

ORIGINAL

VOLUME II OF III

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM YORK COUNTY

John C. Hayes, III, Circuit Court Judge

RECEIVED

SEP 05 2013

THE STATE,

RESPONDENT, SC Court of Appeals

V.

BRAQUETTE WYKINA WALTON,

APPELLANT

APPELLATE CASE NO. 2012-213552

RECORD ON APPEAL

SUSAN B. HACKETT
Appellate Defender

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

Attorney for Appellant

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

(803) 734-3727

KEVIN S. BRACKETT
Solicitor, Sixteenth Judicial Circuit
Moss Justice Center
1675 York Highway, Ste. 1-A
York, SC 29745-7495
(803) 628-3020

Attorneys for Respondent

INDEX

INDEX.....	i
TRIAL TRANSCRIPT (October 29, 2012 - November 1, 2012).....	1
MOTIONS HEARING (November 5, 2012).....	1005
STATE’S EXHIBITS # 113 (Defendant’s Statement dated November 14, 2011).....	1009
STATE’S EXHIBITS # 114 (Defendant’s Statement dated November 15, 2011).....	1013
STATE’S EXHIBITS # 115 (Defendant’s Statement dated November 17, 2011).....	1017
INDICTMENTS.....	1019
SENTENCING SHEETS.....	1043
CERTIFICATE OF COUNSEL.....	1055

KAYLA LARSON - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. And about when you got down there, you said you found
2 the individual who had accidentally set off the pendant?

3 A. Uh-huh.

4 Q. And who else did you see down there?

5 A. Ms. Pauline Cook was sitting across from her.

6 Q. What was she doing?

7 A. She was playing bingo.

8 Q. Did you have a conversation with her?

9 A. She asked us if it was time for her to come home.
10 Told her no, she was fine. And then we told them to enjoy
11 their game, and we went back upstairs.

12 Q. Did you see Ms. Pauline again that evening?

13 A. I did.

14 Q. About what time?

15 A. About 9:00 I went into her room to give her meds.

16 Q. And what was going on in her room when you walked in?

17 A. She was asleep in her bed with her TV on, her lights
18 were off, her doors were closed.

19 Q. When you went in, was there anything unusual
20 happening in the room?

21 A. No.

22 Q. Was anyone else in her room besides Ms. Pauline?

23 A. Not that I saw.

24 Q. And what -- you said she was asleep?

25 A. Yes. She was laying in her bed covered up.

KAYLA LARSON - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Was -- and the lights were off?

2 A. The lights were off. The TV was on.

3 Q. Did you wake her up?

4 A. I did. I turned on her fan string. I grabbed it to
5 turn the light on that's connected to the fan and helped
6 her sit up. She took her medicine for me, and I laid her
7 back down.

8 Q. About how long were you in the room?

9 A. Maybe ten minutes.

10 Q. Are you familiar with her room? Have you been in
11 there before?

12 A. I have.

13 Q. Are you a CNA? A PCA?

14 A. A CNA.

15 Q. Do most of the employees, are they pretty much in and
16 out of all those rooms?

17 A. Yes. It depends on what hall you're working.

18 Q. Okay. Did -- but, I mean, during the course of
19 multiple shifts, do you go into all the rooms eventually
20 on both halls?

21 A. Yes.

22 Q. Now, are you familiar with her bed and how she has it
23 set up?

24 A. Yes.

25 Q. And how does she like her bed set up?

KAYLA LARSON - DIRECT EXAMINATION BY MR. BRACKETT

1 A. When she's ready for bed, one pillow goes on her
2 couch, which would have been next to her bed, and then her
3 husband pillow is at the foot of her bed, and she sleeps
4 with one pillow.

5 Q. Her husband pillow, can you explain what that is?

6 A. I don't know how to describe it. It's, like, got two
7 sides and then the back.

8 Q. Like little arms that come off?

9 A. Yes.

10 Q. That you lean back on?

11 A. Yes.

12 Q. Okay. And did you see her husband pillow in there
13 that --

14 A. I did. It was in the floor.

15 Q. Did you see her other -- how many other pillows did
16 she --

17 A. She has two pillows together. She sleeps with one
18 under her head and one on her couch.

19 Q. And did she have her pillows in there that night?

20 A. She did. She had one under her head, and one was on
21 her couch.

22 Q. And her bed, how was it made up? Did it have sheets
23 on it?

24 A. It did.

25 Q. And what color were the sheets? Do you recall?

KAYLA LARSON - DIRECT EXAMINATION BY MR. BRACKETT

1 A. I'm pretty sure they were white.

2 Q. Did it have a flat sheet?

3 A. Yes.

4 Q. Did it have a fitted sheet?

5 A. Yes.

6 Q. Did she have a blanket?

7 A. Yes.

8 Q. Did anything appear to be unusual or amiss about her
9 bed or her bedding?

10 A. No.

11 Q. How was she dressed?

12 A. She had on a long-sleeved nightgown. I believe it
13 was dark in color and it had a design at the top.

14 Q. A design up around the collar or a design on the
15 material itself?

16 A. I'm not sure.

17 Q. And I believe I asked you this, but did you see
18 anyone else in the room?

19 A. I did not.

20 Q. Do you recall whether -- did you see her closet?

21 A. I did not look in it, but the doors were closed to
22 her bathroom and her closet.

23 Q. All right. How long were you in the room all
24 together?

25 A. Maybe ten minutes.

KAYLA LARSON - DIRECT EXAMINATION BY MR. BRACKETT

- 1 Q. And when you left, where was she in the room when she
2 left?
- 3 A. She was in the bed going back to sleep.
- 4 Q. Did you leave the lights on or turn them off?
- 5 A. I turned the light back off, but I left the TV on.
- 6 Q. Do you know about what time that was?
- 7 A. I got out of there maybe ten after 9:00.
- 8 Q. Where did you go after you left out of Ms. Pauline's
9 room?
- 10 A. Went and did my last resident's medicines, and I
11 left.
- 12 Q. Approximately what time would you say you left Park
13 Pointe Village?
- 14 A. About 9:20.
- 15 Q. Okay. And where did you leave to go?
- 16 A. I went home.
- 17 Q. Now, did you talk to the police about their
18 investigation of Ms. Cook's death at some point in time
19 later?
- 20 A. Yes.
- 21 Q. And did you give them a statement about what --
- 22 A. I did.
- 23 Q. And you seen a copy of that statement?
- 24 A. I have.
- 25 Q. During the course of the police's questioning and

KAYLA LARSON - DIRECT EXAMINATION BY MR. BRACKETT

1 trying to gather information from you, did they talk to
2 you about what she was wearing that night?

3 A. They had asked me a couple different questions. The
4 night after I was called, they asked me to go in her room
5 and they showed me a couple different nightgowns, but I
6 didn't recognize any of them as what she had on that
7 night.

8 Q. Did you ever see the nightgown that you saw --

9 A. No.

10 Q. -- her wearing at any point in time after?

11 A. No.

12 MR. BRACKETT: Court's indulgence one moment.

13 Q. Do you know the phone number to the nurses' station
14 there at Park Pointe Village?

15 A. I do.

16 Q. I'm showing you what's been marked as State's
17 Exhibit 90. It's in evidence. And I would ask you to
18 take this pen and write down, if you would, "nurses'
19 station" and then the phone number to the desk there that
20 would ring the phone at the desk or the portable phones
21 that you carry.

22 A. Okay.

23 Q. Make sure I can read it. Is that (803)980-8636?

24 A. Uh-huh.

25 Q. Okay. Thank you very much, Ms. Larson. Please

KAYLA LARSON - DIRECT EXAMINATION BY MR. BRACKETT

1 answer any questions that counsel for defense may have.

2 THE COURT: Let's take a refresher break before we do
3 cross. We'll take about a ten-minute break. You can sit
4 there or you can step down. You can't discuss your
5 testimony with anyone, but you can walk around, use the
6 restroom.

7 (The jury left open court at approximately 10:49 a.m.)

8 (The jury entered the courtroom at 11:02 a.m.)

9 THE COURT: You may proceed.

10 CROSS-EXAMINATION

11 BY MR. SMITH:

12 Q. Ms. Larson, what time is dinner served?

13 A. 5:30.

14 Q. 5:30.

15 And you mentioned that you worked the 3:00-to-9:00
16 shift on that evening?

17 A. I did.

18 Q. But you were in Ms. Cook's room at 9:00, so sometimes
19 you have to work a little bit over; is that correct?

20 A. Yes.

21 Q. And is it also not unusual for persons who are
22 leaving shift to come in sort of early to see if there's
23 some extra things they need to do or get caught up on
24 paperwork?

25 A. Yes.

KAYLA LARSON - CROSS-EXAMINATION BY MR. SMITH

1 Q. But in the whole time that you were there, sometime
2 before 3:00 until sometime a little after 9:00, you never
3 saw Braquette Walton there on the property or anywhere
4 around that evening; is that correct?

5 A. No.

6 Q. And you were on that hall until about 9:15, 9:10,
7 9:20, somewhere in there?

8 A. I was.

9 Q. I notice you wrote down a phone number for the
10 nurses' station on State's Exhibit Number 90. Above that
11 is another name and a phone number. Do you know either
12 that person or that phone number?

13 A. I know Marvin.

14 Q. You know Marvin. How do you know Marvin?

15 A. He works in the kitchen.

16 Q. And the hours of kitchen, do they work at night?

17 A. Not third shift.

18 Q. He would not be working that late?

19 A. No.

20 MR. SMITH: No further questions, Your Honor.

21 THE COURT: Any redirect?

22 MR. BRACKETT: No, Your Honor.

23 THE COURT: You can step down, be excused. We
24 appreciate your time.

25 THE WITNESS: Thank you.

KAYLA LARSON - CROSS-EXAMINATION BY MR. SMITH

1 THE COURT: Thank you.

2 MR. BRACKETT: Teresa Stagner.

3 TERESA STAGNER, after having first being duly sworn,
4 testified under oath as follows:

5 DIRECT EXAMINATION

6 BY MR. BRACKETT

7 Q. Good morning, ma'am. Would you please state your
8 full name and spell your last for the court reporter.

9 A. It's Teresa Stagner. S-T-A-G-N-E-R.

10 Q. All right. Thank you, ma'am.

11 What -- where do you live?

12 A. In Rock Hill.

13 Q. And where do you work?

14 A. Park Pointe Village.

15 Q. How long have you worked at Park Pointe Village?

16 A. I've been there two and a half years.

17 Q. And so what do you do for Park Pointe Village?

18 A. I'm a PCA.

19 Q. What's that stand for?

20 A. Patient care assistant.

21 Q. What do you do as a patient care assistant?

22 A. Pass out meds and help the residents with anything
23 they need. Just...

24 Q. And in the Park Pointe Village facility, are there
25 different sections?

TERESA STAGNER - DIRECT EXAMINATION BY MR. BRACKETT

1 A. Yes.

2 Q. Okay. Which section do you work in?

3 A. In the assisted living, Oakbridge Terrace.

4 Q. Is that where you worked your entire time?

5 A. Yes.

6 Q. In the course of your employment there, did you get
7 to know Pauline Cook?

8 A. Yes.

9 Q. And how well did you get to know her?

10 A. I knew her pretty well.

11 Q. Okay. Can you focus your attention on November the
12 12th, 2011. That's a Saturday. Did you see Ms. Pauline
13 that day?

14 A. I saw her when I came in from work -- or came in to
15 work at 3:00.

16 Q. Where was she?

17 A. She was sitting in a chair next to the nurses'
18 station.

19 Q. What was she doing?

20 A. She was sitting there waiting on Neva.

21 Q. Okay. And did you interact with her a fair amount
22 during the course of your work?

23 A. I did.

24 Q. And what sort of person was she?

25 A. She was very active and very friendly.

TERESA STAGNER - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Okay. And did -- were you aware of any problems that
2 she had that day?

3 A. Not at the moment, no. Not at that time.

4 Q. Did you stop and talk to her?

5 A. I said hi. That's...

6 Q. Okay. Did you see her through that -- did you have
7 any other interaction with her around that time?

8 A. Around that time, no.

9 Q. When did you -- did you talk to her during the course
10 of the day?

11 A. I talked to her later on that evening.

12 Q. About what time was that?

13 A. About 8:30. She was coming back from bingo and
14 she --

15 Q. Where was the bingo being done?

16 A. Bingo was being done downstairs in the independent
17 living game room.

18 Q. Okay. And how did you know that she was down there?

19 A. We had a call, and we went down to the game room, and
20 she was in there playing bingo.

21 Q. Did you get to see her down there?

22 A. I did.

23 Q. Did you say hello?

24 A. She asked if she needed to come back up, and we told
25 her no, she could continue playing bingo. We were just

TERESA STAGNER - DIRECT EXAMINATION BY MR. BRACKETT

1 clearing a pendant.

2 Q. And how long were you down there with her playing
3 bingo?

4 A. A couple minutes.

5 Q. Is that in a different section of the facility?

6 A. Yes.

7 Q. Who else was working with you that night?

8 A. Kayla.

9 Q. Kayla?

10 A. Kayla Larson.

11 Q. Now, she was working in the south hall there with
12 you?

13 A. She was in south hall; I was in north hall.

14 Q. You said you saw Ms. Cook later on that evening,
15 about 8:30. What was the occasion for that?

16 A. She was coming back up from bingo, and she stopped
17 and asked if I had her medicine. And I told her, "No,
18 Kayla does," and she said good night. And she said,
19 "Thank you. Good night, sweetie."

20 Q. Did you get a chance to look at her pretty well?

21 A. I did, uh-huh.

22 Q. Did she have any injuries to her face or problems?

23 A. No.

24 Q. Did she look abnormal in any way?

25 A. No.

TERESA STAGNER - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Her arms, her hands, anything that you noticed
2 that --

3 A. No. She...

4 Q. When you said that you weren't going to be giving her
5 the meds, who did you tell her was going to be coming to
6 see her about her medicines?

7 A. Kayla.

8 Q. And did you see Kayla at some point that evening down
9 in the south hall dispensing medicine?

10 A. Yeah, from time to time, yeah. I was on my hall; she
11 was on hers.

12 Q. Did you have any further interaction with Ms. Cook
13 that night?

14 A. I didn't.

15 Q. How long did Kayla stay there that night?

16 A. Kayla left about 9:30.

17 Q. All right. And who else was working with you after
18 Kayla left?

19 A. It was just myself.

20 Q. When did -- did you have somebody coming in to
21 relieve you or give you some assistance at any point?

22 A. Third shift comes in at 11:00.

23 Q. And who was that that night?

24 A. Linda Roach.

25 Q. Did she show up on time?

TERESA STAGNER - DIRECT EXAMINATION BY MR. BRACKETT

1 A. When I -- I was passing out meds, I was in a
2 resident's room, and when I came out, she was already
3 there.

4 Q. Was it sometime around 11:00, though?

5 A. Yes.

6 Q. Now, between the time that Kayla left, about 9:30,
7 and the time Ms. Linda showed up, Linda Roach, at around
8 11:00, you said you were alone?

9 A. I was.

10 Q. Tell the jury, what kind of things do you do? What
11 are your duties and responsibilities during that time
12 period?

13 A. To gather up the trash and straighten up the desk.
14 Write her notes.

15 Q. Do residents sometimes call you?

16 A. Residents call. We answer their page. The residents
17 that have 10:00 medicines, you give the -- just pass out
18 meds.

19 Q. All right. Did you see Ms. Cook at any point during
20 that time period?

21 A. I didn't.

22 Q. Was there anything unusual happening in the facility
23 that night?

24 A. About 8:00, the phone started ringing and nobody was
25 there. That happened for the past couple -- the next two

TERESA STAGNER - DIRECT EXAMINATION BY MR. BRACKETT

1 hours.

2 Q. Okay. When you say "the phone," which phone?

3 A. Our portable.

4 Q. The portable phone?

5 A. Yes.

6 Q. And what number does that ring from? Is that a
7 portable phone you carry around?

8 A. Yes.

9 Q. And can you describe what --

10 A. It's a desk phone. It's a portable phone. We have
11 two of them.

12 Q. How does that work? If I called the nurses' station
13 and no one is there, what happens to the call? Does it go
14 to voice mail?

15 A. Just rings.

16 Q. Okay. And when it rings at the desk, does it also
17 ring on the portable phone?

18 A. Yes.

19 Q. How loud is it?

20 A. It's decent -- it's pretty loud.

21 Q. I'm sorry?

22 THE COURT: Kind of lift your voice up a little. You
23 got a soft voice. You need to speak a little louder.

24 Q. Yeah. Just keep it up, because if I can't hear you,
25 then neither can the jurors at this end of the box.

TERESA STAGNER - DIRECT EXAMINATION BY MR. BRACKETT

1 A. It's pretty loud.

2 Q. If you were standing at the nurses' station and the
3 phone rang at the end of the hall near Ms. Cook's room or
4 near the laundry room there, would you be able to hear it
5 at the nurses' station?

6 A. Yes.

7 Q. So is it fair to say that it rings pretty much
8 throughout that hallway area, the tree house area --

9 A. Yes.

10 Q. -- and you can hear it wherever it rings?

11 A. Yes.

12 Q. So you said there were some phone calls that were
13 coming in. Can you tell me -- give me an example of what
14 one of those was like.

15 A. The phone would ring and nobody would be there. It
16 would just be silence.

17 Q. Could you see who was calling you from your portable
18 phone?

19 A. No.

20 Q. How many times did that happen?

21 A. Probably seven to ten times.

22 Q. Were you keeping track?

23 A. No, but it was about seven to ten times.

24 Q. Was that unusual?

25 A. Yes.

TERESA STAGNER - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. What else took place that night? Anything else
2 unusual happen?

3 A. After Kayla left, it was probably about 9:45, I heard
4 a noise coming from the tree house area, so I got up and
5 went in there and looked. I thought it might have been
6 Linda because she comes in early sometimes and goes and
7 sits in there. And I looked in there, I looked out the
8 window, see if Linda's truck was there. It wasn't there.
9 And I walked out.

10 Q. Did you see anybody in the tree house room?

11 A. No.

12 Q. Did you turn the lights on?

13 A. No.

14 Q. Did you open up either of the closet doors in there
15 and look in there?

16 A. I didn't.

17 THE COURT: Speak a little louder, please.

18 Q. And did you notice anything else unusual that evening
19 while you were working?

20 A. When I was taking the trash down about 10:30, the
21 trash room door was propped open. And I thought that was
22 kind of strange, but I didn't think anything else of it.

23 Q. When you say it was propped open, what do you mean?

24 A. There was a stop stick to prop it open.

25 Q. Was it common for that door to be propped open?

TERESA STAGNER - DIRECT EXAMINATION BY MR. BRACKETT

1 A. No.

2 Q. Who used that trash room?

3 A. We did and housekeeping.

4 Q. Did residents use it?

5 A. No.

6 Q. Is it common for it to be propped open like that?

7 A. No. We had a key to get into it.

8 Q. Did you have to use the key to get into it, though?

9 A. No. There was -- someone had stuck a piece of paper
10 in it to keep it from locking. It will shut, but it
11 didn't lock.

12 Q. They stuck a piece of paper into the latching
13 mechanism?

14 A. Yes.

15 Q. So it kept that propped open?

16 A. No, it wasn't propped open. It was shut, but you can
17 just open it when you went down there.

18 Q. Did you have to turn the knob?

19 A. No.

20 Q. You can just push it?

21 A. Push it open.

22 Q. Did most of the staff know this?

23 A. Yes.

24 Q. What time did you get off work that night?

25 A. It was after 11:00. I didn't come out of the

TERESA STAGNER - DIRECT EXAMINATION BY MR. BRACKETT

1 resident's room until about ten after 11:00, and then I
2 counted off with Linda and told her what went on for the
3 day. And I probably left about 11:20, 11:30.

4 Q. Do you know the defendant, Braquette Walton?

5 A. Yes.

6 Q. Did you see her anywhere there that night?

7 A. No.

8 Q. The sound that you said you heard in the tree house
9 room, what did that sound like?

10 A. It was a soft sound. It sounded like a door just
11 being slowly shut. Or opened. It was just a real soft
12 sound.

13 Q. Thank you very much, Teresa. Please answer any
14 questions that Mr. Smith has.

15 CROSS-EXAMINATION

16 BY MR. SMITH

17 Q. Ms. Stagner, I believe you said that Kayla was coming
18 out of Ms. Cook's room around 9:15; is that right?

19 A. She was coming down the hall at 9:15.

20 Q. Did you during your shift check on Ms. Cook at any
21 point in time?

22 A. No.

23 Q. And I believe you said around -- or at some point in
24 time, you were down toward the trash room. Would that
25 have been around 10:30?

TERESA STAGNER - CROSS-EXAMINATION BY MR. SMITH

1 A. 10:30, yes.

2 Q. And the trash room is down in the hall -- or down in
3 the south hall near the end where Ms. Cook's room is
4 located; is that right?

5 A. Yes.

6 Q. And did you notice anything in Ms. Cook's room at
7 that point?

8 A. No.

9 Q. Did you hear any unusual noises, screams, struggling,
10 anything like that?

11 A. No.

12 Q. And I believe you mentioned that at that time of
13 night it's quiet, so you can hear everything. You put
14 that in your statement to the police; is that right?

15 A. Yes.

16 Q. And other than the noise you heard in the tree house
17 room, did you hear any other unusual noises that evening?

18 A. No.

19 Q. Did you hear any exterior alarms being activated or
20 deactivated?

21 A. No.

22 Q. You talked about some paper in a lock of a trash room
23 door. Now, that was not done on this night. That had
24 been that way for about a month or so; is that correct?

25 A. It was like that since I started.

TERESA STAGNER - CROSS-EXAMINATION BY MR. SMITH

1 Q. Since you started?

2 A. Uh-huh.

3 Q. And at some point I believe that evening you had to
4 check on room -- a page from room 512 and another one from
5 room 514; is that correct?

6 A. Yes.

7 Q. And both those are in the south hall?

8 A. Yes.

9 Q. That would be the same hall as Ms. Walton's.
10 And of course when you were at the nurse --

11 THE COURT: Ms. Cook.

12 Q. I'm sorry, Ms. Cook's.

13 And when you were at the nurses' station, if you look
14 directly down the south hall, what room do you see?

15 A. You saw 519, Ms. Cook's room.

16 Q. Which was Ms. Cook's room.

17 Do you know Marvin Lawrence?

18 A. Yes.

19 Q. How do you know him?

20 A. He's the cook. One of the cooks, one of the chefs.

21 Q. And to your knowledge, is he supposed to have access
22 to the property at nighttime?

23 A. No. I'm not sure.

24 MR. SMITH: Thank you. No further questions.

25 THE COURT: Redirect?

TERESA STAGNER - CROSS-EXAMINATION BY MR. SMITH

1 MR. BRACKETT: Just a couple of quick questions.

2 REDIRECT EXAMINATION

3 BY MR. BRACKETT

4 Q. Ms. Stagner, you were asked whether you had some
5 calls in a couple of rooms on the south hall. Were you
6 the only employee there to help patients in the north and
7 south hall?

8 A. After 9:30, after Kayla left.

9 Q. Do you get calls to both halls?

10 A. Yes.

11 Q. And when you're in the north hall, can you see what's,
12 going on in the south hall?

13 A. I can't see, no.

14 Q. And if you were in the north hall and somebody was at
15 the nurses' desk or in the tree house room and your phone
16 rang, would they be able to hear it from there?

17 A. If I was in the north hall, yes.

18 Q. Okay. Thank you.

19 THE COURT: Recross?

20 MR. SMITH: Nothing further, Your Honor.

21 THE COURT: You can step down and be excused.

22 Appreciate your time, Ms. Stagner.

23 Call your next witness.

24 MR. BRACKETT: State would call Mr. Angelo Ivey.

25 ANGELO IVEY, after having first being duly sworn,

ANGELO IVEY - DIRECT EXAMINATION BY MR. BRACKETT

1 testified under oath as follows:

2 DIRECT EXAMINATION

3 BY MR. BRACKETT

4 Q. Good morning, Mr. Ivey. How are you today?

5 A. Fine.

6 Q. Would you please state your full name for the record.

7 A. Albert Angelo Ivey.

8 Q. And is it I-V-E-Y?

9 A. Yes.

10 Q. Where do you work, Mr. Ivey?

11 A. Park Pointe Village.

12 Q. What do you do for Park Pointe Village?

13 A. Security, maintenance, and slash anything.

14 Q. How long have you worked for Park Pointe?

15 A. About three years.

16 Q. So you were working there November of 2011?

17 A. Yes, sir, I was.

18 Q. What kind of shifts do you work? How do they break
19 that down?

20 A. I work second shift on Tuesday, Wednesday, and
21 Thursday. And Friday I work third, 12:00 to -- Friday,
22 Saturday I work 12:00 to 8:00.

23 Q. 12:00 at night to 8:00 in the morning?

24 A. Yes, sir.

25 Q. And what is the duties of somebody -- what are your

ANGELO IVEY - DIRECT EXAMINATION BY MR. BRACKETT

1 duties during these time periods when you're working?

2 A. I clean a little carpet and ride around, check the
3 campus out. And if anybody need anything, they call me, I
4 go kind of fix it.

5 Q. Did you -- were you working on the evening shift, the
6 overnight shift that started on November the 12th,
7 Saturday, November the 12th to November the 13th of 2011
8 last year?

9 A. Yes, sir, I was.

10 Q. Did you know Ms. Pauline Cook?

11 A. Yes, sir, I knew her very well.

12 Q. All right. So right around the time Ms. Pauline
13 passed, were you working that night?

14 A. Yes, sir.

15 Q. Okay. And did anything unusual happen during that
16 shift?

17 A. Well, Ms. Linda, she called me and said something was
18 wrong in the trash room, so I went to the trash room, and
19 I told her wasn't nothing wrong. And then she told me the
20 boiler room, so I went down there and it was leaking
21 water. And I come back there and told her it was leaking
22 water, need to call someone, the man on call, so we called
23 him. He said he know what it was, he would come out and
24 fix it the next day.

25 Q. Where is the boiler room?

ANGELO IVEY - DIRECT EXAMINATION BY MR. BRACKETT

1 A. Down -- down in the basement.

2 Q. Okay. And do you know where Ms. Pauline's room was?

3 A. Yes.

4 Q. And where was the boiler room in relation to
5 Ms. Pauline's room?

6 A. Right -- almost right beside it.

7 Q. Right beside it or below it?

8 A. Below it, below it, yeah.

9 Q. Under it?

10 A. Yes.

11 Q. And is the boiler room -- it sounds like it's a
12 concrete and boilers and a lot of equipment?

13 A. Yeah.

14 Q. Not a place the residents go?

15 A. No.

16 Q. Is there a drain down there?

17 A. Yes.

18 Q. Was this an urgent situation that needed to be
19 addressed right then, did it appear to you?

20 A. I thought it was, but Chuck said it was okay because
21 he know what the problem was, so he would come fix it the
22 next day.

23 Q. Anything else unusual that you observed that night?

24 A. No, sir.

25 Q. Who else was working that night in the overnight

ANGELO IVEY - DIRECT EXAMINATION BY MR. BRACKETT

1 shift? Do you remember?

2 A. Linda, she was working.

3 Q. Linda Roach?

4 A. Yes. Yes.

5 Q. And who was working the guard gate?

6 A. The guard gate, I think it was Charlie Bond.

7 Q. Are you sure about that?

8 A. Nope. I ain't sure about that.

9 Q. Did you see any other employees besides those folks
10 there that night?

11 A. Well, you know, the Water Brooks, I go back and forth
12 to Water Brooks Court.

13 Q. Is that another section of the same Park Pointe
14 facility?

15 A. Yes.

16 Q. Is that what they call the independent living area?

17 A. It's -- independent is IL, and double BC is Water
18 Brooks, Water Brook Court. That's where the -- well...

19 Q. There were employees that were working there?

20 A. Yeah, yeah, they have about three of them work over
21 there.

22 Q. But in that -- in the assisted living area --

23 A. Was --

24 Q. -- did you see anybody other than Ms. Roach that was
25 supposed to be there that night?

ANGELO IVEY - DIRECT EXAMINATION BY MR. BRACKETT

1 A. That's all. That's all.

2 Q. Did you pretty much walk throughout there, doing your
3 job, cleaning and fixing things?

4 A. Yes, uh-huh.

5 Q. Do you remember about what time that leak was going
6 on down in the boiler room?

7 A. I can't really tell you. I just know she called me
8 and I went and checked on it.

9 Q. Okay. Was it early in your shift?

10 A. It probably, yeah, early.

11 Q. What time did you get there?

12 A. I got there 12:00.

13 Q. Do you recall, was it right after you got there?

14 A. Shortly after I got there, probably shortly.

15 Q. Within the hour?

16 A. Yeah, something like that.

17 Q. Within a half an hour?

18 A. I would say about 30 minutes, 45 minutes. I don't
19 know for sure.

20 Q. So about 12:30 or so?

21 A. Yeah.

22 Q. Thank you very much, Mr. Ivey. Please answer any
23 questions Mr. Smith may have for you.

24 CROSS-EXAMINATION

25 BY MR. SMITH

ANGELO IVEY - CROSS-EXAMINATION BY MR. SMITH

1 Q. Mr. Ivey, you indicate you came on at 12:00. Is that
2 12:00 midnight, or is that 12:00 in the afternoon?

3 A. 12:00 midnight.

4 Q. So you would be relieving someone. Someone had been
5 on earlier before you?

6 A. Yes.

7 Q. And you said that part of what you do is patrol the
8 property, I believe in a golf cart; is that right?

9 A. Yeah, car, yeah.

10 Q. Do you stay just on one side of the property, or do
11 you go all around?

12 A. I go all around.

13 Q. And the backside of the property sort of backs up to
14 Leach Road; is that right?

15 A. Yes.

16 Q. And now there's a -- I believe a fence there, but at
17 that time was there just a gate?

18 A. Just a chain running across there, yeah.

19 Q. Just a chain. Had you been having some problems back
20 there?

21 A. No.

22 Q. All right. Did you patrol that area as well?

23 A. Yes, yes.

24 Q. And you know Braquette Walton, right?

25 A. Uh-huh.

ANGELO IVEY - CROSS-EXAMINATION BY MR. SMITH

1 Q. And you knew her, that she had worked there; is that
2 correct?

3 A. Yeah.

4 Q. And you're familiar with her vehicle as well?

5 A. Yes.

6 Q. And that night during the time you worked, you never
7 saw her anywhere on the property; is that right?

8 A. No, sir.

9 Q. And you never saw her vehicle anywhere on the
10 property; is that right?

11 A. No, sir.

12 Q. And if you had seen her vehicle sitting on the side
13 of the road or somewhere around, you would have known it
14 to be unusual, wouldn't you?

15 A. No.

16 Q. But if you saw her vehicle, you would have noticed it
17 to be her vehicle, right?

18 A. Yeah.

19 Q. And you didn't, did you?

20 A. No.

21 Q. Do people come and go, the various employees, all
22 throughout the night when they change shifts?

23 A. Most time they change shift, they gone. They don't
24 come back.

25 Q. But the shift change at different periods throughout

ANGELO IVEY - CROSS-EXAMINATION BY MR. SMITH

1 the night -- in other words, you come on at midnight, but
2 there are other people that come on at 9:00 and other
3 people that come on at 6:00 in the morning; is that right?

4 A. They come on different times, yes.

5 Q. So there's activity coming through the guard station
6 all throughout the evening?

7 A. Well, at that time of night, no.

8 Q. Okay. At which time of night are you referring?

9 A. Midnight to 8:00 in the morning.

10 Q. But at midnight, you change a shift; is that right?

11 A. I come in at midnight.

12 Q. Okay. And somebody comes and delivers medication to
13 the property?

14 A. Yes.

15 Q. And they come sometime after midnight --

16 A. Yes.

17 Q. -- is that correct?

18 A. Uh-huh.

19 Q. And then there's a -- you walking around the
20 property, correct?

21 A. Most of the time I ride around.

22 Q. You ride around. I'm sorry.

23 A. Yeah.

24 Q. And then is there a shift change that occurs? In
25 other words, does the kitchen staff start coming in at

TONY MULLIGAN - DIRECT EXAMINATION BY MR. BRACKETT

1 5:00?

2 A. Yes. Just one lady come at 5:00.

3 Q. One lady comes in at 5:00. When does the rest of the
4 staff start showing up?

5 A. Around about 6:30, 7:00.

6 Q. And from any of the people that you had contact with
7 that evening, did anyone tell you they had seen Ms. Walton
8 or anything unusual on the property that evening?

9 A. No.

10 Q. Thank you.

11 MR. SMITH: No further questions.

12 THE COURT: Redirect?

13 MR. BRACKETT: Nothing further.

14 THE COURT: All right. Mr. Ivey, you can be excused.

15 We appreciate your time.

16 THE WITNESS: Thank you.

17 THE COURT: Thank you.

18 Call your next witness.

19 MR. BRACKETT: State would call Tony Mulligan.

20 TONY MULLIGAN, after having first being duly sworn,
21 testified under oath as follows:

22 DIRECT EXAMINATION

23 BY MR. BRACKETT:

24 Q. All right, sir. Would you please state your full
25 name and spell your last for the court reporter.

TONY MULLIGAN - DIRECT EXAMINATION BY MR. BRACKETT

- 1 A. Tony J. Mulligan. M-U-L-L-I-G-A-N.
- 2 Q. Is it all right if I call you Tony?
- 3 A. Yes, sir.
- 4 Q. Tony, can you tell the jury where you work.
- 5 A. In the guard shack.
- 6 Q. Let's back up a little broader view than that.
- 7 Where? What guard shack where?
- 8 A. Oh, Park Pointe Village guard shack.
- 9 Q. You work at Park Pointe Village?
- 10 A. Guard shack, yes, sir.
- 11 Q. And what do you do at Park Pointe Village?
- 12 A. I monitor who comes in and out at the gate.
- 13 Q. Can you describe the gate for the jury? Give them a
- 14 little bit of an idea what we're talking about.
- 15 A. The gate -- for me not to stop your car, you will
- 16 either have to have a pendant or a badge to get in or out.
- 17 And if you're a visitor, then I come out. I look inside
- 18 your car, see who you going to visit, then I have to call
- 19 that person if they don't know you're coming. But if they
- 20 do call down, I can just let you in. And I get your tag
- 21 number, and you're good to go.
- 22 Q. Let me back it up even -- break it down even simpler
- 23 than that. I'm pulling up to the guard shack off of
- 24 Highway 5 to Park Pointe Village, and I pull up to the
- 25 shack, the little building right there in the middle of

TONY MULLIGAN - DIRECT EXAMINATION BY MR. BRACKETT

1 the road.

2 A. Yes, sir.

3 Q. As I pull up, how many lanes do I have to enter in?

4 A. To enter in, they have two lanes on either side.

5 Q. Two lanes on either side. So two plus two, four
6 lanes altogether?

7 A. Yes, sir.

8 Q. On the entrance side, as I'm going into Park Pointe,
9 Village, there's two lanes. Which lane is the residents'
10 and employees' lane?

11 A. The outside lane is the residents.

12 Q. So the right as I'm pulling in would be. And how do
13 I get through that? Is there an actual gate that comes
14 down --

15 A. Yes, sir.

16 Q. -- that would block my entrance?

17 A. Yes, sir, but you need to have a pendant or your ID
18 badge to get in.

19 Q. A pendant? You mean a clicker?

20 A. It's a clicker.

21 Q. Like a garage door opener?

22 A. Yes, sir.

23 Q. And then if I push that clicker, if I have one and
24 it's authorized, what happens to the gate?

25 A. The gate will come up, then you can go in, and it

TONY MULLIGAN - DIRECT EXAMINATION BY MR. BRACKETT

1 automatically come right down as soon as your car enters.

2 Q. Now, if I'm not a resident or an employee and I don't
3 have the clicker or any way of getting in, I go into the
4 left lane, right?

5 A. Yes, sir.

6 Q. As I pull into the left lane, how do you know I've
7 pulled in there if your back is turned?

8 A. We have a bell.

9 Q. What activates the bell?

10 A. It's a strip. So as soon as you pass by the stop
11 sign, it rings.

12 Q. Okay. So my car tires passing over that strip makes
13 your bell in the guard shack ring?

14 A. My bell would ring.

15 Q. And you turn and look to see who's coming?

16 A. Yes, sir. But it's a bunch of windows in there, so
17 usually I can see who is turning in at all times.

18 Q. Okay. When a nonresident, nonemployee comes in,
19 that's when you do the let me check and see who you are,
20 who are you here to visit --

21 A. Yes, sir.

22 Q. -- that sort of thing.

23 And if the resident has called and said, I'm
24 expecting my son to visit" and --

25 A. Yes, sir. You still go out and get the tag number,

TONY MULLIGAN - DIRECT EXAMINATION BY MR. BRACKETT

1 and we just have their pass already made, so...

2 Q. Okay. Now, on the other side leaving, there's -- you
3 said there's two lanes; is that correct?

4 A. Yes, sir.

5 Q. Now there's -- what are those two lanes? Describe
6 them.

7 A. It's the same thing as incoming. It's the same exact
8 thing. You either have to have that pendant or that badge
9 to get outside, and that's on the outside lane for
10 employees or residents. On the inside lane, there's
11 visitors. And once again I come out, and I actually take
12 back the pass that I gave you, and then I let you out.

13 Q. Okay.

14 A. But with visitors, I have to let you in or out.

15 Q. Is the clicker that I use to get in the same as the
16 clicker I would use to leave?

17 A. Yes, sir.

18 Q. And how close are these gates to you? How big is the
19 guard shack?

20 A. My guard shack, I want to say it's a pretty nice
21 size. Pretty nice size. 16 --

22 Q. If I'm standing in the middle, can you do that?

23 A. Yes, sir. No problem.

24 Q. Windows on either side?

25 A. Windows on either side.

TONY MULLIGAN - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. You can see the incoming and outgoing traffic?

2 A. Yes, sir.

3 Q. Now, were you working in this security position back
4 in November of 2011?

5 A. Yes, sir.

6 Q. Turning your attention specifically to the evening
7 hours of November 12th, 2011. Were you working that
8 day?

9 A. Yes, sir.

10 Q. What shift were you working?

11 A. Second shift.

12 Q. What are the hours of that?

13 A. 4:00 to 12:00.

14 Q. 4:00 to 12:00.

15 How long have you been -- as of November of last
16 year, how long had you been working at Park Pointe?

17 A. Couple months. I want to say -- I'd say about four
18 months, four, five months.

19 Q. Long enough to get to know most of the employees?

20 A. Yes, sir. Just -- well, I stayed inside the guard
21 shack. I don't ever leave.

22 Q. Not know them personally, but you get out and talk --

23 A. I don't know them personally, but I know their faces.

24 Q. But you recognize them as they came in?

25 A. Yes, sir.

TONY MULLIGAN - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Did you know Braquette Walton?

2 A. Not on a personal level, no, sir.

3 Q. Did you recognize her face from being an employee
4 there, coming and going?

5 A. Yes, sir, I could recognize her face.

6 Q. All right. On that evening shift from 4:00 to 12:00,
7 did you see her coming or going from the guard shack at
8 any time between 4:00 and 12:00 on Saturday, November the
9 12th, 2011?

10 A. No, sir.

11 Q. Is there any other way that you could drive on to the
12 property at Park Pointe but through your guard shack?

13 A. Not through my guard shack. It was a rope blocking
14 off the back entrance, but it's not enough space to get a
15 car through there, I don't believe.

16 Q. So there's another roadway that accesses the
17 property?

18 A. There was a back roadway at the time.

19 Q. But it's blocked off, you said?

20 A. It was blocked off. It was a rope actually blocking
21 it off.

22 Q. Was it a rope or was it a chain?

23 A. A chain.

24 Q. Metal chain?

25 A. Yes, sir.

TONY MULLIGAN - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Was it locked on or just looped over?

2 A. I never took the time to actually walk back there.

3 Q. To your knowledge, was there any other way to drive
4 through on the property but through your guard shack?

5 A. No, sir.

6 Q. Did you -- at any point between the hours of 7:30 and
7 midnight, do you recall leaving your post at any point in
8 time?

9 A. No, sir.

10 Q. If Braquette Walton had come through there, would the
11 bell have rung regardless of which lane she used?

12 A. If she used the outside lane, it would not have rung.

13 Q. Would you have noticed if she had come in?

14 A. Yes, sir.

15 Q. Can you see all the cars that come off the highway?

16 A. Yes, sir. Our doors is glass too.

17 Q. At any point in time did you see her come through?

18 A. No, sir.

19 Q. Thank you very much, Mr. Mulligan. Mr. Smith may
20 have some questions for you. Please answer them.

21 MR. SMITH: No questions.

22 THE COURT: Thank you. You can step down, be
23 excused. Appreciate your time.

24 Call your next witness.

25 MR. BRACKETT: Yes, sir. State would call

RICHARD HEGARTY - DIRECT EXAMINATION BY MR. BRACKETT

1 Mr. Richard Hegarty.

2 RICHARD HEGARTY, after having first being duly sworn,
3 testified under oath as follows:

4 DIRECT EXAMINATION

5 BY MR. BRACKETT:

6 Q. Sir, would you please state your full name for us.

7 A. Richard Hegarty.

8 Q. How do you spell that last name?

9 A. H-E-G-A-R-T-Y.

10 Q. And where are you employed, sir?

11 A. Park Pointe Village.

12 Q. And what do you do at Park Pointe Village?

13 A. I'm the director of physical plant.

14 Q. What exactly -- can you explain to the jury what the
15 director of physical plant does and what the --

16 A. I oversee housekeeping, maintenance, security,
17 transportation. Those departments.

18 Q. Did you say security as well?

19 A. Yes, sir.

20 Q. Okay. And as well as maintenance?

21 A. Yes.

22 Q. Okay. Are you familiar -- scratch that.

23 Are you generally familiar with how employees come
24 and go from Park Pointe Village?

25 A. I know the process of adding them into the system.

RICHARD HEGARTY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Okay. Are you familiar with the security system
2 there?

3 A. Yes.

4 Q. All right. How -- if I wanted to drive a vehicle on
5 to Park Pointe Village, how would I -- on the property
6 there, how would I have to do that?

7 A. You're either issued a wireless clicker or a swipe
8 card.

9 Q. Okay. And what would that do for me?

10 A. You'd have to go through the gate. When your car
11 goes over for the wireless, it activates a detector for
12 the wireless.

13 Q. Okay.

14 A. That will open the gate once you click it. Now, if
15 you don't have that wireless, you can use your swipe card.
16 And there is a reader also there.

17 Q. And that will open the gate as well?

18 A. Yes, sir.

19 Q. Now, after I've -- are there any other roads that I
20 can use to drive onto the premises?

21 A. No. There's a back road, but it's chained off.

22 Q. Are you familiar -- does that chain block the
23 roadway?

24 A. Yes.

25 Q. Is it locked on there?

RICHARD HEGARTY - DIRECT EXAMINATION BY MR. BRACKETT

1 A. It's locked.

2 Q. All right, sir. So the only way through is past the
3 guard shack?

4 A. Correct.

5 Q. In a car?

6 A. In a car.

7 Q. If I wanted to come on foot, is it possible I could
8 enter the premises, park the car off the property and walk
9 in?

10 A. Yes.

11 Q. Could I do that without having to go past the guard
12 shack?

13 A. Yes.

14 Q. Once I get onto the property, how can I actually
15 access the interior of the building? If Kevin Brackett
16 just walked onto the property, I snuck on and I just
17 wanted to go inside the building, could I just walk up to
18 the door, open it, and walk in?

19 A. No. You would need an access card.

20 Q. All right. And what does that do for me?

21 A. That would -- you would swipe it, and it would
22 allow -- the door would unlock and you could enter. And
23 it's recorded.

24 Q. It's recorded?

25 A. Yes.

RICHARD HEGARTY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Where is it recorded?

2 A. On our main computer for that system. Card access
3 system.

4 Q. Does the card access system and the computer system
5 there, does it also record the gate?

6 A. Yes.

7 Q. Now, when you say it records it, does it just record
8 that somebody came through the door at a certain time or
9 what does it actually record?

10 A. It records the name of the person and the time --

11 Q. So if I --

12 A. -- and where.

13 Q. So if I worked at Park Pointe Village and I was given
14 an access card or a clicker, is that clicker and access
15 card unique to me?

16 A. Yes.

17 Q. When I come through, does it record the time that I
18 come through?

19 A. Yes.

20 Q. And does it record which door I come through?

21 A. Yes.

22 Q. Now, as part of your job, do you have custody and
23 control of the records?

24 A. That is in my office, yes.

25 Q. Okay. And have you reviewed those records?

RICHARD HEGARTY - DIRECT EXAMINATION BY MR. BRACKETT

1 A. Yes, I have.

2 Q. Do you have them here?

3 A. Yes, I do.

4 Q. I'm speaking specifically of the records concerning
5 access to Park Pointe Village, particularly the Oakbridge
6 Terrace portion of Park Pointe Village, November the 12th,
7 2011, between -- well, let's back it up even further.

8 Let's say November 10th through the 13th and 14th. Tell
9 me which records you brought.

10 A. I have a summary of the 10th through the 12th.

11 Q. All right, sir. And does that summary include
12 specifically access to the property and to the buildings
13 by the defendant in this case, Braquette Walton?

14 A. Yes.

15 Q. And are those records you pulled from the computer
16 you have custody and control of?

17 A. Yes.

18 Q. Can I see them.

19 Did you also prepare at my request a summary of the
20 computer printout summarizing what this shows?

21 A. Yes.

22 MR. SMITH: Beg the Court's indulgence. I was not
23 provided this summary. I want to check what matches what
24 I've been provided.

25 Q. Mr. Hegarty...

RICHARD HEGARTY - DIRECT EXAMINATION BY MR. BRACKETT

1 (State's Exhibit Number 107 was marked.)

2 Q. I'm showing you a document that is marked State's
3 Exhibit 107 for identification and ask, can you identify
4 what that document is.

5 A. This is a report of the dates and times of access
6 that was granted.

7 Q. And from what period to what period?

8 A. 11/10/2011 to 11/12/2011.

9 Q. 2011?

10 A. '11.

11 Q. All right. And when you say granted access, for who
12 and on whose card?

13 A. Braquette Walton.

14 Q. And is that an accurate recordation by your security
15 system of her access into and from Park Pointe Village,
16 the property, and the Oakbridge Terrace during the time
17 period you just identified?

18 A. Yes, sir.

19 MR. BRACKETT: Your Honor, I would seek to introduce
20 State's Exhibit 107 at this time into evidence.

21 MR. SMITH: No objection.

22 THE COURT: In without objection.

23 (State's Exhibit Number 107 was admitted.)

24 Q. At my request did you prepare a summary of that data
25 to simplify testifying?

RICHARD HEGARTY - DIRECT EXAMINATION BY MR. BRACKETT

1 A. Yes.

2 Q. Is that the summary I just handed you?

3 A. Yes, it is.

4 Q. Let's start at November the 10th. What does the
5 security system show November the 10th? I believe that
6 was Thursday. What does it show, if anything, as to
7 Ms. Walton's comings or goings from Park Pointe Village?

8 A. There's a wireless clicker that was granted access at
9 11:02 p.m. on 10/11. Also on 10/11, access was granted by
10 the swipe card to enter the main door to the AL building.

11 Q. And what is the AL building?

12 A. Assisted living.

13 Q. Let me back up. The first thing you said, a clicker
14 showing entrance at 11:00 p.m. that Thursday night, the
15 10th?

16 A. Yes. 11/10/11, access was granted by a wireless
17 clicker.

18 Q. Could you show me the line on there that shows that.

19 A. This is the wireless, 11:02.

20 Q. And it says "reader for wireless." Above it it has
21 the same time, readerless three -- reader three wireless,
22 same time, access granted, Bea Walton. It looks like it
23 was the same thing. Can you explain why there's a
24 duplicate entry.

25 A. There's an in and an out, and both readers will pick

RICHARD HEGARTY - DIRECT EXAMINATION BY MR. BRACKETT

1 up that identity, but only one gate will open.

2 Q. So when I'm at the gate and I push the clicker, the
3 gate in front of me opens?

4 A. Correct.

5 Q. The exit gate will register the click and record it?

6 A. Yes. It verifies it.

7 Q. Okay.

8 A. But it will only open the gate you're at that's
9 triggered.

10 Q. But that doesn't mean she came in twice at that time?

11 A. No, sir.

12 Q. When is the next time that the record shows she came
13 or left?

14 A. Left the gate?

15 Q. Or the building.

16 A. Oh, okay. The building at 11/10/11. Access was
17 granted by the swipe card to the main door to the AL
18 building, and that was 11:02 p.m.

19 Q. And the main door of the AL building, is that the
20 door you would enter in near the tree house room?

21 A. Yes, sir.

22 Q. Okay. And that was at what time? 11:00 p.m.?

23 A. 11:02.

24 Q. And that's Thursday night, 11:00 p.m.?

25 A. Correct.

RICHARD HEGARTY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Any other activity on that Thursday?

2 A. Yes. During the hours that early morning of
3 1:03 a.m., 4:34 a.m., 7:22 a.m. Those were access to that
4 building at that time.

5 Q. All right. Does it record so if she left the
6 building to go to the garbage can or walk out to her
7 car --

8 A. No.

9 Q. -- but came back in, would it record those swipes?

10 A. It records when you come back in.

11 Q. Does it record when you leave, though?

12 A. No, sir.

13 Q. What was the next time that she came onto the
14 property or to the...

15 A. 11/11/11, access was granted by the wireless clicker
16 at the main gate to exit. And that was 7:42 a.m.

17 Q. Okay. On the exit side.

18 A. Yes, sir.

19 Q. Does it also have a duplicate? Did it pick up on the
20 other side?

21 A. Yes, sir.

22 Q. And you said that was 7:43 a.m.?

23 A. 7:42 a.m.

24 Q. And did she come back onto the property anytime that
25 Friday the 11th again?

RICHARD HEGARTY - DIRECT EXAMINATION BY MR. BRACKETT

1 A. Yes. On that same date, wireless clicker gave access
2 at 7:05 p.m.

3 Q. And does it show that she entered any of the
4 buildings after that?

5 A. No, sir.

6 Q. 7:05 p.m., she comes to the gate?

7 A. (The witness nods his head.)

8 Q. Does it show --

9 THE COURT: You got to answer.

10 A. Oh. Yes, sir. 7:05 p.m.

11 Q. Does it show a departure on that date?

12 A. Yes. 7:18 p.m.

13 Q. 13 minutes later?

14 A. Yes, sir.

15 Q. Any other entrances or departures from the property
16 or the buildings on that Friday the 11th?

17 A. None.

18 Q. Turning your attention, then, to Saturday, the
19 12th of November, 2011. Does it show that she came
20 through the gate at any point during that day?

21 A. Yes. Access was given at 7:50 p.m.

22 Q. Through the gate or the --

23 A. Through the gate, wireless clicker -- I'm sorry, no,
24 my mistake. Access was granted by the swipe card to the
25 main door to the AL building at 7:50 p.m.

RICHARD HEGARTY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. My question, does the record indicate that she came
2 through the gate at any point on the 12th?

3 A. No.

4 Q. Either entrance or departure?

5 A. None.

6 Q. Okay. Now, you said there was a recordation of entry
7 into the building?

8 A. Yes, sir.

9 Q. What time was that?

10 A. 7:50 p.m.

11 Q. And how did she access the building? Through which
12 door?

13 A. Main door to the assisted living building.

14 Q. Is that the same door she --

15 A. Yes, sir.

16 Q. -- I referenced earlier near the tree house room?

17 A. Yes, sir.

18 Q. Are there any other entrances into the building by
19 Ms. Walton's -- using Ms. Walton's card that evening?

20 A. No.

21 Q. And would it record --

22 A. It would.

23 Q. -- her -- would it record her departure when she left
24 out?

25 A. There was none.

RICHARD HEGARTY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Okay. Would it have. Do you need to swipe it to
2 leave, in other words?

3 A. To get out the gate, yes, you do.

4 Q. How about the door of the building?

5 A. No.

6 Q. Okay. Does the record indicate that she came onto
7 the property or into the building anytime on the 13th,
8 that Sunday?

9 A. No.

10 Q. How about the 14th?

11 A. No.

12 Q. Was there any other record in your security system of
13 her coming or going from the building?

14 A. No.

15 Q. Mr. Hegarty, I'm going to hand you my pen, and I'd
16 like you to draw an asterisk, not on your summary but on
17 the record itself beside the entry that denotes her coming
18 into Oakbridge Terrace on Saturday, November the 12th,
19 at 7:50. Just put a little blue asterisk beside the
20 record portion that shows that entry.

21 Okay, sir. At some point in time -- are you familiar
22 with -- did you know Ms. Pauline Cook?

23 A. Yes, I did.

24 Q. Okay. And you're familiar with her passing there at
25 Park Pointe Village?

RICHARD HEGARTY - DIRECT EXAMINATION BY MR. BRACKETT

1 A. As of that Sunday.

2 Q. Okay. And did you cooperate with law enforcement --

3 A. Yes, I did.

4 Q. -- in their investigation?

5 A. Yes, I did.

6 Q. At some point did they give you -- did they ask you
7 to access these records for them?

8 A. Yes, they did.

9 Q. And on Sunday the 13th, did you share this
10 information with them?

11 A. Yes, I did.

12 Q. How did you do that, and where did you do that?

13 A. In my office, we printed it off.

14 Q. Did they take a picture of the computer screen as
15 well?

16 A. I'm not sure.

17 Q. That's all right. But the detectives actually came
18 into your office?

19 A. Yes, they did.

20 Q. And you called up this same information on your
21 computer?

22 A. Yes, I did.

23 Q. And provided it to them?

24 A. Yes.

25 Q. Okay. Thank you very much, Mr. Hegarty. Please

RICHARD HEGARTY - DIRECT EXAMINATION BY MR. BRACKETT

1 answer any questions counsel for defense may have.

2 CROSS-EXAMINATION

3 BY MR. SMITH

4 Q. Mr. Hegarty, the solicitor sort of characterized it
5 two different ways to you. Times he would say the card
6 showed access. Times he would say the person showed
7 access. What does that technology reveal?

8 A. The person and the time and the date.

9 Q. So if I walk into the building, it knows I walked in?

10 A. If it's coded to you.

11 Q. Okay. How would it be coded to me?

12 A. That would be our accounting gal or myself.

13 Q. And they implant that in me somehow?

14 A. No.

15 Q. So how does it know it's me?

16 A. There's a code on the card where the wireless key
17 fob.

18 Q. Okay.

19 A. That's -- has your -- has your name to that code.

20 Q. Right. But what if I give my card to you and you
21 then walk into the property? Who does it say came in the
22 property?

23 A. You.

24 Q. But that wouldn't be true, would it?

25 A. Right.

RICHARD HEGARTY - CROSS-EXAMINATION BY MR. SMITH

1 Q. Okay. So what this technology tells you is whose
2 card or whose clicker accesses the property, correct?

3 A. Correct.

4 Q. It does not tell you the individual?

5 A. No.

6 Q. There's no fingerprint, retina scan, face scan, photo
7 taken, anything additional like that?

8 A. No.

9 Q. So all these dates or the date that you have placed a
10 star beside only tells you that an access card that that
11 computer believes to be assigned to Ms. Walton alerted on
12 the property at the door; is that correct?

13 A. Correct.

14 Q. And I'm going to show you the printouts that I had
15 been given and ask you if you recognize that.

16 A. Yes. This is our -- looks like our printout.

17 Q. And it's just sort of in a different form than the
18 one you submitted, but arguably the same sorts of
19 information?

20 A. Yeah, I believe this was by -- let's see. It's got
21 the name and the code. Just more dates.

22 Q. Okay. So based on your understanding, that report
23 would be similar to the report that you ran, someone
24 searching for when Ms. Walton had access to the property;
25 is that right?

RICHARD HEGARTY - CROSS-EXAMINATION BY MR. SMITH

1 A. Yes.

2 Q. And in this report, if I can show you, there are
3 indications of things like central hall or main door.
4 What would those mean?

5 A. Main door is the entrance. There's a central hall
6 where a fire door is. And it closes at night.

7 Q. Okay.

8 A. And you have to swipe to get through that.

9 Q. And so there are different locations that the same
10 card could get you through?

11 A. Yes, sir.

12 Q. But the system would register that a different
13 section had been accessed?

14 A. Yes.

15 Q. And then can you explain to me, all these are for
16 Ms. Walton, except there's a Ms. Isaacson, a Mary Hope,
17 Mary Hope, Mary Hope, and Ms. Isaacson that come up on
18 this report. Why would that be?

19 A. I don't know.

20 Q. But clearly that report is not of everybody who had
21 access to the property. That report's just for
22 Ms. Walton, right?

23 A. When you do a report, you can put the time -- the
24 date and the time.

25 Q. Okay.

RICHARD HEGARTY - CROSS-EXAMINATION BY MR. SMITH

1 A. Looks like the time might have went beyond and picked
2 up a couple other people.

3 Q. Okay. But the entries that we're showing access from
4 on here would be from November the 1st of 2011 all the way
5 through November 14th of 2011, correct?

6 A. Yes.

7 Q. So we would expect to see every employee, not just
8 those three individuals, right?

9 A. Well, if I pulled everybody, it would be a lot more
10 people on there.

11 Q. Right. So this report must have just been for
12 Ms. Walton's information, correct?

13 A. Yeah.

14 Q. But somehow other people showed up?

15 A. Uh-huh.

16 THE COURT: Try to use yes or no since --

17 THE WITNESS: Yes.

18 THE COURT: -- just to make a record.

19 THE WITNESS: Yes.

20 MR. SMITH: Thank you. No further questions.

21 THE COURT: Redirect?

22 MR. BRACKETT: Briefly.

23 REDIRECT EXAMINATION

24 BY MR. BRACKETT

25 Q. The record we just showed you with Hope, Isaacson,

RICHARD HEGARTY - REDIRECT EXAMINATION BY MR. BRACKETT

1 Hope, and Hope, what dates are those for?

2 A. 11/14/2011.

3 Q. Is there any other activity? I'll take that back.

4 So that's Monday the 14th?

5 A. Yes.

6 Q. Is there any other activity after 7:50 p.m. for --
7 after her -- after the entry denoted for Ms. Walton's card
8 at 7:50 p.m. Saturday night, is there any other activity
9 on Ms. Walton's card?

10 A. No.

11 Q. Exterior doors?

12 A. None.

13 Q. Gate?

14 A. No.

15 Q. Internal doors? Other sections of the building?

16 A. No.

17 Q. Thank you.

18 THE COURT: Recross?

19 MR. SMITH: Thank you, Your Honor.

20 RECCROSS-EXAMINATION

21 BY MR. SMITH

22 Q. You indicated the Hope, Isaacson, Hope, Hope were
23 only on the 14th as here, but actually back up here on
24 the 7th, there's an indication for a Ms. Isaacson as well;
25 is that correct?

RICHARD HEGARTY -- RECROSS-EXAMINATION BY MR. SMITH

1 A. Yes.

2 Q. With an access granted?

3 A. Yes.

4 MR. SMITH: No further questions.

5 THE COURT: You can step down and be excused. We
6 appreciate your time.

7 THE WITNESS: Thank you.

8 THE COURT: Call your next witness.

9 MR. THOMPSON: Judge, we need to set a few things up
10 for the next witness to be able to testify.

11 THE COURT: Go ahead and take lunch, then. It's five
12 after 12:00. We'll break until 1:30. Have a pleasant
13 lunch, and we'll see you back at 1:30.

14 (The jury left open court at approximately
15 12:06 p.m.)

16 (A recess was taken from 12:06 p.m. to 1:47 p.m.)

17 THE COURT: Bring in the jury.

18 (The jury entered the courtroom at 1:47 p.m.)

19 THE COURT: Call your next witness.

20 MR. THOMPSON: May it please the Court, Your Honor.

21 The State calls Keith Dugan.

22 KEITH DUGAN, after having first being duly sworn,
23 testified under oath as follows:

24 DIRECT EXAMINATION

25 BY MR. THOMPSON

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. Detective Dugan, could you give your full name for
2 the Court, please.

3 A. Name is Keith Gerald Dugan.

4 Q. And how do you spell your last name?

5 A. D-U-G-A-N.

6 Q. Where do you work?

7 A. I work with the Rock Hill Police Department.

8 Q. How long have you been with the Rock Hill Police
9 Department?

10 A. With the Rock Hill Police Department for 18 years.

11 Q. And can you tell me, what is your responsibilities
12 there? What is your title and your responsibilities?

13 A. I'm a white-collar crimes detective over the
14 financial crimes unit.

15 Q. And as a white-collar crimes detective, do you do a
16 lot of work with forgeries?

17 A. Yes, sir.

18 Q. All right. And in that, do you end up having to get
19 a lot of bank records?

20 A. Yes, sir.

21 Q. Did you become involved in this case, State versus
22 Braquette Walton?

23 A. Yes, sir, I did.

24 Q. Tell me, what date did you become involved in this
25 case?

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 A. The initial date that I was contacted on this was
2 when I received the first report. I believe it was on the
3 14th. I have the actual police report.

4 Q. The 14th of what month and what year?

5 A. I'm sorry, it was going to be November the 14th of
6 2011.

7 Q. All right. Do you recall how you became involved at
8 that point?

9 A. Sure. We have a -- there's a systematic way most
10 reports come through the police department, and when the
11 report come through, it gets assigned to a lieutenant, and
12 then a lieutenant assigns it to one of the detectives.
13 This particular case got assigned to me as a forgery case
14 initially, and it was placed on my desk in a folder.
15 That's how I got the initial contact.

16 Q. Would that have been first thing in the morning when
17 you came in on the 14th?

18 A. Correct. Yes, sir.

19 Q. And the initial stuff you had, what were the initial
20 things that you were given?

21 A. Initially I was given a police report along with some
22 bank documents. It looked like a log of some of the
23 transactions that may or may not have -- that may have
24 taken place previously on an account belonging to Pauline
25 Cook.

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. All right. I'll show you State's Exhibit Number 83.
2 If you can look at that and tell me, does that contain the
3 information that you received that morning?

4 A. Yes, this is it.

5 Q. Okay. And describe to the jury what that is, please.

6 A. Sure. Again, it's an account summary of previous
7 transactions that have taken place inside the -- Pauline
8 Cook's account. It also has copies of checks from BB&T
9 Bank.

10 Q. All right. And as a detective who does white-collar
11 crimes and forgeries, what, if anything, did you notice
12 right away when you looked at these copies of these
13 checks?

14 A. Well, the first thing I noticed is that I didn't have
15 back copies to the checks, and usually I'm looking for
16 front and back copies. But I also noticed that some of
17 the checks were written to a Braquette Walton and that
18 they appeared to be forged.

19 Q. Okay. And are those the checks you then concentrated
20 on at that point?

21 A. Correct. The actual last four on the back page is
22 the ones that I questioned. That's the ones I looked at.

23 Q. And what check numbers are those?

24 A. The check numbers, if I can -- I'm starting to lose
25 my sight as I get older. Sorry about that. 1964, 1968,

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 1967, and also 1978.

2 Q. And are all those made out to Braquette Walton?

3 A. That's correct.

4 Q. So what's the first thing you do in trying to find
5 out whether these are truly forgeries or not?

6 A. First thing I do is contact the actual victim in any
7 report. We'll contact their financial institution. Each
8 one of these banks or institutions has a loss prevention
9 or security team. In this particular bank, that is Cindy
10 Bergeron. I have a pretty close relationship with her.
11 Worked with her many cases over many years.

12 I verbally talked to Cindy over the phone to
13 authenticate the account and to try and confirm --
14 basically the last four checks is what I was primarily
15 looking at. Told her that I was doing an investigation
16 and I needed back copies of these checks, if there was any
17 way she could provide me with better quality or possibly
18 back copies. And she said there probably would be but
19 she'd have to order it. She did have some more
20 information for me, so I was able to obtain these checks
21 through the routing process actually came from a
22 Woodforest Bank.

23 Q. Did you look up to see where the Woodforest banks
24 were in this area?

25 A. Correct, I did, which is pretty intriguing because I

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 really never dealt with Woodforest banks prior. They were
2 fairly new in the area at the time, and they've only
3 worked through kiosks at Walmart.

4 Q. So they're the kiosk that may be in a Walmart, one of
5 the Super Walmarts, I guess, around the area?

6 A. Correct.

7 Q. Where did you go first, then, to Woodforest Bank?

8 A. I went online and confirmed that there was one of
9 these Woodforest banks at the time at the Walmart up in --
10 right beside Newport. It's the new one.

11 Q. The new one on the Newport side of Rock Hill?

12 A. Correct.

13 Q. And it's in the city limits of Rock Hill, correct?

14 A. It is. Yes, sir.

15 So I went and actually physically drove up there with
16 the copies that were provided to me from BB&T of all the
17 checks, but primary the last four. I spoke to a female
18 inside of the bank there, and I kind of told her my
19 situation, told her that I was trying to get better copies
20 of these checks and trying to find out if she could
21 confirm the name on the account that these ran through,
22 these checks.

23 Q. What, if anything, were you able to confirm at that
24 time?

25 A. She did confirm that they came through Braquette

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 Walton's accounts, all of four of them did, and that she
2 could provide me with front and back copies of the checks,
3 which she did at the time. She went on to even tell me
4 that -- because my next question was were all these cashed
5 at this location or were they cashed at -- is there other
6 banks or can you do this online? And she said, "Actually,
7 the one you're holding in your hand is from Rock Hill, but
8 the other three look like they've been negotiated up in
9 Tega Cay."

10 Q. Okay. So as a result of that, what did you do?

11 A. As a result of that, I just confirmed the numbers and
12 how she showed me how they were -- where they were from,
13 which jurisdiction they were from, and I left immediately
14 to go back to the police department. I also have a close
15 relationship with the Tega Cay law enforcement officer up
16 there because we do work a lot of financial crime
17 together. And I contacted that detective and told her
18 that I would be sending her -- or be communicating with
19 her in the future on some checks that had been processed.
20 In her location, in her jurisdiction.

21 Q. Did you provide her with the copies of the checks
22 that you have in front of you now?

23 A. Later that evening I did. Before we went home,
24 actually, that detective drove to our facility and we met
25 and I physically gave her three copies. Actually, there

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 was a fourth we found later on that day.

2 Q. Okay. And can you tell me, now, when you first
3 received the case that Monday morning, were you told kind
4 of the background a little bit as far as how it was -- how
5 that forgery came to you?

6 A. Yeah. It was peculiar because we had a victim that
7 made a police report, and I would have initially contacted
8 my victim, but I was not able to do that because the
9 victim was deceased at the time. So I went in to talk to
10 the lieutenant about it. Obviously it was fairly
11 sensitive. There was a lot of detectives moving around,
12 doing a lot of different things, and I wanted to ask them
13 what part of this is -- what's going on with this case a
14 little bit, can you give me a little bit more. He said he
15 wanted me to work on it exclusively and don't do anything
16 else except work on this case this morning and get back to
17 him directly. That was Lieutenant Mike Belk.

18 Q. Did you then kind of rush in what you were doing to
19 make sure that you got these things quickly at that point?

20 A. I did. And, in fact, I actually called Lieutenant
21 Mike Belk before I called Tina Truesdale, the detective
22 from Tega Cay, to inform him of what I was going to do.

23 Q. And based on some of the information that you
24 received from other detectives and what you actually
25 recovered yourself that morning, were you involved in the

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 service of a search warrant on the defendant's apartment?

2 A. Yes, sir, I was. When I got back to the law
3 enforcement center at the Rock Hill Police Department, I
4 actually started typing a warrant at that time because I
5 had confirmed through Woodforest that the check was
6 actually processed through Braquette Walton's account, and
7 I had also secured a signature card from the victim at
8 BB&T showing her actual signature, and I also secured a
9 signature from Braquette Walton as well from previous
10 checks.

11 Q. And I'll show you State's Exhibit Number 91. If you
12 can tell us what that is.

13 A. Yes, sir. That is the BB&T signature card that would
14 have been kept on file from BB&T when Braquette would have
15 opened her account.

16 MR. THOMPSON: Ask to enter that into evidence at
17 this time.

18 THE COURT: Any objection?

19 MS. ANDERSON: No objection.

20 THE COURT: In without objection.

21 (State's Exhibit 91 was marked and admitted.)

22 MR. THOMPSON: If we could display that briefly.

23 Q. And it may be a little difficult to kind of see --

24 A. No, that's okay.

25 Q. -- but you have the actual document in your hand.

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 Let me pass you the laser pointer. And if you'll just
2 kind of point out where the signature is on the form.

3 A. Sure. Right here. Sorry, it's at distance, so it
4 will be a little shaky, but that is actually Braquette
5 Walton's signature according to the application form right
6 here that they fill out. And to the left of it will be
7 her social security number, and to the right of it would
8 be the date that she actually signed this form, which was
9 on March 23rd, 2004.

10 Q. Okay. So that's something you obtained from BB&T?

11 A. That's correct.

12 Q. And is that the account that Braquette Walton's
13 checks were in? Is that her account was with BB&T?

14 A. No. Braquette Walton's accounts --

15 Q. I'm sorry.

16 A. Yeah, that's fine.

17 Q. Pauline Cook. Was that Pauline Cook?

18 A. Yes, that's correct. Pauline Cook, victim in this
19 case, was with BB&T. Yes, sir.

20 Q. And -- now, you said you obtained other standards as
21 well?

22 A. I did. Also, later in that evening you were
23 getting -- I think you said something about the search
24 warrant itself. Before I went into the search warrant, I
25 came back and secured an arrest warrant for Braquette

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 Walton for forgery and uttering based on the information I
2 received, based on the facts that I had obtained. I swore
3 that warrant out before a judge. And then I was coming
4 back up the hallway and approached by Detective Cantey.
5 He said that they were going to go ahead and be doing a
6 search warrant on the residence and would I like to be
7 part of that, and we actually sat down and talked for a
8 little bit about the search warrant itself because there
9 were some documents that I actually needed or that I could
10 possibly use as supporting for my case.

11 Q. Okay.

12 A. So I did actually go on that search warrant with --
13 along with five or six other officers.

14 Q. Now, the arrest warrant that you served that day, you
15 said it was for one check?

16 A. Correct. It was for one forgery and uttering.
17 That's all we had in Rock Hill's jurisdiction.

18 Q. And that was based off of what? Basically the
19 initial information you got from Officer Langley; is that
20 correct?

21 A. That's correct.

22 Q. And when you went to the apartment, what kind of
23 things were you looking for as far as the forgeries go?

24 A. Mainly when I do -- forensic search for bank
25 documents is what I'm looking for. If I find anything at

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 all, I usually don't touch it. I usually ask our
2 forensics team unit to go ahead and film it first in the
3 place it's at, which a lot of these documents were either
4 in the living room on the table or on the kitchen bar
5 counter. There was like a counter inside of Braquette
6 Walton's house. These documents were found in piles of
7 paperwork, and a lot of them are supporting documents to
8 the actual checks that we found at BB&T that came through
9 Pauline Cook's accounts.

10 (Exhibit Number 82 was marked.)

11 Q. I'm going to show you what's been marked as State's
12 Exhibit Number 82. If you can look at that and tell me
13 what this is.

14 A. These would be the original documents that we took
15 out of her apartment during the search warrant.

16 Q. And did you actually collect those yourself within
17 her apartment?

18 A. I did with a forensics team there. Our crime scene
19 unit actually physically assisted with the pictures and
20 recovery of the evidence. Correct, yes, sir.

21 Q. But you personally collected those things that you
22 have in your hand right there?

23 A. I did, yes, sir.

24 Q. And some of them are numbered. If we can kind of
25 walk through the ones that are numbered. I think they're

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 all paper clipped together at the beginning. And if
2 you'll tell me kind of what each one of those are.

3 A. Okay.

4 Q. Start with the number, please.

5 A. So 95 was a receipt from Woodforest.

6 Q. On what?

7 A. It looks like a deposit receipt. It says "deposit
8 receipt" on it, and it is for the date of the 2nd of
9 November 2011. It was done at -- I believe this is in
10 military time if I'm not reading it right. But it was
11 done on the 2nd of November. It is for a hundred dollars.
12 It's a deposit.

13 Q. And so these were inside the defendant's apartment,
14 correct?

15 A. Correct. These were. The second is also for a
16 hundred dollars. It was also done on the 2nd.

17 Q. Which number is that?

18 A. 96 rather. I'm sorry. But what's striking is that
19 this actually goes to a different account, which I was not
20 aware of. And so that was, like I said, 96, but it was a
21 deposit for a hundred dollars on the same date, about the
22 same time.

23 Q. What else? Start with the numbers, please.

24 A. Sure. This is Exhibit 93, and Exhibit 93 looks like
25 a Walmart Stonecrest and Tega Cay receipt. It's for some

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 sort of vehicular battery test. And -- oh, by the way,
2 the date on that is also October 5th, 2011.

3 Q. Now, at the time you're collecting these, do you have
4 any idea whether they're truly going to ultimately be
5 relevant in the case?

6 A. Well, the bank stuff, yes. But because of the checks
7 in Tega Cay, I wanted to take that actual specific 93
8 because it was Tega Cay as well. I'm wanting to see
9 possibly what that person is doing in that area.

10 Q. Is that from Walmart in Tega Cay?

11 A. Yes, sir, that is Walmart.

12 Q. So you're talking because the bank was in -- was a
13 branch in the Tega Cay Walmart that you also looked at
14 Walmart receipts?

15 A. Correct. Exhibit 94 is a money order from
16 Woodforest, and it is for \$85. That has the address of
17 the Rock Hill Walmart on it, and it says on the top "car
18 note" for \$85. Doesn't say who it's payable to, but it --
19 that's 94.

20 Q. Okay.

21 A. 97, jumping around a little bit. 97 was what I
22 standardly take inside of every house that I do search
23 warrant. I would look for anything that may show the
24 physical presence of the person actually belonging through
25 utilities on that property. Whether it's a power bill or

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 some sort of mail to go along with it to show that that
2 person actually does live there or reside there or has
3 resided there at some point.

4 Q. What things did you collect from there?

5 A. It's a Rock Hill utility bill. It's also a pay stub
6 from Park Pointe Village.

7 Q. Are they in the name of Braquette Walton?

8 A. Yes, sir, they are.

9 Q. Okay. And the final thing, I think, in that group.

10 A. Also, I did receive -- I failed to tell you, I also
11 received a -- I took a burned Chevrolet Cadillac payment
12 receipt out of the apartment, which I found odd because it
13 actually was for \$85 on the same day, which matches the
14 Woodforest money order. So 94 and 97 linked.

15 Q. Okay.

16 A. According to what I -- I didn't really confirm that
17 until later, but it looked -- it appeared to link. On
18 Exit 98 -- Exhibit 98 rather, Braquette Walton's
19 application for South Carolina -- it's a credential which
20 would be done through DMV. This was -- was laying on the
21 coffee table in the living room --

22 Q. Okay.

23 A. -- if I remember correctly, and it actually had her
24 signature on it, and it had the date of November 14th,
25 2011, on it. Also had her social security number and the

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 address that we were at,

2 Q. So that application actually had not only her
3 signature but appeared to be from that day that you were
4 serving the warrant?

5 A. Correct.

6 Q. So you took that as well?

7 A. Right. The -- the last exhibit was 92, and this was
8 more Walmart -- it's a receipt, and it looked like some
9 sort of a breakdown of vehicle activity that she may or
10 may not have done on her inspection or something to do
11 with her vehicle being tuned up.

12 Q. Which Walmart? Does it point out, I think, in part
13 of that --

14 A. It does say -- let me confirm this. It says "Tega
15 Cay" on this.

16 Q. Okay.

17 A. Says "1151 Stonecrest Boulevard, Tega Cay." And I'll
18 just tell you, I don't know that this is her vehicle at
19 the time. But it did have some sort of mechanical work
20 done on a vehicle belonging to Braquette Walton at the
21 time.

22 Q. Okay.

23 A. I found out shortly -- couple minutes after that,
24 actually -- that it was her vehicle. But I didn't know it
25 initially.

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. Are all of those in the same condition as they were
2 when you collected them?

3 A. Yes, sir. These are the originals.

4 MR. THOMPSON: Then I'll ask to enter these into
5 evidence at this time. And I'll state out the specific
6 numbers. They may not be in order. Exhibits 92, 98, 94,
7 97, 96, 95, 93.

8 THE COURT: Any objection?

9 MS. ANDERSON: No objection.

10 THE COURT: In without objection.

11 (State's Exhibits Number 92 through 98 were marked
12 and admitted.)

13 Q. Now if we could look at State's Exhibit Number 93 at
14 this point, please. That's -- may be wrong. Let's try
15 98. If we could go to page 2 of the 98 exhibit.

16 MR. THOMPSON: Madame Clerk, if you could dim the
17 lights for me just briefly.

18 Q. Detective, you could use the laser pointer.

19 A. Sure.

20 Q. As far as your work with forgeries, what was the
21 interesting part of this particular form to you? This, I
22 believe, was the South Carolina application for some sort
23 of identification.

24 A. Right. For me, previously before I even went to this
25 house on the search warrant, I got with Eddie Wicker with

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 South Carolina Law Enforcement Division. Eddie's a --
2 he's a -- still a law enforcement officer. He provided me
3 with a copy of what I call a -- it's an actual application
4 signature for Braquette Walton, so I already had one prior
5 to doing the warrant for her from South Carolina. But
6 when I came into the house and saw this one, it was very
7 intriguing because I didn't understand what she was trying
8 to do. Was she maybe trying to just change an address? I
9 wasn't sure, but it had just been done so recent.

10 Q. So as far as checks go, would you want to use this as
11 a standard?

12 A. Absolutely. That signature is what matches on the
13 back of every check that was passed through Pauline Cook's
14 name and through her account.

15 Q. And it's both printed on there and signed?

16 A. Correct. It is.

17 Q. Thank you.

18 MR. THOMPSON: Madame Clerk, you can turn the lights
19 back up.

20 Q. Now, do you recall -- do you note on the search
21 warrant itself when you collect these items what time it
22 is that you ultimately leave with the items?

23 A. I know it was in the afternoon. I don't know the
24 exact time. I can look on the search warrant. Because we
25 did a return after that, but the actual return was done by

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 Detective Cantey on that search warrant.

2 Q. Okay.

3 A. I would say we were done and completed with
4 everything by 2:00 or 3:00, somewhere in that time.
5 That's an approximate. I don't have that actual search
6 warrant.

7 Q. After you finished up there, what was the next thing
8 you did?

9 A. Well, like I said, I had already contacted Detective
10 Tina Truesdale from Tega Cay, so I went a step further
11 when I got back. I told her what I confirmed from the
12 actual search at the house, which was more supporting
13 documentation, which meant that obviously I needed to let
14 her know that I had the three checks plus I probably would
15 need to broaden my search as well because it looked
16 like -- it appeared that this may have gone back farther
17 than I initially thought.

18 Q. And from the information you had gotten on that first
19 day, by the end of that first day on the 14th, were you
20 able to provide her -- I think you had mentioned there was
21 a fourth check for Tega Cay; is that correct?

22 A. There was. I secured a search warrant for Woodforest
23 Bank, which is actually in Lakeland, Texas. Or Lakeland.
24 I don't know how you pronounce it. But I spoke to Connie
25 Anew (phonetic). I also have a working relationship with

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 her now from this case but at the time didn't know her.
2 Told her what we had. Wanted to see if we could expedite.
3 What -- she said, "Well, you've already gotten the
4 information from our girl up at Woodforest Bank at the
5 Walmart. I don't see any reason why I can't just give you
6 transparency. What is it you're looking for?"

7 "Is there anything else you have in the months of
8 September, October -- October, November?" And she
9 provided me with a fourth check. But she said if I would
10 need anything else that I would need to do -- you know,
11 broaden my search with the search warrant and try to go
12 back more months as well. So she did provide me with a
13 fourth check, which I in turn -- actually, Tina Truesdale
14 actually met with me, and then I gave her the four checks
15 and the -- and some of the evidence in my case for her
16 case.

17 Q. And did you have the -- I think you may have covered
18 this, but I just want to make sure. Did you have
19 discussions with Detective Cantey at any point about the
20 forgeries themselves?

21 A. Yeah, there was a -- there was a small --

22 Q. I'm not asking you to go into them; I'm just asking
23 if you did.

24 A. Yeah. Yes, sir, I did.

25 Q. And when you had a discussion with him, is that when

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 you determined that you needed to broaden your search?

2 A. Yes, sir.

3 Q. Was it information that he provided you at that time?

4 A. Correct. Yes, sir.

5 Q. So that first day you have information on the four
6 forgeries that you initially suspected from Officer
7 Langley and than one other; is that right?

8 A. Yes, sir. It was initially four, and that's what it
9 looked like topically. And later we were able to confirm
10 that there was actually a fifth check. One for Rock Hill,
11 four for Tega Cay.

12 Q. And working with Tega Cay, did they ultimately obtain
13 warrants as well for some of the forgeries there?

14 A. Yes, sir, they did.

15 Q. Do you recall when it was that those were served on
16 Braquette Walton?

17 A. I believe the warrants were done on the 15th, and I
18 think they were served on either the evening of the
19 15th or the morning of the 16th.

20 Q. Okay. And is it common that when you have forgeries
21 that kind of go between other municipalities that you --
22 they do the part that they're involved with and you do
23 your part and they kind of just have to --

24 A. Yeah.

25 Q. -- take the defendant back?

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 A. Absolutely. It's a jurisdictional thing. No doubt.

2 Q. Okay. And during that point, then, through your
3 investigation as you're looking through these records now,
4 is there any other warrants that you ended up signing
5 right at that time that -- through your investigation?

6 A. Right. Well, I had completed mine and was still
7 waiting for some more information to come back from
8 Woodforest because I wanted to expand my dates back from
9 two months to possibly four or five months, and I had
10 spoken to Connie Anew from Woodforest about that. I was
11 called into my lieutenant's office at the time, Lieutenant
12 Belk, and he said, "Based on Braquette Walton's" -- I'm
13 sorry, "Based on my victim, the victim in this case, I
14 want you to possibly look at -- I want you to look into
15 the law on the abuse of a vulnerable adult." He said,
16 "Based on her age and the facility she was in, I think
17 this is something that needs to go with the forgery."

18 He privied (sic) me a little bit more to how their
19 investigation was going, which I was not aware of any of
20 that. And I went -- at that time I did secure a warrant
21 based on what I read in our codes book, in our section
22 code statutes book, and it did actually match it -- it
23 matched what the parameters of that law read.

24 Q. Okay.

25 A. I do have that if you need it.

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. What did you charge her with at that time?

2 A. She was charged with abuse of a vulnerable adult.

3 Q. Is that physical abuse in your warrant, or is that to
4 do with the forgeries --

5 A. It was to deal with the forgeries.

6 Q. So it was kind of a financial --

7 A. Correct.

8 Q. And I believe the term that statute uses is an
9 exploitation?

10 A. It is, correct. Yes, sir. And the term "abuse"
11 actually comes from the body of the narrative, but it's
12 not -- so I could have put down abuse. "Exploitation"
13 would have probably been more accurate word to use. I
14 apologize..

15 Q. All right. Now, when did you actually get to serve
16 that warrant? Do you recall?

17 A. That was served when defendant Braquette Walton was
18 brought back over from Tega Cay. Actually, I did call
19 over to find out if -- was there some kind of holdup or
20 something over there at Tega Cay. They said that she had
21 just gone in front of the judge, and I said, "Well, I need
22 to have her back here if I could. I've secured another
23 warrant for her on the exploitation of a vulnerable
24 adult."

25 Q. Now, going back to the bank information you had

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 gotten, I'm assuming -- how much information? Is this
2 kind of volumes of information --

3 A. Yeah, it's quite a bit.

4 Q. And in culling through that, if you could look at
5 State's Exhibit 99, 100, and 101.

6 A. Okay.

7 Q. Are these some of the records you recovered?

8 A. These are.

9 Q. And are these the official bank records that were
10 given to you from the various banks, BB&T and Woodforest?

11 A. These are because a lot of the banks now go to
12 microfilm. They're condensing data. So they actually
13 sent this to me electronically. This was sent to me
14 either by e-mail or some was by fax.

15 Q. So basically they scan in something and send you the
16 scanned --

17 A. Correct.

18 Q. -- information they have?

19 A. Right.

20 Q. So quality is poor, we can kind of blame it on the
21 bank.

22 A. That's what I would like to do, sir.

23 Q. Looking at those, if you would, they fairly and
24 accurately depict the information you received from the
25 bank?

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 A. They do.

2 MR. THOMPSON: Your Honor, I'd ask to enter all those
3 into evidence at this time. That's 99, 100, and 101.

4 MS. ANDERSON: No objection.

5 THE COURT: In without objection.

6 (State's Exhibit Numbers 99 through 101 were marked
7 and admitted.)

8 Q. If we could go to State's Exhibit 99. Detective,
9 while you're looking at that, if you could tell us kind of
10 what we're looking at initially. What is the first page
11 of that? What is it showing us?

12 A. Sure. What I see here is that I see the check. It
13 actually belongs to victim Pauline C. Cook. The check is
14 written payable to Braquette Walton for \$380 on October
15 the 12th, 2011. It appears that it definitely does not
16 match Pauline Cook's signature card and appears to be
17 forged.

18 Q. And that's the endorsement at the back of the check?
19 Is that the part on the bottom?

20 A. That's correct.

21 Q. And the numbers at the bottom, what, if anything, did
22 they tell you in your investigation?

23 A. The numbers at the bottom are sequential. They're
24 assigned specifically to a certain location. These are
25 assigned to the Rock Hill branch. And you'll see in

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 Detective Truesdale's later that those are assigned to
2 that jurisdiction. There is -- the numbers in here that
3 decide that I believe are 816. I could be wrong, but
4 that's how it was explained to me.

5 Q. And if you would, go to page 2 of this.

6 A. Uh-huh.

7 Q. And if you'll tell us what that is.

8 A. This a breakdown sheet of how the transaction went
9 down that day with -- for the deposit. And you'll notice
10 the check is actually written on the 12th. It's
11 actually deposited on the 15th, so this is when the
12 negotiation takes place. So October 15th, 2011, there's a
13 380 -- a \$380 check that's presented by Braquette Walton
14 that is actually signed by her, and it's also signed on
15 the deposit slip by her. She appears to have deposited
16 \$200 and then removed \$180 cash back for herself, and that
17 would have gone into the account below, 1819412683,
18 belonging to Braquette Walton.

19 Q. Did you confirm that that was one of her accounts at
20 Woodforest Bank?

21 A. I did. I confirmed the second account as well.

22 Q. And under the deposit where it's typed out, what time
23 does it tell you that she actually did this transaction at
24 Woodforest Bank in Rock Hill?

25 A. I'm sorry, you were asking me the time? The actual

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 time stamp on it? Oh, I'm sorry. Below on the very, very
2 bottom, it -- again, to the best of my reading, it looks
3 like 2:37.

4 Q. All right. And if you could just point out briefly
5 for the jury because I don't know that they can see it
6 from where they are. It's small writing.

7 A. Sure. This is the actual -- sorry about the shaky.
8 That's actually the account number. Be Braquette's
9 signature here. \$380 check that went in. \$200 that
10 actually stayed in the account. Sorry about the
11 shakiness. The 180 that actually was pulled out in cash,
12 so \$200. The balance. Down here below is the actual date
13 and time of this negotiation. And it does say "deposit."

14 Q. That would be the front and back of that deposit
15 slip, correct?

16 A. That is correct. Yes, sir.

17 Q. If we could then go to State's Exhibit Number 100.

18 A. Uh-huh.

19 Q. And before we go to that, that first check, was that
20 the first one you signed the warrant on?

21 A. Yes, sir.

22 Q. Okay. And now we're getting to other checks now.
23 You mentioned that you expanded the dates of the search.

24 A. Correct.

25 Q. Are these recovered from the other dates that you

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 expanded into?

2 A. Yes, sir, they are.

3 Q. And if you'll go over those with us, please. Tell us
4 the check number on those.

5 A. With my expansion, I actually was able to discover
6 that several more checks were written. Braquette Walton
7 actually ran these checks through her accounts. This
8 first one is for \$595. Again, this is Pauline Cook's
9 actual check, and this was dated 8/5 of 2011, so it's
10 actually -- we asked to expand the dates. We went back
11 into -- almost the beginning of the summer, which brought
12 us these checks. This is check 1912. On the back you'll
13 see her signature and account matching again.

14 Q. Okay. And then do you also have a deposit slip for
15 that as well?

16 A. I do. Second page. Sure. So on the --

17 Q. Sorry. Hold on. Still not...

18 A. It's definitely different.

19 Q. This is a different one. Explain what you have on
20 page 2.

21 A. Sure. Absolutely. On page 2, I have a deposit that
22 goes into Woodforest again. It's negotiated at Woodforest
23 in Rock Hill at the Walmart there in the kiosk. It's a
24 deposit for 575, matching the check. It was completely
25 deposited, the whole dollar amount, and it matches the

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 same account belonging to Braquette Walton. The deposit
2 slip at the bottom says that this was done on
3 8/11/2011 and it was done about -- 12:03 is the
4 approximate time that it says here. This is a deposit
5 into her account.

6 Q. All right. And you confirmed again that that was her
7 account?

8 A. Yes, sir, I did.

9 Q. Now, does that display basically as the other one
10 that we saw, with the front and back of the check and the
11 front and back of the deposit slip?

12 A. It does.

13 Q. Thank you. Now if we could go to State's
14 Exhibit Number 101.

15 MR. THOMPSON: And Madame Clerk, if you could turn
16 off the lights briefly. I want to be able to see just a
17 little better.

18 Q. And in this check, describe the number and the
19 amounts on it as well.

20 A. Again Pauline Cook's check. This one was done
21 September 20th. And it's check 1916. It is written to
22 Braquette Walton, payable for \$475. On the back of the
23 check you see Braquette Walton's signature. The numbers
24 sequentially belong to the Rock Hill Woodforest bank. The
25 second page of that is a deposit for the 475 on

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 September the 22nd, which is two days after the check
2 was written, supposedly, and it's for 475, total dollar
3 amount deposited into this account, which is different
4 than the first account but still belongs to Braquette
5 Walton.

6 Q. Okay. And does it show the time as well? It's on
7 the 22nd of September I believe you said it was
8 actually --

9 A. Yes.

10 Q. -- uttered or presented.

11 A. Down here at the bottom actually shows the date on
12 the 22nd. And hard to read, but looks like 4:20
13 something in the afternoon. 4:23.

14 Q. Okay. All right. Thank you.

15 And on that date, you said ultimately that -- the
16 date she would have actually been at the -- this was the
17 Walmart -- or the Woodforest in Walmart in Rock Hill?

18 A. That's correct.

19 Q. So it would have been the 22nd that she's actually
20 physically at that Walmart, correct?

21 A. That is correct.

22 Q. And bringing you back to State's Exhibit 94, if you
23 could look at that for me. And if we could go to State's
24 Exhibit 94. Explain to us, this was something you
25 recovered on the search warrant?

KEITH DUGAN -- DIRECT EXAMINATION BY MR. THOMPSON

1 A. Right. This is a breakdown. Again, this would be a
2 money order that came off of one of these actual deposits.
3 At some point she would have deposited some money and
4 purchased a Woodforest money order, which was actually
5 used and made payable for a car payment. When I went in
6 on the search warrant, the \$85 shows on a receipt from
7 Burns that the money was used for actually a car payment.

8 Q. What date was this check made, the Woodforest Bank
9 check?

10 A. This checks was done -- it's hard to see, but it says
11 September 22nd, 2011.

12 Q. So the same date that that last check was passed?

13 A. Yes, sir.

14 Q. All right. And this is also the Woodforest Bank at
15 Rock Hill?

16 A. This is. It says at the top, it says store 81 -- I
17 think 66. Rock Hill Walmart.

18 Q. All right. Thank you.

19 MR. THOMPSON: Madame Clerk, turn the lights back on.

20 Q. Based on your investigation at that point, do you
21 have a lot more records than these?

22 A. Yeah. I brought half of what I have today that I
23 thought were going to be possibly used or possibly even
24 challenged, so I brought half of what I actually have, but
25 this is direct stuff that came from Woodforest and some

KEITH DUGAN - DIRECT EXAMINATION BY MR. THOMPSON

1 from BB&T.

2 Q. All right. And, again, in your examination and
3 looking at these and through the years, you had -- how
4 long have you been doing white-collar crimes?

5 A. I've been a law enforcement officer now for 25 years,
6 and 18 of it I've been -- 16 of it I've been a detective.
7 18 -- I was on patrol for two years. So 16 years I've
8 done it.

9 Q. And in your looking at the checks, what do they
10 appear to be to you?

11 A. These are definitely forged.

12 Q. And from what you have from the bank, do we know who
13 at least took those checks and cashed them at the bank?

14 A. All the checks were negotiated through Braquette
15 Walton's accounts.

16 Q. Thank you.

17 MR. THOMPSON: No further questions.

18 THE WITNESS: Yes, sir.

19 MS. ANDERSON: Nothing for this witness, Your Honor.

20 THE COURT: You can step down, be excused. We
21 appreciate your time.

22 THE WITNESS: Thank you, Your Honor.

23 THE COURT: Call your next witness.

24 MR. THOMPSON: State calls Tina Truesdale.

25 TINA TRUESDALE, after having first being duly sworn,

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 testified under oath as follows:

2 DIRECT EXAMINATION

3 BY MR. THOMPSON

4 Q. Good afternoon, Detective Truesdale.

5 A. Good afternoon.

6 Q. Could you give your full name for the Court, please.

7 A. My name is Tina Truesdale.

8 Q. And where do you work?

9 A. Tega Cay Police Department.

10 Q. How long have you been at the Tega Cay Police
11 Department?

12 A. Almost nine years.

13 Q. And what are your duties there at Tega Cay?

14 A. I'm a detective.

15 Q. And how long have you been a detective with Tega Cay?

16 A. About five years.

17 Q. All right. And is being a detective with Tega Cay,
18 do you get roped into doing the white-collar crimes there
19 as well?

20 A. Everything.

21 Q. Everything.

22 A. Everything.

23 Q. And did you become involved in this particular case,
24 State versus Braquette Walton?

25 A. I did.

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. And can you tell me how it is that you became
2 involved in the case.

3 A. I received a phone call from Detective Dugan with the
4 Rock Hill Police Department stating that he had discovered
5 some checks that were forged at the Woodforest Bank at the
6 Walmart in Tega Cay, which is in our jurisdiction.

7 Q. All right. And do you recall when it was that you
8 received that contact?

9 A. It was approximately November the 14th, I believe.

10 Q. All right. And when you got that contact, what
11 information did he initially give you?

12 A. He first told me about four checks that he had
13 received. He had additional information, and I met with
14 Detective Dugan and picked up the actual packet that he
15 had provided.

16 Q. All right. And was this the State's Exhibit
17 Number 83? It's already in evidence. Was that the
18 information or some of the information he initially
19 provided you that day?

20 A. Some of it, yes, sir.

21 Q. And does that show the initial four checks that we're
22 talking about?

23 A. It does.

24 Q. All right. And of those four checks, how many
25 actually ended up being checks that you ended up having to

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 investigate at that point?

2 A. Four. Four on the bottom.

3 Q. Right. But are all those ones that you ended up
4 having to investigate or --

5 A. Oh, no, not all of them.

6 Q. Which -- or how many did you out of that group?

7 A. The last four.

8 Q. Okay. As you're looking at those checks, did he give
9 you other information at that time? Did he have all the
10 bank account information that he provided to you then?

11 A. He had a signature card. Actually, it was a form to
12 where Ms. Cook had signed her signature.

13 Q. All right. That was from, I believe, BB&T; is that
14 correct?

15 A. That's correct.

16 Q. Okay. I believe that's State's Exhibit 91. I'll
17 show you that. Have to find it first. Here it is.
18 State's Exhibit 91. Is that the signature page that you
19 were provided with at that time?

20 A. Yes.

21 Q. All right. And did he also provide you with some of
22 the evidence that he had recovered during a search warrant
23 on the 14th?

24 A. Yes. There were copies of checks that the bank had
25 provided him.

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. Okay.

2 A. Along with deposit slips.

3 Q. Had you also gotten a copy of this? I believe it's
4 State's Exhibit 98, an application for South Carolina
5 credentials.

6 A. Yes.

7 Q. And did that have, I guess, on --

8 A. The signature on the back.

9 Q. The signature on the back. And that is the signature
10 of who?

11 A. Braquette Walton.

12 Q. All right. Now, ultimately, I believe in addition to
13 the -- some of the checks that are on the initial stuff
14 that was received directly from Pauline Cook, was he able
15 to provide you with an additional check that Tega Cay had
16 been forged -- had a forgery on in November?

17 A. The latter check. November the 9th, there was -- I
18 think we had a total of five, and I received four at that
19 time.

20 Q. The first day. Okay.

21 A. Right.

22 Q. And when you did that, when you got all those four
23 checks, did you then write warrants based on the
24 information you had obtained from him at that time?

25 A. I did.

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. Was it for the -- initially the four?

2 A. For the four, yes.

3 Q. And what day did you do the warrants on those?

4 A. November the 15th.

5 Q. When were they served on the defendant? Do you
6 recall?

7 A. They were served the next day by Officer Breeland.

8 Q. And that would have been on the 16th?

9 A. Yes.

10 Q. Would it have been in the morning or afternoon? Do
11 you know?

12 A. I believe it was in the afternoon. I have to look at
13 the booking sheet.

14 Q. Was the defendant then transported to Tega Cay to
15 have those served? Is that how that worked?

16 A. Yeah. She was picked up from Rock Hill Police
17 Department and transported to Tega Cay Police Department,
18 where she was processed.

19 Q. All right. Now, as we go through this, if we could,
20 we're going to kind of go through the checks that you
21 dealt with in Tega Cay. And I believe there was even at
22 least -- was there one other check ultimately that was
23 charged out of Tega Cay as well?

24 A. There was one other check that was found at a later
25 date that dated back into September.

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. So your initial checks, were they basically from
2 October and November at that time?

3 A. That's correct.

4 Q. So this was one before those, in December?

5 A. That's right. September.

6 Q. Or September, I'm sorry.

7 I want to show you State's Exhibits Number 102, 103,
8 104, 105, and 106. And if you can just look at those and
9 tell me if those are some of the banks records you
10 received regarding these checks.

11 A. Yes.

12 Q. All right. And I know you -- assuming you had more
13 bank records than that; is that correct?

14 A. Oh, yes.

15 Q. But in looking at those today, if we could start out
16 with State's Exhibit Number 102.

17 MR. THOMPSON: And as we do that, before we start, if
18 we could place all these into evidence at this time. That
19 would be 102, 103, 104, 105, and 106.

20 THE COURT: Any objection?

21 MS. ANDERSON: No objection.

22 THE COURT: In without objection.

23 (State's Exhibit Numbers 102 through 106 were marked
24 and admitted into evidence.)

25 Q. If we could go to first Number 102. And with that

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 particular check, Detective Truesdale, can you go ahead
2 and tell us what check number it is, the date that's
3 actually written on the check, and when the date -- the
4 amount of the check and who wrote the check or who
5 reported.

6 A. The check number is 1968. It was on 10/19/2011. On
7 the account of Pauline Cook with BB&T. With Braquette
8 Walton's signature on the back --

9 Q. Okay.

10 A. -- endorsing it.

11 Q. And how much was that check for?

12 A. That check was for \$300.

13 Q. And do you have the deposit slip for that as well?

14 A. I do.

15 Q. Could you go to page 2. The deposit slip, can you
16 tell us the breakdown on it as well.

17 A. The deposit slip is dated for the 19th of October.
18 There was a check of \$300. A hundred dollars was
19 deposited into the account. \$200 was received back in
20 cash.

21 Q. Okay. And was this done -- were you able to
22 determine where this was done?

23 A. This was done at the Tega Cay Walmart --

24 Q. Okay. And --

25 A. -- at 10:50 in the morning.

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. Is that in a branch of the Woodforest Bank there?

2 A. It is.

3 Q. And can you look -- does it tell the time as well at
4 the bottom of the deposit?

5 A. 10:50 a.m.

6 Q. 10:50 a.m.

7 And then check -- if we go to check -- or item 103,
8 State's Exhibit 103. If you'll tell us that one, please.

9 A. The check number is 1967. October 24th 2011, for the
10 amount of \$325 on Pauline Cook's bank account from BB&T.
11 It was endorsed by Braquette Walton.

12 Q. And from the information that you had on Pauline Cook
13 at that time and her signature page, did that seem -- did
14 her signature seem to compare to that signature on that
15 check?

16 A. Not at all.

17 Q. And that shows the front and back of the check,
18 correct?

19 A. That's correct.

20 Q. And on the back of the check, who endorsed it?

21 A. Braquette Walton.

22 Q. And the account number written on the back, is that
23 one of the accounts that she had at Woodforest?

24 A. It is. It matches the deposit slip.

25 Q. If we could go as well to the deposit slip on that

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 check.

2 A. The deposit slip was dated on the 26th of
3 October 2011. \$325 check. \$125 was deposited. \$200 was
4 received in cash. And this occurred at 11:57 a.m. at the
5 Woodforest Bank in Tega Cay.

6 Q. And if you go to the actual printed part on this
7 check, does that date actually match with the date that
8 she wrote on the deposit slip?

9 A. It actually does not. It's actually the next day,
10 10/27.

11 Q. 10/27. So it was on the 27th this was at the Tega
12 Cay Walmart?

13 A. Right.

14 Q. Now, if we could just briefly, if we could go back to
15 State's Exhibit 102 and that particular check. Ultimately
16 in your investigation, were you also able to go to the
17 Woodforest Bank in Tega Cay and receive information from
18 the Woodforest Bank in Tega Cay that showed video of these
19 transactions?

20 A. Yes.

21 Q. All right. And did you have a chance to review that
22 before today?

23 A. I did.

24 Q. I need to mark this. Is this DVD that has copies of
25 that particular transaction on it?

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 A. Yes, it is.

2 Q. Does it fairly and accurately depict what you
3 received from the bank?

4 A. Yes.

5 MR. THOMPSON: Your Honor, I'd ask to enter this into
6 evidence at this time, State's 108.

7 MS. ANDERSON: No objection.

8 THE COURT: In without objection.

9 (State's Exhibit Number 108 was marked and admitted.)

10 Q. And if you'll look, Detective, at 102, the State's
11 Exhibit 102, which I believe is check 1968.

12 A. Uh-huh.

13 Q. And again tell us the time that that transaction is
14 stamped on the back of that check -- or the back of the
15 deposit slip.

16 A. It's 10:50 a.m. on the 19th.

17 Q. All right. And we're going to attempt to play the
18 video at this point. One dated October 19th. I
19 believe -- is this at the Woodforest Bank branch in the
20 Tega Cay Walmart?

21 A. Yes, it is.

22 (Videotape played in open court.)

23 Q. And the person on the screen, if you could tell us
24 who that is.

25 A. That is Braquette Walton.

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON.

1 Q. And it may be hard for you to see. You might have to
2 get closer. If you could tell us the times -- the dates
3 and times on the video itself. You can step down to look.
4 You can come closer.

5 A. The date is 10/19/2011, and that particular time
6 right now is 10:49.

7 Q. And as you said, the stamp on this is around 10:50?

8 A. 10:50.

9 Q. Okay. So matching the time that these particular
10 items were done, you have the video of Ms. Walton actually
11 standing there writing things out?

12 A. Yes.

13 Q. We won't have to play the entire thing. You can stop
14 it.

15 Was there also video to the second check that we
16 talked about, video for 1967?

17 A. Yes, there was.

18 Q. Check 1967, which is State's Exhibit 103.

19 And if we could go to the one dated 10/27/11. And
20 just by way of -- as we wait for that to boot up, this
21 check was, as you mentioned, I think passed on 10/27/11.
22 And what time do you have for the deposit at that point?

23 A. 11:57 a.m.

24 Q. Okay. Of course, Detective, you viewed all these
25 prior to this, correct?

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 A. I have.

2 Q. And seen the hours and stuff. And in these videos,
3 does the time match up with the checks and --

4 A. Yes.

5 Q. -- when they're purported to be done?

6 A. Yes.

7 Q. This is from the October 27, 2011?

8 A. Yes.

9 Q. Once again is this the Woodforest Bank in Tega Cay?

10 A. It is.

11 Q. Again if you would step down briefly and tell us kind
12 of the dates and times on the video at this point.

13 A. This is 10/27/2011, and the time stamp is 11:53.

14 Q. All right.

15 A. And that is a.m.

16 Q. And that is Ms. Walton --

17 A. That is.

18 Q. -- on the video we're watching?

19 Okay. We won't have to watch that entire video.

20 All right. If we could go to State's Exhibit 104.

21 Can we look at that one briefly. And tell me on this
22 particular check, what date is purported to be the date on
23 that check?

24 A. 11/1/2011.

25 Q. And when does it appear that it was actually

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 presented?

2 A. On the 2nd of November.

3 Q. And what is the amount on that check?

4 A. That check amount is \$275. Check Number 1976.

5 Q. Was this presented at Woodforest Bank in Tega Cay?

6 A. Yes, it was.

7 Q. Tell you what. Since it's all cued up, we'll go
8 ahead and put the video on first and then we'll talk about
9 the checks a little more. And if you would, step down and
10 tell us the date on the video as we look at it.

11 A. The date is 11/2/2011 at 12:38 p.m.

12 Q. Now, we've only watched portions of these. They
13 include the entire time that she stands there at the
14 counter?

15 A. The whole time, yes.

16 Q. And the person on this video once again is?

17 A. Braquette Walton.

18 Q. Thank you.

19 Now if we could go to State's Exhibit Number 104.

20 And if you'll tell us on this particular check, what is
21 the number?

22 A. The number is 1976.

23 Q. And who is it made out to?

24 A. It's made out to Braquette Walton on Pauline Cook's
25 account of BB&T.

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. And the back of the check, who has endorsed it?

2 A. Endorsed by Braquette Walton.

3 Q. And if we could go to the second page of that, and I
4 believe this is one of the deposit slips with this one,
5 correct?

6 A. Correct. She made two -- looks like split deposits.

7 Q. All right. Did she make the split deposits into two
8 separate accounts?

9 A. Into two separate accounts, yes.

10 Q. What did she get on this particular deposit here?

11 A. This one is the \$75 cash, and apparently she put a
12 hundred dollars in one of her accounts.

13 Q. And that account, I believe, is ending in 2683?

14 A. That's correct.

15 Q. Now, there was as well a -- some information you
16 received from Detective Dugan about what he recovered in
17 the search warrant of her apartment; is that correct?

18 A. Yes. There were receipts from Walmart in the tire
19 and lube center.

20 Q. Okay. And I believe also some receipts from
21 Woodforest Bank, correct?

22 A. Two deposit -- actually receipt slips.

23 Q. And I'll show you State's Exhibit Number 96, which is
24 already in evidence. Is that one of the receipt slips
25 that you received from him?

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 A. Yes.

2 Q. All right. And while we can't read it on the screen,
3 if you would tell us, what is the date and time on this
4 particular slip and the amount of the deposit?

5 A. The date is 11/2/2011, 12:43 p.m., and the last four
6 is 2683 on the account.

7 Q. 2683?

8 A. Uh-huh.

9 Q. Now if we could go back again to the original -- to
10 the check that we're talking about here, I believe --
11 what's the exhibit number on that?

12 A. 104.

13 Q. 104. Okay. We could go back to the deposit slips.
14 I believe there's more than one. Let's go to the second
15 deposit slip. Yes, right there. And in that one, can you
16 tell us, is this a different account that this money is
17 deposited into?

18 A. It is a different account. The last four are 0913.

19 Q. And is this also the other hundred dollars I guess
20 that's left out of that check?

21 A. Yes.

22 Q. And I'll show you State's Exhibit Number 95. Was
23 that also one of the deposit slips recovered from the
24 defendant's apartment?

25 A. It is.

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. And what is the date and the amount on that?

2 A. The date is 11/2/2011 at 12:42 p.m. for a hundred
3 dollars.

4 Q. For a hundred dollars. And what account is that on?

5 A. That is going to be the last four ending 0913.

6 Q. Does that match, then, with the deposit slip we just
7 saw?

8 A. It does.

9 Q. All right. If we could then go to State's Exhibit
10 Number 105. And if you could tell us about this
11 particular check, Detective Truesdale.

12 A. This check is numbered 1984, dated 11/9/2011 for the
13 amount of \$335 from the account of Pauline Cook at BB&T,
14 and it was also endorsed by Braquette Walton.

15 Q. Okay. And when does it show as far as the deposit
16 slip that all this was deposited, this transaction was
17 completed?

18 A. The next day, on 11/10/2011. And that occurred at
19 1:39 p.m.

20 Q. All right. And can you tell us the breakdown of what
21 she received in her hand that day and what she put in one
22 of her accounts.

23 A. \$200 was deposited into her account. She received
24 \$135 in cash.

25 Q. All right. As she cues up the video for that one, if

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 we could look -- I believe there was something else. You
2 had mentioned a receipt from Walmart --.

3 A. Yes.

4 Q. -- that the detective had recovered. And I'll find
5 the -- State's Exhibit Number 92. If you look at that for
6 me, please.

7 A. Uh-huh.

8 Q. And is that the receipt from Walmart that was
9 recovered in the search warrant?

10 A. Yes.

11 Q. And can you tell me, what is the time -- or the date
12 and time on that receipt?

13 A. The date is October 5, 2011, at 12:24 p.m.

14 Q. And so 12:24. How much is the amount of the charge
15 there?

16 A. The amount is 32.97.

17 Q. All right. And how does she pay?

18 A. She paid in cash, \$40 cash.

19 Q. And the time on it again?

20 A. Is 12:24 p.m.

21 Q. All right. Now, with that receipt, I believe there's
22 information on the vehicle; is that correct?

23 A. Yes. It was a 2002 Ford Focus. And the customer's
24 name is Braquette Walton.

25 Q. Did she have service done on her vehicle at that

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 time?

2 A. I believe she had her tires done.

3 Q. So she had work done on her car and paid for it at
4 that point?

5 A. That's correct.

6 Q. And again the time, 12:24?

7 A. Correct.

8 Q. What is that check on that date? What is the time of
9 that check being cashed at that Woodforest in Walmart in
10 Tega Cay? It's State's Number 105.

11 A. 1984.

12 Q. And in the time on the -- the time on the -- look on
13 the deposit slip on that. It's State's Exhibit 105.

14 A. 1:39 p.m.

15 Q. 1:39.

16 I'm sorry, I may be confusing these. The date on the
17 receipt is the 2nd, correct? Not the 10th. I'm sorry.
18 I'm looking at the date --

19 A. Yes.

20 Q. I'm confusing them here.

21 A. 10/5/11. 10/5/11.

22 Q. So let's go to State's Exhibit 104. And tell me,
23 what is the time on that one?

24 A. That time is 12:43.

25 Q. All right. 12:43. So 12:43 that the transaction

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 takes place at the bank? And what again? And 12?

2 A. 24.

3 Q. 24 on the Walmart receipt?

4 A. Right.

5 Q. So she's at that Walmart at Woodforest Bank with this
6 receipt at that time, correct?

7 A. Correct.

8 Q. If we would, then -- if we could play the video as it
9 relates to this particular check from November 10th.

10 Again, is that Ms. Walton in the video itself?

11 A. Yes.

12 Q. Can you see the time from where you are? You can
13 step down.

14 A. 1338.

15 Q. So that would be 1:38 in the afternoon?

16 A. Yes, 1:38 in the afternoon.

17 Q. Thank you.

18 Is that Braquette Walton in that video?

19 A. Yes.

20 Q. Then I believe the final check that ultimately came
21 to you was State's Exhibit Number 106. And if you would
22 tell us about that check.

23 A. This check came -- I believe this check came later.
24 That's the same one. No, it came later. This is Check
25 Number 1934, dated September 30th, 2011, for the amount

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 of \$350.

2 Q. Okay.

3 A. Pauline Cook's account on BB&T. And it was endorsed
4 by Braquette Walton.

5 Q. All right. And the deposit slip, if you can tell us
6 the date it was actually -- transaction was actually done.

7 A. On the 5th of October. There was --

8 Q. Of 2011?

9 A. Yes. And it was \$200 deposited, \$150 that was taken
10 out.

11 Q. What was the time of that transaction?

12 A. It looks like 12:18. It's a little bit blurry.
13 12:18 p.m. on the 5th of October.

14 Q. And if we could go to that final video, please. And
15 as we go to that video on this check, when you look at
16 each of the checks that you have in front of you right
17 now, State's Exhibit 102 to 106, and you look at the
18 signature -- or what purports to be the signature of
19 Pauline Cook, do they appear to be identical to each other
20 on those group of checks?

21 A. Yes.

22 Q. And having looked at Pauline Cook's actual signature
23 line from the bank and the other samples you had that
24 Detective Dugan provided to you, did any of those match
25 the actual signature of Pauline Cook?

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 A. No.

2 Q. However, the information that you have as far as
3 Braquette Walton, it is her account that they're being
4 deposited into?

5 A. That is correct.

6 Q. And she is the one on these videos actually doing the
7 deposits?

8 A. Yes.

9 Q. I believe the final video. And you didn't have
10 anything to do with formats of the videos, correct? This
11 is just how you received them?

12 A. Correct.

13 Q. And if you would step down and kind of give us the
14 date and time listed on this video.

15 A. The date is 10/5/2011 at 12:19 p.m.

16 MR. THOMPSON: You can turn on the lights, Madame
17 Clerk.

18 Q. Other than the forgeries themselves, did you have
19 anything else that you did within the case? Obviously
20 you're working out of Tega Cay. Did you come into Rock
21 Hill to do anything as far as helping the Rock Hill Police
22 Department?

23 A. No.

24 Q. So when you worked these particular checks, that
25 ended your part of this investigation; is that correct?

TINA TRUESDALE - DIRECT EXAMINATION BY MR. THOMPSON

1 A. That's correct.

2 Q. Thank you.

3 MR. THOMPSON: No further questions.

4 THE WITNESS: Thank you.

5 MS. ANDERSON: No questions.

6 THE COURT: Thank you. We appreciate your time. You
7 may be excused.

8 Call your next witness.

9 MR. THOMPSON: George Weeks.

10 GEORGE WEEKS, after having first being duly sworn,
11 testified under oath as follows:

12 DIRECT EXAMINATION

13 BY MR. BRACKETT

14 Q. Good afternoon, sir. How are you?

15 A. I'm fine, sir. You?

16 Q. Good. Would you please tell the jury your name and
17 spell your last for the court reporter.

18 A. George Weeks. W, double E, K-S.

19 Q. Where do you work, Mr. Weeks?

20 A. I'm with the York County Solicitor's Office, director
21 of forensic services.

22 Q. All right. You're -- work through my office, but
23 you're assigned to the forensic services unit?

24 A. That's correct.

25 Q. What do you do at the forensic services unit?

GEORGE WEEKS - DIRECT EXAMINATION BY MR. BRACKETT

1 A. Oversee the forensic unit itself, which is made up of
2 the crime scene unit, our drug unit with the Sheriff's
3 Office, the ballistics unit, sexual assault nurses, and
4 our fingerprint unit.

5 Q. How long have you been over the forensic service
6 unit?

7 A. Since July of 2010.

8 Q. And can you just briefly relate to the jury what the
9 mission and duties of the forensic service unit is.

10 A. We're very unique here in York County. The forensic
11 unit itself is made up of members of every agency within
12 York County, including the Sheriff's Office, York City,
13 Rock Hill, Clover, and Fort Mill PD, and they all have
14 members to that division. And we work all the crime
15 scenes, from very minor scenes to major scenes within York
16 County. Basically what we do is collection of evidence,
17 the processing of that evidence, and trying to analyze it
18 at the same time.

19 Q. All right. How is that not like CSI on TV?

20 A. Well, it doesn't happen quite as quickly as it does
21 on CSI. It's a -- very tedious at times to collect
22 evidence. We collect a lot of potential evidence, things
23 that we have no idea of whether it's evidence or not. We
24 get one shot at it and one shot only. There are times
25 when we can secure a search warrant and go back.

GEORGE WEEKS - DIRECT EXAMINATION BY MR. BRACKETT

1 Typically we collect everything we can and let the
2 investigators, Solicitor's Office, whomever sort out what
3 is needing to be analyzed and tested.

4 Q. And typically does everything that you collect get
5 sent for testing and analysis at SLED?

6 A. No, sir, not at all.

7 Q. All right. In other respects, how do you differ from
8 CSI? Do you have all the technology and whizbang stuff
9 that they have on TV?

10 A. We do not. Some of it's actually true what you see
11 there, but the majority of the time, we have to rely on
12 the State Law Enforcement Division to do some of the
13 testing for us. We have members within our unit as well
14 as within the agency who we have to send evidence to. And
15 it's not a quick turnaround, within a 60-minute period of
16 time. It takes weeks, months, or sometimes years to get
17 evidence back depending on what the analysis is.

18 Q. And is some of the equipment and stuff that they have
19 on TV, is that just science fiction? Doesn't exist at
20 all?

21 A. It's based on real life, but the way they use it,
22 yes, sir, you could consider it science fiction.

23 Q. Did you have occasion to be involved in the
24 investigation into the death of Ms. Pauline Cook?

25 A. Yes, sir.

GEORGE WEEKS - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. And was a very limited involvement; is that accurate?

2 A. Yes, sir, it was very limited.

3 Q. Can you explain to the jury exactly what you did as
4 far as the --

5 A. I happened to be at the Moss Justice Center here on
6 Sunday afternoon getting some work done when Brian
7 Bagwell, whom I think you heard from earlier today, had
8 came back into the office in order to pick up some
9 chemicals. And he asked me would I ride back with him to
10 the scene. Went back with him. Watched what he did
11 there.

12 Later on we had a meeting with the -- couple of the
13 forensic personnel as well as the investigator on the
14 scene. And we were informed at that time among the
15 investigator and forensic personnel, it was a possibility
16 that some of the evidence from the crime scene may have
17 been thrown away.

18 So I left the scene there at the home and started
19 searching dumpsters. I started at Northwestern High
20 School, I believe it was. They were having a -- doing
21 construction there and had numerous dumpsters, probably
22 eight or ten dumpsters there. Started there. Proceeded
23 down Highway 5 toward Cherry Road going toward Rock Hill.
24 Checking every business, every dumpster that might have
25 one behind it.

GEORGE WEEKS - DIRECT EXAMINATION BY MR. BRACKETT

1 Down Cherry Road, all the way to -- what is the --
2 Office Depot, I believe, across from the Kmart there on
3 Cherry Road, when I came upon a set of apartment complex
4 that we were told that the defendant possibly lived at.

5 Q. At that time, was she just a suspect?

6 A. Just a suspect at that time. Yes, sir.

7 Q. Were you aware that -- had you been in the -- at the
8 facility earlier when they examined the security records?

9 A. Yes, sir.

10 Q. Were you aware that she had been in the night before?

11 A. That's correct. She was not -- we were told was not
12 supposed to be on the premises working, was not working at
13 the time but was there. So that was one of the dumpsters
14 the -- her residence or apartment complex which I checked.

15 Q. Is that why you chose that route, the direct route to
16 her residence?

17 A. That would have been the most direct route.

18 Q. And you say it was an apartment behind the Office
19 Depot on Cherry Road. Is that almost all the way to 77?

20 A. Yes, sir, it is. I was given the address. Not very
21 familiar with Rock Hill area or York area and had it in
22 the GPS and just traveled that route until I located
23 apartment complex.

24 Q. Thank you very much, sir. Please answer any
25 questions that counsel for Ms. Walton may have.

GEORGE WEEKS - CROSS-EXAMINATION BY MR. SMITH

1 CROSS-EXAMINATION

2 BY MR. SMITH

3 Q. Commander Weeks, before coming to the FSU here, where
4 did you work?

5 A. I spent 17 years at the South Carolina Criminal
6 Justice Academy as an instructor there, and prior to that
7 I was with Richland County for a short period of time in
8 uniform, and prior to that with Greenville County, most of
9 my career in the forensic unit there.

10 Q. Okay. And the South Carolina Law Enforcement
11 Division or SLED, they have a number of different tests
12 that they can do down there; is that correct?

13 A. Yes, sir, they do.

14 Q. And a number of different areas for testing. They
15 can do fingerprint there; is that right?

16 A. Yes, sir.

17 Q. Treads, fiber analysis?

18 A. SLED, not to correct you, but SLED typically no
19 longer does trace analysis when there's biological
20 material involved. Their trace lab, like many things,
21 have gone to the wayside because of funding. There are
22 much better tests now. But yes, sir, they have that
23 ability.

24 Q. Okay.

25 A. Yes, sir.

GEORGE WEEKS - CROSS-EXAMINATION BY MR. SMITH

1 Q. And you mentioned other tests. They do DNA; is that
2 correct?

3 A. Yes, sir.

4 Q. And various forms of DNA.

5 A. Yes, sir.

6 Q. It could be touch DNA or bodily fluid, be it blood or
7 something; is that correct?

8 A. That's correct.

9 Q. Hair, could that be tested?

10 A. Yes, sir. That's also within the trace. Or
11 depending on the condition of the hair, what's available
12 there, they can do DNA, yes, sir.

13 Q. Because when you say "trace," it means that something
14 may have been attached to some other item, that there's an
15 evidentiary value because it's not of that item itself.

16 That fair to say?

17 A. That's correct.

18 Q. Could have gotten hair on a cloth or could have
19 gotten gravel maybe on a rug that you may could tie up to
20 being from some other location. Is that fair to say?

21 A. Yes, sir.

22 Q. And then in this case, you were just sort of in the
23 office and saw that Brian was working a murder scene and
24 went back and viewed it; is that correct?

25 A. That is correct.

GEORGE WEEKS - CROSS-EXAMINATION BY MR. SMITH

1 Q. Now, he had already been out there once?

2 A. Yes, sir.

3 Q. So the second time you went back with him, and then
4 you began searching -- you had trash detail duty all the
5 way to Rock Hill?

6 A. Yes, sir.

7 Q. And in searching all of those dumpsters, did you find
8 any evidence that was relevant to this crime scene?

9 A. No, sir, I did not.

10 Q. And in all the searching or directing or supervising
11 or anything that you did, did you find any evidence that
12 linked Braquette Walton to Ms. Cook's room and/or her
13 death?

14 A. No, sir, I did not.

15 Q. Thank you.

16 MR. SMITH: I have no further questions.

17 MR. BRACKETT: Nothing on redirect.

18 THE COURT: You may step down, be excused.

19 THE WITNESS: Thank you, sir.

20 MR. BRACKETT: Your Honor, this might be a good time
21 for a break.

22 THE COURT: We'll take our afternoon break at this
23 time.

24 (The jury left open court at approximately 3:07 p.m.)

25 (The jury entered the courtroom at 3:35 p.m.)

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 THE COURT: Call your next witness.

2 MR. BRACKETT: May it please the Court. The State
3 would call Mr. Sam Alfakir.

4 SAMMY ALFAKIR, after having first being duly sworn,
5 testified under oath as follows:

6 DIRECT EXAMINATION

7 BY MR. BRACKETT:

8 Q. Good afternoon, sir. Would you please state your
9 full name and spell your last for the court reporter.

10 A. It's Sammy Alfakir. And last name is spelled
11 A-L-F-A-K-I-R.

12 Q. All right, sir. Is it all right if I call you Sam?

13 A. Yes, please.

14 Q. Where do you work, Sam?

15 A. AT&T Mobility.

16 Q. How long have you worked for AT&T?

17 A. Nine years.

18 Q. Can you tell the jury what you do for AT&T currently.

19 A. I'm a network engineer. I oversee the
20 implementation, design, and support of wireless networks,
21 your cellular phone.

22 Q. And how long have you been in the cellular network
23 and cellular service business?

24 A. 16 years.

25 Q. Can you give some idea what your training and

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 background is in this area.

2 A. My education is in electrical engineering. After
3 college, I got into wireless communications and I've been
4 in it ever since. Mostly as how the cellular network work
5 and how the phone works and how to make it work better.

6 Q. And what sort of areas within cellular networks have
7 you worked in throughout your 16-year career in --

8 A. I've done design of cellular networks. I've done
9 operations of cellular networks. And I've done support,
10 technical support.

11 Q. So has your experience familiarized you with the
12 technology behind cellular networks?

13 A. Absolutely.

14 Q. And the software that operates cellular networks?

15 A. Definitely.

16 Q. The physical plants, the towers and so forth that are
17 sort of the physical backbone of a cellular network?

18 A. Yes.

19 Q. Are you familiar with how those are all designed and
20 how they operate?

21 A. Absolutely.

22 Q. Have you been qualified before as an expert in
23 cellular network infrastructure and cellular telephone
24 technology?

25 A. Yes, I have. I have been involved in three cases for

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 the courts: Richland County, Lexington County, and very
2 recently Anderson County.

3 Q. All right, sir.

4 MR. BRACKETT: Your Honor, at this time I would
5 tender Mr. Alfakir as an expert in -- what would be the
6 best way to describe your area of expertise, Mr. Alfakir?

7 THE WITNESS: Cellular networking.

8 MR. BRACKETT: As an expert in cellular networking.

9 MR. SMITH: No objection.

10 THE COURT: I find he is qualified. Again, just like
11 I told you earlier about an expert, he can render opinions
12 in the area of cellular networking.

13 MR. BRACKETT: Thank you, sir.

14 Q. Sam, can you -- as part of your job, do you also have
15 access to and custody of subscriber records for AT&T?

16 A. I do.

17 Q. And did you receive a subpoena from our office to
18 bring to court with you certain records for telephones --
19 a subscriber with the telephone number (980)253-0066?

20 A. I have. I received that.

21 Q. Okay. And specifically for the records for that
22 telephone number from November 7th through
23 November 15th, 2011?

24 A. Yes, sir, I have that in my hand.

25 Q. All right. May I see that. That's the subpoena on

SAMMY ALFAKIR-- DIRECT EXAMINATION BY MR. BRACKETT

1 top?

2 A. Yes, sir, it is.

3 (State's Exhibit Number 112 was marked.)

4 Q. I'll give that back to you. There you go.

5 I've taken the documents that you've given to me,
6 Mr. Alfakir, and marked them as State's Exhibit 112 for
7 identification. Are these the accurate records that are
8 maintained by AT&T for telephone number (980)253-0066 for
9 November 7th through November 15th?

10 A. Yes, they are.

11 MR. BRACKETT: Your Honor, subject to a redaction
12 agreement, I would move State's Exhibit 112 for
13 identification into evidence at this time.

14 THE COURT: In without?

15 MR. SMITH: That's correct, Your Honor.

16 THE COURT: In without objection subject to the
17 redaction.

18 (State's Exhibit Number 112 was admitted.)

19 Q. Sam, if you would, please, just take a minute and
20 explain to the jury -- maybe the \$5 explanation, not the
21 \$5,000 explanation -- of how a cell phone network
22 operates, how it does its business and how it routes calls
23 and knows where people are to send them the calls that
24 people are receiving.

25 A. The cellular telecommunications network is just a

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 two-way radio between a tower and a cell phone. You think
2 it's a phone, but it's really more of a walkie-talkie.
3 It's a radio. And when a radio comes on to a network, the
4 first thing the radio does is announces itself. Hey, I'm
5 Mr. Sam Alfakir. Please give me service. Grant me
6 service.

7 So the phone comes on. The network recognizes you're
8 a paying customer. It recognizes your phone from a serial
9 number embedded in your phone. So that's unique to your
10 identifier. And once we grant you the access, you're able
11 to make phone calls on our network anywhere in the United
12 States. So when the phone comes on, the first thing it
13 does, it identifies itself to the network. Network
14 recognizes the identification. And it will grant you
15 access.

16 When you make a phone call, it routes the call
17 anywhere you want to, but when a phone call comes to you,
18 it -- the network knows from a periodic registration where
19 you are. So if you're in California, the network will
20 know that the last time you registered on our network,
21 hey, I'm here. It would let you -- it will route your
22 call from Carolina to California, for example, if you
23 happen to be there.

24 Q. Okay. Do you happen to have your cell phone on you
25 right now?

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 A. I do.

2 Q. Is the volume turned down?

3 A. It's completely off.

4 Q. Oh, very good. If you turned your cell phone on
5 right now, would -- your cell phone would then communicate
6 with what? How would it tell the system, the AT&T
7 network --

8 A. It would recognize the energy from a cell tower
9 nearby, and it would recognize the signature from that
10 tower. It's coded, but it knows the key. It has the key.
11 So it would decode it and would allow itself to register.
12 Like when I turn my phone on, I register first thing. I
13 tell it I'm here. And now any calls that will come will
14 be routed to the tower nearby me to ring me a ringer if I
15 have a call coming.

16 Q. So the cellular network knows not just that you're in
17 South Carolina, not just that you're in York, but actually
18 which tower you're closest to?

19 A. I'm closest to, yes.

20 Q. And approximately what distance does a tower area
21 cover?

22 A. That's a relevant -- depending on terrain, buildings,
23 and what have you, but on the average, just a couple of
24 miles.

25 Q. So there are a number of towers all over in order to

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 make our system work?

2 A. In South and North Carolina, we have over 2,000
3 towers.

4 Q. What happens if I'm in a car and I'm driving and the
5 cell -- my phone is talking to the tower and I'm talking
6 to somebody and the information is passing back and forth,
7 but I leave that tower and I'm traveling through and then
8 the next tower, I'm in range of that. How does that work?

9 A. Then the call gets handed over. The call from a
10 tower A to tower B gets handed over as you get closer to
11 tower B because it recognizes that your signal strength is
12 becoming weaker with tower A and you're stronger seen by
13 tower B. If you're stronger seen by tower B, then the
14 call will be handed over to tower B without you knowing
15 it.

16 Q. Now, coming back to the tower itself, how are the
17 towers designed physically? What do they look like?

18 A. 200 feet up. They're designed to raise the antennas.
19 They don't have any conductivity in the tower itself.
20 It's just a way to raise the antennas 200 feet up. We run
21 coax from the antennas to the ground to the radio station
22 equipment, and from there it's underground connected to
23 the Internet or what have you. So the only wireless part
24 is between the mobile and the tower.

25 Q. Is the tower able to determine not just where I am,

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 that I'm near that tower, but my proximity to the tower or
2 perhaps where I am oriented to the tower?

3 A. Yes. Every tower has three sets of antennas.
4 Antennas point north, antennas point southeast, antennas
5 point southwest. If you happen to be in those directions,
6 the antenna pairs that will pick up your calls are the
7 ones facing you.

8 Q. So the tower knows not only that I'm near it and that
9 it's the provider for my phone, the closest provider.

10 A. Yes.

11 Q. But it also knows what direction I am from the tower?

12 A. Direction from the tower. Yes, it knows where you
13 are.

14 Q. Does the AT&T network capture that information?

15 A. We do.

16 Q. The telephone call?

17 A. In all call records, yes.

18 Q. So if -- do the call records you have for that
19 telephone number that you came here today on that you
20 brought to court, (980)253-0066, do the call records for
21 that phone indicate which tower -- tell us first what's
22 primarily listed on that for --

23 A. In a typical call record like this, you got a line
24 number, you got date, time, what time you attempted the
25 call, who called who, and how many seconds this call

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 lasted -- minutes, seconds, whatever. We have your serial
2 number. We have your SIM number. We have -- if it's a
3 mobile to mobile, mobile to land, mobile to voice mail, we
4 have what kind of call it is. We also have the cell
5 location on the -- the cell that carried the call.

6 Q. The cell as in the tower?

7 A. The tower. Yes, the tower that carried the call.

8 Q. Okay. I want you to turn your attention to the
9 records, if you would, sir. And I want you to focus on --
10 let's start -- they cover a period from November the
11 7th through November the 15th, 2011, correct?

12 A. Yes, they do.

13 Q. Okay. Are the phone calls numbered in the far
14 left-hand column where it says "item number"?

15 A. Yes. One through 324.

16 Q. So they list 324 separate events?

17 A. Yes, they do.

18 Q. Let's -- did you take some time to familiarize
19 yourself with these telephone calls starting November the
20 12th, 2011, at 3:00 p.m.?

21 A. November 12.

22 Q. Yes. Item Number 204 on the record.

23 A. 204, 3:00 p.m.

24 Q. Yes, sir. What can you tell us about that telephone
25 number?

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 A. On November 12, 2011, 3:00 p.m., number (803)572-7948
2 dialed (980)253-0066.

3 Q. So somebody called the subscriber with this phone
4 number?

5 A. Yes.

6 Q. And what was the number that called the subscriber?
7 Could you read that out again.

8 A. (803)572-7948.

9 Q. One moment. Is that the number? I'm showing you
10 State's Exhibit 90.

11 A. 572-7948. That's the one.

12 Q. Whose name is right above that?

13 A. Marvin Lawrence.

14 Q. What time did that phone call get made?

15 A. At -- it was at 3:00 p.m. sharp.

16 Q. And did that call connect with the subscriber?

17 A. No, no one answered. The call went to voice mail.

18 Q. All right. And that cell location, the far
19 right-hand column, what does that tell you?

20 A. Cell 32 gamma sector.

21 Q. Are you -- did you familiarize yourself generally
22 with the location of that cell tower?

23 A. Not off the top of my head, no.

24 Q. Do you know what city it's in?

25 A. 8992, that sounds like a Greenville area, location

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 area, because I'm familiar with my location areas, but I'm
2 not familiar with every single tower I got. I got 3,000
3 of them.

4 Q. I understand.

5 Were you able to look at the subsequent calls from
6 3:00 p.m. through about 5:00 p.m.? Were you able to look
7 at any of those cell towers and just generally identify
8 the general location of them?

9 A. Yes. This person -- this phone number, 253-0066,
10 appeared to have been in the Greenville area.

11 Q. All right. And between then and 5:20 or so, did
12 there appear to be any motion?

13 A. They're mobile. They've moving. Yes. They're
14 moving.

15 Q. Do you know where they're moving to?

16 A. They moved from Greenville area to location area
17 8405. That's near Rock Hill, York County.

18 Q. Okay. Turning your attention to -- let's move
19 forward to November the 12th, 2011, at about 7:27 p.m.
20 Can you tell me who called who? Was there a phone call at
21 that time?

22 A. It seems like item 219 on the record, on the
23 12th of November 2011 at 7:27 p.m., (980)253-0066 dialed
24 (803)572-7948. The call lasted nearly 11 minutes, and the
25 phone was in an area near cell 175. Tower 175.

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. I'm showing you -- you said 572-7948. Can you read
2 the name above that again?

3 A. A Marvin Lawrence.

4 Q. And that was at 7:27 p.m. on Saturday, November 12th,
5 2011?

6 A. Yes.

7 Q. And what cell tower did you say that was?

8 A. 175.

9 Q. Do you know the location of cell tower 175?

10 A. Yes, I'm familiar with that. It's off of Highway 5
11 and -- I forgot the name of the interchange. I'll have to
12 see a map. I recognize it on a map.

13 Q. I happen to have one here.

14 A. Yeah, 175.

15 Q. Showing you what's been marked as State's
16 Exhibit 110. Do you recognize that?

17 A. 175 on Mathis Road and York Highway, Highway 5. So
18 1765.

19 Q. Do you live in this area?

20 A. No, I don't. I live in Greenville, South Carolina.

21 Q. Are you familiar with this general area?

22 A. I'm familiar with the entire Carolinas. That's my
23 job.

24 Q. Very good.

25 A. Both Carolinas.

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. So the cell tower that was --

2 A. 175 is the one on the map at Mathis and Highway 5.

3 Q. So approximately how close would that phone have had
4 to be to this cell tower to be routing through that tower?

5 A. Well, it is 175 antenna beta. And antenna beta is on
6 the eastern side of that cell side. It would cover the
7 eastern portion of that area, on the east portion of that
8 cell side.

9 MR. BRACKETT: Your Honor, I would at this time move
10 State's 110 into evidence, the map of Highway 5 showing
11 the location.

12 MR. SMITH: No objection.

13 THE COURT: In without objection.

14 (State's Exhibit Number 110 was marked and admitted.)

15 Q. If we would call up State's 110. Sam, here is a
16 pointer. This red button there, point it and you can --

17 A. Right.

18 Q. There you go.

19 A. It's not hitting the -- never mind.

20 Q. There you go. Yeah, it's a little tricky at a
21 distance. It shakes.

22 A. So the call on item 2 -- 209 was at 2:19. The call
23 was made somewhere in this vicinity. Because it was on
24 the antenna pairs pointing in the eastbound direction. So
25 if any mobile wants to make a phone call in this area will

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 have to be on 175 beta, which is this area right here.

2 Q. All right. Would it cover -- see where it says --
3 the far five on the road there, right underneath that.

4 A. Here?

5 Q. Yes. Can you look at this map and tell me what it
6 says on there right underneath that five.

7 A. Park Points Village.

8 Q. All right, sir.

9 A. That's the -- right there location -- yes, the best
10 server for this whole area right here is cell 175 beta
11 right there.

12 Q. All right, sir. And if you would, just so that the
13 jury has it to review, could you take this pen and sort of
14 draw -- where that green arrow points down, that's the
15 location of the tower, you said?

16 A. The top, yes, sir.

17 Q. Okay. Draw a line that would be covered by the beta
18 side of that tower.

19 A. There you go.

20 Q. So anything within that area --

21 A. Anything in that vicinity will be drawn by that cell
22 site, yes. It will be taken care of by that.

23 Q. And so that call at 7:27, that phone had to be
24 positioned somewhere in that area you just shaded?

25 A. Yes.

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 MR. BRACKETT: Move to publish 110. It's a little
2 bit faded on the --

3 THE COURT: It's in evidence, so you can publish it.

4 Q. Okay. That was item number 219. Let's go to the
5 next phone call or the next event. Item 220.

6 A. Okay.

7 Q. Do you know where -- can you explain what that is?

8 A. Yes. Item 220 is the next item at 8:52 p.m.

9 Q. All right. Was that item -- can you determine where
10 the phone was when that event occurred?

11 A. Yeah. At the same location.

12 Q. Okay.

13 A. The same -- served by 175.

14 Q. All right. Item 221.

15 A. 8:53, 26-second phone call to voice mail. Again, 175
16 beta, still on the board.

17 Q. 222.

18 A. Item 222, a phone call, five seconds, 175 beta also.
19 The same location.

20 Q. All right. Now the next item, 223.

21 A. 223, origination 43 seconds, same location.

22 Q. 224.

23 A. 224 --

24 THE COURT: I hate to interrupt, but I don't think
25 you've given times for 222, 223, and 224.

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. I'm sorry. Could you tell us the times for 222, 223,
2 and 224? What time did those events occur?

3 A. Around 9:00 at nighttime.

4 Q. Does it say a specific time on there?

5 A. Yes.

6 Q. Can you just run through them real quick? 222.

7 A. 8:54.

8 Q. 223.

9 A. 8:58. 9:02.

10 Q. 224 is 9:02. And 225.

11 A. 9:10 p.m.

12 Q. How about 226?

13 A. 9:25 p.m.

14 Q. Who made -- can you tell us something about the Item
15 Number 226 at 9:25? What was that?

16 A. 226, phone number (980)253-0066 dialed (803)980-8636,
17 nine seconds long, and the location is 175 beta. Still
18 the same place.

19 Q. I'm showing you what's been marked as State's
20 Exhibit 90 in evidence. Would you read that number again
21 from your record.

22 A. (803)980-8636.

23 Q. Is that the same number that is written on
24 State's 90?

25 A. It is.

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. And what does it say right above that number?

2 A. Nurses' station.

3 Q. How long did that call last?

4 A. That call was nine seconds.

5 Q. Let's go to 227.

6 A. 227. (980)253-0066 dialed (803)980-8636, the same
7 number as before.

8 Q. The nurses' station?

9 A. The nurses' station. No one answered there this time
10 around.

11 Q. And how many minutes after the first nine-second call
12 was that?

13 A. Two minutes.

14 Q. Two minutes later the number is dialed again?

15 A. Yes.

16 Q. Let's go to 228. How many minutes later is that
17 phone call?

18 A. Like four minutes later or five minutes later.

19 Q. Is it also a call to the nurses' station?

20 A. Yes, it is. Same number.

21 Q. How many seconds?

22 A. Seven seconds.

23 Q. Was the phone still within that region?

24 A. Yeah, the phone is still in that region right there.

25 In the east of that green arrow.

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. 229 item.

2 A. 229. 9:34, 980-253-0066 dialed the same number.

3 Three seconds. The same location.

4 Q. Item 230.

5 A. The same number, again six seconds. Same location.

6 Q. 231.

7 A. Dialed the same number, zero seconds, no one
8 answered.

9 THE COURT: Mr. Brackett --

10 THE WITNESS: Same location.

11 THE COURT: I know, but you're not giving us the
12 time.

13 Q. Can you tell us the time of Item Number 231?

14 THE COURT: And 230.

15 Q. Start at 230. What time --

16 A. 9:35 p.m.

17 Q. And then the call there was no answer at on item 231,
18 what time was that?

19 A. 9:56 p.m.

20 Q. About 21 minutes later?

21 A. Yes.

22 Q. Okay. Item 232, what time?

23 A. 10:00 p.m.

24 Q. Four minutes after the previous?

25 A. No one answered there as well.

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. What number was dialed?

2 A. It was the same number as before. The nurses'
3 station. I memorized it.

4 Q. Okay, sir. And the location of the phone --

5 A. The same location.

6 Q. Item 233, what time?

7 A. 11:19 p.m.

8 Q. What kind of phone call was this?

9 A. This was a received phone call. (980)253-0066 had
10 received a call from (803)524-5365.

11 Q. Was that call received by your subscriber?

12 A. No, it was not. It went to voice mail. No one
13 answered.

14 Q. And do you know where was the phone -- can you tell
15 us where?

16 A. At cell 553.

17 Q. Okay.

18 A. Finally this -- the mobile moved on.

19 Q. Okay. Was that the subscriber's mobile moved on
20 or --

21 A. No. This is actually the dialer. The dialer,
22 whoever dialed this person, (803)524-5365, was nearby in
23 Rock Hill.

24 Q. Okay. Do you know where -- based on these records,
25 can you tell us where this phone that you have the records

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 for was at 11:19 p.m.?

2 A. At 11:19...

3 I don't know where (980)253-0066 was at 11:19 because
4 the next call it made was near midnight.

5 Q. And where was the phone then?

6 A. At 13 after midnight, the phone already moved on to a
7 different cell. 174.

8 Q. All right. And where is that?

9 A. I have to see on the map.

10 Q. Okay. Is it in Rock Hill? Are you familiar with
11 that?

12 A. Yes, I think so. I don't know off the top of my
13 head.

14 Q. But it's no longer here?

15 A. No, it's not in that vicinity, no, sir. If you put
16 it on a map, then I'll tell you where it's at.

17 Q. Very good. But we know it wasn't here?

18 A. No, it was not here, sir.

19 Q. At what time?

20 A. 12:13, 13 minute after midnight, it was -- that phone
21 number in question, (980)253-0066, finally moved off from
22 that area.

23 Q. So sometime between --

24 A. 11:20 and quarter after midnight.

25 Q. Okay.

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 A. The mobile made a move.

2 Q. All right, sir. I want to turn your attention back a
3 couple of days to one more phone call.

4 A. Okay.

5 Q. Let's look at item number 114.

6 A. I'm there.

7 Q. Can you tell us what time that phone call was made
8 and the date.

9 A. On the 10th of November, 2011, 1:44 p.m.,
10 (980)253-0066 dialed (704)649-0539. The call was not
11 answered, zero seconds. And the mobile was at cell 548
12 alpha area.

13 Q. Are you familiar with the location of that cell phone
14 tower?

15 A. I'm pretty sure I am.

16 Q. All right, sir. Showing you -- just a moment. There
17 we go -- State's 109 for identification. Can you tell us
18 if that map helps you?

19 A. That is cell 548.

20 Q. Can you tell us, where on that map is the cell tower?

21 A. This is the tower where the green arrow is.

22 MR. BRACKETT: Your Honor, at this time I'd move 109
23 for identification into evidence.

24 MR. SMITH: No objection.

25 THE COURT: In without objection.

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 (State's Exhibit Number 109 was admitted.)

2 MR. BRACKETT: If we could put 109 up on the map and
3 maybe -- it's washed out pretty good.

4 Q. You got your pointer still?

5 A. Yes.

6 Q. Can you show us with the pointer where the cell tower
7 is.

8 A. That's the cell tower right there.

9 Q. Where that green arrow is at the bottom?

10 A. That's it.

11 Q. And what side of the tower did you say that --

12 A. This was on the alpha sector, and the alpha sector
13 simply points due north. So anybody in this pie, in this
14 whole area right there, will be served by this cell alpha
15 or north-facing sector.

16 Q. All right, sir. And are you familiar with the area
17 of York County that this depicts?

18 A. Somewhat.

19 Q. Do you know where the Walmart is in that area?

20 A. I saw it on Google Earth. It was right here
21 somewhere.

22 Q. All right.

23 A. There's a Google Earth picture.

24 Q. That's the Tega Cay Walmart?

25 A. I would imagine so, yes, sir. There's a Walmart

SAMMY ALFAKIR - DIRECT EXAMINATION BY MR. BRACKETT

1 right there. That's all I know. Next to Carlos' Cafe, as
2 a matter of fact.

3 Q. If you would -- and I think we'll go with the
4 lights -- if you would do the same thing on that map that
5 you did with the other. Just draw the section of the pie
6 on that map that's covered by the cell tower. So the
7 phone call was made somewhere in this region?

8 A. Yes.

9 Q. The phone was in this region when the call was made,
10 right?

11 A. The phone was there, yes.

12 THE COURT: Before you publish it, I don't know it's
13 been offered.

14 MR. SMITH: Thank you, Your Honor.

15 THE COURT: Now you may publish.

16 MR. BRACKETT: Thank you, Your Honor.

17 Q. Thank you very much, Sam. Please answer any
18 questions Mr. Smith may have for you.

19 CROSS-EXAMINATION

20 BY MR. SMITH:

21 Q. Good afternoon. Mr. Alfakir, there are three
22 antennas on each tower, right?

23 A. No, six.

24 Q. Six. Okay.

25 A. A pair for each direction.

SAMMY ALFAKIR - CROSS-EXAMINATION BY MR. SMITH

1 Q. A pair for each direction. And full circle is 360
2 degrees.

3 A. Correct.

4 Q. So each pair covers 120 degrees, if I'm doing the
5 math right.

6 A. Correct.

7 Q. And what we're talking about here is just direction
8 for the radio signal being received. This is different
9 from GPS or global positioning that --

10 A. Yes.

11 Q. -- would tell you an exact location; is that correct?

12 A. Different, yes.

13 Q. In other words, you can only say that a phone that
14 calls that tower is somewhere in that range?

15 A. Yes.

16 Q. Now, taking you to the report that you looked at, and
17 I'll be looking at -- I want to ask about item or line
18 number 233.

19 A. Okay.

20 Q. I believe you testified about that earlier, and you
21 indicated that there was a call from a number to your
22 subscriber; is that right?

23 A. Yes, sir.

24 Q. And there's a tower location listed in the far right
25 column or a cell location that is different than the ones

SAMMY ALFAKIR - CROSS-EXAMINATION BY MR. SMITH

1 above.

2 A. Uh-huh.

3 Q. But you indicated that that tower location on that
4 line refers to the caller, not the callee.

5 A. Yes.

6 Q. Why is that?

7 A. Because the caller is also an AT&T subscriber, and
8 when you have a call coming to you and you don't answer
9 it, we'll give you the tower of the caller.

10 Q. Okay. But the other calls, like line 225, that's a
11 call from someone to the subscriber?

12 A. Uh-huh.

13 Q. But the tower location listed there you believe to
14 be --

15 A. The subscriber.

16 Q. -- for the location of the subscriber?

17 A. Yeah, because the call was answered. The call was
18 answered by the subscriber, and the 214 area code is not a
19 local number for us.

20 Q. And if the call is not answered at all, would it show
21 up on here if it was a non-AT&T subscriber and the call
22 was not answered? Would it show up?

23 A. Yeah. It would show up zero seconds.

24 Q. Zero seconds?

25 A. Zero seconds.

SAMMY ALFAKIR - CROSS-EXAMINATION BY MR. SMITH

1 Q. And would there be any tower information?

2 A. Maybe. It depends if the caller who called is an
3 AT&T subscriber.

4 Q. If they are not, there would be none?

5 A. None. We would not know what network they're off of.

6 Q. What if both the caller and the callee are in the
7 same tower location?

8 A. Same tower location.

9 Q. And are both AT&T subscribers.

10 A. Right.

11 Q. And the call was not answered by the subscriber.

12 What would show up in the column location?

13 A. If they're both on the same tower. Are they on the
14 same sector?

15 Q. Yes.

16 A. It would show as the tower and sector.

17 Q. So if the subscriber were in the same location as the
18 caller, both AT&T, a call that was not answered would show
19 up for a tower location of the call --.

20 A. Of the caller.

21 Q. -- that would be the same location?

22 A. Yes.

23 Q. And you mentioned a way to tell which antenna or
24 which antenna pair was being seen. Where is that notated
25 in the column?

SAMMY ALFAKIR - CROSS-EXAMINATION BY MR. SMITH

1 A. If you see the last digit under the cell location.

2 You see those -- for example, you see this 1758?

3 Q. I do.

4 A. That donates (sic) the beta sector.

5 Q. The number 8 is beta?

6 A. Beta. Beta is the eastbound direction, yeah. Alpha,
7 beta, gamma.

8 Q. Now, do you just cover AT&T towers, or is that a
9 misnomer? Do networks share towers?

10 A. No, we do not share, no, unless we have a roaming
11 agreement. But we do not have service. We share.

12 Q. So the two towers that you've indicated locations
13 for, those are AT&T towers --

14 A. Yes, they're ours. Yes.

15 Q. Now, are there other cell towers in the area?

16 A. Yes, belonging to other carriers.

17 Q. Could those pick up a signal from one of your
18 callers?

19 A. No, they cannot.

20 Q. Could they transfer a signal to one of your callers?

21 A. No, they cannot.

22 Q. You mentioned a share agreement. How does that work?

23 A. Roaming. When you go to a place where we do not
24 offer service, our nearest competitor would be T-Mobile,
25 and they would -- we have a roaming agreement with them in

SAMMY ALFAKIR - CROSS-EXAMINATION BY MR. SMITH

1 case our phone cannot find our network. They look for the
2 next best thing, which is T-Mobile.

3 Q. And if one tower gets overloaded with requests for
4 service, what happens?

5 A. We block you. Give you a fast busy.

6 Q. A fast busy signal?

7 A. A fast busy. Yeah. Dead air, fast busy. One of
8 those things.

9 Q. Can there be a bounce of a call from one tower to
10 another?

11 A. Repeat that, please.

12 Q. Can it bounce from one to another?

13 A. Bounce? No, I don't think so.

14 Q. And then the other thing I'm asking, all of the items
15 that you are looking for, you're just looking for a SIM
16 card identification in a phone. Is that what that tells
17 you?

18 A. Yes. It's a phone serial number plus a SIM card
19 serial number as well.

20 Q. So if someone got a new phone but kept their SIM
21 card, you could still find them under that account with
22 that information; is that correct?

23 A. Yes, sir. It follows your SIM.

24 Q. And if you loaned me your cell phone and I made a
25 call, would it reflect that you had loaned me your cell

SAMMY ALFAKIR - CROSS-EXAMINATION BY MR. SMITH

1 phone?

2 A. On my SIM or your SIM?

3 Q. You loan me your phone, and I call just as your phone
4 exists. Who would the tower -- who would that show made
5 that call?

6 A. That I made it.

7 Q. Right. And if I then borrowed it and gave it to
8 someone else, it would still show that you made it; is
9 that correct?

10 A. Yes, yes.

11 Q. So basically the information that you're testifying
12 about here does not tell us who placed the call --

13 A. No.

14 Q. -- is that correct?

15 And does not tell us exactly where they were when
16 that call was placed?

17 A. Not exactly but approximately.

18 Q. Within acres and acres?

19 A. Yes.

20 Q. A 120-degree up to 3-mile-radius pie shape?

21 A. Correct. Correct. Thank you.

22 MR. SMITH: No further questions.

23 THE COURT: Redirect?

24 MR. BRACKETT: No, sir, Your Honor.

25 THE COURT: You can step down, be excused. We

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 appreciate your time.

2 MR. BRACKETT: State would call Tim Buchanan.

3 (A discussion was held off the record.)

4 TIM BUCHANAN, after having first being duly sworn,
5 testified under oath as follows:

6 DIRECT EXAMINATION

7 BY MR. THOMPSON:

8 Q. Officer, could you give your full name for the Court,
9 please.

10 A. My name is Timothy Buchanan. I work with the York
11 County Sheriff's Office in the multi-jurisdictional
12 forensic unit.

13 Q. And would you spell your last name for the court
14 reporter, please.

15 A. B-U-C-H-A-N-A-N.

16 Q. And you said you work for the forensic unit. Does
17 that also go by FSU?

18 A. Yes, sir.

19 Q. And working for the forensic unit, what are your
20 duties there?

21 A. We go out and collect evidence and inventory it. Put
22 it in evidence. We process things for the court.

23 Q. All right. And how long have you been in the
24 forensic unit?

25 A. Four years now.

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. How long have you been in law enforcement altogether?

2 A. Started in '98. About 14 -- 14 years.

3 Q. Okay. And Officer Buchanan, can you tell me, did you
4 have an occasion to become involved in this particular
5 case versus Braquette Walton?

6 A. I'm sorry, I'm a little hard of hearing.

7 Q. How did you become involved in this case with
8 Braquette Walton?

9 A. They had worked the scene the night before, and they
10 asked me to come in and help. I attended the autopsy and
11 I processed some items back at the scene. Collected and
12 processed a phone and stuff. Then I went and I collected
13 some video for them.

14 Q. All right. Can you tell me -- you mentioned that you
15 went to the autopsy. Do you recall what day that was that
16 you went to the autopsy?

17 A. I'd have to look back at my notes.

18 Q. All right.

19 A. Typically it's the day after the incident. That
20 would be on 11/13, and the autopsy was performed by
21 Dr. Thomas.

22 Q. Did you do a report regarding going to the autopsy?

23 A. I'm sorry? I did pictures at the autopsy. I also
24 collected hair samples, ink impressions, a vial of blood,
25 the fingernail clippings, and DNA swabs from the nose and

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 mouth.

2 Q. Do you have the report in front of you where you
3 talked about collecting those things?

4 A. Yes. That's what I'm looking at.

5 Q. Can you look again at the date as far as the date of
6 the autopsy itself.

7 A. Oh, I'm sorry, it's 11/14. The date of the incident
8 was 11/13. I apologize. I read the wrong line.

9 Q. And was the autopsy the first thing that you became
10 involved in?

11 A. Yes, sir.

12 Q. All right. And as you said, you collected some
13 things there at that point in time. If you would, kind of
14 go a little slower because you went pretty fast --

15 A. I'm sorry.

16 Q. -- and just kind of ran through it. What was the
17 first thing you collected of the group of things there?

18 A. We take hair samples, and they keep them in evidence
19 for DNA testing later on.

20 Q. Would this be from Pauline Cook?

21 A. Yes, sir.

22 Q. And you mentioned ink impressions. What do you mean
23 by that?

24 A. We take fingerprints from the deceased. It's pretty
25 difficult on some of the deceased people, especially with

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 the elderly. As you get older, your fingerprints start
2 wearing down. The body was -- as I understood it, was
3 in -- submersed in the water in the shower for a long
4 time. That affects it. It was pretty hard to get the ink
5 impressions from her.

6 Q. And you mentioned you had, I believe, gotten some
7 blood from Ms. Cook as well. What is the purpose of
8 getting some blood from her?

9 A. They use the blood for toxicology and DNA purposes,
10 and we collect a vial while we're in there with the
11 autopsy.

12 Q. So basically --

13 A. It's held in evidence in case they need it.

14 Q. Right. So basically you said for toxicology and DNA.
15 Would that be for a DNA standard so that we know her DNA
16 and we have a standard for it?

17 A. Yes.

18 Q. Okay. And as well you mentioned fingernail
19 clippings. Tell us about that. What do you do to get the
20 fingernail clippings?

21 A. Fingernail clippings, if there had been a struggle,
22 typically they would -- if she scratched somebody or
23 something, there may be some DNA from the perpetrator
24 under her fingernails. We get the doctor to collect them
25 at the scene, and he wraps them up and we put them into

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 evidence.

2 Q. Did you observe Dr. Thomas collect them at that time?

3 A. Yes, sir.

4 Q. And he gave them to you?

5 A. Yes, sir. I took them with me.

6 Q. And you turn those in to evidence?

7 A. And we turn them over to evidence.

8 Q. And ultimately to be tested; is that right?

9 A. I'm sorry?

10 Q. Ultimately to be tested?

11 A. Yes, sir.

12 Q. And then you mentioned DNA swabs of the nose and
13 mouth. What do you mean by that? What do you do to get
14 those swabs?

15 A. We took DNA swabs from her because it appeared she
16 had some bruising around her nose and mouth. Like
17 somebody's hand or something was clamped down over it. I
18 don't know if they've shown any of the pictures, but you
19 could see the actual bruising. And we took swabs from
20 that area in case the perpetrator had actually smothered
21 her and left the DNA on her. Now, if she had put a pillow
22 or warm glove, we wouldn't get any. But we went ahead and
23 did it anyway so we'd have that.

24 Q. In your experience, is there a chance even if someone
25 didn't wear any gloves that they would leave DNA behind on

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 someone's face?

2 A. Touch DNA is precarious anyway. Everybody leaves
3 samples everywhere, but whether we can collect them or
4 not. They're such minute particles, sometimes they don't
5 show up.

6 Q. So you collected those things at the autopsy and
7 turned those in to evidence; correct?

8 A. Correct.

9 Q. Now, the next thing, I believe on the 14th you
10 mentioned that you had gone and collected the telephone.
11 Let's walk through that. Was that also on the 14th?

12 A. Yes, sir. That was on the 14th also.

13 Q. And why were you directed at that point to collect
14 the telephone?

15 A. One of the detectives that went back to the scene
16 thought he observed some spots on the telephone that could
17 possibly be blood. He asked me to go back and photograph
18 that and take some samples from it. I used a hemostick to
19 test the spot that was on there. It turned up negative,
20 so it wasn't blood. And I collected the phone anyway.
21 Took it back and actually Super Glue fumed it for latent
22 fingerprints. On a nonporous surface, we usually take
23 them back and we process them at the lab because it's a
24 more controlled environment and we get a little better
25 results.

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 I did develop some ridge detail on the phone on the
2 bottom, but there was not enough detail to actually make a
3 identification. And when I say that, when we look at
4 fingerprints, we're looking for ridge endings or branches
5 or forks, bifurcations in the print so that we can make an
6 identification. There has to be enough detail in there
7 that we can absolutely say that that is where the print
8 came from.

9 Q. All right. So you weren't able to compare that to
10 anybody's print, then?

11 A. No. There wasn't enough detail to actually make a,
12 you know, 100 percent ID on it, so we couldn't use it.

13 Q. Now, will you explain just briefly what you meant by
14 you Super Glued it, or what do you mean by that? What did
15 you do?

16 A. I know everybody watches CSI. We use cyanoacrylate,
17 which is Super Glue. That's the scientific name. Once
18 you heat that up, the vapors that come off the Super Glue
19 adhere to moisture. And what your fingerprint is is
20 actually oils, sweat, and other secretions from your body.
21 On your fingers you have ridges and valleys, and that's
22 what we actually -- the ridges are what you leave behind
23 where it touches, and the Super Glue actually adheres to
24 it and leaves a white film on it that we can photograph
25 and then powder and lift actually.

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. And did that help you draw that up as good as you
2 could at that point to find out how much -- or to get more
3 ridge detail than you could have otherwise?

4 A. Actually, that's the best way that we found to get
5 fingerprints off of nonporous items is to Super Glue. It
6 actually fixes the print too. Where if I powder the phone
7 and lift the print, that's it. You don't get another shot
8 if your tape wrinkles or something. You may luck up and
9 be able to lift it again, but nine times out of ten,
10 that's it. So we try to freeze it, like, in time when we
11 Super Glue it, and we can, like I said, photograph it and
12 examine it. Gives us a lot more leeway.

13 Q. And you said that these impressions that you did see
14 on the phone were off the bottom of the phone; is that
15 right?

16 A. I believe so, yes, sir.

17 Q. Now, did you see -- were there any other fingerprints
18 anywhere else on the phone that you could see?

19 A. No, no discernible fingerprints were developed other
20 than those on the bottom.

21 Q. So is it unusual that you have a phone that someone
22 would touch a lot and you wouldn't find any --

23 A. No, it's not unusual. We work scenes a lot of times,
24 and we don't collect fingerprints because everybody
25 leaves -- some leave better -- if you have real oily skin,

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 you leave better fingerprints than somebody who has dry
2 skin. And, you know, the moisture in the air. There's a
3 lot of factors that control the fingerprints.

4 Q. Does it make any difference if the same thing is
5 touched repeatedly by someone?

6 A. You'd rub it off. The more you move it around, you
7 can actually smear it and you won't get a fingerprint.
8 You'll just get a white blob instead of a fingerprint.

9 Q. All right. And how about if people just touch over
10 the same fingerprint? Do they kind of layer? Is it
11 pretty hard --

12 A. Yeah. We get a lot of prints where we've had
13 multiple impressions laid over one another, and some of
14 them you can't identify because there's so many prints on
15 top of each other.

16 Q. Okay. Now, did you do anything else on the case on
17 the 14th at that point?

18 A. No, sir, not on the 14th.

19 Q. What was the next involvement you had after that?

20 A. On the 15th, I believe Investigator George served a
21 search warrant on the 14th and collected a vehicle. On
22 the 15th, I helped Investigator John George, they were
23 processing the vehicle that was Ms. Braquette's. They
24 were looking for trace evidence, and I helped photograph.
25 I did most of the photographing.

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. Okay. And I think we're going to have Investigator
2 George. Did he do most of the collecting of things?

3 A. Yes, he took care of that.

4 Q. And did you basically photograph as to what he kind
5 of directed you to photograph at that time?

6 A. Yeah, I was -- they were going to do some BlueStar on
7 it, which is pretty difficult to photograph. That's why
8 they asked me out there, come and help them with that.

9 Q. And then after that, what next did you become
10 involved in?

11 A. I was asked by the detectives on the 17th to
12 retrieve some video from Sam's Mart on Cherry Road. They
13 said that Ms. Braquette had went in there and they had her
14 on video, but they weren't able to retrieve the video from
15 the surveillance system.

16 Q. And do you recall about what time that was that you
17 went to retrieve that video?

18 A. It was later on in the afternoon. I'm not sure.
19 They told me that the time they wanted from the video --
20 they'd actually viewed the video previously and they had
21 seen her on there, but they gave me a time. From 1:06 to
22 1:09 is the time that they wanted to capture. Typically
23 on these surveillance videos, a lot of times the stores
24 don't know how to retrieve the video. They may be able to
25 pull it up, but they don't know how to download it to a

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 disk or a thumb drive. And they did not have a clue how
2 to run the system to get it off.

3 So they asked me if I could go over there and try to
4 get it from them. I was successful. I downloaded it to a
5 thumb drive and burn it to a disk and turned it in to
6 evidence.

7 Q. When you collected that, can you tell me, upon
8 collection of the video itself, how did you retrieve it
9 from their system?

10 A. I looked at the system. They showed me the video and
11 the times that they wanted. They could play it back.
12 They're -- all these video systems are different. There's
13 no standard at all across the country on those.
14 They're -- every manufacturer has a different way they do
15 it. And they have a different way they encode it so they
16 have proprietary viewers.

17 I found on the back of the video -- if I'm not
18 mistaken, there was a shelf and there was some
19 instructions actually taped to the shelf from the manual.
20 And I was able to retrieve the video following the steps
21 and that cheat sheet is what it was and put it on a thumb
22 drive so I could take it back to the PD.

23 Q. And were you familiar at that point of what Braquette
24 Walton looked like?

25 A. They had shown me a picture. I knew pretty much what

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 she looked like.

2 Q. All right.

3 A. I think on the video she was wearing a dark
4 sweatshirt and gray sweatpants maybe. Sometime the colors
5 are off on the video, but it was -- it did look like her
6 at that time. But like I said, they gave me a specific
7 time to actually download and that's what I downloaded.

8 Q. All right. And I'll show you State's
9 Exhibit Number 111. I believe the disk is already in the
10 computer system, but is that the envelope that you put the
11 disk in when you made it?

12 A. Yes, sir. Uh-huh.

13 Q. And that indicates where you collected it from?

14 A. Yes, sir.

15 Q. And the time you collected it?

16 A. And that's the time I collected it. Yes, sir.

17 Q. Did you alter or change that video in any way when
18 you retrieved it?

19 A. No, sir. I just downloaded it straight to the CD.

20 MR. THOMPSON: Your Honor, ask to enter in State's
21 Exhibit Number 111 at this time into evidence.

22 MR. SMITH: No objection.

23 THE COURT: In without objection.

24 (State's Exhibit Number 111 was marked and admitted.)

25 Q. Now, before we play it, Investigator Buchanan, can

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 you tell me, when you look at this, is there more than one
2 view of this -- on this video?

3 A. I did a backup of all their cameras, so yeah, you've
4 got several -- I'm not sure how many cameras there were,
5 because I do a bunch of the videos. But typically there's
6 anywhere from 4 to 16 camera views in a video system. I'm
7 not -- I think there was seven or eight in this one. I'm
8 not positive. But I did a backup of those times. I go a
9 few minutes before and after and back up the whole system.
10 So I had all the camera views on there.

11 Q. Okay. And when it plays, does it play them all at
12 the same time, or does it play them one at a time?

13 A. I believe the DVR viewer with that one plays one
14 camera at a time.

15 Q. All right.

16 A. On the system you can play them all at once, but when
17 it backs it up, you're restricted to what they give you.

18 Q. And all of the views that you collected are on the
19 DVD that --

20 A. Yes, sir, everything I collected is on that one CD.

21 MR. THOMPSON: And I'd ask that we publish -- we'll
22 start with View Number 2 of the video.

23 (Videotape played in open court.)

24 Q. Now, I believe at this point -- has she actually
25 entered the store at this point yet, Investigator

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 Buchanan?

2 A. Yeah, that's her. That's the correct view.

3 Q. I'm sorry, I don't know if you can hear me.

4 A. I can't. I'm sorry.

5 Q. When are we going to first see her in this video?

6 A. She will walk up around, I think, 1:07 on the time
7 stamp. She's going to come up from the left. That's her
8 walking in there.

9 MR. THOMPSON: Please continue to play it.

10 Q. That was her coming into the store at that point?

11 A. Yeah, that's her coming in. She'll come back and get
12 in line. That should be her right there. Looks like
13 she's texting on her phone or something there.

14 Q. All right. And basically the -- through the videos,
15 they'll show her purchasing something and then leaving.

16 Is that what they show?

17 A. That's correct.

18 Q. And then there will just be several different angles
19 of that occurring, correct?

20 A. That's correct.

21 Q. That's all we need to see at the moment.

22 And if you look on the State's exhibit, what is the
23 address for Sam's Mart? Where is that located?

24 A. 1657 Cherry Road.

25 Q. And that's here in Rock Hill, correct?

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 A. Yes, sir.

2 Q. I believe that's across from Cherry Park. Is that
3 about where? Is it close to that?

4 A. Yes, I believe so. It's right down the road from it,
5 there across the street.

6 Q. All right. Now, I believe there was one other thing
7 you may have done in the case regarding trash. Can you
8 tell us about that.

9 A. The detectives had actually gotten, I think, some
10 information that the bed linen was thrown in the trash at
11 the actual nursing home. And I went and stood by and
12 assisted them. They went through a very large trash bin
13 and went through every single bag of trash, and we were
14 unsuccessful in finding the bed linen.

15 Q. All right. And did you do anything else on the case
16 in regard to this, other than what we talked about
17 already?

18 A. We all worked together on this. You know, I -- I
19 don't think so.

20 Q. Okay.

21 A. But we assisted, like I said. We all work together
22 as a unit.

23 Q. Thank you. Answer any questions, please, the defense
24 has for you.

25 CROSS-EXAMINATION

TIM BUCHANAN - DIRECT EXAMINATION BY MR. THOMPSON

1 BY MR. SMITH

2 Q. Agent Buchanan, if I can get you to turn to your
3 inventory sheet for the 15th.

4 A. Which sheet? I'm sorry.

5 Q. For the November 15th.

6 A. That's where we processed the vehicle?

7 Q. I'm sorry, there may be more than one. I'm talking
8 about for the telephone.

9 A. Oh, I'm sorry. All right.

10 Q. And you mentioned that you found a telephone in
11 room 519, and that's item number 3. You testified to the
12 jury that you actually retrieved that; is that correct?

13 A. Yes, sir.

14 Q. And you processed it for any samples, fingerprints,
15 anything that may be on it; is that correct?

16 A. Yes, sir.

17 Q. And you also mentioned that you took photos of it; is
18 that right?

19 A. Yes, sir.

20 Q. And that would be item number 2, photo CD?

21 A. Yes, sir.

22 Q. All right. But item number 1 I didn't hear you
23 mention when you testified or answered the solicitor's
24 questions. What is that?

25 A. There were a couple of hairs on the telephone when we

TIM BUCHANAN - CROSS-EXAMINATION BY MR. SMITH

1 took it back. I think we found those actually in the lab,
2 if I remember correctly.

3 Q. Okay.

4 A. But --

5 Q. And you entered those into evidence so that they
6 could be preserved for testing --

7 A. Correct.

8 Q. -- or whatever needed to be done with those?

9 A. Yes, sir.

10 Q. Thank you.

11 MR. SMITH: No further questions.

12 REDIRECT EXAMINATION

13 BY MR. THOMPSON

14 Q. Have you seen the hairs prior to taking the phone
15 back with you?

16 A. No. I found them on the telephone when we got back.
17 You know, I put it in the bag, and we carried it back.
18 When we got it in the lab in the bright lights, we found
19 two small hairs on there.

20 Q. Were they pretty small, small enough that you didn't
21 see them before you took --

22 A. Correct.

23 Q. Thank you.

24 MR. THOMPSON: No further questions.

25 MR. SMITH: Nothing further.

TIM BUCHANAN - REDIRECT EXAMINATION BY MR. THOMPSON

1 THE COURT: You can step down, be excused.

2 Appreciate your time.

3 THE WITNESS: Thank you.

4 THE COURT: Call your next witness.

5 MR. BRACKETT: State calls John George.

6 JOHN GEORGE, after having first being duly sworn,
7 testified under oath as follows:

8 DIRECT EXAMINATION

9 BY MR. THOMPSON:

10 Q. Good afternoon, sir. Would you please state your
11 full name for the record.

12 A. John Robert George.

13 Q. Where do you work, Mr. George?

14 A. I'm employed with the Rock Hill Police Department.

15 Q. And in what capacity?

16 A. As an investigator.

17 Q. How -- go ahead.

18 A. I'm currently assigned to the York County forensics
19 unit.

20 Q. And what do you do for the York County forensics
21 unit?

22 A. I'm a forensics investigator.

23 Q. How long have you been with the forensics unit?

24 A. Approximately eight years.

25 Q. I'm sorry, eight?

JOHN GEORGE - DIRECT EXAMINATION BY MR. THOMPSON

1 A. Eight years.

2 Q. And how long have you been in law enforcement
3 altogether?

4 A. 16.

5 Q. All right, sir. Were you involved in the
6 investigation of the death of Pauline Cook?

7 A. Yes, sir, I was.

8 Q. And specifically turning your attention to
9 November 15th of 2011. Did you have occasion, along with
10 other officers from the FSU, to execute a search warrant
11 for the search of the defendant Ms. Braquette Walton's
12 vehicle, a Ford Focus?

13 A. Yes.

14 Q. Did you participate in that search?

15 A. Yes, I did.

16 Q. Did you recover a number of items from the vehicle?

17 A. Yes, I did.

18 Q. Can you give us a basic overview of how you would go
19 about processing a vehicle like that.

20 A. What we would normally do is any items that we deem
21 what we could consider evidence or future evidence we
22 would collect out of the vehicle. First it's
23 photographed, and Officer -- or Investigator Buchanan
24 photographed the vehicle first. And then I went through
25 and chose certain items and collected them out of the

JOHN GEORGE - DIRECT EXAMINATION BY MR. THOMPSON

1 vehicle.

2 Q. Now, at the time you were searching this car, it's
3 Tuesday, November 15th, 2011. And do you have any
4 personal knowledge of the investigation of the case, what
5 witnesses have said, who's done what, anything like that?

6 A. I did not.

7 Q. Okay. So at the time you're conducting a search like
8 this, do you really know what may or may not be of
9 evidentiary value in that car?

10 A. No. I try to collect as much items as I can so that
11 way we don't have to go back and collect anything. If we
12 find something out a week later and say, well, that was in
13 the vehicle but now we don't have the vehicle, then we
14 wouldn't have it for evidence.

15 Q. All right. And typically do you -- when you're
16 processing the scene or a car or someplace like that, do
17 you tend to overcollect?

18 A. Yes.

19 Q. And in this particular case, you said the search of
20 the vehicle was documented with photographs?

21 A. Yes, sir.

22 Q. By Detective Buchanan --

23 A. Yes.

24 Q. -- who just left the stand?

25 A. Yes.

JOHN GEORGE - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. I'm showing you what's been marked as State's
2 Exhibit 66 through 79. And if you would, sir, please take
3 a look at those photographs and just tell me generally
4 what the photographs show.

5 A. Photographs of parking pass for Park Pointe Village.

6 Q. Let's take even a bigger view. Is that basically --

7 A. Sorry.

8 Q. Are they photographs of the search of the car and
9 items collected during the search?

10 A. Yes, it is.

11 Q. Okay. And do they accurately depict the events that
12 occurred during the search of the car and the collection
13 of certain items from the car?

14 A. Yes.

15 Q. They accurately show it as it was and as you saw it?

16 A. Yes.

17 MR. THOMPSON: Your Honor, I believe I've showed
18 these previously, but let me -- State's 66 through 79.

19 MR. SMITH: No objection.

20 MR. BRACKETT: Move them into evidence at this time.
21 (State's Exhibits 66 through 79 were marked and admitted.)

22 THE COURT: In without objection.

23 Q. Can you see the screen pretty well from there?

24 A. Yeah.

25 Q. You indicated you collected a number of things?

JOHN GEORGE - DIRECT EXAMINATION BY MR. THOMPSON

1 A. Yes.

2 Q. A number of items of evidence, hair --

3 A. Approximately 30 items of evidence out of the
4 vehicle.

5 Q. Items of potential evidence?

6 A. Potential evidence, yes, sir.

7 Q. What kind of things did you collect, just generally?

8 A. In general, we collected some hair samples. We
9 actually took tape and taped each one of the seats and the
10 trunk area to collect any trace evidence that may be there
11 that might be useful in the future. Some general items
12 from Ms. Walton's vehicle. Parking pass, some other
13 items.

14 Q. Okay. Let's start with State's Exhibit 66.

15 MR. THOMPSON: Madame Clerk.

16 Q. What does State's 66 show?

17 A. That would be the Ford Focus that we processed.

18 Q. An exterior shot?

19 A. Yes.

20 Q. How about State's 67?

21 A. That would be the inside front passenger of the Ford
22 Focus.

23 Q. Do you recall how clean the car was or messy? Can
24 you recollect?

25 A. Fairly clean.

JOHN GEORGE - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. Okay. State's 68.

2 A. That would be the glove compartment and the front
3 passenger area of the vehicle.

4 Q. 69.

5 A. Back passenger side of the vehicle. Backseat area.

6 Q. All right. And was that jacket or item of clothing
7 that's on the seat there, was that as it was in the
8 vehicle?

9 A. Yes.

10 Q. Did you collect that?

11 A. Yes, I did.

12 Q. How about State's 70?

13 A. That would be the back driver's side passenger area
14 of the vehicle.

15 Q. Again, with the items of clothing as they were
16 when -- were they found there when you searched it?

17 A. Yes.

18 Q. Did you collect those, shoes and --

19 A. Yeah, the pink, like, zipper sweater and the shoes.

20 Q. State's 71.

21 A. That would be the trunk area of the vehicle.

22 Q. 72.

23 A. The driver's side of the vehicle.

24 Q. 73.

25 A. Front driver's area of the vehicle.

JOHN GEORGE - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. 74.

2 A. That would be the inside door pocket, driver's
3 side -- or the driver's door.

4 Q. Okay. And particular to the -- is that the -- like
5 the map pocket on the door?

6 A. Yes.

7 Q. Okay. And can you see anything in there that you
8 collected?

9 A. I see an ID badge, and I can't tell from here what --
10 I think it's a Farm Bureau letter or bill right there too.

11 Q. That's all right. Let's stop with the ID badge. I'm
12 showing you what's been marked as State's Exhibit 86 for
13 identification. Can you identify what's in that manila
14 envelope.

15 A. Yes. An ID badge for Braquette Walton for Park
16 Pointe Village.

17 Q. Did you collect that?

18 A. Yes. Out of the driver's side door pocket, Ford
19 Focus. That was at 1:57 p.m. on the 15th of November.

20 Q. What's the writing on the front of that? What's the
21 purpose of that?

22 A. That's -- what we do is we'll write our evidence on
23 here, what type of evidence it is, where it was collected
24 from, date and time that we collected it, if there's any
25 suspects or if there's any victim, my name, and then I

JOHN GEORGE - DIRECT EXAMINATION BY MR. THOMPSON

1 sign it and sign it over to our evidence -- Rock Hill's
2 evidence control.

3 MR. SMITH: No objection.

4 MR. THOMPSON: Move State's 86 into evidence at this
5 time.

6 THE COURT: In without objection.

7 MR. THOMPSON: If I said 87, I meant 86. I thought I
8 said 86, but just so the record is clear.

9 (State's Exhibit 86 was marked and admitted.)

10 Q. And State's 75.

11 A. That would be the name tag and ID badge.

12 Q. The item I just put into evidence?

13 A. Yes.

14 Q. State's 76, what is that?

15 A. Looks like a remote to get into a door.

16 Q. Showing you what's been marked as State's Exhibit 85
17 for identification. Can you identify that?

18 A. Yeah. It would be an access entry device with Bea
19 Walton on the back of it written.

20 Q. Does that appear to be in the same condition it was
21 when you seized it?

22 A. Yes.

23 MR. BRACKETT: State's 85 into evidence.

24 MR. SMITH: No objection.

25 THE COURT: In without objection.

JOHN GEORGE - DIRECT EXAMINATION BY MR. THOMPSON

1 (State's Exhibit 85 was admitted.)

2 Q. And State's 77. Is that the back of that --

3 A. That would be the back of that access.

4 Q. Is that where her name is written?

5 A. Yes.

6 Q. And finally State's 78.

7 A. That would be a parking pass for the complex.

8 Q. Park Pointe Village?

9 A. Yes.

10 Q. And 79, backside of the same?

11 A. Yes. I couldn't tell if there was anything written.

12 Q. Showing you what's been marked as State's Exhibit 84.

13 See if you can identify the contents of that manilla
14 envelope.

15 A. Yes. That would be the parking pass and with the
16 name Bea Walton written on the back of it.

17 MR. SMITH: No objection.

18 THE COURT: In without objection.

19 MR. BRACKETT: Yes, sir. Move State's 84 into
20 evidence.

21 THE COURT: In without objection.

22 (State's Exhibit 84 was marked and admitted.)

23 Q. All right. And I believe you indicated earlier that
24 you collected a number of other items. And what did you
25 do with all the other items, the jacket, the shirt, the

JOHN GEORGE - DIRECT EXAMINATION BY MR. THOMPSON

1 shoes, the tape, the hairs that you found? What happened
2 with all those things?

3 A. Everything collected from the vehicle was turned in
4 to Rock Hill evidence control.

5 Q. Is that all documented on a form?

6 A. That is documented on evidence form as well as
7 documented on the evidence envelopes, and then that is
8 turned in and what time it was turned in to the Rock Hill
9 Police Department.

10 Q. Are the evidence inventory sheets, are they
11 ultimately made a part of the file and turned over to the
12 lead investigator?

13 A. Yes, they are.

14 Q. And who ultimately makes the decision of what to do
15 with the -- all the potential evidence that you collect in
16 a sort such as this?

17 A. That would be the lead investigator, whoever is the
18 detective in charge of that case, to send it down to SLED.

19 Q. Okay. Just one moment.

20 Thank you very much, Investigator George. Please
21 answer any questions Mr. Smith may have for you.

22 CROSS-EXAMINATION

23 BY MR. SMITH

24 Q. Agent George, part of the processing that you did of
25 the vehicle, you used a chemical called BlueStar or a

JOHN GEORGE - CROSS-EXAMINATION BY MR. SMITH

1 substance called BlueStar. It may be multiple chemicals
2 in there; is that correct?

3 A. Yes.

4 Q. And what that does is make it easier to see potential
5 blood or, I guess, other substances?

6 A. It can locate blood that you cannot see with the
7 naked eye.

8 Q. But in this case, what you were looking for was
9 blood. Fair to say?

10 A. One of the things we were looking for was blood, yes.

11 Q. And you had reaction on a number of items in the car;
12 is that correct?

13 A. Yes, we did.

14 Q. I believe on the shoes that were depicted? Sure.

15 A. Yes. The Nike sneakers, back driver's side floor
16 mat, and the trunk carpet and a set of keys for the
17 vehicle.

18 Q. So both in the trunk and in the back passenger
19 compartment, something led you to think you needed to swab
20 that area?

21 A. Yes.

22 Q. And you did swab it?

23 A. Yes.

24 Q. And you preserved that in a way that that could be
25 submitted to SLED for testing?

JOHN GEORGE - CROSS-EXAMINATION BY MR. SMITH

1 A. Actually, we collected the item. We didn't swab it.
2 We collected the whole item and packaged it so if it did
3 need to be sent to SLED, we could send it to SLED
4 everything together.

5 Q. So you don't just have a tape strip of the carpet;
6 you actually have the floor mat as well?

7 A. Yes.

8 Q. And then with the illumination in the trunk, what did
9 you do there? Just tape strips and swab or did you --

10 A. No, we actually rolled up -- it was the floor part of
11 the trunk, the carpet that can pull up for the spare tire
12 underneath it. We actually rolled that up, packaged that
13 up, and seal it and turned it in.

14 Q. So you have all that available, and then you took
15 some other -- when you say "tape," you pressed tape down
16 on something and pull it up to see if trace evidence comes
17 up with it, hairs or anything of that nature; is that
18 correct?

19 A. Yes. What we'll do is take tape -- and it can be
20 easy as masking tape or packing tape, clear packing
21 tape -- and we'll actually tape, like, the whole back of a
22 seat and then put it on a fingerprint card. We did that
23 for all the seats and the trunk area of the vehicle.

24 Q. And then you also did some swabs; is that correct?

25 A. Yes, I believe of the steering wheel, gearshift,

JOHN GEORGE - CROSS-EXAMINATION BY MR. SMITH

1 those areas.

2 Q. And because there that can show not just if someone
3 touched it, but it could show if someone had touched
4 something else before they touched that item?

5 A. Yes, if somebody would have left DNA, blood, anything
6 on there that we didn't see.

7 Q. And you swabbed those in a manner that was sufficient
8 that they could have been tested by SLED?

9 A. Possibly, yes.

10 Q. And you also took an earring into evidence; is that
11 correct?

12 A. Yeah. There was a diamond stud earring found
13 underneath the backseat of the car when we pulled up the
14 seat.

15 Q. Okay. And to your knowledge, based on all the
16 evidence that you got from processing the scene of that
17 vehicle, does anything forensically link Ms. Cook to
18 Braquette Walton's vehicle?

19 A. No, sir.

20 Q. Okay. Thank you.

21 MR. SMITH: No further questions.

22 MR. BRACKETT: Nothing on redirect.

23 THE COURT: You can step down and be excused.

24 THE WITNESS: Thanks, Your Honor.

25 THE COURT: Appreciate your time.

JOHN GEORGE - CROSS-EXAMINATION BY MR. SMITH

1 Call your next witness.

2 MR. BRACKETT: Your Honor, I believe that would be
3 all the witnesses we have for today. We have several more
4 in the morning.

5 THE COURT: Members of the jury, it is late in the
6 afternoon, and I talked with the attorneys, and we feel we
7 hopefully will get this in your hands tomorrow, but if not
8 we'll get it in your hands no later than Friday. But I
9 have to talk with the attorneys, and we'll produce
10 schedule to finish the case. So just want you to be aware
11 of that.

12 Now, keep in mind that we haven't reached the end of
13 the trial. And I hope you all have a pleasant evening,
14 and we'll see you back at 9:30.

15 (The jury left open court at approximately 4:55 p.m.)

16 THE COURT: Anything from the State before we leave?

17 MR. BRACKETT: I don't believe so, Your Honor. I'll
18 get together with Mr. Smith after court breaks to just go
19 over, we had some redactions on the statements that we
20 agreed to or there was one issue with the autopsy report
21 and a paragraph which I think we need to discuss and
22 possibly deal with in the morning. And then the cell
23 report had one area of potential redaction. So we'll try
24 to take care of these housekeeping matters, hopefully
25 without your intervention.

1 THE COURT: I'll be here by 9:00. Start back at
2 9:30, so if there are any can't get along, I'll be here at
3 9:00.

4 MR. SMITH: Thank you, Your Honor.

5 (Court was adjourned at 4:56 p.m. on 10/31/2012 and
6 resumed at

7
8 THE COURT: Anything from the State before we bring
9 the jury in?

10 MR. BRACKETT: No, sir. Your Honor, we did go
11 through and work through our redaction issues yesterday,
12 and just looking for the sheet that we had redacted the
13 phone records on. I had it here a moment ago. I'd lose
14 my hands if they weren't attached to my arms.

15 THE COURT: Good thing they are.

16 MR. BRACKETT: It is a good thing they are, because I
17 need them. There it is. Right in front of me. Thank
18 you, Mr. Hamilton.

19 THE COURT: We need to get Ms. Walton in.

20 MR. BRACKETT: State's Exhibit 112 was redacted. The
21 top portion was removed, the financially liable party and
22 the billing party. So what I do is substitute the
23 redacted front sheet for the original one and maybe make
24 the original one a Court's exhibit if that's --

25 THE COURT: Yeah, let's do that. Make sure you get

1 those marked good so they won't get confused. I know
2 Aminah will take care of that.

3 (Court's Exhibit Number 10 was marked.)

4 MR. BRACKETT: In addition, Your Honor, State's
5 Exhibit Number 88, which was the autopsy report, I spoke
6 with Mr. Smith at the end of the day yesterday, and we've
7 agreed that the clinical summary that's contained on
8 there, there was some concerns initially when Dr. Thomas
9 testified that there were some items on State's 88 in the
10 clinical summary that might not be relevant or might be
11 objectionable. However, since then, witnesses have
12 testified to all of the information that's contained in
13 here, so there are no more concerns regarding State's 88
14 and it will remain in evidence as it was admitted
15 originally.

16 MR. SMITH: That's correct, Your Honor.

17 MR. BRACKETT: And then finally, I don't know whether
18 Ms. Collins -- did she ever get with you on the
19 statements, the redacted copies of the statements? This
20 will be what we go into next. This is a redacted copy
21 which...

22 (A discussion was held off the record.)

23 MR. BRACKETT: I believe the redaction issues -- I'm
24 sorry, Your Honor. I believe the redaction issues as
25 regards to the first and the second statements, the only

1 signed statements by the defendant, they were issues
2 regarding that. However, I believe those have been
3 resolved to the defense's satisfaction and we're prepared
4 to move forward.

5 THE COURT: Correct.

6 MR. SMITH: That's correct as well.

7 THE COURT: You ready for the jury?

8 MR. SMITH: We are.

9 THE COURT: Any request to charge need to be handed
10 up?

11 MR. BRACKETT: Not at this time, Your Honor.

12 THE COURT: We're getting into that time, so I asked
13 yesterday, but just try to get them to me as quick as you
14 can.

15 MR. SMITH: We do not have any specific other -- I
16 would like to review with you if I could your version of
17 circumstantial evidence.

18 THE COURT: I'll do it. And I don't know of any
19 lesser-included. Maybe one exception.

20 MR. SMITH: I was going to ask, you know, depend upon
21 the State.

22 MR. BRACKETT: And when I meant not at this time, we
23 have nothing based on where we're at now. I don't know
24 what may come up in the next few witnesses, but we will
25 have none up to this point, unless something happens in

1 the next -- from this point forward.

2 THE COURT: Last housekeeping item, just so you'll be
3 aware of, if you can make your plans, I'm going to have
4 the clerk order lunch today so we can cut down on an hour
5 and half, maybe half an hour to move along since it is
6 Thursday.

7 THE CLERK: Any particular time?

8 THE COURT: Probably around 1:00.

9 THE CLERK: 1:00.

10 THE COURT: Bring in the jury.

11 (The jury entered the courtroom at 9:41 a.m.)

12 THE COURT: Members of the jury panel, good morning.
13 We'll move forward, as I said. Today, since it is
14 Thursday and we are getting close to Saturday, we're going
15 to order lunch. It will be pizza. And if you have any
16 philosophical aversion to pizza, let me know, just try
17 through the bailiff and we'll try to do something
18 different. But that way we can have an abbreviated lunch.
19 Instead of an hour and a half and everybody having to
20 travel out, we can condense to maybe a half an hour, 40
21 minutes and utilize the rest of that time to move the case
22 forward. So just want to let you know that.

23 Call your next witness.

24 MR. THOMPSON: May it please the Court, Your Honor.

25 The State would call Detective Cedric Stokes.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 CEDRIC STOKES, after having first being duly sworn,
2 testified under oath as follows:

3 DIRECT EXAMINATION

4 BY MR. THOMPSON

5 Q. Detective Stokes, would you give your full name for
6 the Court, please.

7 A. Cedric Antoine Stokes.

8 Q. And where do you work?

9 A. The Rock Hill Police Department.

10 Q. How long have you worked there?

11 A. Since February 2006.

12 Q. All right. And how long have you been a police
13 officer?

14 A. Since 1996.

15 Q. And can you tell me, what are your duties there at
16 the Rock Hill Police Department?

17 A. Yes, sir. My duties currently, I'm assigned as a
18 persons crime detective with the criminal investigation
19 division.

20 Q. And did you become assigned at some point to work on
21 this case?

22 A. Yes, sir, I did.

23 Q. And can you tell me, did you actually go out to the
24 scene on the first day that this was discovered, on
25 November 13th of 2011?

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 A. No, sir, I did not.

2 Q. When did you become involved?

3 A. I became involved actually the very next day.

4 Q. So that Monday morning, on the 14th; is that
5 correct?

6 A. Yes, sir.

7 Q. Okay. And when you became involved, what initially
8 did you do as far as the work that you had to do on the
9 case?

10 A. My initial involvement with the case was I was tasked
11 with search warrants.

12 Q. Okay. And did you issue some search warrants that
13 were requested of you at that point?

14 A. Yes, sir, I did.

15 Q. And ultimately on that day, on the 14th, did you
16 have a chance to talk to the defendant, Braquette Walton?

17 A. Yes, sir, I did.

18 Q. And how did that happen?

19 A. Ms. Walton was actually placed under arrest, and
20 we -- myself and Detective Cantey were called to interview
21 Ms. Walton.

22 Q. And was that when she was arrested on the forgery
23 charge?

24 A. Yes, sir.

25 Q. And so you said with Detective Cantey. That's

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Detective Cantey right here that you spoke with her?

2 A. Yes, sir.

3 Q. Where did y'all speak with her?

4 A. We interviewed Ms. Walton inside of our larger
5 interview room.

6 Q. All right. And tell me kind of the process. How
7 does it go? What do you do in an interview there?

8 A. When we interview, we generally interview with two
9 detectives. One detective's in charge of asking the
10 questions; the other one generally takes notes. But in
11 this particular case, Detective Cantey led the interview
12 and took notes.

13 Q. And in this particular interview, what was the main
14 focus of the interview itself?

15 A. As far as the check fraud or the forgery case that
16 Detective Cantey was working.

17 Q. And when you -- obviously at this time you would have
18 known of the death of Pauline Cook too, correct?

19 A. Yes, sir, I did. I was aware.

20 Q. All right. And describe kind of to me the interview
21 room that you used to interview Braquette Walton that day.

22 A. The interview room has a desk with a computer that
23 sits on the top. There are two chairs inside the
24 interview room and the chair at the computer.

25 Q. All right. And did you take the chair at the

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 computer, or did Detective Canteley take that chair?

2 A. Detective Canteley did.

3 Q. All right. And so did you play a role in actually
4 typing out the statement that day?

5 A. No, sir. Detective Canteley actually typed the
6 statement.

7 Q. And how does the interview start? What was the first
8 thing done in that interview?

9 A. Before speaking with Ms. Walton, the very first thing
10 that we do before every interview is we read the Miranda
11 rights and the waiver part of the statement.

12 Q. Is Ms. Walton handcuffed during the course of the
13 interview, or is she allowed out of handcuffs?

14 A. She's let out of handcuffs.

15 Q. I'm going to show you State's Exhibit Number 113. If
16 you can tell me, is that a fair and accurate copy of the
17 statement that was taken that day?

18 A. Yes, sir.

19 Q. All right. Now, tell me, if you would, did you read
20 the Miranda rights off of this to her or did Detective
21 Canteley?

22 A. Detective Canteley.

23 Q. And can you, if you would, read the Miranda rights as
24 Detective Canteley did to the defendant at that time.

25 A. Yes, sir. It states, "Before we ask you any

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 questions, you must understand your rights. You have the
2 right to remain silent. Anything you say can be used
3 against you in court. You have the right to talk to an
4 attorney for advice before we ask you any questions and
5 have him with you during questioning. You have this right
6 to the advice and presence of an attorney even if you
7 cannot afford to hire one. We have no way of appointing
8 you an attorney, but one will be appointed by the court
9 for you if you wish. If you wish, you may answer
10 questions without the presence of an attorney and you may
11 stop answering at any time you desire until an attorney is
12 present."

13 Q. Is that read off the actual paper you have in front
14 of you, or what is that read off of?

15 A. It's actually read from our computer screen.

16 Q. So this form is on the computer at that point?

17 A. Yes, sir.

18 Q. And did Ms. Walton respond to that? Did she
19 understand her rights?

20 A. Yes, sir, she did.

21 Q. And did she say she understood them at that time?

22 A. Yes, sir, and she actually signed.

23 Q. Now, you said she signed. Did she sign while it was
24 on the computer, or how did she sign?

25 A. No, sir. Once we printed her statement out, she

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 signed the statement.

2 Q. Okay. And is there another part of that that you
3 read to her as well?

4 A. Yes, sir, there is.

5 Q. Would you please read that as it was read to her.

6 A. It reads, "I have read or read to me a statement of
7 my rights that are shown above. I understand what my
8 rights are, and I'm willing to make a statement. I do not
9 want an attorney at this time. I understand and know what
10 I'm doing. I know that the persons talking to me is a
11 police officer, and I understand what he is talking
12 about."

13 Q. All right. Did she indicate that she wished to talk
14 to you at that time?

15 A. Yes.

16 Q. And what is the next part of the statement that you
17 and Detective Cantey did at that point?

18 A. The next part of the statement is the part where we
19 actually fill out her information as far as her name, date
20 of birth, social security number, and address and phone
21 number.

22 Q. All right. Did she give a phone number to y'all at
23 that time?

24 A. Yes, sir, she did.

25 Q. What was the phone number she gave?

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 A. It was 980 area code, 253-0066.

2 Q. Now, tell me kind of the process of how the interview
3 went at that point. Did Detective Cantey type as they
4 went along, or how does it work?

5 A. In this particular instance, I believe Detective
6 Cantey took notes.

7 Q. Okay.

8 A. He actually took notes and then went back and retyped
9 her statement.

10 Q. All right. And did you at any point during the
11 course of this interview, you or Detective Cantey, did you
12 threaten any force against Ms. Walton during the course of
13 this interview?

14 A. No, sir, we didn't.

15 Q. Did you threaten her in any way?

16 A. No, sir.

17 Q. Did you offer any hope of reward if she were to give
18 a statement at that time?

19 A. No, sir.

20 Q. All right. Did she give the statement freely and
21 voluntarily at that time?

22 A. Yes, sir, she did.

23 Q. Did she appear to be under the influence of
24 anything -- drugs, alcohol, or anything like that -- at
25 that time?

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 A. No, sir.

2 Q. So as Detective Cantey took notes, were you basically
3 going through just -- I mean, is she answering specific
4 questions at this time, or is she kind of giving a general
5 story of what's happening?

6 A. She's giving a story in reference to the checks.

7 Q. Okay.

8 A. She actually started into her statement telling us
9 about her debt and the reasons why.

10 Q. And during the course of this interview or any time
11 while you were with her at this point, you and Detective
12 Cantey, did either of you mention Ms. Cook being dead at
13 that point?

14 A. No. No, sir, we didn't.

15 Q. Did either of you ask her or tell her about any of
16 the circumstances surrounding Ms. Cook's death at that
17 point?

18 A. No, sir, we didn't.

19 Q. Now, after she's told you basically and Detective
20 Cantey's taking the notes, how does it then become on this
21 paper? What happens to put it on paper?

22 A. At that point, Detective Cantey went to the computer
23 and typed out. She dictated to Detective Cantey exactly
24 what happened, the events or her story in reference to
25 these checks. Detective Cantey typed the statement out,

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 print it on the computer. I brought it back to her and
2 gave it to her to read. What we did --

3 Q. Did she read it at that time?

4 A. Yes, sir. We actually ask you to read the statement
5 to make sure that we didn't get anything wrong in your
6 statement and to make sure everything was accurate and
7 true.

8 Q. If she were to say something was wrong, what would
9 you do?

10 A. We would have changed it for her.

11 Q. Did she say anything was wrong within the statement?

12 A. No, sir, she didn't.

13 Q. Now, you mentioned that she had signed under the
14 Miranda. Can you tell me, is that -- when it's printed
15 out, the statement itself, is that when she also signs the
16 actual waiver of rights at that point too?

17 A. Yes, sir.

18 Q. And was -- tell me how that was presented to her,
19 both the signing of the rights and the statement itself.

20 A. Well, what we do is we again show her her statement,
21 and we explain to her these are the rights that we read to
22 you earlier and this is the waiver. And if you agree with
23 what we said, you sign. And she signed them, and she
24 actually signed her statement at the end and dated it.

25 Q. Okay. Now, you said in the personal information, one

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 of the things that you put down, I believe, is the date of
2 birth. What is her date of birth?

3 A. 11/13/1981.

4 Q. Okay. And so her birthday was just the day before
5 this interview?

6 A. Yes, sir.

7 Q. All right. After she looked over the statement, did
8 she sign the statement at that point?

9 A. Yes, sir, she did.

10 Q. And was it dated at that point as well?

11 A. Yes, sir. 11/14/2011.

12 Q. And will you tell me, what is the last page of the
13 statement? What is that page?

14 A. The very last page is our notary page.

15 Q. All right. And if you'll read that to us right where
16 she's signed.

17 A. It says, "Personally appeared before me Braquette
18 Wykina Walton, who deposes and says I make this statement
19 of my own free will and accord without reward or hope of
20 reward. I have not been mistreated or threatened in any
21 way. All of the above is true, the whole truth" -- "all
22 the above is the truth, the whole truth, and nothing but
23 the truth so help me God." And it says, "I have read or
24 read to me the above statement consisting of three pages.
25 And Ms. Walton signed it, and I witnessed the statement.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 I witnessed her sign it.

2 Q. Is it notarized at the bottom as well?

3 A. It is.

4 Q. And is this statement, is it an accurate copy of the
5 statement that was done that day?

6 A. Yes, sir it is.

7 MR. THOMPSON: Your Honor, I'd ask to introduce
8 State's Exhibit 113 into evidence at this time.

9 MR. SMITH: No objection.

10 THE COURT: In without objection.

11 (State's Exhibit Number 13 was admitted into evidence.)

12 Q. Detective, if you would, if you would publish the
13 statement to the jury, please. If you would read it to
14 them.

15 A. "I have been receiving checks from Pauline Cook since
16 the end of July of 2011, beginning of August 2011.

17 Ms. Cook overheard me on the phone one day talking to my
18 mother. I was upset. She asked me what was wrong. I
19 told her that I was coming into financial strain and that
20 I wasn't getting enough hours at work. Ms. Cook asked me
21 if I had tried getting a loan from a bank or a credit
22 union. I told her that they wouldn't loan me money, the
23 small amount I needed. I told her that I needed about
24 \$3,200 to catch up on some bills and to get ahead.

25 Ms. Cook said that she didn't feel comfortable giving me a

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 check for \$3,200 but that she would give me small
2 payments. I told her that I would pay her weekly until
3 each amount was paid off. I think the first check she
4 gave me was around five to \$600.

5 "That day she also made me initial a piece of paper.
6 The paper had an agreement written out by Ms. Cook at the
7 top. And it had my whole name and her whole name stating
8 that she was loaning me -- was loaning money to me and
9 that the debt had to be paid weekly and that the debt had
10 to be zeroed out before any other money would be given by
11 her to me. She signed a paper and I signed it, and we
12 both dated it. She would either always pull it out of her
13 purse or from her walker seat for me to sign off on.

14 "Under our agreement, Ms. Cook wrote several columns
15 stating the date, check number, and the amount of the
16 check and I would have to initial beside the amount.
17 After I had paid the -- after I had paid a payment or the
18 full amount off, I would sign my name beside the amount
19 paid. Once the balance was zeroed out, she would give me
20 another check. The last check Ms. Cook gave me was on
21 Thursday morning before I got off work. I think it was
22 for \$235, and I deposited it at the Woodforest Bank at the
23 Walmart in Tega Cay.

24 "I went to get my hair colored that morning at
25 10:00 a.m., and while my rollers were in, I walked over to

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 the bank and put it in my account, all but \$50. That is
2 because my hair coloring was \$21 and I needed to get some
3 gas in my car as well. I think I left the salon at either
4 2:00 p.m. or 2:30 p.m. I went to get my son from Gold Hill
5 Middle School and sat in the middle line there, and after
6 I picked him up, we went home. I stopped at one of the
7 fast food places and got him something to eat and we went
8 home.

9 "I left for work about 10:30 p.m. that night, and I
10 gave Ms. Cook \$25 that Friday morning before I left work.
11 I didn't have time to sign the form because the girls had
12 run late relieving me and I had to get my son to school by
13 8:15 a.m. I gave her \$10, two fives and five ones. I
14 came back later that night, about 7:30 p.m., to see
15 Ms. Jackie and Marvin. The security guard was an older
16 white man, and he waived at me when we came in as I used
17 my clicker to raise the arm up. I know him from when I
18 had to be in security guards' orientation when they all
19 got hired.

20 "I was leaving for Greenville when Marvin called me
21 to tell me that Ms. Jackie wanted to talk to me about
22 watching her mother, who was sick. My son was with me,
23 and we stopped by Park Pointe Village and talked to
24 Ms. Jackie for 20 to 25 minutes. I left and I went to
25 Greenville to see Desmond Wesley and his mother, Ramona

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Wesley. 30 Mornings Drive, Williamston, South Carolina,
2 is their address.

3 "I got there about 10:00 to 10:30 p.m. We just hung
4 out at their house. We stopped to see his cousin Charlie,
5 who was a crackhead, and he lives around the corner.
6 Desmond told him to call him about doing some work. We
7 went back to their house and drank some.

8 "Saturday morning, around 9:30 to 10:00 a.m., I got
9 up and Desmond fixed breakfast for all of us. After that,
10 we hung out a little bit and we drank some beer on the
11 lake. I left my son there, and I came back toward Rock
12 Hill about 6:00 p.m. I know it was just starting to get
13 dark when I left his house. I had made plans to go out
14 with two friends, Chris and Zo, of mine in Charlotte.
15 Chris Pearson is a friend of mine who lives in Charlotte,
16 and I've known him for 13 years. Alonzo, Zo, is Chris's
17 friend, who lives in Atlanta. I don't know him that well.

18 "While I was on my way back to Rock Hill, Chris
19 called me to tell me that he couldn't make it because he
20 had to leave town for work. I went on home and got home
21 and got there about 9:00 or 9:30 p.m. I didn't stay home
22 long. I went out again to meet a guy named Dread in
23 Charlotte off Brookshire, Mount Holly area. Dread didn't
24 show up, so I went back home and stopped in at the Sam's
25 Mart across from Cherry Road and bought a pack of Dutch

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Masters cigarillos and a ginger ale. I think I paid cash
2 for it. It was around 12:00 to 12:30 a.m. I talked to
3 the cashier for a moment because he was making fun of my
4 ID because it was about to expire, and he wished me happy
5 birthday. He was an older black male around 50 years old.

6 "I left there and I went home. The next morning I
7 woke up and went outside to get my brown overnight bag
8 from the car. I went to the Marathon gas station and got
9 gas. I then stopped by the Mr. Express and got two Red
10 Bulls and a pack of cigarettes and I went back home.

11 "Around 12:00 p.m. I went to Greenville and got Micah
12 and hung out with him. Desmond wanted to wash and clean
13 up my car for my birthday. He drove his mom's car, and
14 Micah and I rode in my Ford Focus to the car wash. Micah
15 and Desmond washed both his mom's and my mom car. Desmond
16 was going to clean the inside, but I told him he didn't
17 need to because I had wiped it down that morning after I
18 got gas.

19 "After that, we went back to Desmond's house and
20 Micah and I headed back to Rock Hill about 4:00, 5:00 p.m.
21 We got stuck on the interstate because traffic was backed
22 up really bad. I pulled in a gas station to get some gas
23 and hear -- or heard that a cop had gotten shot and they
24 were doing a man hunt for him.

25 "I got back to Rock Hill around 7:00, 8:00 p.m., and

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 my boyfriend, Edward Blackwell, was making cupcakes and a
2 cake for me and cooked some chicken. I didn't eat because
3 I felt sick to my stomach. My right arm and shoulder were
4 also hurting because I have tendinitis in my arm."

5 Q. I notice where she says that both Micah and Desmond
6 washed her car and her mom's car.

7 A. Yes, sir.

8 Q. And mentions that she had cleaned the inside of her
9 car that morning when she had got gas herself.

10 A. Yes, sir, she did.

11 Q. Had you talked to her about her car at all or any
12 issue about her car at that point when she said that?

13 A. No, sir, I didn't.

14 Q. Did you talk to her about that after she had said it?

15 A. No, sir.

16 Q. Did you give her any information about anything that
17 you might be looking for regarding murder in this case
18 during this interview?

19 A. No, sir, we didn't.

20 Q. Now, going back near the beginning of the statement,
21 when she talks about a piece of paper that had an
22 agreement written out with Ms. Cook and -- where they
23 apparently kept kind of a ledger of money and things like
24 that.

25 A. Yes, sir.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. Did she indicate to you and Detective Cantey exactly
2 what that was?

3 A. She said it was a ledger that she would sign and
4 initial once she made her payments.

5 Q. Show you State's Exhibit Number 116, which is also
6 Court's Exhibit Number 2. Can you tell me what that is.

7 A. Yes, sir. This is the -- a piece of paper where
8 Detective Cantey asked her to sign her name and Ms. Cook's
9 name. And she did.

10 Q. And is that the actual original piece of paper that
11 she wrote on?

12 A. Yes, sir, this is.

13 Q. Now, had Detective Cantey or you asked her to kind of
14 write that out to show you what she meant by the ledger?

15 A. Yes, sir, we did. This was how she explained how the
16 ledger looked.

17 MR. THOMPSON: Your Honor, I'd ask to put into
18 Evidence at this time State's Exhibit Number 116.

19 MR. SMITH: No objection.

20 THE COURT: In without objection.

21 (State's Exhibit Number 116 was admitted into evidence.)

22 Q. Now, Detective, after she gave this statement, once
23 again if I could ask you, during the course of this
24 statement or afterwards, any threat or coercion on the
25 defendant to give this statement?

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 A. No, sir.

2 Q. Any promise or hope of reward?

3 A. No, sir.

4 Q. And she properly waived her Miranda rights when she
5 talked to you on this statement?

6 A. Yes, sir, she did.

7 Q. After the statement, what happened next?

8 A. Ms. Walton was taken back into the jail, and
9 Detective and I -- Detective Cantey and I concluded the
10 interview.

11 Q. All right. And, now, at the end of the statement,
12 you kind of note when the statement -- is it noted when
13 the statement ends?

14 A. Yes, sir, it does.

15 Q. Or what time it is?

16 That was Detective Cantey that recorded the time at
17 that point?

18 A. Yes, sir.

19 Q. What time was it when the statement ended that day?

20 A. 7:56 p.m.

21 Q. Is that the end or the beginning of the interview?

22 A. This is actually the end of the interview.

23 Q. Now, after you had done that, did you do any more
24 work regarding the case in this particular day?

25 A. Yes, sir, I did.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. And what was that?

2 A. I actually was tasked with the -- subpoenaing or
3 sending a search warrant to AT&T for Ms. Walton's cell
4 phone records.

5 Q. Did -- was her cell phone already in police custody
6 at the time of this interview?

7 A. Yes, sir, it was.

8 Q. And did you actually receive any of those -- or I
9 guess when did you receive the AT&T records? Did you
10 receive them that night, or was it the next day?

11 A. I received it that evening.

12 Q. And after you received those records, what did you
13 decide to do?

14 A. Once I received those records -- they came from AT&T.

15 Q. Uh-huh.

16 A. What I did was I took the latitude and longitude from
17 the call log or the call records from Ms. Walton's cell
18 phone, and I actually plotted them in a map. And I was
19 able to see where Ms. Walton -- how she traveled along
20 Interstate 85. It actually showed where -- which cell
21 phone towers she was pinging off at that point. And it
22 actually showed her traveling from that Greenville area
23 back into Rock Hill, and it actually showed her in the
24 vicinity of Park Pointe Village --

25 Q. Okay.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 A. -- between 7:00 or 8:00, I can't tell you the exact
2 time, that evening.

3 Q. All right.

4 A. Pinging from the cell phone tower. I'm sorry.

5 Q. Did that prompt you to want to talk to her again?

6 A. Yes, sir, it did.

7 Q. What would be the purpose, then, of talking to her
8 again? What did you want to do at that point?

9 A. At that point, I wanted to confirm Ms. Walton's story
10 about her going straight home and going to Charlotte in
11 the original statement, what she gave Detective Cantey and
12 I. I had also received some information that there was a
13 swipe by Ms. Walton's swipe card to get inside of one of
14 the buildings at Park Pointe Village around the same time
15 frame that I saw her phone records that she was pinging
16 from the cell phone towers.

17 Q. Did you have enough time that night to really digest
18 all the records at that point?

19 A. No, sir, I couldn't audit them. I just -- I couldn't
20 audit the records to find out who she was calling at that
21 time. It was just more or less just the fact -- figure
22 out where exactly she was at and to put her in that time
23 frame of being at Park Pointe Village.

24 Q. So did you attempt to then talk to her again?

25 A. Yes, sir.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. And when did you do that?

2 A. That was the next day.

3 Q. Can you tell me, what was the situation or how did it
4 work out that you got to talk to her the next day?

5 A. Well, the next day, again, I wanted to reconfirm, you
6 know, what she originally told Detective Cantey and I.

7 And Detective Smith and I actually conducted the second
8 interview, Detective Toshia Smith.

9 Q. Toshia Smith?

10 A. Yes.

11 Q. So Detective Cantey was not with you in that second
12 interview?

13 A. No, sir.

14 Q. Okay. And who took the lead in that interview?

15 A. I took the lead in that interview.

16 Q. All right. And when you talked to Braquette Walton,
17 where did she come from? Where did you get her physically
18 from?

19 A. She was inside of our holding facility. I brought
20 her back to Detective Hair's office. He has one of the
21 larger offices. Has a desk and a computer there. She sat
22 on one side, Detective Smith sat on the other side, and we
23 just sat and talked.

24 Q. Was she cuffed at the point when you spoke to her on
25 this day?

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 A. I always unhandcuff people when I speak with them.

2 Q. Now, do you go through the same process as far as
3 Miranda rights at this point?

4 A. Yes, sir, I did.

5 Q. I'm going to show you State's Exhibit Number 114. Is
6 that a fair and accurate copy of the statement that was
7 taken by you from the defendant, Braquette Walton?

8 A. Yes, sir, it is.

9 Q. And can you tell me, how do you do the Miranda
10 rights? You told us how Detective Cantey did. How do you
11 do the Miranda rights at that time?

12 A. Yes, sir. Whenever I conduct an interview, I always
13 read the Miranda rights out to the defendant or person I'm
14 talking to. I actually turn the computer screen so that
15 they can see what I'm reading.

16 Q. Okay.

17 A. And I go straight through the Miranda rights, just as
18 Detective Cantey did, except for I read them, I have them
19 read along with me. I actually stop during the Miranda
20 rights and ask, "Do you understand? Do you acknowledge?"
21 Yes.

22 Q. And did you do that with Braquette Walton that day?

23 A. Yes.

24 Q. And if you would, read the Miranda rights to us again
25 as you read them to her that day.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 A. Yes, sir. "Before we ask you any questions, you must
2 understand your rights. You have the right to remain
3 silent. Anything you say can be used against you in
4 court. You have the right to talk to a lawyer for advice
5 before we ask you any questions and have him with you
6 during questioning. You have this right to the advice and
7 presence of a lawyer even if you cannot afford to hire
8 one. We have no way of appointing you a lawyer, but one
9 will be appointed by the court for you if you wish. If
10 you wish, you may answer questions without the presence of
11 a lawyer and you may stop answering at any time you desire
12 until a lawyer is present."

13 Q. All right. And you read that to her just like you
14 read it to us today?

15 A. Yes, sir.

16 Q. And you said you stopped at the end of that. Did you
17 stop and ask her if she understood?

18 A. Actually, I usually stop in between sentences. "Do
19 you understand?"

20 Q. Okay.

21 A. Yeah, I will read a sentence and ask that, do you
22 understand?

23 Q. All right. And did you do that with Ms. Walton?

24 A. Yes.

25 Q. Did she understand that?

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 A. Yes, sir.

2 Q. And was she willing to talk to you at that point?

3 A. Yes, sir, she was.

4 Q. All right. Did you read the second portion as well?

5 A. Yes, sir.

6 Q. Would you read that to us, please, as you read it to
7 her.

8 A. Second portion reads, "I have read or read to me a
9 statement of my rights shown above. I understand what my
10 rights are, and I'm willing to make a statement. I do not
11 want a lawyer at this time. I understand and know what
12 I'm doing. I know that the person talking with me is a
13 police officer, and I understand what he's talking about."

14 Q. Did she indicate that she understood those rights as
15 well?

16 A. Yes, sir, she did.

17 Q. And did you stop and ask her about that too?

18 A. Yes, sir, I did.

19 Q. And this is on the computer screen, so do you print
20 it out at that point, have her sign it, or do you wait
21 until the statement --

22 A. No, sir. I complete the statement, and then I print
23 it out and I present it to her to read.

24 Q. How about the personal information on this date? Did
25 you get it from her all new or is it from the prior

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 statement or how do you do that?

2 A. I got it straight from her.

3 Q. So you confirmed the information -- her personal
4 information on this statement as well?

5 A. Yes, sir, I do.

6 Q. Now, describe to me the process now that the
7 interview took with you. As you said, Detective Cantey
8 kind of took notes and then went back and typed things in
9 and then had -- how did you do it?

10 A. This particular interview, when we did it, it was
11 really informal. We sat down and we talked. And, again,
12 the whole purpose for this interview was to narrow down
13 the time frame of where Ms. Walton said she was at the
14 time that we knew that she was near Park Pointe Village.

15 Q. All right. And did -- so do you kind of go through
16 the story first and then you type it up or you type it up
17 as you go?

18 A. Yes, sir. She actually tells us the story. She
19 actually told us the story first. You know, we kind of
20 ask a few questions about the story and then she'll
21 reiterate back to us and we'll type it out, and she's
22 dictating and we're typing.

23 Q. So much of this is typed just as she said it?

24 A. Yes.

25 Q. And when you're done with the statement itself, how

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 do you present it or how did you present it to Braquette
2 Walton at that time?

3 A. Again, I ask her to read it, make sure everything is
4 accurate and true in it, and if she agrees with anything,
5 if she needs anything changed, we'll change it for her at
6 that time.

7 Q. Did she look and read through the statement at that
8 time?

9 A. Yes, sir, she did.

10 Q. Did she ask to change anything at that point?

11 A. No, sir.

12 Q. And ultimately when you put the statement in front of
13 her and asked her if it was accurate, did she sign the
14 statement?

15 A. Yes, sir, she did.

16 Q. And as well did she sign where her waiver of rights
17 are?

18 A. Yes, sir, she did.

19 Q. And once again, this was on the 15th of November of
20 2011; is that correct?

21 A. Yes, sir.

22 Q. And what was the time that you put on this statement
23 when it was prepared?

24 A. 4:45 p.m.

25 Q. And is that at the beginning of the statement or the

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 end of the statement?

2 A. This is generally the beginning of the statement.

3 Q. For you it's the beginning?

4 A. Yes, sir.

5 Q. Okay. So on the other one, the statement Detective
6 Cantey actually typed up, he put where the statement
7 ended?

8 A. Where it concluded.

9 Q. Right. You wrote where --

10 A. I note where the time that we started our interview.

11 Q. Okay. And, again, does that -- the copy you have in
12 front of you, State's Exhibit Number 114, does that fairly
13 and accurately depict the statement that was given to you
14 that day by Braquette Walton?

15 A. Yes, sir, it is.

16 MR. THOMPSON: Your Honor, I would ask to enter
17 State's Exhibit 114 into evidence at this time.

18 MR. SMITH: Renew my pretrial objection.

19 THE COURT: Over objection, based on earlier rulings,
20 will be admitted.

21 (State's Exhibit 114 was admitted.)

22 Q. Detective, if you would read the statement to the
23 jury at this time.

24 A. Yes, sir. Statement reads, "I started working at
25 Park Pointe back in July. The last day I worked was on

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Thursday night. I went in at 11:00 and got out around
2 7:30. That was the last time I saw Pauline, that Friday
3 morning when I left.

4 "I'm only part-time there. Linda is the other girl
5 who works nights. She is a full-time person there. I
6 worked that Wednesday and Thursday last week from 11:00
7 until around 7:30. During the summer, I worked until
8 8:00. But once my son started school, I told them I had
9 to leave at 7:30.

10 "On Friday, once my son, Micah, got out of school, we
11 went to Greenville to my friend Desmond's house. Leaving
12 out to Greenville, we went by Park Pointe so that I could
13 talk to Jackie about watching her mother during the
14 daytime. I work at night, so I told her I could do it.
15 Marvin, another cook, actually called me and told me to
16 get in contact with Jackie. She's also a cook there too.

17 "I used my black car clicker to come through the main
18 gate. I didn't go into the building. I just talked to
19 Jackie outside on the back loading -- on the back
20 loading -- in the back by the kitchen. Marvin was outside
21 too. I called Marvin to tell him I was out back, and they
22 came out. From there we went down Highway 5 and we went
23 to Desmond's house.

24 "I stayed the night there on Friday night, and when I
25 woke up Saturday, Desmond cooked breakfast for us. I

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 chilled out on the lake and drank some beer before I left.
2 My son stayed in Greenville, and I left once it started
3 getting dark. I went back around 5:30 or 6:00 that
4 evening. I was going to Charlotte to meet up with my
5 friend Chris -- to my friend Chris's house. I was
6 supposed to meet up with him and my friend Zo. We were
7 going to a club named Chasers, but when I was halfway back
8 from Greenville, Chris called me and said he had to go out
9 of town to Asheville to do a run. He is a supervisor for
10 Coach America, and he said that he couldn't make it for
11 dinner.

12 "I got back to Rock Hill about an hour to an hour and
13 a half later. I went straight home, and then I changed
14 clothes and got dressed and went to Charlotte. I left
15 back out about 10:00. I was going up to meet Dread. That
16 didn't work out because I thought that he was getting off
17 work at 10:00, and he was going in at 10:00. I came back
18 to Rock Hill and stopped at the Sam's Mart on Cherry Road
19 to get some Dutch Masters. There was a black guy working
20 there, and it had to be before 12:45.

21 "I went home and had sex with my man because I was
22 gone all weekend and it wouldn't have looked right. The
23 next day I got up and went back to pick up my son in
24 Greenville. It was about 11:30 or 12:00. On my way back,
25 we got caught up in traffic, so we stopped in Gaffney and

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 went to the truck stop. Then I took Micah to Burger King
2 because he said that he wanted something to eat. We got
3 back to Rock Hill about 6:00 or 7:00. I did not go to
4 Park Pointe on Saturday night."

5 Q. All right. Now, during the course of this statement,
6 any time in your presence, did you or Detective Smith or
7 anyone else threaten or coerce her in any way to give this
8 statement?

9 A. No, sir.

10 Q. Promise her any hope of reward to give this
11 statement?

12 A. No, sir.

13 Q. Did she give this statement freely and voluntarily at
14 that time?

15 A. Yes, sir, she did.

16 Q. Now, can you tell me, during the course of this
17 statement, did you or Detective Smith tell her any facts
18 of the murder itself?

19 A. After concluding the interview?

20 Q. Yes.

21 A. I told Ms. Walton that Ms. Cook had passed away.

22 Q. All right. Did you tell her she was murdered?

23 A. I told her she had passed away.

24 Q. Did you describe to her how she had passed away?

25 A. No, sir.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. So you didn't mention anything about either falling
2 in the shower or staging of a crime scene to her?

3 A. No, sir, I didn't.

4 Q. How did she react when you told her that Ms. Cook had
5 passed away?

6 A. She acted very surprised. Kind of like it had really
7 taken her back that Ms. Cook was gone.

8 Q. Okay. Now, at the end of that interview, did you
9 have her sign a consent form to take any samples from her
10 at that time?

11 A. Yes, sir, I did.

12 Q. What did you do at that point?

13 A. I asked her -- I spoke with her about taking samples,
14 DNA swabs from her fingernails, and she agreed to it, and
15 she actually signed a form. And I believe one of the FSU
16 guy -- the forensic guys came in and actually took the
17 sample.

18 Q. So it was the night of the 15th or the afternoon of
19 the 15th. I guess as you said, the statement was
20 started around 4:45 p.m. So when this statement was done,
21 that is when you swabbed -- where he would swab under the
22 fingernails?

23 A. Yes, sir.

24 Q. Would that -- were those swabs that were ultimately
25 sent to SLED?

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 A. I believe so, yes, sir.

2 Q. Now, Detective, you can describe for me, when she
3 comes out to meet with you, is she dressed in the clothes
4 of the detention facility that she's in in Rock Hill?

5 A. No, sir.

6 Q. How was she dressed?

7 A. She was dressed, I believe, in a T-shirt and I think
8 I remember some pink sweatpants that she had on.

9 Q. Is that what she was arrested in, what she was
10 wearing when she arrested?

11 A. Yes, sir.

12 Q. In Rock Hill do they put you in a -- I guess a
13 jumpsuit, for lack of a better term, while you're being
14 housed there?

15 A. No, sir. Only once you're being transported over to
16 the Moss Justice Center.

17 Q. Did she ask anything else of you at the end of the
18 interview?

19 A. She stated to me at the end of the interview that she
20 hadn't taken a shower in a few days. So I called back to
21 the jail and asked them could she take a shower, and they
22 said that they would take care of it for her.

23 Q. Okay. All right. Now, after that interview, what
24 else did you do in the case at this point? What were you
25 tasked with doing?

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 A. I also was tasked with -- besides the interviews, I
2 was tasked with search warrants for -- to do a rip of
3 Ms. Walton's phone.

4 Q. Was that accomplished ultimately after you obtained
5 those warrants, search warrants?

6 A. I passed the search warrants along, sir. I'm not
7 sure.

8 Q. Okay. Now, did you have contact again with
9 Ms. Walton?

10 A. Yes, sir, I did.

11 Q. When was that?

12 A. That would have been on the 17th.

13 Q. So the 17th of November of 2011?

14 A. Yes, sir.

15 Q. And how did you come in contact with her then?

16 A. I was actually at lunch with Detective Smith and
17 other detectives, and I received a call from the
18 corrections officer at our jail, Tamara Marshall.
19 Ms. Marshall said that "Ms. Walton wanted to speak with
20 you. She said she wants to talk to you right now." So I
21 came back from lunch. After I completed lunch, I came
22 back and spoke with Ms. Walton.

23 Q. All right. And was she still in the Rock Hill
24 detention facility at that point?

25 A. Yes, sir, she was.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. Was she -- and the clothing situation, still wearing
2 the same clothes as -- when she was a couple days earlier?

3 A. Yes, sir, she was.

4 Q. When you went there and got her to speak with you, do
5 you recall about what time that was?

6 A. It was after 2:00, between 2:00 -- about 2:20. 2:20.
7 Sometime around that time.

8 Q. Did she indeed wish to speak with you at that time?

9 A. Yes, sir, she did.

10 Q. And at this point, had the warrants for murder been
11 served upon her at this point?

12 A. Yes, sir, they were.

13 Q. Do you recall when they were served on her?

14 A. I'm not sure. I believe Officer Blair may have
15 served the warrants at that time, sometime during lunch.
16 I'm not sure.

17 Q. So while -- that same day on the 17th, she was
18 served with the warrants?

19 A. Yes, sir.

20 Q. Prior to speaking with you?

21 A. Prior to speaking with me.

22 Q. Okay. Now, when she went into the interview room
23 with you then, what interview room did y'all use?

24 A. We used the larger of our two interview rooms.

25 Q. Would you describe that room to us again.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 A. Sure. It's an interview room with a desk or a table
2 with a computer on top, two chairs, and a chair at the
3 desk.

4 Q. And who was with you during the course of this
5 interview?

6 A. That was Detective Smith.

7 Q. All right. That was the same Detective Smith that
8 was with you in the previous interview on the 15th?

9 A. Yes, sir.

10 Q. And tell me how that went. How did that start out?
11 What did you do?

12 A. I went back to the jail, the holding facility to take
13 Ms. Walton out. I brought her back. She was visibly
14 shaken. She was kind of nervous. Seemed a little
15 nervous. I remember her having her asthma pump in her
16 hand.

17 Q. Like an inhaler?

18 A. An inhaler. Correct.

19 Q. Did she have to use it at all while she was with you?

20 A. I don't recall her using it during the interview. I
21 brought her into the interview room and again before
22 speaking with her read her again her Miranda rights and
23 her waiver part.

24 Q. And when this interview started out, did you again --
25 did you kind of take the lead of doing the interview

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 initially?

2 A. Yes, sir, I did.

3 Q. And you described to us the Miranda rights that you
4 read to her previously. Did you do the same thing here?

5 A. Yes, sir, I did.

6 Q. Did you use the same process at the computer, kind of
7 turn the screen and --

8 A. Same exact process.

9 Q. And if you would, I'm going to show you State's
10 Exhibit Number 115. On the first page there, are those
11 the rights that you read to her at that time?

12 A. Yes, sir, they are.

13 Q. And do it once again for the record, but if you
14 would, please read the rights to us as you read them to
15 her that day.

16 A. No problem, sir. "Before we ask you any questions,
17 you must understand your rights. You have the right to
18 remain silent. Anything you say can be used against you
19 in court. You have the right to talk to an attorney for
20 advice before we ask you any questions and have him with
21 you during questioning. You have this right to the advice
22 and presence of an attorney even if you cannot afford to
23 hire one. We have no way of appointing you an attorney,
24 but one will be appointed by the court for you if you
25 wish. If you wish, you may answer questions without the

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 presence of an attorney and you may stop answering at any
2 time you desire until an attorney is present."

3 Q. Did she indicate that she understood those rights?

4 A. Yes.

5 Q. Did you specifically ask her that?

6 A. Yes.

7 Q. And did she wish to talk to you at that time?

8 A. Yes, sir, she did.

9 Q. And if you would read the second portion as well.
10 Did you read that to her then?

11 A. Yes, sir, I did. Second portion reads again, "I have
12 read or read to me a statement of my rights shown above.
13 I understand what my rights are, and I'm willing to make a
14 statement. I do not want an attorney at this time. I
15 understand and I know what I'm doing. I know that the
16 persons talking to me -- or the person talking to me is a
17 police officer, and I understand what he is talking
18 about."

19 Q. All right. And did she -- did you ask her if she
20 understood those rights?

21 A. Yes, sir.

22 Q. Did she indicate that she did?

23 A. Yes, sir.

24 Q. Did she wish to speak to you at that time?

25 A. Yes, sir, she did.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. Now, tell me, the personal information on this one,
2 did you also fill that out on your own too?

3 A. Yes, sir.

4 Q. Did she give you the information at that time?

5 A. She has to give me the information again.

6 Q. Now, in this particular statement, how did your
7 discussions start off with her at this point in time?
8 What did she -- I mean, she said she wanted to talk to
9 you. Was there something specific she wanted to tell you
10 about?

11 A. Yeah. She wanted to tell me about -- pretty much
12 that -- saying I didn't do it. You know, I wasn't there
13 at Park Pointe Village. She started along that line.

14 Q. All right. What, if anything, did you tell her then?

15 A. At that point I stopped her. I said, "Braquette, I
16 have your phone records, and I know you were at Park
17 Pointe Village." And then that's when she began to cry.
18 She began to cry, and at that point, I got up out -- I
19 left the interview room to go grab her some tissue, maybe
20 see if I could get her something to drink.

21 Q. Did Detective Smith stay in with her at that time?

22 A. Yes, sir, she did.

23 Q. About how long were you gone when you went to get the
24 tissue and the drink?

25 A. Couldn't have been five minutes.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. And when you came back, what was going on at that
2 point?

3 A. When I came back into the interview room, I can see
4 her motioning like this down on the floor and it kind of
5 took me back because I didn't -- I kind of walked into the
6 room, and I'm like, okay, what's going on? And Detective
7 Smith turned to me and she said, "Well, she's telling me
8 what happened." So at that point, Detective Smith, who
9 moved in as the main interviewer, and I just sat and
10 listened.

11 Q. So did she ultimately, then, type the statement?

12 A. Yes, sir.

13 Q. And as you sat there and listened to her, what did
14 she tell you?

15 A. She went into telling us details about what happened
16 that night. When I say "that night," meaning the night
17 that Ms. Cook passed away. Actually some details that I
18 didn't know about, some things that were explained that I
19 didn't even know had happened, because I was just tasked
20 with interviews.

21 Q. And then so while the two of you are in there talking
22 with her, did she kind of go over everything that happened
23 that night?

24 A. Yes, sir.

25 Q. All right. And at that point, was Toshia Smith, was

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 she typing it up as she went along or did she -- was
2 she -- how did that work?

3 A. We kind of listened, and then we asked her to tell
4 her story and then type it up as she was going along about
5 what exactly happened.

6 Q. So somewhat as she went along and somewhat stopping
7 here and there?

8 A. Yes.

9 Q. And did the -- during the course of this interview,
10 did either you or Detective Smith at any point threaten
11 her in any way?

12 A. No, sir.

13 Q. Did either of you offer any hope of reward for giving
14 a statement, promise her anything?

15 A. No, sir.

16 Q. Did she give this statement freely and voluntarily at
17 that time?

18 A. Yes, sir, she did.

19 Q. Now, after the statement was actually typed out, if
20 you would tell me, what was the process that you went
21 through at that point?

22 A. Same process. We typed the statement out, print it,
23 and we ask Ms. Walton -- we actually gave her a copy of it
24 and asked her to read it, and if she -- if anything needed
25 to be changed, we would change it at that time. If

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 anything -- if we worded something wrong, we'll change it
2 for you.

3 Q. Right.

4 A. She read through the statement, and then she said
5 that she wasn't -- she would sign it after speaking with
6 her mother.

7 Q. So did she say that the statement was incorrect in
8 any way at that point?

9 A. No, sir, she didn't.

10 Q. Did she ask you to change anything at that point?

11 A. No, sir.

12 Q. But she said she would sign it after speaking with
13 her mother?

14 A. Yes, sir.

15 Q. Did she actually get to the point where she was
16 physically holding a pen in her hand to sign the --

17 A. Yes, she actually had the pen in her hand, reading
18 the document. Before we handed it to her, we actually X'd
19 where she needed to sign. She wouldn't sign. She didn't
20 sign.

21 Q. Did you try to force her to sign or coerce her into
22 signing at that point?

23 A. No, sir. At that point, when she said she wanted to
24 speak with her mother, we concluded the interview.

25 Q. What she said that's typed out in the statement, is

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 that what she told you and Detective Smith that day?

2 A. Yes, sir, it is.

3 Q. Is it true and accurate as to the things that she
4 discussed with you in the room that day?

5 A. Yes, sir, it is.

6 Q. During the course of this interview, did you or
7 Detective Smith -- you mentioned you told her about having
8 some phone records. Did you tell her anything else about
9 the details of the murder itself?

10 A. No, sir. Again, there were things that came up that
11 she told us that I later found out kind of were in line
12 with what she was telling us.

13 Q. Okay. And so this statement is an accurate recording
14 of what she told you that day?

15 A. It is.

16 MR. THOMPSON: Your Honor, I'd ask to enter the
17 statement into evidence at this time, State's Exhibit
18 Number 115.

19 MR. SMITH: Object, renew pretrial objection.

20 THE COURT: Subject to earlier rulings, objection is
21 overruled and the statement is admitted into evidence.

22 (State's Exhibit 115 was admitted.)

23 Q. If you would, Detective, if you would publish this to
24 the jury at this time.

25 A. Yes, sir. "I drove back from Greenville on Saturday

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 night. I got home around 6:30 or 7:00. It was dark, so
2 it was around that time. I got back to Park Pointe
3 Village around 8:00. I sat in the tree room and waited
4 for the hallways to clear. I could hear the ladies at the
5 nurses' station. When I went to the room the first time,
6 Ms. Pauline was not there, so I looked around for her bank
7 statement. I could not locate the bank statement, so I
8 went back down to the tree house room and waited for
9 Ms. Pauline to return to her room.

10 "I heard Ms. Pauline talking and walking back up the
11 hallway. I had to wait until the hallway was clear. I
12 was calling the nursing station phone to see who had it
13 and where they were. When the hallway was clear, I went
14 down to Ms. Pauline's room. Ms. Pauline was in the
15 bathroom when I got there. I opened the door and called
16 out her name. I called Ms. Pauline's name, and she
17 answered from the bathroom and said that she would be out
18 in a minute.

19 "I sat on the couch, and I waited for her to come
20 out. Ms. Pauline came out and sat down on the bed, and I
21 started talking. I told her that I had cashed her checks
22 and I told her that I was in need, and I told her I would
23 pay her back even though she had already called the
24 police. Ms. Pauline was upset and said, 'I have already
25 called the police. You have already taken my money.' And

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 that's when she got up to call the police.

2 "Ms. Pauline went to grab the phone, so I got up off
3 the couch and said, 'There's no need to do that. I just
4 want to talk to you.' Ms. Pauline hit me with the phone,
5 and it fell out of her hand. We started to tussle and
6 fell onto the bed. Ms. Pauline hit her hand on the
7 bedside table, and I just -- and I kept telling her to
8 stop because I knew her skin would tear easily. The hand
9 that was injured was her right hand, and the injury was on
10 the top of her hand.

11 "I was on top of her, and I was trying to get her to
12 calm down, and she kept screaming, 'Get off me. Get off
13 me.' I told her that I would get off but she had to stop
14 wailing and pulling my hair. I told her that I was not
15 there to hurt her. Ms. Pauline stopped moving around
16 after I don't know how long. And I checked her pulse.
17 And she did not have a pulse, and I panicked.

18 "I put my head to her chest, and I even checked the
19 pulse in her feet. I did not know what to do, so I sat
20 down and I was, like, I did not want to -- I did not
21 realize that blood was everywhere until I turned the light
22 on. There was blood all over the pillow and the sheet.
23 The blood on the headboard must have come from the
24 wailing. I was just going to leave her there. I decided
25 I could not leave her there like that.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 "I used the sheet to pull her into the bathroom, and
2 I put her into the shower. I think that she was halfway
3 in the shower. I figured that it would look like a fall.
4 I took the sheets and put them in a clear plastic bag that
5 was in the room. I turned the shower on and grabbed the
6 bag with the pillows and the white sheets and the bag, and
7 I put it in the compactor beside the kitchen. I took my
8 access card off the badge ring, and I had it in my jacket
9 pocket. I had on a blue pullover jacket with Russell
10 written in red on the front, gray sweatpants, and black
11 boots.

12 "I left through the woods beside Willow Brook. I
13 went to Burger King and sat there and smoked a few
14 cigarettes. I threw the checkbook away at Burger King
15 when Marvin called me. I did not intend to hurt
16 Ms. Pauline. I was scared to call the police because I
17 knew they would arrest me."

18 Q. Now, Detective, we can go back and just look at a
19 couple things specifically. Did you have any idea at this
20 point that she had spent any time in the tree room when
21 she was in the facility at this point?

22 A. No, sir, I didn't.

23 Q. Had you told her -- what, if anything, had you told
24 her about someone being in the tree room during this time?

25 A. No, sir.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. You had mentioned that you had told her you had cell
2 phone records, that placed her in the area of Park Pointe
3 Village. Did you mention anything to her about her swipe
4 card as well?

5 A. Yes, sir, I did.

6 Q. What did you say to her about that?

7 A. She was saying that she wasn't there. I said, "Well,
8 Braquette, we have your phone records, and we know that
9 you swiped into the building."

10 Q. Did you tell her what time you had her swiped into
11 the building?

12 A. No, sir. I didn't know the exact time that she
13 swiped in.

14 Q. All right. Now, at the time -- while you had the
15 phone records, you looked at the GPS stuff by this time.
16 Had you been able to go through thoroughly and see where
17 the calls had been made, or were you even charged with
18 that task later on?

19 A. That was later on. At that time, it was just the GPS
20 coordinates. We didn't really have time to sit down and
21 audit the records because the case was progressing on at
22 that point.

23 Q. So did you even realize yourself that calls had been
24 made to the nurses's station that were hang-up calls?

25 A. Not until a day or so after. When myself and

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Detective Cantey sat down and actually started to audit
2 the phone records, we realized that she had called Park
3 Pointe Village and called Ms. Cook's room that day. Or
4 the day that Marvin had actually told her about the
5 checks.

6 Q. Now, she says in here that she had cashed the checks
7 or that she told Ms. Pauline that I cashed the checks.
8 When she told you about the checks this time, is that
9 different than the first statement she gave to you?

10 A. Yes, it's very different.

11 Q. Now, had you mentioned to her anything about -- in
12 here where she mentions "tussled and fell on the bed,"
13 what, if anything, did you mention to her as far as
14 whether you knew there was a struggle on the bed or not?

15 A. I didn't know at that time about the struggle on the
16 bed or that there was blood or her hand was injured. That
17 was things that she told me that I found out later on.

18 Q. Had you ever actually been to the crime scene
19 yourself?

20 A. I was not on the crime scene the day that everything
21 happened. I was not.

22 Q. Okay. Did you go to the autopsy at all?

23 A. No, sir, I didn't.

24 Q. Now, when she mentions about Ms. Pauline hitting her
25 hand on the table and having her right hand injured with

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 the injury on top of the hand, did you mention to her
2 anything about the injuries on Ms. Pauline's hands?

3 A. No, sir. I wasn't even aware Ms. Pauline had an
4 injury on her hands.

5 Q. What, if anything -- so these injuries on the hands
6 are something she was not told about?

7 A. No, sir.

8 Q. How about the headboard itself? Was she told about
9 there being blood or anything on the headboard by you or
10 Detective Smith?

11 A. No, sir.

12 Q. Had any of this information been released to the
13 media or been published at this point?

14 A. No, sir.

15 Q. What, if anything, had you mentioned to her about the
16 pillows and the sheets being missing?

17 A. Nothing at all.

18 Q. What, if anything, had you mentioned to her about her
19 being found in the shower?

20 A. I may have mentioned that we -- yes, we did find her
21 in the shower after she told me she left her.

22 Q. Okay. What, if anything, did you mention to her
23 about there being a clear plastic bag in the room?

24 A. Nothing at all, sir.

25 Q. What, if anything, had you mentioned to her about

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Marvin having had contact with her prior to and after the
2 incident?

3 A. Nothing at all.

4 MR. THOMPSON: Court's indulgence, Your Honor.

5 Q. Now, Detective, on this final statement, is it also
6 noted the time of day that this statement was done?

7 A. Yes, sir.

8 Q. What time was that?

9 A. 2:23 p.m.

10 Q. All right. Is that the end of the statement or the
11 beginning of the statement?

12 A. The beginning of the statement.

13 Q. And, again, during the time that you were with the
14 defendant during this sort of statement, did she at any
15 time -- or did you or Detective Smith or anyone else offer
16 any hope of reward to give the statement?

17 A. No, sir.

18 Q. Threaten her in any way to give the statement?

19 A. No, sir.

20 Q. Did she give this statement freely and voluntarily?

21 A. Yes, sir, she did.

22 Q. All right. Now, Detective, did you also take notes
23 during the time or did you make any notes afterwards,
24 during or after this statement was given?

25 A. Yes, sir, I did.

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 Q. And did you do them during or after?

2 A. After.

3 Q. And why did you write notes on this particular
4 statement?

5 A. Ms. Walton, once she said that she would not sign it
6 until after speaking with her mother, I did an interview
7 follow-up of exactly what she said to us in the room.

8 Q. Okay. If you would, looking at those notes that you
9 did, you mentioned in those notes that she mentioned to
10 you exactly what she had taken in with her to Park Pointe
11 Village during this period of time?

12 A. Yes, sir.

13 Q. And what did she take in with her?

14 A. I need to -- I don't have a copy of the notes.

15 Q. I'm sorry.

16 A. Yes, sir. She stated that she was carrying only her
17 keys and her access card.

18 Q. Did she say where her access card, where she had
19 gotten it from? Do you recall?

20 A. No, sir. No, sir.

21 MR. THOMPSON: Court's indulgence, Your Honor.

22 Q. And I believe, as you've already testified, she said
23 she was calling using her phone during this time?

24 A. Yes, sir.

25 Q. So she would have had that as well?

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 A. Yes, sir, she would.

2 Q. Detective, after this particular statement, were you
3 tasked with anything else that you were required to do
4 regarding the case at that point?

5 A. No, sir.

6 Q. And was Detective Cantey the case agent on this case?

7 A. Yes, sir, he is.

8 Q. So is it common then at that point that the case
9 agent then kind of takes over and handles things when you
10 get to this point?

11 A. Yes, sir. He conducts the rest of his investigation.

12 Q. So -- and your involvement in the case mainly dealt
13 with some search warrants and then interviews that we
14 talked about today?

15 A. Yes, sir.

16 Q. Thank you, Detective. Please answer any questions
17 the defense has for you.

18 A. Yes, sir.

19 THE COURT: Why don't we take a short refresher break
20 before we get into cross-examination.

21 (The jury left open court at approximately 10:41 a.m.)

22 THE COURT: We have a note that a juror is vegan and
23 wants vegetarian food.

24 MR. BRACKETT: No objection from the State.

25 (The jury entered the courtroom at 11:00 a.m.)

CEDRIC STOKES - DIRECT EXAMINATION BY MR. THOMPSON

1 THE COURT: We got your note, and we will take care
2 of that.

3 JUROR: Thank you.

4 THE COURT: You may cross-examine.

5 MR. SMITH: May it please the Court.

6 CROSS-EXAMINATION

7 BY MR. SMITH

8 Q. Detective Stokes.

9 A. Yes, sir.

10 Q. Can I ask you something about your testimony
11 concerning that second statement from Ms. Walton. And
12 just to clarify, you're the only person who would have
13 been around for all three supposed statements of my
14 client, Braquette Walton; is that correct?

15 A. Yes, sir.

16 Q. And with regard to your testimony concerning that
17 second statement -- and this would be the first one that
18 you and Detective Smith were involved in.

19 A. Yes, sir.

20 Q. You indicated that the time at the end of that
21 statement being 4:45 p.m. I believe you said on direct
22 examination from Solicitor Thompson today that for you,
23 that would indicate the beginning time of the interview.

24 A. Correct.

25 Q. Do you remember testifying earlier about this case?

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 A. No, sir. As far as?

2 Q. Earlier this week.

3 A. Yes, sir.

4 Q. And that was under-oath testimony in the same
5 courtroom, right?

6 A. Yes, sir.

7 Q. And do you remember being asked by Solicitor Thompson
8 about the time then?

9 A. No.

10 Q. And that was with regards largely to that third
11 statement that was done by Detective Smith. And do you
12 recall saying Detective Smith notes the beginning time but
13 that you and Detective Canteley note the end time for the
14 interview, that Detective Smith just does things
15 different?

16 A. I recall saying that generally we -- Detective Canteley
17 records the end statement time.

18 Q. And you said that you normally do, but Detective
19 Smith does things differently?

20 A. She may -- we all do things differently, yes, sir.

21 Q. But you said she did it differently than you, right?

22 A. We interview different -- all detectives interview
23 differently. Yes, sir, I did say that.

24 Q. But did you say that you normally note the end time
25 for the interview?

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 A. I may have, sir.

2 Q. If you did, that's not true? Or what you said today
3 is not true, right?

4 A. Everything I said today was true.

5 Q. So what you said Monday in sworn testimony was not
6 true.

7 On that second statement, beginning time about
8 4:45 p.m., how long did that interview occur -- take?

9 A. Maybe an hour, hour and a half. Not long.

10 Q. Okay. So about 5:45, 6:15, that interview was done?

11 A. It was over in the evening, yes, sir.

12 Q. And that was the point when you decided to get the
13 swabs done?

14 A. Yes, sir.

15 Q. Show you an item. Ask you if you recognize that.

16 A. Yes, sir.

17 Q. And that's the forensic services unit report that you
18 indicated they were called about those swabs being taken;
19 is that correct?

20 A. Yes, sir.

21 Q. And it indicates that those swabs were taken at
22 8:00 p.m., doesn't it?

23 A. Yes, when he took the swabs, yes.

24 Q. Now, you mentioned you worked for Rock Hill Police
25 Department for a number of years, I believe six years, but

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 you worked in law enforcement before that?

2 A. Yes, sir.

3 Q. Where was that?

4 A. New Jersey and also in Charlotte.

5 Q. And New Jersey and in Charlotte, what were your
6 duties and responsibilities?

7 A. Patrol officer.

8 Q. You were patrol officer.

9 But now you've moved into the role of a detective?

10 A. Yes, sir.

11 Q. And you're investigating crimes against persons; is
12 that correct?

13 A. I am.

14 Q. And in this case, Detective Cantey, who is the lead
15 investigator on the murder case, was with you on the first
16 interview of Braquette Walton?

17 A. Yes, sir.

18 Q. All right. But he wasn't with you on the second
19 interview. Why not?

20 A. Ms. Walton just asked that -- just to speak with me.

21 Q. Did she?

22 A. Yes, sir.

23 Q. Do you remember --

24 A. She said she didn't want to speak with Detective
25 Cantey.

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 Q. Did she say why?

2 A. She just said that she didn't think -- she thought he
3 was maybe mean.

4 Q. She thought he was mean?

5 A. Yes.

6 Q. But you were with Detective Cantey during the first
7 interview, correct?

8 A. Yes, sir, I was.

9 Q. He wasn't mean?

10 A. Not at all.

11 Q. But that's your explanation for why you needed to
12 interview her without Detective Cantey being present?

13 A. Well, no. She asked to speak with me without
14 Detective Cantey because she thought maybe that he was
15 mean.

16 Q. No, I'm talking about the second interview, not the
17 third interview. The second interview you went to her.
18 She did not request you. That's not your testimony.

19 A. No. On the second interview, correct.

20 Q. Right. But the second interview you arranged to do
21 with yourself and with Detective Smith without Detective
22 Cantey being present, right?

23 A. Yes.

24 Q. So when did you find out she thought he was mean?

25 A. She said she thought he was mean. When I spoke with

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 her, she said she didn't want to speak with the other
2 detective because she thought he was mean.

3 Q. Right. But at that point, you didn't know that. So
4 why didn't you take Detective Cantey with you for the
5 second interview to talk to her?

6 A. During the second interview, Detective Cantey had
7 other duties. He was still about in the building. But
8 when I initiated this interview, he was in the building or
9 doing his investigative duties. And we started talking
10 after her Miranda rights were read.

11 Q. Was Detective Cantey not in the second interview
12 because Ms. Walton said he was mean or because he had
13 other duties?

14 A. A little bit of both.

15 Q. Move to the third statement that you say Ms. Walton
16 gave.

17 A. Yes, sir.

18 Q. That statement differs from the other two because
19 that statement is unsigned; is that correct?

20 A. Yes, sir, it is.

21 Q. Now, you indicate that before you went for this
22 interview, that you knew Ms. Cook had passed, correct?

23 A. I did.

24 Q. And you knew that before the second statement?

25 A. I knew that before the second statement.

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 Q. And even before the first statement?

2 A. Yes, sir.

3 Q. But before the third statement, you knew that
4 Ms. Walton had been served murder warrants?

5 A. Yes, sir.

6 Q. Were you at that point investigating the check
7 charges or the murder charge?

8 A. Between which statement, sir?

9 Q. The third statement.

10 A. This is when she requested to speak with me.

11 Q. That's your testimony, yes.

12 A. That's correct.

13 Q. Were you investigating the murder charge or the check
14 charge at that point?

15 A. Well, when Officer Marshall called me, she said that
16 Ms. Walton wanted to speak with me in reference to her --
17 she had just gotten a warrant and she wanted to speak with
18 me.

19 Q. So the murder charge or the check charges?

20 A. Whatever she wanted to speak with me about at that
21 time, sir.

22 Q. Okay. And before you give a statement you're,
23 required to get an acknowledgment of rights; is that
24 correct?

25 A. Yeah.

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 Q. And the acknowledgment-of-rights section on this form
2 is simply not filled out, correct?

3 A. Well, as far as her signing it?

4 Q. Correct.

5 A. Yes, sir. She didn't sign it.

6 Q. And there's no witness that those rights were even
7 read to her, is there?

8 A. Detective Smith.

9 Q. Did she sign that statement?

10 A. No, she didn't sign it.

11 Q. Okay. Is there any witness that said she agreed to
12 speak with you?

13 A. Just Detective Smith.

14 Q. Did she sign indicating that?

15 A. No, sir.

16 Q. But there are two blanks under each of these
17 paragraphs. One for the interviewee to sign and one for a
18 witness to sign?

19 A. Yes, sir.

20 Q. And that was not done on either for the reading of
21 the rights nor for the acknowledgment that she wished to
22 speak with you, correct?

23 A. No, sir.

24 Q. And then there is no witness or notarization at the
25 end of this statement; is that correct?

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 A. No, sir.

2 Q. And obviously Ms. Walton did not sign that statement
3 as well?

4 A. No, she didn't.

5 Q. Now, to become a detective and through law
6 enforcement training, you're trained on techniques for
7 interviewing persons; is that true?

8 A. I am.

9 Q. So it's not like you just sit down and say, all
10 right, tell me what's going on?

11 A. No. You have to read.

12 Q. You have to read rights?

13 A. Correct.

14 Q. But there's a process for getting information out of
15 people, isn't there?

16 A. Well, it depends.

17 Q. What does it depend on?

18 A. Depends on if I need to extract information out of
19 you or if you just tell me. If someone tells me what's
20 going on.

21 Q. In this case with Ms. Walton, did you need to extract
22 information?

23 A. No, no, I didn't.

24 Q. So why was the purpose that you told her you had her
25 phone records?

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 A. Why did I tell her I had her phone records? Because
2 at this point, when we were talking about the murder, she
3 started talking about this is not right, the warrant is
4 not right. I stopped her and said, "We have your phone
5 records" so that she would go ahead and just tell us the
6 truth.

7 Q. So that was a technique to extract information?

8 A. Yes.

9 Q. And that's a technique you're trained to use, isn't
10 it?

11 A. Yes.

12 Q. You were trained through law enforcement training to
13 begin to tell interviewees evidence that you already have
14 against them?

15 A. I'm trained to speak with the interviewees. That
16 particular information was information to stop her from
17 going into -- continuing on into her testimony that I knew
18 wasn't true or her statement that I knew wasn't true.

19 Q. Are you not trained that one potential technique you
20 can use to interview suspects is to let them know a piece
21 of evidence to see their reaction and see if you can break
22 them?

23 A. Not necessarily to break them. Just to see if -- how
24 they respond.

25 Q. But you're trained to do that?

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 A. Oh, yeah.

2 Q. And you're also trained to act like you're helping
3 them?

4 A. Yes, I -- yes.

5 Q. And to befriend them?

6 A. Yes. It's called building rapport. Yes, sir.

7 Q. Building rapport?

8 A. Yes, sir.

9 Q. And in this case, you already knew she had been
10 served a warrant. But when she came to speak with you,
11 she told you she had just gotten served a warrant for
12 murder, didn't she?

13 A. She was saying this wasn't right. She was really
14 distraught. Yes, sir.

15 Q. Do you recall actually getting that warrant from her
16 and reading it there with her?

17 A. I may have.

18 Q. Do you recall saying "Why did they do this?"

19 A. No, I don't recall saying that.

20 Q. Is that not the technique you use to lead into the
21 interview?

22 A. No, sir, it's not.

23 Q. But you may have read over it with her?

24 A. I may have.

25 Q. A warrant that you were already aware of?

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 A. Yes, sir.

2 Q. Did you act surprised that she had been charged?

3 A. No, sir.

4 Q. Did you tell her it's a very serious charge, she's in
5 a lot of trouble?

6 A. No, sir.

7 Q. Because that's another technique that you're trained
8 to use, isn't it?

9 A. No.

10 Q. Talk about the charges or what could be the charges?

11 A. I never talk about charges. I usually never talk
12 about charges or, you know, start talking about how much
13 time involved. I don't go into that one.

14 Q. So here you didn't talk about the charge, but you may
15 have read the warrant with her. You just don't remember.

16 A. Yes, sir. Yes, sir.

17 Q. Other ways to build rapport. You can go get things
18 for people, correct?

19 A. Yes.

20 Q. And after the second interview in this case, did you
21 arrange something for Ms. Walton?

22 A. Yes, sir. She said she hadn't had a shower.

23 Q. She had not had a shower?

24 A. She had not had a shower, so I went on ahead and she
25 asked could she get a shower, and I called to the jail and

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 told them to give her a shower.

2 Q. And how many days had she been there at that point?

3 A. Excuse me, sir. I'm not sure. Because I think she
4 had left and went to another jurisdiction or something,
5 came back. I wasn't involved in, you know, where she was
6 at in the jail, you know, or in the process.

7 Q. But you don't mean be released. You mean she was
8 transported somewhere else --

9 A. Correct.

10 Q. -- to be served warrants?

11 A. Yes, sir.

12 Q. But since she had been originally arrested from Rock
13 Hill, she had not left custody, right?

14 A. Not that I know of.

15 Q. So you arranged for her to get a shower?

16 A. Yes, sir.

17 Q. That's after the second interview?

18 A. Yes, sir.

19 Q. So before this third supposed interview, you say you
20 got a phone call from a detention center officer; is that
21 correct?

22 A. I did.

23 Q. What time was that phone call?

24 A. Sir, I was at lunch. Around the lunch hour. I can't
25 tell you exactly what time it was.

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 Q. Okay. And that call said Ms. Walton wanted to speak
2 to you urgently?

3 A. Yes, with me.

4 Q. Right.

5 A. Yes, sir.

6 Q. And couple hours later, you began talking with her?

7 A. Within an hour, hour and a half, yes.

8 Q. And you knew this was a very important interview?

9 A. Yes, sir.

10 Q. Because now you knew she had been served with a
11 murder warrant?

12 A. I did.

13 Q. Did you prepare for that interview?

14 A. No. I just walked back and spoke with her.

15 Q. Did you look over whatever case file information had
16 been gathered at that point?

17 A. No, sir. I wasn't a case agent. I was just tasked
18 with interviews.

19 Q. Did you talk to any of the other officers who were
20 involved?

21 A. Detective Canteley.

22 Q. So you did talk to Detective Canteley?

23 A. I did.

24 Q. Did you say, come on, she wants to talk --

25 A. No.

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 Q. -- you need to watch this?

2 A. I did not. I did not.

3 Q. Did you take her to a room where Detective Cantey
4 could monitor what was going on?

5 A. No, sir. Just Detective Smith and I.

6 Q. Okay. Did you arrange for a video recording?

7 A. No, sir.

8 Q. Did you arrange for an audio recording?

9 A. No, sir.

10 Q. Someone who has just been served a murder warrant
11 wants to talk to you specifically as a member of law
12 enforcement.

13 A. Yes, sir.

14 Q. It's a big, important interview, and you don't even
15 record it?

16 A. We don't record interviews at the Rock Hill Police
17 Department.

18 Q. All right. Interviews starts.

19 A. Yes, sir.

20 Q. You use your technique of saying, "Come on, I have
21 your cell phone data." You say Ms. Walton begins to get
22 emotional.

23 A. Yes.

24 Q. This is a big, important interview, and you walk out.

25 A. Yes, sir, because she started crying. She started

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 crying. I walked out to go get some tissue for her and
2 maybe something for her to drink. Because, again, she had
3 her asthma pump in her hand. She was distraught.

4 Q. Because it would be unusual for someone to start
5 crying in an interview?

6 A. No, it was not unusual.

7 Q. Right. That's why you wouldn't have Kleenex there
8 either?

9 A. No, I didn't have it.

10 Q. So when you walked out, did you assume the interview
11 would just keep going or did you think it would pause for
12 a moment, you would come back, and the interview --

13 A. No. I knew that Detective Smith was still talking
14 with Ms. Walton.

15 Q. And so at that point, Detective Smith takes over the
16 interview, the lead role?

17 A. She does.

18 Q. And by that you mean she then sits and she begins
19 typing?

20 A. Well, I started, and I think she -- can start typing,
21 correct.

22 Q. So how much of the typing did you do?

23 A. The actual -- the actual part where it has her name,
24 her information under the waiver.

25 Q. Okay. So you did -- you filled in Braquette Wykina

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 Walton?

2 A. Yes, sir.

3 Q. Filled in her date of birth; her social security
4 number; her 2345 Brook Court, South Carolina address
5 (sic); employment place; and phone number?

6 A. Yes, sir. I believe that's all I did.

7 Q. And that's all you did?

8 A. I believe so, if I can recall.

9 Q. Because that phone number made her cry?

10 A. I'm sorry?

11 Q. Because her home phone number is what made her cry
12 and you had to leave?

13 A. No, sir. No, sir. She started crying once we
14 started talking about the cell phone records.

15 Q. But I thought you type as you go?

16 A. Well, yes, but we -- no. We interview first, kind of
17 hear her story. I stopped her when she said that she
18 was -- she didn't go to Park Pointe Village. I said,
19 "Well, Braquette, we have your phone records." And then
20 that's when she started crying, and that's when I got up
21 and walked out to go get the tissue for her.

22 Q. Okay. So you go through the whole interview first,
23 and then you come back and start typing?

24 A. We started talking at first, and then we -- when she
25 got to that point, I stopped her and went and got the

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 tissue for her.

2 Q. Okay. So it was Detective Smith who typed the entire
3 body --

4 A. Yes, sir.

5 Q. -- of this interview?

6 A. Yes, sir.

7 Q. Fair to say it was Detective Smith who completed this
8 interview? You began it?

9 A. Yes. Correct.

10 Q. She completed the typing?

11 A. Yes, sir.

12 Q. You also referred to some notes. I believe you
13 called it an interview follow-up report that you had done
14 in this case --

15 A. Yes, sir.

16 Q. -- is that correct?

17 A. Yes.

18 Q. Could you turn to the second page of that.

19 A. Yes, sir.

20 Q. There's a sentence that begins five lines from the
21 bottom. It begins with the word "I completed."

22 A. Yes, sir.

23 Q. Could you read that for the jury.

24 A. It said, "I completed typing the statement and asked
25 Ms. Walton to sign it."

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 Q. Says you completed typing the statement?

2 A. Yes, sir, it says that. It does say that.

3 Q. But now it's your testimony it was Detective Smith
4 who completed typing the statement?

5 A. Yes. It actually was Detective Smith who completed
6 it.

7 Q. No doubt about it?

8 A. No doubt.

9 Q. Okay. You say the pivotal point for her were these
10 phone records; is that right?

11 A. Yes, sir.

12 Q. Now, she had told you in an earlier statement that
13 she had come from Greenville and gone to her home; is that
14 correct?

15 A. In which statement, sir?

16 Q. The second statement.

17 A. Yes, sir.

18 Q. But then in this third statement, she was telling
19 you -- you said she was telling you that same story and
20 you told her, "No, we've got your phone records. You went
21 from Greenville to Park Pointe Place (sic)."

22 A. I told her that we know you were near Park Pointe
23 Village.

24 Q. Okay. Yet in this supposed third statement, you say
25 she began by saying, "I drove back from Greenville

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 Saturday night. I got home at 6:30 or 7:00. It was dark
2 around that time. I got back to Park Pointe around 8:00."

3 A. Yes.

4 Q. So she went back to that story that you broke her of?

5 A. That's what she said.

6 Q. The third statement, what time was that interview?

7 A. 2:23 p.m.

8 Q. Is that the time it began or the time it ended?

9 A. This is the time it began.

10 Q. It began. And who does it indicate on the third
11 statement actually completed that statement?

12 A. Detective Smith.

13 Q. So it begins at 2:23 in the p.m.; is that right?

14 A. Yes, sir.

15 Q. How about your interview follow-up notes? What time
16 do they say that interview takes place?

17 A. 2:30 p.m.

18 Q. Now, is that beginning time or end time?

19 A. At the beginning.

20 Q. But it's seven minutes different?

21 A. Yes, sir.

22 Q. What happened during those seven minutes?

23 A. There was nothing that happened during those seven
24 minutes. I walked her back from the jail to the interview
25 room, and we talked.

CEDRIC STOKES.- CROSS-EXAMINATION BY MR. SMITH

1 Q. Okay. You walked her back from the jail?

2 A. Yes.

3 Q. And there's a photo of you walking her back from the
4 jail, isn't there?

5 A. There is..

6 Q. And that photo is dated that day but has a time stamp
7 of 2:44?

8 A. Yes, sir.

9 Q. And that's just you walking her back?

10 A. That's correct.

11 Q. But there are no videos?

12 A. No. That's actually the -- the cameras in our
13 hallways.

14 Q. So what happened between 2:24 and 2:30?

15 A. Sir, the times may be different. You know, the time
16 that we start our interview, we usually look at the
17 computer and we note the time there. Or our watch. Some
18 people's watches are five minutes faster or two minutes
19 faster or two minutes, five minutes behind.

20 Q. Okay. Well, what did you look at when you filled out
21 your follow-up report?

22 A. Probably my watch.

23 Q. Okay. So what time were you filling out your
24 follow-up report?

25 A. The follow-up report is actually done after we finish

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 interviewing Ms. Walton.

2 Q. So how would your watch have helped you?

3 A. When I looked down at the time and saw what time we
4 started talking.

5 Q. You saw when you did this report that you still --

6 A. No, sir. When we started talking -- when we started
7 talking, looked down at my watch at 2:30.

8 Q. And that's when you began your follow-up report?

9 A. No, sir. I began the follow-up report after we took
10 the statement, the third statement.

11 Q. Right. So what did you look at to fill in 2:30 as
12 the time that interview started?

13 A. My watch when we first walked into the -- when I
14 walked into the interview room and started speaking.

15 Q. Maybe I'm not being clear. This follow-up report is
16 done all the way after the interview?

17 A. It is.

18 Q. What's in front of you that you're using to put the
19 information on that report?

20 A. Nothing's in front of me once I'm putting the
21 information down, no.

22 Q. You don't even have her statement?

23 A. Yeah, I probably had her statement, but I don't
24 have -- you know, I looked at my watch when we started
25 talking. But yeah, I had her statement.

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 Q. When you looked at your watch when you started
2 talking, did you note that somewhere?

3 A. Just in my head, 2:30.

4 Q. You mentioned that you got search warrants in this
5 case; is that correct?

6 A. Yes, sir.

7 Q. I think you got two.

8 A. Yes.

9 Q. And show you and ask if you recognize that.

10 A. I do.

11 Q. And is that a request for a search warrant in this
12 case by you?

13 A. It is.

14 Q. And it's actually -- to get a search warrant, you
15 have to fill out an affidavit. In other words, you have
16 to go in front of a judge and swear; is that correct?

17 A. I do.

18 Q. And when you do that in this case --

19 A. Yes, sir.

20 Q. -- you mentioned -- how long do you mention you had
21 years of training in that?

22 A. One year as a criminal detective.

23 Q. So at this point in time, you had one year training
24 as a criminal detective?

25 A. Yes, sir.

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 Q. And in that search warrant as well, you indicate that
2 you have information that a checkbook has been stolen; is
3 that correct?

4 A. That's correct.

5 Q. Where did you get that information?

6 A. Detective Cantey.

7 Q. And so you would have had that information before you
8 began this third interview?

9 A. I had that information after he came.

10 MR. SMITH: Beg Court's indulgence.

11 THE COURT: Yes, sir.

12 Q. Do you know Marvin Lawrence?

13 A. He's a cook at the -- at Park Pointe.

14 Q. Did you interview him?

15 A. I think myself and Detective Smith spoke with Marvin.

16 Q. Did you determine where he was at the time Ms. Cook
17 was killed?

18 A. I did not.

19 Q. This alleged third statement, this unsigned third
20 statement.

21 A. Yes, sir.

22 Q. There is no video?

23 A. No, sir.

24 Q. And you did not record it?

25 A. No, sir. I don't record any of my interviews.

CEDRIC STOKES - CROSS-EXAMINATION BY MR. SMITH

1 Q. If you had recorded it, that would be stronger
2 evidence for this jury, wouldn't it?

3 A. Not necessarily.

4 MR. SMITH: No further questions.

5 THE COURT: Redirect?

6 MR. THOMPSON: Just briefly, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. THOMPSON

9 Q. Detective Cantey -- sorry, Detective Stokes.

10 A. Sir.

11 Q. When y'all interviewed Marvin about this and talking
12 about the death of Ms. Cook, what was his demeanor during
13 that interview?

14 A. Marvin was very distraught. He was -- he was, I
15 think, in shock that -- of everything that kind of
16 transpired.

17 Q. Did he cry?

18 A. He did. He did.

19 Q. Did he indicate remorse for having called the
20 defendant?

21 A. I'm sorry, sir?

22 Q. Did he indicate any remorse about having to call the
23 defendant?

24 A. He did. He actually made a statement she didn't have
25 to do that.

CEDRIC STOKES - REDIRECT EXAMINATION BY MR. THOMPSON

1 MR. SMITH: Objection. Hearsay.

2 THE COURT: Sustain the objection.

3 Q. Detective, also, if you would, Mr. Smith was asking
4 about signatures on that final statement.

5 A. Yes, sir.

6 Q. The spot where you would have witnesses. Is part of
7 signing the statement, is that just witnessing the
8 statement or also witnessing the signatures of the
9 defendant?

10 A. Witnessing the signatures that Ms. Walton actually
11 was the person who signed it.

12 Q. So if someone ends up refusing to sign the statement,
13 do you ever sign the witness parts at that point?

14 A. No, sir.

15 Q. He was talking about the video camera and the
16 picture. You mentioned there was a camera that had you
17 where you were walking Ms. Walton into the detective
18 division. What camera is that?

19 A. That's actually a camera in the hallway.

20 Q. Okay. Is it mounted into the ceiling?

21 A. It is.

22 Q. Is it a security camera?

23 A. It is, yes, a security camera.

24 Q. So the cameras that we're talking about are set up
25 security cameras within the Rock Hill Police Department?

CEDRIC STOKES - REDIRECT EXAMINATION BY MR. THOMPSON

- 1 A. Yes, sir.
- 2 Q. And this was from what hallway?
- 3 A. The main back hallway to the police department.
- 4 Q. Are there security cameras within the detective
- 5 division?
- 6 A. No, sir.
- 7 Q. Security cameras within the interview areas?
- 8 A. No, sir.
- 9 Q. Where are the security cameras generally located?
- 10 A. Generally located in the hallways, the entrances to
- 11 our building, the exit to our building.
- 12 Q. Now, when the statement is taken, do you put down
- 13 what you want to put in the statement, or do you put down
- 14 what they tell you?
- 15 A. Exactly what they tell me.
- 16 Q. Do you tell them what to say?
- 17 A. No, sir.
- 18 Q. Is there any yelling or fist pounding or anything
- 19 like this during any of these interviews?
- 20 A. No, sir. That's not how I interview.
- 21 Q. In fact, what demeanor was used in these interviews
- 22 with the defendant from you and your coworker?
- 23 A. It was a very -- we were very attentive in the
- 24 interview. We were very, you know, attentive to what
- 25 Ms. Walton was saying. Wanted to make sure that she was

CEDRIC STOKES - RECROSS-EXAMINATION BY MR. SMITH

1 comfortable, you know, as far as in that interview, that
2 she wasn't, you know, feeling like that we were forcing
3 her to say anything. We were very sympathetic to her.

4 Q. And when he was talking about a tactic of telling her
5 about the phone records, is sometimes confronting the
6 defendant with the truth the tactic?

7 A. It is.

8 Q. All right. Thank you.

9 MR. THOMPSON: No further questions.

10 THE COURT: Recross?

11 RECROSS-EXAMINATION

12 BY MR. SMITH

13 Q. In the time he asked about no screaming, no yelling,
14 you were nice, all this was going on and you got the
15 Kleenex, how long is that total interview?

16 A. The total interview that we spoke? Maybe an hour,
17 two hours tops.

18 Q. One or two, that's a big difference. That's double.

19 A. Sir, I can't -- between an hour and two. One hour
20 and two.

21 Q. If we had a video, we'd know.

22 THE COURT: Is that a question?

23 Q. Isn't that correct?

24 A. Yes.

25 MR. SMITH: No further questions.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 THE COURT: You can step down, be excused. We
2 appreciate your time.

3 Call your next witness.

4 MR. BRACKETT: The State would call Detective Allen
5 Cantey.

6 ALLEN CANTEY, after having first being duly sworn,
7 testified under oath as follows:

8 BY MR. BRACKETT:

9 Q. Detective Cantey, could you give your full name for
10 the Court, please.

11 A. Lewis Allen Cantey, Jr.

12 Q. And, Detective Cantey, where do you work?

13 A. Rock Hill Police Department.

14 Q. If you would, just briefly spell your last name for
15 the court reporter.

16 A. C-A-N-T-E-Y.

17 Q. Detective Cantey, how long have you been in law
18 enforcement?

19 A. Since 1994, so I guess this is about 18 years now.

20 Q. All right. And how long have you been in the
21 detective division?

22 A. July of last year. I was transferred from the York
23 County multijurisdictional drug enforcement unit to our
24 criminal investigations division.

25 Q. How long had you been in the drug unit prior to that?

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 A. About seven and a half, eight years.

2 Q. Were you assigned as the case agent to this
3 particular case?

4 A. Yes, sir, I was.

5 Q. Can you tell me, were you one of the first detectives
6 to actually respond to the scene in this case?

7 A. Yes, sir. I was on call. Actually, my call had just
8 started that morning at 8:30 when I received a phone call
9 shortly after that.

10 Q. And when did you arrive on scene?

11 A. I believe it was about 9:20, 9:30. I'd have to look
12 back at my notes to see anything.

13 Q. What are the first things you did when you got on
14 scene? I guess before we start that, what were you made
15 apprised of before you had arrived on scene? Anything in
16 particular?

17 A. My first phone call was to contact the supervisor on
18 duty. When I spoke to -- I believe it was Sergeant
19 Breeden, he advised me that the coroner's office had been
20 called to Park Pointe Village in reference to a suspicious
21 death. Detective Swiger was on scene when I got there.
22 Prior to arriving, I contacted my lieutenant. I was in
23 the property side, basically dealing with burglaries and
24 other non-violent-type offenses.

25 Contacted my lieutenant. Then I also contacted the

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 lieutenant over the persons side, which would have been
2 Lieutenant Belk, to advise both of them of the situation
3 that we had. I told them I'd keep them apprised of what
4 was going on throughout the day.

5 Q. When you got there, what was the scene like at that
6 point? Who was there and what did you have to do at that
7 point?

8 A. I arrived as Deputy Bagwell was walking in, which is
9 the FSU officer that has already testified. When I walked
10 in, met with Chris Westover and Darin Swiger, the officer
11 that was there for Rock Hill.

12 Q. All right. Did they apprise you what they knew at
13 that point?

14 A. Yes, sir, they did. They advised me that Ms. Cook
15 had been found by the employee that was working the night
16 shift going over into the morning, that she had checked on
17 her, realized that she had not seen her out, which was off
18 of her usual schedule, out for breakfast or waiting for
19 breakfast. And when she went to the room to check on her,
20 she found her in the bathroom.

21 Q. Did you begin talking to the witnesses at that point,
22 or what did you do?

23 A. I did. I began talking to witness.

24 Q. Was that some of the people who worked there?

25 A. Yes, sir.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. And did you officially take statements from them
2 then, or were you just getting information from them?

3 A. Just getting information.

4 Q. And do you recall who you had spoken to during the
5 course of that morning at Park Pointe Village?

6 A. Neva Lattimer. She was the supervisor for the Park
7 Pointe Village. Linda Roach, I believe her last name was.
8 She was the lady who actually found Ms. Cook. Sara -- I
9 will not try to pronounce her last name. She was a CNA
10 that was just arriving. And Brittany Martin, I believe
11 her last name was, was also just arriving for work.

12 Q. So you spoke with each of them?

13 A. Yes, sir.

14 Q. Were you given the names of other people who had been
15 dealing with her who were not present at the time?

16 A. I don't recall any other names of people who had just
17 been dealing with her.

18 Q. All right. I guess --

19 A. Maybe I don't understand your question.

20 Q. -- it's just before the -- before she was found. Did
21 you get names from those shifts?

22 A. Yes. After the initial interview of just talking to
23 them about what each one of the three that I just spoke of
24 had done and what they did prior, then I asked who were
25 the shift working prior to that, which I was informed it

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 was a Teresa Stagner and a Kayla Larson.

2 Q. All right. And did you view the scene at the time?

3 A. Yes, I did.

4 Q. And were you with Brian Bagwell when you did that?

5 A. Yes, sir.

6 Q. Were they pointing anything out to you during that
7 period of time?

8 A. Ms. Westover pointed out that -- the bruising to the
9 face, which is what seemed suspicious to her. And that
10 she had sent a picture of that to the actual coroner,
11 Sabrina Gast. And she pointed out that the one thing
12 seemed suspicious to her besides the room being flooded
13 was that there were no pillows on the bed.

14 Q. And did you start to look towards the bed to see if
15 there was any evidence of the pillows around there?

16 A. Yes, we looked throughout the room just to see if
17 they were anywhere else, and the only pillow that we did
18 find was the green armchair-style husband pillow, which
19 was on the floor at the foot of the bed, saturated with
20 water.

21 Q. Do you recall at which point you realized that the
22 sheets were not on the bed?

23 A. It was after speaking, I believe it was with
24 Ms. Martin, that I asked did Ms. Pauline usually make her
25 bed up. She said that she didn't, that usually she had

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 the staff make the bed up. That was kind of like one of
2 the perks for living in assisted living.

3 Q. And can you tell me, did you then try to find out if
4 anyone had removed any of the dirty linen in that area?

5 A. Yes, we did.

6 Q. Had any linen been removed at that time?

7 A. Spoke to -- I believe her name was Ms. Carolyn Hodge.
8 The only thing that had been removed, I believe, was some
9 towels and some washcloths and stuff. It wasn't, I guess,
10 the day for bed linens to be removed.

11 Q. When we're talking about the linens, is that the
12 linens for the entire hall or just for that room?

13 A. Yes, for the entire hall.

14 Q. Now -- so in your -- at this point in your
15 investigation, early on while you're there, do you know
16 for certain what's happened at that point?

17 A. No, we don't. From initially walking in, it appeared
18 that an elderly lady had fallen while trying to take a
19 shower. That's originally what it appeared to be.

20 Q. Did you ultimately go to meet with the coroner that
21 afternoon when everyone else met with him, I guess around
22 5:00; is that --

23 A. That's correct.

24 Q. And at that point, what did you learn?

25 A. Learned that it was due to the facial injuries that

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Ms. Cook had that it was not possible that they could have
2 come from a fall in the shower.

3 Q. All right. And so at that point, what did you do as
4 a detective and as the case agent in this?

5 A. Myself and Deputy Bagwell went back to Park Pointe
6 Village and signed a consent to search form from the
7 property manager or administrator, Jim Petty, who had
8 possession of the room, had the key to the room locked up
9 for us.

10 Q. Had you told him to lock up the room when you left
11 initially?

12 A. Yes, we did. I met with Mr. Petty before we left. I
13 was there approximately from 9:00 something in the morning
14 until almost 2:00 in the afternoon.

15 Q. Okay. And so when you got back to the room, what was
16 the purpose, then? What were you looking for at that
17 point?

18 A. To -- when we got back to the room, we were looking
19 around to see any possible signs of what had happened from
20 the night before.

21 Q. Okay. And at that point, did you concentrate the
22 area that you were looking anywhere?

23 A. We were looking mainly towards the bed of Ms. Cook.

24 Q. And why is that?

25 A. One of the injuries that Ms. Cook had was a -- almost

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 a semicircular cut on her hand or tear that we were
2 looking around the bed to see if there was any blood
3 around the bed area.

4 Q. Did you see with your naked eye whether there was
5 blood around the bed?

6 A. No, we could not.

7 Q. Now, during this period of time, did you end up
8 talking to more of the employees there and asking them
9 more questions regarding the case?

10 A. Yes. Ms. Kayla Larson was back on duty that night,
11 and when we found out that Kayla was the last person to
12 have given medication or anything to Ms. Cook, we asked
13 her what did it look like when she went in, what did she
14 possibly have on, and was there anyone else in the room
15 when we were in there -- while she was in there. She
16 advised that when she came to the room, she knocked on the
17 door, went inside. Ms. Cook was lying in bed with the
18 television on. She had to turn the light on to see
19 Ms. Cook and helped her out of bed or to sit up in bed so
20 she could take her medication, and then they talked for a
21 moment. She tucked her back in bed, and she left.

22 Q. Did she discuss with you the type of nightgown the
23 victim was wearing?

24 A. Yes, she did.

25 Q. All right. What -- before we go into -- because I

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 don't need to -- we've heard from her, and I don't
2 necessarily want to go into hearsay. So if we would, if
3 you would talk -- as a result of her telling you what the
4 nightgown looked like, what did you do?

5 A. As a result of her describing it, I showed her the
6 nightgown or house-dress-looking item, clothing, that was
7 draped across a -- the push-around walker that Ms. Cook
8 had that was in the bathroom. It was not what Ms. Larson
9 had seen on her the night before. At that time I also
10 pulled open one of the drawers of -- it looked like a
11 dresser or bureau that was full of nightgowns and asked
12 her were any of those what she had had on the night
13 before, and she said those were none of the ones that she
14 had seen during the night before.

15 Q. So did you look through the room to find all the
16 nightgowns you could within the room?

17 A. Yes, sir.

18 Q. And you showed her all the nightgowns you could find?

19 A. Yes, sir.

20 Q. And she couldn't identify any of those as being the
21 nightgown that was worn?

22 A. That's correct.

23 Q. Now, do you recall when you were with Detective
24 Bagwell, did you look through the hamper that was in the
25 closet there and that sort of thing?

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 A. Yes, sir, we did.

2 Q. Was there anything of value within the hamper or
3 anything --

4 A. No, there was not.

5 Q. -- anything that you recognized?

6 Now, when you were going around, did you go around --
7 did you ask the employees around there about if they knew
8 Braquette Walton or things about Braquette Walton during
9 that afternoon or during that morning when you were there?

10 A. Yes, I did.

11 Q. And what were you trying to do at that point? What
12 were you trying to gather?

13 A. Ms. Neva Lattimer and Ms. Westover advised us of the
14 incident that happened the day before, which is when they
15 contacted the police about an issue with some checks being
16 written against Ms. Cook's account by Ms. Walton.

17 Q. All right. And so was that what you were -- what I'm
18 asking is: What were you asking the employees about?
19 What were you -- what information regarding Braquette
20 Walton were you trying to get at that point?

21 A. I'd asked if anyone had seen Ms. Walton the night
22 before or if Ms. Walton had been at work that night, the
23 night before.

24 Q. All right. Did you also check with Park Pointe
25 Village to see if they had a way of finding out whether

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Ms. Walton had been there the night before?

2 A. Yes, I did. To enter the assisted living area or any
3 other part of Park Pointe Village, you either have to be
4 buzzed in, so push a button and request that one of the
5 people at the nurses' desk open the door for you, or you
6 have to have an ID badge or a clicker to enter into any of
7 the buildings there. And also on premise through the
8 security guard gate.

9 Q. And tell us a little about the guard gate. Did you
10 go out and talk to the guard at the guard gate as well?

11 A. I did. When I returned from the -- Piedmont the
12 night before we -- after the prepost, when I met with
13 Dr. Thomas and Sabrina Gast, we spoke to -- I would have
14 to look back in my notes to remember his name, a Tony -- I
15 cannot remember his last name. A security guard that was
16 there. There are four entrances -- excuse me, four
17 sections of driveways -- two on the right, two on the
18 left -- as you're facing Park Pointe from Highway 5. The
19 ones on the left are the exit. The one on the right are
20 the entrance.

21 The one closest to the guard shack, which is in the
22 center of those four lanes, is the entrance to the
23 facility that the guard has to actually come out and
24 inspect your vehicle and your tag number and find out who
25 you are and who you're there to visit. The other one is

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 for the employees to enter in, that they can either wave
2 their pass card at the sensor or use a clicker button to
3 enter in to cause the gate to come up so they can go
4 inside.

5 Q. Did you determine at that point whether Park Pointe
6 Village kept records of the clicker and the pass card for
7 people to get in?

8 A. Yes, I did.

9 Q. And were you able to have them look that up for you
10 at that point?

11 A. Yes. Mr. Jim Petty was helping me look it up at the
12 time.

13 Q. Show you a photograph here. State's Exhibit
14 Number 55. Can you tell me what that is.

15 A. That is a photo of the computer screen that Mr. Petty
16 was sitting at that Deputy Bagwell took a picture of
17 because Mr. Petty was unable to figure out at the moment
18 how to print the screen off for us.

19 Q. And you were present when that was taken, that
20 picture?

21 A. Yes, that's correct.

22 Q. Do you recall the time it was taken?

23 A. I believe it was 12:44 p.m.

24 Q. So 12:44 in the afternoon?

25 A. Yes, sir.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Would that have been on the 13th, the first day you
2 were there?

3 A. Yes, sir. It says November the 13th, 2011.

4 Q. And what did that tell you regarding the pass swipes
5 and Braquette Walton?

6 A. Show that access was granted at the main door
7 assisted living -- yeah, in the AL, which is assisted
8 living. This is for Braquette Walton. It was granted on
9 November the 12th, 2011, at 7:50 p.m. and 47 seconds.

10 Q. And so at that point you knew about the forgeries and
11 now that she had actually -- that her pass card had been
12 swiped at the assisted live facility, correct?

13 A. That's correct.

14 Q. Now, how late did y'all stay around at the Park
15 Pointe Village that evening? I know that there was the
16 BlueStar done. Did you stay and watch while --

17 A. Yes, I did.

18 Q. -- while detectives did that?

19 A. Several hours.

20 Q. Was it dark by the time y'all left?

21 A. Yes, it was.

22 Q. After that, where did you go from there?

23 A. Went home after that. Was advised to be at the PMC
24 morgue the next morning for the autopsy.

25 Q. Are those done early in the morning?

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 A. Yes, sir, 8:00 a.m.

2 Q. So were you there at 8:00 a.m.?

3 A. Shortly before 8:00 a.m., yes, sir.

4 Q. Did you observe the autopsy being done at that point
5 in time?

6 A. I did.

7 Q. Was Dr. Thomas able to tell you a number of things
8 regarding the cause of death at that time?

9 A. Yes, he was.

10 Q. Now, after attending the autopsy, what did you do?

11 A. After I left the autopsy, myself and two other
12 detectives went back to Park Pointe Village.

13 Q. What did you do there?

14 A. Went to walk the premise to see if we could find any
15 of the clothing that Ms. Cook was wearing.

16 Q. Where did you walk on the premises?

17 A. Pretty much all around the assisted living and
18 into -- I believe it was called the Willow Brook area,
19 which is the actual nursing home part of it -- to look in
20 the dumpsters and around back of any of the loading docks
21 or any of the other issues with it.

22 Q. Did you find anything in the dumpsters there?

23 A. No, sir. We even climbed into the trash compactor
24 from the entrance and reached as far as we could pulling
25 out items, since it would have been just the day or so

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 before, but was unable to find anything through there.

2 Q. Before you left on the night before, on the 13th,
3 did you again ask Mr. Petty to keep that room secure?

4 A. Yes, sir, I did.

5 Q. Was it secured still through Monday?

6 A. Yes, sir.

7 Q. And how about -- and I guess during the course of
8 this week, did you have them keep that room secure the
9 entire week?

10 A. Yes, I did. I actually kind of set them, I believe,
11 because it was all the water that had been in the carpet
12 and in the floors, they wanted to get someone in there to
13 be able to clean that out. But at the time, we kept them
14 from having anyone access to the room.

15 Q. Okay. Now, did you go through any of the wooded
16 areas around Park Pointe Village at that time as well?

17 A. Not at that time, no, sir.

18 Q. Was there a time that you did go back to the wooded
19 areas?

20 A. Yes, sir, I did.

21 Q. And do you recall when that was?

22 A. I believe it was in about the middle of December. I
23 think December 15th we actually went back and walked
24 through the area from the OBT, or Oakbridge Terrace, up
25 through the front entrance of it, which is out towards

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Highway 5, which is a small wooded area.

2 Q. Can you tell me, you had talked about the guard gate.

3 Is there any other public access to Park Pointe Village?

4 A. There was an access at the time, but it was chained
5 off. It's an access to Leach Road, which is a road that
6 runs behind Highway 5, and it kind of dead-ends around the
7 back of Park Pointe Village.

8 Q. And where is Leach Road in relationship to where
9 Ms. Cook lived?

10 A. You could see Ms. Cook's room from Leach Road.

11 Q. Okay. So it's fairly close, in other words?

12 A. Less than a hundred yards, I believe it was.

13 Q. Okay. And was that the area that was chained off
14 there?

15 A. Yes, sir.

16 Q. So cars couldn't get in necessarily through that --

17 A. Cars could not get in, no, sir.. But you could walk
18 around the -- because it was just -- I believe it was two
19 wooden posts with a chain draped across them.

20 Q. Anything at that time that would have prevented
21 anyone from walking through a wooded area or some other
22 place to walk on to the Park Pointe Village?

23 A. No, sir. We actually parked there the morning
24 that -- after the autopsy, when we walked on, that's how
25 we walked on.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. How about across the street from where the Park
2 Pointe Village entrance is? Are there other roads that go
3 off of Highway 5 there?

4 A. Yes, sir, there's a few other roads.

5 Q. So there's a number of roads around there that you
6 can pull off on that are near Park Pointe Village?

7 A. Yes, sir.

8 Q. Now, going back to Leach Road again, is Leach Road,
9 would you describe it as, like, a wide-open road that's
10 easy to see all around or is it fairly secluded?

11 A. It's rather secluded.

12 Q. And are there places you can park on Leach Road and
13 not be seen from anywhere on Park Pointe Village?

14 A. Yes.

15 Q. And is Leach Road a long road or a short road? You
16 said it was a dead-end road?

17 A. I don't know the exact distance of it, but it's not
18 that long. It kind of dead-ends toward a cul-de-sac where
19 there's quite a few mobile homes and houses down there.

20 Q. Would it take more than a few minutes to walk from
21 one end to the other?

22 A. No, sir.

23 Q. Now, when you'd gone back to Park Pointe Village that
24 Monday, what else did you do other than walking the
25 property and searching through some of the trash

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 compactors? And I know we've heard testimony of the very
2 large trash compactor. Did you actually search that one
3 that day?

4 A. That's the one I was speaking of that we climbed in
5 through the front side and could -- because of all the
6 trash and stuff being compacted in there, we were unable
7 to get but so far in that area. Climbed down in it to
8 pull it out.

9 Q. Was that the one that they went back to later and --

10 A. Yes, sir, it was.

11 Q. -- actually went through every bit of it?

12 A. It's the one at the kitchen, behind the kitchen.

13 Q. Were you involved in that as well?

14 A. Yes, sir, I was.

15 Q. What else did you do at Park Pointe Village at that
16 time?

17 A. I'll have to flip back through my notes.

18 Q. Sure.

19 A. I don't want to confuse the dates or anything. Went
20 back into the room at -- Ms. Cook's room just to do kind
21 of a once-over because it was nighttime, the night when we
22 were there the second time. Just to see if there was
23 anything around the nightstand or the bed area while it
24 was daylight to have a little more light in the room.

25 Q. And were you aware of when the forgery warrant was

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 taken out on the 14th?

2 A. I believe I was at Park Pointe when they took out the
3 forgery warrant on the 14th....

4 Q. All right. Now, did you go with the other -- how
5 long did you stay at Park Pointe Village that day?

6 A. I have to look at the exact time when I left. I
7 think it was sometime around lunchtime or shortly
8 afterwards when we had taken a telephone from the room.

9 And there was a few little spots on the phone that
10 appeared to the naked eye as blood. So I contacted the
11 forensic services unit to come, and I believe it was
12 Deputy Buchanan that checked the spots for me, and then he
13 just took the phone as well to check it for latent prints.

14 Q. Now, when you left there, were you involved, then,
15 with the service of the search warrant on the defendant's
16 apartment?

17 A. Yes, sir, I was.

18 Q. And when you arrived there, do you recall around what
19 time it was that you were there for the search warrant?

20 A. The -- when I got back to the office, they were
21 advising me that they had typed up a search warrant for
22 the checks and stuff at Ms. Walton's apartment and asked
23 me to go along with it. I believe it was around 3:00 or
24 so. We went and sat in the parking lot there for a moment
25 waiting because she was not at home, but then we hit the

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 search warrant at her house. And while we were there, she
2 showed up.

3 Q. Did you have contact with her when she showed up?

4 A. Yes, sir, I did.

5 Q. And what was that contact?

6 A. She was arrested by Ms. Blair, Officer Blair with
7 Rock Hill PD. And while she was sitting in the backseat
8 of Officer Blair's car, I Mirandized her.

9 Q. And can you tell me what you did to Mirandize her.

10 A. I read off of a Miranda card, giving her her rights
11 to remain silent if she wished.

12 Q. Do you have that Miranda card with you today?

13 A. I can check. I'm not sure if I have it today.

14 Q. Okay.

15 A. No, sir, I don't have it on me today.

16 MR. SMITH: Your Honor, I have no objection to the
17 incorporation of the pretrial reading by Detective Cantey.

18 THE COURT: Without objection.

19 Q. So you read those rights to her at that time?

20 A. Yes, sir, I did.

21 Q. Did you actually ask her any questions at that time?

22 A. No, I did not.

23 Q. Did you then just leave her there in the patrol
24 vehicle at that point?

25 A. That's correct.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Had you actually climbed in the patrol vehicle with
2 her when you read her the rights?

3 A. No, sir. She was sitting on the driver's side rear
4 passenger seat. I just opened the door and Mirandized
5 her, read her Miranda rights to her.

6 Q. So did you leave her alone at that point --

7 A. Yes, sir.

8 Q. -- with Officer Blair?

9 Was she then transported to the Rock Hill Police
10 Department?

11 A. She was.

12 Q. And what did you do following that?

13 A. When she got back to the Rock Hill Police Department,
14 myself and Officer Stokes interviewed her and took a
15 statement from her in reference to the checks.

16 Q. And when you met with her and Detective Stokes, do
17 you recall where that was?

18 A. At the Rock Hill Police Department. We have two
19 interview rooms. It was the larger of the two interview
20 rooms.

21 Q. All right. And who had the lead in that interview?

22 A. I did.

23 Q. And can you tell me, at that point how did you start
24 the interview?

25 A. I started off the interview by re-reading Ms. Walton

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 her Miranda rights. I had originally read them at
2 4:05 p.m., which I made note of. And when I walked in, I
3 read the Miranda rights off the computer screen because
4 it's like a Word document. At 4:45 p.m. started the
5 interview.

6 Q. Okay. And as you started the interview -- and I
7 believe if you look at State's Exhibit 113 up there next
8 to you.

9 A. Yes, sir.

10 Q. Is that an accurate copy of the statement that was
11 taken at that time?

12 A. Yes, sir.

13 Q. All right. And within this -- and we've heard
14 already these particular Miranda rights read. Is that how
15 you read them to them that day?

16 A. Yes, sir, it is.

17 Q. As Detective Stokes read them earlier?

18 A. Yes, sir.

19 Q. And how did the defendant respond when you read her
20 her rights at that time?

21 A. She stated she understood her rights. And then when
22 I read the waiver of her rights, she said she would speak
23 with us.

24 Q. So she indicated she would speak with you at that
25 time?

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 A. Yes, sir. And she later acknowledged them by
2 signing.

3 Q. And will you tell us the process of your interview,
4 how you handle your interview, whether you type as you go
5 along or afterwards. What do you do during the course of
6 the interview?

7 A. Kind of depends on the situation. I'm not a very
8 fast typer, so sometimes I'll take notes. And then that's
9 basically so I won't be distracted by trying to think of
10 what I'm typing or finding the keys on the keyboard. I'll
11 just handwrite all the notes out and then go back with the
12 person and while they're talking basically tell me the
13 story again. That's when I type them up, and I'm looking
14 back at my notes to see if there's anything that they
15 might be leaving out or that I might have forgotten on the
16 notes.

17 Q. And is that how you conducted the interview with
18 Braquette Walton?

19 A. Yes, sir, it is.

20 Q. And so as she told you what had happened, you wrote
21 notes and then ultimately transferred that on to the
22 statement?

23 A. Yes, sir. And I was asking her to basically retell
24 me the whole story while I was typing it up.

25 Q. Okay. Now, as you went through the statement with

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 her, when you were all done, how do you go about having
2 her look at it and then sign it? What was your process
3 with Ms. Walton?

4 A. When I first get this printed off after we've
5 concluded it, I bring this back in front of her and I
6 advise her that the first part here is the part that I
7 just read to her advising her of her rights, and I place
8 an X there and ask her to sign her name there. Once she
9 signs that, I witness it.

10 I then advise her that the second part here is the
11 waiver of the rights. I place an X by where she is to
12 sign, and she signs it. Then I witness the signature.
13 Then I ask her to please read the statement and if there's
14 any part of the statement that is not to her liking or not
15 like how it happened, if she would please mark it and we
16 could fix it and then reprint another copy of it.

17 Q. All right. Did she wish to change anything in her
18 statement?

19 A. No, sir, she did not.

20 Q. Did she sign the Miranda areas there on the
21 statement?

22 A. Yes, she did.

23 Q. Did she also sign the statement itself?

24 A. Yes, she did.

25 Q. And is there anything you do specifically around the

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 signature of the statement?

2 A. Yes. Every time I do a statement of people, I ask
3 them to please draw a line from the last part of their
4 name all the way to the last period on the last line so
5 there can't be any question or anything of anyone going
6 back and adding any other sentences to it or anything else
7 to the statement. So I ask them to draw a line and place
8 their initials across the line.

9 Q. Did she do that in this case?

10 A. Yes, sir, she did.

11 Q. And did she also sign the affidavit page on the back?

12 A. Yes, sir, she did.

13 Q. And did you know when the interview had occurred or
14 when the interview had taken place on this statement?

15 A. I usually put the time when the interview concludes.

16 At 7:56 p.m.

17 Q. So that's when it concluded?

18 A. Yes, sir.

19 Q. Now, you had said you started at what time again?

20 A. 4:45 p.m.

21 Q. And where do you have that written down?

22 A. On my notes.

23 Q. All right. Now, at the time of the defendant's
24 arrest, when she was at her apartment, did you have an
25 opportunity to collect any evidence from her at that time?

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 A. From her, the -- her pocketbook was taken basically
2 so she can't make any phone calls or anything like that in
3 case her phone is inside her purse while in the back of
4 the police car. And then later the phone was taken out of
5 her purse.

6 Q. So her cell phone was seized at that time?

7 A. Yes, sir.

8 Q. And it was in her purse; is that correct?

9 A. Yes, sir.

10 Q. Now, if you would, I believe you have a State's
11 exhibit here. If you would look from your records --
12 sorry, I'm going to have to flip through a few things
13 here.

14 Now, as part of the statement that you took from
15 Ms. Walton, did she give you her phone number as well?

16 A. Yes, sir.

17 Q. And did that ultimately match with the number of the
18 phone that you recovered?

19 A. Yes, sir.

20 Q. If you would -- this is State's Exhibit Number 90.

21 If you would write in State's Exhibit Number 90 Braquette
22 Walton's name and her phone number as she gave it to you.

23 THE COURT: Wait one second. Do you have an
24 objection to him writing on an exhibit that's already in
25 evidence?

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 MR. SMITH: No, Your Honor. It's not my normal
2 practice, but I'll say no.

3 THE COURT: Okay. Without objection.

4 THE WITNESS: Thank you, sir.

5 Q. If you would for the record read out her name and --
6 or the signature -- her phone number that you recorded.

7 A. Braquette Wykina Walton, (980)253-0066.

8 Q. Thank you.

9 Now, Detective, going back just briefly to the
10 statement that Ms. Walton gave. She refers in that
11 statement to kind of a ledger. Did she write for you what
12 she meant by that? Did she describe that to you?

13 A. She described it for me at first, and then I asked
14 could she please draw it out for me, what it looked like,
15 and the pad that I was writing on, I flipped over to the
16 next page and handed her a pen and the pad, and that's
17 what she draw -- wrote out.

18 Q. This is State's Exhibit 116. You can look at that.
19 Is that the paper that she wrote on?

20 A. Yes, sir, it is.

21 Q. Is that her writing?

22 A. Yes, sir, it is.

23 Q. Has it been altered or changed since she wrote it?

24 A. No, sir, it's not.

25 MR. THOMPSON: Your Honor, I'd ask permission for the

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 witness to step down and publish this to the jury.

2 THE COURT: That already in evidence -- you may.

3 MR. THOMPSON: Yes.

4 Q. If you would come down, Detective, and if you would
5 describe to the jury -- if you could stand up so you could
6 show them, but describe to them as well exactly what she
7 explained to you as to what all this was.

8 A. I asked her what the tablet ledger she was speaking
9 of looked like and what exactly was on the ledger. She
10 drew an X and a line, an X and a line, and then wrote date
11 and drew a line beside it, CK number for check number,
12 drew a line beside it, and then signed and then a line and
13 drew the line down, separating into a separate column.
14 Then return date, amount, and then signed again with
15 another line beside it. Then I asked her where her
16 signature would be on here. And she initialed there and
17 initialed there, and then she put her signature here on
18 the bottom line. I was like, "Well, whose signature would
19 go here at the top?" She said Ms. Cook's. "Well, would
20 you please put it like Ms. Cook would do on there," and
21 she drew the name or wrote the name out, Pauline Cook, at
22 the top of it.

23 Q. All right. So she said there's this ledger that
24 exists that Ms. Cook could keep on these things?

25 A. That's correct.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. And you can go ahead and have a seat.

2 Looking at her statement, I believe she said that it
3 was just that -- was it that Friday morning that the last
4 payment was that she gave?

5 A. I believe it was, when she got off work, but she
6 said she did not have time to sign it. If I remember
7 correctly.

8 Q. Because she was running late; is that --

9 A. Yes, sir, I believe it was.

10 Q. During the course of this interview, did you or
11 Detective Stokes at any point discuss the murder case with
12 her, any of the facts of the murder case?

13 A. No, I did not.

14 Q. Did you let her know about anything regarding Pauline
15 Cook as far as her death goes?

16 A. No, I did not.

17 Q. Were these discussions solely about the checks
18 themselves?

19 A. Yes, they were. I actually -- after I wrote that
20 out, I asked her to -- would Ms. Cook be able to confirm
21 that, and she told me yes, and then she said that where
22 they were was in the walker thing, again, or in the purse.

23 Q. And that's in the statement, that she had kept the
24 ledger in her purse or in the walker, in the walker seat?

25 A. Yes, that part of it is in there. That's correct.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Did you actually go back after this to look in her
2 purse and the walker seat?

3 A. I did.

4 Q. What did you find?

5 A. There wasn't a ledger of any type anywhere in the
6 apartment that I could find. I looked in Ms. Cook's purse
7 that was still in the room as we had left it hanging off
8 of the walker, and then I flipped up the seat of it, which
9 had a small basket-type bag underneath it, and was unable
10 to find any type of ledger in there either.

11 Q. Did you also look through the desk and things like
12 that within the room?

13 A. I did.

14 Q. And was there anything looking or resembling the
15 ledger that she wrote?

16 A. There was not.

17 Q. As you looked through the purse, did you find
18 anything check related at that time?

19 A. Yes, sir. There was some checkbooks in Ms. Cook's
20 purse, and there was also a checkbook in the dresser-type
21 item where the nightgowns were. It was the top drawer of
22 it.

23 Q. Okay. And did you note which checks were still in
24 those books?

25 A. I did.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. And if you would relate to us which checks were still
2 in those books.

3 A. Inside the purse was a book that had check numbers
4 1957 through 1960. And there was also a checkbook that
5 had 1920 through 1930 in it, and the checkbook that I
6 found in the dresser or bureau was 1991 through 2 -- or
7 2020.

8 Q. So each of these books had had checks taken from
9 them, in other words?

10 A. Yes, sir, there had been checks used out of them.

11 Q. As part of your investigation, did you try to
12 determine whether anything had actually -- other than the
13 linens and the clothing that she had worn, if anything of
14 other value, like jewelry or anything like that had been
15 taken from the room?

16 A. As I was walking around the premises talking to
17 employees, the driver -- and I cannot recall his name at
18 the moment -- of Ms. Cook, he drives them to the doctor's
19 office or wherever they need to go, asked me did I find a
20 certain ring in room that he said she always wore any time
21 she was with him. And I drew out a diagram of what he
22 said the ring looked like, and it was -- I believe he said
23 it was like a ruby-colored ring. And when I went back
24 into the room, I could not find anywhere in the room and I
25 later -- when I asked the family, they said that there

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 were no jewelry missing from her room.

2 Q. So they ultimately found it?

3 A. Yes, sir. That was at a later time, when I asked
4 about the family.

5 Q. But as far as you could tell, then, nothing in the
6 room had actually been stolen other than the linens and
7 the --

8 A. No, sir. The room appeared to be very orderly. She
9 wore it, I believe, on her right hand. I made note of.

10 Q. Now, you heard the discussion about the forgeries,
11 some of which were passed in Rock Hill and Tega Cay.

12 A. Yes, sir.

13 Q. Are both Rock Hill and Tega Cay in York County?

14 A. Yes, sir, they are.

15 Q. Are you familiar where the Walmart is in Tega Cay?

16 A. Yes, sir. It's between Fort Mill and Tega Cay.

17 Q. And the Walmart we discussed earlier, I believe in
18 State's Exhibit Number 109. If you would kind of show us
19 briefly where that is located on that map.

20 A. It's in this area up here.

21 Q. What is it next to?

22 A. This has Carlos Cafe there. I believe Carlos Cafe is
23 the little small strip mall right beside where the Walmart
24 is. I believe it moved into one of the butcher shops that
25 was up there.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. So it's right near Carlos Cafe on that map?

2 A. Yes, sir, it's close there.

3 Q. Thank you.

4 Once again looking at the statement that you had
5 taken from Braquette Walton, she seems to mention in it
6 something about having wiped down the interior of her car
7 that Sunday morning.

8 A. That's correct.

9 Q. Had you told her anything about looking in her car or
10 wanting things out of her car?

11 A. No, sir.

12 Q. Okay. Had you told her anything about thinking that
13 she might have taken something in her car?

14 A. No, sir.

15 Q. Was that something she just said during the course of
16 the interview?

17 A. Yes, sir.

18 Q. Was she asked specifically about that by you or by
19 Detective Stokes?

20 A. No, sir.

21 Q. All the personal information on this statement, did
22 you get that directly from the defendant?

23 A. Yes, sir.

24 Q. As you were able to gather some of this information
25 regarding some of the check stuff and this first

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 statement, did you relay some of that to Detective Dugan
2 as well?

3 A. I did. I actually gave him a copy of this statement.

4 Q. And after the statement was given -- and, as you
5 said, the statement ended at 7:56 p.m. -- what did you do
6 for the rest of that day on the 14th or -- yeah, the
7 14th?

8 A. I actually went home that day.

9 Q. All right. What was your day like on the
10 15th regarding this case?

11 A. The 15th was making calls to Mr. Petty, trying to
12 get information in reference to Ms. Walton's work
13 schedule, printouts of, as well as due to the statement in
14 there of her speaking of going and meeting with a person
15 named Jackie and a person named Marvin, asked for their
16 work schedule to see if they were at the premises on the
17 night of Ms. Cook's death. And we also worked on getting
18 search warrants. I believe Detective Stokes got the
19 search warrants on that Tuesday.

20 Q. And did you actually speak with Marvin on that
21 Tuesday, do you recall?

22 A. No, I did not. It was actually on the -- I believe
23 it was the Thursday I spoke to Marvin.

24 Q. So the 16th is when you spoke with Marvin?

25 A. Yes, sir.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Did you physically take a statement from Marvin at
2 that time, or you just have an interview with him at that
3 time?

4 A. Just talked to him while he was there. It was
5 unfortunately right around lunchtime, so they were
6 extremely busy trying to get things going for that. And
7 it was talking to them while he was working because they
8 were either shorthanded or they just needed his
9 assistance.

10 Q. And did you get any information from Marvin at that
11 point in time?

12 A. Yes, I did.

13 Q. And did you have him sign any sort of waiver form or
14 anything like that?

15 A. I asked him could we go through his phone because he
16 had made comments of -- say he had called Ms. Walton on
17 that Saturday and spoke to her again on Saturday night,
18 Sunday morning, and I asked him could we go through his
19 phone and get the records of that. He agreed to it. I
20 asked Detective Chavis to come and bring a consent to
21 search with him because I had kind of ran out of mine over
22 the last few days.

23 Q. All right.

24 A. And see if he could download his phone.

25 Q. Did Chavis fill out the consent-to-search form?

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 A. Yes, sir.

2 Q. And I think we had heard earlier that it said "real
3 property" on it.

4 A. Yes, sir.

5 Q. Was that a mistake?

6 A. Well, it wasn't his residence there, so that's why he
7 circled the real property. And they just put where it was
8 located, which was at -- Mr. Marvin Lawrence and his phone
9 was at Park Pointe Village,

10 Q. So it was the fact that you were talking to Marvin in
11 Park Pointe Village that you put the address of Park
12 Pointe Village?

13 A. Yes, sir.

14 Q. So that wasn't giving you permission to search Park
15 Pointe Village but permission to look at his phone?

16 A. That's correct.

17 Q. Did you actually get a chance to sit down and go
18 through his phone then and kind of see what numbers were
19 in it and who had called where?

20 A. Well, Officer Chavis was unable to get the system
21 that we use to work with Mr. Lawrence's phone. It was
22 more of one of the kind of like free phones that you get
23 from a phone carrier. It was on the lower end, and it
24 would not work with the Cell Ride (phonetic). It was
25 unable to download anything off of it. So I had to

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 physically go through and write down the dates and times
2 and phone calls.

3 Q. Okay. Now, going back again to the 15th, did you
4 have any involvement with the second statement that the
5 defendant gave on the 15th?

6 A. No, sir, I did not.

7 Q. Had you intended to have some involvement with that?

8 A. Yes, sir, I did.

9 Q. Tell me what happened.

10 A. As I was getting ready to walk into the room, because
11 there's two entrances to it -- one from the hallway, one
12 from the detectives division -- Detective Stokes walked in
13 earlier before I did, and he walked out and made a comment
14 to me that "She doesn't want to talk to you. She wants to
15 talk to me. She says you're mean." Shocked me because
16 our conversation the whole day of when we took the first
17 statement on Monday was completely cordial.

18 Q. Was there any yelling on Monday?

19 A. No, sir.

20 Q. Pounding of fists, anything like that?

21 A. No, sir. None of that.

22 Q. Did you get teased for her having said that to you by
23 the other detectives?

24 A. Actually, I did. I'm more of the "you catch more
25 flies with honey" type person than you do just being angry

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 with people, so it didn't work out too well for me on that
2 end, I guess.

3 Q. So as the case agent, you decided, what, not to try
4 to do any more interviews with Ms. Walton?

5 A. I decided just to keep from jeopardizing any other
6 part of the case or her not want to talk to me. I didn't
7 want to have any other part of the interviews with it.

8 Q. Okay. Now, is there anything else on the 15th that
9 we should be aware of that you were doing involving the
10 case at that point in time?

11 A. The search warrant for the telephones were done and
12 came back on the 15th for the telephone records.

13 Q. And that's for the defendant's cell phone?

14 A. Yes, sir.

15 Q. Are those some of the AT&T records?

16 A. Those were the AT&T records, yes, sir.

17 Q. Did you go through those AT&T records?

18 A. Yes, sir. Later in the afternoon, when they were in
19 the -- interviewing Ms. Walton, since my job had kind of
20 got taken from me, I decided to go through the records the
21 best I could with it and try to match up from her phone as
22 well as the records to what phone numbers were what.

23 Q. All right. And did you make a record of her phone
24 calls, combining the names and numbers on her phone with
25 the names and numbers -- or the numbers and times on the

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 AT&T report?

2 A. Yes, sir.

3 Q. Show you State's Exhibit Number 117. Can you tell me
4 what that is.

5 A. It's the list of phone calls that I compiled. Says
6 phone calls to/from Braquette W. Walton. (980)253-0066.

7 Q. Did you try to basically summarize all the phone
8 calls between a certain time or during a certain time
9 period on this list?

10 A. Yes, sir.

11 Q. And how many pages is this?

12 A. Four pages.

13 Q. When did you start? What was the first call you
14 started with on your summary?

15 A. From the phone call that we knew had gone through
16 after 11/12/2011, 3:00 p.m., Marvin Lawrence,
17 (803)572-7948, calls Braquette Walton. Lasts 0000
18 seconds.

19 Q. And then what was the last call you listed on this?

20 A. The very last phone call?

21 Q. Yes.

22 A. 11/13/2011 at 9:11 a.m., Braquette Walton calls
23 Edward Blackwell, (803)524-5365.

24 Q. So in using this, are some of the names on this --
25 obviously the AT&T records don't necessarily have names.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Do those names, some of those come from the cell phone of
2 the defendants?

3 A. Yes, sir.

4 Q. And can you tell me, obviously that first one was of
5 interest because that was Marvin, correct?

6 A. Yes, sir. When we talked to Marvin on the -- I
7 believe it was the Thursday. I believe that's the
8 15th -- he advised that he had called Braquette Walton.

9 Q. Now, did you create this list to basically kind of
10 help summarize this period of time and the phone calls?

11 A. Yes, sir. Because looking at 20 pages of phone
12 records is -- the font on them was rather small. It's
13 kind of difficult.

14 Q. All right. Is this accurate as to what the phone
15 records from her phone and from -- as far as the summary
16 goes and from what AT&T --

17 A. Yes, sir, to the best of my knowledge. Yes, sir.

18 MR. THOMPSON: Your Honor, I'd ask to enter this into
19 evidence at this time.

20 MR. SMITH: No objection.

21 THE COURT: In without objection.

22 (State's Exhibit Number 117 was admitted.)

23 Q. Detective, looking now on the exhibit that you have
24 before you, tell us, you had mentioned this first call
25 from Marvin Lawrence. When was the next -- what was the

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 next thing on that phone after the 3:00 phone call from
2 Marvin Lawrence?

3 A. 3:00 p.m., Braquette Walton calls her voice mail
4 after Lawrence has called. Lasts 52 seconds.

5 Q. All right. And at that point does Marvin Lawrence
6 call again?

7 A. Yes, sir.

8 Q. And what does that -- can you tell us that one.

9 A. That one lasts about 52 seconds as well.

10 Q. As you go down looking through these, is there a time
11 again then after that that she calls Marvin Lawrence?

12 A. She called the voice mail again. Calls Mr. Pearson.

13 On 11/12/2011 at 3:21 p.m., Braquette Walton calls Marvin
14 Lawrence (803)572-7949. Call lasts 5 minutes, 28 seconds.

15 Q. Have you been able to confirm this number with Marvin
16 Lawrence with the number -- from you looking at his phone?

17 A. Not at the time this was made, but yes, on the
18 Thursday when I talked to Mr. Lawrence and got his
19 information. Yes, sir.

20 Q. So you have confirmed that his phone is the one
21 that's listed as Marvin Lawrence within her phone?

22 A. Yes, sir.

23 Q. Now, if you'll go to the phone call that happened on
24 November 12, 2011, at 3:51 p.m. and tell us what that
25 phone number was.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 A. 11/12/2011, 3:51 p.m., Braquette Walton attempts to
2 block her number and call Pauline Cook's phone,
3 (803)324-4060. Call doesn't go through.

4 Q. Okay. And did you confirm -- how did you confirm the
5 phone number of Pauline Cook?

6 A. Through Park Pointe Village.

7 Q. Okay. Was it listed as Pauline Cook or have any
8 identifying information on her phone?

9 A. No, sir. I didn't know who it was until I contacted
10 Park Pointe Village.

11 Q. So it was just the number on her phone, in other
12 words?

13 A. Yes, sir.

14 Q. No name attached to it?

15 A. That's correct.

16 Q. And how would you know that the call was attempted to
17 be blocked at that point?

18 A. On the phone records it showed -- I believe the first
19 number she tried there was A67, basically being star 67,
20 and then tried to dial the number out from there, but for
21 some reason it did not go through.

22 Q. What does it mean, then, to block it as you make a
23 call? What's she attempting to do?

24 A. Won't show up on anyone's caller ID.

25 Q. So if Ms. Cook looked at caller ID on her phone, she

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 wouldn't see who it was?

2 A. That's correct:

3 Q. Did she attempt to reach Ms. Cook again?

4 A. Yes, sir, she does. Basically does the same thing.

5 I think the first time she did it, she had trouble

6 entering the number. Second time it went through.

7 Q. Okay. And that call was when?

8 A. 3:52 p.m., Braquette Walton calls Pauline Cook's

9 phone, (803)324-4060. Call lasts 0.03 seconds.

10 Q. So basically a hangup call at that point?

11 A. Yes, sir. That's what I took it as.

12 Q. And through this were you able to confirm the hangup

13 calls to Park Pointe Village that occurred during the time

14 that Ms. Cook was killed?

15 A. Yes, sir. The OBT, Oakbridge Terrace, is -- the

16 phone calls start there on 11/12/2011 at 9:25 p.m.

17 Q. And she's as well -- did you confirm the Oakbridge

18 Terrace number with Oakbridge Terrace?

19 A. Yes, I did.

20 Q. Thank you, Detective. That's all we'll go over at

21 this point on those records.

22 As you're doing this -- I imagine this took a little

23 while for you on the 15th to get that accomplished.

24 A. Yes, sir.

25 Q. What else, if anything, did you do on the

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 15th regarding the case then at that point?

2 A. Don't recall very much else going on after the
3 statement and stuff --

4 Q. Okay.

5 A. -- from -- that was done.

6 Q. All right. So then on the 16th, what was your
7 involvement, then, with the case? What area are you
8 working on at this point?

9 A. The 16th was a Wednesday. Excuse me. Went to Park
10 Pointe Village. Met with Ms. Neva Lattimer. She was
11 saying -- was concerned that some of the employees there
12 seemed to know too much information since we were trying
13 to keep everything hush-hush about any foul play being
14 involved with Ms. Lattimer -- I mean Ms. Cook's death.
15 She seemed to be concerned about it, so I began to ask
16 several of the employees. And most of it was just -- it
17 seemed to be just gossip.

18 Q. And then did you also -- is that the time that you
19 went -- you say you'd gone back to Park Pointe Village.
20 Was the room still secured at that time when you went
21 back?

22 A. Yes, sir.

23 Q. Did you go in the room -- is that when you searched
24 for the checks and things of that nature at that point?

25 A. Yes, sir.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. And for the ledger and that sort of thing?

2 A. Yes, sir.

3 Q. Do anything else at Park Pointe Village at that time?

4 A. That's when I found out about the ring. Found out
5 Ms. Teresa Stagner's work schedule. Confirmed -- spoke to
6 Mr. Marvin Lawrence then, got the information from his
7 phone.

8 Q. Ultimately after collecting all this information,
9 were you then able to obtain a warrant for Ms. Braquette
10 Walton's arrest for murder?

11 A. Yes, sir.

12 Q. All right. And when did you obtain that warrant?

13 A. On the date of her arrest. I believe that was on the
14 17th.

15 Q. Did you serve that warrant yourself?

16 A. No, sir, I did not.

17 Q. Now, were you made privy to the statement that was
18 given the 15th, the second statement? Did Detective
19 Stokes give you a copy of that after it had been done?

20 A. Yes, sir.

21 Q. And as case agent, while you weren't in with the
22 third statement, were you given a copy of that immediately
23 after it was done as well?

24 A. Yes, sir. Then they gave me their interview
25 follow-ups also.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Now, as the case agent, are you also charged to kind
2 of decide what things should be tested within a case?

3 A. Yes, sir.

4 Q. And tell us your thought process on this and what you
5 ultimately had tested and why.

6 A. I'd have to look back to the SLED submittal. The
7 reason of the choice of what was sent to SLED for testing,
8 from looking at the room, it appeared that the crime scene
9 had pretty much been staged the way it was. Cleaned up,
10 made to look like an accident. Just looking through the
11 naked eye did not see any blood or any things out of the
12 ordinary besides the fact of the sheets missing from the
13 bed that day or the pillows missing. By Ms. Cook -- by
14 Ms. Walton being a CNA, trained to clean up blood spills
15 or any type of things that happened inside --

16 MR. SMITH: Objection. Calls for speculation.

17 THE COURT: I sustain the objection.

18 MR. THOMPSON: All right. Your Honor, it is the
19 basis for why he made his decision to send things to SLED.

20 THE COURT: I understand, but I sustain the
21 objection.

22 Q. All right. Then if you would, before we go further
23 on this, let me ask you one other thing regarding that
24 first statement when you sat down with Ms. Walton on the
25 afternoon of the 14th. Did Ms. Walton have any visible

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 injuries to you?

2 A. No, sir, she did not.

3 Q. Any scratches? Band-Aids --

4 A. No, sir.

5 Q. -- on her hands? On her face? Anything like that?

6 A. Not that I made note of or recall.

7 Q. And had you released -- prior to her arrest and her
8 final statement, had you or the Rock Hill Police
9 Department released any detailed information about what
10 had happened in this case?

11 A. No, we had not.

12 Q. Had you released anything that there was a staged
13 crime scene or anything of that nature?

14 A. No, we had not.

15 Q. Released anything regarding the autopsy results or
16 anything of that nature?

17 A. No, we had not.

18 Q. Going back, tell us what you did deliver to SLED and
19 what your thoughts were as to why you delivered those
20 things.

21 A. The items that were submitted to SLED were fingernail
22 clippings from the left hand and from the right hand of
23 Ms. Cook, DNA swabs from Ms. Cook's nose and -- from both
24 nostrils and from the mouth, a set of keys that had
25 possible blood on all keys and the attachment.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. What keys were those?

2 A. The keys from Ms. Walton's vehicle.

3 Q. Were those obtained at the time that she was
4 arrested?

5 A. They were -- a vehicle was driven to the warehouse,
6 where the search warrant was later conducted on it, and
7 they were taken during the search warrant.

8 Also a buccal swab from Ms. Walton, a swab from
9 Ms. Walton's fingernails, and vials of blood standard for
10 Ms. Cook.

11 Q. Now, a buccal swab is simply a swab within the cheek,
12 of the mouth, correct?

13 A. That's correct.

14 Q. So that's just the standard for DNA as well?

15 A. Yes, sir.

16 Q. Now, you said her vehicle was driven. Was it driven
17 or was it towed over to the --

18 A. I believe it was towed over there. I actually have
19 the tow slip. I misspoke on that.

20 Q. Now, as a detective, what, if anything, does it tell
21 you if Ms. Cook's fingerprints were -- I'm sorry,
22 Ms. Walton's fingerprints were in Ms. Cook's room?

23 A. It wouldn't have shown very much at all. She was an
24 employee there, a CNA. She would have had access to the
25 room in assisting Ms. Cook.

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. What, if any, indication did you have that anyone
2 other than Ms. Cook had been bleeding?

3 A. Had no indication.

4 Q. No indication of?

5 A. Anyone besides Ms. Cook.

6 Q. So if you were to test the swabs within the room,
7 what would you expect them all to be?

8 A. Ms. Cook's blood.

9 Q. Were you present when the car was actually searched
10 at that time?

11 A. Yes, sir, I was.

12 Q. All right. Did you see what they were looking at
13 during that period of time?

14 A. Yes, sir, I did.

15 Q. And do you recall -- they mentioned an earring. Do
16 you recall where that was within the car?

17 A. I have to look at the evidence. I believe it was
18 underneath one of the seats.

19 Q. As in on the floor under the seats, or where on the
20 seat?

21 A. I believe it was on the floor underneath the seats,
22 but give me just a moment. A diamond stud earring under
23 the backseat passenger side of a Ford Focus. So it was
24 underneath the rear bench-style seat.

25 Q. In order to get under that seat, what did they have

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 to do?

2 A. Remove the seat.

3 Q. So they had to, like, lift the seat up itself?

4 A. Yes, sir, take it out of the vehicle.

5 Q. Is there actually, like, a floor? Like if you were
6 sitting in the seat, can you reach under the seat?

7 A. No, you can't.

8 Q. So they literally popped the seat up, and that's
9 where that piece of jewelry was?

10 A. Yes, sir.

11 Q. Did it look to be nice jewelery?

12 A. No, sir.

13 Q. And actually was it a pierced earring?

14 A. I believe it was a stud.

15 Q. A pierced stud?

16 A. I believe it was a -- yeah, the post style.

17 Q. And did Ms. Cook, did she have pierced ears?

18 A. I don't recall her having pierced ears.

19 Q. And once again, the family, did they indicate if
20 anything had been taken from her room?

21 A. No, sir.

22 Q. Did you note as well during the time that they had
23 some of the hairs from the seat where they were on that
24 seat?

25 A. The -- the hairs that were taken were hair, backseat,

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 bottom of the bottom of the seat of the Ford Focus.

2 Driver's side seat bottom under the Ford Focus -- a Ford
3 Focus and gives a tag number. Also a hair, driver's side,
4 backseat of Ford Focus.

5 Q. All right. So they were under the seats; is that
6 correct?

7 A. That's what it says here.

8 Q. So -- and the backseat would have had to be picked up
9 in order to find that; is that correct?

10 A. That's correct.

11 Q. Okay. What indication did you have as the detective
12 in the case as to the likelihood of hairs being in that
13 car from this case?

14 A. Well, after the third statement -- and I didn't
15 submit the stuff to SLED. I believe it wasn't until
16 January. After the third statement, Ms. Cook stated that
17 she placed everything in a plastic bag --

18 THE COURT: Ms. Cook?

19 A. Correction. Ms. Walton stated that she took
20 everything from Ms. Cook and placed in a plastic bag.
21 You're not going to have anything falling outside of the
22 plastic bag -- a trash bag that you'll pull up.

23 Q. And after that last statement, I believe you had
24 already mentioned about searching through the major
25 dumpster. That came as a result of that last statement

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 too?

2 A. Yes, sir. Actually, it was while the last statement
3 was being -- going through the interview when she made
4 that comment to them, to the officers about the -- it
5 being all in the trash compactor by the dumpster. Myself
6 and quite a few other officers went out to Park Pointe and
7 unfortunately had to take the end cap off and dig all the
8 way through the whole trash compactor. Going through all
9 the trash.

10 Q. Had it been emptied since the time of the crime?

11 A. No, sir, it had not. We had asked Mr. Petty to halt
12 all pickup of any trash from the facility.

13 Q. After the interview with the defendant, that last
14 interview, did that spark looking through any other trash
15 as well?

16 A. Yes, sir. We attempted to look through the trash at
17 the Burger King, but unfortunately it was several days
18 later. Burger King has -- the Burger King on Rawlinson
19 Road has their trash picked up by a service, and they'd
20 already picked it up earlier that week and could not tell
21 me where the trash was. They said placed on a transport
22 unit and either in Charlotte or in the York County dump.

23 Q. And I think we might not have covered this
24 completely. When you were telling us what was actually
25 sent to SLED, what specifically were you hoping to glean

ALLEN CANTEY - DIRECT EXAMINATION BY MR. BRACKETT

1 from that? What was the thought process you were using in
2 trying to get those things tested?

3 A. The swabs of Ms. Cook's nose and mouth, hoping to
4 have Ms. Walton or anyone else's DNA. No DNA came back
5 but Ms. Cook's. And the keys we were hoping to have --
6 when it showed the blood on it, hoping it would be related
7 to Ms. Cook's, but the results came back inconclusive.
8 Said Ms. Cook's -- it was -- Ms. Cook was ruled out, but
9 it was inconclusive on whether it was Ms. Walton's blood
10 or not.

11 Q. And could you actually see blood on those keys when
12 you --

13 A. No, sir, I could not. It was through the BlueStar is
14 how they observed anything.

15 Q. And there's no way to tell how old that might be?

16 A. No.

17 MR. THOMPSON: Court's indulgence, Your Honor.

18 Q. And just one thing before I stop. In that summary,
19 the number you confirmed for Pauline Cook, if you would
20 give that number, please. Read it out loud.

21 A. Forgive me. I have to find it again.

22 Q. I think it's in State's Exhibit 117 up on the bar.

23 A. (803) 324-4060.

24 Q. All right. Thank you, Detective.

25 MR. THOMPSON: No further questions.

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 MR. SMITH: May it please the Court.

2 CROSS-EXAMINATION

3 BY MR. SMITH:

4 Q. Detective Canrey, you've been in detective division a
5 couple years now?

6 A. Yes, sir.

7 Q. And before that you spent a lot of time in narcotics?

8 A. Yes, sir.

9 Q. So Leach Road has some significance for you?

10 A. Yes, sir.

11 Q. That's an area you had been to a bunch because of
12 your work in narcotics. Fair to say?

13 A. Yes, sir.

14 Q. And Leach Road where you turn off of Highway 5, is it
15 paved where it begins or is it gravel?

16 A. I believe it's paved.

17 Q. But then as you get on down toward the part that
18 would be back behind Park Pointe Place, does it become
19 gravel or dirt?

20 A. It's been a while since I've been back there, but I
21 believe at one time it was gravel as you speak. But I
22 believe it also is paved now.

23 Q. So in the course of your investigation of this as the
24 case agent, you didn't go down Leach Road and look to the
25 backside of Park Pointe Place?

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 A. No, sir.

2 Q. Were you able to review any photographs of it?

3 A. Of Leach Road?

4 Q. Or the overall area.

5 A. No, sir.

6 Q. How about the weather conditions for that evening?

7 Were you able to check those and determine what the

8 weather would have been?

9 A. I don't recall checking them.

10 Q. So on the morning of the -- is it the 13th? --

11 there's a 911 call -- I'm sorry, the 12th -- 911 call

12 around 8:33; is that correct?

13 A. I believe that's correct, sir.

14 Q. All right.

15 A. I believe it was 7:00 something or 8:00.

16 Q. Okay. And then you arrive at 9:40 a.m.; is that

17 right?

18 A. Yes, sir.

19 Q. At that point are you able to determine that whomever

20 you believe to have caused whatever happened to Ms. Cook

21 is no longer on the property?

22 A. No, I have not. The only appearance was that

23 Ms. Cook had been dead for a while due to the rigor that

24 had set in.

25 Q. And then at some point you began to suspect something

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 is not right?

2 A. Yes, sir.

3 Q. Did you call out K9?

4 A. No, sir, I did not.

5 Q. Now, you mentioned notes, and you've taken a lot of
6 notes in this case; is that right?

7 A. Tried to, yes, sir.

8 Q. And bear with me, and I'll let you flip through. The
9 copies I have have got numbers, but they probably don't
10 correspond to any numbers that you have. But just for
11 example, you've got a note where it indicates you talked
12 with Kayla Larson. If it helps, there's two lines in the
13 middle.

14 A. Would that be this thing, sir? Does that appear to
15 be the same?

16 Q. No.

17 A. Yes, sir.

18 Q. And you were able to verify that -- and it says there
19 "last saw 9:00-9:30 P," and I assume that that means you
20 learned Ms. Larson had last seen Mrs. Cook between 9:00
21 and 9:30 p.m.; is that correct?

22 A. Yes, sir.

23 Q. And then says question mark --

24 A. She was unsure about that.

25 Q. -- 9:20.

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 A. 9:20 is when she clocked -- as you see above it where
2 the line stops, it says "clock out." She said she clocked
3 out at 9:20.

4 Q. And then there's another note. And I know you said
5 you had done a summary, but you had a note of Marvin's
6 phone?

7 A. Yes, sir.

8 Q. Was that done -- is that what you used to create the
9 summary that you introduced?

10 A. That was done on the -- from Marvin's phone was on
11 the day that -- when we spoke to him and he signed a
12 consent for his phone. That's why -- if you actually look
13 at your photocopy, it's a different style paper than the
14 other ones. Almost a smaller pad that I had with me at
15 the time.

16 Q. Got you. And so you were able to jot these note
17 down --

18 A. Yes, sir, as I --

19 Q. -- as you looked at this physical phone?

20 A. As I flipped through his phone. Yes, sir.

21 Q. Did you review his texts as well?

22 A. He stated that he did not have his text messages
23 saved. Stated that it was a -- only kept them for a short
24 period of time, so he just deleted them when he got them.

25 Q. Because he said he didn't have enough memory?

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 A. Yeah.

2 Q. But this would have just been a day or two after the
3 incident, correct?

4 A. Yes, sir.

5 Q. So some of these texts wouldn't even have been 24
6 hours old?

7 A. That's correct.

8 Q. And they had been deleted, at least he claimed?

9 A. Yes, sir.

10 Q. Did you make any attempts to take that phone to
11 someone to have them search to verify or look for those
12 texts?

13 A. That's what the system that we tried to plug up to it
14 does, and it was unable to burn anything off the phone.

15 Q. And then I'll refer you to another page of your
16 notes. And it has sort of two large circles drawn in the
17 middle.

18 A. Yes, sir.

19 Q. Are you aware of that page?

20 A. Yes, sir.

21 Q. And in here it says "SLED lab items," and it
22 indicates headboard, spread, keys, fingernails, and
23 suspect DNA swab; is that right?

24 A. Yes, sir.

25 Q. And I assume that was you trying to figure out what

ALLEN CANTEY -- CROSS-EXAMINATION BY MR. SMITH

1 you wanted to send down to SLED; is that right?

2 A. Yes, sir.

3 Q. And the suspect DNA swab, that was received
4 voluntarily from my client, Ms. Braquette Walton; is that
5 right?

6 A. That's correct.

7 Q. And it was sent down to SLED?

8 A. Yes, sir.

9 Q. And then the fingernail clippings or swabs were
10 received, and those were sent to SLED as well; is that
11 correct?

12 A. Yes, sir.

13 Q. And the keys, you had those. Those were sent down to
14 SLED; is that correct?

15 A. That's correct.

16 Q. But then the spread and the headboard, were those
17 sent to SLED?

18 A. No, sir.

19 Q. And then I notice you have some item -- or a couple
20 pages marked Braquette Walton and there's a --

21 A. That's from the interview, sir.

22 Q. -- date and it has sort of two times listed. Or is
23 that a --

24 A. That's height and weight.

25 Q. I'm sorry. Height and weight. And these would be

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 your notes actually from the interview as you're
2 interviewing Ms. Walton; is that correct?

3 A. While I'm talking to her, yes, sir.

4 Q. And one of the things that you do is make sure that
5 you know when that interview began?

6 A. Yes, sir.

7 Q. And you know when that interview ended?

8 A. Yes, sir.

9 Q. And you record part of that in your notes and part of
10 that on the form itself?

11 A. Yes, sir.

12 Q. And you know that for this case?

13 A. Yes, sir.

14 Q. And then you've got notes that you can use to go back
15 and prepare that statement as she -- before she signs it?

16 A. She's sitting there while I'm preparing the
17 statement, sir.

18 Q. And then you have notes that you can refer to if you
19 need to go back and think about what went on during that
20 interview?

21 A. Yes, sir.

22 Q. Did you get copies of notes like this from either
23 Detective Stokes or Detective Smith?

24 A. No, sir, I did not.

25 Q. Also in your notes there's a page that begins

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 11/13/2011 morning, room 519.

2 A. Yes, sir. That's from the morning of.

3 Q. So from the morning of. About five lines down it
4 says "last saw 2:30-3:00 a.m." Is that correct?

5 A. Yes, sir. That's from speaking with Ms. Linda Roach.

6 Q. Okay. So she indicated that she saw Ms. Cook between
7 2:30 and 3:00 a.m.; is that correct?

8 A. Yes, sir.

9 Q. And then there's another page in your notes that
10 begins Sara, 1848 --

11 A. That's her address, sir.

12 Q. Okay. And down there beneath that it says Linda
13 Roach again, and this time it says "12:30 to 2:00 a.m. in
14 room to check." Is that correct?

15 A. Yes, sir.

16 Q. Now, is this from a different interview with
17 Ms. Roach?

18 A. The first part, if you read right above Ms. Linda
19 Roach's name on the first page.

20 Q. Right.

21 A. You see the asterisk and the words "info from
22 Westover." That's what I received from Ms. Chris
23 Westover. The second page is when I was trying to speak
24 with Ms. Linda Roach.

25 Q. So it was your understanding Ms. Roach had told

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 Ms. Westover that she had seen her and told you that as
2 well; is that correct?

3 A. Yes, sir. Just difference in times.

4 Q. Okay. And the --

5 A. That seemed kind of concerning.

6 Q. But each of those times were after midnight?

7 A. Yes, sir.

8 Q. And each of those times would be after the time
9 period for when you know the cell phone that belongs to
10 Ms. Braquette Walton had left the area?

11 A. That's correct. The concern of the times, as I was
12 speaking of, she told one person between 2:30 and 3:00.
13 Then when I asked her -- and Ms. Roach is extremely
14 distraught at this time, trying to talk between crying --
15 she said between 12:30 and 2:00, she was in the room to
16 check. That's a large time frame, three hours, to try to
17 remember if you walked in and saw someone.

18 Q. It is. And an hour to two hours is a large time
19 frame to know how long an interview from a trained
20 detective took, isn't it?

21 A. That depends on what time, if you looked at the clock
22 when you left.

23 Q. But if you weren't able to tell the difference
24 between an hour and two hours, that'd be a large time
25 frame, wouldn't it?

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 A. Usually.

2 Q. That would cause you some concern as to what actually
3 went on in that interview, wouldn't it?

4 A. I wouldn't be concerned of what went on in the
5 interview, sir. But if you remember if you did something
6 or not during that time period, I'd be more concerned.

7 Q. Did Ms. Roach say at some point "I never checked on
8 her," or did Ms. Roach get the times wrong when she
9 checked on her?

10 A. At a point, she finally did say, "No, I never checked
11 on her."

12 Q. She finally did?

13 A. Yes, sir. After she was able to think about it.

14 Q. Able to think about it or confronted with some
15 information?

16 A. No, sir, she wasn't confronted with information, if
17 you're referring to the interview that I did with
18 Ms. Roach.

19 Q. I'm not.

20 So it doesn't concern you when time frame is wrong
21 with the detectives, but it would concern you with an hour
22 gap with one of the witnesses?

23 A. The time frame of telling me if you did something or
24 not and it appears that you didn't do it at all, yes, sir,
25 that would concern me.

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 Q. Okay. But if your detective comes to you and you
2 say, "How long did that interview take," and he says, "I
3 don't know. Maybe an hour, maybe two hours," that
4 wouldn't concern you?

5 A. To me, it wouldn't be paying attention to the time.

6 Q. But if a witness says something like that, all of a
7 sudden you're concerned?

8 A. As I state again, if you're telling me that you did
9 not do something or if you did do something and you give
10 me a time frame of when you did it and you tell me
11 something different than you just told someone else, I
12 would be concerned about it. But if I start a
13 conversation with you and I don't remember exactly how
14 long it lasted, it's more of the fact you didn't pay
15 attention to the time when you started it and when you
16 ended it.

17 Q. Another page of the notes that begins Neva Lattimer,
18 RN.

19 A. Is it the same style paperwork, sir? Yes, sir.

20 Q. And down there toward the lower section there's a
21 guard house notation, and you indicated a Charles Barnes,
22 12:00 p.m. to 8:00 a.m., and then a Tony Mulligan,
23 4:00 p.m. to 12:00 p.m.; is that correct?

24 A. Yes, sir.

25 Q. Would that have been who worked the day before or the

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 day after?

2 A. The information of Charles Barnes was they advised me
3 from -- I believe it was Ms. Lattimer had told me that was
4 who was scheduled to work that day. When I came back, as
5 you see the name underneath that, when I came back from
6 the hospital, Mr. Mulligan stated that he had been working
7 the day before and that was the times.

8 Q. And then indicated "didn't see come in, may have been
9 with someone else."

10 A. That's correct. By him saying that when I asked,
11 "Did she drive in," he's like, "No, I did not see her
12 drive in." He remembered her from an orientation they had
13 been through. Stated she could have been laying down in
14 the back of some vehicle or something of that nature that
15 he could not have seen if it was tinted, but he did not
16 see her enter the premises.

17 Q. Okay. And then a page that starts with "doctors of
18 pathology." And part of my date is cut off, but I believe
19 that to be November 14; is that correct?

20 A. Yes, sir.

21 Q. And down toward the bottom there's part of a drawing
22 that says, no cause of death or trauma, something slash
23 from brain.

24 A. "To or from the brain."

25 Q. And then it says "conjunctival hemorrhage in left

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 eye."

2 A. If you see the crude diagram that I have and the

3 CH --

4 Q. I do --

5 A. -- that's what that was.

6 Q. And that's what you learned from attending the
7 autopsy the first time?

8 A. That was some notes I took while at the autopsy, yes,
9 sir. To be honest, that was my first autopsy.

10 Q. And regardless of from whom it came or from the
11 setting, within your notes there are two indications that
12 Ms. Cook was checked on after midnight and seemed to be
13 alive. Is that fair to say?

14 A. From Ms. Roach originally the day of, yes, sir.

15 Q. And it comes from two different sources, from
16 Ms. Roach herself and from Ms. Westover?

17 A. Ms. Westover was relaying the information she had
18 gotten from Ms. Roach.

19 Q. Did you interview any of the residents of Park Pointe
20 Village?

21 A. No, I did not.

22 Q. Not next door or anywhere?

23 A. No, sir.

24 Q. But Linda Roach and Kayla Larson eventually gave
25 statements as well, not just talked to you at the scene

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 but --

2 A. That's correct.

3 Q. -- they came in and gave statements.

4 And there was no report from them or from anyone of
5 hearing any sort of struggle or screams or banging or any
6 fights, anything of that nature; is that correct?

7 A. No, sir.

8 Q. And you're the case agent and lead detective in this
9 case; is that right?

10 A. Yes, sir.

11 Q. Did you interview Jackie?

12 A. I spoke to Jackie, yes, ma'am -- or yes, sir.

13 Q. Did you do an interview from her, or did she give a
14 statement, or how did that go?

15 A. Just spoke to her. She didn't really have very much
16 information.

17 Q. And you mentioned talking with Marvin at some point
18 and I believe saying that he was upset and distraught.

19 Did you go speak to him on some other occasion?

20 A. The time he was upset and distraught was during the
21 interview. I said he was busy at work when we were going
22 through his phone, talking to him about it.

23 Q. Okay. Did you ever search his apartment?

24 A. No, I did not. Had no reason to.

25 Q. And you mentioned pillows were missing, but you said

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 that there's one pillow that was not missing. It was on
2 the floor, the husband-type pillow; is that correct?

3 A. That's correct.

4 Q. Was that taken into evidence?

5 A. No, it was not. It was saturated with water.

6 Q. But that room was searched or accessed at least three
7 different occasions by not only law enforcement but
8 specifically the forensic services unit from law
9 enforcement; is that correct?

10 A. That's correct.

11 Q. And as well as Ms. Walton's car was taken, and it was
12 taken to a separate location so it could be searched to
13 whatever extent needed in peace again by the forensic
14 services unit; is that correct?

15 A. That's correct.

16 Q. And in addition, Ms. Walton's home was searched; is
17 that correct?

18 A. Yes, sir.

19 Q. Is there anything in that search that links Braquette
20 Walton to Ms. Cook or Ms. Cook's room?

21 A. No, sir, not that I can recall to her room.

22 Q. And any forensic evidence from any of those searches
23 that link Pauline Cook to Braquette Walton?

24 A. No, sir.

25 Q. There was some prints that received, and we heard

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 testimony those don't match Braquette; is that correct?

2 A. I believe he said there were partial prints and
3 didn't match anyone.

4 Q. But -- and then Investigator Bagwell indicated he did
5 run a comparison last week, right?

6 A. I don't recall.

7 Q. And you indicated that Braquette was not bruised or
8 cut or injured when you saw her?

9 A. I don't remember her being that way.

10 Q. Did you take photographs to verify that?

11 A. I believe she had a booking photo done.

12 Q. And Ms. Walton voluntarily gave her DNA, that swab;
13 is that correct?

14 A. That's correct.

15 Q. Did Marvin give a swab?

16 A. No, sir. Wasn't asked to give one.

17 Q. He was not asked?

18 A. That's correct.

19 Q. The resources that you have would have included all
20 the detectives, this forensic services unit. In addition,
21 you can get the services of SLED if that's needed; is that
22 correct?

23 A. Yes, sir.

24 Q. And ultimately here you're told by Detective Stokes
25 and Detective Smith that Braquette confessed to killing

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 Ms. Cook; is that true?

2 A. Yes, sir.

3 Q. But you weren't allowed in that interview?

4 A. It's not that I was not allowed in the interview, but
5 as I spoke earlier about her requesting that I not be in
6 there, thinking that I was mean or whatever the reason, I
7 decided not to be in the interview because I didn't want
8 to jeopardize the interview.

9 Q. And you didn't observe that interview as it went on?

10 A. No, sir.

11 Q. And you can't look at a video of that interview?

12 A. No, sir.

13 Q. And you can't hear a recording of that interview
14 because none was done?

15 A. No, sir. They're not set up to record.

16 Q. I'm sorry, the police department cannot record
17 things?

18 A. No, sir. The interview rooms are not set up to
19 record. There's no video or audio wired to the room to
20 record.

21 Q. How many years you work in narcotics?

22 A. Seven and a half.

23 Q. And so all the drug transactions that we've got on
24 video actually occur by people walking into rooms that are
25 set up to record drug transactions?

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 A. No, sir. They are recorded, but no interviews or
2 statements are recorded.

3 Q. So if you wanted to record the interview, you could?

4 A. Yes, sir. You could get a camera and do it.

5 Q. You subpoenaed Ms. Walton's phone records?

6 A. Yes, sir.

7 Q. You've got her phone?

8 A. Yes, sir.

9 Q. Did you get her texts?

10 A. I believe the issue with her texts was it was a
11 BlackBerry, and from the best I have been told, with
12 BlackBerries, if you delete a text, it's written over.
13 It's not that you could retrieve it from that. There were
14 several texts missing from that day of the incident where
15 Ms. Cook was murdered.

16 Q. You got her car?

17 A. Yes, sir.

18 Q. Did you determine if the black box in that car has
19 GPS location settings in there?

20 A. No, sir. Did not even look for a GPS in the vehicle.

21 Q. You interviewed Ms. Walton the first time?

22 A. The first day, yes, sir.

23 Q. You weren't mean?

24 A. No, sir, not by my opinion.

25 Q. She didn't have any reason to think you were?

ALLEN CANTEY - CROSS-EXAMINATION BY MR. SMITH

1 A. I would think not.

2 Q. You get word from Detective Stokes that she wants to
3 speak to him without you there?

4 A. That's correct.

5 Q. Because you're mean?

6 A. Yes, sir.

7 Q. And that surprised you?

8 A. Yes, sir, that she thought I was mean.

9 Q. Because there was no reason for that to have been
10 said?

11 A. That's correct.

12 Q. So then Detective Stokes gets to do two more
13 interviews without you present?

14 A. That's correct.

15 MR. SMITH: No further questions.

16 THE COURT: Redirect?

17 MR. THOMPSON: Yes, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. THOMPSON

20 Q. Heading back to your notes, the part that he asked
21 you about no cause of death or trauma to/from brain, does
22 that mean during the autopsy there was -- your notes are
23 that indicating that there was no cause of death
24 determined or is it indicating no cause of death --

25 A. No cause of death due to the brain.

ALLEN CANTEY - REDIRECT EXAMINATION BY MR. THOMPSON

1 Q. Due to the brain.

2 A. Like a brain injury or something of that nature.

3 Q. And do you recall when you arrived in the early
4 morning of November 13th?

5 A. Yes, sir.

6 Q. Was it inclement weather outside?

7 A. It was cold.

8 Q. Was it raining or snowing?

9 A. I don't recall it raining or snowing.

10 Q. As Mr. Smith pointed out, the defendant voluntarily
11 gave DNA swabs, correct?

12 A. That's correct.

13 Q. And she voluntarily gave statements as well, didn't
14 she?

15 A. Yes, sir.

16 Q. Now, you had talked a little bit about Linda Roach.
17 Were you able to determine -- I guess tell me what it was
18 or how it was that you talked to her and got out the
19 information from Linda Roach ultimately that she testified
20 to this time?

21 A. Ms. Roach was extremely distraught the whole time we
22 were talking to her, to the point of I did not ask her to
23 come back that day and give a formal statement or even the
24 next day. I believe it was on the 15th or 16th that I
25 actually got her up to give a statement. And from talking

ALLEN CANTEY - REDIRECT EXAMINATION BY MR. THOMPSON

1 to Ms. Roach, there's one thing you can do if sometimes
2 you can't remember things exactly the way they're
3 happening forward.

4 MR. SMITH: Objection. Calls for speculation.

5 THE COURT: I sustain the objection.

6 Q. What did you do in order to help her remember?

7 A. I asked her to replay for me the things that happened
8 from the moment that the police arrived until the time she
9 came into shift in reverse, going by each thing that she
10 did as being what happened before that, what happened
11 before that. And at that time when we got all the way up
12 to she came into work, she broke down and started crying
13 because she said, "I did not check on Ms. Cook." Due to
14 the alarms going off and all the other things happening
15 that night, she was unable to get to see Ms. Cook that
16 night while she was working. And she cried for at least
17 15 minutes in there talking to us.

18 Q. Now, Detective, had you relayed to her any
19 information that would make her think you didn't
20 necessarily believe what she was telling you?

21 A. No, I did not.

22 Q. Did you push her in one direction or the other to
23 give an answer one way or the other?

24 A. No, sir.

25 Q. So you simply asked her to start from the time the

ALLEN CANTEY - REDIRECT EXAMINATION BY MR. THOMPSON

1 police got there and go backwards?

2 A. That's correct.

3 Q. And when she did that, there was no mention of having
4 checked on Ms. Cook?

5 A. That's correct.

6 Q. And I believe -- as Mr. Smith was asking you about
7 some of the texts on Ms. Walton's phone. You were able to
8 determine some of those texts had been erased?

9 A. Yes, sir.

10 Q. And that would have been around the time of the
11 actual incident?

12 A. I believe most of them where from the day of, the
13 12th.

14 Q. And that last interview that Detective Stokes and
15 Detective Smith did with the defendant, and as the case
16 agent, did you receive information as to who requested
17 that last interview?

18 A. Yes, I did.

19 Q. And who requested it?

20 A. Per Ms. Marshall, Correctional Officer Marshall,
21 Ms. Walton requested Detective Stokes to talk to her.

22 Q. So the defendant specifically requested to speak with
23 Detective Stokes?

24 A. That's correct. Thank you.

25 MR. THOMPSON: No further questions.

ALLEN CANTEY - REDIRECT EXAMINATION BY MR. THOMPSON

1 MR. SMITH: Nothing further, Your Honor.

2 THE COURT: You can step down.

3 THE WITNESS: Thank you, Your Honor.

4 THE COURT: Appreciate it.

5 We're going to break for lunch now. It's a little

6 after 1:00. I'm going to let this be your schedule. Let

7 me know when you're ready to return after you're refreshed

8 and eaten and ready to come back. I'd say at least a half

9 an hour, but whenever you're ready, just let me know.

10 Everyone remain seated while the jury exits.

11 (The jury left open court at approximately 1:03 p.m.)

12 THE COURT: You can step down.

13 Where are we in the case?

14 MR. BRACKETT: I believe we have three more

15 witnesses, Your Honor. Two of them very short, one of

16 them moderate length.

17 THE COURT: Okay. We'll --

18 MR. SMITH: Can we step in chambers?

19 THE COURT: Yeah, come on back. We'll have a

20 chambers little meeting.

21 (A recess was taken from 1:03 p.m. to 1:48 p.m.)

22 THE COURT: Ready? Bring in the jury.

23 (The jury entered the courtroom at 1:49 p.m.)

24 THE COURT: Call your next witness.

25 MR. THOMPSON: May it please the Court, Your Honor.

TAMAR MARSHALL - DIRECT EXAMINATION BY MR. THOMPSON

1 The State calls Tamar Marshall.

2 TAMAR MARSHALL, after having first being duly sworn,
3 testified under oath as follows:

4 DIRECT EXAMINATION

5 BY MR. THOMPSON:

6 Q. Officer Marshall, could you give your full name for
7 the Court, please.

8 A. Tamar Marshall.

9 Q. Can you please spell your name for us.

10 A. T-A-M-A-R.

11 Q. And, Officer Marshall, can you tell me where you
12 work.

13 A. Work for the Rock Hill Police Department. I work in
14 the jail as a correctional officer.

15 Q. How long have you worked there?

16 A. Ten years.

17 Q. So you've been a correctional officer in the jail in
18 Rock Hill for ten years?

19 A. Yes.

20 Q. And can you tell me, as part of your duties there, do
21 you sometimes have contact with inmates saying requests
22 for them?

23 A. Yes, ma'am.

24 Q. And can you tell me, on November 17th of 2011, were
25 you working as a detention officer at that time?

TAMAR MARSHALL - DIRECT EXAMINATION BY MR. THOMPSON

1 A. Yes, sir.

2 Q. And did you have an occasion on that date to speak
3 with Braquette Walton?

4 A. Yes, sir.

5 Q. And tell me how that occurred.

6 A. Actually, I was serving lunch, and the officer had
7 just served a warrant on her. I came back through, and
8 she was crying. So I asked her was she okay.

9 Q. Where was she when she was crying?

10 A. She was in the cell.

11 Q. Go ahead. And you asked her if she was okay?

12 A. Yeah. She said she needed to speak with someone, and
13 I said, "You need to speak with the detective?" She said
14 yes. And she asked for Detective Stokes.

15 Q. She specifically asked for Detective Stokes?

16 A. Uh-huh.

17 THE COURT: Got to say yes or no.

18 A. Yes. Sorry.

19 Q. What did you do as a result of her asking to speak
20 with Detective Stokes?

21 A. I then called Detective Stokes and told him that she
22 wanted to speak with him.

23 Q. Do you have his number available to you?

24 A. Yes.

25 Q. Do you have all the detectives' numbers available to

TAMAR MARSHALL - DIRECT EXAMINATION BY MR. THOMPSON

1 you if necessary?

2 A. Yes, sir.

3 Q. And do you remember, did you call him on one of the
4 lines within the jail or did you use your cell phone?

5 A. I called on the line in jail.

6 Q. Okay. And were you able to contact Detective Stokes
7 at that time?

8 A. Yes.

9 Q. And did you relay to him --

10 A. I -- yes, I spoke to him.

11 Q. What did you relay to him?

12 A. I said, "She would like to speak with you." He said,
13 "I'm at lunch right now, and I'll come as soon as I'm
14 done."

15 Q. And you said she was crying. Can you explain kind of
16 what her demeanor was at that point.

17 A. She was, like, hysterical crying, screaming. That's
18 what made me walk back through. And I asked her was she
19 okay. She was like, "No. How can they do this?" And
20 screaming and crying.

21 Q. And at that point did she initiate saying she wanted
22 to speak with the detective?

23 A. Yes.

24 Q. Thank you.

25 MR. THOMPSON: No further questions.

TAMAR MARSHALL - CROSS-EXAMINATION BY MR. SMITH

1 CROSS-EXAMINATION

2 BY MR. SMITH

3 Q. Officer Marshall, you mentioned it was lunchtime. Do
4 you know more specific than that what time it was?

5 A. Well, we usually serve lunch between 11:30 and 12:00.

6 Q. And how long is your shift?

7 A. I work 12 hours.

8 Q. So you would come on at what time?

9 A. 6:00 that morning.

10 Q. A.m. to 6:00 that evening?

11 A. Yes, sir.

12 Q. While you were still working, did anyone come and get
13 Ms. Walton from the cell?

14 A. Yes, sir.

15 Q. And who was that?

16 A. Detective Stokes.

17 Q. Was he with anyone when he did that?

18 A. I can't recall. I don't know.

19 Q. Do you know what time he came and got Ms. Walton?

20 A. No, sir.

21 MR. SMITH: No further questions.

22 THE COURT: Redirect?

23 MR. THOMPSON: No, Your Honor.

24 THE COURT: You can step down and be excused. We
25 appreciate your time.

TAMAR MARSHALL - CROSS-EXAMINATION BY MR. SMITH

1 THE WITNESS: Thank you.

2 THE COURT: Call your next witness.

3 MR. BRACKETT: Call Detective Toshia Smith.

4 TOSHIA SMITH, after having first being duly sworn,
5 testified under oath as follows:

6 DIRECT EXAMINATION

7 BY MR. BRACKETT

8 Q. Good afternoon, Detective. Would you please state
9 your full name for the court reporter.

10 A. Toshia Smith.

11 Q. And where are you employed?

12 A. Rock Hill Police Department.

13 Q. And what do you do for the Rock Hill Police
14 Department?

15 A. I'm currently a detective for -- in crimes against
16 persons unit.

17 Q. How long have you been in the detective division
18 there in that division?

19 A. For two years.

20 Q. Two years in the crimes against person?

21 A. Negative. For actually probably about one year,
22 going on a year.

23 Q. One year?

24 A. Crimes against person.

25 Q. But a detective for two?

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 A. Yes.

2 Q. All right. So you were employed as a detective,
3 then, in November of 2011?

4 A. Not quite November. I believe it was March. So it's
5 not quite been two years.

6 Q. Okay. So where were you employed and what were you
7 doing in November of 2011? What were you doing then?

8 A. I was employed as a detective, yes.

9 Q. Okay. All right. But not so much the crimes against
10 persons, but you were a detective; is that right?

11 A. Yes.

12 Q. And were you involved in the investigation into the
13 homicide case involving Ms. Pauline Cook?

14 A. Yes.

15 Q. Did you have occasion to assist in that investigation
16 in interviews of the defendant in that case, Ms. Walton?

17 A. I did.

18 Q. Okay. Who were you assisting?

19 A. Detective Cantey.

20 Q. And who were you working with, in conjunction with,
21 in the course of doing those interviews?

22 A. Detective Stokes.

23 Q. Is that Cedric Stokes?

24 A. Cedric Stokes, yes.

25 Q. You have a soft voice.

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 A. I'm sorry.

2 Q. I'm trying to hear it from here. So I want to make
3 sure if I can hear it, then I know they can, but you're
4 dropping off a little bit. So you have to keep your voice
5 up for us.

6 A. Okay.

7 Q. What was your -- how many interviews did you
8 participate in?

9 A. Two.

10 Q. What was your role in those interviews?

11 A. I was the backup witness detective.

12 Q. Let me ask you. The first interview you participated
13 in, what was your role in that?

14 A. I was a backup detective.

15 Q. And what does that entail?

16 A. It doesn't necessarily have a set standard on what
17 the backup detective does. I just kind of sat in the
18 interview with Detective Stokes, and sometimes if I had
19 questions or I observed something that he didn't question
20 about, I would question.

21 Q. I see. So you were basically working in tandem for
22 the interview?

23 A. Correct.

24 Q. Okay. And do one of you type while the other talks,
25 or do you switch back and forth? How does that work?

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 A. Yes. Usually there's a lead chair. Detective Stokes
2 was in that chair with the computer. We call it the lead
3 chair because the computer is there with the statement
4 form on it.

5 Q. Now, how does each interview -- when you're
6 interviewing the suspect who's been charged with a crime,
7 how does each interview start? What's the first thing you
8 do?

9 A. Miranda.

10 Q. All right. And we're focusing right now on that
11 first interview, and there's a series of statements here.
12 Let me get the -- this statement that is dated
13 November 15th and is marked as State's Exhibit
14 Number 114, and that's in evidence, do you recognize that
15 document?

16 A. I do. This is the statement that was prepared by
17 Detective Stokes during our first interview together.

18 Q. And on the first page there at the top, what is that?

19 A. That is Miranda. Those are your Miranda warnings.

20 Q. And did you -- were you in there when the -- or did
21 you observe Miranda warnings being administered to
22 Ms. Walton for that interview?

23 A. Yes, I did.

24 Q. And were they read as they're written there?

25 A. They were.

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. And did she understand those rights to the best of
2 your ability to observe and hear her?

3 A. Yes.

4 Q. Did she indicate that she wished to speak with you or
5 not?

6 A. She did.

7 Q. At any point in time during the interview that you
8 were conducting, did either you or Detective Stokes or any
9 other person threaten or coerce her in any way to get her
10 to talk to you?

11 A. No.

12 Q. Did you promise her anything in -- a reward in
13 exchange for talking to you?

14 A. No.

15 Q. Was the statement that you're holding in your hand
16 given freely and voluntarily by the defendant that day?

17 A. It was.

18 Q. And is that an accurate recording of what she said to
19 you that day? Is that -- the contents of the statement
20 itself, what's written in it, does that actually comport
21 with what she related to you?

22 A. Yes, it -- yes.

23 Q. Did you witness her signing that? And when I say
24 "witness," I mean did you personally observe and can you
25 testify that you saw her take a pen and write her name on

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 that document?

2 A. I did.

3 Q. And there are several places on there for her to
4 sign. Did you see her sign each one of those?

5 A. I did.

6 Q. Did the lady who's seated in the courtroom right now
7 over here at counsel table, Ms. Walton, is she the one
8 that signed the document?

9 A. Yes.

10 Q. Okay. Turning your attention to the second interview
11 that you were involved in, the interview you -- the next
12 interview. You conducted two. That's the first one
13 you're holding. The second one. Is the interview right
14 there with you?

15 A. It is.

16 Q. What's the State exhibit number on that?

17 A. 115.

18 Q. All right. Is the format of that statement form the
19 same as the one you were just referring to?

20 A. It is.

21 Q. Does it also have Miranda warnings up there?

22 A. Yes, it does.

23 Q. Did you personally observe those Miranda warnings
24 being administered to the defendant the day that you
25 interviewed her for that statement?

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 A. Yes, I did.

2 Q. What was the date of that statement?

3 A. I believe it was November 17th. It was
4 November 17th of 2011.

5 Q. Were you involved in that entire interview? When I
6 say "involved," I mean were you in the room from the
7 entire time that the Miranda warnings were given until she
8 left the room?

9 A. I was.

10 Q. And during the course of that interview, did anybody
11 threaten, coerce, or pressure her in any way to talk and
12 give a statement?

13 A. No.

14 Q. Did anyone promise her anything, hope of reward,
15 offer of leniency or anything such as that in order to get
16 her to give a statement?

17 A. No.

18 Q. Was the statement that she gave to you given freely
19 and voluntarily?

20 A. It was.

21 Q. Now, the Miranda warnings at the top, were they read
22 as they're written on the document?

23 A. Yes, they were.

24 Q. Did she appear to understand those?

25 A. Yes, she did.

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Did she indicate whether she was willing to speak
2 with you?

3 A. Yes, she did.

4 Q. What did she say? Did she want to talk to you --

5 A. That she understood and she wanted to make a
6 statement. She actually requested during that interview
7 to speak with detectives.

8 Q. Now, in either interview did you have any reason to
9 believe that she was not in her right mind?

10 A. No.

11 Q. Did she appear rational and lucid? You could talk to
12 her like normal like we're talking now?

13 A. She did.

14 Q. Focusing on the third interview, tell us how that
15 interview started after the Miranda warnings. Gives some
16 idea of what -- after the Miranda was read to her and she
17 verbally indicated she understood and she wanted to talk,
18 what happened next?

19 A. After Miranda is read, we have certain information
20 that we plug into the statement form as far as identifying
21 information like her name and her date of birth and social
22 security number and address and place of employment and
23 phone number.

24 Q. Okay. Did you obtain that information from her?

25 A. Detective Stokes did, yes.

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. You saw her relating that? Is that the information
2 that's on the front page?

3 A. Yes, it is.

4 Q. And then what happened?

5 A. And then Detective Stokes began to question her about
6 her whereabouts on Saturday, the 13th of November.

7 Q. The 13th or the 12th?

8 A. The 12th. I'm sorry.

9 Q. Is it written on that page there?

10 A. It is not. It just says "Saturday night."

11 Q. Okay. What did she tell you as far as her
12 whereabouts on Saturday night?

13 A. Initially during the third interview --

14 Q. Yes.

15 A. -- you mean?

16 Initially during the third interview, she says that
17 she had been in Greenville. She had taken her son up to
18 visit a friend or a young man that she knew in Greenville,
19 and she was headed back to Rock Hill to meet some friends
20 initially is what she said in this statement. And at some
21 point, Detective Stokes stopped her and told her that
22 wasn't what -- the information that we had, that's not
23 what he had.

24 Q. What did he tell her?

25 A. He told her that we had her phone records and that

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 they indicated that she was in the Rock Hill area,
2 actually close to Park Pointe Village.

3 Q. What effect did this information have on the
4 defendant?

5 A. At that point, she became silent and she was already
6 upset. She was kind of upset about the fact that she I
7 guess had a murder warrant, but --

8 Q. Okay.

9 A. -- she got silent for a little while, began to cry.
10 Detective Stokes stepped out of the interview room at that
11 time and went to get tissue for her.

12 Q. What happened while he was gone?

13 A. When he was gone, I began speaking with Ms. Walton.
14 And I believe that she said to me -- I can't quite quote
15 her directly, but I believe she said to me she didn't mean
16 for it to happen. And she began to tell me what happened.

17 Q. Okay. Can you tell the jury what she told you took
18 place.

19 A. She told me that she went over to speak to
20 Ms. Walton -- Ms. Cook, I'm sorry, regarding the checks
21 that had been cashed on -- under her name and her account.
22 And when she initially got there, Ms. Cook was not in her
23 room. So she said she waited for Ms. Cook for a little
24 while.

25 Q. Did she say where she waited?

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 A. When I asked where she was, I was trying to figure
2 out where she had been waiting, she said that she was in
3 the tree house room. She described it as the tree house
4 room.

5 Q. Were you familiar with Park Pointe Village very well?

6 A. No. I had only been there the one time, and I wasn't
7 sure about which room she was talking about.

8 Q. Okay. Then go on. What did she say happened?

9 A. I asked her where the tree house room was, and she
10 began to describe to me that they call it the tree house
11 room or the tree room because it had trees on the wall.
12 And it was right at the entrance, right before you got to
13 the nurses' station. So if I guess someone come in
14 through the first two doors, you couldn't be seen by the
15 person that was on duty at the nurses' station. You could
16 come in and just kind of make a right into that room, and
17 it's usually dark in there if there was nobody in there.

18 And that's where she said she waited until she heard
19 Ms. Cook coming down the hallway. I think she had been at
20 bingo or something that night, and she heard her coming
21 down the hallway, and she said that she made several calls
22 up to the nursing station just to see -- I think she told
23 us that they have a portable phone or some type of
24 cordless phone that she described they carry around with
25 them, because at some point -- I think at that time, there

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 was only one nurse on duty. There may have been a couple,
2 but I think during shift change or something at some point
3 there was one nurse on duty.

4 Q. Okay.

5 A. And she said she had been calling around, calling the
6 phone to see where the nurse was so she could make her way
7 back down to Ms. Pauline's room.

8 Q. Did she ever indicate that she returned to Ms. Cook's
9 room?

10 A. Yes, she said she did finally got back down to
11 Ms. Cook's room. And when she walked inside, she said
12 that Ms. Cook was in the bathroom preparing for bed and
13 she walked -- she said she walked in and she told her, you
14 know, it's Braquette. She told her who she was, or it's
15 Bea. She actually said they called her Bea at the job.
16 They didn't call her Braquette.

17 And she said when she walked into the room, Ms. Cook
18 told her, "I'll be with you in a minute. Let me finish
19 preparing myself for bed, and I'll be out to talk to you
20 in a minute."

21 Q. All right. And what did she say happened from that
22 point on?

23 A. From that point, she said Ms. Cook finally came out
24 and she sat down on her bed and they started to talk about
25 the checks. And she said she was apologetic about cashing

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 the checks. She said she was in need and offered to pay
2 her back. And she said at that point Ms. Cook told her
3 something along the lines of, "You've already taken my
4 money, and I've already called the police."

5 And from her account, it seems like Ms. Cook was
6 getting up to get ready to call the police again or to
7 call somebody to let them know that something was going
8 on, and Ms. Walton states that she grabbed her, tried to
9 grab the phone and say, "You know that's not necessary. I
10 just want to talk to you. That's not what I'm here for."

11 Q. Okay. Did Ms. Walton indicate to you whether or not
12 Mrs. Cook asked her to leave or at any point in time told
13 her to get out?

14 A. I do not remember her saying that Ms. Cook told her
15 to get out. I just remember her saying that Ms. Cook
16 picked up the phone to call the police.

17 Q. What took place after she tried to grab the phone
18 from Mrs. Cook?

19 A. She said after she tried to grab the phone from
20 Mrs. Cook, Mrs. Cook hit her in the head with the
21 telephone and they started to tussle around. And she said
22 that Ms. Cook was wailing. I remember she kept saying
23 wailing, wailing, wailing, but she was making motions with
24 her arms that was kind of along the lines of a flailing.
25 She said she was wailing around, and she said she was

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 trying to get her to stop wailing because she didn't want
2 to hit her hand or hit her skin or hurt herself because
3 she said they have thin -- she said elderly people have
4 thin skin and they're easily injured is what she said, and
5 she was trying to keep her from being injured.

6 Q. Did she describe how she tried to stop her from doing
7 that?

8 THE COURT: Y'all are using too many pronouns. I
9 think you best stick a name in every now and then so we
10 know who he -- she and her are.

11 MR. BRACKETT: Yes, sir.

12 Q. Did the defendant tell you what she actually did to
13 prevent Mrs. Cook from injuring herself?

14 A. She said she grabbed her arms. She said Ms. Cook
15 essentially attacked her is what she described to me with
16 the telephone and started to pull her hair, and she said
17 she grabbed her arms and was trying to keep her from
18 hurting her and hurting herself.

19 Q. And how did she describe that she tried to subdue
20 her?

21 A. She said she --

22 Q. How did Ms. Walton describe that she tried to subdue
23 Mrs. Cook?

24 A. She said -- she described grabbing her arms, trying
25 to keep her from getting hurt, and at some point she said

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 she started yelling, "Get off me, get off me." So at that
2 time she was making too much noise, I -- I assume, and she
3 described putting her body weight down and holding
4 Ms. Cook's arms to keep her from flailing around and from
5 screaming, making noise.

6 Q. Did she demonstrate this for you?

7 A. She did.

8 Q. Can you show us today what she showed you, what
9 Ms. Walton showed you then?

10 A. I can.

11 Q. Come on off the stand. I can vouch that this part of
12 the carpet is clean because I laid down there earlier this
13 week.

14 A. Right here?

15 Q. Yes, ma'am. Show us what she showed you.

16 A. She said she got down on the ground. They were on
17 the bed and -- from what she described and she said
18 Ms. Cook -- she grabbed Ms. Cook's arms, and she said she
19 just put her weight down on her and try to keep her from
20 moving. And I asked her at that point, you know, how long
21 was it before she stopped moving. And she said, "I don't
22 know." But this is basically what she described. She put
23 her weight down on her.

24 Q. Okay. Go ahead and have a seat.

25 What did the defendant say happened next?

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 A. She said after a while, she wasn't sure about how
2 long, Ms. Cook stopped moving. She stopped screaming,
3 stopped moving. And she checked for signs of life because
4 she described that's what she was taught to do as a
5 nursing home assistant or whatever care she was providing.
6 That's what they taught her to do. I think she said she
7 checked her feet for a pulse, she put her head down on
8 Ms. Cook's chest to watch for the rise and fall, and she
9 checked several areas for a pulse.

10 Q. Did the defendant tell you what she learned in the
11 attempts? Did she detect a pulse?

12 A. She said she didn't see a pulse and she panicked.

13 Q. What did the defendant do next?

14 A. She said she sat there for a little while and she
15 panicked, and apparently it was dark in the room because
16 she said at some point she turned the light on and she
17 noticed that there was blood around the place, and she
18 said I can't leave her here like this and I can't leave
19 this here like this. So she said that they also had been
20 taught how to move patients in whatever training she had
21 as an assistant. And she used the bed sheets at that time
22 to move Ms. Cook from the bed into the bathroom.

23 Q. And after she got her into the bathroom, did she say
24 where she placed her?

25 A. She said once they got into the bathroom, she placed

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 her into the shower. She said her body was kind of half
2 into the shower, half outside of the shower. And she said
3 she turned the water on, went back into the room. She
4 said she made the bed and tried to clean up the blood.
5 She took the sheets and the pillow because there was blood
6 on the sheets and the pillow. And I asked her what she
7 put it in, and she said just a clear plastic bag. I guess
8 that they have clear plastic trash bags in trash cans
9 inside the room. She said she used that to collect the
10 pillow and the sheets, and she took them out, and on her
11 way out, there's a trash compactor right next to the
12 kitchen, she said she threw the stuff in there.

13 Q. Did she say -- did the defendant say she did anything
14 else in that room prior to leaving? Did she describe any
15 other activity in the room?

16 A. She also said she took her -- she laid out -- she
17 made the bed. She took the sheets. She cleaned the
18 blood, from what she could see. And I don't recall her
19 saying anything else.

20 Q. All right. After she left the room, did she tell you
21 what she did?

22 A. She said she left and she went to the gas station, I
23 believe, on Cherry Road, Sam's Mart or -- I believe that's
24 the name of the gas station on Cherry Road. And then she
25 went home.

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Now, during the course of this interview, were either
2 you or Detective Stokes, did either of you give her any
3 information about the details of the murder other than the
4 cell phone records showing her being at Park Pointe
5 Village?

6 A. No.

7 Q. Did you tell her about any injuries to Mrs. Cook?

8 A. No, we did not.

9 Q. Did you describe any of the results of the autopsy?

10 A. No.

11 Q. Did you tell her what other witnesses had been
12 saying?

13 A. No, we did not.

14 Q. Did you have much information on that?

15 A. As far as the autopsy and what other witnesses --

16 Q. The rest of the investigation.

17 A. No.

18 Q. Did you have a detailed understanding of where the
19 investigation was standing at that time?

20 A. No.

21 Q. So did either you or Detective Stokes relate any of
22 that type of information to her?

23 A. We did not.

24 Q. Coming back for just a minute to your first statement
25 real quick. One question I missed. At some point in that

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 interview, did either you or Detective Stokes inform the
2 defendant that Mrs. Cook was deceased?

3 A. We did. At the very end, the conclusion of this
4 interview, we told her that Ms. Cook was deceased.

5 Q. And how did she react?

6 A. She was surprised, and she seemed a little bit upset,
7 that she was shocked. She said, like, she couldn't
8 believe that she was deceased.

9 Q. And that interview was conducted on what day?

10 A. This interview was conducted on the 15th of
11 November 2011.

12 Q. That Tuesday, Tuesday the 15th?

13 A. I believe that was a Tuesday.

14 Q. All right. That first interview that you're holding
15 in your hand, that has signatures on it. The second
16 interview that you and Detective Stokes did that's up
17 there with you, does that have signatures on it?

18 A. It does not.

19 Q. Okay. At some point after interviewing and
20 questioning her, was that statement typed up on the
21 computer?

22 A. It was.

23 Q. And do you recall who typed it up?

24 A. I did.

25 Q. All right. Did you ultimately print a copy of the

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 statement off the computer?

2 A. I did.

3 Q. Did you present that statement to her?

4 A. Yes, I did.

5 Q. To the defendant?

6 Did she have a chance -- did the defendant have a
7 chance to review it?

8 A. She did.

9 Q. And did the defendant indicate to you whether or not
10 the information was accurate on the statement?

11 A. Yes. I believe I may have asked her, you know, was
12 everything correct on there. She said it's fine.

13 Q. All right. And did you present her with a pen?

14 A. I did.

15 Q. But ultimately she declined to sign?

16 A. She did.

17 Q. Saying she wanted to talk to her mother?

18 A. She wanted to call her mother.

19 Q. At that point, was that the end of the interview?

20 A. It was.

21 Q. Detective Smith, all the things you just talked
22 about -- the admission that she was in the room, that she
23 was there when Mrs. Cook died -- this lady right here, did
24 she say those things?

25 A. Yes, she did.

TOSHIA SMITH - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Freely and voluntarily?

2 A. She did.

-3 Q. Thank you very much, Detective Smith. Please answer
4 any questions that Mr. Smith has for you.

5 MR. SMITH: May it please the Court.

6 CROSS-EXAMINATION

7 BY MR. SMITH:

8 Q. Detective Smith, you were brought in for what's the
9 second interview with Braquette Walton; is that correct?

10 A. Yes.

11 Q. And you were not involved in the first interview?

12 A. With Detective Cantey?

13 Q. Correct.

14 A. No, I was not.

15 Q. How did you find out about the second interview?

16 A. I'm not sure. I don't understand.

17 Q. That it was going to occur. How did you know you
18 were needed? How did you get to it?

19 A. Oh, Detective Stokes was going into the interview
20 room and just asked me to come into the interview room
21 with him.

22 Q. Okay. Now, you indicated that at that time, you were
23 dealing with property crimes, not crimes against persons;
24 is that right?

25 A. That's right.

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 Q. So why is it that you were brought into this
2 interview?

3 A. Because at the time, Detective Cantey was on primary.
4 We do what's called on call. We have a detective on call
5 for a week at a time, and we have an on-call detective and
6 we also have a backup detective. I was the backup
7 detective.

8 Q. Okay. But what does that have to do with doing this
9 interview?

10 A. I would imagine that it wouldn't have anything to do
11 with the interview.

12 Q. Right. The third interview, how did you find out
13 about the request to come to the third interview?

14 A. I don't remember. I believe Detective Stokes, we
15 were -- may have been at lunch, and I think Detective
16 Stokes got a phone call or Lieutenant Belk got the phone
17 call from the jail saying that Ms. Walton wanted to speak
18 with Detective Stokes. And at the time, Lieutenant Belk
19 said, you know, "Detective Stokes, you go in. Toshia,
20 you're going to go in with Detective Stokes."

21 Q. So it's your recollection that a phone call comes to
22 Lieutenant Belk and that you all are at lunch together,
23 you, Lieutenant Belk, and Detective Stokes; is that
24 correct?

25 A. That's correct.

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 Q. And that it was Detective Belk who said you were to
2 go with Detective Stokes to that third interview?

3 A. Lieutenant Belk did tell me to go into the interview
4 room with Detective Stokes.

5 Q. But you were not involved in the first interview?

6 A. I was not.

7 Q. Detective Cantey was there?

8 A. Yes.

9 Q. Do you know why he wasn't involved in either the
10 second or the third interview?

11 A. I don't know why he wasn't involved in the second or
12 third interview.

13 Q. Would it be unusual for the case agent not to be
14 involved with the interviews of the primary suspect?

15 A. At the time, I don't think he knew he was the case
16 agent.

17 Q. You're trained to take statements; is that correct?

18 A. Correct.

19 Q. And you're trained that getting a statement in a case
20 makes a case stronger?

21 A. Correct.

22 Q. The -- in this instance, had the first two statements
23 made this case strong enough?

24 A. Well, the first statement I hadn't read until the
25 time I got --

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 MR. BRACKETT: Your Honor, I object. I think that
2 calls for an opinion.

3 THE COURT: I sustain the objection.

4 Q. The second statement that you were involved in, when
5 you went to that statement, were you aware of the first
6 statement?

7 A. I was aware that they had spoken with her regarding
8 the forgeries or something else.

9 Q. Was it Detective Stokes' plan to get some more
10 details?

11 A. Regarding what?

12 Q. Whatever he was going to ask questions about for the
13 second interview?

14 A. Well, the second interview was to determine a
15 timeline as to where Ms. Walton was on that Saturday of
16 the murder.

17 Q. And then the third statement, that interview, was
18 that to deal with the murder?

19 A. Correct.

20 Q. Now, this third statement, it was not recorded; is
21 that correct?

22 A. It was not.

23 Q. And it was not videoed; is that correct?

24 A. That's correct. It was not.

25 Q. But Rock Hill Police Department records 911 calls; is

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 that right?

2 A. We do.

3 Q. And narcotics officers record narcotics transactions;
4 is that correct?

5 A. Undercover buys, yes. That's correct.

6 Q. And when you appear in court, they record your
7 testimony?

8 A. Who records your testimony? Your court reporter?

9 Q. The court reporters --

10 A. Yes.

11 Q. -- or the recorders at its municipal court.

12 A. Correct.

13 Q. At City court.

14 But you did not record this statement of an alleged
15 confession to killing someone?

16 A. Correct.

17 Q. And that third statement is also unsigned?

18 A. Right.

19 Q. Now, you indicated that you started out as second
20 chair on that third interview. But who typed that
21 interview?

22 A. I typed it.

23 Q. You typed the entire?

24 A. Well, as far as the body of the statement, yes.

25 Detective Stokes typed in all of the information that I

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 explained earlier, her name and address and social and
2 just the basic descriptive information.

3 Q. At what point in the interview process did Detective
4 Stokes step out?

5 A. He stepped out after he typed that. Because once we
6 type that information in, we start talking. Once we
7 started talking, when we got to the point where we told
8 Ms. Walton that he had her phone records and he knew that
9 she was in Rock Hill that day, she put her head down and
10 started to cry. So at that point he stepped out of the
11 interview room to get her some tissue.

12 Q. How long was he gone?

13 A. I don't know. He wasn't gone long. He was gone long
14 enough, I think, to get her some tissue and maybe a drink.
15 I think he brought her a drink. I can't remember.

16 Q. How many questions did you ask while he was gone?

17 A. I just asked what happened. I told her to tell me
18 what happened.

19 Q. And this statement reflects what she told you?

20 A. Yes. She started telling me what happened, and as
21 she was telling her story, I started to ask more
22 questions.

23 Q. You started asking more questions?

24 A. To get more detail.

25 Q. She told you that she sat in a tree room, waiting for

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 it to clear?

2 A. Waiting for the hallways to clear.

3 Q. The hallways to clear?

4 A. Yes.

5 Q. And do you know if you were able to verify this from
6 any witnesses?

7 A. When I talked to another nurse -- well, to verify
8 what? Her sitting in the tree room --

9 Q. Yes.

10 A. -- or the fact that the tree room existed at the
11 place?

12 Q. Her sitting in the tree room.

13 A. Nobody saw her in the tree room.

14 Q. And how is it you know that?

15 A. Because when I talked to -- I did an interview for
16 Teresa Stagner, another employee at Park Pointe Village,
17 and she also referred to that room as a tree room and said
18 that she didn't see her. And I didn't conduct the
19 interviews for the other nurses, but from what I
20 understand, none of them saw her. No one saw her.

21 Q. Okay. Because you all discuss the case. Y'all talk
22 about the case, the officers that are involved in
23 investigation.

24 A. We sit around and talk about where we are if we're
25 working as a team on something. We would have to speak

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 about the case.

2 Q. And you claim that Braquette told you that she called
3 the nurses' station to see who was there; is that correct?

4 A. Yes.

5 Q. Were you able to verify that information?

6 A. I believe that was on her phone records.

7 Q. And her phone records had already been in the
8 possession of the police department before this interview;
9 is that correct?

10 A. Detective Stokes had her phone records.

11 Q. Did you later verify that actually the nurses'
12 station calls get forwarded to a cordless phone, that they
13 don't go to the nurses' station?

14 A. I believe I just -- I don't -- I'm not sure what
15 you're asking me. They get forwarded to a cordless phone?
16 The cordless phone is the phone that the nurses' station
17 has, from what I understand.

18 Q. I see.

19 And you indicate that Ms. Walton told you that she
20 opened the door and called Ms. Pauline's name; is that
21 correct?

22 A. She said she opened the door and she told Ms. Pauline
23 that it was Bea and that she wanted to talk to her. And
24 she said that Ms. Pauline yelled from the bathroom, "Just
25 have a seat on the couch. I'll be out in a minute."

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 Q. So did she indicate that she called her name? Do you
2 have page 2 of that interview?

3 THE COURT: We're getting into pronouns. She called
4 she, she called her.

5 MR. SMITH: Yes, Your Honor.

6 THE COURT: I don't know who we're talking about.

7 Q. On that first line of page 2 does it indicate "when I
8 got there"?

9 A. I called Ms. Pauline's name, yes.

10 Q. Were you able to verify any of that?

11 A. I was not able to verify any of that. The only
12 person that could have had that information was deceased,
13 other than Ms. Walton.

14 Q. So the Park Place (sic) Village was empty at that
15 time?

16 A. In the room, I think you're asking me was I able to
17 verify that Ms. Walton called Ms. Pauline's name?

18 Q. Yes, ma'am.

19 A. The only two people that could have verified it would
20 have been Ms. Walton and Ms. Pauline.

21 Q. So nobody was working or residing in that residence
22 when this occurred?

23 A. Nobody was in that room with the two of them when
24 this occurred, from what Ms. Walton explained to me.

25 Q. But were people working in the building that evening?

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 A. Yes.

2 Q. And were people still living in the rooms adjacent
3 that evening?

4 A. Yes.

5 Q. And you also indicate that Ms. Walton said she was
6 wearing a blue pullover jacket with Russell written on the
7 front; is that correct?

8 A. That's correct.

9 Q. It's your indication that's what she told you?

10 A. Yes.

11 Q. And she said she was wearing gray sweatpants; is that
12 correct?

13 A. That's correct.

14 Q. And you're trained that one technique to use is to
15 tell interviewees about information that you have about a
16 case in hopes that they will admit that; is that true?

17 A. You said I'm trained to tell interviewees what
18 information I have about a case?

19 Q. Yes. That's one interviewing technique that you are
20 trained.

21 A. No. The interviewing technique that I was trained on
22 is to gather as much information as you can about the case
23 before going into the interview room to corroborate it so
24 that you know whether or not the person is telling you the
25 truth or can corroborate the information that you already

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 have. Not to share the information with the person that
2 you're interviewing because that would taint what they
3 tell you. That would be me telling her what happened
4 instead of her telling me.

5 Q. Yes. So that's what you and Detective Stokes did
6 before you went into this interview. You gained as much
7 information as you could about this case so that you could
8 be prepared for this interview with Ms. Walton, right?

9 A. As we were trained to do, yes.

10 Q. So y'all knew basically everything about the case at
11 that point except for her statement?

12 A. We didn't know everything about the case. There was
13 still some holes, some things that we had to kind of
14 gather. As far as where she was at the time, how were you
15 able to maneuver throughout this place like you said with
16 numerous employees and numerous people on scene without
17 being seen. And she explained that to me. She said she
18 was in the tree room and it was dark in there and nobody
19 ever usually comes in there unless there's an activity
20 going on.

21 Q. But you had phone records by this point.

22 A. To say that she was on the property in that vicinity,
23 yes.

24 Q. And you had -- the room had already been searched?

25 A. Which room had already been searched?

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 Q. Ms. Cook's room.

2 A. By the time we interviewed her, yes. FSU had
3 responded to process the scene.

4 Q. And by the time you interviewed her, her home had
5 been searched?

6 A. I believe that it had been. This interview occurred
7 on the 17th. I believe the search warrant was executed
8 on the 14th, I think.

9 Q. And her car had been taken into evidence and
10 processed. It had been searched.

11 A. I'm not sure about the car. Because that's something
12 that FSU would have done later on.

13 Q. But as you're trained in, you or Detective Stokes to
14 gather all the information you can before you go into an
15 interview with a subject, you would have found that out.

16 A. That her car had been searched?

17 Q. Yes.

18 A. During this interview with her, I didn't know that
19 her car had been searched. I don't know if her car was
20 searched when we conducted this interview.

21 Q. Would that be an important item to know before you
22 begin an interview with a suspect?

23 A. It just depends. I mean, not necessarily. Just
24 depends on what would have been found in her car.

25 Q. Okay. Is what would have been found in her car an

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 important fact to know before you interview a suspect?

2 A. I would assume that -- I would say yes, it could be
3 an important fact. But if that information is not
4 available, you take what you've got and you go into the
5 interview room.

6 Q. But if her car had been searched, there would be
7 reports on that, right?

8 A. Not immediately. It takes some time for those
9 reports to get completed by forensic services and turned
10 in to the case agent.

11 Q. Okay. But you don't know if Detective Stokes had
12 already looked for that or not or seen it?

13 A. I don't know.

14 Q. And you said that you're trained not to disclose
15 information that you have because you're wanting to just
16 gather information from the person you're interviewing,
17 right?

18 A. Right.

19 Q. And you and Detective Stokes wouldn't violate that
20 protocol?

21 A. No. It defeats the purpose of you conducting the
22 interview.

23 Q. Okay. And when you say at the front side of the
24 interview you claim Ms. Walton claims she was in
25 Greenville and then went straight home, what is it you say

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 Detective Stokes did that made her start crying?

2 A. He basically told her that wasn't the truth and told
3 her that her phone records show that she was in the area
4 of Park Pointe Village.

5 Q. So he revealed information that you had?

6 A. He did reveal that part of the information, yes.

7 Q. Okay. Isn't the truth that's an interview technique
8 that you're trained to use?

9 A. I don't think I understand what you're asking me.

10 Q. Isn't it true that you're trained to use an interview
11 technique of revealing portions of evidence to a suspect
12 to see if they will confirm them and to get them to speak?

13 A. No. At that point, that piece of evidence was an
14 important piece of evidence to reveal because it let
15 Ms. Walton know that we knew that she wasn't telling the
16 truth about going home.

17 Q. Right. That's a trained interview technique that he
18 used, isn't it?

19 A. I guess you could say that it was a trained interview
20 technique.

21 Q. I don't say it. Trainers say it to you when you take
22 the training, don't they?

23 A. I don't think they necessarily have a whole portion
24 of training on that. But...

25 Q. Have you been trained to interview?

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 A. I have been trained to interview.

2 Q. How long did that training last?

3 A. The first class I went to lasted probably about two
4 days. The second class I went to lasted maybe three days.
5 It just varies. Depends on who's teaching the class.

6 Q. And in a three-day class, you think the only
7 technique you were taught is to just ask them a question
8 and don't tell them anything?

9 A. Just asking them a question --

10 Q. Right, say what happened.

11 A. We were taught to ask them questions and not give
12 them pertinent information about the case, like details,
13 details that would incriminate them. That stuff we --

14 Q. And in three days of training, were you taught
15 different interview techniques? Or five days of training
16 for you.

17 A. Between two classes, five days.

18 Q. Between two classes, five days.

19 A. We reviewed interviews, and, I mean, it was just
20 interview and interrogation technique. So yes.

21 Q. The class is even called interview and interrogation
22 technique is what the training is called, isn't it?

23 A. Yes.

24 Q. Did they teach you any technique?

25 A. Yes.

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 Q. What were the techniques?

2 A. I don't remember all the techniques they taught us.
3 Like I described to you before, before you go into the
4 interview room, you want to be prepared. You want to
5 have --

6 Q. Okay. Be prepared was their technique. So they're
7 Boy Scouts. We covered that. That took five days?

8 A. No. You didn't allow me to finish my sentence.

9 Q. Please finish.

10 A. We go into class, and they teach you to be prepared.
11 Gather as much information as you can about the case so
12 that you'll know -- I mean, it's completely useless to go
13 into an interview room with somebody if you don't have
14 pertinent details about the case because you don't know if
15 that person is telling you the truth or not. So the whole
16 purpose is to corroborate the details that you have
17 gathered through investigation with your suspect's
18 information.

19 Q. And another technique?

20 A. I mean, that was pretty much the technique. They
21 just had different examples of different interviews.

22 Q. So you think they should change the name of the
23 course from interviewing techniques to interviewing
24 technique because --

25 MR. BRACKETT: Your Honor, objection --

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 THE COURT: Sustain your objection. Not in charge of
2 naming the course.

3 Q. But you only learned one technique?

4 A. I mean, I'm sure I learned different things in that
5 class, but I can't sit here and go word for word on what I
6 was trained in those classes.

7 Q. You indicated Ms. Walton told you she was wearing
8 gray sweatpants; is that correct?

9 A. You said light gray sweatpants?

10 Q. No, gray sweatpants.

11 A. Yes.

12 Q. And black boots?

13 A. Yes.

14 Q. And you indicate she said she left through the woods?

15 A. Where did I indicate that she said she left through
16 the woods? Oh, yes, yes, yes. I see it.

17 Q. And you also did a what you label interview, but it's
18 a note or some type note to file a report; is that
19 correct?

20 A. Yes.

21 Q. Now, when did you do that?

22 A. As I told you, it would have been after that --
23 usually we do those either right after the interview or
24 the next morning or something like that.

25 Q. I'm not asking about usually. I'm asking when you

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 did the one in this case.

2 A. In this case, I did it after we -- before we left.

3 Q. So that same afternoon?

4 A. After we interviewed her.

5 Q. And how long was the interview?

6 A. We started the interview around the afternoon. It
7 was right after lunch. And I think we were -- when we got
8 out of the interview, it was later in the afternoon. It
9 was probably an hour and some change, something like that.

10 Q. Okay. Did you note anything concerning times with
11 this interview?

12 A. The only thing I noted concerning times on the
13 interview would have been on my notary form.

14 Q. All right. On your notary form, what did you note
15 there?

16 A. That would be my start time, 2:23.

17 Q. 2:23 is the start time. Is that unusual to list the
18 start time there? Do the other detectives list the end
19 time?

20 A. I mean, some detectives do. There's no set protocol
21 on what we're supposed to put there. It just says "time."

22 Q. Okay.

23 A. So I put on mine my start time.

24 Q. And you wrote the start time is 2:23?

25 A. That's what I wrote, yes.

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 Q. Okay. And then you also did a report that you talked
2 about that you did just after that; is that correct? And
3 what did you have before you when you did this report?

4 A. I was sitting at my desk at the time when I did that
5 report, and I had these pages.

6 Q. Of the statement you claim you just received?

7 A. From the statement.

8 Q. Is that right?

9 A. Yes.

10 Q. And what time did you indicate the interview took
11 place?

12 A. I don't have my interview notes up here.

13 Q. Okay.

14 A. The time on here says 2:30.

15 Q. What happened in those seven minutes?

16 A. What do you mean what happened in those seven
17 minutes?

18 Q. The interview as you -- what you call a notary page
19 says 2:23. Your report says the interview wasn't until
20 2:30. What happened in those seven minutes?

21 A. I can't tell you what happened in the seven minutes
22 other than me not paying much attention to the notary page
23 when I did these and just doing a estimated time of 2:30.
24 I know when I was sitting at the computer desk in the
25 interview room, I looked at the clock when I started the

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 interview and it was 2:23.

2 Q. And then what did you look at to determine it was
3 2:30 to put on that later form?

4 A. Like I said, I probably just ended up estimating the
5 time of 2:30 and not looking at --

6 Q. Did you happen to look at Detective Stokes' report
7 and get that 2:30 time?

8 A. I couldn't have looked at Detective Stokes' report to
9 get that 2:30 time because he was completing his own
10 report.

11 Q. I see.

12 What did you do with any of the information that you
13 supposedly gained in these statements?

14 A. What do you mean what did I do with the information?

15 Q. What did you do with all that information?

16 A. I typed it up, printed it out, and I left it on
17 the -- I either left it on the desk or I put it on
18 Detective Cantey's desk.

19 Q. Did you speak with any other detectives or anyone
20 involved in the case about it?

21 A. About what?

22 Q. The information you had learned. I mean, somebody
23 just confessed to you they killed somebody, right?

24 A. Probably Lieutenant Belk. I may have given it to
25 Lieutenant Belk to read at the time, for him. I can't

TOSHIA SMITH -- CROSS-EXAMINATION BY MR. SMITH

1 remember exactly what happened to --

2 Q. You may have given it to your supervisor that someone
3 just --

4 A. I probably did --

5 Q. -- confessed to a homicide --

6 A. Most likely I gave it to my supervisor.

7 THE COURT: One at a time. Y'all are talking over
8 each other.

9 MR. SMITH: I apologize, Your Honor.

10 THE COURT: Go ahead.

11 A. I do believe that it was given to Lieutenant Belk
12 after Ms. Walton had just confessed to a homicide.

13 Q. Did you interview anybody else in this case?

14 A. I interviewed Teresa Stagner, who is another nurse at
15 Park Pointe Village.

16 Q. Yes, ma'am.

17 A. And I also sat in on the interview with Marvin,
18 another guy at the nursing place.

19 Q. And that's Marvin Lawrence?

20 A. I believe that's his last name.

21 Q. And who conducted that interview?

22 A. Detective Stokes.

23 Q. So it again was Detective Stokes and you?

24 A. Yes.

25 Q. And you said -- you indicated you witnessed that

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 interview?

2 A. I did.

3 Q. Where did that interview occur?

4 A. In -- we have two interview rooms in criminal
5 investigations. One on property side is a little bit
6 larger than the one that we have on person's side. So we
7 conduct our interviews mostly in the interview room, large
8 interview room on property side.

9 Q. And do you know when you interviewed Marvin?

10 A. I don't remember when we interviewed Marvin.

11 Q. Do you know what you did with the information you
12 learned from that interview?

13 A. The actual statement?

14 Q. Yes. Or the information you gained, whatever he told
15 you. Did you act on that in any way?

16 A. I wouldn't have had to act on that. Detective
17 Stokes, I believe, typed that up and would have printed it
18 and...

19 Q. Were you involved in a search of his apartment?

20 A. Marvin?

21 Q. Yes.

22 A. No, I wasn't.

23 Q. Did you go back and do a second interview with Marvin
24 at any point in time?

25 A. I did not.

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 Q. Did you confront him with any information that y'all
2 may have had in the investigation?

3 A. Did we confront Marvin?

4 Q. Yes.

5 A. Not that I can recall.

6 Q. But you were aware Marvin had access to Park Pointe
7 Village?

8 A. Yes. He worked there, I believe in the kitchen.

9 Q. And you were aware that he had contact with Ms. Cook
10 the day before she died?

11 A. I did not know that he had contact with Ms. Cook the
12 day before she died. I know that he witnessed Ms. Cook go
13 to Neva, the nursing director, and ask who Braquette
14 Walton was because she wasn't sure. She didn't know who
15 that was. She just knew she had that name on some checks
16 on her bank statement, but she didn't know who it was, and
17 she was asking Neva, and I know that Marvin overheard that
18 interaction.

19 Q. So you didn't know Marvin had actually gotten a hold
20 of those papers and looked at those checks?

21 A. I didn't know that.

22 Q. I see. That might have been important information.

23 A. That might have been important information.

24 Q. And you knew that Marvin had had contact with
25 Ms. Walton around that time, the day before, the day of,

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 the day after, and subsequent?

2 A. From?

3 Q. Cell phone calls, texts --

4 A. Yes.

5 Q. -- conversations.

6 And from the statement he gave you, he indicated that
7 he sometimes took her call, but after this time he was not
8 taking her calls for a couple times, saying he was too
9 busy. Is that what he told you?

10 A. Is that what's in the statement? Because I don't
11 have his statement up here either.

12 Q. Okay.

13 A. Thank you.

14 Q. If I can help. You might want to start on page 2.

15 A. Thank you. Tell me your question again.

16 Q. That he told you that at times after this he had
17 stopped taking her call or wasn't able to take her call,
18 said he got busy, didn't call her back.

19 THE COURT: Her.

20 MR. SMITH: I'm sorry. Ms. Walton.

21 MR. BRACKETT: Your Honor, I'm going to object. I
22 think it calls for hearsay.

23 THE COURT: I sustain the objection.

24 MR. BRACKETT: Move to strike the question.

25 THE COURT: Question stricken.

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 Q. In his statement did he indicate where he was during
2 the P.M. hours of the 12th?

3 MR. BRACKETT: Same objection.

4 THE COURT: Yeah, I sustain the objection. That
5 witness has already testified and she didn't -- wasn't
6 involved in the statement, whatever he said for her just
7 to read it is of no value. She can't vouch for it, and
8 she can't disagree with it. I sustain the objection.

9 Q. Rock Hill Police Department had copies of Marvin's
10 phone calls; is that correct?

11 A. Marvin's phone calls, I'm not sure. They had
12 Ms. Walton's phone calls.

13 Q. Do you know if anything was ever done to verify call
14 locations for Marvin?

15 A. I don't think so. We weren't concerned about where
16 Marvin was.

17 Q. In the third statement that you say you received from
18 Ms. Walton, you indicate she claims she touched a lot of
19 different things; is that true?

20 A. The second statement, you said?

21 Q. The second for you, the third overall. The unsigned
22 statement.

23 A. I don't remember this statement saying anything about
24 her touching a lot of stuff.

25 Q. Would she have touched doors in that statement?

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 A. Would she have touched doors?

2 Q. Yes.

3 A. At the nursing home?

4 Q. Yes. Does that statement say she went in doors,
5 opened doors, touched doors, closed doors?

6 A. The statement says that she works there. I just -- I
7 guess it would be assumed that if she worked there, she
8 would touch numerous things.

9 Q. And she went in Ms. Cook's room?

10 A. Right.

11 Q. And she touched the bed, the phone, the shower, the
12 sheets, the covers, the pillows; is that right?

13 A. I can't tell you what she touched, but I can tell you
14 she was an employee there and --

15 Q. Do you say she said she touched those in that
16 statement?

17 A. I don't see those things, what you're asking me that
18 she touched in this statement at all.

19 Q. Now, when you testified, didn't you say that she
20 gathered up sheets?

21 A. Yes.

22 Q. So she would have touched those items?

23 A. She would have touched those items, correct.

24 Q. She talked about getting a phone out of Ms. Cook's
25 hand, you say?

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 A. Yes.

2 Q. So she would have touched that item?

3 A. Correct, she would have touched that item.

4 Q. She went into a closed room, opened a door, and
5 called Ms. Cook's name, you say?

6 A. Opened the door to Ms. Cook's room, yes.

7 Q. So she would have touched that item?

8 A. She would have.

9 Q. She took Ms. Cook into a bathroom, so she would have
10 touched Ms. Cook, you say?

11 A. Yes.

12 Q. She would have turned on a shower, so she would have
13 touched the shower, you say?

14 A. Correct.

15 Q. So in the statement she gives you, she indicates she
16 touched a lot of things.

17 THE COURT: Is there a question?

18 MR. SMITH: Sorry.

19 Q. Isn't that correct?

20 A. She wouldn't have directly said that she touched a
21 lot of things, but yes, in the statement, what she
22 described, she touched -- she had to touch numerous
23 things, yes.

24 Q. But that statement isn't recorded, that statement
25 isn't videoed, so we can't show it to this jury, can we?

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 A. No, we cannot.

2 Q. It would be better evidence for them if we could.

3 MR. BRACKETT: Objection. What is or isn't better,
4 best.

5 THE COURT: I sustain the objection. That's
6 argumentative.

7 Q. Is it normal procedure to have two detectives in a
8 room when you do an interview?

9 A. Most times we conduct interviews with two detectives
10 in the room.

11 Q. Detective Stokes left the room?

12 A. Detective Stokes did leave the room to go get tissue,
13 yes.

14 Q. Just to go get tissue?

15 A. He went to get tissues. I think he came back with
16 water or something else too, but he went to go get some
17 things, yes.

18 Q. But you didn't think he was going to be gone long?

19 A. No.

20 Q. And you continued the interview rather than wait on
21 him to come back?

22 A. It's not policy that you have two detectives in the
23 room. It's something that we do, but it's not something
24 that's required.

25 MR. SMITH: No further questions.

TOSHIA SMITH - CROSS-EXAMINATION BY MR. SMITH

1 THE COURT: Redirect?

2 MR. BRACKETT: Just one thing..

3 REDIRECT EXAMINATION

4 BY MR. BRACKETT:

5 Q. Did you receive the call from Lieutenant Belk or did
6 you -- who received the call from who to go do the final
7 interview?

8 A. We were at lunch, and I --

9 Q. Were you at lunch with Detective Stokes?

10 A. And Lieutenant Belk, yes.

11 Q. And Lieutenant Belk? The three of you were together?

12 A. We were together.

13 Q. I see.

14 A. And there was a call, I believe, from the jail saying
15 that Ms. Walton was requesting to speak with Detective
16 Stokes.

17 Q. All right. Do you recall who gave that -- who got
18 the call?

19 A. I believe it may have been Stokes.

20 Q. Okay. Is that the kind of detail in an investigation
21 you would necessarily document, who got the call?

22 A. No.

23 Q. Did you document what you were eating?

24 A. I did not.

25 Q. Okay. Thank you very much.

TOSHIA SMITH - REDIRECT EXAMINATION BY MR. BRACKETT

1 THE COURT: Redirect -- I mean recross?

2 MR. SMITH: Nothing, Your Honor.

3 THE COURT: You can step down and be excused.

4 THE WITNESS: Thank you, Your Honor.

5 THE COURT: Thank you.

6 Call your next witness.

7 MR. BRACKETT: Yes, sir, Your Honor. State would
8 call Janice Sullivan.

9 THE COURT: Who gets this?

10 JANICE SULLIVAN, after having first being duly sworn,
11 testified under oath as follows:

12 DIRECT EXAMINATION

13 BY MR. BRACKETT:

14 Q. Good afternoon. Would you please state your full
15 name for the record, please.

16 A. Janice Sullivan.

17 Q. And can you tell the jury who you are in relation to
18 Pauline Cook.

19 A. I am Pauline Cook's daughter.

20 Q. All right. I just have a few very brief questions.
21 I'm going to show you a number of exhibits, State's 99,
22 100, 101, 102, 103, 104, 105, and 106. These are a series
23 of photocopies of checks. Are you familiar with your
24 mother's signature?

25 A. Very.

JANICE SULLIVAN - DIRECT EXAMINATION BY MR. BRACKETT

1 Q. Would you please take a look at each one of these
2 photocopies and the signature on the front of each check
3 in the bottom right-hand corner and tell us if you -- give
4 us -- just take a look at each one of them right now.

5 All right. Now, having looked -- did you get a
6 chance to look at each one of those signatures?

7 A. Yes, I did.

8 Q. What is the name of each -- the -- each of those
9 signatures purports to be?

10 A. Pauline Cook.

11 Q. And can you tell me, is that signature genuine, an
12 authentic signature of your mother's, or is it a forgery?

13 A. It is not genuine.

14 Q. You can set those down now.

15 Did you have occasion to see your mother on Saturday,
16 November 12th?

17 A. Yes.

18 Q. How much time did you get to spend with her?

19 A. Several hours.

20 Q. And about what time do you recall did you leave?

21 A. Did we leave?

22 Q. Yes. You leave your mother's company.

23 A. Midafternoon.

24 Q. And during the time you were with her, did you
25 observe any injuries to her face or her hands or arm?

JANICE SULLIVAN - DIRECT EXAMINATION BY MR. BRACKETT

1 A. No.

2 Q. And finally, at some point in time after she had
3 passed, did you come into possession of her personal
4 property?

5 A. Yes.

6 Q. And did you review and go through all of her stuff
7 from Park Pointe?

8 A. Yes.

9 Q. Was anything missing?

10 A. No.

11 Q. Thank you very much.

12 MR. BRACKETT: I have no further questions.

13 MS. ANDERSON: No questions, Your Honor.

14 THE COURT: You may step down. Thank you.

15 Appreciate your time.

16 Call your next witness.

17 MR. BRACKETT: Subject to one matter that we need to
18 take up out of the presence of the jury, I believe that
19 would be the State's case, but I won't formally rest until
20 we tend to --

21 THE COURT: Members of the jury panel, we've reached
22 that point in the trial where the State is telling us,
23 with a little bit of a caveat, that they have concluded
24 their case. So we have to take a break at this time. And
25 we'll send for you as promptly as we can.

1 (The jury left open court at approximately 2:58 p.m.)

2 THE COURT: Mr. Brackett.

3 MR. BRACKETT: Yes, sir. The two things we'd like to
4 accomplish. First we'd like to review the items that are
5 in evidence with the defense to make sure that our
6 understanding of what's in is the same as theirs and the
7 court reporter's and that all the items that we've moved
8 in are, in fact, marked as in evidence. And secondly, if
9 I could see the forgery indictments for just one moment.

10 Mr. Thompson had a question. I'm not sure I
11 understand. There is nothing to attend to on that. I
12 believe off the record we discussed submitting just the
13 amended indictment.

14 THE COURT: I think we have that, and I gave the old
15 indictment back to the clerk.

16 MR. BRACKETT: Yes, sir. I just wanted to put that
17 on the record. We'll not submit the original indictment.
18 Subject to reviewing the evidence, the State would rest,
19 Your Honor.

20 THE COURT: Anything on behalf of defense?

21 MR. SMITH: Yes, Your Honor. At this time I'd make a
22 motion for directed verdict. Ask for a finding that the
23 State -- that the evidence in light most favorable to the
24 State is not sufficient to find Braquette Walton guilty
25 particularly of the murder charge. I'll make it for each

1 charge, however, Your Honor. Particularly with regards to
2 the murder, the burglary, and the abuse resulting in death
3 and abuse. I would say that there is circumstantial
4 evidence to place her at the scene. The evidence
5 concerning the statement, I made an objection for the
6 third statement to be admitted. Ask that not to be
7 considered. On that basis make a motion for directed
8 verdict.

9 THE COURT: I deny the motion as to all forgeries and
10 the murder, burglary, and to abuse. And -- well, one
11 abuse and one exploitation of a vulnerable adult. I find
12 there's direct evidence as to all of these charges which
13 the jury could conclude that Ms. Walton did commit these
14 offenses. And there's also substantial circumstantial
15 evidence from which the jury could also reach that
16 conclusion as to all of these charges. So those motions
17 are denied as to all the charges: The eight forgeries,
18 exploitation, death by abuse and neglect, burglary, and
19 the murder.

20 Now, Ms. Walton, can you hear me?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: We've reached the point in the trial
23 where you have the right to present a defense if you wish.
24 You don't have to present a defense because you're
25 presumed innocent of this charge. The State must prove

1 your guilt beyond a reasonable doubt. You do not need to
2 prove your innocence. So you have a right to present a
3 defense, but you do not have to. That is, you can present
4 witnesses who you believe will testify on your behalf.

5 Now, you have a right to testify. You also have a
6 right to remain silent. If you testify, the State will
7 cross-examine you and you will be under oath. But you do
8 have a right to testify. If you exercise your
9 constitutional right to remain silent, I will tell the
10 jury that you have done that, that they cannot use against
11 you in any way the fact that you exercised your
12 constitutional right to remain silent. I will remind them
13 that you are presumed innocent, do not have to prove your
14 innocence, and that the State must prove your guilt beyond
15 a reasonable doubt. So you can testify if you wish, or
16 you can remain silent. And if you do remain silent, the
17 jury cannot use that against you. Do you understand all
18 that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you have any questions about any of
21 that?

22 THE DEFENDANT: No, sir.

23 THE COURT: I advise you this is your decision. It's
24 not your attorney's or your family's or your friends'.
25 You can get advice, and I'm sure you already have. But

1 it's ultimately up to you, Ms. Walton, to determine
2 whether or not you choose to testify or not. Do you
3 understand?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: I'll give you some time. We'll take a
6 break now. But have you reached a discussion as to
7 whether you intend to testify or exercise your right to
8 remain silent?

9 THE DEFENDANT: I will remain silent, sir.

10 THE COURT: You can be seated.
11 Does the defense have any witnesses to call?

12 MR. SMITH: None, Your Honor.

13 THE COURT: All right. Let me see counsel in the
14 back, and we'll be at ease for about 10, 15 minutes.

15 (A recess was taken from 3:03 p.m. to 3:26 p.m.)

16 THE COURT: State ready?

17 MR. BRACKETT: Yes, sir, when the jury comes back in,
18 we'll --

19 THE COURT: Let's get Ms. Walton in.
20 Yes, sir.

21 MR. BRACKETT: Yes, sir. When the jury comes back
22 in, the State will formally rest. And I believe we've
23 cleared all the exhibits and then we're -- I believe our
24 understanding is we'll proceed directly into closings as
25 soon as the defense rests.

1 THE COURT: Right. About how long do you think your
2 closing will be?

3 MR. THOMPSON: Probably about 45 minutes, maybe 50.

4 THE COURT: How about how long will yours be?

5 MR. SMITH: I hate to venture a guess, Your Honor.

6 It shouldn't be over an hour. I hope to have it 35
7 minutes, but I fear I'm over.

8 THE COURT: Bring in the jury.

9 MR. SMITH: Your Honor, the jury charge request, do
10 you wish that now or do you wish...

11 THE COURT: Yeah, hold them up. We had a jury charge
12 conference, and the only issue I'll let Mr. Smith put on
13 the record is whether he was requested, and I have denied
14 that request, requested that I charge voluntary
15 manslaughter. And after analyzing the facts, I believe
16 that there -- this does not fall into the arena which
17 would allow a jury to consider that as an option. I do
18 not find that the facts support a charge to the jury to
19 voluntary manslaughter in this case. But I'll let you go
20 ahead and put on the record your position.

21 MR. SMITH: Thank you, Your Honor. May it please the
22 Court. The position of the defense in the case is that
23 the alleged third statement as well as the testimony of
24 Detective Smith in this case paints a scenario that could
25 be found by this jury to understand that Ms. Walton went

1 into the room not intending any harm or anything unlawful,
2 that Ms. Cook told her to have a seat and that she would
3 come out and talk with her, and during that conversation
4 things got excited and it was Ms. Braquette's attempt just
5 to stop the wailing or flailing and stop her hair from
6 being pulled but did not intend any adverse consequences.
7 And that based on that testimony, the jury could find
8 manslaughter in this case. So we would ask for that
9 instruction.

10 THE COURT: That motion is denied.

11 State want to put any comments on the record?

12 MR. BRACKETT: Just that we don't believe that
13 there's sufficient legal provocation that that charge
14 requires in order to justify the charge of voluntary
15 manslaughter to be considered by this jury. There's no
16 evidence that Ms. Cook did anything to provoke her to
17 arouse her passion such that it would then necessitate the
18 assault upon her. She was trying to call the police to
19 get her out of the room. So I think there's no call for
20 that charge.

21 THE COURT: All right. Bring in the jury.

22 Of course, the defense has closing argument.

23 (The jury entered the courtroom at 3:31 p.m.)

24 THE COURT: Mr. Solicitor?

25 MR. BRACKETT: The State would rest.

1 THE COURT: Mr. Smith?

2 MR. SMITH: The defense does not intend to put up
3 evidence.

4 THE COURT: Members of the jury, the State has rested
5 and the defense has rested, so we've reached the point of
6 the trial where the attorneys will now make for you their
7 closing arguments. Unlike the opening statements, they
8 will now be taking the facts that have been presented
9 through the evidence and tell you why, based on the law
10 which I have gone over with them and they know what law I
11 would charge, why because -- why applying that law to the
12 facts, your verdict should be a certain verdict.

13 Counsel.

14 CLOSING ARGUMENT BY MR. THOMPSON

15 MR. THOMPSON: May it please the Court, Your Honor.

16 Murder. What is murder? The legal definition I'll
17 give you in a moment, but after this case, if you were to
18 Google it or look online or look in the dictionary, it
19 very well could have a link or comment that says "see
20 State versus Braquette Walton." Because this case is a
21 perfect example of murder.

22 Murder is the unlawful killing of another with malice
23 aforethought. The unlawful killing of another with malice
24 aforethought. Seems pretty simple. Let's look at it a
25 little closer. What is aforethought? It's having malice

1 just before you commit the act. It doesn't mean you have
2 to have planned it out. It doesn't mean you have to have
3 laid in wait for someone. It doesn't mean you have to
4 have made a giant scheme and written it down. Something
5 that happens aforethought is just, as the judge will
6 instruct you, a moment before you do it. If you have
7 malice in your heart, then you commit murder.

8 But in this case, let's think about that a little bit
9 more. Because malice, which also has an odd definition,
10 would be a wicked and depraved heart, someone fatally bent
11 on mischief. And those I don't necessarily understand.
12 So I'd like to explain malice rather easily.

13 Malice is being mean. Malice equals mean. It's
14 doing something that's completely unnecessary. It's doing
15 something that's cruel, something that's heartless. And
16 as we look at this case, I want you to remember and think
17 of this as we stream through this, as you heard the
18 testimony, as you listen to the arguments. Malice
19 aforethought.

20 Because we know from the pathologist kind of how this
21 went down. We have an understanding from the bruises kind
22 of how this happened. And I believe one of the poses he
23 put with the finger bruises, the fingers cupping up under
24 the chin, another hand covering the mouth and nose, were
25 maybe reversed like this or like this.

1 Now, think about that. What does it take to kill
2 someone doing that to you? What would happen to the
3 person who's actually being smothered and asphyxiated
4 under this? Well, think about any time that a person is
5 ever losing air or oxygen. You struggle for more. Your
6 body starts flailing. You start moving. You try to move.
7 Remember, there's abrasions on the nose, on the lips, the
8 face. And as they hold down, that person moves. Your
9 arms might start -- your body starts to jerk.

10 Malice aforethought, you have to sit there and intend
11 to do this. This is a hands-on murder. This is hands-on
12 killing. It's not something that's far back. It's not a
13 bullet from a hundred yards. It's not poisoning someone
14 to see what happens next. It's not anything like that.

15 This is personal. This is right up close. And this
16 is having to hold. Because there's a period of time that
17 you could end up in the middle of this going, "Oh, what am
18 I doing?" And let that person live. But that's not what
19 Braquette Walton did. She kept holding it down and making
20 sure that Pauline Cook, 82, lived a long life, had a death
21 that no one deserves.

22 So remember that. Because if even before the moment
23 she did that she had no intent to kill, when she started
24 that, she had malice and malice aforethought because she
25 had time to sit there and think about this woman dying in

1 her own hands.

2 Now I want to talk a little bit more about examples
3 of malice, because you can have someone say, "Well, I'm
4 going to kill you," and that might help you determine
5 malice. But very rarely do you have a case like that.
6 Most cases are much more like this, where you look at the
7 actions of the individual who is actually doing the
8 killing to determine the malicious intent of their heart.
9 We're going to go through some steps now and add up some
10 of the things that she did. And some of them on their own
11 you might not think, well, I don't know if that's
12 malicious. But when you add them all together, there will
13 be no question that there was malice.

14 A caregiver stealing checks from an elderly resident.
15 That's the beginning of our trail of malice. Caregiver
16 forging those checks. And you heard the testimony in
17 that, and you heard from the people who said that's not
18 Pauline Cook's signature. You know Pauline Cook said
19 herself, "That's not my signature," and you know that
20 Braquette Walton forged every one. And she admitted to
21 it. And she was caught dead to rights. We've proven it,
22 whether she admits to it or not, beyond a reasonable doubt
23 already. She forged those checks.

24 A caregiver lying about forging the checks. Of
25 course that was her first statement. No, we have a

1 ledger. We have a ledger here. We can -- we wrote it
2 down, looked something like this.. She was just lending me
3 money because she was nice and I was in need. The first
4 thing she does is try to cover for herself with that.

5 Malice is coming back from Greenville to confront the
6 elderly resident you defraud. Remember the calls, the
7 text messages, and you'll have the phone records there,
8 Marvin Lawrence around 3:00, sending her a message. Then
9 he called at 3:21, where he talked to her and told her,
10 "She's showing around checks that's got your name on it."
11 And at that point she knew, she knew as someone who was a
12 caregiver and has that as her livelihood that she would
13 never have that job again if she didn't get this thing
14 handled. So she made a beeline from Greenville back to
15 Rock Hill. Can't get another job once you get convicted
16 of some sort of fraud against an elderly resident as a
17 nurse's assistant again.

18 Hiding your car on the side streets to sneak onto
19 Park Pointe Village. Another malicious thing that she
20 did. To hide to come in. If you just wanted to talk to
21 her and say, "Oh, look, there's been a great
22 misunderstanding. I did something really bad. Let me pay
23 you back, please. Let me pay you back," would you have to
24 sneak in? Would you have to hide that car? Would you
25 avoid coming through the front gate? She didn't.

1 Sneaking into the assisted living building to silence
2 Ms. Pauline. That door right there she walks through.
3 She walks through. She brings her card. And you can see,
4 you can go into that little foyer, you can hide up against
5 that corner where the card swipe is and where the phone
6 is, and you can watch through the little bit of kind of
7 angled glass there, and you can see when it's clear. You
8 can see when it's free. You can see when you can get in.
9 And you can swipe that card, go straight in.

10 And this is the view from the other angle as you look
11 across from the nurses' desk and the front door. You can
12 see a view from the nurses at the desk. If they're not
13 all the way up at the far corner and kind of looking
14 around, they don't see anything at that door. But right
15 when you come in that door, sneaks into the tree room.
16 And we see that's right there. If you come right out of
17 that door, immediately to your right is the tree room.

18 She goes in, and then malice is hiding in the tree
19 house room, lying in wait. Because that's what she was
20 doing. She was lying in wait for Ms. Pauline to go to
21 bed. So even though lying in wait is not an element of
22 murder, it's not a necessary element, it's exactly what
23 she did. She had plans to what she was going to do.

24 And there's the two closets right there from the back
25 of the tree room looking out that door of the tree room.

1 You could hide behind chairs. You could hide in either
2 one of those closets. And as you recall from the
3 testimony, one of the nurse's assistants said she heard
4 some noise in the tree room. And it sounded a little bit
5 like a door closing or opening slowly. And she went in
6 and looked, and she didn't see anything at the time, but
7 of course we learned later on the defendant said, "I hid
8 in the tree room. I stayed in the tree room waiting for
9 Ms. Pauline to come around." Of course she says too she
10 went down to see Ms. Pauline earlier on, what, 8:30, 8:00
11 something, right in there. And she goes down, and
12 Ms. Pauline is not there.

13 That's right. Everyone knew the routine of
14 Ms. Pauline. She was usually in bed by that time. So she
15 went the first time thinking, oh, she's going to be in bed
16 at this point. She didn't realize Ms. Pauline was at
17 bingo that night. So it'd be just a little bit later.
18 And while she's in the tree room, the other thing that we
19 know is that she says in her statement to law enforcement
20 that she heard Ms. Pauline coming down the hall and
21 talking. Who was she talking to? Remember the nurse's
22 assistant who testified that Ms. Pauline came by the front
23 desk and said to her, "You have my medicines ready? Are
24 my medicines ready?"

25 "No. They'll be down in a little bit."

1 So at that point, the defendant knows, well, I can't
2 go yet. I can't go back yet because she's got to have,
3 medication. And so she waits until medication is
4 delivered. And this is according to her statement. This
5 is what she's telling us.

6 Malice is calling the nurse's station and hanging up
7 in order to determine the location of those who would stop
8 her. Seven calls to the nurse's station between 9:25 and
9 10:00 that are hangup calls. Seven. She's continually
10 calling, finding out where nurses are. Is she hiding in
11 the room -- the tree room the whole time? No, probably
12 not. She's probably making these from all over inside
13 Park Village (sic). And remember all these times too, the
14 cell phone towers? It's ringing off the one on Highway 5
15 and Mathis Road, right there, the one for Park Pointe
16 Village. The one that if you look at those phone records,
17 they go back a couple of days, at the time she was
18 scheduled to work, if she worked earlier in the week, her
19 phone rings off that same tower. That's where she is.
20 She's there. And you'll see the map for it. You'll see
21 how it looks. You'll see exactly how it covers the area
22 that she's in when she's at work.

23 But she wasn't supposed to work this night. And
24 that's not why she was here. This wasn't a schedule for
25 care for someone. It's a schedule to harm someone.

1 Sneaking down the hall to Ms. Pauline's room. Here's a
2 look down the end of the hall. And you don't have to get
3 too far right away when you sneak into this hall because
4 if you notice how on the right side the door kind of juts
5 out and that they talked about all the little alcoves that
6 go back to the other doors as you go down the hallway.
7 You don't have to get far before you sneak and get behind
8 a little something so that you're out of the way so that
9 you can take another look or maybe dial that number again
10 and see if you hear anything.

11 Here's from the other side of that alcove. You can
12 see the big spot on the side where you could hide looking
13 back towards the nurses' desk. And then she continues
14 down the hall to Ms. Pauline's room. But if you look to
15 the left, there's two more big places to hide and stay out
16 of the way. You can go into this room first, which also
17 has an exterior exit. And as you heard the testimony of
18 Neva Lattimer, you can go around that little corner there.
19 There's a closet, so you can actually stand back behind
20 that even. So if someone actually came down to the end of
21 the hall, they still wouldn't see because they wouldn't
22 really have any reason to go into that part of that room.
23 So you got another spot to hide. And she knows it. She
24 works there. This is easy.

25 Then we look, when we go around back down to the hall

1 and look at Ms. Pauline's room, the door is right next to
2 it, the first door, you got a laundry room, and then the
3 second door next to it over here on the edge.

4 Madam Clerk, if you could turn the lights just a
5 little bit so we could see this a little bit better.

6 Right here on the edge, you can see the biohazard
7 sign on that door. That's how you know that's the trash
8 room, so you can keep them straight kind of that way.

9 And, oh, something interesting about the trash room
10 that night. The door is propped open that night
11 inexplicably. During the time that this would have
12 occurred, the door is propped open. And then another exit
13 door right there. Next door with another little Radio
14 Shack alarm. That all you have to do is plug in the code,
15 the code that all of the employees know. The defendant
16 knew that code. All she has to do is punch it in, and she
17 can walk out that door, prop it. She can come in and out.
18 She can do anything she wants at that point without being
19 seen or heard. No alarms will go off. Nothing will be
20 heard anywhere else. No one will be any the wiser.

21 Malice is scoping out the hallway to see if anyone is
22 looking. If you look back up the hall from Ms. Pauline's
23 room, if you come back around that corner, you can look
24 up. And I'm sure she did. See if anyone is looking, if
25 she has to go in and out between that room and possibly

1 the linens. Remember, the linen cart is out there
2 inexplicably as well. Or go into the trash room to get
3 whatever you need. There's cleaning supplies in there and
4 other things like that.

5 Malice is entering Ms. Pauline's room without her
6 consent with the intent to commit a crime. Ladies and
7 gentlemen, that's what burglary is, entering without
8 consent with the intent to commit a crime. So let's talk
9 about the burglary first degree. Burglary first degree,
10 as I said, it's entering the residence of another. And
11 this is Ms. Pauline's residence. This is where she lives.
12 She is protected in that residence by the law. You're not
13 allowed to go in unless you have authorization. And
14 people who are not working there at the time they're not
15 working there cannot go in. And even when they're working
16 there, there's rules on how they can go into that room.
17 And even if they're working there, if they enter that room
18 without consent with the intent to commit a crime, they're
19 committing a burglary.

20 She'd already done it before because she had gone in
21 there and stolen checks. She's pretty familiar with the
22 things in that room. She did it without consent.
23 Ms. Pauline, she didn't knock on the door, have someone
24 call out. Because of course she snuck in. You can't
25 knock on the door when you sneak in with the intent to

1 commit a crime.

2 There's a number of crimes she intended to commit,
3 and there's a number of crimes she committed while in that
4 room. Even if you believe exactly what her statements
5 were to the police, that she just wanted to go there and
6 try to talk to her about the checks, put this in the light
7 of this situation. If I'm the victim of a -- if I'm the
8 victim of a forgery and I'm laying in my bed at night and
9 suddenly the perpetrator of the forgery walks into my
10 bedroom and wants to talk to me about the checks, you're
11 not allowed to do that. That's intimidating a witness.
12 That's intimidating a victim. It's against the law to do
13 that. You can't just waltz into someone's room. That's
14 an intimidating situation, and you have an elderly person
15 who's much easier to intimidate than the average person.

16 So that alone, if you just believe what she said, is
17 an intent to commit a crime. But she did more than that.
18 She did commit crimes. And as she said earlier, she went
19 in there and looked for the checkbook and she tried to
20 find some of the check stubs in the statement. Remember
21 that? The check and the statement, I believe she said she
22 went in and looked for that earlier. Why would she be
23 looking for it? To steal it.

24 Her intent wasn't pure in there. Even if you believe
25 her statement, her intent was not pure; it was to commit a

1 crime. What did she do ultimately? Of course she killed
2 Pauline Cook. But she also stole. She stole the linens.
3 She stole what she was wearing. She stole the pillows.
4 She stole all those things and took them away. Of course
5 to hide the crime, but she nonetheless stole them. It
6 shows she went in with the intent to commit a crime.

7 And then in order to have a burglary first, you have
8 to have one of these two aggravating circumstances. One
9 or the other. You don't have to have both, but in this
10 case we do. One is that the entering, remaining occurs in
11 the nighttime, and obviously this happened at night. We
12 know she logged in. She used her swipe card at 7:50.
13 It's already nighttime. We know by the time the police
14 come or by the time they find her at 6:30 or 6:45 in the
15 morning, that's still nighttime. It had to happen in the
16 nighttime.

17 And let's talk about when it happened a little bit.
18 Because it would have had to have happened prior to
19 midnight. If you look at her cell phone records, and that
20 put her there up until about 11:00 something, and then
21 somewhere between 11:00 something and midnight or a little
22 after midnight, that's when the AT&T guy told us, well,
23 during that time, there was some movement. I can't tell
24 exactly where she was, but during that time she left that
25 area.

1 Then look at what the pathologist says. In her
2 stomach, there were the leftovers of a well-chewed meal
3 and medication, partially dissolved medication or remnants
4 of medication. And as he told you, generally even in a
5 big meal, you digest it in four hours. So when she takes
6 her medication a little after 9:00, and he said, I
7 believe, it was one to two or one to two and a half,
8 somewhere in there, is the amount of time that he thought
9 it would have taken for whatever she had in her stomach to
10 be gone. She gets killed in that period of time.

11 Not to mention, we know at 12:30, I believe it was
12 Mr. Ivey that came in and said that's when he was -- right
13 when the shift started at midnight. That's when he had to
14 go down to the boiler room, where all the water was
15 spilling out. The boiler room right under her room, where
16 water was being jammed through that shower and soaking the
17 floor and starting to come through. It's up just at the
18 right time.

19 Now, the defense made a big deal about one of the
20 nurse's assistants, Ms. Roach, saying that she thought she
21 had checked in on her. But you heard Ms. Roach's
22 testimony. And as she -- you heard the detective as he
23 talked and walked back through and she realized she hadn't
24 done it and her reaction when she realized that she hadn't
25 checked on Pauline. Obviously this thing happened within

1 that time frame. And there was more than enough evidence
2 to show that.

3 The other one is that the defendant injures someone
4 during the course of the crime. You can't injure them any
5 more than what she was injured that night. So we've met
6 the first-degree burglary element.

7 Let's talk briefly about forgeries. Intent. Forgery
8 requires intent to defraud somebody. And to forge or
9 cause or procure a forged instrument of writing. What
10 does that mean? Basically you forge a check in this case.
11 And that you're going to write it as a check. So you
12 forge or you cause it to be forged. Pauline Cook didn't
13 fill that stuff out. It wasn't written by Pauline Cook.
14 It was written by Braquette Walton. And even if Pauline
15 Cook had filled some of that check out, the signature is
16 not hers. It was forged.

17 Or the forgery can be the uttering of the check, the
18 uttering or publishing of the check as true. What is
19 uttering and publishing? It's taking the check to the
20 bank and saying, "Here, cash this." Writing out that
21 deposit slip, like she didn't say, "Oh, this \$380, I'm
22 going to take \$180 in cash and you put 200 in that account
23 for me over there. Thank you. I'm going to go get my oil
24 done at Walmart."

25 And Mr. Smith made a deal about, oh, with the

1 apartment, there's nothing that links back to my client
2 from that apartment. Well, there is. There was paperwork
3 that linked back to her client and links his client to
4 Mrs. Cook. The receipts, the deposit receipts from the
5 forgeries. That links it back. The receipt showing that
6 she was at the Walmart during those periods of time that
7 the checks were forged. That links her back. She is
8 linked back. She is linked back.

9 The confession. This is the third statement, and if
10 you notice, there wasn't a whole lot of fight from the
11 defense when it came to the first and second statement.
12 But all -- there was a lot from that third one. Well,
13 that's because when you hurt someone, they scream the
14 loudest then. This hurts the defendant the most, and so
15 she screamed the loudest then. That's why you see that
16 fight. That's why, oh, it's not videotaped, so you can't
17 believe it. Or these detectives somehow are making this
18 up. They're -- this is ludicrous.

19 She confessed. They did the confessions, and they
20 did the statements just like they do with anyone else.
21 The only difference between that one and the ones before
22 is that at the end of it, she looked at it and she
23 realized, oh, in this one, I actually said something
24 that's going to really get me in trouble. Said, "Well,
25 maybe I should talk to my mom before I sign it." She's 30

1 years old.

2 Just trying to tell Ms. Pauline that I would pay her
3 back. I just wanted to talk to her. That's part of what
4 she said to the officers. Ms. Pauline hit me with the
5 phone. If you notice this, there's a theme in her
6 confession, and it's "I'm not to blame for anything."
7 Ms. Pauline is the one who hit me. We fell onto the bed.
8 We fell onto the bed." Not "I pushed her onto the bed."
9 Even if she described to the detectives how she laid out
10 and was over top of her, which we know not to be true
11 because of the evidence the pathologist has told us. We
12 fell onto the bed.

13 Ms. Pauline hit her hand. And remember, no one had
14 told her about these things. This is one of a number of
15 things with both of the detectives as to what they told
16 her ahead of time and what she was doing. In this last
17 confession, she gave a ton of detail that only the killer
18 would know. But she still did it in a way to make herself
19 look less culpable or less to blame. She hit her hand.
20 She even describes that it's her right hand and that it
21 only had a cut on the top of it, which it did.

22 I was trying to get her to calm down. See,
23 everything she says in her statement is how, oh, she's
24 doing good things; she's not really doing bad things.
25 This isn't that bad. I told her I would get off, but she

1 had to stop wailing and pulling my hair. It's almost like
2 she's trying to say she's dealing with a child or
3 something. That's not what happened.

4 I told her I was not there to hurt her. Ms. Pauline
5 stopped moving. Not I forced her to stop moving. I
6 panicked. And if you were just to casually first get this
7 statement and read up to that point and you would --
8 believing everything she says up to this point and that
9 she panicked, what would be the reaction of someone who
10 then panicked and realized, oh, no, she's not breathing?
11 We're going to have one of two reactions. You're going to
12 get out of dodge and just run, or you're going to try and
13 help the person. And who better to help the person than a
14 trained nurse's assistant trained in CPR in a building
15 that has other nurse's assistants right down the hall?
16 That's not what she does. Braquette Walton continued to
17 downplay what she had really done. But we know what
18 happened to Ms. Cook. Malice is this caregiver defendant
19 violently killing Ms. Pauline.

20 And these pictures are awful. But the acts are
21 awful. You can see the nose. You can see the raccoon
22 eyes, as the pathologist described it. You can see the
23 fingertip or the fingerprint bruising pattern along the
24 bottom part of her chin, the abrasions on her mouth and
25 nose. You can see the glove in the way it fits perfectly

1 over those fingertip bruises across the chin. It's
2 horrifying.

3 You can see how there's the retinal hemorrhaging. As
4 he called it, petechia. I always get that word wrong, so
5 if I mispronounce it, forgive me. Both eyes. The large
6 bruise on her scalp. Two bruises on her chest. And you
7 can see again the raccoon-shaped bruises across her eyes,
8 around her mouth. The redness and the swelling. Her hip,
9 the bruise and the abrasion there. Her hands. That's her
10 left hand. Completely bruised all over. Her right hand,
11 especially badly bruised right in here at the thumb and
12 forefinger. But then that's also the right hand that when
13 you look, it's the one with the cut. The one that the
14 defendant mentions herself.

15 Malice is this trained caregiver defendant making no
16 attempt to revive Ms. Pauline. The reason she made no
17 attempt to revive Ms. Pauline is she didn't want
18 Ms. Pauline to be revived. That was a conscious decision.
19 Just like her decision to come in there and do that this
20 night. I want you to think of this. Think of all she did
21 to hide this crime scene. If you're panicked and you've
22 just done something that shocked you, do you take the time
23 to do everything she did? No.

24 As I said, common sense would tell you if you panic,
25 you're going to do one of two things. Run, get out of

1 dodge, or get help. Instead she says she sat down and she
2 couldn't leave Ms. Pauline like that. And you think,
3 well, maybe the next line is going to be I tried to help
4 her. But no. So I drag her into the shower. I took the
5 sheets because I was taught how to move someone in sheets.
6 So she took the expert training she had, bound her up in
7 the sheets, and dragged her down over to the shower.

8 Then she talks about how she cleaned up the blood
9 because there was blood on the pillows and blood on the
10 sheets. And I want you to think of something. Kayla
11 Larson, the nurse who put Ms. Pauline to bed, who gave the
12 medications, remember, she came in, and Ms. Pauline was
13 pretty groggy and kind of asleep. The television was on,
14 which was off when everyone came in in the morning. But
15 it was on when she left; it was on when she came in.
16 Ms. Larson, she had to kind of wake her up a bit, sit her
17 up and turn on the lights and make sure she got her meds.
18 Basically tucked her in. Put her back in bed. Pulled up
19 the covers. Gave her a hug. Told her good night. That's
20 where that -- and remember what she said about the
21 pillows. She had one under her head, she had that green
22 pillow on the floor, and the other pillow is on the sofa.
23 So I submit to you, why do you have to throw away
24 both pillows if one of them is on the sofa? That's
25 because the defendant didn't come in to talk to her about

1 checks. She didn't come in to do anything nice. She had
2 a plan when she came in. Once again, a plan is not
3 required for murder. Even if you just go exactly off her
4 statement, she's committed murder.

5 But it's even more egregious than that. She comes
6 in, she gets blood on both of those pillows, and she does
7 it because when she comes in, the more logical thing is
8 that Ms. Pauline is either asleep or half asleep. Not in
9 the bathroom. She'd already gotten ready for bed. Why
10 would she have to go in there and get ready for bed again?
11 She was very groggy, as Kayla Larson told us, when she
12 left. I submit to you she went over to that sofa, she
13 took that pillow, and as you'll see in the pathology
14 report, it says one of the ways this could have been done
15 is with something over the face in addition to the hands.
16 And she used that pillow to put it over Ms. Pauline and
17 hold her down. Because really, she didn't want any
18 screaming. She didn't want anyone to hear what was
19 happening.

20 That's how she got blood on the pillow. That's why
21 she had to throw away both pillows. She didn't throw away
22 the husband pillow. It didn't have blood on it. It was
23 on the floor. This other pillow, she would have had to
24 throw it away. It had been on the sofa. Or she could
25 have put it on the bed to make it look more realistic the

1 way the bed was. But she didn't. She got rid of it
2 because she said there was blood on it. The only way it
3 gets blood on it, when things happen over at the bed.
4 Because you see in the picture, the sofa is way over here.
5 There's an end table in between the two, and the sofa is
6 over here. If it gets on the bed, it's because she
7 brought it to the bed when she smothered and killed
8 Ms. Pauline. That's why she got rid of it.

9 A vulnerable adult. Some of the charges you'll be
10 considering, consider a vulnerable adult. What is a
11 vulnerable adult? It's an adult who is a resident of a
12 community residential care facility. Exactly where
13 Ms. Pauline was. Exactly what she was. You heard the
14 testimony from Neva Lattimer. That's what Park Pointe
15 Village is. That's what their assisted living wing is, is
16 a community residential care facility.

17 It is unlawful for a person to knowingly and
18 willfully abuse or neglect a vulnerable adult resulting in
19 death. One of the charges you have is that charge right
20 there. Ms. Pauline was a vulnerable adult.

21 What is abuse? Any physical abuse. Obviously there
22 was abuse that caused Ms. Pauline's death. What is
23 neglect? Neglect is not helping her when she's in need of
24 help when you're in a position to do it. Yes, she put her
25 in that position, but then she has a duty to then help

1 her, and she didn't do that either. So if you do either
2 of those and it results in someone's death, you're guilty
3 of unlawful neglect of a vulnerable adult that results in
4 death.

5 The other charge you're going to have is the
6 exploitation of a vulnerable adult, and this is financial.
7 Exploitation means an improper, unlawful, or unauthorized
8 use of the funds of a vulnerable adult by a person for
9 profit or advantage. That's exactly what she did in
10 forging the checks. Exactly what the defendant did in
11 forging the checks. She took advantage of Ms. Cook,
12 pulling out various checks, and you'll see from the
13 numbers on the checks that she used, they kind of spread
14 out. But that's exactly what she did. She took financial
15 advantage of Ms. Cook, hoping to get away with it. So
16 she's also guilty of exploitation of a vulnerable adult.

17 Malice is this caregiver defendant staging the crime
18 scene to make it look like an accident. This may be --
19 this is probably the second thing next to the actual
20 killing itself in the description that we have from the
21 pathologist that shows malice. This is the next thing
22 because this really shows some planning. This shows
23 someone with intimate knowledge of the workings of this
24 place because they know what time Ms. Pauline pretty much
25 is going to be there. They know where the nurses are

1 going to be. They know what numbers to call to make sure
2 they find out where the nurses are. They know how to get
3 in and out of the back doors. They know that the trash
4 cans have extra bags in them so that they can get rid of
5 anything they have to get rid of, and they know how to do
6 that.

7 Ms. Pauline, she stripped her of her clothes. To add
8 insult to injury, after she killed her, she strips her of
9 her clothes and then she gets rid of those clothes. There
10 she is. There's how she had to be found. But that's not
11 all she does. She puts her in that shower, dragging her
12 out to the shower. That's not all she does. She turns on
13 the water to the shower and lets it pour on her, washing
14 away what could be valuable evidence, washing away all
15 sorts of things, making sure there's nothing else that
16 links her to this crime.

17 Look -- oh, she put the walker inside the bathroom,
18 the walker with the seat in it that had the little pouch
19 in the bottom. Look, there's a towel on it. Because you
20 need a towel when you get out of the shower. There's five
21 things already she's done. But wait, there's also
22 clothing on it. As you heard the detective, that pink
23 nightgown across it, the one that she was not wearing when
24 she went to bed and the one that they couldn't find, the
25 one that she actually went to bed, the pink nightgown.

1 That's six things.

2 But we can keep going. Her purse is there hanging on
3 the bottom. Even went to the busyness of putting her
4 purse on the walker so it looks like when she gets
5 dressed, she's ready just to walk out the door with it.
6 She doesn't even have to go get her purse off of the
7 dresser or off the bureau or wherever it might be
8 normally. Got it set.

9 And then right on top of there's the shower chair.
10 Oh, because of course a woman who uses her walker all the
11 time and has problems with falling wouldn't need a shower
12 chair. Well, see, it's a little harder to stage a falling
13 in the shower if you have a shower chair because you don't
14 fall as far if you're sitting on a shower chair. So
15 that's taken out.

16 And let's look. You see here are slippers. Oh,
17 yeah, don't forget, let's put her slippers in there. That
18 will look good. No one keeps their slippers sitting in
19 the bathroom. You keep your slippers next to the bed
20 because you want to get them on right there because that's
21 what you need before you get into the bathroom. And also
22 then right next to her leg there, right next to her right
23 knee, the washcloth. The soaking wet washcloth, looking
24 like she was actually taking a shower for this to happen.

25 These things are malicious. And then as we look on

1 the side of her head right there, the bottom of the
2 shower, the grand thing, the shower cap. Let's put her
3 shower cap on her. That will really make it look like
4 she's taking a shower. The shower cap. What Braquette
5 Walton did not anticipate was the type of bruising that
6 would be left when she smothered Ms. Pauline. That's what
7 she did not anticipate in this whole thing. The thing
8 that ultimately gets her, she didn't quite realize what it
9 might end up being like.

10 Then she goes out, gets those sheets. The fitted
11 sheet, the flat sheet, the two pillows. And we've already
12 discussed the importance of those two pillows, one of them
13 having been on the sofa. And then she pulls everything up
14 so you can't tell those sheets are gone. But she doesn't
15 make it perfect because, you know, Ms. Cook generally
16 doesn't make her bed. One of the perks of assisted
17 living, have someone else come -- Brittany's supposed to
18 come in in the morning and make her bed. So you don't
19 want to make it too good, but you want to pull it up far
20 enough so no one's going to notice that there's a problem
21 there.

22 And as well you notice when the forensic people came
23 in and looked all around, they didn't notice any blood in
24 there. To the naked eye, nothing to be seen. Pauline
25 (sic) talks about how she noticed it in her confession.

1 She noticed it on the pillows. She noticed it on the
2 sheets. She even noticed it on the headboard. And she
3 cleaned up.

4 You'll have this back there with you, recovered out
5 of the door of her car, her ID for Park Pointe Village,
6 name tag, Bea. And then behind it, there's a couple
7 little things. One for chemical spills, an instruction
8 for blood spill member. Imagine that. She's trained in
9 blood spills. Assume responsibility of blood spill. She
10 hadn't done that yet. Confirm segregation and containment
11 of the area immediately. Obtain a blood spill bag. Put
12 on personal protective equipment.

13 What do any medical personnel do when they're dealing
14 with blood? They put on gloves. When you go to the
15 dentist today, it wasn't this way when I was younger, but
16 when I go to the dentist today, there's gloves. They
17 might even have a dental dam that sticks your mouth way
18 open. When you go to the doctor and they start to check
19 you for anything, they put on gloves. I submit to you our
20 nurse's assistant on November 12, 2011, was prepared for
21 what she was going to do that night, and she put on
22 gloves.

23 Clean up the blood spill. Follow directions in kit.
24 Properly dispose of all contaminated material. She
25 certainly complied with that. Report the usage of the

1 blood spill bag to ensure replacement. So that tells us
2 there's blood spill bags that you can use within the
3 facility to clean these things up, to get rid of these
4 things, to contain them. And she even says that she uses
5 the plastic bags that are in the trash can. And as we
6 know, there's extra plastic bags right under them so you
7 can just (descriptive noise). And then it's like you were
8 never there.

9 And that's exactly what she did. And if there's this
10 giant struggle at the desk, do you think the giant bottle
11 of lotion there on the corner is going to make it and stay
12 on the corner of that table? Probably not. Likely she
13 set that back up.

14 And this too. One other thing that Kayla Larson said
15 was when she went in the room, the closet doors were
16 closed. So Braquette Walton actually went in her closet,
17 pulled out what appears to be possibly a Sunday morning
18 outfit if you want to go to church there at Park Pointe
19 Village, and hangs it on the door of the closet with the
20 doors wide open. She's going all out. She's been
21 thinking about this. And I missed -- oh, yes. The bra on
22 the walker was there too. I think I missed that when I
23 was talking to you.

24 She's done so many things, I don't know that we can
25 count them all. And if you look closely, you'll probably

1 be able to figure out some things yourself that I haven't
2 figured out. Because she did a lot. She had to plan
3 this. When you are panicked, does this look like the
4 actions of someone who is panicked? Someone who's
5 surprised at the death of Ms. Pauline. Does this look
6 like it was an accident?

7 This was meticulously planned. Apparently on the
8 ride from Greenville, she didn't listen to music and play
9 around. She thought about exactly what she was going to
10 do. And she considered her options, and apparently one of
11 her main options was this. Her livelihood was at stake,
12 and she was going to stop it.

13 See the call button right there in the middle of the
14 table next to the bottom of the lamp? The call button
15 that truly had Ms. Pauline had access to probably would
16 have rung it at the time she was being asphyxiated. But
17 it sits there. Another oddity about someone who's an
18 elderly woman who would be then taking a shower and has
19 probable falls, that's generally kind of what you carry
20 with you. You take that to the shower with you, and if
21 you're not wearing it, you have it hanging up close by.

22 The first statement. Let's see. We talked about
23 forgery. If you look here, I'm going to go over those
24 eight forgeries. The check number is first. The date
25 that's on the check, that's purported when it's written.

1 The second, the date when it was actually cashed at one of
2 the Walmarts -- one of the Woodforest banks at Walmart is
3 the third thing. Then the amount of the check and then
4 either RH for Rock Hill or TC for Tega Cay. And let's
5 just look as we put all eight up there.

6 Remember in her first statement she said, "I would
7 pay her back on the ledger. It was a weekly thing, and I
8 would pay her a little bit back." We look -- you know,
9 back in August, August 11th, when the first check, 1912,
10 is cashed, it's \$575. Pretty big check. But there's a
11 good month and, what, about 11 days or so that go by
12 between that check and the next one. So maybe she could
13 have paid that one back.

14 But then we look the 5th of October. Well, that's a
15 little closer. That's just around two weeks or so. And
16 she's paid the \$475 back already. And then she gets \$350,
17 and she cashes that check on the 5th of October. And by
18 the 15th, just ten days later, she's borrowing again.
19 So somehow she's paying pretty quick, within a week and
20 ten days and stuff like that. I mean, that's not a \$25
21 payment like she talked about. That's paying the whole
22 thing.

23 And then it gets even better because the 15th through
24 the 19th, suddenly in four days, she's able to pay back
25 \$380 and then she has \$300 from the 19th through the 27th.

1 So just over a week she's able to pay that back. And it
2 goes on now to the 2nd, to the 10th. We're talking less
3 than a week or just over a week for all of these at the
4 end. And she's somehow borrowing money? If you have
5 to -- if you can pay back \$325 in a week or in five days,
6 you didn't need to borrow it in the first place.

7 But one of the reasons I talk about this is because
8 if you look at her first statement and you look at that
9 last statement with the police officer, she does the same
10 thing. She starts out the same way. She doesn't paint
11 herself as being someone who is in trouble or a bad
12 person. She always paints herself in a better light. She
13 always paints herself as, oh, I'm not really the bad guy.
14 I didn't really do what you're thinking I did. Now,
15 you're right about some stuff, but, like, with the
16 forgeries, that was the loan and, you know, she was good
17 to me and we just had this deal together and this ledger.
18 And of course there is no ledger to be found, but we had
19 this deal.

20 And then she does the same thing with the killing
21 itself. Because as we already looked, it was all about I
22 told her I wasn't there to hurt her. Ms. Pauline hit me
23 with the phone. Did that really happen? I submit to you
24 it did not. Ms. Pauline didn't hit her with the phone
25 because Ms. Pauline wasn't up when she came in the room.

1 She wasn't in the bathroom. Minutes after she gets her
2 medication, she ends up having to go to the bathroom and
3 then tell her, "Oh, I'm getting ready for bed"?

4 She was ready for bed. If she had to go to the
5 bathroom, it would be to go to the bathroom and come back
6 out. But she had done that, I submit to you, before she
7 went to bed because that's what you do when you get ready
8 for bed. She was in her bed. But the defendant wants you
9 to believe that she's not that bad. It was kind of an
10 accident. I smothered her. And she showed the officers
11 how she did that. But once again, we know that can't be
12 possible. That's not what happened.

13 The defendant is using her intimate knowledge of
14 Ms. Pauline's daily routine in an attempt to get away with
15 murder. Because she knows Ms. Pauline gets up every
16 morning early and she takes a shower and she gets dressed
17 and then she comes out. So if she were to have a fall in
18 the shower and die, what would people be expecting her to
19 do and when? All the staff would be expecting Ms. Pauline
20 to be in the shower in the morning. Be getting ready. To
21 come out by 6:30, read the paper, have some coffee, talk
22 about what's going on. Be her happy self. She had that
23 knowledge. How best to make it look like an accident?
24 Exactly like she did it. And she was close. If it hadn't
25 been for some of that severe bruising, I don't know that

1 an autopsy would ever be ordered.

2 Malice is sneaking back out of Park Pointe Village
3 undetected. Taking the incriminating evidence of the
4 crime with you. As she said, she put it in a plastic bag
5 and she went off. Disposing of the evidence. That's
6 exactly what she did. Now, the police looked in a lot of
7 dumpsters in a lot of places. But they didn't find where
8 she put it. Did she put it in that Park Place dumpster?
9 No. They searched that thing. She got rid of it.
10 Remember, she's traveling back and forth to Greenville.
11 She's traveling possibly into Charlotte. There's plenty
12 of places to dump stuff if you want to dump it. It's
13 pretty easy to do, and she did it.

14 Malice is cleaning the interior of your car to get
15 rid of anything that might connect you to your crime.
16 Remember in the statements, and I brought it out for the
17 detective, on her birthday, the 13th of November, 2011,
18 when she already knows that two guys have offered -- one
19 of them her son and I think the other either her
20 boyfriend, brother, whoever -- offered to clean her car,
21 and she was going to get that for her birthday. They're
22 going to clean up her car. What does she do? Well, she
23 takes it to the gas station, and she wipes out the inside
24 and cleans the interior of her car. Is that what you do
25 on your birthday? It's not what I do on my birthday. If

1 someone's going to clean my car, if my kids say, "Dad, for
2 your birthday I'm going to clean your car," I'm going to
3 go, "Fantastic. Don't forget to clean the inside. Don't
4 forget to do the windows on the inside. Don't forget to
5 clean up in the backseat where you stick your head against
6 that window and make it all kind of ugh. Don't forget to
7 get that stuff out of the carpet you guys drop in there
8 constantly when you're eating." But instead, she's
9 cleaned it out herself on her birthday morning.

10 And you'll notice also in the phone records, there's
11 a lot of times that she receives some calls while she's at
12 Park Pointe Village that night committing this crime. And
13 she doesn't answer the phone on most of those things, but
14 she does end up calling back voice mails. Let's see. Why
15 would she be receiving some of the calls? Some people
16 receive a lot of calls, but I submit to you, this is the
17 night before her birthday and it's a Saturday night. I
18 submit to you, she had plans that Saturday night to do
19 something else other than this originally. And there's
20 people that want to get together with her and celebrate
21 her birthday. But instead, her birthday present to
22 herself is to kill Pauline Cook.

23 Here's the interior of this car. Madame Clerk, hit
24 the lights for me just a moment.

25 It's pretty clean. I've never seen my glove box look

1 like that. And the back, it's just a jacket sitting
2 there. Floor is clean. The trunk is clean. The other
3 side is clean. It's all clean. Skip a little farther
4 there. And, of course, as I showed you, the tag that's in
5 her car as well as the clicker, which you'll have back in
6 evidence, that's in her car.

7 Turn back up, Madame Clerk.

8 Only Braquette Walton has motive and opportunity in
9 this crime. I submit to you, we don't have to prove
10 motive. That's not an element of murder. We've already
11 talked about the elements of murder. But there's an
12 obvious motive in this case. You've heard them question
13 as to where was Marvin Lawrence. Did you check where he
14 was when it happened? Where was he? Ladies and
15 gentlemen, there's no probable cause to check on Marvin
16 Lawrence. Everything points to Braquette Walton.

17 If you look -- the story I'd like to tell is we have
18 to prove these things beyond a reasonable doubt. You have
19 to say, well, what is a reasonable doubt or what is beyond
20 a reasonable doubt? Is it any doubt? No, because it has
21 to be a reasonable doubt. How do you determine that?

22 Story I like to tell is of some office workers who
23 work in an office that doesn't -- it's in the interior of
24 an office building and doesn't have windows in their
25 particular set of offices where their cubicles are. But

1 these office workers, they're working hard on a project
2 together, and there's several of them within the cubicles
3 there, and they're just working and working, and suddenly
4 they realize, oh, jeez, it's 1:00. It's already past when
5 we usually break for lunch. And one of them says, "Look,
6 I'm starving. I'm going to go get something to eat. I'll
7 bring you something back." Okay. Well, he pops up and he
8 walks out.

9 Little bit later he comes back in. And when he comes
10 back in, they look at him and he's holding a bag with the
11 food. And it's a little brown bag, but there's what
12 appear to be drops of water all over it. And there's
13 drops of water on him, on his clothes and on his shoes.
14 They look like they've come in this direction coming down.
15 And he's coming in, and he's got an umbrella in his hand,
16 and he's shaking it out and it's all wet. And while he
17 was -- just while he was gone, they heard some rumbling
18 and they heard something loud kind of on the roof. What
19 do they know beyond a reasonable doubt? They know it had
20 rained outside while he was outside. They know that
21 beyond a reasonable doubt.

22 Now, is there another way that could have happened?
23 Yeah, there might have been a truck going by. He could
24 have gone out back to the hose pipe and sprayed that water
25 up in the air and said, "I'm going to make it look like it

1 rained," sprayed it all over himself, grab his umbrella
2 just to make it look that way. He could have gone into
3 the bathroom and splashed himself with water. He could
4 have gone up to the water fountain and done the same
5 thing. He could have tried to fool them into thinking,
6 yeah, it's raining outside. But that's not reasonable.

7 That's not what we're asking you to do here is
8 anything unreasonable or any type of reason at all that
9 you can find someone not guilty. We're looking at finding
10 someone guilty beyond a reasonable doubt. And in this
11 case, if you compare it to that example, we not only have
12 all the extra things like the water and the rumbling and
13 all those things, because those things come alone with the
14 fact that the cell phone puts her there, the calls back
15 and forth to Marvin. Even having the audacity to call
16 Pauline Cook right after she learns that these check
17 things are happening and hanging up on Pauline Cook.

18 Those things, the fact that she swipes her card. The
19 fact that she doesn't use the clicker to get in, is hidden
20 to get in. The fact that she's forging all these checks
21 against her. That's enough to fill up the circumstances
22 of that. But there's more than that. There's direct
23 evidence that shows that she's guilty. And a wealth of
24 it. Because in order to make that example more like this
25 case, the guy would have to come in and go, "Woo-hoo, it's

1 really raining outside." Because she admits that she has
2 killed Ms. Pauline.

3 Now, all of what she says as to how she kills
4 Ms. Pauline, certainly not all of that is true. Because
5 we know it was more violent than she lets on. It wasn't
6 simply I was laying on her and she stopped moving. She
7 didn't stop moving until she held her down for a period of
8 time, long enough to snuff the life out.

9 But she's able to tell you all sorts of little things
10 about staging the scene, pulling her into the shower to
11 try and make it look like -- try to make it look like it
12 was a fall scene. She said herself she tried to make it
13 look like a fall. She knows about taking the sheets. She
14 says about making the bed. She tells you about where the
15 blood is and why she got rid of the pillows. All those
16 things. She brings up all that stuff.

17 That's because she was there and she did it. The
18 officer didn't tell her all that stuff. That wasn't
19 public knowledge at that time. They keep those things
20 tight in their investigation. As you heard and I'm sure
21 you'll hear from Mr. Smith as he comes on, look at what
22 they didn't do. Look at what the officers didn't do.
23 They didn't send this or that to SLED. They didn't do
24 this or that.

25 Well, look at some of those things. The blood in the

1 room. There's no evidence that Braquette Walton was
2 bleeding, because she wasn't. The only person bleeding in
3 that room was Pauline Cook, and Pauline had her evidence
4 of blood taken away. So yeah, we could test the
5 bloodstains that were possibly left, and we could say it's
6 Ms. Pauline's. And that would give you nothing.

7 I submit to you, the phone wasn't used. You could
8 try to test that hair on the phone. Who knows who it
9 might be from. And then the defense would say if we had
10 tested all these things and let's say we didn't get
11 anything, see, they didn't get anything. You can't expect
12 to get things. They want miracles from CSI, the TV show,
13 the fantasy show. The fiction show, as the officer called
14 it.

15 But we have much more than that. We have real things
16 before you today. Real things that show you more than is
17 necessary to find someone guilty of murder, to prove
18 beyond a reasonable doubt that the defendant committed
19 these crimes against Pauline Cook. You have real,
20 tangible things in front of you. The evidence that puts
21 her there from the cell phone to the swiping and on and on
22 and on, it's all there.

23 Once again, she's the only one with the motive and
24 the opportunity. Did the other people have opportunity?
25 They worked at Park Pointe Village. Did she send someone

1 else in? But this crime screams of someone who knows the
2 inside workings of the residence. Not the cook. The cook
3 doesn't know how things operate inside a room and how to
4 take care of a patient. They cook. That's what they do.
5 They cook. They come out. They take orders. They
6 socialize there. Marvin wouldn't know how to go down
7 there and do all the things that she did. Only another
8 nurse would know that. But none of the other nurses have
9 any motive to do this.

10 And you saw all the people who worked at that
11 facility that had dealings with Ms. Cook and had dealings
12 with the defendant come in and tell you how wonderful
13 Ms. Cook was and how Ms. Pauline was so wonderful and they
14 loved to talk to her. She was such a vibrant person. And
15 unfortunately have to say "was."

16 We've proven to you forgery. We've proven to you the
17 exploitation of a vulnerable adult. That's the use of the
18 money of Ms. Cook. We've proven to you the first-degree
19 burglary, the entering without consent with the intent to
20 commit a crime that happened in the nighttime. And of
21 course the victim was injured during the course of the
22 crime. The abuse and neglect of a vulnerable adult
23 resulting in death. And the murder.

24 When we look at all the things that we have set up
25 throughout this case, all those things that we've gone

1 over -- as I said, there might be some of those that you
2 would say on their own maybe that's not malice by itself,
3 but when you look at it together, there's no doubt that
4 this case screams malice and it screams an evil and
5 depraved and wicked heart. Remember as you look at the
6 evidence, remember the last moments of the victim,
7 Ms. Pauline.

8 No one does deserves to die like this. No one
9 deserves to have their life snuffed out like this. But
10 instead, that's exactly what happened. There was malice
11 that screamed from this case. Braquette Walton may cry
12 now, but she wasn't crying when she did this crime. Once
13 again, we see person concerned with what's going to happen
14 to me.

15 When you go back in the jury room, I ask that you
16 deliberate, consider all the evidence. Think of it in
17 light of what we discussed and what you've seen. If I
18 misstate anything -- and I apologize, I don't mean to
19 misstate anything. You've heard the witnesses. The
20 defendant, Braquette Walton, is guilty of all she is
21 charged with. We can't -- can't say the word "malice"
22 enough. This was a malicious, horrifying murder. Please
23 look over that evidence, and I trust you'll come back with
24 a verdict of guilty. Thank you.

25 MR. SMITH: Matter of law, Your Honor.

1 THE COURT: Jury, go to the jury room just one
2 minute. Refresh yourself while you're in there, and we'll
3 send for you.

4 (The jury left open court at approximately 4:33 p.m.)

5 THE COURT: Yes, sir.

6 MR. SMITH: Please the Court, Your Honor. In the
7 Solicitor's closing paragraph, he looked at Ms. Walton and
8 indicated to the jury that she may cry now but she wasn't
9 crying then, and then went on and said again she's only
10 worrying about what's right for her. You can consider
11 that. Ms. Walton did not testify. Her character is not
12 in evidence. I believe that argument is putting her
13 credibility into evidence and it's burden shifting that it
14 was commented on her right to remain silent, and I would
15 ask for a mistrial at this point.

16 MR. THOMPSON: Judge, I certainly don't believe that
17 that's -- certainly wasn't my intent. I don't see how it
18 actually is a comment on the defendant's right not to
19 testify. I don't see how that's a comment on anything.
20 Would be just as true to say the defendant is wearing
21 glasses today, they didn't wear glasses in this if the
22 issue was identification. But if the Court feels it is,
23 certainly a curative instruction would prevent any
24 problem.

25 THE COURT: If I felt it was, there wouldn't be a

1 curative instruction that could cure it. But I don't find
2 it is. I find there's no manifest necessity to grant a
3 mistrial. The defendant is present in the room. State
4 cannot comment on a defendant's right to remain silent. I
5 think it's appropriate to point out conduct of the
6 defendant while they're present. They're laughing, which
7 she did not. They're crying, which she did. Making
8 faces, which she did not. I don't think that that crosses
9 the line, commenting on the character or one's right to
10 remain silent. And I think physical characteristics that
11 are observable to the jury may be commented on as fair
12 comment by the State. And so I deny the motion for
13 mistrial. Let's take -- I know the jury is going to use
14 the restroom while their in there, so let's take a little
15 short refresher break ourselves.

16 (A recess was taken from 4:36 p.m. to 4:46 p.m.)

17 THE COURT: Bring in the jury.

18 Mr. Smith.

19 CLOSING ARGUMENT BY MR. SMITH

20 MR. SMITH: May it please the Court, Your Honor.

21 Imagine two investigations. Investigation 1 compared
22 to investigation number 2. Investigation 1 is entered
23 without any preideas or preconceived notions of what might
24 have happened or who might have done something. It's a
25 full investigation of all the evidence in the case. It

1 eliminates what doesn't fit, and it verifies all the
2 evidence that fits. This investigation is willing to take
3 the time to test whatever needs to be tested, to review
4 whatever needs to be reviewed, and to record what ought to
5 be recorded.

6 Ladies and gentlemen, that's probably the
7 investigation you expected to see when you showed up on
8 Monday and were told you were going to hear a murder
9 trial. But that's not the investigation you saw. You
10 see, investigation two begins with a conclusion, we know
11 who did this. Let's see how we can make the evidence fit.
12 Tries to make evidence fit. And it ignores things that
13 don't fit. And it doesn't risk testing things that might
14 not support that conclusion.

15 I think the best evidence you saw that the
16 investigation in this case was investigation number 2, was
17 when Detective Cantey was testifying and he was talking
18 about why he sent some lab results or why he sent some
19 items for testing to SLED. And he said, "We were hoping
20 for it to be Ms. Walton's." Now, that's not what a fair
21 investigation does.

22 A fair investigation submits it and gets back
23 whatever the truth is and then deals with that. A true
24 investigation doesn't hope that it proves some theory that
25 they start at the beginning that Braquette Walton was

1 guilty of killing Ms. Cook.

2 Imagine two different cases, case one and case two.
3 Case one, there's DNA of the suspect on the victim, and
4 there's DNA of the victim on the suspect. There's a video
5 of the crime. There's a videotaped confession. There are
6 eyewitnesses. There's other forensic evidence. That's
7 probably the case you expected to see when you showed up
8 here Monday morning and heard you were going to be sitting
9 on a murder case. You might have thought, well, there may
10 be a hair match or a fiber match.

11 But you see, case two begins by saying, well,
12 property of that person was within 3 miles of the crime
13 scene. There's a possible computer log-on or access of
14 some sort to the building. And someone is saying that
15 somebody admitted to sort of doing it. That's the case
16 you heard. The entire case. That's all they've got to
17 try to ask you to convict Braquette Walton of killing
18 Pauline Cook.

19 And you can see them trying to lean in and sort of
20 cheat with the evidence. Solicitor showed you this
21 picture. You heard when he stood up here and argued, and
22 he pointed up there and told you and he said, "What you
23 can do is you can walk up and you can kind of peep down
24 that glass and look right down the edge of it and see when
25 somebody is at that desk." Do you remember? Said it

1 about an hour ago. Don't get caught up.

2 Because what you had in this case were actual
3 witnesses who testified from the stand. What did the
4 witness say about that glass? It's frosted. You can see
5 shadows, but you can't see through it. But in here for
6 closing, they want to make the story better than what the
7 evidence really is to play on your emotions.

8 To show you these pictures. There is natural emotion
9 that's going to come from these horrible pictures. And
10 that's what they're trying to build from. Hoping that
11 that emotional swell will just swell you into ignoring
12 what's not here and even ignoring what actually is here.
13 And making you think, well, she got charged. Must be.
14 Nothing.

15 They did it with malice. Do you remember all the
16 things the Solicitor listed for you that counted as
17 malice? Cleaning up, running away, not helping, all those
18 sorts of things? What we have in this case is a judge who
19 is going to give you the law. And listen and see if the
20 judge says you need to consider malice after an event. Or
21 see if the judge tells you your duty is to determine if
22 there was malice aforethought. Malice beforehand. But
23 why would the solicitor get up here and talk about all
24 this malice afterward? Because he knows he doesn't have
25 the legal elements and just hopes it will get swept past

1 you.

2 If Pauline Cook is seen alive after midnight, then --
3 and you know about that. You absolutely know if that's
4 true, then there is no way, no proof, no how Braquette
5 Walton killed her. So they hope you look past that. Hope
6 you ignore that fact. They spent a lot of testimony
7 talking about all these strange things that were happening
8 that night at Park Pointe. They talked about alarms going
9 off and hang-up calls, and all those things happened. But
10 do you remember when most of them happened? After
11 midnight and between 2:00 and 4:00.

12 So who do you know couldn't have done all that?
13 Braquette Walton. But they're just hoping you'll forget
14 it. But the phone records show her phone is already out
15 of the area by then. So it can't be her. Why is she
16 here? Two reasons: Checks and a statement. The checks,
17 you've got to charge. For what she did with these checks,
18 shouldn't have done it. And they think you'll take that
19 and then turn it into an unsolved murder. Evidence just
20 isn't there.

21 But they know there's a problem, so they had to go
22 back and get this one final statement. Unsigned,
23 unrecorded, that statement. Because without this
24 statement, there is no case. Obviously it's not the
25 strongest case, but let's see what's there. Why was she

1 charged? Because somebody that morning said, "Well, wait,
2 Ms. Cook was talking about some checks last night."
3 Braquette Walton is getting arrested for forgery on that."
4 Ms. Cook has now died. I bet she did it." The
5 investigation number 2, as you saw before it begins. All
6 because of the checks.

7 The interviews, it's interesting. Detective Cantey
8 goes to the first interview, and he's the case agent. And
9 he knows how to interview and what's important, and he
10 knows that you put down start and end times of the
11 interviews. And what have all the other detectives done?
12 Well, here's what you need to know. Everything that's in
13 this statement, this third statement that they ultimately
14 claim they verified, was already known before they
15 interviewed her. And if you read it, the things that are
16 in here that don't match, the only real facts she gives
17 were facts they already knew. And then there's some
18 things in here that turn out they can't be so. Now, why
19 would that be if she just broke down and started
20 confessing? Or would that be somebody planting what they
21 already knew in the form of a statement?

22 Cell phone records. Statement talks about the phone
23 calls. They already had the time and the tower that was
24 used. You heard that that was the technique or not
25 technique that was actually used, listed, given, whatever

1 it was to break Braquette from what they were saying was
2 some other story.

3 Bank statement, being in Ms. Cook's room. That had
4 already been recovered. So when Braquette says, "I didn't
5 find a bank statement," they know the bank statement had
6 been removed. It had already been recovered. They knew
7 that.

8 Calls to the nurses' station, they already had that.
9 When it's in here and say she admitted what she had done.
10 No. They had that information. Her hand was injured.
11 Now, that's in here. You notice that was verified by a
12 witness on the stand who said, "Yeah, there was something.
13 I may have written her out." Why didn't they show you
14 that record? Why didn't they show you that Braquette
15 Walton had tendinitis? What they don't let you see.

16 But they show you a picture of Ms. Cook's hand
17 injury. So only Braquette would have known that? Well,
18 no, that's not true. Only Braquette, the coroner, the
19 autopsy, the EMS, the other employees, and all the
20 officers working on the case.

21 Blood on the headboard. This one gets kind of
22 interesting. Because they knew they had had a
23 luminescence for it or they knew they thought they spotted
24 it at the place, but they take it back after her
25 statement. Turns out well, no, maybe not. Why does it

1 show up as like that's part of what Braquette saw that
2 night? Because they thought they had it. So then it gets
3 put into what's called a statement from Braquette. Body
4 in the shower. Ah, she admitted she had her in the
5 shower. No. They knew that. That's where it comes from.

6 Sheets and pillows missing. When did they know that?
7 Before they interview her or after? Before. That's part
8 of the evidence they just put into the statement. The
9 clothing that Braquette was wearing. Did they know that?
10 Well, that's in the statement. That's something. No.
11 You can look. See, when this video is recovered from the
12 convenience store -- and remember the testimony. Well,
13 they had already gone out and looked at it, the
14 detectives. But they couldn't figure out how to get it
15 off, how to get it downloaded to anything, so they sent me
16 later to get it, and you can look at the time. But isn't
17 it interesting that these detectives think it's important
18 enough to get video from banks and convenience stores
19 rather than just ask somebody what went on. But for their
20 own interviews, no video. No, we don't need to do that.

21 This third statement -- and there are a bunch of
22 reasons. I won't go through all of it. You'll find them.
23 This third statement simply cannot be true. It can't.
24 For instance, Ms. Cook had gotten out of the bed, put her
25 night clothes on to take her medicine. She had gotten out

1 of bed in her night clothes is what you heard testimony
2 from. She was already in her night clothes when she was
3 in bed being checked on, getting her medicine. This says
4 she's in the bathroom getting ready for bed when she comes
5 out and then the attack begins. Cannot be. Statement
6 says waiting in the room for her, getting ready for bed.
7 Couldn't be with the witnesses going.

8 Going in the room once, then back to the tree room,
9 then back to the hall. Four trips down this hallway. It
10 just cannot be. The Solicitor says, "Well, some of it's
11 true and some of it's not. She's just telling you some of
12 it and not telling you other parts." Ain't it funny that
13 all she's telling is what the officers already knew before
14 they did this interview?

15 And I'll show you this. You've got the video from
16 the convenience store, Sam's Mart. You weren't shown this
17 camera view, but it's all there. You can request it. I
18 want you to notice one thing here. Want you to notice
19 these boots. Because remember, the detectives already
20 looked at this video. If you look at the first camera
21 angle, I think you'll see that these look a lot darker.
22 But if you look at the second camera angle, actually take
23 the time to look at the case, you'll see those are gray
24 boots. And anybody whose boots those were would say they
25 were gray boots. If they were describing their clothes,

1 had on gray sweatpants, had on a blue Russell sweatshirt,
2 and I had on my gray boots. Guess what shows up in the
3 statement? Black boots. Why? Because black boots is
4 what the officers saw before they interviewed Braquette
5 Walton. That's what got into this statement, not what
6 Braquette Walton actually said.

7 She says you're mean. She says you're mean is why
8 the lead investigator on a murder case doesn't get to go
9 in to the second interview. Now, that could be true for
10 some investigators. But that simply isn't true for
11 Detective Cantey. And there's no reason that anybody
12 would have said it. And that's why Braquette Walton
13 didn't say it. But what went on here is Detective Stokes
14 wanted to do that interview on his own. And that's why
15 Detective Cantey didn't get to go for this second and then
16 this third unsigned interview.

17 Is it too much to ask for a homicide statement to be
18 videotaped? I mean, you're jurors. They're asking you to
19 decide a murder case. Is it too much for you to say no,
20 State. No, police. You're not going to do some statement
21 and not even take the time to video it and then ask me to
22 convict someone of murder. Is that too much to ask?
23 Interesting because the time mattered a lot for the
24 witnesses if you heard the explanation but not much for
25 the detectives. Is it too much to ask that the two

1 detectives taking a statement in a murder case ought to
2 know how long an interview took, whether it was one or two
3 hours?

4 What really went on during this interview?
5 Supposedly they aren't asking many questions. All of a
6 sudden Detective Stokes leaves. Not gone long. Detective
7 Smith hadn't asked many questions. But read through it
8 and see how long it would take to get to the part where
9 somebody would be demonstrating how they supposedly killed
10 someone. How could they have gotten to that part of the
11 interview in that short amount of time? They couldn't.
12 They didn't. Didn't happen.

13 And you heard it sort of getting caught when
14 Detective Smith testified. She said, "I can't quite quote
15 her. I believe I may have asked her." Wouldn't it be
16 nice to have a recording to know so we could actually
17 quote what they say a defendant said in a murder case and
18 actually know what you asked her since you apparently
19 didn't take good enough notes? And it almost slipped out.

20 She was being asked about was there anything else you
21 noticed in the bathroom. And that's a problem. Because
22 all of the detectives know that there are these clothes
23 laid out for the next day on this walker as part of the
24 crime scene staging that they want to say happened. So
25 Detective Smith starts to say, "Yeah, she says she laid

1 out" -- whoops. We didn't put that part in the statement.
2 And then she stopped. That's the tension between what
3 they really knew versus what Ms. Walton really said.
4 That's what happens when they start putting things in that
5 weren't said by Ms. Walton.

6 Stokes and Smith do the interviews. These interviews
7 aren't normal. They aren't normal in how you record time.
8 They aren't normal in that two people leave. They aren't
9 normal in that the case agent isn't doing the interviews.
10 One is new to crimes against property. One was in
11 property crime -- crimes against persons. One was in
12 property crimes but now has made it up to crimes against
13 persons. And Detective Stokes testifies differently on
14 two days about his policy for writing the beginning or the
15 ending time of the statement, and says that's not that
16 important. I think testifying under oath in a criminal
17 case for murder is, and I think you ought to expect
18 detectives who will testify consistently and honestly.

19 So what's the State's theory here? Well, it gets
20 kind of difficult because you got these sort of different
21 indictments and they sort of look like different theories.
22 Do they really know what happened? I don't think they do.
23 The Solicitor wants to come today and say it's clear
24 murder, textbook. You can look at a definition later on.
25 That's what it would be. Really? Was it a planned

1 murder? Well, yeah. Well, not in part of the statement,
2 but yeah -- well, hold on. It might have gotten out of
3 hand. Well, hmm.

4 Well, was it an accident that took place after an
5 unexplained argument? Maybe. Maybe that's their theory.
6 Ms. Cook was more upset that day than anybody had seen
7 her, those kinds of things. That seems to be in their
8 statement too. That may be the abuse or neglect that
9 could result in a death. Or was it just abuse and neglect
10 resulting in death? A version of murder, a version of
11 abuse, not really the same. So why is the State giving
12 you all this? Well, because the evidence doesn't make
13 clear what it is.

14 Was there a burglary? Well, to be a burglary, there
15 had to be an attempt to commit a crime before there's an
16 entry. So to be a burglary with a murder, well, they
17 might could do that but only if it's the planned version
18 of the murder up there, and how would the abuse and
19 neglect resulting in death from this just sort of argument
20 have intent to commit a crime on somebody? It couldn't.
21 It's confusing. They're throwing a whole bunch out there,
22 hoping you'll hit on something.

23 They want to show you records and pictures of screens
24 of records. Now, this is interesting because this is
25 their big point. This is access card granted for the main

1 gate for Ms. Walton. Do we have any picture that that's
2 her, any video that that's her, any witness that that's
3 her? No. And you remember they had a report of this as
4 well. But it wasn't a report that I had that I ended up
5 questioning the person who did the computer programs about
6 it. They had their own report that had sort of been run
7 later and had removed the fact that Braquette Walton's key
8 access card report shows other people on it. I asked, "Is
9 that an error?" Yes.

10 The computer errors about Braquette Walton's key
11 access card to the property. And if it does that, isn't
12 it safe to assume if it puts other people on her access
13 card report that hers might be on others? Yes. Remember
14 he said, "Well, maybe we ran into a tight date range."
15 Note the date range was from November 1st until the end.
16 But yes, there would have been more employees. So why
17 didn't they then run everybody's for around that time and
18 say, hold on, did you see this person there? Did you see
19 that person there? Did you see this person and figure out
20 whether they're there or not? Because that's not what
21 they want to do. That's not what an investigation that
22 only wants to prove one person does. That's what an
23 investigation that started with a faulty hypothesis and
24 tries to prove one person guilty does.

25 They talk about this alarm. They say, "Well, maybe

1 something could have been hit and maybe it wouldn't have
2 chimed and maybe you could have just slid it off if you
3 happened to know the code." Okay. Why don't we have any
4 report of these alarms? Because they don't want you to
5 look at the actual evidence. Why didn't they fingerprint
6 it? Why don't we ask the security officers, hey, did
7 y'all go and check these alarms? Or better yet, did
8 anybody ever turn it back on to activate? Guess what?
9 No. If it would have been cut off, somebody would have
10 had to reactivate it. Did you hear any testimony of that?
11 No. But they want you to -- well, maybe she kind of could
12 have snuck back out some way, and here's where it could
13 have happened. Not real evidence.

14 Marvin Lawrence. They say I want to talk about him a
15 lot. Well, they didn't. We know he claims he's home
16 alone at the time of the incident. We know he claims he
17 had a ten-minute phone call with Braquette telling her
18 about Ms. Cook showing some information to police
19 concerning these forgeries. But remember he said that was
20 when he was leaving, just after 7:00, 7:15, 7:20. And he
21 said he didn't see Braquette, and he said they didn't talk
22 about much. Ten minutes you didn't talk about much?
23 Well, no. And he didn't see her, but that's the cell
24 tower her call goes out of, to the cell tower they say her
25 phone remains in that whole time. If she's here right

1 when he's leaving, wouldn't they see each other? If they
2 were talking to each other on the phone for ten minutes?
3 Something is not right.

4 All the employees except for Marvin told you, "No,
5 we're trained we don't talk about financial matters. We
6 refer it to the supervisor right away." What did Marvin
7 say? I asked Ms. Cook if she wanted me to look at her
8 bank statements. Why? Why do something that would risk
9 being fired? He gives consent to search for his phone
10 while he's at the property. Meet him at Park Place, he'll
11 let you look at his phone there, but his texts, they're
12 too big. I had to delete them. The day before. And his
13 apartment is never searched. They didn't take a swab of
14 DNA from him. They didn't do a comparison, or they chose
15 not to.

16 Let's talk about DNA. There's a report out there
17 that you saw two witnesses refer to, but in all these
18 exhibits you won't get to see because the State didn't
19 enter it. You know why? Because it shows Braquette
20 Walton didn't do it. That report said there was no DNA
21 profile foreign to Pauline Cook was developed, as the
22 witness said, from the swabs or clippings from Ms. Cook.
23 Her mouth and her nose, under her fingernails, anything
24 that would have shown she had contact with Braquette
25 Walton. No.

1 SLED expert tested it. It just isn't there. Did
2 they show it to you? Look away. This is that other
3 investigation. No DNA profile foreign to Braquette was
4 developed from the swab of Ms. Walton, from under her
5 fingernails. If all this went on did they explain.
6 Nothing. SLED expert says no. Do they show it to you?
7 No. Look away.

8 Partial DNA profile mixture from the keys of two
9 individuals. Something on the keys is two people. They
10 can't exclude Ms. Walton, but they can't exclude Ms. Cook.
11 It's not Ms. Cook's. Who else is it? That would be nice
12 to know. Maybe to find that out, they would have needed
13 to test some other items.

14 What's an item they could have tested? How about
15 this pillow? Now, I know the testimony got confused. One
16 witness said she always liked one pillow on her bed, one
17 on the couch, and the husband on the floor. Another
18 witness was convinced, no, she liked the husband back with
19 the pillows in the front. Or the pillows back with the
20 husband in front. Regardless, this came from a bed, the
21 bed where they say this struggle occurs. Couldn't we test
22 that? It's already sopped up potential evidence in this
23 water. Why don't we just collect it? Why don't we just
24 test it? Here, the couch, the bed. Search these places.
25 Test something. No.

1 And there's this coroner, this autopsy report.
2 Something interesting about it. It's a medical doctor
3 explaining how someone dies and when they die. But in the
4 clinical summary, it just talks about what the police
5 investigation is. What does that have to do with
6 medicine? If you know what time she died, tell that.
7 Remember he said, "Well, I didn't want to make a finding.
8 I wanted to wait and see what else they found." That's
9 not science. That's involving oneself in an investigation
10 that is not based on fact.

11 The other way you know, this demonstration that now
12 we've had both Solicitor Brackett and Detective Smith come
13 down here and do for you that's supposedly done in that
14 room can't be. Why? Because they say it's done on that
15 bed. Tell me how they fit in that direction on that bed.
16 Braquette would have to scale down the wall to get that
17 far back of the head of Ms. Cook to do what they
18 described. Simply couldn't have happened.

19 And these clothes, the staged scene that they want to
20 talk about, why didn't they test those? Take those into
21 evidence. See if there's any evidence on those. This
22 shower stool that's supposedly just slung carelessly up
23 there in this pristine staged scene. Print it. Anything
24 that comes back to Ms. Walton? No. Why? She didn't do
25 it.

1 Her car is searched all over. You heard Agent George
2 pull tape strips, takes the carpet. Said, "No, on that
3 one, actually, we didn't have to pull the tape strip. I
4 just rolled the carpet up and submitted it." They won't
5 do one test of it. Why? Because Solicitor is right.
6 They know it won't come back to Ms. Walton. They want to
7 talk about CSI. Science fiction. Deputy Solicitor
8 Thompson said that it was the witness Commander Weeks who
9 said, "No, that's fiction. That's CSI."

10 Remember what he was asked? He said, well, no, it's
11 actually based on real science. We can do a lot of that;
12 we just can't do it as quickly. Ladies and gentlemen,
13 amido black, Super Glue fume, BlueStar, hemosticks are not
14 science fiction. And they were done in this case to try
15 to find anything that could make Braquette Walton be tied
16 to Ms. Cook or Ms. Cook be tied to Braquette Walton, and
17 all that came back with a result of no way and you weren't
18 even shown the report.

19 How could it have happened? With all those trips
20 down the hall, with all the noise, with all the clean-up
21 that someone would have had to have done, of the entry
22 onto the property, with the exit from the property, with
23 the carrying off of these pillow cases and bags and these
24 sheets in bags down this hall. How? Does it make any
25 sense? No. But they want to tell you it's a textbook

1 murder case. No.

2 How could it have happened? Shower cap pinned on to
3 look like a staged scene. Why didn't we take the pins?
4 Take that into evidence. Test it. The clothes that were
5 set out, that's not tested. This linen cart that's
6 mysterious, it's out there. Do we print it? Do we take
7 anything from it? Well, no. This door alarms, do we test
8 them? Do we look at them? Do we get a report? Do we get
9 fingerprints? Well, no.

10 This carpet that's on the floor that's flooded that
11 would have whatever's in it getting drained from the tub,
12 the shower and all those, did we test it? Well, no.
13 These trash bags, do we test those? If someone pulled the
14 next one up and put the new one back in, what ought to be
15 there? Touch DNA, fingerprints, fibers, any of that sort
16 of stuff. Do we test that? No. Why? Because we know
17 Braquette wrote some checks.

18 Who's around at the time? Angelo Ivey, security
19 guard. Tony in the shack. Wanda, who's delivering
20 medicine. Chuck, the on-call maintenance. Not to mention
21 the various nurses who are coming and going, or patient
22 care assistant. There's at least one, as many as three --
23 if not four if they're overlapping shifts -- coming in
24 early during the time they're saying Braquette says she's
25 on the property, during the time they're claiming these

1 cell phone records show she's on the property. And is
2 never seen by anyone. And there are residents there as
3 well. But they didn't take the time to talk to a one of
4 them.

5 Was Ms. Cook killed? State says clearly it's murder.
6 But look when it happened. Go back to when it's
7 originally discovered. Not now, as Ms. Anderson talked
8 about looking through the lens of evidence as opposed to
9 the lens of emotion or conviction. Go back to the 911
10 call. Does the 911 call say anything about abuse,
11 neglect, murder, strange bruising, injuries, and of those
12 sorts of things? You got a copy of the 911 call. Both of
13 them. They don't.

14 The responding officer who first shows up at the
15 scene, does he say it looks like a murder? No. He's
16 there, talks to people, talks with the coroner who's on
17 call, talks with the FSU, stays for 30 minutes with them,
18 and indicates there's no sign of foul play when he leaves.
19 And there's two different reports that Ms. Cook was
20 checked on twice during the evening. You see, those don't
21 fit. So we got to ignore those, so we got to let her
22 wait, clear our mind. We got to now -- hold on. Let's
23 walk it backward and figure it out. And that's exactly
24 what they've done. They've started with a we're arresting
25 Braquette Walton for murder, so let's go backward and try

1 to make the evidence fit. No.

2 Could Ms. Cook have fallen? She fell often in the
3 independent living center, and in July of 2011, due to
4 falls, she was moved to the assisted living center. Now,
5 granted, all the witnesses today through the lens that we
6 get into the courtroom say she moved, she was fine, that
7 wasn't a problem. But the truth is she was falling.
8 That's why she was moved. And this picture, as horrible
9 as it is, is from the scene. That's not the autopsy.
10 That's what all these people saw and said, "No, there's no
11 evidence of foul play." Persons who are trained to see
12 these type things normally didn't say that's shocking. To
13 all of us who don't see it all the time, sure it is. You
14 think, my goodness, she was beaten for hours. Just not
15 the case.

16 When was Ms. Cook killed? Think of the year 1984.
17 Long time ago for some of us. Doesn't seem that long ago
18 for others of us. That's when Doug Silk started running
19 ambulance. Think how many calls he's been on. Think how
20 many deaths he's seen. Think how many accidents he's
21 seen. What's his conclusion? Nothing inconsistent with a
22 fall. Now, I wonder why his is so different from the
23 textbook definition of murder that the State now gives
24 you. Remember he said he left and left the scene to law
25 enforcement. So he didn't get exposed to this well, hold

1 on, Braquette's got checks, so we're going to charge her,
2 let's see if we can make the evidence fit. And nobody
3 thought to get him to go back and do a reinterview and
4 say, hold on. Well, maybe think through things backward
5 and see if that won't get you to change your statement.

6 A walker, a shower stool, someone who could have
7 fallen, sure. The trained persons on the scene who see it
8 fall, sure. The doctor doing the autopsy at first. Well,
9 not sure. Let me see if the police can come up with
10 anything else. Don't you want to know whose hair is on
11 that telephone? Anybody? They find a hair on the
12 telephone that they want to say in the statement is used
13 in part of the struggle. There's a hair there. Small
14 hair. Whose is it? Wouldn't you like to know? They just
15 want you to look away and say, well, we didn't have to
16 test that. Why? Well, it might not come back to
17 Braquette Walton's. Then y'all might not believe it, what
18 they're selling.

19 Wouldn't you like to know whose DNA is in that
20 mixture? Well, we didn't swab anybody but Ms. Cook and
21 Braquette, so you don't get to know that. Wouldn't you
22 like to know whose fingerprint were found? And did you
23 catch this? Agent Bagwell said he tested them last week.
24 Last week? He collected them in November of 2011, and we
25 tested them last week? Sounds like somebody realized we

1 have a problem with our case. But yeah, I confirm they're
2 not. Whose are they?

3 What happened? Does the State really know? I submit
4 to you they don't. Is it fair for them to come up here
5 and ask you to know? I say it's not. But thankfully
6 under our system, that's not what you have to determine.
7 That's not what the judge is going to charge you you have
8 to do. Because you see, under our system, you don't have
9 to determine what happened. Under your oath that you
10 stood Monday, raised your right hand and swore to well and
11 truly try, with true deliverance give, so help you God,
12 that oath is to only answer one question. That question
13 is not what happened. That question is has the State
14 proven their case beyond a reasonable doubt. Beyond any
15 and all reasonable doubt so that you are firmly convinced
16 beyond the type doubt that would cause you to hesitate to
17 act. That's what you have to answer, has the State proven
18 that Braquette Walton killed Ms. Cook. No. I submit to
19 you no, they haven't. And because of that, under our
20 system, the verdict that is required is not guilty.

21 JURY CHARGE

22 THE COURT: Members of the jury panel, I appreciate
23 the attention that you've given to everyone to this point.
24 I'm now going to charge you with the law which you are to
25 apply to the facts as you determine them to be. The fact

1 that Ms. Walton has been arrested, the fact that she's
2 been charged, the fact that she's been indicted, the fact
3 that she's on trial is not evidence. That's the way our
4 system works. State believes someone has committed an
5 offense, that's what happens. They can be charged. The
6 case is processed through our system. And the fact that
7 they are on trial does not indicate in any way whatsoever
8 that they committed the offense. And I will talk to you
9 more about that when I discuss reasonable doubt in just a
10 few minutes. I will talk to you also in a moment about
11 the presumption of innocence, and the fact that she is
12 charged does not remove the presumption of innocence in
13 her favor.

14 She's charged with murder, burglary in the first
15 degree, eight counts of forgery, exploitation of a
16 vulnerable adult, and death occurring as a result of abuse
17 of a vulnerable adult. All this is alleged to have
18 occurred at the Chesbrough Boulevard Park Pointe assisted
19 living facility on November 12, 2011. And I will tell you
20 the elements of those offenses in just a few moments.

21 Now, each indictment is a distinct charge. They
22 don't build on each other. So you will look at each
23 indictment and determine whether or not under the charge
24 and under the law as I charge you and under the facts as
25 you determine them to be, as to each you must determine

1 whether or not the State as to that charge, set forth in
2 that indictment, proven Ms. Walton guilty of that offense
3 beyond a reasonable doubt. You may find her guilty on
4 all, not guilty on all, or guilty on some and not guilty
5 on some. Again, what you find on one is not to control
6 what you find on the others.

7 I mentioned that Ms. Walton is presumed innocent of
8 each of these charges. Her plea of not guilty has placed
9 on the State the burden of proving her guilt beyond a
10 reasonable doubt. Any person charged with any crime in
11 our system in South Carolina is presumed innocent and is
12 not required to prove their innocence. This is an
13 important rule of law. It's a fundamental rule of law.
14 It is not just a mere legal theory or mere legal phrase.
15 It is a substantial right.

16 Presumption of innocence is -- attaches to an
17 individual at the time of their arrest, remains with them
18 as their case is processed through our court system.
19 Presumption of innocence in Ms. Walton's favor exists at
20 this moment and even exists as you deliberate. The
21 presumption of innocence is removed from Ms. Walton if and
22 when, and only if and when, based on the law and the facts
23 you determine the State has carried the burden of proof
24 and proven her guilt beyond a reasonable doubt.

25 Now, the State does not have to prove her guilt

1 beyond all or beyond every doubt but beyond a reasonable
2 doubt. Our courts have defined a reasonable doubt as the
3 kind of doubt that would cause a reasonable person to
4 hesitate to act. There are very few things in our world
5 that we know with absolute certainty, and our law does not
6 require absolute certainty. If, based on your
7 consideration of the evidence, you are firmly convinced
8 Ms. Walton is guilty of one or more of the offenses, you
9 would find her guilty. If, on the other hand, you think
10 there's a real possibility that she is not guilty of one
11 or more or all of the offenses, you will give her the
12 benefit of that reasonable doubt and find her not guilty.

13 I told you earlier that I'm the sole judge of the law
14 in this case, and you must take, accept, and apply the law
15 as I charge it, and this is true even if you think I
16 charge the law in error or even if you think the law
17 should be different. Your oath requires you to apply the
18 law as I charge it. You're not to infer from anything I
19 have said or done or anything I now say or do as being an
20 indication of opinion of mine on the facts. Our law does
21 not allow a trial judge to formulate or express to a jury
22 any opinion on the facts. It is solely your job to
23 examine the evidence, give to the evidence the effect, the
24 value, the weight, and the truth you believe the evidence
25 should have. In doing this you may believe one witness as

1 opposed to others. You can believe all, part, or none of
2 the witnesses' testimony. Use your common sense, your
3 sense of logic, and your sense of reason and your
4 experiences in life.

5 It is up to you to determine what value to give and
6 what truth to give and what weight to give the witnesses'
7 testimony. In determining what effect, weight, value, and
8 weight and truth of the evidence you consider, in addition
9 to using the things that I just talked about -- your
10 common sense, your sense of logic, your sense of reason,
11 your experiences in life -- you can use certain
12 evaluators, certain things, such as a witness's demeanor,
13 how they act on the stand, are they hesitant or
14 straightforward, is their testimony consistent or
15 inconsistent with their testimony at the trial or with
16 testimony given at an earlier time. You can consider the
17 opportunity they had -- a witness had to know those things
18 about which the witness testified. And you can consider
19 any bias or prejudice, whether a witness would wish to
20 help or hurt one side or the other. All these things you
21 consider to determine the true facts, apply the law, and
22 you will be in a position to return a verdict that speaks
23 the truth.

24 In cases such as this, there are generally two types
25 of evidence presented: Direct and circumstantial

1 evidence. Direct evidence is the testimony of an
2 individual who claims to have actual knowledge of a fact,
3 such as an eyewitness. Direct evidence is evidence which
4 immediately establishes the main facts sought to be
5 proven.

6 Circumstantial evidence is proof of a chain of facts
7 and circumstances which indicate the existence of a fact.
8 Circumstantial is -- evidence is evidence which
9 immediately establishes collateral facts which the main
10 fact may be inferred. Circumstantial evidence is based on
11 inference and not on personal knowledge or observation.
12 Our law makes absolutely no distinction between the weight
13 or value to be given to either direct or circumstantial
14 evidence. Our law does not require a greater degree of
15 certainty for circumstantial evidence as opposed to direct
16 evidence. What you should do is weigh all of the evidence
17 in this case. After weighing all the evidence, if you're
18 not convinced of the guilt of Ms. Walton you will give
19 her -- beyond a reasonable doubt, you would find her not
20 guilty.

21 Now, in this case, as I mentioned, during the trial
22 we've had testimony of individuals who were qualified by
23 the Court as experts. These are individuals who, as I
24 told you, are in a position and allowed to give opinions.
25 Generally, as I told you, a witness can only testify as to

1 something they've observed with one of their five senses.
2 However, an expert who, based on their qualifications,
3 experience, knowledge, education, may render an opinion;
4 that is, they can take facts and render an opinion. And I
5 gave you the example of a physician and a sick child.

6 Now, the opinions of experts are allowed into
7 evidence to assist you. Now, the fact that I have allowed
8 them into evidence is not binding on you; that is, it is
9 up to you to determine, just like any other witness, the
10 value, the weight, the truth to be given, if any, to an
11 expert's testimony. You may reject an expert's testimony
12 in whole or in part, or you may accept it in whole or in
13 part just like with any other witness. The opinion of
14 experts are allowed into evidence to assist you. They're
15 not binding on you. They, again, are simply to assist
16 you, and you may reject them in whole or in part or give
17 them such weight, if any, as you believe they should have.

18 Now, as to experts, I've already told you some things
19 you could use to evaluate a lay, a nonexpert witness. As
20 to experts, in addition to the things we've already
21 discussed, look at their qualifications. I've allowed the
22 evidence into -- I've allowed the person to testify as an
23 expert, but you determine whether you believe they have
24 the qualifications, knowledge, experience to give the
25 opinions they give. And also you can examine and look at

1 and analyze the opinions they reach in making your
2 determination as to what weight, if any, to give to an
3 expert's testimony.

4 Now, I want to instruct you now and emphasize to you,
5 the fact that Ms. Walton exercised her constitutional
6 right to remain silent cannot be used against her in any
7 fashion whatsoever. She has a constitutional right to
8 remain silent, and the exercise by her of that right
9 cannot be discussed by you, cannot be factored into your
10 own consideration, and cannot be used to mitigate against
11 her in any way whatsoever. Under your oath, you're to
12 draw no conclusion whatsoever from the fact that
13 Ms. Walton exercised her constitutional right to remain
14 silent. I remind you and emphasize that she is presumed
15 innocent and need not prove her innocence. The State
16 must, as I told you and remind you again, prove her guilt
17 beyond a reasonable doubt before you could convict her.

18 Now, in this case, there are some statements that I
19 have admitted. Now, just like with experts, I allow them
20 to testify and you can analyze the experts. You also have
21 the right and the duty under your oath to examine these
22 statements. These statements are alleged to have been
23 made by Ms. Walton, and I allowed them to admit -- I
24 allowed them into -- I allowed them to be admitted into
25 evidence.

1 But I instruct you, it is ultimately your decision to
2 determine whether or not she made any or all of these
3 statements. And if she made one or more of these
4 statements, it's up to you to determine whether any
5 statement made by her, if you determine that she made the
6 statement, was made freely, voluntarily, and of her own
7 free will. This means that any statement, before you
8 could consider it, you must determine was not caused by
9 pressure, force, fear, threats, coercion, intimidation, or
10 hope of reward or promise of leniency or hope of reward of
11 any kind. In determining whether a statement is
12 voluntary, you should consider the characteristics of
13 Ms. Walton and the details of the questions. Some of the
14 factors you may consider are her age, her education or
15 lack of education, her mental ability or capacity, the
16 place and length of detention, the nature of the question,
17 and the advice or the lack of advice as to her
18 constitutional rights. These would include the right to
19 remain silent; the fact that any statement could -- made
20 by her could be used against her in a court of law; that
21 she had a right to have an attorney present during these
22 statements and that if she could not afford one, one would
23 be appointed to her by the State without any cost; and
24 that she could stop making the statement at any time. You
25 must carefully consider all of the surrounding

1 circumstances before you give any of the statements any
2 weight.

3 The State has a burden of proving beyond a reasonable
4 doubt that the statement -- or that any one or all of the
5 statements were given freely, voluntarily, knowingly, and
6 intelligently. You may determine and give to the
7 statements whatever consideration you deem appropriate.
8 If you determine a statement was not made by her or was
9 not made freely and voluntarily, you should not consider
10 it at all.

11 I'm now going to go through the charges. The first
12 I'm going to go through is murder. Ms. Walton is charged
13 with murder. Here the State must prove beyond a
14 reasonable doubt that Ms. Walton killed another person
15 here, Pauline Cook, with malice aforethought. Malice is
16 hatred, ill will, or hostility towards another person.
17 Malice is the intentional doing of a wrongful act without
18 just cause or excuse and with an intent to inflict an
19 injury or under circumstances from which the law would
20 infer an evil intent.

21 Malice aforethought does not require that malice
22 exist for any particular time before the act was
23 committed, but malice must exist in the mind of a
24 defendant just before and at the time the act is
25 committed. Therefore, there must be a combination of the

1 previous evil intent and the act itself. Malice
2 aforethought may be express or inferred. These terms do
3 not mean different kinds of malice but merely the manner
4 in which it may be shown to exist; that is, either by
5 direct evidence or by inference from the facts and
6 circumstances which are proven.

7 Express malice is shown when a person speaks words
8 which express hatred or will for another or when a person
9 prepared beforehand to do the act which was later
10 accomplished. Malice may be inferred from conduct of a
11 defendant showing a total disregard for human life. So
12 the State must prove on the murder charge that Ms. Walton
13 killed Ms. Cook with malice aforethought as I have defined
14 it for you.

15 She, Ms. Walton, is also charged with burglary in the
16 first degree. Here the State must prove beyond a
17 reasonable doubt that Ms. Walton entered a dwelling
18 without consent. The term "dwelling" by our law includes
19 any building or a portion of a building in which a person
20 ordinarily sleeps. In order to prove that Ms. Walton
21 entered the dwelling, the State does not have to show that
22 her entire body entered the dwelling. Any entry is
23 sufficient. In addition, the State does not have to prove
24 that any force was used by an individual to gain entry.
25 Next, the State must prove beyond a reasonable doubt that

1 the defendant here, Ms. Walton, intended to commit a
2 crime, either a felony or a misdemeanor, at the time of
3 her injury. The mere entry into a dwelling of another
4 without consent is not burglary. If the intent to commit
5 a crime is formed after the entry, it is not burglary.

6 On the other hand, if a defendant intends to commit a
7 crime at the time of the entry, it is burglary even if
8 that intent is abandoned after the entry. It does not
9 matter whether the intended crime was completed or not.
10 Intent may be shown by acts and conduct of a defendant and
11 from other circumstances which you may naturally and
12 reasonably infer intent.

13 Finally, as to burglary, in addition to the entry of
14 a dwelling, the State must prove beyond a reasonable --
15 with the intent to commit a -- in addition to proving that
16 the State -- proving beyond a reasonable doubt that
17 Ms. Walton entered a dwelling without consent, and I've
18 defined a dwelling to you, the State must also prove that
19 she entered or remained in a dwelling in the nighttime.
20 The nighttime is defined by our law as the time between
21 sunset and sunrise during which there is not enough
22 daylight to recognize a person's face except by artificial
23 light or moonlight. Or the State must prove either that,
24 that the defendant entered or remained in the dwelling in
25 the nighttime -- entered the dwelling in the nighttime, or

1 that while in effecting entry of the dwelling, the
2 defendant caused physical injury to a person who was not a
3 participant in the crime. The State must prove those
4 elements beyond a reasonable doubt.

5 As to forgery, the State must prove beyond a
6 reasonable doubt that the defendant with an intent to
7 defraud any person caused to be made or forge or caused to
8 be falsely made or forge any writing or instrument of
9 writing or put into circulation or uttered or published as
10 true any false or forged writing or instrument of writing.
11 Those are the elements for forgery.

12 As to the two charges that relate to a vulnerable
13 adult, I'm going to first charge you definitions that
14 apply to both. This is a law passed by our legislature,
15 and these definitions are set forth in the legislation, or
16 in legislation which is incorporated into the charge with
17 which Ms. Walton is charged, which I will of course touch
18 on more in a moment. But as to the two charges dealing
19 with abuse and neglect or -- and exploitation of a
20 vulnerable adult -- vulnerable adult, the term "abuse"
21 means physical abuse or psychological abuse. The term
22 "caregiver" means a person who provides care to a
23 vulnerable adult with or without compensation on a
24 temporary or permanent or full-time or part-time basis and
25 includes personnel of a private institution or facility.

1 The term "exploitation" means an proper, unlawful, or
2 unauthorized use of the funds, assets, or property of a
3 vulnerable adult by a person for the profit of or
4 advantage of that person or of another.

5 The term "facility" means a nursing care facility.
6 "Neglect" means the failure or omission to provide care,
7 goods, or services. Neglect includes the inability of a
8 vulnerable adult to provide for their own health or safety
9 which could be respected -- I'm sorry. Let me go back on
10 that. Neglect is the failure or omission to provide care
11 by a caregiver to a vulnerable adult. The term "physical
12 abuse" means intentionally inflicting or allowing to be
13 inflicted physical injury on a vulnerable adult by an act
14 or failure to act. Physical abuse includes but is not
15 limited to slapping, hitting, or choking.

16 The term "vulnerable adult" as used in the statutes
17 means a person 18 years of age or older who has a physical
18 or mental condition which substantially impairs that
19 person from adequately providing for their own care or
20 protection. This includes a person who is impaired in the
21 ability to adequately provide for their own care or
22 protection because of infirmities of age, including but
23 not limited to organic brain damage; advanced age;
24 physical, mental, or emotional dysfunction. The term
25 "vulnerable adult" also includes a resident of a facility,

1 and I've defined a facility for you.

2 Now, as to those charges, the State must prove before
3 you could convict Ms. Walton of two charges of abuse and
4 neglect of a vulnerable adult resulting in death or
5 exploitation, the State must also prove these things. As
6 to assault -- I'm sorry -- as to abuse and neglect of a
7 vulnerable adult resulting in death, this is a statutory
8 offense which references those definitions that I've
9 already gone over with you, and this makes it a criminal
10 offense if a death is caused by a person who knowingly and
11 willfully abuses or neglects a vulnerable adult.

12 As to the charge of exploitation of a vulnerable
13 adult, this also is a statutory offense and it also
14 incorporates those definitions I went over. This statute
15 makes it a criminal offense to knowingly and willfully
16 exploit a vulnerable adult as I have defined exploitation
17 and vulnerable adult.

18 Now, in some of the documents that you will have
19 before you, there will be omissions; that is, there may be
20 things covered up or whited out. Don't concern yourself
21 with those. They have been removed because they are not
22 pertinent to the case at hand and for your consideration.
23 If you're reading and come across something that's been
24 omitted, you don't have to worry about why it's omitted.
25 It's not done for any purpose other than it had nothing to

1 do with what you need to consider.

2 Your verdict in this case must be unanimous. All 12
3 jurors must agree. Once all 12 jurors have agreed, Madame
4 Forelady, you will preside over the deliberation; you will
5 ultimately sign the unanimous verdict of the jury. The
6 jury cannot be based on sympathy, passion, prejudice,
7 public opinion, or matters outside the record.

8 Now, in South Carolina, we do not send in a written
9 charge on the law. If you wish me to go over any part or
10 all of the law, let me know and I will bring you out and
11 here in open court charge you any part or all of the law.
12 If you have any questions, write them down and send them
13 out. I will respond. If I -- I may be able to write an
14 answer on the note. If I do that, keep the note and
15 return it in with the evidence because it has to be part
16 of the record. If I cannot -- once you send the note out,
17 I will read it, I will confer with the attorneys, and then
18 I will either respond by writing an answer on the note or
19 bringing you back and answering it here in open court.

20 We can have testimony played back for you if you
21 wish. If you wish to have testimony played back or read
22 back to you, let us know and we can bring you back in and
23 do that. There is a player you'll have in the jury room
24 so you can listen to the CDs. As far as the videos, I
25 will ask the Solicitor's office to make available or the

1 staff, the clerk to make available something on which you
2 can view the DVDs.

3 Once you go into the jury room in just a moment, do
4 not start deliberating. I have to go over my charge with
5 the attorneys. If I have made an error, I have to bring
6 you back in and correct it. I told you you have to follow
7 the law to the letter as I charge it. So if I made an
8 error, I have to correct it. So I'm going to let you go
9 to the jury room in just a moment, but don't get too
10 comfortable and don't start deliberating because I may
11 have to make some corrections. Mr. Hodges and Ms. Good,
12 you will stay in this time. As alternates, you will not
13 need to go back out. If you have a pocketbook or coat or
14 anything in there, the bailiffs will get it for you.

15 So go to the jury room but do not start deliberating.
16 I tell you this now because you may not come back out.
17 It's getting close to 6:00. If you deliberate to the
18 point where you believe you need us to order you a meal,
19 we won't order pizza again, but let us know. It takes
20 usually, whatever we order, 45 minutes or an hour to get
21 here, but if you wish to have a meal, let us know.

22 You may take breaks if you want. You don't need my
23 permission to take a break, but if you take a break,
24 everybody takes a break. The verdict must be unanimous,
25 so all 12 are working or all 12 are on a break. So if you

1 need a break, you certainly feel free to take one. Now I
2 let you go to the jury room, but do not start deliberating
3 yet. Everybody but Mr. Hodges and Ms. Good.

4 (The jury left open court at approximately 5:55 p.m.)

5 THE COURT: Anything from the State?

6 MR. BRACKETT: Nothing from the State.

7 THE COURT: Anything from defense?

8 MR. SMITH: No, although there isn't a verdict form.
9 Did you explain that they would put the verdict on the
10 indictments?

11 THE COURT: No, I did not. I'll need to bring them
12 back in. I had that written down. But nothing but that?

13 MR. SMITH: Nothing other than that.

14 THE COURT: Bring them back in. I'll be with the two
15 of you in just a moment. Just keep your seats. Thank
16 you. While the jury is coming in, I'll go ahead and tell
17 you, you're through for the week. You don't need to call
18 back. You can certainly stay if you wish to see what the
19 verdict is. You can leave when I dismiss you in a few
20 moments. But this finishes your week, and I want to thank
21 you for helping us out on this trial.

22 (The jury entered the courtroom at 5:57 p.m.)

23 THE COURT: Madame Forelady, members of the jury, you
24 can come and sit down here. I did neglect to tell you one
25 thing. I told you your verdict must be unanimous and it

1 couldn't be based on passion, prejudice, public opinion,
2 sympathy, or matters outside the record. But I neglected
3 to tell you what to do when you've reached a unanimous
4 verdict. You'll have with you in the jury room these
5 indictments. Now, these indictments are not evidence.
6 They're the charging papers. They're the papers by way of
7 which this case is processed through our court system. So
8 do not consider these as evidence in any way whatsoever
9 because they're not evidence. Again, they're just the
10 charges, and they'll ultimately have your unanimous
11 verdict enrolled on them and be a permanent record of the
12 court.

13 And the way you will enroll a verdict, each of these
14 indictments has on what I consider the front anyway,
15 you'll see in the bottom left-hand corner the word
16 "verdict." There are four lines beneath it. The bottom
17 line is for you to sign as foreperson once the jury has
18 reached a unanimous verdict. And there's a place for the
19 date. The date is the 1st of November.

20 On one of the other three lines you will write
21 "unanimous verdict of the jury." As to a particular
22 indictment, if that verdict is the unanimous verdict of
23 the jury that the State has failed to carry its burden of
24 proof and has failed to prove Ms. Walton guilty of an
25 offense, then as to that offense, on that indictment you

1 would write two words, "not guilty," and sign.

2 If on the other hand the State has, in your opinion,
3 unanimously to your satisfaction proved beyond a
4 reasonable doubt Ms. Walton guilty of an offense as
5 charged in the indictment, on that indictment on one of
6 those lines above where you sign, you would write the one
7 word "guilty."

8 So I apologize for not going over that and having to
9 bring you back. Let you go back out. Do not start yet.
10 One last thing. The bailiff will tell you when to start
11 deliberating, and when you have reached a verdict, knock
12 on the door and tell the bailiff and we will send for you
13 as promptly as we can. We're not going to be doing any
14 other work other than this trial today, so we'll send for
15 you very promptly once we hear from you that you've
16 reached a verdict. You can follow the bailiff to the jury
17 room at this time.

18 (The jury left open court at approximately 6:00 p.m.)

19 THE COURT: Anything further from the State?

20 MR. BRACKETT: No, Your Honor.

21 THE COURT: Defense?

22 MR. SMITH: Nothing, Your Honor.

23 THE COURT: I want to thank everybody for your
24 courtesy through the trial. I appreciate the way
25 everybody's handled themselves. Now, please check the

1 indictments, and I think you've already gone over the
2 evidence. All right. The bailiff can take in the
3 evidence, the exhibits, and the verdict and the
4 indictments and tell the jury to begin deliberation. And
5 we'll be at ease. Don't travel too far away from the
6 sound of...

7 THE BAILIFF: Judge, you want them to leave?

8 THE COURT: I'm sorry. Y'all can go ahead and leave
9 if you like. Like I said, y'all can stay if you want.
10 Thank you a lot. Now, you'll be mailed a check. It won't
11 be much, but you'll be mailed a check.

12 (Jury begins deliberating at 6:01 p.m.)

13 (Court's Exhibits 11 through 18 were marked.)

14 THE COURT: State versus Braquette Walton, I
15 understand we have quite a large gathering here. I won't
16 tell everybody in advance. I don't know what the verdict
17 is, of course, but -- excuse me. The -- whatever the
18 verdict is, don't -- we cannot tolerate any outbursts.
19 This is a court of law. Whatever the verdict is, we
20 cannot, as I said, tolerate any outbursts. If anyone who
21 does not feel like they can control their emotions
22 whatever the verdict is, I suggest they leave at this time
23 because anyone who does have any excessive show of
24 emotion, I will be compelled to find them in contempt of
25 court and have to put them in jail for a period of time

1 for disrupting the court. So if you don't think you can
2 contain your emotions, I suggest you go ahead and leave
3 now.

4 Anything before the jury comes in for the State?

5 MR. BRACKETT: No, Your Honor.

6 THE COURT: Anything from the defense?

7 MR. SMITH: No.

8 THE COURT: Bring in the jury.

9 (The jury entered the courtroom at 8:09 p.m.)

10 THE COURT: Madame Forelady, I understand the jury
11 has reached the verdicts.

12 JUROR: Yes.

13 THE COURT: If you'll hand them to the bailiff, he'll
14 hand them up to me.

15 Madame Clerk.

16 VERDICT

17 THE CLERK: Indictment 2012-GS-46-865, the State
18 versus Braquette Wykina Walton, indictment for murder;
19 verdict, guilty, signed by the foreperson, dated today's
20 date. Indictment 2012-GS-46-3015, the State versus
21 Braquette Wykina Walton, indictment for burglary first
22 degree; verdict, guilty, signed by the foreperson, dated
23 today's date.

24 Indictment 2012-GS-46-883, the State versus Braquette
25 Wykina Walton, indictment for abuse or neglect of a

1 vulnerable adult resulting in death; verdict, guilty,
2 signed by the foreperson, dated today's date. Indictment
3 2012-GS-46-866, the State versus Braquette Wykina Walton,
4 indictment for exploitation of a vulnerable adult;
5 verdict, guilty, signed by the foreperson, dated today's
6 date.

7 Indictment 2012-GS-46-867, the State versus Braquette
8 Wykina Walton, indictment for forgery and uttering;
9 verdict, guilty, signed by the foreperson, dated today's
10 date. Indictment 2012-GS-46-868, the State versus
11 Braquette Wykina Walton, indictment for forgery and
12 uttering; verdict, guilty, signed by the foreperson, dated
13 today's date.

14 Indictment 2012-GS-46-869, the State versus Braquette
15 Wykina Walton, indictment for forgery and uttering;
16 verdict, guilty, signed by the foreperson, dated today's
17 date. Indictment 2012-GS-46-870, the State versus
18 Braquette Wykina Walton, indictment for forgery and
19 uttering; verdict, guilty, signed by the foreperson, dated
20 today's date.

21 Indictment 2012-GS-46-871, the State versus Braquette
22 Wykina Walton, indictment for forgery and uttering;
23 verdict, guilty, signed by the foreperson, dated today's
24 date. Indictment 2012-GS-46-3016, the State versus
25 Braquette Wykina Walton, indictment for forgery and

1 uttering; verdict, guilty, signed by the foreperson, dated
2 today's date.

3 Indictment 2012-GS-46-3017, the State versus
4 Braquette Wykina Walton, indictment for forgery and
5 uttering; verdict, guilty, signed by the foreperson, dated
6 today's date. Indictment 2012-GS-46-3018, the State
7 versus Braquette Wykina Walton, indictment for forgery and
8 uttering; verdict, guilty, signed by the foreperson, dated
9 today's date.

10 Ladies and gentlemen of the jury, if this be your
11 verdict, so say you all by raising your right hand.

12 Let the record show all jurors affirm this verdict.

13 THE COURT: Anything from the State before the jury's
14 dismissed?

15 MR. BRACKETT: No, Your Honor.

16 THE COURT: Anything from the defense?

17 MR. SMITH: Request polling, Your Honor.

18 THE COURT: Members of the jury panel, the clerk is
19 going to ask each of you a specific question about after
20 confirming your verdict. She'll tell you what to do.

21 THE CLERK: If you'd all please stand. Juror
22 Number 46, is this your verdict?

23 JUROR: Yes.

24 THE CLERK: Is it still your verdict?

25 JUROR: Yes.

1 THE CLERK: You may have a seat.

2 Juror Number 160?

3 JUROR: Yes.

4 THE CLERK: Is this your verdict?

5 JUROR: Yes.

6 THE CLERK: Is it still your verdict?

7 JUROR: Yes.

8 THE CLERK: You may have a seat.

9 Juror Number 1, is this your verdict?

10 JUROR: Yes.

11 THE CLERK: Is it still your verdict?

12 JUROR: Yes.

13 THE CLERK: You may have a seat.

14 Number 198?

15 JUROR: Yes.

16 THE CLERK: Is this your verdict?

17 JUROR: Yes.

18 THE CLERK: Is it still your verdict?

19 JUROR: Yes.

20 THE CLERK: You may have a seat.

21 Number 118?

22 JUROR: Yes.

23 THE CLERK: Is this your verdict?

24 JUROR: Yes.

25 THE CLERK: Is it still your verdict?

1 JUROR: Yes.
2 THE CLERK: You may have a seat.
3 Number 183?
4 JUROR: Yes.
5 THE CLERK: Is this your verdict?
6 JUROR: Yes.
7 THE CLERK: Is it still your verdict?
8 JUROR: Yes.
9 THE CLERK: You may have a seat.
10 Number 26?
11 JUROR: Yes.
12 THE CLERK: Is this your verdict?
13 JUROR: Yes.
14 THE CLERK: Is it still your verdict?
15 JUROR: Yes.
16 THE CLERK: You may have a seat.
17 Number 21?
18 JUROR: Here.
19 THE CLERK: Is this your verdict?
20 JUROR: Yes.
21 THE CLERK: Is it still your verdict?
22 JUROR: Yes.
23 THE CLERK: You may have a seat.
24 Number 130?
25 JUROR: Yes.

1 THE CLERK: Is this your verdict?

2 JUROR: Yes.

3 THE COURT: Is it still your verdict?

4 JUROR: Yes.

5 THE CLERK: You may have a seat.

6 Number 251?

7 JUROR: Yes.

8 THE CLERK: Is this your verdict?

9 JUROR: Yes.

10 THE CLERK: Is it still your verdict?

11 JUROR: Yes.

12 THE CLERK: You may have a seat.

13 Number 217, is this your verdict?

14 JUROR: Yes.

15 THE CLERK: Is it still your verdict?

16 JUROR: Yes.

17 THE CLERK: You may have a seat.

18 Number 132?

19 JUROR: Yes.

20 THE CLERK: Is this your verdict?

21 JUROR: Yes.

22 THE CLERK: Is it still your verdict?

23 JUROR: Yes.

24 THE CLERK: You may have a seat.

25 THE COURT: Anything else from defense?

1 MR. SMITH: Nothing further, Your Honor.

2 THE COURT: Members of the jury panel, I certainly
3 appreciate your help. Of course, we're finished for the
4 week. We have some work to do that we must do at this
5 point. Including ultimately sentencing Ms. Walton. I'm
6 not going to ask you to stay around for that. It will be
7 a while before we do that, and the bailiffs and constables
8 have made arrangements to see you to your cars. I
9 appreciate your help, and you'll each be mailed a check.
10 Thank you so much.

11 (The jury left open court at approximately 8:15 p.m.)

12 THE COURT: All right. The jury has been dismissed.
13 Anything from the State before we get into sentencing?

14 MR. BRACKETT: No, Your Honor.

15 THE COURT: Anything from defense before we get into
16 sentencing? Other than I'll be glad to hear any
17 mitigating as far as any motions as far as the trial.

18 MR. SMITH: Yes, Your Honor. Make a motion for a
19 judgment notwithstanding the verdict, or in the
20 alternative, a new trial from the position that there was
21 not sufficient evidence for the jury to reach the verdict
22 they just returned. In addition, I think there is some
23 inconsistency in a murder and an abuse resulting in death.

24 THE COURT: Well, I deny the motions. I believe
25 there is sufficient evidence from which the jury could

1 reach the verdicts they reached. I would like to hear
2 from the State, although it may be untimely at this point
3 to raise the issue, which crossed my mind, of -- not an
4 inconsistency because they're two different crimes, but
5 can both murder and the -- any law regarding someone being
6 charged with both murder and death by abuse and neglect.

7 MR. BRACKETT: I believe, Your Honor, using the test
8 under State versus Easler -- which I know Your Honor is
9 very familiar with; it was your case out of Gaffney --
10 each crime is separate from the other containing a
11 distinct element. In Easler, the Supreme Court adopted
12 the Blockburger test for double jeopardy. So as long as
13 each crime has an element that is different from the
14 other, there will be no double jeopardy issue.

15 And I believe that the plain language of the statute
16 for abuse and neglect, the abuse portion, it's abuse or
17 neglect, abuse clearly says that it can be the unlawful
18 striking, choking, you know, any of those things which
19 result in their death. They're two separate charges,
20 murder and abuse -- or abuse of a vulnerable adult
21 resulting in death, and the elements of the abuse crime
22 were clearly met by the facts in this case. So I don't
23 believe it poses any particular challenge.

24 Under -- the only other theory that could possibly be
25 advanced that I can think of off the top of my head would

1 be similar to the kidnapping/murder, but that's --
2 which -- in which the crimes can merge, but I don't think
3 that is a merger issue at all because the kidnapping
4 merges into the murder when you hold somebody and then
5 kill them. You can't be sentenced on both. You can be
6 convicted of both but not sentenced on both. I don't
7 believe that's the case here. I don't think that there's
8 a merger question. So I think there could be -- both are
9 properly charged and sentences can be rendered
10 independently on each charge.

11 THE COURT: Anything else from defense?

12 MR. SMITH: Nothing further, Your Honor.

13 THE COURT: I'm going to take that motion under
14 advisement and reserve any sentencing on the death based
15 on abuse and neglect of a vulnerable adult and give that
16 some consideration. So I'm going to take that under
17 advisement. I'm retaining jurisdiction, obviously,
18 because I'm taking it under advisement. And not for a
19 long time. I promise I'll do something fairly promptly on
20 it. But thinking about it and reach a resolution in my
21 own mind.

22 If you'll bring Ms. Walton around for sentencing on
23 all the others at this point.

24 SENTENCE OF THE COURT

25 MR. BRACKETT: Yes, sir, Your Honor. And for the

1 record, I will note that we have informed the victim --
2 the victim's family of these proceedings throughout and
3 they have attended trial, as Your Honor noted.
4 Ms. Jan Sullivan testified for the State. She was our
5 final witness. She is present in the courtroom along with
6 her husband, Paul, and I believe that she is -- of the
7 victim's family, she is the only one that wishes to
8 address the court, and then I would like to be heard.

9 THE COURT: I would be pleased to hear from anyone on
10 the victim's behalf and be glad to hear from Ms. Walton
11 when we reach that point.

12 Yes, ma'am. You can stand right there so we can all
13 hear you and so the court reporter -- and your name again?
14 You just testified earlier today, but we have to make a
15 record.

16 MS. SULLIVAN: Jan Sullivan.

17 THE COURT: Yes, ma'am.

18 MS. SULLIVAN: Your Honor, this has been extremely
19 difficult. For me and my children, my grandchildren. And
20 my whole family. My mother did not deserve the horrific
21 way she died. Please, Your Honor. Please give her the
22 maximum sentence. I will feel satisfied. I will feel
23 closure. This is my mother. This is what my mother
24 looked like. She did not look like the pictures that we
25 saw today, Your Honor. This...

1 That's all.

2 THE COURT: I understand. And the picture painted of
3 your mother was a -- very well done by those who knew her
4 at Park Pointe. Very clear as to what your mother's
5 essence was. Thank you.

6 You want to say anything?

7 MR. SULLIVAN: No, Your Honor. Thank you very much.

8 THE COURT: Thank you both.

9 MS. SULLIVAN: Thank you, sir.

10 THE COURT: Do you have sentencing sheets ready?

11 MR. BRACKETT: Yes, sir. Those have been handed up.

12 What I'd like to add, Your Honor, of course you heard the
13 facts in this case. And I think this case is a study in
14 contrasts. As Your Honor observed, so many witnesses came
15 into this courtroom and testified as to what a delightful
16 and wonderful woman that Ms. Pauline Cook was. They
17 talked about what a caring, warm person she was, how
18 engaged she was in the community there at Park Pointe
19 Village. Everybody knew her. Everybody loved her. She
20 was out and about and just determined to continue being an
21 active part of the community as long as she possibly
22 could. And who knows how many years of fellowship that
23 all of her friends, many of them who are here and the
24 folks that worked there, how many years of fellowship that
25 they've been cheated out of. And that's one side of the

1 balance, Your Honor.

2 The contrast is with the conduct of this defendant.
3 When I think about this case and I think about what
4 Ms. Walton had to do and standing in the tree house room,
5 thinking about walking down that hallway, thinking about
6 what she was going to do. And I submit, Your Honor, the
7 version of events that were painted in the statement that
8 she gave to Detective Smith and Detective Stokes was
9 inaccurate. I do not believe, based on what Kayla Larson
10 testified to, she said that when she went in there, the
11 light was off, the TV was on, but Ms. Cook was in her bed
12 in her nightgown asleep, that she woke her up to
13 administer her medicine. Turned the light out, gave her a
14 hug, and walked out of the room about ten minutes after
15 9:00.

16 Dr. Thomas testified that there was still pill debris
17 in her stomach. That verifies that. She was not up in
18 her bathroom. There was no conversation that took place.
19 Ms. Walton walked into her room, snuck into her room while
20 she lay in her bed helpless. She's 82 years old. And she
21 attacked her as she lay in her bed and killed her. And
22 then when you think about what she had to do and the time
23 that it took to accomplish everything that she
24 accomplished in the process of staging this crime scene,
25 the only word that I can think of is "chilling" that

1 somebody could have that kind of presence of mind. I
2 think that says more about Ms. Walton than just about
3 anything. She managed to keep it together long enough to
4 nearly, nearly fake out the EMS personnel, the law
5 enforcement officers, the staff there. Almost making them
6 believe that this really was an accident.

7 It absolutely defies the imagination that somebody
8 could possibly do all of these things, standing there all
9 that while knowing what they were going to do. And it
10 speaks volumes about who she is, and I submit it speaks
11 volumes about the sentence that needs to be imposed in
12 this case. I don't believe that any sentence other than
13 life in prison could possibly adequately address what
14 Ms. Walton did that day. Not only to the people who live
15 at Park Pointe Village and all the fine folks that were
16 her friends, the people who work there and loved and cared
17 for her for ten years, but her family, of course her
18 daughter, her grandchildren, her great grandchildren. All
19 those folks, something was taken from them that can never
20 be replaced. I join Ms. Sullivan in her request for a
21 life sentence in this matter. There is no prior record.

22 THE COURT: Mr. Smith, how long has Ms. Walton served
23 already?

24 MS. ANDERSON: 354 days, Your Honor.

25 THE COURT: Mr. Smith, Ms. Anderson, anything?

1 MR. SMITH: Thank you, Your Honor. May it please the
2 Court. Obviously we've spent a lot of time with
3 Braquette. We find ourselves in a very difficult position
4 right now. Your Honor, Ms. Anderson will handle --
5 present our mitigation.

6 MS. ANDERSON: May it please the Court. Your Honor,
7 Ms. Walton is just shy of her 31st birthday. You've
8 heard she has no prior record. She has a 14-year-old son,
9 Micah. Obviously she's been separated from now for these
10 354 days, and that's been difficult and obviously the
11 situation of being separated for him for an extensive
12 period of time. Your Honor, there were a number of family
13 members who have been involved throughout this case. She
14 has extensive family support. Her mother resides in
15 Huntersville, North Carolina. Ms. Walton previously
16 resided in North Carolina, was living here in Rock Hill
17 with her son. Of course you heard of her employment, and
18 she has her CNA education.

19 Your Honor, there were a number of family members.
20 We spoke to them in conference calls, with members who
21 came in person. Her brother and sister-in-law, David and
22 Landrina Walton, flew from California to be here. So
23 certainly Ms. Walton has family who know a very different
24 side of her than what's been presented in court. She has
25 this family support. There were a number of people who

1 wished to -- were willing to come in as character
2 witnesses and speak on Ms. Walton's behalf. Your Honor, I
3 would ask you at this time to hear from her brother David
4 Walton. Having known her for all these years, I think he
5 can give Your Honor a better understanding of Ms. Walton.

6 THE COURT: Be pleased to hear from him. Have him
7 come on up.

8 Yes, sir. Your name?

9 MR. WALTON: Your Honor, my name is David Walton.
10 First and foremost, on behalf of our family,
11 wholeheartedly we do want to send our condolences to the
12 Cook family. I see that there are many of you here. I've
13 heard from my mother that your family has been here
14 through this whole process. I do want to say I'm sorry
15 for the loss of Ms. Pauline Cook. From what I've read in
16 the newspaper and from what I've seen by your family being
17 here in such strong numbers, I know she was loved and had
18 many friends and family members and she'll be missed.

19 I just want to say, Your Honor, that this has been
20 really hard on our family. As they stated, we do have an
21 extensive family. Nothing like this has ever happened
22 before. My sister has no criminal background. She's
23 never had any incidents. It's been hard with her just
24 being away for this one year. I do want to state that my
25 sister has held true, in all of the conversations that

1 we've had over the course of what has almost been a full
2 year, that she did not do this.

3 And it's been hard because I know that the whole time
4 she's been at Moss, she has essentially been in solitary
5 confinement because she said that she did not want to go
6 to general population. She felt that because she didn't
7 do a criminal act, she did not need to be in general
8 population with people that have been convicted and were,
9 you know, serving their time, awaiting their trial as
10 well. So that's been hard also, knowing that she has been
11 incarcerated for almost a full year in solitary
12 confinement every day of that.

13 She does have a 14-year-old son. Sadly, she had to
14 see her niece for the first time here in court, my
15 daughter. I'm just asking that you have leniency and
16 mercy upon my sister. And just know that I hope everyone
17 knows that there is no real victory today. Ms. Pauline
18 Cook is gone. Her memory will live on with her family.
19 And even though my sister stands before me, I know as well
20 that she will be gone from my family.

21 So I just hope that you will see it in your heart,
22 Your Honor, to -- when you pass down your sentence to try
23 to make it so that at some point she'll be able to rejoin
24 us and see her son and be a part of our family.

25 THE COURT: Thank you.