

Sep 13 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TYCHRISTIAN LADSON,

APPELLANT

APPELLATE CASE NO. 2023-000372

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 12 (CD – VIDEO OF SHOOTING); STATE’S EXHIBIT NO. 13
(CD – VIDEO OF ENTRY); STATE’S EXHIBIT NO. 20 (CALL DETAIL RECORD –
LADSON); STATE’S EXHIBIT NO. 21 (CALL DETAIL RECORD – COLLINS);
STATE’S EXHIBIT NO. 23 (ADVANCED TIMING RECORD – COLLINS); AND
STATE’S EXHIBIT NO. 25 (PACKET OF MAPS).**

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

P R O C E E D I N G S

THE COURT: Is everybody ready to begin?

MS. MUNSON: The State's ready, Your Honor.

THE COURT: Collins?

MR. PRINGLE: Yes, Your Honor.

THE COURT: And Ladson?

MS. WILLIAMS: Yes, Your Honor.

THE COURT: All right. We'll start with the State.

State, I'll be glad to hear from you. What motions
do you wish to --

MS. MUNSON: May it please the Court, Your Honor.

The first one is not really a motion. There were two
factual stipulations that we had discussed with the
Defense. Verbally, each side has said that they would
agree to these stipulations. I've prepared a written
document. If they're still in agreement with the
stipulations, we would like for them to sign them now.

If they're not going to agree to them, then that's
their prerogative. But we need to know so we can --
there's --

THE COURT: What's the nature of the stipulations?

MS. MUNSON: The first stipulation is as to DNA.
That DNA that was recovered from a silver Subaru matched
both Mr. Ladson and Mr. Collins. And that the DNA was not
blood DNA.

1 The second one is just as to the autopsy of Stacy
2 Branham. That it was performed properly. She died as a
3 result of a single gunshot wound to the chest. And the
4 manner of death was homicide.

5 MR. BOATWRIGHT: I'll sign it.

6 MS. MUNSON: Okay.

7 THE COURT: All right. Mr. Pringle.

8 MR. PRINGLE: Yes, sir. We've been over this.

9 THE COURT: Okay.

10 (Pause.)

11 MS. MUNSON: All right. Your Honor, the second thing
12 on my agenda is a motion in limine. And I've handed you
13 a -- a written motion. I provided that motion to the
14 Defense, along with case law.

15 In a nutshell, Your Honor, we believe that,
16 specifically, Mr. Ladson intends to introduce testimony
17 from one, Wesley Lemons. Mr. Lemons told law enforcement
18 that Aileem Daniels-Melvin confessed to Mr. Lemons that it
19 was Mr. Aileem Melvin-Daniels [sic] that committed the
20 robbery and murder.

21 We have two objections to that, Your Honor. One is
22 that Mr. Lemons testimony would be hearsay without an
23 exception.

24 And the second part of that, Your Honor, is
25 third-party guilt. And we put the case law up there with

1 you, Your Honor. But the Defense would have to show that
2 the evidence they're presenting is inconsistent with the
3 guilt of the Defendant. And that it is true evidence,
4 good evidence.

5 The -- the thing that's most bothersome about that is
6 that when Mr. Aileem Melvin-Daniels name came up, law
7 enforcement interrogated him. He turned over his cell
8 phone. And this is information that the Defense has as
9 well. Mr. Melvin-Daniels was in Charleston at the time
10 that Stacy was robbed and killed.

11 So there would be no basis to introduce that
12 third-party evidence, Your Honor.

13 THE COURT: And that's based strictly on the cell
14 phone itself?

15 MS. MUNSON: Yes, Your Honor. Well, there's a -- a
16 female named Olivia Combs, who is the -- at the time was
17 the girlfriend of Mr. Melvin-Daniels, who went into the
18 police department as well and showed them some photographs
19 on her cell phone of them in Charleston.

20 They're not time stamped, Your Honor. There's no
21 obvious landmark in the background where, you know,
22 anybody can look at it and go, oh, yeah, that's
23 Charleston. It's not like that. But she would testify
24 that she was with him in Charleston at the time.

25 So that's the basis for the State's motion in limine,

1 Your Honor.

2 THE COURT: All right. Yes, Mr. Boatwright.

3 MR. BOATWRIGHT: Thank you, Judge.

4 May it please the Court.

5 First, I understand the Defense's intention to use
6 third-party guilt, Judge. I'd point out a lot more.

7 One, Aileem did not turn over his cell phone. They,
8 actually, did a warrant for his cell phone records. And
9 their cell phone records contain timing advance records
10 and call detail records.

11 The State concluded based on the timing advance
12 records through their little track system that they use in
13 the sheriff's office that Aileem was in Charleston.
14 However, during the trial, we're going to hear testimony
15 that timing advance records will not be -- they will not
16 testify to the accuracy of them. No cell phone company
17 does.

18 It is not a -- a record that they kept for the
19 purposes of using it for location. They created that
20 program for engineers. And when the T-Mobile records
21 custodian is here in trial, he will testify that he's not
22 willing to talk about the accuracy of the timing advance
23 whatsoever. The specific statements that Aileem Daniels
24 made allegedly to Weston Lemons was that when he got back
25 from Charleston that day is when he went and did this

1 robbery.

2 Now, while that is only one statement that is made,
3 the Defense would only plan -- would plan to use
4 Mr. Lemons if Aileem Daniels was to impeach himself. And
5 we have both of them under subpoena. So we would be able
6 to put Aileem on the stand and question him about his
7 involvement in it to suggest that he did it.

8 As far as the -- we believe we have to look at the
9 totality --

10 THE COURT: Well, let me -- let me ask you this,
11 though. I mean, you -- you just said he committed this
12 robbery. But did he, also, say he committed the murder?

13 MR. BOATWRIGHT: According to the tips, the anonymous
14 tips that were given throughout --

15 THE COURT: I'm talking about his statement, though.
16 I mean, you said --

17 MR. BOATWRIGHT: His statement to Wesley Lemons is --
18 he shows him the video and says, look, this is me. I did
19 that. I committed this robbery. I walked in. I shot the
20 gun into the ceiling. I'm the one with that gun shooting
21 the gun.

22 THE COURT: Okay.

23 MR. BOATWRIGHT: And then he shows Wesley text
24 messages between him and a third-party person that they
25 are talking about how the woman died.

1 There are numerous tips that, actually, come -- that
2 were called into law enforcement and named Aileem as
3 the -- as the suspect in this crime. So it's not just one
4 person's making a statement. There are numerous tips that
5 come in pointing the finger at Aileem. Aileem is alleged
6 to be on Facebook bragging about doing it. And then
7 he's -- his statement to Wesley is that he was in
8 Charleston earlier in the day.

9 As the Court knows, the idea behind third-party guilt
10 is we have to be able to show reasonably that it is likely
11 that Aileem is the one that did it, and not our client.
12 And it's not based on the State's strength of their case
13 towards our client.

14 But we feel at this time that we should, at least,
15 reserve the right, depending on what happens in trial, to
16 potentially call Aileem Daniels and put him on the stand.
17 And if he impeaches himself, then to be able to use Wesley
18 to impeach him.

19 THE COURT: All right. Do you have any --

20 Well, Mr. Pringle, do you have anything you want to
21 add to this?

22 MR. PRINGLE: Nothing further with regard to
23 Mr. Boatwright's argument on that front.

24 THE COURT: All right. Ms. Munson.

25 MS. MUNSON: Your Honor, there's, also, call detail

1 records, not just timing advance records. So it's more
2 than just one little part of information. Those tips that
3 Mr. Boatwright is talking about, we found one tip that
4 named Aileem Daniels, not several. And we, also, found
5 that the same tip that named Aileem Daniels named
6 Mr. Ladson as well as the co-defendant.

7 Even if Mr. Daniels -- even if Mr. Daniels-Melvin is
8 involved, that doesn't take Mr. Ladson out. There were
9 two people. Your Honor, there were two people clearly on
10 the video that go in and commit this offense. So, at
11 best, it's something that could confuse a jury or it would
12 be -- it's not the type of evidence that they would need
13 to have to allow the Court to let the jury hear that.

14 Also, Mr. Melvin-Daniels said some things that are
15 not consistent with the crime. He didn't -- he didn't
16 have it step by step. For example, Your Honor, he said
17 that he heard a bullet whiz by his head. That couldn't
18 have happened. It just didn't happen. So he's not giving
19 completely good accurate information about what went down.

20 So we -- we still hold our position, Your Honor, that
21 this should be excluded, unless -- certainly couldn't do
22 it today, get Mr. Melvin-Daniels in here. But even with
23 the third-party guilt, Your Honor, we still have the
24 hearsay problem.

25 THE COURT: All right. Anything else?

1 MR. PRINGLE: Yeah, I do.

2 THE COURT: Yes.

3 MR. PRINGLE: I'd, actually, like to respond to that.
4 When you talk about the tip of having Mr. Daniels and
5 Mr. Ladson as part of the same tip, I think we'll find
6 there were about 66 tips. I think that's the number. And
7 they're all over the place, Your Honor. Certainly, the
8 State's case is based on two perpetrators. I think
9 everybody can agree on that.

10 So if -- if Daniels was maybe one of the
11 perpetrators, it might not exclude Ladson and it might not
12 exclude Collins, but it could exclude either one of them.
13 And, certainly, at a minimum, it kind of destroys the
14 whole -- the basis of the State's theory of the case. I
15 mean, they've alleged that it's these two guys working in
16 tandem to do this robbery.

17 If there's a third party, then we think the jury
18 should hear about that. That's, clearly, relevant. And
19 it may not exclude one in particular, such as Ladson or
20 Collins. But, certainly, it would by definition have to
21 exclude one of them, and maybe even both of them. Because
22 the entire theory that -- that the State's been banking on
23 would have been undermined.

24 Thank you.

25 Oh, as far as any inconsistent statements that

1 Mr. Daniels might have said about -- I think Ms. --

2 I don't want to put words in your mouth, Judy.

3 But she said something about he, also, made some
4 comments about the bullet whizzing by the head that
5 couldn't have happened. You know, Judge, as -- I think we
6 all can agree that even eyewitnesses don't always give
7 completely accurate testimony. They don't always tell the
8 same story over and over and over, even if they were
9 there.

10 So any minor inconsistencies with anything that
11 Daniels may or may not have said, I mean, that's -- that
12 rises to about the same level as any witness that's under
13 oath. So I don't think that's -- I don't think that
14 that's as big of a -- of an issue as maybe the State is --
15 is implying.

16 Thank you.

17 MR. BOATWRIGHT: Briefly, Judge. I would just add
18 that there were five tips total that named Aileem.
19 There's one tip that names Ladson.

20 THE COURT: Let me ask you this. Because I have --
21 in preparing for this hearing, I've read the Gregory case.
22 And I've kind of, you know, reviewed the standard in the
23 Gregory case. It kind of seems to be pretty much on point
24 with the facts and all.

25 Does this decision need to be made before we start

1 the case or just before you are in a position to have to
2 call one of these witnesses?

3 MR. BOATWRIGHT: Judge, I believe it just needs to be
4 made before we -- we call one of the witnesses.

5 THE COURT: Because I think I need -- in order to
6 really make a decision on this, I'm going to have to have
7 a pretty good proffer of a lot of the case. So I'd like
8 to hear some of the case and then -- you know, and then we
9 may need to have to have a proffer before I can make a
10 ruling on this. I mean, that's kind of my thought on it.

11 Because, I mean, it's -- I think depending on how it
12 went, it could fall within Gregory. And, again, it
13 depends on how that all makes out. But I don't think I
14 can make it just based on your arguments.

15 So as long as you don't -- so at some point when you
16 feel like, okay, we may need to make a decision on that,
17 before you present any testimony or anything like that,
18 then we need to -- we'll have -- we need to address it at
19 that point.

20 MR. BOATWRIGHT: Yes, Judge.

21 THE COURT: So I'm just going to take it under
22 advisement.

23 MS. MUNSON: Your Honor, I understand if they call
24 Mr. Daniels-Melvin to the stand, that's -- that's their
25 right. But are you able to make a ruling at this point

1 about Mr. Lemons testimony being hearsay?

2 THE COURT: Well, I mean, they wouldn't be calling
3 Mr. Lemons, at least, not the -- for the -- I mean, the
4 first day of trial.

5 MS. MUNSON: Okay.

6 THE COURT: I'm going to look at all of this, too.
7 Now, I -- I wanted to hear everybody's arguments and then
8 look at it and --

9 MS. MUNSON: Well, Your Honor, the --

10 THE COURT: I mean, in Gregory, they kind of -- it's
11 that same kind of scenario. They're all sitting in a cafe
12 chatting about it, oh, I heard them say that it was --
13 that he helped them do it, or something. It's kind of the
14 same little -- I mean, it's kind of that -- it's I heard
15 him say that he said kind of thing.

16 So, anyway, I want to look at all those options on
17 that.

18 MS. MUNSON: Okay. And, finally, on that issue, Your
19 Honor, we would object to Lemons as a violation of the
20 hearsay rule. There is no exception.

21 I -- I heard Mr. Boatwright on more than one occasion
22 say that the exception would be statement against
23 interest. But that only applies if the -- if the person
24 is unavailable. In other words, Mr. Aileem Daniels-Melvin
25 would have to be unavailable in order for that hearsay

1 exception to apply.

2 I don't have anything further on that, Your Honor.

3 Thank you.

4 THE COURT: All right. Do you want to respond to
5 that, Mr. Boatwright?

6 Or Mr. Pringle?

7 MR. BOATWRIGHT: Judge, I'd say the same thing. We
8 need to get through the trial before we can make a ruling
9 on that. I agree that statements against interest only
10 applies if Mr. Aileem [sic] does not show up. However, if
11 he impeaches himself, then his prior inconsistent
12 statements we could use.

13 But, again, I don't know exactly how that's going to
14 play out until I put Aileem on the stand and what happens
15 there.

16 THE COURT: All right. Well, I'll take that one
17 under advisement.

18 All right. Anything else from the State?

19 MS. MUNSON: I just wanted to cover -- again, just so
20 we're all on the same page with Jackson v. Denno.

21 There -- there's a statement from Mr. Collins denying
22 knowing anything about or being around a Subaru. There
23 are no statements that were made by either Defendant that
24 were -- that would trigger Miranda. They were not in
25 custody. They were not being interrogated. They were

1 free to go.

2 Some of the conversations happened on the phone.
3 Some even happened at their -- at their homes. There was
4 one conversation with Mr. Collins that happened inside of
5 a police officer's car. But the police officer drove to
6 where Mr. Collins said that he would meet him. He sat in
7 the front seat, no handcuffs, none of that stuff.

8 So it's our position that there is no need for
9 Jackson vs. Denno regarding either Mr. Ladson or
10 Mr. Collins.

11 Thank you, Your Honor.

12 THE COURT: All right. And, Mr. Boatwright, what's
13 your position as far as Ladson?

14 MR. BOATWRIGHT: We don't need a Jackson vs. Denno
15 hearing, Judge.

16 THE COURT: All right. Mr. Pringle?

17 MR. PRINGLE: No, Your Honor.

18 THE COURT: All right. So, therefore, y'all admit
19 the statements meet the requirements of Jackson vs. Denno,
20 and no hearing is necessary, so.

21 All right. Anything else from the State?

22 MS. MUNSON: Nothing at this time, Your Honor.

23 Thank you.

24 THE COURT: Wow. This is a lot easier than I thought
25 it was going to be.

1 Okay. Mr. -- let's figure out the -- the order while
2 we're doing this so we can...

3 All right. I have Mr. Collins as the earlier
4 indictments being 826, 827. And Ladson is 828 and 829.

5 So unless y'all have a different -- come up with
6 something different, that's the way I'm going to be
7 treating it as far as order.

8 So, Mr. Collins, I'll hear from you first.

9 DEFENDANT COLLINS: Yes, sir.

10 MR. PRINGLE: Not you.

11 THE COURT: I'm sorry. I -- when I say
12 "Mr. Collins," I mean your attorney. That's fine.

13 That -- that was legitimate.

14 MR. PRINGLE: We didn't have any specific pre-trial
15 motions at this time, although I understand that
16 Mr. Boatwright does.

17 THE COURT: Yes.

18 MR. PRINGLE: I believe we'll be joining in -- in
19 what motions he was prepared to make.

20 THE COURT: Okay.

21 MR. PRINGLE: We don't have anything beyond that.

22 Thank you.

23 THE COURT: All right. Mr. Boatwright, on behalf of
24 Mr. Ladson.

25 MS. WILLIAMS: Judge, may it please the Court.

1 Katelyn Williams here.

2 In the matter of State vs. Ladson, the Defense has a
3 motion to suppress. We have four separate matters to
4 address. So stop me --

5 THE COURT: Okay.

6 MS. WILLIAMS: -- or I'll stop and we'll figure it
7 out.

8 On February 10th, 2023, the solicitor's office
9 released 14 new items of discovery.

10 THE COURT: On what date?

11 MS. WILLIAMS: February 10th. That was last Friday.

12 THE COURT: Okay.

13 MS. WILLIAMS: Those items of discovery included some
14 call detail record maps for both Collins and Ladson, some
15 advance records, and interview jail calls, cell transfers
16 from Collins and a Peter Stokes, and, also, some timing
17 advance records for Collins. And then, again, on
18 February 16th of 2023, which was yesterday, I believe,
19 they released another jail call.

20 None of this information had previously been released
21 and was available for our review. And these calls were
22 presumedly in the State's possession as -- the call
23 records as a whole were all in the State's possession as
24 the calls were made at the end of 2018. And the search
25 warrants were obtained at the beginning of 2019.

1 Now, just a reminder to the Court. This case is four
2 years old. And it was, originally, set for October. I
3 think during that pre-trial conference, it was moved in
4 order for the State to obtain those cell phone records
5 that we, specifically, requested four times, twice in
6 January, once in August, and once in October of last year.
7 And then it was set date certain for January.

8 So if it had proceeded in January on the date certain
9 date had the jurors shown up, the State would have had to
10 move forward without any of that information released.

11 THE COURT: So what -- okay. What do we have? We
12 have some jail calls. And what else?

13 MS. WILLIAMS: Some cell phone mapping records where
14 the, I guess, deputies involved with tracking the -- the
15 records from T-Mobile had plotted it on a map.

16 THE COURT: Okay.

17 MS. WILLIAMS: Also, some records from T-Mobile. I
18 believe the advance records are straight from T-Mobile.
19 It was an interview. And I do not have it with me what
20 interview it was.

21 (Pause.)

22 MS. WILLIAMS: Okay. It was audio -- it was an audio
23 interview with a Darius Rhodes. We have eight jail calls
24 for my client, TyChristian Ladson, cell transfers from the
25 co-defendant's phone -- oh, from the jail, cell transfers

1 from -- and cell transfers --

2 THE COURT: Was that the -- when -- when he -- when
3 your client calls somebody and then they transfer it to
4 him.

5 MS. WILLIAMS: It's in the jail. I misread what I
6 was saying.

7 THE COURT: Okay.

8 MS. WILLIAMS: But it's where they move them from
9 cell to cell.

10 THE COURT: Oh, okay.

11 MS. WILLIAMS: With the cell phone records --

12 THE COURT: So it's cell transfer. I got you.

13 MS. WILLIAMS: And, also, the same jail cell
14 transfers for a Peter Stokes. And then some timing
15 advance records from T-Mobile for Collins.

16 And with all these things being recently disclosed,
17 we haven't had time to get funding in order to get these
18 new cell records analyzed, and reviewed, and verified.
19 You know, funding by itself and then even having them
20 analyzed, there has just not been enough time since it was
21 dumped last Friday on the -- on the 10th.

22 So we would just ask the Court to suppress those --
23 suppress all discovery from the 10th and the 16th that was
24 released from the solicitor's office.

25 THE COURT: I mean, is there any of it that is

1 prejudicial or detrimental to your client?

2 MS. WILLIAMS: I don't, you know -- and the brief
3 review that we've been able to do in the time that it's
4 been released, it doesn't appear to. But we would ask the
5 State to -- or the Court to exclude it from the State's
6 use because we haven't had full-time to -- to fully
7 investigate it and determine if anything is useful or more
8 prejudicial to our client.

9 THE COURT: Ms. Munson --

10 MS. MUNSON: It's going to be Ms. -- Ms. Owens on
11 this one, Your Honor.

12 MS. OWENS: May it please the Court, Your Honor.

13 I want to be crystal clear. There are no new call
14 detail records. There's no new cell phone data
15 information. There is no additional previously unknown or
16 unshared information about the phone calls that either of
17 these Defendants made in December of 2018.

18 The information shared last week -- and I'd be happy
19 to provide the Court with -- these are -- these are the
20 documents that were provided to the Defendants in the
21 last -- the last couple of weeks. I believe it was last
22 Friday.

23 These are images that then-deputy Brian Swafford
24 prepared through a program that the Pickens County
25 Sheriff's Office uses to take call detail records provided

1 by phone companies and convert the data on the call detail
2 record spreadsheets into a visual representation of where
3 the actual cell phone towers identified in the call detail
4 records are implicated.

5 In November of 2019, the Solicitor assigned to the
6 case at the time, Mr. Baker Cleveland, sent an e-mail to
7 Daniel King, who was the public defender assigned to the
8 case at the time, and said that he, Mr. Cleveland, was in
9 possession of these visual representations and that he
10 would invite Mr. King to come review those images with him
11 at Mr. King's leisure.

12 I have no information about whether Mr. King ever
13 took advantage of that opportunity. But I will share with
14 the Court that Mr. Cleveland noted in his e-mail to
15 Mr. King that Joe Watson, who previously represented
16 Mr. Collins, had already reviewed this material. I say
17 all that to say this is not new material. This
18 information --

19 Excuse me. I'm sorry.

20 MR. PRINGLE: Oh, I thought you were wrapping up.
21 Sorry.

22 MS. OWENS: No, sir. There's quite a few matters to
23 address.

24 So these -- these demonstrative images that were not
25 prepared by the sheriff's office were not prepared

1 recently. I shared them in what I thought would be a
2 helpful aid to the Defendants ahead of it. I -- I
3 maintain that had the State introduced them at trial
4 without having previously shared them, that wouldn't have
5 been problematic. But, nonetheless, it seems that -- that
6 sharing them was the problematic decision.

7 So in that -- this information, again, is based on
8 call detail records and advanced timing records that have
9 long been provided to each of these Defendants. This is
10 not new information. These demonstrative representations
11 of the date contained in these spreadsheets is what is --
12 what is the subject of Mr. Ladson's motion.

13 If you'd like more specific details about the times
14 at which each of these Defendants were provided with this
15 information, I'd be happy to share it. But my records
16 indicate that in March and April of 2019, the exhaustive
17 collection of call detail records and advanced timing
18 records was provided to each Defendant.

19 I'd be happy to move on, unless you'd like to discuss
20 that.

21 THE COURT: All right. Let me -- Mr. --

22 MR. PRINGLE: Thank you.

23 You know, I heard -- I heard the State say that this
24 information is old. It's been out there since 2018, 2019.
25 But I guess the question is why -- when the State says the

1 mistake was sharing it with us, I don't believe that the
2 State is doing us any favors by disclosing anything and
3 everything that -- that they have. I mean, that's an
4 obligation that's owed to us.

5 And as far as any meeting that took place with
6 Mr. King or Mr. Watson, that was, clearly, before, I know,
7 my involvement, probably before Mr. Boatwright's
8 involvement. It's new to us.

9 So the inquiry isn't about when this stuff was
10 generated or when -- when it took place. It's about when
11 is it given to the Defense, when is it disclosed. And if
12 it was something that was so readily available, why feel
13 the need to dump it on us here at the last minute after we
14 were already supposed to tee up and go to trial a couple
15 weeks ago?

16 So the idea that it's been around there and it's been
17 available, to our knowledge, it has not been available.
18 Because we just found out about it, literally. And the
19 idea that -- that that's doing us some kind of favor
20 really is kind of -- I -- I -- that's misplaced. They
21 have an obligation. They have all the power, Your Honor.
22 It's a disproportionate fight. They need to turn over
23 everything in a timely basis. That's all we're saying.

24 THE COURT: Let me ask Ms. Owens. Why did -- why did
25 you send this stuff to them last week?

1 MS. OWENS: Quite frankly, that's when we generated
2 the digital images of it. Mr. -- Mr. Swafford and I were
3 discussing whether to use digital versions of this in the
4 form of a PowerPoint or whether to, actually, print these
5 color photographs that I have in my hands.

6 And the -- the digital renderings were just
7 transferred to my custody. They -- they've been on a
8 flash drive at the Easley Police Department since these
9 files were generated in early 2019. That's where they've
10 been. That's where they came from. That's where I got
11 them. And they've -- they've not existed in paper form or
12 digital -- the digital form that I shared until last week
13 in preparation for trial.

14 THE COURT: Okay. I'm sorry to interrupt you. I
15 just wanted to get that information because I thought it
16 was important.

17 MR. PRINGLE: It sounds like no matter what, those
18 images are interpreted to some extent. So, I mean, as --
19 as Ms. Williams had indicated, we don't have the ability
20 to even go and check on that and try to investigate
21 further to maybe undermine it, or -- or find issues with
22 it. It's simply -- you know, it just kind of strains
23 logic as far as fairness when we were supposed to be in
24 trial a couple weeks ago and we -- all this stuff gets
25 dumped on us now.

1 Where was it, you know, when -- when we thought we
2 were going to tee up? Again, I know I'm repeating a
3 little bit there. But it's disingenuous to say, well, it
4 existed so it's been out there. Well, it didn't exist for
5 us, Judge. That's the -- that's the key inquiry as far as
6 the Defense is concerned.

7 Thank you.

8 THE COURT: Ms. Williams.

9 MS. WILLIAMS: Thank you, Judge.

10 And as far as the mapping goes, it was new to us in
11 seeing that what it alleges is that our client was near
12 the incident location during the time of the incident.
13 And while, you know, the State claims that these were in
14 the police's possession, that's just as good as it being
15 in the State's position. And it still is an issue with
16 us. Because we're not having the proper time to analyze
17 these records and see if there's any misinterpretations or
18 see if they're accurate.

19 These maps were using information from timing advance
20 records that -- as you've heard Mr. Boatwright say
21 earlier, that T-Mobile will not verify and no law
22 enforcement authority will verify. And -- and as far as
23 it being released to a prior attorney, that doesn't mean
24 that it's been released to us and we've had the
25 opportunity to see it and analyze it.

1 THE COURT: Well, I mean, what obligation does the
2 State have once they've released discovery to an attorney
3 and there's a new attorney? I mean, aren't y'all kind of
4 bound by that?

5 MR. BOATWRIGHT: No, Judge. If the client has a
6 public defender and then comes out and hires me as a
7 private attorney, I have to send off a motion for
8 discovery to get discovery from the Solicitor. And that
9 has been done in this case numerous times.

10 MS. OWENS: Your Honor, I'd -- I'd just like to
11 interject. I do take issue with that characterization.
12 Rule 5 requires the State to share discovery with the
13 Defendant.

14 THE COURT: All right.

15 MS. OWENS: But for the Court's information, just a
16 couple more things to put on the record. I've got a
17 supplemental report prepared by then Deputy Brian Swafford
18 in February of 2019 documenting that he met with Easley
19 Police Department officers about these phone records, that
20 he took the cell phone records, put them into the program
21 that generated these maps. This is, again, not new
22 information.

23 If the Defendants reviewed these reports, as I
24 anticipate they did, in preparation for this trial,
25 this -- this -- they're on notice that this process was

1 undertaken, that the mapping was done. It is not -- it is
2 not new information that this mapping was -- was being
3 done by the sheriff's office and was done in February of
4 2019.

5 Again, to the extent that the State invited the
6 Defendants to view the material, I believe Mr. Watson did.
7 These visual demonstrative geographic representations of
8 the data that is contained in the call detail records
9 is -- is the extent of this extension of the information,
10 if it can even be characterized that way.

11 It's the State's position that any issue that the
12 Defendants have with the viability of these records, their
13 accuracy, the extent to which a jury should rely on them,
14 that is an issue for the jury to consider and to give the
15 evidence the weight that it chooses.

16 The Defendants are free to argue that these records
17 are unreliable, inaccurate, or, otherwise, incredible.
18 But it doesn't affect the base admissibility as they've
19 been prepared and have been long part of this cases file.

20 THE COURT: All right. Anything else on the mapping?

21 MS. WILLIAMS: Yes, Your Honor. We would just add
22 that some of the calls that are logged in those maps are
23 not contained within the CDR records for our client's
24 phone. So it is new -- or information that we didn't have
25 access to. We haven't had the time to verify it. We

1 haven't had the time to get an expert or get funding for
2 an expert to analyze it. We did have an expert that
3 analyzed records. The State was aware, which is why we
4 were, specifically, asking for specific things in our --
5 in our e-mails that we sent.

6 And when we got nothing in return -- and that was
7 part of the reason for the continuance in October was to
8 get those records. And we still never got them. By -- by
9 dumping them on us at this last minute, we haven't had
10 time to analyze and verify if they match up with anything
11 else that we had previously gotten.

12 THE COURT: Okay. As to the -- the mapping, we're
13 just talking about the mapping area. I'm going to find --
14 based on the history that it has been provided, I'm going
15 to deny your motion to suppress the maps relating to the
16 cell phone calls.

17 MS. OWENS: Thank you, Your Honor.

18 I want to move on to the jail calls. I know
19 Mr. Ladson took -- takes issue with their recent
20 disclosure. Your Honor, they didn't exist until they were
21 made. These jail calls are from January 31st up to and
22 through February 16th. We're not in a position to provide
23 material that doesn't exist yet.

24 So as soon as those calls were secured and retained
25 in our case management system, we made them available as

1 expeditiously as we could. To the extent that it gives
2 the Court some comfort, we, at this point, do not intend
3 to produce those calls in our case in chief, until and
4 unless they become relevant to a specific issue raised by
5 the Defense.

6 So that's -- that -- I think we can move on from the
7 jail calls.

8 THE COURT: Well, let me ask you this.

9 MS. OWENS: Okay.

10 THE COURT: I thought they referenced some jail calls
11 from way back. Are you talking about jail calls from
12 January 31st on?

13 MS. WILLIAMS: Your Honor, the dates weren't on the
14 jail calls. It was just jail calls that were released.
15 So we're not sure of what -- when they were recorded.

16 THE COURT: Oh, okay. Based on what she's saying
17 then -- I mean, do you have some kind of documentation
18 that would show the dates of those?

19 MS. OWENS: Well, the -- the calls that -- that
20 appear in our system as retrieved and -- and saved have a
21 date. So I'm not sure -- that's how I would be able to
22 identify the date they were made, the number to which they
23 were made, and the time. I'm not sure why that
24 information wouldn't be similarly visible on the
25 solicitor's online viewing screen. But I do see that

1 they're labeled Ladson jail call.

2 Should we choose to introduce them or, again, should
3 they become relevant, I feel confident that the call
4 itself would have authenticating information about the
5 date and the time. And a detention officer would be in a
6 position to testify about the time that these calls were
7 maintained by the system.

8 But I can -- I can share with the Court that these
9 calls were not calls made available from years and years
10 ago. The calls that have been made available since the
11 last trial were made since the last trial.

12 THE COURT: All right. And -- and y'all
13 reviewed the -- I mean, y'all have been able to listen to
14 them. You just didn't know the date of them.

15 I mean, is there anything you need confirmation from
16 her? I mean, I take -- accept her representation as to
17 the date. But if there's anything you need actual
18 confirmation as to the date, that's something you can
19 check with her. Otherwise, it doesn't sound like that's
20 going to be an issue.

21 MS. WILLIAMS: No.

22 THE COURT: Okay.

23 MS. OWENS: Moving on to the cell transfer
24 information, the detention center jail cell transfer
25 information. It is -- it is precisely why we shelled

1 those -- shared those jail calls that that information
2 become relevant. It was in one of those jail recordings
3 that a reference is made to a party who we believe is
4 involved in the case, specifically, in assisting
5 Mr. Collins in concealing or, otherwise, destroying
6 evidence.

7 The information that we made available related to
8 cell transfer involves the physical transfer of an inmate
9 inside the detention center to Mr. Collins location inside
10 the detention center. They are two single page documents
11 that reflect the movement of Mr. Collins inside the
12 detention center and the movement of Mr. Stokes inside the
13 detention center.

14 So that is the cell transfer information. And,
15 again, I'd share with the Court the reason that
16 information is just provided is because we didn't know
17 that name until that call made that name relevant to us.

18 Obviously, I think Ms. Munson would agree we
19 suspected that there was -- there were additional parties
20 inside the detention center involved with the destruction
21 of evidence. But only recently have we been able to
22 identify who that person is. That's the -- the basis of
23 having shared that information so recently.

24 THE COURT: I mean, is that something that is going
25 to be used in this -- in your case in chief?

1 MS. OWENS: I anticipate that it will be.

2 THE COURT: Okay. So this -- now, tell me exactly
3 what it is. It's a document that says we transferred
4 Collins from block A to block B?

5 MS. OWENS: Well, specific -- largely. Specifically,
6 the document indicates that this other inmate faked chest
7 pains in order to facilitate his movement to be closer to
8 Mr. Collins.

9 THE COURT: Okay.

10 MS. OWENS: That's the documentation that reflects
11 the physical possibility and as an extension probability
12 that this is the individual who assisted in the
13 destruction of evidence. So those documents corroborate
14 the State's theory about who this person is and their
15 prospective testimony.

16 THE COURT: And what date was this transfer to take
17 place?

18 MS. OWENS: November 20th, 2019.

19 THE COURT: Okay. And one of these jail calls in
20 this period from January 31st to February 16th is where
21 y'all learned the identity of this other person?

22 MS. OWENS: Yes, sir, Your Honor.

23 THE COURT: All right. Mr. Boatwright.

24 MR. BOATWRIGHT: Thank you, Judge.

25 Judge, as far as our knowledge from listening to the

1 jail calls, we never hear the name Peter Stokes in the
2 jail calls. That is the additional cell mate that the
3 State is referring to. We've never been given anything on
4 Peter Stokes, never even been told his name until we got
5 this discovery that says Peter Stokes jail transfer --
6 cell transfers.

7 Our belief is that they are going to try and argue
8 that this guy took the -- took a bullet or something out
9 of Mr. Collins. They've had cell transfer data records
10 since 2019. They've had every record on Mr. Collins since
11 2019 because he's been in their custody. So if they
12 thought someone helped with that, they should have
13 disclosed that information to us well before now.

14 As far as the jail calls that we just -- were
15 released to us, we've listened to them. And it is really
16 just a bunch of talk about nonsense and about a completely
17 different person who we have another motion about, but not
18 about Peter Stokes and this jail potential inmate.

19 And our position on that is that, granted, it is not
20 towards our client. It is additional evidence potentially
21 towards Mr. Collins. And they are choosing to try the
22 State -- the cases together. And, therefore, that
23 information should have been disclosed to us.

24 THE COURT: Any response?

25 MS. OWENS: Not particularly, Your Honor. I mean,

1 again, it's -- it -- I don't know how else to say we just
2 learned the identity of this person from those jail calls.

3 THE COURT: Did I hear you right, is this, like,
4 some, like, surgery going on down there at the jail?

5 MR. PRINGLE: That's what they're saying.

6 THE COURT: Interesting.

7 MS. OWENS: I think -- I think some medical testimony
8 during the trial may corroborate that theory.

9 THE COURT: Okay. Let me think about that one. I
10 mean, if they've just learned about it, I'm not sure how
11 they could know that that was relevant. But I think
12 that's something we've got to --

13 MR. BOATWRIGHT: Judge, I would argue that they knew
14 his name the moment he was put in the cell with him. And
15 when they did the x-ray and they believed that the bullet
16 magically disappeared and they tore apart the jail looking
17 for it, they had every incentive to go and look at anybody
18 that had been in his cell with Mr. Collins at that moment.

19 THE COURT: All right. Let me think about that one.

20 All right. Next one.

21 MS. OWENS: Yes, sir, Your Honor. I believe,
22 finally, the issue relates to a video recorded interview
23 that was provided February 10th.

24 THE COURT: Video or audio involved?

25 MS. OWENS: It is video and audio.

1 THE COURT: Oh, okay.

2 MS. OWENS: In -- I believe -- I believe it was early
3 2019, deputies with the Greenville County Sheriff's Office
4 were conducting an investigation regarding a series of
5 murders in Greenville County. A particular investigator,
6 Charles Cunningham, was interviewing a person of interest
7 in those murders and asked near the end of his interview
8 if that person knew anything about this case. That person
9 claimed to have knowledge about this case and,
10 specifically, identified Mr. Ladson as someone that he
11 knew not only to drive the Subaru, which the Court will
12 learn is a -- the suspect vehicle in this case, but, also,
13 that Mr. Ladson appeared to be the person on the video
14 that was released to the media.

15 So to the extent that this witness gave a recorded
16 statement to police indicating that he could identify
17 Mr. Ladson from the surveillance video of the crime and
18 knew Ladson to be an operator of the car that was used to
19 commit the crime, that information is relevant and it is
20 probative.

21 I can share with the Court that the case file related
22 to that homicide investigation was made available to the
23 Defendants in April of 2019. And that supplemental report
24 that reflects in great detail the conversation that this
25 witness had with Investigator Cunningham mentions that

1 this was video and audio recorded.

2 I can telling you that Ms. Munson and I have been
3 working diligently to locate from Greenville County that
4 recording. It is a 2019 case. And so some practices have
5 changed. And that recording was only very recently
6 provided. And I'll share with this Court that I
7 personally made sure that it was provided the moment that
8 it was uploaded into our case management system with some
9 assistance from some staff in Greenville County.

10 So the fact that that interview was not -- that it
11 occurred is not new information. The fact that it was
12 recorded is not new information. The specific details
13 attributed to this witness are recorded in the incident
14 report. Again, this information is not new.

15 The Defendant has been apprised of this witnesses
16 statement to police and has -- I guess the video recording
17 would only be admissible in a scenario where this witness
18 refused to testify consistently with the statement he gave
19 to police.

20 So that was provided to give the Defendant some
21 comfort that a video did exist, rather than have them
22 concerned or, otherwise, believe that that recording had
23 been destroyed and didn't exist. I didn't want the
24 cross-examination of this witness or of Investigator
25 Cunningham to revolve around the existence of the

1 recording.

2 So at this point, I can share with you there's no
3 basis to admit this recording, unless and until that
4 witness testifies differently.

5 THE COURT: Is the recording -- all the details in
6 the recording are summarized in a supplemental report on
7 this case?

8 MS. OWENS: That's correct, Your Honor.

9 THE COURT: That happened back in 2019?

10 MS. OWENS: In great detail.

11 THE COURT: All right.

12 MR. BOATWRIGHT: Yes, Judge. The summary that was
13 provided does not -- it is not as detailed as the State is
14 portraying. The audio video recording goes more into
15 detail of why he believes it was Ladson. He's talking
16 more -- it gives us a bigger picture of what he's,
17 actually, testifying to is what it does.

18 But what I would argue is, again, the fact that they
19 may have disclosed this to a previous attorney in 2019,
20 one, we don't even know that that attorney gave it to the
21 client. Two, they didn't disclose it to us.

22 And the fact that it was -- existed in 2019,
23 regardless that it took them a little bit to get it,
24 doesn't matter. This is a recording -- audio and video
25 recording that is in the possession of the State. It is

1 in the Greenville County jail where this happened. That
2 is an agency of the State. And the solicitor's office is
3 responsible for anything and everything that a state
4 agency has. They're responsible for this.

5 They're arguing that we should have known about the
6 interview because it was in the incident report. Well,
7 they should have known about the interview because it's in
8 the incident report. And they should have gotten us this
9 video in 2019 when it happened, Judge.

10 And, again, they waited until a week before trial to
11 give it to us. It is completely unfair. It violates Rule
12 5. And the bigger reason that we're even arguing against
13 it is because we have -- our second motion is a motion to
14 suppress the entire statement of Darius Rhodes as -- based
15 on the interview. It's purely speculative --

16 THE COURT: And that's who this guy's name is is
17 Darius Rhodes?

18 MR. BOATWRIGHT: Yes, Your Honor. And he purely
19 speculates. He never once says that Ladson told him it
20 was him, or anything. He says that I knew it was Ladson.
21 I put the pieces of the puzzle together. I saw it on the
22 news. That was Ladson.

23 And it's purely speculation. And it goes, also,
24 as well -- Judge, I would, also, point out that just a
25 couple weeks ago, the State was arguing that Wesley Lemons

1 statement wouldn't be credible because he didn't give his
2 statement until after he was arrested. This guy's not
3 given a statement until after he's pled guilty and got a
4 deal from the State for murder.

5 So his statement's not credible. It's -- it's
6 definitely prejudicial to us. Because it's someone trying
7 to claim that they're Sherlock Holmes and they know that
8 our client did it. And the State's had this audio and
9 video interview for -- going on four years now.

10 THE COURT: Mr. Pringle, is there anything --

11 MR. PRINGLE: Nothing further.

12 MS. OWENS: Your Honor, I don't know that there's
13 much else I can add. I -- I appreciate that the evidence
14 is prejudicial. And that's exactly why it's relevant.
15 But --

16 THE COURT: You know, I believe that -- I mean, one,
17 you had a summary of -- of the statement. Now, you've got
18 confirmation with the video and audio with the holiday
19 weekend to carefully review it.

20 So I don't believe there's any prejudice there. So
21 I'm going to deny the motion to suppress on the basis of
22 discovery. I know there's some additional things there.
23 But as far as -- I think your motion to suppress at this
24 point relates to discovery, like, issues. But I think you
25 have another motion, another grounds.

1 MR. BOATWRIGHT: Yes, Judge. The motion to suppress
2 the statement for Darius Rhodes is --

3 THE COURT: Let's get -- let's get through all the
4 discovery kind of issues first. Is that it with all --
5 did we cover all the discovery?

6 (WHEREUPON, there was no response.)

7 THE COURT: There's some records from T-Mobile that
8 you mentioned.

9 MS. WILLIAMS: Yes, Your Honor. Is that included in
10 your ruling on the mapping as well?

11 THE COURT: Well, I'm not sure. I thought that the
12 mapping related to what the sheriff's department prepared,
13 I'm not sure it -- what was T-Mobile? Is that a little
14 different or --

15 MS. WILLIAMS: The T-Mobile release was based off of
16 the search warrant for the phones. It was in response to
17 the search warrant. And it's what the maps were created
18 from.

19 THE COURT: All right. I mean, what did -- as far as
20 the T-Mobile records?

21 MS. OWENS: As I said, Judge, all of those records
22 were provided in April of 2019.

23 THE COURT: All right. Well, then that would be
24 included with the same then.

25 All right. Anything else as far as motions related

1 to discovery -- your motion to suppress relating to
2 discovery?

3 MS. WILLIAMS: I believe that's all, Your Honor.

4 THE COURT: Okay. What additional motions?

5 MS. WILLIAMS: Our second motion would be to suppress
6 a tip. A Sydney Holloway gave a tip. It was tip #61.
7 She is a friend or acquaintance of the Aileem
8 Daniels-Melvin individual, who was claiming that he had
9 involvement in this incident.

10 And she claims in her tip that Aileem and TyChristian
11 Ladson were involved in this incident. Her basis is that
12 she saw a text conversation on Aileem Daniels-Melvin's
13 phone between him and an unnamed third party.

14 And as far as that goes, it would be hearsay within
15 hearsay. And -- and the tip itself would be very
16 prejudicial. Over -- although we're asking for
17 suppression of all the tips, the -- the meat of the tips
18 is not really of any importance as far as it would be
19 prejudicial and a distraction to the jury of what the
20 evidence is against both of these Defendants.

21 And as far as the State's presentation of it, I
22 believe it could be covered in a, we got a tip.
23 Therefore, we began our investigation. The meat of the
24 tip itself should be excluded is what we're arguing for.
25 But, specifically, with tip #61, the -- the main tip that

1 deals with our client, the tipster is named.

2 The witness list that was previously given to us from
3 the State did not have her as a -- as a proposed witness.
4 That is subject to change, I'm aware. But her testimony
5 would be hearsay.

6 We're just asking that -- that we be able to -- if
7 that tip is going to come in, we be able to confront her
8 and her testimony.

9 THE COURT: Well, hold on.

10 Are y'all going to use tip #61?

11 MS. OWENS: Your Honor, I don't believe there's any
12 legal basis to admit the tips. But I will say that should
13 Ms. Holloway testify, her testimony would absolutely not
14 be hearsay. She's free to testify about her observations
15 and the information she provided based on her personal
16 knowledge.

17 So when Ms. Holloway testifies, I believe we may be
18 able to take up the extent to which her testimony is
19 admissible.

20 THE COURT: But as far as tip #61 goes, that is not
21 going to be used. And so I guess granted on that. But
22 that does not relate to her testimony. That's just the
23 tip itself. Okay.

24 MS. WILLIAMS: Correct.

25 And as far as the -- we've -- we've kind of touched

1 on this for the discovery. But the testimony of Darius
2 Rhodes, as -- as we mentioned previously, his testimony
3 would be pure speculation. He has no firsthand knowledge.
4 He --

5 THE COURT: Now, who -- tell me who Darius Rhodes is,
6 just a little background.

7 MS. WILLIAMS: Darius Rhodes was the -- the jailhouse
8 snitch, for lack of a better term, from Greenville County.

9 THE COURT: Okay.

10 MS. WILLIAMS: And he's -- he's making this
11 speculation about TyChristian Ladson from the fact that he
12 saw the news release with the video of the incident. And
13 that he just knew. He put the puzzle pieces together that
14 it was our client. Other than him just putting the pieces
15 together, he didn't really have any other basis for making
16 that speculative argument that it is our client.

17 And we would just ask that any testimony that he
18 gives to be excluded. He -- he's gotten the benefit from
19 the State as far as a plea goes. And he -- he's been --
20 he pled guilty to murder in Greenville County.

21 We would just ask that his testimony be excluded
22 because it's speculative.

23 MS. MUNSON: May it please the Court, Your Honor.

24 He -- he stinks. And he's, certainly, not the kind
25 of person we want to put on the stand. But it isn't

1 fanciful, magical speculation. He says, I recognized him.
2 I saw the video. That's Ty. He says that he saw him. He
3 even goes into details about the shoes he was wearing. So
4 it's -- it's not speculative. He does have personal
5 knowledge. He saw TyChristian Ladson driving a silver
6 Subaru.

7 Now, there are a lot of things -- if we put
8 Mr. Rhodes on the stand and it becomes necessary to
9 impeach him with that video or the statement he gave to
10 Mr. Cunningham, there's a lot of stuff that will have to
11 be redacted out of that. Mr. Rhodes says things like,
12 Well, if you know Ty, you know he does that kind of --
13 sorry -- shit. He steals cars. He does this. So there's
14 a lot of that that would -- no way that a jury should be
15 allowed to see or hear.

16 However, he does say that he recognizes TyChristian
17 Ladson from what was on the news. I don't -- I mean, he,
18 certainly, can be cross-examined on his ability to see,
19 and all that. But we would, certainly, ask you to deny
20 that motion, Your Honor.

21 MS. WILLIAMS: Darius Rhodes never, at least, in the
22 interview that I observed said he recognized any
23 particular features, or anything. He just knew it was him
24 based on a similar vehicle or shoes that he could have
25 seen in the news release where they showed the video of

1 the incident. I still think his -- his testimony would be
2 pure speculation. And we have no other basis.

3 THE COURT: It sounds like -- again, if I'm hearing
4 this right, it sounds like you're basing your motion off
5 of the video and the summary that you have. It sounds
6 like you may be basing your argument off of, actually,
7 what he's told you.

8 MS. MUNSON: Not what he's told me, Your Honor. It's
9 what -- what was in the incident report where he says that
10 he recognizes TyChristian Ladson. That is strengthened
11 when we, finally, found that -- that video, so.

12 THE COURT: I think I may have to review the video
13 before I make a ruling on that. But -- but I guess,
14 though, you plan to present him as a witness --

15 MS. MUNSON: Yes.

16 THE COURT: -- and the video only comes into question
17 if --

18 MS. MUNSON: If necessary.

19 THE COURT: Okay.

20 MS. MUNSON: I mean, they're, certainly, free to
21 really grill him on cross-examination. And I'm sure that
22 everyone in the room will do a good job of that. But it's
23 not a basis to keep the testimony out. Certainly, for the
24 jury to, you know, look at him in his prison uniform, and
25 whatever, and make their own decisions about his

1 credibility.

2 THE COURT: It may come out like the last -- we had
3 one in Greenville where the guy comes in and said, Can I
4 plead the Fifth? That was his first statement.

5 I think we may have to just cross that bridge when we
6 get to that railroad.

7 MS. WILLIAMS: That's fine, Your Honor.

8 And then as far as Peter Stokes, we, also, touched on
9 this earlier. His name never even came on our radar until
10 February 10th of 2023, when the State released those 14
11 new items of discovery. We, quite frankly, didn't even
12 know he existed or was even in the realm related to this
13 case until last Friday. We haven't had time to talk to
14 him or figure out what he could offer for our case or what
15 he's going to offer for the State's case.

16 So we would just ask for his testimony to be
17 suppressed based off of Rule 5.

18 MS. MUNSON: As far as Mr. Stokes, Your Honor, again,
19 we gave them that information as soon as we had it. I am
20 informed and believe that, as we speak, Mr. Stokes is with
21 the Easley Police Department right now. And they are
22 interviewing him. Certainly, anything he tells Easley,
23 they're going to tell us. And we're going to let them
24 know. And that's all I can tell you about that.

25 But, again, I think you can't suppress potential

1 evidence right now without really knowing what's the basis
2 of suppressing it.

3 THE COURT: All right. Again, we may -- that may be
4 one of them we just have to cross as we get further into
5 the -- the trial. Okay.

6 Yes.

7 MS. WILLIAMS: I have nothing further, Your Honor.

8 THE COURT: All right. Mr. Pringle, do you have
9 anything else?

10 MR. PRINGLE: No, Your Honor.

11 THE COURT: Anything else from the State?

12 MS. MUNSON: No, Your Honor.

13 Thank you.

14 THE COURT: All right. Here's a couple --

15 MS. MUNSON: Oh, wait a minute -- I'm sorry, Your
16 Honor.

17 Go ahead.

18 MS. OWENS: Your Honor, in listening to the jail call
19 recordings, Ms. Munson and I have some concerns that the
20 Defendants may not appreciate the gravity of the penalty
21 that they face. And I realize their attorneys have likely
22 covered it extensively, thoroughly, correctly. And it
23 would just give me comfort for the purposes of the record
24 if the Court could -- could advise the Defendants of -- of
25 the penalty so that we're all on the same page and we

1 don't think a few years from now that we would have made
2 some different decisions had we known different
3 information.

4 THE COURT: All right. And I assume, what, this is
5 30 to life?

6 MS. OWENS: Yes, sir. Mr. Collins has been served
7 with notice of intent to seek life without parole.

8 THE COURT: Okay. So, Mr. Collins, just -- just for
9 the record, you understand that you have been served
10 with -- I'm sorry. Mr. Collins, is there -- it's life
11 without parole on your case.

12 And, Mr. Ladson, that'd be 30 to life?

13 MS. OWENS: Yes, sir, Your Honor.

14 THE COURT: All right. Anything else other than --
15 I mean, you know, make sure you properly have
16 discussed and you have the opportunity to discuss
17 anything -- you know, the ramifications with your
18 attorney.

19 So do you understand that, Mr. Ladson?

20 DEFENDANT LADSON: Yes, sir.

21 THE COURT: And Mr. Collins?

22 DEFENDANT COLLINS: Yes, sir.

23 THE COURT: Okay. A couple of things for just kind
24 of housekeeping.

25 Well, first of all, what is your estimate of -- of

1 when this case -- how long this case will last?

2 MS. MUNSON: We are hopeful to be arguing and
3 charging maybe late Thursday or Friday morning.

4 THE COURT: All right. Do you -- I mean, do you
5 think four days, especially now that we've gotten some of
6 this out, should be sufficient?

7 MS. MUNSON: Some of this, too. And plus, with
8 the -- the two stipulations, that's going to trim down --

9 THE COURT: Okay.

10 MS. MUNSON: -- you know, like, five or six witnesses
11 who were just going to say, yeah, I picked this up and I
12 put it here.

13 THE COURT: Right. Well, and we'll just kind of see
14 how we go Tuesday. I don't like to keep jurors too late.
15 And I know we have a possible problem on Wednesday. So we
16 may have to -- I mean, just some conflict outside of the
17 court. And then we'll just kind of see.

18 Also, before you start -- that's kind of an inside
19 joke really. Before you -- let's -- let's -- any exhibits
20 that you can mark -- and I realize -- I mean, you know,
21 you can mark and agree on ahead of time, at least, you
22 know, get that going.

23 Voir dire. Do y'all have -- y'all can go ahead and
24 send that to me.

25 MR. BOATWRIGHT: Nothing, Your Honor.

1 THE COURT: You don't have any?

2 MR. PRINGLE: Same position as a couple weeks ago,
3 Judge.

4 THE COURT: Okay. And did y'all have -- did y'all
5 present --

6 MS. MUNSON: We will not be submitting any, Your
7 Honor.

8 THE COURT: Other than just a witness list?

9 MS. MUNSON: Yes, sir.

10 THE COURT: Okay. And -- and, again, unless y'all
11 tell me something differently, we will go -- we'll go
12 Collins -- as far as strikes go, it'll be State, Collins,
13 and Ladson.

14 Each -- the State will get 10. Each Defendant will
15 get 10. We'll pick two alternates, assuming we have
16 enough jurors out there.

17 You know, it happened the next week in Greenville.

18 MS. MUNSON: I will jump right off the balcony, Your
19 Honor.

20 THE COURT: No. I think there's some -- I think
21 there's some issues with the whole system and the way we
22 get our names. I'm not sure it's as much as people not
23 showing up.

24 So anything else anybody can think of that we need to
25 address?

1 MS. MUNSON: Nothing from the State, Your Honor. We
2 appreciate your time this afternoon.

3 THE COURT: Mr. Pringle?

4 MR. PRINGLE: No, Your Honor.

5 THE COURT: Mr. Boatwright?

6 MR. BOATWRIGHT: No, sir.

7 THE COURT: I believe everybody knows how to get in
8 touch with me over the weekend. By all means, I'm always
9 amenable to that, if we need to address anything over the
10 weekend.

11 MR. PRINGLE: That's what I was going to say. Of
12 course, I know it's implied and understood. But things
13 can arise that we may need to address.

14 THE COURT: Yeah.

15 MR. PRINGLE: But I think as we sit here right here
16 right now, there's nothing further from us.

17 THE COURT: Right. And when you do that, make sure
18 it's -- everybody's involved. Maybe a conference call,
19 like, especially on Monday. I know Monday is a holiday.
20 But I will probably be in the office as usual, so. But,
21 like I said, if y'all need to contact me, just shoot me an
22 e-mail or somebody shoot me a text and we'll set up a
23 phone conference, if needed. I'm just saying that's out
24 there, so.

25 All right. Anything else from the State?

1 MS. MUNSON: No, sir, Your Honor.

2 THE COURT: From Collins?

3 MR. PRINGLE: No, Your Honor.

4 THE COURT: And from Ladson?

5 MR. BOATWRIGHT: No, Your Honor.

6 THE COURT: All right. Y'all have a good weekend.

7 MS. MUNSON: Thank you.

8 THE COURT: And, Mr. Collins, and, Mr. Ladson, we'll
9 see y'all on Tuesday morning.

10 *****END OF TRANSCRIPT OF RECORD*****
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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2019-GS-39-00828 (Ladson)
COUNTY OF PICKENS	)	2019-GS-39-00829 (Ladson)
	)	2019-GS-39-00826 (Collins)
	)	2019-GS-39-00827 (Collins)
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
TYCHRISTIAN LADSON AND	)	
QUINTON MAURICE COLLINS,	)	
DEFENDANTS.	)	
_____	)	

February 21, 22, 23, 24, 2023
Pickens, South Carolina

B E F O R E:

THE HONORABLE PERRY H. GRAVELY, JUDGE, and a jury.

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

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KATELYN MARIE WILLIAMS, ESQ.
Attorney for Defendant Ladson

KRAIG ALAN PRINGLE, ESQ.
Attorney for Defendant Collins

CHERYL A. SMITH
Circuit Court Reporter

1 media coverage, but if there is any media coverage, then
2 you're to disregard that. You are not to pay any
3 attention to any media coverage including social media if
4 there's any out there.

5 Now, from time to time, there may be objections by
6 one party or the other and I may have to send you out to
7 discuss this. And it's not trying to hide anything, but
8 we have very specific rules of evidence that we have to
9 follow so that everything that is presented to you is
10 presented through these rules of evidence, and that's why
11 sometimes we may have to have these discussions outside
12 your presence.

13 So with that kind of -- with giving you that
14 information, at this point I'm going to turn it over to
15 the attorneys for their opening statements.

16 You may proceed.

17 OPENING STATEMENTS

18 MS. MUNSON: May it please the Court, Your Honor,
19 counsel.

20 Evidence in this case will show that on December the
21 14th of 2018, 49-year-old Stacey Regina Branham was on her
22 job at the B Pam's convenience store in Easley in Pickens
23 County. She had no idea that was going to be the last
24 night of her life. But it was. Because at about 8:00 at
25 night while Stacey was at work, two individuals,

1 assailants, came into the store. Evidence will show that
2 Tychristian Ladson is the assailant with the white mask
3 with the gun. Evidence will further show that Mr. Collins
4 is the assailant in the orange mask who tried to get the
5 cash register off of the counter.

6 The two individuals come in. Ladson fires a shot
7 before he's even all the way in the store which startles
8 Stacey who ducks down behind the counter. And she was
9 armed. So while Mr. Collins is on the counter trying to
10 pull the cash register, Stacey shot him. She got him in
11 the neck. And once that happened, Mr. Ladson fired again.
12 He hit Stacey Branham in the chest. And you will see a
13 video of Stacey dying at the hands of these two defendants
14 right here.

15 Now, at the close of the case, Mrs. Owens is going to
16 ask you to find them guilty. Before you can do that, each
17 and every one of you is going to have to be firmly
18 convinced that each defendant is guilty of each element of
19 the offenses. You might have some idea in your head right
20 now what murder is or what robbery is. But in this
21 courtroom pursuant to your oath, the only -- the only
22 version of the law that matters is the one that Judge
23 Gravely will give you.

24 You will learn that there was a man named Mr. Looper
25 driving by the B Pam's and heard the gunfire. He looks.

1 He sees two individuals run out of the B Pam's across the
2 street and get in a silver Subaru and drive away.

3 A silver Subaru was recovered as part of the
4 investigation in Greenville County. DNA on the steering
5 wheel of that Subaru matches both defendants.

6 At some point during the investigation, Mr. Collins
7 was taken for an X-ray. And you will see a photo of it.
8 It appears to be a bullet in his back just beneath the
9 skin and an injury on his neck. He was taken under a
10 court order to have that bullet removed. And then it was
11 gone. The bullet was no longer in his back. But what was
12 there was a little scar right over where the bullet was.

13 As you're taking all these things into consideration,
14 again, we'll ask you at the close of the case to find both
15 of them guilty on behalf of the people of Greenville
16 County. I'm sorry. Pickens County.

17 Thank you for your time.

18 MR. PRINGLE: Good afternoon now. We're into the
19 afternoon. Again, I'm Kraig Pringle. It's my privilege
20 to be here to represent Quinton Collins who's been accused
21 of this horrible crime.

22 You'll have to forgive me. I'm getting older and so
23 the memory isn't quite what it was when I was younger so
24 I'm going to refer to some notes. I hope that doesn't put
25 anybody off.

1 But just very briefly, the State laid out the basics
2 of what they believe their case is about and what they
3 believe they're going to be able to prove. And, of
4 course, may not come to a surprise that we disagree
5 completely. In fact, we're going to keep you in suspense,
6 I guess, about some of the details. I don't want to try
7 this case in an opening statement, but y'all know why
8 you're here, why you're sitting here.

9 The thing that I want to point out is those two guys
10 sitting right there are innocent until proven guilty. I
11 think we've all heard that. That's a very important
12 standard. Okay. It's a high standard. We require the
13 State to meet this high burden called beyond a reasonable
14 doubt, which I'm sure you've heard that, too. There's
15 differences about what that really means, but as the
16 prosecutor said in her opening, it's generally going to be
17 where you basically can't -- you're firmly convinced of
18 their guilt, that you can't find any really other
19 reasonable explanation other than the State's theory of
20 the case.

21 I would just ask you from a human standpoint, forget
22 the legal stuff, but just act as if those two guys sitting
23 there were maybe your son, your brother, your husband.

24 MS. MUNSON: Your Honor, I apologize. We have
25 something we have to take up outside the presence of the

1 jury.

2 THE COURT: All right. Ladies and gentlemen -- is it
3 worth approaching?

4 MS. MUNSON: Oh, I guess we can do that.

5 (WHEREUPON, a bench conference was held off the record.)

6 MR. PRINGLE: Again, I'd ask you to concentrate on
7 the burden that the State has to meet in this case, okay?
8 Remember that we don't have to prove anything. That's
9 part of our system. It's a safeguard for all of us to be
10 protected from the power of the State.

11 There's going to be quite a bit of material, quite a
12 bit of evidence and a large number of witnesses that are
13 going to be presented in this case. As the Court
14 indicated, we would just ask that you pay very close
15 attention and try not to render any kind of decision or
16 judgment until you've heard it all, the whole story, not
17 part of the story. I think we all know what happens when
18 we rely on partial truth or part of the story.

19 We have issues with how the investigation progressed
20 in this case. We believe that the State will fail to meet
21 their burden on proving this. There's some good lawyers
22 in this room. But just keep in mind that the power of the
23 State is a massive power, okay, and these guys are on
24 trial for their lives. Okay. So we owe it to them to
25 hear the whole thing, to make the State meet its burden.

1 If they fail to meet that burden, it's a really easy
2 decision. If you find and you're firmly convinced that
3 they've done so, which we don't believe will be the case,
4 then your decision is also easy to the other extent. But
5 we believe by the time it's all over with, by the time
6 they put on their entire case, if we've had a chance to, I
7 guess, present our version, we're going to think that you
8 have more questions than answers when it's all said and
9 done. We're going to do our best within the rules to try
10 to convince you that they've not met their burden;
11 therefore, we're going to ask you to find these guys not
12 guilty.

13 Thank you.

14 THE COURT: Mr. Boatwright?

15 MS. WILLIAMS: Members of the jury, as I'm sure
16 you've put together at this point, we're going to hear a
17 lot of evidence this week, and it's going to be a longer
18 week for a short week.

19 Now, my client walked in here innocent as Mr. Pringle
20 just said, and he will remain innocent unless and until
21 the State can prove his guilt beyond a reasonable doubt.

22 The State is going to give you a lot of evidence at
23 the end of this week. Take your time. These are serious
24 charges. Because what you will not find in any of that
25 evidence is a link that ties my client, Tychristian

1 Ladson, to this incident. So take your time, pay
2 attention, and at the end of this week, we're going to ask
3 you to find our client not guilty.

4 Thank you.

5 THE COURT: All right. Ladies and gentlemen, I felt
6 like it would be difficult for us to start our first
7 witness right now since it's after 12:00 and this will be
8 a good time for us to break for lunch. So it's five after
9 12:00. So if you'll be back in your jury room at 1:30,
10 okay? That should give everybody plenty of time for
11 lunch.

12 Again, don't discuss the case. Don't pay attention
13 to any media coverage if there's any media coverage out
14 there. Do not do any type of research about the case.
15 And if anybody should contact you other than someone from
16 the clerk's office, please let the bailiffs know.
17 Otherwise, y'all have a good lunch, and see you back at
18 1:30.

19 (WHEREUPON, the jury exits the courtroom at 12:08 PM.)

20 THE COURT: All right. Anything from the State? I
21 guess you want to put on the record . . .

22 MS. MUNSON: Yes, Your Honor. I don't really want to
23 say this, but I feel compelled to ask for a mistrial. The
24 two comments that Mr. Pringle made to the jury asking the
25 jurors to consider that these defendants were their sons

1 is -- it's just inappropriate. It's not something they're
2 allowed to consider.

3 Then the next comment was these guys are on trial for
4 their life. The juries are not allowed to consider that
5 they could potentially get life sentences. That's in
6 their heads. So I suppose you think you can issue a
7 curative instruction, but that's bad stuff to be in their
8 heads, Your Honor.

9 That's all I have.

10 THE COURT: All right. Mr. Pringle?

11 MR. PRINGLE: I think any issue could be very easily
12 cured with an instruction or a consultation.

13 THE COURT: All right. Okay. Mr. Boatwright?

14 MR. BOATWRIGHT: Judge, we just ask that you do a
15 curative instruction. The case is over four years old,
16 and as the Court is well aware, we've been trying to try
17 this case for quite some time now. I believe a curative
18 instruction telling them that they can't imagine these
19 clients are their kids or anything along those lines would
20 cure any and all prejudice that would have happened to the
21 State from that. Because the Court instructs the jury on
22 multiple things, we just ask that you give a curative
23 instruction.

24 THE COURT: All right. Anything else from the State?

25 MS. MUNSON: Just wondering if we had enough jurors

1 to just pick another jury tomorrow.

2 Just those two things, Your Honor, are in their
3 heads. And with a curative instruction, you're even
4 putting it more in their heads. I don't know how that's
5 going to help. How are they not supposed to be thinking,
6 oh, my -- oh, my gosh. These young kids could be my son
7 or daughter and they could get life? Well, I think he did
8 it, but I don't want him to get life, so we're going to
9 say not guilty. I just think it's too much damage, Your
10 Honor.

11 THE COURT: Well, I may -- my understanding the way
12 he said it, I mean, I don't know if it was a direct thing
13 saying life was the sentence, they're on trial for their
14 life. I may want to listen to that. I'll take it under
15 advisement and let you know something after lunch.

16 MS. MUNSON: Thank you, Your Honor.

17 THE COURT: Okay. All right. We'll be back in here
18 at 1:30.

19 MS. MUNSON: Yes, sir.

20 MR. BOATWRIGHT: Thank you, Judge.

21 (WHEREUPON, a recess is taken at 12:12 PM; proceedings
22 reconvened at 1:37 PM.)

23 THE COURT: All right. Before we proceed, I did have
24 a chance to review the opening statements. And although
25 both the statement about putting your -- you know,

1 thinking this is your son or daughter or your son or
2 grandson and also the statement about they're on trial for
3 their lives, I think those are definitely improper. I do
4 not believe that they're a basis for a mistrial. I don't
5 believe that the prejudice is significant enough for that.
6 We can do a curative charge to that effect. I think it
7 would be better to do it at the conclusion of the trial
8 and not at this point. That's just my thought.

9 MS. MUNSON: If it please the Court, the State would
10 prefer that they're given that instruction now so it's not
11 in their head the whole time.

12 THE COURT: Okay. All right.

13 MS. MUNSON: Thank you, Your Honor.

14 THE COURT: Anything from the defendant?

15 MR. PRINGLE: No, Your Honor.

16 THE COURT: I'm sorry. Defendant Collins.
17 Defendant Ladson?

18 MR. BOATWRIGHT: No, Your Honor.

19 THE COURT: All right. I'll go ahead and tell them
20 something.

21 Also, it's my understanding that the juror has worked
22 out something that had an issue. I was going to say -- I
23 was going to make the comment about if there are any
24 inconveniences they have, please do not hold it against
25 the parties. Hold it against the Court.

1 feel that there is any inappropriate activity, comments,
2 looks, anything like that, you don't get a second chance.
3 We have quite a few officers in here that we can have you
4 removed. So if you want to continue observing this trial,
5 you need to be on your best behavior. So is everybody
6 clear about that? Okay.

7 All right. Bring the jury in.

8 (WHEREUPON, the jury entered the courtroom at 1:45 PM.)

9 THE COURT: All right. Ladies and gentlemen, I hope
10 everybody had a good lunch.

11 And I want to re-emphasize that I realize that this
12 is an inconvenience for everybody, but please do not hold
13 that against the State or the defendants. Hold it against
14 me, the Court. And I realize this is, you know, kind of
15 throwing your life for a loop, and I do apologize for
16 that.

17 A couple things I want to also discuss with you about
18 things that were kind of after the opening statements.
19 First of all, as the jury, when you begin your
20 deliberations, you are to make your decision based on the
21 facts, based on the evidence, the admissible evidence
22 they've presented to you. You are not to put yourself in
23 place of any party or consider anything along those lines,
24 and your decision should not be based on any sympathy, any
25 emotion, anything other than the evidence itself. So it's

1 not proper for you to put yourself in place or think that
2 this may be some relative of yours. We made sure that
3 nobody had any connection to them. So it's to be based on
4 the evidence, not on any emotion or any prejudice.

5 Also, in your deliberations you are to consider the
6 evidence that is presented. You're not to even discuss,
7 consider any consequences because that's not a part of
8 your deliberation, the consequences of this trial. You're
9 to make your decision based on the evidence that is
10 presented.

11 So any further exceptions from the State for that
12 statement?

13 MS. MUNSON: Nothing further, Your Honor.

14 THE COURT: Any exceptions from the defendant
15 Collins?

16 MR. PRINGLE: No, Your Honor.

17 THE COURT: And Ladson?

18 MR. BOATWRIGHT: No, Your Honor.

19 THE COURT: All right. State, you may call your
20 first witness.

21 MS. MUNSON: May it please the Court, Your Honor.
22 The State calls Justin Stegall.

23 THE CLERK: Please raise your right hand.

24 ///

25 ///

1 WHEREUPON,

2 JUSTIN STEGALL

3 After having been duly sworn, testified as follows:

4 THE CLERK: Thank you, sir. If you would, have a
5 seat and state your name for the record, please.

6 THE WITNESS: Yes, sir. My name is Justin W.
7 Stegall.

8 DIRECT EXAMINATION

9 BY MS. MUNSON:

10 Q Who do you work for, sir?

11 A I'm employed by the Easley Police Department.

12 Q How long have you been with the Easley Police
13 Department?

14 A Going on 12 years now.

15 Q All right. What is your job title?

16 A Currently, I'm a sergeant over road patrol.

17 Q What are your duties?

18 A Currently, it's just maintaining supervision of the
19 shift and answer any calls for service if needed.

20 Q Okay. In December of 2018, were you with the Easley
21 Police Department?

22 A Yes, ma'am.

23 Q And was your job title and duties different then?

24 A I was a -- I was a corporal over road patrol then.

25 Q Okay.

1 A And my job description was then the head field
2 training officer and then responding to calls for service.

3 Q All right. And did you get a call in reference to
4 this case?

5 A Yes, ma'am.

6 Q Do you remember the date?

7 A It was the 14th of December.

8 Q Of what year?

9 A 2018.

10 Q Do you remember what time you got the call?

11 A It was roughly 8 p.m.

12 Q And when I say get the call, how did you find out
13 something was going on?

14 A So it was a general dispatch from our communications
15 center to every road patrol unit working that night via
16 the in-car radios.

17 Q All right. And what was the call about?

18 A It was a call in reference to a 1074, 1075, which is
19 an armed robbery and shooting that occurred at now -- or
20 was then B Pam's at 201 Northeast Main Street.

21 Q And it's not B Pam's anymore?

22 A It's not, no. It's changed -- changed names since
23 then.

24 Q Do you know the name of it now?

25 A I don't, no.

1 Q So where were you when you got the call?

2 A I was on North Second Street approaching the
3 intersection of Northeast Main Street -- or Northwest Main
4 Street, excuse me. Just had left the PD.

5 And this intersection, if I failed to mention,
6 intersection and business are in the city limits of Easley
7 in the county of Pickens.

8 I had just left the police department getting ready
9 to go do routine patrol.

10 Q All right. So you were on duty?

11 A Yes, ma'am.

12 Q Was anybody in your car with you?

13 A I had a trainee with me, I believe, at the time.

14 Q Okay. How long did it take you to get from where you
15 were when you heard the dispatch to get to B Pam's?

16 A It would have taken me less than a minute.

17 Q All right. On your way to B Pam's, did you see
18 something that caught your attention?

19 A Yes.

20 Q What was that?

21 A Yes, ma'am. So as I was approaching B Pam's, which
22 is the intersection of Northeast Main Street and North
23 A Street, about a block down I observed a vehicle run the
24 red light at North B Street and Northeast Main Street.

25 Q Okay. What did you do when you saw that?

1 A When I saw that, I believed it to be a possible
2 suspect, so I took off after the vehicle. My lights and
3 sirens were already activated, and I attempted to catch up
4 and perform a traffic stop.

5 Q Did the car stop?

6 A It did, yes.

7 Q What kind of car was it?

8 A It was a silver Subaru SUV.

9 Q It was silver?

10 A Yes.

11 Q Okay. Did you talk with the person driving the car?

12 A Briefly, briefly.

13 Q Did you even get out of your car?

14 A Never even got out.

15 Q Why not?

16 A Because as I approached and the vehicle began slowing
17 down and pulling off to the side of the road, something
18 just didn't feel right. It wasn't behaving as I would
19 have assumed someone would that just committed a robbery
20 at a store. There wasn't a pursuit, wasn't a fight or
21 anything like that. It was just kind of different.

22 So I pulled up beside him on the driver's side, and
23 there was another officer that pulled him off in front.
24 We had a brief conversation through the window. He said
25 that he -- he told me he was chasing after the suspects.

1 They were in a car just like his. And then he pointed me
2 in the direction of Hagood Street, which is just down the
3 road from Northeast Main and North D, about where he came
4 to a final stop.

5 So we had our brief encounter. And me and the other
6 officer took off in the direction he pointed and began
7 canvassing the area. Sent the description out to dispatch
8 for a BOLO. Just started checking the area for what I
9 could see.

10 Q Do you remember anything about the person that was
11 driving the car that you stopped?

12 A He was an older white male. That's about all I know
13 about him.

14 MS. MUNSON: Your Honor, may I approach?

15 THE COURT: You may.

16 MS. MUNSON: Officer Stegall, I am showing you
17 State's Exhibits 1 and 2. If you'll take a look at those.

18 And, Your Honor, for the record, I've shared this
19 information with the defense.

20 THE WITNESS: (Reviews exhibits) Okay.

21 BY MS. MUNSON:

22 Q Do you recognize those two exhibits?

23 A I do, yes.

24 Q Are they true and accurate depictions of the area
25 where you were called on December 14th of 2018?

1 A Yes, ma'am.

2 MS. MUNSON: Your Honor, I move State's 1 and 2 into
3 evidence, please.

4 THE COURT: Any objection ---

5 MR. PRINGLE: None.

6 THE COURT: --- Collins? Ladson?

7 MS. WILLIAMS: None.

8 THE COURT: All right. In without objection.

9 (WHEREUPON, State Exhibit Numbers 1 and 2 were admitted
10 into evidence.)

11 BY MS. MUNSON:

12 Q All right. There's a laser pointer up there, Officer
13 Stegall. If you could ---

14 THE COURT: And it will probably not work on this
15 screen.

16 THE WITNESS: Okay.

17 THE COURT: Oh, it does.

18 BY MS. MUNSON:

19 Q All right. Officer Stegall, if you can -- and this
20 is -- for the record this is State's Exhibit Number 1
21 that's being displayed. If you could use the laser
22 pointer and show the jury about where you were when you
23 got the call about this case.

24 A Well, actually, it's not quite the picture, but I
25 would be up here (indicating). Northwest Main Street and

1 about North Second Street would be right about up here
2 (indicating) when I got the call.

3 Q Okay. And do you see B Pam's on that exhibit?

4 A Yes. Right here (indicating).

5 Q Right there. Okay.

6 So where were you on State's Exhibit Number 1 when
7 you encountered the older white male in the Subaru?

8 A It would be further down here on this side
9 (indicating) at Northwest Main Street at North B. That
10 was my first observation of the infraction. And then
11 further on down towards North D is where our contact was.

12 Q Okay. Now let me show you State's Exhibit Number 2.
13 Now, what's the difference between State's Number 1 and
14 State's Number 2?

15 A Just one's zoomed in and one's zoomed out.

16 Q And where is B Pam's on here?

17 A B Pam's is here (indicating).

18 Q And what street is that as you're looking at it to
19 the left of B Pam's?

20 A This street right here (indicating) is North
21 A Street.

22 Q And what is that building just past B Pam's on
23 A Street?

24 A Here (indicating)?

25 Q Yes, sir.

1 A It should be a veterinary clinic.

2 MS. MUNSON: Okay. Thank you, Officer.

3 I have nothing further at this time, Your Honor.

4 THE COURT: Cross-examination by Collins?

5 MR. PRINGLE: No questions.

6 THE COURT: Ladson?

7 MS. WILLIAMS: No questions.

8 THE COURT: All right. Thank you. You may step
9 down.

10 THE WITNESS: Thank you, Your Honor.

11 THE CLERK: Sir, if you would, raise your right hand.

12 WHEREUPON,

13 WILLIAM LOOPER

14 After having been duly sworn, testified as follows:

15 THE CLERK: Thank you, sir. If you would, have a
16 seat and state your name for the record, please.

17 THE WITNESS: I'm William Looper.

18 DIRECT EXAMINATION

19 BY MS. MUNSON:

20 Q All right. Mr. Looper, where do you live?

21 A Dacusville.

22 Q All right. Who do you live with?

23 A My wife, Shasta.

24 Q Do you work outside the home?

25 A I have a job -- I have a business at home.

1 Q Okay. What do you do?

2 A I build flintlock rifles.

3 Q Okay. Now, do you remember the incident that brings
4 you here today?

5 A Yes, ma'am. Very clearly.

6 Q Do you remember the date?

7 A December -- it was in December. I don't remember
8 exactly.

9 Q How did you first get involved in this case?

10 A My wife and I had been out to eat and we were driving
11 home. We were driving along right in front of Taco Taco,
12 and we heard gunshots and looked over as we were slowing
13 down to turn onto I think it's North A Street. We saw two
14 guys come running out of the B Pam. And they ran
15 alongside the building panicking, you know. They were
16 kind of bumping into each other. They ran -- we turned
17 onto A Street. They ran, jumped over the little stem wall
18 and ran right across in front of us, and then they ran and
19 jumped into a little silver Subaru.

20 Q Okay.

21 A And then we stopped. We were on -- at that point
22 we'd called 9-1-1, and so we were kind of narrarating the
23 whole thing. And I decided I was going to follow them no
24 matter which way they went. So we stopped in the road,
25 and it took a few minutes for them to -- or a few seconds

1 for them to kind of pull out. The car was kind of shaking
2 like they were unfamiliar with the vehicle is what it
3 looked like to me.

4 They pulled out, went north on -- or back towards the
5 Main Street. And we whipped around and follow them. They
6 went to the left back in front of B Pam and back in front
7 of Taco Taco. We pulled out and followed them. We were
8 maybe 50 yards behind them. And they ran that next red
9 light.

10 There was a car sitting there. They went around that
11 one. We came up, all the while being on the phone with
12 the police. We went around and followed them. And at
13 that point, a police officer came flying up behind us.
14 And we pulled over because we were in the same type of
15 car.

16 And he stopped beside me, and I was telling him to --
17 I was telling the dispatcher to tell the officer to go
18 past me, because they were just maybe 100 yards in front
19 of us.

20 And so when we slowed down and pulled over at that --
21 there's an old abandoned gas station. I think at the time
22 it was like a taco truck or something that used to sit
23 there. That's where we pulled over. And when the police
24 officer pulled up, and I was like you need to go. They're
25 right in front of us. And right then the taillights

1 disappeared.

2 Q Okay. The car that you were driving that night, what
3 kind of car was that?

4 A It's a 2017 Subaru Forester.

5 Q And what color was it?

6 A Mine was white.

7 Q All right. And so you got a decent look at the car?

8 A Oh, yeah. Oh, yeah. There was -- it was -- it was
9 right around the same year as ours, but it was silver.

10 Q Okay. Were you able to get a tag number or anything
11 off the car?

12 A No. We didn't get close enough to get the tag. I
13 didn't want to get right up on them, and it was kind of
14 misting that night, too. So we didn't get right up on
15 them.

16 But you -- I could tell that it was -- it looked like
17 a vanity plate, but you couldn't tell exactly what it was.
18 So there was like four or five letters on the left side
19 and then like a 1 or an I or something. But I didn't get
20 like right up on them.

21 Q And when these individuals ran in front of your car,
22 could you get any kind of look at them, any description of
23 them?

24 A Yeah. The first one that came out the door -- I
25 watched them from when they came out of the door till they

1 ran in front of us and got in the car.

2 So the first one that ran out the door, he had like a
3 -- it was either a jacket or a vest, like a black or real
4 dark colored vest or -- like over a sweatshirt or either
5 the jacket had like light colored sleeves. He had blue
6 jeans on.

7 I remember when that guy -- when they're going across
8 the road, his pants had come down. He was like holding
9 them up, and he had like green -- green and black checked
10 underwear on. I remember that distinctly.

11 The other guy had -- he was all like in a black
12 sweatsuit. But he had something white on his face that he
13 -- at some point in there he yanked that off, because when
14 they were getting in the car, I think he had taken that
15 off.

16 Q Okay. Did you get a look at their faces?

17 A Just from the side.

18 Q Right. So you wouldn't be able to recognize them.

19 A No.

20 Q All right. After they got in the silver Subaru and
21 drove off, what did you notice about how they were
22 driving?

23 A Well, it took them a few -- at first it looked like
24 they both tried to get in the same door. I mean, they
25 were panicked. And so at that point I took my eyes off of

1 them. My wife was watching them. But I pulled up a
2 little bit so I wasn't like right exactly beside them.
3 But they sat in the car for several seconds. It wasn't
4 like they immediately cranked it up and spun out of there.

5 Q Okay.

6 A But they kind of -- the car was shaking a lot, kind
7 of like, you know, jostling a little bit.

8 They pulled out without any headlights or any running
9 lights or anything coming on.

10 I remember that the -- we couldn't see in the car
11 because it looked like the windows were fogged up on the
12 inside.

13 Q Okay. Now, when they ran in front of you, could you
14 tell if they were male? female? black? white?

15 A They were two males, yeah.

16 Q Okay. Could you tell anything about the race of the
17 people?

18 A Yeah. They -- they were African-American.

19 Q Okay.

20 A I saw their heads.

21 Q Okay.

22 A But they were very athletic built, you know, young
23 men. I would have said, I think -- initially I thought,
24 well, those guys are either teenagers or in their early
25 20s or something.

1 Q Okay. So as they pull off and the car was kind of
2 shaky with no headlights or running lights, did they turn
3 them on at some point?

4 A They didn't turn them on until they got on -- what's
5 that road in front? Main -- Main Street. It's not Main
6 Street. What's the road in front of ----

7 Q I'm not allowed to answer that.

8 A Okay. I'm sorry. The road right in front of
9 B Pam's.

10 Q Okay.

11 A They were -- I think they were right maybe even past
12 Taco Taco before they turned the lights on.

13 Q Okay. So you say that you heard gunshots.

14 A Yes, ma'am.

15 Q How do you know it was gunshots?

16 A Well, several years ago, I was an NRA pistol
17 instructor, and I've been around firearms my whole life.

18 Q Okay.

19 A So I'm quite familiar with that.

20 My wife thought it was fireworks at first. But it
21 was startling. I mean, it was -- it was loud. Because we
22 were -- you know, we were kind of slowing down to get
23 ready to turn and you hear a pop, pop, pop, pop, pop. It
24 was like -- it was three to five shots, I think, and it
25 was like they were right on top -- some of them were right

1 on top of each other.

2 MS. MUNSON: Okay. May I approach, Your Honor?

3 THE COURT: You may.

4 BY MS. MUNSON:

5 Q Mr. Looper, I'm showing you what's in evidence as
6 State's Exhibit Number 2. Just take a look at this.

7 A (Reviews exhibit) Yes, ma'am.

8 Q Do you recognize that?

9 A Yes.

10 Q Would it be helpful in explaining your testimony to
11 the jury?

12 A Well, I can show you where -- their little car was
13 parked over here.

14 Q I'm sorry to interrupt, but will it be helpful?

15 A Sure.

16 Q Okay. I'll take this. There's a laser pointer right
17 there, and you can point at it on the screen.

18 While we're waiting on that to warm up, Mr. Looper,
19 how was the car, the silver Subaru that you saw the two
20 individuals get in, how was it parked?

21 A It was backed up to -- it was backed up like right
22 there (indicating).

23 Q And this is State's Exhibit Number 2.

24 So where were you in your car when you heard the
25 gunshots?

1 A We were driving right through here (indicating). We
2 were somewhere right in here (indicating) ---

3 Q Okay. All right.

4 A --- slowing down to turn right here (indicating).

5 Q Okay. Were you slowing down to turn anyway?

6 A Yes, ma'am.

7 Q Okay. And about where were you when the two
8 individuals came out of B Pam's and ran in front of you?

9 A Right -- right in here (indicating). I mean, it was
10 almost immediate. The shot -- heard the shots. I looked
11 at my wife and then looked over and saw them running out.

12 Q Okay.

13 A So we were slowing down. And I think we got -- I'm
14 sure you played the 9-1-1 call, but I think we were right
15 in here (indicating) when she immediately got on 9-1-1.

16 Q Okay.

17 A But they ran out the door, jumped over this wall
18 right here, ran on down and got in the car. And then they
19 -- and then we -- so I was right here (indicating) when
20 they ran across, like right here when they ran in front of
21 us (indicating).

22 Q Okay.

23 A And then we pulled up, slowed down, and watched them
24 get in, fool around with the car a little bit. Then I
25 went down here and just stopped because I was going to

1 wait and see which way they went. And then they pulled
2 out and went back this (indicating) way, and we followed
3 them.

4 MS. MUNSON: All right. Thank you, sir.
5 Nothing further, Your Honor.

6 THE COURT: Cross examination, Collins?

7 CROSS EXAMINATION

8 BY MR. PRINGLE:

9 Q What direction were y'all going when you -- when you
10 -- at the end there, at the end of what you demonstrated,
11 when you turned around and started following the vehicle,
12 what direction were you heading at that time?

13 A Can I use the map again? I'll show you.

14 I guess it's south. Okay. So initially, we were
15 coming down here, heard the shots, saw them running. As
16 we're turning down here, they run in front of us. We go
17 down here and watch them get in the car, and I stop like
18 right here, like right there. They were parked -- backed
19 up to here. They pulled out and went this way. I whipped
20 it around as they were about right here and followed them.
21 So (indicating throughout) ---

22 Q So when you turned left up there then ---

23 A To go this (indicating) way.

24 Q What direction would you have been going then? I
25 mean, like north? south? east? west?

1 A Whatever direction that is. I'm not quite sure.

2 Q Do you know what direction the road you turned
3 around, what direction that goes?

4 A Yeah. I think that's probably north. Yeah. So they
5 would have been going west, I think.

6 Q So you believe they were going west.

7 A Well, I'm telling you that they were going in this
8 (indicating) direction, whichever direction that is.

9 Q And you believe that to be west?

10 A I think that's irrelevant. I don't know. I would
11 have to look at a thing. You know, off my head, I don't
12 know.

13 Q Well, it could be relevant. That's why I want to
14 make sure that we're clear about this.

15 So you followed them on the road that you're not sure
16 was going west but maybe was going west, and you followed
17 them for a while until you were pulled over.

18 A Yes.

19 Q And that's when you -- that's the last you saw of the
20 vehicle that you were following.

21 A Right.

22 Q What made you want to turn around and follow the
23 vehicle?

24 A Because I believed that that -- whoever those guys
25 were had either robbed that -- had robbed that place.

1 That's what I thought.

2 Q And you thought you heard shots as well, right?

3 A Oh, yes. Yeah.

4 Q So your initial instinct was to get involved.

5 A Yes.

6 Q Were you armed at the time?

7 A Yes.

8 Q Legally?

9 A Yes.

10 Q And, again, as far as when you're following these
11 guys, and as you said, did you -- were they speeding?

12 A No. Not to start off with. It wasn't until we got
13 past that -- is that B Street? I know I'm not supposed to
14 ask you questions. But at the next red light right there,
15 after they went through that, then they started to speed
16 up.

17 Q And you ran the red light too while you were
18 following them?

19 A I did. I -- I stopped, make sure nobody was coming.
20 There was another car sitting there, and I made sure that
21 nobody was coming, and I went around it.

22 Q Okay. And do you believe that you maybe exceeded the
23 speed limit while you were trying to catch these guys?

24 A No. Not at that point because they -- at that point
25 I saw the police officers coming behind me. I could see

1 in my rear-view mirror that there were ---

2 Q And, again, how would you describe the driving of the
3 vehicle you followed?

4 A They were -- they were accelerating. They had been
5 on the speed limit right in through this (indicating)
6 section until that red light. They ran that red light,
7 and then they started to speed up. And so we were -- we
8 were within probably 50 yards of them. When they got to
9 the red light, they went through. I -- I stopped but
10 ended up going through the red light, and at that point
11 they'd got up to about a hundred yards. I would say when
12 the police officer pulled us over, their taillights just
13 disappeared, so they were just maybe 100 to 150 yards
14 ahead of us. So they weren't like -- at that point they
15 weren't -- they were accelerating, but, I mean, they
16 weren't going 100 miles an hour.

17 Q Were they leaving you, though, getting away from you?
18 It sounds like -- it sounds like you were unable to stay
19 with them; is that fair?

20 A I chose not to, yeah. I didn't want to get too close
21 because, obviously, these two guys had shot at -- or
22 somebody had shot at ---

23 Q So it was your intention to follow them to try to
24 assist law enforcement.

25 A Yes. That's correct.

1 Q Okay.

2 A Yeah. I wasn't going to try and stop them.

3 Q Okay. And despite the details that you talked about
4 as far as what you thought they were wearing and what you
5 observed, you were unable to determine any kind of license
6 plate other than some kind of general block of -- I don't
7 want to put words in your mouth. Didn't you say ---

8 A No. Well, I only got within about maybe -- when they
9 were turning around -- when we were closest to them, I was
10 worried about turning around. Okay. So I didn't
11 physically -- wasn't able to identify the tag number. And
12 I didn't get within maybe 50 yards of them. Close enough.
13 Because it was -- it was an overcast, kind of misting, and
14 I wasn't able to see. I didn't get close enough to
15 clearly identify the tag number, if that's what you're
16 asking.

17 Q All right. And it was about 8:00 at night.

18 A Yes. It was dark.

19 Q So it was dark, right?

20 A Yeah.

21 Q And yet you were able to determine that these were
22 two African-Americans?

23 A Yes. Because it's -- there's a lot of ambient light
24 around -- around all that. You can -- you know, the
25 lights from around here, I mean, you can -- it clearly lit

1 up all this. They did run through our headlights when we
2 were right here. But it was light enough. That might
3 even be a streetlight right there. But it's lit up where
4 you can see clearly (indicating throughout).

5 Q All right. And you mentioned you saw like black and
6 white coloring. Is it possible that maybe their faces and
7 heads were covered with something dark?

8 A One of them had a -- had like an orange, like the
9 florescent orange. But I think he -- he'd taken that off
10 by the time he got to the road.

11 The other one had something white on his face, but I
12 think he pulled that -- when we first came out, when I saw
13 them on the sidewalk, the one dressed all in black had
14 white on his face. I definitely saw white.

15 Q And this happened very fast, right?

16 A Oh, yeah. Oh, yeah.

17 Q So I guess it's possibly you could be mistaken about
18 their facial features.

19 A I didn't see any facial features at all. I could not
20 identify if it was, you know, you or ---

21 Q Is it possible that they weren't even
22 African-American or maybe mixed race?

23 A They were very dark skin. When they got to the road,
24 I could clearly see their heads.

25 Q Okay. And you said -- you know, how would you -- you

1 said once you turned and you were following, you run the
2 red light, they're kind of getting away from you.

3 A Yeah. They were -- they were getting away from us.
4 Because I slowed down at that point because I saw police
5 officers coming up behind me. I didn't want to impede
6 him.

7 Q Okay. You said you believed that you thought maybe
8 with the gun shots and everything going on, what did you
9 believe that was going on?

10 A Well, my initial impression was that store had just
11 been robbed and those two guys did it.

12 Q Okay. So then when they jump in the car and take
13 off, how would you characterize what they were trying to
14 do?

15 A Leave the -- leave the scene.

16 Q Maybe get away, right?

17 A Yeah. Oh, yeah.

18 Q To get away.

19 A Yeah.

20 Q That would explain the driving.

21 A Right. But they weren't driving erratically. I
22 mean, it wasn't like they were swerving all over the road
23 or something. They stayed in their lane till they got to
24 the red light, went around the car that was stopped there
25 at the red light, because the light was red, went around

1 it, and at some point in there is when they turn the
2 headlights on. Because when they turned onto North -- I'm
3 sorry. I don't live in Easley so I'm not exactly sure
4 what that street is right there. North -- Northeast Main.
5 They didn't have their headlights on when they turned onto
6 that. It wasn't until they got probably down to here that
7 they turned the headlights on. And I think once they got
8 past that red light, then that's when they started
9 accelerating away (indicating throughout).

10 Q Okay. And, again, you said you weren't positive, but
11 we believe that that was accelerating away to the west,
12 correct?

13 A Right.

14 MR. PRINGLE: Thank you. Nothing further.

15 CROSS EXAMINATION

16 BY MS. WILLIAMS:

17 Q Mr. Looper?

18 A Yes.

19 Q You gave a written statement in this case, correct?

20 A Yes.

21 Q And you mentioned two black males.

22 A Yeah.

23 Q And that's the only identifying information you gave
24 in your written statement?

25 A I believe so, yes.

1 Q If you saw the individuals that were involved, would
2 you know it was them?

3 A No.

4 Q Could you identify the car if it was -- a picture was
5 placed in front of you?

6 A Yes. Well, a 2017 -- 2016 to 2018 Subaru Forester,
7 silver, yeah, I could.

8 Q And if I showed you a picture of a Subaru Forester, a
9 2017, you could say that's the vehicle.

10 A Yes. Because I was driving an exact same vehicle
11 except a different color.

12 Q Just based off the description of a silver Subaru
13 Forester.

14 A Well, when you drive a vehicle, you tend to notice.
15 And if you're a car guy like I am, you know what a
16 specific vehicle is.

17 Q But you would know that that specific Subaru Forester
18 was the one used in this incident.

19 A Out of a million of them? Is that what you're asking
20 me?

21 Q Yes.

22 A I can't say that I could say that.

23 Q So you could not identify the car.

24 A I could identify a silver Subaru -- 2017 Subaru
25 Forester.

1 Q But not this specific silver Subaru Forester that was
2 used in this incident.

3 A Right.

4 Q And you saw that it was a Subaru Forester, but you
5 didn't -- you didn't see any other identifying information
6 on the vehicle.

7 A I was more worried about following it and keeping it
8 in my eyesight, you know.

9 Q Sure. You didn't see the license plate.

10 A I did from afar, but I wasn't close enough to see
11 exactly what it -- what it read.

12 Q And you didn't see any decals.

13 A I didn't pay attention to that.

14 Q All right. In your written statement, as we
15 mentioned earlier, the only description you gave was two
16 black males.

17 A Right.

18 Q You didn't mention that they were of athletic build.

19 A Well, a lot of times when you're going through a
20 traumatic experience, which that was, you don't -- you
21 think about things after the fact, you know. That doesn't
22 mean that they're not true.

23 Q And you went to Easley after the fact and gave them
24 some more information, correct?

25 A I did, yeah.

1 Q About the boxers that you saw.

2 A Yeah. Because I had forgotten to mention that at the
3 time, yeah.

4 Q And you didn't add at that time that they were of
5 athletic build.

6 A No.

7 Q And you did not state in your statement or in your
8 follow-up that they were younger, they appeared to be
9 younger.

10 A I believe I told whoever it was, it may be on the
11 9-1-1 call, that they were young, twenty -- you know,
12 twenty-something athletic men, you know. They weren't
13 obese women running out across through there.

14 Q So ultimately, you can't identify the people.

15 A No.

16 Q And you can't identify the vehicle out of a line of
17 silver Subaru Foresters.

18 A I guess not, no.

19 MS. WILLIAMS: Thank you.

20 THE COURT: Redirect?

21 MS. MUNSON: Very briefly, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. MUNSON:

24 Q Did you say that this car had a vanity plate on it?

25 A It looked like from -- as much as you could tell from

1 50 yards away, yeah.

2 MS. MUNSON: I have nothing further, Your Honor.

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

4 MS. MUNSON: We would ask that this witness be
5 excused.

6 THE COURT: All right. You may be excused.

7 MS. MUNSON: The State calls Timothy Callaham.

8 THE CLERK: If you would, raise right hand.

9 WHEREUPON,

10 TIMOTHY CALLAHAM

11 After having been duly sworn, testified as follows:

12 THE CLERK: Thank you, sir. If you would, have a
13 seat and state your name for the record, please.

14 THE WITNESS: Timothy Callaham.

15 DIRECT EXAMINATION

16 BY MS. MUNSON:

17 Q Hi, Mr. Callaham.

18 Where are you living now?

19 A Alma, Georgia.

20 Q And what do you do there?

21 A I'm a chef.

22 Q At a restaurant?

23 A Yes, ma'am. It's a golf resort and hotel.

24 Q How long have you been there?

25 A A little over a year.

1 Q All right. Back in December of 2018, where were you
2 working?

3 A Taco Taco.

4 Q What were you doing there?

5 A I was the head chef there.

6 Q All right. Were you familiar with -- well, at the
7 Taco Taco, were there any businesses on either side of
8 you? across the street?

9 A Yes. A liquor store and B Pam's, a gas station,
10 convenience store.

11 Q Were you familiar with any of the people that were
12 working at B Pam's?

13 A Yes. Stacey. I'm very familiar with her.

14 Q Okay. How long had you known Stacey?

15 A Probably two, three years just going in that corner
16 store.

17 Q Okay.

18 A She was like the neighborhood mom kind of to
19 everybody.

20 Q Okay. Now, I want you to think back to the incident
21 that brings you here today. Do you remember that night?

22 A Yes.

23 Q Where were you when you realized something was wrong?

24 A Out back of Taco Taco on a smoke break. And I heard
25 the gunshots and ran to the store and found her there.

1 Q Okay. How many gunshots did you hear?

2 A I want to say it was three or four.

3 Q Okay. So when you heard the gunshots, where did you
4 go?

5 A I ran straight to the store. Ran over to her.

6 Q And what did you see when you got in the store?

7 A Her lying on the ground bleeding out.

8 Q Okay. Was she able to talk with you?

9 A No.

10 Q And what did you do when you saw Stacey lying there
11 in that condition?

12 A I think the first thing I did was call the owner of
13 my business because the police were already on the way. I
14 called him and let him knew [sic] so he could come up
15 there, be a part of the situation as well.

16 Q Did anybody go into B Pam's with you?

17 A Kelly Atkinson.

18 Q And where was she working?

19 A The same place. She was my assistant manager at Taco
20 Taco at that time.

21 Q And were y'all both outside at the time you heard the
22 shots?

23 A Yes, ma'am.

24 Q So after you got inside and saw what had gone on, did
25 anybody else come into the store while you were there?

1 A No, ma'am.

2 Q No law enforcement? No emergency personnel?

3 A Yes, yes. Law enforcement was there shortly after
4 checking the scene out, yes.

5 MS. MUNSON: Okay. Your Honor, at this time I would
6 like to play State's Exhibit 13. I'm informed and believe
7 by the defense that they're stipulating to the
8 admissibility of this document.

9 THE COURT: Is that correct from Collins?

10 MR. PRINGLE: Yes, Your Honor.

11 THE COURT: And Ladson?

12 MS. WILLIAMS: Yes, Your Honor.

13 THE COURT: All right. And this is Exhibit ---

14 MS. MUNSON: I apologize. So I'm moving State's
15 Exhibit Number 13 into evidence.

16 THE COURT: All right. In without objection.

17 (WHEREUPON, State's Exhibit Number 13 was admitted into
18 evidence.)

19 BY MS. MUNSON:

20 Q Now, Mr. Callaham, you probably can see it better up
21 on that. It might be on your screen too. But just take a
22 look at this and then I'll have some questions for you
23 afterwards.

24 (Pause in proceedings.)

25 MR. PRINGLE: Excuse me, Your Honor. If I may, if

1 that monitor is not functional, could we possibly have it
2 removed or lowered? Because we can't see any of the
3 witnesses from our vantage point if they sit in the box
4 there.

5 THE COURT: All right.

6 MR. PRINGLE: Thank you.

7 MS. MUNSON: Your Honor, while we're doing that, the
8 defense has also stipulated to the admissibility of
9 State's Exhibit Number 12. They are both videos that have
10 been provided to the defense. So I'd like to move that
11 one into evidence as well. Not going to play it right
12 now, but I would just like to get it into evidence.

13 THE COURT: All right. Any objection from Collins?

14 MR. PRINGLE: None.

15 THE COURT: And Ladson?

16 MS. WILLIAMS: None, Your Honor.

17 THE COURT: All right. That's in without objection.

18 (WHEREUPON, State's Exhibit Number 12 was admitted into
19 evidence; pause in proceedings.)

20 THE COURT: Do you want to take a break and get this
21 going?

22 MS. MUNSON: Yeah. Perhaps we should take a break,
23 Your Honor. I apologize.

24 THE COURT: All right. Ladies and gentlemen, we're
25 going to take a short break. Don't discuss your case.

1 But I do have an assignment for you, and that is
2 among the first 12 of you, not the alternates, y'all don't
3 qualify, pick a foreperson. And a foreperson is merely
4 the person that would lead any discussions when you begin
5 your deliberation and also any communication with the
6 Court. Usually, that comes through the foreperson.

7 So at this time go back. Don't discuss the case, but
8 come up with a foreperson and then let the bailiff know
9 who that is once that's been selected. We'll bring you
10 out as soon as we get everything taken care of
11 technology-wise. All right.

12 (WHEREUPON, the jury exits the courtroom at 2:25 PM.)

13 THE COURT: We'll take a ten minute break.

14 And you can step down.

15 I guess he hasn't really started his testimony, has
16 he?

17 MS. MUNSON: He's testified some.

18 THE COURT: Mr. Callaham, is it?

19 THE WITNESS: Yes, sir.

20 THE COURT: All right. Let me just tell you you're
21 in what I call my witness bubble. That means once you've
22 started testifying, you can't talk to anybody about your
23 testimony.

24 THE WITNESS: Yes, sir.

25 THE COURT: All right. Do take a break and ---

1 THE WITNESS: I'll be right back.

2 THE COURT: Okay.

3 (WHEREUPON, a recess is taken at 2:25 PM; Court's Exhibit
4 Number 1 was marked for identification.)

5 THE COURT: All right. We are back on the record.

6 Two things I would like to point out. We have
7 Stephen Kidd has been selected as the foreperson.

8 And this is at the direction of my court reporter on
9 Friday. She told me to put on the record that Hollie
10 Jenkins was the court reporter for motions on February 17,
11 2023, even though she was not for the actual trial.
12 That's in the event that anybody has to order transcripts,
13 Indigent Defense and all will know. So Hollie has been
14 accommodated.

15 All right. So is the State ready?

16 MS. MUNSON: Yes, Your Honor.

17 THE COURT: All right. Mr. Callaham, if you'll come
18 back up on the stand.

19 If they're ready.

20 (WHEREUPON, the jury entered the courtroom at 2:55 PM.)

21 THE COURT: All right. Mr. Kidd, I believe you've
22 been selected foreman. Thank you for serving that
23 position.

24 And, ladies and gentlemen, thank you for your
25 patience, but some technological issues are more difficult

1 to solve than others. But I think we're on board now.

2 So you may continue, Ms. Munson.

3 MS. MUNSON: Thank you, Your Honor. We'd just like
4 to play State's Exhibit 12.

5 THE COURT: Is this audio or just video?

6 MS. MUNSON: Just video. No audio.

7 THE COURT: Just video. Okay.

8 MS. MUNSON: Can we get the lights, Your Honor?

9 (WHEREUPON, State's Exhibit Number 12, a video recording,
10 was played in open court.)

11 MS. MUNSON: Your Honor, may we have permission to
12 move it a little bit forward?

13 THE COURT: I think it was at 1:35, maybe.

14 MS. MUNSON: Thank you, sir.

15 (WHEREUPON, State's Exhibit Number 12, a video recording,
16 continued to play in open court.)

17 THE COURT: Go back and hit "pause" and "play," see
18 if that works.

19 MS. MUNSON: Your Honor, rather than take up any more
20 time with this . . .

21 THE COURT: Lights.

22 BY MS. MUNSON:

23 Q Did you recognize what was on the screen, what little
24 bit we were able to see, Mr. Callaham?

25 A Yes. I actually -- I don't know if y'all paid

1 attention. You could see me when I first run in as I was
2 going to go around the back of the counter, but it froze
3 before it caught me coming around the counter.

4 Q And the lady on the ground, that was -- who was that?

5 A Stacey.

6 Q You didn't see anybody leaving the store?

7 A No.

8 Q So you didn't -- you really didn't see anybody
9 leaving the store or committing any kind of crime, right?

10 A Yes.

11 Q You just went in there to tend to Stacey.

12 A Yes, yes.

13 MS. MUNSON: I have nothing further, Your Honor.

14 THE COURT: Cross-examination from Collins?

15 MR. PRINGLE: None. Thank you.

16 THE COURT: From Ladson?

17 MS. WILLIAMS: No questions.

18 THE COURT: All right. Thank you. You may step
19 down.

20 MS. MUNSON: Your Honor, may Mr. Callaham be excused?

21 THE COURT: Yes. He can be excused.

22 MS. MUNSON: Your Honor, at this time I would request
23 permission -- first I would move into evidence State's
24 Number 29, which is the stipulation regarding the autopsy.

25 THE COURT: All right. You may proceed.

1 Is there any objection to this ---

2 MR. PRINGLE: None.

3 THE COURT: --- from Collins and Ladson?

4 MS. WILLIAMS: No objection.

5 THE COURT: All right. This is a stipulation. Yes.

6 MS. MUNSON: First I'll move it into evidence, Your
7 Honor, State's Number 29.

8 THE COURT: All right. Without objection.

9 (WHEREUPON, State's Exhibit Number 29 was admitted into
10 evidence.)

11 MS. MUNSON: State vs. Quinton Collins and
12 Tychristian Ladson stipulation of fact. Now comes the
13 State by and through its undersigned representatives and
14 the defendants by and through their undersigned
15 representatives who stipulate to the following as fact at
16 the trial of this case: Number 1, an autopsy was
17 performed on the deceased body of Stacey Regina Branham,
18 the alleged victim in this case, on December the 15th of
19 2018. The autopsy was properly conducted by a licensed
20 and qualified forensic pathologist. The cause of death of
21 Stacey Regina Branham was a single gunshot wound to her
22 chest. The manner of her death was homicide. And it is
23 stipulated to by Judith Munson, Katryna Owens, Kraig
24 Pringle and Ashalay Boatwright.

25 THE COURT: Ladies and gentlemen, a stipulation

1 sometimes between counsel is kind of like an uncontested
2 fact. It has to be considered by y'all in your
3 deliberations how you deem appropriate.

4 All right. Next witness.

5 MS. MUNSON: The State calls Thomas Cloer.

6 THE CLERK: Sir, if you would, raise your right hand.
7 WHEREUPON,

8 THOMAS CLOER

9 After having been duly sworn, testified as follows:

10 THE CLERK: Thank you, sir. If you would, have a
11 seat and state your name for the record.

12 THE WITNESS: My name is Thomas Thad Cloer.

13 DIRECT EXAMINATION

14 BY MS. MUNSON:

15 Q Were do you live, Mr. Cloer?

16 A [REDACTED], Taylors, South Carolina.

17 Q All right. What do you do for a living?

18 A I'm a contract worker with a PR firm, and our main
19 client is Duke Energy.

20 MS. MUNSON: Okay. May I approach, Your Honor?

21 THE COURT: You may.

22 MS. MUNSON: Again, for the record, Your Honor, these
23 exhibits have been shared with defense.

24 BY MS. MUNSON:

25 Q Mr. Cloer, I'm showing you State's Exhibits

1 Number 14, 15 and 16. If you'll take a look at those.

2 A (Reviews exhibits.)

3 Q Do you recognize those, sir?

4 A I do.

5 Q And how do you recognize them?

6 A That's my car. It's got my vanity plate "Cloer1."

7 Q Okay.

8 A It also has a Clemson sticker on it, which is my
9 wife's.

10 Q All right. So Exhibits 14, 15 and 16, are they true
11 and accurate depictions of your silver Subaru Forester?

12 A Yes, they are.

13 MS. MUNSON: Your Honor, I move State's 14, 15 and 16
14 into evidence, please.

15 THE COURT: Any objection ---

16 MR. PRINGLE: None.

17 THE COURT: --- from Collins and Ladson?

18 MS. WILLIAMS: No objection.

19 THE COURT: All right. In without objection.

20 (WHEREUPON, State's Exhibit Numbers 14, 15 and 16 were
21 admitted into evidence.)

22 BY MS. MUNSON:

23 Q When was the last time you saw this car, Mr. Cloer?

24 A September of 2018.

25 Q Okay.

1 A We had moved to Taylors. We had been living there
2 for about -- we moved in August and we'd been living there
3 four to six weeks. It was Sunday morning. I got up. I
4 walked the dog outside. We were going to go visit
5 churches. And the car was gone.

6 I called the sheriff's department. They said, "Are
7 you sure it wasn't repoed?"

8 I said, "No, it wasn't." And so I said, "I need to
9 make a report, you know. I need to report this thing
10 stolen."

11 And they would start, they would take my information.
12 And they go, "Are you sure it wasn't repoed?" They asked
13 me three times.

14 So finally, we did the report. And I got a loner
15 from the insurance company. 30 days later they paid it
16 off, and we bought another car.

17 Q Okay. So on the screen, Mr. Cloer, is State's
18 Exhibit Number 16. Is that the back of your car ---

19 A It is.

20 Q --- that was stolen in 2018?

21 A It was. It is.

22 Q All right. Now, Mr. Cloer, do you recognize either
23 Mr. Collins or Mr. Ladson?

24 A No.

25 Q Have you ever given them permission to drive your

1 car?

2 A No.

3 Q Never met them before.

4 A No.

5 MS. MUNSON: Okay. I have nothing further at this
6 time, Your Honor.

7 THE COURT: Cross-examination, Collins?

8 MR. PRINGLE: None. Thank you.

9 THE COURT: And Ladson?

10 CROSS EXAMINATION

11 BY MS. WILLIAMS:

12 Q Mr. Cloer, when you got your car back, did you
13 inspect it at all?

14 A I never got it back. They -- they called me -- the
15 sheriff's department called me in January. They said,
16 "Mr. Cloer, we found your car."

17 And I said, "Well, it's not my car anymore. It's the
18 insurance company's."

19 They said, "Well, do you have a spare key?"

20 I said, "Well, yeah, I do."

21 And so they came and they got the spare key, and they
22 used that to access the car that they had found.

23 Q Okay.

24 A But I never saw it again until today.

25 MS. WILLIAMS: One moment.

1 No further questions.

2 THE COURT: All right. Any redirect?

3 MS. MUNSON: No, Your Honor. Thank you.

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

5 MS. MUNSON: We ask that Mr. Cloer be excused.

6 THE COURT: All right. You're excused.

7 All right. Next witness.

8 MS. MUNSON: Your Honor, the State calls Brian Cowan.

9 WHEREUPON,

10 BRIAN COWAN

11 After having been duly sworn, testified as follows:

12 THE CLERK: Thank you, sir. If you would, have a
13 seat and state your name for the record.

14 THE WITNESS: My name is Robert Brian Cowan.

15 DIRECT EXAMINATION

16 BY MS. MUNSON:

17 Q Who do you work for, sir?

18 A Currently I work for Prisma Health as a police
19 officer.

20 Q Okay. So what are your duties?

21 A Maintain law and order over at the Prisma campuses.

22 Q How long have you been with Prisma?

23 A Three years.

24 Q And where did you work before Prisma?

25 A Easley Police Department.

1 Q How long were you at the Easley Police Department?

2 A 25 years.

3 Q All right. At your last position with Easley, what
4 was that?

5 A I was an evidence officer, crime scene investigator
6 and detective.

7 Q Okay. And did you get a call in reference to this
8 case?

9 A Yes, I did.

10 Q And when was that?

11 A That would be December the 14th of 2018.

12 Q Were you on duty?

13 A No, ma'am, I was not.

14 Q So when you got notice of what had happened, you went
15 to B Pam's?

16 A Yes. That's correct.

17 Q How long did it take you to get there?

18 A Roughly 15 minutes, maybe a little less.

19 Q All right. So what was your main responsibility as
20 the crime scene officer, evidence officer at this B Pam's
21 situation?

22 A My main job is to collect and preserve evidence
23 dealing with criminal activity in cases that need to go to
24 trial.

25 Q Okay. When you go to the B Pam's, was anybody with

1 you?

2 A No. I was -- I was -- responded by myself. There
3 was other officers already on scene.

4 Q Okay. When you got to the location, was Stacey still
5 in the store?

6 A I cannot recall.

7 Q Okay. So what did you notice about the store when
8 you first went in the front door?

9 A Well, that there was a bunch of officers there and
10 that I had a -- it looked -- based on my experience, it
11 looked as though someone had tried to take the cash
12 register.

13 Q What do you mean it looked like that?

14 A Cash register was askew, there was papers and other
15 items all over the place messed up.

16 Q What did you do as far as that cash register, as far
17 as attempting to gather any evidence?

18 A If I remember correctly, we fingerprinted the cash
19 register, and that was pretty much the extent of it.

20 Q Okay. Did you recover any prints off that cash
21 register?

22 A No. Not that I recall. I do not believe we did.

23 Q Okay. Well, I mean, if you had, what would you have
24 done with them?

25 A If I had -- if I had recovered fingerprints, those

1 would have been -- they'd have been sent over to the
2 Greenville County Law Enforcement Center for their
3 comparison to try to identify who those prints belong to.

4 Q And then you would have been notified of that,
5 correct?

6 A That is correct, yes.

7 Q Okay. And that didn't happen in this case.

8 A No, it did not.

9 MS. MUNSON: Okay. May I approach, Your Honor?

10 THE COURT: You may.

11 BY MS. MUNSON:

12 Q All right. Officer Cowan, I'm showing you State's
13 Exhibits 3 through 11. If you'll just take a minute and
14 take a look at those.

15 A (Reviews exhibits.)

16 Q Do you recognize these exhibits, Officer Cowan?

17 A Yes, I do.

18 MS. MUNSON: For the record, Your Honor, I have
19 shared these with the defense.

20 BY MS. MUNSON:

21 Q Are these true and accurate depictions of what you
22 saw at the B Pam's on December the 14th of 2018?

23 A That is correct. Yes, ma'am.

24 MS. MUNSON: Your Honor, at this time I move
25 State's 3 through 11 into evidence.

1 THE COURT: All right. Any objection?

2 MR. PRINGLE: None.

3 THE COURT: All right. In without objection.

4 MS. WILLIAMS: No objection for Ladson.

5 THE COURT: Oh, I'm sorry.

6 (WHEREUPON, State's Exhibit Numbers 3 through 11 were
7 admitted into evidence.)

8 BY MS. MUNSON:

9 Q So you've got the laser pointer right there, Officer
10 Cowan?

11 A Oh, okay.

12 Q So this is State's Exhibit Number 3. What view is
13 this?

14 A This is the view from where the camera is pointing
15 toward the front door of the business.

16 Q Okay. Is it inside the business or outside the
17 business?

18 A This is looking outside the business. So the camera
19 is located inside the business.

20 Q Okay. Let's look at State's Number 4, if I can do
21 this without making everybody carsick.

22 This is State's Exhibit Number 4, Officer Cowan.
23 What does it show?

24 A This is what I was talking about as far as things
25 being askew and out of place. This is a view from the

1 outside of the business looking in the door. The counter
2 is here, and all these items here would have been set up
3 on this counter here (indicating throughout).

4 Q Okay. And where was the register?

5 A The register is right in this area here (indicating).

6 Q Okay. And where was Stacey?

7 A After reviewing the photographs, Stacey is lying on
8 the backside of this counter here (indicating).

9 Q Okay. Now, this is State's Exhibit Number 6. It's a
10 little hard to make out, but explain to the jury what this
11 is.

12 A Okay. If you've ever been in a convenience store,
13 you know when you walk in to the register, you have an
14 area above it that there's signs. That's usually where
15 they keep their cigarettes. So this (indicating) is that
16 sign, and this right here (indicating) is a small hole in
17 that sign.

18 Q And did that appear fresh? Or do you have any idea
19 of what it looked like to you?

20 A In my years of experience, that -- it appeared --
21 that right there appeared to be a bullet hole.

22 Q All right. Now, this is State's Exhibit Number 5. I
23 want you to show the jury on State's Exhibit Number 5
24 where that sign would have been.

25 A It's a little blurry, but the sign is right here

1 (indicating).

2 Q There we go.

3 A There we go. The sign is right here (indicating).
4 So that bullet hole is -- I believe it's like right in
5 here, in this area right in here (indicating).

6 Q All right. On State's Exhibit Number 5, where is the
7 front door where the assailants would have come in?

8 A Right here (indicating) is the front door.

9 Q All right. And the cash register would be where?

10 A Cash register is -- would have been right in this
11 area right here (indicating).

12 Q All right. And do you see what appear to be
13 Styrofoam cups on the floor on State's Exhibit Number 5?

14 A Right here (indicating), yes, and here (indicating).

15 Q What does that indicate?

16 A That is where I took and made numbers, made basically
17 cups to make numbers on so that I could have reference
18 points whenever I did my report as far as evidence that I
19 picked up.

20 Q Okay. And what kind of evidence were these cups?

21 A These were for shell casings.

22 Q Okay. Now go back to State's Number -- go ahead to
23 State's Number 7. Now, what does this show?

24 A This is the cigarette area where they keep the
25 cartons. And this is -- there is a spent casing laying

1 right up against this Marlboro Special Select cigarette
2 carton (indicating throughout).

3 Q What caliber casing was it?

4 A I would have to look back over and see. I know I
5 specified it whenever I wrote my -- wrote my report, but I
6 would have to look back into it to verify.

7 Q Would you like to look at your report?

8 A Yes. That would be very much appreciated.

9 MS. MUNSON: May I approach, Your Honor?

10 THE COURT: You may.

11 THE WITNESS: Just a second. (Reviews document) I
12 have them -- excuse me. I have them noted as my markers.
13 And these markers would coincide with my evidence report
14 that I documented. So that would actually have the
15 specific details of the caliber of the projectile or from
16 the shell casings.

17 BY MS. MUNSON:

18 Q All right. Officer Cowan, does that appear to be
19 your Property and Evidence sheets?

20 A That is correct.

21 Q So what caliber is that up there on State's
22 Exhibit 7?

23 A Okay. So that is -- that shell casing there is a
24 380 caliber.

25 Q Okay. All right. Now let's look at State's

1 Number 8. What does this show?

2 A Okay. This is the backside. The cash register is
3 here (indicating), and this (indicating) is the backside
4 of the cash register where the victim would have been.

5 Q Okay. Now let's look at State's Number 9. Can you
6 see the numbers on those two cups?

7 A That's what I was looking at. Yes, I can. (Reviews
8 exhibit) Yes, I can. These were the shell casings that
9 were located in the -- out in the common area, what we
10 call the common area, which is the area that all the
11 patrons and everything, they normally (indicating) ---

12 Q And those were two shell casings?

13 A Those are two shell casings, correct.

14 Q Do you know what caliber those are?

15 A They would be on the other property report. I
16 believe there should be another one. (Reviews document) I
17 apologize. I did not note that on that. They would have
18 been in the evidence.

19 Q All right. That's all right.

20 So let's look at Number 10.

21 A Okay. Yes. I know what 10 is.

22 Q And do you know what -- can you see a number on that
23 -- on one Styrofoam cup?

24 A Yes, I can.

25 Q And where was this -- were these recovered?

1 A Okay. This is a projectile, and this is a shell
2 casing, and this here is the -- you see the hair. This is
3 the victim lying here. These were located between the
4 victim and the counter of the -- of B Pam's that separate
5 -- the counter that the register would be sitting on and
6 the other items would be sitting on (indicating
7 throughout).

8 Q All right. Now, State's 11, what's the number on
9 that Styrofoam cup?

10 A That number is Number 3.

11 Q Okay. And what is Number 3 marking?

12 A It is a single quantity shell casing.

13 Q Okay. Now, Officer Liner [sic], can you tell us how
14 many shell casings that you found all together?

15 A You're talking to Officer Cowan?

16 Q Yes. Can you tell us how many shell casings you
17 found? I'm sorry.

18 A I'm sorry. All right. All total we found -- I'm
19 noting five shell casings and two projectiles.

20 Q The shell casings, were they all the same caliber?

21 A I do not have it noted here, so I can't say.

22 Q Would it be in your report?

23 A It would probably more likely be in the report from
24 Greenville County. They did a separate analysis of those
25 shell casings, and they ---

1 Q You collected them, correct?

2 A Yes. I collected them, yes.

3 Q And did you share -- those shell casings, how did
4 they get to Greenville?

5 A I transported them to Greenville.

6 MS. MUNSON: Okay. Beg the Court's indulgence for
7 just a second.

8 BY MS. MUNSON:

9 Q So you collected these number of things. And then
10 what did you do with them when you collected them?

11 A Once I collect the evidence, I document it, I label
12 it, and then I take it back to the Easley Police
13 Department. I put it in the evidence room and hold it
14 until which time it's either needed -- needed for court or
15 needed to be transported to another facility for further
16 analysis.

17 Q Okay. And the shell casings you sent to Greenville?

18 A Yes. That's correct. Greenville had a firearms
19 testing facility that they -- that we -- that's where we
20 would carry our ballistics testing and firearms testing
21 to.

22 Q Okay. Other than the shell casings, did you take
23 anything else from the store?

24 A We took projectiles, we took a -- some digital media,
25 we took a swab from the register, cell phone, camo cut --

1 and a camo coat and some partial projectiles.

2 Q Okay. Where did the projectiles come from?

3 A One of them was laying on the floor which was in the
4 image there, and the other projectile, we located it in a
5 roof tile.

6 Q In the ceiling?

7 A In the ceiling of ---

8 Q Of the store?

9 A Yes. That's correct.

10 Q Inside the store or outside?

11 A I'm showing here that it was located inside the roof
12 tile which would have been inside of the store.

13 MS. MUNSON: Okay. I have nothing further at this
14 time, Your Honor.

15 THE COURT: Cross-examination, Collins?

16 CROSS EXAMINATION

17 BY MR. PRINGLE:

18 Q Detective -- It's Detective Cowan?

19 A Officer Cowan will be fine.

20 Q At that time it was officer?

21 A At the time I was a detective, crime scene
22 investigator, evidence officer. I was -- I was a man of
23 many hats at that time, yes.

24 Q Sounds like it. Okay. Let's go with Detective
25 Cowan.

1 A Okay.

2 Q Are you aware of the State's theory in this case?

3 MS. MUNSON: Objection, Your Honor. Relevance.

4 THE COURT: Yeah. Sustained.

5 BY MR. PRINGLE:

6 Q Were you the only one from Easley Police that went to
7 the crime scene in order to collect the evidence?

8 A I was the assigned evidence officer. Yes, sir. I
9 was the crime scene ---

10 Q Were there any other police officers that assisted
11 you?

12 A We did -- I did have other officers assisting me,
13 yes, at times.

14 Q Now, in one or more of those pictures that you were
15 shown, it appeared that maybe the cash register had been
16 moved. To your knowledge, was the cash register there
17 throughout your investigation?

18 A That's correct. It was.

19 Q Okay. And you said that you tried to -- what's the
20 word you used where you try to detect prints?

21 A You basically fingerprint it. You dust it for
22 fingerprints.

23 Q Could you explain what that process involves?

24 A Okay. Easiest way I can explain it is if you've ever
25 washed a car and then you laid your hands on it, drive it

1 down a dusty road, you see your fingerprints that you've
2 touched the car. We do it except we use -- there's
3 different powders that we use so it contrasts with the
4 paint or whatever surface it's on. If it's a black
5 surface, we use a -- we don't use black powder. We use a
6 gray powder or white powder. So it depends on the surface
7 we're testing. It's what it is. But it's a different --
8 it's basically a powder that you put on that adheres to
9 the residue left behind by your fingerprints.

10 Q And you did -- you did that thoroughly on the cash
11 register.

12 A Yes, sir. Yes, sir.

13 Q Now, did you also apply that process to any other
14 location or place other than the cash register inside the
15 store?

16 A If I remember correctly, I did attempt the front
17 door, the door frame on it, the glass in that area. I do
18 remember doing that.

19 Q Okay. So by exclusion, you didn't fingerprint the
20 counter, the countertop area?

21 A No, sir. I don't believe we did. I can't ---

22 Q Have you seen the video of the crime in this case?

23 A I watched it many times, yes, sir.

24 Q Okay. So you're familiar with the video, basically
25 what it shows?

1 A Yes, sir.

2 Q Would you agree that it doesn't appear that anybody's
3 wearing gloves in that video, in particular either
4 assailant?

5 A No, sir. You're incorrect. It appeared the
6 assailants were wearing gloves.

7 Q It appeared they were wearing gloves?

8 A That's correct. I believe that was noted in my
9 report.

10 Q And you're certain of that?

11 A I'm going to reread my report right now. That's --
12 showing here Subject Number 1 was not wearing gloves and
13 attempted to grab the register.

14 Q Not wearing gloves.

15 A Yes. That's correct. You are correct, sir.

16 Q All right. So not to put you on the spot, but it
17 seems like you're having a lot of trouble remembering all
18 of this; is that fair?

19 MS. MUNSON: Objection, Your Honor. Relevance and
20 argumentative.

21 THE COURT: Overruled. I think it's an appropriate
22 question.

23 BY MR. PRINGLE:

24 Q You're having trouble recalling basically anything to
25 do with this case?

1 A There are certain parts of it I am having problems
2 recalling.

3 Q Okay. But certainly, it would have been noted if you
4 printed any particular areas. So if it's not listed in
5 your report, could we conclude that you did not print the
6 area?

7 A That's correct. You can conclude that if that's ---

8 Q Okay. Now, in your training and experience, is
9 fingerprinting the most sophisticated way to try to
10 identify somebody physically?

11 A There's multiple other ways.

12 Q Such as DNA?

13 A Skin cells, DNA.

14 Q Did you swab any of the area for DNA in this case?

15 A I did. I do -- I do note that I did that.

16 Q What's the process? And how do you swab for DNA?

17 A You take a sterile swab, which I kept a box of, you
18 use a sterile water, which is basically sterilized.
19 There's nothing in it. Depending upon the surface, if the
20 surface is dry, you will dip the swab or in this case pour
21 water over it to liquefy it, and you swab the area.
22 Usually, you do that in two different -- you do a dry and
23 a wet. If you're picking up blood, there again, wet, you
24 won't use anything; dry, you would have to dampen it to
25 get it.

1 Q And to your recollection or in your report, is there
2 any indication that you observed blood of any kind around
3 that cash register area?

4 A Around the cash register, no, sir.

5 Q Okay. And is there a way that you would have been
6 able to test for blood that's separate from fingerprinting
7 or DNA analysis?

8 A That's -- there are other solutions to use.

9 Q Such as the fluorescent ---

10 A Luminol.

11 Q That kind of thing.

12 A Yes.

13 Q Was that employed?

14 A No, it was not.

15 Q So to your knowledge, nobody looked for any kind of
16 blood evidence at all?

17 A No, sir. We didn't see anything that led us to
18 believe ---

19 Q But you did DNA swab part of the area.

20 A Yes, we did.

21 Q And you did fingerprint part of the area.

22 A That's correct, sir.

23 Q And would you say that at that time, the Easley
24 Police Department, your investigative techniques, would
25 they be as modern, 21st century as any other? I mean,

1 were you at the forefront?

2 A We were not CSI: Miami.

3 Q Okay.

4 A We were basically a small police department. We had
5 -- I wouldn't say we had the least amount of equipment,
6 but we were equipped but we were not highly equipped.

7 Q Do the best you can with what you've got.

8 A That is correct, sir.

9 Q So you would say in fairness that maybe not the most
10 advanced police department as far as these types of
11 investigation at that time.

12 A At that time, correct, sir.

13 Q And you said you would routinely evidently get
14 Greenville County Sheriff's Office involved?

15 A Whenever we had evidence such as DNA, ballistics,
16 stuff we needed additional testing for, yes, we would
17 transport it over to Greenville.

18 Q Is that because Easley was unable to process that
19 type of investigation?

20 A Yes. You're talking -- that's correct, yes. We did
21 not have the equipment.

22 Q So basically, you went to another agency because you
23 couldn't figure it out within Easley Police Department.

24 A Because we didn't have the equipment, yes, sir.

25 Q Right. Again, the best you can do.

1 To your knowledge, was any blood recovered at the
2 scene that you could attribute to either one of these
3 defendants?

4 A We did not collect any blood outside of the victim's
5 blood.

6 Q All right. And you printed the area, albeit you said
7 incompletely, not the entire area, fair?

8 A We printed the area on the cash register, found
9 smudges, and then would have -- I would have continued my
10 printing up to the door, into the counter and stuff of
11 that nature, yes, sir.

12 Q And, again, you saw the video, so it appears to show
13 an assailant going for the register?

14 A Correct.

15 Q All right. Looks like a lot of contact, right?

16 A That was where the smudges were from.

17 Q Okay. But you didn't end up printing the countertop,
18 you said.

19 A I did not. I did not note in the report that I
20 recovered anything from the countertop.

21 Q Okay. And probably did not DNA swab that area
22 either?

23 A The -- no, sir. We did not DNA swab the countertop.

24 Q Okay. Well, don't you think in hindsight that maybe
25 you should have?

1 A With the amount of traffic that that location has,
2 the DNA would have not been useful at that time because of
3 the number of people that touched that counter constantly.
4 You get cross-contamination from DNA and then it's not
5 admissible in court.

6 Q Well, isn't it fair if you would have printed and
7 found, say, Quinton Collins's fingerprints, we'd know
8 about it, wouldn't we?

9 A Yes. If I found his fingerprints, you would have
10 known about that.

11 Q But then you just said also that it would be
12 worthless because of such high traffic and high volume.
13 Why even print? Why even test for DNA if it's going to be
14 worthless?

15 A Prints are the last thing known that touch it. DNA
16 can stay for weeks and months.

17 Q Okay. So why even swab for DNA if it's not going to
18 prove anything or help us out?

19 A If you have an area in which you can prove that
20 someone has touched, then you can swab from that area and
21 then they can begin the process of it.

22 Q Okay. And the long and short of it is you were
23 unable to find any prints, any DNA, any blood that would
24 connect to not only Mr. Collins, but Mr. Ladson as well.

25 A Not to my recollection, sir.

1 Q And, in fact, unfortunately, not every surface that
2 could have been tested was evidently tested.

3 A Not -- I don't know how to answer that because I felt
4 like I did a thorough job.

5 Q Is that the way you would typically have processed a
6 crime scene?

7 A When I go in and start processing a crime scene and
8 then whenever we had -- in this case we have video
9 evidence that showed me where people touched, then I
10 concentrate on that area.

11 Q And you knew there was a deceased, right?

12 A Yes.

13 Q There was a dead victim.

14 A Yes.

15 Q Typically, wouldn't that mean that you might be even
16 a little more thorough in this type of investigation than,
17 say, if it was just a robbery, for example, and with a
18 deceased victim?

19 A We -- I'm trying to understand exactly what you're
20 asking me. So you're saying that we would ---

21 Q It seems as if you could have done a lot more than
22 you did.

23 A I did ---

24 Q And maybe it's because you didn't have ---

25 MS. MUNSON: Objection, Your Honor. Is that a

1 question?

2 THE COURT: Right. And he needs to be able to finish
3 the answer too.

4 MR. PRINGLE: Well, Your Honor, he seemed like he
5 wasn't understanding the question, so I was trying to
6 clarify that.

7 THE COURT: All right. Ask your question and then
8 let him answer.

9 BY MR. PRINGLE:

10 Q If you didn't swab and fingerprint, say, the
11 countertop, which is -- again, it's not indicated that you
12 did it, right?

13 A Correct.

14 Q Do you think that you should have?

15 A No.

16 Q No. It wouldn't have maybe provided any value?

17 A Not after watching the video and seeing where people
18 touched.

19 Q Okay. But you do -- you do those tests for a reason,
20 right?

21 A Yes. Once we can -- I mean, in situations where we
22 have video, we are able to see where our defendants or our
23 suspects touched. That's the areas we concentrate on more
24 because that is where our evidence will be coming from.

25 Q Sure. And clearly, you concentrated on the register,

1 but evidently not the whole area around the register.

2 A Again, we concentrate on the area in which we observe
3 the suspects touching.

4 Q Okay. And there was a lot of contact by the
5 assailant in that area according to the video and your
6 observations.

7 A I don't believe there was a lot of contact with skin.
8 It would look more like there was clothing that contacted
9 those areas.

10 Q Okay. So when the assailant is trying to grab a cash
11 register with no gloves on ---

12 A Correct.

13 Q --- you'd agree that that would be physical contact.

14 A And that is the area we concentrated on.

15 Q And so you were unable to find any results that match
16 up with either one of these guys, let alone anyone; isn't
17 that true?

18 A Yes. I mean, I think I've answered that question
19 already. But yes.

20 MR. PRINGLE: I have nothing further. Thank you.

21 THE COURT: And then Ladson?

22 CROSS EXAMINATION

23 BY MS. WILLIAMS:

24 Q Mr. Cowan, so in your investigation, you were not
25 able to identify Tychristian Ladson.

1 A No, ma'am. None of -- none of my investigation
2 identified him.

3 Q And you were not able to identify Mr. Collins.

4 A None of my investigation did.

5 MS. WILLIAMS: Thank you. No further questions.

6 THE COURT: Any redirect?

7 MS. MUNSON: Yes, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. MUNSON:

10 Q Does the surface on which you're trying -- from which
11 you're trying to receive -- retrieve a print, does that
12 make a difference?

13 A Yes, it does.

14 Q So what was this cash register made out of?

15 A The cash register was made out of a metal, and it was
16 a surface that would hold fingerprints. When you start
17 dealing with other surfaces, they don't hold prints as
18 well, and so we don't -- I mean, especially if also you're
19 dealing with a dusty area, they don't hold prints. You're
20 dealing -- it's different. You have to look at the whole
21 situation to determine what areas ---

22 Q So is this cash register smooth?

23 A The cash register is kind of rippled smooth, but it
24 would -- it would hold prints and it would hold ---

25 Q Okay. And had you not had the video, watching these

1 two people come in, one grabs for the register, doesn't
2 lay his hands over the countertop, but had you not had the
3 video, would you have printed it more?

4 A I would have probably been there about four hours,
5 four or five hours printing the entire area.

6 Q All right. And when people -- when you're trying to
7 retrieve prints, not only the type of material but the
8 surface such as a countertop in a convenience store for
9 prints or DNA, what's your experience about how valuable
10 that is?

11 A It's -- because of the high traffic area, you get
12 multiple prints, overlapping prints, contaminating prints.
13 The same thing with DNA. It gets where you get
14 cross-contaminations of DNA.

15 So when -- if you collect DNA from a countertop where
16 everybody that comes into that store touches, you get
17 multiple types of DNA, and then they have to go through a
18 process of trying to separate it all out. And at that
19 time the experience was unless you can say 100 percent
20 that person touched that area, don't worry with it because
21 it was -- you're not going to be able to get anything
22 definite on it.

23 Q And based on the video that you saw, what evidence
24 did you have, based on the video, that either one of the
25 assailants touched the countertop?

1 A We didn't have any video evidence showing they
2 touched the countertop.

3 MS. MUNSON: I have nothing further at this time,
4 Your Honor.

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

6 MS. MUNSON: Your Honor, may Officer Cowan be
7 excused?

8 THE COURT: You may be excused.

9 MS. MUNSON: Your Honor, at this time I would move
10 into evidence State's 28. This is a stipulation that
11 we've all agreed to.

12 THE COURT: All right.

13 (WHEREUPON, State's Exhibit Number 28 was admitted into
14 evidence.)

15 THE COURT: And ladies and gentlemen, the same what I
16 told you before about stipulations being stipulations that
17 both parties have agreed to as evidence. You're to
18 consider it, give it the weight and value you feel is
19 appropriate.

20 MS. MUNSON: Thank you, Your Honor.

21 This is State vs. Quinton Collins and Tychristian
22 Ladson. Now comes the State, by and through its
23 undersigned representatives, and the defendants, by and
24 through their undersigned representatives, to stipulate to
25 the following as fact in the trial of this case:

1 Number 1, on 12/18/18 a swab for possible DNA was taken
2 from the steering wheel of a silver in color 2018 Subaru
3 Forester vehicle; 2, that swab was compared to known DNA
4 profiles of Quinton Collins and Tychristian Ladson; 3, the
5 swab showed a combination of two DNA profiles; the DNA
6 from the steering wheel of the silver Subaru Forester
7 matched both Tychristian Ladson and Quinton Collins; 5,
8 the DNA comparison was conducted by a qualified expert in
9 DNA analysis, and the DNA matched to Tychristian Ladson
10 and Quinton Collins, was not blood. We so stipulate,
11 Judith Munson, Kraig Pringle, Katryna B. Owens and Ashalay
12 Boatwright.

13 May we approach, Your Honor?

14 THE COURT: Yes.

15 MS. MUNSON: Or maybe they want a break.

16 (WHEREUPON, a bench conference was held off the record.)

17 THE COURT: All right. Ladies and gentlemen, we're
18 going to have to take a short break. I promised you a
19 short break last time and look what happened. But anyway,
20 don't discuss the case. We'll bring you out just as soon
21 as possible.

22 (WHEREUPON, the jury exits the courtroom at 3:42 PM.)

23 THE COURT: And I know you all have an order in your
24 mind, but if this person's not here, find somebody else.

25 All right. Take a short break.

1 (WHEREUPON, a recess is taken at 3:43 PM.)

2 THE COURT: All right. Is the State ready?

3 MS. MUNSON: Yes, Your Honor.

4 THE COURT: You can tell your witness that I made
5 y'all call him, so that's . . .

6 All right. Is Collins ready?

7 MR. PRINGLE: Yes, Your Honor.

8 THE COURT: And Ladson ready?

9 MS. WILLIAMS: Yes, Your Honor.

10 THE COURT: All right. Bring the jury in.

11 (WHEREUPON, the jury entered the courtroom at 4:08 PM.)

12 THE COURT: All right. Ladies and gentlemen, thank
13 you for your patience.

14 We will now -- the State, call your next witness.

15 MS. MUNSON: May it please the Court, Your Honor.
16 The State calls Jason Finley.

17 THE COURT: All right. Officer Finley, if you'll
18 come around.

19 THE CLERK: Please raise your right hand.

20 WHEREUPON,

21 JASON FINLEY

22 After having been duly sworn, testified as follows:

23 THE CLERK: Thank you, sir. If you would, have a
24 seat and state your name for the record, please.

25 THE WITNESS: Jason Finley.

DIRECT EXAMINATION

BY MS. MUNSON:

Q All right. Mr. Finley, who do you work for?

A Greenville County Sheriff's Office.

Q How long have you been with the sheriff's office?

A One year.

Q What is your title?

A Deputy sheriff assigned to the road -- road patrol.

Q And your duties are just regular patrol?

A Yes, ma'am.

Q Who did you work for before the Greenville County Sheriff's Office?

A The Easley Police Department.

Q How long were you with them?

A 7 1/2 years.

Q What were your title and your duties with Easley?

A Road patrol and K9.

Q Okay. Were you with Easley PD in December of 2018?

A I was.

Q And did you get a call about this case?

A I did.

Q Were you on duty?

A I was.

Q Was anybody with you in your car?

A No.

1 Q Okay. Where were you when you got the call?

2 A Within the city limits.

3 Q Okay. About how long did it take you to get to the
4 incident location?

5 A Maybe close to five minutes. I'm not sure exact
6 time.

7 Q Okay. When you got -- first of all, where was the
8 location that you went to?

9 A 201 Northeast Main Street, which was B Pam's.

10 Q Okay. When you got there, did you notice any other
11 cars in the parking lot, any emergency vehicles?

12 A I don't remember. I believe I was first on scene,
13 first or second or, you know, got there the same time as
14 another unit. There was a few people outside, maybe a few
15 cars. I don't remember, you know, specifically which
16 vehicles were in the parking lot.

17 Q All right. And when you got there, what did you do
18 first?

19 A I got on my patrol vehicle, and that's whenever I
20 started hearing people was inside the store hollering,
21 "Come inside. Help."

22 Q And did you go in the store?

23 A I did. Yes, ma'am.

24 Q How many people did you see in the store?

25 A I believe it was two. One of them was being the lady

1 that worked next door. There's a neighboring business
2 which is a restaurant. She was there.

3 Q How was she behaving?

4 A She was frantic. She was screaming, hollering.

5 Q Was she asking you to do anything?

6 A For me to come inside and help, referring to the
7 victim who was inside.

8 Q Now, the female that you saw when you went in, had
9 you ever seen her before?

10 A I have not, no.

11 Q Okay. Was there anybody else in the store besides
12 one frantic female?

13 A I believe there was a male, but I don't remember if
14 he was inside the store with her or if he was just outside
15 -- outside the store. And then, of course, the victim was
16 in there. So two or three people.

17 Q When you say "the victim," who are you talking about?

18 A Ms. Branham.

19 Q Where did you find her?

20 A Behind the table right there, behind the desk or the
21 clerk's table.

22 Q Okay. And what did you do when you first saw her
23 lying there?

24 A I immediately requested for EMS and fire.

25 Q Okay. Did you check on her at all?

1 A Once Officer Medina got there, that's when we rolled
2 her over, and he checked for pulse to start attending to
3 her injuries. By that time she was already deceased.

4 Q Okay. Now, after you rolled her over, did you notice
5 anything?

6 A She was on top of -- we believed to be her firearm
7 was up underneath her as well as a puddle of blood and
8 shell casing and a projectile.

9 Q Okay. What kind of firearm did she have?

10 A I believe it was a 380, but I'm not 100 percent sure.

11 Q And then there was a projectile?

12 A There was a projectile laying next to her as well as
13 a shell casing.

14 Q All right. What do you mean when you say
15 "projectile"?

16 A The projectile is just going to be the bullet itself,
17 not the shell casing.

18 Q And these two items were underneath her.

19 A The gun was up underneath her, and I believe the
20 shell casing and the projectile was right there beside
21 her.

22 Q All right. Did you look for anybody inside the
23 business?

24 A Yeah. Once other units got there, we made sure that
25 the business was cleared. There was a locked bathroom,

1 and we had to force entry into it just to ensure that
2 nobody else was inside the business.

3 Q Okay. And no one was in there?

4 A Nobody was in there.

5 Q Did you stay on the scene during the investigation?

6 A For most of it. Once other units arrived and
7 detectives got on the scene, they took over the
8 investigation. And that's when I went outside to help
9 secure the scene, keep somebody from coming inside the
10 scene.

11 Q All right. Did you see anyone leaving the business
12 as you were getting there?

13 A No.

14 Q As you were going into the business, did you notice
15 anything about the inside of the business?

16 A Not initially. But once I -- once we finish, you
17 know, securing the scene and I started making my way
18 around, that's when I noticed there was two shell casings
19 at the entrance of the door just laying inside -- inside
20 the store. It was what appeared to be a bullet hole in
21 the cigarette rack, which was up high. The register was
22 pulled away from its normal spot. It was broken. And
23 there was merchandise just scattered across the floor.

24 Q Okay. Now, Deputy Finley, I'm going to show you
25 what's already in evidence as State's Exhibit Number 5.

1 So, Deputy Finley, if you'll take that little remote
2 thing in front of you. It has a laser pointer on it, a
3 little red button. This will brighten up.

4 So do you recognize State's Exhibit 5?

5 A I do.

6 Q And where is the front door that you came in?

7 A This door right here (indicating).

8 Q Okay. And the two shell casings that you found,
9 where were they?

10 A Just inside to the left. It's going to be the
11 Styrofoam cup. It was all in this (indicating) area.

12 Q Okay. And then the other shell casing and the
13 projectile was?

14 A It was behind the counter, but you can't see from
15 this one.

16 Q Okay. And take a look at Number 6. Is that what you
17 noticed when you walked in?

18 A Yes, ma'am.

19 Q And that is what?

20 A Appeared to be a bullet hole.

21 Q Okay. Could you tell anything about the shell
22 casings that were on the business side of the counter as
23 opposed to the shell casing that was on Stacey's side of
24 the counter?

25 A As far as like what caliber it was, no. I didn't get

1 close enough, and I didn't touch it to tamper with
2 evidence.

3 Q Okay. You just marked them.

4 A Yeah.

5 MS. MUNSON: Okay. I have nothing further at this
6 time, Your Honor.

7 THE COURT: Cross-examination from Mr. Collins?

8 CROSS EXAMINATION

9 BY MR. PRINGLE:

10 Q Did you observe or recover any physical evidence at
11 all that would tie either one of these individuals to the
12 crime scene?

13 A I wasn't part of the investigation.

14 MR. PRINGLE: Thank you. Nothing further.

15 MR. BOATWRIGHT: No questions, Your Honor.

16 THE COURT: All right. Any redirect?

17 MS. MUNSON: No, Your Honor.

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

19 MS. MUNSON: We ask this witness be excused.

20 THE COURT: You may be excused.

21 MS. MUNSON: Your Honor, the State calls Brandon
22 Liner.

23 WHEREUPON,

24 BRANDON LINER

25 After having been duly sworn, testified as follows:

1 THE CLERK: Thank you, sir. If you would, have a
2 seat and state your name for the record, please.

3 THE WITNESS: My name is Brandon Liner, L-I-N-E-R.

4 DIRECT EXAMINATION

5 BY MS. MUNSON:

6 Q Who do you work for, sir?

7 A The Easley Police Department.

8 Q How long have you been with Easley?

9 A Right at 20 years.

10 Q What is your job title?

11 A Right now I'm the lieutenant over investigations.
12 Part of that job is to, obviously, manage caseload with
13 our detectives, also over SROs, crime scene, that kind of
14 thing as well.

15 Q Okay. Have you had any other positions with Easley
16 Police Department?

17 A Yes, ma'am.

18 Q What are they?

19 A Road patrol officer. From there to a road
20 supervisor. From road supervisor I was then in narcotics
21 for roughly five years. From there into detectives, the
22 detective division. From there promoted to lieutenant
23 where I'm currently at. Been there for -- in the
24 detective division for roughly 15 years.

25 Q Okay. So what was your role in this particular case?

1 A So in this particular case, I was called to the scene
2 that evening by my captain at the time. He explained to
3 me what he believed had occurred.

4 Once I was on scene, I did assist with some of the
5 crime scene gathering with Sergeant Cowan, at that time it
6 was also Captain Greer, as well as making sure the scene
7 was secure. That was one of the first things we did. I
8 posted up one of our uniform officers out front once it
9 was determined no further medical aid could be assisted
10 with the victim.

11 So once that occurred, the crime scene, we analyze
12 the video, obviously, at the scene. It was then referred
13 to that captain. Part of the course of that investigation,
14 I helped investigate further leads with this case.

15 Q So were you the main investigator on this case?

16 A Initially, no. It was Captain Greer. Captain Greer,
17 the initial investigator, retired at literally about --
18 not very long after this incident, so at which time I took
19 this case over to manage it to make sure everyone assisted
20 with this investigation.

21 Q Okay. So what's the first step that you took?

22 A The first step we took, like leads immediately began
23 to come in. So we had to log those and thoroughly
24 investigate those. That was one of the first things we
25 did.

1 Q Okay. Without saying what was contained in any of
2 those leads, when a lead would come in -- how would it
3 come in, first?

4 A So it would come in numerous different ways. It
5 could come in as simple as an anonymous tip. It could
6 come in through someone walking into the police department
7 speaking with officers there. It could come in a variety
8 of different ways. Social media, there were tips there as
9 well.

10 At that point we would assign that tip to an
11 investigator and officers as well to follow up on and make
12 sure it's thoroughly vetted and investigated at that
13 point.

14 Q So how would you go about following up on a lead?

15 A So numerous different things. So without getting
16 into specifics, it would depend on that lead itself. If
17 there were someone to be talked to, you talk to them. If
18 there was a place to go see, you went. And if it was
19 video to go look at, you did that. Whatever the lead was,
20 you did what it took to follow up thoroughly to the end of
21 that lead.

22 Q Okay. And if the lead was done and over with, you
23 just move on to the next one?

24 A You would. Or you would corroborate. So literally,
25 every single day we would meet as a whole, as a group.

1 When I said all hands are on deck, obviously, this
2 type of thing doesn't happen in Easley often. This is a
3 very rare occurrence of just a random act of violence like
4 this, so obviously it was a major deal within our
5 department.

6 So every single day as an investigator, we would meet
7 together and discuss our leads. We would see if they
8 would correlate with one another. We would see if one
9 would correspond or if it -- we would compare notes every
10 single day. We would do it in the morning and most
11 afternoons. It depends on if you were out, obviously,
12 following up on those leads.

13 Q All right. Did you prepare any search warrants or
14 attempt to get any search warrants in this case?

15 A Yes, ma'am. Yes, ma'am. Most -- not all. Most of
16 the search warrants for cell phone records we did prepare
17 -- I prepared for this investigation. Not all search
18 warrants. There were another investigator or two that
19 might have assisted with those, but yes, I did prepare
20 search warrants.

21 Q Okay. And did you collect any evidence on your own
22 in this case?

23 A Yes. So later on there was a projectile. So
24 B Pam's, roughly a year and a half ago, I don't know the
25 exact date without looking at the report or property

1 sheet, but there was another projectile -- not a
2 projectile -- a shell casing found while they were
3 literally tearing out and redoing the business itself. So
4 I went and collected that piece of evidence.

5 As far as evidence on scene that day, that night, no.
6 I didn't collect any of that. That was all Officer -- or
7 Sergeant Cowan, Lieutenant Cowan at that time.

8 Q The search warrants for cell phone records, why were
9 you doing that?

10 A So it was based on the collaboration of the
11 investigation. And once we got enough probable cause to
12 achieve the search warrants for cell phone records, we
13 were specifically looking for location data with those --
14 with those search warrants.

15 Q Now, that's not something that you would analyze, is
16 it?

17 A No, ma'am. That's actually something -- us as
18 investigators, when we say "analyze," we would look at
19 them, we would analyze them, but that would be something
20 we would get with someone who had computer software, that
21 kind of thing for a later date. They did give specific
22 locations. We could look at those, view those in our
23 notes. But I'm not a data analyst, if that's what you're
24 asking.

25 Q Now, can you tell the jury the names of the

1 individuals who you got search warrants for their cell
2 phone records?

3 A So there were several. It was Mr. Collins,
4 Mr. Ladson. Got cell phone records for both the
5 defendants in this case. Got cell phone records for a
6 Mr. Utsey -- Utsey, if I'm saying that name correctly,
7 that was correlating with Mr. Collins. We had a search
8 warrant for a female who contacted one of the codefendants
9 during the time of the incident, a search warrant for a
10 location data on another subject that was also being
11 investigated during the time of this incident.

12 Q Do you remember that individual's name?

13 A Yes. It was a Aileem -- I'm trying to get the hyphen
14 correct. Aileem Daniels-Melvin or Aileem Melvin-Daniels.
15 I think it was Aileem Melvin-Daniels, I believe. It's
16 hyphenated. But Aileem.

17 Q So what was the purpose of trying to collect all
18 these cell phones, the data?

19 A The main purpose is, number one, you're looking for
20 communication. You're looking to see if, A, was this --
21 was this person communicating before the incident, during
22 the incident, post the incident, and you're looking for
23 things like if they communicated before, not during and
24 after, and cell phone location is on and you're seeing the
25 location where they're together, that's a strong

1 indication of what we were looking for. But the main
2 purpose is communication amongst themselves. But the main
3 function would be cell phone locations.

4 Q Can that information also rule someone out?

5 A Absolutely.

6 MS. MUNSON: I have nothing further at this time,
7 Your Honor.

8 THE COURT: Cross-examination, Collins?

9 MR. BOATWRIGHT: Is it okay if I go first, Your
10 Honor?

11 THE COURT: Yeah. Whatever.

12 MR. BOATWRIGHT: Thank you.

13 CROSS EXAMINATION

14 BY MR. BOATWRIGHT:

15 Q Detective Liner?

16 A Yes, sir.

17 Q You're the lead investigator on the case?

18 A Yes, sir. You can call it that, yes.

19 Q And you just testified that y'all followed up
20 thoroughly on every lead that came in?

21 A Correct.

22 Q All right. Did y'all make a log of that?

23 A We did.

24 Q Are you familiar with that log?

25 A I am.

1 MR. BOATWRIGHT: May I approach, Your Honor?

2 THE COURT: You may.

3 BY MR. BOATWRIGHT:

4 Q Do you recognize that?

5 A Yes, sir.

6 Q All right. And on there that tells us that a lead
7 was called in, correct?

8 A Correct.

9 Q And then it also has a column where it says "followed
10 up by"?

11 A It does.

12 Q It says the officer's name?

13 A It does.

14 And, again. It's not just called in. These were
15 walk-ins as well. But yes. Correct. Yes, sir.

16 Q And then it has the follow-up reason by whatever the
17 result was?

18 A Not necessary result on everything, but follow-up --
19 this name follow-up results, but it does have specific
20 notations by some of those, yes.

21 Q All right. And just on that first page, how many
22 columns are blank for the officers that followed up?

23 A On this page?

24 Q Yeah.

25 A There's five on this first page that doesn't have the

1 written follow-up part right here on this log.

2 Q All right. So those -- so of those blanks ---

3 A Uh-huh.

4 Q --- those were all leads that came in and there's no
5 follow-up officer written in for who followed up?

6 A There was someone that followed up. Like I said, we
7 met every single day, every morning and afternoon.
8 Whether or not they actually filled -- that log was
9 specifically to log each tip. So whether or not it was in
10 their investigative notes, what we would discuss every
11 single morning and every single -- well, not every
12 afternoon, but every single morning that was discussed.
13 Whether or not it was written in that little slot of
14 results is not an indication whether or not it was
15 followed up on. Every one was followed up on. In fact,
16 there's three, now that you mentioned that crime scene
17 log, that were what you considered not in the log that you
18 currently have.

19 Q The majority of these have followed-up officer filled
20 in, and they have followed-up results filled in, correct?

21 A They do. The majority, yes.

22 Q There's a good bit that does not have that?

23 A Sure.

24 Q And in this investigation, is it fair to say that
25 this was a big investigation?

1 A It was a major, yes. Absolutely.

2 Q So it would benefit y'all to take notes, hence the
3 tip sheet?

4 A Oh, and we had numerous, numerous notes. When I say
5 "detective notes," there's pages upon pages upon pages
6 upon pages of follow-up notes, detective notes, notes of
7 context toward that very log you're talking about.

8 Q Okay. But yet in the tip sheet notes, there's a
9 bunch of blanks.

10 A In that one, in the -- in the cover sheet you showed
11 me, correct. That cover sheet did have blanks.

12 Q Even on the sheets behind it.

13 A Yes, sir. Those are the cover sheets, yes, sir.

14 Q Okay. So this is what you mean by cover sheet.

15 A Yes, sir.

16 Q There's plenty of blanks throughout all these pages,
17 correct?

18 A There's cover sheets, correct.

19 Q All right. Now, you said you also did a bunch of
20 search warrants and everything. One thing that you did
21 was a search warrant for the phone numbers, correct?

22 A Yes, sir. Yes, sir.

23 Q All right. In your investigation did you ever take
24 Tychristian's cell phone?

25 A I personally did not. But during the course of the

1 investigation, I do have knowledge it was taken, yes.

2 Q Okay. And you actually, you had received it during
3 the course of the investigation, correct?

4 A Correct.

5 Q This is the Property and Evidence report once you got
6 that phone.

7 A Yes, sir.

8 Q Could you read what the IMEI number is for
9 Tychristian Ladson's phone?

10 A It's 865356032796427.

11 And that was the IMEI, correct?

12 Q Yes.

13 A Okay.

14 Q Do you know what an IMEI is?

15 A It's an identifier, yes, sir.

16 Q Kind of like a fingerprint, right?

17 A Yes. Like a Social Security number, yes, you are
18 correct, for that phone -- specific phone.

19 Q Okay. Now, when you got back the search warrant
20 records, did you look at the records?

21 A Yes. So there's two -- just to make sure you
22 understand, there's two distinctions of the search
23 warrants you're talking about. So we have the search
24 warrants for records before we even have phones. That
25 would be for location, data, phone communication. Then we

1 would actually send the phones off themselves. Once you
2 have the physical phone, the IMEI, the actual serial
3 number for a specific phone that you have in your -- and
4 we actually would send that off separately. That's a
5 whole separate search warrant. That search warrant would
6 be done on that -- those phones.

7 As far as I recollect, both phones, you couldn't
8 necessarily get into either one of them, if that's -- I'm
9 trying to answer it. I'm assuming that's what you're
10 asking.

11 Q Yeah. So T-Mobile sent you back the records in
12 result of the search warrant. Did you ever actually look
13 at those records?

14 A Oh, yeah. For T-Mobile?

15 Q Yes.

16 A Yes, sir, we did.

17 Q In the T-Mobile records, they contain quite a bit of
18 information, correct?

19 A Oh, yes, sir. They do.

20 Q What all kind of information would be in them?

21 A It would depend. So, I mean, there's all kind of --
22 they would have software information. They would have
23 your call logs, text logs, possibly. It depends. It
24 varies from company to company. But there -- there is a
25 comprehensive amount of information with those records,

1 who's over -- for instance, if you're on your mother's
2 plan, your mother's -- it's going to be in your mother's
3 name. There's all kind of information in these records.

4 Q Did you use any of that information for your
5 investigation?

6 A Oh, absolutely. That's where we -- so, again, those
7 two separate search warrants, the first search warrant
8 where you've got just the information for the phone number
9 where it talks about location, we use that information as
10 well as for Mr. Collins and other people as well. But we
11 also, when you send off the search warrant for the phone
12 itself, whatever can be gained, that was what I was trying
13 to explain. It's hard to break into those phones with a
14 search warrant without having facial recognition or
15 without having the passcode, that kind of thing as well.

16 Q All right. So you mentioned one of the things on
17 there was location, correct?

18 A Yes, sir. Correct.

19 Q All right. So when you got this information, it
20 shows you a location?

21 A It does. So it gives you like kind of a longitude,
22 latitude. We actually -- what is called timing advanced
23 data. It starts talking about where you were at during a
24 specific time and a specific location with that phone
25 number. Yes, sir.

1 Q All right. And then you take that timing advanced
2 data ---

3 A Yes, sir.

4 Q --- and the call detail records ---

5 A Correct.

6 Q --- and you put it into another software system.

7 A I personally do not. So we would actually call
8 Pickens County. They came down with that software system.
9 We actually already seen a software system provided to us
10 by Greenville County for Tychristian Ladson's phone during
11 a separate investigation, and that's what kind of tied us
12 into getting other search warrants as well. But I
13 personally do not put that information in there. I'm not
14 certified to do that. So we call Pickens County, and at
15 that point Pickens County puts it into their software
16 system.

17 Q Do you know which officer did that?

18 A Officer Swafford, I believe. I believe he's a judge
19 now.

20 Q All right. So once he did that, you then looked at
21 whatever his results were, correct?

22 A We would. Yes, we would.

23 Q All right. So those results were based, as you just
24 said, that that would have been based on the timing
25 advance records and the call detail records, correct?

1 A They would be.

2 So I'm trying to make sure we're still stipulating
3 there's two sets of search warrants. So the search
4 warrant for the information for the cell phone to the cell
5 phone provider is the information that is sent, and that
6 is what is placed into the software that Pickens County
7 had at the time.

8 Q Okay. So the information that would have been sent
9 back to you, before you send it to them, you looked at it.
10 Did you verify it for accuracy?

11 A Oh, we would. Accuracy being like that is their
12 phone number. That's what they provided to law
13 enforcement at that time. Anything that we could verify
14 that we had on hand while we had that search warrant, we
15 would verify.

16 But I think where you're getting at, we didn't have
17 his cell phone to verify, if that's what you're asking me.
18 And that's why I read the IMEI. So when we got the search
19 warrant for the cell phone data in that company, we were
20 not in possession of any cell phones at that time.

21 Q Okay. But at some point you became in possession of
22 it, correct?

23 A Yes, sir. Yes, sir.

24 Q So then you could have went back and verified.

25 A Sure.

1 Q Did you do that?

2 A I'm sure, yeah.

3 Q Okay.

4 A And you verify that through phone numbers. When you
5 say "verify," we had already looked at locations. Sure.
6 We would verify it.

7 Q Okay. All right. So in the locations that you were
8 looking at, did you -- in verifying this data, did you get
9 in your car and drive around to this data that you had
10 received to verify that that latitude and longitude would
11 ping off of that tower?

12 A So we -- I wouldn't say that tower. We did -- I
13 personally did drive where we believed they went to. I
14 can -- if we want to walk street by street I can, but from
15 where we believe Mr. Tychristian picked up Mr. Collins,
16 I've driven from that residence to where we believe they
17 parked. Dr. Langston, I believe, the veterinarian clinic,
18 drove that. We actually drove from there. I personally
19 drove from there to where we believe they went as they
20 left the scene as well. And that was strictly based on
21 cell phone record data is how we came to that conclusion.

22 Q Okay. So everything in your investigation as to
23 where they were at and where they went is all based on
24 this cell phone data.

25 A Together, correct, placing both together.

1 Q Throughout this investigation, other than cell phone
2 data, you didn't come across anything as far as video,
3 fingerprints, DNA, nothing that said Tychristian Ladson or
4 Quinton Collins.

5 A That's not true.

6 Q That's not true?

7 A No, sir.

8 Q So you came across other evidence.

9 A Absolutely. Greenville County, their forensics, I
10 believe it was already testified to that their DNA placed
11 Tychristian Ladson and Christian [sic] Collins in a
12 suspect vehicle that perfectly matched the description
13 that witnesses saw fleeing the scene.

14 Q Okay. So let's talk about that. That testimony was
15 that their DNA was in a silver Subaru Forester, correct?

16 A Uh-huh.

17 Q How many silver Subaru Foresters are there in South
18 Carolina?

19 A I'm sure there's a lot.

20 Q How many are in Easley?

21 A Again, I don't have those numbers. It's not like
22 it's a 1998 Honda Accord. There's not -- there's not as
23 many Subaru Foresters as you would think, but there are
24 several, I'm sure.

25 Q You could have pulled that information up through the

1 DMV.

2 MS. MUNSON: Objection, Your Honor. That was not a
3 question. It's argumentative.

4 BY MR. BOATWRIGHT:

5 Q You could have pulled that information up through the
6 DMV, correct?

7 A Every Subaru Forester in Easley? I'm sure we could
8 have asked DMV to try to obtain that, correct.

9 Q Okay. So all we know for sure, based on that
10 testimony and that DNA evidence, is that Tychristian
11 Ladson and Quinton Collins were in a silver Subaru
12 Forester.

13 A Correct. During the timeframe of this incident,
14 correct.

15 Q Well, the DNA results from that Subaru Forester
16 doesn't say what time they were in that silver Subaru
17 Forester, does it?

18 A You're correct.

19 Q So you're adding information now.

20 A Well, it's based on the totality of all the
21 information that I do know.

22 Q Yeah. But I'm asking about specifically evidence,
23 not your opinion on it. Just the evidence.

24 A I understand.

25 Q The DNA doesn't say what time they were in the

1 vehicle, correct?

2 A Correct.

3 Q So there's no way that you can sit here and say that
4 they were in a silver Subaru Forester during the time of
5 this incident.

6 A What I'm trying to say is the totality of the
7 circumstances, the totality of everything that's going on,
8 through all the information that we have, the only time
9 they ever were together and the only time their phones
10 ever were pinging together were during this incident and
11 that's why there is -- I apologize. There's an inference.
12 Then the Subaru Forester is found literally -- forgive me
13 if I'm wrong -- two to three days after the incident, and
14 that's why we're talking about -- that's -- it was an
15 inference and you asked a question, I suppose.

16 Q But it's not supported by the evidence?

17 A I would say we supported by the evidence.

18 Q You can have anybody come in here and testify that
19 they can look at the DNA or anything from when they found
20 that Subaru Forester and say what time Tychristian
21 Ladson ---

22 A No, no, no. I'm not ---

23 Q --- and Quinton Collins was in it.

24 A No. I would say the totality of the circumstances of
25 what you're asking me ---

1 Q No. I'm asking you just about the evidence.

2 A And that's what I'm trying to explain to you is the
3 totality of all the evidence is you don't take just one
4 specific piece of evidence. You do it as a whole. And
5 that's how I'm trying to answer this. I knew information.
6 I also knew location. Once you get the DNA from the
7 vehicle and both subjects are in the vehicle and the only
8 time you knew they were together at that time is the time
9 of this incident, it's kind of the totality of it all is
10 how I'm trying to answer this.

11 Q How long has Tychristian Ladson known Quinton
12 Collins?

13 A That I don't know.

14 Q So how do you know that this is the only time they
15 were ever together? You don't, correct?

16 A As far as this -- I can give you a timeframe that was
17 the only time, but as far as how do I know they were ever
18 put together ever before, no, I cannot testify to that.

19 Q How long was that silver Subaru Forester, how long
20 was it missing for? The owner came here and said it was
21 reported gone. How long was it missing for?

22 A I don't know how to answer that question without
23 stepping through a door.

24 Q When did he report the car stolen?

25 A In September.

1 Q September of what year?

2 A Of twenty -- of that year.

3 Q And when was the car found?

4 A That -- a couple days after this incident.

5 Q So in December 17?

6 A Uh-huh.

7 Q And it was reported stolen in September.

8 A Correct.

9 Q So September to October, October to November,
10 November to December. So three months they could have
11 been in that car at any point in time in those three
12 months, correct?

13 A They could have.

14 Q You don't have a single piece of evidence to say that
15 they weren't.

16 A That's why I'm having to pause because I do know
17 other aspects of this investigation that were told to
18 other detectives by a defendant that he never even was in
19 that Subaru and never has been in the Subaru with the
20 other codefendant. So that's what I'm trying to be
21 careful of how I answer these questions.

22 Q Yeah. But somebody saying they were never in it has
23 nothing to do with whether or not they could have been in
24 it over the total of three months.

25 A They could have been, correct.

1 Q Okay. So you just testified a while ago that the
2 totality of the circumstances leads you to say that they
3 were in this silver Subaru Forester on the date of the
4 incident because that's the only time you knew they were
5 together.

6 A No, no. Not ---

7 Q And you also testified that ---

8 A As far as our timeframe, yes. That's a hundred
9 percent accurate. As far as our timeframe of what we were
10 seeking, in other words, whenever we're doing a scope of a
11 search warrant, that scope exists of the time of this
12 incident. I wish I did have a totality of how long these
13 two knew each other. I don't. But we were investigating
14 this incident, so that's what we get the search warrants
15 for in the timeframe of this incident.

16 Q All right. And through that totality of the
17 circumstances, the evidence you're looking at is these
18 call detail records.

19 A That's part of it, yes, sir.

20 Q And the timing advance records.

21 A Correct.

22 Q Which you do not know how to interpret, correct?

23 A I'm not a data analyst, if that's -- again.

24 Q Okay. So someone else ---

25 A So it gives -- so it gives you longitude, latitude,

1 that kind of thing, which was what I was explaining
2 earlier. However, we give it to someone who puts it
3 through a software system to analyze that data.

4 Q Okay. So let's just say cell phone data is one thing
5 that you're using.

6 A Sure.

7 Q The other thing that you're using is that their DNA
8 was found in a silver Subaru Forester. Any evidence,
9 anything, description of a sticker, the actual license
10 plate number that says that this silver Subaru Forester
11 is, in fact, the silver Subaru Forester that was driven
12 away from B Pam's that night?

13 A Other -- other than the general description of the
14 owner of the vehicle, what he said his vehicle to be,
15 obviously, but the description that the witness and he
16 believed had a certain like a 1 at the end, so a vague
17 description. Other than that, that's what I would tend
18 to. Again, that's just another piece of a larger puzzle.
19 But there was a vague description of a specific silver in
20 color Subaru Forester that was involved with this
21 incident.

22 Q Did the caller that seen the silver Subaru Forester,
23 did they tell you about the Clemson stickers on the car?

24 A The caller did not, no, sir.

25 Q So the only thing they said was a silver Subaru

1 Forester.

2 A They described the suspects, obviously, that fled in
3 front of them. And then they described the silver Subaru
4 Forester.

5 Q Okay. So other than that, cell phone data and them
6 being in a silver Subaru Forester at some point/time in
7 their life, is there anything else you're using to make
8 this decision?

9 A Oh, absolutely.

10 Q Okay. So in your investigation, what led you -- what
11 else led you?

12 A During the course of the investigation -- I mean, are
13 you wanting me to -- starting to speak on what other
14 detectives did that I had full knowledge of? Is that what
15 you're asking me to do?

16 Q You're allowed to talk about anything.

17 A So during the course of this investigation,
18 postarrest Mr. Quinton Collins had a search warrant for
19 his person. On his person there appeared to be on his
20 shoulder what we inferred to as a wound. Once that wound
21 was found, obviously, it is a further search warrant by
22 other detectives at the time, and what they found to be a
23 projectile in his back through an X-ray. At that point,
24 once that projectile was found through that X-ray, we
25 obviously had some court orders to remove that projectile.

1 Once that court order was made to remove the
2 projectile from Mr. Collins's back, that projectile was no
3 longer there. So we had to get another court order,
4 search warrant, to look at Mr. Collins's back where at
5 that point to scale there's a small incision based exactly
6 where that projectile was what had appeared to be someone
7 had cut that projectile out of Mr. Collins's back. So
8 there are -- there's -- there are other pieces of that
9 puzzle as well that you're asking me about.

10 Q So let's talk about that with Quinton Collins real
11 quick.

12 A Sure.

13 Q Y'all actually -- before the X-ray, y'all actually
14 went out and saw Quinton Collins in person.

15 A I did not but another detective did, correct.

16 Q And they searched him and searched his body.

17 A They asked him to pull his shirt up, but that would
18 be more -- I was not there when he did that.

19 Q But you have knowledge of it.

20 A I do have knowledge, correct.

21 Q And he pulled his shirt up for him.

22 He's wearing a white tank top, correct?

23 A I'm not -- I don't know what he was ---

24 MS. MUNSON: Your Honor, I'm going to object at this
25 point. That detective can't testify about these things.

1 He's speculating.

2 THE COURT: All right. And he said he didn't have
3 any knowledge, so sustained.

4 BY MR. BOATWRIGHT:

5 Q But you know that he looked over Quinton Collins's
6 body.

7 A I do know that he went to look at Quinton Collins,
8 and he stated that he looked at his body from here
9 (indicating). I'll let him -- I don't know what he looked
10 at. I don't know what he had on.

11 Q But you know he stated that he didn't see any
12 injuries.

13 A Correct, correct.

14 Q No new injuries.

15 MS. MUNSON: Objection, Your Honor. Asked and
16 answered. He doesn't know.

17 MR. BOATWRIGHT: He just said he did.

18 MS. MUNSON: And we have another witness.

19 THE COURT: All right. So what he said he knows.
20 Okay. Rephrase your question.

21 BY MR. BOATWRIGHT:

22 Q So you were aware through your investigation that
23 before this X-ray, Quinton Collins was searched, and they
24 noted that there was no new injuries on his body.

25 A From what was explained to me, I was not there, he

1 pulled his shirt up to here (indicating), and they did not
2 see anything here (indicating). They did not look at here
3 where there -- obviously, where there was a search warrant
4 done where you make them take their clothes off, they
5 found the wound.

6 Q All right. So let's go back to Tychristian.

7 A Okay.

8 Q What else was there besides the silver Subaru and the
9 cell phone records?

10 A The silver Subaru -- I apologize. The silver Subaru,
11 the cell phone records that show him at the incident
12 location during the time of this robbery, Mr. Ladson
13 saying he's virtually never even been to Easley to another
14 officer, which we knew not to be true. We have
15 information -- well, not information. We have evidence
16 that shows that Mr. Ladson communicated directly with
17 Mr. Collins prior to this occurring. And we also have
18 evidence that shows they actually talked post that same
19 night and did not talk during as well. They have the
20 evidence as well indicating, obviously, they're together.

21 Q Okay. So you just said that the evidence shows that
22 Ladson was at the incident location. But that's not true,
23 is it?

24 A Near -- I'm -- near the incident location.

25 Q And even near. Near is subjective. What's the

1 radius?

2 A The actual latitude and longitude that was analyzed,
3 it showed it right beside the incident location during the
4 time of -- of this incident.

5 Q And what was that latitude and longitude to?

6 A What do you mean?

7 Q The latitude and longitude you're referring to came
8 from the call detail records, correct?

9 A It came from the search warrant of Mr. Ladson's phone
10 records, yes.

11 Q All right. The latitude and longitude that they
12 give, do you know what that latitude and longitude is for?

13 A Sure. I say sure. I am not a cell phone tower
14 expert by any means and I don't pretend to be. But
15 whenever we send off a search warrant, for instance, your
16 cell phone location, they will provide back a latitude and
17 longitude. With that latitude and longitude, it will,
18 obviously, pinpoint or tell us where you were near during
19 a specific time that we're requesting.

20 Q So the latitude and longitude, does it tell you where
21 the phone is or does it tell you the tower that the cell
22 phone is pinging off of?

23 A That latitude and longitude tells me where that phone
24 number associated with that person was. For instance, I
25 wouldn't necessarily say phone. And the reason I say

1 that, if I get a cell phone -- if I get a search warrant
2 for your cell phone for today's time right now and you go
3 out tonight and buy a new phone, it's going to be
4 different. It's going -- the IMEI is going to be
5 different, serial number is going to be different, but
6 that phone number is still attached to your new phone. So
7 what I am looking for is that phone number of what you
8 gave to law enforcement or what you -- what we verified
9 you to have during the time of what we're seeking and
10 tells me where that phone number, which is obviously
11 connected to a device, was.

12 Q Okay. So just to make sure I'm understanding you
13 correctly, your testimony is that the latitude and
14 longitude tells me where the phone is.

15 A No. It -- it gives an idea. Again, I'm not a cell
16 phone tower expert. That would be ---

17 Q The people you send it to.

18 A Correct.

19 Q I would assume, and if you're going to use that
20 information for your investigation, you would at least
21 have talked to them and get a basic understanding of what
22 the information is telling you.

23 A Sure. And that's where we got the timing advance
24 data, that kind of stuff.

25 Q So isn't it true that that latitude and longitude

1 does not give you the ---

2 MS. MUNSON: Objection, Your Honor. He's testified
3 several times that he's not a cell phone tower expert, and
4 he's, again, trying to ask this witness what another
5 witness may or may not have said.

6 THE COURT: We need to move on.

7 MR. BOATWRIGHT: Judge, he -- I would like to
8 respond, especially for the record.

9 He just testified that the latitude and longitude
10 that he used put Tychristian Ladson at the scene, and then
11 he changed and said near the scene. And he's testifying
12 that he's using that information based on the cell phone
13 records. I'm asking if he's got a basic understanding,
14 knowledge of it so that I can correct that and say that
15 it's actually to the cell phone tower.

16 THE COURT: All right. Well, I mean, we're not going
17 to have you testifying either, okay, Mr. Boatwright?

18 MR. BOATWRIGHT: Yes, Judge. But he ---

19 THE COURT: And that's what -- okay. There's been an
20 objection. The objection has been sustained. You're on
21 the record. Let's move on. It's getting late.

22 BY MR. BOATWRIGHT:

23 Q You looked at the records that came back from
24 T-Mobile for the search warrants?

25 A I believe it was T-Mobile there was one from,

1 correct. Yes, sir. We did look through them.

2 MS. MUNSON: Your Honor, I'm going to object to any
3 of this being testified about any further. It's not in
4 evidence. He's not the cell phone guy.

5 MR. BOATWRIGHT: Judge, it doesn't have to be in
6 evidence for him to testify. He said -- he's already said
7 he looked at it and he verified the information. I'm
8 asking him to look at one simple thing and tell me one
9 thing. I'm not asking him to interpret it.

10 THE COURT: Ask him if he looked at it.

11 BY MR. BOATWRIGHT:

12 Q Have you seen the records that T-Mobile sent in
13 response to the search warrant?

14 A I have seen certain -- yeah. I have seen the
15 records. I'm not sure what you're holding.

16 Q Specifically, the call detail records.

17 A Yes. I have seen call detail records for --
18 which ---

19 Q Tychristian Ladson.

20 A Yes.

21 MR. BOATWRIGHT: He's seen the records, Judge. I'm
22 simply asking him to make one -- look at one thing. I'm
23 not asking him to interpret anything which would be
24 required of an expert. I'm simply asking him to read ---

25 THE COURT: I'll let him ask the question.

1 MS. MUNSON: Your Honor, I object to him talking in
2 front of the jury about something that the jury is not
3 allowed to see.

4 THE COURT: Right. And I think ---

5 MS. MUNSON: They should -- it should be in evidence
6 so that they can see it and make their own judgment. But
7 he just wants to show something to this witness.

8 THE COURT: All right. If you're going to use it for
9 this witness, you need to introduce it.

10 MR. BOATWRIGHT: A moment to confer, Your Honor.

11 (Pause in proceedings.)

12 BY MR. BOATWRIGHT:

13 Q Without saying what this is or anything that's on it,
14 do you recognize it?

15 A It's got my name on it. It appears to be cell phone
16 records.

17 Q Is it a fair and accurate representation of what
18 T-Mobile sent you in response to the search warrant?

19 A I don't know how to answer that. I mean, I haven't
20 reviewed all these files. I see -- I mean, I see dates, I
21 see ranges, I see call logs, call types, I see calling
22 numbers, I see completion codes, whether or not, I guess,
23 that would have been -- it was a completed call.

24 Q Does it look like it did when they sent it to you?

25 A This -- this -- I would say this looks like what call

1 records would look like. I can't verify this is
2 100 percent the records we have.

3 Q Does it look like it's been altered in any way?

4 A Again, this is on a digital computer. I can't
5 personally say it's been altered, but I can't say it
6 hasn't been altered as well. I don't know how to answer
7 that question.

8 Q This is addressed to you, correct?

9 A It is. It's got my name on it, yes.

10 Q And up at the top it says T-Mobile?

11 A It does.

12 Q And it's saying in response to your search warrant,
13 here's the records you requested?

14 A It said request submission in response, it's got an
15 MSISDN number, which would be the phone number, it's got
16 UTC time, which is universal time. I can't verify this is
17 what we received, but this would look like a phone -- what
18 you would see from a company.

19 Q Do you have your file with you?

20 A I do not have that file with me, no, sir.

21 Q Do you have what you received from them?

22 A I personally do not, no, sir, with me. I mean, I
23 don't know if it's -- I don't have it with me.

24 Q So you don't know what you received.

25 A I know what we received. I don't have records with

1 me for evidence that would have been placed into prior to
2 -- prior to court or through the solicitor's office.

3 Q But you don't -- you can't recognize that. You don't
4 recognize that evidence?

5 A I can't verify that's what I have is what I'm trying
6 to tell you.

7 Q All right. One more thing. The silver Subaru
8 Forester, you said you relied on the fact that Quinton
9 Collins and Tychristian Ladson was in it together for your
10 investigation?

11 A When you piece everything together, yeah. That's why
12 I say together. Based on the totality of all the
13 circumstances, that part was looked at and pieced
14 together, yes.

15 Q You're aware there was no blood in the Subaru,
16 correct?

17 A As far as I am not a DNA expert, but since you asked
18 me that, I was told there was major DNA in the vehicle.
19 Whether it's blood or not, I -- I was never told there was
20 ever any blood in the Subaru.

21 Q And you've been in the courtroom throughout the
22 trial, correct?

23 A Yes, sir.

24 Q You heard the State read the stipulation, correct?

25 A Yes, sure. The DNA in the vehicle.

1 Q The stipulation said it was not blood in the Subaru,
2 correct?

3 A Yes. I think that's what that said.

4 Q Okay. So from watching the video camera, the video
5 of the incident and from your belief of Quinton Collins
6 shot ---

7 A Yes, sir.

8 Q --- you believe that Quinton Collins was shot during
9 this armed robbery, correct?

10 A I do, yes, sir.

11 Q And then got into the silver Subaru Forester and
12 drove to Greenville? Or rode. Drove or rode.

13 A I'm not saying he -- yeah. Drove or rode in the
14 vehicle back to Greenville, correct.

15 Q And didn't spill a drop of blood in the vehicle.

16 A Not necessarily. I mean, I was not there to --
17 whether or not they cleaned the vehicle. All I know was
18 their DNA was in the vehicle. I can't testify whether or
19 not they wiped it, cleaned it.

20 Q I'm not asking you to. I'm just asking there was no
21 blood in it, right?

22 A That's what I was told, correct.

23 Q This was after he had been shot.

24 A Correct.

25 Q And drove or rode from Easley to Greenville.

1 A Correct.

2 Q Which is about a 25 minute ride?

3 A It's roughly 20 minutes. But yeah.

4 Q 20 minutes. Okay.

5 And have you, in your investigation of being a police
6 officer, people -- in your experience, when people get
7 shot, do they bleed?

8 A Oh, absolutely. The totality of how much they bleed,
9 obviously, varies from person to person. Also things that
10 can vary is very thick clothing soaking up that blood.
11 There's numerous variables that can occur whether or not
12 there would be blood in that vehicle, whether or not it
13 was cleaned. But sure. Obviously, when someone's shot,
14 they do bleed.

15 MR. BOATWRIGHT: Thank you. No further questions.

16 THE COURT: Redirect?

17 MS. MUNSON: Briefly, Your Honor.

18 THE COURT: I'm sorry. That's right. See, y'all got
19 out of order. Threw me off.

20 All right, Mr. Pringle.

21 MR. PRINGLE: Thank you.

22 THE COURT: Before you get started, do y'all want to
23 approach for a second?

24 (WHEREUPON, a bench conference was held off the record.)

25 THE COURT: All right. Just scheduling there.

1 Ladies and gentlemen, it looks like this is going to
2 be a little bit long on this witness, so what we're going
3 to do is go ahead and break for the day.

4 And now my four rules: don't discuss the case, do
5 not do any type of research on the case. That's tough to
6 do in this Google day. Do not pay attention to media
7 coverage including social media. And if anybody should
8 contact you other than somebody from the clerk's office,
9 please let the bailiffs know in the morning. Otherwise,
10 y'all have a good evening and we'll see you -- 9:30, does
11 that work for everybody? All right.

12 (WHEREUPON, the jury exits the courtroom at 4:59 PM.)

13 THE COURT. All right. Anything else from the State?

14 MS. MUNSON: No, sir, Your Honor.

15 THE COURT: I'm sorry, but I'm not asking this jury
16 to stay past 5:00 on the first day. That will give you
17 plenty of time to prepare your cross-examination.

18 MR. PRINGLE: Without worrying about how much -- you
19 know, I'd be clock-watching too, Your Honor. I know we're
20 running late. They've been here all day.

21 THE COURT: And, you know, we've already had a little
22 bit of issues with them too.

23 All right. See y'all in the morning. Be ready to go
24 at 9:30.

25 Hold it. You're in what I call my witness bubble.

1 As you heard me talk about earlier, that means you can't
2 discuss your testimony with anybody between now and in the
3 morning. All right?

4 All right. See you in the morning.

5 MR. PRINGLE: You said 9:30?

6 THE COURT: Yes.

7 MR. PRINGLE: And, Judge, if I may, earlier in the
8 proceedings, I think it was maybe even Friday, you may
9 have said something about there might be a problem or a
10 conflict potentially on Wednesday. I don't know if you
11 were joking.

12 THE COURT: No. That was ---

13 MR. PRINGLE: Was that referring back to the last
14 trial?

15 THE COURT: No, no. It was just we were talking
16 about just by 5:00.

17 MR. PRINGLE: Okay. But as far as we know, we're
18 going straight through the week, I mean, like 9:30 to
19 5:00, basically.

20 THE COURT: Right. Yeah. I just said make sure
21 we're through by 5:00 on Wednesday. That's all I was
22 looking at.

23 MR. PRINGLE: Thank you.

24 (WHEREUPON, proceedings recessed at 5:01 PM.)
25

1 Hold on just a second.

2 Counsel, approach.

3 (WHEREUPON, a bench conference was held off the record.)

4 THE COURT: All right. Anything else from the State
5 before we bring the jury in?

6 MS. MUNSON: I sure hope not.

7 THE COURT: All right. Collins?

8 MR. PRINGLE: No, Your Honor.

9 THE COURT: And Ladson?

10 MR. BOATWRIGHT: No, Your Honor.

11 THE COURT: All right. Bring the jury in.

12 Is the State ready?

13 MS. MUNSON: Yes, sir.

14 THE COURT: All right. They're coming in. Come on
15 in.

16 (WHEREUPON, the jury entered the courtroom at 10:20 AM.)

17 THE COURT: All right. Ladies and gentlemen, first
18 of all, I appreciate your patience. Sometimes in these --
19 one thing that we had, there was a matter we had to
20 address that's unrelated to the issues and evidence in
21 this case that we've resolved, so sorry about the delay.
22 And then it always happens in these types of trials,
23 there's things that we have to address from time to time.
24 And I appreciate your being here at 9:30 and appreciate
25 your patience.

1 So now we will -- Officer Liner, if you can come up
2 at this time, and remind you you're still under oath from
3 yesterday.

4 And as you will recall, we were just to begin the
5 cross-examination by the attorney for Defendant Collins.

6 So, Mr. Pringle, you may proceed.

7 MR. PRINGLE: Thank you.

8 WHEREUPON,

9 BRANDON LINER

10 After having previously been duly sworn, testified as
11 follows:

12 CROSS EXAMINATION

13 BY MR. PRINGLE:

14 Q Good morning.

15 A Good morning.

16 Q I don't want to rehash your testimony from yesterday,
17 but there's a couple of things that I need to touch on
18 just to kind of get back in the flow of what we were
19 talking about.

20 A Okay.

21 Q Let's start with the tips, the tips that we talked
22 about yesterday. Do you remember how many tips there were
23 in this case?

24 A On paper there were roughly 66, I believe.

25 Q 66 tips.

1 Can you tell us -- again, how long have you been a
2 police officer?

3 A 20 years. 20 years.

4 Q 20 years.

5 A Yes.

6 Q With your 20 years and your training and your
7 experience, what problems often are evident with tips?

8 A The problems themselves, obviously, you could run
9 into are the credibility of tips, the relevancy of tips,
10 sometimes you have people that call in and are more
11 inquisitive than anything and just want information on the
12 investigation, obviously, which we would not share. They
13 can be very, very helpful. Sometimes they lead to helping
14 the case in forwarding your case, but there are,
15 obviously, issues with some tips that do come in.

16 Q And out of those 66, just off the top -- I mean, how
17 many, roughly, would you say applied to other people other
18 than either one of these two guys?

19 A Off the top of my head, I'm trying to think breaking
20 down of how many.

21 Q If I told you maybe there were three or four that
22 mentioned one and maybe one or two that mentioned the
23 other, does that sound fair?

24 A It does, it does.

25 Q Okay. So maybe about five, six out of 66?

1 A It was roughly -- I don't know the exact number, but
2 there was probably six, seven, eight, somewhere in there.

3 Q And either way, there would, obviously, be a large
4 number of tips that had nothing to do with either one of
5 these guys.

6 A That is correct. There were some tips that had
7 nothing ---

8 Q And, you know, it appears from -- and you had a
9 chance to look over the tip log yesterday, right?

10 A The log, yes, sir.

11 Q Would it help you to answer my questions if you had
12 the ---

13 A It tremendously would help if I had it.

14 MS. MUNSON: Your Honor, I apologize. At this point,
15 again, this witness is being asked to testify about a
16 document that the jury is not going to be allowed to see
17 unless it's in evidence. So I will move the log and the
18 tips into evidence at this point.

19 MR. PRINGLE: Withdrawn. Okay. I think I can
20 question him without going into specifics. My apology.

21 BY MR. PRINGLE:

22 Q So if we're talking about some of the tips, isn't it
23 true there were some tips that had nothing to do with
24 either of these guys that involved guns? drugs?

25 A That is correct. There were some tips that came in

1 that had nothing to do with the two defendants.

2 Q And that actually had everything to do with what the
3 tipsters claimed was the B Pam's robbery.

4 A Correct. I mean, there were some things on there
5 that they claimed other people were involved.

6 Q All right. And you said before -- you know,
7 obviously, there's always issues with maybe the quality,
8 the motive of the tipster, the source, the reliability.
9 That's all fair. Those are always -- those are common
10 problems when you get tips.

11 A Obviously, they're common problems with not just
12 anything. And that's what the whole purpose of vetting,
13 looking into those tips, corroborating those tips, see if
14 it has -- even if it lends to the evidence that you
15 already have with the investigation. So obviously, if we
16 get a tip that it was a 6'12" 450 pound person that did
17 this walking into the store, you can immediately eliminate
18 that as an example. I'm not saying that was a tip. But
19 you do have tips that further your investigation as well,
20 but you also have tips that you eliminate that, obviously,
21 the evidence does not prove.

22 Q Yeah. And so out of 66, if maybe let's even say
23 seven or eight mention one or the other of these guys, we
24 would still have well over 50 plus tips that we would have
25 to say were completely illegitimate then.

1 A Not completely illegitimate. They might have been
2 too vague. It could have been an extremely anonymous tip
3 that was fourth-hand information and there was no way
4 getting back to the original person that spoke and talked
5 about that. There's various reasons of why we couldn't
6 follow up on trying to get down to the last person and
7 speak with them. There's a variety of reasons, and some
8 of which would be the validity as well.

9 Q Sure. Now, and it also would follow logically -- and
10 you would agree that not all the tips were followed up
11 upon and investigated, right? I think you said that
12 yesterday. Well, isn't it true that if you look at the
13 logs, if you recall the logs, there's a follow-up area at
14 the bottom of a tip sheet, right?

15 A So, again, there's two separate sheets we're talking
16 about. What was here yesterday was the cover sheet. That
17 cover sheet would list, for instance, who the person was
18 that was calling in the tip. It would list other aspects
19 of that tip. It would list who it was assigned to. And
20 it had a specific area for, you know, the conclusion of
21 that tip. All didn't have conclusions because that was
22 the cover sheet. There were numerous investigative notes
23 that would have followed up on each tip.

24 Q Exactly. And, I guess, that's what I'm relying on
25 and referring to.

1 Roughly, what you were showed yesterday was like the
2 summary, the list of the tips, and then after that each
3 tip has a sheet of its own?

4 A It does.

5 So there's actually a separate process. So there's a
6 cover sheet that -- what I was shown yesterday. I believe
7 it listed -- I believe it's 66 tips that is on that cover
8 sheet. From that you would actually have another sheet
9 that you would be assigned on what that tip was about.
10 You would be assigned what the tip said, you would be
11 assigned a local net tip, and then underneath that would
12 -- the investigative notes would kick in where it would be
13 is this going to lead to further leads in this
14 investigation, does it corroborate other information we
15 know with the investigation, does it also follow the facts
16 and the evidence that we already know in the
17 investigation, or is it something simply we know not to be
18 true. At that point could we close that tip. That's at a
19 completely separate investigative notes aside from that
20 secondary sheet that I think you're talking about.

21 Q Right. And the secondary sheets, you know, at the
22 bottom of them they say like follow-up by or ---

23 A Sure. They would.

24 Q --- officer follow-up.

25 A Sure, sure. They would.

1 Q If there is nothing in the officer follow-up aspect
2 of the sheet, would you conclude that no follow-up took
3 place?

4 A Absolutely not.

5 Q So it could have been a follow-up but it just wasn't
6 documented.

7 A It would have been documented. Like I said, we met
8 every single morning. Every single tip I know was
9 followed up upon. We met every morning to cross-reference
10 notes, go over the tips. Every tip was followed to the
11 aspect of how it could be followed up upon.

12 Again, back to the other example, unless it was just
13 a completely erroneous tip or if it was a tip that was
14 more inquisitive, those were the ones that I wouldn't say
15 immediately dismissed, but those are the ones that you
16 could immediately say has nothing to do with this
17 investigation, and those would have been closed. But that
18 would be in the investigative notes as well. Whether or
19 not they signed off saying tip closed, because there are
20 several sheets that actually might have some written notes
21 on the back or front, that's -- that was up to that
22 officer who happened to scribble on that sheet of paper, I
23 think myself included. But there were investigative notes
24 as well. Every tip was followed up on.

25 Q All right. At least to some extent, right? Like,

1 for example, unable to make contact, for example.

2 A Okay.

3 Q Okay. That might be an entry. And it is, in fact,
4 an entry in one or more of these tips.

5 A Sure.

6 Q So if there's nothing else indicated, that means
7 that's the end of that inquiry, right?

8 A Sure. Obviously, we can't force people to talk to
9 us. So if we try to follow up on a tip whether they tried
10 to contact that person by phone, there's nothing there, if
11 you know where that person lives, the next step would be
12 go to their house, leave cards, try to make contact. So
13 obviously, if you could not make contact and at that point
14 you would try to close that tip.

15 Now, it would depend on the severity of the tip. It
16 would depend on if they knew some examples of what
17 happened and it correlated with what happened and it was
18 based off the evidence, we're going to do everything we
19 possibly can, even up and to surveillance to wait and see
20 if they're home to see if they will talk to us. But yes,
21 that is a way to close out a tip, yes.

22 Q Okay. So in fairness, there's only so far you can go
23 or would go with each given tip.

24 A I wouldn't say "would." I mean, we would go as far
25 as we possibly could. But if it was closed and there was

1 nothing else we possibly could do with that tip,
2 obviously, we would have to close that tip.

3 Q Okay. And you said that oftentimes people will call
4 the tip line and it's clear that they're almost trying to
5 be -- I think you said "inquisitive," like they're trying
6 to maybe get information?

7 A That happened a few times, correct.

8 Q Okay. So the tip system is something that has been
9 abused, misused by people outside?

10 A I mean, I understand your wording. Abused, people
11 will call in to be inquisitive. People do call in
12 strictly based on trying to get information from you.

13 Q How about bad faith? How about if they have a grudge
14 or an axe to grind? In your experience, does that ---

15 A I can't speak on motive. In my experience has it
16 ever happened? Sure. That has happened.

17 Q Okay. And just hypothetically, you know, you have 66
18 tips. And did you know that of the 66, there are actually
19 three that are missing? There's no information about
20 three of them.

21 A Correct. I believe -- I can't quote the numbers off
22 the top of my head. There was one that was -- one that
23 was an inquisitive tip, there was one that was taken by
24 the chief of police at the time and followed up upon by
25 another investigator that led to no lead, the other one

1 was, I believe, a road officer took that tip, Officer
2 Evans, and that also led to -- the information in that tip
3 did not correlate with anything to do with this case at
4 all.

5 Q Can you explain why there's no information in the
6 State's discovery that was disclosed to us, there's no
7 information about those three tips?

8 MS. MUNSON: Objection, Your Honor. He wouldn't know
9 what's in our discovery.

10 THE COURT: All right. Sustained.

11 BY MR. PRINGLE:

12 Q Can you explain why there's no written version or any
13 other information about the three missing tips?

14 A Sure. So the only way I can explain that to you
15 would be one of three things. I mean, it's in a tip book.
16 It's -- it was a binder we kept in the office. Whether or
17 not the officer kept it with his investigative notes --
18 like I said, I know specifically those three specific tips
19 did not lead to anything to do with this case that were
20 missing because we did talk every single morning about
21 every tip.

22 Why they weren't in there, I -- I can't talk to that.
23 I don't know why they weren't in that tip book. They
24 should have been in that tip book because it was in
25 numerical order. However, I do know about those three

1 specific tips, but I do not know why they were not
2 included in discovery.

3 Q Should they have been?

4 A In a perfect world, yes. They should've been.

5 Q Okay. Do you think they might have been helpful to
6 us if we would have been able to ---

7 A They weren't exculpatory. I mean, there was nothing
8 in those three tips that were helpful in either ---

9 Q So we have to rely on you to tell us that, though,
10 right?

11 A I do know for a fact, I know the specific tips that
12 we're talking about had no relevance for either case.

13 Q Now, is it fair to say if you already have your eyes
14 on a suspect and you get 66 tips and, say, three or four
15 of them talk about that suspect, how would you go about
16 your investigation then? If you already had an inkling or
17 an idea or you already thought somebody was the
18 perpetrator, you get the tips, do you -- basically, do you
19 zero in on the tips that deal with the name that you
20 think, that you predisposed might have been?

21 A Actually, no. Not necessarily. It all depends on
22 the situation. It all depends if that tip had evidence in
23 that tip that corresponded with what we did know,
24 obviously, we take those very high standard. That's
25 something that we would look into. It's not something --

1 in this case in particular, we went -- there were other
2 tips that came in that we followed tremendously that had
3 at the time nothing to do with the codefendant.

4 So without getting into the tips themselves, I can
5 clearly say that we didn't necessarily zero in. It was
6 more or less this happened, this piece of evidence,
7 collected this piece of evidence, this piece of evidence,
8 collected this piece of evidence. If they start naming
9 people, yes, we will go to them. But it's not necessarily
10 a zeroing in because we actually had tips that we went to
11 other homes, spoke to other people. We wouldn't just
12 leave those alone. We would treat those like, okay, say
13 we're completely wrong and let's look at these people,
14 they need to provide ---

15 Q Are you telling the jury that you followed up and
16 eliminated every other tip possibility, 66 tips, even
17 though the records show that there was a lack of follow-up
18 in a number of those tips? You're trying to say every
19 single one of them, you can testify under oath that you
20 personally know every one of them was followed up to the
21 logical extent as far as you could follow them up.

22 A Again, I didn't follow up on every 66 tip, but we
23 discussed every single one of those tips.

24 Q Discussed.

25 A We discussed every single one of those tips before

1 every shift.

2 When I say every one was logically followed up on, I
3 believe that was your words. 100 percent every one was
4 followed up on to the point of going to other people's
5 homes, even to the point that even if we possibly thought
6 had nothing to do with it, we still brought some people in
7 and spoke with them. Without getting to specific tips, we
8 followed up as far as we possibly could follow up with
9 these tips.

10 Q Received information from Sheriff Johnny Mack Brown
11 about suspect ---

12 MS. MUNSON: Objection, Your Honor. He's reading
13 from these things now.

14 THE COURT: Sustained. Right. That's also hearsay.
15 Sustained and ---

16 MS. MUNSON: Again, he's reading from things that the
17 jury has a right to see.

18 THE COURT: All right. Sustained. And you've got to
19 have your question based on his knowledge.

20 BY MR. PRINGLE:

21 Q Okay. Again, we know that some people have abused
22 the system; fair enough?

23 A They have.

24 Q Misused it for a purpose other than what it was
25 designed for.

1 A In 20 years I have definitely seen that happen.

2 Q All right. And if I -- if you got -- if you had
3 66 tips -- if you had 100 tips in a case, okay, and let's
4 say tips 37, 38, 41 all come in and they all point at the
5 same person.

6 A Okay.

7 Q Okay. So out of in this case 66 tips, we have three
8 tips that are almost virtually in chronological order.
9 Are these tips recorded in the order that they're
10 received?

11 A Yes, they are. So I say that. Some of these tips,
12 initially, that first week, were people calling in -- when
13 I say -- there was a tremendous amount of tips initially,
14 so whether or not Tip Number 2 came in before Tip
15 Number 3, I can't say for sure. But they did come in at
16 the same time, they're dated the same date. I do not
17 believe they time stamp when they took that tip on most.
18 But they -- but a lot came in at the same time.

19 So whether they're in numerical order, I can't
20 testify to that. But I can testify that when the tip
21 happened, the officer wrote that down in the tip book and
22 then provided it and put it in to be logged, and therefore
23 we can assign it to whoever needs to follow up on that
24 tip.

25 Q Okay. So maybe not perfectly chronological, but

1 there's an effort made. For example, Tip 66 clearly
2 happened well after Tip 1 ---

3 A Sure, sure.

4 Q --- for example. And probably 66 happened after 56.

5 A You can -- you can make that inference, yes.

6 Q All right. So could you also infer that if you have,
7 you know, basically consecutive tips all pointing to one
8 suspect and yet you have no other tips point to that
9 suspect, could you make an inference from that?

10 A To a degree, you could.

11 Q What would that be?

12 A That people named this one suspect, is that what
13 you're talking about?

14 Q Well, yeah. I mean, if you got 66 tips and, say,
15 three in a row or three out of four in a row mention one
16 subject and then they don't mention that subject in any
17 other tips.

18 A Well, this specific case I can state that I know at
19 one point in time we put out a snapshot on social media of
20 the subject grabbing the register. And that was when we
21 had multiple tips coming back to back to back speaking of
22 Mr. Collins.

23 Q And others, right?

24 A We did have other tips come in.

25 Q Lots of other people that people thought ---

1 A But those were the ones that were back to back to
2 back ---

3 Q Right.

4 A --- was when that was sent out on social media.

5 Q And we're referring to Mr. Collins, of course. So
6 you're aware that you have back to back to back tips,
7 basically?

8 A Sure, yeah.

9 Q Okay. And by your own words, you could infer that
10 maybe that was -- well, you said a reaction maybe to
11 something that you put out?

12 A Social media.

13 Q Could it also be collusion among tipsters, people
14 getting together cooking it up?

15 A We found zero evidence of that occurring. We found
16 zero evidence that they actually corroborated or even knew
17 each other, speaking of the people coming in that were
18 giving the tips.

19 I don't know how much you want me to go into detail
20 about specific tips is why I'm trying to avoid.

21 Q Well, what I'm trying to get to is, you know, you
22 have nothing that -- no tips about Collins up to
23 Number 37. So the first 36 tips ---

24 A No. I don't believe that's correct.

25 Q 37, 38, 41?

1 A Again, I believe not -- and I'm guessing at number --
2 it was like -- a specific tip, I believe it was Number 30,
3 and a family member called in, stated they believed it to
4 be Collins.

5 Q Actually, maybe it would surprise you to know and you
6 said there was no -- you investigated whether any of the
7 tipsters had gotten together on it, you said?

8 A There was two that came in together at one point.
9 But yes, we did ask those questions.

10 Q Were you aware that at least two of the tipsters are
11 cousins?

12 A Two that came in together, yes, correct. They were
13 on the same tip.

14 Q Did you know that one of those tipsters is a woman
15 that Mr. Collins dated and essentially broke up with her
16 under very negative and bad terms? Did you know that?

17 A I'm not sure about the negative bad terms. I didn't
18 know that. But I did know that she was associated with
19 Mr. Collins.

20 Q And are you aware that she's made it clear to anybody
21 that would listen that she was motivated to try to bury
22 him?

23 A That's not what she communicated to us. No, sir.

24 Q But you weren't aware of that relationship even, were
25 you?

1 A About them being girlfriend and boyfriend? I believe
2 she stated in the tips -- again, I don't specifically --
3 she stated in the tips that they were close. We had
4 knowledge they were together. But she came in with
5 another female. Again, I don't know how much direct
6 involvement with tips.

7 Q Were you aware that those two females both have had a
8 history of, I guess, bad beefs with family of Quinton
9 Collins?

10 A No, sir.

11 Q You weren't aware of that.

12 A No, sir.

13 Q Okay. When a woman comes in and says I was his
14 girlfriend and we broke up, isn't there any consideration
15 given to, you know, maybe she's a woman scorned, maybe
16 she's upset, maybe she has a motivation?

17 A Again, if that was the only two tips that came in for
18 Mr. Collins, I would understand that, but there were
19 multiple tips that came in for Mr. Collins.

20 Q Right. Three or four, and almost all of them
21 together, fair?

22 A Not almost all of them together, no.

23 Q So we know, based on your testimony, that the
24 majority of the tips that you get are completely
25 unreliable, fair?

1 A You say majority. So, obviously, most of the tips
2 that came in to our agency had nothing to do with this
3 incident.

4 Q And tipsters have all kinds of motivations.

5 A They do.

6 Q Including bad intentions. You know, I'm going to
7 drop a dime on him. I'm going to tip him and hopefully
8 jam him up, get him in trouble. People do that?

9 A Again, I can't judge an intention. We've had -- just
10 being honest with you. I've had bad intention people come
11 in and give me information that specifically -- as long as
12 it's good, relevant information of the case, we still use
13 that. Just because a woman's scorned -- obviously, not
14 with this situation. I'm not saying this tip did this.
15 But even with a woman scorned, if they come in and they
16 drop off whatever evidence it is and say this is from
17 so-and-so, if it's relevant, if we can use it, we,
18 obviously, would still use that regardless of intentions
19 or motivations. But I'm not saying that's what happened
20 with this tip.

21 Q So if you were thinking, hey, Quinton Collins might
22 have been involved with this or even Tychristian Ladson
23 might have been involved in this and you catch a couple
24 tips in a row about one or the other, I mean, isn't that
25 by definition going to create some tunnel vision? You're

1 going to focus on ---

2 A Not really. But -- not really. Because the tips is
3 not what focused our investigation. Our investigation was
4 already focused on some other outliers, some other
5 information we already had. The tips just kind of
6 re-enforced some ---

7 Q Okay. So you would use it as a corroboration or a
8 way to focus your investigation on Collins or anybody
9 else.

10 A You're using the term "focused." So, again, we would
11 inherently use that information based on what we already
12 had, i.e., whether it be the cell phone records, whether
13 it be other information that was relied and given to us by
14 another agency. But we would not focus to the effect that
15 we, obviously, still followed up on other tips that
16 involved this investigation.

17 Q All right. So according to your own testimony,
18 they're often unreliable, they're often motivated,
19 incomplete, and yet, I believe you're the lead
20 investigator in this case.

21 A Yes.

22 Q Or you were.

23 A Yes.

24 Q I guess still are.

25 Isn't it true that you used the tips that you

1 received as part of the foundation for getting warrants on
2 Quinton Collins?

3 A Oh, the tips were quoted in the probable cause ---

4 Q Okay.

5 A --- if that's what you're asking, yes, as well as
6 other issues. But yes.

7 Q So they were used for you to take the next step to
8 try and investigate it.

9 A Along with other tools and other evidence that we had
10 at the time in cooperation -- again, going back to the
11 totality of the circumstances in bringing the whole puzzle
12 together, they were part of that puzzle.

13 Q Okay. Now, you had quite a bit of information in
14 your reports, and I think you testified a good bit about
15 it yesterday, about the phones that were seized.

16 A Yes, sir.

17 Q Okay. And you did, in fact, seize a phone from
18 Quinton Collins.

19 A Yes.

20 Q Actually, more than one, correct?

21 A I believe so. I believe there was -- I don't want to
22 speculate.

23 Q Let me take you back to February 5th of '19. Weren't
24 you at ■ Fleetwood Drive at that time he was arrested?

25 A Yes. With -- the Greenville County Sheriff's Office

1 did a search warrant.

2 Q Okay. And evidently, you took a couple phones from
3 the residence at that time, right?

4 A Yeah. I believe one belonged to -- I don't want to
5 quote.

6 Q A female.

7 A Correct. There was a female that was ---

8 Q And one belonged to Quinton Collins.

9 A The one with Quinton Collins went with him to the
10 police department.

11 Q All right. And that would have been number
12 [REDACTED]-8398?

13 A I don't have them memorized in my brain. I would not
14 -- I don't have their phone numbers memorized, so I --
15 unless there's other information.

16 Q I mean, would it help to refer to your notes?

17 A Sure, sure.

18 Q Here.

19 A And I apologize. I just don't want to misquote.

20 Q No, no. I want to be sure too.

21 I'm looking at a copy of your report that was dated
22 -- well, the report date was 12/14 -- well, that isn't
23 right. That's the date of the offense. It's a six page
24 report, and I'm on the second to the last page. It's
25 really a series of summaries about the phones involved.

1 A So that would have been Detective Hamby. Is it dated
2 12/27?

3 Q Mine's marked up.

4 A That's okay.

5 Q I'm referring to this one. That would be you, right?
6 And this is what I'm ---

7 A Those are to the search warrants, yes. Let me get to
8 that page.

9 Q Sorry.

10 A That's okay. That's completely understandable.

11 Q And I'm not trying to go into all this, but the
12 bottom paragraph is what I'm getting at.

13 A So the [REDACTED]-8398, that's what you're referring to?

14 Q Yeah.

15 A Okay.

16 Q And isn't it true that that would be Quinton
17 Collins's number that we're dealing with?

18 A Just to be sure (reviews document) . . .

19 Q The 1/28/2019 warrant ---

20 A Yes, sir.

21 Q --- for T-Mobile phone number [REDACTED]-8398.

22 A I'm just reading the probable cause.

23 Q Okay. Sure.

24 A Correct.

25 Q Okay. So that was his phone number.

1 A Yes, sir.

2 Q Okay. Thank you.

3 In the course of your investigation, was it evident
4 to you that Quinton has used many different phones?

5 A That was stated by Mr. Collins. This is going
6 basically off someone -- another investigator.

7 Q Sure. But you have knowledge that evidently he had
8 more than one phone at that time.

9 A I was -- I was advised that there were at least two
10 phone numbers for Mr. Collins. This was obtained a
11 completely different way through law enforcement.

12 Q And were you also aware that there was discussion of
13 people using each other's phones, trading phones, loaning
14 them to each other, things of that nature?

15 A No, sir. That was never brought up by Mr. Collins or
16 Ladson.

17 Q Of course, when you got the warrant, you went and
18 started checking out the phone number, there's really no
19 way to tell who's making a call on that phone number,
20 right?

21 A You can't hear voice, obviously.

22 Q Right.

23 A Correct.

24 Q You can see a call was made, but it's impossible to
25 tell who made the call.

1 A Sure.

2 Q Or who had the phone in their possession.

3 A You could say that. This number, like again, was
4 given by Mr. Collins himself to law enforcement ---

5 Q Sure.

6 A --- obviously, I'll stop there -- as his phone during
7 the time of this incident, his phone number.

8 Q Getting back to that February 5th of '19, you were
9 out there at Fleetwood when he was arrested in this case.

10 A Yes, sir. Yes, sir.

11 Q Okay. And, in fact, at the time of his arrest, y'all
12 searched his residence and the surrounding area.

13 A Yeah. Correct. That is correct.

14 Q And were you able to come up with any evidence at all
15 connecting him to the crime?

16 A No. So initially, we actually thought we did have --
17 to answer that question, there were some bloody clothes.

18 Q Excuse me. Hold on. It is a yes or no, right? Did
19 you find anything connecting him to the crime at the
20 residence?

21 A At the residence, no. But I was ---

22 Q Okay. For example, there was no clothing that
23 matched the description?

24 A No, sir.

25 Q There was no mask that may or may not have been

1 worn?

2 A No, sir. Not that we found.

3 Q There was no gun?

4 A No, sir.

5 Q Okay. So really, at the time he was arrested, you
6 had an opportunity to maybe find or pick up evidence
7 against him and were unable.

8 How many police were out there doing that search?

9 A So initially, there were several. Initially, because
10 it was a high risk arrest warrant, there were several law
11 enforcement officials out there with Greenville County.
12 Once Mr. Collins was detained without incident, he was
13 transported to Easley. I stayed behind with investigators
14 with Greenville County, so there was myself and at least
15 three others.

16 Q So you were working with multiple agencies.

17 A Myself and Greenville County. Obviously, his
18 residence was in Greenville County, so Greenville County
19 is the one who got the search warrant for that residence.

20 Q And you went out there with a full squad. In fact,
21 did you go out there armed, prepared for -- I mean, did
22 you have an armed SWAT team that went there?

23 A I personally didn't. Greenville County had -- had --
24 I don't know if it was their SWAT team, I don't know if it
25 was their special response. Whoever they used.

1 Q So there was a large number -- regardless of agency,
2 and you were there, and you're the lead investigator ---

3 A Now, when I said I was there, I showed up after he
4 was in custody. I let them get through the residence,
5 arrest Mr. Collins. Once he was arrested, they what's
6 called an all clear, cleared the residence, it was okay
7 for me to come in. At that point is when I came in.

8 Q Okay. And there were no threats.

9 A Correct, correct.

10 Q You went in, and you were able to search at your
11 leisure.

12 A Yes, sir. Yes, sir.

13 Q And, of course, again, nothing was recovered ---

14 A Correct.

15 Q --- that would tie him to the crime. Okay.

16 You know, we got a little bit into the -- you
17 testified about the cell phone tower business ---

18 A Uh-huh.

19 Q --- this system that y'all rely on. You know, you've
20 been around 20 years as a police officer.

21 A Yes.

22 Q Of course, this was a little over four years ago,
23 right?

24 A Correct, correct.

25 Q To your knowledge, has the technology on cell phone

1 towers, has it gotten better in the four years since your
2 investigation?

3 MS. MUNSON: Objection, Your Honor. What's the basis
4 for this witness to be able to answer that question about
5 the technology?

6 MR. PRINGLE: Well, I mean, he testified under direct
7 that we should rely on some of this cell phone data that
8 the State is introducing and going to continue to try to
9 introduce. It seems to be a fair question to ask if the
10 system -- or if the cell phone tower system they were
11 using back then is as efficient or as high quality as it
12 might be today.

13 THE COURT: Well, I think I'm going to limit your
14 question to what he knows about it at that time that he
15 conducted the investigation regarding cell phones.

16 MR. PRINGLE: Okay. Thank you.

17 BY MR. PRINGLE:

18 Q At any rate, you said at least three or four times
19 yesterday that you're not an expert on this.

20 A Oh, I am -- I'm not a cell phone data expert,
21 correct.

22 Q Okay. What kind of training or testing or classes or
23 any kind of special instruction have you had about the
24 science or about using, you know, that information against
25 a defendant?

1 A The science of cell phone? Obviously, I've never
2 been to any classes that explain the science behind cell
3 phone tower usage. Obviously, it has been explained to
4 me. We do our research.

5 As far as classes are concerned, at no point do I
6 think I'm an expert.

7 Q And no training. I didn't think you had. There
8 isn't like a special program or school that you go to to
9 get up to speed so that you could maybe discuss this in a
10 little more detail.

11 A I'm sure there are schools that you probably could go
12 to as a law enforcement official, but I have not been to
13 those, if that's what you're asking.

14 Q Okay. Is there anybody at Easley Police that has?

15 A As far as cell phone analytics? Is that what you're
16 asking?

17 Q Yeah.

18 A As far as I know, I do not believe so.

19 Q Okay. Do you think it might be useful if you or ---

20 MS. MUNSON: Objection, Your Honor. Relevance.

21 THE COURT: Yeah. Sustained.

22 BY MR. PRINGLE:

23 Q All right. You're aware of the problems that are
24 commonly cited with using this kind of information.

25 MS. MUNSON: Objection, Your Honor. He has no

1 foundation to answer that.

2 THE COURT: Correct. Sustained.

3 BY MR. PRINGLE:

4 Q What system -- are you at least aware of the
5 difference between GPS tracking and cell phone tower
6 tracking?

7 A I am, yes.

8 Q Are you aware of the difference between cell phone
9 triangulation and cell phone tracking, say, with one tower
10 or two towers?

11 A I'm aware -- I'm aware to the aspect of what has been
12 explained to me by cell phone carriers.

13 Q Okay. So what do you conclude? What's the most
14 reliable?

15 MS. MUNSON: Objection, Your Honor. Hearsay.

16 THE COURT: Yeah. That's hearsay. Sustained.

17 BY MR. PRINGLE:

18 Q Do you know yourself independently what's the most
19 reliable?

20 MS. MUNSON: Same objection, Your Honor.

21 THE COURT: Sustained.

22 BY MR. PRINGLE:

23 Q GPS was not used in this case, correct?

24 A I was advised to use the term "real-time data."
25 Whether or not they use their GPS, whether they use

1 triangulation, I do not know.

2 Q Do you know the -- would you agree that if you only
3 were using one tower, the results are much less reliable
4 than two or three towers?

5 A Again, I'm not a tower expert. What do you mean by
6 using one tower? I'm just -- honest, I don't know what
7 you're meaning.

8 Q Are you aware that even with using triangulation ---

9 MS. MUNSON: Same objection, Your Honor. There's no
10 foundation for this witness to testify to those things.

11 THE COURT: Sustained. He indicated he does not know
12 this information.

13 BY MR. PRINGLE:

14 Q Okay. Were you there when the stolen Subaru was
15 located in Greer? Did you have anything to do with that?

16 A No, sir. I was not at that location in Greer at the
17 apartments.

18 Q Are you aware that DNA was taken?

19 A Correct. I am aware.

20 Q I think you testified about that.

21 Okay. Now, let's go back to the crime scene itself.

22 A Okay.

23 Q Cowan was the main evidence tech, correct?

24 A He was the crime scene analyst at that point, at that
25 time, yes. And I was there to assist him.

1 Q He's the one that set the little Styrofoam cups
2 around to mark the bullets?

3 A I'm not sure if he said, someone else said it, but I
4 did see the Styrofoam. Yeah. I saw Styrofoam.

5 Q He testified yesterday that he was the one that
6 gathered the evidence at the scene.

7 A He did gather the evidence at the scene.

8 Q And you were at the scene, weren't you?

9 A I was.

10 Q Did you go there shortly after?

11 A I was.

12 Q Okay. And, of course, you knew that there was a
13 deceased victim.

14 A Yes.

15 Q Okay. Did you know that before you arrived?

16 A Yes, I did.

17 Q All right. Did you have anything to do with the
18 collection of evidence?

19 A I assisted. When I say I assisted, so when I was
20 there, obviously, I had numerous aspects on scene. When I
21 was there, I was the one that, again, made sure that there
22 was someone at the door that kept people out, secured. I
23 was the one that made sure that all witnesses had their
24 statements taken from them at the scene at that time. I
25 was one of the ones that actually correlated with the

1 media after we had viewed video, had possible suspect
2 vehicle, spoke with the media. So I was in charge with
3 talking with media. That was actually at the direction of
4 my chief of police at the time.

5 Then once in the scene, I helped analyze the scene as
6 far as, obviously, I saw where several projectile holes
7 were at the scene. I saw the deceased. I saw the
8 deceased and where the bullet hit her chest. So yes, I'm
9 very familiar with that scene, if that's what you're
10 asking.

11 Q Yes.

12 And have you also seen the video of the shooting?

13 A Unfortunately, yes.

14 Q Do you think you're in a position to talk about that
15 video? You know enough about what you saw if I asked you
16 some basic questions?

17 A Sure. I can tell you from what I can recall.

18 Q Okay. Cowan, again, testified yesterday, and, you
19 know, frankly, I think ---

20 MS. MUNSON: Objection, Your Honor. Mr. Pringle is
21 testifying.

22 MR. PRINGLE: I haven't even asked a question yet.

23 THE COURT: You can ask him a question, but you don't
24 need to be repeating testimony, pitting one witness
25 against the other.

1 BY MR. PRINGLE:

2 Q Did you direct Cowan to swab or fingerprint or test
3 for DNA anywhere in that store that night?

4 A At that time, no. I was not in position to direct.
5 At that time I was in a sole supportive position. Captain
6 Greer or Sergeant Cowan would be the one who actually
7 would direct any aspect of where he swabbed, what he
8 swabbed, what he decided to use latents on. Obviously, if
9 you use latents on it, that would destroy any DNA so
10 you're going to have to make a choice. I was not part of
11 that process at that time.

12 Q Okay. Are you aware that the cash register was
13 printed?

14 A Yes.

15 Q Are you aware that it was swabbed for DNA?

16 A Yes. Correct.

17 Q Are you aware that there was no blood evident?

18 A I am aware, yes.

19 Q In fact, there was no blood evident anywhere at the
20 crime scene.

21 A I am aware of that.

22 Q Okay. Cowan testified that he did not swab the
23 counter. He did not print the counter. Didn't do any
24 testing.

25 MS. MUNSON: Again, Your Honor, that was not a

1 question. Mr. Pringle is testifying about ---

2 THE COURT: Yeah. Ask a question.

3 BY MR. PRINGLE:

4 Q All right. Are you aware that Cowan did not swab the
5 countertop?

6 A I am aware.

7 Q Are you aware that he didn't fingerprint the
8 countertop?

9 A I'm aware, I guess, to the aspect of what ---

10 Q Are you aware that there was no testing done for
11 blood such as the ultraviolet light?

12 A I do know. We did look for blood, obviously. When
13 you see the video, it -- in our view at the time,
14 obviously, there were no known suspects that night. We
15 had no idea.

16 Q Isn't it true you had a belief that one of the
17 suspects was shot ---

18 A Sure, sure.

19 Q --- at the counter?

20 A Yes. And we did look for blood, and we did not find
21 blood inside the crime scene.

22 Q And you knew that the counter wasn't even tested. It
23 wasn't swabbed, it wasn't printed.

24 A Correct. So, again, I think just to answer that
25 question correctly, so anytime -- what I -- what I think

1 we're getting to is when you're talking about high surface
2 areas, whenever I print this area, if that area is a
3 high-trafficked area, you're going to have extremely large
4 amount of prints on prints on prints, and they send that
5 through AFIS.

6 What AFIS is, it's just a system. I'm not an expert
7 on AFIS. But that's what's sent to Greenville County to
8 be analyzed. That system will not run duplicate prints on
9 top of duplicate prints on top of -- in other words, if
10 it's layered. DNA is the same way. If I collect DNA, if
11 there's more than three -- back then three strands of DNA,
12 you can't run it through the DNA system because they have
13 to separate that DNA.

14 So I don't know if that played in his decision. I'm
15 not sure. But I am aware that those questions were being
16 asked at the time. There were questions asked with the
17 DNA lab that would be analyzing it later on at the time as
18 well with SLED.

19 Q I mean, but you're going to test an area and then
20 find out if there's too many samples, right?

21 A You could.

22 Q I mean, or do you just say, well, there's probably
23 too many samples so the heck with it, we're not going to
24 test it?

25 A You could. But you also focus on what you see on

1 video. Not all crimes are on video. This crime was. So
2 whatever the video showed, in his mind, in Sergeant
3 Cowan's mind at the time from what I recall him saying, he
4 focused on those areas. So in other words, whenever the
5 video showed the suspect grabbing the handle of the door,
6 he swabbed the door. Whenever he saw the suspect run in
7 and reach across and grab the register, he focused on the
8 grabbing of the register. And that's what he focused on.
9 All the other -- there was a heavy coat. I think that's
10 -- if he did not swab that area, I'm sure that's why in
11 his mind he didn't swab that area because it was a heavy
12 huge coat there, there would be no fingerprints from the
13 suspect.

14 So you would actually focus on what that video showed
15 you, you needed to focus on. And that area was where the
16 suspects came in, shot the initial gun into the ceiling,
17 focus on that area of that shooter, and also focus on
18 where the second suspect runs in, grabs the register. And
19 that's the two areas he focused on.

20 Q Right. And so we can all agree that there's a
21 subject that's grabbing the cash register.

22 A Yes, sir.

23 Q And did he have gloves on?

24 A I don't believe he did.

25 Q He did not. Okay.

1 And y'all believe that the subject that was doing
2 that got shot in the process right there.

3 A Correct, correct.

4 Q Right there.

5 A Uh-huh.

6 Q Okay. And yet we're saying here today, well, we
7 didn't test the whole area because we thought it was going
8 to be inconclusive. Then why test -- and I asked Cowan
9 why even test the cash register there? Why test the door?
10 I mean, thousands of people could have touched that stuff.
11 So, you know, isn't it true that if you would have found
12 prints or DNA or blood that you could tie to these guys,
13 we -- this jury would definitely know about that, wouldn't
14 they?

15 A They would.

16 But what -- what I'm trying to say is this. So
17 you're kind of convoluting two things together. So you
18 wouldn't test an area, for instance, where all the
19 breeding and stuff was because they didn't go to the back
20 of the store. We know that. We would test where we know
21 that they physically had physical contact for DNA and
22 prints.

23 The blood that was concerned, I know they did look
24 for blood. I sat there and watched them look for blood.

25 Q And we're saying a guy got shot right there.

1 A Correct. So -- and, again, he was wearing extremely
2 heavy clothing as well.

3 So they were testing for fingerprints. I know they tested
4 for DNA, but they tested it for whether it was contact.
5 That's what they focused on. They focused on that area
6 specifically for that.

7 And I know you were saying why not -- why not test it
8 because we've already tested it, because we know they
9 touched it so we're going to test it.

10 Q Sure.

11 A So I'm not the analyst. I'm not the analyst that's
12 going to tell me later on there's five, ten, 20, 30 types
13 of DNA. There's no way we can prove it. We don't think
14 about that up front. We think about, okay, we -- I grab
15 this counter right here, I'm testing this counter right
16 here because I know the suspect grabbed this counter right
17 here.

18 Q Sure.

19 A And I believe that's what he did.

20 Q Yeah. Okay. But he either negligently or willfully
21 didn't test the countertop at all.

22 A I wouldn't say ---

23 MS. MUNSON: Objection, Your Honor. Again, that was
24 not a question. And he's testifying, giving his judgment
25 of the evidence. That's for the jury.

1 THE COURT: All right. Ask a question.

2 BY MR. PRINGLE:

3 Q You being the lead investigator, if Cowan would have
4 came to you and said, well, I chose not to swab the
5 counter, I chose not to print it, chose not to check for
6 blood, how would you have responded to that?

7 MS. MUNSON: Objection. Relevance.

8 BY MR. PRINGLE:

9 Q I mean, would you call that a complete and thorough
10 investigation?

11 THE COURT: Overruled. I'm going to let him ask the
12 question.

13 BY MR. PRINGLE:

14 Q Would you call that a complete and thorough
15 investigation? And why would that not be tested?

16 A Each -- each investigation is different. I would
17 analyze, obviously, why we wouldn't. And if he could
18 explain, which in this case I believe he did, that the
19 subject did not have physical contact with that area, I
20 would understand his thinking on why he didn't test that
21 area. Obviously ---

22 Q How about if he shot over the area?

23 A I'm sorry?

24 Q What about DNA evidence? Blood?

25 A Again, there was no blood spatter. There was no

1 blood -- I want to say splatter. There was no blood
2 spots. There wasn't at all any blood smudges. There was
3 nothing to collect as far as blood is concerned on that
4 counter.

5 Q So actually, then it's fair to say that maybe nobody
6 was shot, the assailant wasn't shot?

7 A Watching that video, I would highly disagree with
8 that.

9 Q I would too. That's why -- that's a pretty violent
10 thing to happen in this position, right?

11 A It happened within -- it happened in a matter of
12 seconds with the subject wearing an extremely large coat.
13 So, again, each situation varies. And that's what I'm
14 trying to say. If I get shot in a T-shirt, yes, I might
15 have blood spatter. If I get shot wearing no shirt,
16 you're going to have blood spatter. You're going to have
17 those types of things, in my experience. If I'm wearing a
18 huge winter weather coat with underlying clothes and I
19 happen to get shot where we believe he's shot, you're not
20 going to have blood splatter. And in looking back on it,
21 obviously, there was no exit wound, so you're also not
22 going to have necessarily immediate drippage, what we call
23 droplets.

24 Q You don't know that there wasn't an exit wound
25 because you don't know who got shot; isn't that true?

1 MS. MUNSON: Objection, Your Honor. That was not a
2 question. Again, he's testifying.

3 BY MR. PRINGLE:

4 Q Isn't it true you don't know who got shot? You said
5 there's no exit wound.

6 A That's why I preface that knowing what we know now,
7 it makes sense.

8 Q What you believe.

9 A Knowing what we believe now, it makes sense why there
10 is no blood droplets in that store.

11 Q Okay. So your testimony is that there was -- that it
12 was a complete investigation, there was nothing wrong with
13 not swabbing or testing that area despite ---

14 A Again, he was the expert and I understand where he is
15 coming from because there was no physical contact with the
16 front of that -- that register. Not the register. The
17 front of where his arms were is what you're trying to
18 assume.

19 Q In hindsight, don't you think that might have
20 answered a lot of questions if that area was tested?

21 A No, I do not.

22 Q What if you would have found evidence of some other
23 person other than one of these two guys?

24 MS. MUNSON: Your Honor, that has been asked and
25 answered.

1 THE COURT: All right. You get one more time at it.

2 BY MR. PRINGLE:

3 Q It could have altered your investigation, correct?

4 A I don't -- I don't believe -- I do not believe it
5 would have.

6 Q Nothing would have changed it.

7 A No. Not -- not as far as him swabbing that front
8 area?

9 Q And you finding somebody else's DNA or blood or
10 prints.

11 A Hypothetically, if you would have found someone
12 else's blood DNA, that would have been something,
13 obviously, we would have followed up on. But there was no
14 blood there.

15 Q And we'll never know about the prints or the DNA
16 then, right? We'll never know.

17 A Again, we know the suspects did not touch that.
18 Again, we know ---

19 Q You can tell that from the video.

20 THE COURT: Let him finish his question -- I mean his
21 answer and then you can ask him another question.

22 THE WITNESS: Yes. From the video you can clearly
23 see the subject run in, go straight for that register,
24 grab the register, what appears to be shot, jerk back from
25 that register, and they both exit the store running.

1 BY MR. PRINGLE:

2 Q Okay. Have you heard the phrase that today cameras
3 are everywhere?

4 A Sure.

5 Q Okay. And there's a lot of truth to that, isn't
6 there?

7 A There is, yes.

8 Q In fact, in this case I think there's three or four
9 different cameras of surrounding businesses that caught
10 some image or another of this case, correct?

11 A Correct.

12 Q That's within about a block or so?

13 A I'm trying to remember how many there were. There
14 was -- are you counting the actual B Pam's itself? So
15 yes. There were two or three other videos that caught
16 some type of image of this incident.

17 Q Right. And that's within a very close proximity to
18 the store, right?

19 A Correct.

20 Q Now, if you were to multiply that out over, say,
21 Easley, how many hundreds of thousands of cameras do you
22 think there are in Easley alone out in public?

23 A Hundreds of thousands -- if there were hundreds of
24 thousands of cameras inside businesses just directly
25 pointing toward roads, I'm sure there are cameras as well.

1 I know investigators actually went out and checked routes
2 to see if any other cameras did face those roads.

3 Q That's exactly why I was asking. Okay.

4 A Okay.

5 Q Did anybody bother to do that?

6 A They did.

7 Q They did. And so out of all those cameras -- and I'm
8 assuming you mean between B Pam's in Easley and heading
9 towards Greenville.

10 A Correct. And specifically, the route -- because at
11 the time, obviously, that night and soon thereafter they
12 did not know what direction they took until we got back
13 evidence.

14 Q Further investigation.

15 A Further investigation.

16 Q So -- and you would agree that the Greenville area in
17 general would be east of Easley and B Pam's.

18 A Greenville is actually northeast, south but there's
19 numerous areas to Greenville. But the direction would be
20 northeast, east. I don't want to say specific. I don't
21 know.

22 Q There's no road that leads to Greenville heading west
23 out of Easley, is there?

24 A Unless -- there's a lot of turnarounds now in Easley.
25 So not that I know of. Not that goes west.

1 Q You're aware the witnesses that -- I don't know.

2 MS. MUNSON: Objection, Your Honor. Pitting
3 witnesses.

4 MR. PRINGLE: What's that?

5 THE COURT: Let's see what your question is.

6 MS. MUNSON: He just said, Your Honor ---

7 THE COURT: Well, I mean, he didn't finish his
8 question.

9 BY MR. PRINGLE:

10 Q Are you aware that the suspect vehicle headed west
11 from the robbery?

12 A Not -- that's not according to the physical evidence
13 we have where we actually saw the suspect leaving.

14 Q You know about the eyewitness and his wife that
15 followed the vehicle, right?

16 A Uh-huh.

17 Q Okay. And he said they were heading west.

18 MS. MUNSON: Objection, Your Honor.

19 THE COURT: Sustained.

20 BY MR. PRINGLE:

21 Q When you guys did the test drive -- or what do you
22 call it when you said you did the routes to check cameras?

23 A Sure. So we actually took -- we got in our vehicles.
24 We rode -- so whenever we get the information back of what
25 these pings hit at with phones or whatever -- when I say a

1 ping, whatever the dots the system shows us whenever that
2 phone was at that location at this time, we drove that
3 route.

4 Q Okay. And did you recover any video of the vehicle
5 on any highway?

6 A No. Once -- once we got this information back,
7 you're talking a month at minimum later, most of all video
8 is overwritten between 15 to 30 days. They did check with
9 several businesses. There was one business in particular
10 they checked immediately afterwards on Saco Lowell Road.
11 Another investigator looked at that video and so no
12 inference, nothing to do with this case or no evidentiary
13 value of the case. But numerous businesses were asked,
14 but, obviously, when we got the information back of the
15 route they actually took, you're talking a month later.

16 Q With the thousands of cameras that are out there, I
17 mean, would you say there would have to be video of this
18 vehicle somewhere heading somewhere?

19 A If -- if their system held it within a specific
20 amount of time, it's very possible.

21 Q But again, you don't have or were never able to
22 recover any such video that might have identified the
23 vehicle going in any direction?

24 A The B Pam's video shows the vehicle crossing right in
25 front of the store.

1 Q But as far as from B Pam's to any other location, we
2 don't have any video that can tell us.

3 A As far as I can recall, no.

4 Q And you said the reason that we didn't get any video
5 is because the timing?

6 A Not just that. Obviously, the route they took was a
7 highly residential neighborhood four years ago. So even
8 if you're thinking of Ring doorbell cams, that's nearly a
9 two-year phenomenon. So even back then you would very
10 rarely even see those if they would have even picked it
11 up.

12 Q I guess what I mean is you said that businesses are
13 going to not have video, I think you said, between -- you
14 said something about 15 and 30 days.

15 A Oh, there's some businesses that overwrite within a
16 day or two. It depends on how many cameras you have.
17 Again, I'm not an expert in camera videos. It just
18 depends on the business, it depends on how many cameras
19 they have, and it depends on the storage of their system.

20 Q Okay. So obviously, by the time you were able to get
21 that far with your investigation, those videos would not
22 have existed anymore.

23 A Correct.

24 Q So is it fair to say if y'all would have acted a
25 little bit more quickly, you might have been able to get

1 some video that might be conclusive?

2 A No. That would not be fair to say. Because we
3 literally got the search warrant, and we're at the mercy
4 of getting that information back from whatever company is
5 giving it to us. And it was expedited.

6 Q Sure. All right. So even if it's through no fault
7 of yours or any other law enforcement, there is no --
8 there is no video.

9 A Outside of the initial crime scene and those specific
10 videos, I don't know of any other video.

11 Q How about witnesses? Were there any witnesses that
12 you're aware of that might have identified that vehicle
13 heading away from the crime scene?

14 A Not heading away from the crime scene. There was a
15 witness that saw one of the defendants in that vehicle in
16 the early morning hours of the same day.

17 Q Earlier than the robbery.

18 A Correct, correct. The same day.

19 Q But there was no -- withdrawn.

20 All right. So to your knowledge, is there any video
21 or any witness that directly puts Quinton Collins at the
22 B Pam's?

23 A Video or witness?

24 Q That you can identify him.

25 A It's hard to answer that question without getting

1 into the tips.

2 Q Isn't it true there's clearly no witnesses that were
3 present ---

4 A There were no witnesses present.

5 Q --- that can identify him or Mr. Ladson?

6 A Correct. There were no witnesses present during the
7 time of the incident.

8 Q And the tape, the video that we see of the robbery,
9 by your own admission, we can't tell who those people are,
10 right?

11 A I'm not saying who they were. Some specific people
12 distinctly quote certain features on Mr. Collins.

13 Q Right. Can you see their faces?

14 A You can see the features they're quoting. Yes, you
15 can.

16 Q Did you check for any other phone activity? After
17 you determined -- by your testimony you said that there
18 was these -- the cell phone information that you try to
19 put these guys in the vicinity there.

20 A Sure.

21 Q Did you bother to check any other phone activity
22 before or after that time period that this happened and
23 you've alleged that they fled the scene?

24 A We did through the parameters of what they allowed us
25 to get a search warrant based on this incident and those

1 phone records. Obviously, Mr. Ladson did contact
2 Mr. Collins -- well, Mr. Ladson's phone number contacted
3 Mr. Collins's phone number before, and Mr. Collins's --
4 Mr. Ladson's phone number contacted Mr. Collins's phone
5 number after.

6 Q When you say Mr. Collins's number, you mean the
7 number that I went over with you, the [REDACTED]-8398?

8 A That number or another number associated with
9 Mr. Collins, who there's another subject who don't even
10 know Mr. Ladson ---

11 Q Right.

12 A --- contacted Mr. Ladson's phone through Mr. Collins,
13 or Mr. Collins contacted it through that subject's phone
14 number.

15 Q Now, again, you said it appears, you believe, that
16 the suspect going for the cash register was actually
17 shot ---

18 A Yes.

19 Q --- by the victim.

20 A Correct.

21 Q Did you all check for -- I mean, is it standard
22 procedure to check the area like the hospitals ---

23 A We did.

24 Q --- for gunshot victims or the like?

25 A Correct.

1 Q Did you ever come up with anything on that front?

2 A There was one situation. I believe some officers ran
3 down to, pardon me, I'm not sure if it's Baptist Easley or
4 Greenville County to look for gunshot victims. Needless
5 to say, it had nothing to do with this incident. I don't
6 believe there was a gunshot victim. There was some
7 miscommunication. But no. There was -- there was no
8 other leads that night in hospitals.

9 Q And certainly, you never found any kind of record of
10 Quinton Collins or Tychristian Ladson ---

11 A No, sir.

12 Q --- seeking medical treatment for gunshot wounds.

13 A No, sir, we did not.

14 Q So we didn't find any kind of gunshot wounds at any
15 surrounding hospitals that could tie to this.

16 A No, sir, we did not.

17 Q From your answer, it implied that maybe you did have
18 a gunshot wound victim, but it had nothing to do with this
19 case.

20 A I'm trying -- without quoting direct -- I don't want
21 to -- I'm not sure if there was a gunshot victim. I know
22 they went to a hospital, but it had nothing to do with
23 this case. I do know that.

24 Q Okay.

25 A Whether it was a gunshot victim, stabbing victim.

1 But it was nothing to do with this case.

2 Q How about are you aware of any record or medical
3 procedure to remove a bullet from either one of these
4 guys?

5 A There was a court -- I don't know how to answer that
6 without going into ---

7 Q In any of the local hospitals, was there any record
8 of anybody treating or removing a bullet?

9 A We attempted to remove a bullet from Mr. Collins.

10 Q You did?

11 A No, no, no. We got a court order, judge to give us
12 an order.

13 Q This was, obviously, well after the incident.

14 A Yes, it was.

15 Q It would have been sometime in 2019, I believe.

16 A That's -- it was right after COVID and courts opened
17 right back up.

18 Q I guess what I'm asking is in the immediate day --
19 few days after the robbery, no -- what I'm getting at,
20 there was no evidence of any medical procedures done to
21 treat a gunshot wound or remove ---

22 A No. No, sir. No, sir.

23 Q All right. And as we sit here, again, just to
24 summarize, there is no direct physical blood, DNA or
25 witnesses at the scene that tie Quinton to the murder?

1 A Blood, DNA ---

2 Q At the scene.

3 A At the scene, no.

4 Q For whatever reason.

5 A Sure.

6 Q In fact, you say that there was a phone call between
7 these two guys.

8 A The phone numbers contacted each other.

9 Q Yeah. Do you remember what time that was?

10 A I do not. I know it was before the incident location
11 -- the incident happened in Easley.

12 Q Like almost immediately before, correct?

13 A I don't know -- I don't know the times.

14 Q You don't know. Okay.

15 Well, can you think of any reason why, if these two
16 guys were together riding in a stolen vehicle to pull a
17 robbery, they'd be calling each other on the phone?

18 MS. MUNSON: Objection, Your Honor. Speculation.

19 THE COURT: Sustained.

20 MR. PRINGLE: Thank you. Nothing further.

21 THE COURT: Redirect?

22 MS. MUNSON: Yes, Your Honor.

23 REDIRECT EXAMINATION

24 BY MS. MUNSON:

25 Q All right. As to Mr. Ladson's phone, Investigator

1 Liner, when you got the search warrant to check to get his
2 cell phone records, all you had was his phone number,
3 correct?

4 A Correct.

5 Q You didn't have a physical phone.

6 A No. We never had a physical phone until he was
7 transported to the Easley Police Department.

8 Q Okay. And how much time between that?

9 A Months.

10 Q All right. So this IMEI number, you don't have any
11 idea what it was on the phone for which you got the search
12 warrant.

13 A Correct.

14 MS. MUNSON: And then you actually got the physical
15 phone.

16 Now, there's been so much testimony, I'm not going to
17 beat a dead horse, but, Your Honor, I think it's
18 appropriate to enter the tips and the tips logs into
19 evidence so that the jury can see what everybody's been
20 talking about.

21 MR. BOATWRIGHT: We would object, Judge, as hearsay.
22 Our questions were all limited to the effect of the tips,
23 not into the actual details of the tips themselves.

24 MR. PRINGLE: I mean, we went to great lengths to
25 dance around that on my direct examination, Your Honor.

1 THE COURT: I'm going to ---

2 MS. MUNSON: Your Honor, there were detailed
3 questions.

4 THE COURT: Well, but -- and I haven't seen the logs.
5 Let me look at them.

6 MS. MUNSON: All right. I'll move along while you
7 look at those, Your Honor.

8 BY MS. MUNSON:

9 Q So when the investigation started, did it pop in your
10 head, oh, my God, I know this was Ladson and Collins and
11 we're going to focus on them?

12 A No. Not at all.

13 Q In fact, did you not try to rule out Mr. Collins in
14 the beginning?

15 A We did. So, obviously, I've never even -- I've never
16 known Mr. Ladson at all. I believe Detective Hamby and
17 Detective McKenzie actually tried to go and rule out
18 Mr. Collins as being a suspect in this case.

19 Q So the tips would be some of them were specific
20 naming Mr. Collins, some were specific naming
21 Mr. Ladson ---

22 A Correct.

23 Q -- some were specific naming completely other people.

24 A Correct.

25 Q How many of those things did you leave hanging?

1 A Zero.

2 Q What evidence did you have in this case -- I'm not
3 talking about in general. In this case, what evidence do
4 you have that people were attempting to cook up something
5 or attack Mr. Collins or Mr. Ladson?

6 A And that's what I was trying to get at. I have no
7 evidence that happened at all in this case.

8 Q What evidence do you have that the tip system was
9 abused in this case?

10 A I don't have any evidence in this case that that was
11 abused.

12 Q All right. Now, when Mr. Collins was taken into
13 custody, you got a phone, physical phone off of him,
14 correct?

15 A Correct.

16 Q Were you able to open that phone?

17 A No. We got what's called a mirror image which is
18 basically like a -- no. We were not able to open that
19 phone. We were not able to get into that phone.

20 Q Okay. How much evidence -- and it was pointed out by
21 Mr. Pringle that you've got plenty of experience in
22 investigations. How much evidence would you expect to
23 find at a suspect's house between this ---

24 MR. PRINGLE: Objection.

25 THE COURT: You may finish your question.

1 BY MS. MUNSON:

2 Q --- between December the 4th of 2018 and February the
3 5th of 2019 ---

4 THE COURT: All right.

5 MR. PRINGLE: Speculative.

6 THE COURT: Sustained.

7 BY MS. MUNSON:

8 Q So is that the right timeframe?

9 A That sounds about right. This incident occurred on
10 the 14th, and that was approximately two months later when
11 he was arrested.

12 Q Okay. And Mr. Collins was cooperative with you,
13 didn't give you any trouble?

14 A He didn't give me trouble.

15 Q Okay. So you sent -- other people of the
16 investigation went routes looking for other video.

17 A Correct.

18 Q Didn't find any.

19 All right. Where did it look like the cash register
20 guy got shot?

21 A In the video you can see -- so once he reaches for
22 the register, when I say seconds, it's a matter of
23 seconds. He reaches for the register, she is -- like I
24 say, there's an immediate shot right when the first
25 suspect walks into the business. Once that immediate shot

1 happens, Ms. Stacey actually retrieves her firearm, I'm
2 sure fearing for her life and safety. She immediately
3 takes cover.

4 once that subject reaches around and grabs the
5 register, she is literally almost at that point face to
6 face with that subject. She reaches up and fires what we
7 know of two shots, one of which you can see in the video
8 the subject immediately wrenches back and kind of does
9 this (demonstrating). And immediately they both take off
10 out of the store while the subject at the door was
11 actually sitting there and firing other shots as he ran
12 away, one of which striking Ms. Stacey in her chest,
13 killing her.

14 Q So where did it look like the cash register guy got
15 shot?

16 A It looked like he got shot on this area here
17 (indicating) on the video.

18 MS. MUNSON: All right. I have nothing further, Your
19 Honor.

20 THE COURT: And I've reviewed this, and I think that,
21 one, it's filled with all kinds of hearsay on matters
22 unrelated to this. It's got lots of private information
23 about people that are unrelated to this matter. You have
24 hearsay of the tipsters. You have hearsay of the officers
25 that wrote about it. So I'm going to sustain their

1 objection as to the admissibility of these tipsters.

2 MS. MUNSON: Thank you, Your Honor.

3 THE COURT: I mean, this information.

4 All right. You may step down.

5 And, ladies and gentlemen, we're going to take a
6 short break. Do not discuss the case, and we'll bring you
7 out in just a few minutes.

8 (WHEREUPON, the jury exits the courtroom at 11:29 AM.)

9 THE COURT: All right. We'll take ten minutes.

10 (WHEREUPON, a recess is taken at 11:29 AM; proceedings
11 reconvened at 11:40 AM.)

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

14 MS. OWENS: Nothing, Your Honor.

15 THE COURT: Collins?

16 MR. PRINGLE: No, Your Honor.

17 THE COURT: Ladson?

18 MR. BOATWRIGHT: No, Your Honor.

19 THE COURT: All right. Bring them in.

20 (WHEREUPON, the jury entered the courtroom at 11:42 AM.)

21 THE COURT: All right. State may call your next
22 witness.

23 MS. OWENS: Thank you, Your Honor. May it please the
24 Court. The State calls Sergeant David Picone.

25 Sergeant, if you would, sir, please come up and be

1 sworn.

2 THE CLERK: Please raise your right hand.

3 WHEREUPON,

4 DAVID PICONE

5 After having been duly sworn, testified as follows:

6 THE CLERK: Thank you, sir. If you would, have a
7 seat and state your name for the record.

8 THE WITNESS: David Picone.

9 DIRECT EXAMINATION

10 BY MS. OWENS:

11 Q Sergeant, where do you work?

12 A Greenville County Sheriff's Office.

13 Q How long have you been with the sheriff's office?

14 A Just past 16 years.

15 Q What's your current assignment there?

16 A I'm currently a sergeant over Uniform Patrol. Been
17 doing that for a couple months now.

18 Q Back in December of 2018, where were you assigned?

19 A I was a homicide investigator with the Greenville
20 County Sheriff's Office.

21 Q And generally speaking, what were your
22 responsibilities as a homicide investigator?

23 A Typically, I would investigate deaths, homicides,
24 natural deaths, overdose deaths, shootings. Pretty much
25 any violent crime.

1 Q Do you remember becoming involved in the homicide
2 that's the subject of this trial?

3 A I do.

4 Q Would you please describe for the jury how you became
5 involved.

6 A So myself and a couple of other investigators that I
7 worked with observed a news feed about a homicide that
8 occurred in Easley at a convenience store. I believe it
9 happened on a weekend so we weren't actually at work. We
10 came in that Monday morning. I believe it was
11 December 17th, and I think the incident happened on
12 December 14th of '18.

13 We saw that from some information we had got just
14 talking around, we believed that the suspect vehicle
15 possibly was a Subaru Forester, silver in color, and
16 actually, when it left, it was seen possibly heading
17 towards Greenville County. So it just kind of sparked our
18 interest because we were close to Easley, so we started
19 doing some research on it. And we felt like maybe that
20 car was stolen out of Greenville County.

21 So one of the investigators did some digging and
22 found that there was an actual Subaru Forester that was
23 reported stolen in Greenville County in September of 2018
24 and it hadn't been recovered yet. So we started doing
25 some digging on that car and if we could get any

1 information to lead us to suspects related to that
2 homicide.

3 Q Now, you mentioned that you learned of this incident
4 from a news item. If this is an incident that happened in
5 Easley, why would you get involved?

6 A Like I said, we had got some just minor information
7 that possibly the vehicle came back to Greenville County
8 in that direction, so we felt like we can maybe dig up
9 some information and help out with Easley solving the
10 case.

11 Q So ultimately, did you develop some information as
12 part of that investigation that led you to that Subaru
13 Forester?

14 A We did, yes.

15 Q Where did you find it?

16 A So we used -- we used some search -- some
17 investigative tools we had. We learned that the vehicle
18 that we were looking for that was reported stolen, license
19 plate had been captured at an apartment complex in Greer,
20 South Carolina, within the county of Greenville. I think
21 it was Beverly Apartments.

22 So myself and other investigators, we just went to
23 the area and started canvassing the area. We didn't find
24 it at the apartment complex where the license plate was
25 showing, but we did locate it approximately one mile away

1 from that location in a grassy field next to another
2 apartment complex.

3 Q Was it locked?

4 A The vehicle was not locked. There was nobody in it.

5 We attempted to do a K-9 track, and that was
6 unsuccessful. So what we decided to do since this was a
7 freshly occurred crime, we were going to sit on the
8 vehicle for the overnight period. So we had some units
9 come in that had some unmarked cars. They sat and watched
10 the vehicle all night long. Nobody came back to it. We
11 decided if nobody came back the next morning, we would go
12 to the vehicle and then we would recover the stolen
13 vehicle and continue our investigation.

14 Q Now, do you remember in relation to when you began
15 that investigation on that Monday of the workweek when you
16 came upon the stolen Subaru?

17 A Actually, that Monday, yeah.

18 Q Now, you mentioned that after surveillance was done
19 that night, the decision was made to process the car.

20 A Yes, yes.

21 Q What does that mean?

22 A So what we did is, for the integrity of the
23 investigation and make sure nobody touches the interior of
24 it until we obtain a search warrant, because we knew that
25 car was stolen from Greenville County, so we were

1 investigating the stolen vehicle theft at that time until
2 we gathered more evidence. So what we did was we called
3 in forensics. So Greenville forensics would come in. And
4 what they do is they seal the vehicle before we tow it.
5 And what they do when they seal it is they'll put this red
6 tape over every door, and that shows that the door has not
7 been opened. If the seal was broken, then that means it
8 would be open.

9 They'll initial it. So they'll tape it, they'll
10 initial it, they'll photograph it and then we'll tow the
11 vehicle until we obtain a search warrant.

12 Once we obtain the search warrant, they'll go back,
13 whoever is doing the search warrant will take more
14 photographs of the vehicle and then process it.

15 Q Now, after -- well, as part of that processing, is it
16 your understanding that swabs were collected to develop
17 potential DNA profiles from inside that car?

18 A Yes.

19 Q Now, after the car has been towed and processed and
20 removed from the scene, what do you do next?

21 A We started going -- so what we did next is we went to
22 the apartment complex where the vehicle was found. That
23 wasn't the initial apartment complex we were looking at.
24 Kind of canvassed the area there. Nothing -- nothing of
25 evidentiary value or any leads was developed from that

1 specific apartment complex. There was no cameras there.
2 So we went on to the apartment complex where the car was
3 actually captured on license plate reader. And I believe
4 the car was captured for multiple days through like almost
5 a week time period.

6 So we canvassed the area, and we got directed to a
7 specific apartment in that apartment complex where people
8 had seen a black male driving that car.

9 Q Did you speak with some residents?

10 A We did.

11 Q Specifically, do you recall with whom you spoke?

12 A I can't remember off the top of my head right now. I
13 do not. I know what apartment number it was in. That was
14 [REDACTED]. I can't remember exactly, but I know it was a
15 relative of Christian Ladson.

16 Q At some point during your investigation, were you
17 able to develop a cell phone number for Mr. Tychristian
18 Ladson?

19 A I did, yes.

20 Q Do you recall what that phone number would have been?

21 A I don't have it off the top of my head, but I know
22 it's in my report. (Reviews document) Sorry. I was
23 trying to find it. Okay.

24 Q After reviewing that report, did you record a phone
25 number that you learned was associated with Tychristian

1 Ladson?

2 A Yes. So the individual that we spoke with in the
3 apartment we had developed a potential name of Tychristian
4 Ladson. We went to that apartment, confirmed that's where
5 he was staying or had connection to. They provided me
6 with a phone number.

7 MR. BOATWRIGHT: Objection, Judge. Hearsay.

8 MS. OWENS: Your Honor, he's sharing the phone number
9 that he learned is associated with the defendant. It's
10 not an out-of-court statement.

11 THE COURT: Is that the one that's already been ---

12 MR. BOATWRIGHT: It's a different -- it's not the one
13 that's already been talked about, Judge. And he is
14 testifying as to what someone told him a phone number was,
15 which is an out-of-court statement that they are offering
16 for the truth of the matter asserted.

17 MS. OWENS: It's all right, Your Honor. I'll move
18 on. We'll reach it another way. Thank you.

19 BY MS. OWENS:

20 Q After developing a phone number for Mr. Ladson, what
21 did you do next?

22 A I called it.

23 Q What phone number did you call?

24 A [REDACTED]-5400.

25 Q Did you speak with someone?

1 A Yes.

2 Q Did that person identify themselves?

3 A As Tychristian Ladson.

4 Q As a result of that conversation, what happened next?

5 A I asked if he would speak with me. We wanted to meet
6 with him, talk to him. He said he would. He told me he
7 was at a gas station. Told me what gas station he was at.
8 We drove to that location. He wasn't there. Talked with
9 the clerks in there to see if they observed anybody in the
10 parking lot. They said no. So I tried calling him
11 multiple times again. He didn't answer.

12 So from there I went to another address that he was
13 associated with to see if he was at that location, and he
14 wasn't there.

15 I sent him a text message because he had stood me up
16 about meeting. He responded to me immediately and then
17 told me he would meet me at a shopping plaza at Old
18 Spartanburg and Hudson Road and he was in front of a
19 Chinese restaurant.

20 Q Did you meet him there?

21 A Yes, I did.

22 Q Did you speak with him in person?

23 A I did.

24 Q Do you see the person with whom you spoke in the
25 courtroom today?

1 A Yes. He's over here. I know there's two of them. I
2 can't remember which one it is at this time. I'm sorry.

3 Q Certainly no big deal.

4 A It's been a while.

5 Q Who was with you when you decided to go speak with
6 Mr. Ladson?

7 A Investigator Maltby.

8 Q Did you record your exchange with Mr. Ladson in that
9 parking lot?

10 A Yes, I did.

11 Q How was Mr. Ladson behaving during this conversation?

12 A To the point he made me extremely nervous. It was --
13 obviously, it was December. I documented it was cold out
14 that day. He was sweating. He was wearing a puffy like
15 North Face jacket. He was very antsy moving around.

16 After we got done with that, me conversating with
17 Investigator Maltby, I actually was worried that he
18 potentially had a weapon on his person. He was extremely
19 nervous.

20 Q How long do you think that conversation lasted?

21 A Four minutes.

22 Q As a result of that conversation, what did you and
23 any other investigators do next?

24 A My mind's blank right there. I'm sorry. (Reviews
25 document) I know we continued our investigation on there.

1 What exactly ---

2 Q Well, at some point, either that day or in the days
3 that followed, did you end up investigating the
4 possibility of evidence existing at a Spinx gas station on
5 Pendleton Street in Greenville?

6 A Yes.

7 Q Why?

8 A We got some information that he potentially went to
9 that location, so we viewed video footage of that.

10 Q And were you able to confirm Ladson was at that Spinx
11 gas station?

12 A Yes, yes. He was wearing the same clothing, jacket
13 that we observed him wearing when we talked to him on the
14 18th of December.

15 Q And, again, when would this conversation have
16 happened in the parking lot?

17 A It was the same day that we picked up the
18 investigation. It was on December 18th of 2018.

19 Q So just a matter of days after the actual homicide.

20 A Yes.

21 Q You testified earlier that there was a search warrant
22 executed on that Subaru and that it was processed for all
23 sorts of potential evidence. Were you made aware as one
24 of the participating investigators of the items that were
25 discovered inside that car?

1 A Yes.

2 Q Did you learn about the potential value of a receipt
3 that had been located in that car?

4 A I did, yes.

5 Q Tell the jury about what was located and what you
6 did.

7 A There was a receipt in the car for a Dollar General.
8 So we went to that location just to see if he's on video.
9 The receipt was for a T-shirt. So we went in there and
10 contacted -- basically contacted Dollar General loss
11 prevention to determine if we can narrow down the
12 T-shirt, the time and all that. We weren't able to do so,
13 so we ended up looking through like five days of video
14 footage in a very quick amount of time. And there's
15 multiple registers, so we weren't able actually to capture
16 anybody on video, who provided -- who actually bought that
17 shirt.

18 Q Now, did you go to the actual physical location
19 inside that Dollar General where that purchased shirt
20 would have been displayed?

21 A We did. We went to the display.

22 Q Did you make any observations about that location?

23 A Yes. So where the shirt was located, right next to
24 it was an orange ski mask which was what the suspects were
25 seen on video wearing on the robbery in Easley. We didn't

1 have any documentation showing that anybody purchased
2 that, but it was very odd that the ski mask was next to
3 the black shirt. So we picked the ski mask up, looked at
4 it, noticed that it had two holes in the eyes, I believe,
5 but when you put it on, the thread was so thin it broke
6 which would make one hole.

7 So what we did was is we actually purchased one of
8 those and just put it -- and took it for potential
9 evidence later on.

10 Q Now, did you relay all of these investigative
11 discoveries to the Easley Police Department
12 investigators?

13 A Yes.

14 Q You testified a moment ago that you contacted
15 Mr. Ladson by phone and text in the days following this
16 incident, correct?

17 A Yes.

18 Q Do you recall which phone number you would have used
19 to contact Mr. Ladson?

20 A I do. At that time I had a county-issued cell phone.
21 So it was [REDACTED]-3477.

22 Q Now, as this -- the bulk of this part of the
23 investigation occurred inside Greenville County, could you
24 give the jury some information about how each of these
25 locations is situated? For example, there's been some

1 testimony that you went to apartments on Beverly Lane, I
2 believe; is that correct?

3 A Yes.

4 Q Where is that location as it relates to the city of
5 Greer?

6 A I don't know if anybody is familiar with the city of
7 Greer. It's literally on the main road that would take
8 you into Greer. It's right off Wade Hampton. It's in the
9 jurisdiction of Greer City, almost in the city -- like a
10 mile from downtown.

11 Q And there's also been some testimony about a
12 residence on Fleetwood Drive. In Greenville County
13 geographically, where is Fleetwood Drive?

14 A Fleetwood Drive is off Augusta Road. It's basically
15 Augusta and 85, a bunch of gas stations and motels. It's
16 right back over there.

17 Q And this Spinx gas station that you and other
18 investigators traveled to on Pendleton Street, where is
19 that location as it relates to the city of Easley?

20 A It's on 123. 123 leads you into Easley. But the
21 Spinx that we're talking about is right on the outskirts
22 of Greenville City and where Greenville County meet. But
23 it's on Easley Bridge Road, 123.

24 (WHEREUPON, State's Exhibit Number 17 was marked for
25 identification.)

1 BY MS. OWENS:

2 Q Sergeant, I'm going to show you State's Exhibit 17.
3 Do you recognize what's depicted in that photograph?

4 A Yes. It's a Dollar General receipt.

5 Q Is that an accurate representation of the receipt
6 that was located from the stolen Subaru when it was
7 recovered by Greenville County?

8 A Yes.

9 MS. OWENS: Your Honor, at this time I'd move in
10 State's Exhibit 17.

11 THE COURT: Any objection from Collins?

12 MR. PRINGLE: None.

13 THE COURT: From Ladson?

14 MR. BOATWRIGHT: No, Your Honor.

15 THE COURT: All right. In without objection.

16 (WHEREUPON, State's Exhibit Number 17 was admitted into
17 evidence.)

18 MS. OWENS: Thank you, Your Honor.

19 BY MS. OWENS:

20 Q You testified a moment ago that your exchange with
21 Mr. Ladson on the 17th, the Monday after this incident,
22 was recorded. I'm going to show you State's Exhibit 18.
23 Do you recognize that item?

24 A I do.

25 Q How do you recognize it?

1 A It's an audio recording that I listened to.

2 Q And have you had a chance to review that recording?

3 A Yes.

4 Q Is it an accurate representation of the conversation
5 that you and Investigator Maltby had with Mr. Ladson?

6 A It is.

7 MS. OWENS: Your Honor, at this time I'd move in
8 State's Exhibit 18.

9 THE COURT: Any objection from Collins?

10 MR. PRINGLE: None.

11 THE COURT: Any objection from Ladson?

12 MR. BOATWRIGHT: No, Your Honor.

13 THE COURT: All right. In without objection.

14 (WHEREUPON, State's Exhibit Number 18 was admitted into
15 evidence.)

16 MS. OWENS: With the Court's permission I'd like to
17 publish it.

18 THE COURT: You may. You may attempt. Sorry.
19 And this is just audio; is that correct?

20 MS. OWENS: That's correct, Your Honor.

21 (WHEREUPON, State's Exhibit Number 18, an audio recording,
22 was played in open court.)

23 MS. OWENS: Thank you, Sergeant. Answer any
24 questions the defendants may have for you.

25 THE COURT: Cross-examination, Collins.

CROSS EXAMINATION

BY MR. PRINGLE:

Q How long was that vehicle there in that field before you showed up to process it?

A I don't know. Prior till we got there, we're not sure.

Q You don't have any idea how long it was there?

A No.

Q How about I'm not sure if you answered this, but how soon after you became involved in the case did you find that vehicle out in the field?

A We got to work at 8:30 in the morning. We probably found -- I think we found the car before 10 a.m.

Q Again, no idea how long it was there or who all had been in it.

A No.

Q Okay. You said it was unlocked.

A Yes.

Q All right. How many people live in that apartment complex that's in close proximity to the vehicle?

A I'm sure hundreds.

Q Including kids?

A Maybe.

Q Sure. At the time that you went out and started to process the vehicle, did you already have any idea who the

1 suspects were in the case?

2 A No.

3 Q Now, you said that when you go to process the scene,
4 when you first encountered it, you didn't start to process
5 it then. You waited until the next day, right?

6 A Yeah. They -- they don't -- we usually don't process
7 a vehicle on scene when it's related to a potential
8 homicide, so they sealed it and towed it to their
9 forensics office to process it.

10 Q To be most accurate, you sat on it and watched it
11 like overnight?

12 A There was surveillance on it for almost 24 hours.

13 Q So that after that is when you tape it up and seal
14 it. Is that the right word?

15 A Yes.

16 Q For the integrity?

17 A Yes.

18 Q Would you agree that if it was unlocked, sitting in
19 that field for as long as it was in close proximity to
20 where a lot of people live, that any integrity had already
21 been destroyed most likely?

22 A Not necessarily.

23 Q I mean, it's unlocked, right?

24 A It was, but, I mean, I can't speak if anybody went
25 inside the car. We're not going to. We're going to do

1 what we do. We're going to do our investigation the
2 correct way. I can't speak what anybody else did prior to
3 that, but we're going to do ours the correct way.

4 Q I mean, certainly, there'd be a chance that any crime
5 scene would be contaminated in an unlocked, unattended
6 vehicle that was there for who knows how long.

7 A That's potential, yes.

8 Q Okay. So when you talk about the integrity of the
9 scene, it's the best you can do at that time. It's not
10 really integrity, is it?

11 A Once we got on scene, we're going to maintain
12 integrity of our investigation. We're going to -- we're
13 going to do everything by the way it's supposed to be
14 done. That's how we process. That's how we investigate
15 cases.

16 Q Sure. And, of course, you had no control over any
17 integrity or anything inside that vehicle before you
18 started to process it.

19 A That's correct.

20 Q So, again, at best, you can only testify to the
21 integrity of the vehicle after you started in on it.

22 A Yes, sir.

23 Q Who knows what happened and who was in it before,
24 fair?

25 A Yeah. I don't know.

1 Q Now, you mentioned in your testimony that you saw a
2 video and you claim that you were able to identify
3 Mr. Ladson.

4 A Yes.

5 Q Based on what?

6 A Clothing. Seeing him on video, we were able to --
7 based on his jacket he was wearing, seeing his picture on
8 the video, you could tell it's him.

9 Q Okay. But you couldn't tell who he was sitting here
10 today.

11 A No. That's been -- I talked to Mr. Ladson on the
12 18th. We watched the video shortly after that. I had
13 plenty of interactions of looking at photographs of him.
14 I haven't seen him since 2018. I have no idea what he
15 looks like right now.

16 Q You would agree these two guys don't look anything
17 alike.

18 A They don't.

19 Q And yet today you wouldn't be able to point out which
20 one was him?

21 A I can't tell you right now.

22 Q Did you find any blood in the vehicle?

23 A I don't think they found any blood.

24 Q No. Would it surprise you if I told you there was no
25 blood found in the vehicle?

1 A I don't believe they did.

2 Q Are you aware that the State has alleged that there
3 was a gunshot victim in that vehicle?

4 A I have no idea about that.

5 Q Did you find any clothing that matched up with the
6 suspects in the crime?

7 A I don't think so.

8 Q Did you find a mask -- or what was the word you used
9 for the orange cap?

10 A Ski mask.

11 Q Ski mask. Did you find anything like that?

12 A I don't think so, no.

13 Q Did you find a gun?

14 A I don't believe so.

15 Q All right. So really, as far as you know, you didn't
16 find any evidence of a crime other than a stolen vehicle
17 at that time?

18 A I know of -- I know of evidence that was found in the
19 car that came back to somebody.

20 Q Right. No blood, no -- no clothing, no gun.

21 A No. Just -- no.

22 Q And at that time you didn't know who -- or you knew
23 it was part of a crime, but you didn't know who was
24 involved.

25 A Yes.

1 Q Did you know what the crime was, the alleged crime?

2 A Auto theft. That's what we were investigating. But
3 we believed that car was related to a homicide as well.

4 Q Okay. So you knew that it was likely -- you're going
5 to investigate that vehicle for a potential homicide ---

6 A Right.

7 Q --- or what you might be able to tie to it.

8 A Yes.

9 MR. PRINGLE: I don't have anything further. Thank
10 you.

11 MR. BOATWRIGHT: May it please the Court.

12 THE COURT: Mr. Boatwright.

13 CROSS EXAMINATION

14 BY MR. BOATWRIGHT:

15 Q I apologize. Is it officer? sergeant?

16 A You can call me whatever you want. Officer,
17 sergeant. It doesn't bother me. Call me sergeant.

18 Q Sergeant. All right. Sergeant Picone, so first you
19 said in your conversation with Tychristian Ladson, he
20 seemed very nervous, right?

21 A That is correct.

22 Q To the point that you thought he had a gun.

23 A Potentially, yes.

24 Q Did you pat him down?

25 A No.

1 Q But you could have.

2 A I could have, but he was walking around a lot too. I
3 mean, I wasn't pushing the issue.

4 Q But officers have the ability to pat someone down for
5 their safety, correct?

6 A Yeah.

7 Q So if you really thought he had a gun, you could have
8 patted him down.

9 A I could have.

10 Q Okay. All right. Now, you said he seemed nervous
11 when he was talking to you, right?

12 A Yes.

13 Q Now, right before you met him, you sent him a picture
14 of his house, didn't you?

15 A I did.

16 Q Is it in a text message?

17 A Yep.

18 Q So you as a cop sent him a picture of his own house.

19 A Yeah.

20 Q And then he calls you.

21 A Yes.

22 Q And he met you.

23 A Yes.

24 Q All right. And the place that he met you at was only
25 a few minutes down the road from the initial place, the

1 gas station he told you to meet at?

2 A Yeah. Fairly close. Maybe -- it's a long distance
3 for a walk, but yeah, it's close.

4 Q And you thought it was weird that he was nervous when
5 he was talking to you.

6 A Yes.

7 Q Even though you just sent a picture of his house.

8 A Yes.

9 Q It seems awful threatening, doesn't it?

10 A No.

11 Q No? Would you have been okay if he sent you a
12 picture of your house?

13 A I mean, depends. If I didn't do anything wrong.

14 Q Regardless, he sent you a picture of your house,
15 that would make you a little nervous.

16 A If I wasn't -- if I wasn't -- if I wasn't doing
17 anything wrong and somebody sent a picture of my house,
18 I'm not going to be sweating when I get out with them.

19 Q All right. Now, you said that you got involved
20 because y'all found this stolen Subaru, correct?

21 A Yes.

22 Q But none of the evidence that you found actually
23 connects this stolen Subaru to the Subaru that was seen
24 driving away from B Pam's in this incident, does it?

25 A I don't know if they -- I don't believe they got a

1 tag number.

2 Q Okay. So no tag number. There was no details of
3 dings or scratches or anything like that on the car given,
4 right?

5 A I don't believe so.

6 Q So there was nothing that exactly ties this Subaru
7 that you investigated to this case that we're here for
8 today.

9 A I'm not quite sure.

10 Q That you were aware of.

11 A All I can talk about is what we did. I don't know
12 what Easley did on their investigation.

13 Q Okay. But in your investigation, you didn't find any
14 evidence tying it to this murder.

15 A I didn't investigate the murder per se, so I can't
16 say that -- I don't know what evidence they had. I didn't
17 investigate the murder.

18 Q Okay. So the only thing that you found is evidence
19 of a stolen Subaru.

20 A Yes.

21 Q All right. How many stolen Subarus were reported
22 stolen in Greenville in December of 2018 that were
23 actively still stolen?

24 A I believe this was the only one. That's why this was
25 very suspicious.

1 Q How many stolen Subarus reported -- or were reported
2 stolen out of North Carolina?

3 A I have no idea.

4 Q This Subaru had a North Carolina license plate,
5 correct?

6 A It did, but it was reported stolen out of Greenville
7 County in Taylors.

8 Q How many reported -- in general in South Carolina,
9 how many silver stolen Subarus were actively stolen
10 December of 2018?

11 A No idea.

12 Q So, again, all we know for sure is that this silver
13 Subaru you looked at was reported stolen.

14 A Yes.

15 Q And there was some DNA found in it.

16 A Yes.

17 Q Now, this Dollar General, you went to Dollar General,
18 correct?

19 A Yes.

20 Q And they had video, the camera footage, inside the
21 store?

22 A They did.

23 Q All right. And you reviewed that camera footage.

24 A We did.

25 Q And you didn't find -- you didn't see Ladson nor

1 Collins on that video footage, did you?

2 A No. I didn't -- I don't believe I knew who Collins
3 was at the time. And the receipt's torn so it doesn't
4 have a time to actually narrow down. So like I said, we
5 looked through five days of video footage at a very quick
6 rate. We didn't see anything. Could we have overlooked
7 it? Absolutely. But no, we did not.

8 Q Okay. So the only thing that you know is that there
9 was a receipt in this Subaru that says a black T-shirt was
10 bought from this Dollar General.

11 A Yes.

12 Q Not who bought it.

13 A No.

14 Q Was there fingerprints found on the receipt?

15 A I don't believe so.

16 Q So you don't have any evidence of anybody buying an
17 orange ski mask.

18 A No.

19 Q No evidence of Collins or Ladson ever being in that
20 Dollar General?

21 A No.

22 Q Was there anything -- were there any other items
23 found in the Subaru besides a torn receipt?

24 A I don't believe so.

25 Q That was the only thing in the vehicle?

1 A Yes.

2 Q And then, again, there was no blood in the vehicle,
3 correct?

4 A That I've heard of, no.

5 Q Lastly, the video that you saw, just want to clarify,
6 the video of Spinx where you say you identified
7 Tychristian, that was at midnight of December 18th,
8 correct?

9 A I don't know if it was -- the actual date of when he
10 was in the Spinx. I just remember looking. I believe
11 Easley had got some information, asked us to look at it
12 and we did. I can't -- I can't recall what the date was
13 or time of it.

14 Q Can you recall that it was before or after the
15 incident?

16 A I think it was after the incident. I believe he was
17 getting out of the car that we -- getting out of a Subaru
18 similar to the one we recovered, I believe.

19 Q And you made a written report in this case, correct?

20 A I'm sorry?

21 Q You made a written report in this case?

22 A Yes.

23 Q You didn't mention anything about the Spinx video in
24 your report, did you?

25 A No. I didn't mention that, but I did go with

1 Investigator Maltby and we viewed it, yes.

2 Q But you believe that he was at the Spinx after the
3 incident.

4 A I believe so.

5 MR. BOATWRIGHT: All right. No further questions,
6 Your Honor.

7 THE COURT: Redirect?

8 MS. OWENS: Very briefly, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. OWENS:

11 Q Do you know that there was some candy wrappers found
12 inside that Subaru?

13 A I believe there were.

14 MS. OWENS: I don't have any additional questions.

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

16 Counsel, y'all want to approach, just talk about
17 scheduling?

18 (WHEREUPON, a bench conference was held off the record.)

19 THE COURT: All right. I've been advised that the
20 next witness is fairly short, so we're going to go ahead
21 and get this one in before lunch. Is that good with
22 everybody?

23 Okay. Then call your next witness.

24 MS. OWENS: The State calls Mr. Ryan Collins.

25 Mr. Collins, if you would, sir, please come up and be

1 sworn.

2 THE CLERK: Stop right here and raise your right
3 hand.

4 WHEREUPON,

5 RYAN COLLINS

6 After having been duly sworn, testified as follows:

7 THE CLERK: Thank you, sir. If you would, have a
8 seat and state your name for the record, please.

9 THE WITNESS: My name is Ryan Collins.

10 DIRECT EXAMINATION

11 BY MS. OWENS:

12 Q Mr. Collins, generally speaking, where do you live?

13 A Easley.

14 Q How long have you lived in Easley?

15 A About six years.

16 Q And were you still living in Easley back in December
17 of 2018?

18 A Yes.

19 Q Now, do you recall becoming involved in the
20 investigation that's the subject of this trial?

21 A Yes.

22 Q Did you eventually speak with Easley Police
23 Department investigators about this case?

24 A Yes, ma'am.

25 Q What do you remember relating to the police about

1 what you saw during the time frame of this incident?

2 A The time before -- before the incident happened, I
3 was at the Spinx on -- where 123 runs all the way into
4 Greenville, there's a Spinx and a Burger King. The
5 vehicle -- I stopped there to get diesel. When I walked
6 in the store, I noticed two people that just from what I
7 do for a living, it just didn't seem right.

8 So as I walked in the store, I just looked at one of
9 them and just kept walking. As I walked back out the
10 store, I looked at the plate on the car, what I do for a
11 living once again, noticed that it was a vanity plate,
12 North Carolina vanity plate, didn't think nothing else of
13 it. It was just like, well, that's sketchy.

14 Went home that night. Saw about it on Facebook. Saw
15 the description of the vehicle they were looking for.
16 Called Easley City and let them know what I knew.

17 Q Do you remember about what time you were at that
18 Spinx?

19 A Ma'am, I really don't. I know I was working night
20 shift back then, so it would have been later. But I don't
21 remember the exact time.

22 Q Well, was it daylight?

23 A No.

24 Q Okay. Now, did you ever interact with either of the
25 occupants of that car?

1 A No, no. We never spoke. Nothing like that.

2 Q And did you ever see either of those occupants?

3 A Yes. I saw both of them.

4 Q Okay. What do you recall about what they looked
5 like?

6 A What am I -- what do you need -- what am I allowed to
7 say? I mean, I can tell you exactly who was in the
8 passenger's seat and who was in the driver's seat -- or
9 who was -- who went in the store and who was in the
10 passenger's seat right now.

11 Q Whatever you recall.

12 A The guy on the left was in the passenger's seat, the
13 guy on the right was walking in the store.

14 Q Did you share that information with the investigators
15 at Easley?

16 A Yes. It's on the surveillance footage.

17 MS. OWENS: Mr. Collins, I don't believe I have any
18 additional questions. If you would, answer any questions
19 the defendants may have for you.

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Cross-examination.

22 MR. PRINGLE: We're going to need a moment, judge.

23 CROSS EXAMINATION

24 BY MR. BOATWRIGHT:

25 Q How are you doing, Mr. Collins?

1 A Doing all right.

2 Q Did anybody prepare you for your testimony today?

3 A No, sir.

4 Q So you gave a statement back in 2018 to the police
5 about what you saw that night, correct?

6 A Yes, sir. Well, I called Easley City three different
7 times before they would speak to me.

8 Q All right.

9 A So a statement to the police that night, no.

10 Q I mean, eventually, you talked to the police and gave
11 them your statement.

12 A Correct.

13 Q All right. Did they show you any pictures of
14 anybody?

15 A No, sir.

16 Q Did they ask you to identify anybody?

17 A No, sir, they did not.

18 Q Okay. So besides that night, the only time you've
19 seen these two individuals again is today?

20 A Correct.

21 Q And your testimony today is that the one on your
22 left?

23 A My left, correct.

24 Q So the gentleman in the black shirt, he was the one
25 that stayed in the car, and the gentleman on the right is

1 the one that went into Spinx?

2 A What I remember correctly -- what I remember -- and,
3 I mean, like I said, it's all on surveillance footage ---

4 Q Yeah.

5 A --- the shorter individual, from where I'm sitting my
6 perspective right now, the guy on the left is the shorter
7 guy.

8 Q Okay.

9 A He was the one that stayed in the car. The taller
10 individual was the one that went in the store.

11 Q Okay. So you got a better look at the person that
12 went in the store.

13 A Correct.

14 Q All right. And looking at him now, you're saying
15 this is the guy that went in that store?

16 A I would say yes.

17 Q Okay. Thank you.

18 All right. Now, you said that you know that it
19 happened before the incident?

20 A Yes.

21 Q Was this the day before the incident?

22 A It was the night before the incident.

23 Q The night before the incident.

24 A Yes, sir.

25 Q All right. And the incident happened at nighttime.

1 A Yes, sir. I'm pretty sure the incident happened
2 after I left that store. It was the same night.

3 Q All right. Now, you said you were working nights.
4 What time did you get off?

5 A I got off whenever I got off. I -- I work a job
6 where I work 12 to 16 hours a day. It just depends on my
7 shift.

8 Q Okay. Would midnight sound about right?

9 A No. 5:00.

10 Q It was 5:00 in the morning?

11 A 5:00 in the morning, 6:00 ---

12 Q Is when the Spinx video happened?

13 A --- when I -- when I would get off.

14 Do what?

15 Q Okay. I mean the Spinx video.

16 A The Spinx video, sir, I have no ---

17 Q When you were at Spinx.

18 A I have no idea what time that was.

19 Q No idea?

20 A No. That was four years ago.

21 Q But you know which one went in the store?

22 A Yeah.

23 MR. BOATWRIGHT: Thank you. No further questions,
24 Your Honor.

25 THE COURT: Redirect. I'm sorry. That's right.

1 Collins, cross.

2 CROSS EXAMINATION

3 BY MR. PRINGLE:

4 Q You said the shorter one walked in the store.

5 A No, I did not.

6 Q What did you say?

7 A I said he stayed in the car.

8 Q Okay. And the taller one got out.

9 A Correct.

10 Q And yet -- and you were able to identify the one that
11 didn't get out of the car.

12 A Yes.

13 Q And you're saying it's Mr. Ladson.

14 A Do you want me to show you how he was sitting? I
15 mean, I can show you how he was sitting if you want. He
16 was sitting like this, sir. He was sitting just like this
17 (demonstrating) in the car like this.

18 Q And you're able to identify him?

19 A Yes, sir. I've repoed cars for 14 years. That's
20 what I do. I pay attention to everything.

21 Q Were you ever shown a lineup or given any kind of
22 pictures to identify either one of these guys? I see you
23 looking over here at the counsel table. I'm asking you.

24 Oh, you were shown a lineup. When was that?

25 A When was I shown a lineup?

1 Q Were you?

2 A No, sir, I was not.

3 Q Why did you hesitate to answer me? Why are you
4 looking over here? Why are you hesitating to answer the
5 question, please.

6 THE COURT: You can answer the question.

7 THE WITNESS: I answered your question, sir.

8 BY MR. PRINGLE:

9 Q Were you ever shown a lineup?

10 A No, sir, I was not.

11 Q So you've never identified either one of these guys
12 ever till right now. You're pointing at these guys. Is
13 that what you're saying?

14 A No. What I'm saying is I saw them go in that store.
15 I saw one of them go in that store, and I saw one of them
16 sit in that car.

17 Q You saw one person, somebody go in the store.

18 A No. I told you who I saw go in that store.

19 Q So as of today, you look at these guys and you're
20 convinced that these are the two guys?

21 A Yes. 100 percent.

22 Q One of them's slumped in the car with a hoodie.

23 A Yes.

24 Q Okay. And yet, this is the first time you've ever
25 ID'd either one of these guys.

1 A Correct.

2 Q And nobody prepared you, nobody talked to you about
3 your testimony prior to today?

4 A No. Just -- I just spoke to the prosecutor. That's
5 it.

6 Q Okay. You spoke to the prosecutor. Do you know
7 which one?

8 A Yes.

9 Q What did you talk about?

10 A Just what I was supposed to say when I came here.

11 Q What you were supposed to say?

12 A Not what I'm -- sir, you're trying to twist my words.

13 Q Just answer the question.

14 A No. You're trying to twist my words.

15 Q You're the one that said "supposed to say." What are
16 you supposed to say?

17 MS. OWENS: Your Honor ---

18 THE COURT: Hold on. Hold on.

19 THE WITNESS: He's trying to twist my words. I'm not
20 going to do that.

21 MS. OWENS: I object to the ---

22 MR. PRINGLE: He has ---

23 THE COURT: Hold on. I said hold on.

24 I will hear from you first, Ms. Owens.

25 MS. OWENS: The State's objection is that this line

1 of questioning is argumentative.

2 THE WITNESS: Exactly.

3 THE COURT: Hold on. You don't be talking right now,
4 okay?

5 THE WITNESS: Yes. Yes, Your Honor.

6 THE COURT: Mr. Pringle.

7 MR. PRINGLE: His credibility is at question.

8 THE COURT: Ask a proper question and not be
9 argumentative.

10 MR. PRINGLE: Okay.

11 THE COURT: And you have to answer the questions he
12 asks.

13 THE WITNESS: Yes, Your Honor.

14 BY MR. PRINGLE:

15 Q What were you supposed to say according to them or
16 anybody else?

17 A I wasn't supposed to say anything, sir.

18 Q Just a bad choice of words?

19 A No. Not a bad choice of words at all. I know
20 exactly who I saw.

21 Q You know the severity of why you're here, right?

22 A Yes, sir. I know exactly why I'm here. I know
23 exactly what I saw. I know exactly why I'm here. I know
24 what car they got in. I know what car they got out of.
25 Yes. I know ---

1 Q How do you explain that there's no police record or
2 any record whatsoever of you identifying either one of
3 them?

4 A I guess you should talk to Easley City.

5 Q I'm talking to you.

6 A I'm not a police officer. I'm not the one that sets
7 up interviews.

8 Q You're the one that's testifying under oath.

9 THE COURT: Hold on.

10 Ms. Owens?

11 MS. OWENS: The same objection, Your Honor. This is
12 an argumentative line of questioning.

13 THE COURT: Right. Ask a question and don't argue
14 with the witness.

15 BY MR. PRINGLE:

16 Q Are you trying to say that at no point did the police
17 follow up with this statement that you gave?

18 A Yes, they did. They went and got their surveillance
19 footage.

20 Q And they didn't show you pictures of anybody.

21 A No.

22 Q They didn't ask you any further question about how
23 could you identify these guys if we showed you a photo
24 lineup.

25 A No, sir.

1 Q So you're saying the police didn't even follow up.
2 They just got this statement. That's where it was left.

3 A That's exactly what I'm telling you.

4 Q And there's no indication of who these two guys were
5 in your statement, right?

6 A As far as what? As far as ---

7 Q Neither one of them are named in your statement.

8 A Well, how would I know their names, sir? How would I
9 know their name when they just got out of a car?

10 Q I'm saying you evidently didn't -- you didn't
11 identify them by name or otherwise.

12 A Exactly. You're asking me the same question. I
13 don't know.

14 Q And that was fresh upon ---

15 THE COURT: Hold on. Let him ask the question.

16 MR. PRINGLE: That was fresh after.

17 THE COURT: Hold on. Hold on. We've got rules
18 here. He's got to ask the questions and you've got to
19 answer them. When there's an objection, everybody
20 stops.

21 All right. Go ahead.

22 BY MR. PRINGLE:

23 Q So at no time till today when you stroll up and
24 sit ---

25 A I don't understand what's funny about this.

1 THE COURT: All right. Let him ask the ---

2 THE WITNESS: He's being disrespectful.

3 THE COURT: I know. But he's -- I know. But you've
4 got to answer the question, all right?

5 BY MR. PRINGLE:

6 Q When you met with them to prepare for your testimony
7 today, what did you guys talk about?

8 A I didn't meet with anybody today. Came here at
9 11:00, sat in the waiting room.

10 Q When you talked -- somebody reached out to you when
11 you got subpoenaed in this case, right?

12 A Correct.

13 Q It didn't happen out of thin air.

14 A Correct.

15 Q Do you know who subpoenaed you? You know it wasn't
16 us, right?

17 A Yeah. My subpoena came from the prosecutor's office.

18 Q Okay, okay. And now you're sitting here saying today
19 that nobody talked to you or called you on the phone, had
20 you come in.

21 A Yes. I talked to people.

22 Q Okay. So did you meet with anybody?

23 A Yes, I did.

24 Q Who did you meet with?

25 A Anita.

1 Q From the solicitor's office.

2 A Yes.

3 Q And, what, she prepared you for your testimony?

4 A I wasn't prepared for anything, sir.

5 Q So what you're supposed to say ---

6 A I was told to say ---

7 THE COURT: Hold on. Let him finish his answer
8 before you ask another question.

9 THE WITNESS: I was not prepared for anything. I was
10 told to come here and tell what I saw, and that's what I'm
11 doing is coming here and telling what I saw. Nobody
12 prepared me for anything.

13 BY MR. PRINGLE:

14 Q What did you think the reason for meeting with Anita
15 was?

16 A To understand that I had to come to court and to make
17 a statement on what I saw.

18 Q And you didn't go over your statement with her?

19 A No.

20 Q Okay. So you're telling this jury that you went
21 and met with somebody from the prosecutor's office about
22 your statement in a murder case, and they didn't even
23 talk to you about your statement. Is that what you're
24 saying?

25 A No. I was not -- my -- no. It was not discussed. I

1 was told to come here and explain what I saw, and that's
2 what I'm doing.

3 Q Okay. So you didn't read through this at the time?
4 You didn't talk to Anita about what the words that are in
5 the statement?

6 A No.

7 MR. PRINGLE: Nothing further.

8 THE COURT: Redirect?

9 MS. OWENS: Very briefly, Your Honor.

10 REDIRECT EXAMINATION

11 BY MS. OWENS:

12 Q Mr. Collins, have you and I ever had a conversation?

13 A No, ma'am.

14 Q And during your conversations with Ms. Anthony, did
15 anybody ever tell you what to say here today?

16 A No. I had no -- no. Not whatsoever. None.

17 MS. OWENS: I don't have any additional questions,
18 Your Honor.

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

20 THE WITNESS: Thank you, sir.

21 MS. OWENS: Your Honor, if it suits the Court, we ask
22 Mr. Collins be excused from his subpoena.

23 THE COURT: He will be excused.

24 All right. Ladies and gentlemen, this is a good --
25 12:30, a good time to take a break for lunch. Let's start

1 back about -- it's 12:30. 1:45, that gives everybody a
2 little bit more than an hour for lunch. So 1:45 be back
3 in your jury room.

4 Don't discuss the case. Don't do any type of
5 research. Don't pay any attention to media coverage
6 including social media. If anybody contacts you other
7 than somebody from the clerk's office, please let the
8 bailiffs know. Otherwise, y'all have a lunch.

9 (WHEREUPON, the jury exits the courtroom at 12:31 PM.)

10 THE COURT: All right. We will resume at 1:45.

11 (WHEREUPON, a recess is taken at 12:32 PM; proceedings
12 reconvened at 1:46 PM; State's Exhibit Numbers 26 and 27
13 were marked for identification.)

14 THE COURT: Is the State ready?

15 MS. MUNSON: We do have something I think we need to
16 address, Your Honor.

17 THE COURT: I can't imagine that. No. I know. and
18 I don't mean to be facetious about that. Yes.

19 MS. MUNSON: So I don't know what his name is. It's
20 the juror that's sitting on the back row on the seat
21 closest to that wall. He's fallen asleep more than once.
22 He had a hard time yesterday. He was falling asleep
23 today. So I just bring that to everybody's attention.

24 THE CLERK: That's Mr. Gaddy.

25 THE COURT: All right. Well, just see how the

1 afternoon goes.

2 MS. MUNSON: I guess it would be bad for me to like
3 make a loud noise if I see him nod off?

4 THE COURT: I used to try to do that when I noticed
5 it.

6 MS. MUNSON: Thank you, Judge.

7 THE COURT: All right. Anything else from the
8 defense, Collins?

9 MR. PRINGLE: No, Your Honor.

10 THE COURT: And Ladson?

11 MR. BOATWRIGHT: No, Your Honor.

12 THE COURT: Bring the jury in.

13 Hold them up just a second.

14 Counsel, come up here.

15 (WHEREUPON, a bench conference was held off the record.)

16 THE COURT: All right. Now bring the jury in.

17 (WHEREUPON, the jury entered the courtroom at 1:50 PM.)

18 THE COURT: All right. I hope everybody had a good
19 lunch. If you will recall, the State is still on their
20 case.

21 So State, you may call your next witness.

22 MS. OWENS: Thank you, Your Honor. May it please the
23 Court. The State calls Mr. Chuck Yates.

24 Mr. Yates, please come up and be sworn.

25 THE CLERK: Please raise your right hand.

1 WHEREUPON,

2 CHUCK YATES

3 After having been duly sworn, testified as follows:

4 THE CLERK: Thank you. If you would, have a seat and
5 state your name for the record, please.

6 THE WITNESS: Chuck Yates.

7 DIRECT EXAMINATION

8 BY MS. OWENS:

9 Q Mr. Yates, where do you work?

10 A The Spinx Company.

11 Q How long have you been at the Spinx Company?

12 A It will be six years in April.

13 Q What's your job there?

14 A I'm the corporate risk manager.

15 Q What does that mean?

16 A I manage all the liability and risk for all the
17 organization.

18 Q And generally, what does that include?

19 A Safety, all the different loss control measures that
20 we do, insurance programs, risk transfer programs, captive
21 insurance. All -- just a host of things for the different
22 companies.

23 Q Do some of the loss prevention measures that Spinx
24 undertakes include video surveillance at its stores?

25 A Yes, ma'am, they do.

1 Q Is your position with the Spinx Corporation to act as
2 a custodian for those records?

3 A It is, yes, ma'am.

4 Q Do you recall being in that same position back in
5 December of 2018?

6 A Yes, ma'am.

7 Q Do you recall how you became involved in this case?

8 A It was a request by law enforcement.

9 Q Okay. Do you remember specifically what request was
10 made to you by law enforcement?

11 A Video of a store that we have.

12 Q Were they able to give you a precise date?

13 A Yes, ma'am.

14 Q Were they able to give you a precise time range?

15 A Yes, ma'am.

16 Q How did you go about retrieving that video
17 information?

18 A We saved it from the stored DVR to our internal
19 server, and then we put it on an exterior server to keep
20 it long-term storage.

21 Q And did you provide that recording or that series of
22 recordings to the police?

23 A Yes, ma'am.

24 Q As far as you're aware, after reviewing these videos,
25 were the video cameras at that particular location

1 functioning properly the day that they captured recorded
2 images?

3 A Yes, ma'am.

4 Q Were police able to identify to you which precise
5 Spinx store was the subject of their interest?

6 A Yes, ma'am.

7 Q Which store was it?

8 A The Spinx 112 on Pendleton Street.

9 Q Is that inside Greenville County?

10 A Yes, ma'am.

11 Q Okay. Now, you testified that you act as a custodian
12 of those records. Does anybody else have the authority to
13 access those records?

14 A Just my staff.

15 Q Does anybody have the ability to make changes to or
16 modify those records?

17 A No, ma'am.

18 Q I'd like to show you State's Exhibit 19. Do you
19 recognize that item?

20 A Yes, ma'am, I do.

21 Q How do you recognize it?

22 A We made it.

23 Q Have you had an opportunity to review the images that
24 are depicted on that disc?

25 A Yes, ma'am.

1 Q Do those images appear to be the same recordings that
2 you provided to police back in December of 2018?

3 A Yes, ma'am.

4 Q Now, could you tell the jury a little bit about how
5 the surveillance system at this particular Spinx store is
6 set up?

7 A Yeah. We used -- at that time we were using a system
8 called 3xLOGIC. And it basically had both high-definition
9 cameras as well as analog cameras. We have -- in an
10 average store, we'll have about 40 different cameras.
11 This particular store had about 45. And we use both
12 inside/outside views, high-def cameras to capture things.
13 This particular scenario is a picture from a canopy
14 looking down on the store, the front of the store. And
15 that's what we did. We saved it and gave it to law
16 enforcement.

17 Q What exactly would the canopy be at this location?

18 A It's actually the fuel canopy overhead so that you're
19 looking down onto -- sometimes we have cameras embedded in
20 that so that we can get a view of the pumping situation.

21 Q So did you provide video from multiple cameras from
22 that store?

23 A Yes, ma'am.

24 Q But this particular recording is the exterior camera?

25 A Yes, ma'am. That's correct.

1 MS. OWENS: Your Honor, at this time I move in
2 State's Exhibit 19.

3 THE COURT: Any objection from Collins?

4 MR. PRINGLE: No.

5 THE COURT: Ladson?

6 MR. BOATWRIGHT: No.

7 THE COURT: All right. In without objection.

8 (WHEREUPON, State's Exhibit Number 19 was admitted into
9 evidence.)

10 MS. OWENS: With the Court's permission, I'd like to
11 publish it.

12 THE COURT: Yes.

13 MR. BOATWRIGHT: Judge may we move so that we can
14 see?

15 THE COURT: Yes. That would be fine.

16 (WHEREUPON, State's Exhibit 19, a video, was played in
17 open court.)

18 BY MS. OWENS:

19 Q Mr. Yates, you testified just a few minutes ago that
20 you provided multiple recordings to the police, correct?

21 A Yes. That's correct.

22 Q And some of those recordings were from inside the
23 store, right?

24 A That's correct. Yes, ma'am.

25 Q All right. I'm going to show you State's Exhibit 34.

1 Do you recognize what's depicted in that image?

2 A Yes, ma'am. This was the door camera looking forward
3 toward the cash registers.

4 Q Is that a still image captured from the recordings
5 that would have been retrieved from that Pendleton Street
6 Spinx location during the night of December 14th?

7 A Yes, ma'am.

8 Q Is that an accurate representation of the still image
9 of the recording you provided?

10 A Yes, ma'am, it is.

11 MS. OWENS: Your Honor, at this time I'd offer
12 State's Exhibit 34.

13 THE COURT: Any objection from Collins?

14 MR. PRINGLE: None.

15 THE COURT: And Ladson?

16 MS. WILLIAMS: No objection.

17 THE COURT: All right. In without -- in without ---
18 (WHEREUPON, State's Exhibit Number 34 was admitted into
19 evidence.)

20 MS. OWENS: With the Court's permission, I'd like to
21 publish it for the jury.

22 THE COURT: Yes, you may.

23 MS. OWENS: Thank you, Mr. Yates. I don't have any
24 additional questions for you.

25 THE COURT: Cross-examination?

1 MR. PRINGLE: None from Collins. Thank you.

2 MS. WILLIAMS: No questions.

3 THE COURT: All right. Thank you. You may step
4 down.

5 THE WITNESS: Thank you, sir.

6 MS. OWENS: Your Honor, may Mr. Yates be excused from
7 his subpoena?

8 THE COURT: Yes.

9 MS. OWENS: Thank you, sir.

10 THE COURT: Yes. Call your next witness.

11 MS. OWENS: May it please the Court, Your Honor. The
12 State calls Mr. Darius Rhodes.

13 MR. BOATWRIGHT: Judge, the defense would renew their
14 objection that we had at pretrial.

15 THE COURT: Okay.

16 MS. OWENS: Mr. Rhodes, if you would, come around
17 this way and be sworn.

18 THE CLERK: Raise your right hand. Raise your right
19 hand.

20 WHEREUPON,

21 DARIUS RHODES

22 After having been duly sworn, testified as follows:

23 THE WITNESS: I don't want to give a testimony.

24 THE COURT: All right. All he's asking you now is
25 swearing you in.

1 THE WITNESS: I swear.

2 THE CLERK: Okay. If you would, state your name for
3 the record, please.

4 THE WITNESS: Darius Rhodes.

5 DIRECT EXAMINATION

6 BY MS. OWENS:

7 Q Mr. Rhodes, if you don't mind sitting up a little
8 bit. We can't hear you.

9 A I said Darius Rhodes.

10 Q Thank you, sir.

11 Are you in the custody of the Greenville County
12 Detention Center?

13 A Yes, ma'am.

14 Q Are you in the custody of the detention center as a
15 result of having pled guilty to a series of crimes?

16 A Yes, ma'am.

17 Q Did you plead guilty to a series of charges related
18 to an incident that occurred in May of 2019?

19 A Yes, ma'am.

20 Q Have you been sentenced yet for those guilty pleas?

21 A No, ma'am.

22 Q Do you remember speaking with an investigator with
23 the Greenville County Sheriff's Office in January of 2019?

24 A I don't.

25 Q Do you recall meeting with your attorney at the time,

1 Mr. Tim Sullivan, and an investigator Charles Cunningham
2 inside the Law Enforcement Center on January 31st of 2019?

3 A Say that again?

4 Q Do you remember meeting with your lawyer, Mr. Tim
5 Sullivan, and investigator Charles Cunningham with the
6 Greenville County Sheriff's Office at the Law Enforcement
7 Center on January 31, 2019?

8 A Relating to what incident?

9 Q Well, we'll get to that. But first, do you remember
10 meeting with the investigator and your lawyer?

11 A It's been multiple occasions.

12 Q On this particular occasion on January 31st, do you
13 remember telling Investigator Cunningham that you knew
14 Tychristian Ladson was responsible for ---

15 MR. BOATWRIGHT: Objection, Judge. Counsel is
16 testifying.

17 THE COURT: Yes. Sustained.

18 MR. OWENS: I'll rephrase, Your Honor.

19 BY MS. OWENS:

20 Q Did Investigator Cunningham ask you what you knew
21 about a robbery and homicide that had occurred in Easley
22 in December of 2018?

23 A I don't recall.

24 MS. OWENS: Your Honor, the direction of this inquiry
25 is for purposes of Rule 613. It may be prudent for us to

1 approach so that I can share with the Court my plan for
2 the continuation of direct examination.

3 THE COURT: Let's send the jury out.

4 MS. OWENS: Yes, sir.

5 THE COURT: Let's address it out there.

6 Ladies and gentlemen, again, don't discuss the case.
7 We'll bring you back out as soon as we can.

8 (WHEREUPON, the jury exits the courtroom at 2:04 PM.)

9 THE COURT: All right. Yes. I'll be glad to hear
10 from you.

11 MS. OWENS: Your Honor, I understand Mr. Boatwright's
12 reservations about my leading the witness, but in order
13 for me to get us to the point where I can confront
14 Mr. Rhodes with the statements that he gave that were
15 recorded, I need to be able to ask leading questions. And
16 so if you'd like, I can formally ask the Court to declare
17 Mr. Rhodes a hostile witness. But that's the mechanism by
18 which I'd be asking leading questions.

19 MR. BOATWRIGHT: Judge, asking leading questions and
20 testifying are two different things. She's more than
21 welcome to ask leading questions of the witness, but she
22 can't do so by testifying and saying what his statements
23 were. Our objection to those statements anyway are
24 speculative.

25 She's asked the witness if he recalls this meeting.

1 He says that he does not recall the meeting. The proper
2 steps under the rules of evidence would be to refresh his
3 recollection. She can do that and then question him. And
4 if he continues to not recall, then that's a different
5 story. But right now, he testified that he doesn't
6 recall. There's no need to make -- to make him a hostile
7 witness at this point.

8 THE COURT: And I'm just trying to think, at some
9 point, and I guess is based on their objection -- I mean,
10 how long is the video that we're talking about here?

11 MS. OWENS: The relevant section of Mr. Rhodes's
12 recorded interview is just under four minutes long.

13 THE COURT: Okay.

14 MS. OWENS: And just for the purpose of explaining to
15 the Court why I am where I am, the statement is not being
16 offered by way of a Rule 803 or 804 exception to hearsay.
17 It is instead a prior inconsistent statement by way of
18 Rule 613.

19 THE COURT: Right.

20 MS. OWENS: I am required to confront the speaker
21 with date, time and location of -- the substance of the
22 statement that he gave, and I cannot do that without
23 asking very precise questions, which I'm asking with a
24 good-faith basis as the interview was recorded.

25 THE COURT: And what I'm saying is, I think before I

1 rule on the -- I'd like to see the video as well.

2 MS. OWENS: Certainly, Your Honor. As I mentioned,
3 it's been redacted to exclude what I believe are
4 inappropriate, extraneous or editorial commentary, though
5 I've not heard from the defendants about ---

6 THE COURT: Is this video or audio?

7 MS. OWENS: Both.

8 THE COURT: Okay.

9 MR. PRINGLE: Please the Court.

10 THE COURT: Yeah.

11 MR. PRINGLE: Shouldn't he be removed? I mean, he's
12 clearly said he doesn't recall anything.

13 THE COURT: Right. Yeah. That's a good idea. Let's
14 -- for the proffer of the video, let's have him step back
15 there.

16 (WHEREUPON, Mr. Rhodes exited the courtroom.)

17 THE COURT: Well, but now we're doing this for my
18 purposes.

19 MS. OWENS: Okay.

20 THE COURT: Yes. I want to see what we're ultimately
21 getting to before -- yeah.

22 MS. OWENS: Yes, sir.

23 Would you like to play it on the television?

24 THE COURT: Whatever y'all need to play it on. I
25 can't play it on my machine.

We've got to figure something else too. Because, I mean, I've got other videos. I don't feel comfortable standing in the jury box.

(WHEREUPON, Exhibit 36, a video, was played in open court.)

THE COURT: And before we get into Mr. Rhodes's testimony, talk to me about your objection to the video.

MR. BOATWRIGHT: Yes, Judge. The testimony given in the video is pure speculation. The only thing that he said in the video was that he knew the black and white shoes. If they want to get out cross-examination -- or direct examination, cross-examination, whatever, that he recognized black and white shoes, I think they're entitled to do that. But him saying that he knows it was Ty that shot just because he knows Ty and he put the pieces of the puzzle together, that's pure speculation. He has no personal knowledge about it. They even asked him if anyone told him that, and he told them no. He just knows. So it is pure speculation. And for those reasons, we object to the video and to his testimony on anything outside of the black and white shoes.

MS. OWENS: I don't believe any of those bases is a reason to exclude the evidence. Perhaps their argument's being made about Mr. Rhodes's credibility, the mechanism by which he could have known the things that he claims to

1 know. None of those affect the admissibility of the
2 evidence. At the end of the day, unless Mr. Rhodes
3 unequivocally admits to the statement that he gave to
4 Investigator Cunningham, Rule 613 gives the State the
5 authority to admit the recording of the evidence. That
6 has not yet happened, but it appears that's where we're
7 headed.

8 THE COURT: Yeah. And I just wanted to hear about
9 this before we moved in.

10 MS. OWENS: Yes, sir.

11 THE COURT: I mean, doesn't your argument go more
12 towards the weight of this testimony versus its
13 admissibility?

14 MR. BOATWRIGHT: I would say no, Judge. It goes
15 towards the admissibility of it because it is speculation
16 and he has no personal knowledge. He is literally saying
17 I put the pieces together.

18 THE COURT: I mean -- no. I mean, he says that, hey,
19 I looked, I saw that video, and you can tell that's Ty if
20 he was right here. I mean, he said that he recognizes
21 him.

22 MR. BOATWRIGHT: He said if you take the mask off,
23 you could recognize him.

24 THE COURT: Yeah.

25 MR. BOATWRIGHT: But when he talks about Ty being the

1 shooter, he says you can tell Ty's the shooter. I know
2 Ty's the shooter. I just put the pieces together from
3 seeing it on the news.

4 So our argument is that that is speculation, and
5 under the rules of evidence, he's not allowed to
6 speculate. He's making a conclusion as to the evidence,
7 concluding that it is Tychristian that is the shooter
8 without any evidence to support that.

9 THE COURT: State?

10 MS. OWENS: I totally disagree with the
11 characterization. He claims that he knows Mr. Ladson
12 personally, that he recognizes him from the video. He
13 apparently knows Mr. Ladson to operate a Subaru, a silver
14 Subaru specifically, and knows what shoes he wears. I
15 think that's very detailed information for someone that is
16 speaking of their personal knowledge rather than a
17 speculative estimate about who that might be.

18 Again, the defendant is free to cross-examine
19 Mr. Rhodes about the viability and the means by which he
20 could have known that information. It does not in any way
21 affect whether this is a prior inconsistent statement that
22 is admissible once he does not unequivocally admit to
23 making those statements.

24 THE COURT: All right. I'm going to take a short
25 break and look at Rule 613 and some of the cases. So

1 we'll be at ease for five, ten minutes.

2 (WHEREUPON, a recess is taken at 2:15 PM.)

3 THE COURT: All right. My view of this is the actual
4 video itself. And I'm not -- understand your 613
5 argument.

6 I believe that there are some issues -- I have some
7 serious issues with the video. For one, under Rule 602,
8 you have to provide evidence to provide personal knowledge
9 of this witness's testimony. And what bothers me is what
10 -- you know, and I know that, from this video and the fact
11 that he's not willing to testify, or at least that's what
12 he's kind of indicated, you don't have any background. We
13 don't know what video you're talking about that he
14 supposedly saw on the news. And even -- and it's a very
15 crucial point, but I think that the prejudice of this
16 video, unless he changes his ways, the prejudicial value
17 of this is very severe because if he refuses to testify,
18 you just put that statement in, the defendants have no
19 ability to cross-examine him. They have no ability to say
20 -- and there's a lot -- I mean, there's, obviously, a lot
21 to be able to cross-examine him on. But if he says I
22 don't remember it, I'm not going to say anything, then I
23 think that the prejudice outweighs any probative value.

24 MS. OWENS: If I may be heard for the record, Your
25 Honor.

1 THE COURT: Yes.

2 MS. OWENS: I'd be happy to share with the Court the
3 authority that speaks to whether a defendant is entitled
4 to a meaningful and substantive cross-examination. I'll
5 tell the Court they're not. This witness can deny having
6 made the statement, claim he does not recall. He is free
7 to do that. But he is here, and he is available. So the
8 courts have not ever required that the defendant be
9 entitled or experience some sort of meaningful substantive
10 cross-examination to that point.

11 With respect to the foundation and the viability of
12 this recording, which is not yet admissible unless and
13 until Mr. Rhodes fails to unequivocally admit making those
14 statements to law enforcement, Investigator Cunningham
15 would be the appropriate witness who would provide a
16 foundation and authenticate the actual recording, the date
17 that it was made, the nature of the conversation, and, I
18 believe, can even speak to the extent to which Mr. Rhodes
19 shared with him having a personal knowledge of whatever
20 color with Mr. Ladson to be able to recognize himself.

21 So I understand the Court's ruling, but I believe
22 that this is exactly what Rule 613 contemplates by way of
23 both a prior inconsistent statement as well as extrinsic
24 evidence that is then admissible as a result of that
25 speaker's ---

1 THE COURT: And I agree on the 613, but, I believe,
2 under 602 and 403 is what my ruling goes.

3 MS. OWENS: May I have a moment to consult with the
4 solicitor?

5 THE COURT: Yeah. We're at ease for ten minutes.

6 (WHEREUPON, a recess is taken at 2:31 PM; proceedings
7 reconvened at 2:40 PM.)

8 THE COURT: All right. Ready to proceed?

9 MS. OWENS: Yes, sir. If I may just put a few things
10 on the record really quickly.

11 THE COURT: Yes. Definitely.

12 MS. OWENS: To the extent that the Court has
13 expressed some concern about the State's ability to comply
14 with Rule 602, I just wanted to state for the record that
15 I think the practical fallout of any witness who refuses
16 to testify or testify in a way that even acknowledges the
17 existence of a prior recorded statement that they've
18 given, honestly recorded or otherwise, necessarily
19 stretches the logical limits of Rule 602. If the Court
20 were to require the State to comply with Rule 602 in all
21 occasions where a witness simply refused to acknowledge
22 having given their statement, the practical equivalent is
23 that no witness could ever be made to testify in a way
24 that is in an acknowledgment or otherwise contemplates the
25 existence of a prior inconsistent statement. I say that

1 to say that it would completely undermine and subsume
2 Rule 613. I don't think that that's a logical connection
3 between those two rules.

4 As I said and I'd like to reiterate for the record,
5 this witness shared during that recorded statement that he
6 had personal knowledge of the individual about whom he was
7 speaking. He is, of course, available for
8 cross-examination about the extent to which he could have
9 arrived at the conclusions he did, the extent to which he
10 could know the things he claims to know, and he does not
11 have to answer the defendants' questions any more than he
12 has to answer the State's questions. None of that changes
13 the State's position about Rule 613.

14 I will share that if it's this court's ruling that
15 the extrinsic evidence regarding Mr. Rhodes's testimony
16 and/or his ongoing direct examination is excluded or
17 otherwise precluded, that it would substantially impair
18 the State's ability to proceed.

19 THE COURT: My ruling related only to the video. At
20 this point I don't believe there's been a proper
21 foundation to lay this -- and I said on -- you know, can
22 you do that? I don't know.

23 MS. OWENS: Well, Your Honor, the foundation for the
24 video would be the ---

25 THE COURT: Well, I guess maybe the testimony, you

1 know. I think that the video, based on 602 and 403 --
2 and, you know, I mean, I don't know. What I'm saying is I
3 don't know if you can get -- I mean present any testimony
4 from him that may change that. I mean, I don't know.

5 MS. OWENS: As I said, if Mr. Rhodes continues to
6 take that position that he does not recall having these
7 meetings, does not remember the statements that he made or
8 otherwise, again, I hate to keep referring back ---

9 THE COURT: No. I understand.

10 MS. OWENS: --- to the Blalock language, but fails to
11 unequivocally admit having made those statements, Rule 613
12 allows the State to introduce extrinsic evidence of that
13 recording, the foundation of which would be laid by
14 Investigator Charlie Cunningham.

15 So with that said, I would be happy to engage with
16 Mr. Rhodes about whether he has personal knowledge, but I
17 anticipate that his testimony would be exactly the same as
18 it has been, that he does not recall, that he does not
19 remember or does not want to testify.

20 So to the extent that his unwillingness to testify
21 and unequivocally admit having made his previous
22 statements forecloses the State's ability to even lay a
23 foundation for Rule 602, which is, again, the logical --
24 or I should say the illogical extreme reading of Rule 602.
25 And I don't believe that that squares with what the rules

1 allow under Rule 613.

2 THE COURT: And I just -- I mean, this is a pretty
3 unusual situation. But, I mean, right now I'm not going
4 to allow the video in unless you can establish something
5 else.

6 MS. OWENS: Okay. I'm not trying to be difficult.

7 THE COURT: No. I know.

8 MS. OWENS: I just want to know when we would arrive
9 at a place where that is a final order of the Court. If
10 you'd like me to continue to engage, I don't want there to
11 be confusion in the record about the extent to which your
12 ruling is final regarding Mr. Rhodes.

13 THE COURT: Right. I mean, that's what I think you
14 need to do. And you may not be able to get to that level.

15 MS. OWENS: Would you like to do that now outside the
16 presence of the jury so that you can make a final ruling?

17 THE COURT: Let's do that.

18 MS. OWENS: Okay. Would you please bring Mr. Rhodes
19 back out, please.

20 Mr. Rhodes, if you'd please come back around.

21 THE COURT: All right. And I remind you you're still
22 under oath.

23 BY MS. OWENS:

24 Q Mr. Rhodes, how do you know Tychristian Ladson?

25 A Say that again?

1 Q How do you know Mr. Tychristian Ladson?

2 A I've been around him a couple times before.

3 Q I'm so sorry, sir. I can't understand you. If you
4 would, lean closer to the microphone.

5 THE COURT: Yeah. Just speak up.

6 THE WITNESS: I said I've been around him a couple
7 times before.

8 BY MS. OWENS:

9 Q Do you know him by name?

10 A Not necessarily, no.

11 Q Do you know him to call him Ty?

12 A That's a common name for him.

13 Q Okay. Have you ever socialized with Mr. Ladson?

14 A What do you mean?

15 Q Have you and friends hung out with Mr. Ladson before?

16 A No.

17 Q Okay. Have you ever been in an event where
18 Mr. Ladson was also attending?

19 A Event?

20 Q Anything that you can think of.

21 A I mean, he went to school with me for like two
22 months, but I never really just knew him.

23 Q If you saw him on the street, would you recognize
24 him?

25 A It would depend if I'm high or not.

1 Q Okay. Back in 2018 and 2019, did you know that he
2 wore black shoes with white soles?

3 A How I'm going to remember some shit like that?

4 Q I'm sorry, sir. I didn't understand you.

5 A I said how I'm going to remember something like that?

6 Q I'm not sure. I'm asking you if you remember whether
7 -- if you knew him well enough to know that those were the
8 kind of shoes he wore.

9 A You said 2018?

10 Q Yes, sir.

11 A Not necessarily.

12 Q Okay. Do you remember telling Investigator
13 Cunningham that you recognized Mr. Ladson's shoes?

14 A I suffer from memory loss. I was in a -- I was in an
15 incident in 2018.

16 Q Okay. So you don't remember that?

17 A No.

18 Q All right.

19 A When you -- when you asked me, you said 2019,
20 correct?

21 Q Yes, sir. You talked to the police in January of
22 2019. Do you remember that?

23 A January 2019, I had one incident in January the
24 beginning of 2019. It was like something about a search
25 warrant or something with my name on it. Correct.

1 Q Yes, sir. I understand that.

2 Do you remember in that conversation that you had
3 with the police after that search warrant that you told
4 the police you recognized Tychristian's shoes?

5 A I don't recall saying that.

6 Q Okay. Do you remember telling those investigators
7 that you knew Tychristian stayed in Greer?

8 A I don't recall saying that.

9 Q Do you remember telling them that you felt like he
10 was homeless and maybe lived in some of the cars that you
11 knew him to steal?

12 A I don't recall saying that either.

13 Q Do you remember telling the police that you knew
14 Tychristian had stolen a Subaru and that you recognized
15 that from the news?

16 A I don't recall saying that.

17 Q Now, you mentioned to police that you saw the video
18 related to this robbery on the news. Do you remember
19 talking to them about that?

20 A I don't. The day that I went up there I was on
21 Xanax, so like everything from that day was like a blur.
22 I don't -- I don't recall the conversations.

23 Q Do you remember telling the police that day whether
24 you recognized Tychristian from the video?

25 A Not -- just said I don't recall those conversations.

1 I was on Xanax, so I barely remember my own situation, let
2 alone something that happened like four years ago.

3 MS. OWENS: Yes, sir. I understand.

4 Your Honor, I don't have any additional questions.

5 THE COURT: Let me ask you this from the video.

6 Again, what does he say in the video about the basis of
7 knowing that the vehicle was stolen?

8 MS. OWENS: Well, it's been admitted. It's the
9 State's position that that would be inappropriate for the
10 jury to hear. But Mr. Rhodes in the video indicates that
11 he knows Tychristian to steal cars. And I'm sorry for
12 having to share this on the record, but that's the type of
13 shit that he do.

14 THE COURT: Okay. The way you asked that question,
15 so he didn't say Ty told me that I stole a vehicle.

16 MS. OWENS: No, sir.

17 THE COURT: Okay. That's what I was just getting to.
18 All right. I'm going to still stick with my ruling.

19 MS. OWENS: Okay. Is that a final order from the
20 Court?

21 THE COURT: That's a final ruling.

22 MS. OWENS: Okay. I believe at this point the State
23 is going to file an interlocutory appeal, so we may need
24 to stop the trial.

25 THE COURT: Okay. You may step down.

1 I guess we need to take a break while you all do
2 that?

3 MS. OWENS: Well, I don't know if they're going to
4 give us an instant ruling, but I'd be happy to inquire
5 about some logistics about how we move forward.

6 THE COURT: Yeah. This is a new one on me, so I'm
7 not sure what we need to do at this point.

8 MS. OWENS: Yes, sir. We'll get some answers in the
9 meantime. I appreciate your patience.

10 THE COURT: Well, thank you for appreciating my
11 patience.

12 MS. MUNSON: Are you going to bring them out or ---

13 THE COURT: I mean, I don't know. No. I'm going to
14 wait and see what we've got to do here. Hold on just a
15 minute. We'll be at recess.

16 You're not excused yet.

17 (WHEREUPON, a recess is taken at 2:50 PM; State's Exhibit
18 Numbers 30 and 31 were marked for identification.)

19 THE COURT: All right. Based on discussions in
20 chambers, we have determined that we will -- all of us
21 look into what happens next with the interlocutory appeal,
22 in the meantime, proceed forward with two witnesses that
23 you said you needed to have ---

24 MS. MUNSON: It's three, Your Honor.

25 THE COURT: Okay. Three witnesses that you need to

1 get in today.

2 So anything else from the State?

3 MS. MUNSON: Yes. I'll let Ms. Owens handle that.

4 It's her witness.

5 MS. OWENS: Just as we discussed, Your Honor,
6 advising the jury that Mr. Rhodes is gone.

7 THE COURT: Right.

8 MS. OWENS: But before we allow him to be returned to
9 Greenville County custody, I just ask that you hold him
10 here until we've concluded the business here today in the
11 event that we can revisit the subject and move any
12 further. I just don't want Mr. Rhodes unavailable if
13 there's anything else to be done.

14 THE COURT: Right. Do we need -- well, can we keep
15 him even overnight?

16 MS. OWENS: I'm sure that's reasonable. I don't know
17 that we need to reach that.

18 THE COURT: Okay. All right.

19 MS. OWENS: But I just wanted to make sure that he
20 wasn't sent back right now.

21 THE COURT: Okay. Yeah. Nobody send him back. I'm
22 not sure there's anybody to send him back right now.

23 All right. Anything else from the State?

24 MS. OWENS: No, sir.

25 MS. MUNSON: No, sir.

1 THE COURT: Anything from Defendant Collins?

2 MR. PRINGLE: No, Your Honor.

3 THE COURT: And Ladson?

4 MS. WILLIAMS: No, Your Honor.

5 THE COURT: All right. Bring the jury in.

6 And I'm going to tell the jury that due to some
7 unresolved issues and timing issues, some of the
8 witnesses, we'll be going forward with some other
9 witnesses.

10 (WHEREUPON, the jury entered the courtroom at 3:19 PM.)

11 THE COURT: All right. Ladies and gentlemen, sorry.
12 Again, appreciate your patience. And it's really gotten
13 kind of subtropical in here, hasn't it?

14 Due to some unresolved issues and some timing issues
15 with some other witnesses, we are now going to go forward
16 with some other witnesses at this time.

17 So State, you may call your next witness.

18 MS. MUNSON: May it please the Court, Your Honor.
19 The State calls Leslie Hamby.

20 THE CLERK: If you would, raise your right hand.
21 WHEREUPON,

22 LESLIE HAMBY

23 After having been duly sworn, testified as follows:

24 THE CLERK: Thank you, ma'am. If you would, have a
25 seat and state your name for the record, please.

1 THE WITNESS: Leslie Hamby.

2 DIRECT EXAMINATION

3 BY MS. MUNSON:

4 Q Who do you work for, Ms. Hamby?

5 A Who did I work for?

6 Q Who do you work for now?

7 A I work for Doctor's Care.

8 Q Okay. And in 2018, where were you working?

9 A The Pain Management Associates.

10 Q Okay. Where is that?

11 A In Easley.

12 Q Is that Pain Management associated with anything else
13 like Oaktree?

14 A Oaktree Medical, yeah.

15 Q Okay. So how long were you there at Oaktree Medical?

16 A Almost two years.

17 Q What were your duties?

18 A X-rays.

19 Q Did you have any specialized training to do that?

20 A I went to school.

21 Q Okay. Before you take an X-ray -- let's just talk
22 about this particular case. Do you remember the case that
23 we're talking about here?

24 A Yes, ma'am.

25 MS. MUNSON: May I approach, Your Honor?

1 THE COURT: Yes, you may.

2 BY MS. MUNSON:

3 Q I'm going to show you -- all right. Ms. Hamby, I'm
4 showing you State's Exhibit Number 26. Just take a look
5 at that. Do you recognize that?

6 A Yes, ma'am.

7 Q How do you recognize it?

8 A That's my initials.

9 Q Okay. Is it a true and accurate depiction of the
10 X-ray you took that day?

11 A Yes.

12 MS. MUNSON: Okay. Your Honor, I'm moving State's 23
13 -- 26 into evidence.

14 THE COURT: All right. Any objection from Collins?

15 MR. PRINGLE: None.

16 THE COURT: Ladson?

17 MR. BOATWRIGHT: No, Your Honor.

18 THE COURT: Okay. In without objection.

19 (WHEREUPON, State's Exhibit Number 26 was admitted into
20 evidence.)

21 BY MS. MUNSON:

22 Q All right. Ms. Hamby, in looking at this state's
23 exhibit that's up on the screen right now, you said that
24 you saw your initials on this document.

25 A Yes.

1 Q Could you show the jury where they are using the
2 laser pointer?

3 A Those right there (indicating).

4 Q Okay. And what other information is contained here?
5 Like what is up in this (indicating) area?

6 A I believe it's the patient's name and birthday and
7 everything.

8 Q Okay.

9 A Birthday is not on there.

10 Q Where does that information come from?

11 A I put that in.

12 Q Okay. And where do you get that information?

13 A From the X-ray order.

14 Q So this X-ray is of Quinton Collins?

15 A Yes.

16 Q Do you remember the date that you took it?

17 A No.

18 Q Is it on the document?

19 A Can I look at my papers?

20 Q Oh, absolutely.

21 A 2/7/19.

22 Q Okay. How long was he there with you?

23 A Probably about 15, 20 minutes. Not long.

24 MS. MUNSON: I have nothing further at this time,
25 Your Honor.

1 THE COURT: Cross-examination?

2 CROSS EXAMINATION

3 BY MR. PRINGLE:

4 Q Did you examine his body like on the outside?

5 A No.

6 Q Are you related to John Hamby of the Easley police?

7 A No.

8 MR. PRINGLE: Thank you. Nothing further.

9 MS. WILLIAMS: No questions.

10 THE COURT: All right. Any redirect?

11 MS. MUNSON: No, Your Honor.

12 THE COURT: All right. Thank you. You may step
13 down.

14 MS. MUNSON: Your Honor, may Ms. Hamby be excused?

15 THE COURT: Yes, she may.

16 MS. MUNSON: The State calls Allison Bumgarner.

17 THE CLERK: Ma'am, if you would, raise your right
18 hand.

19 WHEREUPON,

20 ALLISON BUMGARNER

21 After having been duly sworn, testified as follows:

22 THE CLERK: Thank you, ma'am. If you would, have a
23 seat and state your name for the record.

24 MS. MUNSON: It's in evidence.

25 MR. PRINGLE: Is she going to testify about it or are

1 we just going to ---

2 MS. MUNSON: I'm not going to use that particular
3 one.

4 THE COURT: Well, yeah. You can take it down.

5 MS. MUNSON: We were leaving it up there, Your Honor,
6 to prevent the screen from timing out again.

7 DIRECT EXAMINATION

8 BY MS. MUNSON:

9 Q All right. Ms. Bumgarner, who do you work for?

10 A AnMed Health.

11 Q Where?

12 A Anderson, South Carolina.

13 Q Okay. How long have you been there?

14 A 11 years.

15 Q What are your duties?

16 A I take X-rays.

17 Q And in order to do that, does it have any specialized
18 schooling or training?

19 A Yes.

20 Q Whenever you take an X-ray of a certain person --
21 well, let me just show you this. I'm showing you State's
22 Exhibit Number 27. If you could, take a look at this. Do
23 you recognize that?

24 A Uh-huh.

25 Q How do you recognize it?

1 A Because I did it. It's got my marker on it.

2 MS. MUNSON: Okay. Your Honor, I move State's 27
3 into evidence.

4 THE COURT: Any objection from Collins?

5 MR. PRINGLE: None.

6 THE COURT: Any from Ladson?

7 MR. BOATWRIGHT: No, Your Honor.

8 THE COURT: Okay. In without objection.

9 (WHEREUPON, State's Exhibit Number 27 was admitted into
10 evidence.)

11 BY MS. MUNSON:

12 Q All right. Ms. Bumgarner, if you can, use that laser
13 pointer up there. There's a little red button. Where on
14 State's Exhibit Number 27 is your marker, as you call it?

15 A (Indicating.)

16 Q Right there. Okay.

17 Do you know what date this X-ray was taken?

18 A I have no idea.

19 Q Okay. But it was at AnMed in Anderson.

20 Before you took the X-ray, what did you do, if
21 anything, to verify the identity of the person that you
22 were taking the X-ray of?

23 A I check name and date of birth before doing the
24 X-ray.

25 Q Okay. And everything checked out?

1 A Yes, ma'am.

2 Q Did you have any conversation with Mr. Collins about
3 this?

4 A I have no idea.

5 MS. MUNSON: All right. Nothing further, Your Honor.

6 THE COURT: Cross-examination from Collins?

7 MR. PRINGLE: Can I have a moment, please.

8 (Pause in proceedings.)

9 MR. PRINGLE: Actually, I was going to ask her a
10 couple questions about that image, if I could. Thank
11 you.

12 CROSS EXAMINATION

13 BY MR. PRINGLE:

14 Q All right. You said that you're sure that you took
15 that X-ray but you don't know when?

16 A No. I X-ray numerous people throughout the day.

17 Q So like what -- I guess how long -- when did you
18 start doing that kind of work?

19 A 11 years ago.

20 Q Okay. And you've been doing the same thing for the
21 last 11 years?

22 A Yes.

23 Q Could this have been five years ago? seven? three?

24 A (No answer.)

25 Q You don't know?

1 A I mean, I -- I can't tell you. I take multiple
2 X-rays throughout the day.

3 Q Understood. I'm not trying to blame you. I'm just
4 asking you, you can't say when it was taken, not even a
5 period of time.

6 A I mean, on the image, it should have the date and
7 time on it.

8 Q And what is it that that's supposed to show us?

9 A It's a chest X-ray.

10 Q Right. Just a chest X-ray.

11 A Uh-huh.

12 Q Do you see anything crazy or unusual about it?

13 A I'm not a radiologist. I don't read them. I take
14 the X-rays.

15 MR. PRINGLE: Okay. Nothing further.

16 MR. BOATWRIGHT: No questions, Your Honor.

17 THE COURT: All right. Redirect?

18 MS. MUNSON: No, Your Honor.

19 THE COURT: All right. Thank you. You may step
20 down.

21 MS. MUNSON: We ask that Ms. Bumgarner be excused.

22 THE COURT: All right. You may be excused.

23 MS. MUNSON: The State calls Dr. William Strathern.

24 THE CLERK: Sir, if you would, raise your right
25 hand.

1 WHEREUPON,

2 WILLIAM STRATHERN

3 After having been duly sworn, testified as follows:

4 THE CLERK: Sir, if you would, have a seat and state
5 your name for the record.

6 THE WITNESS: David Strathern.

7 DIRECT EXAMINATION

8 BY MS. MUNSON:

9 Q Who do you work for, sir?

10 A I work for AnMed Health.

11 Q What's your job title?

12 A I'm a general surgeon.

13 Q All right. How long have you been a general surgeon?

14 A 25 years.

15 Q Do you have any -- do you hold any licensing in South
16 Carolina in the medical field?

17 A Yes, I do.

18 Q And what is that license?

19 A Licensed to practice medicine.

20 Q Okay. Now, as part of being a general surgeon, what
21 sort of procedures do you go through before you decide
22 whether or not surgery is going to happen?

23 A Well, usually, it's a consultation with the patient,
24 discuss their symptoms, what's wrong, were they -- why
25 they're in my office or in the emergency room and discuss

1 what we could do. Sometimes it's nonsurgical options or
2 surgical.

3 Q Okay. And did you come in contact with the person --
4 one of the people in this case?

5 A Yes.

6 Q Okay. Do you know who it was, what the name was?

7 A I don't off the top of my head. But if you ---

8 Q How many times did you see him?

9 A I saw him twice in my office.

10 Q Okay. When was the first time you saw him?

11 A I believe -- I don't know the exact date. If you
12 gave me my record, it would refresh me.

13 Q All right. There you go, Doctor.

14 A Thank you. (Reviews document) So November 11, 2019,
15 was the first office visit.

16 Q Okay. And what is the name of the patient after
17 looking at your record?

18 A Quinton Collins.

19 Q And why was he there?

20 A He was there to have a bullet removed from his skin.

21 MR. PRINGLE: Objection. He refers to it as a
22 bullet. Nobody -- I mean, that's a conclusion. He's got
23 no knowledge about anything that happened leading up to
24 his examination. I think for him to say "remove a
25 bullet," that implies that anybody knows that there's a

1 bullet.

2 THE COURT: The State's position?

3 MS. MUNSON: He's a surgeon. He should be allowed to
4 say what he thinks he's going to be removing. And we can
5 back up. We'll let him ---

6 MR. PRINGLE: I mean, he can say what he thought it
7 might have been, you know, but he can't say what it was.

8 THE COURT: All right. Go ahead.

9 BY MS. MUNSON:

10 Q Dr. Strathern, if you can look on the screen. This
11 is State's Exhibit Number 26 that's already in evidence,
12 an X-ray taken by Ms. Hamby. What does that appear to be
13 in this X-ray?

14 A It looks like a bullet to me. It's obviously a metal
15 fragment.

16 Q Okay.

17 A And if I could go back.

18 Q Sure.

19 A He was originally supposed to see a neurosurgeon.
20 There were some feeling that the bullet was near the
21 spine. And Dr. McDonald, one of my colleagues, said no,
22 that's obviously below the skin. That's something I would
23 be able to take care of in the office.

24 Q Okay. So when you saw him for the first time in
25 November, you said that was November 11, 2019 ---

1 A Yes.

2 Q --- did you examine his body?

3 A I did.

4 Q Okay. And what did you feel? What was the result of
5 the examination?

6 A The exam, I did not look at the X-ray before I
7 examined him, but there was a mass below his skin on his
8 upper back near the middle. It was clearly a firm mass
9 below the skin. It was not coming through, something that
10 could have easily been removed in the office, something I
11 do quite -- not frequently, but from time to time.

12 Q When you say "easily removed," what would it entail?

13 A It would entail a local anesthesia, just numbing
14 medicine, lidocaine, make an incision right over the
15 bullet right below the skin that you could see, just
16 dissect it out. And it would have taken about five or ten
17 minutes.

18 Q Okay. And did you discuss that with Mr. Collins?

19 A I discussed that I could take it out, yes. I thought
20 it was, you know, not near the spine. It was below the
21 skin. It would not come out on its own, likely. And I
22 offered to do that.

23 Q Okay. And what was his response?

24 A He did not want me to remove it.

25 Q All right. Then you saw him again, did you not?

1 A I did.

2 Q And what was that date?

3 A (Reviews document) That was September 25, 2020.

4 Q All right. When he came to your office on September
5 the 25th of 2020, were X-rays taken of him on that day?

6 A Yes. After I saw him in the office, I sent him down
7 for another X-ray.

8 Q Okay. And did you look at that X-ray?

9 A Yes, I did.

10 Q All right. Now, this is State's Exhibit Number 27
11 that's in evidence. Do you know Allison Bumgarner?

12 A I do not.

13 Q Okay. So does this appear to be the X-ray that you
14 looked at on that day?

15 A Yes, it does.

16 Q Okay.

17 A I mean, if his name is on there.

18 Q Yes.

19 A I'm assuming that's the same patient.

20 Q And what's different between the first X-ray you
21 looked at, State's Exhibit Number 26, and then State's
22 Exhibit Number 27?

23 A The bullet is obviously missing.

24 MR. PRINGLE: Objection. Same objection as before.

25 I mean, nobody has established what that image is or what

1 it was.

2 THE COURT: Overruled.

3 BY MS. MUNSON:

4 Q Besides the object that you believe is a bullet, was
5 there anything else on Mr. Collins's body that you
6 noticed?

7 A Well, when I examined him, I, again, offered to
8 remove it. He was there, again, to have it removed. And,
9 you know, I couldn't do anything that he wouldn't let me
10 do. So I just asked to examine the area just to be sure
11 it didn't change or move or start to erode through the
12 skin. And there was just a scar over it, and the bullet
13 had obviously -- was no longer there. And I got the X-ray
14 just to confirm that that was the case.

15 Q All right. So did the scar that you saw on
16 Mr. Collins's back on September the 25th of 2020 appear to
17 be over the object that you observed in November of 2019?

18 A Yes. It was in the same location.

19 Q Okay. Did you notice anything else on Mr. Collins's
20 body, like any other injury where the bullet may have gone
21 in?

22 A I did not examine him fully. I was just focusing my
23 exam on the area in question.

24 Q Okay. Have you treated -- in your years of
25 experience, have you treated gunshot victims?

1 A Yes.

2 Q How many would you say?

3 A A couple hundred.

4 Q Okay. Is it always a bloody mess?

5 A No.

6 Q Okay. What would you think this sort of injury would
7 result in as far as blood?

8 A It's -- you know, being shot, it's quite variable.
9 There can be a grazing of the skin and almost no bleeding.
10 It can go -- the bullet can hit certain objects and move
11 and can go almost all the way through the body and not hit
12 anything critical. And there's some that obviously
13 penetrate an important vital organ and lead to instant
14 death. So there's a wide spectrum of injuries that could
15 occur.

16 MS. MUNSON: Thank you, sir.

17 I have nothing further at this time, Your Honor.

18 THE COURT: Cross-examination?

19 CROSS EXAMINATION

20 BY MR. PRINGLE:

21 Q All right. Doctor, have you received any particular
22 or special training or schooling on gunshot wounds?

23 A No. I don't believe there's any special training or
24 schooling for gunshot wounds.

25 Q Did you serve in the military?

1 A I did not.

2 Q You said that your first contact with Quinton Collins
3 was on or about November 11th of '19. I think you said
4 that that would initially begin with what you called a
5 consultation.

6 A Yes.

7 Q What is a consultation in that context?

8 A It's an outpatient -- or it could be inpatient. It's
9 a visit with a patient to discuss treatment.

10 Q Okay. And so you talked to him.

11 A I did.

12 Q Okay. And did you record everything that you guys
13 talked about?

14 A With like a tape recorder?

15 Q No. I mean is there a record of everything you
16 discussed?

17 A I have an office note, a progress note which
18 represents our meeting.

19 Q So that would be like a summary of what maybe was
20 said, like a condensed version? I mean, you don't put the
21 conversation you had word for word in your reports.

22 A Obviously, no. I do not, no.

23 Q So it would be like a summary?

24 A A summary. I guess you could say that, yes.

25 Q Now, that first time in November of '19 when he came

1 to consult, did you know why he was there?

2 A Yes. I was told before he came, as I mentioned.

3 Q All right. So you were told -- so you already had a
4 preconceived idea of what you may or may not see.

5 A Yes.

6 Q And you were told you were checking him out for a
7 bullet. And that was by law enforcement?

8 A No. By the neurosurgeon, one of my colleagues. I
9 believe they contacted him first, and he somehow gave
10 somebody my name to see him for the bullet removal.

11 Q All right. And, again, that image that you were
12 shown -- first of all, when you came in, it seems like you
13 had trouble recalling Mr. Collins's name or the dates that
14 you dealt with him; is that fair?

15 A Yeah. I don't have his name or visit dates committed
16 to memory.

17 Q Okay. Do you remember if you examined his body on
18 the outside when you consulted or prior to the X-ray being
19 ordered?

20 A I examined him both times. Both office visits I did
21 an exam.

22 Q All right. So you gave him an -- I guess I'd say
23 outside his body, like his skin, the torso area.

24 A Yeah. I visually inspected and palpated his back
25 where the object was.

1 Q All right. So not so much the front. Or was it kind
2 of a 360? I mean, do you check the whole ---

3 A I did not do a complete physical exam, no.

4 Q Do you recall the way that his torso looked in
5 general? Did it look normal?

6 A Except for the bullet bump, yes. And, again, I only
7 looked at the small portion of his back. That's what I
8 was focused on.

9 Q You don't remember a number of other wounds, scars,
10 maybe even some bite marks that were permanently on his
11 body, his torso?

12 A No. I did not do a full examination of his skin.

13 Q Okay. So you couldn't say for sure one way or
14 another how that appeared at that time in total.

15 A In total, I -- that's correct. I never examined him
16 except for his back both times.

17 Q All right. And as far as you know, the only areas
18 that were X-rayed would be this area (indicating).

19 A The only X-rays I saw were his chest X-ray, yes.

20 Q Do you know if any X-rays were taken of any other
21 part of his body?

22 A I do not know that.

23 Q Now, you've never actually seen the object, I'll call
24 it, that you referred to as a bullet. You never actually
25 saw a bullet; is that true?

1 A That's correct.

2 Q Okay. And you said that to you it appeared to be a
3 bullet.

4 A That's what it looked like to me, yes.

5 Q Is it possible it could have been something else? Is
6 it even possible?

7 A Yeah. Anything is possible.

8 Q Okay. In some of the information that was turned
9 over to us, there's -- I don't want to misquote this. "It
10 is not visualized in the lateral view, and therefore may
11 represent artifact." What does that mean, not visualized
12 from a lateral view? Does that mean you can't see it from
13 a certain ---

14 A What were you reading there? I'm sorry. Is that my
15 note?

16 Q "It is not visualized in the lateral view." What
17 does that mean, I guess, I mean, in medical terms whether
18 you would ---

19 A So usually, X-rays are done in different planes and
20 views. Straight on would be AP, interior, posterior, and
21 lateral would be an X-ray taken from the side.

22 Q All right. So if there was an indication that
23 nothing could be seen from the lateral, that would mean
24 that you can't see that or any image that looks to be
25 foreign.

1 A I don't understand the question. I'm sorry.

2 Q Lateral view is a medical term, right? It sounds
3 like side view to me. Is that what it means?

4 A Yes. Viewed from the side.

5 Q All right. So if it was not visualized from a
6 lateral view, does that mean it's not seen from the side?

7 A Right. That would mean you can't see it from the
8 lateral view.

9 Q Okay. So you may have something that you can see
10 from the frontal view or the rear view. Is that the word
11 you used?

12 A AP, interior, posterior, front to back.

13 Q Okay. Now, if something wasn't visible from the
14 lateral view, is there an explanation for that?

15 A Yes. It could be obscured by the bones, probably the
16 spine, very dense, and it could be hidden, so to speak,
17 from the bones. Or other structures could keep it from
18 being seen from looking at it from the side.

19 Q Even if it was a metal object or even a bullet?

20 A That's -- that's possible.

21 Q It's possible. Okay.

22 Is it likely that you wouldn't be able to see it from
23 the side?

24 A I'm not sure. Again, if it was on the opposite side
25 of a very thick bone, it might still block it.

1 Q What do you know about treating gunshot wounds?

2 A Well, I'm a general surgeon and I take ER call when
3 I'm on call, and that entails any traumatic injury that
4 might come to the emergency room. And in my 25-plus
5 years, I've seen gunshot wounds periodically.

6 Q As a medical professional, what steps, what basic
7 steps, if any, would you recommend for somebody to take if
8 they've been shot? What would be the basic steps to deal
9 with a gunshot wound?

10 A Unless it was clearly superficial, obviously, seek
11 medical help immediately.

12 Q Right. Some type of, I guess, maybe drugs,
13 treatment.

14 What would go into treating a gunshot wound?

15 A It just depends on where you're shot. You know, if
16 it's the tip of your pinky finger, there may be no
17 treatment, a bandage and go home. Obviously, if you're
18 shot in the chest, much different.

19 Q Much different.

20 What steps would you have taken as a surgeon to
21 remove a bullet, whether it be from Quinton Collins or
22 anybody? What would be the basic steps that you would do
23 to prepare and execute that operation?

24 A Well, when somebody who comes and they're shot and
25 injured, the focus is never on removing the bullet. It's

1 repairing the injuries that occurred from the bullet.

2 Q Right.

3 A And a bullet removal is almost always an office
4 outpatient secondary procedure after initial injury.
5 Oftentimes they weren't even seen for their injury. But
6 the bullet is lodged there, and almost universally the
7 patients want that bullet removed.

8 Q Sure.

9 A So I think counter to lay thinking, we don't go in to
10 remove a bullet. We're going in to fix -- you know, if we
11 find the bullet, we'll remove it, but it's always
12 repairing the injuries caused by the bullets.

13 Q Okay. And if untreated, would there be potential
14 threats to someone's life? Maybe even could it be fatal
15 if left untreated?

16 A Sure. Yes.

17 Q With regard to this object, certainly, you said that
18 it appeared to be in the chest area. That's a vital area.
19 Is it?

20 A Well, that bullet was just below the skin. So I
21 don't know how it got there. Obviously, didn't go --
22 well, not obviously, but more than likely didn't go
23 straight through his spine or major blood vessels. But I
24 know it ended up there and was under the skin when I
25 examined him.

1 Q Okay. Is there any way from your examination that
2 you can tell like when that object entered his body?

3 A No.

4 Q Okay. How it may have entered his body?

5 A Not by my exam, no. I couldn't tell how it entered.

6 Q Okay. Now, you said that you consulted with him in
7 November of '19, which is almost a year from the incident
8 in this case. Are you aware of that? It was about a year
9 after?

10 A I was not aware of the incident. I only ---

11 Q And you said Mr. Collins did not want you to remove
12 the object.

13 A Correct.

14 Q Okay. Do you remember why? Do you remember him
15 telling you why he didn't want you to attempt that?

16 A I do not remember him giving a reason.

17 Q All right. It appeared to be close to the spinal
18 area, didn't it? Isn't that true?

19 A No. That was, again, the reason why the neurosurgeon
20 sent him to me. It was clearly below the skin. If it
21 needed removal and it was close to the spine, he would
22 have been the surgeon to handle it.

23 Q So do you remember him saying he was afraid for his
24 health and his life, that's why he didn't want ---

25 MS. MUNSON: Objection, Your Honor. He's already

1 answered he doesn't remember the conversation.

2 THE COURT: Sustained.

3 BY MR. PRINGLE:

4 Q Do you remember him expressing that he had no idea
5 what the object was?

6 MS. MUNSON: Same objection, Your Honor.

7 THE COURT: Sustained.

8 BY MR. PRINGLE:

9 Q All right. Let's skip ahead to the last examination
10 where the image appears to show essentially nothing, no
11 object. Do you agree?

12 A I agree the second X-ray did not show a bullet
13 fragment, yes.

14 Q Right. And yet you said that he still did not want
15 you to remove it upon consultation, right?

16 A That's right. When he first came in, I asked him,
17 again, because I didn't want to set up or get ready.
18 Obviously, needed his permission. So that's the first
19 thing. I said, "Would you like me to remove it?"

20 He said, "No."

21 And I said, "Let me just examine it, see if it had
22 changed before we let you go."

23 Q Okay. So he still expressed he didn't want you to
24 remove it.

25 A Right.

1 Q And yet there was nothing there.

2 A That's correct. It appeared to be -- to have been
3 removed.

4 Q So based on him telling you he didn't want you to
5 remove it and there was nothing there, what does that tell
6 you about his knowledge?

7 MS. MUNSON: Objection, Your Honor. Complete
8 speculation about what was in his head.

9 THE COURT: Sustained.

10 BY MR. PRINGLE:

11 Q Let me rephrase that. If he says no, I don't want
12 you to remove it and there's nothing there, there could be
13 nothing for you to remove.

14 MS. MUNSON: Objection, Your Honor. Same thing.

15 THE COURT: I'm going to allow the question the way
16 he rephrased it.

17 BY MR. PRINGLE:

18 Q Isn't it true that if he said don't remove it and
19 there's nothing there, there was nothing for you to
20 remove?

21 A Well, I think he would have said I don't feel the
22 lump anymore, can you check it? I think we're good. We
23 don't even have to talk about it.

24 I mean, this is an unusual situation. I've never had
25 a patient who didn't want a bullet removed. So ---

1 Q And is it even more unusual that he didn't want a
2 bullet removed that wasn't even there, isn't it?

3 A That's super unusual, yes.

4 Q Does it make sense that if he thought there was a
5 bullet in him that he -- I mean, let me rephrase that.
6 Why would a patient deny you from doing the procedure if
7 they believed there was nothing there?

8 MS. MUNSON: Again, speculation.

9 THE COURT: Sustained, unless he has knowledge of
10 that.

11 BY MR. PRINGLE:

12 Q You agree that doesn't make sense though, right,
13 whether you're a doctor or not?

14 MS. MUNSON: Objection, Your Honor.

15 THE COURT: Right. I mean, if he can establish he
16 knows why, then you can answer. Otherwise, sustain the
17 objection.

18 BY MR. PRINGLE:

19 Q Again, whether it was a bullet or anything else, you
20 have no idea how it got there.

21 A I do not know how it got there.

22 Q Or when or who ---

23 A Correct.

24 Q --- or how, fair enough?

25 A Correct. I do not know those details, correct.

1 Q And, of course, there was no bullet in the end.

2 A There was nothing there on the second exam, correct.

3 MR. PRINGLE: Nothing further.

4 MR. BOATWRIGHT: May it please the Court.

5 THE COURT: Yeah. Mr. Boatwright?

6 CROSS EXAMINATION

7 BY MR. BOATWRIGHT:

8 Q Good afternoon, Doctor.

9 A Hello.

10 Q You said you've removed a couple hundreds of bullets?

11 A No. I said I've seen a couple hundred patients who
12 have been shot, approximately.

13 Q Okay. All right. So in dealing with those gunshots,
14 have you ever came across bullet migration?

15 A Yes.

16 Q So you're familiar with bullet migration.

17 A Yes.

18 Q And that is -- bullet migration -- what is bullet
19 migration?

20 A The bullet can move even if it's been there a long
21 time.

22 One of the reasons some people would like to have
23 them removed, I've seen them go from the subcutaneous or
24 soft tissue into a blood vessel and move that way. It's
25 an extreme example. But bullets can move even after a

1 period of time.

2 Q Okay. So, for example, a bullet can move from, say,
3 here (indicating) to my arm.

4 A Well, I don't know about that. They can't move very
5 far. They'd have to be like in the abdominal cavity.
6 They don't migrate deep or go across tissue planes. They
7 may become more close to the surface, but they don't just
8 travel around like, you know, without some sort of
9 pattern.

10 Q Are you familiar with the articles that are written
11 on bullet migration?

12 A No. I don't think I've written -- or read any
13 articles on bullet migration.

14 Q Have you ever heard of any -- to your knowledge do
15 you know of any odd situations where a bullet may travel a
16 length of space over someone's body?

17 A Well, I describe the one patient I was familiar with
18 that it entered a blood vessel. And once it gets in a
19 blood vessel, it can move anywhere in the bloodstream.

20 Q Okay. All right. Now I want to talk to you about
21 the X-rays for a second. There was the lateral view, said
22 it was nonvisual. And you testified that you could take
23 the X-ray from the side and you wouldn't -- you couldn't
24 see something that you could have seen if it was a front
25 or rear, correct?

1 A Correct.

2 Q All right. So it's possible then that you could take
3 an X-ray from the front and not see something that you may
4 be able to see from the side?

5 A That's correct.

6 Q So when you took the X-ray or when you had the X-ray
7 taken of just his chest area and there was no what you
8 believe to be a bullet, did you have them do a back X-ray?
9 do a side X-ray? Anything else?

10 A No. Because it was visualized on the AP
11 front-to-back X-ray before.

12 Q Okay. But bullets can move, correct?

13 A They can move. Correct.

14 MR. BOATWRIGHT: Thank you. No further questions.

15 THE COURT: Any redirect?

16 MS. MUNSON: Briefly.

17 REDIRECT EXAMINATION

18 BY MS. MUNSON:

19 Q Dr. Strathern, even if you didn't have any prior
20 knowledge about Mr. Collins's X-ray, would that change
21 your opinion that it looked like a bullet to you even if
22 your colleague hadn't said, hey, I'm going to send you
23 this guy?

24 A No. I would have assumed it was a bullet also, yes.

25 Q All right. This particular injury, the lump that you

1 saw and then it was gone, first of all, did you notice any
2 evidence of bullet migration?

3 A I didn't honestly think about bullet migration
4 because there was a new scar over where the bullet was, so
5 the logical explanation was it had been removed.

6 Q Okay. And that scar was over what area?

7 A Directly over where the bullet had been before.

8 Q Okay. Would you think as a surgeon that someone
9 would notice if their back was being cut open?

10 MR. PRINGLE: Objection. Speculation.

11 THE COURT: If he knows.

12 MS. MUNSON: I'm sorry, Your Honor?

13 THE COURT: If he knows that.

14 THE WITNESS: Yes. I would think somebody would know
15 if their back was being cut open.

16 MS. MUNSON: Nothing further, Your Honor.

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

18 MS. MUNSON: Your Honor, may the doctor be excused?

19 THE COURT: Yes, he may.

20 Do y'all want to approach over here?

21 (WHEREUPON, a bench conference was held off the record.)

22 THE COURT: All right. Ladies and gentlemen, it's
23 4:00 and there's some matters that we have to go over with
24 the attorneys. So I'm going to go ahead and let you leave
25 for the day. And because of some of these issues, it's

1 going to be -- we're going to be coming in, but it's going
2 to be 10:30 before we're going to need you to come back.

3 So, again, don't discuss the case among yourselves,
4 among family members or anything like that. Don't do any
5 type of research about anything related to this case, the
6 parties, the law, the issues, the incident. Anything like
7 that.

8 Do not pay any attention to media coverage. Again,
9 I'm not aware of any, but if there is any, please do not
10 watch it or pay any attention to it including social
11 media.

12 If anyone should contact you other than somebody from
13 the clerk's office, please let the bailiffs know.
14 Otherwise, I'll see you at 10:30 in the morning, and have
15 a good evening.

16 And everybody remain until the jury has left.

17 (WHEREUPON, the jury exits the courtroom at 3:59 PM.)

18 THE COURT: All right. My thought is everybody in
19 recess until 9:30 in the morning. I mean, I know -- let
20 me wait until she gets back. I'm trying to figure out
21 what kind of schedule we should have, because I know that
22 other people need to be consulted on this.

23 MS. OWENS: I apologize. I'm sorry.

24 THE COURT: That's fine. Make sure we've got all our
25 ducks in a row, any ducks left.

1 MS. OWENS: I believe that we would be able to
2 resolve any logistics within the hour. If we were to
3 begin at 9:30, we would be ready to go forward by 10:30.

4 THE COURT: Okay. All right.

5 MS. OWENS: I'm sure there's some things we can
6 accomplish in that hour, but I don't anticipate that it
7 will be lengthy.

8 THE COURT: Okay. And that's kind of what -- so
9 we'll be -- everybody, we'll recess until 9:30 in the
10 morning, and then we'll make a determination of how we
11 need to proceed from there.

12 MS. OWENS: Yes, sir. Thank you.

13 THE COURT: Anything else from the defense? You look
14 concerned.

15 MR. PRINGLE: Well, just from a mechanical,
16 logistical standpoint, so where does that put us as far as
17 their anticipation of when they would rest?

18 THE COURT: I think that depends on what happens. I
19 mean, yeah.

20 MR. PRINGLE: I mean, if we went forward ---

21 THE COURT: Okay. The rest could be tomorrow. It
22 could be next week. It could be two weeks from now. It
23 could be a month from now.

24 MR. PRINGLE: Right.

25 THE COURT: It all depends on how this plays out.

1 MR. PRINGLE: Yeah. I'm just trying to advise our
2 potential ---

3 THE COURT: I know. And I -- you know, I think it's
4 kind of all up in the air. I think I would be ready for
5 tomorrow, but with the understanding that things could
6 change.

7 MR. PRINGLE: Thank you, Your Honor.

8 THE COURT: I think -- you know. I mean, we'll
9 figure this out at 9:30 in the morning, maybe.

10 All right. Everybody have a good evening.

11 (WHEREUPON, proceedings recessed at 4:03 PM.)
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1 Thursday, February 23, 2023

2 (WHEREUPON, State's Exhibit Numbers 20 through 25, 32, 37
3 and 38 were marked for identification; proceedings
4 reconvened at 10:28 AM.)

5 THE COURT: All right. Is the State ready to
6 proceed?

7 MS. OWENS: Yes, sir, Your Honor.

8 THE COURT: Anything we need to address before we
9 bring the jury in?

10 MS. OWENS: Not from the State.

11 THE COURT: I guess the jury is all here. Let's
12 double check. He didn't mention they weren't when I was
13 coming in. Usually, he does.

14 Anything from Collins?

15 MR. PRINGLE: No, Your Honor.

16 THE COURT: Anything from Ladson?

17 MR. BOATWRIGHT: Yes, Your Honor. One thing. We
18 would ask the Court to take adjudicated notice -- or
19 judicial notice of 109 Burlington Avenue, Greer being
20 within 30 miles of 201 Northeast Main Street, Easley.
21 It's a fact that is easily provable by undisputable
22 reliability of sources. I have a map here from Google.

23 THE COURT: Are you putting in evidence?

24 MR. BOATWRIGHT: This wouldn't be putting in
25 evidence, Your Honor.

1 THE COURT: I think it probably -- if you're asking
2 me -- if you're presenting something for me to take
3 judicial notice of, I think that could be interpreted. So
4 do you want to proceed? I'm not sure I can take judicial
5 notice of that anyway based on the . . .

6 MR. BOATWRIGHT: If it's going to be putting up
7 evidence at this point ---

8 THE COURT: I think it could be, yeah.

9 MR. BOATWRIGHT: --- we'll hold off.

10 THE COURT: I don't know. That's just my thought.

11 All right. Evidently, we don't have four jurors.
12 Traffic. I guess we'll be at ease.

13 (WHEREUPON, a recess is taken at 10:30 AM; proceedings
14 reconvened at 11:05 AM.)

15 THE COURT: All right. As discussed with counsel
16 back in the hallway, the delay has been caused by the
17 alternate has not made it this morning. We have been to
18 his address and he's no longer living there. Talked to
19 his employer. He's not there. In talking -- at this
20 point we have no other means really to locate him. My
21 suggestion was that we do move forward at this point. We
22 still have another alternate.

23 Anything from the State in that regards? Do you have
24 any objection if we go forward without the other
25 alternate?

1 MS. MUNSON: No objection, Your Honor.

2 THE COURT: All right. Anything from Collins?

3 MR. PRINGLE: No, Your Honor.

4 THE COURT: And from Ladson?

5 MS. WILLIAMS: No, Your Honor.

6 THE COURT: Okay. We will go forward and we will
7 address this juror when we do locate him. We'll figure
8 out what to do then. But he will not be coming back on
9 the jury.

10 All right. Is everybody ready for the jury to come
11 in from the State?

12 MS. OWENS: Yes, sir, Your Honor.

13 Would you like Mr. Rhodes to be recalled formally for
14 the jury or to have him return to the stand?

15 THE COURT: Well, since we had several witnesses
16 after him ---

17 MS. OWENS: Yes, sir. Yes, sir.

18 THE COURT: All right. Anything from Collins before
19 we bring the jury in?

20 MR. PRINGLE: No, Your Honor.

21 THE COURT: And Ladson?

22 MR. BOATWRIGHT: No, Your Honor.

23 THE COURT: All right. Bring them in.

24 (WHEREUPON, the jury entered the courtroom at 11:07 AM.)

25 THE COURT: All right. Ladies and gentlemen, again,

1 sorry about the delay, but y'all probably realize there
2 was one shy. And we tried to locate him, and we were
3 unable to do so, so -- the other alternate. So I just
4 want to let y'all know that y'all had to give up your day
5 for this so we will be trying to locate him. But he will
6 not be serving with y'all for the rest of the time. All
7 right. I just wanted to let you know kind of what was
8 going on.

9 At this point, as you will recall, the State was
10 still in their case in chief.

11 So State, you may call your next witness.

12 MS. OWENS: Thank you, Your Honor. May it please the
13 Court. The State calls Mr. Darius Rhodes.

14 Mr. Rhodes, if you would, sir, come around to the
15 witness stand again.

16 THE CLERK: Please raise your right hand.
17 WHEREUPON,

18 DARIUS RHODES

19 After having been duly sworn, testified as follows:

20 THE CLERK: Please have a seat, and state your name
21 for the record.

22 THE WITNESS: Darius Rhodes.

23 DIRECT EXAMINATION

24 BY MS. OWENS:

25 Q Mr. Rhodes, I apologize, but I'm having a really

1 difficult time hearing you. If you could remove that.

2 Thank you very much.

3 When we left off yesterday, you'd offered some
4 testimony that you didn't remember speaking to police. Do
5 you remember that?

6 A Yes, ma'am.

7 Q Now, after some time has passed, I'll ask you again.
8 Do you remember having a conversation with an investigator
9 with the Greenville County Sheriff's Office in January of
10 2019?

11 A Yes, ma'am.

12 Q Do you remember speaking to him about this case, this
13 robbery and murder in Easley?

14 A Yes, ma'am.

15 Q What do you know about this case?

16 A Know as in facts or assumptions?

17 Q Well, I'll ask it this way. Have you seen the video
18 surveillance of the crime that was released to the news?

19 A Yes, ma'am.

20 Q When you saw that video, did you recognize anybody?

21 A Yes, ma'am.

22 Q How did you recognize them?

23 A Shoes.

24 Q Could you describe a little bit more what you mean by
25 that?

1 A The material, the colors.

2 Q Specifically, what did that look like?

3 A They were black and white.

4 Q Why were those familiar to you?

5 A I've been around them.

6 Q Who do you know to wear those shoes?

7 A Ty.

8 Q Do you know Ty's first name?

9 A Tychristian Ladson.

10 Q How do you know Mr. Tychristian Ladson?

11 A I used to hang around him.

12 Q How long ago?

13 A 2018, '17.

14 Q Do you recognize Mr. Ladson in the courtroom here
15 today?

16 A Yes, ma'am.

17 Q Could you describe for the jury what he's wearing and
18 where he's seated?

19 A On the left, white shirt, black tie.

20 Q Okay. Did you recognize anything else from that
21 surveillance video that you saw on the news or on social
22 media or wherever you saw it?

23 A It was like a description of the car.

24 Q A car? What was familiar to you about a car?

25 A I had rode in it once before.

1 Q What kind of car was that?

2 THE COURT: Pull that microphone a little closer to
3 you.

4 THE WITNESS: I had rode in it once before.

5 BY MS. OWENS:

6 Q What car had you ridden in before?

7 A It was a Subaru.

8 Q What color was it?

9 A It was like white or silver.

10 Q Do you remember anything about the license plate?

11 A Not off the bat. No. I can't recall.

12 Q Do you remember any sort of time range about when you
13 would have ridden in this car?

14 A November/December.

15 Q Did you travel in that car with Tychristian Ladson?

16 A Yes, ma'am.

17 Q Did you know anything about where Mr. Ladson lived
18 back in 2018?

19 A Whereabouts, somewhere -- yes, ma'am. I know.

20 Q Okay. I don't understand what you mean by that.

21 A It wasn't like a -- it wasn't a designated area, no.

22 Q So you don't know where he lived.

23 A Area as in like ---

24 Q Any information that you knew personally.

25 A Like Greer, Taylors.

1 Q In Greer?

2 A Greer or Taylors, yes.

3 Q Okay. Did you recognize from that surveillance video
4 any of Mr. Ladson's facial features?

5 A I can't recall the surveillance video. Like as in
6 facial features, not right now, no.

7 Q Do you remember speaking with police about whether
8 you recognize Mr. Ladson's facial features from that
9 video?

10 A I can't remember that deep, no.

11 MS. OWENS: Your Honor, I know we've just gotten
12 started and I apologize for any interruption, but it may
13 be prudent to refresh Mr. Rhodes's memory by viewing that
14 interview, and I don't believe that it's appropriate for
15 the jury to see that video. It may be best to allow
16 Mr. Rhodes to view that video outside their presence.

17 THE COURT: All right. Ladies and gentlemen, I'm
18 going to ask that you step back in your jury room. We'll
19 bring you back. It's very short so it won't be very --
20 just a few minutes.

21 (WHEREUPON, the jury exits the courtroom at 11:14 AM.)

22 THE COURT: All right. And this was Exhibit --
23 what's the exhibit number?

24 MS. MUNSON: 36.

25 THE COURT: All right.

1 (WHEREUPON, State's Exhibit Number 36, a video, was played
2 in open court.)

3 THE COURT: All right. You just want to bring the
4 jury back in before you continue questioning?

5 MS. OWENS: Yes, sir, Your Honor.

6 THE COURT: All right. Bring the jury back in.

7 (WHEREUPON, the jury entered the courtroom at 11:21 AM.)

8 THE COURT: All right. Ms. Owens, you may proceed.

9 MS. OWENS: Thank you, Your Honor. May it please the
10 Court.

11 BY MS. OWENS:

12 Q Mr. Rhodes, after having viewed the recording of the
13 interview, I'll ask you again, do you remember talking to
14 the police about recognizing Mr. Ladson from the
15 surveillance video?

16 A Yes, ma'am.

17 Q What did you recognize?

18 A Skin complexion, height.

19 Q I'm sorry. I just can't understand you.

20 A Skin complexion and height.

21 Q Did his body shape look familiar to you?

22 A Yeah.

23 Q And I mean -- I mean ---

24 A Build, yeah.

25 Q Weight, build. Yes, sir. Yes, sir.

1 How often do you think that you socialized or visited
2 with Mr. Ladson in that 2018 time period?

3 A About every day.

4 Q Virtually every day. Okay.

5 Do you recall telling the police that you knew
6 Tychristian fired the shots during the robbery?

7 A From the video, yes.

8 MR. PRINGLE: Your Honor, we're having trouble
9 hearing the witness.

10 THE WITNESS: I said from the video, yes.

11 BY MS. OWENS:

12 Q Did you tell the place that Tychristian Ladson is the
13 one who fired the shots?

14 A Yes, ma'am.

15 Q Are you certain about that?

16 A Yes, ma'am.

17 MS. OWENS: Mr. Rhodes, I don't believe I have any
18 additional questions. If you would, answer any questions
19 the defendants may have for you.

20 THE COURT: Cross-examination?

21 MR. BOATWRIGHT: Thank you, Your Honor. May it
22 please the Court.

23 CROSS EXAMINATION

24 BY MR. BOATWRIGHT:

25 Q Darius, 2019 when you talked to the cops, you were

1 also under investigation, correct?

2 A Correct.

3 Q And the State asked you if you pled guilty to a
4 series of charges. You did, correct?

5 A Correct.

6 Q One of those charges that you were charged with was
7 murder?

8 A Correct.

9 Q And you pled guilty to voluntary manslaughter.

10 A Correct.

11 Q Which is a lower charge than murder, correct?

12 A Correct.

13 Q And the reason you were able to plead guilty down to
14 voluntary manslaughter is because you decided to cooperate
15 with the State.

16 A Correct.

17 Q So you got a deal.

18 A Not necessarily, but yes.

19 Q You have a deferred sentence right now, right?

20 A Correct.

21 Q Which means your sentencing is at issue until you are
22 done cooperating with the State.

23 A In my situation, yes.

24 Q And if you cooperate, then they are going to go at
25 sentencing and they're going to talk to the judge for you

1 and try and get you a lower sentence.

2 A Correct.

3 Q All right. Now, did they ever promise you what they
4 were going to recommend at sentencing?

5 A Promising, no. I signed for 20 years. That's
6 correct.

7 Q For 20 years. Okay.

8 So when you came yesterday, you didn't recall
9 anything and you said you didn't want to testify, correct?

10 A Correct.

11 Q And then you had some time overnight and decided to
12 testify today.

13 A Correct.

14 Q That was because you were informed that that sentence
15 deal was still contingent upon you cooperating.

16 A False.

17 Q No? You're not getting a benefit for cooperating
18 here today?

19 A No.

20 Q You're just doing it out of the goodness of your
21 heart?

22 A Correct.

23 Q Felt bad for killing all those people?

24 A (No answer.)

25 Q What other charges did you plead guilty to?

1 A Assault and battery first.

2 Q What else?

3 A Armed robbery.

4 Q Anything else?

5 A Burglary.

6 Q Anything else?

7 A That's all that I can remember right now, yes.

8 Q Okay. And before that ---

9 A Before what?

10 Q In the last decade -- in the last ten years, do you
11 have any other criminal charges?

12 THE COURT: Pull up to the mic.

13 THE WITNESS: No.

14 BY MR. BOATWRIGHT:

15 Q So when you talked to the officers about this
16 incident here, you told them that you just put the pieces
17 of the puzzle together.

18 A Correct.

19 Q And they said did anybody tell you that Tychristian
20 Ladson was the one that did it, and you said no.

21 A That's correct.

22 Q You just knew it was him.

23 A Correct.

24 Q Again, this was before you worked out a deal to plead
25 for murder.

1 A Correct.

2 Q And the way that you knew it was him is because he's
3 black, right?

4 A Correct.

5 Q You said you saw the video on the news.

6 A Correct.

7 Q And you recognized a black man.

8 A Correct.

9 Q That person in the video, were they wearing a mask?

10 A Correct.

11 Q Were they wearing a coat?

12 A Correct.

13 Q Were they wearing pants?

14 A Correct.

15 Q What color?

16 A I can't recall.

17 Q What color coat?

18 A Black.

19 Q What color mask?

20 A Black.

21 Q Okay. So you saw the black mask, black coat and
22 black shoes. Did you see his eyes?

23 A Right now I can't recall.

24 Q Did you see his beard? Did you see any scars on
25 him?

1 A I can't recall right now.

2 Q Did you see his teeth?

3 A I can't recall.

4 Q Did you see his lips?

5 A I can't recall.

6 Q But you recognized it was Ty.

7 A At that point in time, yes. Correct.

8 Q And you also said that you knew it was Ty because of
9 the silver Subaru, correct?

10 A Correct.

11 Q Now, you watched the video, so you also know that you
12 told them it was a white Subaru?

13 A Say that again?

14 Q You told them when -- their conversation in 2019 that
15 it was a white Subaru.

16 A I told them that it was a gray Subaru.

17 Q You said gray or white.

18 A That's what I just said, yes, up here, yes.

19 Q And that's a big difference between gray and white
20 and silver.

21 A I've been in both.

22 Q Okay. They asked if you knew if it was the silver
23 Subaru that was used in this incident. And you told them
24 no, right?

25 A When did I say that?

1 Q When you were talking to them. They asked if you
2 knew it was the Subaru that was used, and you said no, you
3 just know that he uses a Subaru.

4 A When did I say that?

5 Q Whatever day it was that you had this interview with
6 them that we're talking about right now in 2019.

7 A I would say that's false.

8 Q When you saw his shoes, what color socks was he
9 wearing?

10 A I can't recall.

11 Q What color was his shoelaces?

12 A I can't recall.

13 Q What size was his shoes?

14 A I can't recall.

15 Q So the only thing you know is that they were black.

16 A And white, yes, correct.

17 Q And you saw that on the news.

18 A Yes.

19 Q Is that the only pair of black-and-white shoes you've
20 ever seen in your life?

21 A No.

22 Q Do other people own black-and-white shoes?

23 A Correct.

24 Q So you've seen other people in black-and-white
25 shoes.

1 A Correct.

2 Q But, again, once you got charged with murder, when
3 you get a deal, now all of a sudden you realize those
4 black-and-white shoes belong to Tychristian Ladson.

5 A False.

6 Q False?

7 A That's false. I wasn't charged then. In that
8 particular video I was not charged.

9 Q You were under investigation.

10 A No, I was not. I didn't catch my case until June of
11 2019. That was is January, which is two particular
12 situations, totally different.

13 Q So what were you doing at the police department?

14 A Well, something about a search warrant on my home and
15 I wanted to know why.

16 Q Why were they searching your home?

17 A Something about a gun.

18 Q Because you were under investigation?

19 A I mean to me, no.

20 Q I mean, they're about to search your house, man.

21 A I wasn't even -- I wasn't even in the city when they
22 searched my house. But under investigation, I would say
23 not.

24 Q Yeah. Okay. And then the cops come and start
25 talking to you, and all of a sudden, like I said, you

1 recognize these shoes as Tychristian Ladson's, right?

2 A Yes. You can say that.

3 Q And, again, just to clarify one last time, nobody
4 told you that if you didn't come in here and testify today
5 that there was going to be issues at sentencing?

6 A No.

7 Q Your lawyer didn't come talk to you yesterday?

8 A No.

9 Q The State did not come talk to you?

10 A No.

11 THE COURT: Yes. Hold on.

12 MS. OWENS: Your Honor, I'm just concerned about the
13 extent to which we're invading some lawyer-client
14 privilege between Mr. Rhodes and his attorney, so I just
15 want to object before that gets too far down the road.

16 MR. BOATWRIGHT: I think it goes towards the
17 credibility, Judge. I'm not asking ---

18 THE COURT: Overruled.

19 BY MR. BOATWRIGHT:

20 Q So you just -- again, you just randomly decided, hey,
21 I'm going to cooperate today.

22 A Correct.

23 Q How did you get in touch with the solicitor to let
24 them know that you were going to cooperate?

25 A I don't recall getting in touch with them.

1 Q Then how -- you didn't tell them that you wanted to
2 cooperate today?

3 A I don't recall doing so, no.

4 Q Okay. You didn't tell your lawyer to let them know
5 that you wanted to cooperate today?

6 A Yes, I did.

7 Q You did. So you did talk to your lawyer yesterday.

8 A I talked to my lawyer today.

9 Q This morning?

10 A Correct.

11 Q Okay.

12 A You say yesterday, which was a no.

13 Q And did your lawyer tell you anything about your
14 sentencing being in jeopardy?

15 A No, he did not.

16 Q He just said you should cooperate?

17 A He told me to do as pleased as I want.

18 Q Why?

19 A He told me to do what I want.

20 Q Because you have a deferred sentence?

21 A I mean, at this point in time I'm not in danger.

22 Q Because you have a deferred sentence, right?

23 A Correct.

24 Q And if I call your lawyer and put him on the stand,
25 is he going to say that he just told you to do whatever

1 you wanted for whatever reason?

2 A I mean, if you feel the need to do that, do so.

3 Q I mean, did he tell you you've got a bad case ahead
4 of you, you need to plead?

5 A Say that again?

6 Q Did he tell you you got a bad case you're dealing
7 with, you need to help them, said that they can come to
8 Greenville?

9 A That is not what he told me.

10 Q What's that?

11 A No, he did not.

12 Q He didn't tell you that you needed Ms. Munson to come
13 to Greenville and plead for you in sentencing?

14 A No.

15 Q He just said do what you think is right?

16 A She said she wasn't helping.

17 Q She said she wasn't helping ---

18 A Correct.

19 Q --- if you didn't cooperate?

20 A She said she wasn't helping, period.

21 Q Oh, she's not helping you, period.

22 A Not at all.

23 Q She's not coming to Greenville?

24 A Not at all.

25 MR. BOATWRIGHT: Just a moment, Your Honor.

1 BY MR. BOATWRIGHT:

2 Q Earlier you said that you didn't recognize any facial
3 features, you didn't recall any facial features before we
4 watched the video, right?

5 A I mean, you've got to think about it's been four
6 years since the interview.

7 Q Okay. So then when you watched the video, it
8 refreshed your memory. So you never told the cops that
9 you recognized Tychristian's complexion, did you?

10 A I don't recall.

11 Q You watched the video, didn't you?

12 A It blacked out.

13 Q Yeah. But the parts of the video that you saw, did
14 you ever tell them that you recognized his complexion?

15 A I still don't recall.

16 Q You don't recall what you did ten minutes ago.

17 A We was not talking ten minutes.

18 Q Roughly.

19 You just watched the video about ten minutes ago,
20 right?

21 A Yes.

22 Q And in that video you never once told him that you
23 recognized his complexion, did you?

24 A I don't know.

25 Q You don't know what you saw?

1 A I don't know what I heard. That's what I'm telling
2 you.

3 Q Awful convenient.

4 MS. OWENS: Your Honor, I object to that.

5 THE COURT: Yeah. Ask a question, but let's not make
6 comments.

7 MR. BOATWRIGHT: Yes, Your Honor.

8 MS. OWENS: I'd move to strike that comment from the
9 record.

10 THE COURT: Yeah. Strike that.

11 Ladies and gentlemen, that's not something for you to
12 consider in your deliberations.

13 BY MR. BOATWRIGHT:

14 Q So you only recall that you recognize Tychristian
15 Ladson.

16 A Correct.

17 Q But you don't recall saying you don't -- or not
18 saying that you recognized his complexion.

19 A Say what?

20 Q You don't recall that you didn't say, hey, I
21 recognize his complexion.

22 A I don't know if I did or not. You're talking about
23 something that happened four years ago. Do you know how
24 many conversations I've had since four years ago?

25 Q How many pairs of shoes have you seen since four

1 years ago?

2 A One.

3 Q Just one pair. The one on the news?

4 A No. The ones on my feet, black and white.

5 Q The ones you're wearing are black and white?

6 A (No answer.)

7 Q How many people were you convicted of murdering?

8 A Convicted? None. Pled guilty to, one.

9 Q A guilty plea is a conviction.

10 MS. OWENS: Your Honor, I object to the commentary.

11 He's got to ask a question.

12 THE COURT: Ask a question.

13 MR. BOATWRIGHT: I was leading into a question with
14 it, Judge.

15 THE COURT: Okay.

16 BY MR. BOATWRIGHT:

17 Q A guilty plea is a conviction. So how many people
18 were you convicted of murdering?

19 A One.

20 Q How many people were the victims of the burglary?

21 A Say that again?

22 Q How many people were the victims of the burglary that
23 you did?

24 MS. OWENS: Your Honor, I object based on relevance
25 of this line of inquiry.

1 THE COURT: I'm going to overrule.

2 THE WITNESS: Two, I think. I think, anyway.

3 MR. BOATWRIGHT: A moment to confer, Your Honor.

4 BY MR. BOATWRIGHT:

5 Q All right. Lastly, you said that you testified that
6 you were certain it was Tychristian?

7 A Correct.

8 Q What's that?

9 A Correct.

10 Q You say a hundred percent certain?

11 A Correct.

12 Q And you got this certainty from seeing the black mask
13 and the black jacket?

14 A No. I got this certainty from being around him.

15 Q Did he ever tell you he did it?

16 A No.

17 Q So then you're not certain.

18 A Why is that?

19 Q You don't have a hundred percent knowledge that he
20 did it, right?

21 A To you that may be right. To me, no.

22 MR. BOATWRIGHT: No further questions, Your Honor.

23 MR. PRINGLE: Nothing further.

24 THE COURT: Redirect?

25 MS. OWENS: Very briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. OWENS:

Q I want to revisit, Mr. Rhodes, that in addition to describing the Subaru that you shared today that you traveled in, do you remember telling police whether you knew that Subaru to be stolen?

A Correct.

Q And in addition, just so everyone's clear, at the time of your conversation with the police in January of 2019, had you been charged with any crimes?

A Not at all.

MS. OWENS: I don't have any additional questions, Your Honor.

THE COURT: All right. You may step down. Thank you. All right.

MS. OWENS: May it please the Court, Your Honor. The State calls Mr. Ricardo Leal.

Mr. Leal, if you would, please come up and be sworn.

THE CLERK: If you would, please raise your right hand, sir.

WHEREUPON,

RICARDO LEAL

After having been duly sworn, testified as follows:

THE CLERK: Thank you, sir. If you would, have a seat and state your name for the record.

1 THE WITNESS: Yes, sir. My name is Ricardo Leal.
2 It's R-I-C-A-R-D-O, last name spelled L-E-A-L.

3 DIRECT EXAMINATION

4 BY MS. OWENS:

5 Q Mr. Leal, where do you work?

6 A I work for T-Mobile Corporation.

7 Q What is your responsibility for T-Mobile?

8 A So my job is testifier. I serve as a custodian of
9 records when subpoenaed to do so.

10 And so I've been in this role a little over ten
11 years. Prior, I was with Sprint. Sprint and T-Mobile
12 merged in 2020, and I've been doing the same duties as I
13 was at Sprint with T-Mobile. So now I'm talking about
14 both companies now in my tenure.

15 Q Yes, sir. In that time period and in your role with
16 both Sprint and T-Mobile, do you respond to police
17 requests for records?

18 A Yes, ma'am. So I work in legal and lawful intercept,
19 and that is our function. We receive legal demands, and
20 then we send that information out through a legal process.

21 Q And you mentioned earlier that you testify from time
22 to time. How frequently have you testified in court about
23 T-Mobile's records?

24 A With T-Mobile, I would say approximately a hundred
25 times.

1 Q Now, moving to specifically the phone records that
2 T-Mobile retains, are the records that T-Mobile keeps
3 prepared, collected and retained in real-time?

4 A So yes. So the information is kept -- it's switch
5 time or it's kept in UTC time. But ---

6 Q What does that mean?

7 A So it's universal coordinated time. But it's when
8 the events occur.

9 I don't want anybody to get confused. So it's
10 actually when the calls take place or texts, it's
11 accounted for in UTC time, which is universal coordinated
12 time or Greenwich mean time. It's the same. And so you
13 would have to do a conversion to get it to Eastern time.

14 Q Sure. But for purposes of what T-Mobile collects,
15 the information that is being retained by T-Mobile is
16 collected as these contacts are happening.

17 A Absolutely. It's verbatim. So when the calls take
18 place, it's then recorded within the network.

19 Q Why does T-Mobile keep these records?

20 A For billing purposes.

21 Q Generally speaking, does T-Mobile keep these records
22 in the ordinary course of how they do business?

23 A Yes, ma'am. We have to keep these records for a
24 certain amount of time.

25 Q Now, are you, as one of the custodians for those

1 records, able to manipulate those records?

2 A That's not what we do. We just send the information
3 out.

4 Q So do you know whether anybody at T-Mobile can make
5 edits or changes to the records that are collected?

6 A To the best of my knowledge, no, ma'am.

7 Q Before we move to the specific records in this case,
8 could you describe for the jury generally how T-Mobile
9 provides cellular customers a network by which they use
10 their cell phone?

11 A So generally speaking, there's cell towers throughout
12 the United States. They're in this area. There's --
13 towers are connected to switches. Those switches conduct
14 a call. The information from your phone operates through
15 radio frequency, and the cell towers are antennae. So
16 once it reaches that antennae, then it's connected to a
17 switch. That switch's job is to get the phone call to its
18 destination. And so that's essentially how that works.

19 The network itself is in the -- its job is to get
20 calls to their destinations, basically.

21 Q Now, you mentioned that the mechanism by which that
22 works are these cell phone towers. Are all towers the
23 same?

24 A There are different towers. They're not all the
25 same, but their function is the same.

1 Q Does each cellular tower have the same geographical
2 coverage range?

3 A No.

4 Q Why not?

5 A There's different towers for different scenarios, and
6 so it just depends. There's multiple different kinds of
7 towers. There's single towers, there's three-sided
8 towers. I'm not an engineer. I'm really here to speak
9 about the records. But there are different varieties and
10 different types.

11 Q When a person utilizes their cell phone to make a
12 call, receive a call, send a text, receive a text, how
13 does it communicate with a tower?

14 A So it has to communicate with the tower to get to its
15 destination. Like I said, it's a radio frequency that
16 emits from the handset. That radio frequency then goes to
17 the tower that's open closest to communicate to that
18 handset, and then the process takes place. Then the
19 switch says, hey, this phone wants to go to this number,
20 and then that's when the call takes place.

21 Q Is the network designed so that the cell phone
22 utilizes the geographically closest available tower?

23 MR. BOATWRIGHT: Objection, Your Honor. This would
24 call for expert testimony. He's not an expert. He's
25 testified he's a records custodian.

1 THE COURT: All right. Lay a better foundation then.

2 MS. OWENS: I believe Mr. Leal testified that his
3 role in the company is to understand how these networks
4 interact with the tower. I don't know -- I don't know
5 what additional foundation would satisfy the Court that he
6 has an understanding of how the network works.

7 THE COURT: Well, just ask him additional questions
8 then.

9 BY MS. OWENS:

10 Q You testified a moment ago that the cellular network
11 is set up to provide subscribers with a system by which
12 they can use their phones, right?

13 A Correct.

14 Q Okay. And in so doing, does the network provide a
15 variety of towers available to those subscribers at any
16 given time wherever that subscriber may physically be?

17 A Yes. And typically, the tower that's open closest to
18 communicate to that handset will conduct the transmission.

19 Q Does T-Mobile record that interaction between the
20 cell phone and the closest available tower?

21 A It's going to be within our records. And so what's
22 provided is what actually transpired.

23 Q And in those records, how is that information
24 recorded? How -- what does it look like in the records?

25 A Sure. So in the record it would have information for

1 calls that took place and/or texts, and then it would show
2 the calling number, the dialed number, those type of
3 things.

4 And then as you progress through the record itself,
5 it would have the actual latitude and longitude for the
6 location as well as the location on the record. You want
7 to go with the latitude and longitude and not the address
8 that's on there. But that information's on there as well
9 as other particulars that have to do with the cell tower
10 information which would be like the AZIMUTH or the side of
11 the tower that the phone emanated or the radio frequency
12 emanated from, so that way if you wanted to, you could use
13 some type of mapping software to orientate yourself with
14 that tower and the latitude and longitude and actually put
15 it on some type of mapping software.

16 Q So is it T-Mobile's records, the latitude and
17 longitude that are recorded for each transaction the phone
18 completes, the location of the tower that that cell phone
19 used?

20 A Yes.

21 Q Moving to this case, do you know whether T-Mobile was
22 requested to provide records, specifically call detail
23 records, regarding phone number [REDACTED]-5400?

24 A Yes, ma'am.

25 Q I'm going to show you State's Exhibit 20. Do you

1 recognize that document?

2 A Yes, I do.

3 Q And before we get into the details of that document,
4 could you explain for the jury what call record details
5 are? What does that expression mean?

6 A So these are call detail records with cell site
7 information. It's the network information prior to the
8 billing process. And so from this information we would
9 then send out a bill for all the billable calls that took
10 place for this timeframe. Okay. And so it's network
11 information. It gives more information than you would get
12 from your bill, if that makes sense.

13 Q And did law enforcement contact you about these
14 records with a specific date range in mind?

15 A Yes, ma'am.

16 Q And was T-Mobile's response to that request limited
17 to just that requested date range?

18 A Absolutely.

19 Q Is the document that's packaged in State's Exhibit 20
20 the complete record of the call detail that T-Mobile
21 provided to police in early 2019?

22 A Yes, ma'am.

23 MS. OWENS: Your Honor, at this point I'd move
24 State's Exhibit 20 into evidence.

25 THE COURT: Any objection from Collins?

1 MR. PRINGLE: No.

2 THE COURT: Ladson?

3 MR. BOATWRIGHT: No, Your Honor.

4 THE COURT: All right. In without objection.

5 (WHEREUPON, State's Exhibit Number 20 was admitted into
6 evidence.)

7 BY MS. OWENS:

8 Q Were you likewise submitted a request from law
9 enforcement or provided a request from law enforcement to
10 deliver call detail records regarding [REDACTED]-8398?

11 A Yes, ma'am.

12 Q I'm going to show you State's Exhibit 21. Do you
13 recognize that document?

14 A Yes, I do.

15 Q Could you describe for the jury what State's
16 Exhibit 21 contains?

17 A This too is call detail records with cell site
18 information for the number ending in 8398 from December 1,
19 2018, through December 26th of 2018.

20 Q And likewise, did law enforcement request call detail
21 records regarding that phone number from T-Mobile for a
22 specific date range?

23 A Yes, ma'am.

24 Q And is State's Exhibit 21 the complete call detail
25 records that T-Mobile provided to police?

1 A Yes.

2 MS. OWENS: Your Honor, at this point the State moves
3 Exhibit 21 into evidence.

4 THE COURT: Any objection to 21 from Collins?

5 MR. PRINGLE: No.

6 THE COURT: Ladson?

7 MR. BOATWRIGHT: No, Your Honor.

8 THE COURT: All right. In without objection.

9 (WHEREUPON, State's Exhibit Number 21 was admitted into
10 evidence.)

11 BY MS. OWENS:

12 Q I'm going to show you State's Exhibit 24. Do you
13 recognize that document?

14 A Yes, I do.

15 Q Did law enforcement request of T-Mobile to provide
16 call detail records regarding [REDACTED]-4822 for a specific
17 date period?

18 A Yes, ma'am.

19 Q And is State's Exhibit 24 the complete call detail
20 record for the specified date range regarding that phone
21 number?

22 A Yes.

23 MS. OWENS: Your Honor. At this point I'd move
24 State's Exhibit 24 into evidence.

25 THE COURT: Any objection from Collins?

1 MR. PRINGLE: No.

2 THE COURT: Ladson?

3 MR. BOATWRIGHT: No, Your Honor.

4 THE COURT: All right. In without objection.

5 (WHEREUPON, State's Exhibit Number 24 was admitted into
6 evidence.)

7 BY MS. OWENS:

8 Q Mr. Leal, as it relates to text messages, does
9 T-Mobile retain cell site tower information for the tower
10 that was utilized for a subscriber and phone user to send
11 or receive a text message?

12 A No.

13 Q Why not?

14 A Because it's data so it's different. It gets
15 funneled through a data component.

16 Q So then with respect to Exhibits 20, 21 and 24, are
17 the location latitude and longitude details limited only
18 to phone calls made and received?

19 A Yes, ma'am.

20 Q We've been, up to this point, exclusively addressing
21 call detail records. And I want to move forward to a
22 different kind of record retained by T-Mobile. Would you
23 explain for the jury what timing advance records are?

24 A So timing advance is a record of Sprint -- or
25 T-Mobile, rather. With timing advance, it is a -- it was

1 created for network optimization. And so basically, it
2 shows data and calls.

3 And so your phone is operating all the time if it's
4 turned on, and it's constantly wanting to be received by
5 the network all the time. And so information on timing
6 advance would be shown even if you weren't using your
7 phone, like if data, there was some kind of thing
8 happening with your phone reaching out to a network.

9 Beyond that there isn't really anything more that I
10 can say about timing events other than it's a record of
11 T-Mobile. But I can't really speak any further about the
12 information within the record.

13 Q Sure. Certainly. And are timing advance records
14 similarly recording the latitude and longitude of towers
15 with which the cell phone is interacting?

16 A Yes, ma'am.

17 Q Okay. Are the timing advance records likewise kept
18 in the ordinary course of T-Mobile's business?

19 A They are a record of T-Mobile, and we keep that
20 information.

21 MR. BOATWRIGHT: I would object to these records,
22 Judge. May we approach?

23 THE COURT: Yes.

24 (WHEREUPON, a bench conference was held off the record.)

25 THE COURT: All right. And that's what exhibit?

1 MS. OWENS: 23, Your Honor.

2 THE COURT: All right. 23 is in subject to the
3 objection of Defendant Ladson.

4 MS. OWENS: I've not yet offered it.

5 THE COURT: Oh, I'm sorry.

6 MS. OWENS: I will formally do so momentarily.

7 THE COURT: Okay.

8 BY MS. OWENS:

9 Q Mr. Leal, if you will take a look at State's Exhibit
10 Number 23, do you recognize that document?

11 A Yes, ma'am, I do.

12 Q Is State's Exhibit 23 the advance timing records
13 related to 864-5 -- I'm sorry -- [REDACTED]-8398?

14 A Yes, ma'am.

15 MS. OWENS: Your Honor, at this time I'd move State's
16 Exhibit 23.

17 THE COURT: All right. And subject to the objection
18 of Defendant Ladson.

19 MS. OWENS: Yes, sir.

20 (WHEREUPON, State's Exhibit Number 23 was admitted into
21 evidence.)

22 MR. BOATWRIGHT: Judge, this is for a different
23 phone. We would just renew the same objection.

24 THE COURT: What's this exhibit number?

25 MS. OWENS: 22, Your Honor.

1 BY MS. OWENS:

2 Q I'm showing you, finally, State's Exhibit 22. Do you
3 recognize this document?

4 A Yes, I do.

5 Q Is State's Exhibit 22 the record of T-Mobile's timing
6 advance related to [REDACTED]-5400?

7 A Yes, ma'am.

8 MS. OWENS: Your Honor, at this point I would offer
9 State's Exhibit 22 into evidence.

10 THE COURT: All right. And this is subject to the
11 objection of Defendant Ladson. So it's into evidence.

12 MS. OWENS: Yes, sir.

13 (WHEREUPON, State's Exhibit Number 22 was admitted into
14 evidence.)

15 MS. OWENS: I don't believe I have any additional
16 questions, Mr. Leal. If you would, answer any questions
17 the defendants may have.

18 THE COURT: All right. Cross-examination?

19 MR. BOATWRIGHT: Thank you, Your Honor. May it
20 please the Court.

21 CROSS EXAMINATION

22 BY MR. BOATWRIGHT:

23 Q Good morning, Mr. Leal.

24 A Good morning, sir.

25 Q On the -- I apologize. On Exhibit Number 20, the

1 call detail records for the phone number ending in 5400?

2 A Yes, sir.

3 Q Can you tell me what the IMEI is for -- that is on
4 those records?

5 A It's 865356032796420.

6 Q And just to verify, that last number is a 0, not a 7,
7 correct?

8 A Correct.

9 Q What is an IMEI?

10 A It's an international mobile equipment identifier.
11 It goes back to the handset.

12 Q All right. Is that kind of like a serial number?

13 A Correct.

14 Q And does every device have their own serial number?

15 A Yes, sir.

16 Q So if a number -- that IMEI that you just read, let's
17 say we replace that last number from 0 to a 7, that would
18 be to a different device?

19 A To the best of my knowledge, yes.

20 Q Now, for the towers, the cell phone towers that these
21 phones are connected to, just to clarify again, the
22 latitude and longitude that's on these records, they are
23 not showing the location of the phone.

24 A No, sir.

25 Q They're showing the location of the cell phone tower

1 that it is connecting to.

2 A Correct.

3 Q Now, cell phone -- you just testified that typically
4 it connects to the -- the cell phone will connect to the
5 closest tower?

6 A Yes. The closest tower that's open to communicate to
7 the handset.

8 Q All right. But there are many reasons why it may not
9 connect to the closest tower, correct?

10 A There are.

11 Q One of those reasons being the tower could be
12 overloaded.

13 A That's a possibility.

14 Q One of those reasons being another tower could be
15 providing a better signal.

16 A Possibility. Signal strength. Possibility.

17 Q All right. So these records really, they're just
18 showing you a general area that a device may have been in
19 based on it using a tower.

20 A They're showing what had actually transpired
21 according to the record of the tower that was utilized for
22 the given calls.

23 Q Okay. So just the tower that was being used.

24 A Correct.

25 Q And now, you said these towers are different in their

1 range?

2 A Yes.

3 Q What's the max range a tower could have, do you know?

4 A I don't know. Like I said, I'm not an engineer.

5 So ---

6 Q You're not an engineer?

7 A I'm not an engineer.

8 Q Do you know what the minimum range is?

9 A With T-Mobile, they're set up in a populated area, so
10 your given city, right?

11 Q Uh-huh.

12 A Approximation of as little as a third a mile to 2 to
13 2.5 miles from the handset to the tower.

14 Q Okay.

15 A And so this would be in your normal city, right?

16 Q Okay.

17 A And it could be further as you go out into suburban.
18 But like I said, I've only been working with these records
19 for 20 years.

20 Q I understand.

21 But basically, the bigger the city, the more towers
22 will be in the city?

23 A Correct. It's for connectivity. So the more
24 population, the more towers you're going to have to --
25 number one, to have connectedness, to have the calls

1 actually take place and not have overloaded towers, right?
2 And then all the other factors that could be an issue,
3 line of sight, weather, there's multiple things that could
4 happen. But what actually happened is on the record, so
5 we know that.

6 Q Okay. But it doesn't show you on the record why it
7 connected to that specific tower?

8 A Just that that's the tower that was utilized,
9 correct.

10 Q So it's not -- it doesn't tell me, hey, it connected
11 to this tower because this other tower that it should have
12 connected to was overloaded.

13 A That's not going to show up, correct. It's going to
14 show what actually transpired.

15 Q All right. Let's talk about the timing advance
16 records for a second. The timing advance records, can you
17 testify to the accuracy of them?

18 A No.

19 Q You can't?

20 A No, I can't.

21 Q So you do not know ---

22 A There's a disclaimer on the -- I don't mean to cut
23 you off, but I just want to explain.

24 Q Okay.

25 A There's a disclaimer on the information that's sent

1 out with timing advance that says that it is information
2 of T-Mobile, but that we cannot testify to the accuracy of
3 the information that's on there because it does give an
4 accuracy format within the record itself, and it's part of
5 the record. And like I said, this was a record that was
6 created by an engineer for engineering aspects and network
7 optimization.

8 And so unlike the call detail records where it shows
9 the cell site information, we know that that actually
10 transpired. This actually transpired too, but it was --
11 it's in a different format. And so it's a little bit
12 different, although it is a record of T-Mobile.

13 Q All right. So basically, just to see if I'm
14 understanding this right, the latitude and longitude on
15 the call detail records, for example, it's saying that
16 that phone connected to that tower, right?

17 A Correct.

18 Q And now that's what the timing advance records are
19 saying as well. Okay. The phone connected to a specific
20 tower.

21 A Correct.

22 Q And what you're saying is T-Mobile will not testify
23 as to the accuracy of that.

24 A Correct. There are calls that are on these records
25 that will coincide with the call that took place within

1 the timing advance, but because there's a column with
2 accuracy and it defines accuracy with meters, right, we're
3 not bound to that as a corporation. And so that's what
4 I'm trying to get you to understand, and that's why
5 there's disclaimer for the timing advance record. And as
6 a custodian, I really can't get into what the timing
7 advance is other than it is a record of T-Mobile.

8 Q All right. So that disclaimer was given to the
9 police department when they reached out and asked for the
10 records?

11 A Correct.

12 Q So they're aware that T-Mobile will not testify to
13 the accuracy of them.

14 A Correct.

15 Q All right. And then on the timing advance records
16 that you have with the phone number ending in 5400, can
17 you tell me what the make and model of that device is?

18 A Was that 22, Exhibit 22?

19 Q Yes. That is 22.

20 A I can't tell from the record the make and model.

21 Q Is the IMEI device on there?

22 A No. The IMSI is on here.

23 Q What is an IMSI?

24 A It's an international mobile subscriber identity.

25 Q What does that mean?

1 A It is the number that coincides with the actual
2 telephone number. And so each phone number has an IMSI as
3 well as an IMEI associated with a specific number.

4 Q Can I see the timing advance record?

5 A It actually says ZTE, but I don't know what that is
6 for the make.

7 Q Okay. But right there where it says make and model,
8 what does that say?

9 A Yeah. It says make, ZTE, and model, Z55ZBL.

10 MR. BOATWRIGHT: All right. A moment to confer, Your
11 Honor.

12 No further questions, Your Honor.

13 THE COURT: Cross-examination by Defendant Collins?

14 MR. PRINGLE: Thank you, Your Honor.

15 CROSS EXAMINATION

16 BY MR. PRINGLE:

17 Q Mr. Leal, you had to travel here for your testimony
18 today?

19 A Yes, sir.

20 Q Where did you come from?

21 A Kansas City.

22 Q The city, like Kansas City, Missouri?

23 A Kansas City. I live in Kansas, but it's Kansas City
24 and -- it's Missouri and Kansas, yes.

25 Q And, you know, Mr. Boatwright asked you some

1 questions about maybe the difference in how many towers
2 might be located in what you might call an urban area
3 versus, I guess, more like Pickens County where you've
4 come today. How would you characterize Pickens County on
5 that scale?

6 A I mean, it's a smaller town. I -- I think -- I
7 really don't know because I haven't spent much time here,
8 honestly. But just driving from Easley, like I could see
9 a little bit, right?

10 Q Right.

11 A And so, like I said, I'm not an engineer, and I
12 didn't really see any towers as I was driving.

13 Q And, of course, you're not an engineer. But, I mean,
14 you are qualified to answer basic questions about all
15 this, right?

16 A Absolutely.

17 Q Okay. But you're unable to interpret the specific
18 data on the printouts because of your limitation as far as
19 not being an expert or engineer?

20 A I'm not limited by anything. I just can't talk about
21 the information that's on the timing advance record.

22 Q Okay.

23 A So I can talk about any of this stuff. I've been
24 doing it for over ten years.

25 Q Let's get back to how the towers work. Again, all

1 that we can determine from those records is that a tower
2 was engaged, again, not where a phone or a device actually
3 was.

4 A Correct. And I gave some insight on how they're set
5 up with T-Mobile in a populated -- normal populated city.
6 It's as little as a third of a mile to ---

7 Q Like Kansas City?

8 A -- to 2.2 -- to 2 or 2.5 miles in a normal city.

9 Q Okay.

10 A So I can't tell you, I can't give you an exact, you
11 know, number on the distance away from that handset to the
12 tower. I'm not here to do that. I'm just ---

13 Q Sure. And you couldn't tell us, for example, how
14 many towers are in Easley, for example, or how close
15 together they are.

16 A No, I cannot.

17 Q Do you suppose that they're farther apart than maybe
18 towers in Kansas City, Missouri?

19 MS. OWENS: Your Honor, I object. This calls for
20 speculation. He's repeatedly said he doesn't have any
21 information about Pickens County.

22 THE COURT: All right. If he knows.

23 THE WITNESS: I don't know.

24 BY MR. PRINGLE:

25 Q Okay. You told Mr. Boatwright that typically, a

1 device will engage the closest open tower.

2 A Correct.

3 Q Typically.

4 A A tower that's open, closest to communicate. That's
5 how the network wants to work.

6 Q So what would make a tower not be open?

7 A Like I said, I explained that earlier and said a
8 tower could be overcapacity, there could be a
9 line-of-sight issue, like something impeding the handset
10 to get to the tower, weather could be related. There are
11 multiple factors. Those are just a few of them.

12 Q Right. How about height of the tower?

13 A That -- that could be a possibility. Landscape.

14 Q The amount of congestion or if the network was
15 overloaded at the time.

16 A Correct. That's a possibility.

17 Q Okay. So there are any number of reasons why a tower
18 would show up on your data, and that would have nothing to
19 do with how close the phone was to the tower. There are a
20 number of other factors.

21 A I don't really know how to answer that question other
22 than what happened on the record is what transpired. And
23 so ---

24 Q So you've got -- I mean, you can say you recorded
25 certain towers being engaged. Other than that, you really

1 can't say anything about how it happened.

2 A Correct.

3 Q Okay. Thank you.

4 What is a bouncing signal?

5 A I don't know.

6 Q You don't know? You've never heard that term?

7 A I don't know what that is.

8 Q What's the most accurate -- the data that you've been
9 shown, that didn't include any kind of GPS locator,
10 correct?

11 A No, sir. GPS is in real-time and this is historic.

12 Q Okay. So GPS is more accurate.

13 A Correct. But you would have to know the events
14 taking place at that time to get that information. It
15 would have to be in real-time.

16 Q And GPS is widely available with cell phone
17 technology, isn't it?

18 A If it -- if you know the event is occurring in
19 real-time, yes.

20 Q Okay. In this case, we're not talking about GPS,
21 right? We're talking about towers.

22 A We're talking about historic after the event,
23 correct.

24 Q Okay. Are you aware of how many towers maybe would
25 be involved with any kind of effort to show where a phone

1 was or what area the phone was in general?

2 A Usually, they'll use three towers.

3 Q Is there a term for using three as opposed to one or
4 two towers?

5 A No. Triangulation.

6 Q Okay. Triangulation.

7 Why would it be important to have three towers
8 instead of one or two towers?

9 A It's just a way to put the phone in a certain area.
10 And so ---

11 Q So would a triangulation be more accurate or less
12 accurate using three towers than if you were to maybe use
13 two or one tower, for example?

14 A Like I said, I'm not an engineer. I've been doing
15 this for quite some time.

16 That's what typically happens. They'll try to put
17 different towers and show where that phone is operating.
18 So it's something that is widely known in the phone --
19 with the phone information.

20 Q Okay. Isn't it true that even with triangulation,
21 again, using three towers, if that was what was used in
22 this case -- and, again, are you certain that it was a
23 triangulation in this case?

24 A I didn't say anything about it. You asked me what it
25 was.

1 Q So we don't even know that.

2 A I have no idea. I didn't do any workups on this
3 information. All I did was I'm here to present the
4 information and enter this information in as evidence, and
5 that's it.

6 Q Isn't it true that even with triangulation, accuracy
7 can't be determined with any certainty inside of
8 1,500 meters?

9 A I'm not certain on that, sir.

10 Q Do you know how many feet are in a mile?

11 A 3,000 something.

12 Q If I told you it was 5,280 feet, does that sound
13 right?

14 MS. OWENS: Your Honor, I object to this line of
15 questioning.

16 THE WITNESS: I can't remember.

17 THE COURT: Hold on.

18 Where are you going with this, Mr. Pringle?

19 MR. PRINGLE: I'm about to tie it up if I can give
20 him that opportunity. I don't know what the problem with
21 that question is.

22 MS. OWENS: Well to the extent that he's telling the
23 witness what his answer should be, it's not a question.

24 THE COURT: Well, I mean, it's just for the mile.
25 I'll see -- I'll see where you're going with this.

1 BY MR. PRINGLE:

2 Q All right. So if we knew that triangulation can't be
3 pegged with any greater accuracy than 1,500 meters, that's
4 about 5,000 feet, okay?

5 A I didn't say that.

6 Q No. I'm asking you.

7 A That's not my answer.

8 Q Is that your understanding?

9 A I don't know.

10 Q But it's not a perfect system, is it? I mean, we've
11 already talked about the variables that go into this; is
12 that fair?

13 A I don't know how to answer your question.

14 Q Okay. So essentially, what you're able to say is
15 these are our records, you stand by your records.

16 A These are what -- these are the records, and this is
17 what actually transpired on the network.

18 Q That's what was printed out that you're looking at.

19 A Correct.

20 Q So you can say, hey, these are definitely our
21 records, and I know they're our records, but I won't
22 testify to their accuracy.

23 A That's not what I'm saying.

24 Q Well, then clear it up.

25 A They're our records, and this is the information that

1 we provided through legal process.

2 Q Okay.

3 A And these are the cell towers that were utilized on
4 the call detail records with cell site information. I'm
5 not talking about the timing advance information.

6 Q Right.

7 A Okay?

8 Q Yeah.

9 A That's pretty much it.

10 Q So, again, you did testify earlier then you are
11 unable or unwilling or can't testify about accuracy.

12 A That's not ---

13 Q Or interpreting the accuracy?

14 A I'm not going to testify to the accuracy of the
15 timing advance records.

16 Q Okay.

17 A There's two different things here, okay? Exhibit 22
18 and Exhibit 23 are timing advance records, okay? I can't
19 talk about the accuracy of that information. 24, 21 and
20 Exhibit 20 are all call detail records. Not 24, actually.
21 It doesn't have cell site information. But the
22 information within 21 and 20 that has cell tower
23 information is what actually transpired. It's the tower
24 that the calls emanated from with the latitude and
25 longitude.

1 Q Right. So we have no doubt that the towers were
2 engaged, according to that.

3 A Correct. But I cannot tell you where that handset
4 was in correlation to those -- to those towers.

5 Q Right. So we would know the tower was engaged, but
6 we can't determine with any accuracy how far away, why?

7 A I can't.

8 Q Okay. So in sum, your testimony today, really all
9 you can -- and it's through no fault of your own, but all
10 you can really say is we keep records of inaccurate and
11 unreliable information.

12 A I'm not going to answer your question.

13 MR. PRINGLE: Nothing further.

14 THE COURT: Any redirect?

15 MS. OWENS: Very briefly, Your Honor.

16 REDIRECT EXAMINATION

17 BY MS. OWENS:

18 Q With respect to the call detail records, if someone
19 were to change phones at any point during their contact or
20 relationship with T-Mobile ---

21 A Yes, ma'am.

22 Q --- would the call detail records reflect a change in
23 the serial numbers associated with the handset that the
24 subscriber was using?

25 A Yes, ma'am.

1 Q Now, there was some testimony -- or some questions,
2 rather, about the extent to which a tower might be
3 overtaxed or unavailable or otherwise inaccessible by a
4 handset. If that were to happen and the next closest
5 geographical tower was unable to make the subscriber's
6 call, what tower would the network try to use?

7 A The tower ---

8 MR. PRINGLE: Objection. That calls for speculation
9 for sure, and I wasn't able to ask that type of question.

10 THE COURT: Well, I don't believe that was the
11 question you asked. But go ahead.

12 THE WITNESS: The next tower that's open, closest to
13 communicate.

14 BY MS. OWENS:

15 Q Is it the next closest geographical tower?

16 A Correct. The next tower that's open, closest to
17 communicate.

18 Q Now, there was a little bit of examination about the
19 extent to which GPS and real-time location data is
20 distinct and different from what's in these call detail
21 records.

22 A Yes, ma'am.

23 Q Does T-Mobile in any capacity retain GPS information
24 regarding any subscriber?

25 A No.

1 Q As you understand it, is that information retained on
2 the actual handset itself?

3 A No.

4 Q If law enforcement were to ask T-Mobile to provide
5 global positioning system information, GPS information ---

6 A Yes, ma'am.

7 Q --- would T-Mobile be able to do that?

8 A We can, but it has to be at that time when an event
9 is occurring. And so in any event of a kidnapping, we
10 would get a call and we receive a call from law
11 enforcement saying we have an active situation here, we
12 need -- we need information to find this handset. And so
13 at that time they would implement that phone, and they
14 would provision it and get it to where they can actively
15 see what's transpiring on that handset and where it's
16 going, those types of things.

17 And it's within meters. So 15 feet, like, I mean, is
18 the closest you can get. It's about 15 feet from that
19 handset.

20 And so those are tools that we use in occurrences
21 where its immediacy is a necessary thing, right?

22 Q Yes, sir.

23 If law enforcement were to instead make this request
24 weeks or days, even a month later, would T-Mobile be able
25 to provide any of that information?

1 A No, ma'am.

2 MS. OWENS: I don't have any additional questions.

3 THE COURT: All right. Thank you. You may step
4 down.

5 THE WITNESS: Thank you, Your Honor.

6 THE COURT: Counsel, y'all want to approach just to
7 talk about scheduling?

8 (WHEREUPON, a bench conference was held off the record.)

9 THE COURT: All right. I was just trying to figure.
10 The next witness is going to be lengthy, so -- and it's
11 12:20, so I'm going to go ahead and give y'all a break for
12 lunch. 1:45. All right. Give us a little past over an
13 hour, and then we'll go hit it hard this afternoon.

14 All right. So remember, don't discuss your case.
15 Don't discuss this case, any part of it. Don't do any
16 type of research. Do not pay any attention to media
17 coverage if there's any out there including social media.
18 If anybody contacts you other than somebody from the
19 clerk's office, then please let the bailiffs know.
20 Otherwise, I'll see you back in here at 1:45.

21 And let me ask you, let me just tell you this just so
22 you can be thinking about it during lunch. Today's
23 Thursday. We need to make sure that we get everything in.
24 So from talking to the attorneys, we should be able to get
25 everything in by 5:00, but let's just kind of keep in the

1 back of our mind if we need to go a little bit past 5:00
2 today, then just while you're at lunch if you need to kind
3 of have a Plan B in place.

4 So thank you. We'll see you back after lunch.

5 (WHEREUPON, the jury exits the courtroom at 12:22 PM, and
6 a recess is taken; proceedings reconvened at 1:39 PM;
7 Juror Number 136, Devon Moore, entered the courtroom.)

8 THE COURT: Come on around.

9 (WHEREUPON, Juror Number 136, DEVON MOORE is duly sworn.)

10 THE COURT: All right. Are you Devon C. Moore?

11 JUROR NUMBER 136: Yes, sir.

12 THE COURT: You know why I've got you here. One is
13 you were instructed to be back here at 10:30 this
14 morning ---

15 JUROR NUMBER 136: Right.

16 THE COURT: --- and didn't show up. We had somebody
17 go out to look and see, go to the address that you gave
18 us. I know they called your employer. And we couldn't
19 locate you. And we waited for about 35 minutes and
20 weren't able to locate you and had to start the trial.

21 JUROR NUMBER 136: Yes, sir.

22 THE COURT: What have you got to say about it? Why
23 weren't you able to show up?

24 JUROR NUMBER 136: Well, I called -- I thought we
25 were supposed to call that card after 6:30 and it said

1 that, you know, if you serve jury duty, we're no longer
2 needed. So I thought that, you know, that y'all took care
3 of the case or whatever, got released yesterday. I
4 figured it was over, you know what I'm saying? Because
5 when I called, it said it was done.

6 THE COURT: I mean, I specifically told you to be
7 back here at 10:30. That was for people -- I mean, that's
8 related to the other people on the panel. That had
9 nothing to do with people on a jury.

10 JUROR NUMBER 136: That was a misunderstanding.

11 THE COURT: All right. Also, do you have a prior
12 conviction for pointing and presenting a firearm?

13 JUROR NUMBER 136: Yes, sir.

14 THE COURT: And you pled guilty to that in what year?
15 2017?

16 JUROR NUMBER 136: Yes, sir.

17 THE COURT: You got three years probation?

18 JUROR NUMBER 136: I think so.

19 THE COURT: All right. Why didn't you disclose that
20 information when I requested that information at the
21 beginning of -- when I was qualifying the jury, saying has
22 anybody been convicted of any crime where you could have
23 gotten more than one year in prison whether you served it
24 or not?

25 JUROR NUMBER 136: Again, misunderstanding. I didn't

1 understand what you meant.

2 THE COURT: And I understand when they did find you,
3 realized there was an outstanding bench warrant for Family
4 Court or something; is that correct?

5 JUROR NUMBER 136: Yes, sir.

6 THE COURT: So what arrangements have you made for
7 that?

8 JUROR NUMBER 136: What, for Family Court?

9 THE COURT: Yeah.

10 JUROR NUMBER 136: Well, I get my child support taken
11 out of my check every two weeks when I get paid. I don't
12 know why, you know, I had a warrant on that because I've
13 had the job, for the last two years it's been taken out of
14 my check.

15 THE COURT: What should I do with you? I mean, you
16 know, basically, I find what you've done is contempt of
17 court.

18 JUROR NUMBER 136: Yes, sir.

19 THE COURT: I'm here trying to figure out what I need
20 to do with you, whether I need to throw you in jail for
21 30 days.

22 JUROR NUMBER 136: I wish you wouldn't because I
23 don't want to lose my job and all that.

24 THE COURT: You weren't at your job today.

25 JUROR NUMBER 136: I know. I was going to wait -- I

1 was getting ready to go to work.

2 THE COURT: What time do you normally go to your
3 work?

4 JUROR NUMBER 136: Around 9:00, but I overslept this
5 morning.

6 THE COURT: How many days a week do you work?

7 JUROR NUMBER 136: I work six days a week.

8 THE COURT: Well, were you having to go into work
9 after hours because you're on the jury or were they
10 letting you slide on that?

11 JUROR NUMBER 136: Well, they were going to let me go
12 in after hours, but I just -- I hadn't.

13 THE COURT: I don't know. Anything else you want to
14 tell me?

15 JUROR NUMBER 136: I don't reckon.

16 THE COURT: I mean, I just find that all the
17 circumstances -- you know, and as you know, this is a
18 very important trial, and if we didn't have -- if you'd
19 have -- you know, it could have potentially created a
20 problem where we couldn't have gone forward. I just find
21 that what you've done is contempt of court. I'm going to
22 give you -- I'm going to let you stay through the
23 weekend.

24 JUROR NUMBER 136: Yes, sir.

25 THE COURT: That will be four days. I'll let you

1 stay in custody until Sunday, and then -- so I'll give you
2 four days for that. That way you get back to work on
3 Monday.

4 JUROR NUMBER 136: Thank you.

5 THE COURT: All right. Good luck to you.

6 (WHEREUPON, a recess is taken at 1:45 PM; State's Exhibit
7 Numbers 33 and 35 were marked for identification.)

8 MS. MUNSON: Judge, if you want to hear it, I just
9 kind of want to tell you what our tentative plan is,
10 although plans aren't really happening with this trial.

11 But the first thing we'd like to do even before the
12 jury comes out is make sure we get on the record
13 Mr. Boatwright's objections.

14 THE COURT: Okay. Yeah.

15 MS. MUNSON: We talked about it over there but it
16 needs to be on the record.

17 The second thing is, we will call Mr. Swafford. And
18 then that should be pretty lengthy. So after Swafford
19 testifies ---

20 THE COURT: Mr. Swafford.

21 MS. MUNSON: Yes.

22 THE COURT: As in Brian Swafford?

23 MS. OWENS: It is, but I don't know that it's
24 appropriate for us to refer to him as His Honor.

25 THE COURT: No. I know.

1 MS. MUNSON: Anyway, after he testifies, it might be
2 a good time for a short break so that we can then handle
3 the Jackson v. Denno hearing for statements that
4 Mr. Collins made.

5 THE COURT: I thought that they -- I guess we need to
6 wait until their clients are here before we get to
7 substantive -- all right.

8 MS. MUNSON: I'm just telling you what the plan is.

9 THE COURT: No. I know.

10 MS. MUNSON: Mr. Collins did make some statements
11 after he was arrested. He gave a lengthy interview to
12 Detective Hamby, and he made three statements that we
13 submit are admissions. So what we'd like to do is, number
14 one, do the Jackson v. Denno, and then we'd kind of like
15 to be heard on the road map sort of for the examination of
16 Mr. Hamby. Because I anticipate some ---

17 THE COURT: I'm just looking at my little notes from
18 Friday. Jackson v. Denno, parties agree that there will
19 be -- no Jackson v. Denno hearings are needed.

20 MS. MUNSON: That is correct. That's what we agreed
21 to then, but it's just not right.

22 THE COURT: So what happened in the meantime? Did
23 somebody back out of the agreement?

24 MS. MUNSON: No. I mean, it wasn't no fault of
25 theirs. It was a closer examination by me of that

1 interview where their statements were made.

2 Now, both sides have had that interview, but he's
3 clearly in custody and he is mirandized.

4 THE COURT: Okay. I mean, that's fine. I just
5 thought that's what we had spent Friday afternoon so we
6 get rid of all ---

7 MS. MUNSON: That was five minutes of Friday
8 afternoon. The rest of it was all this stuff.

9 So that's what I anticipate.

10 THE COURT: Okay. All right. Anything you all want
11 to present at this time, from Collins?

12 MR. PRINGLE: Before Swafford?

13 THE COURT: Yes.

14 MR. PRINGLE: No, Your Honor.

15 THE COURT: All right. And you want to put your
16 objections that we had on sidebar. The objection's on the
17 record, but the basis of it.

18 MR. BOATWRIGHT: Yes, Your Honor. The defense
19 objected to the admissibility of the timing advance
20 records.

21 THE COURT: And they were exhibits what?

22 MR. BOATWRIGHT: It is Exhibit 22 and Exhibit 23.

23 THE COURT: Okay.

24 MR. BOATWRIGHT: We objected on the grounds that
25 T-Mobile would not testify as to the accuracy of the

1 information contained in the records and ask for them to
2 be suppressed.

3 THE COURT: And I, in our conference -- I mean in our
4 sidebar indicated that I overrule that. They were
5 admissible.

6 So anything else?

7 MS. MUNSON: Nothing from the State, Your Honor.

8 MR. PRINGLE: No, Your Honor.

9 MR. BOATWRIGHT: No, Your Honor.

10 THE COURT: All right. Bring the jury in.

11 (WHEREUPON, the jury entered the courtroom at 1:54 PM.)

12 THE COURT: All right. Ladies and gentlemen, if you
13 will recall, the State was still on their case before
14 lunch.

15 And now you may call your next witness.

16 MS. OWENS: Thank you, Your Honor. May if please the
17 Court. The State calls Mr. Brian Swafford.

18 Mr. Swafford, if you would, sir, please come up and
19 be sworn.

20 WHEREUPON,

21 BRIAN SWAFFORD

22 After having been duly sworn, testified as follows:

23 THE CLERK: Thank you, sir. If you would, have a
24 seat and state your name for the record.

25 THE WITNESS: Brian Swafford.

DIRECT EXAMINATION

BY MS. OWENS:

Q Mr. Swafford, back in December of 2018, where were you employed?

A I was employed with the Pickens County Sheriff's Office.

Q What was your capacity at the sheriff's office?

A At the time I was a lieutenant with the Special Victims Unit in the sheriff's office.

Q Now, do you recall becoming involved in the investigation that's the subject of this trial?

A Yes, ma'am.

Q How'd you become involved?

A I was contacted by Agent Hamby with the Easley Police Department on February 4, 2019, and he advised that they had some phone records for this investigation he would like for me to review through a program that we use called ZetX.

Q Did you say ZetX?

A ZetX.

Q What is that program?

A ZetX is an Internet-based program where the phone records that come in, it's a program that basically runs the phone records for you to map out the call details to show you what cell site was used when these phone calls

1 come in. It does a multitude of things, this program
2 will, but primarily in this investigation we used it for
3 what we call CDR, call detail records, or advanced timing
4 records.

5 When these programs come in, you can do it yourself
6 but there's thousands of these records, so this program
7 just expedites, able to view those results.

8 Q And is that a program that you use regularly at the
9 sheriff's office?

10 A Yes, ma'am. I was -- we have been using it since
11 2017, and I was the one that was sent to get certified in
12 using this program in September 2017.

13 Q So did you take a course to learn how to operate
14 ZetX?

15 A I did, yes, ma'am.

16 Q Now, when you receive either call detail records or
17 advanced timing records, what is the process by which you
18 give those records to the ZetX program?

19 A Cell phone providers provide it to us in a digital
20 format, and all we do is take that digital format and
21 uploaded it into the Internet-based software and then it
22 maps it for us.

23 Q Is it a drag-and-drop, for lack of a better word?

24 A Pretty much, yes.

25 Q Do you make any modifications to the records that you

1 receive?

2 A I do not.

3 Q Now, you testified a moment ago that the ZetX program
4 is designed to map the location data that's contained in
5 the call detail records and the advanced timing records;
6 is that correct?

7 A Yes, ma'am.

8 Q Okay. And did Detective Hamby from the Easley Police
9 Department provide to you a variety of the call detail
10 records and advanced timing records related to their
11 investigation?

12 A He did. He had two records. Both were from
13 T-Mobile, but two different cellular numbers.

14 Q So did you plug both of those cellular telephone
15 numbers into the ZetX program based on the information
16 that T-Mobile had provided to the Easley Police
17 Department?

18 A I did, yes.

19 Q And as a result, did you generate some maps of what
20 that data indicated?

21 A I did, yes.

22 Q I'm going to show you State's Exhibit 25. This is a
23 packet of about 56 documents. Do you recognize that
24 material?

25 A Yes, ma'am. This is basically screenshots, some

1 records from those two cellular devices that I took in
2 that program, ZetX program.

3 Q Did you personally generate those images from that
4 program?

5 A I did.

6 Q And did you retrieve and capture those screenshots of
7 what that program showed after the call detail records and
8 advanced timing records were input into the ZetX program?

9 A I did.

10 MS. OWENS: Your Honor, at this time I'd offer
11 State's Exhibit 25.

12 THE COURT: All right. Any objection from Collins?

13 MR. PRINGLE: None.

14 THE COURT: Any from Ladson?

15 MR. BOATWRIGHT: Yes, Your Honor. We would object on
16 the grounds that they used and relied on the timing
17 advance records.

18 THE COURT: All right. Okay. Subject to that
19 objection, they're introduced -- they will be accepted in
20 evidence.

21 Did you say 25?

22 MS. OWENS: Yes, Your Honor.

23 THE COURT: All right.

24 (WHEREUPON, State's Exhibit Number 25 was admitted into
25 evidence.)

1 BY MS. OWENS:

2 Q Now, while we wait for the screen to warm itself up,
3 could you tell the jury a little bit about how these
4 images are organized, for lack of a better word?

5 A Yeah. So basically, what ZetX does, and I'll tell
6 you a little bit about that, it puts it on Google Maps.
7 It opens it up in Google Maps. And these records -- a
8 call detail record is going to give you the phone number,
9 obviously, the target number, it's going to give you the
10 number that it is connecting to, the duration of the call
11 and things like that. It's also going to give you the
12 cell site of the tower. They identify towers by numbers.
13 And it's going to give you a physical address for that
14 tower.

15 Now, obviously, you can go in and manually do that in
16 Google Earth yourself, put all that in, but this just
17 speeds doing that process up.

18 So with doing that, you'll have call detail records.
19 And when we see these documents, you'll see when it shows
20 the call detail record, you'll see like a balloon type
21 shape, and that's showing what side of the -- that's a
22 call from a tower. A tower's got three sides and it goes
23 around 360 degrees. The balloon shape is showing you what
24 sector that tower hits on and where that cell phone is in
25 that tower range.

1 The advanced timing records, basically, it's an Excel
2 spreadsheet, and it's going to give you a longitude and
3 latitude, and it's going to give you confidence rate. The
4 confidence rate is either low, medium or high. And if
5 it's a low confidence, it's going to make the circle
6 around that GPS location bigger saying that it thinks it's
7 at that GPS location, but it's a low confidence, so
8 therefore, it gives you a greater circle around that. And
9 the higher the confidence, the lower the circle is.

10 So in reviewing these records, the incident date was,
11 obviously, December 14th. And we started at midnight that
12 night to look to see where these two cellular devices were
13 at at that time and progressed throughout the day to the
14 incident time and a little bit after the incident time.

15 Q So to the extent that there are some colored images
16 on these maps, what is your understanding of what the ZetX
17 program is depicting with those colored areas of the map?

18 A Like I said, the balloon-type shape with one of the
19 little -- the balloon-type shape, that's call detail
20 records. That's when that phone call is coming in.
21 That's what tower it's hitting off of, and that's where
22 the tower, the sector of that tower reaches where that is.

23 The complete circle is the advanced timing where you
24 have the GPS location.

25 MS. OWENS: Okay. Well, then let's start with --

1 with the Court's permission, I'd like to begin publishing
2 this material.

3 THE COURT: You may.

4 BY MS. OWENS:

5 Q Begin with page 1 of State's Exhibit 25.

6 A So in each of these records, you're going to see
7 three photos per -- per call detail per record. The first
8 one is just going to be an overview of the two records and
9 then the follow-up. I'll click on each record and show
10 you individually what those records portray. So it will
11 be the overview to be the top record, and then the bottom
12 right.

13 So that right there, this is the first one. If
14 you'll see like the balloon, like I was saying the balloon
15 thing, these are call detail records from the two cellular
16 phones.

17 The top one up there, I know it's hard to see from
18 here, but it's showing in the area really between Easley
19 and downtown Greenville. And that's in the area of 123.
20 Obviously, I can't say exactly because the red marks is
21 where -- that's saying where that phone's at. So I can't
22 say on 123, but in that area, that top record.

23 You'll see the number up beside the pin right there.
24 And all that is is, like I said, these records come in
25 Excel format, and C744 up there, that's just telling you

1 that that record can be found on Line 744 within that
2 Excel program.

3 So we're seeing at this time and we'll see with the
4 further ones what time this actually is, but that these
5 two cellular device were not in the same area.

6 Q Did this particular image, page 1 of State's
7 Exhibit 25, depict then two different cell phones?

8 A Two different cell phones, that's correct.

9 Q And is it your understanding that this program is
10 mapping both call detail records and both advanced timing
11 records from each of the two cell phone numbers Easley
12 provided to you?

13 A Correct. Totally -- totally separate records, but I
14 combined them both into ZetX.

15 Q So moving to page 2, and I'm happy to zoom in to the
16 extent that that's more helpful.

17 A Yeah, that is.

18 Q So what is depicted on page 2?

19 A So what I do is in ZetX and Google Earth, basically
20 what it puts it in, you can tap on the little pin there.
21 And that pin actually is a cell phone tower. You click on
22 it, and it's going to pop up this box. And obviously, you
23 can see that it's a T-Mobile. It gives you the start
24 time. This is on the 14th at 0:19, which is midnight, 19
25 minutes after midnight. Going to give you the target

1 number, 5400. It's going to give you the direction. It's
2 an outgoing voice call. It's going to give you what
3 number it's connected to. It's going to give you duration
4 in second, 77 -- 76 second phone call. Going to give you
5 the tower number, which is what T-Mobile, how they
6 identify that tower, the sector, and then the time zone.

7 We get a lot of these things. They're in UTC time,
8 so we have to convert them over into Eastern standard
9 time. So that tells you that -- they give you that in UTC
10 time, but they've adjusted it to put it in Eastern
11 Standard Time for us.

12 Q So then before we start moving through these really
13 quickly, is this text box a depiction from the call detail
14 records that shows a phone call made from [REDACTED]-5400 to
15 [REDACTED]-8398?

16 A Yes, ma'am.

17 Q And this text box depicts that the caller is in the
18 area of, I believe you testified, 123.

19 A Yeah. You can see up there. It's on the -- north is
20 up, obviously. It's in a corner up there. It's between
21 Judson and downtown Greenville is where this tower is
22 located.

23 Q Let's move to page 3.

24 A Same picture, just with a different phone record
25 here. The top number had called the bottom number. It's

1 the same time. The target number here is, obviously,
2 8398. It's connected to 5400, which is the top one. Same
3 76 seconds.

4 You can see the tower number, obviously different,
5 and the time zone is always going to be the same thing.

6 And you can see where this tower is. That's 85 --
7 Interstate 85 down there south of -- well south below
8 Greenville.

9 Q Okay. Let's move to the next image is page 4.

10 A Again, this is just an overview of the records later
11 on in the day. If you'll see the bottom one there, it's
12 still -- that's still the same tower that it was hitting
13 the last time, but we can tell that this top one has moved
14 to a different location kind of from the west side of
15 Greenville there, on the southwest side of Greenville.

16 Q Okay. Let's move to the next page.

17 A So this takes us to 4:00 in the afternoon on the
18 14th. The target number here is 5400. It's an outgoing
19 voice call to the phone number 8398. The duration there,
20 I can't tell if it's 120 or 128. And it gives you the
21 tower number there. So as you can see, Greenville's up
22 there in the left corner, so he's kind of southwest of
23 Greenville City at this point.

24 Q And then moving to page 6 with the same image.

25 A Same image. The target number here is 8398. It's

1 that same coming in -- incoming voice from 5400, 120, 128
2 seconds. And he's still hitting on this same tower down
3 there on 85 that he was at midnight.

4 Q Now, before we continue moving forward with calls,
5 are you able to map, locate, do anything with the data on
6 the call detail records or the advanced timing records
7 related to text messages that users send or receive on
8 their phones?

9 A No. My understanding a lot of times that the cell
10 phone companies, just due to storage issues, unable --
11 there's so many text messages coming and going they don't
12 -- they don't store as much information as they do in
13 phone calls and call detail records. We'll see it in the
14 records that they had an SMS or a text message come in and
15 out and who it's to, but we're not going to get location
16 services based on that.

17 Q Let's move to page 7, the next exchange.

18 A All right. Still same. Two different -- two
19 different ones. You see 2858 in the bottom down there.
20 Still the same location on 85. Ten forty seven is the top
21 record. It is up -- you see Greer right below it, so it's
22 kind of east, northeast of City of Greer.

23 Q All right. Now let's move to the details of those
24 calls.

25 A All right. Same date, the 14th of December. This

1 1832, which is 6:32 p.m. The target number there is 5400.
2 Another outgoing voice to 8398. This is a 17 second call.

3 Q And the other half of that exchange.

4 A Yes. This is just where he had that incoming call
5 from 5400 at 6:32. Again, same tower number, still same
6 location he was the two previous records.

7 Q All right. Moving to page 10.

8 A All right. Two separate records. Top one again is
9 going to be 5400, bottom's 8398. You can see there he's
10 -- you see Haywood Mall right there, so he appears to be
11 north of Haywood Mall area, and the other one's still on
12 the same tower.

13 Q All right.

14 A So shows this is 1901, 7:01 p.m. 5400 had an
15 incoming call from 8398. And I believe that says
16 97 seconds. So 7:01 is a phone call.

17 Q And then, again, page 12 is the other half of that.

18 A Yep. Just the other half of it. Same -- same stuff.
19 Same -- same tower as he has been hitting on the previous
20 records.

21 Q Page 13 of State's Exhibit 25.

22 A All right. Here is where the records merge. They're
23 both hitting on the same tower at this point.

24 Q And I'll move to page 14 to allow you to explain
25 that.

1 A 7:24, 5400 incoming call, 22 seconds. And they're
2 hitting on the tower that the 8398 has been hitting on all
3 day.

4 Q So as of 7:24 in the evening, the phones are now
5 closer.

6 A They're closer. They're connecting to the same
7 T-Mobile tower.

8 Q Now, page 15 of these records.

9 A All right. This is where we get into advanced timing
10 records. This is where, basically, phone companies can
11 tell the distance between the phone to the tower that it's
12 communicating to, because phones and towers communicate
13 back and forth, obviously. So it's giving you a
14 guesstimate, GPS guesstimate to where that phone is based
15 on that record of timing in advance.

16 The red dot is actually the GPS, the little red dots.
17 The big red circle is the confidence level. Sometimes
18 they're bigger, sometimes they're smaller.

19 These records are for the 8398 number. And this
20 right here (indicating) is just showing you, I clicked on
21 a little box showing you from the 14th from basically
22 noon, a little after noon to 7:30 p.m. it's right there in
23 that one little spot that's right there at 85 right near
24 the tower that was seen for the previous records.

25 Q All right. Now I'm going to move to page 17.

1 A This is where I took a snapshot when that phone
2 begins to move from that location.

3 Q And page 18, the details.

4 A We first noticed it moving at seven -- 1932, which is
5 7:32. This -- the box here is advanced time. It's going
6 to give you a little bit different information: target
7 number, IMSI, duration, then it shows you the longitude
8 and latitude, the confidence and the time zone which is in
9 market time which is Eastern Standard Time. So we first
10 seethat phone start moving at 7:32.

11 All right. Same shot. I go from the first record,
12 191, to the last record to show. And it appears -- you
13 can see where there's 25/White Horse Road area. It's in
14 that area, and then comes up and turns off that towards
15 Easley. And at 1938, which is 7:38 p.m. Is when it's at
16 -- right there it appears to be on 123, 124 area going
17 towards Easley.

18 Q Now, you testified a moment ago that these numbers
19 inside these red circles correspond with the line numbers
20 on the actual Excel spreadsheet?

21 A Yes, ma'am. That's correct.

22 Q Are they identified in sequential order then?

23 A They are, yep.

24 Q Moving to page 20.

25 A All right. Just starting from 194 where I was at a

1 while ago, I go up to 198. I'll show more time on the
2 next one on 194.

3 All right. We see that's 1938, 7:38. You see
4 Greenville Pickens Speedway right there. And it appears
5 to be in or around the area of 123 towards Clemson.

6 Q And, I believe, moving to page 22 of that same
7 image . . .

8 A That would be the last record right there where 123
9 and 93 kind of come in together at 7:49 p.m.

10 Q Page 23 of State's Exhibit 25.

11 A Just another set of records to show you where --
12 where he -- where this phone would have been in this time.
13 As you see right there, these records, 198 to 202, is
14 showing him going towards or in or around the downtown
15 area of Easley.

16 Q And the detail is on page 24.

17 A That record, 7:49 p.m. with all the information.

18 Q And ---

19 A The next should be for 202.

20 This is -- we're going back to call detail record
21 now, but the balloon-type shape, it's hitting on a cell
22 phone down there below Fleetwood near the cell towers near
23 the Easley Baptist Hospital.

24 Q And page 26.

25 A Yeah. Because I'm not sure -- okay. That's the cell

1 phone tower hit from the 5400 which is the different
2 number than we had the advanced timing. We didn't have
3 any advanced timing for 5400. We had it for 8398.

4 5400 is hitting the tower down there near Fleetwood
5 in Easley at 7:54 p.m. He has an in-coming call from this
6 7024 number. The duration is two-second incoming call.

7 Q And page 27.

8 A All right. This is where I took the call detail
9 record, line 1058, the phone from 5400 and the advanced
10 timing, line 203 there, these two records together to show
11 where they were at around the time of the incident. The
12 call detail records show is hitting at 7:54 p.m., and the
13 advanced timing is at 7:56.

14 Q So then this series of images depicts both phones on
15 the same map on top of each other.

16 A Correct. Yeah.

17 Q Okay.

18 A It's both records combined.

19 Q Moving to page 30.

20 A I took the screenshot of what it -- at around the
21 time the incident was reported to after. So it's showing
22 at the 204 at 7:57. At 7:57 p.m. he's showing in that
23 downtown Easley area. And this is for cell phone number
24 8398.

25 Again, 7:57 he's in the downtown area, and then he's

1 moving away, Saluda Dam Road type area, in that vicinity.

2 Q As these numbers increase, is that the movement of
3 the phone?

4 A Correct, yeah.

5 Q Moving to page 32, if you can tell us what was
6 depicted here.

7 A That's just the overview of that same screenshot
8 there of those records.

9 Q And page 33 of the same.

10 A This should be the CDR from 5400, a call detail
11 record. He's hitting that same tower right at Fleetwood
12 at 7:57 p.m.

13 Q Page 35.

14 A Back to advanced timing on 8398 just to show you
15 where 212, where that last record right there. So at 8:06
16 you can see that he is Saluda Dam area-ish heading east
17 kind of away from the hospital towards Saluda Dam area
18 towards the county line.

19 Q Page 36.

20 A This is another call detail record.

21 The next one will show us, but that's hitting off of
22 -- that's for 8398, the same number we had the advanced
23 timing for. At 8:18 p.m. he's hitting on a cell phone
24 tower off of I believe that's White Horse Road, the main
25 one right there that's off of.

1 Q Outside of Easley?

2 A Outside of Easley in Greenville County.

3 Q Page 38.

4 A Another cell phone tower hit from 8398 at 8:21 p.m.
5 He's hitting a tower right on White Horse Road and
6 Interstate 85.

7 Q And just to be clear, I believe you said just a
8 moment ago that this was 8398.

9 A I'm sorry. Yeah. I said that. It's 5400, the
10 different one. He is hitting the tower at White Horse
11 Road and 85 at 8:21.

12 Q So now both of these phones appear to be utilizing
13 cell phone towers back in Greenville ---

14 A Yes.

15 Q --- as of 8:20 p.m.

16 A 8:20. I think the last one was 8:17. Hit one a
17 little further north on White Horse. 8:21, a little
18 further south this cellular device connects to one closer
19 to 85.

20 Q Okay. Page 40.

21 A All right. This is showing where 1064 -- show me the
22 next one, please. That's got the number on it.

23 Q Sure.

24 A That's 5400. And this is hitting back at that same
25 T-Mobile tower that 8398 was hitting all at the beginning.

1 Q Are you able to tell whether this is the same tower
2 that was utilized to make calls at 7:24?

3 A Yes. You can see that. And the tower -- where it
4 says at the bottom the tower, that tower number will be
5 the same on those records.

6 Q Okay. Let's go to page 42.

7 A Line 1067, this is that same tower being utilized by
8 5400 at 8:28 p.m.

9 Q Moving to page 44.

10 A Same tower, same location right there being utilized
11 by 8398. So both phones are utilizing that same tower
12 8:30-ish p.m. that evening.

13 Q All right. Let's go to page 46 of State's
14 Exhibit 25.

15 A Another -- that same tower that we're talking about,
16 1069. This time it's being utilized by the cell phone,
17 5400 cell phone at 8:34.

18 Q Page 48.

19 A Again, same tower ---

20 Q And 49.

21 A --- being utilized by 5400 at 8:35.

22 Q As the caller utilizing [REDACTED]-5400 is making or
23 receiving calls now again and again, do these appear to be
24 the exact same cell phone towers?

25 A It is, yes.

1 Q Page 50.

2 A All right. This is one, I believe, the number 5400,
3 but we see it begin to move off of that tower. It's the
4 same tower number, but it's a different sector. So it's
5 hitting that same tower, but it's hitting a different side
6 of the sector of that tower so -- which indicates to me
7 that whoever's got this phone is possibly moving in a
8 different direction. This is at 8:37 p.m.

9 Q All right. And now page 52.

10 A It's showing two lines. It's two -- two records
11 here. It's showing at 8:43, 8398 is still sitting on that
12 same sector, that same tower that we seen it hit on all
13 during the day. So it's not -- doesn't appear to be
14 moving.

15 The next record, same from 8398, and it's same tower,
16 same sector that it had been earlier in the day.

17 Q So at 8:44 p.m. the cell phone number utilizing
18 [REDACTED]-8398 remains at a tower being accessed at the area of
19 85 and ---

20 A Yes. It was -- it remained at Sector 2 you see at
21 the bottom. The previous one, 5400, was hitting that same
22 tower, but it was a different sector of that tower.

23 Q All right. And page 55. I believe this is our last
24 call.

25 A 104, I think is where we just show where 5400 has

1 continued to move. At 8:45 he is hitting a tower. I
2 think that location is off 276. So he's completely moved
3 away from that tower that we seen earlier around Highway
4 -- Interstate 85.

5 Q After you delivered this material to the Easley
6 Police Department for their investigation, did you have
7 any other involvement in the investigation?

8 A No, ma'am.

9 MS. OWENS: Thank you, sir. If you would, answer any
10 questions the defendants may have for you.

11 THE COURT: Cross-examination?

12 MR. BOATWRIGHT: Thank you, Your Honor. May it
13 please the Court.

14 CROSS EXAMINATION

15 BY MR. BOATWRIGHT:

16 Q Good afternoon, Mr. Swafford.

17 A Good afternoon.

18 Q I'm going to hand you what's been admitted into
19 evidence as State's Exhibit 22.

20 A Okay.

21 Q What is that?

22 A (Reviews exhibit) It's advanced timing records. I'm
23 trying to see which number. It's advanced timing records,
24 T-Mobile advanced timing records. I don't see a phone
25 number here to identify which one exactly.

1 Q That would have been the advanced timing record that
2 you would have used in making all those maps we just saw,
3 right?

4 A I believe so, yes, sir.

5 Q But in looking at it right now, you can't tell me
6 whose phone number or whose phone that is to.

7 A (Reviews exhibit) Not on -- not on this. I mean, all
8 the rows in here, obviously, Excel, some of these rows are
9 compressed in this one.

10 Q Okay. But you're able to take that data and make a
11 map where each phone was at?

12 A Using ZetX, yes.

13 Q But you can't tell me who's this phone record?

14 A It's got the IMSEI number. I don't have the -- if I
15 had more of that data back, I could look at that IMSEI
16 number and compare it to those records.

17 Q All right. Let me get you the call detail records
18 real quick. This is State's Exhibit 20. This is the call
19 detail records that correlate to the timing advance
20 records that you can cross-verify and let me know what
21 number those timing advanced records are to.

22 A (Reviews exhibit) And again, these records should
23 also have a subscriber information in the records that we
24 received from T-Mobile. And if I had the IMSI from the
25 subscriber information, I could tell you exactly which

1 phone this belongs to.

2 Q So if you look on the call detail records, the 10th
3 column over should have the IMSI.

4 A (Reviews exhibit) That's it, yeah. I can't see this
5 one, it's so small. What is the last two digits on that
6 one?

7 Q It looks like it is 9-9.

8 A IMSI, this is 9-9. I can only see the last two of
9 this one, and this one is 9-9 as well, and the call detail
10 record is for 5400.

11 Q Okay. Thank you. So these timing advance records
12 would be to the 5400 phone number.

13 A Correct.

14 Q But you just testified on direct that y'all didn't
15 have timing advance records for the 5400 number.

16 A We didn't for that time frame that I was looking at.

17 Q Okay. So in making the map, you had no timing
18 advance information for 5400 during that time frame.

19 A No, sir.

20 Q And timing advance records are records that are kept
21 basically showing anytime the phone connects to the tower,
22 correct?

23 A I'm not sure exactly when the phone companies capture
24 that information. But just my understanding, I mean, that
25 timing advance is when the phone is -- the company is

1 determining how far away from the tower it is.

2 Q Okay. And call detail records is when the phone
3 connects to the tower by making a phone call.

4 A Or text message.

5 Q So if the phone is making a phone call, it's clearly
6 connecting to a tower, correct?

7 A Yes.

8 Q And by connecting to a tower, then there also should
9 be a timing advance record for that phone call.

10 A Again, I -- I can't testify to what providers capture
11 or do not capture.

12 Q Are you aware that T-Mobile will not testify to the
13 accuracy of the timing advance records?

14 A I'm not.

15 Q They didn't send you a disclosure when they responded
16 with this telling you that they will not verify the
17 accuracy of any information in the timing advance records?

18 A It -- it may be in there.

19 Q You just didn't look at it?

20 A I don't recall seeing it.

21 Q So you relied on these records to determine someone's
22 location, correct?

23 A Yes, sir.

24 Q But you don't know if they're accurate or not.

25 A I know they're accurate to what they give me.

1 Q T-Mobile says they won't testify to the accuracy of
2 them.

3 MS. OWENS: Your Honor, I object to this. They're
4 pitting witnesses.

5 THE COURT: Sustained.

6 BY MR. BOATWRIGHT:

7 Q T-Mobile gave you a disclosure stating that they
8 would not testify to the accuracy of this. How did you
9 verify the accuracy?

10 MS. OWENS: I object again to the extent that he's
11 just restating what another witness has said.

12 THE COURT: He said he didn't know anything about the
13 disclosure. So overruled unless you -- if you lay a
14 better foundation. But otherwise, sustained.

15 BY MR. BOATWRIGHT:

16 Q You said T-Mobile gave a disclosure, correct?

17 A Yes. They typically do.

18 Q Telling you that they wouldn't testify to the
19 accuracy of the records.

20 A I don't have the disclosure here in front of me.
21 There is some disclosure forms from the cell phone
22 providers what they will or will not testify to.

23 Q Okay. Is timing advance records one of those things
24 they won't testify to?

25 A I'm not -- I'm not sure.

1 Q How many years have you been doing or did you do cell
2 phone data?

3 A Since I started. About 2017.

4 Q So five years?

5 A Yeah.

6 Q Okay. And you said you got classes on it?

7 A I did.

8 Q You got training on it.

9 A I did.

10 Q In any of those classes and any of those trainings,
11 did they ever tell you that timing advance records they
12 will not certify?

13 A No.

14 Q No?

15 All right. So your understanding of the timing
16 advance records is that they're accurate.

17 A Yes. I mean, not pinpoint accurate, but general area
18 accuracy.

19 Q All right. So -- and, again, the timing advance
20 record is the cell phone tower determining -- you said
21 that it's determining how far away the phone is from that
22 tower, correct?

23 A Yes.

24 Q I'm going to give you State's Exhibit 22 again. We
25 will just do the very first line. If you would, please

1 tell me what is the tower number that that tower is for
2 the first line.

3 A It's not giving you a tower number. It's giving you
4 latitude and longitude.

5 Q Okay. And latitude and longitude is to the tower,
6 correct?

7 A No. It's to where they think the phone is at.

8 Q The latitude and longitude is to where they think the
9 phone is.

10 A Yes.

11 Q Where's the tower at?

12 A It doesn't give you tower information on this.

13 Q So there's no tower information on there.

14 A No. Not in here what I'm seeing.

15 Q But that is telling you how far away the phone is
16 from the tower?

17 A From a tower. From one of their towers. It's basing
18 -- it's just giving you -- it's just giving you longitude,
19 latitude, and then it gives you that confidence level.
20 And that confidence level gives you that circle around
21 that longitude, latitude in meters.

22 Q How far away?

23 A It's showing low. So I think low is between like 3-
24 to 500 meters. I'd have to go back and look at the
25 records.

1 Q Which records would you need to look at that?

2 A It would be the T-Mobile ---

3 Q Timing advance records?

4 A No. It wouldn't be in the records. It would be in
5 like the disclosures and stuff like that.

6 Q Well, I mean, based off of your expertise, your
7 training, your experience, the numerous amount of data
8 you've done this on ---

9 A Well, I don't know that -- I don't know. I can't
10 answer exactly what low, the number, the radius as in low,
11 medium or high. High -- high confidence, they're more
12 confident in that data being correct, that longitude,
13 latitude. Low means that they're not and they give you a
14 greater distance around that longitude and latitude.

15 Q The latitude and longitude on the call detail
16 records, that's to the cell phone tower, correct?

17 A Correct.

18 Q One second.

19 All right. So the timing advance records, you're
20 saying, tells us where the phone is in relation to a
21 tower, correct?

22 A It's giving you longitude and latitude. The towers
23 communicate with it, but it's just giving you a longitude,
24 latitude.

25 Q Okay. But it doesn't tell you what tower it's

1 connecting to.

2 A Correct.

3 Q And it doesn't tell you in mileage, meters feet or
4 anything how close this phone is to the tower?

5 A No. It just gives you -- it just gives you the lat.,
6 long.

7 Q And did you verify anything on that report, on that
8 record? Did you go to any of those latitude and
9 longitudes and verify that that is accurate?

10 A No. I can enter them -- when I use them in there, I
11 manually can enter them in to make sure the records that
12 it gives me, I check -- I can't check all thousands of
13 them, but stuff that I can take to court, I can enter it
14 manually into the search box of Google Earth, which is
15 using it. It's going to show you that longitude,
16 latitude.

17 Q Okay. Now, the call detail records, you use these to
18 determine with the timing advance records the location of
19 someone?

20 A You can, yeah. Amongst other things you can use it
21 for.

22 Q Is that what you did here?

23 A Yes.

24 Q Okay. How many towers were used on the call detail
25 records? Per line, how many towers of data were you

1 given?

2 A Per line?

3 Q Yeah. Per call, per text, per anytime that there was
4 a record from the call detail record.

5 A You get one line.

6 Q Okay. And was there two towers? three towers? one
7 tower?

8 A It's going to show you just one tower.

9 Q Just one tower?

10 A Uh-huh.

11 Q Okay. Now, every tower has a different range that it
12 can reach, correct?

13 A Uh-huh.

14 Q How far is that range?

15 A It depends.

16 Q On what?

17 A On the environment. If you're in a rural part of the
18 town or country -- county or the city part, they have
19 different ranges.

20 Q Okay. Let's say that tower that we just talked
21 about, 62893, was on the maps, one of those that was in
22 Greenville, how far is the range on that tower?

23 A I don't -- I don't -- without measuring it, I don't
24 know. I mean, I can measure it in that program.

25 Q If I was 50 feet away, would my phone be able to use

1 that tower?

2 A Yeah. Sure.

3 Q If I was a mile away, would my phone be able to use
4 that tower?

5 A More than likely in that area.

6 Q Okay. If I was ten miles away, would my phone be
7 able to use that tower?

8 A Again, I'd have to measure it. I don't know. You
9 can see the different size of the coverage area in those
10 illustrations.

11 Q What if I am 30 miles away from that tower and that
12 tower is the closest open for communication tower, would I
13 ping off of it?

14 MS. OWENS: Your Honor, I don't believe this witness
15 is qualified to answer that question.

16 THE COURT: If he knows.

17 MR. BOATWRIGHT: Thank you, Judge.

18 THE WITNESS: Ask me that again.

19 BY MR. BOATWRIGHT:

20 Q If I am 30 miles away from Tower 62893 and it is the
21 closest open for communication tower, would I use that
22 tower?

23 A That would be something T-Mobile -- I mean, I don't
24 know. I mean, I would imagine they're going to send you
25 to the closest tower that they can connect you to.

1 Q So yes? no? don't know?

2 A I think it depends. I mean, it's hard to say yes or
3 no on.

4 Q Is it possible?

5 A It's possible.

6 Q All right. On the maps that you had, you showed that
7 5400 was using a tower in Greenville at 8:21?

8 A Sure. I mean, I can't recall off the top of my head,
9 but it was around that time. That was around the time. I
10 believe so.

11 Q And the 8398 on the map showed that it was in
12 Greenville at 8:18?

13 A Yes, sir.

14 Q All right. So going back to the range, if I'm right
15 here, and let's say I'm pinging off a tower, let's just
16 say it's right down the street, all right, and that's the
17 tower I'm using, is it possible that I also stand right
18 here and instead of using that tower, I use some other
19 tower?

20 A Yeah. I mean, some of the -- some of the areas
21 overlap.

22 Q Okay.

23 A I mean, there's not really gaps in the towers, so
24 they're going to overlap the coverage areas, yes.

25 Q Okay. So these -- when you put all this data into

1 your system and it gives you this circle, it's just
2 telling you that it thinks it's somewhere within the
3 circle.

4 A Yes.

5 Q It's not telling you where it is in that circle.

6 A Right. It's just -- it's giving you -- that
7 red-shaded color, it's somewhere within that -- that area.

8 Q So I can be at the farthest point of that circle and
9 be using that tower.

10 A Correct.

11 Q What if the tower is overloaded? Would I be pushed
12 to a different tower?

13 A I'd say in theory. I mean, I don't know. I would
14 say in theory you could be pushed to another tower that
15 was covering that area.

16 Q Okay. So let's say that I'm standing right here.
17 I'm supposed to use Tower A right here on Main Street.
18 Tower A is overloaded so they've got to bump me to another
19 tower. They can bump me to Tower B. And let's say that's
20 on Highway 178 going towards Anderson.

21 A They're going to show you in the same -- same area,
22 though.

23 Q They're still going to show me pinging off ---

24 A It's not going to show you the same tower, but the --
25 the coverage is going -- the coverage from the two towers

1 are going to overlay each other. There's no gaps between
2 the towers. You're not going to travel around the road
3 and all of a sudden lose -- lose a signal until you pick
4 the next tower up. They're going to overlap each other.
5 So although we don't know where within that area you're
6 going to be, it's going to show you -- those two areas are
7 going to overlay each other.

8 Q Okay. But it would only show me the tower that I'm
9 pinging off of.

10 A Correct.

11 Q So that red circle would be off of Tower B even
12 though technically where I'm at I should be pinging off of
13 Tower A.

14 A They're going to -- the coverage is going to overlap
15 of the two towers. You're not going to be somewhere in a
16 -- in a -- and connect in a tower where you can't -- it's
17 not going to cover.

18 Q Okay. Was there any overlap red circles on the maps
19 you just showed us?

20 A I'm not sure about -- if I understand the question.

21 Q The maps you just showed us -- so we will do
22 Exhibit 25. That is two red circles, correct?

23 A It's two sectors of the towers. It's not -- yes.

24 Q It's two circles, right?

25 A Sure.

1 MR. BOATWRIGHT: Permission to publish to the jury,
2 Your Honor?

3 THE COURT: Yes.

4 BY MR. BOATWRIGHT:

5 Q All right. This circle right here (indicating) ---

6 A Yes, sir.

7 Q --- that is a red circle showing that whichever
8 number this is pinging on that tower in that circle,
9 right?

10 A Well, the top number you just pointed at is the line
11 on the Excel spreadsheet, but yes.

12 Q Yeah. so this circle, that phone could be anywhere
13 in that circle, correct?

14 A Yes.

15 Q Now, if I'm standing in this circle and I'm supposed
16 to be using this tower but this tower is overloaded, so
17 they bump me to this tower over here (indicating).

18 A It's not possible. That tower over there doesn't
19 cover that area.

20 Q So I would only stay in a tower that covers this
21 area?

22 A Well, there may be another tower closer to that that
23 overlaps that.

24 Q Okay. So let's say there's a tower right here
25 (indicating) that halfway overlaps it like this.

1 A Okay.

2 Q Right?

3 A Sure.

4 Q Is there a red circle right here showing that?

5 A No.

6 Q No. You're just showing me the tower that the phone
7 actually pinged off of, right?

8 A Correct.

9 Q So regardless of what tower overlap there is, it's
10 showing me the pinged tower, right?

11 A It's showing the tower that was being utilized by
12 that phone number at that time.

13 Q Okay. So given the fact that we know weather, line
14 of sight, buildings, everything that you just said as to
15 why you may not use the tower you're supposed to ping to
16 and it can possibly push you to a different closest open
17 tower, if this is the next closest open tower right here
18 (indicating), then it would show that phone pinging in
19 that tower.

20 A See that -- the red, what you're doing right there,
21 that's the circle. That's one sector there. That doesn't
22 cover that area down there. That tower will not reach
23 down there. It doesn't cover. There may be another tower
24 closer down there that will overlap that.

25 Q But what I'm saying is that there is no other tower

1 that is working. I'm not going to use any other tower.
2 T-Mobile is going to make me use this tower. Even though
3 I'm over here (indicating), it is still going to ping and
4 show me on the map that I am pinging on this (indicating)
5 tower, correct?

6 A In my opinion, no, because it doesn't cover that
7 area. There will be another tower between those two areas
8 that would close that gap.

9 Q Okay. So if there's no towers in the area, I just
10 don't get to ping on the tower?

11 A That's what I'm saying. I think there's -- I don't
12 know if there's more towers in between there.

13 Q And I'm asking a hypothetical to assume that there
14 are no other towers.

15 A Yeah. You would lose service.

16 Q I would not be able to ping off of another tower.

17 A It's my understanding. I mean, if -- if the tower
18 doesn't cover that, I mean, it doesn't cover that.

19 Q So they wouldn't push me to the closest open for
20 communication tower.

21 A They would. In my opinion I think they would push
22 you to the next open . . .

23 Q It would push me to the next closest communication
24 tower and this is the next closest, wouldn't I ping in
25 that tower?

1 A The tower's got to be able to reach that area.

2 Q What's the range on that tower?

3 A I don't -- I don't know.

4 Q So how do you know it won't reach?

5 A It's not showing that it does on -- on that.

6 Q The circle on that -- the top one the circle was a
7 lot smaller than that bottom circle, right?

8 A It was.

9 Q So that circle's not necessarily the range of the
10 tower.

11 A That's what ZetX has in there for the range of that
12 tower, what they were.

13 Q So you know.

14 A I don't know, no. I don't know. I would assume
15 there's more T-Mobile towers in between those two areas
16 that would close that gap.

17 Q The call detail records that you went over for both
18 8398 and 5400, neither one of them gave you the
19 information to be able to say that either one of those
20 phones were at the scene of this incident, did they?

21 A No. I can't say for certain based on these records.

22 Q So what we have with these records is you can say for
23 certain that those two phones were used in Greenville,
24 those two phones were used in Easley, and those two phones
25 were used in Greenville again?

1 A Yes, sir.

2 Q Okay. When you went through this record and you got
3 these maps, did you communicate your findings to Detective
4 Liner?

5 A I met with Agent Hamby.

6 Q With Agent Hamby?

7 A Yes, sir.

8 Q Did you communicate your findings with him?

9 A I did.

10 Q Did you explain to him what exactly these maps meant?

11 A Yeah.

12 Q All right. So you explained to him, for example,
13 that this isn't saying they're at the scene. This is
14 saying they were in Easley.

15 A Yeah. Sure, yeah. Just based on that.

16 Q Now, have you had any classes or certification or
17 anything from T-Mobile themselves?

18 A I have not, no, sir.

19 Q Do you know what an IMEI is?

20 A It's basically a serial number for the -- for the
21 cell phone. I don't know exactly what it stands --
22 international model, yeah.

23 Q So the IMEI is the serial number for the phone.

24 A Yes, sir.

25 Q So whatever IMEI is on this call detail record, that

1 is for that specific device on that record, correct?

2 A Yes.

3 Q So if there's a different IMEI or if the phone has a
4 -- I give you a phone with a completely separate IMEI,
5 that's going to have a different call detail record.

6 A Yeah, yeah. No two IMEI is going to have the same --
7 no two -- two IMEI's are going to have the same call
8 detail records, yes.

9 MR. BOATWRIGHT: Okay. A moment to confer, Your
10 Honor.

11 No further questions, Your Honor.

12 THE COURT: Cross-examination?

13 MR. PRINGLE: Thank you.

14 CROSS EXAMINATION

15 BY MR. PRINGLE:

16 Q I don't really want to rehash everything that y'all
17 just went through, but just a few things.

18 Mr. Boatwright asked you about if you're aware of
19 some of the problems that are commonly known about the
20 reliability of this technology. You're aware of those
21 problems?

22 A Yeah. It's not pinpoint accurate. I understand
23 that.

24 Q Right. It's not foolproof, right?

25 A Yes, sir.

1 Q And, again, to be clear, those big circles, you
2 mapped out towers that are activated, not phones and where
3 the phones are, but the towers that are activated.

4 A Just the towers and the coverage range for those
5 towers.

6 Q Okay. And I think what we were trying to get to
7 earlier is -- and I think you even said -- I think I'm
8 quoting you that you said the phone will go to the closest
9 tower that it can. Were those your words?

10 A Yes.

11 Q So, again, there's a lot of reasons why one tower or
12 another might pick up a call, and it may have nothing to
13 do with how close the phone is to the tower.

14 A Say that one more time for me. I'm sorry.

15 Q If we're talking about the closest tower that can
16 pick up the call, meaning like if there's a tower right
17 here (indicating) ---

18 A Sure.

19 Q --- but for whatever reason it's overloaded, there's
20 too much -- the weather or whatever so it bumps me to
21 another tower, it will go to the closest tower that can
22 take my call.

23 A Yeah. But that tower's got to have a range for that
24 area.

25 Q Right.

1 A It's got to have the range to pick that area up.

2 Q Okay. And I think what we're trying to get to is
3 that second tower, in theory, if that one's also
4 overloaded or there's some other reason why ---

5 A Well, at some point you're going to run out of range
6 and you're going to drop the call.

7 Q Right. But you could -- you could -- you're just
8 going to keep going until you get to a tower that can --
9 that's in range.

10 A If it was in range, and I don't know what range is,
11 at some point if you keep on going, you're going to drop
12 the call.

13 Q Right. And that's -- and we've all experienced a
14 dropped call.

15 A Yeah.

16 Q That's basically what's happening?

17 A Yes, sir.

18 Q I think you said that it was your belief that the
19 type of tower data is based on single tower interaction
20 with the phone; is that what you said?

21 A Usually, CDRs, yeah. I mean, you'll see -- you'll
22 see -- if it's a long phone [sic], I guess you'll see a
23 start tower and an ending tower, if the phone is
24 traveling, I guess you would see that.

25 Q Like if we're talking about trying to rely on data

1 from one tower versus, say, two towers or three towers
2 that overlap, what's the most reliable, would be the most
3 accurate?

4 A Records from -- from -- I'm not even -- I'm not sure.

5 Q Okay. So you don't know if -- have you ever heard of
6 triangulation?

7 A Yes.

8 Q Okay. And that's a concept, would you agree, that
9 it's where there are three towers that all -- that they're
10 all activated by a phone instead of one tower or two
11 towers?

12 THE COURT: Yes?

13 MS. OWENS: I object to the format of the question.

14 THE COURT: Format?

15 MS. OWENS: Yes, sir. To the extent that it's
16 providing the witness with a series of compounded facts.

17 THE COURT: All right. Overruled. Go ahead.

18 BY MR. PRINGLE:

19 Q Okay. You know the concept of triangulation,
20 obviously, three towers.

21 A Yeah. Just like GPS.

22 Q And if there's three towers that, I guess, the phone
23 is -- I'll use the word "ping." Is that the right word?

24 A Well, maybe communicating.

25 Q Okay. That the phone is communicating with ---

1 A Sure.

2 Q --- we might be able to rely on that result more so
3 than if it's only pinging with one tower.

4 A Sure. If you had -- if you had those records.

5 Q If you had three of them, it's going to be able to
6 narrow that down.

7 A Yeah. But then you're -- we would see -- we would
8 see all those towers would have overlapping coverage.

9 Q Right.

10 A Yes. That's what I'm trying to ---

11 Q In this case, though, we're talking basically single
12 tower ping, not three. Not two.

13 A Correct.

14 Q And certainly not GPS.

15 A No.

16 Q Okay. And are you aware that even with
17 triangulation, there's a margin of error to being able to
18 pinpoint where the phone was?

19 A Yes.

20 Q In fact, that could be up to 1,500 meters, couldn't
21 it?

22 A It can be.

23 Q And 1,500 meters would be about 5,000 feet, right?

24 A Uh-huh. Almost a mile.

25 Q Almost a mile.

1 A Uh-huh.

2 Q Okay. So we have a margin of error of about a mile
3 with the most reliable tower pinging information, right?

4 A You can.

5 Q How far away are we right now in this courtroom from
6 B Pam's or where B Pam's used to be?

7 A I'm just giving you a guess here. Six, seven miles.

8 Q Okay. Isn't it possible that if the range of a tower
9 is more than six or seven miles -- which you said it could
10 be. We're not sure.

11 A Sure.

12 Q But even if I -- right now standing here, my phone in
13 theory could end up pinging a tower right by B Pam's,
14 couldn't it?

15 A In theory it could, sure.

16 Q And obviously, I'm nowhere near B Pam's, am I?

17 A Uh-huh. No.

18 Q Okay. Are you also familiar with the idea of
19 bouncing signals?

20 A No, sir.

21 Q Okay. Now, you used a few words that I want to
22 explore a little bit deeper. Again, you earlier said that
23 it will hit the closest tower that it can. You also used
24 the term it will be in that area-ish -- area-ish. Do you
25 remember saying that?

1 A Maybe when -- yeah. I mean, when I was saying 123
2 area-ish or something like that.

3 Q Area-ish would mean we can't be real specific, right?

4 A Right.

5 Q Okay. Much like when you said this data can give us
6 an ability to guesstimate where a phone might be; is that
7 fair? Did you say that?

8 A Within that range, yes.

9 Q So the best word, an area, could be miles, fair?

10 A Depending on what the -- yes.

11 Q Okay. And we can only guesstimate. Even with the
12 best available technology, we can only guesstimate as
13 to ---

14 A The area.

15 Q And it could be miles?

16 A Yeah. I wouldn't pinpoint its -- its area.

17 Q Okay. So, I mean, somebody could be halfway to
18 Greenville and ping a tower at B Pam's in theory?

19 A I would have to look to see what the tower coverage
20 is for that area. I mean, these towers are typically
21 spread out not that far, I mean, especially in Easley and
22 Greenville, which are more populated areas. You would see
23 something like that maybe up towards Highway 11 where you
24 don't have a big population.

25 Q Fair enough. Understood.

1 The other term that kept coming up I found it
2 interesting was "confidence." Confidence. There's
3 actually some kind of color coding or more pronounced or
4 bold type of circle if they're more confident. Can you
5 explain that confidence thing again?

6 A Yes, sir. And that -- you'll see that in the
7 advanced timing. If they give you a low confidence, the
8 bigger your radius is going to be where that exact GPS.

9 Q Okay.

10 A Maybe 1,500 meters. I don't have that in front of
11 me. Medium it gets smaller, and then high it gets even
12 smaller.

13 Q Okay. So that helps explain the circle sizes. Some
14 of them are really big.

15 A The -- not the balloon check. The balloon check one
16 is going to be the sector of the tower, the call detail
17 records. But the complete -- complete round circle is the
18 advanced timing, and it's going to give you that based on
19 confidence, the radius of it.

20 Q That certainly explains that. Thank you.

21 Now, as far as the use of the term and the idea of
22 confidence, that implies that a lot of that data they're
23 not confident in, right? I mean, they come right out and
24 tell you by the way they color it of what size the circle
25 is, right?

1 A I mean, yeah. I mean, obviously, they're not -- it's
2 not a pinpoint.

3 Q We've got some big circles on that map that y'all --
4 one of the 50 maps y'all showed these folks. Some of
5 those circles are pretty big, aren't they?

6 A I guess it's how you define big. Yeah. We're
7 talking about football fields big or ---

8 Q When you see Greenville and Easley and you see
9 circles like, you know, that cover the whole city, that's
10 a pretty big circle, isn't it?

11 A I mean, if you've got one that covers the whole city,
12 yes.

13 Q Okay.

14 A But, I mean, some of those maps are zoomed in to make
15 the area look bigger and some are -- how much you zoom in
16 and zoom out to see.

17 Q Right. Okay. And so we know that even by the people
18 that generate it, this information for y'all to interpret,
19 we know that there are -- there's a wide range of writing
20 between we're not confident in this information to we're
21 kind of confident to maybe a little more confident.
22 That's basically all we can say, isn't it?

23 A Again, the confidence is -- depends on how big the
24 radius of your circle is.

25 Q Right. The problem, of course, is we're not dealing

1 with confidence, are we? We're dealing with proof. We
2 need proof, not confidence. Would you agree?

3 MS. OWENS: Your Honor, I object to that question.

4 THE COURT: Sustained.

5 BY MR. PRINGLE:

6 Q We don't convict people in South Carolina ---

7 MS. OWENS: Object.

8 THE COURT: Sustained.

9 MS. OWENS: I would move to strike that as well.

10 THE COURT: Yes. Ladies and gentlemen, that last
11 question should be stricken and not be considered by you
12 in your deliberations.

13 BY MR. PRINGLE:

14 Q Okay. At best, just in conclusion to summarize your
15 testimony, we can get within an area-ish and guesstimate
16 where a device may or may not have been even if it was the
17 most foolproof under the technology available, it's
18 unreliable, and even at that point there's a different --
19 there's differing lapse of confidence in the reliability
20 of that data; isn't that true?

21 MS. OWENS: Your Honor, I object to the compound
22 question.

23 THE COURT: Yeah. I mean, that's -- were you
24 testifying or asking a question?

25 BY MR. PRINGLE:

1 Q The best we can do is area-ish?

2 A Again, whatever the shaded is on these maps, it's
3 within that shaded area of -- around that area.

4 Q Okay. And so why would we rely on anything that
5 wasn't, I guess, supremely confident?

6 MS. OWENS: Your Honor, I object to the question.

7 THE COURT: Overruled. I'll go ahead and let him ask
8 it.

9 THE WITNESS: Ask it one more time. I'm sorry. Why
10 would we rely on that?

11 BY MR. PRINGLE:

12 Q How can we rely on anything that isn't 100 percent
13 accurate when we're talking about different levels of
14 confidence?

15 A I think we use this in investigations a lot of time
16 on circumstantial evidence compiled with other evidence.
17 And these records, we know that T-Mobile are going to keep
18 the most -- these cell phone companies are going to keep
19 the most accurate records that they can, and that's what
20 we use them for with other evidence in these cases
21 combined to make sure it all adds up.

22 Q I mean, would you want to gamble anything of
23 importance on that data, say, your freedom?

24 MS. OWENS: Objection.

25 THE COURT: Sustained, Mr. Pringle.

1 MR. PRINGLE: May we approach?

2 THE COURT: Yes.

3 (WHEREUPON, a bench conference was held off the record.)

4 MR. PRINGLE: I don't have anything further. Thank
5 you.

6 THE COURT: All right. Redirect?

7 MS. OWENS: Very briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. OWENS:

10 Q Mr. Swafford, I want to revisit, first of all,
11 possibly moving backwards, this idea of confidence. I
12 believe -- could you explain for the jury the distinction
13 between how T-Mobile characterizes the confidence level
14 that they are willing to assign advanced timing records
15 compared to call detail records?

16 A Again, the confidence is just what -- I don't know
17 what -- how they coined that term or how they didn't. But
18 the confidence in the advanced timing records is just
19 going to determine the radius around that GPS location.
20 Low confidence, the bigger radius you're going to have.
21 Higher confidence, the smaller that radius is going to be.

22 Call detail records is simply -- it shows us where
23 the tower range is and what sector that it is. It's got
24 nothing to do -- or you don't get any kind of GPS other
25 than the GPS of the tower location. It's just going to

1 show us this tower sector and this is where the sector --
2 the range of coverage in that sector.

3 Q Does T-Mobile assign any level of confidence to their
4 call detail records?

5 A No.

6 Q Now, you testified during -- when we were going over
7 those images that there's a distinction between what's
8 depicted in those images as perfect circles and what I
9 believe you called balloon shapes.

10 A Sure. Yes.

11 Q Can you describe for the jury, again, the difference
12 between those two images that are depicted in State's
13 Exhibit 25?

14 A The balloon is going to be the call detail records,
15 the tower sector that it's hitting on. The exact circle
16 is the advanced timing records.

17 Q And is that red-colored area a depiction of the range
18 of the tower that is being utilized?

19 A On the balloon-shape figure?

20 Q Yes, sir.

21 A Yes, yes.

22 Q Perhaps it seems like a foolish question, but is it
23 possible for a cell phone to utilize a tower outside of
24 the tower's range?

25 A No.

1 MS. OWENS: I don't have any additional questions.

2 THE COURT: All right. Thank you. You may step
3 down.

4 MS. MUNSON: This might be a good time for a short
5 break, Your Honor, because the next witness might be a
6 little lengthy.

7 THE COURT: All right. Ladies and gentlemen, we're
8 going to take a short break, so go to your jury room. Do
9 not discuss the case. We'll bring you out in just a few
10 minutes.

11 (WHEREUPON, the jury exits the courtroom at 3:03 PM.)

12 THE COURT: Is this where we're doing the Jackson
13 v. Denno?

14 MS. MUNSON: Yes, Your Honor.

15 THE COURT: Okay. Y'all want to take -- we'll take
16 five minutes and then we'll have the Jackson v. Denno
17 hearing.

18 (WHEREUPON, a recess is taken at 3:04 PM; proceedings
19 reconvened at 3:15 PM.)

20 MS. MUNSON: All right. So there's two issues that I
21 want to address at this point, Your Honor. One of them,
22 obviously, is a Jackson v. Denno with Detective Hamby.

23 Also, during cross-examination of Hamby, I anticipate
24 the defendants asking him questions such as isn't it true
25 Mr. Collins said he didn't do it? Isn't it true that you

1 talked to Mr. Lemons? These kinds of things that are
2 hearsay, self-serving hearsay at that.

3 There are three things -- actually, there are four
4 things I intend to elicit from Hamby that are admissions.
5 One of them is that he denied being in Easley on the date
6 of the offense. The other one is he denied ever being in
7 a silver Subaru. One of them is he denied that he was in
8 Easley at the time of the actual killing when he was
9 confronted about cell phone record information. And also,
10 he was shown a still photograph, and Detective Hamby asked
11 him what is it that you're reaching for right here?

12 And Mr. Collins says, "It looks like the cash
13 register," not, "It wasn't me."

14 So those are the things that I intend to elicit that
15 it's our position are admissions. Other things would be
16 self-serving hearsay.

17 So I'd kind of like to clear that up. Maybe you
18 don't even want to deal with it until we get into the
19 testimony. I'm just trying to avoid all the popping up
20 and sending them out.

21 THE COURT: Right. I guess it's in the form of a
22 motion in limine at this point.

23 MS. MUNSON: Well ---

24 THE COURT: I guess -- well, no.

25 MS. MUNSON: I'm just telling you that might be

1 coming.

2 THE COURT: Yeah.

3 MS. MUNSON: I mean, I don't know what they're going
4 to do. They can do whatever they want. But those are the
5 things that I think would be problematic.

6 Also, there's not been a ruling on the third-party
7 guilt issue.

8 THE COURT: And I'm prepared to do that right now.

9 MS. MUNSON: Okay.

10 THE COURT: We just had so much other stuff going on
11 up here we needed to address.

12 I have reviewed, and one of the cases that I'm
13 primarily relying on is the case of State vs. Manfield.
14 And the standard for third-party guilt is that the
15 evidence must exculpate the person, the defendant trying
16 to provide that information. The problem that the
17 defendants have having being codefendants, Mr. Collins
18 produces this evidence, it does not exculpate him because
19 it's clearly two people. It does not exclude Mr. Collins.
20 If Mr. Ladson provides this information, it does not
21 exclude Mr. Ladson because there's two people. So I don't
22 think -- I think under the case law for third-party guilt,
23 that in this case, based on the information on Friday as
24 to Mr. Lemons testifying about statements made by Eileen
25 -- whatever. I don't have his name on me right now.

1 MS. MUNSON: Daniels Melvin, Your Honor.

2 THE COURT: Yes. Based on that -- and, again, I will
3 definitely give y'all an opportunity to proffer whatever
4 y'all feel is appropriate to proffer at the appropriate
5 time, but I am ruling based on at this point that
6 third-party guilt is not going to be admissible through
7 the evidence that was proposed at the hearing on Friday.
8 Again, I'll be glad to -- this isn't the time because it's
9 not in your case, but if y'all would -- if any proffer of
10 testimony at the appropriate time, I'll be glad to
11 entertain. But with that ruling would be any questions
12 that are third-party guilt.

13 MR. BOATWRIGHT: I was going to say thank you, Judge.
14 And we -- at this time we don't have any intentions on
15 arguing third-party guilt based on how the trial's been so
16 far.

17 THE COURT: Okay. Then I struggled on that for
18 nothing. I'm kidding. I stayed up late last -- no. I'm
19 just kidding.

20 All right. Anything else from the State?

21 Okay. All right. Do you want to do the Jackson
22 v. Denno?

23 MS. MUNSON: Yes, Your Honor.

24 THE COURT: Let me ask this for timing purposes. I'm
25 just looking, it's 3:20 now. Are we going to be going --

1 I'd like to stay to complete their case today if possible.

2 MS. MUNSON: I think we can, Your Honor.

3 THE COURT: All right. I mean, is it a possibility
4 going past 5:00?

5 MR. PRINGLE: Yes. I mean, we're talking about
6 Hamby, right?

7 THE COURT: Yeah.

8 MR. PRINGLE: And he's the last one?

9 MS. MUNSON: No.

10 THE COURT: No.

11 MR. PRINGLE: Well, there's definitely a possibility.

12 THE COURT: Okay.

13 MR. PRINGLE: I mean, I don't know about a
14 probability. But, of course, I don't want to be ---

15 THE COURT: What level of confidence, low, medium or
16 high?

17 MR. PRINGLE: I'm confident we can get done by 5:00.
18 In fact, I could guarantee it. I don't know if that would
19 be in our best interest.

20 THE COURT: No, no.

21 MR. PRINGLE: I don't want to get caught clock
22 watching on our cross-examination. That's all.

23 THE COURT: No. That's fine.

24 MR. PRINGLE: I think depending on how long they go.

25 THE COURT: Let's see where we are. I mean, that's

1 fine.

2 All right. Let's go with the Jackson v. Denno then.

3 WHEREUPON,

4 JON HAMBY

5 After having been duly sworn, testified as follows:

6 THE CLERK: Thank you, sir. If you would, have a
7 seat and state your name for the record.

8 THE WITNESS: Jon Hamby.

9 DIRECT EXAMINATION

10 BY MS. MUNSON:

11 Q Who do you work for, sir?

12 A The Easley Police Department.

13 MS. MUNSON: And, Your Honor, for time sake, would it
14 be okay if I just led through this?

15 THE COURT: Yeah. Go ahead. I mean, anything of
16 issue?

17 MR. PRINGLE: No objection.

18 BY MS. MUNSON:

19 Q You did an interview of Mr. Quinton Collins in this
20 case, did you not?

21 A I did.

22 Q And when was that?

23 A I met with him on the 27th at his house,
24 December 27th of 2018, again on December 28th of 2018. I
25 met with him again, and then after his arrest I

1 interviewed him again.

2 Q All right. So there was only one of those
3 conversations where he was actually in custody, correct?

4 A Yes.

5 Q Let me show you State's 33. Do you recognize this
6 document?

7 A Yes.

8 Q How do you recognize it?

9 A It's a common Easley Police Department Miranda waiver
10 form that we do. And it has my name and signature on it
11 along with the date, time, case number and Mr. Collins's
12 name and his signature.

13 Q And his signature as well?

14 A Yes.

15 Q And you were with him in the room when he did that.

16 A Yes.

17 Q How did you go about explaining what his rights were?

18 A I read specifically off of this paperwork, and asked
19 if he understood and any questions.

20 Q Did he have any questions?

21 A No. He signed it and was willing to talk.

22 Q Did he appear to be under the influence of anything?

23 A No.

24 Q Did you threaten him in any way?

25 A No.

1 Q Were you armed at the time?

2 A Yes.

3 Q Did you unholster your weapon or anything?

4 A No.

5 Q Was someone else in the room with you?

6 A Yes.

7 Q Who was that?

8 A Captain Jason Lovell.

9 Q All right. During the course of the questioning,
10 before you started questioning him, did he ask you for
11 anything?

12 A No. Well, yes. During that one he -- at one point,
13 I'm not sure exactly at what point, but at one point he
14 said he was cold so we got him a blanket.

15 Q Okay. You witnessed him sign that document?

16 A Yes.

17 MS. MUNSON: Your Honor, at this point I'd move
18 State's 33 into evidence.

19 THE COURT: Any objection from Collins?

20 MR. PRINGLE: None.

21 THE COURT: Ladson?

22 MR. BOATWRIGHT: No, Your Honor.

23 (WHEREUPON, State's Exhibit Number 33 was admitted into
24 evidence for purposes of the Jackson v. Denno hearing.)

25 MS. MUNSON: I don't have anything further at this

1 time, Your Honor.

2 THE COURT: Any cross?

3 MR. PRINGLE: I have none.

4 MR. BOATWRIGHT: No, Your Honor.

5 THE COURT: All right. Anything else then?

6 MS. MUNSON: No, sir, Your Honor.

7 We would submit at this point that the statements
8 given to Hamby by Mr. Quinton Collins were voluntarily
9 made.

10 THE COURT: Anything from Collins?

11 MR. PRINGLE: No, Your Honor.

12 MR. BOATWRIGHT: No, Your Honor.

13 THE COURT: All right. I believe, based on the
14 totality of circumstances, it meets requirements of
15 Jackson v. Denno and that they will be admissible.

16 MS. MUNSON: Thank you, Your Honor. We're ready to
17 proceed now with Hamby's testimony.

18 THE COURT: All right. If you'll step down. And
19 they'll call you back.

20 And just for purposes, the exhibit is introduced as
21 evidence in this hearing but not in the trial yet.

22 Okay. Is the State ready for the jury?

23 MS. MUNSON: Yes, Your Honor.

24 THE COURT: Collins?

25 MR. PRINGLE: Your Honor, while we're at it, I'm

1 looking at this a little bit closer. We're probably going
2 to be all right on that time I'm thinking.

3 THE COURT: That's fine. I mean, I don't want
4 anybody to rush. We've got tomorrow.

5 Ladson?

6 MR. BOATWRIGHT: No, Your Honor.

7 THE COURT: All right. Bring the jury.

8 (WHEREUPON, the jury entered the courtroom at 3:26 PM.)

9 THE COURT: All right. Ladies and gentlemen, as you
10 will recall, the State is still on their case.

11 And State, call your next witness.

12 MS. MUNSON: May it please the Court, Your Honor.
13 The State calls Jon Hamby.

14 THE CLERK: If you would, raise your right hand.
15 WHEREUPON,

16 JON HAMBY

17 After having been duly sworn, testified as follows:

18 THE CLERK: Thank you, sir. If you would, have a
19 seat and state your name for the record.

20 THE WITNESS: Jon Hamby.

21 DIRECT EXAMINATION

22 BY MS. MUNSON:

23 Q Who do you work for, sir?

24 A I work for the Easley Police Department.

25 Q How long have you been with Easley PD?

1 A 24 years.

2 Q What is your current job title?

3 A I'm a major of the police department.

4 Q What was your job title back in 2018?

5 A I was an investigator for the police department.

6 Q Okay. And did you become involved in this case?

7 A I did.

8 Q Were you on duty at the time the incident happened?

9 A I was not.

10 Q Did you get called in?

11 A Yes. I responded to the scene that night.

12 Q How long did you stay at the scene?

13 A It was off and on throughout the night, but leaving
14 to go do other tasks and duties that was assigned to me.

15 Q Okay. So you would do whatever the investigators --
16 the lead investigators told you to do.

17 A Correct.

18 Q Okay. During your part in this investigation, did
19 you have any contact with either one of the defendants?

20 A Yes.

21 Q And who did you have contact with?

22 A I actually had contact with both of them.

23 Q Okay. Who did you talk with first?

24 A Early in the investigation, I talked with Mr. Quinton
25 Collins.

1 Q Okay. Do you recognize him?

2 A Yes.

3 Q Is he in the courtroom?

4 A Yes.

5 Q Please say for the record what he's wearing.

6 A He's the first black male in the white shirt, the
7 second from the end of the table there (indicating).

8 Q When was the first time that you spoke with him?

9 A The first time I spoke with him would have been
10 December 27th of 2018.

11 Q And where did you speak with him?

12 A At his residence.

13 Q Was anybody with you when you went there?

14 A Yes. Another investigator, Jennifer McKenzie.

15 Q Where was his residence?

16 A Number ■, Fleetwood Drive in Greenville.

17 Q Okay. About how far away is that from the B Pam's,
18 for example?

19 A It's about a 20-minute drive from the police
20 department, which is right there at B Pam's.

21 Q Okay. When you got to his home, was he there?

22 A Yes.

23 Q Did he allow you to go in?

24 A Yes.

25 Q When you got into his house, where in the house did

1 you go?

2 A We walked through the living room into a bedroom area
3 on the left and sat down and talked with him there.

4 Q Was he in custody?

5 A No.

6 Q Could he have just stopped at any time?

7 A Yes.

8 Q Okay. What did you tell him about whether or not he
9 had to talk to you?

10 A We just asked if he would be willing to talk to us.

11 Q And he answered?

12 A He said yes.

13 Q Okay. What did you talk with him about specifically?

14 A I specifically asked him about his whereabouts
15 pertaining to the night this incident happened.

16 Q And what did he answer?

17 A Immediately -- I asked him if he knew about the
18 incident I was talking about, the B Pam's murder is what I
19 was calling it, and immediately he said yes, that he
20 remembered and said that he wasn't in Easley and that he
21 had found out about it by his grandmother had told him
22 about it.

23 Q Okay. So the question you put to him was what?

24 A Have you heard about the B Pam's murder.

25 Q Okay. And his response?

1 A Was yes, my grandmother told me about it.

2 Q Okay. And did you ask him where he was when it went
3 down?

4 A Yes.

5 Q And what did he tell you?

6 A He said he was at the Club Epic with a friend.

7 Q And where's the Club Epic?

8 A Was Mauldin.

9 Q Okay. Later on in the conversation, did he tell you
10 another way that he discovered that the B Pam's incident
11 had happened?

12 A Yes.

13 Q And what did he tell you?

14 A Later on while we was talking to him, he -- when we
15 was getting into the details about the B Pam's and his
16 whereabouts, at that point he said he learned about the
17 incident not from his grandmother, but he changed his
18 story and said he learned about it from the TV that was on
19 at the club while he was at the club.

20 Q Okay. Now, at some point while you were speaking
21 with him, did you ask to look at -- check him for any kind
22 of injuries?

23 A I did.

24 Q And did you see any?

25 A I did not.

1 Q All right. Explain for the jury how you went about
2 looking at him for injuries.

3 A So he was sitting to my left but he had a hoodie on.
4 And I asked him if I could see his chest and arms for any
5 injuries. And he pulled his sleeves up to about his
6 shoulders, as high as he could get his hoodie. Showed me
7 his arms. And then he pulled his hoodie up to the top of
8 his chest area, showed me his chest, sides and back.

9 Q Okay. Why did you want to see his chest?

10 A After looking at the video surveillance system of
11 B Pam's, it appeared that one of the suspects, if not both
12 of the suspects, but one of them could have been shot
13 during the incident, and so I was looking for any wounds
14 on his stomach area, chest area.

15 Q Okay. Did you ask him to remove his shirt?

16 A No.

17 Q Or his hoodie?

18 A No.

19 Q Could you see if he had on a shirt under the hoodie?

20 A From my recollection he did not.

21 Q All right. Now, after you left his residence, did
22 you have another conversation with him?

23 A Yes.

24 Q And how did that happen?

25 A The same day he called me on the phone -- he gave me

1 his phone number while I was there.

2 Q Okay.

3 A And I left and was doing some other errands
4 associated with the case, and then he called me later that
5 afternoon.

6 Q What phone number did he call you from?

7 A The same one he had given me, if I may look at my
8 report to get the phone number.

9 Q Sure. Yes.

10 A (Reviews document) Phone number he gave me while I
11 was at his house and the phone number he later called me
12 from is [REDACTED]-8398.

13 Q Okay. Now, at some point you did have a conversation
14 with him when he was in custody.

15 A Correct.

16 Q I'm going to show you State's Exhibits 33 and 35.
17 Take a look at both of these. Do you recognize
18 State's 33?

19 A Yes.

20 Q How do you recognize that document?

21 A It's your standard Miranda waiver form that we use at
22 the Easley Police Department, and it has the date, the
23 case number, my name, Mr. Collins's name on it, his
24 signature along with my signature.

25 Q Is that the actual document that Mr. Collins signed

1 in front of you?

2 A Yes.

3 MS. MUNSON: Your Honor, at this time I would move
4 State's 33 into evidence.

5 THE COURT: Any objection from Collins?

6 MR. PRINGLE: None.

7 THE COURT: And Ladson?

8 MR. BOATWRIGHT: No, Your Honor.

9 THE COURT: All right. It's in without objection.

10 (WHEREUPON, State's Exhibit Number 33 was admitted into
11 evidence.)

12 BY MS. MUNSON:

13 Q Now, State's 35, take a look at that. Do you
14 recognize that document?

15 A Yes.

16 Q How do you recognize it?

17 A It's a still shot of the surveillance video that I
18 used during the interview with Mr. Collins.

19 Q Okay. You showed that document to him?

20 A It was, I think -- I think it was on my phone at the
21 time, but it was the picture of it.

22 Q Is it an accurate depiction of what you showed
23 Mr. Collins on that date?

24 A Yes.

25 MS. MUNSON: Your Honor, at this time I move

1 State's 35 into evidence.

2 THE COURT: Any objection from Collins?

3 MR. PRINGLE: Can I see it? I don't think so.

4 (Reviews exhibit) No.

5 THE COURT: All right. Ladson?

6 MR. BOATWRIGHT: No, your Honor.

7 THE COURT: All right. In without objection.

8 (WHEREUPON, State's Exhibit Number 35 was admitted into
9 evidence.)

10 BY MS. MUNSON:

11 Q All right. So Major Hamby, all right. Major Hamby,
12 right here is a little pointer that you can use.

13 Now, in looking at what's in evidence now as State's
14 Number 33, explain for the jury what you did with this
15 particular form relating to Mr. Collins.

16 A So after we go into the interview room, we start
17 filling the information out on the form. The top left
18 corner, that's your case number that's associated with our
19 B Pam's murder. That is my name, and then, of course, you
20 have the date and time. This Jason Lovell was the other
21 investigator that was with me at the time. Mr. Collins
22 was the person we were interviewing, so his name goes
23 there.

24 I read the information here to Mr. Collins and then
25 ask him if he understands it, initialed beside 1 through

1 5. And then, again, I put his name there and read that
2 statement to him. And then at the bottom he signs it if
3 he's willing to talk to us (indicating throughout).

4 Q Before you started talking with him, before you
5 started going over this form, did he ask you for anything?

6 A At some point, I'm not sure if it was before this or
7 right after we started talking, he just complained about
8 being cold in the room we were in, which was hot to me,
9 but he complained about being cold so we got him a
10 blanket.

11 Q Okay. Were you and Lovell armed at the time?

12 A Yes.

13 Q Were you in uniform?

14 A We were plain-clothes investigators.

15 Q Were you crowding him? How close were you sitting to
16 him?

17 A No. It's an average room of probably 8x8 ---

18 Q Okay.

19 A --- with a desk in it and a couple chairs.

20 Q What information did you give Mr. Collins about
21 whether or not he had to talk to you at all?

22 A He was under arrest at that time, and we gave him his
23 rights and asked him if he was willing to continue talking
24 with us, because he already had been talking to us prior
25 to, and therefore, I asked him if he'd continue talking to

1 us, and he said he would.

2 Q Did it appear that Mr. Collins understood what you
3 were telling him?

4 A Absolutely.

5 Q Did he appear under the influence?

6 A No.

7 Q Was there anything about him that made you nervous
8 that he didn't understand?

9 A No.

10 Q Okay. So after you go through the rights, I see that
11 there are some initials on those lines?

12 A Correct.

13 Q Whose initial are those?

14 A That is Mr. Collins's initials.

15 Q And what's the purpose of having him initial that
16 document?

17 A That I could say I pointed out each one of those
18 rights and he's saying he understands one by one what
19 those rights are.

20 Q Okay. And after that part of the notification is
21 done, what is the next little part at the bottom?

22 A It's just a statement that has his name in that
23 statement that says he understands it, that he has a right
24 to a lawyer and kind of reaffirms what his rights are and
25 that that statement is what his signature is saying, that

1 he understands that he is voluntarily talking to us.

2 MS. MUNSON: Okay. Your Honor, at this time I would
3 ask that the Court rule that the statements Mr. Collins
4 gave to law enforcement were freely, voluntarily given.

5 THE COURT: All right. Anything from ---

6 MR. PRINGLE: No objection. Thank you.

7 MR. BOATWRIGHT: No, Your Honor.

8 THE COURT: All right. The Court does rule that the
9 statements were freely and voluntarily given and are
10 admissible.

11 And you may proceed.

12 MS. MUNSON: Thank you, Your Honor.

13 BY MS. MUNSON:

14 Q So after he agreed to speak with you, did you show
15 him State's Exhibit Number 35?

16 A At some point during the interview, yes. That wasn't
17 the first thing we did, but at some point during the
18 interview, yes.

19 Q And what is State's Number 35?

20 A It's just a still shot from the surveillance video
21 from the store. This shows the suspect with an orange ski
22 mask on is the one that came in and grabbed the register
23 before they fled.

24 Q And what did you ask him when you showed him
25 State's 35?

1 A I showed him that picture and I held it up to where
2 he can see it, and I said, "In this picture, what are you
3 grabbing?"

4 Q Did he respond?

5 A Yes.

6 Q What did he say?

7 A He said, "It looks to me like the register."

8 Q Now, at some point did you confront him with some
9 cell phone information that you had gotten?

10 A Yes.

11 Q And what did you confront him with as far as cell
12 phone records?

13 A I confronted him with the fact that his cell phone
14 records were indicating that he had come from the area of
15 his house, traveled to Easley during the time of this
16 incident, and went back to Greenville to the area of his
17 house. And I inquired about that.

18 Q Okay. And what was his response to that?

19 A That he was not in Easley, didn't come to Easley.

20 Q Okay. Did you confront him with information about a
21 Subaru?

22 A Yes.

23 Q What did you say to him?

24 A I asked him if he knew of anybody that drove a
25 Subaru.

1 Q Okay. And what did he say?

2 A He said no. He'd never been in a Subaru.

3 Q I didn't hear that last part.

4 A He had never been in a Subaru.

5 Q Okay. All right. I'll approach again. I'm showing
6 you State's Exhibits 32, 37 and 38. Just take a look at
7 these.

8 A (Reviews exhibits) Yes.

9 Q Do you recognize those documents?

10 A Yes.

11 Q How do you recognize them?

12 A The photographs that was taken of Mr. Collins
13 pursuant to a search warrant we got for his body.

14 Q Were you there when these photographs were taken?

15 A Yes.

16 Q Are they true and accurate depictions of the injury
17 on Mr. Collins?

18 A Yes.

19 MS. MUNSON: Your Honor, at this time I'm going to
20 move 32, 37 and 38 into evidence.

21 THE COURT: Any objection from Collins?

22 MR. PRINGLE: One moment (reviews exhibits).

23 THE COURT: From Ladson?

24 MR. BOATWRIGHT: No, Your Honor.

25 THE COURT: All right. In without objection.

1 (WHEREUPON, State's Exhibit Numbers 32, 37 and 38 were
2 admitted into evidence.)

3 THE COURT: And that's what exhibits again?

4 MS. MUNSON: This is 32, 37, and 38.

5 BY MS. MUNSON:

6 Q All right. Major, let's look at -- this is -- all
7 right. This is Exhibit 32. If you could, point with the
8 laser pointer what this shows.

9 First of all, who is that in the photograph?

10 A That's Mr. Collins.

11 Q And you were there when that was taken?

12 A Yes.

13 Q Okay. What does this photograph show?

14 A This (indicating) is the left side of his neck. And
15 it's a -- to me a fairly fresh injury with still some
16 bruising around it that caught my attention.

17 Q Now, when was this photograph taken?

18 A It would have been taken the day after his arrest.
19 February 6th, I believe. February 6th of 2019.

20 Q Okay. Let's look at State's Number 37. What does
21 this show?

22 A It's the same injury, just a little bit different
23 angle.

24 Q Okay. And what is what I'm pointing at right now
25 right here (indicating)?

1 A Yes.

2 Q What does that appear to be?

3 A A slight bulge in his back.

4 Q Did you ask him about it?

5 A No.

6 Q Okay. And now State's Exhibit Number 38. Now, on
7 State's Exhibit Number 38, can you see the bulge that you
8 just talked about?

9 A Yes. It's the spot. It looks like there's bruising
10 right there (indicating).

11 Q Okay.

12 A That is the bulge that's sticking out of his back.

13 Q Did you also have a conversation with Mr. Ladson --
14 I'm sorry -- with Mr. Collins about text messages with
15 Mel?

16 A Yes.

17 Q And what was the purpose of that?

18 A During the February 20 -- I'm sorry -- the
19 December 28, 2018, meeting that I had with Mr. Collins, it
20 was actually at a Waffle House parking lot, he gave me his
21 cell phone to show me some text messages between him and
22 several subjects. And one of them that was on there
23 during that time was Mel, was titled Mel.

24 Q And what was so interesting about that particular
25 text message?

1 A It was a text message that basically was asking Mel
2 to come to his house, and it was timestamped the day of
3 this incident at 8:43 p.m.

4 Q Okay. And where did he tell you that he was at
5 8:43 p.m.?

6 A In his original thing -- his original statement was
7 that he left his house by 8:30 to go to the club because
8 the gentleman that was giving him a ride had to be there
9 by 9:00.

10 Q All right. I'm going to back up just a little bit,
11 Major, and I apologize for this. When you were initially
12 speaking with Mr. Collins at his home in December ---

13 A Yes.

14 Q --- did you give him any information about the time
15 that this incident took place?

16 A Time frame? Like ---

17 Q Date.

18 A Date, no.

19 Q Time, like clock time.

20 A No.

21 Q And did he give an answer to you that was interesting
22 to you?

23 A Well, originally, I just asked where he was -- if he
24 knew where he was during this incident, and taking in mind
25 I'm interviewing two weeks after the incident, and

1 immediately he said, oh, Friday night I was at the club.
2 So without telling him the date it happened or the time it
3 happened, he automatically -- just automatically said he
4 was at the club Friday night.

5 MS. MUNSON: I have nothing further at this time,
6 Your Honor.

7 THE COURT: Cross-examination?

8 CROSS EXAMINATION

9 BY MR. PRINGLE:

10 Q All right. I think you said it was December 27,
11 2018, was when you first interviewed Quinton.

12 A At his house, yes, sir.

13 Q Yeah. You went out there. Who else was with you?

14 A Detective Jennifer McKenzie.

15 Q Did you end up talking to anybody else that day about
16 this case?

17 A Yes.

18 Q Who was that?

19 A Several people. But, I mean ---

20 Q Did you talk to a guy named Mike Utsey?

21 A Yes.

22 Q Okay. And who was he?

23 A The friend of Mr. Collins that Mr. Collins gave me
24 his name.

25 Q And as you began to develop the information in this

1 investigation, did you learn that Mr. Utsey was going to
2 be a bigger part of it?

3 A I'm not sure what you're asking.

4 Q Did you end up following up with Mr. Utsey after the
5 -- or you said you talked to him on the 27th.

6 A Correct. On the phone.

7 Q In fact -- it was on the phone?

8 A Yes, sir.

9 Q Was that recorded?

10 A No, sir.

11 Q Okay. Why not?

12 A Because I was just calling him -- after the interview
13 with Mr. Collins, I was just calling him to start talking
14 to him, that was the first time I had talked to him, to
15 let him know I was interested in talking to him.

16 Q Okay. But you did not record it.

17 A No, sir.

18 Q What did Mr. Utsey tell you about his knowledge of
19 that night?

20 MS. MUNSON: Objection. Hearsay.

21 THE COURT: Sustained.

22 BY MR. PRINGLE:

23 Q After you talked to Mr. Utsey on the phone -- I guess
24 we'll go back to that.

25 Would you say Quinton was cooperative with you

1 throughout? I mean, he agreed to talk to you, right?

2 A He appeared to be cooperative, yes.

3 Q More than once, right, without getting custody?

4 A Yes, yes.

5 Q So it wasn't like there was some history of him
6 trying to avoid you or avoid talking to you.

7 A No. He talked to me each time I reached out to him.

8 Q Didn't he tell you multiple times that he had nothing
9 to hide, he didn't have anything to do with this?

10 A That's two different questions.

11 Q Okay. How about ---

12 MS. MUNSON: Objection, Your Honor. Self-serving
13 hearsay.

14 THE COURT: All right. Re-ask the question.

15 BY MR. PRINGLE:

16 Q Now, on the 27th, the interview at his house in his
17 bedroom, correct?

18 A It was in a bedroom.

19 Q Yeah. Okay. And that's where you first had a look
20 at his body.

21 A Correct.

22 Q That would have been 13 days after the murder at

23 B Pam's.

24 A Yes.

25 Q 13 days.

1 And you said in your report and in your testimony
2 that you did not observe any physical injuries at that
3 time on his body.

4 A From what I saw, you're right.

5 Q Okay. And you knew what you were looking for, didn't
6 you?

7 A I knew what I was attempting to look for, yes.

8 Q For some type of gunshot wound, allegedly.

9 A To the chest or abdomen area is what I was thinking.

10 Q So at least on the 27th when you were with him in the
11 bedroom in his residence, you didn't see any evidence of
12 that, did you? That's in your report even, isn't it?

13 A When he showed me -- pulled his shirt up to his
14 chest?

15 Q Yeah. No injuries were observed.

16 A The part of the abdomen, chest, back and arms that I
17 saw, there was no injury.

18 Q So that's less than two weeks after this happened,
19 after B Pam's robbery/murder.

20 A Correct.

21 Q All right. Now, again, after you met with Quinton on
22 the 27th, you said you ended up following up based on what
23 he told you. Again, what did he tell you about where he
24 was that night?

25 A He told me he went to Club Epic in Mauldin.

1 Q And did he tell you when he went?

2 A Yes. At first he said he left his house between 8:15
3 and 8:30 because his ride would have to be there by 9:00.

4 Q And did he give you an indication of who his ride
5 would typically be?

6 A Yes. He named Mike.

7 Q So that would be Mike Utsey that we're referring to?

8 A Yes.

9 Q And you came to learn that Mr. Utsey did, in fact,
10 take him regularly to Club Epic?

11 A Both of them came with counsel.

12 They -- sometimes they did -- he did pick up a ride
13 from Mike sometimes. How regularly, I don't know.

14 Q Okay. Now, were you -- forget about what anybody
15 told you, but were you ever able to review or see or
16 examine any kind of evidence that would have put Quinton
17 Collins at Club Epic that night?

18 A Yes.

19 Q What was that?

20 MS. MUNSON: Objection, Your Honor. We might have to
21 take this up up there.

22 THE COURT: Okay.

23 (WHEREUPON, a bench conference was held off the record.)

24 THE COURT: I'm going to send y'all back to your jury
25 room for just a minute to address something. So don't

1 discuss the case and we'll bring you right back out.

2 (WHEREUPON, the jury exits the courtroom at 3:51 PM.)

3 THE COURT: All right.

4 MS. MUNSON: Thank you, Your Honor. I'm objecting to
5 questioning this witness about what Mr. Utsey said to this
6 witness. Certainly, if Mr. Utsey testifies there's
7 nothing I can do about that.

8 I'm also going to object to this witness being asked
9 did you see some video or did you see some document and
10 see Mr. Collins on it. I guess I could just handle that
11 on redirect. He can't say when the video was made. He
12 can't say that it was accurate. This witness cannot
13 authenticate that video at all.

14 THE COURT: Is there a video somewhere?

15 MS. MUNSON: Oh, yeah.

16 THE COURT: But it doesn't indicate . . .

17 MS. MUNSON: It shows that he was there.

18 MR. PRINGLE: It shows him leaving, actually, at
19 10:30.

20 MS. MUNSON: But the timing is off on that video.

21 MR. PRINGLE: Yeah. But, of course, Officer Hamby
22 can clear that up. If you'd refer back to his report, he
23 explains how the time was adjusted to make it the right
24 time.

25 MS. MUNSON: And that's something that someone else

1 told him. Major Hamby can say -- maybe he can say I saw
2 the video. There was a guy that -- he can even say I
3 think it was Quinton leaving Club Epic at a certain time.
4 But what Major Hamby cannot say is that the video was
5 accurate, the machine was working properly, the date was
6 good, the same kind of questions we had to ask on all this
7 other stuff. So, I mean, I don't know if it was ---

8 THE COURT: What time was the incident again?

9 MR. PRINGLE: 8:00.

10 THE COURT: Okay.

11 MS. MUNSON: And I'm not saying that video can't come
12 in. I'm not saying that. What I'm saying is this is not
13 the witness with whom to authenticate it and get it in.
14 That's what I'm saying.

15 THE COURT: All right.

16 MR. PRINGLE: Well, the first thing is asking him
17 about what Utsey told him. That doesn't necessarily have
18 to be strictly hearsay now. There could be other reasons.
19 I mean, first of all, effect on the investigator or the
20 listener, okay? The fact that it's not being offered to
21 prove the truth. In fact, the jury is going to be able to
22 determine what they think is true or what isn't true.
23 But, I mean, there's got to be a way to show why he ---

24 THE COURT: I'm not sure that's the standard.

25 MR. PRINGLE: He proceeds with his investigation

1 based on what people tell him, what he's -- that's the
2 whole point of his investigation. A lot of it is
3 interviewing people. And there's a lot of things that are
4 said that we're not offering to try to show that, hey,
5 that's exactly what went down other than that's what this
6 detective was ---

7 THE COURT: Are you not trying to show that that said
8 Quinton Collins left at 10:30 that night? Is that not the
9 whole purpose?

10 MR. PRINGLE: He's trying to say that there's
11 somebody who told this investigator that he took him to
12 the club around that time.

13 THE COURT: I thought you said he was leaving.

14 MR. PRINGLE: He was given information from Mr. Utsey
15 that Utsey took him to the club around 8:30. We have a
16 video of them leaving together at 10:30. There is no
17 video of them showing up at the club or anything like
18 that. The only video we have or that was provided was the
19 two of them leaving. It's pretty clear. It's in his
20 report. He indicates that he reviewed it, he showed it to
21 other witnesses.

22 I mean, and again, I thought this was like something
23 that we had settled well before trial.

24 MS. MUNSON: But how can I cross-examine this witness
25 about what Mr. Utsey told him? I don't know what Utsey

1 told him. I won't be able to cross-examine Mr. Utsey. In
2 other words, did you tell this investigator this? Were
3 you here at this time?

4 Again, I know I'm repeating myself. If Mr. Utsey
5 wants to testify, that's fine. If he wants to get the
6 video in, that's fine. But this is not the witness for
7 that.

8 THE COURT: All right. I will allow you to ask him
9 if he reviewed a video.

10 MR. PRINGLE: Yeah. That's fair, right? I mean, we
11 have no problem with that.

12 THE COURT: Okay.

13 MS. MUNSON: But, again, did you review the video?
14 What time? Who was in it? Again, we'd be testifying
15 about things that are not in front of the jury yet.

16 THE COURT: I think any issues there I think you can
17 handle on redirect.

18 MS. MUNSON: Okay.

19 THE COURT: I mean, if he looked at a video -- I
20 mean ---

21 MR. PRINGLE: He looked at a video and he says in his
22 report that it shows them leaving at 10:30.

23 MS. MUNSON: That's what -- no.

24 MR. PRINGLE: I mean, it's in his report, right?

25 MS. MUNSON: Again, Your Honor, and the time is not

1 right. The time is not right on the video. Mr. Utsey --
2 technically, I guess, we would have to bring the owner of
3 Club Epic in here. But if Mr. Utsey wants to come in and
4 look at the video and say, yeah, that's me and that's him,
5 that's fine. But why this witness?

6 THE COURT: If he reviewed the video at a particular
7 time, then I'm going to let him testify to that.

8 MR. PRINGLE: Well, and further, he spoke with
9 Mr. Utsey on multiple occasions. There's a reason why he
10 went back to speak with Utsey on multiple occasions, and
11 part of what we want to establish is the way that all
12 transpired. Utsey starts off with I took him at 8:30, and
13 by the last interview, they've worn him down so much that
14 he's like, okay, whatever you guys say, basically.

15 THE COURT: I'm not going to let in any testimony.
16 Yeah. That's definitely hearsay. He reviewed a video.
17 Yeah.

18 MR. PRINGLE: No. I understand that. And Utsey can
19 testify to all that. But I think that we have to -- we've
20 got to be able to examine -- I'm sorry. Is it Captain?
21 Major?

22 THE WITNESS: Major.

23 MR. PRINGLE: Major. Sorry -- the major about why he
24 took the steps that he did. I mean, the jury's entitled
25 to find out, you know, how it progressed. It's absolutely

1 relevant.

2 THE COURT: Well, it is. But you've still got to
3 follow the hearsay rule.

4 MR. PRINGLE: Sorry?

5 THE COURT: You've still got to follow the rules of
6 evidence as to hearsay.

7 Okay. My ruling is that he can talk about his review
8 of the video, but not anything that this Utsey fellow told
9 him.

10 All right. Anything else before we bring the jury
11 in?

12 MS. MUNSON: No, sir, Your Honor.

13 THE COURT: Anybody else?

14 MR. PRINGLE: No.

15 MR. BOATWRIGHT: No, Your Honor.

16 THE COURT: All right. Bring the jury in.

17 (WHEREUPON, the jury entered the courtroom at 4:00 PM.)

18 THE COURT: All right, ladies and gentlemen.

19 Continue cross-examination.

20 MR. PRINGLE: Thank you.

21 BY MR. PRINGLE:

22 Q Okay. So just to get back kind of on track where we
23 were, on the 27th of December, 13 days after the
24 murder/robbery, Quinton Collins told you that he went to
25 Club Epic that night.