13 thought she committed this crime with Mr. Heatley?

14 A I told her that we suspected that she might be
15 involved and that this is the moment for her to
16 tell the truth. And that if she had any
17 involvement in this, that this is the moment for us
18 to know, because her involvement could have been
19 minimum, her involvement could have been none, but
20 I was basing myself -- I was basing myself on the
21 text message where she said, You have got three
22 hours to respond back to me or get back to me.

23 Q You probably let her know under no uncertain terms
24 that she could be charged in this case, correct?

25 A I didn't come out like that and told her like that.

1 I said that, You don't want to be caught up, you
2 don't want to be -- and this is normally what we
3 tell people -- you don't want to be caught up in
4 this situation, you know, because this is a
5 homicide that we're investigating. And if you have
6 something to say or something to clarify, this is
7 the moment to do it. And I think that's what
8 caused her to two or three days later come back on
9 her own free will and say, Okay, you know, this is
10 also what I got.

11 Q Now, you heard her say in her testimony that law
12 enforcement talked to her about the possibility of
13 prison time for her?

14 A It wasn't me.

15 Q It wasn't you?

16 A No, sir.

17 Q Do you know who else talked to Ms. Anderson other
18 than you?

19 A Well, at the time that myself and Investigator
20 Taylor talked to her, that was -- we didn't
21 mention -- that I know of, that was not mentioned
22 to her.

23 Q Okay. So it wasn't you, it's either nobody or
24 Investigator Taylor?

25 A You're going to have to ask her that.

1 Q Ask who that?

2 A Investigator Taylor.

3 Q And I want to make sure we're absolutely clear. We
4 keep referring to Investigator Taylor, but she's no
5 longer Investigator Taylor right now, correct?

6 A Investigator Torres.

7 Q Investigator Torres?

8 A For the record.

9 MR. O'NEIL: Beg the Court's indulgence, Your
10 Honor.

11 (Pause.)

12 BY MR. O'NEIL:

13 Q A few more things, Investigator Gonzalez. I forgot
14 to ask you, you did find -- the money that was
15 recovered from Mr. Heatley's pocket was how much
16 money? Do you remember? \$120 sound about right?

17 A I want to say it was like \$110.

18 Q \$110. Thank you. There was never any money that
19 was obtained using Ms. -- the victim's debit card
20 at any of these ATMs, correct?

21 A Correct.

22 Q All right. But on the day -- the next day when you
23 actually came in contact with Mr. Heatley, he had
24 at least \$110 in his pocket?

25 A Correct.

1 Q And that money didn't have any of the victim's
2 blood on it, correct?

3 A That's correct.

4 Q Negative for any type of blood?

5 A That's correct.

6 Q Through your investigation, you understood that Mr.
7 Heatley knew the victim's pin number, correct?

8 A Correct.

9 Q But even by knowing her pin number here, there was
10 still not any of her funds successfully activated,
11 correct?

12 A Correct.

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

14 THE COURT: Yes, sir.

15 MR. GOLDBERG: Briefly, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. GOLDBERG:

18 Q Mr. O'Neil asked you about Ms. Roach's, his words,
19 current boyfriend, and you testified that was
20 Shanard Stokes, correct?

21 A Correct.

22 Q How would you also, based on the information that's
23 been presented through your investigation that
24 you've learned, how would you classify the nature
25 of Ms. Roach's relationship with Mr. Heatley? What

1 was the common phrase we kept hearing of what type
2 of relationship it was?

3 A They had a good -- a good relationship.

4 Q Okay. And in terms of them being together at
5 periods of time, Ms. Roach and Mr. --

6 A I'm sorry, I confused that.

7 Q Okay. You thought I was talking about Roach and
8 Stokes?

9 A Yes. Yes, yes, yes.

10 Q No. What kind of relationship in terms of
11 consistency did Roach and the Defendant have?

12 A Toxic. That was the word that was used, toxic
13 relationship.

14 Q It was also an on-again/off-again relationship?

15 MR. O'NEIL: Objection, Your Honor, leading.

16 THE WITNESS: That's correct.

17 THE COURT: No leading. Redirect.

18 MR. GOLDBERG: Yes, ma'am.

19 THE COURT: Continue.

20 BY MR. GOLDBERG:

21 Q He asked you about the advice of rights in the car?

22 A Yes, sir.

23 Q And he told you -- in Mr. O'Neil's questioning of
24 you, he indicated that -- or he actually asked you
25 about how it wasn't a priority -- I wrote it down,

1 he said, It wasn't a priority for you to document
2 the Defendant's constitutional rights were
3 protected once he got back to headquarters because
4 you didn't get an advice of rights form at
5 headquarters, right? He asked you that?

6 A That's correct.

7 Q All right. Well, let's look at the statement that
8 you took from him. Can you remind me again of what
9 the first two questions are in that statement?

10 A Question: Do you understand your Miranda Rights as
11 I read them to you in my vehicle? He stated, Yes.

12 Question: Were you willing to talk to me in
13 reference to Deandra Roach? He stated, Yes.

14 Q Thank you. The last thing I want to ask you about,
15 a lot of questions about -- and I'm not going to go
16 all the way through it at this point -- about this
17 route, that route, who drove where, when, all that.
18 You talked about other factors and whether
19 there's -- you know, there could be traffic
20 cameras, I think is what you testified on cross,
21 about if traffic cameras picked up somebody's car
22 during route, that might be important, right?

23 A Correct.

24 Q Well, what do we have in this case that does track
25 movements?

1 A Cell phone.

2 Q Cell phone records. And, again, the person who is
3 the most knowledgeable in that area in the Richland
4 County Sheriff's Department is who?

5 A Captain McDonald.

6 Q And to your knowledge, he did an extensive analysis
7 of the phone records of Ms. Roach and the
8 Defendant, is that right?

9 A That's correct.

10 MR. GOLDBERG: All right. Thank you.

11 THE COURT: All right. You may step down.

12 THE WITNESS: Thank you.

13 (Witness steps down.)

14 THE COURT: Let me see you all a second.

15 (WHEREUPON, a bench conference was held
16 in the presence of the jury, but outside
17 the hearing of the jury.)

18 THE COURT: Call your next witness.

19 MR. GOLDBERG: The State calls Devonta
20 Shuttles.

21 (Witness approaches.)

22 THE BAILIFF: Place your left hand on the
23 Bible, and raise your right hand, please.

24 (Witness complies.)

25 THE CLERK: Do you swear or affirm the

1 testimony you are about to give in this case will
2 be the truth, the whole truth, and nothing but the
3 truth, so help you God?

4 THE WITNESS: Yes, ma'am.

5 THE CLERK: Thank you. Have a seat in the
6 witness stand, please.

7 (Witness seated.)

8 THE CLERK: State your name for the record.

9 THE WITNESS: Devonta Shuttles.

10 DEVONTA SHUTTLES,
11 after being duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. GOLDBERG:

14 Q Mr. Shuttles, good afternoon. Please just make
15 sure you speak loud enough so we can hear you,
16 okay? How do you know Deanndra Roach?

17 A We grew up together and we worked together.

18 Q You grew up together and you worked together?
19 Where did you work together?

20 A Taco Bell.

21 Q Is that the Taco Bell out in northeast?

22 A I guess, on Clemson.

23 Q Clemson Road, okay. And when you say you grew up
24 together, I mean, like did you go to school
25 together?

1 A We didn't go to school, we just knew each other
2 from working.

3 Q Okay. And did you also know Andre Heatley?

4 A We grew up together.

5 Q Okay. And what did he go by, what did you call
6 him?

7 A A.J.

8 Q A.J. Would you say that at the time this all
9 happened back in January of 2016 that you were
10 friends with both of them?

11 A Yes, sir.

12 Q Okay. How often did you see Ms. Roach back around
13 that time?

14 A After I stopped working at Taco Bell, she took me
15 home before she passed. That was it.

16 Q She gave you a ride?

17 A Yes, sir.

18 Q All right. And would that have been back around
19 January the 18th of 2016?

20 A I don't really remember dates. It was years ago.

21 Q And she -- where did she give you a ride from?

22 A School. I went to Ridgeview.

23 Q Ridgeview. Okay. You said she took you home. Did
24 you ever physically see her again after that?

25 A I went to Tennessee, and that's when I heard about

1 everything.

2 Q Why did you go to Tennessee?

3 A My grandma.

4 Q Your grandma lives there?

5 A Yes, that's where I'm from.

6 Q Okay, whereabouts?

7 A In Chattanooga.

8 Q Okay. So you went to go visit your grandma?

9 A Yes, sir.

10 Q Did you go by yourself?

11 A My whole family went.

12 Q All right. And do you remember coming back from
13 Tennessee in the early morning hours of
14 January 29th?

15 A Yes, sir.

16 Q And why would you guys travel at such a late hour?

17 A To avoid traffic.

18 Q Okay. Is that a regular way that you did it when
19 went to go visit your family?

20 A That's the only way we do it.

21 Q And during that same week on January 27th of 2016,
22 did you actually have an opportunity to talk to
23 A.J.?

24 A You saying when I was going to Tennessee?

25 Q It would have been while you were in Tennessee, I

1 believe. On January 27th, did you talk to him on
2 the phone?

3 A Yes, we talked when I was on my way down.

4 Q Okay. And what did you talk about?

5 A I mean, we had words.

6 Q You had words?

7 A Yes, sir.

8 Q What was the general nature of the words that you
9 had with each other? What was it about?

10 A My sister.

11 Q Your sister?

12 A Yes, sir.

13 Q What about your sister?

14 A They used to date.

15 Q A.J. and your sister used to date?

16 A Yes, sir.

17 Q So did you call him to talk about your sister?

18 A No, I just called him to ask if the stuff that was
19 being said was true, like if it came out his mouth.

20 Q Okay. So there was some rumors going around, is
21 that what you're saying?

22 A Yes, sir.

23 Q And you wanted to ask him about them?

24 A Yes, sir.

25 Q All right. When you asked him about it, what was

1 his reaction?

2 A I mean, we had words.

3 Q Okay. And at the end of that telephone
4 conversation with him or some time thereafter, did
5 you also exchange some text messages with him?

6 A Yes, sir.

7 Q About the same topic?

8 A Yes, sir.

9 Q About the rumors involving him and your sister?

10 A Going back and forth.

11 Q Okay. All right. And in the time that you knew
12 A.J., did you ever see him with a gun?

13 A Yes.

14 Q What did it look like?

15 A I would say --

16 Q Big gun, little gun?

17 A I mean, I guess a little gun.

18 Q Okay. Do you know what kind of relationship -- or
19 what observations did you have about the
20 relationship that he had with Deannandra? What was
21 their relationship --

22 MR. O'NEIL: Objection. Calls for
23 speculation.

24 MR. GOLDBERG: I'm asking for his observations
25 about their relationship.

1 MR. O'NEIL: It's still speculation.

2 THE COURT: Overruled.

3 BY MR. GOLDBERG:

4 Q What were your observations about A.J.'s
5 relationship -- the type of relationship that A.J.
6 and Deanndra had?

7 A It was on and off, like love/hate.

8 Q Do you know if she ever bought him anything?

9 A They bought each other stuff.

10 Q Okay. Did she buy him some shoes?

11 A I mean, they bought each other clothes and
12 different stuff.

13 Q Okay. What do you know about A.J. ever using
14 Deanndra's debit card?

15 A I mean, Deanndra used to let a lot of people use
16 her credit card when we worked at Taco Bell.

17 Q She let people use the card when you worked at Taco
18 Bell?

19 A Yes, sir.

20 Q Can you describe like where she was or what she was
21 doing when that would go on?

22 A I mean, she would usually go with you, like on
23 break to get food.

24 Q Okay.

25 A She was a giving-type person. You know, she was

1 going to make sure everybody good.

2 Q So when she was -- when you say other people were
3 using the card, like, are you saying that she was
4 using the card to buy things for them?

5 MR. O'NEIL: Objection, Your Honor. Leading.

6 THE WITNESS: Yes.

7 MR. GOLDBERG: He's already testified, Your
8 Honor, I'm just trying to clarify.

9 THE COURT: Sustained. Rephrase.

10 BY MR. GOLDBERG:

11 Q Okay. You said she's a giving person, right?

12 A Yes, sir.

13 Q And did you see her buy things like food for other
14 people?

15 A Yes, sir.

16 Q Okay. So other people got the benefit of the use
17 of her card, correct?

18 A Yes, sir.

19 Q Was she always present when her card was being
20 used?

21 A Yes, sir.

22 Q Okay. And did you ever get a chance to -- did she
23 ever buy you anything?

24 A Yes, sir.

25 Q What did she buy you?

1 A Food.

2 Q With her debit card?

3 A Yes, sir.

4 Q Did she ever -- well, let me ask you this. How
5 many times did she ever -- how many times did she
6 give you her debit card for you to physically use?

7 A I ain't never touched her card.

8 Q She never gave you her card at any point?

9 A I mean, I wasn't going to take it.

10 Q Okay. And so this sounds like a stupid question on
11 those heels, but was there ever a time when you
12 gave her card to A.J.?

13 A No, sir.

14 Q Because you never had her card, correct?

15 A Yes, sir.

16 MR. GOLDBERG: Beg the Court's indulgence.

17 (Pause.)

18 MR. GOLDBERG: That's all I have. Thank you.

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. O'NEIL:

22 Q I want to make sure I'm absolutely clear on this
23 point. You physically saw Ms. Roach give her debit
24 card to other people?

25 A Sir?

1 Q You saw Ms. Roach in the past give her debit card
2 to other people?

3 A Yes, sir, at times.

4 Q I'm sorry?

5 A At times, yes, sir.

6 Q How many times did you see that? Estimate, not
7 exactly, but how many times, was it 5, 10, 100?

8 A She always made sure, you know, people was good.

9 Q Do you know about how many times that was?

10 A More than ten.

11 Q More than ten? So on more than ten occasions, you
12 saw Ms. Roach give her debit card to other people
13 to use?

14 A Yes, sir.

15 Q And that was used like to buy you said food?

16 A Yes, sir.

17 Q Like places like maybe like Sonic or Chick-Fil-A?

18 A Uh-huh, places, yes, sir, like Sonic, Zaxby's,
19 stuff like that.

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

21 THE COURT: Yes, sir?

22 REDIRECT EXAMINATION

23 BY MR. GOLDBERG:

24 Q You saw her give her card to other people to use.
25 Was she present with them when they used it?

1 A The majority of the time, yes, sir.

2 MR. GOLDBERG: Thank you.

3 THE COURT: All right, sir, you can step down.

4 Any objection to this witness being excused?

5 MR. O'NEIL: No objection.

6 MR. GOLDBERG: No objection.

7 THE COURT: All right, sir, you are free to
8 leave.

9 (Witness steps down and is excused.)

10 THE COURT: All right, ladies and gentlemen of
11 the jury, that concludes our testimony for today,
12 for the week. We'll start back at 9:30 on Monday
13 morning.

14 Remember, you have a long break this weekend.
15 I am sure you are -- you have received a good bit
16 of evidence, lots of exhibits and everything that
17 has been entered. I will ask you to forget about
18 all of that, think about something else, enjoy your
19 weekend, and we'll start all over again at 9:30 on
20 Monday morning.

21 Remember, do not do any independent research,
22 do not do any -- do not go on social media
23 regarding anything in this case, do not drive by
24 any scenes or anything related to this case. When
25 you walk out the door, I want you to think about

1 something else and not worry about anything here
2 until you return on Monday morning at 9:30.

3 And we will -- the deputies are going to
4 escort you all out through the -- the way you went
5 out yesterday. And I think we're going to have a
6 different meeting place for you all when you come
7 in on Monday morning. Okay. I'll step back there
8 in a second to let you know.

9 Also, Juror 249, Mr. Singleton, I'm going to
10 ask that you be our foreman. I will give you
11 your -- I will explain that to you a little bit
12 later as far as what your responsibilities are.
13 But you'll sit right here where this young lady is
14 sitting in the brown sweater. That is the only
15 permanent seat. Everyone else can sit where they
16 choose to sit. You will serve as the spokesperson
17 for the jury in the courtroom. So when you all
18 send any notes, Juror Number 249 will need to sign
19 off on those and put your juror number on any notes
20 that you send out. All right. Going forward. And
21 look like you had a question.

22 MR. FOREMAN: The parking?

23 THE COURT: I'll talk to you all in the back
24 about that.

25 THE CLERK: I have everything they need right

1 here.

2 THE COURT: She has everything you need right
3 there.

4 All right, see you on Monday morning. Have a
5 wonderful weekend.

6 (WHEREUPON, court adjourned for the
7 weekend at 4:47 p.m.)

8 **JANUARY 28, 2019**

9 (WHEREUPON, the proceedings began at
10 9:42 a.m.)

11 THE COURT: Good morning. The jurors are
12 still filling out their lunch orders, and so as
13 soon as they finish, we'll be ready.

14 Anything we need to put on the record before
15 we get started?

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

17 MR. GOLDBERG: No.

18 THE COURT: All right. So the plan is you
19 have witnesses lined up through lunch?

20 MR. GOLDBERG: (Nods affirmatively.)

21 THE COURT: I think their lunch is going to
22 come about 12:30 or 12:45. We'll take about an
23 hour and, then we'll keep moving after that and see
24 where we land in terms of schedule for the rest of
25 the week.

1 All right. Are they done?

2 THE CLERK: Yes, ma'am.

3 THE COURT: Just as a reminder to everyone
4 that is in the audience, I remind you to put your
5 cell phones up, make sure your ringers are off.
6 Please limit the number of times you are going in
7 and out of the door. We do not want to distract
8 the jurors. They should be focused on the
9 attorneys and the witnesses on the stand, not on
10 the people in the audience.

11 So, with that being said, if it's too much
12 traffic coming in and out, I am probably going to
13 start locking the doors at 9:30 and opening them
14 back up when we take break to limit the amount of
15 foot traffic. So try to use the restroom before,
16 during the breaks like everyone else, and limit the
17 amount of time you go in and out of the courtroom.

18 All right. Thank you.

19 Yes, sir, bring them on in.

20 (WHEREUPON, the jury came into open
21 court at 9:46 a.m.)

22 THE BAILIFF: The jury is seated, Your Honor.

23 THE COURT: All right. Good morning, ladies
24 and gentlemen of the jury, I hope that you had a
25 great weekend. We are ready to continue with the

1 State's case.

2 I'm going to ask the State to call their next
3 witness.

4 MR. GOLDBERG: Thank you, Your Honor. The
5 State calls Amanda Metz.

6 (Witness approaches.)

7 THE BAILIFF: Place your left hand on the
8 Bible, and raise your right hand, please.

9 (Witness complies.)

10 THE CLERK: Do you swear or affirm the
11 testimony you are about to give in this case will
12 be the truth, the whole truth, and nothing but the
13 truth, so help you God?

14 THE WITNESS: I do.

15 THE CLERK: Thank you. Have a seat in the
16 witness stand.

17 (Witness seated.)

18 THE CLERK: Please state your name for the
19 record.

20 THE WITNESS: Amanda Metz, M-E-T-Z.

21 AMANDA METZ,
22 after being duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. GOLDBERG:

25 Q Amanda, good morning.

1 A Good morning.

2 Q Tell the jury where you're employed.

3 A I am employed at the Richland County Sheriff's
4 Department forensic sciences laboratory.

5 Q What do you do there?

6 A I'm a firearm and tool mark examiner.

7 Q What is a firearm and tool mark examiner?

8 A So my primary duties are to examine firearms and
9 ammunition components as well as other tools and
10 their tool marks for forensic evidence and then
11 present my findings to the court.

12 Q And tell the jury a little bit about your
13 background, education, and training in this field.

14 A I have a Bachelor's of Arts in both anthropology
15 and art history. I then got my Master's in
16 forensic archeology and international crime scene
17 investigation at Bournemouth University.

18 In 2011, I got moved up to the laboratory and
19 then began an extensive 3-year training program,
20 during which I completed the ATF National Firearm
21 Examiners Academy.

22 And after that completion, I then continued on
23 under the direct supervision of qualified firearm
24 and tool mark examiners and completed approximately
25 415 cases.

1 At that time, I also got my competency in
2 firearm and tool mark identification, serial number
3 restoration, and muzzle and target distance
4 determination.

5 In 2014, I was qualified as an expert witness
6 in the courts of South Carolina, and since then
7 have completed approximately 600 cases.

8 MR. GOLDBERG: Your Honor, at this time we'd
9 offer Ms. Metz as an expert in firearms
10 identification.

11 THE COURT: Any voir dire?

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

13 THE COURT: Any objection?

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

15 THE COURT: All right. Ladies and gentlemen
16 of the jury, Investigator Metz will be qualified as
17 an expert in firearm investigation?

18 MS. GOLDBERG: Identification.

19 THE COURT: Identification, to give opinion
20 testimony in that area. That does not mean that
21 you have to accept the opinion, but it is evidence
22 for you to consider in any way you see fit. Thank
23 you.

24 BY MR. GOLDBERG:

25 Q Investigator Metz, can you give the jury a little

1 bit of a background about how firearms work?

2 A Well, I'll tell you a little about firearms
3 identification and then how a firearm works. So
4 what I do with firearms identification and what we
5 primarily focus on is determining if a bullet,
6 cartridge case, or another ammunition component is
7 fired by a particular firearm. And so a firearm
8 can mean a score of things, be it a handgun, which
9 consists of a revolver or a pistol. You also have
10 your long guns, rifles, shotguns. And those are
11 fired from the shoulder.

12 Firearms work by a means of, essentially,
13 combustion. It's kind of a broad spectrum
14 question, but, essentially, to make everything
15 work, you have to have ammunition, which is a
16 cartridge, so an unfired piece of ammunition is a
17 cartridge, and a cartridge consists of a cartridge
18 case, which we have on this case. And then that
19 cartridge case holds the gun powder, as well as in
20 the bottom of the cartridge case is a primer. And
21 that primer, when struck with a firing pin, ignites
22 the gun powder which causes the explosion that
23 sends the bullet down the firearm and out towards
24 its target. And that whole combustion is what
25 makes a firearm work.

1 Q All right. And so when you are presented with
2 evidence and asked to investigate and reach
3 conclusions, what's the overall process for how you
4 do that?

5 A It just depends on what evidence I receive. In
6 this case, I received both firearms, fired -- well,
7 one firearm. Fired evidence in the form of bullets
8 and fragments as well as fired cartridge cases and
9 I believe some unfired cartridges.

10 And one of the first things I do is an
11 inventory in which I document everything I've
12 received. And then proceed from there with my
13 examinations of test firing the firearm and make
14 sure it functions properly, collect known
15 standards, so fired cartridge cases and bullets
16 from that firearm that I know are from that
17 firearm.

18 And then I also look at our unknown, which is
19 our fired cartridge cases. I determine how many
20 firearms are present, whether they were fired by
21 the same firearm, separate firearms. And I do the
22 same thing with projectiles as well as whatever
23 metal fragments I maybe get in, whether they're
24 suitable or not suitable for examination.

25 Q And in this case, you received a number of items?

1 A Yes.

2 Q To include what has already been admitted into
3 evidence as State's Number 10, correct, the
4 firearm?

5 A Yes. I recognize State's Exhibit 10.

6 Q That's the Smith & Wesson firearm, correct?

7 A Correct, it is the Smith & Wesson Model SD9VE
8 firearm, as well as the laser or the flashlight
9 that had been attached, the magazine assembly and
10 some unfired ammunition.

11 Q And you also received State's 138?

12 A Do you have scissors?

13 Q Yes.

14 THE COURT: What did you say was the Exhibit
15 Number?

16 MR. GOLDBERG: It's Exhibit 10 -- excuse me,
17 110.

18 THE COURT: State's 110 has already been
19 entered?

20 MR. GOLDBERG: Yes, ma'am.

21 THE COURT: And this is 138?

22 MR. GOLDBERG: 138.

23 THE WITNESS: Yes. My Items 12 through 21 and
24 Item 120 are State's Exhibit 138.

25 BY MR. GOLDBERG:

1 Q Those were collected from autopsy, correct?

2 A Correct.

3 Q Additionally, you received what has already been
4 marked as 209 that's already in evidence as well?

5 A Yes, correct. My Item 125 is State's Exhibit 209.

6 Q And that is what? What is the description?

7 A This is a fragment. I have it described as one
8 fired bullet jacket. The package describes it as
9 fragment collected from victim right side under
10 arm.

11 Q Okay. And then also previously admitted in
12 evidence, State's 210, did you receive those as
13 well?

14 A Yes, correct. My Items 126 through 133 are State's
15 Exhibit 210.

16 Q And those were also fragments collected from the
17 Honda Civic vehicle, is that correct?

18 A Yes, that's what the packaging says.

19 Q All right. And State's 223 that is already in
20 evidence. A little heavier.

21 A All of this is --

22 Q Yes, that is all already admitted.

23 A Yes. My Items 196, 213 through 233 are all State's
24 Exhibit 223.

25 Q All right. Thank you. Those are fired shell

1 casings and the gun box with ammo, correct?

2 A Correct.

3 Q Finally, State's 51 and 52, which are just marked
4 for identification at this time, if you could tell
5 me what those are?

6 A So State's Exhibit 51, the packaging reads, fired
7 cartridge case Marker J. It is one fired
8 9-millimeter Luger caliber cartridge case, and is
9 my Item 43.

10 And State's Exhibit 52, the package reads,
11 fired cartridge cases Markers 1 through 17 and
12 Markers 19, 20, 21, Marker A, Marker B, Marker C,
13 Marker G, and Marker H. And they are my Items 95
14 through 119.

15 Q And you were provided with those items and you have
16 been doing your examination and analysis, correct?

17 A Correct, yes.

18 MR. GOLDBERG: Your Honor, we'd offer State's
19 51 and 52 into evidence at this time.

20 THE COURT: Any objection?

21 MR. O'NEIL: Can I see it?

22 MR. GOLDBERG: Yes.

23 THE COURT: Let him see it.

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

25 THE COURT: All right. It will be entered

1 without objection.

2 (WHEREUPON, State's Exhibit Nos. 51 - 52
3 were marked for identification and
4 received into evidence.)

5 BY MR. GOLDBERG:

6 Q Now, upon receipt of all of these items that we
7 just mentioned, the Smith & Wesson pistol, all of
8 the fired cartridge cases, unfired casings, what is
9 your plan? How do you go about attacking all this
10 to analyze this evidence?

11 A So the first thing I like to do is look at my
12 unknowns, the fired cartridge cases, the fired
13 bullets, fragments, et cetera. I like to look at
14 them with one another and try to determine how many
15 firearms I'm looking for. I also like to determine
16 the suitability of some of those fragments. Some
17 of them are very tiny and not suitable for
18 examination purposes. And then also look at my
19 bullets to one another to determine if there are
20 multiple firearms involved with the bullets as I
21 cannot put a cartridge case and a bullet together.
22 I cannot ID one particular cartridge case to a
23 particular bullet. So that's why I'm talking about
24 them separately. I'm trying to determine how many
25 firearms are present cartridge-case-wise and how

1 many firearms are present bullet-wise.

2 And then when I get a firearm, I take it out
3 of the box, I examine it for any trace. And then I
4 also make sure that it's functioning properly, look
5 for any defects. And from there, I will take it to
6 our water tank, which is where we test fire
7 firearms. And what that does is, it allows me to
8 fire projectiles and stop them without imparting
9 any marks on them. So that water slows it and
10 stops it without marking the projectile in any way.
11 So that's a very good representation of how that
12 firearm marks. And that's what I look at are the
13 marks that that firearm makes.

14 Q So did you actually go through that process with
15 your Item 57, State's 110, the Smith & Wesson
16 firearm?

17 A Yes, correct.

18 Q Okay. And what observations did you have about
19 that item and its functionality?

20 A This particular firearm functions normally,
21 functioned as designed. I test fired it three
22 times with our laboratory supplied ammunition. I
23 also saw some possible trace on the firearm. It
24 looked to be some possible biological material, and
25 I swabbed and submitted that swab as a separate

1 item.

2 Q So you saw, actually physically saw on the weapon a
3 stain of some kind, I guess you might call it?

4 A Correct.

5 Q And you took a swab of that and submitted it into
6 evidence?

7 A Correct.

8 Q Which part of the weapon was that located on?

9 A This is a clear firearm and safe. It's actually
10 still on here. It is right here on this part of
11 the gun right here. It's right there.

12 Q All right. And the analysis of whatever that stain
13 is, if you will, that would not be something you
14 would conduct? That's something --

15 A No.

16 Q -- the DNA department would handle?

17 A Correct, yes.

18 Q But once you saw it, you swabbed it and passed it
19 on?

20 A Correct, yes.

21 Q Okay. So you're saying that the firearm functioned
22 properly, correct?

23 A Yes.

24 Q And you were speaking earlier, I just want to make
25 sure we're clear, about cartridge casings and

1 projectiles. You said that you could compare the
2 actual -- a fired cartridge casing to a firearm,
3 correct?

4 A Correct.

5 Q And you could -- if you had a projectile or bullet,
6 you could compare that to a firearm, correct?

7 A Correct.

8 Q But you could not match up, say, this particular
9 bullet, projectile to this particular cartridge
10 case?

11 A That's correct.

12 Q And why is that?

13 A They just don't mark. And I say that they don't.
14 Sometimes you can, it just depends on how the
15 manufacturer makes the ammunition. Generally
16 speaking, the bullet is just seated in the
17 cartridge case and sometimes they crimp, sometimes
18 it's just seated in there, sometimes it has a
19 lubricant on it. And the cartridge case is
20 generally made of a softer metal or is a thinner
21 metal and so won't leave its markings on the
22 projectile. So it's just not really -- you can, it
23 has happened before, but it's just not --

24 Q Uncommon?

25 A Yes, it's uncommon.

1 Q Okay. So then how do you go about comparing the
2 actual bullet/projectile to a firearm and/or
3 comparing a fired cartridge casing to a firearm?

4 A So as I spoke about earlier, I took this particular
5 firearm and test fired it into our water tank. I
6 did that three times. That gives me three
7 cartridge cases and three projectiles or bullets.
8 I then take those known standards, meaning I know
9 that it is from this firearm. I put it on our
10 comparison microscope, which is essentially just
11 two microscopes combined by an ocular bridge.
12 It's just fancy and allows me to look at two
13 separate items under the same lighting and
14 magnification.

15 And what I am looking at on both projectiles
16 and cartridge cases, the whole idea of our science
17 is that a harder object will mark a softer object
18 with its imperfections, its microscopic
19 imperfections, meaning your fingernail in a bar of
20 soap. Your fingernail will leave microscopic
21 imperfections on that bar of soap and, essentially,
22 you could ID that to your fingernail.

23 And so what I do is I look at those markings
24 that I know have been made by that firearm. So I
25 look at my known standards in the form and those

1 microscopic imperfections happen in the form of
2 nicks, furrows, and cuts and create what we call
3 striae. And then as well as for the cartridge
4 cases, you have the impressed mark. So, for
5 instance, if you took a hammer and hit something
6 very hard, you would leave an impression. And that
7 is sort of what happens inside our firearm with
8 your cartridge case. When those -- that combustion
9 happens that I talked about earlier, those gases --
10 it turns from a powder into a gas very quickly.
11 And a fancy term obturation happens and your metal
12 expands as well as the gas has to go somewhere, so
13 it slams your cartridge case against -- can I?

14 Q Sure.

15 A Slams your cartridge case against this part of the
16 firearm right here, it's called the breech face,
17 and that's how we get breech face marks. And so
18 that allows me to look at our cartridge cases. And
19 I look at those marks, the breech face marks, the
20 extractor mark, the firing pin, which strikes the
21 primer which starts the whole thing. It leaves an
22 impression that I look at, extractor, ejector, kind
23 of everything on the cartridge case. And then your
24 bullet, while it travels down the barrel and out
25 the muzzle, it's being imparted with the marks

1 inside the barrel. And I look at those striae.
2 There's kind of lines, we're looking at pattern
3 matching, essentially. And I look for the striae
4 that agree with one another.

5 And then after I do that and make sure this
6 firearm reproduces, I then look at my unknowns that
7 I've already looked it and compare and come to my
8 conclusion.

9 Q When you say striae, is that another way of kind of
10 saying like lines that are left?

11 A Correct, just lines. It's more than lines, that's
12 why it's called striae. It's 3D. And because it's
13 metal, so it looks like lines, but essentially it's
14 peaks and valleys and furrows. So you have
15 thickness and depth, and it's more than just a 2D
16 bar code, for example. It's -- you're looking at a
17 3D topography sort of, but under the comparison
18 microscope.

19 Q All right. And let's talk a little bit about some
20 of the comparisons that you made. Did you have an
21 opportunity to compare the Smith & Wesson to a
22 magazine that was also collected?

23 A So the magazine that was submitted with it is what
24 I used for test firing.

25 Q Okay.

1 A And that is a correct magazine for use in that
2 firearm.

3 Q All right. And what was your -- what were your
4 next examinations regarding Item 110/57?

5 A So I compared it to the unknown cartridge cases and
6 projectiles. By this time, I had already compared
7 my unknowns and knew that both projectiles and
8 cartridge cases indicated I was looking for two
9 firearms.

10 Q Two firearms. How were you able to determine that
11 there were two different firearms you were looking
12 for?

13 A So, like I said, I'm looking at the microscopic
14 imperfections, as well as what is known as class
15 characteristics. So when a manufacturer makes a
16 firearm, they have an idea in mind as to how
17 they're going to manufacture that gun. And those
18 specific things are essentially separated into its
19 own class.

20 So all shoes are shoes, but some are boots and
21 some are flats and some are heels. Same thing with
22 how certain firearm manufacturers design their
23 guns. There are some manufacturers who have an
24 elliptical-shaped firing pin, which is, I guess,
25 oval, I guess, and there are some manufacturers who

1 have hemisphericals. There are some that have
2 circular, which means it's just flat on the top of
3 the firing pin. There's a number of other class
4 characteristics that I look at that help me to
5 determine, at least starting out, if there are any
6 different firearms involved.

7 And in this case, those class characteristics
8 help me to separate the two. One batch of unknown
9 displayed extremely heavy or gross breech face
10 marks, which is indicative of and can be consistent
11 with the manufacturer High Point. And then these
12 cartridge cases displayed -- I believe they
13 displayed shear. Let me refresh myself. So they
14 displayed aperture shear, which is the hole that
15 the firing pin comes out of when the gases heat
16 that metal. The metal gets really hot, flows back
17 into that hole that the firing pin came out of, and
18 it kind of leaves like a doughnut shape. And as
19 the cartridge case is being ejected out of the
20 firearm, it kind of scrapes it. And not all
21 firearms do that, just based on their design.

22 And then as well as that, this particular
23 model of Smith & Wesson has what we call a D-shaped
24 firing pin. It's hemispherical, but flat on one
25 side, so it looks like a D. And so that's how I

1 had already kind of grouped those two groups of
2 cartridge cases into different possible firearms.
3 And then obviously did the microscopic comparison
4 and looked at the striae, the microscopic
5 imperfections, and did the examination and came to
6 the conclusion that I only had two firearms
7 present.

8 Q Okay. So you got what you think are two different
9 groupings of items for two different kinds of
10 firearms. One you say is consistent with the High
11 Point type firearm?

12 A Correct.

13 Q And then another that would be consistent with the
14 Smith & Wesson here --

15 A Correct.

16 Q -- today? So tell us about the analysis that you
17 did on the group relating to the Smith & Wesson?

18 A So same thing, I just took my known standards and
19 my unknown. I looked at them under the comparison
20 microscope and came to the conclusion that that is
21 the firearm that fired those cartridge cases.

22 Q So in regards to what was listed as your Item 12,
23 which I believe is a --

24 A Is that a projectile?

25 Q That is a projectile, I'm sorry. We'll come back

1 to that. We're on casings. Your Item 101, which I
2 believe is from State's 52, is that right?

3 A Yes.

4 Q And that was fired cartridge casing Marker --

5 A No, I'm sorry, 101 is State's Exhibit 51.

6 Q Thank you. And that is fired cartridge casing
7 Marker 7, according to the testimony previously.
8 What were your findings as a result of that?

9 A From my Item 101?

10 Q Yes.

11 A Is that it was fired by this firearm.

12 Q So the casing found at Marker 7 at the scene was
13 fired by this weapon, State's 110?

14 A Correct.

15 Q Okay. And what about for Item -- your Item 117,
16 which is cartridge casing Marker C?

17 A Yes. Same thing, fired by this firearm.

18 Q And your Item 119, which is Marker H?

19 A Again, it was fired by this firearm.

20 Q I'm sorry. For the record, State's 17 shows Marker
21 7 at the crime scene, State's 25 shows Marker H at
22 the crime scene, and State's 19 shows Marker C at
23 the crime scene. All of those fired cartridge
24 casings were fired by Item 57, Smith & Wesson,
25 correct?

1 A Correct.

2 Q And what, if anything, did you observe about the
3 make or brand of those casings on those particular
4 items? I believe you notated that Item 101 was a
5 Hornaday, whereas Item 117 was a Winchester and
6 Item 119 was a Blazer. What do those all mean?

7 A Sorry, let me get there.

8 Q Sure.

9 A Yes, correct. 101 is a Hornaday and 117 is a
10 Winchester and 119 is a Blazer. All that means is
11 that they are made by different manufacturers.
12 They're all the same caliber, it's just a different
13 manufacturer.

14 Q What caliber were those items?

15 A They are 9-millimeter Luger.

16 Q Could you explain to the jury a little bit about
17 what caliber means and what those are?

18 A Caliber designation, in this sense, 9-millimeter is
19 just a caliber designation, the same caliber can
20 also be called 9 x 19-millimeter. It's just the
21 caliber name that's given. It can be based off
22 someone's last name, the year it was made, the
23 measurements. But caliber is determined by the
24 bore of the firearm, as well as the size of the
25 cartridge case.

1 And 9-millimeter Luger is just a name that was
2 given to a specific set of specifications for a
3 cartridge, an unfired cartridge. It doesn't
4 mean -- I know it's confusing, because sometimes
5 I'm sure maybe some of you have heard of the Luger
6 firearm, which is not -- that's kind of where it
7 got its name from, but it can be used in other
8 firearms other than a Luger. 9-millimeter Luger is
9 just a caliber and can be fired in a wide range of
10 other firearms.

11 Q Now, let's talk about that. When you say that a
12 9-millimeter Luger can be fired by a wide range of
13 firearms, can you elaborate on that?

14 A I mean, a wide range of manufacturers.
15 9-millimeter Luger is a caliber and you can really
16 only shoot 9-millimeter Luger and the caliber
17 ammunition in a 9-millimeter Luger caliber firearm
18 or a 9 x 19-millimeter means the same thing, they
19 just chose different names to confuse everybody, I
20 think. But you can also -- there is some caliber
21 interchangeability, so you could possibly, if a gun
22 kind of is out of spec, you could function at a
23 .380 auto. But, for instance, you could not fire a
24 9-millimeter Luger in a .40 -- or, I'm sorry, you
25 can't fire a .40 into a 9-millimeter Luger. It's

1 all about sizing, the size of the chamber, the size
2 of the bore. And, essentially, this is the area
3 that your cartridge goes in. And so this all has
4 to do with sizing. The muzzle, the bore is a
5 certain size, and a 9-millimeter Luger is what was
6 designed, you know, to come out of this firearm.

7 Q All right. So the Smith & Wesson is capable of
8 firing the broad 9-millimeter Luger type or caliber
9 projectiles?

10 A So this Smith & Wesson is a SD9VE, so this make and
11 model can fire 9-millimeter Luger. It's designed
12 to fire a 9-millimeter Luger. Smith & Wesson makes
13 other firearms of other calibers, but this
14 particular make and model is designed to fire a
15 9-millimeter Luger.

16 Q And, in this instance, the specific manufacturer of
17 those projectiles for these that we've referenced
18 in 101, 117, and 119 happen to be three different
19 manufacturers of 9-millimeter Luger caliber
20 bullets, is that correct?

21 A Correct. So I'll go back to my shoes. A
22 9-millimeter Luger is a stiletto. Whoever made
23 those 9-millimeter -- or those stilettos could be
24 anybody. So Winchester, Blazer, Hornaday, they're
25 just shoe manufacturers who are making a stiletto.

1 It doesn't really mean anything other than they're
2 just who made it.

3 Q And each one of those by virtue of physical the
4 size and analysis are capable of being fired by a
5 Smith & Wesson?

6 A Correct. So a 9-millimeter Luger in itself, there
7 is specifications that ammunition manufacturers
8 have to meet to claim that that is the caliber, so
9 they go through their own kind of quality control.
10 And they have to meet certain specifications to
11 sell that ammunition as 9-millimeter Luger.

12 Q And, again, just to go back, these three items that
13 we've referenced that were found at the crime scene
14 are three different kinds -- three different
15 manufactured brands of 9-millimeter Luger, but it's
16 your opinion that each one of those was fired by
17 this exact firearm?

18 A Correct.

19 Q Okay. All right. Now, what other items did you
20 discover that were fired by this particular
21 firearm?

22 A So I believe that's Item 12, which is a bullet --
23 or do you want me to talk about the other cartridge
24 cases first?

25 Q However you want to do it.

1 A We'll stick with cartridge cases. Items -- my
2 Items 214 through 233, fired cartridge cases, were
3 also fired by this firearm.

4 Q And those would be the ones collected by and
5 testified to by Investigator Gonzalez from the
6 Kirkstone residence, is that correct? Items 214
7 through 233?

8 A I believe so, yes. I don't actually have the
9 address in my notes.

10 Q All right. But it's part of this that was
11 collected --

12 A Yes.

13 Q -- in State's 223, the gun box?

14 A Yes.

15 Q And those were fired cartridge casings?

16 A Correct, yes, fired cartridge cases.

17 Q That were fired by this weapon?

18 A Correct.

19 Q Okay. Okay, what else?

20 A So then we have Item 12, bullet.

21 Q That is an actual bullet projectile?

22 A Correct.

23 Q And that's from State's 138?

24 A Yes.

25 Q And that would be the bullet from behind the left

1 ear?

2 A Correct, yes.

3 Q And the bullet collected behind the left ear, as
4 demonstrated here in State's 127, was collected at
5 autopsy, correct?

6 A That's correct.

7 Q This bullet, it's your opinion that it was fired by
8 this exact firearm?

9 A Yes, correct.

10 Q All right. And we saw some photos earlier of this
11 projectile. This particular item, your Item 12,
12 the one shown in State's 127 --

13 A Yes.

14 Q -- that you have there in front of you on State's,
15 what is it?

16 A State's Exhibit 138.

17 Q Okay. Can you talk to the jury a little bit about
18 the condition of that projectile and how you're
19 able to make the comparison with the firearm?

20 A Sure.

21 Q Thank you.

22 A This has been cleaned. This projectile is what is
23 known as a jacketed hollow point. Again, it's just
24 another design. So it doesn't mean that it can't
25 be fired by only a particular firearm. All it is

1 is a projectile with a hole in the top so that when
2 it hits its target, it expands and doesn't continue
3 on to hit another target.

4 And upon receipt, I cleaned it. And then I
5 believe I had to move some of the jacket. Let me
6 refer to my notes. So, yes. So I had to bend some
7 of the jacket material away. So what happens is
8 when it strikes its target, the copper jacket will
9 fold back to help expand. And that covers what we
10 call the bearing surface because it bears the marks
11 of the barrel. And so I had to peel that back to
12 be able to fully examine it. And once I do that, I
13 weigh it, I measure the diameter, and that's what
14 helps me lead to the caliber of 9-millimeter Luger.
15 The weight, the diameter of it, all lead me to a
16 specific caliber of 9-millimeter Luger or 9 x 19,
17 it's interchangeable.

18 And then upon further examination of it, I
19 determined that it could be marketed as a Hornaday
20 Critical Defense, which Hornaday, as you've heard,
21 is an ammunition marketer, and then Critical
22 Defense is a model. It's a model of ammunition.
23 So like the Smith & Wesson is a marketer, SD9VE is
24 the model -- I'm sorry, Smith & Wesson is the
25 marketer and SD9VE is the model. Sort of the same

1 thing with ammunition, Hornaday is the marketer,
2 Critical Defense is the model.

3 And upon examination of that, then I compared
4 it to my known standards and I reached the
5 conclusion that this firearm fired this projectile.

6 Q All right. Anything else related to the Smith &
7 Wesson that you had in your possession? I think
8 those were the only ones.

9 A I believe that's all, yes.

10 Q Okay. So then you said that there was a second
11 grouping of cartridge cases that you performed
12 analysis on?

13 A Correct, yes.

14 Q And I think initially you said that those were --
15 your initial thoughts were related to a High Point
16 type firearm?

17 A Yes, correct. So High Point, again, is just a
18 manufacturer of firearms. And they make a pretty
19 distinct breech face. Again, that part of the
20 firearm that I showed you with heavy gross striae
21 that gets impressed during the firing process.

22 Q Okay. And so were you presented with some fired
23 cartridge casings to look at in that regard?

24 A That's correct, yes.

25 Q All right. And I believe your Item 43?

1 A Correct, yes.

2 Q Which is?

3 A I believe State's Exhibit 52.

4 Q Yes. Here it is. And that is listed as Marker J
5 from the crime scene, is that correct?

6 A I believe so, yes.

7 Q Okay. So that item -- what were your findings in
8 regards to Marker J from the crime scene?

9 A For my Item 43, I discovered that Item 43, Items 95
10 through 100, Items 102 through 116, and Item 118,
11 fired cartridge cases, were all fired by the same
12 firearm. And a second firearm, that is not the
13 Smith & Wesson SD9VE.

14 Q Okay -- go ahead.

15 A I'm sorry. And that the class characteristics that
16 I discussed earlier are consistent with a High
17 Point firearm.

18 Q And those were here -- the majority of those were
19 here in State's 52 denoted from the crime scene
20 Investigator Rainsford by markers, I believe you
21 said 1 through 17, 19 through 21, and A, B, C, G,
22 and H?

23 A I believe so, yes.

24 Q So here in State's 17 -- those markers are in
25 State's 17?

1 A I believe so. I think item 117 is in that group of
2 cartridge cases too. I just want to make sure
3 we're not including a marker that's not --

4 Q Markers 1 through 6?

5 A Yes.

6 Q 8 through 21?

7 A Yes.

8 Q And A, B, and G?

9 A Yes.

10 Q All denoted here in State's 17?

11 A Correct, yes, sir.

12 Q Those were all fired cartridge cases, correct?

13 A Yes, correct.

14 Q And again, your conclusion regarding the origin of
15 each of these cartridge casings that I just
16 referenced?

17 A Yes. So all of those cartridge cases are from
18 another firearm consistent with a High Point.

19 Q Consistent with a High Point?

20 A Yes.

21 Q And yet you also said that they were all fired by
22 the same weapon, is that correct?

23 A Correct. So one firearm fired these. That is not
24 this firearm. And it's consistent with a High
25 Point.

1 Q Okay. And another grouping that you received
2 regarding the High Point would be State's 138. And
3 those are items that were collected at autopsy,
4 correct?

5 A Correct, yes.

6 Q Okay. And they are your Items 15 through 20 and
7 those are described as what?

8 A Let's see. On the packaging, it's projectile lower
9 right arm for my Item 15.

10 Item 16 is projectile upper left leg.

11 Item 17 is projectile right breast.

12 18 is projectile upper abdomen.

13 19 is projectile below sternum.

14 And 20 is projectile left lower pelvis.

15 Q Okay. And, again, those were in the, for lack of a
16 better phrase, the High Point group, correct?

17 A So, yes.

18 Q Tell us about that.

19 A Speaking separately, cartridge cases have gross
20 class characteristics that led me to believe High
21 Point. Projectiles, on the other hand, I have to
22 look at kind of a different set of class
23 characteristics because one is coming from the
24 breech face and the extractor and ejector. And the
25 projectile, those markings are coming from the

1 barrel.

2 So the class characteristics in that sense are
3 what we call lands and grooves, or rifling.

4 Rifling is a set number of grooves that are either
5 cut or formed into the barrel by the manufacturer.
6 So the manufacturer decides how many they want,
7 what direction it's going to twist, and essentially
8 how wide do they want to make them, what size do
9 they want to make them.

10 The point of rifling is sort of like a
11 well-thrown football. It just imparts spin on the
12 projectile so it is more accurate. And in the
13 sense of these projectiles that led me to High
14 Point is because the FBI has what's known as the
15 GRC, or the general rifling characteristics,
16 database. And what I did was one of my
17 non-deformed, kind of one of the better
18 projectiles, I measured those lands and grooves.
19 So the grooves are the low points that were cut out
20 or formed by the process of making the barrel, and
21 the lands are the high points. And those
22 essentially impress themselves on the projectile.
23 And by measuring those, I can put the measurements
24 into the FBI database and it pops out a list. And
25 that's where I got High Point from.

1 The only 9-millimeter Luger firearms that came
2 up on that list with the measurements that these
3 projectiles had were the High Point Model 995 and
4 the High Point Model C, both of which are
5 9-millimeter Luger caliber firearms.

6 Q The projectiles removed from autopsy you said were
7 consistent with being fired by a High Point 995C?

8 A No. The High Point Model 995 or the High Point
9 Model C.

10 Q Okay.

11 A Both of which are 9-millimeter Luger caliber
12 firearms.

13 Q Now, State's Exhibit 213 already in evidence, it's
14 a jump drive, this is a printout of that. It's a
15 receipt for a weapon that was purchased from the
16 Best Deal Pawn Shop by Mr. Heatley. What type of
17 weapon was that that he purchased?

18 A The description reads, Rifle, High Point 995,
19 9-millimeter semi-auto.

20 Q High Point 995. Now, you never actually were given
21 a High Point 995 rifle to actually examine,
22 correct?

23 A No, correct.

24 Q But your testimony, as I understand it, is that the
25 projectiles that we mentioned here in Items 15

1 through 20 are consistent with being fired by a
2 High Point 995, correct?

3 A As well as a Model C, yes.

4 Q As well as a Model C, okay. And, additionally,
5 there were a couple of other items, I believe, that
6 were in also in that same category. Your Item 125?

7 A Yes.

8 Q Which I believe is State's 209?

9 A Yes.

10 Q Okay. And what's that listed as?

11 A It's listed as, Fragment collected from victim
12 right side under arm.

13 Q And, again, that's consistent with being fired by?

14 A Correct, the same firearm that fired Items 15
15 through 20. And the database indicates a High
16 Point 995 or Model C.

17 Q Okay. And if you could explain also, I notice you
18 said that that particular item instead of just a
19 projectile is a fragment. What significance does
20 that have in your comparisons?

21 A It makes it a little tougher, but it's a fired
22 bullet jacket. So the jacket is generally copper
23 or brass and covers a lead core, generally
24 speaking. There is some now lead free ammo. But
25 essentially what happened is somehow a piece of

1 jacketing broke away from the full projectile, and
2 that's what I examined. And there was enough of
3 those microscopic marks for me to compare it to my
4 known standards and reach the conclusion that it
5 was -- or, I'm sorry, wrong batch -- to my other
6 batch of projectiles that are a little more whole
7 and reached a conclusion that they were fired by
8 one firearm.

9 Q Which is one firearm that's consistent with the
10 High Point?

11 A Correct.

12 Q Same thing for, I believe, two other items, your
13 Items 127 and 128, which are Fragments F and G here
14 in State's 210, collected from the driver's door of
15 the Honda Civic, correct?

16 A Correct, yes.

17 Q Same situation regarding the High Point?

18 A Yes. So same situation, Items 127 and 128 I
19 described as a fired bullet jacket. And, again, it
20 just means that either the whole jacket or a piece
21 of the jacket came away from the core of the
22 bullet, and that's what I examined.

23 Q Okay. Thank you. And was there also a number of
24 items that you received that you were unable to
25 reach conclusions on?

1 A Yes, correct. There were a number of items that
2 were fragments that just weren't able to be looked
3 at in the sense that everything else was with
4 microscopic comparison.

5 Q And those included fragments collected at autopsy,
6 correct?

7 A Yes, correct.

8 Q Items 13 and 14 of yours?

9 A And 16.

10 Q And 16?

11 A Yes. And 21 and 120.

12 Q So in other words, there were some items that were
13 collected from autopsy, some of these projectiles
14 and fragments that you were able to reach a
15 conclusion on?

16 A Right.

17 Q That you testified to a moment ago, that these were
18 consistent with being fired by High Point. But
19 then some of others, you just couldn't tell?

20 A Correct. So I have these listed as no fragments.
21 And then I did what's called a scratch test on it.
22 All you do is scratch it. If it marks easily and
23 reveals a shiny undersurface, it leans towards
24 being consistent with lead. So, as I discussed,
25 most projectiles have a lead core. And so all of

1 these fragments are consistent with being lead.

2 And then to go further, some of these items
3 are actually consistent with being cores, meaning I
4 see an outline of the base of a projectile.

5 Q And then is that unusual to have a situation like
6 that where there were projectiles taken from a body
7 that you were able to draw conclusions on and then
8 other projectiles from the same body that you were
9 not able to reach conclusions?

10 A That's common, very common.

11 Q Why is that?

12 A Projectiles hit hard objects and fragment apart.
13 Sometimes they even hit soft objects. The body can
14 cause projectiles to fragment. So it's just common
15 that the projectiles don't remain whole. They
16 generally end up in a kind of mangled state.

17 Q And then, same situation, you had -- I believe
18 items, your Items 126 through 133 are all fragments
19 taken from the Honda Civic that you found to be
20 unsuitable for comparison, is that right?

21 A Not 126 through 133. 126, and 129 through 133.

22 Q Those were unsuitable, but 127 and 128 were
23 consistent with High Point?

24 A Yes, correct.

25 Q And we talked about it earlier, I just want to

1 circle back. I want to show you what's been marked
2 as State's 238. Do you recognize that?

3 A Yes. This is --

4 (WHEREUPON, State's Exhibit No. 238 was
5 marked for identification and received
6 into evidence.)

7 Q What is that?

8 A This is the swab that I took of the trace I found
9 on State's Exhibit 110.

10 Q Yes. And you submitted that into evidence?

11 A Yes.

12 MR. GOLDBERG: Your Honor, we'd offer State's
13 238 in evidence.

14 THE COURT: Any objection?

15 MR. O'NEIL: No objection.

16 THE COURT: Entered without objection.

17 (WHEREUPON, State's Exhibit No. 238 was
18 marked for identification and received
19 into evidence.)

20 BY MR. GOLDBERG:

21 Q All right. We've covered a lot of ground here, so
22 it's probably time to wrap it up. But I want to
23 make sure we're clear on your findings. So two
24 different weapons, right?

25 A Correct, yes.

1 Q Based on the cartridge casings and projectiles you
2 were provided with. There's a Smith & Wesson,
3 correct?

4 A Correct.

5 Q And the Smith & Wesson, it's your opinion that this
6 particular weapon, this exact gun fired multiple
7 items that are provided to you?

8 A Correct. This firearm fired Items 112 -- or, I'm
9 sorry, 12, which is a bullet, Items 101, 117, 119
10 and Items 214 through 233, fired cartridge cases.

11 Q You said the bullet, Item 12, correct?

12 A Yes, correct.

13 Q You said Marker -- or Item 101 --

14 A Item 101.

15 Q -- is Marker 7 in State's 117, right?

16 A Yes, correct.

17 Q And then Items 117 and 119?

18 A I believe are Markers C and H.

19 Q All of those were fired by this exact weapon?

20 A Yes.

21 Q And then also the casings you were provided here in
22 State's 223?

23 A Yes, correct -- well, yes, I believe.

24 Q Item 214 through 233?

25 A Yes, correct.

1 Q Okay. And then the second firearm, those casings
2 are consistent with being fired by a High Point?

3 A Yes, correct.

4 Q Okay. And those are going to be the casings that
5 you talked about Item -- Markers 1 through 6, Items
6 95 through 100, and 102 through 116?

7 A Yes.

8 Q Denoted with these markers here in State's --

9 A And Item 118.

10 Q And item 118. All fired by the High Point, right?

11 A Correct.

12 Q A High Point?

13 A A High Point.

14 Q And then the projectiles taken from autopsy here in
15 State's 138?

16 A Yes, Items 15 through 20.

17 Q 15 through 20. And your findings again regarding
18 those?

19 A So, separately, those are fired by a High Point
20 Model 995 or Model C.

21 Q And the same for -- same conclusion for the
22 fragments in State's 209, correct?

23 A Yes, 115.

24 Q That's Item 125?

25 A Oh, 125, yes.

1 Q And that was the fragment collected from the
2 victim's right side?

3 A I believe so, yes.

4 Q Okay. And State's 210, Fragments F and G collected
5 from inside the driver's door of the Honda, also
6 consistent with --

7 A Yes, correct, being fired by the same firearm that
8 fired all the rest, which could be either be a High
9 Point Model 995 or Model C.

10 MR. GOLDBERG: All right. Thank you. That's
11 all I have.

12 CROSS-EXAMINATION

13 BY MR. O'NEIL:

14 Q Ms. Metz, I want to make sure I've got your
15 testimony correct. The Solicitor kept using the
16 term in your opinion Item 57 fired the projectile
17 that's Item Number 12, is that correct?

18 A That's correct.

19 Q I note you didn't use the term that you could say
20 that with any sort of scientific certainty, is that
21 correct?

22 A That's correct.

23 Q Why is it that you can't say that with any sort of
24 scientific certainty?

25 A Well, the reason I can't say that is because

1 scientific certainty actually has no definition.
2 Actually, the National Commission on Forensic
3 Science recently published a paper trying to get
4 away from using in the courtroom scientific
5 certainty because there is no standard definition
6 for that, and it's a little confusing and tries to
7 add a little bit of weight to things that already
8 have an expert testimony. So I can say that I am
9 certain of my conclusions that I just described.

10 Q That's because it's basically your opinion,
11 correct?

12 A It is my opinion, yes, correct.

13 Q A different firearms expert could have a different
14 opinion?

15 A Actually, we 100 percent verify everything. So on
16 top of myself looking at all the fired evidence,
17 the firearm, we have a second qualified firearm and
18 tool mark examiner come and look at it on their own
19 and reach their conclusions. And if we have any
20 disagreements, we bring in a third. And in this
21 case, we didn't. So the second -- the gentleman
22 that signed this report was my verifier, agreed
23 with my conclusions.

24 Q And that's not quite what I asked you. It's
25 possible that a different firearms examiner could

1 come up with a different conclusion, is that
2 correct?

3 A I suppose it could be possible, but in this case, a
4 second qualified examiner came to the same
5 conclusions as I did.

6 Q Now, how many -- did you compare Projectile Number
7 12 to any other firearm?

8 A No. As I had a firearm to compare it to, and that
9 is the firearm that fired that projectile.

10 Q So that's a no, you didn't compare it to any other
11 firearm?

12 A No, correct.

13 Q Now -- and correct me if I'm wrong here --
14 projectiles have the striae marks you talked about
15 earlier, correct?

16 A Correct.

17 Q And the jackets have more of the impression marks,
18 is that correct?

19 A No. Jackets are -- the bullet jacket actually goes
20 on the projectile, so it's bullet jacket
21 surrounding the core. And that's what we're
22 talking about when we talk about a bullet. I
23 believe you're trying to refer --

24 Q Casing?

25 A -- to cartridge case.

1 Q I used the wrong term.

2 A And, also, it's more of an impressed mark, but also
3 that shear that I was telling you about, the
4 aperture, that's striated.

5 Q So when you're comparing projectiles here, you're
6 comparing striae marks, correct?

7 A That's correct, yes.

8 Q How many marks or how many points of comparison are
9 there, typically?

10 A So that's kind of an interesting question. This
11 particular firearm has, I believe, five lands and
12 grooves. So there's five lands, five grooves.
13 Each of those lands and grooves within it have an
14 unknown amount of microscopic imperfection. So
15 each of those lands will itself are unique. Each
16 of those grooves within itself are unique. So
17 within each land and each groove, there are
18 microscopic imperfections that I look at, and it's
19 not a set number. It's however many microscopic
20 imperfections are in that barrel that are
21 transferring onto that projectile.

22 Q And there are kind of like -- there are class
23 characteristics, correct?

24 A Yes.

25 Q And then there are individual characteristics?

1 A Correct, yes.

2 Q In your examination of your fired projectile, your
3 test fired projectile in Item Number 12 here, how
4 many points of similarity did you notice? Is
5 that -- do you understand what I'm asking there?

6 A I think I understand what you're asking. That's
7 not -- I think you're maybe referring to counting
8 striae, and I don't count. It's a little bit like
9 a Highlights book with the find the differences.
10 Or in this case, it's find the similarities and the
11 differences.

12 So essentially these are striae. I'm putting
13 them in line, and they should be the same width,
14 same depth, same height, and that's what I'm
15 looking for in making that identification. We are
16 trying to make -- you look at your pattern and see
17 if it matches or if they are similar. And like I
18 said, we do that for the whole surface of the
19 bullet. It's not just one land or one groove. And
20 in each land or groove, there are several
21 microscopic imperfections that we look at. So each
22 land has to agree or it's not going to be the
23 correct firearm.

24 Q Okay. So that's what I'm asking. That's what I'm
25 specifically asking in this case, were there any

1 lands in your examination of your test fired
2 projectile from Item 57 and then Item Number 12
3 that did not match?

4 A No. Otherwise, this would not be the firearm. So
5 in our science, we do consecutively manufactured
6 barrel examinations. So what that means is they
7 made a huge barrel with the same tool, cut it into
8 segments, and then test fired those barrels. And
9 even that huge barrel that was once one barrel cut
10 into segments, we can identify a projectile to each
11 segment of the barrel. So it just speaks to how
12 individual a firearm barrel is. When you can take
13 one long barrel, cut it into segments, you can ID a
14 bullet to that particular segment. And that's by
15 looking at the class characteristics, which is the
16 number of lands and grooves, and within those class
17 characteristics, your microscopic imperfections.

18 Q I want to make sure I'm clear here. There were,
19 essentially, six -- oh, I'm sorry, a total of seven
20 projectiles that were suitable for comparison from
21 the autopsy, Items 15, 16, 17, 18, 19, 20, and 12?

22 A The whole bullet, yes, correct. Not fragments,
23 yes.

24 Q And of those six, in your opinion, only one matched
25 Item Number 57?

1 A Correct. Only Item 12 matched Item 57.

2 Q As it relates to the casings here, only Items,
3 according to your numbering, 101, 117, and 119
4 actually came from the crime scene itself, correct?

5 A Yes. 101, 117, 119 were fired by those and came
6 from the crime scene.

7 Q And 214 and -- Items 214 through 233, those
8 cartridge cases were recovered from a different
9 location?

10 A Yes, that's correct.

11 Q You don't know what location that was, but you know
12 it was different from --

13 A Correct.

14 Q One hundred percent. And I guess the whole
15 foundation of your scientific field is that two
16 firearms would not leave the same lands and grooves
17 on a projectile, correct?

18 A So it's not just firearms. It's tools. A firearm
19 is essentially a tool. And so the whole broader
20 spectrum of a harder object will impart its marks
21 on a softer one. Whether we're talking screwdriver
22 and a door, firearm and a projectile in a cartridge
23 case, bolt cutters and chain link. Again, your
24 nail and a bar of soap. That everything has its
25 own microscopic individual characteristics. And if

1 they reproduce marks, those marks can be identified
2 to the tool or projectile or cartridge case.

3 Q Because, I mean, that's basically an assumption
4 that the science has to be, because nobody has ever
5 tested, for instance, every single Smith & Wesson
6 model tool?

7 A Well, the problem is that you can make a firearm
8 out of anything. People make firearms out of super
9 soakers. So for us to be able to test every
10 firearm ever made is a practical impossibility. I
11 mean, we just -- we can't do that because you can
12 go home and make yourself a firearm if you have the
13 right tools.

14 And so it's an assumption, but it's one that,
15 you know, is based on hypothesis and research and
16 peer review journals and thousands upon thousands
17 of cases and examiners and a hundred plus years of
18 essentially us trying to disprove our own science,
19 we want to make sure our science is sound, so every
20 research we do, every journal article we write is
21 essentially, Can we disprove our science. And so
22 far, we found that, no, we cannot disprove it.

23 A prime example is that consecutively
24 manufactured barrel. That's about as close as you
25 will ever get as to two firearms that could

1 possibly have the same individual markings is by
2 taking one long barrel, cutting it in half. And we
3 have not had a problem where we've we run into
4 anything markings shown as something else.

5 Q And when you swabbed the firearm, that was an
6 attempt to try to get some DNA evidence off of it?

7 A It's just protocol for me. When I receive a
8 firearm, I look for anything that could be on the
9 firearm. Especially biological material for me,
10 mostly for a safety prospective, as I handle the
11 gun without gloves, after I examine it, obviously,
12 and so generally if I see a biological stain, I
13 would clean it, swab it and then clean it. So
14 that's just standard procedure is to look for any
15 biological material, or anything else really,
16 fibers, anything rusting. I make note of rusting.

17 Q That biological material would be sent off to the
18 DNA lab for possessing?

19 A Correct, yes.

20 Q And lastly, Ms. Metz, nothing in your examination
21 can determine who actually fired the weapon,
22 correct?

23 A That's correct.

24 Q And they can't determine when those particular
25 projectiles and/or casings were left in the

1 position that they were left in?

2 A No, I can't determine time. However, in the case
3 of autopsy bullets, it kind of gives you a time.

4 Q And in your opinion here, in your evaluation here,
5 there were at least two different firearms present
6 in the testings that you did?

7 A Yes, there are two firearms present.

8 MR. O'NEIL: Beg the Court's indulgence, Your
9 Honor.

10 (Pause.)

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

12 THE COURT: Yes, sir?

13 MR. GOLDBERG: Nothing further, Your Honor.

14 THE COURT: All right, you may step down.

15 Any objection to this witness being excused?

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

17 THE COURT: All right, you're free to leave.

18 (Witness steps down and is excused.)

19 THE COURT: Call your next witness.

20 MR. GOLDBERG: The State calls Megan Fletcher.

21 (Witness approaches.)

22 THE BAILIFF: Place your left hand on the
23 Bible, and raise your right hand, please.

24 (Witness complies.)

25 THE CLERK: Do you swear or affirm the

1 testimony you are about to give in this case will
2 be the truth, the whole truth, and nothing but the
3 truth, so help you God?

4 THE WITNESS: I do.

5 THE CLERK: Thank you. Have a seat in the
6 witness stand, please.

7 (Witness seated.)

8 THE CLERK: State your name for the record.

9 THE WITNESS: It's Megan Fletcher,
10 F-L-E-T-C-H-E-R.

11 MEGAN FLETCHER,
12 after being duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. GOLDBERG:

15 Q Good morning.

16 A Good morning.

17 Q Please you tell the jury where you're employed.

18 A I'm employed by the South Carolina Law Enforcement
19 Division in the forensic services laboratory in the
20 Trace Evidence Department.

21 Q What are your duties there?

22 A In the Trace Evidence Department, I perform
23 analyses in fire debris, paint, glass, fibers,
24 explosives, pressure sensitive tapes, general
25 chemical and physical unknowns, and gunshot primer

1 residue.

2 Q Can you tell the jury a little bit about your
3 background and training and experience?

4 A I have a Bachelor's Degree from Chatham College in
5 biochemistry and English. I also have my Master's
6 Degree from Marshal University, emphasizing in
7 forensic chemistry and computer forensics.

8 MR. GOLDBERG: And, Your Honor, at this time
9 we would offer Ms. Fletcher as an expert in gunshot
10 residue -- well, trace evidence.

11 THE COURT: Any voir dire or objection?

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

13 THE COURT: All right, ladies and gentlemen,
14 this witness will be offered in the area of trace
15 evidence.

16 Thank you.

17 BY MR. GOLDBERG:

18 Q What is trace evidence?

19 A So trace evidence includes a whole lot of different
20 types of evidence. In the SLED trace evidence
21 laboratory, it includes fire debris evidence or
22 paint, fibers, glass, explosive, tapes like duct
23 tape, and also gunshot primer residue.

24 Q And if you could explain a little bit more about
25 what gunshot primer residue is?

1 A So gunshot residue, in general, is everything that
2 comes out of a gun. It includes fragments of a
3 bullet, smoke, fire as well as gunshot primer
4 residue. And that is the residue that comes from
5 the primer of the cartridge.

6 The characteristic particles of gunshot primer
7 residue are molten so they look like they've been
8 subjected to high heat or pressure, and they
9 contain the elements lead, barium, and antimony.

10 There's also a couple of other particles that
11 are associated with gunshot primer residue, and
12 those would just contain one of the elements. So
13 they would contain lead, barium, or antimony.

14 Q And what is your process when you receive items of
15 evidence to conduct an analysis to see if there's
16 any of these items on evidence that you receive?

17 A Gunshot residue kits are submitted to the
18 laboratory by a submitting agency into the Evidence
19 Control Department. And somebody would pick the
20 evidence up from the Evidence Control Department
21 and bring it to the Trace department.

22 Once it's in the trace department, it would be
23 inventoried and a number of different things would
24 be categorized from that inventory. So we would be
25 looking for the subject's name or the item's

1 description, as well as the time of the incident,
2 time of the collection, among some other things.

3 Q All right. And turning your attention to this
4 particular case, back in May of 2016, there were a
5 number of items submitted from the Richland County
6 Sheriff's Department for analysis on your Lab
7 Number L1601574, is that correct?

8 A Yes.

9 Q And the initial analysis done on those items, was
10 that conducted by you?

11 A No, sir, it was not.

12 Q Who was that conducted by?

13 A It was conducted by Whitney Berry.

14 Q And who is that?

15 A She was a trace evidence analyst.

16 Q Okay. So how did you come to be -- how did you get
17 to be involved in the analysis or examination of
18 the trace evidence in this case?

19 A During Whitney Berry's tenure, we conducted a
20 gunshot residue audit of her cases and determined
21 that there were a couple of problems with the way
22 that she was conducting her analyses. Those
23 problems were under-reporting. So she might report
24 something as negative, but in actuality it should
25 have been positive, or some sporadic negligence.

1 Q So when you say she may have reported something as
2 negative and it would have been positive, what does
3 that mean in terms of trace analysis and general
4 findings?

5 A So when she gives her analysis, she might have
6 reported something, a hand kit or an item of
7 clothing as having not contained gunshot primer
8 residue, when in actuality it did contain gunshot
9 primer residue.

10 Q Okay. Were there any reverse findings? Were any
11 situations that you're aware of that she made a
12 finding that there was gunshot residue when, in
13 fact, there was not?

14 A Every case that Ms. Berry analyzed while she was at
15 SLED on a particular platform where the issue was
16 audited, and that was not found in any case.

17 Q It was only under-reporting?

18 A Correct.

19 Q So, in this case, she actually made reports that
20 there was gunshot residue on several items,
21 correct?

22 A In this particular case, I was able confirm all of
23 her original results.

24 Q Okay. So when you're talking about confirming
25 results, how do you go about doing that? What is

1 your process?

2 A I perform a complete technical review of her entire
3 case file, which is all the paper documents. I
4 also went back into the data that she collected.
5 And so I looked at the particles that she was
6 looking at. I determined that they indeed were the
7 correct shape, they indeed contained the correct
8 elements of lead, barium, and antimony, and that
9 her original results should have been reported as
10 she reported them.

11 Q Okay. So let's talk about the particular items. I
12 believe the first item is Item 7, and that's listed
13 as what?

14 A May I refer to my notes?

15 Q Yes. And the item numbers are actually your
16 internal item number, is that correct?

17 A Yes. SLED Item Number is one GSR kit from Deanndra
18 Roach.

19 Q That was Item 7?

20 A Yes, sir.

21 Q Okay. And what were the findings in regards to the
22 gunshot residue kit for Deanndra Roach?

23 A Round particles associated with gunshot primer
24 residue were confirmed. Particles associated with
25 gunshot primer residue are known to come from a

1 variety of environmental, occupational, and
2 recreational sources. However, these particles may
3 also be associated with the primary residue
4 produced by a firearm when it is discharged.

5 Q Okay. And that's the part I'd like to ask you a
6 little further about. It's undisputed in the
7 case that the victim in this case is
8 Deanndra Roach. And so what you're saying is there
9 was gunshot residue primer confirmed on Ms. Roach,
10 on the victim. Can you explain the role of gunshot
11 residue and people that have been shot, how those
12 interact?

13 A So on Ms. Roach, there were three particles that
14 are associated with gunshot primer residue. All
15 three of those particles only contain the element
16 lead.

17 Gunshot primer residue can get on you from a
18 variety of different reasons. You can discharge a
19 firearm, you can be in the vicinity of the
20 discharge of a firearm, or you can handle something
21 that has gunshot primer residue on it.

22 Being in the vicinity of the discharge of a
23 firearm includes being the victim of a gunshot
24 wound. The majority of gunshot primer residue is
25 going to come out of the muzzle of a firearm and

1 therefore be targeted -- or directed towards a
2 target, in that case a bullet wound.

3 Q So, in other words, is it fair to say that it's not
4 uncommon for someone who has been shot to display
5 characteristics of gunshot residue on them?

6 A No, sir. At SLED, we see gunshot primer residue
7 positive results in about 75 percent of our kits
8 that were collected off of victims.

9 Q All right. Thank you. Let's move on to your Item
10 A?

11 A It is one GSR kit from 2011 Ford Fusion.

12 Q And were there several subcategories of Item A
13 related to that that were examined?

14 A Yes. There were a number of different areas in
15 which the original submitting agency would have
16 collected from this Ford Fusion. There was the
17 interior driver's door, interior rear driver's
18 door, interior front passenger door, interior rear
19 passenger door, the steering wheel, the gear shift,
20 and the center console.

21 Q And what were the findings as it pertains to those
22 particular locations of the 2011 Ford Fusion?

23 A For the interior driver's door, the interior rear
24 driver's side door, the interior front passenger
25 door, the interior rear passenger door, and the

1 steering wheel, particles of gunshot primer residue
2 were confirmed. Particles characteristic of
3 gunshot primer residue are microscopic molten
4 particles that contain the elements lead, barium,
5 and antimony. Gunshot primer residue can come from
6 being in the vicinity of the discharge of a firearm
7 or coming into contact with a surface that has
8 gunshot primer residue on it. However, no
9 information can be provided as to the timeframe in
10 which these particles were deposited.

11 Q So if I understand that correctly then, the gunshot
12 primer residue can occur from being, you said, in
13 the vicinity of a firearm. In other words, if a
14 gun was fired from inside a car, correct?

15 A Correct.

16 Q Or it could also be if someone came in contact with
17 gunshot primer residue and then it was on them, it
18 could be transferred to the, say, inside of a
19 vehicle as well?

20 A Secondary transfer is possible with gunshot primer
21 residue.

22 Q Okay. Can you talk a little bit about secondary
23 transfer with them?

24 A So secondary transfer would be if I shot a weapon
25 and then I shook one of your hands, then you could

1 else be positive for the presence of gunshot
2 residue. And that would be called secondary
3 transfer. I could also shoot a weapon, then get in
4 a vehicle and transfer it to a door handle or a
5 steering wheel, and that would be secondary
6 transfer.

7 Q And, again, those were possibilities as indicated
8 on the items you just listed from the 2011 Ford
9 Fusion, correct?

10 A Yes, sir.

11 Q Okay. And then I believe you also said that there
12 was analysis done of the gear shift and center
13 console of that vehicle as well?

14 A Yes, sir. The results for those were that no
15 particles characteristic of gunshot primer residue
16 were detected. The absence of primer residue on
17 this item is consistent with, but not limited to
18 the following reasons: The item not being in the
19 vicinity to the discharge of a firearm, cleaning of
20 the item, excessive blood or debris on the item,
21 environmental factors including wind and rain, the
22 ammunition discharged, it could be lead-free,
23 nontoxic, or some .22 caliber rim firing
24 ammunition, does not produce particles
25 characteristic of the conventional gunshot primer

1 residue, or the firearm does not produce gunshot
2 primer residue on the item when it's discharged.

3 Q So we have some items -- or some areas of the Ford
4 Fusion in which there is gunshot primer residue
5 confirmed and gearshift and center console where
6 there is not. It that unusual to have some parts
7 where there is and some parts where there is not.

8 A It would just depend on the scenario. If it was a
9 shooting from versus secondary transfer, it would
10 depend on where that gunshot primer residue landed
11 in both scenarios.

12 Q Okay. All right. And then you also received
13 Item 9, correct?

14 A Yes, sir.

15 Q What was that?

16 A It was one GSR kit from gray jacket placed over
17 black sweatshirt.

18 Q And what were your findings in that regard?

19 A Particles characteristic of gunshot primer residue
20 were confirmed. Particles characteristic of
21 gunshot primer residue on microscopic molten
22 particles that contain the elements lead, barium,
23 and antimony.

24 Gunshot primer residue can come from being in
25 the vicinity to the discharge of a firearm or

1 coming into contact with a surface that has gunshot
2 primer residue on it. However, no information can
3 be provided as to the timeframe in which these
4 particles were deposited.

5 Q And did you reach the same conclusions regarding
6 Item 10?

7 A Yes, sir. One GSR kit from black sweatshirt also
8 contained particles characteristic of gunshot
9 primer residue.

10 Q So Items 9 and 10, a GSR kit from a gray jacket
11 over a black sweatshirt, and then Item 10 was the
12 GSR kit from the black sweatshirt?

13 A Yes, sir.

14 Q Both of which had gunshot primer residue present?

15 A Yes.

16 Q And as I understand it, you referenced several
17 times about the timeframe. Can you elaborate on
18 that?

19 A On a living individual, gunshot primer residue
20 starts to dissipate between the hours -- between
21 four and six hours after the shooting. So between
22 four and six hours, we don't expect gunshot primer
23 residue to last on an individual. And that's
24 mostly because of how easily that it is wiped away
25 and removed. On an inanimate object, it has to be

1 actively removed, so you have to clean the item,
2 pick it up off of it, or you could have wind and
3 rain, like environmental factors, or things like
4 that. So on an inanimate object, it's going to
5 stay there until it's actively removed.

6 Q Such as clothing items, for example?

7 A Correct. So washing of the item would actively
8 remove gunshot primer residue.

9 Q But when you're talking about physically part of a
10 person, for instance, their hands, you're saying if
11 it's been more than six hours, there's no point in
12 even looking for it?

13 A We will not test gunshot residue kits from living
14 individuals past six hours.

15 Q And, again, your involvement was from a
16 confirmatory standpoint?

17 A Yes, sir.

18 Q The analysis previously done by Ms. Berry, correct?

19 A Correct.

20 Q And, again, in doing so and performing this
21 confirmatory analysis, did you see anything unusual
22 or irregular about the analysis done in this case?

23 A No. There was nothing irregular or incorrect about
24 the technical aspects of this case.

25 Q And, in fact, did you all -- what did you all do

1 for all of these cases? Did you look at every
2 case? Like, how did you go about dealing with this
3 situation?

4 A So the problem was on one particular platform of
5 instrument that we were using for the analysis of
6 gunshot primer residue. And for every case of
7 Ms. Berry's that was analyzed on this platform, it
8 was audited from her entire career. So cases from
9 the Summer of 2014 forward were audited and they
10 were either amended because I was able to confirm
11 her original results or they were asked to be
12 resubmitted so that we could redo an analysis.

13 Q And how would you determine whether something
14 should just be amended or retested?

15 A If everything was correct technically in her
16 original report and you're unable to confirm that
17 the gunshot primer residue was the correct call or
18 even that the negative was the correct call for the
19 digital data, then we would issue an amended
20 report. However, if we found particles that may
21 look like gunshot primer residue, but we can't
22 confirm them, then we would ask for it to be
23 resubmitted.

24 Q And, again, in this case, you issued an amended
25 report confirming her findings, correct?

1 A Correct.

2 MR. GOLDBERG: Thank you. That's all I have.

3 THE COURT: All right. Yes, sir?

4 CROSS-EXAMINATION

5 BY MR. O'NEIL:

6 Q So, Ms. Fletcher, basically Ms. Berry, who
7 initially did the report here, was kind of fired
8 for not doing her job right, for lack of a better
9 term?

10 A She was not fired, sir.

11 Q She still works for SLED even though --

12 A No. She no longer works with us, but she was not
13 fired.

14 Q She no longer works for SLED for not doing her job
15 right, correct?

16 A There were a number of reasons. I am not privy to
17 the exact reason why she is no longer with us.

18 Q So in addition to not doing her job right, there
19 were other reasons why she was fired?

20 A I don't -- I'm not privy to why she is no longer
21 with us.

22 Q You know for sure she was not doing some things
23 correctly?

24 A Correct, in her analyses.

25 Q In fact, I think you said you audited only the test

1 that was done on one platform?

2 A Correct.

3 Q So you didn't audit every test that she ran?

4 A There were -- there's two different types of
5 instruments that we used at that time for gunshot
6 primer residue, and they had a different platform.
7 And the platform that she had an issue with was a
8 newer platform, and it seemed to be a training
9 problem with that and lack of experience with that.

10 Q So when she did this particular analysis, how much
11 experience did she have?

12 A I would not know offhand how much experience she
13 had.

14 Q But she definitely -- one of the issues was lack of
15 experience, that probably would be important to
16 know how much experience she had when she ran this
17 test, correct?

18 A She was qualified to perform the analysis, but I
19 don't know how many months she had been working on
20 this particular instrument.

21 Q And I understand your testimony she was qualified
22 to do it, but obviously she wasn't doing it
23 correctly?

24 A At that time she was not doing some cases
25 incorrectly.

1 Q And, in fact, you didn't reanalyze any of the
2 material in this case, correct?

3 A No, sir.

4 Q So we're left by her -- you basically doublechecked
5 her initial analyzing of the material, correct?

6 A I checked the data associated with the initial
7 analysis, so I was able to actually look at the
8 particles or images of the particles going to the
9 data, look and make sure that the elements are
10 present, et cetera.

11 Q How do we know that the -- you are talking about
12 the data that she collected?

13 A Yes.

14 Q How do we know that the data she collected was done
15 correctly?

16 A Through the software, you can determine.
17 Originally, when you start to analyze gunshot
18 primer residue, you set it up on the scanning
19 electron microscope and it does an automated
20 analysis. So it's looking for any particle that's
21 on a particle lift from a GSR kit. And it's
22 categorizing them. So it can send it into a
23 category characteristic, which would contain all
24 three elements, lead, barium, and antimony. It
25 could also categorize it as having only two of

1 those elements or only one of those elements.

2 So we have a map of every particle that was
3 analyzed on that particular particle list. When we
4 went back and did a digital review of the data, we
5 were able to look at her individual particles that
6 she reacquired data from and match it back to the
7 map that the automated analysis did on the
8 instrument.

9 Q And you would agree with me, you had -- in addition
10 to reanalyzing her analysis here, you had to kind
11 of amend her actual report in this case, correct?

12 A In this case, it was amended to the state that I
13 confirmed it. Typically, it says they are found
14 and because I did not find them myself, I confirmed
15 them. It is more accurate to say that they were
16 confirmed. There was also a little bit of change
17 in the way that we reported between the time of the
18 amended report and the original report, so the
19 report reflects those changes as well.

20 Q Those kind of disclaimers that you put out there,
21 they weren't in the original report?

22 A Which disclaimers?

23 Q The disclaimers about time and other reasons why
24 the GSR may or may not be found in her initial
25 report, those were not in her original report?

1 A The timing was in the original report of about the
2 no timeframe which it could be found, and there
3 were a number of reasons as well in the negative
4 for why it would not be there. So those were all
5 in there. The parts on the report that are
6 highlighted, those would be the amendments.

7 Q For instance, Item 8.6 there, there's a whole
8 section of about the disclaimers here that was not
9 included in the original report?

10 A They were included in a different format.

11 Q Yes.

12 A They were part of a single paragraph as opposed to
13 bulleted, but they were included.

14 Q Okay. One thing you were real precise about, the
15 gunshot residue on an inanimate object like a car
16 door or a steering wheel or even a sweater here
17 could be there for basically as long as it hasn't
18 been removed by some other about type of factor?

19 A That's correct.

20 Q So if GSR is on a sweater or a door, it can be
21 there for days or weeks or months as long as it
22 hasn't been disturbed in any way?

23 A Correct. It cannot be tied to a particular
24 incident.

25 Q So the GSR that's on the interior of the Ford

1 Fusion that was found on both -- I guess, pretty
2 much on every inside door, would that be fair
3 enough to say?

4 A It appears to be, yes.

5 Q I believe it was found on the driver's inside door,
6 the rear driver's inside door, the front passenger
7 inside door and the back passenger inside door?

8 A Yes, sir.

9 Q That GSR could have been there for days, months,
10 weeks?

11 A I cannot determine when it was deposited.

12 Q And even the GSR that's on the clothing items could
13 be there for days and months or weeks?

14 A Correct, I have no idea when it was deposited.

15 Q Okay. Or how it got there either?

16 A Correct.

17 MR. O'NEIL: Beg the Court's indulgence, Your
18 Honor.

19 (Pause.)

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

21 THE COURT: All right. Redirect?

22 MR. GOLDBERG: Briefly.

23 REDIRECT EXAMINATION

24 BY MR. GOLDBERG:

25 Q Regarding Ms. Berry's cases, there were cases of

1 hers that you looked at in which you saw problems,
2 correct?

3 A Correct.

4 Q But this was not one of them?

5 A No, it was not.

6 MR. GOLDBERG: Thank you.

7 THE COURT: All right, ma'am. You may step
8 down.

9 THE WITNESS: Thank you.

10 (Witness steps down.)

11 THE COURT: All right. I think this is a good
12 time for us to take our morning break. It's about
13 11:23. So we will go ahead and take about 10 or 15
14 minutes for you to refresh yourselves. There are
15 some snacks back there for you. And then we will
16 have you received back in the courtroom shortly.

17 Remember, please do not discuss the case.
18 Thank you.

19 (WHEREUPON, the jury retires to the jury
20 room at 11:23 a.m.)

21 THE COURT: All right. We'll go ahead and
22 take about 15 minutes.

23 (WHEREUPON, a break was taken.)

24 THE COURT: Are we ready to bring them in?

25 MR. FYALL: Yes, ma'am. Can we approach

25 BY MR. FYALL:

1 Q Mr. Tang, can you spell your first name?

2 A H-U-E.

3 Q Can you tell us where you're employed?

4 A I'm employed by South Carolina Law Enforcement
5 Division.

6 Q Which, I guess, area?

7 A Assigned to the Trace Evidence Section.

8 Q All right. And do you have any training and
9 experience in regards to trace evidence?

10 A I completed my training in trace discipline. I
11 completed my -- I received my Bachelor of Science
12 with a major in chemistry from the University of
13 South Carolina. I completed an additional graduate
14 course from the University of South Carolina
15 related to instrumental analysis.

16 Q How long have you worked for trace evidence at
17 SLED?

18 A At SLED, since 2000.

19 Q 2000?

20 A Yes.

21 Q Have you consistently received more training since
22 you've been there?

23 A Yes, sir.

24 Q Can you talk about some of that?

25 A I received -- in trace evidence we have seven

1 self-disciplines, so I received training in those
2 other disciplines related to instrumental analysis,
3 different analytical instruments, and I attended
4 various professional meetings, like American
5 Academy for Forensic Science.

6 Q All right.

7 MR. FYALL: Your Honor, at this time the State
8 would tender Mr. Tang as an expert in trace
9 evidence.

10 THE COURT: Any voir dire or objection?

11 MR. O'NEIL: No, ma'am.

12 THE COURT: All right, ladies and gentlemen of
13 the jury, Mr. Tang will be entered as an expert in
14 the area of trace evidence to give opinion
15 testimony in that area. It is evidence for you to
16 use in any way that you see fit.

17 Thank you.

18 MR. FYALL: Thank you.

19 BY MR. FYALL:

20 Q Mr. Tang, can you tell us basically what your
21 assignment was in this case?

22 A My assignment is to examine submitted black hooded
23 sweatshirt for the presence of OC, which is
24 commonly known as pepper spray, around the collar
25 of the black sweatshirt.

1 Q Did you have a known standard to compare it to?

2 A Yes, sir. The agency also submitted a standard,
3 which is one open Cheetah pepper spray maximum
4 strength with a pink carrying case, and one ziplock
5 bag with one empty container and one clear bag with
6 dark brown liquid.

7 Q I'm going to show you what has been marked as
8 State's 239. And tell me if you recognize that.

9 A Yes, I do.

10 Q What is it?

11 A This is a package containing all the items that I
12 just mentioned.

13 MR. FYALL: Your Honor, at this time the State
14 offers 239 into evidence.

15 THE COURT: Any objection?

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

17 THE COURT: Entered without objection.

18 (WHEREUPON, State's Exhibit No. 239 was
19 marked for identification and received
20 into evidence.)

21 BY MR. FYALL:

22 Q Okay. Can you tell us the method you used to
23 examine the sweatshirt?

24 A First, I perform a visual observation.

25 Q Hold on just a second. Let me slide this up here.

1 Go ahead.

2 A First, I do a visual examination to see any stain
3 from the OC spray, which is pepper spray, on the
4 shirt. Since it's a black shirt, I didn't see
5 any -- and I didn't see any stain, reddish-brown
6 stain. So I performed a test with a cotton swab
7 with methanol and I swabbed around the left and
8 right and the center region of the shirt.

9 Q Let me stop you. Why did you swab that area?

10 A Both agencies request that I examine around the
11 collar. And when you pepper spray somebody, you
12 aim for the face, so that's why you expect to see
13 some pepper spray residue on the shirt.

14 Q Continue.

15 A Yes, sir.

16 Q And once you did those swabs, what did you do?

17 A I performed a Sonicaid with methanol, and I let it
18 sit there for 30 minutes, and I extract it into a
19 mask bag valve, and then I inject it into the gas
20 chromatograph. That was the mass spectrometry
21 detector.

22 Q All right. And in this case, what were your
23 findings?

24 A The result is no capsaicinoids, which --

25 THE COURT REPORTER: I'm sorry, what?

1 A Capsaicinoids.

2 Q Spell that for her.

3 A Okay, sure. C-A-P-S-A-I-C-I-N-O-I-D-S.

4 Q All right. An what is a capsaicinoid?

5 A Capsaicinoids, which is a major component of the
6 pepper spray that may cause pungency, which is a
7 burning sensation when it is activated.

8 Q And you didn't find any in this case?

9 A No, sir.

10 Q I just want to be clear, you had a standard to
11 compare it to. Are you saying that it didn't match
12 the standard or there was none period?

13 A There's none detected.

14 Q How long does pepper spray last in clothing?

15 A If it is properly packaged, it lasts -- some
16 studies indicate if it is properly packaged it
17 lasts six months with like 20 percent of the
18 capsaicinoids disappear from the clothing.

19 Q What if you wash it?

20 A Washing -- the best method to remove capsaicinoids
21 is to bleach the garment. By washing it, we are
22 still able to detect it.

23 Q You can wash it and after washing it you will still
24 be able to detect it?

25 A Yes. Yes, sir.

1 Q All right. You said the best method is to bleach
2 it. Did you note any bleaching on this black
3 sweatshirt?

4 A No, sir.

5 MR. FYALL: Beg the Court's indulgence.

6 (Pause.)

7 BY MR. FYALL:

8 Q All right. And so just to be perfectly clear, in
9 this case there was no pepper spray noted anywhere
10 on the sweatshirt?

11 A That's correct. To the area that I tested.

12 Q To the tested areas.

13 MR. FYALL: Thank you. No further questions.

14 THE COURT: Yes, sir?

15 MR. O'NEIL: No questions.

16 THE COURT: All right, you may step down.

17 (Witness steps down.)

18 THE COURT: Call your next witness.

19 MR. FYALL: State calls John Barron.

20 (Witness approaches.)

21 THE BAILIFF: Place your left hand on the
22 Bible, and raise your right hand, please.

23 (Witness complies.)

24 THE CLERK: Do you swear or affirm the
25 testimony you are about to give in this case will

1 be the truth, the whole truth, and nothing but the
2 truth, so help you God?

3 THE WITNESS: Yes, I do.

4 THE CLERK: Have a seat in the witness stand,
5 please.

6 (Witness seated.)

7 THE CLERK: State your name for the record.

8 THE WITNESS: John Barron, B-A-R-R-O-N.

9 JOHN BARRON,
10 after being duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. FYALL:

13 Q Mr. Barron, where are you employed?

14 A Richland County Sheriff's Department.

15 Q How long have you worked there?

16 A Almost 15 years.

17 Q All right. What are your current duties there?

18 A I'm a DNA analyst.

19 Q How long have you been a DNA analyst?

20 A Since the year 2000. I began at State Law
21 Enforcement Division, at SLED, and came over to
22 Richland County in 2004 in March, so it will be 15
23 years next month, or in a couple of months.

24 Q You said you began as a DNA analyst at SLED?

25 A That's correct.

1 Q Can you tell us about your training and experience
2 in regards to DNA analysis?

3 A Yes, sir. I have a Bachelor of Science Degree in
4 microbiology from Clemson University, also attended
5 graduate school at University of South Carolina in
6 molecular biology and statistics, which I received
7 the necessary educational background to do DNA
8 analysis. I received on-the-job training, as well
9 as FBI training, in DNA analysis initially at SLED.
10 I became qualified as a DNA analyst there. I
11 testified several times. And in 2004, Richland
12 County Sheriff's Department wanted to start their
13 own DNA laboratory. Myself and another DNA analyst
14 from SLED came over and set up the DNA laboratory
15 at Richland County.

16 Since that time, we have been accredited as a
17 certified DNA laboratory in the United States. We
18 meet all the national accreditation standards. We
19 are audited yearly either internally or externally
20 to make sure that we abide by all the national
21 standards for a DNA lab. We, of course, passed all
22 those.

23 I do two proficiency tests every year in which
24 we receive a blind test for DNA analysis. I've
25 successfully completed those twice a year for the

1 last -- since 2000, so 18 years.

2 Presently, I have testified on DNA analysis as
3 an expert over 70 times now since that period of
4 time in the past, and testified here, of course,
5 numerous times since I've worked at Richland
6 County, and a couple of times at SLED.

7 Q Thank you.

8 MR. FYALL: Your Honor, at this time the State
9 would tender Mr. Barron as an expert in DNA
10 analysis.

11 THE COURT: Any voir dire or objection?

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

13 THE COURT: All right, ladies and gentlemen of
14 the jury, Mr. Barron will be qualified as an expert
15 in the area of DNA analysis to give opinion
16 testimony in that area. You may use it in any way
17 that you see fit.

18 Yes, sir?

19 MR. FYALL: All right. Thank you, Your Honor.

20 BY MR. FYALL:

21 Q Can you just start by telling us how you go about
22 analyzing items for DNA evidence?

23 A Most of the time, DNA evidence is submitted to the
24 laboratory by our crime scene people or road
25 deputies or somebody involved in the investigation