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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Hampton County

Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JARVISE TERRELL JENKINS,

APPELLANT

APPELLATE CASE NO. 2023-000197

RECORD ON APPEAL

KATHRINE H. HUDGINS
Appellate Defender

ALAN WILSON
Attorney General

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

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

ATTORNEY FOR APPELLANT

JULIANNA E. BATTENFIELD
Assistant Attorney General
PO Box 11549
Columbia, SC 29211-1549

DUFFIE STONE
Solicitor, Fourteenth Judicial Circuit
1 Elm Street W.
Hampton, SC 29924

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBITS #11 & #12 (PHOTGRAPHS OF THE DOOR LOCKS) and
STATE’S EXHIBIT #16 (PHOTGRAPH OF THE AC UNIT)**

1 STATE OF SOUTH CAROLINA)
2) COURT OF GENERAL SESSIONS
3 COUNTY OF HAMPTON) 2019-GS-25-00536

4 STATE OF SOUTH CAROLINA,)
5)
6 Plaintiff,)
7)
8 vs.) TRANSCRIPT OF RECORD
9 JENKINS, JARVISE TERRELL,)
10 Defendant.)

11 January 30, 2023
12 Hampton, South Carolina

13
14 B E F O R E:

15 HONORABLE EDWARD W. MILLER, JUDGE

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

17 Hunter P. Swanson, Esquire
18 Attorney for the State

19 Courtney A. Gibbs, Esquire
20 Attorney for the Defendant

21
22 Lisa G. Amick
23 Court reporter

24 RECEIVED

25 MAR 10 2023

APPELLATE DEFENSE

INDEX OF WITNESSES

(DW) - Denotes Defense Witness
(SW) - Denotes State's Witness

(NO WITNESSES CALLED.)

Certificate of Reporter

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(NO EXHIBITS INTRODUCED.)

1 THE COURT: Alright. Ladies and gentlemen, you all
2 have been qualified under our law to serve this week, and we
3 are now going to go directly into qualifying you to serve for a
4 particular case, the first case on the docket. So let me
5 introduce this case to you all, and of course, please remember
6 you're under oath, please give full, complete, and truthful
7 answers to the questions. The first case up this week is the
8 State versus Jarvise Terrell Jenkins. This is an indictment
9 for murder. This indictment alleges that in Hampton County,
10 South Carolina, on or about December 4, '18, 2018 through
11 December 5, 2018, the Defendant, Jarvise Terrell Jenkins did
12 with malice aforethought kill Amelia Garvin, and Amelia Garvin
13 did die as approximate result of Jarvise Terrell Jenkins'
14 actions in violation of the statutes and laws of the State of
15 South Carolina. To this indictment, Mr. Jenkins has pled not
16 guilty and as such, certain rights attach in which belong to
17 each and every person in this country who is charged with a
18 crime. And that is he is presumed to be innocent unless and
19 until the charging body, in this case, the State of South
20 Carolina can prove to a jury beyond a reasonable doubt each and
21 every element of the offense with which that person is charged.
22 Please keep that in mind throughout the course of these
23 proceedings. Additionally, I would tell you that the
24 indictment that I read is nothing more than it appears to be
25 and that is a piece of paper which contain the allegations made

1 against Mr. Jenkins. It is not evidence, and you should make
2 no presumption or take any inference from the fact that this
3 document has issued. It is just a formal document which allows
4 this case to wind its way through our system to arrive here in
5 Court for a resolution. Now, before I go any further with the
6 questioning, at this time I would ask the attorneys to stand
7 and introduce themselves and their client where appropriate.
8 Yes, ma'am?

9 MS. SWANSON: Thank you, Your Honor. Good afternoon,
10 my name is Hunter Swanson, I am with the Fourteenth Circuit
11 Solicitor's Office, I've been there for about 15 years, and it
12 started all five of our attorneys. Seated next to me is Jerod
13 Phillips, my investigator with our office. You will see here,
14 although she is caught up with the other trial down the road in
15 Colleton County, SLED agent Katie McCallister, the agent on the
16 case, and she will be seated at this table with me. Thank you.

17 THE COURT: Alright. Yes, ma'am?

18 MS. GIBBS: Thank you, Judge. My name is Courtney
19 Gibbs and I'm an attorney with the Fourteenth Circuit Public
20 Defender's Office. Standing by me is my client, Jarvis
21 Jenkins, he is from Walterboro. And my co-counsel who's also
22 from the Fourteenth Circuit Public Defender's Office, Taylor
23 Diggs.

24 THE COURT: Alright. Ladies and gentlemen of the
25 jury is there any member of the jury panel who's related by

1 blood or marriage or who has a business, personal, or social
2 relationship with any of the attorneys involved in this case or
3 with the circuit solicitor's office or with the circuit
4 defender's office? If so, please stand. Is there any member
5 of the jury panel who is related by blood or marriage or who
6 has a business, personal, or social relationship with Mr.
7 Jarvise Terrell Jenkins or Ms. Amelia Garvin? If so, please
8 stand. I'm going to read a list of potential witnesses in the
9 case, so I'll need to know the same about these folks. Brian
10 Adams with the Varnville Fire Department, Mariah Boles from
11 Hampton, South Carolina, Lawton Bradshaw with SLED, Alik
12 Bryant from Hampton, South Carolina, April Cook from Beaufort,
13 South Carolina, Erica Davenport from Hampton, South Carolina,
14 Nicole Dittman from Hampton, South Carolina, Stephanie Garvin
15 from Hampton, South Carolina, Timothy Gray, Verizon records
16 custodian, David Gulley with SLED, Tyler Jordan with the
17 Varnville Police Department, Catherine Leisy with SLED, Rodney
18 Mack, Hampton, South Carolina, Jeff Maxwell, Beaufort County
19 Detention Center, Katie McCallister with SLED, Michael Moskal
20 with SLED, Shade Patterson from Hampton, South Carolina, Dr.
21 Ellen Riemer, MUSC, Michael Smith, Varnville Police Department,
22 Chief Tyrone Smith, Varnville Police Department, Nicholas
23 Sprouse with SLED, Courtney Thompson, SLED, Brian Townsend,
24 former Love's manager in Yemassee, Alexis Williams, Hampton,
25 South Carolina, Christopher Williams, Hampton, South Carolina,

1 Daniekah Williams, Hampton, South Carolina, John Paul Williams,
2 Hampton, South Carolina, Kimberly Williams, Hampton, South
3 Carolina, Sheila Williams, Hampton, South Carolina. Is there
4 any member of the jury panel related by blood or marriage or
5 have a business, personal, or social relationship with any of
6 those potential witnesses whose names I have just read? If so,
7 please stand. Alright. Now, your name and number?

8 JUROR 6: Number 6, Christopher Anderson.

9 THE COURT: Okay.

10 JUROR 6: Mariah Boles is my cousin.

11 THE COURT: Alright. You, sir, your name and number?

12 JUROR 190: Rockell Ward, 190. I'm related to
13 Amelia.

14 THE COURT: I couldn't hear you.

15 JUROR 190: I'm related to Amelia Garvin.

16 THE COURT: Alright. Thank you. In the back, yes
17 ma'am?

18 JUROR 98: Lomattie Hutchinson, juror number 98.
19 Alike Bryant is my son's aunt.

20 THE COURT: Okay. Yes, yes, ma'am?

21 JUROR 17: Peggy Bing-o'banner, number 17, and I was
22 related to Michael Smith.

23 THE COURT: To?

24 JUROR 17: Michael Smith.

25 THE COURT: Okay. And how are you, tell me.

1 JUROR 17: We're just cousins.

2 THE COURT: Cousins, okay. Yes, sir, in the back?

3 JUROR 12: Thomas Beckett, number 12. I don't know
4 if this counts, but Kimberly Williams, that's my ex-girlfriend.

5 THE COURT: Okay. Thank you for that. Yes, ma'am?

6 JUROR 158: Katrina Ryles, number 158. Tyrone Smith,
7 I'm related to his wife.

8 THE COURT: Okay. Alright. How are you related to
9 his wife?

10 JUROR 158: She's, like, my first cousin.

11 THE COURT: Okay. Alright. Okay. For those people
12 who responded to that question, would the fact that you have
13 that relation impair your ability to be fair and impartial to
14 either the State or the Defense, and could you, if you cannot
15 judge this case based solely on the merits of the law and the
16 evidence that will be received in this Courtroom, tell us now.
17 I mean, just be honest about it and tell me. Yes, sir, you
18 are, and again, you stood up, you are?

19 JUROR 190: I'm a relative to Amelia Garvin.

20 THE COURT: Well, right. And your name and number?

21 JUROR 190: Rockell Ward, 190.

22 THE COURT: Okay. 190.

23 JUROR 190: And ---

24 THE COURT: Okay. Thank you. Yes, sir?

25 JUROR 190: That's it?

1 THE COURT: Yeah. Just have a seat and we'll get
2 back to you. Okay. Alright. Is there any member of the jury
3 panel who has any knowledge about the events that I've read to
4 you that are alleged in this indictment? If so, please stand.
5 Okay. Is there any juror, family member, or close personal
6 friend who has ever been a victim of or charged with this type
7 of offense? If so, please stand. Is there any member of the
8 jury panel who's aware of any bias or prejudice towards either
9 the State or the Defense? If so, please stand. Is there any
10 member of the jury panel who's a member of or a contributor to
11 a group whose primary concern is the promotion of victims or
12 law enforcement rights? For example, it could be MADD, SADD,
13 CAVE, any of those? If so, please stand. Is there any juror
14 aware of any reason whatsoever why you should not serve in this
15 case, particular emphasis on your ability to be fair and
16 impartial to both the State and the Defense and to judge the
17 case based solely on the merits of the evidence presented in
18 Court and the law as I would give it to you? If you can't do
19 that, please tell us now. Okay. Thank you. Lawyers, if you
20 would approach.

21 (Off the record.)

22 THE COURT: Now, if I could just back up, I have one
23 more question for you. I did ask if there was any member of
24 the jury panel or family member who had been charged with or
25 convicted of this type of offense. And to be a little more

1 specific, this is, the allegations are that this offense
2 occurred in the commission of a domestic violence situation.
3 So is there anyone who could answer that question? If so,
4 please stand. Okay. Alright.

5 THE CLERK: Wait, Judge, you've got one.

6 THE COURT: Okay. Yes, ma'am, your name and number?

7 JUROR 170: 170, Erica Smith.

8 THE COURT: Tell me.

9 JUROR 170: I'm going through a procedure now in
10 domestic violence.

11 THE COURT: Okay. Alright. Would the fact that you
12 have that experience, would that impair your ability to be fair
13 and impartial in this case to either the State or the Defense?
14 Just be honest. Could you judge this case based solely ---

15 JUROR 170: No.

16 THE COURT: --- on the merits of the evidence
17 presented in the Courtroom ---

18 JUROR 170: No.

19 THE COURT: Let me finish. And the law as I would
20 give it to you?

21 JUROR 170: No, sir.

22 THE COURT: Okay. Alright. Thank you. Just so
23 y'all know what's going on, we are, currently your names are
24 being mixed in cyber space to come up with a random list from
25 which the jury, we'll strike the jury.

1 CLERK: When I call your name, if you would just
2 stand in place and there will be some activity going on here,
3 you'll either be selected to sit in the jury box or either
4 you'll be excused, then you'll be instructed from there.

5 Number 183, Jordan Tuten. What says the State?

6 MS. SWANSON: Please present this juror.

7 CLERK: What says the Defense?

8 MS. GIBBS: Please seat this juror.

9 CLERK: Okay. If you'll go with the bailiff. Number
10 89, Dashawn Horton. What says the State?

11 MS. SWANSON: Please excuse this juror.

12 CLERK: Okay. You can have a seat. Number 71,
13 Marion Gohagan. What says the State?

14 MS. SWANSON: Please present this juror.

15 CLERK: What says the Defense?

16 MS. GIBBS: Please excuse this juror.

17 CLERK: You can have a seat. Number 4, Darrell
18 Alston. What says the State?

19 MS. SWANSON: Please present this juror.

20 CLERK: What says the Defense?

21 MS. SWANSON: Please seat this juror.

22 CLERK: Okay. Mr. Alston, you come forward. Number
23 86, Tiffany Hipp. What says the State?

24 MS. SWANSON: Please present this juror.

25 CLERK: What says the Defense?

1 MS. GIBBS: Please excuse this juror.

2 CLERK: You can have a seat. Number 149, Taylor
3 Pennington. What says the State?

4 MS. SWANSON: Please present this juror.

5 CLERK: What says the Defense?

6 MS. GIBBS: Please excuse this juror.

7 CLERK: Number 173, Connor Spielman. What says the
8 State?

9 MS. SWANSON: Please present this juror.

10 CLERK: What says the Defense?

11 MS. GIBBS: Please seat this juror.

12 CLERK: Come forward. Number 99, Shanta Hutchinson.
13 What says the State?

14 MS. SWANSON: Please present this juror.

15 CLERK: What says the Defense?

16 MS. GIBBS: Please seat this juror.

17 CLERK: Please come forward. Number 128, Kelly
18 Mcdaniel. What says the State?

19 MS. SWANSON: Please present this juror.

20 CLERK: What says the Defense?

21 MS. GIBBS: Please excuse this juror.

22 CLERK: Number 185, Rita Varner. What says the
23 State?

24 MS. SWANSON: Please present this juror.

25 CLERK: What says the Defense?

1 MS. GIBBS: Please excuse this juror.

2 CLERK: Number 36, Solona Cohen. What says the

3 State?

4 MS. SWANSON: Please present this juror.

5 CLERK: What says the Defense?

6 MS. GIBBS: Please seat this juror.

7 CLERK: Number 171, Richard Smith. Ms. Cohen, you
8 need to come forward.

9 JUROR 171: Oh, I'm sorry. Okay. Richard, stand up
10 please. What says the State?

11 MS. SWANSON: Please present this juror.

12 CLERK: What says the Defense?

13 MS. GIBBS: Please excuse this juror.

14 CLERK: Number 62, Sheila Figueroa. What says the

15 State?

16 MS. SWANSON: Please present this juror.

17 CLERK: What says the Defense?

18 MS. GIBBS: Please seat this juror.

19 CLERK: Number 90, Eric Housey. What says the State?

20 MS. SWANSON: Please present this juror.

21 CLERK: What says the Defense?

22 MS. GIBBS: Please seat this juror.

23 CLERK: Number 55, Fallon Evans. What says the

24 State?

25 MS. SWANSON: Please present this juror.

1 CLERK: What says the Defense?

2 MS. GIBBS: Please excuse this juror.

3 CLERK: Number 154, Victoria Reynolds. What says the
4 State?

5 MS. SWANSON: Please present this juror.

6 CLERK: What says the Defense?

7 MS. GIBBS: Please excuse this juror.

8 CLERK: Number 56, Tonya Faircloth. What says the
9 State?

10 MS. SWANSON: Please present this juror.

11 CLERK: What says the Defense?

12 MS. GIBBS: Please seat this juror.

13 CLERK: Number 114, Monica Lambert. What says the
14 State?

15 MS. SWANSON: Please present this juror.

16 CLERK: What says the Defense?

17 MS. GIBBS: Please seat this juror.

18 CLERK: Number 157, Jabais Ryan. What says the
19 State?

20 MS. SWANSON: Please present this juror.

21 CLERK: What says the Defense?

22 MS. GIBBS: Please excuse this juror.

23 CLERK: Number 76, Christian Gray. What says the
24 State?

25 MS. SWANSON: Please present this juror.

1 CLERK: What says the Defense?

2 MS. GIBBS: Please seat this juror.

3 CLERK: Number 15, Alexandria Bennett. What says the
4 State?

5 MS. SWANSON: Please present this juror.

6 CLERK: What says the Defense?

7 MS. GIBBS: Please seat this juror.

8 CLERK: Number 175, Hunter Stanley. What says the
9 State?

10 MS. SWANSON: Please present this juror.

11 CLERK: What says the Defense?

12 MS. GIBBS: Please seat this juror.

13 CLERK: Judge that's 12. Alternates?

14 THE COURT: Two.

15 CLERK: Two alternates?

16 THE COURT: One and two.

17 CLERK: Number 164, Tammy Shapiro. What says the
18 State?

19 MS. SWANSON: Please present this juror.

20 CLERK: What says the Defense?

21 MS. GIBBS: Please excuse this juror.

22 CLERK: Number 18, John Bolsch. What says the State?

23 MS. SWANSON: Please present this juror.

24 CLERK: What says the Defense?

25 MS. GIBBS: Please excuse this juror.

1 CLERK: Number 191, Joshua Washington. What says the
2 State?

3 MS. SWANSON: Please present this juror.

4 CLERK: Does the Defense have cause to strike?

5 MS. GIBBS: No cause to strike.

6 CLERK: Please come forward. Number 47, Wiley
7 Deloach. What says the State?

8 MS. SWANSON: Please present this juror.

9 CLERK: What says the Defense?

10 MS. GIBBS: No cause for strike.

11 THE COURT: Now, you got one and two for each
12 alternate.

13 MS. GIBBS: Oh. Please seat this juror.

14 THE COURT: Alright. Any exception or objection to
15 the juries and panel pursuant to Batson or J.E.B. from the
16 State?

17 MS. SWANSON: None from the State.

18 THE COURT: From the Defense?

19 MS. GIBBS: No, Your Honor.

20 THE COURT: Okay. Alright. Ladies and gentlemen, we
21 have two groups in here. Two groups, one group feels lucky and
22 the other one doesn't, am I right? Let me tell you that in my
23 estimation, the group that was selected are the fortunate ones.
24 It's a rare thing to be called up to the Courthouse and jury
25 service, it's rarer still to get whittled down into the pool,

1 and very rare to be selected for service on a jury. It's a
2 great responsibility, it's a great privilege, and while you all
3 will not have an opportunity today to do that, I hope, I'm
4 hopeful that this week, later, you may have an opportunity.
5 And if not, I certainly hope so some time in the future. But
6 with that, we will excuse you all and -- have them call back
7 tonight?

8 CLERK: Lenore, do you need the jury to call back
9 tonight?

10 MS. LENORE: Yes, ma'am.

11 THE COURT: Call back after, well, not tonight, call
12 back after, what, noon tomorrow?

13 MS. LENORE: That sounds good, Your Honor, thank you.

14 THE COURT: Call back after noon tomorrow and see
15 what your marching orders will be. Thank you.

16 (Non-jurors leaving the Courtroom.)

17 THE COURT: Is there any reason not to swear the jury
18 tonight?

19 MS. GIBBS: No, Your Honor.

20 THE COURT: Alright. Ladies and gentlemen, I am very
21 serious about my feelings that you all are the fortunate ones
22 to have been selected. While it's not something that most
23 people would reach out and ask to do, it is a break in your
24 routine from your daily life, it is something that most people
25 do not get an opportunity to do. And I think when you look

1 back on your service, you will be very proud of what you've
2 done. I will tell you that I, it's a rare thing to meet with a
3 jury after they've served where they didn't feel a deep sense
4 of reward for what they had done for their fellow citizens.
5 And it's not like the rest of the town's going to come up and
6 pat you on the back, but it's going to be in your own heart
7 that you know you have done your civic duty. So I, I honestly
8 believe that. I want to tell you that we have a dispute about
9 the facts in this case which cannot be resolved in any way
10 other than to ask a jury to come up and listen to the evidence
11 and the law in the Courtroom and make a determination at the
12 conclusion of the case which resolves that dispute, that's what
13 we ask you to do. And you may say, well, wow, how do we do
14 that, how am I qualified to do that? Well, you do it by
15 following the law and bringing, using your common sense. I
16 want to remind you, again, that the indictment that I read is
17 not evidence. You should make no presumption or take any
18 inference from the fact that document issued. It's just a
19 piece of paper which allows the case to wind its way through
20 Court to arrive here for disposition. I also remind you that
21 every person charged with a crime in this country is presumed
22 to be innocent unless and until the charging body, in this case
23 the State of South Carolina, can prove to each of you beyond a
24 reasonable doubt each and every element of the offense that
25 that person is charged with. Please keep that in mind as well.

1 And I want to tell you that I divide a trial into five parts so
2 that you have a procedural road map, and you know where you are
3 in the trial and what's coming next, and where you've been.
4 The first part I define as the opening statements to you by the
5 attorneys, and we're not going to do that today, we're going to
6 wait until tomorrow. They're opening statements and they are
7 brief and non-argumentative statements to you about what the
8 lawyers think the evidence will show. Second part of the trial
9 is the meat and potatoes of every case and that is the
10 presentation of the evidence in the case. And the evidence
11 will come to you in one of three ways, generally speaking. The
12 first and most commonly thought of way in mind is through the
13 oral testimony of a witness from this witness stand. The
14 second most common way is through the introduction of tangible
15 items or documents. And the third most common way is when the
16 parties agree that some fact is so beyond dispute that you
17 should accept it as being true, and that's what we call the
18 stipulation of the parties. I have no idea what the
19 combination of the evidence will be, but it will generally come
20 to you in one of those three ways. That's the second part of
21 the trial. The third part of the trial is after all of the
22 evidence is presented; the attorneys make their closing
23 arguments to you. So it's an opening statement, brief and non-
24 argumentative and a closing argument where the attorneys argue
25 their position, advocate their position, and urge you to

1 resolve the dispute in their favor. The fourth part of the
2 trial is when I charge you as to what the law is, and the fifth
3 part of the trial will be when you retire to your jury room to
4 deliberate the case and resolve the dispute. Those are the
5 five parts as I break it down, and they're not of equal length.
6 As you can imagine, the evidence is the longest part. But if
7 you can remember that little map, you'll know what's coming
8 next. So I'm sure I'm going to ask you to do a number of
9 things throughout the course of the trial, but there are three
10 main things I ask you to do. The first is to keep an open
11 mind, don't have a pre-set notion about how this case ought to
12 be resolved. That's why we go through the questioning before
13 we select a jury to make sure we have a fair and impartial jury
14 that's going to decide this case based on the evidence and the
15 law presented in the Courtroom, so keep an open mind. Second
16 thing I ask you to do, and this, for me, I've been hearing my
17 whole life, pay attention. If you let your mind wonder off,
18 you may miss an answer that a witness makes on the witness
19 stand or the way a witness answers a question. And that might
20 become important in your deliberations at the conclusion of the
21 trial and if you weren't paying attention, then you would be at
22 a disadvantage when you all were discussing this case, so pay
23 attention. The third thing, and this is vital and very
24 important, do not discuss this case, the facts of this case
25 with anyone until you are free to deliberate the case at the

1 conclusion of the trial. So you're going to go home in a few
2 minutes, we're not going to try to start the trial tonight.
3 And people are going to want to ask you, oh, you were up in
4 Court, you got selected, they're going to want to talk to you
5 about it. And you're not, you don't know any of the facts,
6 much, but you're not allowed to talk about the facts of the
7 case. And that means tomorrow, after you've heard some of the
8 case and you go to lunch and you see a friend or a co-worker or
9 family member, it's human nature that they're going to want to
10 know what you're doing, and it's human nature that you're going
11 to want to talk to them. And if this goes into more than one
12 day, and you go home tomorrow night, they're going to want to
13 talk to you about it. And if you're like me, sometimes you
14 have a hard time deciding what you want for dinner without
15 discussing it with your people. But you can't do that. Even
16 an innocent comment from someone who you like and trust, or
17 even someone who you don't like might have an impact on your
18 state of mind, and that would not be fair to the parties here,
19 it would not be fair to your fellow jurors, and most
20 importantly, it wouldn't be fair to yourselves to allow someone
21 who is not making the sacrifices that each of you are making
22 have any input in the outcome of this trial. We don't care
23 what they think, and they have no business having an impact on
24 how this case is decided, we want you all to make that
25 decision. That also includes not going to visit a scene you

1 might hear about, a location, going on the internet to search
2 something down, and please, don't get on social media.
3 Everything you need to know to decide this case you'll hear in
4 this Courtroom, subject to constitutional protection and
5 scrutiny, okay? So you're going to swear an oath in a minute
6 to do that and that's really important. We protect that right
7 in this case, and we protect for every single citizen charged
8 with a crime. I want to tell you that you all are the sole
9 judges of the facts in this case. By law, trial Judge is not
10 allowed to have an opinion about the facts, so please don't
11 think by anything I say or do in the course, during the course
12 of the trial that I have that opinion. It is up to you all to
13 decide what to believe and what not to believe. Now, that same
14 law makes me the sole judge of the law in the case. So if you
15 have any ideas to what you think the law is or what the law
16 ought to be, and it differs from what I tell you the law is,
17 you'll swear an oath to set aside your own opinion and apply
18 the law precisely as I state it to you. And that ensures that
19 every person tried up here is tried under the same law, okay?
20 We are a system of laws. I'm sure I'll ask you to do a bunch
21 of other things throughout the course of the trial, you saw me
22 call the lawyers up here to talk to them so you couldn't hear
23 what I was saying. I may do that again during the trial. I
24 may send you all out so I can talk to them. And I will tell
25 you that we are not in any way, we may be trying to keep

1 something from you, but we are not trying to deceive you in any
2 way, it could be that we're talking about scheduling issues,
3 how long a witness will be, that sort of thing. We may be
4 discussing a potential piece of evidence that maybe shouldn't
5 be admitted, and I think you could understand why you shouldn't
6 hear about that if it's not proper. So we may be trying to
7 keep something from you, but we are definitely not trying to
8 deceive you in any way. The other thing I'm going to ask you
9 to do is when you come back in the morning, see if you all can
10 decide from among the first 12, sorry alternates, you can't run
11 for this office, among the first 12, if you can decide who
12 you'd like to be your foreperson. And the foreperson is the
13 moderator of the discussions in the jury room when you're
14 deliberating and the jury spokesperson here in Court if that
15 becomes necessary. So if y'all can decide that, I'd really
16 like to give you all the opportunity to do that. If you can't
17 decide, I've got a very scientific method that I use to decide,
18 it's called cover my eyes and put my finger down on the sheet.
19 But it's not quite that bad, but I think you all can decide.
20 So with that, that's all I have to tell you. I'm going to ask
21 y'all to stand and take the oath.

22 CLERK: Stand and raise your right hand. Do you
23 solemnly swear or affirm that you should well and truly try and
24 true deliverance make between the State of South Carolina and
25

1 the accused at the bar, and of true verdict given according to
2 the evidence so help you God?

3 ALL JURORS: Yes.

4 THE COURT: Alright. Ladies and gentlemen -- do
5 y'all want to take them out the dark, secret passage? Did
6 y'all leave anything, make sure you've got everything, okay.

7 (Jurors leaving Courtroom.)

8 THE COURT: Okay. What business can we take care of
9 tonight? Motion to sequester, any opposition to that?

10 MS. SWANSON: No opposition, Your Honor.

11 THE COURT: Granted.

12 MS. SWANSON: The second motion on Defense's pretrial
13 motions list is regarding renewal of rule 5. I have divulged
14 everything to the Defense, I think we've covered that in
15 previous discussions, I know that's a formality.

16 MS. GIBBS: That's right.

17 THE COURT: Okay.

18 MS. SWANSON: The next would be the motion to exclude
19 anything that would be in violation of the rules governing 404
20 and Lyle. There are some things that the Court would likely
21 consider to be 404(b) evidence, but also just prior ill
22 feelings, ill will, and previous difficulties between the
23 parties that have been widely held to be admissible in domestic
24 homicide and homicide cases, that being instances between the
25 victim and the Defendant. And I can go further into detail, I

1 know that Ms. Gibbs and I are, I can go into further detail for
2 the Court what I anticipate the friends and family members to
3 testify to as far as the ill will and hostile feelings and
4 things of that nature. Your Honor, you just tell me what you
5 would like to hear at this time.

6 THE COURT: Well, I ---

7 MS. GIBBS: This, Judge, is probably going to be ---

8 THE COURT: I don't know anything about ---

9 MS. GIBBS: --- the lengthiest motion just because
10 there are several prior events. Obviously, I'd be objecting
11 to, I just would like to get it on the record, to object to all
12 the prior, there's allegations of stalking behavior a couple
13 days prior, there's prior instances of alleged abuse witnessed
14 by other witnesses that are going to testify that they
15 witnessed abuse. There's, there's a witness who, he's charged
16 with another domestic violence in Beaufort County, the alleged
17 victim of that incident, it's my understanding is going to
18 testify that State would like to get into the actual, the
19 allegations in that incident as well as statements that my
20 client allegedly made during the incident of domestic violence
21 and this was the separate victim, they were 10 months after the
22 fact of the, of this homicide. So I mean, there's, there are
23 several, I know we've agreed on a few things that we've agreed
24 on that we're not getting into, but mostly my concern is it's
25 going to add to overwhelming propensity evidence and prior bad

1 acts, and just a propensity for violence, domestic violence.
2 Specifics, we can go through specifics that the State's trying
3 to get into. But this is probably the lengthiest motion just
4 because there are several allegations of prior bad acts and
5 prior statements ---

6 MS. SWANSON: Correct.

7 MS. GIBBS: --- in subsequent acts.

8 THE COURT: Okay. Well ---

9 MS. SWANSON: Correct. And if I may, I can give the
10 Court a summary of what the case is, how the case is going to
11 be presented from the position of the State or to give the
12 Court some clarification. Ms. Garvin was last seen at about
13 4:00 am on December 4th of 2018 when she had come back from the
14 club, and she was dropped off by a cousin of hers. She was
15 dropped at her home located in Varneville. Earlier that
16 evening and the day or two prior, the Defendant had been
17 showing up at her house, also at her workplace. This was
18 witnessed by other people besides just the victim. He had to
19 be told to leave her place of work by an assistant manager.
20 Cell phone location data puts him at her residence on, a couple
21 days before she was strangled. A witness who was on the phone
22 with the victim at the time he was there a couple days before
23 actually heard him threatening her because the victim put her
24 on speaker phone as she was telling him to leave, but she heard
25 a verbal threat from Mr. Jenkins to kill her. I have verbatim

1 what it, it would say, but this is a threat that occurred about
2 48 hours before she was found naked and strangled in her garden
3 tub. The night that she was at the club, the last time anyone
4 saw her, she is with two, one cousin, a mutual friend, and the
5 cousin verifies that the Defendant was following them. She,
6 actually, and the victim call their uncle and ask him to call
7 the Defendant, he does, he says stop calling them, basically.
8 So all this is taking place prior to her death. These
9 witnesses have also observed bruises on the victim. One of
10 them helped cover up a black eye before she went to the club
11 with the Defendant while the Defendant waited outside. They
12 were aware of the fact that the Defendant and the victim had a
13 very tumultuous relationship, they would break up, they were
14 off and on. The victim would give him money, he would ask for
15 money. He was very controlling. He would take her cell phone
16 to control her, he would take her keys to control her. This is
17 my victim advocate, April Winston, coming into the Courtroom.
18 But they had witnessed him snatch her up in the club, you know,
19 they were, they were well versed in personally observing
20 hostile acts, ill feelings, and difficulties in their
21 relationship. They also gave her advice; she would talk to
22 them. And while I'm not seeking to get into what she was
23 talking to these friends and family members about, I would ask
24 them, did you ever talk to Amelia about her relationship with
25 Jarvise and did you ever give her any advice. And they would

1 testify, they would give her advice, they would say, you know,
2 don't stay at home tonight, change your locks, leave him,
3 things of that nature. These are the things that I'm seeking
4 as far as the, the things that happened prior to her, her death
5 that Ms. Gibbs addressed. Now, Ms. April Cook is in the
6 Courtroom at this time, she is the living victim of Mr. Jenkins
7 who became a victim shortly after he killed Ms. Garvin. Mr.
8 Jenkins met Ms. Cook via social media, they got together, she's
9 from Beaufort, she was not a part of this Hampton, Walterboro
10 contingent. He was getting out of town, at this time, he's,
11 you know, a murder suspect. A lot of their relationship had
12 very similar qualities, he relied on her for money, he would
13 show up at her work, sit outside of her work, he was
14 controlling, he abused her physically, verbally. At the time
15 she reported this to law enforcement, it was about nine months
16 after the death of the victim. She goes to the ER to get
17 treatment, law enforcement is alerted, she tells law
18 enforcement that in the midst of choking her, which is again,
19 how this victim, how the victim at bar was killed. In the
20 course of choking her, he tells her that he is, he is going to
21 kill her, he threatens to kill her, says he's trying to figure
22 out how to get her body to Walterboro and that this isn't, do
23 you think this is the first time I've done this. And so, these
24 are statements that I believe are by a party-opponent, against
25 his interests, and are absolutely probative of whether or not

1 he killed Amelia Garvin. And so, I do seek to get that
2 testimony in, I do have Ms. Cook here if we need to proffer her
3 testimony. I believe her testimony is a little different than
4 the friends and family testimony that I intend to get into. I
5 qualify those as more a prior history, ill feelings,
6 difficulties, things like that. And then Ms. Cook's is a
7 mixture between 404(b) because it's in the midst of him choking
8 her, so that would be common scheme or plan. And then, you
9 know, the statement against interest and by a party-opponent
10 goes more to identity because this is an ID case. So he is
11 saying that it's not him, Mr. Jenkins is, his identity, the
12 identity of the perpetrator is at issue. Thank you.

13 MS. GIBBS: And Judge, what, I guess to start with
14 April Cook's testimony, I mean, that entire incident is, I
15 mean, this involves an entirely different victim than what
16 we're here for today which is a murder involving Amelia Garvin.

17 THE COURT: Well, if I'm not mistaken, he makes a
18 statement which could be construed as an admission of guilt, am
19 I right about that?

20 MS. GIBBS: Yes, Your Honor. I believe there are two
21 separate issues, whether or not the State can get into the
22 actual allegations of the domestic violence that is currently
23 pending, he hasn't been convicted. It's my understanding they
24 do wish to get into, allegedly, you know, the facts of that
25

1 domestic violence case in Beaufort that did happen 10 months
2 after the fact.

3 THE COURT: I understand it's been said that his
4 conduct with the deceased victim before and at the time of
5 death is similar to his conduct with this other lady, which did
6 not result in a homicide, am I right? I'm just trying to ---

7 MS. GIBBS: Yes, I believe that is the allegation ---

8 MS. SWANSON: Yes, sir.

9 MS. GIBBS: --- for common plan or scheme.

10 THE COURT: Okay. Alright.

11 MS. GIBBS: I guess my concern is one, they are just,
12 they're totally, as far as conduct with the Beaufort victim,
13 April Cook, that conduct, it's, it's just a totally separate,
14 it's not relevant because it's a totally separate incident.

15 THE COURT: Well, do you -- his admission about prior
16 conduct?

17 MS. GIBBS: I mean, my issue with the admission, so
18 called admission is, is some of the admissions that they're
19 trying to get into I think there's an issue with when was it
20 said. I know that there's allegations that maybe it happened
21 during the alleged conduct, but then there's also, my
22 understanding from reading Ms. Cook's statement is that she's
23 going to make allegations that he confessed during, throughout
24 their relationship. And so that's, part of my issue is I don't
25 know what time, when this was given, when these statements were

1 given, I just, my issue is that the, you know, the prejudicial
2 effect's going to far outweigh the probative value. I don't
3 see how it's relevant as it is a completely separate charge,
4 separate victims, separate circumstances. I just, I would
5 object to, to letting that in, I don't think it needs a common
6 plan or scheme.

7 THE COURT: Just based on what the State has told me,
8 it sounds like it does. And it's certainly prejudicial, no
9 doubt about that.

10 MS. GIBBS: I just, I think letting in conduct with a
11 different victim is just, it's bordering on propensity.

12 THE COURT: I would agree with that except for his
13 admission, his statement that he's done it before.

14 MS. GIBBS: Well, I feel like he, even if the
15 statement does meet the level of a statement by a party-
16 opponent, I don't think that the State should be allowed to get
17 into the circumstances surrounding the statement that's
18 involving, while he's allegedly strangling or assaulting
19 another victim, it's not related, it's not probative, it's not
20 ---

21 THE COURT: It's pretty, well, it's probative, you
22 know that. You're just saying that the prejudice outweighs the
23 probative value, and I'm, I don't know. The admission that
24 he's done it before, I'm going to kill you, I've done it
25

1 before, that's very, very probative, it's also very, very
2 prejudicial.

3 MS. GIBBS: I do believe that if the statement does
4 come in due to those reasons, that it should not, the jury
5 should not be able to hear that there was an alleged, another
6 assault on a victim 10 months later after the fact.

7 THE COURT: How do you, how does it get admitted, it
8 would be totally out of context. Just have Ms. Cook say ---

9 MS. GIBBS: During the course of the relationship, he
10 had allegedly admitted to this. I just think this is a case
11 where he has not, it's pending, he's not been convicted, I
12 think that puts a higher burden on the State to get into it as
13 far as -- I just, I think it's extremely prejudicial to allow
14 that all in together as one set of circumstance.

15 THE COURT: Yeah. Is there another -- go ahead,
16 yeah?

17 MS. SWANSON: I mean, of course, I wouldn't want it
18 in if it weren't prejudicial. All the evidence that I want in
19 is going to prejudicial and point to the guilt of the
20 Defendant. I do believe that to take it out of context, there
21 would be a res gestae issue. I mean, it, assuming that
22 everything is testified to by the friends and family and the
23 foundation laid by Ms. Cook for the similarities between the
24 two relationships, I do believe it comes in under 404(b) common
25 scheme, as well as admission by a party-opponent. There were a

1 lot of similarities between his behavior and the way he acted
2 in both relationships as well as the way he assaulted both of
3 these women. Thank you.

4 MS. GIBBS: And Judge, I believe she said *res gestae*,
5 I believe that would be the theory they are trying to get into.
6 I would say that would not be proper. This new action is not
7 intimately connected with the charged crime, that was after the
8 fact, different victim, it's not related closely in temporal
9 proximity to the charged offense, it's improper character
10 evidence, it would be unduly prejudicial, Judge, and I would
11 ask that they be not...

12 MS. SWANSON: I should add that it was after the
13 assault on Ms. Cook that SLED charged Mr. Jenkins, because it
14 was that additional piece of evidence, the information that he
15 had done this before, that he disclosed this to Ms. Cook that
16 kind of put us over the line on a circumstantial case. We do
17 have a cigarette butt with his DNA on it that was found near
18 the bathtub near Ms. Jenkins, but you know, I know that the
19 Defense will, there are things that they can say about that,
20 how do we know when it was left, that sort of thing. However,
21 this was, this was the catalyst to him being charged and
22 arrested for the murder of Amelia Garvin. Thank you.

23 THE COURT: Okay. Is that it?

24 MS. GIBBS: Well, just for that, I mean,
25

1 obviously, other, but, yes, for that specific incident, that is
2 the only...but we have other...

3 THE COURT: Alright. What else?

4 MS. GIBBS: Judge, I would point out, it's my
5 understanding that they would like to get in a statement by
6 Kimberly Williams saying that, I believe, on December 2nd,
7 which is a few days prior, a couple days prior to the murder
8 that Ms. Williams had a phone conversation with Ms. Garvin and
9 Ms. Garvin put, put the speaker phone on and that Ms. Williams
10 is going to testify that she heard that it was Jarvise outside
11 of her window saying I'm going to kill you, you know, death do
12 us part, I would object to that. I do think, again, the same
13 argument, you know, it's unduly prejudicial, but I do think
14 there's also an authentication argument. Ms. Williams didn't
15 see him, did not, you know, it was over speaker phone, so how
16 would she know, you know, I think it's hearsay, whatever Ms.
17 Garvin told her, and so I think some of this evidence is ---

18 THE COURT: I thought she actually heard it?

19 MS. SWANSON: She did.

20 MS. GIBBS: She heard it, but my ---

21 THE COURT: Whether or not it's him is a, is a
22 factual question.

23 MS. GIBBS: Right. I would just say that it's, you
24 know, I think there's an argument that's an authentication
25 argument and there's hearsay issues that come up as well

1 because of Amelia, I think, obviously, she's going by what
2 Amelia told her, obviously, Amelia cannot testify, and so, I do
3 think it does kind of get around the backdoor as hearsay.

4 THE COURT: Well, I thought the State, I thought you
5 said you weren't going to get into the, the statements by the
6 victim?

7 MS. SWANSON: Correct.

8 THE COURT: Okay. So there you go.

9 MS. SWANSON: And I would state anything to do with
10 authentication or whether or not she, Kimberly Williams, the
11 witness who heard Mr. Jenkins on the phone recognized his voice
12 would not be admissibility, it would the weight of the evidence
13 and proper cross examination, of course. But what we will be
14 seeking to, you know, it was the last time Ms. Williams had
15 spoken to the victim. The victim called her and discussed
16 Jarvise Jenkins, I'm not going into what she told her, I'm
17 going to ask her what did you hear when she put you on speaker
18 phone, and she will state a quote by Mr. Jenkins that is
19 perfectly relevant, probative, it's a threat that occurs two
20 days before she is found dead. Thank you.

21 THE COURT: Okay.

22 MS. GIBBS: And Judge, another incident I would be
23 objecting to, it's my understanding that there's a prior
24 domestic violence that Amelia was the victim of from 2017 or
25 2018 by Mr. Jenkins, was charged with domestic violence. It's

1 my understanding the State does want to get into that incident
2 which I would object when it was dismissed because we have
3 dismissal where it says that Ms. Jenkins lied so they dismissed
4 the case. I would just argue again, that's, that they should
5 not be able to get into a prior domestic violence case that
6 they dismissed because this alleged victim lied, and they wrote
7 that in the dismissal paperwork. Again, I think it's improper
8 propensity evidence and doesn't come in under common plan or
9 scheme, but definitely doesn't meet the burden that they
10 couldn't, I mean, they didn't have enough evidence to prove it.

11 THE COURT: From an argument point of view, that
12 might help you. I don't know if that's -- you going to get
13 into that? I'm, I'm, you going to get into that?

14 MS. SWANSON: Your Honor, I was thinking I was before
15 I read the notes that the former prosecutor did have a
16 statement from Ms. Garvin who's not here to explain why she
17 lied because she was obviously threatened and intimidated by
18 Mr. Jenkins which is what happened with Ms. Cook. However, I
19 am going to withdraw my intent to get into that incident, I was
20 not seeking to get into anything that she said, but we don't
21 have to worry about that because I'm just not going to get into
22 it.

23 THE COURT: Okay.

24 MS. SWANSON: Unless he should open the door, y'all,
25 you know, I mean ---

1 THE COURT: Yeah. Right, right. Okay.

2 MS. GIBBS: I apologize, there's just a lot of notes.

3 THE COURT: That's alright. These are factually
4 intensive issues.

5 MS. GIBBS: I mean, just really, genuinely,
6 generally, I would be objecting to any evidence that, you know,
7 anything that happened prior, you know, any allegations that
8 filing, I just, I don't think it's related, I don't, I don't
9 think it comes in, I don't think it's relevant, I don't, I just
10 think it's prejudicial. What concerns me is this quickly can
11 become a propensity case where they're going to all testify,
12 they don't like him, he was a bad boyfriend, he was violent
13 without specific, you know...

14 THE COURT: Well, we'll have to, you know, it's hard
15 to make a definitive ruling at this stage. Thank you all for
16 alerting me to it, but from what I've heard so far, I would be
17 inclined to allow some limited, brief incident factual
18 background and it sounds to me like Ms. Cook would be, her
19 testimony at this point to me sounds like it is admissible.
20 Okay?

21 MS. SWANSON: I don't know if Ms. Gibbs wants to go
22 first or do you want to go through your motions, and I'll
23 respond?

24 MS. GIBBS: That's fine, Judge. The next motion was
25 just there is to exclude any evidence alleging that the

1 Defendant committed arson. There was a fire alleged that has
2 been ruled an arson that was set later before Ms. Garvin was
3 discovered in the trailer. It was in the corner underneath her
4 bedroom and that area. My client has never been charged with
5 arson, there's no evidence that he committed arson, I just want
6 to make sure there's no speculation or allegation that he
7 committed the arson.

8 THE COURT: Well, I, you know, I can't rule on that
9 without, I mean, the fact that the fire was set is certainly
10 evidence, but if there's not something that connects it then
11 it'll just have to be evidence standing on its own.

12 MS. SWANSON: And that's fine, Judge, I mean, it's
13 part of the scene and the fire was set underneath the bathtub
14 where she laid naked and strangled. So the jury can do what
15 they want with those facts. Thank you.

16 MS. GIBBS: The other ---

17 THE COURT: I would just say that, I don't know, you
18 just have to be on your toes with all that. Until I hear it, I
19 don't know what's going to happen. Go ahead.

20 MS. GIBBS: The second, it's my understanding the
21 motion excludes speculation that the Defendant manipulated his
22 phone during the gaps in his phone record. It's my
23 understanding State is going to put up cell tower evidence from
24 SLED with either an expert stating that during the times
25 allegedly that the murder may have occurred and during the

1 times that the arson may have occurred, there's a blackout on
2 my client's cell phone records. By looking at, there's no,
3 from the evidence that's been provided, there's no indication
4 or any proof to show exactly why that happened. There are
5 theories, there are theories that SLED is, I believe, would
6 testify to that what could cause that would be maybe he turned
7 off his phone. To me, I'm asking to exclude any of that
8 testimony because I believe ---

9 THE COURT: Well, I'm not going to allow speculation,
10 but the actual facts of what happened can come in. And if they
11 have some expert who is duly qualified and he wants to give an
12 expert opinion, that's appropriate under the rules. But he's
13 not going to speculate, he's going to have to have ---

14 MS. GIBBS: And what I anticipate is him saying one
15 of the reasons the phone could be blacked out is because, you
16 know, my client turned off the phone, you know, purposely
17 turned it off, removed his sim card. As there is no evidence
18 that happened, that would be speculation. By saying that is
19 just another, and again, it's a way to kind of backdoor
20 information they don't know for a fact.

21 THE COURT: Kind of like the fire under the bathtub.

22 MS. GIBBS: Yes.

23 MS. SWANSON: Your Honor, I believe when she says
24 blacked out, this is simply when the phone is not pinging off
25 any towers, and I do think it's appropriate to ask the expert

1 what could cause that. He can't say Jarvise turned his phone
2 off, no, of course not. He could just say, well, I mean, it
3 could, it would be highly unusual in his opinion for an app or
4 something, even if he wasn't using his phone not to be pinging.
5 Is it possible, yes. He's not going to testify that it's
6 impossible. But another thing that could cause that is turning
7 the phone off.

8 THE COURT: Every time I try one of these cases about
9 cell phones, I learn something new about cell phones. Okay.

10 MS. GIBBS: I mean, obviously ---

11 THE COURT: One day maybe I'll learn how to use mine.
12 I'm going to let him, I mean, he can testify to it, I'm not
13 going to let him, he can testify to what the facts are.

14 MS. GIBBS: I guess that wouldn't be the facts.

15 THE COURT: As long as it's relevant. And I think
16 cross examination would be, well, the, you don't know that the
17 tower wasn't, a failure on the part of the tower. There are
18 all kinds of, a plethora of reasons why something like that
19 would happen. I can't stop him from saying because there's
20 multiple reasons. Does that make sense?

21 MS. GIBBS: Yes, thank you.

22 THE COURT: Alright.

23 MS. GIBBS: And I'm, Judge, I'm a bit concerned,
24 we've asked the witnesses to be sequestered and Ms. Cook is in
25 here right now and she's the main ---

1 THE COURT: Oh, yeah. Well, she, I mean, that's just
2 during the ---

3 MS. SWANSON: There haven't been any fact witnesses
4 here today.

5 THE COURT: Yeah. She's alright.

6 MS. SWANSON: May she be excused; she was here in
7 case we needed to proffer her testimony.

8 THE COURT: Sure, yes.

9 MS. SWANSON: Okay. Thank you.

10 MS. GIBBS: Number 7, motion to exclude facebook
11 evidence. My understanding is the State does not intend to get
12 into cell phone, I mean, facebook evidence unless a client
13 testifies and maybe opens the door to that in some way. So I
14 believe we're on the same page about that.

15 MS. SWANSON: That's correct.

16 THE COURT: Okay.

17 MS. GIBBS: I don't believe there are any recordings
18 the State intends to introduce, I just want to know, I just put
19 that in there and make sure I haven't missed any redactions.

20 MS. SWANSON: That is correct. The State does not
21 intend to introduce his reported self-serving statement.

22 THE COURT: Okay. And then you've provided criminal
23 histories of the witnesses?

24 MS. SWANSON: Yes, sir.

25 THE COURT: Okay. Anything else?

1 MS. GIBBS: I don't believe so.

2 THE COURT: Okay. Well, I believe that my
3 inclination right now is to allow the testimony of the family,
4 pre-homicide testimony within limits, and also the testimony of
5 Ms. Cook.

6 MS. GIBBS: And Judge, I apologize, I did forget one
7 motion to exclude any and all evidence regarding mental health
8 issues or diagnosis of my client. There were some, we have
9 some letters that he wrote at some point from the jail where he
10 discusses some mental health issues or depression or things of
11 that nature. I don't believe they intend to get into that,
12 again, unless he gets up there and testifies and there's an
13 impeachment issue. I just, he has no diagnosis, he's competent
14 to stand trial, there's no issue from there.

15 MS. SWANSON: No, none of our witnesses have any
16 personal knowledge of any mental health or diagnoses, nor would
17 we get into that. Should he take the stand, all the contents
18 in his letters would be subject fodder for cross examination.
19 Other than that, I don't intend...

20 THE COURT: Okay. Is that an issue in this case?

21 MS. GIBBS: No, Your Honor.

22 THE COURT: Okay. Y'all don't have any question
23 about his competency?

24 MS. GIBBS: No, Your Honor, no. And that's why I
25 brought it up, I just didn't want it to become an issue.

1 THE COURT: Okay. Alright. Anything else?

2 MS. SWANSON: Nothing from the State.

3 MS. GIBBS: I don't believe so, no, Judge.

4 THE COURT: You stand strong in your position Mr.

5 Jenkins?

6 MR. JENKINS: Yes, sir.

7 THE COURT: Okay. It's now or never. He doesn't
8 need any time to think about it. Okay. Alright. See y'all in
9 the morning.

10 (Whereupon proceedings were concluded at 4:39 pm.)

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

I, the undersigned Lisa G. Amick, Official Court Reporter for the Fourteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the County of Hampton, South Carolina, on the 30th day of January 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

March 7, 2023


Court Reporter

My commission expires: June 30th, 2025

STATE OF SOUTH CAROLINA	) THE COURT OF GENERAL SESSIONS
	)
COUNTY OF HAMPTON	) FOURTEENTH JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA	) NO. 2019-GS-25-00536
	)
VS.	) <u>TRANSCRIPT OF RECORD</u>
	)
JARVISE T. JENKINS	) DAY II of III
	) Criminal Jury Trial

B E F O R E:

The Honorable Edward W. Miller, Judge; and a jury
Hampton, South Carolina

DATE: Tuesday, January 31, 2023
10:04 a.m.

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

Hunter Phelan Swanson, Esquire

Fourteenth Circuit Solicitor's Office
Post Office Box 1880
Bluffton, South Carolina 29910
hswanson@scsolicitor14.org

Attorney for the State

Courtney Ann Gibbes, Esquire

Fourteenth Circuit Public Defender
Post Office Box 525
Beaufort, South Carolina 29901
cgibbes@bcgov.net

Attorney for the Defendant

Reported by: Cathy J. Provost, RMR, Official Court Reporter

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dash -- intentional/purposeful interruption; change in thought
 ellipses ... trailing off
 [ph] phonetically written
 [sic] written as said
 [indiscernible] unable to be understood due to low volume or
 quality of audio

1 -- P R O C E E D I N G S --

2 (State's Exhibits 1 through 24 are marked for
3 identification.)

4 (Court called to order, with the defendant present.)

5 (Court's Exhibit 1 is marked for identification.)

6 ATTORNEY GIBBES: And, Judge, if I may, before the jury
7 comes in, I would just like to renew all of my prior objections
8 and motions from yesterday, Your Honor.

9 THE COURT: You know what? Well, you best make them as
10 they --

11 ATTORNEY GIBBES: Yes, Your Honor.

12 THE COURT: -- appear. All right. Are you all ready to go?

13 ATTORNEY SWANSON: Yes, sir.

14 ATTORNEY GIBBES: Yes, Your Honor.

15 THE COURT: All right.

16 (Jury seated in the courtroom at 10:06 a.m.)

17 THE COURT: Ladies and gentlemen, welcome back.
18 Ms. Faircloth, thank you for agreeing to serve.

19 JURY FOREPERSON: Yes, Your Honor.

20 THE COURT: And I hope you all had a pleasant evening. We
21 are now ready to commence the trial with opening statements from
22 the attorneys.

23 ATTORNEY SWANSON: Thank you, Your Honor. May it please the
24 Court.

25 THE COURT: Yes, ma'am.

1 ATTORNEY SWANSON: Between the early morning hours of
2 December 4th and December 5th of 2018, Jarvise Jenkins strangled
3 Anelia Garvin. Anelia was his recent ex-girlfriend. They had
4 dated for several months, and friends and family members are
5 going to tell you that their relationship was far from perfect;
6 in fact, it was extremely toxic; contained many difficulties.

7 At 3:45 a.m. on December 5th Anelia's grandfather woke up to
8 a smoke alarm. She lived at the residence with her grandfather
9 and two of her aunts. She occupied the master bedroom, which she
10 kept locked with a padlock from the outside. The master bedroom
11 contained an on-suite bathroom that had a garden tub, as well as
12 a shower. All right.

13 So her grandfather wakes up to the smoke alarm. He smells
14 smoke. He starts waking up everyone in the house. Nobody had
15 seen Anelia for a while, which wasn't quite unusual because she
16 works late at night; she would maybe go to the club; she would
17 retreat back into her room and lock the door; go to sleep. Okay.

18 He grew concerned because his knocks went unanswered. He
19 kicked in the door and he found the unthinkable; he found his
20 granddaughter facedown in the garden tub, naked, dead, and
21 bleeding from her nostrils.

22 Local law enforcement responded, and SLED was called in to
23 help with the investigation. I'm going to tell you that this
24 investigation was not open and shut. All right. It took about
25 nine months for it to be completed. Many avenues had to be

1 checked out by SLED Agent Katie McCallister, among other folks
2 that helped with the investigation. But, I will tell you that
3 this case is not unlike any other domestic homicide that I've
4 prosecuted. So many are circumstantial, because we've got two
5 people that know what happened in that room that night, and one
6 of them is dead. Nobody knows what goes on behind closed doors.

7 I don't want to spend a lot of time telling you what you're
8 going to hear from the stand because that's what the evidence is
9 going to be, is their testimony, not what I tell you you're going
10 to hear.

11 We're going to move through this case, hopefully, very, very
12 quickly but in a responsible way. You will hear from several
13 witnesses today. And I do want to be upfront with you, as well,
14 that this is a circumstantial case. At the end of the
15 presentation of evidence, the Judge is going to charge you, or
16 instruct you, on the law. He's going to tell you that
17 circumstantial evidence and direct evidence carry the same
18 weight. In fact, the State, which is me and Katie, can rely on
19 purely circumstantial evidence to prove a case as long as
20 everything definitively points to Jarvise Jenkins and leaves you
21 firmly convinced that he is guilty of the murder of Anelia
22 Garvin, because it's the State's burden of proof to prove to you
23 beyond a reasonable doubt that he is guilty of this murder. And,
24 like I said, that means evidence that leaves you firmly
25 convinced.

1 As Judge Miller told you yesterday, your job as jurors is to
2 be the finders of fact, and how you do it is through commonsense
3 in your real-world experiences. You get to determine who you
4 believe, what you believe, and then apply that to the law that
5 Judge Miller will charge you on at the close of the evidence.

6 Look, this is not going to be a three-week trial like the
7 circus that's taking place in Colleton, all right, but just
8 because we don't have food trucks and a live TV court stream
9 doesn't make this trial any less important. We have a whole
10 family here who is grieving for Anelia, and they want justice.

11 When I have the opportunity to speak to you again and help
12 you put the pieces together in this case, I'm going to be asking
13 you to find Jarvis Jenkins guilty of the murder of Anelia
14 Garvin. Thank you.

15 ATTORNEY GIBBES: Thank you. May it please the Court.

16 THE COURT: Yes, ma'am.

17 ATTORNEY GIBBES: Good morning. My name is Courtney Gibbes
18 and, as I told you yesterday, I represent Jarvis Jenkins in this
19 case. And I first want to thank you for being here. I know you
20 don't have really any choice in the matter of being here but we
21 do appreciate you being here, because it's very important.

22 As the State said, this is a very -- this is a horrible
23 case. There is a young lady who lost her life senselessly.
24 There is family members who are here, like the State said, who
25 are grieving and lost their loved one.

1 But this is a very important case because Jarvise Jenkins,
2 he also has family and friends that love him, and he is standing
3 here before you charged with the most serious crime that you can
4 ever be charged with, the charge of murder. And so everybody
5 takes this very, very seriously. I don't think anybody wants to
6 be here today in this circumstance.

7 And I would like to point out that anything I say throughout
8 this case, I promise I mean no disrespect to the memory of Anelia
9 or any disrespect to her family and her friends, because this is
10 heartfelt [ph]. But the bottom line is, the State must prove
11 beyond a reasonable doubt that Jarvise Jenkins committed this
12 murder.

13 And what I'm going to tell you is this case, there is arrest
14 of judgment in this case. As domestic cases go, the first person
15 they're going to look at is her boyfriend. I know there's some
16 conflicting information whether they were together or not
17 together, as I think this was an on-again, off-again, tumultuous,
18 toxic relationship. I agree with that. I think they both fought
19 with each other, they cheated on each other, they got together,
20 they broke up, but the bottom line is very soon prior to her
21 death he had been over there spending the night. So it's an
22 off-again, on-again relationship.

23 And when this investigation started, they obviously -- the
24 first people they interviewed were all of her friends and her
25 family. And all of her friends and family, the first thing they

1 say is, I think it was Jarvise. They all thought it was Jarvise.
2 That was their very first impression, the very first thing they
3 said to the police, is, I think it was him.

4 Now, they did not have direct evidence of that. In this
5 case you're going to hear some things about Jarvise and Anelia's
6 relationship that doesn't put him in a bad light -- I mean, it
7 does put him in a bad light. They're going to portray him with
8 allegations of prior abuse, and fighting, following her around,
9 and back and forth, but just because there are prior
10 difficulties, or prior issues, or prior fights, that doesn't mean
11 he committed murder. Because, in this case, they're going to
12 try, the State -- and I'm telling you, Jarvise is up against the
13 entire State of South Carolina, the State's resources, the law
14 enforcement, and the prosecutor's office, and this is a case
15 where they don't have direct evidence that Jarvise committed this
16 crime. They're going to try and overwhelm you with bad facts
17 about Jarvise, trying to tell you he's a bad guy just because on
18 different times maybe there are allegations of abuse or a bad
19 relationship. But that doesn't mean he committed murder. They
20 have to prove he actually committed this terrible act, and they
21 don't have that proof. They just don't.

22 And so just because you hear he's a bad guy, please still
23 hold the State of South Carolina to their burden, which is a very
24 high burden, beyond a reasonable doubt, because everybody getting
25 up on that witness stand and saying, I think Jarvise did it, I

1 think Jarvise did it, that is not enough proof. And right now --
2 Jarvise is sitting there right now -- he's got a shroud of
3 innocence over him, he is presumed innocent until the State meets
4 their burden.

5 And if, at the end of this case, you're looking at these
6 witnesses and you think Jarvise committed this crime, you have to
7 find him not guilty because just thinking, Is it possible; It's a
8 possibility; just thinking, Maybe he's a bad dude; just thinking,
9 I don't know, that's not enough. That is not enough. Hold them
10 to their burden, make them prove the case, show the evidence.
11 And they don't have it. It is not there.

12 And at the end of the day I'm going to ask you to find
13 Jarvise Jenkins not guilty of murder. Thank you again.

14 THE COURT: All right. Call your first witness.

15 ATTORNEY SWANSON: Thank you, Your Honor. State calls Tyler
16 Jordan.

17 TYLER JORDAN,

18 having first been duly sworn, was examined and testified as
19 follows:

20 **DIRECT EXAMINATION**

21 BY ATTORNEY SWANSON:

22 Q Good morning. If you can please state your name, and spell
23 it for the court reporter.

24 A Yes, ma'am. Tyler Jordan, T-y-l-e-r J-o-r-d-a-n.
25

1 Q Okay. Thank you. And, Mr. Jordan, where were you working
2 in December of 2018?

3 A Varnville Police Department.

4 Q Okay. Where are you now?

5 A I work for the U.S. Department of State.

6 Q In what capacity? Were you working as a road officer for
7 Varnville PD?

8 A Patrol officer.

9 Q Patrol officer. And were you on duty the night of and early
10 morning hours of December 5th of 2018?

11 A Yes, ma'am.

12 Q And do you recall responding to a call around 3:30 a.m?

13 A Yes, ma'am.

14 Q Do you have a copy of your report?

15 A Not on me.

16 Q Okay. I'm going to pass up a copy of your report to refer
17 to if you need to refresh your memory.

18 A Yes, ma'am.

19 Q All right. So tell us what sort of call you responded to?

20 A The dispatch call came out as, I recall, a fire alarm at the
21 house to escort the police -- the fire department. I got to the
22 residence at ■ Pepper Street that night, and Mr. John Paul, I
23 believe his name was, told me there was smoke in the house and
24 Anelia, I believe, it was his granddaughter, was in the bathtub
25 in her bedroom. The door was locked and there was, like, smoke

1 coming from the room. He had to kick the door down.

2 And when I got there, I saw her in the bathtub. And my
3 initial thought process was, I'm going to have to do CPR, and I
4 remember trying to pull her up by her shoulders, and I couldn't
5 get her to budge. Shortly after I got there, fire department and
6 other first responders were rolling in, so when they went to
7 attend to her, my next thought was get the rest of the family out
8 of the house just in case there was fumes or anything. I didn't
9 want, you know, anybody to pass out.

10 Q Okay. And so you stated that you responded to ■ Pepper
11 Street?

12 A Pepper Street. Yes, ma'am.

13 Q Is that located within the city of Varnville?

14 A In the town of Varnville. Yes, ma'am.

15 Q Town of Varnville. Okay.

16 Q I'm going to show you what has been marked as State's
17 Exhibit 1, and ask you if you recognize what's contained within
18 this picture.

19 A Yes, ma'am.

20 Q And is that the residence that you responded to?

21 A Yes, ma'am.

22 Q And is that the way it appeared the night that you
23 responded?

24 A Yes, ma'am.

25 ATTORNEY SWANSON: The State would move 1 into evidence at

1 this time, and request to publish.

2 ATTORNEY GIBBES: Without objection.

3 THE COURT: Without objection.

4 (State's Exhibit 1 is admitted in the record.)

5 BY ATTORNEY SWANSON:

6 Q And you can either look here or there, but you testified
7 that this is the residence that you responded to, correct?

8 A Yes, ma'am.

9 Q All right. Let's see.

10 ATTORNEY SWANSON: You can flip that off, Ms. Nettles.

11 BY ATTORNEY SWANSON:

12 Q All right. You stated that you tried, or attempted, to move
13 the victim out of the bathtub?

14 A Yes, ma'am.

15 Q And why were you unable to do that?

16 A Her body was stiff.

17 Q All right. Was she responding to anything?

18 A No, ma'am.

19 Q And did the occupants of the residence identify her?

20 A Yes, ma'am.

21 Q And you said Anelia?

22 A Anelia Garvin. Yes, ma'am.

23 Q Garvin. Okay. I'm going to show you what's been marked as
24 State's Exhibit 20 and ask you if you recognize what's contained
25 within this picture.

1 A Yes, ma'am.

2 Q All right. And what is it?

3 A That's Anelia.

4 Q All right. That's the victim, Anelia Garvin, in this case?

5 A Yes, ma'am.

6 Q Is that a fair and accurate depiction of how you found her?

7 A Yes, ma'am.

8 Q All right. I notice there is not any water in the tub. Was
9 there water in the tub when you found her?

10 A When I found her, there was water in the tub.

11 Q Okay.

12 ATTORNEY SWANSON: State would move 20 into evidence and
13 request to publish at this time.

14 ATTORNEY GIBBES: Without objection.

15 THE COURT: Without objection.

16 (State's Exhibit 20 is admitted in the record.)

17 ATTORNEY SWANSON: Thank you.

18 BY ATTORNEY SWANSON:

19 Q All right. So after EMS and Fire came, what was your next
20 role? Did you assist in crime scene tape, or?

21 A Yes, ma'am. Crime scene tape, getting the rest of the
22 family out, notifying my immediate supervisor.

23 Q Okay. Did you observe the outside of the trailer?

24 A Yes, ma'am. The back -- if you're facing the trailer, it
25 was -- the back, left corner was burnt, and there was, like, the

1 smell of gasoline emitting.

2 Q Okay. And the back, left corner of the trailer, whose room
3 would have been on top of that portion?

4 A That was the back of the room where we found Anelia.

5 Q Okay. And eventually was SLED called in to investigate?

6 A Yes, ma'am.

7 Q All right. And so was that the extent of your involvement
8 into the investigation?

9 A Yes, ma'am. Doing my report, notifying supervisors,
10 crime-scene tape-off, and my supervisor is the one who had to
11 notify SLED.

12 Q Okay. Thank you very much. I don't have any further
13 questions for you.

14 **CROSS-EXAMINATION**

15 BY ATTORNEY GIBBES:

16 Q How are you, officer?

17 A Good morning.

18 Q Good morning. Okay. So you were the first person that
19 responded to this home, right?

20 A Yes, ma'am.

21 Q And as far as the crime-scene tape, were there other people
22 arriving at the scene when you were there?

23 A There was myself, officers from Hampton Police Department,
24 one state trooper. And that was before the fire department and
25 EMS got there.

1 Q And this wasn't the first time you've been to this home, I
2 recall?

3 A No, ma'am.

4 Q Do you recall you actually responded in November 13th of
5 2018 to this home for a call?

6 A Not that exact date, but I have been to that address
7 multiple times.

8 Q Do you remember -- would it help -- I've got the report?

9 A Yes, ma'am.

10 Q Okay.

11 ATTORNEY GIBBES: If I may approach?

12 THE COURT: Yes.

13 BY ATTORNEY GIBBES:

14 Q If you wouldn't mind. Is this your report from that date?

15 A I see my name and Lieutenant Johnson's name on the report.

16 Q Okay. And if you don't mind, would you mind telling the
17 jury why you responded in November on that date?

18 A I believe Lieutenant Johnson typed this report. Let me read
19 it. Okay. Yes, ma'am, I remember this.

20 Q Okay. And so you remember you responded to a complaint of,
21 was it vandalism or --

22 A Yes, ma'am.

23 Q -- malicious injury to property?

24 A Yes, ma'am.

25 Q And from that report you recall because Anelia Garvin was in

1 an altercation with Christopher Williams?

2 A Yes, ma'am.

3 Q Do you remember that?

4 A Yes, ma'am.

5 Q And do you remember Christopher Williams was Anelia Garvin's
6 uncle?

7 A I believe so. I remember they were related.

8 Q And there was a fight because Christopher Williams busted
9 out the window --

10 A Yes, ma'am.

11 Q -- of Anelia's car?

12 A Yes, ma'am. I remember that.

13 Q And this was on November 13th of 2018, correct?

14 A Yes, ma'am.

15 Q Okay. So this was approximately a little over two weeks
16 prior to you responding to the scene of the fire?

17 A Approximately.

18 Q Okay. And do you recall you actually arrested Christopher
19 Williams and charged him?

20 A I don't think he was arrested. Let me see.

21 Q And I believe you're right. I believe he was not arrested
22 but he was charged.

23 A Charged. Yes, ma'am.

24 Q Okay. I apologize.

25 A But they were supposed to be in court the day before this

1 incident about the vandalism.

2 Q And so Anelia didn't come to court that day --

3 A Correct.

4 Q -- obviously. And it was an altercation between Christopher
5 and Anelia?

6 A Yes, ma'am.

7 Q Thank you.

8 ATTORNEY GIBBES: I have no further questions for this
9 witness.

10 **REDIRECT EXAMINATION**

11 BY ATTORNEY SWANSON:

12 Q Just briefly. So, Christopher Williams, was he issued a
13 citation?

14 A Yes, ma'am.

15 Q Okay. So that's like a ticket, right?

16 A Yes, ma'am.

17 Q And is that just a 30-day misdemeanor?

18 A He wasn't arrested. I can't remember the ticket amount for
19 that one but, yes, he was issued a citation for -- it was
20 either -- vandalism or malicious injury.

21 Q Right. And so the court date that you referred to, that
22 wasn't in the big courthouse, right?

23 A No, ma'am. That was Varnville Municipal.

24 Q Okay. Thank you. That's all I have.

25 THE COURT: Thank you, sir. You may step down.

1 THE WITNESS: Thank you.

2 ATTORNEY SWANSON: May Mr. Jordan be excused from his
3 subpoena?

4 THE COURT: Any objection?

5 ATTORNEY GIBBES: No objection.

6 THE COURT: You're released, sir.

7 ATTORNEY SWANSON: State calls Bryan Adams.

8 BRYAN ADAMS,

9 having first been duly sworn, was examined and testified as
10 follows:

11 DIRECT EXAMINATION

12 BY ATTORNEY SWANSON:

13 Q Good afternoon. Can you spell your name, and -- state your
14 name, and spell it for the court reporter, please.

15 A It's Bryan Adams, B-r-y-a-n A-d-a-m-s.

16 Q And where do you work?

17 A I work with Brightsbe Maden [ph] Home Company full time, and
18 then I volunteer with Varnville Fire Department.

19 Q And were you working for Varnville Fire Department back in
20 December of 2018?

21 A I was a captain.

22 Q Okay. And so did you respond out to ■ Pepper Street in
23 Varnville?

24 A Yes, ma'am.

25 Q What kind of call did you respond to?

1 A I responded to a report of an unconscious female. Upon
2 arrival, there was a haze in the residence like the residence was
3 on fire. Once we went in, we found the female, pretty much no
4 signs of life. And then went and checked out the back corner
5 where she was at, and we seen where there was some accelerants
6 from somebody trying to set the home on fire.

7 Q Is ■ Pepper Street within the town of Varnville?

8 A That's correct.

9 Q And was Varnville PD on scene when you arrived?

10 A Yes, ma'am.

11 Q Okay. The female that you found, where did you find her?

12 A She was facedown in the bathtub in the left bedroom. We
13 call it bravo Charlie side.

14 Q I'm going to show you what's been entered as State's Exhibit
15 20. Is this how you recall finding her?

16 A Yes, ma'am.

17 Q And you stated she showed no signs of life?

18 A That's right.

19 Q And so no life-saving measures were taken by anyone at that
20 time?

21 A No, ma'am. They saw rigor mortis, and the skin was already
22 changing colors and all.

23 Q And was the coroner called in?

24 A That's correct. I believe EMS called him in.

25 Q I'm going to show you a picture that's been marked as

1 State's Exhibit 2, and ask if you recall or recognize what's
2 contained in this picture.

3 A That's correct.

4 Q Is this the trailer that you responded to?

5 A Yes, ma'am.

6 Q And is this the left side of the trailer that you were
7 talking about?

8 A Yes, ma'am.

9 Q Is that a fair and accurate depiction of how it appeared
10 when you responded?

11 A Yes, ma'am.

12 Q All right. State would move 2 into evidence and request to
13 publish.

14 ATTORNEY GIBBES: Without objection.

15 THE COURT: Okay.

16 (State's Exhibit 2 is admitted in the record.)

17 BY ATTORNEY SWANSON:

18 Q All right. So if we can dim the lights just a little bit.
19 Might be easier to see on the monitor, but the back, left side is
20 where you observed damage?

21 A That's right.

22 Q Was there an active fire going at the time?

23 A Not when I arrived. It pretty much burnt itself out. There
24 wasn't enough there to burn.

25 Q And who was called in to investigate that fire?

1 A SLED.

2 Q SLED?

3 A Yes, ma'am.

4 Q What is SLED?

5 A State Law Enforcement Division.

6 Q Okay. Thank you. That's all the questions I have for you.

7 ATTORNEY GIBBES: I have no questions for this witness.

8 THE COURT: Okay. Thank you. You may step down. You want
9 to release him from subpoena?

10 ATTORNEY SWANSON: Yes, please.

11 THE COURT: Any objection?

12 ATTORNEY GIBBES: No, Your Honor.

13 ATTORNEY SWANSON: State calls Nicklaus Sprouse.

14 NICKLAUS SPROUSE,

15 having first been duly sworn, was examined and testified as
16 follows:

17 **DIRECT EXAMINATION**

18 BY ATTORNEY SWANSON:

19 Q All right. Good morning. Can you please say your name, and
20 spell it for the court reporter.

21 A Yes, ma'am. Nicklaus Sprouse, N-i-c-k-l-a-u-s, Sprouse,
22 S-p-r-o-u-s-e. I go by Nick.

23 Q And, Nick, who do you currently work for?

24 A Currently I work for Dominion Energy for South Carolina and
25 North Carolina.

1 Q Back in December of 2018 who did you work for?

2 A South Carolina Law Enforcement Division.

3 Q And in what capacity did you work for SLED?

4 A I was special agent assigned to the crime scene unit.

5 Q How did you become involved in the investigation into the
6 death of Anelia Garvin?

7 A Early that morning I was called by operations desk and
8 advised of a homicide.

9 Q All right. And where did you respond?

10 A To ■ Pepper Street in Varnville, South Carolina.

11 Q About what time did you get there?

12 A Approximately 7:10 a.m. in the morning.

13 Q What was the temperature like outside?

14 A It was approximately 36 degrees.

15 Q So cold?

16 A Yes, ma'am.

17 Q All right. Describe the exterior of the residence?

18 A I have it listed as like a white and blue trailer, mobile
19 home, single wide. There was a burgundy color Honda Accord
20 parked in the front area of the residence. Surrounding vehicles
21 were law enforcement vehicles. And the residence was secured and
22 taped off with a yellow barrier tape by law enforcement.

23 Q Did you do a crime scene sketch of the interior of the
24 residence?

25 A Yes, ma'am.

1 Q All right. I'm going to show you what's been marked as
2 State's Exhibit 4, and ask if this is a true and accurate
3 depiction of that crime-scene sketch.

4 A Yes, ma'am.

5 ATTORNEY SWANSON: At this time I'd like to enter 4 into
6 evidence, and request to publish.

7 ATTORNEY GIBBES: Without objection.

8 THE COURT: Okay.

9 (State's Exhibit 4 is admitted in the record.)

10 ATTORNEY SWANSON: Just want to see if I can make this
11 bigger for you guys. It doesn't look like it. All right. I
12 hope you can see it on there. If you can't exactly see it, you
13 will have this back in the jury room. All right.

14 BY ATTORNEY SWANSON:

15 Q Can we just describe the layout here?

16 ATTORNEY SWANSON: And if I may, I would like to ask
17 Mr. Sprouse to be able to get off the stand and point to what
18 he's referring to --

19 THE COURT: Yes, you may step down.

20 ATTORNEY SWANSON: -- and describe the layout, and where you
21 found where.

22 THE COURT: Keep your voice up so we can catch everything.

23 THE WITNESS: Yes, sir.

24 BY ATTORNEY SWANSON:

25 Q All right. So this is your sketch of the crime scene. Can

1 you show us where the front door is located?

2 A Yes, ma'am. The front door is right here, entry. It's a
3 little -- it's lighted here. Where that arrow's coming into,
4 that's the front porch area. Can you hear me?

5 THE COURT: I think we can hear you. We're just looking for
6 something that you can point with.

7 THE WITNESS: Would you care for me to hold it and stand in
8 front of the jury? That would probably -- so they can see it.

9 ATTORNEY SWANSON: If that's preferable to you, that's
10 totally fine.

11 THE WITNESS: They'll be able to see it.

12 THE COURT: Any objection from the defense?

13 ATTORNEY GIBBES: No objection.

14 BY ATTORNEY SWANSON:

15 Q You want this pencil?

16 A Yes, ma'am. Thank you. So everybody can see, I'm going to
17 walk down. This would be -- if you're looking to the front of
18 the mobile home, this would be the entryway, which would be the
19 steps right here. Sort of this way. Okay.

20 Q Okay. Did you determine who was sleeping where?

21 A Yes, ma'am, eventually. I believe a gentleman slept in
22 bedroom no. 2, which, if you walked into the main door and walked
23 down a small hallway, there's bedroom 2. And then if you walked
24 in and went to the left, there's the kitchen area, there's a
25 master bedroom. So there was only two, two bedrooms that I was

1 aware of that somebody had occupied.

2 Q Okay. So bedrooms 2 and 3 were occupied; is that right?

3 A I was aware that there was someone staying here and here. I
4 was not aware at the time -- we were not aware ---

5 Q Okay.

6 A -- of bedroom 3.

7 Q All right. But essentially the layout is two bedrooms on
8 one side and the master on the other side?

9 A Yes, ma'am. Correct.

10 Q And those bedrooms are separated by what?

11 A The kitchen area, the living room, a hallway here. So as
12 you can see, you have your two bedrooms to the right on the
13 single-wide trailer, and then obviously you have your living area
14 and your kitchen area this way. So it's not to scale, the
15 picture's not to scale, but obviously you have that type of
16 distance between those two bedrooms and the master bedroom.

17 Q Okay. Thank you. You can have a seat.

18 A Yes, ma'am.

19 Q All right. I'm going to show you a series of pictures,
20 Mr. Sprouse, marked State's 9, 10, 11, and 12. And I'm going to
21 ask if these are all fair and accurate depictions of the interior
22 of the residence.

23 A Yes, ma'am, at the time we arrived. Yes, ma'am.

24 Q Thank you.

25 ATTORNEY SWANSON: The State moves 9, 10, 11, and 12 into

1 evidence, and requests to publish.

2 ATTORNEY GIBBES: Without objection.

3 THE COURT: Okay.

4 (State's Exhibits 9, 10, 11, and 12 are admitted in the
5 record.)

6 ATTORNEY SWANSON: Thank you.

7 BY ATTORNEY SWANSON:

8 Q State's 9, can you just tell us what we're looking at in
9 this picture?

10 A Yes, ma'am. We're looking at the front porch and the front
11 porch step area to ■ Pepper Street.

12 Q And I'm going to publish this to the jury at this time.
13 State's 11 and 12, what are we looking at here?

14 A State's 11 is an interior side photograph of the rear door
15 of the mobile home at ■ Pepper. And Exhibit 12 is a mid-range
16 photograph of the door handle and the deadbolt lock of the same
17 door, interior side.

18 Q All right. Is this the back door or the front door?

19 A That is the rear door, the back door of the residence.

20 Q And how many locks were on this back door?

21 A There was three as I've described; the door handle with the
22 lock on, itself, a deadbolt, and then a bar, bar-mechanism type
23 of lock.

24 Q Okay. When you were examining the front and back doors, did
25 you find any sign of forced entry?

1 A Not on neither front or rear door.

2 Q When you were going throughout the residence, did you find
3 any evidence of somebody rifling through drawers or anything of
4 that nature?

5 A As I described in my notes, it was kind of hard to tell. It
6 was unkept a little bit, so to say anything of rifling couldn't
7 be determined.

8 Q Were there TVs in the residence?

9 A Yes, ma'am, as I recall.

10 Q So there were items of value in there?

11 A Yes, ma'am.

12 Q Okay. I'm going to hand you State's 10 and ask for you to
13 describe what we're looking at here.

14 A Yes, ma'am. So this is the one angle of the kitchen area.
15 So if you come into the front door and look left, you would be
16 seeing this particular angle.

17 Q Okay. And there's a doorway here. And where does that
18 doorway lead to?

19 A That goes into the master bedroom on the diagram.

20 Q Okay. So kitchen, that goes into the master bedroom. And
21 the living room is beside the kitchen?

22 A In orientation to that photograph, it would be behind you.

23 Q Okay. And then is the back door through the kitchen?

24 A Yes, ma'am. Once you -- orientation-wise for that, if you
25 walk straight and you made a right, you would be able to go into

1 the kitchen area, and that's where the rear door would be.

2 Q All right. Let's go to the master bedroom. Was there a
3 lock on that door?

4 A There was.

5 Q I'm going to hand you what's been marked as State's 13 and
6 ask if this is how you found the door and lock of that master
7 bedroom.

8 A Yes, ma'am. That's how we found it at the time of arrival.

9 Q Okay.

10 ATTORNEY SWANSON: State would move 13 into evidence, and
11 request to publish.

12 ATTORNEY GIBBES: Without objection.

13 THE COURT: Okay.

14 (State's Exhibit 13 is admitted in the record.)

15 BY ATTORNEY SWANSON:

16 Q This was the door outside to the master bedroom?

17 A Yes, ma'am, leading into the master bedroom.

18 Q And it had damage to it?

19 A Yes, ma'am.

20 Q Were you able to determine the origin of that damage?

21 A Yes, ma'am. Later on in the investigation, we were.

22 Q Did you also prepare a crime-scene sketch of the master
23 bedroom and master bathroom?

24 A Yes, ma'am.

25 Q I'm going to show you what's been marked as State's 19 and

1 ask if this is the sketch that you prepared, and if it's a true
2 and accurate copy.

3 A Yes, ma'am.

4 ATTORNEY SWANSON: All right. I would move 19 into evidence
5 at this time, and request to publish.

6 ATTORNEY GIBBES: No objection.

7 THE COURT: Okay.

8 (State's Exhibit 19 is admitted in the record.)

9 BY ATTORNEY SWANSON:

10 Q And the same thing as you did before, I'm just going to ask
11 that you come down. I'll hand you State's 19 to describe to the
12 jury what you found in the master bedroom.

13 A Yes, ma'am. The master bedroom, obviously, the previous
14 picture she just showed you. That would be the entryway of the
15 door. Here, there was a mattress on top of a box spring that was
16 laying on the floor. There was no frame or anything. From
17 there, there was a closet that you could enter into from the
18 master bedroom, which also had another door, and this door led
19 into the bathroom. Here, there's a double door that leads into
20 the master bathroom, which I assume would probably be the most
21 frequently used. There, inside the master bathroom, is where we
22 found the victim.

23 Q Thank you. And you may have a seat.

24 ATTORNEY SWANSON: Mylinda, you can -- well, actually you
25 can leave that up. I'm sorry. Thank you.

1 BY ATTORNEY SWANSON:

2 Q I'm going to show you a series of pictures, State's 14
3 through 17, and I'm going to ask you if these are all fair and
4 accurate pictures of the master bedroom and master bath and how
5 it appeared when you all responded.

6 A Yes, ma'am.

7 Q Okay. Thank you.

8 ATTORNEY SWANSON: State would move 14 through 17 into
9 evidence at this time.

10 ATTORNEY GIBBES: Without objection.

11 THE COURT: Okay.

12 (State's Exhibits 14, 15, 16, and 17 are admitted in the
13 record.)

14 BY ATTORNEY SWANSON:

15 Q I'm going to have you describe what we're looking at in
16 State's 14.

17 A This picture would be primarily from the master bedroom
18 entry door facing towards the master bedroom double door.

19 Q Okay. The master bathroom double door?

20 A Yes, ma'am, to the master bathroom.

21 Q Okay. And this is State's 14. State's 15, what are we
22 looking at in this particular photo?

23 A It's going to be the same orientation, just slightly slanted
24 to the left to incorporate the closet door on the bedroom side,
25 as well as the master bathroom door.

1 Q And what's contained in the closet?

2 A From this view, you can see a wooden chair, maybe a
3 wicker-style chair, similar to the one that's out here, and
4 clothing on the floor, and other debris.

5 Q Okay. So bathroom closet with a chair in it, as seen from
6 the same orientation. State's 16, what are we looking at in
7 here?

8 A This is still in the master bedroom, but it would be from
9 the orientation of the master bathroom's double doors, facing the
10 right, towards the window.

11 Q Okay. And what's on the floor in this picture?

12 A AC unit.

13 Q All right. State's 16. Is that how the AC unit was when
14 y'all responded?

15 A Yes, ma'am.

16 Q It was not in the window?

17 A No, ma'am.

18 Q And then State's 17?

19 A This would be inside of the master bathroom, looking towards
20 the garden tub, with a half-exposed view of the victim.

21 Q All right. In reference to State's 17, what is this object
22 right here in the corner of the garden tub?

23 A That would be a cigarette butt.

24 Q Okay. Cigarette butt in the corner?

25 A Yes, ma'am.

1 Q And did you collect that cigarette butt?

2 A Yes, ma'am.

3 Q Was there a marker associated with that cigarette butt?

4 A That particular cigarette butt was marker B.

5 Q I'm going to hand you State's Exhibit 24 for identification
6 purposes, and ask if this contained the cigarette butt from
7 marker B that you collected.

8 A Yes, ma'am. That's my handwriting.

9 Q Okay. Did you collect any other cigarette butts?

10 A Yes, ma'am.

11 Q Where was the other one collected from?

12 A In the master bathroom, but it was on the edge, or the
13 inside, of a stand-up shower.

14 Q Were those the only two cigarette butts in the bathroom?

15 A Those were the ones that we located in the bathroom.

16 Q But it wasn't full of cigarette butts, right?

17 A Oh, no, ma'am. No, ma'am.

18 Q Okay. Do you recall while you were there if any friends and
19 family members began to gather at the scene?

20 A Several.

21 Q And do you recall what their demeanor was like?

22 A From what I recall, it would be upset, concerned, as well.

23 Q I have nothing further for you at this time. Please answer
24 any questions that the defense may have.

25 A Yes, ma'am.

1 ATTORNEY GIBBES: Thank you. May it please the Court.

2 CROSS-EXAMINATION

3 BY ATTORNEY GIBBES:

4 Q Do I call you investigator? How are you?

5 A You can just call me Nick.

6 Q Nick?

7 A Yes, ma'am. That would be fine.

8 Q I appreciate it. I'm Courtney. I represent Jarvise
9 Jenkins. Okay. So basically your job, when you responded to
10 Pepper Street, was to collect and document evidence, correct?

11 A Yes, ma'am.

12 Q And when you arrived were there still family members still
13 on the scene --

14 A As I recall --

15 Q -- do you remember?

16 A -- I'm pretty sure there was still folks gathering once we
17 had arrived. But definitely throughout the investigation, as we
18 would have to exit the home, we would see, what we were informed
19 of, friends and family.

20 Q And did you notice, besides the original people who actually
21 were staying in the home, did more people arrive at the scene as
22 time went on?

23 A There was definitely more, more folks there.

24 Q So there was people that were not involved at all or
25 weren't -- they were just arriving to see what was going on,

1 basically?

2 A Yes, ma'am, I would assume.

3 Q Were you part of protecting the crime scene and keeping
4 people out?

5 A No, ma'am.

6 Q Okay.

7 A There's other folks that protect the crime scene while I
8 investigate.

9 Q I gotcha.

10 A I'm not outside as much.

11 Q So you went in there, and you had a camera and was taking
12 pictures and noting --

13 A Yes, ma'am.

14 Q -- everything you thought was important?

15 A Yes, ma'am.

16 Q And just looking at it -- I know you looked at some of the
17 pictures -- this home was extremely -- I know you note in your
18 report as an extremely messy, unkept home, correct?

19 A Yes, ma'am.

20 Q Okay. So there were things kind of cluttering the scene,
21 food items, and clothes, and things of that nature?

22 A Yes, ma'am.

23 Q Okay. So you also took DNA swabs?

24 A Yes, ma'am.

25 Q And some of the things you took DNA from -- we've spoken

1 about two cigarette butts.

2 A Yes, ma'am.

3 Q And they were in the bathroom?

4 A Yes, ma'am.

5 Q And one cigarette butt was by the tub, correct?

6 A Yes, ma'am.

7 Q And I know you took a picture of it, but to me, in your
8 opinion, did you think it had been burning when it was put there?
9 There was no scorch marks or anything like that?

10 A I would have to look at the picture again, ma'am.

11 Q Okay.

12 A I could not answer that.

13 Q And the one in the shower, is it the same?

14 A Yeah.

15 Q I mean, I know it was on the bottom of the shower.

16 A I would have to look at those again but, yes, ma'am.

17 Q But you swabbed both of those for DNA?

18 A No, ma'am, I did not swab.

19 Q You did not swab for DNA?

20 A I collect that.

21 Q Did you collect anything to be swabbed for DNA?

22 A The process is, it goes to the DNA department at SLED, so we
23 collect items of interest that perhaps has DNA on them. We keep
24 them -- take them from the scene, bag it, tag it, and then send
25 it to a department who then analyzes. We are just supposed to

1 protect the integrity of the evidence while on scene.

2 Q I gotcha. So anything that you saw that you thought might
3 have some sort of forensic evidence like DNA, you took note of,
4 took a picture, and collected, and put it into evidence, correct?

5 A According to our procedures, yes, ma'am.

6 Q And I'm going through your report. As far as the things you
7 noted, there was -- and I have -- I was assuming you took swabs,
8 but you did -- you noted that there was something on the
9 refrigerator that tested positive for blood?

10 A Yes, ma'am.

11 Q And you collected that evidence to send to SLED?

12 A Yes, ma'am. Now, those were swabs.

13 Q So those were swabs?

14 A Yes. There's a difference between touch DNA swabs and
15 collecting something that may have saliva or DNA inside.

16 Q I gotcha. So something that may be -- you test it because
17 you saw on the refrigerator that it looked like it could be
18 something --

19 A Yes, ma'am.

20 Q -- and you swabbed it?

21 A Yes, ma'am, because it was consistent with blood, as well as
22 the pattern.

23 Q Okay. And so on the fridge, as part of your testing -- and
24 you're probably a lot smarter than me, but phenol, do you use
25 some sort of substance to show that it's positive for blood?

1 A Yes, ma'am. Phenol is a presumptive testing for blood.
2 It's not going to tell you if it's animal blood or human blood.

3 Q Okay.

4 A And, yes, ma'am, those are reagents.

5 Q So that was turned into evidence, presumptive blood
6 evidence, from the refrigerator in the kitchen, correct?

7 A It went to evidence storage. Yes, ma'am.

8 Q And you also, from the bathroom -- you didn't swab, but
9 there was some gray, Nike pants on the floor of the bathroom that
10 had suspected blood on them?

11 A Yes, ma'am.

12 Q Okay. You took that into evidence?

13 A Yes, ma'am.

14 Q And there's also a shirt next to the pants?

15 A Yes, ma'am.

16 Q I don't know if you recall that. Also looks like it had
17 blood on it?

18 A I would have to look at a picture of what you're referring
19 to.

20 Q I don't know if I have that picture. But you did take Nike
21 pants and anything that looked like had blood on it?

22 A Yes, ma'am. I do recall the Nike pants.

23 Q You also -- you didn't swab. You didn't take any evidence
24 or swab from the AC unit on the floor in the master bedroom?

25 A No, ma'am.

1 Q There was no fingerprints. Did you take any fingerprint
2 analysis, or any tests for fingerprints?

3 A No, ma'am.

4 Q Just for DNA, either collected for DNA or swabbed?

5 A We swabbed for DNA.

6 Q And so the AC unit, you didn't do any testing on. And did
7 you -- you didn't do any testing on the swab, like the window,
8 the bedroom window?

9 A We did not find that probative at the time.

10 Q Okay. And do you recall the window to the master bedroom
11 where the AC unit was? It was closed when you arrived?

12 A The blinds were down. Yes, ma'am.

13 Q And the blinds were down. I think there were two cigarette
14 butts, as we discussed, but those were the only two cigarette
15 butts that were collected for evidence, correct, out of the whole
16 house?

17 A Yes, ma'am, in proximity of the victim's body.

18 Q But they were also in other rooms, ashtrays with cigarettes
19 in them and things of that nature?

20 A I would have to go back through the pictures to see.

21 Q And do you recall if the cigarette butts in the bathroom
22 were dry or wet?

23 A Again, I would have to --

24 Q Okay.

25 A -- review the photographs.

1 Q Okay. And do you recall one of the pictures you took -- and
2 I'm happy to approach and show you --

3 A Yes, ma'am.

4 Q -- it was not entered into evidence -- any mail or anything
5 with the name Jarvise Jenkins on it?

6 A If there was anything, I would have to look.

7 Q If I may approach, I can just --

8 A Yes, ma'am.

9 Q Did you take that picture?

10 A Yes, ma'am. That does look like one of our crime-scene
11 photographs.

12 Q And does it note that -- mail with Jarvise Jenkins' name on
13 it?

14 A Yes. It has the name Jarvise Jenkins. Yes, ma'am.

15 Q And that was collected from inside the home where the
16 picture was taken?

17 A Yes. It was documented in photographs. Yes, ma'am.

18 Q Gotcha. Okay. Now, you noted that there was no forced
19 entry into this home?

20 A Yes, ma'am. It did not appear so.

21 Q I would like to talk about the back door. I noted -- when
22 you arrived, do you recall the back door was open?

23 A It was unlocked.

24 Q It was unlocked, but the door was actually physically
25 closed?

1 A It was shut. Yes, ma'am.

2 Q And do you recall, was there -- the locks were broken, there
3 was an issue with the locks, or anything of that nature?

4 A The slide lock did not look like it was in working order,
5 but the handle that has a lock and the deadbolt were fully
6 functional.

7 Q And did you also -- you swabbed family members for DNA that
8 were there?

9 A Buccal swabs. Yes, ma'am. We obtained a DNA standard.

10 Q And that means you just swabbed the inside of their mouth?

11 A Yes, ma'am.

12 Q And I believe you collected swabs from Sheila Williams. I
13 mean, do you recall the name, Sheila Williams, J. P. Williams,
14 Christopher Williams, Mary Williams, and Martha Williams?

15 A Yes, ma'am. Those were the ones I collected.

16 Q Okay. And they all consented to giving over --

17 A Yes, ma'am.

18 Q -- their DNA?

19 A Yes, ma'am. We had consent forms on site.

20 ATTORNEY GIBBES: Just beg the Court's indulgence quickly.

21 BY ATTORNEY GIBBES:

22 Q Do you recall in the bathroom there was items on the floor,
23 trash items, and a lighter?

24 A I definitely remember the clothing being on the floor. I
25 would have to look back at the pictures to see everything that

1 would have been laying on the floor. We wouldn't necessarily
2 write that in my notes if it was documented through photographs.

3 Q So if there's a lighter on the ground, you know y'all at
4 least didn't swab that lighter for any sort of DNA or fingerprint
5 evidence?

6 A If there was a lighter on the ground, I'm not aware. I'd
7 have to refer back to the photographs.

8 Q Let's see. And I know you searched the Honda Accord in the
9 front yard; do you recall?

10 A Looking at the notes, I know that we -- I believe that
11 vehicle was locked and there was no way to get in, so I'm not
12 sure. The way the notes are written, I would have to look at the
13 photographs, but I do recall there being an issue where they
14 needed -- that vehicle needed to be added to the search warrant
15 to be searched.

16 Q But you don't recall taking any evidence from that car?

17 A I think all photographs came from the vehicle. And I
18 believe that's in the crime scene, as well. We only took
19 photographs.

20 Q All right.

21 ATTORNEY GIBBES: Beg the Court's indulgence, please.

22 BY ATTORNEY GIBBES:

23 Q Briefly. You also, when you were in the room -- the master
24 bedroom, you took pictures. Do you recall taking a picture of a
25 fan on the chair next to the bed?

1 A I would have to look at the photograph.

2 Q If I may approach?

3 A Yes, ma'am. Yes, ma'am, this would be the side of the bed.

4 Q And what is that -- that's just a boxed fan sitting --

5 A It's a boxed fan sitting on a chair. Yes, ma'am.

6 Q And you believe this was Anelia's bed that it was next to?

7 A We necessarily wasn't aware of whose bed it was at the time.

8 Q I gotcha. But it was in the master bedroom?

9 A Yes, ma'am.

10 Q You also went outside and took a picture of a gas can,
11 correct --

12 A Yes, ma'am.

13 Q -- do you remember that? So you want me to show it to you,
14 or do you remember there was a picture?

15 A You can show it to me. Yes, ma'am. Just for clarification,
16 the secondary agent was taking these photographs. It was under
17 my direction, but that's why I need to look at them. Yes, ma'am,
18 that was on the front porch.

19 Q Okay. And you recall you also took DNA swabs from that can?

20 A Yes, ma'am, specifically from the handle.

21 Q Okay. And you also -- did you -- I know -- did you request
22 a rape kit for Ms. Garvin?

23 A I did not.

24 Q You were not part of any of that?

25 A No' ma'am.

1 Q You don't recall emailing the autopsy department and asking
2 for that?

3 A I don't recall.

4 Q Did you take any swab from his Ms. Garvin for DNA?

5 A I took a swab of the blood that was on her face on the
6 scene.

7 Q Okay. And you didn't swab her neck?

8 A No, ma'am.

9 Q And you didn't swab anywhere else on her body?

10 A No, ma'am.

11 Q Okay. All right. Thank you.

12 ATTORNEY GIBBES: I have no further questions for this
13 witness.

14 THE COURT: Any redirect?

15 ATTORNEY SWANSON: Just briefly.

16 **REDIRECT EXAMINATION**

17 BY ATTORNEY SWANSON:

18 Q All right. I'm going to show you the picture that
19 Ms. Gibbes showed you of the mail that was found in ■ Pepper
20 Street that was addressed to Mr. Jenkins. What address did that
21 document have on it?

22 A ■ Featherbed Road in Round O, South Carolina.

23 Q Okay. Thank you. Not ■ Pepper Street?

24 A No, ma'am.

25 Q All right. And where was that gas can located?

1 A It was on the front porch.

2 Q Okay. And Ms. Gibbes asked you about the Honda Accord that
3 was in the front yard?

4 A Yes, ma'am.

5 (State's Exhibits 25 and 26 are marked for identification.)

6 BY ATTORNEY SWANSON:

7 Q I'm going to show you what's been marked as State's 25 and
8 26, and ask if this is the Honda Accord that you located in the
9 front yard.

10 A Yes, ma'am.

11 Q And is that the way it appeared on December 5th of 2018?

12 A Yes. That's the way we found it. Yes, ma'am.

13 Q Okay. Are those windows intact?

14 A Yes, ma'am.

15 Q Do you recall if anyone could locate the keys of this Honda
16 Accord?

17 A No, ma'am. I believe that's what the issue was, we couldn't
18 gain access to the vehicle.

19 Q Because the keys were missing?

20 A Yes, ma'am. And the vehicle was locked.

21 Q Okay. Thank you. That's all I have. Thank you.

22 ATTORNEY GIBBES: No redirect.

23 THE COURT: Thank you, sir. You may step down.

24 ATTORNEY SWANSON: I would ask that Mr. Sprouse be release
25 from his subpoena at this time.

1 THE COURT: Any objection?

2 ATTORNEY GIBBES: No objection.

3 ATTORNEY SWANSON: State calls David Gulley.

4 DAVID GULLEY,

5 having first been duly sworn, was examined and testified as
6 follows:

7 **DIRECT EXAMINATION**

8 BY ATTORNEY SWANSON:

9 Q Agent Gulley, who do you work for?

10 A The South Carolina Law Enforcement Division.

11 Q And how long have you worked there?

12 A Since about 2016.

13 Q Okay. And what do you do there?

14 A I work in the arson unit, so arson investigation unit. So
15 we do fire investigation.

16 Q And about how many fires have you investigated in your
17 career?

18 A Over 200.

19 Q Have you ever been declared an expert in fire investigation?

20 A No, ma'am, not in court.

21 Q Not in court?

22 A Yes, ma'am.

23 Q Okay. Or an expert in origin and cause determination?

24 A Not in court like this. I have testified in prelims and
25 Grand Jury before.

1 Q Okay. Thank you. What is your training and expertise in
2 the area, in your field?

3 A So I hold a couple certifications from nationally recognized
4 professional organizations. And that's the National Association
5 of Fire Investigators. So I have a certified fire and explosion
6 investigator certification. I also have a certified vehicle fire
7 investigator certification. I've also been to numerous classes
8 and seminars, some put on by the National Association of Fire
9 Investigators, and then others that have been through the ATF,
10 which is post-blast investigation, the FBI underwater post-blast
11 investigations. The International Association of Arson
12 Investigators, that's another professional organization. And
13 I've also been to marine-fire investigation class for them.
14 So -- not to mention online, which would be certified fire
15 investigation trainer online, and completed over 300 hours of
16 tested training with them as well.

17 Q Okay. Have you ever had the opportunity to testify in an
18 arson case in General Sessions that you investigated?

19 A I have not.

20 Q All right. So you've never actually -- you've never been
21 declared an expert because you've never been offered as an
22 expert?

23 A Correct.

24 Q Sorry. That was a long way to get it out.

25 ATTORNEY SWANSON: The State would offer Agent Gulley as an

1 expert in fire origin and cause determination in the field of
2 fire investigation at this time.

3 ATTORNEY GIBBES: I would just object because he's never
4 testified before. Obviously, I think, under the standard --

5 THE COURT: Well, do you want to voir dire?

6 ATTORNEY GIBBES: I'm sorry?

7 THE COURT: Go ahead. I interrupted you.

8 ATTORNEY GIBBES: I was just saying he has to be qualified
9 in a particular field, being qualified as an expert and qualified
10 to give an opinion, and we heard he's never testified in an arson
11 investigation trial, and I would argue that he is not reached the
12 level of qualifications to be an expert in the field.

13 THE COURT: Would you like to voir dire on this? Anything?

14 ATTORNEY GIBBES: No, Your Honor.

15 THE COURT: Okay. There's a first time for everything, and
16 I'm going to qualify him.

17 ATTORNEY GIBBES: Thank you, Judge.

18 ATTORNEY SWANSON: Thank you.

19 BY ATTORNEY SWANSON:

20 Q So, Agent Gulley, where were you called out on December 5th
21 of 2018?

22 A We were contacted by the Varnville Police Department to
23 investigate a fire at ■ Pepper Street in Varnville, South
24 Carolina.

25 Q All right. So describe what you did when you got on scene.

1 A So part of the methodology of fire investigation, in and of
2 itself, is to do things the same way every time. So we get there
3 and make sure we have a right of entry. At that point we
4 obtained, or Varnville Police Department obtained, a search
5 warrant for the premises. We look over that and make sure that's
6 consistent, and then conducted an inspection of the exterior of
7 the structure, and also photograph/document the scene at the same
8 time. So I completed that at the time.

9 And then also to the exterior, after we complete that, we
10 move to the interior of the structure, document that, and also
11 look for anything that may be related to the fire investigation
12 at that point.

13 At ■ Pepper Street, at the time we were called for this
14 particular fire, the only damage that I noted was that the -- if
15 you're looking at the front of the structure, there was -- it was
16 a mobile home, and so at the left rear of the structure was the
17 fire damage itself.

18 Q The left rear. I'm going to show what you has been entered
19 as State's Exhibit 2, and ask if you can point out to the jury
20 the area that you're talking about.

21 A So it will be this area in the back right here. This would
22 be from the left. The picture's taken from the left front, but
23 the damage area is the left rear of the structure.

24 Q Okay. And this is the underpinning skirt area?

25 A If you were talking about a house, it would be the

1 crawlspace. But underneath -- underneath the mobile home itself,
2 so where the pilings are and everything that it sits upon.

3 Q What is directly above this left rear area that was damaged?

4 A What we consider, or what I would consider, the master
5 bathroom, but particularly -- that particular area is a bathtub,
6 or was the bathtub.

7 Q Okay.

8 A It sits in the corner there, and on that day, when we did
9 our inspection of the interior, which would be where we located a
10 body in the bathtub.

11 Q I'm going to show you what's been marked as State's 5, 6 and
12 7, which are a series of photos, and ask if these photos
13 accurately depict the damage to the left backside of the trailer.

14 A They do.

15 ATTORNEY SWANSON: At this time I would move 5, 6 and 7 into
16 evidence, and request to publish.

17 ATTORNEY GIBBES: Without objection.

18 (State's Exhibits 5, 6, and 7 are admitted in the record.)

19 THE COURT: Okay.

20 BY ATTORNEY SWANSON:

21 Q If you can just briefly describe what we're looking at in
22 State's 5 for the jury.

23 A So this is along the left end -- looking toward the left
24 rear corner. And that's where the underpinning's pulled away on
25 the left side. Right here you can see a little -- a little,

1 light smoke staining to the metal siding on the trailer. So the
2 trailer was metal sided, and then you had vinyl pinning
3 underneath it.

4 Q Okay. State's 6?

5 A Here you some of the -- some of the melted underpinning, but
6 also some of the melted backing for the insulation. And also, on
7 the siding, you can see some more smoke staining up there.
8 That's some of the backing to the insulation there.

9 Q And then State's 7?

10 A And then here you have some of the underpinning that's been
11 pulled away. That's some of the melted and charred area there,
12 some more of the underpinning trim, if you want to call it that,
13 where it attaches to the mobile home itself. Same -- same
14 backing to the insulation, and then where the plumbing and
15 electrical would be run in these mobile homes, and then more
16 smoke staining that goes up the wall there.

17 Q Did you have a K-9 out there on the scene?

18 A I do, and I did that day.

19 Q What that is K-9 trained in?

20 A She does accelerant detection work, so scent work as far as
21 a dog's concerned.

22 Q All right. And did she alert on any particular area --

23 A Yes.

24 Q -- of the structure?

25 A So in that, where the underpinning is pulled away, she did

1 alert in that area --

2 Q All right.

3 A -- so we pulled a sample from that area.

4 Q I'm going to show you State's 22 for identification
5 purposes, and ask if this box contains the sample that you took
6 from that area that the K-9 alerted to.

7 A Yes.

8 Q And how do you know that?

9 A My initials and date from when I submitted it are there on
10 the seal.

11 Q And I'm not going to unseal this at this point, but what is
12 contained in this box?

13 A Inside the box is essentially a gallon metal paint can, but
14 the paint can is actually lined with latex. And then inside of
15 the can -- We get them as they are like that. And then inside
16 the can itself is going to be fire debris, so pieces of burnt
17 material and soil.

18 Q And that can is something that you get from SLED for
19 evidence --

20 A Correct.

21 Q -- collection?

22 A Correct.

23 Q Was this item sent off for testing?

24 A It was submitted to the SLED trace evidence slab for
25 testing. Yes. So I submitted it to SLED.

1 Q Thank you. All right. When you guys got into the interior,
2 was there any damage to the interior?

3 A None that I noted, and to include no smoke damage, so soot
4 deposits, or anything like that on the interior.

5 Q All right. And did you reach any conclusions as to the
6 origin and cause of the fire?

7 A So the origin of the fire was the left rear of the mobile
8 home, on the exterior of the mobile home, and the cause of the
9 fire would -- or, the cause of the fire would have been an open
10 flame and available combustible materials. And in this
11 particular case, the application of an ignitable liquid, or an
12 accelerant, which would come from all -- which would come from
13 that. So, an exterior source.

14 Q Okay. And by exterior source, you mean?

15 A An outside source. It wasn't indigenous to that location.

16 Q It wasn't like a faulty wire or something like that?

17 A No.

18 Q And in your opinion, was this fire set by somebody on
19 purpose?

20 A It would be incendiary. Yes. A fire was started in that
21 location where no fire should have been.

22 Q Thank you. I don't have anything further at this time.

23 ATTORNEY GIBBES: Thank you. Just very briefly.

24

25

CROSS-EXAMINATION

BY ATTORNEY GIBBES:

Q Were you able to -- with the gasoline, you couldn't match it to any specific sort of gasoline that was found on the scene, or any type, or anything like that?

A I do not -- we do not -- or, I do not test it, so I wouldn't be able to --

Q You send it off to be tested, basically?

A Correct. Correct.

Q And so if there was a gas can found on the scene, you didn't take any sort of samples from that gas can to compare or anything?

A No.

Q Thank you. I have no further questions.

THE COURT: Anything else?

ATTORNEY SWANSON: Nothing further. And I would just ask that Agent Gulley be allowed to be released from his subpoena.

ATTORNEY GIBBES: Without objection.

THE COURT: Okay. Thank you, sir.

THE WITNESS: Thank you, Your Honor.

ATTORNEY SWANSON: State calls John Paul Williams, Sr.

1 JOHN PAUL WILLIAMS, SR.,
2 having first been duly sworn, was examined and testified as
3 follows:

4 DIRECT EXAMINATION

5 BY ATTORNEY SWANSON:

6 Q Good morning, Mr. Williams.

7 A Good morning.

8 Q I'm going to ask you a few questions today about December of
9 2018. Okay.

10 A Yes, ma'am.

11 Q All right. Do you live at ■ Pepper Street?

12 A I do.

13 Q In Varnville?

14 A Right.

15 Q Still live there?

16 A Yes, ma'am.

17 Q Living there in December of 2018?

18 A Yes, ma'am.

19 Q And who all lived there at that time?

20 A It was me and my granddaughter --

21 Q And who is your granddaughter?

22 A Anelia Garvin.

23 Q Okay. Which bedroom did she live in?

24 A She was living in the -- she was staying in the left part of
25 the trailer. The master bedroom.

1 Q Okay. So the master bedroom on the left?

2 A Yes, ma'am.

3 Q And then where was your bedroom?

4 A It was off on the corner, right.

5 Q On the far right side of the trailer?

6 A Right. Right.

7 Q Was there a bedroom next to you?

8 A Yes.

9 Q Who was staying in that bedroom?

10 A My daughter Sheila.

11 Q I'm sorry?

12 A My daughter Sheila.

13 Q Sheila?

14 A Sheila Williams.

15 Q Okay. Would Sheila sometimes sleep in the living room?

16 A Well, sometimes she will. Yes, ma'am.

17 Q But again, is that all on the right side of the trailer?

18 A Well, going to my room, it would be on the left-hand side.

19 Just on the right-hand side, yes. It's right beside my bedroom.

20 Q Your granddaughter, Anelia, did she keep her bedroom locked?

21 A Yes.

22 Q What kind of lock was on it?

23 A It was a regular door lock.

24 Q Did you have to have a key to get into it?

25 A Yes, ma'am. She changed the regular bed lock -- her bedroom

1 door lock, and put a regular lock on it.

2 Q Was it like a padlock?

3 A Yes.

4 Q Did Anelia work at night?

5 A Yes.

6 Q Did she kind of keep to herself?

7 A Well, most of time when she was at the house

8 [indiscernible]. But sometimes Anelia would have a girlfriend
9 come over.

10 Q Did she stay in her room, or did she hang out in the living
11 room?

12 A Most of the time she would be in her bedroom.

13 Q Would she lock her bedroom when she was in there?

14 A No, ma'am.

15 Q Okay.

16 A Well, not -- no, she wouldn't do that unless she'd have
17 company.

18 Q Tell us about December 5th of 2018. What woke you up in the
19 middle of the night?

20 A Well, actually I was up, and then I had one of my friends,
21 she had come and spend the night with me, and she wake me up and
22 told me, said, I smell something funny, you know, something I
23 never smelled before. I didn't pay no attention at first when we
24 were talking, and then I ended up smelling it. It smelled like
25 something like a chemical was burning.

1 So I got up, went around the house and checked around the
2 house to see what was going on. And I went to her bedroom door,
3 but I couldn't open it. And then I heard the smoke detector went
4 off, and then I saw smoke and I smelled the fumes, and I kicked
5 the door in. And that's when I found her.

6 Q When you say you kicked the door in, you mean the door to
7 Anelia's bedroom?

8 A Yes, ma'am.

9 Q Okay. I'm going to show you what's been marked as State's
10 13, and ask if this is the door that you kicked in.

11 A Well, that's -- yeah, that's the door right there.

12 Q Because that's her bedroom right here?

13 A Yes, ma'am. Yes.

14 Q Okay. Do you remember if -- okay. Going back, you say
15 that's when you found her. Found who?

16 A Anelia.

17 Q Where did you find her?

18 A In the bathtub.

19 Q Okay. Did you try and shake her? Did you touch her in any
20 way?

21 A I look at her, and she had her eyes forward, just about all
22 the way open, and I saw a little bit of blood coming out of her
23 mouth, and so I didn't touch her. I told my other granddaughter
24 to call EMS. And she went and [indiscernible] come down here for
25 Anelia.

1 Q So y'all called 911?

2 A Yes, ma'am.

3 Q Do you recall anything about the back door that morning?

4 A Well, that back door, my back door to the trailer, you
5 hardly ever use it because it's hard to close it. Once you open
6 it, you have to slam it hard in order to ... After I looked
7 around to see what's going on in the room, I looked back and I
8 said, Sheila, you open that back door last night? She told me
9 no. It was wide open. I check that door every night, check that
10 door every night, and I ask Sheila to check it.

11 Q And the back door that you're talking about that was wide
12 open is the one with three locks on it?

13 A That's right.

14 Q And y'all hardly ever use it?

15 A Hardly ever use it.

16 Q And that back door, that leads into the kitchen, right?

17 A Right.

18 Q And the front door leads into the living room?

19 A Living room. Right.

20 Q And is the kitchen right next to Anelia's room?

21 A That's right.

22 Q Okay. Did you know Jarvise Jenkins, J.T?

23 A That's right. Yes, ma'am.

24 Q Is J.T. his nickname? Is that how you knew him?

25 A That's how I know him. Yes.

1 Q Do you see him in the courtroom today?

2 A Yes, ma'am. That man right over there.

3 Q Right over there next to the woman in the blue blazer?

4 A Yes, ma'am.

5 Q All right. Do you remember or know what his relationship
6 with your granddaughter was?

7 A Well, I know they was friends. More boyfriend and
8 girlfriend. That's as far as I know.

9 Q Do you remember anything about the AC unit in your
10 granddaughter's bedroom?

11 A Well, I remember -- I can't recall what particular, what
12 day, but I did saw him taking it out.

13 Q Saw who taking it out?

14 A J.T.

15 Q J.T?

16 A Yes.

17 Q Can't recall what day?

18 A I can't recall what day it was.

19 Q Was he taking it out from the inside or the outside?

20 A I saw him from the outside.

21 Q From the outside. And do you recall -- the day that you
22 found your granddaughter dead, do you recall friends and family
23 coming over to the house, to the residence?

24 A Well, I called and tell them what happened. I called my --
25 my daughter called all my daughters, let them know what's going

1 on.

2 Q And friends and family came to gather?

3 A Yes, ma'am.

4 Q Did you ever see J.T. come to the trailer that morning?

5 A No, ma'am.

6 Q Thank you, Mr. Williams. Please answer any questions that
7 the defense attorney may have for you.

8 A Yes, ma'am.

9 ATTORNEY GIBBES: Thank you. May it please the Court.

10 **CROSS-EXAMINATION**

11 BY ATTORNEY GIBBES:

12 Q How are you, Mr. Williams?

13 A How you doing, ma'am?

14 Q My name's Courtney Gibbes, and I represent Jarvise Jenkins.
15 Just a few questions. So at this time you lived in this home
16 with Sheila and Anelia and Mary; is that correct?

17 A No, ma'am. It wasn't anybody but the three of us staying
18 there. Anelia was staying there first, and then Sheila moved in
19 with us. Nobody but us three at the trailer.

20 Q And so did Christopher live there at some time?

21 A Some times he spent the night, but he didn't stay there.

22 Q And, actually, he got kicked out from staying there after
23 the fight with Anelia? Do you remember that?

24 A Yeah. He left. I told him I'm not gonna have no fighting
25 around here, so he had to leave.

1 Q Because he got in a fight with Anelia he had to leave?

2 A Yes.

3 Q And you remember that's when the police came?

4 A Yes.

5 Q And as far as you knew, Anelia and J.T., they were still
6 together?

7 A As far as I -- well, as far as I understood. I can recall
8 her saying -- I can remember after he got his car, she told him,
9 said, You can go back in the morning, can go back to Walterboro.
10 You got the car now. Me and you's through. That's what I heard.

11 Q And you remember speaking to police about this afterwards?

12 A Yes. Yes.

13 Q And do you remember telling police that J.T. had been over
14 there about a week prior?

15 A Yes.

16 Q And do you remember telling them that you never saw any
17 fighting or signs --

18 A No.

19 Q -- of physical abuse or anything like that between the two?

20 A No. No.

21 Q And you actually went -- you went fishing with J.T?

22 A Yes. Oh, yeah.

23 Q And this AC unit, this is the first time I heard about you
24 seeing J.T. pushing it in the window.

25 A Yes.

1 Q And you don't remember when that was?

2 A I can't recall, recall the day it was, because it's been so
3 long.

4 Q Okay. And how do you -- did you put in that AC unit in that
5 home, or how do you ...

6 A No. Well, I don't know, but the AC unit, Anelia bought the
7 AC unit. Because [indiscernible] -- the landlord did give it,
8 too, but if it is the AC of the owner, then they put it in.

9 Q And do you know, the AC unit, how does it stay in the
10 window?

11 A Well, it should prop up in the window.

12 Q You just sit it up when you open the window?

13 A And shut the window down. It wasn't no great big one.

14 Q And the windows, were they double-paned windows?

15 A Yes.

16 Q And they locked on the outside?

17 A Yes.

18 Q And do you know -- I know you mentioned Anelia's lock on her
19 door. Did she have that on there to keep people out from coming
20 in her room when she wasn't there?

21 A Right, when she ain't home.

22 Q And to get in or out of that bedroom, do you know, you would
23 have to have a key?

24 A I know you have to have a key.

25 Q And for the back door, I know you mentioned it was broken in

1 a way, right?

2 A Well, it was open. Now, I don't know how it got open.

3 Q Because you checked it the night before, and it was closed?

4 A The night before, yes.

5 ATTORNEY GIBBES: Beg the Court's indulgence quick.

6 BY ATTORNEY GIBBES:

7 Q I know I asked you about seeing J.T. That was the Saturday
8 before this Wednesday?

9 A Yes.

10 Q And do you know, when J.T. was taking the AC out of the
11 window, did he talk to you about it?

12 A No. No. No. No.

13 Q No, okay. And when J.T. came over, he came in through the
14 front door, right?

15 A Well -- Yeah, when he come to the house, yes, most of the
16 time he come through the front door.

17 Q Because they had been seeing each other for a while,
18 correct?

19 A Yes.

20 Q And so he would come over and she would go over there to his
21 house?

22 A Yes.

23 Q Thank you. I have no further questions.

24

25

REDIRECT EXAMINATION

BY ATTORNEY SWANSON:

Q Did J.T. have a key to the front door or anything?

A To my house?

Q Yes.

A No. No. No.

Q Do you know if Anelia had her keys when you found her dead?

A Ain't never find no keys.

Q Never found her keys?

A Never find no keys.

Q Was anything else missing besides her keys?

A Her phone.

Q Her phone?

A Her phone. Never find it.

Q Keys and phone, but nothing else like a TV or anything?

A No. Nothing else missing.

Q Ms. Gibbes asked you about the fight between Anelia and Chris. Was that fight between Anelia and Chris, or was it between Chris and Sheila?

A Well, that -- Sheila, Anelia, and Chris.

Q Okay. And what happened?

A Well, actually, it wasn't no fighting. It was arguing, and Chris got mad and knocked the glass out of her car.

Q Oh, knocked the glass out of her windows?

A Yes.

1 Q Did he fix it?

2 A Yes.

3 Q And that was on her car?

4 A Right.

5 Q What did she drive?

6 A She drived a little red Honda, I think it was.

7 Q I'm going to show you what's been entered as State's 25 and
8 26, and ask you if this is the Honda.

9 A Yes, ma'am.

10 Q Okay. And those windows are fixed, right?

11 A Yes, ma'am. Yes, ma'am.

12 Q Do you know if Anelia and Chris were still fighting at the
13 time of her death?

14 A Oh, no. No, cause Chris was trying to get ahold of Anelia
15 and tell her they had to meet for court [indiscernible]. You
16 know, he never could get -- [indiscernible] he knocked on her
17 room twice, twice in one day.

18 Q Chris was looking for her for court that day? Is that what
19 you're saying?

20 A Yeah, for the two to go the court.

21 Q Okay.

22 A And she didn't answer either time.

23 Q You told Ms. Gibbes something about J.T. getting a car.

24 A Yes. Anelia helped him get the car. It was a white -- it
25 was a white Buick, I believe it was.

1 Q A Buick?

2 A Yes.

3 Q And Anelia helped him get it?

4 A Yes.

5 Q And you said that was when the relationship was over,
6 because he could go back to Walterboro?

7 A Yes.

8 Q Is that where he's from, Walterboro?

9 A Yes.

10 Q Do you know if Anelia ever gave him money?

11 A I really -- I don't know, ma'am.

12 Q Do you know if that window by the AC unit was locked the
13 morning that she was found dead?

14 A Oh, it couldn't have. It couldn't have been locked. In
15 order for him to get in the house, it couldn't have been locked,
16 because you --

17 ATTORNEY GIBBES: I object, Your Honor, to speculation.

18 BY ATTORNEY SWANSON:

19 Q Okay. You didn't check it, though, that day?

20 A No, ma'am. No, ma'am.

21 Q All right. Thank you. All right. I don't have anything
22 further. Thank you very much.

23 THE COURT: Okay. You can step down. Thank you.

24 ATTORNEY SWANSON: State calls Brian Townsend.

25 THE COURT: How are you all doing? Do you all need a break,

1 or keep going? Keep going? Want a little break? Okay, keep
2 going.

3 BRIAN TOWNSEND,
4 having first been duly sworn, was examined and testified as
5 follows:

6 **DIRECT EXAMINATION**

7 BY ATTORNEY SWANSON:

8 Q Good morning, Mr. Townsend. How are you?

9 A I'm well, thank you.

10 Q Good. Tell us, in December of '18, where were you working
11 and for what company?

12 A I was working for Love's Travel Centers. I was one of the
13 operations managers at the store in Yemassee.

14 Q The Yemassee store. And when did that store open?

15 A We opened in the fall somewhere around October-ish
16 timeframe.

17 Q Of 2018?

18 A Of 2018.

19 Q Okay. And you were one of the managers?

20 A Yes.

21 Q In the fall of 2018, did you have all new hires?

22 A Yes, we did, with the hourlies. The management team was
23 brought in from different locations.

24 Q But the hourly employees were all new hires?

25 A All new local hires. Yes.

1 Q Was Anelia Garvin one of those new hires?

2 A Yes.

3 Q Do you recall if she was working the evening of December 3rd
4 of 2018?

5 A I don't know particular dates. It's been so long ago.

6 Q Did you speak with law enforcement about her last shift?

7 A Yes.

8 Q Okay. And would you disagree with me if I told you that
9 we're talking about the last shift being December 3rd of 2018?

10 A No, I wouldn't disagree with you. I just don't know the
11 exact date, it's been so long ago.

12 Q Right. Does that sound reasonable to you?

13 A Yes.

14 Q Do you remember talking to Anelia during her last shift?

15 A I do.

16 Q What was her demeanor like when you were talking to her?

17 A Throughout her normal shift, or when I was called outside
18 specifically for a particular reason when she was upset?

19 Q Both is fine.

20 A Okay. The shift went normal as far as what I expected.

21 Sometime later in the shift, towards 10:00, 11:00 p.m., one of
22 the other teammates came to me and said that Anelia was outside,
23 upset.

24 ATTORNEY GIBBES: Objection, Your Honor.

25 ATTORNEY SWANSON: Okay.

1 Q Without --

2 THE COURT: You can't say what somebody else said. Okay.

3 BY ATTORNEY SWANSON:

4 Q As a result of another teammate approaching, you what did
5 you do?

6 A I went outside to speak to Anelia to see what she was upset
7 about.

8 Q And without saying what she was upset about, did you give
9 her any advice at that time?

10 A I did.

11 Q Okay. And what advice did you give her?

12 A I gave her advice that if she felt that way, she needed to
13 have a protective order, and that she possibly didn't need to go
14 home if she didn't feel safe doing that.

15 Q And that was based on your conversation with her while she
16 was upset?

17 A With her, yes.

18 Q And did you ever see her again after that conversation?

19 A Just when she clocked out and went home for the night.
20 That's it.

21 Q Right. That's it?

22 A Yes.

23 Q Thank you. That's all I have.

24 A You're welcome.

25 Q Please answer any questions that the defense may have.

1 A Okay.

2 CROSS-EXAMINATION

3 BY ATTORNEY GIBBES:

4 Q Just briefly, Mr. Townsend. Do you have cameras at your
5 store, surveillance?

6 A In the Yemassee store, I believe they have cameras on the
7 diesel islands, and certain key areas in the store. Maybe the
8 diesel desk and the gas desk where the registers are.

9 Q Is there any in the parking lot area?

10 A Just on the diesel pumps. I don't know if they would
11 capture the compacter area or not.

12 Q And you never provided any surveillance videos to law
13 enforcement?

14 A No, ma'am.

15 Q Thank you. I have no further question.

16 ATTORNEY SWANSON: I would just ask that Mr. Townsend be
17 released from his subpoena at this time.

18 THE COURT: Any objection?

19 ATTORNEY GIBBES: No, sir.

20 THE COURT: Thank you, sir.

21 ATTORNEY SWANSON: May we approach?

22 THE COURT: Yeah.

23 (Sidebar discussion off the record.)

24 THE COURT: All right, ladies and gentlemen. We're going to
25 take just a short break, 10 or 15 minutes. Don't discuss the

1 case. We'll be back with you in just a few minutes.

2 (Jury escorted out of the courtroom at 11:50 a.m.)

3 THE COURT: Okay. Anything before we break? One thing I
4 kind of like and require -- hey -- is everybody stays put until
5 the jury's out of the courtroom. Okay. We're good now, but next
6 time just make sure you do that. Okay.

7 (Court recessed at 11:50 a.m. and reconvened at 12:16 p.m.)

8 (Jury seated in the courtroom at 12:17 p.m.)

9 THE COURT: Call your next witness.

10 ATTORNEY SWANSON: Thank you, Your Honor. State calls a
11 Alexis Williams.

12 ALEXIS WILLIAMS,

13 having first been duly sworn, was examined and testified as
14 follows:

15 **DIRECT EXAMINATION**

16 BY ATTORNEY SWANSON:

17 Q Thank you for being here, Alexis. How did you know Anelia
18 Garvin?

19 A Me and her were first cousins.

20 Q And how close were y'all?

21 A We weren't very close. I had moved away when I got out of
22 high school when I was, like, 18, and I moved away with one of my
23 boyfriends, so I was wasn't really, like, family-orientated with
24 my family at that time before I moved back home.

25 Q About how long had you been home prior to Anelia's death?

1 A Probably like a good two or three years.

2 Q All right. And so how often would you see Anelia during
3 those two to three year?

4 A We probably would have went out probably every weekend
5 around that time when I was home.

6 Q And you guys would go out socially?

7 A Yeah, you could say that.

8 Q Did you ever hang out at the Pepper Street trailer?

9 A Uh-huh.

10 Q And I'm going to need you to say yes or no.

11 A Oh. Yes.

12 Q Okay. Thank you for court reporter. Did you know Jarvise
13 Jenkins, or J.T?

14 A Not really that good. I wasn't around him or anything.

15 Q Do you know who he is?

16 A Yeah, I do.

17 Q And do you recognize him?

18 A Yes.

19 Q Where is he?

20 A Right here.

21 Q Okay. How long had you been familiar with him?

22 A Not very long. Like I say, I wasn't really around him like
23 that. Like occasionally when we go out to clubs and stuff like
24 that, I would see him but not as far as like hang out with him.

25 Q You didn't hang out with him?

1 A No.

2 Q Do you know what his relationship with Anelia was?

3 A Around the time, I knew they were dating.

4 Q Did you personally know anything about their relationship?

5 A I know they used to fight a lot, however the case may be,
6 but I really didn't get more into it. I didn't really ask
7 questions, but I heard things.

8 Q Did you see them fight?

9 A My very first time meeting him, they were having a little
10 altercation outside.

11 Q Do you know if they were together at the time of her death?

12 A From my understanding -- I can't really say. I think they
13 was.

14 Q Did they have an off-and-on relationship?

15 A Uh-huh. Yes.

16 Q Do you remember when you last saw Anelia?

17 A I can't remember the date, when the last time I saw her.

18 Q Did you make plans with her?

19 A No. She wasn't supposed to be with me that night.

20 Q I'm sorry?

21 A She wasn't supposed to be with me that night that me and her
22 was last seen together.

23 Q Where was she supposed to have been?

24 A Home, I guess.

25 Q She wasn't supposed to be with you?

1 A No.

2 Q But --

3 A She called me.

4 Q Okay.

5 A Called my friend. Another friend was supposed to be with
6 me, and she called me, and I was trying to figure out how she
7 knew I was out.

8 Q Do you know if Anelia worked that night?

9 A Yes, she did.

10 Q And so if she worked December 3rd, do you remember about how
11 late she worked?

12 A I think she worked till midnight.

13 Q And so you met up with her where?

14 A At her house on Pepper Street.

15 Q Okay. Was that after midnight?

16 A I can't say. Around that time.

17 Q So we're talking about December 4th now?

18 A Right.

19 Q Early a.m. hours of December 4th?

20 A Uh-huh.

21 Q And how long were you all at the Pepper Street address at
22 that time?

23 A Probably a good 18, 20, 25 minutes. Not long.

24 Q What were y'all doing?

25 A I was waiting for her to get dressed. She just got out of

1 the shower.

2 Q Do you remember if her phone was going off?

3 A It was.

4 Q A lot?

5 A Uhm, you could say that. Not too much.

6 Q Was she answering it?

7 A No.

8 Q Okay. Where did y'all go when you left the Pepper Street
9 residence?

10 A We went to the gas station, Shell station.

11 Q Where's that Shell station located?

12 A I think that's on Elm Street or something. I can't really
13 recall.

14 Q In Walterboro?

15 A No. It's out here in Hampton.

16 Q Okay, in Hampton?

17 A Yes.

18 Q What were you doing at the Shell station in Hampton?

19 A I ran in and got some chips, and stuff like that.

20 Q All right. Did you see anyone on the way to the Shell
21 station in Hampton?

22 A No, I didn't see anyone coming in.

23 Q Did you ever see J.T. that night?

24 A When we was leaving on the backside, she told me that was
25 his car coming in.

1 Q Without saying what she told you, did you see J.T. in his
2 car?

3 A Right. I did.

4 Q Okay. And where did you see J.T. in his car?

5 A When we was leaving out of the Shell station, he was, like,
6 coming in.

7 Q Okay. Where were y'all heading from the Shell station?

8 A To Mariah's house. She stays, like, right behind the gas
9 station.

10 Q Where's Maria's house located? She stays near the Shell
11 station?

12 A Yeah, behind it, is like the trailer behind it.

13 Q And then from Mariah's house, where were you all heading?

14 A We left and we went, like -- it's a little area called the
15 "The Bottom." We went back there.

16 Q Were you ever heading towards Walterboro?

17 A Yes. That's where we, like -- that's the same way.

18 Q Did you see J.T. again after the Shell station?

19 A Yes. When we had stopped in "The Bottom," I saw him go by.

20 Q What did you do when you saw him again?

21 A I told Anelia to, you know, call somebody, like, because
22 this was getting out of range. Like, he would keep following us.
23 So she called out --

24 ATTORNEY GIBBES: Your Honor, I would --

25 THE COURT: Whoa. Whoa. Whoa.

1 ATTORNEY GIBBES: I apologize. I was just renewing my prior
2 objection.

3 THE COURT: Okay. Same ruling. Go ahead.

4 BY ATTORNEY SWANSON:

5 Q So you told Anelia to call someone because this was getting
6 --

7 A Yeah. He was following too much, and I was getting nervous.

8 Q Was she getting upset?

9 A Uhm, somewhat.

10 Q Who did you tell her to call?

11 A She called our Uncle Chris.

12 THE COURT REPORTER: Who?

13 THE WITNESS: Uncle Chris.

14 BY ATTORNEY SWANSON:

15 Q Uncle Chris?

16 A Uh-huh.

17 Q Had you ever been with Anelia when J.T. followed her before?

18 A Yeah. Like I said, the very first time I met him.

19 Q And you said that was after they were arguing?

20 A Uh-huh.

21 Q All right. So the last time you saw Anelia, where was she?
22 What were you all doing?

23 A We was leaving from Waltherboro that particular morning. It
24 was like 3:00, 4:00 in the morning. And after that, when we got
25 back to Hampton, I dropped her off at home. I waited in my car

1 until she got inside, and when she got inside, I left.

2 Q Did she let herself inside, or did someone let her in?

3 A No, someone let her inside.

4 Q Do you know who let her inside?

5 A My aunt. My Aunt Sheila.

6 Q Aunt Sheila. And was that in the front door?

7 A Yes.

8 Q And that was sometime after 4:00?

9 A Yeah, you can say that, about.

10 Q Did you talk to Anelia the next day?

11 A I didn't.

12 Q All right. Did anyone call you about Anelia the next day?

13 A Yes. My Uncle Chris called me and he was like, y'all back?

14 ATTORNEY GIBBES: Objection.

15 THE COURT: Whoa. Whoa.

16 BY ATTORNEY SWANSON:

17 Q Without saying what he said. Uncle Chris called you?

18 A Yes.

19 Q What did you do after Uncle Chris called you?

20 A I went back to sleep.

21 Q All right. Did you ever look on her Facebook?

22 A Yeah, just to see if she was online.

23 Q Was she?

24 A No.

25 Q Was that unusual for her?

1 A You can say that, yeah, because she loved Facebook.

2 Q And then how did you learn of Anelia's death? Who called
3 you?

4 A My Uncle Chris called me again.

5 Q Did you go over to ■ Pepper Street?

6 A Yes.

7 Q Was J.T. over there?

8 A When I got the call?

9 Q Was J.T. at Pepper Street?

10 A No.

11 Q He didn't show up there?

12 A No.

13 Q Were a bunch of friends and family there?

14 A Yes.

15 Q Thank you. That's all I have. Please answer any questions
16 that Ms. Gibbes may have for you.

17 ATTORNEY GIBBES: Thank you. Just briefly.

18 CROSS-EXAMINATION

19 BY ATTORNEY GIBBES:

20 Q Alexis, when you were at the Pepper Street house, do you
21 recall telling police that the air conditioner was in the window
22 that night?

23 A I told them I couldn't recall.

24 Q Okay. So it would surprise you if I told you, that in your
25 interview, you said that it was in the window, and now you're

1 saying you don't recall?

2 A I don't recall I told them that.

3 Q And what did y'all -- obviously you didn't call the police
4 about J.T. or anything like that?

5 A No.

6 Q And in Walterboro, what did y'all do? You all went and hung
7 out with Mariah?

8 A Yeah. We didn't hang out with her. I went and hang out
9 with one of my friends.

10 Q All right, gotcha. Actually, I don't have any further
11 questions. Thank you.

12 THE COURT: Anything else?

13 ATTORNEY SWANSON: Nothing further for this witness. I'd
14 just ask that she be allowed to be released from her subpoena and
15 sit with her family, should she wish to.

16 THE COURT: Any objection?

17 ATTORNEY GIBBES: No objection.

18 THE COURT: Okay. Thank you. You may step down.

19 ATTORNEY SWANSON: State calls Mariah Boles.

20 MARIAH BOLES,

21 having first been duly sworn, was examined and testified as
22 follows:

23 **DIRECT EXAMINATION**

24 BY ATTORNEY SWANSON:

25 Q Mariah, can you spell your name for the court reporter,

1 please, ma'am.

2 A M-a-r-i-a-h. My last name's Boles, B-o-l-e-s.

3 Q You're going to need to speak up for me, please.

4 A Okay.

5 Q I know you're soft-spoken. How long did you know Anelia
6 Garvin?

7 A Probably for -- for a while, but as in friends, probably
8 like five, six years, maybe.

9 Q Okay. Were y'all close?

10 A We started to get close towards the end of -- Before she
11 passed away, we started to get close.

12 Q And just, again, you might want to pull --

13 A You want me to pull closer?

14 Q Yeah. Scoot a little closer to the microphone. Are you
15 familiar with Jarvis Jenkins, or J.T?

16 A Yes.

17 Q Can you point him out for me, please? Do you see him in the
18 courtroom?

19 A He's there.

20 Q Do you know what the relationship was, or like, between
21 Anelia and J.T?

22 A I was familiar with certain situations, as only that
23 occurred while I was there and from just what I heard about.

24 Q Sure. What you personally observed in their relationship,
25 what was that? What kind of relationship did they have?

1 A For a while I just thought that they had issues as far as
2 like infidelity and stuff, but I didn't start hearing about --

3 ATTORNEY GIBBES: Objection, Your Honor.

4 BY ATTORNEY SWANSON:

5 Q Yes. Not what you heard --

6 A Right.

7 Q -- but anything that you actually witnessed.

8 A Right.

9 Q Okay.

10 A Just them arguing probably once or twice, maybe.

11 Q Okay. So you saw them argue?

12 A Yes.

13 Q All right. Did you ever see him be violent with her?

14 A Probably only when we were in the club. If something got
15 out of the hand between the two, then he would grab her up, but

16 --

17 ATTORNEY GIBBES: Your Honor, I apologize. I'd renew my
18 objection from pretrial.

19 THE COURT: Same ruling.

20 ATTORNEY GIBBES: Thank you.

21 BY ATTORNEY SWANSON:

22 Q And how long have you known J.T., Mariah?

23 A Probably for the same amount of time that I knew Anelia.

24 I'd actually say I don't even think that they were together when
25 I first met her. I didn't meet him until later on.

1 Q All right. Do you know where J.T. lived?

2 A I know the name of the road.

3 Q What's that?

4 A Featherbed.

5 Q Featherbed Road?

6 A Yes.

7 Q Do you know whether Anelia and J.T. were together in late
8 November - early December of 2018?

9 A I have no recollection of that.

10 Q And did you ever talk to Anelia about her relationship with
11 him?

12 A We've had quite a few conversations about their
13 relationship, but mainly just about their problems.

14 Q Okay. And without saying what she told you about their
15 relationship, did you ever give her any advice?

16 A Yes.

17 Q What was your advice to Anelia?

18 A If it doesn't make her happy, to just leave it alone, pretty
19 much. That's how it summed up.

20 Q Let me ask you this. At some point were you ever intimate
21 with J.T?

22 A Yes.

23 Q All right. And when was that in reference to their
24 relationship and her death?

25 A That was probably, maybe, some months before, like eight,

1 nine months before.

2 Q Okay.

3 A Probably even a year. It had been a while.

4 Q And do you regret that?

5 A I do. It was in the middle of a breakup between them. I
6 had intentions on telling her. I just didn't get a chance to
7 yet.

8 Q And you said it was during a breakup?

9 A Yeah. They were broken up.

10 Q Did they have an off-and-on-again relationship?

11 A Yes, they do. They did, yes.

12 Q All right. Let's turn to the last time you saw Anelia.

13 What plans did you have with her and her cousin that night?

14 A I received a phone call that one didn't want to go along
15 with the other, so I was asked to, you know, join. We were
16 supposed to have a small smoke session with a few friends, not
17 friends of mine, personally, but theirs. And that was really it.

18 Q Okay. And did they pick you up?

19 A They did.

20 Q Did you see J.T. that night?

21 A No.

22 Q Did you see his car that night?

23 A No.

24 Q Do you remember if Anelia was getting any calls or texts?

25 A Her phone was going off. The first couple of times, she did

1 say that it was --

2 Q And not what she -- I'm sorry. Not what she said.

3 A Oh, okay.

4 Q But her phone was going off?

5 A Yes.

6 Q Did she answer it?

7 A No.

8 Q And then how late did y'all stay out?

9 A Probably -- I got dropped off probably a little around 2:00
10 or 3:00, maybe.

11 Q Okay.

12 A A.m.

13 Q All right, 2:00 or 3:00 a.m. And how did you find out about
14 Anelia's death?

15 A Another friend of mine woke me up with ...

16 Q The news?

17 A Yes.

18 Q Where did you go once you found out?

19 A Her and I both gathered into the car and went straight to
20 her house from Waltherboro.

21 Q Who was that friend?

22 A Nicole Dittman.

23 Q Did you see J.T. at her house?

24 A I did not.

25 Q You said you had been friends with Anelia for a while. Do

1 you know if she was one to take baths?

2 A I don't think so. I wasn't really in her personal hygiene
3 life.

4 Q I understand.

5 A I don't know. Yeah.

6 Q All right. Thank you very much.

7 A You're welcome.

8 Q Please answer any questions that the defense may have for
9 you.

10 ATTORNEY GIBBES: Thank you. May it please the Court.

11 CROSS-EXAMINATION

12 BY ATTORNEY GIBBES:

13 Q Just very briefly, Ms. Boles.

14 A Uh-huh.

15 Q So that night y'all went to Walterboro to have a smoke
16 session?

17 A Yes. I was already in Walterboro.

18 Q You were already in Walterboro?

19 A Yeah.

20 Q And I promise, no judgment from me --

21 A That's fine.

22 Q -- but you mentioned that y'all smoked weed sometimes?

23 A Sometimes, yes.

24 Q And sometimes would Anelia take Ecstasy pills while you all
25 were going out?

1 A We all did. We all did.

2 Q Okay. All right. Thank you. I have no further questions.

3 A You're very welcome.

4 THE COURT: Anything else? Anything else?

5 ATTORNEY SWANSON: No, Your Honor.

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

7 ATTORNEY SWANSON: Thank you. I would ask that she be
8 released from her subpoena.

9 ATTORNEY GIBBES: No objection.

10 THE COURT: Yes.

11 ATTORNEY SWANSON: State calls Sheila Williams.

12 SHEILA WILLIAMS,

13 having first been duly sworn, was examined and testified as
14 follows:

15 DIRECT EXAMINATION

16 BY ATTORNEY SWANSON:

17 Q Good afternoon, Ms. Williams. Tell us who Anelia was to
18 you.

19 A She was my niece.

20 Q Niece. So you're her Aunt Sheila?

21 A Yes, ma'am.

22 Q And where did you reside?

23 A At that time?

24 Q Yes.

25 A ■ Pepper Street.

1 Q And where would you typically sleep at ■ Pepper Street?

2 A On the chair; sofa.

3 Q In the living room?

4 A In the living room. Yes, ma'am.

5 Q And that was in December of 2018?

6 A Yes.

7 Q And where did Anelia sleep?

8 A The back bedroom.

9 Q When you say the back bedroom, you mean the bedroom to the
10 left of the front door, looking at the trailer?

11 A When you come in the door, it's on the left.

12 Q Okay.

13 A Uh-huh.

14 Q Would you have to go through the kitchen to get to it?

15 A Yes, ma'am. Yes, ma'am.

16 Q Were all the other bedrooms on the other side of the house?

17 A Two bedrooms.

18 Q Were they on the opposite side of the house?

19 A Yes, ma'am. Yes, ma'am.

20 Q Let me ask you this. Would Anelia work nights? Yes or no.

21 A Oh, yes. Yes.

22 Q And would she go out and stay out late sometimes?

23 A Yes, ma'am.

24 Q Okay. And would her nighttime comings and goings wake you
25 up typically?

1 A No, because when she's working, most of the time she have a
2 key, she would go ahead and let herself in.

3 Q And she would let herself in the front door?

4 A Yes, ma'am.

5 Q All right. On the night of December 4th, do you remember
6 waking up to let her in?

7 A Yes, ma'am.

8 Q Okay. Why did you have to let her in?

9 A Because she knocked on the door.

10 Q Okay. Do you recall, or do you know, if she had keys?

11 A No, ma'am. She knocked on the door, so obviously she didn't
12 have keys.

13 Q That's not something she would normally do?

14 A No, ma'am.

15 Q Would Anelia keep her room locked?

16 A All the time. Yes, ma'am.

17 Q When she was there, or when she wasn't there, or both?

18 A Both.

19 Q So after you let Anelia in, do you recall about what time
20 that was?

21 A It was roundabout 3:00 or 4:00.

22 Q Early morning hours?

23 A Early morning. Yes, ma'am. Uh-huh.

24 Q What did you do after you let her in?

25 A She said, Hey, Auntie Sheila. I said, Hey, baby, and I

1 throw my hand up in the air. And she came in. I locked the door
2 and went back to sleep. Looking at -- after I shut the clock
3 off, Perry Mason was [inaudible]. Went back on the chair, and
4 went to sleep.

5 Q The next day do you recall seeing Anelia?

6 A No, ma'am.

7 Q You didn't see her at all the next day?

8 A Uh-uh.

9 Q You didn't hear from her?

10 A Uh-huh.

11 Q Her door didn't open?

12 A Uh-huh.

13 Q Now, about 24 hours after you let her in that front door, do
14 you remember being awakened by your father?

15 A It wasn't that morning. The next -- I guess it was the next
16 morning.

17 Q Right, early in the morning.

18 A Uh-huh. And he said, Sheila, he said, you sleeping? You
19 sleeping? And he said --

20 ATTORNEY GIBBES: Objection, Your Honor. Hearsay.

21 BY ATTORNEY SWANSON:

22 Q Did he wake you up? Without saying what he said, did he
23 wake you up?

24 A Yes, ma'am. Yes, ma'am.

25 Q What was going on when he woke you up?

1 A I was sleeping.

2 Q Did you smell anything when you woke up?

3 A No. Yeah. When he woke me up -- when he woke me up, yeah.
4 Smelled like a fabric or something. A really funny smell.

5 Q Did you go to Anelia's room once he woke you up?

6 A Yes, ma'am.

7 Q What did you see?

8 A I saw my niece in the tub.

9 Q Do you know if Anelia was one to take baths?

10 A No, ma'am. She was strictly a shower person.

11 Q Okay. What was typically in the bathtub?

12 A She mostly had clothes in there. You know. Just clothes.

13 Q So it was used more for storage?

14 A Yes. Yes, ma'am. Yes, ma'am.

15 Q Do you recall anything about the back door that morning that
16 y'all woke up to the smoke in the house and you found --

17 A I remember my daddy, he said, Sheila --

18 ATTORNEY GIBBES: Object. Hearsay.

19 BY ATTORNEY SWANSON:

20 Q Remember, you can't say what your dad said --

21 A Yes, ma'am.

22 Q -- but just what you personally observed. Okay.

23 A Yes, ma'am.

24 Q So do you remember seeing anything or noticing anything
25 about the back door that morning?

1 A It was open. It was not locked.

2 Q Open?

3 A Just like ajar.

4 Q So it was like cracked?

5 A Uh-huh. Uh-huh.

6 Q How would you typically close that back door?

7 A You had to slam it.

8 Q Slam it?

9 A You had to slam it to close. To make sure it locked, you
10 had to slam it.

11 Q And when you locked it, would you lock all three locks?

12 A You had to lock the, I guess what you call, the overnight
13 knock, and then the knob lock.

14 Q And is that how you would typically lock it at night?

15 A Yes, ma'am. Yes, ma'am.

16 Q How often did y'all use that back door?

17 A Not often. Not often. Unless you're going to throw out
18 food to the cats or [indiscernible], or hang clothes on the line.
19 Other than that, not often.

20 Q And were y'all hanging clothes from the line in those couple
21 days that you recall?

22 A No, ma'am. No, ma'am.

23 Q It was pretty cold outside?

24 A Right. Right.

25 Q Now, the front door leads into the living room where you

1 slept, right?

2 A Yes, ma'am.

3 Q Do you recall if the front door was locked?

4 A Yes, ma'am, it was locked.

5 Q Thank you. I have no further questions. Please answer any
6 that the defense may have for you.

7 A Yes, ma'am.

8 ATTORNEY GIBBES: Thank you.

9 **CROSS-EXAMINATION**

10 BY ATTORNEY GIBBES:

11 Q Just very briefly, Ms. Sheila. So you testified you let
12 Anelia in very early morning that day?

13 A Yes, ma'am.

14 Q And the you went back to sleep, right?

15 A Uh-huh.

16 Q And you didn't hear anything and you didn't see anything?

17 A No, ma'am.

18 Q All right. I have no further question.

19 A Okay.

20 THE COURT: Anything else?

21 ATTORNEY SWANSON: Nothing further.

22 THE COURT: Thank you, ma'am. You may step down. Do you
23 want to release her from subpoena?

24 ATTORNEY SWANSON: Yes, please.

25 \ ATTORNEY GIBBES: No objection.

1 ATTORNEY SWANSON: State calls Kimberly Williams.

2 KIMBERLY WILLIAMS,

3 having first been duly sworn, was examined and testified as
4 follows:

5 DIRECT EXAMINATION

6 BY ATTORNEY SWANSON:

7 Q Kimberly, how are you related to Anelia Garvin?

8 A She's my cousin.

9 Q How close were y'all?

10 A We talked every day. We were like best friends.

11 Q Do you know Jarvise Jenkins?

12 A Yes.

13 Q Do you know him as J.T?

14 A Yes, ma'am.

15 Q Can you identify him?

16 A Yes, ma'am.

17 Q Is he seated in this courtroom?

18 A Yes, ma'am.

19 Q All right. Is he seated next to the woman in a blue blazer?

20 A Yes, ma'am.

21 Q All right. How long had you known J.T?

22 A Maybe not even quite a year.

23 Q If you can get a little closer to the microphone.

24 A Yes, ma'am.

25 Q How did you meet him? Did you meet him through Anelia?

1 A Yes.

2 Q And is that about when they started dating?

3 A Yes.

4 Q How often were you around the both of them?

5 A Quite often.

6 Q What was their relationship like?

7 A Toxic, domestic.

8 Q Did you ever witness him being controlling?

9 A Yes.

10 Q How so?

11 A He would take her phone. He would follow her.

12 Q Okay. Did he call and text her a lot?

13 A Yes.

14 Q Always checking up on her?

15 A Yes.

16 Q Did you see any jealousy in their relationship?

17 A Yes.

18 Q Do you know if she gave him money?

19 A She did.

20 Q All right. Did she have a steady job?

21 A Yes, ma'am.

22 Q Do you know if J.T. had a steady job?

23 A At the beginning of the relationship, but then he didn't
24 have it any longer.

25 Q All right. Do you recall if their relationship was

1 different in the beginning than in the end?

2 A Yes, ma'am.

3 Q How so?

4 A It became toxic, it became violent, and they were fighting
5 all the time, arguing.

6 Q Was it better in the beginning?

7 A Yes.

8 Q Did you ever see him get physical with her?

9 A Yes.

10 ATTORNEY GIBBES: Your Honor, I would just renew my prior
11 objections.

12 THE COURT: Same ruling.

13 BY ATTORNEY SWANSON:

14 Q Describe what you saw when he got physical with her?

15 A He would choke her.

16 Q He would choke her?

17 A Yes.

18 Q And you witnessed that?

19 A Yes, ma'am.

20 Q Where was that?

21 A We were in my car in his yard.

22 Q Did you ever see bruises on her?

23 A Yes.

24 Q Where did you see bruises?

25 A Her face, her neck, her arms.

1 Q Had J.T. ever followed Anelia when you were with her?

2 A Yes.

3 Q In the car?

4 A Yes, ma'am.

5 Q How many times?

6 A Countless.

7 Q Countless?

8 A Yes.

9 Q So multiple times?

10 A Uh-huh.

11 Q Is that when they were fighting, or?

12 A Yes, fighting and arguing.

13 Q Now, without telling us what Anelia told you, would you talk
14 to Anelia about her relationship with J.T?

15 A Yes.

16 Q On a regular basis?

17 A Yes.

18 Q Would you give her advice about her relationship with J.T?

19 A Yes.

20 Q What would you tell her?

21 A That she needed to leave him alone because it wasn't going
22 to get any better.

23 Q Let's talk about the last time you spoke to Anelia. And
24 again, we can't get into what she said to you.

25 A Uh-huh.

1 Q But, who called who?

2 A She called me.

3 Q All right. And what time was it? Do you remember?

4 A About 5:30, 6:00, maybe. It was really early in the
5 morning.

6 Q Really early in the morning. And was this -- let's see. Do
7 you -- I don't know if you recall what date this would have been.

8 A It was a Sunday, is all I can remember.

9 Q Okay. And Sunday would have been December 2nd of 2018?

10 A Yes.

11 Q Okay. So on the early morning of December 2nd she called
12 you?

13 A Yes.

14 Q Did y'all talk about Jarvise?

15 A Yes, ma'am.

16 Q And did she put on you speakerphone at some point?

17 A Yes.

18 ATTORNEY GIBBES: I apologize, Your Honor. I object. Just
19 renewing my prior objection.

20 THE COURT: Same ruling.

21 BY ATTORNEY SWANSON:

22 Q And do you recall who you heard on speakerphone?

23 A Yes, ma'am.

24 Q Who did you hear?

25 A Jarvise.

1 Q Do you recall what he said?

2 A Yes, ma'am.

3 Q Do you recall verbatim, or do you need to refresh your
4 recollection?

5 A I need to refresh.

6 Q Okay. I'm going hand you your written statement from
7 December 5th of 2018. If you want to just review that briefly,
8 and tell us what you wrote down that you heard when you were
9 talking to police.

10 A She told me to -- she said, Be quiet. I'm going to put you
11 on speaker.

12 Q Not what she told you, but just what you heard on the
13 speakerphone, what you heard Jarvise say on the speakerphone.

14 A He told her that he was going to kill her, she wasn't going
15 anywhere, and she was his bitch.

16 Q If you look at that statement, I think you have it in
17 quotes. I just want you to tell the jury what you recalled on
18 December 5th of 2018 hearing Jarvise say to her over
19 speakerphone?

20 A Yes. I'll kill you, bitch. You're not leaving. Here is
21 the death do us part, you might get :12.

22 Q Okay. Thank you. Did you spend time in Anelia's room at [REDACTED]
23 Pepper Street?

24 A Yes.

25 Q And were you familiar with how it was laid out?

1 A Yes, ma'am.

2 Q Had you been in her closet?

3 A Yes.

4 Q The one right next to the bathroom?

5 A Yes.

6 Q Do you recall ever seeing a chair in that closet?

7 A No, ma'am.

8 Q When was the last time you had been over there before her
9 death?

10 A Probably that Friday.

11 Q And I'm going to show you what's been marked as State's 15.

12 And you don't recall seeing this chair --

13 A No, ma'am.

14 Q -- in the closet? Do you know -- do you remember where this
15 chair would normally be?

16 A It would be where the TV was or by the side of the bed.

17 Q So where the TV was or beside the bed?

18 A Yes.

19 Q Where would this chair normally be?

20 A It would be right there.

21 Q Oh, okay.

22 A Uh-huh, yes. That was holding the TV.

23 Q Did you ever have the chance to speak with your cousin again
24 after the threats that you heard over speakerphone?

25 A No.

1 Q Did you go over to the Pepper Street house when you learned
2 of her death?

3 A Yes.

4 Q Did you ever see J.T. there?

5 A No.

6 Q Thank you. That's everything I have for you.

7 A Okay.

8 Q Please answer any questions.

9 THE COURT: Cross.

10 ATTORNEY GIBBES: Thank you. May it please the Court.

11 CROSS-EXAMINATION

12 BY ATTORNEY GIBBES:

13 Q Just very briefly, Ms. Williams. You had never called
14 police or advised Anelia to call police --

15 A Yes.

16 Q -- during the incidents that you witnessed?

17 A Yes.

18 Q Did you ever call police?

19 A No.

20 Q And when you spoke -- you remember speaking to Agent
21 McCallister with law enforcement?

22 A Yes.

23 Q And do you remember talking about that Anelia Garvin was
24 also dating somebody named Blackwell from Walterboro?

25 A She was dating him prior to her and Jarvise's relationship.

1 Q All right. But that recent -- yes, there was a prior
2 relation, but recently they hadn't been messing around. Do you
3 remember saying that?

4 A Yeah.

5 Q And do you remember -- I know you were talking about the
6 layout of the room, of Anelia's bedroom. Do you remember the
7 last time you were there, the AC unit was in her window?

8 A Yes.

9 Q And it was always in there?

10 A Uh-huh.

11 Q Thank you.

12 ATTORNEY GIBBES: I have no further questions for the
13 witness.

14 THE COURT: Anything else?

15 ATTORNEY SWANSON: Nothing further.

16 THE COURT: All right. Thank you, ma'am. You may step
17 down. All right. Ladies and gentlemen, we're going to break for
18 lunch. Ask you all to be back at 2:00.

19 Remember what I told you in my opening statements to you,
20 that, not to discuss it, not to go visit any location you heard
21 about, don't get on the internet, or do any research or anything.
22 It's human nature to want to do it. We all know it. You know
23 it. But you swore an oath not to do it, so please stand by your
24 oath. We'll see you at 2:00.

25 Everyone else, please remain seated.

1 (Jury escorted out of the courtroom at 12:58 p.m.)

2 (Court recessed at 12:58 p.m. and reconvened at 2:17 p.m.,
3 with the defendant present.)

4 MATTER(S) OF LAW

5 ATTORNEY SWANSON: Your Honor, before we call this next
6 witness, I did want to -- I just brought this to the attention of
7 Ms. Gibbes. I believe she was under the impression that these
8 were Facebook messages, but there is a text message that I would
9 seek to get into through the next witness that she received from
10 the defendant, screenshotted, and gave to the agent when she was
11 talking to her.

12 So I guess we need to take up Ms. Gibbes' objection.

13 ATTORNEY GIBBES: Yes.

14 ATTORNEY SWANSON: And I can pass it up for Your Honor.

15 THE COURT: Who is the next witness?

16 ATTORNEY SWANSON: It is Erica Davenport, a friend of the
17 victim's. She had helped Anelia cover up a black eye. He
18 messaged her about Anelia under the name Ricco [ph], and that's
19 how she knew him. And he referenced wanting to choke her till
20 her head fell off.

21 THE COURT: Okay. I'm looking at it.

22 ATTORNEY GIBBES: Thank you, Judge. And I apologize. I
23 would object to this, this message coming in. It's my
24 understanding that this is from March 19th of 2018, about seven
25 or eight months before the incident. There is no names on this

1 where it says that it's specifically talking about anything
2 specific. It's from somebody named Ricco. I think there's, one,
3 an authentication issue; two, I would also argue that it's
4 extremely prejudicial because --

5 THE COURT: Yeah, it is very prejudicial.

6 ATTORNEY GIBBES: It is. And I think the probative value, I
7 think, outweighs how prejudicial it is, because, one, it doesn't
8 specifically say who they're talking about. The time is so
9 remote from this incident. There's no context.

10 THE COURT: I presume that the witness is going to testify
11 to put it into context. Is that right?

12 ATTORNEY SWANSON: That's correct. And then she can
13 identify who Ricco is. It's also -- I mean, there is a picture,
14 as well, which is the way he appeared back in December of 2018.

15 ATTORNEY GIBBES: Again, I think it's more propensity
16 evidence trying to get into, and I think it's -- I don't think
17 it's relevant, and I think it's out of context and out of time,
18 and it's extremely prejudicial. And I think, you know, I want to
19 choke until her head falls off, I mean, that's something that
20 could happen. You know, it's just the statement that's out of
21 context, and it's prejudicial, and it's something that shows the
22 jury just to prejudice their mind from the message that is out of
23 context and months prior to the incident, with no name, from
24 somebody named Ricco. And there's no way to authenticate this.
25 This seems like it's from Facebook. I don't know. And that's I

1 thought this was a Facebook message.

2 THE COURT: I don't know. I'm not on Facebook, so I don't
3 have a clue. It looks like it's got a phone up in the left
4 corner.

5 ATTORNEY SWANSON: Right.

6 ATTORNEY GIBBES: It's basically a picture.

7 ATTORNEY SWANSON: And bubbles like you get text messages.
8 And she screenshotted this text message from before she blocked
9 him, and provided it to the SLED agent.

10 THE COURT: When was it provided to the SLED agent?

11 ATTORNEY SWANSON: Upon her interview, which was in July of
12 2019.

13 THE COURT: Wow. A year and a half later.

14 ATTORNEY SWANSON: Actually, it was about seven months
15 later.

16 THE COURT: I thought you said July of 2019.

17 ATTORNEY SWANSON: Correct. She died in December of 2018.

18 THE COURT: I mean, this text message is from March of 2018?

19 ATTORNEY SWANSON: I don't see where, on that, it's notated.

20 THE COURT: It's right in the middle.

21 ATTORNEY SWANSON: Okay. I'm sorry. Well, she died --

22 THE COURT: Yeah.

23 ATTORNEY SWANSON: -- about --

24 THE COURT: Eight months later.

25 ATTORNEY SWANSON: Eight months later. But this references,

1 she's just done too much, she's full of drama, I just want to
2 choke her till her head falls off. I mean, it's just more
3 evidence of the toxicity of their relationship. I mean, they
4 were dating at the time, and he became more and more abusive as
5 time went on.

6 ATTORNEY GIBBES: Judge, I know I said propensity, but this
7 is obviously just trying to show his propensity to choke.
8 Obviously it's what we talked about yesterday. You know, they're
9 bringing in a witness who's going to testify about a different
10 incident involving choking, and I just -- I think this is out of
11 context. I believe it's from -- I mean, to me it looks like it's
12 through Facebook when it's saying active 10 minutes ago. The
13 State has her Facebook records. I'm just worried that this is
14 out of context, not relevant, shows propensity, and obviously if
15 you weigh the probative versus prejudicial, it's unduly
16 prejudicial. There's no -- and I think there is an
17 authentication issue.

18 THE COURT: Well, I think we're just going to have to see
19 how the testimony goes. I just need to think about it a little
20 bit. It's close. How many witnesses -- I understand you have
21 five more today?

22 ATTORNEY SWANSON: Correct, Your Honor.

23 THE COURT: And five in the morning?

24 ATTORNEY SWANSON: Correct.

25 THE COURT: Okay. Do you know how long the witnesses are

1 going to be?

2 ATTORNEY SWANSON: I mean, it depends on the cross, but I
3 don't anticipate that they'll be extremely long. I would think
4 that we would rest before lunch tomorrow.

5 THE COURT: Okay. Well, let's -- before you introduce it,
6 we'll just see where we go. I'm just not sure how it's going to
7 be as far as testimony goes.

8 ATTORNEY SWANSON: Yes. And if I may just grab that back
9 from you.

10 THE COURT: Yes.

11 ATTORNEY SWANSON: We do not have this witness's Facebook
12 records. And while we did get Jarvise's Facebook records, he
13 certainly had time to manipulate them prior to us being able to
14 get them, so that wouldn't necessarily help.

15 ATTORNEY GIBBES: Judge, I doubt that he would manipulate
16 this Facebook message to say, I want to choke her.

17 THE COURT: You mean somebody can tell whether that's a
18 Facebook or a phone? It's got a phone up on the left.

19 ATTORNEY SWANSON: Right.

20 THE COURT: She's going to testify about it?

21 ATTORNEY SWANSON: Correct.

22 ATTORNEY GIBBES: I think it, where it says active 10
23 minutes ago, that's kind of a Facebook messenger kind of thing.

24 THE COURT: Where was that?

25 ATTORNEY GIBBES: It's on the top. I've got two copies of

1 it, and it's on the top. It says Erica Davenport, active 10
2 minutes.

3 THE COURT: Well, we'll just have to see what she says. I'm
4 not tech savvy about that stuff. Okay. Are you ready?

5 (Jury seated in the courtroom at 2:27 p.m.)

6 THE COURT: All right. Ladies and gentlemen, welcome back.
7 Call your next witness.

8 ATTORNEY SWANSON: Thank you, Your Honor. State calls Erica
9 Davenport.

10 ERICA DAVENPORT,
11 having first been duly sworn, was examined and testified as
12 follows:

13 **DIRECT EXAMINATION**

14 BY ATTORNEY SWANSON:

15 Q Thank you. Erica, thank you for being here.

16 A You're welcome.

17 Q How long did you know Anelia?

18 A All my life, basically. We grew up as friends, hung out
19 with each other a lot --

20 Q Grew up together? If you can scoot a little closer to the
21 microphone. How often did you hang out with her?

22 A Every so often. It wouldn't be a day that -- if she'd have
23 to go to work, then we wouldn't hang out or whatever. But, like,
24 she had to work, we wouldn't hang out until after she, A, got off
25 of work, or, B, if she was off of work.

1 Q Did you know J.T., Jarvise Jenkins?

2 A I knew him, but I didn't know him as well as I knew Anelia.

3 Q But you were familiar with him?

4 A Uh-huh.

5 Q And do you see him in the courtroom today?

6 A I see it.

7 Q Where is he sitting?

8 A To the right of me.

9 Q Okay. At the defense table?

10 A Uh-huh.

11 Q Okay. How did you first meet J.T?

12 A Me and Anelia had went to go get some seafood one day, to be
13 exact, and that's how I first met him. And then we went to a
14 club called Hang Ten in Walterboro one time, and that's how I met
15 him. But he wasn't, you know -- he wasn't that bad of a guy when
16 I first met him.

17 Q Did he change?

18 A (Shakes head.)

19 Q No? He wasn't bad when you first met him?

20 A No, he wasn't bad when I first met him, but, you know, as
21 the time goes on or whatever, then he showed his true colors.

22 Q So he was different as time went on?

23 A (Nods head.)

24 Q All right. What did you know about their relationship? Did
25 you ever see them fighting?

1 A I never seen them fight, but I do remember when she came to
2 the house one day with a black eye, and it came from him, and I
3 remember myself putting makeup around her eye.

4 Q Where was he when you were putting makeup on her black eye?

5 A He was in her car at the time.

6 Q Did he ever send you messages about Anelia?

7 A (Shakes head.)

8 Q He never sent you a message?

9 A He never had my number. He didn't send me no messages. And
10 if he did have my number, he had to go to Anelia's phone to get
11 my number.

12 Q Did he ever send you messages on Facebook?

13 A (Shakes head.)

14 Q You never knew him to send you messages as Ricco?

15 A Ricco? Could have been. It's been a minute I had a
16 Facebook page. I ain't even on Facebook no more.

17 ATTORNEY SWANSON: So beg the Court's indulgence.

18 (State's Exhibits 28 and 29 are marked for identification.)

19 BY ATTORNEY SWANSON:

20 Q Do you remember speak with Agent Katie McCallister?

21 A Uh-huh.

22 Q And do you remember providing her screenshots?

23 A From?

24 Q From a phone. I'm just going to show you and see if you
25 recognize these.

1 A That's fine.

2 Q And if you do, then you just tell me. Okay.

3 A Okay. Yeah, I do remember. This is when I had my old, old
4 phone. I don't have this one no more, you know, with them
5 messages right there on it.

6 Q Well, let me just ask you a few questions about these
7 messages now that you remember.

8 A Okay.

9 Q So are these messages that you provided to Agent
10 McCallister?

11 A Uh-huh.

12 Q And you said that they came from your old phone?

13 A Yes.

14 Q What sort of messages were they? Were they text messages;
15 Facebook messages?

16 A They were apparently on Facebook.

17 Q Okay.

18 A So, you know, when he was writing or whatever, I guess
19 they're trying to vent, but the venting didn't go as planned
20 because, you know, he all wanted me and all of Anelia's friends
21 to have sex with him [indiscernible], and --

22 Q Let's just focus on the message right now. Was that message
23 sent to you?

24 A Uh-huh.

25 Q Is that a yes or a no --

1 A Yes.

2 Q -- for the court reporter? And who is Ricco?

3 A Him.

4 Q Him, being Jarvise Jenkins?

5 A Uh-huh.

6 Q All right. And he was sending these messages, venting to
7 you?

8 A (Nods head.)

9 ATTORNEY SWANSON: At this time, Your Honor, the State would
10 enter 28 and 29 for the jury's consideration.

11 ATTORNEY GIBBES: Judge, I would object. Apparently the
12 witness barely remembers. This is obviously a Facebook message,
13 which brings a whole other authentication issue, because we don't
14 know who's messaging from that account, who had the phone, or
15 anything. This was sent in March, which was about seven or eight
16 months prior to this December date. And if she interviewed with
17 the SLED agent in July --

18 THE COURT: Okay.

19 ATTORNEY GIBBES: -- it was given way past that time, Judge.
20 And I would object.

21 THE COURT: Well, I'm going to let it in for what it's
22 worth.

23 (State's Exhibits 28 and 29 are admitted in the record.)

24 ATTORNEY GIBBES: Thank you, Judge.
25

1 ATTORNEY SWANSON: Thank you. At this time the State would
2 move to enter 28 and 29 into evidence.

3 THE COURT: That's what we just talked about, right?

4 ATTORNEY SWANSON: Yes, Your Honor. I just want to make
5 sure for the record.

6 BY ATTORNEY SWANSON:

7 Q Erica, if you can just read what he messaged you on
8 March 19th of 2018?

9 A You said March 19th?

10 Q Yes.

11 A It starts with, LOL, wow. And it says [indiscernible] why?
12 And it says, Cause she just done too much. Drama pool. I want
13 to choke her until her head fall off. Laughing my -- off. And I
14 said, Don't do that. And he said, I'm not. She's done calling
15 :12. And I said, I thought -- I can't see the J's part -- was
16 coming to issue.

17 Q Do you know what :12 means?

18 A I guess that's the police.

19 Q Thank you. And do you remember if they were fighting at the
20 time that you received these, or you just don't know?

21 A They was always getting into an altercation but, you know, I
22 never seen them fight, you know, in front of me.

23 Q Right. Did you know them to have an off-and-on
24 relationship?

25 A Uh-huh.

1 Q Is that a yes?

2 A Yes, ma'am.

3 Q And did you ever give Anelia any advice about J.T. and their
4 relationship?

5 A No.

6 Q Stayed out of it? When was the last time you saw or spoke
7 to Anelia before she was murdered?

8 A That night she went to the club, and she offered me to go
9 out with her, and I told her I wasn't going. That was the last
10 time I heard from my friend.

11 Q Okay. And the night that she went to the club would have
12 been with?

13 A Alexis and Mariah.

14 Q Alexis and Mariah. And you don't really know where they
15 went, but they were going out, right?

16 A Uh-huh.

17 Q All right. Thank you, Erica. I have nothing further at
18 this time.

19 ATTORNEY GIBBES: Thank you. May it please the Court.

20 CROSS-EXAMINATION

21 BY ATTORNEY GIBBES:

22 Q Just briefly, Erica. Obviously these are Facebook messages,
23 so you didn't actually see Jarvise Jenkins messaging you or
24 calling you? You didn't know for sure if he was actually texting
25 it?

1 A He was texting me on Facebook. If I was the one that
2 said -- like, if I was the one that said, LOL, wow, then that's
3 me. He was the one with the picture that was at the bottom part.

4 Q But you don't actually physically know? Anybody could have
5 been using his phone, correct?

6 A No. He always use his phone. He never give anybody his
7 phone to use his phone.

8 Q But that message doesn't say anything about Anelia?

9 A But I knew he was talking about her in that message.

10 Q And you were intimate with Jarvise before?

11 A I never was intimate with him.

12 Q At Lake Warren?

13 A Never was.

14 Q Never?

15 A Never.

16 ATTORNEY GIBBES: Beg the Court's indulgence.

17 THE WITNESS: Can I go, please, because --

18 THE COURT: No, ma'am, not yet.

19 ATTORNEY GIBBES: I have no further questions.

20 THE COURT: Anything else?

21 ATTORNEY SWANSON: Nothing further.

22 THE COURT: Now you may step down.

23 ATTORNEY SWANSON: State calls Stephanie Garvin.

24

25

1 STEPHANIE GARVIN,
2 having first been duly sworn, was examined and testified as
3 follows:

4 DIRECT EXAMINATION

5 BY ATTORNEY SWANSON:

6 Q Thank you, Stephanie. How are you related to Anelia?

7 A She was my friend.

8 Q She was your friend. Were you cousins?

9 A No.

10 Q No, just friends?

11 A Yes.

12 Q Y'all just both shared the same last name?

13 A Yes.

14 Q Okay. Where did you work in December of 2018?

15 A Love's.

16 Q Did you work with Anelia there?

17 A Yes.

18 Q And how did you get to work most times?

19 A Her.

20 Q In her car?

21 A Yes.

22 Q Would y'all tend to work the same shift then?

23 A Yes.

24 Q Did you guys work at night?

25 A Uh-huh. Yes.

1 Q Yes, okay. And how many nights would you say you worked
2 shifts together before her murder?

3 A I'd say we did three.

4 Q Three shifts?

5 A Yes.

6 Q So, let's see. If her last shift was Monday, December 3rd,
7 you would have worked Saturday, Sunday, and Monday shifts?

8 A Yeah. Normally. It depends on Love's, because they switch
9 our shifts, and they always switching our schedule around, so
10 there's no telling.

11 Q But you worked that last Monday evening shift with her,
12 right --

13 A Yes, I did.

14 Q -- on December 3rd of 2018?

15 A Yes, I did.

16 Q Okay. And you guys worked together the night before, which
17 would have been Sunday night?

18 A Yes.

19 Q Do you recall seeing J.T. on Sunday night?

20 A Yes.

21 Q Where was he?

22 A Backed up at Love's.

23 Q Who was he backed up next to?

24 A Anelia's car.

25 Q And that was in the parking lot?

1 A Yes.

2 Q Do you know if she and J.T. were together in a relationship
3 at that time?

4 A No.

5 Q They were not?

6 A No.

7 Q They had broken up?

8 A Yes.

9 Q Okay.

10 A From my knowledge, yes.

11 Q What kind of car did J.T. drive?

12 A A goldish brown Buick.

13 Q Was that something that was a fairly new car to him?

14 A Yes.

15 Q Why did J.T. end up leaving Love's that night?

16 A We had to ask our manager to tell him to leave.

17 Q How long had you known J.T?

18 A Since he started talking to Anelia.

19 Q All right. So pretty much throughout their relationship?

20 A Yes, somewhat.

21 Q Okay. Do you see him in the courtroom today?

22 A Yes.

23 Q Can you point him out for me?

24 A Right there.

25 Q Okay. Did you ever hang out with the two of them?

1 A Sometimes, yes.

2 Q And what was their relationship like?

3 A It was rocky, very, very rocky.

4 Q Did you ever see them fight verbally?

5 A Yes, I did.

6 Q Did you ever see them fight physically?

7 A Yes, I did.

8 Q What did you see as far as physical violence goes?

9 A When J.T. chased us.

10 Q Okay. Tell us about that.

11 A One night we was coming from -- we was leaving the club and
12 we was on our way home, and J.T. chased us halfway out of
13 Walterboro, almost up to Sniders, and he ran us off the road.
14 And when he ran us off the road, he got out of the car and busted
15 the window out of the car. And we had to rush -- come back and
16 rush Anelia to the hospital.

17 ATTORNEY GIBBES: Your Honor, I'd object. My prior
18 objection.

19 BY ATTORNEY SWANSON:

20 Q And you took Anelia to the hospital?

21 A Yes.

22 Q You obviously talked to your friend about her relationship
23 with J.T?

24 A Yes.

25 Q Did you ever give her any advice?

1 A No, I didn't.

2 Q Okay. The last night that you worked together, was Anelia
3 upset?

4 A No, she was actually perfectly fine. Everything was going
5 by smoothly at work. We was just trying to get this rush down
6 because we was working at a truck stop. But J.T. was sitting in
7 the parking lot for like a good three hours. And we was ready to
8 go, so when she started getting panicky and nervous, it's because
9 he wouldn't leave, because she texted him and asked him to leave
10 and go.

11 Q All right. Now, the night that everyone last saw her, you
12 were supposed to have gone out with them, right?

13 A Correct, but I didn't.

14 Q And how'd you get home?

15 A She dropped me off.

16 Q All right. Was that the last time you saw her?

17 A Yes.

18 Q And you didn't talk to her after that?

19 A No.

20 Q Never heard from her again?

21 A Only time I actually heard from her is because she called me
22 just to tell me that --

23 Q Just when was the last time she called you, not what she
24 said?

25 A After she left the club that night.

1 Q Okay. Was she home yet, or it was just on the way home from
2 the club?

3 A I can't even tell if she was home yet.

4 Q Okay. Do you recall about what time that was?

5 A No, ma'am, I don't.

6 Q Okay. But it was sometime late that night when she was on
7 her way home, or sometime late that night?

8 A Yes.

9 Q Thank you.

10 ATTORNEY SWANSON: I have nothing further for this witness.

11 THE COURT: Cross.

12 ATTORNEY GIBBES: Just briefly.

13 CROSS-EXAMINATION

14 BY ATTORNEY GIBBES:

15 Q Ms. Garvin, the night when you were at work and you say you
16 saw J.T. backing up next to Anelia's car, police were never
17 called, right?

18 A No police was called. We just asked the manager to ask him
19 to leave, and he left.

20 Q And there was no fighting or --

21 A No. Just wanted him to leave.

22 Q And did you ever call police on Jarvise for anything?

23 A I didn't have to.

24 Q And would y'all -- you, obviously -- would you go out with
25 then to the club, to Hang Time?

1 A I'd go out with Anelia. Yes.

2 Q You would go out with Anelia?

3 A Yes.

4 Q And I'm just going off your statement. She was known as
5 someone who took Ecstasy; is that correct?

6 A We all did.

7 Q Thank you. I have no further questions.

8 ATTORNEY SWANSON: I would just ask that this witness be
9 allowed to be released from her subpoena, please.

10 THE COURT: Any objection?

11 ATTORNEY GIBBES: No objection.

12 THE COURT: Thank you. You can step down.

13 ATTORNEY SWANSON: State calls Timothy Gray.

14 TIMOTHY GRAY,

15 having first been duly sworn, was examined and testified as
16 follows:

17 **DIRECT EXAMINATION**

18 BY ATTORNEY SWANSON:

19 Q Mr. Gray, who do you work for?

20 A Verizon Wireless.

21 Q And what is your position at Verizon?

22 A My position is senior analyst, executive relations.

23 Q How long have you worked for Verizon?

24 A Twenty-five-and-a-half years.

25 Q Okay. As part of your duties for Verizon, do you come to

1 court and authenticate records that your company provides via a
2 search warrant?

3 A Yes, ma'am.

4 Q In the case that we're here for today, was Verizon served
5 with a search warrant that was responded to?

6 A Yes, ma'am.

7 Q I am going to hand you what has been marked as State's
8 Exhibit 23. And, sir, do you recognize this disk?

9 A Yes, ma'am.

10 Q All right. What is it?

11 A It's a disk that has all the data we provided in response to
12 the search warrant.

13 Q Okay. And did you review that data and make sure it was
14 fair and accurate?

15 A Yes, ma'am.

16 Q And it came from Verizon?

17 A Yes, ma'am.

18 Q Phone number 834-510-3272?

19 A Yes, ma'am.

20 Q And are these your initials and the date that you reviewed
21 right here?

22 A Yes, ma'am.

23 ATTORNEY SWANSON: State would move 23 into evidence at this
24 time.

25 ATTORNEY GIBBES: Without objection.

1 THE COURT: Okay.

2 (State's Exhibit 23 is admitted in the record.)

3 ATTORNEY SWANSON: I have no further questions for this
4 witness.

5 ATTORNEY GIBBES: I have no questions.

6 THE COURT: Okay. Release him from subpoena?

7 ATTORNEY SWANSON: Yes, please.

8 ATTORNEY GIBBES: No objection.

9 THE COURT: All right. Thank you, sir.

10 ATTORNEY SWANSON: Your Honor, may I approach? May we
11 approach?

12 (Sidebar discussion off the record.)

13 THE COURT: All right. Ladies and gentlemen, this is one of
14 those times I talked about, I think, where I need to discuss a
15 legal a issue with the lawyers, so we're going to take just a
16 short break. Don't talk about the case. We'll be back with you
17 in just a few minutes.

18 (Jury escorted out of the courtroom at 2:50 p.m.)

19 THE COURT: Y'all get it straightened out?

20 ATTORNEY SWANSON: Yes, sir. I believe they're running to
21 the printer to get it now. It was going to be a minute, so I
22 apologize.

23 THE COURT: All right. We'll be at ease for a few minutes.

24 ATTORNEY SWANSON: Thank you.

25 (Court recessed at 2:52 p.m. and reconvened at 3:00 p.m.,

1 with the defendant.)

2 (Jury seated in the courtroom at 3:02 p.m.)

3 THE COURT: Okay. Call your next witness.

4 ATTORNEY SWANSON: State calls Christopher Williams.

5 CHRISTOPHER WILLIAMS,

6 having first been duly sworn, was examined and testified as
7 follows:

8 **DIRECT EXAMINATION**

9 BY ATTORNEY SWANSON:

10 Q Good afternoon, Mr. Williams.

11 A Good afternoon, ma'am.

12 Q How are you related to Anelia Garvin?

13 A I'm her uncle.

14 Q All right. And what was your relationship like with your
15 niece?

16 A That's my baby. I basically raised her.

17 Q Okay. So you've been around her since she was a little one?

18 A Oh, yes. Yes.

19 Q If you can scoot a little closer to that microphone, please,
20 sir. All right. Did you actually live at ■ Pepper Street, or
21 did you just hang around there?

22 A I stayed there for a while, but then I ended up moving. But
23 I always been there every day.

24 Q Now, would you say that you're close with your family?

25 A Yes, ma'am. We're a tight-knit family.

1 Q But do y'all fight sometimes?

2 A Yes, ma'am, all the time.

3 Q All the time?

4 A Yes, ma'am.

5 Q Okay. Do you guys end up making up?

6 A The next day.

7 Q All right. And we heard a little bit about an altercation
8 between and you Anelia. Can you talk about that?

9 A Yes, ma'am. This one day me and my sister was arguing, and
10 Anelia got on the phone. I don't know who she was calling, but
11 she was, like, Yeah, Chris got in a fight with Sheila. I got mad
12 at her.

13 ATTORNEY GIBBES: Objection.

14 BY ATTORNEY SWANSON:

15 Q Without saying what Anelia said, if you want to just
16 describe what happened.

17 A Oh. I had punched her window, her car window.

18 Q Did she get into the middle of the argument between and you
19 your sister?

20 A No. She just told me I need to stop acting like a dummy.
21 Yeah. Basically, yeah.

22 Q So, yeah, trying to stop the argument. And then did what to
23 her window?

24 A I punched her glass and broke it.

25 Q Do you remember if it was the left or the right side?

1 A It was the driver's side window, the left side.

2 Q Driver's side?

3 A Yes, ma'am.

4 Q What kind of car did she drive?

5 A It was a Honda. I don't remember exactly what year, but I
6 know it was a Honda.

7 Q I'm going to show you State's 25 and 26, and ask if this is
8 Anelia's car.

9 A Yes, ma'am, that's it.

10 Q Okay. And is that how it looked on the day she died?

11 A Yes, ma'am, because after I busted the window, I went and
12 bought the window the next day.

13 Q And fixed it?

14 A Yes, ma'am.

15 ATTORNEY SWANSON: State would move 25 and 26 into evidence.

16 ATTORNEY GIBBES: No objection.

17 (State's Exhibits 25 and 26 are admitted in the record.)

18 BY ATTORNEY SWANSON:

19 Q All right. So the window had been fixed, but did the police
20 come out that day?

21 A Yes, ma'am.

22 Q Did they give you a ticket?

23 A Yes, ma'am.

24 Q And when were you supposed to go to court?

25 A I know it was a Tuesday. I think it was a Tuesday. I can't

1 remember exactly what date.

2 Q Was that December 4th?

3 A Yes, ma'am.

4 Q The day before she was found?

5 A Yes, ma'am.

6 Q Was Anelia supposed to go with you?

7 A Yes, ma'am. Well, I went up there cause she and Tryone told
8 me if I fixed the window --

9 ATTORNEY GIBBES: Objection.

10 THE COURT: Hold on.

11 BY ATTORNEY SWANSON:

12 Q Without -- I'm sorry.

13 A Yes, ma'am. She was supposed to go and verify I fixed the
14 window. Yes, ma'am.

15 Q So did you try and get in touch with her that day?

16 A Yes, ma'am, numerous times.

17 Q All right. How did you do that?

18 A They let me go home to see if I could get her up, because we
19 thought she just had to work late and sometimes she'd sleep in.
20 So I go and knock on the door, boom, boom, boom. Went back to
21 the police department, said she ain't picking up; she's out. So
22 Officer Jordan said, Chris, go try one more time, see if she got
23 up. So we never got her up. So the cops just say, we have to
24 continue the case until next week until she can, you know, get
25 up. And that's what happened.

1 Q Okay. So the Court case never got resolved?

2 A No, ma'am.

3 Q But you had tried to get her to court and wake her up --

4 A Yes, ma'am.

5 Q -- a few times that day?

6 A Yes, ma'am, multiple times.

7 Q Would you have ever killed Anelia?

8 A Oh, no, ma'am. No, no, ma'am. That's the furthest thing
9 from me and her relationship.

10 Q Now, the night before your court date, do you remember
11 calling J.T?

12 A Yes, ma'am.

13 Q Why did you call him?

14 A Because Anelia had called me and said --

15 ATTORNEY GIBBES: Objection.

16 BY ATTORNEY SWANSON:

17 Q Not what she said, but what did you call him and say to him?

18 A Asked him why is he following her around.

19 Q All right. And what did he say?

20 A He said he wasn't even in town.

21 Q How long have you known Jarvise Jenkins?

22 A Only the time when Anelia brought him into my father's
23 house. I never knew him before that.

24 Q Is he in the courtroom today?

25 A Yes, ma'am.

1 Q All right. Can you identify him?

2 A Yes, ma'am. He's the fellow standing -- sitting right
3 there.

4 Q Okay. Thank you. Did you, at some point, get concerned
5 that nobody had heard from Anelia?

6 A Yes, ma'am.

7 Q Did you start calling family members?

8 A Yes, ma'am.

9 Q All right. And when you learned that she had been found
10 murdered, did you go to ■ Pepper Street?

11 A Yes, ma'am.

12 Q And did you come and talk to Agent McCallister whenever she
13 wanted to talk to you?

14 A Yes, ma'am.

15 Q And did you tell her the truth?

16 A Yes, ma'am.

17 Q All right. And would you ever hurt your niece?

18 A No, ma'am. Oh, we had fights, but I would never hurt my
19 niece or kill my niece. I would never do that.

20 Q Thank you. I have nothing further. Please answer any
21 questions that the defense may have.

22 A Yes, ma'am.

23 ATTORNEY GIBBES: Thank you. Just briefly.

24

25

CROSS-EXAMINATION

BY ATTORNEY GIBBES:

Q How are you, Christopher?

A Yes, ma'am. I'm fine.

Q Just briefly. You mentioned you did go in and speak to Agent McCallister?

A Yes, ma'am.

Q And it was a couple times, you were there a couple times?

A Yes, ma'am. One time I was incarcerated.

Q Okay. And do you remember telling him -- telling her that you never witnessed any fighting between Anelia and Jarvise?

A No, ma'am, I --

Q You're saying you didn't witness it?

A No, ma'am, I did not.

Q And that Jarvise did live on and off at Pepper Street?

A Yes, ma'am.

Q And you mentioned being incarcerated. You have been convicted of domestic violence, second degree?

A Yes, ma'am.

Q As well as assault and battery, second degree?

A Yes, ma'am.

Q And a possession of cocaine?

A Yes, ma'am.

Q And do you remember -- I mean, you did kind of change up a little bit. I think in your first interview with Agent

1 McCallister you said that you were in the yard at Pepper Street
2 on Monday. Do you remember telling her that, hanging out in your
3 truck, maybe?

4 A Yes, ma'am.

5 Q But then you spoke to them again and said that it was
6 actually December 4th or 5th and you were smoking a little weed.
7 Do you remember that?

8 A Yes, ma'am.

9 Q And you're saying that day at court you and Anelia, you had
10 worked everything out?

11 A Yes, ma'am. Yes, ma'am.

12 Q All right.

13 A My car broke down on the side of the road one day, and she
14 picked me up, so we was fine.

15 Q And when Jarvise would come over to the house -- well, you
16 actually lived at Pepper Street for a little bit; didn't you?

17 A Yes, ma'am.

18 Q And you left after this altercation with Anelia?

19 A Yes, ma'am.

20 Q But when you were there and Jarvise come over, he would come
21 in through the front door?

22 A Yes, ma'am.

23 Q All right. I have no further questions. Thank you.

24 A All right.

25

1 ATTORNEY SWANSON: Just briefly.

2 REDIRECT EXAMINATION

3 BY ATTORNEY SWANSON:

4 Q Ms. Gibbes referenced when you got some charges. Was that
5 after your niece had been killed?

6 A Yes, ma'am.

7 Q Thank you.

8 THE COURT: All right. You may step down. You want to
9 release him from subpoena?

10 ATTORNEY SWANSON: Thank you, Your Honor.

11 THE COURT: Any objection?

12 ATTORNEY GIBBES: No objection.

13 THE COURT: Okay.

14 ATTORNEY SWANSON: State calls Katie McCallister.

15 KATIE McCALLISTER,

16 having first been duly sworn, was examined and testified as
17 follows:

18 DIRECT EXAMINATION

19 BY ATTORNEY SWANSON:

20 Q Good afternoon, Agent McCallister.

21 A Good afternoon.

22 Q Tell us how long you've been an investigator with SLED Low
23 Country.

24 A I've work for the SLED Low Country Region for almost eight
25 years. A little over eight years.

1 Q All right. And where were you before that?

2 A I was a deputy sheriff with the Hampton County Sheriff's
3 Office.

4 Q So you've been in this area for a while, huh?

5 A Yes. I've been in law enforcement, going on, 15 years.

6 Q And tell us about the call that you got in the early morning
7 hours of December 5th to assist Varnville PD in an investigation?

8 A So I was notified by the SLED operations desk that there had
9 been a body found in Varnville, and they said that I was to
10 respond and begin an investigation.

11 Q All right. And you, along with other entities or other
12 departments of SLED, assisted in that investigation, right?

13 A Yes. SLED arson came down because it was reported there had
14 been a fire. And then also the SLED crime scene unit came with
15 us, which is standard procedure.

16 Q And you responded to the [REDACTED] Pepper Street location?

17 A I did. Yes.

18 Q And that's where who all lived?

19 A Mr. John Paul Williams, Sheila Williams, Martha Williams,
20 Anelia Garvin, and a few other family members.

21 Q About how many interviews did you conduct through this
22 investigation?

23 A It was somewhere between 20 and 25.

24 Q All right. And were these mostly friends and family
25 members?

1 A Most of them were. Yes.

2 Q Any leads that were mentioned as possible suspects --

3 A Yes.

4 Q -- that you followed up on?

5 A Yes.

6 Q All right. Did you attempt to look into every potential
7 lead mentioned by a witness?

8 A Yes. We did what we could with the information we were
9 given.

10 Q And how long did the investigation go on?

11 A Almost a year.

12 Q And how many suspects did you develop as the potential
13 murderer after a year?

14 A Just one.

15 Q All right. And who was that?

16 A Jarvise Jenkins.

17 Q All right. At some point early on in the investigation did
18 you obtain a search warrant for phone number 843-510-3272?

19 A I did.

20 Q And if I need to, Agent McCallister, I can hand that search
21 warrant to you, but do you know who that number belongs to?

22 A I do.

23 Q Okay. And who does that phone number belong to?

24 A That that phone number belonged to Jarvise Jenkins.

25 Q All right. And how were you able to verify that?

1 A He actually communicated with me from that phone number.

2 Q Did friends and family members verify that phone number as
3 well?

4 A They did.

5 Q What were you requesting?

6 THE WITNESS: Your Honor, may I refer to my notes?

7 THE COURT: Yes.

8 THE WITNESS: We were requesting location information, text
9 messages, ingoing and outgoing phone calls; anything that Verizon
10 could provide to us.

11 BY ATTORNEY SWANSON:

12 Q And at some point -- let's see -- in January of 2019 did
13 Verizon provide you with the raw data for that number?

14 A They did.

15 Q All right. And what did you do with that raw data?

16 A Once I received the information, I forwarded it to the SLED
17 fusion center where an analyst mapped the records.

18 Q Okay. And is that Lawton Bradshaw?

19 A It is, Special Agent Lawton Bradshaw.

20 Q Did you have the opportunity to obtain and collect a buccal
21 swab from Jarvise Jenkins?

22 A I did.

23 Q All right. Tell us what a buccal swab is?

24 A So a buccal swab is a swab of the mouth. It's noninvasive.
25 It does not hurt. It's two Q-tips, and you run it along the

1 inside of both of their cheeks, and then it's sealed into an
2 envelope.

3 Q All right. I'm going to hand you what's been marked as
4 State's Exhibit 21 for identification purposes, and ask if this
5 envelope within this bag contains the buccal swab that you
6 obtained from Mr. Jenkins.

7 A It is.

8 Q And was that submitted to SLED for analysis?

9 A It was.

10 Q All right. What was the last interview you did before you
11 decided to make the arrest on Mr. Jenkins?

12 A I conducted an interview in Beaufort County with April Cook.

13 Q All right. And after that, did you obtain an arrest
14 warrant --

15 A I did.

16 Q -- for the murder of Anelia Garvin?

17 A I did.

18 Q Charging who?

19 A Jarvise Jenkins.

20 Q Thank you. Please answer any questions that the defense may
21 have.

22 ATTORNEY GIBBES: Thank you. May it please the Court.

23 CROSS-EXAMINATION

24 BY ATTORNEY GIBBES:

25 Q How are you, agent?

1 A Good. How are you?

2 Q Good, thank you. Okay. So as a SLED agent, you're kind of
3 brought in to be in charge of the investigation?

4 A Yes, ma'am.

5 Q And so basically Varnville Police Department and Hampton
6 Police Department -- is it normally these kinds of cases, like
7 big cases, they'll call in for help from SLED?

8 A It can be anything.

9 Q Can be anything. Now, as you said, you conduct a lot of
10 interviews, correct?

11 A Yes, ma'am.

12 Q And I'm curious. Not all of them are recorded. Is there a
13 reason for that?

14 A No, ma'am. At the time, we did not have body cameras. If
15 they came in to me, we tried to record it. If I had to meet them
16 somewhere, I couldn't set up a whole laptop and camera on the
17 dash of my car.

18 Q So you mentioned April Cook. That actually was not
19 recorded, that interview?

20 A It was not. No.

21 Q And another thing you also did -- I know you were looking
22 for different sorts of surveillance videos. I notice there is a
23 tip that maybe there's a truck on Pepper Street that maybe had a
24 camera.

25 A Yes.

1 Q And so I know you were involved with seeking that out to see
2 if there was any video, and they didn't have any video, right?

3 A There was video, but it did not pick up the timeframe we
4 were looking for.

5 Q And then did you -- you never got any surveillance video
6 from Love's where Anelia worked, correct?

7 A No.

8 Q And you mentioned that Jarvise contacted you by text?

9 A He did.

10 Q Do you remember what he was saying?

11 A He was concerned about threats from Christopher Williams.

12 Q And it was he pretty recent after Anelia Garvin's death?

13 A Yes, ma'am. I believe the date was December 7th, so just a
14 few days later.

15 Q And did you go -- you went to the house on Pepper Street?
16 You responded, along with Agent Sprouse?

17 A Yes, ma'am.

18 Q So were you involved -- I know I asked him earlier about
19 some of the DNA swabs and things of that nature. Were you
20 involved in that or overseeing all that?

21 A Once they processed the scene, they discuss everything with
22 me, but I'm not involved in the processing or collection.

23 Q Okay. Are you aware of what was actually swabbed and what
24 evidence was taken?

25 A Yes.

1 Q I think I forgot to ask some things from Agent Sprouse. I
2 just want to be sure. So as far as DNA swabs, they did do DNA
3 swabs on the Anelia Garvin's bedroom locks, correct, inside and
4 outside the door? Do you remember?

5 A May I refer to my notes to be sure?

6 Q Of course.

7 THE COURT: Yes, ma'am.

8 THE WITNESS: So, yes, ma'am. I see that they did take
9 swabs from the exterior and interior door handle and deadbolt of
10 the master bedroom.

11 BY ATTORNEY GIBBES:

12 Q Okay. Thank you. But they didn't do any swabs on the back
13 door, correct?

14 A No, ma'am.

15 Q And as far as the sheet that was hanging over the back door,
16 that was not collected into evidence?

17 A No, ma'am.

18 Q Now, you mentioned that the only suspect you developed was
19 Jarvise Jenkins, correct?

20 A Yes, ma'am.

21 Q But as part of your investigation, you did do search
22 warrants?

23 A Yes, ma'am.

24 Q And I know you did a search warrant for Anelia Garvin's
25 phone number, correct?

1 A Yes, ma'am.

2 Q And a search warrant, you've already mentioned, for
3 Jarvise's phone number from Verizon?

4 A Yes, ma'am.

5 Q And you also got a search warrant for Christopher Williams'
6 number, correct?

7 A Yes, ma'am.

8 Q And did you write these search warrants, affidavits for the
9 warrants?

10 A I did.

11 Q And do you remember how you wrote on the search warrant for
12 Christopher Williams, that he was developed as a suspect?

13 A Yes, ma'am.

14 Q And when you were at the house, did anybody -- I didn't
15 notice that any neighbors were interviewed, because there are
16 trailer around in the area, correct?

17 A Yes, ma'am.

18 Q And no neighbors were interviewed?

19 A No, ma'am, they weren't.

20 Q They were interviewed?

21 A They were not.

22 Q Oh, were not. Thank you. Okay. And did you ever -- I know
23 there's a lot of talk about Anelia went out to the club, Hang
24 Time. Did you ever go out there and interview any people at the
25 club to see who she may have been talking to when she was going

1 out?

2 A No, ma'am, we didn't.

3 ATTORNEY GIBBES: Beg the Court's indulgence.

4 BY ATTORNEY GIBBES:

5 Q And you also -- I'm sorry. As part of your investigation,
6 you did -- you got a search warrant for Facebook records?

7 A I did.

8 Q And so you got Jarvise Jenkins' Facebook records, correct?

9 A I did.

10 Q And you didn't get Erica Davenport's Facebook records?

11 A No, ma'am.

12 Q I think that's all I have. Thank you.

13 THE COURT: Any redirect?

14 ATTORNEY SWANSON: Just briefly.

15 **REDIRECT EXAMINATION**

16 BY ATTORNEY SWANSON:

17 Q Agent McCallister, Ms. Gibbes asked you about surveillance
18 from Love's. Why didn't get any surveillance from Love's?

19 A So we were told by the manager that the area we were
20 concerned about probably would not be covered by the cameras.
21 They verified that, and there was nothing to collect.

22 Q All right. And she asked you about Christopher Williams
23 being developed as a suspect. When was he developed as a
24 suspect, and was he cleared?

25 A He was developed every -- very early on. Everyone's a

1 suspect at first. He was cleared throughout the investigation.
2 I think it was a few months into it.

3 Q Okay. And did you obtain Facebook records for Anelia Garvin
4 as well?

5 A I did. She had two Facebook pages, so we got two sets of
6 records.

7 Q And did you review those records for both Mr. Jenkins and
8 Ms. Garvin?

9 A I did.

10 Q Did you find anything that was helpful to the investigation?

11 A No.

12 Q Thank you. I have nothing else.

13 ATTORNEY GIBBES: No redirect.

14 THE COURT: Okay. Thank you, ma'am. You may step down.

15 ATTORNEY SWANSON: Your Honor, that's the extent of the
16 witnesses that the State has prepared to present for the jury
17 today.

18 THE COURT: All right. A little afternoon break. We're
19 going resume in the morning, 9:30. And please remember what I
20 said. Don't go visit some scene, don't talk to anybody about it,
21 don't discuss the case. We'll see you in the morning. Okay.

22 (Jury escorted out of the courtroom and dismissed for the
23 day at 3:27 p.m.)

24 THE COURT: Okay. Tell us what's left in the morning?

25 ATTORNEY SWANSON: Yes, sir. So we have Lawton Bradshaw

1 from SLED in the morning, and he did the cell tower mapping, so
2 he's going to go through his findings on that. We also have
3 April Cook, who is the live-in girlfriend that was choked. We
4 have SLED trace, who is simply going to testify that the soil
5 that was collected by the arson investigator contained an
6 accelerant. We have Catherine Leisy, who is the DNA analyst, and
7 the only profile that she was able to develop on any of the swabs
8 or items collected was the cigarette butt found by the deceased
9 victim, so she is going to testify to that. And then we have the
10 pathologist, Dr. Riemer, who's going to testify to manual
11 strangulation.

12 THE COURT: Okay. All right. Mr. Jenkins, I'm going to
13 discuss this with you now. So if you would raise your right hand
14 for me.

15 JARVISE JENKINS, SWORN IN

16 THE COURT: I want you to understand. And I can do it again
17 later, but I want you to think about it now and overnight. You
18 have an absolute constitutional right to testify in your own
19 defense. You have an equal absolute right not to testify, and it
20 cannot be held against you.

21 Are there any impeachable offenses in his history?

22 ATTORNEY GIBBES: Yes, I believe so. I don't have the --

23 THE COURT: Are there any impeachable offenses?

24 ATTORNEY SWANSON: I'm sorry.

25 THE COURT: Are there any impeachable offenses for

1 Mr. Jenkins?

2 ATTORNEY SWANSON: Apologize, Your Honor. Let me pull up
3 his rap sheet. Your Honor, it appears that -- and I just wanted
4 to verify this, but it appears that -- all of his criminal
5 history that are showing as convictions are over the 10-year
6 limitation.

7 THE COURT: Okay. All right. So they apparently don't have
8 any offenses, criminal convictions, with which to impeach your
9 credibility, but I want you to understand that the decision about
10 whether or not you testify is very important in your defense.

11 You have an excellent defense lawyer. My recommendation to
12 you is that you talk to her in depth, discuss this decision about
13 what to do, whether or not to testify, listen carefully to what
14 she has to say. It's got a lot to do with strategy in the
15 presentation of the defense. But, in the end, the right to
16 testify belongs to you and you alone, and it is your decision.
17 Okay?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: So whether or not you do it, it comes down to
20 you making that decision. Now, I want you to think about it
21 overnight. I'm not asking for a decision today, but I want you
22 to be aware of that, and to consider it, and think about it, and
23 discuss it with your attorney.

24 Do you have any questions about that you'd like to ask the
25 Court?

1 THE DEFENDANT: No, sir.

2 THE COURT: Okay. Is there anything else we can do today
3 before we break?

4 ATTORNEY SWANSON: Nothing from the State.

5 ATTORNEY GIBBES: No, Your Honor.

6 THE COURT: Okay. Well, we'll see y'all at 9:30 in the
7 morning. Well, one other thing. Y'all have any requests to
8 charge, if you've got them, bring them in the morning. Okay.
9 All right.

10 ATTORNEY SWANSON: Thank you, Your Honor.

11 ATTORNEY GIBBES: Thank you, Judge.

12 THE COURT: All right.

13 (End of Transcript of Record.)
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CERTIFICATE OF REPORTER

I, Cathy J. Provost, Official Court Reporter for the Fourteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial/proceedings of the captioned case in the Court of General Sessions for Hampton County, South Carolina, on the 31st day of January, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Date: March 1, 2023

\s\ Cathy J. Provost
Cathy J. Provost, RMR
Official Circuit Reporter

STATE OF SOUTH CAROLINA
COUNTY OF HAMPTON

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
2019-GS-25-00536

State of South Carolina,)
)
 Plaintiff,)
)
vs.)
)
Jarvis Terrell Jenkins,)
)
 Defendant.)
-----)

TRANSCRIPT OF HEARING

February 1, 2023
Hampton, South Carolina

B E F O R E:

The Honorable Edward M. Miller, Judge Presiding

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

For the State:
Hunter Swanson, Esquire
14th Circuit Solicitor's Office
102 Ribaut Road
Beaufort, South Carolina 29902

For the Defendant:
Courtney A. Gibbes, Esquire
Public Defender's Office
1905 Duke Street
Beaufort, South Carolina 29901

Cathy L. Young, CVR-M
Official Circuit Court Reporter
Post Office Box 4604
Beaufort, South Carolina 29903

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THE COURT: Anything before we get the jury in here?

MS. GIBBES: No, Your Honor.

(Jury enters the courtroom.)

MS. SWANSON: Thank you, Your Honor, the State calls April Cook.

April Cook,

* * * * *

BY MS. SWANSON:

A. Yes.

1 Q. Let's go ahead and get this out of the
2 way. Back in 2016 you pled guilty to a felony,
3 right?

4 A. Yes.

5 Q. And that was a defrauding the
6 government ---

7 A. Yes.

8 Q. -- situation? And you took
9 responsibility for that?

10 A. Yes, ma'am.

11 Q. And are you paying restitution on that?

12 A. Yes, ma'am.

13 Q. Was it a scheme that you got involved
14 with with another person?

15 A. Yes, ma'am.

16 Q. Was it a man?

17 A. Yes.

18 Q. All right. And that's over and done
19 with?

20 A. Yes, ma'am.

21 Q. All right, thank you. Let's talk about
22 why you're here today. Where are you from?

23 A. Born in Kensington, North Carolina, but
24 I was raised in Beaufort, South Carolina.

25 Q. Raised in Beaufort. All right. And

1 back in 2018/2019 where were you living?

2 A. In Beaufort, South Carolina.

3 Q. All right. And at some point did you
4 meet Jarvise Jenkins?

5 A. Yes, ma'am.

6 Q. All right. How did you meet Mr.
7 Jenkins?

8 A. Through Facebook.

9 Q. How did that happen? Did he initiate
10 contact with you, or ---

11 A. He sent me a friend request, but that
12 night he was drunk, and I checked on him, and asked
13 him was he okay, 'cause he was throwing up on the
14 side of the road. And the next day -- I talked to
15 him until he got home, and the next day he called to
16 thank me.

17 Q. Okay. So y'all began chatting?

18 A. Yes, ma'am.

19 Q. All right. At some point, do you guys
20 meet up in-person?

21 A. Yes, ma'am.

22 Q. And did you end up having a
23 relationship with him?

24 A. Yes. Well, a friendship at first, and
25 then, of course, we became intimate ---

1 Q. Okay.

2 A. -- so a relationship.

3 Q. When was all this occurring? We're
4 talking about sometime in 2019?

5 A. Yes. I met him -- it was around March.

6 Q. Where was he living?

7 A. In Walterboro at his grandma's house.

8 Q. Do you remember the road he was living
9 on?

10 A. Feather -- Feather -- something like
11 that.

12 Q. Featherbed Road?

13 A. Yes, ma'am.

14 Q. Okay. And if you can just come a
15 little closer to the microphone or speak up a
16 little, that'd be great.

17 A. Okay.

18 Q. Did you ever go to his grandmother's
19 house?

20 A. Yes, ma'am.

21 Q. All right. What kind of conditions was
22 he living in?

23 A. He had no water. I didn't really go
24 inside, but I know he didn't have any water. The
25 outside I was helping him with the yard, had to

1 clean up the outside, but he didn't really want me
2 on the inside, it didn't have running water or
3 anything.

4 Q. All right. Was he working at the time?

5 A. When I met him he was.

6 Q. All right. Were you working?

7 A. Yes, ma'am.

8 Q. Where were you working?

9 A. At the Anchorage downtown, and I had a
10 client that I stayed with and I kept overnight.

11 Q. Okay. At some point, did he end up
12 living with you?

13 A. Yes, ma'am.

14 Q. All right. Tell us about how your
15 relationship started and how it evolved.

16 A. So at the beginning he was really nice.
17 You know, he was spontaneous, we did things
18 together, and we spent a lot of time together. And
19 about three months into the relationship was when
20 the first incident happened where he got upset, and
21 he -- I was in the bathroom, and I put my back
22 against the door, I was crying, and he was -- he
23 asked me, "Why are you crying?" I told him he upset
24 me talking through the door. And he wedged through
25 the door, grabbed me on the top of my head and

1 started beating me in my face.

2 MS. GIBBES: And, Your Honor, I would
3 object to this testimony. I would just renew my
4 objection for the trial.

5 THE COURT: Okay. Same ruling, thank you.

6 BY MS. SWANSON:

7 Q. Okay. So the relationship started off
8 good and started to go downhill?

9 A. Yes.

10 Q. Was he controlling with you?

11 A. In a sense, yes. I was able to -- he
12 knew I didn't go anywhere but to work and back home.
13 I pretty much had a structured life and a scheduled
14 life. So he would come in the afternoons when I
15 would get off, or he would even go to Walterboro.
16 He -- he kept a check on his grandma's house, so he
17 was back and forth.

18 Q. Okay. Did he ever show up to your
19 work?

20 A. Frequently he would come and sit
21 outside. And then I didn't know I was pregnant at
22 the time. I was sick and I would call him and tell
23 him I was sick, and he would come help me finish
24 cleaning.

25 Q. Okay. Would he ever show up to work

1 though and just sit outside of your work?

2 A. Yes.

3 Q. Okay. You said you were pregnant. You
4 got pregnant by Mr. Jenkins?

5 A. Yes.

6 Q. And you gave birth to that child?

7 A. Yes, ma'am.

8 Q. So you have a child in common now?

9 A. Yes, ma'am.

10 Q. Okay. Let's go to September 16th of
11 2019. Do you recall what happened that day?

12 A. Yes, ma'am.

13 Q. All right. At the time I didn't know
14 that he was using drugs. I knew he smoked weed, but
15 I didn't know he was using other drugs. That day he
16 said I made him feel less of a man. Our problem was
17 bigger than arguing about something. He said I made
18 him feel less of a man. And then he walked in the
19 room. I was humming. He walked in the room and he
20 punched me in my face. At the time I just found out
21 I was pregnant. By that time I was almost five
22 months. And I turned over on my stomach -- when he
23 hit me in my face he jumped on top of me, he was
24 choking me. So I turned on my stomach to get him
25 off of me, and he grabbed me from behind, and he

1 drug me off the bed. I had two Chihuahuas, my girl
2 jumped in front of me to protect my stomach. And he
3 stood over me and almost like he was drooling from
4 the mouth. He wasn't himself, he was very
5 distorted. And he told me that -- I told -- he
6 promised me he would never hit me when I was
7 pregnant. That was an agreement that we made
8 because the abuse was throughout the relationship.
9 And I was telling him, "You said you would never hit
10 me while I was pregnant." And he said, "You think
11 this is the first time I did this? You think this
12 is the first time? I'm trying to figure out right
13 now what's," he said, "I'm trying to figure out
14 right now how to get your body back to Walterboro."

15 Q. Did he threaten to kill you?

16 A. And my mother. I -- he knocked my
17 glasses off my face, and I can't see without my
18 glasses on. And I picked my phone up, and she was
19 the last person I talked to, and you can imagine we
20 talk all the time. And I dialed her. She called me
21 back. And at this time my family didn't know I was
22 in an abusive relationship. The aide told my mom,
23 and then she asked me on the phone, you know, "Did
24 he hit you?" And I said, "Yes." She'd just left
25 the house, so she was turning around, coming back.

1 And he had a butcher knife, and he told me that he
2 would kill my mother, if she came in that house. So
3 I started talking to my mom as if she was some other
4 person in order to get out of the situation. I
5 didn't want him to hurt her.

6 Q. Okay. What did he do after the
7 assault?

8 A. He went to sleep.

9 Q. And what did you do? Where did you go?

10 A. I -- I started packing my bags.
11 Granted, at the time, I didn't know I was bleeding.
12 I thought my water broke, but I had urinated on
13 myself. He let me out of the house that way. I
14 told him I was going to work. Initially, Jarvise
15 knew I would never call the law on him. I would
16 never do anything to put him in harm's way because I
17 didn't before. I -- I packed my lunch bag as if I
18 was leaving to go to work. Because money was what
19 was important to him, so I told him I was going to
20 work, "Leave me alone," you know, kind of shoo him
21 off. He let me out the door, and he went to sleep.
22 I drove myself with no glasses across Ribaut Road to
23 my job, and they took me to the hospital.

24 Q. Okay. They saw what kind of condition
25 you were in, and -- and took you to the hospital?

1 A. I had black eyes. You could see the
2 marks around my neck, the scratches on my body. You
3 could see the print on my stomach.

4 Q. Okay. And you went to the ER?

5 A. Yes, ma'am.

6 Q. Did you talk to police?

7 A. Yes, ma'am.

8 Q. Did you talk to Beaufort Police
9 Department?

10 A. Yes.

11 Q. Did you talk to Agent McCallister?

12 A. Not that day, but I did, yes.

13 Q. Later?

14 A. Yes.

15 Q. Okay. And what did you tell Agent
16 McCallister about what Jarvise told you about Amelia
17 Garvin's death?

18 MS. GIBBES: And, again, I would object,
19 Your Honor, as to my pretrial objections.

20 THE COURT: What was the question again?

21 MS. SWANSON: What did Jarvise tell her
22 about Amelia Garvin's death?

23 THE COURT: Okay. Same ruling.

24 MR. GIBBES: Thank you.

25 BY MS. SWANSON:

1 Q. So, initially, when Jarvise came, he
2 was around -- we spoke about being in a
3 relationship, and he told me that he wasn't ready
4 for a serious relationship, because his girlfriend
5 had, you know, just passed away. So I asked him,
6 you know, what happened, you know? And he started
7 explaining the situation of what happened. He never
8 told me that, you know, he killed her. He just
9 said, "That she was mean, and she had the master
10 bedroom of the home and that she was strangled, and
11 she was found in the bathtub in water at her house."
12 And I said, "Well, how," he told me she was in there
13 for days. And I said, "Well, how is it she can be
14 in there for days, and no one know she was there?"
15 And he told me, "The door was locked, and that she
16 -- they couldn't get in." They wouldn't try to come
17 in because she was mean, and they didn't bother her.
18 And that's pretty much -- he -- I kind of left it
19 like that.

20 Q. Okay. So -- so he told you details,
21 including that she was in the bathtub with water?

22 A. Oh, yes, ma'am. That she was
23 strangled, and she was left in the tub of water.

24 Q. Okay. Now, was Jarvise arrested for
25 the domestic violence against you?

1 A. Eventually, yes, but it took them all
2 some months to find him. In the meanwhile, he
3 taunted me, he called on different phones through
4 the Wi-Fi threatening me. Showing up -- when he
5 left the house -- I had two dogs, as I said, I had
6 two Chihuahuas. And Elijah was 15 years old. He
7 was my child, you know, and all -- both of my dogs,
8 that's the one that slept with me, that's who I was
9 closest with. When he left the house that day of
10 the attack, he took Elijah with him, and he would
11 video him beating my dog.

12 MS. GIBBES: Your Honor, I would object to
13 relevance.

14 THE COURT: Yeah, that's -- that's over the
15 top.

16 WITNESS: Okay.

17 THE COURT: Ladies and gentlemen, I would
18 instruct y'all to disregard that last statement.
19 And go ahead.

20 MS. SWANSON: Thank you.

21 BY MS. SWANSON:

22 Q. Okay, so, eventually, he -- he was
23 charged with the incident that you told the jury
24 about?

25 A. Yeah, eventually, yeah.

1 Q. Okay. And let me ask you this, April.
2 Did you know any of Amelia's friends or family?

3 A. No.

4 Q. Did you know any of Jarvise's friends
5 or family?

6 A. Nobody.

7 Q. Did you have any connection to
8 Walterboro or Varnville?

9 A. No, no one contacted me until after the
10 incident.

11 Q. Okay. And are you telling the truth
12 today?

13 A. Yes, ma'am.

14 Q. Thank you. Please answer any questions
15 that Ms. Gibbes may have for you.

16 MS. GIBBES: Thank you. May it please the
17 Court?

18 THE COURT: Yes, ma'am.

19 **CROSS-EXAMINATION**

20 BY MS. GIBBES:

21 Q. Good morning, Ms. Cook.

22 A. Good morning.

23 Q. Okay. Just a couple questions. All
24 right, you mentioned you did -- you met Jarvise on
25 Facebook, right?

1 A. That's correct.

2 Q. Okay. And so this was in, as you said,
3 in 2019?

4 A. Yeah.

5 Q. Okay. And you did mention at the time
6 when you first started dating, he did say he wasn't
7 ready to be in a relationship, right?

8 A. Yes, absolutely.

9 Q. And -- and, basically, he did, as you
10 said, he said his ex-girlfriend had died ---

11 A. Uh-huh.

12 Q. -- but he told you he was also facing
13 accusations in -- in this case, right?

14 A. Yes, he did.

15 Q. Okay. And did he ---

16 A. And actually the accusations were from
17 her family. He said that he was cleared through
18 SLED. He went to SLED and talked to SLED himself,
19 and he was cleared through SLED, that the police
20 were not looking for him, he made that part clear.

21 Q. Because you knew he went and made a
22 statement to SLED?

23 A. Yes.

24 Q. Okay. And as far as the family and the
25 accusations, there was some talk about how there's

1 Facebook posts about this against him. Did he talk
2 to you about that?

3 A. He just told me that the family was
4 after him. He -- he didn't really talk about the
5 Facebook post.

6 Q. Okay. And so -- so during your course
7 of the relationship you knew he was -- he was facing
8 this, or this was something that was in his life,
9 and that's why he said he didn't want to get in a
10 relationship, right?

11 A. Yes.

12 Q. Okay. And then your -- you got
13 pregnant, so, obviously, your relationship was
14 continuing. And did -- okay, so the day that --
15 that he was arrested, this was in September --
16 September 16th of 2019; is that right? This is when
17 the incident you're talking about happened?

18 A. He wasn't arrested on the day of the
19 incident ---

20 Q. Okay.

21 A. -- he got arrested a month later.

22 Q. Okay. You made a statement to police,
23 like a written statement; is that correct?

24 A. The day of the incident?

25 Q. Yes.

1 A. Yes.

2 Q. Okay. And in that first -- well, you
3 actually -- and I don't know if you have your
4 statements. I know you don't have them in front of
5 you, so I'm happy to show them to you, if you need,
6 but in the first, it looks like you made a statement
7 on September 16th, a written statement, but you
8 didn't mention anything about any statements about
9 Amelia Garvin's murder that he made, correct, in
10 your first statement?

11 A. No, not at all. We spoke about what
12 happened to me on my statement.

13 Q. Okay. And then it was later, it was
14 about nine or ten days later you went and made
15 another statement saying things he may have told
16 you?

17 A. I was asked about it, so I mean when
18 the -- initially, when the incident happened with
19 me, the officers that came on the scene didn't know
20 anything about this case. No one really knew
21 anything about this case. SLED came and talked to
22 me, and that's when she asked me about him. I told
23 her what he told me.

24 Q. Okay. So you actually -- the police
25 sought you out to ask you questions about this case

1 with Amelia?

2 A. They didn't -- they didn't seek me, I
3 was on probation for my charge.

4 Q. I gotcha.

5 A. My PO found out about it, and my PO ---

6 Q. Okay.

7 A. -- of course, he had to let them
8 know ---

9 Q. Okay.

10 A. -- what was going on.

11 Q. And I understand, you know, throughout
12 your relationship, you know, there's back and forth
13 fighting. Was there ever back and forth fighting,
14 where you were, you know, there was discussion about
15 this murder case, like, I -- you would say, "That
16 you did kill that girl," and he would say -- I mean
17 wasn't there some discussion about this because you
18 knew this was a presence in his life?

19 A. In our relationship there wasn't any
20 back and forth. I knew not to fight with Jarvise.
21 There wasn't any back and forth arguing with him.
22 Whenever he said something to me, there was no
23 talking back to him. So if he asked me a question,
24 or he said something, I was pretty much, you know,
25 barely answering him, because it's a Jekyll and Hyde

1 situation.

2 Q. Okay.

3 A. So if -- I mean I don't see why I would
4 say that. To be frank, it -- at the beginning of
5 our relationship, probably the first five or six
6 months, her murder wasn't -- wasn't a -- a topic, we
7 were enjoying each other. It didn't become a topic
8 until later on he told me he was snorting whatever
9 he was snorting, that is when the -- the topic came
10 up, because he -- he -- he changed.

11 Q. Okay, so he -- he brought it up though,
12 initially, that he was facing this situation?

13 A. Absolutely.

14 Q. Okay.

15 A. And it was haunting him.

16 Q. Okay. And so after Jarvise was
17 arrested for your case, you were still in a
18 relationship at that point?

19 A. No. After the incident we -- he still
20 reached out to me, and we did still communicate. He
21 is the father of my child. I do love Jarvise. I
22 just know who he is. You know, I -- stupid means
23 the holding onto something that I thought he was.

24 Q. Okay. And you actually -- I mean you
25 -- I mean throughout 2020, and you had said -- and

1 2021 you had setup video visits with him, so he
2 could ---

3 A. Yes.

4 Q. -- visit with ---

5 A. Yes.

6 Q. -- his daughter. Your daughter's name
7 is Syriah (Ph)?

8 A. Yes, Syriah.

9 Q. Okay.

10 A. Yes.

11 Q. And so there were obviously several ---

12 A. Yes.

13 Q. -- video visits that you set up? And
14 also you sent him cards. Do you remember sending
15 him ---

16 A. Yes.

17 Q. -- cards that you made?

18 A. Everything stopped when he said to me
19 on the phone that he -- what if -- what if he
20 kidnapped Syriah like he did Elijah? That's when
21 all the contact stopped, because nothing -- I'm not
22 going to allow anything to happen to my child.

23 Q. Okay. But some -- I mean ---

24 A. Yes, he got ---

25 Q. -- that ---

1 A. -- cards on holidays, absolutely, of
2 his child. That's what he asked for. That's what
3 he got.

4 Q. Well, yeah, and she is beautiful, I
5 must say ---

6 A. Thank you.

7 Q. -- I have pictures of her right now,
8 she is ---

9 A. Yeah.

10 Q. -- absolutely gorgeous.

11 A. She is.

12 Q. But I am just wondering, I mean there
13 is a card where -- I just need to find the right
14 card, because there are several, where you --
15 basically, you called him wifey. You say you call
16 yourself wifey.

17 A. I always did.

18 Q. And that, basically, that you would be
19 together, and be a family one day.

20 A. That's what he was ---

21 Q. That's what you told him?

22 A. -- thinking.

23 Q. But you got -- you told him that
24 through these cards you made?

25 A. That's what he was stating to me. In

1 the midst of our communication, and at that time, I
2 was pregnant with his child when he was locked up.

3 Q. All right.

4 A. At that time I was emotional, and, yes,
5 I really wanted my family because that's what he
6 stated to me at that time. After I had my baby and
7 she got about a year old, my mama bear tendency
8 clicked in, and I just can't put my daughter -- I
9 can't see my daughter living in the house how I
10 lived in the house with him. It's -- it wouldn't be
11 healthy for my child to be in that situation. And
12 when he made that specific statement about
13 kidnapping my daughter, like he did the dog, I cut
14 all ties with Jarvise Jenkins.

15 Q. Well, actually, the last, -- we're able
16 to subpoena all your calls and visits.

17 A. Right.

18 Q. So the last time I believe you had a
19 video visit with him was in October of 2022?

20 A. I'm not sure when the last ---

21 Q. Okay.

22 A. -- time was, but we had a phone call
23 conversation, if you want to pull that up where he
24 stated that.

25 Q. But there's also a phone call where you

1 -- I mean you told him you didn't believe he
2 actually did this murder.

3 A. I don't recall that. Do you want to
4 record -- replay that?

5 Q. No, I'm just -- I'm just asking you
6 about it.

7 A. No, I ---

8 Q. Okay.

9 A. -- don't recall ever telling him that.

10 Q. Okay.

11 MS. GIBBES: Beg the Court's indulgence. I
12 have no further questions for this witness. Thank
13 you.

14 THE COURT: All right, any redirect?

15 MS. SWANSON: No redirect, Your Honor.
16 Thank you.

17 THE COURT: Okay. Thank you, ma'am. You
18 may step down.

19 MS. SWANSON: The State calls Lawton
20 Bradshaw.

21 (WITNESS SWORN)

22 * * * * *

23 Lawton Bradshaw,
24 having been duly sworn,
25 testifies as follows:

1 * * * * *

2 MS. SWANSON: Your Honor, we're just
3 pulling the screen down. Mr. Plexico is moving out
4 of the way in preparation for Agent Bradshaw's
5 testimony. All right. Thank you.

6 **DIRECT EXAMINATION**

7 BY MS. SWANSON:

8 Q. Good morning.

9 A. Good morning. How are you?

10 Q. Good. All right. Agent Bradshaw, who
11 do you work for, and what do you do there?

12 A. I work for the South Carolina Law
13 Enforcement Division. I am currently assigned to
14 the Fusion Team -- the Fugitive Team in the Fusion
15 center of SLED. We go after Fugitives. We do cell
16 phone analysis. We map cell phones. But that's
17 currently what I do now.

18 Q. Okay. And tell us about your training
19 and background with cell tower mapping.

20 A. I have specific training in -- through
21 the FBI with CAS-BIZ. It's a program that we --
22 that we utilize to basically break down how a cell
23 phone attaches itself to a tower. I also have PLX
24 training, which is another program that I've had
25 training in, which is also another -- it's just

1 another program that does some different things,
2 other than CAS-BIZ. And we also use another program
3 called Gladiator Forensics, and I've had all the
4 proper training for that to -- to identify cell
5 towers, to the second cell tower, and, basically,
6 the distance that your cell phone will ping from a
7 tower.

8 Q. Okay, and are you using GPS coordinates
9 from the cell phone companies? How are you doing
10 that?

11 A. Absolutely. What happens is, is when
12 your tower -- or when your cell phone hits off of a
13 tower, it actually gives you a lat and long of that
14 position. The lat and long is usually the tower,
15 the tower position, but then it gives you a distance
16 from that tower. It can be in meters or miles,
17 depending on what that cell phone company gives you.

18 Q. All right. And about how many cases
19 have you worked on doing this historical cell site
20 analysis?

21 A. I've been doing this since 2017, and we
22 average about 160 cases individually a year.

23 Q. Okay. And have you been declared an
24 expert before in historical cell site analysis?

25 A. I have, yes, ma'am.

1 Q. All right.

2 MS. SWANSON: At this time, the State would
3 offer Agent Bradshaw as an expert in historical cell
4 site analysis.

5 MS. GIBBES: Without objection.

6 THE COURT: Okay. No objection.

7 (Exhibit Number 27, Mapping, is marked for
8 the record.)

9 BY MS. SWANSON:

10 Q. All right, I'm going to show you what
11 has been marked as State's Exhibit 27, and ask you
12 to identify this?

13 A. (Reviews document.) Yes, ma'am, that's
14 my mapping.

15 Q. Okay. This is the mapping that you did
16 for this case?

17 A. Yes, ma'am.

18 Q. All right. And did you use data that
19 was provided by Verizon, pursuant to a search
20 warrant?

21 A. Yes, ma'am, we use the cell phone
22 records that they give us, they're called CVRs.

23 Q. Okay.

24 A. Called detards [sic].

25 Q. And if you can just pan through here.

1 Is this a fair and accurate depiction of the
2 presentation that you prepared?

3 A. Yes, ma'am.

4 Q. All right.

5 MS. SWANSON: The State would enter 27 and
6 move to publish at this time.

7 MS. GIBBES: Without objection.

8 THE COURT: Okay.

9 BY MS. SWANSON:

10 Q. All right. And I'm going to --
11 Agent Bradshaw, I'm going to pull this up here, and
12 if you just want to take us through it ---

13 A. Yes, ma'am, I will.

14 Q. -- and tell me when to pan down, okay?

15 A. Yes -- yes, ma'am. Yes, ma'am. Your
16 Honor -- ma'am?

17 Q. Yes.

18 A. I have the same copy here. Is it okay
19 if I use my copy ---

20 Q. Sure.

21 A. -- or do I need to use the one --

22 Q. Yes. I'm -- I'm going to put it up
23 here for the jury.

24 A. Oh, okay, yes, ma'am. Yes, ma'am.

25 Q. And so that they can ---

1 A. I just don't think eyes might not be
2 able to, you know ---

3 Q. Yes, sir. So that they can follow
4 along with you.

5 MS. SWANSON: Okay. All right. If you can
6 just -- I'm sorry, if you can take it off so I can
7 find it again. I just don't want to click on
8 anything. Okay, thank you. Let me pull it back up.
9 I apologize. All right, very good.

10 BY MS. SWANSON:

11 Q. Okay, Agent Bradshaw, ---

12 A. Yes, ma'am.

13 Q. -- go ahead and take us through.

14 A. Of course, this is just the -- the date
15 of when I actually did the mapping, that's my name.
16 The background there just shows we have no bias
17 towards anything. All we're doing is we're looking
18 at that cell phone number, and we're looking at
19 those records, that's it, you know, very limited
20 about anything. We're, basically, just using our --
21 using the -- the information from the cell phone
22 company. If you read through there, it just kind of
23 explains to you what cell sites are, what the towers
24 are. If you go down to the -- where it says sample
25 three sector tower, basically, your cell towers have

1 what they call three sectors. You have sector one,
2 which is, basically, point northeast. You have
3 sector two, which is, basically, southeast,
4 southwest. And then you have sector three, which is
5 about -- it's usually pointed about northwest. And,
6 basically, what happens in those sectors is, as --
7 it's a -- it's a cone -- it's a V-shape, and from
8 that tower, if you're hitting off of sector one, of
9 course, it would be in the range of that cone,
10 whether it's meters or miles, however the cell --
11 the cell phone company gives it to you. Do you want
12 to scroll through again, or scroll it? That right
13 there kind of explains the -- the towers. And you
14 can see the three sectors there. The reason why you
15 have three circles is because some towers can have
16 three separate -- you can have AT&T on a network, T-
17 Mobile on the tower, and Verizon. You can have
18 three separate networks, but, again, that's how the
19 towers are -- are done. Your Verizon record
20 explanation, that's, basically, just for -- if -- if
21 you guys had a copy of this, it could just explain
22 to you if you were looking at the actual call detail
23 records. It's really not relevant here, because,
24 basically, you're just going to be looking at the
25 pictures of the cell tower sectors, and the distance

1 that that cell phone was -- again, just telling you
2 what -- on the call detail records what the -- each
3 column stands for. You have -- a phone can be
4 hitting off of 2G, it can be hitting off of 4G,
5 which is LTD, and it can be hitting off of 3G. And,
6 of course, it could tell you whether it's a text
7 message, a voice transaction, or a data transaction.
8 So your RTT, what that is, is that's basically the
9 distance from the tower. That's going to be -- it's
10 not your sector, it would be, you know, again,
11 whether that cell phone is a certain amount of
12 meters or a certain amount of miles away from that
13 tower. That's basically what RTT is. That is,
14 again, the phone number that I was asked to map.
15 Again, the provider is Verizon, and, again, that's
16 your timeframe that I analyzed. It was December 2nd
17 and December 5th of 2018. Those are your locations
18 of interest. I'm not exactly sure, again, we are
19 not bias in any way, I just take those locations, I
20 put it in on my map, and, of course, the see I label
21 them A or B.

22 Q. Agent Bradshaw, did you get those
23 locations from Agent McCallister?

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

25 Q. Okay. And she's the one that requested

1 that you do this ---

2 A. Yes, ma'am.

3 Q. -- and provided the records from
4 Verizon to you?

5 A. Yes, ma'am.

6 Q. Okay. Thank you.

7 A. So these are the towers that were
8 utilized by that phone number within that timeframe
9 of December 2nd and December 4th until 6:00 a.m. on
10 December 5th. I apologize, but, of course, the red
11 -- the red marks there are the actual cell towers.
12 I'm not sure if you guys can see it. As you can
13 see, he hit off of several cell towers, or that
14 phone number hit off of several cell towers. And,
15 again, as you can see, there's A and B locations of
16 the locations that I was given. You can scroll
17 down. These are the CDRs that I was talking about,
18 they are the call detail reports. Those are each
19 one of the transactions that were made at a certain
20 date, certain time. It also gives the location of
21 which I mapped. It also tells you what he was --
22 or, I'm sorry, what the cell phone number was -- the
23 cell phone was hitting off of, again, whether it was
24 LTE, 2G, 3G. Of course, as it moves up the ladder,
25 it's a little bit more specific, but that's ---

1 that's -- that's what I received from the search
2 warrant. That's the call detail records for the
3 transactions during that time period. Again, that's
4 just continued. This location here, or this
5 transaction is, of course, that tower 159203, the
6 sector two, hit sector two, which is, again, that
7 north -- or I'm sorry, that south -- southeast south
8 -- south tower. That is a transaction at 12:05 and
9 25 seconds on the a.m. of the second of December.

10 Q. Okay. And that's near Walterboro?

11 A. I believe so, yes, ma'am. You might be
12 able to see it a little bit better here.

13 Q. And the jury will have a copy of
14 your ---

15 A. Oh, okay, yes, ma'am.

16 Q. -- PowerPoint.

17 A. Yes, ma'am.

18 Q. I know it's a little difficult with the
19 lighting in here.

20 A. And as you can see that [REDACTED] Featherbed
21 Road, of course, is -- is definitely a probability
22 of where that transaction could have occurred.

23 Q. Okay. So we've got Featherbed Road and
24 then the Pepper Street address?

25 A. Yes, ma'am.

1 Q. Okay.

2 A. Yes, ma'am. And, of course, it's
3 pointing towards the Featherbed Road address.

4 Q. Okay.

5 A. This is the next slide. So this one
6 here, it is, of course, the -- the transaction at --
7 there's actually two transactions on this tower
8 within seconds of one another, as you can see the
9 timeframe there. Again, this is going to be that
10 159203, and that's going to be sector three, which
11 is going to be your south -- your south, southwest
12 tower. And as you can see, it's now pointing away
13 from that [REDACTED] Featherbed Road address. I'd like to
14 go back to that slide, if you don't mind?

15 Q. Sure.

16 A. With a -- with a transaction like that,
17 within seconds like that, that's, obviously, meaning
18 that that -- that that -- that cell phone is moving
19 for it to be -- for it to make two transactions like
20 that off of one tower in one sector.

21 Q. Okay. And that indicates movement?

22 A. I -- I ---

23 Q. In your opinion?

24 A. In my opinion, yes, ma'am, it would
25 mean that, yes, or that device is definitely moving.

1 Q. Okay.

2 A. This next one is -- it's a transaction
3 on -- on tower 159217. This is going to be sector
4 one, and it's going to be two transactions, one at
5 6:45 and 45 seconds, and one at 7:39 and 24 seconds
6 on the same day, basically, an hour apart, and
7 that's going to be right there at that [REDACTED] Pepper
8 Street. And I would say that's a high probability
9 that he's -- or that device is in that area. This
10 is a busy tower, this is 159217 again, but this is
11 sector two. And if you notice those timeframes, if
12 you would go back to the slide prior to that, you
13 can see that there's a transaction on the 2nd at
14 7:36 and 38 seconds on the slide below that, the
15 first transaction. But then if you go back up to
16 the slide prior, he has a transaction on that tower
17 in a totally different sector at 7:39 and 24
18 seconds, he's definitely moving. The device has
19 definitely moving. The second transaction there is
20 at 7:37 and two seconds, and then he's back on that
21 sector again at 7 -- at 7 o'clock, or 7:41 and 23
22 seconds. So there's a lot of movement going on for
23 him for that device to be bouncing back and forth
24 from that sector.

25 Q. Okay. And then we -- we see some other

1 times that the device is pinging off that tower?

2 A. Yes, ma'am.

3 Q. Okay.

4 A. I mean he's -- the device is going back
5 and forth. I mean as you can see, the -- the
6 transaction at 8:05 -- I mean he's -- or the device,
7 excuse me, the device at 6:45 is on one sector, and
8 then at 7:36 it's in another sector, and then at
9 7:37 it's still in that same sector, and then at
10 7:39 it bounces to another sector.

11 Q. Okay.

12 A. This transaction here is off of cell
13 tower 159220, sector three. And, again, it's two
14 transactions, one at 10:20 and 36 seconds, and one
15 at 10:21 and six seconds. And, again, probability
16 of him being -- or the device being at [REDACTED]
17 Featherbed Road or in that area is a great
18 possibility.

19 Q. All right, what about these
20 transactions?

21 A. Okay. These transactions here, the
22 tower is 159233, sector three. If I may back up a
23 little bit, and I apologize ---

24 Q. That's okay.

25 A. -- 'cause I'm going to -- I'm going to

1 back up a second. You have to realize at certain
2 times of the day, if a cell tower is busy, if a cell
3 tower has too many -- or too many devices attached
4 to it, or whatever may be on that cell tower, you
5 will be bounced to another tower. That tower can be
6 further away, it can be closer, however it could
7 happen. So I realize that ladies and gentlemen of
8 the jury see that the -- some of the towers are
9 further away, but they're still pointing, you know,
10 to the -- to that location. It's a very high
11 probability that -- that the tower that he was
12 hitting off of -- of the device was hitting off
13 before could very well be busy at that -- at that
14 point in time, so it would have bounced to another
15 tower; but it's -- it's definitely still a
16 probability, even with that tower being that far
17 away, that the probability of him still being -- or
18 the device still being in that -- at that address is
19 a very high probability.

20 Q. Okay. All right, now we're in the
21 early morning, late night hours of December 4th of
22 2018. What can you tell us about these
23 transactions?

24 A. I want to make sure I'm on the same one
25 as you, ma'am. (Reviews document.) Okay, so --

1 again, you have this tower 159217, sector one. This
2 is a tower that device has hit off of several times,
3 as you can see in some of my previous slides. You
4 can see the timeframes here. You're talking
5 midnight and morning hours. You're talking at 12:39
6 and 59 seconds, and then you've got another
7 transaction that that device spent a long time
8 sitting on that tower, 1:24 and 27 seconds. You're
9 -- you're talking almost an hour sitting at that
10 tower.

11 Q. Thank you. All right, also ---

12 A. Again ---

13 Q. -- early morning hours of December 4th.

14 A. Yes, ma'am. So, again, just like the
15 previous slide before when he was hitting off of
16 this same tower, I'm not sure if y'all can remember
17 that, ladies and gentlemen, but he -- so he's
18 bouncing -- or the device is bouncing from sector-
19 to-sector again. So there's -- there -- there's --
20 there's some type of movement going on there, but
21 he's still -- or the device is still in that area,
22 and you can see that the time periods of those calls
23 are those -- those transactions are within the time
24 period that he -- or that the device was hitting off
25 of that tower. The last -- the last transaction on

1 sector one was at 12:45 and 48 seconds in the
2 morning, and then at 1:04 and 8 seconds, he's
3 hitting -- or the device is hitting off of sector
4 two. So, again, that shows some -- some sort of
5 movement.

6 Q. Okay. And then at 1:46 a.m., what are
7 we seeing with this transaction?

8 A. This transaction here is at 1:46 and 53
9 seconds, he's hitting off of -- or the device is
10 hitting of tower 159263. He's hitting off of sector
11 three -- or the device is hitting off of sector
12 three. And as you can -- as you can see, that
13 device has moved substantially.

14 Q. Okay, and I don't know, is it -- is
15 that going towards Walterboro; do you know?

16 A. I can't tell on my map here, and I'm
17 not familiar with the area, but he's definitely --
18 or the device is definitely out of the city limits
19 of Hampton ---

20 Q. Okay.

21 A. -- and heading in that -- in that
22 north, northeast direction.

23 Q. Okay.

24 A. And it looks like off of Highway 63 or
25 Sniders Highway.

1 Q. Right.

2 A. I apologize for not knowing the area
3 very well.

4 Q. That's okay, that's okay. All right,
5 and so at 1:50 we're -- we're in the same area?

6 A. Yes, ma'am.

7 Q. Okay.

8 A. Same tower.

9 Q. Then from 1:50 a.m. we jump to 6:02
10 a.m.?

11 A. Yes, ma'am. And that means that that
12 device was deliberately turned off.

13 MS. GIBBES: Objection, Your Honor, that's
14 speculation.

15 MS. SWANSON: Okay.

16 THE COURT: No, no. Give us the basis --
17 that's your opinion, give us the basis for your
18 opinion.

19 BY MS. SWANSON:

20 Q. Is -- are there a number of reasons
21 that a device could not ping?

22 A. Yes, ma'am.

23 Q. In your opinion, what is the most
24 probable reason that a device is not pinging for an
25 extended amount of time?

1 A. The device has been deliberately
2 powered off.

3 Q. Okay. Could loss of battery life also
4 cause it?

5 A. Yes, ma'am.

6 Q. Okay. Anyway, nevertheless, we
7 have ---

8 A. Oh, let me -- let me -- can I -- I
9 apologize. If it is loss of battery, if the power
10 -- if the battery goes dead on a -- on a cell phone,
11 it will still show the last tower that that phone
12 hit ---

13 Q. Okay.

14 A. -- connected to.

15 Q. Okay. Nevertheless, we have a gap in
16 pings here?

17 A. Yes, ma'am.

18 Q. Okay. And so last time we see it hit
19 cell phone towers at 1:50 a.m., and then we pick
20 back up at 6:02 a.m., and ---

21 A. Yes, ma'am.

22 Q. -- what are we looking at here?

23 A. At 6:02 you're looking at tower 159206,
24 sector one, and it's -- it's -- it's, of course,
25 sector one's pointing towards Walterboro. Again,

1 there's no -- there's no addresses, or anything like
2 that in that area, it's just pointed toward
3 Walterboro.

4 Q. Okay.

5 A. And as you can see, that's Sniders
6 Highway is right there, and it's pointed, obviously,
7 in a different direction than the -- than the last
8 tower he hit ---

9 Q. Right.

10 A. -- or the device hit.

11 Q. Okay. And then later in the morning
12 we've got 7:18?

13 A. Yes, ma'am, 7:18 and 39 seconds he's
14 hitting off of tower 159233, sector three, and,
15 again, it's a high probability of that address of
16 [REDACTED] Featherbed Road.

17 Q. All right, and then we have another
18 gap?

19 A. We do. It is from, let's see, 7:18 and
20 45 seconds to 9:07 and 57 seconds, and that would be
21 the next slide down, yes, ma'am, 'cause it's, of
22 course, a different tower he's hitting -- the device
23 is hitting off a different tower.

24 Q. Okay, well, we have the 7:18, and then
25 1604, which is 4:04 p.m.?

1 A. Yes, ma'am.

2 Q. Okay. So from 7:18 to 4:04 p.m. on
3 December 4th, we don't have anything?

4 A. We do. If you go to that -- the next
5 slide ---

6 Q. Oh, I'm sorry.

7 A. Yep.

8 Q. Okay.

9 A. The device is hitting off of that tower
10 at 9:07 and 57 seconds.

11 Q. All right, all right. And does that
12 indicate movement?

13 A. Absolutely.

14 Q. All right, and then here are some other
15 times, just on other towers --

16 A. Uh-huh, yes, ma'am.

17 Q. -- on December 4th?

18 A. Yes, ma'am.

19 Q. And this is during the same timeframe
20 on December 4th just indicating movement; is that
21 right?

22 A. The transactions there, it appears that
23 the device was sitting on that tower for a little
24 bit of time. Again, a high probability could be
25 that ■ -- ■ Featherbed Road.

1 Q. Oh, okay. All right. December 5th of
2 2018 at 1:46 a.m.?

3 A. Yes, ma'am. Again, he's hitting off of
4 that sower -- or tower 159233, sector three, and the
5 device really likes that tower, and that's at 1:46
6 and 23 seconds in the morning.

7 Q. Likely from the Featherbed Road area?

8 A. A high probability, yes, ma'am.

9 Q. Okay. And then December 5th at 4:37
10 a.m.?

11 A. Yes, ma'am, he's hitting off of that --
12 he likes that -- or the device likes that tower as
13 well, 159220, sector three, and, again, that [REDACTED]
14 Featherbed Road is a high probability.

15 Q. Okay. But we don't have any
16 information between 1:46 a.m. and 4:37 a.m.?

17 A. No.

18 Q. Okay. All right, did you also take a
19 look at -- actually, I retract that. All right,
20 Agent Bradshaw, I'm going to hand you over to Ms.
21 Gibbes, if you can please answer any questions that
22 she may have for you.

23 A. Yes, ma'am. Absolutely.

24 MS. GIBBES: Thank you, may it please the
25 Court?

1 THE COURT: Yes, ma'am.

2 CROSS-EXAMINATION

3 BY MS. GIBBES:

4 Q. Good morning, Agent Bradshaw.

5 A. Good morning, ma'am, how are you?

6 Q. Good, how are you doing?

7 A. I'm all right.

8 Q. Okay, so I know you obviously analyzed

9 these -- this phone number from Verizon records.

10 A. Yes, ma'am.

11 Q. There were actually three search
12 warrants done for cell phone records. Did you
13 analyze more -- any other numbers besides this?

14 A. No, ma'am, not that I recall.

15 Q. Okay, so you did -- the only mapping
16 you did was for this number that you're talking
17 about?

18 A. Yes, ma'am.

19 Q. Okay. And these are Verizon records?

20 A. Yes, ma'am.

21 Q. Okay. And I think you've already
22 testified to this, but -- so, basically, you
23 analyzed the call detail records or CDRs; is that
24 what they're ---

25 A. Yes, ma'am.

1 Q. -- called?

2 A. Yes, ma'am.

3 Q. And, basically, documents the
4 interaction of the network to and from the cell
5 phone?

6 A. Yes, ma'am.

7 Q. Okay. And then these records also
8 document the cell tower and the cell site, which
9 serves the cell phone during the activity?

10 A. Yes, ma'am, the cell site is the -- the
11 cell tower, yes, ma'am.

12 Q. Okay. And so when I got these records
13 in evidence, and I'm assuming when you get the
14 records, it's all -- you get a bunch of spreadsheets
15 that are like garbled -- I can't even say that word,
16 but it's just a lot of ---

17 A. Yes.

18 Q. -- numbers and pages and pages of
19 spreadsheets with ---

20 A. Yes, ma'am.

21 Q. -- different numbers, and you take
22 those spreadsheets and put it in software to get the
23 mapping; is that how you do it?

24 A. Yes, ma'am, but we all -- I also can do
25 it manually.

1 Q. Okay, so you can look at the numbers of
2 the spreadsheets, the coordinates, and things of
3 that nature, and ---

4 A. Yes, ma'am.

5 Q. -- and figure out the coordinates?

6 A. Yes, ma'am.

7 Q. Okay. But most people, if you look at
8 these numbers, you can't really tell what it's
9 telling you, because it's just a spreadsheets with
10 numbers though?

11 A. Most of the cell phone companies they
12 do give a great explanation of -- of what the
13 numbers stand for. And if you're familiar with lat
14 and longs ---

15 Q. Uh-huh.

16 A. -- you can put it into Google Earth
17 and ---

18 Q. All right.

19 A. -- you've normally got it.

20 Q. But you'd have to use another -- you'd
21 have to use something like Google Earth ---

22 A. Yes, ma'am.

23 Q. -- to kind of put numbers into whatever
24 it is to have it spit out the coordinates?

25 A. Yes, ma'am.

1 Q. Okay. And you actually didn't analyze
2 the physical device in this case, you just analyzed
3 data?

4 A. No, ma'am.

5 Q. Okay. And for each tower there it has
6 a specific coverage area, right?

7 A. Yes, ma'am.

8 Q. And each -- the coverage area is,
9 basically, like your range, which is like the
10 maximum distance without switching to another tower?

11 A. Yes, ma'am.

12 Q. And depending -- basically it depends
13 on the tower strength, right? Like just because the
14 strongest signal -- a cell phone hits off of a
15 tower, it's really hitting off the strongest signal,
16 not necessarily the closest tower, right?

17 A. Ma'am, I -- I can't get into the
18 technology about how a tower is -- is -- is made.

19 Q. That's not part of your training?

20 A. The technology of the tower?

21 Q. Well, just to know, I mean just because
22 a phone hits off a tower, doesn't mean that's the
23 closest tower, it just means that's the strongest
24 signal it's picking up?

25 A. Yes, ma'am.

1 Q. Okay.

2 A. Again, I don't work for Verizon, I
3 don't know what their tower strengths are.

4 Q. Okay. So -- but I mean -- so, for
5 example, the cell tower number 159217, that's -- the
6 tower number you use that's the closest to Pepper
7 Street, ---

8 A. Yes, ma'am.

9 Q. -- right?

10 A. Yes, ma'am, I believe so. Yes, ma'am.

11 Q. Okay. And then there's mention it's
12 like cell IDs one and two is basically ---

13 A. The sector of the tower.

14 Q. -- the sector of the tower?

15 A. Uh-huh.

16 Q. But this really isn't an exact science
17 really. I mean it's possible that -- let's say a
18 phone is pinging off that tower closest to Pepper
19 Street, that doesn't necessarily mean that it's at
20 that location, right?

21 A. Well, as you can see if you go through
22 the power slide, if that device moves away from that
23 tower, then, you know, he could -- that device could
24 be anywhere, but ---

25 Q. Yeah, but ---

1 A. -- that 159217 sector one and sector
2 two is a pretty busy tower.

3 Q. Okay. But you can't pinpoint -- like
4 it's possible to be connected to a tower and be
5 several miles away, right?

6 A. I wouldn't say several miles, not --
7 not in distance. Because if you look -- if he -- if
8 that device was several miles away, it goes off
9 another tower.

10 Q. But aren't -- aren't there factors that
11 have to do with how the towers -- the accuracy of
12 like, let's say, like the factors and the data
13 accuracy is like the height of the cell tower, or
14 the signal range, or the elevation, or the -- I mean
15 wouldn't you say that -- if, let's say, it's a very
16 crowded urban area, maybe it's -- it's more
17 difficult for tower accuracy, you know, maybe that's
18 a closer range because there's more towers, as
19 opposed to a, you know, rural area.

20 A. Oh, yes, ma'am, absolutely.

21 Q. Okay. So like in an urban area the
22 cell site's going to be more numerous than closer
23 together, right? Because they have to handle
24 increased usage?

25 A. Yes, ma'am, you're going to have cell

1 towers on the side of buildings.

2 Q. Okay. And sometimes there are
3 obstacles that block the radio signals, right? Like
4 with buildings that's why maybe they have more
5 towers, because ---

6 A. No, ma'am.

7 Q. Nothing can get in the way?

8 A. No, no, ma'am, it'll go around it. The
9 signal goes around it.

10 Q. Okay. But in rural areas, towers can
11 be located farther apart and cover a bigger area,
12 right?

13 A. Absolutely, 'cause they're -- yes,
14 ma'am.

15 Q. And a cell site can have a range from
16 approximately one to 50 miles in a rural area?

17 A. The reason why the towers in a city are
18 closer together is because you're going to have more
19 people, you're going to have more transactions, and
20 you're going to have to have towers to hold those
21 transactions. In a rural area, you're not going to
22 have that many people, you're in the country, so
23 your towers are spread further apart because you're
24 going to have less transactions, and you'll have
25 less people on those -- on those towers.

1 Q. And so there's a bigger range if
2 they're spread farther apart, so you could hit off
3 the tower, you know, if you're in the country, and
4 you could hit off the tower that's 30 miles away.

5 A. The ---

6 Q. Right?

7 A. No, ma'am, you're not going to be 30
8 miles from the tower and hit off of that tower.

9 Q. Well, what's -- I mean what's the
10 closest -- I mean are you -- you're -- you're
11 testifying today that if you -- if my phone hits off
12 a tower and I'm standing still, that's going to show
13 I'm standing exactly in this location?

14 A. Uh-huh.

15 Q. This one location?

16 A. Yes, ma'am. Oh, it's a high
17 probability.

18 Q. A high probability?

19 A. Yes, ma'am. You're going to have an
20 arc, you're going to have -- that's what the RTT is.

21 Q. Okay.

22 A. That -- the -- the cell phone companies
23 are going to give you the tower and the sector.
24 They're also going to give you a distance from that
25 tower. You map -- when you map it manually, you

1 take that sector, and you go from the point of where
2 that tower is, and whether they give it to you in
3 miles or meters, you take a straight line, and you
4 go straight from that tower, meters or miles, it's
5 normally in meters, so let's say 20 meters from the
6 -- from that tower. And then you draw a line on
7 that -- in -- in between that sector. That device
8 is going to be somewhere on that line 100 percent.

9 Q. Between meters and miles?

10 A. Verizon gives it to you in meters.

11 Q. Okay. Well, let's talk about that --
12 that little -- that angle you're talking about. So
13 the point of that angle is the cell tower location,
14 right?

15 A. I'm sorry?

16 Q. The point of that angle you're talking
17 about is the cell tower location?

18 A. Yes, ma'am, we get lat and long of that
19 cell tower.

20 Q. Okay. And then the shaded area, which
21 is like in front of it into that circle that you're
22 talking about, ---

23 A. Uh-huh.

24 Q. -- that's the direction the tower's
25 facing, right?

1 A. And within that cone, uh-huh.

2 Q. Okay.

3 A. Within that sector.

4 Q. So if the cell phone's pinging --
5 pinging in that shaded area, it just means it's in
6 that direction? I mean it doesn't say that's
7 exactly in that, it's just in that vicinity of
8 that ---

9 A. That's right.

10 Q. Okay. But it's not behind unless
11 there's like some bleed over to another tower,
12 right?

13 A. If it -- if it was bleed over to
14 another tower, it would show that tower, and that
15 tower is not that same tower.

16 Q. Okay. So you're telling me that for
17 bleed over it's not -- they're connecting to more --
18 it's not possible to connect to more than one tower
19 at one time?

20 A. No, ma'am.

21 Q. So if you're traveling -- isn't there
22 bleed over, if their calls don't disconnect, and/or
23 lose coverage, or ---

24 A. That would show movement. It would
25 bounce from sector to sector.

1 Q. Well, let's talk about the RTTs that
2 you put in the slide show. I mean it's -- okay, so
3 there's per call measurement data, right, which is
4 PCMD?

5 A. Yes, ma'am.

6 Q. And then there's RTT, and is RTT
7 specific to Verizon?

8 A. Yes, ma'am.

9 Q. Okay. But you didn't analyze any RTTs
10 in this?

11 A. No, ma'am.

12 Q. But in all the spreadsheets there --
13 isn't there a whole spreadsheet that contains all of
14 the RTT data from that phone?

15 A. I'm sorry?

16 Q. In the data you analyzed, there --
17 maybe you didn't analyze it, but there is a
18 spreadsheet file from Verizon that came -- contains
19 all of the RTT information from the cell phone in
20 the spreadsheet?

21 A. It's a possibility, if that was in the
22 search warrant. I didn't -- I didn't do the search
23 warrant.

24 Q. Well, did you just decide not to
25 analyze all of it? Because that shows -- RTT shows

1 location of the phone, right? I mean does ---

2 A. I'm sorry?

3 Q. Doesn't RTT show information about
4 where the phone is? I mean isn't there information
5 that you might need to analyze locations in the RTT
6 spreadsheet?

7 A. It just shows distance from the tower.

8 Q. Okay, but everything that you analyzed
9 is not -- everything that you received was not
10 analyzed, because you didn't analyze any of the RTT
11 information.

12 A. Well, ma'am, I'm not sure that I
13 received the RTT. I -- again, I did not do the
14 search warrant. I was given a phone number, and I
15 was given records. You're saying that I received
16 RTT. I -- I can't speak that I did receive RTT. I
17 analyzed the records that I received.

18 Q. Okay. Well, I received a RTT, and I'm
19 -- obviously, I don't know what I'm talking about as
20 a layperson, but ---

21 A. Yes, ma'am.

22 Q. -- I had somebody look at it, and there
23 is a Carolina -- there is a file labeled from
24 Verizon the RTT data, and it's more location from
25 the phone that you did not analyze?

1 A. Yes, ma'am.

2 Q. Do you agree with that?

3 A. I agree.

4 Q. So if you did have it, you would have
5 analyzed it, because it would have had more data
6 points?

7 A. If that's your opinion, yes, ma'am.

8 Q. Well, it's not my opinion, I'm just --
9 okay, so now you're talking about this gap phone.
10 You said it was deliberately turned off, right?

11 A. Yes, ma'am.

12 Q. Okay. But there's no -- there's
13 nothing in this data that can conclusively tell you
14 that that phone was deliberately turned off?

15 A. When you say data it's ---

16 Q. I mean is there anything that says
17 that ---

18 A. That's not data, it's ---

19 Q. That could tell you that was turned
20 off, whatever it is. I mean nothing conclusively
21 tells you that his phone was turned off on purpose?
22 You can't make a conclusion ---

23 A. No.

24 Q. -- based on what you looked at, right?

25 A. Absolutely not.

1 Q. Okay. Because isn't it normally the
2 phone turned off there would be call forwarding
3 available or something of that nature?

4 A. I don't know.

5 Q. Because there isn't any here, so ---

6 A. No, ma'am.

7 Q. -- when you turn off a phone, you don't
8 see that there's calls being forwarded?

9 A. No, ma'am.

10 Q. But there are also -- I mean -- because
11 there's like a gap between 1:00 and 6:00 a.m. in the
12 morning you were talking about. There could just be
13 no activity on the phone, because they weren't
14 receiving phone calls, right?

15 A. No, ma'am, that's not true. That phone
16 is going to constantly talk to a tower if it's
17 powered on. It's going to constantly ---

18 Q. But you just said it was turned off.

19 A. Ma'am, you just said -- you just asked
20 me did that phone call -- or that device would be
21 receiving voicemail or call forwarding, if that --
22 if -- if -- if the phone was off. And I simply
23 stated, "No, ma'am, that's not true, if that -- that
24 phone was powered on, it would speak to a tower
25 somewhere. It would -- it would be pulling

1 something from a tower because it's -- it's -- a
2 cell phone is constantly scanning for service. It
3 -- it's just like hungry, it's trying to eat, so
4 it's constantly scanning for a tower. So you're
5 asking me if I can definitively stand here in the
6 court of law and tell you whether that -- that
7 device was powered off, I cannot say that the device
8 was actually powered off. I can tell you that that
9 device had something going on that it was not
10 talking to a tower, when clearly you see that cell
11 phone talking constantly to a tower.

12 Q. What if it's in airplane mode?

13 A. Airplane mode?

14 Q. Uh-huh.

15 A. That's a great possibility. Still your
16 -- the device is not talking to a tower.

17 Q. Or if it was a weak signal?

18 A. Not a weak signal. You -- how can you
19 say it's a weak signal when he's -- or when that
20 device is hitting off the towers all over that area
21 all the time, when -- when it -- when it's --

22 Q. And now, no, we're talking about --
23 we're not talking about a person, right, we're
24 talking about ---

25 A. A device.

1 Q. -- a device.

2 A. Absolutely.

3 Q. The device doesn't show who's holding
4 the phone ---

5 A. Ma'am, again ---

6 Q. -- or anything ---

7 A. -- I have no bias.

8 Q. -- like that?

9 A. I have no bias. I am simply mapping a
10 cell phone number.

11 Q. Okay. So we've established -- I mean
12 so you were talking about gap times. You've
13 admitted that if there is RTT data from the phone,
14 you did not analyze it included into your ---

15 A. What I analyzed is right here.

16 Q. Okay. So would it surprise you that
17 during these gap times, if you had analyzed the RTT
18 data, there are 23 calls that show data during that
19 period?

20 A. We do not testify to data.

21 Q. Well, whatever the number of the
22 points, the coordinates, whatever is in that RTT
23 spreadsheet that shows location data from the --
24 this phone that you analyzed, if you had looked in
25 -- or had received the RTT data, there are 23 ---

1 A. Are they data sessions?

2 Q. -- calls or ---

3 A. Are they data sessions? We only map
4 SMS and voice transactions.

5 Q. Well, I mean I can show ---

6 A. Can you show me what ---

7 Q. I can show -- I mean this is not
8 something you created, this is something my expert
9 created. It shows 23 ---

10 A. Again, are they data transactions?

11 THE COURT: Whoa, whoa, let her finish her
12 question.

13 BY MS. GIBBES:

14 Q. I don't -- I mean I don't know -- I
15 mean, yeah, there was like they're durations,
16 they're -- I mean I'm happy to show it to you if you
17 want to look at them.

18 A. That's fine.

19 Q. I don't know -- I mean I don't know if
20 it's appropriate, but I don't mind if you look at
21 it, I don't ---

22 MS. SWANSON: Yeah, Judge, I would object
23 to this. I have no idea what this is. I haven't
24 seen this.

25 MS. GIBBES: And I'm not planning to, -- I'm

1 sorry.

2 MS. SWANSON: I haven't seen this. This
3 has not been provided to me. I would object.

4 MS. GIBBES: And -- and, Judge, I'm not
5 trying to enter it into evidence, or show it to the
6 jury. I just am asking questions. There's
7 obviously data that has not been analyzed from this
8 phone.

9 THE COURT: Well, you're basing it on this
10 -- on this ---

11 I'll tell you what, ladies and gentlemen,
12 let's just take a short morning break, okay? Don't
13 discuss this case, and we'll be back with you in
14 just a second.

15 (Jury exits the courtroom.)

16 THE COURT: Okay. Tell us what this is.

17 MS. GIBBES: Judge, it's basically there's
18 this RTT information from this phone we did receive
19 in evidence. The records they did provide that have
20 for the phone, or location information, basically,
21 obviously, those have not been included -- included
22 into this analysis, but the RTT data is more
23 location from the phone. So I have an expert, who's
24 not testifying. He looked through the RTT data that
25 was not analyzed by their expert and pointed out, I

1 believe, 23 ---

2 THE COURT: Well, let me just stop you
3 right there. You don't intend to have somebody put
4 this into evidence ---

5 MR. GIBBES: No.

6 THE COURT: -- and you don't understand
7 yourself what it means. We don't know if it's
8 relevant, or competent, or anything. You cross-
9 examine him about RTT, I don't know what that is.
10 And if he says he doesn't know, then that's end of
11 the discussion. Okay?

12 MS. GIBBES: Okay.

13 THE COURT: Okay.

14 MS. SWANSON: Your Honor, I mean he did
15 testify that he did not analyze RTT, so she can't
16 ask him about something that he never analyzed, and
17 this is somebody else's work.

18 THE COURT: That -- that's exactly what my
19 ruling is.

20 MS. SWANSON: Right, okay.

21 THE COURT: Okay? She can -- this is
22 cross-examination. I'm going to allow wide cross-
23 examination. Go ahead. Do you understand where I'm
24 going?

25 MS. GIBBES: Yes, Your Honor.

1 THE COURT: Yeah, okay. All right, we'll
2 just take -- I don't know take a five or ten-minute
3 break. Agent, you may stand down, but please don't
4 discuss your testimony with anybody.

5 WITNESS: Yes, sir.

6 (Whereupon, a brief recess is taken.)

7 THE COURT: All right. Are y'all ready to
8 go?

9 MS. GIBBES: Yes, Your Honor.

10 (Jury enters the courtroom.)

11 THE COURT: Okay. You may resume.

12 MS. GIBBES: Yes, thank you, Judge. And
13 I'm going to close this out, I promise.

14 BY MS. GIBBES:

15 Q. And not to overly talk about RTT, so in
16 your -- RTT is data that you can analyze from the
17 phone to get locations, if you have that?

18 A. Yes, ma'am.

19 Q. Okay. And so in your spreadsheet you
20 mention RTT, but you didn't actually analyze that
21 data?

22 A. Yes, ma'am.

23 Q. Okay. And if -- if you had that -- if
24 you had those records in your possession, would you
25 have -- you would have analyzed them?

1 A. Yes, ma'am, if they were a text message
2 or voice transaction on the phone.

3 Q. Okay.

4 A. Or on the device.

5 Q. Okay. And you, basically, only
6 analyzed what you were provided is what you're
7 saying?

8 A. Yes, ma'am.

9 Q. Okay. Now, one last question, it's
10 possible, if you want -- if there's a search
11 warrant, and you can get a tower done for each tower
12 to see what -- all -- all the cells phones are
13 connecting to a tower in a given time period?

14 A. Yes, ma'am, that is a possibility.

15 Q. Okay. And that did not happen in this
16 case?

17 A. No, ma'am.

18 Q. Okay.

19 MS. GIBBES: Thank you, I've no further
20 questions.

21 THE COURT: Any redirect?

22 MS. SWANSON: No redirect, and I would ask
23 that Agent Bradshaw be allowed to be released from
24 his subpoena.

25 MS. GIBBES: Without ---

1 THE COURT: Any objection?

2 MS. GIBBES: Without objection.

3 THE COURT: Okay. Thank you.

4 WITNESS: Thank you.

5 MS. SWANSON: Thank you. The State calls
6 Michael Moskal.

7 * * * * *

8 Michael Moskal,

9 Having been duly sworn,

10 testifies as follows:

11 * * * * *

12 DIRECT EXAMINATION

13 BY MS. SWANSON:

14 Q. Good morning, Agent Moskal. Thank you
15 for being here.

16 A. Good morning.

17 Q. Can you tell us where you work and how
18 long you've been there?

19 A. Yes, ma'am. I am currently employed by
20 the South Carolina Law Enforcement Division, what's
21 commonly known as SLED. I work in the trace
22 evidence, and I have been there since the summer of
23 2006.

24 Q. And what do you do in trace evidence?

25 A. In trace evidence we are looking to

1 analyze evidence that may be too small to see with
2 the naked eye. So oftentimes it requires kind
3 magnification, or very sensitive instruments. And
4 we analyze things like fire debris, gunshot residue,
5 paint, glass, explosives, and then a category of
6 just general unknowns.

7 Q. All right. And have you received
8 specialized training in the area in the field?

9 A. Yes, ma'am. I have a chemistry degree
10 from the College of Charleston. And then when I
11 started working with SLED we went through -- or I
12 went through an internal training procedure where
13 each one of those disciplines I mentioned had about
14 a six to an eight-month training period where it
15 included reading articles, reading books, practicing
16 on the instruments, working with other qualified
17 analysts in each one of those areas, and going to
18 some outside training as well. At the end of that
19 time period, I was given a mock case where I had to
20 analyze the evidence, write a report, and then
21 present that to the Department; and then after
22 successful completion of that SLED deemed me that I
23 am competent to take cases.

24 Q. Okay. And how many times have you
25 testified as an expert in trace evidence?

1 A. I've testified a little over 30 times.

2 Q. All right.

3 MS. SWANSON: At this time, Your Honor, the
4 State would offer this agent as an expert in trace
5 evidence.

6 MS. GIBBES: Without objection.

7 THE COURT: Okay.

8 (State's Exhibit Number 22, Box with Gallon
9 Can of Soil, is marked for the record.)

10 BY MS. SWANSON:

11 Q. All right, I'm going to hand you what's
12 been marked as State's Exhibit 22 and ask if this is
13 a piece of evidence that you analyzed in in this
14 case? And if we need to open this box, we can, but
15 you tell me.

16 A. (Reviews evidence.) I can identify it
17 without opening it up. Yes, ma'am, I recognize
18 this. When evidence comes into SLED, it is assigned
19 a lab number, and then the evidence gets a bar code
20 placed on the container bearing that lab number.
21 And in this case is an item number one, which would
22 be what was in this box. It also has my initials
23 and dates where I did various types of procedures on
24 this, and it bears my initial and dates on the seal,
25 where I sealed it when I was completed with it.

1 Q. All right. And what is contained in
2 that box?

3 A. May I refer to my notes?

4 THE COURT: Yes, sir.

5 BY WITNESS:

6 A. So inside this box will be a gallon can
7 that contains soil.

8 Q. Okay.

9 MS. SWANSON: State would offer Exhibit 27
10 into evidence at this time.

11 (State's Exhibit Number 27 is admitted into
12 evidence without objection.)

13 MS. GIBBES: Without objection.

14 THE COURT: Okay.

15 BY MS. SWANSON:

16 Q. All right. And what did you test that
17 gallon can containing soil for?

18 A. This item was submitted to me to test
19 for the presence or absence of an ignitable liquid.

20 Q. And what was your finding?

21 A. My finding was that I found that inside
22 this container it contained gasoline.

23 Q. Okay. Thank you.

24 MS. SWANSON: I have nothing further for
25 this witness.

1 MS. GIBBES: I have no questions for this
2 witness.

3 THE COURT: All right, thank you, sir, you
4 may step down.

5 MS. SWANSON: I'm going to grab the
6 exhibit. Thank you, sir. Oh, I'm sorry, this was
7 item 22, if I can clarify for the record, Exhibit
8 22.

9 THE COURT: Okay.

10 MS. SWANSON: Thank you.

11 THE COURT: Do you want to release him from
12 subpoena?

13 MS. SWANSON: Yes, please.

14 MS. GIBBES: Without objection.

15 MS. SWANSON: All right, the State calls
16 Catherine Leisy.

17 * * * * *

18 Catherine Leisy,
19 Having been duly sworn,
20 testifies as follows:

21 * * * * *

22 DIRECT EXAMINATION

23 BY MS. SWANSON:

24 Q. Good morning, Agent Leisy. How are
25 you?

1 A. I'm well. Thank you.

2 Q. Tell the jury who you work for and in
3 what capacity.

4 A. I work for the South Carolina Law
5 Enforcement Division, more commonly referred to as
6 SLED. I am a forensic scientist assigned to the DNA
7 case work department.

8 Q. All right, how long have you been in
9 SLED?

10 A. Sixteen years.

11 Q. And can you tell them a little bit
12 about your background and education in the field?

13 A. I have a bachelor of science degree in
14 genetic engineering from Cedar Crest College in
15 Allentown, Pennsylvania. Prior to my time here at
16 SLED, I spent approximately four years working as a
17 forensic scientist at a private testing facility
18 known as Orchid Cellmark, which was located in
19 Germantown, Maryland. I performed the same types of
20 testing analyses that I do here at SLED. I've been
21 trained in-house by other court qualified analysts
22 in all the different types of testing analyses I'm
23 required to perform. And I'm required to perform
24 continuing education on an annual basis, which
25 consists of training or seminars to keep up to date

1 with the latest technologies available. I'm also
2 required to take annual proficiency tests, which are
3 essentially tested, we take the answer's already,
4 not to us, but we run those samples to show that
5 both in our protocols and our testing work
6 correctly, and that we are doing the work correctly
7 ourselves.

8 Q. Okay. And how many times have you
9 testified as an expert in DNA analysis?

10 A. I'd say approximately 100 at this
11 point.

12 Q. All right.

13 MS. SWANSON: At this time the State would
14 offer Agent Leisy as an expert in DNA analysis.

15 MS. GIBBES: Without objection.

16 THE COURT: Okay.

17 MS. SWANSON: All right. Thank you.

18 BY MS. SWANSON:

19 Q. Now, in the case that we are here for,
20 the investigation into the murder of Amelia Garvin,
21 you tested a number of items, right?

22 A. That's correct.

23 Q. And were there a number of items that
24 you were not able to get in any profile or age
25 appropriate any results for?

1 A. That's correct. There were several
2 items that I attempted to develop a DNA profile for
3 comparison. Those profiles were insufficient or
4 partial. That just means that there's not enough
5 information present for us to do a comparison
6 between the profile developed from the evidence to
7 the profile of a known individual to try and
8 determine whether or not a specific person could
9 contribute.

10 Q. There were a couple items though that
11 you were able to establish profiles on, right?

12 A. That's correct.

13 Q. Okay. I'm going to hand you what has
14 been marked as State's 21 and ask if you analyzed
15 this piece of evidence.

16 A. Yes, I did.

17 Q. What is it?

18 A. This item was identified as one set of
19 buccal swabs from Jarvise Jenkins.

20 Q. All right, and were you able -- were
21 you able to establish a profile from that buccal
22 swab?

23 A. I was. I developed a DNA profile to be
24 used as a known standard from Jarvise Jenkins.

25 Q. Okay.

1 MS. SWANSON: State would offer 21 into
2 evidence at this time.

3 MS. GIBBES: Without objection.

4 THE COURT: Okay.

5 (State's Exhibit Number 21, Set of Buccal
6 Swabs, is marked and admitted into evidence without
7 objection.)

8 BY MS. SWANSON:

9 Q. I'm going to hand you what's been
10 marked as State's 24 and ask if this bag contains
11 two items that you analyzed?

12 A. Yes, it does.

13 Q. Okay. And what are those items?

14 A. The item that I can clearly read the
15 label for is SLED item number seven as it relates to
16 this case, and it was a cigarette butt collected
17 from the master bathroom back area from marker B.

18 Q. Okay. Thank you.

19 MS. SWANSON: The State would offer 24 into
20 evidence at this time.

21 MS. GIBBES: Without objection.

22 THE COURT: No objection.

23 (State's Exhibit Number 24, Cigarette Butt,
24 is marked and admitted into evidence without
25 objection.)

1 BY MS. SWANSON:

2 Q. All right. Agent Leisy, were you able
3 to establish a profile from the cigarette butt
4 collected from marker B from the master bath?

5 A. Yes, I was.

6 Q. All right. And what were your results
7 when you compared them to the DNA profile that you
8 were able to establish on Jarvise Jenkins?

9 A. Well, first, the DNA profile that was
10 developed from that cigarette butt was interpreted
11 as single source. And that just means that it's
12 indicative of being DNA from just one individual. I
13 then did a comparison to Jarvise Jenkins to
14 determine whether or not he could have potentially
15 been a contributor to that. When we do
16 interpretation, we generate statistics called
17 likelihood ratios. And the likelihood ratio is a
18 mathematical comparison between two possible
19 explanations for the DNA profile that was developed.
20 So for this particular item, as I had a single
21 source profile, my first possible explanation would
22 be that it is Jarvise Jenkins' contributing the DNA
23 profile. The second possible explanation would be
24 that it is an unidentified, unrelated individual
25 that's contributing. And after we do the

1 comparison, that likelihood ratio value provides
2 support or strength for which of those two possible
3 explanations is more likely. And given my
4 comparison and interpretation, I determined that the
5 DNA profile developed is approximately 1.6 nonillion
6 times more likely if Jarvise Jenkins contributed the
7 profile than if an unidentified, unrelated
8 individual contributed the profile.

9 Q. Okay. 1.6 nonillion?

10 A. Correct.

11 Q. And how many zeroes is that?

12 A. One nonillion would be a one with 30
13 zeroes behind it.

14 Q. Okay. Thank you.

15 MS. SWANSON: I have no further questions.

16 MS. GIBBES: May it please this Court?

17 **CROSS-EXAMINATION**

18 BY MS. GIBBES:

19 Q. Good morning, Agent.

20 A. Good morning.

21 Q. How are you?

22 A. I'm well.

23 Q. Okay. I'll admit this is not -- this
24 is a difficult subject for me, so bear with me.

25 Okay. So you testified you did receive numerous

1 items of evidence to swab for DNA, right?

2 A. Correct. Several of the items had been
3 swabbed previously and sent to us.

4 Q. Okay. And some items were taken into
5 evidence and sent to the DNA lab to analyze --
6 possibly to analyze, basically?

7 A. Correct.

8 Q. Okay.

9 A. Whenever we receive evidence at the
10 laboratory, we attempt to develop a DNA profile from
11 that item for comparison.

12 Q. Gotcha, okay. And so, if you don't
13 mind, I'll just -- I'm just going to go through
14 everything that was sent to you. There was swabs
15 you received -- and I can talk about the item
16 number, so it might make things easier. For the
17 exterior door handle, a deadbolt for the master
18 bedroom, and I'll be able to tell you the item, if I
19 can find that. Item one?

20 A. Correct.

21 Q. Okay. And so on that one the DNA
22 profile is a mixture. It wasn't interpreted further
23 because limited info potentially related to other
24 contributors?

25 A. That's correct.

1 Q. Okay. And so that basically means
2 there is DNA on there, but you have several people's
3 DNA on there because they're related?

4 A. For that particular swab, I obtained a
5 partial DNA profile, just meaning there was not
6 enough DNA present to develop or locate a profile at
7 all the locations tested. There was indication that
8 there was DNA for more than one individual. In a
9 case like this where you potentially have family
10 members, you know, related individuals in and out of
11 the residence, were all in contact with that item,
12 it can be difficult to determine how many
13 contributors you have, because you have related
14 individuals, they share more DNA. We need to be
15 able to determine how many contributors are present
16 to interpret it. And based on the potential
17 relatedness of individuals who would have deposited
18 the DNA -- DNA on that item, in connection with the
19 fact that it's so limited, and there's such little
20 information, it's just not a profile that's a simple
21 comparison.

22 Q. Okay. So it's not suitable, but there
23 is a little bit of DNA on it?

24 A. There is a little bit.

25 Q. There's a mixture. Okay, thank you.

1 Okay. And so for item two, that's a swab from the
2 interior door handle and deadbolt of the master
3 bedroom. In that case, there was a partial DNA
4 profile developed, but it's insufficient for
5 interpretation, right?

6 A. That's correct. Again, just not enough
7 DNA present to interpret.

8 Q. Okay. And it looks like for item four,
9 it's the same thing, the swabs from a gas can handle
10 from the front porch, a partial DNA profile
11 developed that's insufficient for interpretation?

12 A. That's correct.

13 Q. Okay. Now, I know you mentioned that
14 there were two cigarette butts in this case, right?

15 A. Right.

16 Q. You just talked about the cigarette
17 found by the master bathroom tub, which is -- that's
18 item seven. But I'd like to look at item six, which
19 is a cigarette butt that was found in the master
20 bathroom shower. So in the report it says, "The
21 partial DNA profile developed was insufficient for
22 interpretation," right?

23 A. That's correct, yes, ma'am.

24 Q. Okay. And if you don't mind, actually,
25 do you have your -- like the reports for the global

1 filer express table ---

2 A. I do.

3 Q. -- experiment results report? Do you
4 have that on you?

5 A. Yes, ma'am.

6 Q. Okay. And so I -- I did a deep dive
7 into the -- all the data, so, basically, besides --
8 beyond the reports, there is a lot of data that you
9 analyzed that's in these reports, that are kind of
10 complicated. And they lead to -- it's from all the
11 testing, and it leads to a final report, right?

12 A. Correct.

13 Q. Okay. And so if you don't mind looking
14 at the global filer express table, and it says it's
15 item six for the cigarette butt. And so if you're
16 looking at your report, and, obviously, the case
17 items at the top are the, you know, the items that
18 were analyzed, but if you go down the side, I mean
19 what do you call this category? All the categories
20 on the side are like the locus or loci, which are
21 the locations of the DNA; is that what it is?

22 A. That's correct. So with this type of
23 testing, what we're really testing is locations
24 called short tandem repeats. So those are specific
25 locations in our DNA where a short unit of DNA

1 repeats a certain number of times. And the number
2 of times it repeats varies from person to person.
3 So by making copies of those areas and counting the
4 number of repeats, we develop a DNA profile. And we
5 can compare them to DNA types at each of those
6 locations to tell different people apart. So on a
7 table that's being referenced, the column on the far
8 left is the list of all the specific SGR locations
9 that we test, and then each additional column as
10 would go left to right are the DNA profile is
11 developed from each of those items.

12 Q. Okay. And so looking -- still looking
13 at case item number six, the cigarette butt from the
14 shower, if you go down the left side for the
15 locations for D2S441, that points out that for this
16 item number six is in the allele eight; is that what
17 that is?

18 A. Correct, an allele or a DNA type. So
19 that would indicate that there was a copy of DNA at
20 that location that has eight repeatments.

21 Q. Okay. And so for each -- you did take
22 swabs from specific individuals, correct? Or you
23 didn't take the swabs, you received swabs from
24 certain people. And included in this express table,
25 if you go to the back page, the very last page, it

1 looks like the case cite on that refers to the DNA
2 taken from the water bottle for Jarvise Jenkins. If
3 you go to the same DTS441, his alleles or
4 identifiers are 11 and 14, correct?

5 A. That's correct.

6 Q. Okay. So that means that this number
7 eight for the cigarette butt does not match Jarvise
8 Jenkins.

9 A. If we were just doing a direct
10 comparison in that location, it would not.

11 Q. Okay.

12 A. Based on our protocols, however, if we
13 only have one DNA type or one wheel within a
14 profile, that's not enough information to do any
15 type of formal comparison or interpretation, which
16 is why it was reported -- reported out as
17 insufficient for interpretation. With one allele,
18 we're not going to make a statement or do a
19 comparison.

20 Q. Okay. And looking into the experiment
21 results -- the experiment results report table, this
22 table, this and -- I get a little confused, but when
23 you go down each, I guess, each sample has a -- I
24 guess a well number. And so for like on the first
25 page, on page one of this table, and you go down to

1 the ones that match, number six, which is the
2 cigarette butt, you wrote, and I'm assuming this is
3 you, with your initial, you wrote, "Me," next to
4 this sample for that cigarette butt. And so what
5 I'm asking is for the other ones, because don't you,
6 when you're extracting the DNA, you try and get
7 concentrated samples to get the best sample possible
8 from the DNA?

9 A. So the designation of me indicates that
10 I'm amping a certain volume, so I'm amping exactly
11 ten micrometers, which is the amount that has to be
12 used for this step in the process. So this is the
13 stuff, the amputation stuff, where we're actually
14 making copies of the locations that we're interested
15 in testing. So if we have a sample that is -- got a
16 low level, we can concentrate the liquid that we
17 developed following previous data to a smaller
18 volume, so that we can amp more of the sample.
19 However, based on the result of this particular
20 item, I didn't feel that it would be beneficial to
21 concentrate it, just based on my experience, and
22 based on the low level of quantitation of the
23 estimate of DNA present. I didn't believe that it
24 would be useful or meaningful to concentrate it. I
25 didn't think it would add to the testing.

1 Q. Okay. I understand. So, basically,
2 when you do concentrate it, you can amp it more, but
3 in this case it was weak, so you didn't amplify it,
4 due to, you said, the low level?

5 A. That's correct.

6 Q. Okay.

7 A. I didn't believe it would be beneficial
8 to that sample.

9 Q. Okay. But would it be possible for the
10 sample, because it looks like what was tested was
11 half of a cigarette butt filter; do you have that?
12 And there's still another half left, so it could be
13 possible to retest that filter to see if there's any
14 additional profile that could be developed?

15 A. That's correct. So my standard testing
16 procedure when I test a cigarette butt is I cut
17 approximately half of sort of the filter paper where
18 you put it in your mouth to smoke the cigarette,
19 like I got half of that, run it. If I believe it
20 would be beneficial to do that, I can go back and
21 extract and rerun it. It can also be saved and
22 rerun at a later time.

23 Q. Okay. And so in this case, obviously,
24 it did not get rerun?

25 A. It did not.

1 Q. Okay. And so from all the limited
2 knowledge you have from this cigarette butt found in
3 the shower is ---

4 A. Uh-huh.

5 Q. -- that the allele is an eight, that
6 does not match Jarvise Jenkins allele at this point?

7 A. Correct, Mr. Jenkins does not have any.

8 Q. Okay. Now, there were some things that
9 were not tested that were taken into evidence.
10 There was a swab with suspected blood from the
11 refrigerator door? And I don't think that's -- I
12 didn't see that on the report, but it was ---

13 A. The analysis request on that particular
14 item was just for evidence control. Typically, that
15 just means it just remained in storage. There was
16 no request for DNA analysis on that swab.

17 Q. Okay. So you didn't get the
18 opportunity to test it. It didn't come to you?

19 A. Correct, it did not.

20 Q. Okay. Now, is this the same -- there
21 was also noted, and I know as part of your file,
22 there's crime scene notes that comes with your file;
23 do you see that page?

24 A. Correct.

25 Q. It also notes in a -- did you highlight

1 green the master bedroom?

2 A. I did.

3 Q. Okay. And you -- let's see, it looks,
4 obviously, what was highlighted was the one
5 cigarette by the tub, but there's also a pair of
6 gray-colored pants was observed that had suspected
7 blood on them from the -- let's see, under the
8 counter here, the sole window in the master
9 bathroom. Several items of clothes were located,
10 and a pair of gray in color pants were observed with
11 suspected blood on them. So that was collected, but
12 is it the same where they didn't ask you to test it,
13 or they didn't even send it to you to test?

14 A. It was submitted. I requested a list
15 of which items to start with as far as testing goes.
16 We don't always run everything that's submitted to
17 the laboratory, based on case circumstance. And
18 that was not included in the list that I was asked
19 to initially run, and there was no subsequent
20 request to run that item, so it was returned to that
21 analysis.

22 Q. Okay. And I will -- I'm glad you said
23 that because I do know you communicate with law
24 enforcement about which items to test, or
25 priorities; is that correct?

1 A. Yes, it is.

2 Q. And I don't know, do you have your case
3 jacket for this file, which contains email from
4 Agent McAllister?

5 A. I have ---

6 Q. Or communication, or a phone -- a call?
7 You make notes any time you make a call with law
8 enforcement about a case?

9 A. I do have the phone narrative, and like
10 two or three emails. I don't think I printed out
11 all of them.

12 Q. Okay. And I'm happy to show you --
13 because I just wanted to point to a October 8th,
14 2019, phone call note that you made between Agent
15 Katie McAllister from SLED?

16 A. Correct.

17 Q. Do you have that in front of you?

18 A. I do.

19 Q. Okay. And so, basically, that
20 discussion from October 8th, 2019, you spoke to
21 Agent McAllister, and you were given items that you
22 should analyze first, basically, that had priority?

23 A. That's correct.

24 Q. Okay. And so, obviously, I think I was
25 just speaking about the pants with the blood, or the

1 blood on the refrigerator, but you didn't get that
2 one, but those were not priority, basically, so they
3 were not tested?

4 A. If they were not requested as I
5 communicated with Agent McAllister regarding what
6 items I should start with.

7 Q. All right. And I know -- and going
8 back to the items that were collected, there were
9 several items from Amelia in this case, who is the
10 victim. I have notes that they did, you know, oral
11 swab from her mouth, and that was not analyzed,
12 right?

13 A. I did not analyze that. There were
14 several swabs that were processed by one of our
15 evidence processing and serology technicians, but
16 that item was not forwarded for DNA analysis ---

17 Q. Okay.

18 A. -- or, excuse me, not analyzed.

19 Q. And fingernail clippings from both of
20 her hands, that was not analyzed because it
21 indicated that she chewed her fingernails?

22 A. Correct. It was not included in the
23 first batch of items. As the individual would chew
24 their fingernails, it could limit the amount of
25 material present, the amount of nail there, to

1 collect DNA from other individuals, it would mean
2 more saliva present, so it was not prioritized as
3 one of the samples drawn.

4 Q. Okay. But when you look on the report,
5 this is for items 18.2 and 19. -- or, I'm sorry, 18,
6 18.1, 18.2, those are the fingernail clippings from
7 her right and left hand. Let's see, it does say,
8 "From her right-hand fingernail clippings there was
9 a partial DNA profile developed, but it's
10 insufficient to interpretation.

11 A. From item 18.2, that would be a
12 hair ---

13 Q. Oh.

14 A. -- that was collected when the right-
15 hand fingernail clippings were examined. That hair
16 was forwarded for analysis, and that partial profile
17 was insufficient for interpretation.

18 Q. Okay. So that hair, there's a hair
19 under her nails that was tested, but you couldn't
20 get -- was there a little bit of DNA under it, and
21 you just couldn't amplify it, or there just wasn't
22 -- I mean I guess a hair, isn't it made out of DNA?

23 A. Well, when we're testing hairs, what
24 we're actually testing is the root material. So
25 there's, you know, a -- a clump of skin cells that

1 would be connected to the root of the hair. That's
2 what we were testing. There's actually not enough
3 of the DNA that we're looking for in the shaft of
4 the hair. So it depends on whether or not we have
5 root material, which is what determines whether or
6 not we can develop a profile.

7 Q. Okay. And also there was hairs pulled
8 from Amelia from her head and her pubic hairs, is
9 that -- is that the same, it was analyzed, but --
10 well, let's see, actually, the -- the pubic hair is
11 a DNA profile attributed to Amelia Garvin; but as
12 far as -- okay, so there were vaginal swabs and
13 rectal swabs taken as well, but there was no
14 analysis? You didn't do any DNA analysis on that?

15 A. I did not perform DNA analysis.

16 Q. Okay.

17 A. Again, there was preliminary
18 serological testing done by one of our technicians,
19 but I did not perform DNA analysis on it.

20 Q. Okay. And then just the last thing --
21 I mean just to talk a little bit about touch DNA, if
22 I touch something, that's touch -- basically, I can
23 leave my DNA on a surface, whether it be like this
24 table, I could leave my DNA. It -- what about on
25 human skin, if I touch somebody's skin, I can -- can

1 I still leave -- leave my DNA on the person's skin?

2 A. It is possible, but there are different
3 factors that go into it, such as, you know, how long
4 was the contact? How tightly did you grip someone?
5 Did you slightly brush against them? Were you
6 sweating? Were they sweating? There are different
7 factors that go into it, but it is possible to leave
8 a DNA sample on another individual just through
9 touch.

10 Q. And if you're sweating or, you know,
11 something of that nature, you might leave a -- a
12 higher quantity of DNA?

13 A. Correct, it's -- you could probably
14 expect that you could see more DNA present from an
15 individual who's sweating. That's what would
16 increase transfer potentially from skin cells to
17 whatever you're in contact with.

18 Q. Okay. And when you look and analyze
19 all this DNA evidence, you can't tell, you know,
20 when that DNA was put on that item, right?

21 A. That's correct.

22 Q. Okay. And you can't tell how it was
23 put on that item?

24 A. Correct.

25 Q. And you can't tell how long it has been

1 there on that item, right? Because it can be on
2 there for several months?

3 A. It can be on an item for years ---

4 Q. Years.

5 A. -- and still potentially profiled. We
6 can't determine when or exactly how DNA is
7 deposited.

8 Q. Okay. So it's possible that all this
9 DNA, you know, -- well, you've already testified,
10 DNA can stay on a cigarette butt for years.

11 A. As long as it's stored under the proper
12 conditions. If it was in decent shape when it was
13 collected, potentially, it can be viable for quite a
14 long time.

15 Q. Thank you.

16 MS. GIBBES: I have no further questions.

17 MS. SWANSON: Just one quick redirect.

18 **REDIRECT EXAMINATION**

19 BY MS. SWANSON:

20 Q. Agent, can you wash touch DNA off of a
21 body?

22 A. Absolutely. Wipe it away with
23 introduction of water, chemicals, things like that
24 could remove DNA from -- from skin or any other
25 item.

1 Q. Thank you.

2 MS. GIBBES: Just one question on redirect.

3 **RECROSS EXAMINATION**

4 BY MS. GIBBES:

5 Q. You did not receive any items of DNA
6 that were actually tested from Amelia Garvin's body,
7 like from her skin, or her neck, or anything? You
8 didn't receive that for testing any swabs?

9 A. I did not receive any such items
10 testing for foreign DNA. There were items collected
11 to be used potentially as a standard for her to
12 build a profile, but nothing from her body to
13 directly collect for a profile.

14 Q. Thank you.

15 THE COURT: All right, thank you, ma'am.
16 Release from subpoena?

17 MS. SWANSON: Thank you, Agent. Yes,
18 please. The State calls Dr. Ellen Riemer.

19 * * * * *

20 **Ellen Riemer, M.D.**

21 **Having been duly sworn,**

22 **testifies as follows:**

23 * * * * *

24 **DIRECT EXAMINATION**

25 BY MS. SWANSON:

1 Q. Good morning, Dr. Riemer.

2 A. Good morning.

3 Q. Tell the jury, please, if you will, who
4 you work for and what do you do there?

5 A. I work for the Medical University of
6 South Carolina, where I'm a forensic pathologist.

7 Q. What is your primary duty as a forensic
8 pathologist?

9 A. So I'm a medical doctor. And my job as
10 a forensic pathologist entails performing autopsies
11 on deceased individuals in order to determine the
12 cause and manner of death.

13 Q. All right. And have you received
14 specialized training and education in the field?

15 A. Yes. So after completing -- after
16 graduating from medical school with my M.D. degree
17 in 1997, I did a residency in pathology, followed by
18 a fellowship in forensic pathology. I did
19 additional fellowship training in cardiovascular and
20 pulmonary pathology, and I board certified in
21 forensic pathology.

22 Q. All right. And how many times have you
23 testified as an expert in forensic pathology,
24 approximately?

25 A. Approximately 250.

1 Q. Okay.

2 MS. SWANSON: I would, at this time, offer
3 -- offer Dr. Riemer as an expert in forensic
4 pathology.

5 MS. GIBBES: Without objection.

6 THE COURT: Okay.

7 MS. SWANSON: Thank you.

8 BY MS. SWANSON:

9 Q. Doctor, you had an occasion to perform
10 an autopsy on Amelia Garvin, right?

11 A. Yes.

12 Q. Okay.

13 A. Is it okay if I refer to my notes?

14 Q. Please.

15 A. So I wrote an autopsy report, and this
16 will refresh my memory.

17 Q. Yes, and -- and feel free to refer to
18 it.

19 A. Okay.

20 Q. If you can just take us through your
21 findings when you performed the autopsy on Ms.
22 Garvin.

23 A. Okay. So the results of the autopsy
24 show, basically, a healthy young woman, consistent
25 with the stated age of 27 years, with no evidence of

1 disease. What she did have was evidence of manual
2 strangulation. So it was abundant hemorrhage, which
3 is bleeding in the muscles of the anterior neck
4 surrounding the windpipe, which is the larynx,
5 including specific muscles on the right and left
6 sides. And then there was also a lot of soft tissue
7 hemorrhage surrounding the windpipe. So this is
8 from compression. There weren't actually any broken
9 bones in the neck, but when there's compression of
10 the neck through a pattern, it was kind of patchy,
11 it wasn't consistent with like, you know, a leakage
12 or a strangulation. So this pattern is consistent
13 with manual strangulation. Now, in addition to
14 that, whenever there's somebody's blood flowing, the
15 neck is being occluded. What we frequently get are
16 petechial hemorrhages, which are like pinpoint
17 hemorrhages in the whites of the eyes. So the
18 conjunctiva and sclera had also -- she not only had
19 petechial hemorrhages, which are the pinpoint
20 hemorrhages, but she had confluent sclera
21 hemorrhage, so there was like a lot of blood
22 throughout the whites of her eyes. And this is a
23 result of vessels being occluded in the neck, that
24 prevent blood from flowing out of -- of the head.

25 Q. Okay.

1 A. And other than that, she didn't have
2 any other injury.

3 Q. Okay. No water in the lungs?

4 A. No. There was no water in her lungs.
5 There was no evidence of drowning.

6 Q. Okay. And what did you determine the
7 cause of death to be?

8 A. The cause of death, manual
9 strangulation.

10 Q. And the manner of death?

11 A. Manner is homicide.

12 Q. Thank you.

13 MS. SWANSON: I don't have any other
14 further questions.

15 THE COURT: Cross?

16 MS. GIBBES: Thank you, just very briefly.

17 **CROSS-EXAMINATION**

18 BY MS. GIBBES:

19 Q. As part of your -- of your autopsy, I
20 did see there in the notes that a sexual assault
21 test was requested. Did you request that?

22 A. Oh, what did you say?

23 Q. A sexual assault request ---

24 A. Yes.

25 Q. Okay.

1 A. The sexual assault kit was actually
2 requested by an investigator ---

3 Q. Okay.

4 A. -- with SLED -- from SLED. Now, a lot
5 of times -- we -- we sometimes do those any way,
6 even without a special request, whenever we have,
7 basically, somebody, like a young woman, and if I
8 saw that, or sometimes it is -- it would be
9 something I would often do, as a routine part of an
10 autopsy, in case it's deemed by -- I -- I'm not
11 testing the samples, but it -- it's just sort of
12 more evidence that could potentially used. But in
13 this case it was actually specifically requested.

14 Q. Okay. So you actually do the test?

15 A. Yes.

16 Q. Okay.

17 A. So I take swabs, and that's what I do,
18 that's part of my -- I don't do it on every autopsy
19 I do ---

20 Q. Gotcha.

21 A. -- but in this case it was requested,
22 and, you know, a young woman with obvious evidence
23 of manual strangulation, so I take swabs, and I swab
24 the orifices, which is the oral cavity, vagina and
25 -- and the anus.

1 Q. Okay. And then you -- do you return
2 that back to law enforcement, so they can ---

3 A. Yeah, I return it. I transfer it over
4 as, you know, evidence along with anything, like, a
5 blood spot card that was obtained. It's up to
6 somebody else to do that or not.

7 Q. Okay. And as part of the autopsy there
8 is a toxicology report that you ---

9 A. Yes.

10 Q. -- look at?

11 A. So everybody who gets a forensic
12 autopsy gets a toxicology done, so we know exactly
13 what substances may be -- may or may not be in
14 somebody's system.

15 Q. Okay. And then in this case, was there
16 any positive ---

17 A. Yes.

18 Q. If you wouldn't mind, just ---

19 A. Let me just refer to my -- the report.
20 So, again, this is not -- I don't have a -- we don't
21 have a toxicology lab in MUSC, so the samples, I
22 collect the blood from the body, and, you know,
23 personally, and then this is submitted to a
24 toxicology lab that's, you know, recognizes
25 excellent. And in this case it was said to access,

1 which is that they have -- that they have forensic
2 toxicologists there, and the results show that her
3 blood was positive for methamphetamine, it's 58.4
4 nanograms per milliliter, and also positive for
5 salicylates, which is -- they didn't specify which,
6 but that usually goes along with aspirin, or
7 something like aspirin. And also positive for
8 caffeine, nicotine, which is from cigarettes, and
9 cotinine, which is a metabolite of nicotine. So she
10 had those substances. Methamphetamine, salicylates,
11 nicotine, cotinine and caffeine.

12 Q. Okay. Thank you.

13 MS. GIBBES: I have no further questions.

14 THE COURT: Anything else?

15 MS. SWANSON: Just one more question.

16 **REDIRECT EXAMINATION**

17 BY MS. SWANSON:

18 Q. In your examination of Amelia Garvin's
19 body, did you note any physical evidence of sexual
20 assault?

21 A. No, I did not.

22 Q. Okay. Thank you.

23 THE COURT: All right, thank you, ma'am,
24 you may step down.

25 WITNESS: Okay.

1 THE COURT: You are released from subpoena.

2 WITNESS: Thank you.

3 MS. SWANSON: Thank you, Your Honor, at
4 this time the State rests its case.

5 THE COURT: Okay. May I speak to the
6 lawyers up here for a second?

7 (Bench conference.)

8 THE COURT: All right, ladies and
9 gentlemen, we're going to break for lunch at this
10 time, and I'm going to give you a real long lunch
11 hour today. I ask you be back at 1:15, okay?
12 Please do not discuss the case. Please don't do any
13 research. Please don't go visit the scene or talk
14 about it with anybody, okay? We'll see you back at
15 1:15. Thank you.

16 (Jury exits the courtroom.)

17 THE COURT: Okay. Any motions?

18 MS. GIBBES: Yes, Your Honor, I would just
19 renew all my prior motions and objections. And at
20 this time I would also move for a directed verdict.
21 If you look at all the facts in the light -- in the
22 light most favorable to the State, as we must at
23 this point, the State has not met its burden of
24 proof. There's been no direct evidence that my
25 client committed this crime. All the evidence that

1 has been presented has been for days outside of the
2 actual murder date, and I don't think they met their
3 burden of proof.

4 THE COURT: Okay. Well, a well-stated
5 motion, however, I'm going to decline to grant it.

6 THE COURT:

7 All right, Mr. Jenkins, have you had an
8 opportunity to think about what you want to do?

9 MR. JENKINS: Yes, sir, I'm not going ---

10 THE COURT: You're not going to testify?

11 MR. JENKINS: -- I decline.

12 THE COURT: Okay. And I just want to make
13 sure that's your free and voluntary decision?

14 MR. JENKINS: Yeah. We discussed it and
15 talked about it.

16 THE COURT: Okay.

17 MR. JENKINS: It's voluntary.

18 THE COURT: Okay. And do you have any --
19 any questions or misunderstanding about anything
20 with respect to -- to your testimony? I just want
21 to make sure you're -- this is -- you know, you're
22 making the decision with all the information you
23 need?

24 MR. JENKINS: Yes, sir. You've been pretty
25 fair.

1 THE COURT: I'm sorry?

2 MR. JENKINS: You've been pretty fair.

3 THE COURT: Pretty fair? Well, I'm just
4 talking about your understanding of your ability to
5 testify.

6 MR. JENKINS: Yes, sir, I understand.

7 THE COURT: Okay. All right. Okay. Well,
8 let's talk about jury charges. Is there anything in
9 particular y'all want to request?

10 MS. SWANSON: The State has no specific
11 requests. I feel like it's pretty straightforward.
12 The -- obviously, the circumstantial evidence or no
13 lesser included or anything of that nature. Is
14 there anything of that nature?

15 MS. GIBBES: Yes, I ---

16 THE COURT: Okay.

17 MS. GIBBES: -- would agree. That's all.
18 I would just specifically ask for the Logan charge
19 on the circumstantial evidence, Judge, and I have
20 the case law if you want that.

21 THE COURT: I'm sorry?

22 MS. GIBBES: The -- the Logan charge
23 regarding circumstantial evidence, I would just be
24 -- I would ask that it be included as it is written,
25 just -- and I'm happy to pass up this case, Judge.

1 That's on the -- the first page is the Logan charge.

2 THE COURT: Thanks. Okay. How about do
3 you want anything on prior inconsistent statements?

4 MS. GIBBES: Yes, Your Honor.

5 THE COURT: Prior record of the witness?

6 MS. GIBBES: Yes, Your Honor.

7 THE COURT: Failure of the Defendant to
8 testify?

9 MS. GIBBES: Yes, Your Honor.

10 THE COURT: Expert witnesses?

11 MS. GIBBES: Yes, Your Honor.

12 THE COURT: Do you want anything on the
13 presumption of innocence?

14 MS. GIBBES: Yes, Your Honor.

15 THE COURT: Reasonable doubt?

16 MS. GIBBES: Yes, Your Honor.

17 THE COURT: Okay. Circumstantial evidence.
18 Can you think of anything else?

19 MS. GIBBES: Your Honor did state the
20 credibility of witnesses, ---

21 THE COURT: Yes.

22 MS. SWANSON: -- I'm sure. Okay. Thank
23 you.

24 THE COURT: Well, y'all have a nice lunch.

25 MS. GIBBES: Thank you.

1 MS. SWANSON: Thank you.

2 THE COURT: Okay.

3 (LUNCH BREAK)

4 THE COURT: All right. Anything before we
5 bring the jury?

6 MS. SWANSON: Nothing from the State.

7 MS. GIBBES: No, Your Honor.

8 (Jury enters the courtroom.)

9 THE COURT: From the defense?

10 MS. GIBBES: The defense would rest at this
11 time, Judge.

12 THE COURT: All right. Thank you.

13 All right. Madam Forelady, ladies and
14 gentlemen of the jury, if you can remember in my
15 opening comments to you, I told you there were five
16 parts to a trial. The first part were the opening
17 statements of the attorneys. The second part was
18 the presentation of the testimony and the evidence.
19 So we have completed the first two parts of the
20 trial. So all of the evidence that's going to be
21 presented to you is now before you. And at this
22 time, we're going to move into the closing arguments
23 of the attorneys. And so with that, ladies and
24 gentlemen, I ask y'all to give them your full and
25 complete attention. Thank you.

1 MS. SWANSON: Thank you, Your Honor, may it
2 please the Court?

3 THE COURT: Yes, ma'am.

4 **CLOSING STATEMENTS BY MS. SWANSON**

5 MS. SWANSON: I'm not going to get to speak
6 to you again after the defense gets to make their
7 arguments. So I'm going to start by responding to
8 some of the issues that Ms. Gibbes may bring up in
9 her arguments as to why you should find reasonable
10 doubt. I'm going to call these things red herrings.
11 Let's talk about Uncle Chris. While Uncle Chris may
12 have initially been someone that Agent McAllister
13 looked at because he had had an altercation with
14 Amelia, he is certainly not someone that committed
15 this murder. You heard his testimony. He was very
16 upfront with all of the questions and answers. He
17 did not shy away from any questions. He did say,
18 "Yeah, our family fights like any other family. We
19 fight a lot actually, but we get over it the next
20 day." He loved his niece. A broken car window,
21 nothing to kill anyone about.

22 Another thing that the defense may bring up
23 is we don't know exactly when the cigarette butt was
24 placed next to Amelia Garvin's deceased body; but
25 what we do know is that there were only two

1 cigarette butts, and one is 1.6 nonillion times more
2 likely to be Jarvis Jenkins' cigarette butt that is
3 lying next to his ex-girlfriend, who is naked and
4 strangled in the bathtub. That's circumstantial
5 evidence. He was at that scene. The defense may
6 argue that it was someone that Amelia had met out at
7 the club, but there's simply no evidence of this.
8 Nobody testified that they met anyone out. Nobody
9 testified that she came home with anyone but herself
10 and her cousin, and Sheila testified that she let
11 Amelia in because she didn't have her keys. Where
12 were her keys? They still weren't found when Amelia
13 was found deceased. That front door stayed locked.
14 There was no forced entry. Who could have had her
15 keys? Who took her keys and phone as a form of
16 control? Jarvis Jenkins did.

17 The defense may say that some of these
18 witnesses couldn't remember things. Well, it's been
19 five years, and that's understandable. But it's
20 also evidence that these witnesses were not coached.
21 We don't know exactly when Amelia's time of death
22 was because there was not a 24-hour period of time
23 in which she was last seen, and she was found dead,
24 but it was sometime between the early morning hours
25 of December 4th of 2018, when she was let in by Aunt

1 Sheila, and when she was found at about 3:30 in the
2 morning on December 5th, so we do have it narrowed
3 to that. And when she was found she was very
4 clearly deceased and rigor mortis had set in. Her
5 body was stiff. She was showing signs of
6 discoloration. Defense may talk about how she was a
7 partier. Well, she's 27-years-old. She had a
8 social life. They were all partying. It sounds
9 like Jarvise was partying right there with them.
10 But that's no reason to vilify a victim. She was
11 young, she worked a steady job and had a social
12 life. What do we know about Amelia and J.T.'s prior
13 history? What was their relationship like? I think
14 you heard ample testimony from the friends and
15 family that knew and saw them together to know that
16 he was abusive towards her, that he would stalk her,
17 that he would chase her in his car. We also know
18 that it started off okay. That everyone was like,
19 "Oh, yeah, maybe it's fine. They enjoyed each at
20 first," but then it went quickly downhill, much like
21 his relationship with April Cook. In fact, the
22 family members that didn't know about the abuse, for
23 instance, Mr. John Paul Williams, Sr., he didn't
24 really have a reason not to like Jarvise because he
25 didn't know what was going on in his and Amelia's

1 relationship, and he actually testified that they
2 went fishing together. So this is not some
3 conspiracy because the family didn't like J.T., that
4 they're out to get him, and they all testified, "Oh,
5 it was him, and he was mean, and he was a bad
6 boyfriend." That's not what this is about. This is
7 what they personally saw. And if they didn't like
8 him, they had good reason to because he treated
9 their friend and family member terribly. Choking
10 was a pattern that Jarvise displayed in his
11 relationship with Amelia. He carried on that
12 pattern with April Cook. Do you really think some
13 stranger came into that trailer through locked
14 doors, no signs of forced entry, and strangled
15 Amelia? For what? It doesn't make any sense.

16 All right. I've got a few slides to show
17 you. I want to talk about the crime scene. All
18 right, Amelia was found manually strangled and naked
19 in her bathtub. I think it's pretty clear that
20 manual strangulation takes a period of time. It
21 also takes some strength. Jarvise is a big guy.
22 He's a strong guy. And he did not like the fact
23 that Amelia left him. He's got too much pride for
24 that. He was angry. That is a crime of passion.
25 She's stiff with no signs of life, and a cigarette

1 butt matching Jarvise Jenkins is found right there
2 in that corner next to her body.

3 Now, while the trailer may not have been
4 that clean, it may have been littered with a number
5 of items, things of that nature. It's not as if in
6 this bathroom there were 500 cigarette butts that
7 had been there for years. Okay? I think Ms. Gibbes
8 eluded to the fact that, "Well, that, you know, DNA
9 expert, that cigarette butt could have been there
10 for years," and you couldn't say that. Well, I mean
11 does it look like it? Use your common sense. What
12 about the chair in her closet that her cousin
13 doesn't remember being there, that was usually in
14 her bedroom? Is that chair a place that someone
15 could lay in wait for her to get home from the club?
16 It connected to the bathroom. Like I said earlier,
17 there's no evidence that any items of value were
18 taken. This is not a burglary, a home invasion, a
19 robbery, TVs were still there. Nothing was
20 disturbed other than her body, her keys, and her
21 cell phone. No signs of forced entry, no signs of a
22 struggle. The back door in the kitchen, which was
23 rarely used was about this much open when the family
24 woke up in the early morning hours of December 5th
25 at about 3:30. They told you that they didn't

1 really use that backdoor unless they were putting
2 laundry out, feeding the cats, it had three locks on
3 it. But the only way it would stay closed is if you
4 slammed it. Well, why wouldn't someone slam the
5 door? Because they wouldn't want to wake anyone up
6 when they were leaving knowing that Aunt Sheila may
7 be asleep in the living room. So common sense, what
8 does this scene tell us? That this is not a random
9 home invasion or robbery, that Amelia knew her
10 killer, and her killer was familiar with her
11 residence. The layout, how to get in, probably had
12 her keys, because how in the world does her bedroom
13 door end up padlocked when she's laying dead in her
14 bathtub?

15 Let's talk about what JT was doing in the
16 days leading up to the discovery of the body. Now,
17 we know this from a couple of sources. We know what
18 he was doing because we heard from friends and
19 family that were with Amelia that he was stalking
20 and threatening her. But also Agent Bradshaw, with
21 the confusing cell tower testimony, I know you can
22 kind of get in the weeds with that, but really what
23 does it tell us? It corroborates the witness'
24 testimony, because in the early morning hours of
25 December 2nd, the data shows JT's phone around ■

1 Pepper Street from 6:45 a.m. to 8:05 a.m., and
2 that's when Amelia called Kimberly Williams and
3 heard on speaker phone Jarvise say, "I'll kill you,
4 bitch, you ain't leaving me. This right here is
5 until death do us part, you my bitch forever." And
6 before that she was on her shift at Love's, and
7 Stephanie Garvin told you that JT showed up there,
8 again, the stalking behavior. Backed his Buick in
9 right next to her car in the parking lot. Sat there
10 forever. She got upset. The manager had to tell
11 him to leave. Monday, December 3rd, 2018, was
12 Amelia's last shift at Love's. Again, she was
13 upset. Manager is approached by another employee,
14 as a result, he goes out to the back, finds Amelia,
15 begins a conversation with her, and then gives her
16 the advice that she needs to seek a protective
17 order, or a restraining order, and maybe she
18 shouldn't go home. What does that tell you? That
19 she was scared, and she had good reason to be
20 scared. Amelia dropped Stephanie off at her home
21 before heading back to Pepper Street shortly after
22 midnight to get ready to go out. So we've gone
23 from, you know, basically, she works her shift until
24 about midnight on the 3rd, but then at midnight we
25 go to December 4th. Early morning hours of December

1 4th, and this is when she and her cousin, Alexis,
2 are going to go out on the town. All right? Cell
3 tower pings place JT at Pepper Street as the girls
4 were getting ready to go out from 12:39 a.m. to 1:14
5 a.m. Remember, when they go out Alexis says, "Yeah,
6 we stopped at the Shell Station, I just wanted to
7 get some chips. We saw him pulling in or pulling
8 out right after us." They see him, again, on the
9 way to Walterboro. They go so far as to call Uncle
10 Chris. Uncle Chris calls JT, "Hey, stop following
11 them." He says, "I'm not even in the area." Well,
12 that's not what the cell phone data says. It shows
13 him at Pepper Street, and then going in the
14 direction of Walterboro. At about 4:00 a.m., that's
15 when Sheila has to let Amelia in the door, because
16 she doesn't have her keys. And then we have a dead
17 period of time where we don't know where JT's phone
18 is. That's from 1:50 a.m. to 6:02 a.m. And the
19 State believes that's exactly when he strangled her.
20 Laying in wait in that closet on the chair, waiting
21 her -- for her to get back from the club or hanging
22 out with friends, and he had had enough. Nobody
23 hears from her the next day. Remember, Uncle Chris
24 is trying to wake her up, knocking at her door.
25 She's supposed to come to court with him, because,

1 meanwhile, he's repaired the window on her car. You
2 know, he wants the charges dropped. He goes and
3 checks three different times, and everyone thinks,
4 well, maybe she's just sleeping off the night
5 before, because it's not really that unusual, you
6 know, for them not to see her, for her to sleep in;
7 but her friends and family do see that it's unusual
8 for her not to be on Facebook, and that she hasn't
9 been active for a long time, and so they start
10 getting a little concerned. Wednesday, December
11 5th, 2018, Jarvise's phone is not pinging between
12 1:46 a.m. and 4:37 a.m., when it's very clear that a
13 fire is lit just under Amelia's dead body. The fire
14 was intentionally lit underneath the bathtub where
15 she lay dead. Is that when Jarvise lit that fire?
16 It seems likely because at 3:30 a.m. Amelia's
17 grandfather wakes up, the smoke alarm goes off, he
18 kicks in the door, and they find her body.

19 All right. I want to shift to April Cook's
20 testimony. Obviously, I mean it was just this
21 morning, she was very compelling, very well-spoken.
22 She told you about the hell that she endured as a
23 result of her relationship with Jarvise Jenkins.
24 And she was very clear about it. It started off
25 good, you know, thought the relationship was good.

1 He slowly moved in, he slowly began controlling her,
2 relying on her for money, began some stalking
3 behavior, showing up at her work, sitting outside of
4 her work, manipulation. And then she told you about
5 the choking incident. The thing that drove her to
6 talk to the police in the first place. She was
7 violently choked while he was threatening to kill
8 her while she was pregnant with their child. He's
9 screaming at her, but he's trying to figure out how
10 to get her body to Walterboro because this wouldn't
11 have been his first time, the first time killing a
12 girlfriend. She also told you that he eventually
13 told her details about what happened to Amelia that
14 nobody would have known. How would he have known
15 this? How would he have known that there was water
16 in the bathtub? The responding officer was the only
17 one that testified to and recalled the water in the
18 bathtub. By the time EMS came, all that water had
19 drained out. He also knew she was strangled. Well,
20 I mean nobody knew that until the pathologist
21 dissected her throat. Of course he knows what
22 happened to her because he did it.

23 So what did JT do with women? He
24 manipulated them, he abused them, he didn't want
25 them to leave him, he relied on them. He would reel

1 them in, control them, control their finances,
2 physically abuse them, and choking being the favored
3 form of abuse. Now, the defense may say that SLED
4 invested this -- or jumped the gun, I believe they
5 said in opening statements, jumped the gun by
6 charging JT. Well -- well, he wasn't charged until
7 about ten months after Amelia's death, because they
8 continued to investigate it. They knew they had a
9 circumstantial case, but they kept trying to get
10 those building blocks. And when April Cook was
11 abused, and she had information, that's when
12 everything came together, that's when it clicked.
13 That's when Agent McAllister went and got that
14 murder warrant. This was no rush to judgment.

15 I want to just briefly talk about
16 circumstantial evidence. You're going to hear the
17 law from the Judge. Judge Miller is going to charge
18 you on the law, instruct you on the law, and he's
19 going to tell you that circumstantial evidence
20 carries the same weight as direct evidence, all
21 right? This is a circumstantial case, however, all
22 of the pieces of evidence build upon each other, and
23 point definitively to Jarvise Jenkins. Yes, you
24 cannot take one cigarette butt and say, "Oh, he
25 killed her," but all of this added up, yes,

1 circumstantial evidence can prove a murder case. I
2 also want to mention that your decision must be
3 based only on the evidence that was presented here
4 in the courtroom. Only on the testimony and the
5 physical evidence, the pictures, the pictures, cell
6 tower data, not conjecture. Okay?

7 Reasonable doubt. You must be firmly
8 convinced that Jarvise Jenkins killed his girlfriend
9 -- ex-girlfriend, Amelia Garvin, firmly convinced.
10 Now, the State is not required to prove a case
11 beyond a shadow of a doubt, or a two-way certainty.
12 That's not the standard. Although it's a high
13 standard, it's one that leaves you firmly convinced.
14 Your doubt must be reasonable if you have it.

15 We have provided you the evidence to leave
16 you firmly convinced that he killed Amelia Garvin.
17 There is simply no other evidence in the record to
18 suggest otherwise. So I'm asking you to find JT
19 guilty of this domestic homicide, the same one he
20 threatened to do days before Amelia's death. This
21 has gone on for five years. Let's put this to rest
22 and provide justice to these victims and their
23 family. Jarvise Jenkins is guilty as indicted.
24 Thank you.

25 MS. GIBBES: Thank you. May it please the

1 Court?

2 THE COURT: Yes, ma'am.

3 CLOSING STATEMENTS BY MS. GIBBES

4 BY MS. GIBBES: So I'm back again, it was
5 yesterday because it's been a very quick trial. So
6 y'all have heard a lot in two days. The evidence
7 didn't change from what I told you yesterday. This
8 is the same. Nothing has changed. You've heard the
9 evidence. This is still a case where they don't
10 have any evidence that Jarvise committed this crime.
11 They just don't have enough. I mean it's the same
12 thing. Everybody thinks he did it, he's a bad guy,
13 and he's abusive. It's not -- the State's theory is
14 it's like the process of elimination. That's not
15 enough to prove beyond a reasonable doubt. Well, it
16 must be him, or they must -- I mean it's a lot of
17 conjecture and speculation on how -- how this
18 happened. There's no theory. There's no -- all
19 we've heard is that he's a bad guy, he's abusive,
20 but that's not enough to convict someone of murder
21 because there is no direct evidence. There just
22 isn't. All the evidence that they've put in there
23 is -- has to do with every other day besides the day
24 this actually happened. There's no -- there's
25 nothing to prove that this happened the way they're

1 saying. They don't have direct evidence. And I
2 would never vilify Amelia, I told you from the
3 beginning that this is horrible. This is a tragedy.
4 A young lady lost her life, that shouldn't -- she
5 should be alive. It's a tragedy. I wouldn't vilify
6 her, but that doesn't mean that Jarvise Jenkins is
7 guilty. I've got a job to do, and I've got to tell
8 you that they have the wrong man. This was a rush
9 to judgment. It may have taken ten months to arrest
10 him, but it was Jarvise from the beginning. They
11 went after Jarvise at the very beginning. They only
12 talked -- spoke to Amelia's family and friends.
13 They didn't interview any neighbors. They didn't
14 interview -- they didn't go to the club and
15 interview anybody else who she was talking to. We
16 heard she was seeing -- she saw another man named
17 Atwell, never went to go talk to him. They never
18 did anything. With all this hollering, and banging
19 on windows they're claiming, don't you think
20 somebody would have heard or reported it to the
21 police? It was -- it was from day one focused on
22 Jarvise. They didn't do anything else. And,
23 obviously, this is hard for the witnesses, of course
24 they want justice. They're all -- all the witnesses
25 are her friends and family, they want justice for

1 Amelia, and I understand that. But if you listen to
2 their testimony, what do they really know? They
3 know they don't like him. They know their
4 relationship was back and forth. They say there was
5 abuse. But half of them say they were broken up at
6 the time this happened, and the other half said they
7 were still together. About all of them testified
8 that he'd stayed there very recently, stayed there
9 all the time. He had been there -- Mr. Williams
10 testified he had been there the Friday before this
11 happened he was staying there. So he was there.
12 And all this stuff about he came to her job. You
13 heard Brian, the boss, he said he didn't see -- he
14 didn't say he saw Jarvise at her job. I mean where
15 was -- there's no reports, there's no -- there's no
16 proof that anything happened that makes it more than
17 just allegations. It's not enough to prove murder.
18 And I mean this stuff's been going on for a long
19 time. They're talking about details, how did he
20 know details supposedly? Months and months later, I
21 mean this has been on Facebook, this has been on the
22 news, this -- I mean everybody's talking about it.
23 It's a small town. So it's not -- it's not a
24 stretch that people have been talking about this.
25 The forensics, let's talk about the DNA.

1 You're going to see pictures, you saw pictures.
2 Extremely messy and cluttered house. They didn't
3 even take -- they didn't even test everything.
4 There were two items of evidence that had blood on
5 them, they didn't even bother to test them. They
6 didn't swab, you know, any points of entry to get in
7 the house, inside or outside. The front door, the
8 back door, the windows, they didn't test any of
9 that. Talk about red herrings, the keys. There's
10 been no testimony that he took the keys, or had the
11 keys, or anything, it's just -- it's speculation, if
12 we heard anything to say that he had keys. And
13 cigarette butts, that's the whole case, that's their
14 smoking gun is that there is this cigarette butt
15 that had his DNA on it. Obviously, he was over
16 there all the time, he smokes cigarettes. If you
17 look at the picture of that cigarette butt by the
18 tub, it don't look like somebody put it there and
19 was burning. I mean it just -- it just doesn't --
20 it just looks like that had been there for a while.
21 There's garbage all over the place, there's
22 cigarette butts. There's one in the shower. And
23 the DNA expert did say, "DNA can be on there for a
24 long time." There's no -- it doesn't prove that he
25 was there at the time she was killed. That doesn't

1 prove that at all. And they didn't want to talk
2 about the cigarette butt in the shower. It actually
3 had somebody else's DNA on it, that was not Jarvise.
4 You know what? That should be something. What -- I
5 mean why didn't they -- they didn't even bring it
6 up. What about the blood? What about the means of
7 entry? What about swabbing her neck, her body for
8 DNA for touch DNA? They didn't even test the sexual
9 assault kit. Why didn't they do that? There's just
10 too many things we don't know. There's too many --
11 too much speculation.

12 And the cell -- the cell phone expert,
13 that's their other, you know, big evidence. Now,
14 that was incomplete. Those are incomplete records.
15 That one there's no theory, we've heard no time of
16 death. That doctor at the end, she couldn't testify
17 the time of death, maybe put some sort of time on
18 when this actually happened. And so to put cell
19 phone records up to try and prove something,
20 irrelevant. And we also heard he didn't even --
21 we're missing records that would show data during
22 the big gap areas they're talking about he could
23 have -- I think it's misleading, honestly. And
24 they're -- he did a Bates slide, and you'll see the
25 slides that talks about this RTT data that comes

1 from a phone from Verizon records, or from the
2 towers, and he said he didn't -- well, he said he
3 didn't have them. I had them. So that means he
4 either didn't analyze them, or he didn't get them,
5 and that's both wrong. Because he -- he's --
6 there's information you don't have about the
7 location during the time that they're trying to say
8 there is a gap. Then he also changed his testimony
9 about intentionally turning off this phone. He
10 can't say that. There's nothing to say that that's
11 what happened, and he actually changed what he said,
12 so he couldn't say that. And so, again, it's just
13 -- it's a stretch, there's no -- I mean to me red
14 herrings are the cell phone records and the
15 cigarette butt, they're just things to make you
16 think, oh, he must have did it, or, oh, he was an
17 abusive bad guy, he must be a murderer. It's --
18 it's all speculation, it does not reach the level of
19 proving beyond a reasonable doubt that Jarvise
20 committed this crime. There isn't enough evidence.
21 There's no theory in this case. How did -- there
22 were three people in this house. How can he be
23 lying in wait? I mean the chair in the closet,
24 that's just kind of thrown in there then. It's like
25 connecting the dots, there is something else.

1 Nobody's testified about a chair in the closet, or
2 we don't know when, you know, why it was in there,
3 and for what reason. You can't just automatically
4 assume that he was lying in wait. How was he lying
5 in wait, when there are three people at that
6 residence, or at that home? How did he get in there
7 and lie in wait in the closet? That makes
8 absolutely no sense. That makes -- it just --
9 there's clothes on that. It looks like they've been
10 there for a while. There's no forced entry.
11 There's no time of death. I'm just asking you to
12 hold -- please just hold the State with a very high
13 burden. Because like I said, if you think -- if you
14 listen to all this, and you think he did it, that's
15 not enough. That is not enough to prove beyond a
16 reasonable doubt that he committed this crime. You
17 may hate him. You may listen to him, and be like,
18 he's an abusive, terrible man, but that does not
19 mean he committed murder. They have not proven
20 their case. They just haven't. And this is
21 horrible. Of course we want justice for Amelia. Of
22 course. But I can promise you you do not get
23 justice by convicting an innocent man. And what I'm
24 asking you is to hold the State to that burden, ask
25 for more. Make them -- make them prove it. They

1 just didn't. And so I'm just going to please ask
2 you when you go back there and deliberate, consider
3 the testimony from the witnesses, consider all the
4 things you don't know, and I'm going to ask you to
5 find him not guilty. Thank you.

6 **JURY CHARGE**

7 THE COURT: Ladies and gentlemen of the
8 jury, during this trial you and I have certain
9 duties to perform. And as the trial judge, it is my
10 responsibility to preside over the trial of the
11 case, and rule on the admissibility of the evidence
12 offered during the trial. It is also my duty to
13 charge you the law applicable to the case. It is
14 your duty, as jurors, to accept and apply the law as
15 I now state it to you. So if you think you have any
16 idea as to what the law is, or what the law ought to
17 be, and it differs from what I now tell you the law
18 is, you've sworn an oath to set aside your own
19 opinion, and apply the law precisely as I state it
20 to you. I'll also remind you that in every case
21 tried in this court before a jury, the jury is the
22 sole and exclusive judge of the facts. The trial
23 judge is -- by law is not allowed to have an opinion
24 about the facts, so please don't think that anything
25 I said or did throughout the course of the trial,

1 that I have such an opinion. It's up to you to --
2 to determine what to believe and what not to
3 believe. I, again, instruct you that the fact that
4 the Defendant was arrested, and charged, and
5 indicted in the case is not evidence of guilt, nor
6 does it create any presumption or inference of
7 guilt. These documents are simply the formal
8 written instruments, which allow the case contained
9 the charge against the Defendant, and allow the case
10 to be processed and brought into court for a
11 resolution. And necessarily your job, as jurors,
12 includes determining the credibility or the
13 believability of the witnesses who have testified in
14 the case. It becomes your duty as jurors to
15 evaluate the evidence and determine which evidence
16 convinces you that it's true. And in determining
17 the believability of the evidence -- of the
18 witnesses, you may believe one witness over several
19 or several over one. You may believe a part of the
20 testimony of a witness and reject the remaining
21 part. You may believe the testimony of a witness in
22 its entirety or reject that same testimony in its
23 entirety. And you may consider whether the witness
24 has an interest in the result of the trial, whether
25 the witness is prejudice for either the State or the

1 defense, the opportunity for the witness to have
2 observed the things about which that witness has
3 testified, and the way the witness acts on the
4 witness stand, or what we call a witness' demeanor.
5 If there's been evidence presented that witnesses
6 have made prior statements, which are not consistent
7 with the witness' present or current trial
8 testimony. You may use this evidence to decide
9 whether to believe the witness. You may also use
10 this evidence and the evidence of the earlier
11 contradictory statements to determine the truth of
12 those statements. It's up to you -- it is up to you
13 to decide whether to believe the earlier statements,
14 or the testimony given in trial. I'll also tell you
15 that a person who has a past criminal record is
16 competent to testify during a trial. A past record
17 does not affect the ability of that witness to
18 testify. The past record may only be considered by
19 you, if at all, in determining the witness'
20 believability. Remember, you are the sole judges of
21 the facts in the case, and the believability of any
22 and all witnesses. I instruct you, and I emphasize
23 that the fact that the Defendant did not testify is
24 not a factor to be considered by you in any way in
25 your deliberations on the question of the guilt or

1 innocence of the Defendant. It must not be
2 considered by you in any manner, whatsoever. A
3 defendant has the constitutional right to remain
4 silent, and the assertion of this right must not be
5 considered by you in your deliberations. The rules
6 of evidence ordinarily do not permit witnesses to
7 testify to opinions or conclusions. An exception to
8 this rule exists for witnesses we call experts. So
9 a witness, who by education and experience, has
10 become an expert in some art, or science, or
11 profession, may give an opinion as to the subject
12 the witness has been qualified as an expert in, and
13 may also give the reasons for that opinion. And you
14 should consider any expert opinion given by any
15 witness and give it the weight that you think it
16 deserves. The Defendant has pled not guilty to this
17 indictment, and that then puts the burden on the
18 State to prove the Defendant guilty. A person
19 charged with committing a criminal offense in South
20 Carolina is never required to prove themselves
21 innocent. So I charge you that it is a cardinal and
22 a signal rule of our law that the Defendant in a
23 criminal trial will always be presumed to be
24 innocent for the crime for which an indictment is
25 issued, unless and until guilt has been proven by

1 evidence satisfying you, the jury, of guilt beyond a
2 reasonable doubt. A reasonable doubt is the kind of
3 doubt which would cause a reasonable person to
4 hesitate to act. And reasonable doubt may arise
5 from the evidence which is in the case, from the
6 lack or absence of evidence in the case, and you,
7 the jury, must determine whether or not reasonable
8 doubt exists as to the guilt of this Defendant.
9 There are two types of evidence which are generally
10 presented during the trial, direct evidence and
11 circumstantial evidence. Direct evidence directly
12 proves the existence of a fact and does not require
13 deduction. Circumstantial evidence is proof of a
14 chain of facts and circumstances indicating the
15 existence of a fact. Crimes may be proven by
16 circumstantial evidence, and the law makes no
17 distinction between the weight or value to be given
18 to either direct or circumstantial evidence.
19 However, to the extent that the State relies on
20 circumstantial evidence, the circumstances must be
21 consistent with each other, and when taken together,
22 point conclusively to the guilt of the accused
23 beyond a reasonable doubt. If these circumstances
24 merely portray the Defendant's behavior as
25 suspicious, the proof has failed. The State has the

1 burden of proving the Defendant guilty beyond a
2 reasonable doubt, and this burden rests with the
3 State, regardless of whether the State relies on
4 direct evidence, circumstantial evidence, or any
5 combination of the two. The Defendant is charged
6 with murder. The State must prove beyond a
7 reasonable doubt that the Defendant killed another
8 person with malice of forethought. Malice is
9 hatred, ill-will, or hostility towards another
10 person. It is the intentional doing of a wrongful
11 act, without just cause or excuse, and with an
12 intent to inflict an injury, or under circumstances
13 that the law will infer an evil intent. Malice of
14 forethought does not require that malice exists for
15 any particular length of time before the act is
16 committed, but malice must exist in the mind of the
17 Defendant just before and at the time the act is
18 committed. Therefore, there must be a combination,
19 a previous evil intent and the act. And malice of
20 forethought may be expressed or inferred. These
21 terms expressed and inferred do not mean different
22 kinds of malice, they're merely the manner in which
23 malice may be shown to exist. And that is either by
24 direct evidence, or by inference from the facts and
25 circumstances, which are proven. Expressed malice

1 is shown when a person speaks words which express
2 hatred or ill-will for another, or when the person
3 prepared beforehand to do the act, which was later
4 accomplished. Malice may be inferred from conduct
5 that's showing a total disregard for human life. If
6 the facts are proved beyond a reasonable doubt
7 sufficient to raise an inference of malice to your
8 satisfaction, this inference would be simply an
9 evidentiary fact to be considered by you, along with
10 all the other evidence in the case, and you give it
11 the weight that you think it should receive.

12 Now, Madam Forelady, ladies and gentlemen
13 of the jury, there are two possible verdicts that
14 you may reach in this case. There's no significance
15 to the order in which I state them. One has to be
16 said first. They are guilty or not guilty. I want
17 to tell you that your decision must be unanimous,
18 all 12 of you must agree. The verdict cannot be
19 based on sympathy, passion, prejudice, emotion, or
20 any other consideration not in evidence in the case.
21 You have no friends to rule, you have no enemies to
22 punish.

23 So, Madam Forelady, I will send this
24 verdict form, which I think is self-explanatory back
25 into the jury room with you. If you have any

1 questions about it, please let me know, and I'll
2 clear it up for you, but it's pretty simple. So
3 what I'm going to do is excuse you all back to the
4 jury room. Wait. Don't start your deliberations
5 just yet. I need to go over my charge on the law
6 with the attorneys to make sure I haven't misstated
7 something or omitted something. When the verdict
8 form comes back with the evidence, then you all may
9 begin your deliberations. So at this time, with the
10 exception of Mr. Washington and Mr. DeLoach, I'm
11 going to excuse you all back to the jury room.

12 (Jury exits the courtroom.)

13 THE COURT: All right. Guys, I hate to do
14 this, made you sit up here for two days. You are
15 just as qualified as those 12, done just as good a
16 job. The law only allows 12 to deliberate, so I
17 want to thank you for your service. You can stay,
18 leave, whatever you want to do. Talk about it with
19 whoever you want to talk about it with. But if
20 somebody comes up and bothers you about it, you let
21 the Clerk know, and we'll take care of that, 'cause
22 we don't want any juror to be intimidated or
23 harassed because of your service up here. So thank
24 you very much.

25 All right, any exception or objection to

1 the charge from the State?

2 MS. SWANSON: No, Your Honor.

3 THE COURT: From the defense?

4 MR. GIBBES: No, Your Honor.

5 THE COURT: Okay, I would ask y'all to look
6 through the evidence, make sure it's all correct,
7 and we'll send it back, and let them get started.

8 (Exhibits are taken to Jury room and
9 deliberation begins.)

10 THE COURT: All right, I understand that
11 the jury's reached a verdict. I understand there
12 will be some deep feelings whichever way it comes
13 out. I just want to tell everyone to maintain their
14 composure in the courtroom. If there's any acting
15 out, I will treat it as contempt of court. Okay?
16 Let's get the jury.

17 (Jury enters the courtroom.)

18 **JURY VERDICT**

19 THE COURT: Madam Forelady, I understand
20 you've reached a verdict?

21 MADAM FORELADY: Yes, Your Honor, we have.

22 THE COURT: All right, if you would, please
23 had it to the bailiff. Madam Clerk, if you would,
24 please publish it.

25 CLERK: The State of South Carolina v.

1 Jarvise Terrell Jenkins, Indictment Number 2019-GS-
2 25536, as in Indictment Number 19-GS-25-536, the
3 charge of murder, we, the jury, find the Defendant
4 guilty.

5 THE COURT: Okay. If this is your verdict,
6 and it still remains your verdict, please signal by
7 raising your right hand.

8 (All jurors raised right hand.)

9 THE COURT: All right, hold on, thank you.
10 Anything further from the jury for the State?

11 MS. SWANSON: No, Your Honor.

12 THE COURT: From the defense?

13 MS. GIBBES: No, Your Honor, at this time.

14 THE COURT: Okay.

15 THE COURT: Ladies and gentlemen, I want to
16 thank you very much for your service. I told you
17 early on it was a privilege and a great
18 responsibility, and I think you all can see how that
19 -- I hope that turns out to be true, but,
20 particularly, I hope when you reflect back on this a
21 week from now, or six weeks, or six months, that you
22 will be proud of your service because we couldn't do
23 it without you. So thank you for your service, and
24 I'm sure you're happy to know that you're done for
25 the week, and for three years, if you so desire.

1 You may stay, go, whatever you wish to do. Thank
2 you very much.

3 (Jury exits the courtroom.)

4 THE COURT: Yes, ma'am, Ms. Gibbes?

5 MS. GIBBES: Thank you, Judge. At this
6 time I renew all of my prior motions and objections,
7 and I would also make a motion for a new trial at
8 this time. I do think the verdict came back very
9 quickly, and I do believe that the jury did hear
10 enough -- so much propensity evidence that they were
11 prejudiced to come to this verdict so quickly, due
12 to the prior amount of evidence. And the propensity
13 to strangle is pretty much what came out of this
14 case, and that's what the jury heard.

15 THE COURT: Okay. Well, I'm not going to
16 interfere with the jury's verdict, and so I'll deny
17 your motion. Thank you.

18 MS. GIBBES: Thank you, Judge, very much.

19 THE COURT: From the State?

20 MS. SWANSON: Thank you, Your Honor I just
21 need a minute to get the sentencing sheet.

22 THE COURT: Okay.

23 MS. SWANSON: It should be up momentarily.

24 THE COURT: Okay. I didn't know if I'm --
25 okay.

1 MS. SWANSON: No, no, no, my investigator
2 just ran down to get it. Thank you.

3 (BRIEF RECESS)

4 **SENTENCING**

5 MS. SWANSON: Your Honor, I'm handing up
6 the sentencing sheet from Mr. Jenkins.

7 THE COURT: Thank you.

8 MS. SWANSON: As far as prior records
9 shows, he does have a 2005 DV hand, for which he
10 received seven years, suspended upon the service of
11 two years, and three years' probation. He also has
12 a 2009 federal weapons conviction for which he
13 received 57 months. In addition, he has a pending
14 domestic charge from Beaufort County with Ms. April
15 Cook. The State is requesting and thinks it's
16 appropriate for the Defendant to be sentenced to
17 life in this matter. You heard the facts in the
18 case, I won't go any further into them, but Mary
19 Williams, Amelia's mother, would like to be heard on
20 sentencing, and April Cook would like to address the
21 Court, as well.

22 THE COURT: All right. Before we actually
23 start how many jail -- how much credit does he have?

24 MS. SWANSON: 1,216 days.

25 THE COURT: Okay. All right, yes, ma'am?

1 MS. WILLIAMS: Your Honor, this has been
2 the longest four years of my life.

3 THE COURT: Let me -- just speak -- can you
4 state your name first?

5 MS. WILLIAMS: My name is Mary Williams.
6 This has been the longest four years of my life,
7 Your Honor, and I finally have justice for my
8 daughter, Amelia. Now, I know her soul can rest in
9 peace, Your Honor, and I'm going on with my life,
10 and, you know, I hope this never happens again to
11 nobody, Your Honor. And, Your Honor, I forgive him.
12 I forgive him because forgiveness is for me. I
13 forgive him because I have to go on with my life.
14 He's still living, and he's still got a chance, you
15 know, to do right, and get good with the Lord.
16 That's all I want to say. You know, let's take him
17 off the street before it happens to somebody else's
18 child.

19 THE COURT: All right. Thank you, ma'am.

20 MS. WILLIAMS: Thank you.

21 MS. GIBBES: And, Judge, I apologize, I
22 would object to April Cook. I mean I don't mean any
23 disrespect, but she's not a victim in this case. I
24 just wanted to put that on the record.

25 THE COURT: Yeah, I think it'd be more

1 appropriate that she -- I mean not speak. I'm not
2 trying to offend her in any way, but she's going to
3 have her own case resolved at a later date.

4 MS. SWANSON: I understand. And Your Honor
5 heard from her on the stand as well.

6 THE COURT: Yeah. Okay. All right. Yes,
7 ma'am, what do you want to tell me?

8 MS. GIBBES: Thank you, Judge, I would ask
9 that you consider the minimum sentence of 30 years.
10 Obviously, there was a discussion of a plea offer on
11 the voluntary manslaughter for 30. I would ask that
12 he not be punished for exercising his right to go to
13 trial. I -- Jarvise -- representing Jarvise he has
14 been easy to work with and very easy to represent.
15 He has had a tough life. His mother was murdered
16 when he was a small child. His father was murdered.
17 His -- he grew up with his grandmother who passed
18 away. He does have a sister and his aunt who are in
19 the courtroom supporting him. He does have family
20 support that loves him very much. He grew up in the
21 Walterboro area. And this is, obviously, just a
22 difficult situation for everybody, and ask that you
23 consider the minimum sentence, Judge.

24 THE COURT: Okay. Anything you want to
25 tell me, Mr. Jenkins?

1 MR. JENKINS: No, sir. Surprised.

2 THE COURT: Am I surprised?

3 MR. JENKINS: I'm surprised, but I don't
4 got nothing to say right now.

5 THE COURT: Well, now's your time.

6 MR. JENKINS: No, sir.

7 MS. GIBBES: And, Judge, obviously, he
8 doesn't -- he may not want to affect the appeal
9 process and say anything that might impact that.

10 THE COURT: He understands his right to
11 appeal, correct?

12 MS. GIBBES: Yes, Your Honor.

13 THE COURT: Okay. Is that right, Mr.
14 Jenkins?

15 MR. JENKINS: Yes, sir.

16 THE COURT: Okay then. I'm going to give
17 him 50 years. Good luck.

18 MS. GIBBES: Thank you, Judge.

19 MS. SWANSON: Thank you, Your Honor.

20 (Whereupon, the trial was concluded.)

21 - - -END OF TRANSCRIPT- - -

22

23

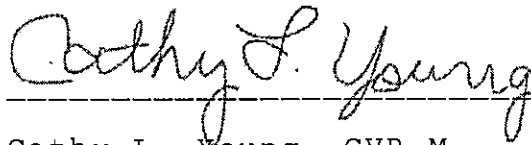
24

25

CERTIFICATE OF REPORTER

I, Cathy L. Young, CVR-M, for the
Fourteenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate and complete Transcript of Record of
the proceedings had and evidence introduced in the
trial of the captioned case, relative to appear, in
the Circuit Court for Hampton County, South
Carolina, on the 1st day of February, 2022*.

I do further certify that I am neither of
kin, counsel nor interest to any party herein.

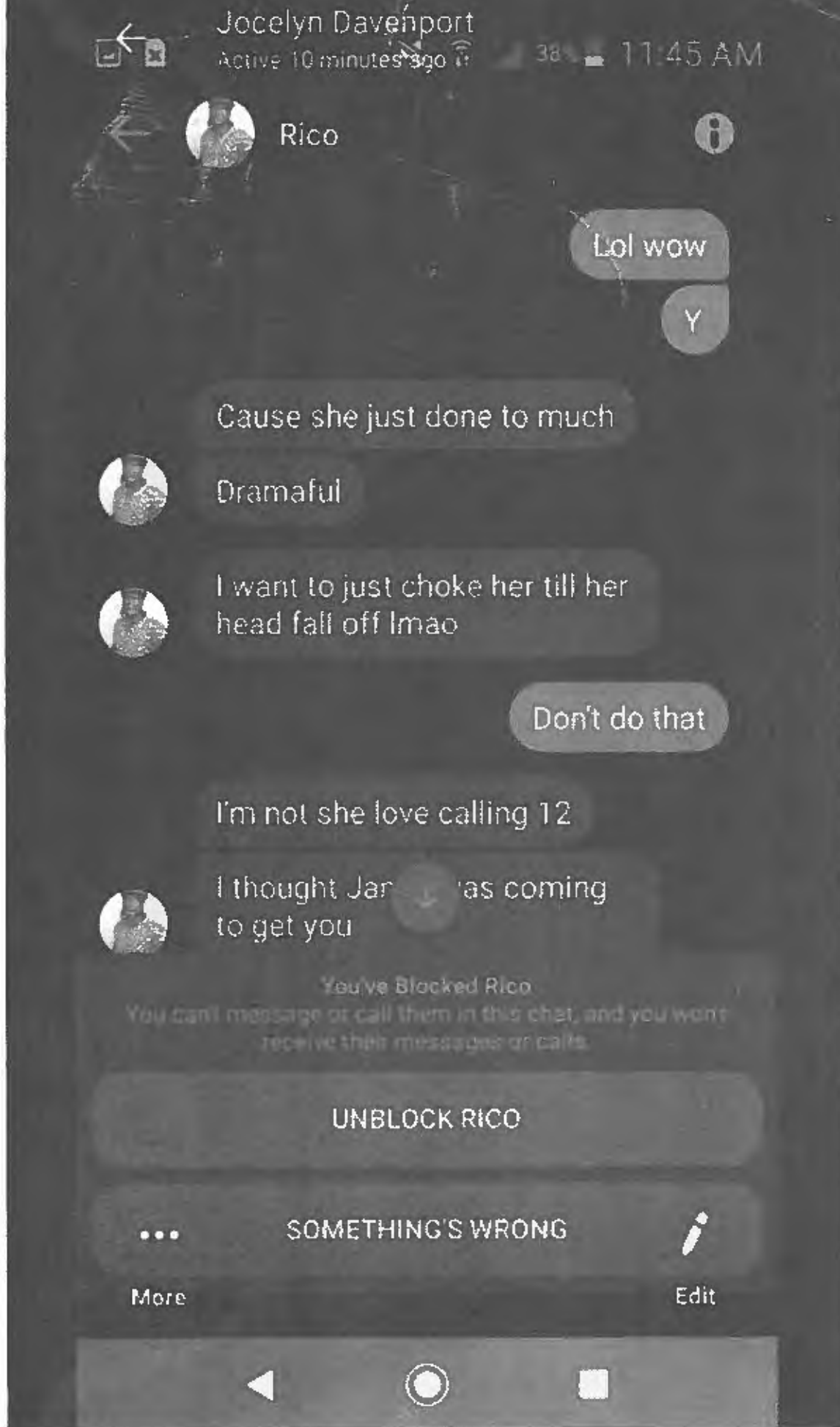


Cathy L. Young, CVR-M

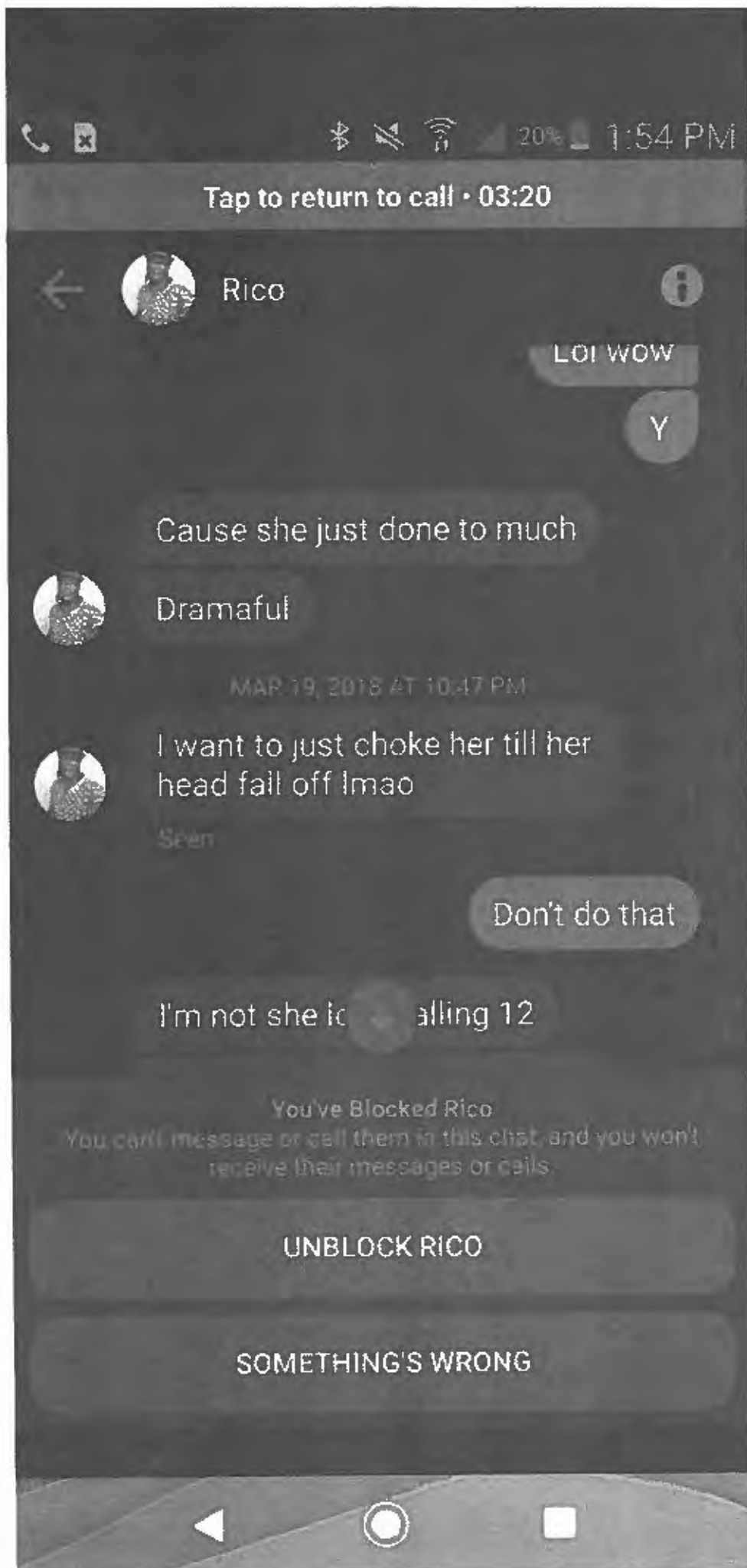
Court Reporter and Notary

Public in and for South Carolina

My Commission expires: 3-28-2029









WITNESSES

SLED

SIA KMcCallister

DOCKET NO. 2019GS2500536

The State of South Carolina

County of Hampton

er being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

April Term 2021

I
hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2019A252040054

THE STATE

vs.

JARVISE TERRELL JENKINS

ACTION OF GRAND JURY

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

Defendant

TRUE BILL

Foreperson of Grand Jury

Date: 2/15/21

Witness:

VERDICT

RECEIVED

Feb 08 2023

SC Court of Appeals

C.C.C. PLS. and G.S.

Foreperson of Petit Jury

Date:
INDICTFILED
AM/PM

FEB -1 2023

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE OF SOUTH CAROLINA)

COUNTY OF HAMPTON)

INDICTMENT

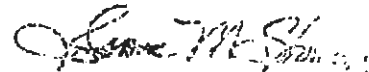
2019GS2500536

At a Court of General Sessions, convened on April 15, 2021, the Grand Jurors of Hampton County present upon their oath:

Murder

That in Hampton County, South Carolina, on or about December 4, 2018 through December 5, 2018, the Defendant, JARVISE TERRELL JENKINS, did, with malice aforethought, kill [REDACTED] and [REDACTED] did die as a proximate result of JARVISE TERRELL JENKINS's actions, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

TRUE BILL

STATE

JARVISE TERRELL JENKINS

INDICTMENT/CASE#: 2019GS2500536

STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF HAMPTON

Feb 08 2023

STATE

VS.

INDICTMENT/CASE#: 2019GS2500536

SC Court of Appeals

JARVISE TERRELL JENKINS

A/W#: 2019A252040054

AKA:

Date of Offense: 12/04/2018

Race: Black Sex: Male Age: 34

S.C. Code §: 16-3-10

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0116

Address: [REDACTED] Featherbed Rd, Round O, SC 29474,

Colleton County

City, State, Zip:

DL#:

SID#

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

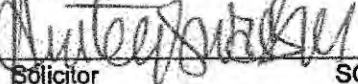
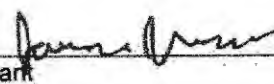
TO:

Murder

In violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

 #72934  City Hall 7-1595
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☐ County Detention Center,for a determinate term of 50 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served and or payment of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for ___

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.
1214 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

SCCA/217 (07/2021)

FEB - 1 2023 Page 1 of 2

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE

JARVISE TERRELL JENKINS

INDICTMENT/CASE#: 2019GS2500536

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/Deputy Clerk:
Court Reporter:

My Linda D Nettles
Cathy J. Young

Presiding Judge:
Judge Code:
Sentence Date:

Ed W. Miller
2130
2-1-23 FILED
AM/PM

SCCA/217 (07/2021)

Page 2 of 2
FEB - 1 2023

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Oct 09 2024

SC Court of Appeals



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 26th day of February, 2024.

RECEIVED

Oct 09 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Hampton County

Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JARVISE TERRELL JENKINS,

APPELLANT

APPELLATE CASE NO. 2023-000197

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Julianna E. Battenfield, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 26th day of February, 2024.



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [SC - BROWN MELODY](#); abennett@scag.gov
Cc: [Hudgins, Kathrine](#)
Subject: 2023-000197 The State v. Jarvise Terrell Jenkins Record on Appeal
Date: Wednesday, October 9, 2024 9:56:00 AM
Attachments: [2023-000197 The State v. Jarvise Terrell Jenkins Record on Appeal.pdf](#)

Ms. Brown,

Please find attached for service the Record on Appeal for Jarvise T. Jenkins' appeal which has been corrected for redaction deficiencies and will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330