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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of General Session

Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No.: 2023-000501

THE STATE,

RESPONDENT,

V.

SCOTTY J. FOWLER,

APPELLANT.

RECORD ON APPEAL
Volume I

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*****State’s Exhibit #1 (911 Call Recording); #2 (Body Camera Recording); #3 (Body Camera Recording); #4 though #119 (Photographs); and # 128 through #142 (CT Scan Images) have been requested to be transported to the Court*****

STATE OF SOUTH CAROLINA) GENERAL SESSIONS
COUNTY OF GREENWOOD) TRANSCRIPT OF RECORD

-----X
STATE OF SOUTH CAROLINA)
vs.) Case No. 2022-GS-24-00114
SCOTTY JOE FOWLER,) 2022-GS-24-00115
Defendant.)
-----X

February 27, 2023 to
March 3, 2023

JURY TRIAL

B E F O R E:

The Honorable Frank R. Addy, Jr., Presiding Judge; and
a jury.

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

Madison Hoffman, Esq.
Micah Black, Esq.
Assistant Solicitors for the State

Stephen Geoly, Esq.
Tristan Shaffer, Esq.
Attorneys for the Defendant

Recorded by: Court Monitor/DCRP

Transcribed by: Bobbi Fisher
SC Official Court Reporter III

P R O C E E D I N G S

(The following proceedings started at 10:47 a.m.):

THE COURT: Okay. We are back on the record. At this point, Solicitor, if you will call the first case up for trial, please.

MS. HOFFMAN: If it please the Court, this is the State of South Carolina versus Scotty Joe Fowler on Indictment 2022-GS-24-00114, one count of attempted murder, and 2022-GS-24-00115, possession of a weapon during the commission of a violent crime.

VOIR DIRE

THE COURT: All right. Now, ladies and gentlemen, we're about to begin jury selection on the first case that's up for trial, and the caption of the case is the State of South Carolina versus Scotty Joe Fowler. And I have been handed two indictments that charge Mr. Fowler with the offenses of attempted murder and possession of a weapon during the commission of a violent crime.

As an initial matter, ladies and gentlemen, I'll let you know that the fact that Mr. Fowler was charged with this offense, the fact that an indictment has been obtained, of course, is not evidence of any of the allegations that are made against Mr. Fowler. These indictments -- these documents, ladies and gentlemen, are nothing more than pieces of paper that contain the charges

1 is not for anyone's entertainment. This case is very
2 important and very serious for both the State and
3 Mr. Fowler. And your job is basically to hear the
4 evidence, decide what the facts are, and render a verdict
5 on the law -- based on the law and the facts.

6 Again, this case is not for anyone's entertainment.
7 As I'll explain to you in a few moments, it's very
8 important that you pay attention throughout the trial.

9 I do want to thank you at the get-go for your
10 willingness to participate in this process. I assure you
11 that, but for your willingness to come in here, but for
12 your willingness to do your public duty, your duty as a
13 citizen and serve as a juror in this case, but for your
14 willingness to do that, this case would remain unresolved
15 indefinitely. So thank you very much for your service.
16 Thank you for your attention going forward.

17 With that, I'm going to ask that you stand where you
18 are and raise your right hand so the clerk can administer
19 your oath to you as jurors, please.

20 Madam Clerk?

21 THE CLERK: Good morning, ladies and gentlemen.

22 (The jury was duly sworn.)

23 THE COURT: Now, ladies and gentlemen, what I now
24 say to you is intended to serve merely as an introduction
25 to the trial of this case, and these remarks are not an

1 instruction on the law. I'll instruct you on the law at
2 the conclusion of the trial before you begin your
3 deliberations. Again, this is just an overview of the
4 process that we're going to use going forward so that you
5 can better understand what's taking place.

6 Now, ladies and gentlemen, I do permit the taking of
7 notes, and the bailiffs will be happy to provide you with
8 some tablets if you're inclined to take notes while the
9 case is going on. Just a few rules about note-taking.
10 First of all, please don't let the taking of notes
11 distract you from the testimony that's being given and
12 what's going on in the courtroom.

13 Second, those notes are basically your private
14 property. They're for your eyes only. Any time that we
15 take a break, the clerk or the bailiff will collect those
16 notebooks. She won't look at them, but she'll collect
17 them, secure them, and return them to you when we
18 reconvene. And when the case is over, if you do take
19 notes, just simply rip out any notes that you take and
20 take them back home with you, dispose of them as you will.
21 All right? So those are basically the rules about
22 note-taking if you choose to take notes. And, again, at
23 our first break, I'll be more than happy to have the
24 bailiffs pass out notepads to you in the jury room.

25 Now, as I explained on Monday, ladies and gentlemen,

1 the defendant in this case, Mr. Fowler, is charged with
2 indictments filed in this court with the crimes of
3 attempted murder and possession of a weapon during the
4 commission of a violent crime. I'll explain the elements
5 of these offenses to you at a later point in time.

6 Again, as I said on Monday, ladies and gentlemen,
7 these indictments are merely the means by which these
8 cases are brought into court. They are not, in any sense
9 of the word, proof of any of the allegations contained in
10 the indictments.

11 In this case, Mr. Fowler has pled not guilty to
12 these charges. That plea puts the burden firmly on the
13 State to prove each and every element of these crimes
14 beyond a reasonable doubt. It will be your duty as jurors
15 to determine whether the State has met this burden.

16 Now, as I explained previously, your purpose as
17 jurors is to find and determine the facts in this case.
18 Understand that you're the sole judges of the facts, so
19 if, at any time, I make any comment concerning the facts,
20 you have to disregard any comment that I make because the
21 law does not permit me to have any opinion about the facts
22 in a case that's tried in front of a jury. You'll
23 determine the facts from the testimony that you hear and
24 the other evidence that's introduced into the record.

25 It's up to you to determine the inferences which you

1 feel can properly be drawn from the evidence presented.
2 Now, it's essentially important that you perform your duty
3 of determining the facts diligently and conscientiously
4 because, ordinarily, there is no way to correct an
5 erroneous determination of facts by a trial jury.

6 Now, the same law that makes you the judge of the
7 facts makes me the judge of the law. The law as given by
8 the Court is the only law that you can consider. You'll
9 have to accept and apply the law as I give it to you.
10 Again, you're not allowed to disagree with me about what
11 the law is or what the law should be. Your job will be to
12 take the law as I give it to you, apply it to the facts as
13 you find them to be, and after doing that, you'll render
14 your verdict under the oath that you have just taken.

15 Now, until you begin your deliberations, you cannot
16 discuss this case with anyone. Not friends, family
17 members, not even with your fellow jurors. Okay?
18 Understand that, once the case is submitted to you, you
19 can discuss it only in the jury room in the presence of
20 all 12 jurors.

21 Now, the lawyers and the parties in this case have
22 been told that they are to have nothing to do with you
23 while the case is going on. So understand that, if you
24 happen to bump into somebody coming or going from the
25 courtroom and they are not saying hello to you, they're

1 not even waving or acknowledging you, it's not that
2 they're being rude, folks. Okay? It's just that they're
3 having nothing to do with you while the case is taking
4 place. You can understand the reason for this. If the
5 other side were to see you even having an innocent
6 conversation with one of the lawyers or some of the
7 parties about how great the weather is or how USC is going
8 to do against Clemson this weekend in baseball, even an
9 innocent conversation could be misinterpreted as an effort
10 at jury tampering. So the easiest way to keep that issue
11 from coming up is just to say that jurors are off limits
12 while the case is going on.

13 Now, as I explained on Monday, please do not read or
14 listen to anything or go doing any kind of internet
15 searches about any of the aspects of this case.
16 Understand that you cannot judge this case based on
17 anything that you hear outside of the courtroom, whether
18 before or during the trial.

19 Do keep an open mind. Do not decide any issue in
20 this case until all the evidence has been presented, you
21 have heard the parties' -- their closing arguments, and
22 you have received my instruction on the law. Again, it's
23 your solemn job to determine the guilt or the innocence of
24 the defendant, and your verdict has to be based only on
25 the evidence presented to you during the course of this

1 trial and on the law as I instruct you.

2 Now, in a moment, the attorneys are going to make
3 their opening statements to you. I'll instruct you that
4 what the lawyers say during their opening and, of course,
5 during their closing is not evidence. It's merely their
6 contention as to what will be proven or what has not been
7 proven. You should still, of course, pay attention to
8 what they say in their openings because it will give you
9 kind of an overview of what they anticipate the evidence
10 being and what the allegations are in this case.

11 Again, the evidence will be presented through the
12 testimony of sworn witnesses, as well as any exhibits
13 which are introduced into the record.

14 Now, in most of the cases that I try, there are
15 times that I have to ask the jury to leave the courtroom
16 while I take up issues of law. The reason that I'm asking
17 for you to leave the courtroom, ladies and gentlemen, is
18 that sometimes, in ruling on issues of law, it's necessary
19 for me to make a comment on what the testimony is or what
20 the evidence that's been presented is. Because you are
21 the sole judges of the facts, I don't want anything that I
22 say about the facts or the testimony to have any effect on
23 what you ultimately find the facts to be. Okay? So
24 that's why I ask that you leave the courtroom so that I
25 can have a candid discussion out here on the record with

1 the parties, and I can be sure that what I say about the
2 facts does not taint in any way what you find the facts to
3 be.

4 Of course, please don't speculate about what I'm
5 saying concerning the facts because the law doesn't permit
6 me to have any opinion about the facts in any case that's
7 tried in front of a jury.

8 Now, in determining what the true facts are, you
9 have to decide whether or not testimony is believable or
10 not. Understand that it's my job to rule on whether
11 certain testimony can be admitted. Once it's admitted,
12 however, whether you choose to believe it is solely up to
13 you.

14 In deciding whether to believe a witness, you can
15 consider the interest of the witness, the bias of any
16 witness, the prejudice of any witness, the opportunity for
17 the witness to have seen the things about which they
18 testify, and you can also consider the way they act on the
19 witness stand.

20 You can consider anything that's in the record in
21 this case which will help you evaluate the testimony of
22 the witnesses. That means it's your obligation to pay
23 close attention to them, listen to them, observe them, and
24 try and keep your thoughts from wandering.

25 If you give strict attention to everything that's

1 going on here in the courtroom, I assure you, at the
2 conclusion of the trial, you'll be in as best a position
3 possible to determine what the facts are, apply the law to
4 these facts, and render a verdict under the oath that you
5 took just a few moments ago.

6 With that, ladies and gentlemen, we will proceed
7 with opening arguments.

8 And, Mr. Black, you are recognized for your opening,
9 sir.

10 MR. BLACK: May it please the Court?

11 OPENING STATEMENT ON THE BEHALF OF THE STATE

12 MR. BLACK: On April the 13th, 2021, here in
13 Greenwood County, Dispatch received a call from 134 Lemon
14 Tree here in Greenwood about a shooting. Officers were in
15 the area and very quickly, they were able to respond to
16 134 Lemon Tree, to this address.

17 You're going to hear from Jacob Turner, who was
18 working for Greenwood County at the time. He was the
19 first officer to arrive. You're going to see some of his
20 body camera footage that he was wearing when he arrived.
21 And you're going to see from his perspective what he
22 walked into.

23 When he walked into that residence, into that
24 address, he saw the victim in this case, Ms. Joye Denise
25 Matthews, laying in the floor right in the front door, in

1 front of the entertainment center, almost lifeless. She
2 was bleeding from her head.

3 And the defendant in this case, Mr. Scotty Joe
4 Fowler, was over her, applying pressure to the wound.
5 Officer Turner, based on his training, asked the defendant
6 to get out of the residence. This is a small trailer. He
7 is rendering aid. He is attempting to get EMS -- EMTs on
8 the scene so that they can also come up here and help save
9 the victim's life.

10 Quickly, EMTs arrived. They quickly take over.
11 They're able to stabilize her, get her out of the house,
12 and take her to a nearby location so that she can be
13 light-flighted to Greenville, where, ultimately, doctors
14 were able to save her life.

15 Now, in Officer Turner's video, you're going to see,
16 when he arrives, there's a .22 revolver right between his
17 legs when he shows up and when he takes over applying
18 pressure to the victim.

19 You're going to see Mr. Fowler, the defendant in
20 this case, tell Officer Turner what happened when he first
21 walked in. And what he tells Officer Turner is that he
22 had his .22 revolver in his pocket, and as he was pulling
23 it out of his pocket, it fell, struck the coffee table,
24 and went off and struck the victim in the head. That's
25 what he told Officer Turner right when he walked in the

1 door. And he tells other officers the same story
2 throughout the evening.

3 Now, folks, as Judge Addy just stated, you're going
4 to hear from witnesses that are going to sit up here and
5 testify on this witness stand about this case. You're
6 going to hear from first responders. You're going to hear
7 from folks that were involved. You're going to hear from
8 the doctor that treated the victim in Greenville. And
9 you're going to hear from folks down at SLED who work with
10 law enforcement in testing different items for DNA, look
11 at guns and whatnot.

12 And the testimony that's going to come out of this
13 witness stand is that that story that the defendant told
14 law enforcement, not possible. It is scientifically
15 impossible.

16 That's what this case is about, folks. The
17 defendant is charged with attempted murder and possession
18 of a weapon during the commission of a violent crime. And
19 attempted murder -- I'm just going to read the statute for
20 you. "A person who, with intent to kill, attempts to kill
21 another person with malice aforethought, either expressed
22 or implied, commits the offense of attempted murder."

23 And you're going to hear a lot more about that as we
24 wrap this case up. You're going to hear from my
25 co-counsel about that. Judge Addy, he's the judge in this

1 case. He's going to instruct you on the law. But that's
2 the charge: attempted murder. Very basic.

3 Weapons charge. Did he possess a weapon during this
4 offense? Again, this isn't rocket science.

5 Again, you're going to hear from these witnesses
6 that are going to get up here on this stand and testify as
7 to what happened that day, what they know, and you're also
8 going to hear from the scientist, the doctors, from the
9 firearms expert at SLED.

10 Now, this story that the defendant told law
11 enforcement when they first got there is not true.

12 As the Judge stated, we have the burden of proof in
13 this case, and if you go to any courtroom in the United
14 States today and trials are going on -- criminal trials
15 are going on, it's the same burden.

16 We, as the State, have the burden to prove the case
17 beyond a reasonable doubt. And it's a burden that we
18 welcome. It's a burden that we welcome.

19 And the burden of proof is being firmly convinced
20 beyond a reasonable doubt. Is the story reasonable? Are
21 you firmly convinced? Are you firmly convinced that
22 something else happened? Something else happened at 134
23 Lemon Tree on April the 13th.

24 Folks, when you walked into these doors on Monday
25 and you sat out there with that panel, you brought with

1 you a couple of things. You brought with you your common
2 sense and you brought your life experiences. As you sit
3 here and evaluate the evidence, the testimony that comes
4 from that witness stand, use your common sense, use your
5 life experience. And when this thing is over, we're going
6 to ask you to return a verdict against the defendant in
7 this case for guilty on both the attempted murder charge
8 and the weapons charge.

9 Thank you, guys, for being here.

10 THE COURT: Thank you, Mr. Black.

11 Mr. Geoly, you're recognized for your opening, sir.

12 MR. GEOLY: Thank you, Judge.

13 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

14 MR. GEOLY: Ladies and gentlemen, I appreciate you
15 being here. I want to take a few minutes to tell you
16 thank you for Scotty Joe Fowler. He's waited for this day
17 for a long time.

18 Just because they say you committed a crime doesn't
19 mean you did it. In this country, we're very lucky in
20 that you actually get a jury of your peers. He talked
21 about what you bring here, and it's the consensus of you,
22 of 12 people of your peers.

23 The judge explained to you there's two judges here
24 really today, and we have got different things going on.
25 The judge is the judge of the law. So if I tell you

1 something and he tells you something different about the
2 law, Judge is the judge of the law.

3 But you, collectively, are the judge of the facts.
4 And even though there's a foreperson, that's basically to
5 tabulate votes, but each of your votes -- it doesn't
6 matter if you work at the packing plant or you run
7 Greenwood Mills or you're head of Vilux or you push a
8 broom at Springfield Elementary School or whatever you do,
9 we're all equal here today. And that's the great thing
10 about America; the consensus of you will decide what the
11 facts are in this case.

12 It's an important day for him. You know, when I
13 started this -- it's been a while now -- 28 years ago, I
14 started practicing law and I remember an old man telling
15 me that jury duty is the -- one of the most important
16 things you'll ever do for your country. It's one of the
17 two most important: serving your country during a time of
18 war or coming to sit here. Because you're part of the
19 foundation, the fabric of America. You didn't ask to be
20 here today. A lot of people try to avoid jury duty. You
21 know, it comes up and you try to figure a way out of it,
22 but it's so important that you're here, that you'll bring
23 that common, that you'll be reasonable, and you'll listen
24 to all the facts.

25 This is the only place facts are going to come from,

1 that witness stand right there. And I beg you to listen
2 and pay attention.

3 They talked about standard of proof. The judge has
4 already did it and Micah Black, the assistant solicitor,
5 said it. We don't have one in here, but a lot of
6 courtrooms across the country where the scales of
7 justice -- y'all probably have all seen it either in a
8 book or, you know, a painting. The scales of justice are
9 equal. And we have in these courtrooms different
10 standards of proof. The proof would be by the
11 preponderance of the evidence. Basically, one is more
12 than the other. Preponderance of the evidence. That has
13 to tilt that a little bit, and that's preponderance of the
14 evidence.

15 Then we have another standard of proof called clear
16 and convincing. That's more than just the preponderance
17 of it. You have to clearly show -- and that's the kind of
18 evidence that's your standard. That's clear and
19 convincing. That's more than preponderance but not as
20 much as beyond a reasonable doubt.

21 The State has today the highest burden on them under
22 the law. They have to prove things beyond a reasonable
23 doubt. And they'll try and patter that down and go, "Oh,
24 it doesn't really mean it's got to be beyond any
25 reasonable doubt," but that's exactly what it is.

1 You say, "Well, what's a reasonable doubt?" And the
2 law is defined a lot of different ways. Sometimes they
3 say it's the kind of thing that would cause a person to
4 hesitate to act. That would be a reasonable doubt because
5 you have a question in your mind.

6 It's not just any flimsy -- you know, if you believe
7 the sun isn't coming up tomorrow, I don't know that that's
8 a reasonable doubt. The sun is probably coming up
9 tomorrow. But beyond a reasonable doubt is that you know
10 it. That you know it.

11 If, at the end of this case, you catch yourself
12 going, "I don't really know what happened," then they
13 failed. They haven't proved anything beyond a reasonable
14 doubt if you're having a question, "Well, I don't know
15 what occurred."

16 The State's charged Mr. Fowler with attempted
17 murder, and the judge is going to explain to you what they
18 have to prove for that. But they have to prove that he
19 had the intent to kill somebody with malice aforethought.
20 It's not going to happen.

21 I submit to you that they won't be able to prove
22 that a gun was fired certainly while in the hands of my
23 client. We're here today because of a lie. When law
24 enforcement initially contacted him, came there, they have
25 already described it to you, he's trying to save her life.

1 They're charging him because of one .22 bullet getting
2 fired from a gun. That's not what you do. I mean, I
3 don't know a lot about guns, but if you do, you bring your
4 common sense to the table here.

5 They're alleging that one shot from a .22 was
6 intentionally fired. Nobody is going to say that. Nobody
7 is going to tell you that. That's what they're alleging.
8 And this resulted in a horrific injury to Ms. Joye
9 Matthews.

10 We're here because of a lie, not because anybody can
11 prove attempted murder or even that a gun was fired.
12 We're going to hear about some shotty police work, where
13 evidence isn't protected, where gunshot residue isn't
14 performed, where "Why did you swab but not test?" It's a
15 lot of things that are going to come out. And I ask you
16 to pay attention to all that. And I don't want to get too
17 much into the facts. I want to explain that you're going
18 to hear all of the facts, not from me. The State has a
19 big burden.

20 One of the things that is not good -- one of the
21 worst things about being a defense attorney is I don't get
22 to go until last. Just like they got to go first here and
23 then I get to speak? They get to put their case up first.
24 And we have to wait until the end of that.

25 But I ask you to pay close attention and not

1 determine whether Scotty Joe Fowler lied when they came
2 out there. People lie for all sorts of reasons, the
3 dumbest of reasons, especially when they're scared. They
4 would, to their detriment, tell a lie rather than tell the
5 truth. And it makes no sense.

6 But you're here today because a lie was told. And
7 the funny part about it is, you know, you'll see TVs and
8 movies where somebody lawyers up. "No, I don't want to
9 answer any more questions." That's not what even happens
10 here. They just catch him in a lie and then decide we're
11 not going to ask him any more questions. We're going to
12 keep him in jail and make him wait until he can have his
13 day in court, from April 13th, 2021, until today. And
14 that's why it's important that you're here today, because
15 this is his day that they actually have to prove something
16 and not just keep him locked up.

17 This is his day that he gets to bring the facts, if
18 they have them, before a jury, that you're going to hear
19 from this stand. And I want you to pay close attention to
20 who tells you, with malice aforethought, that he did
21 anything to anybody because that's not going to happen.

22 Thank you very much for your time and attention. I
23 do think -- it took me a while -- when I was young and had
24 been doing this a year or two, I was like, this isn't the
25 most important thing you do for your country. Come on.

1 You work at your job every day. But this is. Because
2 without you, he'd keep sitting in jail for something he's
3 accused of and didn't do.

4 So thank you for your time and attention. I
5 appreciate you being here. And I'm just going to ask you
6 at the end, no matter how uncomfortable it is to you, it's
7 not what you think, it's what you know. And the judge has
8 had you take an oath and you have sworn to follow the law
9 as he gives it to you, they're not going to be able to do
10 it because it's not what happened.

11 Thank you very much for your time.

12 THE COURT: Thank you, Mr. Geoly.

13 Ladies and gentlemen of the jury --

14 Do you have tablets for them? We got them? All
15 right.

16 Anybody want a tablet, pen, paper?

17 All right. Need at least five or six.

18 Solicitor, while she's retrieving those, if the --
19 you want to go ahead and call your first witness, please.

20 MS. HOFFMAN: Yes, sir. The State calls Jill
21 Boland.

22 JILL BOLAND,

23 after having been duly sworn, was examined and
24 testified to as follows:

25 DIRECT EXAMINATION

1 BY MS. HOFFMAN:

2 Q Good morning. Can you state your name for the
3 record, please.

4 A Jill Boland.

5 Q And, Ms. Boland, where do you work?

6 A 911 Greenwood.

7 Q Okay. And how long have you worked there?

8 A Fourteen years.

9 Q And can you tell the jury a little bit about what
10 you do there?

11 A I'm the operations manager for 911. We take all the
12 incoming 911 calls for Greenwood County police, fire, and
13 EMS. Also dispatching. I do the records-keeping and
14 maintaining for the 911 center.

15 Q And how long have you been in charge of the
16 record-keeping?

17 A Eight years.

18 Q Okay. And did part of your duties include being a
19 custodian of the records of the 911 calls in this
20 particular case?

21 A Yes, ma'am.

22 Q And how does your department go about recording
23 these phone calls?

24 A They're automatically recorded.

25 Q Okay. So does anyone have to push a button?

1 A No, ma'am.

2 Q It just automatically comes in to 911 and then it
3 starts recording?

4 A Yes, ma'am.

5 Q Okay. And they're recorded at the time they come
6 in; is that right?

7 A Yes, ma'am.

8 Q And is that part of the normal course of business?

9 A Yes, ma'am.

10 Q Okay. How are they stored?

11 A They're stored on the server for 90 days. They're
12 purged out automatically after 90 days.

13 Q Okay. Did you make a search to locate all the 911
14 calls pertaining to an incident at 134 Lemon Drive [sic]
15 on April 13th of 2021?

16 A Yes, ma'am.

17 Q And what time did that call come in?

18 A Somewhere around probably 10:00 at nightish. It was
19 in the nighttime. I'm not sure exactly what time.

20 Q If I told you it was approximately 10:27, would that
21 sound right?

22 A Yes, ma'am.

23 Q Okay. What do you do with the calls once you have
24 located them?

25 A We save them and then we transfer them to a disc and

1 submit them to the person that requested it.

2 Q Okay. I'm going to show you what's previously been
3 marked -- I believe it's State's Exhibit 1.

4 (State's Exhibit No. 1, 911 Call, was marked for
5 identification?)

6 BY MS. HOFFMAN:

7 Q And what I have handed you, is that the 911 call in
8 this case?

9 A Yes, ma'am.

10 Q Okay. And as far as you're aware, that's a fair and
11 accurate depiction of that phone call as it came in that
12 night of April 13th, 2021?

13 A Yes, ma'am.

14 MS. HOFFMAN: Okay. Your Honor, at this time, we'd
15 offer this as State's Exhibit 1 and ask for permission to
16 publish to the jury.

17 THE COURT: No objection?

18 MR. GEOLY: May I see it, Judge?

19 THE COURT: Sure.

20 MR. GEOLY: No objection as long as it's what it
21 purports to be, Your Honor.

22 THE COURT: All right. State's 1 is in evidence and
23 you may publish.

24 (State's Exhibit No. 1 was received into evidence.)

25 (State's Exhibit No. 1/Audio plays.)

1 BY MS. HOFFMAN:

2 Q Ms. Boland, do you have a CAD report for details of
3 the call that came in?

4 A I don't have it.

5 Q Is this a fair and accurate depiction of the CAD
6 report for this call?

7 A Yes, ma'am.

8 Q Can you tell us what time that 911 came in?

9 A 22:27:16.

10 Q So what time is that in -- is that --

11 A 10:27 p.m.

12 Q And what are the other times listed on that? What
13 do those reference?

14 A The dispatch time was the time the units was
15 dispatched to the call.

16 Q And what time was that?

17 A 22:28:54.

18 Q So that's 10:28?

19 A 10:28.

20 Q So that's about a minute after the initial call came
21 in?

22 A Yes, ma'am.

23 Q Okay. And what's the next time on that?

24 A The first time that a unit went en route, which was
25 22:29, which was 10:29 p.m.

1 Q Another minute after that, they're on the way.

2 And what's the next time?

3 A Is the first on-scene time for unit responding.

4 22:40.

5 Q Okay. What time is that?

6 A 10:40 p.m.

7 Q Okay. So it was about a 13-minute difference
8 between that incoming call and when they got on-scene?

9 A Yes, ma'am.

10 Q I don't believe I have any further questions for you
11 at this time?

12 THE COURT: Mr. Geoly?

13 MR. GEOLY: If it please the Court, Judge.

14 CROSS-EXAMINATION

15 BY MR. GEOLY:

16 Q Ms. Boland, is that you on the phone?

17 A No, sir.

18 Q So you didn't have any participation with this call?

19 A No, sir.

20 Q You're just here because you're the custodian of the
21 records?

22 A Yes, sir.

23 Q And just to make sure we clear it up for the jury,
24 this is the call that you identified, right? The CD is a
25 copy of that call, and we're just showing it -- or the

1 solicitor showed it through a little flash drive that is
2 an accurate copy of that call; right?

3 A Yes, sir.

4 Q Okay. But what you did really, it preserves it to
5 the system, and then you can make a copy with that CD, and
6 so that's what we're saying is the 911 call and then they
7 have essentially made a copy to this flash drive to play
8 for the jury today; right?

9 A Yes, ma'am. I made the CD.

10 Q Okay. And -- but that is not you on the call?

11 A No, sir.

12 Q Have you listened to a lot of these?

13 A Yes, sir.

14 Q There is 13 minutes, essentially, from when this
15 starts to when that officer arrives on the scene and this
16 call stops; is that right?

17 A Yes, sir.

18 Q Is it fair to say that the actions of Scotty Joe
19 Fowler probably saved her life in those 13 minutes?

20 MS. HOFFMAN: I would object to that. I think
21 that's outside of what she can answer.

22 THE COURT: I think that's probably outside the
23 scope of her --

24 MR. GEOLY: She said she's seen a lot of these,
25 Judge.

1 THE COURT: Well, she's not familiar with the nature
2 of the injuries. I think you can save that question for
3 perhaps another witness.

4 MR. GEOLY: Yes, sir.

5 BY MR. GEOLY:

6 Q Did it seem to your -- how long, again, have you
7 been doing this?

8 A Fourteen years.

9 Q Okay. You have listened to a bunch of these calls?

10 A Yes, sir.

11 Q Sometimes the people on the other end are
12 cooperative? Sometimes they're not?

13 A Yes, sir.

14 Q Did he seem to be cooperative with everything that
15 the 911 operator was telling him to do?

16 A Yes, sir.

17 Q And you weren't here. You don't know what led up to
18 this or who had the gun. And, again, the statement
19 wasn't, "I shot my girlfriend." It was, "My girlfriend is
20 shot." Right?

21 A I heard he said -- you're talking about the caller?

22 Q Yes. Well -- right.

23 A I heard the caller say that she had been shot.

24 Q Right. That his girlfriend is shot.

25 A Yes.

1 Q Not that he shot her.

2 A I just heard that the girlfriend had been shot.

3 Q And then, again, he followed all the life-saving
4 measures that 911 told him to follow?

5 A The call-taker did. The caller followed the
6 call-taker's instructions.

7 Q All right. And is it your understanding that the
8 call-taker, the female, Ms. Lesa Speir, was applying the
9 pressure to her wound or was it Scotty Fowler, from what
10 you were hearing?

11 A She was -- the caller was giving him the
12 instructions that the call-taker was giving her.

13 Q And he was following them?

14 A Yes.

15 MR. GEOLY: No further questions, Judge.

16 MS. HOFFMAN: No further questions.

17 THE COURT: Thank you. You're free to go.
18 Call your next witness, please.

19 MS. HOFFMAN: Yes, sir. The State calls Josh
20 Strange.

21 (A discussion was held off the record.)

22 THE COURT: All right. Ladies and gentlemen, before
23 we hear from the next witness, my court reporter tells me
24 there's an issue with the system here to take everything
25 down. So we're going to take a brief break and get this

1 technology working, and we'll be back on the record in a
2 few moments. Okay? Just hang tight with us. You can
3 step back there. If you need to step outside for a
4 cigarette, let the bailiff know, and she'll take you
5 downstairs and you can have a comfort break. Okay?

6 (A brief recess was taken from 10:05 to 10:22 a.m.)

7 THE COURT: We are back on the record. We're
8 resuming with the trial. Let's have the jury, please.

9 (The jury entered the courtroom at 10:24 a.m.)

10 THE COURT: All right. The record will reflect that
11 the jury is back, and I think we have the technical issues
12 hopefully resolved for the time being, so, Solicitor, call
13 your next witness, please.

14 MS. HOFFMAN: Yes, sir. The State calls Josh
15 Strange.

16 JOSHUA STRANGE,
17 after having been duly sworn, was examined and
18 testified to as follows:

19 DIRECT EXAMINATION

20 BY MS. HOFFMAN:

21 Q Good morning. Can you state your name for the
22 record, please.

23 A Joshua Strange.

24 Q Okay. Mr. Strange, where were you working
25 April 13th of 2021?

1 A The assistant shift supervisor for Greenwood County
2 EMS stationed here at the courthouse.

3 Q Okay. And what was your position at that time?

4 A I was a paramedic assistant supervisor.

5 Q Okay. And what kind of duties did that job entail?

6 A Overseeing the general duties of all the crew
7 members on the shift, responding to emergency calls,
8 things of that nature.

9 Q Okay. And how long had you been doing that in April
10 of '21?

11 A I have been doing that position for a year and a
12 half, but I have been a paramedic for 19 years.

13 Q Is a paramedic the same thing as EMS, EMT? Can you
14 kind of distinguish that a little bit?

15 A EMT is entry level. There's three different levels.
16 You have EMT, EMT advanced, and then paramedic is the
17 highest level of certification.

18 Q Okay. And is that what you were in '21?

19 A That's correct.

20 Q And what you still technically are?

21 A Yes.

22 Q Okay. Can you tell the jury a little bit about the
23 training that goes into becoming a paramedic?

24 A All cumulative, it's about two years' worth of
25 training, things such as basic first aid; wound care;

1 things like that. Advanced cardiac life support; CPR;
2 pushing cardiac drugs into cardiac arrest; respiratory
3 resuscitation, including intubation. Things of that
4 nature.

5 Q Okay. What kind of education is required?

6 A High school education, at this point, but there are
7 degree programs for paramedics. Associate's degree
8 programs.

9 Q And your education?

10 A Associate's degree.

11 Q And where did you get that from?

12 A Midlands Tech.

13 Q When did you get that degree?

14 A It was in 2010.

15 Q How many emergency situations have you responded to
16 in your time as a paramedic?

17 A Over the last 20 years? Tens of thousands.

18 Q And then I know you kind of touched on this, but
19 when you're responding to those emergency situations, what
20 kind of things are you doing, generally speaking?

21 A We're basically keeping somebody alive to get them
22 to the hospital. We want to show up on the scene and
23 mitigate the situation, try to get them to the hospital in
24 as good or better condition as we found them.

25 Q So your main role when you respond is to find the

1 most critical person?

2 A Yes.

3 Q And then to try to attempt to help them?

4 A Yes.

5 MS. HOFFMAN: Your Honor, I believe, based on his
6 training and experience, I'd offer him as an expert in
7 emergency medical services.

8 THE COURT: Any objection?

9 MR. GEOLY: A couple of questions, Judge.

10 THE COURT: Sure. Go ahead.

11 VOIR DIRE EXAMINATION

12 BY MR. GEOLY:

13 Q You're just using a term of speech when you say
14 "tens of thousands"; right? If you have been doing this
15 20 years and you have been to 10,000 of them, that would
16 make 500 a year. So you're literally going every day of
17 the week, Saturday, Sunday, Monday, Tuesday, Wednesday,
18 Thursday, Friday, more than once every day of the year for
19 20 years?

20 A We typically work 24 on, 48 off, and in the course
21 of that time, we can run 10, 12, 15 calls a shift.

22 Q So you're saying you have actually been to over
23 10,000 calls?

24 A I wouldn't know the exact number, but...

25 Q So that may have been an exaggeration?

1 **A** Yes. It may have been an exag- -- at least
2 thousands.

3 **Q** All right.

4 **A** We'll go with that.

5 **Q** And how long was your course at Midlands?

6 **A** It was two years.

7 **MR. GEOLY:** I have no objection to him being an
8 expert, Judge.

9 **THE COURT:** All right. Ladies and gentlemen,
10 normally, witnesses are only permitted to testify about
11 things that they observe with their own individual senses,
12 something they saw, heard, smelled, etc. An exception to
13 this rule exists for witnesses who are experts in some
14 particular field, and, in this case, the State and the
15 defense agree that Mr. Strange is an expert in the field
16 of emergency medicine. So he's not restricted to simply
17 what he observed. He can give opinion that you can use as
18 you deem appropriate.

19 Solicitor, you may continue.

20 **MS. HOFFMAN:** Yes, sir.

21 **CONTINUING DIRECT EXAMINATION**

22 **BY MS. HOFFMAN:**

23 **Q** Mr. Strange, did you become involved with an
24 incident at 134 Lemon Tree on April 13th of 2021?

25 **A** I did.

1 Q Okay. And is that address located in Greenwood
2 County?

3 A Yes.

4 Q Okay. What was your role when you responded to that
5 location?

6 A I was on a QRV, a quick response vehicle. So a
7 rescue truck. It's a one-man unit. That typically goes
8 out to assist the ambulance crew on life-threatening
9 calls, auto extrication, things of that nature.

10 Q What do you do when you first arrive on-scene?

11 A Initially, when I arrived on-scene, I made entry
12 into the residence. I saw the victim laying prone on the
13 floor -- I'm sorry, supine on the floor, laying on her
14 back. Captain Penn was at her head, holding a shirt or a
15 towel or some kind of cloth. He says, "She's got a
16 gunshot wound to the back of the head."

17 At that point, I immediately assessed for
18 life-threatening injuries, major bleeding. The bleeding
19 was controlled by Captain Penn. The next thing I checked
20 was a pulse and respirations. Found those to be present.
21 So we knew we had a viable patient at that point.

22 Began bandaging her head to keep the control of the
23 bleeding. Once the ambulance arrived, they brought in
24 some extra equipment that we use to immobilize her spinal
25 column, which is a typical thing we do with any kind of

1 gunshot wound because you never know what can happen to
2 the spine.

3 Quickly packaged her for transport and moved to the
4 ambulance because we had a helicopter on the way to fly
5 her to a trauma center.

6 Q Now, when you arrive on-scene, do you know what
7 you're walking into?

8 A Not initially, no.

9 Q So how do you find out kind of the scenario of what
10 you're walking into?

11 A We ask bystanders, if they're present. If law
12 enforcement is on the scene, first we'll ask them what
13 they have gathered, since they have been there. And --

14 Q Why do you do that?

15 A To give us an idea of what we'll dealing with. You
16 know, we know what we're dispatched to. We're dispatched
17 to a gunshot wound of the head, which, typically, we don't
18 have a patient when we arrive on calls like that. This
19 was an odd scenario.

20 Q Why was it odd?

21 A She was alive. So we just quickly asked, "Does
22 anybody know what happened?"

23 Q Did someone tell you?

24 A At that point, it was just, "She's got a gunshot
25 wound to the back of the head." And another deputy off to

1 the side said, "It's a .22 magnum." He gave us an idea of
2 what kind of caliber we were dealing with.

3 Q Why is that important?

4 A Size matters. Velocity matters.

5 Q Did they give you any indication as to how she had
6 been shot?

7 A Once we were in the ambulance, we began asking
8 questions like that, if they knew what had happened. I
9 don't remember which deputy we asked. And the scenario we
10 were given was that the gun fell out of a pocket, hit the
11 coffee table, and went off, which would suggest an upward
12 trajectory.

13 Q And is that important in the course of your
14 treatment of --

15 A It gives us an idea of where the bullet may have
16 gone and what other injuries we may be dealing with.

17 Q Okay. So based off the information that they told
18 you, you said you were expecting what?

19 A An upward trajectory of the bullet. If it went in
20 in the back, we would expect it to go up and out.

21 Q Okay. Could you see her injury?

22 A No. We had it bandaged. We didn't actually
23 visualize the injury itself. At that point, controlling
24 bleeding was more important.

25 Q Could you tell if there was an exit?

1 **A** No, not after we bandaged, we could not.

2 **Q** It's all wrapped up. You can't really see.

3 **A** Yeah.

4 **Q** Okay. Who is in charge as far as medical on-scene
5 there at the location?

6 **A** Typically, it's the paramedic on the transporting
7 ambulance, which, that night, would have been Larry Kidd.

8 **Q** Who made decisions in regards to what kind of care
9 was being provided to Ms. Matthews?

10 **A** It's all a team effort. Having two paramedics
11 there, we conversed between each other and come up with
12 the best course of action.

13 **Q** So, in that course of action, you made the decision
14 to fly her to Greenville?

15 **A** Yes.

16 **Q** Why is that?

17 **A** We knew she had a head trauma, and Self Regional
18 doesn't typically deal with head traumas, you know, and
19 if -- the best thing to do was fly her from the scene
20 rather than take her to Self and delay care a little bit
21 longer.

22 **Q** What do you mean by, "Delay care"?

23 **A** It would have been a ten-minute drive and then
24 however long in the ER there before they called the
25 helicopter to come get her. So just flying her from the

1 scene cut out at least 30, 45 minutes of treatment time.

2 Q Okay. So where did she go from the Lemon Tree
3 address?

4 A I believe it was to Prisma Healthcare in Greenville.

5 MS. HOFFMAN: Beg the Court's indulgence.

6 BY MS. HOFFMAN:

7 Q When you got on-scene, was the victim, Ms. Matthews,
8 was she talking to you?

9 A No. She actually caught me off-guard when she took
10 the deep breath as I checked her pulse.

11 Q Okay. What did you observe when you were --

12 A She was making sounds.

13 Q What kind of sounds?

14 A Just random, odd sounds. Non-verbal altogether. At
15 one point, she began to have seizure activity. We treated
16 that with Ativan, which is a common drug to treat
17 seizures.

18 After that, there was no verbal communication from
19 her at all.

20 Q So that pretty much just --

21 A So that -- it sedated her.

22 Q Okay. It sedated her.

23 Okay. So, at that point, she can't talk?

24 A No.

25 Q Was she able to relay any sort of information to

1 you?

2 **A** She was not.

3 **Q** Did you perform any sort of other medical procedures
4 or efforts to her?

5 **A** We started IVs to give fluid replacement for the
6 blood she had already lost, which we estimated about five
7 to six hundred cc's.

8 **Q** What does that mean?

9 **A** It's a pretty significant amount of blood loss but
10 not life threatening.

11 **Q** And when you got on-scene, could you see a lot of
12 blood?

13 **A** About the 500, 600 cc's.

14 **Q** Where was it?

15 **A** On the floor and absorbed in the cloth that Captain
16 Penn had in his hands.

17 **Q** Did you ever have to intubate her?

18 **A** We did not. The flight crew, when they arrived,
19 they did what's called RSI, rapid sequence induction.
20 That's when they completely paralyze the patient, knock
21 out their respiratory effort, and intubate.

22 **Q** Now, did you go in the life flight to Greenville?

23 **A** No.

24 **Q** Okay. And so you just --

25 **A** We transferred care to the flight crew and they took

1 over from there.

2 Q Okay. How would you have categorized her injury?

3 A Life threatening.

4 Q And why is that?

5 A Because it's a gunshot wound to the head.

6 Q And, Mr. Strange, where, in relation to the house,
7 did the helicopter land that took Ms. Matthews to
8 Greenville?

9 A I believe we flew from the old school.

10 Q Okay. So how far -- when you say, "The old school,"
11 what do you mean? Where is that in relation to where this
12 house was?

13 A I'm not sure what the name of the school was. It's
14 the one beside the fire station.

15 Q How far away was that from where she was located?

16 A Maybe a mile.

17 Q Okay. So they had to land the helicopter a good
18 distance away?

19 A Yes.

20 Q How did you get her there?

21 A With the ambulance.

22 Q Okay. So then you loaded her in there and drove her
23 to the helicopter?

24 A That's correct.

25 Q About how long were you on-scene?

1 A Without looking at the report, maybe 20 minutes or
2 so.

3 Q And when you get her on the helicopter -- I know
4 you're not specifically the one who is flying it or going
5 on. Is anyone allowed to go with her? Or who is allowed
6 on that helicopter?

7 A Usually it's just the flight crew. They have a
8 heavyweight restriction. You know, they have a paramedic
9 and a nurse on the helicopter plus the pilot and the
10 patient. Occasionally, there may be a student that's
11 learning to become a paramedic or flight nurse, but
12 usually, it's just the four of them.

13 Q Okay. So essential people only?

14 A Yes. We don't send anybody from the ground crew
15 with the flight crew.

16 Q Okay. I don't have any further questions for you.
17 Answer anything Mr. Geoly has.

18 THE COURT: Mr. Geoly?

19 MR. GEOLY: If it please the Court, Judge.

20 CROSS-EXAMINATION

21 BY MR. GEOLY:

22 Q Mr. Strange, when you got there, I guess you
23 indicated that Lieutenant Penn was administering aid at
24 this point; right?

25 A Yes, sir.

1 Q Were you aware of who administered aid until Penn
2 got there?

3 A No, sir.

4 Q So you have no knowledge, before you walked on to
5 the scene, what was going on?

6 A That's right.

7 Q And you don't know how this woman came to be
8 injured?

9 A No, sir.

10 Q You don't know if there was a fight going on or what
11 was happening, do you?

12 A No, sir.

13 Q When you got there, was there blood coagulated on
14 the floor or was it mostly on the sheet and whatever other
15 cloth was there?

16 A It was on the floor, slightly coagulated, and then
17 on the sheet.

18 Q Okay. Is that normal in a situation like this?

19 A Yes, sir.

20 Q Okay. What's not normal is that she was alive;
21 right?

22 A It's atypical, yes, sir.

23 Q And that could have been from extraordinary
24 life-saving measures that were dictated through 911?

25 A Could be.

1 Q Thank you very much.

2 MS. HOFFMAN: Just one brief question, Your Honor.

3 REDIRECT EXAMINATION

4 BY MS. HOFFMAN:

5 Q You said the blood was -- you agreed that it was
6 coagulated? What does that mean?

7 A A little bit -- it had started to dry a little bit.

8 Q All right. Thank you. No further questions.

9 THE COURT: Thank you, sir. You can step down.

10 THE WITNESS: Thank you.

11 THE COURT: Solicitor, if you'll call your next
12 witness, please.

13 MR. BLACK: The State calls Jacob Turner.

14 JACOB TURNER,

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

17 DIRECT EXAMINATION

18 BY MR. BLACK:

19 Q Can you state your name for the record, please.

20 A Jacob Turner.

21 Q And, Officer Turner, where do you work at?

22 A I work at Abbeville County right now.

23 Q Abbeville County Sheriff's Department?

24 A Yes.

25 Q How long have you been in law enforcement?

1 A Roughly ten years.

2 Q And have you worked -- did you work at Greenwood
3 County for some time?

4 A I did.

5 Q How long was that?

6 A Eleven months.

7 Q Okay. When were you working in Greenwood County?

8 A July 2020 to June -- May of '21.

9 Q You said you have been in law enforcement for ten
10 years?

11 A Yes.

12 Q Where else have you worked?

13 A Started at Greenwood City in DNR, Greenwood County,
14 and Abbeville County.

15 Q But you state you were working for Greenwood County
16 back in 2021?

17 A Yes.

18 Q All right. Did you respond to a call at a Lemon
19 Tree address here in Greenwood County?

20 A I did.

21 Q And what's that address? Do you remember off the
22 top of my head?

23 A I can read my report, I believe. Let's see.
24 134 Lemon Tree Road.

25 Q Can you tell the jury where in Greenwood County that

1 is?

2 A It's going to be up off of Highway 10. It's been a
3 little while since I have been down that way, so I can't
4 give you an exact, but it's off of Highway 10 near
5 Promised Land.

6 Q Before you get to Promised Land?

7 A I can't tell you exactly.

8 Q Okay. Fair enough.

9 When you were working, why did you go out there.

10 A Received a call for a -- if I remember correctly, on
11 a dispatch. It was an accidental shooting at the time
12 when it came over the radio for a shooting incident.

13 Q Were you the first person out there?

14 A I was.

15 Q Is that a pretty rural place?

16 A Yes.

17 Q All right. When you pulled up, tell the jury what
18 kind of residence this was.

19 A I remember it had a pretty long driveway on it, and
20 it went to a -- I believe it was a single-wide trailer at
21 the time.

22 Q Is this a dirt driveway or gravel driveway?

23 A It was a dirt/gravel.

24 Q When you got there, did you pull all the way up to
25 the door?

1 A I did.

2 Q What did you do?

3 A I exited my vehicle and -- exited the vehicle and
4 went into the residence, trying to find the victim.

5 Q Okay. And was it pretty apparent, once you got
6 there, like, where the action was, I guess, for lack of a
7 better word?

8 A Yes.

9 Q Okay. And where was that?

10 A There was two individuals, the victim and another
11 individual, sitting in the living room.

12 Q Okay. And so did you walk in and, you know, start
13 assisting?

14 A Yes.

15 Q What did you do? What was your first -- what were
16 you trying to do when you first got there?

17 A When I first got there, was render aid to the
18 victim.

19 Q And tell the jury what you saw when you walked in.

20 A When I walked in, there was -- the victim was laying
21 on the floor. The defendant was holding the back of her
22 head. There was a sheet or some kind of cloth that was
23 behind her head. I asked him to leave the residence. I
24 noticed there was a handgun laying adjacent to the victim.

25 Once I was able to get him to leave the residence, I

1 begin to apply aid to the back of her head until EMS
2 arrived.

3 Q Okay. You said there was a handgun.

4 A Yes.

5 Q What kind of gun was this?

6 A If I remember correctly, I believe it was a
7 revolver. I don't know the make, model, or anything like
8 that. I didn't really examine that, but it was a
9 revolver.

10 Q And where was it located when you walked in the
11 residence?

12 A It was adjacent to -- the victim was laying, and it
13 was within a few feet maybe within her body, laying on the
14 floor.

15 Q And she was laying -- was she laying pretty close to
16 the door?

17 A I would say so, yes.

18 Q And did you see a lot of blood or a relative amount
19 of blood?

20 A I did see some blood, yes.

21 Q And you stated that you saw the defendant. He
22 was -- at that point, when you got there, you said he was
23 close to the victim?

24 A He was. He was applying pressure to the back of her
25 head with -- like I said, I don't know if a sheet or

1 jacket or some kind of clothing or some kind of cloth to
2 the back of her head.

3 Q Okay. And is he present here in the courtroom
4 today?

5 A He is.

6 Q Can you point him out, please?

7 A He's sitting right there in the blue button-up.

8 MR. BLACK: And let the record reflect that the
9 witness has identified the defendant.

10 THE COURT: The record shall so reflect.

11 BY MR. BLACK:

12 Q So your interaction at this point with him, was it
13 relatively quick, or did y'all have a long discussion?

14 A It was very quick. I was trying to get him out of
15 the residence so I could secure the scene and render aid
16 to the victim. It was very tight quarters as it was, so
17 to get EMS in there so they could get to her, I was trying
18 to get him out. I don't remember speaking very many words
19 to him.

20 Q Did he tell you anything, what had happened?

21 A He did. So while we were exchanging places, he --
22 he did mention -- I believe I put it in my report right
23 here -- give me one second and I'll find it. He advised
24 me that he had dropped the handgun, causing it to strike
25 the side of the coffee table. He then told me the firearm

1 went on, and he believed the firearm to be empty. I,
2 again, told him he needed to leave the residence.

3 Q And, at that point, were there other -- when you got
4 there, were there other law enforcement officers also
5 arriving pretty quickly?

6 A Yes. Deputy McGuire was -- actually, I think we
7 arrived about the same time. I'm not sure. I think I
8 called us both on the scene at the same time. So I sent
9 him outside.

10 Q When you say, "Called at the scene," does that mean
11 you're relaying that to somebody?

12 A To dispatch.

13 Q And have you had a chance to look at the CAD report?

14 A I have.

15 Q Do you know what time -- do you remember what time
16 you got there?

17 A Not exactly. I can take a look at it and let you
18 know. Let's see. I'm seeing where I called in the area
19 at 22:38 :39, which would be 10:38 p.m. at night.

20 I'm not seeing my -- I'm not seeing my on-scene time
21 on here.

22 MR. GEOLY: I'm going to have to object to him
23 leading the witness, Judge, or for pointing things out.

24 THE WITNESS: Okay.

25 MR. GEOLY: I mean, he's given him the report.

1 THE COURT: I think he's just trying to help him.

2 THE WITNESS: Trying to help me locate it.

3 THE COURT: You can go ahead and answer that
4 question if you have found it.

5 BY MR. BLACK:

6 Q Have you found it yet?

7 A I have. I apologize. It shows me showing on-scene
8 at 22:40:29, which would be 10:40 p.m.

9 Q 22:40 is when you got there?

10 A Yes.

11 Q And you were the first one on-scene?

12 A I was.

13 Q And what time did the call come out initially on the
14 front page? Does it tell when the call was initially
15 made?

16 A Incoming 911 call was made, it appears, 22:27:16.
17 So 10:17 p.m.

18 Q Are you sure that's right?

19 A Incoming 911?

20 Q 22 --

21 A 27.

22 Q Okay. 22:27.

23 A And 16 seconds.

24 Q Okay. All right. And, Officer Turner, do you guys
25 wear body cams?

1 A We do.

2 Q And did you have a body cam on that day?

3 A I did.

4 Q Was it activated when you arrived on the scene?

5 A It was.

6 Q Have you had a chance to review your body cam?

7 A I have.

8 Q Is it a fair and representation of what you saw when
9 you got there?

10 A Yes.

11 MR. BLACK: Your Honor, at this point, the State
12 moves No. 2 into evidence subject to prior discussions.

13 THE COURT: All right. Subject to all prior
14 objections and pretrial rulings?

15 MR. GEOLY: Yes, sir, Judge. I, obviously, would
16 object at this point in time, but also, Your Honor, I'd
17 just like to -- I don't have any objection so long as --
18 to that coming in so long as that is the video. I don't
19 want to say, "Okay, yes, this is the CD," and we put it in
20 and it's Tom and Jerry. So long as it's the video of his
21 body cam that night, we certainly have no objection. I
22 mean, I think what we're going to see is, obviously, not
23 that CD but, again, the flash drive that will show it for
24 us, and we have no objection to showing Mr. Turner's
25 video.

1 THE COURT: Very good. You may publish it.

2 MR. GEOLY: Other than the objections we have noted.

3 THE COURT: Right. Other than prior objections that
4 is have been noted, subject to all pretrial rulings, it is
5 in evidence, and you may publish it.

6 MR. BLACK: Thank you, Your Honor.

7 (State's Exhibit No. 2, Turner Body Cam Video, was
8 marked for identification and received into evidence.)

9 (State's Exhibit No. 2/Video plays.)

10 BY MR. BLACK:

11 Q Officer Turner, I'll ask you a few questions about
12 what we just saw. When you were -- when you walked in,
13 was Ms. Matthews, the victim, did she -- was she talking
14 to you in any way?

15 A Not really talking. It was more of a snore sound
16 that was coming from her while she was breathing.

17 Q Were her eyes open or were they closed or was it --

18 A Kind of -- they were opened, kind of rolled back, I
19 believe, when I walked in.

20 Q Could you tell the angle of the bullet or anything
21 like that based on your treatment of her?

22 A I didn't want to remove that -- that sheet or
23 clothing item, whatever was used, to actually examine,
24 because I didn't know. I just kind of -- he said this is
25 where the bullet hole was, and I put my hands around the

1 backside of her head and put pressure as much as I could.
2 You know, I wasn't sure exactly where the injury was.

3 Q Do you know if the injury was on the side closest
4 to, you know, what the screen with the jury is looking at?
5 Or was it on the other side? Or do you remember?

6 A I don't remember. I'm not sure. Like I said, I
7 just basically was trying to put pressure to where I
8 thought the wound where he had told me it was, and I held
9 it there until EMS arrived.

10 Q Did you ever change -- move the towel or anything
11 like that, or did you just --

12 A I don't believe so. The same thing that he had is
13 what I used.

14 Q And EMS, did they get there pretty quickly once you
15 got there?

16 A Yes.

17 Q Is that standard for law enforcement to go in first
18 and then EMS to come in after, after you guys?

19 A On a shooting incident, absolutely. We go in and
20 secure the scene because we want to make sure there's not
21 any more threat for EMS when they arrive on-scene. So I
22 went in first and secured it, and then they came in.

23 Q And it looks like they're about to take her out. Is
24 that what happens next?

25 A Yes. They take her out and load her into the

1 ambulance.

2 Q Okay. And we're about to just play your body camera
3 for the next 20 minutes. Just briefly tell the jury what
4 you do for the next 20 minutes.

5 A So after they took her out, we did what's called a
6 protective sweep of the residence, basically making sure
7 there's nobody else located in the residence, injured or a
8 suspect or anybody like that. And then kind of walked
9 around the residence, and I ended up leaving the scene
10 after that.

11 Q Okay. Responded to more calls?

12 A Eventually, yes.

13 Q Okay. And, again, what did he tell you when you
14 walked in -- right when you walked in?

15 A When he walked in, I believe you hear on my video
16 but he said that he dropped the firearm or the handgun,
17 causing it to strike the side of the coffee table. He
18 then stated the firearm went off, and he believed the
19 firearm to be empty. And then I asked him to leave again.

20 Q Okay. And where did he go at that point when you
21 asked him to leave?

22 A I'm not 100 percent sure because I wasn't outside,
23 but I believe it might have been the front porch, but
24 somewhere out in the front of the residence.

25 Q All right. I'm going to start your camera again. I

1 may ask you some questions while it's playing so just --
2 just be ready, I guess.

3 A Okay.

4 (State's Exhibit No. 2/Video plays.)

5 BY MR. BLACK:

6 Q You're wearing gloves; is that right?

7 A I am.

8 Q Why do you do that?

9 A To protect myself from any kind of thing I may
10 encounter, from body fluids and blood and stuff like that.
11 I knew I was going to a shooting incident. That's why you
12 see me grab them as soon as I arrived on the scene.

13 (State's Exhibit No. 2/Video plays.)

14 BY MR. BLACK:

15 Q What did you pick up there?

16 A I'm not sure. I have to...

17 It might have been something that was dropped. I'm
18 not 100 percent sure.

19 (State's Exhibit No. 2/Video plays.)

20 BY MR. BLACK:

21 Q Can you see all right up there, Officer Turner?

22 A I can.

23 Q What are you looking at here?

24 A Just the rest of the residence. Just looking it
25 over. I was looking into the kitchen area.

1 Q Is that a relatively tight living room?

2 A It was. That's why I was still staying inside. If
3 you notice, there's still a lot of EMS personnel getting
4 ready to be loaded, and I couldn't get outside at the
5 time. I was basically stuck in the residence until she
6 was loaded into the -- or taken out.

7 Q And you had already moved the gun; is that right?
8 Or do you know?

9 A I don't believe so. I don't believe -- I don't
10 believe I'm the one that moved it.

11 (State's Exhibit No. 2/Video plays.)

12 BY MR. BLACK:

13 Q Who were you talking to there?

14 A That's Captain Penn, who is my -- that's the
15 supervisor on the shift.

16 Q What's EMS doing with Ms. Matthews?

17 A They're taking her to the ambulance.

18 (State's Exhibit No. 2/Video plays.)

19 BY MR. BLACK:

20 Q And what are you looking at here?

21 A That's the coffee table and...

22 Q Did the gun get put on the coffee table?

23 A It did. I think that's what we were kind of talking
24 about now and discussing what he had told us.

25 (State's Exhibit No. 2/Video plays.)

1 BY MR. BLACK:

2 Q I'm going to back that up just a second. Can you
3 see that all right there?

4 A Yes.

5 Q And I have stopped it at 11:29. Can you identify
6 what's on the table there? If you need to step down, feel
7 free to.

8 A I believe the item you asked me about just a moment
9 ago was that cell phone that I picked up. And you have
10 got an empty Pepsi bottle. The handgun is right there.
11 Now, it's on the coffee table.

12 Q So you have identified this handgun right here that
13 I'm circling?

14 A (Indiscernible).

15 Q And this is a what again?

16 A A cell phone.

17 Q Was that your cell phone?

18 A That's not mine, no. I don't even know whose that
19 was. It was just laying on the floor (indiscernible). So
20 I picked it up and put it up there and got
21 (indiscernible).

22 Q I'm going to put you in front of this microphone so
23 everything can be heard.

24 A Okay.

25 Q Can you say that again?

1 A So the item I believe you asked me about just a
2 moment ago was a cell phone right there that you're
3 circling. To the right of it is the handgun that was on
4 the floor.

5 Q Did you put that up there or was that your
6 supervisor? Or do you know?

7 A I don't remember. I don't think I picked it up.
8 And the Pepsi bottle or cup and a bowl.

9 Q Okay. And I'm going to roll it. I may ask you a
10 couple more questions.

11 A Okay.

12 Q Do you touch it there?

13 A I do not. We were discussing it. I believe -- I
14 believe it was Captain Penn that moved the handgun due to
15 EMS. They were trying to work on the victim at the time,
16 and they didn't want it to be a hindrance or a threat.

17 Q Do you know if it was loaded or not?

18 A I have no idea. I hadn't -- that's what we're
19 looking at there to see, trying to figure out what kind of
20 gun it is, caliber and...

21 Q Were you also looking at anything else on the coffee
22 table?

23 A We were looking at where he said that it -- he had
24 dropped it and struck the corner of the coffee table. We
25 were looking at that corner, just looking for any kind of

1 indentation or scuff marks.

2 Q Did you see any?

3 A I did not.

4 Q And who is that other officer standing there with
5 you?

6 A That's Sergeant Burnette.

7 Q He gave you another pair of gloves -- a pair of
8 clean gloves?

9 A Yes.

10 Q You changed them out here, it looks like?

11 A I did. I believe the other one was -- had a little
12 bit of the victim's blood on my other gloves.

13 (State's Exhibit No. 2/Video plays.)

14 BY MR. BLACK:

15 Q What are you looking at here?

16 A This is going to be the front porch. I believe we
17 were still looking to see if EMS had loaded. And that's
18 another deputy on the porch.

19 Q What are you doing right now?

20 A Now we're going the protective sweep, just making
21 sure there's no more -- anybody else in the residence that
22 may need assistance or anything like that.

23 Q There wasn't anybody else in there?

24 A No.

25 (State's Exhibit No. 2/Video plays.)

1 BY MR. BLACK:

2 Q And it appears you're walking off the --

3 A Headed back towards my vehicle and all the
4 ambulances.

5 (State's Exhibit No. 2/Video plays.)

6 BY MR. BLACK:

7 Q Is that looking back at the front of the house?

8 A It is. That's going to be the front porch.

9 Q And what's sitting out there in front of the porch?
10 Do you see that?

11 A That's a motorcycle.

12 Q Is that a motorcycle or something?

13 A That's a white motorcycle that was there.

14 (State's Exhibit No. 2/Video plays.)

15 BY MR. BLACK:

16 Q Looks like you're going over to the ambulance here?

17 A Yes. That piece of paper had the victim's info on
18 it, her name, all her information they needed. Name, date
19 of birth, stuff like that. It was found laying in the
20 yard, I believe, by Captain Penn, so I took it over there
21 to him so they'd have it.

22 Q So they'd keep track of her?

23 A Yes. So they knew who they were helping.

24 Q Looks like you're standing right here in front of
25 the motorcycle?

1 A Looking at the motorcycle. Just kind of looking
2 around the residence.

3 Q Did you go around the side here and start looking
4 around?

5 A Yes.

6 Q What are you doing -- why are you doing this?

7 A Just taking the scene in. Just looking at it to see
8 what's -- what's going on. I observed that vehicle to be
9 lights on and the door open.

10 Q What kind of vehicle was that?

11 A It was a white pickup truck.

12 Q You said the lights were on?

13 A The vehicle lights were on.

14 Q Was the door open?

15 A The driver's side door was open.

16 Q Do you know if it was on or not?

17 A I don't remember if it was on. It just seemed odd
18 for it to be...

19 Q Did y'all touch anything here when you're looking at
20 this vehicle?

21 A No. Like I said, we just kind of looked around.

22 Q What are you looking at here?

23 A Just the residence itself. All the items in the
24 backyard. Just like I said, checking the area out.

25 Again, making sure there's nobody else that may need

1 assistance. We weren't sure, in the back of the
2 residence. And you have got lights on in the shop. Just
3 making sure there's nothing else that we needed to assist
4 with.

5 (State's Exhibit No. 2/Video plays.)

6 BY MR. BLACK:

7 Q What's back here?

8 A Several different storage sheds. Just different
9 items. Like dog kennels.

10 Q Was there a bunch of dogs out there?

11 A There was.

12 (State's Exhibit No. 2/Video plays.)

13 BY MR. BLACK:

14 Q Who are you making contact with right here?

15 A That's going to be Lieutenant Murdock. He's with
16 Investigations.

17 Q He's the investigator?

18 A Yes.

19 Q Would he have been working that night or on-call?

20 A He was on-call. So he was notified of the situation
21 and called in to come investigate.

22 Q And what are you doing here?

23 A Just briefing on, basically, what I did, what I
24 seen, heard, on the scene when I arrived.

25 Q You're going back in the residence at this point?

1 A Going back in with -- and just kind of describing
2 him the scene, how it was when I arrived, explaining the
3 situation, showing him where she was at and everything.

4 (State's Exhibit No. 2/Video plays.)

5 BY MR. BLACK:

6 Q What are you doing here?

7 A Just explaining where -- I'm pretty sure we're
8 telling him how she was laying, where her head was in
9 relation to the firearm. Pointing out where the firearm
10 was laying before it was moved.

11 Q Showing the edge of the coffee table?

12 A Showing the edge of the coffee table, explaining to
13 him how he told me -- how he told me that the firearm went
14 off, and basically, giving him a layout of the scene, like
15 I said, when I arrived.

16 (State's Exhibit No. 2/Video plays.)

17 BY MR. BLACK:

18 Q And who all is here on the front porch?

19 A That would be Deputy McGuire. She's right there.
20 And the other deputy that was stepping back was Lieutenant
21 Young.

22 Q Okay. He's kind of off here to the side?

23 A Yes. Right there where your mouse is.

24 Q You said this is the investigator?

25 A Yes, that's Lieutenant Murdock.

1 Q And this individual right here, do you know who that
2 is?

3 A Lesa -- Lesa Speir, I believe is her name. I have
4 to look at the report.

5 Q And I know you're already off the porch, but was --

6 A Yes.

7 Q -- Mr. -- the defendant, Mr. Fowler on the porch,
8 too?

9 A He was. He was sitting down, I believe to the left
10 of Ms. Speir.

11 (State's Exhibit No. 2/Video plays.)

12 BY MR. BLACK:

13 Q While you're talking to some of your peers, are you
14 able to hear the helicopter coming and going?

15 A Yes. You're able to hear it when the -- what they
16 call life flight. They call in the helicopter to come
17 pick up individuals that need critical attention quickly.
18 You can hear it coming in to pick it up -- to land and
19 pick up the victim and take her to -- I'm not sure where
20 they took her, but it landed relatively close to the
21 incident location.

22 (State's Exhibit No. 2/Video plays.)

23 BY MR. BLACK:

24 Q At this point, have you pretty much turned the scene
25 over to investigators?

1 A Yes. Once I explained to him what was going on in
2 the scene, what I observed, the scene is pretty much
3 turned over to him at that time.

4 (State's Exhibit No. 2/Video plays.)

5 BY MR. BLACK:

6 Q And, again, you stated you left, I guess, pretty
7 quickly thereafter and got back on the road and responded
8 to more calls?

9 A Yes. As soon as I cut my body cam off or shortly
10 thereafter, I'm back on the road.

11 (State's Exhibit No. 2/Video plays.)

12 BY MR. BLACK:

13 Q Looks like y'all are going back to that truck?

14 A It just -- it was running. The door open -- or not
15 running. Excuse me. The lights were on and the door was
16 open. Just seemed weird. We were just, I think,
17 relooking at the area. I don't remember what was said
18 during that time of us going back and forth. Something
19 might have been said for us to go back by there. Like I
20 said, I'm not...

21 (State's Exhibit No. 2/Video plays.)

22 BY MR. BLACK:

23 Q Do you remember smelling anything when you walked
24 into the house at first?

25 A I do not.

1 (State's Exhibit No. 2/Video plays.)

2 BY MR. BLACK:

3 Q You didn't see anything in the woods back there, did
4 you?

5 A Not that I remember. Nothing that stuck out to me.

6 (State's Exhibit No. 2/Video plays.)

7 BY MR. BLACK:

8 Q And, again, that body cam is a fair representation
9 of the residence and the surrounding property?

10 A Yes.

11 Q I think that's all the questions that I have.
12 Please answer any questions that Mr. Geoly might have,
13 please.

14 MR. GEOLY: If it please the Court, Judge.

15 THE COURT: Yes. Not that you're under any time
16 constraint; I have got somebody in the back that needs
17 assistance from me for just a few moments. Can we take
18 five minutes?

19 MR. GEOLY: Certainly, Judge.

20 THE COURT: Okay.

21 Ladies and gentlemen, I need to take a brief
22 five-minute break. Just -- there's someone in my office
23 who has been waiting for me for a period of time. Adjourn
24 to the jury room. We'll be back on the record in about
25 five or ten minutes, and don't talk about the case.

1 You can step down. Just don't discuss the case.

2 THE WITNESS: Yes, sir.

3 (A recess was taken from 11:25 a.m. to 11:43 a.m.)

4 THE COURT: We are back on the record. Sorry for
5 that break. Let's have the jury, please.

6 (The jury entered the courtroom at 11:43 a.m.)

7 THE COURT: All right. The record shall reflect
8 that the jury is back.

9 Ladies and gentlemen of the jury, sorry for that
10 break. Judge -- the other two judges in the 8th Circuit,
11 Judge Griffith and Judge Hocker -- Judge Hocker is trying
12 a case down in Beaufort this week; Judge Griffith had
13 medical appointments, so I'm the only game in town when
14 somebody really needs something. Sorry about that.

15 Solicitor -- well, okay, at this point in time, of
16 course, Mr. Turner, you're still under oath.

17 Mr. Geoly, your cross?

18 MR. GEOLY: If it please the Court, Judge. Thank
19 you.

20 CROSS-EXAMINATION

21 BY MR. GEOLY:

22 Q Now, you have been in a law enforcement ten years,
23 you said; right?

24 A Roughly, yes.

25 Q A lot of that hasn't been necessarily with Greenwood

1 County, but you were here local to Greenwood; right?

2 A Yes.

3 Q Now, when you were out on the scene and had this
4 body cam, what did you do to make sure it was protected so
5 that we can see it today?

6 A You're going to have -- you mean, what did I do to
7 protect my camera or the footage?

8 Q Like, how did the solicitor's office come to, today,
9 have your footage but not any other officers' footage?

10 A I'm not -- I'm not -- we dock our body cams after
11 shift or stuff or...

12 Q So there's nothing special you have to do to save
13 it?

14 A Well, it saves itself. You categorize it on your
15 body cam, and when you cut it off, it saves to the camera
16 itself.

17 Q But then how do you keep it from getting purged, I
18 guess?

19 A I'm -- I don't know what you're talking about,
20 purged.

21 Q So you don't have to do anything to stop that? Once it
22 tapes and you put it on the charger, that should be there
23 for the State to have? Is that what you're saying?

24 A Should be. That's my understanding, but I'm not
25 a -- when it comes to the body cams and the function of

1 the purging and uploading, I'm not -- that's not -- that's
2 above my purview.

3 Q But you didn't do anything special to make sure we
4 had yours.

5 A No, I just did what I was told.

6 Q Just put it on the charger and somehow we have it;
7 right?

8 A Yes.

9 Q You didn't have to do anything to keep it from
10 purging?

11 A I -- I didn't, no.

12 Q Let me kind of go backwards to forwards. The last
13 thing you were kind of talking about a little bit was this
14 truck, and you indicated it was on but it wasn't really
15 running. The lights were on; right?

16 A Correct.

17 Q And the lights were on, the door was open. Did
18 it -- could you tell what the lights were pointing at?

19 A I don't remember. It was at the back of the
20 residence. Door open, lights were on.

21 Q It looked like the lights were shining on a
22 four-wheeler that was maybe being worked on?

23 A I don't know.

24 Q Does that make sense, if it was in front of the
25 headlights maybe --

1 **A** If that's what you're saying, yes.

2 **Q** -- (indiscernible) used for?

3 Okay. Let's go back now to the very beginning when
4 you show up.

5 **A** Okay.

6 **Q** You said you saw a little bit of blood on the floor.
7 Was it fair to say the majority of the blood was on that
8 blanket or sheet or whatever we were using?

9 **A** Yes. If you look at body cam now, what we just
10 watched just now, if you look to the far right of that
11 sheet, you see a -- some amount of blood, and then you'll
12 see a little bit on the other side, but there was a large
13 portion of that blood that was on that sheet.

14 **Q** Okay. And he had that sheet and was applying that
15 pressure when you got there. You just used the same
16 life-saving, you know, technique that he was doing when
17 you got there; right?

18 **A** Yes.

19 **Q** Okay. And Scotty was providing pressure to her head
20 when he got there; right -- when you got there?

21 **A** Yes. When I arrived on the scene, he was.

22 **Q** And you saw that gun. Do you know if that was
23 Joye's gun or Scotty's gun? Do you know whose gun that
24 was?

25 **A** I don't. I don't know whose gun it was.

1 Q And as to what was going on before this happened, do
2 you know what was going on?

3 A I don't.

4 Q Do you know who had the gun?

5 A I don't.

6 Q Do you know how she got shot?

7 A I just know what I was told when I arrived on the
8 scene.

9 Q Okay. And that was probably a lie; right?

10 A I don't know.

11 Q Didn't you think it was a lie?

12 A Do I think it's a lie?

13 Q Yeah.

14 A I don't -- I just -- I can respond to what I was
15 told on the scene. You know, my personal --

16 Q But you don't know what happened?

17 A I just know what I was told and what's transpired.

18 Q As to what happened, your personal knowledge, you
19 have no idea what was going on or how this happened, do
20 you?

21 A No. I just know, when I arrived on the scene, she
22 was shot.

23 Q And he was providing life-saving measures?

24 A He was, when I arrived on the scene.

25 Q Thank you. No further questions.

1 THE COURT: No redirect?

2 MR. BLACK: Just briefly.

3 REDIRECT EXAMINATION

4 BY MR. BLACK:

5 Q Can you tell the jury -- there was some questions
6 about the body cam. Once your shift ends, tell the jury
7 what you do with your body cam.

8 A So what I would do was, there's a docking station
9 that you slide your camera in that uploads the videos to
10 wherever it goes. Like I say, I'm not an expert on this.
11 I just do what I was told. Put it in there, it uploads
12 the video, and that's it.

13 Q The docking station at this time, was it in your
14 vehicle or at the sheriff's department or where was it?

15 A Some vehicles had the docking station. Some didn't.
16 I always took mine upstairs just because I had to go up
17 there to do reports anyways. And while I was up there, I
18 just slide it and they had a big docking station that you
19 can put it in to upload your video.

20 Q Docking station, it uploads videos to, I guess, the
21 server or the system or wherever they go?

22 A Wherever it saves. I don't know if it's a
23 cloud-based or server-based. I'm not sure. Like I said,
24 I'm not a tech guy.

25 Q You're the road deputy.

1 A I'm road deputy. When it comes to electronics and
2 tech, that's above my head.

3 Q The docking station, it also charges the body cam as
4 well?

5 A Yes.

6 Q And we have your body cam; right?

7 A Yes. That's my body cam.

8 Q And you were the first one to arrive?

9 A Yes.

10 Q And during the course of while you were there, the
11 victim was on the floor and they took her away; right?

12 A That's -- yes.

13 Q And as far as the truck in the back, you don't
14 really know, other than what you saw with the truck, the
15 lights being on and where it was pointing and all that.
16 Right?

17 A I don't remember where it was pointed at. You know,
18 obviously, when you watch the camera footage, you might be
19 able to see it. But I just know, when we walked around
20 there, it was -- the lights were on and the doors were
21 open.

22 Q And you also know what the defendant told you?

23 A Yes, what he said while I was changing positions
24 with him.

25 Q And what was that again?

1 **A** He stated that --

2 MR. GEOLY: Objection. Asked and answered.

3 THE COURT: I think we have been down this road.
4 Sustained.

5 MR. BLACK: Fair enough. I think that's all the
6 questions I have.

7 THE COURT: Thank you, sir. You can step down.
8 Solicitor, if you'd call your next witness, please.

9 MR. BLACK: Dawn McGuire.

10 DAWN McGUIRE SMITH,
11 after having been duly sworn, was examined and
12 testified to as follows:

13 DIRECT EXAMINATION

14 BY MR. BLACK:

15 **Q** Can you state your name for the record.

16 **A** Dawn McGuire Smith.

17 **Q** And where do you work, Ms. Smith? Where do you
18 work?

19 **A** Greenwood County Sheriff's Office.

20 **Q** How long have you been there?

21 **A** Since 2005.

22 **Q** And what is your job there?

23 **A** I'm a deputy.

24 **Q** And what kind of duties and responsibilities do you
25 have?

- 1 **A** Answer calls on the road.
- 2 **Q** Answer calls on the road?
- 3 **A** Mm-hmm.
- 4 **Q** Do you stop cars?
- 5 **A** Not really.
- 6 **Q** A lot of times, you respond to calls?
- 7 **A** Yes. That's my main.
- 8 **Q** You work day shift? Night shift?
- 9 **A** Both.
- 10 **Q** Okay. And, currently, you're on night shift?
- 11 **A** I am.
- 12 **Q** All right. Were you working for the sheriff's
- 13 department back in 2021 -- April of 2021?
- 14 **A** I was.
- 15 **Q** You were working night shift in April?
- 16 **A** I was.
- 17 **Q** Did you respond to a call at 134 Lemon Tree?
- 18 **A** I did.
- 19 **Q** And who else was with you when you responded?
- 20 **A** Jacob Turner was the first on the scene.
- 21 **Q** Did y'all drive separately there?
- 22 **A** We did.
- 23 **Q** Did anybody else ride with you or....
- 24 **A** No. I was by myself that night.
- 25 **Q** And he arrived first; you would have arrived second?

1 A Yes, sir.

2 Q Any other officers were there?

3 A My whole shift wound up coming except for one
4 person.

5 Q I'm sorry. Say that again.

6 A I said, my entire shift except for one person.

7 Q Okay. When you got there, tell the jury what you
8 saw.

9 A When I got there, I was -- Jacob was inside with a
10 female and a male in there, and there was a woman on the
11 front porch that I started talking to.

12 Q Did the male individual that was inside, did he
13 eventually come outside?

14 A He did.

15 Q And he was also on the porch with you?

16 A He was.

17 Q And why did that happen?

18 A We were clearing out the scene. We didn't know
19 exactly what was going on, and she had a head wound and
20 EMS personnel and -- volunteers were going in.

21 Q So there was a lot of people coming in?

22 A Yes, sir.

23 Q And the person that came outside, is he present here
24 in the courtroom?

25 A He is.

1 Q Can you identify him, please?

2 A (Witness complies.)

3 Q Sitting in --

4 A Sitting over there.

5 Q Next to Mr. Geoly?

6 A Next to Mr. Geoly.

7 Q Yes, ma'am.

8 MR. BLACK: Let the record reflect that the witness
9 has identified the defendant.

10 THE COURT: It will so reflect.

11 BY MR. BLACK:

12 Q And this call, can you tell the jury where this is
13 in Greenwood County?

14 A Down Highway 10, road on the right. It's pretty far
15 down there.

16 Q Is it before Promised Land?

17 A It is.

18 Q And did you have a body cam?

19 A I did.

20 Q What do you do with your body camera?

21 A What do --

22 Q Let me clarify. Why do y'all have body cams?

23 A To help capture everything on the scene.

24 Q And when you respond to calls and whatnot, are you
25 activating your body cam?

1 A I do.

2 Q How does that work?

3 A There's two ways. It either activates when you turn
4 on the blue lights, or there's a button on the front that
5 you can push.

6 Q In this case, do you remember what you would have
7 done?

8 A I think I might have went code there. I'm not
9 really sure. If I went code, I had my lights on so that
10 would have activated it. There's also a possibility I
11 did. I don't remember. It's been a while.

12 Q But your body cam was activated?

13 A Yes, sir.

14 Q Have you had a chance to watch your body camera?

15 A I did.

16 Q All right. Is it a fair and accurate representation
17 of, you know, you getting there on the scene and what
18 happened thereafter?

19 A It is.

20 MR. BLACK: Your Honor, at this point, the State
21 moves State's No. 3 into evidence subject to our
22 discussions yesterday and wish to publish to the jury.

23 MR. GEOLY: If it please the Court, Judge, I would
24 renew my objections and ask that they be protected for the
25 record. Additionally, I would certainly agree or

1 stipulate that -- or no objection to the video so long as
2 it is Dawn McGuire's video and that what they show is a
3 copy of that.

4 THE COURT: Very good.

5 State's 3 shall be in evidence subject to the
6 earlier objections and all pretrial rulings, and you may
7 publish.

8 (State's Exhibit No. 3, McGuire Smith Body Cam
9 Video, was received into evidence.)

10 MR. BLACK: And, for the record, this will be played
11 until about the 14:33 mark.

12 (State's Exhibit No. 3/Video plays.)

13 BY MR. BLACK:

14 Q Officer McGuire, you have seen that before; correct?

15 A Yes, sir.

16 Q All right. And when you first got there and you got
17 on the porch, who was the female that was out there on the
18 porch with you?

19 A Lesa, the owner of the home.

20 Q I'm sorry?

21 A The owner of the home.

22 Q All right. And when you first got there, it was
23 just you and Lesa on the porch?

24 A It was.

25 Q And then pretty quickly thereafter, did Mr. Fowler

1 come out?

2 A He did.

3 Q And then, at this point, you see a lot of people
4 coming inside. Who are those people again?

5 A EMS workers and other officers from our shift.

6 Q And it looked like there was a lot of people coming
7 in and out of that house; is that fair?

8 A Yes.

9 Q Does this seem -- I mean, would you characterize
10 this as a pretty chaotic situation initially?

11 A I would.

12 Q All right. And what's the point? What's EMS and
13 what are y'all's first -- when you first get there, what
14 are y'all trying to do?

15 A Assist her.

16 Q All right.

17 A Clear the scene.

18 Q Y'all are trying to get her to the hospital?

19 A Yes.

20 Q There was mention about, you know, this bag of
21 popcorn. Did you see that?

22 A I didn't.

23 Q You did or did not?

24 A I didn't.

25 Q Did you smell any popcorn or anything like that?

1 A Not that I remember.

2 Q All right. There was also talk about a phone or
3 anything like that. Do you remember Mr. Fowler talking
4 about a phone?

5 A I do.

6 Q Okay. And what was -- what was he saying about the
7 phone?

8 A He was saying he didn't have a clue where it was.

9 Q And he told -- did he tell you what happened?

10 A He did.

11 Q All right. What did he tell you what happened?

12 A Told me that he came in the house and was trying to
13 figure out where the burn smell was coming from. And then
14 he was emptying his pockets and dropped his revolver and
15 the hammer hit the table and went off, striking her.

16 Q All right. And when he was demonstrating or when he
17 told you this, was he demonstrating what was going on with
18 this as well?

19 A He was.

20 Q What was he demonstrating?

21 A Demonstrating pulling a gun out of his -- or pulling
22 stuff out of his right pocket and firing it in the air,
23 saying that it hit the table and went off.

24 Q All right. And did he indicate if he was
25 right-handed or left-handed?

1 A Right-handed.

2 Q All right. So you said, initially, he was
3 demonstrating it, pulling it out of his right hand?

4 A He was.

5 Q Right pocket. I'm sorry.

6 A He was.

7 Q All right. Did that ever change at all?

8 A The holster was in his left pocket. He was telling,
9 at one point, that he was pulling it out of his left
10 pocket and still had the holster there.

11 Q And the holster actually got pulled out of his left
12 pocket?

13 A It did.

14 Q Did that -- did that strike you as odd?

15 A It did.

16 Q Why is that?

17 A If he's right-handed, it should have been in his
18 right pocket when you pull it out of there.

19 Q And why is that?

20 A Why?

21 Q Do you carry a gun?

22 A I do. You carry it on your dominant side. It's
23 just your natural --

24 Q And why do people do that?

25 A It's your dominant hand. It's going to be your most

1 accurate.

2 Q So whatever hand you are, that's typically what hand
3 you shoot with, I guess?

4 A For the most part.

5 Q All right. And you -- did you see the -- when this
6 happened, did you make a mental note of it?

7 A I did.

8 Q And, again, this happened at 134 Lemon Tree?

9 A Yes, sir.

10 Q And this was in Greenwood County?

11 A It is.

12 THE WITNESS: Do you have a peppermint?

13 THE COURT: Beg your pardon?

14 THE WITNESS: A peppermint.

15 THE COURT: Peppermint? Yeah.

16 THE WITNESS: Thanks.

17 BY MR. BLACK:

18 Q Your body cam is much longer; is that right?

19 A Yes, sir.

20 Q Does it play the whole time while you're out there?

21 A It does.

22 Q What else are you doing while you're out there?

23 Just tell the jury what else your job is while you're out
24 there.

25 A Well, I was making sure nobody else was coming into

1 the house except for EMS workers, volunteers, other
2 officers. Just trying to keep a little bit of the chaos
3 down, observe what was going on, securing the scene, yeah.

4 Q And once they got the victim out of the house, were
5 y'all trying to keep anybody from going back in until a
6 detective showed up?

7 A Yeah.

8 Q And a detective did ultimately did show up; correct?

9 A He did.

10 Q Who was that?

11 A Mike Murdock.

12 Q And, again, you're mainly just there -- you're a
13 first responder; is that right?

14 A Yes, sir.

15 Q And you're just helping out whatever way you can?

16 A I am.

17 Q Your body cam is rolling the whole time; right?

18 A Yes, sir.

19 Q I think that's all the questions I have. Please
20 answer any questions Mr. Geoly might have for you.

21 MR. GEOLY: Please the Court, Judge?

22 CROSS-EXAMINATION

23 BY MR. GEOLY:

24 Q What do you prefer to go by: Ms. McGuire or
25 Ms. Smith?

1 A McGuire.

2 Q Ms. McGuire, how long have you been with the
3 sheriff's department?

4 A Since 2005.

5 Q And you properly preserved your video because this
6 was a serious incident; right?

7 A I preserved it just as I do every other one.

8 Q Okay. Is there something you do specifically to
9 keep that from being purged?

10 A I don't know how the purging works.

11 Q Okay. So you just put it on the docking station and
12 leave it at that?

13 A Yes, sir.

14 Q So as far as you know, you don't have to do anything
15 from keeping it -- to keep it from getting purged?

16 A No, sir.

17 Q So you didn't do anything specific in this case to
18 make sure we have this video?

19 A I didn't.

20 Q Okay. Did you see Detective Murdock that day?

21 A I did.

22 Q Did he have a body cam?

23 A I remember seeing one on the dash of the car when he
24 had Scotty in there talking to him.

25 Q Did you see Mike Young that day?

1 A I did.

2 Q Did he have a body cam?

3 A I'm sure he did.

4 Q Do you know what they we have to do to save their
5 videos?

6 A I assume the same thing I do.

7 Q Which is nothing; right?

8 So, to get rid of the video, you'd actually probably
9 have to do something to purge it; is that right?

10 A I have no idea.

11 Q Okay. But yours just show up and there's no
12 problem. All you do is load it and it uploads the system
13 and it's saved for times like today; is that right?

14 A Yes, sir. That's the plan.

15 Q When you got there, obviously, it was a hectic
16 scene, and a lot of people come in and out of that scene;
17 right?

18 A Yes, sir.

19 Q Okay. What is Scotty doing when you get there?

20 A When I got there, he was over trying to help her.

21 Q Okay. And did you see, like, a blanket or cover or
22 sheet with blood and stuff on it?

23 A I don't recall.

24 Q You don't recall, like, what you saw inside the
25 residence?

1 A It was --

2 Q And most of your time was spent on the porch?

3 A Most of the time, I was on the porch.

4 Q Okay. Your first encounter with Lesa, that she's
5 the owner of this house; right?

6 A Yes, sir.

7 Q And my client and Joye are staying with her; right?
8 Scotty and Joye live there?

9 A Yes, sir.

10 Q So it's their residence, too, and she's the owner of
11 that residence; right?

12 A Yes, sir.

13 Q Did Joye -- excuse me. Did Lesa seem to be upset
14 and affectionate to Scotty at that point in time?

15 A She did.

16 Q Hugging him?

17 A Yes, sir.

18 Q Commiserating with him?

19 Do you remember at some point Mike Murdock takes her
20 off of the porch? Do you remember that?

21 A Yes, sir.

22 Q Okay. Do you remember how long they stayed gone
23 before Lesa's turn?

24 A I don't.

25 Q Do you recall that, when she got back from talking

1 with Mike Murdock, she had a different -- total different
2 attitude towards Scotty Fowler at that point?

3 A I don't.

4 Q You don't recall that? Okay.

5 Scotty -- you were there with Scotty on the porch
6 and asked him some questions; right?

7 A Yes, sir.

8 Q Did he seem upset to you?

9 A He did.

10 Q Was he visibly shaking?

11 A He was.

12 Q Is that something you think he could have faked?

13 A Do I personally think?

14 Q Yes.

15 A Yeah.

16 Q You think he was faking?

17 A I don't know if he was faking, but I mean...

18 Q Okay. Did he seem like he -- why did you put him in
19 a chair?

20 A Because he was shaking and stuff.

21 Q Because he was shaking and stuff.

22 And he was crying?

23 A (No audible response.)

24 Q And, to your knowledge, he had just -- whatever had
25 happened previously, he was providing life-saving measures

1 with instructions to 911 when you got there; right?

2 A I assume so.

3 Q Okay. Now, in terms of what had happened at this
4 house that day, do you know if the gun that was on the
5 floor was his or Joye's?

6 A Do I know?

7 Q The gun that was found, do you know if it was his or
8 Joye's?

9 A I don't.

10 Q Okay. Do you know if they had been in a fight
11 previous to this?

12 A I don't.

13 Q The bottom line is you don't really know what
14 happened or how she got shot prior to you getting there;
15 right?

16 A I don't.

17 MR. GEOLY: No further questions, Judge.

18 THE COURT: No additional redirect?

19 MR. BLACK: No, sir, Your Honor.

20 THE COURT: Thank you. You may step down. You're
21 free to go. Have a good day.

22 Do you have another brief witness that we could
23 address before lunch?

24 MS. HOFFMAN: I don't know how brief it may be, Your
25 Honor.

1 THE COURT: Okay. Who are you looking --

2 MS. HOFFMAN: The victim.

3 THE COURT: Oh, okay. Yeah, we're going to go ahead
4 and take a lunch break, ladies and gentlemen. While
5 you're on break, of course, don't discuss the case with
6 anyone, and I'm going to ask that you be back here, let's
7 say at about -- as close to 1:30 as you can make it. That
8 will give you roughly an hour and change to make it back
9 and grab -- after grabbing a bite.

10 Again, don't talk about the case with anyone. You
11 can leave your tablets just in your chairs. The bailiffs
12 will collect those. And see y'all around 1:30. Okay?
13 Thank you.

14 (The jury exited the courtroom at 12:20 p.m.)

15 MS. HOFFMAN: And, Judge, before we leave, I just
16 have one question.

17 THE COURT: Sure. Are we off the record?

18 MS. HOFFMAN: Outside of...

19 THE COURT: Yeah, okay.

20 (Pause in the proceedings.)

21 MS. HOFFMAN: Is that everybody? Is that everybody,
22 Judge?

23 THE COURT: Yeah, that's everyone.

24 MS. HOFFMAN: Okay. Judge, I just wanted one
25 clarification point on the 404(b) issue. I know we have

1 narrowed it and we're talking very generally. I had
2 indicated there was some case law about prior threats
3 being admissible as to intent. Basically, I just wanted
4 to verify if I could ask about the defendant threatening
5 Joye and Lesa generally -- threatening to kill them.
6 Because that's one of the things they testified in
7 pretrial, is that he threatened to kill them. I believe
8 one of them said with a gun, but I can keep it general as
9 to --

10 THE COURT: And the case that you are citing related
11 to an intent and malice? Was that Green or was that --

12 MS. HOFFMAN: No, it was a different one. Hold on
13 one second and I can pull it back up.

14 "It is well-settled that evidence of previous
15 threats by the defendant is admissible to show malice."
16 State v. Lee. See also State v. Alford, "Previous threats
17 against companion of victim at time of assault was also
18 admissible."

19 THE COURT: And that was my next question. Because
20 my understanding of the case law is that it has to be
21 fairly contemporaneous or sometime within close proximity
22 to the events that are on trial.

23 MS. HOFFMAN: It says, "Past threats are highly
24 probative of defendant's intent." "Testimony that
25 appellant had made a statement of his intent to perpetrate

1 such crimes, although, four months prior to this event,
2 was highly probative as to the manifestation of the intent
3 through the fatal attack upon the victim." That is
4 State v. Beck, 342 S.C. 129. It's a 2000 case.

5 THE COURT: What testimony do you anticipate
6 eliciting and are you going to be able to -- I mean, would
7 the testimony be that this took place -- that there were
8 threats a week prior? two weeks prior? two days prior?

9 MS. HOFFMAN: I would need to clarify, because it's
10 my understanding it had happened on multiple occasions. I
11 can ask them before they take the stand, you know, exactly
12 when the most recent time had been, but it was my
13 understanding that it was an ongoing threat. That's why
14 they never called law enforcement.

15 MR. GEOLY: Judge, this --

16 MS. HOFFMAN: Any time prior to this incident taking
17 place. And if this case law is, you know, even four
18 months prior and they allowed it, if they're able to
19 testify that, you know, within a few months leading up to
20 this incident that he had threatened to kill them, I think
21 that's probative to intent.

22 MR. GEOLY: Judge, this is like a second bite of the
23 apple. My understanding was you ruled yesterday this
24 wasn't coming in. That was the basis of me planning this
25 trial today and my opening arguments this morning.

1 MS. HOFFMAN: As to the --

2 MR. GEOLY: For her to now "nothing happened," and
3 we're going to say, "Wait, Judge, reconsider this" --

4 MS. HOFFMAN: That's not my --

5 MR. GEOLY: That should have been done this morning
6 when we walked in the door before we started.

7 MS. HOFFMAN: My understanding of your ruling
8 yesterday, Your Honor, was that, generally, we could go
9 into the volatility of the relationship between the victim
10 and the defendant.

11 MR. GEOLY: I'm fine with what you ruled yesterday,
12 Judge.

13 MS. HOFFMAN: That they -- that they fought --

14 MR. GEOLY: But it wasn't a threat to kill.

15 THE COURT: You're talking over each other, guys.
16 And go ahead.

17 MS. HOFFMAN: That she was scared of him; that they
18 had fought on multiple occasions; that it was -- I mean,
19 in short, a very toxic relationship. And I think -- you
20 know, I'm not going to ask, "Did he ever threaten to kill
21 you with a gun?" But I think threats to kill go to
22 intent, and I believe that's highly probative to our case.

23 MR. GEOLY: And it goes beyond what your ruling was
24 yesterday. She talks about these general things that you
25 did rule, and it wasn't going to be that he threatened to

1 kill her or that he put a gun to her head.

2 MS. HOFFMAN: That's not what I -- that's not what
3 I'd be eliciting, that he put a gun to her head, but just
4 generally that he had made threat to kill her. And they
5 believed he would. Lesa and Joye both testified to that
6 during pretrial.

7 I believe there's also Blakely v. State. That's a
8 2004 case.

9 And Ms. Taylor has indicated that, the night before,
10 there was a statement made of the defendant threatening to
11 kill them.

12 MR. GEOLY: Do what? I need to understand what she
13 just said, Judge, please.

14 THE COURT: Apparently a threat was made the
15 previous evening per one of the witnesses.

16 MR. GEOLY: Per who?

17 MS. HOFFMAN: Lesa.

18 MR. GEOLY: Ms. Taylor?

19 MS. HOFFMAN: She just indicated that Lesa told her
20 that.

21 MR. GEOLY: Has just said that?

22 UNIDENTIFIED SPEAKER: Yes.

23 MS. HOFFMAN: So we're discussing the testimony
24 that's going on in here with the witnesses in the back?

25 MS. HOFFMAN: She's not under oath yet. She was

1 asked to clarify.

2 MR. GEOLY: Judge, we have got sequestered
3 witnesses --

4 MS. HOFFMAN: And we're clarifying it.

5 MR. GEOLY: -- Your Honor, and the solicitor's
6 office is going back and talking to them about what's
7 going on in the courtroom.

8 THE COURT: Probably because I asked the question of
9 when -- because I don't know that that was really fleshed
10 out when we initially had their testimony. It's
11 relevant --

12 MR. GEOLY: It's certainly not appropriate to be
13 talking to sequestered witnesses about what's going on in
14 this courtroom, Judge, and the solicitor's office is doing
15 exactly that.

16 THE COURT: Well, if I need to know, in order to
17 rule -- here's my thinking on the question at hand. Okay?

18 Anyone who is in a relationship has said things that
19 they regret, have said things that are exaggerations. And
20 so if I were to kill my wife, I think that the State would
21 not be permitted to introduce testimony from ten years ago
22 that she and I got into a fight and I said something like,
23 "I want to kill you," because, obviously, you know, every
24 relationship does have its ups and downs.

25 So when it's -- it's more temporally relevant if the

1 discord had been more recent or close in time to the crime
2 that's being tried. And I think it would be relevant to,
3 of course, the ultimate issue of intent, because there has
4 to be a specific intent to kill, and malice.

5 So you can address if a statement was made within a
6 day or two, yes, that is a fair game. Other than that,
7 you're limited to general statements about discord as we
8 said yesterday. Okay? And that's a fair way to split the
9 hairs in this case because, obviously, you have to prove
10 malice and you do have to prove intent, and if such a
11 statement was made within a few days of these events, then
12 the probative value is -- then, obviously, the probative
13 value is there, and it substantially outweighs any
14 prejudicial effect to the defense. So that will be my
15 ruling, subject, of course, to Mr. Geoly's objection.

16 MS. HOFFMAN: And so the way I will phrase that is,
17 "Just within a few days leading up to this incident, were
18 there any" --

19 THE COURT: I don't know how it's -- I don't know
20 how the testimony is going to be elicited. I don't know
21 what they're going to testify to, but I -- my ruling is
22 pretty clear. We're not going to have a litany of
23 horrors --

24 MS. HOFFMAN: Yes, sir. I just wanted to ask the
25 one question and get a response, and we'll move past that.

1 MR. GEOLY: Judge, then -- she certainly didn't say
2 that yesterday during any of the testimony. Didn't
3 remember what happened. Now, while she's sitting here,
4 they basically instructed her on how to testify based on
5 the solicitor talking to people in the back who are
6 sequestered about what's going on out in this courtroom.
7 That's improper, and I'd ask that they be admonished not
8 to do it again for sure, and let me think about what the
9 appropriate remedies can be over lunch.

10 THE COURT: I assume that this was --

11 MS. TAYLOR: Your Honor, I can clarify exactly how
12 the conversation went.

13 THE COURT: Sure. Go ahead.

14 MS. TAYLOR: I stepped in here for maybe 30 seconds.
15 Your Honor asked the question, How soon -- how quickly --
16 how contemporaneous, I think, was the threats to the
17 actual shooting. I have met with Lesa -- I can't remember
18 her last name off the top of my head --

19 THE COURT: Speir.

20 MS. TAYLOR: -- before when we were originally
21 prepping this case for trial so I knew who she was. I
22 went back and say how -- she didn't understand my question
23 at first. I said, "How soon before the shooting were his
24 threats?" And she said, "The threats started pretty much
25 immediately after they moved in." I said, "That's not my

1 question. What I'm asking is, from the time he shot her,
2 how -- how many days, weeks, months would you say the last
3 threat you heard was?" She said, "Oh, I think it was the
4 night before." She said, "It would have been the night
5 before."

6 THE COURT: That is part of what questioning
7 witnesses is all about. Okay. I have made my ruling.
8 Y'all enjoy your lunch, and I'll see you back in roughly
9 an hour.

10 You can put anything you want to on the record at
11 that point in time after you have had a chance to reflect.

12 MR. GEOLY: Can we admonish them not to go tell them
13 about what's going on in this courtroom being back in the
14 grand jury room with the witnesses, Judge?

15 MS. TAYLOR: Your Honor, I never told her what was
16 happening in the courtroom.

17 THE COURT: Very good. She was getting an answer to
18 my question. I needed an answer to that question to rule.
19 I don't think she stepped out of line.

20 MR. GEOLY: Thank you, Judge.

21 THE COURT: And, obviously, there will be no
22 discussion of what takes place in here back there.

23 MS. TAYLOR: Yes, sir.

24 THE COURT: Very good.

25 MR. GEOLY: In the future --

1 THE COURT: If I ask, then they can ask.

2 MR. GEOLY: Yes, sir.

3 (A lunch recess was taken from 12:35 p.m. to
4 1:29 p.m.)

5 THE COURT: Okay. We are back on the record. The
6 next witness is Ms. Matthews?

7 MS. HOFFMAN: Yes, sir.

8 MR. GEOLY: If it please the Court, Judge, I have a
9 matter for the Court before the jury is brought in.

10 THE COURT: All right.

11 MR. GEOLY: If it please the Court, Judge, you
12 granted my motion to sequester the witnesses. Prior to
13 release -- after the release of the jury, Madam Solicitor
14 was going into the -- I guess the parameters that were
15 established and whether additional things would be
16 admitted. And somehow, a member of the solicitor's office
17 then went to the grand jury room.

18 And if you'll note, Judge, initially what was said
19 was -- well, she didn't understand my question at first.
20 So I have great trepidation that what occurred was she
21 answered in the negative and then, somehow, that turned
22 into, "You don't understand my question and let me say it
23 again."

24 And I mean, we don't know how that was posed. We
25 don't know how that was done. But somehow, it went from a

1 not understanding the question to, "Oh, yeah, yeah, he did
2 that the day before."

3 And nothing should be going back to that grand jury
4 room. I don't know what the proper remedy for that is,
5 but I would at least ask for the Court to take
6 acknowledgment of what occurred, and I'd ask for an
7 admonishment that any member of this team, including the
8 investigator, Your Honor -- and I'd ask that he have to
9 either stay here or stay back there and quit wandering
10 around this courtroom, going back and forth between where
11 the witnesses are located. Either stay here, if you want,
12 or stay there, but don't be coming back and forth while
13 witnesses are coming and admonish that nobody on their
14 team is allowed to go back there and talk about anything
15 that's going on in this courtroom.

16 THE COURT: Do you want to respond?

17 MS. HOFFMAN: Yes, sir. I believe Ms. Taylor
18 briefly walked in and heard you ask the question of, you
19 know -- you know, some version of what was the time frame
20 and that you were going to need some clarification as to
21 that.

22 As an officer of the Court, she has already
23 presented to Your Honor exactly how she relayed that
24 question to Ms. Speir and got that information that
25 indicated that the judge was requesting and has put that

1 on the record.

2 As far as my investigator, while we're in the middle
3 of trial, there are things that we are working on and need
4 him to do. So the fact that he's coming in and out of the
5 courtroom has no prejudice against the defendant. I don't
6 see any problem with him coming in and out as needed for
7 any preparation that we need for this case.

8 THE COURT: Okay. Well, obviously, a sequestration
9 order is so that one witness cannot hear or have their
10 testimony influenced by not a witness. I do not believe
11 that there was a violation of that order, especially
12 because it was information that the Court needed in order
13 to address the question at hand.

14 MR. GEOLY: If it please the Court -- and sorry to
15 interrupt -- but you were talking about what she would
16 testify. They were talking about what would happen
17 through this witness. And somehow somebody not involved
18 with the case but with the solicitor's office took that
19 information to the back to ask people about, "Well, what
20 do you know about it?"

21 That was not what you asked. You didn't say, "Hey,
22 I want to know what anyone knows about a threat." We were
23 talking about the testimony of Joye Matthews, and somehow
24 it turned around --

25 THE COURT: Actually, she did include -- she did

1 include Ms. --

2 MR. GEOLY: Speir.

3 THE COURT: -- Speir. Ms. Speir.

4 MR. GEOLY: Judge, how did she know by another
5 member of their staff what's going on out here? You
6 should have been able to bring her in and ask that
7 question then. But it shouldn't have been that the
8 solicitor -- and I certainly don't think, as an officer of
9 this court, she's given a full account. She just spoke to
10 you and said what she wants. I'd love to ask her some
11 questions if you want to allow that.

12 THE COURT: We're not going there. We're going to
13 move forward with that trial and stop with these
14 collateral matters.

15 I don't think there was a violation of the
16 sequestration order for the reasons I put on the record.

17 MR. GEOLY: Can we at least get an admonishment that
18 nothing that's talked about in here should be talked about
19 back there by members of their staff or their
20 investigator, who apparently can come and go as he
21 pleases?

22 THE COURT: I'm certain that they have abided by
23 that order previously and that they will do so in the
24 future. They may have witnesses they need to prep. I'm
25 not going to keep them from prepping witnesses. That's

1 part of it, but they know --

2 MR. GEOLY: If they're prepping witnesses two years
3 later with somebody that's watching what's going on in the
4 courtroom, it completely voids what's going on with the
5 sequestration order.

6 THE COURT: The sequestration order is to prohibit
7 them from saying Witness A just testified concerning A, B,
8 C, and D. Do you recall A, B, C, and D taking place?

9 It does not prohibit them from prepping witnesses or
10 otherwise continuing to prepare their case or -- my ruling
11 is what it is. I appreciate your position. It's noted.
12 A sequestration order does not contemplate zero contact or
13 zero inquiry while the trial is going on. It simply keeps
14 one witness from being present while that witness is
15 testifying. It does not prohibit the State from otherwise
16 continuing to prepare its case or fine-tune any points
17 that they want to present.

18 MR. GEOLY: Can we stop members of the prosecution
19 team, who aren't officers of the court, leaving and coming
20 as they please during the testimony?

21 THE COURT: Mr. Geoly, it's an open court. People
22 are free to come and go as they please. I know some
23 judges bar the door. I don't.

24 MR. GEOLY: Thank you, Judge.

25 THE COURT: Let's have the jury.

1 MS. HOFFMAN: And, Judge --

2 THE COURT: Oh, well, hold on one second. Yes,
3 ma'am.

4 MS. HOFFMAN: I just wanted to make sure that we are
5 still okay with Ms. Matthews being in this position down
6 here kind of right in front of the jury. Is that still
7 going to be okay?

8 THE COURT: I think so, based on where the
9 alternates are. However, instead of putting her directly
10 in front of that microphone, I'd suggest maybe a little
11 bit over here towards where this red bag is maybe.

12 MS. HOFFMAN: Like move it across?

13 UNIDENTIFIED SPEAKER: Or can we put her right there
14 with the microphone?

15 THE COURT: I was thinking right -- yeah.

16 (Pause in the proceedings.)

17 MR. GEOLY: Judge, just for purposes -- I can't see
18 there when she's sitting down, so I'm going to just
19 probably, during the testimony, move.

20 THE COURT: That's fine.

21 MR. GEOLY: Yes, sir. Thank you.

22 THE COURT: Solicitor, why don't you go ahead and
23 ask Ms. Matthews to kind of get in position and we can do
24 a mic check and make sure that we're picking up what she
25 says. Okay?

1 (Pause in the proceedings for mic test.)

2 THE COURT: Let's go ahead and have the jury,
3 please.

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

5 THE COURT: Okay. The record will reflect that the
6 jury is back and seated. We are still, of course,
7 continuing with the trial in this case, ladies and
8 gentlemen, of the State versus Mr. Fowler. And the next
9 witness is in position.

10 Solicitor, if you'll simply call the next witness.

11 MS. HOFFMAN: Yes, sir. We would call Joye
12 Matthews.

13 THE COURT: And if you could put her under oath,
14 please.

15 JOYE MATTHEWS,

16 after having been duly sworn, was examined and
17 testified to as follows:

18 DIRECT EXAMINATION

19 BY MS. HOFFMAN:

20 Q And just make sure you speak up so everyone can hear
21 you. Okay?

22 Can you state your name for the record.

23 A Joye Denise Matthews.

24 Q Okay. And, Ms. Matthews, how old are you?

25 A Forty-seven.

1 Q Forty-seven?

2 Where did you grow up?

3 A Conway, South Carolina.

4 Q How did -- when did you come to Greenwood?

5 A About June 6, 2020.

6 Q Okay. How did you get here if you're not originally
7 from here?

8 A I was dating Scotty and moved here to be with him.

9 Q Okay. And when you say, "Scotty," what's his full
10 name?

11 A Scotty Joe Fowler.

12 Q Okay. And is he here today?

13 A Yes.

14 Q Where is at? Can you point him out to me?

15 A (Witness complies.)

16 Q Okay. What's he wearing?

17 A Blue button-up shirt with blue jeans.

18 MS. HOFFMAN: Will the record reflect that the
19 witness has identified Mr. Fowler?

20 THE COURT: It will.

21 BY MS. HOFFMAN:

22 Q Joye, when you came to Greenwood, where did you and
23 Mr. Fowler live?

24 A Lesa Speir's house. 134 Lemon Tree Road.

25 Q Okay. And 134 Lemon Tree Road. What county is that

1 in?

2 A I can't remember.

3 Q Okay. Is that in Greenwood County?

4 A Yeah, I guess.

5 Q Okay. Because you were living in Greenwood at that
6 time?

7 A Yes, yes.

8 Q Okay. And who all lived at that location?

9 A Me and Scotty and Lesa.

10 Q Okay. And were you living there on April 13th of
11 2021?

12 A Yes.

13 Q Okay. And who else was living there at the time?
14 Same people?

15 A Yes.

16 Q Does that day mean anything to you?

17 A Yeah. I got shot, mm-hmm. My whole world changed.

18 Q Now, do you remember being shot?

19 A No.

20 Q What's the last thing you remember from that day?

21 A We went for a ride on the bike.

22 Q Who is "we"?

23 A Me and Scotty. And I got off of the motorcycle and
24 walking up to the house, and that's all I can remember.

25 Q Now, was that something you and Scotty would do

1 normally?

2 A Yeah.

3 Q Did y'all just go out riding in the country?

4 A Yeah.

5 Q Where you were living with Lesa, is it kind of out
6 in the country?

7 A Yeah. Nice.

8 Q Joye, how long had you and Scotty been together?

9 A On and off -- we met about a year, year and a half.

10 Q When you guys lived together at Lesa's house, did
11 y'all share a bedroom?

12 A Yes.

13 Q Where in the house was it?

14 A Far right -- a room -- last room on the right.

15 Q Did you have your own bathroom?

16 A Yes.

17 Q Okay. And the two of you shared the bathroom the
18 same way you shared the bedroom?

19 A Yes.

20 Q Okay. When you two first started living together at
21 the Lemon Tree address, did you two get along?

22 A So-so. Not really. I mean, we argued a lot. Yeah,
23 argued a lot.

24 Q Would you describe your relationship with Scotty as
25 a happy one?

1 A No. No.

2 Q So you said you and the defendant would fight?

3 A Yes.

4 Q Argue? How often would you say you guys would
5 argue?

6 A Daily.

7 Q Was it like a one-time during the day or was it an
8 ongoing thing?

9 A It's more geared toward the night.

10 Q In the evenings?

11 A Yes.

12 Q Would you say that you were scared of the defendant?

13 A Yes. Bad.

14 Q Would you say that he would manipulate you in your
15 relationship?

16 MR. GEOLY: Objection to leading, Your Honor.

17 THE COURT: All right. Sustained.

18 If you want to rephrase.

19 BY MS. HOFFMAN:

20 Q Do you and Scotty spend a lot of time together?

21 A Yes.

22 Q Did you spend a lot of time together at the house?

23 A Yes.

24 Q Did you know him to carry a gun?

25 A Yes.

1 Q How often?

2 A He always carried a gun. You didn't see him without
3 a gun.

4 Q Do you know what kind of gun he would typically
5 carry?

6 A No, because he had several guns.

7 Q Did anyone else in the house -- you or Lesa -- did
8 anyone else carry guns around?

9 A No.

10 Q Did you see him with bullets for those guns?

11 A Yes.

12 Q Would you say he was pretty familiar with guns?

13 A Yeah.

14 Q He knew how to use them?

15 A Oh, yes.

16 Q Were there ever any -- were there ever any gunshots
17 outside of the house?

18 A Yeah, yeah.

19 Q Okay. And who would do that?

20 A Scotty.

21 Q And what would he do with guns outside of the house?

22 A Shoot them.

23 Q What was he shooting at?

24 Let me rephrase. Did he do target practice outside?

25 A Yeah.

1 Q Okay. Was that -- how often would he do that?

2 A I can't remember.

3 Q Okay. Was it frequently that he would do that?

4 A Yeah.

5 MR. GEOLY: Objection, Your Honor. She just said
6 she didn't know.

7 THE COURT: All right. You can handle that on
8 cross.

9 Go ahead.

10 MS. HOFFMAN: Give me one second. Beg the Court's
11 indulgence.

12 BY MS. HOFFMAN:

13 Q Were there ever any gunshots inside the house?

14 A Yes.

15 Q Were there bullet holes in the house?

16 A Yes.

17 Q Where were those bullet holes located?

18 A The back wall and --

19 MR. GEOLY: Objection to relevance, Your Honor.

20 THE COURT: Overruled.

21 A And one -- a couple of them went through the side
22 wall into the bathroom.

23 BY MS. HOFFMAN:

24 Q Okay. When you say "wall," what wall?

25 A The back wall. The -- the back wall of the house

1 where our bed was.

2 Q So in your bedroom?

3 A Yes. I'm sorry.

4 Q Okay. And so you said there were bullet holes
5 there. And where else?

6 A And then through the wall in between a bathroom and
7 the bedroom.

8 Q Okay. So the bedroom that you were in with Scott
9 and the bathroom, they shared a wall?

10 A Yes.

11 Q Okay. Did you ever see Scotty shoot snakes?

12 A No.

13 Q So when he was outside shooting, it was target
14 practice?

15 A Little bit, yeah.

16 Q Not specifically at snakes or animals or anything
17 like that?

18 A No.

19 Q Okay. Generally, how would you describe your
20 relationship with Scotty?

21 A It was not good.

22 Q In the week leading up to you being shot -- which
23 you don't remember how that happened; correct?

24 A Nope.

25 Q In the week leading up to that, did you and Scotty

1 fight?

2 A Yes.

3 Q Do you remember about what?

4 A Not really, no.

5 Q Did he say anything to you that made you
6 uncomfortable?

7 A Yeah.

8 Q Okay.

9 MS. HOFFMAN: Judge, can we have a sidebar real
10 quick?

11 THE COURT: Sure.

12 BENCH CONFERENCE

13 (A bench conference was held off the record and
14 outside of the hearing of the jury.)

15 THE COURT: Solicitor, you can proceed subject to
16 the defense objections that were put on at the sidebar
17 that we'll put on the record at some point in the future.

18 BY MS. HOFFMAN:

19 Q Joye, in the days leading up to the shooting, did
20 the defendant threaten you?

21 A Yes.

22 Q Now, what were those threats?

23 A He was going to kill me.

24 MR. GEOLY: Objection, Your Honor.

25 THE COURT: Overruled.

1 A He said he was going to kill me and if I didn't --
2 if I left, nobody -- if I -- you can't have me [sic],
3 nobody could. He'd kill me. Simple as that.

4 BY MS. HOFFMAN:

5 Q And you said the last thing you remember from before
6 the shooting was you two riding a motorcycle?

7 A Mm-hmm.

8 Q What's the next thing you remember?

9 A Waking up in the hospital. I couldn't move. I
10 couldn't talk. Nothing.

11 Q Thank you, Joye. Take a minute and then answer any
12 questions the defense attorney has. Okay?

13 THE COURT: Whenever you're ready.

14 MR. GEOLY: If it please the Court, Judge. She's,
15 obviously, distraught. I don't know if you want to take a
16 ten-minute break.

17 THE COURT: Why don't we take a ten-minute break.
18 We'll let her compose herself a little bit better.

19 Ladies and gentlemen of the jury, adjourn to the
20 back for a few moments, and then I'll have you back out
21 here just as soon as possible. Okay?

22 (The jury exited the courtroom at 2:02 p.m.)

23 THE COURT: All right. The jury is out. And just
24 so that the record reflects what was said at sidebar, when
25 the solicitor asked to approach a few moments ago, she

1 explained that she was going to basically need to lead the
2 witness somewhat so as to make sure that any testimony
3 about threats is isolated to the time frame that was close
4 in time with these events, and I think that there was some
5 reference to that yesterday and to her needing to do that
6 so we could be sure that Ms. Matthews would not go beyond
7 the scope of the Court's ruling and testify as to other
8 events and other specific instances of the defendant's
9 conduct that would probably violate 404(a).

10 Mr. Geoly did object, of course, to the leading
11 nature of that, and, at sidebar, he also reiterated that
12 he felt it was improper, the very fact that a discussion
13 was had between Ms. Speir and the State prior to lunch.
14 So that was the nature of the objection.

15 I instructed the solicitor that she could ask the
16 question and ask, "In the days leading up to the shooting,
17 did the defendant threaten you?" That question was asked.
18 A response was given. Of course that question and the
19 follow-up were subject to Mr. Geoly's objections that he
20 made at the sidebar.

21 MR. GEOLY: Judge?

22 THE COURT: Yes, sir.

23 MR. GEOLY: May I just complete the record if I
24 could --

25 THE COURT: Go ahead.

1 MR. GEOLY: -- as to what -- you know, my big
2 problem is that this information was gleaned from
3 witnesses in the back. Then, Elizabeth Taylor, who I
4 greatly respect, you know, came in here and, in front of
5 this witness, said, "Well, this is what Lesa Speir is
6 going to testify to."

7 Both of these witnesses testified in the 404(b)
8 hearing at length and neither said that, within the days
9 before, that threat had occurred. We had both of those
10 testimonies.

11 Then, after multiple questions gleaned from
12 Ms. Speir in the back that this had occurred, it comes in
13 and in front of this witness -- and it's told by Elizabeth
14 Taylor to the Court and in front of this witness that,
15 "Well, Lesa Speir will testify that, a day or two before,
16 he threatened to kill her."

17 Now, magically after lunch, while this wasn't
18 brought out in the 404(b) hearing this week, "Oh, she
19 remembers" after being led by the solicitor, "Oh, yeah, he
20 threatened to kill me."

21 So that would be my objection. I'd just like it
22 noted for the record.

23 THE COURT: Okay. Did you want to respond,
24 Solicitor, or give greater detail to any conversations you
25 may have previously had with Ms. Matthews or anything?

1 MS. HOFFMAN: The testimony in pretrial was that he
2 made threats constantly. Now, I did not ask -- and I
3 don't remember specifically asking for a general time
4 frame, but they said it was constantly, it was ongoing, it
5 was -- I mean, I think I, obviously, clarified in this
6 line of questioning, but they had already addressed that
7 in prior testimony.

8 THE COURT: All right. Mr. Geoly, I, of course,
9 appreciate your position.

10 MR. GEOLY: I just want to make the record clear. I
11 understand, Judge.

12 THE COURT: Certainly. Very good.

13 MR. GEOLY: Thank you.

14 THE COURT: All right.

15 She needs a few more minutes?

16 MS. HOFFMAN: She says she's fine.

17 THE COURT: She's okay to proceed? All right.

18 Let's go ahead and have the jury, please.

19 (The jury entered the courtroom at 2:06 p.m.)

20 THE COURT: All right. The jury is back and we are,
21 of course, continuing with questioning of Ms. Matthews.

22 Mr. Geoly?

23 MR. GEOLY: If it please the Court, Judge.

24 THE COURT: Yes, sir.

25 CROSS-EXAMINATION

1 BY MR. GEOLY:

2 Q Hey, Ms. Matthews. I'm Stephen Geoly. I don't
3 think we have ever actually met before; is that right?

4 A (No audible response.)

5 Q Do you actually know a man named Tommy?

6 A Mm-hmm.

7 Q Tommy used to be like a caretaker to you; is that
8 right?

9 A (No audible response.)

10 Q Were you aware that I had actually come to your
11 residence in Conway to try and speak with you but Tommy
12 told me you were sleeping and couldn't talk right then?

13 A Mm-hmm.

14 Q Are you aware of that?

15 A Yeah, and I was not asleep.

16 Q And you didn't -- and you weren't sleeping. I
17 gotcha.

18 And so you didn't want to talk to me.

19 A (Indiscernible).

20 Q Right?

21 Where are you living now?

22 A I live in Conway.

23 Q Where in Conway?

24 A 378.

25 Q At 378?

- 1 **A** Off of 378.
- 2 **Q** Do you know the address where you're living?
- 3 **A** At 2827 Green Pine Road.
- 4 **Q** And whose house is that?
- 5 **A** A friend's house.
- 6 **Q** What friend?
- 7 **A** My friend's house.
- 8 **Q** What friend?
- 9 **A** Lucy.
- 10 **Q** Lucy who?
- 11 **A** Tommy's friend, Lucy.
- 12 **Q** So you still basically stay with Tommy?
- 13 **A** When I get back home, I'm trying to get my own
- 14 place.
- 15 **Q** So you're leaving Tommy?
- 16 **A** Yeah, because (indiscernible).
- 17 **Q** Okay. Now, the place I went to see you with Tommy,
- 18 where was that? That was your daddy's?
- 19 **A** (No audible response.)
- 20 **Q** Why don't you live there anymore?
- 21 **A** Because they're selling the house.
- 22 **Q** Did he evict you? Did your dad evict you from the
- 23 house?
- 24 **A** My -- my brother-in-law.
- 25 **Q** Well, your brother-in-law that's married to your

1 sister now?

2 A (Indiscernible).

3 Q He doesn't have any say-so over the house; right?

4 It's your sister and your dad do?

5 A Power of attorney. My brother-in-law is power of
6 attorney.

7 Q For who?

8 A My daddy.

9 Q Okay. And that's your sister's husband?

10 A Mm-hmm.

11 Q You don't get along with your sister, I take it?

12 A I don't like any of them.

13 Q You don't like any of them?

14 A No.

15 Q Okay.

16 A (Indiscernible).

17 Q I know you're in a wheelchair, and I know it's been
18 a horrific situation for you. You say you don't remember
19 what happened that day; is that right?

20 A (No audible response.)

21 Q But you do say you remember y'all were fighting?

22 A We always fought.

23 Q Okay. So that wasn't a strange thing for y'all?

24 A No.

25 Q Y'all had been together for two years; right?

1 A Year, year and a half.

2 Q Year and a half? Okay.

3 And you actually, when you met, you were homeless in
4 Conway but moved --

5 A I was in Myrtle Beach.

6 Q Okay. You were homeless in Myrtle Beach and you met
7 Scotty?

8 A Mm-hmm.

9 Q And Scotty moved you up here with him to --

10 A Yeah.

11 Q Now, how many times do you think you left here and
12 moved back to Conway or Myrtle --

13 A Three times at least.

14 Q At least three times?

15 A Yep.

16 Q And then -- so this idea that he was controlling or
17 whatever, you were away from him, back in Conway with your
18 family; right?

19 A (Indiscernible).

20 Q What do you mean?

21 A Homeless.

22 Q Oh, you were homeless in Myrtle Beach. But you were
23 back in Conway, away from him?

24 A Homeless.

25 Q And came back here three different times?

1 A Yeah, because I had nowhere to go.

2 Q All right. There were times that you and Scotty
3 would go to the beach to visit; right?

4 A (Indiscernible).

5 Q And do you remember that he would leave you with
6 your parents or --

7 A No. My parents -- no.

8 Q So you'd never get left with your family?

9 A No.

10 Q Okay. Where would he leave --

11 A My daddy didn't want anything to do with --

12 Q So where would he leave you when he would go to his
13 parents in Loris?

14 A Nobody. I went to his parents' with him.

15 Q So you'd go to Loris with him?

16 A (No audible response.)

17 Q So this isn't constant turmoil. I mean, y'all had a
18 normal relationship where you would travel together, come
19 back here today. Even when y'all would break up, you
20 would move back. I mean, that's -- y'all had a loving
21 relationship, to some degree, but (indiscernible); is that
22 fair to say?

23 A I loved him.

24 Q Okay.

25 A I really loved him.

- 1 Q And he loved you, didn't he?
- 2 A (Indiscernible).
- 3 Q Did you see the video today?
- 4 A Yes.
- 5 Q Had you seen that previously?
- 6 A No.
- 7 Q You had not seen that previously? So this was your
8 first time?
- 9 A (Indiscernible).
- 10 Q Okay. Did you see him?
- 11 A (Indiscernible).
- 12 Q He wanted to go to the hospital with you?
- 13 A (Indiscernible).
- 14 Q Did you see him applying the pressure to your head
15 to keep you from bleeding out?
- 16 A Mm-hmm.
- 17 Q Okay. Let's talk about your ongoing relationship.
18 You said he always had the gun.
- 19 A Mm-hmm.
- 20 Q The fact of the fact is, Lesa -- excuse me -- Lesa
21 says this was her gun, not his gun; right?
- 22 A Mm-hmm.
- 23 Q So this wasn't your gun or his gun?
- 24 A No. I don't touch guns. I don't like guns.
- 25 Q Are you sure?

1 A I don't like guns at all.

2 Q You never touched a gun?

3 A I touched a gun, but I don't -- don't --

4 Q You have touched this gun, haven't you?

5 A I don't remember if I have --

6 Q You don't remember that?

7 A I don't.

8 Q Okay. Do you ever remember him putting a gun to his
9 head?

10 A Once.

11 Q Okay. Do you ever remember putting a gun to your
12 head?

13 A He put a gun to my head.

14 Q He stopped you from putting a gun to your head,
15 didn't he?

16 A No. No.

17 Q All right. You say you're always fighting. This
18 day, you had gone for a motorcycle ride; is that right?

19 A Mm-hmm.

20 Q Do you know Kayla Smith?

21 A Mm-hmm.

22 Q Okay. Had you seen --

23 THE COURT: I'm just trying to make sure that the
24 record reflects that she's saying yes.

25 MR. GEOLY: Oh, I'm sorry.

1 THE COURT: She's saying "uh-huh."

2 BY MR. GEOLY:

3 Q So you do know Kayla Smith?

4 A Yes.

5 Q You know Maxine Ruly?

6 A Yes.

7 Q Would it surprise you if Maxine Ruly says you had
8 been to her house that day and y'all were doing great?

9 A Yes.

10 Q That would surprise you?

11 A No.

12 Q So you do --

13 A I just -- I said that.

14 Q Do you remember going to Maxine's house that day?

15 A No.

16 Q You don't? But that doesn't surprise you that you
17 did?

18 A No.

19 Q Okay. So this day, even though y'all fight a lot,
20 y'all weren't having any problems, were you?

21 A That -- that --

22 Q You had gone on a motorcycle ride. You had been to
23 Maxine's house.

24 A I remember we went on a motorcycle ride, and I -- I
25 remember getting off and we were getting along. This

1 doesn't mean we were, like --

2 Q Do you-all ever horse around?

3 A What do you mean?

4 Q Like play around with each other.

5 A I guess.

6 Q All right. And you say he always had a gun. Would
7 he ever play around with the gun?

8 A No.

9 Q He would never play around with a gun?

10 A No. Guns are serious. I don't --

11 Q I'm not talking about you playing with a gun. I'm
12 saying would he play around with a gun?

13 A No.

14 Q All right. You have indicated that he would go do
15 target practice outside?

16 A Little bit.

17 Q What would he shoot at?

18 A A bottle or something.

19 Q Okay. So he would set up multiple bottles or just
20 shoot at one?

21 A No, he's, "See that? I'm going to shoot it."

22 Q And that's what he would do?

23 A Yeah.

24 Q So he would play around with guns and shoot at
25 stuff; is that fair to say?

- 1 **A** Yes.
- 2 **Q** All right. Do you know who Dale is?
- 3 **A** Yeah.
- 4 **Q** Who is Dale?
- 5 **A** His ex-girlfriend, Angel.
- 6 **Q** Okay. Now, Dale shoots guns; right?
- 7 **A** I guess. I don't -- I have never...
- 8 **Q** Were you aware that Dale, one time on this property
- 9 of Lesa's, shot herself with a gun accidentally?
- 10 **A** I don't know nothing about that.
- 11 **Q** Now -- and your understanding, this room you used to
- 12 live in that supposedly has these bullet holes, Dale lived
- 13 there too; didn't she?
- 14 **A** I think so.
- 15 **Q** Okay. And she shot guns and carried a gun too;
- 16 right?
- 17 **A** I don't know.
- 18 **Q** She had her own guns, not Lesa's guns; right?
- 19 **A** I didn't know that.
- 20 **Q** You didn't know that?
- 21 **A** Mm-hmm.
- 22 **Q** Do you remember putting your -- that gun to your
- 23 head that day and Scotty taking it from you?
- 24 **A** No.
- 25 **Q** Do you remember Scotty then putting the gun to his

1 head and you jerking it from him?

2 A Nope.

3 Q And that's when it went off?

4 A Nope.

5 Q You don't recall that?

6 A No, I wouldn't.

7 Q You wouldn't what? Grab the gun if the person you
8 loved was trying to kill himself?

9 A I wouldn't -- I wouldn't put a gun to my head, and I
10 wouldn't grab a gun just because I was -- I would be
11 scared it would go off.

12 Q Okay. And it did.

13 Were you using meth that day?

14 A I don't know.

15 Q What did you typically do when you go to Maxine
16 Ruly's house? You can say it. What do you do at Maxine
17 Ruly's house?

18 A Yes. Purchase meth.

19 Q Okay. And then what do you do with the meth?

20 A Shoot it or smoke it.

21 Q Okay. So probably this day, before this happened,
22 you had shot or smoked meth?

23 A Probably. I don't remember.

24 Q Okay. And you don't remember what happened with the
25 gun that day either, do you?

1 A No.

2 Q Do you know about guns at all?

3 A No.

4 Q Like it would be pretty difficult to shoot somebody
5 in the top of their head with a .22 and kill them, if you
6 were trying to kill somebody.

7 A No, I knew nothing about guns.

8 Q Do you have any recollection of Scotty providing
9 life-saving -- holding your head, crying?

10 MS. HOFFMAN: Judge, I think she --

11 A I can't remember anything.

12 MS. HOFFMAN: I think this has been asked and
13 answered multiple times.

14 THE COURT: All right. I'll let him get one final
15 piece of clarification.

16 And while -- let's be very careful about talking
17 over each other. The court reporter is having
18 difficulties sparsing out the questions from the answers.

19 But if you want to repeat the question, Mr. Geoly.

20 MR. GEOLY: Thank you, Judge.

21 BY MR. GEOLY:

22 Q Scotty is not your first serious relationship;
23 right?

24 A I was married.

25 Q All right. Who were you married to?

1 A Leroy Matthews.

2 Q And he's dead now; right?

3 A Yes.

4 Q Do you remember an incident report down in Conway --
5 do you remember being charged --

6 MS. HOFFMAN: Objection.

7 BY MR. GEOLY:

8 Q -- down in Conway?

9 MS. HOFFMAN: I'm going to object to this line of
10 questioning, Your Honor.

11 THE COURT: Sidebar over here real quick, please.

12 BENCH CONFERENCE

13 (A bench conference was held off the record and
14 outside of the hearing of the jury.)

15 BY MR. GEOLY:

16 Q So, again, just to be clear, you don't remember if
17 y'all were doing good, doing bad? You just don't know
18 what happened before you got struck with the bullet?

19 A No.

20 Q Thank you for being honest.

21 MR. GEOLY: No further questions.

22 THE COURT: Any redirect?

23 MS. HOFFMAN: Yes, sir, briefly. Hold on one
24 second.

25

REDIRECT EXAMINATION

BY MS. HOFFMAN:

Q Joye, the defense attorney asked you about your, I guess, use of guns. Were you familiar with guns?

A No.

Q Did you carry a gun on your person?

A No.

Q How often would you shoot guns?

A Never.

Q Okay. So you never shot guns around the property?

A No.

Q And did I hear you say that you were scared of guns?

A Yes.

Q Okay. Why?

A I just didn't -- my daddy had a gun and he got it locked. You never touched it. You never were allowed to. And I just -- guns -- guns are dangerous. And growing up, don't play with the guns.

Q Did that make you kind of uncomfortable?

A Yes, very.

Q And Mr. Geoly asked you about some drug use.

A Mm-hmm.

Q And is it possible that you were using drugs in this time frame?

A Yes.

1 Q You don't deny that?

2 A No.

3 Q Were you -- did you do drugs with the defendant?

4 A Yes.

5 Q Let me go back to the relationship a little bit.

6 Mr. Geoly asked you if you and Mr. Fowler cared for each
7 other.

8 A Yes.

9 Q And you two were together for, you said, about a
10 year, year and a half?

11 A Yes.

12 Q When you would go back to Myrtle Beach, was that
13 because you two would break up?

14 A Yes. It would get bad, and I couldn't take it so I
15 left.

16 Q So would you describe it as kind of an up-and-down
17 relationship?

18 A Yes.

19 Q I don't think I have any more questions for you.

20 THE COURT: All right. Very good.

21 Ladies and gentlemen, we're going to take a brief
22 break, and we'll be back on the record in just a moment.

23 The neurologist can coming at 2:30 or 3:30?

24 MS. HOFFMAN: He said it would be closer to 3:30.

25 THE COURT: 3:30. Okay. Very good. We have got a

1 witness before him, though; correct? Or a couple?

2 All right. Adjourn to the back for a few moments so
3 that we can get her back into position, and we'll be back
4 on the record in about five, ten minutes. Okay? Thank
5 you.

6 (The jury exited the courtroom at 2:20 p.m.)

7 THE COURT: Okay. We'll be at ease. About ten
8 minutes or so, folks.

9 MR. GEOLY: Thank you, Judge.

10 (A recess was taken from 2:20 p.m. to 2:37 p.m.)

11 THE COURT: All right. The jury is back, and we are
12 still, of course, in the State's case-in-chief.

13 So, Ms. Hoffman, if you'll call the next witness.

14 MS. HOFFMAN: Yes, sir. We'll call Lesa Speir. I
15 believe my investigator has gone to get her.

16 (Pause in the proceedings.)

17 LESA SPEIR,

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

20 DIRECT EXAMINATION

21 BY MS. HOFFMAN:

22 Q Good afternoon. Can you state your name.

23 A Lesa Speir.

24 Q And can you spell your last name.

25 A S-p-e-i-r.

- 1 Q Ms. Speir, how old are you?
- 2 A Sixty-six.
- 3 Q And what do you do for a living?
- 4 A I raise little dogs.
- 5 Q Okay. Where do you live?
- 6 A Greenwood.
- 7 Q What's your address?
- 8 A 134 Lemon Tree Road.
- 9 Q And that's in Greenwood County?
- 10 A Yes.
- 11 Q Were you living there April 13th of 2021?
- 12 A Yes.
- 13 Q Who was living there with you at the time?
- 14 A Joye and Scotty.
- 15 Q Okay. And do you know Joye's last name?
- 16 A Matthews.
- 17 Q And Scotty, what's his last name?
- 18 A Well...
- 19 Fowler. Excuse me. Takes me a minute.
- 20 Q You're okay.
- 21 Do you see him in the courtroom today?
- 22 A Yes.
- 23 Q Okay. Where is he at?
- 24 A Right over there.
- 25 Q Okay. What's he wearing?

1 A I can't even hardly see but it looks like a light
2 blue denim shirt or something.

3 MS. HOFFMAN: Okay. Will the record reflect that
4 she's identified the defendant?

5 THE COURT: The record will so reflect.

6 BY MS. HOFFMAN:

7 Q Lesa, how did you come to know Mr. Fowler?

8 A Dale Ferguson met him in Myrtle Beach and brought
9 him back up here with her.

10 Q Who is Dale Ferguson?

11 A Dale is a lady that, from the time she was ten years
12 old, she was just like a daughter to me. Well, when her
13 husband died, she just kind of went off the deep end and
14 so she ended up with Scotty. And they renting a place
15 together.

16 Q Okay. And, at some point, did they move into your
17 property?

18 A Yes. They had to move, and she needed a place to
19 live until they could get their own place. And so I let
20 them move into my motor home.

21 Q Now, is the motor home where you lived?

22 A Yes, it was, in my backyard.

23 Q Okay. But did you live inside the motor home?

24 A No. I live in a mobile home.

25 Q Okay.

1 A A big one.

2 Q Okay. So it was separate?

3 A Yes.

4 Q It was outside of where you lived?

5 A Yes.

6 Q Okay. And so Dale and Scotty lived there?

7 A Yes.

8 Q Okay. Did they -- how did -- did they stay
9 together?

10 A For a while, yeah. Some months.

11 Q And did they eventually break up?

12 A Yes. They got into an altercation, and she left.

13 Q How did Joye and Scotty come to live with you?

14 A As soon as she left, he left and went to Myrtle
15 Beach and brought her back.

16 Q And where did they live when they came back?

17 A My motor home was trashed. They had it so filthy
18 that it was not livable anymore, not even for me to use.
19 They ruined it. And so he said that he would stay -- if I
20 let him stay, he would clean up the motor home and fix it
21 and do some things around the house for me, which that's
22 how they got in my house. That's how he and Joye managed
23 to get into that -- my back bedroom to stay.

24 Q Okay. So while Scotty and Dale lived outside of
25 your mobile home, Scotty and --

1 A Joye.

2 Q -- Joye lived in a bedroom where you also lived in
3 your mobile home?

4 A Yes.

5 Q Okay.

6 A Now, Dale was gone by that point.

7 Q Right. Okay.

8 Now, where in the house did they -- did Scotty and
9 Joye live?

10 A I have got a bedroom on one side, and my bedroom's
11 on this side. So they lived in that other bedroom.

12 Q Did you go in there and check on that bedroom?

13 A No.

14 Q Did you kind of let them have that as their
15 primary --

16 A I never went in there. That was their privacy.

17 Q Okay. At some point, did you become aware of some
18 damage in that area that they kind of had to themselves?

19 A Well, I did. I saw where bullet holes had been in
20 the walls.

21 Q Okay. Were those bullet holes there before Scotty
22 and Joye lived there?

23 A No. No, that mobile home wasn't hurt a bit.

24 Q Okay. Did you discover bullet holes in the exterior
25 part of the mobile home?

1 A Yes, I did.

2 Q Okay. And were those there before --

3 A No.

4 Q -- they moved in?

5 A No.

6 Q Okay. And they -- did they move into the bedroom in
7 the mobile home around June of 2020?

8 A Yes.

9 Q And so those bullet holes weren't there before?

10 A No. No. That mobile home had been well taken care
11 of.

12 Q I understand.

13 Did you have the opportunity to observe Joye and
14 Scotty just kind of interacting at your home?

15 A Yes.

16 Q Okay. Did you see them fight?

17 A Yes, I did.

18 MR. GEOLY: Objection to leading, Your Honor.

19 THE COURT: For the various reasons we have
20 discussed, overruled.

21 Go ahead.

22 BY MS. HOFFMAN:

23 Q Did you see them argue?

24 A Yes.

25 Q How often would you see that?

1 A About every day.

2 Q How would you describe Joye's overall demeanor
3 towards Scotty?

4 A She was crazy about him. She loved him. And they
5 got along a little while, but everything went bad.

6 Q Okay. How was her demeanor towards him when you
7 say, "Everything went bad"? How did she act around him?

8 A Well, she was scared of him. Terrified of him.

9 Q Now, while Scotty was living with you, did you know
10 him to carry around a gun?

11 A Yes.

12 Q How often would you see him with one?

13 A Every day.

14 Q What would -- where would he have it?

15 A He'd have it, you know, in the -- with him in his
16 arms. He started off with a long barrel, and then he went
17 down to a pistol.

18 Q Where would he carry the pistol? That's a smaller
19 gun?

20 A Yeah, that's the smaller gun. He just had it in his
21 hand.

22 Q Would he sometimes carry it in his pocket?

23 A I don't know. I never realized or saw him have a
24 gun in his pocket. Never did.

25 Q Okay. Would you say that Scotty was fairly familiar

1 with guns?

2 A Yes. He knew his way around a gun.

3 Q Would he target shoot outside in your yard?

4 A He did.

5 Q Did you ever see him shooting snakes?

6 A No. I don't have any snakes to speak of. Never
7 even saw none. I have cats. They get rid of them.

8 Q How many cats do you have?

9 A Fifteen probably.

10 Q And you said you raise dogs; right?

11 A Yes.

12 Q How many dogs do you have on your property?

13 A Do I have to tell you that?

14 Q You don't have to.

15 But you're taking care of a lot of dogs?

16 A Yes. I have been doing a kennel business 47 years,
17 and I have over a hundred grown dogs --

18 MR. GEOLY: Your Honor, I'd object it's
19 nonresponsive and ask that the witness answer the
20 question.

21 THE COURT: Well --

22 THE WITNESS: I did. I said I have over a hundred
23 dogs.

24 THE COURT: A lot of dogs.

25 MS. HOFFMAN: Okay. Thank you.

1 BY MS. HOFFMAN:

2 Q And so you said you never saw any snakes around your
3 house?

4 A I didn't.

5 Q Okay. Did you have a gun that you would carry?

6 A I don't carry a gun. I had a gun under my bed.

7 Q And did you shoot guns around your house?

8 A Only one time, that time that we went out there --
9 Dale and I went out there, and she showed me how to shoot
10 that gun. I have never shot a gun but one time. Well,
11 two times that day. I shot twice.

12 Q Did you ever see Joye carry a gun around?

13 A No.

14 Q Did you ever see her shoot a gun?

15 A No. I'd say she was afraid of them.

16 Q So who around the house would typically shoot guns?

17 A It was Scotty.

18 Q And how often, would you say?

19 A I don't know. He would -- at night, sometimes he
20 would shoot out into the -- you know, the woods. But it
21 wasn't an every-night thing. I'd say, you know, often.

22 Q Okay. Lesa, I want to kind of redirect, and let's
23 talk about April 13th of 2021. Okay? Do you remember
24 that day?

25 A Yes, I do.

1 Q What were you doing earlier that day?

2 A Well, you know, I have all these dogs, and I have a
3 man that lived in Commerce, Georgia, that comes to my
4 house and grooms all those dogs. Well, that's what was
5 going on that day. And it was the last day that he was
6 going to be there, so we were finishing up all that
7 grooming and cleaning up and, you know, trying to get all
8 that done.

9 They were having a good day. They had gone on the
10 motorcycle.

11 Q Who is "they"?

12 A Joye and Scotty.

13 Q Okay.

14 A And it looked like they, you know, were having fun.
15 But it wasn't that way when I got back.

16 Q Now, what time do you think you left Greenwood to
17 drive to Elberton?

18 A Well, I had to take the guy to Elberton. He didn't
19 have a car at the time. So I took him to Elberton to meet
20 a friend, and then they took him on to Commerce. And that
21 time of night, it was right before dark that day. I don't
22 know what time that was. It might have been around 8:00.

23 Q Okay. Do you remember what time you got back to
24 Greenwood?

25 A Yes. Shortly after 10:00. It's a two-hour drive

1 over there. One and one coming back. And I went into
2 Walmart.

3 Q You made some stops before you came back to
4 Greenwood?

5 A Yeah, just that one. And came on back.

6 Q Now, when you were pulling up at your house, was it
7 dark outside?

8 A Yes, it was very dark. It was after 10:00.

9 Q Okay. And did you have the lights on, on your car?

10 A Yes, driving down the driveway, yeah.

11 Q Now, when you pull into your driveway and you pull
12 up to your house, do you refer to that part of the house
13 as the back?

14 A No. That's the front where the deck is.

15 Q So I'm talking about, when you're pulling in your
16 driveway, the first part that you see where there is not a
17 deck, is that the backside or what you call the front
18 side?

19 A The backside is -- has a little small deck is all.
20 The other one is the front deck.

21 Q Okay. So when you're pulling up with your car
22 lights on, what do you see as you drive up to the house?

23 A As I came into the driveway, I saw that truck was
24 running and had the lights on, and Scotty was in it,
25 playing music.

1 Q Okay. So when you're coming in the driveway, you
2 see Scotty in the --

3 A In my truck.

4 Q Okay.

5 A It was my truck.

6 Q Okay. And what was he doing?

7 A He was in there playing music.

8 Q Okay. So when you see that, what do you do next?
9 You keep driving?

10 A I drove until I parked. And where I park at is near
11 my ramp.

12 I'm not well, so I have had to have, you know,
13 different things close so I can get out. So I park right
14 at the ramp. And as I pulled up -- you want me to tell --

15 Q You can keep going, yeah.

16 A -- what I saw?

17 Q What happened next?

18 A Okay. He comes running down the ramp, you know.

19 Q Do you know -- I'm going to just ask you one
20 clarifying question. Do you know where he ran from --
21 where you saw him at the truck to the ramp? Do you know
22 which way he came? Could you see that?

23 A Not really. He had to come in the back door and run
24 through the house to get to the -- you know, get to the
25 deck, hollering, "Mama, mama, call 911. Joye's been

1 accidentally shot." That's what he said.

2 Q Okay. So he comes out. Is he calm or is he
3 frantic?

4 A He's frantic.

5 Q And he asks you to call 911?

6 A Yes.

7 Q Had he called 911 yet; did you know?

8 A No. He said he couldn't find his phone.

9 Q Okay. When you were driving up to the house, did
10 you hear anything?

11 A No.

12 Q Okay.

13 A No, I -- you know, they would fight, and he would
14 get in that truck, and they'd do whatever they did, but I
15 didn't hear anything. I didn't know anything until he
16 came running down the ramp from the deck.

17 Q Now, just so we're clear, did you see Joye get shot?

18 A No. I wasn't home.

19 Q Yes, ma'am.

20 Was there anybody else at the house when you got
21 there?

22 A No.

23 Q So when he came out yelling that she had been shot,
24 what did you do next?

25 A He asked me to call 911.

1 Q And did you do that?

2 A Yes. I called 911. And then she proceeded to talk
3 to me to tell me, you know, what to do, to help her.

4 Q When you say "she," who is "she"?

5 A It was the operator. 911 operator. Trying to tell
6 me what to do.

7 Q Okay. So when you went into the house, what did you
8 see?

9 A I saw -- I saw her laying down. She was laying on
10 her back right there at the front door between my
11 television and my coffee table. That was Joye laying on
12 the floor.

13 Q Did you see any blood?

14 A Yes. There was a puddle of blood coming out of the
15 back of her head, yeah.

16 Q Was she talking when you came in?

17 A No. She was in a -- some kind of state. Her eyes
18 were rolled back in her head. And, you know, she looked
19 like she was dying, to me.

20 Q So she wasn't talking. Was she making any kind of
21 noises or moving?

22 A No. She made a little bit of a gurgle sound, but
23 other than that, no, she couldn't talk. That girl wasn't
24 even conscious.

25 Q When you walked into the living room area there, did

1 you smell anything?

2 A No.

3 Q Okay.

4 A I really didn't.

5 Q And so, when you walk in and you see Joye laying on
6 the floor there, what's Scotty doing in the midst of all
7 this?

8 A He's crying and begging God not to let her die.

9 Q Okay. When you walked in, was he doing anything to
10 help her?

11 A No.

12 Q What was dispatch telling you to do on the phone?

13 A They were telling me to, you know, put something
14 under her head and lift her head up so she was not so
15 flat.

16 Q Now, did you that?

17 A We both did. Scotty and I both were doing what they
18 told us to do.

19 Q So until dispatch was advising you how to help Joye,
20 no one touched her?

21 A No, not that I -- there wasn't anybody there.

22 Q But you didn't see Scotty touching her before you
23 called 911?

24 A No, I didn't.

25 Q At some point, did the lady on the 911 call ask you

1 about -- well, what did you tell them when you called 911?
2 What did you tell them?

3 A I just told them that my godson told me that his
4 girlfriend's been accidentally shot. She's laying in the
5 floor. And the lady wanted to know what kind of shape she
6 was in, and I told her -- I said, I don't know; I hadn't
7 made it up the ramp yet. I just drove two hours.

8 Q At some point, did the woman on the dispatch call,
9 did she ask you about the gun that was involved in the
10 shooting?

11 A Yeah. She asked me where was the gun.

12 Q And had you touched the gun?

13 A No. And I told her it was under the coffee table.

14 Q So you told her it was underneath the coffee table?

15 A Yeah.

16 Q Okay. Did it stay there?

17 A I don't know. I wasn't watching that gun.

18 Q Did Scotty touch the gun while you were in there?

19 A I really can't say. I don't remember.

20 Q You just remember --

21 A I was freaking out completely.

22 Q So what you told the 911 operator was that the gun
23 was underneath the table?

24 A (No audible response.)

25 Q Okay. How long was it approximately before law

1 enforcement and the EMS started to arrive to your house?

2 A They got there very fast. I'd say ten minutes, they
3 were there.

4 Q Once they got there, what happened next?

5 A Well, the EMT people started working with Joye
6 trying to make sure that, you know, they could save her.

7 Q Did you stay in the living room while this was
8 happening?

9 A No. I went out on the porch because there was so
10 many of them out there. I left them alone to work with
11 her.

12 Q Okay. Now, did you talk to any of the police
13 officers that were there on-scene?

14 A Yeah.

15 Q And what did you tell them?

16 A You mean what -- if they asked me a question, I
17 answered it, yes.

18 Q Okay. But I just mean generally, what did you tell
19 law enforcement when they got there and they were asking
20 you questions? What did you tell them?

21 A I told them it was my house, and anything else they
22 asked me, I told them.

23 Q Did you tell them that you weren't there when it
24 happened?

25 A Yes. Yeah.

1 Q Okay.

2 A Yeah, I told them that.

3 Q And did you kind of relay what Mr. Fowler had told
4 you?

5 A Yes. Yeah, I did. I told them, you know, that I
6 had just gotten home, and that's what I walked into.

7 Q Now, you stated that had Mr. Fowler has previously
8 dated your goddaughter; is that right?

9 A He did what now?

10 Q He previously dated your goddaughter?

11 A Yes.

12 Q Did they call you anything?

13 A Yeah. They all called me, "Mama."

14 Q Okay.

15 A Dale has done it since she was ten.

16 Q And did Mr. Fowler eventually start calling you --

17 A Yeah. Anybody that was around her picked it up, and
18 that's what they called me, like a nickname or something.

19 Q So was he calling you that on-scene there on the
20 porch?

21 A Yeah.

22 Q But you're not actually related to him?

23 A No. I'm not related to any of them. I have no
24 children.

25 Q Okay. I understand.

1 MS. HOFFMAN: Beg the Court's indulgence.

2 BY MS. HOFFMAN:

3 Q Lesa, how long had you lived at the 134 Lemon Tree?

4 A Well, I have lived on that place since 1979, I
5 believe, or '80.

6 Q And in that particular mobile home?

7 A No.

8 Q How long had you lived there?

9 A The one I'm living at now?

10 Q Yes, ma'am.

11 A Since '10.

12 Q 2010?

13 A Yeah.

14 Q Okay. So you're pretty familiar with the property?

15 A Oh, yeah.

16 Q I'm going to approach the witness --

17 MR. GEOLY: May I look at that before you do?

18 MS. HOFFMAN: Yes.

19 BY MS. HOFFMAN:

20 Q Lesa, I'm going to show you what's been previously
21 marked as State's Exhibit 6. Does this look familiar to
22 you, the area?

23 A Yes, that's the side of my house.

24 Q So that's where you lived?

25 A Ma'am?

1 Q This is where you live?

2 A Yes, it is.

3 Q Okay. Is that a fair and accurate depiction of your
4 house the night of --

5 A Yeah.

6 Q -- April 13th?

7 A Yeah. The truck's in the backyard and the lights on
8 the front porch. Yes, this is it.

9 MS. HOFFMAN: Judge, at this time, we'd ask to enter
10 State's 6 and permission to public to the jury.

11 THE COURT: No objection?

12 MR. GEOLY: No objection.

13 THE COURT: Into evidence and you may publish.

14 (State's Exhibit No. 6, Photograph of 134 Lemon Tree
15 Road, was marked for identification and received into
16 evidence.)

17 BY MS. HOFFMAN:

18 Q One second. I'm going to put this up here so
19 everybody can see.

20 Okay. Can you see that okay from where you're at?

21 A Yes, I can tell.

22 Q Okay. Let me grab...

23 Okay. So when you're coming up your driveway, are
24 you coming from this area, the right side of this
25 picture --

1 A Yes.

2 Q -- from your driveway?

3 A Yes.

4 Q Okay. And so where the truck is located on the
5 right side of the picture, what -- is this the backside of
6 the house?

7 A That's what I call the backyard.

8 Q Okay. Even though it's facing the road, that's the
9 backyard?

10 A Yeah, but it's a lot of woods in there.

11 Q Okay. There's woods over here, so you can't really
12 see it from the road; is that right?

13 A Not really.

14 Q Okay. And so, over here where this big deck is, is
15 that what you would call the front of your house?

16 A That's the front.

17 Q Okay. So when you're driving up that night, is this
18 the truck that you said you saw Scotty in?

19 A Yes. That's -- that's my truck.

20 Q And what was he doing?

21 A He was just sitting out there, playing music, and
22 had the truck running.

23 Q How do you know it was running?

24 A Because that's the way he did. And he had the
25 lights on it.

1 Q So the lights were on?

2 A The lights were on.

3 Q And so when you parked your car, are you kind of
4 where this police officer --

5 A No. I go around to the other side. There's a ramp.
6 And I go up and down the ramp. So I'm on the opposite
7 side of that deck that you can see here.

8 Q Okay. So is the ramp somewhere over behind this
9 police car?

10 A It is, yeah.

11 Q So you parked there.

12 And where did Scotty come from?

13 A He came from the backyard through the house and down
14 the ramp, screaming, you know, "Mama, mama, call 911.
15 Joye's been accidentally shot."

16 Q And so, when you were there at the ramp, do you hear
17 a gunshot?

18 A No. Never heard one.

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

20 BY MS. HOFFMAN:

21 Q All right. So I'm going to approach with
22 State's 25. Do you recognize this photo or what it's of?

23 A That's my front porch.

24 Q Okay. And is that a fair and accurate
25 representation of what it looked like the night of

1 April 13th?

2 A Yes.

3 MR. GEOLY: No objection, Judge.

4 THE COURT: State's 25 is in evidence, and you may
5 publish.

6 MS. HOFFMAN: Thank you, Judge.

7 (State's Exhibit No. 25, Photograph of Front Porch,
8 was marked for identification and received into evidence.)

9 BY MS. HOFFMAN:

10 Q So tell the jury what we're seeing here.

11 A I have got a real big deck on the front porch of my
12 mobile home. It's got a roof on it. It's got a table and
13 some chairs, a swing. And a freezer.

14 Q Okay. So when you say Scotty came down the ramp,
15 are you talking about right here?

16 A Yes, that's it. That's the ramp. Yeah, you can see
17 the arm rails right there.

18 Q So then he came around to where you were parked?

19 A Yes. He came down the ramp -- I park right at the
20 end of the ramp.

21 Q And so he came from what you called the backyard to
22 the ramp and told you to call 911?

23 A Yes, ma'am.

24 Q And you didn't see him run from the back -- from the
25 side of the house or anything like that?

1 A No, ma'am.

2 Q You saw him in the front -- I'm sorry, you saw him
3 in the backyard by the truck?

4 A Yeah.

5 Q And assuming he --

6 A Came through the house and he and I both walked up
7 that ramp and that's what I saw.

8 Q I don't believe I have any more questions for you at
9 this time. Answer any questions Mr. Geoly has.

10 MR. GEOLY: If it please the Court, Judge.

11 THE COURT: Yes, sir.

12 MR. GEOLY: Can you pull that picture back up of the
13 house? Thank you.

14 BY MR. GEOLY:

15 Q How are you, Ms. Speir?

16 A I'm good.

17 Q Let me ask you about, prior to coming here today,
18 how many times have you met with Madison Hoffman?

19 A In the two years, probably four or five times.

20 Q Four or five times?

21 A Mm-hmm.

22 Q Some of it getting ready for that trial?

23 A Well, it was mainly just letting me know that, you
24 know, that I would be called up and whatnot.

25 Q Did you talk about your testimony?

1 A Yes.

2 Q Okay. Did she tell you what she was trying to
3 prove?

4 A No.

5 Q Okay. Did she tell you how she wanted you to
6 testify?

7 A No.

8 Q Did she tell you I was going to be mean to you?

9 A She told me that you were coming after me.

10 Q When did she tell you that?

11 A That was the day that -- of the last time we all got
12 together for that trial.

13 Q Okay.

14 A And that's what she said that you said. You were
15 coming after me.

16 Q That's what she told you?

17 A Yes.

18 Q And it was this woman, Madison Hoffman?

19 A Yes.

20 Q Did she tell you what that meant?

21 A No. We didn't talk about it, but I knew what it
22 meant.

23 Q Do you remember me calling and trying to talk to you
24 on the telephone?

25 A I didn't want to talk to you.

1 Q I know. But do you remember me calling you on the
2 telephone to talk to you?

3 A Yeah. Yes, I do.

4 Q We have never seen each other anywhere outside this
5 courthouse; is that fair to say?

6 A Yes, sir.

7 Q Okay. And when I called -- the time I called to
8 talk to you, you said, "I don't want to talk to you,"
9 right, and hung up the phone?

10 A That's right. I didn't want to talk to you.

11 Q And I have never bothered you since, have I?

12 A No, sir, you didn't.

13 Q I appreciate you being honest about that.

14 A I am an honest woman.

15 Q Well, let's talk about Dale Ferguson for a minute.

16 A All right.

17 Q She was like a daughter to you; right?

18 A She was at times, but she -- when she was married to
19 her husband, she was okay then, but after her husband
20 died, Dale went off the deep end.

21 Q Dale was familiar with guns; right?

22 A Yes.

23 Q And y'all made a big point to say that Dale and
24 Scotty lived in the trailer, not your mobile home?

25 A Right.

1 Q But Dale actually lived with you in the mobile home
2 at some point, didn't she?

3 A Yes, she has.

4 Q She had lived there before Scotty did; right?

5 A She had lived with me a time or two because I -- she
6 would always mess up and make me unhappy because she was
7 terrible. And I would throw her out, and then she'd come
8 crying back.

9 Q Okay. And you'd be a good woman and let her come
10 back; right?

11 A Yeah. I'm just naive.

12 Q Well, I appreciate you, you know, being good. But
13 the fact of the matter is, she lived there a couple of
14 times before living in the trailer with Scotty?

15 A Yeah, she did.

16 Q And then, after Scotty and this whole incident
17 happened, Dale moved back in with you; didn't she?

18 A Yes. She came to my door, crying that day.

19 Q And she moved back in the house again; right?

20 A For a short time. Because I threw her out again.

21 Q You threw her out again?

22 A Yeah. She ain't coming back. I'm done.

23 Q You probably said that before, though, haven't you?

24 A No, not like this.

25 Q Okay. I ain't getting into all that. That really

1 has nothing to do with this; right? If it does, I'll let
2 you explain, but it has really nothing to do with this.

3 But Dale did know her way around a gun; right?

4 A Yeah, she did.

5 Q And she carried a gun, didn't she?

6 A No, I don't think she carried a gun, but she knew
7 how to work a gun.

8 Q Okay. And now, as far as this goes, they have asked
9 you about him carrying a gun. You never saw him carrying
10 your pistol around, did you? Just to go out and shoot.
11 But I mean, he didn't carry it in his pocket, as far as
12 you knew, did he?

13 A I never saw it in his pocket, but he had that gun in
14 the house, because I argued with him several times that
15 that was my gun, and he said it was his. I said, "Well,
16 it's funny" --

17 Q It was yours; right?

18 A I said, "It's funny how my gun is gone."

19 Q And it was the same kind of gun?

20 A It was my gun.

21 Q Okay. So that was your gun?

22 A That was my gun. And he claimed it was his. He
23 took it out of my bedroom.

24 Q Let's go back and talk about the gun you described
25 that he would carry around in his arms.

1 A He had this long -- it looked like a shotgun that
2 was sawed off.

3 Q Like a sawed-off shotgun?

4 A Yeah.

5 Q If you were going to kill somebody, you -- or going
6 to try to kill somebody, are you going to use a little .22
7 or are you going to use a shotgun that you carry around?

8 MS. HOFFMAN: Objection, Your Honor.

9 THE COURT: I think he's asking this witness what
10 she would personally use. If she's able to answer the
11 question, I'll let her.

12 A I have no idea. I don't know which one is worse. I
13 think a --

14 BY MR. GEOLY:

15 Q You don't know whether a sawed-off shotgun or a .22
16 pistol is worse?

17 A No, I don't, because I don't -- I'm not aware of
18 guns.

19 Q And I'm not either, but my common sense would make
20 me think that -- you don't think that a sawed-off
21 shotgun -- those are prohibited, to your knowledge; right?
22 I always heard you couldn't have a sawed-off shotgun
23 because they were so dangerous. But you're saying he had
24 one there in the house?

25 A Yes, he did.

1 Q Okay. And nobody got shot with a sawed-off shotgun;
2 right?

3 A Nobody what?

4 Q Got shot with a sawed-off shotgun.

5 A No, I don't think so.

6 Q Okay. This day, as far as you know, they had been
7 doing things. They had gone to Maxine Ruly's. They had
8 gone on a motorcycle ride. They were doing things; right?

9 A Yeah, they were having fun that day.

10 Q Okay.

11 A That's why, when I got home that night, I couldn't
12 believe it.

13 Q Well, let's talk about this picture for a second.
14 Tell me again how you drive in.

15 A You see the gravel right there to the right?

16 Q Mm-hmm.

17 A That's my driveway. I come in, and I drive past all
18 that and go around to the other side. That's where the
19 ramp is.

20 Q Do you have air-conditioning in your car?

21 A Yes.

22 Q At this time in April, would you have been using
23 that or do you have the windows rolled down?

24 A No, I don't usually have my windows rolled down, no.

25 Q So the windows are rolled up?

1 A They were rolled up.

2 Q And you drive all the way past there to the other
3 side of that police car, about to where that awning is; is
4 that right? Where you're parking? Is that an awning on
5 the other side of that police truck I'm seeing?

6 A I can't tell.

7 Q All right. You see to the left how we see this --
8 what is that? Sheriff's office --

9 A It looks like, to me, that it's the -- it's the
10 lit-up part of the porch. There is an awning up there
11 that lets down.

12 Q Okay. Do you see -- it appears to be an awning past
13 the sheriff's truck?

14 MR. GEOLY: Judge, may I --

15 THE COURT: Why don't you point it out on the
16 picture there?

17 A I don't --

18 BY MR. GEOLY:

19 Q This right here, what looks like -- is that an
20 awning?

21 A That?

22 Q Yeah.

23 A That's my carport.

24 Q Okay. Is that where you parked?

25 A No, I didn't park there, but that is the carport.

1 Q Well, how close to that are you parked there?

2 A I'm parked right at that carport. That's where the
3 ramp is.

4 Q That is where your car is?

5 A Yes.

6 Q So when you're driving through, the windows aren't
7 down; right?

8 A No, they weren't.

9 Q All right. And what you're saying is, typically, he
10 would get out the house and go sit in the truck and listen
11 to music?

12 A Yeah, he did.

13 Q Okay. That night, though, you don't know if the
14 music was on; right? Because you're just driving by. You
15 see the lights on; correct?

16 A I just know how he does.

17 Q Okay.

18 A He would like to sit out there and listen to music
19 and whatever.

20 Q But to say what was happening that night, you don't
21 know if the music was on that night?

22 A Well, all I can tell you, sir, is that he was out
23 there with the lights on that truck.

24 Q Right. Was there a four-wheeler right in front of
25 that truck?

1 A Yes.

2 Q Did you know him to be tinkering with the
3 four-wheelers, trying to fix the four-wheeler?

4 A Yeah, I did. That was his four-wheeler.

5 Q And that's what he said that night he was doing;
6 right?

7 A I don't know.

8 Q Did you ever know him when he would go to listen to
9 music in the truck, that he would sometimes have his phone
10 with him?

11 A Yeah, he would.

12 Q Okay. If he's in the house and he can't find his
13 phone and he had previously been working on the
14 four-wheeler and he goes to the truck looking for his
15 phone and you see him out in the truck because he
16 typically would be in the truck listening to music, that's
17 what you'd assume he was doing if you saw him at the
18 truck; right?

19 A Yes.

20 Q But if he's retrieving a phone or trying to find a
21 phone in that truck and you pull up, what's the quickest
22 way for him to get to you on the front porch? Is it to
23 come through the house?

24 A Come through the house.

25 Q And that's what he did, isn't it?

1 A Yeah. That's exactly what he did.

2 Q Okay. Let's talk about this day. You said they had
3 been getting along good.

4 A Yeah, they were.

5 Q You don't know what happened to her prior to being
6 shot?

7 A No, I don't.

8 Q You seem, though, to be consoling him. You tell him
9 this is your godson, you're hugging him. Do you remember
10 all that?

11 A Let me tell you this part --

12 Q Well, let me -- if you answer the question --

13 A We get along -- we get along when we get along.
14 When we don't, then we don't. That's how that went. And
15 we both were crying because we both had been trying to
16 save her life.

17 Q Right.

18 A Yes.

19 Q And he was trying to save her life, wasn't he?

20 A Yes.

21 Q He was holding that thing up?

22 I heard, when the deputy got down there, he was
23 there for about 60 seconds and said my arm is getting
24 numb. For those 13 minutes you're talking to the 911
25 caller, he's steady putting pressure, isn't he?

1 A Yeah, he was over there doing what they said. I was
2 telling him.

3 Q And he had that -- he already had that sheet and
4 towel or whatever right there doing it; didn't he?

5 A Yeah, we did.

6 Q And he didn't have to go searching for that when
7 they said, "Find a clean sheet." I mean, it was already
8 there, wasn't it? He didn't go off to the bathroom or the
9 bedroom to find something, did he?

10 A I don't remember. I really don't.

11 Q I mean, he immediately is talking to you and the 911
12 call her. He has it and is doing it; right? He doesn't
13 have to go off somewhere to get it.

14 A Well, he -- I don't remember if he had to go
15 somewhere and get it. I just don't remember. I went in
16 shock pretty quick.

17 Q All right.

18 A That was a shock.

19 Q Is it fair to say, when they fought, she could fight
20 back?

21 A Say what now?

22 Q When they fought -- y'all keep saying they have
23 these difficulties. I mean, you know, would she give it
24 as good as she could --

25 A No, no. Now, Dale could. Dale would fight him like

1 a man.

2 Q Right.

3 A But, no, not -- not Joye. Joye has always been
4 feeble.

5 Q Joye left your house several times; right?

6 MS. HOFFMAN: Judge, I would just ask he let her
7 fully respond.

8 THE COURT: Yeah.

9 MR. GEOLY: Yes, sir, Judge.

10 THE COURT: We're talking over each other a little
11 bit here, which makes the record very, very difficult.

12 MR. GEOLY: I'll try to make sure I let her finish,
13 Your Honor.

14 THE COURT: Go ahead.

15 A What is it?

16 BY MR. GEOLY:

17 Q Do you remember that she -- they would travel back
18 to Myrtle Beach in your truck on occasion; right?

19 A Yeah. Without my permission, by the way.

20 Q And down there, they wouldn't always stay together,
21 right?

22 A I don't know what they did. I just know they took
23 my truck and didn't ask me if they would use it. They
24 just went.

25 Q Okay. Do you remember about a month before this

1 happened, sending money down to Myrtle Beach?

2 A Sure.

3 Q You don't remember that?

4 A Yeah. Because I wanted him to get home because he
5 had my truck, with no permission.

6 Q Okay. You never reported him for stealing your
7 truck, did you?

8 A No, I didn't.

9 Q And there was never any incidents that rose to the
10 level that y'all ever called the police before this
11 incident?

12 A No, because he told us, if police came into that
13 yard --

14 MR. GEOLY: Judge, I'm going to object to
15 non-responsive.

16 THE COURT: You asked the question.

17 MR. GEOLY: Oh, sure.

18 BY MR. GEOLY:

19 Q Go ahead.

20 THE COURT: Go ahead.

21 A What is the question? Say it again, sir.

22 MR. GEOLY: I'll withdraw it.

23 BY MR. GEOLY:

24 Q You don't know what happened this day, do you?

25 A I know just what happened when I got home.

1 Q Okay. Tell me what happened with the lovey-dovey
2 and "This is my godson." Mike Murdock takes you off the
3 porch; do you remember that?

4 A I don't even remember Mike Murdock. They showed me
5 who he was a day or two ago, and I didn't recognize him.

6 Q So you don't remember talking to him?

7 A I remember talking to somebody, but it -- I was so
8 upset, all I could do was just tremble.

9 Q Okay. And, again, you weren't here when this
10 happened, so you don't know what actually happened.

11 A No, I don't. I was not there.

12 MR. GEOLY: No further questions, Judge.

13 REDIRECT EXAMINATION

14 BY MS. HOFFMAN:

15 Q I just want to ask you a couple of questions to
16 clarify. So you said Dale, who is not Joye, lived at your
17 property a couple of different times?

18 A Yes.

19 Q When she lived in the motor home, she did not live
20 in the mobile home where you lived; right?

21 A No.

22 Q Okay. Were there bullet holes in your house during
23 that time frame?

24 A No.

25 Q Okay. Did she move back in after this incident

1 happened?

2 A Yes.

3 Q Okay. Were those bullet holes there before she
4 moved back in?

5 A Yes.

6 Q And Dale wasn't living with you in April of 2021
7 when this happened?

8 A No.

9 Q Okay. And you said Dale would fight Scotty like a
10 man?

11 A She could.

12 Q But Joye wouldn't fight back?

13 A Joye was feeble. Joye had been ran over by a truck,
14 and, you know, she just absolutely just doesn't have the
15 strength to fight anybody.

16 Q Okay. Now, you mentioned that. When you left on
17 April 13th in the afternoon, she could walk; right?

18 A Yes. She was walking just fine.

19 MR. GEOLY: Objection, Your Honor. Not in response
20 to cross-examination.

21 THE COURT: Overruled.

22 BY MS. HOFFMAN:

23 Q And you said, that day, her and Scotty were having
24 fun and getting along?

25 A Yeah, they were.

1 MS. HOFFMAN: No further questions.

2 THE COURT: All right. Ma'am, you can step down.

3 THE WITNESS: Thank you, Judge.

4 THE COURT: Thank you.

5 And did you want to see if the doctor is here before
6 we break?

7 MS. HOFFMAN: I think he is here. If I could just
8 have a moment to double-check.

9 THE COURT: Okay.

10 MS. HOFFMAN: Maybe take a brief break.

11 THE COURT: Okay. We're going to take a brief
12 break. Don't discuss the case.

13 If you need to pop downstairs, let the bailiff know;
14 she'll be able to take you down. And we'll be back on the
15 record in a few moments. Okay? I think the next witness,
16 hopefully, is here.

17 (A recess was taken from 3:21 p.m. to 3:46 p.m.)

18 (The jury entered the courtroom at 3:46 p.m.)

19 THE COURT: All right. The jury is back.

20 Solicitor, if you'll call the next witness, please.

21 MS. HOFFMAN: The State would call Dr. Charles
22 Kanos.

23 CHARLES KANOS, M.D.

24 after having been duly sworn, was examined and
25 testified to as follows:

1 DIRECT EXAMINATION

2 BY MS. HOFFMAN:

3 Q Good afternoon. Can you state your name for the
4 record.

5 A Charles Kanos.

6 Q And can you spell your last name, please.

7 A K-a-n-o-s.

8 Q Dr. Kanos, where do you currently work?

9 A At Prisma Health in Greenville, South Carolina.

10 Q And what's your position there?

11 A I'm chief of the Division of Neurosurgery.

12 Q Can you go ahead and tell the jury a little bit
13 about your education?14 A Graduated from Duke University. Went to medical
15 school, residency, and I did a brain tumor fellowship at
16 the University of Tennessee.

17 Q Do you have any sort of board certifications?

18 A I'm board certified in 2005 and recertified 2015 on
19 a ten-year cycle.20 Q Do you have any sort of, like, professional
21 affiliations or any other sort of certifications?22 A I'm a member of our professional organizations. I'm
23 assistant professor at the University of South Carolina
24 School of Medicine.

25 Q Have you ever had any peer-reviewed articles or

1 anything like that?

2 A I have.

3 Q How many would you say?

4 A I don't know. Not tons.

5 Q Not tons. Okay.

6 What were the topics covered in those?

7 A I have done -- I do a lot of brain tumor, involved
8 in research on that, and I have done epilepsy. And I
9 think most of them relate to brain tumors.

10 Q What's the importance of having these board
11 certifications and things like that?

12 A It's a way that the governing body can make sure
13 that the practitioners of neurosurgery meet a certain at
14 least standard and that they're able to maintain the
15 standard improving with continuing education.

16 Q Okay. And can you explain to the jury just
17 generally what the field of neurology is?

18 A Neurosurgery.

19 Q Neurosurgery, yeah.

20 A That's what I do. It treats ailments and injuries
21 to the brain, the spinal cord, and peripheral nerves.

22 Q And have you testified in court previously?

23 A Yes.

24 Q Have you been qualified as an expert?

25 A I don't know. I do a lot -- I do at lot of

1 testifying in the office, so...

2 MS. HOFFMAN: Your Honor, at this time, we would ask
3 that Mr. -- or that Dr. Kanos be qualified as an expert in
4 neurosurgery.

5 THE COURT: All right. Ladies and gentlemen, the
6 parties in this case agree that Dr. Kanos is an expert in
7 the field of neurosurgery so he can give expert opinion in
8 that field that you can use as you deem appropriate.
9 Okay?

10 Solicitor, you may continue.

11 BY MS. HOFFMAN:

12 Q Dr. Kanos, did you have the opportunity to treat a
13 patient by the name of Joye Matthews on April 13th of
14 2021?

15 A Yes.

16 Q Okay. And where did you treat her at?

17 A At Greenville Memorial Hospital.

18 Q And how did she come into your care?

19 A I was on-call, and she had a gunshot wound to the
20 head. So our service was notified.

21 Q Okay. So when you're on-call, does that mean you're
22 at home sleeping?

23 A Sometimes.

24 Q Okay. And so you came into the hospital?

25 A I did.

1 Q Okay. And were you the first person to see her at
2 the hospital?

3 A No.

4 Q Do you know where she first went?

5 A She was in the emergency room. So there's a whole
6 team of people that see her there, and I believe one of my
7 assistants -- physician's assistants or nurse
8 practitioner, one of our mid-level providers, we call
9 them, I think they saw them [sic] first.

10 Q Okay. And what did they do in that capacity before
11 she came to you?

12 A Well, my team will assess the patient, get a
13 neurological exam, review the image, and then call me.

14 Q Do you know what that initial assessment consisted
15 of?

16 A Well, I looked at my notes previously, earlier
17 today, and it was documented that the patient had an
18 initial condition -- initial assessment by the emergency
19 room physicians, and then we were called after -- and then
20 I looked at the films and saw the patient.

21 Q So if someone goes to the ER for any type of injury,
22 are you -- if it's a head injury, are you automatically
23 referred to that patient?

24 A No. I mean, there's a big range of head injuries.
25 I mean, you can have a concussion. And typically, we kind

1 of only want to get called for the most part, if it's
2 surgical or if there's something significant. If it's
3 non-operative, then other people can handle that.

4 Q So you got called in for this patient, Ms. Matthews,
5 because of the likelihood of surgery?

6 A Or the -- yes, to see if surgery was something that
7 we should do.

8 Q Now, you said your team would take an initial
9 assessment of her. What sort of things are they looking
10 at?

11 A Well, the first thing we do is just see -- do a
12 basic neurological exam.

13 Q What does that consist of?

14 A On a very basic level. We want to -- we have
15 something called a coma scale, and that involves seeing
16 does the patient open their eyes, to stimulation to voice
17 or spontaneously, do they move and how they move, and
18 whether they can speak. And we have a scale from three to
19 15.

20 Q Three to 15?

21 A Three is the lowest. So if you're doing absolutely
22 nothing, you're a 3. And if you're normal, you're a 15.

23 Q Okay. So as we are here today, we would be a 15?

24 A Yes. You certainly would. You're a 15, yes.

25 Q Okay. Thank you.

1 A I haven't seen anybody else here, so...

2 Q When Ms. Matthews came in, what was she on that
3 report?

4 A By report, when I looked at my notes, she initially
5 came in as a Glasgow coma scale three.

6 Q So what does the three mean?

7 A Three means there's no eye-opening, at least to
8 stimulation; non-verbal; and no motor movement. So it's
9 the lowest -- other than a ventilator, there's no function
10 that we can see -- motor function.

11 Q Now, can medications cause your coma scale to
12 fluctuate?

13 A Yes.

14 Q So if she had been administered some sort of
15 sedative, would that have affect her scale?

16 A Yes.

17 Q So if, in the field, she had been given Ativan, I
18 believe is in the records, that would potentially affect
19 that?

20 A Potentially.

21 Q Okay. What -- after her assessment, what did you
22 decide needed to happen with Ms. Matthews?

23 A Well, from reading my notes, initially, she had a
24 Glasgow coma scale three. So then we look at the CAT scan
25 and just see what the -- so this appears to be a gunshot

1 wound. Are we ready to talk about that yet?

2 Q Yes, sir. That's fine.

3 A So when we look to assess a patient, you can kind of
4 stratify their risk and find out what the likelihood of
5 their prognosis is. So, typically, if a projectile,
6 high-speed gunshot wound typically, comes in one side of
7 the head, crosses midline and goes to the other side of
8 the head, that's bad, of course.

9 But if it's -- if their Glasgow coma scale -- we
10 mentioned three is the lowest -- if it's a five, which is
11 still very low or below, the death rate is -- chance of
12 survival is 5 percent, 95 percent mortality typically.

13 So if someone comes in post resuscitation, which
14 means any medicine they have given them is worn off and
15 this is their exam as best we can tell, with a bullet that
16 traverses the whole head and their coma scale is this
17 deep, I probably would not offer surgery because the
18 chance for survival is so low.

19 Q All right. Let's unpack that a little bit. So she
20 comes in, coma scale three. You look at her scans. Were
21 you informed of the gunshot wound before you examined
22 her -- before your team examined her?

23 A I mean, I don't necessarily remember, but I feel
24 probably the first call would have been, you know, "This
25 is a gunshot wound to the head," which I get a lot of.

1 Q They do relay that information?

2 A Typically, yes.

3 Q And, at that point, you know, what -- based off of
4 her medical records and the prognosis initially, what, I
5 guess, made the decision to perform surgery versus not
6 performing surgery?

7 A That's a tricky question. You know, so when they --
8 if we didn't think the patient was truly a Glasgow coma
9 scale three, if we thought it might have been influenced
10 by medication as you have described it, then I'll take
11 them to surgery potentially, to give them a chance.

12 Q Just to give her a shot.

13 A Just give a chance of survival, yes.

14 Q Okay. Is there anything else that the hospital is
15 doing if someone comes in, in that sort of condition, in
16 regards to, you know, if that person were to pass?

17 A So if that patient -- you know, there's -- organ
18 procurement gets notified, depending on the clinical grade
19 of the patient. I think the law varies. I'm not totally
20 versed on the law at present. But, I mean, as of
21 recently, if it was -- if you were a certain clinical
22 grade, organ procurement would -- they would at least be
23 notified as a potential donor -- organ donor.

24 Q And did they do that in Ms. Matthews' case?

25 A I believe they did, through our discussion. I

1 believe they did.

2 Q All right. So your team took some CT scans; is that
3 correct?

4 A Yeah, computer-aided -- we call it computer
5 topography, CT. That's the standard term.

6 Q Okay. And what do those scans typically show?

7 A Well, they'll show any pathology in the head,
8 basically, and it will certainly show blood in the acute
9 setting. It can show damage to the skull, fractures, any
10 mass effect or squishing of the brain or any other
11 abnormality.

12 An MRI is better, but we don't get those in the
13 acute setting because they're not as good as traumatic
14 initially, and this is all we needed on this case was a
15 CAT scan. So we can get that immediately.

16 Q You said an acute setting?

17 A Like an emergent setting, yes, because they can be
18 done in just a matter of minutes.

19 Q Okay. So you do the CT scan in an emergency setting
20 just because it's quicker?

21 A And for trauma, blood is better on MRI -- I mean, on
22 CT -- excuse me -- on CT scan. We rarely use MRIs for
23 trauma.

24 Q Dr. Kanos, I'm going to show you what's been marked
25 as State's 128 through 142. Do you recognize these

1 images?

2 A Yes.

3 Q Okay. And what are they?

4 A These are screen-shots -- I provided them. So I
5 went to our file room, and I scanned -- I was asked to get
6 pertinent images of the injury. And I went to our X-ray
7 file room, and I choose images that are -- about 180 of
8 them -- which ones were most relevant and pertinent, and I
9 asked them to print them out, and I gave them to you guys.

10 Q Okay.

11 MS. HOFFMAN: Judge, at this time, the State would
12 offer 128 through 142 into evidence and permission to
13 publish to the jury.

14 THE COURT: All right. Without objection?

15 MR. GEOLY: No objection, Judge.

16 THE COURT: All right. 128 through 142 are in
17 evidence and you can publish.

18 (State's Exhibit Nos. 128 through 142, CT Images,
19 were marked for identification and received into
20 evidence.)

21 BY MS. HOFFMAN:

22 Q And, Dr. Kanos, if you need to step down to look at
23 this, I'm going to put these up on this projector, so you
24 can explain what we're looking at.

25 THE COURT: If you're able to see from there, that's

1 cool too, whichever you want to do.

2 THE WITNESS: I can see.

3 BY MS. HOFFMAN:

4 Q Okay. Can you explain to the jury what we are
5 looking at here?

6 A So this is the initial scan that they based all the
7 sequential images on. And, in this, you can see that
8 there's a skull defect in the top -- as you're looking at
9 it, the top right. But the way this is, is the patient's
10 looking towards the ceiling. So when it's the top right,
11 it's really the patient's left.

12 Q So when you're talking about this right here?

13 A Yes.

14 Q So we're looking at it on the right side but it's
15 technically the left side?

16 A Yes.

17 Q Okay.

18 A Because the patient is face-up in this particular
19 view.

20 Q Okay. And so can you describe what we're seeing
21 here?

22 A So we see -- there's metallic -- or it looks to be
23 metallic -- do you see the white stuff? That's the skull.
24 And on top of it, there's something a little less white.
25 That's the scalp. There seems to be some very bright

1 dots. That seems to be fragments of -- usually, in this
2 segment, it's bullet fragments. And then there's a skull
3 defect. And then the trajectory appears to travel from
4 the top left kind of at a -- I guess that looks to be
5 about a 40-degree angle towards the midline, and then
6 there's a bullet fragment below that on the opposite side.

7 Q So when you're talking about this part, you're
8 talking about this big white spot right here?

9 A Yes.

10 Q Okay. So can you show on your head exactly where
11 on -- because you say it's the left parietal?

12 A Oh, it's frontal -- it's kind of difficult to see on
13 this, but right around here to -- it's hard to tell in
14 this image exactly where the bullet is, but it's -- the
15 height, at least on the view, is entry, and then that
16 fragment we see is right about here. Now exactly where it
17 is right here, it's kind of hard to tell. On other images
18 we can see that, but it's about here on the top left.
19 It's right here.

20 Q So on -- let me make sure I got this right -- left.
21 Okay. So if I'm pointing at my left ear, how many inches
22 above would you say?

23 A Three. Right there.

24 Q Up here? Okay.

25 And it's on the, like, top of my head?

1 **A** The -- it's approaching the top, yes.

2 **Q** About three inches above the ear?

3 **A** Yes.

4 **Q** And you said the angle is what now?

5 **A** Well, based on this imaging here, there's fragments
6 that follows the trajectory of the projectile, and it
7 seems to be at about a 40-degree angle to me, as I'm
8 looking.

9 **Q** So down?

10 **A** Down.

11 **Q** All right. Let's go through some of these other
12 ones. I'm going to zoom this back out because I think
13 these are a little bit...

14 Okay. So, once again, this is kind of flip-flopped.
15 What we're looking at on the left side is actually the
16 right side of the patient. What are we looking at?

17 **A** This is similar. This is a coronal image. Coronal
18 means the eyeballs would be like this. We're looking at
19 it in this plane. There's several different ways we can
20 look. So imagine is patient is staring at you, and the
21 right eye is to the -- away from me and the big white area
22 is on the left side.

23 So there seems to be -- on the left, where you see
24 that big white, that's blood and looked to be a sizable
25 blood clot within the brain under the scalp.

1 Q And what typically is going to cause a blood clot
2 like that?

3 A Well, I mean, in this case specifically, I mean,
4 this is very typical for a gunshot wound. But there are a
5 lot of different causes for a blood clot. I mean, we see
6 metallic fragments. There's no mystery what the cause of
7 this one was.

8 Q Right. I guess my question is, you know, if I
9 bumped my head, you know, is that going to cause blood
10 like that to collect or is it going to take a lot of force
11 to cause something like that?

12 A Well, I mean, trauma -- I mean, certainly, you get a
13 blood clot with trauma, but trauma, you're not going to
14 see metallic fragments.

15 Q Right. So this is caused by a bullet?

16 A Yes.

17 THE COURT: Which exhibit was that?

18 MS. HOFFMAN: This is 129.

19 THE COURT: Okay.

20 BY MS. HOFFMAN:

21 Q And once again, you said the entry is on the left,
22 and so this is what we're looking at here?

23 A Yes.

24 Q Okay. And I'm showing you what's been marked and
25 entered as State's 130. What are we looking at here?

1 **A** That appears to be a post operative image where I
2 removed the skull to get access to the blood clot to
3 remove that, and you can see where the surgery was done.
4 And just to show approximately where the height on this
5 view where the entry was, which is right about here.

6 **Q** So the top of the head?

7 **A** This is the top of the head. You can see the -- on
8 the very top of this would correlate with this. And the
9 lower part is here. So we're more towards up here than
10 here, okay, on that.

11 **Q** And you said you performed surgery to remove that
12 clot? Why is that important?

13 **A** Blood clots take up room in the head. Compressed
14 vital neurological structures cause the brain to shift.
15 And they're fatal frequently.

16 **Q** This is State's 131. What are we looking at here?

17 **A** This is a different slice. Now, this is an image
18 where it's sliced like from the top across. Before, it
19 was going this way. Now we're looking this way.

20 **Q** Like you're looking, like, down?

21 **A** Well, as you're looking -- as this patient is laying
22 there, that's clearly the head. Imagine that the feet are
23 towards you and the head is that way. So the big white
24 spot is left. Away from me is right. And so now we can
25 see a little bit more. Before, we could see the height.

1 Now, we see how far back it goes, if that makes sense.

2 So this looks to be -- putting the two images
3 together, the height or how high up on the head -- the
4 first image was here -- and this seems to be a little
5 forward to the midline, if you were to split that in half.
6 Make sense?

7 Q Thank you.

8 Let me show you 132. What is this here?

9 A Similar. Similar picture. It looked to be a little
10 farther down from the top. More towards from the top of
11 the head towards the neck, I would say. The slices are
12 going sequentially towards the neck, to the base.

13 Q And this is 133. What is this bright line right
14 here?

15 A That -- you know, that -- they're X-rays and they
16 bounce off metal, so we call that artifact. So when you
17 see that scatter or it looks like a star or -- a lot of
18 ways to describe it -- that's typically a metallic object
19 that can cause that image.

20 So now we see, in this case, putting it altogether,
21 there's an entry wound, and then there's a blood clot.
22 And then the bullet had a trajectory that seems to go, at
23 this angle, about another 40 degrees from front to back,
24 towards the back of the head. Very complicated, I know.

25 Q Now, do you know what caliber gun Ms. Matthews was

1 shot with?

2 A Well, I didn't until I asked. I was told it was
3 a .22.

4 Q What would you expect from a patient being shot with
5 a .22 caliber gun?

6 A I mean, they can cause a lot of damage because
7 they're -- I'm not an expert on guns by any means, but
8 from what I understand, it's a lower caliber, so it
9 doesn't -- frequently, it doesn't have energy -- enough
10 energy to go all the way through. So sometimes a bullet
11 can enter and then it can hit the inside of the skull and
12 start kind of bouncing around a little bit.

13 Q And based off of that, would that explain why the
14 bullet didn't come out the right side?

15 A Yes, that certainly -- I would expect a
16 higher-velocity weapon -- again, I'm not an expert in
17 ballistics -- but I would expect it to go through and
18 through. I sure see a lot of that.

19 Q Yes, sir. And this is just kind of a continuation
20 of some of these other scans?

21 A Yes.

22 Q Is there anything else -- what is this dark spot
23 right here?

24 A It's kind of hard to tell. That could be air. It
25 could be -- it could be a lot of things. It's hard to

1 tell.

2 Q Okay. This is State's 134. Once again, is this the
3 continuation of the --

4 A Yes.

5 Q -- bright metallic pieces?

6 A Yes. And it also illustrates that this was a -- we
7 talked earlier about a bullet going from one side through
8 the midline across both hemispheres of your brain. You
9 have got halves -- a left and a right -- and when it goes
10 across the midline, it affects both sides of the brain.
11 That's bad.

12 Q And you mentioned the left and right hemisphere. I
13 mean what -- what does that mean?

14 A So it depends. On most people -- 80 percent of
15 people that are left -- you can be right-handed or
16 left-handed. Speech, in the vast majority of people, is
17 on the left side. That means your ability to (A) speak or
18 understand speech. And that's on your left side.

19 Motor is on both. So someone with a left-sided
20 injury can have a -- in this area, can have a lot of
21 speech difficulties in addition to likely motor issues.

22 Q So if you had injuries to only the left side, you
23 may have certain issues?

24 A You could -- if it was just the left and it was a
25 big injury, you could have speech issues, and you could be

1 weak to paralyze on the right side.

2 Q Okay. But here, Ms. Matthews has got injuries to
3 the left and the right?

4 A Yes.

5 Q And that's because it comes in from the left side
6 through the right side but it doesn't actually exit?

7 A Yes.

8 Q Okay. And this is State's 135. What is this here?

9 A This is a bullet fragment right in the midline.
10 That's the scatter you can see reflects off of a metallic
11 object.

12 Q And this is State's 136?

13 A That's similar. I think this is post op, to be
14 honest with you.

15 Q Okay. So --

16 A I think that might be post operative.

17 Q So the bullet is still in here head?

18 A A lot of the fragment -- we don't -- typically
19 (indiscernible) all the fragments, no.

20 Q So when you were performing surgery, were you trying
21 to get the bullet out?

22 A No.

23 Q Okay. What were you doing?

24 A Removing -- excuse me -- the blood clot primarily.
25 There's usually multiple fragments. If it's available, I

1 typically try to get a bullet out for -- to send to you
2 guys but if it's not going to harm the patient.

3 Q So, in this case, if you would have tried to
4 retrieve what was there --

5 A Well, I'd have to cross the midline and go to the
6 other side or open the other side, and there's no reason
7 to do that. Because it's not very big and it's not
8 causing a problem. It's getting there, which is the
9 problem.

10 Q So that would have caused more issues?

11 A Yes, I think so.

12 Q So is that why you decided to just leave the bullet
13 fragments in her head?

14 A Well, that's the standard of care.

15 Q And this is State 137. What is the difference or
16 what are we looking at in comparison to these big white
17 spots and then these small white spots?

18 A When these bullets hit at a high speed, hit the
19 skull, for instance, they'll break into small pieces, and
20 it's frequent -- there's a track. The bullet comes apart
21 and leaves fragments along the path.

22 Q Now, I'm realizing now, in the top-right corner,
23 it's got a date. Is this the date that the scan would
24 have been taken?

25 A Yes. Date and time.

1 Q And so she came in to see you approximately on April
2 13th of 2021?

3 A If that -- whatever date she was injured. I don't
4 know.

5 Q Yes, sir. And so this is about a month --

6 A A month later.

7 Q Okay. So all this is still in her head a month
8 later?

9 A Yes.

10 Q I have got a couple more here. And I believe all of
11 these are from...

12 All right. So this one is State 141, and it's got a
13 date of 4/14/21. What are we seeing here.

14 A This is a different type of CAT scan. This
15 focuses -- it's similar but more detail of the blood
16 vessels in the head. And it's also thinner cuts. So what
17 we see here is just a lot of fragments of skull and/or
18 bullet fragments in that area that you see to the -- what
19 you're looking at on the right side of the screen or the
20 patient's left.

21 Q Okay. Before you would have gone in and basically
22 cleaned up, you know, inside her skull there, these are
23 all the fragments that were there?

24 A Yes. In that particular image, yes. Those are both
25 fragments, yeah.

1 Q All right. I'm going to go back to State's 128. I
2 just want to talk a little bit more about this initial
3 scan.

4 Okay. So what area of the head is the entrance
5 wound?

6 A The left frontal -- well, you have frontal and then
7 put behind that is called the parietal. Down here is
8 temporal and this is occipital. I would call this left
9 frontal parietal, which means it's in that general area,
10 because it's not a real clear demarcation between what's
11 frontal and what's the next lobe, which is back more.

12 Q So this right here is the front parietal; right?

13 A Yep.

14 Q And what is this over here?

15 A This appears -- that's lower, so it could be
16 temporal. But as we looked before, it's a little far
17 back, so I'd say temporal parietal, in the general area of
18 the temporal lobe down here and the parietal lobe up here.

19 Q And then what is all this that's going down?

20 A These are fragments, to me, that indicate the
21 trajectory of the projectile. That leaves a trail of
22 fragments as it went to the other side.

23 Q So it goes -- get under a little bit just so we can
24 see it. But it goes kind of down. And you mentioned an
25 angle.

1 **A** I'm looking at that. I thought that was kind of
2 steep with your pen but -- I mean, it's not going directly
3 across. It looked like it started higher and at about a
4 40-degree angle. It ends up lower.

5 **Q** Okay. So top, bottom?

6 **A** Top, bottom.

7 **Q** Okay. Thank you.

8 Now, you mentioned that Ms. Matthews had a Glasgow
9 scale of three. She was a three on the scale?

10 **A** Initially.

11 **Q** Initially.

12 Did it change?

13 **A** It did. It improved.

14 **Q** Okay.

15 **A** I'm not exactly sure what, but it improved from that
16 to where she started having movement.

17 **Q** Okay. I mean, based off of your training and
18 experience and what you saw when you examined her, did you
19 expect that?

20 **A** Well, no. I mean, typically what I usually see
21 is -- once again, when a bullet has this pattern that goes
22 across both sides of your brain and you present at the
23 lowest coma scale, it usually stays at that level. Now,
24 of course, they could have gotten medication, paralytics
25 or other things, but usually, I wouldn't be surprised if

1 the patient remained at the lowest neurological grade
2 after that injury.

3 Q Would you describe this injury as a life-threatening
4 injury?

5 A Yes.

6 Q She could have died from this?

7 A Yes.

8 Q What sort of collateral problems would you expect,
9 based off of her scans, that Ms. Matthews could have
10 afterwards?

11 A Well, I have seen her postoperatively too, but
12 typically, you know, speech is in grave danger here. The
13 ability to speak or the ability to understand speech.
14 Higher cognitive function, advanced thinking. And then
15 certainly motor deficit, such as weakness to full
16 paralysis or anything in between.

17 Q Now, you mentioned speech. Is memory an issue with
18 an injury like this?

19 A I mean, crossing the midline, yeah, because it takes
20 a lot of brain power to recall memory, to instill
21 memories. But sometimes memory is -- it's felt to be a
22 memory problem but it's really a speech problem. So you
23 might say the wrong word. But I would imagine that all
24 higher -- most higher brain functions have been at least
25 somewhat effected with this.

1 Q Now, you said, you know, like ability to recall
2 words. If she had a hard time explaining something, would
3 that be memory, speech, both or --

4 A It could be all of it.

5 Q It could be all of it?

6 A Yes.

7 Q The bullet ended up on her right side; is that
8 correct?

9 A Yes.

10 Q And so would you expect that she may have some
11 paralysis or issues with the right side of her body?

12 A Oh, well, certainly the right because the -- if the
13 left side of the brain is injured, it affects typically
14 motor on the right. The bullet -- being on the right side
15 means that the bullet had a trajectory on that side, and
16 that part of the brain along that trajectory has all been
17 injured, most likely. So that bullet could have affected
18 motor on her left side. I think that's what you're asking
19 me?

20 Q Yes, sir.

21 And would that potentially cause issues with her
22 ability to move her body?

23 A Oh, I mean, definitely. I mean, it could cause
24 paralysis. Everything. It could affect everything.

25 Q Basically, if you get an injury to your brain, I

1 mean, it can cause any sort of number of problems, is
2 that --

3 A Well, there's a lot of injuries. I would -- this is
4 a catastrophic injury, so this could cause severe -- I
5 mean, a bullet went across her brain at high speed. So,
6 yes, it can affect a lot of things.

7 Q Okay. What do you mean by catastrophic?

8 A Well, it's high -- high impact to the skull, across
9 vital neurological structures, a dominant hemisphere,
10 through the midline, to the right side, with a blood clot
11 going across. I mean, it's -- that's a bad injury.

12 Q That's pretty bad?

13 A Yes.

14 Q Okay.

15 MS. HOFFMAN: Beg the Court's indulgence.

16 BY MS. HOFFMAN:

17 Q When you have patients come in with gunshot wounds,
18 do you look for stippling?

19 A I don't.

20 Q Okay.

21 A I mean, there are people that do. The police,
22 typically, do. I can notice it. I don't know if I
23 noticed it here, but that's not something typically that I
24 get involved in too much.

25 Q Did you notice any stippling in this case?

1 A I have no independent recollection of that.

2 Q All right, Dr. Kanos. I don't believe I have any
3 more questions at this time. If you'll just answer
4 anything Mr. Geoly has for you.

5 MR. GEOLY: Ms. Madison, do you mind putting that
6 last scan up?

7 MS. HOFFMAN: Mm-hmm.

8 CROSS-EXAMINATION

9 BY MR. GEOLY:

10 Q Hey, Dr. Kanos.

11 A Hi.

12 Q We have never talked before other than just an
13 introduction as you walked in the courtroom today; is that
14 correct?

15 A Correct.

16 Q Never previously -- we don't have any prior
17 relationship?

18 A No.

19 Q I remember somewhere in one of the medical
20 reports -- and it gets pretty -- you know, Prisma sends
21 out a pack, and it's -- I'm certainly not well-versed in
22 medical reports.

23 But is it fair to say, at some point, it was noted
24 that surgery would be unsurvivable?

25 A I don't know where that was, but based on what I

1 said earlier, I think that would be a reasonable
2 assumption upon the initial conditions that I described
3 earlier.

4 Q And then, at some point, she becomes awake and
5 unintubates herself; right?

6 A I don't know that. I know she improved.

7 Q Okay.

8 A I don't know those details.

9 Q And then y'all did go to surgery?

10 A Yes.

11 Q And she, obviously, did survive?

12 A She obviously survives.

13 Q Okay. Do you know if she's paralyzed?

14 A I read my note. My last visit may mention it. On
15 her right side, I believe she's either paralyzed or very
16 weak.

17 Q But she can get up and walk from the bed to the
18 chair and from the chair to the bed?

19 A I don't know right now what her present exam is.

20 Q You don't know how this injury was caused other than
21 it was a gunshot wound; right?

22 A Correct.

23 Q You don't know if it was self-inflicted?

24 A I do not know.

25 Q And if this -- what you're saying is right -- and

1 let me try to see if I can't -- this is basically the
2 angle we're talking about; right?

3 A That looks to be correct, yes.

4 Q Okay. So if that's the angle -- basically from here
5 to here we're saying; right? If a taller man has a gun to
6 his head and a shorter woman grabs it, would that be
7 consistent with that if it goes off?

8 A I mean, I think anything's possible.

9 Q Okay. So anything could have caused it?

10 A Yes.

11 Q And you don't have anything to help inform this
12 injury as to what was going on or how this happened or who
13 had a gun and when it occurred?

14 A No, I have none.

15 MR. GEOLY: No further questions, Judge.

16 Thank you for your time, Doctor.

17 REDIRECT EXAMINATION

18 BY MS. HOFFMAN:

19 Q Dr. Kanos, I just wanted to clarify. When she came
20 in I believe it was late the night of the 13th/into the
21 14th, did you perform surgery cleaning out the wound? Did
22 you perform that soon thereafter of her arriving at the
23 hospital or once you got there, I suppose?

24 MR. GEOLY: Objection, Your Honor. Certainly not in
25 response to cross. I mean, we keep doing this over and

1 over.

2 MS. HOFFMAN: I believe you asked about it.

3 THE COURT: I'm going to let her ask the question.
4 More information is better.

5 Go ahead.

6 A I -- I believe we decided finally to do surgery
7 after the exam did improve. I think that -- is that what
8 you're asking me?

9 BY MS. HOFFMAN:

10 Q Well, just that it happened soon after her arriving
11 at the hospital?

12 A Soon after I saw the patient, they went to surgery,
13 I believe.

14 Q So you didn't -- sorry; I didn't mean to interrupt
15 you.

16 A No, I'm sorry. I'm not exactly sure of the timing.

17 Q But you didn't wait, like, a week or two before --

18 A No, no, no. It was that day.

19 Q Okay. I just wanted to clarify that.

20 And just, once again, I wanted to clarify that the
21 entry wound is top of the head?

22 A Yes.

23 Q And the bullet ends up over here at a downward
24 angle?

25 A Yes.

1 Q And Mr. Geoly asked you about her ability to get up
2 and walk. Based off of your last notes, what did you say
3 as to her leg?

4 A I mean, I read it before -- I don't -- I don't know
5 if I -- I said she was paralyzed on the right side, I
6 think my note said. I didn't break into arm or leg on the
7 note, but I didn't read it in great detail because I tried
8 to look at a lot of records.

9 Q And based off of that, would some sort of physical
10 therapy or something be required as follow-up if she's
11 having trouble potentially walking?

12 A Yes.

13 Q Okay. And if she did that, is it a guarantee that
14 she's going to be able to walk?

15 A No.

16 Q If, for some reason, she were unable to follow up
17 with some sort of physical therapy, rehab, would that make
18 her condition the same? worse? better?

19 A I mean, the typical goal of therapy and rehab is to
20 help improve or to help manage -- how life is different,
21 to learn how to manage the new reality of their life and
22 how to function with what they're left with.

23 Q Okay. With what they're left with. So if she
24 didn't do that --

25 A If she didn't do rehab?

1 Q If she didn't go to any sort of rehab, would she
2 just kind of maintain where she was at potentially?

3 A I -- I tend to be a fan of rehab. I think it would
4 have helped. I mean, I think there's a -- I don't see
5 much of a downside. So if they didn't do it -- I mean,
6 it's just speculation. Who knows.

7 Q Okay. And Mr. Geoly asked you if this injury was
8 unsurvivable. Is that how you would characterize it?

9 A His question?

10 Q Mm-hmm.

11 A Did he say -- I think he did say that, if somewhere
12 in the chart this was viewed as unsurvivable.

13 Q Yeah.

14 A When I -- when I -- if they were a Glasgow coma
15 scale five or below like I mentioned with a bullet pattern
16 like this and a Glasgow three and state of three, I would
17 say there's a 95 percent chance of death. So there's a 5
18 percent chance you could survive, but I think it's -- you
19 know, it's a bad injury when you put that all together.

20 Q So is she lucky to be alive?

21 A Yes.

22 MS. HOFFMAN: No further questions.

23 MR. GEOLY: Just one, Judge.

24 THE COURT: Go ahead.
25

RECROSS-EXAMINATION

BY MR. GEOLY:

Q Have you examined her in the last year?

A I don't think it's been a year, but I don't have any idea. I have seen her one time, I think, post op and I don't know the date. I can check my phone and see when the last date was, but I don't think it's --

Q This was more than 20 months ago. We're coming up on the two-year anniversary --

A Okay.

Q -- come April 13th. You probably haven't seen her in the last year to see what improvements she's made. Is that fair to say?

A I haven't seen her in a long time.

Q Thank you.

THE COURT: Doctor, thank you very much for coming.
I hope you have a safe drive back.

THE WITNESS: Thanks.

THE COURT: Solicitor, do you have another witness that we can get to?

MS. HOFFMAN: Can we have a brief sidebar as to scheduling?

THE COURT: Sure.

BENCH CONFERENCE

(A bench conference was held off the record and

1 outside of the hearing of the jury.)

2 THE COURT: Solicitor, let's go ahead and take that
3 last relatively brief chain witness.

4 MS. HOFFMAN: Solicitor Black is going to get Greg
5 Allison.

6 (Pause in the proceedings.)

7 GREG ALLISON,
8 after having been duly sworn, was examined and
9 testified to as follows:

10 DIRECT EXAMINATION

11 BY MR. BLACK:

12 Q Can you state your name for the record.

13 A Greg Allison.

14 Q And where do you work?

15 A Greenwood County Sheriff's Department.

16 Q How long have you been there?

17 A 14 years.

18 Q And what is your current job at the sheriff's
19 department?

20 A I'm the crime scene technician.

21 Q Are you --

22 A And custodian. And custodian.

23 Q Are you evidence custodian?

24 A Yes, sir.

25 Q How many evidence custodians are there?

1 A Myself and Womack.

2 Q Matthew Womack?

3 A Yes, sir.

4 Q So there's two evidence custodians?

5 A Yes, sir.

6 Q As an evidence custodian, what is -- how does that
7 work? Tell the jury what that means and what that
8 entails.

9 A Okay. The evidence custodian, what they do is they
10 take in the evidence from the evidence lockers that the
11 investigators, deputies, and drug agents submit into the
12 lockers. We do further processing for SLED.

13 Q So when those items come to you, you said they get
14 put into an evidence locker?

15 A Yes, sir.

16 Q Tell the jury how that works.

17 A What happens is, once the evidence is collected by
18 the officer, he'll come to the evidence lockers and the
19 custodian in the evidence department and place it into
20 those lockers. They'll turn a knob, push a button, and
21 lock and secure it. And no one else can use that locker.

22 Q At that point, once they put it in a locker, nobody
23 else has access to it?

24 A That's correct.

25 Q Except for you?

1 A Except for me.

2 Q All right. And then once -- how often are you
3 retrieving evidence from the -- these evidence lockers
4 that the deputies are putting the evidence into?

5 A Daily.

6 Q Daily?

7 A Yes, sir.

8 Q And what are you doing with the evidence at that
9 point?

10 A I prepare it for long-term storage and further
11 processing. Our disposal -- sometimes we get
12 paraphernalia that will be destroyed.

13 Q And you were doing this job back in 2021; correct?

14 A Yes, sir, I was.

15 Q And you're still doing it now?

16 A That's correct.

17 Q And when you're preparing it, are you preparing it
18 to hold for the case to get disposed?

19 A Yes, sir. What we'll do is we'll hold it until the
20 case is tried, and either it's adjudicated or it's stored
21 for long-term storage.

22 Q And if there's any forensic evidence that needs to
23 be -- have further testing done, where does that go and
24 what are you doing with it?

25 A Well, there's -- I'll do a submission on the SLED

1 app. I'll go online and I'll presubmit it. And then I'll
2 get an appointment from SLED. SLED will schedule me an
3 appointment, and then I'll carry it down and submit it to
4 SLED for further processing.

5 Q And SLED is what again? What is SLED?

6 A It's South Carolina Law Enforcement Division.

7 Q And are they the ones that is doing the forensic
8 testing for, you know --

9 A For everything, yes, sir.

10 Q For Greenwood Sheriff's Department?

11 A Yes, sir. We don't have that capability here at the
12 sheriff's office.

13 Q And the items that go down to SLED for testing, who
14 is taking the items down there?

15 A Me.

16 Q How often are you going back and forth to SLED?

17 A Anywhere between two to four times a month.

18 Q And you're driving from Greenwood all the way down
19 to Columbia?

20 A That's correct.

21 Q And you take the items that need to be tested?

22 A Yes, sir.

23 Q All right.

24 A And I also bring them back as well.

25 Q Okay. And once they're finished with the testing,

1 do you put them back into evidence?

2 A Yes, sir. So what happens is I'll sign it out on
3 the computer with maintaining the custody through the
4 computer system as well. Anything that's taken out is
5 documented, and it's documented to be returns as well.

6 Q All right. And so there's a chain of custody that
7 kind of follows the pieces of evidence?

8 A Yes, sir. Even when we do -- we'll do what we call
9 a -- we'll do a purge and then we'll do combining the
10 shelves. It also tells you how many times that thing has
11 been moved inside as well.

12 Q All right. And tell the jury where the evidence --
13 where your office is. Where is Evidence located?

14 A My office is downstairs in the sheriff's department.

15 Q Okay. Did y'all have a water problem back in August
16 of 2022?

17 A Yes, sir, we did.

18 Q All right. Tell the jury what happened with that.

19 A What happened is, I came in that morning and I had a
20 water leak that leaked above and leaked on -- I think it
21 was Shelf 9 and 10. From 10-A to 10-C to 10 -- to 9 -- to
22 9-A to 9-C as well. So everything on those shelves, some
23 of them got -- got wet.

24 Q Did that affect anything with this case that you --

25 A No, it did not. That was one of few that did not.

1 Q All right. But you did make a report of that just
2 so that everybody knew what was going on?

3 A Yes, sir. The ones that did get damaged, I had to
4 photograph each item and each box, repackage it, relabel
5 it, and photograph it.

6 Q All right. And I'm going to show you, in this
7 particular case, several pieces of evidence.

8 MR. GEOLY: Can I see it first?

9 (Counsel confer off the record.)

10 MR. BLACK: May I approach the witness, Your Honor?

11 THE COURT: Yes.

12 BY MR. BLACK:

13 Q I'm going to show you some items that's been brought
14 up here. Do you recognize these items? We'll start with
15 this one. I'm showing you 121. Do you recognize this?

16 A Yes, sir.

17 Q What is it?

18 A That's a black leather holster.

19 Q Okay. And would that have been put into evidence?

20 A Yes, sir, it was, because it has our tracking label
21 on it.

22 Q All right. And show you 124, do you recognize this?

23 A Yes, sir, I do.

24 Q What is that?

25 A This is an evidence marked of some shell casings 1

1 through -- looks like 1 through 8. And they're also
2 submitted into evidence because it has our tracking labels
3 on it as well.

4 Q And who would have submitted that?

5 A Matthew Womack.

6 Q All right. 121, who would have submitted that?

7 A Matthew Womack as well.

8 Q All right. 127, do you know what this is?

9 A Appears to be a DNA sample as well. Buccal swab
10 from Joye Matthews.

11 Q All right. Does that have y'all's evidence label as
12 well?

13 A Yeah, it has our evidence label on it as well, and
14 it's also sealed from SLED as well.

15 Q I'm going to show you 125. Do you recognize that?

16 A Yes, sir. It also has Scotty Fowler, and it also
17 has our evidence label on it as well.

18 Q Is that DNA?

19 A Yes, sir, it is DNA.

20 Q 126? Do you recognize this?

21 A Yes, sir. It is a GSR kit. And it has our tracking
22 label on it as well.

23 Q All right. That would have been put into evidence?

24 A Yes, sir.

25 Q Do you know who put that into evidence?

1 A I can't tell. It has a short label on.

2 Q Okay. And 122, do you know what this item is?

3 A This package is a firearm, so I will say it's a
4 firearm, and yes, it is a firearm. It's a .22 revolver.
5 It does have our tracking label on it as well, and it was
6 submitted by Matthew Womack, Investigator Womack.

7 Q And you would have drove that down to SLED?

8 A Yes, sir, I did drive it down to SLED, and it has
9 been tested by SLED because it has their security tape on
10 it as well to verify that.

11 Q All right. And 143, do you know what this item is?

12 A It is two test-fired shell casings for a .22.
13 And it has our tracking label on it as well.

14 Q And, finally, 120?

15 A This is a red, white, and blue sheet covered in
16 possibly blood. And it was submitted by Matthew Womack as
17 well. And it does have our tracking label on it.

18 Q So you would have received it into evidence and
19 would have taken it to SLED?

20 A The thing about -- the thing about it is, is that I
21 send SLED what's requested.

22 Q Okay.

23 A And I get several requests during that
24 investigation. If it's asked to be sent to SLED, I make
25 that arrangement and make it happen.

1 Q But not all the evidence that you --

2 A Right, that's correct. Yes, sir. Just the evidence
3 that they choose to send down.

4 Q And then, once SLED gets done with their testing,
5 then you go back and get it and bring it back to the
6 sheriff's department?

7 A It's usually during the time when I'm carrying other
8 evidence down. When I make my appointment, they'll ask,
9 "Can I take back?" which means, can you bring -- once you
10 bring your stuff down, can you take evidence that we have
11 finished that's yours? And I say yes. I have never told
12 them no.

13 Q Okay. And in terms of these items, were any of the
14 items that you took down to SLED, did they appear to be,
15 you know, tampered with anything? Were they all sealed up
16 properly?

17 A That's one of my jobs as well. Once it gets in that
18 locker, my job is to maintain the integrity and chain of
19 custody.

20 Q Do you know if there were any items that were not
21 labeled or sealed correctly in this particular case off
22 the top of your head?

23 A Not that I'm aware of. Generally what I do is, when
24 it has to go to SLED, I make sure it's in the envelopes
25 that you see here and it is labeled properly.

1 Q Are you familiar with a SLED chain of custody?

2 A A SLED chain of custody?

3 Q Yeah. Do you know -- do you know what a chain of
4 custody is?

5 A Yes, sir. It's a form which gives you the
6 information of who collected that item, who it was
7 released to, and the time and the date it was released to.

8 Q And your agency has those chain of custodies;
9 correct?

10 A Yes, sir. We get a copy of that as well when it's
11 returned back to us.

12 Q All right. And do you know if SLED keeps a chain of
13 custody as well?

14 A Yeah, they scan -- they scan exactly what we send
15 down. Some cases, the chain of custody that we have is a
16 chain of custody that actually leaves. And once it leaves
17 our department and it goes down to SLED, it is clocked in
18 at SLED. And then, from that time forward, they maintain
19 the chain of custody until it's returned back to me. It's
20 scanned -- each item is scanned. It's documented. They
21 sign off on it. They give me a copy, and then they
22 release every item that they have returned to me for that
23 following day. I have a list, and I also have that item.

24 Q All right. And as far as the DNA, are you -- do you
25 know if this one, the DNA, I guess swabs, the packaging,

1 do you know if they were sealed up in this particular
2 case?

3 A They were.

4 Q All right. Do you know if they were initialled or
5 if there was a date of sealing when that went down?

6 A I did not look. What I do is I slide it in this
7 envelope right here and then I send it down. I sign,
8 seal, and date each package before it goes to SLED.

9 Q And could it happen that something didn't get, like,
10 a date transcribed on the DNA? Is that possible?

11 A A date? What do you mean?

12 Each -- there's three -- there's three sealing
13 processes. Once the -- once that swab is swabbed, it's
14 put in a container. It's sealed, and then it's signed and
15 dated and timed. Then it's put in an envelope, and it's
16 signed, dated, and timed. And then it's put in this one,
17 signed and dated, and I send it to SLED.

18 So I sign and date it three times.

19 Q Right. Is it possible that one of those didn't get
20 signed and dated -- one of those three that you were
21 supposed to do?

22 A It's possible, but I'm not aware of it.

23 Q Okay. If SLED had it in their notes that that
24 happened, would you dispute that?

25 A No, I would not.

1 Q Okay. So it is possible that one of those three
2 times you didn't put your initials or dated it?

3 A On the outside? Yes.

4 Q That is possible?

5 A Yeah. Mine would be on the outside. And if they
6 said I did it, I would very much say yeah, it's possible.

7 Q All right. No further --

8 A I handle anywhere between 400 and 500 cases to 700
9 cases a year.

10 Q Right.

11 A So I do make mistakes, yes, sir.

12 Q Okay. But it was sealed up and sent down --

13 A Yes, sir. It would definitely be sealed with green
14 tape, which is our department. You can't see it from the
15 SLED tape, but we have a Greenwood County SLED evidence
16 tape as well. It has Greenwood County on it, and it has
17 my date and my name on it.

18 Q So you're saying there's three layers of --

19 A Yes.

20 Q -- signing and --

21 A Yes. But if I didn't collect that DNA, I don't know
22 if it was -- I don't know if that initial pack was dated
23 or not, but mine's always dated.

24 Q Fair enough. Thank you for being here, Mr. Allison.

25 A Yes, sir.

1 Q Please answer any questions Mr. Geoly may have for
2 you.

3 A Yes, sir.

4 MR. GEOLY: Please the Court, Judge?

5 CROSS-EXAMINATION

6 BY MR. GEOLY:

7 Q How are you, Mr. Allison?

8 A How are you doing, Mr. Geoly?

9 Q Good.

10 A Good.

11 Q And I thought it would have been more than 14 years.
12 So I guess we have been knowing each other about 14 years;
13 is that --

14 A Well, it's actually 20. I left and came back.

15 Q Okay. So I'm not wrong; it has been more than 14?

16 A Yes, sir, it's more than --

17 Q And we have been knowing each other about that 20
18 years that you have been in law enforcement?

19 A Yes, sir, that's correct.

20 Q We also, though, have never talked about this case,
21 have we?

22 A No, sir. Never.

23 Q Okay. This is our first time knowing each other's
24 involved in this case; is that fair to say?

25 A That's exactly right.

1 Q All right. You said something about this GSR having
2 a short label. Will you pull that one out and show me
3 what you're talking about?

4 A This one right here.

5 Q And what do you mean by "short label"?

6 A All it does is just give what it is, but we can
7 print a larger label. That's just for sending it to SLED.
8 That's it. Nothing more.

9 Q And what is actually in that?

10 A A GSR kit.

11 Q And so did you swab hands in this case?

12 A Sir?

13 Q Did you swab hands in this case?

14 A No, I did not. All I did was just transport it to
15 SLED and bring it back.

16 Q Is that the result of some swabbed hands?

17 A Yes, sir.

18 Q Okay. Whose hands were swabbed?

19 A Scotty Fowler.

20 Q Did they ever swab Joye Matthews' hand?

21 A I have no clue.

22 Q It's not in that GSR kit?

23 A No, it's only one. They a shipped individually.

24 Q I gotcha.

25 So in terms of your involvement with this case,

1 really, you just are evidence tech. They gather up the
2 evidence and bring it to you?

3 A Yes, sir.

4 Q Is that fair to say?

5 A Yeah. I prepare it to go to SLED or for long-term
6 storage.

7 Q Did you ever go to 134 Lemon Drive [sic] in this
8 matter?

9 A No, sir, I did not.

10 Q Okay. So in terms of this, you just take in the
11 evidence and you send it to SLED?

12 A That's right.

13 Q All right. You mentioned there's been a problem
14 over there at our evidence locker with the water and such.

15 A That's correct. I was there when it occurred.

16 Q Have you had other evidence issues over there with
17 maintaining evidence in our evidence locker here?

18 A Not that I'm aware of.

19 Q Were you ever aware of methamphetamine going missing
20 and it being replaced with rock salt?

21 A Oh, yes, sir. I thought it was missing -- I thought
22 you was talking about me not being able to find it. But
23 yes. Yes, sir. Yes, sir.

24 MR. BLACK: And I'm going to just object. I don't
25 think this has anything to do with this. I think this was

1 possibly years ago.

2 MR. GEOLY: Judge, they brought up that this
3 evidence locker is secure and you go through all these
4 steps, and I think the same steps were in effect when we
5 had a host of methamphetamine --

6 THE WITNESS: Yeah, just for the record --

7 MR. GEOLY: -- go missing, replaced by rock salt.

8 THE WITNESS: Just for the record, he signed it out.
9 And we have documentation to prove that he signed it out.
10 It was his evidence. He was a lieutenant of the DEU --

11 BY MR. GEOLY:

12 Q I hadn't gotten that far yet.

13 A Well, I'm telling you.

14 MR. GEOLY: Judge, you can certainly rule on --

15 THE COURT: No, no, no --

16 A It was not -- it was not like it was just thrown
17 away, it was just handed out the door.

18 BY MR. GEOLY:

19 Q Okay. And so, in terms of that, there was a deputy
20 or lieutenant with the sheriff's department --

21 A It was not a problem. I mean, it wasn't -- it
22 wasn't -- it wasn't a problem that was -- it was
23 legitimately -- it was legitimately released. Now, what
24 happened after that...

25 Q But somehow, once it was legitimately released,

1 drugs went missing, and rock salt got returned to the
2 evidence locker; is that fair to say?

3 A I'm not sure. I'm not sure if it was rock salt or
4 not. It's never been tested.

5 Q But it was not meth?

6 A I would say I don't know. We'd have to test it and
7 see.

8 Q I guess what I'm getting at is, officers can take
9 things from the evidence locker; is that fair to say?

10 A If they sign out for it, they sure can. There's
11 three things they can't get without higher authority
12 anymore, and that's money, guns, and drugs.

13 Q Because that's what was going on before?

14 A That's -- that's been -- that's been taken care of.

15 Q Yes, sir.

16 A Under this administration.

17 Q All right. And I'm not asking who did that, but
18 that was done at this Greenwood County Sheriff's
19 Department?

20 A Well, yeah, but that was a problem on his end, not
21 the Evidence Department.

22 Q Fair enough.

23 A Because he -- he went through the process to get it.

24 Q Do you know how to save a video?

25 A I don't do the videos. I don't do videos.

1 Q So none of the video collection --

2 A Has to do with me. No.

3 Q That's not evidence for the evidence locker?

4 A No. That's a different beast.

5 Q Do you know if you went to work out at a scene -- do
6 you still -- sometimes you're out with the body cam
7 yourself; right?

8 A No, sir.

9 Q You don't ever have a body cam anymore?

10 A No, sir.

11 Q Or have you worked at the Sheriff's Office and had a
12 body cam in the past?

13 A No, sir, I have not.

14 Q Never have?

15 A No, sir.

16 Q Do you know anything about how we keep cases or body
17 cams where you come out to a scene and you document stuff,
18 how we keep those from being deleted?

19 A I do not, no, sir.

20 Q Okay. And now, specifically as to this case, you're
21 telling us about the evidence, but you have nothing to
22 offer to tell us who hurt Joye Matthews?

23 A That is correct.

24 Q You don't have anything to offer as to how she was
25 injured or what was going on, when she was injured or who

1 injured her?

2 A That is correct.

3 Q No further questions. Thank you.

4 REDIRECT EXAMINATION

5 BY MR. BLACK:

6 Q This incident with the drugs, this was, what -- how
7 long ago was this? Ten years ago?

8 A At least ten years ago, yes, sir.

9 Q And this individual was actually arrested at some
10 point and prosecuted; right?

11 A Well, he went through the process to get what he
12 got.

13 Q And this was, you said, a decade ago?

14 A Sir?

15 Q This was about a decade ago?

16 A Yes, sir.

17 Q And tell the jury who's got keys to the evidence
18 room.

19 A I have keys. Womack has keys.

20 Q Anybody else?

21 A Not that I'm aware of.

22 Q And everything's documented that comes in and
23 everything is documented that comes out?

24 A That's right.

25 Q And, you know, the evidence room is in the sheriff's

1 department, which is a building; right?

2 A That's correct.

3 Q Y'all have running water?

4 A Yes, sir.

5 Q Y'all had some water damage?

6 A Yes, sir.

7 Q All right. And nothing in this case was affected by
8 that water?

9 A That is correct.

10 Q That's all I have.

11 MR. GEOLY: One, Judge, in response.

12 RECROSS-EXAMINATION

13 BY MR. GEOLY:

14 Q The officer that you're referring to that took the
15 drugs and never returned them, he was never charged with
16 taking those drugs, was he?

17 A I am not familiar with the case. I just know he was
18 charged. I didn't know anything further.

19 MR. GEOLY: No further questions, Judge.

20 THE COURT: All right. Thank you for coming. You
21 can step down and just return all that to Mr. Black.

22 THE WITNESS: Yes, sir. Thank you.

23 THE COURT: Scheduling-wise, let's talk over here
24 for two seconds.

25 BENCH CONFERENCE

1 (A bench conference was held off the record and
2 outside of the hearing of the jury.)

3 THE COURT: Ladies and gentlemen of the jury, we're
4 going to go ahead and take a break for the evening. The
5 next witness is going to be fairly longer than some of the
6 other witnesses today, so I think it's probably a good
7 stopping point for the night.

8 Again, please don't talk to anybody overnight about
9 the case or any of the allegations or the evidence. This
10 is your call, not your spouse, significant other, whoever
11 it is you share a room with. It's not their call to make.
12 It is your call. Okay? So, please, don't discuss the
13 case, obviously, with anyone this evening.

14 Be back, if you could, tomorrow morning at 9:30, and
15 we'll resume with the State's case-in-chief. I anticipate
16 finishing with their case if not before lunch, sometime
17 shortly after lunch, and that's kind of how I'm thinking
18 it's going to play out and man plans, God laughs.

19 Leave your tablets in your chairs. See you at 9:30
20 in the morning. And, again, thank you for your continued
21 work and attention on this. All right? Y'all have a good
22 night.

23 (The jury exited the courtroom at 4:49 p.m.)

24 THE COURT: Everyone, we will be at ease until 9:30
25 tomorrow morning, and I will see y'all then. We are off

1 the record.

2 (The trial adjourned at 4:51 p.m.)

3 * * * *

4 THURSDAY, MARCH 2, 2023

5 (The trial recommences at 9:43 a.m.)

6 THE COURT: Okay. We are back on the record in the
7 State versus Mr. Fowler, and the jury, of course, is
8 present in the jury room.

9 And the State's ready to proceed with the next
10 witness?

11 MR. BLACK: Judge, we are, but I think that we need
12 to put a couple of things on the record before we start
13 just before we forget.

14 We have marked an email chain between Terry
15 Carpenter and the folks at Motorola/WatchGuard and this
16 is -- in dealing with one of the pretrial issues. We have
17 marked it as Court's Exhibit No. 1. We just wanted to put
18 that in as part of the record. Of course Mr. Carpenter
19 did testify, but we think this email chain would help with
20 the record if there's any issues kind of down the line.

21 MR. GEOLY: I object, Your Honor.

22 THE COURT: Okay.

23 MR. GEOLY: If they want to establish what's going
24 on with this WatchGuard, which has become a substantial
25 issue in my mind, they can bring it through, but we don't

1 need to put in an email chain that's full of hearsay and
2 people, you know, conjecturing about what went on. You
3 know, the evidence came from the witness stand, and I
4 don't think we need to supplant it or add to it with a
5 bunch of emails.

6 THE COURT: He did reference that same email chain,
7 didn't he?

8 MR. BLACK: Several times.

9 MR. GEOLY: Judge, well, then he can testify about
10 it, but, you know, he's talking about things that are
11 hearsay. We're using stuff that is coming from people
12 that haven't testified, haven't appeared on that witness
13 stand. I mean, let the testimony suffice.

14 THE COURT: I understand your position. The -- it's
15 a Court's exhibit. It's not going back to the jury, and
16 it's just for purposes of the record. I'd much rather
17 have any appellate authority have a complete idea of what
18 the witness was relying on. So subject to your objection,
19 it will be Court's 1 in evidence.

20 (Court's Exhibit No. 1, Email Chain between Terry
21 Carpenter and Motorola/WatchGuard, was marked for
22 identification and received into the record.)

23 MR. BLACK: Judge, we also -- I wanted to put on the
24 record about the sidebar conversation that we had while --
25 while Ms. -- I believe -- I think it was the victim, while

1 she was testifying.

2 There was a question that was asked to her by
3 Mr. Geoly -- I had it; let me find it. Mr. Geoly asked if
4 the victim had ever put a gun to her head, and she stated
5 no. And then he asked if he had put a gun to his head,
6 talking about the defendant, and she, again, stated no.
7 And then she stated that, "He had put a gun to my head" in
8 reference to the questions -- the line of questioning that
9 Mr. Geoly was asking.

10 At that point, we thought that the door had been
11 opened to get into some of the incidents where the victim
12 had stated in her pretrial testimony that Mr. Fowler had
13 put the gun to her head. We did not directly go into that
14 with the witness at that time, but we requested a sidebar
15 to discuss that. We indicated that had we thought that
16 the door had been opened. You indicated to us that it was
17 closed but the door had not been opened, and you did not
18 allow us to do that route, so we wanted to put that in the
19 record as to that sidebar discussion.

20 And I think maybe there was some reference, but I
21 don't know if it was everything that was said in that
22 sidebar discussion was fully fleshed out on the record,
23 and I did want to point that out just so the record is
24 clear.

25 THE COURT: Very good. I understand your position.

1 Not yet. Not yet.

2 MR. BLACK: And we understand. We just wanted the
3 record to reflect that conversation.

4 THE COURT: Certainly.

5 MR. GEOLY: But not yet? We understand.

6 THE COURT: The defendant himself has to open the
7 door.

8 MR. BLACK: Yes, sir.

9 THE COURT: That's my understanding of the law. And
10 that has not happened at this point.

11 MR. BLACK: Yes, Your Honor.

12 THE COURT: Obviously.

13 MR. BLACK: I wanted some clarification. One of our
14 next witnesses is the detective, Mr. -- or Detective
15 Murdock. I wanted some clarification about the
16 conversation that he had on the porch with Mr. Fowler. I
17 believe that you told us that we could get into that
18 conversation, but we could not play it, and I just wanted
19 to make sure that was still the ruling.

20 THE COURT: That took place -- yeah, that took place
21 post the 15-whatever-minute mark.

22 MR. BLACK: Before Miranda was --

23 THE COURT: Right. But he can allude to that
24 conversation because that's essentially what prompted him
25 to undertake the interview in the car. Of course that's

1 subject to the defendant's objection under Miranda that
2 has been made previously, and my ruling still stands on
3 all that.

4 MR. BLACK: Yes, sir. And then, finally, the
5 pictures that you viewed, I believe, for pretrial hearings
6 with the bullet holes in the house, that was originally
7 marked 1 through 51. That has been changed from 65
8 through 119. It is our understanding at this point those
9 pictures will be allowed to come in, in front of the jury.

10 THE COURT: I don't know that we necessarily
11 addressed those formally, but I have reviewed them. They
12 appeared relevant.

13 You got any objection to those, other than what's
14 already been --

15 MR. GEOLY: They can be relevant inasmuch as there's
16 holes in the house, but I don't think there's going to be
17 any testimony at this point as to how those holes were
18 caused. And there's absolutely been testimony that Dale
19 lived in that same room and was, you know, would shoot
20 guns and familiar with guns and actually the one time that
21 Lesa has ever shot a gun, it was with Dale, who lived in
22 that same room.

23 So long as it's subject to cross and that I expect
24 them to ask her honestly about what they know about how
25 those were caused.

1 THE COURT: Fair enough. But you don't have any
2 objection specification to them moving all those photos?

3 MR. GEOLY: My objection would be to relevance
4 because there's no perspective to about half of those
5 pictures. What you have is essentially a wall, a hole,
6 and you don't know where it is in the room. You don't
7 know if it's knee-high. You don't know if it's 11 feet.

8 So my objection would be that. I mean, they're
9 irrelevant because you can't tell from the context what
10 it's really a picture of.

11 THE COURT: I'm going to allow them in. I
12 understand your relevancy objection but, at the very
13 least, they're corroboration of Ms. Matthews' testimony
14 about the firearm or firearms being fired inside the
15 house, and so to the extent that the witness is able to
16 testify that appears to be a bullet wound -- or a bullet
17 hole, not a bullet wound, but to the extent that the
18 witness can testify as to what he perceives those holes
19 are, then that would be relevant as I see it. I
20 understand your position, though.

21 MR. GEOLY: Yes, sir, Your Honor.

22 And, Judge, I'm not belaboring the point, but,
23 obviously, the rules are, I have to protect the record.

24 THE COURT: Sure, sure.

25 MR. GEOLY: I'm not trying to question your ruling.

1 THE COURT: No, I understand.

2 Let's have the jury, please.

3 (State Exhibit Nos. 65 through 119, Photographs of
4 Home/Walls, was marked for identification and received
5 into evidence.)

6 (The jury entered the courtroom at 9:48 a.m.)

7 THE COURT: All right. The record will reflect that
8 the jury is back.

9 Welcome back. I trust you-all had a pleasant
10 evening last night, and we are, of course, resuming with
11 the trial of this case, and I apologize for the delay in
12 getting you out here, but there were just a few
13 housekeeping matters that we needed to address to clean up
14 the record, so to speak.

15 But we are in the position to receive more testimony
16 at this point, so Solicitor, if you'll call your next
17 witness, please.

18 MR. BLACK: State calls Matthew Womack.

19 MATTHEW WOMACK,

20 after having been duly sworn, was examined and
21 testified to as follows:

22 DIRECT EXAMINATION

23 BY MR. BLACK:

24 Q State your name for the record, please.

25 A Matthew Womack. Greenwood County Sheriff's Office.

1 Q How long have you been in law enforcement?

2 A 12 years.

3 Q Where have you worked?

4 A I have worked at both the Newberry County Sheriff's
5 Office, until 2017, and then came to the Greenwood County
6 Sheriff's Office in February of '17.

7 Q And you have been here since?

8 A I have.

9 Q And what is your job at the sheriff's department?

10 A I'm an investigator as well as the secondary
11 evidence custodian.

12 Q And tell the jury just kind of generally what you do
13 in those two roles.

14 A So my primary duty as an investigator is to, you
15 know, follow-up on cases, to find -- see if there's any --
16 any crimes that's been committed, provide any
17 report-taking by deputies. Also I'm certified to --
18 through the academy for conducting crime scene
19 investigations as well as -- in the evidence, I'm
20 secondary tech to Greg Allison. Basically, I just fill in
21 and have checks and balances with him in the Evidence
22 Department.

23 Q And just to cover Evidence briefly, who all's got
24 keys to the evidence room?

25 A Myself, Deputy Allison, and Sheriff Kelly.

1 Q All right. Did you call out on April the 13th,
2 2021?

3 A I did.

4 Q Were you working at the time?

5 A I was not.

6 Q Were you on-call or how did that work?

7 A Part of the job is, especially as a detective or
8 investigator, you're always on-call. So I was contacted
9 by Lieutenant Murdock, who advised of a shooting
10 investigation and requested for me to respond.

11 Q And what time did you get out there; do you know?

12 A I don't know specifically. It was well past dark,
13 yes.

14 Q And where was this address?

15 A 134 Lemon Tree.

16 Q And this is in Greenwood County?

17 A It is.

18 Q When you got there, what did you see?

19 A So I arrived on-scene. There were multiple deputies
20 there. Lieutenant Murdock was there as well as Major
21 Bishop.

22 Q And when you got there, was the victim present?

23 A No.

24 Q She had already been taken to the hospital?

25 A She had been taken.

1 Q All right. What was your job -- what was your duty
2 out there when you got called? What was your role?

3 A So I arrived on the scene. I was notified by -- or
4 briefed by Lieutenant Murdock as well as some of the
5 deputies on-scene, and then I gained -- I sought a search
6 warrant ultimately, which I gained for the property.

7 Q So you got a search warrant to search the house and
8 residence?

9 A As well as vehicles and outbuildings, yes.

10 Q And did you also take photographs?

11 A I did. Deputy Allison wasn't available, so I was
12 the primary crime scene investigator.

13 Q All right. I'm going to show you what's been marked
14 as 4 through 46 with the exception of 6 and 25. Do you
15 recognize these photographs?

16 A I do.

17 Q All right. What are those photographs?

18 A Those are photographs that I took the night of this
19 incident.

20 MR. BLACK: The State moves these photographs into
21 evidence, Your Honor.

22 THE COURT: All right. Subject to the earlier
23 objection and our discussion about those -- it's 4 through
24 64 minus 6 through 25 -- 6 and 25?

25 MR. BLACK: Which are already into evidence, yes,

1 sir.

2 THE COURT: Okay. 6 through -- sorry. 4 through 64
3 are in evidence.

4 (State's Exhibit 4, 5, 7 through 24, and 26 through
5 64, Crime Scene Photographs, were premarked for
6 identification and received into evidence.)

7 BY MR. BLACK:

8 Q Tell the jury how you typically begin taking
9 photographs of crime scenes.

10 A So I always document how I arrive and approach. So,
11 for example, I turned on to Lemon Tree and arrived at this
12 residence, and that's when I got out of my vehicle. I
13 started at the mailbox, which is -- you can see here.
14 That's where I started. It should show the address there.
15 I don't know if you can see it. Sometimes those numbers
16 are reflective, so, you know, the flash doesn't go too
17 well for them, but that's how I -- when I arrive on the
18 scene, this is what I observe. This is the address.

19 The next photograph will be the driveway of the
20 residence.

21 Q All right. This is State's No. 4.

22 I'm going to show you State's No. 5. Is that what
23 you're referring to?

24 A Yep. That would be the entrance of the driveway.

25 Q Was this a gravel drive?

1 A Yes. It was a fairly -- a fairly long driveway.

2 Q So the house is somewhere on up the driveway?

3 A That's correct.

4 Q I'm going to show you State's 6, this is already
5 into evidence.

6 A So once you go up the driveway -- I'm sorry, go
7 ahead.

8 Q Tell me what you see.

9 A So as I -- at the end of the driveway, it kind of
10 opens out and this residence is to the right. Again,
11 you'll see the deputies' vehicles on the left, and then
12 there was a truck to the right of the -- or more or less
13 behind the mobile home.

14 Q When you came up to the residence, did you come up
15 kind of towards the bottom or from the right or from the
16 left? Which way did you come?

17 A It sort of curved into it.

18 Q This direction here?

19 A That's correct.

20 Q So you would have wrapped around this way?

21 A That's correct.

22 Q I'm going to show you State's No. 7. House number
23 on there?

24 A That's correct.

25 Q What side is that of the house?

1 A That would be the side as you approach from the
2 driveway.

3 Q All right. And how do you go about taking pictures
4 inside of the house?

5 A I always -- I mean, really, it's preference, but I
6 always go counter-clockwise.

7 Q All right. I'm going to show you State's No. 8.
8 What side of the house this?

9 A This would have been the backside on the back porch.

10 Q State's No. 9, is this just a different angle?

11 A Yeah. That's just me turned slightly to the left
12 from the previous photo.

13 Q What do you see in this photograph?

14 A There was a vehicle -- an F-150. It wasn't running
15 but the lights were on and the key was in the ignition.
16 And then just in front of it is, like, a back utility
17 trailer.

18 Q I'm going to show you State's No. 11. You said the
19 lights were on?

20 A Yes. And when I arrived, the door was open as you
21 see.

22 Q You took pictures of the vehicle inside?

23 A I did.

24 Q That's State's No. 13? Sorry. No. 12. And you
25 stated the keys were in the vehicle?

1 A They were.

2 Q State's No. 13. Is that reflected in this
3 photograph?

4 A It does.

5 Q I'm going to show you State's No. 15. What is that
6 a photograph of?

7 A That's the front seat, if I can see correctly.

8 Q All right. If you need to get down, feel free to
9 step down.

10 A That's -- I can see. Turn it just a little bit.
11 Like go that way.

12 Q Like this?

13 A No, no, no. The other way. I'm sorry. Like push
14 it. There you go. Yeah, there you go. Yeah, it's the
15 front seat with the phone.

16 Q All right. You said -- is this the phone right here
17 that I'm pointing at?

18 A That is.

19 Q Did you move it and take a different photograph of
20 it? Did I put up 16?

21 A I did. Once I photographed where it was initially,
22 I then moved it to take even further or more detailed
23 photographs.

24 Q I'm going to show you State's No. 20. What is this?

25 A It was backpacks and luggage of some type that was

1 in the -- just outside the vehicle.

2 Q Okay. And how close to the vehicle was it?

3 A As in a matter of feet.

4 Q Right beside the vehicle?

5 A That's correct.

6 Q Did you look in those bags?

7 A I did.

8 Q What was in the bags?

9 A Clothing and then, in one bag, there was like a
10 shoulder harness holster-type for a pistol.

11 Q How many bags is that?

12 A That's three, if I can see correctly.

13 Q And that's State's 20 for the record.

14 State's 21?

15 A So this is to the right side of the vehicle. There
16 were some outbuildings -- several outbuildings on the
17 property, and there was just numerous amounts of tools and
18 car parts and things of that nature throughout the
19 backyard.

20 Q State's 22? Where were you at when you were taking
21 this?

22 A So I'm standing on the back porch at this point,
23 taking a photograph of the vehicle from the porch. This
24 is the back porch.

25 Q And that's (indiscernible) the truck?

1 A That's correct.

2 Q All right. I'm going to show you State's 23. What
3 is this?

4 A So this is of the front porch.

5 Q State's 24?

6 A This is just another angle of the front porch that
7 shows the front door, the front entryway.

8 Q State's 25? Where is this at?

9 A So it had a ramp to the opposite side of it. And
10 this was me up the ramp, taking -- again, you can see
11 where the light is from the front porch. That's where the
12 door is.

13 Q So the door would be on the other side of this
14 refrigerator right here?

15 A That's correct.

16 Q And the front steps would have been over here on
17 this side going this way?

18 A That's correct.

19 Q And there's a ramp kind of at the bottom of this
20 photograph?

21 A That's correct.

22 Q Did that ramp go all the way down to the bottom of
23 the -- to the ground?

24 A I believe so, yes.

25 Q What is this?

1 A So on the front porch was like a metal or an iron
2 furniture table, and this was a bag of burnt popcorn.

3 Q And this is State's 27. Did you smell the burnt
4 popcorn when you were there?

5 A I can't recall. Possibly. When I was over it,
6 yeah.

7 Q Did you eat any of the popcorn?

8 A I did not.

9 Q State's 29.

10 A So right at the table were all those matching
11 chairs, and in one of the chairs, there was a black
12 leather holster.

13 Q Did you collect that?

14 A I did.

15 Q State's 30?

16 A So just inside the front door to -- if you're
17 walking through the front door to the right would have
18 been an entertainment center where the TV was. This would
19 be the entertainment center.

20 Q State's 31?

21 A So this is the corner of a coffee table, and it
22 should be another photograph. It was a red substance just
23 on the corner.

24 Q We'll get to that in just a second.

25 32, is that another photograph of the entertainment

1 center?

2 A That's correct. It was -- that's the -- showing the
3 top of the entertainment center. Again, this is -- my
4 back would be to that front door.

5 Q Did you see any indentions or anything on the
6 entertainment center?

7 A I did not.

8 Q State's 33. Is this another photograph of the
9 coffee table?

10 A That's correct. And you can see the red substance
11 that I observed, which I believed to be blood at the time.

12 Q Did you notice any indentions on the coffee table?

13 A None that I recall.

14 Q State's 34?

15 A So this would be a silver-in-color revolver on top
16 of the coffee table.

17 Q So you're talking about this, the revolver?

18 A That's correct. Right next to a cell phone.

19 Q And so this is a cell phone?

20 A That's correct.

21 Q All right. Did you collect those items?

22 A I did.

23 Q The revolver, how many shots were in the revolver?

24 A How many were in it?

25 Q Yes, sir.

1 A So it was --

2 Q How many does it hold?

3 A Yeah, it holds nine.

4 Q State's 38?

5 A So, again, my back is to the front door. This would
6 be going towards the left of the mobile home, towards the
7 kitchen area. The coffee table, I was advised that EMS
8 moved it to provide, you know, care to the victim.

9 Q State's 39?

10 A Again, this is just a -- you know, I'm in the same
11 position at the front door, just a little more zoomed-out,
12 a little more to the right. Again, the coffee table is
13 moved, and then there was clothing of some type in what
14 was blood on the floor, that's correct.

15 Q Did you collect it?

16 A I did.

17 Q State's 44?

18 A So now I'm in the kitchen, which would have been to
19 the left of the mobile home if you were looking at it from
20 the front door, taking a photograph back towards the
21 entertainment center and living room area.

22 Q State's 45? Which way is this looking?

23 A Same direction, just a little more zoomed in, little
24 more to the right, that shows the hallway to the right
25 side just beside the front door, that's correct.

1 Q If this is the hallway, what goes back here?

2 A It goes back to two bedrooms and a bathroom.

3 Q Do you know who was living back there? Could you
4 tell or do you know?

5 A It was my belief that the victim and the defendant
6 were just staying in that room.

7 Q Back in this area?

8 A That's correct.

9 Q If you had come in the front door, you would have
10 gone to the right?

11 A That's correct.

12 Q State's 47. This window right here, do you see
13 that?

14 A I do.

15 Q Do you know if the window was open or closed?

16 A I don't remember.

17 Q 48?

18 A So that was the box of -- from where the popcorn
19 came from in the trash can in the kitchen.

20 Q 49?

21 A So if you go just beyond the kitchen, there would be
22 a little short hallway to the right. This is looking down
23 that hallway. It was the laundry area. And it also goes
24 to the back door.

25 Q You stated that you collected several items from the

1 house; is that right?

2 A I did.

3 Q What did you do with those items?

4 A So I kept them in my custody, transported them to
5 the sheriff's office, and then entered those into
6 evidence.

7 Q I'm going to show you what's been marked as
8 State's 51. Did you take this photograph?

9 A I did.

10 Q What is this of?

11 A So when I arrived back at the sheriff's office while
12 processing some of the evidence, you know, packaging it
13 properly, things of that nature, I observed a substance on
14 the handle of the revolver, and it appeared to be blood.
15 I then took a DNA swab and swabbed that substance.

16 Q And I'm going to show you what's been marked as
17 State's 55 and admitted. Is this what you're referring
18 to?

19 A Yes. That is the red substance I saw on the handle
20 that appeared to be blood.

21 Q When you swab it, what are you doing?

22 A So you're using sterile water and a swab, and then
23 you're just -- you're just glazing over it, I guess you'd
24 say, or touching the substance itself. It looks like a
25 Q-tip. It's very long. And then it has a cap that you

1 put on it that will secure it.

2 Q So did you -- what areas of the gun did you swab?

3 A Just this red substance.

4 Q Is that what you were mainly focused on?

5 A That's correct. And I photographed it before. This
6 photograph is before I swabbed it.

7 Q And you just said you didn't swab anything else on
8 the gun?

9 A What was that again? I'm sorry.

10 Q You didn't swab anywhere else on the gun?

11 A I did not.

12 Q Trigger?

13 A I did not.

14 Q Why did you not do that?

15 A It was -- it was believed to me at that time that
16 there was -- the firearm had been fired and it was in the
17 possession of those that needed -- that were on-scene.

18 Q Did you also have information that Mr. Fowler
19 regularly shot that gun?

20 A I did.

21 Q State's 57? This might be a little hard to see. Is
22 that -- did you open the gun at this point?

23 A I did. So, typically on revolvers, before I remove
24 the spent casings or the bullets themselves, I'll mark on
25 the cylinder what position that the cylinder was at the

1 time of my collection.

2 Q All right. And did you empty the guns, as I put up
3 State's 58?

4 A I did.

5 Q Are any of those live?

6 A Only one.

7 Q And the rest are spent?

8 A They are.

9 Q Which one is the live one?

10 A It would be the top one of the nine.

11 Q The black-in-color one?

12 A That's correct.

13 Q State's 60. Is that a close-up picture?

14 A So this is a photograph of before I took -- took
15 them from the -- from the cylinder of the revolver.

16 Q I'm going to show you State's 62. Tell the jury
17 what we're looking at here.

18 A So you'll see --

19 Q Specifically about this.

20 A That's correct.

21 Q What is this?

22 A So those markings is where I marked to where the
23 cylinder -- the position before I opened it, just so on
24 either side of it, you mark.

25 Q And you're marking it with what?

1 A With a Sharpie marker.

2 Q And why are you doing that?

3 A Just to show the position of where the firearm was
4 when I recovered it.

5 Q All right. So with the red mark, would that have
6 been the next one to have been fired?

7 A It would have.

8 Q And was that a live round?

9 A I believe it was.

10 Q So the one that had previously been fired, which
11 position would that have come from?

12 A To the right.

13 Q So this one right here?

14 A That's correct. Essentially what I'm marking is the
15 next bullet to be fired or the next position to be behind
16 the hammer.

17 Q State's 64. You're using gloves while you're
18 looking at this firearm?

19 A I was. This was actually on the scene when I took
20 this photograph.

21 Q All right. Before we get to the next set of
22 pictures, tell the jury about when you're collecting this
23 evidence. Are you making a chain of custody?

24 MR. GEOLY: Objection to leading, Your Honor.

25 THE COURT: Overruled.

1 Go ahead.

2 BY MR. BLACK:

3 Q Do you do a chain of custody?

4 A I do. And it is documented through the evidence
5 system that we were using at the time as well.

6 Q All right. Tell the jury how that works, please.

7 A So each item is entered into evidence. For example,
8 in this case, the gun was Item No. 2, if I remember
9 correctly. The bullets or the casings inside the
10 cylinder, we can make a sub-item of the gun. So since
11 this came from this firearm, it's 2.1. That way, it's not
12 a new item. Does that make sense? More along the lines
13 of it came from Item No. 2, so we would make it 2.1. The
14 swab, if it came from it, it would have been 2.2.

15 Q All right. So, in this particular case, since you
16 were the evidence guy that got called out to the scene,
17 would you have started the chain?

18 A Absolutely.

19 Q And this is done in every case when you're
20 collecting evidence?

21 A Absolutely.

22 Q Now, I'm going to show you what's been marked as
23 State's 144. Do you recognize this?

24 A I do.

25 Q And what is that?

1 A This is the chain of custody report for the items in
2 this case.

3 MR. BLACK: All right. At this point, the State
4 moves 144 into evidence.

5 THE COURT: Without objection?

6 MR. GEOLY: Judge, I have some questions about it,
7 so I would object at this time.

8 THE COURT: Okay. I'll let you ask questions on
9 cross, and we'll just hold it out there.

10 Did you need to refer to it or publish it at this
11 point?

12 MR. BLACK: I was going to go through it, but...

13 THE COURT: You can go ahead and go through it.
14 Were you planning on doing it on the Elmo or...

15 MR. BLACK: Yes.

16 THE COURT: Okay. What questions do you have about
17 the chain? If you want to go ahead and ask him that.

18 MR. GEOLY: Sure. Your Honor, may I?

19 THE COURT: Yes, sir.

20 VOIR DIRE EXAMINATION

21 BY MR. GEOLY:

22 Q Is this the form for all of your items of evidence
23 that you submit to SLED?

24 A Submitting to SLED?

25 Q Is that what this is?

1 A That is a Greenwood Sheriff's Office chain of
2 custody.

3 Q So just internally at Greenwood Sheriff's Office?

4 A That's correct.

5 Q All right. So, like, what I'm seeing here, there's
6 no signature on it. This looks to be computer-generated.

7 A It is. It's kept -- each item is issued, like, a
8 bar code or QRs, things of that nature. And then that is
9 generated digitally.

10 Q Do you ever sign it?

11 A No.

12 Q So all of this is done by the computers that you-all
13 use at the sheriff's department?

14 A That's correct.

15 Q So you never actually acknowledge, "Hey, this is
16 what I did." That is just basically a report that gets
17 generated that's computer-generated; is that right?

18 A Yeah, yeah. I mean, it's all generated through the
19 system that we were using at the time.

20 Q So what if, in the report, it says you gave it to
21 Greg Allison, but Greg Allison says, no, you never gave it
22 to him?

23 A It would -- Greg Allison would have to log in with
24 his credentials to do it.

25 Q So the only way Greg Allison's name is in here is if

1 his credentials are logged in as he receives it?

2 A As well as -- on some of them, you'll see where
3 sometimes items are moved. I mean, at some point in time,
4 there's approximately 15- to 20,000 items of evidence in
5 evidence, so things have to be purged, things have to be
6 moved.

7 Q So like this one where it says April 14th, Matthew
8 Womack, moved to May 14th, Greg Allison --

9 A Which item specifically?

10 Q The first one.

11 A Do you mind if I see it?

12 Q Right there.

13 A So you're looking at page 1?

14 Q Yes.

15 A Item 1? So, on this, you will see where I created
16 the entry at 3:06 a.m. That is me entering that item into
17 evidence at that time at the sheriff's office. And then
18 when you see the move -- whenever -- the way this system
19 is created, the only two administrators on the system was
20 myself and Deputy Allison. And those were for the
21 purposes of moving locations. A general deputy can't go
22 in that system and say, "I'm moving this to this
23 location." Only myself and Deputy Allison can do so.

24 Q What if the officer in charge of the case, like
25 Officer Murdock, came to move something, how would that

1 get recorded?

2 A He would have to go through myself or Deputy
3 Allison.

4 Q All right. So when it says in this instance, "Moved
5 on April 14th, Matthew Womack --

6 A The me to me? That's what you're getting at? All
7 right. So let me explain that part.

8 Q Right. It's not really you to you. The one we're
9 looking at is Greg to Greg. Greg moves it on May 14th, it
10 says.

11 A That's correct. One second. Let me explain that to
12 you. So any -- it's showing that Greg moved the item --
13 he moved the location. So any time a deputy enters any
14 evidence in, if it does not come through myself or Deputy
15 Allison, it will be entered into secure temporary lockers,
16 and we are the only two that can access those lockers to
17 take those items from there and place them in a different
18 storage area.

19 A lot of times or most of the time, if it's an item
20 that needs to be further tested at SLED, we have a
21 specific shelf that it goes to awaiting transportation to
22 SLED.

23 So the computer and the system itself is documenting
24 every time this item is moved. It's never leaving the
25 evidence location. It's just being moved in shelves

1 inside the evidence.

2 Q Why is that?

3 A Because there's almost 20,000 items in there, and
4 you have to know where they are.

5 Q And this says l-o-c -- I imagine that's location.

6 A That's correct.

7 Q Main evidence room, LG1/A.

8 A That's correct. That's a shelf.

9 Q Okay. And so when it says, "Moved January 20th, LOC
10 main evidence room E11/A," that's just a different shelf?

11 A Within evidence, that's correct.

12 Q And so you're just shuffling stuff around back
13 there.

14 A I wouldn't say shuffling.

15 Q Okay. So why are you moving it from the spot on
16 LG1/A to the spot on E11/A? Well, that's in the same
17 room; right?

18 A It's all in the same room, that's correct.

19 Q But that doesn't mean that's gone anywhere but it's
20 just stayed in the same evidence locker?

21 A It will stay in --

22 Q Y'all are just taking that evidence to move it from
23 one shelf to the other?

24 A That's correct.

25 Q That's all this is.

1 **A** That's all this is.

2 MR. GEOLY: Your Honor, no objection.

3 THE COURT: 144 will be in evidence now.

4 (State's Exhibit No. 144, Chain of Custody Report,
5 was marked for identification and received into evidence.)

6 CONTINUING DIRECT EXAMINATION

7 BY MR. BLACK:

8 **Q** Now, while we're (indiscernible) this, do you know
9 what this item is?

10 **A** This is the black-in-color leather holster that you
11 saw in the photograph on the chair.

12 MR. BLACK: All right. At this point, the State
13 moves 121 into evidence.

14 MR. GEOLY: Without objection, Your Honor.

15 THE COURT: 121 is in evidence.

16 (State's Exhibit No. 121, Black Leather Holster
17 Photograph, was marked for identification and received
18 into evidence.)

19 BY MR. BLACK:

20 **Q** I'm going to put 144 up here. I know there were
21 some questions about this by Mr. Geoly. Let's see if we
22 can explain it.

23 Again, this is y'all's evidence form; correct?

24 **A** That's correct.

25 **Q** And I see your name up here at the top; is that

1 right?

2 A That's correct. I created the case.

3 Q And y'all have a specific case number?

4 A That's correct.

5 Q And what is the purpose of that?

6 A That's -- it's documenting through not only the
7 evidence but the incident report, supplementals, things of
8 that nature.

9 Q And you also have a location; is that right?

10 A That's correct.

11 Q And that's the address of where this occurred?

12 A That's correct.

13 Q All right. And we'll talk about Item No. 1. Do you
14 see it right here?

15 A I do.

16 Q All right. Item No. 1, what is this item?

17 A It is -- I'm going to step down, if that's fine.

18 Q Yeah. If you need to step down, please do.

19 A The black holster.

20 Q And that's right hear in the description: black
21 leather holster?

22 A That's correct.

23 Q All right. And so tell the jury -- well, let's go
24 ahead and put it up here. Item 121 has been admitted into
25 evidence. And you may need to step down. If you need to

1 see it --

2 A That's fine. I'm trying to make sure everybody can
3 hear me too, so...

4 Q What is this item right here?

5 A So every time an item is created, we print a label
6 for this item. You'll see, at the top -- again, it says,
7 "Greenwood Sheriff's Office." I'm going to step down. At
8 the top, it says, "Greenwood Sheriff's Office."

9 Q Get in front of that microphone, if you don't mind.

10 A At the top, it says, "Greenwood Sheriff's Office."
11 Can y'all hear me? And it has the case number, the item
12 number, the originating ID. Essentially what the
13 originating ID is, that's No. 27,111 items that has been
14 processed through this system. The category is a firearm
15 accessory. For instance, if it was the firearm, it would
16 say firearm.

17 The description would be a description, which is the
18 black leather holster. If it had a serial number, it
19 would have placed the serial number. It has the recovery
20 date, time, location, who recovered it, who submitted it,
21 and then the GU ID is that little funny-looking bar code
22 thing in the top left corner that a scanner can upload.

23 Q Is that this QR code that you're referring to?

24 A That's correct.

25 Q So when y'all are moving it, are y'all scanning it?

1 **A** That's right. We have scanners in there that makes
2 it a whole lot easier. They have a location. Every item
3 has that. And you scan the two when you're moving the
4 items themselves.

5 **Q** And the evidence room, for the jury, it's not a
6 little closet. It's -- can you tell the jury how big the
7 evidence room is?

8 **A** It's -- I don't even know the square footage. It's
9 quite large. I wouldn't even know how much square
10 footage.

11 **Q** Y'all got a lot of shelves in there?

12 **A** We do. Again, we have anywhere from 18- to 20,000
13 items of any at any point in time.

14 **Q** All right. So for this particular item, the
15 holster, it gets logged in by you at what time?

16 **A** At 3:06 a.m.

17 **Q** All right. And there's another movement on this
18 item at what time?

19 **A** At 4:08.

20 **Q** And who is doing this?

21 **A** That's me.

22 **Q** All right. For location, you have got -- what's
23 right here?

24 **A** Okay. So when I create the item, it gives me the
25 option to print the label. So I'll print the label. I'll

1 package it. I'll place the label on it. And every item
2 has to go through a temporary location. It's a little
3 different for myself and Deputy Allison because we can
4 move the locations. But a general deputy that doesn't
5 have those permissions goes through a -- has a locker
6 system where it can be locked and not opened by anywhere
7 but myself and Deputy Allison on the backside of the
8 locker.

9 But the way that the system is generated, I have to
10 put it through a temporary locker. So Locker 8 was open,
11 so whenever I created the case, I got a label, put it on
12 Locker 8. And by the time that I finished logging in all
13 the evidence, which would have been approximately an hour,
14 at that point in time, I moved it from Locker 8 to LG2/B,
15 which is a shelf.

16 Q All right. And then, after that, it looks like
17 Mr. Allison comes along?

18 A That's correct.

19 Q At 5:00 in the evening.

20 A That's right. May the 14th. Like I said, there's
21 several times to where we have to move shelves around for
22 larger items or items -- you know, we have to purge just
23 because there's so many items. You have to purge and move
24 and items are returned. So that opens up shelf space.
25 You try to keep them together by year, is usually how we

1 try to keep them together.

2 Q And it goes on, so on and so forth, while you're
3 moving --

4 A That's right. So you can see again, in January of
5 2022, he moved it from LG1/A to E11/A. And then November,
6 it was moved from E11/A to E7/C. And then the last one
7 would be me checking it out and bringing it here to court.

8 Q And that would have been yesterday?

9 A That would have been -- that's correct.

10 Q All right. It's got your time and all that.

11 A That's right.

12 Q All right. And you do this -- this tracks every
13 piece of evidence associated with this case?

14 A That's correct.

15 Q And so, if we were to open this bag on 121, we would
16 expect to find what it's marked?

17 A That's correct.

18 Q And that is what?

19 A The black leather holster that I located in the seat
20 on the porch.

21 Q All right. And, again, you do this for every piece
22 of evidence?

23 A I do.

24 Q All right. Thank you for explaining that.

25 While we're talking about the evidence, do you

1 remember what else you would have collected?

2 A I collected the firearm, as you saw in the
3 photographs.

4 Q Are you familiar with 122 and 123? Do you recognize
5 those items?

6 A I do.

7 Q So this is the box -- the original box that I placed
8 the firearm in as well as, once I created the item, the
9 label that I placed on the box.

10 This is 2.1. Again, if it's -- if the item has been
11 split, this came from this item. It is those bullets that
12 you saw in the photograph as well as the casings that was
13 inside the cylinder.

14 MR. BLACK: Your Honor, at this point, the State
15 moves 122 and 123, I believe, into evidence.

16 THE COURT: Without objection?

17 MR. GEOLY: Without objection.

18 THE COURT: All right. 122 and 123 are in.

19 (State's Exhibit No. 122, Gun, was marked for
20 identification and received into evidence.)

21 (State's Exhibit No. 123, Casings and Shells, was
22 marked for identification and received into evidence.)

23 BY MR. BLACK:

24 Q I'm going to show you what's been marked as 120. Do
25 you know what that is?

1 **A** I do.

2 **Q** What's that?

3 **A** This is the cloth or the sheet, if I remember
4 correctly, that was in the floor where you saw the blood
5 in the living room.

6 And, again, you'll see the biohazard sticker
7 because, obviously, the biohazard's in it.

8 MR. BLACK: We'd move State's 120 into evidence.

9 THE COURT: No objection?

10 MR. GEOLY: No objection, Your Honor.

11 THE COURT: 120 is in evidence.

12 (State's Exhibit No. 120, Cloth, was marked for
13 identification and received into evidence.)

14 BY MR. BLACK:

15 **Q** Do you mind opening that?

16 **A** I do not.

17 It's a fitted sheet. Red, white, and blue.

18 **Q** And what's at the bottom of that?

19 **A** It was covered in a substance -- well, in blood.

20 **Q** Did y'all do any further testing on that?

21 **A** We did not.

22 **Q** All right. You can stick it back in that box.

23 **A** I tell you what I'm going to do is put my gloves in
24 it, if that's fine. Biohazard. You fine with that?

25 **Q** Sure.

1 I'm going to show you what's been marked as 124. Do
2 you recognize this item?

3 A I do.

4 Q What is that?

5 A So this is six items. It was spent shell casings
6 that was located throughout -- some -- both outside and
7 inside the property.

8 Q And you collected those while you were out there?

9 A I did.

10 MR. BLACK: All right. The State moves, I
11 believe -- what number is that again?

12 THE WITNESS: 124.

13 MR. BLACK: -- 124 into evidence.

14 THE COURT: Without objection, 124's into evidence.

15 (State's Exhibit No. 124, Shell Casings/Outside, was
16 marked for identification and received into evidence.)

17 BY MR. BLACK:

18 Q All right. I'm going to show you 125 and 127. Do
19 you know what those are?

20 A These are buccal swabs, one of which is from the
21 defendant, Mr. Fowler, and the other, the victim,
22 Ms. Matthews.

23 Q Did you collect those?

24 A Collect? I collected Mr. Fowler's.

25 Q And how did you go about collecting that?

1 **A** I would have -- Lieutenant Murdock would have gained
2 a search warrant for his DNA, and, at which point, I used
3 a buccal swab kit to collect his known standard DNA from
4 his inside mouth cheek.

5 **Q** And that would have been sent where?

6 **A** It would have been sent to SLED.

7 **MR. BLACK:** All right. The State moves 125 and 127
8 into evidence.

9 **MR. GEOLY:** No objection.

10 **THE COURT:** All right. 125 and 127 are in evidence.
11 125 is which person?

12 **THE WITNESS:** 125 is his. 127 is hers.

13 (State's Exhibit No. 125, Fowler Buccal Swab, was
14 marked for identification and received into evidence.)

15 (State's Exhibit No. 127, Matthews Buccal Swab, was
16 marked for identification and received into evidence.)

17 **BY MR. BLACK:**

18 **Q** Did you collect hers?

19 **A** I did not collect hers. Lieutenant Murdock did.

20 **Q** Okay. But all this would have been submitted
21 (indiscernible)?

22 **A** It would have been.

23 **Q** And, again, like you did with the holster, all of
24 this would have been shown -- did they have QR codes on
25 them?

1 A Sure do.

2 Q And everywhere it goes, it's documented?

3 A Sure does.

4 Q Let's go back to the scene. 65.

5 A So this is Evidence Marker No. 8. This is in
6 between a utility trailer that was parked just in front of
7 the truck, and it's a spent shell casing.

8 Q Is that right here on the --

9 A That is. If you'll look when the L (ph) where the
10 scale is, you can see it.

11 Q No. 7? Is that the same thing?

12 A That's the same thing. Same general location, in
13 between the utility trailer and where the truck was.

14 Q And that would be State's 66.

15 I don't know if I have shown you these pictures.

16 These are State's 65 through 117.

17 (Counsel conferring off the record.)

18 MR. GEOLY: Judge, subject to the cross-examination
19 about what they are, I have no objection.

20 THE COURT: So that will be State's 65 through 117
21 in evidence.

22 BY MR. BLACK:

23 Q And you took these photographs?

24 A I did.

25 Q Have you seen these?

1 A I have.

2 Q Was there -- and those -- these shell casings, I
3 guess -- and I have put up State's 67 again -- where were
4 these located at?

5 A These were in between the utility trailer and the
6 F-150. You can almost -- in some of the photographs, you
7 can see the backside of the -- or the bottom side of the
8 utility trailer.

9 Q And you collected those; right?

10 A I did.

11 Q And those were submitted as well?

12 A I did.

13 Q I'm going to show you State's 69. What is this?

14 A So this was a hole in the door of the bathroom, what
15 appeared to be a bullet hole.

16 Q All right. Which part of the bedroom was this? Or
17 which part of the house, I guess, was this?

18 A This was in the bathroom. If my -- if I would have
19 went to the right after entering the residence in the
20 hallway, there would have been a bedroom on the left and
21 then a bathroom, and then straight ahead, would have been
22 the other bedroom. This was in the door of the bathroom.

23 Q And that, again, was State's 69.

24 State's 73, what is that photograph?

25 A It was a hole in the bedroom or in the -- I can't

1 tell if that's the bedroom or bathroom, but it was a whole
2 that appeared to be a projectile that had went through it.

3 Q And what part of the house was this in?

4 A It was either the bedroom or the bathroom.

5 MR. GEOLY: Objection. Asked and answered.

6 THE COURT: Overruled.

7 BY MR. BLACK:

8 Q I'm going to show you State's 75.

9 A So this is in the bedroom. Again, right in the
10 middle, you'll see it was what appeared to be a path of a
11 projectile.

12 Q State's 74?

13 A That's just a closer zoomed-in photograph.

14 Q And what does it appear to be?

15 A Appeared to be the path of a projectile.

16 Q 76?

17 A So this is the door to the bedroom. Again, if you
18 come into the front door, you take a right down the
19 hallway. You'll have a bedroom to the left and then
20 you'll have the bathroom to the left. This is the door to
21 the bedroom straight ahead. And I photographed it -- and
22 I noticed that it was damaged and photographed it.

23 You can also see -- if you see the red coat or the
24 clothing hanging there, if you look just past it, you'll
25 see an indention, which was consistent with, on the

1 backside of the knob -- I don't know really the best way
2 to describe it. That's right, the locking mechanism.
3 It's where the door hit so hard that it punctured into the
4 sheet rock.

5 Q And what part of the house was this again?

6 A That was in the bedroom.

7 Q State's 78?

8 A This was a spent casing that was in the one of the
9 drawers that was on the bed.

10 Q State's 79?

11 A Again, more casings that were spent in a drawer that
12 was taken out of the dresser or whatnot and put on the
13 bed.

14 Q Is this inside the house?

15 A It is inside the house.

16 Q State's 83?

17 A I may have to step down on this one.

18 Q Is that better? Can you see that?

19 A Yeah. So this is inside the bathroom. It's inside
20 the bathroom.

21 Q What is it?

22 A Where it will appear -- it was a hole. It appeared
23 to be a projectile that came through the bathroom and the
24 bedroom adjacent wall.

25 Q State's 85, where is this?

1 **A** So this is outside of the residence. Once inside
2 the bedroom and I started to observe multiple holes, if
3 you will, that appeared to be projectiles that came
4 through and through. I then went back outside to document
5 if the projectiles went all the way through the -- through
6 the panel.

7 **Q** What part of the house was this?

8 **A** So if you're approaching like you saw in the
9 photograph -- again, I go counterclockwise, so it would
10 have been that first corner, the outside of this bedroom,
11 which, essentially, my back is to that F-150, if that
12 makes sense.

13 **Q** My pen is point right here. Is that something that
14 (indiscernible)?

15 **A** Yes. It appears to be projectiles -- projectile
16 holes.

17 **Q** Again, that's State's 85.

18 I'm going to show you 87. This may be a close-up.

19 **A** Again, that was just more of where they traveled
20 through the outside panel.

21 **Q** And here?

22 **A** Again, with the grain, I mean, it was very hard --
23 it was very hard to see, so -- and I didn't notice it upon
24 my first photographs outside. It wasn't until once I got
25 it to come out -- to kind of locate them a little better.

1 Q Was there one or two here? Can you tell?

2 A I think there's two. I don't -- I think there's
3 two. One there and then one there, that's correct.

4 Q State's 93, what is this?

5 A So this would be looking down the hallway. So my
6 right side would be to the front door, essentially, and my
7 left side would have been right where the entertainment
8 center is in the living room.

9 Q Is this where you would have located the bullet
10 holes back in these rooms?

11 A That's correct, in that far bedroom.

12 Q In this bedroom right here?

13 A That's correct. And then the bathroom is just to
14 the left of it. You can see the light on.

15 Q Is that the bathroom right here?

16 A That's right. And then there's a bedroom just
17 beside it too.

18 Q In front?

19 A That's correct.

20 Q State's 95.

21 A So when you walk into the bedroom that's straight
22 ahead, this would have been immediately to your left on
23 the (indiscernible) bedroom.

24 Q All right. Where were the bullet holes in this
25 room?

1 **A** There were some in that back left corner as well
2 as --

3 **Q** Right up here?

4 **A** That's right. And then immediately there was one on
5 the back wall. It would have been to the right of this
6 photograph just a hair. That's right. And then there was
7 one -- it would have been to my immediate left around
8 where my left knee would have been taking this photograph.

9 **Q** Down here at the bottom of this photo?

10 **A** That's correct.

11 **Q** State's 98?

12 **A** So this is a photograph of an item -- of what I
13 believe to be a projectile hole in the wall. This one,
14 based on my experience and my training, you can see the
15 stippling around the hole, which means that the firearm
16 was within close proximity to this hole.

17 **Q** (Indiscernible) State's 100 that you're referring
18 to?

19 **A** I am. See the black marks? That's powder burns.
20 So when a projectile is fired, I mean, it doesn't
21 necessarily burn all the powder, so when it shoots out, it
22 can cause these burning effects near the projectile's
23 path.

24 **Q** State's 101?

25 **A** So this is just below the previous picture that you

1 saw. Again, immediately to the left, this would have
2 been -- there was a little desk there or bedside table,
3 and it entered the wall at a downward angle.

4 Q And I'll put up 99. Is this a close-up of it?

5 A That's correct. And you'll see where it just
6 struck -- where one also just struck right at the corner
7 of the furniture.

8 Q Is that one up here on the top left?

9 A That's correct.

10 Q And then one down here?

11 A That's correct.

12 Q Nightstand and (indiscernible)?

13 A That's correct, yes.

14 Q And I put up 103. This just gives further context
15 about that?

16 A It does. So you can see where the light switch is.
17 Just to the left, you'll see that's where the door is to
18 the hallway. You'll see the dark area, which is the
19 previous photograph that you saw, which I identified as
20 the stippling. And then that is the bedside table/dresser
21 or whatever you want to call it of where the previous
22 photographs you just saw.

23 Q 109?

24 A So this is another photograph of the back left
25 corner. Again, once you come into the bedroom, it would

1 have been the immediate -- that left wall there.

2 Q Right here?

3 A That's correct.

4 Q How many are there?

5 A There's two, if I believe -- if I can see correctly.

6 Q And, as I show you 110, where is this?

7 A So this is in the bathroom, which is adjacent to it.
8 One of the projectiles traveled through the wall, through
9 the shower/tub area.

10 Q All right. I'm going to show you 111.

11 A Again -- I'm sorry, go ahead.

12 Q What is this?

13 A Again, one of those projectiles is the one that you
14 saw in the previous picture of it traveling through.

15 Q Is the bathroom on the other side of this wall?

16 A It is.

17 Q All right. And that one was 111. And we're back
18 here at the bathroom. Is this what you're referring to?

19 A Yes.

20 Q I'll show you a close-up with 112. Is that it?

21 A That is.

22 Q How long were you out on the crime scene?

23 A A number of hours.

24 Q And then once you collected all this evidence, did
25 you go home or did you take it to the sheriff's office?

1 **A** Straight to the sheriff's office. Again, you saw on
2 my timestamps, it was 3:06 a.m. when I entered them in
3 evidence. So I would have arrived approximately 3:00.
4 3 a.m.

5 **Q** So you probably were out there for about two hours
6 or so?

7 **A** Give or take, yeah.

8 **Q** All right. I think that's all the questions I have.
9 Please answer any questions Mr. Geoly might have for you.

10 **A** Thank you.

11 MR. GEOLY: Solicitor, would you mind helping me get
12 State's 60 out of those pictures and put it on the...

13 (Pause in the proceedings.)

14 CROSS-EXAMINATION

15 BY MR. GEOLY:

16 **Q** Detective Womack, we know each other; right?

17 **A** Yes, sir. Sure do.

18 **Q** Going back to your Newberry days --

19 **A** That's right.

20 **Q** -- when you first started?

21 **A** That's right.

22 **Q** When did you become the secondary evidence tech?

23 **A** 2018. When I came here specifically, which -- to
24 uniform patrol, and then I interviewed and was hired as an
25 investigator and, at that point, secondary evidence

1 custodian.

2 Q And when you come out on to a crime scene like this
3 to take pictures, you pretty much try and document
4 everything? You don't know what's relevant and not
5 relevant; right?

6 A Absolutely. Absolutely.

7 Q Now, you have talked about a lot of little holes in
8 the wall and different -- you never got any of those
9 tested; right?

10 A What kind of test?

11 Q Like a test to determine is that actually a bullet
12 hole or did somebody poke a spike through there. You
13 know, that kind of test.

14 A No.

15 Q No testing has been done?

16 A No, not on those holes.

17 Q But towards that, you're not saying any of these
18 bullet holes in the house were caused on the night of this
19 incident; right?

20 A There was no evidence of that. I had no idea when
21 they were created.

22 Q And that's not really part of the State's claim that
23 any of that has anything to do with what happened this
24 night; right?

25 A I'm sorry?

1 Q That's not really the State's claim in this case.
2 Y'all weren't claiming that any of that happened this
3 night; right?

4 A No. There's no way to determine when that was done.

5 Q And I understand that -- and they have done a good
6 job and you have done a good job of explaining. You try
7 and document everything that's out there. But,
8 apparently, there's, like, 15 cats and over 100 dogs out
9 there, and I didn't see any pictures of that.

10 A I took several photographs that were not presented,
11 in the outbuildings as well as I took quick photographs of
12 Ms. Speir's bedrooms that was -- animals were in there.

13 Q Okay. How many animals were actually in the mobile
14 home in there?

15 A I think there were -- if I remember correct -- when
16 I went, they were hiding under the bed. I think there
17 were a few, but...

18 Q And you'd know if there were hundreds. There
19 weren't a hundred in the house; right?

20 A No.

21 Q Okay. So most of these dogs are out in the
22 outbuilding?

23 A Yes, sir.

24 Q The place is a mess; is that fair to say?

25 A Well, it -- I mean, the yard -- things were

1 everywhere in the yard, as you saw in the photographs.

2 Q I think there were drawers on the bed and such like
3 that?

4 A In that one bedroom, yes.

5 Q And those spent shell casings and drawers, that has
6 nothing to do with this case either; right?

7 A I have -- not that I'm aware of.

8 Q And, again, you showed up after the fact; right?

9 A Yes, sir.

10 Q Now --

11 MR. BLACK: Those call --

12 BY MR. GEOLY:

13 Q Now, you took things into evidence. Like we heard a
14 lot about a holster. And this holster actually was
15 sitting where he had been sitting on the porch; right?

16 A I never saw him sitting there, but it was in the
17 chair. That's where I photographed it.

18 Q So you don't know that he was sitting in the chair
19 on the porch. So this actually came from the chair on the
20 porch?

21 A Yes, sir.

22 Q And what does this do to show that my client
23 assaulted, in any way, Ms. Matthews?

24 A It just -- it's a holster.

25 Q It's a holster. I mean, you have done a big thing

1 of protecting it, though, and keeping it safe in this
2 evidence locker. This doesn't do anything to show
3 anything as to what occurred that night, does it?

4 A Not necessarily.

5 Q For that matter, not any of this evidence does, to
6 tell us anything about what happened that day at 134 Lemon
7 Tree Road after Ms. Matthews had been doing meth that day?

8 A Other than maybe the firearm.

9 Q Oh, there's a firearm there.

10 A That's correct.

11 Q But we don't know who shot it, do we? We don't, do
12 we?

13 A I mean, the defendant.

14 Q I mean, you say that just out of conjecture? Do you
15 realize, yesterday, the expert witness for the State said
16 this could have been a self-inflicted wound?

17 A I was sequestered.

18 Q So are you saying it wouldn't have been a
19 self-inflicted wound?

20 A I didn't say that.

21 Q So it would have been a self-inflicted wound?

22 A It could have been.

23 Q Okay. And none of this evidence shows anything
24 different than that, does it?

25 A I just collected the evidence. Again, I never saw

1 the victim, and that night to be -- I never spoke with
2 your client.

3 Q Okay. Because you didn't really have anything to do
4 with the investigation going on other than crime scene
5 documentation?

6 A Other than documentation and evidence collection,
7 that's all I did that night.

8 Q Let's look at this for a second. This is nine
9 bullets; right?

10 A Yes, sir.

11 Q And I don't know really much about guns.

12 A Yes, sir.

13 Q Let me back up a second. In your investigation --
14 drugs are a problem in this community; is that fair to
15 say?

16 A Every community.

17 Q Have you dealt with meth heads?

18 A I mean, in my interactions as a law enforcement
19 officer? Absolutely.

20 Q Would you say there's a difference in somebody that
21 smokes meth versus somebody that shoots meth?

22 A I wouldn't say there would be a difference. I don't
23 understand what you're asking.

24 Q Okay. Do you think casual drug users shoot up meth?

25 A I don't know. I'm not a drug user.

1 Q Fair enough. But you're a law enforcement officer
2 that deals with them; right?

3 A Yes, sir.

4 Q So let's back up a few steps. Explain to me the
5 difference, as you know of it, of smoking meth and
6 shooting meth?

7 A One would use a needle and one would use a glass
8 pipe.

9 Q So you smoke meth by putting it in a glass pipe,
10 like somebody would weed or crack or some other drug, but
11 when you step to the level of shooting meth, there's
12 actually some preparation -- you have to draw it up into a
13 needle and then shoot it into your veins; right?

14 A As far as I know, yes, sir.

15 Q What's your understanding of which is a more
16 substantial high?

17 A Oh, I wouldn't say any -- I mean.

18 Q Both are equal?

19 A I have no idea. I have no idea.

20 Q I guess I've just thought that shooting meth is kind
21 of an extreme -- you're talking a different level of your
22 drug use at that point; is that not fair to say?

23 A I have no idea.

24 Q You have no idea?

25 A I have no idea.

1 Q All right. Did you see evidence of drug use in this
2 house?

3 A Absolutely.

4 Q And what kind of evidence? Like they were smoking
5 or shooting?

6 A There was needles, one of which did have a substance
7 in it that I field tested positive for methamphetamines.

8 Q Okay. So there was meth actually there at the
9 house, in the house?

10 A In a needle, yes, sir.

11 Q Let's look at this. And you can tell me better, but
12 doesn't it look like each one of those bullets has been
13 struck with something?

14 A No, sir. There was one that was not.

15 Q No, there's one that's live; right?

16 A Yes, sir.

17 Q I'd like you to tell me the one that hasn't been
18 struck here.

19 A I'm going to step down.

20 Q Sure.

21 A I believe it's that top left one.

22 Q You don't see the --

23 A I'm sorry. I guess I would say the 1:00 position,
24 if that makes sense.

25 Q It's been struck too, hasn't it?

1 A Not that I can see.

2 Q All right. I mean, are you -- let me -- hang on one
3 second.

4 THE COURT: Yes. Why don't you walk over and point,
5 because I'm...

6 BY MR. GEOLY:

7 Q Are you calling this the 1:00 position?

8 A Yes, sir.

9 Q And you don't see a mark on that where it gets hit
10 right there?

11 A See how these are?

12 Q Right. And you see right there? And you see right
13 here?

14 A 1:00.

15 Q Right. Right here. Right there.

16 A But you can see a distinctive of where they are.

17 Q And I see one there. You don't see that?

18 Let's pull out -- do you know -- maybe you can help
19 me before you get back up -- where the shells and bullet
20 are?

21 A Is this 2.1?

22 Q No. Is this?

23 A Let me see.

24 Q That?

25 A This is it.

1 Q All right. Let's take a look at those for a second.

2 MR. GEOLY: Do you know which picture is the
3 bullets -- with the bullets?

4 (Counsel conferring off the record.)

5 BY MR. GEOLY:

6 Q This is State's Exhibit -- looks like 58. Let me
7 show you this. These are the nine shell casings and/or
8 bullets that are in there; right?

9 A Yes, sir. Just one second; let me get them all out.

10 Q All right. Well, here's a picture of them, though,
11 and you can look at the picture. Does one of these look
12 like it might be defective?

13 A Define -- what do you mean, "Is it defective?"

14 Q Look at them.

15 A So I'm looking at the head of these --

16 Q I'm asking you to look at the picture for a minute.
17 Do you not see that the one at the very top --

18 A There's one that's older, yes.

19 Q -- is different than the other shell casings?

20 A This one here.

21 Q Yeah. Is it fair to say it looks markedly different
22 than the others?

23 A Yes.

24 Q And doesn't it look like it was struck right here?

25 A I can't tell that. It would probably take a

1 firearms expert to say so.

2 Q All right?

3 A In my opinion --

4 Q There's a magnifying glass right there. Doesn't
5 that look -- it doesn't look like it wasn't struck, does
6 it?

7 A It's damaged, nonetheless, but it is significantly
8 different than these here.

9 Q And it looks like it's a dud of a bullet that
10 perhaps was struck already by the mallet, doesn't it?

11 A Talking about on this one?

12 Q On the dark one, yes.

13 A I can't see. It's significantly different from
14 these, from the ones that you can see in the photograph.

15 Q Did you see -- okay.

16 Do you understand how someone could look at that and
17 believe that it was struck?

18 A I mean, it's got some wearing, but, again, if it was
19 struck, it was not struck by this same firearm or the same
20 as these bullets here.

21 Q Could it be that you're confused and that was
22 actually the one before and just never went off?

23 A I'm sorry?

24 Q Are you aware that my client said it was empty?

25 MR. BLACK: Objection.

1 THE COURT: Yeah, I think --

2 MR. GEOLY: It's part of the investigation, Judge.

3 THE COURT: He's just crime scene. I think that's a
4 question for another witness.

5 MR. GEOLY: Fair enough.

6 BY MR. GEOLY:

7 Q You can put those back in there.

8 THE WITNESS: Got a stapler or something?

9 THE COURT: Yeah.

10 BY MR. GEOLY:

11 Q Again, so all of these pictures -- all of this, you
12 have no really anything to offer this jury in terms of
13 what happened that night or how this woman came to be
14 shot, do you?

15 A I took the photographs of that. Other than that,
16 then I speak with her and then I speak with him.

17 Q So the answer is no, you have nothing to offer this
18 jury as to what happened that night?

19 A Other than presenting this evidence and collecting
20 this evidence.

21 Q All right. Let's talk a second for -- it seems like
22 y'all do a good job of collecting this evidence. You are
23 aware that these same kind of measures have been placed
24 but there have been incidents at this evidence locker over
25 the years; right?

1 A I'm -- I'm sure that there have, not --

2 Q Are you aware of evidence that's gone missing and
3 never come back?

4 A No.

5 Q Or come back in a different form?

6 A Not while I'm there.

7 Q Okay. But this evidence locker run by the Greenwood
8 Sheriff's Office -- are you aware of that before you got
9 there?

10 A Can you be specific?

11 Q Well, I'd rather not. But you know of evidence
12 going missing and being replaced with things that weren't
13 the evidence; right?

14 A I'm sure incidents have happened before. I'm not
15 going to sit here and --

16 Q You know that; right? I mean, you're under oath.

17 A Absolutely.

18 Q That's happened in this evidence locker; right?

19 A Absolutely.

20 Q And that really doesn't matter in this case, because
21 none of this evidence tends to show anything about what
22 actually occurred that night. It's just stuff like a
23 holster and some bullets, but we don't have a video of
24 what occurred or some tape recording; right?

25 A I didn't collect any videos, no.

1 Q Let's go back to body cams. You are an
2 investigator; right?

3 A Yes, sir.

4 Q When you go out on a case like this, if you were an
5 investigator instead of the crime tech here --

6 A Mm-hmm.

7 Q -- what would you do to protect that video you have
8 on your body cam?

9 A From taking it on-scene?

10 Q Right.

11 A We have docking stations that you plug them into.

12 Q All right. And how do you make sure, then, that
13 they know not to purge that?

14 A I don't know the answer to that question.

15 Q There's nothing you do to indicate, "Hey, I'm going
16 to need this for the trial in a couple of years"?

17 A I mean, that -- there's categories on it, if that's
18 what you're asking.

19 Q Well, I'm not sure what I'm asking you, to be honest
20 with you. I'm asking so I can know and so they can know.

21 A Right. So any time you hit the stop button, there's
22 a category. It can be interview, arrest, DUI.

23 Q If you're the investigator and you come out and
24 you're in Murdock's position, what would this be?

25 A Talking about if it was an arrest?

1 Q How would you categorize it, yep.

2 A I mean, I would have clicked it.

3 Q Clicked what?

4 A The category of interview.

5 Q What would you click in this case?

6 A Interview.

7 Q Interview?

8 A Mm-hmm.

9 Q And so, then, if you click interview, it's going to
10 purge in 60 days; right?

11 A I have no idea.

12 Q You don't even know?

13 A I have no idea.

14 Q So nobody teaches y'all at the sheriff's department
15 what's going to happen in a case if you click it under
16 one, you know, let's say category versus another?

17 A (No audible response.)

18 Q So you don't know that interviews disappear in 60
19 days?

20 A I have no idea.

21 Q So you would do nothing to protect your data?

22 A I mean, other than notifying the record -- I'd
23 notify the records clerk if it was my case.

24 Q To protect it?

25 A Well, when gathering the evidence.

1 Q Now, who would be the evidence clerk?

2 A Pam Young does it at the sheriff's office.

3 Q So she's the one that would --

4 A Well, she gathers them, yeah, and things --

5 Q To protect the videos?

6 A Yeah, they have -- it's just like the evidence
7 system that you saw with the evidence, and there's admin
8 rights and things of that nature.

9 Q With the body cams?

10 A Mm-hmm.

11 Q All right. If I told you an interview is going to
12 get deleted within 60 days if you don't somehow protect
13 it, would you protect it or you'd count on somebody else
14 to do that for you, or how would you do that?

15 A I'd try to make sure it's protected.

16 Q But as to this case, I'm just asking you about
17 general things like policy of how you do stuff. But as to
18 this case, you really have nothing to offer other than "I
19 took these pictures; I don't know what happened that
20 night"?

21 A Yes, sir.

22 Q Thank you. No further questions.

23 THE COURT: Redirect?

24 MR. BLACK: Briefly.

25

REDIRECT EXAMINATION

BY MR. BLACK:

Q There was some questions about the -- which bullet would have been next and that sort of questioning; is that right?

A That's correct.

Q All right. And when you are -- when you are looking at this firearm -- I'm going to give you State's 62 to look up here. You're unloading it -- where are you unloading this firearm at?

A I'm in the evidence room at this point.

Q Okay. And, again, this red mark up here, what are you doing here?

A That's where -- that was the position of the cylinder whenever I -- before I opened it.

Q Before you opened --

A Essentially -- so if you're looking behind the firearm, you know, the cylinder is round and then you have where the hammer is, I'm marking on either side of the -- where the hammer is.

Q Okay. And so this one would have been the next one to be fired?

A That's correct.

Q And this one -- this right here, was this the live bullet?

1 A I don't recall. I believe it was. It would have
2 been -- there should be another photograph.

3 Q How about 60?

4 A Yep. I don't know if you can see the marks on
5 that -- that photograph. I was thinking there was another
6 photograph that showed it a little...

7 Q 63, I'm going to show you that one. This one is a
8 little blurry. Does that help you out any?

9 A No, not really.

10 Q But State's No. 60, was there any markings when you
11 did this? Or can you tell from this picture any markings?

12 A So I wouldn't have opened it until -- I would have
13 marked it first. So I would have placed it in the box at
14 the scene, taken it to the sheriff's office, entered it,
15 and, at that point in time, further document it. So I
16 would have taken the Sharpie and marked the cylinder
17 position far before I opened it. That's right. See the
18 red markings. It was a red Sharpie. And I would have
19 marked on either side of the cylinder as I retrieved the
20 firearm. It had been in my possession since I had
21 photographed it at that point.

22 THE COURT: Just so that I'm clear, when you say you
23 mark on either side of the cylinder, the barrel is here
24 and you're marking on the cylinder, one side on this side
25 and one side on the other side?

1 THE WITNESS: Yeah, if you can provide me with the
2 firearm, I can show you without --

3 THE COURT: Why don't you do that. I'm not clear in
4 my mind how counsel is describing it.

5 BY MR. BLACK:

6 Q Yeah, please step down and show the jury how this
7 worked.

8 MR. GEOLY: Judge, if I may, just so I can see too.

9 THE COURT: Please.

10 MR. GEOLY: Thank you.

11 A And your gun lock is placed on there for court
12 purposes.

13 So you can barely see --

14 THE COURT: Yeah, step down there and...

15 BY MR. BLACK:

16 Q You can do it right here in front of this mic.

17 A So you can barely see the marks. See them right
18 there? They were done a little more clear, but, again,
19 it's been a couple of years since we have marked it, and
20 it's been through testing since. But you'll see the two
21 red marks right here on these positions. That means that
22 it would have been -- hold on one second.

23 MR. GEOLY: Why don't you back up a little bit.

24 [Laughter]

25 A Everybody sees it's clear; right?

1 BY MR. BLACK:

2 Q Yeah, it's not loaded.

3 A It would have been -- I would have done it like
4 this.

5 THE COURT: Right. That's what I was thinking.

6 THE WITNESS: See what I'm saying? Like where the
7 position was, I would have marked it here and here, to
8 mark where the cylinder was.

9 THE COURT: So the shell that was in the middle of
10 those two positions would have been the one most recently
11 fired.

12 THE WITNESS: That's right. So when it fires
13 again -- it's just a mark. It's just a simple Sharpie
14 marker, and you just mark it on either side. And then you
15 can see it a little better on the photographs but it's on
16 here still as well.

17 BY MR. BLACK:

18 Q Thank you. I think that's all the questions I had.
19 Thank you for showing that to us.

20 THE COURT: Are you okay to lock it back?

21 MR. GEOLY: Yes, sir, Judge.

22 I do have one follow-up question, though.

23 RECROSS-EXAMINATION

24 BY MR. GEOLY:

25 Q And, again, you can't be sure, at this point, what

1 bullet was there; right?

2 A No, not 100 percent, no.

3 Q Thank you. No further questions.

4 THE COURT: Thank you. You can step down and you're
5 free to go, free to stay, whichever your choice is.

6 Ladies and gentlemen, we're going to take a brief
7 morning break and then proceed with the next witness. So
8 if you would adjourn to the back. Please don't discuss
9 the case, of course. If you need to pop downstairs -- I
10 don't think it's raining so that should be fine. Just let
11 the bailiff know, and she'll be happy to take you down.
12 Okay? Thank you.

13 (The jury exited the courtroom at 11:05 a.m.)

14 (A recess was taken from 11:05 a.m. to 11:25 a.m.)

15 THE COURT: Solicitor, if you'll call your next
16 witness, please.

17 MR. BLACK: The State calls Mike Murdock.

18 MIKE MURDOCK,

19 after having been duly sworn, was examined and
20 testified to as follows:

21 DIRECT EXAMINATION

22 BY MR. BLACK:

23 Q Can you state your name for the record.

24 A John Michael Murdock.

25 Q Can you spell Murdock for us, please.

1 A M-u-r-d-o-c-k.

2 Q And you're not related to any of those Hampton or
3 Colleton Murdaughs?

4 A No, sir.

5 [Laughter]

6 Q Can you tell the jury what you do?

7 A I am a lieutenant in the Criminal Investigations
8 Division at the Greenwood County Sheriff's Office.

9 Q And how long have you been -- how long have you been
10 in law enforcement?

11 A Been in law enforcement a little over 28 years.

12 Q And you started out with the city -- Greenwood City?

13 A Started out at Greenwood City in 1994.

14 Q And how long were you there for?

15 A About 13 years.

16 Q And then, when I started, you were with patrol;
17 right?

18 A Yes, sir.

19 Q How long were you with highway patrol?

20 A I stayed with patrol about eight years.

21 Q And then after you left patrol, where did you go?

22 A I come to the Greenwood Sheriff's Office in 2015.

23 Q And that was with Sheriff Kelly?

24 A I actually came before he got elected. I came in at
25 the tail end of the previous administration.

1 Q And that was 2015?

2 A Yes, sir.

3 Q So you have been with the sheriff's office for about
4 eight years?

5 A I think it will be eight years this year, yes, sir.

6 Q All right. What do you do at the sheriff's
7 department?

8 A I'm a lieutenant in Criminal Investigations
9 Division. We respond out or handle more complex
10 investigations.

11 Q So you're basically a detective?

12 A Yes, sir.

13 Q And were you working the night of April the 13th of
14 2021?

15 A I was not.

16 Q Were you on-call?

17 A I was.

18 Q And when you're on-call, does that mean you're -- if
19 something happens and they need a detective, you get the
20 phone call?

21 A Yes, sir. My phone would be the first to ring if
22 you're on-call.

23 Q All right. And where did you get to a call to that
24 evening?

25 A I was called about, I think, 10:30 by dispatch,

1 advising that there had been a shooting at 134 Lemon Tree
2 Road and that Captain Penn had requested that I be
3 notified and respond.

4 I was asleep, so I got out of bed, got dressed. And
5 in route, I called Captain Penn to find out what had
6 happened. He told me that they received a report of
7 someone being shot at that residence, but at that time, no
8 one -- none of his units had arrived on-scene, and he
9 couldn't tell me any further details at that time.

10 Q So, with that information, did you start waking up,
11 getting dressed, and started that way?

12 A Yes, sir, I did.

13 Q All right. When you got to the scene, was the
14 victim, Ms. Matthews, was she there or was she gone?

15 A No, sir, she wasn't at the residence. I don't know
16 if she was in the process of being transported, but I
17 never saw her at the scene.

18 Q But once you arrived, were you briefed on, "Hey,
19 this is what we have got. This is what's going on"?

20 A Yes, sir.

21 Q All right. Did you see the crime scene, I guess, at
22 that time?

23 A I walked up on the porch of the scene and just
24 briefly walked into where they said the -- Ms. Matthews
25 had been and just briefly surveilled what the scene was.

1 I didn't go throughout the house. And then I come back
2 out.

3 Q When you first poked your head in the door, what did
4 you see in the living room there?

5 A Traditional what you'd see in a living room. A
6 couch, entertainment center, coffee table, what appeared
7 to be blood on the floor, and some other, like, clothing
8 or cloth on the floor with what appeared to be blood on
9 it.

10 Q When you came back out of the house, would you have
11 gone on the front porch?

12 A Yes, sir. Went on the front porch to go in and then
13 come back out on the front porch.

14 Q And when you came back out on the front porch, who
15 was all on the front porch?

16 A As well you remember, Deputy Dawn Smith was on the
17 porch. I think Ms. Speir was on the porch, and the
18 defendant, Mr. Fowler, was seated at a chair at the table
19 on the porch.

20 Q And is Mr. Fowler present here today?

21 A Yes, sir. He's right there with the blue shirt on,
22 seated next to his counsel, Mr. Geoly.

23 Q Did you speak to Mr. Fowler on the porch?

24 A I did.

25 Q How long was that conversation?

1 A Just a very brief conversation.

2 Q Did you ask him -- what did you ask him?

3 A I just basically asked -- as well I remember, I told
4 him --

5 MR. GEOLY: Your Honor, I object at this time and
6 renew my --

7 THE COURT: All right. Subject to prior rulings and
8 objections, noted.

9 Go ahead.

10 A As well as I recall, I introduced myself and told
11 him that, you know, I didn't know what had gone on, I had
12 just -- I was asleep and got woke up and called out there
13 and asked him to tell me what had happened.

14 BY MR. BLACK:

15 Q And did he tell you what happened?

16 A He did.

17 Q What did he say?

18 A He said that he had -- he and Joye -- basically, he
19 and Joye were in the living room. He had went to take a
20 gun out of his pocket and placed on a coffee table and it
21 slipped, discharged, and struck Ms. Matthews -- Joye,
22 Ms. Matthews.

23 Q And that's what he told you on the porch?

24 A Yes, sir.

25 Q And when he told you this, how long was this

1 conversation?

2 A It was very brief. Probably under five minutes.

3 Q Once you had this brief interaction with Mr. Fowler,
4 what did you do?

5 A I stepped off the porch. I realized it's going to
6 require more than just myself to process the scene. So,
7 at that time, I called Investigator Womack, because he's
8 the back-up crime scene. The primary crime scene guy,
9 which was Greg Allison that y'all saw yesterday, he was on
10 vacation that week. So I called Womack to respond to
11 assist me and process the crime scene. And then I also
12 called -- attempted to call other investigators, but as
13 luck, nobody would answer their phone that night. So I
14 called Major Bishop to come and assist me with any other
15 thing I needed at the scene.

16 Q So, at that point, I guess you realized that you
17 needed some help crime scene-wise and then, you know,
18 other things that you had to do?

19 A Yes, sir.

20 Q All right. After you got done with making these
21 phone calls, what did you do?

22 A I'm not really sure what I did the whole time, but
23 once Investigator -- Major Bishop got there, which didn't
24 take long, I briefed him on what he had. And then I don't
25 recall but either he or I stepped up and called Mr. Fowler

1 off the porch and asked could we speak with him. And then
2 we took Mr. Fowler to what was my patrol vehicle or an
3 unmarked vehicle then, a Ford Explorer, and spoke with him
4 in the car.

5 Q So you spoke with Mr. Fowler in your vehicle?

6 A Yes, sir.

7 Q Where was he sitting at in your car?

8 A The front passenger seat.

9 Q Where were you at?

10 A As well as I remember, Major -- because we would
11 kind of rotate around at different times, but Major Bishop
12 sat in the driver's seat, and I got in the back rear.

13 [Coughing]

14 BY MR. BLACK:

15 Q I'm sorry?

16 THE COURT: I'm sorry.

17 A I got in the rear passenger seat on -- the back rear
18 passenger seat.

19 BY MR. BLACK:

20 Q And Major Bishop would have been up front and you
21 would have been in the back?

22 A Yes, sir.

23 Q Do you carry a body cam?

24 A No, sir. I have one, but I don't carry at all
25 times.

1 Q You don't wear a body cam?

2 A No, sir.

3 Q A lot of the body cams, a lot of the road deputies
4 carry those?

5 A Yes, sir.

6 Q And where are they putting those?

7 A They're putting those on their vest.

8 Q And they have got a little --

9 A At about -- yeah, they have a holder and they carry
10 it about midline on the chest.

11 Q Do you wear a vest?

12 A No, sir, not regularly.

13 Q Because you're a detective?

14 A Yes, sir.

15 Q So you don't typically wear your body cam?

16 A No, sir.

17 Q All right. What do you use your body cam for?

18 A Mainly I use my body cams for recording interviews
19 or any other activity that need to -- that I deem need to
20 be recorded.

21 Q If something needs to be recorded, you'll carry it
22 around?

23 A Yes, sir.

24 Q Or if you're having an interview?

25 MR. GEOLY: Objection to leading, Your Honor.

1 THE COURT: I think he's just getting clarification.
2 Go ahead.

3 BY MR. BLACK:

4 Q So, in this particular case, did you have your body
5 cam?

6 A Not when I arrived on-scene, no, sir. But it was in
7 the vehicle.

8 Q And would you have utilized your body cam for that
9 interview?

10 A Yes, sir.

11 Q Do we have that body cam?

12 A We do not.

13 Q Do you know what happened to it?

14 A I do not. Do you want me to go into detail of how I
15 utilize it?

16 Q What do you know about your body cam?

17 A The body cam -- we don't have one here, but it's a
18 little box, maybe about the size of her pack of crackers
19 right there. You mash a button to cut it on. You mash a
20 button to start recording. You mash the button to stop
21 it.

22 When you want to download into the system that's at
23 the office, you come back, you put it in a charging
24 transfer station, I guess you would call it, which is -- I
25 don't know if y'all can see it, but it's about the size of

1 the clock in front of the court reporter there. A little
2 bit bigger than the Kleenex box, maybe a little bit
3 taller.

4 You sit it in there and then -- I don't know how it
5 comes from the camera to where it goes, but it charges and
6 transfers the video from there.

7 Q So, for your body cam, you do all this at the
8 sheriff's department?

9 A Yes, sir. Some of the road deputies have the
10 ability to -- when their car pulls in, it can wirelessly
11 remote to that. I don't know how that works. But my
12 vehicle doesn't. I have to physically take it in and plug
13 it in.

14 Q You have to do all that at the sheriff's department?

15 A Yes, sir.

16 Q So it will charge and upload?

17 A Yes, sir.

18 Q All right. And then, in this particular case, did
19 you delete your body cam?

20 A I did not.

21 Q Did you get rid of it intentionally or anything like
22 that?

23 A I did not.

24 Q Have you asked members of the sheriff's
25 department -- have you sought out trying to find this body

1 cam?

2 A Yes, sir.

3 Q All right. But it just -- it's not there anymore?

4 A It's not there.

5 Q Any other officers, was their body cams missing?

6 Another member that you know of or aware of?

7 A I was made aware that Lieutenant Young, the road
8 lieutenant, his was not available as well.

9 Q So that somehow got lost as well?

10 A Yes, sir.

11 Q All right. But there was body cam out on-scene?

12 A Yes, sir. The -- as well as they -- y'all have seen
13 deputies-arriving-on-the-scene's body cams captured.

14 Q And whose body cameras -- footage was that?

15 A As well as I remember, Mr. Turner -- Deputy Turner
16 and Dawn Smith, I think, is one that y'all have viewed.

17 Q Okay. So they had their body cams? They were
18 functioning?

19 A Yes, sir.

20 Q Those didn't get -- disappear in the cloud?

21 A They didn't.

22 Q All right. So you're talking to Mr. Fowler in the
23 car. Did you read him his Miranda rights at that point?

24 A Yes, sir.

25 Q All right. And what's the purpose of that?

1 **A** To let him know -- even if someone is not under
2 arrest, if they're in a position to where they don't feel
3 free to leave or they're in custody, you advise them that,
4 basically, they have the right to remain silent. They
5 don't have to talk to us without a lawyer present.

6 **Q** All right. And so you talked to Mr. Fowler at that
7 point --

8 **A** Yes, sir.

9 **Q** -- after reading the rights?

10 **A** Yes, sir.

11 **Q** Did he agree to talk to you?

12 **A** He did.

13 MR. GEOLY: Objection, Your Honor.

14 THE COURT: Subject to the earlier hearing, earlier
15 objections, same ruling as before.

16 Go ahead and proceed.

17 BY MR. BLACK:

18 **Q** Did he agree to talk to you?

19 **A** Yes, sir.

20 **Q** How long was this conversation?

21 **A** I don't recall the actual time limit. I'd say
22 probably, from beginning to end, maybe 30 minutes, give or
23 take a few minutes.

24 **Q** Did you ask him again what had happened?

25 **A** I did.

1 Q What did he tell you when he -- during this
2 conversation?

3 A He said that he had been in the back in his truck,
4 smelt the odor of burnt popcorn coming from inside. So he
5 goes inside to check, sees Ms. Matthews coming down the
6 hall. They engage in conversation. He goes to take his
7 firearm out of his pocket, put it on the coffee table, but
8 it slips, hits the coffee table and discharges, striking
9 her in the head.

10 Q So he basically told you the same story that he told
11 you before?

12 A Yes, sir. And then when I tried to get -- wrap my
13 head around exactly how it fell and how would it hit a low
14 coffee table and hit someone standing up, we talked on a
15 little bit, and then it went to where he was actually
16 going to put it on the entertainment center, which is,
17 when you walk in, where the TV was. He was actually going
18 to lay it there, and it dropped and discharged, striking
19 her in the head.

20 Q Okay. So it went from -- during that conversation,
21 it started with the coffee table, like y'all talked about,
22 and then moved to the entertainment --

23 A Yes, sir.

24 Q -- system?

25 A Yes, sir.

1 Q But, at the same time, it's still the same thing
2 about --

3 A Same thing. Same rendition of how she got shot,
4 just which table or piece of furniture it hit to
5 discharge.

6 Q Did he tell you -- did he tell you about what he had
7 been doing with the gun earlier that afternoon or that
8 day?

9 A I asked, "Why did you have a gun?" He stated he had
10 the gun because he had been shooting snakes.

11 Q Okay. And did you actually -- you saw the firearm
12 in the house; is that right?

13 A I saw it on the floor. I never touched it. It was
14 over by the coffee table, but I never touched it or
15 examined it.

16 Q So that would have been Womack's job to deal with
17 that?

18 A That would have been Crime Scene's, yes, sir.

19 Q Okay. Did you ask Mr. Fowler -- or was there a
20 conversation about -- you know, when he was telling you
21 the story, was there a further -- did you ask for
22 questions about popcorn or anything like that?

23 A Yes, sir. I asked him about -- if he was out back
24 working on the truck, I didn't understand the smell of
25 popcorn coming out there. And then where he had been

1 seated on the porch, there was a mostly-eaten bag of
2 popcorn where we had been seated. And I asked him a
3 question, you know, if the popcorn was burnt in there, how
4 is it eaten out here on the porch? And that's when he
5 told me, "I guess you guys must have eaten it."

6 Q So he said that you guys had been eating it?

7 A Yes, sir.

8 Q When he said, "You guys," who --

9 A He was referring to law enforcement.

10 Q Did you eat any of the popcorn?

11 A No, sir.

12 Q Did you ask him, you know, which pocket the gun was
13 in or anything like that?

14 A I asked him to give a little more detail of which --
15 just kind of, as he proceeded to show me, how he got it.
16 And he pulled it out of his -- he indicated he pulled it
17 out of his left pocket and went to lay it up -- went to
18 lay it on there. I asked him which hand -- but he's
19 right-handed.

20 Q Did that strike you as odd?

21 A It did. And I asked, "If you're right-handed, why
22 would you have the gun in your left?" And then he went on
23 to say he had some keys -- a lot of keys or something in
24 his right pocket.

25 Q Okay. Did he tell you, during this conversation,

1 you know, what part of the gun -- did you inquire further
2 about what part of the gun actually hit the coffee table?

3 A No. I tried to get clarification on that, whether
4 it -- how it fell. Did it fall to where the hammer hit?
5 Did it fall on the side? I tried to get clarification on
6 that, but we never could -- he never could clarify how the
7 gun struck the furniture.

8 Q Did that story make any sense to you at all?

9 A It didn't, no, sir.

10 Q So, at this point, what do you guys do?

11 A I conferred with Major Bishop. At that time, it
12 just didn't -- what we saw there and what he told us
13 didn't fit with her injuries, so the determination was
14 made to charge him with attempted murder.

15 Q So, at that point, did you guys place him under
16 arrest?

17 A We did.

18 Q All right. And then what would you have done next?

19 A Before he was handcuffed and placed in the patrol
20 vehicle, I had done a gunshot residue kit on his hands.

21 Q I'm going to show you what's been marked as
22 State's 126. Do you recognize this?

23 A Yes, sir. That would be the gunshot residue kit
24 that we completed.

25 Q And why would do that?

1 A It detects if there are particles consistent with
2 someone having fired a gun or before around a firearm that
3 had been fired on someone's hands.

4 Q And you're saying you do a test on -- tell the jury
5 what kind of test this is that you're doing.

6 A These tests can have basically two vials about that
7 big. You take the top off and it's got, like, tape or
8 sticky material, and you mainly just dab it around --
9 around the index finger and around that. One for the left
10 hand. And then you do the same thing with a different
11 little vial for the right hand. You put the little tape
12 back in the little short vial and put it back in the kit.

13 Q And is this, like, a sterile kit?

14 A It is.

15 MR. BLACK: Your Honor, at this point, the State
16 moves, I believe, 126, the kit into evidence. Obviously,
17 testimony later.

18 THE COURT: No objection?

19 MR. GEOLY: Judge, I actually have some questions
20 about when and where this all happened.

21 THE COURT: Okay. You don't need to publish,
22 obviously, the kit to the jury, so we'll let him handle
23 those questions on cross, and I'll rule on their
24 admissibility at a later point.

25 Go ahead.

1 BY MR. BLACK:

2 Q And, again, where is this -- where are you doing
3 this test at?

4 A Before Mr. Fowler was removed from my vehicle, I
5 kept the kits in a little plastic tote in the back of my
6 Explorer. He was still seated in the right front
7 passenger seat of the Explorer. So while he was still
8 seated there, I just did that.

9 Q So he was still in your car when he --

10 A Yes, sir. I opened the door, and he just kind of
11 turned to -- like, if this is the front of the car, I just
12 opened the door, and he just turned. I would stand on the
13 ground and do it.

14 Q So a GSR kit, that would be something that you would
15 keep in your vehicle?

16 A Yes, sir.

17 Q Once Mr. Fowler was arrested, what did you do after
18 that?

19 A He was transported from the scene by a marked unit.
20 I think Womack -- search warrants had been obtained for
21 the residence by that time. Womack started processing the
22 scene. I -- at one point, I left and went to Greenville
23 Memorial Hospital to check on the condition of
24 Ms. Matthews.

25 Q So that would have been sometime in the middle of

1 the night?

2 A Yes, sir.

3 Q How long were you up in Greenville?

4 A I -- counting the drive up there and back, maybe
5 over three hours.

6 Q Did you -- and it's about an hour up there?

7 A About an hour up there.

8 Q When you got up there, did you speak to
9 Ms. Matthews?

10 A I couldn't. She was in -- I believe either CCU or
11 ICU. They -- I went in and saw her. She was under,
12 obviously, medical treatment. Had equipment.

13 Q She wouldn't have been able to --

14 A But she was unable -- she didn't appear to me to be
15 conscious, so she wasn't able to talk. She had tubes in
16 her mouth and all.

17 Q They intubated her?

18 A Yes, sir.

19 Q All right. So, at that point, I mean, are you
20 gathering more information from doctors about, you know,
21 "Hey, what's going on?"

22 A The doctor yesterday, I never got to speak to him.
23 By the time I got up there, he wasn't available or he
24 wasn't there for me to speak to. But I briefly spoke with
25 the nurse that was attending her and just kind of asked

1 about the prognosis, and they said the outlook wasn't
2 good. And I kind of inquired, without moving her head,
3 could they tell me where the entry or -- the entry wound
4 was, and they kind of indicated somewhere in the head, but
5 she has a head full of hair. And I didn't want to move
6 her head and go through it. So I couldn't find the exact
7 entry point.

8 Q And they were working on her as well?

9 A Yes, sir.

10 Q So, at that point, I mean, it's not looking good.
11 You just come back to Greenwood at that point?

12 A Well, while I was there, if I'm not mistaken, I took
13 a GSR kit in with me and what they call a buccal swab kit
14 to get both, but she -- they had cleaned her hands up to
15 put, like, oxygen sensors and other stuff. So if they
16 washed the hands, that would make the GSR kit inaccurate.
17 If she had had GSR on there, it would have potentially
18 been washed off, so it wouldn't have been an accurate
19 result.

20 Q So you were going to try to do GSR on her but
21 because her hands were clean, there's no point?

22 A Yes, sir.

23 Q And you would have gotten this information from the
24 medical personnel?

25 A I could see what -- the oxygen sensor, I think it is

1 on there, and her hands were -- were clean. I asked and,
2 yeah, they cleaned up to do medical treatment.

3 Q Okay. So you did not get a GSR of her --

4 A I did not.

5 Q -- Ms. Matthews?

6 A No, sir.

7 Q Did you get a DNA sample?

8 A I got what they call a buccal swab, which is a fancy
9 word for taking a long Q-tip and sticking it in your mouth
10 and swabbing it, is what I did.

11 Q Let me show you what's been marked as State's
12 Exhibit 127. Would this have been the -- what is that?

13 A It's titled DNA, but it would have been with the
14 buccal swab wound up going into.

15 Q And this one would have been Ms. Matthews' standard
16 DNA swab there?

17 A Yes, sir.

18 MR. BLACK: Your Honor, we move --

19 MR. GEOLY: Without objection, Your Honor, subject
20 to cross-examine.

21 MR. BLACK: The testimony will come in later about
22 that.

23 THE COURT: I think that was already in evidence,
24 but if it is not, it is now, but I think you already moved
25 that one into evidence.

1 MR. BLACK: I think you're right, Judge.

2 THE COURT: Yeah, it's in evidence.

3 BY MR. BLACK:

4 Q Officer Murdock, did you get information a couple of
5 weeks later about Ms. Matthews' condition?

6 A I went up a couple of weeks later to check on --
7 periodically, I checked on her, and they said she had had
8 some improvement and was still alive. So a couple of
9 weeks later -- I think it was in mid-May maybe --

10 Q About a month later?

11 A I went up to the hospital again to see if I could
12 speak with her.

13 Q And were you able to speak with her?

14 A I was. She was actually sitting up in bed and
15 conscious and watching TV.

16 Q Was that shocking to you?

17 A Very shocking, because they told me the prognosis
18 wasn't good, that she was probably not going to make it
19 through the night to, a couple of weeks later, she's
20 sitting up in bed, watching TV.

21 Q Without getting into any conversation with her, did
22 you talk to her?

23 A Yes, sir.

24 Q How was her -- how was she able to communicate?

25 A She could talk. Her speech was slurred and she

1 would start talking and then, at times, it would -- like
2 she couldn't -- she'd just lose all train of thought.

3 Q So very similar to --

4 A Very similar to what you saw here.

5 Q Okay. All righty.

6 I think I may have skipped over the crime scene.
7 You talked to -- did you talk to Ms. Lesa Speir out on the
8 scene?

9 A Yes, sir.

10 Q And you would have had a brief conversation with her
11 as well?

12 A Yes, sir.

13 Q Did you also ask -- going back to your conversation
14 with Mr. Fowler, the defendant, did you ask him about the
15 truck door being open or anything like that?

16 A As well as I remember, referring to my incident
17 report, I asked him about the truck door being open and
18 the lights on.

19 Q And the lights were on?

20 A Yes, sir.

21 Q What was his response to that --

22 A I never could --

23 Q -- if you did get a response?

24 A He never give a response to really clarify why he
25 had left the door open and the lights on.

1 Q And, again, this happened in Greenwood County?

2 A Yes, sir. 134 Lemon Tree Road in Greenwood County.
3 Off of Highway 10, as well as I remember.

4 Q All righty. I think that's all the questions I
5 have. Please answer any questions from Mr. Geoly.

6 MR. GEOLY: If it please the Court, Judge?

7 CROSS-EXAMINATION

8 BY MR. GEOLY:

9 Q When you asked him about the truck, you don't
10 remember him telling you he was working on the
11 four-wheeler out back?

12 A He didn't tell me that, no, sir.

13 Q Have you seen other tapes where, early on in this,
14 he had --

15 A Yes, sir, I did.

16 Q -- he was --

17 A Yes, sir.

18 Q There was a four-wheeler right in front of the
19 headlights, wasn't there?

20 A According to the tapes. I don't remember me
21 actually surveilling the back, but yes, sir.

22 Q But you could see that actually on the videos that
23 you do have?

24 A Yes, sir.

25 Q You can see that it's there?

1 A Yes, sir, you can.

2 Q Now, you have heard me allude to some videos.

3 A Yes, sir.

4 Q And I know it's -- let's go back to -- you started
5 working as a law enforcement officer here in Greenwood in
6 1994; right?

7 A Yes, sir.

8 Q And I graduated law school in 1994; right?

9 A Yes, sir.

10 Q A long time ago for both of us.

11 A It's been a while.

12 Q And we have pretty much dealt with each other since
13 you were at the City to when you were in highway patrol to
14 now when you have some authority over at the sheriff's
15 department; right?

16 A Yes, sir.

17 Q Did you know what you have to do to protect your
18 tape? Like, when you have a body cam and a substantial
19 situation like this or I know you worked serious, serious
20 cases, murders. When you do an interview like that, do
21 you know what you have to do to protect it?

22 A Yes, sir.

23 Q And what is that?

24 A I don't know the IT part, but I'm going to give you
25 the brief. Like I said, when you put it in the docking

1 station and somehow it goes from the -- there to, I guess,
2 the server or whatever you call them. Then it can go into
3 the -- I guess you'd call it an app on a computer or
4 whatever. And you can go to the body cam date, pull it
5 up, and then you can click to make a case out of it to
6 where you assign it the case number or the incident
7 number, and it's supposed to tell the computer not to
8 delete that or what the fancy terminology for purging.

9 Q So, really, you don't have to upload anything. When
10 you just put it on the charger, it's supposed to upload?

11 A It's supposed to do it itself, yes, sir.

12 Q But then you have got to do something to protect it
13 from being purged?

14 A Yes, sir. Yes, sir.

15 Q Did you do that in this case?

16 A I did not.

17 Q Why didn't you?

18 A I had -- it was late, obviously. By the time I get
19 to Greenville and back, it was late, so I didn't come in
20 earlier the next morning. My co-workers, as we all do, we
21 try to help one another out. He knew about it. He went
22 through the videos from that night and had assigned them
23 case numbers.

24 Q Okay. And who was that?

25 A That would have been Ronnie Powell.

1 Q But he had nothing to do with this case?

2 A He did not.

3 Q So, truly, for standard operating procedure, you
4 should have done that; right?

5 A If somebody's to blame, it's me. I will -- it's my
6 fault. Even if he done it, trying to help me out, it's my
7 responsibility to have gone, checked behind him, and
8 ensure everything had been saved. I did not.

9 Q But as far as you know, he did do it; right?

10 A As far as I knew, yes, sir.

11 Q So where is the tape?

12 A I don't know.

13 Q And you mentioned the cloud, but you don't --

14 A I didn't say the cloud. I think he did. I still
15 ain't sure what a cloud is.

16 Q We don't have a cloud; right? We actually have a
17 server sitting over there in the sheriff's department?

18 A I don't know what a cloud is. We got a -- I'm
19 guessing something somewhere in there they call a server,
20 which is a big stack of...

21 Q Basically computer stuff?

22 A Yes, sir.

23 Q Okay. I don't understand any better than --

24 A I don't know what to call it. I hear about it, but
25 I don't know what it is.

1 Q All right. But, in this case, you're the chief
2 investigator?

3 A Yes, sir.

4 Q Typically, when you're going to give Miranda to
5 somebody and then start asking the questions, you're
6 either going to get them to sign an acknowledgment of
7 that; right? Doesn't that happen sometimes?

8 A Yes, sir.

9 Q That didn't happen in this case, though?

10 A It did not.

11 Q Because you had a body camera.

12 A Yes, sir.

13 Q And then you make sure, typically, that that's
14 preserved?

15 A Yes, sir.

16 Q But that wasn't done in this case?

17 A It was not.

18 Q And yours isn't the only one that went missing in
19 this case?

20 A No, sir.

21 Q Pretty much everybody that talked to Lesa Speir,
22 their video went missing except for the little part on the
23 front porch; right?

24 A Yes, sir.

25 Q Now, you mentioned that you did a GSR kit on Scotty?

1 A Mm-hmm.

2 Q And that you tried to do one on Joye but they had
3 already washed her hands?

4 A Yes, sir.

5 Q Are you sure you did one on Scotty?

6 A Yes, sir.

7 Q You know y'all wouldn't let him wash his hands,
8 which were covered in blood.

9 A Yes, sir.

10 Q So how did you get the GSR test done with his hands
11 covered in blood?

12 A Because the blood -- he hadn't washed -- the blood
13 would have still been there, so we done it around, while
14 were there. No chemicals were applied that would have
15 removed -- now, I don't -- you'll have to refer -- if they
16 have somebody -- the analyst may -- can tell you better,
17 but no chemicals, soap, or anything had been applied to
18 remove stuff that was on his hands.

19 Q Okay. So -- and you did that at the truck?

20 A Yes, sir.

21 Q And that, again, would have been on the body cam?

22 A Yes, sir.

23 Q Okay. Now, who did you interview first: Ms. Speir
24 on the body cam or him on the body cam?

25 A Ms. Speir.

1 Q So you went with Ms. Speir. And is it fair to say
2 her attitude pretty much wholly changed from when she
3 leaves the porch, hugging, "I love you," "This is my
4 godson," and comes back with you, and she doesn't talk to
5 him anymore, he's an abuser, he's always carrying around a
6 sawed-off shotgun and all this other stuff?

7 A I don't want to -- the reason I'm asking, I don't --
8 in pretrial, there were some -- I don't want to cross
9 either way.

10 She doesn't say all that to me when I interview her
11 in the car.

12 Q Okay.

13 A She just keeps it very brief that she was in
14 Elberton, she wasn't there when it happened.

15 Q What did you say to her in the car? Do you mention
16 that she's got over 100 dogs and cats out here and we
17 might have a little problem with the County?

18 A Well, I asked her -- when she said she wasn't there,
19 I said, "Where were you?" She tells me she's in Elberton,
20 grocery shopping. I'm like, "Why are you in Elberton,
21 grocery shopping over an hour away when you got umpteen
22 grocery stores in Greenwood?" That's when she tells me
23 she takes, I think, her dog groomer or whatever back to
24 Elberton, and she was coming back. So she got groceries
25 while she was over there.

1 Q Did you see all these dogs?

2 A I heard all the dogs yapping. I didn't walk through
3 and inspect them all, no, sir.

4 Q Did you ever tell her that might be a problem?

5 A As far as?

6 Q Having that many dogs out there?

7 A I didn't tell her about Animal Control situations.
8 I wasn't worried -- no offense, but I wasn't worried about
9 the dogs at that time.

10 Q Did you talk to her about maybe there was a problem
11 housing all these drug addicts in her house and that y'all
12 had found methamphetamine in her house --

13 A At that --

14 Q -- and that's a problem there?

15 A I hadn't been through the house, so when I talked to
16 her in the car, no, because I hadn't been through the
17 house. I couldn't tell you, other than what was the
18 living room area right there.

19 Q So you weren't aware that there had been a bunch of
20 drug use?

21 A I wasn't aware of drug use in the house, no, sir.

22 Q When did you become aware of that, that there was
23 meth actually in a needle at the house?

24 A When I came back -- I can't remember exactly. I
25 think they were still on-scene by the time I got back. So

1 I done a walk-through with them, and that's when I learned
2 about it.

3 Q If it's already in the needle, is that indicative
4 that they were probably actively doing drugs?

5 A If it's in the needle, at some point in time, they
6 appeared they were going to inject it.

7 Q And you have been here for all the testimony because
8 you're the main investigator; right?

9 A Yes, sir.

10 Q And you know that she said, "Yeah, I had gotten
11 drugs that day, and we were doing drugs"; right?

12 A Yes, sir.

13 Q And you know that she smokes it and she shoots it?

14 A You're talking about Ms. Matthews?

15 Q Yes, sir.

16 A Yes, sir.

17 Q Is there a difference in that to you, smoking and
18 shooting?

19 A As far as?

20 Q In terms of your level of drug use.

21 A I can't answer that because I don't know. I have
22 never done it so I don't know where am I going to. I
23 don't --

24 Q I haven't done it either.

25 A Yeah, so I can't tell you.

1 Q I have dealt with some meth heads before, and when
2 you do it like that -- I mean, you have problems with
3 anger, rage, paranoia. Are you aware of all that?

4 A I am aware that people that -- having done this job
5 long enough, that people on methamphetamines do develop --
6 some people -- do develop paranoia, anger, yes, sir. It's
7 not uncommon.

8 Q They act out of character; right?

9 A It can. In some people, it does.

10 Q And what y'all were doing, you actually went with
11 the kit to do a gunshot residue on Joye Matthews because
12 you wanted to see if she had gunshot residue on her hands,
13 right?

14 A Yes, sir.

15 Q And if there had been a struggle over a gun, there
16 should have been gunshot residue on both hands; right?

17 A That may be a question better for an analyst of how
18 it gets there. I don't -- I don't want to say one
19 thing --

20 Q But if I have got any -- a gun to my head and you
21 grab it and it goes off and it's kind of in both of our
22 hands when it goes off --

23 A It's very likely that it may be on both of our
24 hands, if that's your question.

25 Q That is my question.

1 A Yes, sir.

2 Q Not to beat a dead horse, but do you know what
3 happened -- I mean, I understand you thought your stuff
4 got uploaded because you thought Ronnie Powell did it and
5 protected it for you and somewhere that got lost in the
6 shuffle.

7 A Yes, sir.

8 Q What happened to Mike Young? He's the only other
9 person to talk to Lesa Speir once she got off the porch;
10 right?

11 A That? I don't know. I -- I don't -- yes, sir. I
12 think, when she finished with me, she, at some point, she
13 goes back and talks to him. I don't know. Honestly, I
14 can't tell you, until they download it, even if they have
15 body cams on.

16 Q There is evidence that there was drug use going on
17 in this house before this happened?

18 A Yes, sir.

19 Q All right. And you don't know what happened?

20 A I do not.

21 MR. GEOLY: No further questions, Judge.

22 MR. BLACK: Briefly.

23 REDIRECT EXAMINATION

24 BY MR. BLACK:

25 Q Did Mr. Fowler, the defendant, did his story change

1 from Jacob Turner in the house to Dawn McGuire on the
2 porch to you on the porch to you in the car? Did that
3 story ever change at all?

4 A No, sir. He was consistent. The only deviant was
5 from -- deviation was from the coffee table to the
6 entertainment center.

7 Q And still the gun falling and striking --

8 A Yes, sir.

9 MR. BLACK: That's all I have got.

10 MR. GEOLY: Just a couple in response to that.

11 RECROSS-EXAMINATION

12 BY MR. GEOLY:

13 Q Did he ask for a lawyer or invoke the Fifth
14 Amendment that night?

15 A No, sir.

16 Q He was cooperative with you?

17 A He was.

18 Q There was evidence that everybody had been doing
19 drugs?

20 A Not at that time.

21 Q Okay.

22 A Later on, but not when I talked to him.

23 Q Somehow that night, you decided that was a lie and a
24 real stupid lie. Did anybody from law enforcement ever
25 ask him again what happened?

1 **A** I did not.

2 MR. GEOLY: No further questions, Judge.

3 THE COURT: You may step down. Thank you.

4 Do you have another witness we could take?

5 MS. HOFFMAN: Yes, sir. The State calls Megan
6 Fletcher.

7 THE COURT: While we're doing that, I haven't ruled
8 on the admissibility of State's 126. Mr. Geoly, any
9 objection to 126?

10 MR. GEOLY: Judge, I don't remember what 126 is.
11 I'm sorry, Judge.

12 THE COURT: He moved it into evidence. I think it
13 was the GS -- oh, wait, hold on.

14 MR. GEOLY: Oh, yeah, no objection to the GSR, Your
15 Honor.

16 THE COURT: 126 is in evidence. That's the GSR of
17 the defendant's hands.

18 (State's Exhibit No. 126, Fowler GSR Test, was
19 marked for identification and received into evidence.)

20 MEGAN FLETCHER,

21 after having been duly sworn, was examined and
22 testified to as follows:

23 DIRECT EXAMINATION
24
25

1 BY MS. HOFFMAN:

2 Q Good afternoon. Can you state your name for the
3 record, please.

4 A It's Megan Fletcher. F-l-e-t-c-h-e-r.

5 Q And, Ms. Fletcher, where do you currently work?

6 A I work at the South Carolina Law Enforcement
7 Division in the Forensic Services Laboratory in the Trace
8 Evidence Department.

9 Q And you said "trace evidence." What is that?

10 A So, trace evidence is basically evidence that you
11 can't see with the naked eye, so you need a specialized
12 microscope or other piece of equipment to be able to see
13 it.

14 Q What do you do there in that department?

15 A We analyze evidence such as gunshot residue,
16 explosives, fire debris, fibers, paint, tape, bank dye
17 analysis, and a couple other things.

18 Q Now, did you have to go to school to be able to do
19 these things?

20 A I did. I have my bachelor's degree from Chatham
21 College in biochemistry and English. I also have my
22 master's degree in forensic science from Marshall
23 University, emphasizing in computer forensics and forensic
24 chemistry.

25 Q And did you have to have any additional training to

1 work specifically at SLED in this area?

2 A Yes. Once I was hired on at SLED, for each one of
3 the disciplines that I perform analyses, I had to undergo
4 in-house training for each one of those. For example, for
5 gunshot primer residue, I had about an 11-month training
6 program where I had to complete practical, written, and
7 oral examinations concluding in a competency exam.

8 Q I'm assuming you passed all of those exams?

9 A Yes, ma'am, I did.

10 Q And how long have you worked at SLED?

11 A About 15 and a half years.

12 Q And you indicated you have training that is specific
13 to gunshot residue?

14 A Yes, ma'am, I do.

15 Q Okay. And how often would you say you do that kind
16 of testing?

17 A It depends on what my day or my week is, but I do it
18 quite often. I can do upwards of 200 to 300 cases a year.

19 Q And if there were any sort of new developments in
20 that field, would you be up to date on those?

21 A Absolutely. That's part of my job is to make sure
22 that our department is up to date on the current practices
23 within the field of trace evidence, specifically in
24 gunshot primer residue. I help write the protocols that
25 we follow, and so that's part of my job, to maintain or

1 make sure that we're up to date on those.

2 Q I guess, like continuing education and other
3 trainings to make sure you're up to date with everything;
4 right?

5 A Yes, ma'am. As any webinar trainings or any other
6 trainings become available on instrumentation or the
7 theory, I do -- I do attempt to attend those.

8 Q When we're talking about gunshot residue, what are
9 we talking about exactly?

10 A So gunshot residue the everything that comes out of
11 a gun when it's fired. That includes smoke, soot, fire,
12 fragments of the bullet itself, burned and unburned smoke
13 less powder particles, but also includes gunshot primer
14 residue.

15 And gunshot primer residue is the specific component
16 that comes from the primer part of the cartridge. And
17 those are microscopic molten particles that contains the
18 elements lead, barium, and antimony. And that's what I
19 analyze at SLED.

20 Q Now, have you testified in court about gunshot
21 residue before?

22 A Yes, ma'am, I have.

23 Q About how many times would you say?

24 A 51.

25 Q Okay.

1 MS. HOFFMAN: Your Honor, at this time, we'd ask to
2 have Ms. Fletcher qualified as an expert in gunshot
3 residue analysis.

4 THE COURT: No objection?

5 MR. GEOLY: Can I hear her education again, Judge?

6 THE COURT: Marshall University for her master's.

7 MR. GEOLY: Certainly, Judge. We accept her as an
8 expert.

9 THE COURT: Very good. All right.

10 Ladies and gentlemen of the jury, the parties agree
11 in this case that Ms. Fletcher is an expert in the field
12 of gunshot residue analysis so she can give opinion
13 testimony in that area. She's not limited simply to what
14 she saw or heard, anything she observed her senses.

15 You may continue.

16 BY MS. HOFFMAN:

17 Q Ms. Fletcher, can you tell us a little bit about
18 what goes into testing for gunshot residue?

19 A So gunshot residue is the type of evidence that
20 needs to be collected from either an individual's hands or
21 from the clothing that they were wearing. So what we use
22 are called particle lifts, and they're basically stamps
23 with a sticky surface on it. If it's going to be
24 collected from an individual's hands, that's usually done
25 at the scene or in a police station by an investigator.

1 And how that happens is they take the stamp with the
2 sticky surface and they use it on the palm in the back of
3 each hand. So one would be used for the right hand and
4 one would be used for the left hand.

5 If it's clothing, I do the same process, but I do
6 that in the lab.

7 Q And now you mentioned something about a time frame.
8 What was that time frame again?

9 A So for a gunshot primer residue analysis, it's a
10 very time -- I don't want to say fragile but it's so
11 easily transferred and so easily removed from your hands
12 that, in order to establish a link to the original
13 incident, we have a six-hour time frame in which we will
14 analyze evidence that has been collected for gunshot
15 residue.

16 So that means, if the original incident happened at
17 noon, we would only accept evidence that was collected up
18 to 6 p.m. And that's because it's so easily removed.
19 Essentially, if you shoot a gun, as soon as you put that
20 gun down, you start removing particles from your hands.
21 You might wipe them on your pants, put your hands in your
22 pocket, touch a steering wheel, but the easiest way to do
23 it is to wash your hands.

24 Q So as long as that is collected within six hours,
25 you'll test it?

1 A That's correct.

2 Q Okay. Now, did you perform an analysis in this
3 case?

4 A I did.

5 Q Okay. I'm approaching you with what's already been
6 entered as State's 126. Do you recognize this?

7 A I do recognize this. I recognize this based on the
8 SLED yellow bar code sticker of L21-01526, Item No. 2, as
9 well as my initials and the date in which I accessed this
10 item.

11 Q So you're able to know that that particular test
12 coordinates with that case because of the labeling and the
13 numbers?

14 A That's correct.

15 Q And how did it come into your possession?

16 A I received this kit from a secure location within
17 the trace evidence laboratory.

18 Q Okay. And when you say "a secure location," what
19 does that mean? Can you tell us a little bit about the
20 process of how it comes into your possession?

21 A Well, evidence itself is submitted to the SLED
22 laboratory but an investigating agency. That's either a
23 sheriff's office, a police department, or SLED itself.

24 And once it's submitted to our evidence control
25 department, it's assigned a unique lab number. Each item

1 of evidence is assigned an item number, and it's also
2 assigned a task. And that task is usually associated with
3 what kind of analysis that the investigating agency would
4 like to have.

5 So for a gunshot residue kit, the task would be
6 gunshot residue. Once it's assigned a gunshot residue
7 analysis task, then it's assigned to our department.
8 Somebody from our department would then pick up the
9 evidence. It would be inventoried and then placed in a
10 secure location within our laboratory where an analyst can
11 pick it up.

12 Q You guys are tracking every piece of evidence that
13 comes into the SLED facility; is that correct?

14 A Yes. This bar code system allows us -- we're also
15 provided bar code systems. Each technician, each analyst
16 is provided their own unique bar code.

17 So if I scan the bar code on this item of evidence
18 and then I scan my bar code and I put in a secure password
19 that only I know, that means it's going into my electronic
20 custody.

21 We also have bar codes for each location within the
22 laboratory, so different rooms have different locations,
23 and you can scan them to different rooms or files as well.

24 MS. HOFFMAN: Beg the Court's indulgence.

25 MR. GEOLY: One second, Judge.

1 THE COURT: Sure.

2 (Counsel confer off the record.)

3 BY MS. HOFFMAN:

4 Q Ms. Fletcher, do you guys keep a record of who is
5 touching the evidence and when?

6 A Yes, ma'am, we do. We keep a chain of custody,
7 which is recorded through the use of those bar codes that
8 I just described, and that's a document that's kept in the
9 regular course of business through our laboratory
10 information management system.

11 Q I'm going to show you what's been marked for
12 identification purposes at this point as State's 145. Do
13 you recognize that?

14 A Yes, ma'am, I do.

15 Q Okay. And what is it?

16 A This is a copy of a chain of custody for this lab
17 number of L21-10526.

18 Q And is that a fair and accurate representation of
19 the chain of custody as to this case?

20 A Yes, ma'am, it is.

21 MS. HOFFMAN: Your Honor, at this time, we'd ask to
22 enter State's 145 into evidence.

23 THE COURT: No objection?

24 MR. GEOLY: Subject just to a couple of questions,
25 Judge.

1 THE COURT: All right.

2 MR. GEOLY: Very short and brief.

3 THE COURT: Do you need to publish that?

4 You can handle it on cross.

5 MS. HOFFMAN: No, sir. I don't need to publish it.

6 THE COURT: We'll put a pin in that one too.

7 MR. GEOLY: Thank you.

8 BY MS. HOFFMAN:

9 Q Okay. So I'm just going to briefly go through the
10 chain as to the GSR kit. Who is the -- do you have a copy
11 of this?

12 A I have a copy as it relates to my items.

13 Q Okay. Yes. So who is the first person that gets
14 this evidence at SLED and when is that?

15 A The Item 2?

16 Q Yes, ma'am?

17 A Her name was Vera Martinez, and she was a forensic
18 technician within the Evidence Control Department.

19 Q And so, then, what would she do with that piece of
20 evidence when it comes in?

21 A She accepts the evidence on a said-to-contain basis.
22 She would be the person who -- if this was part of
23 Submission 1, which I believe it was, it would generate
24 the unique lab number through the system -- through our
25 laboratory information management system and make sure

1 that all of the appropriate labels are on the outer
2 containers -- they do not open any containers -- on the
3 outer containers of the items of evidence.

4 Q So every person that touches this at SLED, they're
5 not opening the envelopes and they're not necessarily
6 touching it. They're just kind of tracking it through the
7 system; is that right?

8 MR. GEOLY: Objection to leading, Your Honor.

9 THE COURT: Overruled.

10 A The only people who open the evidence are the people
11 that are required to open the evidence as part of their
12 job duties to analyze or inventory the evidence.

13 BY MS. HOFFMAN:

14 Q So after it leaves Ms. Martinez, what happens to it?
15 Where does it go?

16 A It is transferred to a location at the Evidence
17 Control Department. It says it's Storage Shelf 20. That
18 was just a location within the Evidence Control
19 Department.

20 Q Okay. And then where does it go after that?

21 A Another forensic technician, Hannah Jefferson, was
22 then -- took that evidence from Shelf 20 in order to
23 provide it to forensic technician Jamie Hall, who was a
24 forensic technician within the Trace Evidence Department.

25 Q And then where does it go from there?

1 A She would have inventoried the evidence, meaning she
2 would have opened the evidence at this point, she would
3 have taken the gunshot residue information form out of the
4 gunshot residue kit, she would have looked at the particle
5 lifts but not opened them unless necessary, and taken
6 vital information like who the kit was collected from, how
7 long the time had lapsed between the shooting and the
8 collection, whether this person sustained a gunshot wound,
9 those kind of things.

10 She would have inventoried those, made notes about
11 that, and then she would have returned it to the secure
12 location within the Trace Evidence Laboratory, which was
13 called 338, File 1, Drawer 3.

14 Q Okay. And then once it's in that drawer, then where
15 does it go?

16 A I then picked it up from that drawer.

17 Q And what do you do with it at that point?

18 A That's when I begin my analysis, and that's when I
19 take it to the scanning electron microscope.

20 Q Okay. Now, is all this happening on the same day?

21 A No, ma'am, it's not.

22 Q And then, once you're done with testing -- well,
23 before we get to that part, did you form an opinion in
24 this case after you looked at everything?

25 A I did.

1 Q Okay. And is that based on all of your training and
2 procedures as to GSR testing?

3 A It's based on my training, experience, as well as
4 the testing actually performed in this case.

5 Q Okay. And then, based on that testing within a
6 reasonable degree of scientific certainty, you formed a --
7 you came to an opinion in this case; correct?

8 A I came to an opinion, and I am certain about that.

9 Q And what was that opinion?

10 A If I can refer to my notes so I can...

11 Q Of course.

12 A One particle or characteristic of gunshot primer
13 residue was found and general particles characteristic of
14 gunshot primer residue on microscopic molten particles
15 that contained the elements lead, barium, and antimony.
16 Gunshot primer residue can come from discharging a
17 firearm, being in the vicinity to the discharge of a
18 firearm, or coming into contact with a surface that has
19 gunshot primer residue on it.

20 Q Okay. So there was gunshot residue present on what
21 you tested?

22 A There was one particle of gunshot primer residue on
23 the gunshot residue kit collected from Scotty Joe Fowler.

24 Q Now, you said something about, you know, whether it
25 had been fired or -- tell me that again.

1 A So there are -- three ways that you can get gunshot
2 residue on your hands are from shooting a gun, being in
3 the vicinity to the discharge of a firearm, or touching
4 something that has gunshot residue on it.

5 Q Okay. Would there be anything that could affect
6 whether you could get gunshot residue from someone?

7 A Like if it's easily removed or...

8 Q Yes.

9 A So, like I said before, gunshot residue is very
10 easily removed from your hands. That's why we have that
11 time limit. So the more activity somebody has, the more
12 readily it's going to be removed from somebody's hands.
13 Washing your hands is one way that you can remove gunshot
14 residue from your hands.

15 Q So is it just the amount of time that lapses or is
16 it more so if you touch something, there's something going
17 on with the -- it would remove the particles?

18 A It's a factor of both. Controlled studies within
19 our laboratory indicate that, about four hours, you lose
20 most of the gunshot residue on your hands after shooting.
21 Those controlled studies, we had individuals only do
22 clerical work. They were told they weren't allowed to
23 wash their hands. They weren't supposed to do any
24 strenuous activity. Like no activity to purposefully
25 remove that gunshot residue, and we found, after four

1 hours, that the vast majority of particles had been
2 removed from their hands.

3 Now, if they had been doing more activity, then they
4 would have been -- it would have been easier to remove
5 that in a shorter amount of time.

6 Q So in this test, you found one particle?

7 A That's correct.

8 Q So if someone had been holding a fabric material,
9 could there be transfer that would come off their hands
10 that way?

11 A If they touched something that was fabric, it could
12 have transferred to the fabric, yes.

13 Q And if they had blood all over their hands, would
14 that impact what you could get from their hands on the
15 testing?

16 A So, if someone had bloods on their hands, it might
17 be harder for the collection itself because we're working
18 with a sticky surface on that stub, and over time, it does
19 lose sticky.

20 So if you have got blood, you might lose the sticky
21 faster. Also, sometimes blood can just cover up the
22 particles, and it makes it more difficult to detect.

23 Q All right. And so then once you're done with your
24 testing, what do you do with what's in that envelope
25 there?

1 **A** I would re-seal the package and send it back to the
2 submitting agency.

3 **Q** Okay. And so, in this case, it would be Greenwood
4 County?

5 **A** Yes.

6 **Q** Okay. All right, Ms. Fletcher. I believe that's
7 all the questions that I have for you. Answer anything
8 that Mr. Geoly has for you.

9 **A** Yes, ma'am.

10 **MR. GEOLY:** If it please the Court, Judge?

11 **CROSS-EXAMINATION**

12 **BY MR. GEOLY:**

13 **Q** Hey, Ms. Fletcher.

14 **A** Hi.

15 **Q** Did you watch the Marshall/Notre Dame game this
16 year?

17 **A** I did.

18 **Q** Good victory.

19 **A** It was.

20 **Q** Let me ask you, on that sheet that she showed up,
21 the chain of custody, is there anything abnormal?

22 **A** Not that I noticed, but I'm only looking at what is
23 available to me and what applies to me.

24 **Q** Would you look at it again and just make sure
25 there's nothing abnormal about that or names that you

1 don't recognize that shouldn't have been handling this?

2 A I only have in front of me Item No. 2 part of the
3 chain. Is there another part?

4 Q How about as it relates to Item No. 2?

5 A It looks like everybody in the chain is normal
6 people that would handle it in our chain.

7 MR. GEOLY: I certainly have no objection to it
8 coming in now, Judge.

9 THE COURT: In that case, State's 145 will be in
10 evidence.

11 (State's Exhibit No. 145, Chain of Custody, was
12 marked for identification and received into evidence.)

13 BY MR. GEOLY:

14 Q Let's talk about this one particle for a second.

15 A Okay.

16 Q If you shoot a gun, you're probably going to have
17 more than one particle on you; right?

18 A If the gunshot residue kit is collected immediately,
19 yes, that is true.

20 Q What's a typical "I shot a gun, they take the
21 gunshot residue an hour later, you check it," how many
22 particles would you expect to find?

23 A I really wish I could give you a typical, but
24 there's so many variables that happen in that hour time
25 frame that we get everywhere from negative to the hands

1 are still covered in gunshot primer residue.

2 Q And what would "covered" mean? How many is that?

3 A In excess of eight to ten particles.

4 Q And, in this case, we have one?

5 A That's correct.

6 Q That's really very much explainable because -- as
7 far as Scotty Fowler goes because you're aware he grabs a
8 sheet and performs life-saving procedures for a period of
9 about 13 to 15 minutes. That would get the gunshot
10 residue off of his hand; right?

11 A The life-saving procedures could remove it? Is that
12 what you're asking?

13 Q The fact that what he does that with is a sheet, and
14 he's holding a sheet, and he has to grab the sheet and get
15 the sheet, and all that is taking gunshot residue off his
16 hand; right?

17 A Yes, sir, that's correct.

18 Q All right. Now, you didn't test Joye Matthews;
19 correct?

20 A No, sir. She did sustain a gunshot wound?

21 Q Yes.

22 A We do not analyze gunshot residue kits from victims
23 who have sustained gunshot wounds.

24 Q But let me ask you this: If what actually happened
25 in this case was drugs had been used and somebody's got a

1 gun to their head and somebody else grabs the gun and it
2 goes off --

3 MS. HOFFMAN: Judge, I would object to this line of
4 questioning. We believe this is outside --

5 MR. GEOLY: She's an expert, Judge.

6 MS. HOFFMAN: -- what she can -- the drug use, I
7 believe that's outside her...

8 THE COURT: Fair enough.

9 MR. GEOLY: Let me withdraw it, Judge.

10 THE COURT: Rephrase the question -- it was a
11 hypothetical -- and see what her response would be.

12 MR. GEOLY: All right.

13 BY MR. GEOLY:

14 Q If somebody were to have a gun to their head and it
15 gets grabbed by a shorter person and it goes off for
16 while, this, for lack of a better word, struggle with the
17 gun is happening, would you expect gunshot residue to be
18 on both their hands?

19 A I would expect gunshot residue to be on anyone in
20 the vicinity to the discharge of a firearm, and that
21 includes the victim who has sustained a gunshot wound.

22 Q And, in this case, do you know what happened?

23 A No, sir, I don't.

24 Q Do you know whether Scotty Fowler shot a gun?

25 A No, sir, I do not.

1 Q Do you know whether Joye Matthews shot a gun?

2 A No, sir, I do not.

3 Q Do you know whether or not they were arguing over a
4 gun or struggling over a gun that went off?

5 A No, sir, I do not.

6 Q So you have nothing to offer as to that?

7 A I have -- I do not know anything about the scenario.

8 Q Thank you. I have no further questions.

9 THE COURT: Any redirect?

10 MS. HOFFMAN: Just briefly.

11 REDIRECT EXAMINATION

12 BY MS. HOFFMAN:

13 Q So, Ms. Fletcher, as far as Mr. Fowler is concerned,
14 all you know is that he had gunshot residue on his hands
15 from the test?

16 A He had one particle of gunshot residue on his hand,
17 yes.

18 Q Thank you. No further questions.

19 THE COURT: Thank you for coming. You're free to
20 go.

21 THE WITNESS: Thank you.

22 THE COURT: Do you have another brief SLED witness
23 that we can get through?

24 MS. HOFFMAN: Yes, sir.

25 THE COURT: Go ahead and call them.

1 MS. HOFFMAN: The State is going to call Rachel
2 Johnson, Your Honor.

3 Judge, while she's coming in, if you want to do a
4 sidebar to scheduling real quick...

5 THE COURT: Sure.

6 BENCH CONFERENCE

7 (A bench conference was held off the record and
8 outside of the hearing of the jury.)

9 RACHEL JOHNSON,
10 after having been duly sworn, was examined and
11 testified to as follows:

12 THE COURT: I don't know that you have officially
13 called your next witness. Go ahead.

14 MS. HOFFMAN: Your Honor, the State calls Rachel
15 Johnson.

16 DIRECT EXAMINATION

17 BY MS. HOFFMAN:

18 Q You're Rachel Johnson?

19 A (No audible response.)

20 Q Ms. Johnson, can you tell us where you work.

21 A I'm employed by South Carolina Law Enforcement
22 Division, also known as SLED.

23 Q And what do you do there?

24 A I'm a forensic technician in the Evidence Control
25 Department.

1 Q Okay. And what does that mean?

2 A I handle the intake of evidence from different
3 agencies across South Carolina, and I distribute that
4 evidence within the laboratory.

5 Q Do you do any testing?

6 A No, ma'am.

7 Q Are you familiar with a chain of custody?

8 A Yes, ma'am.

9 Q Did you appear in a chain of custody for a piece of
10 evidence?

11 A Yes, ma'am.

12 Q And did you have some contact with evidence in case
13 L21-10526?

14 A Yes, ma'am.

15 Q And what did you do in this case?

16 A I logged in three items of evidence within this
17 case. It was Items 3, 4, and 5.

18 Q Okay. And I'm going to show you what's previously
19 been entered as State's 127 and 145. Do you recognize
20 these two things?

21 A Yes, ma'am.

22 Q Okay. And what are these items, just generally?

23 A What do you mean?

24 Q So State's 127, what is this?

25 A It's Item L21-01526. Item No. 4.

1 Q Okay. And this paper, what is this?

2 A That is the chain of custody.

3 Q Okay. Now, did you make a notation in the chain as
4 to where you're concerned?

5 A Yes, ma'am.

6 Q Okay. And what was that notation?

7 A I notated that the evidence was received sealed with
8 no initial or date by the submitting officer, so I added
9 evidence tape on top of the seal and added my initial and
10 date to bring it up to laboratory policy.

11 Q So you said the items came sealed; is that right?

12 A Yes, ma'am.

13 Q If there would have been any evidence that it had
14 been tampered with, would you have notated that as well?

15 A Yes, ma'am. I would have documented it, brought it
16 up to my supervisor, brought it to laboratory policy, and
17 would have made a notation.

18 Q But you didn't have to do that?

19 A No, ma'am.

20 Q Okay. And so tell me one more time what you did to
21 bring it up to policy -- up to standard.

22 A I placed SLED evidence tape over the existing seal,
23 wrote my initials and the date.

24 Q And then what happened to it after that?

25 A I placed it on to a DNA shelf.

1 Q And then, from there, it goes through the rest of
2 the process?

3 A Yes, ma'am.

4 Q No further questions. Mr. Geoly may have a couple
5 for you.

6 MR. GEOLY: Just a couple, Judge.

7 CROSS-EXAMINATION

8 BY MR. GEOLY:

9 Q Do you have anything to offer this jury regarding
10 what happened at Lemon Tree Road on April 13th, 2021?

11 A No, sir.

12 Q You don't know anything about what occurred out
13 there, do you?

14 A No, sir.

15 MR. GEOLY: No further questions, Judge.

16 THE COURT: Thank you. You may step down.

17 THE WITNESS: Thank you.

18 THE COURT: Do you have another witness we can get
19 to before lunch?

20 MS. HOFFMAN: Yes, sir.

21 MR. BLACK: The State calls Donna Money.

22 DONNA MONEY,

23 after having been duly sworn, was examined and
24 testified to as follows:

25 DIRECT EXAMINATION

1 BY MR. BLACK:

2 Q Will you state your name, please?

3 A Donna Money.

4 Q And where do you work, Ms. Money?

5 A I'm currently employed at the South Carolina Law
6 Enforcement Division, also known as SLED.

7 Q How long have you been at SLED?

8 A Just over ten years.

9 Q And what do you do at SLED?

10 A I am a forensic DNA analysis in the DNA case work
11 department.

12 Q And is that what you -- have you been doing that at
13 SLED ever since you have worked there?

14 A Yes.

15 Q What kind of education do you have?

16 A I have a bachelor's degree in forensic science from
17 the Pennsylvania State University.

18 Q And what was that in? Science?

19 A Forensic science.

20 Q Forensic science?

21 And once you graduated, did you start working for
22 SLED immediately or did you work other places?

23 A My employment at SLED was my first after college.

24 Q All right. And again, what do you do at SLED?

25 A I am a forensic DNA analyst in the DNA case work

1 department.

2 Q You had additional training at SLED since you have
3 been employed there about DNA?

4 A Yes. When I started my employment in 2012, I was --
5 I participated in an in-house training program under
6 another qualified DNA analyst in the department. This
7 training program included, but was not limited to,
8 performing analysis on training samples, practice samples,
9 which were several hundred. I performed a competency
10 test, which had a practical component. It had an oral
11 exam, written exam, and a mock court.

12 Once I was signed off as a qualified analyst, I am
13 required under the FBI quality assurance standards to have
14 at least eight hours of continuing education each year.

15 Q You also do -- you said you do continuing education
16 as well?

17 A Yes.

18 Q And just in the area of DNA, have things -- have
19 things changed over time?

20 A Technology has improved.

21 Q Okay. And have you ever testified in court before
22 has an expert?

23 A Yes.

24 Q And what is that area?

25 A Forensic DNA analysis.

1 Q How many times?

2 A Fifty.

3 Q Fifty?

4 A Yes.

5 MR. BLACK: Your Honor, at this point, the State
6 moves Ms. Money in as an expert in DNA analysis.

7 MR. SHAFFER: No objection.

8 THE COURT: Again, ladies and gentlemen, the parties
9 agree that Ms. Money is an expert in the field of forensic
10 DNA analysis and so she can give opinion testimony in that
11 area.

12 BY MR. BLACK:

13 Q We have heard a little bit of testimony about a
14 chain of custody. How do items typically come to you at
15 SLED?

16 A When a case is assigned to me for analysis, I will
17 send a request to the Evidence Control Department
18 requesting items of evidence and known standards that
19 require DNA analysis. Then an individual who is employed
20 in the Evidence Control Department will contact me, saying
21 that I can come down and pick up the evidence.

22 Q I'm going to show you what's been marked as State's
23 Exhibit 145. Do you recognize this document?

24 A Yes. This is the chain of custody for evidence that
25 was submitted in this case.

1 Q So, in this particular case of DNA, you dealt just
2 specifically with the DNA; right?

3 A Yes.

4 Q All right. And how -- who is on that chain of
5 custody? How did these items get to you?

6 A Is there an item in particular you would like me to
7 look at?

8 Q Yes, ma'am. You believe it's the swabs from the gun
9 that you conducted DNA testing. And I'm not sure what
10 y'all's item number is.

11 A That item is SLED Item No. 3. And prior to me
12 receiving the evidence, forensic technician Rachel Noel
13 Johnson had it in her custody and transferred it to a DNA
14 intake shelf. And then forensic technician Christine
15 Dadabo then retrieved the item of evidence from that shelf
16 and then transferred it to my custody.

17 Q And once you got it, what did you do with this item?

18 A Then once the item is in my custody, I perform DNA
19 analysis on it.

20 Q And tell the jury how this DNA analysis, how that
21 works.

22 A DNA analysis is a four-step process. It is
23 performed on various types of items. Typically, items are
24 swabbed, so a cutting from a swab. If you have a larger
25 item, say a shirt, you may take a cutting from the shirt.

1 The same process is also performed on any known
2 standards that may be submitted for comparison purposes.

3 Q DNA, what is DNA generally?

4 A DNA is essentially a person's genetic blueprint.
5 It's a chemical found throughout the human body in all
6 different types of cells: blood, semen, saliva, skin.

7 Q And so the testing that you did in this case, what
8 kind of program or what kind of -- and that may not be the
9 right question, but what kind of, I guess, program are you
10 using to test? What exactly you doing?

11 A I'm not exactly sure what you're asking.

12 Q What's STRmix?

13 A STRmix is a computer software program that is used
14 to assist in mixture interpretation, and it is what
15 calculates our statistics.

16 Q Is that something that y'all use down at SLED?

17 A Yes.

18 Q All right. And did you have a swab to test from
19 a -- that was sent to you guys from Greenwood County?

20 A There were several swabs sent or several items sent
21 in this case.

22 Q Tell the jury what those items were.

23 A SLED Item 3 was a swab from a handle of High
24 Standard .22 caliber revolver. SLED Item 4 was a buccal
25 swab from Joye Matthews. And then SLED Item 5 was buccal

1 swabs from Scotty Fowler.

2 Q So when you're testing for DNA, you have to have a
3 known standard typically?

4 A Yes.

5 Q All right. And what's the purpose of that?

6 A A known standard is something that is collected from
7 a person. Typically a buccal swab is a cheek swab using a
8 Q-tip, rubbing on the inside of a cheek, or it could be
9 blood, for instance. And that way, the profile that is
10 developed from that sample, one knows that that is the
11 profile of that person.

12 So if a DNA profile is developed from an item of
13 evidence, you can use the known profile to compare to it
14 so see if they are potentially a contributor to that
15 profile.

16 Q All right. And on this particular occasion, the
17 swab from the High Standard .22 caliber revolver, was
18 there -- did you do any kind of presumptive testing to
19 make sure -- to see if it was blood or any other
20 substance?

21 A Yes. There was a request from the submitting agency
22 for serology, specifically blood, and I did perform a
23 presumptive test for that fluid.

24 Q And was it blood?

25 A The presumptive testing for blood was positive.

1 Q All right. So, at that point, you would have ran
2 further testing for DNA; is that right?

3 A Yes.

4 Q All right. And please tell the jury what your
5 findings are.

6 A May I read from my report?

7 Q That's fine.

8 A A DNA profile suitable for comparison was developed.
9 The profile developed from this item was interpreted as a
10 mixture originating from two individuals. Now, with using
11 the STRmix program, as I mentioned before, it assists in
12 mixture interpretation, and the type of statistic that it
13 calculates is called a likelihood ratio.

14 In general terms, a likelihood ratio is comparing
15 two possible explanations for an event. When dealing with
16 DNA analysis, the event is the DNA profile. So in order
17 to do this, each standard that is submitted, that profile
18 is compared to the evidence profile, and each person will
19 get something what is called as a proposition set, and
20 that is what I'm going to read from that point on.

21 Q How many proposition sets were there in this case?

22 A For this case, there were three.

23 Q And tell the jury what the three proposition sets
24 are, if you don't mind.

25 A The first proposition set, again, stating that the

1 DNA profile was interpreted as a mixture originating from
2 two individuals. The two possible explanations are Joye
3 Matthews and an unidentified, unrelated individual
4 contributed to the mixture or two unidentified, unrelated
5 individuals contributed to the mixture. The DNA profile
6 is approximately 25 septillion times more likely if Joye
7 Matthews and an unidentified, unrelated individual
8 contributed to the mixture than if two unidentified,
9 unrelated individuals.

10 Q So 25 septillion -- how big is that number?

11 A It has 24 zeros after the number. To give you a
12 sense, the world's population is between 7 and 8 billion.
13 This number is several Earth's worth of people.

14 Q Okay. The second proposition set, what does that
15 entail?

16 A For proposition set 2, again, stating that the DNA
17 profile was interpreted as a mixture originating from two
18 individuals. For this one, the two possible explanations
19 are Scotty Fowler and an unidentified, unrelated
20 individual contributed to the mixture or two unidentified,
21 unrelated individuals contributed to the mixture. The DNA
22 profile is approximately 200 times more likely if Scotty
23 Fowler and an unidentified, unrelated individual
24 contributed to the mixture than if it was two
25 unidentified, unrelated individuals.

1 Q So 200. With Scotty Fowler, you know him, and then
2 and other unidentified individual -- you said it's 200
3 more times?

4 A The DNA profile is 200 times more likely to occur if
5 Scotty Fowler and an unidentified, unrelated individual.

6 Q Okay. And the third proposition set, what is that?

7 A The third proposition set, this one was done because
8 the first one had a likelihood ratio in favor of the
9 inclusion of Joye Matthews. The second proposition set
10 had a likelihood ratio in favor of inclusion for Scotty
11 Fowler. So now, it's comparing the two of them together
12 to see if the two-person mixture profile makes sense, if
13 the two of them are contributors.

14 Q What was that finding there?

15 A The DNA profile is approximately 14 octillion times
16 more likely if Joye Matthews and Scotty Fowler contributed
17 to the mixture than if two unidentified, unrelated
18 individuals contributed to the mixture.

19 Q For the jury, 14 octillion, what is that? How many
20 zeros is that?

21 A That is 27.

22 Q And, again, very high number?

23 A Yes.

24 Q All righty. And so the STRmix program basically to
25 help you guys talk about individuals when you have a

1 mixture DNA component? Is that fair to say?

2 A Yes. It assists in mixture interpretation.

3 Q And how long have y'all been using that?

4 A It has been online at SLED since the fall of 2018.

5 Q Fall of 2018?

6 A Yes.

7 MR. BLACK: And, Judge, I think 125 and 127 have
8 already been entered.

9 THE COURT: They are.

10 BY MR. BLACK:

11 Q So help me out. Is it a mixture of both of the DNA
12 with Mr. Fowler and Ms. Matthews on the gun? Is that fair
13 to say what your testimony is reflecting?

14 A When comparing the two standards to the mixture
15 profile, the likelihood ratio for that DNA profile is 14
16 octillion times more likely. However, just as a caveat,
17 because that value is significantly higher than the
18 likelihood ratio that was calculated for Scotty Fowler,
19 when comparing him just to himself, for him, the
20 likelihood ratio is 200 times for likely for that DNA
21 profile.

22 The two of them together, the profile does make
23 sense, but to keep in mind, to look at the likelihood
24 ratio of 200 when comparing Scotty Fowler to the profile
25 versus the 14 octillion.

1 Q And Ms. Matthews was what?

2 A 25 septillion.

3 Q Septillion? The 24 zeros?

4 A Yes.

5 Q All right. I think that's all the questions I have.
6 Please answer any questions Mr. Geoly might have for you.

7 CROSS-EXAMINATION

8 BY MR. GEOLY:

9 Q So you look at the possibility before it would have
10 been somebody else, but it's likely it could have been
11 him? Is that what you're saying?

12 A If I have standards from other individuals, those
13 would be compared to the mixture.

14 Q Really, the Scotty number is a low number compared
15 to the septillion; correct?

16 A Yes.

17 Q But, in reality, if he's holding a gun to his head
18 and it gets jerked by a shorter person and goes off and
19 then that gun stays there as he performs life-saving
20 procedures and the gun is on the ground so it's her blood
21 and it's a gun he carries every day, it's likely both are
22 going to be on there; right?

23 A Common sense, I would expect that.

24 Q From that circumstance right there?

25 A Yes.

1 Q So you don't know what caused this, though; right?

2 A I do not.

3 Q You don't know if the gun went off while it was in
4 Joye Matthews' hand or in Scotty's hand or while they were
5 in a struggle over it, do you?

6 A I do not.

7 Q You're not here to offer the jury any testimony
8 regarding what actually occurred that day with drug use or
9 guns or anything else, are you?

10 A That's correct.

11 MR. GEOLY: No further questions, Judge.

12 THE COURT: All right. Thank you, ma'am. You can
13 step down. You're free to go.

14 All right. Ladies and gentlemen of the jury, we're
15 going to go ahead and take our lunch break at this point
16 in time. And, if you would -- let me find out something
17 real quick. Okay? Hold on.

18 (Pause in the proceedings.)

19 THE COURT: Ladies and gentlemen, I'm going to ask,
20 if you would, to be back here -- that clock is still a
21 little slow. I'd say around 2:00. Okay? And hopefully
22 we'll be in a position to proceed at that point in time
23 promptly. So be back at 2:00. Enjoy your lunch. Don't
24 talk about the case. See you this afternoon. Thank you.

25 (The jury exited the courtroom at 12:47 p.m.)

1 (A lunch recess was taken from 12:48 p.m. to
2 2:13 p.m.)

3 THE COURT: Let's go back on the record then.

4 MS. HOFFMAN: When we were coming back in from
5 lunch --

6 THE COURT: One second.

7 MS. HOFFMAN: Oh, sorry. All those energy drinks...
8 (Pause in the proceedings.)

9 THE COURT: Can you go back on the record?

10 MS. HOFFMAN: I don't see the numbers.

11 COURT MONITOR: It's recording, though.

12 MS. HOFFMAN: It's recording?

13 THE COURT: Are you sure?

14 COURT MONITOR: Let me make sure.

15 MS. HOFFMAN: Even without the numbers on the thing?

16 THE COURT: Okay.

17 MS. HOFFMAN: Okay. Mr. Geoly indicated when we
18 were coming back from lunch, the main doors to the
19 courtroom were locked so I think the jury was out there.
20 Defendant's family, some attorneys, they have all
21 indicated to Mr. Geoly they didn't communicate with any of
22 the jurors or anything like that. They just want to put
23 that on the record. I believe that's what you indicated.

24 MR. GEOLY: That's right, Judge. And in retrospect,
25 I may have done -- I may have gotten a head nod and I may

1 have head nodded and then I think I may have gotten
2 another and I ignored it because I realized I need to not
3 even head nod.

4 So, you know, you have already given an instruction
5 early about, obviously, we would ignore them. I feel bad
6 that I -- you know, there was kind of a -- I don't even
7 know what you call that but, you know, when there's, like
8 an acknowledgment when you bob your head. I did not do it
9 to the second juror that kind of did one of those. Just
10 felt like it was proper to tell her that there were people
11 accumulated. It was about the whole jury, I think 11 or
12 maybe 14 of the 15.

13 My family was there. I have talked to them. They
14 had no interaction. And Tristan has returned, Judge. He
15 had, I think, kind of transversed it quickly and got to
16 the probate court door. I just, you know, wanted to make
17 everybody aware of what happened.

18 THE COURT: Not a problem.

19 MR. GEOLY: Thank you.

20 MS. HOFFMAN: And then, Judge, before we left for
21 lunch, I was double-checking what's been admitted into
22 evidence with our court reporter. There's a couple
23 discrepancies between what Mike and I had marked as -- as
24 what we had marked as evidence, and so we just wanted to
25 try and clarify maybe if you have notes as to what --

1 THE COURT: Sure.

2 MS. HOFFMAN: We had 122, the firearm marked as
3 entered.

4 THE COURT: Go backwards.

5 MS. HOFFMAN: I know some of this was yesterday and
6 today so I don't know. This was Womack, though.

7 THE COURT: 122 is in, as is 123.

8 MS. HOFFMAN: Okay. And that could be casings. And
9 then 124?

10 THE COURT: Yes. Spent shell casings located
11 inside/outside property. That's in.

12 MS. HOFFMAN: Okay. And then -- no, she said that
13 one was in.

14 120, the sheet with blood.

15 THE COURT: That's in.

16 MS. HOFFMAN: Okay.

17 THE COURT: While we're at it, if y'all want to go
18 ahead and seal that thing back up again with some duct
19 tape, feel free.

20 MS. HOFFMAN: Oh, the bed sheet?

21 THE COURT: Unless you're going to refer to it
22 somehow.

23 MS. HOFFMAN: I don't think so. We can go ahead and
24 do that.

25 And then 144. I think that one was the Greenwood

1 chain of custody from --

2 MR. GEOLY: Judge --

3 MS. HOFFMAN: -- Mr. Allison yesterday.

4 MR. GEOLY: -- we may want to hold off. I may want
5 to refer to the sheet during my closing.

6 MS. HOFFMAN: I think that would have been towards
7 the end of the testimony yesterday with Mr. Allison, 144.

8 THE COURT: Yeah, give me a second. Yes, 144 chain
9 report through Womack was introduced today.

10 MS. HOFFMAN: That 144 would have been the one from
11 Allison, right, with Greenwood? Or was that Womack?
12 That's Womack. Okay. 144. Okay. I gotcha.

13 THE COURT: And 145 are in evidence.

14 MS. HOFFMAN: All right. There we go. All right.
15 Perfect. Thank you, Judge.

16 So as it stands right now, 143 is the only piece of
17 evidence that we have not moved into evidence.

18 THE COURT: Which one is that?

19 MS. HOFFMAN: That is test-fired shell casings from
20 SLED.

21 THE COURT: Correct. Yes, we haven't admitted those
22 yet.

23 All right. Let's go ahead and get the jury, please.

24 (The jury entered the courtroom at 2:19 p.m.)

25 THE COURT: Okay. We're back on the record, ladies

1 and gentlemen. Sorry for the delay in getting you out
2 here. There was a wreck over by Hampton Place. I tried
3 to get around it and, in trying to get around it, I found
4 a train that was taking its sweet time. So sorry about
5 that. And then we just did a few house-keeping matters.

6 So, at this point in time, of course, we're still in
7 the State's case-in-chief. So, Solicitor, if you'll call
8 your next witness, please.

9 MR. BLACK: I call Paul Greer.

10 PAUL GREER,

11 after having been duly sworn, was examined and
12 testified to as follows:

13 DIRECT EXAMINATION

14 BY MS. HOFFMAN:

15 Q Can you state your name for the record, please, sir.

16 A Yes, sir. My name is Paul Greer. G-r-e-e-r.

17 Q And where do you work?

18 A I'm employed at the South Carolina Law Enforcement
19 Division, which is also commonly known as SLED.

20 Q And what do you do at SLED?

21 A At SLED, I am a firearms examiner or forensic
22 scientist in our forensic services laboratory.

23 Q And what kind of education do you have?

24 A I received a bachelors of science in biological
25 sciences from the University of South Carolina. Upon my

1 appointment at SLED in the Firearms Department, I began an
2 extensive training program. And that's referred to as our
3 SLED firearm and tool mark course of instruction. This is
4 approximately a three-year apprentice-style training
5 program that is conducted under the supervision of other
6 court-qualified examiners.

7 During this training period, I completed multiple
8 written and practical examinations, assisted other
9 examiners in the department, prepped their cases for
10 court, and also conducted many microscopic comparisons.

11 At the conclude of that training period, I was given
12 a comprehensive final exam that included some mock
13 casework, and I comfortably completed that. And it was at
14 that time I was automobile to begun case work on my own.

15 Q And, at SLED, just kind of generally explain what
16 you do with firearms.

17 A Sure. In the Firearms Department, our main goal is
18 firearms identification. And firearms identification is
19 simply a discipline within forensic science where our main
20 goal is to look at fired ammunition components -- and that
21 can be a fired cartridge case or a fired bullet -- in
22 order to determine that there were specific -- fired by a
23 specific firearm.

24 Other than that, we look at tools and tool mark
25 related evidence. We look at obliterated serial numbers

1 on firearms to restore those using a chemical etching
2 process. We conduct general rifling characteristics
3 exams. So when we receive a fired projectile, we examine
4 that projectile in order to determine its characteristics
5 and potentially provide a list of firearms that could have
6 fired that particular bullet.

7 And, also, I help to perform destruction of weapons.
8 So agencies across the state of South Carolina submit
9 evidence and those firearms to destroy from all over the
10 state.

11 Q And in your job, have you ever testified as an
12 expert in court before?

13 A Yes, sir, I have.

14 Q How many times?

15 A Approximately 29 times.

16 MR. BLACK: At this point, the State moves Mr. Greer
17 in as an expert in firearms identification and
18 examination.

19 THE COURT: Any objection?

20 MR. GEOLY: No, sir.

21 THE COURT: All right. Again, ladies and gentlemen,
22 the parties agree that Mr. Greer is an expert in the field
23 of firearms identification so he can give opinion
24 testimony in that area that you can use as you deem
25 appropriate.

1 All right. Mr. Black?

2 MR. BLACK: Thank you.

3 BY MR. BLACK:

4 Q Did you examine a firearm associated with this
5 Greenwood County case, a revolver?

6 A Yes, sir. There was a revolver submitted associated
7 with this case that I examined.

8 Q And when you get a firearm, generally, what are you
9 doing?

10 A Typically, when we receive a firearm, we will
11 examine that firearm. We will open the packaging. We
12 document that through photography and also on a
13 departmental worksheet.

14 We're going to first look to see if there's any
15 foreign material that may need to be preserved prior to
16 continuing our examination. We'll preserve that material,
17 if necessary, and then proceed on to photographing that
18 firearm, looking at the information, and determining
19 exactly what that firearm is, what the make, model, the
20 caliber and the serial number of that firearm is.

21 In addition to that, we will be looking to test-fire
22 that firearm. So we're going to determine if that firearm
23 is safe for me to shoot. And then we would carry out with
24 that procedure.

25 At SLED, we're able to test-fire it within our

1 laboratory within our tunnel or within a water tank in
2 order to recover our fired bullets and our fired cartridge
3 cases.

4 Q And I'm going to approach with 122 and 123, which
5 have been admitted as the firearm and the casings and a
6 live bullet that were recovered.

7 Take a look at that and tell me if you recognize the
8 item. And I guess we can start with the firearm first.

9 A Okay. This firearm is cable-tied open and it's
10 unloaded, so it's safe for me to handle. I'll keep it
11 pointed in my direction.

12 I'm looking for just a few features. When evidence
13 is submitted to the SLED laboratory, it's given a unique
14 lab number and item number. I mean, I scribe that
15 information on to the evidence itself, and I do see my
16 SLED lab number, item number, and initials on this
17 firearm, and this was determined to be a SLED Item 1. And
18 that was a one High Standard model R-103 revolver and .22
19 long-rifle caliber with a serial number of 1299724.

20 Q And is that the item that you examined and tested?

21 A That's correct. This is the item that I examined.

22 Q All right. And you stated that is a .22 caliber
23 revolver; is that right?

24 A Yes, sir. It was determined to be a .22 long-rifle
25 caliber.

1 Q And for those of us that are -- or those that may
2 not be familiar with different types of guns, talk about
3 what a revolver is and explain that -- the difference
4 between, say, other handguns that people may be familiar
5 with.

6 A Sure. Something you may be familiar with, just in
7 general handguns, is a semiautomatic pistol. That's what
8 you commonly see or think of maybe nowadays. That is
9 where you have a magazine that you load cartridges into.
10 You insert that magazine into the magazine well of that
11 gun, usually at the back end. And you pull the slide back
12 to load a cartridge into the chamber of that gun. When
13 you pull the trigger on that gun, the cartridge will fire,
14 the bullet will travel down the end of the barrel. And
15 that energy from firing that cartridge will cause that
16 firearm to cycle, and that will keep doing that. With
17 each pull of the trigger, you'll shoot one round until you
18 remove the magazine, quit shooting or run out of ammo.
19 And that's a typical semiautomatic pistol.

20 A revolver is a little different. So if you think
21 back to, like, a lot of old cowboy movies or something,
22 you see revolvers. And that's what this is. This is
23 simply a double-action revolver, and here, you'll see you
24 have a cylinder that's composed of many chambers, and
25 that's where you load the unfired cartridges to fire.

1 With a revolver, you pull the trigger one time, and
2 you also get one to fire. This cylinder will rotate
3 around that axis, and that is how you fire a revolver.

4 Q And your mention double-action. What do you mean by
5 that?

6 A Sure. Double-action mode is simply just the mode of
7 fire, and in this type of revolver here, if you were to
8 shoot this in a double-action mode, that means, by pulling
9 the trigger, that will simply cock the firearm. So this
10 hammer has to be cocked and it will be released. And that
11 is the double-action mode.

12 You could also fire this in a single-action mode,
13 and that means you would manually cock the firearm and
14 then just pull the trigger to fire it.

15 Q All right. And I'm going to show you what's been
16 marked as State's No. 143. You actually opened this item
17 just a minute ago; is that right?

18 A Yes, sir. State's Exhibit 143, this is simply an
19 envelope that contains an envelope that I created at SLED,
20 and these are the test specimens that I fired from that
21 revolver there.

22 MR. BLACK: Your Honor, at this point, the State
23 moves 143 into evidence.

24 THE COURT: No objection?

25 MR. GEOLY: Judge, I'm not sure the relevance of

1 this but I don't really have a strong objection.

2 THE COURT: All right. 143 will be in evidence.

3 (State's Exhibit No. 143, Test-Fired Ballistics, was
4 marked for identification and received into evidence.)

5 BY MR. BLACK:

6 Q How many casings are there in 143, Mr. Greer?

7 A There are three fired cartridge cases.

8 Q And what's the purpose of the three fired
9 cartridges?

10 A Just, during our examination of the firearm, we're
11 going to make sure that it's functioning properly. And
12 that's referred to as a function test.

13 These are -- after I determine the firearm was safe
14 to fire, these are just three cartridge cases that I
15 test-fired from that revolver. So these began as an
16 unfired cartridge, each one. I loaded three unfired
17 cartridges into the cylinder of this revolver and fired
18 these in our tank at SLED.

19 Q Did it fire?

20 A Yes, sir, it did.

21 Q So the gun worked as it was supposed to?

22 A Yes, sir. Throughout my examination, I determined
23 that the revolver was in the proper working order.

24 Q So 143, I believe, is into evidence at this point.

25 Mr. Greer, tell us -- tell the jury, you know, what

1 kind of shape this gun was in.

2 A Sure. As received, this revolver looked very
3 similar to this. There is a notable wear on the revolver,
4 and I noted its condition was in fair to poor shape based
5 on just our overall observable characteristics.

6 In looking down the barrel, I did see some fouling
7 or residue just from it being fired and also lead, just
8 also being fired with lead projectiles.

9 Q And how many bullets will this revolver hold?

10 A In the cylinder, there are nine chambers, so you'd
11 be able to load nine cartridges into this revolver at one
12 time.

13 Q When it comes out of the revolver -- when the bullet
14 comes out of the revolver, which way is it typically
15 spinning?

16 A I'm sorry?

17 Q Let's talk about, like, the cylinder, the rotation.
18 Can you talk about -- can you address that?

19 A Yes, sir. The cylinder, it rotates, so it will
20 advance to the next available cartridge, and that's done
21 by pulling the trigger or pulling on the hammer to cock
22 the firearm. That would rotate the cylinder.

23 The cylinder in this particular firearm goes in a
24 counter-clockwise motion.

25 Q What about -- does that gun have any kind of

1 safeties or internal safeties that you have examined or
2 noticed?

3 A Yes, sir. This firearm does have a hammer block
4 safety.

5 Q And what does that mean?

6 A Simply, a hammer block-type safety is an internal
7 safety that is designed to separate the hammer -- and
8 that's in portion right here -- from making contact with
9 the cartridge that may be underneath that hammer and the
10 cylinder.

11 Q And what's the purpose of that?

12 A It's just a design feature that are in some
13 revolvers. In this case, this one was equipped with that
14 type of feature. But, again, it just blocks that hammer
15 from contacting that cartridge so, that way, if the
16 trigger is not pulled, that that cartridge would not be
17 fired. So it creates some space in there so the hammer
18 does not hit up against that cartridge to fire it.

19 Q So a revolver like that, does it have a general
20 safety that maybe folks are familiar with, with like a
21 semiautomatic weapon?

22 A Oh, no, sir. This is a little different. If you're
23 familiar with some type of semiautomatic pistol, you may
24 be more familiar with some type of thumb safety that you
25 can activate with your thumb or turn something down or

1 physically move that safety to turn it on or off. This is
2 an internal safety that you can't really activate by
3 pressing it or turning something. That's done internally.
4 And that's all within the mechanism of that firearm.

5 Q Is that typically how revolvers are set up, to have
6 that internal mechanism?

7 A Some revolvers are. There are a few other type of
8 safeties -- an internal safety that a revolver may have.
9 Not all revolvers have them; however, it was noted that
10 this revolver had that hammer block-type safety.

11 Q Okay. Let's talk a little bit about trigger pull.
12 Do you do any kind of test relating to the trigger pull?

13 A Yes, sir, we do.

14 Q And tell the jury what that is and what it means.

15 A Sure. Trigger pull is simply -- part of our
16 examination on a firearm, in order to determine how many
17 pounds of pressure it takes to pull that trigger and cause
18 the gun to fire. And we do this in the SLED laboratory by
19 using a set of weights, and we pull on this trigger to see
20 how many pounds of pressure it takes to fire that.

21 And, in this particular one, we have determined
22 that, in the single-action mode, so that's with the hammer
23 cocked and pulling the trigger, and also in the
24 double-action mode where the trigger has to pull -- be
25 pulled backwards or rearwards, cock that hammer, and

1 release it. We tested in both of those modes.

2 Q And when you're doing this test, is the gun -- I
3 guess, is it going upwards or are you pulling it backwards
4 kind of down the range, I guess?

5 A Yes, sir. Let me describe that. So we have a set
6 of weights that are attached to a vertical rod. That rod
7 has a hook on it, and that's how we conduct this test.

8 So if you imagine this vertical rod going this way
9 with a hook, we'll put the hook and that rod right here
10 and lift upwards in order to pull that trigger down. And
11 the weights are down here, pulling on that.

12 So we apply more or less weights based on how the
13 firearm is reacting to that, and that's how we determine
14 the trigger pull using that method.

15 Q So, regarding the trigger pull, you did two
16 different tests based on where the hammer was located on
17 the gun?

18 A Yes, sir. Since it was able to be fired in
19 single-action and double-action mode, I have two separate
20 trigger pulls.

21 Q All right. Let's talk about single-action mode.
22 Again, explain to the jury how the hammer would be on the
23 firearm when you're doing that.

24 A Sure. In a single-action mode of fire, that hammer
25 will be cocked, so it will be pulled rearward. This is

1 the hammer of the firearm. It will be pulled rearward.
2 And then you would just need to simply pull the trigger to
3 fire that -- the cartridge or just to fire the gun itself.

4 Sometimes that single action mode of fire, because
5 it doesn't have to complete as many of the process of
6 firing, since it's already cocked, that trigger pull is
7 sometimes lighter.

8 Q And what was the weight on that?

9 A When I conducted that exam, the weight of that was
10 approximately 4-1/4 pounds.

11 Q 4-1/4 pounds?

12 A Yes, sir.

13 Q And, for the jury, so they can kind of understand
14 that, can you give them some kind of example so they can
15 maybe kind of conceptualize that?

16 A Sure. One good thing to think about, remember when
17 you're pulling a -- the trigger on a firearm, typically
18 you would only have one finger pulling on that trigger.
19 So what you may be familiar with, think of you're picking
20 up a gallon of water just with one finger. A gallon of
21 water weighs somewhere around eight pounds. So in
22 comparison to our single-action pull, which was 4-1/4
23 approximately around -- in that vicinity, you can kind of
24 make a judgment of what that actually equates to.

25 Q So about a half gallon in that --

1 A Sure, yes, sir.

2 Q Okay. All right. What about the double-action? Do
3 the same kind of test?

4 A Yes, sir. Double-action -- again, when you're
5 pulling that trigger in a double-action mode, you're
6 having to pull the trigger a long way, and that's also
7 going to have to cock that hammer so that it can fall.

8 So, typically, we see a higher trigger pull in the
9 double-action mode. And when I tested that, I determined
10 the trigger pull to be approximately 13-1/4 pounds.

11 Q 13-1/4?

12 A Yes, sir.

13 Q So that would be much higher than the single-action?

14 A Yes, sir.

15 Q Did you do some additional testing on this firearm
16 that was requested by the solicitor's office and the
17 sheriff's department?

18 A Yes, sir. There was some additional function tests
19 that were performed on this revolver.

20 Q All right. And tell the jury what kind of tests
21 those were.

22 A Additionally, when testing those safeties,
23 typically, how we would test the safety is to insert a
24 dowel rod into the cylinder here, into one of the
25 chambers, to see if those internal safeties are working

1 appropriately when the trigger is pulled and when it's not
2 pulled.

3 Additionally, I conducted some other testing where I
4 hit the revolver here multiple times with a plastic-tipped
5 mallet in order to see if I could cause the firearm to
6 fire.

7 Q And where, on the firearm, are you hitting it with
8 this plastic mallet?

9 A Yes, sir. So, initially -- and I'm going to refer
10 to my notes. Initially, during my function and testing,
11 the revolver was functioning as expected and as designed.
12 During this additional testing, I struck the revolver with
13 that plastic-tipped hammer in various -- excuse me -- the
14 plastic-tipped hammer in various locations. So I would
15 hit it all over the revolver, here at the butt of the gun,
16 the barrel, the cylinder, just to see if I could get it to
17 go off without any pulling of the trigger, to see if
18 something would happen internally to cause that hammer to
19 fall or just to cause the hammer to hit and strike that
20 cartridge.

21 I was unable to have my success with that, so I
22 continued my examination. I, during normal testing, was
23 unable to push the hammer of this gun -- what we call
24 hammer push-off. So, in a cocked position, I was unable
25 to push that hammer forward to get it to release.

1 I took that a step further and used that
2 plastic-tipped hammer and mallet and the hit the back of
3 this hammer on this firearm. In doing that, I also placed
4 some unfired cartridges into this cylinder and placed that
5 underneath the hammer. I struck the back of this hammer
6 multiple times with our plastic-tipped mallet to see if I
7 could get the firearm to go off, and I was unable to fire
8 those cartridges.

9 Additionally, I cocked the hammer and struck it with
10 the mallet. When I did that with the force of the mallet,
11 I was able to get the hammer to fall without me pulling
12 the trigger. When that hammer fell -- I repeated this
13 multiple times -- none of those times did the unfired
14 cartridges in my cylinder go off. That internal safety
15 that we were talking about -- that hammer-block safety,
16 since the trigger had not been pulled, sprung into action,
17 if you will, and moved so that it would block this
18 movement of the hammer from striking the back of that
19 cartridge.

20 So, in all of my testing, none of that caused the
21 revolver to fire, and the trigger of the revolver had to
22 be pulled each time to fire during my examination.

23 Q So when you were beating that revolver with the
24 hammer, it was loaded?

25 A That's correct.

1 Q Okay. And so I guess the first time you did it --
2 just to kind of summarize, the first time you did it, the
3 hammer was not cocked back? Is that what you testified
4 to?

5 A Yes. I would have struck the revolver with that
6 mallet with the hammer cocked and with it not cocked, just
7 to see if anything would cause it to fire. And that's
8 when I began the further testing of actually hitting the
9 back of that hammer with the mallet.

10 Q And nothing ever happened?

11 A No, sir. I was unable to get the firearm to fire.

12 Q And then, at that point, you would have cocked the
13 hammer back and basically performed the same test?

14 A Yes, sir. Well, at first, I did it while the hammer
15 was at rest, while it was forward, and hit that hammer
16 with the back of the mallet to see if I could get it --
17 the hammer on the revolver to strike that cartridge, and I
18 was unable to.

19 Q Okay. And then, once you cocked the hammer back,
20 you were ultimately able to get it to spring forward? Is
21 that what you testified to?

22 A Yes, sir. And once I cocked that hammer, in using
23 the force from the mallet to strike it, I was able to get
24 that hammer to fall; however, each time I did that, the
25 hammer block safety, which is the internal safety of the

1 revolver, moved into action or sprung into action so, that
2 way, it separated the hammer of the revolver from the
3 unfired cartridge, and it did not fire any time during my
4 testing.

5 Q So it never fired?

6 A No, sir.

7 Q Did you ever do any tests where you tried to drop
8 the revolver?

9 A No, sir. We don't, per se, have a drop test that we
10 perform at SLED, and that's -- [sneezing] excuse me --
11 that's for several different reasons. One, we just don't
12 have a policy to do that. In dropping the firearm, you
13 may damage it, and that firearm may be needed for other
14 purposes in the future or throughout the laboratory. We
15 do not have any drop test procedure also. If we're
16 dropping the firearm with cartridges, then that's not
17 necessarily -- thank you so much. Excuse me. It's not
18 necessarily the safest thing.

19 So we recreate a drop test by striking it with that
20 mallet in order to try and recreate a scenario or to -- in
21 lieu of doing that drop test that we damage the firearm.

22 THE COURT: You all right?

23 THE WITNESS: Yes, sir. I'm good. Had a tickle.

24 BY MR. BLACK:

25 Q How many times are you striking the mallet with the

1 gun? How often are you doing this? How many times do you
2 do it?

3 A I don't have it documented how many times I
4 necessarily struck that firearm, but throughout this
5 entire testing process, it was done multiple times. It
6 was not something that I just struck it once or twice and
7 then said it didn't go off. I put some effort to it and
8 struck it multiple times, putting multiple cartridges into
9 those cylinders -- I mean, into those chambers in that
10 cylinder to include some of the ones that had been marked
11 by, I assume, an investigator when it was recovered.

12 I don't have an actual number of how many times I
13 struck it, but it was multiple times throughout the
14 examination process.

15 Q Typically, do you do this on most firearms that
16 you're testing?

17 MR. GEOLY: Objection, Judge. Irrelevant of what he
18 does typically.

19 THE COURT: I'll let him explore it. Go ahead.

20 BY MR. BLACK:

21 Q Do you typically run these kind of tests on
22 firearms?

23 A Typically, we will do a function test of any firearm
24 that we are going to test-fire. Sometimes firearms just
25 come in for a function test, and that's to see if the

1 mechanics of it are working properly and to make sure that
2 those safeties are working as designed.

3 So, to some extent, we do a function test. I don't
4 strike every firearm with a mallet. Sometimes I do,
5 especially with those revolvers when they have hammers
6 that have to fall. That's a little different in pistols.
7 But that's not necessarily uncommon that we do this, but
8 this revolver was sent in for a function test, so we tried
9 to recreate that dropping scenario this way.

10 Q So, basically, you're testing -- you couldn't get
11 that thing to go off unless you actually pulled the
12 trigger?

13 A That's correct. During all of my examination and
14 testing, I was unable to fire this revolver throughout
15 that hammer falling, striking it. Every time that it
16 fired, I had to pull the trigger.

17 Q Did you examine the bullets that were recovered from
18 the firearm in this case?

19 A The only thing that I was submitted to examine in
20 this case was this revolver.

21 Q All right. I think that's all the questions I have.
22 Please answer any questions Mr. Geoly might have for you.

23 A Thank you.

24 CROSS-EXAMINATION
25

1 BY MR. GEOLY:

2 Q How are you doing, Mr. Greer?

3 A I'm fine. I apologize; I just have a slight tickle
4 in my throat.

5 Q Take your time. Get some water.

6 MR. BLACK: Do you need a mint?

7 THE WITNESS: I'm good. Thank you.

8 BY MR. GEOLY:

9 Q We have never met before today; is that fair to say?

10 A That's correct.

11 Q We met just briefly before you got up on the stand
12 and testified; is that right?

13 A Yes, sir, that's correct.

14 Q Your testimony today and all the tests you did, if a
15 man had a gun to his head and it was jerked and went off,
16 nothing you have found refutes that that could have
17 happened; correct?

18 A During my testing, every time the gun fired, the
19 trigger had to be pulled. So I don't know, scenario-wise
20 in that case what would have happened. Just during my
21 examination, I had to pull the trigger to get it to fire.

22 Q And none of that contradicts that there could have
23 been a struggle over a gun and the trigger got pulled and
24 it fired; correct?

25 A If the trigger was pulled, then it would have fired.

1 Based on my testing, that's what happened. When I pulled
2 the trigger, the gun would fire appropriately.

3 Q Like I said, if a female had the gun and the taller
4 man grabbed it, it could have also fired, and that
5 wouldn't contradict any of your testimony, would it?

6 A As long as that trigger was pulled, yes, sir.

7 Q You don't know what happened at 134 Lemon Tree Road,
8 do you?

9 A No, sir. I don't know many of these details of the
10 case.

11 MR. GEOLY: No further questions, Judge.

12 THE COURT: Redirect?

13 All right, sir. Thank you. You can step down.

14 THE WITNESS: Thank you.

15 THE COURT: Solicitor, any additional witnesses?

16 MS. HOFFMAN: No, sir. At this point, I don't have
17 anymore witnesses, and the State would rest.

18 THE COURT: All right. Very good.

19 Ladies and gentlemen of the jury, I need to take up
20 a few matters of law with the attorneys involved in this
21 case, so if you would adjourn to the back for a few
22 moments. If you need to pop outside, just let the bailiff
23 know, and he'll take you outside. But don't discuss the
24 case yet. Okay? Thank you.

25 (The jury exited the courtroom at 2:47 p.m.)