

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Petition for Certiorari from Richland County
Deadra L. Jefferson, Circuit Court Judge

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S.C. SUPREME COURT

Hank E. Hawes, Petitioner,

v.

State of South Carolina, Respondent

Appellate Case No. 2023-001759

APPENDIX

Adam Sinclair Ruffin
SC Bar No. 101350
1320 Main Street, Suite 300
Columbia, SC 29201
(803) 470-5629
adam@ruffinappeals.com
Attorney for Petitioner

D. Russell Barlow, II
SC Bar No. 105228
PO Box 11549
Columbia, SC 29211
(803) 734-3737
russbarlow@scag.gov
Attorney for Respondent

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TASHA LAWMAN DIRECT CONTINUED BY MR. MATTHEWS

1 A. She said that Hank was going to ruin her life.

2 Q. Do you know what kind of phone Ms. Wilson had in that
3 summer of 2011?

4 A. She had previously had a Blackberry, and that summer,
5 she started to carry an iPhone.

6 Q. Do you know where she got the iPhone or who got it for
7 her?

8 A. She told me that Hank got it for her.

9 Q. Did you notice any changes in Ms. Wilson throughout the
10 period that she was seeing Mr. Hawes?

11 A. Yes.

12 Q. And can you explain those, please?

13 A. Jennifer lost quite a bit of weight. And we went to
14 yoga together, so I could notice her weight, and she
15 lost quite a bit of weight. And we had a text message
16 exchange about that. Also, she was -- she was anxious.
17 She said that she did not want Hank to know my last
18 name or where I lived. And she said the same thing
19 about --

20 MS. PRINGLE: Objection, hearsay.

21 THE COURT: I will sustain that objection.

22 BY MR. MATHEWS:

23 Q. Without going into specifically what she said, any
24 changes that you noticed?

25 A. So that -- also, she was at the office a lot more in

TASHA LAWMAN CROSS BY MS. PRINGLE

1 the spring.

2 Q. Did you notice any changes in her socially?

3 A. I noticed that she seemed -- she seemed anxious to me.

4 Q. Okay.

5 MR. MATHEWS: Beg the Court's indulgence.

6 BY MR. MATHEWS:

7 Q. After speaking with Jennifer on numerous occasions, did
8 you encourage her to seek any kind of help?

9 A. I did. I encouraged her to seek help in June. I
10 encouraged her to go to the police. Then I encouraged
11 her to see a therapist because I was worried and her.

12 MR. MATHEWS: Thank you, Ms. Laman. Please answer
13 any questions.

14 THE COURT: Cross-examination?

15 MS. PRINGLE: May it please the Court.

16 CROSS-EXAMINATION

17 BY MS. PRINGLE:

18 Q. Afternoon, Ms. Laman.

19 A. Afternoon.

20 Q. You and Ms. Wilson -- I want to ask you first about
21 yoga. You're a member of City Yoga?

22 A. Yes.

23 Q. That's a local studio here in Columbia?

24 A. Uh-huh.

25 Q. And -- I'm sorry, you have to say yes or no?

TASHA LAWMAN CROSS BY MS. PRINGLE

- 1 A. Oh, sorry, yes.
- 2 Q. And you, actually -- did you introduce Jen to yoga or
3 get Jen involved in yoga?
- 4 A. I did.
- 5 Q. And she then became very active in yoga, did she not?
- 6 A. She did.
- 7 Q. And City Yoga, they have social events from time to
8 time, the people who attend City Yoga as a group, do
9 they not?
- 10 A. Occasionally, yes.
- 11 Q. And you were aware that in late July, beginning of
12 August, City Yoga went on a trip to Bali?
- 13 A. Yes.
- 14 Q. Did you go on that trip?
- 15 A. No, I did not.
- 16 Q. You did not. Do you know how many people went?
- 17 A. No.
- 18 Q. But you're aware that Ms. Wilson went?
- 19 A. Yes.
- 20 Q. And she was gone two weeks?
- 21 A. I -- it could be two weeks, it could be 10 days, I
22 don't know, but it was more than a week, I do know
23 that.
- 24 Q. Okay. And you and Jen had known each other about six
25 years?

TASHA LAWMAN CROSS BY MS. PRINGLE

- 1 A. Yes.
- 2 Q. And it sounds like from your testimony you were very
3 close?
- 4 A. We were good friends, yes.
- 5 Q. You talked a lot?
- 6 A. We did.
- 7 Q. She confided in you?
- 8 A. She did.
- 9 Q. You confided in her?
- 10 A. Yes.
- 11 Q. And you talked frequently?
- 12 A. We did talk frequently.
- 13 Q. And based on your testimony on direct, you had told her
14 to get out of this relationship based on the things
15 that she had told you?
- 16 A. Yes.
- 17 Q. And you talked to her quite a lot -- quite often?
- 18 A. Yes.
- 19 Q. Let me ask you this, what was your understanding that
20 the status of her relationship with Hank Hawes was on
21 August 27th?
- 22 A. My understanding was that Jennifer was trying --
23 continuing to try to break it off with him, that was my
24 understanding.
- 25 Q. Was it, also, your understanding that they would break

TASHA LAWMAN CROSS BY MS. PRINGLE

- 1 up and get back together off and on quite frequently?
- 2 A. It was -- yes. I'm going to say yes.
- 3 Q. And sometimes they would break up for a day and be back
- 4 together the next day?
- 5 A. Yes.
- 6 Q. And Jen -- Ms. Wilson was -- she lived on her own?
- 7 A. Yes.
- 8 Q. Lived alone, nobody lived with her?
- 9 A. Except for in March, April or May.
- 10 Q. Except for early in their relationship when he was
- 11 staying with her?
- 12 A. Yes.
- 13 Q. But other than that, in the entire time you've known
- 14 her, has she lived alone?
- 15 A. Yes.
- 16 Q. She, of course, has full time employment at the
- 17 University of South Carolina?
- 18 A. Yes, she did.
- 19 Q. And she was a tenured professor there?
- 20 A. She had just become tenured, yes.
- 21 Q. So she had her own income?
- 22 A. Yes.
- 23 Q. And took care of herself financially and otherwise?
- 24 A. Yes.
- 25 Q. And she -- she had a lot of friends?

TASHA LAWMAN CROSS BY MS. PRINGLE

- 1 A. Yes.
- 2 Q. A lot of friends, female friends and male friends?
- 3 A. Yes.
- 4 Q. She continued -- she would often see those friends,
5 would she not?
- 6 A. Yes.
- 7 Q. Just normal friends, go to movies, go for a walk, go to
8 yoga?
- 9 A. Yes, those were things we did together, yes.
- 10 Q. And she would do those things with other friends?
- 11 A. Yes, sir.
- 12 Q. With Janelle Bondr?
- 13 A. Yes.
- 14 Q. And I know that you had gone to the movies or done
15 things with them before, too, with Janelle and Ms.
16 Wilson together?
- 17 A. No.
- 18 Q. No, that never happened?
- 19 A. No.
- 20 Q. Do you know Ms. Bondr?
- 21 A. I do know Ms. Bondr.
- 22 Q. Excuse me. And you stated that you had met all of her
23 boyfriends except for Hank?
- 24 A. That's my memory as meeting most of her serious
25 boyfriends, yes.

TASHA LAWMAN CROSS BY MS. PRINGLE

- 1 Q. And did you know who's decision that was, that that was
2 Ms. Wilson's decision, not Hank's decision?
- 3 A. Jen told me she did not want me to meet him.
- 4 Q. And did you know -- of her boyfriends, did you know
5 Andy Hutchins, is it Hutchinson?
- 6 A. I have met him, yes.
- 7 Q. And that was a boyfriend of Jen's from -- I guess, in
8 the recent year or two before this happened?
- 9 A. Yes, uh-huh.
- 10 Q. Do you know Drew Kabbe?
- 11 A. I knew of Drew.
- 12 Q. Never met Drew?
- 13 A. No.
- 14 Q. And what about Matt Conan?
- 15 A. Yes, I had met Matt.
- 16 Q. And is Matt Conan here in South Carolina for this
17 trial?
- 18 A. He is.
- 19 Q. And Ms. Wilson did not mix, to your knowledge, Hank
20 with any of her friends ever other than Mr. Virtue?
- 21 A. To my knowledge.
- 22 Q. And you testified that Ms. Wilson went to -- she's from
23 St. Louis or somewhere in Missouri?
- 24 A. Yes.
- 25 Q. And her family still lives there?

TASHA LAWMAN CROSS BY MS. PRINGLE

- 1 A. Yes.
- 2 Q. And that at the end of July, you're aware that she went
3 to stay with her family?
- 4 A. Yes.
- 5 Q. For a couple of weeks?
- 6 A. Yes.
- 7 Q. Approximately.
- 8 A. (The witness nodded head.)
- 9 Q. And you testified, I believe, that when she went, she
10 was ready to break it off with Hank?
- 11 A. Yes.
- 12 Q. And --
- 13 A. When you say testified, are you referring to my
14 statement?
- 15 Q. I think you're right. You gave a statement to law
16 enforcement, correct?
- 17 A. Yes, that's from my statement.
- 18 Q. And in your statement, you told them that when she went
19 to Missouri, when she went to see her family, she was
20 ready to break up?
- 21 A. She wanted to break up.
- 22 Q. She was ready to be done with him?
- 23 A. Yes.
- 24 Q. And that was based on representations that she had made
25 to you, she was just finished?

TASHA LAWMAN CROSS BY MS. PRINGLE

1 A. Yes.

2 Q. Did you talk to her while she was out of town at all?

3 A. I don't remember speaking on the phone. I'm not -- and

4 I don't recall if we texted or not.

5 Q. All right. And are you aware that she and Mr. Hawes

6 spoke or/and texted and talked every single day that

7 she was with her family?

8 A. No.

9 Q. Would you be aware that every single day she was there,

10 she was telling him she loved him and misses him?

11 A. No.

12 Q. That while she was there with her family, she was

13 telling him that she wanted to have -- she was

14 considering having a baby with him and going off of her

15 birth control pill?

16 A. No.

17 Q. She was saying that -- you weren't aware that she was

18 saying things like that to him?

19 A. No.

20 Q. And are you aware that she discussed with him during

21 that period of time while she was up there coming up to

22 see her?

23 A. No.

24 Q. No. And while she was there, he didn't ever show up up

25 there, did he?

TASHA LAWMAN CROSS BY MS. PRINGLE

- 1 A. Not that I know of.
- 2 Q. And he didn't show up in Bali?
- 3 A. Not that I know of.
- 4 Q. Those trips, she was solo?
- 5 A. As far as I know, yes.
- 6 Q. And are you -- did you know that on July 10th, she sent
- 7 him a long e-mail about how much -- what a committed
- 8 relationship to her would mean between them on
- 9 July 10th?
- 10 A. No.
- 11 Q. And when she returned, did you know that when she came
- 12 back, she drove 13 hours talking to him the entire way
- 13 and went straight to his house and picked him up --
- 14 A. No.
- 15 Q. -- that night that she got back from Missouri?
- 16 A. (There was no response.)
- 17 Q. And you wanted her to go see Ms. Stewart?
- 18 A. Yes.
- 19 Q. And that was someone that you knew -- did you know her
- 20 personally? I'm not getting into your relationship,
- 21 with any relationship, but did you know her from City
- 22 Yoga?
- 23 A. No, that is not how I know her.
- 24 Q. But you wanted Ms. Wilson to go and see Ms. Stewart?
- 25 A. Yes.

TASHA LAWMAN CROSS BY MS. PRINGLE

1 Q. And she went, actually, you recall on two occasions, on
2 August 17th and on August 24th?

3 A. In my statement, I said I thought it was around those
4 dates.

5 Q. And this threat -- she tells you that he tells her he
6 is going to ruin her life, that's what she told you?

7 A. Yes.

8 Q. And you don't know -- you think that was about the
9 middle of August?

10 A. Well, it was after her appointment with Ms. Stewart?

11 Q. Was it shortly after that, like the day after that?

12 A. Maybe like a day or so after that.

13 Q. And were the circumstances that were related to you
14 that he said that to her because she had broke up with
15 him or wanted to break up with him?

16 A. Yes.

17 Q. That's what she told you?

18 A. Yes.

19 Q. And so I guess you're not aware that on August 18th,
20 while she's in her home with Chandra that she is
21 engaged in a sexting exchange with Mr. Hawes, who then
22 comes over and finds Chandra at her house --

23 A. No.

24 Q. -- on August 18th? Did she tell you anything about
25 that, that Hank got upset about that?

TASHA LAWMAN CROSS BY MS. PRINGLE

1 A. No.

2 Q. And you're aware that Ms. Wilson and Chandra became
3 very close friends after Bali or while they were in
4 Bali?

5 A. Jennifer said that she had a lot of fun hanging out
6 with him on the trip, yes.

7 Q. And when she got back, she was spending a lot of time
8 with him?

9 A. I don't know. I went to one meeting with Chandra and
10 Jennifer after they got back from Bali, but other than
11 that, I don't know.

12 Q. When was that?

13 A. After they got back.

14 Q. Just sometime after they got back?

15 A. Just --

16 Q. That would be the beginning of August to August 27th?

17 A. Yes.

18 Q. Do you recall her telling you on August 19th that
19 Chandra had made her dinner?

20 A. No.

21 MS. PRINGLE: Beg the Court's indulgence.

22 BY MS. PRINGLE:

23 Q. So it's your understanding on August 17th, again, it's
24 over completely, it's over, they're done, she's done
25 with him, right?

TASHA LAWMAN CROSS BY MS. PRINGLE

1 A. It's my understanding on August 17th that she was very
2 nervous after talking with Ms. Stewart and Ms. Stewart
3 telling her this was a classic case of domestic
4 violence. That is my understanding. And she told me
5 she was breaking it off or broke it off, yes.

6 Q. That she was completely finished?

7 A. That's what she said.

8 Q. And did she tell you after this break up -- that would
9 have been August 17th?

10 A. Around there or the 18th, I'm not sure.

11 Q. Okay. Well, would -- are you aware then that on
12 August 18th after one of these break-ups, Hank stops
13 sending her messages, but she initiates a sexting
14 exchange with him at 1:19 in the morning, that would be
15 the day after?

16 A. No.

17 Q. She told him during that same exchange, God, I love
18 you. Does that sound like something she reported to
19 you?

20 A. No.

21 Q. She said, But God, I want you in my bed. On
22 August 18th, did she tell you that she was talking to
23 Hank like that?

24 A. No.

25 Q. Did she tell you that -- and I apologize, that they

TASHA LAWMAN CROSS BY MS. PRINGLE

1 were sexually intimate from August 17th to August 27th?

2 A. No.

3 Q. She told him on August 20th, I'm not saying it will
4 never work, just not tonight. Did she tell you that
5 she said things like that to him?

6 A. No.

7 Q. Did you know that she agreed on August -- around
8 August 21st during this time period to go to couple's
9 counseling with him?

10 A. I do know that she was going to couple's counseling.
11 She went to couple's counseling on one occasion that I
12 know of.

13 Q. That she was letting him come over to cuddle and hang
14 out around August 22nd?

15 A. No.

16 Q. Did you know on August 23rd, there is more snuggling
17 and cuddling between them?

18 A. No.

19 Q. That on August 24th, she's taking him food?

20 A. No.

21 Q. Because he's ill. Did you know on August 25th that she
22 went down to Charleston and had dinner with Andy
23 Hutchinson?

24 A. I knew that she was going to Charleston, yes.

25 Q. So she went down and had dinner with him on Thursday

TASHA LAWMAN REDIRECT BY MR. MATTHEWS

1 night and on Friday night, she, actually, had dinner
2 with Chandra, were you aware of that?

3 A. No.

4 Q. You would agree that there are lot of things that she
5 didn't tell you as it turns out?

6 A. Yes.

7 Q. Just a moment. And Ms. Laman, she never told you he
8 hit her or assaulted her?

9 A. No.

10 Q. That he did anything physically violent to her?

11 A. No.

12 Q. Or any physical violent threats to her?

13 A. No.

14 Q. He never sexually assaulted her, did anything against
15 her consent in that way? Did she tell you --

16 A. I don't know. She did not tell me that.

17 Q. Did you know the circumstances of that day on August
18 27th, what she had been doing and who had been over
19 there?

20 A. No, I did not speak to Jennifer that day.

21 Q. But you do know that she never told you he did anything
22 physically violent to her, never hit her?

23 A. She never told me that he did anything like that.

24 Q. Thank you.

25 THE COURT: Redirect?

JAMME STEWART DIRECT BY MS. GARFIELD

1 MR. MATHEWS: Just one question.

2 REDIRECT EXAMINATION

3 BY MR. MATHEWS:

4 Q. Why did you tell her to go see a therapist?

5 A. Because Jennifer was having trouble making a clean
6 break with Hank and I was worried about her.

7 MR. MATHEWS: Thank you.

8 THE COURT: Recross?

9 RECROSS-EXAMINATION

10 BY MS. PRINGLE::

11 Q. But, most likely, you didn't know the entire facts, did
12 you?

13 A. I did not know every detail of her personal life.

14 MS. PRINGLE: Thank you.

15 THE COURT: You may step down. Thank you very
16 much.

17 Call your next witness, please.

18 MS. GARFIELD: Thank you, Your Honor. The State
19 calls Jemme Stewart.

20 THEREUPON,

21 JEMME STEWART,

22 after having been duly sworn, testified as follows:

23 THE CLERK: Have a seat in the witness box, state
24 your name and spell it for us, please.

25 THE WITNESS: My name is Jemee Stewart, J-E-M-M-E,

JAMME STEWART DIRECT BY MS. GARFIELD

1 S-T-E-W-A-R-T.

2 DIRECT EXAMINATION

3 BY MS. GARFIELD:

4 Q. Ms. Stewart, good afternoon. Where do you reside?

5 A. In Columbia.

6 Q. And what field is your occupation?

7 A. I'm a mental health counselor.

8 Q. How long have you worked in the field of mental health
9 counseling?

10 A. Thirty-three, 35 plus years.

11 Q. Ms. Stewart, do you, also, have a relationship with the
12 City Yoga Studio?

13 A. I do.

14 Q. Can you share with the jury what your relationship is?

15 A. I teach a general yoga and meditation class there.

16 Q. Okay. Ms. Stewart, are you aware that the victim in
17 this case, Jennifer Wilson, was an active participant
18 at City Yoga?

19 A. Yes.

20 Q. Were you friendly with her before her death?

21 A. I knew her peripherally, you know, I'd see her at the
22 studio occasionally, but I didn't really know her.

23 Q. So you did not know her through the yoga studio?

24 A. I mean, I saw her there, but I didn't know her in any
25 personal, close way.

JAMME STEWART DIRECT BY MS. GARFIELD

1 Q. Did you have an occasion to come to know her in a
2 professional relationship?

3 A. Yes.

4 Q. And before I get to that, just tell me what sort of
5 license in the medical field you have?

6 A. I'm licensed in two ways in South Carolina. One as an
7 advanced practice nurse in psychiatric nursing,
8 clinical nurse specialist, and as a licensed
9 professional counselor.

10 Q. In your occupation as a counselor, do you have any
11 specific specialization?

12 A. I have a general practice. I see a wide range of
13 issues.

14 Q. To go back, did you have an occasion in your
15 professional experience to meet with Jennifer Wilson?

16 A. Yes, I did.

17 Q. And Ms. Stewart, I believe you have some notes before
18 you?

19 A. I do.

20 Q. And just explain what those notes are?

21 A. These are notes that I take in my clinical practice
22 that speak to my assessment of a client when they come
23 in in each session and notes that speak to what the
24 focus of the session was.

25 Q. So those notes that you made were made

JAMME STEWART DIRECT BY MS. GARFIELD

1 contemporaneously with your meeting with Ms. Wilson?

2 A. Yes.

3 Q. When did you first meet with Jennifer Wilson?

4 A. I met with her on -- in the first appointment on August
5 the 17th of 2011.

6 Q. And do you know why she made an appointment with you as
7 opposed to other counselors?

8 A. She was referred to me by a friend of hers.

9 Q. Were you familiar with that friend?

10 A. The friend was a client of mine.

11 Q. Had that client given you a heads-up or any prior
12 notice that her -- that a friend, Jennifer Wilson,
13 would be coming to see you?

14 A. No.

15 Q. And did you have an opportunity to, for lack of a
16 better word, treat Ms. Wilson, did she consult with
17 you?

18 A. She did consult with me in two sessions.

19 Q. And she, obviously, told you many things about her
20 professional background?

21 A. She did.

22 Q. Her educational background?

23 A. She did.

24 Q. As well as her sexual life?

25 A. Yes.

JAMME STEWART DIRECT BY MS. GARFIELD

1 Q. Did she offer any details concerning her relationships?

2 A. Yes.

3 Q. And, particularly, did she offer any information to you
4 regarding her relationship with the Defendant, Hank
5 Hawes?

6 A. Yes.

7 Q. And at the time, did you know Hank Hawes?

8 A. No.

9 Q. And based on your consultation with Ms. Wilson, were
10 you able to make any particular assessments?

11 A. Well, I was in the beginning of making my assessment,
12 yes.

13 Q. Okay. And before we get to that, how many times did
14 you see Ms. Wilson?

15 A. Twice.

16 Q. And the first, I believe you just testified to, was
17 August 17th?

18 A. Yes.

19 Q. Based upon your consultation with her on that day, were
20 there any particular red flags that went off in your
21 profession?

22 A. Yes. She -- when I asked her why she was there --
23 because this is the first question we ask, basically,
24 is why have you come here? She said that her friends
25 were very concerned about her current relationship.

JAMME STEWART DIRECT BY MS. GARFIELD

1 Q. And what does that mean to you as a professional?

2 A. It's just a red flag for me when close friends are
3 concerned about a relationship.

4 Q. Were there any other factors in your consultation with
5 her that caused you concern?

6 A. Yes. I'd like to look at my notes here.

7 Q. Yes, ma'am.

8 A. The relationship, to me, seemed new. It was only four
9 months old. And she said that this person was coming
10 on very strong, that he wanted to be in constant
11 contact. And she, also, told me that there was a
12 situation where she once tried to back off out of the
13 relationship and he threatened to expose something
14 embarrassing about her.

15 Q. Did she share with you the contents of that
16 embarrassing threat?

17 A. She did not.

18 Q. And based on these which you consider red flags and
19 what she told you about her relationship, did that
20 cause you any particular concerns?

21 A. Yes, just this cluster of things, several things that
22 gave me a -- just little red flags that I might want to
23 look into further or ask her more about.

24 Q. Can you share with the jury what those concerns were?

25 A. Well, these concerns that I had just said, that this

JAMME STEWART DIRECT BY MS. GARFIELD

1 was a fairly new relationship and she was already
2 talking about and concerned about someone who is
3 pressuring her, wanting to be together all the time,
4 and in constant contact, that she's being threatened
5 with exposure of some kind of personal information when
6 -- when she tried to back off out of the relationship.
7 Again, just red flags. And I'd like to look at my
8 notes just a second, please.

9 Q. Please, ma'am. Yes.

10 A. The other thing that was mentioned was that she had had
11 no contact or awareness with any family members of this
12 person, that she had -- didn't -- wasn't aware of
13 family.

14 Q. Why did that cause you hesitation or concern as far the
15 relationship was concerned?

16 A. Well, generally, if someone is getting involved in a
17 relationship, they know something about a person's
18 family usually, that's my experience.

19 Q. And --

20 A. So there was just this list of things that I just
21 mentioned that caused me concern.

22 Q. And Ms. Wilson didn't indicate she had any contact with
23 the family of her boyfriend at the time?

24 A. She said that she had not.

25 Q. Do you have any reservations concerning domestic

JAMME STEWART DIRECT BY MS. GARFIELD

1 violence?

2 A. Yes.

3 Q. Please expound on that.

4 A. She -- when -- as a therapist, when I hear several
5 things like that and, particularly, when close friends
6 are -- are driving a person -- you know, in other
7 words, this was the reason that she came in. She said
8 I'm here because my friend -- one friend in particular
9 is really concerned about me. And I happened to know
10 that person and felt this is someone whose opinion
11 would matter to me. This is not someone who overreacts
12 to things or -- just, again, is a red flag to me.

13 Q. And that would be the friend she said encouraged her to
14 come see you?

15 A. Yes.

16 Q. You had a professional relationship with that friend as
17 well, correct?

18 A. Yes. Yes.

19 Q. Because of client confidentiality issues, you're not at
20 liberty to discuss who that friend was?

21 A. That is correct.

22 Q. Thank you. So did you encourage her or, for lack of a
23 better word, give her any homework to work on after
24 your session with her?

25 A. What I asked her to do -- and, again, I want to take a

JAMME STEWART DIRECT BY MS. GARFIELD

1 look here at my notes.

2 Q. Yes, ma'am.

3 A. To make sure I'm clear and precise. She was not
4 completely sure that she wanted to come back to
5 therapy.

6 Q. Uh-huh.

7 A. Because, again, she had come pretty much at the urging
8 of her friend. And I asked her to really consider
9 these things, just to maybe think about this. That
10 when your friends are really concerned about you and
11 these are close friends, that she might want to take
12 this into consideration. And that she -- that I would
13 really like to meet with her again, at least, one more
14 time. I felt her ambivalence about being there. And
15 maybe we could talk about it again.

16 Q. Was she cooperative with you?

17 A. She.

18 Q. Did she appear to be honest with you?

19 A. She did.

20 Q. And did she come see you again?

21 A. She did. She came back in a second appointment.

22 Q. And what date was that second appointment?

23 A. That was August the 17th of 2011.

24 Q. And I'm going to get you to look at your notes. I
25 believe August 17th was that the first appointment?

JAMME STEWART DIRECT BY MS. GARFIELD

- 1 A. I'm sorry, August 24th.
- 2 Q. August 24th?
- 3 A. Of 2011. Yes, I'm sorry.
- 4 Q. And what did you work on in that session?
- 5 A. I wanted to go back and talk with her about a comment
- 6 that she had made at the end of the first session,
- 7 where she said that she was not sure whether she wanted
- 8 to stay in the relationship or get out of the
- 9 relationship. And so I wanted to explore that and ask
- 10 her to talk about that a little bit more.
- 11 Q. And so you begin a second session with something she
- 12 expressed to you at the end of her first session?
- 13 A. Yes.
- 14 Q. And this was on August 24th?
- 15 A. Yes.
- 16 Q. Okay. And after you told her that's what you wanted to
- 17 talk about, how did you proceed with your counseling
- 18 session?
- 19 A. I asked her to walk through the pros and cons, to tell
- 20 me what was going on in her mind about reasons to stay
- 21 and reasons to not stay since she seemed to be
- 22 ambivalent about it.
- 23 Q. Did she share with you reasons that she wanted to stay
- 24 with Hank Hawes?
- 25 A. She did. The primary reason that she gave me to stay

JAMME STEWART DIRECT BY MS. GARFIELD

1 in the relationship was that she said she was at a time
2 in her life now where she really wanted to settle down
3 and get married and have a family, that that was
4 becoming more and more important to her, that she
5 didn't want to live alone anymore. And she said that
6 that had a big influence on her.

7 Q. Did she, also, express reasons to you why she did not
8 want to remain in this relationship?

9 A. She did.

10 Q. And can you share with the jury what those reasons
11 were?

12 A. Yes. She said that he was too intense, that her
13 friends were worried, increasingly worried about her.
14 And I asked her -- well, she said that, that they were
15 increasingly worried and that he called her a lot, too
16 often, too many times and that he was jealous.

17 Q. Based on your consultation with Ms. Wilson, did you
18 believe in your opinion -- or in your professional
19 background that Jen had an issue with boundaries?

20 A. Yes, and she said that. She said that it was difficult
21 for her to set boundaries in relationships when she --
22 like if she might be trying to end it because she
23 didn't, you know, like to hurt people's feelings or
24 make them feel badly.

25 Q. Did you discuss any concerns with her about the

JAMME STEWART CROSS BY MS. PRINGLE

1 potential domestic violence issue?

2 A. I did.

3 Q. And share with the jury what you shared with her in
4 your professional background.

5 A. I -- I went over the list of concerns that I had that I
6 had mentioned earlier from the first session, the
7 concerns there. And the same concerns that she had,
8 the jealousy, the wanting to be together all the time,
9 the intensity that she was talking about, threatening
10 her to expose her, that these might be indicators for
11 her that this was a potential domestic violence
12 relationship.

13 Q. At the conclusion of this session with Jen, Ms.
14 Stewart, was that the last time you saw her?

15 A. Yes.

16 Q. She was killed four days later, is this correct?

17 A. That is correct.

18 Q. Ms. Stewart, did she have an appointment with you at a
19 future date?

20 A. She did.

21 Q. And when was that appointment?

22 A. I believe that it was scheduled either the following
23 Tuesday or Wednesday of that very next week.

24 Q. So she was respective of coming back to you?

25 A. Yes.

JAMME STEWART CROSS BY MS. PRINGLE

1 Q. Even though you had -- well, I'll withdraw that.

2 Beg the Court's indulgence?

3 THE COURT: Yes, ma'am.

4 MS. GARFIELD: Thank you so much. Please answer
5 any questions the Defense counsel may have.

6 THE COURT: Cross-examination.

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

9 CROSS-EXAMINATION

10 BY MS. PRINGLE:

11 Q. Good afternoon.

12 A. Good afternoon.

13 Q. You testified that there's this list of things that
14 gave you concern, right?

15 A. Right.

16 Q. That was that her friends were worried, particularly,
17 that Ms. Laman, who referred her, was worried? Ms.
18 Laman has already -- that her friend that referred her
19 was worried?

20 A. Her friend was worried, yes.

21 Q. And that friend was a person that you trusted and
22 respected her opinion?

23 A. Yes.

24 Q. And as far as you knew, all of the information that
25 that friend had was accurate and truthful?

JAMME STEWART CROSS BY MS. PRINGLE

- 1 A. Well, I don't know what information she had.
- 2 Q. All you know is that she's worried?
- 3 A. Right.
- 4 Q. And that was important to you and a red flag to you?
- 5 A. It was.
- 6 Q. And it was, also, important to you that this was a new
- 7 relationship, about four months old?
- 8 A. Right.
- 9 Q. You weren't aware that this, actually, started in
- 10 January, so it was more like eight months old?
- 11 A. No.
- 12 Q. You weren't told that?
- 13 A. No.
- 14 Q. Ms. Wilson told you it was about four months old?
- 15 A. In my notes, I have that the relationship was about --
- 16 let me look at it. Yeah, current relationship about
- 17 four months.
- 18 Q. All right. And that would have been reported to you
- 19 from Ms. Wilson?
- 20 A. Yes.
- 21 Q. And your other concern was that he wanted to be with
- 22 her all the time?
- 23 A. That is what I was told, yes.
- 24 Q. And you had a concern that she had not had contact with
- 25 his family?

JAMME STEWART CROSS BY MS. PRINGLE

- 1 A. That -- right, that she had not met any family.
- 2 Q. Did she tell you that she wouldn't let him meet her
3 friends or family?
- 4 A. No.
- 5 Q. Did she tell you that he had asked to come and visit
6 her and meet her family and she said no?
- 7 A. No.
- 8 Q. Did she tell you that he very much wanted to meet her
9 friends in Columbia, but she wouldn't allow it?
- 10 A. In.
- 11 Q. And you can only go -- you can only make -- your
12 observations are based solely on what she told you,
13 right?
- 14 A. Correct.
- 15 Q. In addition to the fact that a person, who you respect,
16 referred her to you out of concern?
- 17 A. Right.
- 18 Q. You don't know anything about the basis of the
19 foundation for the worry of the person who referred
20 her?
- 21 A. Not -- no. I just know what Ms. Wilson told me.
- 22 Q. Did she -- did Ms. Wilson tell you that she was
23 spending time with several other male friends during
24 this period of time in August?
- 25 A. No. No.

JAMME STEWART CROSS BY MS. PRINGLE

- 1 Q. Did she tell you that she was in constant communication
2 with Hank, that she would respond to him?
- 3 A. I knew that she communicated with him.
- 4 Q. And that she would, also, call him, did she tell you
5 that?
- 6 A. Well, I assume that she would return his phone calls
7 because I knew that they talked.
- 8 Q. Did she tell you that, oftentimes, she initiated
9 contact with him?
- 10 A. No.
- 11 Q. Did she tell that she would, oftentimes, go visit at
12 his home?
- 13 A. No.
- 14 Q. Or that she would ask him if she could go to his home
15 to visit?
- 16 A. No.
- 17 Q. And spend time with him?
- 18 A. No.
- 19 Q. She did tell you that she did not feel fear of him?
- 20 A. Yes.
- 21 Q. Correct?
- 22 A. Yes, that is correct.
- 23 Q. And that he told her he will do better, she wonders if
24 he really will, correct?
- 25 A. Correct.

JAMME STEWART CROSS BY MS. PRINGLE

- 1 Q. And she chalked it up, she told you, his behavior to
2 impulsiveness and immaturity?
- 3 A. Yes.
- 4 Q. She told that he's ADHD, correct?
- 5 A. Correct.
- 6 Q. ADHD people can be fairly intense, you agree?
- 7 A. Yes.
- 8 Q. They're, certainly, energetic?
- 9 A. (The witness nodded head.)
- 10 Q. Do you treat people with ADHD?
- 11 A. I do not.
- 12 Q. And you told her that -- she told you, I'm sorry, he
13 never hit, pushed or shoved her?
- 14 A. She did.
- 15 Q. That he had never sexually assaulted her?
- 16 A. Yes.
- 17 Q. She told you that she was not at all sure she wants to
18 break up with him?
- 19 A. Yes.
- 20 Q. And she told that she wasn't at all sure she doesn't
21 want to break up with him?
- 22 A. Correct.
- 23 Q. I think you said she's just ambivalent?
- 24 A. Yes.
- 25 Q. And that was on August 17th, correct?

JAMME STEWART CROSS BY MS. PRINGLE

1 A. I need to check my notes here.

2 Q. Okay. Do you need me to hand them to you?

3 A. No. I have them. Could you ask me that question
4 again, please?

5 Q. Sure. You said she's not at all sure if she wants to
6 break up, not at all sure if she doesn't want to break
7 up. And then I think I asked you, she was ambivalent
8 about therapy?

9 A. Yes, she was ambivalent about therapy, correct.

10 MS. PRINGLE: Beg the Court's indulgence, one
11 moment.

12 BY MS. PRINGLE:

13 Q. And moving onto August 24th. Again, she tells you
14 she's not sure she wants to get out or stay in the
15 relationship with Hank?

16 A. That is correct.

17 Q. If you need to look --

18 A. That is correct, yeah, I have that. That's correct.

19 Q. Okay. So the representation of the story that's being
20 told to you, at least, was that she was still with him?

21 A. Well, on August the 24th, in my notes, she did say that
22 she was -- that she was not -- that she told him that
23 she was not going to see him again and thought she
24 meant it, but that she had begun to waffle again and
25 that she was not positive what she wanted.

JAMME STEWART CROSS BY MS. PRINGLE

- 1 Q. Right. So she was telling you I've told him I don't
2 want to see him, but I'm kind of waffling, I don't
3 know?
- 4 A. Right.
- 5 Q. I think I might see him again?
- 6 A. Right.
- 7 Q. And she's not positive what he wants in that regard?
- 8 A. (The witness nodded head.)
- 9 Q. And you said that she told you he was jealous?
- 10 A. Yes.
- 11 Q. Did she tell you that she was very jealous towards him?
- 12 A. She did not.
- 13 Q. Did she express anything about her issues with trust or
14 jealousy?
- 15 A. No.
- 16 Q. She talked to you about a boyfriend named Matt Conan,
17 did she not?
- 18 A. Yes, she did.
- 19 Q. And, again, on August 24th, she told you he's never hit
20 her?
- 21 A. Yes.
- 22 Q. She doesn't feel fear? Bottom of the page.
- 23 A. Yes, I see that. Yes, that he's never hit her and she
24 does not feel fear.
- 25 Q. And he might react verbally?

JAMME STEWART CROSS BY MS. PRINGLE

- 1 A. Yes.
- 2 Q. But never physically?
- 3 A. Yes.
- 4 Q. And were you aware that she -- she lived alone?
- 5 A. Yes.
- 6 Q. And that she had her own full time job?
- 7 A. That she had what?
- 8 Q. She had a full time job?
- 9 A. Yes.
- 10 Q. She had her own income?
- 11 A. Yes.
- 12 Q. She wasn't dependent on anyone?
- 13 A. Yes.
- 14 Q. She wasn't dependent on anyone else?
- 15 A. Yes.
- 16 Q. And she traveled often alone?
- 17 A. Yes.
- 18 Q. She had just returned from Bali?
- 19 A. I knew that.
- 20 Q. Did you know that through City Yoga?
- 21 A. No, she told me.
- 22 Q. And did you -- you teach at City Yoga?
- 23 A. I do.
- 24 Q. And did you ever teach Jen or know her through City
- 25 Yoga at all?

JAMEE STEWART REDIRECT BY MS. GARFIELD

1 A. I would see her sometimes at the yoga studio, but she
2 was not a regular student in my class. She may have
3 come once at some point. I can't remember for sure,
4 but she was not a regular student in my class.

5 Q. And how far going back would that have been when you
6 would -- I mean, how long had you known her in that
7 way, being acquainted with her in that way at City Yoga
8 prior to meeting her professionally?

9 A. I'm really not sure about that. I don't -- I don't
10 know the first time I became aware of her at City Yoga.

11 Q. Is that because -- so it wasn't like a month before?

12 A. Because I wasn't in much contact with her.

13 Q. But you just know that you -- you knew her from there
14 or were acquainted with her?

15 A. Right. Right.

16 MS. PRINGLE: Thank you very much.

17 THE COURT: Redirect?

18 MS. GARFIELD: Yes, sir.

19 REDIRECT EXAMINATION

20 BY MS. GARFIELD::

21 Q. Ms. Stewart, as far as your experience in working in
22 domestic violence, does domestic violence affect any
23 particular backgrounds --

24 MS. PRINGLE: Object. She's asking for an
25 opinion. She's not been qualified as an expert in anything.

JAMEE STEWART REDIRECT BY MS. GARFIELD

1 And she has testified to her observations and experience.

2 THE COURT: This is not the time. I overrule. I
3 haven't even heard the question yet before you interrupted
4 her.

5 MS. GARFIELD: Thank you, Judge.

6 BY MS. GARFIELD::

7 Q. Based on your practice and the patients that you've
8 dealt with, the domestic violence victims that you've
9 worked with, does it affect any particular professional
10 background?

11 THE COURT: What's your legal objection?

12 MS. PRINGLE: That she's asking her to render an
13 opinion that --

14 THE COURT: Overruled at this point in time. Go
15 ahead.

16 THE WITNESS: I'm not sure I understand the
17 question.

18 BY MS. GARFIELD::

19 Q. I guess I will just -- does domestic violence affect
20 all people?

21 A. All people.

22 Q. Regardless of education?

23 A. Regardless of education.

24 Q. Socioeconomic status?

25 A. Correct.

JAMEE STEWART REDIRECT BY MS. GARFIELD

1 Q. Professional backgrounds?

2 A. Correct.

3 Q. Specifically, I want you to go back to your progress
4 notes from August 17th. And that would be the initial
5 meeting with Jennifer Wilson, is that are?

6 A. Yes.

7 Q. And when she was talking about -- she first expressed
8 to you that once when she tried to get him to back off,
9 he had threatened her?

10 MS. PRINGLE: Objection, this is improper
11 redirect.

12 THE COURT: Overruled.

13 BY MS. GARFIELD:

14 Q. And she, also, continued to talk to you about his
15 threats. I believe Ms. Pringle talked to you a little
16 bit on cross-examination about his threats. And how
17 did she classify his threats?

18 A. She -- okay, let me make sure I understand. You're
19 talking about on August the 18th?

20 Q. August 17th?

21 A. On the 17th, on those notes?

22 Q. Yes, ma'am, I'm going to go from one, two, three, four,
23 five, six lines from the bottom in your notes, starting
24 with fields?

25 A. Okay. She said that -- do you want me to say what the

JAMME STEWART FURTHER RECROSS BY MS. PRINGLE

1 threat was in here?

2 Q. No, just how she felt about it.

3 A. She said that she felt pretty clear that his threats
4 are empty and does not follow up.

5 Q. And she expressed that she did not feel fear?

6 A. She did. She said she does not feel afraid of him. I
7 asked her directly, Are you afraid of him? And she
8 said, No.

9 Q. And did she think he was going to do better?

10 A. She said that he said he would do better and that she
11 wondered if he really would.

12 Q. And then I believe you just wrote quotations, are you
13 quoting what she said to you?

14 A. I am.

15 Q. And can you share with the jury what she shared with
16 you?

17 A. She said his bark is way more than the bite.

18 Q. And then she saw you one week later?

19 A. On August the 24th.

20 Q. And she was killed four days later after that, right?

21 A. (The witness nodded head.)

22 MS. GARFIELD: Thank you, Ms. Stewart.

23 THE COURT: Any recross?

24 FURTHER RECROSS-EXAMINATION

25

JAMME STEWART FURTHER RECROSS BY MS. PRINGLE

1 BY MS. PRINGLE:

2 Q. The context of what Ms. Garfield was just asking you
3 about was threats to embarrass her?

4 A. Yes.

5 Q. And that wasn't any kind of physical threat or doing
6 anything to her, that was just something about
7 threatening to embarrass her?

8 A. Yes. I can find it and read it if you want me to. It
9 was not a physical threat.

10 Q. Okay. To expose something embarrassing about her, does
11 that sound right?

12 A. Yes.

13 Q. And she felt it was hollow and didn't report -- he had
14 never done anything to embarrass her, had he?

15 A. Not that I know of.

16 Q. That she reported to you.

17 MS. PRINGLE: Thank you.

18 THE COURT: Thank you very much. You may step
19 down.

20 MS. GARFIELD: May Ms. Stewart be excused, Judge?

21 THE COURT: Any objection?

22 MS. PRINGLE: No.

23 THE COURT: Ms. Stewart, you may be excused.

24 You're welcome to stay if you so choose. Thank you very
25 much.

CHRISTINE DAHLHEIMER DIRECT BY MS. GARFIELD

1 Call your next witness.

2 MS. GARFIELD: The State calls Christine
3 Dahlheimer.

4 MS. PRINGLE: Your Honor, we have a matter of law.

5 THE COURT: Who did you call?

6 MS. GARFIELD: Christine Dahlheimer.

7 THE COURT: Come on up here.

8 (Whereupon, a bench conference was held
9 off the record, in the presence of the
10 jury, but outside the hearing of the
11 jury.)

12 THEREUPON,

13 CHRISTINE DAHLHEIMER,
14 after having been duly sworn, testified as follows:

15 THE CLERK: Have a seat in the witness box, state
16 your name and spell it, please.

17 THE WITNESS: My name is Christine Dahlheimer,
18 that's C-H-R-I-S-T-I-N-E, last name is D-A-H-L-H-E-I-M-E-R.

19 DIRECT EXAMINATION

20 BY MS. GARFIELD:

21 Q. Good afternoon, Ms. Dahlheimer.

22 A. Good afternoon.

23 Q. Ms. Dahlheimer, do you know the Defendant in this case,
24 Hank Hawes?

25 A. I do.

CHRISTINE DAHLHEIMER DIRECT BY MS. GARFIELD

1 Q. Can you, please, share with the jury how you know Hank
2 Hawes?

3 A. I met him on E-Harmony and then we dated for a while.

4 Q. Can you tell the jury when this meeting on E-Harmony
5 happened?

6 A. I think we started communicating in August, kind of
7 really started dating in September.

8 Q. Of what year?

9 A. Of 2010.

10 Q. During the course of your relationship, did the two of
11 you make any large purchase together?

12 A. Yes, I purchased a 2011 Land Rover, Range Rover.

13 Q. And did you do that with Mr. Hawes?

14 A. It was -- the loan and everything was in my name and it
15 was an agreement that we had that he was supposed to
16 make the payments and then refinance --

17 MS. EIGENBROT: Objection, Your Honor.

18 THE COURT: What your legal objection?

19 MS. PRINGLE: Character evidence, Your Honor.

20 THE COURT: Okay. What is it?

21 MS. PRINGLE: May we approach?

22 THE COURT: No, just tell me what your legal
23 objection is. If you want to approach to argue the facts,
24 I'll let you do it.

25 MS. PRINGLE: It's beyond the scope of what we

CHRISTINE DAHLHEIMER DIRECT BY MS. GARFIELD

1 discussed at the bench, Your Honor.

2 THE COURT: Overruled. Go ahead.

3 BY MS. GARFIELD:

4 Q. What was the parameters of your understanding in buying
5 the Range Rover between you and Mr. Hawes?

6 A. That he was going to make the payments, pay the
7 insurance and the taxes, and then refinance it in
8 December or January so it would be out of my name.

9 Q. But the car was in your name?

10 A. The whole time, yes.

11 Q. Did Mr. Hawes have physical custody of the Range Rover?

12 A. No.

13 Q. Was he driving the Range Rover?

14 A. He did -- I'm sorry, yes, he drove the Range Rover. He
15 took both the keys, so I never drove the car.

16 Q. And do you know about when you made this purchase?

17 A. It was in October of 2010.

18 Q. When's the last time you saw the Defendant?

19 A. It was at the end of December of 2010.

20 (State's Exhibit Nos. 255, 256, 258 and
21 259 were marked for identification.)

22 BY MS. GARFIELD::

23 Q. I'm going to show you what's been marked State's
24 Exhibit No. 255, 256, 258 and 259. This is just for
25 identification. Do you recognize these photographs?

CHRISTINE DAHLHEIMER DIRECT BY MS. GARFIELD

1 A. Yes, that's the vehicle I purchased.

2 Q. And what kind of vehicle is that?

3 A. It's a Range Rover, Land Rover.

4 Q. Thank you. Ms. Dahlheimer, do you see the man in the
5 courtroom today that you purchased that Range Rover
6 with?

7 A. Yes.

8 Q. And can you identify him for the record?

9 A. Yes, he's sitting over there.

10 Q. In a gray suit?

11 A. Yes.

12 MS. GARFIELD: Your Honor, may the record reflect
13 that Ms. Dahlheimer has identified Hank Hawes, the
14 Defendant, for the record.

15 THE COURT: Yes, ma'am.

16 MS. GARFIELD: Thank you. Please answer questions
17 the Defense counsel has.

18 MS. EIGENBROT: No questions, Your Honor.

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

20 THE WITNESS: All right. Thank you.

21 THE COURT: Thank you very much.

22 Call your next witness.

23 MR. MATHEWS: State calls Jay Dobbins.

24 THE COURT: Let me see the attorneys up here for
25 just a second.

CHRISTINE DAHLHEIMER DIRECT BY MS. GARFIELD

1 (Whereupon, a bench conference was held
2 off the record, in the presence of the
3 jury, but out of the hearing of the
4 jury.)

5 THE COURT: Have you got some objections to this?

6 MS. GARFIELD: We've stipulated. We have no
7 problem.

8 THE COURT: All right. State's number what?

9 MR. MATHEWS: 341 admitted without objection.
10 Call your next witness.

11 (State's Exhibit No. 341 was admitted
12 into evidence.)

13 THE COURT: Mr. Dobbins can go back to work.

14 MR. MATHEWS: State calls Jackie Richburg.

15 I think we have another stipulation, Your Honor.

16 THE COURT: All right. Well, y'all talk about it.

17 MR. MATHEWS: Yes, sir.

18 THE COURT: Can we take a break to help you some
19 more?

20 MR. MATHEWS: This is the only other records
21 custodian that we have.

22 THE COURT: Well, y'all talk.

23 MR. MATHEWS: Yes, sir.

24 (Pause.)

25 MR. MATHEWS: Your Honor, it's my understanding

CHRISTINE DAHLHEIMER DIRECT BY MS. GARFIELD

1 that the Defense is, also, going to stipulate to what's been
2 marked as State's No. 392, which is the Defendant's call to
3 911 on August the 28th.

4 MS. PRINGLE: That's correct.

5 THE COURT: No objection to State's 392, is that
6 correct?

7 MS. PRINGLE: Correct.

8 THE COURT: Thank you very much.

9 (State's Exhibit No. 392 was admitted
10 into evidence.)

11 MR. MATHEWS: Your Honor, I would ask for
12 permission to publish to the jury.

13 THE COURT: Ms. Campbell, what time do you need to
14 go.

15 MS. CAMPBELL: Whatever suits you, Your Honor.

16 THE COURT: Would this be a good breaking time?

17 MS. CAMPBELL: Whatever --

18 THE COURT: I need a --

19 MS. CAMPBELL: Or we could play this and then we
20 could break maybe.

21 THE COURT: Okay. That will be fine.

22 MS. CAMPBELL: Thank you, sir. I appreciate it.

23 (Whereupon, 911 call played for the jury.)

24 MS. GARFIELD: We may recess now, Judge.

25 THE COURT: Okay.

STACEY NEWSOM DIRECT BY MS. GARFIELD

1 Mr. Foreman, ladies and gentlemen of the jury,
2 we're going to take a break at this time. It may be a
3 little longer than usual because we have to wait for
4 proceedings to take place in another courtroom before we can
5 proceed. So, smokers, you can go smoke. Let the bailiffs
6 know if you need anything. I think they've got you another
7 fan. And as far as water is concerned, you're welcome to
8 bring your bottle of water in the courtroom with you when
9 you come.

10 Please don't discuss the case among yourselves. I
11 will see you just as soon as we can get you back in the
12 courtroom.

13 (Whereupon, the jury left the courtroom
14 at 3:16 p.m.)

15 THE COURT: Ms. Garfield, may I see you, Ms.
16 Pringle and Mr. Strickler up here just a second, please?

17 MS. CAMPBELL: May I be excused, Your Honor?

18 THE COURT: Let me know when you get back.

19 (Whereupon, a bench conference was held
20 off the record.)

21 THE COURT: All right. Anything from the State
22 before we bring the jury in?

23 MS. GARFIELD: No, Your Honor.

24 THE COURT: Anything from the Defense?

25 MR. STRICKLER: No, Your Honor.

STACEY NEWSOM DIRECT BY MS. GARFIELD

1 THE COURT: All right. Thank you very much.

2 Bring us the jury, please.

3 BAILIFF: Yes, sir.

4 (Whereupon, the jury returned to the
5 courtroom at 4:14 p.m.)

6 THE BAILIFF: The jury is present, Your Honor.

7 THE COURT: Thank you very much.

8 Call your next witness, please.

9 MS. GARFIELD: Thank you, Your Honor. The State
10 calls Dr. Stacey Newsom.

11 THEREUPON,

12 STACEY NEWSOM, M.D.,
13 after having been duly sworn, testified as follows:

14 THE CLERK: Have a seat in the witness box, state
15 your name and spell it for us, please.

16 THE WITNESS: My name is Stacey Newsom,
17 S-T-A-C-E-Y, N-E-W-S-O-M.

18 DIRECT EXAMINATION

19 BY MS. GARFIELD:

20 Q. Will you pull that microphone closer to you?

21 A. Is that better?

22 Q. Yes, thank you. Dr. Newsom, where do you reside, what
23 area of the state?

24 A. In Lexington County.

25 Q. And back in 2011, where did you reside?

STACEY NEWSOM DIRECT BY MS. GARFIELD

- 1 A. 2011, I was -- sorry, 2011, I was in Greenville.
- 2 Q. I'm going to ask you to pull it up. You're so
- 3 soft-spoken?
- 4 A. I was in Greenville.
- 5 Q. And do you know the Defendant in this case, Hank Hawes?
- 6 A. I do.
- 7 Q. Can you please explain to the jury how you know Hank
- 8 Hawes?
- 9 A. Hank and I met on E-Harmony in 2008.
- 10 Q. And after meeting Hank on E-Harmony, did you two engage
- 11 in a relationship?
- 12 A. We did.
- 13 Q. And approximately how long was that relationship?
- 14 A. About two and half years.
- 15 Q. And where did this relationship begin? Where were you
- 16 living?
- 17 A. In Greenville -- I apologize, I was living in Panama
- 18 City, Florida.
- 19 Q. Did you, eventually, move to the Greenville area?
- 20 A. Yes.
- 21 Q. And did the Defendant move with you?
- 22 A. He did.
- 23 Q. Did you, eventually, break up with Mr. Hanks?
- 24 A. I did.
- 25 Q. And about when did you break up?

STACEY NEWSOM DIRECT BY MS. GARFIELD

1 A. July of 2010.

2 Q. And after your break up, did you remain on friendly
3 terms with Mr. Hawes?

4 A. Eventually.

5 Q. Some -- all breakups aren't always amicable, is that
6 correct?

7 A. Correct.

8 Q. But you did, eventually, begin a friendship with Mr.
9 Hawes?

10 A. Yes.

11 Q. And through the course of this friendship, would it be
12 uncommon for Mr. Hawes to call you?

13 A. No.

14 Q. Would it be uncommon for him to text you?

15 A. No.

16 Q. And could you estimate, was this a frequent contact
17 with Mr. Hawes after your breakup?

18 A. It's difficult to estimate. I'd have review the phone
19 records. Estimate several times a month.

20 THE COURT: Can everybody on the jury hear the
21 witness?

22 THE WITNESS: I'm so sorry, I estimate that we had
23 contact several times a month by phone or text.

24 BY MS. GARFIELD::

25 Q. Let me move the microphone.

STACEY NEWSOM DIRECT BY MS. GARFIELD

1 A. Probably my voice that's not working, I apologize.

2 MS. GARFIELD: Is that better, Judge?

3 THE COURT: Yes, ma'am.

4 BY MS. GARFIELD:

5 Q. Okay. Just to go back a little bit, when did you say
6 your relationship ended?

7 A. Ended in July of 2010.

8 Q. So, roughly, eventually, in the course of the next
9 year, you two became friendly again?

10 A. We did.

11 Q. I want to specifically take you back to the early
12 morning hours of the August 28th, 2011. Do you recall
13 receiving phone calls from the Defendant, Hank Hawes?

14 A. Yes, I did.

15 Q. Can you just share with the jury what you recall him
16 saying to you in those phone calls?

17 A. I recall that he was crying. He was very upset. Said
18 that he felt dizzy, felt weak. There were long pauses
19 where there was no conversation, no one talking. I
20 don't have an estimate of how long the phone calls
21 were, I know that I dozed. It was early in the
22 morning. I fell asleep during the calls with my cell
23 phone. Earlier, he had asked me just to stay on the
24 phone with him.

25 Q. So you would stay on the phone with him and open lined?

STACEY NEWSOM DIRECT BY MS. GARFIELD

- 1 A. Yes.
- 2 Q. And while the line is open, was there continued
3 conversation between the two of you?
- 4 A. No.
- 5 Q. And when there was not continued conversation, what did
6 you find yourself doing?
- 7 A. I fell asleep a couple of times.
- 8 Q. Do you -- can you tell the jury about what time these
9 phone calls came to you?
- 10 A. The first one was 2:37.
- 11 Q. And was that 2:37 a.m.?
- 12 A. A.M.
- 13 Q. And through the course of the morning into the daylight
14 hours, did he continue to call you?
- 15 A. There were additional phone calls, yes.
- 16 Q. And you know about how many?
- 17 A. No, I don't.
- 18 Q. And during the course of these additional phone calls
19 he was making to you, do you remember what he was
20 saying?
- 21 A. Still upset, still not feeling well.
- 22 Q. And did he call you later in the morning on August 28th
23 as in when there was daylight?
- 24 A. Yes.
- 25 Q. Do you recall the substance of that communication?

STACEY NEWSOM DIRECT BY MS. GARFIELD

1 A. Basically, by this time, I was frustrated. I felt that
2 he needed medical attention. I had asked him to call
3 EMS and we talked back and forth about calling EMS. At
4 first, he didn't want to. Eventually, he was more
5 receptive to the idea and he, eventually, did call
6 them.

7 Q. At this time, Dr. Newsom, did you know where Hank was
8 residing?

9 A. No, I did not.

10 Q. Did you know if he was in a relationship with anyone at
11 the time?

12 A. I did.

13 Q. And how did you know that?

14 A. He mentioned that he was in a relationship.

15 Q. Did he tell you who it was with?

16 A. He used the name Jennifer.

17 Q. Had you ever met Jennifer?

18 A. I met Jennifer one time.

19 Q. And can you share with the jury where you met her?

20 A. I met her at a -- festival for a few minutes.

21 Q. And is here in Columbia?

22 A. That was in Columbia.

23 Q. Was she accompanied at this festival with Mr. Hawes?

24 A. Yes.

25 Q. All right. Going back to the early morning hours of

STACEY NEWSOM DIRECT BY MS. GARFIELD

- 1 August 28th, at that time, you knew him to be in a
2 relationship with Jennifer?
- 3 A. Yes.
- 4 Q. Did you know anything about her?
- 5 A. I knew that she was a USC professor.
- 6 Q. So, eventually, to your understanding, did Mr. Hawes
7 seek medical attention?
- 8 A. I understood that he did.
- 9 Q. And was there any request he asked of you?
- 10 A. He asked me to come get his dog. He was worried about
11 leaving his dog.
- 12 Q. So he had a lot of concern for his dog?
- 13 A. He did.
- 14 Q. And did you, in fact, come get his dog?
- 15 A. I did.
- 16 Q. And did he tell you at that time where he resided?
- 17 A. He told me where I could pick up the dog.
- 18 Q. And being with an address?
- 19 A. Yes.
- 20 Q. He also -- did you have a key to his house?
- 21 A. No.
- 22 Q. How were you to get the dog?
- 23 A. At the time, it's difficult to recall, maybe he told me
24 he was going to leave a key.
- 25 Q. Did you, in fact, travel to Columbia?

STACEY NEWSOM DIRECT BY MS. GARFIELD

- 1 A. I did.
- 2 Q. Now, at this time, you're living in Greenville?
- 3 A. I was.
- 4 Q. So you traveled to Columbia from Greenville?
- 5 A. I did.
- 6 Q. To get the dog?
- 7 A. Yes.
- 8 Q. When you got to Columbia, what did you find out?
- 9 A. When I got to Columbia, it was already dark. It was
- 10 approximately -- maybe 8:00. I drove up to find police
- 11 at the address where I was going to pick up the dog.
- 12 Q. At that time, did you learn of the demise of Jennifer
- 13 Wilson?
- 14 A. No.
- 15 Q. When did you learn of that?
- 16 A. In the paper.
- 17 Q. And after you learned from the paper, what did you do?
- 18 A. I'm sorry.
- 19 Q. Did you contact law enforcement --
- 20 A. No.
- 21 Q. -- at any time? Did they contact you?
- 22 A. Well, when I went to the house -- let me back up a
- 23 little bit. When I went to the house, I did give all
- 24 of my information to an officer there. And yes,
- 25 afterwards, I was contacted by law enforcement to come

STACEY NEWSOM DIRECT BY MS. GARFIELD

1 in and give a statement.

2 Q. And you shared with law enforcement the information
3 you're sharing with us today?

4 A. Yes.

5 Q. That's correct?

6 A. That is correct.

7 Q. Since those early morning hours, have you had any
8 contact with Mr. Hawes?

9 A. I received some letters.

10 MS. PRINGLE: Yes, sir. There's an objection to
11 relevance to this item.

12 THE COURT: What is it? Let me see it.

13 (Whereupon, a bench conference was held
14 off the record, in the presence of the
15 jury, but out of the hearing of the
16 jury.)

17 THE COURT: All right. The objection is
18 sustained.

19 BY MS. GARFIELD:

20 Q. Going back to Mr. Hawes calling you because of his
21 medical concerns in the early morning hours of
22 August 28th, what kind of things was he reporting to
23 you? Did he ever tell what was wrong with him?

24 A. Mostly, feeling weak and dizzy.

25 Q. Why did you tell him to call 911?

STACEY NEWSOM DIRECT BY MS. GARFIELD

- 1 A. The calls went on long enough that I was concerned.
- 2 Q. But he never told you anything specifically what was
- 3 wrong with him?
- 4 A. Not specifically.
- 5 Q. He never reported any type of injuries or anything like
- 6 that to you?
- 7 A. No.
- 8 Q. And did he ever share anything with you or kind of give
- 9 you a heads-up concerning an attorney calling you?
- 10 A. I was told I would get a phone call.
- 11 Q. And that was from Mr. Hawes?
- 12 A. Excuse me?
- 13 Q. Mr. Hawes told you?
- 14 A. Yes.
- 15 Q. When did he tell you that?
- 16 A. As EMS was picking him up.
- 17 Q. Did you know why he was telling you that --
- 18 A. No.
- 19 Q. -- an attorney would be calling you?
- 20 A. No.
- 21 Q. Did he tell you the kind of attorney?
- 22 A. No.
- 23 Q. And he didn't tell you the name?
- 24 A. No.
- 25 MS. GARFIELD: Beg the Court's indulgence.

STACEY NEWSOM CROSS BY MS. PRINGLE

1 BY MS. GARFIELD::

2 Q. Dr. Newsom, the man that you had a relationship with
3 formerly and called you several times the morning of
4 August 28th, do you see him in the courtroom today?

5 A. Yes.

6 Q. And can you describe for the record where he is seated?

7 A. Over there (indicating).

8 Q. And from left to right, what seat?

9 A. He is the second from the left.

10 MS. GARFIELD: Your Honor, may the record reflect
11 that Ms. Newsom -- Dr. Newsom has identified the Defendant
12 for the record?

13 THE COURT: Okay. Yes, ma'am.

14 Cross-examination.

15 MS. PRINGLE: Yes, Your Honor.

16 CROSS-EXAMINATION

17 BY MS. PRINGLE:

18 Q. Good afternoon, Dr. Newsom. How are you doing?

19 A. Fine.

20 Q. I've just got a couple of questions for you. You knew
21 Mr. Hawes for -- you've known him how many years?

22 A. Since 2008.

23 Q. 2008?

24 A. Correct.

25 Q. And you started out, you were living in Florida

STACEY NEWSOM CROSS BY MS. PRINGLE

- 1 together, is that what you said?
- 2 A. Yes.
- 3 Q. Were you, actually, together with him when he was
- 4 diagnosed with ADHD?
- 5 A. Yes.
- 6 Q. You were aware of that, of him having that condition?
- 7 A. Yes.
- 8 Q. And that he was subsequently treated for that condition
- 9 in an ongoing fashion?
- 10 A. Yes.
- 11 Q. And you -- at this point, in August and that summer of
- 12 2011, you were on friendly terms?
- 13 A. Yes.
- 14 Q. You had a history, you had known each other for a long
- 15 time?
- 16 A. Yes.
- 17 Q. And he shared with you that he was seeing someone. You
- 18 knew generally about Ms. Wilson?
- 19 A. Yes.
- 20 Q. And he would confide in you to some degree?
- 21 A. To a relative degree.
- 22 Q. About her?
- 23 A. Very --
- 24 Q. Or about his feeling?
- 25 A. Very -- some.

STACEY NEWSOM CROSS BY MS. PRINGLE

- 1 Q. And would it be fair to say that you were aware that
2 they would break up and get back together?
- 3 A. Yes.
- 4 Q. And that happened with some frequency?
- 5 A. Yes, but I can't -- I don't recall how often.
- 6 Q. I understand. And you, actually, told investigators
7 that you believed that Hank very much wanted a
8 relationship with Jen?
- 9 A. Yes.
- 10 Q. But that she was more back and forth?
- 11 A. Yes.
- 12 Q. And when he called you that night at 2:37 in the
13 morning, I believe you told investigators -- you
14 memorialized your recall of the events of that night in
15 an e-mail to yourself?
- 16 A. Yes.
- 17 Q. You recall doing that?
- 18 A. Yes.
- 19 Q. And was that so that you could remember the details?
- 20 A. Yes.
- 21 Q. In case somebody like me or Ms. Garfield was asking you
22 later?
- 23 A. Yes.
- 24 Q. And you wrote that shortly after the incident, around
25 September 6th?

STACEY NEWSOM CROSS BY MS. PRINGLE

- 1 A. Yes.
- 2 Q. Okay. And I just say this so if I refer to it, you
3 know what I'm referring to.
- 4 A. Okay.
- 5 Q. That night when he called you, he was crying?
- 6 A. Yes.
- 7 Q. And he was breathing hard?
- 8 A. Yes.
- 9 Q. He was very distressed?
- 10 A. Yes.
- 11 Q. Very upset?
- 12 A. Yes.
- 13 Q. At one point, you said it sounded like he was shaking?
- 14 A. His voice, yes.
- 15 Q. Physically? And he told you he was very weak?
- 16 A. Yes.
- 17 Q. And he was saying I just want to go to sleep?
- 18 A. I don't recall if -- it may be there. I don't have
19 that in front of me.
- 20 Q. You heard him gagging?
- 21 A. Yes.
- 22 Q. And, actually, thought you heard him gagging and
23 vomiting throughout this conversation -- or these
24 conversations?
- 25 A. Maybe one to two times, not over and over.

ZACHARY JACKSON DIRECT BY MR. MATTHEWS

1 Q. One to two times?

2 A. (The witness nodded head.)

3 Q. And then, at times, he was so upset, it was, actually,
4 hard to understand him?

5 A. Yes.

6 Q. And he was asking you to stay on the phone with him?

7 A. Yes.

8 Q. Tell the kids I love them?

9 A. Yes.

10 Q. And there would be long pauses?

11 A. Yes.

12 Q. He just wanted -- he just asked you to stay on the
13 phone and you could hear him breathing hard?

14 A. Yes.

15 Q. And at some point -- finally, Dr. Newsom, is it fair to
16 say that he was extremely upset when you heard from him
17 that morning?

18 A. Correct.

19 THE COURT: Any redirect?

20 MS. GARFIELD: No, sir.

21 THE COURT: Is she under subpoena?

22 MS. GARFIELD: Yes, sir.

23 THE COURT: Are y'all going to excuse her from her
24 subpoena or hold her to it?

25 MS. GARFIELD: If we can just --

ZACHARY JACKSON DIRECT BY MR. MATTHEWS

1 THE COURT: Pardon?

2 MS. GARFIELD: We'll excuse her at this point.

3 THE COURT: Okay.

4 You may step down. You're excused.

5 Call your next witness, please.

6 MR. MATHEWS: Your Honor, the State calls Officer
7 Zachary Jackson.

8 THEREUPON,

9 ZACHARY JACKSON,

10 after having been duly sworn, testified as follows:

11 THE CLERK: Have a seat in the witness box, state
12 your name and spell it, please.

13 THE WITNESS: My name is Zachary Jackson, Z-A --

14 THE COURT: Speak up.

15 THE WITNESS: My name is Zachary Jackson,
16 Z-A-C-H-A-R-Y, J-A-C-K-S-O-N.

17 DIRECT EXAMINATION

18 BY MR. MATHEWS:

19 Q. Officer Jackson, where are you employed?

20 A. With the City of Columbia Police Department.

21 Q. What do you do for the City of Columbia?

22 A. I'm a patrol officer in South region.

23 Q. Back in August of 2011, were you, also, working for the
24 City of Columbia Police Department?

25 A. Yes, sir.

ZACHARY JACKSON DIRECT BY MR. MATTHEWS

1 Q. And were you on the street then as well?

2 A. I was on regular patrol duty.

3 Q. Were you working the day of August the 28th of 2011?

4 A. Yes, sir.

5 Q. And did you have an occasion to respond to 1420 Woodrow
6 Street?

7 A. Yes, sir, I did.

8 Q. Can you tell me what the initial call from dispatch
9 was?

10 A. The initial call from dispatch, if I remember
11 correctly, was that we had an individual who was laying
12 on his back porch in a daze, believed it might have
13 been suicide related. It was a medical issue and they
14 just wanted an officer to come out and meet with EMS on
15 the scene as well.

16 Q. Is that protocol for a situation like that?

17 A. When they have suspicions to believe he may have hurt
18 himself or somebody may have hurt him, they call us out
19 there just to see if we need to take it any further
20 than that.

21 Q. Please tell me what happened when you arrived on scene?

22 A. When I arrived on scene, EMS was in the backyard with
23 the individual. Didn't know his name at the time. He
24 was laying down on his back porch on his back, missing
25 his shirt. He had kind of greenish-white pants on. He

ZACHARY JACKSON DIRECT BY MR. MATTHEWS

1 had a large lacerations on his wrists, both wrists,
2 left and right. They weren't bleeding at the time
3 profusely. They looked like they had been much
4 earlier. I couldn't really tell how long it had been.
5 But he was kind of in a daze saying he couldn't stand
6 up, just kind of mumbling to EMS while they were
7 looking at him.

8 I looked around the area. I looked around the
9 porch, the backyard and couldn't find anything that he
10 cut himself with or he could have used to cut himself
11 with. Peered inside of his car, I didn't open it, it
12 was still locked. I looked inside, couldn't see
13 anything that would, you know, kind of strike me as
14 odd.

15 As I was approaching back over to him to see if I
16 could talk to him and find out what his information
17 was, I noticed his keys were under the front step of
18 the porch. I picked them up and asked him are these
19 your keys to your house. He said that they were. I
20 said, Is there anything inside the house I should know
21 about? He said, No. Then I asked him, Can I go inside
22 and look? He said, That's fine. So I used the keys to
23 get inside.

24 I looked around, looked in the sinks, bathrooms,
25 mainly, places that would have something -- I would

ZACHARY JACKSON DIRECT BY MR. MATTHEWS

1 think would have any potential that he could use to cut
2 himself. I couldn't find any large pools of blood, no
3 knives, anything he would have cut himself on. All I
4 found at that time in the bedroom was a pair of jeans
5 laying on the floor that had some stains on them.
6 Nothing out of the ordinary that would lead me to
7 believe he hurt himself on scene. So I was kind of
8 confused about how he did it at his current location.
9 That's why I notified the supervisor of what happened.
10 He told me to just go ahead and do an incident report
11 and send him to the hospital.

12 Q. Okay. Let me stop you right there. At this point, did
13 you know anything about his involvement in an incident
14 the night before?

15 A. No, sir.

16 Q. Did you know anything about an incident the night
17 before?

18 A. We had heard about -- we had a loud noise complaint on
19 this, but it was unfounded. We didn't have any kind
20 description for that, but they had had noise complaints
21 from that neighborhood, but nothing out of the
22 ordinary.

23 Q. What happened after you went through the house?

24 A. I resecured it. I had the keys with me as they were
25 loading him up with EMS. I took the keys and tagged

ZACHARY JACKSON DIRECT BY MR. MATTHEWS

1 them in down at the property room after I got a case
2 number for a report.

3 Q. And did you know where they were taking him at that
4 point?

5 A. They were taking him to Baptist Medical downtown
6 Columbia.

7 Q. You did do an incident report?

8 A. Yes, sir.

9 Q. Did you, also, do a statement?

10 A. Not at that time, I don't believe I did. At the time
11 of the incident, my supervisor just told me to go ahead
12 and just do a report. I may have done a statement
13 later on in the day.

14 Q. Okay. Did you, ultimately, find out the name of the
15 man?

16 A. Yes, we did find out his information on scene.

17 Q. What was his name?

18 A. Hank Hawes.

19 Q. And was this his home that you responded to?

20 A. Yes, sir.

21 Q. Did you have any further involvement with Mr. Hawes at
22 that point?

23 A. At that point, after he was loaded up with EMS, I
24 didn't have any other connection with him. After that
25 incident, I continued my regular duties around south

ZACHARY JACKSON CROSS BY MS. PRINGLE

1 region.

2 Q. Later on that day, did you have any other occasion to
3 discuss this incident with fellow law enforcement
4 officers?

5 A. I believe it -- it was 5:00, I believe, we -- I went to
6 a domestic with MPO Damon White. And we were out there
7 just chit-chatting after the whole incident. And they
8 told me about the incident that happened with the
9 individual that had been stabbed multiple times at
10 another location. They said they're looking for a guy
11 that's probably named -- we were just kind of back and
12 forth. And I started describing the guy I got from my
13 attempted suicide. They said, What's his name? And I
14 gave them the name Hank Hawes. They said, That's the
15 guy we're looking for. And I told them he was up at
16 Baptist Medical Center. So we went up there.

17 Q. Did you, actually, go to Baptist?

18 A. Yes, sir, I went.

19 Q. What did you do at Baptist?

20 A. At Baptist, we spoke with the medical staff on scene
21 there and Damon placed him into custody at that time.
22 Then we transported him to our headquarters to
23 investigations.

24 MR. MATHEWS: Thank you. I have nothing further.

25 THE COURT: Cross-examination?

ZACHARY JACKSON CROSS BY MS. PRINGLE

1 MS. PRINGLE: Yes, sir, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. PRINGLE:

4 Q. Good afternoon, sir. Do you have a copy of your
5 incident report with you?

6 A. I believe so.

7 Q. And I just wanted to direct you to the times when you
8 were dispatched, when you arrived, and when you
9 departed?

10 A. Okay.

11 Q. What time were you dispatched?

12 A. My dispatch was 11:45 a.m.

13 Q. And you got there?

14 A. At 11:55.

15 Q. And you were there until?

16 A. 1:45.

17 Q. Okay. And when you got there, what you're trying to
18 figure out is how bad is this, how much blood is there,
19 what kind of information you need to gather to assist
20 this attempted suicide when he gets sent to the
21 hospital?

22 A. Yes, ma'am.

23 Q. And you don't have any idea how long he's been bleeding
24 or when this --

25 A. No, ma'am.

ZACHARY JACKSON CROSS BY MS. PRINGLE

- 1 Q. -- took place or when he cut himself?
- 2 A. No, ma'am.
- 3 Q. You said it looked -- but you said it looked to you
4 like it had been a while, like it was clotting, but
5 they were deep and opened?
- 6 A. They were deep and opened, however, there was no blood
7 draining out of them at the time.
- 8 Q. At the time?
- 9 A. That I could tell.
- 10 Q. And he was shirtless?
- 11 A. Yes, ma'am.
- 12 Q. And pale?
- 13 A. More or less, if remember correctly.
- 14 Q. If you refer to your incident report, you describe him
15 as pale in color, does that sound right?
- 16 A. Yes, ma'am.
- 17 Q. And he was dazed?
- 18 A. He was in and out, kind of dazed. He would go back and
19 forth kind of talking to us.
- 20 Q. And he was sort of mumbling?
- 21 A. Yes, ma'am.
- 22 Q. You said in your report that he couldn't stand up?
- 23 A. No, we had to assist him to get him onto the stretcher.
- 24 Q. He appeared weak?
- 25 A. Yes, ma'am.

ZACHARY JACKSON CROSS BY MS. PRINGLE

- 1 Q. And when you went in the home, you noticed the blue
2 jeans, the blood on them?
- 3 A. They were -- I didn't know it was blood. I just knew
4 it was dark stains. I didn't really pick them up and
5 touch them. I was, mainly, looking for pools of blood,
6 splattered blood, a knife, anything he could have used
7 to cut himself is mainly what I was looking for.
- 8 Q. I understand. Did you notice the vomit on the bed by
9 any chance?
- 10 A. No, I didn't. I wasn't looking -- like I said, I was
11 looking in the main places that I believed that a knife
12 would be.
- 13 Q. And he, actually, gave y'all his name? He gave his --
14 y'all obtained his name at that time?
- 15 A. Yes, ma'am.
- 16 Q. Gave his correct name?
- 17 A. He gave his name as Hank Hawes.
- 18 Q. Okay. And he said you could go into his house?
- 19 A. I mean, I asked him, Can I go inside to try to find out
20 what you cut yourself with and he said that was fine.
- 21 Q. And, actually, told you where the keys were, didn't he?
- 22 A. No, I found the keys underneath the front step.
- 23 Q. And you went in, but you couldn't have gone in without
24 his consent?
- 25 A. I found the keys and I asked him if these were the keys

ROBIN HASELDEN DIRECT BY MS. GARFIELD

1 to his house, he said they were. And I asked him if I
2 said I could go inside and he said I could.

3 Q. That's all -- I was just asking -- you went in with his
4 permission?

5 A. Yes, ma'am.

6 Q. He didn't disagree, he told you that was fine?

7 A. Yes, ma'am.

8 MS. PRINGLE: Nothing else. Thank you, sir.

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Any redirect?

11 MR. MATHEWS: No, Your Honor.

12 THE COURT: Okay. You may step down. Thank you
13 very much.

14 You got time for another witness?

15 MS. GARFIELD: Yes, sir.

16 THE COURT: Call your next witness.

17 MS. GARFIELD: Your Honor, the State calls Robin
18 Haselden.

19 THEREUPON,

20 ROBIN HASELDEN,

21 after having been duly sworn, testified as follows:

22 THE CLERK: Have a seat in the witness box, state
23 your name for the record and spell it, please.

24 THE WITNESS: Robin Haselden, H-A-S-E-L-D-E-N.

25 DIRECT EXAMINATION

ROBIN HASELDEN DIRECT BY MS. GARFIELD

- 1 BY MS. GARFIELD:
- 2 Q. Ms. Haselden, where are you employed?
- 3 A. Richland County EMS.
- 4 Q. And how long have you been employed with EMS?
- 5 A. Twelve years.
- 6 Q. What are your duties with EMS?
- 7 A. I'm a paramedic. I respond to emergency calls of all
- 8 nature, medical and trauma and the like.
- 9 Q. Were those your same duties back in 2011?
- 10 A. Yes, they were.
- 11 Q. Specifically, did you have an occasion to respond to a
- 12 possible suicide call on August 28th, 2011?
- 13 A. Yes.
- 14 Q. And do you remember the location you were dispatched to
- 15 respond to?
- 16 A. No, I don't remember the exact address.
- 17 Q. Do you have a copy of your report?
- 18 A. I do.
- 19 Q. Okay.
- 20 A. Woodrow Street.
- 21 Q. Let me ask you, are you referring to your report that
- 22 you would have made around the time of this incident?
- 23 A. Yes.
- 24 Q. Did you determine whose home that Woodrow Street
- 25 address was?

ROBIN HASELDEN DIRECT BY MS. GARFIELD

- 1 A. Hank Hawes.
- 2 Q. And who did you respond to treat?
- 3 A. Hank Hawes.
- 4 Q. And can you just share with the jury when you arrived
5 at that location, what you observed about the patient?
- 6 A. He was lying on his back on his deck in his backyard.
7 He had lacerations to both wrists. He was moaning in
8 pain.
- 9 Q. Did you ask him any questions?
- 10 A. I asked him when he -- when he did this and he told me
11 he didn't know. And the usual questions of whether he
12 was -- what his name was. But he wouldn't tell me what
13 happened, he just told me he didn't know. And he was
14 feeling dizzy and nauseated and we treated him.
- 15 Q. Have you responded to other suicide calls before?
- 16 A. I have.
- 17 Q. And did these wounds to Mr. Hawes look self-inflicted?
- 18 A. Yes.
- 19 Q. And can you just describe to the jury what the wounds
20 looked like to you?
- 21 A. One was deep, but the bleeding had already been
22 controlled. It was the left wrist was the deep one.
23 It was three inches long. And there were two minor
24 lacerations to his right wrist that were about one
25 inch. But no bleeding, no blood on him. And we --

ROBIN HASELDEN DIRECT BY MS. GARFIELD

- 1 Q. I'm sorry, no bleeding?
- 2 A. They were not bleeding.
- 3 Q. The not bleeding, as an emergency provider, what does
4 that mean to you?
- 5 A. That they may have been done sometime before we
6 arrived.
- 7 Q. How was Mr. Hawes's clothed?
- 8 A. They were wet.
- 9 Q. What was he wearing?
- 10 A. T-shirt and shorts. No blood noted on him anywhere.
- 11 Q. As a part of your emergency response, did you search
12 for any type of weapon that could have been used?
- 13 A. EMS doesn't do that.
- 14 Q. Okay. So that's not something you would have done?
- 15 A. No. Just as long as he didn't have any weapons on him
16 or around him.
- 17 Q. And did he have any weapons on him?
- 18 A. No.
- 19 Q. After you ascertained this history from the patient or
20 from Mr. Hawes, what did you do next?
- 21 A. We put him on the stretcher and -- well, because he
22 wasn't really answering when it happened, we wanted to
23 see how much blood he lost, if it was somewhere in the
24 house. The officer and I walked in the house to see if
25 there was any blood that we could see. There was a

ROBIN HASELDEN DIRECT BY MS. GARFIELD

1 pair of jeans that had a lot of blood on them, but no
2 other blood could be found in the house. So we walked
3 back outside and put him on the stretcher.

4 Q. And after you put him on the stretcher, what was your
5 next course of action?

6 A. When he was in the ambulance, we asked him some
7 questions. But he mainly spent the ride answering our
8 questions and started an IV, put him on a heart monitor
9 and monitored him on the way in.

10 Q. What's the purpose of putting him on a heart monitor?

11 A. Just because he was feeling dizzy. Whenever is feeling
12 dizzy, we do that, and because we didn't know how much
13 blood he had lost.

14 Q. Did he report any loss of consciousness?

15 A. No, he didn't.

16 Q. Did you take his blood pressure?

17 A. I did.

18 Q. What was his blood pressure?

19 A. 116 over 70.

20 Q. Do you take blood pressure more than one time?

21 A. We do.

22 Q. Why is that?

23 A. Just to monitor it and make sure that it's not dropping
24 or that there's any danger.

25 Q. So you did take his pressure again?

ROBIN HASELDEN CROSS BY MS. PRINGLE

- 1 A. Yes.
- 2 Q. What was his blood pressure a second time?
- 3 A. 120 over 72.
- 4 Q. Both of those blood pressure readings, in your
5 experience as an EMT, are they considered --
- 6 A. They're normal.
- 7 Q. -- normal? They are normal?
- 8 A. They are normal.
- 9 Q. And where did you take Mr. Hawes?
- 10 A. To Baptist ER.
- 11 Q. And once you got to the Baptist ER, where did he go?
- 12 A. I'm not sure which room he was in. Let's see.
- 13 Q. Did he have any belongings with him when you dropped
14 him off?
- 15 A. Not that I recall.
- 16 Q. Do you have your report before you?
- 17 A. Yes.
- 18 Q. Do you see in the block scene information?
- 19 A. Yes. He had his phone with him, left in room seven.
- 20 Q. So he was left in a room with his phone?
- 21 A. Yes.
- 22 Q. After you left him in that room, did you have any
23 further contact with Mr. Hawes?
- 24 A. No.
- 25 Q. Did you have any further involvement in this case?

ROBIN HASELDEN CROSS BY MS. PRINGLE

1 A. No.

2 MS. GARFIELD: Thank you, Ms. Haselden. Please
3 answer any questions Defense counsel has.

4 THE COURT: Cross-examination?

5 MS. PRINGLE: Just a couple.

6 CROSS-EXAMINATION

7 BY MS. PRINGLE:

8 Q. Good afternoon. Ms. Haselden, did Mr. Hawes, actually,
9 give you his name?

10 A. Yes.

11 Q. So you asked and he told you his full name?

12 A. Hank Hawes is what he answered.

13 Q. And when you first got there, he was lying on the back?

14 A. You.

15 Q. Shirtless?

16 A. (The witness nodded head.)

17 Q. He's -- you said in your report he's lethargic?

18 A. Uh-huh.

19 Q. I'm sorry, you have to say --

20 A. Oh, yes. I'm sorry.

21 Q. And you have no idea how long he had been bleeding?

22 A. Right.

23 Q. You know that he has open wounds?

24 A. Yes.

25 Q. One you said was full thickness three-inch laceration?

ROBIN HASELDEN CROSS BY MS. PRINGLE

1 A. Yes.

2 Q. And you try to figure out by looking at a scene or
3 looking at a location how much blood a patient has lost
4 in order to -- it's part of the treatment, correct?

5 A. Well, just to get an understanding of how much he's
6 lost.

7 Q. And you weren't able to determine that at all?

8 A. No.

9 Q. So you didn't know how long or how much?

10 A. Right.

11 Q. He's dizzy and -- he's expressing that he's dizzy?

12 A. Yes.

13 Q. So dizzy that he had to be put -- y'all put him on a
14 stretcher?

15 A. We put everyone on a stretcher.

16 Q. And he's expressing to you that he's very nauseous?

17 A. Right.

18 Q. And you would agree -- or would you agree that an
19 individual can lose a great deal of blood and it not be
20 fatal?

21 A. Correct.

22 Q. In your experience as an EMT, I'm sure you've seen
23 that?

24 A. Yes.

25 MS. PRINGLE: Thank you.

ROBIN HASELDEN CROSS BY MS. PRINGLE

1 THE COURT: Any redirect?

2 MS. GARFIELD: No, sir.

3 THE COURT: You may step down. Thank you very
4 much.

5 You got anybody else?

6 MS. GARFIELD: The next witness will be lengthy,
7 Your Honor.

8 THE COURT: Well -- okay. All right. Let me see
9 the attorneys up here for just a second.

10 (Whereupon, a bench conference was held
11 off the record, in the presence of the
12 jury, but out of the hearing of the
13 jury.)

14 THE COURT: Mr. Foreman, ladies and gentlemen of
15 the jury, the next witness will probably be very lengthy.
16 It is now 5:00, so we're going to adjourn at this time.
17 Leave your notepads in the chair. Please don't discuss the
18 case with anyone and, please, don't read anything in the
19 newspaper, watch anything on TV, listen to anything on the
20 radio, or do any internet research. I haven't asked you
21 have you done that, but I've given you the directions
22 everyday. So don't -- I say, please, don't do it. What I
23 mean is don't do it. See you in the morning at 9:30. Have
24 a good evening.

25 (Whereupon, the jury left the courtroom

ROBIN HASELDEN CROSS BY MS. PRINGLE

1 at 4:59 p.m.)

2 THE COURT: Anything from the State before we
3 break for the day?

4 MS. GARFIELD: No, sir.

5 THE COURT: Anything from the Defense?

6 MR. STRICKLER: No, Your Honor.

7 THE COURT: Y'all going to look at some of those
8 text messages?

9 MS. GARFIELD: Yes, sir.

10 MS. PRINGLE: Yes, sir.

11 THE COURT: All right. Have a good evening. See
12 you tomorrow at 9:30.

13 (Whereupon, Court was adjourned for the
14 day, October 8, 2014, to be reconvened
15 on Thursday, October 9, 2014.)

16 THE COURT: All right. I assume we've got all the
17 jurors?

18 BAILIFF: Yes, sir.

19 THE COURT: We got them all?

20 BAILIFF: Yes, sir.

21 THE COURT: Anything from the State before we
22 bring in the jury?

23 MS. CAMPBELL: No, sir.

24 THE COURT: Anyone from the Defense?

25 MR. STRICKLER: No, sir.

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 THE COURT: All right. Bring us the jury, please.

2 (Whereupon, the jury returned to the

3 courtroom at 9:34 a.m.)

4 BAILIFF: The jury is seated, Your Honor.

5 THE COURT: Thank you so very much.

6 You may call your first witness.

7 MS. CAMPBELL: May it please the Court?

8 THE COURT: Yes, ma'am.

9 MS. CAMPBELL: State would call Dr. John Robinson.

10 THEREUPON,

11 JOHN ROBINSON, M.D.,

12 after having been duly sworn, testified as follows:

13 THE CLERK: Have a seat in the witness box, state
14 your name for the record and spell it, please.

15 THE WITNESS: My name is John Robinson, J-O-H-N,
16 last name is R-O-B-I-N-S-O-N.

17 DIRECT EXAMINATION

18 BY MS. CAMPBELL:

19 Q. Dr. Robinson, where are you employed?

20 A. Pardon me?

21 Q. Where do you work?

22 A. I work at Palmetto Health Richland Baptist and
23 Parkridge.

24 Q. What do you do there, sir?

25 A. I'm an emergency medicine doctor.

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 Q. Can you tell this jury a little bit about your
2 education and your training in the field of emergency
3 medicine?

4 A. Yes. Well, my education goes back to getting my
5 Bachelor's Degree in sports medicine. I worked for
6 several years as an athletic trainer. I, also, have a
7 Master's Degree in that. Then I went back to medical
8 school at East Tennessee State University.

9 Q. Uh-huh.

10 A. I graduated in 2003. Then I came here and did my
11 residency at Palmetto Richland Emergency Medicine,
12 graduating in 2006. I'm Board certified in emergency
13 medicine.

14 MS. CAMPBELL: Your Honor, at this time, we would
15 offer him as an expert in emergency medicine.

16 THE COURT: Any objection?

17 MS. PRINGLE: None.

18 THE COURT: Okay. The Court so finds.

19 MS. CAMPBELL: Thank you, Your Honor.

20 BY MS. CAMPBELL:

21 Q. Doctor, I want to turn your attention back to August
22 the 28th, 2011. Were you working at the Baptist
23 emergency room that day?

24 A. Yes, ma'am.

25 Q. And what were your hours that day that you were

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 working, do you recall?

2 A. I believe it was just a morning shift, possibly,
3 afternoon shift. It may have been the nine to seven.
4 I'm not exactly sure of the exact hours I was working
5 that day.

6 Q. And at some point that day, did you come in contact
7 with Hank Hawes after being brought to the emergency
8 room by EMS?

9 A. Yes, ma'am.

10 Q. And do you know approximately what time of day that was
11 he presented?

12 A. No, I don't have that in front of me.

13 Q. But, typically, when EMS brings in a patient, they
14 would be put in a room and then you would make contact
15 with them sometime shortly thereafter?

16 A. Yes, ma'am, I think it was within minutes of EMS
17 bringing him in. If memory serves, I believe it was
18 probably a little before lunch, but I don't know the
19 exact time.

20 Q. Okay. Once you made contact with him, can you tell the
21 jury, basically, how he presented and what your
22 findings were?

23 A. Yeah, EMS had brought him in and the report to me from
24 EMS was he had been found laying on his porch. He had
25 lacerations to both of his wrists when he came in. He

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 was awake and alert. He was able to tell me where he
2 was. He was able to tell me the year, the president,
3 but he couldn't tell me how he got the lacerations. He
4 didn't give me a lot of answers. Basically, he
5 admitted he had lacerations, didn't know how he got
6 them. He didn't think he had inflicted them upon
7 himself. And that was about the extent of the
8 information I got out of him.

9 Q. And let me back up for a second. You said he didn't
10 think he had done it to himself?

11 A. That's correct. That's what he told me.

12 Q. And the lacerations on the wrists, in your experience
13 and your expertise, how did those present? How did
14 they present to you?

15 A. He had -- on his left wrist, he had approximately a
16 nine-centimeter laceration going from the radial side
17 to the ulnar side. It was a pretty straightforward
18 horizontal laceration. And on the right-hand side, he
19 had a smaller laceration. Again, horizontal -- if you
20 can see my wrists (indicating), running in this type of
21 direction right here (indicating). Neither one was
22 bleeding at the time.

23 Q. And that was going to be my next question. Neither one
24 was bleeding when he presented to you?

25 A. No, ma'am.

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 Q. And were they consistent with what would be
2 self-inflicted wounds?

3 A. Yes.

4 Q. And the history that was given to you was that of
5 self-inflicted wounds, is that correct? Not from him,
6 but from EMS?

7 A. EMS -- if I can look at my notes. I don't think EMS
8 told me that either.

9 Q. Okay.

10 A. Found laying on his porch, lacerations to both wrists.
11 They didn't give me a report that he had done that to
12 himself.

13 Q. You mentioned that he was able to give you very little
14 information other than he was able to give -- he was
15 alert and oriented, though?

16 A. He was alert and oriented, but really wouldn't answer
17 any of my questions.

18 Q. And did that make you concerned?

19 A. Yes.

20 Q. Why was that, sir?

21 A. Well, my concern was, was he being deceptive, you know,
22 had he, actually, tried to kill himself by cutting his
23 wrists and wouldn't tell me much about it, or had
24 something else happened, had he had some type of trauma
25 inflicted that he was amnesic to the events, which was

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 inconsistent with the fact that he was alert and
2 oriented with everything else. He just seemed to be
3 amnestic to this specific event. So I had a little
4 suspicion there may be some deception about what had
5 happened and he wasn't telling me how he got those
6 wrists cut.

7 Q. And as a result of that, did you take further steps to
8 make sure that you covered all your bases?

9 A. Yes, ma'am, I did. I did a full medical workup,
10 including CT scan of the head. My exam did not show
11 any signs of head trauma. But, you know, our general
12 premise is to err on the side of caution. If there's a
13 potential for injury, we work it up. So I did a
14 medical evaluation for potential trauma, which didn't
15 provide anything, and I did a medical workup for
16 potential overdose or toxicological workup. In other
17 words, look and see if there were any findings that he
18 may have tried to ingest something in addition to
19 cutting his wrists.

20 Q. And you mentioned that you did a scan of his head, I
21 believe?

22 A. Yes, ma'am.

23 Q. Did that come back normal?

24 A. Yes.

25 Q. In addition to that, did you also mention a toxicology

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 workup?

2 A. Yes, ma'am.

3 Q. What were the results of that?

4 A. Well, I checked aspirin and Tylenol lipids. Those are
5 two things we always concern ourselves when there's an
6 overdose because they can present with significant
7 toxicity, and in the case of the Tylenol, it can cause
8 liver damage.

9 So I checked him at the time he arrived since we
10 had no time frame to know if he had taken anything at
11 all. And then I checked him four hours later and they
12 were negative both times. There was no signs of any
13 ingestion either. I did do a urine drug screen. That
14 was positive for only amphetamines. And he had stated
15 he was taking Adderall, so that would be consistent
16 with the medication he was taking. I checked the blood
17 alcohol, that was negative.

18 Q. So you mentioned he was alert and oriented and he was
19 able to give you a history, his medical history as
20 well --

21 A. Yes, ma'am.

22 Q. -- as far Adderall?

23 A. Yes.

24 Q. Did he mention why he was taking Adderall?

25 A. For Attention Deficit Hyperactivity Disorder.

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 Q. Did you note any other wounds on him other than the
2 ones you were talking about on his wrists?

3 A. No, ma'am.

4 Q. And the ones that you saw on his wrists, you're
5 familiar -- do you see people that are victims of
6 attacks frequently --

7 A. Yes.

8 Q. -- in the course of your business?

9 A. Yes.

10 Q. And did they appear to be defensive wounds or
11 self-inflicted wounds?

12 A. Self-inflicted.

13 Q. And defensive wounds, what is unique about that?

14 A. Well, if somebody was striking with a knife, you'd
15 moved this arm up to block (indicating).

16 Q. Okay.

17 A. But it's going to be hard to get on each side of the
18 wrists as well as being as clean as they were and going
19 across the wrists in a perfect horizontal fashion.
20 It's much more consistent with someone who's doing a
21 self-inflicted wound.

22 Q. Okay. The wounds that you observed, in your opinion,
23 were those lethal or life-threatening?

24 A. No.

25 Q. And, in fact, the cuts that he sustained, how deep were

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 they? Explain that to the jury.

2 A. Well, according to my notes, they went through the
3 subcutaneous tissue. Your skin is made up of several
4 layers, and the deepest layer being the subcutaneous
5 layer. Below that, we have what's called the deep
6 fascial plane. And that's the covering of the vital
7 structures. That covers the tendons of the wrists, the
8 nerves of the wrists, the arteries, the large arteries
9 that we worry about, such as the radial artery here
10 (indicating), the ulnar artery here (indicating). And
11 that fascial layer was not penetrated. So none of the
12 deep structures that we're really concerned with had
13 been injured. And that was further evidenced by his
14 hand extension. He had good range of motion. He had
15 good sensation in all of his dermatomes. He had good
16 color, showed good blood supply through all the
17 fingers.

18 Q. Okay. And you mentioned that this didn't hit any of
19 his arteries, is this correct?

20 A. That's correct. Neither of the major arteries, not the
21 ulnar artery or the radial artery.

22 Q. And even though it wasn't bleeding at the time, would
23 he have suffered some blood loss that could have been
24 significant?

25 A. Yes. And there was evidence, there was some dried

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 blood around the wound.

2 Q. Once you did your full workup and everything, what
3 procedures did you do in order to treat his wounds?

4 A. I sutured both of them, the left and the right.

5 Q. All right. Do you recall approximately how many
6 stitches it took on his right wrist?

7 A. The right wrist, I believe, was the smaller one. I
8 believe I put four sutures, according to my note. And
9 the left wrist, I believe I put nine stitches in that
10 one.

11 Q. Once you had treated him and sutured his wounds, was he
12 still -- or were all signs pretty much normal at that
13 point?

14 A. Yes, his vital signs were normal. His heart rate was
15 in the 80's to 90's range. Blood pressure was fine.
16 He was still awake, alert and oriented.

17 Q. And did you make any attempt -- or what were you going
18 to do with him after suturing up his wounds?

19 A. That was -- that was the dilemma. He was completely
20 alert and oriented and he was denying being suicidal,
21 denying being homicidal, but yet, I had a patient in
22 front of me that had what appeared to me to be
23 self-inflicted wounds. And I was concerned he was
24 being deceptive about how he had gotten them and I was
25 concerned there still could be potentially a suicidal

JOHN ROBINSON CROSS BY MS. PRINGLE

1 case here even though he denied it. So my thought was
2 to have him admitted. I was going to have psychiatry
3 see him.

4 Q. Prior to having that step taken, who showed up?

5 A. The police.

6 Q. And at that point, did they make contact with you about
7 your patient?

8 A. Yes.

9 Q. And you can't say what they said to you, but did you
10 have a conversation and then did you make a decision as
11 far as whether he needed further treatment from your
12 hospital?

13 A. Yes.

14 Q. And what did you decide?

15 A. I decided that under the circumstances, why the police
16 were there, that things made sense and the deception
17 that I was sensing in the patient, also, made sense.
18 And I felt like he probably was not suicidal and,
19 certainly, would be safe in their custody.

20 Q. And at that point, was he released to police custody?

21 A. Yes.

22 MS. CAMPBELL: Beg the Court's indulgence?

23 THE COURT: Yes, ma'am.

24 MS. CAMPBELL: Thank you. I don't have any
25 further questions.

JOHN ROBINSON CROSS BY MS. PRINGLE

1 THE COURT: Cross-examination?

2 MS. PRINGLE: May it please the Court?

3 CROSS-EXAMINATION

4 BY MS. PRINGLE:

5 Q. Morning.

6 A. Morning.

7 Q. You said you had a fairly limited history on Mr. Hawes,
8 correct?

9 A. That's correct.

10 Q. But you did have a history that he was diagnosed with
11 Attention Deficit Disorder?

12 A. Yes, he volunteered that to me.

13 Q. And he was prescribed and taking Adderall for that?

14 A. That's correct.

15 Q. And he, also, reported to you that -- you were aware
16 that he had nausea?

17 A. Yes.

18 Q. And reported that he had vomited twice?

19 A. Correct.

20 Q. And do you recall his temperature upon arrival when
21 they did his initial vitals?

22 A. According to my notes, it was 95.5.

23 Q. 95.5?

24 A. Yes, ma'am.

25 Q. And he was reporting that he was dizzy?

JOHN ROBINSON CROSS BY MS. PRINGLE

- 1 A. Yes.
- 2 Q. And your impressions included laceration?
- 3 A. Yes.
- 4 Q. And acute renal failure?
- 5 A. Yes.
- 6 Q. And that was based on his lab work?
- 7 A. Uh-huh.
- 8 Q. The creatinine?
- 9 A. Yes, his creatinine was 1.8.
- 10 Q. And what -- what does that tell you?
- 11 A. It's mild. Normal creatinine for most people is 0.8 to
- 12 1.4. 1.8 is a very mild deviation from that norm.
- 13 Several reasons for mild deviation could be some mild
- 14 dehydration. He may have been taking ibuprofen for a
- 15 week or two, which is not something I could have tested
- 16 there in the emergency department. But it wasn't a
- 17 major renal failure. It wasn't anything actionable in
- 18 the emergency department other than give IV fluids.
- 19 Normally, with any patient, they would be discharged
- 20 and followed up as an outpatient to be rechecked.
- 21 Q. There was -- you didn't have any information -- for
- 22 instance, you didn't know if he had been bleeding for
- 23 nine or 10 hours? You didn't know how long he had been
- 24 bleeding?
- 25 A. No, ma'am.

JOHN ROBINSON CROSS BY MS. PRINGLE

- 1 Q. You had no idea what time these injuries had been
2 inflicted?
- 3 A. No, ma'am.
- 4 Q. But there's no doubt in your mind they were
5 self-inflicted?
- 6 A. I wouldn't say there was no doubt, but there was a
7 strong suspicion they were self-inflicted.
- 8 Q. From your experience and seeing that before and the
9 presentation of them in the emergency room, that was
10 your --
- 11 A. It was very strong suspicion.
- 12 Q. -- opinion? And these were superficial scrapes or
13 abrasions, correct?
- 14 A. The right was a little bit more superficial. The left,
15 a little bit deeper. But, again, neither one involved
16 any major structures.
- 17 Q. And when you say major structures, you're talking about
18 things that could be fatal or disabling?
- 19 A. Correct.
- 20 Q. And when you say fatal or disabling, that would be
21 hitting a major artery?
- 22 A. Yes.
- 23 Q. And that would be the radial or the ulnar?
- 24 A. Yes, the radial or the ulnar artery.
- 25 Q. And those are the major structures that are under that

JOHN ROBINSON CROSS BY MS. PRINGLE

1 plane?

2 A. Yes, they are much deeper.

3 Q. Okay. So if you were to hit the radial or the ulnar
4 artery, that could -- probably would be fatal nine or
5 10 hours later?

6 A. Potentially. Again, it depends on the circumstances.
7 Sometimes those bleeds will contain themselves, but
8 that wasn't the issue here.

9 Q. And other major structures that you would be talking
10 about would be something that would disable the hand?

11 A. Yes, the tendons.

12 Q. So if he had hit a ligament or a tendon, that would
13 affect the control over his hand?

14 A. Yes. The tendons are what help the muscles contract
15 the hand causing flexion, especially the thumb and the
16 fingers. And had any of those been lacerated, we would
17 have seen a deficit. And there wasn't any impediments
18 of that on exam.

19 Q. But if you look at your wrists, there are lots of
20 veins?

21 A. Yes.

22 Q. Running right along under the skin?

23 A. Yes.

24 Q. And there are also minor arteries under there?

25 A. Yes.

JOHN ROBINSON REDIRECT BY MS. CAMPBELL

1 Q. And he could have, and likely did, cut through some of
2 those?

3 A. Very well.

4 Q. That would have, particularly, if he bled for nine or
5 10 hours, could have bled quite a lot?

6 A. If it had gone for nine or 10 hours. Usually, you
7 don't see it last that long. And there was no evidence
8 of active bleeding when he came in.

9 Q. And that wouldn't be that surprising, you would expect
10 those to clot off?

11 A. Yes.

12 Q. Eventually. And you said you released him -- you
13 released him knowing he was going to be in the custody
14 of people watching him at all times?

15 A. That's correct.

16 MS. PRINGLE: Thank you very much, Doctor.

17 THE WITNESS: Thank you.

18 THE COURT: Redirect?

19 MS. CAMPBELL: Just one question.

20 REDIRECT EXAMINATION

21 BY MS. CAMPBELL:

22 Q. His injuries were not life-threatening?

23 A. No.

24 MS. CAMPBELL: Thank you, sir. I have nothing
25 further.

IDA MENENDEZ DIRECT BY MS. GARFIELD

1 THE COURT: Any recross?

2 MS. PRINGLE: No, sir.

3 THE COURT: Doctor, you may step down. Thank you
4 very much. You may be excused.

5 Call your next witness.

6 MS. GARFIELD: Thank you, Your Honor. The State
7 calls Sergeant Ida Menendez.

8 THEREUPON,

9 IDA MENENDEZ,

10 after having been duly sworn, testified as follows:

11 THE CLERK: Please have a seat in the witness box,
12 state your name and spell it, please.

13 MS. GARFIELD: Ida Menendez, last name
14 M-E-N-E-N-D-E-Z.

15 DIRECT EXAMINATION

16 BY MS. GARFIELD:

17 Q. Good morning, Sergeant Menendez.

18 A. Morning, ma'am.

19 Q. Would you, please, share with the jury where you're
20 employed?

21 A. Columbia Police Department.

22 Q. And how long have you been employed there?

23 A. Almost 15 years.

24 Q. And what are your duties with Columbia Police
25 Department?

IDA MENENDEZ DIRECT BY MS. GARFIELD

1 A. Right now, I'm a patrol sergeant. I have been an
2 investigator.

3 Q. Were you an investigator back in 2011?

4 A. Yes, ma'am.

5 Q. What kind of investigator were you, what department?

6 A. Violent crimes against persons.

7 Q. And when you say violent crimes against persons, what
8 kind of crimes does that encompass?

9 A. Everything from simple assault and battery to murder,
10 homicide.

11 Q. Were you assigned to assist in the investigation of a
12 murder in August of 2011?

13 A. Yes, ma'am.

14 Q. And, specifically, was that a murder that occurred on
15 Monroe Street?

16 A. Yes.

17 Q. Did you respond to the scene on Monroe Street?

18 A. Yes, ma'am, I did.

19 Q. And as a result, did you participate in interviewing
20 several witnesses?

21 A. Yes, ma'am, I did.

22 Q. And did you eventually come into custody of the
23 Defendant, Hank Hawes?

24 A. Yes.

25 Q. And where did you come into contact with Mr. Hawes?

IDA MENENDEZ DIRECT BY MS. GARFIELD

- 1 A. At the Columbia Police Department headquarters.
- 2 Q. And how did he come to the Columbia Police Department?
- 3 A. He was in a wheelchair, I believe, released from the
- 4 hospital.
- 5 Q. From the hospital?
- 6 A. Yes, uh-huh.
- 7 Q. Okay. Sergeant Menendez, when he -- did you have an
- 8 opportunity to observe Mr. Hawes at that time?
- 9 A. Yes, ma'am, I did.
- 10 Q. And what did -- is there anything that stood out to you
- 11 in your observations of Mr. Hawes?
- 12 A. He was not responsive, not talkative, not happy to be
- 13 there, I guess.
- 14 Q. Did you observe anything unusual physically about
- 15 Mr. Hawes?
- 16 A. Yes. He had blood, I want to say, on his hands and
- 17 feet that looked dried up.
- 18 Q. Okay. Did you have an opportunity to photograph
- 19 Mr. Hawes?
- 20 A. Yes, ma'am, I did.
- 21 Q. I show you what's been marked as State's Exhibit Nos.
- 22 391, 93, 94, 95, 96, and 97. Would you please look at
- 23 those photographs and tell me if you're familiar with
- 24 them?
- 25 A. Yes, ma'am, I am.

IDA MENENDEZ DIRECT BY MS. GARFIELD

1 Q. What are those photographs of?

2 A. They are of Hank Hawes. I took them.

3 Q. You took them while he was in custody at Columbia

4 Police Department?

5 A. Yes, ma'am.

6 MS. GARFIELD: Your Honor, at this time, I would

7 like to introduce State's Exhibits 397, 391, 393, 395, and

8 396?

9 THE COURT: Any objection?

10 MR. STRICKLER: Without objection.

11 THE COURT: Entered without objection.

12 (State's Exhibit Nos. 391, 393, 395,

13 396, and 397 were admitted into

14 evidence.)

15 MS. GARFIELD: Your Honor, at this time, may I

16 publish them to the jury?

17 THE COURT: Yes, ma'am.

18 BY MS. GARFIELD::

19 Q. Did you have an opportunity to take what is known as a

20 swab from Mr. Hawes?

21 A. Yes, ma'am.

22 Q. And where did you take that swab?

23 A. From his feet.

24 Q. Explain to the jury what that means, taking a swab.

25 A. Well -- excuse me, first of all, ladies and gentlemen,

IDA MENENDEZ DIRECT BY MS. GARFIELD

1 I have a piece of candy in my mouth. It is very dry
2 and it's difficult to continue to talk. I hope it's
3 not interrupting the way you understand what I'm
4 saying.

5 The swab is a simple kit, comes in a piece of
6 cardboard so they can dry naturally and be submitted to
7 SLED. All I'm, basically, doing is taking what I think
8 may be blood or some other fluid, swabbing against that
9 with a large Q-tip, a very long one so you don't have
10 to get too close. Swab the blood, place it in that
11 little cardboard container. Then I tape it up, write
12 by who it was taken, date and time and all that. And
13 we have it submitted to SLED to analyze that substance,
14 which I thought was blood. And it was on his feet. I
15 had been to the crime scene.

16 Q. And when you say SLED, you're talking about our state
17 laboratory?

18 A. Yes, ma'am, that's correct.

19 Q. You indicated you had been to the scene as well?

20 A. Yes.

21 Q. And you had observed --

22 A. Quite a bit of blood on the floor of that --

23 Q. Throughout the house?

24 A. -- crime scene. Yes, yes.

25 Q. And through the course of your investigation after

IDA MENENDEZ CROSS BY MR. STRICKLER

1 Mr. Hawes was taken into the custody, did you conduct
2 several interviews?

3 A. Yes, ma'am.

4 Q. And that would be to include traveling to Greenville?

5 A. Yes, ma'am, we traveled to Greenville.

6 Q. And you conducted an interview with Ms. Kimberly
7 Williams?

8 A. Yes.

9 Q. And Dr. Stacey Newsom?

10 A. Dr. Newsom, yes.

11 Q. As well as Christine Dalheimer?

12 A. Yes, ma'am.

13 Q. And you received correspondence from Janelle Bondr in
14 Turkey -- from Turkey, I should say?

15 A. Yes, ma'am.

16 Q. As well as several other witnesses involved in this
17 case?

18 A. Yes.

19 MS. GARFIELD: Beg the Court's indulgence.

20 Sergeant Menendez, please answer any questions the
21 Defense counsel has.

22 THE COURT: Cross-examination?

23 MR. STRICKLER: Beg the Court's indulgence one
24 moment.

25 CROSS-EXAMINATION

IDA MENENDEZ CROSS BY MR. STRICKLER

- 1 BY MR. STRICKLER:
- 2 Q. Good morning, Sergeant.
- 3 A. Morning, sir.
- 4 Q. You were the assigned chief investigator in this case?
- 5 A. I was the assigned investigator along with a very large
- 6 team of help.
- 7 Q. Right. And you indicated that you went to the scene,
- 8 correct?
- 9 A. Uh-huh. Yes, sir.
- 10 Q. And you went there, actually, before you saw Mr. Hawes
- 11 himself, right?
- 12 A. Yes, sir.
- 13 Q. You had been there earlier on the day --
- 14 A. (The witness nodded head.)
- 15 Q. -- of the 28th?
- 16 A. That's correct.
- 17 Q. And you saw a good deal of blood throughout the house,
- 18 correct?
- 19 A. Yes.
- 20 Q. You've been here during the trial, the jury has seen
- 21 all the pictures. You, also, while you were there saw
- 22 a bucket or bag in the living room next to the couch?
- 23 A. Yes.
- 24 Q. With blood in it?
- 25 A. Uh-huh.

IDA MENENDEZ CROSS BY MR. STRICKLER

1 Q. Which you described as half filled with blood on the
2 floor next to the remains?

3 A. That's just an approximation on my part. CSI was
4 already on the scene, so I was not concerned whether I
5 was taking an exact measurement of the bucket of blood.
6 I just know there was a bucket there, looked like a
7 soft cooler.

8 Q. Right.

9 A. And it had blood in it. It appeared to be blood. I'm
10 not sure that that's what it was, but it looked like
11 blood to me. And how much was in it exactly, I'm not
12 sure. It was -- I can tell you it was not full, sir,
13 if that answers your question.

14 Q. Well, what answers my question is your notes,
15 contemporaneous notes indicate there was a bucket half
16 filled with blood on the floor next to the remains, is
17 that correct?

18 A. Let me confirm my notes.

19 Q. Third paragraph.

20 A. Yeah. And I probably should have put approximate, but
21 that's -- that's just an approximation.

22 Q. Okay.

23 MR. STRICKLER: Thank you.

24 THE COURT: Any redirect?

25 MS. GARFIELD: No, sir.

JONATHAN HOWDYSHELL DIRECT BY MS. GARFIELD

1 THE COURT: You may step down. Thank you very
2 much.

3 Next witness.

4 MS. GARFIELD: Thank you, Your Honor. The State
5 calls Jonathan Howdysshell.

6 THEREUPON,

7 JONATHAN HOWDYSHELL,
8 after having been duly sworn, testified as follows:

9 THE CLERK: Have a seat in the witness box, state
10 your name for the record and spell it, please.

11 THE WITNESS: Jonathan Howdysshell. You want me to
12 spell my full name?

13 THE COURT: Just your last name will be fine,
14 please, sir.

15 THE WITNESS: H-O-W-D-Y-S-H-E-L-L.

16 DIRECT EXAMINATION

17 BY MS. GARFIELD:

18 Q. Mr. Howdysshell, good morning.

19 A. Good morning.

20 Q. Would you please share with the jury where you're
21 employed?

22 A. Richland County EMS.

23 Q. What do you do at EMS?

24 A. I'm a paramedic.

25 Q. How long have you been in this position?

JONATHAN HOWDYSHELL DIRECT BY MS. GARFIELD

- 1 A. Twenty years.
- 2 Q. And with being a paramedic, have you had extensive
3 training in emergency response medicine?
- 4 A. Yes.
- 5 Q. What kind of calls do you respond to?
- 6 A. All kinds of emergency.
- 7 Q. Anything?
- 8 A. Almost anything.
- 9 Q. Were you working on August 28th, 2011?
- 10 A. I was.
- 11 Q. Did you receive a call from the dispatch to Columbia
12 Police Department?
- 13 A. I did.
- 14 Q. What was the nature of that dispatch?
- 15 A. I believe it was a laceration call, I believe.
- 16 Q. And did you, in fact, respond to the Columbia Police
17 Department?
- 18 A. Yes, I did.
- 19 Q. Who did you treat at the Columbia Police Department?
- 20 A. A gentleman with some cuts to his hands and both
21 wrists.
- 22 Q. Do you --
- 23 A. Both wrists.
- 24 Q. I apologize for cutting you off. Do you have a copy of
25 your report?

JONATHAN HOWDYSHELL DIRECT BY MS. GARFIELD

- 1 A. I do not.
- 2 Q. Would that help you in refreshing your memory?
- 3 A. Sure.
- 4 Q. Does that report help refresh your memory as to the
- 5 name of the patient you were responding to?
- 6 A. Yes.
- 7 Q. Who were you responding to?
- 8 A. Hank Hawes.
- 9 Q. Why were responding to Columbia Police Department to
- 10 treat Mr. Hawes?
- 11 A. We were coming to check some cuts to both wrists and, I
- 12 believe, to bandage them and check him out.
- 13 Q. Had there been a complaint from Mr. Hawes?
- 14 A. No.
- 15 Q. Had there been a request from Columbia Police
- 16 Department to check him?
- 17 A. Yes.
- 18 Q. When you got there, what did you observe about his
- 19 injuries?
- 20 A. He had cuts to both wrists that appeared to be sutured
- 21 up.
- 22 Q. What do you mean by sutured up?
- 23 A. Stitches in both wrists.
- 24 Q. Did they appear to be self-inflicted?
- 25 A. I would say yes.

JONATHAN HOWDYSHELL CROSS BY MS. PRINGLE

1 Q. While you were treating him, what did -- what course of
2 treatment did you provide him?

3 A. We first check and make sure we don't have any obvious
4 bleeding. The bandages looked to be a little messed
5 up, so we cleaned them, dressed them with some
6 Neosporin-type ointment. We wrapped the wounds, then
7 checked his vital signs, blood sugar, pulse and
8 respiration.

9 Q. When you checked his vital signs, was everything
10 normal?

11 A. Yes.

12 Q. Was there anything elevated?

13 A. No.

14 Q. Or anything out of whack?

15 A. No.

16 Q. Did you rebandage his injuries?

17 A. Yes, we did.

18 Q. How was his demeanor?

19 A. He didn't really say anything, just real calm.

20 Q. And was there any need to transport him for further
21 treatment?

22 A. I didn't see any need to.

23 Q. Was there any complaints from Mr. Hawes?

24 A. The only thing I remember him saying he was thirsty.

25 MS. GARFIELD: Thank you, Mr. Howdysshell. Please

JONATHAN HOWDYSELL CROSS BY MS. PRINGLE

1 answer the questions Defense counsel may have.

2 THE COURT: Any cross-examination?

3 MS. PRINGLE: Beg the Court's indulgence.

4 CROSS-EXAMINATION

5 BY MS. PRINGLE:

6 Q. Good morning, sir.

7 A. Good morning.

8 Q. You noted in your report the bandages were blood soaked
9 or mildly blood soaked?

10 A. Uh-huh.

11 Q. And this was at approximately -- you got there at about
12 7:00 p.m.?

13 A. Close, right.

14 Q. And you note that his heart rate, I think on page two,
15 was in the 118, 122 and 123, is that right?

16 A. Yes, I do see that.

17 Q. That's a touch high, isn't it?

18 A. A tad.

19 Q. Do you -- are you given the reason for why you're
20 called or are you just dispatched?

21 A. Most of the time -- usually, when we get a call from
22 the police, usually, it's an unknown complaint type
23 call that they just request EMS because they sometimes
24 don't know what medical reason to ask for.

25 Q. Okay. So you're just responding at the request of the

GEORGE WISE DIRECT BY MS. CAMPBELL

1 police?

2 A. Correct.

3 MS. PRINGLE: Thank you, sir.

4 THE COURT: Any redirect?

5 MS. GARFIELD: No, sir.

6 THE COURT: Okay. You may step down. You're
7 excused. Thank you so very much.

8 Call your next witness.

9 MS. CAMPBELL: Thank you, Your Honor. The State
10 calls George Wise.

11 THE CLERK: Raise your right hand.

12 THEREUPON,

13 GEORGE WISE,

14 after having been duly sworn, testified as follows:

15 THE CLERK: Have a seat in the witness box, state
16 your name for the record and spell it, please.

17 THE WITNESS: My name is George Wise, W-I-S-E.

18 DIRECT EXAMINATION

19 BY MS. CAMPBELL:

20 Q. Sir, where are you employed?

21 A. City of Columbia Police Department.

22 Q. What do you do there?

23 A. I'm a Columbia police officer and at this point in
24 time, I'm a crime scene investigator.

25 Q. How long you been in law enforcement?

GEORGE WISE VOIR DIRE BY MR. STRICKLER

1 A. I've been in law enforcement now almost 23 years.

2 Q. When did you join the crime scene investigation unit?

3 A. Back in February of 2010.

4 Q. And do you have any training, either on-the-job or
5 specialized training, as far as crime scene
6 investigation goes?

7 A. Most of my training has been on-the-job training
8 through other senior crime scene investigators. I've
9 also had training in fingerprint comparison, palm print
10 comparison. Also, had a class in crime scene
11 photographing.

12 Q. In addition to that, have you -- you mentioned a lot of
13 years on-the-job training, is that correct?

14 A. Yes.

15 Q. And you have specific training as to how to collect
16 evidence?

17 A. Yes.

18 MS. CAMPBELL: Your Honor, at this time, we'd
19 offer him as an expert just as far as collection of evidence
20 and crime scene investigation.

21 THE COURT: Any objection?

22 MR. STRICKLER: I would like to briefly voir dire
23 him.

24 THE COURT: That would be fine.

25 VOIR DIRE

GEORGE WISE VOIR DIRE BY MR. STRICKLER

- 1 BY MR. STRICKLER:
- 2 Q. Good morning, Mr. Wise.
- 3 A. Good morning.
- 4 Q. Just briefly, as to your training, you said most of
5 your training has been on-the-job training?
- 6 A. That is correct, sir.
- 7 Q. Okay. And that is what, responding to crime scenes
8 with another crime scene investigator?
- 9 A. Yes, sir, a senior crime scene officer, yes, sir.
- 10 Q. Okay. All right. And you have had some formal
11 training that you spoke about, some courses or
12 whatever?
- 13 A. Yes, sir. Part of my training was like fingerprint
14 comparison, palm print comparison.
- 15 Q. Okay.
- 16 A. To be able to run an AFIS machine for fingerprints.
- 17 Q. Okay. So you did print comparisons?
- 18 A. Yes.
- 19 Q. Have you had other training other than the on-the-job?
- 20 A. The other training I've had would be the crime scene
21 photographing class.
- 22 Q. Okay. Procedures to follow and photographing the crime
23 scene?
- 24 A. Yes.
- 25 Q. Okay. Document the scene. Any other training other

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 than -- related to crime scene other than --

2 A. No, sir, no other certifications.

3 Q. Okay.

4 MR. STRICKLER: Thank you very much, sir.

5 THE COURT: Any objection?

6 MR. STRICKLER: No objection to his testimony in
7 the areas he's qualified.

8 THE COURT: The Court so finds. Thank you very
9 much.

10 DIRECT CONTINUED

11 BY MS. CAMPBELL:

12 Q. I want to turn your attention to August 28, 2011. Did
13 you respond to an address in the Shandon area?

14 A. Yes.

15 Q. What address did you go to that day, sir?

16 A. 3721 Monroe Street.

17 Q. Monroe Street?

18 A. Yes.

19 Q. And is that here in Richland County?

20 A. Yes.

21 Q. When you got to the scene, were there any other crime
22 scene investigators already there?

23 A. Yes, the officer I came in contact was a crime scene
24 investigator, Paul Nelson.

25 Q. And, in fact, was he the lead -- I don't want to say

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 lead, but were you helping him that day?

2 A. Yes. I was still -- at that point in time in 2011, I
3 was still kind of under training and he was there and I
4 was there to assist him.

5 Q. Once you got to the crime scene, did you meet up with
6 Investigator Nelson and get some history of what was
7 done at that point?

8 A. Yes. He gave me a brief detail of what was, actually,
9 going on and what information he received from the
10 responding officer and the supervisor on the scene.

11 Q. And at that point, was there any information that was
12 given to you about who did it or the circumstances
13 surrounding it?

14 A. No, no information was given to me about that, if we
15 had a person of interest or suspect.

16 Q. Once you got there, did you do what's called a
17 walk-through or, basically, assess the scene before you
18 started collecting evidence?

19 A. Yes, once I came in contact with crime scene
20 investigator Paul Nelson, he spoke to me, gave me
21 information, then we did a walk-through examination of
22 the scene.

23 Q. And we don't need to go into details about what you
24 saw, but was there significant what appeared to be
25 blood evidence throughout this house?

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 A. Yes, what appeared to be a reddish-brown stain believed
2 to be blood was throughout the scene.

3 Q. Was the body of the victim in this case still there
4 when you got there?

5 A. Yes.

6 Q. Had EMS already been there?

7 A. The information I received, yes.

8 Q. Okay. Prior to doing any photographing or collecting
9 any evidence, did y'all, also, make the decision to do
10 a video of the crime scene itself?

11 A. Yes.

12 Q. Were you the one that, actually, took that video?

13 A. Yes, just before I photographed the crime scene, I
14 decided to go ahead and do a video of the crime scene.

15 Q. And did you have an opportunity at my request to view
16 the video and make sure it was accurate as to what you
17 saw that day?

18 A. Yes.

19 MS. CAMPBELL: Your Honor, at this time, we would
20 offer State's Exhibit No. 398 into evidence.

21 THE COURT: Any objection?

22 MR. STRICKLER: Your Honor, we renew our
23 objections as to the portions of it which we objected to.

24 THE COURT: Mr. Foreman, ladies and gentlemen, go
25 to the jury room. Don't discuss the case amongst

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 yourselves.

2 (Whereupon, the jury left the courtroom
3 at 10:12 a.m.)

4 THE COURT: All right. You have an objection, is
5 that correct?

6 MR. STRICKLER: Yes, sir, that was to that portion
7 of the video.

8 THE COURT: All right. Tell me specifically what
9 portion of the video you object to.

10 MR. STRICKLER: Yes, sir. That portion of the
11 video which depicts Ms. Wilson's body on the couch. And
12 that would be consistent with our earlier objections to the
13 photographs of her body that Your Honor ruled on.

14 THE COURT: Okay.

15 Solicitor, does the video depict any of the still
16 photos that I have ruled out?

17 MS. CAMPBELL: No, sir. In fact, this video was
18 taken before any of the photographs were taken and it,
19 actually, covers up more of her body than what some of the
20 ones that are in.

21 THE COURT: Okay.

22 MS. CAMPBELL: You can ask Mr. Strickler if
23 there's anything that's not consistent with what's in
24 evidence and I think he would agree with me.

25 THE COURT: So your objection is to the video

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 portion of the body itself?

2 MS. CAMPBELL: Yes, sir.

3 THE COURT: I understand she's covered with a
4 comforter?

5 MR. STRICKLER: Partially covered with a
6 comforter.

7 THE COURT: How far does the comforter come up on
8 her chest?

9 MR. STRICKLER: I remember mid-chest myself.

10 MS. CAMPBELL: I would agree with you.

11 THE COURT: So it shows the chest wound?

12 MR. STRICKLER: Yes, I believe the breasts are
13 exposed.

14 THE COURT: So you object to that?

15 MR. STRICKLER: My objections are to that portion
16 of the video, sir, which does include portions of her that
17 are reflected in the pictures that you ruled to be
18 admissible, but, of course, we objected to the admission of
19 the pictures.

20 THE COURT: I understand. That's why I'm trying
21 to be very specific.

22 MR. STRICKLER: Yes, sir.

23 THE COURT: How long is the video?

24 MR. STRICKLER: Twenty minutes, I believe.

25 MS. CAMPBELL: Fifteen, 20 minutes.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 THE COURT: All right. That's the sole objection?

2 MR. STRICKLER: Yes, sir.

3 THE COURT: And you agree with the solicitor --

4 MR. STRICKLER: Yes, sir.

5 THE COURT: Okay. All right. Objection
6 overruled. Thank you.

7 MR. STRICKLER: Thank you, sir.

8 THE COURT: Anything else?

9 MR. STRICKLER: No, sir.

10 MS. CAMPBELL: Your Honor, while they're out,
11 could I move this over here?

12 THE COURT: You want to take a short break while
13 you're getting it set up?

14 MS. CAMPBELL: Thank you, sir.

15 THE COURT: All right. We'll take about a five or
16 10-minute break, okay, while you get it set up.

17 (Whereupon, a short recess was held.)

18 THE COURT: All right. Are we ready to show the
19 video?

20 MS. CAMPBELL: We're ready to show the video. In
21 addition, Your Honor, just so we won't have to stop again, I
22 showed him a diagram that's on the actual same machine that
23 just shows a general diagram of the scene and the pictures
24 refer to it. He's seen that. I've shown him the diagram.
25 He wants me to bring out the fact that these footprints that

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 are indicated in some areas of blood that the amounts of
2 blood and the footprints are not accurately reflected, they
3 just show the general area.

4 THE COURT: Is that right?

5 MR. STRICKLER: Yes, sir. That the blood that's
6 indicated in the diagram reflects the general area of
7 footprints and general areas where blood's located.

8 MS. CAMPBELL: But not amounts or the exact
9 footprints. And I'll bring that out.

10 THE COURT: Okay. That's fine.

11 MS. CAMPBELL: Okay.

12 THE COURT: Why don't y'all take that thing down
13 up there.

14 MS. CAMPBELL: Okay.

15 THE COURT: I've been looking at it for three days
16 now.

17 MS. CAMPBELL: Okay. In addition, Your Honor --

18 THE COURT: If it was a Playboy calendar, it might
19 be nice, but take it down.

20 (Laughter.)

21 MS. CAMPBELL: Yes, sir. I, also, indicated that
22 I put in all of this evidence over here that they have
23 reviewed and I just wanted to see if there was any objection
24 to any of that.

25 THE COURT: Okay. Thank y'all.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 Anything else?

2 MS. CAMPBELL: That's all from me.

3 THE COURT: All right. Bring us the jury, please.

4 (Whereupon, the jury returned to the
5 courtroom at 10:32 a.m.)

6 BAILIFF: Jury's seated, Your Honor.

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

8 The objection the Defense has as to the video is
9 overruled.

10 You may proceed, Solicitor.

11 MS. CAMPBELL: Thank you, Your Honor. May we
12 publish the video?

13 THE COURT: Yes, ma'am.

14 MS. CAMPBELL: Thank you.

15 BY MS. CAMPBELL:

16 Q. And, again, Investigator Wise, this is a video that you
17 made shortly after arriving at the scene that day; is
18 that correct?

19 A. Yes.

20 Q. Okay. Can you see this, sir?

21 A. No.

22 MS. CAMPBELL: Your Honor, may he step down?

23 THE COURT: Yes, that will be fine.

24 You may step down to view the video.

25 THE WITNESS: Thank you.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 (Whereupon, the video was played for the
2 jury.)

3 BY MS. CAMPBELL::

4 Q. What area does this show?

5 A. This is the outside area of the front part of the
6 duplex. And the victim, actually, lives on the left
7 side of the duplex (indicating). It's a one-bedroom,
8 one-bath unit. And, again, I'm showing you the address
9 here, 3721 Monroe Street.

10 Q. You're, also, familiar with the layout of the duplex
11 itself?

12 A. Yes.

13 Q. I'm going to show you State's Exhibit No. 390. This is
14 not to scale, but does it fairly and accurately depict
15 how the apartment was laid out?

16 A. Yes.

17 Q. And in addition to that, there's some red spots that
18 depict some areas where blood may have been and some
19 footprints, but those aren't denoting all the blood or
20 the exact footprints or anything like that?

21 A. No.

22 Q. That's just a general area where those things were
23 found?

24 A. Yes.

25 MS. CAMPBELL: Your Honor, at this time, I would

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 offer State's Exhibit 390 into evidence.

2 THE COURT: Any objection?

3 MR. STRICKLER: Your Honor, 390 is the diagram. I
4 have no objection with the understanding that the blood
5 depicted both as to areas of blood and, again, as to the
6 footprints do not represent precisely the location of any
7 blood and precisely the location of any particular
8 footprints. They're just the general areas for reference.
9 With that understanding, I have no objection.

10 THE COURT: I think that was his testimony.
11 Admitted without objection. Thank you very much.

12 MR. STRICKLER: Thank you, sir.

13 (State's Exhibit No. 390 was admitted
14 into evidence.)

15 THE WITNESS: May I approach, Your Honor?

16 THE COURT: Yes, sir.

17 BY MS. CAMPBELL::

18 Q. Sure. Talk real loud, please.

19 A. I have to step in the way of the screen.

20 Q. Why don't you come on this side, it might be better.

21 There you go. What does this show, sir?

22 A. That shows a description of the outside area, this
23 being a concrete porch area and entrance to the front
24 part of the house -- or the residence.

25 Q. And as you scroll through and go down, what does this

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 show?

2 A. You come into the living room area and then we come
3 into the hallway area here, which I would say the
4 majority of this area here, all through the hallway,
5 bathroom, bedroom and the kitchen area was, basically,
6 almost saturated with reddish-brown substance we
7 believed to be blood. As you can see, it's all
8 saturated all through that area.

9 Q. Okay. Starting with -- there's certain numbers on
10 here. What do those reference to that we're going to
11 show the jury in a minute.

12 A. Each number represents a photo that we're going to show
13 you here in a few minutes.

14 Q. Starting with number one, can you show the photos?

15 A. All right. This photo right here will illustrate --
16 and, again, the location we're at is, actually, the
17 living room area. This right here is the foot of the
18 sofa. So if I was kind of like at this location here
19 where the victim is laying out, so this is, actually,
20 the front portion of the sofa and the foot part of it
21 right here (indicating). So the victim, actually,
22 would be right above this location right here on the
23 couch.

24 Q. What's in that photo?

25 A. Right now, as you can see in this photo -- zoom in a

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 little bit and we'll start from left. Right now, I
2 believe this location here, this right here is an
3 insulated bag or cooler. As you can see on the bag, it
4 displays a reddish-brownish, what appears to be blood
5 on the inside. As you can see, also, on the inside of
6 the cooler, you notice there's a large amount of
7 reddish-brownish what appeared to be blood substance
8 inside.

9 And outside, as we pan over to this location, you
10 can see a knife. At this location, as you can see, the
11 knife, also, displays a reddish-brownish stain, which
12 we believed to be blood.

13 As you pan upward a little bit, you can, also, see
14 that this right here is part of the blanket that the
15 victim is, actually, laying on. Also, back this way, a
16 reddish-brownish, which we believed to be blood, also.

17 Q. Okay. Moving on to number two. This photo is taken
18 from what angle?

19 A. This is, actually, as I'm entering into the hallway
20 from the living room area.

21 Q. And then go down to number three?

22 A. Now, this is one I have stepped into the hallway, you
23 make a left turn and you're looking into the bathroom.

24 Q. Moving on to number four?

25 A. Now, as you leave the hallway, as you enter into the

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 bedroom, this is the photograph right in the doorway
2 you enter into the bedroom.

3 Q. Number five?

4 A. As we move forward into the bedroom, we're, actually,
5 making a left turn. The bed would, actually, be on
6 your right-hand side. You will, actually, be on the
7 right side of the bed in this place. As you can see,
8 the reddish-brownish stain, what we believed to be
9 blood, on the floor board and on the wall.

10 Q. Number six?

11 A. Now, we move forward. We're now at the foot part of
12 the bed. As you can see, the footboard is still
13 covered with the reddish-brownish stain we believed to
14 be blood.

15 Q. Seven?

16 A. Now, we move to the left side of bed. As you can see
17 the large pool of reddish-brownish stain, which we
18 believed to be blood. If you pan over to your right,
19 you can see the bed itself was, also, saturated with
20 reddish-brownish stain, which I believed to be blood,
21 also. It's, also, saturated on the left-hand side.

22 Q. Next one?

23 A. As we move over, we're, actually, now looking at the
24 nightstand, which is on the left side of the bed. As
25 we zoom in further, you can see that there's a knife on

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 the nightstand. And as you can see, the knife is,
2 also, covered in a reddish-brownish stain, which is
3 believed to be blood. Also, you will see a water jug
4 containing the reddish-brown stain, which is, also,
5 believed to be blood.

6 Q. Next?

7 A. This photo here is right at the entrance to the
8 kitchen. As you walk into the kitchen, you see this
9 displays a large amount of reddish-brownish stain,
10 again, also, believed to be blood. And this is the
11 entrance as you enter into the kitchen area.

12 Q. Okay. Next?

13 A. As we move forward, closer into the kitchen, we're,
14 actually, moving in closer to the refrigerator area.
15 And, again, what it displays, if we zoom in -- you'll
16 notice here, as we zoom in, you'll notice, also,
17 there's a knife in the kitchen floor, which, also,
18 displays an amount of reddish-brownish stain believed
19 to be blood. Again, just another photo of the kitchen
20 area. I'm standing right at the doorway taking this
21 photo.

22 Q. Doorway to the outside?

23 A. Yes. If you lead around, you will, actually, be going
24 to the outside back porch area.

25 Q. Okay. Next?

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 A. Right here where the back door area of the kitchen, the
2 back door being on the right-hand side. And this is a
3 display of the knife block. And as we move forward to
4 the back door, as we step out of the back door, which
5 is like a covered laundry room area, there's a back
6 porch area. We have here a display of black in color
7 men's dress shoes.

8 Q. Okay. Thank you. After doing the video tape, then was
9 the crime scene photographed?

10 A. Yes.

11 Q. And, in addition, once the crime scene was photographed
12 as it appeared, were additional photos taken of the
13 victim's body there at the scene?

14 A. Yes.

15 Q. Did you then go about the task of collecting certain
16 items of evidence?

17 A. Yes.

18 Q. And, again, the information you have at this point is
19 just what responding officers were able to provide to
20 you and Mr. Nelson?

21 A. Yes, that's correct.

22 Q. Starting in the living room area, were there certain
23 items that y'all collected from there?

24 A. Yes.

25 Q. The first item I would show you is State's Exhibit No.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 353 --

2 MS. CAMPBELL: Your Honor, let me see if we can
3 expedite things.

4 Do you object to any of this?

5 MR. STRICKLER: Your Honor, the Defense has no
6 objection to the introduction of anything that was recovered
7 from this house.

8 THE COURT: All right.

9 And that's all 353?

10 MS. CAMPBELL: Your Honor, I'm going to -- I need
11 to go through the numbers one by one, but I think he'll let
12 them all in.

13 THE COURT: Okay. Do you know what the numbers
14 are?

15 MS. CAMPBELL: No, sir, I don't have -- Your
16 Honor, it will be 343 through 389.

17 (State's Exhibit Nos. 343 through 389
18 were admitted into evidence.)

19 THE COURT: All right. 343 through 389 admitted
20 without objection.

21 BY MS. CAMPBELL:

22 Q. I'm showing you State's Exhibit 353, is that correct?

23 A. Yes, 353.

24 Q. And what is that item, sir?

25 A. This item here is a kitchen hand towel that was

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 collected from the living room area.

2 Q. Let me get you some gloves. And where was that towel
3 located in the living room area?

4 A. That towel was located, actually, right beside the
5 cooler.

6 Q. The cooler on the floor?

7 A. Yes.

8 Q. Okay. Specifically, I'm showing you item 344. Do you
9 recognize that?

10 A. Yes.

11 Q. And does that include the actual cooler which you have
12 already explained to the jury had some blood in it and
13 on it?

14 A. If I may?

15 Q. Sure. And whenever you handle evidence, you should use
16 gloves?

17 A. Yes.

18 (Pause.)

19 A. Yes, from what I can see, this will be the cooler that
20 was right below the couch in the living room area.

21 Q. Okay. And when y'all collected that item, did y'all
22 alter or tamper with it or do anything to it?

23 A. If I recall, this cooler, actually, had a
24 reddish-brownish liquid in it. And if I recall, for us
25 to be able to transport, we had to, actually, dispose

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

- 1 some of that liquid to be able to place it into a bag.
- 2 Q. Show you what's been marked as State's Exhibit 343.
- 3 What item is that, sir?
- 4 A. This was the item I have as number 12. It's a water
- 5 jug that was located in the living room. And I, also,
- 6 recall that this would be at the foot of the couch.
- 7 Q. The foot of the couch?
- 8 A. In the living room.
- 9 Q. Item 346, what is that, sir?
- 10 A. This was the blanket that I removed from the couch
- 11 area.
- 12 Q. Okay. Was it on and around the body?
- 13 A. Yes, this was the beige blanket that I recall the
- 14 victim was, actually, laying on.
- 15 Q. Okay. And did you, also, in State's Exhibit 342 take a
- 16 swab from a sofa pillow there?
- 17 A. Yes.
- 18 Q. And in addition to that, in State's No. 345, did you
- 19 collect the knife that you previously talked to the
- 20 jury about there in the living room area?
- 21 A. Yes.
- 22 Q. And I show you 345, is that the knife?
- 23 A. May I open this up?
- 24 Q. Sure. You need some scissors?
- 25 A. Yes, please. I just want to look at it to make sure I'm

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 accurate.

2 Q. I'd you want, you can pull it out.

3 A. Yes. And may I explain why I know this is the knife?

4 Q. Yes.

5 THE WITNESS: May I stand up, Your Honor?

6 THE COURT: Yes, sir.

7 THE WITNESS: The reason why I say I recognize
8 this knife, this is, actually, a steak knife. It would be
9 different from the other two knives. This steak knife was
10 collected from the living room area.

11 BY MS. CAMPBELL::

12 Q. And this is the knife that was, actually, found on the
13 floor in the living room?

14 A. Yes.

15 Q. Near the body?

16 A. Yes.

17 Q. And all of these items, when you're going through them
18 and y'all collect them, you package them separately?

19 A. Yes.

20 Q. And was anything altered or tampered with while y'all
21 had it in your possession?

22 A. No.

23 Q. And then, ultimately, it would be sent to SLED for
24 testing?

25 A. Yes.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 Q. And, also, State's Exhibit 369, I believe there was a
2 comforter that was, also, collected from the scene?

3 A. Yes.

4 Q. And that was the comforter that was where in the living
5 room?

6 A. That was the one that should be covering the victim.

7 Q. Moving on into the hallway, were certain items
8 collected there in the entrance, I believe, to some
9 other rooms as well?

10 A. Yes.

11 Q. I'm going to show you what's been marked as State's
12 Exhibit No. 347. I believe that's the towel. Excuse
13 me, I didn't hand you the towel. What is that?

14 A. This is the underwear.

15 Q. The underwear?

16 A. That I recovered.

17 Q. In your opinion, is it man's underwear or female
18 underwear?

19 A. In my opinion, appears to be men's underwear.

20 Q. And I believe there's some cuttings out of it now, but
21 when you collected it, it didn't have those cuttings?

22 A. No.

23 Q. That would have been done during testing with SLED?

24 A. Yes.

25 Q. Where was that found, sir?

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 A. If I recall, it was located behind the door in the
2 closet.

3 Q. In the hallway?

4 A. Yes. There's a closet door that opens up into the
5 hallway. If I recall, it was, actually, pushed up
6 between the door and the wall.

7 Q. I'll show you what's been marked as State's Exhibit No.
8 354, it's a tank top. Was that also collected at the
9 scene that day?

10 A. Yes.

11 Q. And then some various towels throughout the house were
12 collected as well?

13 A. Yes.

14 Q. I'm not going to go through each one of those
15 individually. Moving on into the bedroom area, was
16 certain bedding collected?

17 A. Yes.

18 Q. I'm going to show you what's been marked as State's
19 Exhibit No. 360 and then 362. Specifically, the
20 comforter was collected from the bed?

21 A. Yes.

22 Q. As well as the sheets, both the top sheet and the
23 fitted sheet?

24 A. Yes.

25 Q. All the bedding was collected?

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 A. Yes.

2 Q. There in the room as well in State's Exhibit No. 357,
3 were there some pajama pants and some underwear that
4 were together there on the floor?

5 A. Yes, they were right beside the bed on the floor. They
6 were, actually, jumbled together when we collected
7 those.

8 Q. Did those appear to be male or female underwear?

9 A. Appeared to be female.

10 Q. And I'm showing you this, are these the pajama pants?

11 A. Yes.

12 Q. Were those, also, sent out to SLED for testing as well
13 as the underwear?

14 A. Yes.

15 Q. Which also had reddish-brown stains on them?

16 A. Yes. They were, actually, intertwined with the
17 pajamas.

18 Q. And, again, there were cuttings taken from these, but
19 when y'all sent them out, they were whole?

20 A. Yes.

21 Q. Moving on to the bedroom. Did you, also, collect a
22 shirt there at the scene? That would be State's
23 Exhibit 360.

24 A. Yes, that would be the light blue shirt that was
25 collected.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

- 1 Q. Again, where was this located in relation to the pajama
2 bottoms?
- 3 A. It was located on the floor right beside the bed, right
4 in that general area, same area.
- 5 Q. Same area? And the cutting had a mark next to it,
6 would that have been something SLED would have done?
- 7 A. Yes.
- 8 Q. The reddish-brown stains were on it at the time?
- 9 A. Yes.
- 10 Q. I noticed on the front is, actually, missing some
11 buttons?
- 12 A. Yes.
- 13 Q. Also, in the bedroom, there were some towels collected?
- 14 A. Bedroom, yes.
- 15 Q. As well as a wooden dowel that was on the floor?
- 16 A. Yes.
- 17 Q. Did you collect the victim's phone there at the scene?
- 18 A. Yes.
- 19 Q. And State's Exhibit No. 355 would be the victim's
20 phone?
- 21 A. Yes.
- 22 Q. Okay.
- 23 A. It's the phone right below the nightstand.
- 24 Q. Right below the nightstand?
- 25 A. Yes.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 Q. Okay. And were any socks collected there at the scene?

2 A. Should be one black sock.

3 Q. State's Exhibit 358?

4 A. Yes, one black sock.

5 Q. Okay. And those items were collected as well?

6 A. Yes.

7 Q. Finally, State's Exhibit No. 1 --

8 MS. CAMPBELL: Your Honor, I would move this into
9 evidence. It was inadvertently left out. This was marked
10 with a number of others.

11 MR. STRICKLER: (The witness nodded head.)

12 THE COURT: Okay.

13 BY MS. CAMPBELL::

14 Q. And where was this collected, sir?

15 A. It was collected off the nightstand.

16 Q. And has it also got a reddish-brown substance on it?

17 A. Yes.

18 Q. And that was the one from the bedroom?

19 A. Yes.

20 Q. Thank you, sir. Moving on into the bathroom area, were
21 there certain items of evidence you collected from
22 there?

23 A. I'm sorry, ma'am, say again.

24 Q. From the bathroom?

25 A. Yes.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 Q. Including some towels that were pictured on the floor?

2 A. Yes.

3 Q. And, specifically, in State's Exhibit 352, what was
4 that you collected?

5 A. This would be the shower head in the bathroom.

6 Q. Why did you collect that item?

7 A. It contained a reddish-brownish stain believed to be
8 blood on the sides of it.

9 Q. Okay. Moving on into --

10 THE COURT: Solicitor, let me interrupt you a
11 second.

12 You got any objection to 117 [sic], which was the
13 knife in the bedroom? I don't think that's been admitted.

14 MR. STRICKLER: No, sir.

15 THE COURT: All right. 117 admitted into
16 evidence.

17 MS. CAMPBELL: Thank you, Your Honor.

18 (State's Exhibit No. 1 was admitted into
19 evidence.)

20 BY MS. CAMPBELL::

21 Q. The kitchen, specifically, State's Exhibit 368, is
22 there a pair of black shoes on the back porch?

23 A. Yes.

24 Q. Did you observe any reddish-brown stains on these?

25 A. I did not.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 Q. Were there certain towels there at the entrance to the
2 kitchen that were collected?

3 A. Several towels collected from the kitchen entrance
4 right there.

5 Q. And --

6 A. They were all piled on the other.

7 Q. And, specifically, State's 366, do you recognize this
8 towel?

9 A. If I recall, this towel was, actually, the one covering
10 the back window to the back door.

11 Q. And did that towel have a reddish-brown stain on it as
12 well?

13 A. None that I recall.

14 Q. Do the photographs actually reflect that?

15 A. Yes.

16 Q. Thank you. Also, at the back door, State's Exhibit No.
17 367, was there a set of keys (indicating)?

18 A. Yes. If I recall, they were, actually, in the door.

19 Q. In the door lock?

20 A. Yes.

21 Q. And I noticed there's a remote here, what kind of car
22 does that reflect it goes to?

23 A. Showing a Volvo.

24 Q. Volvo?

25 A. Yes.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 Q. And those were the keys that were, actually, in the
2 back door?

3 A. Yes.

4 Q. And they have what appears to be a reddish-brown
5 substance?

6 A. Yes.

7 Q. Finally, State's Exhibit No. 364, what is that, sir?

8 A. This is a knife -- this was the knife that was located
9 on the kitchen floor that was collected.

10 Q. Can you open that up for me, sir? This was the knife
11 found where in the kitchen?

12 A. Right in the kitchen floor right close to the
13 refrigerator.

14 Q. Did it, also, appear to have a reddish-brown substance
15 on it?

16 A. Yes.

17 Q. Thank you, sir. Once you had collected various
18 physical pieces of evidence, did you, also, get some
19 swabs from the crime scene?

20 A. Yes.

21 Q. And are you trained in how to collect DNA swabs or
22 swabs that may be tested for DNA at a later time?

23 A. I've been instructed by senior crime scene officers how
24 to collect DNA.

25 Q. And did you use the procedures you were taught to do in

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 this case?

2 A. Yes.

3 Q. And did you make sure that none of them were cross
4 contaminated?

5 A. Yes.

6 Q. And I show you a number of DNA swabs that were taken
7 from the scene that day. State's Exhibit No. 338?

8 A. Swab one would be the bathroom doorknob outside. Swab
9 two would be the suspect's phone or what we believed to
10 be the suspect's phone. DNA from the kitchen floor,
11 the water jug, the shade handle and cell phone, which
12 would have been the victim's cell phone.

13 Q. In addition to that, did you also collect a swab of
14 what appeared to be vomit on the living room floor?

15 A. Yes, it looked like a yellow stain and we swabbed it,
16 which appeared to be vomit.

17 Q. Finally, you, also, swabbed different areas from the
18 victim's body there at the scene?

19 A. Yes.

20 Q. They were collected in 388, 336 and 389, those swabs?

21 A. Yes. This swab would be from the victim's bottom left
22 leg.

23 Q. Uh-huh.

24 A. This swab was from the victim's bottom right arm.

25 Q. Okay.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 A. And this swab was the victim's neck area.

2 Q. Once you had collected evidence in this case, this was
3 some of the evidence that was collected, did you then
4 proceed to another location?

5 A. Yes.

6 Q. Where did go to?

7 A. From that location, I left there and responded to 1420
8 Woodrow Street.

9 Q. And approximately what time of the day is this at this
10 point, is it still on the 28th?

11 A. Yes, it was still on the 28th?

12 Q. I want to talk about some of the items you collected
13 there. Was there bedding collected?

14 A. Yes.

15 Q. Was there, also, I believe a computer collected?

16 A. I don't recall. From my evidence sheet, I don't have a
17 computer collected.

18 Q. There were other people, also, collecting evidence that
19 day at the scene at Woodrow Street?

20 A. Yes.

21 Q. As well as some nitrate gloves. And, finally, did you
22 collect pieces of clothing there?

23 A. Yes, I collected a pair of blue jeans with a black
24 belt.

25 Q. A pair of blue jeans?

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 A. Yes.

2 Q. And what was the appearance of those blue jeans?

3 A. If I recall, they was, actually, a reddish-brown stain
4 that we believed to be blood somewhere on the outside
5 area of the blue jeans.

6 Q. I show you what's been marked as State's Exhibit 374
7 and ask if those are, in fact, the blue jeans you
8 collected?

9 A. Yes.

10 Q. And are these the blue jeans you collected that day?

11 A. Yes.

12 Q. And at the time you collected them -- there are, also,
13 cuttings taken out of them, would that have been done
14 during testing?

15 A. Yes.

16 Q. And the Woodrow Street address, is that the Defendant's
17 home?

18 A. From what I was told from the information from the
19 investigators.

20 Q. I want to turn your attention back to the 29th. Did
21 you proceed back to the Monroe Street address where the
22 victim was found?

23 A. Yes, we returned back the next day.

24 Q. And did you assist Investigator Nelson in getting, I
25 believe, some print evidence at that point?

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

- 1 A. Yes, footprint impressions.
- 2 Q. As well as a few additional photographs were taken?
- 3 A. Yes.
- 4 Q. I want to turn your attention to August the 30th, did
5 you participate in executing a search warrant and
6 collecting evidence from Hank Hawes, the person of Hank
7 Hawes?
- 8 A. Yes.
- 9 Q. And did that include collecting DNA swabs?
- 10 A. Yes.
- 11 Q. Where did you collect the DNA swabs from?
- 12 A. I collected swabs, actually, from Mr. Hawes. And then
13 I collected it from his left and right hand and left
14 and right foot.
- 15 Q. Did you, also, take what's called a buccal swab, a
16 known standard, to be used for testing later from him?
- 17 A. Yes, that's where we swabbed --
- 18 Q. How is that collected, sir?
- 19 A. That's where we take a Q-tip and swab the inside of the
20 individual's mouth.
- 21 Q. Prior to collecting your swabs, did you, also, have an
22 opportunity to photograph the Defendant and look to see
23 if he had any injuries that needed to be photographed?
- 24 A. Yes.
- 25 Q. And, again, this would be on August the 30th, so two

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 days after you had been initially at the crime scene?

2 A. Yes, this is correct, August 30th.

3 MS. CAMPBELL: Your Honor, at this time, we would
4 offer State's Exhibits 290 through 310 into evidence.

5 THE COURT: Any objection?

6 MR. STRICKLER: No, sir.

7 THE COURT: All right. 290 through 310 admitted
8 without objection.

9 (State's Exhibit Nos. 290 through 310
10 were admitted into evidence.)

11 BY MS. CAMPBELL:

12 Q. Why did you swab his hands and his feet?

13 A. With what appeared to be reddish-brownish stains
14 believed to be blood around that area, the
15 investigators thought it was necessary to swab that
16 area.

17 Q. And was this the first contact you had had with
18 Mr. Hawes himself?

19 A. Yes.

20 Q. And when did you find out about him doing any kind of
21 attempt to commit suicide?

22 A. I believe at that same time.

23 Q. I'm going to show you what's been marked as State's
24 Exhibit 290, what does that show, sir?

25 A. It shows the lips -- it shows the lips of the suspect,

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 basically, his facial area.

2 Q. And when you're taking these photographs, are you
3 looking for any possible injury?

4 A. Yes.

5 Q. So you documented things that could possibly be an
6 injury?

7 A. Yes, that's what I was instructed to do by
8 investigators.

9 Q. State's Exhibit No. 291, what area is that?

10 A. That's a photo of his knee, if I recall.

11 Q. Once you got there, did you become aware that he had
12 significant injuries to his wrists?

13 A. Yes. At that time point in time when we arrived there
14 at police headquarter, he, actually, had band-aids
15 around the wrists, both left and right.

16 Q. Were you able to pull the band-aids off in order to
17 document those?

18 A. If I recall, the investigators, actually, wanted
19 instead of me taking a picture of just the band-aids,
20 they, actually, wanted to see the actual wounds
21 themselves. So we, actually, pulled the bandage away
22 from the injury to be able to see what, actually, photo
23 was going to display.

24 Q. But then afterwards, you put the band-aids back?

25 A. Yes.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 Q. So he wasn't hurt in any way?

2 A. No.

3 Q. Okay. State's Exhibit No. 292, does that show one of
4 his wrists?

5 A. Yes.

6 Q. State's Exhibit 293 -- actually, 294 is better and 295,
7 do those show his other wrists?

8 A. Yes.

9 Q. 297, what area does that show?

10 A. His fingers.

11 Q. 298 and 299, same thing, does that, also, show --

12 A. Yes, they were taken, actually, a close-up of some of
13 his injuries on his hand.

14 Q. This is on his hand?

15 A. Yes.

16 Q. This is the same injury, though?

17 (There was no response.)

18 Q. 300 and 301?

19 A. Again, that's, actually, where we took close-up photo
20 of his hands, the injuries.

21 Q. 302 and 303, again?

22 A. Again, yes, close-up photos of his fingers.

23 Q. Some of these were duplicate photos, but I just wanted
24 to make sure the jury has a full picture. State's
25 Exhibit 304, one with a scale on it, that's the same

GEORGE WISE CROSS BY MR. STRICKLER

1 injury?

2 A. Yes.

3 Q. And, again, this is his thumb?

4 A. Yes.

5 Q. Did you also photograph his feet injuries?

6 A. Yes.

7 Q. And State's Exhibit 306 is a close-up of 308?

8 A. Yes, we documented his injuries on his feet.

9 Q. And, finally, 309 and 310 are --

10 A. Yes, where we documented the injuries on his feet.

11 Q. If he had any other possible injuries or anything that
12 could be construed as an injury, would you have
13 documented it?

14 A. Yes.

15 MS. CAMPBELL: Beg the Court's indulgence.

16 Thank you, sir. I have no further questions.

17 THE COURT: Cross-examination?

18 MR. STRICKLER: Beg the Court's indulgence.

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. STRICKLER:

22 Q. Morning, Mr. Wise?

23 A. Morning.

24 Q. Do you have the photographs with you?

25 A. No, sir, I don't.

GEORGE WISE CROSS BY MR. STRICKLER

1 Q. My understanding is that you returned to the Monroe
2 Street address on the 29th?

3 A. Yes, sir, actually, returned back -- let me confirm
4 that for you. Yes, sir, actually, returned back the
5 29th, yes, sir.

6 Q. Okay. And collected some evidence there?

7 A. Yes, sir.

8 Q. Correct? Took some additional photographs there?

9 A. Yes, sir. I have in my notes here that Investigator
10 Paul Nelson, actually, photographed more evidence that
11 we collected on the 29th.

12 Q. I asked Mr. Nelson yesterday and he indicated that you
13 took the pictures?

14 A. Did he?

15 Q. One of y'all took pictures?

16 A. We took pictures, yes.

17 (Defendant's Exhibit Nos. 38, 39 and 40
18 were marked for identification.)

19 BY MR. STRICKLER::

20 Q. Let me show you what's been marked as Defendant's 38,
21 39 and 40 and ask if you recognize those?

22 A. Yes, sir, this photograph displays here the --

23 Q. Don't show it to the jury at this point time. I've got
24 to introduce it first.

25 A. I'm sorry.

GEORGE WISE CROSS BY MR. STRICKLER

1 Q. That's okay. You do recognize it?

2 A. Yes, sir, yes, sir, I do.

3 Q. Describe what it depicts.

4 A. Yes, sir. The photo, actually, shows part of the
5 bedroom area as you're entering into the bedroom, which
6 shows what I'm looking at is the rug area, looked like
7 part of the pillow casing that came from the bed and
8 looked like two towels.

9 Q. Okay. Which picture is that?

10 A. 38.

11 Q. Okay. And 39?

12 THE COURT: Are you going to offer them?

13 MR. STRICKLER: Yes, sir.

14 THE COURT: Any objections to 38, 39 and 40?

15 MS. CAMPBELL: These are photograph from the
16 second day, is that correct?

17 MR. STRICKLER: Right.

18 MS. CAMPBELL: No problem. No objection.

19 THE COURT: All right. 38, 39 and 40 will be
20 admitted without objection.

21 (Defendant's Exhibit Nos. 38, 39 and 40
22 were admitted into evidence.)

23 BY MR. STRICKLER::

24 Q. These were photographs that were taken on the 29th when
25 y'all returned to the scene?

GEORGE WISE CROSS BY MR. STRICKLER

- 1 A. No, sir, those, actually, should have been on the 28th?
- 2 Q. You didn't take the photographs on the 29th?
- 3 A. Sir, I can't recall if I took the photos when I was
- 4 there on the 29th to collect evidence.
- 5 Q. Do you recognize that document, sir?
- 6 A. Yes, I do recognize that document.
- 7 Q. Okay. Some of your notes?
- 8 A. Yes, sir.
- 9 Q. Does it reflect the 29th?
- 10 (There was no response.)
- 11 Q. Reflect your activities on the 29th?
- 12 A. Yes, sir, sure.
- 13 Q. What does that say?
- 14 A. August 29th, 2011, I returned back to 3721 Monroe
- 15 Street at 1600 hours and photographed and collected
- 16 items number 35, number 36, 38, and 39.
- 17 Q. Okay.
- 18 A. I see it.
- 19 Q. I'm sorry?
- 20 A. Do you want me to continue?
- 21 Q. You can finish reading that if you want.
- 22 A. Okay. Crime scene Investigator Paul Nelson collected
- 23 item number 37, all items were taken back to Columbia
- 24 Police Department headquarters and placed into the
- 25 crime lab for security.

GEORGE WISE CROSS BY MR. STRICKLER

1 Q. Okay. So you did take photographs there?

2 A. Yes.

3 Q. On the 29th. The State has indicated these were from
4 the 29th, so this would depict the scene on the 29th?

5 A. Yes, sir.

6 Q. The items you collected, do you remember where you
7 collected those items from on the 29th?

8 A. I'd have to look at my notes here. On the 29th, what
9 we collected would have been item 35, would have been a
10 shower head from the bathroom area.

11 Q. Okay.

12 A. A white towel from the bathroom floor. And then that's
13 when Investigator Paul Nelson went in to collect the
14 foot impression from the kitchen floor. Collected a
15 laptop from the kitchen area, I believe, on the kitchen
16 table, and then we collected a blue towel from the
17 bedroom, master bedroom floor area.

18 Q. Okay. Thank you, sir. You indicated on your direct
19 testimony that the cooler bag that you all collected
20 had a sufficient amount of, I guess, what appeared to
21 be blood in it and that you had to dispose of some of
22 it before you could package it, is that correct?

23 A. Yes, if I recall, it had some type of substance in it,
24 like reddish-brown substance --

25 Q. Right.

GEORGE WISE CROSS BY MR. STRICKLER

1 A. -- believed to be blood. As far as how much was in
2 that bag, I cannot recall, but I do recall that for us
3 to transport that bag, we had to dispose or empty that
4 bag for us to be able to place it into a paper bag,
5 sir.

6 Q. Okay. Turning to the Woodrow Street address, which
7 you, also, went to on the 29th -- or 28th, rather,
8 correct?

9 A. Yes, I left from Monroe Street and was advised by
10 investigations to respond to Woodrow Street.

11 Q. Okay. Did you take photographs at that scene?

12 A. Yes.

13 Q. You did? And you photographed and documented, I
14 believe you indicated you collected a pair of jeans
15 from that location?

16 A. Yes, sir, a pair of blue jeans with a black belt.

17 Q. Okay. And you indicated that there was some vomit on
18 the bed?

19 A. I recall, sir, there was like a yellow-type stain.

20 Q. Okay. Do you remember there being a yellow-type stain
21 on the bed and then on the floor by the bed?

22 A. I cannot recall that part. I just -- I don't recall,
23 sir.

24 Q. Okay. You documented that in photographs, didn't you,
25 what you saw on the bed?

GEORGE WISE CROSS BY MR. STRICKLER

1 A. Yes, sir. If I saw it on the bed, I should have
2 photographed it, yes, sir.

3 Q. I mean, that's what your job is, right?

4 A. Yes, sir.

5 Q. You come in and you document what you find, right?

6 A. Yes, sir.

7 Q. Okay. So if there were vomit on the bed, vomit on the
8 floor, you would have documented that?

9 A. I should have, yes, sir.

10 Q. Something unusual?

11 A. Yes, sir, I just -- just don't recall the part on the
12 floor, sir.

13 Q. Okay. I understand.

14 MR. STRICKLER: Thank you. That's all.

15 THE COURT: Redirect?

16 MS. CAMPBELL: No, sir.

17 THE COURT: You may step down. Thank you very
18 much.

19 MS. GARFIELD: Your Honor, may we approach?

20 COURT: Yes, ma'am.

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

25 THE COURT: All right. Mr. Foreman, ladies and

GEORGE WISE CROSS BY MR. STRICKLER

1 gentlemen of the jury, after talking with the attorneys in
2 the case, we're going to take a little longer lunch break
3 than normal because there's some technical things they need
4 to work out. They're going to talk about it and, hopefully,
5 that will speed up the process this afternoon. But it's
6 almost 12:00. If you'll be back in the jury room at two
7 o'clock, we'll get started at that time. And as I said,
8 that's a little bit longer than normal, but I think it will
9 benefit us in the long run. Please don't discuss the case
10 amongst yourselves. Leave your notepads in your chair. See
11 you at two o'clock.

12 (Whereupon, the jury left the courtroom
13 at 11:50 a.m.)

14 THE COURT: Anything from the State before we
15 break?

16 MS. CAMPBELL: No, sir.

17 THE COURT: Anything from the Defense?

18 MR. STRICKLER: No.

19 THE COURT: Okay. Thank you very much.

20 (Whereupon, a lunch recess was held.)

21 MS. GARFIELD: Judge, I think we're ready.

22 THE COURT: Y'all are ready?

23 MS. GARFIELD: Yes, sir. We both have an
24 objection to items that are coming in. Number one,
25 Ms. Pringle would like to introduce the Last Will and

GEORGE WISE CROSS BY MR. STRICKLER

1 Testament that the Defendant e-mailed to Stacey Newsom. She
2 wants to do that from these phone records, which it was
3 found on the phone records, the iPhone records. I have the
4 same objection as yesterday has to relevance.

5 You want to deal with that matter first, Judge?

6 THE COURT: Well, it doesn't matter. It's your
7 witness. Do you object to anything she's putting in?

8 MS. GARFIELD: Just one thing.

9 THE COURT: What?

10 MS. GARFIELD: A document was recovered from the
11 external hard drive of Ms. Wilson that she made in May of --
12 I'm sorry, in June of 2011. Essentially, it's just where
13 the victim is, for lack of a better word, Judge, I'm just
14 going to call it a diary excerpt where she's just writing
15 down some thoughts about her relationship between her and
16 the Defendant.

17 THE COURT: All right. Can I look at it real
18 quick and I will listen to the objection.

19 MS. PRINGLE: This document was found on an
20 external hard drive, you know, how you might buy an extra
21 one where you can plug it into your computer.

22 THE COURT: Thumb drive from where?

23 MS. PRINGLE: From Ms. Wilson's home.

24 THE COURT: Uh-huh.

25 MS. PRINGLE: Next to her laptop, I believe.

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1 THE COURT: Okay.

2 MS. PRINGLE: The -- my only objection to this
3 will be we don't know who she's written it to, if she's the
4 one who authored it. We don't know anything about the
5 circumstances or the timing or if this is, actually, a
6 document that she drafted. It was found on a relatively
7 generic hard drive. This is not something off of a phone or
8 off of a computer. And it doesn't say it's to anyone, it
9 doesn't say it's from anyone. I think there are some
10 assumptions being made there.

11 THE COURT: You found it on the external hard
12 drive?

13 MS. GARFIELD: Yes, sir, in her home.

14 THE COURT: In her home?

15 MS. GARFIELD: Yes, sir.

16 THE COURT: Is that a similar place you found the
17 rest of --

18 MS. GARFIELD: There are two other documents found
19 on the computer, one of which Ms. Pringle was intending to
20 introduce, a letter that the victim --

21 THE COURT: That came from this same hard drive?

22 MS. GARFIELD: Yes, sir.

23 THE COURT: Okay. All right. Let me see the one
24 that you object to that she wants in.

25 MS. GARFIELD: Yesterday, I objected to the Last

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1 Will and Testament being introduced. She's trying to get
2 that in through this witness because it's -- when he
3 downloads the cell phone, his e-mail is, also, downloaded,
4 which shows the Last Will and Testament being sent to Stacey
5 Newsom. And I have the same objection from yesterday.

6 THE COURT: There was something else I ruled on
7 your behalf yesterday.

8 MS. GARFIELD: Yes, sir. The letter that
9 Mr. Hawes wrote to Stacey Newsom from jail telling her how
10 much he loved her.

11 THE COURT: Okay. So it's that text where you're
12 talking about I want you to get everything I own, basically?

13 MS. PRINGLE: He sent an e-mail at 5:22 a.m. in
14 the morning to Stacey Newsom saying, essentially -- it's
15 titled Last Will and it's three sentences. And I can put my
16 hands on it, but having trouble at this moment, but it's,
17 basically, I leave all of my belongings and business to
18 Stacey Newsom. She has control over everything, but not my
19 family. They've introduced evidence of self-inflicted
20 wounds. They've introduced that he attempted to commit
21 suicide. It corroborates evidence that they've already
22 introduced. I, frankly, can't come up with any reason why
23 it's not relevant. It was on his phone --

24 THE COURT: I mean, what's the relevance to as far
25 as what they're trying to prove? I'm not sure what you're

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1 trying to prove from a Defense standpoint as to relevance.

2 What's the relevance of that?

3 MS. PRINGLE: It --

4 THE COURT: Either one of these.

5 MS. PRINGLE: The Last Will corroborates that he
6 was trying to kill himself, that he thought he was going to
7 die that night. That goes to malice -- or the absence of
8 malice and passion. So I think it's absolutely relevant
9 that the actions that he took after speak to his state of
10 mind. But as part and parcel of that is that they've
11 introduced anyway. But it, certainly, goes to the absence
12 of malice.

13 THE COURT: All right. I will overrule both
14 objections and allow both of them in.

15 MS. GARFIELD: Yes, sir.

16 THE COURT: Anything else?

17 MS. GARFIELD: No, sir.

18 THE COURT: Y'all want to mark those last two
19 exhibits when you get a chance?

20 MS. GARFIELD: Yes, sir.

21 (State's Exhibit No. 421 was admitted
22 into evidence.)

23 THE COURT: Can I see the attorneys up here just a
24 second?

25 (Whereupon, a bench conference was held

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 off the record.)

2 THE COURT: Can I see the bailiff, please.

3 (Whereupon, a bench conference was held

4 off the record.)

5 THE COURT: Let me know when they're ready to come
6 in, okay?

7 BAILIFF: Yes, sir.

8 THE COURT: All right. Anything else before we
9 bring in the jury?

10 MS. GARFIELD: No, sir.

11 THE COURT: Is the jury ready?

12 BAILIFF: They passed a note back, so I'm not sure
13 what's on it, Your Honor.

14 THE COURT: Bring us the jury.

15 (Whereupon, the jury returned to the
16 courtroom at 2:19 p.m.)

17 BAILIFF: The jury is seated, Your Honor.

18 THE COURT: Thank you.

19 Call your next witness.

20 MS. GARFIELD: Thank you, Your Honor. The State
21 calls John Vanhouten.

22 THEREUPON,

23 JOHN VANHOUTEN,

24 after having been duly sworn, testified as follows:

25 THE CLERK: Have a seat in the witness box, state

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 your name for the record and spell it, please.

2 THE WITNESS: John Vanhouten, V-A-N-H-O-U-T-E-N.

3 DIRECT EXAMINATION

4 BY MS. GARFIELD:

5 Q. Investigator Vanhouten, please share with the jury
6 where you're employed?

7 A. I'm currently employed with the Columbia Police
8 Department.

9 Q. What are your duties with the Columbia Police
10 Department?

11 A. I am assigned full time to the United States Secret
12 Service.

13 Q. And explain what you do with the United States Secret
14 Service.

15 A. I'm a computer forensic examiner and a federal
16 financial crime examiner.

17 Q. What kind of educational background do you have to do
18 this job?

19 A. Two years college and numerous forensic training
20 schools across the country.

21 Q. And do you examine computers that are seized in
22 criminal cases?

23 A. Yes.

24 Q. As well as cell phones?

25 A. Yes.

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1 Q. And, specifically, do you have experience in analyzing
2 iPhones?

3 A. Yes.

4 Q. Were you asked to analyze a series of devices that were
5 taken in this case that we're in court for today?

6 A. Yes, sir.

7 Q. Specifically, were you asked to analyze the iPhone of
8 the victim, Jennifer Wilson?

9 A. Yes.

10 Q. I'm going to show you what's State's Exhibit No. 5, do
11 you recognize this exhibit?

12 A. Yes.

13 Q. And can you share with the jury what that -- whose
14 iPhone that belonged to?

15 A. It appeared to belong to the victim, Jennifer Wilson.

16 Q. And I'm going to show you State's Exhibit No. 117. Do
17 you see a phone in that photograph?

18 A. I do.

19 Q. Is that the phone that belonged to Ms. Wilson?

20 A. It looks consistent to the markings.

21 Q. And I'm going to show you State's Exhibit No. 401, you
22 recognize this exhibit?

23 A. Yes.

24 Q. Is that also an iPhone?

25 A. Yes.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Q. And who does that iPhone belong to?

2 A. It appears to belong to the Defendant, Mr. Hawes.

3 MS. GARFIELD: Your Honor, at this time, I would
4 like to introduce State's Exhibit 401 into evidence.

5 MS. PRINGLE: No objection, Your Honor.

6 THE COURT: What was the number again?

7 MS. GARFIELD: 401.

8 THE COURT: 401? Any objection?

9 MS. PRINGLE: No.

10 THE COURT: All right. 401 in without objection.

11 (State's Exhibit No. 401 was admitted
12 into evidence.)

13 BY MS. GARFIELD::

14 Q. And those two phones, Investigator Vanhouten, you were
15 asked to analyze?

16 A. Yes, correct.

17 Q. Can you explain to the jury how you go about doing such
18 an analysis?

19 A. There are numerous tools and devices that we use to
20 extract data from cell phones. In this particular
21 instance, we used a system called Cellebrite. It's
22 probably the leader in cell phone technology
23 extraction.

24 In this particular instance here, we had to
25 extract what's called a physical extraction. Both

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1 phones were screen locked. I had to pull all data off
2 the phone in order to bypass the screen lock. It was
3 successful. I was able to recover the pass code and
4 unlock the phone and extract, basically, all data off
5 the phone, to include logical stuff, which is stuff
6 that you can see, your photos, your pictures, your
7 calls, and unallocated stuff, which is stuff you can't
8 see, the deleted stuff, stuff waiting to be written
9 over.

10 Q. And were you able to prepare a report of these messages
11 between the Defendant and victim?

12 A. Yes.

13 Q. And you were, also, able to retrieve voice mails?

14 A. Yes. Apple is the only phone that, actually, stores
15 your voice mail on the device itself. You do not have
16 to call into the provider service. You -- the voice
17 mails are, actually, stored on the device itself.

18 Q. Is this what we refer to as a phone dump?

19 A. Yes, you can.

20 Q. Okay. Sort of a slang word?

21 A. Yes.

22 Q. And you were able to make a report of the text
23 messages, specifically, between the Defendant and the
24 victim?

25 A. That is correct.

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

2 BY MS. GARFIELD:

3 Q. Investigator Vanhouten, I'm going to ask you to stand
4 down. And we're going to share with the jury --
5 actually, before you do that, while she's setting that
6 up, I show you what's been marked as State's Exhibit
7 No. 399. Open that notebook and share with the jury
8 what that item is.

9 A. It appears to be only the text messages recovered from
10 the devices.

11 Q. And those would include text messages between the
12 Defendant and the victim, Jennifer Wilson?

13 A. Yes.

14 Q. You've reviewed these, correct?

15 A. Yes.

16 MS. GARFIELD: Your Honor, at this time, I'd like
17 to introduce State's Exhibit 399 into evidence.

18 THE COURT: Any objection?

19 MS. PRINGLE: No objection.

20 THE COURT: All right. 399 entered without
21 objection.

22 (State's Exhibit No. 399 was admitted
23 into evidence.)

24 BY MS. GARFIELD:

25 Q. Investigator Vanhouten, the messages that you just

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 review in the notebook, have you, also, reviewed them
2 on this TV screen?

3 A. I --

4 Q. Reviewed them previously?

5 A. Yes.

6 Q. I'm going to ask you to step down. And I'm going to
7 ask for the assistance of Ms. Bryan here in the
8 courtroom, who is much more familiar with computer
9 technology than I am to assist us.

10 If you can go to page 298. Investigator
11 Vanhouten, if you could explain what the color codes
12 mean to the jury.

13 A. The shades of yellow indicate that the call was made to
14 Jennifer Wilson and the shades of gray indicate calls
15 made from Jennifer Wilson.

16 Q. Okay. Are these calls or text messages?

17 A. I'm sorry, text messages.

18 Q. And, specifically, we want the jury to be able to be
19 familiar with these text messages. I'm going to ask
20 you to read them aloud and if you will start with the
21 third from the bottom, the question?

22 A. This one was sent to Jennifer Wilson. It's a question.
23 You want me to read the question?

24 Q. No.

25 A. Second one is from -- I'm sorry, from Hank Hawes to

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Jennifer Wilson. After I mentioned yoga this morning,
2 have you contacted or spoken to anyone about it or me?
3 Be honest if you have.

4 Q. And what date was that text message sent?

5 A. That was sent on August 17th, 2011, at 10:17 in the
6 morning.

7 MS. GARFIELD: If you could view the next page,
8 Ms. Bryan. If you could continue as Agent Vanhouten gets to
9 the bottom of each page.

10 BY MS. GARFIELD::

11 Q. And Investigator Vanhouten, if you will just read the
12 text, you don't need to signify who --

13 A. Okay.

14 Q. That is identified by colors who is making the text and
15 who is receiving it.

16 A. The response was no, why?

17 It just hit me that I thought I should ask.
18 Something is bugging me today, but I can't put my
19 finger on it. My intuition has me on alert, but not
20 sure for what. What exactly does Darr know about me or
21 our relationship? I guess that should include Stacey
22 as they talk. Please be honest.

23 Car me, LOL. That's short for laughing out loud.
24 Call me when you get a free minute.

25 Just that our relationship is stormy.

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1 Did you elaborate, question mark.

2 No.

3 So no details, just stormy with Hank?

4 Just stormy?

5 The next one is babe, question, are you being
6 honest or afraid to tell me?

7 Babe, chill out. If you are this freaked out, go
8 to a different studio.

9 I'm just asking for an honest answer.

10 And I gave it and now you are badgering me.

11 I spoke to Darr this a.m. If you say it's true,
12 then I'll leave it be.

13 It's true.

14 And Stacey, no details, question mark.

15 Marriage based, but same concept.

16 So no details on Stacey?

17 Again, not trying to be mean, but, clearly, asking
18 about Stacey.

19 Again, not trying to be mean, but you be you. If
20 it's yes, it's yes. If it's no, it's no. My flight is
21 pushed to 11:30 to refuel. I just need an honest
22 answer about Stacey so I can make sense of something.
23 No worries, I'll figure it out on my own. Have a good
24 day. Sorry to bother you. Just trying to make sense
25 of conflicting information. Again, I'll figure it out

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1 on my own.

2 Sorry, I was in a meeting with a grad student.

3 What conflicting info are you getting?

4 Does Stacey know details, again, another question
5 mark.

6 No, why? Why are you harassing me about this?

7 I've answered your question. Please answer mine.

8 You said yesterday she did. That she was a friend
9 and you talked to her and knows about us. And today,
10 it's no then, then it's no.

11 I sent you an article. I may do dinner with some
12 resource people tonight. If so, I will text you when
13 I'm done. Plane's ready, got to go.

14 Do you know why Soup Solutions comes up on caller
15 ID when I call people?

16 By the way, I did talk with her about us and I
17 told her it was stormy. It is not that today it's a
18 no, it's the same answer. Now, it's your turn. Can
19 you please answer my question?

20 Just finished flying. Call me. I'll answer your
21 questions. Post your questions. Are you busy? Call
22 me ASAP about ATT. Call me back.

23 Text when you leave in case I'm still there.

24 Okay.

25 Damn, somebody is getting raped, cruisers, dogs,

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1 et cetera and parameter around the block. Welcome to
2 be back at school.

3 Yep. I wish this guy would answer his phone.
4 Screw this, I'm going somewhere else.

5 How is the Pot Luck? You still at Pot Luck, late
6 Pot Luck? Jen? Really? I'm home. I guess just show
7 up whenever. Are you coming, question mark. I'll just
8 wait up on you.

9 Okay, Jen, this isn't fair? How could you say you
10 would come over tonight and not even a courtesy text?
11 Why?

12 Babe, who are you with? Why are you not letting
13 me know if you're okay?

14 Q. Excuse me, Investigator Vanhouten, will you speak up?

15 A. All right.

16 Q. I know you can be loud.

17 (Laughter.)

18 A. Why are you not letting me know you're okay? Are you
19 safe? God, I don't deserve to worry about you. Please
20 let me know you're safe.

21 Babe, I'm worried sick. Are you home safe? Are
22 you drunk? Are you alive? Are you up at Pot Luck
23 until one a.m. during this week? Come on, Babe.

24 Hey, heading home.

25 Please head here. I've been waiting on you all

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 night. I really wish -- I really wish I would have
2 known. I was excited to see you. Now, I'm angry at
3 myself. Tonight was, is really hard on me because it
4 would devastate me if you were hurt. I just needed to
5 hold you close and realize you were safe and it turned
6 into make a choice. No, I'm not okay or sorry to make
7 you worry and reassure me. I'm torn up right now, Jen.
8 I needed to see you and you let me down. I'm
9 disappointed, but that's life.

10 I'm sorry you were worried tonight, last night,
11 however, the texts and the phone calls were not okay.

12 I'll be downtown for lunch if you're interested.
13 If not, no big deal. I had another interesting meeting
14 today and things got pretty in-depth. I'd like to tell
15 you what was said. Lunch?

16 I have to wait for the upholstery cleaners to show
17 up.

18 Working from home today?

19 Afternoon, I am.

20 Cool. My day has rocked, started at 6:00.

21 That is awesome.

22 First appointment at 6:45, met a client, then the
23 professor and coach did yoga at 6:45, got a ton out of
24 it with no distractions. Stacey looked at me as if she
25 saw a ghost, but no big deal. I think I may have our

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 counselor lined up. Do you have the Norway dates? I
2 have another quick meeting and I'm done.

3 I need you to reimburse me for your Sprint bill,
4 please. I have the receipt.

5 I'm sorry things didn't work out for us, but I
6 won't have the passive aggressive behavior.

7 May we speak civil via phone to close all the
8 doors on this?

9 Every one of those idiots you named for drug use,
10 you need to stay away from, especially the ones that
11 educate kids. They will drag you down and you're
12 smarter than that. Can we agree on a truce? I'm not
13 saying I want you back because I don't, but I don't
14 want either of us bad mouthing. Tried to call you to
15 discuss, Jen. I'm trying to call you for a peaceful
16 end.

17 I didn't want to this to end badly. I've never
18 threatened you and have never bad-mouthed you and don't
19 plan to start now. Can we speak peacefully via phone,
20 please?

21 Well, Jen, you've admitted to saying a variety of
22 one-sided negative things about me. I can only assume
23 you plan to continue to exile me in this town, me as
24 you said yesterday on your sofa. Last request to
25 clarify with phone call. I'm trying to be sure we're

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 on the same page, please. If we're on the same page,
2 no need to discuss it. Humor me, please.

3 I have the receipt for the \$180 Sprint bill. I
4 paid for you this week. How do you want me to send it
5 to you?

6 In the mail is fine.

7 Can I scan it and e-mail?

8 That is fine.

9 Will you take my call? I'm asking nicely.

10 We have nothing to discuss right now.

11 Your choice. I do love you and maybe one day, if
12 so inclined, we can try you and I again. We were so
13 close and the intimacy was amazing. We -- I was really
14 looking forward to Norway. Maybe some space will help
15 us realize that we lost and bring us back together
16 before it's gone forever or before we both move on.
17 I'm disappointed we gave up.

18 Thank you for being the greatest love I've ever
19 felt for someone named -- I can't believe I'm saying
20 this, but if there is a chance, no matter how slim, for
21 us to make this work, I will give it a shot.
22 Counseling is a must. Nothing is ever broken beyond
23 repair in love. Your thoughts. I want to throw a hail
24 Mary for you. I'm really hurt right now. We don't
25 want to make any rash decisions.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Me, too.

2 Does that mean we split or hanging in there or
3 both? I'm referring to hanging in there.

4 The stupid thing is we both say stupid, hurtful
5 things and they do not reflect our heart. I don't want
6 to say hurtful things and I have never been one to do
7 that, which is why I said I don't like who I am in this
8 relationship.

9 Let me know either way. I don't want to move or
10 sleep with anyone else until I know that we're not
11 going back.

12 I think we can be friends and maybe in the future
13 try again, but right now, my feelings are too intense
14 and until I can keep them on check, I don't want to say
15 mean, hurtful things to you. I love you and you
16 deserve better.

17 I will write a letter tonight and e-mail it to you
18 because I want you to know how special you are to me.
19 You may choose not to believe me, but all I can do is
20 try my best and hope that one day you will understand.

21 I will cover the counselor to verify we can't
22 recover if you will take that final step with me. It's
23 worth a shot and we both go in honest and bear our
24 soles. Baby, I'm histrionics. Be glad I'm giving you
25 a free pass. I love you too much to care what you may

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 or may not be. You deserve better. I would like to
2 take a shot at getting our communication right with a
3 counselor.

4 You're right, we both do. That's why we owe it to
5 ourselves to know. So let's give time and space a
6 chance to heal our wounds, to know if we can save this
7 life. And if we decide in the future to try again, a
8 counselor would be mandatory.

9 They said it's best to try while the hurt is
10 there, nothing gets masked. We have nothing to hide
11 and fix it at its worse. Waiting just gives other
12 people and scar tissue time to build. I'm in if you're
13 in. I think I can have an appointment tomorrow or
14 Monday.

15 No.

16 We could be throwing our best life ever away. So
17 should I move on?

18 We could, but I believe if we are meant to be
19 together, then we'll find each other again.

20 Like you said -- like you said in your earlier
21 text, with a whole new set of issues, I want you to be
22 the last woman I care to be with, with, no others in
23 between. One session, one hour of our life to heal, to
24 repair, to know. If I'm so special, am I not worth
25 that hour? I know you are.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 No, Hank, stop, please. Give me time and space.

2 As you wish. Goodbye, Jen. I love you.

3 I love you, too. Goodbye.

4 I miss you already. You're killing me. I so
5 wanted to send you a funny story about the upholstery
6 cleaners, but I'm really trying to do the right thing
7 here.

8 Baby, just go with it. I want you really bad.
9 They asked me what the stains were. I said I didn't
10 know. They said looks like milk. Ha, I was so
11 embarrassed.

12 Too funny. Want to play? I could tear you up
13 right now. No talking allowed, just um, um, um, um
14 sex. One promise, no talking.

15 LOL, as tempting as that is, no.

16 Why? I want to play. You just gave me a hard
17 time for saying that in jest and now you want to just
18 do it?

19 No.

20 Not talking about how our minds work, baby. I'm
21 really hard. And you and I get that right. Um.

22 Always? Come on.

23 Yes, we do, loving deep, no wet, rip the sheets,
24 um.

25 I'm good with that, leave.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Come on, I want to be inside the most amazing girl
2 I know. See, you do, too.

3 LOL, no.

4 But when things have settled down between you and
5 me, I will still be waiting to teach you the assessment
6 if you want to make up for the appointment --

7 Let's do it. No strings, seriously, no strings.
8 I love pulling you into me. Just sex. Nothing more.
9 Say yes.

10 Great. I'm on the way. Get naked. I'll leave as
11 soon as we finish so I can grieve.

12 LOL.

13 I am so turned on by this. I love inside you.
14 Get naked. I'm down the street. Seriously, no
15 talking, just um. Promise me. God, I can almost feel
16 you. Don't start without me. I'm close.

17 Stop, please.

18 Who's here? I'm out front. Who is that? FDY632.
19 Sentra.

20 Jen, are you going to answer or do I knock?
21 Really? I'm not a fool. Nice, Jen. Running plates.
22 I have a great guess. Not cool, Jen. Back on plan A.
23 Later. I'm a damn fool. Care to explain?

24 There, I have nothing to explain. You're jumping
25 to conclusions.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Well, who's car? Black Sentra. Waiting on plates
2 to come back.

3 So?

4 We were sexing and it was there. I'm listening.
5 If it's not a big deal, why can't you just state what
6 it is.

7 Well, don't think of a story, tell me the truth.
8 God, just be honest or I'll be honest for you.

9 No response, huh? Time to come out to the world,
10 Jen. Just come clean for once. You're busted again.
11 I've got the V mail I picked up on that. You talked
12 about sleeping with the married chair because you know
13 it will help you. I remember hotel. Give me the truth
14 and I can accept it. I stuck with you through all the
15 other bullshit you've pulled. If no response, then
16 enjoy your empty, selfish, ruthless life. Karma never
17 sleeps and runs faster than you. I pray you change
18 your ways and thrive. Until then, I will pray for
19 mercy on your wicked self. If I don't hear from you, I
20 will move forward.

21 And ever since, very well, you have made your
22 choice and the choice for those that associate with
23 you. May you be given the gift of the third eye to see
24 it. Also, shame for Chandra for cheating on his wife
25 verified by you on tape at South Carolina. Smart, but

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 apparently not too much. So how long? Got an e-mail
2 and Stanley Steemer was not there when out front.

3 Weird, huh? And he just stopped by at random? Whore.

4 It will all come together after I'm done. Later.

5 And PS dumbass, how did he have your address? Again,

6 liar, whore. And you will both get what you deserve.

7 Karma. And I do deserve happiness from a truthful

8 person.

9 I reviewed the videos and spoke to -- I reviewed
10 the videos and spoke to my attorney and I was clear on

11 -- clear the tape, the truth will suffice without you,

12 Chandra and the others. People need to be protected

13 from parasites like yourself. Don't worry, I'm

14 reporting all the cheating -- and the pot smoking

15 verification from you about Chandra, proper officials

16 and photos. Sorry, I've had it with you, your fucked

17 up friends and your games. Game over. You ran this BS

18 game on -- surprise.

19 Why, Jen? I have eyes and your blinds were

20 opened. Chandra was in your apartment when Stanley

21 Steemer man was pulling out. And I remained there

22 after they left. I'm really hurt over this. But it's

23 always all about you. At least, Lisa is flying in to

24 help me clean up this mess. I'm unimaginably hurt, but

25 trying to let this ridiculous situation go.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I would like to meet one last time face to face to
2 help me gain some closure on this. Public place is
3 fine, preferably before Lisa gets here. Let me know.
4 Can we meet at Starbucks downtown at 10:30? I would
5 like peace between us and it really won't take long.
6 It would mean a lot and help me greatly. I don't care
7 to rehash anything, just want peace and to say a few
8 words. I don't care -- thanks. Are we going to meet?
9 We can do 11:00, if it's better or over lunch. But if
10 it's no, then it's no. But 15 minutes to give me
11 closure and ensure peace for both.

12 Hey, Jen, I wanted to say this to you in person,
13 but it seems it may not happen, so here goes. Thank
14 you.

15 And please take the time to check out my story
16 with the carpet cleaner. It may put some of your --

17 Q. I'm going to stop you at that point. That was the
18 first response she had --

19 A. Yes.

20 Q. -- in this entire string?

21 A. Well, right there (indicating).

22 Q. Okay. Thank you.

23 A. Okay.

24 Q. Go ahead.

25 A. Okay. Babe, I was outside when they pulled away. I

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 walked to the back and Chandra was inside. It's okay,
2 sweetheart, I failed you.

3 They had to get gas. The door was still opened
4 and the hose was still there. They were back in five
5 minutes and we left with them. Check it out if you
6 don't believe me.

7 Was Chandra inside?

8 Yes.

9 Your e-mail said he wasn't. I love you, baby.

10 We were looking at a conference room on my CPTRT
11 and it doesn't matter. And I'm looking at my -- you're
12 wrong. Reread it.

13 You're right, it don't matter unless it makes --
14 unless it makes I feel less like a fool. Jen, I really
15 love you and I want the best for you. I will accept
16 the blame.

17 Thank you. The feeling is mutual.

18 It doesn't matter what did or happened, I miss
19 you.

20 Well, that is your choice. I'll offer the info
21 for you, you gave the names of people you can confirm
22 it with. Do with it what you will.

23 Baby, I don't want to investigate anything any
24 more. I just want to be happy and have family more
25 than anything.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I believe you. I wish all of that for you. If
2 there's anything you need from me, let me know. Good
3 luck.

4 Same for you, Jen. Feel free to text or call as I
5 will invite your friendship when you're ready. Maybe
6 you can witness a change from a safe distance. I am
7 forever grateful. You helped me complete most of it.
8 Love you, Jen. Bye for now.

9 Love you, too. Bye. Smiley face.

10 Oh, almost forgot, if you're ever feeling frisky
11 and want that perfect fit, I'm game, no strings, just
12 great sex. You know how to reach me. Kind of frisky
13 right now, but respect you too much.

14 Oh, my God, I was thinking the same. Your place
15 or mine. Remember no strings.

16 Where are you?

17 I'm home. I don't want to be Stacey.

18 You'll never be her.

19 Look, where are you? Come over.

20 Oh, my God, I can tear you up right now.

21 Seriously, no talking, just sex.

22 If I didn't love you so much, I would do it, but I
23 respect you too much.

24 Stop the BS, this is sex. Come over.

25 I don't want you to think it's only about sex.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Look, and I know I'm not there yet. I consider
2 you a close friend. I still care too much. The
3 benefits, stop thinking and come fuck me.

4 But I hope you know what I'm thinking -- I hope
5 you know I'm thinking about you.

6 LOL, is it that hard, come over?

7 I don't want a friend -- I don't want a friend
8 with Beanie, I want to feel you.

9 I want a boyfriend. Start with sex tonight,
10 boyfriend, we can talk about later.

11 Jen, come over now. I'm naked and hard.

12 Oh, this is so hard.

13 Just do it. I was thinking -- I was up thinking
14 of you.

15 Duh, a sign, come over.

16 You know I would, but I'm afraid you will use it
17 against me.

18 Jen.

19 Like a videotape or something.

20 Just do it.

21 I think I'm too scared to chance it.

22 Then don't, but God, I want you in my bed.

23 Then do. I will come to you.

24 Jen, I want you.

25 No, I'm too afraid.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Close, deep, get over it. So am I, but I'm
2 willing to chance it.

3 No, seriously, couldn't sleep last night because I
4 had horrible dreams about you.

5 I'm coming over, okay?

6 I'm seriously afraid.

7 I know.

8 Please don't.

9 Then come here, but make a decision. Take a
10 chance.

11 I love you. Good night.

12 You're not coming over after telling me you want
13 me? Jen, I'm here.

14 Please don't be mean. You scare me. And if I
15 felt safer, I would come over. I probably shouldn't
16 have texted. I'm sorry.

17 You have nothing to fear. I'll turn my phone off.
18 Your choice. I won't beg. It would be great.

19 No, you might video everything and that worries me
20 deep.

21 You make the call.

22 I didn't want sex tapes out on me.

23 Okay. Enough BS. I love you, goodnight.

24 I want to feel you close. No more BS. Come over
25 or don't.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Huh, BS? Starting not to care. No taping.
2 Okay.
3 No talking. Are you coming or not?
4 No.
5 Then goodnight. I got the message. No worries,
6 sorry to bother you.
7 I want you, but don't screw with me.
8 Really? It didn't appear that way.
9 Really?
10 Get in your car.
11 I got the feeling I was bothering you. Come over.
12 We both need this and you're dragging it out.
13 Come over. Answer your phone.
14 No. You are right. We both do need it, but I'm
15 too frightened. I'm sorry, I won't text you again.
16 Can I come over and make love to you then, then
17 leave or you here? Real love, question mark nine.
18 Then come over right now.
19 How long?
20 How long? I don't understand.
21 Are you coming over? Take a chance, I assure you.
22 No, I'm sorry.
23 Talking to you made me feel -- made me see that
24 you're still really upset and that scares me.
25 You are safe. I'm not upset. I'm sorry, I should

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 never have toted you. I just missed you, but that is
2 not an excuse. I'm just tired of wasting time. Please
3 forgive me. I'm really sorry. When I could be loving
4 you, come over. I'm really hard and I miss you
5 terribly. Please come over.

6 I miss you, too.

7 Then do it. Come on, Curly Q. GN misses you,
8 too. Get in your car and come for a visit.

9 I can't. I can't risk it, I'm still too
10 frightened. But God, I love you. I'd love to hold
11 you. At some point, you have to say fuck it.

12 I'm all in. No matter what, I'm there. Lay
13 beside me tonight if you love me.

14 Not when somebody tells you they will ruin your
15 life brick by brick. I have to be a bit more careful.

16 Then chance it, okay? You're starting to turn me
17 off. You coming over or not?

18 I do love you, but I fear I'm walking into a trap.

19 Oh well, get over it. It's not. So again, coming
20 over or not? Goodnight.

21 I really do love you. Goodnight.

22 I wish you had said yes.

23 I love you, too. For both of our sakes, I almost
24 made a stupid mistake tonight because I wanted to feel
25 love and thought of you and got out and then this.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I could use a good cuddle if you're not up for
2 sex. You in?

3 You coming over, question mark.

4 Well, besides, I can't video in the dark. You
5 coming, Jen? Please tell me as I'm up now. As a
6 courtesy, damn. Now, I'm just frisky and not liking my
7 options. I'm a great boyfriend, by the way. We should
8 probably talk about this because sooner or later, one
9 of us is going to be so crazy hot and we're going to
10 want real sex. I'd rather it be you and I because it's
11 safe, but we should figure it out. If you're still
12 frisky, come on. And yes, I miss you, too.

13 You awake?

14 Yes.

15 Well, up, come over for a few minutes. It will be
16 okay.

17 I don't think it's a good idea.

18 I'm so done thinking. I would like to cuddle up,
19 have some intimacy and go from there. No expectations
20 outside of that.

21 I wish we could, but we're not good for each
22 other. We bring out the worst in each other and I
23 can't do that to you or me any more.

24 We are great being intimate together. That's all
25 I'm asking for.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I know, but we didn't need to be friends with
2 Beanie. It does get -- it does get what either of us
3 want. You will always be more than a friend. That
4 should have -- doesn't yet.

5 I know I love you too much to be friends with
6 Beanie. And it works until we figure out what we want.
7 I'm really lonely right now. We know what we want. I
8 don't want any one but you.

9 But I don't want to figure all the other stuff out
10 right now. I just want to be beside you.

11 When is Lisa getting here?

12 She was checking twice last night.

13 I don't want her to come.

14 Why?

15 She will push me to hook up with someone because
16 she knows my heart is attached to you. Twisted.
17 Different. But then I feel like I could never go back,
18 like I broke that value to you.

19 Come over.

20 I'm going to yoga. I don't want to talk about
21 stuff, just be close.

22 After yoga then?

23 What time is it over? Or come here first.

24 I don't think it's a good idea.

25 You keep saying that. I'm not going to beg you.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I love you and I want some intimacy from you. Anyway,
2 I'm lonely and that's a bad thing.

3 I love you, too.

4 Then stop thinking and come over. I'll wait on
5 you. I'm in bed.

6 No, I'm sorry.

7 No problem. Have a good weekend and I love you.

8 Love you, too.

9 Jen?

10 Yes.

11 I really miss your touch, but I'm too lonely to
12 let this last. Have you thought about that?

13 Thought about what part specifically?

14 Needing to be with somebody -- or needing to be
15 with someone. I just want you happy. I need to be
16 with you, but you say not a good idea. I'm lonely.
17 I'm crazy frisky and the girl I'm in love with keeps
18 telling me we're bad for each other.

19 You don't think so?

20 No, I don't.

21 Reread your text and remind yourself.

22 Jen, people say and do some really stupid things
23 over love. My love for you is genuine. It's real.

24 That may be true for you, but it's not what I
25 want. I want you, but in a better relationship.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Yeah, me, too.

2 Unfortunately, we don't have a better
3 relationship. It's like yoga, you don't have it
4 perfect overnight. We tried it and it didn't work.
5 You have to work on it.

6 Very well.

7 -- you also recognize your limits. I gotta go,
8 yoga.

9 Yeah, have fun.

10 I'm going to eat and head out.

11 Did you contact anyone about me given the
12 situation? I'm not upset if you did. Just getting
13 some odd text calls. You don't have to answer. It's
14 not important. I love you no matter.

15 No, no one. What kind of texts? Actually, that
16 is not true. I told my therapist. I don't know if
17 that counts.

18 It does, that I love you.

19 Huh? What kind of message?

20 Just BS from the past.

21 What to meet me at two o'clock, my place, or 1:30?
22 I'm still really frisky from last night. Don't think
23 -- don't think yourself out of it. You just might like
24 it.

25 I thought you were leaving town.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Not today, going out tonight.

2 I'd like to see you now. So 1:30 or do dinner
3 with me as a friend?

4 LOL, you are so persistent.

5 I know. You wouldn't want any one who wasn't
6 persistent. Love you.

7 1:30?

8 I'm headed there now to my place. I'm excited to
9 see you.

10 No, I'm not going to do this to us.

11 Will you take my call, Jen?

12 No, because we are not nice to each other when we
13 talk.

14 I promise I'll be nice. I'm not mad about
15 anything. I'll try again.

16 No, not until you don't get your way.

17 Jen, learning short and sweet is on my list, too.

18 I think that your MO, wear the person down until
19 they agree just so they -- sorry, I think that your MO,
20 wear the person down until they agree just so they
21 don't have to talk any more.

22 I just have a hard time getting to this point
23 sometimes. Oh, my God, going down on the outside is a
24 major turn on.

25 Are you going to Wal-Mart at all?

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Nope.

2 Damn.

3 That place causes my stress.

4 One thought, remember Stacey's letter to her dad.
5 Even in the worse of times, I was never violent. I'm
6 not that.

7 I can't sleep with you, that would make be too
8 vulnerable.

9 Call me, please.

10 What about the other?

11 I think it's best for you -- I think it's best for
12 you to move on. It breaks my heart, but it's one of
13 those tough decisions we have to make in life.

14 I hate it, too, but I've tried my best. Just give
15 us the counseling appointment to see. I hope we can
16 still be friends, but I respect your decision.

17 Thank you and I will always be your friend.

18 I disagree with it, but I respect it and love you.

19 I love you, too.

20 Feel free to be yourself with me now.

21 What do you mean?

22 I'm heading for drinks to take my mind off this.

23 It seems like you're sticking to your guns under
24 someone else's advice that doesn't know me. I hate to
25 lose you, but I will go. By the way, this afternoon

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 would still have been nice.

2 It was really nice, which is why this was so hard.

3 I'm not sure I really know you.

4 It's because it's real and it can work.

5 I thought it did, but now I'm not so sure.

6 It wouldn't feel like that if it wasn't.

7 I know. I wish you were always like you were this
8 afternoon.

9 Jen, that's what I'm trying to show you. I liked
10 who I was today a lot, that's why I ask you to consider
11 my request. I'm calling you.

12 Baby, I'm not saying we will never work, just not
13 now. Be good at being the man you like and I'll work
14 at being the woman I like and then maybe we can try
15 again.

16 Take my call, please. I'm leaving in about 20
17 minutes. I would love to see you. Don't overthink it.
18 Just say yes, give it a chance.

19 LOL. I'm going to bed. I will call you tomorrow.
20 I'm not saying no, but not tonight. Is that fair?

21 Sure, sleep well.

22 You, too.

23 You awake?

24 I am now. What's up?

25 I just wanted to snuggle you.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I slept 10 hours. It felt so good. Thank you for
2 getting rid of my nightmares.

3 How?

4 By being nice. Smiley face.

5 What you doing today?

6 Yoga, office and I might drive out to the outlet
7 stores and dinner with a friend. What about you?

8 Some shopping, baby.

9 Yeah, for what?

10 Clothes, furniture, TV, lots of stuff. Will I get
11 my request tonight or this morning? You should come
12 see me now.

13 Hank, don't push it. This is my first night
14 without nightmares and that was because you were really
15 nice yesterday.

16 I'm not trying to push, just lonely and super
17 frisky.

18 I know, me, too.

19 How was your night last night?

20 It was good, hard, but good.

21 Yeah, where did you eat? You looked great when
22 you left?

23 I went to 76 and Henry's. I wanted to stay close
24 in case you said yes. Tons of people.

25 How was Henry's? I've never been. And thanks.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Yeah, that is because the students are back for
2 meat market more or less.

3 You said I looked good.

4 Oh, I forgot I said that. You did, you looked
5 great.

6 Thanks. I'm really craving you right now, but I
7 feel stuck.

8 Why?

9 I want you really bad for reasons and I'm trying
10 hard to be patient.

11 Thank you. I know it's hard.

12 It's very hard when you need some attention and
13 people are trying to give it to you, but you only want
14 it from one.

15 I know.

16 So what do you do? Is that rhetorical?

17 No, maybe. Personally, I avoid the temptation. I
18 try to fill my time with healthy activities that make
19 me feel good about who I am. Then I just allow -- I
20 don't know.

21 Don't know about what?

22 I just want to feel that feeling when I'm beside
23 you.

24 Enjoy your day.

25 You, too.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I guess I'm going to Charlotte shopping after I
2 eat and meet up with Cat. Any shopping requests?

3 Okay. Who is Kay?

4 Cat.

5 Yes.

6 Remember the Krispy Kreme doughnut store?

7 Oh, yes.

8 She's the closest person I know and I use as a
9 friend.

10 That would be good.

11 Maybe you can come over later and see my patio
12 furniture if I buy it.

13 What time would dinner be over? Or did you mean
14 before dinner?

15 After dinner. I don't know. I haven't confirmed
16 yet.

17 Just text when you're heading home from Charlotte.

18 Okay.

19 And if you stay the night up there, that's fine.
20 I can show you Monday, whatever works for you.

21 Okay. I'll let you know either -- I'll let you
22 know later. I'm excited for you, but how are you
23 getting into your into your house -- how are you
24 getting it to your house?

25 I'm hoping it fits in my car.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Babe, really? I've seen a guy with a truck, you
2 know.

3 It's fine. Seriously, you don't think it will
4 with my seats down?

5 I could be wrong, but no. If you need me to pick
6 it up, I can. Calling you.

7 Shit, I'm getting the car straps together just in
8 case. I will also bring my tools to put together for
9 you.

10 Stupid online schedule let me schedule on the day
11 they're closed. Uh.

12 Why uh?

13 I'm heading home.

14 Want me there?

15 No, your reservation didn't work out?

16 Can I see you?

17 Where did you end up eating?

18 Sanomi.

19 They're open on Sun? Cool.

20 Yep, but I'm done.

21 Are you still there? A visit?

22 Yeah.

23 Come here? Can I come over?

24 I'm really sorry this is hard for you. But I want
25 you to know I appreciate you doing this for me. You

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 have been great today. This means -- I am really sorry
2 this is hard for you. This is resolved and let me know
3 where you stand with your loan.

4 Thanks.

5 It's hard.

6 I know. Thank God you're tough.

7 Can I stop by and hold you? I really need
8 something close.

9 For how long?

10 Twenty, 30 max.

11 And you? And you won't try to engage sex, just
12 cuddle. Since you're not answering, I'm assuming you
13 don't want to just cuddle. I understand. I'm going to
14 go to bed. Have a nice evening.

15 I'm coming to cuddle you.

16 The back door is open.

17 Kay, I'm home. Night.

18 Goodnight sweetheart.

19 How are you doing this morning?

20 I'll live.

21 If you want to make the appointment for Friday, go
22 ahead.

23 I'm not certain I want to do it, but we can always
24 cancel, right?

25 Yes.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Did you get my yes message? I had to reboot my
2 phone.

3 Yes.

4 When do you want to do your furniture?

5 Tonight?

6 Okay, I'll be there at 6:00 or 7:00. Shouldn't
7 take long with the tools.

8 Can you do 7:00 and while you're working on it,
9 can I make us dinner?

10 Yep.

11 Any ideas for dinner?

12 Surprise me. I've never had a bad meal with you
13 behind the wheel.

14 Thanks again for dinner and your company.

15 I know it's hard and I see and appreciate your
16 efforts. Night.

17 Goodnight.

18 On my way to get teak oil, then to do your table.
19 Just FYI.

20 Thank you. Can I do anything to help?

21 I have it covered, but thanks. Just have a good
22 day.

23 That's really nice of you. Thank you.

24 Darr had me walk up the wall this a.m. I like
25 her.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 You're welcome.

2 And she understands my gray, LOL.

3 What does that mean?

4 Gray thinking, ADHD, that is. She worked for
5 someone like me. She worked for -- I'll call this
6 morning. Let me get a referral.

7 Who should I call about my hood?

8 I, also, bought a replacement for that flood
9 light.

10 This is me. Thank you.

11 You do not gave it -- you do not give to do it.

12 On the way. Call me about your car.

13 I went ahead and scheduled the hood to be repaired
14 Monday 8:00 a.m. Love Shirley and Casey.

15 Thank you. Who is it with and where?

16 Yes, do I take my car there?

17 Well, thank you.

18 I have dinner plans tonight, so if I don't get a
19 chance to see you, have a good night.

20 Counselor called and we're booked for Friday at
21 11:00.

22 Where?

23 Where what?

24 Pickens, I'll pick you up.

25 The appointment.

0700

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 If you're okay with that.

2 Oh, my God, I just got sick. Headed home to lay

3 down.

4 Are you okay?

5 Just got sick again. I felt fine.

6 Where did you eat?

7 Seventy-six, but earlier.

8 Um.

9 I'm in bed now, hoping to shake it.

10 Okay. Let me know if you need anything.

11 Still feels rough.

12 I'm sorry. I wish you could snuggle me tonight.

13 Come snuggle me. I just want to snuggle up and sleep.

14 I hate feeling bad and being alone.

15 Can I bring you anything?

16 Just you.

17 On the way.

18 You're on the way?

19 It felt good to snuggle with you tonight. Hope

20 you feel better.

21 You, too.

22 How are feeling this morning?

23 Thanks again for the soup and bananas, very sweet.

24 Well, I need \$143 for photos, for framing and

25 matting those photos.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Maybe I should take a framing class.

2 Have you been home yet?

3 No, why?

4 Just wondering if it had granulated up to sweep
5 off. I will head there after Brit leaves and sweep it
6 off.

7 No worries. You guys are still working on your
8 cabinets.

9 Cabinets are done. She's just about to mop.

10 What the heck, it took five hours?

11 She didn't get here until 1:15, then we had to
12 measure and get the stuff.

13 Okay. So four hours and 45 minutes. Get what
14 stuff?

15 Minor.

16 You said you went to get them this morning. You
17 went shopping with her?

18 I was going to, but I didn't have a chance and
19 bought more cleaning supplies. Target, yes.

20 It's none of my business, sorry for asking. Did
21 you get my blocks?

22 I just got home and I'm cleaning, what are you
23 doing?

24 Yep, 76.

25 Just finished up. Can I get you anything?

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Where?

2 I'm here.

3 Sure, of course.

4 Thanks for taking a chance on me. I see and
5 appreciate the step. Sleep well, sweetheart.

6 I just threw up again. Something's not right.

7 Oh, no. You need to call Connie.

8 Can we do dinner and will you snugs? It's stress,
9 I think. Me through the night, to bed early. Don't
10 worry, you're not going to hurt my feelings if you say
11 no. I guess I should drag myself out of bed and find
12 some food.

13 Did you cancel yoga?

14 Yes, sent Darr a text earlier.

15 I wonder why you're getting sick?

16 Stress. I'm not sleeping well. Life is better,
17 just sleep is off.

18 I will be by to finish your patio after I eat.

19 Jen?

20 Yes.

21 I adore you and plan on keeping -- I adore you and
22 plan on keeping you safe and happy if you allow me.
23 Last night was nice and much needed. I wanted to lay
24 there. Are you home?

25 No, at work.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 No problem. I was going to ask you to leave your
2 broom out, but I'll grab mine and head over. On the
3 way to your place. I need to use Kelly's electrical
4 receptacle. Text him and tell him I will leave 20
5 bucks by it.

6 Why do you need electric?

7 Whole deck and stairs are pressure washed, cleaned
8 and table was rinsed. Put back. Looks good.

9 Thank you.

10 Should dry chalky and hide any blemishes. You're
11 welcome.

12 Are you back yet?

13 No, teaching. Why?

14 Guy said if you see any marks, we can just dust it
15 off after it's dry. I was curious if we're eating
16 dinner in, out or at all?

17 What guy?

18 If so, what time? Concrete guy.

19 Oh. I told you I was not sure about dinner
20 because I didn't know when I was getting home.

21 What time are you leaving there? You've got to
22 eat sometime. I'm starting to feel frustrated, so just
23 let me know what you decide.

24 I won't get home in time for dinner.

25 How come?

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I didn't mean to frustrate you. I was teaching.
2 Because I'm going to eat here.

3 By yourself and where is here? Did you have a
4 date? Why are you not answering or responding? It's
5 okay if you are. We're broken up. So I'll make other
6 plans. Call me later if you feel like it.

7 Jen, enjoy your evening?

8 I'm eating with the teachers.

9 No worry.

10 I'm at happy hour with -- call me later. I need
11 your help screening these lazy Columbia people.

12 Wait, male or female teachers? Jen, I want a
13 family.

14 Female.

15 Jen, I adore you and I want the best for us.
16 Where are you? Never mind, it doesn't matter. You be
17 you and have a great evening.

18 Are you driving back yet?

19 Well, must be a great dinner.

20 I feel like you're lying. It doesn't matter
21 anyway. We owe each other nothing. Safe travels.
22 Don't forget we have an 11:00 a.m. appointment
23 tomorrow.

24 I'm home in bed if you care to snuggle.

25 LOL. I'm still driving home.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 How far? Come here.

2 Don't know. I don't have a GPS.

3 On your phone. Where did you leave from and how
4 long ago?

5 You should come here.

6 Well, you're not answering, so maybe the
7 conversation is better on the other line. Where are
8 you?

9 I don't know.

10 How was dinner with the -- call me.

11 Not dinner, drinks.

12 I have a 50/50 shot at the account. I'm not
13 overly excited about it. Will you just call me?
14 Obviously, you're on the phone and I'm tired.
15 Goodnight.

16 Are you going to call me or continue this game?
17 Yep, I'm frustrated. I will just pick you up for the
18 appointment.

19 Just off the phone with Lisa. I'm as frustrated
20 as you are. I will meet you there tomorrow. Please
21 send the address.

22 What has you frustrated? If you're up, call me.
23 I can't sleep.

24 Oh, my God, abdominal cramps.

25 So sorry to hear that. Have you called Connie to

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 ask her about it.

2 Q. Let me stop you. At this point, what's the date?

3 A. August 26, 2011.

4 Q. Would you agree with me that's a Friday?

5 A. Yes.

6 Q. Please continue.

7 A. Okay.

8 Will you please, also, send me the place in town
9 that does the leather on cars?

10 1821 Pickens Street, Columbia, South Carolina,
11 29201 is counseling appointment. Thank you.

12 Did you receive my other text?

13 Got it. I have the stuff for you for your panel
14 and the letter.

15 My passenger handle is falling off again. I now
16 know why.

17 Why?

18 Your car be will complete by this weekend.

19 Plastic retainer.

20 Why won't you give me the name?

21 He will charge you and it's my responsibility and
22 he's booked two weeks out.

23 What is the therapist's name? I would still like
24 his name, please.

25 I'm behind you.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Okay. Can you please tell me the therapist's
2 name?

3 Michelle. Also, the car place. That doesn't help
4 much.

5 Call me.

6 Why?

7 Jen?

8 Yes.

9 You really are a phenomenal woman. I wish you
10 knew I've always seen that in you.

11 I've been on the phone with China Airways -- and
12 DHL to get the other half of your gift here. It should
13 be here Monday. It comes very blessed by 12 months,
14 just not by U.S. Customs or DHA. I was always truthful
15 with you.

16 About what?

17 What I was thinking or feeling.

18 Okay. So do you want to share now?

19 I don't know what to say. You saw the sadness in
20 my face.

21 I love you so much, but I'm on the fence.

22 I understand. I know we can work and be great.
23 Sadly, I go -- sadly, I guess we both just needed now
24 rather than later.

25 Jen?

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Yes.

2 Stay with me tonight. I want to hold you and
3 bring you -- and bring your yoga mat.

4 I don't think it's a good idea.

5 Really, why? What do we to have lose? A grand
6 life requires a grand chance. And overthinking things
7 is what got us into this mess. Come have fun with me
8 tonight or leave me on the fence with my thoughts. And
9 yes, today's visit had an unexpected result from you.

10 Who's silver SUV parked kind of hidden?

11 I had a card to stick on your car, but I didn't
12 want to interrupt. I'm sad, but I made my decision.
13 Take my call, please.

14 David and the kids. He drives a Buick.

15 No matter, I've made my choice. I love that kid.
16 I've still decided.

17 Just tried to call you back. I was talking to
18 David when you called earlier. I was trying not to
19 avoid your call.

20 What have you decided?

21 Hello?

22 Yes.

23 What have you decided?

24 Better left for in person. It's not mean or ugly,
25 just honest.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 So do you want me to stop by this evening or wait
2 until tomorrow morning?

3 I will let you know in a little while.

4 K.

5 What time do you want to meet tonight?

6 I don't know.

7 I'll be waiting to hear if you want to meet me
8 tonight. I can come over in 15 if you want.

9 I'm in Publix. I'll be home in 30.

10 Okay. I don't appreciate being cut off.

11 As you know, I'll let this go and see you at 8:00
12 a.m. like nothing happened.

13 That is okay. You do not need to let it go. As I
14 said before, I no longer wish to move forward. It has
15 become clear that we are unable to stick with the -- I
16 am very disappointed and sad, but I see no other option
17 to this PT. When couples therapy doesn't work, we are
18 not left with much hope.

19 Can we talk for second? It's important. Jen,
20 please. I'm hurting and call me. Don't be like the
21 rest.

22 Jen, I really need to talk to you. Please call,
23 it's serious. God, Jen, this is no joke. I need you
24 to call me quick, please. I'm hurt and I don't know
25 who to call.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Jennifer, this is serious. I need you to call me.
2 I'm in severe pain, Jen.

3 I need your help. Stop thinking about you and
4 worry about MR.

5 Help, help. I'm headed to the emergency room
6 pretty soon. Please call. The cramps are bad. I
7 need -- please help. I need your help. This is real.
8 I'm on the phone with Stacey and she thinks it's my
9 gallbladder. Where are you? I need you. I need your
10 help. Damn. Been throwing up for days and have
11 abdominal pain. I'm in tears. I hurt so bad. God,
12 Why can't you answer? I'm in pain. I can't wait to go
13 to the emergency room. I'm in pain. I can't leave --
14 please.

15 Can you please watch -- please?

16 How are you feeling?

17 Better. I passed a little black kidney stone a
18 few hours ago. Just hungry now and bored.

19 I just woke up. Was thinking of hitting yoga this
20 morning. Can I get you anything on my way?

21 Q. I'm sorry to stop you. These texts that you're
22 referring to now, what's the date on those?

23 A. This is the following day, August 27th, 2011.

24 Q. That would be the Saturday before she's killed?

25 A. Yes.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Q. Please continue.

2 A. What's nearby? I'm craving a chicken biscuit or a
3 smoothie.

4 From McDonald's?

5 Chick-Fil-A has the best chicken. At McDonald's,
6 a fruit and yogurt parfait.

7 Front door open.

8 Okay.

9 They are really busy.

10 Thank you, that was very sweet.

11 How are you feeling?

12 A little sore, but better. I'm just bored and
13 hungry now.

14 What are you up to?

15 Just got home and putting away groceries. I was
16 thinking about making some banana bread. Can I get you
17 anything?

18 You want to make us lunch, avocado salad, maybe?

19 I can get the stuff if you don't have it. I've
20 got Connie this morning.

21 Ate PBJ, but will be happy to make you an avocado
22 salad.

23 Yes, what did she say?

24 Three liters a day because the meds are eating up
25 my water.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Ah. I'm getting gas, do you want me to come
2 there?

3 If you would like, you're welcome to stop by.

4 Okay.

5 Your oven is beeping. Do I need to do anything?

6 No.

7 I was glad I didn't get it in your eyes.

8 LOL, me, too.

9 Going to run up and see Erin for a bit. I'm
10 restless. Call me after the birthday party.

11 Will do. Where?

12 Probably Cantina.

13 Where's your party?

14 The Vista.

15 Where at in the Vista? I just want to make sure
16 we don't cross you.

17 Talking to Julie and the owner.

18 Erin on the way. I would rather be doing
19 something with you.

20 Did you figure out where in the Vista?

21 You still at the birthday party?

22 Yep, where are you?

23 Seventy-six. Where are you? Want to meet me?

24 Are you with someone?

25 I will head there, but it will probably be an hour

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 or so.

2 Yeah, I'm with 12 black people. It's rather funny
3 being the only white person.

4 Are you with one -- are you with one as in a date?

5 I won't be here in an hour.

6 No worries.

7 You said you'd be early and I thought you could
8 meet some folks.

9 I know. Maybe some other time.

10 No, no one has a date.

11 I would love to meet them. How long will you be
12 there?

13 Thirty max.

14 No worries.

15 You coming or rain check?

16 I won't make it tonight to 76, but will come by
17 your place.

18 By the way, I keep thinking about this evening.

19 Get ready for this evening?

20 When?

21 LOL, you're so cute.

22 I don't know. We're still waiting for the check
23 and I agreed to one drink after, but they are taking
24 forever to get out check.

25 I'm tired. I want to curl up with you right now.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Then come on, Curly. Let me know when you walk
2 out and I'll -- sorry, let me know when you walk out
3 and how close and see you at my place.
4 Are you out yet, Babe?
5 Yes, just left.
6 Are you headed to me?
7 Not yet, but I will.
8 How long?
9 An hour or so.
10 You said an hour at 9:46.
11 I know, but it took forever to get the check.
12 Sorry.
13 No worries, I'm headed home. Are you coming? Is
14 it better there than with me?
15 LOL, never.
16 Then come on. Early night. Babe? Really?
17 Goodnight, party girl. The door's locked if and
18 when you decide to show up -- the door's unlocked if
19 and when you decide to show up.
20 Don't do this, please. Are you coming or not?
21 Jen, please make your choice tonight. I don't
22 want this life. Please.
23 Are you coming? Yes or no.
24 I said I would come. Sorry it's later than you
25 had hoped.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Okay. So I didn't hear back from you. I left a
2 message. I am home and in bed. Goodnight.

3 I'm still waiting on you and I never said anything
4 about 3:00 a.m.

5 Q. Investigator Vanhouten, what is the time and date of
6 the last texts sent by the Jennifer Wilson?

7 A. August 28th, 2011, at 2:03 in the morning.

8 Q. I'm sorry, by Jennifer Wilson?

9 A. Oh, I'm sorry, by Jennifer Wilson. August 28th, 2011
10 at 1:36 in the morning.

11 Q. What is the date of the last -- date and time of the
12 last text the Defendant sent to Jennifer Wilson?

13 A. August 28th, 2011, at 2:03 in the morning.

14 Q. Thank you. You can go back to your seat.

15 A. (The witness complies).

16 Q. Investigator Vanhouten, in the course of your analysis,
17 did you, also, prepare a report of activity that was
18 made on the Defendant's cell phone?

19 A. Yes.

20 Q. And I want to direct you, specifically, to his call log
21 and this with include -- what all does a call log
22 include?

23 A. A call log, specifically, references calls received and
24 sent from a device, a phone.

25 Q. Okay. Can you also -- when you download or conduct

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

- 1 this analysis on an iPhone, can you see internet
2 searches that are being made on the phone?
- 3 A. Yes.
- 4 Q. And you can see, obviously, text messages?
- 5 A. Yes.
- 6 Q. And can you, also, see e-mails that are being sent?
- 7 A. Some.
- 8 Q. Okay. I want to, specifically, direct you to your
9 report, block number 169.
- 10 A. Okay.
- 11 Q. And this will be a call log referencing the Defendant's
12 phone, correct?
- 13 A. 169 is a call log, yes.
- 14 Q. From the Defendant's phone?
- 15 A. Yes.
- 16 Q. And just -- and we're going to go through this, not
17 everything, Investigator Vanhouten, but can you share
18 with the jury the incoming call the Defendant was
19 receiving at 1:22 a.m. August 28th?
- 20 A. From Jennifer Wilson, incoming call.
- 21 Q. And was a voice mail left?
- 22 A. A voice mail was left.
- 23 Q. And if you continue, is there outgoing calls to
24 Jennifer Wilson after that? Your number 156.
- 25 A. Yes.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

- 1 Q. What time was that phone call made?
- 2 A. That call was made at 2:13 in the morning.
- 3 Q. How long was that phone call?
- 4 A. It doesn't state, which probably is zero seconds.
- 5 Q. Which means there was no answer?
- 6 A. Or it never connected.
- 7 Q. Was there a subsequent call made to Ms. Wilson?
- 8 A. Yes.
- 9 Q. What time was that phone call made?
- 10 A. That call was made at 2:14.
- 11 Q. And is --
- 12 A. In the morning.
- 13 Q. How long was that phone call between the Defendant and
- 14 Jennifer Wilson?
- 15 A. Sixteen seconds.
- 16 Q. And just a few minutes after that, at 2:37, did the
- 17 Defendant make another phone call?
- 18 A. Yes.
- 19 Q. And who did he call at that time?
- 20 A. To a Stacey Newsom, that is a number -- that is a
- 21 contact that is listed in the contacts of the phone.
- 22 Q. And did he continue to call Ms. Newsom?
- 23 A. Yes, several times.
- 24 Q. And can you just share with the jury the times he
- 25 continued to call Ms. Newsom?

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

- 1 A. Okay. Again, the first time he attempted to call Ms.
2 Newsom was at 2:37 a.m.; the second time was at 2:53
3 a.m.; the third time at 3:08 a.m.; fourth time at 3:19
4 a.m.; fifth time at 3:52 a.m.; sixth time at 4:21 a.m.;
5 and a seventh time again at 4:21 a.m.
- 6 Q. And these calls are being made from Ms. Wilson's home?
- 7 A. I don't know if they're being made from her home, but
8 these are being made from the Defendant's phone.
- 9 Q. From the Defendant's phone?
- 10 A. Yes.
- 11 Q. And continuing on, at 5:21 a.m., does the Defendant
12 send an e-mail?
- 13 A. 5:21?
- 14 Q. 5:22, sorry.
- 15 A. Yes.
- 16 Q. And what is the subject of that e-mail?
- 17 A. The subject of the e-mail is Last Will.
- 18 Q. And who is that e-mail sent to?
- 19 A. Stacey Newsom, Newsoms@yahoo.com.
- 20 Q. Continue looking at your report at number 139. Does
21 there seem to be some sort of activity with the Wilson
22 network?
- 23 A. Yes. This indicates this was -- that the phone that
24 the Defendant -- the phone from this call log,
25 actually, hit and triggered contact with the Wi-Fi

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 router in Ms. Wilson's house.

2 Q. So you'd have to be there to hit it, correct?

3 A. Yes.

4 Q. Okay. And continuing on, was there other phone calls
5 made to Ms. Stacey Newsom?

6 A. From?

7 Q. At 137?

8 A. There we go. Yes. One outgoing call to Stacey Newsom
9 at 8:11 in the morning.

10 Q. After that, in your analysis of the Defendant's phone,
11 were you able to see if the Defendant was making any
12 sort of internet searches?

13 A. Yes.

14 Q. And what was he searching for, Investigator?

15 A. Starting at 8:48 in the morning, there was a web
16 history search on the device for criminal attorney in
17 Columbia, South Carolina. Following, another search
18 for the South Carolina criminal defense lawyer, Jack B.
19 Swerling. Another one for Strong Law Firm. Several
20 more for the South Carolina defense lawyer, Jack B.
21 Swerling and contact Jack Swerling trial attorney in
22 South Carolina. Columbia, South Carolina defense
23 attorney, criminal trial lawyer David Farrell. South
24 Carolina criminal defense lawyer A. Randolph Huff and
25 Victor Lee Law, South Carolina defense attorney.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

- 1 Q. And Investigator Vanhouten, in your field, you're aware
2 all of these lawyers work in the criminal law area?
- 3 A. Yes.
- 4 Q. And, specifically, if you go to your work block number
5 129, is there outgoing missed call made at 8:52 a.m.?
- 6 A. Yes.
- 7 Q. And are you familiar with that phone number?
- 8 A. I believe it is the phone number to Jack Swerling's
9 office.
- 10 Q. And, again, at 9:04 a.m. at your block number 118?
- 11 A. Yes.
- 12 Q. Who does that number belong to as well?
- 13 A. I believe it is Jack Swerling's number.
- 14 Q. And going up to your block number 116, does he make
15 another outgoing call to Stacey Newsom?
- 16 A. Yes, at 9:07 a.m.
- 17 Q. And up to your block 98, is there an outgoing call made
18 to Kimberly Williams or Kim Williams is how he has her
19 identified in his phone?
- 20 A. Yes, there's a contact in his phone and it was made at
21 10:00 in the morning.
- 22 Q. Okay. Going to block number 96 in your report, does he
23 receive a call from Ms. Stacey Newsom?
- 24 A. Yes, there is an incoming call at 10:04 a.m.
- 25 Q. Does he place an outgoing call subsequent to that?

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

- 1 A. Yes, there are two calls made to 911.
- 2 Q. I'm sorry, to Stacey Newsom -- wait a minute, I want to
3 clarify that. Are they calls to 911 or are those text
4 messages?
- 5 A. I'm sorry, those are text messages, instant messages
6 from a Kim Williams advising him to call 911.
- 7 Q. Advising him to call 911?
- 8 A. Yes.
- 9 Q. Okay. Then does he call Stacey Newsom?
- 10 A. Yes.
- 11 Q. And next, what calls does he receive?
- 12 A. He receives a call from a Kim Williams a 10:12 a.m.
- 13 Q. And following that?
- 14 A. A call at 10:13 a.m. from Stacey Newsom.
- 15 Q. And following that?
- 16 A. Another incoming call from Kim Williams at 10:25 a.m.
- 17 Q. And continuing on, I want to go to 85. Does he receive
18 another phone call from Stacey Newsom?
- 19 A. Yes, at 10:48 a.m.
- 20 Q. And at that time, another one?
- 21 A. Yes, this one at 10:51 a.m.
- 22 Q. Again, from Stacey Newsom?
- 23 A. Correct.
- 24 Q. And does he make a call to Stacey Newsom?
- 25 A. There's an outgoing call to Stacey Newsom at 10:54 a.m.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

- 1 Q. Okay. And, finally, at 11:11 a.m., what call is made
2 from the phone of Hank Hawes?
- 3 A. 11:11 a.m.
- 4 Q. Your number 81.
- 5 A. 81. Outgoing call to 911.
- 6 Q. After he's made the call to 911, does he call Stacey
7 Newsom again? 79.
- 8 A. There's an outgoing call to Stacey Newsom at 11:15 a.m.
- 9 Q. Is there another one after that?
- 10 A. There's another outgoing call to Stacey Newsom at 11:19
11 a.m.
- 12 Q. And does he receive a call from Stacey Newsom?
- 13 A. A call was received from Stacey Newsom at 11:21 a.m.
- 14 Q. And at 12:55 p.m., who was he receiving a call from?
- 15 A. Kim Williams at 12:55 p.m.
- 16 Q. And what are the next three calls he makes?
- 17 A. Outgoing calls to Kim Williams at 13 -- 1:44 p.m.,
18 outgoing call to Stacey Newsom at 1:46 p.m., and
19 another outgoing call to Stacey Newsom at 1:49 p.m.
- 20 Q. And continuing on first page of your report, number 65,
21 does he make another call, two more calls -- or makes a
22 call and receives a call?
- 23 A. There's an outgoing call at 1:52 p.m. to Stacey Newsom
24 and an incoming call from Stacey Newsom at 1:58 p.m.
- 25 Q. And you're block number 62, Investigator Vanhouten,

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 does -- at that time, does Hank Hawes receive a text
2 message?

3 A. Yes. Incoming text message from Kim Williams at two
4 o'clock in the afternoon. The context of the text
5 message, I want no part of this.

6 Q. And, lastly, you're 51 and 52 are two more calls made
7 to Stacey Newsom?

8 A. Yes, at 5:16 in the evening, an outgoing call to Stacey
9 Newsom and another outgoing call to Stacey Newsom at
10 5:18 p.m.

11 Q. Thank you, Investigator. Now, also, in this analysis
12 of this phone that you've done belonging to Hank Hawes,
13 did you retrieve a voice mail?

14 A. Yes.

15 Q. And you've heard that voice mail before?

16 A. Yes.

17 Q. Is that voice mail on the CD that we've listened to
18 previously?

19 MS. GARFIELD: Your Honor, at this time, I would
20 introduce State's Exhibit No. 400 into evidence and publish
21 to the jury.

22 THE COURT: Any objection?

23 MS. PRINGLE: No, sir.

24 THE COURT: 400 admitted without objection.

25 (State's Exhibit No. 400 was admitted

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 into evidence.)

2 (Whereupon, voice mail was played for
3 the jury.)

4 MS. GARFIELD: Beg the Court's indulgence.

5 BY MS. GARFIELD::

6 Q. Do you know the time that that voice mail was left,
7 Investigator Vanhouten?

8 A. It's on the time line. Give me just a sec.

9 Q. I believe it's 120 -- I'm sorry, 167?

10 A. Voice mail, yes. That was left at 1:23 a.m.

11 Q. On what date?

12 A. August 28th, 2011.

13 Q. Moving on, did you, also, come into possession and was
14 requested to perform an analysis on a hard drive that
15 was found in the home of Jennifer Wilson?

16 A. Yes.

17 Q. And can you explain to the jury what kind of analysis
18 you did on this hard drive?

19 A. Generally, when we perform an analysis on electronic
20 devices other than phones, such as computers or hard
21 drives, we will hook up the hard drive or device or if
22 it's still on a thumb drive or whatever the evidence
23 may be, we hook it up to a system called a Write
24 Blocker. What that does is allow the examiner to view
25 the evidence -- or artifacts that are on that device

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1 without writing to the device. So it, actually,
2 protects the integrity of the data on the device. No
3 alteration can be made to the device itself.

4 Generally, what we do is we hook this device up to
5 the Write Blocker to preview and we look for certain
6 things that may be relevant to a particular case. Once
7 we identify something that may be relevant to that
8 case, we'll go ahead and conduct what's called a
9 forensic image, which you make a bit by bit copy, exact
10 copy of that device, hard drive, and we load that image
11 up.

12 Once we create that image, we no longer deal with
13 the actual device itself. We're just working solely
14 off this image. Once that forensic image is completed
15 and process, we will generate our reports. We'll mark
16 certain artifacts, items of interest and bookmark it
17 for our reports.

18 Q. And you were able to retrieve some of those documents?

19 A. Yes.

20 Q. Specifically, I want to hand you what's been marked as
21 State's Exhibit No. 420, are you familiar with this
22 document?

23 A. Yes.

24 Q. And, please, explain to the jury what that document is?

25 A. This is a word document that was found on the external

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1 hard drive titled Dear Hank.

2 Q. Excuse me, before you do that, was there -- were the
3 documents saved in any type of specific fashion on the
4 computer?

5 A. The -- this particular document was saved in a folder
6 identified as Hank.

7 MS. GARFIELD: Your Honor, at this time, I would
8 like to introduce State's Exhibit No. 420 into evidence.

9 THE COURT: Any objection?

10 MS. PRINGLE: No, sir.

11 THE COURT: All right. Admitted without
12 objection.

13 (State's Exhibit No. 420 was admitted
14 into evidence.)

15 BY MS. GARFIELD::

16 Q. Investigator, can you tell me when this document was
17 created?

18 A. Yes. It's on the --

19 Q. You need your report to refresh your memory?

20 A. Yes, please.

21 Q. And would you like some water?

22 A. Yes. Thank you.

23 Yes. This document was created on July 10th,
24 2011.

25 Q. At this time, Investigator Vanhouten, would you mind

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1 reading that document to the jury?

2 A. Okay. Dear Hank, so you asked me what I thought a
3 committed relationship looked like, so I decided to
4 send you this letter -- or send this to you via e-mail.
5 I think sometimes it is hard to write this kind of --
6 this kind of thing because you can't always get tone
7 through writing, but I'm trying to do it the best way I
8 can -- or best way to avoid an argument. I think
9 committed relationships look different with every
10 people, but I do not -- but I do know what I would like
11 in a committed relationship.

12 For me, it includes several components, but the
13 main are love, trust and loyalty. When I mean love, I
14 mean consistent love. One that everyday I wake up and
15 know that I love my partner and he loves me. It is not
16 a dramatic passion where we either love each other or
17 hate each other in peaks and valleys. It is
18 consistent, stable love. This love to me isn't
19 extreme. It is sometimes, but the majority of the
20 time, it is that sweet peaceful feeling. It's knowing
21 that the majority of the time when I think of my
22 partner, he makes me smile.

23 I always think of the Bible verse I Corinthians
24 13, love is patient, love is kind. It does envy. It
25 does not boast. It is not proud. It does not dishonor

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1 others. It is not self-seeking. It is not easily
2 angered. I am somewhat hesitant sharing this verse
3 with you because I know you would choose to attend to
4 the latter parts than first where the highlight is. It
5 does not keep record and always perseveres. I agree
6 with those as well, but what I want to explain to you
7 is if you don't have the first components of love to
8 begin, you can never get to the others.

9 I understand that you fall quickly, but you have
10 to understand that not everyone does. I love you and
11 I'm trying desperately to be patient and not easily
12 angered. You told me if I was patient and I asked
13 nicely that things would change. However, Thursday
14 night that was not true. I was patient and kind and
15 not -- and you just took that as an opportunity to be
16 hurtful and mean. So when you sit back and tell me
17 what love means, it's hard for me to hear because, to
18 be honest, though you spend a lot of time telling me
19 how I'm not loving you the way you want, I can honestly
20 say that you are not loving me the way I want to be
21 loved.

22 A committed relationship, also, has to have trust.
23 There is a great saying about trust. The key is to get
24 to know people and trust them to be who they are.
25 Instead, we trust people to be who we want them to be.

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1 And when they're not, we cry.

2 We need to trust each other. This is hard in a
3 new relationship and one of those things that you have
4 to continue work with throughout the relationship, but
5 not as intensely as you do at the beginning. Part of
6 trust is saying what you mean. And on the flip side,
7 it, also -- I'm sorry, and on the flip side, it is,
8 also, games. I don't think I have to go into too much
9 explanation on this. You know what I mean and you know
10 what you're doing. It goes back to trying to
11 manipulate me to get what you want. And trust means
12 going out of your way to make sure other persons don't
13 have anything to worry about, i.e. checking in, calling
14 before you go to bed. This isn't something you
15 mandate, it is something that happens because each
16 person doesn't want the other to worry.

17 Last is loyalty. This I see is to be true and
18 honest to one another, to be faithful to our decision
19 to be together. You stand by what we say in our
20 decision to be together. If we were to be married,
21 this would mean that we would work on our marriage,
22 this would mean that we would work on our marriage
23 before we choose to break up. Or like what we did the
24 other week, where we chose to stay together even though
25 we are struggling. However, it, also, means that if in

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1 our dating one of us decides that this isn't working,
2 it's showing each other respect and love even in the
3 break up. To me, loyalty goes far beyond just
4 commitment. It is what I would show my friends even if
5 I do not agree with their decisions.

6 I'm not sure you agree with all of this and
7 probably could have been more articulate, but I wanted
8 to send this out this morning and did not have a lot of
9 time. Love, Jen.

10 Q. Did you also recover another document from the
11 computer?

12 A. Yes.

13 Q. I show you what's been marked as State's Exhibit No.
14 421. Are you familiar with this document?

15 A. Yes, this was -- this was located on the same folder on
16 the external drive.

17 Q. And what was the name of that folder?

18 A. This one was titled Wednesday.

19 MS. PRINGLE: At this time, I would object, Your
20 Honor.

21 THE COURT: All right. Subject to this objection
22 previously, it's overruled.

23 MS. PRINGLE: Yes, sir.

24 THE COURT: Admitted with objection.

25 (State's Exhibit No. 421 was admitted

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1 into evidence.)

2 BY MS. GARFIELD::

3 Q. And what date was this document created?

4 A. This document was created on June 23rd, 2011.

5 MS. GARFIELD: Your Honor, at this time, I would
6 like to introduce State's Exhibit No. 421 into evidence.

7 THE COURT: I just did.

8 MS. GARFIELD: Oh, I did. I'm sorry. Thank you.
9 Sorry, Judge.

10 BY MS. GARFIELD::

11 Q. Investigator, can you, please, read that document to
12 the jury?

13 A. Yes. This one is Wednesday. After six hours of
14 talking about our relationship, I was drained. My
15 brain had become mush as that is all my brain has been
16 involved with, either our relationship or these legal
17 issues. Twice last night after we stopped talking, I
18 had to tell you not to talk about the relationship.
19 Then when we went to bed, my parents had called, so I
20 was late getting to sleep. When he got into bed, spent
21 the next several hours on his iPhone.

22 It would be one thing if I begged him to stay with
23 me, but he is the one who demands that he stays and
24 then is rude enough to stay on his phone. Then in the
25 middle of the night, he is in the bathroom looking up

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1 diagnoses for me because I get hungry when I'm crabby,
2 need sleep and drink a lot of water. I mean, really?
3 He has now diagnosed me with ADD, narcissism and now
4 diabetes. It's like he is looking for a problem in me.
5 My only problem is him. He made me so upset and
6 brought out my anxiety, yet again, that I slept on the
7 sofa.

8 So yes, day one of this experiment that he is so
9 certain is going to work rather than going with the
10 other things I know I need has turned awful. He has
11 hurt my feelings, disrupted my sleep and now he is
12 taking over my bed. I am so angry with him and I'm
13 turning resentful.

14 Q. Thank you, Investigator Vanhouten. Just a couple
15 additional questions. Specifically, when you were
16 doing the analysis on the iPhone that belonged to Ms.
17 Wilson, is there anything different that you found in
18 your analysis in text messages she sent to other people
19 in her phone as opposed to text messages she was
20 sending to the Defendant?

21 A. Yes. One thing that I noticed were -- was that a lot
22 of the text messages that were sent and received by
23 other people other than the Defendant were deleted
24 immediately, after either reading or viewing them or
25 sending them.

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1 Q. But were the text messages between the Defendant and
2 the victim deleted?

3 A. No. Very few were, but not as prevalent as to other
4 parties.

5 Q. And lastly, did you have an opportunity, also, to do an
6 analysis that was taken from the Defendant's home?

7 A. Yes.

8 Q. Was there anything on that computer in your analysis
9 that you found that had anything to do with the
10 victim's cell phone?

11 A. Yes. The victim's cell phone was, actually, synced to
12 the Defendant's computer.

13 Q. And as I had asked you previously, what does that mean?

14 A. The phone was being -- or the phones were being backed
15 up to store pictures, photos and videos to the
16 computer. If anybody's familiar with the iPhones, you
17 use iTunes to back up your system or your devices. In
18 this particular incident, the victim had her iPhone --
19 or her iPhone was being backed up or stored or synced
20 with the Defendant's computer. To do this, you must
21 have the iPhone ID registered to that device. So you
22 would know the password and the Apple ID to the
23 victim's phone. So in other words, he would -- he
24 could have control of the phone, no what was -- what
25 she was taking pictures of videos, location services,

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1 such as Find My Phone, things of that nature.

2 Q. So from his computer in his home, would he be able to
3 access where physically the phone that belonged to
4 Jennifer Wilson was?

5 A. Yes. He could log onto -- because he would already
6 have the Apple ID and the password, he would be able to
7 locate -- use the Find My Phone location services for
8 that particular iPhone and get instant location where
9 it was as long as the phone was on and either hitting
10 Wi-Fi or cellular tower.

11 MS. GARFIELD: Thank you, Investigator. Please
12 answer any questions Defense counsel has for you.

13 THE COURT: Cross-examination?

14 MS. PRINGLE: Your Honor, I expect it will be
15 fairly lengthy. Can we possibly take a quick break?

16 THE COURT: Yeah, that will be fine.

17 Mr. Foreman, ladies and gentlemen of the jury, we
18 will take the afternoon break. Please leave your note pads
19 and don't discuss the case amongst yourselves.

20 (Whereupon, the jury left the courtroom
21 at 3:51 p.m.)

22 (Whereupon, a short recess was held.)

23 THE COURT: Anything from the State before we
24 bring in the jury?

25 MS. GARFIELD: Your Honor, I just want to put on

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1 the record, the exhibit with the text messages, I would
2 refer to pages 298 through 372.

3 THE COURT: Anything, Ms. Pringle?

4 MS. PRINGLE: Just that I'd like to prior to
5 beginning, we did agree -- we came to several stipulations
6 and agreements over the lunch break. One of them was that
7 if all those text messages went in that we were not opening
8 the door to a bunch of character or issues involving
9 cheating and things that would otherwise be admissible.
10 That they are not going to utilize those to say that we've
11 opened the door to any of that stuff. This was just an
12 easier way for us to navigate these text messages?

13 THE COURT: Solicitor, is this correct?

14 MS. GARFIELD: That's correct.

15 THE COURT: All right. That's fine.

16 Anything else?

17 MS. PRINGLE: No, sir.

18 THE COURT: All right. For the record, I
19 previously said the knife was State's Exhibit No. 117.
20 It's, actually, State's Exhibit No. 1. I wanted to correct
21 that for the record.

22 Bring us the jury, please.

23 (Whereupon, the jury returned to the
24 courtroom at 4:14 p.m.)

25 BAILIFF: The jury is seated, Your Honor.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 THE COURT: Thank you very much.

2 Cross-examination.

3 CROSS-EXAMINATION

4 BY MS. PRINGLE::

5 Q. Good afternoon. Mr. Vanhouten, at the end of your
6 testimony, you said that there was a way that Mr. Hawes
7 could track Ms. Wilson?

8 A. Well, it's a process that is provided by Apple that is
9 prior to the -- prior to the iCloud system, you had to
10 back your system up to the iTunes account. It's locate
11 my device or locate my iPhone system.

12 Q. What's the app, actually, called?

13 A. What's -- currently, it's called Find My Phone.

14 Q. Uh-huh.

15 A. But it's -- I know it's since changed from three years
16 ago. I can't recall what the exact terminology was
17 three years ago, but it's a similar system to Locate My
18 Device.

19 Q. But that's an app or a program?

20 A. It's part of the program for iTunes back then. It's
21 still a program for iTunes. It is still -- right now,
22 people, most people just use the cloud. When you
23 back -- instead of backing your phone up through
24 iTunes, your call logs, all that stuff, you can do it
25 with what's called Cloud, iCloud. Now, it's,

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 basically, wirelessly backing your system up.

2 Q. Right. Was it -- do you have an iPhone?

3 A. I do.

4 Q. So every time you use Find My iPhone, it sends you an
5 alert, right?

6 A. No.

7 Q. Sends you -- it doesn't send you an e-mail or some type
8 of alert?

9 A. No.

10 Q. And does it not keep some kind of record on the phone?

11 A. No, not using the Apple device. If it's activated --
12 because I use it regularly -- to be honest, I use it
13 regularly for my children, for my daughter.

14 Q. Right.

15 A. I doesn't send them an alert. She doesn't receive a
16 text. I receive a copy of all the texts, calls,
17 everything.

18 Q. Well, this report that you did on Ms. Wilson's phone is
19 thousands of pages long, correct?

20 A. That's correct.

21 Q. And nowhere in there is any information about that
22 program?

23 A. No, it's a web page program. You, actually, have to
24 log into the Apple account and select it. So it
25 wouldn't show up -- it would show up in the cache, the

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1 file for the internet web history, but it just shows
2 you were going like apple.com.

3 Q. So how many times did you see on his laptop or his
4 phone him logging into that?

5 A. You won't be able to. It's -- it's just a web page,
6 it's just logging onto a web page. Because it's java
7 based software. It's just like navigating through a
8 web page. It doesn't log -- you, actually, go into --
9 it just shows that you go to like apple.com.

10 Q. But in his browser history and this long time line on
11 this 4,500-page document, it shows his browser history,
12 correct?

13 A. On the phone?

14 Q. Yes.

15 A. Yes.

16 Q. So this -- are you aware that he bought that phone for
17 her, actually?

18 A. I don't know who brought the phones.

19 Q. And that it was set up by him?

20 A. I was not aware.

21 Q. And that was with her knowledge and consent?

22 A. I have no idea. I didn't know previous history of the
23 phones.

24 Q. You do know that she had a Dell laptop?

25 A. She had a -- I don't know as far as personal, but there

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 was a Dell laptop that was recovered that was property
2 of the University of South Carolina.

3 Q. Did they give you any Mac book laptop, Mac device
4 belonging to her other than her phone?

5 A. Not from her.

6 Q. And you know that Mr. Hawes had a Mac book because you
7 --

8 A. Yes.

9 Q. -- ran your programs on it?

10 A. Yes.

11 Q. So are you aware that it would be easier to set up a
12 new iPhone using a Mac book laptop?

13 A. Yeah, Apple is easier to do that. In this case, her
14 phone was synced to two computers.

15 Q. So in any event -- and that's happened -- you mentioned
16 children. You can put the iPhone on and you can,
17 actually, walk down the street, can't you?

18 A. Basically, if you just sit there and hit refresh,
19 refresh, refresh or if you're sending the signal ping,
20 yes, it's possible.

21 Q. And it's not an exact, exact, but it's pretty close,
22 isn't it?

23 A. As long as it's hitting cellular towers or Wi-Fi, then
24 it's pretty.

25 Q. So if you wanted to go in and check that at any given

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1 time, I mean, if your phone's on and you're within some
2 cellular network, you're going to be able to identify
3 where it is?

4 A. Pretty much.

5 Q. Pretty much. So a controlling, jealous person who
6 wanted to be in constant contact and always know where
7 another person is, they could log in, go look at it and
8 they would know exactly where they were all the time?

9 A. It's possible.

10 Q. It's possible. So when they were on a date in
11 Charleston, they would know they were in Charleston?

12 A. Yes.

13 Q. And they would know, actually, pretty much almost to
14 the residence address or restaurant where they were?

15 A. Not as specific, but a general area.

16 Q. Close, right?

17 A. Close.

18 Q. If you were at Pasta Fresca on a date in August, you
19 would be able to tell, right?

20 A. It's possible, yes.

21 Q. If you were over at Chandra's house, a residence over
22 in Olympia, you could tell pretty close where she was?

23 A. Yes.

24 Q. And you reviewed all this stuff, you see throughout all
25 of these messages, the e-mails, texts, constantly where

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1 are you? Are you going to call me?

2 A. Uh-huh.

3 Q. You've seen that, right?

4 A. Yes. I've read it.

5 Q. And there's no evidence or testimony or her saying oh,
6 my, I can't believe you just showed up here at Hunter
7 Gallery or I can't believe you just showed up here at
8 the library or any random places? There's nothing
9 about that in there?

10 A. I don't recall reading that.

11 Q. All right. Mr. Vanhouten, I'm going to try to go
12 through this as quickly as I can. Come down.

13 THE COURT: Please do.

14 Ms. Pringle, let me say one thing, when you ask
15 him the question, give him an opportunity to respond before
16 you fire another one, okay?

17 MS. PRINGLE: Yes, sir.

18 THE COURT: Okay. Please proceed.

19 BY MS. PRINGLE:

20 Q. For the record, this is Defendant's Exhibit 34.

21 Mr. Vanhouten, could you read starting on this date --
22 this is June 3rd, 2011, correct?

23 A. Okay. Yeah.

24 Q. Well, I don't want you to read the whole thing. I
25 think it's long, okay. Look at 1:39 p.m. from

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Jennifer, what did she say?
- 2 A. 1:39 p.m., I'm heading back to work from home. Can I
- 3 bring you anything from Starbucks?
- 4 Q. If you would just read to bottom of the page?
- 5 A. If you finish early and would like to join me, let me
- 6 know. It won't be any longer.
- 7 Where are you?
- 8 It won't be LO.
- 9 Marlin, you coming? As in blue.
- 10 Are you coming here?
- 11 Sorry, I put my phone in my bag. I'm having a
- 12 beer at the Ale House. I'll be done in five.
- 13 Never mind, I'm leaving.
- 14 Okay. I'm heading home. I'm getting you a Caesar
- 15 salad, do you want your chicken blackened, lime chicken
- 16 or roasted?
- 17 Q. And that's Ms. Wilson asking Hank what he would like to
- 18 eat, right?
- 19 A. Yes.
- 20 Q. She's bringing him lunch or some meal?
- 21 A. Yes.
- 22 Q. At 1:30, right?
- 23 A. Yes.
- 24 Q. All right. If we could, please, go to page 102. And
- 25 that was on June?

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 A. June 4th -- I'm sorry, June 3rd.

2 Q. Yeah. June.

3 MS. PRINGLE: This is Defendant's Exhibit 33 for
4 the record.

5 BY MS. PRINGLE::

6 Q. If you could start at 8:02 p.m. to Jennifer Wilson.

7 And this is on June 6th, 2011?

8 A. Did you have dinner plans with someone?

9 Yep, remember I was meeting one of my teachers for
10 dinner.

11 Would you like to do something Thursday night
12 together, maybe throw some ribs on the grill?

13 Sure. Sounds fun.

14 Do you want to do the ribs and I will do the
15 soda -- or I will do the sides or vice versa.

16 I can do the ribs if you like.

17 Q. Than was on June 7th in the morning, right?

18 A. Yes, 8:10 in the morning.

19 Q. Go the page 104, please. Defendant's Exhibit No. 32.

20 Sir, if you would please start with from Jennifer
21 Wilson on June 7th, 2011 at 10:46 p.m. And I'll tell
22 when to stop.

23 A. All is good. Grandpa just had some chest pains and
24 they wanted to make sure I was kept updated.

25 Let me know if you need me. I love you.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 LOL. I'm okay. The guy has had 13 heart
2 surgeries. We don't get too worked up anymore. Love
3 you, too.

4 Q. That's good. That was on June 7th?

5 A. June 7th, at 10:48 p.m.

6 Q. What happens on June 8th at 9:44 a.m.?

7 A. A text message is received from Jennifer Wilson,
8 context is good morning.

9 Q. All right. Please go to page 109. This is Defendant's
10 Exhibit 31. And this is -- starting at the top,
11 June 9th, 2011 at 12:27 p.m. Would you read the first
12 three lines?

13 A. Can you talk? Do you still want to see me?

14 I do if I can.

15 Q. All right. So "do you still want to see me" is from
16 Hank Hawes?

17 A. That's correct.

18 Q. And Ms. Wilson says "I do if I can"?

19 A. Correct.

20 Q. And that's June 9th. Go to 115, please, Defendant's
21 Exhibit 30. Would you go back, I'm sorry, to page 114
22 and start at second line up from the bottom, June 11th,
23 2011, is that correct?

24 A. Yes.

25 Q. 6:57 p.m. Would you start there?

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 A. Why do you love me? We were having dinner with the
2 parents, I hope I behave.

3 Q. Keep going. Next page?

4 A. Shall I count the ways? One, because you are smart;
5 two, you make me laugh.

6 Is that all?

7 I love you because you brighten my previously dark
8 world. I love you because your heart is frighteningly
9 child like. I love you because you want to meet me --
10 want to meet me and I keep -- I'm sorry. It's a
11 partial.

12 Q. That's okay. That was June 11th?

13 A. Yes.

14 Q. June 13th, Defendant's Exhibit 29, page 121, please.
15 This is June 13th, if you could start at 12:29 p.m. to
16 Jennifer Wilson.

17 A. I figured you might want to see the place.

18 I would like to see it. It really needs to be
19 cleaned, wink, wink. I know what stresses you, haha.

20 You out? Can you talk?

21 Not right now, what's up?

22 What you doing?

23 At the office, trying to get done before they lock
24 up.

25 Want to come see me?

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Yes, I will, but I have to finish work first.

2 Q. And if you will go the next page, 122, and go down to
3 from Jennifer Wilson, June 13th, 2011, 4:48 p.m.

4 A. I am planning on eating left over kish and coming over
5 a bit later. I have a bunch of grading and planning to
6 do tonight.

7 Bring your sleeping bag, computer, et cetera.

8 Are we camping? Oh, no, we are not camping.

9 You are camping. Babe, it's like the first night
10 in the place. I'm going to try to make it homey for
11 us. I'd like to share.

12 I can come earlier, if you would be interested.

13 Well, duh.

14 I will be there in 15 minutes.

15 Can I borrow a pillow, sleeping bag, two plastic
16 bowls for stinky and a roll of toilet paper until
17 tomorrow?

18 LOL. Yes. Can you tell me where it is again?

19 Just follow the yellow brick road, baby. 1420
20 Woodrow Street. Corner of Gervais and Woodrow. Oh,
21 and two towels and two wine glasses, please. I love
22 you.

23 I can't find my sleeping bag. I'm worried I left
24 it at Andy's.

25 Q. Next page, please. You can skip down to 7:20 p.m.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 A. Do you want me to bring some blankets or something? Or
2 I guess we can go to Wal-Mart and buy a cheap sleeping
3 bag.

4 Whatever you have, baby, and anything that smells
5 like you. This dock is not moving.

6 I'm sorry I was crabby this morning.

7 I understand, baby. It's okay. I hope you feel
8 better.

9 Me, too. I wish I could cancel class.

10 I wish we could take a nap together.

11 Me, too. Get a bed so we can.

12 I'm on it today, beautiful. Do you like your
13 phone?

14 Yes, thank you.

15 Have you been playing with it?

16 No, I have been teaching.

17 Miss you. Your mailbox is full.

18 Q. Please go to page 124, Defendant's Exhibit 28. Start
19 from Ms. Wilson at -- this is June 15th, 8:23 a.m. from
20 Ms. Wilson.

21 A. Are at your house?

22 What's up, I'm outside?

23 Q. Okay. Would you go to page 125, start at the top.

24 A. Sorry, I was in yoga. I will call after dinner.

25 Are you home?

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 I will be in 10 minutes.

2 Would you be interested in a visitor? LOL, haha.

3 I am home.

4 Okay. Lad and I on the porch watching the rain.

5 Aw, how sweet.

6 Q. That's enough. Page 129, Defendant's Exhibit 27,
7 starting at -- if you will just read top to bottom of
8 that page, please, sir.

9 A. I'm getting dressed now. Last chance for something
10 different than the usual breakfast.

11 LOL, I'm heading back to work. I have to stop at
12 the dry cleaners. Taylor and me completed my huge,
13 long list today. Thanks for the offer, though.

14 Yep. What's the name of the place at Five Points,
15 the gourmet shop?

16 Yep.

17 Um. Maybe if you go for tea, I'll see you.

18 You read my mind.

19 I decided to turn that part on today. Almost
20 there.

21 I am walking down there right now. Where are you?

22 About to pull in at the light.

23 You're not even here yet?

24 Parking.

25 Where are you right now?

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Leaving the house, why?

2 I was going to see if you would pick me up some
3 lunch and bring it to me.

4 Q. So the last one was from Jennifer Lee Wilson on
5 June 17th at 1:05 p.m.?

6 A. Correct.

7 Q. And then start at where this exchange began on June
8 17th at 10:09 a.m.

9 A. Yes.

10 Q. If you will go the page 137, please.

11 MS. PRINGLE: Beg the Court's indulgence.

12 BY MS. GARFIELD:

13 Q. What is the date at the top of this page?

14 A. June 21st, 2011.

15 Q. If you would go down to 8:16 p.m. and read from there,
16 June 21st?

17 A. Would you get me a Caesar salad with chicken or is it
18 too late?

19 Will do. I'll put it in for you.

20 Thank you.

21 Q. If you will go, please, to 143. And this would be
22 June 25th, 2011, 11:40. Would you start at the top,
23 please?

24 A. I just woke up.

25 Good for you.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 I found my grill, LOL. It felt good.
- 2 Yep.
- 3 They have outdoor furniture, too?
- 4 Where?
- 5 You want to go?
- 6 Parks Fire Center.
- 7 Where is it?
- 8 Board River Road.
- 9 I better not, I just started the dessert for
- 10 tonight.
- 11 What is it?
- 12 Chocolate raspberry pie.
- 13 You just made me wet.
- 14 Q. So Ms. Wilson is starting the dessert tonight on June
- 15 25th at 12:15 p.m.?
- 16 A. Yes.
- 17 Q. Based on what that says. Can you go to page 144?
- 18 Still on June 25th, and if you'll go down to 1:20 p.m.
- 19 and read that, please?
- 20 A. Have you decided to go to church with that girl or
- 21 would you like to pick one with me and go together?
- 22 I already told her I would go.
- 23 No worries. I need to look for one tonight.
- 24 Q. And --
- 25 A. Got the grill.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Q. So to Jennifer Wilson, June 25th, 1:21 p.m., he says no
2 worries?

3 A. No worries.

4 Q. And if you would go, please, to page 145. Later in the
5 day, June 25th, 4:14 p.m. to Jennifer Wilson. Would
6 you start there, please?

7 A. I'm getting the food at Earth Fare and I have
8 everything except plates and silverware.

9 I can bring those tonight.

10 Thanks. I need a drink.

11 I'm doing a little grocery run for you along with
12 mine. Creepy guy at Publix is Steven. Three stores
13 later, I have a procured lobster.

14 Q. Okay. And this is June 25th in the afternoon and those
15 are all from Hank to Jen?

16 A. The last four.

17 Q. The last four. The next page, please. And if you
18 would start at the top?

19 A. Yeah. I got you mangos. I got you mangos,
20 blueberries, avocados, bananas, cheddar bunnies. Oh,
21 shit, Earth Fare was out of asparagus and I forgot to
22 check Publix. Creepy threw me off. You want me to
23 bring it?

24 Please.

25 Okay.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 I'm going to Sea Coast Church on the grand. We're
2 going to Trinity Methodist. Sea Coast follows
3 Methodist, also.

4 Sorry about not being into sex this morning.

5 No worries.

6 Q. That's fine.

7 What's the phrase he uses again at 9:58 a.m. on
8 June 26th?

9 A. Again, no worries.

10 Q. And backing up, 5:54 p.m., from Jennifer Wilson, do you
11 want me to bring it to Mr. Hawes?

12 A. That is correct.

13 Q. On page 147. Actually, if I may hand you Defendant's
14 Exhibit No. 58 and see if you recognize what that is.

15 A. It's an e-mail.

16 Q. Okay. From where?

17 A. From Jennifer Wilson to jebwanderust@gmail, Janelle
18 Bondr.

19 Q. And could you read -- could you start with Ms. Bondr
20 and then read the reply?

21 A. Hey, hope your day of cleaning wasn't too miserable. I
22 cleaned, too, and it felt good. It was kind
23 of methodic in a way. Anyway, I'm going out to dinner,
24 will try you tomorrow. And Janelle replied, your day
25 is more relaxing and that you can finally put this Hank

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 business behind you. What a drama. My parents aren't
2 here yet, but I'm -- I'll call you when my parents
3 leave.

4 Q. All right. And, actually, Ms. Bondr wrote that on June
5 25th at 11:07 a.m., correct?

6 A. It was received -- now, whether she wrote it or not,
7 but it was received at that time.

8 Q. Okay. And then what time did Ms. Wilson reply back to
9 that e-mail?

10 (There was no response.)

11 Q. It's at the top, the time stamp.

12 A. Not on mine.

13 Q. I show you what's been marked as Defendant's Exhibit
14 56.

15 A. Bear with me just a second and let me make sure I've
16 got the time correct. And you're asking which -- what
17 was the question again?

18 Q. What time did Ms. Wilson respond to her friend,
19 Janelle?

20 A. 6:25 -- June 25th, 2011, at 6:26 p.m.

21 Q. She said, Hey, hope your day of cleaning wasn't too
22 miserable. I cleaned, too. It felt good. It was kind
23 of methodic in a way. Anyway, I'm going out to dinner,
24 will call you tomorrow.

25 A. Yes.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Q. And that's the same day she and Mr. Hawes were
2 procuring the lobster that you just read?
- 3 A. Should be around the same time.
- 4 Q. Page 147, if you would go down to June 26th at 9:08
5 p.m. from Ms. Wilson?
- 6 A. Okay.
- 7 Q. Read from there?
- 8 A. That is crazy about the hit and run. How did the woman
9 find you?
- 10 Q. Next?
- 11 A. You guys are still out?
- 12 Q. Next page?
- 13 A. Happened out front.
14 Hello. If you're busy, I'll stop texting.
15 I'll call in a second.
16 Good morning.
- 17 Q. Okay. Stop. At 6:26 -- on June 26th, 9:16 p.m., says
18 if you're busy, I'll stop texting, right? That's Hank?
- 19 A. Yes.
- 20 Q. Ms. Wilson says I will call in a second?
- 21 A. Yes.
- 22 Q. And then the next communication from them is June 27th
23 at 7:46 a.m.?
- 24 A. Yes.
- 25 Q. And that is Ms. Wilson saying good morning to

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Mr. Hawes?
- 2 A. Correct.
- 3 Q. Okay. Will you go to page 149, please, and go down to
- 4 June 28th, 11:48 a.m. to Jennifer Wilson from Hank?
- 5 A. By the way, that was very sweet and thoughtful of you.
- 6 That means a lot -- it means a lot. If you were
- 7 planning a quick stop over after lunch, let me know so
- 8 I'm here. I'm at the Starbucks at Five Points doing a
- 9 little work, want anything? I'm getting rained on.
- 10 Q. Would you agree that he sends lots of text messages in
- 11 a row?
- 12 A. Yes, I --
- 13 Q. Through --
- 14 A. There was a lot of communication with text messages.
- 15 Q. Throughout these records, he tends to send rapid fire
- 16 text messages, would you agree with that?
- 17 A. Yes.
- 18 Q. And lastly, page 150. Lastly on this page. Page 150
- 19 and go down to -- just start at June 29th from
- 20 Ms. Wilson at 10:47 a.m. and read to the bottom.
- 21 A. From Ms. Wilson?
- 22 Q. Uh-huh.
- 23 A. Vic just sent me to pick up the ultrasound, thus the
- 24 doctor appointment today.
- 25 Super.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Aw, they're so excited.
- 2 Huh?
- 3 Damn -- text. Call me, I'll drive her to
- 4 Greenville if you need me to today.
- 5 Hell, no. I know how turned on you are with
- 6 pregnant women.
- 7 Q. Thank you. If you will go to page 152, please, and
- 8 start at June 29 at 12:11 p.m. to Ms. Wilson?
- 9 A. To Ms. Wilson?
- 10 Q. Uh-huh, at 12:11.
- 11 A. So lunch sex for lunch?
- 12 I'm teaching until one.
- 13 Okay, I'll call at 1:00.
- 14 Still teaching? Got an appointment idea.
- 15 Q. All right. You can stop right there. The last text
- 16 from Hank to Jen in that was at 12:55 p.m., correct?
- 17 A. Yes.
- 18 Q. And then what's the next communication, the time in
- 19 between there?
- 20 A. From her or him?
- 21 Q. Just the next one from her?
- 22 A. 3:55 p.m.
- 23 Q. So from 12:55 p.m. to 3:55 after they discussed lunch
- 24 sex, there's no texting?
- 25 A. Correct.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Q. Between them. Page 153, please. And if you would,
2 read to Jennifer Wilson, June 29th, 4:58 p.m.?

3 A. We are the proud parents of a Serta 10-inch memory
4 foam.

5 Nice.

6 We got two memory pillows for stomach sleepers,
7 too. I miss you. Call me when you're headed this way,
8 please.

9 Did you get the message? Where are you?

10 At home.

11 Q. Okay. Please go to page 157, if you will start at the
12 top, please.

13 A. All right. This one is June 30th, 2011, at 1:02 p.m.
14 Let me know if I need to go by a crib after your GYN
15 appointment, haha. I'd be happy.

16 Of course, you would. It doesn't have to come out
17 of you. Smiley face.

18 No baby?

19 No.

20 Why? We can be an adorable little family.

21 I see you didn't need a -- I see you didn't need

22 --

23 Not yet.

24 How is everything going?

25 Looking good.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Yeah.

2 What are you doing?

3 Leather almost done. It just needs to go back in
4 the car.

5 Where are we going for dinner?

6 -- Motor Supply. Wherever you want. We could try
7 something new like --

8 Q. This is June 30th, the "where are we going to dinner",
9 about 5:30 p.m. from Ms. Wilson, correct?

10 A. Yes. Yes.

11 Q. Next page, please. And if you will read from the top
12 and I'll stop you.

13 A. June 30th, 2011, 6:21 p.m.

14 You want me to come there or do you want to pick
15 me up?

16 If you're ready, head on over. I'm still turned
17 on. Hurry up.

18 Last night was nice. Have a good morning and I'll
19 call you soon.

20 It was. Good luck on everything today.

21 I'm getting turned on just thinking about it.

22 Q. Okay. If I could stop you right there. So June 30th,
23 6:22, Hank says to Ms. Wilson, if you're ready, head on
24 over?

25 A. That's correct.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Q. And then the next communication is from Ms. Wilson at
2 10:27 p.m. saying?

3 A. I'm still turned on, hurry up.

4 Q. Then the very next communication is to Ms. Wilson at
5 8:32 a.m. the next day, right?

6 A. Yes.

7 Q. Saying last night was nice?

8 A. Correct.

9 Q. And that is June 30th and July 1st.

10 MS. PRINGLE: For the record, that was Defendant's
11 Exhibits 23 and 24.

12 BY MS. PRINGLE::

13 Q. Page 160, Defendant's Exhibit 22. Could you, actually,
14 go back one page? All right. If you could -- well,
15 just start second from the bottom. This is June --
16 July 2nd, 2011, 9:47 a.m., from Ms. Wilson?

17 A. July 2nd?

18 Q. The second from the bottom, yes.

19 A. Okay. I'm going to pack and shower, okay?

20 Q. Next page.

21 A. I'm up and ready, frisky, by the way. Need to find my
22 glasses. Jen said he will stand and fight beside me.
23 LOL. When are you heading over here?

24 I'll be there in about 15.

25 Okay. Fuck, I need help setting my clock.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Okay. Where are you going? I'll be happy to talk
2 to you if you get bored. Wanted to drive by a house on
3 Devereux for sale.

4 Why?

5 Thought of making a bid on it. I'm almost home
6 now. God, I wish I had taken you up on that sex now. LOL.

7 I was really sad to see you go.

8 Q. Okay. Stop. That's on July 2nd, 2011, 1:04 p.m.?

9 A. Correct.

10 Q. And that's from Hank with the frowny face, I'm really
11 sad to see you go?

12 A. Correct.

13 Q. And then Ms. Wilson says?

14 A. I could tell. It's only a few weeks.

15 Q. Next page. Continue reading, please.

16 A. And you can call and text me as much as you want.

17 Q. That's from Ms. Wilson?

18 A. Yes.

19 Q. To Hank?

20 A. Yes.

21 Q. On July 2nd?

22 A. Yes.

23 Q. All right.

24 A. Possibly five weeks, I can't put my arms around you or
25 smell you or --

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Don't be negative. Think positively. If we are
2 really the ones, then we have the rest of our lives.

3 I'm still sad.

4 Q. Let me stop you there. And go to the next page, July
5 2nd, 2011, four o'clock p.m., Ms. Wilson says she is
6 where?

7 A. I am -- I'm only at Hendersonville.

8 Q. Go down to July 2nd, 4:59 p.m., she says?

9 A. Hope to get home faster on a horse.

10 Q. Go to page 163. This is July 3rd, late -- early, early
11 morning July 3rd, 12:03 a.m. To Ms. Wilson, you can
12 start there?

13 A. Where are you?

14 Almost to Mt. Vernon.

15 Q. Next page, please, 164. You can start at -- start at
16 the second one down, July 3rd, to Ms. Wilson, 12:08
17 a.m.

18 A. Do you want to call me?

19 Not yet. I will call if I get too tired.

20 Please be careful.

21 I will.

22 I love you, Dr. Wilson. Smiley face. There are
23 days that you frustrate and piss me off, but at the end
24 of each day, you mean the world to me. I truly love
25 you, Jen Wilson.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 LOL, you are silly. I just hit a raccoon.

2 You okay?

3 Yes, just hate that I killed it, but it ran right
4 into my car.

5 Sorry, baby.

6 I am home, finally. Sleep tight. I just saw Bob.

7 Q. Okay. I'm sorry to interrupt you.

8 A. That's okay.

9 Q. I'm just trying to do my best to keep you from doing
10 too much extract.

11 The "I am home" was July 3rd at 3:10 a.m.?

12 A. Yes.

13 Q. From Ms. Wilson?

14 A. Yes.

15 Q. Appears she drove straight through based on what we
16 just read?

17 A. I could assume.

18 Q. Okay. Page 165, July 3rd, 3:50 p.m.?

19 A. Okay.

20 Q. From Mr. Hawes to Ms. Wilson?

21 A. It was nice to hear your voice. Send me a pic of the
22 folks and Bob.

23 It is storming, so we are sitting on the back
24 porch watching it storm.

25 Take a pic or video. Help me feel what I'm

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 missing. P.S. I love you.
- 2 It would only make I sad.
- 3 I love you, too.
- 4 Should I block time next week to see it?
- 5 Q. Okay, that's fine. "I love you, too" is from
- 6 Ms. Wilson?
- 7 A. That's correct.
- 8 Q. July 3rd?
- 9 A. Yes.
- 10 Q. 4:33 p.m.?
- 11 A. Correct.
- 12 Q. Page 167, please. Actually, go to 173, Defendant's
- 13 Exhibit 21? Let's start on page -- all right. Sorry.
- 14 July 4th, 2011, 7:40 p.m., to Jennifer from Hank.
- 15 A. Aw, love, I could snuggle with you right now.
- 16 I would, actually, let you right now.
- 17 I love you, babe.
- 18 Love you, too.
- 19 What you doing?
- 20 Eating again, a veggie burger. I think I'm
- 21 pregnant and it's yours.
- 22 How you are feeling?
- 23 Where? Okay.
- 24 I wish I was with you for the snuggle --
- 25 Q. And just to clarify, the "I think I'm pregnant and it's

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 yours" is from Mr. Hawes?

2 A. Correct.

3 Q. Page 174, July 4th, at 9:07 p.m.?

4 A. At 9:07 p.m.?

5 Q. Start at 9:06 p.m. from Jennifer Wilson?

6 A. Okay. You make her laugh. I'd drive 13 hours to see
7 that face of yours.

8 Dad could use some help on the farm.

9 I'd help.

10 Maybe I should have you come up.

11 Q. You can stop there. That "maybe I should have you come
12 up" was from Ms. Wilson on July 4th at 9:07 p.m.?

13 A. Yes.

14 Q. With a smiley face?

15 A. Yes.

16 Q. And I'm not sure if I said that was Defendant's Exhibit
17 21?

18 All right. If we could go to page 227,
19 Defendant's Exhibit 19. All right. If you could start
20 at from Jennifer Wilson, July 9th, 2011, 11:54 p.m.

21 A. I said I love you.

22 Sorry I didn't hear. Love you, too. Good night.

23 Morning, love, I'm on my way to church. I will
24 call when I'm out.

25 If you get a chance, send me the letter this

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 morning. Have a great day.

2 Q. That's -- it was confusing with the dates changing in
3 there. That's the morning of July 10th, right?

4 A. Yes.

5 Q. All right. Go ahead.

6 A. Tell the family I said hi. I'm going out for brunch.

7 Dad is working in the STL on Monday and Tuesday.

8 No worries, just read your e-mail.

9 Depending on his work schedule for Wednesday as
10 you -- as to you coming up. I have things I could
11 comment on, but it was beautiful and I agree
12 completely.

13 Okay.

14 Going out to help dad with the goats.

15 Okay. Love you.

16 Love you, too.

17 Babe?

18 Yes.

19 Don't take your pill. Smiley face.

20 Q. So the smiley face, that is July 10th at 2:18 p.m.,
21 correct?

22 A. Correct.

23 Q. And this exchange about the e-mail that he says was
24 beautiful, this is on July 10th, correct?

25 A. July 10th, yes.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Q. And what was the date of the what a committed
2 relationship, the Dear Hank letter that you read?
- 3 A. I would have to go back.
- 4 Q. Does July 10th sound?
- 5 A. I couldn't answer.
- 6 Q. If you will go to page 228. This is just the next
7 message. This is from Ms. Wilson, July 10th, 2:20
8 p.m.?
- 9 A. LOL, I'm thinking about it.
- 10 Don't. We want the same thing. Your words were
11 golden. We both fall short of that ideal sometimes,
12 but in the end, practice makes perfect. Smiley face.
- 13 I would like to make those words a daily
14 recurrence. Let's make one.
- 15 Smiley face.
- 16 I love you, Q.
- 17 Smiley face.
- 18 I love you, too.
- 19 What you doing?
- 20 Q. Okay. Smiley face responses are from Ms. Wilson?
- 21 A. Yes.
- 22 Q. Said I love you, Q, that's from Hank, right?
- 23 A. Yes.
- 24 Q. And Ms. Wilson says I love you, too.
- 25 A. Yes.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Q. 2:25 p.m. on July 10th?
- 2 A. Yes.
- 3 Q. Page 229, if you would you just start -- this is
- 4 July 10th, 2:33 p.m. to Jennifer Wilson from Hank?
- 5 A. I can't stop thinking about you.
- 6 Smiley face. I'm thinking about you, too.
- 7 Q. Okay. The "I'm thinking about you, too" is from Ms.
- 8 Wilson?
- 9 A. Correct.
- 10 Q. This is July 10th, 3:22 p.m.?
- 11 A. Yes.
- 12 Q. If you would go to page 230, please. This is July
- 13 10th, 7:11 p.m. from Ms. Wilson.
- 14 A. I miss you.
- 15 I miss you, too.
- 16 My parents thought -- was cute.
- 17 Should I board him or bring him?
- 18 Probably board him.
- 19 Looking forward to seeing you.
- 20 LOL, you, too.
- 21 Q. That last "LOL, you, too" was from Ms. Wilson, correct?
- 22 A. Yes.
- 23 Q. Page 232, 7/11/2011, at 11:14 a.m. to Ms. Wilson, Hank
- 24 says?
- 25 A. I miss you.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Q. Then?
- 2 A. Bad.
- 3 Q. Then she says?
- 4 A. I miss you, too.
- 5 Q. Defendant's Exhibit 20, page 211, this is, actually,
- 6 the day before, July 9, 10:52 a.m. Just read the top
- 7 two.
- 8 A. I'm sorry, which one?
- 9 Q. Oh, page 211. Just the top two, just the first two.
- 10 A. I love you, Jen.
- 11 I love you, too.
- 12 Q. Page 212, start at from Jen Wilson 07/09/2011, 12:36
- 13 p.m.
- 14 A. Um, I'm so frisky.
- 15 Tell me about it.
- 16 What you going to do about it?
- 17 I was fantasizing about you all morning. I was
- 18 thinking about what I wanted to do when you -- with you
- 19 when I see you next. I could be there by morning to
- 20 help with the fence.
- 21 Q. Okay. And that is started by -- the um, I'm frisky was
- 22 from Ms. Wilson?
- 23 A. Correct.
- 24 Q. July 9th, 12:36 p.m.?
- 25 A. Correct.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Q. Page 213, July 9th, 2011, 12:42 p.m. from Ms. Wilson.
2 What does she say to Hank?
- 3 A. I'm sorry, give me the time again.
- 4 Q. 12:42 p.m.
- 5 A. And as hot as I am right now, it's very tempting.
6 Okay.
7 I have to drive.
- 8 Q. Stop. Page 214, the middle of the page says July 9th
9 still, 12:47 p.m. from Hank to Jen?
- 10 A. I could be there by morning.
- 11 Q. The next page, 215, from Jen, a third of the way down,
12 July 9th, 12:57 p.m.?
- 13 A. I'm, actually, considering your offer by the way.
- 14 Q. Page 216, you go down to about three-quarters of the
15 way down from Ms. Wilson to Hank, July 9th, 1:08 p.m.?
- 16 A. LOL. Oh, I'm going to tear you up. I will talk with
17 them tonight when I get home.
18 Okay. I'm driving now.
19 Let me know ASAP so I can mobilize and go.
20 Okay.
21 What time will you be there?
22 They're like, Jen, right?
- 23 Q. They like Jen.
- 24 A. They like Jen.
- 25 Q. That was Defendant's Exhibit 20.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Defendant's Exhibit 18, page 236, start at the top
2 to Jennifer Wilson on July 11th, 10:39 p.m. from Hank.

3 A. If I wasn't, you wouldn't have anxiety right now. What
4 do you need to feel secure? I'm failing and I know
5 you're unhappy.

6 I not unhappy, baby. I love you and I would not
7 consider having your baby if you were failing. Where
8 is this coming from? Do you want to talk? You can
9 call if you want.

10 If you're not unhappy --

11 Q. That's good. If you go to page 246, please,
12 Defendant's Exhibit 17, to Ms. Wilson, July 13th, 2:36
13 a.m.

14 A. I miss you bad.

15 Q. From Jennifer Wilson to Hank, 10:40?

16 A. I miss you, too.

17 Q. To Jen, 07/13, 11:08 a.m., the very bottom?

18 A. I can't wait to see you.

19 Q. And go to 247, please, just read the top four?

20 A. It won't be long now. Would you mind if I use -- would
21 you mind if I use the kitchen on Sunday to make
22 blueberry jams?

23 Sure, sounds fun.

24 Great. We can go to the farmer's market on
25 Saturday to get the blueberries.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Yep.

2 Q. All right. That is Ms. Wilson saying would you mind if

3 I use kitchen on Sunday to make blueberry jam?

4 A. Yes.

5 Q. July 13th, 12:19 p.m.?

6 A. Correct.

7 MS. PRINGLE: May we approach?

8 THE COURT: Yes, ma'am.

9 (Whereupon, a bench conference was held
10 off the record, in the presence of the
11 jury, but out of the hearing of the
12 jury.)

13 THE COURT: All right. Mr. Foreman, ladies and
14 gentlemen of the jury, let's see, it's -- I guess I've got
15 to get my watch synced up with their clock. It's five
16 minutes after 5:00. We're going to quit at this time.
17 Please don't discuss the case amongst yourselves. Please
18 don't read anything or watch anything on TV about the case.
19 We'll continue in the morning at 9:30. I'll see you in the
20 morning at 9:30. Have a good evening.

21 (Whereupon, the jury left the courtroom
22 at 5:05 p.m.)

23 THE COURT: All right. Anything from the State
24 before we break for the evening?

25 MS. GARFIELD: No, sir.

1 THE COURT: Anything from the Defendant?

2 MR. STRICKLER: No, sir.

3 THE COURT: All right. We'll adjourn until 9:30
4 in the morning.

5 (Whereupon, court was adjourned for the
6 day, October 9, 2014, to be reconvened
7 on Friday, October 10, 2014.)

8 THE COURT: All right. I have not done this
9 prior, but I'm going to put the solicitor's office as well
10 as the defense office on a gag order from having any
11 conversations with the press whatsoever.

12 Does everybody understand?

13 MS. GARFIELD: Yes, sir.

14 THE COURT: As far as the press is concerned in
15 the courtroom, got cameras in the courtroom and recording,
16 they can report anything they want to report. But I have
17 put the attorneys and the officers under a gag order not to
18 have any conversations with the press during the duration --
19 during the remaining duration of this trial.

20 Does everybody understand?

21 MR. STRICKLER: Yes, sir.

22 THE COURT: All right. Thank you very much.

23 Anything from the State before we bring the jury?

24 MS. GARFIELD: No, sir.

25 THE COURT: Anything from the Defense?

1 MR. STRICKLER: No, sir.

2 THE COURT: Okay. Thank you very much.

3 Do you have your expert here?

4 MR. STRICKLER: He's on his way up here, Your
5 Honor.

6 THE COURT: All right. Bring us the jury.

7 BAILIFF: Yes, Your Honor.

8 (Whereupon, the jury returned to the
9 courtroom at 9:40 a.m.)

10 BAILIFF: Jury is seated, Your Honor.

11 THE COURT: Thank you very much.

12 If you will call your -- I believe we were in the
13 middle of the -- where's our witness?

14 MS. GARFIELD: Right here.

15 THE COURT: Come on around, please, sir, if you
16 would.

17 I think we were in the middle of cross, is that
18 correct?

19 MS. PRINGLE: Yes, sir.

20 THE COURT: Okay.

21 CONTINUED CROSS-EXAMINATION

22 BY MS. PRINGLE:

23 Q. Good morning, Mr. Vanhouten.

24 A. Morning.

25 Q. I'm going to get you to come back down, please.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 MS. PRINGLE: May the witness step down, Your
2 Honor?

3 THE WITNESS: (The witness complies.)

4 BY MS. PRINGLE::

5 Q. Thank you, sir. Referring to, for the record,
6 Defendant's Exhibit No. 16, I'm going to take you back
7 to the middle of July, July the 14th. And, sir, we
8 were on page 255, is that correct?

9 A. Yes.

10 Q. And I have highlighted these portions here. If it
11 would be easier for you to read off of my sheet or you
12 may read off there, but I would ask that you start at
13 July 14th, 2011, at 11:39 a.m. from Ms. Wilson?

14 A. Okay. It reads good morning.

15 Morning, baby.

16 How's your day?

17 Great. Momma and I just left the winery where we
18 had wine, cheese and sausage for lunch. You look hot
19 by the way.

20 Oh, thanks.

21 Q. Okay. You can stop right there.

22 And, sir, that was July 14th, correct?

23 A. Yes.

24 Q. I take you to page 261.

25 MS. PRINGLE: Beg the Court's indulgence, Your

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Honor.

2 BY MS. PRINGLE:

3 Q. I'm sorry. If you can go back to 256, July 14th, 2011,
4 3:38, from Ms. Wilson?

5 A. I'm getting my hair cut in Columbia. More today, do we
6 -- went through -- for lunch.

7 Oh, what time are you free? Big Lots has candy
8 jars 12 for seven dollars.

9 What you doing? Guess you're busy. Just try you
10 later. I'm going to bed early tonight. I have an
11 early morning.

12 It was really nice to see you. I miss you
13 terribly. Are you available? I so miss you.

14 I miss you, too.

15 Q. Okay. And the last one from Ms. Wilson, 10:28 p.m., I
16 miss you, too.

17 Page 257, please. Third line down from Ms. Wilson
18 on July 13th at 11:30 a.m.?

19 A. Yep, packing up my car. My trunk is a lot smaller than
20 my Honda.

21 Q. If you will go down pass all the rainy stuff to about
22 12:17 p.m. to Ms. Wilson from Hank?

23 A. You driving?

24 Yep, I left at 11:00.

25 Doing okay?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Yep.

2 Where are you?

3 Between Kentucky and Tennessee.

4 -- I wish I was between you and the mattress.

5 Smiley face.

6 Q. And so 4:51 p.m. on July 15th, she's between Kentucky
7 and Tennessee.

8 Next page, she says?

9 A. You will be soon. Smiley face.

10 Uh-huh.

11 Q. Okay. Then you can skip down to 723 -- 715 at 7:23
12 p.m. to Ms. Wilson?

13 A. It rains on the just and the unjust. I really miss
14 you.

15 What? I heard two words, then dropped call. Will
16 you call me back?

17 Hello?

18 Baby, you still doing okay? Where are you now?

19 Almost to Knoxville.

20 Update, please.

21 Outside of Knoxville.

22 How much is that, three hours?

23 I'm 85 miles away from Nashville.

24 Q. So he's asking her where she is at 9:05. She's around
25 Knoxville. And at 10:09, she's 85 miles from

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Nashville, correct?

2 A. Correct.

3 Q. Okay. Next page. Starting at the third line down?

4 A. I love you. I excited to see you.

5 I love you, too. Smiley face.

6 What's your ETA?

7 I don't know.

8 Where are you now?

9 Almost to Ashville.

10 How long does it normally take you from Ashville?

11 I can't remember. I don't know.

12 At Ashville. 157 miles. I'm getting tired.

13 I bet.

14 116 miles to Columbia. Can't wait. Smiley face.

15 Q. So 11:12, she's reporting to him she's in Ashville?

16 A. Uh-huh.

17 Q. And about 157 miles away. Next page. Start at the

18 top, please.

19 A. How far, baby?

20 I'm at Exit 54.

21 Where is that?

22 I don't know, 52 miles.

23 Okay. Be safe, beautiful.

24 I will have to stop for gas still, 40 miles.

25 Closer.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Where are you, baby? Are you okay?

2 Yeah. Should be home in 20.

3 You coming to get me?

4 On my way.

5 K.

6 July 21st, DL 5338 to Atlanta, departure Jack.

7 Q. Okay. And now I want to take you to page 261,

8 July 18th. And start three lines down, please.

9 A. Hello, beautiful, how's your day? Want to snuggle up

10 with you after yoga.

11 I've been so busy. How about you?

12 It got a little crazy, but almost done for the

13 day. Really ready to see you. Love you so much.

14 What would you like for dinner tonight?

15 I don't know.

16 Aren't Jay supposed to be with Connie right now?

17 Want to eat light? I'm here.

18 Yoga is at 5:30. Yes, I'd love to eat light.

19 Q. Next page. What does Ms. Wilson ask hank at 7:11 p.m.?

20 A. Where can I buy a cover for my Ipad.

21 Q. Now, skip down to July 19th from Hank. Where does he

22 say he is?

23 A. What time?

24 Q. I'm sorry, 12:49?

25 A. I am parked by the University until you call. Love

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 you.
- 2 Q. If you will just keep reading on down?
- 3 A. Hey, where are you?
- 4 Hey, baby, where are you?
- 5 I'm parked by your office. Want to get lunch?
- 6 Were you able to give Julie the \$500 from me? I
- 7 hope it helps her day go a little smoother.
- 8 Yeah.
- 9 Q. You can just go down to gotcha.
- 10 A. Gotcha.
- 11 Hey, yes. Love you.
- 12 Love you, too.
- 13 Q. Next page, please. So we're still mid-July, July 19.
- 14 And Ms. Wilson at 2:36 p.m. three lines down ask Hank
- 15 what?
- 16 A. Want to bring me a green tea? Smiley face.
- 17 Q. Yeah, keep going.
- 18 A. I'd love to. Let me fax this letter and I'm on it.
- 19 LOL. Okay.
- 20 Damn that took a while. I'm going for your tea.
- 21 No travel yoga mats?
- 22 Q. Okay. Go down to 8:58 p.m. and Ms. Wilson says what?
- 23 A. I'm just going to head home. Can you bring my things?
- 24 Q. Then if you will skip down to 10:55 and she says?
- 25 A. Will do.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Q. Then keep reading.

2 A. Thanks, babe. I'm sorry. Grab a bottle of soc hi,
3 please. Got it.

4 Q. Stop right there. Grab a bottle of soc hi, please.

5 That's 7:47 p.m. on July 20th. We, actually, skip to
6 the next day here, correct, 7:21. The next text is to
7 Ms. Wilson at 9:06 a.m. saying what?

8 A. I love you and I'm really going to miss you, baby.

9 I love you, too.

10 Q. Next page. Were you aware, sir, that Ms. Wilson was
11 based on your review of all the records of her phone,
12 e-mails that she was headed to Bali around this time,
13 do you recall that?

14 A. I recovered photos I assumed were from a foreign
15 country off of her external drive.

16 Q. If you will start at the top of this.

17 A. Be safe and smart. Call me soon. I miss you already.

18 I miss you, too. Smiley face. You don't have to
19 take an Ipad out of your bag for security, isn't that
20 nice?

21 That's cool.

22 What are you doing?

23 Driving to get food.

24 I want food. Thinking about being close to you.

25 Thinking about -- we are just starting to board.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Okay, baby.

2 I was thinking about you being inside of me. Umm,
3 love it. I will call you in Atlanta.

4 K.

5 Q. Next page?

6 A. Love you.

7 Love you, too. The first hotel is really nice.
8 Smiley face.

9 What you doing?

10 Checking in again. Frown face.

11 You get food?

12 Going right now.

13 Call before flight, please.

14 Of course. Smiley face.

15 Q. Okay. Stop right there. So he tells her to call
16 before her flight, please. And she answers of course,
17 exclamation mark, right?

18 A. Yes.

19 Q. That's on July 21?

20 A. Correct.

21 Q. 2011. And the next text message to her from Hank has
22 some international number?

23 A. Yes.

24 Q. Correct? And then the next text message -- the next
25 text message is August 5th, correct?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 A. Correct. 2:28 p.m.

2 Q. All right. I'm going to hand you what's been marked
3 Defendant's Exhibit No. 53. Is this an excerpt from
4 the time line from the phone dump of Ms. Wilson's
5 phone?

6 A. Yes.

7 Q. Okay. And would you just read the e-mail that Hank
8 sends to Jen and give the jury the time and date?

9 A. The time is August 4th, 2011, 12:51 p.m. And it's --
10 the context is Jen, I'm on the way to the airport right
11 now to catch my 2:30 flight, SQ62 Singapore Airlines
12 through Moscow and lands at IAH at 1405 on August 5.
13 It really sucks not being able to talk to you. I love
14 you, hope to see you soon.

15 Hopefully, talk before Saturday and I can pick you
16 up from the airport if you'd like. Just let me know
17 via e-mail. I love you, Jen. Be safe.

18 Q. So that last text with the smiley is on 07/21. This is
19 on 08/04. Now, I'm going to show you what's been
20 marked as Defendant's Exhibit No. 52 and direct your
21 attention to the top of the page. Ask you if you can
22 tell the jury what that is and read in reverse order
23 with that e-mail, please.

24 A. On August 5th, 2011, at 2:30 p.m. says, Hank Hawes
25 wrote, Are you at the airport headed home? Then seven

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 hours later on August 5th, 2011, 9:10 p.m., Jennifer
2 Wilson writes, in the airport running to catch my
3 flight. Will call when I get to Atlanta.

4 Q. She's returning around August 5th. And back to page
5 265, we're still on there, just start at, Are you at
6 the airport?

7 A. Oh -- 2:20 p.m., Are you at the airport for home?
8 Just landed.

9 Will call when you get through customs.

10 Okay. You're going to call back? You rang?
11 Awaiting your --

12 Q. Next page. So 08/06/11, 2:03 p.m., we're still on the
13 same day, we're still waiting for her. 266 -- 201,
14 sorry, top?

15 A. Okay. Awaiting your call to go walk. Can't wait to
16 see you. Are you safe?

17 Just jumping into the shower, will call in the
18 second okay.

19 Q. Stop right there. She says, I'm just jumping in the
20 shower, will call you in a second. He says, Okay.
21 That's 3:25 p.m. And 3:40 p.m., he says?

22 A. I'm crazy frisky right now.

23 Q. Okay. That's at 3:40 p.m., correct?

24 A. Yes.

25 Q. And then the next text exchange is to Ms. Wilson from

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Hank at 9:35?
- 2 A. Yes.
- 3 Q. So you have a block from 3:40 to 9:35 p.m., correct?
- 4 A. Yes.
- 5 Q. And what does he say to her at 9:35 p.m.?
- 6 A. If you change your mind and want to snuggle, I will
- 7 consider coming back over.
- 8 Q. And just read the bottom, please.
- 9 A. I just had a huge bowel movement. Thank you for
- 10 understanding.
- 11 Awe. I can't wait to snuggle with you again.
- 12 Are you skypeing your buddy?
- 13 Okay. So I'm feeling weird right now and you know
- 14 why? Ain't you going to call me?
- 15 Well?
- 16 Q. Next page?
- 17 A. Please tell me. Jen, I'm feeling like a fool right
- 18 now. I need to talk to you. I know you're on Skype.
- 19 Please. Is this why you didn't want me to be there
- 20 tonight. My apologies.
- 21 Q. Okay. And if you'll stop there. That's 08/06/11,
- 22 11:33 p.m.?
- 23 A. Yes.
- 24 Q. And that says my apologies?
- 25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Q. Did she ever answer by text on that day?

2 A. I would have to --

3 Q. Next page. No, I'm sorry, it's in the middle of 267?

4 A. At 3:07, appears to be a text sent from Ms. Wilson on
5 08/07/2011.

6 Q. We're on 08/06/2011 at 11:33 p.m.?

7 A. My apologies. The next response from her, a text
8 coming from her is not until the next day.

9 Q. Okay. The next morning, on August 7th, down at 10:26
10 a.m., he says to her?

11 A. Sorry, what time again?

12 Q. 10:26 a.m.?

13 A. Are you awake? Are you okay? How is your day going?

14 Good. Getting ready to go to the grocery store.

15 Do you have an idea for dinner, veggies and,
16 question mark.

17 What time do you want to eat?

18 Q. Next page?

19 A. Maybe around 6:00, does that work for you? I'll clear
20 my schedule.

21 LOL. Thanks. We are close to go for a walk.

22 My place or IRS?

23 Yours. Mine is still foggy.

24 Okay. No comment on what you want?

25 Surprise me beautiful.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 LOL. Be careful what you wish for.

2 On the phone. What's up, baby?

3 How so?

4 Chick pea and feta salad, smoothies for desert.

5 What if I want you for dessert?

6 LOL. That, too.

7 LOL that too.

8 Q. Okay. thank you. I'm going to take you to August 9th,
9 Page 271. And if go down to not to be rude from Hank
10 on August 9th at 6:45 p.m., he says?

11 A. Not to be rude or assuming, but I'm really hungry. I
12 was trying to give you some time while I ran my errand.
13 Are we still doing dinner or, question mark. Please be
14 kind enough to let me know soon.

15 If you're in the area, will you check to see if
16 the patio table is still at the store.

17 Q. That's from Ms. Wilson?

18 A. Yes.

19 Q. Keep going.

20 A. I would like to get it this weekend, if possible.

21 We can do it.

22 Okay.

23 I'm, also, torn between the hike this weekend and
24 the outlet stores.

25 I'm open.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Good.

2 Q. That's Ms. Wilson saying I'm torn between the hike this
3 weekend and the outlet stores and that's at 7:48,
4 right?

5 A. 7:39.

6 Q. Next page. And if you will just read the three lines
7 in the middle starting at 4:41 p.m.?

8 A. You coming here after yoga?

9 Yep. We eat, shower, then sleep.

10 Q. Okay. That is on August 11th, correct?

11 A. No, that's August 10th. August 10th --

12 Q. August 10th?

13 A. 2011 at 4:43 p.m.

14 Q. All right. If we could go to August 11th, on Page 277.
15 Hank sends Ms. Wilson a text message at 3:01 p.m.
16 telling him what?

17 A. Worked it out. Going to look for you -- going to look
18 hot for you tonight. LOL.

19 LOL, why?

20 Because I love you and you want to -- and you want
21 to like what you see. New loafers, jeans and funky
22 shirt.

23 I need to pick some cologne, then maybe I'll get
24 lucky.

25 Let's make a standing date tonight every week so I

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 can take you out. Well, I was excited about it.

2 I like that idea.

3 We can go out one night this weekend.

4 Hello.

5 Yes, baby.

6 I want you really bad right now.

7 LOL. You are too cute.

8 Q. Next page, just read down starting at the top?

9 A. I bet you look hot in your new clothes. And GN is
10 ready to fend off the pill control.

11 LOL.

12 I hope I look decent for you.

13 Where are you guys going for dinner so I don't
14 overlap you?

15 Blue Cactus, most likely.

16 Okay. Feed the baby well.

17 I'm rolling my eyes. Smiley face.

18 I know, but I can dream.

19 Q. So he's asking her where are going for dinner so I
20 won't overlap you and she says Blue Cactus.

21 A. Yep.

22 Q. Next page, please, top of the page, the first five
23 lines. And this is August 11th at 8:54 p.m.?

24 A. Correct.

25 Are you going to be out much longer?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 I am home.

2 Do you want me to come over?

3 Sure.

4 I'll be there in a few.

5 Q. Okay. You can stop there. The first text on the next
6 day is August 12th, that's the next text, correct?

7 A. Yes.

8 Q. And that is from Ms. Wilson to Hank?

9 A. Correct.

10 Q. Saying I'm hungry already?

11 A. I'm hungry already.

12 Q. That's all. Down to 282, please, starting with August
13 12th 1:58 p.m.

14 A. I tried to change it. Let me check.

15 Curly Q for life.

16 LOL, thanks.

17 They won't let me update because I don't have your
18 security code for the card. I need to just delete the
19 app if yours. It drives me nutty.

20 7:08 in a meeting.

21 Why does it need my card security code to update
22 apps?

23 Q. Next page, just the top three lines.

24 A. It made me confirm your info. Don't worry, I'll take
25 it off and reload them with my info.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 I trust you. I don't mind.

2 Q. Then go down to 5:08 p.m. with Ms. Wilson asking?

3 A. What time are you picking me up?

4 Are you home now?

5 Yep, trying to finish up reading my book and
6 didn't know if I had time for an S walk or not.

7 I'll be there at six.

8 Q. Okay. Page 285, 08/13, 5:38 p.m. to Ms. Wilson?

9 A. Again, don't beat yourself up for my impatience for a
10 family. I've waited 36 years and a few more may be in
11 the cards. I love you.

12 I love you, too.

13 Q. Next page. The first top six lines?

14 A. You look good.

15 Thanks.

16 If you want it when you get home, let me know.

17 Okay.

18 Be careful. Call me.

19 Okay. Will do, you, too.

20 Q. Okay. August 12th, page 280, 12:16 p.m. starting with
21 do you know the plan.

22 A. Do you know the plan with Janelle and David?

23 Not yet, why?

24 Reservation at Saluda's. And if not, so I know
25 what to do with myself. Are we going to babysit soon?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Heard from Janelle. She wants to do something
2 Saturday night, so tonight it's you and me on a date.
3 I haven't heard from David.

4 Cool, this Saluda's at 6:30.

5 I'll be there at 6:00, 6:15, if that's okay. Let's
6 do something fun tomorrow.

7 Q. Okay. So tonight it's you and me, smiley face. And
8 that's at 1:08 p.m. on August 12th, correct?

9 A. Yeah.

10 Q. Page 297, we're up to August 15th, start at the second
11 line down?

12 A. I miss you.

13 Q. 297?

14 A. 8:15, 8:22.

15 Q. 8:22.

16 A. I can see some company -- I could use some company
17 tonight if you're interested? How's the jam coming?

18 Good, on my last batch.

19 Yeah?

20 Yeah.

21 Did you get my other text?

22 Yes, I'm considering it.

23 That would be nice.

24 Can I -- jam, also.

25 I'm on my way over.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Okay. Thanks for the lid, I'll trade you for a
2 bigger one.

3 Q. So Ms. Wilson tells him at 9:19 p.m. I'm on my way
4 over?

5 A. Yes.

6 Q. And he says, okay, 9:19. And then the next text is,
7 actually, the next day, right, so there's a break
8 there?

9 A. Yeah.

10 Q. Nothing between them from there.

11 08/16/11, 10:07 a.m., he says, just the one line.
12 Thanks for the lid?

13 A. Yeah, thanks for the lid, I'll trade you for a bigger
14 one.

15 Q. All right. I'm going to move to August 16th through
16 the 22nd. What I really want to do with you here --
17 we've already read this, I know, just to point out some
18 specifics, starting at page 298, 9:49 p.m. to
19 Ms. Wilson. And he's asking her, Will I see you
20 tonight? And that's at 9:49 p.m.?

21 A. Correct.

22 Q. She says she'll come?

23 A. Yes.

24 Q. Then is there a break between there and the next text
25 message?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 A. There's a break there, 11 hours, it appears around 11
2 hours.

3 Q. So she says yep, I will come over. Then nothing
4 between them for 11 hours. The next morning at 9:08
5 a.m., you don't have to read it all. He's asking
6 her -- make sure I'm repeating your testimony
7 correctly. He's asking her -- telling her he still
8 needs the information on Norway, right?

9 A. Yes.

10 Q. If you don't mind, I'll swing by the University
11 tomorrow, do a car swap and fix the thing, you can tell
12 me about the reading assessment and she says?

13 A. It will probably take a couple of hours, maybe this
14 weekend.

15 Q. And he says, That could work. I'm planning something
16 fun for the weekend. That's on August 17th at 10:01
17 a.m.?

18 A. Yes.

19 Q. 303, please. Later on that day on August 17th at 9:34
20 p.m., he's asking her how's the pot luck?

21 A. Yes.

22 Q. Then there's a series of text just from him. You're
23 still there? Late pot luck? Really? I'm home.
24 Correct?

25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. And that starts at 9:34 p.m. Next page. About 11:05,
2 he says -- this is still August 17th, right?
- 3 A. Yes. Okay, Jen, this isn't fair after you said you
4 would come over tonight and not even a courtesy text.
- 5 Q. Okay. 12:38 a.m., that's moved into August 18th,
6 right, early morning hours of August 18th?
- 7 A. Correct.
- 8 Q. He says a yoga pile up till 1:00 a.m.?
- 9 A. Yes.
- 10 Q. During the week?
- 11 A. Correct.
- 12 Q. And at 12:59 a.m., she tells him she's heading home?
- 13 A. Yes.
- 14 Q. Telling her I've been waiting on you all night. Next
15 page, I was excited to see you. And that's at the top,
16 correct?
- 17 A. Correct.
- 18 Q. 1:42 a.m.?
- 19 A. Yes.
- 20 Q. There's nothing from her, she doesn't ever respond
21 until the next morning at 8:05, right?
- 22 A. With the text message, correct.
- 23 Q. Okay. All right. Based on this?
- 24 A. Yes.
- 25 Q. Where she starts, she says, I'm sorry you were worried.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 And that's at 804 a.m.?
- 2 A. Correct.
- 3 Q. From her to him?
- 4 A. Correct.
- 5 Q. He stopped saying anything to her the night before at
- 6 1:52 a.m., right?
- 7 A. Correct.
- 8 Q. At 12:17, he's asking her, lunch?
- 9 A. 12:17, yes, correct, lunch.
- 10 Q. This is August 18. And she tells him she's got to wait
- 11 for the upholstery cleaners?
- 12 A. Correct.
- 13 Q. So same day, Page 308. 3:42 p.m., so later that day.
- 14 A. Okay.
- 15 Q. She's saying I love you, too. I'm really sorry we
- 16 didn't work out.
- 17 A. Correct.
- 18 Q. Next page 309. This is after they're saying I'm sorry
- 19 about all the hurtful things?
- 20 A. Yeah.
- 21 Q. 4:35 p.m. on that date, August 18th, he tells her?
- 22 A. I will come to -- I will cover the counselor to verify
- 23 we can't recover if you will take that final step with
- 24 me.
- 25 Q. And Page 310. So still 4:38 p.m., he's still -- top of

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 the -- first line.
- 2 A. I would like a shot getting our communication right
- 3 with a counselor.
- 4 Q. And she responded at 4:40 saying, if we?
- 5 A. If we decide in the future to try again, a counselor
- 6 will be mandatory.
- 7 Q. Okay. And down to Page 311. At 4:44, she's saying, If
- 8 we're going to be together, we'll find each other,
- 9 correct?
- 10 A. Pretty much.
- 11 Q. At 4:49, she says, Hank, stop, please give me time and
- 12 space?
- 13 A. Correct.
- 14 Q. And what does he say?
- 15 A. As you wish. Goodbye, Jen, I love you.
- 16 I love you, too. Goodbye.
- 17 Q. Then he text her about an hour and 10 minutes later.
- 18 Top of Page 312, saying?
- 19 A. I miss you already.
- 20 You are killing me. I wanted to send you a funny
- 21 story about the upholstery cleaners, but I'm really
- 22 trying to do the right thing here.
- 23 Q. So he sent that at 6:07 and then she responded with
- 24 that you're killing me at 6:09?
- 25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. At 6:12, she was saying, They asked me what the stains
2 were. I said I didn't know. They said it looks like.
3 He says ha?
- 4 A. Yes.
- 5 Q. She says I was so embarrassed?
- 6 A. Correct.
- 7 Q. And this is where they -- I'm not going to have you
8 read through all that again. It starts with, You want
9 to play and starts going into this back and forth. On
10 Page 313 at 6:15 p.m., he's been saying, you know, he
11 want to come over and have sex. And she responds at
12 6:15 with?
- 13 A. Umm.
- 14 Q. Then she responds again, after he says you and I get
15 that right always. And she says at 6:15?
- 16 A. Yes, we do.
- 17 Q. Next page. As it was still going, Hank's doing his
18 usual sort of rapid fire sending text after text,
19 right?
- 20 A. Yes.
- 21 Q. Those were all just Hank, Hank, Hank, other than that
22 one. Page 315, 6:23, he tells her?
- 23 A. I'm down the street.
- 24 Q. And then it's more the seriously --
- 25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. No talking. And then at 6:25, he tells her what?
- 2 A. I'm close.
- 3 Q. And then what does she say?
- 4 A. Stop, please.
- 5 Q. Right away, right, couple seconds later?
- 6 A. Yes.
- 7 Q. Then it's at 6:26, when, apparently, he's there and he
- 8 see this car?
- 9 A. Yes.
- 10 Q. Page 317 -- and they're still texting back and forth,
- 11 right, from that point until 7:17, that's sort of
- 12 consistent?
- 13 A. Yes.
- 14 Q. Continuing, there's no break. At 7:14, just the top
- 15 line, it says?
- 16 A. We were sexting and it was there.
- 17 Q. Okay. And on page 318 at 9:00 p.m., he says?
- 18 A. So how long. Continue?
- 19 Q. No. Page 321 -- well, you can go to page 321, but I
- 20 wanted to ask you a question about -- also, on
- 21 August 18th -- I show you what's been marked
- 22 Defendant's Exhibit No. 36, what is that?
- 23 A. It appears to be text messages between Jennifer Wilson
- 24 and Chandrashekhar.
- 25 Q. And those were taken off of her phone?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 A. I would have to look back. Yes.

2 Q. Okay. And if I could direct your attention to that
3 exchange. I just want to talk to you about August 18th
4 right now between them. So same day, right, at 8:39
5 a.m., Mr. Chandra sends a text message to Ms. Wilson,
6 correct?

7 A. Yes.

8 Q. If would you start there?

9 A. Hangover?

10 Going to Drip for coffee. Join if you need --
11 join if you'd like.

12 Continue?

13 Q. Yes.

14 A. I'm waiting for the upholstery cleaner to get here. He
15 is late. It may make me miss yoga.

16 Q. All right. You can stop right there for now. The next
17 page, just one page over. And Mr. Chandra says, at the
18 top?

19 A. Why is the upholstery so funny?

20 Q. Keep going.

21 A. Try answering what each stain is on your sofa. Not so
22 funny anymore.

23 Ha ha, you just made it even funnier.

24 A -- made stains. LOL.

25 Semen stains.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 I'm rolling my eyes.

2 You would. Smiley face.

3 Can I come by and we ride together?

4 Q. That's at what time, can I come by and we ride
5 together?

6 A. That is on August 18th, 2011 at 5:53 p.m.

7 Q. All right.

8 A. Continue?

9 Q. Yeah. She says?

10 A. If you want, but then you will be late, too.

11 No problem. See you soon.

12 LOL.

13 K.

14 Good night, Jen. Sleepy now.

15 Q. All right. If you go to the fourth page starting at
16 the top, it's 08/19 at 4:38 p.m.?

17 A. Okay.

18 Q. At 1:27 --

19 MS. GARFIELD: Judge, I'm going to object at this
20 time.

21 THE COURT: Sorry?

22 MS. GARFIELD: I'm objecting at this time.

23 THE COURT: What's your legal objection.

24 MS. GARFIELD: Relevance.

25 THE COURT: Let me see the particular one you're

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 talking about, please.

2 (Whereupon, a bench conference was held
3 off the record, in the presence of the
4 jury, but out of the hearing of the
5 jury.)

6 BY MS. PRINGLE:

7 Q. All right, sir. Let's get back to where we were. And
8 looking through the time line of these couple of days,
9 okay. We're just going to keep moving through okay.
10 Page 321, at 5:05 p.m., Hank says to Jen -- 5:03 p.m.?

11 A. 5:03 p.m.?

12 Q. Yes.

13 A. All right. 08/19, 5:03 p.m., and it doesn't matter --
14 I'm sorry. Your e-mail said he wasn't. I love you,
15 baby.

16 We were looking at a comic strip on my computer
17 and it doesn't matter. And I'm looking at my -- and
18 you were wrong. Reread it.

19 You are right, it doesn't matter, unless it makes
20 I feel less like a fool. Jen, I really love you and I
21 want the best for you. I will accept the blame.

22 Thank you. The feeling is mutual.

23 It don't matter what did or didn't happen, I miss
24 you.

25 Q. Then the next page, 322?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 A. Start at the top?

2 Q. Yes, sir. That last little bit that you read about
3 5:07 p.m., if you will go down and read the last five
4 lines starting from Ms. Wilson?

5 A. I wish all of that for you. If there is everything --
6 is there is ever anything you need, let me know. Good
7 luck.

8 Same to you, Jen. Feel free to text or call as I
9 would invite your friendship when you are ready. Maybe
10 you can witness the change from a safe distance. I'm
11 forever grateful you've help me complete most of it.

12 Q. All right. Next page. We're still in the same time
13 area. It's 5:15 p.m. Again, he says, Love you, Jen,
14 correct?

15 A. Right.

16 Q. He says bye for now?

17 A. She says, Love you, too, bye.

18 Q. Okay.

19 A. Then he sends her a smiley face?

20 Q. Okay. That's at 5:19 p.m.?

21 A. Correct.

22 Q. And then he sends her one more at 6:55 p.m. saying oh,
23 I almost forgot, if you're ever feeling frisky -- call
24 me, basically, right?

25 A. Correct.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. And that's at 6:55 p.m. Who is the next text message
2 from?
- 3 A. Between these two parties?
- 4 Q. Yes, yes.
- 5 A. From Jennifer Lee Wilson to Hank Hawes.
- 6 Q. All right. His last one was at 6:55. He doesn't send
7 her any text messages after that. At 1:19 a.m., she
8 sends him a text message, right?
- 9 A. Correct.
- 10 Q. And this is August 20th, early morning hours of August
11 20th?
- 12 A. Yes.
- 13 Q. And she says what to him?
- 14 A. Kind of frisky right now, but respect you too much.
- 15 Q. Then it takes him about 20 seconds to respond?
- 16 A. Yes.
- 17 Q. Then it's just, basically, him begging her?
- 18 A. Yes.
- 19 Q. Next page, begging her still. They're talking about
20 she's scared, him begging.
- 21 Page 325, about the middle of the page, from Ms.
22 Wilson.
- 23 A. August 20th?
- 24 Q. Yes, Page 325.
- 25 A. August 20th, 2011, at 1:29 a.m., Oh, this is so hard.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. Okay. And at 1:30, he says, Come over?
- 2 A. Correct.
- 3 Q. She says, You know I would, but I'm afraid you will use
- 4 it against me?
- 5 A. Correct.
- 6 Q. Then she says, Like videotape or something?
- 7 A. Yes.
- 8 Q. He says, Just do it?
- 9 A. Yes.
- 10 Q. She's saying, No, too scared.
- 11 Next page?
- 12 A. Yes, correct.
- 13 Q. 9:31 a.m., she says, But God, I want you in my bed?
- 14 A. Yes.
- 15 Q. And he says I will come to you?
- 16 A. Correct.
- 17 Q. Next page, 327, 1:36 a.m., he says, You're not coming
- 18 over after telling me you want me?
- 19 A. Correct.
- 20 Q. And she says, 1:38 p.m., No, you might video
- 21 everything, that worries me.
- 22 A. Correct.
- 23 Q. And he tells her, You make the call.
- 24 A. Yes.
- 25 Q. Next page, she's saying, I don't want sex tapes out on

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 me. Then there's just some back and forth and him
2 asking if she's coming, right?
- 3 A. Right.
- 4 Q. What does he say at 1:44 a.m., three lines up from the
5 bottom?
- 6 A. Hum.
- 7 Q. 328?
- 8 A. Yeah, 328.
- 9 Q. No worries?
- 10 A. She sent a text, No worries, sorry for bothering you.
11 He responds, I want -- he replies, I want you, but
12 don't screw with me.
- 13 Q. 329, he says, I want you, but don't screw with me. And
14 she says right away, really, it didn't appear that way,
15 right?
- 16 A. Yes, correct.
- 17 Q. He's telling her come on. Get in your car. And she
18 says, fourth line down?
- 19 A. I got the feeling I was bothering you.
- 20 Q. Then she tells him, 144, we both do need it, but I'm
21 frightened, right?
- 22 A. Correct.
- 23 Q. She says, I'm sorry, I won't text again.
- 24 A. Correct.
- 25 Q. Previously, she said, I'm sorry, I shouldn't have

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 started all of this?

2 A. Correct.

3 Q. He keeps asking her, are you coming, are you coming,
4 are you coming and she doesn't.

5 August -- page 331. And so this is still the same
6 night, two o'clock in the morning. He tells her, Come
7 on, Curly Q?

8 A. Come on, Curly Q.

9 Q. And then two of the lines -- three, she says, I can't
10 risk it, I'm too frightened, but God, I love you?

11 A. Yes.

12 Q. He says, I'd love to hold you. 332, Page 332, we're at
13 2:06 a.m. now, right?

14 A. Yes.

15 Q. He says goodnight?

16 A. She --

17 Q. To Ms. Wilson?

18 A. Yes, to Ms. Wilson, he says, Goodnight.

19 Q. I wish you had said yes. And she says?

20 A. I love you, too.

21 Q. Page 339, during the day that same -- that day, now
22 daytime, right?

23 A. Yes.

24 Q. 1:13 p.m., she tells him, You are so persistent?

25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. He says, I know, you wouldn't want anyone who wasn't
2 persistent to love you?
- 3 A. Correct.
- 4 Q. She actually preceded that, LOL, exclamation,
5 exclamation, you are so persistent, right?
- 6 A. Correct.
- 7 Q. Page 340. All right. So I just want to through these
8 times with you. It's 1:26 in the afternoon. All
9 right. So 1:26 in the afternoon, he said, Jen?
- 10 A. Yes.
- 11 Q. Then at 4:00 p.m., Learning short and sweet is on my
12 list, too, right?
- 13 A. Correct.
- 14 Q. So between 1:26 p.m. and 4:00 p.m., there's nothing
15 between them?
- 16 A. It appears to be no text messages.
- 17 Q. Text messages. And then at 4:03, he says?
- 18 A. Hey, I just have a hard time getting to the point
19 sometimes. Oh my God, going down on me on the outside
20 was a major turnon.
- 21 Q. Okay. Next page. Later that night, 7:40 p.m., she
22 says, I think its best for you to move on. And saying,
23 I'm sorry, but I respect your decision, right?
- 24 A. Correct.
- 25 Q. Going back and forth about we're breaking up. I love

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 you. Again, 7:43 p.m., she says, I love you, too.
- 2 A. Correct.
- 3 Q. And then he tells her, by the way -- at the bottom,
- 4 three lines up, he tells her at 7:48 p.m., this is the
- 5 same day, right?
- 6 A. Yes.
- 7 Q. By the way, this afternoon was still really nice?
- 8 A. Correct.
- 9 Q. And she says?
- 10 A. It was really nice, which is why this was so hard.
- 11 Q. Next page, just a little bit later at 7:53, she says,
- 12 Baby, I'm not saying we'll never work, just not now,
- 13 right?
- 14 A. Correct.
- 15 Q. 343, 2:00 p.m., same day?
- 16 A. Yes.
- 17 Q. Back and forth, back and forth. She says, LOL, let me
- 18 go to bed, I'll call you tomorrow?
- 19 A. Correct.
- 20 Q. I'm not saying no, just not tonight?
- 21 A. Correct.
- 22 Q. Page 344, they're talking the next day, the next
- 23 morning, 8:38, two lines up from the bottom. She tells
- 24 him?
- 25 A. You looked great when you left.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. He says he did what?
- 2 A. I went to 76, then Henry's. I wanted to stay close in
3 case you said yes.
- 4 Q. I wanted to stay close in case you said yes?
- 5 A. Correct.
- 6 Q. Next page, 345, just a couple minutes later, 8:41, he
7 says, You said I looked good?
- 8 A. Correct.
- 9 Q. She said, Oh, I forgot I said that. You did, you
10 looked great?
- 11 A. Yes.
- 12 Q. Next page, 346, it's a little bit later, same day, 9:56
13 a.m. Ms. Wilson says?
- 14 A. That will be good. Maybe you can come over later and
15 see my patio furniture if I buy it.
- 16 Q. And he asked her what time will dinner be over or do
17 you mean before dinner?
- 18 A. Correct.
- 19 Q. And there's sort of back and forth about that. Page
20 347, they're talking about her getting the patio
21 furniture. He's saying I don't think it's going to fit
22 in your car. He tells her at 10:23 a.m., I'm getting
23 the car straps ready just in case, right?
- 24 A. Correct.
- 25 Q. Later on that day, 08/21, 9:56 p.m., he asked her --

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Page 348, I'm sorry. Can I stop by to hold you? At
2 the bottom?
- 3 A. Correct.
- 4 Q. Saying I need some close. She says how long?
- 5 A. Yes.
- 6 Q. He says 20 or 30 minutes?
- 7 A. Yes.
- 8 Q. She says, next page, You won't try to have sex, just
9 cuddle?
- 10 A. Correct.
- 11 Q. And then there's sort of back and forth. He says --
12 she says, I guess since you're not answering, you don't
13 want to just cuddle? 10:08, he said, I'm coming to
14 cuddle you, right? You see that 10:08 one?
- 15 A. Yes. I'm coming to cuddle you, yes.
- 16 Q. And what does she say back?
- 17 A. The back door is open.
- 18 Q. All right. And at 11:39 p.m., he says?
- 19 A. I'm home, night.
- 20 Q. Okay. So back is open at 10:08. He's saying he's back
21 home at 11:39, correct?
- 22 A. Yes.
- 23 Q. 11:39, she says, Goodnight, sweetheart?
- 24 A. Correct.
- 25 Q. Who sends the first text the next morning?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 A. On August 22nd, 2011 at 9:37 in the morning, text
2 message comes from Jennifer Wilson, How are you doing
3 this morning?
- 4 Q. And we are almost done. On August 23rd, Page 353.
5 This is August 23rd, the next day, about 6:00 p.m.,
6 Hank is asking her, I wish you could come snuggle me,
7 right?
- 8 A. Yes.
- 9 Q. I just want to snuggle and sleep. I hate feeling bad?
- 10 A. Correct.
- 11 Q. She says at 9:12 p.m.?
- 12 A. Can I bring you anything.
- 13 Q. He says?
- 14 A. Just you.
- 15 Q. Keep going.
- 16 A. You on your way?
- 17 Q. All right. That's at 9:38 p.m.?
- 18 A. Yes.
- 19 Q. 11:20 p.m., she says?
- 20 A. It felt good to snuggle with you tonight. I hope you
21 feel better.
22 You, too.
- 23 Q. Okay. Then the next -- so that's the end of the day,
24 08/23, right?
- 25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. 08/24/2011, the first text is from Ms. Wilson?
- 2 A. Correct.
- 3 Q. To Hank?
- 4 A. Yes.
- 5 Q. Asking him?
- 6 A. How are you feeling this morning?
- 7 Q. He says?
- 8 A. Thanks again for the soup and banana, very sweet.
- 9 They want \$843 for --
- 10 Q. 8/25, 3:55, so this is Thursday night. 08/26 is a
- 11 Saturday night, this is Thursday night, right?
- 12 A. Okay. Yes.
- 13 Q. All right. 6:01 a.m., he's telling her he's sick,
- 14 right? I just threw up again?
- 15 A. Yes.
- 16 Q. Something's not right?
- 17 A. Correct.
- 18 Q. He asked her can you -- can we do dinner? Will you
- 19 snuggle me through the night?
- 20 A. Yes.
- 21 Q. And he says, Don't worry, you're not going to hurt my
- 22 feelings if you say no?
- 23 A. Correct.
- 24 Q. And she's asking him, Are you okay? Did you cancel
- 25 yoga? Wonder what's up you getting sick?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 A. Yes.
- 2 Q. Next page. At 11:14 a.m., this is still Thursday,
3 August 25th, he tells her?
- 4 A. I'll be by to finish your patio after I eat. Jen?
5 Keep going?
- 6 Q. Uh-huh.
- 7 A. Yes?
- 8 I adore you and plan on keeping -- I adore you and
9 plan on keeping you safe and happy if you'll allow me.
10 Last night was nice and much needed. I just wanted to
11 lay there and are you home?
- 12 Q. So he was just talking about the stuff the night
13 before?
- 14 A. Correct.
- 15 Q. And then about 12:28, she's not answering much. She
16 tells him she's at work. About 12:28 p.m., he says
17 he's going to -- he wants her to leave her broom out,
18 right?
- 19 A. Yes.
- 20 Q. Headed over to her place?
- 21 A. Yes.
- 22 Q. Then he says he needs to use Kelly's electric
23 receptacle, right?
- 24 A. Yes.
- 25 Q. He says I will leave 20 bucks. And then he says at

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 3:28 p.m., the whole deck and stairs are pressure
2 washed and table was put back and looks good?
- 3 A. Yes.
- 4 Q. She says?
- 5 A. Thank you.
- 6 Q. He says, You're welcome. At 4:08 p.m., he answers?
- 7 A. Are you back yet.
- 8 Q. Next page, she says, No, I'm teaching. They're talking
9 about the concrete guy and patio, right?
- 10 A. Yes.
- 11 Q. And then she says at 4:12 p.m., I told you?
- 12 A. I told you I was not sure about dinner because I didn't
13 now when I was getting home.
- 14 Q. He says, What time are you leaving there?
- 15 A. Yes.
- 16 Q. You got to eat sometime?
- 17 A. Correct.
- 18 Q. Starting to feel frustrated, just let me know what you
19 decide?
- 20 A. Correct.
- 21 Q. 5:26 p.m., she tells him?
- 22 A. I won't be home in time for dinner.
- 23 Q. How come? And she -- he says, How come? And she says,
24 I was teaching. Right?
- 25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. Next page, August 25th, we're still about 5:30 p.m.
2 He's asking, Are you by yourself? Where is here? Do
3 you have a date? Why are you not answering?
- 4 A. Yes.
- 5 Q. And then finally at 5:47, he says, I'll make other
6 plans then?
- 7 A. Yes.
- 8 Q. He says enjoy your evening?
- 9 A. Correct.
- 10 Q. She tells him at 6:19, I'm eating with a teacher --
11 teachers?
- 12 A. Yes.
- 13 Q. He says what?
- 14 A. No worries. I'm happy -- I'm at happy hour with
15 Nichole.
- 16 Q. He says, Call me later. He says, Wait, male or female
17 teachers?
- 18 A. Yes.
- 19 Q. If you go to the next page, which is a little bit
20 later, 7:23, he's asking her where is she, right?
- 21 A. Yes.
- 22 Q. Then he says what? When she doesn't answer, what does
23 he say?
- 24 A. Never mind. It doesn't matter. You be you and have a
25 great evening.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. At 8:07, he asked her is she driving back yet?
- 2 A. Yes.
- 3 Q. And then just a series of ones from him saying, it will
- 4 be a great dinner. I feel like you're lying, right?
- 5 A. Yes.
- 6 Q. He says, Don't forget we have an 11:00 a.m. appointment
- 7 tomorrow?
- 8 A. Yes.
- 9 Q. This is on Thursday the 25th. 8:38, he tells her I'm
- 10 in bed, if she wants to snuggle. She says she's still
- 11 driving home?
- 12 A. Yes.
- 13 Q. He asked her how far?
- 14 A. Yes.
- 15 Q. He says, Come here?
- 16 A. Correct.
- 17 Q. She says, I don't know. I don't have a GPS?
- 18 A. Correct.
- 19 Q. He says, On your phone. Then he says, Where did you
- 20 leave from and how long ago?
- 21 A. Correct.
- 22 Q. Asking her --
- 23 A. Yes.
- 24 Q. Next page. So this is just 9:00 until about midnight.
- 25 The last text from her is that she got off -- she got

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 off the phone with Lisa at 10:32, right?

2 A. Yes.

3 Q. She says I'm as frustrated as you are. I will meet you
4 there tomorrow, right?

5 A. Correct.

6 Q. 10:32. We're almost down.

7 MS. PRINGLE: Beg the Court's indulgence.

8 (Defendant's Exhibit No. 59 was marked
9 for identification.)

10 BY MS. PRINGLE::

11 Q. If you would take a look at Defendant's Exhibit No. 59
12 and tell the jury what that is.

13 A. It's a text message list, time line from a --

14 Q. And that's from Ms. Wilson's phone?

15 A. This would be -- yes.

16 Q. Okay. And so these are the messages, text messages
17 back and forth on Ms. Wilson's phone from the phone
18 dump of Ms. Wilson's phone?

19 A. Yes.

20 Q. And so at -- and you see the stuff with Hank, him sort
21 of asking what she's doing and she says -- right?

22 A. Correct.

23 Q. And she tells him, I told you I was not sure about
24 dinner. So this was August 25th, at 4:10 p.m., where
25 does Ms. Wilson say she is?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 A. I'm in Charleston.

2 Q. LOL, I'm in Charleston?

3 A. Yes.

4 Q. And then if you go up to the top to an Andy at 4:14
5 p.m.?

6 A. Okay.

7 MS. GARFIELD: Objection, Judge.

8 THE COURT: What's your legal objection?

9 MS. GARFIELD: Relevance.

10 THE COURT: Let me see the one you're talking
11 about.

12 (Whereupon, a bench conference was held
13 off the record, in the presence of the
14 jury, but out of the hearing of the
15 jury.)

16 THE COURT: All right. Objection is overruled.

17 MS. PRINGLE: All right.

18 BY MS. PRINGLE::

19 Q. Sorry about that. If will go to -- this is
20 August 25th, right?

21 A. Yes.

22 Q. At 4:14 p.m., there's a text message to?

23 A. Contact listed as Andy.

24 Q. And Ms. Wilson says what?

25 A. I'm at your place sitting in my car.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Q. And Andy tells her?

2 A. The response is go fucking in, key under mat.

3 Q. She says?

4 A. K.

5 Q. And I just want to go through some of the times on
6 August 27th, okay. And then we will be just about
7 down.

8 If will be go the Page 367. 9:17 -- so the first
9 text message on 08/27 was at 9:17. Who's that from?

10 A. It's from Jennifer Wilson?

11 Q. To Hank, right?

12 A. Yes.

13 Q. Asked him how are you doing?

14 A. Correct.

15 Q. 9:53 a.m., he's thanking her for breakfast?

16 A. Correct.

17 Q. At 12:30, around 12:30, she asked him again if she
18 could get him anything, right?

19 A. Yes.

20 Q. And he says, You want to make us lunch? That's about
21 12:30, right?

22 A. Yes.

23 Q. Next page, 12:44, she's saying, If you like, you're
24 welcome to come by, right?

25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. 2:15, you're over is beeping, do I need to do anything?
2 That's from Hank?
- 3 A. Correct.
- 4 Q. To her, right?
- 5 A. Yes.
- 6 Q. She says no, correct?
- 7 A. Yes.
- 8 Q. After 2:18, when she says no, what time is the next
9 text message?
- 10 A. 6:29 p.m.
- 11 Q. So from 2:18 to 6:29 -- the last message is, Your oven
12 is beeping, do I need to do anything? 6:29 p.m., he
13 sends -- Hank sends her one that says what?
- 14 A. I was glad I didn't get it in your eyes.
- 15 Q. She says LOL, me, too?
- 16 A. Yes.
- 17 Q. All right. Next page. 9:38 p.m., same night. This is
18 all that night, right?
- 19 A. Yes.
- 20 Q. She's asking where is he?
- 21 A. Correct.
- 22 Q. 9:46, he asked her if she's with someone?
- 23 A. Correct.
- 24 Q. She's saying, I'm with 12 black people. Then he says,
25 Are you with one as in a date?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 A. Correct.
- 2 Q. She says, No, exclamation, exclamation, exclamation, no
3 one as a date, right?
- 4 A. Correct.
- 5 Q. Page 370. At 9:54 p.m. -- she just said, I'm going to
6 be another hour, right? And at 9:54 p.m., he says
7 what?
- 8 A. 9:54, he says 30 minutes --
- 9 Q. 10:03, asking, Are you coming or rain check?
- 10 A. Yes.
- 11 Q. What does she say at 10:12?
- 12 A. By the way, I keep thinking about this afternoon.
13 Smiley face.
- 14 Q. And he says get ready for the sequel?
- 15 A. Correct.
- 16 Q. Still, at 10:13, she says, LOL, you are so cute?
- 17 A. Correct.
- 18 Q. 10:14, she says, I'm tired, I just want to curl up with
19 you?
- 20 A. Correct.
- 21 Q. He says?
- 22 A. Come on, Curly.
- 23 Q. That's at 10:17, right?
- 24 A. Correct.
- 25 Q. At 10:39, she says they just left. He asked her, Are

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 you headed to me? And she says?
- 2 A. Not yet, but I will.
- 3 Q. And 371. 10:47, she tells him it will be about an hour
- 4 or so? I'm sorry, Page 371?
- 5 A. What time?
- 6 Q. The second one down, at 10:47, she says, It will be
- 7 about an hour or so, right?
- 8 A. Yes.
- 9 Q. 10:54, he says what?
- 10 A. He says, No worries, I'm headed home.
- 11 Q. Then he says, Is it better than with me? She says,
- 12 LOL, never. That's around 11:00 p.m., right?
- 13 A. Correct.
- 14 Q. He tells her 11:30 p.m., the door's unlocked, right?
- 15 A. Correct.
- 16 Q. Then he starts saying, Don't do this, please. Are you
- 17 coming, Jen? Are you coming?
- 18 A. Correct.
- 19 Q. And then the last -- the very last one was to her at
- 20 2:03 a.m., right?
- 21 A. Yes, I'm still waiting on you and I never said anything
- 22 about 3:00 a.m.
- 23 Q. Okay. And, finally, I am done with this. If would you
- 24 like to take the witness stand, I just have one
- 25 document to ask you about.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 A. (The witness complies.)

2 Q. And, finally, sir, let me ask you about -- you

3 referenced in your direct testimony this time line.

4 Ms. Garfield was explaining the whole time line with

5 all the events and you went through and did a browse

6 history on that day. I want to ask you about an e-mail

7 that you found on Mr. Hawes's phone that morning of

8 August 28th. I'm going to hand that to you. Is that

9 an excerpt and to the time lines for Mr. Hawes's phone

10 for that date?

11 A. Yes.

12 Q. Okay. And the e-mail that he's -- is there an e-mail

13 that he sent at 5:22 a.m.?

14 A. Yes.

15 Q. And that's to Stacey Newsom?

16 A. That's correct.

17 Q. Would you just read the substance of that. I didn't

18 recall you reading the whole e-mail, but the e-mail to

19 Stacey Newsom at 5:22 a.m. said?

20 A. Subject, Last Will. I wish to leave everything, all

21 possessions, including the lab to Stacey Newsom. I

22 also wish for her to handle all my family arrangements,

23 exclusively, according to my wishes, of which she is

24 aware. My family is to have no say in my arrangements

25 at any time. Hank Hawes.

JONATHAN VANHOUTEN REDIRECT BY MS. GARFIELD

1 Q. And you testified on direct that the first call of the
2 night during this was at 2:37 a.m. to Stacey Newsom,
3 correct?

4 A. Correct.

5 Q. And the first -- I want to ask you, the first -- at
6 8:10 a.m., his phone is hitting off the Wilson network?

7 A. 8:10, yes, in the morning.

8 Q. That means that his phone is checking in --

9 A. His phone is connected to her wireless network at her
10 house.

11 Q. So he would have had access -- if she had it password
12 protected, he would have had that and if she didn't, he
13 was just --

14 A. Yes. There -- I'm sorry, there were two networks in
15 her house, two Wilson networks, and both of them were
16 in his device.

17 Q. Okay. And that first call is at 2:37 a.m.?

18 A. Uh-huh.

19 Q. And what time is that first search for a criminal
20 attorney in Columbia, South Carolina?

21 A. That is at 8:48 a.m. on 08/28/2011, Google search for
22 criminal attorney, Columbia, South Carolina.

23 Q. Okay.

24 MS. PRINGLE: Beg the Court's indulgence.

25 Thank you very much, Mr. Vanhouten.

JONATHAN VANHOUTEN REDIRECT BY MS. GARFIELD

1 THE COURT: Redirect?

2 MS. GARFIELD: Yes, sir.

3 REDIRECT EXAMINATION

4 BY MS. GARFIELD:

5 Q. Investigator Vanhouten, using your analysis of the
6 iPhone belonging to the victim and the Defendant, you
7 were able to see their texts from other people?

8 A. That's correct.

9 Q. And were you able to ascertain if the Defendant was
10 texting other people?

11 A. Yes. The Defendant was texting other people other than
12 Ms. Wilson, yes.

13 Q. And, specifically, on August 27th, 2011, was he texting
14 other people as well?

15 A. Yes.

16 Q. And --

17 A. Well, I'm sorry -- what time frame do you wish for me
18 to?

19 MS. GARFIELD: Beg the Court's indulgence.

20 (State's Exhibit No. 422 was marked for
21 identification.)

22 BY MS. PRINGLE::

23 Q. Investigator Vanhouten, I'm going to show you what's
24 marked as State's Exhibit No. 422.

25 A. Okay.

JONATHAN VANHOUTEN REDIRECT BY MS. GARFIELD

1 Q. Are you familiar with that document?

2 A. Yes.

3 Q. And what is that document?

4 A. This -- this is a text message log from the Cellebrite
5 examination.

6 Q. And is that the phone belonging to the Defendant, Hank
7 Hawes?

8 A. Yes.

9 Q. Is that an excerpt from a larger report from his phone?

10 A. Yes.

11 Q. And is that a time line from his phone activity on
12 August 27th, 2011?

13 A. Yes, it is a time line.

14 Q. And you created this report, is that correct?

15 A. That is correct.

16 Q. Through your forensic examination of the cell phone?

17 A. That is correct.

18 MS. GARFIELD: Your Honor, at this time, I'd like
19 to introduce the exhibit into evidence.

20 MS. PRINGLE: I'd object, Your Honor. May I see
21 it, please?

22 It will take me just a minute.

23 (Pause.)

24 MS. PRINGLE: May we approach?

25 THE COURT: Yes, ma'am.

1 (Whereupon, a bench conference was held
2 off the record, in the presence of the
3 jury, but out of the hearing of the
4 jury.)

5 THE COURT: Mr. Foreman, ladies and gentlemen of
6 jury, leave your notepads in the chairs. We'll take a
7 morning break. It will give me the time to review the
8 particular document and talk to the attorneys. Don't talk
9 about the case amongst yourselves. If the smokers need to
10 smoke, let the bailiffs know. I will get you back in,
11 hopefully, in about 10 minutes. Thank you very much.

12 (Whereupon, the jury left the courtroom
13 at 10:59 a.m.)

14 THE COURT: All right. The objection is
15 overruled. The State has agreed to redact some of the
16 texts.

17 All right. Anything else from the State before we
18 take a break?

19 MS. GARFIELD: Judge, there will be a couple of
20 other dates I'm intending to introduce along the same lines.
21 Let me go ahead and gives those --

22 THE COURT: Give them to her and let them look at
23 them during the break.

24 Anything from the Defense?

25 MR. STRICKLER: No, only I would ask whether your

1 clerk has looked at the case we were discussing earlier?

2 THE COURT: Well, I don't know. I must
3 have dreamed it because he can't find it. I apologize to
4 you. He's looking right now in the federal system.

5 MR. STRICKLER: All right.

6 THE COURT: We found a case, a 1990 case
7 addressing that issue and it hasn't been overruled or
8 anything. So he's looking in the federal system. If I find
9 something, I will let you know.

10 MR. STRICKLER: All right. Thank you, sir.

11 THE COURT: Before you cross-examine your witness,
12 okay.

13 MR. STRICKLER: Thank you, sir.

14 THE COURT: I read it somewhere, but I don't know
15 where, okay?

16 MR. STRICKLER: Happens to me all the time.

17 THE COURT: Okay. Thank you very much.

18 Court is adjourned for about 20 minutes.

19 (Whereupon, a short recess was held.)

20 THE COURT: Were y'all able to work it out on
21 that?

22 MS. GARFIELD: Almost.

23 THE COURT: All right. Let me know when you're
24 ready.

25 (Pause.)

1 THE COURT: Okay. Did y'all work it out?
2 MS. GARFIELD: Almost.
3 MS. PRINGLE: Yes, sir.
4 THE COURT: You have?
5 MS. PRINGLE: Yes, sir. I don't have an
6 objection.
7 MS. GARFIELD: Let me just write down the exhibit
8 number, Judge.
9 THE COURT: Okay. Let me know when you're ready
10 to bring the jury.
11 MS. GARFIELD: Thank you.
12 (Pause.)
13 MS. GARFIELD: I'm ready, Judge.
14 THE COURT: Ready?
15 MS. GARFIELD: Yes, sir.
16 THE COURT: Is the Defense ready?
17 MS. PRINGLE: Yes, sir.
18 THE COURT: All right. Bring us the jury, please.
19 BAILIFF: Yes, sir.
20 (Whereupon, the jury returned to the
21 courtroom at 11:31 a.m.)
22 BAILIFF: The jury's seated, Your Honor.
23 THE COURT: Thank you very much.
24 Please proceed.
25 MS. GARFIELD: Thank you, Your Honor. May it

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 please the Court.

2 BY MS. GARFIELD:

3 Q. Investigator Vanhouten, before we recessed, we were
4 discussing the forensic analysis on the phone belonging
5 to the Defendant?

6 A. Yes.

7 Q. And in that forensic analysis of his phone, were you,
8 for lack of a better word, make a time line of the
9 activity?

10 A. Yes.

11 Q. Would that include text messages?

12 A. Yes.

13 Q. To people other than Ms. Wilson?

14 A. Yes.

15 Q. And would that also include phone calls?

16 A. Yes.

17 Q. Incoming phone calls?

18 A. Incoming, outgoing, yes.

19 Q. Would that, also, include e-mails that were sent from
20 that iPhone?

21 A. Yes.

22 Q. And would that include any internet searches as well?

23 A. Yes.

24 Q. I'm going to hand you what's been marked as State's
25 Exhibit Nos. 423, 426, 424 and 422? Do you recognize

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 these documents?

2 A. Yes.

3 Q. And did you prepare this document?

4 A. I generated the report, yes.

5 Q. And this would be the time line that you just
6 referenced?

7 A. Yes.

8 Q. And you had a chance to review that after you completed
9 it, correct?

10 A. Yes.

11 MS. GARFIELD: Your Honor, at this time, I would
12 like to introduce those exhibits into evidence, 423, 426,
13 424 and 422.

14 THE COURT: Any objection?

15 MS. PRINGLE: No objection, Your Honor.

16 THE COURT: All right. Entered without objection.
17 (State's Exhibit Nos. 422, 423, 424 and
18 426 were admitted into evidence.)

19 MS. GARFIELD: Thank you, Your Honor.

20 BY MS. GARFIELD::

21 Q. Investigator Vanhouten, first, I'd ask you to look at
22 Exhibit 423. Specifically, I believe you have each
23 entry in the phone labeled by a specific number and
24 block; is that correct?

25 A. Correct.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 Q. And that would be a number designated to whatever
2 activity is happening in the phone?
- 3 A. That particular artifact, yes.
- 4 Q. Particularly, will you look at 1802?
- 5 A. Okay.
- 6 Q. And these are all from Mr. Hawes's phone; is that
7 correct?
- 8 A. Yes.
- 9 Q. And is it -- is a text message being received at that
10 time?
- 11 A. There is an incoming text message, yes.
- 12 Q. What was that date?
- 13 A. The date on that was August 19th, 2011 at 11:34 p.m.
- 14 Q. And who is the message from?
- 15 A. From a contact inside the phone -- that's listed in the
16 phone named Amy.
- 17 Q. And what is the message?
- 18 A. Definitely, smiley face.
- 19 Q. Go down to 1807. What activity is happening there?
- 20 A. It's an outgoing message from the device on
21 August 19th, 2011 at 10 -- I'm sorry, 11:24 p.m. And
22 it's going to Amy again.
- 23 Q. And what is the content of the message?
- 24 A. Want to meet up.
- 25 Q. Follow down to 1810, please explain to the jury the

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 activity in that?

2 A. That is an incoming text message from the contact Amy
3 on August 19, 2011, at 10:09 p.m. And the context of
4 the message is at 5:15, yikes, hopefully, talk to you
5 this weekend. Make some plans to meet, perhaps.

6 Q. And I -- I see that I'm, actually, going out of order.
7 Jump down to 1821, can you explain what that message
8 is?

9 MS. PRINGLE: Your Honor, I'm sorry to -- if you
10 can just tell me what page you're on?

11 MS. GARFIELD: Oh, sure, Page 559, block 1821.

12 BY MS. GARFIELD::

13 Q. What type of message is that?

14 A. That is an outgoing text message from the device to a
15 contact -- to the contact Amy, August 19th, 2011, at
16 8:15 p.m. And the context of the text is what you
17 doing?

18 Q. That's being sent from the Defendant, Hank Hawes?

19 A. That is correct.

20 Q. From his phone?

21 A. That is correct.

22 Q. And does he receive a message right after that?

23 A. Yes.

24 Q. And is that from Amy?

25 A. That is correct.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Q. And what does Amy say in her message?

2 A. Hi, there, just winding down.

3 Q. Does he reply?

4 A. Yes.

5 Q. What's his reply?

6 A. He replies to Amy, long. She had -- there was another
7 incoming text message shortly after that one from Amy.

8 Q. Okay. What does it say?

9 A. After the text message, What you doing? The next text
10 message she sends is, How was your day?

11 Q. Then he responds?

12 A. His response from that was, Long.

13 Q. What is his response?

14 A. His response was, Long and what does winding down mean?

15 Q. What does he -- what does she reply?

16 A. Little TV, about to shower and stuff, got a 5K race to
17 run at 7:00 a.m. tomorrow. What was I thinking?

18 Q. Continue up to 1813, still on Page 559, Exhibit 423.

19 Does he receive another message?

20 A. There's an incoming message from Amy.

21 Q. What does Amy reply?

22 A. Says nice. It has a smiley face. Should have sent
23 that accidental text a long time ago.

24 MS. PRINGLE: Beg the Court's indulgence one
25 moment.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 THE COURT: Yes, ma'am.

2 MS. PRINGLE: Ms. Garfield?

3 MS. GARFIELD: Uh-huh.

4 (Counsels confer.)

5 BY MS. PRINGLE:

6 Q. If you will go to block 1811?

7 A. Okay.

8 Q. Does Amy reply?

9 A. There is an incoming message from Amy and it says,
10 Going to try to get some sleep since I have to be up.

11 Q. Does Mr. Hawes reply to that last message?

12 A. Um.

13 Q. In block 1810?

14 A. 1810? That's another incoming --

15 Q. I'm sorry, go ahead.

16 A. Continue with 1810?

17 Q. Yes, sir.

18 A. 1810, incoming message from Amy at 5:15. Yikes,
19 hopefully, to talk to you this weekend. Make some
20 plans to meet, perhaps.

21 Q. What time was that message?

22 A. That message was sent on August 19, 2011, at 10:09 p.m.

23 Q. And going up to 1807, does Mr. Hawes reply?

24 A. Yes. At 11:24 p.m., his reply is, Want to meet up?

25 Q. And at 1802, does she respond?

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 A. Hang on just a second.
- 2 Q. Block 1802?
- 3 A. 1802, okay. The message at 11:34, incoming message
- 4 from Amy is, Definitely, with a smiley face?
- 5 Q. Moving on to Exhibit No. 426. I'll ask you to go to
- 6 the second page, Exhibit 426, but page 548. Could you,
- 7 please, look at your block 1393? Does that indicate an
- 8 incoming text message?
- 9 A. That is an incoming text message.
- 10 Q. And what time is that message received?
- 11 A. That was received on August 20th at 10:51 p.m.
- 12 Q. And that would be from who?
- 13 A. Amy.
- 14 Q. And what was the context of the message?
- 15 A. So I did finish last night in the 5K, but definitely
- 16 wasn't first. Fell asleep before your text last night.
- 17 Sorry. Hope to catch you tomorrow. Wiped for today.
- 18 Q. Is another message received from Amy?
- 19 A. Yes.
- 20 Q. Okay. What was the content of that message?
- 21 A. That was received just a few seconds afterwards. Love
- 22 to make plans to meet up if you're interested.
- 23 Q. Now, go to page 545 of Exhibit 426 and go to your block
- 24 number 1293. What is the nature of that text message?
- 25 A. I'm sorry, 525?

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 Q. 1293. Page 525.
- 2 A. Exhibit?
- 3 Q. 426.
- 4 A. Okay.
- 5 Q. The very bottom, your number 1293.
- 6 A. Okay. It's an incoming text message from Amy on August
- 7 21st at 5:23 p.m. And the contents of the text is
- 8 Statesboro, three-hour drive from Atlanta or 40-minute
- 9 drive west of Savannah. Closest commercial airport is
- 10 Savannah.
- 11 Q. And after that, does Mr. Hawes reply to Amy?
- 12 A. Yes. The response is, Let me think.
- 13 Q. Okay. Go next to State's Exhibit 424. This will be
- 14 page 538 in your report. And Investigator Vanhouten, I
- 15 would like to direct your attention to your block
- 16 number 1079. At that time, is Ms. Hawes creating an
- 17 outgoing text message?
- 18 A. There is an outgoing text message.
- 19 Q. And who is that message sent to?
- 20 A. That message is to a contact in the device listed as
- 21 Antoinette?
- 22 Q. And what's the date and time of that message?
- 23 A. That message was August 23rd, 2011, at 11:08 p.m.
- 24 Q. And what's the content of the message?
- 25 A. Content is we should meet up and get all the

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1 frustration out of our systems. LOL.

2 Q. And was there a reply from an Antoinette?

3 A. Yes.

4 Q. What time was the reply?

5 A. That reply was at 11 -- that same day at 11:11 p.m.

6 from Antoinette, We should have met up a long time ago.

7 Q. And did Mr. Hawes reply to Antoinette's message?

8 A. Yes. That reply is at 11:12 p.m. The contents of the
9 message is, Still time.

10 Q. And, again, does Ms. Antoinette reply to Mr. Hawes?

11 A. Yes. There is an incoming message, same date, 11:12
12 p.m. at night. The content is, I've been on a few
13 dates, nothing really serious.

14 Q. And then does Ms. Antoinette reply to Mr. Hawes?

15 A. There's another incoming right after her.

16 Q. Right. I'm sorry. Does he get another message from
17 Antoinette?

18 A. Yes, there's another message from Antoinette one minute
19 afterwards. Haha, you think so? You're so far away.

20 Q. And then does Mr. Hawes reply?

21 A. Yes. There is an outgoing message 11:13 p.m., some
22 lives are connected through time.

23 Q. Okay. Thank you. I will now refer to State's Exhibit
24 No. 425. In your report, Investigator Vanhouten, this
25 will be page number 527. And I'm going to direct you

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 to your block numbers 1062 through 1040?

2 A. Okay.

3 Q. Are these text messages between the Defendant and
4 Antoinette?

5 A. That is correct.

6 Q. And can you just go through those in chronological
7 order for the jury?

8 A. All right. The first incoming text message on
9 August 23rd, 2011, at 11:20 p.m. This is an incoming
10 text message from Antoinette. And the contents is, You
11 know, I have a hard time believing your sexy ass is all
12 alone, busy or not.

13 You just want the text?

14 Q. Just the texts, yes.

15 A. Okay. Then after that, there's an incoming message at
16 11:20 p.m. from Jennifer Wilson. It felt good to
17 snuggle with you. I hope you feel better.

18 Then there's an outgoing text at 11:25 from -- or
19 to Antoinette, That's what I said.

20 Then an outgoing to Jennifer Wilson, You, too.

21 Another outgoing to Antoinette, I am.

22 Another going to Antoinette, People are too
23 fucking crazy to date in this town.

24 Another incoming from Antoinette, Haha.

25 Another incoming from Antoinette, You need to move

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 this -- you need to move the.

2 And incoming text message from Antoinette, Um, I
3 see.

4 Another incoming text message from Antoinette, I
5 enjoyed your pic.

6 This one is an outgoing text message to
7 Antoinette, Where's mine?

8 And incoming text message from Antoinette,
9 Question mark -- or it's blank.

10 An outgoing text message to Antoinette, A question
11 mark.

12 An incoming text message from Antoinette, They
13 only get in the way. Haha.

14 An incoming text message from Antoinette, What,
15 question mark.

16 There's an outgoing text message to Antoinette,
17 Pic, please. As in picture.

18 And incoming text message from Antoinette, I sent
19 one.

20 Another incoming text message, Haha.

21 Another incoming text message from Antoinette,
22 LOL, night, sexy.

23 Q. What's the date of the exchange of these text messages?

24 A. They originated on August 23rd, 2011, at 11:20 p.m.,
25 and continued on through the next morning until August

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1 24th at 28 minutes after midnight.

2 Q. Thank you, Investigator Vanhouten.

3 Next, if you will go to State's Exhibit 422. In
4 your report, those will be page numbers 512 through
5 520. Are these the phone activity of Mr. Hawes's phone
6 on August 27th of 2011?

7 A. Yes, it appears to be.

8 Q. And that would be the day before Ms. Wilson is
9 murdered?

10 A. August 27th, yes.

11 Q. And there's a lot of activity on Mr. Hawes's phone that
12 last day; is that correct?

13 A. Yes.

14 Q. Specifically, is Ms. Wilson the only person he's in
15 communication with?

16 A. No. There are other contacts listed in the phone.

17 Q. I want to direct your attention to your number page
18 519, block number 456. Can you tell me the time of
19 that message?

20 A. Says incoming text message at 12:54 p.m. on
21 August 27th, 2011, from a contact listed as Joy.

22 Q. What doe Joy say in her message?

23 A. I need a bar customer, where are you?

24 Q. Okay. Going to the page before that, 518. I'm
25 directing your attention to your block number 449. Can

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1 you, please, share with the jury a description of that
2 outgoing text message?

3 A. That is an outgoing text message dated August 27th,
4 2011, at 2:44 p.m. And this is to a contact listed as
5 Rachel.

6 Q. And what's the contents of that message?

7 A. Hey, you. Nasty day, huh? Smiley face.

8 Q. And continue 447. Does Rachel reply?

9 A. There is incoming message from Rachel at 3:19 p.m. and
10 the response is, Nice and windy, with a smiley face.

11 Q. If you will go up to 442, does Mr. Hawes reply to
12 Rachel?

13 A. Yes, that is an outgoing message to Rachel at 6:26 p.m.
14 And the contents of the text is, Still working?

15 Q. And if you will continue up to 431, does Rachel reply
16 to Hank Hawes?

17 A. You want me to go through each block?

18 Q. I'm sorry, 431, block 431?

19 A. Just between Rachel or just every text?

20 Q. Just between Rachel and the Defendant?

21 A. Okay. All right. Block number 442, there's an
22 outgoing text message at 6:26 p.m. to Rachel. The
23 question is, Still working?

24 And there's an incoming text message from Rachel
25 at 7:33 p.m. And the contents is, What do you mean?

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Q. And does Mr. Hawes reply?

2 A. Yes. There's an outgoing message at 7:34 --
3 correction -- yeah, 7:34 to Rachel, Are you still
4 working?

5 Q. And continue up, does Rachel reply to that question?

6 A. Incoming message from Rachel at 7:35 p.m. I didn't
7 work today.

8 An outgoing text message to Rachel at 7:38 p.m. I
9 keep thinking it's Sunday.

10 Another outgoing message to Rachel at 7:38 p.m.
11 Damn.

12 Another outgoing -- and that's all for that page.

13 Q. Okay. If you will go to Page 517, does the
14 communication between the Defendant and Rachel
15 continue?

16 A. Yes.

17 Q. And if you will just go through that correspondence
18 between the Defendant and Rachel on the evening of
19 August 27th to the jury.

20 A. Okay. 08/27/2011 at 7:45 p.m., outgoing text message
21 to Rachel. I think I'm heading your way tomorrow.

22 An incoming text message from Rachel at 7:48 p.m.
23 To jump?

24 Another outgoing text message to Rachel at 7:49
25 p.m. Maybe.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Another outgoing text message to Rachel at 7:49
2 p.m. Sell me on it.

3 Q. I'm sorry, repeat that, I didn't hear you.

4 A. Another outgoing -- at 7:49 p.m., there's another
5 outgoing message to Rachel. It says, Sell me on it.

6 Q. Okay. Please continue.

7 A. Another incoming text message from Rachel at 7:50 p.m.
8 If you go out there, don't mention how you know me.
9 LOL.

10 At 7:51 p.m., there's an incoming text from
11 Rachel, That would be bad.

12 There's an outgoing text message to Rachel at 7:51
13 p.m., LOL, no worries. Your secret is safe.

14 At 7:52 p.m., there's another incoming text
15 message from Rachel. It was just a smiley face.

16 At 7:52 p.m., another outgoing text message to
17 Rachel. A friend of mine recommended you to me because
18 you're awesome.

19 At 7:57 p.m., there's another outgoing text
20 message to Rachel. Come save me from my tormented
21 misery.

22 At 8:02 p.m., there's an outgoing text message to
23 Rachel. Would you be my jump master?

24 And then at 8:06 p.m., there's an incoming text
25 from Rachel, Sure, haha. Has your friend jumped with

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 me?

2 And then another message at 8:06 p.m., there's an
3 incoming text from Rachel, Or is that the story?

4 Q. In keeping with the time line, is there then a
5 correspondence between the Defendant and someone named
6 Monica?

7 A. Yes.

8 Q. And is that a -- what type of message is that?

9 A. That's an incoming text message, but it appears to be
10 a -- the number appears to be an overseas number.

11 Q. What is the nature of that message?

12 A. That message was August 27th at 8:07 p.m. and that is
13 from Monica, How are you? Are you in trouble from
14 Hurricane Irene? I'm real worried.

15 Q. And after that, does Mr. Hawes receive a text message
16 again -- I mean, does he send a text message to Rachel?

17 A. He does. A text message is sent at 8:07 p.m. to
18 Rachel, Hell if I know, but the story makes sense.

19 Q. Does Rachel reply?

20 A. She does. At 8:07 p.m., she replies, Yeah, and there's
21 a smiley face.

22 Q. If you would, please, go to Page 516 in your report.
23 Does the correspondence between the Defendant and
24 Rachel continue?

25 A. Yes.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Q. And would you, please, share that with the jury?

2 A. On August 27th, 2011, 8:07 p.m., there's an outgoing
3 text message to Rachel, What are your height, weight
4 parameters?

5 And an incoming text from Rachel at 8:08 p.m., No
6 more than 225 pounds, like all instructors.

7 The next one occurs is an outgoing text message at
8 8:10 p.m. to Rachel, Oh, I'm not a tubby.

9 Then there's an incoming text message from Rachel
10 at 8:11 p.m., That's good.

11 Another outgoing text message to Rachel at 8:12
12 p.m., Sounds like my passenger in this CTL5 plane.

13 There's another incoming text message from Rachel
14 at 8:13 p.m., Yeah.

15 And then the next text message is an outgoing text
16 message to Rachel at 8:19 p.m., I did a halo jump
17 several years back for a project and it was wicked.

18 Q. If you will go to Page 515 of your report, is there
19 continued conversation through text message between the
20 Defendant and Rachel?

21 A. Yes.

22 Q. If you could continue with that nature of these
23 conversations with the jury.

24 A. At 08/27/2011 at 8:19 p.m., outgoing text message to
25 Rachel, Are you wicked?

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 There's another outgoing text message to Rachel at
2 8:22 p.m. The contents is Well, with a question mark.

3 Q. Okay. Right above that, before he does any more text
4 messaging, does he go onto his web browser?

5 A. Yes, there is a history, a web history.

6 Q. And does it appear he does some type of Google search?

7 A. Yes.

8 Q. And what was the Google search?

9 A. Sky diver terms.

10 Q. Please continue with the correspondence between the
11 Defendant and Rachel.

12 A. I'm sorry. Bear with me just a second. All right.
13 There's another outgoing text message to Rachel at 8:25
14 p.m. Are you bounce or cascade?

15 An incoming message from Rachel at 8:26 p.m.
16 What, question mark.

17 And outgoing text message at 8:27 p.m. to Rachel.
18 Do you know the terms?

19 And there's another outgoing text message to
20 Rachel at 8:28 p.m. to Rachel, Cascade, the point where
21 two lines join together so they run smoothly into one.
22 Cascading the suspension lines results in reduced bulk
23 and drag.

24 There's another outgoing text message to Rachel at
25 8:28 p.m. Bounce, to land in an unsurvivable speed.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Also, a frat or a go in.

2 There's another outgoing text message to Rachel at
3 8:29 p.m., I'm trying to figure out if I'll survive a
4 jump with you. LOL.

5 Q. If you will continue to your report, Page number 514.

6 Do the text messages continue between the Defendant and
7 Rachel?

8 A. Yes, they do.

9 Q. And if you will continue reading to the jury the
10 contents of the messages.

11 A. Yes. On august 27, 2011 at 8:35 p.m., there is an
12 incoming text message from Rachel, We won't do either.

13 At 8:35, there's another incoming text message
14 from Rachel, I mean, cascade or bounce.

15 At 8:37, there's an outgoing text message to
16 Rachel, Laugh with me, woman.

17 Another outgoing text message to Rachel at 8:37
18 p.m., I'm joking around.

19 Then at 8:41 p.m., there's another outgoing text
20 message to Rachel, Can I call you in a few minutes?
21 And that's all on that page.

22 Q. Does he ever get a reply after he ask to call her from
23 Rachel?

24 A. As far as text message or a call?

25 Q. Either?

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 A. No.
- 2 Q. I'm going to ask you to go back to your Page number
3 519. I think I gave you the wrong page number. I'm
4 sorry, Investigator Vanhouten, 516. Specifically, your
5 block number 358?
- 6 A. Okay.
- 7 Q. The activity on the Defendant's phone during this time
8 period, there are messages being made to Rachel. Are
9 there, also, messages being made to Monica?
- 10 A. Yes.
- 11 Q. And 358, what type of message is that?
- 12 A. That is an incoming text message from the contact
13 that's listed Monica. The time stamp on that is 8:14
14 on that evening.
- 15 Q. And what's the contents of the message?
- 16 A. Did you see the doctor? What he said. Anybody can
17 take care of you. Do you stay away from hurricane? I
18 wish I were there to take care of you. Take good care
19 of your health. I miss you.
- 20 Q. Does he reply to Monica?
- 21 A. There's an outgoing message. That message was
22 08/27/2011 at 8:14 p.m. to Monica, Kidney stones.
- 23 Q. Continue up to 353.
- 24 A. An outgoing message to Monica at 8:15 p.m., outgoing
25 message, I'm safe.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Q. Okay.

2 A. That's all for that page.

3 Q. Now, Investigator Vanhouten, I apologize before I even
4 start this. I'm going to have you just a few of the
5 text messages between the Defendant and the victim.
6 There's just a few things I want to point out for the
7 jury.

8 A. Sure.

9 Q. Can you step down again?

10 A. (The witness complies.)

11 MS. GARFIELD: Ms. Bryan, if you could, please, go
12 to Page 133.

13 BY MS. GARFIELD::

14 Q. And, specifically, Investigator Vanhouten, if you will
15 start at 125 from Jennifer.

16 A. From Jennifer. Okay. From Jennifer Wilson, Can I ask
17 you a question?

18 Q. Continue.

19 A. Okay. Can I ask you a question? I'm really trying to
20 think about our relationship and to think about what
21 you need.

22 Sure.

23 What was it last night that made you insecure?

24 Was it because I didn't have sex with you? I felt a
25 little -- this morning because I thought I tried pretty

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 hard last night to be sweet and cuddly even though I
2 was sick. And from my understanding in the middle of
3 the night, you seemed to be fine. Can you tell me what
4 happened between three in the morning and 10?

5 Not at all. I was feeling sick -- not at all, I
6 was feeling sick that way prior to finding out about
7 all of the guys you had contact and missed and I was
8 looking forward to spending --

9 So you're saying last night, you started to snoop
10 and found more?

11 Q. Please go to Page 138. And all these -- what dates are
12 these?

13 A. Sorry. These are around June 21st.

14 Q. Specifically, if you will start at 11:06 with
15 Jennifer's -- I'm sorry, with the Defendant.

16 A. That was on June 23rd, 2011, 11:06 in the morning.
17 Outgoing message to Jennifer, I saw a new doctor this
18 morning. A medication adjustment and I feel
19 phenomenal.

20 Q. Continue, please.

21 A. That quickly? Wow, that is great.

22 First dose too low. I felt great by 9:00, 9:30.
23 Crazy -- though.

24 Who did you see?

25 Sisten's office.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Q. Please continue.

2 A. What made you decide to do that?

3 I've never been really needy, dependent or clingy
4 and I realized it started around the meds, also, tired
5 and not sleeping. Those little guys will screw you up
6 if not taking enough or too much -- real negative
7 feelings. Wow, this thing is amazing the hell out of
8 me. I could drive a nail with it. LOL.

9 I'm glad you feel better.

10 Thanks. Better is a joke compared to this. I
11 just got my life back. I feel surreal, but overdue.

12 Q. Stop there. That's fine. If you will, please, go to
13 142, starting at 10:15 from the Defendant.

14 A. August 24, 2011 at 10:15 in the morning, an incoming
15 message from Jennifer Wilson, I'm just getting home,
16 give me 15.

17 Can I stop by for a few minutes?

18 No, we can talk on the phone.

19 I have no choice but to accept your decision. I
20 forgive you and we'll move on. Goodnight, goodbye. If
21 by chance you're pregnant, I would hope that you would
22 involve me and not make a choice without me. Maybe my
23 instincts are pulling for.

24 Of course, I would involve you. Please know this
25 was a very hard decision. I think you're an amazing

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 guy, I just can't stand the fighting.

2 Q. You can stop there.

3 Mrs. Bryan, can you go to Page 155.

4 And if you would, please, begin reading at 10:44
5 from the Defendant?

6 A. 10:44 on August 30th -- I'm sorry, June 30th, 2011 at
7 10:44 a.m. from Jennifer Wilson. Sure.

8 Great, I'm looking forward to it.

9 What time would you like to eat?

10 You tell me.

11 Say 6:30?

12 Sure. I'm in the process of getting a rental
13 card, how long do you think I need one for?

14 Q. If you'll go to 165. And now, what dates are these
15 messages?

16 A. These are on July 3rd, 2011.

17 Q. Okay. And if you will start at 434, messages to
18 Jennifer Wilson?

19 A. All right. To Jennifer Wilson at 4:34 in the
20 afternoon, Should I block time next week to see it? I
21 miss your mom.

22 Q. You can stop there.

23 MS. GARFIELD: If you will, please, go to 176.

24 Q. And is this continued in early July?

25 A. Yes, this is July 4th.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Q. If you will begin at 9:53 from Jennifer?

2 A. 9:53 from Jennifer. You are cute. Also, I asked if go
3 to barrel race.

4 Why are you being so nice? LOL.

5 This is normal. I told you I found my easy
6 button. Mr. Serious was product of someone else's bad
7 advice. I fired him this week. LOL.

8 I like this man a lot.

9 MS. GARFIELD: Please continue, Ms. Bryan, to Page
10 188.

11 Q. And what are the dates of these messages?

12 A. This is July 6, 2011.

13 Q. If you will go to time stamp 2:22, beginning with the
14 Defendant's message to --

15 A. To Jennifer Wilson.

16 Q. -- Jennifer Wilson.

17 A. Hello. I said I miss you. Trying to be sweet here.

18 That is sweet. Thank you.

19 Thank you? That I miss you? I can take a hint.

20 You were mean last night.

21 Q. Please continue to the next page.

22 A. I miss the nice Hank. I want him here with me, but not
23 mean Hank.

24 Babe, I am nice. And if you nurture nice Hank
25 like -- and if you nurture nice Hank, you might see him

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 all the time. I like to be there, too, question mark,
2 smiley face.

3 Q. Okay.

4 MS. GARFIELD: Please continue to Page 211, Ms.
5 Bryan.

6 Q. And if you go down to 12:26, the message from Mr. Hawes
7 to Jennifer Wilson.

8 A. This is on July 9th, 12:26 p.m. Let's get this party
9 started. I say you stop taking your pills now so we
10 can have her in March or April.

11 LOL. You're cute and very persuasive.

12 Just go with it. It's not like your family
13 wouldn't be happy about it and it's not like I'm going
14 to ask you to tie the knot. Consider yourself
15 official.

16 MS. GARFIELD: Please continue to 236.

17 Q. And if you will start at 11:20, the message to
18 Ms. Wilson.

19 A. Eleven -- July 11th, 2011, at 11:20 p.m. If you're not
20 unhappy, then why would you say maybe? We're just not
21 compatible or things this hard now? It means I'm not
22 doing my stress -- it means I'm not doing my, cuts off.
23 I stress out with the most important person in my life.
24 I'm starting to see why you feel the way you do and it
25 breaks my heart. That comment really cut deep, Jen.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 I'm sorry your feelings were hurt. That was not
2 my intention. Goodnight.

3 So you took it? I was really excited for us.

4 We need help with us before we bring a baby into
5 this relationship. I'm sorry if I disappointed you,
6 but I am disappointed, too. I want this as badly as
7 you do.

8 MS. GARFIELD: Continue to the next page, Ms.
9 Bryan.

10 A. Did you take it?

11 Yes, right after I got off the phone.

12 This is July 11, 2011, at 11:57 p.m. Yes, right
13 after I got off the phone. We have no right bringing a
14 baby into this world when we have such a stormy
15 relationship. I love you, it cuts off. I'm sorry that
16 sent out of order. I love you and I tried to make this
17 work.

18 Q. Okay.

19 MS. GARFIELD: And now, if you will continue to
20 278.

21 Q. And what is the date -- what are these dates?

22 A. These are August 11th, 2011.

23 Q. I just want to go to four -- sorry, hold on. Just
24 start with 450.

25 A. From -- or to Jennifer Wilson?

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Q. Yes.

2 A. All right. August 11, 2011, 4:50 p.m. to Jennifer
3 Wilson. K. Feed the baby well.

4 I'm rolling my eyes, happy face.

5 I know, but I can dream.

6 Can we try tomorrow to get a whole day without
7 talking about me getting preggers?

8 Q. Okay. Thank you.

9 MS. GARFIELD: If you will go back to -- I'm sorry
10 this is out of order. I apologize. If you'll go back to
11 267. And if you will go to 329.

12 Q. And, obviously, this all yellow, these are messages
13 from the Defendant to the victim?

14 A. That is correct.

15 Q. And, specifically, 329?

16 A. August 7th, 2011, at 3:29 a.m. to Jennifer Wilson. You
17 just came up on Skype again. I did an audible
18 notification. Something's not right.

19 Q. Okay.

20 MS. GARFIELD: If you will go to 286.

21 Q. Okay. If you will begin at 7:55 p.m. to Ms. Wilson?

22 A. August 13th, 2011, at 7:55 p.m. to Jennifer Wilson.
23 Asking hunter, sending you love.

24 On my way to next venue.

25 I would like that, too. Let's start tonight.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Serious, question mark.

2 I love you and I'm ready for you. It will be
3 okay. Happy face.

4 Shall I meet you?

5 Q. Continue.

6 A. Bond with me tonight and let me love you with all that
7 I have.

8 When?

9 Are you still there? Are you still at Hunter
10 Gavin? So not at H & G anymore? Are you drunk? I'm
11 trying to be spontaneous.

12 Getting pulled over on Rosewood.

13 Okay. So I really need you and you're question
14 mark.

15 Are you okay?

16 No.

17 What's going on? I saw that you called, but you
18 didn't leave a message.

19 Q. Please continue.

20 A. Where are you? The cop is asking and you're not
21 responding? Do you need me to come up -- come get you?

22 He's following me home and giving me a break
23 because of my credentials.

24 I'm so upset. I needed you. You can't even tell
25 me where you are.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 I'm home and I'm upset.

2 I'm at art bar. I'll call you if we move.

3 Bullshit. I hate it there. You don't ever keep
4 your word to call me if you've moved. I had to
5 convince him to follow me. I needed you. I hope it's
6 worth it.

7 P.S. because I couldn't get ahold of a ride, I get
8 to go to court over this one. Enjoy your evening. You
9 jus answered, then hung up.

10 Q. Please continue.

11 A. I need you to call me now. I can only assume what
12 you're doing. May you be blessed with the same
13 kindness you've shown me. I will not call again.
14 Sorry to bother you.

15 Huh? I going to close out and come over.

16 What is going OB?

17 So much for closing out. I'm out front. I'm too
18 upset to let this go. I'm on the way. I'm on the way
19 over.

20 Please don't. I'm going to bed. We can talk
21 tomorrow.

22 To fix or end? Almost there. I just need a
23 couple of minutes.

24 Please answer.

25 I asked you please not to come over. I'm going to

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 bed and we can talk in the morning.

2 I'm here. Please.

3 I'm really upset, Jen. Please. I really need to
4 talk.

5 Goodbye.

6 I'm really hurting and need you.

7 Please, I'm scared, please.

8 I won't trouble you anymore. I need a few minutes
9 of your time if possible this morning. The earlier,
10 the better, if you can. Thanks.

11 Thanks for giving me the time. It meant a lot.
12 Let the fun begin. Looking forward to hanging out with
13 you and friends.

14 Can I help with anything?

15 Is everything okay?

16 How's the food looking?

17 Q. You can stop there.

18 MS. GARFIELD: Now, Ms. Bryan, go to 313.

19 Q. And, Investigator Vanhouten, you've now been over this
20 series of text twice now, is that correct?

21 A. Yes.

22 Q. And this is, specifically, where I believe Ms. Pringle
23 referred to it as sexting between them?

24 A. Yes.

25 Q. I want to refer you to time stamp 6:15 from Ms. Wilson,

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 6:15:52.

2 A. Okay.

3 Q. And at 6:15:52, what is her response?

4 A. On August 18th, 2011, at 6:15:52 p.m. from Jennifer
5 Wilson, No.

6 MS. GARFIELD: Please go to the next page, Ms.
7 Bryan.

8 Q. And, specifically, if you -- okay. And at 6:17, what's
9 her response?

10 A. On August 18th, 2011, at 6:17 p.m. from Jennifer
11 Wilson, LOL, no. But when things have settled down
12 between you and me, I will still be willing to teach
13 you the assessment if you want to make the --

14 MS. GARFIELD: And go to Page 315.

15 Q. And, again, what is the only entry on this page from
16 Ms. Wilson?

17 A. August 18th, 2011, at 6:25 p.m., the only incoming
18 message from Jennifer Wilson is, Stop, please.

19 Q. And that would be to the Defendant?

20 A. That's correct.

21 MS. GARFIELD: And, lastly, go to 331.

22 Q. Specifically, you went through this as well.
23 Specifically, what does Ms. Wilson reply to Mr. Hawes
24 in the exchange at 2:02 a.m.?

25 A. From August 20th, 2011, at 2:02 a.m. in the morning,

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 incoming text message from Jennifer Wilson to Hank
2 Hawes. Now when someone tells you they will ruin your
3 life brick by brick, I have to be a bit more careful.

4 Q. And this was in response to a series of texts from the
5 Defendant?

6 A. Yes.

7 Q. How would you would characterize those texts from the
8 Defendant?

9 MS. PRINGLE: Objection, Your Honor, to asking him
10 to characterize.

11 MS. GARFIELD: Judge, instead of reading them
12 off -- I'll withdraw it.

13 THE COURT: Rephrase your question.

14 MS. GARFIELD: I think the jury has seen it
15 enough.

16 That's all, Mr. Vanhouten.

17 THE COURT: You through?

18 MS. GARFIELD: I am for now, Judge.

19 THE COURT: Any cross?

20 MS. PRINGLE: Yes, sir.

21 RECROSS-EXAMINATION

22 BY MS. PRINGLE:

23 Q. Investigator Vanhouten, do you have Page 526 of your
24 report on Mr. Hawes's phone up there? Or I can hand it
25 to you if you don't?

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 A. Bear with me just a second. I do not.
- 2 Q. Do you recognize that?
- 3 A. Yes. This is a time line from a cell phone report.
- 4 Q. Of Mr. Hawes's phone?
- 5 A. Yes.
- 6 Q. And what's the date on the top?
- 7 A. The beginning date at the top is August 28th, 2011, at
- 8 1:03 p.m.
- 9 Q. All right. Would you just tell the jury what -- this
- 10 includes browser history as well, correct?
- 11 A. Yes.
- 12 Q. Would you just start at your block 690 and just tell
- 13 the jury what his browser history was?
- 14 A. Okay. The web history, browser history for sky dive
- 15 Carolina, sky diving in North and South Carolina,
- 16 Rachel Laberry, sky drive instructor, Laberry, Rachel
- 17 house party, Lee headquarters, Rachel Laberry,
- 18 Charlotte, North Carolina, Rachel sky dive instructor,
- 19 Charlotte, North Carolina, sky diving in North
- 20 Carolina, Worldnews.com, Sky Dive Carolina, Sky Dive
- 21 Carolina, Sky diving North and South Carolina.
- 22 Q. That's August 26th?
- 23 A. Yes.
- 24 Q. And all of those text messages that Ms. Garfield had
- 25 you read with Rachel, bouncing, cascade and all that

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 stuff, was that the next day, August 27th?

2 A. The 27th, yes.

3 Q. And going back to the time line, which you're familiar
4 with and we went through, the time frame where he's
5 texting Rachel, he's, actually, at Cantina waiting on
6 Ms. Wilson to finish up her party?

7 A. I don't know if he's physically there. I can just only
8 say what's in the text message.

9 Q. Do you recall a text message from him telling Ms.
10 Wilson he was at Cantina?

11 A. Right.

12 Q. And that was around 9:40 and 9:46, she says I'll be
13 there in an hour?

14 A. Yes.

15 Q. And that's around the time, while he's waiting for her,
16 that he's texting this sky dive instructor?

17 A. Yes.

18 Q. And you don't know who Rachel Laberry is, do you?

19 A. I have no idea.

20 Q. You don't know who she is to Mr. Hawes?

21 A. I have no idea.

22 Q. If they've ever so much as met?

23 A. No idea other than communication between the both of
24 them wanting to meet.

25 Q. Well, they're intending a jump, correct, based on the

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 text messages?
- 2 A. Jump --
- 3 Q. Talking about sky diving?
- 4 A. Yeah, I mean.
- 5 Q. Page 515, 08/27, that day at 8:20, there's a text
- 6 message to Erin Wilson, You know I'm not, don't make me
- 7 wait, LOL. Right?
- 8 A. I'm sorry, the time frame 8:20?
- 9 Q. Your Page 515, box 337?
- 10 A. 337, okay. Outgoing text message to -- on August 27th,
- 11 2011, at 8:20 p.m. to a contact listed as Erin Wilson,
- 12 You know I'm high maintenance. Don't make me wait.
- 13 LOL.
- 14 Q. That's 8:20 on August 27th during the time we're
- 15 talking about being at Cantina and waiting on her,
- 16 right?
- 17 A. Yes.
- 18 Q. And on 516, he receives a text message at 8:18 from
- 19 Erin Wilson saying, On the way. You see that on Page
- 20 516?
- 21 A. Yes, incoming text message at 8:18 from Erin Wilson, On
- 22 the way, yes.
- 23 Q. And the I need a bar customer, where are you? You
- 24 don't know who Joy Wilson is, do you?
- 25 A. I have no idea.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 Q. And I think that there was a -- your reading the text
2 messages from Antoinette on Page 538. I just want to
3 clear up because I think you said there was a text
4 message to Antoinette saying, I've been on a few dates,
5 but nothing really serious. But that was from
6 Antoinette, right?
- 7 A. Bear with me just a second. You know what block
8 number?
- 9 Q. Yes, 107.
- 10 A. 107 -- you said 526, I don't have that.
- 11 Q. Does that look like it?
- 12 A. Yes.
- 13 Q. That's from Antoinette?
- 14 A. That is an incoming text message from Antoinette to Mr.
15 Hawes.
- 16 Q. And that string of text messages, last question, to the
17 Amy individual on August 19th, August 19th at 6:55
18 p.m., that was the day that they had broken up again
19 and Mr. Hawes says, If you're ever feeling frisky, let
20 me know, at 6:55, right?
- 21 A. Yes.
- 22 Q. Remember that?
- 23 A. Yes.
- 24 Q. And they said bye, I love you, too, right?
- 25 A. Yes.

JULIUS JONES DIRECT BY MS. GARFIELD

1 Q. And that's, actually, after that?

2 A. Okay.

3 Q. But prior to 1:19 a.m. when Ms. Wilson gets back in
4 contact with him, is that right?

5 A. Yes.

6 MS. PRINGLE: Thank you very much.

7 THE COURT: Thank you very much. You may step
8 down.

9 Call your next witness.

10 MS. GARFIELD: The State calls Julius Jones.

11 THEREUPON,

12 JULIUS JONES,

13 after having been duly sworn, testified as follows:

14 THE CLERK: Have a seat in the witness box, state
15 your name and spell it for us, please.

16 THE WITNESS: My name is Julius, J-U-L-I-U-S, last
17 name is Jones, J-O-N-E-S.

18 DIRECT EXAMINATION

19 BY MS. GARFIELD:

20 Q. Mr. Jones, if you will please share with the jury what
21 your occupation is.

22 A. I'm a social worker with Department of Mental Health.

23 Q. And as a social worker, do you sometimes work at the
24 Alvin S. Glenn Detention Center?

25 A. Yes, I do.

JULIUS JONES CROSS BY MR. STRICKLER

1 Q. Is that otherwise known as our local jail?

2 A. Yes, our local jail, our local county jail.

3 Q. Specifically, back on September 5th, 2011, did you have
4 an occasion to have contact with the Defendant in this
5 case, Hank Hawes?

6 A. Yes, according to my notes.

7 Q. And according to your notes, did he mention anything to
8 you about ever being suicidal?

9 A. According to my notes, he -- it says he denies ever
10 been suicidal.

11 Q. Did he share any information with you concerning the
12 cuts on his wrists?

13 A. According to my notes, the cuts on the wrists were
14 defense wounds.

15 Q. This the information you would have received from the
16 Defendant, Hank Hawes?

17 A. Yes, ma'am.

18 MS. GARFIELD: Thank you, Mr. Jones. Please
19 answer any questions Defense counsel may have.

20 THE WITNESS: Okay.

21 THE COURT: Cross-examination.

22 CROSS-EXAMINATION

23 BY MR. STRICKLER:

24 Q. Good afternoon, Mr. Jones.

25 A. Good afternoon, sir.

JULIUS JONES CROSS BY MR. STRICKLER

1 Q. I'm Doug Strickler. I'm one of Mr. Hawes's attorneys.
2 Just a couple of questions, please. Your responses to
3 the questions from the prosecutor were according to
4 your notes. Do you have any independent recollection
5 of having seen Mr. Hawes?

6 A. I do not.

7 Q. Do you have your notes with you?

8 A. I do.

9 Q. Okay. Let me ask you this, your notes indicate you saw
10 him on September 5th, 2011, correct?

11 A. Yes, sir.

12 Q. Okay. Do you know that Mr. Hawes at that point in time
13 was housed in what's called SHU at the county jail?

14 A. Yes. Yes, sir, that's where the suicide watch is.

15 Q. Okay. He was on suicide watch at that point in time?

16 A. Yes, sir.

17 Q. Is that why you came in contact with him?

18 A. Yes, sir.

19 Q. Would that have been why you came in contact with him?

20 A. Yes, sir.

21 Q. Okay. And SHU, that stands for special housing unit,
22 correct?

23 A. Yes, sir.

24 Q. And that's different from the other dorms in the county
25 jail, isn't it?

JULIUS JONES CROSS BY MR. STRICKLER

- 1 A. Yes, sir.
- 2 Q. There's one-man cells there?
- 3 A. Yes, sir.
- 4 Q. They're locked up 23 hours a day in that cell, they get
5 out on rec one hour at a time?
- 6 A. (The witness shakes head.)
- 7 Q. You're not that familiar with it?
- 8 A. That would be secured down, I'm sure.
- 9 Q. Okay. Other dorms are far more open environment than
10 that?
- 11 A. Yes.
- 12 Q. Correct.
- 13 A. Yes, sir.
- 14 Q. If you were to be at the county jail, that would be as
15 far as the conditions you were in, the harshest
16 conditions you could be in, correct? You don't get to
17 sit out in the -- in the general area with the TV and
18 the rest of the people in the dorm and interact like
19 that, you're locked up?
- 20 A. Correct.
- 21 Q. Okay. So your note says inmate denies ever being
22 suicidal and said cut on wrists were defensive wounds,
23 right?
- 24 A. Yes, sir.
- 25 Q. Inmate waiting for shower, is that what it says?

JULIUS JONES CROSS BY MR. STRICKLER

- 1 A. Yes, sir.
- 2 Q. Okay. Where was this interview conducted? Where did
3 you conduct it, do you remember?
- 4 A. The interview was conducted in the special housing
5 unit.
- 6 Q. Okay. So you, actually, were in SHU itself, right?
- 7 A. Ayes.
- 8 Q. You weren't in -- you weren't in golf, you weren't in a
9 hotel, you weren't in India, you weren't in Juliet, you
10 weren't in x-ray, you were in SHU, right?
- 11 A. Yes, sir.
- 12 Q. And he's waiting for a shower, right?
- 13 A. According to my notes.
- 14 Q. Okay. And did you see him waiting for the shower, was
15 he in his cell or did you -- did you see him outside
16 waiting to go to the shower? If you don't remember,
17 you don't remember?
- 18 A. I don't.
- 19 Q. Okay. That's fine. Inmate stated this is the worst
20 thing, parentheses, place, he has ever seen, right?
- 21 A. Yes, sir, according to my notes.
- 22 Q. Okay. And he was in SHU because he had cut wrists,
23 right? Suicide attempt? I believe you indicated
24 that's where people go to assess for suicide, right?
- 25 A. People go for suicide, yes.

JULIUS JONES CROSS BY MR. STRICKLER

1 Q. Right?

2 A. Yes.

3 Q. So he's in SHU because of a suicide attempt and it's
4 the worst place he's ever been. So he says he's not
5 suicidal, right?

6 A. Right.

7 Q. Okay.

8 MR. STRICKLER: Beg the Court's indulgence one
9 moment.

10 BY MR. STRICKLER::

11 Q. Let me show you, Doctor, and ask if you recognize, not
12 necessarily this document, but are you acquainted with
13 this form?

14 A. Yes, sir.

15 Q. What form is it?

16 A. That's a contract for --

17 Q. I'm sorry?

18 A. Contract for safety.

19 Q. Contact for safety?

20 A. Uh-huh.

21 (Defendant's Exhibit No. 60 was marked
22 for identification.)

23 BY MR. STRICKLER:

24 Q. Defendant's Exhibit 60, contract safety?

25 A. Yes, sir.

JULIUS JONES CROSS BY MR. STRICKLER

1 Q. You aren't acquainted with this particular form, this
2 one's signed by Mr. Hawes, but you're acquainted with
3 the language in the form?

4 A. Basically, yes, sir.

5 Q. Okay. And this is something that people have to sign
6 in order to go ahead and get off suicide watch?

7 A. Once released, yes.

8 Q. Okay. So this form says, I, Hank Hawes, agree that if
9 I begin to have thoughts of hurting myself or anyone
10 else, I will seek help immediately and not hurt myself
11 or anyone else, right?

12 A. Yes, sir.

13 Q. I agree to tell the officers in the unit and will ask
14 to speak with the mental health staff so that I will
15 not hurt myself or anyone else. I, also, agree to
16 follow the rules of safety so I will not hurt myself or
17 anyone else?

18 A. Yes, sir.

19 Q. By signatures below, I agree with this contract while
20 at Alvin S. Glenn Detention Center?

21 A. Yes, sir.

22 Q. And it's dated when?

23 A. September --

24 Q. Seventh?

25 A. Seventh, 2011.

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 Q. Okay. And this has to be signed by Mr. Hawes or anyone
2 that's on a suicide watch in order to get off suicide
3 watch?

4 A. Yes, sir.

5 Q. You got to get off suicide watch before you can get out
6 of SHU?

7 A. Yes, sir.

8 MR. STRICKLER: Thank you, sir.

9 MS. GARFIELD: Nothing further, Judge.

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

12 THE WITNESS: Thank you.

13 THE COURT: You have another short witness?

14 MS. CAMPBELL: I think we can finish the next
15 witness in 30 minutes.

16 THE COURT: Okay. All right.

17 Call your next witness.

18 MS. CAMPBELL: The State calls Verona Gibson.

19 THEREUPON,

20 VERONA GIBSON,

21 after having been duly sworn, testified as follows:

22 THE CLERK: Have a seat in the witness box, state
23 your full name and spell it for the record, please.

24 THE WITNESS: My name is Verona Gibson,

25 V-E-R-O-N-A, G-I-B-S-O-N.

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 DIRECT EXAMINATION

2 BY MS. CAMPBELL:

3 Q. Ms. Gibson, where are you employed?

4 A. The South Carolina Law Enforcement Division, which we
5 refer to as SLED.

6 Q. What do you do there?

7 A. I'm an evidence processing technician in the DNA
8 department.

9 Q. As an evidence processing technician, what do your
10 duties include?

11 A. We, usually, receive the larger pieces of evidence to
12 look for body fluids or to process for ownership or
13 touch DNA.

14 Q. So you, actually, see the pieces of evidence
15 themselves?

16 A. Yes, ma'am, usually, clothing, car parts, guns, larger
17 items.

18 Q. And if swabs were taken at the scene of a crime, those
19 don't go through you necessarily, those would go
20 straight to the DNA analysts themselves?

21 A. Typically, they do not go through me.

22 Q. I want you to tell this jury a little bit about your
23 train, your education for forensic evidence processing.

24 A. I have an Associate's Degree from Trident Technical
25 College in public -- excuse me, Associate's of Science

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 from Trident Technical College. I have an Associate's
2 Degree from Greenville Technical College in public
3 works and a forensic certificate. I've been with SLED
4 for approximately six and a half years, went through
5 in-house training there to learn the special processes
6 for the different types of body fluids.

7 Q. Have you been qualified before in forensic evidence
8 processing?

9 A. Yes, ma'am, I have.

10 MS. CAMPBELL: Your Honor, at this time, we would
11 offer her as an expert in forensic evidence processing only.

12 MR. STRICKLER: Without objection.

13 THE COURT: Okay. Thank you.

14 BY MS. CAMPBELL:

15 Q. I want to turn your attention to this case. Just
16 explain to the jury, typically, how do y'all receive
17 evidence once it's logged into your evidence room?

18 A. When we're assigned the case, we look to see which
19 evidence that needs to be processed for body fluids or
20 touch or ownership. Then we request that evidence
21 through our evidence control department. They will
22 pull it off the shelving unit and then assign it to us
23 in the computer system so that it tracks who has what
24 evidence at what time.

25 Q. Okay. And chain of custody has been stipulated to in

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 this case, but prior to examining any evidence, do you
2 take measures to make sure the evidence has been
3 handled properly and logged in properly and reported to
4 you in the proper manner?

5 A. I do review the seals that are on the bags or the boxes
6 to make sure that those are intact. I, also, evaluate
7 the paperwork that comes in with the evidence to make
8 sure that I plan to process it for the correct thing
9 the agency has asked for.

10 Q. In this case -- let me ask you, you were assigned to
11 the case involving the victim, Jennifer Lee Wilson, and
12 the Defendant, Hank Hawes?

13 A. That is correct.

14 Q. And when did you first receive evidence in this case?

15 A. The first evidence I received was 09/26/2011.

16 Q. What pieces of evidence did you initially receive in
17 this case?

18 A. That would have been three knives, a pair of underwear,
19 a shirt and a wooden tool.

20 Q. At SLED, do y'all have a protocol of how many pieces of
21 evidence can be submitted initially in a case?

22 A. Typically, for a homicide investigation, we ask that
23 they limit to five items to begin with. If an
24 association is made, then we will reevaluate other
25 items of evidence if they're necessary. But we will

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 continue to take items if there is no association made
2 between the victim and a subject.

3 Q. So if you get evidence and initially test it and you
4 said an association made, what does that mean?

5 A. Usually, if there's a known suspect or a believed
6 suspect, if that person is identified through further
7 DNA testing once it's passed along, then we would have
8 to evaluate any other evidence that we would process.

9 Q. So, typically, you just take the initial five items and
10 if DNA comes back helping -- putting them at the scene,
11 that's it, typically?

12 A. Usually.

13 Q. But in certain cases, can additional, also, be
14 submitted?

15 A. They can, yes, ma'am.

16 Q. And do you, also, take additional items, say, at the
17 defense request?

18 A. We have, yes, ma'am.

19 Q. Who did the DNA testing in this case?

20 A. Stephanie Stanley.

21 Q. And she's, also, at SLED?

22 A. Yes, ma'am.

23 Q. You mentioned that initially you received in September
24 of 2011 these items that we've talked about?

25 A. Yes, ma'am?

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 Q. That was three knives, some underwear, a shirt and a
2 wooden tool?

3 A. Correct.

4 Q. Did you, also, receive -- and I'm going to go ahead and
5 do this on the front end, some additional items for
6 testing later?

7 A. Yes, ma'am.

8 Q. A second group?

9 A. Yes, ma'am. On 03/20/2013, there was a cooler bag, a
10 pair of jeans with a belt, a bath towel and a floor
11 mat. And on 09/09/2014 were bed linens and a comforter
12 submitted.

13 Q. So you received additional request in 2013 after the
14 initial DNA testing had been done?

15 A. That is correct.

16 Q. And then as recently as September of this year, there
17 were additional request for testing to be done?

18 A. Yes, ma'am.

19 Q. The testing that was requested, I believe, on
20 September 12th and then on the 22nd; is that correct?

21 A. I believe that is correct, yes, ma'am.

22 Q. So that would be within the last month. Who requested
23 that testing be done?

24 A. The information I received through Stephanie Stanley
25 was that the defense attorney for this case had

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 requested that specific items be tested.

2 Q. And, again, you've identified the items that were --
3 any swabs or anything that may have been collected at
4 the scene could have been sent directly to Ms. Stanley
5 for her examination; is that correct?

6 A. Yes, ma'am, they could have.

7 Q. She would, also, receive the known standards that would
8 be compared to this case?

9 A. That is correct.

10 Q. Those would not go through you?

11 A. They would not.

12 Q. And what, actually, went through you, specifically, you
13 mentioned certain items. Prior to testing them, did
14 you photograph those items or some of them, at least?

15 A. Sometimes I photograph before I test. Sometimes it's
16 after I test. It depends on what I'm trying to
17 document, so usually before or after items will be
18 photographed.

19 Q. When receiving physical items of evidence from a crime
20 scene, what type of testing -- on this case, what type
21 of testing did you do?

22 A. There were request on most items for blood or -- I
23 believe all items were blood. And then some of the
24 items were requested a touch processing or ownership
25 processing.

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 Q. And in testing for blood, how do you go about doing
2 that, typically -- or in this case, specifically?

3 A. We do a visible examination. If we see areas that
4 appear to be possible bloodstains, there's a quick
5 two-step chemical test that we perform. Moisten a,
6 looks like a one-sided Q-tip, rub that on the stain,
7 drop the two chemicals on it. If it changes color to a
8 brilliant pink, then that indicates it's possible that
9 substance is blood. So it would be taken and forwarded
10 to the DNA department for further testing.

11 Q. Is that what's called the presumptive test for blood?

12 A. That is correct.

13 Q. And that would be something you would do prior to
14 trying to collect any other evidence off that item?

15 A. Depending on what is wanted, what different types of
16 testing they want on the specific item would depend on
17 the order we would do it, but blood would be tested
18 before ownership.

19 Q. Okay. I want to show you some photographs,
20 specifically, State's Exhibits 190 through 195, and 403
21 through 419. And first ask do you recognize these?

22 A. These are copies of the photographs I took of the
23 evidence on the 09/26/2011 and the 03/20/2013
24 submission to evidence.

25 Q. And were those photographs, actually, taken by you?

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 A. Yes, ma'am, they were.

2 MS. CAMPBELL: Your Honor, at this time, we would
3 offer them into evidence.

4 THE COURT: Any objection?

5 MR. STRICKLER: No, sir.

6 THE COURT: All right. 190 through 192 and 403
7 through 419 admitted without objection.

8 (State's Exhibit Nos. 190 through 192
9 and 403 through 419 were admitted into
10 evidence.)

11 BY MS. CAMPBELL::

12 Q. And I want to walk through these just quickly as far as
13 the testing you did on each item. Specifically, your
14 item number seven. When I refer to these numbers,
15 y'all assign a different than what Columbia Police
16 Department has?

17 A. That's correct. As items are brought into SLED, the
18 case is given a unique lab number and then every item
19 that's submitted under that lab number gets a specific
20 item number. And they start with the first item
21 submitted as item one and it will continue on until all
22 the items are numbered.

23 Q. And different items may be submitted, say, some to
24 toxicology depends on what happens?

25 A. That's correct?

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 Q. It may not go to your department?

2 A. That's correct.

3 Q. Like this picture, 190, I noted that it has L11 number
4 on it?

5 A. That's correct.

6 Q. And what does that mean?

7 A. That is our laboratory number. So every case that
8 comes in gets a unique laboratory number. The L11 is
9 the year that we received it and then they're just
10 given numerically in order as they come into the
11 laboratory.

12 Q. And then underneath that, I believe there's an item
13 number, which is the number y'all, actually, assign it.
14 And in this case, this item got assigned item number
15 seven?

16 A. Yes, ma'am.

17 Q. And I noted that you put the 7.0. Why is that and can
18 that change as you develop your evidence?

19 A. The number on the item submitted does not change. What
20 we do is any swab or cutting or evidence collected off
21 that item will become seven point one or two or three.
22 That indicates that that sample was taken from the item
23 number seven.

24 Q. So the whole item as it comes is item number seven and
25 then any evidence you may collect from it becomes 7.1,

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 7.2 or 10.1 or 10.2?

2 A. Correct.

3 Q. Or whatever number it may have been. It depends on how
4 many samples?

5 A. Correct.

6 Q. The first item that you looked at was item number
7 seven, which was a knife from the living room. Did you
8 do any type of testing as far as the presence of blood
9 on that item?

10 A. I swabbed three areas of that item. All three tested
11 positive for the presumptive presence of blood.

12 Q. I want to be clear before I go any further. Whenever
13 you're testing items, even, say, if they are submitted
14 a year or two years later, does that necessarily mean
15 you can't do your testing? Does that affect anything?

16 A. No, ma'am. As long as the evidence is properly stored,
17 the DNA should be stable.

18 Q. So it won't change the DNA, time won't change it to
19 make it look somebody else?

20 A. Correct.

21 Q. It may degrade, but as long as it's kept properly, it
22 should be still there?

23 A. Correct.

24 Q. Thank you. And item number seven, you said your
25 presumptive test for blood was?

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- 1 A. Positive.
- 2 Q. And at that point, did you collect any evidence from
3 item number seven?
- 4 A. Yes, ma'am. I took three swabs from that item.
- 5 Q. And those would be labeled as what evidence numbers?
- 6 A. 7.1, 7.2, and 7.3.
- 7 Q. And I believe State's Exhibit No. 191 is just the other
8 side of that knife?
- 9 A. Correct.
- 10 Q. Which is still item number seven. Item number eight, I
11 show you in State's Exhibit 192 and 192, it's a pair of
12 underwear?
- 13 A. Yes, ma'am.
- 14 Q. And was that an additional item that you did your
15 testing on?
- 16 A. I did test that item, yes, ma'am.
- 17 Q. And what did your testing indicate?
- 18 A. That item as well was positive for presumptive presence
19 of blood.
- 20 Q. And once you had done your testing for the presumptive
21 evidence of blood, did you collect any evidence from
22 item number eight, the underwear?
- 23 A. I did a cutting, which was 8.1; another cutting, which
24 was 8.2; and a swab, 8.3, which was for ownership.
- 25 Q. It was ownership?

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1 A. Yes, ma'am.

2 Q. And what area was the swab for ownership taken from?

3 A. The crotch area.

4 Q. And when you say a cutting, tell the jury how -- what's
5 the difference between taking a swab or doing a cutting
6 and why does it depend on what type of item you have?

7 A. Usually, if the item is porous or easily cut, like
8 fabric or paper, money, we will cut the section out
9 tested positive. It just is better testing further
10 down the line that way. If it is a hard surface, such
11 as a knife or a gun, we swab those because you can't
12 cut that section out of that.

13 Q. And the evidence that has already been admitted prior
14 to you getting here today, like these underwear, will
15 it, actually, show where your cuttings are and do you
16 mark it in any way?

17 A. They are labeled on the item as well as in the picture,
18 I think you can see some of the cuttings on there.

19 Q. It's harder to see in these pictures, but can you,
20 either on 192 or 193, show?

21 A. There was a cutting taken here, that would have been
22 8.1.

23 Q. And this would still been on the evidence?

24 A. The writing is on the evidence, yes, ma'am.

25 Q. And, again, the cutting, it looks like a hole there, so

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1 that's something you did to the evidence after you
2 received it?

3 A. Yes, ma'am. And then there's a cutting where I
4 collected, it's a scrape for 8.3, and then 8.2 is right
5 beside that.

6 Q. And those are shown on State's Exhibit No. 192, the
7 other side of those underwear?

8 A. Yes, ma'am.

9 Q. Moving on to the next item that you initially tested in
10 this case -- and you're referring to your report?

11 A. My worksheet, yes, ma'am.

12 Q. Is it a shirt?

13 A. That's correct.

14 Q. I show you what's been marked as State's Exhibits 194
15 and 195, is that the shirt we're talking about?

16 A. That is the shirt, yes, ma'am.

17 Q. And what did your testing as far as the presence of
18 blood indicate when you tested the shirt in 194 and
19 195?

20 A. There were positive areas for the presumptive test for
21 blood.

22 Q. And, again, for the record, this isn't a different
23 shirt, but different sides of the same shirt?

24 A. It is the front and the back of the shirt.

25 Q. Again, in this, are you able to see where the cuttings

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1 were that you took from the front and back of this
2 shirt?

3 A. I believe you can, yes, ma'am.

4 Q. And is on the evidence itself as well?

5 A. That's correct.

6 Q. The evidence that's marked and a hole right next to
7 you, say, 8.1 or eight whatever it is, that means you
8 took that cutting, you make that cutting in that shirt?

9 A. That's correct. We label the areas we cut or swab with
10 the item number that it is assigned as it is collected.

11 Q. Okay. And moving on to item number 10, what was that
12 item you tested?

13 A. I was a wooden tool.

14 Q. I'm going to show you what's been marked as State's
15 Exhibits 403 and 404. Is this the wooden tool you're
16 talking about?

17 A. Yes, ma'am.

18 Q. What, if any, testing did you do on this, ma'am?

19 A. That item as well was positive for the presumptive test
20 of blood.

21 Q. And did you collect any evidence from this wooden tool?

22 A. I did, yes, ma'am.

23 Q. And what evidence did you collect?

24 A. One swab.

25 Q. So that would be item number?

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- 1 A. 10.1.
- 2 Q. Moving on to the next item that you tested initially
3 was item number 11, I believe?
- 4 A. Yes, ma'am.
- 5 Q. I'm going to show you State's Exhibit Nos. 405 and 406.
6 Does this show your item number --
- 7 A. Yes, ma'am, that's item number 11.
- 8 Q. -- 11. And is this a different item or it just shows
9 both sides?
- 10 A. That is the same item, different sides.
- 11 Q. What, if any, testing did you do on this item?
- 12 A. That as well was tested for the possible presence of
13 blood and was positive.
- 14 Q. And at that point, did you collect any evidence from
15 this item?
- 16 A. I collected two swabs from that item, yes, ma'am.
- 17 Q. So those would be item numbers?
- 18 A. 11.1 and 11.2.
- 19 Q. Moving on to State's Exhibit No. 407 and 408, item
20 number 12, was that the final item of your initial
21 testing?
- 22 A. That is, yes, ma'am.
- 23 Q. And does this, again, show a different item or the same
24 item?
- 25 A. That is the same item, just different views.

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1 Q. And what, if any, testing did you do on this item?

2 A. That item as well was positive for the presence of --
3 presumptive presence of blood.

4 Q. Did you collect any evidence from this item?

5 A. There were two swabs taken for that one as well, 12.1
6 and 12.2.

7 Q. And what areas of the knife were they taken from in
8 each of these?

9 A. 12.1 was a swab from the blade near the handle and 12.2
10 was a swab from the handle near the blade.

11 Q. And on each of the knives in this case, did you take
12 swabs from different areas and that's why you submitted
13 more than one swab?

14 A. That's correct.

15 Q. Some from the blade and some from the handle?

16 A. Yes, ma'am.

17 Q. Once you had collected that evidence, what, if
18 anything, did you do with it?

19 A. That evidence was turned over to Stephanie Stanley.

20 Q. And, again, while this evidence was in your possession,
21 did you alter it or tamper with it or do anything to it
22 in any way?

23 A. Beyond my testing and collecting, no, ma'am.

24 Q. I want to go on to the second set of submissions to
25 you. I believe that was in the spring of 2013?

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- 1 A. That is correct.
- 2 Q. And what items did you receive at that point?
- 3 A. It was a cooler bag, a pair of jeans with a belt, a
4 bath towel and a floor mat.
- 5 Q. The cooler bag, what item number was assigned to it?
- 6 A. 14.0.
- 7 Q. I'll show you what's been marked as State's Exhibits
8 412 through 416. Are these photographs you took of
9 that item?
- 10 A. Yes, ma'am, they are.
- 11 Q. Again, what initial testing did you do on this bag?
- 12 A. That bag was, also, tested for the presumptive presence
13 of blood and it was positive.
- 14 Q. Once you had tested it for the presence of blood, did
15 you collect any evidence from that?
- 16 A. There were four cuttings taken from that bag.
- 17 Q. What areas of the bag did you take cuttings from?
- 18 A. There was a cutting from the side of the bag without
19 the zipper near the top, a cutting from the side of the
20 bag with the zipper near the bottom, a cutting from the
21 handle, and a cutting from the interior.
- 22 Q. You mentioned a cutting from the actual interior of the
23 bag?
- 24 A. Yes, ma'am.
- 25 Q. After doing the cuttings from the bag, did you then do

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- 1 any scrapings from this?
- 2 A. I did not, no, ma'am.
- 3 Q. I want to show you State's Exhibit No. 416, what is
- 4 that?
- 5 A. That is the dried possible blood that fell out of the
- 6 bag as it was being processed.
- 7 Q. You didn't do any testing on that?
- 8 A. No, ma'am.
- 9 Q. But you did take how many cuttings total from this bag?
- 10 A. Four.
- 11 Q. So those would be items number 14 --
- 12 A. 14.1 through 14.4.
- 13 Q. The next item that was submitted in the spring of 2013,
- 14 I believe, were some jeans?
- 15 A. That is correct.
- 16 Q. I show you State's Exhibit 417 and 418, do you
- 17 recognize those?
- 18 A. Yes, ma'am, those are the jeans.
- 19 Q. And is that the same pair of jeans, just different
- 20 sides.
- 21 A. Yes, ma'am.
- 22 Q. And are these photographs you, actually, took?
- 23 A. They are.
- 24 Q. And what testing, if any, did you do on these jeans?
- 25 A. Those as well were tested for the presumptive test for

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1 blood and were positive.

2 Q. Once you had done the testing for blood, what, if any,
3 evidence did you collect from those jeans?

4 A. There was one cutting taken from the left side upper
5 thigh area.

6 Q. And why did you pick that area?

7 A. It just tested well and was a decent stain. It was a
8 big stain.

9 Q. Is that the area you're talking about?

10 A. That is correct.

11 Q. So the items that you collected would be item number
12 what?

13 A. 15.1.

14 Q. And with all these items, once you collected them, you
15 then packaged them properly and forwarded them to the
16 DNA department for testing?

17 A. The cuttings are forwarded in a sealed coin envelope,
18 which is packaged inside of a heat-sealed pouch, so
19 that it can be -- I mean, heat sealed and then we write
20 our initials and the date on that seal so we can
21 determine if there's been any tampering. The items
22 themselves will be packaged in the processing paper
23 they were processed on, returned to the packaging they
24 were submitted in and returned to the evidence control
25 department.

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1 Q. Item number 16 is a bath towel which you didn't do an
2 examination on?

3 A. That is correct.

4 Q. And why was that?

5 A. When it was submitted, there's a list of the items that
6 comes in with the submission of evidence, and they
7 request the testing that would be performed on those
8 items. On that packing slip, it requested that it just
9 be for storage.

10 Q. For storage?

11 A. Yes, ma'am?

12 Q. And then, finally, number 18, which is a floor mat?

13 A. Yes, ma'am.

14 Q. Which is already in evidence, I show you State's
15 Exhibit No. 419, do you recognize that?

16 A. Yes, ma'am.

17 Q. And that's a floor mat from a Land Rover, or you don't
18 know that?

19 A. I have no idea what vehicle, I'm sorry.

20 Q. And the floor mat in this case, did you do any testing
21 on it?

22 A. That item was tested for the presumptive test for blood
23 and it was positive.

24 Q. Once you tested it, what, if any, evidence did you
25 collect from the floor mat?

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- 1 A. There was two swabs taken from the floor mat and
2 forwarded to DNA.
- 3 Q. And can you tell where those swabs were taken?
- 4 A. Yes, ma'am. 18.1 is from this section and 18.2 is from
5 this section.
- 6 Q. And that's why the line is down the middle?
- 7 A. Yes, ma'am. It was divided into three sections to make
8 swabbing it easier.
- 9 Q. And those two bottom sections are where you, actually,
10 took -- those are your drawings and your numbers on
11 there?
- 12 A. Correct.
- 13 Q. As with all this evidence?
- 14 A. Yes, ma'am.
- 15 Q. And that's the area where you took the swabs from?
- 16 A. Correct.
- 17 Q. And, again, this was positive for blood?
- 18 A. Yes, ma'am, the presumptive test for blood.
- 19 Q. And I believe you testified you received a request in
20 this case in September, a month ago?
- 21 A. Yes, ma'am.
- 22 Q. And, initially, the request came from whom was your
23 understanding?
- 24 A. It was my understanding that the defense had requested
25 these specific areas be tested.

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1 Q. And were the sheets brought then to SLED for testing?

2 A. To my knowledge, yes.

3 Q. And was certain information that's in State's Exhibits
4 200 and 201 forwarded to you as far as the areas where
5 they wanted the testing?

6 A. Yes, ma'am, these photographs were forwarded to me to
7 determine which areas to take.

8 MS. CAMPBELL: Your Honor, at this time, I would
9 offer State's Exhibits 200 and 201 into evidence.

10 MR. STRICKLER: No objection.

11 THE COURT: All right. 200 and 201 admitted
12 without objection.

13 (State's Exhibit Nos. 200 and 201 were
14 admitted into evidence.)

15 BY MS. CAMPBELL:

16 Q. All right. 200 and 201 are circles?

17 A. Yes, ma'am?

18 Q. Were those already on there as being where they wanted
19 tested?

20 A. Those were to indicate the areas they wanted me to
21 take.

22 Q. And these weren't photographs you took?

23 A. No, ma'am.

24 Q. You just know these were given to you to indicate the
25 areas they wanted tested?

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1 A. Correct.

2 Q. And once you got these photographs, then I believe on
3 September 12th is when you, actually, did your testing
4 on a sheet -- let me find it. Were you able to match
5 up the stain -- was there a fitted sheet that was
6 submitted to you?

7 A. There was, yes, ma'am.

8 Q. I will get that out in a minute. Once that fitted
9 sheet was forwarded to you, were you able to match the
10 areas from these photographs where they wanted testing
11 done?

12 A. Yes, ma'am.

13 Q. And did you initially take a number of cuttings from
14 that sheet?

15 A. Initially, I took 11 cuttings.

16 Q. And did you do any presumptive testing on them?

17 A. Those were presumptively tested for the blood as well
18 and tested positive.

19 Q. At that point, did you collect any evidence from these
20 -- and what item number is this, by the way?

21 A. That is 30.1.

22 Q. 30.1?

23 A. That's correct. There were two items submitted as item
24 number 30, a fitted sheet and a flat sheet. We
25 separated those out so we know those were submitted

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1 together as 30.1 and 30.2. 30.1 was the fitted sheet.
2 So when we take a cutting or a swab off something that
3 already had a point one, we just add another point one
4 on that. So the first cutting taken off that sheet
5 would be 30.1.1.

6 Q. Okay. And from these areas that were circled and a
7 request made by the Defense to do this testing, how
8 many total did you take, cuttings?

9 A. The first time, I took 11 cuttings.

10 Q. That was September 12th, last month?

11 A. Yes, ma'am.

12 Q. You took 11?

13 A. Eleven, yes, ma'am.

14 Q. Would that be 30.1.1 through 30.1 --

15 A. Point 11.

16 Q. Eight, nine, 10, 11?

17 A. Yes, ma'am.

18 Q. Okay. And was that evidence forwarded to the DNA
19 department?

20 A. Yes, ma'am, that was handed to Stephanie Stanley.

21 Q. And then 10 days later, did you receive an additional
22 request for testing?

23 A. Yes, ma'am, there was another photograph sent.

24 Q. I show you State's No. 402, do you recognize that?

25 A. Yes, ma'am, that is the photograph that I was asked to

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1 cut those other two areas.

2 MR. STRICKLER: Without objection.

3 THE COURT: All right. Admitted without
4 objection.

5 (State's Exhibit No. 402 was admitted
6 into evidence.)

7 BY MS. CAMPBELL::

8 Q. Again, this is a request from whom?

9 A. It was my understanding it was a request from the
10 Defense.

11 Q. And State's Exhibit 402, did you go back to that same
12 fitted sheet and test these additional two areas?

13 A. Yes, ma'am.

14 Q. What testing did you do?

15 A. The blood testing.

16 Q. And once you did blood testing, what were the results?

17 A. It was positive for the presumptive test for blood.

18 Q. And after that, did you collect any evidence from this
19 sheet again?

20 A. There were two areas collected.

21 Q. And what item numbers did those end up being?

22 A. 30.1.12 and 30.1.13.

23 Q. And did you receive any further request from the State
24 or the Defense as far as any more testing in this case?

25 A. No, ma'am.

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1 Q. Once you collected all of this evidence on each
2 separate occasion, you then forwarded it to the DNA
3 department?

4 A. That is correct.

5 Q. And they would have made the determination about any
6 DNA and who it belonged to and things of that nature?

7 A. Correct.

8 Q. Not you?

9 A. No, ma'am.

10 MS. CAMPBELL: I have nothing further.

11 MR. STRICKLER: No cross, Your Honor.

12 THE COURT: You may step down. Thank you very
13 much.

14 All right. Ladies and gentlemen of the jury, it's
15 about five after one. We'll take a lunch break at this
16 time. If you will be back in the jury room at 2:30, we'll
17 get started at that time. Please leave your notepads in the
18 chairs. Don't discuss the case with anyone. I will see you
19 at 2:30.

20 (Whereupon, the jury left the courtroom
21 at 1:03 p.m.)

22 THE COURT: All right. Anything from the State
23 before we break for lunch?

24 MS. CAMPBELL: No, sir.

25 THE COURT: From the Defense?

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1 MR. STRICKLER: Yes, sir. We're going to need to
2 request to take a witness out of order. We have Mr. Gerness
3 here from -- as a blood pattern expert to testify. He's
4 here this afternoon. He will be unavailable until Wednesday
5 should he not be able to testify this afternoon.

6 THE COURT: Where is he coming from?

7 MR. STRICKLER: --

8 THE COURT: Okay. Well, I mean, we'll take --

9 MR. STRICKLER: Ideally, I'd like to wait until we
10 had some more from the State. It would be easier to
11 interpret the testimony, but he's here and we need to put
12 him up. It's going to be 2:30 -- his testimony, I don't
13 think it's going to be incredibly long, but it's not going
14 to be 15 minutes either.

15 THE COURT: All right. Let me see the lawyers up
16 here just a second.

17 (Whereupon, a bench conference was held
18 off the record.)

19 THE COURT: All right. You made a motion to call
20 a witness out of order?

21 MR. STRICKLER: Yes, Your Honor.

22 THE COURT: After a bench conference with all the
23 parties, I think you would like to withdraw that motion; is
24 that correct?

25 MR. STRICKLER: That's correct, sir.

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1 THE COURT: All right. Anything else you want to
2 put on the record concerning that?

3 MR. STRICKLER: No, sir.

4 THE COURT: Okay. All right.

5 MR. STRICKLER: Thank you.

6 THE COURT: All right. We'll adjourn until 2:30.

7 (Whereupon, a short recess was held.)

8 THE COURT: All right. anything from the State
9 before we bring in the jury?

10 MS. GARFIELD: No, sir.

11 THE COURT: Anything from the Defense?

12 MR. STRICKLER: Do we need to take up the autopsy
13 photos outside the presence of the jury?

14 MS. GARFIELD: We could do that real quick.

15 The autopsy photos.

16 THE COURT: All right. You -- here they are.

17 MS. GARFIELD: I narrowed it down some more.

18 THE COURT: Pardon? You took two off?

19 MS. GARFIELD: I took two off.

20 THE COURT: Did you take them out of this stack?

21 MS. GARFIELD: Yes, sir.

22 THE COURT: Have you reviewed the stack?

23 MS. EIGENBROT: Yes, Your Honor, thank you. We
24 just renew the objection we made earlier to the scene photos
25 as well for the same reasons. Again, we contend that the

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1 probative value is substantially outweighed by the unfair
2 prejudice of these photos. Your Honor, I would, also, add
3 that at this point it's cumulative as to her injuries. I
4 believe if you look at the scene photos, the State attempts
5 to show malice in this case. And, Your Honor, the jury at
6 this time has already seen the extent of her injuries.
7 They've been able to use those photos already. So at this
8 point, we just contend the accumulation of all of these
9 photos --

10 THE COURT: I --

11 MS. EIGENBROT: -- is unfair prejudice.

12 THE COURT: I'm not admitting these based on
13 malice, I'm admitting these -- I'm assuming they'll be
14 relevant to the doctor's autopsy, okay.

15 MS. EIGENBROT: (The witness nodded head.)

16 THE COURT: I will allow -- I have reviewed and
17 I'm going to allow them in subject to the relevancy. Based
18 on the doctor's testimony, if any of them are not relevant,
19 I'll listen to you at that time. I'm not putting them in
20 evidence at this time, but as far as 403 rule.

21 MS. EIGENBROT: Thank you, Your Honor.

22 THE COURT: And if during his testimony, you think
23 any of them are not relevant, please make that suggestion.

24 MS. EIGENBROT: Yes, sir.

25 THE COURT: Thank you very much.

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 MS. GARFIELD: Your Honor, the ones that are being
2 excluded, could we may them as a Court's Exhibit maybe?

3 THE COURT: That's fine.

4 MS. GARFIELD: And that includes the list.

5 THE COURT: Just tell me the numbers, the
6 sequence.

7 MS. GARFIELD: The sequence that are ruled out or
8 ruled in?

9 THE COURT: Ruled in.

10 MS. GARFIELD: Ruled in is 202, 207, 208, 211,
11 212, 216, 220, 221, 229, 231, 233, 235, 237, 238, 243, 245,
12 247, 248 and 251.

13 THE COURT: Okay. Thank you.

14 Anything else before we bring the jury in?

15 MR. STRICKLER: No, sir.

16 THE COURT: Bring us the jury, please.

17 BAILIFF: Yes, sir.

18 (Whereupon, the jury returned to the
19 courtroom at 2:32 p.m.)

20 (State's Exhibit Nos. 202, 207, 208,
21 211, 212, 216, 220, 221, 229, 231, 233,
22 235, 237, 238, 243, 245, 247, 248 and
23 251 were admitted into evidence.)

24 BAILIFF: The jury is seated, Your Honor.

25 THE COURT: Thank you.

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 You may call your next witness.

2 MS. CAMPBELL: The State calls Stephanie Stanley.

3 THEREUPON,

4 STEPHANIE STANLEY,

5 after having been duly sworn, testified as follows:

6 THE CLERK: Have a seat in the witness box, state
7 your name for the record and spell it for us, please.

8 THE WITNESS: My name is Stephanie Stanley,
9 S-T-A-N-L-E-Y.

10 DIRECT EXAMINATION

11 BY MS. CAMPBELL:

12 Q. Agent Stanley, where are you employed?

13 A. I'm employed by the South Carolina Law Enforcement
14 Division, which is more commonly referred to as SLED.

15 Q. Can you put that microphone a little over? It's so
16 hard to hear in here. I apologize.

17 A. That's fine.

18 Q. You're employed by SLED?

19 A. Yes, ma'am.

20 Q. What do you do there?

21 A. I'm a forensic scientist assigned to the DNA case work
22 department.

23 Q. As a forensic scientist in the DNA department, what do
24 your duties include?

25 A. My duties include analyzing evidence samples from

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 various agencies across the State of South Carolina for
2 the purpose of identifying biological stains and
3 developing DNA profiles from those items. I would then
4 develop DNA profiles from known standards, or something
5 that we know came from the individual, for comparison
6 to see if they match. I would then write a report and
7 testify in court as necessary.

8 Q. Can you tell this jury a little bit about your
9 education and your training in your field of DNA
10 comparison analysis?

11 A. Yes, ma'am. I have a Bachelor of Science degree in
12 biological sciences from Clemson University. I was
13 trained by SLED under the supervision of qualified
14 analysts where I learned evidence handling, serology,
15 DNA analysis, statistics that relates to DNA analysis,
16 chain of custody and DNA identification. I've attended
17 training at the National Forensic Science Technology
18 Center. I've, also, attended training at Marshall
19 University and Applied Biosystems in Rockville,
20 Maryland.

21 Q. And is your laboratory accredited in any way?

22 A. Yes, we are accredited by the American Society of Crime
23 Laboratory Directors Laboratory Accreditation Board or
24 ASCLAD Laboratory.

25 Q. And as part of your accreditations, do y'all have to

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1 follow certain policies and procedures in order to
2 ensure the quality of your results?

3 A. Yes, we do.

4 Q. Have you ever been qualified before as an expert in the
5 field of DNA analysis?

6 A. Yes, ma'am, I have?

7 Q. And approximately how many times have you been
8 qualified?

9 A. I know, at least, 20, around 20.

10 MS. CAMPBELL: Your Honor, at this time, we would
11 offer her as an expert in DNA analysis.

12 THE COURT: Any objection?

13 MR. STRICKLER: No objection.

14 THE COURT: Okay. The Court so finds. Thank you
15 so much.

16 MS. CAMPBELL: Thank you, Your Honor.

17 BY MS. CAMPBELL:

18 Q. Agent, I want to turn your attention to this case. Did
19 you become involved and, actually, perform the DNA
20 tests in this case?

21 A. Yes, I did.

22 Q. I believe that lab number is L1109913?

23 A. Yes, ma'am, it is.

24 Q. And that involves the victim, Ms. Jennifer Wilson, as
25 well as the Defendant, Hank Hawes, is that correct?

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1 A. Yes.

2 Q. Do y'all have a certain protocol of how much testing or
3 what type testing you do when an initial entry comes in
4 in a homicide case?

5 A. There were guidelines that were used to limit the first
6 submission of evidence. Typically, a homicide is
7 limited to about five items. There are exceptions to
8 that rule. We will take additional submissions as well
9 if we haven't made an association in the case.

10 Q. If you haven't made an association in the case?

11 A. Yes, ma'am, we will take additional submissions that we
12 have, but, usually, it's through communication with the
13 laboratory.

14 Q. So it's limited somewhat, typically?

15 A. Yes, ma'am.

16 Q. I want to turn your attention to this case. What items
17 did you initially get for testing?

18 A. My initial items were, I believe, a sexual assault kit,
19 known standards from the victim and the subject in the
20 case, and then cuttings that I received and swabs that
21 I received from -- my item seven, which were swabs from
22 a knife, my items 8.1, 8.2, 8.3, which were cuttings
23 and swabs from the underwear, 9.1, 9.2 and 9.3,
24 cuttings and swab from a shirt, 10.1 was a swab from a
25 wooden tool, 11.1 was a swab from the blade of a knife,

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1 11.2 was swab from a handle of a knife, and items 12.1
2 and 12.2, swabs from the blade and swabs from the
3 handle of a knife.

4 Q. You mentioned that you have to have what's called known
5 standards in order to make a comparison to the evidence
6 from a crime scene; is that correct?

7 A. Yes, ma'am.

8 Q. Typically, how is a known standard gotten from a
9 person, either alive or dead?

10 A. A known standard comes into the laboratory in two
11 forms, what is known as a blood standard, which is
12 usually taken by a medical personnel, or a buccal swab
13 or oral swab. These are just sterile that are rubbed
14 on the inside of somebody's cheek to collect cells.

15 Q. And prior to you doing any testing within your
16 organization, is the chain of custody always
17 maintained?

18 A. Yes, ma'am.

19 Q. And that was done in this case?

20 A. Yes, ma'am.

21 Q. So there could not be any cross-contamination or
22 anything of that sort?

23 A. Correct.

24 Q. Once you got those initial items, did you do testing on
25 those items?

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1 A. Yes, I did.

2 Q. When did you, actually, perform that first set of

3 testing on those items you've mentioned here?

4 Approximately, it doesn't have to be exact.

5 A. I want to say it was around September 28th, 2011. Yes,

6 ma'am, September 28th.

7 Q. And subsequent to doing that testing and, actually,

8 publishing a report on those items, was a request made

9 for you to test additional items in this case?

10 A. Yes, it was.

11 Q. What were those additional items that were submitted, I

12 believe, in the spring of 2013? When did you,

13 actually, issue a report in that case initially?

14 A. Let me check my other reports because I've issued

15 several.

16 Q. Yes, ma'am.

17 A. The first one was December 7th, 2012.

18 Q. December 7th, 2012, is your first report?

19 A. Yes.

20 Q. So it took a period of time from the submission date in

21 2011 until 2012 when you did your report?

22 A. Yes.

23 Q. Is that unusual at SLED, unfortunately?

24 A. It's not.

25 Q. Why?

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1 A. We work on several cases at a time. I'm, also,
2 involved as the team leader over the processing and
3 serology section, so a lot of my time is dedicated to
4 training. I'm, also, involved in hiring new employees,
5 so there's other things that I'm doing as well as
6 working on additional cases at the same time.

7 Q. And it is unusual -- or it's not unusual, actually, for
8 items to be submitted that it be over a year for
9 testing to be, actually completed?

10 A. Unfortunately, it's not.

11 Q. Okay. And you mentioned that the first report was
12 issued in December of 2012?

13 A. Yes, ma'am.

14 Q. On the items we just talked about?

15 A. Yes.

16 Q. Shortly thereafter, a few months after that, were
17 additional items submitted?

18 A. Yes, they were.

19 Q. And what were those items?

20 A. My second set of analysis covered items collected from
21 item 14, which was a cooler bag, a cutting from a pair
22 of jeans, swabs from the subject's foot, swabs from the
23 driver's floor mat, swabs from the left leg of the
24 victim's body, the subject's right hand, the right foot
25 of the subject, the left foot of the subject, the left

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1 hand of the subject, the master bedroom window handle
2 shade, victim's center -- I'm sorry, the vehicle's
3 center console, the vehicle driver's side armrest, the
4 vehicle's steering wheel, the gas pedal from the
5 vehicle, the brake pedal. And I believe that was all
6 for that submission.

7 Q. And once you got those items, did you proceed to do
8 additional testing on those items as well?

9 A. Yes, I did.

10 Q. And approximately how long was it before you were able
11 to publish the results of those -- that testing?

12 A. That report was published April 10th, 2014.

13 Q. So April of this year?

14 A. Yes, ma'am.

15 Q. And, again, it took over a year to, actually, get all
16 that testing done as well?

17 A. Yes, ma'am.

18 Q. And that is not unusual because of back log?

19 A. Unfortunately, that's not unusual.

20 Q. Once that testing was done and results reported back,
21 recently, last month, did you receive request from
22 Defense counsel to do some additional testing?

23 A. Yes, I did.

24 Q. And were you able to do that on almost an emergent
25 basis?

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1 A. Yes, we turned the results around on that pretty
2 quickly.

3 Q. And the request on that, I'm going to show you items
4 number 200 and 201, I believe somewhere around
5 September 12th Ms. Gibson testified, y'all received
6 those photographs with the request to test certain
7 areas from the Defense?

8 A. Yes, we did.

9 Q. And you, actually, received the evidence to be tested
10 from Ms. Gibson in that case as well?

11 A. Yes.

12 Q. Then approximately 10 days later, State's Exhibit No.
13 402, did they request additional testing?

14 A. Yes, ma'am.

15 Q. And how does it memorialize the areas you were suppose
16 to test they requested?

17 A. The areas were circled on the photographs.

18 Q. Is it unusual for y'all to have a request from the
19 Defense to do testing?

20 A. It's not something that we typically get. Most of our
21 evidence is submitted from law enforcement agencies
22 around the state, but we will do testing for the
23 defense.

24 Q. And were you able to do that testing quickly?

25 A. Yes, ma'am.

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1 Q. And you have published a report in the case as far as
2 your findings for I believe it was item number 30?

3 A. Yes, item number 30.1.

4 Q. And I think they requested some 14 or 15 areas to be
5 tested?

6 A. It was 11 initial and then we took four more.

7 Q. Okay. So 15 total?

8 A. Uh-huh.

9 Q. And, I'm sorry, when did you do that report?

10 A. That report was issued September 24th, 2014.

11 Q. I want to show you what's been marked as State's
12 Exhibits 429, 430, 431, and 432. Did you get an
13 opportunity to review these?

14 A. Yes, ma'am.

15 Q. And do these fairly and accurately reflect your
16 findings in this case?

17 A. Yes, they do.

18 Q. And would they aid you in presenting this evidence to
19 the jury as far as the results?

20 A. Yes, they, actually, will due to the size of the case.

21 MS. CAMPBELL: Your Honor, at this time, we would
22 offer these into evidence.

23 MR. STRICKLER: Without objection, Your Honor.

24 THE COURT: What are the numbers?

25 MS. CAMPBELL: I'm sorry, Your Honor. It's 429,

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1 30, 31, and 32, 432.

2 THE COURT: All right. 429, 430, 431, and 432
3 admitted without objection.

4 (State's Exhibit Nos. 429 through 432
5 were admitted into evidence.)

6 MS. CAMPBELL: Your Honor, may the witness step
7 down?

8 THE COURT: Yes.

9 BY MS. CAMPBELL:

10 Q. If you come around to this side, the court reporter can
11 hear you better. And I want to mention something, the
12 numbers that are on the left of these diagrams, is that
13 the number that SLED assigns to those items?

14 A. Yes, these item numbers are assigned to our evidence
15 control department.

16 Q. Okay. So those may differ from the evidence numbers
17 SLED -- submitted them?

18 A. Yes.

19 Q. Is there, also, under the items submitted a brief
20 description of what items we're talking about?

21 A. Yes, ma'am.

22 Q. Then here, it's got a label serology. What does that
23 mean?

24 A. Serology is the science that deals with the
25 identification of body fluids. Generally, the body

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1 fluids we're most concerned about that we deal with on
2 a regular basis are blood, semen, saliva.

3 Q. Then there's another column that says whether or not
4 DNA was extracted and that would be either yes or no?

5 A. Yes.

6 Q. And when you get an item of evidence, are you
7 necessarily always going to be able to get some type of
8 DNA from the testing?

9 A. No, ma'am.

10 Q. Why not?

11 A. Sometimes, DNA -- we have to have enough in order to
12 develop a DNA profile. If there's just not enough DNA
13 present or the quality of the DNA is not good enough,
14 we may not be able to develop a DNA profile from that
15 item.

16 Q. Here's a pointer. Some people like it, some people
17 don't. And under the result column, what does that
18 show?

19 A. The results on my report are written in a paragraph
20 form, so this is just an easier way of getting to what
21 I'm saying as my conclusion.

22 Q. The first two items that are submitted, we know it's a
23 buccal swab from Jennifer Wilson, item number 6.2, and
24 then item number 13, a buccal swab from Hank Hawes; is
25 that correct?

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1 A. Yes, ma'am.

2 Q. And are those what's known as the known standard that's
3 used to compare to all this other evidence?

4 A. Yes, they are.

5 Q. And those are the two known standards in this case; is
6 that correct?

7 A. Yes, ma'am.

8 Q. And we go down to item 6.3, which is vaginal swab. I
9 notice that it shares with the buccal swab the same
10 six, but a different point. Why is that?

11 A. The buccal swab and the vaginal swab share because they
12 were submitted as part of what's known as part of a
13 sexual assault evidence collection kit. It's taken --
14 it includes quite a few items. Usually, it includes
15 some smears. It includes, possibly, known standard.
16 It includes oral swabs, rectal swabs, miscellaneous
17 body fluid swabs. It just depends on what pertinent in
18 the case. But anything that has the item number six in
19 front of it, that came from that sexual assault kit.
20 And I, actually, made sub items. So I assigned an
21 internal laboratory number. So 6.7, being the victim's
22 known standard, and 6.3 being her vaginal swabs.

23 Q. Those would have been packaged separate within the kit
24 so that they wouldn't cross-contaminate?

25 A. Yes. They're packaged in a separate individual

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1 envelope inside a larger envelope.

2 Q. And with the 6.3 vaginal swabs, did you, actually,
3 perform the serology in that case?

4 A. Yes, I did.

5 Q. And what were you looking for as typically in a rape --
6 just because a rape kit is done doesn't mean anyone was
7 raped?

8 A. No, it absolutely doesn't. They're done as a
9 precaution. Sometimes, we don't always know what
10 happened to the victim. If the victim's not able to
11 tell us herself what happened in a case, the sexual
12 assault kit may be taken on a male or female just as a
13 precaution for body fluids just to see what's present.

14 Q. Okay. And the testing you did there, were you
15 testing -- you submit serology testing for body fluids
16 such as semen, blood, saliva?

17 A. Yes.

18 Q. Okay. And in this case, were you testing for a
19 particular item?

20 A. Yes, in this case, I was testing for semen.

21 Q. And what were the results of the serology?

22 A. Semen was indicated.

23 Q. Was indicated?

24 A. Yes.

25 Q. And that what we're calling a presumptive test?

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1 A. Yes, it is.

2 Q. Once you got it and found there was semen indicated,
3 did you then do further testing in order to extract
4 DNA?

5 A. Yes, I did. I performed a DNA extraction in order to
6 develop a profile in hopes of getting a profile in
7 there was, actually, semen present.

8 Q. Were you able to DNA from that?

9 A. I developed a profile.

10 Q. What was the result of your profile?

11 A. The DNA profile I developed was a mixture of two
12 individuals. Jennifer Wilson's DNA was present in that
13 sample, but no sample but no conclusive statement could
14 be made to include or exclude Hank Hawes.

15 Q. Why is that?

16 A. Sometimes we -- there's not enough DNA that's present.
17 Sometimes it's not able to be supported statistically.
18 Sometimes I'm able to exclude somebody. Sometimes I'm
19 able to include them and support it statistically. So
20 there's different types of DNA results that you could
21 get. In this case, I just don't have enough
22 information to make a conclusion regarding whether Mr.
23 Hawes is included or excluded.

24 Q. There was definitely a second person there?

25 A. Yes.

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1 Q. And semen only comes from men?

2 A. Yes.

3 Q. Okay. And in finding that, there was a second profile
4 there, you just couldn't make a conclusive statement as
5 to whose profile that was?

6 A. Correct.

7 Q. And I'll get back to that. The next item that's in
8 this, and I'm just taking them in numerical order, is
9 item 7.1, 7.2, and 7.3. Did those all come from the
10 same knife?

11 A. Yes, they would have.

12 Q. Okay. And what were your conclusions as far when --
13 what were the conclusions that Ms. Gibson found when
14 she tested for blood?

15 A. Blood was indicated on those items.

16 Q. Okay. And taking them one at a time, what were your
17 findings?

18 A. The DNA profile developed from item 7.1 matches the DNA
19 profile of Hank Hawes. The DNA profile developed from
20 item 7.2 matches the DNA profile of Hank Hawes. The
21 DNA profile developed from item 7.3 was a mixture of,
22 at least, two individuals. The DNA profile of the
23 major contributor matches Hank Hawes. And Jennifer
24 Wilson cannot be excluded as a minor contributor.

25 Q. What does that mean?

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1 A. It means I'm able to tell that her DNA types are
2 present. Those DNA types that are consistent with her
3 profile. I'm not able to exclude her. I'm not able to
4 say that she did not contribute to that mixture.

5 Q. As far as the terminology, you talk about a match
6 versus when you just get what's called a partial DNA
7 profile?

8 A. Yes, ma'am.

9 Q. Can it still be useful in analysis?

10 A. Some partial profiles are useful. A partial profile is
11 getting less information. It could be to the extent of
12 I'm getting just a small amount less, but very close to
13 a full profile, or it could be to the extent it's not
14 very useful, just barely getting an amount.

15 Q. But in that one, 7.3, the knife in the living room, the
16 first two matched Hank Hawes, his blood, there was a
17 mixture of, at least, two individuals?

18 A. Yes, it was a mixture of, at least, two individuals.

19 Q. And that would have included Hank Hawes?

20 A. Yes, ma'am.

21 Q. But when you say Jennifer Wilson cannot be excluded,
22 that would include her then?

23 A. Yes, ma'am.

24 Q. 8.1, the cutting from underwear. And it indicated any
25 other person, you would say unknown person. How would

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1 you handle that?

2 A. If I had other standards to compare to it, I would have
3 made those comparison. If there's other types,
4 actually, made mention of those other types.

5 Q. Yes. Moving on to item 8.1, cutting from the
6 underwear. And that was, I believe, the men's
7 underwear?

8 A. Yes, I believe it was.

9 Q. What were your findings from 8.1 and 8.2 and the swab,
10 8.3?

11 A. Blood was indicated on both 8.1 and 8.2. The DNA
12 profile developed from item 8.1 was a mixture of, at
13 least, two individuals. The DNA profile major
14 contributor matched Hank Hawes. No conclusive
15 statement could be made regarding the inclusion or
16 exclusion of Ms. Wilson to that item.

17 Q. Was that because of the amount of DNA?

18 A. Yes.

19 Q. And when we talk about a major contributor versus a
20 minor contributor, is there more DNA --

21 A. A major contributor is somebody that I can tell is
22 contributing more DNA to the sample. A minor
23 contributor is somebody who's contributing less DNA to
24 the sample.

25 Q. But it's not unusual at all for more than one -- if two

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1 people are bleeding at the scene, is it unusual to get
2 mixtures like this?

3 A. No.

4 Q. Okay. Item 8.2?

5 A. Item 8.2, blood was indicated. The DNA profile was a
6 mixture of, at least, two individuals. The major
7 contributor matches Hank Hawes and Jennifer Wilson
8 could not be excluded as a minor contributor.

9 Q. Does that mean that she matches the minor contributor?

10 A. It means I'm not able to exclude her.

11 Q. What's there --

12 A. It's not enough to say a match necessarily.

13 Q. That's my terminology. It's -- consistent with her --

14 A. Yes.

15 Q. Thank you. 8.3, no serology was found on that?

16 A. No.

17 Q. Why was that?

18 A. I believe that was the swab that Ms. Gibson took for
19 ownership.

20 Q. And why do you do that?

21 A. Ownership DNA can be taken from articles of clothing.
22 We collect it in areas like the neckline of a shirt or
23 a cuff area of a long-sleeved shirt, the waistband of
24 pants or underwear, just trying to determine who may
25 have had those items on, who those items could have

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1 belonged to.

2 Q. And in this case, you, actually, came up yet with
3 another mixture; is that correct?

4 A. Yes, I did.

5 Q. Of two?

6 A. Yes.

7 Q. And what were your results on that one?

8 A. The DNA profile developed from item 8.3 is a mixture
9 of, at least, two individuals. Both Jennifer Wilson
10 and Hank Hawes could not be excluded as possible
11 contributors.

12 Q. Why is that terminology a little different?

13 A. In that case, I'm not able to make a determination of
14 who could be contributing more to that DNA sample or
15 who could be contributing less. It's just a mixture,
16 somewhat possibly equal portions. The DNA results are
17 not giving me a clear this person contributed more.

18 Q. But what was there was consistent with both of their
19 DNA?

20 A. Yes, it was.

21 Q. 9.1, which is a cutting from the shirt, which is a blue
22 button-down, as far as serology?

23 A. Yes, blood was indicated on that item. DNA was done
24 and the DNA profile was a mixture of, at least, two
25 individuals. The DNA profile developed to major

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1 contributor matched Jennifer Wilson and Hank Hawes
2 could not be excluded as a minor contributor.

3 Q. Again, so the minor contributor was consistent with --
4 what was there was consistent with Mr. Hawes?

5 A. Yes.

6 Q. The major contributor on that one, the blue shirt, the
7 button-down, was whom?

8 A. Yes, it was a blue button-down.

9 Q. And who was the major contributor?

10 A. The major contributor matched Jennifer Wilson.

11 Q. 9.2, a cutting from the same shirt, a blue button-down?

12 A. Yes, blood was indicated. The DNA profile matched Hank
13 Hawes.

14 Q. Again, where those cuttings were taken are indicated on
15 the actual pieces of evidence as well as in the photos?

16 A. Yes.

17 Q. Moving on to the next, and this is just a continue of
18 your findings, right?

19 A. Yes.

20 Q. 9.3 is a swab from that same shirt; is that correct?

21 A. Yes.

22 Q. And does serology indicate anything?

23 A. I believe that was just any DNA that we could find.

24 Q. Any DNA. And you were able to extract DNA?

25 A. I was able to perform a DNA extraction, but I did not

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- 1 develop a profile.
- 2 Q. Why was that?
- 3 A. Just that there's not enough DNA or quality of the DNA.
- 4 Q. Moving on to 10.1, which is a swab from the wooden
- 5 tool?
- 6 A. Yes, ma'am. Blood was indicated on that item and the
- 7 DNA profile matches Hank Hawes.
- 8 Q. Moving on to item 11.1, which is the swab from the
- 9 blade of the knife in the master bedroom nightstand?
- 10 A. Yes. Blood was indicated and the DNA matches Hank
- 11 Hawes.
- 12 Q. That one matched Hank Hawes?
- 13 A. Yes.
- 14 Q. And that was from the blade of the knife from the
- 15 master bedroom nightstand?
- 16 A. Yes.
- 17 Q. Then 11.2, a swab from the handle of the knife in the
- 18 master bedroom?
- 19 A. Blood was indicated on that item and it was a mixture
- 20 of, at least, two individuals. Jennifer Wilson and
- 21 Hank Hawes could not be excluded as possible
- 22 contributors.
- 23 Q. So what was there was consistent with both Jennifer and
- 24 Hank Hawes?
- 25 A. Yes, ma'am.

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1 Q. Item 12.1, which is a different knife, the knife from
2 the kitchen floor?

3 A. Yes, ma'am. Blood was indicated. It was a mixture of,
4 at least, two individuals. The major contributor DNA
5 profile matches Jennifer Wilson and Hank Hawes could
6 not be excluded as a minor contributor.

7 Q. When you have a mixture and stuff, too, are you able to
8 say whose blood it is versus can DNA come from other
9 things other than just blood at the crime scene?

10 A. Yes, DNA can come from other things. It can come from
11 skin cells, for example, blood or semen, your saliva.
12 Any of those could be some of the mixture. I'm just
13 not able to pick out which part came from blood, which
14 part came from something else.

15 Q. But it can be, also, the mixtures of the two?

16 A. Yes, it can be.

17 Q. But it, also, could be a mixture of blood and skin
18 cells?

19 A. Yes, it could.

20 Q. 12.2, the swab of the handle of the knife from the
21 kitchen floor?

22 A. Blood was indicated on that item. It was a mixture of,
23 at least, two individuals. And the major contributor,
24 also, matches DNA profile of Jennifer Wilson. And Hank
25 Hawes could not be excluded as a minor contributor.

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1 Q. So what was there as a minor contributor was consistent
2 with him, but it matched her as the major?

3 A. Yes, ma'am.

4 Q. Moving on to another item -- and there were several
5 items under item number 14, which was that cooler bag.
6 Item 14.1 was the cutting from the side of the cooler
7 bag without the zipper near the top?

8 A. Yes, ma'am. Blood was indicated on that item. The DNA
9 profile was a mixture of, at least, two individuals.
10 The major contributor matches the DNA profile of
11 Jennifer Wilson and Hank Hawes could not be excluded as
12 a minor contributor.

13 Q. 14.2 is another cutting from the cooler bag near the
14 bottom?

15 A. Blood was indicated on that item and DNA profile
16 matched Jennifer Wilson.

17 Q. And matched her alone?

18 A. Yes.

19 Q. And whenever you just have one person, does that
20 exclude the other person?

21 A. Yes.

22 Q. So it did not match Hank Hawes to that spot?

23 A. It did not.

24 Q. The majority of all these were mixtures, is that
25 unusual when two people are bleeding?

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1 A. It's not. If two people are bleeding, you would expect
2 to find some of one person and some of other and maybe
3 some of both.

4 Q. On DNA, can you date how long that DNA may have been
5 there?

6 A. No. DNA is useful in helping find someone identity,
7 but it can't tell you when a crime occurred, how long
8 the DNA has been there, how long the blood stain has
9 been there, how long the semen has been there.

10 Q. And if two people frequent in the same house over a
11 period of time, a month say, would you expect to find
12 possible mixture of their DNA?

13 A. Just like my house, my husband and I live there, you
14 would expect to find both of our DNA profiles there.
15 We're there all the time handling objects inside of our
16 house.

17 Q. Moving on to 14.3, which is a cutting from the handle
18 of the cooler bag, what was the result of that?

19 A. Blood was indicated.

20 Q. Uh-huh.

21 A. The DNA profile, it was a mixture of, at least, two
22 individuals. The DNA profile major contributor matches
23 Hank Hawes and Jennifer Wilson could not be excluded as
24 a minor contributor.

25 Q. So what was there as a minor contributor was consistent

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1 with her DNA?

2 A. Yes.

3 Q. And moving on to item 14.4, which was the cutting from
4 the inside of the cooler bag. What was the serology?

5 A. Blood was indicated and DNA profile matches Hank Hawes.

6 Q. So from the inside of the cooler bag, the DNA -- and
7 that was blood, it tested blood?

8 A. It was tested for blood and blood was indicated.

9 Q. And that was Hank Hawes and Hank Hawes alone?

10 A. (The witness nodded head.)

11 Q. Right?

12 A. Yes, ma'am.

13 Q. Moving on to 15.1, cutting from the left side of the
14 upper thigh area of the jeans that were submitted in
15 this case.

16 A. Blood was indicated. It was a mixture of, at least,
17 two individuals. The DNA profile of the major
18 contributor matches Hank Hawes and Jennifer Wilson
19 could not be excluded as a minor contributor.

20 Q. So, again, a mixture of the two?

21 A. Yes.

22 Q. Moving on to item number 17, there was a swab from
23 Mr. Hawes left foot?

24 A. Yes, ma'am. Blood was indicated. The DNA profile
25 developed was a mixture of, at least, two individuals.

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1 The DNA profile major contributor matches Hank Hawes
2 and the minor profile was insufficient for
3 interpretation.

4 Q. Insufficient for interpretation, what does that mean?

5 A. It means I can tell that there's something else there,
6 but just too weak to interpret.

7 Q. 18.1, which was swabs from the driver's side floor mat?

8 A. Blood was indicated. A partial DNA profile was
9 developed. It was a mixture of, at least, two
10 individuals. And I'm not -- Jennifer Wilson and Hank
11 Hawes, no conclusive statement could be made regarding
12 their inclusion or exclusion.

13 Q. So there simply wasn't enough there?

14 A. Correct.

15 Q. To do any comparison to either one?

16 A. Correct.

17 Q. Okay. Let's move on to 18.2.

18 A. Yes, ma'am.

19 Q. And that was a swab from the driver's side floor mat?

20 A. Yes. Blood was indicated on that item and the DNA
21 profile --

22 Q. When you said weak, was that an indication?

23 A. Yes, it was a weak positive test for blood. It was
24 insufficient for reliable identification.

25 Q. Would that be consistently weak positive?

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

- 1 A. Yes.
- 2 Q. Simply not enough DNA there?
- 3 A. Yes.
- 4 Q. Moving on to 19, which is a swab from the left leg of
5 the victim's body?
- 6 A. Blood was indicated on that. It was a mixture of, at
7 least, two individuals. The major contributor, also,
8 matches Jennifer Wilson and Hank Hawes could not be
9 excluded as a minor contributor.
- 10 Q. Again, a mixture?
- 11 A. Yes, ma'am.
- 12 Q. Number 20?
- 13 A. Yes.
- 14 Q. Swabs from Hank Hawes's right hand?
- 15 A. No blood was indicated.
- 16 Q. So was any testing done on that since there was no
17 blood?
- 18 A. After the initial presumptive testing for blood, no
19 further testing was done.
- 20 Q. And 21, swatches from his right foot?
- 21 A. Blood was indicated. DNA -- it was a mixture of two
22 individuals. The DNA profile of the major contributor,
23 also, matches Jennifer Wilson and the minor was
24 insufficient for interpretation.
- 25 Q. Just simply not enough there?

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 A. Correct.

2 Q. But there was, at least, two people like all of these
3 have been?

4 A. Yes.

5 Q. And 22 is where we are now?

6 A. Uh-huh.

7 Q. His left foot. And this is Mr. Hawes's left foot?

8 A. Yes. Blood was indicated. It was a mixture of, at
9 least, two individuals. The DNA profile of the major
10 contributor, also, matches Hank Hawes. The DNA profile
11 of the minor contributor was insufficient to rely on
12 interpretation.

13 Q. Again, just not enough?

14 A. Yes.

15 Q. Item number 23, which is a swab from Hawes's left hand?

16 A. Yes, ma'am.

17 Q. What were your results on that?

18 A. Blood was indicated on that item. And the partial DNA
19 profile that was developed, also, matched Hank Hawes.

20 Q. And that was the only one that matched?

21 A. Yes.

22 Q. Okay. Number 24, swabs from the master bedroom window
23 shade handle?

24 A. Blood was indicated on that item. The DNA was a
25 mixture of, at least, two individuals. The DNA profile

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 of major contributor matches Hank Hawes and Jennifer
2 Wilson -- minor contributor.

3 Q. But there was two people there?

4 A. Yes.

5 Q. Number 25, swabs from the vehicle center console?

6 A. Blood was indicated. The DNA profile was a mixture of,
7 at least, two individuals. The DNA profile of major
8 contributor, also, matches Hank Hawes. The minor
9 contributor was insufficient for interpretation.

10 Q. But there were two people there as well?

11 A. Yes.

12 Q. Swabs from the vehicle driver's side armrest?

13 A. Blood was indicated on that item. The DNA profile was
14 a mixture of, at least, two individuals. The DNA
15 profile of the major contributor matches Hank Hawes.
16 The minor was insufficient for reliable interpretation.

17 Q. Moving on to State's Exhibit No. 432, item number 27?

18 A. Item number 27 were swabs from the vehicle steering
19 wheel. Blood was indicated. The DNA profile developed
20 was a mixture of, at least, two individuals. DNA
21 profile of the major contributor, also, matches Hank
22 Hawes. And the minor contributor was insufficient for
23 reliable interpretation.

24 Q. And is that unusual to get a mixture and having one
25 insufficient to be able to --

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

- 1 A. It really is not.
- 2 Q. Pretty common?
- 3 A. Yes, it is.
- 4 Q. Okay. Item number 28, swabs from vehicle gas pedal?
- 5 A. Blood was indicated. The DNA profile developed was a
- 6 mixture of, at least, two individuals. Jennifer Wilson
- 7 and Hank Hawes could not be excluded as possible
- 8 contributors.
- 9 Q. So both of their DNA was present?
- 10 A. Yes.
- 11 Q. It was consistent --
- 12 A. Yes.
- 13 Q. A combination? And, again, that's something you can't
- 14 call major or minor?
- 15 A. Correct.
- 16 Q. Okay. 29?
- 17 A. Swabs from the vehicle brake pedal. No blood was
- 18 indicated. DNA testing was performed. It was a
- 19 mixture of, at least, two individuals. Jennifer Wilson
- 20 and Hank Hawes could not be excluded.
- 21 Q. And how can have, even though blood wasn't indicated,
- 22 then have DNA and get a mixture?
- 23 A. Remember, you're not only getting the DNA from blood,
- 24 you can get it from other sources, such as skin cells.
- 25 Q. And that would be from the vehicle brake pedal; is that

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 correct?

2 A. Yes, ma'am.

3 Q. And, finally, the cuttings, the 15 cuttings that you
4 did -- here we go, from these items that were requested
5 by the Defense?

6 A. Yes, ma'am.

7 Q. What were your results from all those?

8 A. All of the cuttings from the fitted sheet, blood was
9 indicated and the DNA profile matches Hank Hawes, those
10 items.

11 Q. And Hank Hawes alone, correct?

12 A. Correct.

13 Q. Before you sit down. I'm going to show you what's been
14 marked as State's Exhibit No. 437 through 440?

15 MS. CAMPBELL: Your Honor, I believe we would
16 offer those without objection.

17 MR. STRICKLER: Correct, Your Honor.

18 THE COURT: All right. 437 through 440, is that
19 correct?

20 MS. CAMPBELL: Yes, sir.

21 THE COURT: Admitted without objection.

22 (State's Exhibit Nos. 437 through 440
23 were admitted into evidence.)

24 BY MS. CAMPBELL::

25 Q. Just so the jury will have an idea, are these results

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 -- is this a chart you generated?

2 A. Yes.

3 Q. Can you explain to the jury what is on this chart and
4 what it indicates?

5 A. What this charts indicates, these are the actual items
6 that I tested -- and these are the locations of DNA
7 that matched with testing.

8 Q. Okay. And when you say these are the locations, what
9 are these things that look like a D, H, S, something,
10 what are those?

11 A. Those are -- a locus, multiple loci --

12 Q. And does this chart kind of simplify how you do your
13 findings and what your findings are?

14 A. This chart helps us to make our conclusions. For
15 instance, known standards, the very first item on the
16 chart, and the other items are listed under there and I
17 can make comparisons, basically.

18 Q. And is this the known standard, 6.7, for Jennifer
19 Wilson and number 13 for Hank Hawes?

20 A. (The witness nodded head.)

21 Q. And I note that you just denote with numbers, is that
22 just the way you identify --

23 A. Yes.

24 Q. -- the piece that we're talking about?

25 A. Yes.

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 Q. And there's actual graphs in addition to this that you
2 use for doing testing?

3 A. Yes, ma'am.

4 Q. Okay. But these, we can't read them -- well, I can't
5 read them. But this simplifies and shows who has what.
6 Explain how each loci there's a number -- two numbers
7 and what that represents?

8 A. Remember with DNA, you get half your DNA from your mom
9 and you get half your DNA from your dad. So where you
10 see just one number being there, like the first one is
11 14, it's, actually, two copies of the 14. So it would
12 just be 14, 14 here. And then here would be 30, 30.
13 Two -- half DNA from mom, half DNA from dad. So here,
14 Mr. Hawes is a 10 and 14.

15 Q. Okay. So, typically, since you get half from your mom
16 and half from your dad, one number comes from your mom
17 and one number comes from your dad?

18 A. Yes, ma'am.

19 Q. But it can be the same number?

20 A. Yes.

21 Q. And, therefore, only show up as one number 14?

22 A. Yes, ma'am.

23 Q. But, typically, it's going to be like a 10 and a 14 and
24 a 29 and 31 and 10 and 11, that kind of thing?

25 A. Correct.

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 Q. And can two different people, say you and I -- is each
2 person's DNA unique or the way you test it unique?

3 A. DNA profiles are unique for everybody except for
4 identical twins.

5 Q. And assuming these two people aren't identical twins,
6 their's will be unique to them?

7 A. Yes, it should be.

8 Q. But can we share some of the same what's known as
9 numbers or the same DNA -- I don't know what you call
10 them?

11 A. Alleles.

12 Q. Alleles?

13 A. Yes. Just because there's a 14 here doesn't exclude
14 him from having a 14. People can share the number
15 across. Like half comes from mom, half comes from dad,
16 so you would expect that somebody -- possibly share
17 more with you. So what we test against are unrelated
18 individuals. So a 14 here and 14 there doesn't mean
19 that they're related, it's just that DNA -- at that
20 location.

21 Q. Again, this is just the way you have memorialized your
22 DNA result at that location?

23 A. Yes.

24 Q. The numbers we just use as --

25 A. They are -- these were taken from my -- the graphs that

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 I referred to before.

2 Q. Okay. And in this case, I know that if you come down
3 here, and then once you get these two, you can go and I
4 note here, 7.3, there's three numbers here (indicating)
5 and actual evidence. Three numbers here (indicating),
6 four numbers here (indicating). Is that what we're
7 talking about a mixture?

8 A. Yes. If you get half DNA from mom, half DNA from dad,
9 you would expect no more than two numbers -- so
10 anywhere that you see more than two, like this one has
11 three and some has four, that's what's known as a DNA
12 mixture. I can tell there's more than one person
13 contributed to that.

14 Q. And sometimes it's what's called masking if they share
15 an alleles --

16 A. Sometime if they share -- it's hard to tell what came
17 from a person, so if they do share, like at this
18 location, this 10 and 14. You know, did the 10/14
19 comes from Mr. Hawes or did Mr. Wilson contribute some
20 of that 14, so it can be hard if you share.

21 Q. But if you go to the next loci, because you look at all
22 of it. You can't just look at one area?

23 A. No, we cannot look at one area. We have to look at all
24 the way across.

25 Q. Then in the next one, there are three, which happens to

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 be the same three here?

2 A. Correct.

3 Q. Is that correct? Then if anything is different, can
4 that person be eliminated?

5 A. We look for differences and if there are differences,
6 it's what's known as an exclusion. It doesn't match
7 that person.

8 Q. And in this case, we, also, referred to the vaginal
9 swab that was taken from the autopsy. Here, you've
10 got -- I just listed one on there for purposes of
11 illustration. Here is 6.3 F and 6.3 M, what is that?

12 A. Our testing for semen, we attempt in the laboratory to
13 separate what would be our male DNA or our semen
14 component. It's just a laboratory technique of trying
15 to target the semen cells.

16 Q. So at 6.3 M, what does M stand for?

17 A. Male.

18 Q. So the 6.3 F is female?

19 A. Female.

20 Q. So that's what was on the chart?

21 A. The M.

22 Q. Okay. I noticed, also, in some of these that some of
23 them are highlighted or in bold?

24 A. Yes.

25 Q. Why is that?

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 A. It may be hard to see, but there are ones that are in
2 bold. That is how we denote a major contributor, that
3 would be the person contributing more DNA to that
4 sample.

5 Q. And you mentioned that some of them you did not have
6 enough to make a conclusion, but say as in the 6.3 M,
7 the 11 here is in parentheses. Why is that in
8 parentheses?

9 A. It's in the region. It's a lower level. And I need to
10 interpret that with a little bit of caution. I'm not
11 really sure what's going on there in that level of
12 sample of DNA.

13 Q. But here, the nine, 12 and 10, you've got the 12
14 highlighted or bolded, so that would be the major?

15 A. I, actually, think the nine. I don't think you can
16 tell on there.

17 Q. Sorry.

18 A. Yeah, the nine is, also, bolded.

19 Q. So then the 10, which would be Hank Hawes, but you
20 didn't have enough DNA to call that?

21 A. What I have on this chart, I have the victim's profile.
22 We can say that she is present in the sample. It's
23 intimate sample. It's what's taken from a person's
24 body. You would reasonably expect to find my DNA on my
25 own vaginal swab.

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 Everything else that's left over, it is consistent
2 with Mr. Hawes, but it's at a level where I can't say
3 conclusively and support it with the match statement.

4 Q. And all of your findings are on those charts as far as
5 or supported by what you just testified to?

6 A. Yes. Basically, this is translated from those charts.

7 Q. Now, I noticed whenever you were talking about these
8 mixtures, you always say at least two individuals. Can
9 you have an extraneous allele that could show up in a
10 sample?

11 A. Yes, you can.

12 Q. That doesn't match either one, but still invalidate
13 your results?

14 A. Correct.

15 Q. And how does that happen?

16 A. We say, at least, two individuals because -- and people
17 can share. You can see here that they are sharing
18 these alleles. At least, two means I know there's, at
19 least, two there, but I can't conclusively says there's
20 three.

21 Q. And can a third -- like a -- like if I pick up an
22 evidence sample, which I'm not supposed to, and then I
23 go and touch it, could there have been other DNA left
24 there --

25 A. You could possibility leave DNA behind, yes.

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 Q. But in this case, all your findings are what's
2 reflected on these charts?

3 A. Yes.

4 Q. And we didn't go through the others, but they're all --
5 the numbers correspond with what's on the other charts?

6 A. Yes, ma'am.

7 Q. Thank you. You may go sit down.

8 A. (The witness complies.)

9 Q. And, finally, Ms. Stanley, in a case where two people
10 are bleeding at a crime scene, would you expect to find
11 mixtures such as in this case?

12 A. If two people are bleeding, I would expect to find
13 mixtures, possibly, at a crime scene.

14 Q. And if two, also, share that household, would you
15 expect to find mixtures?

16 A. Yes, depending on what items we're, actually, talking
17 about, but it's not uncommon.

18 MS. CAMPBELL: Thank you. I don't have anything
19 further?

20 THE COURT: Cross-examination?

21 MR. STRICKLER: Thank you, sir. May it please the
22 Court.

23 CROSS-EXAMINATION

24 BY MR. STRICKLER:

25 Q. Good afternoon, Ms. Stanley.

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 A. Good afternoon.

2 Q. Just a few questions if I could. So if I understand
3 you, when you test for DNA, actually, the process is
4 first to run a presumptive test for the presence of
5 blood?

6 A. Yes, sir.

7 Q. You use phenolphthalein for that?

8 A. Yes, sir.

9 Q. And that's done before the samples, actually, get to
10 the DNA process, correct?

11 A. Yes, it is.

12 Q. That's because DNA is not solely associated with blood,
13 correct?

14 A. Correct, it is not.

15 Q. It is associated with any cell which has a nucleus to
16 it; is that correct?

17 A. Yes, sir.

18 Q. With the exception of mitochondrial DNA?

19 A. Right, the type we're talking about is nuclear DNA.

20 Q. And cells other than blood contain a nucleus, correct?

21 A. Yes.

22 Q. And you mentioned skin cells, right?

23 A. Yes, sir?

24 Q. Okay. And you talked about a procedure as far as -- as
25 far as testing in a sample recovered as part of the

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 sexual assault protocol, right? Vaginal swab, for
2 example?

3 A. Yes.

4 Q. In that, you would expect to find a mixture of both --
5 of two DNA samples, right?

6 A. It's highly likely, yes.

7 Q. Because you're going to get DNA from semen and you're
8 going to have epithelial cells present from the female,
9 correct?

10 A. Yes. Usually, vaginal swabs, it's an intimate sample.
11 You can reasonably expect the person's DNA that it,
12 actually, came from to be present.

13 Q. Okay. And the process you use with those samples is
14 you take an enzyme and you apply it and bust open, my
15 terms, not yours, the skin cells, they're not as hard
16 to opened as the sperm cells and you obtain a sample
17 there which would be associated with the skin cells, is
18 that more or less correct?

19 A. It's a sample that's associated with nonsperm cells.

20 Q. Nonsperm cells?

21 A. So that would be that female fraction.

22 Q. And label that female, right?

23 A. Yes.

24 Q. It's the first fraction you get and you label it
25 female?

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 A. Correct.

2 Q. Okay. Then you do some more digestion with enzymes
3 that are stronger and they will bust open, my term
4 again, the sperm cells and you do your process on those
5 and you label that the male fraction?

6 A. Male or sperm.

7 Q. And those are labeled F and M on your chart there at
8 6.7 or whatever it is. And you don't come to definite
9 conclusions as far as Mr. Hawes in that regard, do you?
10 DNA profile that dealt with the sperm fraction of item
11 6.3 is a mixture of, at least, two individuals, but the
12 DNA profile contributable the victim was present, no
13 conclusive statement regarding the inclusion or
14 exclusion of Hank Hawes as a possible contributor?

15 A. Correct.

16 Q. When you say that, your conclusions are dictated by two
17 things, what you find during your testing and what your
18 protocol allows you to say, correct?

19 A. Absolutely.

20 Q. Okay. Because all your testing is governed by a very,
21 very thorough protocol, which sets forth all the
22 procedures to use in conducting the testing and all the
23 conclusions you're permitted to draw in interpreting
24 the results, right?

25 A. Yes, sir.

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 Q. So that statement is based on the results you got and
2 what you're allowed to say, correct?

3 A. Correct.

4 Q. Okay. But in looking at the male fraction, okay, from
5 6.7, it would be true that you find that alleles
6 present that are consistent with anyone other than Hank
7 Hawes and Jennifer Wilson, right?

8 A. It's item 6.3.

9 Q. 6.3, sorry.

10 A. But those are the two standards that I was given for
11 comparison and I did not find any that could not be
12 attributed to either one of them.

13 Q. And it's, also, not unusual in doing special testing on
14 an intimate sample like that that you don't necessarily
15 manage to separate the two fractions completely so that
16 you can find evidentiary samples consistent with female
17 present in the male fraction?

18 A. Correct.

19 Q. I don't know if I was being clear or not.

20 A. Yes, there -- it's not uncommon to find DNA from the
21 victim or the female or the donor to the item inside of
22 that male fraction.

23 Q. Okay. It's just -- you break them apart as best you
24 can and it's sometimes not 100 percent?

25 A. Right. Scientifically, it's done in a very small --

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 you can't see the DNA.

2 Q. Right.

3 A. So it's not something that I can see and they should
4 all open or busted (indicating) at a certain time or
5 anything.

6 Q. Okay. Now, as you said on direct, many, if not, I
7 guess most of the samples here are mixtures. All of
8 them -- when we get away from the male and female
9 fractions of the vaginal swab, all of them that you got
10 results on are blood, right?

11 A. Um --

12 Q. Blood is present in all of them?

13 A. I believe there were some submitted just for any DNA.

14 Q. Oh, the touch DNA?

15 A. Right.

16 Q. Okay. And my question is, when you find presence of
17 blood, because you can get DNA from skin cells, things
18 other than blood, because you find blood there and
19 because you find a mixture of blood does not mean
20 necessarily that you have blood from two people?

21 A. Correct.

22 Q. You could have blood from one and skin cells, some
23 other form of DNA from another, right?

24 A. Yes, sir.

25 Q. Okay. Now, let me go through a few things with you if

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 I can. 7.1 is a swab from the blade of the knife from
2 the living room, correct?

3 A. Yes, sir, it is.

4 Q. And that 7.1 is Hank Hawes and Hank Hawes alone?

5 A. The DNA profile developed from 7.1 matched Hank Hawes.

6 Q. That's swabbed from the blade of the knife in the
7 living room?

8 A. Yes, sir.

9 Q. Okay. 7.2, swabbed from the handle of the knife in the
10 living room. That comes back as Hank Hawes and Hank
11 Hawes alone, correct?

12 A. Yes, the same result. The DNA from item 7.2 matches
13 Hank Hawes.

14 Q. Okay. Then you get a second swab from the handle on
15 the knife in the living room and that is a mixture, but
16 Hank Hawes is the major contributor to the mixture, the
17 minor contributor being consistent with Jennifer
18 Wilson?

19 A. Yes, sir. The DNA profile developed from item 7.3 was
20 a mixture. The major contributor was consistent with
21 Hank Hawes and Jennifer Wilson could not be excluded as
22 a minor.

23 Q. Okay. Could not be excluded, and that's one of those
24 terms you're permitted to use by your protocol?

25 A. Yes, sir.

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 Q. Okay. So, first of all, the blade on 7.1, the knife in
2 the living room, first tested positive blood, correct?

3 A. Yes, sir, it did.

4 Q. And, secondly, that blood belongs to Hank Hawes?

5 A. That DNA profile.

6 Q. That DNA profile. All right. 9.2 is a cutting from
7 the shirt, which comes back as Hank Hawes and Hank
8 Hawes -- the profile is his, correct?

9 A. Yes, the DNA profile -- the cutting from the shirt
10 matches the DNA profile of Hank Hawes.

11 Q. And you received 10.1, which is swabs from a tool, the
12 wooden tool, and the DNA profile from that is
13 consistent with Hank Hawes and Hank Hawes alone,
14 correct?

15 A. Yes, that swab from the wooden tool matches the DNA
16 profile of Hank Hawes.

17 Q. And when I say Hank Hawes and Hank Hawes alone, one of
18 the things you do further on down the line after you've
19 done your comparisons and decided whether they match or
20 not, you then proceed to the second part of the
21 analysis and that's the statistical analysis, correct?

22 A. Yes, sir, it is.

23 Q. You use statistics which are related to population
24 genetics, which says all of these alleles, all these
25 loci occur independently of each other, they're not

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 linked together at all, they're -- in that fashion, you
2 can apply a formula to it and you can arrive at a
3 conclusion as to how likely it would be for anyone else
4 to have that profile, right?

5 A. It's not how likely it is for anybody else to have the
6 profile, it's what's the rarity of that profile.

7 Q. What's the chance of someone at random with the same
8 profile?

9 A. Yes, who is unrelated.

10 Q. Okay. So when you say -- when I say it's Hank Hawes
11 and Hank Hawes alone, what's the possibility of
12 selecting another individual at random that would match
13 that profile? Can you give me that number?

14 A. The probability of randomly selecting an unrelated
15 individual having a DNA profile matching, I believe the
16 last one we talked about --

17 Q. That was --

18 A. 10.1?

19 Q. 10.1, yes, ma'am.

20 A. Is approximately one in 25 quadrillion.

21 Q. How many zeros are there in a quadrillion?

22 A. I believe there's 15 in a quadrillion.

23 Q. Okay. That's lots, right?

24 A. Yes, sir.

25 Q. Okay. Moving on, 11.1, swab from the blade of the

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 knife from the master bedroom nightstand, the
2 nightstand right next to the bed. The swab from that
3 blade, that comes back as Hank Hawes and Hank Hawes
4 alone, correct?

5 A. Yes, sir, that DNA matches Hank Hawes.

6 Q. First of all, the swab from the blade came back
7 positive on your presumptive test for blood, so it's
8 blood, and it comes back as Hank Hawes and Hank Hawes
9 alone. And by that, I mean the probability of
10 selecting is something astronomical?

11 A. It was a presumptive test for blood.

12 Q. Right.

13 A. But the DNA profile that was developed matches the DNA
14 profile of Hank Hawes and I believe the stat on that
15 would, also, be the same. It would be -- the
16 probability of selecting an unrelated individual is
17 still one in 25 quadrillion.

18 Q. That's the blade of the knife on the master bedroom
19 nightstand.

20 Turning to item 14.4, which is a cutting from the
21 inside of the cooler bag, not the handles, the inside,
22 were you -- well, do you have that? That, too, from
23 the inside of the cooler bag, the cooler bag sitting by
24 the couch on the living room floor, the inside of the
25 bag, that DNA sample comes back as Hank Hawes and Hank

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 Hawes alone, correct?

2 A. The DNA profile developed from the cutting on the
3 inside of the cooler bag matches the DNA profile of
4 Hank Hawes.

5 Q. Okay. Item 24, swab from the master bedroom window
6 shade handle, you have that?

7 A. Yes, sir.

8 Q. Okay. Now, that's a mixture, but in that mixture, Hank
9 Hawes is the major contributor; is that right?

10 A. The DNA profile of the major contributor matches the
11 DNA profile of Hank Hawes.

12 Q. And what's the probability of that?

13 A. That one would still be the one in 25 quadrillion.

14 Q. Now, you could get different numbers, that's why I keep
15 asking you that, because sometimes you don't
16 necessarily get all the alleles being such that you can
17 use them so the math gets a little different?

18 A. Correct. The math can change a little bit based on the
19 actual profile I develop. Remember, we talked about
20 partial profiles and it's similar to a full profile,
21 but the math would be a little bit different. Some of
22 them are even less than that and the math would be
23 different on those as well.

24 Q. Okay. All right. Turning to 30.1.1 through 30.1.13,
25 which is the numerous cuttings that the Defense request

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 you make as reflected in various spots in these
2 photographs?

3 A. Yes, sir.

4 Q. Okay. Those all came back associated with Hank Hawes
5 and Hank Hawes alone, correct?

6 A. The DNA profile developed from items 30.1.1 to
7 30.1.13.2 all match the DNA profile of Hank Hawes.

8 Q. Okay. And, specifically, referring to State's 402,
9 okay?

10 A. Yes, sir.

11 Q. Which is associated with the second request for
12 testing, that's 30.1 -- help me here, please.

13 A. It's 30.1.12 and 30.1.13. And then I divided that
14 further into 30.1.12.1 and 2 and 30.1.12.1 and 2.

15 Q. And all these came back -- and these are, as opposed to
16 these big blood stains, these are around some of the
17 smaller spots on the sheet?

18 A. Yes, they were from the smaller area.

19 Q. Those all came back associated with Hank Hawes and Hank
20 Hawes alone?

21 A. Yes. The DNA profile developed from those, also,
22 matched the DNA profile of Hank Hawes.

23 Q. Now, let me ask you whether you received some other
24 items, please, okay?

25 A. Yes, sir.

STEPHANIE STANLEY REDIRECT BY MS. CAMPBELL

1 Q. Did you receive DNA swabs from Ms. Wilson's body, from
2 her right arm?

3 A. I don't believe so.

4 Q. From her neck?

5 A. No, sir.

6 Q. You didn't receive any swabs from any part of her body
7 other than the stuff associated with the sexual
8 assault?

9 A. The -- my item number 19, left leg of the victim's
10 body.

11 Q. Okay. Yep. Did you receive a swab from a pillow on
12 the couch in the living room?

13 A. No, sir.

14 Q. Did you receive a swab from vomit on the living room
15 carpet?

16 A. No, sir.

17 Q. Okay. Did you receive a swab from a cell phone
18 recovered in the master bedroom?

19 A. No, sir.

20 Q. Did you receive a swab associated with Columbia Police
21 Department item number 33 from the kitchen floor?

22 A. No, sir.

23 Q. Did you receive a swab from a large pool of blood on
24 the floor in the bedroom between the bed and the wall
25 where the window shade was located?

STEPHANIE STANLEY RECROSS BY MR. STRICKLER

1 A. No, sir.

2 MR. STRICKLER: Okay. Thank you very much.

3 THE COURT: Any redirect?

4 MS. CAMPBELL: Just a couple of questions.

5 REDIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q. In this case, if the Defense or the State had requested
8 that testing, you could have done it?

9 A. It was --

10 Q. If those items existed?

11 A. If they were submitted to me, I would have tested them.

12 Q. And, finally, he asked you about the vomit on the
13 living room floor, do you do DNA testing on vomit?

14 A. We have done DNA testing on vomit, but it's hit or miss
15 on the profiles. I think we can get pretty good
16 profiles, it just kind of depends on the sample.

17 Q. And, again, when doing your testing as far as whose DNA
18 is present in the sample, it can be blood and blood,
19 blood and cell, other cells, blood and spit, you just
20 can't tell?

21 A. I'm not able to make that determination.

22 Q. But it will test positive for blood if any blood is
23 there?

24 A. Yes, it will.

25 Q. And can you tell this jury how any of the blood got in

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 different place in that house?

2 A. I cannot.

3 MS. CAMPBELL: Thank you.

4 THE COURT: Recross?

5 RECROSS-EXAMINATION

6 BY MR. STRICKLER::

7 Q. Let me ask you this, can you tell us one way that you
8 can guarantee that you won't be able to get any DNA
9 results?

10 A. If it wasn't tested, I wouldn't have any DNA results.

11 Q. If you're not provided with something to test, you
12 can't get any DNA results, can you?

13 A. No, sir.

14 MR. STRICKLER: Thank you. That's all I have.

15 THE COURT: You may step down. Thank you very
16 much.

17 Call your next witness.

18 MS. CAMPBELL: The State calls Dr. Bradley Marcus.

19

20 Your Honor, may she be excused?

21 MR. STRICKLER: Without objection, Your Honor.

22 THE COURT: Yes, ma'am.

23 THE CLERK: Raise your right hand.

24 THEREUPON,

25 BRADLEY MARCUS, M.D.

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 after having been duly sworn, testified as follows:

2 THE CLERK: Thank you. Have a seat in the witness
3 stand, state your name for the record and spell it, please.

4 THE WITNESS: Dr. Bradley J. Marcus, M-A-R-C-U-S.

5 DIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q. Dr. Marcus, where are you employed?

8 A. I'm employed at a private practice pathology group,
9 Professional Pathology Services, here in Columbia,
10 South Carolina.

11 Q. What do you do there, sir?

12 A. There, I act as a general pathologist, also, as a
13 forensic pathologist.

14 Q. And can you tell this jury a little bit about your
15 education and your training in the field of -- what is
16 pathology, first?

17 A. Pathology is the study of disease, looking at it with
18 the naked eye and looking at it from under a
19 microscope.

20 Q. And in the course of pathology, do you often perform
21 autopsies?

22 A. Yes, one part of pathology is autopsy pathology and
23 forensic pathology.

24 Q. Can you tell this jury a little bit about your
25 education and training in the field of pathology?

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 A. Yes. I went to medical school at the American
2 University of Caribbean. After that, I graduated with
3 M.D. Then I enrolled at the Medical University of
4 South Carolina, where I did a six-year
5 residency/fellowship training in anatomic pathology,
6 clinical pathology, forensic pathology and
7 cytopathology.

8 Q. Okay. What are the differences between those different
9 levels of pathology?

10 A. Okay. So anatomic pathology deals with all the organs
11 in the body, including the skin. Where a surgeon does
12 surgery, for instance, a woman has breast cancer and
13 removes her breast. The breast is sent to pathology.
14 And it's an anatomic pathologist who dissects the
15 breast, takes the tumor out of the breast and then we
16 make slides of it and makes the diagnosis of what type
17 of cancer it is. And then the patient would then get
18 treatment from an oncologist.

19 Q. So you're, actually, the ones that read the slides?

20 A. Yes, we read the slides with a microscope.

21 Q. And you're trying to, actually, determine what kind of
22 cancer it may be or --

23 A. Yes.

24 Q. What disease may or may not be present?

25 A. Yes, that's what I do every single day.

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 Q. You mentioned other types of pathology?

2 A. Yes, clinical pathology, also, is the part of the
3 hospital that people aren't really aware of, but every
4 time takes your blood from you, it's sent to the lab
5 for testing. And you have to have a doctor that runs
6 that lab and is able to interpret those results and get
7 the results. Another aspect of that is blood banking.
8 Blood banking is one of the most important departments
9 in the entire hospital. Because one's blood is the
10 most expensive product we have and it's limited in
11 availability. So that's another thing we have to
12 determine, if a patient in the ward needs blood, they
13 call us and determine if they can really get it or not,
14 depending on supply, alternatives and so forth. That's
15 clinical pathology.

16 Q. You, also, mentioned a third type of pathology?

17 A. Yes, cytopathology is another aspect of pathology that
18 we study sets, okay, sets. For instance, one of the
19 most popular things is the PAP tests. All women get
20 PAP tests. Well, that PAP test goes to a doctor like
21 me and I'll look at it under a microscope and make a
22 determination whether it's a normal PAP test or it's a
23 malignant PAP test. That's another thing that's part
24 of cytopathology.

25 Cytopathology is, also, sticking a needle in

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 practically any part of the body and getting a little
2 bit of tissue out and then we read that under the
3 microscope by looking at the individual sets, not the
4 organ.

5 Q. So you, actually, read biopsies?

6 A. Yes, I read biopsies.

7 Q. And, finally, the fourth area you mentioned is what we
8 call forensic pathology?

9 A. Yes. Forensic pathology deals with the medical/legal
10 aspect of death investigations. So when somebody dies
11 suddenly and unexpectedly, generally, there's a medical
12 examiner or a coroner who orders an autopsy.

13 In this case, in South Carolina, Richland County,
14 we have a coroner system. So coroners order an autopsy
15 and they have a forensic pathologist do the autopsy.
16 And I determine the cause of death and the manner of
17 death.

18 Q. And are you Board certified in any areas of pathology?

19 A. Yes. I'm Board certified in anatomic pathology,
20 clinical pathology, forensic pathology and
21 cytopathology.

22 Q. And how long have you been Board certified in those
23 areas, sir?

24 A. I've been Board certified in them for seven years now.

25 Q. Did you just recently renew your Board certifications?

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 A. Yes. Every 10 years, beginning at year seven, you have
2 to renew your Board certifications. And I renewed all
3 my Board certifications in August of this year.

4 Q. And have you ever had any sort of designation as far as
5 being a medical examiner in this state?

6 A. Yes. In Richland County, I'm chief medical examiner.

7 Q. And what does that include? What do your duties
8 include as the chief medical examiner for Richland
9 County?

10 A. Basically, I'm the go-to guy for -- when there's an
11 autopsy to be done. We have other medical examiners
12 that work for us and they work under me, so they -- we
13 always come and talk about our cases and so forth and
14 we keep up to date what's going on. If they have a
15 problem with a case trying to figure it out, if they
16 come to me, I try to give them my opinion.

17 Q. And you, also, confer with them yourself?

18 A. Yes, I always confer with them about cases.

19 Q. And have you ever been qualified in court as an expert,
20 specifically, for purposes of this courtroom, in
21 forensic pathology?

22 A. Yes, I have.

23 Q. And approximately how many times have you been
24 qualified, do you know?

25 A. Greater than 20.

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 MS. CAMPBELL: Your Honor, at this time, we would
2 offer him as an expert in forensic pathology.

3 THE COURT: Any objection?

4 MR. STRICKLER: No, sir.

5 THE COURT: All right. The Court so finds.

6 BY MS. CAMPBELL:

7 Q. Doctor, I want to turn your attention to this case.

8 Were you requested to do an autopsy on Jennifer Wilson
9 back in August of 2011?

10 A. Yes, I was.

11 Q. Where did that autopsy take place?

12 A. It took place in the morgue at Palmetto Health Richland
13 Hospital.

14 Q. That is that, typically, where you do your autopsies?

15 A. Yes.

16 Q. And in addition to being the chief medical examiner for
17 Richland County, do you, also, perform autopsies at the
18 request of other counties as well?

19 A. Yes.

20 Q. In special situations?

21 A. If another county request an autopsy be done, depending
22 on the circumstances, we will do the autopsy for that
23 county, also.

24 Q. What date was it that you, actually, performed the
25 autopsy in this case?

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

- 1 A. August 29th, 2011.
- 2 Q. What time of day?
- 3 A. 9:30 a.m.
- 4 Q. And that took place at the hospital here in Richland
- 5 County?
- 6 A. Yes.
- 7 Q. Richland Memorial?
- 8 A. Yes.
- 9 Q. How was the body, actually, transported to the morgue
- 10 where you did the autopsy?
- 11 A. The coroner's office transported the body. It gets
- 12 transported in a locked body bag.
- 13 Q. And, basically, when you first came in contact with
- 14 this case with Ms. Wilson's body, it's in a body bag?
- 15 A. Yes.
- 16 Q. And tell the jury, just walking through, how you
- 17 started to proceed with your autopsy in this case?
- 18 A. When we do the autopsy, we, generally, have a coroner's
- 19 official, another deputy coroner in the autopsy room
- 20 with us. And then in addition to that, any cases where
- 21 you have suspected suicide, accident, or homicide,
- 22 there's, generally, an investigator from the police
- 23 department and/or SLED that are there with me doing the
- 24 autopsy.
- 25 Q. And in this case, I believe Investigator Paul Nelson,

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 actually, attended this autopsy?

2 A. Yes. I don't recall exactly who was there, but I've
3 seen him at any autopsies.

4 Q. Tell the jury your observation when you first started
5 your autopsy in this case.

6 A. Well, I was told a brief history, that there was a
7 possible -- a stabbing, so that becomes more of a
8 homicide investigation. So the police get there, the
9 coroner's there, the body has been rolled out from the
10 cooler on the autopsy -- you know, placed on the
11 autopsy table.

12 Q. Prior to doing an autopsy, do you have any preconceived
13 ideas of whether it may be a homicide, an accident or a
14 suicide?

15 A. I do, but, basically, the coroner, generally, or the
16 deputy coroner will give me a brief -- a brief
17 description of what the circumstances were here.

18 Q. When you observed Jennifer Wilson's body, did you
19 noticed any wounds right away?

20 A. After the body bag was opened, I immediately noted stab
21 wounds and incised wounds all over her body.

22 Q. Okay.

23 A. Do you want me to define those?

24 Q. Yes, please, that would be my next question.

25 A. So a stab wound is a wound made with a sharp instrument

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 that's deeper than it is long when I look at the body,
2 okay. That's a stab wound. An incised wound, also
3 known as a cut, is a wound on the body that is longer
4 than it is deep. Okay, it's longer than deep. So
5 that's how I categorize the sharp force injuries on a
6 body.

7 Q. When you're talking about a stab wound, does that
8 consist of someone taking a sharp instrument such as a
9 knife and going straight down and stabbing someone?

10 A. Yes, ma'am.

11 Q. And then when you're talking about what you call
12 incised wounds, those you refer to as cuts, I call them
13 slashes, are they more side to side?

14 A. Yes, ma'am.

15 Q. And, in fact, the cut goes longer than it does deep?

16 A. That's correct.

17 Q. And the stab wound goes deeper than it does wide?

18 A. Correct.

19 Q. Okay. And you mentioned that you noticed both?

20 A. Yes, I noted both on the body.

21 Q. And what areas did you note, generally -- and we'll get
22 back to specifics in a minute, incised wounds as well
23 as stab wounds in this case?

24 A. All over her neck, her chest, her abdomen, her back and
25 on her upper extremities.

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 Q. And are you familiar with the term defensive wound?

2 A. Yes.

3 Q. What does a defensive wound mean to you as a
4 pathologist?

5 A. A defensive wound is a -- generally, they occur when
6 you sharp, forced injuries, such as stab wounds or
7 incised wounds, that you get them on your hands
8 (indicating) or on your forearm area (indicating) and
9 sometimes possibly on the back of your arms
10 (indicating) like this (indicating). And you,
11 generally, get them if somebody -- if you're conscious
12 and somebody is coming at you with something, it's a
13 natural tendency to just kind of go like this or, you
14 know, try to grab and stop it. So even if somebody
15 were to throw something at you, it's your general
16 tendency to go like this (indicating). So that's the
17 way you can get those types of wounds from.

18 Q. And did you notice on your initial assessment some what
19 appeared to be defensive wounds for Ms. Wilson?

20 A. Yes.

21 Q. And those would have been to the areas you've just
22 described?

23 A. Yeah, on her upper extremities.

24 Q. And your initial assessment, were you able to, also,
25 roll her over and look at her back?

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 A. Yes. Her back -- we looked at her back, also. Before
2 we did any of that, though, we did the rape kit first.

3 Q. Okay. Let me back up to that then. Okay, you did the
4 rape kit. In this case, was there any allegation
5 necessarily of rape?

6 A. No. But I had a female that was unclothed. I always
7 do a rape kit just to cover my bases.

8 Q. Okay. And in the rape kit, does it include -- did you
9 take what's known as a known sample or a buccal swab of
10 the victim?

11 A. Yes.

12 Q. In addition to that, do you also take what are vaginal
13 swabs?

14 A. I take vaginal swabs and I, also, anal, rectal swabs.

15 Q. And were all those packaged separately and submitted
16 into what was called the CSC kit?

17 A. Yes. The last thing I did was I did a pubic combing of
18 the pubic hairs, also, and submitted that, also.

19 Q. Then once you had that done and that evidence
20 collected, you then proceeded to examine the rest of
21 the body generally?

22 A. What I did was -- since she had stab wounds, another
23 thing I always do when someone has stab wounds is I
24 take x-rays of the body, okay. Wherever I see stab
25 wounds, I take x-rays. Because sometimes, all right,

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 you can get -- the knife tip can break off if it hits a
2 bone or something and you have an object in there. And
3 it's very easy to miss if I don't x-ray the body when
4 doing these cases. So I took x-rays of the body to
5 make sure there was no metal or any fragments of a
6 knife blade in her body.

7 Q. And once you did that, was there any metal or any
8 fragments in her body?

9 A. No, the x-rays were, you know, completely normal. No
10 opaque objects or projectiles in her body.

11 Q. After you did that, did you make any further
12 observations as far as any possible wounds of the body
13 area?

14 A. I just -- there were some contusions on her body --

15 Q. What's a contusion?

16 A. A contusion is a bruise, okay. So everyone's gotten
17 these. You bump your leg into something and the over a
18 course of several days, it changes color. It's red,
19 then it's purple, green, yellow, and then it goes away.
20 Basically, a contusion is some sort of trauma to your
21 body where it breaks the blood vessels and you get
22 hemorrhage that's into the soft tissues of the region.
23 That's a contusion.

24 Q. And that can be apparent on the skin area?

25 A. Yeah, contusion, also known as bruise.

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 Q. And what other observations did you make as far as her
2 injuries?

3 A. She also had some abrasions. Abrasions are just
4 superficial scratches on the skin. Say, you fall down
5 and you skin your knee, that's an abrasion. Those were
6 on her body, also.

7 Q. Once you had made your observations, did you -- were
8 you able to determine this victim's height and weight?

9 A. Yes, ma'am.

10 Q. What was her height?

11 A. Well, let's make sure we get this straight. It's
12 length. Height is measured standing up. I can't do
13 that, so I measure length laying on the table from the
14 heel to the foot. So it could be different from he
15 height. She was 66 inches in length, about five-foot
16 six.

17 Q. Five-foot six?

18 A. Yes.

19 Q. And that would be from the bottom of her foot to where?

20 A. To the top of her head.

21 Q. To the top of her head?

22 A. Yes.

23 Q. So she was about five-foot six. And what was her
24 weight?

25 A. She weighed approximately 105 pounds.

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 Q. 105 pounds?

2 A. Yes.

3 Q. You noted there were multiple abrasions, incised
4 wounds, stab wounds. Was she covered in blood?

5 A. No, no, she wasn't. She didn't have any blood on her.

6 Q. Tell the jury what you did next as far as proceeding
7 with your autopsy?

8 A. Well, from that point on, I start making a diagram
9 while the corner's office and the police investigator
10 that's there take photos. They take a few swabs of
11 things. They follow protocol that they have. And I
12 start, basically, documenting all the injuries that are
13 on the body.

14 Q. I want to show you what's been marked -- the ones that
15 are allowed, State's Exhibit 202, 207, 208, 211, 212,
16 220, 221, 229, 231, 233, 235, 237, 238, 243, 245, 247,
17 248, and 251. Have you had an opportunity to review
18 these?

19 A. Yes, ma'am.

20 Q. And would these aid you in explaining the nature of the
21 injuries and the ultimate cause of death in this case?

22 A. Yes, ma'am.

23 MS. CAMPBELL: Your Honor, at this time, we would
24 offer them into evidence.

25 MR. STRICKLER: Subject to our previous objection,

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 Your Honor.

2 THE COURT: Overruled.

3 (State's Exhibit Nos. 202, 207, 208,
4 211, 212, 220, 221, 229, 231, 233, 235,
5 237, 238, 243, 245, 247, 248, and 251
6 were admitted into evidence.)

7 BY MS. CAMPBELL:

8 Q. And these are photographs of, at least, some of
9 injuries in this case, correct?

10 A. That's correct.

11 Q. And you mentioned, also, that you made a diagram in
12 this case?

13 A. Yes, ma'am.

14 Q. And I want to show you what's been marked as State's
15 Exhibit Nos. 433 through 436. Are these blow-ups of
16 your diagrams?

17 A. Yes, ma'am.

18 Q. Are these the diagrams you, actually, generated in part
19 that day?

20 A. Yeah, I did those while I was doing the autopsy.

21 MS. CAMPBELL: Your Honor, at this time, we would
22 offer these into evidence.

23 THE COURT: Any objection?

24 MR. STRICKLER: Yes, sir, they're just cumulative
25 to everything else.

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 THE COURT: Admitted over objection.

2 (State's Exhibit Nos. 433 through 436

3 were admitted into evidence.)

4 MS. CAMPBELL: Your Honor, may the witness step
5 down?

6 THE COURT: Yes, ma'am.

7 BY MS. CAMPBELL:

8 Q. In talking about the external injuries in this case,
9 what does State's Exhibit No. 433 reflect?

10 A. This is my first diagram of her.

11 Q. Uh-huh.

12 A. Basically, I try and -- with the diagram like this, I
13 try -- you know, I do the weight, length, temperature,
14 rigor. The rigor is the stiffening of the body after
15 death.

16 Q. What was her state of rigor?

17 A. It was four, fully stiff.

18 Q. And was that consistent with the time period of the day
19 before from being killed?

20 A. It's consistent with the time and the type of injuries
21 that she sustained, yes.

22 Q. Okay. Keep going.

23 A. Livor is the settling of the blood. After a body dies,
24 whatever blood is in the body, it will pull towards
25 wherever gravity is and then kind of sit there -- her

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 eyes are brown, her ears are okay, her nose and teeth
2 were good, neck was good. Abdomen was flat. Her
3 genitalia appeared normal.

4 Then the only other thing I try to note on here,
5 these dots here represent when EMS arrived at the
6 scene, they put EKG pats in this area (indicating)
7 generally to see if there's any electrolytes in the
8 heart. And those were on the body, so I just marked
9 those with circles. I noted that her toenails were
10 painted orange/pink, one of those colors in between.

11 Q. So none of the wounds were, actually, documented on
12 this?

13 A. No, I try to keep this separate.

14 Q. And in your hand, is that the report you generated in
15 this case?

16 A. Yes.

17 Q. Okay. And that's what you're going to be referring to?

18 A. Yes.

19 Q. And on this diagram, first, before we talk about her
20 internal injuries, I want to talk about what you
21 observed -- wait, let me back up. How did you perform
22 the autopsy? How is it, actually, done once
23 everything's photographed and documented?

24 A. Yeah. Generally, in a case like this, generally, the
25 body is generally really covered with blood. In this

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 case, we didn't have that. So the first thing we
2 always do is get the blood off and that takes quite a
3 bit of work if there was a lot of blood. Blood kind of
4 dries almost like a paste-like material. It's
5 extremely difficult to get the body with soap and so
6 forth.

7 So, basically, we photograph the entire body. And
8 that's with the diagram here. And, basically, then --
9 when they're photographing it, I'm going, generally,
10 from head to toe looking for any injuries,
11 abnormalities and documenting them in my report. And
12 so in this case, the autopsy was -- it took a while.
13 It took several hours, as I recall, because there's a
14 lot of wounds on here, a lot of stuff I had to
15 document. And so, basically, the external exam
16 probably lasted three-quarters of the autopsy compared
17 to doing the internal exam. Because once I had the
18 wounds documented, I could go and then go into the body
19 and start dissecting all the organs out.

20 Q. And once you were able to document this -- and I'll get
21 back to that document in a minute, then you, actually,
22 did your internal examination?

23 A. Then --

24 Q. Also, were you able to determine the depth of the
25 wounds doing that examination?

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 A. Yes, ma'am.

2 Q. You do that before or after you do the internal
3 examination?

4 A. I do that in conjunction with the internal exam,
5 determine the depth. I do that in conjunction with
6 that because sometimes you just can't follow the wound
7 track until you, actually, get in the body and see
8 where it goes. Just like chasing after bullets in the
9 body.

10 Q. And take these in whatever order you want to start
11 with, as far as you said you start from the top of the
12 head and kind of move down. And, again, these are just
13 some of the injuries you noted and we'll talk about the
14 ones on a different diagram in a moment.

15 A. Yeah, that's fine.

16 Q. Okay. Which one -- where did you start?

17 A. I started up -- up here on the -- well, there's a head
18 diagram, also.

19 Q. Would that be helpful?

20 A. Yeah. I did a separate head diagram in this case.

21 Q. And this is State's 435. What did you note there, sir?

22 A. So here on the body, what we have here on the upper
23 right lip region, there's a small abrasion, so that's
24 like some of the epithelial of the skin has been rubbed
25 away, a little bit of blood there. So that's an

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 abrasion on her upper lip.

2 Under her chin right here, there were two
3 abrasions and they had a very yellow base to them. So,
4 generally, when you're alive when an abrasion occurs,
5 it becomes red because you damage the skin and you
6 bleed. These things here had a yellow base to them.
7 That means they occurred one, postmortem, after death;
8 or two, they occurred very close to death where blood
9 flow really wasn't flowing up in that area of the body,
10 but the skin was still traumatized and it kind of
11 went -- the skin -- blood didn't kind of ooze in the
12 area and they're called yellow-based abrasions.

13 Q. So that was either at or around the time of death or
14 postmortem?

15 A. That's correct.

16 Q. And that would have been inflicted in what manner as
17 far as blunt force trauma or --

18 A. Yes, some sort of blunt force trauma.

19 Q. It would be significant enough to disturb the skin?

20 A. Yeah, to disturb the skin, or her chin could have been
21 pushed up against something like that (indicating), you
22 know, something that caused the skin to scrape away.

23 Q. As if maybe even dragged?

24 A. That's a possibility.

25 Q. What else did you note here?

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1 A. All right. My stab wounds, I labeled the stab wounds
2 with numbers. I want to give you a heads up, these
3 stab wounds are labeled for identification purposes
4 only and do not reflect the order in which they were
5 received.

6 Q. Can you tell the order in which the stab wounds were
7 received?

8 A. I cannot, okay. So it's just for numbering purposes
9 only.

10 Q. Okay.

11 A. So I labeled a -- there was a stab wound to the right
12 neck region, I labeled that number one. Then, also,
13 over here on the right side of the neck, there was a
14 yellow-based abrasion that was approximately 2.2
15 inches.

16 Q. 2.2 inches?

17 A. Across, yes.

18 Q. That was on the right side of the neck?

19 A. Excuse me, that's on the left side, the anterior left
20 side of the neck.

21 Q. And I show you what's been marked as State's Exhibit
22 No. 202. Does this show the area to the lip, the neck,
23 part of the abrasion on the side of the neck?

24 A. Yes, it does.

25 Q. These were, actually, taken at autopsy?

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- 1 A. Yes, ma'am.
- 2 Q. And State's Exhibit No. 207, is that a close-up of this
- 3 wound right here?
- 4 A. Yes, that's a close-up of that wound labeled stab wound
- 5 number one.
- 6 Q. Okay. Continue with what you documented.
- 7 A. On the right neck here, she had a small incised wound
- 8 approximately zero point -- maybe that's four
- 9 centimeters -- four inches.
- 10 Q. Okay. And incised wound means, that's IW there?
- 11 A. That's just a small cut.
- 12 Q. And that was on which side of her neck?
- 13 A. That was on the right side of her neck, lateral side.
- 14 Q. Moving back to State's Exhibit, what's that number?
- 15 A. It's 434.
- 16 Q. Thank you. Did you note additional wounds to
- 17 Ms. Wilson?
- 18 A. Yeah, again, coming downward, there's multiple stab
- 19 wounds labeled individually throughout this diagram and
- 20 then multiple incised wounds related to this diagram,
- 21 contusions, abrasions, and -- yeah, that's pretty much
- 22 it.
- 23 Q. Taking the stab wounds just in the order you numbered
- 24 them, can you point them out where they were on the
- 25 body in this diagram?

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- 1 A. Yes, I can. So stab wound number one was up here on
2 the right neck region. Stab wound labeled number two
3 is on the left chest region just above the breast, just
4 above the left breast. Stab wound number three is to
5 the upper right chest, above the right breast. I
6 forget where number four is. Let me check my notes.
7 Here we go, I'm sorry. It's a stab wound down the
8 forearm. It's on the posterior arm right here
9 (indicating).
- 10 Q. When you say posterior, is that on the back of the arm?
- 11 A. Yes, the back of the arm.
- 12 Q. Okay. Continue.
- 13 A. Stab wound number five is on the posterior aspect of --
14 just right next to stab wound number four. Stab wound
15 number six is on the right forearm (indicating),
16 posterior aspect, so the back of the forearm
17 (indicating). Stab wound labeled number seven is up
18 here (indicating) on the top of the left shoulder.
- 19 Q. I show you State's Exhibit No. 208, is that what we're
20 referring to in stab wound number seven, or is that an
21 incised wound?
- 22 A. That, I believe, is number seven, yes.
- 23 Q. Continue.
- 24 A. Stab wound number eight is up on the upper left back
25 just below the neck line. Stab wound labeled number

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1 nine is on the upper, you know, middle to left back
2 region. Stab wound number 10 is just on the middle
3 left back. Stab wound number 11 is to the right back
4 (indicating). And stab wound number 12 is, also, just
5 below stab wound number 11 to the right lower back.

6 Q. You, also, note the number of what are called the
7 incised wounds or cuts that we referred to earlier?

8 A. Yes, yes, I do. There's numerous incised wounds all
9 over the body. We have one right here (indicating) on
10 the left neck region. There are two incised wounds up
11 in this region here. One I pointed out already on the
12 neck on that one. We have an incised wound right here
13 on the upper shoulder region (indicating). We have an
14 incised wound on the right hand near the thumb region.
15 That I would categorize as a defense wound. We have an
16 incised wound -- this is an incised wound right here
17 (indicating) coming off stab wound number three. That
18 1.6 inch, that's an incised wound right there. We have
19 another incised wound on the posterior back right here
20 (indicating), 0.1 inch. We have another incised wound
21 right here (indicating) at 2.4 inches.

22 Q. Where is that?

23 A. Posterior left forearm.

24 Q. And would you categorize that any way?

25 A. That's just another incised wound on the posterior arm.

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1 We have an incised wound to the back of the left hand
2 (indicating), right about this region (indicating).

3 That, I would, also, categorize as a defense wound. We
4 have an incised wound right over here (indicating) on
5 this hand. This aspect of this hand, that is another
6 incised wound, also. I would consider that a defense
7 wound. And I think that's all regarding the incised
8 wounds.

9 And then I have up there contusions.

10 Q. Contusions are bruises?

11 A. Contusions are bruises, that's correct.

12 Q. Go ahead.

13 A. There's a very large contusion up on the right -- the
14 right shoulder region right here (indicating), very
15 dark purple contusion that had an associated abrasion
16 to it, an abrasion and they were 0.23 inches apart --
17 two abrasions that were 0.23 inches apart.

18 Q. I show you State's Exhibit No. 211, a close-up of
19 State's Exhibit No. 40. Is that what you're talking
20 about?

21 A. Yes, ma'am.

22 Q. When you talk about the two abrasions, where in this
23 photograph are you talking about those abrasion?

24 A. I see two small abrasions at the bottom of the wound
25 right here (indicating).

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1 Q. And in your opinion, is this consistent with a bite
2 mark?

3 A. It could be a bite mark.

4 Q. Proceed.

5 A. So she had a 0.4 inch abrasion on the -- right here on
6 her chest, right about the midline of her chest
7 (indicating). She had two yellow abrasions right here
8 (indicating) on the left aspect of her, what you
9 call -- two small abrasions. And, again, they were
10 yellow, so that meant they occurred around death or
11 postmortem. So blood flow wasn't really flowing when
12 she received those injuries.

13 She had a -- okay. So here -- here's another
14 contusion up here (indicating), posterior aspect of her
15 left shoulder, upper back region. That's a 1.0 by 0.3
16 inch contusion. She has two more contusions up in that
17 region right here (indicating) that are 0.3 inch each
18 up here, just adjacent, next to stab wound labeled
19 number eight. She has a small -- a red contusion on
20 the posterior of her forearm, 2.2 inches. And I think
21 that covers all the contusions on this.

22 Q. Once you had noted externally your observations of the
23 contusions, the abrasions, the stab wounds, the incised
24 wounds, did you then look at her internally as well?

25 A. Yeah, after that we measured everything. We measure

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1 all the fluids, distance from the top of the head,
2 distance to the right midline, measure the wounds with
3 a ruler. We try to determine blunt edge because they
4 looked like knife wounds. Generally, knives have a
5 sharp edge and a blunt edge on top. When you put that
6 into the skin when someone is stabbed, you can,
7 actually, see which way the knife was put in because of
8 the way the blunt edge is because it becomes square and
9 you can see the sharp end. So we try and estimate the
10 blunt edge, you know, the position of what the blunt
11 edge on the wound is. And then you start with the
12 depth. Sometimes as we dissect the body, we start
13 doing depths of the wounds to see how deep they are.

14 Q. Before we get to the depth and that information, first
15 of all, State's Exhibit No. 202, you've, also,
16 identified as a stab wound?

17 A. Yes, this stab wound has a very good characteristic.
18 This stab wound has a nice abrasion along the 12:00 to
19 probably the 7:00 position. The abrasion on that wound
20 looks as if the knife was put in and twisted. That's a
21 textbook picture of a stab wound with a possible twist
22 to it.

23 Q. And I note that in looking at the other stab wounds, it
24 is round in nature?

25 A. Yeah, it's round in nature.

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1 Q. And that would have been made by a twisting action?

2 A. It can be made by a twisting action. Now, the skin
3 flexing is, also, helping it out, but the abrasion
4 around it looks like as if the sharp part of a blade,
5 you know, abraded the skin there and caused the bruise.

6 Q. What was the purpose in twisting the knife?

7 A. Again, the blade could have been put in and twisted.
8 It could have been a struggle where her neck moved and
9 twisted the blade. It's very hard to say. But the
10 neck -- but what I can tell you about that wound is
11 that wound, the knife did not go straight in and
12 straight out. That knife went in and somehow moved.

13 Q. Looking at the other side of the neck, State's Exhibit
14 No. 45, does that show some of the --

15 A. Yes, this shows some of the incised wound right there,
16 along with that yellow abrasion.

17 Q. Again, that yellow abrasion would have been around what
18 time?

19 A. Around the time of death or postmortem?

20 Q. State's Exhibit No. 208, the top of her shoulder?

21 A. Yes, that's a stab wound right there.

22 Q. This is a stab wound?

23 A. Yes.

24 Q. What about this one?

25 A. That's an incised wound. See that right there, that's

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1 a cut. That's an incised wound or cut.

2 Q. And that would be to the shoulder area?

3 A. The shoulder area right here (indicating), yes.

4 Q. Moving on to the ones of her chest, State's Exhibit
5 212?

6 A. Yes, these are some of the stab wounds that I described
7 before to her chest region. This is the one of her
8 left breast. And this is the one -- I mean, her right
9 breast area. That's corresponding that wound right
10 there (indicating).

11 Q. So there were stab wounds, one to each breast?

12 A. Yes, ma'am.

13 Q. State's Exhibit 216 is a close-up. I note that this
14 wound -- this is what kind of wound?

15 A. That's a stab wound. Again, that's another stab wound.
16 And then you can see on the -- at the 6:00 position on
17 that wound, there's an incised trailing down the middle
18 of it.

19 Q. State's Exhibit No. 220, does this show an overview of
20 some of the wounds to the back?

21 A. Yes, this shows another -- I believe I called that an
22 incised wound there -- no, excuse me, that's stab wound
23 number eight. I apologize. And that's some of the
24 contusions that I drew here, the contusions and red
25 discolorations on her skin.

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1 Q. The bruising we see there?

2 A. Yes.

3 Q. This red color on her skin here, though, did that --

4 A. That's what we call livor. That's the settling of
5 whatever blood's left in the body. Gravity is going to
6 pull it. It's going to pull it because your heart's
7 not beating and it's not -- it's just going to go
8 wherever gravity pulls it. If she was down laying face
9 down, it would be all on the front of her. So this is
10 one of the ways we can kind of tell if the body's been
11 moved. You know, this is one of the ways.

12 Q. But in this case, this is definitely not livor here?

13 A. That is not livor, no, that is not livor.

14 Q. And State's Exhibit No. 221?

15 A. Okay. These are some more -- these are more stab
16 wounds. I just can't tell exactly on the body where
17 they are.

18 Q. 220?

19 A. Oh, okay. This is on her back, okay, because we have
20 the livor here. This is on her back. And these are
21 some of the stab wounds that were found on her back
22 that we described over here.

23 Q. Moving on to 231, what does that show?

24 A. That's another -- that's a stab one right there
25 (indicating) that I described number five.

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- 1 Q. Here (indicating). And the other side of her arm on
2 233?
- 3 A. Yes, that's stab wound -- one of these I think is
4 number four right there (indicating).
- 5 Q. Her other arm, 235?
- 6 A. Yes, this is a -- this is -- again, this is another
7 incised wound to her forearm area. And it has a
8 yellowish coloration to it. And that is due to, again,
9 that occurred around the time of death or postmortem
10 because there's no blood flow to that injury.
- 11 Q. 237?
- 12 A. Just showing her arm pulled out here (indicating).
- 13 Q. Her other forearm, 238?
- 14 A. This is describing this stab wound right here, number
15 six, right there (indicating). And, again, that --
16 that wound, I do classify that as a defensive wound.
- 17 Q. 243 and 245?
- 18 A. These are some of the incised wounds that I described
19 on the hands. Again, longer than they are deep. It's
20 just little superficial slashes, cuts.
- 21 Q. And, again, that's on the hand area?
- 22 A. Uh-huh.
- 23 Q. And 247, bruises --
- 24 A. Yeah, this is just some discoloration on her legs.
25 Again, discoloration on her knees (indicating).

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1 Q. And these are -- you documented some of the injuries?

2 A. Yes.

3 Q. Once you had determined that and the depth of the stab
4 wounds, did you, also, do anything to indicate whether
5 or not she had any trauma to the head area?

6 A. Yes. Okay, so part of our autopsy is one of the things
7 we always do last is we remove the brain. And the way
8 we do that is we've got to preserve the face and so
9 forth because I have to assume that everyone's going to
10 have an open casket funeral.

11 So what we do is we make an incision behind the
12 ears, from one ear to the next, and we cut the skin and
13 we kind of get under the scalp with our hands and
14 we really get under the scalp and we slowly pull the
15 scalp like over the head. It goes over the head. So
16 what that exposes then is a full skull. And the reason
17 we do it this way is because after removing the brain,
18 we put the skull cap back on, put the scalp back and
19 then stitch it. And then really sitting in a coffin
20 when you're on a pillow, you wouldn't see that an
21 autopsy was even done.

22 Q. What are you looking for when you do that? Why do you
23 do that?

24 A. One of the main reasons to do it is to get access to
25 the brain. So we have to -- again, we're not going to

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1 cut the skin, we have to cut the bone. But then the
2 second reason, any type of violent death, we always do
3 that to see if there's any traumatic injuries that
4 occurred to the head.

5 Now, in this case -- sometimes, if someone doesn't
6 have any hair, you can see a bruise on the head. But
7 in this case, Ms. Wilson had very dark hair. It was
8 fairly curly. It was very difficult to see any bruises
9 on her scalp unless she had a deep wound on her scalp.
10 So in this case, you pull the head over and you take --
11 you look and see if there's any injuries to her scalp.

12 Q. What injuries to her head?

13 A. Okay. With this diagram here, what we have is, again,
14 we made that incision in the back. And just think of
15 this flapped over here. So what we have here is --
16 everything I marked here is where we had hemorrhage,
17 okay.

18 Q. What do you mean by hemorrhage?

19 A. Hemorrhage means blood vessels broke and leaked into
20 the tissues on the scalp and on the bone of the skull.
21 So blood vessels due to some sort of traumatic injury
22 to her head.

23 Q. Some type of blunt force trauma?

24 A. Some sort of blunt force trauma to her head. Whether
25 she was punched, fell down and got these injuries, it's

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1 unknown to me. But I can tell you that she did sustain
2 some traumatic injuries to her head.

3 Q. When you say traumatic is more significant --

4 A. They were significant injuries where they showed up.
5 You know, she was going to have a bruise there if she
6 had lived and healed. Now, they weren't to the point
7 of being super traumatic where she had an internal head
8 bleed. She didn't have an internal head bleed.

9 Sometimes if we get hit hard enough, you can rupture
10 the vessels that are in your brain. In this case, that
11 wasn't there.

12 Q. But it did show up as hemorrhage under the skin?

13 A. Yes, hemorrhage showed up on the skin and, you know, on
14 the bone tissue. It's like a thick covering that
15 showed up there, but nothing internally inside of her
16 skull.

17 Q. So this would be indicative of blunt force trauma to
18 different areas of her head?

19 A. Yes, ma'am.

20 Q. Was that by one blow?

21 A. No, I would say you have, at least, one, two, three. I
22 would say in my opinion on this, at least, three blows
23 to the head.

24 Q. Thank you. You can take the stand.

25 A. (The witness complies.)

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1 Q. You mentioned that you went and on the stab wounds,
2 we'll start with those, can you tell the jury the
3 description -- the area of number one, taking them, I
4 guess, just by number, and then what you're findings
5 were as far as each stab wound?

6 A. So stab wound number one was to the right neck. It
7 extended to a depth of approximately 1.6 inches. And
8 the vital -- I'm only going to talk about the vital --
9 well, I can tell you everything it would have hit. It
10 went approximately 1.6 inches. It passed through the
11 skin and the subcutaneous tissue of the right neck.
12 And then it went into the right jugular vein and the
13 right carotid artery.

14 Q. The left artery?

15 A. Yes, ma'am.

16 Q. And is that the wound that you described with the
17 twisting?

18 A. Yes.

19 Q. Is it significant that it hit both the jugular vein and
20 the carotid artery?

21 A. Yes, those two vessels are right next to each other.
22 You know, some people take their pulse from their
23 carotid right here (indicating). And you can see it's
24 less than 1.6 inches from the skin. And the knife
25 blade went in there and it punctured both of those

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1 vessels. So that would account for a significant
2 amount of bleeding that came from Ms. Wilson.

3 Q. And the twisting motion, would that have made the
4 injury larger?

5 A. It could have, yes?

6 Q. And in this case, what would have been the result --
7 what would have happened to her blood as it came out of
8 that wound?

9 A. If she had -- you know, if she was alive and her heart
10 was beating good, you would, actually, have significant
11 squirting of blood coming out of that wound. It
12 would -- every time your heart beat -- your heart would
13 beat, you know, it's under pressure. Remember, we're
14 on a closed system here that's open now. You would get
15 a squirt, an arterial squirt of blood.

16 Q. And did you consider that wound to be a fatal wound?

17 A. Yes. That wound by itself would have been a fatal
18 wound.

19 Q. If that had been the only wound?

20 A. If that had been the only wound, she would have died of
21 that. Unless it happened in an OR with a trauma
22 surgeon and blood on standby. You're talking minutes.

23 Q. And you say minutes, are we talking about 15 minutes
24 or --

25 A. No, we're talking, you know, under two to three

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1 minutes. Maybe even less, probably around two minutes
2 where she would bleed out because you have an arterial
3 puncture here. You're going to lose blood very fast.

4 Q. The next wound that you note in your report?

5 A. I'm just going to do them in order. Wound number two,
6 that wound to the left breast, and it goes to a depth
7 of approximately three inches. It goes through the
8 skin and subcutaneous tissue, the fourth intercostal
9 space and goes into the lower left lung lobe where the
10 wound track ends.

11 Q. Into the left lung?

12 A. Yes, into the lower left lung lobe, yes. So in --
13 that's your injuries there. You have lung perforation
14 with an associated hemorrhage.

15 Q. And how would that affect her ability to survive?

16 A. Again, that limits her ability to survive. So now, you
17 have a wound to the lung. And the lung, again, is very
18 vascular. That's where your blood is oxygenated. And
19 you have an injury now and now you're bleeding and
20 you're bleeding into your lung. So, therefore, you
21 have less gas exchange, so it's going to affect her
22 ability to breath. And she could have had blood that
23 came up out of her mouth on this type of injury.

24 Q. Could this have caused her death, this wound alone?

25 A. This wound alone, yes, it could have caused her death.

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1 Q. So, again, this is a fatal wound as well?

2 A. Yes, that's another fatal wound, yes.

3 Q. Next, number three?

4 A. Number three is to the right breast. It goes to a
5 depth of approximately two inches. It goes through the
6 skin, subcutaneous tissue, the third intercostal space
7 and to the right middle lung lobe, where the wound
8 track ends.

9 Q. Right lung?

10 A. Right lung. And you get, again, lung perforation,
11 again, with associated hemorrhage into the lung. So
12 pretty much, exactly the same type of injury, only now
13 to the right lung.

14 Q. Again, could she have survived that wound?

15 A. Again, no, that's another fatal wound.

16 Q. Number four?

17 A. Number four is -- is posterior right forearm.

18 Q. So that's the back of the forearm?

19 A. Yes, the back of the forearm. The depth is
20 approximately 1.5 inches. And that wound goes through
21 the -- just through the subcutaneous tissue, just
22 through the skin and subcutaneous tissue. It doesn't
23 go, actually -- it goes into the arm, but it doesn't go
24 into the skeletal muscle of the arm. It's a very
25 superficial wound.

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1 Q. Moving on to number five?

2 A. Number five, this is a stab wound to the left arm --

3 THE COURT: Solicitor, we're going to take a
4 break. We've been going about two hours now.

5 MS. CAMPBELL: I'm sorry.

6 THE COURT: Mr. Foreman, ladies and gentlemen of
7 the jury, leave your notepads on the chairs. I'll bring you
8 back in about 10 or 15 minutes. Please don't discuss the
9 case.

10 (Whereupon, the jury left the courtroom
11 at 4:29 p.m.)

12 THE COURT: All right. Anything from the State
13 before we take a break?

14 MS. CAMPBELL: No, sir.

15 THE COURT: From the Defense?

16 MR. STRICKLER: No, sir.

17 THE COURT: All right. We'll take about a
18 15-minute break.

19 (Whereupon, a short recess was held.)

20 THE COURT: Anything from the State before we
21 bring the jury back in?

22 MS. CAMPBELL: Ready.

23 THE COURT: Anything from the Defense?

24 (There was no response.)

25 THE COURT: Bring the jury, please.

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1 BAILIFF: Yes, Your Honor.

2 (Whereupon, the jury returned to the
3 courtroom at 4:45 p.m.)

4 BAILIFF: The jury is seated, Your Honor.

5 THE COURT: Thank you very much.

6 Please proceed.

7 MS. CAMPBELL: Thank you, Your Honor.

8 BY MS. CAMPBELL:

9 Q. Doctor, we left off on number five. How deep was that?

10 A. Approximately 0.9 inches. It passed through the skin
11 and subcutaneous tissue.

12 Q. The next one -- and these are all stab wounds, right?

13 A. These are only stab wounds. Number six -- can I see my
14 diagram of where it is?

15 Q. Sure.

16 A. Number six is on the right arm. And it's 1.5 inches.

17 Q. And, again, hitting tissue?

18 A. Excuse me, I'm giving you the wrong information here.

19 I apologize.

20 Q. Okay.

21 A. My report is so long. No, I apologize, it's right
22 here. It's a stab wound to the posterior right
23 forearm. It is a depth of approximately 1.5 inches.

24 Q. Okay.

25 A. It passed through the skin and subcutaneous tissue.

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- 1 Q. Okay. Moving on to number seven on the chart. Top of
2 the shoulder?
- 3 A. Yes. Number seven is to the upper left chest. It goes
4 to a depth of approximately 0.5 inch and it goes
5 through the skin and subcutaneous tissue.
- 6 Q. Okay. Next one.
- 7 A. Number eight -- number eight is to the upper left back.
8 Depth of approximately one inch and passes through the
9 skin and subcutaneous tissue.
- 10 Q. Uh-huh.
- 11 A. Number nine is to the left back. The depth of
12 approximately three inches. It goes into the skin and
13 subcutaneous tissue of the left back, the posterior
14 left eighth intercostal space and into the lower left
15 lung lobe, where the wound track ends.
- 16 Q. And that wound alone could be considered what?
- 17 A. That could, also, be considered a fatal wound. That
18 wound is very similar to the wound I describe in number
19 two and three.
- 20 Q. Okay.
- 21 A. It goes into the lung.
- 22 Q. The final three wounds?
- 23 A. Number 10 was the posterior left back. An approximate
24 depth of 2.3 inches. And that one just goes into the
25 skin and subcutaneous tissue.