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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Honorable Bentley Price, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHANNON T. PRESTON,

APPELLANT

APPELLATE CASE NO. 2022-001474

RECORD ON APPEAL

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VOLUME I

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1 STATE OF SOUTH CAROLINA
2 IN THE GENERAL SESSIONS
3 COUNTY OF BEAUFORT COUNTY

4 State of South Carolina,

5 vs. Transcript of Record
6 2020-GS-07-2183
7 2020-GS-07-2184
8 2020-GS-07-2311

9 Channon Talon Preston,

10 Defendant.

11 October 10, 2022
12 Beaufort, South Carolina
13 Volume I of III

14 B E F O R E:

15 The HONORABLE BENTLEY PRICE

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

17 Mary C. Jones, Assistant Solicitor

18 Ashley B. Cornwell, Representing the Defendant

19
20
21
22 SHARON G. HARDOON, CSR
23 Official Circuit Court Reporter, III
24
25

1 that are going back to the jury. I think it's
2 prejudicial to put in their mind that he's been
3 convicted.

4 So I would simply ask that that be
5 removed from the language of the indictment.

6 THE COURT: All right. For the record, I
7 read the indictment numbers to the jury and
8 indicated who the victims were on both charges,
9 and I did not intend to send the indictments back
10 nor do I intend to read them out loud. So that
11 should solve the problem.

12 MS. CORNWELL: Thank you, Your Honor.

13 So the defense's motion is suppress. We
14 have one, two, three, four, five, six of those,
15 and the State's motion in limine as to Mr.
16 Singleton's statement and the admissibility of the
17 surveillance video, and then we have the Jackson
18 v. Denno hearing with the two officers.

19 Are both officers present?

20 MS. JONES: One is, Your Honor. And I do
21 believe, actually, my motions are encompassed by
22 Miss Cornwell's motions.

23 THE COURT: Fair enough. Which one do
24 you want to begin with?

25 MS. CORNWELL: And, Your Honor, I can

1 probably hit most of them all in one big argument.

2 THE COURT: Yes.

3 MS. CORNWELL: I did present two motions
4 and memos to the Court which do just give a little
5 bit of legal analysis on the motion to suppress
6 statements of unavailable declarant, as well as
7 the motion to suppress the video clips.

8 This is a case, Your Honor, where Corey
9 Singleton is the only witness in this case, or
10 alleged witness in this case. He is listed as the
11 victim of the attempted murder.

12 When 911 was called, law enforcement met
13 with Mr. Singleton, got several statements from
14 him. This incident occurred --

15 THE COURT: Who called? This will be
16 pertinent later. Who called 911?

17 MS. CORNWELL: A third party, Your Honor.
18 A Cynthia Stewart.

19 THE COURT: 911 was called by Cynthia
20 Stewart. Thank you.

21 MS. CORNWELL: So this case -- the
22 shooting incident involved with this case happened
23 at Mr. Singleton's home. Mr. Singleton, after the
24 shooting incident occurred, apparently ran to a
25 neighbor's house, knocked on the door, stated, you

1 know, *I think I may have been shot. Can I come*
2 *in?* Or something to that effect. The neighbor,
3 Miss Stewart would not let him in the house but
4 did call 911 to let 911 know what was the going
5 on.

6 The 911 operator then asked several
7 questions regarding what happened, the identity,
8 any identifying characteristics of the people
9 involved. That third party, Miss Stewart, would
10 relay questions from the 911 operator to
11 Mr. Singleton who was outside her home, and then
12 relay the information back to the 911 operator.

13 Once law enforcement arrived at the
14 location, they met with Mr. Singleton. They got a
15 statement from him at that time. He also
16 indicated that he had a Blink surveillance camera
17 system that may have a video and he needed to get
18 his phone to show him. He did give them one, like
19 a five-second clip of a video that he showed them
20 at that time.

21 Law enforcement then asked him to come to
22 the police station to give a formal statement. At
23 that time, he declined and asked for his attorney
24 to be present. Once his attorney was able to meet
25 with him, they did go and meet with law

1 enforcement and give statements. They also
2 provided three or four additional clips of video
3 surveillance, however none of those clips show the
4 actual shooting.

5 THE COURT: How many days after, or how
6 long after did he meet with his attorney with the
7 investigators?

8 MS. CORNWELL: It was the same day, Your
9 Honor.

10 THE COURT: Okay.

11 MS. CORNWELL: Since this incident
12 occurred -- and after meeting with him that day,
13 there were several follow-up interviews with
14 Mr. Singleton. A couple days later, there were
15 phone conversations, phone interviews that were
16 done and also recorded.

17 Since all of that occurred, Mr. Singleton
18 has passed away of a drug overdose. That happened
19 a couple of months ago.

20 My understanding is that the State
21 intends to introduce the statements that he gave
22 to law enforcement because they were recorded by
23 body cam, video, and by interview equipment with
24 law enforcement. However, the crux of our motion
25 on that is, obviously, those are hearsay

1 statements. We have not had a chance to
2 cross-examine him on any of those statements. It's
3 a clear violation of the 6th Amendment
4 complication clause, and that, under Crawford v.
5 Washington, which is what I handed up to Your
6 Honor, it explicitly states that any statements
7 given to law enforcement are testimonial in
8 nature. Based on the fact that they are
9 testimonial in nature and offered to prove the
10 truth of the matter asserted, they are certainly
11 hearsay statements. They do not meet any
12 exceptions under 802. And based on that, that
13 there's been no availability for
14 cross-examination, we do not believe that those
15 statements should be able come in in any way.

16 As I was researching this a little bit
17 further over the weekend, Your Honor, I did also
18 come across the King case, and I believe that
19 there are some pretty distinctive rulings in
20 *State vs. King*. That is a South Carolina Supreme
21 Court case. I have flagged the pertinent section
22 of that case that dealt with the attempted murder
23 and the specific intent statute, but they also
24 spoke of the hearsay in that case.

25 In that case, they had an officer testify

1 regarding what an unavailable declarant told them
2 in the course of their investigation. They use it
3 as a foundation of the investigation, that it
4 wasn't -- it was for investigative purposes, not
5 for truth of the matter asserted.

6 The Court of Appeals in that case
7 determined that that was an error and those
8 hearsay statements were testimonial and should not
9 have been allowed in if the declarant was
10 unavailable.

11 The Supreme Court affirmed the Court of
12 Appeals decision, but they -- their opinion, they
13 found the disposition a little different because
14 the -- according to the authority cited in the
15 Court of Appeals case was a Georgia case and based
16 on a Georgia statute that's come up recently, it
17 wasn't as reliable. So they did distinguish it
18 from the Court of Appeals.

19 But in that case, they specifically state
20 that these issues involve a straightforward
21 hearsay analysis. Obviously, hearsay is a
22 statement which can be written other than one made
23 by the declarant while testifying at trial,
24 offered into evidence to prove the truth of the
25 matter asserted. They recognized that the Court

1 of Appeals correctly determined that Officer
2 Butler's testimony in that case was based
3 exclusively on what the witness told them during
4 the course of their investigation and was offered
5 to prove the truth of the matter asserted in that
6 case.

7 They stated that, nonetheless, even with
8 this straightforward analysis, we believe it is
9 necessary to caution prosecutors against using
10 investigative information as it appears it's an
11 attempt to circumvent the rules against hearsay.

12 They were persuaded by the explanation
13 offered by the Supreme Court of Kentucky in *Ruiz*
14 *vs. Commonwealth*. In *Ruiz*, the court attempted to
15 dispel any misconception that testimony from an
16 investigating officer regarding the context of
17 out-of-court statements was admissible.
18 Specifically, that Court explained that an
19 out-of-court statement made to a police officer is
20 judged by the same rules of evidence that govern
21 any out-of-court statement by a declarant. If it
22 is relevant and probative only to prove the truth
23 of the matter asserted by the out-of-court
24 declarant, then the statement is hearsay and its
25 admission is governed by the traditional hearsay

1 rule.

2 It indicates that so-called investigative
3 hearsay is still fundamentally hearsay. There is
4 no special kind of evidence known as investigative
5 hearsay. We have no rule of evidence called the
6 investigative hearsay rule. Use of the term
7 imparts no meaningful information to the analysis
8 that is not otherwise supplied by the word
9 "hearsay." Our South Carolina Supreme Court
10 stated, based on this reasoning we caution against
11 the use and admission of investigative information
12 while it may be couched in terms of explaining an
13 officer's conduct during an investigation, it may
14 not be used to offer the substance of an
15 out-of-court statement that would otherwise
16 violate our State rules against hearsay.

17 That is exactly what these statements
18 that Mr. Singleton gave to law enforcement are.
19 They are statements to law enforcement, they are
20 testimonial in nature, they would be offered to
21 prove the truth of the matter asserted, he is
22 unavailable, the State has to prove that he's
23 unavailable. However, I will submit that we
24 stipulate that unavailable in this case.

25 My client has not had a chance to

1 cross-examine him. When you look further into the
2 Crawford rulings, part of that, with the hearsay,
3 is also based on the reliability of the
4 statements. I do not believe that there is
5 anything that can show any reliability of his
6 statements, particularly the fact that the
7 statements that he gave law enforcement he didn't
8 want to continue to cooperate with him until he
9 had his attorney present. There was no ability
10 for cross-examination. I will leave it there.
11 There were some holes in his statement. There
12 were definitely some things that would have been
13 impeachable from his statement.

14 And Crawford basically states, and I
15 believe it was Justice Scalia that stated that
16 reliability is rooted in the ability to confront
17 the witness and offer reasonable
18 cross-examination. That reliability is based on
19 that cross-examination.

20 Here, we cannot cross-examination the
21 witness. We can't determine any sort of
22 reliability, and any testimony that he gave to law
23 enforcement, which would be any of the statements
24 that he gave to law enforcement would be
25 inadmissible hearsay because they are testimonial

1 and it would violate the confrontation clause.
2 They do not fall under any exception under hearsay
3 rule. They are not any excited utterances. They
4 cannot be determined as presence of question. It's
5 not a dying declaration. And so based on that, we
6 do not believe any of his statements should come
7 into evidence.

8 When we look going further to the
9 surveillance videos that are collected by law
10 enforcement, those were given to him -- those
11 given to law enforcement by Mr. Singleton.
12 Certainly when we are looking at surveillance
13 videos and clips like that, our Supreme Court has
14 stated there's a two-prong approach to that. One,
15 do the statements and videos equal hearsay; and,
16 if they do equal hearsay, is there an exception to
17 the hearsay rule?

18 If the court determines that they were
19 not hearsay statements, it still has to cross the
20 second prong of authentication.

21 In this case, I believe the surveillance
22 videos will constitute hearsay. While it is not
23 necessarily an oral statement, it is, obviously,
24 pictures, photographs, all of that. Anything that
25 can be considered a statement, which is both

1 written and oral. It can be depicted through
2 pictures and offered for the truth of the matter
3 asserted as hearsay.

4 In this instance, the video, although, it
5 does not show the actual incident, I believe what
6 it shows is, perhaps, the aftermath of the
7 incident. There are statements in that video.
8 There are clear indications in that video that
9 would constitute hearsay. It would be a statement
10 out of court going to the truth of the matter
11 asserted.

12 Even if the Court does not determine that
13 those statements were hearsay and that that video
14 constitutes hearsay, those videos cannot be
15 authenticated.

16 Mr. Singleton was the homeowner. He was the
17 owner of those surveillance videos and those camera
18 systems. He is the one that provided them to law
19 enforcement.

20 I will tell Your Honor that law
21 enforcement did subpoena -- I believe Blink is
22 owned by Amazon. They did issue a subpoena to
23 Amazon and Amazon did send them two videos clips
24 from the day of this incident. However, those two
25 video clips have nothing to do with this incident.

1 I think there was some dog that was walking around
2 on a porch.

3 When law enforcement specifically reached
4 out saying are there not other videos from this
5 day, Amazon said no, these are the only videos
6 that we have, and -- but that this system is a
7 user-based system, so any deletions or
8 modifications could have been made by the
9 homeowner. That they don't store them. They
10 don't keep them in a file system. So, if they've
11 been deleted, it's because the homeowner has
12 deleted them.

13 Without Mr. Singleton being able to
14 testify, there is nobody to say that what is in
15 the video is what the State is purporting it to
16 be. There is no way to authenticate those videos.
17 Furthermore, those videos do not show the actual
18 incident. I believe that based on the fact that
19 Amazon is not going to be able to authenticate
20 anything because Amazon didn't have anything, and
21 the fact that there is nobody to say that's what
22 in those videos is what the State purports it to
23 be, that is not a complete rendering of the
24 incident. They are clips and pieces that have
25 been selectively chosen by Mr. Singleton to

1 provide to law enforcement.

2 Obviously, it's a motion-activated
3 camera. The fact that Amazon has motion
4 activation from just a dog on the porch, and
5 there's motion activation from people driving up
6 and things of that nature, it is clear to the
7 defense that these videos have been modified,
8 edited, and deleted to take out certain parts that
9 we believe would have been incriminating to
10 Mr. Singleton.

11 Based on the fact that there's nobody to
12 authenticate it. It's not a complete record and
13 it's not an original, I do not believe that it
14 should come in under 901 for authentication. I
15 don't believe it should come under hearsay. And
16 just for a catch-all, I also do not believe it
17 should come in under Rule 403 because that is more
18 prejudicial than probative.

19 It's not showing the actual incident.
20 There is nothing to say that what is in the video
21 is what the State is going to purport it to be and
22 there's no opportunity for my client to
23 cross-examine anybody on the substance of that
24 video, where it came from, was it modified, was it
25 altered, was it deleted in any way, was it

1 changed. And all of those things have to testify
2 to for it to come into evidence and be admissible.

3 So based on the fact that there is no
4 witness that can be presented to this court that
5 can give testimony regarding the authenticity of
6 the video clips and the reliability of the video
7 clips, or the fact that they have not been
8 changed, altered, or deleted, which Amazon has
9 already stated have been deleted from their
10 original form, we do not believe that those
11 statements should be allowed to come in under the
12 901, 801, and 403 analysis.

13 When it comes to the 911 tape, that again
14 is encompassed in all of this. The 911 tape is
15 hearsay within hearsay because it's not just --
16 the person talking to 911 is not a witness to this
17 incident. They are simply relaying information
18 that they received from a third party, which is
19 hearsay. It's a statement being offered for the
20 truth of the matter asserted by and out-of-court
21 declarant.

22 And so when we look at the 911 tape
23 further, the questions that are being asked by the
24 911 operator who is working for Beaufort County in
25 a law enforcement capacity, they are asking

1 questions specifically designed to be testimonial
2 in nature to be used in court at some point for an
3 investigative purpose. In that sense, the
4 hearsay, again, violates the confrontation clause.

5 So just because you can hear in the 911
6 tape what Mr. Singleton is saying to Miss Stewart,
7 who is then relaying that information to the 911
8 operator, because it's hearsay within hearsay,
9 it's a double hearsay standard, the fact that we
10 don't have the opportunity to cross-examine Mr.
11 Singleton based on what he stated, those are not
12 any exception to the hearsay rule. Obviously,
13 he's answering questions through a third party to
14 law enforcement who are asking those questions for
15 testimonial, investigative, prosecutorial
16 purposes, we should have that right to
17 cross-examine him on that. We do not have that
18 right.

19 Even if Miss Stewart does testify,
20 obviously, anything she would relay to the Court
21 would be what she was specifically told by Mr.
22 Singleton, which, again, is hearsay and violates
23 the confrontation clause.

24 So we do not believe the 911 tape should
25 be allowed to come in under 801. There's no

1 exception under 802 based on unknown declarant.
2 It is testimonial in nature. It's used
3 specifically for the purpose of prosecution to be
4 used at trial eventually.

5 And based on that, it would violate my
6 client's 6th Amendment right to confront the
7 witnesses against him, and the 911 tape should be
8 suppressed.

9 When it comes to suppressing the
10 identification of my client, the only thing with
11 my client's identification is, at one point, I
12 believe Mr. Singleton identifies my client by a
13 nickname, Glizzy. Certainly, law enforcement was
14 able to determine who they believed Glizzy was
15 based on their investigation, based on their
16 conversations was Mr. Singleton.

17 I would ask that under a 403 analysis,
18 the nickname Glizzy has no probative value. It's
19 more prejudicial, obviously. I believe at some
20 point someone says that he's called Glizzy because
21 he carries a Glock all the time and Glizzy is a
22 nickname for a Glock. I also believe that it
23 gives some sort of negative connotation towards
24 gang association and things of that nature, the
25 fact that law enforcement was easily identified

1 within the first few minutes of speaking with
2 Mr. Singleton that Glizzy was Channon Preston.
3 There's no reason for the State to introduce my
4 client has Glizzy, or refer to my client as Glizzy
5 in any way. And any information that comes in
6 regarding Glizzy, I believe, is more prejudicial
7 than probative. Certainly, the State and law
8 enforcement identified Channon Preston and not
9 have to use the Glizzy nickname based on the
10 prejudicial value.

11 The suppression of evidence, after
12 meeting with Mr. Singleton, law enforcement did
13 obtain a search warrant to Mr. Preston's home
14 where they did conduct a search warrant of the
15 home and recovered several firearms and other
16 pieces of evidence.

17 I understand that the search warrant --
18 I'm not challenging the veracity of the search
19 warrant; however, the foundational issues of how
20 law enforcement was able to obtain that search
21 warrant, I believe, is going to be problematic and
22 it's going to be prejudicial because the only way
23 that law enforcement gets to obtain the search
24 warrant is based on the statements given to them
25 by Mr. Singleton. We can't cross-examine those

1 statements. We can't do anything with those
2 statements because Mr. Singleton is not here.

3 So I believe that in trying to reach a
4 foundation for how law enforcement got into the
5 home is going to be prejudicial to my client
6 because, at some point, the State is going to have
7 to indicate that they got information from a
8 witness that we're not allowed to cross-examine.
9 So based on that, I believe that the evidence
10 needs to be suppressed.

11 Finally, when it comes to my client's own
12 statements, I'm not challenging the Denno on this,
13 Your Honor. I do believe that it was a custodial
14 interrogation. However, he was Mirandized. He
15 acknowledged his Miranda rights. My position
16 would be, the statement, it is hearsay and it is
17 not a statement against interest. When law
18 enforcement interviewed my client, he specifically
19 stated that he acted in self-defense. That is
20 self-serving hearsay. There is no statement
21 against interest. And, certainly, in order for a
22 statement to be used against my client under the
23 hearsay exception it has to be a statement offered
24 to prove the truth of the matter asserted and it
25 has to be against my client's interest. I would

1 not be able to introduce my client's self-serving
2 hearsay statement in the State's case in chief
3 unless they brought in a statement that had, not
4 only self-serving hearsay but incriminating
5 statements. If they just brought in the
6 incriminating statements, then I would be able to
7 bring in the self-serving hearsay as a
8 completeness of the statement.

9 However, in this case the completeness of
10 the statement is completely self-serving because
11 all he says is, I wasn't there. And then he says,
12 well, I was there, but I acted in self-defense.
13 And so none of those statements -- certainly being
14 present at a crime scene when a shooting incident
15 occurs, is not an incriminating statement. That's
16 why we have a mere presence charge to the jury on
17 being present at a crime scene is not a crime in
18 and of itself and is not a statement against
19 interest. The claim that he acted in self-defense
20 is certainly not a statement against interest.

21 And so based on that I don't believe they
22 should be able to get into his statements. I
23 believe the only reason they would want to get
24 into his statements is to prove that he was
25 present at the scene. Which, again, his

1 statements are self-serving hearsay and cannot be
2 used against him unless they are against panel
3 interest. And simply being present is not against
4 penal interest.

5 I believe that covers all of our motions.
6 Like I said, most of them are encompassed through
7 the confrontation issue and the authentication
8 issue. None of the statements can be corroborated
9 or cross-examined. He has a right to confront the
10 witnesses against him. He does not have the
11 opportunity to confront or cross-examine
12 Mr. Singleton. So any of his statements and any
13 evidence that comes based on those statements
14 would need to be suppressed.

15 As far as the video clips, again, we
16 believe they're hearsay. If Your Honor does not
17 believe they are hearsay, they do not meet the
18 authentication requirements under 901 because
19 there is nobody to indicate that what is in the
20 video is what the State is purporting it to be,
21 and there's nobody to indicate that what is in
22 those videos has not changed, altered, deleted, or
23 modified, which is our position based on what
24 Amazon said.

25 THE COURT: All right. Is he planning on

1 putting up a mere presence defense or a
2 self-defense?

3 MS. CORNWELL: Your Honor --

4 THE COURT: I mean, is that how you-all
5 are planning on moving forward or no?

6 MS. CORNWELL: I think a lot of that,
7 Your Honor, is going to depend on --

8 THE COURT: The outcome.

9 MS. CORNWELL: -- these motions. Because
10 depending on these rulings, quite frankly, we'll
11 probably make a motion, depending on your ruling,
12 to have the State indicate what evidence they do
13 have to put forward if they are not allowed to get
14 into Mr. Singleton's statements or video clips as
15 opposed to wasting the Court's time and wasting
16 this jury's time waiting on a directed verdict.

17 I think the appropriate thing at that
18 point, because he is the only witness in this
19 case, he's the only person that has stated against
20 my client's interest in this case, given the fact
21 that his statements I do not believe should be
22 allowed in, I don't know how the State would go
23 and prove their case beyond a reasonable doubt.
24 And I would likely move to dismiss.

25 If the Court denies that motion, then

1 once the State has presented their evidence, then
2 I would speak to my client to figure out if he
3 wishes to put up a defense or if we just want to
4 try to -- depend on the reasonable doubt of the
5 State's case.

6 THE COURT: All right.

7 Yes, ma'am.

8 MS. JONES: Thank you, Your Honor.

9 Your Honor, I'm going to start in
10 chronological order of how this case unfolded.

11 Starting with the 911 call, Miss
12 Cornwell's concerns that the 911 call was
13 testimonial hearsay, by definition, it is not
14 testimonial hearsay. The primary purpose of that
15 911 call was for law enforcement to assist an
16 ongoing emergency.

17 At the time the 911 call is made,
18 Mr. Singleton does not know if he has been shot or
19 not. He knows that his friend and cousin is dead
20 on the ground, two shooters were shooting at him,
21 and they left. They tried to get him, which comes
22 into play in the video. There's one statement in
23 the video where Mr. Preston says to his
24 co-defendant, *Man, why you don't get him?* The
25 co-defendant says, *I ran out, I ran out.*

1 Mr. Singleton makes a reference to that
2 later in time. He knows that they were trying to
3 get him and he knows that they're going to come
4 back for him.

5 At the time of the 911 call, there's
6 still an ongoing threat to the public. There's
7 still an ongoing threat to Mr. Singleton. We have
8 two armed shooters. One with a Draco and one with
9 a Taurus 9-millimeter and we don't know where they
10 are. It is not for future prosecution. It is
11 absolutely to assist an emergency. That is coming
12 straight from the *Davis* case. I have copies for
13 the Court, as well as Miss Cornwell.

14 I'm also going to hand up *Davis*, Supreme
15 Court of the United State. I'm also going to hand
16 up *State vs. Hendricks*, which is a Supreme Court
17 of South Carolina case. That case also dealt with
18 it. It was a case where a daughter called her
19 mother, went to her mother's home. She was very
20 frantic. She had just been raped and sodomized by
21 her on-again/off-again boyfriend. The Court held
22 that the victim's statement to the mother was
23 admissible. It's an excited utterance and it was
24 a present sense impression.

25 We have both of those additionally in

1 this 911 call. Everything that Miss Stewart is
2 relaying to 911 is an excited utterance and
3 present sense impression from Corey Singleton.

4 Miss Cornwell's major issue was that it
5 was testimonial hearsay and didn't fall under any
6 sort of hearsay exemption. According to *Davis*,
7 it's not testimonial hearsay because the primary
8 purpose was to assist an ongoing emergency and it
9 falls under multiple exceptions to the hearsay
10 rule, business record, as well as excited
11 utterance, 803(1), as well as 803(2), present
12 sense suppression.

13 THE COURT: All right.

14 MS. JONES: You want me to keep going
15 with the different -- okay.

16 Next we have Corey Singleton's
17 statements, Your Honor. Those are -- for your
18 information, he was obviously on scene when the
19 police respond. He's there. He speaks to three
20 different officers on scene. Those are the three
21 that I'm asking to admit. They are made 17
22 minutes, 31 minutes, and 46 minutes after the
23 shooting happened. They are made to a Driscoll,
24 Ahrens, and Abell with the sheriff's office. And,
25 in those statements, he is being asked what

1 happened, what are they driving, and it's all in
2 an effort, again, to assist in this ongoing
3 emergency, this ongoing dangerous situation that
4 Beaufort County is faced with and are now trying
5 to apprehend these two dangerous shooters.

6 They all fall under 803(1) and (2),
7 present sense impression. Present sense
8 impression has to be describing or explaining an
9 event or condition, must be contemporaneous with
10 the event, and the declarant must be the person
11 that received it. We have all of that from these
12 statements. And while it's not exactly at the
13 same time that the event is happening, it's
14 immediately thereafter. And according to
15 South Carolina, there's no time limit on what
16 immediately thereafter constitutes.

17 It's also an excited utterance. The
18 statement must relate to a startling event.
19 Mr. Singleton was just shot at multiple times.
20 His cousin was murdered in front of his eyes. It
21 must have been made while he was under the stress
22 of the excitement. Again, within minutes of
23 surviving a shooting where 23 shell casings were
24 collected, he's given these statements. And then
25 it must be caused by the -- the stress must be

1 caused by the startling event or condition. He
2 was in the state of shock because of what he had
3 just survived.

4 Additionally, if you look at *Supreme*
5 *Court of Michigan vs. Bryant*, pursuant to *Michigan*
6 *vs. Bryant*, there's no *Crawford* violation because
7 the officers were on scene, they didn't know where
8 the shooters were, they had a living target, and
9 the shooters were very likely to come back. Here,
10 again, as in *Michigan vs. Bryant*, the primary
11 purpose was to assess the situation and diffuse an
12 emergent situation. In *Michigan vs. Bryant*, there
13 was a living victim. They found him on the gas
14 station ground. He had been wounded. He
15 eventually passed away from his wounds, but he was
16 able to describe what happened and who injured
17 him.

18 They held that, because these statements
19 were to assist in an emergent situation, they were
20 not testimonial in nature. They were
21 non-testimonial. And I do have copies of those
22 cases for the Court as well.

23 I've also included *State vs. Sims*. When
24 we heard the word "excited utterance," we would
25 think maybe the person has to be under a sense of

1 excitement. Sims is very clear that "excited"
2 does not mean excited in the normal sense of the
3 word. Somebody could be excited and be more
4 reserved in their speech because it could be
5 because of shock, and that's exactly what
6 Corey Singleton was experiencing that day.

7 The surveillance, Your Honor -- that is
8 all I'm going to have for the 911 call and the
9 statements of Mr. Singleton.

10 Mr. Singleton did give a formal station
11 house interview. What happened was, he was
12 en route right after the shooting to go to the
13 sheriff's office to give a formal interview. He
14 got anxious on the way there, pulled over, called
15 his attorney, and then went -- his attorney met
16 him there, Mr. Singleton met him there, and then
17 the interview happened. So while he did appear
18 apprehensive at first, he still went straight to
19 the sheriff's office and had his attorney present
20 for his interview. I'm not trying to get into
21 that interview. I think that is a Crawford
22 violation.

23 Surveillance videos. For surveillance
24 videos, I'm going to turn to *Deep Keel*, a civil
25 case, Your Honor, but it deals with authentication

1 in rule 901. *Deep Keel* is a civil case dealing
2 with banks and mortgages and mortgages that were
3 reassigned and people were being foreclosed upon.

4 Essentially what happened in *Deep Keel*,
5 Your Honor, is *Deep Keel* obtains this mortgage
6 that had already been defaulted on. *Deep Keel*,
7 when they obtain this mortgage, reviews all these
8 bank documents in order to see what exactly
9 they're getting themselves into.

10 At trial *Deep Keel* admitted through their
11 sole proprietor essentially, his last name was
12 Bynum, these bank documents. And the defense, of
13 course, objected. They said he cannot
14 authenticate those bank documents. He didn't
15 create them. He didn't do any of that. And the
16 Court said that that's not what is required. All
17 that is required is that the State has to put up
18 evidence sufficient to support a finding that the
19 matter is what the proponent claimed it to be.
20 The Court held that because he reviewed those bank
21 documents prior to his obtaining the mortgage, he
22 reviewed them prior to court, and they were
23 admitted through him at court, he did know what
24 those bank documents were, and the State -- or
25 *Deep Keel* in that instance did produce evidence

1 sufficient that the jury could conclude that they
2 were what the proponent said they were.

3 In this particular case, yes,
4 Corey Singleton is deceased. How it played out on
5 scene was, he is seated in the grass. He tells
6 the investigator -- he tells all the initial
7 responders, I have surveillance.. If you let me
8 get my phone, I can show you the surveillance.
9 They said, *We're waiting for investigators to get*
10 *here.* The investigators get there. That's Abell
11 and Draisen with the sheriff's office. I believe
12 Draisen is actually in the courtroom, Your Honor.

13 On scene, Corey Singleton shows
14 Adam Draisen one of the clips. It is a
15 five-second clip of the moments after the
16 shooting. And if Your Honor would like, we can
17 certainly play all five clips for you.

18 He then, Mr. Singleton then, when he gets
19 to investigations, shortly thereafter, emails
20 Adam Draisen all five clips. I have copies of
21 those emails. Adam Draisen was able to review
22 those clips, as well as the one he reviewed on
23 scene, see that it matched the scene as he was
24 looking at it, see that the additional clips that
25 he was emailed straight from Corey Singleton where

1 it has Corey's email address on these emails, that
2 they, too, matched the scene that he was
3 responding to that day. I then had the clips on
4 surveillance.

5 Your Honor, according to *Deep Keel*, we've
6 met authentication through Adam Draisen. He can
7 testify that Corey Singleton showed him the clip
8 on scene, that, thereafter, they went to the
9 investigator's office. At the investigator's
10 office, Corey Singleton emailed him five clips,
11 four in addition to the one he already showed him,
12 and those clips are what are on this disk. He can
13 say those are the clips that he reviewed. He can
14 say that those clips match the scene because he
15 responded to the shooting incident. He can also
16 say it was from a Blink camera system, which is a
17 web-based camera system.

18 And Miss Cornwell said that Amazon had
19 told the sheriff's office that the reason those
20 clips were not there is because they had been
21 deleted. They said that they possibly could have
22 been deleted. They just don't know.

23 But I do believe that we have enough to
24 satisfy the authentication. It is low burden,
25 Your Honor. I don't have to prove how, when, or

1 why documents were created. The documents would
2 be the video. That is not what authentication
3 requires. That's not what 901 requires.

4 Common sense just tells us that this
5 video is essentially a moving photograph, and a
6 witness with knowledge is allowed to authenticate
7 that. There are two statements in this video by
8 both of the shooters. They are not hearsay by
9 definition. They are admissions by party
10 opponents. The one that the State is not
11 attributing to Mr. Preston, to Mr. Polite, is the
12 statement of a co-conspirator during the
13 conspiracy. And, again, Your Honor, I can happily
14 show you the video, but what the statements are
15 are, *Hey, man, why you don't get him*, that's
16 Mr. Preston making that statement, to which
17 Mr. Polite says, *I ran out, I ran out*.

18 I think under 901, they can be
19 authenticated. I think Adam Draisen can clearly
20 authenticate them. Based on that, and it is not
21 hearsay. I can tell you right now South Carolina
22 doesn't have any case law on surveillance videos
23 being hearsay or not. I looked. Multiple other
24 states and multiple other districts and
25 jurisdictions have all said that surveillance

1 videos are not hearsay.

2 I believe that brings us to the statement
3 of Mr. Preston. Going to his, Mr. Preston's
4 statement, I did provide that to the Court. He
5 gave two statements. One on scene to investigator
6 Duncan. One at investigations after he was
7 transported from the scene to investigations. He
8 never once said he shot in self-defense. He
9 actually denies shooting a gun entirely. He's
10 actually handed the defense of self-defense and he
11 won't take it. He finally says -- he lies. He
12 says, *You can check my ankle monitor. I wasn't*
13 *there.* And he said -- Investigator Duncan says,
14 *We know you were there.* And he says, *I was there.*
15 *I was there to buy weed and it went sideways.*
16 That's the extent of his statement. He never says
17 he shot in self-defense. In fact, he's real clear
18 that he didn't shoot a gun. *I didn't shoot a gun*
19 *that day,* is what he say.

20 Then we go into the word "Glizzy." So
21 Beaufort County Sheriff's Office is real familiar
22 with Channon Preston. As Your Honor knows, he was
23 very vocal in that interview about just beating
24 two murder chares. That was the case investigated
25 by the Beaufort County Sheriff's Office. They

1 were not, in fact, murder charges. They were
2 accessory after the fact of murder. They were
3 dismissed, so he did beat two charges. But
4 Beaufort County knows him and knows him as Glizzy.
5 That is what he is known as. I have his Facebook
6 page where it has his name, Glizzy G. It says
7 Channon Preston, Glizzy G in parenthesis.

8 Beaufort County Sheriff's Office also
9 know because they have dealt with him before that
10 his mother Anita Baker drives a white minivan.
11 While Beaufort County Sheriff's Office is
12 responding to Stonewood, the shooting incident,
13 Investigator Duncan and Investigator Snider
14 simultaneously respond to Channon Preston's home
15 because they know he's Glizzy and his mom drives a
16 white van. They keep eyes on it until violent
17 crimes task force gets there, until a search
18 warrant can get signed, and then they make entry
19 once everybody is out and detained.

20 That doesn't come from Corey Singleton.
21 That comes from their prior knowledge of Glizzy
22 and the white van. Yes, the name Glizzy comes
23 from the 911, but again, that's not testimonial
24 and that's an exception under presence sense
25 impression and excited utterance.

1 I think I've hit on everything.

2 THE COURT: So the fact that the defense
3 is not going to contest the Denno portions of the
4 statement, do we need to have the Jackson Denno
5 hearing?

6 MS. JONES: I don't think so.

7 THE COURT: No? All right.

8 MS. JONES: As long as it's just on the
9 record that they're not.

10 THE COURT: Fair enough. She's indicated
11 no.

12 MS. CORNWELL: No.

13 MS. JONES: I do want to add for the
14 Court's information, there are numerous portions
15 of that interview, both interviews that are
16 inadmissible, I have redacted any reference to the
17 ankle monitor and the prior charges in the prior
18 case.

19 THE COURT: All right. Would you like to
20 respond?

21 MS. CORNWELL: Yes, Your Honor. In
22 regards to the 911 tape, the distinguishing factor
23 with State v. Davis -- or *Washington v. Davis* that
24 was handed up, as well as most of our other 911
25 hearsay exception cases is that that hearsay in

1 that 911 call is the actual victim calling 911 and
2 giving a statement at that time. That's not what
3 we have here.

4 What we have here is double hearsay
5 because it's a third party that's speaking to the
6 911 operator and speaking and getting information
7 that is being related to them by Mr. Singleton at
8 the request of the 911 operator. So he's not
9 giving excited utterances. This isn't something
10 where he's at, you know, a high state of anxiety
11 and is just blurting things out and this person is
12 relaying that information to law enforcement.
13 These are specific questions asked in furtherance
14 of an investigation that are going to be used for
15 prosecutorial purposes through that case.

16 Our Supreme Court has not come out with
17 anything since the *Washington v. Davis*, however
18 our Court of Appeals does have a ruling in
19 *State vs. Hendricks*, that is 759 S.C. 2d 435.
20 It's a 2014 case. And, in that case -- what that
21 case was, was a woman's daughter was sexually
22 assaulted by her boyfriend. The daughter called,
23 the mother gave an excited utterance as to what
24 happened to the mother (sic). The mother came and
25 got the daughter and was driving her to the

1 hospital and the mother then called 911. The
2 mother then relayed all the information that the
3 daughter had given her, including identification,
4 where the person was, what happened to the 911
5 operator. What the court in *Hendricks* ruled was
6 that the statements made to 911 from the mother
7 did constitute inadmissible hearsay. She was not
8 present. She was a not a witness. So none of the
9 information she was giving 911 was a firsthand
10 account. What she was doing was relaying to 911
11 what she had previous been told, or what she was
12 being told when the 911 operator was on the phone.

13 What the Court of Appeals did indicate,
14 though, was that the daughter's statements to her
15 mother immediately after the sexual assault did
16 fall under the excited utterance exception, and so
17 those statements could be used. However, the 911
18 call could not be used. *Hendricks* deemed it
19 harmless error, but the order is specific in the
20 fact that because the mother was not a witness,
21 the mother was not -- I mean, they were on the way
22 to the hospital sometime in the past, that that
23 did not fall under any of the hearsay exceptions.
24 I believe the same would be true in this case.

25 In this case, the only thing that

1 Mr. Singleton apparently says to Miss Stewart when
2 911 is called is, *I think I've been shot*. The
3 woman then calls 911. 911 -- she asks 911 to
4 come, send law enforcement out. She's not giving
5 any excited utterances. And then once law
6 enforcement and the 911 operator starts asking
7 questions, she then asks questions to
8 Mr. Singleton who is not giving any excited
9 utterances or anything, he's just simply answering
10 the questions that are being asked by law
11 enforcement, which would be testimonial in nature.
12 I believe that our court appeals in *Hendricks* does
13 indicate that those are third-party hearsay with
14 the hearsay cases, the 911 tapes would be
15 inadmissible. And again, it's distinguished from
16 Davis and the other 911 call cases.

17 Our Supreme Court in another *State v.*
18 *Davis* case does touch on the different arguments
19 as to whether or not 911 calls are hearsay and
20 testimonial in nature. They reference a lot of
21 the different courts around the country and their
22 rulings on them. But in all of those cases, it is
23 the alleged victim on the 911 call who is not
24 available as a declarant, and that alleged victim
25 is the one that is actually making those phone

1 calls not a third party relaying information.

2 And, again, there's a pretty significant
3 history in *State v. Davis*. It goes through
4 statements made by children, educational writings,
5 but it also touches on 911 statements and gives a
6 fairly descriptive reasoning behind their rulings.

7 I will tell you, in *State v. Davis*, they
8 did indicate that that was not hearsay. But,
9 again, the *Hendricks* case follows up on that
10 because in the *Davis* case the statements made by
11 Greg Hill were made and not testimonial in nature.
12 But the statements in *Hendricks* were indicated to
13 be testimonial in nature. They were being offered
14 for the truth of the matter asserted so they
15 weren't hearsay by a third party. And *Hendricks*
16 decided that 911 tape would have been or should
17 have been ruled inadmissible hearsay.

18 As far as the video clips and the
19 authentications, law enforcement was not present
20 during this shooting so there is no way that they
21 can testify that what is in that video, what they
22 are purporting it to be, is the actual incident or
23 what anybody is saying happened in that incident.
24 The only person that can testify as to what is in
25 that video being truthful and accurate would be

1 the person present, or the homeowner, would be
2 Mr. Singleton. If we were only going to allow law
3 enforcement with the surveillance videos and then
4 testify as to their authenticity, we would never
5 require anybody to come in from the surveillance
6 video companies from convenience stores to testify
7 that that video is true and accurate.

8 In this instance, we're not even getting
9 the full incident. We're not getting any of the
10 incident. We're getting, I believe, the aftermath
11 of the incident and possibly something prior to
12 the incident. But the actual shooting itself is
13 not contained in those clips because we don't have
14 it. It's presumably deleted. Amazon would have
15 the originals. Obviously, under 80 -- sorry. The
16 authentication under 901 can't be completed.
17 Furthermore, rule 1002 has the requirement of the
18 original to prove the content of a writing,
19 recording, or photograph. The original writing,
20 recording, or photograph is required except as
21 otherwise provided by any rules or by statute.

22 Regarding the admissibility of
23 duplicates, it is to the same extent as the
24 original unless a genuine question is raised as to
25 the authenticity of the original where under the

1 circumstances it would be unfair to admit the
2 duplicate in lieu of the original. Here we don't
3 have any of the originals. Amazon would have been
4 the person that was in charge of the originals,
5 however Amazon does not have those. Mr. Singleton
6 is not available to testify as to what was in that
7 video or to testify as to whether or not he
8 modified, edited, or deleted any of those videos.
9 Certainly, the motion detector, as one of these
10 clip shows, has indicated as soon as a car comes
11 down the driveway and so it should have been a
12 continuous recording of those clips. We do not --
13 from the time that this white van arrives until
14 the time that Mr. Singleton goes next door.
15 However, we don't have any of that. We have once
16 the shooting is over what Mr. Singleton purports
17 is what happened based on his statements, but
18 nothing in that video shows anything of the actual
19 incidence. And, in fact, it's our position that
20 what Mr. Singleton states is in that video is not
21 actually true and accurate as to what happened.
22 And, of course, we don't have the ability to
23 cross-examine him. Law enforcement cannot
24 authenticate it because they weren't there, so
25 they cannot truthfully testify that what is in

1 those little clips is what it is purported to be,
2 and that is that my client in any way participated
3 in the shooting.

4 I think the State made my argument for me
5 when they indicated that the only statement he
6 gave was not an incriminating statement. He never
7 gave a statement against interest, which, again,
8 all his statement is self-serving hearsay, so that
9 should not come in.

10 And, again, with Glizzy, the fact that
11 law enforcement knows him by that nickname has no
12 bearing on the fact that his given name is
13 Channon Preston. All the documents are Channon
14 Preston. There is nothing that is overly
15 probative about the nickname Glizzy in any way.
16 Channon Preston is identified. And so I don't
17 believe that under a 403 analysis that nickname is
18 more probative than prejudicial. Obviously, it
19 has extreme prejudicial nature in the fact that
20 it's a nickname for a gun. It gives reference to
21 gang activity.

22 When it comes to the fact that he has
23 beaten murder wraps, I don't believe that is in
24 any way probative to the matter at hand here.

25 THE COURT: Let me do this, the only one

1 that I have some questions for follow-up,
2 Mrs. Jones, is, how do you plan on getting in the
3 fact that his nickname is Glizzy without bringing
4 up the fact that he had just been investigated for
5 a murder case?

6 MS. JONES: I think I can just leave it
7 at that. Working in the area for years and years
8 and years, they know the members of the community,
9 and they know Mr. Preston and they know that he
10 goes by Glizzy.

11 THE COURT: And how do they know that he
12 goes by Glizzy?

13 MS. JONES: That's what's on his Facebook
14 page, Your Honor.

15 THE COURT: All right.

16 MS. JONES: That's what everybody calls
17 him. Additionally, when Investigator Duncan is
18 detaining Josh Washington on scene, he is yelling,
19 *Glizz, come on out, Glizzy come out, come on out*
20 *now.* He is calling him that in front of Duncan.

21 THE COURT: I understand. My only
22 concern is that brings up some reference that they
23 have had some communication or investigation or
24 some reason to be on his Facebook. You see what
25 I'm saying? Because I wouldn't never have any --

1 MS. JONES: Additionally, his brother was
2 killed, Your Honor. This investigator was part of
3 that investigation and he did meet him through
4 that as well. But that doesn't put him as a
5 suspect or anything but solely victim, honestly.

6 THE COURT: And so Mr. Preston's brother
7 was killed?

8 MS. JONES: He was. A few years before
9 this happened.

10 THE COURT: And the investigator in this
11 case investigated that case.

12 MS. JONES: Multiple members that worked
13 this case also worked that case.

14 THE COURT: And did they have to
15 interview or speak to or have any communications
16 with Mr. Preston concerning that case?

17 MS. JONES: I'm not sure. Yes. And all
18 of the family are telling me.

19 THE COURT: All right.

20 MS. CORNWELL: I don't think that's
21 probative in any way. I don't find that name is
22 probative. Obviously, because his name is
23 Channon Preston, they talked to him as Channon.
24 When they are speaking and interview and all that,
25 they don't address him as Glizzy. It's always

1 Channon or Mr. Preston, so why they need to bring
2 into this courtroom "Glizzy," I think is for the
3 prejudicial value of that. There is no probative
4 value to the fact that his nickname is Glizzy.

5 THE COURT: Fair enough. Here's what
6 we're going to do. I'm going to take a -- I'm
7 very familiar with Crawford, but I want to take a
8 look at Keel just for the authentication purposes,
9 and also Davis as well real quickly.

10 But let's just plan on being back here
11 about 1:55 and I'll give my rulings. All right?
12 You-all enjoy lunch.

13 MS. CORNWELL: Your Honor, while you're
14 looking at Keel, it's *State vs. Green*, 427 SC 223,
15 that does discuss 911 authentication and whether
16 or not it can be authenticated.

17 THE COURT: All right. We'll take a look
18 at all of them.

19 MS. CORNWELL: Thank you, Your Honor.

20 (A recess was taken from 12:51 to 2:05 p.m.)

21 THE BAILIFF: All rise.

22 MS. JONES: Your Honor, we didn't raise
23 the issue of sequestration earlier. I have no
24 position on sequestration. I believe Miss
25 Cornwell does want the witness sequestered.

1 THE COURT: Is that correct?

2 MS. CORNWELL: Yes, Your Honor.

3 THE COURT: All right. If you'll just
4 help us out with that, Miss Jones, I'd appreciate
5 it.

6 MS. JONES: My only question would be
7 that lead investigator remain, as well is Miss
8 Amanda Glover, who is Steven Glover's mother.

9 THE COURT: Is she going to testify.

10 MS. JONES: Miss Glover, Mikala Glover
11 and Miss Lavantay Blue are all on Miss Cornwell's
12 witness list.

13 MS. CORNWELL: Your Honor, I don't have
14 an objection to the mother staying in the
15 courtroom.

16 THE COURT: Problem solved. All right.

17 MS. CORNWELL: I will tell you, Honor,
18 that Miss Anita Baker was on the witness list.
19 She is in the courtroom. I do not intend on
20 calling her as a witness and have her testify. I
21 just wanted to see if the juror knew her, that
22 witness, so I would ask that she be allowed to
23 stay in the courtroom as well. She is not -- I do
24 not intend on calling her to testify.

25 THE COURT: All right.

1 MS. CORNWELL: Your Honor, the victim's
2 sister, Mikala Glover, I also do not intent to
3 call her to the stand, so I have no objection to
4 her remaining in the courtroom as well.

5 THE COURT: Okay.

6 MS. JONES: I do not believe any other
7 potential witnesses are in the courtroom.

8 THE COURT: All right. Real quick. Miss
9 Jones, you indicated that the statements that were
10 given on behalf of Mr. Singleton to law
11 enforcement, you gave out the time frame. You
12 said 17 -- give me the time frame again.

13 MS. JONES: The first one was 17 minutes
14 after.

15 THE COURT: 40?

16 MS. JONES: 31 minutes after.

17 THE COURT: 31.

18 MS. JONES: And 46 minutes after.

19 THE COURT: Okay, Thank you.

20 MS. JONES: And also, Your Honor, I don't
21 know that this was made clear, the reason that
22 "Glizzy" is important in this case is because in
23 the 911 call, that's the name that's provided.

24 THE COURT: Right you told me that. They
25 also said something about, *Glizz*, are you still in

1 there?

2 All right. So my ruling as to the 911
3 call, I understand the argument of double hearsay,
4 but I do find that is it is non-testimonial under
5 Crawford and that it is hearsay; however, that
6 there is the exception of excited utterance and
7 present sense impression. And so I'm going to
8 allow it to come in.

9 The -- I said that backwards, didn't I?
10 It's not testimonial in nature. I said that?
11 Okay. I'm making sure I said it correctly,
12 because that, obviously, plays a big part.

13 All right. Mr. Singleton's statements,
14 we all agree that any of the statements that would
15 have been taken by law enforcement that would have
16 been recorded, that we all agree that that would
17 violate the constitution provision of Crawford,
18 and that those are not going to be coming in even
19 though I don't believe anybody was pushing for
20 those.

21 However, the excited utterances that were
22 given to the officers, I find that to be an
23 adequate time line, and I'll allow those
24 statements to come in.

25 The authentication of the Ring

1 surveillance clips, I want to hear how the --
2 Deputy Draisen is going to testify as to that, so
3 I'd ask that the defense at the appropriate time
4 just make that argument -- excuse me, make that
5 objection and I will rule on that at that time.

6 The name "Glizzy," if you're going to
7 utilize it under a probative versus prejudicial
8 403 argument, I certainly find it to more
9 probative than I would prejudicial. I would ask
10 that the officer leave it.

11 And to the testimony that his brother was
12 a victim, I'd ask that he not say "murder,"
13 because obviously that may be a retaliatory
14 nature. They may infer something like that. I
15 just want to say he was a victim of a crime, and
16 that the family investigated it and learned
17 through that investigation that his was Glizzy. I
18 don't him to say it was a murder case.

19 All right. That leaves the defendant's
20 statement. It doesn't have to be against interest.
21 He gave a statement and we all agree that under Denno
22 that it was coerced or forced or anything along those
23 lines so the defendant's statement will come in.

24 All right. And all other objections will be
25 noted for the record.

1 MS. CORNWELL: Your Honor, the excited
2 utterance exception that you make to Mr.
3 Singleton's statement, is that the statement going
4 for the 911 call?

5 THE COURT: Correct.

6 Well, no. And for the actual information
7 that he would be giving to the officers under the
8 present sense impression exception as well.
9 Because, I will say now, I find the 43 minutes not
10 to be outside the timeline of being able to give
11 an excited utterance.

12 MS. CORNWELL: Okay. And just to note
13 our objection for the record, we do feel that that
14 is still testimonial in nature, that is, questions
15 asked by law enforcement that's going to the truth
16 of the matter asserted. Again, any investigative
17 hearsay is not proper. It's still hearsay.
18 Obviously, law enforcement is asking questions.
19 They're asking to this witness. There is no more
20 danger at the time. The danger has -- law
21 enforcement is there. There only reason they are
22 asking questions at this time is so gather
23 information for prosecutorial purposes.

24 So, for purposes of the record, we did
25 not believe those qualify under Crawford or under

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1 the complicated clause and the 6th Amendment
2 violations, particularly with the Supreme Court
3 rulings on King stating that investigative hearsay
4 is not admissible and is not considered a harmless
5 error. That would be a reversible error.

6 THE COURT: All right. I'll take it
7 under advisement, and I can revisit that at a
8 later date.

9 MS. CORNWELL: Thank you, Your Honor.
10 Bring them out, please.

11 MS. JONES: Your Honor, I have to now --
12 the statements to the officers are under
13 advisement?

14 THE COURT: Yeah, under advisement. So
15 just don't bring them up in your opening statement
16 for right now.

17 MS. JONES: Those are my witnesses for
18 today.

19 MS. CORNWELL: Just for purposes of the
20 record, the statements, the excited utterance,
21 will be basically for the 911 information. By the
22 time law enforcement gets there and talks to them,
23 I don't think he can continuously make excited
24 utterances over and over and over again. There
25 was ample amount of time between the 911 call and

1 getting that information to law enforcement with
2 law enforcement actually arriving, with statements
3 given multiple times to multiple law enforcement
4 officers. All of that is done in completion of
5 the 911 call after the danger has subsided.

6 So it's testimonial. It's for
7 investigative purposes. It's going to the truth
8 of the matter asserted. And we have not had an
9 opportunity to cross-examine the witness in any
10 way, shape, or form, so we do believe that they do
11 apply to the present sense impression or the
12 excited utterance exception outside of the 911
13 call that Your Honor has already ruled on.

14 I believe the case law shows excited
15 utterance --

16 THE COURT: Hold on. I'm still reading.

17 MS. CORNWELL: Okay.

18 THE COURT: And what exception are you
19 arguing it comes in under, Miss Jones?

20 MS. JONES: The excited utterance and
21 present sense impression, both of those. And
22 according to *Michigan v. Bryant*, it really is not
23 testimonial in nature. The threat is still
24 ongoing. There's still an emergency situation
25 that, obviously, BCSO is attempting to remedy.

1 The present sense impression, Your Honor,
2 the case law straight from the rules state they
3 must describe or explain the event or condition.
4 That's what's happening. It must be
5 contemporaneous with the event. Even *United*
6 *States vs. Jackson* says it doesn't have to be even
7 as it's happening. It could be thereafter. It's
8 clear to the person who perceived the event. We
9 have all of those three. That's present sense
10 impression and excited utterance. The statement
11 must relate to a startling event or condition.
12 Being shot at with 23 bullets flying is pretty
13 startling, Your Honor. Made under the stress and
14 the excitement. Clearly, it is. And must be
15 caused by the startling event or condition. And,
16 according to *State vs. Sims*, he doesn't have to be
17 excited in the normal sense of the word.

18 THE COURT: And how soon after the 911
19 call did the officers arrive on scene?

20 MS. JONES: They arrived on scene --
21 Driscoll was one of the first ones on scene and he
22 is the one that took the statement 17 minutes
23 after the 911 call, correct?.

24 THE COURT: So that's where your time
25 frame is, from 17 to 41 to 36 -- or 46 to 31, or

1 whatever?

2 MS. JONES: 17, 31, 26.

3 THE COURT: All right.

4 MS. CORNWELL: And, Your Honor, I believe
5 the case is clear that we put present sense
6 impression and excited utterance, it's the first
7 person that they come in contact with. Obviously,
8 law enforcement officers and that first person
9 that this witness came in contact with to make an
10 excited utterance or present sense impression they
11 made that statement to Miss Stewart in connection
12 with relaying information to a 911 call. It was
13 not even an excited utterance to Miss Stewart. It
14 was the questioning of a 911 operator was when he
15 first gives the information out, that would be the
16 person that the excited utterance and present
17 sense impression exception would go towards, which
18 you've already ruled within the 911 tape is
19 allowed.

20 However, any further questioning by law
21 enforcement is for investigative purposes. Again,
22 nobody is shooting at that time. We don't even
23 know how far between the 911 call and the actual
24 incident. There was time between that as well. I
25 believe the witness is going to say they heard

1 gunshots when he came over, so I don't know
2 that -- again, understanding your ruling with the
3 911 call, I believe that's where the excited
4 utterance and present sense impression comes in.

5 Once law enforcement responds after being
6 dispatched and arrives, any questioning that they
7 have for him is not as if law enforcement walked
8 up and he ran up and just start regurgitating
9 everything. They specifically started asking him
10 questions. Pulled him aside to interrogate and
11 interview him. It's even noted in the reports
12 that they pull him to the side to interview him.

13 Therefore, I don't believe it falls under
14 the present sense impression or the excited
15 utterance. And that would be for Miss Stewart and
16 the 911 call, not to the law enforcement officers
17 on body cam, which they are clearly using for
18 investigative purposes and later to use for
19 prosecutorial purposes which is exactly what
20 *Crawford* and *King* caution against.

21 THE COURT: All right. Well, I'm
22 juxtaposing *Crawford vs. King* in the sense that
23 this was given by the actual victim of the crime
24 within 47 -- whatever the minutes I keep getting
25 backwards are, two law enforcement -- this is not

1 investigative information that they're just
2 utilizing as an exception to the hearsay rule, and
3 that the King witness was simply a witness that
4 was in the neighborhood being canvassed and,
5 obviously, did not experience the crime itself and
6 she was not the victim of the crime itself, and
7 that would simply just be analyzed under the
8 hearsay rule, which is what I'm doing here.

9 I find that the victim in this case was
10 the victim of the crime itself and that he would
11 still be under the concerns of the excited
12 utterance. And, obviously, present sense
13 impression, I find at the time when it's not too
14 far fetched or too far outstanding, so I'm going
15 to allow it. All right?

16 Everything is noted for the record.

17 MS. CORNWELL: Thank you, Your Honor.

18 MS. JONES: Thank you, Your Honor.

19 THE COURT: All right. Bring them out.

20 THE BAILIFF: Jury is entering the
21 courtroom, Your Honor.

22 (Jury enters the courtroom at 2:14 p.m.)

23 THE BAILIFF: Jury is seated, Your
24 Honor.

25 THE COURT: All right. Madame Clerk.

1 from whatever stipulations of counsel.

2 All right. Yes, ma'am.

3 MS. JONES: Thank you, Your Honor.

4 OPENING STATEMENT

5 MS. JONES: Ambush, gun fire, murder,
6 that's what happened on November 18th of 2020 over
7 at [REDACTED] Stonewood on St. Helena Island. Corey
8 Singleton, that afternoon ends with Steven Glover
9 dead, Corey Singleton running for his life, and
10 two shooters fleeing the scene. Two shooters who
11 you will learn that that man right their,
12 Channon Preston, and another man by the name of
13 Xavier Polite.

14 Now, this week Channon Preston is seated
15 at that table alone. This is his week in court.
16 Mr. Polite will have his. But this week, it's
17 about Mr. Preston.

18 On November 18th of 2020, that man,
19 Channon Preston with his friend Xavier are in
20 Channon's mother's white van. They go to the home
21 of Corey Singleton at [REDACTED] Stonewood. They don't go
22 there to meet Corey. They go there to meet with
23 Corey's cousin, a man named Steven Glover. Steven
24 Glover sold marijuana. And on this day, he was
25 set to sell to that man.

1 The white van pulls up and Steven, who is
2 in the driveway, he is sitting in the driver's
3 seat of his car and the white van pulls up. Once
4 the white van pulls up, the two shooters get out,
5 but they get out armed. One of them, Xavier
6 Polite, who is holding a Draco rifle, and that
7 man, Channon Preston, is holding a Tiffany blue
8 9-millimeter pistol, and they both unload.

9 Before it's all said and done, over 23
10 bullets are fired that day. Steven Glover is dead
11 from seven gunshot wounds. Corey Singleton is
12 running for his life. And that man and Xavier
13 Polite are fleeing the scene.

14 Now, this week you're going to hear from
15 multiple witnesses starting this afternoon,
16 starting right after these statements. You're
17 going to hear the 911 call. You're going to hear
18 Corey Singleton in that 911 call. Corey doesn't
19 call 911. He runs to his neighbor's house, and
20 his neighbor is Cynthia Stewart. Miss Stewart,
21 she calls 911 and you're going to hear that call.

22 But Corey is not going to be here to take
23 that stand and point and say that's the man right
24 there that tried to kill me. That's the man right
25 there that killed my cousin. He's not going to do

1 that because back in July of this year, Corey died
2 of a drug overdose.

3 Drugs, guns, murder. You're going to
4 hear about that dark part of Beaufort County.
5 You're going to hear all about it and all about
6 all three of those happened on November 18th of
7 2020.

8 You're going to hear from investigators
9 who are on scene, who responded, who found Steven.
10 You're going to hear from the paramedic who
11 responded. You're going to hear from multiple
12 different investigators all with Beaufort County
13 Sheriff's Office. You're going to hear from
14 someone who we call forensic scientists, forensic
15 analysts. They're going to talk to you about some
16 of the evidence that was analyzed.

17 You're going to go back to November 18th
18 of 2020, and what you're going to see is that
19 every piece of evidence, every word that comes off
20 that witness stand, every piece of evidence that's
21 admitted into this trial points in one direction.
22 And the judge is going to instruct, many
23 sometimes, he's already done so, do not talk about
24 this case until you have heard everything. And
25 that is important because what you will hear

1 witness by witness, word by word, exhibit by
2 exhibit is that everything points to one table,
3 everything points to one man, and everything
4 points to one verdict and that's that Channon
5 Preston is guilty.

6 THE COURT: Yes, ma'am.

7 MS. CORNWELL: Thank you, Your Honor.
8 May it please the Court?

9 OPENING STATEMENT

10 MS. CORNWELL: Ambush, gunfire and
11 murder. Sounds pretty exciting. Too bad for the
12 State they're not going to be able to prove that
13 any of that actually occurred. Moreover, they're
14 not going to be able to prove that my client,
15 Channon Preston, is the person that did any of
16 this gunfire, ambush, and murder that they told
17 you about.

18 It is the State's burden of proof to
19 prove each and every element of each and every
20 crime that they have charged my client with. And
21 the way they do that is through presenting
22 testimony from the witness stand and evidence to
23 you that you get to consider and that you get to
24 use your common life experiences and analyze the
25 evidence and analyzing that proof to determine

1 whether or not that testimony and that evidence
2 proves to you beyond a reasonable doubt that my
3 client did what the State says that he did.

4 Now, during the course of Miss Jones's
5 opening statement she talked to you about
6 Corey Singleton. Corey Singleton is not going to
7 be able to take that stand. Corey Singleton is
8 not going to be able to be cross-examined. So
9 what the State is asking you to do and telling you
10 that you should believe is the statement of one
11 person and to take that statement as truth and
12 fact and let your decision be based solely on that
13 one person's initial statement that nobody else
14 can question him about, that nobody else gets to
15 cross-examine about, that nobody else gets to try
16 to point out where he is being untruthful, where
17 he is lying, where he is covering for himself so
18 that he doesn't get himself in trouble --

19 MS. JONES: Your Honor?

20 THE COURT: Ms. Cornwell, keep it to what
21 you believe the evidence will show.

22 MS. CORNWELL: You won't get to see any
23 of that.

24 What the evidence will show is that my
25 client had nothing to do with murdering

1 Steven Glover, and my client had nothing to do
2 with trying to kill Corey Singleton.

3 In the state of South Carolina murder is
4 the unlawful killing of another person with malice
5 aforethought. The State has to prove to you
6 beyond a reasonable doubt three things: First
7 they have to prove to you that there was a
8 killing, and they will do that. Steven Glover,
9 unfortunately, did die as a result of gunshot
10 wounds. The second thing they have to prove to
11 you, though, is that the killing was unlawful.
12 Not every killing is an unlawful killing in the
13 state of South Carolina. There are many reasons
14 and many justifications for the killing of another
15 person. You've got self-defense. You've got
16 defense of others. You've got accident. So not
17 only do they have to prove that there was a
18 killing, but they have to prove that killing was
19 unlawful.

20 Then they still have to prove that the
21 unlawful killing was done with malice
22 aforethought. When we get into the definition of
23 malice, we talk about a depraved heart, an evil
24 intent, ill will. The State will have to prove
25 that my client, one, is the person that killed

1 Steven Glover, which they're not going to be able
2 to do; two, that the killing was unlawful; and
3 three, that it was done with malice aforethought.
4 And they have to prove each of those elements to
5 you beyond a reasonable doubt.

6 So what is reasonable doubt? The judge
7 is going to explain to you at the end of this case
8 exactly what the reasonable doubt is. But for the
9 purposes here, a reasonable doubt is the kind of
10 doubt that would hesitate a person to act.

11 When you came in as jurors, you indicated
12 to this court that you knew nothing about this
13 case. If after hearing all the testimony and
14 evidence in this case, you are not firmly
15 convinced that the State has proven each and every
16 element of each and every charge beyond a
17 reasonable doubt, the judge is going to instruct
18 you that you have a duty to find that my client
19 not guilty.

20 And when you analyze this case and you
21 listen to the testimony and you look at the
22 evidence, while it's important to look at what the
23 State is presenting to you, it's also important to
24 notice what they are not presenting to you and
25 what evidence they are not showing you. Because,

1 again, you, as jurors, bring in your common sense,
2 your life experiences. And in doing that, you get
3 to apply those life experiences and that common
4 sense to the case that you are going to see.

5 Now, let's talk about attempted murder.
6 Attempted murder is a little bit different than
7 murder. Attempted murder is a specific intent
8 crime and the judge is going to explain that to
9 you. But what that means is that the State has to
10 prove that my client specifically intended to kill
11 Corey Singleton, and I present to you that they
12 will not be able to do that.

13 The third crime that my client is charged
14 with is possession of a weapon during the
15 commission of a violent offense. And in order to
16 find my client guilty of that, the State has to
17 prove to you beyond a reasonable doubt that not
18 only was he in possession of a firearm, but he
19 possessed that firearm in furtherance of
20 committing a violent crime. He has to have
21 intended to commit the violent crime while in
22 possession of his firearm, and they're not going
23 to be able to do that because you will not get to
24 hear from a single person on this stand that my
25 client did anything in this case. You will not

1 hear from a single person that's going to take
2 this stand that any bullets from a gun that the
3 State claims to be my client's were found inside
4 the body of Steven Glover.

5 While Steven Glover's death is tragic,
6 what the State is not going to be able to prove is
7 that it was murder. More importantly, what the
8 State is not going to be able to prove is that it
9 was murder committed at the hands of my client.

10 And after you've listen to the
11 testimony -- or the lack thereof testimony, the
12 evidence and lack thereof, and listen to the
13 judge's instructions on proof beyond a reasonable
14 doubt, I am confident that you will do your duty
15 as jurors and find my client not guilty, because
16 that's what he is. He is not guilty of murder, he
17 is not guilty of attempted murder, and he is not
18 guilty of possessing a weapon during the
19 commission of a violent crime.

20 THE COURT: All right. Call your first
21 witness.

22 MS. JONES: Thank you, Your Honor.

23 The State calls Allyson Moreira.

24 THE CLERK: Raise your right hand. Do
25 you solemnly swear or affirm to truthfully answer

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1 all questions asked of you by this court so help you
2 God?

3 THE WITNESS: I do.

4 THE CLERK: Have a seat up here and state
5 your name, first and last, and spell your last
6 name for the Court. Thank you.

7 THE WITNESS: Allyson Moreira,
8 M-o-r-e-i-r-a.

9 WHEREUPON:

10 ALLYSON MOREIRA,
11 after having been sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. JONES:

14 Q Good afternoon, Miss Moreira. Where are you
15 employed?

16 A The Beaufort County Sheriff's Office.

17 Q And what do you do with the sheriff's office?

18 A I'm a 911 audio clerk.

19 Q What does that mean?

20 A I receive requests from officers for the 911
21 calls in evidence.

22 Q And are these calls kept in the ordinary course of
23 business?

24 A They are.

25 Q Were you asked to provide a 911 call for the case

Testimony of Allyson Moreira

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1 we're here for today?

2 A Yes.

3 Q And did you, in fact, provide that call?

4 A I did.

5 MS. JONES: Your Honor, permission to
6 approach?

7 THE COURT: Absolutely.

8 (STATE EXH. 1, 911 call, was marked for
9 identification.)

10 BY MS. JONES:

11 Q Miss Moreira, I'm going to hand you what has been
12 marked as Exhibit 1. Do you recognize that item?

13 A I do.

14 Q And what is that?

15 A It's the 911 recording.

16 Q And is that a fair and accurate copy of the 911
17 recording?

18 A It is.

19 MS. JONES: Your Honor, at this time
20 State moves 1 into evidence.

21 THE COURT: All right. Any objection?

22 MS. CORNWELL: Yes, Your Honor. Same
23 objection under Crawford.

24 THE COURT: All right. Over the
25 objection.

1 Testimony of Allyson Moreira
2 (STATE EXH. 1, 911 call, was entered into
3 evidence.)

4 MS. JONES: Permission to publish?

5 THE COURT: Yes, ma'am.

6 (911 call played in its entirety.)

7 MS. JONES: I have no further questions
8 for this witness.

9 MS. CORNWELL: No questions, Your Honor.

10 THE COURT: All right. Thank you very
11 much. You may step down.

12 MS. JONES: The State calls Cynthia
13 Stewart.

14 THE BAILIFF: Right up here, ma'am.

15 THE CLERK: Miss Stewart, can you raise
16 your right hand for me? Do you solemnly swear or
17 affirm to truthfully answer all questions asked of
18 you by this court so help you God?

19 THE WITNESS: Yes.

20 THE CLERK: Have a seat right up here.
21 State your name in the microphone. Spell your
22 last name for the record. Thank you so much.

23 THE WITNESS: Cynthia Stewart,
24 S-t-e-w-a-r-t.

25 WHEREUPON:

 CYNTHIA STEWART,

1 Testimony of Cynthia Stewart
2 after having been sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. JONES:

5 Q Good afternoon, Miss Stewart. How are you?

6 A Okay.

7 Q Where do you live?

8 A [REDACTED] Fripp Point Road on St. Helena Island.

9 Q And how close is that to [REDACTED] Stonewood?

10 A It's not that far.

11 Q Are you-all neighbors?

12 A Yes.

13 Q Okay.

14 A Yes.

15 Q Did you know a man named Corey Singleton?

16 A Yes.

17 Q Do you know what has recently happened to
18 Mr. Singleton?

19 A Yes.

20 Q What happened?

21 A Well, all I know, he -- he died. His mom
22 told me he passed away.

23 Q How did you know Mr. Singleton?

24 A Just from passing through, and I knew his mom
25 because she taught my grandson in school. And so
just passing by, and, you know, seeing him. I've

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1 talked to him a few times.

2 Q Did Corey live at [REDACTED] Stonewood?

3 A Yes.

4 Q Do you remember November 18th of 2020, the day
5 that Corey came to your house?

6 A Yes, definitely.

7 Q Could you tell me about that?

8 A Well, we -- my husband and I were home
9 because we are both retired. We heard a knock on
10 the door. It was kind of a frantic knock. I
11 said, who is it, and I could hear someone
12 saying --

13 MS. CORNWELL: Objection to hearsay, Your
14 Honor.

15 THE COURT: Ma'am, one second. I know
16 this is going to be very difficult, but you can't
17 say what someone said to you. You can only say
18 what you did as a result of what someone told you.
19 Okay?

20 THE WITNESS: Okay.

21 BY MS. JONES: .

22 Q Who was knocking on the door?

23 A So Corey was knocking on the door.

24 Q Okay. And how did Corey appear to you?

25 A Devastated.

Testimony of Cynthia Stewart

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1 Q And, as a result of Corey coming to your house,
2 did you then call 911?

3 A Yes.

4 Q Now, when Corey comes to our house, did the police
5 eventually get there?

6 A Yes.

7 Q At any time from when you first see Corey until
8 the police get there, does he leave or does he stay at
9 your home with you and your husband?

10 A He stays right on the porch.

11 Q And he waits with you-all until the police get
12 there?

13 A Yes.

14 Q And then he goes and speaks with the police?

15 A Yes.

16 Q After Corey left, did you notice something on your
17 porch?

18 A Yes.

19 Q And what was that?

20 A It was a gun.

21 Q What did you do when you saw this gun?

22 A I called the officers and told them there's a
23 gun on my porch and someone needs to come get it
24 because I will not touch it.

25 Q And did they come and get it?

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1 A Yes.

2 MS. JONES: I have no further questions
3 for Miss Stewart.

4 THE COURT: All right.

5 CROSS-EXAMINATION

6 BY MS. CORNWELL:

7 Q Good afternoon, Miss Stewart.

8 Miss Stewart, on November 18th of 2020, prior
9 to Mr. Singleton knocking on your door, did you hear
10 any gunshots or anything that day?

11 A I didn't hear any.

12 Q Prior to that day, had you heard gunshots coming
13 from that residence before?

14 A Oh, yes.

15 Q When you called 911, you made a comment that you
16 were afraid something was going to happen. Is that
17 based on the fact that you would often hear gunshots
18 being fired from that residence?

19 A Yes.

20 Q And after law enforcement arrived and you walked
21 back to your house, you located a gun on the front
22 porch?

23 A I never left my house until the police got
24 there.

25 Q Once the police got there, it wasn't until after

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1 the police arrived that you found the gun on your
2 porch?

3 A It wasn't until then. Yes, because he had to
4 get up and then I saw it.

5 Q Were you aware, prior to that, that Mr. Singleton
6 had a gun and had brought a gun to your house?

7 A No.

8 Q Do you know whether or not Mr. Singleton fired
9 that weapon prior to coming to your house?

10 A No.

11 Q So the only thing -- you weren't able see anything
12 that happened that day, correct?

13 A No.

14 Q Any of the alleged shooting?

15 A No.

16 Q And didn't hear any of the alleged shots?

17 A No.

18 Q So the only information you had regarding this
19 case and the only information that you were able to
20 tell 911 and law enforcement is what Mr.
21 Singleton told you?

22 A Yes.

23 Q Are you aware if Mr. Singleton had any other
24 run-ins with law enforcement prior to this?

25 MS. JONES: Your Honor, objection.

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1 THE COURT: I'll sustain the objection.

2 BY MS. CORNWELL:

3 Q I believe that's all the questions I have, Miss
4 Stewart, thank you.

5 MS. JONES: Nothing else from the State,
6 Your Honor.

7 THE COURT: All right. You may be
8 excused.

9 MS. JONES: State calls Marvin Stewart.

10 THE BAILIFF: Right up her, sir.

11 THE CLERK: I need you to raise your
12 right hand for me. Do you solemnly swear or
13 affirm to truthfully answer all questions asked of
14 you by this court so help you God?

15 THE WITNESS: I do.

16 THE CLERK: Have a seat right up here.
17 State your first and last name and spell your last
18 name for the record. Thank you.

19 THE WITNESS: Marvin Stewart,
20 S-t-e-w-a-r-t.

21 WHEREUPON:

22 MARVIN STEWART,
23 after having been sworn to tell the truth, testified
24 as follows:

25 DIRECT EXAMINATION

Testimony of Marvin Stewart

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1 BY MS. JONES:

2 Q Good afternoon, Mr. Stewart.

3 Is Cynthia your wife?

4 A Yes.

5 Q And do you also live at [REDACTED] Fripp Point Road?

6 A Yes.

7 Q And that neighbors [REDACTED] Stonewood?

8 A Yes.

9 Q Did you know a man named Corey Singleton?

10 A Yes.

11 Q And did you come into contact with Mr. Singleton
12 on November 18th of 2020?

13 A Yes.

14 Q And can you tell me about that?

15 A He came and knocked on my door. My wife
16 answered the door. And, at first, she didn't want
17 to open it, and then I looked outside and saw that
18 it was Corey and I opened the door. And he said
19 seemed to be --

20 MS. CORNWELL: Objection, Your Honor.

21 THE COURT: Hold on. He said, he seems
22 to be.

23 MS. CORNWELL: He was upset.

24 THE COURT: I'll overrule the
25 objection.

Testimony of Marvin Stewart
MS. CORNWELL: Thank you, Your Honor.

140

- 1
2 BY MS. JONES:
3 Q Mr. Singleton was upset?
4 A Yes.
5 Q What was he doing?
6 A He was walking around in a circle.
7 Q And did you notice any in his hands?
8 A Yes.
9 Q What did you see?
10 A A pistol.
11 Q And what did you tell him to do with that gun?
12 A I told him to put it down, put it on my
13 porch.
14 Q And did he do that?
15 A Yes.
16 Q Do you eventually go out and talk to Corey?
17 A Yes.
18 Q And was he still remaining upset this whole
19 time?
20 A Yes.
21 Q At some point, did the police show up?
22 A Yes.
23 Q And did you speak with them?
24 A Yes.
25 Q From your wife opening the door and Corey being at

Testimony of Marvin Stewart

141

1 your house until the police came, did Corey ever
2 leave?

3 A No.

4 Q He stayed with you-all the whole time?

5 A Yes.

6 Q Did you hear anything before this, before Corey
7 came over?

8 A Yes.

9 Q What did you hear?

10 A Approximately 20 minutes before we came over,
11 I heard gunshots.

12 Q Did you call 911?

13 A No.

14 Q Why not?

15 A It's a frequent occurrence.

16 Q To hear shots in that area?

17 A Yes.

18 Q You said 20 minutes. Could it have been less than
19 20 minutes?

20 A Yes.

21 Q Okay. And you stayed on scene and spoke to the
22 sheriff's office when they got there?

23 A Yes.

24 MS. JONES: I have no further questions.

25 Thank you.

Testimony of Marvin Stewart
THE COURT: All right.

142

1

CROSS-EXAMINATION

2

BY MS. CORNWELL:

3

Q Mr. Stewart, you indicated that when

4

Mr. Singleton came to your house he had a gun?

5

A Yes.

6

Q And you had heard gunshots approximately

7

20 minutes before?

8

A Yes.

9

Q Do you know about how many gunshots you heard?

10

A I don't know.

11

Q Was it more than one?

12

A Yes.

13

Q Was it more than five?

14

A Yes.

15

Q And you said it was approximately 20 minutes. It
could have been less, it could have been more; is that
right?

16

A Yes.

17

Q And you didn't call 911 because gunshots are
frequently heard from that house?

18

A Could you restate the question, please.

19

Q You indicated that you didn't call 911 when you
heard those shots.

20

A No.

21

22

23

24

25

Testimony of Marvin Stewart

143

1 Q And that was because you frequently heard gunshots
2 coming from that house?

3 A From the area, yes.

4 Q And prior to this day, have you had any other
5 run-ins with Mr. Singleton?

6 A No.

7 Q Is Mr. Singleton still living next door to you?

8 A No.

9 Q Do you know what happened to Mr. Singleton?

10 A Yes.

11 Q What's happened to him?

12 A Mr. Singleton is deceased.

13 Q After law enforcement arrived and met with you and
14 your wife, did you have any other contact with law
15 enforcement regarding this case?

16 A No.

17 MS. CORNWELL: I believe that's all the
18 questions I have, Your Honor.

19 THE COURT: Any follow-up?

20 MS. JONES: No, sir.

21 THE COURT: All right. You may step
22 down. Have a great day.

23 MS. JONES: The State calls
24 Deputy Driscoll.

25 THE CLERK: Will you raise your right

Testimony of Joseph Driscoll

144

1 hand for me?

2 THE WITNESS: Yes, ma'am.

3 THE CLERK: Do you solemnly swear or
4 affirm to truthfully answer all questions asked of
5 you by this court so help you God?

6 THE WITNESS: I do.

7 THE CLERK: Thank you. You can have a
8 seat right here. State your first and last name,
9 spell your last name for the record.

10 THE WITNESS: Yes, ma'am.

11 THE CLERK: Thank you.

12 THE WITNESS: It is Joseph Driscoll,
13 spelled D-r-i-s-c-o-l-l.

14 WHEREUPON:

15 JOSEPH DRISCOLL,
16 after having been sworn to tell the truth, testified
17 as follows:

18 DIRECT EXAMINATION

19 BY MS. JONES:

20 Q Good afternoon. I see your uniform. You work
21 with the sheriff's office?

22 A Yes, ma'am, I do.

23 Q And what do you do with the Beaufort County
24 Sheriff's Office.

25 A I'm a patrol officer.

Testimony of Joseph Driscoll

145

1 Q What does that mean?

2 A It means that I answer calls for service. I
3 take complaints. Those kinds of duties within the
4 sheriff's office.

5 Q And how long have you been with Beaufort County?

6 A Three years now.

7 Q So you were working back in November 2020,
8 November 18th of 2020?

9 A I was, ma'am.

10 Q And did you respond to the area of [REDACTED] Stonewood?

11 A I did.

12 Q And why did you respond to that area?

13 A We had calls for shots fired at that
14 address.

15 Q When you get there, what do you see?

16 A When I arrived on scene, I met with two
17 individuals who were standing, kind of, on a grass
18 sidewalk that ran between Shed Road and it ran
19 behind Fripp Point Road.

20 Q Would that be Cynthia and Marvin Stewart?

21 A It would have been Cynthia Stewart and Corey
22 Singleton.

23 Q Corey Singleton, perfect.

24 And what did you -- aside from them, what did
25 you see on scene?

Testimony of Joseph Driscoll

146

1 A Immediately, we didn't see anything. After
2 talking to Miss Stewart, she told us the shooting
3 happened at a residence which was directly to our
4 left of that grass driveway.

5 Q Okay. Did you have an opportunity to speak with
6 Corey Singleton?

7 A I did.

8 Q And was this right on scene when you responded?

9 A Yes, ma'am.

10 Q Do you know about what time you got on scene?

11 A Give or take, 1:10.

12 Q Okay. Could it have been closer to 1:06 p.m.?

13 A Yes, ma'am.

14 (STATE EXH. 2, Map, was marked for
15 identification.)

16 BY MS. JONES:

17 Q Now, you said this happened at Stonewood. You
18 responded to Fripp Point Road. If I showed you a map,
19 would you be able to point that out to the jury?

20 A Yes, ma'am.

21 MS. JONES: Your Honor, may I ask the
22 witness to step down from the witness stand?

23 THE COURT: Absolutely.

24 THE WITNESS: So we actually responded
25 to -- oh, excuse me.

Testimony of Joseph Driscoll

147

1 BY MS. JONES:

2 Q Now you can go.

3 A [REDACTED] Stonewood Road.

4 Q Is that over on St. Helena Island?

5 A It is on St. Helena.

6 Q Is that here in Beaufort County?

7 A It is in Beaufort County.

8 Q Is this a fair and accurate depiction of that part
9 of Beaufort County as you know it?

10 A It is.

11 MS. JONES: Your Honor, at this time,
12 State moves Exhibit 2 into evidence.

13 THE COURT: Any objection?

14 MS. CORNWELL: No objection, Your Honor.

15 THE COURT: All right. Without
16 objection.

17 (STATE EXH. 2, Map, was entered into
18 evidence.)

19 BY MS. JONES:

20 Q Deputy Driscoll, you mentioned that you had an
21 opportunity to speak with Corey Singleton.

22 A Yes, ma'am.

23 Q Was that recorded?

24 A Yes, ma'am.

25 Q And were you wearing what we may know as a body

Testimony of Joseph Driscoll

148

1 cam that day?

2 A Yes, ma'am.

3 Q I'm going to show you --

4 MS. JONES: Permission to approach?

5 THE COURT: Absolutely.

6 (STATE EXH. 3, Body cam; Driscoll, was
7 marked for identification, was entered into
8 evidence.)

9 BY MS. JONES:

10 Q Let me show you State's Exhibit 3.

11 A Yes, ma'am.

12 Q Do you recognize that?

13 A Yes, ma'am.

14 Q What is that?

15 A It's a DVD with the recording from my body
16 cam.

17 Q Okay. And is it a fair and accurate copy of the
18 recording and your conversation with Mr. Singleton?

19 A Yes, ma'am.

20 MS. JONES: Your Honor, at this time,
21 State moves 3 into evidence.

22 THE COURT: Any objection?

23 MS. CORNWELL: Yes, Your Honor. We would
24 object under the 6th Amendment violation, hearsay,
25 Crawford again.

Testimony of Joseph Driscoll

149

1 THE COURT: All right. Over the
2 objection.

3 (STATE EXH. 3, Body cam; Driscoll, was
4 entered into evidence.)

5 MS. JONES: Permission to publish?

6 THE COURT: Absolutely.

7 (State's Exhibit 3 played in its entirety.)

8 MS. JONES: Your Honor, we're going to
9 pause it and see if we can get it any louder.

10 THE COURT: All right.

11 (State's Exhibit 3 replayed in its entirety.)

12 MS. JONES: I have no further questions
13 for this deputy.

14 THE COURT: All right.

15 MS. CORNWELL: Your Honor, may I proceed
16 with questioning?

17 THE COURT: Absolutely.

18 CROSS-EXAMINATION

19 BY MS. CORNWELL:

20 Q Deputy Driscoll?

21 A Yes, ma'am.

22 Q You respond to a scene once you're dispatched,
23 correct?

24 A Yes, ma'am.

25 Q So, you don't know when an incident actually

Testimony of Joseph Driscoll

150

1 occurred. You just know when it was reported,
2 correct?

3 A For the most part.

4 Q And that body cam footage was a true and accurate
5 depiction of what Mr. Singleton looked like when you
6 arrived on scene, and that was his demeanor and those
7 were his actions?

8 A Yes, ma'am.

9 Q When you were asking him questions about the
10 identity of the people who did this, he was just able
11 to tell you it was two black males?

12 A Yes, ma'am.

13 Q He did not give you any identities?

14 A No, ma'am.

15 Q And I believe that when you were talking about the
16 white Toyota van, there was a conversation of it
17 coming in two different occasions, correct?

18 A That's correct.

19 Q I believe that's all the questions I have.

20 MS. CORNWELL: Thank you, Your Honor.

21 MS. JONES: Nothing further.

22 THE COURT: All right. You may step
23 down.

24 THE WITNESS: Thank you.

25 MS. JONES: The State calls

Testimony of Korey Ahrens

151

1 Deputy Ahrens.

2 THE CLERK: Raise your right hand for me.
3 Do you solemnly swear or affirm to truthfully
4 answer all questions asked of you by this court so
5 help you God?

6 THE WITNESS: I do.

7 THE CLERK: Thank you so much. Sit up
8 here. Say your first name and last name and spell
9 your last name for the record. Thank you.

10 THE WITNESS: My name is Korey Ahrens,
11 A-h-r-e-n-s.

12 WHEREUPON:

13 KOREY AHRENS,
14 after having been sworn to tell the truth, testified
15 as follows:

16 DIRECT EXAMINATION

17 BY MS. JONES:

18 Q Good afternoon, Deputy Ahrens. You work for the
19 Beaufort County Sheriff's Office?

20 A Yes.

21 Q And in what capacity do you work with the
22 sheriff's office?

23 A I work on patrol, northern enforcement.

24 Q Northern enforcement, what does that mean?

25 A Beaufort County on the northern side of the

Testimony of Korey Ahrens

152

1 Broad. So anywhere from St. Helena to Burton.

2 Q Okay. Beaufort County, St. Helena to Burton?

3 A Yes.

4 Q Were you working back on November 18th of 2020?

5 A Yes.

6 Q And on patrol in the north?

7 A Yes.

8 Q Did you respond to the area of [REDACTED] Stonewood?

9 A Yes.

10 Q Why did you respond it that location?

11 A I responded due to a gunshot wound. At that
12 point, we were all headed that way for crowd and
13 scene security.

14 Q Okay. When you get there, what do you see?

15 A When I get see, I just seen the crime scene
16 tape already up. I see a crowd kind of forming in
17 the back. I see a vehicle. And that's really all
18 I was able to see.

19 Q Do you meet a man named Corey Singleton that
20 day?

21 A Yes.

22 Q And did you have an opportunity to speak with
23 him?

24 A I did.

25 Q How was Corey acting when you speak to him?

Testimony of Korey Ahrens

153

1 A He was out of it. Zoned out. Seemed to be
2 staring off into space. Kind of in shock in a
3 way.

4 Q He was in shock?

5 A Yes.

6 Q And did you record your conversation with him?

7 A I did.

8 Q On your body cam?

9 A Yes.

10 Q Is that something you wear on your vest?

11 A Yes.

12 MS. JONES: Your Honor, permission to
13 approach.

14 THE COURT: Absolutely.

15 (STATE EXH. 4, Body cam; Ahrens, was marked
16 for identification.)

17 BY MS. JONES:

18 Q Deputy Ahrens, I'm going to show you State's
19 Exhibit 4. Do you recognize that?

20 A Yes.

21 Q What is that?

22 A That is the copy of the body cam footage with
23 me and Mr. Singleton.

24 Q Is that a fair and accurate copy of the recording?

25 A Yes.

Testimony of Korey Ahrens

154

1 Q And did you review this prior to trial and place
2 your initials on the disk?

3 A I did.

4 MS. JONES: Your Honor, at this time
5 State moves 4 into evidence.

6 THE COURT: Over the objection.

7 MS. JONES: Thank you. And permission to
8 publish.

9 MS. CORNWELL: I would object. And also
10 add the objection that this is redundant,
11 repetitive, bolstering, in addition to the other
12 objection.

13 THE COURT: Go ahead.

14 MS. JONES: Thank you. Permission to
15 publish, Your Honor?

16 THE COURT: Yes, ma'am.

17 (STATE EXH. 4, Body cam; Ahrens, was marked
18 for identification.)

19 (State's Exhibit 4 played in its entirety.)

20 MS. JONES: I have no further questions
21 for this deputy. Thank you.

22 THE COURT: All right.

23 MS. CORNWELL: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MS. CORNWELL:

Testimony of Korey Ahrens

155

1 Q Deputy Ahrens, so Mr. Singleton had not been shot?

2 A No, ma'am.

3 Q Was he hurt in any way?

4 A No.

5 Q And did you -- or do you know if EMS or anybody
6 did a drug test on him?

7 A I'm not aware of any of that.

8 Q You indicated that he was acting kind of violent.
9 Could he have been under the influence of drugs or
10 alcohol at that time?

11 MS. JONES: Your Honor, objection.

12 MS. CORNWELL: I'm just asking for his
13 observations.

14 THE COURT: I'll overrule it.

15 THE WITNESS: It's possible, yes.

16 BY MS. CORNWELL:

17 Q And he didn't give you any identity of the people
18 that he claims he saw shooting?

19 A No, ma'am.

20 Q All right. After meeting with him that day, did
21 you have any follow-up with Mr. Singleton?

22 A No, ma'am.

23 Q Did you conduct any forensic testing on
24 Mr. Singleton?

25 A No, ma'am.

Testimony of Korey Ahrens

156

1 Q Did EMS have to take Mr. Singleton to the hospital
2 for any reason?

3 A I don't believe so.

4 MS. CORNWELL: That would be all the
5 questions I have, Your Honor.

6 THE COURT: All right. Any follow-up?

7 MS. JONES: No, Your Honor.

8 THE COURT: All right. You may step
9 down. Have a great day.

10 MS. JONES: Your Honor, may we approach
11 briefly?

12 THE COURT: Sure.

13 (Bench conference off the record.)

14 MS. JONES: The State calls
15 Brian Abell.

16 THE CLERK: Would you raise your hand?
17 Do you solemnly swear or affirm to truthfully
18 answer all questions asked of you by this court so
19 help you God?

20 THE WITNESS: I do.

21 THE CLERK: Have a seat right here.
22 State your first and last name and spell your last
23 name for the record. Thank you.

24 THE WITNESS: Brian Abell, A-b-e-l-l.

25 WHEREUPON:

Testimony of Brian Abell

157

1 BRIAN ABELL,

2 after having been sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. JONES:

5 Q Good afternoon.

6 A Good afternoon.

7 Q You work for the sheriff's office.

8 A Yes, I do.

9 Q What do you do with the sheriff's office?

10 A Sergeant, southern patrol.

11 Q What does that mean?

12 A I'm a supervisor on Hilton Head or
13 Bluffton.

14 Q How long have you been with Beaufort County?

15 A Just under seven years.

16 Q So you were working with Beaufort County
17 November 18th of 2020.

18 A Yes, as a criminal investigator.

19 Q You say now you're in southern Beaufort County.
20 Back in 2020, were you in northern Beaufort County?

21 A Yes, I was working St. Helena back then.

22 Q Since then you've been promoted and now you're a
23 supervisor?

24 A Yes, ma'am.

25 Q Okay. Did you respond to [REDACTED] Stonewood Circle?

Testimony of Brian Abell

158

1 A Yes, I did.

2 Q And where is that?

3 A On St. Helena Island.

4 Q Is that here in Beaufort County?

5 A Yes, it is.

6 Q I'm going to show you what's been admitted as
7 State's 2. Is that red dot closest to you, is that 70
8 Stonewood?

9 A On the right-hand side of the poster, yes,
10 that's [REDACTED] Stonewood.

11 Q [REDACTED] Stonewood. My apologies.

12 When you respond to [REDACTED] Stonewood, what do you
13 see?

14 A There are several other deputies that had
15 arrived prior to members of northern
16 investigations. When I get there, I met with
17 Corey Singleton sitting in a chair. When you come
18 into the driveway, he was to the right of the
19 residence.

20 Q How was Corey acting that day?

21 A Very quiet. He just didn't seem like -- he
22 just seemed like he was in shock. He wasn't his
23 normal -- how he normally is when you interact
24 with him.

25 Q He was --

Testimony of Brian Abell

159

1 A He was very quiet.

2 Q Very quiet, okay.

3 A He's usually a little more outspoken.

4 Q Did you have a conversation with Mr. Singleton?

5 A Yes, I did. I had a brief conversation with
6 him.

7 Q And was that recorded?

8 A Yes it was. On my body-worn camera.

9 (STATE EXH. 5, Body cam; Abell, was marked
10 for identification.)

11 MS. JONES: Permission to approach?

12 THE COURT: Absolutely.

13 BY MS. JONES:

14 Q Sergeant Abell, I'm going to show you State's 5.
15 Do you recognize that?

16 A Yes, ma'am. It's a CDF with my initials on
17 it.

18 Q And what is a CDF?

19 A The video recording of my conversation with
20 Mr. Singleton.

21 Q And is it a fair and accurate copy of your
22 conversation with him that day?

23 A Yes.

24 Q It hasn't been altered?

25 A No.

Testimony of Brian Abell

160

1 MS. JONES: Your Honor, at this time
2 State moves 5 into evidence.

3 THE COURT: All right. Over the
4 objection?

5 MS. CORNWELL: Objections under the same
6 grounds, Your Honor.

7 THE COURT: All right.

8 (STATE EXH. 5, Body cam; Abell, was entered
9 into evidence.)

10 MS. JONES: And permission to publish.

11 (State's Exhibit 5 played in its entirety.)

12 BY MS. JONES:

13 Q Who is that other investigator with you?

14 A Master Sergeant Draisen.

15 Q And at the time, who was master sergeant for you?

16 A He's the supervisor in charge of northern
17 investigations.

18 Q Okay. And, from there, do you and Master Sergeant
19 Draisen go inside Corey's home?

20 A Yes, we escorted in to get his cell phone and
21 his cigarettes.

22 Q So up until then, Corey did not have his phone?

23 A No, he did not.

24 Q So he did not have access to this video he's
25 talking about?

Testimony of Brian Abell

161

1 A No, it was inside of his residence.

2 MS. CORNWELL: Objection, Your Honor.

3 That's speculation.

4 BY MS. JONES:

5 Q Was his phone -- he did not have his phone. It
6 was inside the home, correct?

7 A We escorted him into his residence where he
8 collected his cell phone.

9 THE COURT: All right. I'll overrule the
10 objection.

11 BY MS. JONES:

12 Q And it was on that cell phone where he played a
13 clip for you and Investigator Draisen?

14 A Yes, he did.

15 Q Did that clip match the scene as you saw it with
16 your eyes that afternoon?

17 A Yes.

18 MS. JONES: That's all I have for this
19 officer, Your Honor.

20 THE COURT: All right.

21 CROSS-EXAMINATION

22 BY MS. CORNWELL:

23 Q Deputy Abell, you indicated that Mr. Singleton
24 wasn't acting normal, so you would have had prior
25 contact with Mr. Singleton in your role as law

Testimony of Brian Abell

162

1 enforcement?

2 A Yes, I have.

3 Q And did that have to do with a murder
4 investigation that he was a suspect?

5 MS. JONES: Your Honor?

6 MS. CORNWELL: He opened the door,
7 Your Honor.

8 THE COURT: Hold on. Ladies and
9 gentlemen of the jury, we're going to have to take
10 a matter of law up outside of your presence. If
11 you'll give us a couple of moments, I'll bring you
12 right back in. Okay?

13 (Jury exits the courtroom at 3:24 p.m.)

14 THE BAILIFF: Jury is clear, Your
15 Honor.

16 THE COURT: All right. What's your
17 objection?

18 MS. JONES: Your Honor, that is wholly --
19 just highly improper for her to ask him about
20 Corey Singleton being a suspect in a murder, a
21 suspect in a murder that he was never charged for.
22 Under the rules, she wouldn't be allowed to ask
23 him that if he was on the stand and now he has no
24 way to defend it because he's dead. The jury is
25 now left with thinking that Corey Singleton is

Testimony of Brian Abell

163

1 this gun-toting murderer. That's what she wants
2 him to think and that's not the case at all. He
3 was never charged with it. He was never arrested
4 for it. Nothing.

5 THE COURT: How do you -- how do you
6 propose that you were going to be able to get that
7 in?

8 MS. CORNWELL: Well, Your Honor. He
9 opened the door with saying that he wasn't acting
10 normally, indicating -- furthermore, I would have
11 been able to get into it with Mr. Singleton while
12 he was on the stand because it's impeachment
13 evidence. It shoes bias.

14 THE COURT: Right. But Mr. Singleton is
15 not here and is not going to be on the stand.

16 MS. CORNWELL: Right, Your Honor. So the
17 only way that I can present a defense for my
18 client and show that he has bias and motive to lie
19 and be untruthful, since I can't cross-examine,
20 since I'm being denied my client's 6th Amendment
21 right to a confrontation with this witness, I have
22 to ask law enforcement.

23 THE COURT: Well, you're not being denied
24 it. He died.

25 MS. CORNWELL: I'm sorry, Your Honor.

Testimony of Brian Abell

164

1 THE COURT: The Court didn't deny it. I
2 mean, he's dead. I mean, I don't see -- that's
3 just the way -- that's the way it goes. I mean,
4 if a witness is unavailable and he's dead, you
5 don't get to circum -- he didn't open the door.
6 You're trying to go in the back door, I believe.
7 So I don't think I'm going to allow that
8 testimony.

9 The problem is, how are we going to put
10 this back in the bag?

11 MS. CORNWELL: Your Honor, I do believe
12 that, because his statements have come in,
13 that's -- Mr. Singleton's statements -- I should
14 be able to ask law enforcement and ask any other
15 witness who the State is introducing his
16 statements through questions about him and his
17 impeachment and his bias and his veracity for the
18 truthfulness because they're the ones introducing
19 his statements. I can't cross-examine him on
20 those statements.

21 But as far as presenting a complete
22 defense for my client, I still have the
23 opportunity or still have the right to show this
24 jury that there is ample reason for this person to
25 have been lying to law enforcement from the

Testimony of Brian Abell

165

1 jump.

2 THE COURT: So why do you suspect that he
3 would be lying to law enforcement on this
4 situation?

5 MS. CORNWELL: Well, Your Honor, our
6 position is going to be that Mr. Singleton was the
7 one that was involved in this murder and not my
8 client. And I believe that as we get further into
9 some of law enforcement's testimony and based on
10 their reports that there are other indications
11 that Mr. Singleton is the one that was involved in
12 setting Mr. Glover up.

13 And because I cannot cross-examine
14 Mr. Singleton on it, because I cannot impeach him
15 on his statements, I cannot show the jury bias of
16 his statements -- the statements have been put in,
17 so I have the opportunity and I have the right to
18 present a complete defense for my client in
19 showing the jury how this witness could have been
20 lying from the start.

21 Again --

22 THE COURT: Just because the statements
23 are coming in doesn't give you the right to
24 impeach the credibility of Mr. Singleton because
25 he's unavailable.

Testimony of Brian Abell

166

1 MS. CORNWELL: And, Your Honor, I believe
2 this is the whole basis of *Crawford*, in *Crawford*
3 *v. Washington*, in which specifically states that
4 statements to law enforcement are testimonial
5 hearsay, and that's why there is a right to
6 confront the witness against them, and there's a
7 right because there is an indicia of reliability.
8 And the only way you can say a statement is
9 reliable is based on the principle of
10 cross-examination pursuant to Scalia's opinion.

11 And, at this point right now, there's
12 nothing -- the State hasn't proven the reliability
13 of these statements, and I have the obligation and
14 duty to show the unreliability of these statements
15 to this jury in complete defense of my client.

16 This is why *Crawford* states that these
17 statements should not be allowed to come in as
18 testimonial hearsay because I don't have the right
19 to cross-examine to determine the liability.

20 THE COURT: I didn't let it in under
21 *Crawford*. I already made that very clear.

22 MS. CORNWELL: I also don't believe that
23 speaking to multiple officers qualifies as the
24 excited utterance or present sense impression.

25 THE COURT: You're arguing your previous

Testimony of Brian Abell

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1 stuff. I don't want to rehash that.

2 MS. CORNWELL: But I do believe that I
3 can impeach the statement through the witnesses
4 that the State is putting up. I can't impeach the
5 statement if the State isn't producing the
6 statement.

7 THE COURT: Well, how are you impeaching
8 the statement? You're just simply going to ask
9 him if he knows Mr. Singleton because he
10 investigated him previously?

11 MS. CORNWELL: He said that he knows
12 Mr. Singleton. He wasn't acting normally. I
13 asked him if that was because of his previous
14 interaction with Mr. Singleton as a law
15 enforcement officer. He indicated yes. I believe
16 that by asking him if that is involved with the
17 murder investigation previous, that that goes to
18 show that there is a reason -- he's already being
19 looked at involved with one death, that that gives
20 him reason to lie about this death.

21 THE COURT: You can put whatever you
22 want.

23 MS. JONES: Your Honor, even if
24 Mr. Singleton was here, the rule says impeachment
25 of conviction of a crime. He has not been

Testimony of Brian Abell

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1 convicted of that crime. He was not even arrested
2 of that crime. She wouldn't even be able to get
3 that in if he was here.

4 But now we have Mr. Singleton who's dead
5 who can't refute what she just let the jury in on.
6 Now they have it in their mind that Mr. Singleton
7 is to blame. Mr. Singleton is not on trial today,
8 Your Honor.

9 THE COURT: The question is, how do we
10 stuff it back in the bag?

11 MS. JONES: I don't think we can. There
12 is no curative instruction that's going to unring
13 that bell. They heard it. Now they have it in
14 the back of their mind, and that's exactly what
15 she wanted with that question.

16 MS. CORNWELL: Your Honor, I believe that
17 if Your Honor is inclined not to allow me to go
18 down that road, then you can't give a curative
19 instruction on that. The jury's already been
20 sworn. Jeopardy is attached at this point. I
21 don't believe anything that was done was
22 maliciously or improperly done by myself. Again,
23 I believe that the door was opened. I believe
24 that it goes to show bias. I do believe I would
25 have been able to get into it with Mr. Singleton.

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1 I could have asked him about that. If he said no,
2 then I can't impeach with extrinsic evidence. But
3 I am allowed to present evidence of impeachment,
4 bias, and credibility through a witness of the
5 State.

6 And so what she is discussing with prior bad
7 acts is for a defendant. That it has to be, you know,
8 for the truth or the veracity, it has to be a
9 conviction. You have to be firmly convinced. I mean,
10 it doesn't have to be a conviction for that. It just
11 has to be firmly convinced with evidence.

12 I would have been able to get into this
13 statement with Mr. Singleton. They could have
14 objected at that time. But I do believe that it
15 goes to show impeachment. It goes to show bias.
16 It goes to his credibility and the door was
17 opened. So, again, it was not done with any
18 intent to circumvent the rules of evidence, or try
19 to do anything malicious or improper.

20 If the State is that concerned, I think a
21 curative instruction from Your Honor, or you can
22 simply sustain the objection and we can move on.
23 I believe a curative instruction may point it out
24 even more and this jury may not even been paying
25 attention to what that was stating. But I don't

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1 think it rises to the level of any sort of
2 mistrial.

3 MS. JONES: Your Honor, I think the jury
4 heard it. It was made more obvious when you sent
5 them out of the courtroom. There is no way to
6 unring that bell.

7 I think the only remedy is to declare a
8 mistrial. I think that had we not in detail gone
9 this morning about how improper it would be for
10 the police to say that they knew Mr. Preston from
11 previous investigations, had we not talked about
12 that, talked about the word murder, talked about
13 previous cases that maybe this could have been an
14 inadvertent slip up, that was a huge part of our
15 pretrial this morning. And this is in reverse as
16 it applies to Mr. Singleton.

17 MS. CORNWELL: Because again, for my
18 client -- my client is the defendant. He has the
19 right to a complete defense. He has the right to
20 avoid prejudice and prejudicial evidence. Your
21 witness does not enjoy those same rights.

22 THE COURT: Deputy, what's your last
23 name?

24 THE WITNESS: Abell.

25 THE COURT: All right. Deputy Abell, how

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1 do you know Mr. Singleton?

2 THE WITNESS: I had an investigation
3 involving another individual that is now -- that
4 was murdered on St. Helena Island. And I believe
5 several other interactions assisting other
6 investigators that had interactions with
7 Mr. Singleton in the past.

8 THE COURT: So he was no stranger to you,
9 I guess, is the point.

10 THE WITNESS: I've only spoken to him
11 maybe a couple of times. I don't have an exact
12 number. But in my previous conversations with
13 him, he was very stern. Maybe a little
14 aggressive. And he would pretty much every time,
15 within a few seconds, *I want my lawyer*. So him
16 being, *I'm not going to talk to you*, and then him
17 actually talking to us is what I mean by he was
18 very different that day.

19 MS. CORNWELL: Which again I think goes
20 to his impeachment because then he does ask for a
21 lawyer before he goes to the police station.

22 And so, again, it goes to his reliability
23 of his statements and his credibility and his
24 bias.

25 THE COURT: Do you know what actually

Testimony of Brian Abell

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1 transpired in that investigation that
2 Mr. Singleton was involved in as to the murders?

3 THE WITNESS: I transferred out of
4 northern investigations and that case was
5 reassigned.

6 THE COURT: Do you know what happened?

7 THE WITNESS: No, I did not. I have not
8 been in investigations for almost -- for a little
9 over a year and a half. It's still an active
10 case, Your Honor.

11 THE COURT: All right. Let's take a
12 five-minute bathroom break because when we get
13 them back in we're going to have to keep going all
14 through and I know everybody probably needs a
15 break. So let's take a break and we'll come right
16 back.

17 Deputy, you'll be able to take a break, but
18 just don't discuss your testimony with anybody. Okay?
19 You're still under oath.

20 THE WITNESS: Yes, sir.

21 (A break was taken from 3:35 p.m. to 3:43 p.m.)

22 THE BAILIFF: All rise. This court is
23 back in session.

24 THE COURT: All right. Please be seated.

25 All right. So here's what I'm going to

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1 do. Under rule 806, attacking and supporting
2 credibility of a declarant, when a hearsay
3 statement or a statement defined by 801 has been
4 admitted into evidence, the credibility of the
5 declarant may be attacked. If attacked, may be
6 supported by any evidence which would be
7 admissible for those purposes if the declarant had
8 testified as a witness.

9 So based on rule 806, I am going to allow
10 her to go down that road, but I agree with the
11 State to the extent that we could have done a lot
12 better. We extensively, to protect the defendant,
13 said we weren't going to talk about it in a sense
14 other than what I had already instructed law
15 enforcement to be able to testify, and then
16 back-doored and did it to Mr. Singleton.

17 So, I mean, I think it's okay. I don't
18 think it rises to a mistrial. But, in the future,
19 let's -- if you know you're going to be doing
20 those things, let's bring it to the Court's
21 attention. So, we, again, we did it for the
22 defendant and we should have done it for
23 Mr. Singleton.

24 I'm just going to overrule the objection
25 and just move on. I think if I bring more

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1 attention to it, it's going to do exactly that.

2 So bring them out.

3 (Jury enters the courtroom at 3:45 p.m.)

4 THE BAILIFF: Jury is entering the
5 courtroom, Your Honor.

6 THE COURT: All right. Thank you very
7 much.

8 All right. Ask your question.

9 MS. CORNWELL: Thank you, Your Honor.

10 BY MS. CORNWELL:

11 Q Deputy Abell, when you spoke to Mr. Singleton --

12 THE BAILIFF: Your Honor, the jury asked,
13 could you please speak up a little bit.

14 MS. CORNWELL: Yes, sir.

15 THE COURT: Not a problem.

16 BY MS. CORNWELL:

17 Q Deputy Abell, when you spoke to Mr. Singleton, he
18 indicated that he didn't know the names of the people
19 that he claimed were shooting at him?

20 A No, he did not.

21 Q Did not know the street names either, correct?

22 A No, he did not. Not in my conversation with
23 him.

24 Q And Mr. Singleton was not injured in any way when
25 you met with him?

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1 A Not that I'm aware of.

2 Q Did you conduct any forensic testing on
3 Mr. Singleton?

4 A No.

5 Q No GSR?

6 A I did not personally do anything with him.

7 Q Okay. So you didn't do any GSR, you didn't do any
8 drug test, any sobriety field test, or anything like
9 that?

10 A Not in my actions at that residence.

11 THE BAILIFF: I believe that's all the
12 questions I have, Your Honor. Thank you.

13 THE COURT: All right. Anything as a
14 follow-up?

15 MS. JONES: Not from the State, Your
16 Honor.

17 THE COURT: All right. Deputy Abell, you
18 may be excused.

19 THE WITNESS: Thank you, Your Honor.

20 THE COURT: You're more than welcome.

21 MS. JONES: Your Honor, may we approach
22 briefly?

23 THE COURT: Sure.

24 (Bench conference off the record.)

25 MS. JONES: The State calls Chelsea

Testimony of Brian Abell

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1 Seronka.

2 Your Honor, one more time, may we
3 approach?

4 (Bench conference off the record.)

5 THE CLERK: Raise your right hand. Do
6 you solemnly swear or affirm to truthfully answer
7 all questions asked of you by this court so help
8 you God?

9 THE WITNESS: Yes, ma'am, I do.

10 THE CLERK: Have say seat right here.
11 State your first and last name and spell your last
12 name for the record.

13 THE COURT: Ladies and gentlemen, just so
14 you know and also for the record, the side bar
15 was, there's going to be weapons that were going
16 to be produced in this case, but just so you-all
17 know, they have been deemed inoperable. All
18 right.

19 THE WITNESS: Sergeant Chelsea Seronka.
20 Last name spelled S-e-r-o-n-k-a.

21 WHEREUPON:

22 CHELSEA SERONKA,
23 after having been sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. JONES:

Testimony of Chelsea Seronka

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1 Q Good afternoon.

2 A Good afternoon.

3 Q You work for the Beaufort County Sheriff's
4 Office?

5 A Yes, ma'am, I do.

6 Q And what do you do with the sheriff's office?

7 A Currently or?

8 Q Currently.

9 A Currently, I work in recruiting and staffing
10 within the sheriff's office.

11 Q What about on November 28, 2020, what were you
12 doing?

13 A At that time, I was assigned to the northern
14 investigations division.

15 Q How long have you been with the Beaufort County
16 Sheriff's Office?

17 A Seventeen years.

18 Q Okay. And as a part of investigations, were you
19 tasked with responding to shooting incidents?

20 A Yes, ma'am.

21 Q Did you respond to [REDACTED] Stonewood on that day?

22 A Yes, ma'am, I did.

23 Q Is that here in Beaufort County?

24 A Yes, ma'am, it is.

25 Q Did you respond to [REDACTED] Fripp Point Road as well,

Testimony of Chelsea Seronka

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1 the home of Mr. and Mrs. Stewart? The neighbors who
2 called 911.

3 A Yes, ma'am. The dirt road, yes, ma'am.

4 Q And why did you go to their home?

5 A I was advised at that time that there was a
6 weapon on the front porch of the property, and I
7 was asked to go and secure the weapon.

8 Q Did you learn whose weapon that was?

9 A Yes, ma'am, I did.

10 Q Whose gun was that?

11 A That was Mr. Singleton's weapon.

12 Q It was Corey's weapon?

13 A Yes, ma'am.

14 Q And did it have a magazine in it as well?

15 A Yes, ma'am.

16 Q And did you collect both of those items?

17 A Yes, ma'am.

18 (STATE EXH. 6, Gun; Singleton, was marked
19 for identification.)

20 (STATE EXH. 7, Magazine; Singleton, was
21 marked for identification.)

22 MS. JONES: Permission to approach, Your
23 Honor?

24 THE COURT: Absolutely.

25 BY MS. JONES:

Testimony of Chelsea Seronka 179

1 Q Deputy Seronka, I'm going to show you State's 6
2 and State's 7. State's 6, do you recognize that box?

3 A Yes, ma'am.

4 Q And what is that?

5 A This is the box containing the weapon that I
6 collected at the property.

7 Q And what did you do with that weapon when you
8 collected it?

9 A I processed it for evidence.

10 Q And did you submit it into evidence?

11 A Yes, ma'am, I did.

12 Q And what kind of gun is that? Is that Ruger?

13 A It is.

14 Q 9-millimeter?

15 A 9-millimeter.

16 Q If we could see it. I'm going to open it. Was it
17 in this condition when you collected it? Had the zip
18 ties going through it?

19 A Yes, ma'am.

20 Q When you collected it off of the steps?

21 A No, ma'am.

22 Q Okay.

23 A It was laying there, not in a box, no zip
24 ties on it. Those are used to secure it inside
25 the box.

Testimony of Chelsea Seronka 180

1 Q Okay. And it actually makes the gun inoperable,
2 correct?

3 A Correct.

4 Q And this is the gun that you collected?

5 A Yes, ma'am.

6 Q You also collected a magazine. I'm going to show
7 you State's 7.

8 A Yes, ma'am. This is the magazine I collected
9 as well as the rounds.

10 Q Okay. And that's the magazine that goes with this
11 Ruger 9-millimeter?

12 A Yes, ma'am.

13 Q You collected both of these items?

14 A Yes, ma'am.

15 MS. JONES: Your Honor, the State moves 6
16 and 7 into evidence.

17 THE COURT: Any objection?

18 MS. CORNWELL: No, Your Honor.

19 THE COURT: All right.

20 (STATE EXH. 6, Gun, was entered into
21 evidence.)

22 (STATE EXH. 7, Magazine; Singleton, was
23 entered into evidence.)

24 BY MS. JONES:

25 Q Sergeant Seronka, I have no further questions for

Testimony of Chelsea Seronka

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1 you.

2 THE COURT: All right.

3 CROSS-EXAMINATION

4 BY MS. CORNWELL:

5 Q Sergeant Seronka, in addition to collecting the
6 firearm that was just admitted into evidence, you were
7 involved with executing a search warrant to Amazon,
8 correct?

9 A Yes, ma'am.

10 Q And what was that search warrant to Amazon for?

11 A It was for a Blink module home surveillance
12 system that was present in the residence.

13 Q And were you able to obtain a search warrant for
14 that module?

15 A Yes, I was.

16 Q And was that search warrant served on Amazon?

17 A Yes, it was.

18 Q And was Amazon able to provide you with
19 surveillance video of this incident from that day?

20 A They were able to provide me with video from
21 that day.

22 Q And did that video contain any part of the
23 shooting incident?

24 A No, ma'am, it did not.

25 Q And is Amazon the owner? They were the people who

Testimony of Chelsea Seronka

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1 held the original videos, to your knowledge?

2 A They would not be the only ones that would
3 have access to that video.

4 Q Who else would have had access to the video?

5 A The owner of the module.

6 Q So if Amazon is unable to collect or provide that
7 video from that module to you, could it be because
8 somebody else accessed it?

9 MS. JONES: Your Honor?

10 THE COURT: Hold on.

11 MS. JONES: Your Honor, she's asking a
12 question, I believe, that calls for speculation.

13 MS. CORNWELL: Your Honor, again, it's --

14 THE COURT: What -- she was the one that
15 served the search warrant on Amazon?

16 MS. JONES: She did.

17 THE COURT: All right. And the question
18 is -- all right. I'm just going through it in my
19 head.

20 And your objection is speculation as to
21 what her answer would be?

22 MS. JONES: Correct, yes.

23 THE COURT: I'll sustain the objection.
24 Rephrase the question.

25 BY MS. CORNWELL:

Testimony of Chelsea Seronka 183

1 Q Deputy Seronka, you indicated that Amazon did not
2 have -- they had video from the day, but it did not
3 contain any video from the incident, correct?

4 A Correct.

5 Q And that Amazon would not be the only person or
6 entity that would have access to those videos?

7 A Correct.

8 Q So, who else would be able to have access to those
9 videos if Amazon was not the only person who had
10 access to them?

11 A Whoever had the password to the account.

12 Q And, to your knowledge, if somebody had access to
13 the password to the account, would they be able to
14 delete, modify, or change those videos?

15 MS. JONES: Your Honor?

16 THE COURT: Let her answer.

17 THE WITNESS: If you have the password to
18 the account, then you have the ability to modify
19 it, correct.

20 BY MS. CORNWELL:

21 Q And other than collecting the firearm that
22 belonged to Corey Singleton, we talked about the
23 magazine as well. Was that firearm loaded? Were you
24 able to determine whether or not it was -- had bullets
25 in the magazine?

Testimony of Chelsea Seronka

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1 A It was loaded at the time. There were
2 bullets in the magazine.

3 Q Okay. Were you able to tell if it had been fired
4 recently?

5 A I believe it had nine rounds in it. And I
6 don't believe I was able to determine that. Let
7 me check really quick to be one hundred percent
8 sure. I collected nine rounds from the weapon out
9 of the magazine, and I have no knowledge whether
10 it had been used that day.

11 Q But the magazine was not full when you collected
12 it, correct? Nine rounds would not be a full clip?

13 A Correct.

14 MS. CORNWELL: I believe that's all the
15 questions I have, Your Honor.

16 MS. JONES: Nothing further.

17 THE COURT: All right. You may be
18 excused.

19 THE WITNESS: Thank you.

20 MS. JONES: State calls Colt Moss.

21 THE CLERK: Raise your right hand. Do
22 you solemnly swear or affirm to truthfully answer
23 all questions asked of you by this court so help
24 you God?

25 THE WITNESS: I do.

Testimony of Colt Moss

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1 THE CLERK: Okay. You can have seat
2 right up here. Say your first and last name and
3 spell your last name for the record. Thank you.

4 THE WITNESS: Okay. Colt Moss, M-o-s-s.
5 WHEREUPON:

6 COLT MOSS,
7 after having been sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. JONES:

10 Q Goo morning, Mr. Moss. Where do you work?

11 A Beaufort County EMS.

12 Q What do you do for Beaufort County EMS?

13 A I'm a paramedic.

14 Q Is there a difference between a paramedic and an
15 EMT?

16 A Yes. Paramedics are trained in the advanced
17 life-saving skills, such as cardio -- pretty much
18 all medication, artificial airways, and
19 cardiovascular electricity and such.

20 Q Okay.

21 A And EMTs can't.

22 Q Okay. How long have you been a paramedic?

23 A Two-and-a-half years.

24 Q So you were paramedic back on November 18th of
25 2020?

Testimony of Colt Moss

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1 A I was.

2 Q Did you respond to [REDACTED] Stonewood Circle on
3 St. Helena?

4 A I did.

5 Q That's here in Beaufort County?

6 A Yes.

7 Q Why did you respond to that address?

8 A A reported GSW with possibly two patients.

9 Q What's a GSW?

10 A Gunshot wound.

11 Q Possibly two patients. When you get there, are
12 there two patients?

13 A Initially, I did not see the second. When I
14 arrived, I saw a vehicle. And it was unknown --
15 when I got on the other side to see my first
16 patient, he was lying supine on the ground with
17 the fire department beside them. They were
18 getting their equipment ready. I noted a young
19 gentleman with a gunshot to the right face and a
20 massive amount of blood behind his head.
21 Pulseless. I checked both carotid pulses which
22 are in your neck. Apneic, which meant he was not
23 breathing. His pupils were non-reactive to light
24 and fixed, which means they were not moving at
25 all.

Testimony of Colt Moss

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1 Q Okay. Let me back up a little bit. You said that
2 one of your patients was supine next to the car?

3 A They were lying on their back on the
4 ground.

5 Q Okay. Did you -- was this man identified as
6 Steven Glover?

7 A Yes.

8 Q And after going to Mr. Glover and attempting to
9 render aid, what did you do?

10 A With the gunshot wound -- penetrating gunshot
11 wound to the head or face with the amount of blood
12 behind -- having no pulse, not breathing, I was
13 not reactive. That is what we call a traumatic
14 cardiac arrest. And I provided judgment, which I
15 stand by, means that I called the coroner because
16 I did not think there was possibility to
17 resuscitate Mr. Glover.

18 Q So he was deceased when you responded?

19 A Yes, deceased.

20 MS. JONES: I have no further questions,
21 thank you.

22 CROSS-EXAMINATION

23 BY MS. CORNWELL:

24 Q Mr. Moss, you indicated that the first victim that
25 you encountered was lying on the ground on his back.

Testimony of Colt Moss

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1 A Yes.

2 Q Next to the car.

3 A Yes.

4 Q Was his head towards the trunk of the car or the
5 front of the car?

6 A His head was towards the -- I really don't
7 remember that. I'm assuming it was probably the
8 truck the car, because I remember his feet were
9 towards the mobile home there and head was towards
10 the main dirt road that would have been
11 perpendicular to the driveway.

12 Q And he was laying on his back?

13 A Yes.

14 Q So if he was standing straight up, just based on
15 where he was, he would have been facing the house?

16 A Yes.

17 Q You said some of the injuries that you noted were
18 a penetrating gunshot wound to the head and face
19 area?

20 A Yes.

21 Q You indicated you were called out there for two
22 possible victims. Did you meet with the second
23 person?

24 A I triage accordingly, with triage deeming the
25 person with the least amount of injuries to the

Testimony of Colt Moss

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1 person with the most amount of injuries, and on
2 the back end of that is deceased. So when you get
3 to the back end of deceased, it's a hard, quick
4 decision. And then ask the location of the other,
5 which was Mr. Corey Singleton, and he was over to
6 -- if I'm facing the house, it would have been my
7 right-hand side of the house, over near the wood
8 line. .

9 Q Were you able to observe and treat Mr. Singleton
10 for any injuries?

11 A Say that one more time.

12 Q Did you observe or treat Mr. Corey Singleton for
13 any injuries?

14 A He had no injuries.

15 Q Thank you.

16 MS. CORNWELL: I believe that's all the
17 questions I have.

18 THE COURT: All right. Any follow-up?

19 MS. JONES: No, sir.

20 THE COURT: Thank you very much. You may
21 be excused.

22 MS. JONES: The State calls Deputy Dan
23 Ireland.

24 THE CLERK: Raise your hand. Do you
25 solemnly swear or affirm to truthfully answer all

1 Testimony of Daniel Ireland 190
2 questions asked of you by this court so help you God?

3 THE WITNESS: Yes.

4 THE CLERK: Have a seat right there.
5 State your first and last name and spell your last
6 name for the record. Thank you.

7 THE WITNESS: You're welcome. Daniel
8 Ireland, I-r-e-l-a-n-d.

9 WHEREUPON:

10 DANIEL IRELAND,
11 after having been sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. JONES:

14 Q Good afternoon, Corporal Ireland. You work with
15 the Beaufort County Sheriff's Office?

16 A Yes.

17 Q And what do you do with the sheriff's office?

18 A I'm a road deputy, Lance Corporal.

19 Q I'm sorry. Lance Corporal. My apologies.

20 A That's okay.

21 Q How long have you been with Beaufort County?

22 A Since 2017. July 2017.

23 Q So back in 2020, what were you doing with the
24 Beaufort County Sheriff's Office?

25 A I was a road deputy, and I was assigned to
 the crime scene unit.

Testimony of Daniel Ireland

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1 Q And what does that mean, the crime scene unit?

2 A The crime scene unit is responsible for
3 getting called out to major crimes and photo
4 documenting the crime scene, collecting evidence,
5 and things like that.

6 Q And did you respond to [REDACTED] Stonewood?

7 A Yes.

8 Q On November 18th?

9 A Yes.

10 Q Of 2020?

11 A Yes.

12 Q In your capacity with crime scene?

13 A Yes.

14 Q And did you take some photographs that day?

15 A I did.

16 (STATE EXH. 9, Photo, was marked for
17 identification.)

18 (STATE EXH. 10, Photo, was marked for
19 identification.)

20 (STATE EXH. 11, Photo, was marked for
21 identification.)

22 (STATE EXH. 12, Photo, was marked for
23 identification.)

24 (STATE EXH. 13, Photo, was marked for
25 identification.)

Testimony of Daniel Ireland

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1 (STATE EXH. 14, Photo, was marked for
2 identification.)

3 (STATE EXH. 15, Photo, was marked for
4 identification.)

5 (STATE EXH. 16, Photo, was marked for
6 identification.)

7 (STATE EXH. 17, Photo, was marked for
8 identification.)

9 (STATE EXH. 18, Photo, was marked for
10 identification.)

11 (STATE EXH. 19, Photo, was marked for
12 identification.)

13 (STATE EXH. 20, Photo, was marked for
14 identification.)

15 (STATE EXH. 21, Photo, was marked for
16 identification.)

17 (STATE EXH. 22, Photo, was marked for
18 identification.)

19 (STATE EXH. 23, Photo, was marked for
20 identification.)

21 (STATE EXH. 24, Photo, was marked for
22 identification.)

23 (STATE EXH. 25, Photo, was marked for
24 identification.)

25 (STATE EXH. 26, Photo, was marked for

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1 identification.)

2 (STATE EXH. 27, Photo, was marked for
3 identification.)

4 (STATE EXH. 28, Photo, was marked for
5 identification.)

6 (STATE EXH. 29, Photo, was marked for
7 identification.)

8 (STATE EXH. 30, Photo, was marked for
9 identification.)

10 (STATE EXH. 31, Photo, was marked for
11 identification.)

12 (STATE EXH. 32, Photo, was marked for
13 identification.)

14 (STATE EXH. 33, Photo, was marked for
15 identification.)

16 (STATE EXH. 34, Photo, was marked for
17 identification.)

18 (STATE EXH. 35, Photo, was marked for
19 identification.)

20 (STATE EXH. 36, Photo, was marked for
21 identification.)

22 (STATE EXH. 37, Photo, was marked for
23 identification.)

24 (STATE EXH. 38, Photo, was marked for
25 identification.)

Testimony of Daniel Ireland

194

1 (STATE EXH. 39, Photo, was marked for
2 identification.)

3 (STATE EXH. 40, Photo, was marked for
4 identification.)

5 (STATE EXH. 41, Photo, was marked for
6 identification.)

7 (STATE EXH. 42, Photo, was marked for
8 identification.)

9 (STATE EXH. 43, Photo, was marked for
10 identification.)

11 (STATE EXH. 44, Photo, was marked for
12 identification.)

13 (STATE EXH. 45, Photo, was marked for
14 identification.)

15 (STATE EXH. 46, Photo, was marked for
16 identification.)

17 (STATE EXH. 47, Photo, was marked for
18 identification.)

19 (STATE EXH. 48, Photo, was marked for
20 identification.)

21 (STATE EXH. 49, Photo, was marked for
22 identification.)

23 (STATE EXH. 50, Photo, was marked for
24 identification.)

25 (STATE EXH. 51, Photo, was marked for

1 Testimony of Daniel Ireland 195
2 identification.)

3 BY MS. JONES:

4 Q I'm going to hand you State's nine through 51
5 previously shown to defense.

6 MS. JONES: Permission to approach?

7 THE COURT: Absolutely.

8 BY MS. JONES:

9 Q Do you recognize those items?

10 A I do.

11 Q And what are those?

12 A These are photographs I took of the crime
13 scene.

14 Q And have you had a chance to review those?

15 A I have.

16 Q Prior to trial you reviewed those?

17 A Yes.

18 Q And do they fairly and accurately depict
19 70 Stonewood the day of November 18th of 2020?

20 A Yes.

21 Q They haven't been altered or changed in any way?

22 A No.

23 MS. JONES: Your Honor, at this time the
24 State moves 9 through 51 into evidence.

25 THE COURT: All right. Any objection?

 MS. CORNWELL: No, Your Honor.

Testimony of Daniel Ireland
THE COURT: All right. Without

196

1
2 objection.

3 (STATE EXH. 9, Photo, was entered into
4 evidence.)

5 (STATE EXH. 10, Photo, was entered into
6 evidence.)

7 (STATE EXH. 11, Photo, was entered into
8 evidence.)

9 (STATE EXH. 12, Photo, was entered into
10 evidence.)

11 (STATE EXH. 13, Photo, was entered into
12 evidence.)

13 (STATE EXH. 14, Photo, was entered into
14 evidence.)

15 (STATE EXH. 15, Photo, was entered into
16 evidence.)

17 (STATE EXH. 16, Photo, was entered into
18 evidence.)

19 (STATE EXH. 17, Photo, was entered into
20 evidence.)

21 (STATE EXH. 18, Photo, was entered into
22 evidence.)

23 (STATE EXH. 19, Photo, was entered into
24 evidence.)

25 (STATE EXH. 20, Photo, was entered into

Testimony of Daniel Ireland

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1 evidence.)

2 (STATE EXH. 21, Photo, was entered into

3 evidence.)

4 (STATE EXH. 22, Photo, was entered into

5 evidence.)

6 (STATE EXH. 23, Photo, was entered into

7 evidence.)

8 (STATE EXH. 24, Photo, was entered into

9 evidence.)

10 (STATE EXH. 25, Photo, was entered into

11 evidence.)

12 (STATE EXH. 26, Photo, was entered into

13 evidence.)

14 (STATE EXH. 27, Photo, was entered into

15 evidence.)

16 (STATE EXH. 28, Photo, was entered into

17 evidence.)

18 (STATE EXH. 29, Photo, was entered into

19 evidence.)

20 (STATE EXH. 30, Photo, was entered into

21 evidence.)

22 (STATE EXH. 31, Photo, was entered into

23 evidence.)

24 (STATE EXH. 32, Photo, was entered into

25 evidence.)

Testimony of Daniel Ireland

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1 (STATE EXH. 33, Photo, was entered into
2 evidence.)
3 (STATE EXH. 34, Photo, was entered into
4 evidence.)
5 (STATE EXH. 35, Photo, was entered into
6 evidence.)
7 (STATE EXH. 36, Photo, was entered into
8 evidence.)
9 (STATE EXH. 37, Photo, was entered into
10 evidence.)
11 (STATE EXH. 38, Photo, was entered into
12 evidence.)
13 (STATE EXH. 39, Photo, was entered into
14 evidence.)
15 (STATE EXH. 40, Photo, was entered into
16 evidence.)
17 (STATE EXH. 41, Photo, was entered into
18 evidence.)
19 (STATE EXH. 42, Photo, was entered into
20 evidence.)
21 (STATE EXH. 43, Photo, was entered into
22 evidence.)
23 (STATE EXH. 44, Photo, was entered into
24 evidence.)
25 (STATE EXH. 45, Photo, was entered into

Testimony of Daniel Ireland

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1 evidence.)

2 (STATE EXH. 46, Photo, was entered into
3 evidence.)

4 (STATE EXH. 47, Photo, was entered into
5 evidence.)

6 (STATE EXH. 48, Photo, was entered into
7 evidence.)

8 (STATE EXH. 49, Photo, was entered into
9 evidence.)

10 (STATE EXH. 50, Photo, was entered into
11 evidence.)

12 (STATE EXH. 51, Photo, was entered into
13 evidence.)

14 BY MS. JONES:

15 Q I'm actually going to take those from you.

16 MS. JONES: Permission to publish, Your
17 Honor.

18 THE COURT: You-all have them on a slide?

19 MS. JONES: They'll go on the TV.

20 THE COURT: Not a problem.

21 BY MS. JONES:

22 Q Okay. We'll start with State's 9. What is
23 State's 9 showing us?

24 A This is an overall photograph of the crime
25 scene when I got there.

Testimony of Daniel Ireland

200

1 Q Okay. And going on to State's 10?

2 A Same thing. When we show up, we take initial
3 photographs of the -- 360-degree photographs of
4 the entire crime scene. This is another one of
5 the series of photographs.

6 Q So I see where you have some yellow tape and some
7 yellow little squares. What are those?

8 A So the yellow tape is crime scene tape. We
9 use that to secure the scene so nobody can come in
10 and move or alter any of the evidence. And then
11 the yellow squares are crime scene placards laid
12 down by the -- I believe in this case by the
13 initial responding deputies. That's to keep
14 anyone from walking on the evidence, or anything
15 like that.

16 Q Okay. State's 11?

17 A Same thing. You'll see photograph
18 evidence -- or I'm sorry. Evidence placards, D,
19 C, B, I, just a gathering of evidence placards.

20 Q And what sort of evidence are those placards?

21 A I believe those were shell casings. I would
22 have to look at my later photographs, which are
23 going to be close-ups of each one of those
24 placards.

25 Q Like what we got in State's 12?

Testimony of Daniel Ireland

201

1 A For example, like this. So I have -- the
2 previous photographs are all overall photographs
3 of the evidence, and then you have a close-up of
4 each evidence placard. So you will see on the
5 left, evidence placard J with a shell casing next
6 to it.

7 Q And that's your closer-up of the shell casing.

8 A Yes. Yes, ma'am. And then what I'll do is
9 take a close-up of the head stamp.

10 Q We see that this picture appears to be at
11 nighttime. Did this processing of the -- crime scene
12 processing take some period of time?

13 A It did. This one took a long time. Into the
14 nighttime.

15 Q Would this, would State's 12 and 9 --

16 MS. JONES: Could we go back to
17 State's 11?

18 BY MS. JONES:

19 Q You said all of those, you believe, were shell
20 casings. Were they the same caliber, brand, metal, or
21 whatnot? Were they al consistent with each other that
22 way?

23 A I believe they were. I would have to go
24 through each photograph and look at the close-ups.
25 I believe they were the same caliber.

Testimony of Daniel Ireland

202

1 Q Okay. So State's 12 we have, J shell casing.
2 What about State's 13?

3 A So that's going to be evidence placard B on
4 the left, and then a close-up of evidence placard
5 B. The head stamp of that casing.

6 Q Okay. State's 14?

7 A Same thing. We got evidence placard M., and
8 then on the right is a close-up of the head stamp
9 of that shell casing.

10 Q And you say head stamp. That just shows what
11 caliber and brand essentially that casing is.

12 A Every manufacturer puts their caliber and
13 their manufacturer logo on the head stamp.

14 Q So for people that may not be familiar with what a
15 shell casing is, what is a shell case?

16 A A shell case is what is ejected out of a
17 weapon after it's fired. So every bullet has a
18 projectile on the end of it. And then the casing
19 that holds the projectile, once the weapon hits
20 the back of the shell casing or the firing pin, it
21 makes the projectile go out of the weapon. And
22 then the shell casing or what's left open is
23 ejected out of the gun.

24 Q And that's what we have here. We have the part
25 ejected out of the gun?

Testimony of Daniel Ireland

203

1 A Yes, ma'am.

2 Q State's 15, is this a different angle of those
3 placards?

4 A Yes, it is. You will see right there the
5 crime scene truck had arrived. And then these
6 are -- these placards came off the crime scene
7 truck. The smaller placards that were letters
8 were from patrol. When the crime scene truck
9 arrived, we used additional placards for
10 additional evidence that was found, and those are
11 noted by the big numbered placards.

12 Q State's 16.

13 A That looks like an overall photograph of the
14 crime scene.

15 Q And we don't see the numerical placard that's in
16 State's 16. Is that because crime scene had not
17 placed them out yet?

18 A That's correct.

19 Q Okay. But, again, with that tape up, nobody went
20 into the scene and manipulated it in any way?

21 A That's correct.

22 Q It was just waiting upon crime scene to place all
23 the placards?

24 A Yes, ma'am.

25 Q And when I say crime scene, the crime scene unit

Testimony of Daniel Ireland

204

1 in the truck we just saw?

2 A Yes, ma'am.

3 Q State's 17?

4 A That's going to be a large evidence placard
5 1, and then a close-up of the shell casing.

6 Q So these are going to be the shell casings
7 contained in the cluster of State's 15?

8 A Yes, ma'am.

9 Q State 18, please?

10 A And then that's evidence placard L with a
11 close-up of the shell casing that was laying next
12 to it.

13 Q State's 19.

14 A That's evidence placard O, and as well a
15 close-up of the head stamp of that shell casing.

16 Q And, again, these placards are all representing
17 different shell casings collected?

18 A Yes, ma'am.

19 Q State's 20?

20 A This is going to be an overall of the other
21 side of the incident location showing the entire
22 crime scene.

23 Q State's 21?

24 A And then as well, that's an additional
25 overall photograph of the crime scene.

Testimony of Daniel Ireland

205

1 Q Is that Mr. Glover laying by his car?

2 A That is Mr. Glover, yes.

3 Q On State's 21 -- maybe I need to approach. Can
4 you identify the letter on the placard by the grill?
5 Is it placard U?

6 A It's hard to see. It's hard to see in this
7 photograph. I can't tell, ma'am. I'm sorry.

8 Q Okay. Would that be placard U on State's 22?

9 A Yes. There was a jar of suspected
10 marijuana.

11 Q It was found by that tree?

12 A Yes.

13 Q State's 23?

14 A Another overall photograph of the crime
15 scene.

16 Q State's 24?

17 A Additional overall photographs of the crime
18 scene with Mr. Glover and the vehicle.

19 Q State's 25?

20 A This is going to be a series of overall
21 photographs of the vehicle.

22 Q And this is how Beaufort County Sheriff's Office
23 found the vehicle, with that passenger door open,
24 correct?

25 A Yes, ma'am.

Testimony of Daniel Ireland

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1 Q State's 26?

2 A Same thing. Overall photograph of the
3 vehicle.

4 Q And are those bullet holes we see in the passenger
5 back door?

6 A Yes, ma'am.

7 Q State's 27?

8 A Same thing. Overall photograph of the
9 vehicle.

10 Q State's 28?

11 A Additional overall photographs of the
12 vehicle.

13 Q State's 29?

14 A Overall photograph of the vehicle from the
15 rear.

16 Q State's 30?

17 A Additional overall photograph of the
18 vehicle.

19 Q State's 31?

20 A That was a vehicle that was -- if you were
21 looking at the residence on the left-hand side of
22 the residence.

23 Q We have a couple placards there. Everything you
24 marked, does it necessarily have something to do with
25 the case you're investigating?

Testimony of Daniel Ireland

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1 A It doesn't always have everything to do with
2 the case.

3 Q Let's see. State's 32?

4 A Okay. That's going to be a camera that was
5 in front of the front porch of the residence.
6 This would have been one of the overall
7 photographs of the crime scene.

8 Q State's 33?

9 A Yeah, additional photographs -- overall
10 photographs of the vehicle.

11 Q With additional placards as well?

12 A Yes.

13 Q V, 9, X, W, and Z.

14 MS. JONES: Could we see State's 34?

15 THE WITNESS: So that's going to be the
16 shell casing that was laying next to evidence
17 placards V, and then a close-up of that shell
18 casing and the head stamp.

19 BY MS. JONES:

20 Q State's 35?

21 A And that's going to be evidence placard 9 and
22 the shell casing that was laying next to it, and
23 then an up-close photograph of the head stamp.

24 Q And State's 36?

25 A It's going to be evidence placard X and the

Testimony of Daniel Ireland

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1 shell casing that's next to it. And then a
2 close-up of the head stamp.

3 Q State's 37?

4 A That's going to be evidence placard W in the
5 shell casing next to it, and then a close-up of
6 the shell casing and head stamp.

7 Q State's 38?

8 A It's going to be inside of the vehicle.
9 You'll notice the glass laying on the seat. I
10 wanted to photograph that. A cell phone laying in
11 there. Yeah.

12 Q State's 39?

13 A This was after we marked the bullet holes in
14 the vehicle with evident placard stickers. This
15 would be one of the overall photographs after we
16 did that.

17 Q And in each of those, those letters, and then the
18 double letters indicate a different bullet hole?

19 A They did, as best we could. We were running
20 out of -- we were running out of the placards, the
21 sticker placards.

22 Q Because there were so many?

23 A Yes.

24 Q State's 40?

25 A That's a close-up of the bullet holes on the

Testimony of Daniel Ireland

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1 passenger side of the vehicle marked with sticker
2 placards.

3 Q State's 41?

4 A An overall of the bullet holes with the
5 sticker placards.

6 Q State's 42?

7 A Same thing. Close-up of all the bullet holes
8 in the passenger side of the vehicle marked with
9 sticker placards.

10 Q State's 43?

11 A Same thing. Overall photographs of the
12 bullet holes with sticker placards.

13 Q State's 44?

14 A Okay. These are rods. We use what we had
15 and put projectile rods into the bullet holes that
16 we found. Obviously, we didn't put it in the
17 glass otherwise it would shatter the glass. If
18 you look at evidence placard N, the sticker, this
19 is with projectile rods from the crime scene
20 truck.

21 Q Why would you put projective rods in the bullet
22 holes?

23 A So that's so you can see the direction of the
24 projectile as it went into the vehicle.

25 Q State's 45.

Testimony of Daniel Ireland

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- 1 A More projectile rods and sticker placards.
- 2 Q State's 46.
- 3 A Overall of the vehicle and the sticker
- 4 placards.
- 5 Q State 47?
- 6 A Overall of the vehicle and the sticker
- 7 placards.
- 8 Q That's just a closer up of State's 46?
- 9 A Yes.
- 10 Q State's 48?
- 11 A More projectile rods. I believe that's the
- 12 right -- the passenger side rear of the vehicle.
- 13 Q State 49?
- 14 A Those were the bullet holes in the glass.
- 15 The rear windshield of the vehicle with the
- 16 sticker placards.
- 17 Q So all of the bullet holes that you photographed
- 18 on this car are all entering either the back of the
- 19 car or the passenger side?
- 20 A Yes, ma'am.
- 21 Q None on the driver's side.
- 22 A I don't believe so.
- 23 Q Is the car running or was it off when you
- 24 responded?
- 25 A It was running. The car was on.

Testimony of Daniel Ireland

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1 Q Did you also go inside [REDACTED] Stonewood and take some
2 photos?

3 A Yes, I did.

4 Q I'll show you State's 50. What is that?

5 A That's going to be the Blink camera system
6 box that we found inside the residence.

7 Q And State's 51?

8 A And that's just another angle of the box.

9 Q Deputy Ireland, I don't have any further questions
10 for you at this time. Thank you.

11 CROSS-EXAMINATION

12 BY MS. CORNWELL:

13 Q Deputy Ireland, you were taking photographs of the
14 evidence we just went through. You would agree with
15 me that there were multiple different types of shell
16 casings that you photographed, correct?

17 A Different brands.

18 Q Which would indicate multiple firearms had been
19 used?

20 A That's kind of a tough question to ask
21 because you could stick a different brand of
22 bullet -- different brands in the same gun.

23 Q And, to that sense, you can also have guns that
24 can be used and don't eject casings, correct?

25 A Are you talking about it was fired and it

1 A didn't eject?

2 Q Like a revolver. It keeps the cases inside the
3 gun.

4 A I'm not a weapons expert and I never fired a
5 revolver. But, yeah, I don't think they're
6 rejected out of a revolver, no.

7 Q But of all the photographs that we saw, there were
8 multiple types of shell casings that were observed and
9 photographed.

10 A Yes, ma'am.

11 Q Did you collect any of the evidence or were you
12 just tasked with photographing the evidence?

13 A I was tasked with photographing.

14 MS. CORNWELL: I believe that's all the
15 questions I have, Your Honor.

16 MS. JONES: Nothing further.

17 THE COURT: You may be excused.

18 THE WITNESS: Thank you, sir.

19 THE COURT: All right.

20 MS. JONES: Your Honor, those are
21 actually all the witnesses for today.

22 THE COURT: All right.

23 All right. Ladies and gentlemen of the
24 jury, the State is going to let us get happy hour
25 early; so we're going to go ahead and beat the

1 THE BAILIFF: All rise. Court is back in
2 session.

3 THE COURT: All right. Real quickly --
4 I'm going to bring the jury out, but let's clear
5 the record up real quick.

6 MS. CORNWELL: Thank you, Your Honor. I
7 did want to put a couple things on the record just
8 to keep the record clean as far as my
9 contemporaneous objections which were in the
10 pretrial motions.

11 When it came to the 911 call, I believe I
12 did object based on my previous motions. However,
13 the basis of those objections were under 801, 804,
14 and 805, the hearsay unavailable declarant and
15 hearsay within hearsay.

16 The statements on the body cam, those
17 were statements of the unavailable declarant. We
18 had pretrial motions on that, but just to make
19 the record clear, my objection on those were under
20 801, hearsay, 804, unavailable declarant, and the
21 6th Amendment confrontation clause. Your Honor
22 indicated that your ruling on that was not based
23 on Crawford but based on the 802 exceptions which
24 are excited utterance and present sense
25 impression.

1 I then objected during the course of
2 trial based on the fact that it was accumulative.
3 The fact that it was under three different
4 officers at three different times. I thought that
5 exceeded excited utterance and present sense
6 exception. It also was accumulative and consisted
7 of bolstering for the unavailable declarant. I
8 wanted to make the record clear on that.

9 In regards to the Glizzy identification,
10 obviously we were objecting under 401, 402, and 403.
11 We have not gotten to this point yet, but I do know in
12 your pretrial ruling, you indicated that law
13 enforcement could, you know, discuss the fact that
14 they know Glizzy through the brother's death and the
15 investigation of the brother's death. I also don't
16 believe that law enforcement's comments on the fact
17 that the brother was murdered is relevant.

18 THE COURT: That's not coming in. That's
19 why I said he can't do it. That's why I was so
20 mad about what happened yesterday. You made such
21 a big deal about the fact that we cannot talk any
22 murders, any deaths, because I said that may be
23 inferred by the Court that that was potentially
24 some motive for him to be involved in another type
25 of shooting, whether this is related or not.

1 And so I said that law enforcement could
2 simply just say that there was an investigation
3 into a situation whereby his brother was a victim
4 when he had interviewed the family and knew he
5 went by Glizzy.

6 MS. CORNWELL: Okay.

7 THE COURT: That is what I instructed.
8 That's why whenever you did that, that's why I got
9 upset. Because we just went through this whole
10 thing where he can't do it, why would you be able
11 to do it. That is where the issue came about.

12 MS. CORNWELL: I apologize. That was my
13 misunderstanding. I thought you said they could
14 get into that.

15 THE COURT: Absolutely not.

16 MS. CORNWELL: That's how they knew that
17 he was Glizzy.

18 THE COURT: We're not going to go down
19 that road at all. And also, the one thing I know
20 you brought to the Court's attention, let me clear
21 that up, I'm not sure if madame court reporter
22 caught it yesterday but the defense wanted me to
23 bring up the fact that I had interrupted her in
24 her opening statement and asked her to move along
25 from the line of testimony or argument that she

1 was giving. I want the record to reflect that the
2 prosecutor and I had looked at each other based on
3 the information she was giving the jury and I got
4 concerned about it.

5 Ultimately, the prosecutor stood up to
6 object. I cut her off. And then asked
7 Miss Cornwell to proceed on forward and basically
8 tell the jury what the evidence will show, not
9 what it's not going to show. But I don't know if
10 madame court reporter picked up the fact that the
11 State objected.

12 Did the State stand up and object?

13 MS. JONES: I did, Your Honor.

14 THE COURT: All right. I know Miss
15 Cornwell didn't see that. She had her back to the
16 prosecutor. I'm just not sure if that was picked
17 up by madame court reporter, so I wanted to make
18 record clear on that.

19 MS. CORNWELL: Thank you, Your Honor.

20 And just for the record, I didn't want to
21 go into it because I didn't want them to see me
22 arguing with the Court. I do believe, in opening
23 statements, I'm allowed to discuss what the
24 evidence will show and what the evidence will not
25 show and for the court -- the jury to look for

1 that, not only what the evidence will show but
2 what it won't show, to use their common sense and
3 experience in determining the credibility of
4 witnesses.

5 THE COURT: All right.

6 MS. CORNWELL: I would ask for that
7 objection to be overruled. But, again, I wasn't
8 aware there was an objection, so I just moved on
9 from there.

10 THE COURT: All right. Fair enough.

11 Bring the jury out, please. The single
12 gentleman.

13 Give me your name, sir.

14 JUROR 14: Ryan Baggott, B-a-g-g-o-t-t.

15 THE COURT: Are we on the record?

16 COURT REPORTER: Yes, sir.

17 THE COURT: All right. Mr. Baggott, what
18 juror number, are you?

19 JUROR 14: 14.

20 THE COURT: All right. The parties have
21 agreed, the solicitor and the defense attorney,
22 that your services are no longer needed at this
23 trial. However, you are here for the service of
24 this week. I'm not sure what other trials that we
25 may have, and so I would just ask that you sit in

1 the pews and we will determine whether in fact
2 we're going to try another case. Okay?

3 JUROR 14: You got it.

4 THE COURT: Just have a seat there. The
5 deputies will make sure that you're escorted in
6 and out.

7 Anything before we get started?

8 MS. JONES: Your Honor, we are looking
9 for two more pieces of evidence for this first
10 witness's testimony.

11 THE COURT: That's usually bad.

12 MS. JONES: Well, we have a lot of
13 evidence in this case. There are two small bagged
14 projectiles that are bound separately from
15 everything else. So we are trying to find those
16 right now in the stuff that I'm not admitting.

17 THE COURT: All right.

18 MS. JONES: If we can just have a moment.
19 We found them, Your Honor.

20 THE COURT: All right. Bring them out.

21 (Jury enters the courtroom at 9:47 a.m.)

22 THE BAILIFF: Jury is entering the
23 courtroom, Your Honor.

24 THE COURT: All right. I hope you-all
25 had a wonderful evening. We were just taking up a

1 couple matters and logistical issues that we can
2 kind of move forward so everything can, kind of,
3 flow smoothly.

4 You-all are one of the very first juries,
5 I think Haley will admit, that you-all have broken
6 the mold. 99.99 percent of all jurors sit in
7 their same seat. We never know why because I
8 instruct them that he's the only person that has
9 to sit in the same seat yesterday, and everybody
10 sat in their exact same seat all day. But, today,
11 you-all came in and broke the mold. I was going
12 to comment about it, but you-all done it.. I
13 promise you, this is probably the third time I've
14 ever seen it and I sit in this chair every day.
15 So pretty amazing.

16 All right. At this point in time, ladies
17 and gentlemen of the jury, we're just going to
18 continue the case. If you-all need anything, just
19 raise your hand and we'll be happy to help. We'll
20 take a break in about an hour.

21 Yes, ma'am.

22 MS. JONES: Thank you, Your Honor. The
23 State calls Erin Lynn.

24 THE COURT: Can you raise your right hand
25 for me. Do you solemnly swear or affirm to

1 Testimony of Erin Lynn
2 truthfully answer all questions asked of
3 you by this court so help you God?

4 THE WITNESS: I do.

5 THE CLERK: Have a seat right here.
6 State your first and last name and spell your last
7 name for the record. Thank you.

8 THE WITNESS: Erin Lynn. Last name is
9 L-y-n-n.

10 WHEREUPON:

11 ERIN LYNN,
12 after having been sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. JONES:

15 Q Good morning, Miss Lynn.

16 A Good morning.

17 Q You don't live in Beaufort anymore, do you? Where
18 do you live?

19 A I live in Montgomery County, Maryland.

20 Q And what took you from Beaufort to Maryland?

21 A I have family up there and I got another job
22 up there.

23 Q What do you do in Maryland?

24 A I'm a police officer up there.

25 Q With what agency?

 A Montgomery County Police Department.

Testimony of Erin Lynn

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1 Q How long have you been up there?

2 A About a year and a half now.

3 Q Prior to that, where did you work?

4 A I worked for the Beaufort County Sheriff's
5 Office.

6 Q And what did you do at the sheriff's office?

7 A I was a patrol deputy, and I did a time of
8 duty with crime scene.

9 Q How long had you been employed with the sheriff's
10 office before you left?

11 A Just shy of five years.

12 Q So you were working with BCSO, Beaufort County
13 Sheriff's Office, back on November 19th of 2020?

14 A Yes, ma'am.

15 Q And in what capacity were you working with the
16 sheriff's office then?

17 A I was working the road, and I just got on
18 criminal scene.

19 Q On the crime scene unit?

20 A Yes, ma'am.

21 Q Okay. Did you respond to [REDACTED] Stonewood Circle that
22 day?

23 A Yes, ma'am.

24 Q Why did you respond to that address?

25 A Lieutenant Chapman of the crime scene unit

Testimony of Erin Lynn

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1 had requested my assistance to help process the
2 crime scene.

3 Q And were the different crime scene members tasked
4 with different duties?

5 A Yes, ma'am.

6 Q And what were you tasked with?

7 A I was tasked with the overall evidence
8 collection at the scene.

9 Q Okay. When you get to the scene, what do you
10 see?

11 A Crime scene tape had already been placed
12 around the crime scene, and they already putting
13 placards down when I got there.

14 MS. JONES: If we could see State's 11.

15 BY MS. JONES:

16 Q Is that what it looked like when you arrived?

17 A Yes, ma'am.

18 Q You mentioned these placards. Is it this evidence
19 that you would have began to collect?

20 A Not immediately, but later on we did.

21 Q Eventually, you were tasked with collecting
22 anything the placards marked?

23 A Yes, ma'am.

24 Q Okay. I'm go to show you multiple pieces of
25 evidence for you to identify, okay?

Testimony of Erin Lynn

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1 A Yes, ma'am.

2 Q Would you say the majority of what you collected
3 were shell casings?

4 A Yes, ma'am.

5 Q I'm going to show you 52 through 60 to start with.

6 (STATE EXH. 52, 9mm casing, was marked
7 for identification.)

8 (STATE EXH. 53, 9mm casing, was marked
9 for identification.)

10 (STATE EXH. 54, 9mm casing, was marked for
11 identification.)

12 (STATE EXH. 55, 9mm casing, was marked for
13 identification evidence.)

14 (STATE EXH. 56, 9mm casing, was marked for
15 identification evidence.)

16 (STATE EXH. 57, 9mm casing, was marked for
17 identification.)

18 (STATE EXH. 58, 9mm casing, was marked for
19 identification.)

20 (STATE EXH. 59, 9mm casing, was marked for
21 identification.)

22 (STATE EXH. 60, 9mm casing, was marked for
23 identification.)

24 MS. JONES: Permission to approach, Your
25 Honor.

Testimony of Erin Lynn

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1 THE COURT: Absolutely.

2 BY MS. JONES:

3 Q 52 through 60. If you could look through these
4 items and tell me what they are.

5 A These are all spent shell casings found at
6 the scene.

7 Q And you collected all of those spent shell
8 casings?

9 A Yes, ma'am.

10 Q When you say "spent shell casing," what does that
11 mean?

12 A It means after it had been fired, that is
13 what remained.

14 Q Okay.

15 A It was no longer a live round of ammunition.

16 Q I'm sorry. Could you repeat that?

17 A It was no longer a live round of ammunition.
18 It had been fired.

19 Q It's the part that's ejected out the back of the
20 gun or the side of the gun?

21 A Yes, ma'am.

22 Q Aside from collecting these, these shell casings,
23 did you alter them, manipulate them, or change them in
24 any way?

25 A No, ma'am.

Testimony of Erin Lynn

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1 Q You collected them and put them in those bags?

2 A Yes, ma'am.

3 Q And did you mark those bags?

4 A Yes, ma'am.

5 Q Would that be brown bags inside the plastic
6 bags?

7 A Yes, ma'am.

8 Q Those are -- 52 through 60 are the shell casings
9 you collected?

10 A Yes, ma'am.

11 MS. JONES: Your Honor, State's going to
12 move 52 through 60 into evidence.

13 THE COURT: Any objection?

14 MS. CORNWELL: No, Your Honor.

15 THE COURT: All right. Without
16 objection.

17 (STATE EXH. 52, 9mm casing, was entered
18 into evidence.)

19 (STATE EXH. 53, 9mm casing, was entered
20 into evidence.)

21 (STATE EXH. 54, 9mm casing, was entered
22 into evidence.)

23 (STATE EXH. 55, 9mm casing, was marked for
24 identification evidence.)

25 (STATE EXH. 56, 9mm casing, was marked for

Testimony of Erin Lynn

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1 identification evidence.)

2 (STATE EXH. 57, 9mm casing, was entered
3 into evidence.)

4 (STATE EXH. 58, 9mm casing, was entered
5 into evidence.)

6 (STATE EXH. 59, 9mm casing, was entered
7 into evidence.)

8 (STATE EXH. 60, 9mm casing, was entered
9 into evidence.)

10 BY MS. JONES:

11 Q I can take those from you.

12 Okay. That's not all the shell casings you
13 collected, is it?

14 A No, ma'am.

15 (STATE EXH. 61, 9mm casing, was marked for
16 identification.)

17 (STATE EXH. 61, 9mm casing, was marked
18 for identification.)

19 (STATE EXH. 63, 9mm casing, was marked for
20 identification.)

21 (STATE EXH. 64, 9mm casing, was marked for
22 identification evidence.)

23 (STATE EXH. 65, 9mm casing, was marked for
24 identification evidence.)

25 (STATE EXH. 66, 9mm casing, was marked for

Testimony of Erin Lynn

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1 identification.)

2 (STATE EXH. 67, 9mm casing, was marked for
3 identification.)

4 (STATE EXH. 68, 9mm casing, was marked for
5 identification.)

6 (STATE EXH. 69, 9mm casing, was marked for
7 identification.)

8 (STATE EXH. 70, 9mm casing, was marked for
9 identification.)

10 (STATE EXH. 71, 9mm casing, was marked for
11 identification.)

12 (STATE EXH. 72, 9mm casing, was marked for
13 identification.)

14 BY MS. JONES:

15 Q Now, I'm going to show you State's 61 through 72.
16 Do you recognize those items?

17 A Yes, ma'am.

18 Q And what are those?

19 A More spent shell casings that we found at the
20 scene.

21 MS. JONES: If we could see State's 15 on
22 the board, please.

23 BY MS. JONES:

24 Q These are also shell casings going from these
25 placards as well?

Testimony of Erin Lynn

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1 A Yes, ma'am.

2 Q State's 16, as well as those placards.

3 A Yes, ma'am.

4 Q And did you mark on those items of evidence that
5 you collected those?

6 A Yes, ma'am.

7 Q And did you do that by signing them and dating
8 them?

9 A Yes, ma'am.

10 Q And aside from collecting them, you didn't alter
11 or manipulate them in any way?

12 A No, ma'am.

13 Q You simply pick them up, bagged them, and turned
14 them into evidence?

15 A Yes, ma'am.

16 MS. JONES: Your Honor, at this time
17 State moves -- lost count of my numbers -- 61
18 through 72 into evidence.

19 THE COURT: Any objection?

20 MS. CORNWELL: No, Your Honor.

21 THE COURT: All right. Without
22 objection.

23 (STATE EXH. 61, 9mm casing, was entered
24 into evidence.)

25 (STATE EXH. 62, 9mm casing, was entered

Testimony of Erin Lynn

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1 into evidence.)

2 (STATE EXH. 63, 9mm casing, was entered
3 into evidence.)

4 (STATE EXH. 64, 9mm casing, was entered
5 into evidence.)

6 (STATE EXH. 65, 9mm casing, was entered
7 into evidence.)

8 (STATE EXH. 66, 9mm casing, was entered
9 into evidence.)

10 (STATE EXH. 67, 9mm casing, was entered
11 into evidence.)

12 (STATE EXH. 68, 9mm casing, was entered
13 into evidence.)

14 (STATE EXH. 69, 9mm casing, was entered
15 into evidence.)

16 (STATE EXH. 70, 9mm casing, was entered
17 into evidence.)

18 (STATE EXH. 71, 9mm casing, was entered
19 into evidence.)

20 (STATE EXH. 72, 9mm casing, was entered
21 into evidence.)

22 (STATE EXH. 73, 9mm casing, was marked for
23 identification.)

24 (STATE EXH. 74, 9mm casing, was marked for
25 identification.)

Testimony of Erin Lynn

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1 (STATE EXH. 75, .40 caliber casing, was
2 marked for identification.)

3 BY MS. JONES:

4 Q A couple more things. 73, 74, and 75, do you
5 recognize those items?

6 A Yes, ma'am.

7 Q And what are those?

8 A More spent shell casings we found at the
9 scene.

10 Q Okay.

11 MS. JONES: If we can see State's 11 one
12 more time.

13 BY MS. JONES:

14 Q Those are three of the casings collected from
15 these placards?

16 A Yes, ma'am.

17 Q And, again, aside from picking them up and placing
18 them in the evidence bag, did you alter or manipulate
19 or change them in any way?

20 A No, ma'am.

21 Q You collected them and submitted them into
22 evidence?

23 A Yes, ma'am.

24 MS. JONES: Your Honor, at this time
25 State moves 73, 74, and 75 into evidence.

Testimony of Erin Lynn

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1 THE COURT: All right. Any objection?

2 MS. CORNWELL: No, Your Honor.

3 THE COURT: Without objection.

4 (STATE EXH. 73, 9mm casing, was entered into
5 evidence.)

6 (STATE EXH. 74, 9mm casing, was entered into
7 evidence.)

8 (STATE EXH. 75, .40 caliber casing, was
9 entered into evidence.)

10 BY MS. JONES:

11 Q You collected a few other things aside from shell
12 casings?

13 A Yes.

14 THE COURT: How many more do you have?

15 MS. JONES: Seven.

16 THE COURT: What are the numbers?

17 MS. JONES: 77 through 85.

18 THE COURT: Will you stipulate to those?

19 MS. CORNWELL: I will, Your Honor. Let
20 me make sure I got the numbers right. I got 52
21 through 60 were admitted. And 62 through 72, 72
22 through 75, 77 through 85.

23 MS. JONES: Without 83 and 84.

24 MS. CORNWELL: Your Honor, I'll
25 stipulate.

Testimony of Erin Lynn

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1 THE COURT: All right.

2 MS. JONES: Perfect.

3 THE COURT: Fair enough.

4 Stipulations by counsel just means it
5 comes in without her permission and me asking her
6 if she objects and then me allowing it in. We can
7 just move a little smoother.

8 MS. JONES: Thank you, Judge.

9 (STATE EXH. 77, 357 live round, was
10 marked and entered into evidence.)

11 (STATE EXH. 78, Projectile, was marked
12 and entered into evidence.)

13 (STATE EXH. 79, Projectile, was marked
14 and entered into evidence.)

15 (STATE EXH. 80, Projectile, was marked
16 and entered into evidence.)

17 (STATE EXH. 81, Samsung phone, was
18 marked and entered into evidence.)

19 (STATE EXH. 82, Samsung phone, was
20 marked and entered into evidence.)

21 (STATE EXH. 85, Blink hub, was marked
22 and entered into evidence.)

23 BY MS. JONES:

24 Q And, just briefly, if you could tell the jury what
25 these items are that you collected. I'll give them

Testimony of Erin Lynn

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1 all to you and you can just go for it.

2 A One of these is a live round for a 357.

3 Q When you say live round that means a bullet that
4 has not been expelled, not been shot?

5 A Correct.

6 A couple of projectiles that were found on
7 scene, two cell phones that were found on scene, and
8 the Blink system, the Blink hub.

9 Q The Blink hub. All the projectiles that we put in
10 this box, these would all be the 9-millimeters you
11 collected, right?

12 A Yes, ma'am.

13 Q And those couple of casings, they are .40 caliber?
14 Two, I believe.

15 A The live round is a 357, and after that it's
16 just projectiles.

17 Q Okay.

18 A I don't think we could determine what caliber
19 it was.

20 Q Okay, I can take those back from you. Thank you.

21 MS. JONES: Beg the Court's indulgence.

22 BY MS. JONES:

23 Q Officer Lynn, I don't have any further questions
24 for you. If you can answer any Miss Cornwell may
25 have.

Testimony of Erin Lynn
CROSS-EXAMINATION

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BY MS. CORNWELL:

Q Officer Lynn, when you arrived on scene, you indicated the placards were already placed down when you arrived?

A Yes, ma'am.

Q And a lot of shell casings on that scene, correct?

A Yes, ma'am.

Q Various shell casings?

A Mostly of the 9-millimeter, but yes.

Q There were different calibers. There was 9-millimeter, 40's?

A Yes, ma'am. There was a couple of 40's.

Q Okay. And after collecting the evidence from the scene, did you have any further involvement with this case?

A No, ma'am. I just collected from outside the scene and then inside the house and that was it. That was my involvement.

Q And we went through all the shell casings and everything. Did you collect other evidence from the scene indicating a mason jar with marijuana, a bag of pills, things of that nature?

A Yes, ma'am.

Testimony of Erin Lynn

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1 Q Where were those items located?

2 A The jar of marijuana was, I believe, to
3 the -- I'm sorry.

4 Q I see you're reading something. Is that your
5 report?

6 A Yeah, I'm sorry. This is my printed copy of
7 the report.

8 Q And you're just refreshing your recollection by
9 reading the report?

10 A Yes, ma'am.

11 Q Okay.

12 A It was on the left side of the victim's body,
13 was the jar of marijuana. And the peach bag was
14 near the vehicle on the driver's side by the
15 door.

16 THE COURT: Ma'am, you're soft spoken.
17 Could you speak up just a little bit for us,
18 because I'm having a hard time hearing you so I
19 know they are.

20 THE WITNESS: Yes, Your Honor. Sorry.

21 THE COURT: You can pull that closer to
22 you, if you want. Does it move? There you go.
23 All right, perfect.

24 BY MS. CORNWELL:

25 Q You said the peach bag was also over on the

1 driver's side?

2 A Yes, ma'am. Over by the driver's side of the
3 vehicle.

4 Q And what did that peach bag contain?

5 A I don't recall, ma'am.

6 Q The pills that you located, where were they?

7 A They were between the victim's body and the
8 vehicle; some of them were in like a plastic bag
9 and some were on the ground.

10 Q And did you submit those into evidence to be
11 analyzed?

12 A Yes, ma'am.

13 Q When you finished collecting everything at the
14 scene, did you take that evidence directly to your
15 evidence room to submit it?

16 A We went to northern investigations to package
17 it up completely and then it went to the
18 evidence.

19 Q Can you tell me a little bit about that evidence
20 room where everything is kept? Who all has access to
21 that room? Is there --

22 A So the building itself, you have to have like
23 a card to get in. You have to be buzzed in to get
24 into the building. And then evidence personnel
25 are the only ones who are allowed in the back and

Testimony of Erin Lynn

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1 we submit it to them and they take it into the
2 back where it's secured.

3 MS. CORNWELL: That's all the questions I
4 have, Your Honor. Thank you.

5 THE COURT: All right. Any follow-up?

6 MS. JONES: Briefly, Your Honor.

7 REDIRECTION EXAMINATION

8 BY MS. JONES:

9 Q Shell casings, you collected 23 9-millimeter; is
10 that correct?

11 A Yes, ma'am.

12 Q Two 40 caliber?

13 A Yes, ma'am.

14 Q And the 357 was actually live rounds that had not
15 been shot?

16 A Yes, ma'am.

17 Q Okay. And then there was some -- some of those
18 you actually know they were old, old casings. They
19 looked older.

20 A Yes, ma'am.

21 Q Is that because they were imbedded in the dirt or
22 they weren't as shiny as some of the others?

23 A Yes, ma'am.

24 Q Okay, let's see.

25 MS. JONES: If we can see State's 21.

1 BY MS. JONES:

2 Q And near this grill over on the right side of that
3 picture, is that where you found the marijuana, the
4 jar of marijuana?

5 A Yes, ma'am.

6 MS. JONES: If we can go to Evidence 22.

7 BY MS. JONES:

8 Q And that's the jar of marijuana?

9 A Yes, ma'am.

10 Q Okay. And then we talked about some pills.

11 MS. JONES: If we could see State's 33,
12 please.

13 BY MS. JONES:

14 Q Closer to marker V, is that the Crown Royal bag,
15 the peach bag you were talking about earlier?

16 A Yes, ma'am.

17 Q And it's hard to see on that picture, but next to
18 marker Z, there appears to be a baggie and something
19 white next to it. It's scattered in the dirt.

20 There's a couple white things. Are those the pills
21 you were talking about?

22 A Yes, ma'am.

23 Q So that's the -- those would be all the drugs you
24 collected?

25 A Yes, ma'am.

Testimony of Adam Draisen

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1 MS. JONES: No further questions, Your
2 Honor.

3 THE COURT: All right. Thank you very
4 much. You may be excused. Enjoy the rest of your
5 time in Beaufort.

6 MS. JONES: The State calls Adam Draisen.

7 THE CLERK: Raise your right hand. Do you
8 solemnly swear or affirm to truthfully answer all
9 questions asked of you by this court so help you
10 God?

11 THE WITNESS: I do.

12 THE CLERK: Thank you. Have a seat right
13 here. State your first and last name and spell
14 your last name for the record. Thank you.

15 THE WITNESS: My name is Adam Draisen,
16 D-r-a-i-s-e-n.

17 WHEREUPON:

18 ADAM DRAISEN,
19 after having been sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. JONES:

22 Q Good morning, Master Sergeant Draisen.

23 A Good morning.

24 Q How are you this morning?

25 A Good.

Testimony of Adam Draisen

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1 Q You're not feeling too hot, are you?

2 A I have a little bit of a cold.

3 Q You sound a little bit stuffed.

4 Where do you work?

5 A The Beaufort County Sheriff's Office.

6 Q And what do you do at the sheriff's office?

7 A I'm the investigations supervisor.

8 Q What does that mean?

9 A I'm responsible for supervising the
10 investigators assigned to the northern enforcement
11 division, and reviewing reports, looking at search
12 warrants, monitoring investigations as they
13 happen.

14 Q So, essentially, are you over most, if not all, of
15 the investigations in northern Beaufort County?

16 A Yes, ma'am.

17 Q But they trickle through different investigators
18 in the office and end up on your desk?

19 A That is correct.

20 Q Did you have some dealings with the case we're
21 here for today?

22 A Yes, ma'am, I did.

23 Q Did you respond to [REDACTED] Stonewood Circle that day on
24 November 18th of 2020?

25 A I did.

Testimony of Adam Draisen

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1 Q And why did you respond to [REDACTED] Stonewood?

2 A We were at the office at the time and there
3 was a -- we heard the dispatch go out about the
4 incident at -- on Stonewood, so investigators, me
5 included, left the office and responded to the
6 area.

7 Q When you get there, what do you see?

8 A The crime scene tape had been set up, and I
9 saw, you know, there was a car that appeared to
10 have some bullets holes in it in the front yard of
11 the house. There was a deceased black male that
12 was laying to the left of that car. And then
13 there was Cory Singleton who was seated in a chair
14 to the right of the house.

15 Q Did you have an opportunity to speak with
16 Mr. Singleton?

17 A He seemed pretty emotionally upset.

18 Q You said emotionally upset. Was he boisterous or
19 excited or animated?

20 A No, he was just, kind of, looking down not
21 saying much. Just appeared to be like he was
22 upset because -- I've spoken to him before and he
23 just didn't seem like himself.

24 Q When you spoke with Mr. Singleton, after speaking
25 with him did you then go into his house?

1 A Yes.

2 Q And why is that?

3 A He told us that he had video surveillance of
4 the incident, but it was on his cell phone. And
5 that was the only way we could access the video,
6 so we escorted him into the house so we could get
7 the cell phone to view the video.

8 Q So while he was seated on scene, he did not have
9 access to the videos?

10 A Correct.

11 Q When he takes you inside, does he retrieve a cell
12 phone?

13 A He does.

14 Q Do you view a video inside the home?

15 A No. We walked back outside to the hood of a
16 car, what I believe was a patrol car. Well,
17 first, he's seated in his chair. We're trying to
18 see it. We can't really see it because of the
19 sun, so we walk over to the hood of the patrol
20 car. He plays the video and I could see on the
21 video clip it was the same car that was in front
22 of the house, and I could see, you know, a car --
23 a van pull up, a white van pull up and there's a
24 shooting incident. And I'm trying to identify --
25 I wasn't quite able to see who -- the facial

Testimony of Adam Draisen

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1 features on the video, especially on the small
2 phone.

3 But I did take a -- I don't know if you want
4 me to get into, but I did take a picture of it because
5 we had had other investigators that responded to
6 another location. So in order to verify the identity
7 of the van that was involved, I sent that to
8 Investigator Snider.

9 Q Did you learn what sort of surveillance system
10 this was that Mr. Singleton had?

11 A It was a Blink, which is Amazon company.

12 Q Is that a web based system?

13 A It is web-based, yes.

14 Q Is that similar to what we may know as a Ring
15 camera system?

16 A It is. It doesn't have storage onsite. It's
17 usually stored in a server for whatever company is
18 offering the surveillance system.

19 Q So in order to have storage on the server, would
20 somebody have to have a membership or a
21 subscription?

22 A Yes, ma'am.

23 Q Could they still access videos on their phone if
24 they didn't have a membership or subscription?

25 A Yes. They usually store it for a certain

1 amount of time on the device.

2 Q So the video that he shows you is the video that
3 Corey had on his phone?

4 A Yes, ma'am.

5 Q Okay. Do you eventually see more video clips from
6 the surveillance?

7 A I do.

8 Q Tell me about that.

9 A So because we were having trouble seeing the
10 video on the phone, I would ask Mr. Singleton to
11 come to the investigations office so that we
12 could -- basically, he could send me the video so
13 I could view them on my computer, and that's what
14 he did. He came to the investigations office and
15 emailed me, I believe, it was five clips from
16 it.

17 Q Was that that same afternoon that he came down?

18 A Yes, ma'am. It was immediately after.

19 Q After he showed you the first clip on the phone?

20 A Yes, ma'am.

21 Q And you said he emailed five clips.

22 A Yes, ma'am.

23 Q Did you submit those emails into evidence?

24 A I did.

25 MS. JONES: Your Honor, permission to

Testimony of Adam Draisen

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1 approach?

2 THE COURT: Absolutely.

3 (STATE EXH. 87, Emails from Singleton, was
4 marked for identification.)

5 BY MS. JONES:

6 Q Master Sergeant Draisen, I'm showing you what has
7 been marked as State's 87. Do you recognize that
8 item?

9 A Yes, I do.

10 Q And what is that item?

11 A These are the emails, print offs of the
12 emails that I received from Corey Singleton.

13 Q And the emails, when they are sent to you
14 electronically, they had the clips attached to them?

15 A Yes.

16 Q And it's not one continuous video, is it?

17 A No, it's five separate clips.

18 Q Okay. Is it a continuous stream or are there
19 breaks in it?

20 A There's breaks.

21 Q Did one of the videos -- one of the clips contain
22 the same video you viewed on scene?

23 A Yes.

24 Q And it was the exact same video you reviewed on
25 scene?

Testimony of Adam Draisen

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1 A It was the exact same video.

2 Q When he emailed you these clips, do you review
3 them in your office?

4 A I do.

5 Q And do they also match what you had seen of the
6 crime scene just prior to that?

7 A They do match.

8 Q And you can't manipulate these clips when he sends
9 them to you, can you?

10 A No, I can't.

11 Q And you don't.

12 A No, I don't.

13 Q And you take those clips and you do what with
14 them?

15 A So I transfer them to a CD -- or a DVD and
16 submitted them to the evidence section.

17 Q You said DVD.

18 MS. JONES: Permission to approach?

19 THE COURT: Absolutely.

20 (STATE EXH. 88, Surveillance; Stonewood, was
21 marked for identification.)

22 BY MS. JONES:

23 Q I'm going to hand you State's 88. Do you
24 recognize that item?

25 A Yes, I do.

Testimony of Adam Draisen

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1 Q And what is State's 88?

2 A This is a CD that has the video clips that I
3 just explained that were sent to me by Corey
4 Singleton.

5 Q And did you review that disk prior to trial?

6 A I did.

7 Q And did you indicate on that disk that you
8 reviewed it?

9 A I did. I initialed it.

10 Q And are those the clips containing the one you saw
11 on scene?

12 A Yes, they are.

13 Q As well as the four additional ones he sent you?

14 A Yes.

15 Q And you did not alter them, manipulate them, or
16 change them in any way?

17 A No, I didn't.

18 Q Those are the exact clips you reviewed that Corey
19 provided to you?

20 A Yes.

21 MS. JONES: Your Honor, at this time, I
22 would move 87 and 88 into evidence.

23 THE COURT: All right. Any objection
24 over the previous objection?

25 MS. CORNWELL: Over the previous

1 objection, Your Honor.

2 THE COURT: All right. Over the previous
3 objection.

4 MS. JONES: Thank you, Your Honor.

5 (STATE EXH. 87, Emails from Singleton, was
6 entered into evidence.)

7 (STATE EXH. 88, Surveillance; Stonewood, was
8 entered into evidence.)

9 BY MS. JONES:

10 Q You mentioned a screen shot you had taken off of
11 those clips.

12 MS. JONES: Permission to approach?

13 THE COURT: Absolutely.

14 (STATE EXH. 86, Photo from
15 surveillance, was marked for identification.)

16 BY MS. JONES:

17 Q I'm going to hand what has been marked as State's
18 86. Do you recognize State's 86?

19 A Yes, ma'am, I do.

20 Q And what is State's 86?

21 A This is the screen shot that I sent to
22 Investigator Snider.

23 Q That's the exact screen shot you got off of
24 Corey's phone?

25 A It is.

Testimony of Adam Draisen

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1 Q Of one of the clips he sent you?

2 A Yes, ma'am.

3 MS. JONES: At this time, State moves 86
4 into evidence.

5 MS. CORNWELL: Same objection.

6 THE COURT: All right. Over the
7 objection.

8 (STATE EXH. 86, Photo from
9 surveillance, was entered into identification.)
10 BY MS. JONES:

11 Q I want to talk about the emails. Do the emails
12 include -- I need to staple these. But, do they
13 included a time stamp on these emails?

14 A They do. The subject line, it has front
15 yard, the date, and then the time as -- and then
16 MP4 as the file name.

17 Q So what time were these clips recorded?

18 A Let's see. It was 12:55:33, 12:56:16,
19 12:56:24, and 12:56:47, 12:57:26.

20 Q Do you remember what time the 911 call came in?

21 A It was roughly around one o'clock, I believe.

22 A little after 1:00. I have it as 1:06 p.m. on my
23 report.

24 Q Thank you.

25 MS. JONES: Your Honor, if we could

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1 publish 86 first, the still.

2 BY MS. JONES:

3 Q Who did you send this still photograph to?

4 A I sent that to Investigator Snider.

5 Q And where was Investigator Snider when you sent
6 her this photograph?

7 A She was on Eddings Point Road at
8 Channon Preston's house.

9 Q Okay. He lives on Eddings Point Road?

10 A Yes, ma'am.

11 Q Do you remember the address?

12 A I don't remember off the top of my head.

13 Q Would it be [REDACTED]?

14 A Yes.

15 Q Okay. Did you show this photograph to anybody
16 else?

17 A That specific -- no, I did not show that
18 specific photograph to anyone. I just sent that
19 particular one to Investigator Snider.

20 Q Okay.

21 MS. JONES: If we can go ahead and
22 publish State's 88.

23 BY MS. JONES:

24 Q And State's 88, again, is the surveillance you
25 received straight from Corey Singleton?

Testimony of Adam Draisen

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1 A Yes, ma'am.

2 (Video clips played.)

3 MS. JONES: I'm going to ask that we play
4 it because I think we missed first couple seconds
5 of that first slip. We can pause it.

6 BY MS. JONES:

7 Q Who is that? Who is that walking down the front
8 stair?

9 A That's Corey Singleton.

10 Q And whose car is that, the dark sedan?

11 A That's Steven Glover's.

12 Q Thank you.

13 (Video clips played.)

14 BY MS. JONES:

15 Q You said you spoke with Corey Singleton on scene.
16 Did you speak with him again after that?

17 A Yes, ma'am. I spoke to him several times
18 after that.

19 Q And how did he act each time you spoke with him?

20 A He was consistent. He was -- I mean, he was
21 obviously shaken up about the incident, and I
22 spoke to him after that. He was consistent in his
23 statements he gave me.

24 MS. CORNWELL: Your Honor, I'm going to
25 object at this point.

Testimony of Adam Draisen

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1 THE COURT: Hold on. What was your
2 objection?

3 MS. CORNWELL: He's going into bolstering
4 the statements -- may we approach?

5 THE COURT: Sure.

6 (Bench conference off the record.)

7 BY MS. JONES:

8 Q Master Sergeant Draisen, you spoke with Mr.
9 Singleton you said several times after this.

10 A Yes.

11 Q And he agreed to speak with you each time?

12 A He did.

13 Q And he provided you those videos on his own
14 accord?

15 A He did.

16 MS. JONES: Beg the Court's indulgence.
17 Your Honor, if we could approach briefly one more
18 time. My apologies.

19 (Bench conference off the record.)

20 BY MS. JONES:

21 Q Master Sergeant Draisen, those are all of the
22 questions I have at this time. If you could answer
23 any questions Mr. Cornwell has.

24 MS. JONES: And also subject to recalling
25 this witness, Your Honor.

Testimony of Adam Draisen
THE WITNESS: Yes, ma'am.

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CROSS-EXAMINATION

BY MS. CORNWELL:

Q Good morning, Master Sergeant Draisen.

A Good morning.

Q I'm going to try to speak loudly. I'm been told I don't speak loudly. Normally, I'm obnoxiously loud and speak too fast.

Q You indicated that when you spoke to Singleton he was not the same as when you had interactions with him previously, correct?

A Yes, ma'am.

Q And you've had interactions with him previously based on him being suspects in various interactions with law enforcement, correct?

A He had involvements.

Q And you indicated that you escorted him to the side and you were shown one clip and you took a video on your cell phone of that one clip, correct?

A No, ma'am. I took a photograph of that.

Q But that one clip was the one where he is running away?

A It's the one where the car pulls up and you could hear him saying, *He ran out, he ran out.* It's that very first clip.

Testimony of Adam Draisen
(Clip played.)

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1

2

BY MS. CORNWELL:

3

Q Let me show you State's 88. That would be the

4

clip you reviewed?

5

A Yes, ma'am, that was it.

6

Q That's the only clip that you reviewed at the

7

scene that day, correct?

8

A Before going back to the office, yes,

9

ma'am.

10

Q And you indicated that you asked Mr. Singleton to

11

come back to the office to speak with you further

12

about this incident, correct?

13

A Yes, ma'am.

14

Q And you said that he went with you, but that's not

15

entirely accurate, is it?

16

A No. He agreed to come back to the office.

17

He didn't go with me, no, ma'am.

18

Q Because, at some point, he decided he wanted to

19

speak with his attorney, correct?

20

A Yeah.

21

Q He didn't want to come speak with you unless he

22

had an attorney present, correct?

23

A That's correct.

24

Q And you actually contact his attorney because you

25

knew who his attorney was based on him being a suspect

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1 in another case?

2 A Yes, ma'am, that's correct.

3 Q When you contact his attorney and ask his attorney
4 to bring him in, you specifically told his attorney
5 that he wasn't a suspect. You wanted to talk to him
6 as a witness.

7 A That's correct.

8 Q You never suspected Mr. Singleton of any wrong
9 doing in this incident, never investigated him as part
10 of this incident, correct?

11 A I didn't investigate it. Investigator Duncan
12 was the investigator in this case, but, no, he
13 wasn't a suspect.

14 Q As the investigative supervisor, you indicated
15 that you supervise investigations. You indicate who
16 should investigate what, what things are getting
17 assigned to people, so you did not have anybody
18 investigate Corey Singleton and his potential
19 involvement in this shooting and whether or not --

20 A At that point in the investigation, we're
21 very early so we didn't have all the information.
22 That's why we needed to talk to him. So at that
23 moment, we had no reason to suspect him, but we
24 needed to talk to him.

25 Q At any point during this investigation, did you

Testimony of Adam Draisen

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1 have anybody investigate Corey Singleton regarding his
2 involvement and whether or not he was being
3 truthful?

4 A Yes, ma'am.

5 Q Who did you have investigate Corey Singleton?

6 A I interviewed him several times.

7 Q And what investigation did you follow up on to
8 test the veracity and truthfulness of his statements
9 to you?

10 A It would be with what was found at the scene;
11 the video surveillance, the evidence that was
12 collected.

13 Q You're aware that there was a search warrant that
14 was given to Amazon?

15 A Yes, ma'am.

16 Q Asking for some complete video clips?

17 A Yes, ma'am.

18 Q And Amazon indicated that -- or sent a response to
19 search warrant without any videos of this incident,
20 correct?

21 A That's correct.

22 Q And while they would be the holders of the
23 original, it's your understanding that you have a
24 password and account. Because it's web based, whoever
25 has that password and account can also go in and

Testimony of Adam Draisen

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1 delete and manipulate those videos, correct?

2 A That's my understanding.

3 Q So even though you would ask for a search warrant
4 for Amazon and Amazon didn't provide them, obviously
5 they were deleted by somebody?

6 MS. JONES: Objection, Your Honor.

7 THE COURT: It calls for speculation. He
8 doesn't know. So I'll overrule (sic) the
9 objection. You can rephrase the question though.

10 BY MS. CORNWELL:

11 Q Was Amazon able to provide you the videos about
12 the incident?

13 A Not the same videos we got from Corey
14 Singleton, no, ma'am.

15 Q And at no point did you ever get video of the
16 actual shooting of Mr. Glover?

17 A I'm sorry. I don't understand your question.

18 Q You don't have any video showing Mr. Glover
19 getting shot, do you?

20 A The video shows after. Yes, ma'am. It shows
21 after the shooting.

22 Q So you do not have any video of Mr. Glover getting
23 shot?

24 A No, ma'am.

25 Q So there is no video showing who shot

1 Mr. Glover?

2 A No, there's no video of the actual shooting.
3 There's clips in between of what actually
4 happened, yes, ma'am.

5 Q So if you only have clips of before the shooting
6 and after the shooting and not of the shooting,
7 clearly you're missing video, correct?

8 A I don't know if there was missing video, no,
9 ma'am. I don't know that. I just know there
10 wasn't video of it.

11 Q Okay. You don't have it, it wasn't provided to
12 you, and Amazon doesn't have it, so there's missing
13 video.

14 A I couldn't say that because sometimes video
15 -- it doesn't necessarily mean there is video of
16 it with the way those web cams work.

17 Q They're motion detected?

18 A They are, but it's been our experience they
19 don't always capture everything.

20 Q But, in this case, you were relying on
21 Corey Singleton to provide you with all of the video
22 clips.

23 A We relied on him and then we also did the
24 search warrant, yes, ma'am.

25 Q You indicated in the email that there are time

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1 stamps, but there are not time stamps or dates on
2 those videos, correct?

3 A No, ma'am, there isn't.

4 Q So what you indicate as times stamps are not
5 necessarily -- you cannot testify that that's when
6 those actual clips were occurring. That's just what
7 the file name is, correct?

8 A Yes. So the file name which has the date and
9 then the time associated with the clip, that's
10 right. It's not on this actual video, but it is
11 associated with it.

12 Q Through your email.

13 A That's correct.

14 Q And you have no idea why those clips got that tag,
15 correct? You cannot testify as to whether that time
16 stamp tag was after the video was modified,
17 manipulated, deleted, you have no idea, right?

18 A I don't understand your question.

19 Q The only thing you're basing a date and time stamp
20 on is what the file name was, correct?

21 A All I can tell you is that that's the time
22 that was on that video clip that came from
23 Corey Singleton, which was generated from the app
24 he sent it from.

25 Q But, you don't know if that's when the video

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1 actually occurred or if that's when the video was
2 looked at, saved, and manipulated, correct?

3 MS. JONES: Your Honor, objection.

4 THE COURT: I'll sustain the objection.
5 Rephrase the question, please.

6 MS. CORNWELL: Your Honor, I'm just
7 asking his knowledge of how the time stamp got
8 there, whether it was at the time it actually
9 occurred, or at the time it was saved, or at the
10 time it was edited and modified, the time it was
11 saved to email.

12 THE COURT: That's speculation as to --
13 what she's objecting to is the portion of the
14 edit. I've already sustained that objection. He
15 can't speculate as to whether that was done.

16 But you can answer the first two
17 questions that she asked.

18 THE WITNESS: I'm sorry. Can you repeat
19 the first two questions that you asked?

20 BY MS. CORNWELL:

21 Q You don't have any indication of those time stamps
22 on that email, that file name being the actual time of
23 the incident, correct?

24 A I wouldn't know that.

25 Q Okay. We talked about you meeting with

Testimony of Adam Draisen

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1 Mr. Singleton at the station, and that's when-- and
2 that was after you called his lawyer and asked his
3 lawyer to bring him, correct?

4 A Yes.

5 Q And you advised Mr. Singleton of his Miranda
6 rights during that time, correct?

7 A I don't recall advising him of his Miranda
8 rights, no, ma'am.

9 Q You don't recall advising him of his Miranda
10 rights and him refusing to sign them?

11 A No, ma'am.

12 Q Were you the only person that interviewed
13 Mr. Singleton at the police station?

14 A Yes, ma'am.

15 Q Do you have your report with you?

16 A I do.

17 Q Is that the 152-page total report?

18 A Yes. There was a few more pages, but, yes,
19 it's roughly that many pages.

20 Q May I see what you have?

21 A This is my portion of the report.

22 MS. CORNWELL: May I approach, Your
23 Honor?

24 THE COURT: Absolutely.

25 A Page --

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1 Q Your page numbers are a little bit different than
2 mine.

3 A Thirty-seven.

4 Q Would it refresh your recollection to review that
5 report to see if you gave Miranda warnings at the
6 bottom of your page 37?

7 A Yeah, I don't have it here that I read him
8 Miranda, ma'am.

9 Q You indicated that you presented him with a piece
10 of paper and he declined to sign the paper?

11 A That's correct.

12 MS. JONES: Your Honor, if we can
13 approach?

14 THE COURT: One second. We've been going
15 for an hour, let's take a break. How about that?
16 All right? So we'll address whatever they need to
17 address and we'll go ahead and take our
18 mid-morning break and we'll get you right back
19 out.

20 (Jury exits the courtroom at 10:37 a.m.)

21 THE BAILIFF: Jury is clear, Your
22 Honor.

23 THE COURT: All right. Let's clear up
24 the record real quick, the first side bar --
25 because we have to get these correct on the

Testimony of Adam Draisen

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1 record. It was about -- I know the second one you
2 want to recall him, and I said, sure, that's not a
3 problem. That's just a procedural issue. But
4 then she was saying that it was some form of
5 hearsay, so I wanted to make sure we had the
6 record clear on that one. What did we have a side
7 bar for the first time? This is why you don't
8 recreate the record eight years down the road when
9 you can't remember what you just did 25 minutes
10 ago.

11 MS. CORNWELL: Your Honor, I believe at
12 the time, Master Sergeant Draisen was talking
13 about the consistency of his statement -- of
14 Mr. Singleton's statement that was given to law
15 enforcement at the scene to what -- the various
16 interviews he had with him after the scene.

17 Obviously, all the statements that were
18 after the scene, you know, were not admissible.
19 You allowed the body camera footage in under the
20 hearsay exception.

21 THE COURT: Right.

22 MS. CORNWELL: Under Crawford, the other
23 statements weren't allowed in.

24 THE COURT: All right.

25 MS. CORNWELL: So I objected to, kind of,

Testimony of Adam Draisen

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1 bolstering and going into that hearsay and
2 bolstering at that point.

3 THE COURT: For the record, and I asked
4 Miss Jones to just rephrase her question and just
5 go step, by step, by step, which we got through.

6 All right. What you got?

7 MS. CORNWELL: Your Honor, just while
8 we're clearing up the record, the video was moved
9 into evidence. Obviously, I had a pre-trial
10 motion objecting to the video surveillance coming
11 in based on 901 authentication and hearsay based
12 on the out of -- unavailable declarant and nobody
13 being able to authenticate that the video is what
14 it purports to be. I don't believe there was
15 actually a ruling on that. Obviously, that was
16 why I, kind of, hesitated on --

17 THE COURT: Well, what I would have done
18 is, I would have just taken Mr. Draisen's
19 testimony and determined whether in fact he laid a
20 proper foundation, and obviously I believe he did
21 and I was okay with allowing the video in. Had I
22 had any reservations, I would have stopped.

23 MS. CORNWELL: So you are denying my
24 motion? If you could, just for the record, put
25 your basis for the denial of the motion.

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1 THE COURT: Well, I think he laid the
2 proper foundation to be able to testify as to
3 where that video came from. Again, that's such a
4 low standard and low bar. I think he was able to
5 testify that he received it from the victim in
6 this case and that he went through basically
7 procedurally how they received the phone, how they
8 went through it, how they went outside, how they
9 reviewed it again, and I think he laid the proper
10 foundation and testified that that was the exact
11 same video that he had already seen without any
12 alteration or amendments thereto. All right?

13 MS. CORNWELL: It's my understanding that
14 you're finding it's not hearsay under 801 and it
15 is authenticated under 901 based on his
16 foundation.

17 THE COURT: Correct.

18 MS. CORNWELL: Thank you, Your Honor.

19 THE COURT: All right. What did you need
20 to bring up?

21 MS. JONES: Thank you.

22 Your Honor, she's asking Master Sergeant
23 Draisen about a Miranda form that Corey Singleton
24 failed to sign. She is confusing the Miranda form
25 with the photo line-up. He refused to sign the

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1 photo line-up. When she refers to page 37, that's
2 actually getting into Channon Preston's interview
3 where Channon Preston refused to sign the
4 Miranda form.

5 It has now created an issue in front of
6 the jury that they think Corey Singleton has
7 refused to sign a Miranda form. He was never even
8 Mirandized. She actually -- the form he refused
9 to sign was, essentially, the affidavit on the
10 back on the photo line-up.

11 THE COURT: All right.

12 MS. JONES: I think now that she's opened
13 that door and cleared up the photo line-up, I
14 think I can ask him if he picked out somebody.

15 MS. CORNWELL: Your Honor, I don't
16 believe that that's an open -- that door has been
17 opened. I don't think we had a Biggers on this.
18 We can't have a Biggers on this because the
19 declarant is unavailable. There's no way to get
20 into that he doesn't sign the affidavit, anything
21 on that.

22 If I misspoke regarding that -- and I
23 actually never said for photo line-up. I just
24 said sign a piece of paper. I think that the
25 answer could be clarified that he was never given

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1 Miranda. He refused to sign an affidavit. But in
2 no way has anybody ever said anything about a
3 photo line-up.

4 And, again, there's no Biggers. There's
5 no way to conduct a Biggers. There's not -- the
6 declarant is unavailable to even conduct anything
7 of that. I certainly don't believe I've opened
8 the door by mentioning any photo line-up or
9 stating any photo line-up.

10 THE COURT: I don't want to do any type
11 of identification issues this late in the game.
12 Obviously, with the declarant being unavailable.

13 However, I will let you, Miss Jones, get
14 into the fact that what he did not sign was not a
15 Miranda form, but it was another document related
16 to the case.

17 MS. JONES: Okay.

18 THE COURT: Just to clear it up for the
19 jury, I have no problem with you going into that.

20 MS. JONES: Thank you.

21 THE COURT: Let's take a five-minute
22 break. You're still under oath, so we can take a
23 break but just don't discuss your testimony.

24 All right.

25 (A break was taken from 10:42 a.m. to 11:04 a.m.)

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1 THE BAILIFF: All rise. This court is
2 back in session.

3 THE COURT: Anything before we bring them
4 out?

5 MS. JONES: Briefly, Your Honor,
6 Master Sergeant Draisen is referencing a report
7 that is 158 pages. Both myself and Miss Cornwell
8 have a 152-page report. It contains two
9 last-minute supplements. He is trying to get them
10 to me right now.

11 Did you email them?

12 THE COURT: If you just email them right
13 here, we'll print them. So we got to review those
14 six pages and see what's on them?

15 MS. JONES: Yes.

16 THE COURT: All right. Do you have the 8
17 pages printed? I mean the six pages, 52 to 58?

18 THE WITNESS: No, Your Honor. I don't
19 have them printed. It should be in the email.
20 Did it come through yet?

21 THE COURT: Can you pull them up on your
22 phone?

23 THE WITNESS: Yes, Your Honor. If I grab
24 my computer, I can pull it up on my computer.

25 THE COURT: All right. Let's try that

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1 while we're waiting to see if it comes through.

2 Thank you.

3 THE WITNESS: Yes.

4 THE COURT: Also, we got to figure out
5 which Wi-Fi you're on. You know what I'm saying?
6 Because maybe one is not working.

7 (Off the record.)

8 MS. JONES: What are we trying to
9 accomplish now?

10 MS. CORNWELL: Apparently, there's a
11 firearms report link that links this case to
12 another case that we never received.

13 THE COURT: What's he calling?

14 MS. JONES: Evidence to get a copy of
15 that report because it's not attached to the file.

16 THE COURT: Well, I guess the question
17 begs, do you want to go ahead and excuse him now
18 and let him work on this, as you were going to do,
19 and recall him or we can just keep going?

20 MS. JONES: Were you in the middle of
21 your cross?

22 MS. CORNWELL: I can finish up my cross,
23 that part. And over lunch, we can try and figure
24 this out. I do think that I'm going to have to
25 preserve an objection of the discovery issues.

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1 THE COURT: We got to figure out what all
2 is in there. I don't think Miss Jones is going to
3 have a problem with that. We got to figure this
4 out. I'm just saying that we may for the interest
5 of continuing to move forward, depending upon
6 what's going to be in that report --

7 MS. CORNWELL: Over lunch break, we can
8 go through the rest of the report and make sure
9 that there's nothing else missing since there's
10 about six pages that are missing.

11 THE COURT: Yeah, let's do that. Let's
12 just try to keep moving. And then obviously, he's
13 going to be subject to recall anyway, so we'll try
14 to see if we can get it sorted out from now to
15 over lunch. I'll let them go to lunch and then
16 we'll revisit it and see what we can get sorted
17 out.

18 If you'll just take the stand,
19 Mr. Draisen.

20 THE WITNESS: Yes, sir.

21 THE COURT: Bring them out.

22 (Jury enters the courtroom at 11:08 a.m.)

23 THE BAILIFF: The jury is entering the
24 courtroom, Your Honor.

25 THE COURT: All right. Now, there's some

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1 sense of normalcy. You-all sat in the exact same
2 seats you were just in, so I feel better now.

3 All right. You may continue.

4 MS. CORNWELL: Thank you, Your Honor.

5 BY MS. CORNWELL:

6 Q Master Sergeant Draisen, I believe your report is
7 a little bit different than mine. The piece of paper
8 was not a Miranda form. It was an affidavit that he
9 refused to sign; is that correct?

10 A Yes, ma'am.

11 Q So you never did advise him of Miranda rights?

12 A That's correct. I didn't.

13 Q All right. And by the time he showed up with his
14 attorney, several hours had passed between you
15 speaking with him at the incident location and him
16 coming and meeting with you with his attorney,
17 correct?

18 A I don't remember the time difference, but I
19 don't remember it being several hours.

20 Q You indicated that the 911 call came in shortly
21 after one o'clock. That 911 call came in, based on
22 your report around, 1:04. Does that sound about
23 right?

24 A I think I wrote 1:06, but, yeah, that sounds
25 about right, roughly.

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1 Q And when you spoke to Mr. Singleton on the
2 scene -- or when law enforcement spoke to Mr.
3 Singleton on the screen, was he searched on the scene
4 to see if he had any recording devices on him at the
5 time?

6 A I don't know. I wasn't the first one to make
7 contact with the man.

8 Q Are you aware of how many electronic devices that
9 can access the Internet Mr. Singleton would have had
10 access to?

11 A No.

12 Q Was any forensic testing done on Mr. Singleton, to
13 your knowledge? Was he tested for gunshot residue?

14 A Not to my knowledge.

15 Q Was his DNA sample taken?

16 A No, ma'am.

17 Q Fingerprints?

18 A No.

19 Q So your investigation into this case was based on
20 the statement that Mr. Singleton gave you and the
21 limited video clips that you have?

22 A No, that's not correct. There was a lot more
23 into it than that.

24 Q Were there any other witnesses to this incident?

25 A There was more people that were interviewed,

Testimony of Adam Draisen

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1 yes, ma'am, as far as --

2 Q So do you believe that there were --

3 A As far as --

4 Q Do you believe there were other people on the
5 scene during the shooting incident when it occurred?

6 A We have no information there was anybody else
7 on scene, no, ma'am.

8 Q So based on your investigation, the only witness
9 that gave information to your office regarding this
10 incident was Mr. Singleton?

11 A Correct.

12 Q So your investigation was based on the statement
13 of Mr. Singleton as to what happened?

14 A He -- his statement was part of the
15 investigation, yes, ma'am.

16 MS. CORNWELL: I believe that's all the
17 questions I have for now, Your Honor, subject to
18 recall.

19 THE COURT: All right.

20 REDIRECT EXAMINATION

21 BY MS. JONES:

22 Q Investigations don't always come down to one eye
23 witness, do they?

24 A No, ma'am, they don't.

25 Q They come down to evidence found in search

1 warrants?

2 A Correct.

3 Q To evidence found on electronic devices?

4 A Yes, ma'am.

5 Q To a multitude of different things, correct?

6 A That's correct.

7 Q And, at the end of the day, Corey Singleton gave
8 you those five clips, didn't he?

9 A He did.

10 Q From the surveillance?

11 A He did.

12 Q And for whatever reason, this web-based camera, we
13 don't have a continuous clip of the shooting?

14 A No, we don't.

15 Q But you've worked with these web-based cameras
16 before, haven't you?

17 A Yes, ma'am.

18 Q And you said that's common for these systems?

19 MS. CORNWELL: Objection, Your Honor.

20 Calls for speculation.

21 THE COURT: Did you testify to that
22 earlier, sir?

23 THE WITNESS: Yes, Your Honor, I did.

24 THE COURT: All right. Just answer the
25 question. I'll overrule the objection.

Testimony of Adam Draisen

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1 THE WITNESS: It is common, yes, ma'am.

2 BY MS. JONES:

3 Q To not get one continuous video?

4 A Correct.

5 Q We heard the word "suspect" thrown around with --
6 connected to Corey Singleton. He was never a suspect
7 in this case, was he?

8 A He never was.

9 Q And any other case, never a suspect?

10 A No, ma'am.

11 Q You have to have evidence to make somebody a
12 suspect, right?

13 A Yes, ma'am.

14 Q No evidence that he was a suspect in anything
15 else?

16 A No, ma'am.

17 MS. JONES: I have no further questions.

18 THE COURT: All right. Mr. Draisen,
19 you'll stay under subpoena, but you may be excused
20 at this time.

21 Call your next witness.

22 MS. JONES: The State calls Jen Snider.

23 THE CLERK: Raise your right hand. Do
24 you solemnly swear or affirm to truthfully answer
25 all questions asked of you by this court so help

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1 you God?

2 THE WITNESS: I do.

3 THE CLERK: Thank you. Have a seat right
4 here. State your first name and last name and
5 spell your last name for the record.

6 THE WITNESS: Jennifer Snider,
7 S-n-i-d-e-r.

8 BY MS. JONES:

9 Q Investigator Snider, good morning.

10 A Good morning.

11 Q Where do you work?

12 A I work for the Beaufort County Sheriff's
13 Office.

14 Q And what do you do at the sheriff's office?

15 A I'm an investigator on the northern side.

16 Q How long have you been with the sheriff's office?

17 A For 13 years.

18 Q What does an investigator do? I know it sounds
19 like a silly question, but what are some of your
20 duties?

21 A A little bit of everything. We investigate
22 all types of crimes from property crimes, domestic
23 violence incidents, violent crimes. We collect
24 evidence, go to crime scenes, write search
25 warrants, do a ton of paperwork.

Testimony of Adam Draisen

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1 Q Did you assist in the investigation in the case
2 we're here for today?

3 A Yes, I did.

4 Q And in what capacity did you assist?

5 A I assisted Investigator Duncan, who was the
6 lead investigator with this case. I actually went
7 with him to Eddings Point Road and I assisted with
8 the search warrant that occurred at that location.

9 Q What made you and Investigator Duncan go to
10 Eddings Point Road?

11 A So we were both in the office earlier that
12 day when this happened. I believe it was
13 November 18th of 2020.

14 And we were watching -- we call it the
15 CAD. It's our computer system. It shows all the
16 calls that are going on for our department and
17 other departments. And we saw a call go out for a
18 shooting, shots fired.

19 And so as we were watching it on our
20 computer system, we recognized a name that had
21 come up and we knew where that person lived, so we
22 decided to get into our vehicle -- or into his
23 vehicle and we drove out to where we knew this
24 person lived, which was 152 Eddings Point Road on
25 St. Helena.

Testimony of Adam Draisen

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1 Q And the name you recognized that came over the CAD
2 was Glizzy?

3 A Yes, it was Glizzy.

4 MS. CORNWELL: Your Honor?

5 THE COURT: What's your --

6 MS. CORNWELL: Subject to our previous.

7 THE COURT: Just ask her the question.

8 BY MS. JONES:

9 Q And you were familiar with Glizzy through an
10 investigation where his brother was a victim?

11 A That's correct.

12 Q Okay. So you had learned the family that way?

13 A Yes.

14 Q And did you learn what Glizzy's real name was?

15 A Yes. I knew Glizzy's real name to be Channon
16 Preston.

17 Q And do you see Channon Preston or Glizzy in the
18 courtroom today?

19 A Yes, I do. He's sitting over at the
20 defense's table with a face mask on and a plaid
21 shirt.

22 MS. JONES: May the record reflect the
23 witness identified the defendant.

24 THE COURT: All right. The record will
25 so reflect.

Testimony of Adam Draisen

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1 BY MS. JONES:

2 Q So you when you get to Eddings Point, what do you
3 do?

4 A So when we were at the office, I'll just
5 preface this -- my answer. When we were at the
6 office, you know, a lot of stuff was coming over
7 computer, some descriptors, and one of the
8 descriptors was a vehicle. A white van, possibly
9 a Toyota or a Nissan. And so we were aware that
10 Glizzy's mother had a van, a white van.

11 So we went to [REDACTED] Eddings Point Road. We did
12 a drive-by and there was a van there at the house. So
13 given that it was a -- at that point, we knew that
14 somebody had been shot. We backed out and we waited
15 for back-up. We actually called some other members of
16 the sheriff's office, the violent crime task force,
17 and we waited until we had some more back-up because
18 we didn't know how many people, you know, were in the
19 house, who was involved. There were just a lot of
20 unknowns.

21 Q So at the beginning at Eddings Point Road, [REDACTED],
22 about what time did you and Investigator Duncan get
23 there?

24 A I believe it was sometime after one o'clock.
25 It was in the early afternoon when we were

1 there.

2 Q When you see the name Glizzy and the white van
3 come across the CAD, is that when you-all immediately
4 go to Eddings Point?

5 A Yes. We left the office then, yeah.

6 Q And just so we know, the CAD -- you're calling it
7 this CAD report, it's coming out as dispatch is
8 receiving information?

9 A Correct. Yes.

10 Q So is it safe to say it's real time?

11 A Yes. It's probably seconds off because the
12 dispatcher is getting it from the caller and other
13 people who are on the phone and they're, you know,
14 radioing it out to other units and then they're
15 trying to enter it, so there's a lot going on.
16 It's a lot of multi-tasking, so it's probably
17 seconds of delay.

18 Q So as Beaufort County is responding to Stonewood,
19 you and Duncan are responding to [REDACTED] Eddings Point
20 Road?

21 A Correct. Yes.

22 Q When you get there, what do you see?

23 A As I said, we did a drive-by. We see a white
24 van in the driveway. We see a couple other
25 vehicles in the driveway. So the residence itself

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1 sits up. It's a mobile home and it sits up pretty
2 high off the ground on some pilings. And a
3 staircase, kind of, went up either side to a small
4 porch at the front door. And the driveway was,
5 for lack of a better term, almost a half-moon
6 shape. So the van was sitting in the center of
7 the driveway closer to the steps. And then there
8 was a silver VW wagon looking at the house on the
9 left pulled in, and there was a gray Honda pulled
10 in behind the van.

11 Q When you-all are calling for back-up, do you and
12 Investigator Duncan keep eyes on this home?

13 A So, we pulled back. We could see where we
14 were sitting. We couldn't see the front door, but
15 we could see the driveway area. We could see if
16 somebody came out of the residence itself, as far
17 as the driveway. So we -- but we were further
18 back. We weren't sitting right next to the
19 house.

20 Q Okay. So you-all can see the driveway. You-all
21 can see the home. Do additional responders come and
22 assist?

23 A Yes. We had several other units show up.
24 And once they showed up, we went back closer
25 towards the house and we surveilled from the

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1 outside. We tried to -- there's a lot of
2 low-lying areas out there, so it was a little
3 difficult to get behind the house, so we, kind of,
4 surrounding on the sides of the house and watched
5 the house. And, eventually, two people exited the
6 residence that were later identified as
7 Joshua Washington and David Glover.

8 Q Did you have -- did you speak with David Glover?

9 A I did, yes.

10 Q And he agreed to speak with you?

11 A He did, yes.

12 Q Did you collect a couple items from him?

13 A I did. When I spoke with David, we detained
14 him. He wasn't under arrest. And he provided a
15 GSR kit, a gunshot residue kit. He allowed me to
16 take one from his hand. And he also provided a
17 buccal swab for DNA purposes.

18 (STATE EXH. 90, GSR; Glover, was marked for
19 identification.)

20 (STATE EXH. 91, Buccal swab; Glover, was
21 marked for identification.)

22 BY MS. JONES:

23 Q I'm going to show you -- you said a buccal swab.
24 What's a buccal swab?

25 A A buccal swab is a Q-tip and we -- a buccal

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1 swab is basically inside your cheek. You get it
2 damp, and we provide it to our lab so that we have
3 a known sample for any comparison to DNA collected
4 at a crime scene.

5 Q So you collected that from Mr. Glover, David
6 Glover, and then also a GSR kit, a gunshot residue
7 kit?

8 A Correct. Yes.

9 Q To send off to see if it's positive for gunshot
10 residue.

11 A Correct.

12 Q I'm going to show you State's 90 and State's 91.
13 Do you recognize those?

14 A Yes, I do.

15 Q And what are those?

16 A So in the yellow envelope, this is the buccal
17 swab we collected. It has a cap -- a plastic
18 cap on the end. Once we swab it, we close the
19 plastic cap, put it in a little white envelope,
20 and then it goes into this envelope. Both are
21 sealed and sent to our lab. And this is a gunshot
22 residue kit. It has two little plastic barrels in
23 it and they each have a dauber. It's black on the
24 bottom and it's kind of sticky. We just tap it on
25 their hands, up their arm a little bit and it

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1 collects any particles that are on their hands,
2 and it's tested up a SLED.

3 Q And those are the samples you took from
4 Mr. Glover?

5 A Yes.

6 Q Aside from taking them, you didn't alter or
7 manipulate them?

8 A No, I did not.

9 Q And they were submitted for testing?

10 A That's correct.

11 MS. JONES: At this time the State moves
12 90 and 91 into evidence.

13 THE COURT: All right. Any objection?

14 MS. CORNWELL: No objection, Your Honor.

15 THE COURT: All right. Without
16 objection.

17 (STATE EXH. 90, GSR; Glover, was entered
18 into evidence.)

19 (STATE EXH. 91, Buccal swab; Glover, was
20 entered into evidence.)

21 (STATE EXH. 119, Photo; White van, was
22 marked for identification.)

23 (STATE EXH. 120, Photo; White van, was
24 marked for identification.)

25 (STATE EXH. 121, Photo; White van, was

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1 marked for identification.)

2 (STATE EXH. 122, Photo; White van, was
3 marked for identification.)

4 (STATE EXH. 123, Photo; White van, was
5 marked for identification.)

6 (STATE EXH. 124, Photo; White van, was
7 marked for identification.)

8 (STATE EXH. 125, Photo; White van, was
9 marked for identification.)

10 (STATE EXH. 126, Photo; White van, was
11 marked for identification.)

12 (STATE EXH. 127, Photo; White van, was
13 marked for identification.)

14 (STATE EXH. 128, Photo; White van, was
15 marked for identification.)

16 (STATE EXH. 129, Photo; White van, was
17 marked for identification.)

18 (STATE EXH. 130, Photo; White van, was
19 marked for identification, was entered into evidence.)

20 (STATE EXH. 131, Photo; White van, was
21 marked for identification, was entered into evidence.)

22 (STATE EXH. 132, Photo; White van, was
23 marked for identification.)

24 (STATE EXH. 133, Photo; White van, was
25 marked for identification.)

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(STATE EXH. 134, Photo; White van, was

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1
2 marked for identification.)

3 BY MS. JONES:

4 Q You mentioned finding a white van. I am now going
5 to show you what has been marked -- previously shown
6 to defense as 119 through 134. Do you recognize those
7 items?

8 A Yes, I do.

9 Q And what are those?

10 A These are all printed photographs of the
11 white minivan. These were taken during the search
12 warrant.

13 Q And is that the minivan you found parked out front
14 of [REDACTED] Eddings Point Road?

15 A Yes.

16 Q And did you -- this van was photographed, and are
17 those fair and accurate pictures of the van that
18 day?

19 A Yes, they are.

20 MS. JONES: Your Honor, at this point,
21 State moves 119 to 134 into evidence.

22 MS. CORNWELL: No objection.

23 THE COURT: Without objection.

24 (STATE EXH. 119, Photo; White van, was
25 entered into evidence.)

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1 (STATE EXH. 120, Photo; White van, was
2 entered into evidence.)

3 (STATE EXH. 121, Photo; White van, was
4 entered into evidence.)

5 (STATE EXH. 122, Photo; White van, was
6 entered into evidence.)

7 (STATE EXH. 123, Photo; White van, was
8 marked for identification, was entered into evidence.)

9 (STATE EXH. 124, Photo; White van, was
10 entered into evidence.)

11 (STATE EXH. 125, Photo; White van, was
12 entered into evidence.)

13 (STATE EXH. 126, Photo; White van, was
14 entered into evidence.)

15 (STATE EXH. 127, Photo; White van, was
16 entered into evidence.)

17 (STATE EXH. 128, Photo; White van, was
18 entered into evidence.)

19 (STATE EXH. 129, Photo; White van, was
20 entered into evidence.)

21 (STATE EXH. 130, Photo; White van, was
22 marked for identification, was entered into evidence.)

23 (STATE EXH. 131, Photo; White van, was
24 marked for identification, was entered into evidence.)

25 (STATE EXH. 132, Photo; White van, was

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1 entered into evidence.)

2 (STATE EXH. 133, Photo; White van, was
3 entered into evidence.)

4 (STATE EXH. 134, Photo; White van, was
5 entered into evidence.)

6 BY MS. JONES:

7 Q I want to backtrack a minute and go back to this
8 van. Who was inside [REDACTED] Eddings Point when you
9 responded and people eventually started coming out?

10 A So when we were there, we were surveilling.
11 I see two people exited; Joshua Washington and
12 David Glover. Once they exited the house, they
13 were detained. And then our -- members of our
14 violent crime task force began calling people out
15 of the residence.

16 Anita Baker was in the residence with her
17 three -- I believe they are her grandchildren.

18 Q Who is Anita Baker?

19 A Anita Baker is Channon Preston's mother. And
20 then Channon Preston was inside the residence and
21 Xavier Polite.

22 Q Did you collect anything from Mr. Polite?

23 A Yes. I collected a GSR kit from him.

24 MS. JONES: Permission to approach?

25 THE COURT: Yes.

Testimony of Adam Draisen 305
(STATE EXH. 89, GSR; Polite, was marked for

1 identification.)

2
3 BY MS. JONES:

4 Q Let me hand you State's 89. Do you recognize
5 that?

6 A Yes, I do.

7 Q And what is that?

8 A This is another gunshot residue or GSR kit
9 that I collected from Xavier's hands.

10 Q Okay. And it's the same process as the other
11 one?

12 A Yes.

13 Q Aside from taking it, you never altered it in any
14 way?

15 A No.

16 Q So this was collected and then submitted to SLED
17 for testing?

18 A Yes.

19 MS. JONES: Your Honor, at this time,
20 State moves 89 into evidence.

21 THE COURT: Any objection?

22 MS. CORNWELL: No, Your Honor.

23 THE COURT: All right.

24 (STATE EXH. 89, GSR; Polite, was entered
25 into evidence.)

Testimony of Adam Draisen

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1 BY MS. JONES:

2 Q We're going to get back to --

3 MS. JONES: Permission to publish those
4 photographs, Your Honor?

5 THE COURT: Sure.

6 BY MS. JONES:

7 Q If we could start with State's 119, is this the
8 white Toyota van that was parked out front of
9 Mr. Preston's home?

10 A Yes, it is.

11 Q Did law enforcement open the doors, or were they
12 open when you arrived?

13 A We opened the doors.

14 MS. JONES: You can got State's 120.

15 BY MS. JONES:

16 Q Is this just another angle of that van?

17 A Yes.

18 Q State's 121?

19 A The passenger side of the van.

20 Q Is that a member of the Beaufort County Sheriff's
21 Office in the photo?

22 A Yes. That's one of the -- he handles a
23 K-9.

24 Q How about 122?

25 A That's inside -- just the passenger inside

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1 area of the van.

2 Q 123?

3 A Again, a picture of the passenger side of the
4 van.

5 Q 124?

6 A Front driver's side area of the van.

7 Q 125?

8 A That would be another picture of the driver's
9 side area of the van.

10 Q What is that item, that black item in the
11 passenger seat?

12 A That item we collected. It is a black head
13 covering that was collected.

14 MS. JONES: Permission to approach?

15 THE COURT: Absolutely.

16 (STATE EXH. 140, Black head covering, was
17 marked for identification.)

18 BY MS. JONES:

19 Q I'm handing you what has been marked as State's
20 140. Do you recognize that item?

21 A Yes, I do.

22 Q What is that?

23 A One black head covering located in the front
24 passenger seat of the minivan.

25 Q Okay. And you collected that and put it in that

1 bag?

2 A I did, yes.

3 MS. JONES: Your Honor, at this time,
4 State moves 140 into evidence.

5 THE COURT: All right. Without
6 objection?

7 MS. CORNWELL: No objection, Your
8 Honor.

9 (STATE EXH. 140, Black head covering,
10 was entered into evidence.)

11 BY MS. JONES:

12 Q If we go to State's 126. What's that?

13 A That was an envelope that has Channon's name
14 on it and that was removed from -- you can see the
15 little pouch that's right in front of the seat.
16 It's in the rear passenger area, behind the
17 driver's seat. It was removed from there.

18 Q And did you open up that envelope?

19 A Yes, I opened it up.

20 Q And we go to 127.

21 A It had an earning statement from his job at
22 the Foolish Frog.

23 Q Does it have an address listed on the earning
24 statement?

25 A Yes.

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1 Q And what was that?

2 A [REDACTED] Eddings Point Road.

3 Q That's the road you were currently at?

4 A Yes.

5 MS. JONES: 128, please.

6 BY MS. JONES:

7 Q What is this a photo of?

8 A That's the floorboard behind the passenger
9 and driver's seat in the second row.

10 Q And what is that small item we see in front of
11 that back seat?

12 MS. JONES: If we can maybe go to photo
13 129.

14 THE WITNESS: It says a bullet. It's a
15 9-millimeter bullet that was just lying there.

16 BY MS. JONES:

17 Q Page 130.

18 A That is a box that was on the back passenger
19 seat. It was empty, and it held a -- well, it was
20 a box for a 9-millimeter drum.

21 Q 131.

22 A And that's just a close-up of the box. I
23 don't know if you can really make out the picture
24 on the front, but it shows a picture on the drum
25 for bullets. You can see it's a 50-round

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1 capacity.

2 Q You say "drum," is that a magazine? Something
3 that can hold the bullets for a gun?

4 A Yes.

5 Q It's just a round version of a gun magazine.

6 A And it holds many more than a standard
7 magazine holds.

8 Q Okay. 132?

9 A This is the trunk area of the van.

10 Q And 133?

11 A That backpack. It was face down in the
12 picture prior to. We opened that up and there was
13 a magazine that we collected from out of the
14 backpack.

15 Q Is that another 9-millimeter magazine?

16 A Yes, it was a 9-millimeter magazine.

17 Q Backtracking, that drum magazine box, was it
18 empty?

19 A Yes, it was empty.

20 MS. JONES: Go to photo 134.

21 THE WITNESS: That's a casing. So that's
22 from a fired bullet, essentially. It was sitting
23 right there on the rear window windshield wiper
24 blade. It was a 9-millimeter.

25 Q And that was collected?

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1 A Yes, that was collected.

2 Q Did you do any sort of swabs of the van, DNA or
3 GSR?

4 A Yeah, we did do GSR and did some DNA swabs.
5 Collected some DNA swabs from the van.

6 (STATE EXH. 135, GSR; Van, was marked for
7 identification.)

8 (STATE EXH. 136, 5 DNA kits; Van, was marked
9 for identification.)

10 BY MS. JONES:

11 Q I'm now going to show you State's 135 and 136.
12 State's 135, what is that?

13 A This is another gunshot residue kit that was
14 collected from the minivan.

15 Q Where in the minivan was GSR attempted to be
16 collected from?

17 A We would have collected it from around the
18 driver and passenger side doors on the front,
19 around the outside of the windows, inside of the
20 window areas.

21 Q And you collected this kit and submitted it for
22 testing?

23 A Yes, I did.

24 MS. JONES: State moves 135 into
25 evidence.

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1 THE COURT: All right. Any objection?

2 MS. CORNWELL: No objection, Your Honor.

3 (STATE EXH. 135, GSR; Van, was entered into
4 evidence.)

5 (STATE EXH. 136, 5 DNA kits, was marked for
6 identification.)

7 BY MS. JONES:

8 Q You mentioned DNA kits. I'm going to show what
9 has been marked as State's Exhibit 136. What is
10 that?

11 A These are five touch DNA swabs, and these
12 were collected, again, using a Q-tip, if you will.
13 These were collected from the passenger side door,
14 the passenger seat and headrest, the driver's side
15 headrest and back of seat, the steering wheel, the
16 gear shift, and the driver's side door handle.

17 Q And you collected those DNA swabs?

18 A Yes, I did.

19 Q And you submitted them into evidence for testing?

20 A Yes, I did.

21 MS. JONES: State moves 136 into
22 evidence.

23 MS. CORNWELL: No objection.

24 (STATE EXH. 136, 5 DNA kits; Van, was
25 entered into evidence.)

Testimony of Adam Draisen

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1 MS. JONES: If we could see State's 129
2 back up on the screen.

3 BY MS. JONES:

4 Q The 9-millimeter bullet you found in the van, did
5 you collect that?

6 A Yes.

7 (STATE EXH. 139, Bullet; 9mm, was marked for
8 identification.)

9 BY MS. JONES:

10 Q I'm going to show you 139. Is that the bullet you
11 collected?

12 A Yes, it is.

13 Q And that's that bullet right there, 9-millimeter
14 caliber?

15 A That's correct.

16 MS. JONES: Your Honor, at this time, I
17 move 139 into evidence.

18 MS. CORNWELL: No objection.

19 THE COURT: All right.

20 (STATE EXH. 139, Bullet; 9mm, was
21 entered into evidence.)

22 BY MS. JONES:

23 Q We saw the black book bag with the 9-millimeter
24 magazine.

25 A Correct.

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1 Q Did you collect that magazine?

2 A Yes, I did.

3 (STATE EXH. 137, 9mm magazine; Backpack, was
4 marked for identification.)

5 BY MS. JONES:

6 Q I'm going to hand you 137. Is that the magazine
7 you collected?

8 A Yes, it is.

9 Q You collected that from the black book bag?

10 A That's correct.

11 MS. JONES: I am now going to admit
12 State's 137, Your Honor.

13 MS. CORNWELL: No objection.

14 THE COURT: All right. No objection.

15 (STATE EXH. 137, 9mm magazine;
16 Backpack, was entered into evidence.)

17 (STATE EXH. 138, 9mm magazine;
18 Windshield wiper blade, was marked for
19 identification.)

20 BY MS. JONES:

21 Q We also saw a photo of the windshield blade of 9
22 -- a spent 9-millimeter casing.

23 A Yes.

24 Q I'm going to hand you what's been marked as
25 State's 138. You collected that item, right?

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1 A Yes, that's correct.

2 Q And that is the shell casing you collected off of
3 the windshield wiper blade?

4 A Yes, it is.

5 Q And is that a 9-millimeter shell casing?

6 A Yes.

7 Q You collected that casing and submitted it for
8 additional testing?

9 A Yes.

10 MS. JONES: Your Honor, at this time,
11 State moves 138 into evidence.

12 MS. CORNWELL: No objection.

13 THE COURT: All right. No objection.

14 (STATE EXH. 138, 9mm magazine; Windshield
15 wiper blade, was entered into evidence.)

16 BY MS. JONES:

17 Q So that takes us through the Toyota minivan?

18 A Yes.

19 Q Did you also go inside of [REDACTED] Eddings Point
20 Road?

21 A Yes.

22 Q I'm going to show you now State's 92 through 118
23 previously shown to defense.

24 MS. CORNWELL: Without objection, Your
25 Honor.

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1 MS. JONES: They're admitted without
2 objection, 192 through 118.

3 (STATE EXH. 92, Photo; [REDACTED] Eddings Point
4 Road, was marked and entered into evidence.)

5 (STATE EXH. 93, Photo; [REDACTED] Eddings Point
6 Road, was marked and entered into evidence.)

7 (STATE EXH. 94, Photo; [REDACTED] Eddings Point
8 Road, was marked and entered into evidence.)

9 (STATE EXH. 95, Photo; [REDACTED] Eddings Point
10 Road, was marked and entered into evidence.)

11 (STATE EXH. 96, Photo; [REDACTED] Eddings Point
12 Road, was marked and entered into evidence.)

13 (STATE EXH. 97, Photo; [REDACTED] Eddings Point
14 Road, was marked and entered into evidence.)

15 (STATE EXH. 98, Photo; [REDACTED] Eddings Point
16 Road, was marked and entered into evidence.)

17 (STATE EXH. 99, Photo; [REDACTED] Eddings Point
18 Road, was marked and entered into evidence.)

19 (STATE EXH. 100, Photo; [REDACTED] Eddings Point
20 Road, was marked and entered into evidence.)

21 (STATE EXH. 101, Photo; [REDACTED] Eddings Point
22 Road, was marked and entered into evidence.)

23 (STATE EXH. 102, Photo; [REDACTED] Eddings Point
24 Road, was marked and entered into evidence.)

25 (STATE EXH. 103, Photo; [REDACTED] Eddings Point

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1 Road, was marked and entered into evidence.)

2 (STATE EXH. 104, Photo; [REDACTED] Eddings Point

3 Road, was marked and entered into evidence.)

4 (STATE EXH. 105, Photo; [REDACTED] Eddings Point

5 Road, was marked and entered into evidence.)

6 (STATE EXH. 106, Photo; [REDACTED] Eddings Point

7 Road, was marked and entered into evidence.)

8 (STATE EXH. 107, Photo; [REDACTED] Eddings Point

9 Road, was marked and entered into evidence.)

10 (STATE EXH. 108, Photo; [REDACTED] Eddings Point

11 Road, was marked and entered into evidence.)

12 (STATE EXH. 109, Photo; [REDACTED] Eddings Point

13 Road, was marked and entered into evidence.)

14 (STATE EXH. 110, Photo; [REDACTED] Eddings Point

15 Road, was marked and entered into evidence.)

16 (STATE EXH. 111, Photo; [REDACTED] Eddings Point

17 Road, was marked and entered into evidence.)

18 (STATE EXH. 112, Photo; [REDACTED] Eddings Point

19 Road, was marked and entered into evidence.)

20 (STATE EXH. 113, Photo; [REDACTED] Eddings Point

21 Road, was marked and entered into evidence.)

22 (STATE EXH. 114, Photo; [REDACTED] Eddings Point

23 Road, was marked and entered into evidence.)

24 (STATE EXH. 115, photo; [REDACTED] Eddings Point

25 Road, was marked and entered into evidence.)

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1 (STATE EXH. 116, Photo; [REDACTED] Eddings Point
2 Road, was marked and entered into evidence.)

3 (STATE EXH. 117, Photo; [REDACTED] Eddings Point
4 Road, was marked and entered into evidence.)

5 (STATE EXH. 118, photo; [REDACTED] Eddings Point
6 Road, was marked and entered into evidence.)

7 MS. JONES: Permission to publish, Your
8 Honor?

9 THE COURT: Yes.

10 BY MS. JONES:

11 Q And as we're going through those, Investigator
12 Snider, if you could tell us what's in these photos.

13 A Okay.

14 Q State's 92, if you could tell us a little bit
15 about the makeup of this home and where this photo was
16 taken?

17 A Like I said, the residence is a mobile home
18 that was up pretty high from the ground. It was
19 very -- very dilapidated, just not livable
20 conditions, if you will. Outside there was a lot
21 of trash. Like regular household trash outside.

22 Inside, as soon as you walk in, it smelled
23 like trash. It smelled like feces and urine. You
24 could smell ammonia in the air. I don't believe there
25 was any running water in the residence due to there

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1 being an open toilet in there that had no water in it.

2 You could not move throughout the house
3 without stepping on items. It's just stuff was
4 everywhere. A combination of bedding, household
5 items, trash, clothing. I mean, you name it, it was
6 there.

7 When you walked in, you walked into the
8 living room area. And directly in front of you when
9 you walked in was a bathroom. There were two rooms on
10 the right. There was a kitchen that was off the
11 living room kind of to the left of the bathroom, and
12 then there was another room all the way to the left of
13 the living room.

14 We like to name and number the rooms when we
15 go in. The living room was the living room. Starting
16 on the right, we named the bedrooms bedroom 1, bedroom
17 2, and the bedroom on the left was bedroom number 3.
18 And that's how we labeled it for the purposes of the
19 search warrant.

20 This particular item was in bedroom number 2
21 and we were able to identify that bedroom as belonging
22 to Channon. And this is a photograph of a mattress,
23 presumably where he slept. And the flower part is
24 obviously a mattress, but you can also see a blue and
25 lighter blue mattress that was also laying on the bed

Testimony of Adam Draisen

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1 as well. It reminded me of something a gymnast would
2 use, a mat. But that foam was lying right there, so
3 we photographed that.

4 Q Let me go to 93. Is that the lock screen on that
5 phone?

6 A That's the lock screen on the phone. And in
7 the background is a picture of Channon.

8 Q Did you collect that phone?

9 A Yes, we collected it.

10 (STATE EXH. 141, Cell phone; Preston, was
11 marked for identification.)

12 BY MS. JONES:

13 Q I'm going to hand you State's 141. What is that?

14 A This is the black Apple iPhone that we
15 collected from bedroom 2.

16 Q And that's that phone we see in that photograph,
17 State's 93?

18 A That's correct.

19 MS. JONES: Your Honor, State moves 141
20 into evidence.

21 THE COURT: All right. Any objection?

22 MS. CORNWELL: No objection, Your Honor.

23 THE COURT: Without objection.

24 (STATE EXH. 141, Cell phone; Preston was
25 entered into evidence.)

Testimony of Adam Draisen

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1 BY MS. JONES:

2 Q If we can go to State's 94. What do we see in
3 this picture? In this picture, that mattress is
4 lifted up. And in pretty much the center of the photo
5 is another bullet, and that is a 9-millimeter bullet
6 that's under the mattress.

7 MS. JONES: Could we go to State's 95?

8 BY MS. JONES:

9 Q Is that a close-up of the bullet?

10 A Yes.

11 Q There's actually two under the mattress?

12 A Yes.

13 Q Did you collect those?

14 A Yes.

15 (STATE EXH. 142, 9mm bullets under mattress;
16 2, was marked for identification.)

17 BY MS. JONES:

18 Q I hand you State's 142. Are those the bullets you
19 collected?

20 A Yes, these are.

21 Q And they're both 9mm?

22 A That's correct, yes.

23 Q You collected those and submitted them into
24 evidence?

25 A Yes.

Testimony of Adam Draisen

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1 MS. JONES: State moves 142 into
2 evidence.

3 MS. CORNWELL: No objection.

4 THE COURT: All right. Without
5 objection.

6 (STATE EXH. 142, 9mm bullets under mattress;
7 2, was entered into evidence.)

8 MS. JONES: Can we go to photo 96,
9 please?

10 BY MS. JONES:

11 Q And what is on the ground in this photo? Are we
12 still in bedroom number 2 here, Channon Preston's
13 bedroom?

14 A Yes, we are still in bedroom number two.
15 That is a holster, and then next to it is a little
16 package of cigars.

17 Q When you say "holster," a gun holster?

18 A A gun holster, yes.

19 (STATE EXH. 143, 9mm holster; BR 2, was
20 marked for identification.)

21 BY MS. JONES:

22 Q I'm going to hand you State's 143. Is that the
23 gun holster you collected?

24 A Yes, it is.

25 Q And you collected it and submitted it into

Testimony of Adam Draisen

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1 evidence?

2 A Yes.

3 MS. JONES: Your Honor, at this time,
4 State moves 143 into evidence.

5 MS. CORNWELL: No objection.

6 (STATE EXH. 143, 9mm holster; BR 2, was
7 entered into evidence.)

8 BY MS. JONES:

9 Q If we can open that and show the jury that that's
10 the holster in there. While you're doing that, can we
11 go to Exhibit 97?

12 A Those are two 9-millimeter magazines that
13 were located in bedroom number 2.

14 Q Bedroom number 2 is still Channon Preston's
15 bedroom?

16 A Yes.

17 Q Did you collect those?

18 A Yes, those were collected.

19 (STATE EXH. 144, 9mm magazine; BR 2,
20 was marked for identification.)

21 Q I'm going to hand you State's 144. That's the gun
22 holster?

23 A Yes, this is the gun holster that was found
24 in that bedroom.

25 Q Would some 9-millimeter guns fit in that?

Testimony of Adam Draisen

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1 A Absolutely, yes.

2 Q You can put that back in the bag, and if you want
3 to go ahead --

4 MS. JONES: State moves 144, the
5 magazines into evidence.

6 MS. CORNWELL: No objection.

7 (STATE EXH. 144, 9mm magazine; BR 2, was
8 entered into evidence.)

9 BY MS. JONES:

10 Q And the same with 144. If you can show the jury
11 those magazines. And 144 are two 9-millimeter
12 magazines?

13 A That's correct.

14 Q You can put those back in the bag.

15 We can move on to photo 98. What do we see?
16 Is this the dresser area?

17 A Yes. That room at had a bed, a chair, a
18 dresser with a television on it, and a side table.

19 Q Those two cards underneath the ROKU TV words, what
20 are those?

21 A So one card is IHOP. Channon had previously
22 worked at IHOP, and the second card is a --
23 probably like a medical card, Medicaid card.

24 Q Let's see photo 99. Is that what we were seeing
25 earlier?

Testimony of Adam Draisen

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1 A Yes, it's Healthy Connections.

2 Q It has Mr. Preston's name on it?

3 A Yes.

4 Q How about 100, please?

5 A It's just a Visa -- a Visa debit with C.
6 Preston, Jr. on it.

7 Q 101?

8 A It's a photograph of the bullet that was
9 underneath the television. That's also a
10 9-millimeter round.

11 Q 102?

12 A Another photograph of a bullet that was
13 inside the drawer of the dresser.

14 Q If you could hand me those pictures. Before we
15 move on -- I'm sorry. 102, was the drawer in the
16 dresser?

17 A Yes. Where that television was, it had
18 several drawers in that dresser.

19 Q Okay. And that's a 9-millimeter bullet in the
20 drawer?

21 A Yes.

22 Q How about 103?

23 A Another picture of more bullets that were
24 found in one of the drawers.

25 Q 104?

Testimony of Adam Draisen

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1 A Another picture of the drawer with the bullet
2 on the left.

3 Q Okay. 105, those are the same jeans?

4 A Yeah. So those are the jeans that were
5 laying in that drawer. I picked them up.

6 Q And did you go through the pocket of those
7 jeans?

8 A Yes.

9 Q How about 106?

10 A I found Channon's identification in the
11 pocket.

12 Q 107?

13 A That's just a close-up of his South Carolina
14 driver's license.

15 Q So all of these are found in bedroom number 2?

16 A That's correct.

17 MS. JONES: Your Honor, may we approach?

18 (Bench conference off the record.)

19 BY MS. JONES:

20 Q If we could move on to 108, please.

21 MS. CORNWELL: State's 108 is subject to
22 our objection under 401, 402, and 403.

23 THE COURT: All right.

24 BY MS. JONES:

25 Q 108, and that G. Glizzy 6, where is that written?

Testimony of Adam Draisen

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1 A That is on the wall in bedroom 2.

2 Q Channon Preston's bedroom?

3 A That's correct, yes.

4 Q State's 109, is that just an overview of
5 Mr. Preston's room?

6 A Yes, it is. That's actually standing right
7 inside the door.

8 Q Okay. State's 110, is this the floor of bedroom
9 number 2?

10 A That's the floor of bedroom 2, and there's
11 another bullet next to the shoe.

12 Q Do you remember where that cup of ice and the red
13 drink was from?

14 A Yes. That's from Parker's. It was an actual
15 Parker's styrofoam cup.

16 Q And that's another 9-millimeter bullet in between
17 those shoes?

18 A Yes.

19 MS. JONES: And, if we can go State's
20 111.

21 BY MS. JONES:

22 Q What is this showing us?

23 A That's also in bedroom 2. That's the closet
24 to the right of the dresser. And that's a picture
25 of mainly the suitcase.

Testimony of Adam Draisen

328

1 Q Did you go into that suitcase?

2 A Yes, we opened that up.

3 Q If we could look at picture 112, please. Is that
4 an open view of that suitcase?

5 A Yes, it is.

6 Q And picture 113?

7 A That's inside the suitcase and we found more
8 ammunition, 9-millimeter ammunition.

9 Q State's 114, what is that?

10 A That is a box for a Taurus handgun.

11 Q Okay. Could a Taurus be a 9-millimeter?

12 A Yes.

13 Q State's 115?

14 A That is a box of 9-millimeter ammunition.

15 Q And up until now, all of that was found in bedroom
16 number 2?

17 A Yes, that's correct.

18 MS. JONES: Let's go to State's 186.

19 BY MS. JONES:

20 Q You mentioned there were three bedrooms in that
21 home?

22 A Yes.

23 Q Did you go into the other two bedrooms to
24 search?

25 A Yes, I did.

Testimony of Adam Draisen

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1 Q While we're trying to pull it up on the screen,
2 we're having some technical difficulties, I'm going to
3 show you State's 186 and 187, previously admitted.

4 What are those photos of?

5 A These are photos of bedroom number 1.

6 Q Could you determine who was sleeping in that
7 bedroom, who was staying in that bedroom?

8 A Yes. Xavier.

9 Q Xavier Polite?

10 A Xavier Polite, correct.

11 Q And he was also charged in this case, correct?

12 A Yes.

13 Q Here we go. Perfect. State's 186, what is that
14 picture showing us? His bed?

15 A So that's the bed.

16 Q And if we could see 187.

17 A This was in between the mattresses, money in
18 some type of gauze wrap.

19 Q Did you see Mr. Polite the day of this incident?

20 A I did.

21 Q Did he have some sort of injury on him?

22 A Yes. He stated he had a hole in his foot
23 from a rat chewing on it.

24 Q And this is gauze that you found on this
25 mattress -- in between the mattress and the back

1 spring?

2 A Yes.

3 Q Along with that cash?

4 A Yes.

5 Q So then there's still one more bedroom.

6 MS. JONES: If we can go to State's 182.

7 BY MS. JONES:

8 Q Is this the -- what you have indicated as bedroom
9 number 1?

10 A This is bedroom 3.

11 Q Bedroom 3. I'm sorry. I'm sorry.

12 A This is bedroom 3.

13 Q And this is how you found it when you went to this
14 home?

15 A That's correct, yes.

16 Q Now, we're going to go back to State's 116. What
17 is that?

18 A So that is a picture of bedroom number 3.

19 And if you're standing in the doorway of bedroom
20 3, that is the outside wall of the house. So if
21 you're looking at the house, it's the end wall of
22 the home.

23 Q Let's go back to 182. I'm sorry to interrupt you.
24 Back to 182. Do you see in this photograph where that
25 is actually taken?

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1 A Yes. So looking at the photograph in the
2 upper right-hand corner, there is a blue curtain
3 against the wall, and there's a dark piece -- it's
4 a metal -- some type of bed frame, and there's a
5 red box. To the right of that red box is a
6 plastic trash bag. Right in that area, below that
7 curtain, it is the next photo that you showed.

8 Q Okay. Let's go back there. 116, did you ever
9 remove that black trash bag --

10 A Yes.

11 Q -- to find this item?

12 A Yes.

13 Q What is that?

14 A So there are two guns right there. There's
15 the black one that's up against the wall. And
16 then there's a teal-colored gun that's upside down
17 with the magazine pointing upwards right below it.

18 Q 117?

19 A That is a close up.

20 Q Okay.

21 A And you can see the drum on the black gun.

22 Q The drum like that box that we saw in the van.

23 A Correct. That's a 9-millimeter drum.

24 Q Okay. That Tiffany blue gun, do you remember what
25 caliber it is?

Testimony of Adam Draisen

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1 A I believe that was a 9-millimeter.

2 MS. JONES: If we can see 118.

3 BY MS. JONES:

4 Q And is that the gun?

5 A Yes, that's the gun.

6 Q Did you collect these two firearms?

7 A Yes.

8 (STATE EXH. 147, Draco drum magazine, was
9 marked for identification.)

10 BY MS. JONES:

11 Q I'm going to hand you what has been marked as
12 State's 147. If you could, identify 147, please.

13 A 147 is a black drum removed from the Draco.

14 Q Okay. And that's the drum that you collected?

15 A Yes.

16 MS. JONES: Your Honor, at this time, I
17 move 147 into evidence.

18 THE COURT: Any objection?

19 MS. CORNWELL: No objection, Your
20 Honor.

21 THE COURT: All right.

22 (STATE EXH. 147, Draco drum magazine, was
23 entered into evidence.)

24 BY MS. JONES:

25 Q And, if you could, open that and show the jury

Testimony of Adam Draisen

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1 that drum magazine. That's the drum magazine?

2 A Yes.

3 Q Okay. That you collected from the Draco?

4 A From the Draco, yes.

5 (STATE EXH. 148, Draco Rifle, was marked for
6 identification.)

7 BY MS. JONES:

8 Q I'm going to hand you now 148. This box is not
9 opened yet. We'll open it, but if you could recognize
10 -- identify 148 for me.

11 A 148 is the Draco.

12 Q And this is the gun that we saw depicted in the
13 photos before?

14 A Yes, it is.

15 Q And you collected this item?

16 A I did.

17 MS. JONES: Your Honor, at this time,
18 State moves 148 into evidence.

19 THE COURT: All right. Without
20 objection?

21 MS. CORNWELL: No objection.

22 (STATE EXH. 148, Draco Rifle, was
23 entered into evidence.)

24 BY MS. JONES:

25 Q You might need to come down. And you're cutting

Testimony of Adam Draisen

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1 through tape. Why is this box taped up like that?

2 A We have to secure all of our boxes with
3 weapons. We have to seal them. And then,
4 obviously, this went to SLED so that's why there's
5 yellow tape on it.

6 Q For further testing at SLED?

7 A That's correct.

8 Q Okay. All right, thank you. This is the Draco
9 that you recovered?

10 A Yes.

11 Q It was sent to SLED for testing.

12 A That's correct.

13 Q We have this little box on the bottom. There's
14 nothing in it, is there? It just appears there was a
15 hole and they boxed it up.

16 A I'm not sure.

17 Q Okay. The zip ties are to make it so that it's
18 inoperable?

19 A That's correct.

20 Q So the gun is safe right now?

21 A Yes.

22 Q So you also collected the Tiffany blue handgun,
23 did you?

24 A Yes.

25 (STATE EXH. 149, Teal Taurus 9mm, was marked

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1 for identification.)

2 BY MS. JONES:

3 Q I'm going to hand you State's 149. And that's
4 this 9-millimeter we see in 118?

5 A That's correct.

6 Q Is 149 the Taurus you collected?

7 A Yes, it is.

8 Q And you collected that gun and submitted it into
9 evidence?

10 A That's correct.

11 MS. JONES: Your Honor, at this time,
12 State moves 149 into evidence.

13 THE COURT: All right. Any objection?

14 MS. CORNWELL: No, Your Honor.

15 (STATE EXH. 149, Teal Taurus 9mm, was
16 entered into evidence.)

17 BY MS. JONES:

18 Q And this is the gun, and is that magazine that was
19 taken out of the gun?

20 A Yes.

21 Q The magazine that holds the bullet.

22 A That's correct.

23 Q And that's what we see in the photo here?

24 A Yes, it is.

25 Q And was this gun submitted for testing at SLED?

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1 A Yes, it was.

2 Q And, again, the zip ties just make it
3 inoperable?

4 A Correct.

5 MS. JONES: Beg the Court's indulgence.

6 THE COURT: Take your time.

7 MS. JONES: Just so the record is clear,
8 State did move to admit the drum magazine 147.

9 MS. CORNWELL: Yes, sir, Your Honor,
10 without objection.

11 THE COURT: All right.

12 MS. JONES: I have no further questions
13 for this witness, Your Honor.

14 THE COURT: All right. Ladies and
15 gentlemen, that's a perfect time. It's twelve
16 o'clock so we'll go ahead and take our lunch
17 break. I know I gave you-all an extended lunch
18 break yesterday, but we're going to abbreviate a
19 little bit. There are some things that we need to
20 take up outside of your presence so we'll have an
21 abbreviated lunch schedule for ourselves. So do
22 about an hour and 20 minutes. We'll resume around
23 1:20. Enjoy your lunch.

24 (Jury exits the courtroom at 12:00 p.m.)

25 THE BAILIFF: Jury is clear, Your

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1 Honor.

2 THE COURT: Ma'am, you can have lunch,
3 but you'll stay under oath. So you can talk to
4 anybody you want to, but don't discuss your
5 testimony. Fair enough?

6 THE WITNESS: Yes, sir.

7 THE COURT: You-all see what you can work
8 out and we'll try to come back a couple minutes
9 early and what we've got sorted out. All right.
10 We'll be back.

11 MS. CORNWELL: Thank you.

12 THE BAILIFF: Your Honor, he would like
13 to address the court, please.

14 JUROR 14: I'd like to see if I'm able to
15 be dismissed for the rest of this week. I'm going
16 to be missing my wife's last pregnancy doctor
17 visit tomorrow, and Thursday I've got a funeral
18 I'll be missing to twelve o'clock.

19 THE COURT: We'll address it when we get
20 back from lunch.

21 (A recess was taken from 12:01 p.m. to 1:22 p.m.)

22 THE BAILIFF: All rise. This court is
23 back in session.

24 THE COURT: All right. Where do we
25 stand?

Testimony of Adam Draisen

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1 MS. JONES: I went through the two
2 reports. One we have is 158 pages that I have not
3 seen, nor, obviously, has Miss Cornwell seen. I
4 compared that one to the 152-page report. From
5 what I could tell, the newer reports are
6 referencing -- there was a IBIS -- IBIN lead.
7 We're not getting into that. I don't think
8 there's an issue there. The admission of some
9 thumb drives for cell phones. That took up almost
10 a page each, which she had already provided the
11 actual records that were on those thumb drives.

12 There was a page 84 that is a new
13 supplement from Draisen who just testified. I
14 admitted email clips through him. There were
15 email clips -- or the emails attached to the video
16 chips. When I first looked at this case, there
17 were only four in evidence. I knew there were
18 five based on his report, so he found the fifth
19 one and uploaded it into evidence, so it's an
20 additional supplement explaining that. That was
21 an additional page.

22 And then the rest is the submission on
23 the property pages of the test fires from SLED,
24 the defendant's buccal swab, the co-defendant's
25 buccal, and then the thumb drives again.

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1 So the only new information, I think
2 we've agreed on is the IBIS -- it's IBIN -- I'm
3 used to IBIS lead that is irrelevant to today.

4 THE COURT: All right. Any issues?

5 MS. CORNWELL: No, Your Honor, as long as
6 they aren't planning on getting the IBIN
7 information we just received in. They said they
8 weren't, so I don't have any problem with that.

9 At some point before our next witness, we
10 may have to take a break. I think she's going to
11 try to introduce cell phone and possible Facebook
12 evidence.

13 MS. JONES: Tunis is not Facebook.
14 Duncan did the Facebook.

15 MS. CORNWELL: Okay. I will have a
16 motion to suppress those based on authenticity and
17 403 with Facebook and with cell phones records.

18 THE COURT: All right.

19 MS. CORNWELL: That I was anticipating in
20 pretrial, but now I don't want it to be what
21 happened last time.

22 THE COURT: Okay.

23 MS. CORNWELL: I wanted to let the Court
24 know that I do need to make that motion and have
25 arguments on that before any interruption of those

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1 witnesses.

2 THE COURT: How many witness do we have
3 until we get to that?

4 MS. JONES: I have to finish Investigator
5 Snider. One, two, three, four. Four.

6 THE COURT: All right. Sounds great.
7 Bring them out.

8 (Jury enters it the courtroom at 1:26 p.m.)

9 THE BAILIFF: The jury is entering the
10 courtroom, Your Honor.

11 THE COURT: All right.

12 THE BAILIFF: Jury is seated, Your Honor.

13 THE COURT: All right. Thank you very
14 much.

15 All right. Miss Cornwell.

16 MS. CORNWELL: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MS. CORNWELL:

19 Q Investigator Snider, I have a few questions for
20 you regarding the evidence that you collected. You
21 indicated that in this house there were three
22 bedrooms, a living room, and a kitchen, correct?

23 A Yes.

24 Q And front door. Is there a back door, or another
25 way out of the residence other than the front door?

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1 A I believe there was on the back side of the
2 residence, but there were no steps or anything. I
3 mean, you would have fallen to the ground.

4 Q And when you were first driven up to the
5 residence, the white van was blocked in by other cars,
6 correct?

7 A Yes, that's correct.

8 Q And you indicated you couldn't see the front door
9 from where you-all were sitting?

10 A From where we are sitting down the road, no,
11 we could see anybody coming in and out of the
12 residence, but not the actual front door.

13 Q If you couldn't see the door, how could you see
14 them coming in and out?

15 A When -- so where we were, we could not see
16 anybody coming in and out. When the other members
17 of the sheriff's office arrived on scene, we
18 closed in on the house and were on either side of
19 the house, and that's how we saw two people exit
20 the residence.

21 Q Okay. But prior to the other people coming, if
22 you couldn't have seen that front door there could
23 have been people that left or people that came and
24 didn't go down the driveway that you could not have
25 seen correct, possibly.

1 A There's a possibility, sure.

2 Q We talked about the GSR of the minivan, and you
3 were shown the GSR kit. You said that you took that
4 gunshot residue from multiple locations inside the
5 vehicle?

6 A Well, it would have been a couple of the
7 sides, or the two sides, because there's only two
8 daubers. What we call daubers in the kit. So one
9 would have been used for the driver's side and one
10 would have been used for the passenger side in the
11 front.

12 Q And are both of those placed in the same kit to be
13 analyzed?

14 A Yes, that's correct.

15 Q When you searched the inside of the home, you
16 indicate that bedroom 2 was what you-all determined
17 was my client's bedroom?

18 A Yes.

19 Q And there were no guns found in that bedroom,
20 correct?

21 A No, there were no firearms found in that
22 room.

23 Q But you did find two additional guns other than
24 the two guns in bedroom 3, correct?

25 A Yes, there were additional guns found in the

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1 residence.

2 Q There was a Smith & Wesson 22 with a loaded
3 magazine in bedroom 1?

4 A Yes, that's correct.

5 Q And it looks like there was also a 22-caliber GSG
6 with loaded mag in the living room; is that correct?

7 A Yes, we did find a firearm in the living room
8 as well.

9 Q And were those also collected and sent for
10 testing?

11 A They were collected. I am not certain if
12 those weapons were sent for testing.

13 Q During the course of your investigation, you're
14 aware that multiple people resided or stayed at that
15 home, correct?

16 A No, I'm not aware of that.

17 Q You indicated there were mattresses and, kind of,
18 gymnastics pads, and things like that.

19 A In bedroom 2, I talked about what I would
20 call a gymnastics pad on top of the mattress that
21 was in bedroom 2. There was a bed in bedroom 1.
22 There was a blow-up mattress in the living room
23 that pretty much encompassed the living room. And
24 there was a bed in bedroom -- what we call bedroom
25 3, which was referred to as the master bedroom.

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1 Q And after collecting the evidence and turning it
2 in, did you have any further involvement in this
3 case?

4 A Yes, I did. On December 4th, I had received
5 some still shots from the Investigator Draisen
6 that day we were on scene and I had shown one to
7 one of the persons that came out of the house, and
8 I confirmed that those had not been submitted to
9 evidence so I submitted those to evidence and
10 wrote a supplement.

11 Q And those would be the screen shots that were
12 taken from the video surveillance?

13 A That's correct. They came from Corey
14 Singleton's video surveillance.

15 Q And you had received those on the day of the
16 incident while you were at Eddings Point?

17 A Yes, I was at Eddings Point Road when I
18 received those on my cell phone.

19 MS. CORNWELL: I believe that's all the
20 questions I have. Thank you, Your Honor.

21 THE COURT: Anything as a follow-up?

22 MS. JONES: Briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MS. JONES:

25 Q Investigator Snider, you were just asked about

Testimony of Adam Draisen

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1 other firearms in the home.

2 A Yes.

3 Q Is it safe to say there were other guns in this
4 home?

5 A Yes.

6 Q Other types of ammo?

7 A Yes.

8 Q A couple things. We did see some pictures earlier
9 of the Taurus 9-millimeter gun box that you pulled out
10 of Channon Preston's room.

11 A Yes.

12 Q And then the various rounds of ammo inside bedroom
13 number 2 in the suitcase?

14 A Yes.

15 MS. CORNWELL: Your Honor, these two
16 items that were not placed in evidence exceeds the
17 scope of cross-examination.

18 THE COURT: What is it?

19 MS. JONES: It's a gun box and then
20 different types of ammo. She asked about
21 different types of guns.

22 MS. CORNWELL: I asked about two specific
23 guns.

24 THE COURT: You asked about whether there
25 was guns in the defendant's bedroom, so I'll allow

1 it. Overruled.

2 MS. CORNWELL: Thank you.

3 MS. JONES: Permission to approach.

4 (STATE EXH. 145, 9mm ammo from suitcase, was
5 marked for identification.)

6 (STATE EXH. 146, Taurus gun box, was marked
7 for identification.)

8 BY MS. JONES:

9 Q I'm handing you 145 and 146. What are these?

10 A 146 is going to be the Taurus pistol box that
11 was located in Channon's bedroom. It was empty.

12 Q And that's the box you collected?

13 A So, I collected that.

14 MS. JONES: State moves 146 into
15 evidence.

16 THE COURT: All right. Over the
17 objection.

18 (STATE EXH. 146, Taurus gun box, was entered
19 into evidence.)

20 BY MS. JONES:

21 Q 145?

22 A State's Exhibit 145, this is various
23 ammunition, which included multiple different
24 types of ammunition to include 9-millimeter. And
25 this was in the suitcase in the closet of the

Testimony of Adam Draisen

347

1 bedroom we identified as Channon's bedroom,
2 bedroom 2.

3 Q That's the ammo you collected?

4 A Yes, I collected this.

5 MS. JONES: Your Honor, at this time, we
6 move 145 into evidence.

7 THE COURT: All right. Over the
8 objection.

9 (STATE EXH. 145, 9mm ammo from suitcase, was
10 entered into evidence.)

11 BY MS. JONES:

12 Q I'm going to show them the gun box.

13 A This is the gun box, Taurus gun box.

14 Q The Taurus 9-millimeter?

15 A Yes, it is.

16 (STATE EXH. 149, Teal Taurus 9mm, was marked
17 for identification.)

18 BY MS. JONES:

19 Q State's 149 is the Taurus 9-millimeter that had
20 come out of that box, maybe?

21 A Possibly.

22 Q I'm going to hand you now -- let me put that back
23 in the bag.

24 State's 135, we saw that photo of it. Is
25 this the ammo you collected from the black suitcase?

Testimony of Joel Calandra

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1 A Yes.

2 MS. JONES: That's all the follow-up
3 questions I have, Your Honor.

4 THE COURT: All right. Thank you very
5 much. You may be excused.

6 THE WITNESS: Thank you, Your Honor.

7 MS. JONES: State calls Joel Calandra.

8 THE CLERK: Can you raise your right hand
9 for me. Do you solemnly swear or affirm to
10 truthfully answer all questions asked of you by
11 this court so help you God?

12 THE WITNESS: I will.

13 THE CLERK: Have a seat right here.
14 State your first and last name and spell your last
15 name for the record. Thank you.

16 THE WITNESS: Joel Calandra,
17 C-a-l-a-n-d-r-a.

18 WHEREUPON:

19 JOEL CALANDRA,
20 after having been sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. JONES:

23 Q Good afternoon, Sergeant Calandra. You work for
24 the Beaufort County Sheriff's Office?

25 A Yes, ma'am.

Testimony of Joel Calandra

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1 Q And I'm going to cut right to the chase. Did you
2 November 18th of 2020, respond to [REDACTED] Eddings Point
3 Road?

4 A Yes, ma'am.

5 Q And were you essentially tasked with keeping an
6 eye on Mr. Preston?

7 A Yes, ma'am.

8 Q Okay. At some point, do you then take Mr. Preston
9 for an interview?

10 A Yes, ma'am.

11 Q And that's at the investigator's office?

12 A Yes, ma'am.

13 Q And then after that, you transport Mr. Preston to
14 the detention center?

15 A Yes, ma'am.

16 Q And while you were there, is he searched?

17 A Yes, ma'am.

18 Q Okay. And do you remember if a bullet was
19 found?

20 A Yes, ma'am.

21 (STATE EXH. 151, Bullet from CP, was marked
22 for identification.)

23 MS. JONES: Permission to approach.

24 THE COURT: Absolutely.

25 BY MS. JONES:

Testimony of Joel Calandra

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1 Q I'm going to hand you what has been marked as
2 State's 151. Do you recognize that?

3 A Yes, ma'am.

4 Q And what is that?

5 A That's the evidence envelope that contains
6 the live round that I found.

7 Q Where was that found?

8 A Actually, it was when Preston was being
9 searched again by the intake at the detention
10 center, Mr. Teisdale. It was found in his
11 right-hand pant pocket.

12 Q And that's a 9-millimeter live round?

13 A Yes, ma'am.

14 Q A bullet that has not been fired?

15 A Yes, ma'am.

16 MS. JONES: Your Honor, at this time
17 State moves 151 into evidence.

18 THE COURT: All right. Without
19 objection?

20 MS. CORNWELL: No objection.

21 (STATE EXH. 151, Bullet from CP, was
22 entered into evidence.)

23 BY MS. JONES:

24 Q Sergeant Calandra, I have no further questions for
25 you. Thank you.

Testimony of Joel Calandra
MS. CORNWELL: No questions, Your

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1
2 Honor.

3 THE COURT: You may be excused.

4 MS. JONES: The State recalls
5 Adam Draisen.

6 CONTINUATION OF DIRECT EXAMINATION

7 BY MS. JONES:

8 Q Welcome back, Investigator Draisen.

9 THE COURT: Investigator Draisen, you
10 haven't discussed your testimony with anybody,
11 have you?

12 THE WITNESS: No, sir.

13 THE COURT: All right. You're still
14 under oath.

15 BY MS. JONES:

16 Q Investigator Draisen, we talked a little bit about
17 your involvement in this case. I want to get back to
18 what you did as well. Did you have an opportunity to
19 speak with Channon Preston?

20 A I did.

21 Q And where did that happen?

22 A The northern investigations office.

23 Q And is that here in Beaufort?

24 A Yes, ma'am, it is.

25 Q Who is in the room with you while you're

Testimony of Joel Calandra

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1 interviewing Mr. Preston?

2 A It was Investigator Duhamel.

3 Q Is he still with Beaufort County Sheriff's
4 Office?

5 A No, ma'am.

6 Q Is he at another agency somewhere?

7 A He works at a law enforcement agency in
8 Maine.

9 Q He moved subsequent to this?

10 A Yes, ma'am.

11 Q Prior to speaking with Mr. Preston, did you advise
12 him of his Miranda rights?

13 A I did.

14 Q And did you do that off of a form or by memory?

15 A I did it off of a form.

16 (STATE EXH. 152, Miranda form; Unsigned, was
17 marked for identification.)

18 MS. JONES: Permission to approach.

19 THE COURT: Okay.

20 BY MS. JONES:

21 Q I'm going to hand you what has been marked as
22 State's 152. Do you recognize that item?

23 A Yes, I do.

24 Q And what is that?

25 A This is the sheriff's office Miranda warning

Testimony of Joel Calandra

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1 form.

2 Q And is that the form that you read to Mr. Preston
3 that day?

4 A It is.

5 Q At any point when you're speaking with Mr.
6 Preston, does he appear confused?

7 A No.

8 Q Does he appear to not understand what you're
9 talking to him about?

10 A No.

11 Q Does he know why he's being interviewed?

12 A He does.

13 Q And he's in custody at this point, isn't he?

14 A Yes, ma'am, he is.

15 Q Does he acknowledge that he understands these
16 rights he has?

17 A He does. He doesn't want to sign the form,
18 but he does acknowledge it.

19 Q In fact, he refuses to sign the form.

20 A He does.

21 Q And that's actually the form you presented with
22 him, and I believe you wrote "Refused to sign" at the
23 bottom?

24 A I did. I wrote that right by my signature.

25 Q And that is a fair and accurate copy of the

Testimony of Joel Calandra

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1 Miranda form you presented to Mr. Preston?

2 A It is. Yes, ma'am.

3 MS. JONES: Your Honor, at this time, I
4 move 152 into evidence.

5 THE COURT: All right. Any objection?

6 MS. CORNWELL: No, Your honor.

7 THE COURT: All right. Without
8 objection.

9 (STATE EXH. 152, Miranda form; Unsigned, was
10 entered into evidence.)

11 BY MS. JONES:

12 Q And I see that it's dated the 18th at 1611, so
13 4:11 p.m. I work on a 12-hour clock.

14 After that, does he agree to speak with you?

15 A After some -- he won't come out and say
16 initially that he wants to speak with me, and we
17 don't ask him any questions. He makes some
18 statements and then, eventually, he agrees to talk
19 to us.

20 Q Okay. And that interview is actually recorded,
21 isn't it?

22 A Yes, ma'am.

23 Q Did you have a chance to review that prior to
24 trial?

25 A I did.

Testimony of Joel Calandra 355
(STATE EXH. 153, DVD; Preston Interview, was

1 marked for identification.)

2 BY MS. JONES:

3 Q I'm going to hand up what has been marked as
4 State's 153. Do you recognize that?

5 A Yes, I do.

6 Q What is that?

7 A This is a DVD containing the interview with
8 Channon Preston at the northern investigations
9 office.
10

11 MS. JONES: Your Honor, at this time,
12 State moves 153 into evidence.

13 THE COURT: All right. Any objection?

14 MS. CORNWELL: Your Honor, subject to our
15 previous objection under 801 and out of statement
16 against interest.

17 THE COURT: All right.

18 (STATE EXH. 153, DVD; Preston
19 Interview, was entered into evidence.)

20 BY MS. JONES:

21 Q When you're speaking with Mr. Preston, do you show
22 him anything that day?

23 A I do.

24 Q And what is that?

25 A I had taken a screen shot of the video

Testimony of Joel Calandra

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1 surveillance that Corey Singleton had provided to
2 me and I printed it off and showed it to him.

3 Q Is State's 86 one of the stills?

4 A Yes, ma'am.

5 MS. JONES: Your Honor, at this time,
6 State asked to publish 153.

7 THE COURT: All right.

8 MS. JONES: Your Honor, just for your
9 information, this portion is 20 minutes and seven
10 seconds long.

11 THE COURT: All right.

12 (DVD played in its entirety.)

13 BY MS. JONES:

14 Q After this portion of the interview, what happens?

15 A Investigator Duncan comes back to the
16 office.

17 Q Are you in there for that portion of the
18 interview?

19 A Initially, yes, ma'am.

20 Q And then I leave?

21 A I do.

22 Q You don't show the defendant the entire
23 surveillance video, do you?

24 A No, ma'am.

25 Q Why not?

Testimony of Joel Calandra

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1 A Because, as I testified to earlier, it
2 doesn't clearly show his face, so we didn't show
3 him the entire video surveillance.

4 Q But you showed him that clip? I believe it was
5 86.

6 A Yes, ma'am.

7 Q Not the clip. The still.

8 A Correct, which shows the van.

9 Q That would be the van in the surveillance.

10 Master Sergeant Draisen, I don't have any
11 further questions for you at this time. Thank you.

12 CROSS-EXAMINATION

13 BY MS. CORNWELL:

14 Q Master Sergeant Draisen, you had indicated to the
15 State that this interview began around what time?

16 A I'd have to see the Miranda form to get the
17 exact time. I don't recall off the top of my
18 head. 4:11 p.m.

19 Q And, to your knowledge, had Mr. Preston been
20 detained by law enforcement since the time law
21 enforcement got to his house?

22 A I wasn't there for that, but my knowledge was
23 he was detained. Yes, ma'am.

24 Q And, to your knowledge, law enforcement arrived at
25 the house shortly off one o'clock, they were reading

Testimony of Joel Calandra

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1 the CAD reports and immediately responded?

2 A They were -- yes. They were waiting outside
3 of the house. We were trying to confirm that that
4 was the same vehicle. And then once I had sent
5 the text message to Investigator Snider, then I
6 think that's when they made contact.

7 Q And then once he was brought to the station and
8 you began your interview with him, the entire
9 interview ends up lasting about an hour and a half,
10 right?

11 A That sounds about right.

12 Q So that would be until about six o'clock roughly.

13 A little bit before 5:45?

14 A Approximately, yes, ma'am.

15 Q So, by the time you-all are finished talking with
16 him, he had been detained and questioned for
17 approximately four or so hours?

18 A Well, he was under arrest when he came to the
19 investigations office. He wasn't detained at that
20 point.

21 Q But he was in custody?

22 A Yes, ma'am. Correct.

23 Q In that interview, he's asked about the nickname
24 Glizzy, and he denies going by that nickname,
25 correct?

Testimony of Joel Calandra

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- 1 A He denied it, yes, ma'am.
- 2 Q And he told you what his nickname was. It was CJ.
- 3 A Yes, ma'am.
- 4 Q He also informed you that he has a younger
5 brother; is that correct?
- 6 A I don't know if he told me that. He might
7 have.
- 8 Q Okay. And during your interview, you told him
9 that the video shows him shooting the victim?
- 10 A That's correct.
- 11 Q That was not true, was it? That video does not
12 show anyone shooting the victim, does it?
- 13 A No, ma'am. It doesn't.
- 14 Q You also said you could see him clear as day in
15 that video, correct?
- 16 A That's what we said, yes, ma'am.
- 17 Q And that was not true either?
- 18 A No, you can't see that in the video.
- 19 Q So you were lying to him throughout course of
20 interview with him?
- 21 A No, ma'am.
- 22 Q Those things aren't true. So if they're not true,
23 aren't they lies?
- 24 A I would say that, you know, we knew that it
25 was his van. We did know that. There was things

Testimony of Joel Calandra

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1 that you can't see in the video. So can we see
2 his face, no, we can't see that. But we knew it
3 was him in the video. He wouldn't have been under
4 arrest if we didn't know it was him.

5 Q But you told him you could see him shoot the
6 victim in the video. That was not truthful,
7 correct?

8 A You can't see him in the video, that's
9 correct.

10 Q That was not truthful.

11 You also told him you could see him clear as
12 day in that video, and that was not truthful, correct?

13 A You can't see him clear as day. No, ma'am.

14 Q But despite repeatedly being untruthful to him,
15 trying to trick him, trying to coerce him into giving
16 some admission, telling him that you're going to show
17 his video to the jury, that the jury is going to see
18 all this, he never waivered from saying that he never
19 shot anybody, correct?

20 A To me. He did later talk to
21 Investigator Duncan.

22 Q But you -- and you were present during the
23 interview with Investigator Duncan?

24 A Not the entire interview, no.

25 Q Your testimony right now is that my client admits

Testimony of Joel Calandra

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1 to shooting somebody?

2 A Later he admits to being involved, yes,
3 ma'am. That -- I wasn't in the room for the
4 portion of the interview.

5 Q You reviewed interviews in this case?

6 A Yes, ma'am.

7 Q And your statement under oath is that the
8 interviews that you reviewed, my client admits to
9 being involved in shooting somebody?

10 A I'm not saying that. What I'm saying is that
11 he admits to Investigator Duncan that he was
12 there. That's what I'm telling you.

13 Q But never, ever says anything about ever shooting
14 anybody?

15 A Not to me. No, ma'am.

16 Q Denies ever firing a gun?

17 A He denies being there, to me.

18 Q At the time that you interviewed my client, had
19 you already received the other video clips?

20 A Yes, ma'am.

21 Q And you had reviewed those other video clips?

22 A Yes, ma'am.

23 Q So you were aware that you did not have any video
24 of this -- of the actual shooting, correct?

25 A Of the gun being fired, you're correct. I

Testimony of Joel Calandra

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1 didn't have any video of that.

2 MS. CORNWELL: I believe that's all the
3 questions I have, Your Honor.

4 THE COURT: All right.

5 MS. JONES: Briefly.

6 REDIRECT EXAMINATION

7 BY MS. JONES:

8 Q I just want to clear up something,
9 Master Sergeant. This interview happened about 4:11
10 that afternoon. He was detained maybe a little before
11 2:00. He's not being questioned that entire time, is
12 he?

13 A No, he wasn't.

14 Q When we hear him walk into this interview, that's
15 when your interview with him starts?

16 A Correct.

17 MS. JONES: Nothing further for this
18 witness.

19 THE COURT: All right. You may be
20 excused.

21 THE WITNESS: Thank you, Your Honor.

22 MS. JONES: State calls David Glover.

23 THE CLERK: Raise your right hand for me.
24 Do you solemnly swear or affirm to truthfully
25 answer all questions asked of you by this court so

Testimony of David Glover

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1 help you God?

2 THE WITNESS: Yes.

3 THE CLERK: Have a seat right here. I
4 want you to state your first name, last name, and
5 spell your last name for the record, please.

6 THE WITNESS: Right now?

7 THE CLERK: Yes, sir. Right into the
8 microphone.

9 THE WITNESS: All right. David Glover,
10 G-l-o-v-e-r.

11 WHEREUPON:

12 DAVID GLOVER,
13 after having been sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. JONES:

16 Q Good afternoon, Mr. Glover. How are you?

17 A I'm doing all right.

18 Q You're all right. I want to talk to you. Do you
19 remember November 18th of 2020?

20 A Just a little bit.

21 Q Okay. Do you know a man named Steven Glover?

22 A Yes.

23 Q And who was Steven to you?

24 A He was my first cousin.

25 Q And do you know a man named Channon Preston?

Testimony of David Glover

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1 A Yes.

2 Q And how do you know Channon Preston?

3 A He was like my brother.

4 Q Very close friends?

5 A Yeah.

6 Q So on November 18th of 2020, do you, that
7 afternoon, go to Mr. Preston's home over on
8 Eddings Point?

9 A Yes.

10 Q And do you go by yourself?

11 A Yes.

12 Q Okay. When you pull into Mr. Preston's driveway,
13 what do you see?

14 A As I was pulling in, he was also pulling
15 in.

16 Q "He," as in who?

17 A Channon.

18 Q Okay. And I'm going to ask questions like that
19 because this lady right here has to take down
20 everything you're saying. Okay?

21 A All right.

22 Q So Channon is pulling in. Is he a passenger or is
23 he driving the car?

24 A He was driving.

25 Q What was he driving?

Testimony of David Glover

365

1 A It was a van.

2 Q Was it his mom's white minivan?

3 A Yes.

4 Q Okay. State's 120, is that the minivan he was
5 driving?

6 A Yeah, that's it.

7 Q That's it, okay.

8 What happens when you-all pull up at the same
9 time?

10 A We pulled in. He went in the house for a
11 minute. We was about to go back to out to
12 Parker's, but his mom said he couldn't use the van
13 so we took my car.

14 Q And do you-all go to Parker's?

15 A Yes.

16 Q And then after going to Parker's, where do you
17 go?

18 A We went up the street to Foolish Frog for a
19 minute.

20 Q You went to Foolish Frog for a minute?

21 A Uh-huh.

22 Q And after going to Foolish Frog, you-all go back
23 to Eddings Point?

24 A Yes.

25 Q And when you get back to Eddings Point, do you go

Testimony of David Glover

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1 inside with Channon?

2 A Yes.

3 Q And what do you do inside?

4 A We was just playing a game.

5 Q Are you-all using the same video controller?

6 A Yes, sometimes. It depends. It's two
7 controllers, though.

8 Q Okay. But sometimes you-all are changing them out
9 and using the same ones?

10 A Yes.

11 Q Do you -- when you first see Channon that day, do
12 you shake his hand or dap him up?

13 A Yeah, we usually dap each other up.

14 Q Does that just mean a little fist bump?

15 A Or a little handshake.

16 Q Little handshake, okay. So you touch his hands at
17 some point that afternoon?

18 A Yes. Probably.

19 Q Do you remember the police coming to his house
20 that day?

21 A Yes.

22 Q And what happened when they get there?

23 A I was on the porch. I just found out the
24 news.

25 Q What news?

Testimony of David Glover

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1 A That my cousin died.

2 Q Your cousin Steven?

3 A Yes. As soon as I got off the phone, that's
4 when the police came.

5 Q And what do you do when the police get there?

6 A I was telling them, what's going on? My
7 cousin just died, so I was wondering what was
8 going on.

9 Q And do you give an interview with the police?

10 A Yeah, something like that.

11 Q Do you talk to the police?

12 A Yes.

13 Q You agree to talk to them. You don't try to run
14 away. You talk to them.

15 A No, I didn't run.

16 Q You didn't run. You talked to a lady investigator
17 named Gen Snider. Do you remember that?

18 A Yes.

19 Q And do you remember if she collected a DNA sample
20 from you?

21 A Yes.

22 Q And she did your hands for gunshot residue, didn't
23 she?

24 A Yeah.

25 Q And you agreed to let her do all of that, didn't

Testimony of David Glover

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1 you?

2 MS. CORNWELL: Your Honor, I'm just going
3 to ask that the leading --

4 THE COURT: Just rephrase the question.

5 MS. CORNWELL: Just from here on out.

6 MS. JONES: I will. My apologies, Your
7 Honor.

8 BY MS. JONES:

9 Q So you talked to her in the car. And then does
10 she let you go after that?

11 A Yes.

12 Q Okay. Do you remember, did you see any guns in
13 the home that day?

14 A Not that I remember.

15 Q Okay. You mentioned that you know Channon
16 Preston. You-all are -- he's like a brother to you?

17 A Yes.

18 Q What nickname does he go by?

19 A I call him CJ.

20 Q Does he go by anything else?

21 A Yes.

22 Q What else does he go by?

23 A Some people call him Glizzy sometimes.

24 Q Okay. And do you see the man that you know as CJ,
25 Glizzy, and Channon Preston in the courtroom?

Testimony of David Glover

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1 A Yes, I see CJ.

2 Q Can you please point him out?

3 A He's right there.

4 MS. JONES: May the record reflect the
5 witness identified the defendant.

6 THE COURT: The record will so reflect.

7 BY MS. JONES:

8 Q Mr. Glover, thank you --

9 MS. JONES: Or, beg the Court's
10 indulgence.

11 BY MS. JONES:

12 Q When you pull up at the same time that Channon
13 pulls up in the white van, who's in the car with
14 Channon?

15 A This other boy that be over there.

16 Q Okay. And do you remember telling
17 Investigator Snider who that other boy was?

18 A I didn't know his name at the time.

19 Q But do you remember what you told her about him?

20 A Yeah, he have just started coming around.

21 Q And do you remember telling her that he was the
22 last one they pulled out of the house?

23 MS. CORNWELL: Object to leading, Your
24 Honor.

25 THE COURT: Just rephrase the question.

Testimony of David Glover

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1 BY MS. JONES:

2 Q Do you remember how you described him?

3 A No.

4 Q And you spoke to her in the car on November 18th,
5 2020, around two o'clock in the afternoon?

6 A Yes, when we was all outside?

7 Q Yes.

8 A Yes.

9 Q Okay. And she asked who was in the car with
10 Channon?

11 A Oh, yes. When they was pulling them?

12 Q Yes.

13 A Yes.

14 Q You remember all of that?

15 A Yes.

16 Q And you remember telling her it was the last
17 person you-all pulled from the house?

18 A Yes.

19 MS. CORNWELL: Your Honor, again, object to
20 the leading.

21 MS. JONES: Your Honor?

22 THE COURT: She can lead him a little
23 bit.

24 BY MS. JONES:

25 Q Do you remember saying that?

Testimony of David Glover

371

1 A Yes.

2 Q And you were told it was Xavier Polite?

3 A Yes.

4 Q Okay.

5 MS. JONES: No further questions of this
6 witness.

7 THE COURT: All right.

8 CROSS-EXAMINATION

9 BY MS. CORNWELL:

10 Q Good afternoon, Mr. Glover.

11 A How you doing?

12 Q I'm going to try to keep this as brief as I can.

13 You indicated that when you pulled up at the
14 Eddings Point house, the white minivan was also
15 pulling up around that time.

16 A Yes.

17 Q And when you spoke to law enforcement about that
18 timeline, you indicated that had you gotten up that
19 morning and you were at your girl's house?

20 A Yes.

21 Q And then you went to leave her house, but your car
22 wouldn't start so you had to get a jump.

23 A Yes, and then I went to the Auto Zone.

24 Q And you said you went to Auto Zone around eleven
25 o'clock that morning?

Testimony of David Glover

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1 A Yeah, something. I don't really remember the
2 timeline like that.

3 Q And it took you approximately 20, 30 minutes to
4 get the battery, make a purchase, and leave?

5 A Yes, because they had to put the battery in
6 there for me.

7 Q And after you went to Auto Zone and got a battery,
8 that's when you went straight to Eddings Point?

9 A Yes.

10 Q So you would have gotten to Eddings Point around
11 twelve o'clock?

12 A I really don't remember the timeline.

13 Q And that's because this has been a little bit of
14 time since this happened, correct?

15 A Yes.

16 Q If you told law enforcement that it was around
17 eleven o'clock on that day, would that have been a
18 correct statement that you made to law enforcement
19 that day?

20 A Yes, I'm still trying to remember the
21 timeline. I really don't.

22 Q So, you were pulling up and the white minivan was
23 pulling up as well; it was immediately after you went
24 to Auto Zone. So whatever time it would take to drive
25 from Auto Zone to Eddings Point would be about what

Testimony of David Glover

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1 time everybody got to the house, correct?

2 A Can you say that again?

3 Q Sure. So when you went to Auto Zone and you made
4 a purchase --

5 A Okay.

6 Q They got cameras at Auto Zone. You left Auto
7 Zone, went straight to the Eddings Point house.
8 Didn't stop anywhere else?

9 A No, ma'am.

10 Q So it should be pretty easy to determine what time
11 you would have arrived at that house, correct?

12 A Yes, you could say that.

13 Q And once you arrive at that house you were inside
14 for a minute, and then you-all left and went to the
15 gas station.

16 A No, I didn't go inside once I pulled in.

17 Q Okay. So, kind of, as soon as you-all got there,
18 left and went to the gas station?

19 A Yes.

20 Q And then you indicated you were -- came back,
21 you-all were playing games in the house?

22 A Yes.

23 Q You also indicated you went to Foolish Frog as
24 well.

25 A Yes, and Parker's.

Testimony of David Glover

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1 Q Okay. You indicated that before law enforcement
2 arrived you got a phone call and got news that your
3 cousin had died; is that correct?

4 A Yes, I was trying to figure out if it was
5 true.

6 Q Okay. Do you remember who called and told you
7 that?

8 A One of my other cousins.

9 Q Which one?

10 A Josh.

11 Q Is that the Josh that was also at the house?

12 A No. He's the one who told me that it
13 happened, and I was trying to call around and make
14 sure if it was true or not.

15 Q Okay. Do you know how Josh knows?

16 A No.

17 Q But Josh told you, before law enforcement ever
18 arrived, that your cousin had died?

19 A Which Josh are we speaking of?

20 Q I believe you just said Josh told you and you said
21 you were trying to make a phone call to figure it out.

22 A There were two Joshes that day. I have a
23 cousin named Josh and there was a Josh in the
24 house.

25 Q Which Josh were you referring to that told you

Testimony of David Glover

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1 that he passed?

2 A It was my cousin Josh that told me after I
3 found out confirmation.

4 Q When did your cousin Josh tell you? Was that
5 before or after law enforcement arrived?

6 A It was before.

7 Q Okay. And did he call you to tell you, or was he
8 at the house to tell you?

9 A Well, I called him because I was making sure
10 if it was true or not.

11 Q Okay. So if you were calling and making sure it
12 was true, he wouldn't have been the one to tell you
13 so. Who told you?

14 A Josh -- the one that was in the house, Josh
15 Washington.

16 Q Okay. I'm so sorry. I'm not trying to be
17 confusing.

18 A Yeah, you're trying to confuse me.

19 Q There's two Joshes. So Josh in the house tells
20 you that your cousin had died?

21 A Yes, they said that.

22 Q And then you called your cousin Josh to try to get
23 confirmation.

24 A Yes.

25 Q And your cousin Josh, was he able to confirm that

Testimony of David Glover

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1 for you before law enforcement arrived?

2 A Yes, he told me.

3 Q So before law enforcement ever arrived, both
4 Joshes knew that your cousin had been killed?

5 A Well, the first one, he didn't say he was
6 killed or not. He was just like he laying on the
7 ground. That Steven was laying on the ground and
8 he didn't know. So I was trying to figure out if
9 it was true or not.

10 Q Okay. And that was Josh that told you that --
11 Josh at the house that told you that?

12 A Yes.

13 Q Okay. And then once all that is going on, after
14 that, police pull up and that's when they start
15 calling out names?

16 A Yes.

17 Q You and my client are pretty close, right?
18 You-all are good friends?

19 A Yes.

20 Q And he was also friends with Steven, correct?

21 A Something like that.

22 Q There was no beef or bad blood between Steven and
23 my client that you knew of, correct?

24 A No, not that I knew of.

25 Q Do you know Corey Singleton?

Testimony of David Glover

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1 A Yes.

2 Q Do you know of any issues between Corey and any
3 other people?

4 A No.

5 Q Have you been to Corey's house before?

6 A Yes.

7 Q Have you been there with Steven?

8 A Like a while back.

9 Q Had you been there with my client?

10 A No.

11 Q And you indicated that when you got back to the
12 house -- or when you got to the house, when you-all
13 got to the minivan and you-all pulled in together that
14 you-all got in your car and went -- didn't even go in
15 the house, correct?

16 A I didn't.

17 Q Well -- and you stated that you never saw my
18 client -- you never saw any guns in the house,
19 correct?

20 A No, I don't go in there looking for any.

21 Q Never saw my client with a gun that day, did you?

22 A No.

23 Q Did you see the person that was in the car with
24 him get out of the car with a gun?

25 A No, I wasn't really looking.

Testimony of David Glover

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1 Q Okay. Mr. Glover, I believe that's all the
2 questions I have for you.

3 MS. JONES: Briefly.

4 REDIRECT EXAMINATION

5 BY MS. JONES:

6 Q Josh Washington, do you remember how he found out
7 about your cousin's passing?

8 A He received a call.

9 Q Do you remember who that was from?

10 A No.

11 Q Okay. But someone called him and told him?

12 A Yes.

13 MS. JONES: I have no further questions
14 for Mr. Glover.

15 THE COURT: All right. Thank you very
16 much, Mr. Glover. You can be excused.

17 MS. JONES: And just so Mr. Glover knows,
18 he's released from his subpoena.

19 THE COURT: All right.

20 MS. JONES: Can Mr. Glover be released
21 from his subpoena?

22 THE COURT: You're good to go for the
23 rest of the week.

24 MS. JONES: Thank you.

25 The State calls Kenneth Labadie.

Testimony of Ken Labadie

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1 THE BAILIFF: Right up here, please.

2 THE CLERK: Raise your right hand for me. Do
3 you solemnly swear or affirm to truthfully answer all
4 questions asked of you by this court so help you God?

5 THE WITNESS: I do.

6 THE CLERK: Have a seat right here. Say
7 your first name and last name and spell your last
8 name for the record. Thank you.

9 THE WITNESS: It's Ken Labadie. Last
10 name is L-a-b-a-d-i-e.

11 WHEREUPON:

12 KEN LABADIE,
13 after having been sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. JONES:

16 Q Good afternoon, Mr. Labadie?

17 A Good afternoon.

18 Q Where do you work?

19 A Parker's convenience stores.

20 Q What do you do for Parker's?

21 A I'm the loss prevention manager.

22 Q So what does that mean?

23 A So, basically, I'm responsible for the
24 security and safety of all our buildings.

25 Q Does that encompass the Parker's on St. Helena?

Testimony of Ken Labadie

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1 A Yes.

2 Q Okay. I'm going to show you -- is that the
3 Parker's that's on Highway 21 in St. Helena?

4 A Yes.

5 Q It's the only Parker's on St. Helena?

6 A Correct.

7 Q Were you at -- is that gas station equipped with
8 surveillance cameras?

9 A It is.

10 Q Inside and out?

11 A Yes, ma'am.

12 Q And as far as you know, on November 18th of 2020,
13 were they working that day?

14 A Yes.

15 Q And do they record contemporaneously as the events
16 unfold?

17 A Yes, they do.

18 Q So they're recording as people are walking in and
19 out.

20 A Correct.

21 Q Were you asked to provide some surveillance to
22 Beaufort County Sheriff's Office from November 18th of
23 2020?

24 A I was.

25 Q And did you, in fact, provide that surveillance?

Testimony of Ken Labadie

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1 A Yes.

2 (STATE EXH. 154, Parker's surveillance, was
3 marked for identification.)

4 BY MS. JONES:

5 Q I'm going to hand you --

6 MS. JONES: Permission to approach?

7 THE COURT: Absolutely.

8 BY MS. JONES:

9 Q State's 154, do you recognize that item?

10 A Yes. That is the DVD from the Parker's --
11 yeah, 67.

12 Q And Parker's 67 is the Parker's on St. Helena?

13 A Correct. Yes.

14 Q Did you review this prior to court?

15 A Yes.

16 Q And it's a fair and accurate recording of Parker's
17 surveillance?

18 A Yes.

19 MS. JONES: Your Honor, at this time,
20 State moves 154 into evidence.

21 THE COURT: Without objection?

22 MS. CORNWELL: No objection, Your Honor.

23 THE COURT: All right.

24 (STATE EXH. 154, Parker's surveillance, was
25 entered into evidence.)

Testimony of Ken Labadie

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1 MS. JONES: And permission to publish?

2 THE COURT: Yes, ma'am. How long is it?

3 MS. JONES: 12 minutes.

4 THE COURT: Do you-all need a break
5 before we watch it? All right. Let's roll.

6 BY MS. JONES:

7 Q Is there any audio with this recording?

8 A No, ma'am. Not on the exterior of the
9 buildings.

10 Q Okay, thank you.

11 (DVD played in its entirety.)

12 BY MS. JONES:

13 Q And we see the time stamp at the top. It says
14 1320. Is that an accurate time stamp?

15 A Yes, ma'am. I believe so. Yes, it was.

16 Q So it would be 1:20 in the afternoon?

17 A Correct.

18 Q Mr. Labadie, those are all the question I have for
19 you.

20 THE COURT: Yes, ma'am.

21 MS. CORNWELL: I have no questions, Your
22 Honor.

23 THE COURT: Thank you. You may be
24 excused.

25 MS. JONES: Your Honor. I think this may

Testimony of Ken Labadie

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1 be a good time for a break.

2 THE COURT: Your Honor, we were going to
3 take your mid-afternoon break. You-all stretch
4 your legs and we'll get you right back in.

5 (A break was taken from 2:25 p.m. to 2:42 p.m.)

6 THE BAILIFF: All rise. This court is
7 back in session.

8 THE COURT: All right. You-all ready to
9 go?

10 MS. JONES: I think so.

11 THE COURT: All right. What's the next
12 witness and what are you-all attempting to get
13 into that they're objecting to?

14 MS. JONES: So, Your Honor, the next
15 witness is Investigator Tunis with the sheriff's
16 office. He dumped a couple of the cell phones --
17 well, multiple cells phones that were collected in
18 this case. The ones that I am concerned about are
19 one of Steven Glover's phones from inside the car
20 at the scene, and then the cell phone they found
21 in bedroom number 2 that had the defendant's face
22 on the front of it on the locked screen. He
23 produced Cellebrite information -- Cellebrite
24 extraction reports. Submitted those into
25 evidence. My plan was to have him authenticate

Testimony of Ken Labadie

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1 the thumb drive, go through the extraction
2 process. And then after all this is admitted into
3 evidence, Investigative Duncan reviews the reports
4 that Tunis uploads. It is upon that review of the
5 reports and what has come out of that is what I'm
6 going to admit at trial.

7 What I want to admit from Steven's phone
8 is that -- from Steven's phone is there are
9 instant messages on his phone from a number ending
10 in 9818. They are the day of the shooting. It
11 goes back to 10:13 a.m. up until 12:09 p.m., and
12 the 911 call came in less than an hour after that.

13 Then I have an extraction report that
14 shows the communication from the day of the
15 shooting, this is communication solely with the
16 number that was messaging him. It's the 9818
17 number. This shows that that communication --
18 there were calls made from that number, but then
19 also there are instant messages. So that explains
20 the platform the number came from. But it's not a
21 phone number like you and I would have. It's a
22 number associated with some sort of messaging app.
23 And that's what it says, instant message over
24 there.

25 Mr. Glover then had -- he took four

Testimony of Ken Labadie

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1 photographs on his phone that day. This is a
2 report showing that he took four photographs that
3 day on his phone. And one of them, for whatever
4 reason, shows as a call log that shows an incoming
5 call from the 9818 phone number. That is from Mr.
6 Glover's phone.

7 Investigator Duncan can say that he
8 reviewed these prior -- or during the
9 investigation when he reviewed the Cellebrite
10 reporters. He can also say that from his time in
11 investigations, he knows that there are different
12 messaging apps that one can access over Wi-Fi if
13 they don't have a cell phone plan, you can say.
14 And these apps can be various apps, but they can
15 make phone calls and they can make messages.

16 We then have Channon's phone. Channon's
17 phone this is -- I have -- this is the accounts
18 extraction report and this shows that all the
19 accounts associated on that phone come back to
20 channon.preston@ifile.com. They're all associated
21 to his email address.

22 And then on that phone, I also have two
23 videos that were extracted on that phone. One is
24 a -- and they're both very brief. A few seconds
25 here. One is a video of Mr. Preston with one or

Testimony of Ken Labadie

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1 two girls in a hotel room. One of the girls says,
2 *Happy Birthday, Glizzy*. He says, *Thank you*,
3 acknowledging he goes by Glizzy. And then the
4 second video -- and that's three days before the
5 shooting. The second video is five days before
6 the shooting. And in that video it shows Mr.
7 Preston and his co-defendant Mr. Polite in the
8 white Toyota minivan each holding the guns that
9 the State alleges they used on the shooting five
10 days later. I do have two stills taken from that
11 video. Mr. Polite with the Draco and Mr. Preston.
12 Mr. Presont is in two different photos because the
13 way the video works, he shows himself, and then he
14 shows his lap, and then he shows himself again.

15 THE COURT: All right.

16 MS. CORNWELL: Your Honor, when I think
17 the photograph of them holding guns five days
18 prior, that's outside of anything having to do
19 with this case. So I do not believe that it's
20 relevant to this incident. Five days prior isn't
21 relative in time and matter. It's not at the
22 incident location. It has nothing to do with this
23 incident at all. So I believe that that is more
24 prejudicial than probative.

25 I also do not believe under 401 that it's

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1 relevant or material to this incident. The same
2 with the happy birthday video. They said, Happy
3 Birthday, Glizzy, or whatever, I don't believe, at
4 this point, it's relevant. I don't think it's
5 material. I think it's more prejudicial than
6 probative. Those are the videos and photographs.

7 My main issue and concern is that they
8 are not able to authenticate this phone number on
9 Steven Glover's phone that ends in 2818. She's
10 talking about where it says instant messages and
11 caller, I received hundreds of phone records and
12 reports that have call logs, text messages,
13 instant messages, they're all coming from a phone.
14 So for anybody to get up there and say that this
15 number is not associated with an actual phone,
16 it's associated with a social media account, I
17 don't think there's anybody that can testify or
18 authenticate or do that. That's speculation
19 completely.

20 My argument would be -- I mean, it says
21 call log. It's got incoming and outgoing calls.
22 It's got instant messages. If I pull out my
23 iPhone, it's got a call log. It's got incoming
24 and outgoing calls. It's got instant messages on
25 there. So it is a phone number that is associated

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1 -- they got a picture of a call log that says
2 missed call. So for them to try to associate --
3 and it's not my client's phone. It's not the
4 phone that they claim belongs to my client. That
5 number does not belong to this phone.

6 So for them to all of a sudden try to say
7 that it's associated with my client because he was
8 using it as a social media mask on a phone, there
9 is no testimony. There's nobody from any social
10 media account verifying that that number is
11 associated with a social media account. There is
12 no -- we don't have any witnesses on the witness
13 list from Verizon, from AT&T, from Sprint, from
14 anybody to verify whether or not what they're
15 speculating is true. So there's no way --

16 MS. JONES: Your Honor, I think I can
17 make this shorter.

18 THE COURT: All right.

19 MS. JONES: We won't get into any of that
20 except for the videos.

21 THE COURT: All right. Well, just for
22 the record, because obviously anybody that will
23 take a look at this appeal on record will not
24 realize until they see the pictures what the guns
25 -- how unique they are.

Testimony of Ken Labadie

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1 And so, for the record, I find it to be
2 extremely probative and nowhere near prejudicial
3 enough to exclude the evidence of the guns five
4 days prior. One they both are showing -- one is
5 showing a 9-millimeter, which of course has
6 been -- the crux of this trial, which is that the
7 defendant alledgedly always carried a
8 9-millimeter, which is why he had the nickname
9 Glizzy. And also that is teal in color. A very,
10 very, very specific style 9-millimeter, and
11 certainly a specific color as well with a very
12 unique pattern on it. And it matches the exact
13 same gun that was found in the house hidden the
14 day of under the trash bags. And also, the other
15 gun that's associated is an assault rifle with
16 a -- you-all called it a boom?

17 MS. JONES: Drum magazine.

18 THE COURT: Drum. With the drum
19 magazine, which, of course, goes back to the late
20 '20 early '30's gangster movies, is essentially
21 what it looks like. So it was a very detailed and
22 a very specific style gun in this type case. And
23 the fact that both of those were found hidden in
24 the house on the day of the incident and these
25 gentlemen were possessing those firearms for five

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1 days, I certainly believe is extremely probative
2 and certainly outweighs any prejudicial effect.

3 All right.

4 MS. JONES: Your Honor, just for
5 clarification, I'm not going to admit anything
6 from Steven Glover's phone. That's where it's
7 confusing with instant messenger. I am, however,
8 going to admit, of course upon your ruling, the
9 extraction report showing that that cell phone --
10 Channon Preston's phone, the accounts, go back to
11 channon.preston.

12 THE COURT: I find that to be very
13 probative as well.

14 All right. Bring them out.

15 MS. CORNWELL: For the record, I'll just
16 go into the Court's testimony. I did want to let
17 the Court know that she is going to introduce a
18 Facebook photo -- or page that says Glizzy. I'm
19 going to be making the same objection I've been
20 making to Glizzy to the whole time. I just wanted
21 to make Your Honor aware.

22 THE COURT: All right. Bring them in.

23 THE BAILIFF: Jury is entering the
24 courtroom, Your Honor.

25 (Jury enters the courtroom at 2:55 p.m.)

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1 THE COURT: Call your next witness.

2 MS. JONES: The State calls Investigator
3 Jim Tunis.

4 THE CLERK: Raise your right hand for me.
5 Do you solemnly swear or affirm to truthfully
6 answer all questions asked of you by this court so
7 help you God?

8 THE WITNESS: Yes, I do.

9 THE CLERK: Thank you, Mr. Tunis. Sit
10 right here. Say your first name, last name, and
11 spell your last name for the record.

12 THE WITNESS: James Tunis, T-u-n-i-s.

13 WHEREUPON:

14 JAMES TUNIS,
15 after having been sworn to tell the truth, testified
16 as follows:

17 DIRECT EXAMINATION

18 BY MS. JONES:

19 Q Good morning -- or good afternoon. My apologies,
20 Investigator Tunis. How are you?

21 A Good.

22 Q Good. Where do you work?

23 A I work for the Beaufort County Sheriff's
24 Office, and currently I'm assigned as an
25 investigator in the investigative section. My

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1 primary duties are to conduct and assist with
2 criminal investigations. I have a collateral duty
3 as a digital forensic analyst with the Beaufort
4 County Sheriff's Office, the device extraction
5 unit.

6 Q That was a really fancy term. What does that
7 mean?

8 A Basically, it's a physical analyst, I extract
9 devices and cell phones.

10 Q Cell phones. Have we maybe heard this called a
11 cell phone dump before?

12 A Yes, ma'am.

13 Q Okay. Have you had training in order to do this?

14 A Yes, I did. I attended a week-long course
15 where I was certified as a Cellebrite certified
16 operator and a physical analyst.

17 Q And after that -- when did you get certified?

18 A May of 2021.

19 Q Is this something new to the Beaufort County
20 Sheriff's Office?

21 A Yes, ma'am, within the past couple years.

22 Q How recently did the Beaufort County Sheriff's
23 Office get the ability to actually dump their own
24 phones?

25 A Probably within the past couple years.

Testimony of Ken Labadie

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1 Q Okay. But since then, you-all have upgraded your
2 technology?

3 A Yeah, originally. We were only able to
4 extract phones that we had passcodes for. But
5 earlier this year, we obtained the ability to
6 unlock cell phones and extract most of them.

7 Q So after you -- does this process involve taking a
8 phone cell and hooking it up to this machine?

9 A It does.

10 Q And then is that where the report comes from?

11 A It is.

12 Q And that report, is that peer reviewed?

13 A It is. Yes, ma'am.

14 Q And is that what happened in this case?

15 A Yes, it is.

16 Q And were you asked to dump a phone that ended in
17 property number 172238?

18 A Yes, it was.

19 Q I'm going to show you -- if we could see
20 State's 92 and 93. That's okay. I can show him this
21 way.

22 I'm going to hand you what has already been
23 admitted as State's 141. That is the phone collected
24 from bedroom number 2. Did you extract that phone?

25 A 172238, yes, I did. An Apple iPhone.

Testimony of Ken Labadie

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1 Q And did you produce a report for that phone?

2 A Yes, I did.

3 Q And did you produce it on a thumb drive?

4 A I did.

5 Q And did you submit it into evidence?

6 A Yes, ma'am, I did.

7 (STATE EXH. 179, Thumb drive, was marked for
8 identification.)

9 BY MS. JONES:

10 Q Okay. I'm going to show you -- I'm going to show
11 you State's 179. Is that the thumb drive that you
12 submitted into evidence?

13 A Yes, ma'am, it is.

14 Q And that contains the full extraction that you
15 were able to get off of this iPhone found in bedroom
16 number 2, the 238?

17 A The iPhone, it contained the extraction I
18 could get.

19 Q So when we say extraction, that's anything that
20 essentially the machine could suck off of the phone?

21 A Yes.

22 Q And you didn't alter it? You submitted it into
23 evidence and that's exactly what came off the phone?

24 A Correct.

25 Q This would then go to evidence so the

Testimony of Ken Labadie

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1 investigators could access it?

2 A Yes, ma'am.

3 Q Investigator Tunis, I don't think I have any
4 further question for you. Thank you.

5 A Okay.

6 CROSS-EXAMINATION

7 BY MS. CORNWELL:

8 Q Good afternoon, Investigator Tunis.

9 A Good afternoon.

10 Q Just one -- I say one question. I'm not going to
11 commit myself to that. The first question is: When
12 you say dump, you're going to extract all of the
13 information on the phone. Can you give us some
14 examples of what that information is? Contacts, call
15 logs?

16 A Yes. So I can extract all valuable
17 information on the phone. So, basically,
18 depending on the phone, every device is different,
19 we extract, like you said, contacts, photos,
20 videos, call logs, text messages, all that kind of
21 information that's stored on the device.

22 Q Social media, location, things of that nature?

23 A Yes.

24 MS. CORNWELL: That's all the questions I
25 have, Your Honor. Thank you.

Testimony of Chad Smith

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1 THE COURT: All right. Anything in
2 follow-up?

3 MS. JONES: No, sir.

4 THE COURT: All right. You may step
5 down.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Yeah, you may step down.

8 MS. JONES: Your Honor, State calls Chad
9 Smith.

10 THE CLERK: Can you raise your right hand
11 for me. Do you solemnly swear or affirm to
12 truthfully answer all questions asked of you by
13 this court so help you God?

14 THE WITNESS: I do.

15 THE CLERK: You can have a seat. Say
16 your first name, last name, and spell your last
17 name for the record.

18 THE WITNESS: My name is Chad Smith,
19 S-m-i-t-h.

20 WHEREUPON:

21 CHAD SMITH,
22 after having been sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. JONES:

25 Q Good afternoon.

Testimony of Chad Smith

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1 A Good afternoon.

2 Q Where do you work?

3 A I'm employed with the South Carolina Law
4 Enforcement Division, which is commonly know as
5 SLED.

6 Q What do you do for SLED?

7 A I work in the firearms department at SLED's
8 forensic services laboratory in Columbia. I'm a
9 forensic scientist or firearms examiner.

10 Q And what are some of your duties as a firearms
11 examiner?

12 A My responsibilities include the examination
13 of firearms, ammunition, and ammunition component
14 such as bullets and cartridge cases. I also do
15 serial number restorations and firearm
16 destructions.

17 Q Okay. Did you have to have some specialized
18 training and education to obtain this position at
19 SLED?

20 A Yes, ma'am. I earned a bachelor's of science
21 degree in biological sciences from Clemson
22 University, and I worked for Clemson for several
23 years before I started my employment with SLED.

24 When I came on board with SLED, I started the
25 training program in the firearms department to become

Testimony of Chad Smith

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1 a firearms examiner. This training program lasts
2 between three to five years. It involves extensive
3 reading and studying. There are multiple examinations
4 and tests given at the time. I also attended various
5 classes and seminars.

6 Later in training, I helped the other
7 examiners prepare their case work.

8 At the end of the training, I received a
9 comprehensive multi-part examination, which I
10 successfully completed and then I began to receive my
11 own case work.

12 Q Have you testified in court before?

13 A Yes, ma'am.

14 Q Roughly how many times?

15 A It's over 85.

16 Q Have you ever been qualified as an expert?

17 A Yes, ma'am.

18 MS. JONES: Your Honor, at this time, the
19 State moves in Chad Smith as an expert in
20 firearms.

21 THE COURT: All right.

22 MS. CORNWELL: No objection, Your
23 Honor.

24 THE COURT: All right. Ladies and
25 gentlemen, he is qualified as an expert. He's the

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1 first expert we've had qualified here in this
2 trial. The only difference between he and a lay
3 witness is that, as an expert, he can give his
4 opinion as to something where a lay witness
5 cannot.

6 MS. JONES: Thank you, Your Honor.

7 BY MS. JONES:

8 Q Were you asked to analyze items in the case we're
9 here for today?

10 A Yes, ma'am.

11 Q In fact, you were asked to analyze numerous items,
12 weren't you?

13 A Correct.

14 Q And that would all be firearms evidence, shell
15 casings, some guns?

16 A Yes, ma'am.

17 Q Prior to analyzing a gun, do you do something
18 called test fires?

19 A Yes, ma'am. That's part of the examination.
20 When we get a firearm, especially when we get a
21 firearm to compare fired evidence to, we have to
22 test fire that gun and compare that the test
23 fire -- excuse me, specimens, with the evidence.
24 So we have to test fired cartridge cases and test
25 fired bullets to compare with evidence bullets and

Testimony of Chad Smith

400

1 evidence cartridge cases.

2 Q And this is in an effort to be able to later match
3 shell casings and bullets?

4 A Yes, ma'am.

5 (STATE EXH. 188, Test fire; Ruger, was
6 marked for identification.)

7 (STATE EXH. 189, Test fire; Draco NAK9, was
8 marked for identification.)

9 (STATE EXH. 190, Test fire; Taurus, was
10 marked for identification.)

11 BY MS. JONES:

12 Q I'm going to show you State's 188, 189, and 190.
13 State's 188, is that one of your test fires?

14 A Would you like me to cut it a certain way?

15 Q Wherever.

16 A This is unsealed.

17 Yes, ma'am. This is test fire envelope with
18 the firearm information, the case information. This
19 would contain test specimens, cartridge cases, and
20 bullets from a specific firearm.

21 Q And what firearm would that be?

22 A This was a Ruger 9-millimeter pistol that was
23 submitted.

24 Q I'm going to show you what's previously been
25 admitted as State's 6. Is that the Ruger pistol that

Testimony of Chad Smith

401

1 you created that test fire from?

2 A Yes, ma'am. This is the firearm.

3 Q Okay.

4 MS. JONES: Your Honor, at this time,
5 State moves 188 into evidence.

6 THE COURT: All right. Any objection?

7 MS. CORNWELL: No, Your Honor.

8 THE COURT: Without objection.

9 (STATE EXH. 188, Test fire; Ruger, was
10 entered into evidence.)

11 BY MS. JONES:

12 Q I'll get that off of here. I'll go ahead and hand
13 you 189 and 190 simultaneously. 189, do you recognize
14 that item?

15 A Yes, ma'am. This is another test fire
16 envelope that got created with the firearm
17 information and the case information.

18 Q And did you identify a firearm that that came
19 from?

20 A Yes, ma'am. This is -- the make is a -- it's
21 called a Nova Modul, but the model Draco NAK9. It
22 was a 9-millimeter caliber pistol.

23 Q But you called it -- you said it was a Draco?

24 A Draco is the model, part of the model
25 designation.

Testimony of Chad Smith

402

1 Q I'm going to hand you what has been admitted as
2 148. Is this the Draco that you got that test fire
3 from?

4 A It appears to be. It's locked down to the
5 box, so I can't look and see the serial number or
6 my markings.

7 THE COURT: You can unlock it.

8 THE WITNESS: Pardon?

9 THE COURT: If you need to unlock it, you
10 can.

11 BY MS. JONES:

12 Q We can pop it out. Do you have the scissors up
13 there?

14 A Okay. Ladies and gentlemen, just to put your
15 minds at ease, this firearm is safe to handle. It
16 has zip ties going through the action, so it can't
17 be loaded or fired.

18 Yes, ma'am. This is the Draco pistol that
19 was submitted for test fire. I test fired this
20 firearm. And, again, these would be my test fire
21 specimens.

22 Q All right. Thank you.

23 And then you also had --

24 MS. JONES: Your Honor, at this time
25 State moves 189 into evidence.

Testimony of Chad Smith

403

1 THE COURT: All right. Any objection?

2 MS. CORNWELL: No, Your Honor.

3 (STATE EXH. 189, Test fire; Draco NAK9, was
4 entered into evidence.)

5 BY MS. JONES:

6 Q You also have 190 up there. What are those?

7 A Another test fire envelope. This time this
8 was a Taurus 9-millimeter pistol that was
9 submitted. So these would be the test fires that
10 I created for that firearm.

11 Q Those are the test fires you created?

12 A Yes, ma'am.

13 Q Okay. I'm going to show you what's been
14 previously admitted as 149. Do you recognize that
15 item?

16 A And, again, this firearm is safe to handle
17 with the zip tie going through the action.

18 Yes. This is the Taurus pistol that was
19 submitted for examination.

20 MS. JONES: Your Honor, at this time
21 State moves 190 into evidence.

22 MS. CORNWELL: No objection.

23 THE COURT: Without objection.

24 (STATE EXH. 190, Test fire; Taurus, was
25 entered into evidence.)

Testimony of Chad Smith

404

1 BY MS. JONES:

2 Q Now, you were asked to compare these test fires
3 essentially to match these guns to different shell
4 casings?

5 A Yes, ma'am. There were cartridge cases
6 submitted that I compared with my test specimen to
7 try to identify those cartridge cases as having
8 been fired by certain firearms.

9 Q And were you able to do that?

10 A Yes, ma'am.

11 Q Let's start with the Ruger, the 9-millimeter
12 Ruger. You were able to match that Ruger to four
13 shell casings, correct?

14 A Yes, ma'am.

15 Q While I'm showing you these shell casings, I'm
16 going to have State's 33 on the television. I'm going
17 to show you what has previously been admitted as
18 State's 53, 54, 55, and 56. I'm going to hand you
19 those.

20 Okay. Those shell casings you have up there,
21 are they marked on there where they're collected
22 from?

23 A Yes, ma'am. They have placard identification
24 information on the envelopes on the packaging
25 itself.

Testimony of Chad Smith

405

1 Q Okay. Placard V, do you have shell casings for
2 placard V?

3 A Yes, ma'am. That's State's Exhibit 54.

4 Q What were your findings with placard V? Actually,
5 we can do this all together. Do you have shell
6 casings for placard 9?

7 A Yes, ma'am.

8 Q And placard X?

9 A Yes, ma'am.

10 Q And placard W?

11 A Correct.

12 Q Okay. What were your findings in regards to all
13 four of those shell casings?

14 A All four of those cartridge cases were,
15 indeed, identified back to the Ruger pistol as
16 having been fired by the Ruger.

17 Q And that Ruger pistol right next to you, right?

18 A Yes, ma'am. State's Exhibit 6.

19 Q Now, those shell casings, tell me how a gun expels
20 a shell casing.

21 A A semi-automatic pistol, such as this Ruger,
22 during the operation of that firearm, when a
23 cartridge is fired, the cartridge case is
24 extracted and ejected out of that firearm and then
25 another round is loaded automatically ready for

Testimony of Chad Smith

406

1 fire. That happens every time you pull the
2 trigger on a semi-automatic pistol.

3 So it gets rid of the fired cartridge casing
4 and is ready to fire another one. So the cartridge
5 casing is ejected out of the firearm.

6 Q And that is what happened in this gun right here,
7 this Ruger?

8 A Yes, ma'am.

9 Q Okay. And are the placement of those consistent
10 with somebody being on the driver's side of the car
11 firing?

12 A Well, it's hard for me to say. With the --
13 getting into -- it's called ejection pattern
14 analysis. It's something that we really don't get
15 into a whole lot because so many variables with
16 the cartridge cases. Cartridge cases can bounce
17 their rounds so they roll all over the place.

18 So, typically, in an semi-automatic pistol,
19 unless it's designed differently, but the vast
20 majority sort of eject up and out to the right.

21 Now, that can differ from gun to gun.
22 Sometimes they go forward. Sometimes they go
23 backwards or over your head. But, typically, they're
24 designed to, kind of, go up and out to the right.

25 But, again, placing where a shooter would be,

Testimony of Chad Smith

407

1 there's a lot of variables involved for us to get into
2 that.

3 Q Right. Not exactly where the shooter was, but
4 those are all relatively in the same area, correct?

5 A They seem to be, yes.

6 Q Okay. And they're all fired by this Ruger?

7 A Yes, ma'am.

8 Q We can now move on to -- let's go to -- okay. I'm
9 going to show you what's been admitted as State's 59,
10 67, and 70. Do you know those items?

11 A Yes, ma'am. These are three of the cartridge
12 cases that I examined and compared them with each
13 other and with the firearms.

14 Q Okay. Did you -- do you have cartridge casing B
15 by placard B in your hand?

16 A Yes, ma'am.

17 Q Okay. And how about placard J?

18 A Yes, ma'am.

19 Q And you also have M up there?

20 A That's correct.

21 Q On State's 9 -- M, okay. Were you able to come to
22 any conclusions regarding those shell casings?

23 A Yes, ma'am. I was able to determine that,
24 these three cartridge cases in particular were
25 fired by the Draco 9-millimeter pistol. And I

Testimony of Chad Smith

408

1 don't recall what State's exhibit that was, but
2 that particular pistol there did fire these
3 cartridge cases. State's Exhibit 59, 67, and 70.

4 Q So this Draco fired the four shell casings at J,
5 B, M -- three.

6 A Three cartridge casings.

7 Q At J, B, and M.

8 A Yes, ma'am.

9 Q I'll have to take those from you.

10 And now I'm going to go to three more shell
11 casings -- my apologies -- four more shell casings. I
12 can go ahead and hand you what has previously been
13 marked as State's 52, 57, 58, and 138. Did you
14 examine those shell casings?

15 A Yes, ma'am. These are four cartridge cases
16 that I looked at with the firearms.

17 Q Okay. So in this photograph, State's 15, we see
18 placard 1. Were you able to make findings for placard
19 1, the casing collected at placard 1?

20 A Yes, ma'am.

21 Q And what were those findings?

22 A That was fired by the Taurus 9-millimeter
23 pistol that was submitted.

24 Q This Taurus?

25 A Yes, ma'am.

Testimony of Chad Smith

409

1 Q Fired the shell casing at placard 1?

2 A Yes, ma'am.

3 Q How about your findings for placard L?

4 A That cartridge case also was fired by the
5 Taurus pistol.

6 Q We're going to get a photo up. Here we go. I can
7 put this one up. State's 10.

8 Okay. Back behind the car at placard L, what
9 were your findings for placard L?

10 A Let me make sure because this one doesn't
11 have a placard. I'm sorry. Yes, that was State's
12 Exhibit 57. That particular cartridge case was
13 fired by the Taurus pistol.

14 Q Fired by the Taurus.

15 How about placard O?

16 A Yes, ma'am. Again, that cartridge case was
17 fired by the Taurus.

18 Q So you were able to match four of the casings to
19 the Taurus?

20 A Correct.

21 Q Right now we've gone through three.

22 A Yes, ma'am.

23 Q We have one more. And you're right, this one
24 doesn't have a placard but it is saying casing
25 collected off of minivan.

Testimony of Chad Smith

410

1 A Yes, ma'am it does have some information
2 written on the envelope. I see rear windshield --
3 windshield wiper of Toyota minivan.

4 Q Okay. Shown in State's 134. Were you able to
5 come to any conclusions with that shell casing right
6 there?

7 A 138.

8 Q Yes.

9 A That was fired by the Taurus as well.

10 Q Okay. This Tiffany blue Taurus?

11 A Yes, ma'am.

12 Q So you were able to determine that this Tiffany
13 blue taurus matched four shell casings collected?

14 A Correct.

15 Q And this Draco matched three?

16 A Correct.

17 Q So those guns were fired at that residence that
18 matched those shell casings?

19 A Yes. The cartridge cases, correct. Other
20 than what was listed on the submission documents,
21 I have no other way of knowing where they came
22 from.

23 Q You were able to match casings?

24 A Correct.

25 Q I asked a confusing question. I have no further

Testimony of Chad Smith

411

1 questions for you. I can take these back from you.

2 CROSS-EXAMINATION

3 BY MS. CORNWELL:

4 Q Good afternoon, Mr. Smith.

5 A Good afternoon.

6 Q It's good to see you. Just a few questions.

7 First of all, can you explain the different
8 ballistics that you're able to test and how you match
9 those to a particular gun such as cartridge casings,
10 projectiles, bullets. I know those are used
11 interchangeably sometimes.

12 A Right.

13 Q Fragments. Just the process you go through and
14 how you analyze each different type and how you can
15 link those to a particular firearm.

16 A Sure. So, when a firearm is manufactured,
17 during the manufacturing process, the machining
18 and the other steps that are involved to making
19 that gun, there are little microscopic defects
20 that are placed on those parts. Those defects are
21 not intentionally put there. They're just done
22 through the manufacturing process itself. When
23 metal is removing metal there are scratches. You
24 know, this is at the microscopic level.

25 So what happens is, when a firearm is put

Testimony of Chad Smith

412

1 together, and it's fired -- when it fires a cartridge
2 -- a cartridge is an unfired round of ammunition.
3 When it fires that cartridge, there are marks placed
4 on the cartridge case from the gun by those defects
5 from manufacturing.

6 Now, it doesn't have to be manufacturing. It
7 can be from damage or corrosion or anything like that.
8 But those are just totally random marks placed on
9 cartridge cases in different areas. We can look at
10 those marks under a comparison microscope, so that's
11 the tool of our trade.

12 A comparison microscope is two microscopes
13 that's put together side by side. It has an optical
14 ridge system so you can look through this and you can
15 compare two samples simultaneously. So you can look
16 at cartridge cases together. You can look at bullets
17 compared to bullets.

18 And, again, you're looking for those markings
19 created by the firearm. Again, these are fine
20 microscopic markings, and so you're trying to identify
21 if those markings match each other. If they do, it
22 could potentially mean that they're fired by the same
23 gun. That's cartridge cases.

24 The bullets are a little bit different. When
25 a bullet is fired out of a barrel, it engages what's

Testimony of Chad Smith

413

1 called rifling in that barrel. Rifling is something
2 that manufacturers put in there to impart a spin or
3 rotation on that projectile or the bullet to give it
4 stability. As it leaves the barrel, it needs
5 stability in flight to make it more accurate and
6 travel farther. So it's a lot like a quarterback
7 wanting to throw a nice tight spiral with that
8 football. Otherwise, if you just kind of lob it, it
9 doesn't really go far and as accurate. So it's the
10 same thing. It stabilizes that bullet.

11 The rifling engages that bullet, puts marks
12 on that bullet. We can look at the rifling
13 impressions on that bullet. And, again, try to
14 determine if they were fired by the same gun by using
15 test bullets. Or if you have bullets to compare it to
16 evidence bullets, we may be able to determine if they
17 were fired by the same gun even if we don't have a gun
18 to compare it to.

19 Q And so you are capable of examining bullets
20 separate from cartridge casings and match them up?

21 A Potentially, yes, ma'am.

22 Q And I know from my experience, that you're also
23 able to take bullets from a person, either collected
24 at the hospital, collected through autopsy, and
25 potentially examine those and match those to a

Testimony of Chad Smith

414

1 particular gun as well, right?

2 A Correct. And a lot of people, kind of, get
3 confused and they see just a piece of a bullet and
4 think it's all damaged, but once you look at it
5 under the microscope, you may see those markings
6 that we need to be able to make an identification
7 or to make a comparison. So, just for the naked
8 eye, it's hard to see these things. So sometimes
9 -- a lot of times we just get fragments or pieces
10 of bullets that we're asked to try to identify to
11 match to a gun. Sometimes we're able to.
12 Sometimes we're not. But it is an examination
13 that we can try to do.

14 Q So your testimony is that you don't even need the
15 entire bullet. Sometimes you are able to identify or
16 match a bullet to a gun just based on a fragment or a
17 projectile piece?

18 A Right.

19 Q And in looking at the evidence that you reviewed
20 in this case, did you receive evidence of two separate
21 occasions?

22 A Yes, ma'am.

23 Q When did you receive the first set of evidence in
24 this case?

25 A That would have been on March 25th of 2022,

Testimony of Chad Smith

415

1 is when I picked it up from our evidence control
2 department.

3 Q Does your report indicate when it was delivered to
4 SLED or is that just when you picked it up
5 personally?

6 A It was actually -- okay. It was delivered to
7 SLED on December 15th of 2021.

8 Q And in that group of evidence that you collected
9 -- or that you were given to analyze, it was a total
10 of -- it looks like nine -- I'm sorry. Eleven casings
11 and four guns?

12 A I believe they are 13 cartridge cases total
13 and five firearms.

14 Q And when you tested those items, we went through
15 the ones that you were able to match from the Ruger,
16 the Draco, and the Taurus. There was also a
17 9-millimeter casing. I believe it is your item 10.

18 A Yes, ma'am.

19 Q And you indicated that that item was not fired by
20 the item 20 pistol, which would not have been one of
21 those three guns, correct?

22 A Yes, ma'am. So that particular cartridge
23 case was -- ended up being inconclusive with two
24 of the firearms, so I couldn't tell if they were
25 fired -- if it was fired by either the Taurus

Testimony of Chad Smith

416

1 pistol or the Ruger pistol that was submitted.

2 But I could determine that it was not fired
3 by the Draco pistol that was submitted.

4 Q Okay. And just to make matters a little bit
5 easier: The five firearms that you received, one was
6 a Walter model P22.

7 A Yes, ma'am.

8 Q One was a Ruger pistol. One was the GSG
9 22-caliber.

10 A Correct.

11 Q You also got the Taurus and the Ruger.

12 A Correct. So there were three 9-millimeters
13 that were submitted and two 22-caliber pistols
14 that were submitted. So I was able to determine
15 that either of the 22 -- neither of the 22 pistols
16 fired the cartridge cases because they were
17 9-millimeter. They were 40-caliber cartridge
18 cases that were submitted too, but I compared the
19 three 9-millimeter cartridge -- used the three
20 9-millimeter firearms for examination because the
21 22s did not fire the other evidence.

22 Q Let's go over this again. So I know that there
23 are some caliber bullets that can be interchangeable
24 sometimes, but you cannot fire a 9-millimeter from a
25 22 handgun, correct?

Testimony of Chad Smith

417

1 A Correct.

2 Q And you cannot fire a 40-caliber from a
3 9-millimeter.

4 A Correct. There are some firearms that you
5 can interchange barrels to potentially do
6 something like that. And you can potentially fire
7 a 9-millimeter out of a 40 because it's a little
8 bit smaller. But other way around, you cannot
9 fire a 40 out of the 9-millimeter because it's too
10 big.

11 Q Are there any other caliber firearms that will
12 fire a 9-millimeter cartridge?

13 A Well, there are potentially some guns that if
14 you're not -- I'm not sure how to answer this.

15 If -- sometimes you can fire calibers out of
16 guns that aren't design to fire them. It's not a good
17 thing to do because you want to fire the right kind of
18 ammunition, right calibers for that gun. But
19 sometimes you can make things work. But you don't
20 know a lot of things until you try it. But, again,
21 it's not something that's recommended.

22 Potentially, you could always go firing
23 something smaller than something larger, but you
24 couldn't do it conversely because it wouldn't fit.

25 Q And so a 9-millimeter is larger than a 22-caliber?

Testimony of Chad Smith

418

1 A Yes, ma'am.

2 Q So there's no way you can fire a 9-millimeter from
3 the 22-caliber gun?

4 A No, ma'am.

5 Q And in looking at your report, the item 10, we
6 know it wasn't fired by either of the two 22-calibers?

7 A Correct.

8 Q You were not able to determine it was inconclusive
9 whether it was fired by either the Ruger or the
10 Taurus. You also indicated it could have been fired
11 by a different firearm that you did not have.

12 A That's correct. Yes, ma'am.

13 Q And you say lots of guns, but 9-millimeter is
14 pretty common caliber, correct?

15 A Yes, ma'am.

16 Q On your report, you also tested your item 2, which
17 is located at placard 7 and compared that cartridge
18 casing, and that cartridge casing was not fired by any
19 of the guns that were submitted, correct?

20 A Correct. That was a 40-caliber -- a 40 Smith
21 & Wesson-caliber cartridge case, so it was not
22 fired by any of the guns that were submitted.

23 Q And then you received a second batch of evidence.
24 Do you know when that second batch of evidence was
25 delivered to SLED?

Testimony of Chad Smith

419

1 A I believe it was on the 16th of September of
2 this year.

3 Q Okay.

4 A September 16th.

5 Q And just going back before I forget, the first
6 batch of evidence that was delivered on December 15th
7 of 2021, that batch of evidence did not include any of
8 the bullets, fragments, or projectiles from the
9 autopsy of Steven Glover, did it?

10 A Correct. No, it did not.

11 Q And the evidence that you received on September
12 16th of 2022, you did a supplemental report based on
13 the two items that you were able to test out of that
14 packet of evidence?

15 A Yes, ma'am. I was able to -- I was asked to
16 look at two specific cartridge cases out of that
17 group of evidence and compare it with one of the
18 firearms.

19 Q And that was the 9-millimeter from placard J and
20 the 9-millimeter from placard B which you were able to
21 match with the Draco?

22 A Yes, ma'am.

23 Q So at no point were you ever asked or did you ever
24 do any analysis on the bullets and fragments recovered
25 from the body of Steven Glover?

Testimony of Chad Smith

420

1 A No, ma'am. No.

2 What happened was, I was unaware that a
3 second set of evidence was going to come in. I was
4 called again, about a month ago, saying that they had
5 more evidence that they wanted looked at. And then
6 what -- we were actually moving laboratories about
7 that time. So we were down for a few weeks before we
8 could start working case work again.

9 And so I had to, sort of, do an abbreviated
10 examination. The solicitor's office asked me to look
11 at just several pieces of evidence out of that group,
12 which I was able to do that. But I would not have had
13 enough time to look at all the other evidence before
14 trial.

15 Q But you don't have direct access to evidence. The
16 solicitor's office or the law enforcement agency that
17 collected that evidence has to bring it to you and
18 request for it to be tested before you get involved,
19 correct?

20 A Yes, ma'am. Yes.

21 Q And so certainly if they brought that evidence to
22 you in November of 2020 when this incident occurred,
23 you would have had ample opportunity to do an analysis
24 and make a conclusion as to whether or not you could
25 match those bullets and fragments from autopsy to a

Testimony of Chad Smith

421

1 particular gun in this case, correct?

2 A Yes, ma'am. I would have had enough time to
3 look at everything if all the evidence had been
4 brought at once.

5 Q I believe that's all the questions I have. Thank
6 you.

7 THE COURT: All right. Any follow-up?

8 MS. JONES: No, sir.

9 THE COURT: All right. Thank you so very
10 much.

11 THE WITNESS: Am I excused?

12 THE COURT: Yes, sir. You are excused
13 from your subpoena.

14 MS. JONES: The State calls Investigator
15 Todd Duncan.

16 THE CLERK: Raise your right hand. Do
17 you solemnly swear or affirm to truthfully answer
18 all questions asked of you by this court so help
19 you God?

20 THE WITNESS: I do.

21 THE CLERK: Have a seat right here. Say
22 your first name, last name, and spell your last
23 name for the record.

24 THE WITNESS: Todd Duncan, D-u-n-c-a-n.

25 WHEREUPON:

Testimony of Todd Duncan
TODD DUNCAN,

422

1

2

after having been sworn, testified as follows:

3

DIRECT EXAMINATION

4

BY MS. JONES:

5

Q Investigator Duncan, where do you work?

6

A I work for the Beaufort County Sheriff's

7

Office.

8

Q And you've been seated here the past two days,

9

haven't you?

10

A I have been.

11

Q Are you the lead investigator for the case we here

12

in court for this week?

13

A I am.

14

Q How long have you been with the sheriff's

15

office?

16

A I believe I'm on 12 years.

17

Q What do you do as an investigator?

18

A I respond to crimes. I work criminal

19

investigations, so we work everything from

20

property crimes up to rapes, homicides, anything

21

you can think of basically.

22

Q And you were assigned as the lead investigator for

23

the murder of Steven Glover?

24

A I was.

25

Q Where are you when you hear there's been a

1 Testimony of Todd Duncan
2 shooting at ■ Stonewood?

423

3 A So like Investigator Snider explained
4 earlier, I was basically typing a report at the
5 office. You know, we keep our CAD up, which is
6 like our system. We can see what calls are going
7 on.

8 So as we're working, we see a shots fired
9 report coming across the screen there, and they start
10 giving details about it. And once it gets to a point
11 where, like, somebody's been shot or there's, you
12 know, a deceased victim, we know we're getting called.
13 It's basically people in my office, the other
14 investigators, we start heading that way.

15 Q But you didn't actually go to ■ Stonewood first,
16 did you?

17 A No. So we had -- like I said, it was the
18 middle of the day, so everybody is working. We
19 had several investigators heading towards the ■
20 Stonewood or the shooting location. When they
21 gave the information out that the possible suspect
22 named Glizzy, driving a white -- I think it said
23 Nissan van at that time, I had an idea who it
24 could possibly be.

25 Q And I believe Investigator Snider testified
earlier about a case involving his brother as a

Testimony of Todd Duncan

424

1 victim. Is that how you knew Mr. Preston as Glizzy?

2 A Yes, ma'am.

3 Q After that -- do you-all use Facebook for
4 investigations?

5 A All the time.

6 Q Okay. Did you use Facebook in this case?

7 A I did.

8 Q And did you go and try to find a Facebook profile
9 for the defendant?

10 A Yes, ma'am.

11 Q And did you find one?

12 A Yes, ma'am.

13 MS. JONES: Your Honor, permission to
14 approach?

15 THE COURT: Absolutely.

16 (STATE EXH. 159, Facebook profile; Preston,
17 was marked for identification.)

18 BY MS. JONES:

19 Q I'm going to hand you State's 159. Do you
20 recognize that item?

21 A Yes, ma'am. This is the -- I guess you'd
22 call it the profile page of Mr. Channon Preston.

23 Q And you just accessed that as a public, no privacy
24 setting?

25 A Yeah, anybody can look this up.

Testimony of Todd Duncan

425

1 Q And that's a fair and accurate copy of his profile
2 page?

3 A Yes, ma'am.

4 MS. JONES: Your Honor, at this time,
5 State moves 159 into evidence.

6 THE COURT: All right. Over the
7 objection.

8 MS. CORNWELL: Thank you, Your Honor.

9 (STATE EXH. 159, Facebook profile;
10 Preston, was entered into evidence.)

11 MS. JONES: If we could see State's 159,
12 please.

13 BY MS. JONES:

14 Q Who is in that photograph?

15 A That's Mr. Channon Preston, also Glizzy.

16 Q And is the second name he gives next to Channon
17 Preston?

18 A Yes, that's Glizzy G.

19 Q When you get to --

20 MS. JONES: We can take down 159.

21 BY MS. JONES:

22 Q When you get to Eddings Point what do you do?

23 A So Investigator Snider was riding with me.

24 I'm driving. We have an idea this is going to be
25 the house we're going to. We know where he lives,

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1 so we do a drive-by. We see the white van parked
2 out front of the house. It matches the
3 description provided by Mr. Singleton to 911.

4 So being us just us two and knowing a
5 shooting just occurred possibly with these suspects
6 inside, we called for other units to come help us.

7 Q And then do you back off and wait for those other
8 units to respond?

9 A Yeah. So we parked down the road, kept eyes
10 on the house. Like Investigator Snider said
11 earlier again, we can see anybody coming or going,
12 pulling into the house.

13 Q Did anybody come or go, pulling into the driveway
14 or leaving from the driveway?

15 A No, ma'am.

16 Q Eventually, those other units respond and get
17 there, don't they?

18 A Yes. It took a little while, but they
19 eventually came, we set up a perimeter and then
20 made contact with people at the house.

21 Q You made contact. Did you have to go and get them
22 or were people coming out on their own?

23 A There's two that were either coming out or
24 were already out, Mr. Joshua Washington and
25 Mr. David Glover, so we made contact with them

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1 first. And then we had the -- what you call
2 violent crime task force, they called out the
3 other people from inside and cleared inside as
4 well.

5 Q I want to talk about Joshua Washington and David
6 Glover. Did they give interviews?

7 A Yes, ma'am.

8 Q Were they cooperative?

9 A Yes, ma'am.

10 Q In fact, Mr. Washington gave you a couple of
11 samples, didn't they?

12 A Yes, ma'am.

13 MS. JONES: Permission to approach.

14 THE COURT: Absolutely.

15 (STATE EXH. 160, GSR; Washington, was marked
16 for identification.)

17 (STATE EXH. 161, Buccal swab; Washington,
18 was marked for identification.)

19 BY MS. JONES:

20 Q I'm going to hand you what has been marked as
21 State's 160 and 161. Do you recognize those items?

22 A Yes, ma'am.

23 Q And what are those?

24 A 160 is a GSR kit I collected from Joshua
25 Washington.

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1 Q And 161?

2 A 161 is buccal swab I collected from
3 Mr. Joshua Washington.

4 Q And you collected both of those kits. We heard
5 about these GSR kits and the buccal swabs already.

6 You collected those kits and submitted them
7 into evidence?

8 A Yes.

9 Q And asked that they be forensically processed?

10 A Yes, ma'am.

11 MS. JONES: Your Honor, at this time,
12 State moves 160 and 161 into evidence.

13 MS. CORNWELL: No objection, Your
14 Honor.

15 THE COURT: All right. Without
16 objection.

17 (STATE EXH. 160, GSR; Washington, was
18 entered into evidence.)

19 (STATE EXH. 161, Buccal swab; Washington,
20 was entered into evidence.)

21 BY MS. JONES:

22 Q At some point the defendant comes out of the home;
23 is that correct?

24 A Yes.

25 Q Tell me about that.

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1 A By that point, I am with Joshua Washington.
2 Like I said, it's pretty early in the
3 investigation. We don't know who is who at this
4 point. I have Mr. Washington, he is in handcuffs
5 being detained by a vehicle. Our violent crime
6 task force is calling people out of the house.

7 When Mr. Preston comes out, he's a little bit
8 argumentative. Mr. Washington starts yelling at him
9 saying, *Glizzy, come on. Gliz, just listen to them.*

10 Q How long do you think it takes for Mr. Preston to
11 come outside of the home?

12 A Roughly a few minutes. I don't know the time
13 off the top of my head.

14 Q And, at that point, is he detained?

15 A Immediately.

16 Q Because everybody is.

17 A Yes.

18 Q Did you collect something from Mr. Preston that
19 day?

20 A I did.

21 (STATE EXH. 162, GSR; Preston, was marked
22 for identification.)

23 BY MS. JONES:

24 Q I'm going to hand you what has been marked as
25 State's 162. Do you recognize that?

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1 A Yes, ma'am. It's a GSR kit I collected from
2 Channon Preston.

3 Q Where do you collect that kit from, his hands?

4 A I did it immediately right there of his hands
5 on the side of the road.

6 Q Outside of his home?

7 A Outside of his house, yes, ma'am.

8 Q And that's the actual kit you collected from
9 him?

10 A Yes, ma'am.

11 MS. JONES: Your Honor, at this time
12 State moves 162 into evidence.

13 THE COURT: All right. Any objection?

14 MS. CORNWELL: No, Your Honor.

15 THE COURT: Without objection.

16 (STATE EXH. 162, GSR; Preston, was entered
17 into evidence.)

18 BY MS. JONES:

19 Q Did you have an opportunity to speak with
20 Mr. Preston on scene?

21 A I did.

22 Q And was that interview recorded?

23 A Yes, it was.

24 MS. JONES: Permission to approach?

25 THE COURT: Absolutely.

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(STATE EXH. 181, Interview; Preston, was

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1
2 marked for identification.)

3 BY MS. JONES:

4 Q I'm going to hand you what has been marked as
5 State's 181. Do you recognize that item?

6 A Yes, ma'am. This is an interview I did with
7 Mr. Preston on the side of the road from my body
8 camera.

9 Q And that's a fair and accurate copy of you-all's
10 conversation on scene?

11 A Yes, ma'am.

12 MS. JONES: Your Honor, at this time
13 State moves 181 into evidence.

14 THE COURT: All right. Any objection?

15 MS. CORNWELL: No, Your Honor.

16 THE COURT: All right. Without
17 objection.

18 (STATE EXH. 181, Interview; Preston, was
19 entered into evidence.)

20 BY MS. JONES:

21 Q And prior to talking to Mr. Preston --

22 MS. CORNWELL: Subject to our prior
23 objection, Your Honor.

24 BY MS. JONES:

25 Q Prior to talking to Mr. Preston, do you threaten

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1 him?

2 A No, ma'am.

3 Q Coerce him?

4 A No, ma'am.

5 Q He talks to you freely and voluntarily?

6 A Yes, ma'am.

7 Q And that's what's on this disk?

8 A Yes, ma'am.

9 MS. JONES: Permission to publish, Your
10 Honor?

11 THE COURT: Yes, ma'am.

12 (Disk played in its entirety.)

13 BY MS. JONES:

14 Q And is this you taking the GSR kit on him?

15 A That would be the little dabs that
16 Investigator Snider was talking about earlier
17 which is collected from the hands.

18 (Video playing.)

19 BY MS. JONES:

20 Q What does he tell you at the end, to run the DNA,
21 gun powder?

22 A Yeah.

23 Q He talks about the Parker's video.

24 MS. JONES: If we could see that Parker's
25 video.

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1 BY MS. JONES:

2 Q 154, the Parker's surveillance we see here.

3 MS. JONES: If we could fast forward a
4 little bit. Okay, pause it.

5 BY MS. JONES:

6 Q That gray Honda that just drove by, whose car is
7 that?

8 A That's David Glover's car.

9 Q Okay. And in a minute -- or a second or so, we're
10 going to see some people exit.

11 MS. JONES: Okay, pause it. Back up a
12 little bit. Pause it.

13 BY MS. JONES:

14 Q The person right there walking to the passenger's
15 side of David's car, who is that?

16 A That's Channon Preston.

17 Q Okay.

18 MS. JONES: If we can fast forward it a
19 little more. Pause it again.

20 BY MS. JONES:

21 Q He appears to be wearing a black shirt, doesn't
22 he?

23 A Yeah. That's not a Bulls and Dennis Rodman
24 jersey.

25 MS. JONES: Okay. If we can fast forward

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1 to the driver of the car.

2 BY MS. JONES:

3 Q Okay. Based on your investigation, were you able
4 to determine who this man is the gray hoodie?

5 A Yeah, that's David Glover.

6 Q That's David Glover right there?

7 A Yes.

8 Q After speaking with Mr. Preston on scene, is he
9 then taken for a formal interview?

10 A Yes.

11 Q Is that -- you were in here and you saw Calandra.
12 Is that who transported him?

13 A Yes.

14 Q And did you have any part in this formal
15 interview?

16 A I did.

17 Q And why is that?

18 A Just because I had an investigation with the
19 family before. He was obviously involved. Not
20 really admitting anything to the point. So I
21 wanted to get a fresh face in there, try to get
22 him talking.

23 Q Did he speak with you?

24 A He did.

25 Q And what did he tell you?

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1 A Basically, he started the same thing that he
2 was telling Investigator Draisen and Duhamel at
3 the time. That he was never there. Had nothing
4 to do with it. He kept referencing to check
5 Parker's.

6 Eventually, finally, he came around to saying
7 that he was there, but he didn't shoot no gun.

8 Q State's 153 -- you reviewed that interview prior
9 to trial, didn't you?

10 A I did.

11 Q State's 153, that's the interview you reviewed?

12 A Yes, ma'am.

13 Q If we can pick up on State's 153 where we finished
14 last time.

15 MS. JONES: Well, Your Honor, permission
16 to publish the remaining of that video.

17 THE COURT: The previous one?

18 MS. JONES: Yes.

19 THE COURT: Any objection?

20 MS. CORNWELL: No, Your Honor. Subject
21 to the previous objection.

22 (Video played.)

23 BY MS. JONES:

24 Q Is that you we hear in the background?

25 A Yes.

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1 Q Investigator Duncan, how long is that entire
2 interview with Channon Preston?

3 A It was a while.

4 Q You say a while. About an hour, hour and a
5 half?

6 A Probably somewhere around there.

7 Q It wasn't any longer than that, was it?

8 A No.

9 Q You say a couple things I want to ask you about.
10 As he is still denying being present for the shooting,
11 you mention self-defense?

12 A Yes, ma'am.

13 Q And you mention, someone pulled a gun on him. Why
14 do you say those things?

15 A My main job or goal right there is to get him
16 talking, keep him talking. At this point in the
17 investigation, we knew his named was called
18 already on the 911 call. We knew his mom's
19 vehicle was there on camera. No, the camera
20 footage is not the greatest, but he didn't know
21 that at the time. And then also we've talked to
22 other people at the house where he was taken out
23 of. We've seen the shell casing on the back
24 windshield wiper of the van that was used. So we
25 know one hundred percent he is involved in this.

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1 So, sometimes doing my job, doing interviews,
2 we know certain things, we have to fib a little bit,
3 we have to stretch the truth a little bit, we have to
4 lie. You know, I'm making them believe that that
5 video is a little bit better than it is. You can't
6 see faces great, but we can put, you know, common
7 sense to it and apply that. It's just part of the
8 investigative technique.

9 Q But even giving him these, he's still denying
10 being there?

11 A So basically, I'm throwing him, well, say
12 life lines. I'm giving him excuses of why did
13 this happen. Did Corey pull a gun out? Did
14 you -- did Xavier shoot over there? Did he try to
15 rob you? Not once did he ever say, *Yeah, I was in*
16 *fear for my life, I shot back.* Yeah, never once
17 said it was self-defense or anything along those
18 lines.

19 Q What word did he use to describe what happened, do
20 you remember?

21 A Basically, he just said there was too many
22 guns at once. Shit went sideways.

23 Q Went sideways. So after speaking with him, your
24 investigation continues.

25 I'm going to show you some items. You didn't

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1 collect anything on scene, did you?

2 A No, ma'am.

3 Q But at a later day, do you come back into contact
4 with the shell casings that were collected from
5 Stonewood?

6 A Yes, ma'am.

7 Q These that have been admitted through Deputy Lynn,
8 as well as the ones shown to Chad Smith with SLED.

9 A Yes.

10 Q And why did you come into contact with these?

11 A Well, usually, when we collected things, we
12 try to swab right then and there just so the
13 process starts. However, we've seen that this was
14 a pretty complex crime scene. It happened at one
15 o'clock in the afternoon. We've seen pictures
16 where it's nighttime and they're still working out
17 there. We had two different search warrants going
18 on at the same time. We had interviews going on
19 at the same time. So we didn't swab them that
20 day.

21 They were all turned in to evidence. And,
22 being the case officer, I went to evidence a few days
23 later and I swabbed them myself.

24 Q So I'm going to show you -- you took multiple
25 swabs from these shell casings, correct?

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1 A Yes, ma'am.

2 (STATE EXH. 173, DNA swabs from shell
3 casing, was marked for identification.)

4 (STATE EXH. 174, DNA swabs from shell
5 casing, was marked for identification.)

6 (STATE EXH. 175, DNA swabs from shell
7 casing, was marked for identification.)

8 BY MS. JONES:

9 Q I'm going to show you State's 173 through 75. Do
10 you recognize these items?

11 A Yes, ma'am.

12 Q What are those items?

13 A These are DNA swabs from the shell casings
14 collected there on scene.

15 Q Those are the swabs that you collected and
16 submitted in for testing?

17 A Yes.

18 MS. JONES: Your Honor, State moves 173,
19 174, 175 into evidence.

20 THE COURT: All right. Any objection?

21 MS. CORNWELL: No, Your Honor.

22 THE COURT: All right. Without
23 objection.

24 (STATE EXH. 173, DNA swabs from shell
25 casing, was entered into evidence.)

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1 (STATE EXH. 174, DNA swabs from shell
2 casing, was entered into evidence.)

3 (STATE EXH. 175, DNA swabs from shell
4 casing, was entered into evidence.)

5 BY MS. JONES:

6 Q So you also swabbed other items collected from
7 Stonewood and Eddings Point, some of the ammo that was
8 collected.

9 A Yes, ma'am.

10 Q And more shell casings.

11 A Yes.

12 (STATE EXH. 167, DNA swab from casing, was
13 entered into evidence.)

14 (STATE EXH. 168, DNA swab from casing, was
15 marked for identification.)

16 (STATE EXH. 169, DNA swab from casing, was
17 marked for identification.)

18 (STATE EXH. 170, DNA swab from casing, was
19 marked for identification.)

20 (STATE EXH. 171, DNA swab from casing, was
21 marked for identification.)

22 (STATE EXH. 172, DNA swab from casing, was
23 marked for identification.)

24 BY MS. JONES:

25 Q I'm going to hand you State's 167, 168, 169, 170,

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1 171, and 172. Do you recognize those items?

2 A Yes, ma'am. Those would be more DNA swabs I
3 collected from those items.

4 Q And you collect those swabs and submitted them
5 into evidence?

6 A Yes, ma'am.

7 MS. JONES: Your Honor, at this time,
8 State's moves 168 through -- my apologies -- 167
9 through -- 167, 168, 160, 170, 171, and 172 into
10 evidence.

11 THE COURT: All right. Any objection?

12 MS. CORNWELL: No, Your Honor. Read
13 those one more time. I'm sorry.

14 THE COURT: All right.

15 MS. JONES: 167, 168, 169, 170, 171, and
16 172.

17 MS. CORNWELL: Thank you.

18 (STATE EXH. 167, DNA swab from casing, was
19 entered into evidence.)

20 (STATE EXH. 168, DNA swab from casing, was
21 entered into evidence.)

22 (STATE EXH. 169, DNA swab from casing, was
23 entered into evidence.)

24 (STATE EXH. 170, DNA swab from casing, was
25 entered into evidence.)

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1 (STATE EXH. 171, DNA swab from casing, was
2 entered into evidence.)

3 (STATE EXH. 172, DNA swab from casing, was
4 entered into evidence.)

5 (STATE EXH. 166, DNA swab from casing, was
6 marked for identification.)

7 BY MS. JONES:

8 Q Okay. My apologies. 166 as well. Is that,
9 again, swabs from the casings?

10 A Yes, ma'am.

11 Q Okay. And, again, this is a swab that you took of
12 shell casings?

13 A Yes.

14 Q And submitted into evidence for testing?

15 A Yes, ma'am.

16 MS. JONES: Your Honor, at this time the
17 State moves 166 into evidence.

18 THE COURT: All right. Any objection?

19 MS. CORNWELL: No, Your Honor.

20 (STATE EXH. 166, DNA swab from casing, was
21 entered into evidence.)

22 BY MS. JONES:

23 Q How long have you been in investigations?

24 A Seven years.

25 Q How many times do you think you submitted shell

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1 casings swabs for testing.

2 A Way too many. I would say in the hundreds.

3 Q Hundreds?

4 A Yeah.

5 Q How many times have you had a DNA match on a shell
6 casing?

7 A I personally have never gotten a DNA match
8 from a shell casing just because when a gun fires
9 off a bullet and the shell casing goes out,
10 there's a mini explosion that happens inside of
11 the gun. I've been told that it burns off any DNA
12 there. We still do it just to see if it happens.
13 We still swab just in case.

14 Q Do you know if we got any DNA on those shell
15 casings?

16 A I don't believe we did.

17 Q You also swabbed the firearms, didn't you?

18 A Yes, ma'am.

19 (STATE EXH. 163, Draco swab, was marked for
20 identification.)

21 (STATE EXH. 164, Draco drum swab, was marked
22 for identification.)

23 (STATE EXH. 165, DNA swab of Taurus, was
24 marked for identification.)

25 BY MS. JONES:

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1 Q I'm going to show you State 163, 164, and 165.

2 Can you identify those items?

3 A Yes, ma'am. Those are DNA swabs I

4 collected.

5 Q What is 163?

6 A I don't have that on my list. I believe

7 that's the Draco swab.

8 Q Okay. How about 164, the drum of the Draco?

9 A 164, yes.

10 Q Okay. This drum we saw earlier?

11 A Yes.

12 Q You said 163 was a swab, DNA swab of the Draco.

13 That would be this Draco?

14 A Yes, ma'am.

15 Q 165, those are DNA swabs of what? Would that be

16 the Taurus?

17 A Yes, ma'am.

18 Q Would that be this Tiffany blue handgun?

19 A Yes, ma'am.

20 Q DNA swabs. All those swabs were submitted to the

21 Beaufort County lab for testing?

22 A Yes, ma'am.

23 MS. JONES: Your Honor, State moves 163,

24 164, and 165 into evidence.

25 THE COURT: All right. Any objection?

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MS. CORNWELL: No, Your Honor.

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THE COURT: All right.

(STATE EXH. 163, Draco swab, was marked
for identification.)

(STATE EXH. 164, Draco drum swab, was marked
for identification.)

(STATE EXH. 165, DNA swab of Taurus, was
marked for identification.)

BY MS. JONES:

Q We have a box full of shell casings and other
firearms evidence. That was not submitted for testing
at SLED. Why is that?

A I mean, due to the crime scene, we had major
groups of shell casings that were collected and
you can see from the video where the suspects were
standing. So, I mean, obviously we had a large
amount of shell casings in each one. We, kind of,
triage and pick some from this group, some from
this group, some from this group, and we send it
off to SLED for testing.

Q And SLED was able to match multiple casings from
the different groups to each other?

A Yes.

Q And that's how you learned actually the Taurus was
fired that day?

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1 A Yes, ma'am.

2 Q And the Draco.

3 A Yes. And so later on during a case review,
4 obviously months later, as we heard from the SLED
5 guy earlier, we decided to send the rest of the
6 stuff that we had off as well too for testing.
7 That's when we learned that they were actually
8 moving offices and weren't sure if they were going
9 to be able to get to it or not.

10 Q How about the bullets from autopsy? Because you
11 were in here and you heard Chad Smith testify that
12 sometimes he can match bullets, sometimes he can match
13 fragments.

14 A Yeah. I mean, bullets are one of those
15 tricky things. It's -- I have never had great
16 success on matching projectiles to bullets just
17 because -- or projectiles back to a gun just
18 because they hit so many different things, they
19 deform. They're just not good examples.

20 MS. CORNWELL: Your Honor, I'm going to
21 object. He's not an expert in ballistics.

22 THE COURT: I'll overrule it. I'll allow
23 him to give an opinion. Well, he can't give an
24 opinion.

25 MS. CORNWELL: He's not allowed to give

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1 an opinion if he's not an expert, Your Honor.

2 THE COURT: Correct. I'll sustain the
3 objection.

4 MS. CORNWELL: Thank you, Your Honor.

5 BY MS. JONES:

6 Q But because of your experience, you didn't ask for
7 the bullets to be analyzed?

8 A Yeah, just due to my experience. Yes, ma'am.

9 Q And from what you gathered through the
10 investigation, do these bullets just go straight
11 through Mr. Glover?

12 A Bullets go every different direction. I've
13 seen them do the weirdest things.

14 MS. CORNWELL: Again, Your Honor, I'm
15 going to object. He's not a doctor.

16 THE COURT: He's talking about the
17 casings.

18 MS. CORNWELL: I believe she said
19 bullets, not the casings, Your Honor.

20 MS. JONES: I can actually rephrase my
21 question.

22 THE COURT: Please do.

23 BY MS. JONES:

24 Q There's evidence that some of those bullets
25 traveled through this car, wasn't there?

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1 A Yes, ma'am.

2 Q That was my question.

3 You also took some DNA swabs from Mr. Polite
4 and Mr. Preston, didn't you?

5 A Yes, ma'am.

6 (STATE EXH. 176, Buccal swab; Polite, was
7 marked for identification.)

8 (STATE EXH. 177, Buccal swab; Preston, was
9 marked for identification.)

10 BY MS. JONES:

11 Q I'm going to show you what has been marked as 176
12 and 177. Do you recognize those items?

13 A Yes, ma'am. These are buccal swabs I
14 collected from Mr. Xavier Polite and Mr. Channon
15 Preston.

16 Q And after collection those -- explain a buccal
17 again.

18 A So kind of like Investigator Snider explained
19 earlier, it almost looks like a Q-tip. We swab
20 the inside of their cheek, which contains DNA.
21 We'll get a lot on that swab, and then we turn
22 that in to our lab. They use that sample for
23 comparison to other items that we collected to
24 test the DNA to see if the DNA matches.

25 Q And you collected these samples from the

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1 defendants?

2 A Yes, ma'am.

3 MS. JONES: Your Honor, at this time the
4 State moves 176 and 177 into evidence.

5 THE COURT: All right. Any objection?

6 MS. CORNWELL: No, Your Honor.

7 THE COURT: All right.

8 (STATE EXH. 176, Buccal swab; Polite, was
9 entered into evidence.)

10 (STATE EXH. 177, Buccal swab; Preston, was
11 entered into evidence.)

12 BY MS. JONES:

13 Q And these were sent to the lab to test against all
14 these other items, correct?

15 A Yes, ma'am.

16 Q Okay. Did you ever go to ■ Stonewood that day?

17 A I did not.

18 Q Did you ever have an opportunity to interview
19 Corey Singleton that day?

20 A I did not.

21 Q How long have you been working these sorts of
22 investigations?

23 A Seven years.

24 Q Is it common, in those seven years, for people's
25 story to develop as they process?

1 A Absolutely.

2 Q You were in here when Investigator Tunis took the
3 stand and talked about cell phone extractions.

4 A Yes, ma'am.

5 Q Did you have an opportunity to review some of the
6 extraction reports that Tunis that was able to extract
7 from the phones?

8 A I did.

9 Q And did you review a report extracted from this
10 cell phone that we found -- that BCSO found in bedroom
11 number 2, State's 93?

12 A Yes, ma'am.

13 (STATE EXH. 156, Cellebrite report, was
14 marked for identification.)

15 BY MS. JONES:

16 Q I'm going to hand you what has been marked
17 State's 156. Can you identify that document?

18 A Yes. So this is the report that was
19 generated by Cellebrite that Investigator Tunis
20 was talking about. Once they plug the phone into
21 the machine they have there and it spits out the
22 report for him.

23 Q That's just one report of the extraction.

24 A Yes, ma'am.

25 Q And what does that report contain?

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1 A This has -- it comes back to that phone that
2 was located in room number 2 there, which we
3 identified as Mr. Preston's room. It has his
4 email address on there,
5 channon.preston85@icloud.com. A couple different
6 messages with that on it.

7 Q Okay.

8 MS. JONES: Your Honor, at this time,
9 State moves 156 into evidence.

10 MS. CORNWELL: No objection, Your
11 Honor.

12 THE COURT: All right.

13 (STATE EXH. 156, Cellebrite report, was
14 entered into evidence.)

15 BY MS. JONES:

16 Q When you're talking to Mr. Preston, you talked
17 about cell phone location information, do you always
18 get that off the cell phones?

19 A No, ma'am, especially here. We have bad
20 service in different areas. If there's no signal
21 going back to the tower, it's kind of hard to get
22 that. And also, a lot of people, they don't have
23 cell phone plans. They use Wi-Fi-based apps.

24 MS. CORNWELL: Your Honor, I'm going to
25 object to the speculation, and he's not an expert

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1 in cell phone location GPS technologically.

2 THE COURT: I'll overrule it.

3 THE WITNESS: So, in my experience, I've
4 seen -- a lot of people, they use Wi-Fi apps.
5 They don't have a phone that you call somebody
6 from when you're out and about driving your car.
7 But when you get back home or someone has Wi-Fi,
8 then you can use the phone.

9 BY MS. JONES:

10 Q We don't have location, GPS coordinates for this
11 phone, do we?

12 A No, ma'am.

13 Q We have a couple videos on the phone, don't we?

14 A Yes.

15 (STATE EXH. 157, Happy Birthday video;
16 Preston's phone, was marked for identification.)

17 BY MS. JONES:

18 Q I'm going to hand you first what's been marked as
19 State's 157, and what is that?

20 A This a video from the phone. It's happy
21 birthday video.

22 Q Okay. And is that an accurate recording of the
23 video from the cell phone?

24 A Yes.

25 MS. JONES: Your Honor, at this time,

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1 State moves 157 into evidence.

2 THE COURT: All right.

3 MS. CORNWELL: Subject to the previous
4 objection, Your Honor.

5 THE COURT: Okay.

6 (STATE EXH. 157, Happy Birthday video;
7 Preston's phone, was entered into evidence.)

8 (STATE EXH. 158, Van video; Preston and
9 Polite, was marked for identification.)

10 BY MS. JONES:

11 Q And again with 158, do you recognize that?

12 A Yes. This is a video that was also located
13 from that cell phone which shows Mr. Preston and
14 Mr. Polite inside the van.

15 Q Okay. Do you know if there was -- was this taken
16 on November 13th of 2020?

17 A Yes. That was five days before this incident
18 happened.

19 Q Okay. 158 came straight from the cell phone found
20 in bedroom number 2?

21 A Yes.

22 MS. JONES: Your Honor, at this time
23 State moves 158 into evidence.

24 THE COURT: All right. Over the previous
25 objection.

Testimony of Todd Duncan

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1 MS. CORNWELL: Thank you, Your Honor.

2 (STATE EXH. 158, Van video; Preston and
3 Polite, was entered into evidence.)

4 (STATE EXH. 184, Still shot from Exh. 158,
5 was marked for identification.)

6 (STATE EXH. 185, Still shot from Exh. 158,
7 was marked for identification.)

8 BY MS. JONES:

9 Q I'll go ahead and show State's 184 and 185 while
10 I'm up here. Do you recognize those items?

11 A Yeah. So these are still shots from that
12 video. 184 shows Xavier Polite holding the Draco
13 gun. And then 185 shows Mr. Preston with that
14 blue gun between his legs.

15 Q And those are stills taken from State's 158?

16 A Yes, it's from that video.

17 Q From that phone found in bedroom number 2?

18 A Yes.

19 MS. JONES: Your Honor, at this time.

20 State moves 184 and 185 into evidence.

21 THE COURT: Those are still shot photos?

22 MS. JONES: Yes.

23 THE COURT: All right. Over the previous
24 objection.

25 MS. CORNWELL: Thank you, Your Honor.

Testimony of Todd Duncan

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1 (STATE EXH. 184, Still shot from Exh. 158,
2 was entered into evidence.)

3 (STATE EXH. 185, Still shot from Exh. 158,
4 was entered into evidence.)

5 MS. JONES: And permission to publish
6 157, 158, 185, and 185.

7 BY MS. JONES:

8 Q We're going to start with 157.

9 (Video played.)

10 MS. JONES: Your Honor, I'm going to ask
11 if we can replay that. There seemed to be a lag
12 in the audio and the video.

13 (Video played.)

14 MS. JONES: If we can see State 158,
15 please.

16 (Video played.)

17 BY MS. JONES:

18 Q All right. And you said that 184 and 185 were
19 stills from this video?

20 A Yes.

21 Q I'm first going to show 184. Is that a still from
22 that video?

23 A Yes. So that's Xavier Polite holding this
24 Draco weapon up. It looks like he's wearing his
25 IHOP uniform as well too.

Testimony of Todd Duncan

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1 Q That's the Draco.

2 And State's 185?

3 A That's Mr. Preston, and he has that Tiffany
4 blue gun there between his legs sitting on the car
5 seat.

6 Q These were from five days before this murder?

7 A Yes. It also shows the Toyota emblem on the
8 steering wheel. And there's a rip in the seat
9 showing this is the same Toyota van.

10 Q Okay.

11 MS. JONES: Beg the Court's indulgence.

12 Your Honor, that's all questions I have
13 for this witness.

14 THE COURT: One second. You want to come
15 up?

16 (Bench conference off the record.)

17 THE COURT: All right. Ladies and
18 gentlemen of the jury, I do want to commend you.
19 I, again, like I told you whenever we started
20 this, I signed up for a life-long jury duty and
21 you-all did not, but you-all have been one of the
22 most attentive juries that I've ever seen. And so
23 in allowing that and for you-all so attentive, I'm
24 going to let us leave a little early again today.

25 I have a hearing unrelated to this case

1 indicated we needed to take care of, but apart
2 from that we're ready to go.

3 Miss Cornwell.

4 MS. CORNWELL: Thank you, Your Honor.
5 May it please the Court?

6 CONTINUATION OF JAMES TUNIS TESTIMONY FROM 10/11/22

7 CROSS-EXAMINATION

8 BY MS. CORNWELL:

9 Q Investigator Duncan, you were the lead
10 investigator on this case, correct?

11 A Yes, ma'am.

12 Q And as the lead investigator, you're responsible
13 for the investigation?

14 A Yes, ma'am.

15 Q So that entails reviewing reports submitted by
16 other officers, reviewing statements from witnesses,
17 reviewing the evidence that was collected and
18 submitted, and determining what evidence should be
19 submitted for analysis; is that correct?

20 A Yes, ma'am.

21 Q And did you do all those things in this case?

22 A Yes, ma'am.

23 Q So, you're aware that Corey Singleton had no
24 problem with other individuals in the past prior to
25 this incident which caused him to have prior contact

1 with law enforcement, particularly with Beaufort
2 County?

3 A I'm sorry. Can you say that again? I didn't
4 understand the question.

5 Q Yes. So, through your investigation and prior to
6 this investigation, you were aware that Corey
7 Singleton had had issues with other people not
8 associated with this incident that caused him to have
9 to have a certain amount of contact with law
10 enforcement prior to this?

11 A Yes. I mean, we've had contact with him
12 before.

13 Q And, in fact, you're aware that Steven Glover was
14 cautioned about Mr. Singleton, not to trust him, and
15 to stay away from him; is that correct?

16 A No, ma'am.

17 Q You reviewed all the reports in this case?

18 A I read the reports, yes, ma'am.

19 Q And you reviewed all the statements in this
20 case?

21 A Yes, ma'am.

22 Q Would it refresh your recollection to be shown
23 some of where that investigation would have shown
24 those things?

25 A Certainly.

1 MS. CORNWELL: Court's indulgence, Your
2 Honor.

3 MS. JONES: Your Honor, may we approach?

4 (Bench conference off the record.)

5 BY MS. CORNWELL:

6 Q Investigator Duncan, I'm going to show you page 59
7 and 60 of the 152-page report in this case just to
8 refresh your recollection. If you want to look down
9 at that last paragraph that goes on the second page
10 and let me know if that refreshes your recollection.

11 A So are you referring to Steven's mom not
12 wanting him to be around Corey?

13 Q And I don't want you to say who said what or what
14 anybody said. I just wanted to know if that refreshes
15 your recollection that Steven Glover had been warned
16 about Mr. Singleton?

17 A I guess you could say that.

18 Q So, Corey Singleton had problems with people. But
19 your investigation never reviewed or showed that my
20 client ever had any problems with Steven Glover,
21 correct?

22 A No, ma'am.

23 Q And really didn't even have any problems with
24 Corey Singleton, did he?

25 A No, ma'am. Corey Singleton didn't even know

1 him.

2 Q All right. In fact, my client considered
3 Steven Glover family, and had actually met Mr. Glover
4 over at Mr. Singleton's house on several occasions
5 prior to this, correct?

6 A I think the word "family" is, kind of,
7 stretched a little bit. But, yeah, during one of
8 the interviews, he's called him cousin. And he
9 mentioned that he -- Mr. Singleton said he saw him
10 buying weed from Steven before.

11 Q And I believe in the video where you are talking
12 to my client at his house he says, "That's my family."

13 A Yes, ma'am.

14 Q And on those occasions that my client met with
15 Mr. Glover at Mr. Singleton's house there have never
16 been any prior incidents or any issues that you were
17 aware of?

18 A As far as I know, no.

19 Q When law enforcement first responded to [REDACTED]
20 Stonewood, you did not respond there with you him,
21 correct?

22 A No. As I explained yesterday, my partner and
23 I, we went over to [REDACTED] Eddings Point Road to Mr.
24 Preston's house, knowing that name and the van
25 that came out over the radio.

1 Q And while you were over at Eddings Point, you and
2 the officers you were with collected evidence
3 including seizing the phones of the individuals at the
4 house and waiting for a search warrant to collect
5 other evidence; is that correct?

6 A Yes. So what we did, we got a search warrant
7 and we searched the house for evidence. We
8 detained people there, did interviews on the side
9 of the road as you saw, and then started the
10 investigation, basically.

11 Q And in addition to the phones that you collected
12 from the search warrant inside the house, I believe
13 you also seized David Glover's phone as well for
14 evidence?

15 A Yes, ma'am.

16 Q And you-all did that to preserve the possibility
17 of any evidence being able to be found on any of those
18 phones, correct?

19 A Yes, ma'am. At that time, the investigation
20 was still in the early phases.

21 Q And that's what a good investigator would do. He
22 would collect any evidence, that way it can't get
23 destroyed, it can't be deleted, or modified. It
24 couldn't be changed. You want to take it into
25 possession at that time so that you can perform

1 analysis on those immediately, correct?

2 A We try to collect everything we can. Yes,
3 ma'am.

4 Q But you're aware that when law enforcement met
5 with Mr. Singleton at his residence and he informed
6 them that he had a video on his phone, after showing
7 them a five-second clip, he refused to go with law
8 enforcement and provide the other clips until he met
9 with his attorney, correct?

10 A I wouldn't say refused to provide the other
11 videos. As we saw, he showed Master Sergeant
12 Draisen the video clip on the phone which Master
13 Sergeant Draisen took a picture of and sent it
14 over to us to verify the van, that we're spot in
15 the right spot, all that stuff. And then he
16 agreed to come back to the office with his
17 attorney and he provided the other clips there.

18 Q So despite knowing that that cell phone contained
19 permanent evidence to this case, your officer did not
20 seize that phone and collect it into evidence at the
21 scene at that time?

22 A At that time, no. So we are -- Master
23 Sergeant Draisen is with him in the interview room
24 at the north investigations office. He physically
25 is watching him email these videos over.

1 Basically, at that time, Steven Glover is
2 treated as a victim to this crime due to the
3 interviews we've had with him so far, the 911 call,
4 the interviews of everybody else on scene so far.
5 He's providing evidence willingly and is being
6 cooperative at that point.

7 Q And that was several hours after meeting with him
8 at the scene, correct?

9 A No, ma'am. That's right after the scene. So
10 they left the scene and, as we talked about
11 yesterday, Master Sergeant Draisen went right back
12 to the office. Corey stopped and called his
13 lawyer on the way. Or, I guess, Master Sergeant
14 Draisen called the lawyer on the way, and they
15 both met him at the office, I would say, within an
16 hour after.

17 Q But Mr. Singleton was not consistently with law
18 enforcement during that time, correct?

19 A No, ma'am. He was not detained at that
20 time.

21 Q You're also aware that law enforcement didn't
22 perform any sort of forensic testing for DNA, gunshot
23 residue, fingerprints, drug testing, anything like
24 that on Mr. Singleton at the incident location,
25 correct?

1 A That's correct.

2 Q And it was never done at any point in time, was
3 it?

4 A No, ma'am.

5 Q Let's talk a little bit about when you were at my
6 client's house and meeting with him. You indicated
7 that you-all were watching the CAD reports. You saw
8 this incident come up. And because of you're
9 familiarity with my client through his brother being a
10 victim and having a white van, you-all immediately
11 went to the house and started surveilling it,
12 correct?

13 A Yes, ma'am.

14 Q And how long would you say you're surveilling the
15 house before you-all made contact with anybody
16 there?

17 A Before we went up to the house, like we said
18 earlier, it was Investigator Snider and I in the
19 car. We pulled off to the side down the road,
20 kept an eye on it, called the violent crime task
21 force, which, if I remember correctly, they were
22 actually in Bluffton doing a different operation
23 at the time. So they ran lights and sirens from
24 Bluffton all the way to St. Helena. So it took
25 them a while to get there. Roughly, I would

1 estimate 30, 45 minutes.

2 Q And once you -- once the violent crime task force
3 arrived, you-all made contact with David Glover as he
4 was leaving the residence?

5 A It was first Joshua Washington outside, and
6 then David Glover was on the front steps.

7 Q And, at that point, you called out Channon Preston
8 to come out of the house, correct?

9 A We called on everybody to come out of the
10 house at that time.

11 Q And when Channon exited the house and you-all
12 detained him, was he immediately placed in
13 handcuffs?

14 A Yes, ma'am.

15 Q And he remained in handcuffs the entire time
16 you-all were on scene, correct?

17 A Yes, ma'am.

18 Q And then he was handcuffed when he was transported
19 from the scene to investigations?

20 A Absolutely. He was under arrest at that
21 point.

22 Q So he was only detained in the beginning. But, at
23 some point, he went from being detained at the scene
24 to being arrested prior to being taken to
25 investigations?

1 A Yes, ma'am. That's when we developed the
2 probable cause to make the arrest. After we did
3 the interviews on scene, saw the evidence, the 911
4 tape, the video of the van, we had enough probable
5 cause at that point to make an arrest.

6 So if he didn't want to go to the office, he
7 was going to still go to the office if he wasn't
8 voluntarily going.

9 Q Okay. Did you have an arrest warrant at that
10 time?

11 A No, ma'am.

12 Q And instead of taking him directly to the
13 detention center to be booked on the charges, he was
14 taken to investigations to be further interviewed,
15 correct?

16 A Yes, ma'am.

17 Q And we saw -- actually, we didn't see.

18 During that interview and that interrogation,
19 he remained handcuffed as well?

20 A Yes, ma'am.

21 Q While he was being interrogated, he adamantly
22 denied shooting a gun that day, correct?

23 A In the interview, yes. And to clarify, he
24 was handcuffed in the front. I think we moved him
25 around when we got to the interview room.

1 Q I believe you said yesterday he was interviewed
2 for a while, probably an hour and a half or so.

3 A Yeah, I would have to look at the time on the
4 video. I don't have that noted down anywhere.

5 Q Okay. And we saw on the Miranda form that he
6 began being interrogated at the investigation station
7 around, I believe, it was 4:11 or so?

8 A That's probably right. Somewhere around that
9 time frame. That's when the interview process
10 started.

11 Q And so we'll look at State's 152 to refresh your
12 recollection.

13 A Yup, 1611, which is 4:11.

14 Q So if you arrived at the incident location say
15 around 1:45 to detain him and make contact with him
16 and your interview was approximately an
17 hour-and-a-half long, he was handcuffed for over four
18 hours?

19 A I can't agree to that, just because I don't
20 know the time off the top of my head. He was
21 handcuffed since he was detained at the scene.
22 And then at the interview process after he's
23 arrested.

24 Q And during that interrogation, at some point, you
25 come in, and we also saw Investigator Draisen tell him

1 over and over again, You're seen in the video. We see
2 you shooting and killing Steven Glover. You're in the
3 video. It's clear as day. It's clear as day. You
4 can be identified. Those statements weren't true,
5 correct?

6 A Yeah. I mean, like I explained yesterday, we
7 -- that part is embellished. We have the probable
8 cause so far. Like I said, we got the 911 tape
9 saying his name; the van, at this point, on the
10 video; the description of the van by
11 Mr. Singleton as well too; seeing the van at the
12 house with the shell casing on the back of it; the
13 statements from everybody else, from Mr -- I'm
14 sorry. Mr. David Glover, he saw Channon and
15 Xavier pull into the house when he was pulling in.
16 So we knew we had the right person when we knew we
17 had this video. However, in the video, as you've
18 seen, you can't see the faces clearly.

19 Everything is matching up like we need to,
20 but we still needed a statement from Mr. Preston.

21 Q All right. And so based on that, you used
22 deception and falsehoods to try to get him to make a
23 confession?

24 A Yes. And my job at that point is to get him
25 talking. I mean, as you can see on that video

1 yesterday, I'm throwing out everything I possibly
2 can to keep him talking, trying to -- you know,
3 anything I can to -- so, yes, ma'am, absolutely.

4 Q You indicated to this jury yesterday that during
5 the interview you were trying to throw my client a
6 life raft. You were trying to help him out by getting
7 him to say that he shot Mr. Glover in self-defense, or
8 you wanted him to say Xavier or Corey Singleton
9 started shooting first, and that he acted in
10 self-defense. But he never would admit to any of
11 that, right? He adamantly denied ever shooting a gun.

12 A Yeah. So the purpose of that is, I'm trying
13 to basically put him on scene there. Like, we
14 know he's on scene.

15 However, at this point in the investigation
16 or interview, he's still denying ever being there,
17 never being there, didn't leave the house, and then he
18 said he went to Parker's and Foolish Frog was his
19 cousin David. Never left the house. Was never there,
20 which we knew was false.

21 So I'm trying to figure out any kind of, you
22 know, line, basically, to say, yes, I was there but
23 they started shooting at me, just to get that ball
24 rolling.

25 Q And, in fact, you continued with this life raft

1 line of questioning after he said, *I just wanted to*
2 *buy weed.*

3 A Yeah, because obviously we see there's more
4 to it than just going to buy weed. I mean, a lot
5 more happened than just that. He was there. He's
6 able to tell me that stuff, but I'm trying to get
7 that out of him.

8 Q You also agree in order to claim self-defense, you
9 would actually have to fire a weapon or attack someone
10 in defense of yourself, correct?

11 A Yes, ma'am.

12 Q So if my client is adamant that he never fired a
13 gun, there is no way he would be able to claim
14 self-defense?

15 A Like I said, once again, my point there is
16 trying to get him to keep talking, you know.

17 Q However, you do agree that if someone points
18 and/or fires a gun at somebody as they're approaching
19 them, then that person would have the act to -- right
20 to act on appearances to defend themselves or to
21 defend another person that they were with, correct,
22 that would be self-defense?

23 A Absolutely, I've worked several self-defense
24 cases. This, you know, clearly was not one.
25 During the interview and the investigation, we've

1 shown that over and over.

2 Q Well, that's not really true, is it, because there
3 is no video -- we haven't seen anything that actually
4 shows this shooting or what happened or how it went
5 down or who pulled a gun first or who shot first, or
6 who even shot, have we?

7 A Once again, no, you don't see the shooting on
8 the video, but you see the beforehands. You see
9 the afterhand. We have the interviews of, you
10 know, Mr. Corey Singleton afterwards. We have the
11 interviews of everybody else afterwards. You
12 know, the evidence, the guns. All that evidence
13 plays a key piece to everything single thing. You
14 look at the totality of the investigation, not
15 just what one person says.

16 Q But that's a very long answer to say, no, we don't
17 have anything showing the actual shooting, correct?

18 A We do not have the video showing the
19 shooting. You have the video showing them pulling
20 up, getting out of the white van. You see Corey
21 coming down the steps. And then the next scene,
22 you see Mr. Glover dead on the side of the road --
23 or side of the car. You see Mr. Singleton running
24 for his life away from him. You see your client
25 say, *Why you not get him?* And you see me

1 Mr. Polite say, *I'm out, I'm out.*

2 Q But we have no idea what precipitated that. And
3 in that video there are no gun shots being fired,
4 correct?

5 A There are no gunshots being fired -- well,
6 actually, you see Mr. Singleton running away
7 firing a shot behind him, not even looking, as
8 he's running for his life.

9 Q You see in here in that video someone fire a
10 shot?

11 A Yes, ma'am.

12 Q And you're aware that an autopsy was done on
13 November 21st of 2020 for Mr. Glover?

14 A I am.

15 Q And that autopsy showed he suffered seven gunshot
16 wounds and multiple shot injuries, correct?

17 A That's correct.

18 Q And during that autopsy five bullets and multiple
19 fragments were recovered from Steven Glover's body and
20 submitted into evidence after the autopsy that day,
21 correct?

22 A Yes, ma'am.

23 Q And you didn't submit any of those bullets or
24 fragments to be analyzed to try to match them to a
25 firearm?

1 A Like we went over yesterday, we heard the
2 SLED expert testify as well, too, so the bullets
3 or fragments, they can't always trace them back.
4 At the initial submission to SLED, those were not
5 on there. We later put them on there. However,
6 SLED's lab was shut down for a little while and
7 they did not get around to testing everything.

8 Q Later as in a couple weeks ago, right?

9 A As we're doing case review, yes, ma'am.

10 Q All right. You told this jury yesterday that you
11 didn't send any of the bullets or fragments to be
12 analyzed because in your experience they usually can't
13 be matched because they're damaged?

14 A A lot of times that's what happens. These
15 bullets, they get deformed. They go through
16 different objects. They change around. You'll
17 get -- when it says fragments, it's literally
18 little flakes of metal. So, a lot of times, they
19 cannot be tested. Sometimes they can.

20 Q And your testimony is, that's why you originally
21 did not send any of those bullets?

22 A Yes, ma'am. On the original one, basically,
23 we triaged everything and sent some off. And then
24 later on during case review, that's when we
25 noticed that not all of them were gone, so we sent

1 the rest.

2 Q But when you talk about your experience and it not
3 being able to be done based on your experience, that's
4 not true, is it?

5 A I'm not saying it's not able to be done. It
6 is possible sometimes.

7 Q In fact, earlier this year you sat in that same
8 witness stand in the different case where you're the
9 lead investigator and you had submitted a bullet that
10 had gone through a car, into a victim killing him,
11 that was recovered through the autopsy, and Chad
12 Smith, the same expert that sat here yesterday and
13 testified, analyzed that it was a fragment, it was
14 damaged, and was able to give you a list of possible
15 guns that it came from and confirmed they he could
16 match it to a gun if you provided him the proper gun,
17 correct?

18 A That's correct. That was also from a
19 high-powered rifle. That's a fairly unique style
20 gun used in a murder.

21 Q So, again, you knew it could be done, you knew it
22 had been done before, Chad Smith even testified before
23 that it happens a lot, he could do it on even a
24 fragment, but you decided in this case it wasn't
25 pertinent or it wasn't a priority?

1 A No, ma'am, I would not say that. I would
2 say, it didn't go in the first batch. And then we
3 sent the second batch, they didn't have enough to
4 get to it.

5 And, yes, if I had to do it over again, I
6 would have sent it off a lot earlier. I didn't know
7 about their office being moved and their labs being
8 down.

9 Q You would have sent it earlier. This happened in
10 2020 and their lab was shut down in September of 2022.
11 So you had 21 months prior to when you sent it to
12 actually send it?

13 A Yes, ma'am.

14 Q So, not a priority.

15 A I'm not going to say it wasn't a priority.
16 I'm saying, we realized during the case review
17 process that it needed to be sent off and that's
18 when we sent it.

19 Q You also testified about the cell phones of
20 Steven, Channon, Xavier, and David being collected and
21 dumped, but you indicated that you didn't ask for
22 location and GPS analysis on those phones or cell
23 phone records or GPS on those phones because, in your
24 experience, because of Wi-Fi calling and stuff you
25 don't usually get that information, correct?

1 A That is the case sometimes. And, no, we do
2 not ask for -- I'm think you're getting at, like,
3 carrier information, no, ma'am.

4 Q So, with Wi-Fi, it's not just carrier information.
5 In your experience, you're aware that other
6 applications that are running in the background on
7 phones are constantly also tracking locations,
8 correct?

9 A That's kind of a tricky situation. There's a
10 lot of scenarios that go into that.

11 Q Google owns a lot of applications and law
12 enforcement often gets what are known as geofence
13 warrants to collect data from Google from a device or
14 an area or an account, correct?

15 A Sometimes, yes, ma'am.

16 Q Apple has those same capabilities. Facebook has
17 those same capabilities. A lot of social networks do.
18 Anything that is running in the background, a lot of
19 time for third-party advertising and things like that
20 are constantly pinging and tracking the location of
21 those devices, correct?

22 A Sometimes, depending on where you are.

23 Q But, in this case, you didn't feel it important to
24 contact the network providers to get the cell phone
25 providers or to contact any of the application or

1 device people to try to get location information, did
2 you?

3 A So we had the physical phones. It was not
4 necessary to go through the carriers. Then also,
5 I did not have probable cause to go through the
6 apps of the phones, such as, like, Facebook. This
7 was not a social media type of case.

8 Q Well, you showed a Facebook page that you
9 collected in this case, so, I mean, you were certainly
10 looking at the social media stuff in this case,
11 correct?

12 A That was to show his nickname of Glizzy,
13 which he was denying.

14 Q So it's important enough to do it for a nickname,
15 but not important enough to figure out location and
16 track where a suspect may have been?

17 A I have no indication that he used Facebook to
18 set up his weed buying, going back and forth.
19 Nobody ever mentioned that during any of the
20 interviews. Nothing on social media.

21 Q But, again, even if he wasn't using it, and it
22 simply was open and running in the background and not
23 closed out, you could have gotten information?

24 A I would have to have probable cause to get
25 that.

1 Q But, at that point, you didn't think you had
2 probable cause to get evidence, but you thought you
3 had probable cause to make an arrest?

4 A Absolutely.

5 Q What is the different standard -- what is the
6 higher standard of probable cause to collect evidence
7 that is higher than the probable cause to make an
8 arrest?

9 A Well, the probable cause to make the arrest
10 is all the interviews we did, the 911 tape, the
11 van, the video, the shell casings, the stuff we
12 were getting at the search warrant, all the
13 interviews. That was the probable cause for the
14 arrest at the time.

15 I had no probable cause for any social media.
16 Nobody said anything about that at the time, and it
17 never developed during the case at all.

18 Q So you're saying that you needed more probable
19 cause to get a social media record than you needed to
20 arrest somebody and put them in jail?

21 A No, ma'am, I'm not saying that. I'm saying I
22 needed some reason that social media was used and
23 I could prove it before I can go get a warrant to
24 search somebody's social media.

25 Q But you had a social media account, and you knew

1 that location services could be accessed through
2 social media, and you had probable cause to make an
3 arrest claiming that somebody was there. Would that
4 evidence not fall into that same probable cause to
5 corroborate the arrest?

6 A I can't say that.

7 Q Okay. Let's talk about what else wasn't done or
8 collected in your investigation. You spoke with my
9 client as well as Mr. Glover. They indicated that --
10 well, Mr. Glover indicated that he went to Autozone
11 and then immediately went to my client's house, and
12 then they went immediately to Foolish Frog and
13 Parker's. You also have my client's statement that he
14 was with David, he went to Foolish Frog, and Parker's,
15 correct?

16 A Yes, ma'am.

17 Q But you didn't get any videos, any evidence,
18 anything from Autozone or from Foolish Frog to try to
19 firm up and establish a time line?

20 A Yeah. So we got the video from Parker's
21 which show them on there, show them together.
22 It's time stamped. We see that it's after when
23 the incident happened. We know that for sure.

24 And Foolish Frog, they didn't have cameras
25 working at that time when we went there, and we

1 already verified that they were at that Parker's.

2 Q What about Autozone?

3 A No, ma'am. Did not get Autozone.

4 Q And, at some point during this investigation, you
5 were made aware that after this incident occurred
6 within a couple of days, a person by the name of
7 Marquise Johnson was bragging about how he had gotten
8 away with killing Steven Glover?

9 MS. JONES: Your Honor?

10 THE COURT: Hold on. What's your
11 objection?

12 MS. JONES: It's hearsay.

13 THE COURT: All right. Rephrase the
14 question.

15 MS. CORNWELL: Your Honor, I would say
16 that that was not --

17 THE COURT: Don't make argument
18 objections.

19 THE BAILIFF: May we approach?

20 THE COURT: If we need to send them out,
21 we'll send them out.

22 All right. Ladies and gentlemen, there's a
23 matter of law we need to take up. If you'll just take
24 a five-minute break, we'll bring you right back in.

25 (Jury exits the courtroom at 10:12 a.m.)

1 THE COURT: All right. Please ask the
2 question in its entirety.

3 MS. CORNWELL: I apologize. My question
4 was: Through the course of your investigation,
5 you were made aware that, several days after the
6 incident occurred, a gentleman by the name of
7 Marquise Johnson was bragging that he got away
8 with killing Steven Glover?

9 And I believe the objection was for hearsay.
10 Your Honor, my response to that would be, it's not
11 going to the truth of the matter asserted. It's being
12 used to impeach the process of the investigation, the
13 completeness of the investigation as a third-party
14 guilt defense for my client.

15 THE COURT: I don't even know who this
16 person is.

17 MS. JONES: Exactly. And the way that
18 that information came out, Your Honor, is, it's
19 hearsay within hearsay. A woman by the name of
20 Kiadra Rivers said that she overheard Marquise
21 Johnson bragging about this. Marquise Johnson is
22 just one of the who's who of St. Helena.

23 There is nothing to corroborate it.
24 There is nothing to support this. Miss rivers
25 isn't here. If she wanted this information to

1 come in --

2 THE COURT: I'll agree. I'll sustain the
3 objection. If she wants to put up a defense, she
4 can call the witnesses to come in and testify so
5 that they can be subject to cross-examination.

6 MS. JONES: Thank you. I would ask that
7 it be stricken from the record.

8 THE COURT: I've been warned about
9 striking things from the record. Let's just keep
10 the record clean at this point.

11 MS. JONES: Thank you.

12 THE COURT: I'm going to get some coffee.
13 You-all take a break a five-minute break.

14 (A break was taken from 10:34 a.m. to 10:40 a.m.)

15 THE BAILIFF: Jury entering the
16 courtroom, Your Honor.

17 (Jury enters the courtroom at 10:40 a.m.)

18 THE COURT: All right. You may proceed.

19 BY MS. CORNWELL:

20 Q Investigator, we were talking about things you did
21 not do throughout your investigation. We didn't get
22 any video from Autozone, we didn't get cell records,
23 location, GPS. We also didn't get a GSR kit done on
24 Corey Singleton, did you?

25 A No, ma'am.

1 Q Didn't get fingerprints or collect DNA from him?

2 A No, ma'am.

3 Q Didn't seize his phone?

4 A Nope. His phone was given back to him.

5 Q So, basically, instead of doing a full and
6 complete investigation of this case to discover the
7 truth about what happened, you basically investigated
8 this case and collected evidence that matched Corey
9 Singleton's statement?

10 A No, ma'am. I would say that the evidence did
11 match his statement.

12 Q Do you know how Corey Singleton died?

13 A I don't know the exact details, but I've
14 heard the overview.

15 Q So, you're aware that his death was due to an
16 overdose?

17 A Yes, ma'am.

18 Q And have you seen the overdose report for that
19 death?

20 A No, ma'am.

21 Q Over the course of this investigation, and as
22 you've been sitting here through this trial this week,
23 you heard Mr. Stewart indicate that Mr. Singleton was
24 agitated and pacing around the porch when you came
25 over to the house, correct?

1 A Yes, ma'am, which is highly likely due to he
2 just saw his best friend get killed in front of
3 him, and him shot at as well too.

4 Q But then, just a few minutes later on body cam
5 from Driscoll, Mr. Singleton was very subdued and
6 almost seemed out of it, didn't he?

7 A Absolutely. I mean, we do things like this
8 as well too. We even train for it. It's called
9 an adrenalin dump. Basically, you're so amped up,
10 you're so excited, you know, a couple minutes
11 later, you are just depleted of all energy. It's
12 very common. We see it quite a bit.

13 That's why, frankly, it's why we do several
14 different interviews. People remember things later
15 on. There's just so much going on at one time, you're
16 body basically shuts down.

17 Q And that's one explanation of it. In your
18 experience in law enforcement, is another explanation
19 when people are needing drugs, they get amped up, and
20 then once they've gotten their fix, they calm down a
21 great deal?

22 A Yes, that's possible.

23 Q But at no time during this incident while you-all
24 were at the scene, while in investigations did you
25 ever test to see if Corey Singleton was under the

1 influence of anything when he was talking to you?

2 A Well, we don't give tests out to people. I
3 can tell you that Master Sergeant Draisen is a
4 drug recognition expert. He did all the
5 interviews with Mr. Singleton. And from every
6 interview that I've seen and reviewed, he does not
7 appear to be under the influence of anything.

8 MS. CORNWELL: That's all the questions I
9 have, Your Honor.

10 MS. JONES: No redirect, Your Honor.

11 THE COURT: All right. You may step
12 down. Call your next witness.

13 MS. JONES: The State calls
14 Jennifer Nates.

15 THE CLERK: Raise your right hand. Do
16 you solemnly swear or affirm to truthfully answer
17 all questions asked of you by this court so help
18 you God?

19 THE WITNESS: I do.

20 THE CLERK: State your first name, last
21 name, and spell the last name for the record.
22 Thank you, ma'am.

23 THE WITNESS: You're welcome. Jennifer
24 Nates, N-a-t-e-s.

25 WHEREUPON:

1 JENNIFER NATES,
2 after having been sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. JONES:

5 Q Good morning, Lieutenant Nates.

6 A Good morning.

7 Q How are you?

8 A I'm good, thank you.

9 Q Where do you work?

10 A I work for the South Carolina Law Enforcement
11 Division in the trace evidence section of the
12 forensic laboratory.

13 Q What is trace evidence?

14 A Trace evidence is one of the departments in
15 the forensic laboratory that is responsible for
16 many different types of analyses. We are
17 responsible for the analysis of paint, glass,
18 fibers, GSR, tape analysis, fire debris analysis,
19 explosives, bleach analysis, physical fit
20 analysis, and other general analyses that don't
21 fit anywhere else in the lab.

22 Q What is GSR?

23 A GSR is a term used to describe gunshot
24 residue.

25 Q And what is gunshot residue?

1 A Gunshot residue is a forensic term use to
2 describe any and all debris and residue that is
3 produced when a firearm is discharged. Our
4 laboratory particularly analyzes for what is
5 called primer gunshot residue or PGSR. The PGSR
6 is a portion of the overall gunshot residue that's
7 produced and it is specific to one component of
8 the firearm.

9 Q And do you perform analysis of different kits to
10 see if they're positive for GSR?

11 A We receive GSR kits that are collected from
12 inanimate objects, persons, we also receive
13 clothing in which we collect gunshot residue kits
14 from in order to determine if any gunshot residue
15 is present on those items.

16 Q And did you have to specialize training and
17 knowledge in order to obtain this position at SLED?

18 A The position that I currently hold, it
19 requires a bachelor of science degree in
20 chemistry. The training that I have received is
21 in-house training for each of the specific
22 disciplines in which I perform analysis.

23 In the case of gunshot residue, it was
24 approximately a one-year training program that
25 consisted of oral, written, and practical examinations

1 that culminated with a competency test. I had to
2 successfully complete the competency test to show that
3 I was proficient in that type of analyses and that I
4 could accept those type of cases for analysis.

5 We also proficiency test yearly. Once we are
6 competent in one of those areas, we receive an outside
7 proficiency test from an outside vendor to show that
8 we are performing those analyses correctly.

9 Q Have you ever testified in court before?

10 A I have.

11 Q Have you been qualified as an expert?

12 A I have.

13 Q Roughly, how many times?

14 A 163.

15 MS. JONES: Your Honor, at this time,
16 State would move Lieutenant Nates in as an expert
17 in trace evidence.

18 THE COURT: All right. Any objection?

19 MS. CORNWELL: No objection, Your Honor.

20 THE COURT: All right. Ladies and
21 gentlemen, as I indicated previously, she has been
22 deemed an expert, and, therefore, she can give her
23 opinion unlike a lay witness.

24 MS. JONES: Thank you, Your Honor.

25 BY MS. JONES:

1 Q Lieutenant Nates, what are the three scenarios
2 that somebody or an item could test positive for
3 GSR?

4 A The whole purpose of a gunshot residue test
5 is to determine if someone was potentially in the
6 vicinity to the discharge of a firearm. So a
7 person can obtain gunshot residue on their hands
8 if they discharge a firearm, if they are near
9 somebody who discharges a firearm, or if they
10 handled an item that has gunshot residue on it.
11 Any three of these scenarios can deposit gunshot
12 residue onto a person's hand.

13 On a person's clothing or on inanimate
14 objects, usually the two scenarios for that are that
15 it was in the discharge -- in the vicinity to the
16 discharge of a firearm, or an item was place on it
17 that contained gunshot residue as inanimate objects
18 are not capable of discharging the firearm.

19 Q When you say inanimate object, could that be a
20 car?

21 A Usually it includes cars, clothing, walls,
22 doors. Any item that an investigator thinks we
23 need to test to determine if a gun possibly was
24 discharged in that vicinity.

25 Q How about victims of gunshot wounds, do you test

1 their kits?

2 A In the past, we did test GSR kits collected
3 from people who had sustained a gunshot wound.
4 But as of the beginning of this year, we stopped
5 doing that type of analyses. The reason for that
6 was, if you have sustained a gunshot wound, the
7 barrel of the gun was obviously pointed at you.
8 The majority of the residue would have been
9 pointed at you and gone towards you, so we expect
10 to find residue on your hands and on your person.
11 Finding that residue, we are not able to tell you
12 if that person discharged a firearm as opposed to
13 having the residue on their hands from being shot.

14 So we are pretty much following the rest of
15 the scientific community in not analyzing those cases
16 except in very limited scenarios where the evidence
17 may be able to help the case.

18 Q So, in this particular case, you received a
19 gunshot residue kit from a Steven Glover. Did you
20 analyze that kit?

21 A The kit from Steven Glover, I believe, was
22 the victim, so I did not analyze that kit.

23 Q Because you would expect to find gunshot
24 residue?

25 A Right. I would expect to find it. And,

1 usually, the investigators in most of those cases
2 always ask us, oh, we want to know if the victim
3 fired a weapon. And this includes suicide as
4 well. We don't analyze suicide victim kits
5 because I can't answer that question. And if I
6 say gunshot residue present, that may lead them to
7 believe, oh, they had a gun, when, in reality, I
8 can't tell you if it was from them firing a weapon
9 or from being shot.

10 Q Could somebody transfer -- if somebody has
11 recently fired a weapon and they have gunshot residue
12 on their hands and they shake hands with another
13 person, or they dap them up, or they share a game
14 controller, can that transfer the primer?

15 A Once gunshot residue is deposited on your
16 hands, it is very fragile and it's easily
17 transferable. If you wash your hands, you can
18 remove it. It's not as if it's imbedded in your
19 hands. It's kind of like a light dusting that
20 lays on the surface of your hands.

21 So if I fire a weapon and I have gunshot
22 residue on my hands and I shake somebody's hand, I
23 can't transfer that residue to them. If I touch
24 something, I can transfer the residue to that object.

25 Q Okay. And you were asked to analyze, aside from

1 Mr. Glover's kit, a few other kits in this case,
2 weren't you?

3 A I was.

4 MS. JONES: Permission to approach, Your
5 Honor?

6 THE COURT: Absolutely.

7 BY MS. JONES:

8 Q Miss Nates, I'm going to hand you what has already
9 been admitted as 90 -- well, 89, 90, 160, 162, and
10 135. Let's start with State's 90. What is that?

11 A So State's 90 is the packaging which contains
12 a gunshot residue kit from a David Glover. It
13 is -- if you look at the kit, when the kit is
14 submitted, this yellow label won't be on it. This
15 is the laboratory number that's assigned when the
16 evidence is submitted to SLED. Every case that
17 comes in is given a laboratory number, which
18 begins with an L, the year, and then the number of
19 the case that was received.

20 So, in this case, this was submitted in 2021.
21 It was the 24,364th case we received.

22 Each of these items is then given a
23 sequential item number for tracking. Any evidence
24 that comes in after this case is submitted will be
25 assigned with this same lab number and then an

1 additional item number.

2 So on this I have the lab number identifying
3 it and my initials and date when I analyzed it.

4 Q And this is the kit you analyzed?

5 A This one is one that I analyzed, yes.

6 Q I'm going to hand you State's 160, the GSR kit of
7 Joshua Washington. Is that another kit you analyzed?

8 A It is. This was our item 12, and it was
9 submitted -- the GSR kit that I had said it was
10 from a Joshua Phillip Washington.

11 Q Okay.

12 A But this is the item 12. My initials and
13 date on the outside.

14 Q Okay. How about State's 89?

15 A State's 89 was from Xavier Polite. It was
16 item 14. It was the GSR kit.

17 Q And State's 162.

18 A 162 is the GSR kit from Channon Preston. Our
19 item 11, with my initials and date.

20 Q How about State's 135?

21 A 135 was our item 17, and this was a GSR kit
22 that was collected from a minivan vehicle.

23 Q And what were your findings as to the kits of
24 David Glover and Joshua Phillip Washington?

25 A From both of them?

1 Q Yes.

2 A From David Glover in the samples that I
3 analyzed, I found one particle characteristic of
4 primer gunshot residue.

5 Q One?

6 A One.

7 Q Joshua Phillip Washington.

8 A From the kit from Joshua Phillip Washington,
9 I found particles characteristic of primer gunshot
10 residue.

11 Q How about the kit for Xavier Polite?

12 A I also found particles characteristic of
13 primer gunshot residue.

14 Q How about the kit of Channon Preston?

15 A That was the same result. I also found
16 particles characteristic of primer gunshot
17 residue.

18 Q So that would mean that Xavier Polite and
19 Channon Preston were both positive for primer gunshot
20 residue?

21 A Yes.

22 Q And how about your item 17, the Toyota van?

23 A The Toyota van was also positive for
24 particles characteristic for primer gunshot
25 residue.

1 Q Meaning that a gun was fired in the vicinity of
2 the van?

3 A Usually, when we find gunshot residue in
4 larger amounts on a vehicle, that is usually
5 indicative that a gun was fired in close proximity
6 to that vehicle for the gunshot residue to have
7 been deposited in or on the vehicle.

8 Q Lieutenant Nates, I don't have any further
9 questions for you. Thank you.

10 CROSS-EXAMINATION

11 BY MS. CORNWELL:

12 Q Good morning, Lieutenant Nates. How are you
13 today?

14 A I'm good. How are you?

15 Q Just briefly. When somebody fires a gun or is in
16 the vicinity of a gun being fired and they get gunshot
17 residue on their hands, certainly they can wash it
18 off, it can rub off, but if someone shoots a gun and
19 then stands there just like this for, let's say, four
20 hours, that gunshot residue is not going to remain on
21 their hands. It's going to be absorbed into the skin.

22 A It can be absorbed into the skin, and it also
23 depends on how much was actually deposited on the
24 hands during the firing, because it is a random
25 act and differing amounts can be deposited with

1 each shot.

2 Q So, there is a limited amount of time that gunshot
3 residue will remain on a person's skin?

4 A Correct. On a living individual, we will not
5 analyze a gunshot residue kit if it was collected
6 more than six hours after the incident. And the
7 reason for this is, usually between four to five
8 hours, we don't find gunshot residue on a person's
9 hands that can be related to that incident. So we
10 have a cutoff of six hours. Because if I analyze
11 a kit that was collected at 12 hours and I find
12 gunshot residue, I can't link it to that incident,
13 time, or date.

14 Q But the same is not true for clothing or vehicles
15 or walls. On those surfaces, because it's not a
16 living surface, it will remain on that surface until
17 it is washed, cleaned off, wiped off, or something to
18 that effect, correct?

19 A That is correct. If I fire a weapon and I
20 wear this cardigan when I fire that weapon and
21 then I immediately hang it up in my closet, that
22 gunshot residue can stay on this until it is
23 washed or I wear it again and it falls off.

24 The same for vehicles. If I fire a gun
25 within a vehicle and, say, it's deposited on the

1 steering wheel, that's probably one of the most used
2 parts of a vehicle so people are going to be touching
3 it a lot, so it can come off. But if it's deposited
4 and no one drives that car, it will sit here until
5 it's removed.

6 Q And we talked about the transference of GSR, you
7 know, someone has it on their hands and they shake
8 somebody else's hand or dap them up or share -- the
9 opposite is true as well. If somebody -- if there is,
10 say, your cardigan that has gunshot residue on it and
11 you don't wash it and several days later you go and
12 pick it up and put it back on, the gunshot residue
13 that's on that article can also transfer back on to
14 skin temporarily, correct?

15 A Yes. If I touched it and came into contact
16 with it, it has the potential to transfer.

17 Q And in using your example of a car, if somebody
18 goes to a gun range and fires their firearm, multiple
19 firearms, leaves the firing range, gets back in the
20 car, jumps in the car, drops all their stuff, their
21 stuff that has presumably gunshot residue on it, their
22 hands presumably if they haven't washed them after
23 their residue, all of that can be transferred into
24 that vehicle or transferred into the home through the
25 person that's been at the firing range, correct?

1 A That is correct. If you fired a gun and you
2 have gunshot residue on your hand or person,
3 anything you touch, you can transfer it to. So if
4 I throw my range bag into the bag seat of my
5 vehicle, if I took samples from that area of the
6 back seat, more than likely I would find gunshot
7 residue from that bag being in the range and being
8 exposed to that gunshot residue.

9 Q And I believe we already discussed this, but if --
10 let's say I escort a friend to the gun range and I
11 never fire a gun but I sit there and I watch them and
12 I'm in the vicinity of them firing that gun, gunshot
13 residue can still get on me even though I didn't fire
14 a gun, even though none of my clothes touched a gun or
15 anything like that, because I'm in the vicinity of
16 where that firearm was fired, that gunshot residue
17 could still get on me, correct?

18 A It can as long as where that person was in
19 the gun range was not blocked off by, let's say,
20 glass barriers or walls. I'm not very familiar
21 with a lot of gun ranges, but if you go in and
22 fire and there's doors and windows and it's
23 blocked off and they were not in the area, there's
24 not as much of a chance of them having gunshot
25 residue on them for that discharge as opposed to

1 if they were in the exact vicinity of that
2 firing.

3 Q So if they were outdoors, and just any outdoors
4 next to someone shooting a gun, no barriers or
5 anything, that residue can travel. It's light. It
6 can go -- not super far away, but if I'm standing next
7 to this gentleman right here and I fire a firearm,
8 there's a chance that that gunshot residue will get on
9 him, correct?

10 A Right. There are studies out there that have
11 shown that a shooter that fires a weapon and has
12 people beside them and behind them up to
13 approximately three feet, those people can have
14 gunshot residue deposited on them from that person
15 discharging --

16 Q And that's why you-all mark that on your reports
17 stating that gunshot primer residue can come from
18 either discharging a firearm, being in the vicinity of
19 a firearm being discharged, or coming into contact
20 with it.

21 A That is correct, because there are very few
22 circumstances in which we can actually state,
23 potentially, that person fires as opposed to
24 handling. There are some circumstances, but not
25 very much.

1 Q So you can't testify in this case as to how the
2 gunshot residue got on any of these individuals when
3 it was placed, if it was transferred from an object
4 from a different time, you just know that they have it
5 on them?

6 A Correct. I know that gunshot residue is
7 present, and it could have gotten on their hands
8 from one of those three ways, which is discharge,
9 vicinity, or handling something with gunshot
10 residue, which includes transfer.

11 Q I believe that's all the questions I have. Thank
12 you.

13 THE COURT: All right. Any in follow-up?

14 MS. JONES: No, sir.

15 THE COURT: All right. Thank you very
16 much. You may be excused.

17 MS. JONES: The State calls Tim French.

18 THE CLERK: Please raise your right hand.

19 Do you solemnly swear or affirm to truthfully
20 answer all questions asked of you by this court so
21 help you God?

22 THE WITNESS: I do.

23 THE CLERK: Thank you. Have a seat right
24 here. Say your first and last name and spell your
25 last name for the record.

1 THE WITNESS: Tim French, F-r-e-n-c-h.

2 WHEREUPON:

3 TIM FRENCH,

4 after having been sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. JONES:

7 Q Good morning, Mr. French?

8 A Morning.

9 Q Where do you work?

10 A I work for the Beaufort County Sheriff's
11 Office in the forensic laboratory.

12 Q And what do you do at the forensic laboratory.

13 A I test DNA evidence.

14 Q And did you have to have specialized training and
15 education to be able test evidence for DNA?

16 A Yes.

17 Q Can you please tell me about that?

18 A I have a bachelor of science degree from the
19 State University of New York at Cortland with a
20 major in biology, minors in chemistry and math.
21 Since working in the field of forensics pertaining
22 to what I do now, I have training at the FBI
23 academy in Quantico, Virginia, in conventional
24 forensic serology. I attended training at the
25 Serological Research Institute in San Francisco

1 for blood stain analysis system, and advanced DNA
2 training at Marshall University in West
3 Virginia.

4 Q What is DNA?

5 A It's a molecule that's found in all cells of
6 your body. It's a hereditary molecule. It's what
7 makes you human, but also it makes you an
8 individual.

9 Q Does it differ from person to person?

10 A Yes. Other than identical twins, yes.

11 Q How long has this sort of testing been around?

12 A DNA in general or for forensics?

13 Q For forensics.

14 A Forensics, about 30 years.

15 Q And how long have you been in the field?

16 A Thirty-four years.

17 Q And have you ever testified in court before?

18 A Yes.

19 Q And have you ever been qualified an expert?

20 A Yes.

21 Q Roughly, how many times?

22 A In DNA, I believe it's 23.

23 Q Okay.

24 MS. JONES: Your Honor, at this time, the
25 State moves Tim French in as an expert in DNA.

1 MS. CORNWELL: No objection.

2 THE COURT: Again, same applies to this
3 expert as well. He can give his opinion.

4 MS. JONES: Thank you, Your Honor.

5 BY MS. JONES:

6 Q Mr. French, are there different ways that someone
7 can leave behind their DNA?

8 A Yes.

9 Q Could you explain a little bit?

10 A Well, one way would be leaving like a
11 biological fluid; spitting, bleeding, something
12 like that. You could leave hair, skin cells, and
13 skin cells can come from something as little as
14 touching something.

15 Q So if I touch this podium right here, I could
16 potentially leave my DNA on it?

17 A That's correct.

18 Q Do you analyze mixtures here in Beaufort County?

19 A Yes.

20 Q And where is that? Does Beaufort County have
21 their own lab?

22 A Yes, we do.

23 Q Is it accredited?

24 A Yes, it is.

25 Q And when they run tests on different samples and

1 items, is everything peer reviewed?

2 A Yes.

3 Q Okay. And there's quality assurance standards in
4 place in the lab?

5 A Yes, ma'am.

6 Q And if there weren't, you wouldn't have your
7 accreditation, would you?

8 A That's correct.

9 Q And BSCO is currently an accredited lab, isn't
10 it?

11 A Yes.

12 Q Okay. Were you asked to analyze various DNA swabs
13 for the case we're here for today?

14 A Yes.

15 Q And in particular, were you asked to test them
16 against some specific individuals?

17 A Yes, I was.

18 Q I'm going to hand you what has been marked and
19 previously admitted as State's 176, 177, 91, and 161.
20 And, if you can, tell me what these items are.

21 A 167 is a swab, a buccal swab from the cheek
22 of Xavier Polite. 177 is buccal swab from
23 Channon Preston. 91 is buccal swab from
24 David Glover. And 161 is a buccal swab from
25 Joshua Washington.

1 Q And were you asked to compare those buccal swabs,
2 those DNA samples, with different items?

3 A Yes.

4 Q Were some of those items swabs from various shell
5 casings?

6 A Yes.

7 Q State 173 -- well, State's 169, 170, 171, 173,
8 174, and 175. I'll hand you those.

9 A You want to go through what each of these
10 are?

11 Q Just as a group. Are those the swabs of different
12 shell casings in this case that you analyzed?

13 A These were items that I tested. They're
14 listed as swabs from different property numbers.

15 Q And those property numbers have previously been
16 testified to as belonging to shell casings.

17 To your knowledge -- well, not to your
18 knowledge -- could you get any DNA profiles off of
19 these samples?

20 A Yes, I did.

21 Q Okay. And were you able to come to conclusions
22 with the four you had?

23 A Yes.

24 Q For the shell casings?

25 A On the shell casings, we had -- the result on

1 those were, there were -- on the different shell
2 casings, there was either no DNA recovered or -- I
3 believe they were all no DNA recovered.

4 Q So no DNA recovered on the shell casings?

5 A Correct.

6 Q And is that common to not be able to recover DNA
7 from a shell casing?

8 A Yes, it is.

9 Q And why is that?

10 A It's a very small surface that you're
11 swabbing. The amount of DNA that may have been
12 there to begin with might not show up.

13 Q So even though somebody has to touch that shell
14 casing to load it into a gun, it's very uncommon to
15 find their DNA on it.

16 A Yes. Plus you have the act of firing the
17 weapon, the heat and how much exposure it has to
18 the weather or the sun.

19 Q Okay. You were also asked to analyze some swabs
20 of a van. I'm going to hand you what has been marked
21 as State's 136. Let me get these out of your way.
22 And I believe those start with your item 22, 23, 24,
23 25, and 26.

24 A That's correct.

25 Q Okay. What were your findings in regards to your

1 item 22, the steering wheel and gear shift? Were you
2 able to match a DNA profile?

3 A Yes, I was.

4 Q And whose DNA profile did that match to?

5 A There was a match to Channon Preston that is
6 625 septillion times more likely than a
7 coincidental match to an unrelated individual.

8 Q Okay. How about your item 23, inside and outside
9 driver door handle?

10 A A match to Channon Preston was 32 quadrillion
11 times more likely than an coincidental match to an
12 unrelated individual.

13 Q In the world of DNA, are those numbers relatively
14 high?

15 A Yeah, I would say.

16 Q How about your item 24, the driver's side door,
17 side head, and back rest?

18 A There was a match to Channon Preston that was
19 580 billion times more likely than a coincidental
20 match to an unrelated individual.

21 Q All right. And your item 25, the passenger side
22 door handle inside and out?

23 A On that one, I had two matches. There was a
24 match to Xavier Polite, which was two quadrillion
25 times more likely than a coincidental match to an

1 unrelated individual, and a match to Channon
2 Preston was 965 million times more likely than a
3 coincidental match to an unrelated individual.

4 Q Okay. And how about, finally, your item 26,
5 passenger seat head rest?

6 A Again, I had matches to both of those
7 individuals. The match to Xavier Polite was 201
8 quintillion times more likely than a coincidental
9 match to an unrelated individual, and the match to
10 Channon Preston was 847 million times more likely
11 than a coincidental match to an unrelated
12 individual.

13 Q Okay. So what you're saying is, you have Xavier
14 Polite's DNA and Channon Preston's DNA matching to
15 various swabs of the van?

16 A That's correct.

17 Q I'm now going to hand you -- were you asked to
18 analyze some other swabs with different property
19 numbers?

20 A Yes.

21 Q I'm first going to hand you State's Exhibit 163
22 previously admitted to be swabs of the Draco, State's
23 164 previously admitted as swabs of Draco drum, and
24 State's 165 previously admitted as swabs of the
25 Tiffany blue taurus.

1 If we can get to your item 2, which would be
2 State's 163, the swab of the grip and the trigger of
3 the Draco, what were your findings for that?

4 A On that item, the match to Xavier Polite was
5 4 quintillion times more likely than a
6 coincidental match to an unrelated individual.

7 Q Okay.

8 A And a match to Channon Preston is 13 billion
9 times more likely than a coincidental match to an
10 unrelated individual.

11 Q And that was on the grip and the trigger?

12 A Grip and trigger, that's correct.

13 Q How about item -- your item 3?

14 A That was a swab of the slide and foregrip,
15 match to Xavier Polite is three billion times more
16 likely than a coincidental match to an unrelated
17 individual, and a match to Channon Preston is 33
18 billion times more likely than a coincidental
19 match to an unrelated individual.

20 Q Okay. And how about your item 16, the drum
21 magazine?

22 A Again, there is a match to both of those
23 individual. The match to Xavier Polite is 563
24 quadrillion times more likely than a coincidental
25 match to an unrelated individual, and a match to

1 Channon Preston was 59,500 times more likely than
2 coincidental match to an unrelated individual.

3 And because that result is less than a billion, we
4 calculate a false positive --

5 Q Okay.

6 A -- odds for that. And a false positive would
7 occur if someone who is non-contributor to that
8 mixture would also have that same match statistic.
9 And the odds of that are 1 in 335,000.

10 Q Okay. But that was for Channon Preston with the
11 drum?

12 A Channon Preston, that's correct.

13 Q Okay. Who was major contributor on all of those
14 swabs?

15 A Off the top of my head, I couldn't tell you
16 that.

17 Q Your item 2 -- well, how about this. Your item 2,
18 the grip and the trigger of Draco, Xavier Polite had 4
19 quintillion and Channon Preston had 13 billion. So
20 Xavier Polite would be the major in those two?

21 A Not necessarily. He could have a more rare
22 type -- a higher stat doesn't necessarily mean
23 he's a larger contributor.

24 Q Okay. But at the end of the day, positively
25 matched their DNA to the swabs of the Draco and the

1 drum?

2 A That's correct.

3 Q Okay. Now let's get to the swab of the Taurus, so
4 that would be State's 165, your items 4 and 5.

5 A Okay.

6 Q Starting with your item 4, the grip and trigger.

7 A I have matches to both individuals. A match
8 to Xavier Polite is two trillion times more likely
9 than a coincidental match to an unrelated
10 individual, and a match to Channon Preston is
11 300 septillion times more likely than a
12 coincidental match to an unrelated individual.

13 Q Okay. So they both matched.

14 A That's correct.

15 Q What about the slide, your item 5.

16 A Item 5, a match to Channon Preston is 108
17 quadrillion times more likely than a coincidental
18 match to an unrelated individual, and Xavier
19 Polite was excluded as a contributor to that
20 mixture.

21 Q So the only match on the side of this item is to
22 Channon Preston?

23 A That's correct.

24 Q I have no further questions for you. Thank you.

25 THE COURT: All right. Miss Cornwell.

1 CROSS-EXAMINATION

2 BY MS. CORNWELL:

3 Q Mr. French, in this last question regarding the --
4 your item 5, the swab side property, Miss Jones just
5 stated that Channon Preston was the only person that
6 was a match to the DNA on that item, but you agree
7 that that is the DNA mixture. That's not a single
8 sample, DNA sample, is it?

9 A That's correct. There's a mixture of DNA
10 there.

11 Q Can you explain to the jury the difference between
12 a single sample and a mixture of DNA?

13 A A single source would be DNA coming from one
14 person. A mixture is a combination of DNA from
15 different individuals into one biological
16 sample.

17 Q So, if I touch the corner of this table with my
18 hand and nobody else has touched that table or it's
19 cleaned and all that, you're likely to find a single
20 source DNA sample?

21 A Depending on how well it was cleaned
22 beforehand, yes, I would come up with a single
23 source.

24 Q However, if I put my hand there and then a little
25 while later Miss Jones walks by and puts her hand

1 there and a little while later someone puts their hand
2 there and you take a single sample of that, that's
3 likely going to come up as a mixed sample, correct?

4 A That's correct.

5 Q And in going back through your results, on item 2,
6 which was the Draco, your item 2, that was a DNA
7 mixture where you're assuming four contributors,
8 correct?

9 A That's correct.

10 Q And I believe as you just indicated, the numbers
11 don't necessarily mean a person touched it more or was
12 a major or minor contributor. You can't tell, really,
13 anything other than at least four people touched it,
14 this is the likelihood that this person was one of
15 those four people.

16 A That's correct.

17 Q And then, again, for item 3, the swab of the
18 foregrip, that was assuming two contributors?

19 A That's correct.

20 Q Item 4, the blue Taurus, that was also a mix
21 sample containing at least three contributors.

22 A That's correct.

23 Q Item 5, again, at least two contributors?

24 A Correct.

25 Q And so on all of these samples, when you say it

1 was a match, that doesn't mean that they were the only
2 person that DNA -- whose DNA was on that item,
3 correct?

4 A Correct.

5 Q It's a mixed sample. It just happens to be that
6 you had a comparison sample to compare to them and not
7 necessarily the other people that are on that swab?

8 A Yeah, the matches are to one of the
9 contributors in the mixture.

10 Q I want to look at your item -- and, actually,
11 before I go on to that, I'll just make reference --
12 when you discussed the swabs and the testing done on
13 the inside of the van, again, we're assuming multiple
14 contributors. Your matches are just based on the fact
15 that you had samples of Xavier Polite and
16 Channon Preston to compare those to. They were not
17 the only ones that matched on there, or that could be
18 matched on there. If you had the other contributor
19 samples, you could match all of the samples.

20 A Potentially, yes.

21 Q And you testified that it's difficult to get DNA
22 recovered off of shell casings and cartridges and
23 things of that nature sometimes based on the fact that
24 they've gone through a firearm, they've been ejected,
25 they had a heat source, correct?

1 A That's correct.

2 Q But in looking at your item 14, which were swabs
3 of property number 17224, which would be the shell
4 casing located at placard A 172210, the shell casing
5 found at small placard 2, 172208, which is placard P,
6 172207, which is placard 3 small, 176206, is placard 4
7 small, 172203, which is placard Q, 172202, which is
8 placard M, 172199, which is placard O, 172198, which
9 is placard L, and 172175, which is placard 1, all of
10 those are 9-millimeter shell casings, and your
11 preliminary results indicate that Xavier Polite and
12 Channon Preston were excluded as contributors to that
13 DNA mixture, correct?

14 A Not the preliminary screenings. They were
15 excluded after I got their standards.

16 Q Okay. So those are conclusive screenings?

17 A That's correct.

18 Q That they are not a match to the DNA that was
19 recovered off of those shell casings?

20 A That's correct.

21 MS. CORNWELL: I believe that's all the
22 questions I have, Your Honor.

23 MS. JONES: Brief follow-up.

24 REDIRECT EXAMINATION

25 BY MS. JONES:

1 Q On your swabs of the -- let me see your numbers.
2 The swabs of the Draco, your item 2 and 3 and 16, as
3 well as your swabs of the Taurus, item 4 and item 5,
4 what were your findings? Were David Glover and Josh
5 Washington excluded from all those?

6 A You're looking at 2, 3, 4, 5, and 16.

7 Q Yes.

8 A Yes, they were. They were excluded from all
9 of those.

10 Q Thank you.

11 MS. JONES: I have no further
12 questions.

13 THE COURT: Thank you so very much. You
14 may be excused.

15 MS. JONES: State calls Dr. Presnell.

16 THE CLERK: Good morning. Raise your
17 right hand. Do you solemnly swear or affirm to
18 truthfully answer all questions asked of you by
19 this court so help you God?

20 THE WITNESS: Yes, ma'am.

21 THE CLERK: All right. Please have a
22 seat right here. Say your first name, last name,
23 and spell your last name for the record. Thank
24 you.

25 THE WITNESS: Good morning. My name is

1 Susan Presnell. It's P-r-e-s-n-e-l-l.

2 WHEREUPON:

3 SUSAN PRESNELL, M.D.,

4 after having been sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. JONES:

7 Q Good morning, Dr. Presnell. How are you?

8 A Good morning. Fine, thanks.

9 Q Dr. Presnell, where do you work?

10 A I'm a forensic pathologist at the medical
11 university of South Carolina, so MUSC up in
12 Charleston.

13 Q And what does that mean?

14 A I'm the forensic pathologist, so I do
15 autopsies to determine cause and manner of death.

16 Q How long have you been employed with MUSC?

17 A I've been -- as a faculty member, so going on
18 23 years.

19 Q Did you have to receive special education and
20 training to become a forensic pathologist?

21 A Well, I'm a physician. So I went to Clemson
22 for microbiology. And then I went to school for
23 medical school which is where I stayed from then
24 on out. After medical school, I chose pathology
25 as my specialty. So that was a five-year training

1 program, and then I subspecialized in forensic
2 pathology.

3 Q And have you ever testified in court before?

4 A Yes.

5 Q And have you ever been qualified as an expert?

6 A In forensic pathologist, yes.

7 Q Roughly, how many times?

8 A I'm estimating around 200.

9 MS. JONES: Your Honor, at this time the
10 State moves Dr. Presnell in as an expert in
11 forensic pathologist.

12 MS. CORNWELL: No objection.

13 THE COURT: She will be deemed an expert
14 and able to give her opinion.

15 MS. JONES: Thank you, Your Honor.

16 BY MS. JONES:

17 Q Dr. Presnell were you asked to perform an autopsy
18 on Steven Glover?

19 A Yes. I performed an autopsy on Mr. Glover on
20 November 21st, 2020.

21 Q And do you know how tall Mr. Glover was?

22 A We measured him at 73 inches, which is six
23 one.

24 Q And how much did Mr. Glover weigh?

25 A 329 pounds.

1 Q And how old was Mr. Glover?

2 A At the time, he was 30 years old.

3 Q Were you able to observe any injuries to
4 Mr. Glover?

5 A Yes. Mr. Glover had multiple gunshot wounds.

6 Q Would it aid you in your explanation of these
7 wounds to have a diagram?

8 A Yes, it would.

9 Q Additionally, as part of your autopsy, did you
10 take x-ray images of Mr. Glover?

11 A Yes. We do x-rays in certain types of cases.
12 With gunshot wounds, it's to help us find the
13 bullets.

14 Q And you did that in this case too?

15 A Yes.

16 Q I'm going to show you first State's 178. Do you
17 recognize that item?

18 A Yes, I do.

19 Q Okay. And what is this?

20 A This is a compilation of the x-rays that we
21 took, kind of, put together to demonstrate the
22 bullets.

23 Q Okay. This is an exact copy of the x-rays of
24 Mr. Glover?

25 A Well, it's pieces, parts that I put together,

1 so the chest went with the abdomen. We couldn't
2 get them all in one field.

3 Q Okay. But these are x-rays of Mr. Glover that you
4 put together?

5 A Yes.

6 MS. JONES: Your Honor, at this time,
7 State moves 178 into evidence.

8 MS. CORNWELL: No, Your Honor.

9 THE COURT: All right. Without
10 objection.

11 (STATE EXH. 178, X-rays; Glover
12 autopsy, was marked for identification.)

13 MS. JONES: And, Your Honor, may
14 Dr. Presnell come off of the stand for her
15 testimony?

16 THE COURT: Of course.

17 BY MS. JONES:

18 Q Dr. Presnell, if you could use this. Dr.
19 Presnell, if you could, go through the injuries you
20 found on Mr. Glover that day.

21 A Well, there were a couple of abrasions or
22 scrapes and what looked like little shrapnel
23 injuries, but what I'll do is concentrate on the
24 gunshot wounds.

25 So Mr. Glover had seven gunshot wounds.

1 They're basically, just as I marked them on the
2 diagram, on his right going to his left. All right?
3 So we have one gunshot wound that entered above the
4 right eye. We have gunshot wound on the right chest.
5 There is a gunshot wound that is to the side of the
6 right arm that actually exits and then reenters the
7 chest. Then we have one that's like right on his
8 side, so I'm going to put it -- actually, let me label
9 right. So these are both the right sides of the body.
10 We're going to have to flip around. So I'm going to
11 put the one that enters on the right side of his body
12 right here on the edge, and then three more to the
13 back side for a total of seven gunshot wounds.

14 Q And you, of course, can't tell us the order in
15 which those were sustained.

16 A Correct.

17 Q But you did label those in order to keep track of
18 them.

19 A Right. I usually label them with a letter,
20 so A through H.

21 Q If we could start with what you labeled as gunshot
22 wound A.

23 A So gunshot wound A, again, is to the -- right
24 above of the right eye. The bullet halfway
25 entered through this bone through the eyeball,

1 down into the, like, the sinuses and the throat
2 area and enters his torso into his chest and
3 abdomen area.

4 Q Gunshot wound C.

5 A This gunshot wound goes into his chest and in
6 through the rib cage. The reason I'm stopping
7 there, as far as, you know, where else does it go
8 is because all these bullets, again, are going
9 towards Mr. Glover's right -- excuse me -- from
10 his right to his left. There's -- the bullet
11 pathway, kind of, crisscross so it's hard for me
12 to distinguish exactly which bullet hit which
13 thing to go to which actual hole. So again,
14 they're all going this way.

15 So one went to the head. Actually, it was
16 surprising because I expected it to be in the head,
17 but it actually also went down into the torso. C, the
18 ones to the chest, it goes right and into the torso.
19 The one to the right arm goes to his left. I meant to
20 say left on the chest one. Left and through his arm
21 and back into the chest, into the torso. And the one
22 on the side -- again, they're all going towards his
23 left, into the torso.

24 So with all seven of those bullets going into
25 the torso, they hit both the right and left lungs

1 multiple times, the heart multiple times, the
2 pancreas, the liver multiple times, and the right
3 kidney, which is in the back of the liver area as
4 well.

5 Q You can take a seat. That covered all the gunshot
6 wounds.

7 Did you observe other injuries on Mr. Glover?

8 A Yes. So he has -- over by the gunshot wounds
9 that are on his back, he has a bunch of a little
10 scrapes that are around those that I consider
11 consistent with shrapnel injury or, you know,
12 pieces of, you know, the bullet or, you know, the
13 intermediate target that had been, you know, made
14 into small fragments that might have hit him. The
15 right upper arm has a small defect with a tiny
16 little projectile fragment, and the right forearm
17 also has a defect with a little tiny projectile
18 fragment.

19 Q You say intermediate target. What do you mean?

20 A I mean, if the bullet went through something
21 before it struck Mr. Glover.

22 Q Such as a window of a car?

23 A Yeah, the side of a car.

24 Q And you said that all of these wounds are entering
25 his right and going towards the left and downward?

1 A Well, they -- so the bottom on the back may
2 be going upward, in an upward direction, but it's
3 going to the left. But most of them are going
4 down into the left.

5 Q Okay. So these are consistent with Mr. Glover
6 being seated and the shooter or shooters standing and
7 shooting him?

8 A That would be consistent.

9 Q Okay. Dr. Presnell, what was the cause of death
10 of Mr. Glover?

11 A I didn't single out any gunshot wound. I
12 just said multiple gunshot wounds to his head,
13 torso, and his right arm.

14 Q What was the manner of death?

15 A The manner of death is homicide, meaning that
16 he was killed by someone else.

17 Q Dr. Presnell, I have no further questions for you.
18 Thank you.

19 THE COURT: Yes, ma'am.

20 CROSS-EXAMINATION

21 BY MS. CORNWELL:

22 Q Good morning, Dr. Presnell.

23 A Good morning.

24 Q Just a couple of quick questions. When you are
25 doing these autopsies, you got date and time of death,

1 but it's just the date. You don't do an analysis to
2 figure out a time of death, do you?

3 A No, not in our system. He died on the 18th
4 of November, and we weren't able to autopsy him
5 until the 21st.

6 Q And then you just indicated that one possible way
7 for those injuries, the right to left, was if someone
8 was seated and a person was standing over them.
9 There's also other ways that that could happen. If
10 somebody was standing on the ground and another person
11 was up on a porch or up on a higher level, that could
12 also cause those trajections, right? You're not
13 making any conclusions of how that person was
14 seated?

15 A Correct. I can tell you the direction
16 through the body, and then however -- whatever
17 scenario that someone proposes as long as that
18 direction is followed could be consistent with
19 that.

20 Q I believe that's all the questions I have. Thank
21 you.

22 THE COURT: All right. Anything in
23 follow-up?

24 MS. JONES: Briefly.

25 REDIRECT EXAMINATION

1 BY MS. JONES:

2 Q This diagram, State's 183, is a fair and accurate
3 showing of the injuries to Mr. Glover that day?

4 A Yes.

5 MS. JONES: Your Honor, State moves 183
6 into evidence.

7 THE COURT: All right. Any objection?

8 THE WITNESS: No, Your Honor.

9 THE COURT: All right. Without
10 objection.

11 (STATE EXH. 183, Autopsy Diagram, was
12 marked and entered into evidence.)

13 MS. JONES: And that's it, Your Honor.

14 THE COURT: All right. Dr. Presnell,
15 drive safely.

16 THE WITNESS: Thank you.

17 THE COURT: All right.

18 MS. JONES: Your Honor, at this time, the
19 State rests.

20 THE COURT: All right.

21 All right. Ladies and gentlemen of the
22 jury, at this time the State has rested so there's
23 some matters of law that I'll need to take up
24 before we can proceed forward, so I would ask you
25 be excused for a little bit and I'll determine how

1 (Jury enters the courtroom at 11:55 a.m.)

2 THE BAILIFF: Jury is seated, Your
3 Honor.

4 THE COURT: All right. Miss Cornwell,
5 call your first witness.

6 MS. CORNWELL: At this time, the defense
7 would rest.

8 THE COURT: All right. Ladies and
9 gentlemen of the jury, the defense has rested and
10 that ends this portion of the case. So what I'm
11 going to allow you-all to do, and just to let you
12 know how we're going to proceed forward here the
13 rest of the remainder of the day is, I'm going to
14 let you go for about an hour and 15 minutes to
15 lunch. I'll be at O-Cha if anybody would like to
16 treat a government employee to lunch, and then I
17 would ask that you come back.

18 And then the way we're going to proceed
19 at that point in time is, we're going to give
20 closing arguments. Closing arguments is similar
21 to an opening statement. I'm going to instruct
22 you that it's not evidence, and it's not to be
23 considered by yourself as any evidence whatsoever.
24 In the beginning, I told you an opening statement
25 was what the parties thought was the evidence

1 arguments?

2 MS. JONES: Yes, sir.

3 THE COURT: All right. Give me one
4 second to put this in order so I have it correct
5 and I will bring them out.

6 All right. Bring them out.

7 THE BAILIFF: Jury is entering the
8 courtroom, Your Honor.

9 (Jury enters the courtroom at 1:22 p.m.)

10 THE BAILIFF: Jury is seated, Your Honor.

11 THE COURT: All right. Thank you very
12 much.

13 All right. Ladies and gentlemen, I
14 apologize for the slight delay. Who all is a
15 resident of Beaufort? I went to Slow Country
16 Produce, so that's what took forever to get a
17 sandwich. I mean, that's crazy. I knew better.
18 It's my fault, and I apologize to you. It's on
19 me.

20 At this time, ladies and gentlemen, as I
21 indicated, I am going to charge you on the law.
22 All right? So I indicated at the beginning of the
23 trial, I am the sole and exclusive judge of the
24 law and you are the sole and exclusive judge of
25 the facts. So what I'm going to do is give you

1 the law that you are to apply to the facts. At
2 the close of that, I'm going to allow the State
3 and the defense to give their closing arguments,
4 and they're going to argue what facts have
5 actually comported with the law. Fair enough?

6 It's very lengthy. Don't start freaking
7 out. You don't need to take notes because I will
8 give you this in the back. All right? So you can
9 put your notebooks down and enjoy my Conway voice,
10 as eloquent as it is.

11 All right. I remind you that during this
12 trial, you and I have duties to perform. As the trial
13 judge, it is my responsibility to preside over the
14 trial of this case, and I also have the duty to rule
15 on the admissibility of the evidence offered during
16 this trial. You are to consider only the competent
17 evidence before you. If there was testimony ordered
18 stricken from the record in this case during this
19 trial, you must disregard that testimony. You are to
20 consider only the testimony which has been presented
21 from this witness stand, any exhibits which have been
22 made a part of the record in this case, and
23 stipulations of counsel. I have the additional duty
24 to charge you the law applicable to this case. As the
25 presiding judge, I am the sole judge of the law of

1 this case and it is your duty as jurors to accept and
2 apply the law as I now state it to you. If you
3 already have any idea as to what the law is or what
4 the law ought to be and it does not agree with what I
5 now tell you the law is, you must abandon this idea
6 because you are sworn to accept the law and apply the
7 law exactly as I state it to you.

8 In every case tried in this court before
9 a jury, the jury becomes the sole and exclusive
10 judge of the facts in a case. A trial judge
11 cannot intimate, state, comment on, or make any
12 statement to a trial jury about the facts in a
13 case. Since you, the jury, are the sole judge of
14 facts in this case, you are not to infer from what
15 I have said during the progress of this trial in
16 ruling upon the admissibility of evidence or
17 otherwise, or anything I say now during the course
18 of this instruction to you, that I have any
19 opinion about the facts in this case. The law
20 simply does not allow me to have an opinion about
21 the facts in this case. This is a matter solely
22 for you, the jury, to determine.

23 As jurors, it is your duty to determine
24 the effect, the value, the weight, and the truth
25 of the evidence presented during this trial.

1 The indictments in this case charges the
2 defendant with murder, attempted murder, and
3 possession of a weapon during the commission of a
4 violent crime. I remind you that the fact that
5 the defendant was arrested, charged, and indicted
6 in this case is not evidence in this case and
7 cannot be considered by you as of guilt in this
8 case, nor does it create say presumption or
9 inference of guilt. This document is simply the
10 formal written instrument which contains the
11 charges made against the defendant. It is the
12 formal document by which the case is simply
13 brought into this courtroom.

14 The indictments in this case allege
15 several different offenses against the defendant.
16 The charges as I indicated are attempted murder,
17 murder, and possession of a weapon during the
18 commission of a violent crime. Each indictment
19 charges a separate and distinct offense. You must
20 decide each indictment separately on the evidence
21 and the law applicable to it uninfluenced by your
22 decision to any other indictment. The defendant
23 may be convicted or acquitted on any or all of the
24 offenses charged. You will be asked to write a
25 separate verdict of guilty or not guilty for each

1 separate indictment.

2 The defendant in this case has plead not
3 guilty to these indictments, and that plea puts
4 the burden on the State to prove the defendant
5 guilty.

6 A person charged with committing a
7 criminal offense in South Carolina is never
8 required to prove himself innocent. I charge you
9 that it is an important rule of the law that the
10 defendant in a criminal trial, no matter what the
11 seriousness of the charge may be, will always be
12 presumed to be innocent of the crime for which the
13 indictment was issued unless guilt has been proven
14 by evidence satisfying you of that guilt beyond a
15 reasonable doubt. This presumption of innocence
16 does not end when you begin your deliberations,
17 but it accompanies the defendant throughout the
18 trial until you reach a verdict of guilt based on
19 evidence satisfying you have that guilt beyond a
20 reasonable doubt.

21 The presumption of innocence is like a
22 robe of righteousness placed about the shoulders
23 of the defendant which remains with the defendant
24 until it has been stripped from the defendant by
25 evidence satisfying you, the jury, of the

1 defendant's guilt beyond a reasonable doubt.

2 The presumption of innocence is not
3 merely legal theory. It is not just a legal
4 phrase. It is a substantial right to which every
5 defendant is entitled to, unless you, the jury,
6 are satisfied from the evidence of the defendant's
7 guilt beyond a reasonable doubt.

8 What is reasonable doubt? Reasonable
9 doubt is the kind of doubt that would cause a
10 reasonable person to hesitate to act. And in
11 doing so, the State has burden of proving the
12 defendant guilty beyond a reasonable doubt.

13 Some of you may served as jurors in civil
14 cases where you were told that it is only
15 necessary to prove a fact is more likely true than
16 not true, such as by the greater weight or
17 preponderance of the evidence. In criminal cases,
18 the State's proof must be more powerful than that.
19 It must be beyond a reasonable doubt.

20 Proof beyond a reasonable doubt is proof
21 that leaves you firmly convinced of the
22 defendant's guilt. There are very few things in
23 this world that we know with absolute certainly.
24 And, in criminal cases, the law does not require
25 proof that overcomes every possible doubt. If,

1 based on your consideration of the evidence, you
2 are firmly convinced that the defendant is guilty
3 of the crime charged, you must find the defendant
4 guilty.

5 If, on the other hand, you think there is
6 a real possibility that the defendant is not
7 guilty, you must give the defendant the benefit of
8 the doubt and find him not guilty.

9 I charge you that there are two types of
10 evidence which are generally presented during a
11 trial; direct evidence and circumstantial
12 evidence. Direct evidence is the testimony of a
13 person who claims to have actual knowledge of a
14 fact, such as an eyewitness. Circumstantial
15 evidence is the proof of a chain of facts and
16 circumstances indicating the existence of a fact.
17 The law makes absolutely no distinction between
18 the weight or value to be given to either direct
19 or circumstantial evidence, nor is a greater
20 degree of certainty required to circumstantial
21 evidence than that of direct evidence.

22 You should weigh all the evidence in the
23 case. After weighing all the evidence, if you are
24 not convinced of the guilt of the defendant beyond
25 a reasonable doubt, you must find the defendant

1 not guilty.

2 Necessarily, you must determine the
3 credibility of the witnesses who have testified in
4 this case. Credibility simply means
5 believability. It becomes your duty as jurors to
6 analyze and to evaluate the evidence and determine
7 which evidence convinces you of its truth. In
8 determining the believability of witness who have
9 testified in this case, you may believe one
10 witness over other several witnesses, several
11 witnesses over one witness. You may believe a
12 part of the testimony of a witness and reject the
13 remaining part of the testimony of that same
14 witness. You may believe the testimony of a
15 witness in its entirety or reject the testimony of
16 a witness in its entirety. You may consider
17 whether any witness has exhibited to you any
18 interest, bias, prejudice, or other motive in this
19 case. You may also consider the appearance and
20 manner of a witness while they testified on the
21 witness stand.

22 The rules of evidence, as I have
23 explained earlier, ordinarily do not permit
24 witnesses to testify to opinions or conclusions.
25 An exception to this rule exists for witnesses we

1 call expert witnesses, a witness who by education
2 and experience has become an expert in some art,
3 science, profession, or calling may state an
4 opinion as to relevant and material matter in
5 which the witness claims to be an expert in and
6 may also state the reasons for their opinion. You
7 should consider any expert opinion received in
8 evidence in this case, and, like any other
9 evidence, give it the weight you think it
10 deserves. If you decide that the opinion of an
11 expert witness is not based on sufficient
12 education and experience, or if you conclude that
13 the reason given in support of the opinion are not
14 sound, or that the opinion is outweighed by other
15 evidence, you may disregard the opinion entirely.
16 An expert witness testimony is to be no greater
17 weight than that of other witnesses simply because
18 the witness is an expert. Further, you are not
19 required to accept an expert's opinion even though
20 it's not contradicted.

21 An issue in this case is the
22 identification of the defendant as the person who
23 committed the crimes charged. The State has the
24 burden of proving identity beyond a reasonable
25 doubt. You must be satisfied beyond a reasonable

1 doubt of the accuracy of the identification of the
2 defendant before you may convict the defendant.
3 Identification testimony is an expression of
4 belief or impression by a witness. You must
5 determine the accuracy of the identification of
6 the defendant. You must consider the
7 believability of each identification witness in
8 the same way as any other witness. You may
9 consider whether the witness had an adequate
10 opportunity to observe the offender at the time of
11 the offense. This will be affected by things
12 like, how long or short a time was available. How
13 far or close the witness was, the lighting
14 conditions, and whether the witness had the chance
15 to see or know the person in the past.

16 Once again, I instruct you that the
17 burden of proof on the State extends to every
18 element of the crimes charged, and this
19 specifically includes the burden of proving beyond
20 a reasonable doubt the identity of the defendant
21 as the person who committed the crime.

22 If, after examining the testimony, you
23 have a reasonable doubt as to the accuracy of the
24 identification, you must find the defendant not
25 guilty.

1 If a crime is committed by two or more
2 people who are acting together in committing a
3 crime, the act of one is the act of all. A person
4 who joins with another to commit an unlawful act
5 is criminally responsible for everything done by
6 the other person which happens as a probable or
7 natural consequence of the acts done in carrying
8 out the common plan and purpose. For example, two
9 people can be guilty of killing another person
10 when only one of the two had a gun, there was only
11 one bullet, and only one of the two fired the shot
12 that caused the death. If two or more people are
13 together, acting together, assisting each other in
14 committing the offense, the act of one is the act
15 of all, or, as it sometimes is said, the hand of
16 one is the hand of all.

17 In order to establish criminal liability,
18 criminal intent is required. For example, the
19 mental state required to be proven by the State
20 for a particular crime might be purpose, intent,
21 knowledge, recklessness, or criminal negligence.

22 Criminal intent must be proven by the
23 state beyond a reasonable doubt. Criminal intent
24 is always a matter that must be determined by the
25 jury from the circumstances surrounding the

1 situation. There is no way to prove intent to a
2 mathematical certainty. There is no way medical
3 science can dissect a person's brain and determine
4 what the person had in mind. So the law says that
5 criminal intent may be inferred from the
6 circumstances shown to have existed. This is how
7 you make a determination of whether or not the
8 element requiring intent was present. It is not
9 necessary to establish intent by direct and
10 positive evidence. But intent may be established
11 by inference in the same way as any other fact by
12 taking into consideration the acts of the parties
13 and all the facts and circumstances of the case.

14 Criminal intent is a mental state. A
15 conscience wrongdoing. It is up to you to
16 determine what the defendant intended to do based
17 on the circumstances shown to have existed.
18 Criminal intent can arise from actions or a
19 failure to act. It may arise from negligence,
20 recklessness, or an indifference to duty, or to
21 consequences that is considered by law to be the
22 equivalent of criminal intent.

23 Mere presence at the scene is not
24 sufficient to prove someone guilty of a crime. A
25 defendant's presence where a crime is being

1 committed or mere association with a person who
2 commits a crime does not make a defendant an
3 accomplice, or an aider and abetter of the person
4 committing the crime. The burden is on the State
5 to prove every element of crimes charged. If you
6 find, after reviewing all the evidence, that the
7 State has proven that the defendant was only
8 present at the scene of a crime and that they have
9 not proven beyond a reasonable doubt any other
10 participation in the crime, then you must find the
11 defendant not guilty. The law is that proof of at
12 the scene of the crime is not sufficient to find
13 someone guilty.

14 A statement has alleged to have been made
15 by the defendant and has been admitted into
16 evidence in this case. While the court has
17 determined that the statement is admissible, I
18 instruct you that you make the ultimate decision
19 of whether or not the defendant made the
20 statement. If the defendant did make the
21 statement, you must determine whether the
22 statement was made by the defendant voluntarily
23 and of his own free will. This means that the
24 statement was not caused by pressure, force, fear,
25 threats, coercion, intimidation, or by hope or

1 promise of leniency, or a reward to be given of
2 any kind. In determining whether the statement
3 was voluntarily, you should consider both the
4 characteristics of the defendant and the details
5 of questioning. Some of the factors you must
6 consider are, the age of the defendant, the
7 defendant's education or lack thereof, the
8 defendants mental ability or capacity, the
9 defendant's IQ or intelligence, the defendant's
10 background and environment, the place and length
11 of the detention, the nature of the questioning,
12 and the advice or lack thereof to the defendant of
13 his constitutional rights, including, but not
14 limited to, the right to remain silent, that any
15 statement can be used against him in a court of
16 law, the right to have a lawyer present, that if
17 he cannot afford a lawyer, a lawyer will be
18 appointed respect him without any cost, and that
19 he can stop making a statement at any time. You
20 must carefully consider all the surrounding
21 circumstances before you give any weight to any
22 alleged statement.

23 The State has the burden of proving
24 beyond a reasonable doubt that the alleges
25 statement was voluntarily. If you determine it

1 was, you may give the statement any further
2 consideration that you deem proper. You must
3 decide what weight, if any, should be given to the
4 alleged statement. If you determine the alleged
5 the statement was not given freely and
6 voluntarily, you should not consider the statement
7 at all.

8 The defendant in this case is charged
9 with murder. The State must beyond a reasonable
10 doubt that the defendant killed another person
11 with malice aforethought. Malice is hatred, ill
12 will, or hostility towards another person. It is
13 the intentional doing of a wrongful act without
14 just cause or excuse and with an intent to inflict
15 an injury or under circumstances that the law will
16 infer an evil intent.

17 Malice aforethought does not require that
18 will malice exists for any particular time before
19 the act is committed, but malice must exist in the
20 mind of the defendant just before and at the time
21 of the act. Therefore, there must be a
22 combination of the previous evil intent and the
23 act. Malice aforethought may be express or
24 inferred. These terms "express" and "inferred" do
25 not mean different kinds of malice, but merely the

1 manner in which malice may be shown to exist that
2 is either by direct evidence or by inference from
3 the facts and circumstances which are proven.

4 Express malice is shown when a person
5 speaks words which express hatred or ill will for
6 another or for when the person prepared beforehand
7 to do the act which was later accomplished. For
8 example, lying in wait for a person or any other
9 acts of preparation going to show that the deed
10 was within the defendant's mind would be express
11 malice.

12 Malice may be inferred from conduct
13 showing a total disregard for human life. If
14 facts are proven beyond a reasonable doubt
15 sufficient to raise an inference of malice to your
16 satisfaction, this inference would be simply an
17 evidentiary fact to be considered by you, the
18 jury, along with the other evidence in the case
19 and you may give it the weight you decide it
20 should receive.

21 The defendant is also charged with
22 attempted murder. In order to prove this crime,
23 the State must prove the defendant attempted to
24 kill another person with malice aforethought while
25 acting with specific intent to kill. Malice is

1 hatred, ill will, hostility towards another
2 person, it is the intentional doing of a wrongful
3 act without just cause or excuse and with an
4 intent to inflict an injury, or under
5 circumstances that the law will infer an evil
6 intent. Malice aforethought does not require that
7 malice exists for any particular time before the
8 act is committed, but malice must exist in the
9 mind of the defendant just before and at the time
10 of the act is committed. Therefore, there must be
11 a combination of the previous evil intent and the
12 act.

13 Express malice is shown when a person
14 speak words which expresses hatred are ill will
15 for another or when the person prepared beforehand
16 to do the act which was later accomplished. As I
17 indicated before, for example, lying in wait for a
18 person or any other act or preparation going to
19 show that the deed was within the defendant's mind
20 would be express malice. The specific intent to
21 kill is an element of attempted murder. Intents
22 means, intending the result which actually occurs
23 not accidentally or involuntarily. Intent may be
24 shown by acts and conduct of the defendant.

25 Lastly, the defendant is charged with

1 possession of a weapon during the commission or
2 attempt to commit a violent crime. The State must
3 prove beyond a reasonable doubt that the defendant
4 was in possession of a firearm or visibly
5 displayed what appeared to be a firearm during the
6 commission of a violent crime.

7 A firearm means any machine gun,
8 automatic rifle, revolver, pistol, or any weapon
9 which will, is designed to, or may be reasonably
10 converted to expel a projectile. In order to find
11 the defendant guilty of possession of a weapon
12 during the commission of a violent crime you must
13 first find the defendant guilty of either
14 committed the violent crime or attempting to
15 commit a violent crime. Murder and attempted
16 murder re both violent crimes. The State must
17 prove beyond a reasonable doubt that the weapon
18 further advanced or helped in the commission of
19 these crimes.

20 Lastly, I instruct you and emphasize that
21 the fact that the defendant did not testify is not
22 a factor to be considered by you in any way in
23 your deliberation and in your consideration on the
24 question of the guilt or the innocence of the
25 defendant. It must not be considered by you in

1 any manner whatsoever. A defendant has the
2 constitutional right to remain silent, and the
3 assertion of this right must not be considered by
4 in your deliberation. I repeat: Under your oath
5 you are to draw no conclusion whatsoever from the
6 fact that the defendant in this case did not
7 testify. The fact that this defendant did not
8 testify should not even be discussed in the jury
9 room. The burden of proof, as I have stated over
10 and over, is on the State. The defendant is not
11 required to prove himself innocent. The burden of
12 proof remains on the State to prove guilt beyond a
13 reasonable doubt.

14 All right. Ladies and gentlemen, that is
15 the law in this case. And, as I indicated, I am
16 going to allow you to have these charges in the
17 back for your reference.

18 And, at this time, I'm going to allow the
19 State to go ahead and give its closing argument.

20 MS. JONES: Thank you, Your Honor.

21 CLOSING ARGUMENT

22 MS. JONES: Ambush, gunfire, murder. The
23 defense got up here Monday and told you there is
24 no evidence to prove any of those words. These
25 past two and a half days have shown you that there

1 is plenty of evidence. There are over 100 pieces
2 of evidence, and every single one of those pieces
3 of those evidence, every witness that took that
4 stand, every word that came out of their mouths,
5 and every exhibit that was admitted is evidence
6 against one man today; Channon Preston.

7 Channon Preston, CJ, Glizzy, whatever
8 he's going by, is a murderer. On November 18th of
9 2020, he tried to kill Corey Singleton and he
10 targeted and trapped and he terrorized Steven
11 Glover, and he shot him and he killed him.

12 And he didn't do this alone. He has his
13 friend Xavier Polite there in with him every step
14 of the way. The judge just instructed you on hand
15 of one, hand of all. And the hand of one, when
16 you do it together, when you do it in joint, when
17 you are combined for one purpose, the hand of one
18 is the hand of all.

19 Channon eventually says in one of his
20 many statements to the police, *Oh, I was just*
21 *there. I didn't shoot no gun.* Even if you
22 believe that, that statement alone is enough. He
23 was the driver. He was there. He was working
24 with Xavier Polite. But he did shoot a gun. He
25 did have a gun and he did fire it at least four

1 times that day.

2 Somehow Corey Singleton miraculously
3 survived. You saw him running for his life. How
4 he survived, I don't know. There were over 23
5 shell casings collected that day where he lived.
6 He lived to call 911 -- to have Cynthia Stewart
7 call 911, and that's what she did. And he lived
8 to provide a name. And even though the dark part
9 of Beaufort County that we sometimes don't want to
10 acknowledge is guns and drugs, it did claim
11 Corey's life about a year after that this, but
12 that didn't prevent Corey from being able to tell
13 you who tried to kill him and who did kill his
14 friend, his cousin.

15 (911 excerpt played.)

16 So who is Glizzy. Who is this mysterious man
17 named Glizzy. Glizzy is Channon Preston.
18 Investigator Snider told you Glizzy is Channon
19 Preston. Investigator Duncan told you Glizzy is
20 Channon Preston. David Glover, Channon Preston's own
21 best friend, told you that Glizzy is his name.
22 Channon Preston himself told you that Glizzy is his
23 name. Right there, on his wall, in his bedroom at his
24 home, ggglizzy6. In his profile picture on Facebook,
25 if there's any doubt that his name is Glizzy, there it

1 is right there for you in black and white next to his
2 picture, next to his name.

3 And if that wasn't enough, we have the video
4 of them saying his name.

5 (Birthday video played.)

6 MS. JONES: He's acknowledging that's his
7 name. That's his name. He goes by that. That's
8 the name Corey knew him as. So when Corey had to
9 tell who shot at him and who killed his friend, he
10 gives the name he knows, the name Glizzy. He
11 doesn't say Channon Preston because you heard from
12 Investigator Duncan, it's common they don't always
13 know everybody's real names, full names. They
14 know him as Glizzy and so did the rest of the
15 world.

16 You didn't only hear from Corey on that
17 911 call. You also get to see Corey. You saw
18 Corey on three different body cams that day. And
19 it started with Deputy Driscoll on scene, one of
20 the first responding deputies.

21 (Driscoll body cam played.)

22 MS. JONES: Two guys. There were men in
23 that Toyota van that morning -- that afternoon,
24 and you saw them. It was Corey's surveillance
25 videos. Corey wasn't trying to hide anything from

1 the Beaufort County Sheriff's Office. He wasn't
2 trying to avoid. He wasn't editing this video or
3 changing what it was. He wasn't being combative
4 or not wanting to cooperate. He told Driscoll
5 that on scene. He then told two more deputies on
6 scene the same thing. He then went back -- or on
7 scene. He gave Adam Draisen, the master sergeant
8 over investigations, a copy of the one clip he
9 accessed, which was the main one. He then went to
10 investigations. Yeah, he had his attorney. Sure.
11 He had just lived through this heroing experience.
12 He has an attorney. He's no -- this life isn't
13 new to him. You heard that. So he had his
14 attorney come. Okay. But he was still
15 cooperative. He was still consistent. He still
16 gave them what they asked for and then some. We
17 wouldn't have received these videos but for Corey.

18 Corey's no suspect. He's no guilty man,
19 he's no bad guy as the defense wants you to
20 believe. Corey is a victim and he's a survivor.
21 And he survived this day and was given another
22 year and a half on this earth to live.

23 He gave this surveillance video, and here
24 it is. It's not edited. It's not redacted. It's
25 not altered. This is what happened. That is what

1 happened and this is what he had to hand over and
2 he did. He wasn't asked to provide it. He
3 willing said, I have cameras. I have cameras.
4 Let me get my phone and I can show you my video.
5 I can show it to you. Let me get my phone. So he
6 does, and he gives it to the sheriff's office.

7 You really think after surviving over 23
8 bullets coming at you, seeing your friend dead on
9 the ground, running for your life, he had the
10 wherewithal to think, I'm just going to give the
11 sheriff's office a couple of these videos. I'm
12 not going to give them everything, but I am going
13 to give them something because I'm going to trick
14 them. He didn't have the ability to find stuff
15 and wherewithal to do that. He gave them what he
16 had, and this is what he had.

17 (Surveillance clip played.)

18 I want you to also remember that that's
19 Corey's home. That is his home where Channon
20 Preston and Xavier Polite came, both armed, locked
21 and loaded, and let it go right there in his front
22 yard.

23 Corey then runs for his life. His friend
24 had just been shot, killed right in front of him.
25 They just tried to kill him. And if there was any

1 question whatsoever if they were actually trying
2 to kill Corey that day, they took all that
3 question away when Channon Preston said this.

4 (Surveillance clip played.)

5 *Hey man, why you aint' get him? Why you*
6 *ain't get him? Xavier, I ran out, I ran out.*

7 The only reason Corey lived that day, the
8 only reason he was able to run for his life is
9 because they ran out. They wanted him dead. He
10 wasn't supposed to be there. He interrupted what
11 they were doing, and he was supposed to be dead
12 and he survived.

13 Corey had his gun on him. One hundred
14 percent he had his Ruger 9-millimeter on him. He
15 fired this gun back, and he fired in self-defense.
16 He didn't fire it first. He didn't fire it as he
17 coming off of the porch. He didn't fire it as the
18 van was pulling up. He fired it in self-defense
19 at his own home. And we have four shell casings
20 that came from his gun. And where were these four
21 shell casings? They were on the side of Steven's
22 car. Right there. You know that shows? That
23 shows that Cory was behind that car hiding, trying
24 to protect his life when he's firing back. Corey
25 was defending himself. He was defending Steven.

1 Corey did nothing wrong that day. Corey
2 didn't start this. Steven didn't start this.

3 And Investigator Duncan when he's talking
4 with Channon Preston, you heard that interview, he
5 gives them those outs, those lifelines as he got
6 up on the stand and called it. He says, Did Corey
7 shoot first? Did Steven shoot? Did Steven have a
8 gun? Did Corey start this? You know what, that
9 man, Channon Preston, he never takes that bait
10 because that's not what happened. Corey didn't
11 start it. Steven didn't start it. You know who
12 started it? The defendant and Xavier Polite.

13 So how do we know that it was Channon
14 Preston and Xavier Polite that day? We know many
15 different ways. The van, that white Toyota
16 minivan. It belongs to Anita Baker, Channon
17 Preston's mother. There's the van. That is the
18 same minivan that is in that surveillance video.
19 The very same one. We also know that inside that
20 van, when it was searched by the sheriff's office,
21 they found -- they found an empty 9-millimeter
22 magazine. And, if you remember, all of the
23 bullets fired by Channon Preston's gun were
24 9-millimeter. We have the magazine. We have, in
25 the front seat of the car -- and if you notice on

1 this video, you don't see Channon's braids in that
2 video, do you? You don't see them. And you want
3 to know why you see them? Because this is on his
4 head that day. And where did they find this? In
5 the front seat of that minivan when they search
6 it.

7 If that's not enough, they also find a
8 9-millimeter bullet just hanging out in that van,
9 just in there. It that what's normally in a
10 minivan? 9-millimeter, the same exact brand,
11 make, model, everything as the 23 bullets found
12 that day.

13 And if that wasn't enough, little did
14 Channon know that he was taking part of the crime
15 scene home with him. We not only had the guns,
16 but we also have the shell casing on the
17 windshield wiper blade, the same exact ones as the
18 ones fired from his gun when he killed Steven
19 Glover. The same ones that matched the other
20 three on the scene.

21 Did Channon have a gun that day?
22 Absolutely. Did he fire it? At least four times
23 and he took that home with him. That matched
24 three other shell casings on scene, and here they
25 are. They match L, M, and O, the placards. All

1 three of those shell casings that came out of
2 Channon's gun. Channon's Tiffany blue
3 9-millimeter Taurus. This gun right here fired at
4 least four of those shell casings and we know
5 that. This gun got into nobody else's hands that
6 day except for that man right there as he's
7 pointing it at Steven, as he's pointing it at
8 Corey. This is a murder weapon, but it's not the
9 only one.

10 We have DNA. We have swabs and swabs and
11 swabs of DNA. You heard Tim French talk about it.
12 Whose DNA is in that minivan? Channon Preston and
13 Xavier Polite. And if you remember where it was,
14 well, Channon's was primarily on the driver's
15 side. Xavier's, primarily on the passenger side.
16 It lines up exactly with the David said when David
17 said he pulled up at the home. Channon was
18 driving that white van and Xavier was in the
19 passenger seat. It lines up with what Corey said.
20 He knew the driver. He knew him by Glizzy because
21 Glizzy had bought weed from Steven before. He
22 didn't know the other guy. The DNA does not lie.

23 We then have the Parker's video, because
24 Channon wanted everybody to know that he was at
25 Parker's gas that day. That's my alibi. I'm be

1 at Parker's. I'll be on video. Check the video,
2 check the video, check the video. Well, you know
3 what? They did check the video and here he is.
4 Right there at 1:25 in the afternoon, plenty of
5 time for him to get from Stonewood -- ■ Stonewood
6 where he had just killed Steven and tried to kill
7 Corey to his home at Eddings Point to the
8 Parker's. The time line adds up.

9 The defense wanted to confuse you by
10 saying -- by asking David a lot of questions about
11 the time line. Well, David was off. You know
12 what's off? You know what else doesn't lie?
13 Right there. The video doesn't lie.

14 And you know what else is interesting?
15 Channon is not wearing a red Dennis Rodman jersey
16 in this video, is he? He's wearing a black
17 pullover with something white on the front of it.
18 He have doesn't have the covering on his head
19 anymore, but he sure is not wearing a Bulls
20 jersey. You know who else isn't wearing a Bulls
21 jersey? The man who killed Steven Glover.

22 Do you remember in that video the man
23 that's standing in the passenger door of this car
24 when he stands out of that car and says, *Hey man,*
25 *why you ain't get, why you ain't get him?* What's

1 he wearing? He's wearing a black shirt with a
2 little bit of white on it. The same exact thing
3 that that man is wearing 25 minutes later at a
4 Parker's gas station.

5 As the 911 call comes in, the report is
6 coming over CAD. You heard that word. It may be
7 a new word for some of you-all. It comes over the
8 CAD and it says shooting at Stonewood, white van,
9 Glizzy. Why does most of the Beaufort County
10 Sheriff's Office go to Stonewood, Investigator
11 Duncan and Investigator Snider who know Glizzy,
12 who know that white van, go straight to
13 Eddings Point. They waste no time and lay eyes on
14 that van.

15 And just a little before two o'clock,
16 Beaufort County has surrounded the defendant home
17 and people are starting to come outside.

18 And who is in that home? We have Josh
19 Washington and David Glover. Josh Washington and
20 David Glover, who both voluntarily give their DNA, who
21 both voluntarily submit to gunshot residue testing,
22 and both who are excluded from the DNA on the guns.

23 Who else was inside [REDACTED] Eddings Point
24 Road that day? Anita Baker. Well, we know it
25 wasn't Anita Baker on that surveillance video.

1 There are some children in the home. You hear the
2 defendant talk about, *Well, my mama was in there*
3 *with the kids.* There weren't any kids on the
4 surveillance. At least two other men.

5 Who were the last two to come out of the
6 home that day? The defendant, who's angry. You
7 heard testimony to that. And Xavier Polite.

8 So what do we find at [REDACTED] Eddings Point Road?
9 We found numerous -- and we got box after box after
10 box after box after box after box of ammo in here. We
11 found guns. Lots and lots of guns. Some guns didn't
12 even have anything to do with the case, but two of
13 them did. Two of them were the ones that killed
14 Steven Glover.

15 The 9-millimeter Draco. The Draco that
16 fired at least four -- three of the shell casings
17 on scene and the Draco covered in DNA. Whose DNA?
18 Is it Xavier Polite DNA and Channon Preston's DNA.

19 We don't only have the Draco though,
20 because that day Steven Glover and Corey Singleton
21 weren't just staring down the barrel of one gun,
22 they had this pointed at them. Two guns. Two
23 people, two guns, two shooters, two murderers.
24 How do we know that this gun also fired? Because
25 we have all the shell casings that match. And how

1 do we know that this is Channon Preston's gun?
2 Because his DNA is all over it. Channon Preston
3 DNA.

4 And here we are, we have them on scene
5 with these guns. Corey -- there is Xavier, and
6 what's in his hand, the Draco. There he is. And
7 where's Channon and what's in Channon hand?
8 What's he holding. He's got his arms up like
9 this. He's not just doing that with empty hands.
10 He's got something in his hand. He's got this gun
11 right here pointing at Steven.

12 Channon absolutely had a gun that day.
13 He's going to tell you he didn't. He did tell you
14 he didn't. He absolutely had a gun that day and
15 there it is.

16 And if there is any question whatsoever
17 who these guns belong to, that was cleared up with
18 the video found in Channon Preston's cell phone.

19 (Video clip played.)

20 They're in that same white minivan and
21 they are each holding their guns. Guns that five
22 days later, five days after this video is taken,
23 they would both use to kill Steven Glover and then
24 try to kill Corey Singleton.

25 There's Xavier. Right here. And again,

1 he's not here this week. Today is Channon
2 Preston's day in court. He will get his, but it's
3 not today. But this is what he's holding.
4 There's no doubt about it. You go to the
5 defendant. What's he holding? What's he so proud
6 and dancing over and singing about that's in his
7 lap? His Tiffany blue 9-millimeter Taurus. The
8 same one five days later he's going to kill Steven
9 Glover with.

10 The Draco that we know fired at least
11 three shell casings. And we know where they came
12 from because he know the placards that they came
13 from. And, no, not all of these placards were
14 tested. Not all these shell casings at all these
15 placards were tested.

16 But what did Ireland tell you? That
17 every single one of these ones in this cluster,
18 same caliber, same head stamp, same brand. Three
19 of them matched.

20 We have the ones that the Taurus fired.
21 We know he fired at least four that day. There's
22 part of them, and there's some of them. All
23 exactly where Channon Preston is standing in the
24 surveillance video. The crime scene, the evidence
25 collected, it all lines up and it all matches.

1 And again, no, not every single one of those shell
2 casings were tested. They tested four of those
3 and they all came back to that Tiffany blue
4 Taurus. And you know what? The other ones in
5 that same cluster, same brand, same caliber, same
6 head stamp.

7 And if you had any doubt over why
8 something like this would happen, what reason
9 would somebody have to kill Steven, we want why,
10 because something like this just should not
11 happened. We have the why. At 152 Eddings Point
12 road, they find the why. The picture of cash on
13 Xavier Polite's bed. There it is.

14 And if you remember what Corey said,
15 Corey had told you, he said, that van came up here
16 twice. They came up here twice. They came. They
17 said they saw some police at the head of the road,
18 so they decided to come back. I don't know if
19 they saw police at the head of the road, but they
20 saw something they wanted that first time. They
21 saw something of Steven's they wanted, so they
22 came back the second time, locked and loaded,
23 ready to go to make it theirs.

24 That's not money that somebody cashes a
25 paycheck and gets. That's not cash that you go to

1 a store and you get a refund. That's drug money.
2 That is money that is in hand-to-hand contact.
3 That is user's money going to a dealer. It's
4 small, it fits in the palm of their hand, and it's
5 concealable. That's Steven's money. Those few
6 crumbled up \$20 bills, that's what he died over.

7 Because, if you remember, when Channon is
8 first routing through Steven's car, he's
9 interrupted. He's interrupted because Corey
10 lives.

11 (Video clip played.)

12 He's in that car looking for something.
13 But Corey running takes him back. He has to step
14 back. He has to re-evaluate. And his response to
15 Xavier is, *Why you can't get him?* If there is no
16 other express intent to kill, aside from Channon
17 saying anything else, I don't know what could
18 possibly -- what it could possibly be. *Why you*
19 *ain't get him?* Why is he still alive, is what
20 that means. He shouldn't be alive.

21 So Channon is interrupted. What does he
22 do? He goes back. They go to leave. He stops he
23 gets out and the clip ends. The clip ends, but
24 then we have the money at the house.

25 The defendant wasn't going to kill that

1 man for nothing. He had a reason, and his reason
2 was drugs. He didn't find the drugs, but he found
3 the cash.

4 Channon didn't want to admit that he was
5 there. He didn't want to tell Investigator Duncan
6 that he was there, and so he denied it. I wasn't
7 there. I was at my house all day. I then went to
8 the Foolish Frog. I then went to the Parker's.
9 Check the video. I was at the Parker's. Check
10 the video. He didn't expect Corey to call 911 and
11 tell him who did it. He denies. He denies. He
12 denies.

13 And when he realizes that denial is not going
14 to work, he finally admits. He says, *You know what,*
15 *we went to buy some weed and it went sideways.*

16 (Video clip played.)

17 Well, you know what, he may call it
18 sideways, but in South Carolina that's attempted
19 murder and murder.

20 And if you still aren't convinced that
21 these two trapped and targeted Steven Glover who
22 was helpless in his car, Dr. Presnell took that
23 stand and cleared that up. Steven Glover was shot
24 seven times. At least seven bullets ripped
25 through his body that day and all of them, as

1 Dr. Presnell agreed, were consistent with him
2 being seated in his driver's seat and the bullets
3 coming from his right. He then turns, and that
4 accounts for the bullets on his back. He even had
5 parts of the car that she found. He had no where
6 to go. He was helpless and he was trapped and he
7 was murdered.

8 And he wasn't murdered by one man. He
9 was murdered by two. And if you take anything
10 away from this and you say, you know what, that's
11 not enough, even if you believe that one word that
12 Channon said, that one statement he gave, *We went*
13 *to buy weed and it went sideways*. We -- we did it
14 together. We were together when we killed him.
15 We did this.

16 Channon Preston, that man right there, is
17 a guilty man. And now you see, as I told you on
18 Monday, that witness by witness, word by word, and
19 exhibit by exhibit all of the evidence points to
20 him.

21 Now, the defense is going to tell you,
22 well, it's all circumstantial. It's all
23 circumstantial. No. I don't have Corey to take
24 that stand and point him out and say, that's the
25 man that murdered my friend, but I don't need

1 Corey because what the judge also sold you is that
2 it doesn't matter. Circumstantial evidence and
3 direct evidence are just the same.

4 And you know what this is, it is a direct
5 line, a direct point, a direct angle to this man
6 right here. It all points in one direction, to
7 Channon Preston. And Channon Preston goes by many
8 names. Some people call him CJ. Some people call
9 his Glizzy.

10 But today, he's goes by one name and that
11 is guilty.

12 THE COURT: All right. Miss Cornwell.

13 CLOSING ARGUMENT

14 MS. CORNWELL: When I was a little girl,
15 my Nana and Pop had these big old rocking chairs.
16 They would sit on the front porch. And any time I
17 would go to their house, I would climb up in those
18 rocking chairs and I would rock as hard as I could
19 trying to flip the chair over or get it to jump or
20 get it to do anything. And my Nana, she'd shake
21 her head and laugh at me and say, actually,
22 Darling, you can rock as hard as you want to for
23 as long as you want to, but when you stop rocking,
24 that chair is going to be in that same place than
25 it is right now.

1 This trial and this case remind me a lot
2 of those rocking chairs and what my grandma used
3 to tell me, because, at the beginning of this
4 case, the State gave you grand proclamations about
5 ambush, gunfire, a trail of evidence that's going
6 to lead directly to proving my client murdered
7 Steven Glover and attempted to murder Corey
8 Singleton beyond a reasonable doubt.

9 And they started working, and in the last
10 two and a half days they worked hard. The law
11 enforcement officers on the stand, experts and
12 other witnesses, they've shown you videos and
13 photographs, shell casings, GSR, DNA. And after
14 two and a half days of showing all this stuff and
15 working this hard, they still have not put a
16 single witness on that stand or presented a single
17 piece of evidence to you that shows that my client
18 ever fired a gun, ever shot Steven Glover, or ever
19 tried to kill Corey Singleton. And now here, we
20 are two and a half days later and they finished
21 working, and we're in the same spot that we were
22 on Monday.

23 Now, when I spoke to you on Monday, I
24 asked you to pay careful attention to the evidence
25 and the testimony that you were going to see and

1 that you were going to hear. But I also asked you
2 pay very careful attention to what you didn't see
3 and what you weren't going to hear. We talked
4 about Corey Singleton and the fact that he wasn't
5 going to be able to testify in this trial and his
6 statements were not going to be able to be
7 challenged or explained. His actions weren't
8 going to be able to be challenged or explained. I
9 wasn't going to get to ask him questions such as,
10 you know, hey, why were you able to tell Miss
11 Cynthia when she was talking to 911 that Glizzy
12 was driving the van, but, yet, when law
13 enforcement asked you, and Investigator Driscoll
14 asked who it was, said you didn't know, when
15 Investigator Ahrens asked you if you knew it was,
16 you said, no, you didn't know, and when
17 Investigator Abell asked you, do you know who it
18 was, you said no. And, Investigator Abell, he
19 even went so far to say, what about a street name?
20 You got a street name or anything? And what did
21 he say?

22 It doesn't seem like the audio is working
23 on this, but this is what you saw, what's in
24 evidence and what was presented to you. Do you
25 have a street name? No. Okay. Well, why were

1 you able to tell Miss Cynthia a name or street
2 name, but not law enforcement? Why were you only
3 able to give law enforcement one little
4 five-second clip when you were at the scene? Why,
5 when you went to the police station and gave them
6 four other clips, five clips total, why wouldn't
7 you sign an affidavit at the police station? Why
8 is your camera that is motion detected and can
9 record the beginning and the end not recording the
10 middle? Why did you delete the video clips from
11 your system before law enforcement could collect
12 them from Amazon?

13 These are all questions that I would like
14 to know the answers to. Law enforcement didn't
15 challenge it. Law enforcement didn't ask him.
16 They just took Corey Singleton at his word.

17 But those questions are important,
18 because that's how you judge the credibility of a
19 person. The reliability of their statement. You
20 judge them for whether or not they have a bias for
21 impeachment purposes, reasons why they would want
22 to be untruthful, reasons why they would want to
23 manipulate events. We didn't get to see that.

24 But we did hear what law enforcement was
25 told by Corey Singleton at the scene. And what we

1 were able to see is Corey Singleton telling
2 officers that, earlier in this day, the people in
3 the white van called Steven Glover and wanted to
4 buy weed. And then he says that they came and
5 they said they were going to buy the weed but
6 there was law enforcement at the top of the hill
7 so they had to leave and wanted to come back. And
8 then they came back a second time.

9 And that's important because, when you
10 look at the clips that Corey Singleton provided,
11 those clips do show the white van driving up two
12 times. They show the first time where Steven
13 Glover isn't in the video.

14 And then they show the van drive up a
15 second time. This is important because in this
16 video, the second time they drive up, we see
17 Steven Glover is laying on the ground. He's
18 already been killed before the van drives up the
19 second time. If he's already laying on the ground
20 when that van drives up a second time, how in the
21 world could my client have been the one that
22 killed him? He couldn't have been, but Law
23 enforcement doesn't want to get into that.

24 Instead, what they want to do is, they
25 want to show clips that are emailed and those

1 clips and base the chronological of videos on time
2 stamp that filed. I'm going to get into that in
3 just few minutes. But, I also wanted to discuss
4 the information that Mr. Singleton provides
5 stating that he had video in the house. Had video
6 in the house that could show the whole shooting
7 incident. Then he took law enforcement in the
8 house. And, did he show the whole shooting
9 incident? No. He showed a single five-second
10 clip. The clip that shows him running away and
11 immediately paints him as a victim.

12 But he doesn't show law enforcement any
13 other clips at his house. He doesn't give them
14 the phone. Law enforcement takes him at his word.
15 They don't seize his phone. They seize everybody
16 else's phone on contact as soon as they get to the
17 incident location because they need to preserve
18 evidence because they need to get to the truth of
19 the case.

20 But they want to do that. They know
21 there is evidence pertinent to this case on that
22 cell phone that they don't want manipulated, yet
23 they don't seize the phone. They allow
24 Mr. Singleton to still access it and have
25 possession of that phone for an hour or so until

1 he can go to the police station with his lawyer.
2 That's not very good investigative skills. That's
3 not very good investigation and preserving of
4 evidence of a crime being committed.

5 You were also shown two completely
6 irrelevant videos that were extracted from my
7 client's cell phone, but you didn't see anything
8 from my client's phone from the date that this
9 incident occurred. You didn't see cell phone
10 location data from my client's phone, despite the
11 fact that Officer Tunis got on the stand and told
12 you that he specially trained to extract
13 information such as location data from the phone.
14 But he wasn't asked to do that and you weren't
15 provided any location data.

16 You weren't provided with any cell phone
17 records or information from Google or Apple or
18 social media. They all track location and GPS
19 coordinates and could give you definitive
20 timeline, could give law enforcement definitive
21 timeline when the first time my client allegedly
22 went to Mr. Glover's house, when the second time
23 this happened was. Was there any actual
24 communications between my client and Mr. Glover.

25 According to Mr. Singleton, they were

1 texting. They were calling. Where is the
2 evidence of that. You had my client's phone,
3 don't you think if there were calls and texts in
4 my client's phone to Steven Glover saying that
5 he's coming to that house that day law enforcement
6 would have shown those to you? We didn't see any
7 of that, did we, because it wasn't there.

8 You also heard expert testimony regarding
9 DNA, GSR, and shell casings. But you didn't hear
10 any testimony about the bullets that were
11 extracted from Steven Glover's body.

12 Chad Smith got on the stand and testified
13 that bullets recovered from body are often tested
14 and could often be linked to a specific firearm.
15 He even told you that he doesn't even need a full
16 bullet. Pieces, fragments of bullets can be still
17 specifically linked to a specific firearm, just
18 like shell casings.

19 And what's more important when you're
20 trying to figure out who killed somebody? Shell
21 casings that show guns were fired or the actual
22 bullets that can go directly to a gun that can
23 placed in somebody hands and tell you exactly who
24 killed Mr. Glover?

25 Apparently, in the mind of Investigator

1 Duncan, the gun that the bullets came from, that
2 doesn't matter. It doesn't matter what actually
3 killed him. We got shell casings that show that
4 someone fired a weapon there. So, uh, who
5 actually killed him, that's low priority. The gun
6 the bullet actually came from that's not that
7 important. We're going to wait almost two years
8 and then as an afterthought be like, let's send it
9 up, and then blame SLED for being closed as to why
10 they're not able to present that evidence for you
11 23 months later.

12 Instead what the State wants you to
13 believe is that Mr. Singleton was being completely
14 truthful in his statements to law enforcement.
15 They want you to believe that he was being
16 completely truthful, that the security cameras
17 must not have recorded continuous video, that the
18 motion-sensored camera just happened to,
19 coincidentally, stop recording at the time that
20 the actual shooting and actually killing of
21 Mr. Glover occurred even though it recorded
22 everything else.

23 And they want you to rely on the time
24 stamp labels of emails. These emails, they don't
25 describe what the clip is showing on these time

1 stamps. They're identified as front yard, front
2 yard, pole view, front yard, and front yard. And
3 they do have time stamps on them. But what we can
4 deduce from this and what we do know from this is
5 that the clips that we know, there's a clip of the
6 first time the van drives up, there's a clip of
7 the second time the van drives up, there's a clip
8 of Corey Singleton running away with a gun in his
9 hand, there's a clip of Corey Singleton running
10 down the side of the house, and there is a clip of
11 the white van appearing to drive away. Of those
12 fives clips, four of them are from the front yard
13 labeled front yard, and one of them is on the side
14 of the house labeled pole view.

15 So if you go in chronological order of
16 what the State wants you to believe, well then you
17 would have the van driving up first, the van
18 driving up second, all of that happening,
19 Mr. Singleton running away, and the white van
20 leaving. So why on the time stamps is the pole
21 view time stamped before at least two of the front
22 yard videos. That time stamp should be the fourth
23 time stamp, but it's not.

24 I'm going it tell you why. It's not
25 chronologically correct and it's not time correct

1 because this was a continuous video that is motion
2 detected. And instead what happened is, someone,
3 being Mr. Singleton, took that video and edited
4 it. They took clips and pieces and saved those
5 clips and pieces as separate files, and these time
6 stamps reflect when that clip was extracted and
7 saved.

8 But there is very something very
9 important about these times stamps, because even
10 though they're not necessarily in chronological
11 order of the event as they would have had to have
12 happened, the fact that they say they started
13 12:53:33 and go on through 12:57:26 is really
14 important, because that shows that these videos
15 were edited and these clips were saved prior to
16 Cynthia Stewart calling 911. So Mr. Singleton
17 would have had to take his phone, do the edits,
18 save the clips, put his phone back in the house
19 before he ran off.

20 And you heard Dr. Presnell they don't
21 have a type of death here, so we don't know when
22 Steven Glover was actually killed. We don't know
23 how long he laid there before the white van drove
24 up a second time. We don't know what was going on
25 during that time. We don't know the first time

1 the van drove up, what time that was. We won't
2 don't know the second time. We don't have GPS.
3 We don't have location. We don't have tracking.
4 Could have had it, but, uh, we got Corey
5 Singleton's statement. We got his video clips and
6 the emails.

7 The State has made a big deal about the
8 Tiffany blue gun that they say belonged to my
9 client. It was my client's gun. That it's the
10 gun that he shot and that he used to kill
11 Mr. Glover and attempt to kill Mr. Singleton. And
12 if you look in the video clip that shows where
13 they want to tell you my client was attempting to
14 kill Corey Singleton, what do you see? That gun
15 is black.

16 Miss Jones just got up here and told you,
17 how did he hold it, how did he hold it? He held
18 it like this. In that video, if he held it like
19 this, you'd see that it was Tiffany blue. That
20 gun is not Tiffany blue. That gun is black. He
21 didn't take that gun to that house with the intent
22 to kill anybody.

23 They want to talk about shell casings,
24 and the shell casings and how -- how the shell
25 casings found at the house match the Tiffany blue

1 gun and that Chad Smith was able to match those
2 four casings to that gun.

3 Then what did the DNA expert get up here
4 and say, oh, yeah, by the way, those placard
5 numbers those casings that match that Tiffany blue
6 gun, my client is exploded. I said,
7 presumptively, right? No, definitively. Those
8 shell casings do not have any client's DNA on
9 them. Was my client's DNA on the gun? Yeah,
10 along with three other people. The gun was in his
11 house. You saw a clip several days before. My
12 client definitely touched the gun. It doesn't
13 mean that he took that gun to Steven Glover's
14 house and killed him with it.

15 You heard testimony from Cynthia Stewart
16 and Mr. Stewart that said that there were gunshots
17 over at that house all the time. People firing.
18 Miss Stewart even said that Corey Singleton had
19 set up the dummy doll for people to shoot at.
20 Target practice, like going to gun range.

21 We also heard that my client had
22 previously met Mr. Glover over at Mr. Singleton's
23 house, that he had been over there before. So
24 there's a number of different ways as to how shell
25 casings that were located during the collection of

1 evidence that match shell casings from a blue gun
2 that were never there. He could have gone on and
3 participated in some target practice at one point.

4 You also heard testimony that they
5 collected what they call old casings, and they did
6 those old casings based on the fact that they were
7 in the dirt, they were on the ground. Well,
8 these -- all the casings were in the dirt. All
9 the casings on the ground. So how do you
10 distinguish which one is the old casing and which
11 is the casing that is directly related to this
12 case? I don't know. They weren't able to tell
13 you. Their explanation is, oh, we distinguish it
14 from dirt on the ground.

15 Those four shell casings, they want to
16 say, oh, they're on this side of the car. They're
17 on that side where the bullets would come through
18 and hit Mr. Glover. How far away from that car
19 were they? Pretty far. They showed you pictures.
20 They showed you where the placards were.

21 The State wants you to believe that my
22 client killed Steven Glover despite having no
23 evidence that there was ever any bad blood between
24 Steven Glover and my client. My client considered
25 Steven Glover family, called his cousin. Said it

1 a couple times. That guy, that's my cousin,
2 that's my family.

3 You heard David Glover, who is Steven
4 Glover's cousin and my client's best friend, like
5 a brother to him, and he told you, no, they didn't
6 have any problems. They didn't have a beef. My
7 client was with David Glover when law enforcement
8 comes to his house. There is no bad blood.
9 There's no animosity. They're family. They hang
10 out.

11 They also didn't present to you any
12 evidence that my client had issues with Corey
13 Singleton, and that on numerous occasions that my
14 client met Steven Glover over at Corey Singleton's
15 house, there was never any problem. But now they
16 want to make it like, oh, yeah, Channon Preston
17 went over there because he was going to rob him.
18 He was going to rob him of drugs and money.

19 Then they want to say, well, the money
20 that we found that we think belonged to
21 Xavier Preston (sic), clearly that's drug money
22 that they stole from Steven Glover because it's
23 small bills and it's folded.

24 My client is also seen in that video
25 saying, I work at IHOP. I'm supposed to be at

1 work today. In that video from several days prior
2 to this incident where my client and Xavier Polite
3 arrive in a car, they even point out to you
4 because they want to make sure you knew, Xavier
5 Polite has got his IHOP shirt on. Those boys work
6 in food and beverage. They get tips. That's not
7 drug money that was stolen. That money is tips
8 that they earned from working at IHOP. There's no
9 proof that -- I don't know of anything that has
10 been presented to you that would show any way --
11 Steven Glover's DNA is not on the money. They
12 didn't test that. Steven Glover's fingerprints
13 aren't on that money. So who are they to come up
14 here and tell you that that's what that money is.
15 They didn't have it tested. Because I promise
16 you, if they had it tested and Steven Glover's DNA
17 and fingerprints were on it, that would be one of
18 the first things they showed you. That's not what
19 happened, is it? Nope. We have Corey Singleton's
20 statement. That's all we needed.

21 While they want to tell you their theory
22 of robbery and ambush and tracking someone and
23 setting him up, they want to ignore the fact that,
24 despite my client not having any issues with
25 either Corey Singleton or Steven Glover, there are