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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT

V.

BRADLEY WAYNE WALKER,

APPELLANT

APPELLATE CASE NO. 2023-000139

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1 State of South Carolina) Court of General Sessions
2 County of Lexington) Eleventh Judicial Circuit

3

4 State of South Carolina,) Transcript of Record
5)
6 vs.) 2019-GS-32-02881
7) 2019-GS-32-02882
8 Bradley Wayne Walker,) 2019-GS-32-02883
9) 2019-GS-32-02884
10 Defendant.)

11

12 January 9th-13th, 2023

13 Lexington, South Carolina

14

15 B E F O R E:

16 The Honorable Walton J. McLeod, IV, Judge; and a Jury.

17

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

19 Sutania A. Fuller, Assistant Solicitor
20 Robert L. McNair, III, Assistant Solicitor
21 On behalf of the State of South Carolina

22

23 Debra B. Moore, Esquire
24 On behalf of the Defendant

25

26

27 Stacy S. Johnson, RPR

28 Circuit Court Reporter

29

30

31

32

1 THE COURT: Anything else before we bring them in?

2 MS. MOORE: No.

3 THE COURT: All right. Let's get them in, please.

4 (Whereupon, the jury panel return to the courtroom
5 at 2:22 PM.)

6 BAILIFF: All present.

7 THE COURT: All right, ladies and gentlemen. We're
8 ready to select the jury for our first trial this week.

9 Is the State ready to call this case?

10 MS. FULLER: The State's ready to proceed, Your
11 Honor.

12 THE COURT: You may call the case.

13 MS. FULLER: Thank you, Your Honor. May it please
14 the Court?

15 THE COURT: Yes, ma'am.

16 MS. FULLER: The State calls for trial Bradley Wayne
17 Walker under Indictment Number 2018-GS-32-02882, and
18 that's an indictment for attempted murder. The State
19 calls for trial Bradley Wayne Walker under Indictment
20 2019-GS-32-02283, and that's an indictment for attempted
21 murder. Also calling Indictment Number 2019-GS-32-02884,
22 and that's an indictment for attempted murder. And
23 2019-GS-32-02881, and that's Bradley Wayne Walker, for an
24 indictment for murder.

25 May I approach, Your Honor?

1 THE COURT: Yes, ma'am. Thank you.

2 All right, ladies and gentlemen. The indictment for
3 murder provides that on July 23rd of 2018 the defendant,
4 Bradley Wayne Walker, did commit the offense of murder,
5 unlawfully killing Aaron Peterson by means of shooting
6 the victim with a firearm in violation of South Carolina
7 law.

8 The indictment for attempted murder states that
9 the defendant, Mr. Bradley Wayne Walker, on or about
10 July 23rd, 2018, after shooting and killing Aaron
11 Peterson did repeatedly shoot at others in the residence
12 located at [REDACTED] Sandspur Road in Pelion and did strike
13 Elizabeth Peterson with the firearm in violation of South
14 Carolina law.

15 The next indictment for attempted murder provides
16 that the defendant, Bradley Wayne Walker, did on
17 July 23rd, 2018, after shooting the aforementioned
18 Aaron Peterson did repeatedly shoot at others in the
19 residence located at Sandspur Road in Pelion, including
20 -- and did strike the victim David Hawkins in violation
21 of South Carolina law.

22 And, finally, an indictment for attempted murder
23 states that on July 23rd 2018, the defendant again shot
24 at the residence located at [REDACTED] Sandspur Road in Pelion
25 with a firearm, which included -- can I ask you-all a

1 quick question, please.

2 (Proceedings held at the bench; not reported.)

3 THE COURT: All right. Finally, the final indictment
4 for attempted murder states that on the same date and at
5 that same address that the defendant shot a firearm at
6 MINOR who did suffer injury from shrapnel of a
7 fired projectile in violation of South Carolina law.

8 Now the indictments charge the defendant with murder
9 and three counts of attempted murder. I remind you that
10 the fact that the defendant was arrested, charged and
11 indicted in this case is not evidence in this case and
12 cannot be considered by you as evidence of guilt in this
13 case. Nor does it create any presumption or inference
14 of guilt. This document is simply the formal written
15 instrument which contains the charges made against the
16 defendant. It is the formal document by which this case
17 is brought into this court.

18 The defendant has pled not guilty to this -- to
19 these indictments. Excuse me. That plea puts the burden
20 on the State to prove the defendant guilty. A person
21 charged with committing a criminal offense in South
22 Carolina is never required to prove himself innocent.
23 No matter what the seriousness of the charge may be, the
24 Defendant will always be presumed to be innocent of the
25 crime for which the indictment was issued unless guilt

1 reports or articles about the facts of this case; be it
2 online, in print or through any social media outlet? If
3 so, please stand.

4 Does anyone have any -- recall seeing anything about
5 this -- the allegations in this case in the news back in
6 2018?

7 Does any member of this jury panel know of any
8 reason whatsoever why he or she should not serve as a
9 juror in this case with particular emphasis being placed
10 on your ability to be fair and impartial to both the State
11 and the defendant?

12 THE COURT: Counsel, any other voir dire?

13 MS. MOORE: No, sir.

14 MS. FULLER: Nothing from the State, Your Honor.

15 THE COURT: We'll do three alternates, all right?
16 Five and ten.

17 All right. Ladies and gentlemen at this time --
18 are we ready to proceed with -- ladies and gentlemen,
19 that ends all the questions I have for you at this
20 moment. Please be patient as we're gonna prepare to
21 complete jury selection here momentarily.

22 (Proceedings held at the bench; not reported.)

23 THE COURT: Ladies and gentlemen, let me also, if
24 anyone in the jury panel -- you know, you just sat through
25 all these questions. Is there anything that you would

1 called forward.)

2 THE CLERK: What say for the State?

3 MS. FULLER: Please present the juror.

4 THE CLERK: What say for the defense?

5 MS. MOORE: Please excuse the juror.

6 THE CLERK: If you'll return to your seat, please,
7 ma'am.

8 THE CLERK: Juror Number 85, Brenda Hanley.

9 (Whereupon, Brenda Hanley, a black female, was
10 called forward.)

11 THE CLERK: What say for the State?

12 MS. FULLER: Please present the juror.

13 THE CLERK: What say for the defence?

14 MS. MOORE: Please seat the juror.

15 THE CLERK: If you'll have a seat in jury box,
16 please, ma'am.

17 THE COURT: Counsel, any issues with selection?

18 MS. FULLER: Nothing from the State, Your Honor.

19 MS. MOORE: Nothing from the defense.

20 THE COURT: All right.

21 All right. Ladies and gentlemen, you've been chosen
22 to serve on this jury. Thank you again for being here
23 today to offer your services. The first thing I'm gonna
24 do is actually send you back to the jury room and I'm
25 gonna have you -- you can refresh yourselves, but also

1 the Court?

2 THE COURT: Yes, sir.

3 MR. McNAIR: Good afternoon. The truth, the
4 simple truth, of this case is in the words of a little
5 three-year-old boy named MINOR and what he told
6 first responders that day. Brad, big bang, hurt mommy.
7 Brad, big bang, hurt daddy. Brad, big bang, hurt me.

8 That little three-year-old boy wouldn't be here today
9 to have told first responders what happened if Bradley
10 Walker had had his way. If Bradley Walker had had his
11 way his mother, Lyz Peterson, would not be here to tell
12 you what happened after he shot her in the head and left
13 her for dead.

14 A guy name David Hawkins would not be here to tell
15 you what happened after he shot him in the arm and then
16 tried to finish him off but ran out of bullets.

17 That little boy's father, Aaron Peterson, is not
18 here today because Bradley Walker made doubly sure he
19 was dead. He shot him in the back before anybody even
20 knew what was coming. Not a word. That was a lethal
21 shot to the back, but he didn't stop there. He walked
22 up to him and shot him three more times as he lay
23 crumpled on the ground with a final execution shot to
24 the head to make sure he was real dead.

25 And little MINOR, that three-year-old boy, left

1 there in that trailer off of Sandspur Road standing
2 there with his momma with her face blown off, patting
3 her on the head saying momma, it's gonna be okay, as his
4 daddy lay on the floor in the same room in a pool of his
5 own blood with a bullet hole in his head.

6 How evil and wicked is that? Little MINOR, he saw
7 evil that day. I'm sure he couldn't process it all, but
8 he saw evil. He knew what happened. Brad hurt mommy,
9 Brad hurt daddy, Brad hurt me. I'm sure he didn't know
10 why. Why would somebody do something like this? Why
11 would somebody try to commit a mass murder of four people,
12 including a little boy?

13 Well, the short of it is, is that Bradley Walker
14 agreed to be the third wheel with a married couple, but
15 he didn't like it when they decided to break up with him
16 and move onto somebody else.

17 Lyz Peterson and Aaron Peterson had been married
18 about eight or nine years prior to this incident. They
19 decided they wanted to invite other people into their
20 relationship. It's something called polyamory. I wasn't
21 familiar with it before this case, but it's a situation
22 where you invite other people into your relationship.

23 In May of 2018, Lyz Peterson met Bradley Walker on
24 some online site where people go who want relationships
25 like this. They ultimately -- Aaron and Lyz ultimately

1 decided to invite Bradley Walker into their relationship.
2 It lasted for a couple of months. They decided they
3 were ready to part ways and move on and told him he had
4 a month to get out of the apartment that they had just
5 moved into.

6 On July 23rd of 2018, the incident date for this
7 case, Aaron Peterson, Lyz Peterson, David Hawkins and
8 little MINOR were all at Sandspur Road in Pelion, which
9 is where Aaron and Lyz used to live, packing up the
10 remainder of their things to move into this new apartment
11 they had just gotten off of Broad River Road. David
12 Hawkins was there helping them move, but you'll hear
13 from Lyz Peterson she had kind of started talking to him
14 a couple of weeks prior to this incident. They were
15 flirting back and forth. She'll tell you it was her
16 hope that David Hawkins would ultimately replace Bradley
17 Walker in her relationship with Aaron Peterson, but that
18 wasn't official yet.

19 On the day of the shooting, Bradley Walker showed
20 up at Sandspur unannounced. He was there for over
21 four hours just helping them move. There was no sign
22 of trouble, there was no words exchanged, there was
23 nothing that should have provoked him. Bradley Walker
24 just calmly got his gun, walked to the bedroom where
25 Aaron Peterson and David Hawkins were about to load up

1 a file cabinet on a hand truck and without saying a word
2 shot Aaron Peterson in the back. He then turned the gun
3 on David Hawkins, fired another shot, hit David Hawkins
4 in the arm causing him to fall to the ground. He then
5 walked up to where Aaron Peterson lay on the floor and,
6 like I said, shot him three more times, including an
7 execution shot to the head.

8 He then left the room, walked down the hall to the
9 living room where Lyz was asleep or had been asleep on
10 the couch with little MINOR on her chest. Lyz sees him
11 coming down the hallway with a gun in hand. She tries
12 to get to her gun that's in a bag on the floor by the
13 couch. He shoots her in the head and then he fired
14 another shot that you will see had to have been at
15 little MINOR. He then walked back to the bedroom to try
16 to finish off David Hawkins who lay there defenseless
17 holding something in front of his face that certainly
18 wouldn't stop a bullet. He fired another shot at David
19 Hawkins and missed and then tried to fire a second shot
20 and his gun clicked. He was out of bullets.

21 At that point he fled the residence. He fled in his
22 gold Toyota Prius. David Hawkins was ultimately able to
23 call 9-1-1 and then about thirty minutes after David
24 Hawkins had called -- thirty-eight minutes after David
25 Hawkins had called 9-1-1 another 9-1-1 call came in about

1 a burned vehicle off of Pooles Mill Road in Pelion. It's
2 a dirt secluded road not far from the incident location.
3 A vehicle fire on that road.

4 Then another call came in from a residence off of
5 Pooles Mill Road that a man with burns on his body had
6 showed up at his house. Law enforcement responded to
7 that location. They found Bradley Walker burned from
8 the waist up from trying to start -- or from setting his
9 vehicle on fire when he burned it up.

10 Law enforcement ended up transporting him to the
11 hospital that night. He then went to the Augusta Burn
12 Center for a couple of months where they treated his
13 injuries. He wouldn't tell anybody his name. He didn't
14 tell paramedics his name that night. He didn't tell
15 anybody his name at the Augusta Burn Center for the over
16 two months that he was there.

17 Now if you hear some story in court this week, it's
18 perfectly all right for you to ask yourself common sense
19 questions. Why did he set his vehicle on fire? Why
20 wouldn't he tell paramedics who were trying to help him
21 his name? Why would he sit in the Augusta Burn Center
22 for two months and not tell anybody his name? You're
23 allowed to use your common sense and to determine who's
24 credible and who's not, who's believable and who's not,
25 what's reasonable and what's not. Just like you do in

1 your every day life decisions, you can use your common
2 sense.

3 I'm gonna also want to ask you to be realistic in
4 what you expect here. You're gonna hear from two people
5 who lived through a chaotic, traumatic event. Lyz
6 Peterson and David Hawkins. It's not very often we get
7 eyewitnesses to a murder case. Be realistic in what you
8 expect. They may remember bits and pieces of this event
9 differently. They may not remember the exact number of
10 shots. They may not remember play by play exactly how
11 things transpired, but that doesn't mean they're lying
12 and that doesn't mean there's reasonable doubt. This
13 was absolute chaos where they were locked in a trailer,
14 trapped in a trailer, with a man who's trying to kill
15 everybody in sight. Be realistic.

16 I'm also gonna ask you not to get sidetracked by
17 their lifestyle. Their lifestyle, whatever you think of
18 it, is irrelevant to this case. It's not a defense to
19 murder. It certainly doesn't give Bradley Walker the
20 authority to decide who lives and who dies. Don't let
21 it detract you from what he did and his actions on this
22 day. And to the extent the defense wants you to hold
23 that against the victims in this case, don't forget this
24 is a lifestyle that Bradley Walker himself signed up for.
25 He wanted this lifestyle. He just didn't like it when a

1 married couple was kicking him out of their relationship
2 after two months. How senseless is this? That's all it
3 took for him to kill a -- attempt to kill four people.

4 He's charged with murder and three counts of
5 attempted murder as you heard. Murder is a pretty
6 simple definition in the law. It's the unlawful killing
7 of another person with malice aforethought. Attempted
8 murder just means with the intent to kill you attempted
9 to kill another person with malice aforethought.

10 What is malice? Malice is evil, ill will, hatred,
11 hostility. Malice is the extreme indifference to human
12 life and isn't that what this is? Isn't that exactly
13 what this is? And what sticks out to me about this whole
14 thing, you're gonna hear he wasn't enraged. There wasn't
15 anything that provoked him that day. He had known they
16 were gonna break up with him a day or two prior to this,
17 but yet he drives forty minutes from Broad River Road to
18 Sandspur, helps them pack up for over four hours, then
19 just calmly gets his gun and tries to kill everybody.
20 Isn't that evil? Nothing even provoked him.

21 Reasonable doubt. I want to talk to you about that
22 as well because a lot of people have misconceptions about
23 what reasonable doubt really means. It does not mean
24 that you have to be a hundred percent certain. The law
25 doesn't require that because there's very few things in

1 this world that we can be absolutely certain about. We
2 make life decisions -- major life decisions every day
3 without having a hundred percent full information. We
4 make decisions based on what we do know and what the
5 evidence is, and if you're firmly convinced he did it,
6 that's all you need to find him guilty. That is beyond
7 a reasonable doubt.

8 Justice is such a cliché word that's thrown around
9 so loosely these days, but that's really what this whole
10 process is about. Justice. Law enforcement can charge
11 somebody, prosecutors can bring a case to court, but you
12 have to deliver justice. You have to. That's in your
13 power, that's in your hands, and at the end of this case
14 that's exactly what we're gonna ask you to do. Do the
15 right thing. Deliver justice. Find him guilty.

16 Thank you.

17 MS. MOORE: May it please the Court?

18 THE COURT: Yes, ma'am.

19 MS. MOORE: Thank you.

20 Everything that the solicitor said is coming out
21 of the mouth of David Hawkins. David and Lyz -- David
22 Hawkins and Elizabeth Peterson were both present on
23 July 23, 2018, and by the end of this case you will be
24 certain that my client, Bradley Walker, was not there.
25 He was not there. He was burning up miles down --

1 twenty minutes away on fire because those two, David
2 Hawkins and Elizabeth Peterson, conspired to kill her
3 husband, Aaron Peterson.

4 They're married now.

5 MS. PETERSON: We are not.

6 MS. MOORE: They have two children together. He
7 said that they had just meet. They hadn't met. They'd
8 known each other for a long time. In fact, she got
9 insurance. \$300,000 life insurance. As soon as she got
10 out of the hospital, she immediately bought a house and
11 a new car. Meanwhile, my client is sitting in the
12 Augusta Burn Center in a coma. He can't tell them his
13 name. He couldn't tell them at the scene what his name
14 was. He's found forty minutes later. Well, the car
15 fire's called in forty minutes later, but after that,
16 about another half an hour, that's when he shows up at
17 the porch. What happened in that forty, forty-five
18 minutes? Where his car is found is about half a mile, a
19 quarter mile maybe, from this home where he knocks on the
20 door. They're coming to get me. That's all he said.
21 That's the last thing he said. By the time the EMS and
22 the cops got there, he was shaking, and you'll see it, he
23 was going into shock. He's been in the Lexington County
24 Detention Center --

25 THE COURT: No. No. No.

1 MR. McNAIR: Objection.

2 THE COURT: Excuse me a moment.

3 MR. McNAIR: Yes.

4 THE COURT: Sustained.

5 MS. MOORE: Everything you hear from this witness
6 stand is coming from David Hawkins. Everything. The
7 investigators did absolutely nothing to corroborate his
8 word because they thought he was gonna die. They didn't
9 check any of the blood swabs at the scene. There's no
10 gun. Nothing. And we're supposed to believe a
11 three-year-old little boy? He was three. And four and
12 a half years later, that's maybe an eight -- an
13 eight-year-old little boy has to come and talk about his
14 father being murdered. He wasn't in that room. I doubt
15 he was even in the trailer. And you'll understand later,
16 trust me. And Aaron Peterson from all information that I
17 have was a good guy. He wanted to stay with his wife.
18 They had recently separated, Aaron and Lyz. She moved
19 to her mother's, but she wanted back in. She didn't want
20 to stay at her mother's. She wanted that house more than
21 anything and she used my client, Bradley Walker. He just
22 met these people. He didn't have any ill will. He just
23 wanted to get away from them. But the worst part to me in
24 this case is the fact that law enforcement did absolutely
25 nothing in this case. Nothing.

1 I'm not gonna say any more about my version of the
2 facts, but I can assure you that you'll have more than
3 reasonable doubt. There's no way we can determine who in
4 this chaotic scene shot who, but I know, we'll show you,
5 it wasn't my client. He is a victim just like Aaron
6 Peterson.

7 Thank you.

8 THE COURT: Are you ready to call your first
9 witness?

10 MR. McNAIR: Your Honor, the State calls Benjamin
11 Treaster.

12 (Whereupon, Ben Treaster was duly sworn by the
13 Clerk of Court.)

14 THE CLERK: If you'll have a seat, please. State
15 your name and spell your last, please, for the record.

16 THE WITNESS: My name is Ben Treaster. Last name
17 T-R-E-A-S-T-E-R.

18 BEN TREASTER,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. McNAIR:

22 Q. Sergeant Treaster, where are you employed?

23 A. I'm employed at the Lexington County Sheriff's
24 Department.

25 Q. And how long have you been with the sheriff's

1 department?

2 A. Almost thirteen years.

3 Q. Okay. Do you have any other prior law enforcement
4 experience?

5 A. I do not.

6 Q. Now currently you're a sergeant, correct?

7 A. I'm currently a lieutenant.

8 Q. Lieutenant. I apologize, Lieutenant. Back on
9 July 23rd of 2018, did you respond to a shooting at
10 Sandspur Road in Pelion?

11 A. I did.

12 Q. All right. What was the actual address of that
13 location?

14 A. The address on Sandspur was [REDACTED]

15 Q. All right. Is that in Lexington County?

16 A. Yes.

17 Q. And what time did that 9-1-1 call come in?

18 A. The 9-1-1 call came in approximately 7:45-ish to the
19 best that I remember. Or I'm sorry. 17:45, so 5:45 PM.

20 Q. 5:45. Was that -- was that actually the dispatch time
21 or the call time?

22 A. I don't know the -- sorry.

23 Q. Okay. Now did you actually respond to that location?

24 A. I responded to the Sandspur address.

25 Q. Okay. How long did it take you to get there?

1 A. Approximately five to six minutes.

2 Q. Okay. I guess just walk us through the first thing
3 you saw when you got on-scene.

4 A. When I initially arrived on-scene, what I saw was a
5 U-Haul truck that was out front and then a blue minivan and
6 a black car in front of the residence.

7 Q. All right. What, if anything, did you notice about
8 the U-Haul truck?

9 A. The back door was up and the ramp was down.

10 Q. Okay. Did you see anyone outside when you first got
11 there?

12 A. I did not.

13 Q. All right. What did you do at that point?

14 A. At that point I started calling out to see if there
15 was anybody there. Based on the information I received on
16 the way there, I had information that someone had been
17 shot --

18 Q. Okay.

19 A. -- so I started calling out looking for victims.

20 Q. All right. Did you hear or see anybody outside?

21 A. I did not.

22 Q. All right. Are you the only person on-scene at this
23 point?

24 A. Yes, sir.

25 Q. All by your yourself?

1 A. Yes, sir.

2 Q. Okay. What did you do at that point?

3 A. At that point I approached the house and looked at
4 the front door and I noticed that there was blood on the
5 outside of the door.

6 Q. Okay. Did you go inside the house?

7 A. I did. I started calling out at the door seeing if
8 there was anybody inside that would call out and then as I
9 opened the door and kept calling a male called out to me
10 from inside the residence.

11 Q. Okay. Did you identify who that male was?

12 A. At that point in time, no, but I later learned his
13 name.

14 Q. Okay. Who was that?

15 A. It was David Hawkins.

16 Q. Okay. And where did you first see Mr. Hawkins?

17 A. As I was standing at the front door, he was on the
18 right side of the residence.

19 Q. Did you see anybody else inside the residence at that
20 point?

21 A. At that point, no. I kept calling and David was the
22 only one that I saw.

23 Q. Okay. Tell us what you did.

24 A. I saw that David was shot in the arm and at some
25 point while I'm talking to David a small child came from

1 somewhere on the right side while I'm talking to David and
2 I told David -- I saw he was bleeding and he was conscious,
3 he was standing up, and I told him to get the child and go
4 outside.

5 Q. Okay. And when you say the right side of the
6 residence, is that the bedroom area where the deceased was
7 ultimately located?

8 A. Yes.

9 Q. Okay. All right. So you noticed that Mr. Hawkins had
10 a gunshot wound to his arm. Is that what you said?

11 A. Yes.

12 Q. All right. And you saw a little boy?

13 A. Yes.

14 Q. And did you ultimately identify who that was?

15 A. I never got his name. I just knew it was a small
16 child and that he was okay and I got him out of the house
17 with David.

18 Q. All right. So you asked Mr. Hawkins to take him
19 outside of the residence?

20 A. Yes.

21 Q. What did you do at that point?

22 A. At that point I continued to call out. I went down
23 on the right side of the house, which is where I found the
24 other two victims.

25 Q. Okay. Would that be in the bedroom area of the house?

1 A. Yes.

2 Q. Okay. And who were they?

3 A. The first person I saw was a male who I later found
4 was identified as Aaron Peterson and there was --

5 Q. Did he have any signs of life?

6 A. Aaron did not have any signs of life at that point.
7 There was a female that was also off to the left from where
8 Aaron was laying and she was covered in blood as well and
9 I later identified that she was Elizabeth Peterson.

10 Q. Elizabeth Peterson. What did you notice about her
11 injuries?

12 A. Elizabeth's injuries were very severe. She was
13 covered in blood all over her body and she appeared to
14 have been shot in the face and she wasn't able to talk
15 and there was large amounts of blood around her face.

16 Q. Did her injuries appear life-threatening to you?

17 A. Based on my training and experience, yes.

18 Q. Were you able to communicate with her?

19 A. Very briefly, but, yes.

20 Q. Was she able to speak?

21 A. It was very gurgled and very restricted and hard to
22 make out based on her current physical state.

23 Q. All right. Well, what did you ask her?

24 A. I asked Elizabeth who shot her.

25 Q. Was she able to give you a response?

1 A. She gurgled out some name that sounded like Brad --

2 MS. MOORE: Your Honor, I object.

3 THE COURT: Exception?

4 MR. McNAIR: Excited utterance, Your Honor.

5 THE COURT: Overruled.

6 BY MR. McNAIR:

7 Q. Go ahead.

8 A. She gurgled out a name that sounded like Brad and she
9 was not able -- I then asked her if his name was Brad and
10 she was able to move her head upwards and downward in a yes
11 motion.

12 Q. Okay. What else did you ask her?

13 A. I continued to ask her what his last name was and she
14 took her hand up like this and made a walking motion and I
15 asked her if his last name was Walker and she shook her
16 head yes.

17 Q. All right. Was that the extent of what you were able
18 to get from her that day?

19 A. Yes.

20 Q. All right. What was the next thing you did?

21 A. I told Elizabeth to keep holding pressure on her face.
22 I had another deputy arrive on-scene and fire service was
23 there, so I left the residence and went out and started
24 talking to David.

25 Q. All right. What -- what was David's condition? Or

1 where was David when you talked to him?

2 A. David was out front by the van that I had seen
3 earlier.

4 Q. Uh-huh.

5 A. David was complaining of being lightheaded and he was
6 breathing -- bleeding from his arm.

7 Q. Was he standing or sitting?

8 A. He would go from a sitting to a standing and back and
9 forth. You could tell he was very emotionally worked up.

10 Q. Okay. Did he appear to be under the stress of
11 whatever had just happened?

12 A. Yes.

13 Q. All right. Did you ask David anything?

14 A. Because of David's state and him complaining of being
15 lightheaded and bleeding, I put a tourniquet on him and
16 started applying some first-aid to him to try to get his
17 bleeding under control and then once I got that taken care
18 of I had a brief conversation with David.

19 Q. Do you recall what you asked him? Well, let me ask
20 you this. Did you document in your report what you asked
21 him and what his responses were?

22 A. Yes.

23 Q. Do you have your report with you up there?

24 A. I do.

25 Q. All right. What did you ask him?

1 A. I asked David how he knew Elizabeth and Aaron and he
2 told me that he had come over to the house to help them
3 move and that he said a guy named Brad had showed up at
4 some point. He didn't know who Brad was and he'd only met
5 him a day prior. And then David told me that they were all
6 moving together to a place on Broad River Road and at that
7 point I asked David if he could describe this Brad subject.
8 He told me that he was twenty-seven years old. That he'd
9 left driving a gold Prius, that he had red hair, and that
10 was all that I got out of David at that point.

11 Q. All right. After getting that information from David
12 and Lyz, did you put that out on dispatch?

13 A. Yes, I had dispatch put out a BOLO to all the
14 surrounding law enforcement agencies.

15 Q. To be on the lookout?

16 A. Yes.

17 Q. For who?

18 A. For the Brad Walker subject with the description that
19 David had given me.

20 Q. Okay. In the gold Prius?

21 A. Yes.

22 Q. Did you ever interact with MINOR while you were
23 on-scene?

24 A. MINOR?

25 Q. MINOR, the child.

1 A. My only interaction I had with MINOR at that point
2 was to give him to the next responding deputy that showed
3 up. I gave him -- took him from David and made sure that
4 he got safe and secure with another officer as they arrived
5 on-scene.

6 Q. Okay. How long do you think you were on-scene before
7 anybody else showed up?

8 A. It felt like a long time, but I think it was only
9 about maybe ten minutes.

10 Q. All right. At some point obviously others showed up?

11 A. Yes.

12 Q. And was that EMS, fire and other officers?

13 A. Yes.

14 Q. All right. And I guess what is law enforcement and
15 first responders' primary concern in a situation like this
16 where you have living victims?

17 A. Our primary concern on initial response is to triage
18 the patients and provide care to the patients that have a
19 higher life expectancy so that we can ensure they survive.

20 Q. All right. And that is priority over securing a crime
21 scene, correct?

22 A. Yes, patient care is primary.

23 Q. So there was some foot traffic in and out of that
24 house dealing with the victims prior to ever securing the
25 crime scene?

1 A. Yes.

2 Q. Did you ever learn what happened to Lyz Peterson,
3 whether she lived or died?

4 A. I later on found out that she did survive.

5 Q. And what was your reaction to that?

6 A. I was shocked.

7 Q. I want to show you some exhibits.

8 MS. MOORE: No objection.

9 THE COURT: All right.

10 BY MR. McNAIR:

11 Q. I'll show you what's been premarked as State's 1
12 through 12. I want to show you State's 1 and 2 first. Do
13 you recognize that?

14 A. I do.

15 Q. Is that a fair and accurate aerial photo of Sandspur
16 Road?

17 A. Yes.

18 MR. McNAIR: Your Honor, we'd offer State's 1 and 2
19 into evidence.

20 THE COURT: Without objection. So admitted.

21 MR. McNAIR: Permission to publish, Your Honor?

22 THE COURT: 1 and 2 or just 1?

23 MR. McNAIR: Well, we'd offer State's 1 through 12
24 into evidence without objection.

25 THE COURT: Without objection, State's Exhibit 1

1 through 12 are admitted into evidence.

2 (State's Exhibit Number 1, 2, 5, 8, 9, 10 11 and
3 12, photographs, were admitted into evidence.)

4 THE COURT: You may publish.

5 BY MR. McNAIR:

6 Q. All right. State's 1, can you show us or identify
7 the major -- first of all, the incident location. Is
8 that denoted where the little balloon is there labeled
9 [REDACTED] Sandspur Road?

10 A. Yes, sir.

11 Q. All right. And what are the major roads that we see
12 here?

13 A. So that major road right there is gonna be Highway 302
14 or also Pine Street, which is the main thoroughfare between
15 the town of Pelion and the town of Wagener.

16 Q. All right. If we're going north on 302, where does
17 that take us?

18 A. North on 302 will take you to the town of Pelion and
19 then later on into Columbia.

20 Q. All right. And if we go south down 302?

21 A. It will take you down into the town of Wagener.

22 Q. State's 2. Again, just a close-up of the crime scene.
23 Can you actually point out the incident location, the
24 trailer where this happened?

25 A. Yes, it's right there.

1 Q. Okay. Speak up a little bit just so everybody can
2 hear you.

3 A. Okay.

4 THE COURT: Can everybody hear okay?

5 THE WITNESS: Is that better now?

6 MR. McNAIR: Very good.

7 THE WITNESS: Okay.

8 BY MR. McNAIR:

9 Q. I'll show you State's 5 and what does this show us?

10 A. That is the incident location. The trailer at
11  Sandspur Road.

12 Q. And can you show us where the front door where you
13 entered was on this diagram?

14 A. The front door would be right there.

15 Q. Okay. And you -- actually is this not the front door?

16 A. Yes, because that -- yes, because there's the hallway
17 here. I'm sorry. Different bedrooms.

18 Q. And this right here would be the living room area?

19 A. Yes.

20 Q. All right. So the front door here and you said you
21 saw the individual was coming from the right side of the
22 trailer?

23 A. Yes.

24 Q. And where is the bedroom where you saw Aaron Peterson
25 and Lyz Peterson?

1 A. In that area right there.

2 Q. Okay. State's 8. Is this the way the scene appeared
3 when you first pulled up that day?

4 A. Yes.

5 Q. And this is the U-Haul trailer you described with the
6 back open?

7 A. Yes.

8 Q. Again, the van was already on the scene when you got
9 there that day?

10 A. Yes.

11 Q. State's 10. Just a picture of the front door,
12 correct?

13 A. Yes, sir.

14 Q. State's 11. The back of the U-Haul trailer?

15 A. Yes.

16 Q. And State's 12 is another picture of the front door?

17 A. Yes.

18 Q. All right.

19 MR. McNAIR: I think that's all the questions I have
20 at this time. Please answer any questions Ms. Moore has.

21 THE COURT: Cross-examination.

22 MS. MOORE: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. MOORE:

25 Q. Lieutenant Treaster, you're now over the jail, aren't

1 you?

2 A. Yes, ma'am.

3 Q. But at the time you were a school resource officer?

4 A. No, ma'am.

5 Q. What were you doing?

6 A. I was assigned to a road patrol. Shift sergeant in
7 south region.

8 Q. Okay. But you didn't have body cam on that day?

9 A. No, I did not.

10 Q. So when you -- but that's normally -- that's typically
11 what you do when you're a patrol officer, correct? When
12 you arrive on-scene, the body cams are designed to record
13 what you see when you go there, correct?

14 A. Right, but in 2018 they hadn't been implemented and
15 issued department-wide.

16 Q. So you didn't have one?

17 A. Right.

18 Q. So you go in on the scene. Was David outside or
19 inside when you arrived?

20 A. David was inside.

21 Q. And was -- did you say he was in the living room?

22 A. He came from the right side of the residence where
23 there's like a hallway.

24 Q. Let me put this back up. Like a what?

25 A. A hallway.

1 Q. So -- all right. Front door?

2 A. Yes.

3 Q. And David's here?

4 A. He was somewhere on that right side, yes.

5 Q. Okay. Where was MINOR?

6 A. He was somewhere with David. I just called him to me
7 instead of going inside.

8 Q. Okay. They came out together is what you're saying?

9 A. Yes.

10 Q. Are you sure of that?

11 A. Yes.

12 Q. Well, this -- in this diagram, I know it's not to
13 scale, but this does not accurately depict what the trailer
14 looked like that day, does it?

15 A. As far as how?

16 Q. Well, they've got furniture, but they don't have any
17 of the boxes. I mean, the place was a mess, correct?

18 A. They were in the process of moving.

19 Q. Uh-huh. And so when you -- MINOR goes outside and you
20 don't hear MINOR say anything, do you?

21 A. MINOR, the child?

22 Q. Right.

23 A. No.

24 Q. And let's talk about David. He was emotionally worked
25 up you said?

1 A. Yes.

2 Q. Did you know that he was the one that called 9-1-1?
3 Were you aware of that?

4 A. At that point, no, I was not.

5 Q. Who was the second officer that came up on the scene?

6 A. The second officer I have documented on my report was
7 Master Deputy Tyler Kennedy.

8 MS. MOORE: I beg the Court's indulgence.

9 BY MS. MOORE:

10 Q. Who was the officer that you handed off **MINOR** to, the
11 little boy?

12 A. Sergeant Redding.

13 Q. When you handed him off, was -- he wasn't crying, he
14 wasn't bleeding? **MINOR**, the little boy.

15 A. At that point, no, not that I was aware of.

16 Q. And he didn't make any statements?

17 A. No.

18 MS. MOORE: That's all I have.

19 THE COURT: Redirect.

20 MR. McNAIR: Nothing further, Your Honor.

21 THE COURT: All right. The witness may step down.

22 (Witness excused.)

23 THE COURT: Counsel, let's talk up here real quick.

24 (Proceedings held at the bench; not reported.)

25 THE COURT: Next witness.

1 MR. McNAIR: Thank you, Your Honor. The State calls
2 Jeff Miller.

3 (Whereupon, Jeff Miller was duly sworn by the Clerk
4 of Court.)

5 THE CLERK: Thank you. If you'll have a seat,
6 please. State your name and spell your last name for
7 the record.

8 THE WITNESS: My name is Jeff Miller. It's
9 M-I-L-L-E-R.

10 JEFF MILLER,
11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. McNAIR:

14 Q. Officer Miller, where do you work?

15 A. I'm currently employed by the Lexington County
16 Sheriff's Department.

17 Q. And what's your current position there?

18 A. My current position, I am a sergeant over the road
19 patrol.

20 Q. How long have you been with the sheriff's department?

21 A. I've been with Lexington County for approximately
22 ten years.

23 Q. Okay. What other positions have you held while you've
24 been there?

25 A. Most recently before I was promoted to sergeant I was

1 an investigator, both property crimes and major crimes.
2 Prior to that, I was a resident deputy and a school
3 resource officer.

4 Q. All right. Do you have any other prior law
5 enforcement experience other than Lexington County
6 Sheriff's Department?

7 A. Yes, I do. I initially started out at Richland County
8 in 2006, left there in 2011 and then was employed with the
9 Batesburg-Leesville Police Department from 2011 to 2013.

10 Q. Now back in July of 2018, what was your position at
11 that time?

12 A. I was an investigator with the major crimes division.

13 Q. And on July 23rd of 2018, did you respond to Sandspur
14 Road in Pelion?

15 A. Yes, sir, I did.

16 Q. Okay. And what was that call in reference to?

17 A. It came out as a multiple shooting with potential of
18 one homicide.

19 Q. All right. And what time did that 9-1-1 call come in?

20 A. The initial call came in at 17:43 or 5:43 PM.

21 Q. 5:43 PM. And who made that call?

22 A. David Hawkins according to the CAD sheet.

23 Q. All right. And what time did you get on-scene?

24 A. I was dispatched at 17:55 and I arrived at 18:16 or
25 6:16 PM.

1 Q. 6:16 PM?

2 A. Yes, sir.

3 Q. All right. What was going on when you first got
4 there?

5 A. When I first arrived, deputies were everywhere
6 cordoning off the scene. We had fire and EMS out there
7 initially and I went and made contact with the -- with
8 Sergeant Treaster as he was the first initial deputy
9 on-scene.

10 Q. All right. Did you have an opportunity to speak to
11 some of the victims on-scene?

12 A. Yes, sir, I did.

13 Q. Who was the -- who did you speak to first?

14 A. So the first victim that I spoke with was gonna be
15 MINOR the little child. The three-year-old.

16 Q. Where was he when you met with him?

17 A. When I spoke with him, he was in the back of a patrol
18 car that was with Sergeant Redding.

19 Q. All right. Did you observe any injuries to him?

20 A. I did. He -- he had his shirt off and he had several
21 marks on his abdomen, belly area, that he was crying about.

22 Q. He was crying at the time you spoke to him?

23 A. Yes, sir.

24 Q. All right. Any other observations about how he
25 appeared emotionally when you saw him?

1 A. He -- he was upset, just kind of a normal
2 three-year-old who was hurting and -- and didn't really
3 know what was going on.

4 Q. All right. Did you ask him about his injuries?

5 A. Yes, sir, I did. The first thing we asked was what
6 happened. We tried not to give any leading questions, but
7 we asked him what happened and he stated -- and he was very
8 certain about it. In between the crying he said big bang,
9 momma hurt and then big bang, daddy hurt. At that point I
10 asked him who hurt his mommy and his daddy and, again, he
11 was very certain in that he said Brad, big bang, hurt mommy
12 and Brad, big bang, hurt daddy. He continued crying a
13 little bit more and then he looked -- patted his belly and
14 said Brad, big bang, hurt me. At that point we immediately
15 gave him over to EMS to have him transported.

16 Q. And did he show you his belly?

17 A. Yes, sir, he did.

18 Q. And what did you observe on his belly?

19 A. Several marks. Almost like small little lacerations
20 I guess you'd call it.

21 Q. All right. Was that the extent of your conversation
22 with MINOR?

23 A. We -- we asked him his name. He was able to give us
24 MINOR and then when I asked him how old he was, he held up
25 three fingers and said he was three, and that was the

1 extent of it right there.

2 Q. All right. Well, after speaking to MINOR, what did
3 you do next?

4 A. After we spoke with MINOR, we were advised that David
5 was inside the back of the ambulance and we went and spoke
6 with him.

7 Q. How would you describe David's demeanor?

8 A. David was in shock. He even told us that he felt
9 woozy and lightheaded due to the blood loss.

10 Q. Did you ask him any questions?

11 A. We did. We asked him first off if he was able to
12 answer questions and he said that he could and then we
13 asked him if he knew who shot him and he immediately stated
14 the name Brad.

15 Q. Okay. Anything else?

16 A. We asked him for a description of the male and any
17 pertinent facts about him that he could give us to help
18 identify him. He said he had just met him the day prior
19 and he described him to be a white male around
20 twenty-seven years old that had bright red hair. I asked
21 him to give me a little bit more and to describe it and
22 he stated that the hair looked like a clown. He stated
23 that he also drove a Toyota Prius that he believed to be
24 gold or champagne in color and that he had a North Carolina
25 license plate. He advised that he believed Elizabeth

1 and Brad were in a relationship. We asked him for some
2 clarification on that and he said that he knew Aaron and
3 Elizabeth were currently separated and that they had let
4 Brad move in with -- with Elizabeth and that he was there
5 to help them, Aaron and Elizabeth and Brad, move into an
6 apartment at Broad River Road and then we asked him about
7 how he knew Elizabeth and that -- that relationship.

8 Q. Okay. What ultimately happened with -- well, after
9 speaking to them, what happened to the victims? Were they
10 transported to the hospital?

11 A. Yes, sir. Both David and MINOR were transported in
12 the same ambulance to Lexington Medical Center and then
13 Elizabeth was transported by another EMS unit over to
14 Richland Memorial due to her injuries.

15 Q. Okay. Now was there a problem with her transport due
16 to the weather?

17 A. Yes. So when -- prior to our arrival it had rained
18 pretty well. When we got there, it had slacked off and
19 they requested LifeNet, which is the helicopter. When
20 they said that they were ready to go and transport, LifeNet
21 had cancelled due to that inclement weather, so then a
22 secondary EMS unit came down to transport her to Richland
23 Memorial.

24 Q. Just before I forget it, what was the weather that
25 day?

1 A. It was -- it was raining. It was cats and dogs out
2 there.

3 Q. Okay. And that was most -- most of the evening?

4 A. Yes, sir.

5 Q. All right. Well, I guess obviously after speaking to
6 the victims, did you develop a name of the suspect?

7 A. Yes, sir, we had. After speaking with all of them had
8 gotten the Bradley Walker name from everybody involved.

9 Q. And did you develop a suspect vehicle?

10 A. Yes, sir, we did. That was the gold or champagne
11 Toyota Prius with the North Carolina license plate.

12 Q. Okay. Now while you were on the scene, did another
13 call come in that ended up being related to this case?

14 A. Yes. So we had received a 9-1-1 call. Let me get the
15 exact time for you. Excuse me. It came in while we were
16 on-scene, but we didn't get dispatched out to it until a
17 little bit later at approximately 19:22 or 7:22 is when we
18 were dispatched to it.

19 Q. Can you tell us when that initial call came in and
20 what that was in reference to?

21 A. Yes, sir. Let me find it here. Sorry. Excuse me.
22 There are a lot of numbers on here. All right.

23 Q. Does 6:21 PM sound about right?

24 A. Yes, sir. Yes, sir, it does. Yes, sir.

25 Q. 6:21 PM?

1 A. Yes, sir.

2 Q. All right. And what was that call in reference to
3 again?

4 A. That was in reference to a burned Toyota Prius that
5 was over on -- let me get my -- I'm sorry. I apologize.
6 That was over on Pooles Mill Road.

7 Q. A burned vehicle on Pooles Mill Road?

8 A. Yes, sir.

9 Q. All right. And did another call come in as well from
10 that same area?

11 A. Yes, sir. Not even half a mile up the road by the way
12 the crow flies also at Pooles Mill Road in reference to a
13 burned male knocking on a gentleman's door.

14 Q. Okay. And what time did that call come in?

15 A. It came in shortly after the initial call came in.
16 Sorry. I'm trying to find the fire time that they were
17 dispatched. I'm not able to find it right now, but it was
18 shortly thereafter.

19 Q. Around 7:00 PM? Does that sound about right?

20 A. Yes, sir. It would be about right. Like I said, it
21 was shortly thereafter after we got that initial call.

22 Q. About forty minutes after the initial call from Pooles
23 Mill Road?

24 A. Yes, sir.

25 Q. All right. Did you end up responding to that

1 location?

2 A. Yes, sir, we did.

3 Q. And can you describe for the jury what type of area
4 this is?

5 A. So Pooles Mill is a rutted dirt road out in the middle
6 of nowhere. It's very secluded, a lot of wooded area and
7 just -- it's a rundown area.

8 Q. All right. So when you went to that location, what
9 did you see there?

10 A. So when we first got onto Pooles Mill Road, we
11 observed several fire trucks out there with a burned
12 vehicle that was pulled off to the side of the dirt portion
13 of the road.

14 Q. Did you see the vehicle?

15 A. Yes, sir.

16 Q. Were you able to determine what type of vehicle it
17 was?

18 A. Yes, sir. It was a Prius.

19 Q. All right.

20 A. You can't mistake that.

21 Q. All right. That matched the description given by the
22 victims?

23 A. Yes, sir. And we were also able to obtain part of the
24 license plate there.

25 Q. All right. And where was the license tag from?

1 A. North Carolina.

2 Q. After seeing the vehicle, what did you do?

3 A. After we saw the vehicle, we went literally right up
4 the road to the -- to the scene where the gentleman was.

5 Q. Is that [REDACTED] Pools Mill Road?

6 A. Yes, sir. Who had called in reference to the burned
7 man on his porch.

8 Q. All right. What did -- what did you see when you got
9 to that location?

10 A. So when we got there, there was already a fire truck
11 up there along with EMS. We walked up there and we
12 observed the gentleman who we found out to be Bradley
13 Walker with a blanket over his shoulders, naked with socks
14 on. He had the red hair, he smelled of gasoline, and just
15 appeared to be in a state of shock.

16 Q. All right. So, again, did that fit the description
17 provided by the victims on-scene?

18 A. Yes, sir, it did.

19 Q. Did you attempt to ask him any questions?

20 A. We did. The first thing we asked him for was his name
21 and he wouldn't give it to us. The second thing we asked
22 was what happened and he refused to answer that question as
23 well.

24 Q. What ultimately happened to him that night?

25 A. He was placed in the back of the ambulance and

1 transported to Lexington Medical Center until he could be
2 stabilized and then he was transported to Augusta Burn
3 Center in Rich -- in Augusta.

4 Q. All right. Now since he wouldn't identify himself,
5 what efforts did you-all have to undertake to try and
6 figure out who this guy was?

7 A. So we initially contacted SLED and Richland County
8 Sheriff's Department to see if they could grab their
9 fingerprint reader to get a fingerprint from him over at
10 Lexington Medical Center.

11 Q. All right. So they responded to Lexington Medical
12 Center to try and get this fingerprint reader?

13 A. Yes, sir.

14 Q. All right. Did that work?

15 A. No, sir.

16 Q. How did you ultimately identify his name other than
17 the victims?

18 A. So we ran the tag, the partial tag, on that burned
19 Prius and we were able to get the information of Bradley
20 Walker that it belonged to. SLED was able to -- also
21 during the fire reconstruction able to get the VIN off of
22 it for us and we were able to also verify that that was,
23 in fact, the same vehicle.

24 Q. All right. Now how long was he in the Augusta Burn
25 Center?

1 A. Several months. I'd say it was two or three months
2 roughly.

3 Q. During the time he was there, were you keeping tabs on
4 his status?

5 A. Yes, sir. We would either call or we'd go down there
6 and check on -- check on him and the nurses that were in
7 his care to try to get more information.

8 Q. All right. To your knowledge, was he in a coma while
9 he was there?

10 A. I believe they did place him in a medically-induced
11 coma due to the severe injuries, the burns that he had.

12 Q. The entire time he was there?

13 A. No, sir, not the entire time.

14 Q. All right. To you knowledge, during the whole time he
15 was there did he ever provide his name?

16 A. No, sir.

17 Q. How was he listed?

18 A. He was listed as John Doe.

19 Q. Now when was he actually served with warrants in this
20 case?

21 A. He was served October the 8th, I believe.

22 Q. October the 8th of 2018?

23 A. Yes, sir.

24 Q. All right. And why the delay?

25 A. Due to the fact that he was under doctor's care in the

1 burn center, we felt it prudent not to bring him into our
2 facility until the doctor said he was clear so that way we
3 could get him up here and he could face charges.

4 Q. That's the day he was released from the burn center?

5 A. Yes, sir.

6 Q. All right. Now after this incident, did you end up
7 retrieving some items from Janet Long?

8 A. Yes, sir, I did.

9 Q. Who is she?

10 A. That is Elizabeth Peterson's mother.

11 Q. All right. Did she contact you?

12 A. Yes, sir, she did.

13 Q. And what items did you get from her?

14 A. So we had gotten several items from her that she
15 stated belonged to Bradley Walker. It was a duffle bag,
16 a shoebox with some belongings in it, one of which was a
17 Smith & Wesson gun box, some shell casings, some cologne,
18 there was a voice recorder in there, and I think some boxes
19 of ammo.

20 Q. Okay. And you said a Smith & Wesson gun box. Was it
21 a 40-caliber Smith & Wesson?

22 MS. MOORE: Your Honor, I object to leading.

23 MR. McNAIR: I'll ask him another --

24 THE COURT: Rephrase the question.

25 BY MR. McNAIR:

1 Q. Do you know what caliber Smith & Wesson it was?

2 A. Based on the shells that were inside there, we do
3 believe it was a .40 and the sticker on the outside,
4 which showed the serial number and all that stuff, said
5 40-caliber.

6 Q. All right. And were there spent 40-caliber shell
7 casings recovered from the scene?

8 A. Yes, I do believe so by CSI.

9 Q. Now you mentioned a recorder --

10 A. Yes, sir.

11 Q. -- in some of these items that Janet Long turned over
12 to you?

13 A. Yes, sir.

14 Q. At the time did you know whether or not there was
15 anything on that recorder?

16 A. No, sir, we did not.

17 Q. Initially did you believe this recorder was even
18 relevant to your investigation?

19 A. No, sir, we did not.

20 Q. Did you have anything in your report or any other
21 officer's report concerning what was on this recorder?

22 A. No, sir. We -- we had attempted to look at it I want
23 to say at the time we had done the search warrant, but
24 there was nothing that we could locate on there at that
25 particular time.

1 Q. At some point did you decide to listen further to what
2 may or may not be on that recorder?

3 A. Yes.

4 Q. And why was that?

5 A. We had a gentleman who decided that he wanted to give
6 us some information from the case and stated that there
7 was --

8 MS. MOORE: Your Honor, I object.

9 THE COURT: Let me ask you-all a quick question up
10 here, please.

11 (Proceedings held at the bench; not reported.)

12 BY MR. McNAIR:

13 Q. So just one more time, what caused you after, I guess,
14 and not getting into what was on the recorder or anything
15 like that, why did you want to go back and listen to the
16 recorder?

17 A. We had information from another individual who was
18 in the jail at the time that stated that he was given
19 information --

20 MS. MOORE: Your Honor, I object.

21 THE COURT: I think you've asked your question and
22 you should not direct -- you should not elicit anything
23 else at this time.

24 MR. McNAIR: Yes, sir.

25 BY MR. McNAIR:

1 Q. All right. Who was the individual you spoke to?

2 A. His name was Mr. Johnny Lee Darby.

3 Q. Okay.

4 MS. MOORE: Your Honor, I don't have any objections
5 to either -- any of them except for State's 15.

6 THE COURT: May I see it?

7 (Proceedings held at the bench; not reported.)

8 THE COURT: All right. So that will be -- I'll let
9 you lay your foundation first.

10 MR. McNAIR: Your Honor, they're out of order.
11 State's 3, 4, 29, 30, 31, 32, 33, 34, 35, 36, and then 13
12 through 15. I'm sorry.

13 THE COURT: Okay. I thought you said 3 and 4.

14 MR. McNAIR: I did say 3 and 4.

15 THE COURT REPORTER: But they were already --

16 THE COURT: They were in the twelve admitted
17 earlier.

18 MS. FULLER: Your Honor, just to correct that for
19 the record, State's Exhibit 3, 4, 6 and 7 are not in
20 evidence yet until now. It wasn't 1 through 12 with the
21 last witness.

22 THE COURT REPORTER: Well, that was what was stated.

23 MR. McNAIR: I thought they were in chronological
24 order, but apparently there's ones missing from the first
25 stack.

1 THE COURT: Okay. Is this something we can clear up?

2 MR. McNAIR: Yes, we'll clear that up later.

3 THE COURT: So just for -- 13 through 15 are admitted
4 into evidence without objection and the thirties, I'll
5 call them, which were --

6 MR. McNAIR: 29 through 36.

7 THE COURT: All right.

8 MR. McNAIR: And 3 and 4, which are --

9 THE COURT: All right. The record will reflect that
10 Exhibits 13 through 15, 29 through 36, and 3 through 4
11 are admitted into evidence without objection.

12 (State's Exhibit Number 3, 4, 13, 14, 15, 29, 30,
13 31, 32, 33, 34, 35 and 36, photographs, were admitted
14 into evidence.)

15 MR. McNAIR: All right. Permission to publish, Your
16 Honor?

17 THE COURT: Very well.

18 BY MR. McNAIR:

19 Q. All right. Sergeant Miller, do you have a laser
20 pointer up there? On State's 3, what is depicted on the
21 aerial map?

22 A. So this is Pooles Mill Road right here and then --
23 that's where the vehicle was located and then right here
24 is gonna be the residence where Mr. Walker walked up to.

25 Q. And what main road do you turn off of to get to Pooles

1 Mill?

2 A. I believe it's 178.

3 Q. 178?

4 A. Yes, sir.

5 Q. Okay. State's 4. All right. What does -- what does
6 this map show us?

7 A. So this right here is the incident location at
8 [REDACTED] Sandspur Road. This is gonna be the main -- main
9 street or 302 and then down here's gonna be Pooles Mill
10 Road, that area.

11 Q. Okay. So it's showing the incident location and then
12 the area where Mr. Walker was located at the residence off
13 of Pooles Mill?

14 A. Yes, sir.

15 Q. Now what is the easier or most direct route to get
16 from Sandspur to Pooles Mill Road?

17 A. The most direct route is gonna be taking Highway 302
18 coming off of Sandspur and then going to Highway 178 going
19 outbound to Pelion.

20 Q. Okay. So you actually take 302 to the town of Pelion?

21 A. Yes, sir.

22 Q. And then turn back down 178?

23 A. Yes, sir.

24 Q. And that's heading towards Wagener?

25 A. Yes, sir.

1 Q. Okay. Is that the route you took to get there from
2 Sandspur?

3 A. Yes, sir, it was.

4 Q. State's 29. What is that?

5 A. That is the burnt vehicle that was located on Pooles
6 Mill, which is the Toyota Prius.

7 Q. The Prius with the North Carolina tags that came back
8 to Mr. Walker?

9 A. Yes, sir.

10 Q. State's 30.

11 A. That is also the same vehicle.

12 Q. And I'll just publish them. State's 31.

13 A. The same vehicle. The same vehicle.

14 Q. State's 33.

15 A. And that is the way that we -- when we made contact
16 with the gentleman at [REDACTED] Pooles Mill, that's the
17 individual that we saw that we determined to be Bradley
18 Walker.

19 Q. All right. It's hard to tell, but what color was his
20 hair?

21 A. Red.

22 Q. All right. Now how did he get to the ambulance? Was
23 he able to walk?

24 A. Yes, sir. He was sitting on the gentleman's back deck
25 and when EMS got there, they escorted him, walked him down

1 to the ambulance -- to the back of the ambulance, and he
2 climbed up in there.

3 Q. Did he appear to have any problems breathing or
4 anything like that?

5 A. No, sir.

6 Q. State's 34. Do you recognize that item?

7 A. Yes, sir. That is the bag that we got from Elizabeth
8 Peterson's mom that she said came out of the apartment over
9 on Broad River.

10 Q. And State's 36.

11 A. Yeah. And that's the -- the cologne I recall --

12 Q. That's the inside --

13 A. -- on the inside of that bag.

14 Q. The inside -- the stuff inside the bag?

15 A. Yes, sir.

16 Q. And State's 35.

17 A. That's the recorder that came out of that bag.

18 Q. That came out of the bag that we just saw in
19 State's 36?

20 A. Yes, sir.

21 Q. State's 13.

22 A. That was also inside the -- or with the bag that she
23 gave us.

24 Q. This was the other item she provided you with the bag?

25 A. Yes, sir. That was in the -- she had it all in like a

1 trash bag that she gave to us.

2 Q. Okay. And what is this?

3 A. That appears to be a shoebox.

4 Q. Wrapped in something?

5 A. Yes, sir.

6 Q. That's just the other side of the shoebox in

7 State's 14?

8 A. Yes, sir.

9 Q. And then State's 15. What does that show?

10 A. So that is what we found inside the box when she
11 handed it to us. We had the -- of course, the gun box
12 there, boxes of ammunition, the magazine, and then inside
13 this they had some spent shells and they were kind of
14 rattling around in the box.

15 Q. All right. So inside the shoebox was a gun box and
16 these other items?

17 A. Yes, sir.

18 Q. And the Winchester boxes, what are those?

19 A. Those are 40-caliber rounds.

20 Q. Three boxes of .40 cal?

21 A. Yes.

22 Q. And one magazine?

23 A. Yes, sir.

24 Q. And a Smith & Wesson gun box?

25 A. (Nods head.)

1 Q. Now you'd mentioned you attempted -- this recorder
2 we've been talking about, you attempted to listen to that?

3 A. Yes, sir.

4 Q. And why did you think there was nothing on there?

5 A. It was just nothing. It was just silence.

6 Q. For -- for how long do you think?

7 A. We listened to it for, I'd say, thirty minutes or more
8 and there was just nothing there.

9 Q. Have you -- and have you since learned from listening
10 to it there was even more, I guess, what I'd call dead time
11 than that on there?

12 A. Yes. Yes, sir.

13 Q. Is it possible for you to estimate how much dead time?

14 A. Two to three hours.

15 Q. Before you ever here anything?

16 A. Yes, sir.

17 Q. All right. And that's why you thought there wasn't
18 anything on there initially?

19 A. Yes, sir.

20 Q. All right.

21 MR. McNAIR: That's all the questions I have.

22 Please answer any that Ms. Moore has.

23 THE COURT: Cross-examination.

24 MS. MOORE: Your Honor, may we approach?

25 THE COURT: Sure.

1 (Proceedings held at the bench; not reported.)

2 CROSS-EXAMINATION

3 BY MS. MOORE:

4 Q. Sergeant Miller, right?

5 A. Yes, sir.

6 Q. You're the lead investigator in this case, right?

7 A. Correct.

8 Q. And as lead investigator, what's your job -- what are
9 your duties and responsibilities?

10 A. As lead investigator, we are responsible for just
11 compiling all of the reports, leading the investigation as
12 far as being the person who does all the questioning and
13 the actual investigation. We're responsible for writing
14 any of the warrants and presenting any of the probable
15 cause to a judge.

16 Q. So when you say you do all questioning, who all did
17 you speak with?

18 A. We don't do all the questioning. We -- so we do as
19 much as we can and then we will delegate other individuals
20 to -- to go handle whatever we can't get to.

21 Q. Okay. So you don't do all of the questioning?

22 A. No. Correct.

23 Q. Okay. What else did you do? Who did you talk to?

24 A. I -- I spoke with several individuals. First off,
25 was David Hawkins on the scene and MINOR. I later spoke

1 with Elizabeth in the hospital after she was able to talk
2 somewhat. I spoke with her mother. I spoke with the other
3 individual that lived at the residence who actually owned
4 the -- owned the residence. I spoke with a couple of
5 neighbors. And then we spoke again with David a little bit
6 later after he got out of the hospital.

7 Q. Did you have a conversation with him while he was in
8 the hospital?

9 A. No, ma'am.

10 Q. Who had a conversation with him when he was in the
11 hospital?

12 A. To my knowledge, Detective Marthers was at the
13 hospital with him. He met him up there. I don't know if
14 there was any type of conversation to be had. I think it
15 was more of just checking on him to make sure he was gonna
16 make it and then getting information from him.

17 Q. So you don't know if there was an audio recording of
18 that interview?

19 A. I can't --

20 Q. As lead detective, there's no -- you don't know of
21 that, correct?

22 A. If Detective Marthers spoke with him, he most likely
23 did or he wrote a really good report because he's very
24 thorough.

25 Q. Is that not -- you don't -- but as the lead detective

1 you don't know whether that was recorded?

2 A. I do not know what Detective Marthers had as far as
3 tools.

4 Q. Do you have any indication that he met with him at the
5 hospital?

6 A. Yes, ma'am. I know he met with him at the hospital.

7 Q. Okay. And then you met with him the next day?

8 A. We did not meet with him the next day. We attempted,
9 but he was out with family.

10 Q. When did you meet with him?

11 A. We met with him again on -- excuse me. It was shortly
12 after that because he had just gotten released from LMC
13 when we met with him. It would have been on 7-25.

14 Q. Okay. So two days later?

15 A. Yes, ma'am.

16 Q. And where did you meet him at?

17 A. We met him at a friend's house at [REDACTED] Satchelford
18 Road in Forest Acres.

19 Q. Is that a friend's house or was that a family member?

20 A. Friend or family. I don't recall.

21 Q. Who's house was it?

22 A. I do not recall. We did not speak with that
23 individual. He met us there at the door.

24 Q. What was the address again?

25 A. [REDACTED] Satchelford Road in Forest Acres.

1 Q. And that's in Richland County, correct?

2 A. Yes. Yes, ma'am.

3 Q. Did David live there or were you able to ascertain
4 that?

5 A. He just said he was staying there after the incident.

6 Q. Okay. Where does he normally live?

7 A. The address that we have for him was [REDACTED] Roland Drive
8 in Lexington.

9 Q. How did you know he wasn't at Roland Drive? Did you
10 go by there first?

11 A. No, ma'am. We called him on his phone.

12 Q. Okay. So he was able to talk?

13 A. Yes, ma'am.

14 Q. When did he get out of the hospital?

15 A. That day on the --

16 Q. The day --

17 A. -- the 25th.

18 Q. But that's the day you went to meet him?

19 A. Yes, ma'am. We called Lexington Medical Center to
20 see if he was there and they said he had been discharged
21 earlier that day.

22 Q. Okay. When you said you tried to meet with him, was
23 that -- that second time was at the hospital and he was out
24 with family?

25 A. Correct. Yes, ma'am.

1 Q. Okay. And so during that interview -- I mean, I'm
2 assuming you listened to the 9-1-1 call. Did you?

3 A. Yes, ma'am.

4 Q. And did -- did you listen to what Brandon Marthers,
5 what he -- that interview at the hospital or no?

6 A. The initial?

7 Q. No, the one where Brannon Marthers went to the
8 hospital and did the interview. We just talked about that.

9 A. No, ma'am.

10 Q. Okay. And did you record your interview?

11 A. No, ma'am.

12 Q. You did not?

13 A. No, ma'am.

14 Q. The one at 39 -- [REDACTED] Satchelford Road you didn't?

15 A. I did not. I believe Detective Marthers may have on
16 his County-issued cell phone.

17 Q. Was he with you?

18 A. Yes, ma'am.

19 Q. Okay. So you don't know -- you're lead detective and
20 you don't know whether he had a voice recorder recording?

21 A. I believe he -- I believe he had one. I was more
22 focussed on interviewing the -- the victim.

23 Q. Did the victim give a statement?

24 A. Yes, ma'am.

25 Q. Was it written?

1 A. Not at the time, no, because he's right-handed.

2 Q. Okay. How do you know that?

3 A. He told us.

4 Q. When?

5 A. During that interview when we asked him to write a
6 statement.

7 Q. The -- which interview though? The third one or the
8 second one or which one?

9 A. The -- the interview where we were at his house -- or
10 at the house on Satchelford Road.

11 Q. Okay. And what did he tell you?

12 A. Similar to what he told us --

13 MR. McNAIR: Your Honor, at this point this would
14 be hearsay unless there's a valid exception.

15 THE COURT: Well --

16 MR. McNAIR: She can --

17 THE COURT: -- the objection is hearsay. Do you
18 have some exception?

19 MS. MOORE: No, sir.

20 THE COURT: All right. Well, why don't you move
21 onto the next portion.

22 BY MS. MOORE:

23 Q. So whatever -- what did you glean from the interview
24 from Mr. -- not saying what Mr. Hawkins said, of course,
25 but what was -- what was your take on that?

1 A. That -- I'm not sure if I'm gonna answer your question
2 correctly. That he was a family friend helping Elizabeth
3 and Aaron move and he had reiterated that there was a
4 threesome-style relationship between those two and Brad and
5 that he while moving or helping them move got shot and that
6 he observed Aaron Peterson get murdered.

7 Q. Anything else?

8 A. And that's what we gleaned from it.

9 Q. Okay.

10 A. Without giving you exactly what he said word for word.

11 Q. Okay. So what you gleaned from it was that David
12 Hawkins was a family friend. You knew that they had some
13 kind of, you know, unconventional living arrangements and
14 he was helping them move and that he observed Aaron getting
15 shot?

16 A. Yes, ma'am.

17 Q. And that's all he said?

18 A. Well, I mean, he -- he stated that he was also shot
19 and that he observed Bradley shooting out of the -- out
20 of the room and then him coming back.

21 Q. What, if anything, did you do to corroborate his
22 statement?

23 A. We spoke with Elizabeth.

24 Q. When was that?

25 A. When was that? When she was able to talk and got out

1 of the hospital.

2 Q. When was that?

3 A. It was several weeks later. I don't have it with me
4 the exact date. I just know it was several weeks later
5 when she was released.

6 Q. Did you ever try to talk to her at the hospital?

7 A. We attempted, but due to the fact that she was placed
8 in a medically-induced coma and was not able to talk, we
9 didn't try at first.

10 Q. At first?

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

12 Q. Did you go back to the hospital?

13 A. We went back several times to check on her to make
14 sure she was gonna survive.

15 Q. And she couldn't talk still?

16 A. No, ma'am.

17 Q. Didn't she have an iPad?

18 A. She did. We attempted, but it was just too
19 frustrating to have to deal with, so we told her whenever
20 she got out we'd sit down and have a sit-down conversation.

21 Q. Okay. When did that happen?

22 A. Again, it was later. I don't have the exact date.

23 Q. You don't have a note? Do you want to look through
24 your notes?

25 A. Not in -- in my file, no, ma'am.

1 Q. All right. Let's go back to Sandspur.

2 A. Okay.

3 Q. What time did you get onto Sandspur?

4 A. I was dispatched at 17:55 and arrived at 18:16.

5 Q. And you testified a little bit about what you did out
6 there and spoke -- did you have on a body cam, too?

7 A. No, ma'am.

8 Q. Who were you riding with?

9 A. I was with Detective Andaloro.

10 Q. How do you spell that?

11 A. A-N-D-O --

12 Q. How do you say it?

13 A. Andaloro.

14 Q. Andaloro. Okay. It doesn't matter how to spell it.

15 A. Okay.

16 Q. And did you-all stay together the whole time?

17 A. Up until we hit -- or we went over to Pooles Mill and
18 then we separated.

19 Q. What time did you get called to Pooles Mill?

20 A. We responded out there at 19:22 or 7:22 PM.

21 Q. And that's when the call came in for --

22 A. No, that's when --

23 Q. What time did the call came in?

24 A. When the call came in? That was at -- a little after
25 six.

1 Q. For the?

2 A. For the burned car and then a little bit after that,
3 around seven or so, was the -- if I'm remembering
4 correctly, was the burned individual call.

5 Q. You didn't learn about the burned car until you
6 learned about the burned individual, correct?

7 A. No. No, ma'am. When we were advised -- so to
8 clarify, major crimes does not respond to all calls. We're
9 contacted by the supervisor or whoever it is that responds
10 on-scene that says that they want major crimes out. So
11 when we were advised, major crimes was advised, they were
12 already aware of both incidents.

13 Q. Were you aware?

14 A. When they called, yes, ma'am.

15 Q. And that was at 7:22?

16 A. Yeah, 7:22 when I was en route and advised by
17 dispatch.

18 Q. But, again, there was no link at that time between
19 the car -- because fire service came out to the car, right,
20 on Pooles Mill that was on fire?

21 A. Yes, ma'am.

22 Q. And they didn't make a link at that time?

23 A. Fire would not have.

24 Q. Right. So when did they make that link to -- that
25 they were related?

1 A. We -- when the call came out over the radio and the
2 responding unit was out there, he had just left --

3 Q. Sandspur?

4 A. -- Sandspur and he was familiar with the BOLO that
5 had gone out and what we were looking for.

6 Q. What were you looking for?

7 A. A gold or champagne in color Prius with an individual,
8 a white male, twenty-seven years old roughly, with red
9 hair by the name of Bradley Walker, and had North Carolina
10 plates.

11 Q. Looking at State's Exhibit 32, you testified earlier
12 that it was most certainly a Prius?

13 A. Yes, ma'am.

14 Q. Is that most certainly a Prius?

15 A. Yes, ma'am.

16 Q. To you?

17 A. Yes, ma'am.

18 Q. Is it champagne color?

19 A. That we can't -- can't tell on that one, the metal.

20 Q. All right. State's 32. What are we looking at there?

21 A. A Prius. The same vehicle.

22 Q. And State's 30?

23 A. That would also be a Prius. The same vehicle.

24 Q. Okay. What's all this stuff down here; do you know?

25 A. That could be anything from the fire department trying

1 to put the fire out.

2 Q. Where do you see Prius on this vehicle?

3 A. I know my vehicles and that's a Prius.

4 Q. You do?

5 A. Yes, ma'am.

6 Q. Okay. And did you get out and go up to it?

7 A. Yes, ma'am. We walked up to it and checked it out.

8 Q. Okay. Was there any indication that anybody had been
9 there?

10 A. As far as?

11 Q. Footprints.

12 A. With the amount of rain that we had and the amount
13 of individuals that were out there, that scene was
14 contaminated as far as the area around the car.

15 Q. And, in fact -- I beg the Court's indulgence.

16 So you get out at the car and that's when you --
17 that's when you identified it as Bradley Walker's car?

18 A. No, that's when we identified it as a Prius and then
19 we were able to locate a license plate and we ran a partial
20 tag.

21 Q. Okay. What kind of license -- where was the license
22 plate?

23 A. Where was the license plate?

24 Q. Where was the license plate?

25 A. It was on --

1 Q. Was it on the back of the car or on the ground or
2 where?

3 A. It was on the ground.

4 Q. On the ground?

5 A. Yes, ma'am.

6 Q. Where?

7 A. That I do not recall. Fire had been through the whole
8 thing trying to put it out. There was severe damage to
9 that vehicle.

10 Q. It had been on fire a long time, hadn't it?

11 A. I'm not a fire expert. I couldn't say how long it had
12 been on fire for.

13 Q. But you know your cars. That car was on fire for a
14 while, wasn't it?

15 A. I mean, I've seen cars burn very hot very quickly, and
16 especially with a Prius that has batteries in it.

17 Q. Batteries?

18 A. Yes, ma'am. It does not have to burn for long to look
19 like that.

20 Q. What else did you find in the car?

21 A. A lot of ash and soot. It was still smoking when we
22 got there, it was still hot, so we didn't poke around in
23 it.

24 Q. Ash and soot?

25 A. Yes, ma'am.

1 Q. Everything was -- everything was demolished?

2 A. Everything was burned.

3 Q. And so you said something about a North Carolina tag.
4 Was it obvious at the time that it was a North Carolina
5 tag?

6 A. Yes, ma'am.

7 Q. How do -- when did you link it to Bradley Walker?

8 A. We gave the partial over to SLED and SLED ran a lookup
9 for it through the DMV.

10 Q. And?

11 A. And they came back with Bradley Walker.

12 Q. Okay. Then what else? You went -- how long were you
13 at this scene?

14 A. Ten minutes maybe because they said that the
15 individual was up there at the house.

16 Q. Okay. So then you go up to the house?

17 A. Yes, ma'am.

18 Q. How many people were there?

19 A. From who? From law enforcement or --

20 Q. At the house.

21 A. There was the homeowner and I believe he had a wife
22 or a female. Several -- there was a fire truck there with
23 several individuals. It was myself, Detective Andaloro
24 and then Sergeant Redding was there and then EMS pulled up
25 shortly thereafter.

1 Q. Did you go into the house?

2 A. We went to the screened porch where he was.

3 Q. And what was going on there?

4 A. He was sitting there with a blanket over his shoulder
5 and they were trying to get some kind of information from
6 him.

7 Q. Who gave him the blanket; do you know?

8 A. I believe the homeowner did.

9 Q. And who was trying to get information from him?

10 A. Everybody out there. They were trying to figure out
11 who he was.

12 Q. And he just wouldn't answer?

13 A. No, ma'am.

14 Q. Did he say anything?

15 A. No, ma'am.

16 Q. And you testified he walked to the --

17 A. Yes, ma'am.

18 Q. -- to the ambulance?

19 A. Yes, ma'am.

20 Q. Okay. And he's taken to Augusta Burn Center?

21 A. He was taken to Lexington first and then to Augusta.
22 Yes, ma'am.

23 Q. How long was he at Lexington?

24 A. A couple of hours. Just until they could get him --
25 get him stable.

1 Q. Because he wasn't stable, was he?

2 A. I'm not a medical professional. I couldn't say if
3 he was stable or not, but when we dealt with him he was up
4 walking.

5 Q. You've been in law enforcement for a long time.

6 A. That doesn't make me a doctor.

7 Q. Have you ever seen people that are in shock?

8 A. Yes, ma'am.

9 Q. Did he appear to be in shock?

10 A. I'd say so.

11 Q. Okay. But you continued to ask him his name?

12 A. We had to figure out who he was and what happened to
13 him.

14 Q. And you testified that you talked to MINOR yourself,
15 right?

16 A. Yes, ma'am.

17 Q. And when is MINOR's birthday?

18 A. [REDACTED], 2015.

19 Q. Okay. And this happened in June, right?

20 A. July.

21 Q. July. So he's -- how old would that make him?

22 A. Three.

23 Q. And when you were in the back of the patrol car, was
24 it in Sergeant's Redding's car or whose car was it?

25 A. I believe it was. There were so many patrol cars out

1 there I'm not quire sure.

2 Q. Yes, there was. And it's a narrow driveway, isn't it?

3 A. Yes.

4 Q. What did you -- I mean, did you find MINOR competent?

5 A. Yes, ma'am.

6 Q. He knew right from wrong? Lies?

7 A. Yes, ma'am. I'd say so.

8 Q. Did you ask him?

9 A. Well, I believe he was competent because when I asked
10 him how old he was, he said three and held up three
11 fingers. To me as a three-year-old he was pretty
12 competent.

13 Q. He doesn't -- he's three.

14 A. Yes, ma'am.

15 Q. What kind of questions would you ask him?

16 A. Very basic questions.

17 Q. Like?

18 A. As what's his name, how old is he and then what
19 happened. Very basic. No leading questions. Nothing too
20 in-depth.

21 Q. Is that recorded?

22 A. At the time, no, ma'am. I didn't have a body cam.
23 I'm not sure if the deputy behind me had one.

24 Q. And so that was your -- what was the purpose of
25 talking to MINOR?

1 A. First off, to figure out who he was and get the
2 biographical data for him, to figure out if he knew what
3 happened, and just to figure out who the family was to make
4 sure we had somebody we could get him to.

5 Q. Okay. But you also wanted -- I mean, as an
6 Investigator, isn't it true you want to corroborate each
7 witness?

8 A. We do, but at that particular point it was to make
9 sure he was okay.

10 Q. But you did ask him what happened?

11 A. Yes, ma'am.

12 Q. And you did ask him who shot mommy?

13 A. Yes, ma'am.

14 Q. You asked him who shot daddy?

15 A. Yes, ma'am. After he had given us that information.

16 Q. What else did you do to corroborate David Hawkins'
17 story?

18 A. So we spoke with, like I said, the landlord -- or not
19 landlord, but the other resident of the house.

20 Q. Who's that?

21 A. David Barnhurst.

22 Q. Uh-huh.

23 A. We spoke with several of the neighbors next door, got
24 information from them.

25 Q. What kind of information?

1 A. Just if they observed that Prius in the driveway or
2 on the roadway or if they saw or heard anything.

3 Q. Did they?

4 A. Yes, ma'am. We had one female that stated that
5 whenever she was leaving she had a -- a small vehicle
6 pulled -- pulled in behind her without lights and tailgated
7 her all the way down 302 until she pulled off. She stated
8 that was weird. It was raining and somewhat dark outside.

9 Q. What time was that?

10 A. She said -- she ball parked it anywhere between 5:15,
11 5:30, 5:45, something like that.

12 Q. But she didn't really know either, right?

13 A. Correct.

14 Q. What was her name?

15 A. Debra Brown.

16 Q. Okay. Where does she live? She lives when you come
17 out of the --

18 A. [REDACTED] Sandspur.

19 Q. That way, right? If you're standing in the front
20 yard, it's that way or left?

21 A. I think it's to the -- if I'm facing the house, it was
22 to the right, I believe.

23 Q. Okay. And did anybody -- let's talk about Blake
24 Barnhurst. Where did you meet him and what did he have to
25 say?

1 A. David --

2 MR. McNAIR: Your Honor, he can't testify to what
3 every witness potentially said in this case. I mean --

4 MS. MOORE: Your Honor --

5 THE COURT: Your objection is hearsay?

6 MR. McNAIR: Hearsay.

7 THE COURT: All right. Any exception?

8 MS. MOORE: No.

9 THE COURT: All right. Let's move on.

10 BY MS. MOORE:

11 Q. So as a result of talking to all these people, when
12 did you determine that you had probable cause to arrest him
13 or to get a warrant?

14 A. After speaking with everybody and looking at all the
15 evidence that we had, the close proximity of the burnt
16 vehicle where he was located, the description that was
17 given to us by everybody there on the scene, Elizabeth
18 and David and MINOR as well, also speaking to the -- the
19 neighbors who observed the vehicle or that it was there.

20 Q. How many neighbors observed it? I thought it was just
21 Debra Brown.

22 A. Just the area -- that area because Debra said she saw
23 it, then we spoke with the other neighbor who didn't see or
24 hear anything that was out of the ordinary.

25 Q. Who was that neighbor?

1 A. It was a Wyatt Moates at [REDACTED] Sandspur.

2 Q. Okay.

3 A. He said he also observed the four-door light colored
4 vehicle parked across from the incident location.

5 Q. Did you have an occasion to do anything with any of
6 the evidence in this case?

7 A. What do you mean?

8 Q. Well, as the lead agent, what do you do -- you talked
9 to all these people. That's when you got the warrant,
10 right?

11 A. No, we got -- we got the warrant -- it was after that,
12 but it was not signed or served until after he was ready to
13 be released from --

14 Q. Right. When was it prepared?

15 A. I couldn't recall. I don't have my computer in front
16 of me. I just have the copies that are in the file.

17 Q. Are they signed?

18 A. No, ma'am. Those are just the --

19 Q. Do you have the signed copies?

20 A. No, ma'am. Those are in the case file.

21 Q. You don't have -- what is that up there? Is that the
22 case file?

23 A. No, ma'am. These are just the basic reports and
24 stuff. Reports and the CAD sheet.

25 Q. But part of your duties and responsibilities at the

1 end of -- you know, while you're doing this investigation
2 is to collect all of the reports from all of the officers,
3 right?

4 A. Yes, ma'am.

5 Q. And then see what needs to be followed up on, right?

6 A. Yes, ma'am.

7 Q. Because after you make the arrest the investigation's
8 not over, is it?

9 A. Correct.

10 Q. And tell us what -- what you did then after you talked
11 to Elizabeth and David and MINOR.

12 A. After we spoke with them and they were transported to
13 the hospital?

14 Q. No, after you determined your probable cause, what
15 else did you use to determine -- what is probable cause?

16 A. Probable cause is a set of circumstances -- facts
17 and circumstances that would lead a reasonable person to
18 believe that a crime has been -- was recently committed.

19 Q. And what evidence did you use to determine that?

20 A. We had multiple bits of evidence. We had -- and
21 just from what I was out there for, I didn't collect any
22 of the evidence, CSI did that. We had multiple cell
23 phones that were -- that were collected and burned -- or
24 were dumped I guess you would call it. We had the firearm
25 box. We had all the other equipment -- not equipment, all

1 the other belongings that were given to us. We had all
2 the statements from the witnesses and the victims, the
3 photographs that were all there that were given to us by
4 CSI. We looked at the totality of everything and presented
5 it to a judge.

6 Q. Did you do any type of review of their cellular
7 devices and --

8 A. We did.

9 Q. -- and electronics?

10 A. We did. Yes, ma'am.

11 Q. And whose did you look at?

12 A. So CSI would have collected those phones and they
13 would have dumped it and we went through everything. Some
14 of the phones I don't think we got anything off of and
15 some of them we did.

16 Q. And when was that? When did you do the phone dumps?

17 A. Those were given over to Mike Phipps, who was our --
18 I don't know what you call him, an electronic -- he's on
19 loan to the Secret Service and he does all our phone dumps.

20 Q. And how do they know what to get off these phones?

21 You know, what are they looking at?

22 A. I believe they just dump everything out.

23 Q. Everything?

24 A. Everything. Yes, ma'am.

25 Q. Do you then -- do they go through it or do you have to

1 go through it?

2 A. Myself and other detectives that are assigned to the
3 case go through it.

4 Q. Is there any notation of that?

5 A. No, ma'am. Not in the files I've got.

6 Q. Did you personally go through any of them?

7 A. No, ma'am. I went through all of their Facebook stuff
8 and then I want to say a couple of the other investigators
9 went through the phone stuff and then we came back together
10 and spoke about it.

11 Q. Okay. How many -- whose all cell phones did they go
12 through?

13 A. I -- I want to say several of the phones got dumped
14 and I'm not sure which ones had information on there and
15 which ones didn't. I can't recall. I don't have that list
16 in front of me.

17 Q. Did you prepare for today?

18 A. Yes, ma'am.

19 Q. You're the lead detective?

20 A. Yes, ma'am.

21 Q. And all these -- you're in charge of completing this
22 investigation?

23 A. Yes, ma'am.

24 Q. And what did you do to complete this investigation?

25 A. So I interviewed the victims.

1 Q. Okay.

2 A. Looked at all the evidence that was provided to us.

3 Q. You looked at it?

4 A. Yes, ma'am. And I presented that to a judge and got
5 enough probable cause to have warrants issued to Bradley
6 Walker for murder and attempted murder times three.

7 MS. MOORE: I beg the Court's indulgence.

8 BY MS. MOORE:

9 Q. Was anything tested?

10 A. As far as what?

11 Q. Well, let me ask you this. You don't have any
12 evidence other than what they -- they told you, David, Lyz
13 and the three-year-old, that Bradley Walker was ever there.
14 Nothing -- you have no independent evidence, do you?

15 A. As far as testing anything goes for evidence purposes,
16 that's not my purview. CSI collected all the evidence.
17 That's their purview. I walked through the scene with them
18 and saw what they collected, told them other things to
19 collect, pictures to take, and then they -- they would have
20 sent stuff off to SLED.

21 Q. So it was really their responsibility after they
22 processed the crime scene to send stuff to SLED?

23 A. Yes, ma'am.

24 Q. Okay. And did that -- was that done?

25 A. Yes, ma'am.

1 Q. Did they do DNA?

2 A. I'm not sure. I don't believe so. I know they
3 collected it. I don't know if anything came back or not
4 from SLED.

5 Q. And what about gunshot residue? Did you attempt to
6 get that off the victims?

7 A. That I do not know because, like I said, once they
8 were in the back of the ambulance I left and went over to
9 the other incident location.

10 Q. Did you even check behind these people?

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

12 Q. Who did you talk to?

13 A. All of the individuals that were involved that's as
14 far as on my major crimes team.

15 Q. Did you corroborate the victims' story with anyone
16 else?

17 A. The victims were the only ones there at the scene --

18 Q. Right.

19 A. -- and we had witnesses that observed that vehicle
20 that was described there as well.

21 Q. Witness.

22 A. Witnesses.

23 Q. You only testified to one.

24 A. No, ma'am, I testified to two. Saying that the other
25 individual down the road also saw -- observed that car.

1 Q. Who was that?

2 A. So we had the Wyatt Moates individual and then we also
3 the Debra Brown.

4 Q. And both of them said they saw a Prius?

5 A. Yes, ma'am.

6 Q. They identified it as a Prius?

7 A. Not as a Prius, but a small sedan.

8 Q. Okay. And you said you went through all the Facebook
9 stuff, too, right?

10 A. Yes, ma'am.

11 Q. And did any of that change your opinion as to who was
12 the perpetrator or the facts of this case? Nothing?

13 A. No, ma'am.

14 Q. Did you look at the text messages?

15 A. Yes, ma'am.

16 Q. There was no -- no red flags?

17 A. No, ma'am.

18 MS. MOORE: Okay. That's all I have.

19 THE COURT: Redirect?

20 MR. McNAIR: Nothing from the State, Your Honor.

21 THE COURT: All right. The witness may step down.

22 (Witness excused.)

23 THE COURT: All right. Ladies and gentlemen, we'll
24 go ahead and break for the day. I'd like you to be back
25 in the jury room tomorrow morning at 9 AM and we'll try

1 when they're doing their examinations or giving their
2 arguments.

3 Does everyone understand that?

4 All right. Anything else for today?

5 MS. FULLER: Yes, a couple of things, Your Honor.

6 Just for the record, I know we didn't correct it
7 with that first witness, but as of right now State's
8 Exhibit 6 and 7 are not admitted into evidence.

9 Also, another thing. Based on the defense's
10 opening, they indicated an alibi. The 9-1-1 call was
11 at 5:43 PM. We had not received any information as to
12 where Mr. Walker alleges he was at 5:43 PM at the time
13 of the 9-1-1 call, who he was with or any information
14 they plan to use in their defense per Rule 5.

15 THE COURT: Okay. Anything else for now?

16 MS. MOORE: No.

17 THE COURT: As far as alibi, there was no notice
18 of an alibi presented by the defense? I mean, I can't
19 change what was said in opening, but --

20 MS. FULLER: It's out there.

21 THE COURT: -- I mean, we're a little bit far away
22 from talking about charges, but, I mean, ordinarily that
23 would be charged and if it's something I need to -- we
24 may have to do a little research on that tonight or
25 tomorrow, but I don't think that's a --

1 MS. MOORE: Your Honor, it may make more sense as
2 the testimony develops.

3 THE COURT: We will see, but obviously the State --
4 to be clear, the defendant did not give alibi defense
5 notice to the State, so that's kind of where we are at
6 the moment.

7 MS. FULLER: Well, we are requesting information
8 today if they're pursuing an alibi defense because that's
9 what they said in opening.

10 MS. MOORE: We're not. We're not pursuing an alibi.

11 MS. FULLER: In opening argument, they got up and
12 told the jury that Mr. Walker was not at the incident
13 location at the time of the shooting. That is an alibi
14 defense and per Rule 5 we're entitled to notice ten days
15 prior to trial of an alibi defense. I confirmed on
16 Friday if there was any defenses in writing. Defense
17 counsel last month indicated they're not asserting any
18 affirmative defenses and, therefore, I did not bring it
19 to the Court's attention. We have not received anything
20 in reciprocal Rule 5, but in opening argument defense
21 counsel told this jury that -- not specifically the
22 location, but at [REDACTED] Sandspur Road that Bradley Walker
23 was not there and that the evidence will show that. The
24 State is entitled to notice of alibi. That is essentially
25 an alibi defense that's being presented to this jury.

1 THE COURT: Right, and I heard the inference
2 certainly to alibi, but for today's -- what are you
3 asking for today?

4 MS. FULLER: I'm asking for full notice where he
5 alleges he was at 5:43 PM and what they intend to offer
6 and what witnesses they intend to show to prove this alibi
7 so that I can investigate it.

8 THE COURT: Okay. Ms. Moore, any response?

9 MS. MOORE: He was burning up in that car or out
10 there. We're not --

11 THE COURT: Well, that's where he was.

12 MS. MOORE: I don't have any alibi information, any
13 evidence. I'll use their evidence to establish that he
14 was not there. I did not say I knew where he was. I
15 know he was not there is what I said.

16 THE COURT: To be clear, are you saying he was not
17 at the scene of -- the crime scene that these alleged
18 shootings occurred?

19 MS. MOORE: No, he wasn't.

20 THE COURT: Well, then that's an alibi.

21 MS. MOORE: But there's not gonna be any testimony
22 for that.

23 MS. FULLER: Well, okay. Well, that's an alibi.

24 THE COURT: Okay. All right. Well, then --

25 MS. FULLER: So as long as we're clear and on the

1 same page, I think I can fix this. Defense counsel is
2 stating to me that at the time the shooting occurred he
3 was on Pooles Mill Road. That's what I need confirmation
4 of, that that is their alibi. That at the time the
5 shooting occurred between 5:30 and 5:43 PM on July 23,
6 2018, that he was on Pooles Mill Road.

7 THE COURT: Not to get into -- what I thought I just
8 heard was that she's not gonna elicit any testimony from
9 anyone that said that Mr. Walker was not present at
10 Sandspur.

11 MS. MOORE: Correct.

12 THE COURT: Meaning you're not asserting an alibi
13 defense because if people are saying he was there and
14 you're not refuting that --

15 MS. MOORE: There will not be any testimony refuting
16 that. I will not ask anyone else that question.

17 THE COURT: That's what my confusion was.

18 MS. FULLER: I'm still confused and maybe -- maybe
19 let me -- let cocounsel tell me.

20 Am I confused? Is she saying that he was at the
21 crime scene or not at the crime scene at the time the
22 crime occurred?

23 MR. McNAIR: Not.

24 MS. FULLER: Okay. So that's an alibi defense. If
25 he's saying he's not at the crime scene --

1 MS. MOORE: I'm not giving up my defense. I am not
2 going to use any document. I have no documents to present
3 or -- nothing.

4 THE COURT: You have no independent witness who's
5 gonna come here and say Bradley Walker was with me and
6 not at the crime scene?

7 MS. MOORE: No. No. It's a speculative --

8 THE COURT: For that you would need an alibi witness;
9 would you not?

10 MS. MOORE: It's an opening argument. It's
11 speculative. You know, he's -- I could prove that --

12 THE COURT: Well --

13 MS. MOORE: It will make sense.

14 THE COURT: You know, I'm -- it's end of the day
15 and -- but we can't just say something we know's not --
16 I'm not saying --

17 MS. MOORE: I understand.

18 MS. FULLER: I can say it. We can't say something
19 we know's not true.

20 THE COURT: So -- well, I mean, we can't assert a
21 blind inference of alibi and then back off of it, but the
22 bottom line is what you -- what McNair said in opening
23 and what you said in opening are not evidence for the
24 jury and we will tackle more evidence as we get it from
25 the witness stand.

1 MR. McNAIR: What I said was?

2 THE COURT: It was not evidence. It's what you said,
3 but it's not evidence, and you know it wasn't evidence.

4 All right. I'll see you-all tomorrow morning.

5 MS. FULLER: Thank you, Your Honor.

6 (Whereupon, the proceedings were concluded for
7 January 9, 2023, at 5:38 PM.)

8 (The following proceedings were held January 10,
9 2023, beginning at 9:37 AM.)

10 (State's Exhibit Number 39 through 106 were marked
11 for identification.)

12 BAILIFF: All rise. Court is now in session. The
13 Honorable Walton J. McLeod presiding.

14 THE COURT: Good morning. Please be seated. Thank
15 you.

16 The jury's here and ready. Where do we stand?

17 MR. McNAIR: I think we'll be ready in a minute to
18 two minutes. We're waiting on Sutania.

19 THE COURT: Okay.

20 MR. McNAIR: Your Honor, we can go ahead and start
21 if you want to.

22 THE COURT: It's your -- it's obviously your --

23 MR. McNAIR: It's my witness, so we can go ahead.

24 THE COURT: And I don't know if anyone is here
25 who was not here yesterday, but at the end of the day

1 ready to begin now where we left off with the next witness
2 in the State's case in chief.

3 MR. McNAIR: Your Honor, the State calls David
4 Hawkins.

5 THE COURT: Very well.

6 (Whereupon, David Phillip Hawkins was duly sworn
7 by the Clerk of Court.)

8 THE CLERK: Please have a seat in the witness box.
9 State your full name and spell your last for the record.

10 THE WITNESS: David Phillip Hawkins, H-A-W-K-I-N-S.

11 THE COURT: I need to make you sure you speak into
12 the microphone so the jury can hear you.

13 THE WITNESS: My name is David Phillip Hawkins.

14 DAVID PHILLIP HAWKINS,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. McNAIR:

18 Q. Mr. Hawkins, good morning.

19 A. Good morning.

20 Q. Let's start by telling the jury a little bit about
21 yourself. How old are you?

22 A. I am twenty-eight years old.

23 Q. Where did you grow up?

24 A. I grew up in South Florida.

25 Q. When did you move to South Carolina?

1 A. About twelve years ago. I came up here to stay with
2 my grandparents because they were getting a little too old.
3 My dad need to take care of them.

4 Q. All right. And where did your grandparents live?

5 A. Over in Peak, South Carolina.

6 Q. Okay. Are you currently working?

7 A. Yes, sir.

8 Q. Where do you work?

9 A. I work at Chubby's Burgers and Brewhouse.

10 Q. Where's that?

11 A. Over in Blythewood.

12 Q. Okay. What is your current relationship status?

13 A. I am engaged.

14 Q. To who?

15 A. Elizabeth Peterson.

16 Q. All right. And do you have any kids?

17 A. We have two beautiful baby girls.

18 Q. What are their ages?

19 A. We've got a three-year-old -- got a two-year-old and a
20 three-month-old.

21 Q. Okay. And did this relationship officially start
22 after this incident that we're gonna talk about today?

23 A. Yeah, it did.

24 Q. How did you first meet Lyz?

25 A. I was selling stuff out at the flea market, that was

1 -- that was my thing for a long time, and she was a balloon
2 artist out there. I'm afraid of clowns, so I never really
3 got to see balloon art and stuff like that before and I
4 thought it was cool because she wasn't dressed up like a
5 clown. She was just sitting there making balloons.

6 Q. All right. Now how long prior to this incident had
7 you known Lyz for?

8 A. Three years.

9 Q. Did you know her husband at the time, Aaron Peterson?

10 A. Not at the time. Not when I first met her.

11 Q. Did you ultimately come to know Aaron Peterson?

12 A. Yes, I did.

13 Q. All right. Prior to this -- prior to this incident,
14 did you know Aaron Peterson?

15 A. Yes, sir.

16 Q. How long had you known Aaron for?

17 A. About two months. We started talking and hanging out
18 because I met him out at the flea market one day with her.

19 Q. Okay. Prior to July 23rd had you ever met Bradley
20 Walker?

21 A. No, sir.

22 Q. Let's talk about July of 2018. What was going on
23 between you and Lyz at that time?

24 A. At first it was just us talking about stuff that
25 interested us and then it started to get a little -- a

1 little bit more.

2 Q. And by more --

3 A. We started flirting and stuff and we were going ahead
4 and talking a little serious, you know. Just talking
5 though.

6 Q. Okay. Just talking?

7 A. Uh-huh.

8 Q. About how long prior to this incident did you-all
9 begin talking?

10 A. About a couple of months at the most.

11 Q. A couple of months?

12 A. If that.

13 Q. Had you started talking to her about potentially
14 moving forward in a relationship?

15 A. It was -- it was just a thought. We had -- we had
16 spoke about it. We were thinking about doing it and --

17 Q. Okay. Now if you were going to move forward in a
18 relationship with Lyz, what was your understanding of how
19 that would have worked with Aaron?

20 A. Aaron was top dog. Aaron was the top dog. Aaron and
21 Elizabeth were married. That is how it was. I was just
22 the other guy and Aaron was perfectly okay with it.

23 Q. Okay. So it was your understanding that if you were
24 to move forward in a relationship with Lyz, that Aaron
25 would be a part of that relationship?

1 A. Oh, yeah.

2 Q. All right. And were you fine with that?

3 A. Yeah. It didn't bother me at all. We were friends.

4 Q. And to your knowledge was Aaron fine with that?

5 A. Yes, sir.

6 Q. Let's talk about the Sunday prior to this incident,
7 the evening of July 22nd of 2018.

8 A. Yes, sir.

9 Q. What did you do that evening?

10 A. I went ahead and I texted Lyz to come and pick me up
11 from my ex's house. They came -- her and Aaron and MINOR
12 came and picked me up. We went back to the apartment over
13 on Broad River and then we had dinner, we talked. We were
14 talking about doing -- going over to the trailer that night
15 so that we could go ahead and get a jump on getting stuff
16 packed up, but, you know, after dinner we went upstairs.
17 River was complaining most -- most of the time I was there
18 about her back hurting.

19 Q. All right. Let me pause you right there. You said --
20 you said River. Who are you referring to when you say
21 River?

22 A. I apologize. Elizabeth.

23 Q. All right. You call her River?

24 A. I do. I'm sorry.

25 Q. Okay. Now the apartment you spoke of on Broad River

1 Road, is that an apartment they were moving into?

2 A. Yes.

3 Q. Okay. And who was at the apartment that night with
4 you?

5 A. It was just me, Aaron, MINOR and Elizabeth.

6 Q. And what was the purpose of you being over there that
7 night?

8 A. To help them move.

9 Q. To help them from Mr. Sandspur?

10 A. From Sandspur to the -- to the apartment.

11 Q. To the apartment. Okay. Do you know if Bradley
12 Walker lived at that apartment?

13 A. I know that he was supposed -- that he was living
14 there, yes.

15 Q. Okay. Was he living there that night?

16 A. No, sir.

17 Q. Do you know where he was?

18 A. I heard that he was at work.

19 Q. Okay. So go ahead and finish talking about -- what
20 did you-all do while you were at the apartment?

21 A. We had dinner. Like I said, Elizabeth was complaining
22 about lower back problems. Whenever I was a -- whenever I
23 was younger, you know, I grew up really fast, I had back
24 problems and stuff, and a friend of the family taught me
25 how to do massage techniques and stuff, so I was rubbing

1 her back because it's just -- I don't like seeing people in
2 pain.

3 Q. All right. Was Aaron present for that?

4 A. Yes. Yes, he was.

5 Q. All right. During that process, was Lyz making
6 noises?

7 A. Yes, sir. I call it the camel groan. Whenever you
8 get a spot that actually really hurts and you're rubbing it
9 the right way, most people won't be able to, you know, not
10 let out some form of noise.

11 Q. Okay. Now did you also hang out with Aaron that
12 night?

13 A. Yeah, me and Aaron were sitting there and we were --
14 we were hanging out most of the night.

15 Q. What were you-all doing?

16 A. We were talking about stuff, just different video
17 games that interest us. We were -- we were hitting it off
18 like something fierce.

19 Q. Okay.

20 A. It was just -- it was -- it was one of those moments
21 where it's like did we just become best friends and then we
22 just kept talking.

23 Q. Okay. Did you stay at the apartment that night?

24 A. No.

25 Q. Where did you-all go?

1 A. We went to Sandspur.

2 Q. And you testified earlier that was to get a head start
3 on moving the next day?

4 A. Yes, sir.

5 Q. Did anything out of the ordinary happen at Sandspur at
6 that night?

7 A. No, sir.

8 Q. Where did everybody sleep?

9 A. Elizabeth and Aaron and MINOR were in the bedroom on
10 the far end and I was sleeping on the couch in the living
11 room.

12 Q. All right. So walk us through the next day. What did
13 you-all do when you woke up?

14 A. First off, we woke up. You know, normal, have coffee,
15 have a cigarette, get the day started. We were talking
16 about what we were gonna do. So me and Aaron talked about
17 it. We were gonna go ahead and everybody was gonna get
18 into the car. We were gonna drop Aaron off to get the
19 U-Haul truck and on the way back me and Lyz and MINOR were
20 gonna go ahead pick up boxes from different liquor stores
21 on the way back to the house so that we could pack up some
22 more stuff.

23 Q. All right. So you-all drove, you dropped Aaron off to
24 get a U-Haul and then you-all went to go pick up boxes?

25 A. Yes, sir.

1 Q. Do you recall what time of day that was?

2 A. I would say about noon -- no, no, no. That was --
3 that was probably about 9:00 in the morning.

4 Q. That you headed out to do that stuff?

5 A. Yes, sir. That we headed out.

6 Q. Okay. Now at some point while you were out getting
7 boxes or whatnot, did you learn Bradley Walker was on the
8 way to Sandspur?

9 A. Yes. Aaron texted -- Aaron texted Lyz that Bradley
10 was on the way.

11 Q. All right. Did anybody know that he was gonna show up
12 that day?

13 A. No, we all -- from what they had told me he was
14 supposed to be at work that morning.

15 Q. Okay. So when you got back to Sandspur, what did you
16 see?

17 A. I saw the -- the Prius out front and the truck out
18 front. We came in -- we pulled in, we brought the boxes in
19 and we started going ahead and getting stuff done.

20 Q. Let me stop you right there. The Prius. Who had the
21 Prius?

22 A. They told me that it was Bradley's.

23 Q. Okay. And the truck, what truck are you referring to?

24 A. It was the U-Haul truck, sir.

25 Q. Okay. So when you get back Bradley Walker and Aaron

1 Peterson are already back at the house?

2 A. Yes, sir.

3 Q. Did you end up meeting Mr. Walker?

4 A. I did a little bit after we had gotten there, yes,
5 sir.

6 Q. Who introduced you?

7 A. Elizabeth did.

8 Q. Anything out of the ordinary when you -- when you met
9 Mr. Walker?

10 A. No, sir.

11 Q. Any signs of trouble?

12 A. Unh-unh.

13 Q. Any words exchanged?

14 A. Hi, my name's Brad. My name's Bear. That's how it
15 was.

16 Q. All right. Bear's your nickname?

17 A. Yes, sir.

18 Q. But once you got back to the house, what did you-all
19 do?

20 A. We started packing. We had -- Aaron had started
21 getting little stuff together and Elizabeth started going
22 ahead and getting the stuff into the smaller boxes. That
23 way me and Aaron could start with the bigger stuff. And
24 Brad was helping out with the smaller stuff, too.

25 Q. So you-all were just helping each other move?

1 A. Uh-huh. That's how it was for a good three or
2 four hours.

3 Q. Three or four hours. What time do you think you got
4 back to Sandspur that day to start moving?

5 A. Now that was probably about 12:00.

6 Q. About -- around noon?

7 A. Yeah, around noon or 1:00, yes, sir.

8 Q. Okay. And you recall Bradley Walker being there when
9 you got back?

10 A. Yes, sir.

11 Q. All right. So then you-all just start moving stuff?

12 A. Yeah, we started packing up the truck. Me and Aaron
13 went out front to the little -- little shed out front first
14 and started loading stuff into the truck because that was
15 just the -- the random stuff that didn't really matter too
16 much. You know, it started raining at one point and at
17 that point it was basically just -- we were standing in the
18 back of the shed at one point. After that Bradley Walker
19 probably decides something. He leaves. Aaron tells me
20 that he was looking on Life360 and he said that he was
21 going to -- he said -- Bradley told Aaron that he was going
22 to a Chinese place and Aaron confirmed this by looking at
23 Life360 a little bit after he had left.

24 Q. Okay. So at some point Mr. Walker left?

25 A. Yes, sir.

1 Q. Do you know how long he was gone?

2 A. About forty-five minutes maybe.

3 Q. Okay. Did you see him when he came back?

4 A. Yes, sir.

5 Q. Did he have Chinese food with him?

6 A. No, sir.

7 Q. Okay. What happened when he got back?

8 A. We went back to moving. Me and Aaron were in the
9 bedroom that Aaron, Lyz and MINOR were asleep in that night
10 or the night before, and we were -- me and Aaron were going
11 ahead and getting the big stuff. We were about to move a
12 big filing cabinet that was also a safe. It was huge. At
13 one point I sat there and me and Aaron were looking at it,
14 Bradley comes into the room and Aaron asks him to do
15 something and it seemed like it was a really simple thing
16 and he couldn't -- he couldn't get to where he was supposed
17 to do it to get it done, so Aaron just told him like the --
18 the bathroom sink would be fine or something like that.
19 And we're facing towards -- we're facing towards the safe.

20 Q. Which means your back is to the door?

21 A. Yes, sir. And when this happened, I was -- I was just
22 ready to go ahead and start moving stuff. I'm big. That's
23 what I -- that's what I feel I was meant to do, you know,
24 so I grabbed the dolly and I hear a bang, a loud just --
25 just shot right next to me, and I don't know -- I didn't

1 know what was going on.

2 Q. Where's Aaron at that point?

3 A. Aaron was standing right next to me. He was on the
4 right side of me.

5 Q. Was his back to the door?

6 A. Yes, sir, because we were both facing towards the
7 safe.

8 Q. So you didn't hear any words?

9 A. I didn't hear any words. Nothing. I heard a bang and
10 I -- I don't -- I couldn't think. I looked to the side and
11 I saw a gun coming towards my head after I felt a bullet go
12 through my arm.

13 Q. What happened after that first bang?

14 A. Sorry.

15 Q. And take it step by step and take it slow, okay?

16 A. Yes, sir. The first bang made me stand still, the
17 second bang that I heard ripped through my arm and I --
18 all I could remember was looking down and going "ow", then
19 I looked up over my shoulder and I saw a gun coming up
20 towards my head and I fell to the side.

21 Q. What did Aaron do after that first bang?

22 A. He -- he didn't do anything. He fell over. Because
23 whenever I fell over, I looked -- I went to look up and
24 there was four more rounds being shot into my best friend.

25 Q. Where was Mr. Walker when you saw four more shots?

1 A. He -- he was standing over him.

2 Q. He was standing over Aaron?

3 A. He was standing over my friend shooting him in the
4 back while he was on the ground.

5 Q. Did you notice anything in particular about Mr. Walker
6 at that time?

7 A. The only thing I can remember right now is I saw -- I
8 can remember seeing teeth whenever he looked over at me.
9 At that point I heard Elizabeth scream down the hall and he
10 turned and he walked down the hall. I heard two more shots
11 go and then he came back down the hallway. I was still on
12 my back. I was in shock. I did not know what was going
13 on. I was freaking out. I sat there and I took what was
14 next to me -- after I saw him come back in that room, I
15 took whatever was next to me, I don't remember what it was,
16 but I put it up in front of me and I heard another shot
17 and I just -- I cowered and then all of a sudden I heard a
18 click. Whenever I heard that click, I was like -- I was
19 just -- I was just frozen. I didn't know what to do. I
20 pulled the thing off -- off of my face and off of my head
21 and I saw Bradley Walker running out the room. I got up, I
22 tentatively walked towards the door, and that's whenever I
23 heard the door close -- the front door close and Elizabeth
24 was getting up and coming towards the bedroom where I was
25 at and MINOR was right behind her.

1 Q. What do you recall about Lyz?

2 A. As soon as she came in the room, she saw Aaron and she
3 fell to the ground. She fell to the ground and she was
4 crying. There was blood coming out of her face. She had a
5 bullet hole right here. There was no blood coming out of
6 that, but it was sure as heck coming out of her mouth.
7 There was teeth on the ground and there was blood and I
8 didn't know that what to do. So as soon as I sat there and
9 I saw that, I started trying to get to a phone. I saw
10 Aaron's phone on the ground and I tried using it and it
11 didn't work. I went over to my phone and it was dead. So
12 as soon as I got River -- or as soon as I got Elizabeth
13 where she was sitting somewhere, I asked MINOR to go ahead
14 -- I said buddy, I need you to go ahead and calm down for
15 me, okay, everything's gonna be all right, I need you to
16 go over there and make sure your mom's gonna be okay.
17 Just go over there and pat her on the head and tell her
18 everything's gonna be all right. He looked at me and he
19 said okay and he walked over and he started to doing it.
20 I had to run out to the car. Before I did that, I made
21 sure -- I poked my head out the door, I didn't see the
22 car, so I knew that he had left. I ran out to the van, I
23 grabbed Elizabeth's phone. Whenever I came back in, this
24 is the part that really kills me, I forgot what number to
25 dial. So that moment that you always have whenever you see

1 a movie and someone's -- someone's an idiot and forgets how
2 to dial 9-1-1, I forgot 9-1-1, and I had to get Elizabeth
3 to sit there and tell me what number I had to dial through
4 blood coming out of her mouth, her tooth fucking falling
5 out in front of me. I get on the phone with -- with the
6 operator and I get everybody to calm down and while this
7 is going on I'm freaking out, I don't know what's going
8 on, I'm bleeding out of my arm and I walk into the bathroom
9 at one point while I'm on the phone with the -- with the
10 operator and I sat there and I looked at my face and
11 there's a -- a big old bloody spot across my lips. I
12 don't know what -- I don't know what happened. Whenever
13 the first officer got there, I had two feelings. I was
14 happy that someone was there and then I couldn't -- I
15 couldn't feel anything else after that.

16 Q. What do you mean by that?

17 A. I was -- I was in shock. There was -- there was --
18 there was nothing, but I don't know what's going on right
19 now. This is bad. I knew that Elizabeth was alive. I
20 knew that MINOR was there. I needed to make sure that
21 MINOR was okay, so the officer told me to take MINOR
22 outside. I put MINOR in the car and I remember passing
23 out next to the van.

24 Q. You lost consciousness?

25 A. Yes, sir.

1 Q. Do you recall speaking to officers that day?

2 A. I do, sir.

3 Q. Do you recall telling officers that you met Bradley
4 Walker the day prior?

5 A. I do recall that I said that, but I do realize that I
6 was in shock whenever all of this was going on. I had not
7 met Bradley Walker until that day.

8 Q. Okay. Now, I mean, the majority of us have never
9 been through something like that. How does time feel when
10 you're living through that?

11 A. It feels like it's stretching on forever.

12 Q. Okay.

13 A. It did. It felt like -- it felt like an eternity.

14 Q. And where was your injury?

15 A. I was hit here in the arm and it came in from the back
16 and I've got the exit wound here on the front.

17 Q. All right. Are you right-handed?

18 A. Yes, sir.

19 Q. You didn't shoot yourself in the right arm, did you?

20 A. No, sir, I did not.

21 Q. You didn't shoot Lyz in the face, did you?

22 A. No, sir, I didn't.

23 Q. You didn't kill Aaron Peterson, did you?

24 A. No, sir, I did not. That was my best friend.

25 Q. Prior to this happening, did anybody say anything to

1 Mr. Walker that would have provoked him?

2 A. No, sir. Not that I know of.

3 Q. Did anybody -- anybody threaten him?

4 A. No.

5 Q. Did you have any idea why this even happened?

6 A. No, sir, I didn't.

7 Q. How long do you think you-all were there with him
8 moving stuff?

9 A. About four hours maybe.

10 Q. Four hours?

11 A. I didn't -- I didn't know what -- he seemed like he
12 was cool. We talked about stuff, you know. We talked --
13 at one point we talked about how he looked like Harry
14 Potter and I thought that was neat. I thought we had sat
15 there and started becoming friends or something or at least
16 acquaintances and then all of a sudden hey, guess what?

17 Q. Do you own a gun?

18 A. No, sir.

19 MR. McNAIR: That's all I have. Please answer any
20 questions Ms. Moore has.

21 THE WITNESS: Yes, sir.

22 THE COURT: Before we start cross-examination, let
23 me take a very short break and put you back in the jury
24 room. Please don't discuss the case. I'll get you back
25 out here in a few minutes.

1 THE COURT: Okay. Ladies and gentlemen, please be
2 seated.

3 Welcome back. We'll pick up now with the
4 cross-examination of this witness.

5 MS. MOORE: May it please the Court?

6 THE COURT: Yes, ma'am.

7 CROSS-EXAMINATION

8 BY MS. MOORE:

9 Q. Mr. Hawkins, I was confused with your testimony. You
10 knew Aaron and Lyz three years, right?

11 A. I knew Lyz for three years.

12 Q. Okay. And you met Aaron when?

13 A. About two months before the -- the incident.

14 Q. Okay. But you never met Brad, right?

15 A. No, ma'am.

16 Q. So you've known Lyz for three years, but in July of
17 2018 you began talking?

18 A. Uh-huh.

19 Q. Weren't you conspiring to start a relationship at that
20 time behind Aaron's back?

21 A. No, ma'am.

22 Q. No?

23 A. Everything was told to Aaron.

24 Q. So Aaron knew every -- he knew you were gonna replace
25 Brad; is that right?

1 A. Uh-huh.

2 Q. Well, the whole reason for -- you know, they were
3 getting rid of Brad. He was not gonna be a part of their
4 relationship, right?

5 A. That's what I heard, yes.

6 Q. And you were gonna take his place, right?

7 A. That was later on that it was discussed, but they
8 were telling me that they were getting rid of him already
9 because they were already having problems with him.

10 Q. Okay. When -- when did that conversation happen when
11 you found out that they were having problems with him?

12 A. About three months before the incident.

13 Q. Okay. What kind of things were they having problems
14 with; do you know?

15 A. Lyz told me that her and Brad weren't getting along
16 and that him and Aaron weren't getting along.

17 Q. But you started your sexual relationship with Lyz
18 mid July 2018?

19 A. No sexual relationship at all.

20 Q. At all?

21 A. At all.

22 Q. Never in that three years?

23 A. No.

24 MS. MOORE: Begging the Court's indulgence.

25 BY MS. MOORE:

1 Q. Did you-all trade text messages?

2 A. Yeah, that was about it.

3 Q. And you would send photos of yourself naked?

4 A. Yes, ma'am.

5 Q. And she would do the same?

6 A. Yes, ma'am.

7 Q. Did you send any to Aaron?

8 A. Unh-unh.

9 THE COURT: I need a yes or -- I mean, I heard
10 an "unh". I don't know if that was a yes or a no.

11 A. Oh, no. No, ma'am, I did not.

12 Q. No. He didn't even know this was going on, did he?

13 A. He did. I asked and Lyz told me that she -- that
14 Aaron had been looking at all of our conversations.

15 Q. All of them?

16 A. Uh-huh.

17 Q. And so he knew that you had already had sex with his
18 wife?

19 A. I had not had sex with her.

20 Q. Okay.

21 A. We were talking over the phone. That was it.

22 Q. Then let's go to the day before the incident. That
23 would be July 22nd. That was a Sunday?

24 A. Yes, ma'am.

25 Q. And do you work?

1 A. Right now?

2 Q. At the time. Sorry.

3 A. At the time, yes, ma'am, I was working.

4 Q. Where were you working at?

5 A. I was working with -- it was a landscaping company
6 that has since then gone under. The owner has moved off
7 to do another form of work.

8 Q. So in 2018 that's where you --

9 A. Uh-huh.

10 Q. And you lived -- that was in Blythewood, right? Or
11 no?

12 A. No.

13 Q. But it was on the other side of town, Forest Acres,
14 right?

15 A. That's where I was staying, yes.

16 Q. And who were you staying with?

17 A. I was staying with my cousin.

18 Q. And what -- Layla Edmonds?

19 A. Yes.

20 Q. Who else lives in that house?

21 A. It was her daughter.

22 Q. How old is she?

23 A. She was nine.

24 Q. Okay. But you also don't have a driver's license, do
25 you?

1 A. I do now. I did not back then.

2 Q. Okay. So Lyz had to come pick you up?

3 A. Uh-huh.

4 Q. Did she pick you up that day?

5 A. Lyz, Aaron and MINOR came to pick me up from

6 [REDACTED] Roland Drive that day.

7 Q. And what was the purpose of that?

8 A. To pick me up to bring me over to the house so that I
9 could help them move from Sandspur to their apartment in
10 Blythewood -- Broad River. Sorry.

11 Q. So you were moving your stuff in already?

12 A. No, I was not. I was only helping them move.

13 Q. Okay. So when you were at the apartment that night,
14 what items did you bring from Sandspur over to the
15 apartment?

16 A. We did not bring anything from Sandspur to the
17 apartment that night. We were moving -- we were going to
18 Sandspur so that we could get started on packing things up.

19 Q. The following morning?

20 A. Yes, ma'am.

21 Q. And you said that you picked up the U-Haul at nine --
22 or Aaron did?

23 A. We dropped Aaron off.

24 Q. And then different times during the day you went and
25 got more boxes, right?

1 A. No, ma'am. We only -- we only went to get the boxes
2 on the one time going back to the trailer.

3 Q. Okay. And what time was that?

4 A. The time getting back to the trailer or getting the --

5 Q. Yes.

6 A. Getting back to the trailer was about twelve or 1:00.

7 Q. Okay.

8 MS. MOORE: Begging the Court's indulgence, please.

9 BY MS. MOORE:

10 Q. While you were at the apartment with Aaron and Lyz and
11 **MINOR** did you have a conversation with them?

12 A. Yes, ma'am.

13 Q. And what was that conversation about?

14 A. I told them about a really crazy person that I had met
15 at the flea market the day before and I didn't like him
16 very much because he was telling me a bunch of crazy stuff.

17 Q. What kind of crazy stuff?

18 A. The guy was talking about putting gasoline on -- in
19 someone's mouth and lighting it on fire and I was very
20 confused about this person since River -- since Elizabeth
21 was out at the flea market most of the time doing balloons
22 and stuff, I was warning her.

23 Q. Oh, you were warning her?

24 A. Yeah, I was telling her about this guy and that was
25 basically a warning.

1 Q. What other type of things did he tell you?

2 A. A bunch of stuff that I didn't like.

3 THE COURT: Speaking of who? Apologies, but we're
4 using a lot of pronouns here. I want to know who "he" is.

5 BY MS. MOORE:

6 Q. The crazy guy at the flea market?

7 A. Uh-huh. He kept telling me a bunch much stuff that
8 I didn't like. Told me some stuff about -- about liquid
9 nitrogen and stuff like that.

10 Q. Different ways to torture people, correct?

11 A. From what he -- from the way it sounded he was talking
12 about it, it sounded like it, yes.

13 Q. Yes. You testified that you sent text messages back
14 and forth with Lyz, right?

15 A. Yes, ma'am.

16 Q. You were talking?

17 A. Uh-huh.

18 Q. Let me ask you, what types of things were you talking
19 about?

20 A. It was mostly we were flirting over the phone, stuff
21 like that.

22 Q. Were you married at the time?

23 A. I kept saying I was, but I was not. I was with -- I
24 was with a girlfriend and she -- it was a very abusive
25 relationship and I was trying to get out of that at the

1 moment anyway.

2 Q. Wasn't that because she wouldn't have sex with you?

3 A. No, it was not. It was because she was beating me.

4 Q. Let me show you a text message.

5 MR. McNAIR: Your Honor, may we approach?

6 (Proceedings held at the bench; not reported.)

7 THE COURT: Folks, I hate to send you out, but let
8 me take a few minutes to go over some issues with the
9 lawyers and I'll get you back in here as soon as possible.
10 Please do not discuss the case.

11 Thank you.

12 (Whereupon, the jury retires to the jury room at
13 11:06 AM.)

14 THE COURT: All right. So --

15 MS. MOORE: They're still reviewing them.

16 THE COURT: Okay. All right. I was talking with
17 him, so I didn't look at what you handed me.

18 Ms. Moore, this one got left up here.

19 MS. MOORE: Oh, I'm sorry.

20 MS. FULLER: Your Honor, I guess for the benefit
21 of me and for the record, just to be clear, these are
22 messages that she plans to mark as defense exhibits and
23 attempt to introduce into evidence? All of these?

24 MS. MOORE: Yes.

25 MS. FULLER: I just want to know what I'm looking

1 at.

2 THE COURT: Well, I don't -- that's what she's
3 saying, yes. Whether they're admissible as evidence, I
4 don't know. I haven't reviewed them myself. I don't
5 know, but it's fairly common for people to get asked
6 about text messages they've made based on testimony
7 they've given, so. But I don't know the subject matter
8 of those texts, so that's why she's showing them to you
9 and we'll talk about it afterward.

10 MS. FULLER: Okay. And then just so I'm prepared
11 to -- or we're prepared, pursuant to what rule is she
12 attempting to introduce these? For what purpose?

13 MS. MOORE: Your Honor, this is -- this is relevant
14 impeachment evidence.

15 MS. FULLER: Okay. So impeachment. So you've laid
16 a foundation? I was out, so she laid a foundation already
17 and asked him questions and he's denied these messages?

18 THE COURT: All I heard was prior -- some testimony
19 regarding his alleged wife before and -- and their sexual
20 relationship and then there was gonna be the text message
21 conversation.

22 MS. FULLER: Okay.

23 THE COURT: Ms. Fuller, I really don't know.

24 MS. FULLER: Okay. So what I'm hearing is there
25 hasn't been a foundation laid for the introduction of

1 these in evidence?

2 THE COURT: Not yet, no.

3 MS. FULLER: And she's saying that they're for
4 impeachment purposes even though she has not laid a
5 foundation for impeachment?

6 THE COURT: While we were at the bench having --
7 Mr. McNair was up there and we discussed the fact that
8 you're gonna have to give him -- give the witness a
9 chance to review these text messages and so that the
10 witness has a chance to --

11 MR. McNAIR: Admit or deny.

12 THE COURT: Yeah. I mean -- and go from there.

13 (Pause in proceedings.)

14 THE COURT: Are we making any progress? I don't
15 know how many she's handed you.

16 MS. FULLER: Yes, they're selected pages. I'm just
17 reading because like -- their conversation history is
18 like over three hundred pages.

19 THE COURT: Okay.

20 MS. FULLER: So like, you know, the whole thing is
21 not admissible in my opinion and I'm trying to see what
22 pages she's pulled out and see what my opinions are.
23 Obviously he hasn't been asked any of these questions --

24 THE COURT: No foundation's been laid for --

25 MS. FULLER: -- and so that's also my concern.

1 So -- so like she can ask him on -- you know, it's
2 cross-examination, so she can cross him and just say on
3 July 19th you said --

4 THE COURT: Blank.

5 MS. FULLER: -- she was trained by a couple of
6 five-star chefs. Okay, yes, I sent that message, but I
7 don't know how she's allowed to introduce extrinsic
8 evidence for her purpose of impeachment.

9 THE COURT: Particularly not if it's admitted.

10 MS. FULLER: If he admits he sent these messages,
11 these don't come in. I have -- I mean, a lot of them
12 help us in our view of the case, but if she wants to ask
13 him all these question, I have no problem. We'll be here
14 all day.

15 THE COURT: I think the bottom line is you're gonna
16 have to -- you know, just to be clear, the text messages,
17 a foundation has to be made as far as the who, the what,
18 the when and where the statements were made and, you know,
19 the witness then has a chance to admit, deny or explain
20 anything that serves as a prior inconsistent statement
21 and we go from there, but if you want to go statement by
22 statement, they'll just have to lay that foundation for
23 each one and the witness have an opportunity to respond
24 before it's ever considered -- that document put into
25 evidence, okay?

1 MS. MOORE: Correct.

2 THE COURT: All right. And there's none that
3 you-all can agree on, of course, right?

4 MR. McNAIR: (Shakes head.)

5 THE COURT: Okay. Well, let's get them back in and
6 you can start going through your cross.

7 Bring them in, please.

8 MS. FULLER: Just for scheduling purposes, what
9 time are we breaking for lunch?

10 THE COURT: I don't know. Usually I like to wait
11 until we stop a witness, but we'll just cross that bridge
12 when we get there.

13 MS. FULLER: Okay.

14 THE COURT: They were here promptly at 9:00, so I
15 certainly plan to break for lunch no later than 1:00.

16 MS. FULLER: Okay. I just wanted to know in terms
17 of witnesses who to have here and who not to have here.
18 I anticipated being at four witnesses by now, so I might
19 just send them to go get lunch and then come back.

20 THE COURT: We both know the same on scheduling
21 right now. I don't know how long this is gonna take.

22 BAILIFF: Are you ready, sir?

23 THE COURT: Yes.

24 (Whereupon, the jury return to the courtroom at
25 11:21 AM.)

1 THE COURT: All right. Please be seated, ladies
2 and gentlemen. We'll pick up where we left off with
3 cross-examination.

4 MS. MOORE: May it please the Court?

5 THE COURT: Thank you.

6 BY MS. MOORE:

7 Q. Where were we? We were talking about text messages
8 between you and Lyz, right?

9 A. Yes, ma'am.

10 Q. Yes?

11 A. Yes, ma'am.

12 Q. And we also talked about your relationship with Aaron,
13 that you and Aaron were good?

14 A. Uh-huh.

15 Q. And he knew about the relationship that you and Lyz
16 had?

17 A. Uh-huh.

18 Q. Yes or no?

19 A. Yes, ma'am.

20 Q. So he knew about that?

21 A. Yes, ma'am.

22 Q. And he was fine with that?

23 A. Yes, ma'am.

24 Q. Okay.

25 MS. MOORE: I beg the Court's indulgence.

1 BY MS. MOORE:

2 Q. I'm gonna ask you, didn't you send -- you sent a text
3 message that -- or you -- that Aaron will get there, but
4 you and I have to bide time. Did you send that?

5 A. No, ma'am, I did not.

6 Q. Did you receive that?

7 A. Yes, I did.

8 Q. From who?

9 A. I received that from Elizabeth.

10 Q. Okay. And -- because you guys were actually having
11 an affair, correct?

12 A. No, ma'am, we were not having an affair. We were
13 talking over the phone and Aaron was perfectly okay with
14 it. The context of biding time was to make sure that
15 everything was cool.

16 Q. Everything was cool with who? You and Aaron?

17 A. Between her and Aaron and me.

18 Q. Because he was not onboard. He didn't know any of
19 that.

20 A. He did know because he had saw all of the text
21 messages. He had a certain way that he wanted it done.

22 Q. What done?

23 A. Having a relationship. He had a certain way that he
24 wanted it done and that's what I was told.

25 Q. And by who?

1 A. By Elizabeth.

2 Q. What -- what did he want done?

3 A. I don't know. That's why we had to bide our time. He
4 was gonna tell us how he wanted it done.

5 Q. What done?

6 A. The relationship.

7 Q. Okay.

8 A. Since he was the main person in the relationship, he
9 had the say-so, and I was okay with that.

10 Q. So he didn't know that you guys were trading text
11 messages about --

12 A. He did know that we were trading text messages. He
13 saw them.

14 Q. And he was cool?

15 A. Yeah, just he said he wanted it done a certain way.

16 Q. What -- but you didn't know what that certain way was,
17 right?

18 A. No.

19 Q. All right. On direct you -- your nickname is what?

20 A. Bear.

21 Q. Bear. And Lyz's nickname is what?

22 A. Blue.

23 Q. Blue?

24 A. Blue.

25 Q. I thought you said it was River.

1 A. I call her River now.

2 Q. Do you deny -- you've talked about this crazy guy at
3 the flea market?

4 A. Uh-huh.

5 Q. What was his name?

6 A. His name was Chris or something. He had just been
7 someone I'd met. I'd just met him that day. I was out
8 there set up and he was someone who had walked up and
9 looked at my stuff on my table.

10 Q. And he just starts telling you about how to torture
11 people?

12 A. We were talking about the knives on my table because
13 that's something that I did on the side is I make knives.
14 I'm a blacksmith.

15 Q. Okay.

16 MS. MOORE: I beg the Court's indulgence again.

17 BY MS. MOORE:

18 Q. You deny conspiring to kill Aaron?

19 A. Yes.

20 Q. Is that true?

21 A. Yes.

22 Q. And but this torture, you and -- you-all had a
23 conversation, correct?

24 A. Yes, ma'am.

25 Q. You, Lyz and Aaron?

1 A. Uh-huh.

2 Q. About torturing Bradley?

3 A. No.

4 Q. Never?

5 A. It was not about torturing Brad.

6 Q. Who were you gonna torture?

7 A. Nobody. I was telling them what the crazy guy at the
8 flea market said. His name is Chris.

9 Q. Had you ever met Brad before this day?

10 A. No, ma'am, I had not.

11 Q. What was -- but you knew of him from Lyz?

12 A. I knew of him, yes.

13 Q. And you knew they were trying to get rid of him?

14 A. I knew that they were trying to break up with him,
15 yes.

16 Q. And he was -- you knew he was gonna be there that day
17 at the trailer?

18 A. No, I did not.

19 Q. No?

20 A. No.

21 Q. Lyz did not tell you that?

22 A. I do not remember that, no.

23 Q. Okay. And -- but her nickname for Brad was Snowflake,
24 right?

25 A. Correct.

1 Q. And didn't you say you can't wait for Snowflake to
2 melt? Do you deny --

3 A. It was a saying. In other words, I can't wait for him
4 to leave. They were -- they were breaking up with him.

5 Q. And where was he going?

6 A. I don't know. They were breaking up with him. That
7 was not my concern.

8 Q. The next morning you guys go to the trailer?

9 A. Unh-unh. No, we went to the trailer the night before.

10 Q. You spent the night there?

11 A. Yeah.

12 Q. And then you went and got the U-Haul?

13 A. We dropped Aaron off to get it, yes.

14 Q. That's when you and Lyz went around getting boxes with
15 MINOR right?

16 A. Uh-huh.

17 Q. And you get back to the trailer at 1:00, right?

18 A. Twelve or one, yes.

19 Q. And you were there for -- did you ever leave to go get
20 more boxes?

21 A. No, ma'am. We stayed at the house. We were working.

22 Q. Everyone? Everyone stayed at the house?

23 A. Except Brad. Brad left for a good 45-minute period.

24 Q. To go get Chinese food?

25 A. That's what I was told, yes.

1 Q. And -- but what time did he leave to go to get Chinese
2 food?

3 A. I cannot recall.

4 Q. And from 1:00 until 5:45 nobody left there except
5 Brad?

6 A. Yes, ma'am.

7 Q. And you go -- you go into the house with -- you're in
8 the back bedroom. There's a safe. You-all are supposed --
9 all three of you-all are supposed to move the safe and --

10 A. No, me and Aaron were the ones moving the safe --

11 Q. -- then the next thing you know --

12 THE COURT: And let me just ask just for courtesy
13 for the jury who's trying to listen to all the testimony
14 to try to let the attorney -- any attorney finish their
15 questions.

16 THE WITNESS: I -- yes, sir.

17 THE COURT: It's okay, I haven't told you, don't
18 sweat it, and just if the attorneys ask you a question,
19 please don't cut off the attorney, and vice versa, please
20 don't cut off a witness while, you know --

21 THE WITNESS: Yes, sir.

22 THE COURT: -- they're giving you a response.

23 MS. MOORE: Yes, sir. I apologize, too. I'm gonna
24 do better.

25 BY MS. MOORE:

1 Q. But you -- from 1:00 to 5:45 you -- how much stuff
2 were you able to get packed up?

3 A. We were able to get most of the stuff out of the shed
4 and a little bit of the stuff out of the house.

5 Q. How much stuff was in the house?

6 A. There was a lot.

7 Q. Was that Aaron's furniture?

8 A. I don't recall.

9 Q. Who did Aaron -- he lived with Blake Barnhurst,
10 correct?

11 A. From what I heard he lived there while he was -- while
12 he was, you know, going to work during the week because it
13 was closer to his work.

14 Q. He didn't live there all the time?

15 A. No.

16 Q. Where else did he stay; do you know?

17 A. Unh-unh.

18 Q. Did Lyz stay there?

19 A. Lyz had told me that she would come by on the weekends
20 sometimes and help him clean stuff up, you know, stay with
21 him.

22 Q. They actually were separated, correct?

23 A. That's what I heard. At one -- at one point that's
24 what I heard, that they were separated, yes.

25 Q. Okay. So when Brad gets back from Chinese food, what

1 are you-all doing?

2 A. Still packing stuff up. Me and Aaron were going ahead
3 and getting one thing out of the shed whenever Brad had
4 come home -- or come back to that house and then we were
5 moving --

6 Q. What one thing? Do you --

7 A. It was something out of the shed. I don't remember
8 what it was --

9 Q. All right.

10 A. -- but then we had moved into the house and we were
11 going -- we were gonna go ahead and move the safe slash
12 filing cabinet.

13 Q. Okay. And that's when Aaron tells him to do
14 something, right?

15 A. Aaron asked him to do get something, I don't know what
16 it was, but it was something that he had to either go into
17 the kitchen to get or something like that and he comes back
18 and he tells Aaron and Aaron says well, the bathroom sink
19 will be fine.

20 Q. But Brad -- Brad was cool all day? He --

21 A. From what I knew there was nothing wrong.

22 Q. There was nothing. So he just -- you're saying he
23 basically just snapped, right?

24 A. Uh-huh. That's what it felt like to me.

25 Q. Felt like?

1 MS. MOORE: One moment.

2 BY MS. MOORE:

3 Q. So all of a sudden you're ambushed, right, by Brad?

4 A. I was shot second. Aaron was shot first.

5 Q. I thought you testified you were shot first?

6 A. No, I did not testify to that. I testified to Aaron
7 was shot first.

8 Q. How many times was he shot?

9 A. Aaron was shot, from what I recall, five times.

10 Q. Okay. And how many times were you shot?

11 A. Once.

12 Q. And -- but you didn't see Brad shoot Lyz, right?

13 A. No, I did not get to see that part. She was in the
14 living room.

15 Q. And MINOR was in there, too?

16 A. MINOR was -- MINOR was asleep on her chest because I
17 remember whenever we -- whenever we took her into the
18 living room to lay her down and stuff.

19 Q. Took who in the living room to lay down?

20 A. Lyz. Whenever Lyz went to go lay down in the living
21 room. It was right before we had -- were going to move the
22 safe.

23 Q. Then you testified that he just leaves, leaves the
24 house. Did you see him leave? Brad?

25 A. When?

1 Q. When you said that you heard the clicks, you thought
2 he was gonna kill you, right?

3 A. It was after he had come back from shooting Elizabeth
4 down the hallway. He fired one more time whenever I had
5 something in front of my face and then I heard a click,
6 yes.

7 Q. Okay. And that's when he left?

8 A. That's what I heard. That's -- yes.

9 Q. What time was that?

10 A. I don't know what time that was. I don't know what
11 time was going on. Time was slowing down a little bit for
12 me whenever all of that started happening.

13 Q. Sure. David, who -- isn't it true that you got back
14 at the trailer at 5:32, that day --

15 A. What are you --

16 Q. -- right before the shooting?

17 A. What are you talking about?

18 THE COURT: You can -- well, you can answer the
19 question.

20 Or actually, Ms. Moore, just why don't you --

21 MS. MOORE: Rephrase?

22 THE COURT: -- rephrase.

23 BY MS. MOORE:

24 Q. You testified that you'd been there all day and never
25 left?

1 A. Yes, ma'am.

2 Q. The only one that left was Brad?

3 A. Yes, ma'am.

4 Q. And you deny or did you -- who came back at 5:30?

5 A. It was just Brad. I don't know what time it was that
6 he got back. I don't know what time it was that he left.
7 I just know that he had left at one point for a good
8 forty-five minutes and then he came back.

9 Q. And that's when -- how long after he got back did --

10 A. I don't know. I'd probably say about a half hour.

11 Q. A half hour. So wherever he went, he comes back and
12 all of a sudden decides he's gonna shoot up the place, I
13 guess, right?

14 A. I suppose. I don't know.

15 Q. You didn't have any -- are you aware of what happened
16 to Brad?

17 A. Could you clarify the question for me?

18 Q. I'll re -- let me move on or go back a minute. Back
19 in -- where the shooting is, and I'm sorry I'm jumping
20 around, but when the deputies get there you say that you've
21 got a mark on your face?

22 A. Uh-huh.

23 Q. Do you remember being hit or --

24 A. No, I don't. I don't know what happened with that and
25 that's the biggest part about that that confused me because

1 I had a mark that went from here across my lip, across both
2 of them, and it felt like it was burned, it felt like it
3 had been either hit or something. I don't -- I don't know.
4 I -- it's speculation on what happened to my lip.

5 Q. But it got burnt is what you said? Burnt. Was it
6 burnt because --

7 A. It felt burnt.

8 Q. Okay. Because you threw gasoline at somebody like
9 your friend said?

10 A. No, ma'am.

11 Q. No?

12 A. No, ma'am. If you want to know what my assumption
13 about my lip is, I can tell you that. The assumption of my
14 lip is that whenever I saw the gun coming towards my head,
15 whenever I moved, he hit me in the mouth with it.

16 Q. With the gun?

17 A. Yes.

18 Q. But you don't recall that?

19 A. No, I don't recall a lot whenever it comes to that
20 however many second span.

21 Q. How tall are you?

22 A. 6-5.

23 Q. 6-5?

24 A. Yes, ma'am.

25 Q. Do you know how tall he is?

1 A. No.

2 Q. What size shoe do you wear?

3 A. It depends on the shoe. Usually a 12 -- usually a 12
4 and a half to a 13.

5 Q. Yeah, I guess so being that tall. So you deny
6 torturing Brad. You deny throwing gasoline at him, right?

7 A. Uh-huh.

8 Q. But the one thing your mother taught you was how to
9 torture people and how to cook, correct?

10 A. Because my mother tortured me as a child.

11 MS. MOORE: I beg the Court's indulgence.

12 BY MS. MOORE:

13 Q. After Brad leaves or whatever happens, you then go out
14 and get Lyz's -- somebody's cell phone, right?

15 A. Lyz's phone out of the van, yes.

16 Q. And when you get there, you take off your gloves and
17 get MINOR out as well and the phone because you-all had
18 just got --

19 A. It stayed in --

20 Q. I mean, why was her phone in her car?

21 THE COURT: You-all need to ask the question again.
22 You-all are talking over each other.

23 BY MS. MOORE:

24 Q. You --

25 A. I did not have any gloves on --

1 Q. You did not.

2 A. -- because we were moving.

3 Q. Okay.

4 A. I -- I didn't have any moving gloves or anything like
5 that on. Whenever I went out to the car, the reason her --
6 the phone was in the car was because that was where her
7 charger was and that's where she had plugged it in.

8 Q. But it had been sitting out there for four hours?

9 A. Yes, ma'am.

10 Q. But you couldn't find yours?

11 A. No, I had found mine, but it was dead.

12 Q. Where was it?

13 A. It was in the living room.

14 Q. Okay. But it was dead. You said that Aaron's was on
15 the ground?

16 A. Yes.

17 Q. And it was off?

18 A. I couldn't get it to work, no.

19 Q. So both of you-all's phones were off?

20 A. Uh-huh.

21 Q. Lyz's is the only one that was on and it was in the
22 van, right?

23 A. Yes, ma'am.

24 Q. So you finally get to it and you get yourself together
25 and call 9-1-1, right?

1 A. No, I -- I was not together. I had to call 9-1-1
2 immediately, so I did. Because after --

3 Q. Right. Just --

4 A. -- I went back in after forgetting the number and had
5 to get the woman who was bleeding in front of me to tell me
6 how, yes.

7 Q. You mean Lyz?

8 A. Yes.

9 Q. Okay. And -- because that upset you. You loved her?

10 A. It upsets me because I have to think about her
11 bleeding out of the face again.

12 Q. But you were so upset because you loved her, correct?

13 A. Yeah.

14 Q. You called 9-1-1 from whose phone?

15 A. Lyz's phone.

16 Q. What was the phone number?

17 A. I don't know.

18 Q. And --

19 MS. MOORE: Your Honor, at this time I'd like to
20 play the 9-1-1.

21 THE COURT: Can you lay a -- well.

22 MR. McNAIR: No objection to her playing the 9-1-1
23 call.

24 MS. MOORE: Thank you.

25 MS. FULLER: Are you gonna introduce it in evidence?

1 MS. MOORE: Yes. Well, I'm gonna have him -- you
2 know, if he can verify . . .

3 (Whereupon, a portion of a 9-1-1 call was played.)

4 BY MS. MOORE:

5 Q. You've probably not heard that, but is that your voice
6 on that 9-1-1 call?

7 A. Yes, ma'am, it is.

8 MS. MOORE: Your Honor, I would ask to publish this
9 to the jury and offer it into evidence.

10 THE COURT: All right. Without objection?

11 MR. McNAIR: Without objection.

12 THE COURT: All right. That will be Defense
13 Exhibit 1. So admitted.

14 (Defendant's Exhibit Number 1, a 9-1-1 call, was
15 marked and admitted into evidence.)

16 (Whereupon, Defendant's Exhibit Number 1 was
17 played.)

18 BY MS. MOORE:

19 Q. You knew a lot of details about guns for not having a
20 gun --

21 A. My dad's a --

22 Q. -- didn't you?

23 A. -- my dad's a redneck from here.

24 Q. Okay. And when you are telling the dispatcher about
25 his exit wound, you can't see his exit wound, can you?

1 A. No, ma'am, I could not at that time.

2 Q. He was facedown?

3 A. Uh-huh.

4 Q. But you said by the size of the exit wound it was a

5 9-millimeter?

6 A. I was talking about Elizabeth's face and I was talking

7 about the entrance wound.

8 Q. You --

9 A. I was in shock.

10 Q. Well, you did give --

11 A. I was stumbling through my words.

12 Q. -- a lot of information. I'm sorry, repeat that.

13 A. I stumbled through my words while I was in shock

14 trying to tell the 9-1-1 operator what was going on.

15 Q. Because that was your story. That was the story that

16 you had to get out immediately?

17 A. No, that is what happened, ma'am. That is exactly

18 what happened.

19 Q. You said that he shot three people. Because he

20 didn't shoot MINOR did he? In fact, he wasn't even there.

21 A. MINOR was there.

22 Q. Bradley wasn't there.

23 A. No, Brad was there. He's the one who shot us.

24 Q. But where in that -- do you hear MINOR crying? Was he

25 in pain?

1 A. I heard him a couple of times. I was telling him
2 everything was gonna be okay.

3 Q. And -- but he wasn't -- on that tape he didn't sound
4 like he was upset. He wasn't -- we couldn't even hear him,
5 correct? And then the -- the dispatcher told you to hold
6 -- you got something to put up on her face. Wasn't that
7 that hoodie? There was a blue hoodie.

8 A. No, that was what she held in front of her face. I
9 found something like a towel or something.

10 Q. Okay.

11 A. I don't know what I found. I was -- she was in the --
12 she was in the bedroom --

13 Q. Did the towel --

14 A. -- by that time. There was something clothing-related
15 on the floor and I picked it up.

16 MS. MOORE: That's all I have, Your Honor.

17 THE COURT: Redirect.

18 MR. McNAIR: One question.

19 REDIRECT EXAMINATION

20 BY MR. McNAIR:

21 Q. After being shot in the arm, did you load up a gas
22 can and drive to Pooles Mill Road and throw gas on Bradley
23 Walker prior to calling 9-1-1 that we just heard?

24 A. No, sir. I did not.

25 MR. McNAIR: Thank you.

1 THE COURT: Recross?

2 MS. MOORE: No.

3 THE COURT: The witness is -- well, the witness may
4 step down.

5 (Witness excused.)

6 THE COURT: Counsel, if you-all could just briefly
7 approach for scheduling purposes.

8 (Proceedings held at the bench; not reported.)

9 THE COURT: Go ahead, Madam Solicitor.

10 MS. FULLER: Thank you, Your Honor.

11 The State calls Angie Gunter.

12 (Whereupon, Angela Gunter was duly sworn by the
13 Clerk of Court.)

14 THE CLERK: Thank you. Would you, please, have a
15 seat in the witness box. State your full name and spell
16 your last for the record.

17 THE WITNESS: It's Angela Gunter, G-U-N-T-E-R.

18 ANGELA GUNTER,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. FULLER:

22 Q. Ms. Gunter, where are you employed?

23 A. Lexington County Communications.

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

25 A. Seventeen years.

1 Q. And what is your current title?

2 A. The deputy chief of communications.

3 Q. And as the deputy chief of communications, what are
4 your job responsibilities?

5 A. I overlook the center, manage it, staff it.
6 Everything and anything to do with it. I'm over
7 operations.

8 Q. Okay. And in terms of being over operations, does
9 that include being the custodian of the records?

10 A. Yes, ma'am.

11 Q. And at the Lexington County Communications, what
12 entities or agencies do you handle communications for?

13 A. We dispatch for police, fire and EMS.

14 Q. And that is for Lexington County, correct?

15 A. Correct.

16 Q. As the -- may I refer to you as custodian of the
17 records?

18 A. Uh-huh.

19 Q. Does that give you access to all dispatch audio, 9-1-1
20 calls, communication logs for the County of Lexington?

21 A. Yes, it does.

22 Q. I want to hand you what's been marked as State's
23 Exhibit 78 for ID and ask if you recognize it?

24 A. Yes, I do.

25 Q. And how do you recognize that?

1 A. Because I've initialled it and dated it.

2 Q. And what does that appear -- what is that?

3 A. This is the call for the Case Number 18014192.

4 Q. And that's related to this case?

5 A. It is.

6 MS. FULLER: Your Honor, we've already heard it,
7 but I just wanted to lay the full foundation for it.

8 At this time the State seeks to introduce as
9 evidence State's Exhibit 78.

10 THE COURT: Without objection?

11 MS. MOORE: (Shakes head.)

12 THE COURT: So admitted.

13 MS. FULLER: Thank you. I'm not gonna publish it,
14 but I wanted to introduce it.

15 THE COURT: Very well.

16 (State's Exhibit Number 78, a 9-1-1 call, was
17 admitted into evidence.)

18 BY MS. FULLER:

19 Q. And you were prepared -- you listened to that audio?

20 A. Yes.

21 Q. And on the audio -- I'm not gonna publish it because
22 it's just been published by the defense, but I had a couple
23 of questions. On there -- can you describe the call center
24 for the jury in terms of when a 9-1-1 call comes in?

25 A. We have call-takers, dispatchers. The call is

1 received through 9-1-1 or a non-emergent line. They answer
2 it, they start putting in the information, the caller's
3 name, phone number, what type of call it is. Once they get
4 all of the information in, then it will go to a dispatcher
5 and they will dispatch police, fire, EMS, whatever it calls
6 for, for service.

7 Q. And how many dispatchers are employed at the Lexington
8 County Communications?

9 A. We can have up to -- right now it's about forty
10 something, forty-seven, something like that, but we have at
11 least eight dispatchers on shift and anywhere from two to
12 six call-takers at one time.

13 Q. Okay. And how -- what is the room setup like?

14 A. It's kind of an open room like this, but in rows and
15 it's like a console with your computer screens here and
16 your keypad and your phone is in your ear on a headset and
17 it's just rows.

18 Q. Okay. And then on the audio, just so it's clear,
19 sometimes you can hear some background noise and other
20 voices?

21 A. Yes.

22 Q. What accounts for that?

23 A. They're extremely sensitive, so if I am on a call and
24 say -- say the judge here is the person beside me, if he
25 is on a call sometimes it can -- if he's asking questions,

1 repeating information, we have to get the address multiple
2 times or the phone number multiple times to confirm that
3 it's correct, sometimes our voices can be heard on other
4 calls.

5 Q. Okay. And you were able to --

6 A. If that makes sense.

7 Q. I apologize. You were able to listen to this call?

8 A. Yes.

9 Q. And did you hear some of that background noise as
10 well?

11 A. You do. Unfortunately, yeah, you hear a lot of calls.

12 Q. Okay. As it relates to this case, did you have an
13 opportunity to review all of the records?

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

15 Q. And do we refer to those as CAD reports?

16 A. CAD reports, call cards. They go, yeah, either way.

17 Q. And in preparing for testimony today, how many CAD
18 reports did you determine were associated with this case?

19 A. Seventeen.

20 Q. Okay. And would that account for three different
21 locations?

22 A. Yes.

23 Q. In terms of the initial call, what time did that
24 initial call come in?

25 A. That came in, the initial call, at 17:43.

1 Q. And --

2 A. Sorry. That's 5:43.

3 Q. At standard time 5:43 PM?

4 A. Yes.

5 Q. And who placed that call?

6 A. David Hawkins.

7 Q. And what is the incident location?

8 A. That was at [REDACTED] Sandspur Road.

9 Q. And that's in Lexington County?

10 A. It is.

11 Q. And what was that call in reference to?

12 A. A GSW, gunshot wounds.

13 Q. Was it more than one that was being reported?

14 A. It was -- yeah. It sounded like there were multiple
15 people, yeah.

16 Q. And what time did law enforcement based on your
17 records arrive on-scene?

18 A. Sorry. Hang on one second for me. It was 5:51.

19 Q. And that's 5:51 PM?

20 A. Yes, ma'am.

21 Q. And in terms of reviewing those seventeen CAD reports,
22 if I asked you about the additional locations, what was the
23 second location that was reported that was related to this
24 case?

25 A. That was at Pooles Mills Road and cross of Mack Edisto

1 Road.

2 Q. And what time was that call?

3 A. That call was at 18:21. 6:21 PM.

4 Q. And what was that in reference to?

5 A. That was a vehicle fire.

6 Q. Okay. And was there a third call?

7 A. There was a third call as well, yes.

8 Q. And what time was that call?

9 A. At 19:00. 7 PM.

10 MS. MOORE: Your Honor, I object. We have never
11 been provided the second call.

12 (Proceedings held at the bench; not reported.)

13 MS. FULLER: For the record, Your Honor, the CAD
14 reports were provided in discovery.

15 THE COURT: All right.

16 MS. MOORE: And the audio is not available is my
17 understanding.

18 THE COURT: I will -- we will get there, Ms. Moore,
19 but I think we're just talking about an event and not
20 any sort of audio at this time.

21 MS. FULLER: That's correct, Your Honor.

22 BY MS. FULLER:

23 Q. And you indicated a third call came in?

24 A. Yes, ma'am.

25 Q. And what time was that?

1 A. 7:00 PM.

2 Q. And what was that in reference to?

3 A. That was in reference to -- the caller was reporting
4 a male victim who was at the door --

5 MS. MOORE: Your Honor, I object. This is hearsay.

6 THE WITNESS: It's a CAD report. I'm sorry. I'm --

7 MS. MOORE: Your Honor, that is hearsay.

8 THE COURT: Overruled.

9 MS. FULLER: Thank you.

10 BY MS. FULLER:

11 Q. And what was this in reference to?

12 A. She was reporting that a male victim was naked and
13 burned at her front door.

14 Q. Okay. And what was the address provided?

15 A. [REDACTED] Pooles Mill Road.

16 Q. I'm gonna hand you what's been marked for
17 identification as State's Exhibit 77 and ask if you'd take
18 a moment to review it.

19 MS. MOORE: Your Honor, I don't know what she's --

20 MS. FULLER: I'm handing it to you, Ms. Debra.

21 Please be patient.

22 MS. MOORE: Thank you.

23 BY MS. FULLER:

24 Q. And, Ms. Gunter, did you have an opportunity to review
25 that document?

1 A. Yes, ma'am.

2 Q. And do you recognize it?

3 A. I do.

4 Q. And is this exhibit an accurate summary of the 9-1-1
5 call times and log -- I forgot to ask one question.

6 In terms of the second call, what time did law
7 enforcement arrive to that location at Pooles Mill Road
8 and Mack Edisto?

9 A. Hold on one second for me. You said law enforcement
10 at Pooles Mill?

11 Q. Sorry. Not law enforcement. First responders --

12 A. First responders. Okay.

13 Q. -- to the vehicle fire.

14 A. Sorry. Hang on. 18:33.

15 Q. And that would be 6:33 PM?

16 A. Yes. Sorry.

17 Q. Thank you. So now looking back at State's Exhibit 77,
18 is that exhibit an accurate summary of the 9-1-1 call time
19 and law enforcement's -- first responders' arrival time at
20 the -- at the locations?

21 A. Yes, it is.

22 MS. FULLER: At this time, Your Honor, the State
23 seeks to introduce into evidence to assist the jury.

24 THE COURT: This is a summary of calls?

25 MS. FULLER: Yes, Your Honor.

1 THE COURT: Ms. Moore.

2 MS. MOORE: No objection.

3 THE COURT: All right. This will be State's Exhibit?

4 MS. FULLER: 77.

5 THE COURT: State's Exhibit 77 is admitted into
6 evidence.

7 (State's Exhibit Number 77, 9-1-1 call summary, was
8 admitted into evidence.)

9 MS. FULLER: Permission to publish?

10 THE COURT: Very well.

11 BY MS. FULLER:

12 Q. Ms. Gunter, looking at State's Exhibit 77, if you can
13 go ahead and describe this. Starting at the top, what's
14 the date for the summary?

15 A. That was -- the first one, the 5:43?

16 Q. I apologize.

17 A. I'm not sure what you're --

18 Q. Right here.

19 A. Oh, okay. I'm sorry. I didn't see that. July 23,
20 2018.

21 Q. Okay. And looking at the first line --

22 A. Uh-huh.

23 Q. -- at 5:43 PM, if you can publish that for the jury.

24 A. It's report of a shooting at [REDACTED] Sandspur Road. The
25 call was made by a David Hawkins at 5:43 PM.

1 Q. And then at 5:51 PM?

2 A. Law enforcement arrived at [REDACTED] Sandspur Road.

3 Q. And at 6:21 PM?

4 A. The report of a vehicle fire on Pooles Mill Road near
5 Mack Edisto Road.

6 Q. And at 6:33 PM?

7 A. First responders arrive at Pooles Mill Road near Mack
8 Edisto Road.

9 Q. And then at 7 PM?

10 A. The report of a male at [REDACTED] Pooles Mill Road naked
11 and burned.

12 Q. Okay.

13 MS. FULLER: No further questions at this time.

14 THE COURT: Cross-examination.

15 CROSS-EXAMINATION

16 BY MS. MOORE:

17 Q. Ms. Gunter, good afternoon.

18 A. Hey.

19 Q. Can you -- on the CAD report --

20 A. Uh-huh.

21 MS. MOORE: Is that it?

22 THE COURT: No, no. I --

23 MS. MOORE: Oh, you still have it.

24 BY MS. MOORE:

25 Q. What -- can you tell us -- the call that came in at

1 6:21, what was that call about and who made it and what did
2 they say?

3 A. Hang on one second. Let me get to it. Are you
4 talking about the vehicle fire?

5 Q. Yes, ma'am.

6 A. Okay. Okay. What was your question again?

7 Q. Could you read what the caller said? Because that's
8 the one we don't have the --

9 A. Okay.

10 MS. FULLER: Your Honor, what's the question?

11 MS. MOORE: If she could read out --

12 THE COURT: I think -- that's not -- if you could
13 approach, I want to clarify something. I may have missed
14 something.

15 (Proceedings held at the bench; not reported.)

16 BY MS. MOORE:

17 Q. Did you find the CAD report for that?

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

19 Q. Okay. And what kind of call was that?

20 A. It was reporting a vehicle fire.

21 Q. Who -- who reported that?

22 A. I'm not sure who the original caller was. There was
23 not a name on the CAD report.

24 Q. And what did they say?

25 A. That there was a vehicle on fire.

1 Q. Where?

2 A. Fully involved. Unknown vehicle type. It is Pooles
3 Mill Road at Mack Edisto Road. And I don't know what
4 exactly they said. I only can tell you what the CAD report
5 says.

6 Q. Okay.

7 A. Because it's two different things. I'm not listening
8 to the call itself, so they could have said other things
9 that wasn't reported in here, and I just wanted to make
10 sure you're clear on that.

11 Q. So not everything that was said?

12 A. Not every word that they put in is ever documented
13 because you don't have time. You can't do that.

14 Q. I understand completely.

15 A. Yeah. They were just reporting a vehicle that was on
16 fire. Unknown type.

17 MS. MOORE: That's all I have. Thank you,
18 Ms. Gunter.

19 THE COURT: Redirect.

20 MS. FULLER: None, Your Honor.

21 THE COURT: All right. The witness is excused.
22 Thank you.

23 THE WITNESS: Thank you.

24 (Witness excused.)

25 MS. FULLER: May we approach, Your Honor?

1 having been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. McNAIR:

4 Q. Ms. Peterson, you go by Lyz; is that correct?

5 A. That is one of my many nicknames, yes.

6 Q. Okay. Do you mind if I call you Lyz?

7 A. Sure.

8 Q. Lyz, tell the jury where you -- where you're from
9 originally.

10 A. I came from West Virginia. I moved down to South
11 Carolina when I was about seventeen years old.

12 Q. All right. Why did you move to South Carolina?

13 A. I moved in with my grandparents. There were better
14 college opportunities here and they were going to coach me
15 through my senior year of high school.

16 Q. All right. Where do your grandparents live?

17 A. They live in Forest Lake -- or Forest Acres.

18 Q. Forest Acres. All right.

19 A. I was trying to say Arcadia Lakes at the same time.

20 Q. All right. Tell -- tell the jury what you do for a
21 living.

22 A. My full time job is as a balloon artist and I
23 currently am -- I'm about to start back at Waffle House
24 this next week.

25 Q. Okay. How long have you been doing balloon art?

1 A. I've been making balloons since I was eight years old.

2 I've been --

3 Q. And balloon art --

4 A. I've been doing it professionally since I turned
5 twenty-one.

6 Q. Okay. I guess where do you go to do balloon art?

7 A. I go everywhere. I've done funerals, I've done
8 wedding receptions. Either they call me or if I don't have
9 any events that are currently scheduled and planned, I like
10 to go to the flea market on nice weekends. I work for tips
11 just to try to make a little extra cash.

12 Q. All right. How did you meet Aaron Peterson?

13 A. Aaron and I met because we were working at the same
14 call center, a place called Teleperformance. At the time,
15 it was on St. Andrews Road. When we met, I was a new hire
16 and just learning how to do the job and he was working as a
17 tech advisor because we were doing technical support. If
18 you couldn't figure out what was wrong, then we'd come by
19 and help you get the customers' devices working.

20 Q. All right. Now did you and Aaron ultimately get
21 married?

22 A. We did.

23 Q. What year did you get married?

24 A. 2009.

25 Q. 2009?

- 1 A. Yes.
- 2 Q. Okay. And did you-all have any children together?
- 3 A. We had MINOR in 2015.
- 4 Q. All right. Had Aaron been married prior to you?
- 5 A. No.
- 6 Q. Did he have any other children prior to you?
- 7 A. Yes.
- 8 Q. And how many kids did he have?
- 9 A. He had two children, Luke and Lily, who are present.
- 10 Q. Luke and Lily?
- 11 A. Yes, sir.
- 12 Q. When did you-all move to Sandspur?
- 13 A. The best of my recollection has us there probably
- 14 about May of 2017.
- 15 Q. May of 2017?
- 16 A. Yes.
- 17 Q. And who lived at Sandspur with you-all?
- 18 A. It was me, Aaron, my son MINOR, and the owner of the
- 19 trailer, Blake Barnhurst.
- 20 Q. Blake Barnhurst?
- 21 A. Yes.
- 22 Q. Now at some point did you leave or move out of the
- 23 Sandspur residence?
- 24 A. I did.
- 25 Q. Why was that?

1 A. In January of 2018, I had a long, hard discussion with
2 Aaron about how our relationship was going and we decided
3 to separate for a while to figure out what we wanted to do.
4 We reconciled about three weeks later, but at the time it
5 seemed best for me to move in with my mother.

6 Q. Okay. So you weren't separated for very long?

7 A. No.

8 Q. But during that time you had moved in with your
9 mother?

10 A. I did.

11 Q. Where does she live?

12 A. She lives in Winnsboro.

13 Q. Okay. Did MINOR go with you?

14 A. He did.

15 Q. And did you stay at that location in Winnsboro with
16 your mother?

17 A. I did.

18 Q. Why was that?

19 A. It seemed easier for our jobs. Aaron was working at
20 the time at a distribution warehouse off of Shop Road,
21 known as ABW, they work for Mars, and I was working for the
22 Waffle House on Blythewood Road. My mother's house is only
23 fifteen minutes away from the Waffle House in Blythewood,
24 so it seemed better to have her be able to keep my son for
25 me when I worked since I was doing nightshift as well.

1 Q. And was Sandspur closer to Aaron's work?

2 A. It was.

3 Q. Okay. So you-all were together during that time, but
4 you were living in Winnsboro with MINOR and he was staying
5 at Sandspur?

6 A. That's correct.

7 Q. But would you-all see each other at some points during
8 the week?

9 A. We did. I made a point of making sure that I took
10 MINOR to see him for those couple of days that he had off.
11 He worked four 12-hour shifts and had three days off a
12 week. Whenever -- excuse me -- whenever -- I lost my train
13 of thought.

14 Q. You said when he -- he was off of work that you would
15 take MINOR to see him?

16 A. When he would have his days off, I would take MINOR
17 to Sandspur and we would spend the night there so that we
18 could do errands together or whatever we had to do running
19 around town. Sometimes we'd go see movies or just be a
20 family.

21 Q. Now we've heard about this relationship you-all had,
22 this multiperson relationship or open marriage or whatever
23 you want to call it. Can you explain, I guess, the
24 parameters of that and what type of relationship you had
25 with Aaron to the jury?

1 A. My relationship with Aaron started as your basic
2 marriage between two people. It evolved over time when we
3 realized that we were having issues and our answer at that
4 time was to involve other people.

5 Q. Okay. I guess when did -- when did that start?

6 A. We first discussed it in 2012. We tried very briefly
7 with another couple to have a relationship, but it didn't
8 really work out. They went on their separate way and we
9 did not discuss it again until about 2016. We thought that
10 perhaps it would be a good idea to make another effort at
11 it, but nothing came of it until Bradley Walker came into
12 our lives.

13 Q. Okay. So let's fast-forward to 2018. When did you
14 first meet Bradley Walker?

15 A. Sometime during early May.

16 Q. May of 2018?

17 A. Yes, sir.

18 Q. And tell us how -- how you meet him?

19 A. I was on a dating app that is called 3Fun, which is
20 meant for couples who want to involve someone else in their
21 relationship.

22 Q. Okay. And did you end up having conversations with
23 him and talking back and forth?

24 A. I did. He opened -- one of the reasons that I decided
25 to entertain him as a potential partner --

1 Q. And before you go on, was Aaron aware of this?

2 A. He was from the beginning.

3 Q. Okay.

4 A. The profile we had set up was a joint profile, it
5 was for both of us, and when I first met him he asked me
6 what poly was like and what it was about because he was
7 interested, but didn't know. Poly refers to polyamory.

8 Q. All right.

9 A. The act of having more than one spouse.

10 Q. Did you explain what that meant to him?

11 A. I did.

12 Q. Did you explain to him what any future relationship
13 with you and Aaron would look like?

14 A. I did.

15 Q. And what did you tell him about that?

16 A. I told him that it would be an equal partnership
17 between all adults involved. That we're meant to be all
18 together as a single family unit.

19 Q. All right. And did he seem to understand that?

20 A. He did.

21 Q. And did he appear fine with that?

22 A. He did.

23 Q. Okay. Where -- do you know where he was living when
24 you first met him?

25 A. I believe he lived in Hickory in North Carolina.

1 Q. Hickory, North Carolina?

2 A. (Nods head.)

3 Q. Okay. So just tell us how this relationship with
4 Mr. Walker transpired. At some point did he come to South
5 Carolina?

6 A. He did. At the -- I think it was the end of May,
7 possibly the end of June, I could not be sure, his lease
8 was up on the apartment he was living in and he told Aaron
9 and I if we're gonna move in together and make this a
10 thing, we need to do it now because I don't want to get
11 another lease and have to wait another year or be homeless.

12 Q. Okay. And so where did he move at that point?

13 A. He came to stay with me at my mother's house in
14 Winnosboro.

15 Q. So, I guess, practically Aaron's living at Sandspur,
16 you're in Winnosboro with your mother and he's staying with
17 you and MINOR at your mother's house?

18 A. Yes.

19 Q. All right. So how was that relationship working with
20 Aaron?

21 A. I continued to do my three days a week going down to
22 see him with everybody.

23 Q. Would Bradley Walker go with you to see Aaron at
24 Sandspur?

25 A. He would.

1 Q. All right.

2 A. I -- we continued on that way and everything seemed
3 to be going okay.

4 Q. All right. Now at some point did you-all start
5 looking for a place where you-all all could live together?

6 A. We did.

7 Q. Do you remember when you started looking?

8 A. Shortly after his lease was up and he put all of his
9 belongings in storage.

10 Q. So that would have been the end of May?

11 A. Yes, I believe so.

12 Q. So this relationship's moving pretty quickly, right?

13 I mean, you just kind of met him in May and --

14 A. It was quicker than what Aaron and I had been prepared
15 for. We wanted to -- he wanted to get to know him better
16 on a separated basis just so that we could be sure, but he
17 kind of pushed that forward by saying that if we were going
18 to do it, we had to do it now because of his lease.

19 Q. Okay. So he wanted you-all to find a place where
20 you-all all could live together?

21 A. Yes. It was discussed as a group and we all agreed to
22 it.

23 Q. Okay. Did you ultimately find a place?

24 A. We did. We ultimately came to the apartment. After
25 we looked at some houses, nothing panned out there, and we

1 found an apartment with three bedrooms on Broad River Road.

2 Q. Do you remember when you signed the lease on that
3 apartment?

4 A. I believe it was two weeks before the incident.

5 Q. About two weeks before the incident. Okay. And the
6 plan was that Mr. Walker was gonna live there as well?

7 A. Yes.

8 Q. When did you-all start moving in there?

9 A. About a week to a week and a half before the incident.
10 I think they gave us the keys two weeks early.

11 Q. All right. So prior -- prior to this incident, had
12 you-all been staying there at night?

13 A. Yes.

14 Q. Okay. Mr. Walker was staying there, too?

15 A. Yes.

16 Q. Aaron?

17 A. Yes.

18 Q. MINOR and you?

19 A. That's correct.

20 Q. What was the financial arrangement supposed to be?

21 A. The way Aaron and I did things was that every job in
22 the household had to contribute. If there were two jobs,
23 the bills would be divided by two. If three jobs, then by
24 three. However many jobs you had, your job was responsible
25 for that portion of the bills.

1 Q. Okay. And what was the sleeping arrangement going to
2 be there?

3 A. The anticipation was that all of the adults would
4 share one bedroom upstairs and there would be a secondary
5 bedroom also upstairs for anybody who needed to have some
6 alone time or who wanted to get some extra sleep or take a
7 nap when there was too much else going on.

8 Q. And MINOR had his own bedroom?

9 A. He did. His bedroom was downstairs.

10 Q. Do you know if Mr. Walker or where Mr. Walker was
11 working during this time when you-all were staying at Broad
12 River Road?

13 A. He told me that he was working at Target and he did
14 have uniform shirts.

15 Q. Okay. And would he leave to go to work sometimes?

16 A. He would.

17 Q. At some point in your relationship with Mr. Walker,
18 did you get the feeling or the sense that maybe he wanted
19 something more than you had initially agreed to?

20 A. I did.

21 Q. Can you explain that?

22 A. At first he was extremely intent on making sure that
23 things were equal between Aaron and he. To give an
24 example, I'd already had a child by Aaron, being MINOR. He
25 wanted to make sure that any new child that I had was his

1 before anyone else.

2 Q. Uh-huh.

3 A. If I gave Aaron a kiss, he wanted a kiss. If I spent
4 a night and went on a date with Aaron, I needed to do the
5 same with him.

6 Q. All right. At some point did he express his desire to
7 be monogamous with you?

8 A. He asked me at one point in time if anything were to
9 happen to Aaron would I continue to be monogamous with him.
10 I told him in response to that that if he and I were on
11 good terms depending on how I felt after Aaron's passing
12 that I don't know, but I -- I don't see why not.

13 Q. And you said after Aaron's passing like that was
14 something that was inevitable. What do you mean by that?

15 A. Aaron was diagnosed with Crohn's disease when he was
16 about seventeen years old and it had taken a very heavy
17 toll on his health. He had to have a -- he had to have
18 his large intestine removed when he was, I think, eighteen,
19 and it's my understanding that the doctors did not give him
20 very long to live. In fact, he --

21 MS. MOORE: Your Honor, I object to the relevance
22 of this testimony.

23 THE COURT: Let's just go with her knowledge, not
24 what doctors allegedly told another --

25 MR. McNAIR: But she was explaining her comment, but

1 I'll move on.

2 THE COURT: Well, if you -- I'm not telling you to
3 move on, Mr. McNair. I'm saying you can ask a few more
4 questions to try to elicit testimony.

5 BY MR. McNAIR:

6 Q. It was your understanding that he had significant
7 health issues?

8 A. He had some severe health issues that could have taken
9 his life.

10 Q. Okay. And that's what you meant by that comment to
11 Mr. Walker?

12 A. It is.

13 Q. Now did Aaron become a source of friction in your
14 relationship with Mr. Walker?

15 A. It -- it seemed to be that way after a while. He
16 would -- he -- he would try to make sure that we had things
17 to do that we couldn't go to see Aaron or he would -- he
18 would always try to like pawn MINOR off on Aaron for care
19 and try to take me somewhere to do something.

20 Q. So he could be alone with you?

21 A. Right.

22 Q. Did he make attempts to bring other's people into
23 you-all's relationship for Aaron's sake?

24 A. He did.

25 Q. Can you explain that?

1 A. In -- I would say sometime in June he sat there
2 and tried to introduce us to a young woman from North
3 Carolina. She was already married and still working on
4 her relationship and Aaron and I said this was not what
5 we want.

6 Q. Did he tell you why he wanted to bring another female
7 into the relationship?

8 A. He told me it was so that -- and if you'll excuse my
9 language, this is a direct quote. He said that he wanted
10 to stop being cock fucked.

11 Q. By Aaron?

12 A. Yes.

13 Q. All right. So at the time you-all are moving into
14 this apartment off of Broad River Road, how would you
15 describe your relationship with Mr. Walker?

16 A. It was very tense.

17 Q. Were you and Aaron talking about this?

18 A. Yes.

19 Q. How did Aaron feel about it?

20 A. He was becoming increasingly more weary of Brad. He
21 -- he wanted us to start pulling back and pull away.

22 Q. Okay. What did you-all ultimately decide to do?

23 A. We ultimately decided that we wanted to go our
24 separate ways from him and we wanted him to move on.

25 Q. Did anybody have a conversation with Mr. Walker about

1 this?

2 A. I did.

3 Q. Do you recall when that was in relation to this
4 incident?

5 A. I believe it was Thursday evening.

6 Q. Okay. Was it just you or was there anybody else
7 present?

8 A. I believe that it was just me and Mr. Walker in the
9 apartment with my son when that conversation occurred, but
10 I was on the phone with Aaron.

11 Q. Okay. What did you tell Mr. Walker?

12 A. I said you're making me miserable and I'm clearly
13 making you miserable. This is not what a relationship is
14 supposed to look like. I think it's best if you started
15 trying to figure out which way you want to go from here.

16 Q. Did you talk to him about him moving out?

17 A. We did.

18 Q. What did you tell him?

19 A. Aaron and I spoke to him Friday about how we wanted to
20 give him until the end of August to collect his needs for
21 -- as far as financial needs.

22 Q. And why -- why did you want to give him until the end
23 of August?

24 A. When he moved in, he provided us with his portion of
25 the rent for the month of August, partway through July, and

1 we had already attributed that to all of our budgeting, so
2 that money would have already been gone.

3 Q. Okay. So to be fair to him, you were giving him a
4 month to find somewhere else?

5 A. Yes.

6 Q. Based on your conversation, was it -- did it appear
7 clear to him that you wanted to break up with him or that
8 you-all wanted to move on?

9 A. He did not seem to -- he didn't seem like he
10 understood. He seemed like -- I recall this during the
11 conversation we had Thursday. He was about to walk up
12 steps to the upstairs of the apartment and he turned his
13 head and looked at me and he said it's okay, you'll change
14 your mind, and he walked up the stairs.

15 Q. Okay. So, in other words, he didn't seem to grasp or
16 accept what you had told him?

17 A. That's correct.

18 Q. Now let's talk about David Hawkins. During the time
19 when you were having these issues with Mr. Walker and the
20 relationship, had you begun talking to David Hawkins?

21 A. Yes.

22 Q. How did you first meet Mr. Hawkins?

23 A. Doing my balloons out at the flea market. He walked
24 by one day and he had just bought a sword and he had it
25 strapped to his back and it caught my attention and I -- I

1 began talking to him at that point in time and we became
2 friends.

3 Q. And, I guess, in relation to this -- when this
4 incident happened, how long had you known him for?

5 A. About three years.

6 Q. Okay. When did you start kind of talking to him about
7 a relationship and things of that nature?

8 A. Roughly about a month or so give or take a week before
9 the incident occurred.

10 Q. All right. And how would you describe the nature of
11 your communications with him?

12 A. Steamy. We -- we were very much into this new
13 relationship that we had discovered with each other and we
14 flirted a lot.

15 Q. Okay. So, I guess, were you -- were you ever planning
16 a relationship with Mr. Hawkins without Aaron being
17 involved?

18 A. No, never.

19 Q. Did you talk to Mr. Hawkins about Aaron having to be
20 involved in any potential relationship?

21 A. I did.

22 Q. Did he understand that?

23 A. He did.

24 Q. Did he appear to be fine with that?

25 A. He did.

1 Q. Did Aaron know about David Hawkins?

2 A. He did.

3 Q. Had you talked to Aaron about David Hawkins?

4 A. I did.

5 Q. Had you talked to Aaron about potentially bringing
6 David Hawkins into you-all's relationship?

7 A. When it became clear that Bradley was not going to
8 work out as our partner, I broached the subject with Aaron
9 after talking to David for maybe a day or so.

10 Q. Okay. What was Aaron's reaction to that?

11 A. He said that if that was my decision he was fine with
12 that. He wanted to get to meet him and know him the same
13 as what he had done with Bradley.

14 Q. Okay.

15 A. We wanted to take things even slower this time around
16 because of the way it didn't work out with Bradley.

17 Q. Right. Okay. Did Mr. Walker know you were talking to
18 David Hawkins?

19 A. He knew that we were flirting.

20 Q. How did he know?

21 A. I believe he saw some messages over my shoulder on my
22 phone one day.

23 Q. Did he ask you about those messages?

24 A. He did.

25 Q. What did he say?

1 A. He asked if that was his replacement and I said no.
2 He said are you cheating on us and I said no, I'm just
3 flirting with this guy. He's someone I know from the flea
4 market. He's an old friend.

5 Q. And was that a true statement?

6 A. It was at the time.

7 Q. So he was scared Mr. Hawkins was going to be his
8 replacement?

9 A. He was.

10 Q. Do you remember when that happened in relation to this
11 incident?

12 A. I know it was at -- at least a week beforehand.

13 Q. Okay.

14 All right. Let's talk about the night prior, which
15 would be July 22nd. What did you-all do that evening?

16 A. We planned to pick up David from the address he
17 provided. I did not know at the time it was his
18 ex-girlfriend's house. When we picked him up, we went to
19 the apartment. We showed him around a little bit. I had
20 to go buy a frying pan from Roses and when I came back I
21 made jambalaya for dinner. We went upstairs and they
22 rubbed my back and I got a feeling that things were not
23 going to be -- I had a feeling that it would be a bad idea
24 to allow David and Brad to meet.

25 Q. Okay. All right. Let's back up a little bit. What

1 was the purpose of David Hawkins being there in the first
2 place?

3 A. The entire situation was put together so that Aaron
4 and David could meet on home ground and could get to know
5 each other better as friends and that -- so he could help
6 us move because we had a lot of heavy furniture.

7 Q. Okay. Was Bradley Walker there that night?

8 A. No, he was at work to the best of my knowledge.

9 Q. Okay. But he wasn't at the apartment?

10 A. No.

11 Q. Did he know that David Hawkins was coming over that
12 night?

13 A. We informed him prior that we were having a friend
14 come over and that the friend was gonna help us move.

15 Q. Okay. Did he know the friend's name?

16 A. I can't be sure, but we only ever referred to him as
17 Bear. I never knew his full name until after the shooting
18 occurred.

19 Q. Right. Okay. So you may have told him that Bear was
20 coming over that night --

21 A. Yes.

22 Q. -- to help you move?

23 A. Right.

24 Q. And you mentioned you got a massage there that night?

25 A. When we all walked upstairs, Aaron started rubbing my

1 back and partly through my back rub he asked if Bear would
2 like to step in and help because his hands were getting
3 tired.

4 Q. All right. And what happened after that?

5 A. We came to the decision that it would be better to
6 go ahead and head over to the trailer on Sandspur, so we
7 packed up what we would need and we left.

8 Q. And went to Sandspur?

9 A. We did.

10 Q. Okay. And where did -- where did everybody sleep at
11 Sandspur that night?

12 A. Aaron and I had our queen size in the bedroom, **MINOR**
13 had his own bed in the same bedroom and David stayed on the
14 couch.

15 Q. Before I move on, do you know where Mr. Walker was
16 that night, Sunday -- Sunday evening?

17 A. I can only give a presumption that he was at the
18 apartment.

19 Q. No, the Sunday --

20 A. I do not, no.

21 Q. While you-all were there and he wasn't there, do you
22 know where he was?

23 A. Again, the only thing that I know is that Aaron had
24 Life360 installed on his phone and it pinged Mr. Walker
25 returning to the apartment.

1 Q. Later that night?

2 A. Yes.

3 Q. Do you know what time he -- he got back to the
4 apartment?

5 A. I -- I can't recall.

6 Q. Okay. You-all were at Sandspur at the time?

7 A. We were.

8 Q. Did you have any more communications with him that
9 night about what was gonna happen the following day as far
10 as moving?

11 A. I -- I can't recall with certainty, but it seems to me
12 that I would have messaged him to let him know we decided
13 to go to the other place so that he wouldn't wonder where
14 we were.

15 Q. All right. Were there any plans for him to come to
16 Sandspur and help you-all move the next day?

17 A. No. He told us he had to work and he couldn't help.

18 Q. So the day that this happened, walk us through that
19 day.

20 A. We woke up, had a little coffee, ran to the gas
21 station for some drinks, decided that we were gonna go
22 ahead and go pick up the U-Haul. We called ahead to
23 reserve it. We drove Aaron to the U-Haul over there on
24 Number 1 and dropped him off and --

25 Q. About what time do you think this was? Any idea?

1 A. Maybe about 10:00 in the morning when we dropped him
2 off, 10:30, somewhere in there.

3 Q. And then what did you-all do?

4 A. We sort of made a zigzag back toward the trailer,
5 took our time and went through town so that we could visit
6 different liquor stores to look for boxes that we could
7 pack with.

8 Q. All right. Who was with you?

9 A. It was me, David and my son MINOR

10 Q. All right. Now at some point while you're driving
11 around, did you learn that Mr. Walker was on the way to
12 Sandspur?

13 A. I did.

14 Q. How did you --

15 A. We were on our way to the very last liquor store we
16 planned to visit and I received a text message from Aaron
17 saying heads up, Brad was heading down 302.

18 Q. All right. And you mentioned Life360. What is that?

19 A. Life360 is a safety app designed for families to track
20 each others's movements in the event that something happens
21 or someone gets kidnapped or say, for instance, Aaron broke
22 down on the side of the road one day on the Interstate I
23 can find him that way.

24 Q. So it shows GPS locations of other people on the app?

25 A. Right, and also gives you notifications whenever

1 someone arrives or leaves a destination that you program
2 into your phone.

3 Q. All right. Who did you have Life360 with or who was
4 on your app?

5 A. That would have been at the time my best friend Lori,
6 Aaron, myself and Bradley.

7 Q. Okay. So if Mr. Walker went somewhere that would have
8 notified you on the 360 app?

9 A. It would have.

10 Q. All right.

11 MS. MOORE: I don't have an objection.

12 BY MR. McNAIR:

13 Q. I'm gonna show you State's 72 for ID. Is that the
14 message that you just testified to receiving from Aaron
15 that day about Brad coming down 302?

16 A. Yes, it is.

17 MR. McNAIR: Your Honor, we'd offer State's 72 into
18 evidence at this time.

19 THE COURT: Without objection. So admitted.

20 (State's Exhibit Number 72, a text message, was
21 admitted into evidence.)

22 BY MR. McNAIR:

23 Q. All right. So after receiving that message, did
24 you-all head back to Sandspur?

25 A. We did.

1 Q. Was Mr. Walker there when you got back?

2 A. I cannot recall if he was already parked or if he
3 arrived shortly thereafter, but he was there within minutes
4 of us.

5 Q. Okay. Was Aaron there as well?

6 A. He was already there when we arrived. The truck was
7 already open and had already been packed with some things.

8 Q. So what did you do when you-all got back?

9 A. I made a brief introduction; Bear, this is Brad, Brad,
10 this is Bear, the friend I told you about from the flea
11 market. They said a very terse hello to each other. David
12 was trying to be friendly and Bradley was clearly, in my
13 opinion, not okay with the situation at hand as far as
14 David's presence.

15 Q. Okay. Any words exchanged or anything like that or
16 were you just picking up on his mood?

17 A. No, just sort of picking up on his expressions and the
18 way he was speaking to us.

19 Q. Okay. After that what did you-all start to do?

20 A. We continued to pack the truck. In an effort to keep
21 MINOR out of the way of the big heavy furniture being moved
22 around, I took him into the house and we started packing up
23 some boxes. After a while I got really tired because we
24 had stayed up very late the night before talking all of us
25 and I fell asleep on the couch with my son.

1 Q. Okay. Now prior to you falling asleep on the couch,
2 did you have -- were there any signs of trouble?

3 A. No.

4 Q. Was everybody just getting along helping each other
5 move?

6 A. That's how it felt, yes. I didn't see or notice
7 anything out of the ordinary.

8 Q. No raised voices, no altercations, anything like that?

9 A. No.

10 Q. All right. So you fell asleep on the couch?

11 A. I did.

12 Q. In the living room?

13 A. Yes.

14 Q. Where was MINOR?

15 A. On my chest. It was time for his nap, so I laid down
16 with him.

17 Q. What's the next thing you remember?

18 A. I remember -- I remember my eyes flying open and the
19 feeling that something was very wrong. I flipped over to
20 look down the hallway because my head was on the end of the
21 couch by the front door, I rolled over looking down the
22 hallway and I saw Bradley standing over Aaron and I heard
23 pop, pop, pop. I screamed and he started walking down the
24 hallway toward me and I rolled off the couch when he
25 started walking down the hallway and I was digging through

1 my purse for my concealed carry weapon, which was a .380
2 Smith & Wesson. I could not get to it in time before he
3 was standing in front of me and I raised my arm to defend
4 myself not -- knowing that wouldn't do a lot of good. I
5 remember my jacket being draped over my arm and I put my
6 head down like this. I -- I remember feeling like somebody
7 had hit me really hard. I once tripped while ice-skating
8 and plowed into the sidewall and that's what it felt like.
9 I thought to myself oh, my God, I'm dead. The next thing
10 that I was aware of was thinking oh, my God, I'm not dead.
11 I heard my son crying behind me and my thoughts went to
12 Aaron, who I had seen on the floor, and as best as I could
13 I stood up and I got down the hallway to try to get to him.
14 When I saw that he was down and he wasn't moving, I didn't
15 want to touch him because you're always told when someone's
16 hurt you don't want to move them because you might cause
17 bleeding or damage. I didn't know. So I collapsed on the
18 floor and I remember hearing my son screaming in the corner
19 of the room. I -- I was not aware of how he got there, but
20 he must have followed me. I remember thinking to myself I
21 have to tell him it's gonna be okay, I have to let him know
22 it's gonna be all right, and I told him mommy loves you,
23 baby, it's gonna be okay, mommy's -- mommy's okay, it's
24 gonna be fine.

25 Q. Could you speak?

1 A. Barely. I'm -- I'm sure he couldn't hear what I was
2 saying, but that's what I was trying to tell him. I had so
3 much blood coming out of my mouth and there was one of my
4 teeth resting on my tongue. As a matter of fact, it was
5 still there until they performed surgery in the ICU. I --
6 I remember Bear coming in and looking around for a phone
7 and I remember him picking up Aaron's phone and it didn't
8 work and I remember him running out of the room and
9 eventually he came back with my phone. He -- he didn't
10 know where we were and I heard him say that, so I tried to
11 use my blood to draw the house number on a paper plate that
12 was on the floor and he -- I remember saying I hurt so bad,
13 it hurts, I just want to lay down, and he said no, baby,
14 you've got to sit up, you've got to sit up, don't leave me,
15 and he sat me up against the wall while he was on the phone
16 and then the next thing I remember after that was the first
17 detective coming into the house, the officer who arrived
18 first, and he asked me a question, do you know who did this
19 to you, and I said as best as I could Brad, and he said do
20 you know his last name and I knew I wasn't gonna be able to
21 say it, so I did this and he said Walker and I nodded as
22 best as I could. I remember them -- I remember them
23 calling over the radio I've got one female GSW in the head
24 and there's a Code 9 and I know what Code 9 means because
25 Aaron was in EMS for a while, it means dead on arrival, and

1 I didn't want to think anymore. The paramedics came in,
2 they put me on a stretcher and they carried me out to the
3 ambulance and the last thing that I remember was the
4 paramedic taking off the necklace that Aaron had bought me
5 for Mother's Day and I was going no, no, no, don't take it,
6 and then I woke up in the hospital.

7 Q. Okay. Where were you shot?

8 A. Right here in the corner of my eye. If I squint, you
9 can see it better.

10 Q. Did it come out the other side?

11 A. It rested in my neck for three and a half months until
12 they finally pulled the biggest portion out of it when they
13 went in to remove the gear that stabilized my jaw.

14 Q. Have you had surgeries?

15 A. Multiples. They had to reconstruct my cheekbone using
16 a part of my rib. They had to put a plate in my jaw. I
17 went septic, so they had to go back in and take the plate
18 out and put in an external fixator, which is the bars that
19 come out of your -- your skin and they're attached by a
20 single piece on the outside.

21 Q. Have you lost the ability to do things you could do
22 before?

23 A. I used to sing opera. I have a hole in the roof of
24 my mouth in my soft palate that goes through to my sinus
25 cavity. I can barely sing anymore. I have lost a lot of

1 vision in my right eye. I -- I like to say that it's
2 center punched. I can see peripheral, but I can't see
3 properly. I'm in pain a lot. Any time the weather changes
4 to cold my face aches.

5 Q. How has it affected your occupation?

6 A. I'm a balloon artist. It's my job to pop balloons and
7 I can tell you right now that I struggled really hard the
8 first year or so because even though it's what I know and
9 what I love, every time one of those balloons popped all I
10 could see, all I could hear, was that night.

11 Q. Now let's go back and piece it together a little more.
12 You said you were laying on the couch sleeping with MINOR,
13 right?

14 A. Yes.

15 Q. Were you laying on your back or how were you sleeping;
16 do you remember?

17 A. I was laying on my back.

18 Q. Okay. What caused you to wake up?

19 A. The gunshots. The first couple of shots.

20 Q. And what did you do at that point?

21 A. I rolled over and looked down the hallway to see what
22 the noise was.

23 Q. Are you on your belly at that point?

24 A. Yes.

25 Q. On the couch?

1 A. Yes.

2 Q. Looking down the hallway?

3 A. Yes.

4 Q. And where's that hallway lead?

5 A. To the two smaller bedrooms of that apartment -- or of
6 that trailer. Excuse me.

7 Q. And just to give the jury perspective, how long do you
8 think that hallway is? And you can use me as an example.
9 Where I am now? Should I come closer? Should I get
10 further back?

11 A. Closer. Maybe about that long.

12 Q. So it's a short hallway?

13 A. It is. There's only two bedrooms and a bathroom on
14 it.

15 Q. This is a mobile home?

16 A. It is.

17 Q. Is there anything in the hallway that would block your
18 view of the bedroom?

19 A. No. The door was -- to the front door was open all
20 the way, so it was resting against the inner wall.

21 Q. So you were able -- once you flip over, you're looking
22 down this short hallway into the bedroom?

23 A. Yes. The door was wide open.

24 Q. And what was the first -- and what did you see?

25 What's the first thing you saw when you woke up and looked

1 down the hallway?

2 A. The first thing I saw was the gun and that Brad was
3 holding it and then I saw that Aaron was on the ground.

4 Q. And where was Brad in relationship to Aaron?

5 A. Standing over him.

6 Q. Pointing down at him?

7 A. Yes. I witnessed him put two of the shots into
8 Aaron's back before he came down the hallway to try to
9 shoot me.

10 Q. Right. And what did you notice about him as he's
11 coming down the hallway towards you?

12 A. He was grinning.

13 Q. Do you remember how he was walking or how he was
14 holding the gun?

15 A. He was walking very slowly with determination and
16 confidence.

17 Q. With a grin?

18 A. With a grin.

19 Q. And at that point what did you do?

20 A. I flipped back off of the couch as best as I could. I
21 landed on one knee and I tried to rifle through my purse,
22 which was on the floor, to try to find my gun, but it was a
23 very big bag.

24 Q. So your gun was in a bag on the floor?

25 A. Yes.

1 Q. Do you know whether or not you even got your gun?

2 A. My hands never touched it.

3 Q. Okay. Before you were shot?

4 A. Yes.

5 Q. And what position were you in when you were shot?

6 A. I was kneeling on the ground directly in front of the
7 couch on my left knee and I had thrown my right arm up in
8 front of my face for protection and draped on my right arm
9 was the blue hoodie that was mentioned earlier in the
10 proceedings.

11 Q. Is that when you were shot?

12 A. It was.

13 Q. That's when you felt it?

14 A. Yes.

15 Q. Where was MINOR?

16 A. I heard him behind me and I didn't know -- I knew he
17 was standing behind me. I've gotten very good at throwing
18 a leg up and over people to be able to get out of the bed
19 because Aaron always sleeps on the side of the bed by the
20 bathroom because he has Crone's disease, so I probably out
21 of instinct threw my leg over MINOR and rolled off the
22 couch when it was time and I presume that woke him up and
23 he was behind me.

24 Q. Now after that first shot that you felt, did you hear
25 another shot?

1 A. I did. I thought the other shot was gonna go into me
2 and when it didn't I realized that I wasn't dead yet and I
3 had to do something, so I got up and I went to go help my
4 husband.

5 Q. And was that second shot fired in the same location as
6 the first shot by Mr. Walker?

7 A. Yes. He was still standing right in front of me when
8 the second shot went off.

9 Q. And you stated -- did you see Mr. Walker leave the
10 residence?

11 A. I did not witness him leaving, but what I felt was a
12 rush of air past me like someone was running out the front
13 door.

14 Q. Was that before you went back to the bedroom where
15 Aaron was?

16 A. It was.

17 Q. Do you recall Mr. Hawkins having trouble calling
18 9-1-1?

19 A. I do. He -- he kept saying God, I don't know the
20 number, what do I call, what do I dial, and I tried to say
21 9-1-1, 9-1-1, and --

22 Q. And you're talking now like you were able to speak.
23 Do you think he could understand what you were saying that
24 day?

25 A. Most likely not.

1 Q. Do you know whether or not Mr. Walker owned a gun?

2 A. I was aware that he owned a 40-millimeter Smith &
3 Wesson.

4 Q. And have you seen that gun before?

5 A. I have. I cleaned it for him. He didn't know how to
6 break it down to clean it.

7 Q. All right. Did he -- did he own that gun prior to
8 moving in with you?

9 A. He did.

10 Q. It was a 40-caliber Smith & Wesson?

11 A. It was.

12 Q. Have you ever shot that gun with him before?

13 A. Not that gun, no.

14 Q. Okay. But you've cleaned that gun for him before?

15 A. I did. I cleaned it for him the week before he used
16 it on us.

17 Q. Do you know what type of ammo he had?

18 A. I do.

19 Q. How do you know that?

20 A. I was with him when he purchased it at Wal-Mart. It
21 was my recommendation that he buy one box of hollow point
22 rounds for self-defense and one box of range ammo to
23 practice with.

24 Q. Now do you know whether or not he carried that gun
25 on his person or in his vehicle?

1 A. To the best of my knowledge, he never carried it
2 with him. The only time I ever witnessed it being in his
3 vehicle was for transport from one location to the other.

4 Q. Well, where was the last place you knew that gun to
5 be?

6 A. After I cleaned it, I put it into a shoebox and put it
7 up in the cabinet -- or not the cabinet, the closet in our
8 bedroom so as to make sure that it was out of reach of my
9 son.

10 Q. I want to show you State's 13. Do you recognize 13?

11 A. Yes.

12 Q. And 14. Do you recognize that box?

13 A. Yes.

14 Q. What is that?

15 A. That is the box in which we stored the gun and I put
16 that box in the closet.

17 Q. State's 15. Do you recognize those items?

18 A. I do. Those are the contents of the box I put on the
19 shelf.

20 Q. Is that the ammo you purchased with him at Wal-Mart?

21 A. It is.

22 Q. State's 34. Do you recognize that bag?

23 A. It is the bag that Bradley would carry with him for
24 his personal effects.

25 Q. All right. State's 36.

1 A. I recognize those items.

2 Q. All right. What are those items?

3 A. That is a bottle of Sauvage cologne that we purchased
4 at Sears at the Columbian Mall.

5 Q. You purchased that with him?

6 A. I did. I recommended it and picked it out for him
7 after we tested several kinds of cologne.

8 Q. All right. Let me show you -- I'm gonna show you
9 State's Exhibit 50. Do you recognize this photo?

10 A. I do.

11 Q. All right. Is that a fair and accurate depiction of
12 the living room area, specifically the couch --

13 A. It is.

14 Q. -- on the incident date?

15 A. It is.

16 MR. McNAIR: Your Honor, we'd offer State's 50 into
17 evidence at this time.

18 THE COURT: Without objection?

19 MS. MOORE: Without objection.

20 THE COURT: All right. State's Exhibit 50 is
21 admitted into evidence.

22 (State's Exhibit Number 50, a photograph, was
23 admitted into evidence.)

24 BY MR. McNAIR:

25 Q. And I'm gonna show you State's 74 for ID and just ask

1 whether or not you recognize the item in this picture?

2 A. I do. That's --

3 Q. Thank you. That's all I need to know.

4 MR. McNAIR: I beg the Court's indulgence.

5 BY MR. McNAIR:

6 Q. And the picture I just showed you, what is that?

7 A. That is the gun I cleaned for Bradley Walker.

8 Q. All right. That's the 40-caliber Smith & Wesson that
9 you cleaned?

10 A. It is, yes.

11 Q. State's 50, what is this a picture of?

12 A. That is the couch by the front wall in the trailer on
13 Sandspur.

14 Q. All right. I'm gonna give you a laser pointer. Can
15 you just point out how you were laying and kind of how you
16 were positioned when you saw Mr. Walker coming towards you
17 and what you did after that?

18 A. My head was right here laying down and I was laying on
19 my back this way with my feet on this end.

20 Q. All right. And after you heard the sounds, you
21 flipped over --

22 A. I rolled over and I remember my hands were resting on
23 the edge and I was kind of up and peering down the hallway.

24 Q. All right. So to the left side of this photograph
25 would be the bedroom?

1 A. Yes, the hallway to the bedrooms.

2 Q. And you mentioned that you were able to roll off the
3 couch or you did roll off the couch trying to get to your
4 bag?

5 A. Yes.

6 Q. Do you see where your bag would have been in this
7 photo?

8 A. My bag would be just off screen right here.

9 Q. Okay. And that's -- you recall that you were on the
10 ground right there when you were shot?

11 A. Yes.

12 Q. And MINOR was somewhere behind you, but you don't know
13 where?

14 A. Yes.

15 Q. I'm gonna show you State's Exhibit 5, which is a
16 diagram of the mobile home. Can you point out the couch
17 on this diagram?

18 A. Right here.

19 Q. And where -- where's the front door?

20 A. Right here.

21 Q. And where's the hallway that we were just talking
22 about?

23 A. This hall here right -- this hallway here.

24 Q. And where's the bedroom?

25 A. This is the bedroom in which Aaron was shot.

1 Q. All right. And what part of that room was Aaron in
2 when you saw him getting shot by Mr. Walker?

3 A. He was laying right here. His head was over this way
4 and his legs were back this way.

5 Q. Okay. So you mentioned earlier Mr. Walker has been
6 with you at Sandspur before?

7 A. Yes.

8 Q. How long of a drive is it from the apartment you-all
9 were staying in to Sandspur?

10 A. I'd say a good forty to forty-five minutes depending
11 on traffic. We always went through Red Bank, so there
12 would always be a lot of traffic there.

13 Q. Okay. One more thing. Did you know that Mr. Walker
14 had a recorder?

15 A. I did not.

16 Q. Prior to trial today, have you listened to a
17 recording?

18 A. The solicitors --

19 THE COURT: Well, actually hold on. Can you-all
20 approach real quick?

21 (Proceedings held at the bench; not reported.)

22 BY MR. McNAIR:

23 Q. I asked you if you had listened to a recording. Did
24 you recognize the voices on the recording? And this is
25 just a yes or no answer.

1 A. Yes.

2 Q. All right. And when was that -- what date was that
3 recording from?

4 A. Based on the context, I think that that recording was
5 taken Sunday, the 22nd, the day before the shooting.

6 Q. Okay. The night prior to the shooting?

7 A. Yes.

8 Q. And I neglected to ask you, but what car did
9 Mr. Walker drive to Sandspur?

10 A. It was his gold Prius to the best of my knowledge.
11 The only car he had access to.

12 Q. All right.

13 MR. McNAIR: I think that's all the questions I
14 have. Please answer any Ms. Moore has.

15 THE COURT: Cross-examination.

16 MR. McNAIR: Oh, I beg the Court's indulgence.

17 THE COURT: Sure.

18 BY MR. McNAIR:

19 Q. Do you see Mr. Walker in the courtroom today?

20 A. I do.

21 Q. Where is he?

22 A. He's sitting at the defense table.

23 Q. On the far right side?

24 A. On the far left.

25 Q. Your far left. I'm sorry. My far right.

1 A. Yes.

2 MR. McNAIR: Let the record reflect she's identified
3 the defendant.

4 THE COURT: Very well.

5 CROSS-EXAMINATION

6 BY MS. MOORE:

7 Q. Good afternoon, Blue. Or Lyz. None of what you've
8 said is true, is it?

9 A. It's all every bit, every drop of truth.

10 Q. Every drop. You elicited Scott -- who is Brian Scott
11 Davis?

12 A. He's an old boyfriend of mine from West Virginia. My
13 high school sweetheart.

14 Q. You were in love with him, right?

15 A. For a while.

16 Q. Because -- well, just prior to this shooting you
17 actually were looking up his mugshots. What was that all
18 about?

19 A. I was trying to determine if he had been released yet
20 so that I could contact him and find out how he was doing.

21 Q. All right. He was in jail for arson. How long did he
22 go to jail for?

23 MR. McNAIR: Objection. Relevance.

24 THE COURT: Right. Sustained.

25 MS. MOORE: Just asking her if she knew.

1 THE COURT: Well -- okay.

2 BY MS. MOORE:

3 Q. But you wanted him -- you wanted him to be in a
4 relationship with you, this Brian Scott Davis?

5 A. For a long time I did, yes.

6 Q. And you wanted to -- well, kind of at the same time
7 you were texting and trying to get Brad to come down to be
8 a part of your household, you were also --

9 A. I was messaging several different gentlemen at the
10 same time trying to determine who would fit in the role.

11 Q. Because you are the one who decides the terms of that
12 relationship, aren't you?

13 A. Aaron and I discussed those terms together and we
14 compromised and came to agreements on them.

15 Q. Brad was the first person you ever brought into your
16 marriage.

17 A. That's not accurate.

18 Q. You testified to that.

19 A. No, I testified that we tried with another couple in
20 2012 and it didn't work out.

21 Q. So he's the second?

22 A. Yes.

23 Q. Okay. So how did you find Brad?

24 A. We found him on an app called 3Fun. He messaged me
25 after I liked one of his photos.

1 Q. And you-all struck up a conversation?

2 A. Yes.

3 Q. And immediately, within weeks, you decide that Brad's
4 got credit, let's buy a house?

5 A. It was a nice happenstance that he had decent credit.

6 Q. But right after you meet him, within weeks, you were
7 trying to buy a house. In fact, you had a -- tried to have
8 a contract on it, correct?

9 A. We did find a house we liked and we did attempt to put
10 a contract on it, but it was to be done between all of us
11 together.

12 Q. With Brad that you'd just met?

13 A. I met Aaron and married him after three months and we
14 were married for nine years. I know what I like and what
15 I want.

16 Q. Right. Because you are -- you're in charge of all
17 this, aren't you?

18 A. No.

19 Q. You, this -- this is all about you. Everything today
20 that we have heard, everything's about you. You barely
21 mentioned your son **MINOR** You talked more about your
22 injury, didn't you? Not your little boy's.

23 A. I was not asked about my son's injuries.

24 Q. You basically just told us your narrative.

25 A. I did.

1 Q. He asked very little questions. You just kept on
2 talking.

3 MR. McNAIR: Your Honor, I object to --

4 MS. FULLER: This is -- this is crazy.

5 THE COURT: If you have a question --

6 MS. MOORE: I'll move on.

7 THE COURT: -- to ask about the -- factually.

8 Sustained.

9 BY MS. MOORE:

10 Q. So you come back and instead of getting the house you
11 immediately get an apartment, correct?

12 A. That is correct.

13 Q. And Brad was involved in that?

14 A. He was. He helped us pick it out.

15 Q. And he gave a down payment?

16 A. He helped with that, yes.

17 Q. And he was -- I think he -- \$800 was his portion,
18 correct?

19 A. I could not recall.

20 Q. But it was over five hundred?

21 A. The money that I received from him was \$500.

22 Q. Okay. You couldn't recall, but now you do?

23 A. I recall the money he handed to me. I do not recall
24 the agreement that we had, nor how much that agreement was
25 for.

1 Q. Okay. So he gives you the \$500 in May -- no, June?

2 A. July.

3 Q. July. When did you-all move into the apartment?

4 A. About two weeks -- a week and a half to two weeks
5 before the incident occurred.

6 Q. Okay. And during this time, what was going on between
7 you and David?

8 A. We were flirting over texts.

9 Q. Flirting?

10 A. Yeah.

11 Q. How many -- how many text messages did you exchange
12 with him?

13 A. Hundreds.

14 Q. Hundreds?

15 A. Hundreds.

16 Q. So within two weeks these are the text messages
17 you-all exchanged?

18 A. It was closer to a month, but, yes.

19 Q. What kind of things did you-all text back and forth?

20 A. Our common interests, our lives, what we wanted out of
21 life. We -- we role played a little bit.

22 Q. Uh-huh.

23 A. We discussed the potential of him joining us at some
24 point in time once I determined and Aaron and I discussed
25 that Bradley was not a fit for us.

1 Q. So David's not -- Bear's not in until we deal with
2 Bradley; is that right? Is that what you said?

3 A. That's correct.

4 Q. Okay. So you've got to get rid of Bradley first and
5 then Bear could come in?

6 A. We wanted to give him the opportunity to move on
7 before bringing Bear around.

8 Q. And what did -- what was Aaron's thoughts on this?

9 A. Aaron wanted to make sure that we didn't have a repeat
10 of Brad, so he wanted to take things more slowly this time.

11 Q. Okay. But Brad's still in the picture, right?

12 A. He's already on his way out at the time we made this
13 determination.

14 Q. You have.

15 A. We.

16 Q. Who's we?

17 A. My husband and I. Aaron Peterson.

18 Q. Brad didn't know he was on the way out though, did he?

19 A. That's not my concern.

20 Q. It wasn't your concern because it's the -- the world
21 according to Lyz?

22 A. If that's the way you see it, Solicitor.

23 Q. I'm not a solicitor. What --

24 MS. MOORE: I beg the Court's indulgence.

25 BY MS. MOORE:

1 Q. The text messages that you shared -- well, that were
2 between you and Bear, you were in the courtroom and we
3 talked about that, and that's pretty accurate, correct,
4 what he said?

5 A. Yes.

6 Q. So around July 19th that's when you and -- is that the
7 first time you and Bear start talking about getting closer?

8 A. Yes.

9 Q. And you wanted to go out to dinner with him, correct?

10 A. That's correct.

11 Q. But you told him between pyro head and lack of
12 childcare dot dot dot. What did that mean?

13 A. It was in reference to Bradley's red head. His red
14 hair at the time.

15 Q. So you meant saying that?

16 A. I was referring to him by something that described
17 him.

18 Q. Well, you -- you called him your little Snowflake?

19 A. I did.

20 Q. And but he just melted?

21 A. I don't understand the context of that. You might
22 need to give me some more information.

23 Q. It's the second text that said L-M-F-A-O, but he
24 melted. That was on -- oh, that's actually the day before,
25 July 18, 2018. You don't -- do you recall that?

1 A. I seem to recall that it was about an argument that he
2 and I had.

3 Q. Who had?

4 A. Bradley with me.

5 Q. And that's when you think you sent this melted text?

6 A. I do.

7 Q. You and Bear though are texting back and forth and you
8 say that Aaron knows about this, correct?

9 A. He did.

10 Q. He read every one of these?

11 A. Every one.

12 Q. Even the ones that you talk about what you want to do
13 to Mr. Hawkins sexually and very explicitly?

14 A. He skimmed them. He didn't want to see the particular
15 details, but he looked at them.

16 Q. Because he's not down with this relationship. He was
17 not -- and he did not agree with this.

18 A. That's not accurate.

19 Q. He did it for you. He did it so you would come back
20 to him, didn't he?

21 A. No.

22 Q. That's how you -- that's the only reason that you and
23 Aaron are -- were together.

24 A. That is not correct.

25 Q. Because you wanted a house and a new life, didn't you?

1 A. That is not accurate.

2 Q. Well . . .

3 MS. MOORE: I beg the Court's indulgence.

4 BY MS. MOORE:

5 Q. David knew that Aaron read parts of it, right?

6 A. He did.

7 Q. And he didn't really -- he was nervous about that,
8 wasn't he?

9 A. A little.

10 Q. He was concerned that Aaron wouldn't like him coming
11 into the relationship?

12 A. He was.

13 Q. Because Aaron didn't know?

14 A. Aaron knew the whole thing.

15 Q. Well, so -- so do you recall telling, and this is
16 also on July 19, 2018, seriously dot dot dot if we want
17 this to happen, we need to be very careful. Do you
18 remember sending that to Bear?

19 A. I do.

20 Q. And he sends back a question mark, so you explain I
21 think Aaron will get there, but you and I have to bide our
22 time dot dot dot?

23 A. That is correct.

24 Q. Because Aaron didn't know about that?

25 A. He did know.

1 Q. And he was not happy?

2 A. He wanted me to be able to find someone who I could
3 connect with that he was a friend of, that he could be a
4 friend with.

5 Q. In fact, you were supposed to find him someone, right?

6 A. It is true that I was looking for someone for him as
7 well.

8 Q. But you never looked for it? You never --

9 A. That's not accurate.

10 Q. You never made a profile for him?

11 A. Our profile was a joint profile and said so.

12 Q. But you got a man and he's looking for a woman, but
13 you're in charge of that, you're the one that goes through
14 the 3Fun to see if somebody has sent whatever it is, the
15 "hey, I'm interested". You're the one that does that. You
16 decide who comes into the relationship, correct?

17 A. That's correct, as far as the men are concerned. Any
18 women that came up from a product of this would have been
19 passed on information to Aaron who he would have then
20 gotten to know.

21 Q. The only one -- the only one that came -- that you
22 even considered, the only female you considered during this
23 entire time, was Ashley. Tell us who Ashley is.

24 A. I can't recall.

25 Q. Ashley is the -- the woman that Brad tried to

1 introduce to you-all's union --

2 A. Oh, is that her name?

3 Q. -- three days before this murder.

4 A. So he introduced us to a young lady named Ashley by
5 text message in a group format with all of us involved.

6 Q. Who's all?

7 A. Me, Aaron, Bradley and Ashley.

8 Q. And what type of -- so at the same time you-all are in
9 the group message you and Aaron are -- are text messaging
10 between yourselves laughing about how Brad thinks he's
11 still coming over and he's still gonna be a part of this
12 relationship, correct?

13 A. Uh-huh.

14 Q. So he had no idea what you were doing, did he?

15 A. He did.

16 Q. You just said he didn't.

17 A. I'm sorry, could you clarify who you're referring to?

18 Q. Bradley.

19 A. Bradley had no idea about Bear, he had no idea that
20 Aaron and I were having a private conversation amongst
21 ourselves in ref -- in reference to Ashley.

22 Q. Laughing, saying he thinks -- you know, he didn't know
23 he's out the door, did he?

24 A. He did know. I had told him, but as I stated when I
25 was questioned by Attorney McNair he acted as though it was

1 going to blow over when we told him it was over. So if
2 you're going to state that he didn't know, that would be
3 his own delusion, not a fact of truth.

4 Q. He's a whiney, passive little snowflake, right?
5 That's what you called him.

6 A. That is accurate.

7 Q. And --

8 A. I did call him that.

9 Q. Because he was too -- he wanted too much nurturing,
10 correct?

11 A. I wouldn't say that was the case.

12 Q. He wanted too much of your time, correct?

13 A. He was trying to monopolize my time.

14 Q. But you -- you could certainly say hey, back off,
15 buddy. You didn't have to come -- move him into your
16 house. You just met him and he comes down and moves in
17 with you and your mother. Was she okay with that?

18 A. I don't recall how she felt about it at the time. I
19 think she was trying to figure out what was happening
20 between Aaron and myself because I never let her know that
21 we were back together.

22 Q. Where did she think you were going when you moved out?

23 A. She knew. I told her when we were moving back out
24 that Aaron and I were trying to work things out. My mother
25 and I have had a very tense relationship for a very long

1 time.

2 Q. Correct. And -- I mean, she's called DSS on you,
3 correct?

4 A. Not -- not to the best of my knowledge.

5 MR. McNAIR: Objection, Your Honor. I don't know
6 where we're going with this.

7 BY MS. MOORE:

8 Q. You've got a very rocky relationship. Sometimes it's
9 great and sometimes it's really bad, right?

10 A. That is an accurate statement.

11 Q. You didn't like living there?

12 A. No.

13 Q. Because they're drunks you said?

14 A. They do have some alcohol problems.

15 THE COURT: Who?

16 MS. MOORE: The parents.

17 THE COURT: Let me ask you a quick question, please.
18 I need some clarification.

19 (Proceedings held at the bench; not reported.)

20 BY MS. MOORE:

21 Q. So you deny that you have ever planned to get rid of
22 Brad physically?

23 A. I deny that I ever intended him any physical harm at
24 all.

25 Q. You didn't intend for him to get harmed, but he did,

1 didn't he? He burned up.

2 A. I was not aware of that until after I was already in
3 the hospital.

4 Q. And you testified about that. You were -- after you
5 got shot in the face. How long were you in the hospital?

6 A. Two and a half months.

7 Q. Okay. And tell us about -- you said you are asleep on
8 the couch, right?

9 A. That's correct.

10 Q. And I'm gonna show you a photograph. It's another --
11 just another view of that same room. I'm gonna show you
12 two photographs and ask you if you can recognize these?

13 A. I do recognize these photographs.

14 MS. MOORE: Your Honor, I'd offer these into --

15 THE COURT: Are these Exhibit 2 and 3?

16 MS. MOORE: 2 and 3, yeah.

17 THE COURT: Defense Exhibit 2 and 3 admitted into
18 evidence without objection; is that correct?

19 MR. McNAIR: That's correct, Your Honor.

20 THE COURT: Without objection. So admitted.

21 (Defendant's Exhibit Number 2 and 3, photographs,
22 were marked and admitted into evidence.)

23 MS. MOORE: Permission to publish?

24 THE COURT: Yes, ma'am.

25 MS. MOORE: Thank you.

1 BY MS. MOORE:

2 Q. We kind of saw the same picture, but this is at a
3 different angle. Is that -- there. And you were asleep
4 with MINOR right here?

5 A. That's correct.

6 Q. And you testified that you rolled off the couch and
7 got on your knee, right?

8 A. Yes.

9 Q. Where were you facing?

10 A. Down the hallway.

11 Q. Down the hallway. And that's where you got shot in
12 the face, right?

13 A. That's correct.

14 Q. What's that bag? That right there?

15 A. That is my -- my personal bag. I use that to carry
16 everything from diapers and wipes to my own personal items
17 like my phone and my lipstick or --

18 Q. Sure.

19 A. -- at the time it had my -- my gun in it.

20 Q. Okay. And you have guns. You have a CWP, right?

21 A. I do have a CWP.

22 Q. And you-all are kind of gun fanatics, right?

23 A. My husband was very enthusiastic about firearms.

24 Q. How many did he have?

25 A. He had several handguns and three rifles.

1 Q. How many guns do you have?

2 A. One.

3 Q. That's the only gun you've ever had?

4 A. I had a few others that were at the scene at the time,
5 but they were part of the -- the collection that they found
6 in the closet.

7 Q. And so your gun's over here, but you said you rolled
8 over right here. And I'm assuming this is taking place
9 within a matter of seconds, like just -- maybe thought it
10 was longer, but we're only talking about mere seconds,
11 right?

12 A. Yes.

13 Q. But you were over here, you get shot, then you go get
14 your gun?

15 A. No.

16 Q. No?

17 A. I was trying to reach for the bag to get my gun when
18 he shot me.

19 Q. So you were up off your knee?

20 A. No, I was reaching for the bag from my knee.

21 Q. Well, the bag is over here and you're on your knee
22 over here facing this way, so how are you reaching for your
23 bag if it's over here?

24 A. Because in my memory of when I fell asleep, my bag was
25 toward the beginning of the coffee table toward the left

1 side of that photograph. I don't know how it reached
2 further back than that. My presumption is that someone
3 moved it while I was sleeping.

4 Q. You were reaching back here?

5 A. No, I was reaching down in front of me and there was
6 no bag in front of me.

7 Q. What's that? What's that a picture of?

8 A. That is the inside of my purse with my gun.

9 Q. Okay. Do you still have this gun?

10 A. I do.

11 Q. So they didn't take that into evidence?

12 A. No.

13 Q. In fact, they didn't take any of the guns because they
14 were still over at Blake's, right?

15 A. Yes.

16 Q. How many? All of them?

17 A. I do not know.

18 Q. In fact, you went back after you got out of the
19 hospital --

20 A. I did.

21 Q. -- and got the guns?

22 A. I got the ones that I could find. Several of them
23 were missing.

24 Q. Which ones were missing?

25 A. Mostly the handguns and one of the rifles.

1 Q. How many handguns did you say?

2 A. I believe we had two 9-millimeters, a .22 and a .38,
3 and that's in addition to the one that Aaron had on his
4 person.

5 Q. He had a .22 on his person?

6 A. A 9-millimeter.

7 Q. Okay. Why did he have 9-milimeter on his person?

8 A. He was very avid about self-protection. He wanted to
9 know that he had the ability to protect us if something
10 like this occurred.

11 Q. You also made it clear that you're a gun person and
12 you are carrying everywhere you go?

13 A. I did at the time.

14 Q. And you were not afraid of a gun?

15 A. I was not.

16 Q. So we're -- none of this is true, is it? As far --

17 A. I don't know why you keep asking me that. I'm not
18 going to tell you that I'm lying to you because I'm not.

19 Q. We'll do it a different way. How come that's -- this
20 is it the first time then that you are telling your story?

21 A. Because I don't want my life plastered all over the
22 media while we're still waiting for this man's justice.

23 Q. What does that have to do with the media?

24 A. You tell me.

25 MR. McNAIR: Your Honor, I think we need to move

1 on. Objection.

2 THE COURT: Well, let me ask you-all a quick
3 question again, just to try to keep the jury here as
4 long as we can.

5 (Proceedings held at the bench; not reported.)

6 BY MS. MOORE:

7 Q. You got insurance money. Tell me about that. How
8 much did you get?

9 A. I received \$300,000 in life insurance proceeds.

10 Q. And did you share that with his daughters or just you
11 and MINOR?

12 A. I wanted to be able to share it with his other
13 children, but I was cut off from their family after this
14 incident occurred.

15 Q. Why's that?

16 A. I couldn't tell you. They have not told me.

17 Q. So Aaron's family has nothing to do with you?

18 A. That's correct.

19 Q. Okay. Isn't that because they've never believed you
20 either?

21 MR. McNAIR: Objection.

22 THE COURT: Sustained. Disregard the last
23 question, ladies and gentlemen.

24 MS. MOORE: Your Honor, let me -- I beg the Court's
25 indulgence.

1 All right. I'll wrap this up.

2 BY MS. MOORE:

3 Q. Going back to the day of July 23rd, you guys are going
4 to get liquor boxes, right?

5 A. That's correct.

6 Q. To -- to move?

7 A. That's correct.

8 Q. To start packing?

9 A. Yes.

10 Q. Was that the first time you'd ever started packing?

11 A. Yes.

12 Q. But you-all rented a room at Blake's, right?

13 A. That's correct.

14 Q. That other furniture in that room, that's not
15 you-all's, that's Blake's?

16 A. In the living room?

17 Q. Yes.

18 A. That was Blake's furniture, that's correct, except for
19 the entertainment center, which belonged to Aaron and I.

20 Q. And other than that, that was it?

21 A. In that room, that's correct.

22 Q. In the whole -- well, you had a bedroom out there.
23 That's where this allegedly happened?

24 A. That's correct.

25 Q. And how much did you get packed up in the four hours

1 you were there?

2 A. Not as much as I would have liked to.

3 Q. And that's because you were sleeping?

4 A. That's correct.

5 Q. You had to go back out several times, didn't you?

6 A. When?

7 Q. That afternoon. You had to go get more boxes?

8 A. No, we were still working on the first load of boxes
9 because there wasn't that much in the house that needed to
10 be packed.

11 Q. But none of it got packed in the four hours. What
12 happened in that four hours?

13 A. I packed a few things and set up boxes to be packed
14 into by taping them back together and then I fell asleep.
15 I was asleep for at least two and a half hours.

16 Q. You were not asleep. You went back out to get the
17 boxes, came back and shot your husband. You'd already
18 gotten rid of Brad; isn't that true?

19 A. No, it is not. I would never hurt my husband. I
20 loved him. I wanted to spend my life with him.

21 MS. MOORE: That's all I have.

22 THE COURT: Any redirect?

23 MR. McNAIR: Nothing from the State, Your Honor.

24 THE COURT: The witness may step down.

25 (Witness excused.)

1 THE COURT: Ladies and gentlemen, we're gonna go
2 ahead and take our midafternoon break at this time as
3 well, so you can go back to the jury room and refresh
4 yourselves and we'll get you back out here in a few
5 minutes.

6 Thank you. Please don't discuss the case.

7 (Whereupon, the jury retires to the jury room at
8 2:55 PM.)

9 THE COURT: We can take a short recess and come
10 back -- come back in a little bit. Let's take five to
11 ten minutes.

12 Thank you.

13 (Recess taken at 2:56 PM.)

14 (Back on the record at 3:09 PM.)

15 BAILIFF: All rise. Court's back in session.

16 THE COURT: All right. Please be seated.

17 MS. FULLER: With our next witness, Your Honor, I
18 spoke with defense counsel to let her know that I plan
19 to introduce portions of a body cam and that it was just
20 different clips with no audio. I described what was on
21 there, which is Elizabeth Peterson being transported,
22 there is blood, so I was raising that so if we need to
23 address it, we address it now, and she told me that she
24 objected to this coming in on the basis that the entire
25 -- all the body cam should come in if I'm publishing or

1 introducing just portions.

2 THE COURT: Okay. Is the specific portion you're
3 showing is that which deals with Ms. Peters -- or
4 Elizabeth?

5 MS. FULLER: Yes, because it deals with our next
6 witness's testimony, which is the EMS, and so it's just
7 narrowly focussed to what's relevant to his testimony,
8 and so her objection is that the entire -- all the body
9 cam should come in if I'm introducing a clip.

10 THE COURT: And by body cam, you mean body cam
11 inside the ambulance or is that --

12 MS. FULLER: This would be -- it starts from in the
13 room, coming out and then onto the ambulance.

14 THE COURT: So somebody getting into the ambulance,
15 but not the transportation itself?

16 MS. FULLER: No, because it's an officer's body cam
17 and the foundation that I would lay would be that he is
18 on it and it describes the scene and he's able to identify
19 himself and the treatment that he was rendering on the
20 video.

21 THE COURT: Okay. So the witness you want to use
22 -- you want to use only the portion of the body cam that
23 deals with the specific witness that you're offering?

24 MS. FULLER: That's correct.

25 MS. MOORE: Oh, we -- we didn't -- is it in the

1 inside?

2 THE COURT: No, no. I misspoke. That was my fault.
3 I thought -- I thought it had to do with -- when I heard
4 EMS, I thought this was a body cam inside the ambulance.

5 Ms. Fuller.

6 MS. FULLER: Right, EMS doesn't have body -- well,
7 not that I know of. EMS does not have body cameras.

8 THE COURT: I think that was my fault.

9 MS. MOORE: So she's gonna try to put it in through
10 EMS?

11 THE COURT: I think what she's asking is that the
12 EMS person who's the proposed witness is seen and I assume
13 can be heard on a body cam and she wants to use the body
14 cam for that EMS person who's in the camera and I don't
15 know if there's anything else or any other conversations
16 with other people that go on.

17 MS. FULLER: Just to be clear, I've made these clips
18 -- there's no sound just so we avoid any hearsay issues,
19 just the scene and he can describe what's going onto avoid
20 any hearsay issues as well.

21 THE COURT: Okay.

22 MS. MOORE: Your Honor, I have no objection to the
23 sound coming in either.

24 THE COURT: Well, you mean the whole thing?

25 MS. MOORE: Yes.

1 THE COURT: I think -- I think he can -- I don't
2 know the whole video, folks, but it sounds to me like
3 this is a very truncated thing specific for this specific
4 witness.

5 MS. FULLER: That's correct. The portion that I
6 plan to attempt to introduce, Your Honor, I can only
7 properly lay the foundation for with this witness.

8 THE COURT: Okay.

9 MS. FULLER: And authenticate with only this --

10 THE COURT: Ma'am?

11 MS. FULLER: The portions that I have can only be
12 appropriately -- he can't attest to the full body cam --

13 THE COURT: Correct.

14 MS. FULLER: -- and I wouldn't put him in that
15 position to ask him to.

16 THE COURT: Just one moment.

17 And if you could just -- Ms. Moore, if you could
18 just tell me again what's your basis for not --

19 MS. MOORE: Well, he didn't -- it's not his camera,
20 it is an officer's camera. He can't testify to --

21 THE COURT: Well, again, there's no audio, so.

22 MS. MOORE: Right, but is he just going to say this
23 is how the scene looked? Is that kind of the purpose of
24 this? You know, kind of like this is what we did with
25 her or -- you know, I don't know the purpose of a silent

1 film.

2 THE COURT: Based off what I've heard, this is a
3 video only with no audio that this person can authenticate
4 as that's me, right?

5 MS. FULLER: And that's the care he's rendering for
6 the patient.

7 THE COURT: How long is the video you intend to --

8 MS. FULLER: I think the first clip is just a minute,
9 maybe another one is like twenty seconds. They're --
10 they're selective because I didn't want to run afoul of
11 any of the Court rulings.

12 THE COURT: Okay. I would like to -- and you
13 obviously --

14 MS. FULLER: And I can publish them now. What --
15 another reason why I disclosed them is because I
16 anticipated a different objection that I was prepared to
17 argue, but I don't want the Court to be blind-sided by
18 the amount of blood that will be seen and so I did want
19 that -- I thought that would be addressed.

20 THE COURT: Why don't we go ahead and just play it?

21 MS. FULLER: Thank you.

22 (Whereupon, an excerpt of a body cam video was
23 played.)

24 MS. FULLER: Your Honor, it's playing. Let me pause
25 it. So this one is 27 seconds.

1 THE COURT: And --

2 MS. MOORE: Your Honor, I have not seen that.

3 Has anybody seen this? No, we have not seen that.

4 MR. SETREE: It was not turned over.

5 MS. FULLER: Please don't make bold statements that
6 are wrong.

7 THE COURT: So this is the EMS --

8 MS. MOORE: Your Honor -- Your Honor, if I may, the
9 snide comments from the State, especially in front of the
10 jury, is improper. They've been -- I haven't addressed it
11 each and every time, but it has happened each and every
12 hearing and, I just ask for respect.

13 THE COURT: Okay. She just responded to what
14 someone at the table said as far as -- and then you said
15 you never received it.

16 So that's a video of the EMS proposed witness,
17 correct?

18 MS. FULLER: That's correct.

19 THE COURT: All right. And I feel like we're on
20 a record -- a broken record here, but it's -- you're
21 telling me you didn't receive it in discovery?

22 MS. MOORE: We have not seen that.

23 THE COURT: Okay.

24 MS. MOORE: Whose is that?

25 THE COURT: It's been provided; has it not?

1 MS. FULLER: Numerous times.

2 THE COURT: As can be shown with a cover letter,
3 correct?

4 MS. FULLER: Yes, Your Honor.

5 THE COURT: I'm sorry. I --

6 MS. FULLER: And with you sitting on the bench.

7 THE COURT: Well, I mean --

8 MS. FULLER: And marked and signed with signatures,
9 too.

10 THE COURT: And we made Court exhibits of those
11 cover letters at the pretrial hearing of everything that
12 was provided?

13 MS. FULLER: That's correct. I believe Mariah
14 should have them in a packet.

15 THE CLERK: The only evidence that is not in here
16 is the one that was specifically said to be under seal.

17 THE COURT: All right. I'm not gonna touch it. I
18 just want to see the cover letter.

19 MS. FULLER: And if you're looking at the first --
20 very first cover letter that initiated discovery in this
21 case, this was provided on the first batch of discovery.

22 THE COURT: Can you tell me the date, please?

23 MS. FULLER: So the last time it was provided was
24 April 22nd of '22.

25 THE COURT: Okay.

1 MS. FULLER: But the initial -- the initial -- we
2 gave it all to Walker on April 22, 2022, but it was
3 attached to discovery marked December 13, 2018.

4 THE COURT: Well, just -- because I'm looking at
5 April 22nd. Which body cam video is -- would it be?

6 MS. FULLER: That one is a clip from Sharpe's.

7 THE COURT: Sharpe. Okay. Walker 18014912, Sharpe
8 body cam video.

9 MS. FULLER: That's correct.

10 THE COURT: Okay.

11 MS. MOORE: Your Honor, I withdraw that. And you
12 can publish it.

13 THE COURT: Listen, I'm just trying to . . .

14 MS. MOORE: I'll speed it up.

15 THE COURT: Well, I'm not interested in speed, I'm
16 interested in accuracy. So, I mean, on one end I'm being
17 told you weren't provided something and I've got a cover
18 letter that says it is. So, I mean, that's out there and
19 I wanted to address what was told to me.

20 MS. MOORE: Well, Your Honor --

21 THE COURT: I mean, it appears that in the documents
22 that were provided at the Friday pretrial hearing that
23 this video was provided at least on April 22, 2022.

24 MS. MOORE: And, Your Honor, and Ms. Fuller talked
25 about this hearing where it was loaded on his laptop.

1 THE COURT: Correct.

2 MS. MOORE: It was stacks and all this tremendous
3 amount of discovery, correct?

4 THE COURT: Done in an open courtroom.

5 MS. MOORE: That doesn't mean that it was complete
6 discovery.

7 THE COURT: Well, all I can -- all I can say is
8 there's a letter that says it was provided and this is
9 the video described.

10 MS. FULLER: And, Your Honor, one step further,
11 when Ms. Moore was involved -- became involved in this
12 case, my office loaded everything that was loaded on his
13 computer and provided it to her.

14 THE COURT: Okay. Is that the full extent of the
15 video?

16 MS. FULLER: Of this first clip, yes, Your Honor.

17 THE COURT: There's -- okay. What's the next clip?

18 MS. FULLER: Thank you.

19 This next clip is fifty-nine seconds. Again, no
20 audio.

21 (Whereupon, a second video clip was played.)

22 MS. FULLER: And that's the extent of that clip.

23 And then this is the third clip. This one is just
24 thirteen seconds.

25 THE COURT: All right.

1 (Whereupon, a third video clip was played.)

2 MS. FULLER: And that's all the State seeks to
3 introduce with this next witness.

4 THE COURT: All right. Yes, ma'am.

5 MS. MOORE: That is very prejudicial and the blood
6 -- and they've testified how bloody they were. They've
7 already told the extent of their injuries graphically.
8 We don't need to see a video. They've already put it
9 in the record. Just showing this is gonna inflame the
10 jury. The blood all over her. We don't hear any
11 talking. It's just she's being, you know, drug away
12 from the house bloody and that has nothing to do with
13 the -- the shooting. This is just showing her getting
14 medical care for that only purpose and that is too
15 prejudicial.

16 THE COURT: Yes, ma'am. Anything else?

17 MS. FULLER: Yes, Your Honor. It's the State's
18 position that -- fully acknowledging that, of course,
19 there is blood on Elizabeth Peterson. At this point we
20 do believe it's relevant to actually show her in the
21 condition that she was found in by EMS. If you recall
22 from opening arguments and the types of questioning
23 that's been asked, obviously their credibility, both
24 David Hawkins and Elizabeth Peterson, has been attacked.
25 She's been blatantly accused of killing her husband,

1 which then would lend to the argument that she and/or
2 David shot her or she shot herself. I think at this
3 point it is more probative than prejudicial to refute
4 what they've been arguing since opening is that they
5 orchestrated this, that they did this to themselves and
6 killed Aaron Peterson.

7 MS. MOORE: Your Honor, I've never said that and
8 that is completely false.

9 THE COURT: Well, let's just focus on your original
10 objection of the 403 argument.

11 MS. MOORE: I can --

12 THE COURT: Ma'am?

13 MS. MOORE: Go ahead.

14 THE COURT: I don't -- I don't believe the amount
15 of blood I saw in that video amounts to something that
16 would inflame the jury under Rule 403.

17 I do think that in light of the testimony and the
18 questions and answers in this trial thus far I think the
19 probative value of that is important for the jury to see
20 and I, frankly, don't think those videos are unduly
21 prejudicial at all, but to the effect that they were
22 prejudicial, the probative value far outweighs their
23 prejudicial value.

24 So that objection will be overruled under Rule 403
25 and the witness can certainly acknowledge that he's in

1 that video and whatever -- however that -- however
2 they're using it as long as it stays to that specific
3 witness only.

4 MS. FULLER: Thank you, Your Honor. I will
5 definitely lay the proper foundation.

6 The State's prepared to call their next witness
7 whenever the Court's ready.

8 THE COURT: Okay.

9 MS. MOORE: Your Honor, if I may?

10 THE COURT: Yes, ma'am.

11 MS. MOORE: My paralegal checked and I apologize
12 and I withdraw that objection to the body cam for Sharpe.

13 Was that the one we said we didn't have? We do have
14 that, and I apologize.

15 THE COURT: All right. Thank you very much. So
16 noted.

17 BAILIFF: Are you ready, sir?

18 THE COURT: Yes, sir.

19 (Whereupon, the jury return to the courtroom at
20 3:29 PM.)

21 THE COURT: Please be seated.

22 All right. Madam Forelady, and ladies and gentlemen
23 of the jury, welcome back. We'll kick off with our next
24 witness.

25 Is the State ready to call their next witness?

1 MS. FULLER: Yes, Your Honor.

2 I apologize. I beg the Court's indulgence.

3 Thank you, Your Honor. The State calls Nathan Rehm.

4 (Whereupon, Nathan Rehm was duly sworn by the Clerk
5 of Court.)

6 THE CLERK: Would you, please, have a seat in the
7 witness box. State your full name and spell your last
8 for the record.

9 THE WITNESS: My name is Nathan Rehm, R-E-H-M.

10 NATHAN REHM,

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. FULLER:

14 Q. And I'm gonna get you to briefly introduce yourself
15 to the jury. Where are you currently employed?

16 A. I currently work Acuity International. They provide
17 security contacts and tactical medical interventions for
18 the State Department overseas currently in Iraq.

19 Q. Okay. Prior to that where were you employed?

20 A. Prior to that I was a healthcare NCO. I ran the
21 Battalion Aid Station for the 178th Field Artillery
22 Battalion and before that I was the -- or a paramedic crew
23 chief for Lexington County EMS.

24 Q. Okay. And how long have you been a paramedic?

25 A. I've been a paramedic since 2013 and I was an EMT

1 since '95 before that.

2 Q. Okay. So since 1995 you've been --

3 A. In and out of EMS and I've been full-time since 2013.

4 Q. Okay. And you mentioned overseas contracts. Were
5 you also in the military?

6 A. Yes, I have twenty something years in the military.

7 Q. Okay. And what were your duties there?

8 A. I was a -- well, most recently I've got six -- almost
9 seven years as a military combat medic.

10 Q. Okay. So all have been the same realm of providing
11 emergency aid to individuals?

12 A. Yes, ma'am.

13 Q. And back on July 23, 2018, do you recall responding to
14 [REDACTED] Sandspur Road in Lexington County?

15 A. I do.

16 Q. And can you describe the scene for the jury?

17 A. We were dispatched -- I was on Unit 8 and we were
18 dispatched to a domestic disturbance. We pulled up
19 on-scene. It was a long dirt road, lots of puddles. The
20 dispatch note said that we had multiple GSWs and a possible
21 fatality. They said that one person -- one person had been
22 shot in the arm and initial responders, either fire or law
23 enforcement, had placed a tourniquet, and that two adults
24 had been shot in the chest and the head and were inside the
25 house and the arm wound was outside the house.

1 Q. Okay. So you indicated that you were in Unit 8; is
2 that correct?

3 A. Yes, ma'am.

4 Q. And you also indicated when you arrived there was
5 puddles or what was going on that day?

6 A. I -- I don't remember the weather, but being South
7 Carolina it would have probably been raining. It was a
8 dirt road, so we had numerous puddles, you know, heading
9 up into the residence.

10 Q. On Unit 8, how many individuals responded with you on
11 Unit 8?

12 A. There was me and there was my EMT partner, Matthew.

13 Q. And with this call being multiple GSWs, gunshot wound
14 patients or victims in this case, how many other units
15 arrived on-scene?

16 A. While we were there, I believe it was Unit 88 arrived
17 for backup and then we had the roving -- the Assistant
18 Chief Hentz arrived on-scene to provide support and then
19 took over triage so I could handle patient care.

20 Q. Okay. And we'll get to triage here in a minute. How
21 about fire? Did fire respond as well?

22 A. Fire was there on-scene.

23 Q. And how many units?

24 A. I do not remember how many units.

25 Q. Okay. In terms of the number of first responders,

1 approximately how many do you believe arrived on-scene at
2 this location?

3 A. I remember seeing three -- four sheriff's deputies,
4 there was four, maybe five fire, myself, my partner, and
5 then when we came out of the house my backup arrived and
6 as we were loading up my transport patients Chief Hentz
7 arrived, so I gave a report to him and then handed off and
8 we departed, so.

9 Q. Okay. So let's talk about triaging. Why is triaging
10 a scene important?

11 A. Triage is important because when you have more
12 patients than you have -- or casualties than you have
13 providers, which for trained providers I had me and my
14 partner, we had more patients than we had providers, so
15 triaging is important because you have to quickly assess
16 all of the wounded and then designate levels of priority
17 as to who is going to be the most critical, who can we save
18 and who can we -- I don't want to say put to the side, but
19 who can we turn to once we have the critical patients to
20 take away.

21 Q. And in this case could you walk the jury through your
22 triaging method and who was triaged first?

23 A. Okay. So based off of -- we -- I started my initial
24 triage based off of the dispatch notes which said that we
25 had one individual who had been shot in the arm and that

1 law enforcement had put a tourniquet on him. We had two
2 that were shot in the chest and the head, so I -- based on
3 the fact that the gunshot to the arm, he was outside and he
4 was ambulatory, I downgraded him to yellow and assigned him
5 to my partner, and then I stepped in and said I was gonna
6 take initial care or assessment on the two that had been
7 shot in the chest and the head.

8 Q. Okay. And do you recall the layout of this residence
9 as you entered?

10 A. Vaguely. It was -- I want to say it was a single wide
11 mobile home. We walked in up the stairs. The front room
12 was right in front of me and I met deputies inside and they
13 said down the hall to the right, so I turned to my right
14 and went down the hall. There was -- we passed one or two
15 rooms and got to the back corner room and that was where I
16 found both the patient and the deceased.

17 Q. And who did you assess first?

18 A. I walked in and I saw the one patient, the deceased,
19 Aaron. He was down on the ground face first. I heard
20 Elizabeth to my left and I looked over at her and she
21 looked up at me and based on the fact that she made eye
22 contact with me and there was that degree of recognition,
23 she was alert, and -- I mean, I -- she wasn't just like
24 lost in space, she made clean eye contact with me, and I
25 -- I asked her if she was okay or asked her if she was

1 able to breathe and she with me and she acknowledged that,
2 so I turned to and ruled out the necessity for -- or made
3 a determination on necessity for interventions on Aaron.

4 Q. And when you say the necessity of intervention on
5 Aaron, what were you able to determine?

6 A. Based on looking at him, he was face down on the
7 ground. There had been a pile of dirty laundry, you
8 know, kind of tossed in the corner. He was in the fetal
9 position, in a guarded position, face down on the ground
10 on his knees crumpled over with his legs tucked underneath
11 him. He had landed face down in the clothing and blood had
12 -- he had exsanguinated, so the blood had pooled out of
13 from whatever orifice and had actually covered part of his
14 face, so that he was -- like he'd stuck his face in the
15 sink, but it -- it was his own blood. And the blood, there
16 was no bubbling, there was no movement and the blood had --
17 looked like it was starting to congeal, so I noted a couple
18 -- one significant entry wound and then -- that I remember
19 and he was starting to be cool to the touch. I verified
20 that there was no chest rise and fall, so he wasn't
21 breathing and I had no pulse in the carotid, so I notified
22 the coroner that we had one triage black, and then I turned
23 to and provided care for Elizabeth.

24 Q. Okay. And so once you notified the coroner, did you
25 move Aaron at all?

1 A. No, the only contact I made with him was to verify
2 that I had no carotid pulse or that it was absent.

3 Q. Okay. So the position you found him in is the
4 position you left him in?

5 A. Yes, ma'am.

6 Q. Okay. Now turning to Elizabeth Peterson, go ahead
7 and describe your chief concern as well as her injuries to
8 the jury.

9 A. Okay. My chief concern for Elizabeth was that she had
10 obviously been shot in the face. We had an exit wound to
11 -- or it looked like she had been shot on the right cheek
12 and we had significant amounts of blood coming out of the
13 nose and from the mouth and from multiple wounds sustained
14 from what I assumed were either gunshots or shrapnel, and
15 so she was leaking, she was having a hard time breathing
16 and she was actively vomiting, so I had given her something
17 to kind of hold it, but she kept -- and she was in A
18 leaning forward position so that as everything just kind
19 of drained, it would stop draining down and she would
20 swallow it or inhale it.

21 Q. You indicated with your hands and so I'm gonna ask
22 you to use your words. You said entrance and exit and I'm
23 pointing to where you pointed. If you could use your words
24 and describe that for the jury so it's in the record as
25 well.

1 A. Okay. So when I did my initial assessment on her, we
2 -- I found an entry wound right here below the cheek, which
3 is called the maxillary, and I found an exit wound, as well
4 as some other tears and shrapnel wounds, with an exit wound
5 down here at the -- what we call the angle of the mandible,
6 which is that corner of your jaw back here. There was a
7 flap of skin torn. The bleeding from the nose indicated
8 that she had significant internal damage from the passage
9 of the round and when I went to clear her airway to help
10 support her breathing, there was fragments of bone, teeth
11 and tiny bits metal in her tongue, and basically I had to
12 kind of sweep out a clutter of broken pieces of flesh and
13 bone and other stuff.

14 Q. And when you say metal, are you referring to fragments
15 or what were you --

16 A. It was most likely fragments, yes.

17 Q. Okay. And you're pointing in this direction, as well.
18 Are you pointing in like a downward angle?

19 A. The -- so when I did a secondary assessment on her,
20 she had -- let me find it just to make sure I'm saying this
21 correctly. When I was trying to clear her -- help maintain
22 her airway, I did -- I did a visible sweep and so I stuck
23 my fingers in and I swept out and kind of cleared out as
24 much junk as I could from the inside her mouth. At that
25 time I noticed a -- what looked like a denture plate

1 sitting partially on her tongue and I asked her if she had
2 dentures or a retainer or anything like that, she indicated
3 no, so I actually asked well, okay, what's this and I
4 reached in and grabbed and when I pulled her entire head
5 snapped forward and that was when I determined that that
6 was actually her hard palate had been -- from the gunshot
7 the hard pallet had been partially severed and fractured
8 and displaced down, which also indicates the significance
9 of the bleeding from the nose because the bone that
10 separates the sinus cavity from the roof of your mouth had
11 been fractured and displaced down.

12 Q. In terms of assessing and treating a head wound,
13 specifically the one that you encountered with Elizabeth
14 Peterson, is there any concern of death in that case?

15 A. The biggest concern I had for her was her airway. We
16 have -- in the military, we have a technique that I can
17 use, what we call a surgical cric, and I can actually
18 create a surgical airway through the throat here, but
19 Lexington County didn't have that protocol at the time, so
20 my big concern was with all of the blood that was flowing,
21 I could not secure an airway because I could not visualize
22 her airway to place a tube that would block her airway from
23 all of the blood that was coming. So there was a very
24 significant possibility of her drowning in her own blood
25 sitting on the stretcher if we -- if the blood happened to

1 flow backwards, so -- so we had to try to keep her leaning
2 forward and I had to try to keep her talking and clearing
3 her airway for me as we transported.

4 Q. And just so I'm -- something I forgot to clear up,
5 too. When you indicated you thought it was a piece of
6 medical denture or something of that line, did you
7 determine that -- completely that there wasn't any in her
8 mouth?

9 A. I asked her and she said no, she did not, and I
10 asked if she had dentures, I asked if she had a retainer,
11 I asked if she had any bridge work and she said no, so I
12 was like, okay, so I'm trying to clear everything out, I'm
13 like okay, so what's this, and that's when I grabbed it
14 and when I jerked on it or pulled on it, it actually moved
15 her entire head and that's when I realized I had grabbed
16 one of the bones of her skull that had been displaced by
17 the gunshot.

18 MS. FULLER: Permission to approach the witness?

19 THE COURT: You can.

20 BY MS. FULLER:

21 Q. I'm gonna show you what's been marked as State's
22 Exhibit 79, 80 and 81, and ask you if you recognize them?

23 A. I do.

24 Q. And how do you recognize them?

25 A. Those were the videos of the body cam from the

1 deputies that were on-scene supporting me or securing the
2 scene.

3 Q. And these aren't the full footage, correct?

4 A. They are not.

5 Q. And on these clips, do you recognize yourself and the
6 treatment that you were rendering on these clips?

7 A. I did, yes.

8 Q. And do they appear to have been altered in any way?

9 A. No. I remember the events.

10 Q. And they fairly and accurately depict the scene, as
11 well as your care and treatment of Elizabeth Peterson, as
12 well as some of the outside area as well?

13 A. Yes, ma'am.

14 MS. FULLER: At this time, Your Honor, the State
15 seeks to introduce into evidence State's Exhibit 79, 80
16 and 81.

17 THE COURT: Subject to previous objection?

18 MS. MOORE: Yes, sir.

19 THE COURT: State's Exhibit 79, 80 and 81 are
20 admitted in evidence.

21 (State's Exhibit Number 79, 80 and 81, body cam
22 clips, were admitted into evidence.)

23 MS. FULLER: Permission to publish?

24 THE COURT: You may publish.

25 MS. FULLER: Thank you, Your Honor.

1 BY MS. FULLER:

2 Q. I'm publishing now State's 79 and I'm just gonna ask
3 you to describe for the jury what is taking place on each
4 video clip.

5 A. Okay.

6 (State's Exhibit Number 79 was played.)

7 BY MS. FULLER:

8 Q. And, again, publishing -- before I publish, these
9 clips do not have any audio; is that correct?

10 A. Correct.

11 Q. Okay. And then starting here, I know it's frozen at a
12 weird angle, but is this the room that you were describing?

13 A. Yes.

14 Q. And can you describe for the jury what's going on
15 here?

16 A. Okay. So if you can pause it, so that is --

17 THE COURT: Before you -- can you-all see? Can we
18 dim it a little bit, please.

19 MS. FULLER: May he proceed, Your Honor?

20 THE COURT: Yes. I'm sorry. Thank you.

21 Proceed.

22 BY MS. FULLER:

23 Q. You can go ahead and describe.

24 A. Okay. So this is the back room where I found
25 Elizabeth. At this point we -- I had entered the room and

1 the black silhouette on the right side --

2 Q. Here's a laser pointer so you have something to point
3 with.

4 A. That's my silhouette right there. The deceased was
5 actually -- I mean, you can't quite see it, but he would
6 be sitting over here on the ground. Elizabeth was found
7 actually sitting about two feet over to her left from where
8 she's seen right now. I had sent one of the deputies out
9 to grab the MegaMover, which is a frameless litter that we
10 can use to carry through tight confines, and so we were --
11 after I had done an initial assessment and confirmed that
12 she was able to follow instructions and that moving her
13 wouldn't compromise her airway, I had her slide herself
14 onto the MegaMover and then we -- the green -- the purple
15 gloves is one of the firefighters, that's another deputy,
16 I'm right here and then, of course, the officer's camera
17 from here, so we used four men to pick her up and transport
18 her out of the room.

19 Q. Then I'll finish playing this clip and just tell me
20 where to pause as you explain what else is taking place.

21 And then that's the hallway? The only hallway leading
22 to that room, correct?

23 A. Correct.

24 Q. And that -- and you guys exited down that hallway?

25 A. Yes. Yeah, we just transported her down and then we

1 did a couple of -- some handing off to juggle through the
2 tight confines, but we got her out into the front room.

3 MS. FULLER: Now getting ready to publish State's 80.

4 (Whereupon, State's Exhibit Number 80 was played.)

5 BY MS. FULLER:

6 Q. And you if can describe to the jury. Identify
7 yourself, as well as what's going on here.

8 A. All right. So that's myself in the uniform right
9 there, this is our stretcher, and we just had two of the
10 deputies -- or a deputy and a firefighter, I don't remember
11 exactly who, move -- pre-stage the stretcher and then we
12 carried her out on the MegaMover that you saw in the first
13 video clip and then we positioned her. So we brought her
14 out down -- out that front room down the stairs through
15 the front door down the stairs and then we just sat her
16 on the ground right there and once we had -- once she was
17 ready and then we stood her up, sat her down and then
18 repositioned. I had to suction her a couple of times at
19 this point, so one of the devices that you'll see me pick
20 up --

21 Q. I paused it. So keep going.

22 A. Oh, one of the devices you'll see -- so we got her
23 repositioned and then one of the devices that you'll see me
24 sit between her legs is actually the mobile suction that
25 will allow me to help keep the blood out of her -- from

1 pooling so that she doesn't swallow it on accident or
2 inhale it.

3 Q. And I'm gonna back up just slightly. In the frame, in
4 this top corner?

5 A. Yeah. And then once I had her on the stretcher, I
6 asked for an update, if one of the guys could go find out
7 what the status was on my partner and how he was doing with
8 his patient, so that's my partner, the EMT, Matthew. He's
9 over there wrapping up the wound on the gunshot to the arm.

10 Q. And that's where -- that's what you testified to
11 earlier, is that he was outside being treated?

12 A. Correct. And that -- that device right there, that's
13 just my mobile suction resetting it up so that I could go
14 ahead and suction her back out again. And then there's my
15 partner and that's the gunshot wound to the arm.

16 Q. Now I'll play the last clip that I have for you, which
17 is State's Exhibit 81.

18 (Whereupon, State's Exhibit Number 81 was played.)

19 BY MS. FULLER:

20 Q. And the same thing. If you could describe for the
21 jury.

22 A. Okay. So back it up a little bit. So down there,
23 that's our backup unit. If I remember correctly, it was
24 Unit 88. They ended up transporting Mr. Hawkins. And
25 after I was loaded we found out that he also transported

1 **MINOR**. And that's -- right there, that's my -- that's
2 Deputy Chief Hentz and so he was kind enough to let me
3 know what was going on, get a report from me, and then as
4 I was loading up, I notified him that we still had patients
5 on-scene under the supervision of the fire department and
6 that I had one deceased inside and that I had Elizabeth
7 loaded and that she was gonna be a critical for Richland
8 and he notified me that they had requested med-evac to meet
9 us for an intercept.

10 Q. I don't know why it's freezing today. Let me back it
11 up a little bit.

12 Okay. And that's the extent of that clip, correct?

13 A. Yep. Yes, ma'am.

14 Q. And that was you loading up Elizabeth Peterson.

15 In looking at your report, approximately how long were
16 you on-scene?

17 A. So we got dispatched at 5:46, we arrived on-scene at
18 6:00 and we departed at 6:13, so we were on-scene for about
19 thirteen minutes.

20 Q. Okay. And you testified that the deputy -- I mean,
21 chief --

22 A. Deputy Chief Hentz.

23 Q. Okay. He came on-scene and you said at around that
24 point is when you were informed that **MINOR** was also
25 transported; is that correct? I think that was your

1 testimony.

2 A. Yeah, it was as we were loading. We were actually
3 -- we were departing the scene and that's when my partner
4 told me that there had been a child there who had sustained
5 minor wounds and he had been stashed away in one of the
6 cruisers.

7 MS. MOORE: Your Honor, I would object. Well, it's
8 -- I object.

9 THE COURT: To what?

10 MS. MOORE: That's out of his -- he didn't say that
11 he saw MINOR, did he?

12 MS. FULLER: That was my only question.

13 THE COURT: Okay. Thank you.
14 Anything else?

15 MS. FULLER: I mean --

16 THE COURT: Oh, moving on. Okay.

17 MS. FULLER: I mean, I have other questions, but not
18 in terms of MINOR.

19 BY MS. FULLER:

20 Q. In terms of earlier you testified to treating a
21 gunshot wound, you talked about injuries to Elizabeth's
22 mouth that could have been a bullet or shrapnel. What
23 exactly is shrapnel? I just want to make sure that's clear
24 for the record.

25 A. Shrapnel is any secondary -- so you have your primary

1 projectile or you have your primary explosive. Shrapnel
2 is gonna be any kind of debris that gets picked up in the
3 action. So with a bullet, in this case a bullet would --
4 is the primary projectile. If it hits and ricochets off
5 anything or impacts anything, then it can fragment.

6 MS. MOORE: Your Honor, I'd object. That's outside
7 of the scope of this witness.

8 THE COURT: Well, I think -- let me ask you-all a
9 quick question. And I'll be quick. Please come up.

10 (Proceedings held at the bench; not reported.)

11 BY MS. FULLER:

12 Q. And I apologize. I don't recall exactly what you were
13 saying or where you left off. Do you remember?

14 A. Okay. I can start over. So shrapnel is -- in the
15 case of a firearm, shrapnel from the firearm would be
16 anything that gets kicked up or if the bullet impacts or
17 ricochets and it fragments, those little bits or the dirt,
18 concrete bits, whatever, that get picked up and get flown,
19 transferred by the energy of that round becomes shrapnel
20 if they impact anything.

21 Q. Okay. And that's what you were referring to. You
22 weren't sure, but when you were talking about Lyz's
23 injuries when you referred to the word "shrapnel" --

24 A. Yes. It was -- she had bone fragments and teeth
25 fragments and once hit by a bullet and they -- the

1 resulting shattering of that structure turns those
2 fragments into shrapnel.

3 Q. And then based on your treatments here and also your
4 experience, can you just place shrapnel -- can you place
5 shrapnel on an object or on a person?

6 A. Like can I tell what it is? Sometimes you can tell
7 just by knowing anatomy and being familiar with, you know,
8 the implements that we train with and we encounter.

9 Q. Okay. And so does shrapnel cause injury?

10 A. It -- yes.

11 Q. Okay. And if you just take a piece of shrapnel and
12 place them on someone, can you injure them that way?

13 A. You would have to impale them, so you'd have to drive
14 it in. Like you could lay it on somebody's skin, like
15 dust, but it's not gonna cause injury.

16 MS. MOORE: Your Honor, I'm gonna object. That's
17 speculation.

18 THE COURT: All right. She's making an objection,
19 so. The objection, I think, is speculation.

20 MS. MOORE: Yes, sir.

21 THE COURT: Okay.

22 MS. FULLER: That was my -- that was my last
23 question. That you can't just place --

24 THE COURT: I think there was something about you've
25 got to have some event.

1 MS. MOORE: Your Honor, it's also leading. I would
2 object to that.

3 THE COURT: No, no. Overruled. Overruled.
4 Finish your response, please.

5 THE WITNESS: Okay. So for somebody to sustain
6 wounds from shrapnel, there has to be some sort of a
7 blast or propelling force there from an explosion or
8 release of a compressed gas or like gunpowder or
9 something. Something has to propel it forward and then
10 it has to penetrate the skin for it to become a shrapnel
11 wound.

12 MS. FULLER: Thank you. No further questions.

13 THE COURT: All right. Cross-examination.

14 CROSS-EXAMINATION

15 BY MS. MOORE:

16 Q. Good afternoon. I just have one question.

17 A. Good afternoon, ma'am.

18 Q. So you came in from Iraq; is that true?

19 A. Yes, ma'am.

20 Q. They paid for you to come from Iraq?

21 A. No, no. My -- the company I work for is under
22 contract with the State Department and so when I was
23 subpoenaed, the company flew me back for testimony.

24 Q. Well, thank you for your service.

25 A. Yes, ma'am.

1 MS. MOORE: That's all I have.

2 THE COURT: All right. Any redirect?

3 MS. FULLER: No, Your Honor.

4 THE COURT: All right. The witness is excused.

5 Thank you.

6 (Witness excused.)

7 MS. FULLER: Do you -- do I call my next witness
8 or are we taking a break?

9 THE COURT: No, no. Just come talk to me real
10 quick.

11 (Proceedings held at the bench; not reported.)

12 MS. FULLER: Thank you, Your Honor. The State
13 calls Jason Hentz.

14 THE COURT: What was the last name?

15 MS. FULLER: H-E-N-T-Z. I may have called him by
16 his middle name. I apologize.

17 (Whereupon, Michael Jason Hentz was duly sworn by
18 the Clerk of Court.)

19 THE CLERK: Would you, please, have a seat in the
20 witness box. State your full name and spell your last
21 for the record.

22 THE WITNESS: Michael Jason Hentz. H-E-N-T-Z.

23 MICHAEL JASON HENTZ,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MS. FULLER:

2 Q. And do you go by Jason?

3 A. Yes.

4 Q. I apologize. I called you by Jason before you came
5 out here.

6 Can you introduce yourself to the jury? Where are
7 you employed?

8 A. My name's Jason Hentz. I'm a paramedic with Lexington
9 County EMS. I've worked there since 1990. I did take a
10 short retirement and then restarted my employment in July
11 of this year.

12 Q. And back in July of 2018, specifically on July 23rd,
13 what was your -- what was your duty and your title?

14 A. My capacity at the time of this incident was the
15 deputy chief of operations. I was responsible for all
16 operations -- EMS operations within Lexington County. One
17 of my daytime captains was ill, so I covered the south
18 region in his place.

19 Q. Okay. And the south region is referring to the
20 incident location in this case?

21 A. Yes, ma'am. It's any -- Lexington County south region
22 for EMS operations is anything below I-20. So we have a
23 north and a south region. The county's cut in half.

24 Q. I didn't know that. Thank you.

25 And so you responded to Sandspur that day?

1 A. Yes.

2 Q. And did you have any patient care when you arrived at
3 Sandspur?

4 A. On Sandspur, I had a short interaction with a male
5 with a gunshot wound and he was immediately turned over to
6 another crew.

7 Q. Okay. Did you respond to a secondary location in this
8 case?

9 A. I did.

10 Q. And what was that location?

11 A. It was on Pooles Mill Road. I can give you the actual
12 address if you need it. Let me find it.

13 Q. Does [REDACTED] Pooles Mill Road sound correct?

14 A. Yes, ma'am.

15 Q. Okay. And what was that in reference to?

16 A. It was a -- so the call for us was in reference to a
17 burn.

18 Q. And what -- can you describe the scene when you got
19 there?

20 A. When I arrived, as noted in my paperwork, there was a
21 vehicle burning at the roadway or the driveway and when I
22 arrived there was a male seated on the back porch of a
23 residence. He was covered in a burn sheet at the time and
24 only wearing socks and, of course, had obvious burns to his
25 body.

1 Q. And let's back up to the burned vehicle. Where was
2 the burned vehicle in relation to the residence?

3 A. It -- it was a good little ways off the roadway. The
4 residence sits back off the roadway.

5 Q. And I can't recall if you've seen this. It's already
6 in evidence, but I'll go ahead and publish it. In terms of
7 State's Exhibit 3, looking at State's 3, do you recognize
8 Pooles Mill Road right here?

9 A. Yes, ma'am.

10 Q. And do you recognize this as the general area of the
11 burned vehicle and the residence?

12 A. Yes, ma'am. Uh-huh.

13 Q. And in terms of passing by that burnt vehicle, can
14 you describe whether other first responders were already
15 there?

16 A. There was a fire truck parked at the road. I believe
17 there may have been one firefighter at the roadway and
18 then we entered the driveway, it's kind of a long, curvy
19 driveway, and there were other firefighters and I believe
20 sheriff's deputies.

21 Q. Okay. And around the area of the burnt vehicle, you
22 testified that there were fire and were there emergency
23 vehicle lights on?

24 A. Yes, the fire truck.

25 Q. Okay. So lights were on? Emergency lights were on at

1 the time?

2 A. Yes, ma'am.

3 Q. And now going up to the residence, can you describe
4 this individual for the jury that you encountered?

5 A. It was a white male. The only -- like I said, the
6 only thing he was wearing -- they had a burn sheet draped
7 around him, the fire guys did, he was only wearing a pair
8 of socks, and they had him on oxygen on our arrival.

9 Q. And in terms of his clothing, did you locate or see
10 any clothing around him?

11 A. No, other than socks on his feet.

12 Q. Okay. To the best of your knowledge, did you or
13 anyone on your crew locate any clothing?

14 A. No, I was -- I was by myself. I was a single unit
15 resource that day and then the ambulance that came in they
16 did not have any clothing either.

17 Q. Okay. And were you able to identify this individual
18 by name?

19 A. He would not speak to us. He --

20 Q. Based on your experience in dealing with burned --
21 well, let me ask you this. Have you responded to any calls
22 where an individual had been burned before?

23 A. Yes, ma'am.

24 Q. Have you been able to communicate with them?

25 A. Yes.

1 Q. In terms of your interaction with him, to the best
2 of your knowledge did he appear that he would have been
3 capable of communicating?

4 A. Yes, ma'am.

5 Q. Can you describe his injuries for the jury?

6 A. He was found alert with second and third degree burns
7 noted to his upper body, face and back with an estimated
8 burn area of 50 percent. He had a mix of second -- well,
9 what appeared to be second and third degree.

10 Q. And you said it was noted to his upper body?

11 A. Yes, ma'am.

12 Q. What about his lower extremities?

13 A. I did not note any burns to his lower extremities.

14 Q. Were there any other injuries on his body?

15 A. Not that I'm aware of.

16 Q. I'm gonna show you State's Exhibit 33 that's already
17 in evidence. Do you recognize this photograph?

18 A. Yes.

19 Q. And what do you recognize that to be?

20 A. Of the individual that we picked up. He's got soot
21 and burnt -- or burnt hair around his face, you can see the
22 redness around his shoulders from the burns.

23 Q. I'm gonna go ahead and put it on the document reader.
24 Publishing State's 33, can you point out -- there should be
25 a laser pointer up there. Can you just point out to the

1 jury what you pointed out to me while I was standing there?

2 A. Uh-huh. So the redness on his face here and his
3 shoulders and it appears to be burnt hair on his chin where
4 his mustache and eyebrows were singed.

5 Q. And so in terms of the injury of the burn that you
6 noted to the upper body and his face and you indicated you
7 noted injury to his back as well?

8 A. Yes, ma'am.

9 Q. Based on your experience, is that consistent with
10 someone sitting in a vehicle when it caught on fire?

11 A. No, ma'am.

12 MS. MOORE: Your Honor, I'd object.

13 THE COURT: What's your objection?

14 MS. MOORE: He wasn't qualified as an expert.

15 THE COURT: He's a -- the question was what -- in
16 responding to a fire, a burnt -- what was the question?

17 MS. FULLER: I'll try to -- I'm kind of lazy
18 sometimes, so I'll try to remember the exact question --

19 THE COURT: It's not written down.

20 MS. FULLER: -- or Stacy can tell me, but it was
21 something along the line of based on his injuries to his
22 back if that was consistent with sitting in a car when it
23 caught on fire.

24 MS. MOORE: Your Honor, that's also speculation.

25 Again, there's no -- he's not an expert. He cannot give

1 opinion testimony.

2 MS. FULLER: Well, I can offer him as an expert if
3 you want to do that.

4 THE COURT: No, no.

5 MS. FULLER: Your Honor, I can get us there as a
6 layperson. I can lay some more questions.

7 THE COURT: All right. Try. Thank you.

8 BY MS. FULLER:

9 Q. Have you responded to vehicle fires in the past?

10 A. Yes.

11 Q. And in terms of responding to vehicle fires, are you
12 familiar with the injury patterns of individuals who are
13 in a car when it caught on fire?

14 A. Yes.

15 Q. And in your experience in treating those patients,
16 have you observed burns to their back when they're sitting
17 in a car and the vehicle caught on fire?

18 A. No.

19 MS. FULLER: That's actually enough for me.

20 THE COURT: All right.

21 MS. FULLER: Thank you, Your Honor.

22 BY MS. FULLER:

23 Q. At that point did you participate in transport with
24 the individual to the hospital?

25 A. I did.

1 Q. And during transport, did -- again, were any efforts
2 made to identify his name or ask him his name?

3 A. Yes, ma'am.

4 Q. And did he disclose his name?

5 A. No.

6 Q. Based on his vital readings or anything of that nature
7 or his injuries, was there anything that you found during
8 your treatment of him that prevented him from communicating
9 his name?

10 A. No.

11 MS. FULLER: I think that's all my questions.

12 Thank you, Your Honor. No further questions at this
13 time.

14 THE COURT: Cross-examination.

15 MS. MOORE: Thank you, Your Honor. Briefly.

16 CROSS-EXAMINATION

17 BY MS. MOORE:

18 Q. You testified that when you got on the scene he was on
19 oxygen already?

20 A. I believe so, yes.

21 Q. So he could not speak, could he?

22 A. No, he had an oxygen mask in place, so he would be
23 able to speak.

24 Q. And he was in shock, shaking, correct?

25 A. Uh-huh.

1 Q. In fact, he -- he did try to answer. I mean, he
2 mumbled.

3 A. Not to my knowledge. Not -- not on my arrival.

4 Q. Who put the blanket on him?

5 A. The fire department.

6 Q. Did you see that?

7 A. No, that was prior to my arrival. They told me they
8 had put a burn sheet on him and applied oxygen.

9 Q. But you don't have any knowledge of any of this, do
10 you?

11 A. No.

12 Q. When you passed the car, it's already extinguished,
13 right? It's out. The fire's out?

14 A. I believe it was still on fire.

15 Q. It had been on fire for a while, hadn't it?

16 A. I don't know exactly how long, but, yes.

17 Q. Did you stop at the car?

18 A. No.

19 Q. You just kept going?

20 A. Into the driveway.

21 Q. Okay. So you didn't have your lights on? You weren't
22 -- you may have had your lights on, but you weren't -- the
23 sirens went going, were they?

24 A. I don't recall if they were on or not. Probably not
25 pulling into the driveway.

1 MS. MOORE: Thank you. That's all I have.

2 THE COURT: Any redirect?

3 MS. FULLER: No, Your Honor.

4 THE COURT: All right. The witness may step down.

5 (Witness excused.)

6 MS. FULLER: Your Honor, the State calls Jonathan
7 Grooms.

8 (Whereupon, Jonathan Grooms was duly sworn by the
9 Clerk of Court.)

10 THE CLERK: Would you, please, have a seat in the
11 witness box. State your full name and spell your last
12 for the record.

13 THE WITNESS: Jonathan Grooms, G-R-O-O-M-S.

14 JONATHAN GROOMS,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. FULLER:

18 Q. Where are you currently employed?

19 A. Lexington County Sheriff's Department.

20 Q. And in what capacity?

21 A. I serve as a victims assistance officer.

22 Q. And how long have you served in this capacity?

23 A. Since 2017.

24 Q. And how long have you been in law enforcement?

25 A. Nineteen and a half years.

1 Q. Back on --

2 MS. MOORE: Your Honor, I hate to object, but could
3 we take that off the --

4 MS. FULLER: Oh, it wasn't intentional. I apologize.

5 THE COURT: Thank you.

6 BY MS. FULLER:

7 Q. And back on July 23, 2018, did you have an -- did you
8 respond to Lexington Medical Center?

9 A. I did.

10 Q. And what was it in reference to?

11 A. It was in reference to a kid possibly being EPC'd that
12 had been hit with some fragments from an incident.

13 Q. And how old was this individual?

14 MS. MOORE: Your Honor, I'd object to any more. This
15 is hearsay.

16 MS. FULLER: What?

17 MS. MOORE: He got information from someone that --
18 it's going beyond time and place.

19 THE COURT: He's -- he responded to the hospital,
20 correct?

21 MS. FULLER: That was my question.

22 THE COURT: All right. Let's just get a little bit
23 further before we have -- I haven't heard anyone tell of
24 anything yet.

25 MS. FULLER: And it's not on my checklist to ask him.

1 THE COURT: Just ask the question, please.

2 MS. FULLER: Thank you.

3 BY MS. FULLER:

4 Q. Did you respond to the -- to Lexington Medical Center?

5 A. I did.

6 Q. And what was it in reference to?

7 A. It was in reference to a kid that had been hit and had
8 fragments.

9 MS. MOORE: Your Honor, I object.

10 THE COURT: Okay. You-all approach.

11 (Proceedings held at the bench; not reported.)

12 THE COURT: And if you wouldn't mind just speaking
13 up a little bit just to make sure the jury can hear you.

14 MS. FULLER: I beg the Court's indulgence.

15 BY MS. FULLER:

16 Q. Do you recall what date this occurred that you went to
17 the hospital?

18 A. It was late night. I don't remember exactly what day
19 it was.

20 Q. What date? July 23rd sound correct?

21 A. Yes, ma'am. July 23rd late, going into the 24th.

22 Q. Okay. And this individual that you encountered was

23 MINOR

24 A. Yes.

25 Q. And while you were there, did you collect a piece of

1 evidence while at the hospital?

2 A. Yes, I collected the fragments from the doctor.

3 MS. MOORE: Your Honor, I object.

4 THE COURT: Overruled, but move on from that
5 question then. What he -- what you collected and keep
6 on going.

7 MS. FULLER: Thank you.

8 BY MS. FULLER:

9 Q. I'm gonna hand you now -- I'm gonna hand you what's
10 been premarked as State's Exhibit 82 and ask you to open
11 it.

12 A. (Witness complies.)

13 Q. Okay. And in terms of State's 82, okay, up here on
14 this labeling do you recognize that to be part of the
15 Lexington County case number associated with this case?

16 A. That's correct.

17 Q. And --

18 MS. FULLER: I beg the Court's indulgence.

19 I guess at this point, Your Honor, I think it would
20 be appropriate to be for ID.

21 BY MS. FULLER:

22 Q. The Item 108 listed here, and then I'll show you the
23 evidence log . . .

24 MS. FULLER: I beg the Court's indulgence. It's
25 SLED's cup in there and so I want to properly lay the

1 foundation for him, so I apologize.

2 BY MS. FULLER:

3 Q. Okay. I'm handing you the log for lab number -- I
4 mean, Evidence Number 115108 and here 115108. Do you see
5 that same report number?

6 A. Yes.

7 Q. And in terms of the description here, do you see the
8 property description?

9 A. Yes.

10 Q. And what is it described as?

11 A. It is described as a metal fragment.

12 Q. And down here is the seizing officer. Do you see your
13 name?

14 A. Yes.

15 Q. And what's the date and time on when this item was
16 seized?

17 A. It's July 24, 2018, at 1:55 AM.

18 Q. And so that's what you were talking about, that it
19 went into the midnight into the next morning hours?

20 A. Correct.

21 Q. But still the same night of the incident?

22 A. Yes.

23 Q. And in terms of who it was seized from, what's the
24 individual's name listed?

25 A. MINOR

1 Q. And also on page 2 of the log, do you also see your
2 name here?

3 A. Yes.

4 Q. And you see yourself logging it into evidence?

5 A. Yes.

6 MS. FULLER: All right. Your Honor, at this time,
7 and I'll attach the property report along with the
8 exhibit, the State seeks to introduce State's Exhibit 82
9 into evidence.

10 THE COURT: And that is the -- the fragment?

11 MS. FULLER: Yes, and I'll staple the --

12 THE COURT: All right. Without objection or subject
13 to? Excuse me.

14 MS. MOORE: May I see that?

15 MS. FULLER: I'm gonna show you the -- I'm showing
16 you who packaged it.

17 (Proceedings held at the bench; not reported.)

18 MS. FULLER: Your Honor, for the record I'm gonna
19 staple the property log with it.

20 THE COURT: State's Exhibit 82 is marked for
21 identification purposes.

22 MS. FULLER: Okay. Thank you.

23 BY MS. FULLER:

24 Q. And do you recall at that point in your capacity did
25 you remain there until MINOR was released?

1 A. Yes, he was released to his grandmother.

2 Q. And that's Janet Long?

3 A. Yes.

4 Q. Okay.

5 MS. FULLER: Thank you. No further questions at
6 this time.

7 THE COURT: Cross-examination.

8 MS. MOORE: I don't have any questions, Your Honor.

9 THE COURT: All right. The witness may step down.

10 (Witness excused.)

11 MS. FULLER: Your Honor, and just briefly the State
12 calls evidence custodian Sandy Black on this item.

13 (Whereupon, Sandra Black was duly sworn by the Clerk
14 of Court.)

15 THE CLERK: Would you, please, have a seat in the
16 witness box. State your full name for the record and
17 spell your last.

18 THE WITNESS: Sandra Black, B-L-A-C-K.

19 SANDRA BLACK,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. FULLER:

23 Q. And where are you employed?

24 A. Lexington County Sheriff's Department.

25 Q. And in what capacity?

1 A. I'm the sergeant over evidence.

2 Q. And would that essentially make you the evidence
3 custodian?

4 A. Yes, ma'am.

5 Q. And in terms of -- I'm gonna hand you State's
6 Exhibit 82 with a PR Number. The Property Report Number
7 115108. Can you attest to the validity of that chain?

8 A. Yes, ma'am. That's the correct chain.

9 Q. And as it relates to that item number, which is
10 Lexington County Item Number 115108 --

11 A. Uh-huh.

12 Q. -- do you also see a SLED item number on that
13 packaging?

14 A. Yes, ma'am. It's SLED Number 38.

15 Q. As it relates to SLED 38 and Lexington County Number
16 115108, was that stored at -- once it -- what's the chain
17 of custody on that item?

18 A. Okay. So Grooms seized it on 7-24. He turned it into
19 a locker on 7-24 of 2018. One of my evidence custodians,
20 Candy Kyzer, got it from a locker on 7-24-2018 and she put
21 it in one of our locations, B52. On 4-22 of 2021, Candy
22 Kyzer signed it out to CSI Browning to send it to SLED for
23 testing. On 8-27, they gave it back to me and I handed
24 it back over to Candy to give to her to sign back into
25 evidence.

1 Q. Okay. And so is that a full and complete chain on
2 that item?

3 A. Yes, ma'am.

4 Q. And prior to today, has it been stored in the
5 Lexington County Sheriff's Department evidence room?

6 A. Yes, ma'am.

7 MS. FULLER: Your Honor, at this time the State
8 seeks to introduce State's Exhibit 82.

9 THE COURT: Without objection?

10 MS. MOORE: Your Honor, I do have some questions
11 about that item.

12 MS. FULLER: She can cross-examination her.

13 THE COURT: As far as the admittance, without
14 objection?

15 MS. MOORE: Correct.

16 THE COURT: All right. So that would be -- State's
17 Exhibit 82 will be admitted into evidence.

18 (State's Exhibit Number 82, lead fragments, was
19 admitted into evidence.)

20 MS. FULLER: Thank you, Your Honor. And no further
21 questions at this time for this witness, but since she's
22 the evidence custodian should I need to establish chain
23 on any other item, she'll be subject to recall.

24 THE COURT: All right.

25 MS. FULLER: Thank you.

1 THE COURT: Ms. Moore.

2 MS. MOORE: No questions.

3 THE COURT: All right. The witness may step down.
4 Thank you.

5 (Witness excused.)

6 (Proceedings held at the bench; not reported.)

7 THE COURT: Let's roll on.

8 Well, actually how's everybody doing over there?
9 We've got one more witness we want to do and then we'll
10 wrap up for the day after that. I don't know how long,
11 but we'll get you out as soon as we can.

12 No one needs a bathroom break or anything, right?
13 You-all are good?

14 All right. Proceed.

15 MR. McNAIR: Thank you, Your Honor. The State
16 calls Janet Long.

17 (Whereupon, Janet Elizabeth Long was duly sworn by
18 the Clerk of Court.)

19 THE CLERK: Would you, please, have a seat in the
20 witness box. State your full name and spell your last
21 for the record.

22 THE WITNESS: Janet Elizabeth Long, L-O-N-G.

23 JANET ELIZABETH LONG,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. McNAIR:

2 Q. Ms. Long, how are you doing today? Fair?

3 A. (Nods head.)

4 Q. All right. What is your relationship to Lyz Peterson?

5 A. I'm her mother.

6 Q. And where do you live?

7 A. Winnsboro.

8 Q. Okay. Now back in 2018, did Lyz come to live with you
9 at some point?

10 A. Yes.

11 Q. And MINOR?

12 A. Yes.

13 Q. All right. During the time that she was living there
14 at some point did you meet a guy named Bradley Walker?

15 A. I did.

16 Q. Did he end up coming to live with you?

17 A. Briefly.

18 Q. Okay. In relation to this, how long do you think they
19 stayed there at your house in Winnsboro?

20 A. Three weeks.

21 Q. Three weeks. Were they -- I guess in relation to this
22 incident, were they still at this house when this incident
23 occurred?

24 A. No.

25 Q. All right. Do you know where they had moved?

1 A. Lyz had moved to an apartment in Columbia.

2 Q. All right. Did Bradley Walker leave at the same time
3 Lyz left your house?

4 A. Yes.

5 Q. Was it your understanding he also moved into the
6 apartment off of Broad River?

7 A. I did not know that at the time.

8 Q. Okay. Now after this shooting, did you have an
9 opportunity to go by that apartment?

10 A. Yes.

11 Q. And did you retrieve some items from that apartment?

12 A. Yes, I moved everything out.

13 Q. All right. Did you turn over some items to law
14 enforcement?

15 A. Yes.

16 Q. I'm gonna show you what's already in evidence as
17 State's 13. Do you recognize this item?

18 A. Yes.

19 Q. Is that an item you retrieved from the apartment?

20 A. Yes.

21 Q. Where was that item located; do you remember?

22 A. In a closet in an upstairs bedroom.

23 Q. Okay. Did you notice anything about the bedroom?

24 A. The bedroom was mostly empty except for some toys in
25 the closet. Little girl toys.

1 Q. All right. Did you ever open this box?

2 A. I did.

3 Q. You saw the contents of the inside of the box?

4 A. Yes.

5 Q. I'm gonna show you State's 15. Is that what you saw
6 when you obtained it from the apartment?

7 A. Yes.

8 Q. What did you do with this box at that point?

9 A. I shut it and I took it home and we called Detective
10 Miller and I turned it over to him.

11 Q. Okay.

12 MR. McNAIR: I think that's all the questions I
13 have. Thank you for being here. Please answer any
14 questions Ms. Moore has.

15 THE COURT: Cross-examination.

16 CROSS-EXAMINATION

17 BY MS. MOORE:

18 Q. Ms. Long, the pictures with the shoebox --

19 THE COURT: Did she just put them upside down?

20 MS. MOORE: Does she have it?

21 MR. McNAIR: I put it right back over there.

22 MS. MOORE: Okay. I beg the Court's indulgence.

23 Oh, I got it.

24 I got the wrong side of the picture.

25 THE COURT: Weren't they up there on the projector?

1 MS. MOORE: Was it?

2 THE COURT: It wasn't? Sorry.

3 MS. MOORE: I need the other side of that box. I
4 thought it was in evidence.

5 MR. McNAIR: That's it right there.

6 MS. MOORE: There's another side of that box.

7 McNAIR: It's up there. The two pictures I just
8 showed are in your hand.

9 MS. MOORE: Right.

10 (Pause in proceedings.)

11 BY MS. MOORE:

12 Q. You went to the apartment and retrieved this box,
13 State's Number 14?

14 A. Yes.

15 Q. Do you see that, that blood on there? Is that yours?

16 A. No, that's -- it doesn't look like blood.

17 Q. Okay. You didn't notice that?

18 A. Unh-unh.

19 MS. MOORE: That's all I have.

20 THE COURT: Any redirect?

21 MR. McNAIR: No, sir.

22 THE COURT: All right. The witness may step down.

23 (Witness excused.)

24 THE COURT: All right. Ladies and gentlemen, we'll
25 go ahead and break for the day. I appreciate everybody

1 and gentlemen of the jury, welcome back. Please be
2 seated.

3 I hope you-all had a nice evening. We're gonna pick
4 up where we left off yesterday with the next witness in
5 the State's case in chief.

6 MS. FULLER: Thank you, Your Honor. The State calls
7 Thom Smith.

8 (Whereupon, Thomas Alvin Smith was duly sworn by the
9 Clerk of Court.)

10 THE CLERK: If you'll have a seat, please, and state
11 your name, spelling your last for the record, please.

12 THE WITNESS: Of course. My name is Thomas Alvin
13 Smith. S-M-I-T-H on the last name.

14 THOMAS ALVIN SMITH,
15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. FULLER:

18 Q. Where are you currently employed?

19 A. I'm currently employed with the Lexington County
20 Sheriff's Department.

21 Q. In what capacity?

22 A. I'm a crime scene investigator.

23 Q. And how long have you served in that capacity?

24 A. So I've served in that capacity from approximately
25 June of -- June of 2015 through December of 2019. I went

1 to the academy where I taught for approximately a year and
2 a half. I returned back to the Lexington County Sheriff's
3 Department in September of 2021 and I'm still currently
4 there. All of that time doing crime scenes.

5 Q. Okay. And how long have you been in law enforcement?

6 A. Approximately fifteen, fifteen and a half years now.

7 Q. Okay. In terms of processing a scene, can you
8 describe to the jury what is your method typically in
9 processing a scene?

10 A. Oh, that's a long one. So for me, in -- in crime
11 scene in general, one of the first things that we're gonna
12 do is talk to the first person on the scene, and the reason
13 we do that is because that deputy or whoever it might be
14 that arrived there first is the one that's seen that scene
15 in the most pristine condition, all right, because once
16 they enter that scene things are gonna change, things are
17 gonna be manipulated, so we're able to talk to them and
18 find out from them what they did on the scene prior to our
19 arrival and they're also gonna be the ones that give us a
20 firsthand accounting of who they observed, who they spoke
21 to and what -- what transpired upon their arrival.

22 Q. Okay. And as it relates to this case, [REDACTED] Sandspur
23 Road, Pelion, in Lexington County, did you respond to that
24 scene?

25 A. Yeah. This scene actually was different because I

1 was on my way home from the sheriff's department. I was
2 travelling southbound on South Lake. I got around to the
3 South Lake, 302 intersection and that's when the -- that's
4 when the incident was -- was toned out. I pulled over to
5 the side of the road because I knew I was the responding
6 CSI for the evening, put it into my -- into my cell phone
7 and then proceeded down that way actually with lights and
8 sirens. While I was en route, we also received a vehicle
9 description, as well as a description of the driver of that
10 vehicle. So I got down there as quick as I could in order
11 to attempt to locate the vehicle and the driver of that
12 vehicle. Once I got in that area, I didn't see anyone and
13 I responded directly to the scene and arrived on the scene.
14 By the time I got there, two victims had already left the
15 scene. There was an ambulance that was still just outside
16 of the scene with an infant, child, and they departed
17 shortly after I arrived, and then I responded and found
18 Deputy Treaster who was the first officer on-scene or the
19 first deputy on-scene.

20 Q. And was Treaster the one that provided you the initial
21 information?

22 A. Correct.

23 Q. And at that point did you process the crime scene?

24 A. No. Actually we had to wait for a search warrant to
25 be received, so I think we were on-scene a couple of hours

1 prior to the search warrant being signed and -- and in
2 hand.

3 Q. And this is a search warrant that would be signed by
4 a judge to allow access to the property to search it?

5 A. Correct. Yes.

6 Q. But prior to that, does law enforcement and first
7 responders -- did law enforcement and first responders go
8 inside the residence to render aid?

9 A. Right. That's one of the things I was advised of is
10 that upon arrival the -- the two occupants in the house,
11 male and female, deputies had gone in, rendered aid,
12 extracted them from the thing and then they did what is
13 called protective sweep of the house where they go through
14 and make sure there's no one else there, no more victims,
15 not a subject or anybody else in the residence, and what
16 they're able to do is once they do that, remove all the
17 personnel and all from inside of the scene, they're able to
18 shut it up and lock it up preserving that scene until we
19 can get the search warrant that gives us the authorization
20 to go in and begin processing that scene.

21 Q. So by the time that -- by the time you processed the
22 scene, first responders had gone in, other officers had
23 gone into the residence, searched the residence, doing a
24 protective sweep, removed patients from the residence and
25 all this took place prior to you processing that scene?

1 A. Correct.

2 Q. And while processing the scene, did you take
3 photographs?

4 A. I did.

5 Q. And were these photographs also taken after all of
6 that occurred?

7 A. Yes. Yes.

8 Q. And so in terms of the state of the residence prior
9 to your search, you would have to rely on any type of body
10 cam footage or if officers took initial photographs?

11 A. Correct.

12 Q. But your photographs are not how the scene was
13 initially when law enforcement arrived?

14 A. No. My -- my understanding is that like on this
15 scene my photographs are taken once I received that search
16 warrant. So I can't go into there and photograph or do
17 anything like that until I have that search warrant. So
18 by the time I get into a scene, law enforcement's already
19 been on-scene, EMS would have already been on-scene, fire
20 had already been on-scene. The scene that I have is never
21 pristine because somebody else has already been there and
22 we do that because life is more important than the scene
23 itself. So we've got to go in and we've got to preserve
24 life, we've got to make sure everybody's okay, we've got
25 to check and make sure there's no hazards in there and

1 all before we close it up, so we understand that as crime
2 scene individuals that that scene's not gonna be pristine.
3 That's why we rely so much on the first deputy who's
4 on-scene to kind of give us that description of what they
5 did and what the scene was like when they entered.

6 Q. Thank you. I'm gonna show you a couple of exhibits
7 that are already in evidence and ask if you recognize them.
8 I'm handing you State's Exhibit 1, 2, as well as 8, 9, 10,
9 11, 12, and State's Exhibit 5.

10 MS. FULLER: I apologize, Your Honor. Permission
11 to approach the witness?

12 THE COURT: Very well.

13 THE WITNESS: Yes, I recognize them.

14 BY MS. FULLER:

15 Q. Okay. I'm gonna hand you a laser pointer. Looking at
16 State's Exhibit 1, the jury's already seen this, but just
17 to go through it do you recognize this as the location of
18 the scene that you processed?

19 A. I do. This would be Sandspur Road here. This one's
20 kind of unique because I have a driveway that kind of
21 services three houses. So this is the front residence
22 here, this is the residence of [REDACTED], and there's actually
23 another residence right here at the end of the drive.

24 Q. Okay. And State's Exhibit 2 is just a close-up --
25 just a little bit closer view of what you've just

1 described?

2 A. Correct.

3 Q. The residence here, the incident location and another
4 residence; is that correct?

5 A. Yes, ma'am.

6 Q. Looking at State's 8, are these photographs that you
7 would have taken of the scene?

8 A. Yes, ma'am. These are of the exterior of the house,
9 as well as of a U-Haul and a blue minivan that was in the
10 driveway of the residence.

11 Q. Looking at another angle, State's Exhibit 9, is that
12 just another angle of the same thing you just described?

13 A. Yes, ma'am. And there's also like a little storage
14 building here.

15 Q. In looking at this blue van, did you enter that van
16 during your search?

17 A. Yes, we did. Our search warrants covered not only
18 the residence, but all the vehicles and all that was on the
19 property as well. So we entered that vehicle not once, but
20 actually twice, and conducted a search of the vehicle. The
21 vehicle contained plastic bags with clothing and -- and
22 other oddities. There was nothing of any evidentiary value
23 that was located inside the van itself.

24 Q. Okay. Any blood in that van?

25 A. No, there was not.

1 Q. Looking at State's 10, just another angle of the front
2 door of the residence?

3 A. Correct.

4 Q. State's 11. Can you describe to the jury what you
5 photographed here?

6 A. That's a U-Haul. As you can see, it's in the process
7 of being loaded or unloaded, but it's in a state of being
8 partially packed, and I believe from the information that
9 we gained that they were in the process of moving out.

10 Q. Okay. Looking at State's 12, just another angle of
11 that front door?

12 A. Correct.

13 Q. And what would you describe this first door that we're
14 looking at here?

15 A. That would be a storm door that's common here in South
16 Carolina.

17 Q. And then there's an interior door?

18 A. Correct.

19 Q. Looking at State's 5, is this -- not to scale, but is
20 this accurately the layout of the scene that you processed?

21 A. Correct. This right here would be our front door.
22 This is a bedroom that prior to law enforcement getting
23 there was locked, the master bedroom was prior locked, and
24 this is the bedroom in which the victim was living in or
25 victims.

1 Q. Can you point one more time?

2 A. Yes, of course. Right here on the end.

3 Q. I'm gonna show you now State's Exhibit 6 and 7 and ask
4 you if you recognize this?

5 A. I do.

6 Q. Okay. And what is depicted in these photographs?

7 A. It's the same residence. I do believe this is taken
8 later --

9 Q. Okay.

10 A. -- because there's much more growth in the yard as
11 far as vegetation and all that was there the day that we
12 processed the scene.

13 Q. Okay.

14 MS. FULLER: At this time the State seeks to
15 introduce into evidence State's Exhibit 6 and 7.

16 THE COURT: I believe that was previously without
17 objection; was it not?

18 MS. MOORE: Yes, sir, Your Honor. Without objection.

19 THE COURT: All right. State's 6 and 7 admitted
20 into evidence.

21 MS. FULLER: Thank you.

22 (State's Exhibit Number 6 and 7, photographs, were
23 admitted into evidence.)

24 BY MS. FULLER:

25 Q. Displaying Exhibit 6. Is this a more frontal view of

1 that residence?

2 A. Yeah, it's more of a 90 degree. Again, the front
3 door. This window right here would be the window to the
4 victim's bedroom.

5 Q. Okay. And that's where the deceased was located?

6 A. Correct.

7 Q. And the other window to the left of the front door,
8 what is -- what room is that?

9 A. That would be the living room right here.

10 Q. And in looking at State's 7, is this just an angled
11 view of this residence?

12 A. It's looks like it's about a 45-degree coming off the
13 corner there. Again, we have the front door, we have the
14 victim's bedroom here and the victim's bedroom window right
15 here as well.

16 Q. Okay. And is there something coming out of that
17 window?

18 A. There was an in-window AC unit.

19 Q. In terms of the front door, going back to your
20 photograph in State's Exhibit 12, in processing the scene
21 was there any indication of any forced entry or damage to
22 that front door?

23 A. No. In my photographs, as well as in my notes it's
24 very clear that there's no forced entry on either the storm
25 door or the actual door leading into the residence.

1 Q. And in terms of when you get into the residence, can
2 you describe the condition of the living room?

3 A. So the living room was in a condition of mild chaos.
4 It's what you would expect when someone's packing. You
5 know, you've got some empty boxes, you've got full boxes,
6 you've got stuff that's being prepared to go into boxes, so
7 it's just what you would expect when someone is trying to
8 move. Boxes of different shapes, different sizes, stuff
9 gathered to be boxed, so a -- a state of moving chaos.

10 Q. In terms of processing the scene and the scene
11 generally, what location in the residence did it appear
12 that the shooting took place?

13 A. So it was apparent upon entering into the residence
14 that there were actually two locations for shootings. The
15 first one being immediately inside that door to the left is
16 a couch, so there was immediate indication that a shooting
17 took place there, and then when you look down the hallway
18 from the entrance of the door and everything like that you
19 could see where the decedent was located as well. So we
20 have a shooting incident that took place there in that
21 living room slash hallway area and then another shooting
22 incident taking place right there inside that bedroom at
23 the end of the trailer.

24 Q. How many days did the scene stay -- remain secured
25 for law enforcement, for you, as well as other officers to

1 process the scene?

2 A. So we -- we secured the scene for two and a half,
3 three days. The first day was heavy processing, removing
4 different items of evidence and everything out of there.
5 The second day I'm not sure what I was doing, but I wasn't
6 able to be out on that scene. They actually sent two
7 investigators out there to do a search of the exterior of
8 the residence looking for a firearm or anything like that
9 that could be out there and then day three I went back
10 for the sole purpose of actually doing what is shooting
11 reconstruction, trying to figure out where the trajectory,
12 where all the different shots were coming from inside the
13 residence.

14 Q. So over the course of the timeframe -- let me ask
15 another question before that actually. In terms of the
16 scene being secured, what would that mean?

17 A. So that would have meant that we had a deputy sitting
18 at that residence the entire time that we held that scene.
19 So the whole time that I'm there, there's a deputy, once we
20 leave there's deputies continuing to go, and usually what
21 takes place is the road, we'll assign a deputy to there for
22 so many hours and then they'll rotate them out and they'll
23 keep a crime scene log that indicates who was securing the
24 scene and everything during that time period.

25 Q. And that would indicate that no -- no personnel

1 outside of law enforcement entered that residence during
2 the timeframe that the scene was secured?

3 A. Correct. And also on their person they would have
4 had any -- and I don't remember this case specifically,
5 but they would have had any keys. They also maintain a
6 physical copy of the search warrant in their presence.

7 Q. Okay. During the course of these two and a half days,
8 did you also take several hundred photographs?

9 A. Yes, ma'am.

10 Q. And did you collect swabs of some blood, projectiles,
11 casings, cell phones from the residence?

12 A. Yes, ma'am.

13 Q. In terms of what was not collected, were there other
14 firearms in the home?

15 A. Yes, there was actually multiple firearms that were
16 inside the residence that were not collected.

17 Q. And did you photograph them?

18 A. I did.

19 Q. And they were not seized, correct?

20 A. No, they were not.

21 Q. And why were they not seized?

22 A. Everything that we had from the shooting incident from
23 the size of the diameter of the projectiles in the wall to
24 the expended cartridge casings and the nature of the guns
25 that we found, the only gun that was in play was a .40

1 Smith & Wesson caliber handgun. The guns that we did not
2 seize consisted of a .380 Bodyguard, which is not the
3 caliber that we were looking for. The Bodyguard fires a
4 .380 ACP round. We also didn't collect an AR-15, which
5 fires a .223 or 5.56 projectile. Again, that would exclude
6 the size of our hole, as well as exclude the cartridges.
7 We found a 38-caliber handgun -- oh, the .380 when we found
8 it, it was fully loaded, had a fully loaded magazine, there
9 was one in the chamber ready to go. No indications that it
10 was fired. We had a 38-caliber revolver that was found in
11 a drawer inside of the decedent's bedroom that was not of
12 the caliber that we were looking for, but it also was fully
13 loaded, none of the cartridges had been fired. And then
14 there was a nonfunctioning Titan 25, if I'm not mistaken,
15 that was also located in that drawer. No magazine, no ammo
16 for it, nothing to indicate that it was used. It was also
17 a 25-caliber, which is a very, very small hole, contrary to
18 the 40-caliber that we were looking for. So none of that
19 stuff matched up to the firearm that was in question, so
20 they were not seized.

21 Q. Okay. But they were photographed?

22 A. They were photographed. Yes, ma'am.

23 Q. And so your testimony is that there was no indication
24 or evidence of use or access during the crime?

25 A. Correct.

1 Q. Was there any evidence -- your testimony was about a
2 .40 -- I want to say this correctly, a 40-caliber Smith &
3 Wesson or a .40 Smith & Wesson caliber gun?

4 A. So it gets really confusing. So the cartridge that
5 is fired out of there is a .40 Smith & Wesson. It's
6 called a .40 Smith & Wesson; .40 being the caliber of the
7 bullet, Smith & Wesson being the gun manufacturer or the
8 manufacturer that patented the bullet, all right? So it's
9 a .40 Smith & Wesson cartridge, but it can be fired out of
10 a Smith & Wesson, a Glock. Just about any manufacturer at
11 the time had something that chambered a .40 Smith & Wesson.

12 Q. I understand. And so based on your processing of the
13 scene, was there any evidence suggesting anything other
14 than a 40-caliber gun that was used in this shooting?

15 A. No, ma'am.

16 Q. I'm gonna show you State's Exhibit 45 through 48 and
17 ask you to take a look at them and tell me if you recognize
18 them.

19 A. Yes, ma'am.

20 Q. And how do you recognize them?

21 A. These were photographs that were exposed while on the
22 scene on the 23rd.

23 Q. And do these -- are these photographs that you took
24 yourself?

25 A. I'll be honest with you, I had Investigator Ward with

1 me assisting.

2 Q. Let's talk about that. Sorry. I didn't mean to cut
3 you off.

4 A. Yes, of course.

5 Q. When you processed this scene or any scene, is it
6 unusually a one-man show?

7 A. No. Well, it depends on the nature of the scene. All
8 homicides just due to their nature, we have two crime scene
9 investigators out there. The idea or the purpose for that
10 is one to assist with the documentation, the other person
11 to process the scene. They'll help take some photographs,
12 they'll help do some sketches, take some notes and all.
13 Like we'll dictate notes to them so they'll help write out
14 the notes and everything like that, and to help wherever
15 else that they can, but we're like tied at the hip working
16 together. It's not one individual doing one thing and
17 another person's in another room. The idea of that is to
18 make it a little bit faster that way and one individual is
19 not having to do all the roles. It also gives a second
20 crime scene examiner eyes on the scene just in case that
21 primary misses something.

22 Q. Okay. And so the appropriate foundational question
23 here, do these photographs fairly and accurately depict
24 the crime scene on July 23, 2018, by the time you were
25 processing?

1 A. Correct.

2 MS. FULLER: Your Honor, at this time the State
3 seeks to introduce into evidence State's Exhibit 45
4 through 48.

5 THE COURT: Without objection?

6 MS. MOORE: Without objection, Your Honor.

7 THE COURT: State's 45 through 48 are admitted
8 into evidence.

9 (State's Exhibit Number 45 through 48, photographs,
10 were admitted into evidence.)

11 MS. FULLER: Thank you, Your Honor. Permission to
12 publish?

13 THE COURT: Yes, ma'am.

14 BY MS. FULLER:

15 Q. Looking at State's 45, if you can describe for the
16 jury -- if you can describe for the jury --

17 THE COURT: Can everybody in the jury box see
18 clearly?

19 MS. FULLER: I apologize.

20 BY MS. FULLER:

21 Q. -- what they're looking at here.

22 A. So this is a photograph. Right here this would be
23 the -- from the bedroom looking down into the living room.
24 That would be the front door of the residence right there.

25 Q. And in terms of that door, that front door, is that a

1 door that -- I'm gonna say swung back? I don't know if
2 that's the appropriate term or terminology.

3 A. It's fully open. It's swung fully open.

4 Q. Fully open. And appears to be almost touching the
5 wall?

6 A. Correct.

7 Q. And from the vantage point of the camera, it's in the
8 room where the deceased was located?

9 A. Yes, or just outside. It's one of the two.

10 Q. And from that vantage point, are you able to see the
11 couch in the living room?

12 A. The couch is right here.

13 Q. Looking at State's 46, can you describe to the jury --
14 orient the jury in where the camera would have been?

15 A. Sure. We're about halfway down the hallway on this
16 one. Again, we're still shooting from the bedroom towards
17 the living room about halfway down the hallway. And,
18 again, this is the front door fully open, this would be a
19 couch, and this is a metal end table-type thing.

20 Q. It looks like a cart of some sort?

21 A. It's something.

22 Q. Looking the at State's 47, can you describe to the
23 jury -- orient the jury in terms of the location of the
24 camera?

25 A. Of course. At this point this is the front door of

1 the residence. We're actually taking the photograph from
2 the living room towards the deceased's bedroom back here.

3 Q. And is the quality of the image on there in terms
4 of the TV, can you see from -- in the actual image the
5 deceased from this angle? And I'll bring the photo to
6 you. It doesn't look as great on the display.

7 A. Yes.

8 Q. Okay. I'm gonna -- orient yourself. I'm gonna put
9 it back and you can point it out for the jury, please.

10 Looking at 47, from that angle, pointing here, is this
11 the front door that's open?

12 A. That's the front door fully open. The decedent would
13 be right in that area right there.

14 Q. Now looking at State's 48, can you describe for the
15 jury -- orient the jury as to camera placement, as well as
16 what is displayed?

17 A. Again, we're about halfway down the hallway, again,
18 shooting from the living room into the bedroom. This would
19 be the decedent here bent over.

20 Q. And that's visible from down the hallway?

21 A. Yes, ma'am.

22 Q. I'm gonna show you State's 37 and 38. I'm gonna ask
23 you the same questions and ask you to take a moment and
24 tell me if you recognize those images?

25 A. Yes, ma'am.

1 Q. And how do you recognize them?

2 A. Those images I know I took of the decedent inside the
3 bedroom.

4 MS. FULLER: Your Honor, at this time the State
5 seeks to introduce State's Exhibit 37 and 38 -- I
6 apologize.

7 BY MS. FULLER:

8 Q. And these fairly and accurately represent the scene
9 at the time?

10 A. Yes, ma'am.

11 Q. Do they appear to be altered in any way?

12 A. No, ma'am.

13 MS. FULLER: At this time, Your Honor, the State
14 seeks to introduce into evidence State's Exhibit 37
15 and 38.

16 THE COURT: Without objection?

17 MS. MOORE: Yes, sir.

18 THE COURT: All right. So admitted. State's 37
19 and 38.

20 (State's Exhibit Number 37 and 38, photographs,
21 were admitted into evidence.)

22 BY MS. FULLER:

23 Q. Publishing down here, can you describe for the jury
24 State's 37 and what they're looking at?

25 A. So State's 37, that's just inside the doorway of

1 the bedroom. That is the decedent. He's in a kneeling
2 position leaned over to the left. He's actually postured
3 up on clothing and other items that were along the wall
4 there.

5 Q. And this is the condition that he was found in?

6 A. Correct.

7 Q. There's also some blood on the wall?

8 A. Yes.

9 Q. Can you describe that for the jury?

10 A. So the blood that's on the wall -- well, there's a
11 couple of different types of what we call blood pattern on
12 the wall, all right? The first one and probably the most
13 notable is what's called aspirated blood. Aspirated blood
14 is defined as blood that has volume, has velocity, and
15 it's unique in the fact that it most often has basically
16 air bubbles or air pockets and all inside the blood.

17 Q. And I'm gonna stop you right there.

18 MS. FULLER: Permission for the witness to step
19 down?

20 THE COURT: All right. Go ahead.

21 BY MS. FULLER:

22 Q. If you could come here and just point out to the jury
23 that type of blood you're describing. Oh, I apologize.
24 I'm sorry.

25 A. We're good. We're good. So when I talked about

1 aspirated blood --

2 Q. And keep your voice up for the court reporter.

3 A. Oh, I apologize. So aspirated blood, what I'm talking
4 about is this blood right here, all right? It has volume,
5 it also has directionality, which means it has velocity
6 behind it and it's being propelled. Aspirated blood is
7 blood that's coming out from either the lungs, the throat
8 or the mouth and it's done commonly through an individual
9 choking, coughing, it's being expelled and all from their
10 mouth as they're laying there.

11 Q. And you said there was another type of blood?

12 A. Oh. So the other blood is this right here running
13 down the wall and right here on top of this metal cabinet.
14 That's just drip. In other words, I've got a source of
15 blood. That blood is -- is falling, it's pooling, and
16 then it's falling some more. So it's an accumulation of
17 blood.

18 Q. Thank you. In terms of where -- and I'll allow you
19 to sit down. I apologize.

20 A. No, we're good.

21 Q. In terms of where he was located in this photograph,
22 do you note a -- I call it a dolly, but is that really what
23 it is? I think it is. A utility dolly in front of the
24 decedent?

25 A. Yes, it's an orange U-Haul utility dolly.

1 Q. And then also on the wall where the blood is, what
2 would you describe that as, a cabinet?

3 A. Some sort of -- it's actually some sort of metal
4 cabinet. It had -- one side is a big open area and then I
5 think there's three or four drawers on the other half of
6 it.

7 Q. And it was a safe as well; do you recall?

8 A. I don't remember it being --

9 Q. Like inside?

10 A. It might have been lockable and be able to use as a
11 safe. I -- I wouldn't consider it a safe because for me
12 a safe is something much heavier and has some fireproof
13 qualities and everything to it, but it was a metal -- metal
14 cabinetry.

15 Q. Okay. Looking at State's 38, can you describe to the
16 jury what is on State's 38?

17 A. Of course. Once we got some of the evidence out and
18 around where the deceased was located, myself and the
19 coroner's office began to actually process the decedent.
20 That includes photographs. So we photographed the
21 decedent. Upon lifting up his shirt, we immediately
22 located a Taurus firearm, a Taurus G2PT111, inside the
23 waistband holster, as well as a mini Kbar knife that was
24 on his right side as well.

25 Q. And talking about the -- the handgun, was that handgun

1 fully loaded?

2 A. Correct. There -- the magazine was fully loaded.

3 There was one in the chamber. There was no indication that
4 it had been used in this incident. We didn't find any
5 9-millimeter cartridge -- well, we found one 9-millimeter
6 cartridge. And when I say a cartridge, what I'm talking
7 about is the actual cartridge itself. The bullet sits down
8 inside the cartridge and it had an intact primer, which
9 means it had never been fired. So in the same condition
10 with all the cartridges that were inside the gun, they were
11 unfired and all accounted for.

12 Q. So no indication that this was used?

13 A. None whatsoever.

14 Q. And then also in terms of the holster, did it appear
15 as well to be fully holstered?

16 A. Oh, it was fully holstered. Yes, ma'am.

17 Q. Okay. No indication that there was an attempt to pull
18 it out?

19 A. No, ma'am.

20 Q. Turning now to collecting projectiles and cartridge
21 cases, can you describe for the jury your method of
22 collection or identifying or locating as it relates to this
23 scene?

24 A. So in this scene it was -- it was kind of unique
25 because as you could see from the way the decedent was

1 laying there was a bunch of clothing and stuff piled up
2 underneath that window, so we actually had to go in and
3 methodically remove each piece of individual clothing and
4 all there and move it. We actually took it into the
5 bathroom and all in order to get it out of the way for us
6 to process. And we would come across a cartridge case or
7 whatnot. We'd pick something up and it would roll, so in
8 this -- this case we had a bunch of stuff kind of tiered
9 and in different locations and all throughout that area
10 directly underneath the window.

11 Q. And in terms of processing, you -- you would
12 photograph the item --

13 A. Yeah, so what we do is we photograph the item.

14 Q. Hold on one second. I didn't put a question mark at
15 the end.

16 A. Oh, I apologize.

17 Q. I apologize. You would typically process the scene,
18 you would photograph it, tag it with a number or a letter
19 and then collect the item; is that correct?

20 A. Correct.

21 Q. Okay. And that happened here?

22 A. Correct.

23 Q. I'm gonna show you State's 40 and 41 and ask you if
24 you recognize it?

25 A. Yes, ma'am.

1 Q. And is this a -- are these diagrams?

2 A. Yes, it's a diagram of the entire residence itself and
3 then a diagram of the bedroom by itself.

4 Q. Okay. And then also down here there's a legend as
5 well?

6 A. Correct.

7 Q. And did you have an opportunity to check this and
8 verify that these were the items collected?

9 A. I was.

10 Q. As well as the work that you did in terms of
11 identifying defects?

12 A. Yes, ma'am.

13 Q. And talking about defects, what are defects?

14 A. Defects is -- so when we talk about shooting incident
15 reconstruction, we're talking about defects. We're talking
16 about where a projectile made some sort of defect, some
17 sort of mark, some sort of contact with another item.

18 Q. Okay. In terms of the second -- State's Exhibit 41,
19 is this also depicted on State's 40?

20 A. Yes, it's just a larger view. It's a blown up view of
21 it.

22 Q. Okay. When you collected these items as it relates to
23 cartridge casings, projectiles and documenting the defects,
24 was this done in the course of the two and a half days that
25 the scene was secured?

1 A. Yeah. Yes.

2 Q. I'm gonna hand you what's marked collectively as
3 State's 89.

4 MS. MOORE: No objection.

5 BY MS. FULLER:

6 Q. Collectively a bag marked 89 in a bag. Can you take
7 your time and let me know if you recognize it and the
8 contents?

9 A. So Exhibit 89 in and of itself I do not recognize. It
10 appears that my items were bundled or packaged together
11 into this envelope, but these here are my individual pieces
12 of evidence that I submitted.

13 Q. Okay. So when items are collected at the scene, where
14 do they go or where did they go?

15 A. So I would have collected these at the scene. Our
16 crime scene unit has a -- a small lab that has the ability
17 for us to package and -- process and package the evidence
18 and prepare it to be submitted to the evidence depository.
19 So these would have went straight to the lab. They would
20 have been under lock and key until I could get them packed
21 up and submitted to the evidence depository.

22 Q. And then from there is there any evidence that those
23 items also went to the State Law Enforcement?

24 A. Yes. So on these outer packaging, and I think that's
25 why it was packaged together, is because these items were

1 then sent to SLED. That's indicative -- that right there
2 is a SLED tracking number and all for this lab work, so
3 they would have received this and processed it for whatever
4 the investigator needed done with the individual items.

5 Q. And in looking at the outer packaging, the red tape
6 here, would that be Lexington County Sheriff's Department
7 tape?

8 A. Correct, and then the yellow tape with SLED on it
9 would be theirs.

10 Q. And SLED's identifying name is actually on here for
11 forensic services?

12 A. Yes, ma'am.

13 Q. And the purpose of sending these items to SLED would
14 be for analysis?

15 A. Right, I would imagine because we have a combination
16 of cartridge cases and projectiles and all that they sent
17 these up there for microscopic comparison.

18 Q. Okay. I want to put them back in order so I can
19 publish it correctly for the record.

20 A. Of course.

21 MS. FULLER: I beg the Court's indulgence.

22 BY MS. FULLER:

23 Q. Just check that one, too, just to make sure it's in
24 the record.

25 A. And on this one the plastic bag's not mine, but the

1 paper envelope is. The paper bag on the inside is mine.

2 Q. And the contents?

3 A. And the contents are mine as well.

4 Q. And that's referring to what's collectively packaged
5 as State's 93?

6 A. Correct.

7 Q. Okay. So I'm gonna keep these grouped together.

8 MS. FULLER: I beg the Court's indulgence. I'm just
9 separating them.

10 BY MS. FULLER:

11 Q. I'm gonna hand you also State's 100 collectively
12 packaged and ask you if you recognize the contents?

13 A. Again, I don't recognize the outer envelope as mine.

14 So I do recognize 95 as mine. I recognize 94 as mine.

15 There's a bag inside of this one. Exhibit 99, I don't
16 recognize the plastic bag, but inside I do recognize these
17 two as being mine, and that's 97 and 98.

18 Q. Okay. Those were in this bag?

19 A. Uh-huh.

20 Q. Okay. I want to keep those together. And then I'll
21 hand you one more. I apologize.

22 A. Not a problem. And this is mine as well.

23 Q. Okay. All right. Let me get this right for the
24 record.

25 MS. FULLER: So, Your Honor, at this time the State

1 seeks to introduce into evidence the bag, State's 89,
2 with contents, which is State's 39 -- I'm sorry it's a
3 little jumpy -- State's 83, 44, 85, 86, 101, as well as
4 additional contents from that packaging is State's 42, 87,
5 43, 88 and 84.

6 THE COURT: Okay. So just so I'm clear, is that it
7 for that one?

8 MS. FULLER: For the contents of State's 89.

9 THE COURT: Okay. Is there another exhibit you're
10 gonna do?

11 MS. FULLER: Yes, Your Honor. Then --

12 THE COURT: Well, let's do one at a time actually.
13 Any objection on State's Exhibit 89?

14 MS. MOORE: Your Honor, I'm just -- if she's putting
15 it into evidence, I think at this point it needs to be
16 marked and then put in with the SLED agent who received
17 it.

18 THE COURT: This is what was retrieved by him at the
19 scene, was it not, and processed?

20 MS. FULLER: Yes.

21 THE COURT: And it's -- yeah, it's been in the
22 sheriff's custody the entire time.

23 All right. So State's Exhibit 89, which contains
24 State's exhibits -- those are each State's exhibits,
25 correct?

1 MS. FULLER: That's correct. I marked them
2 individually.

3 THE COURT: All right. Madam Court Reporter, I'm
4 sorry in advance. State's Exhibit 39, 83, 44, 85, 86,
5 101, 42, 87, 43, 88, 84 and 89 are admitted into evidence
6 subject to objection.

7 MS. FULLER: Thank you, Your Honor.

8 (State's Exhibit Number 39, 42, 43, 44, 83, 84, 85,
9 86, 87, 88, 89 and 101, projectiles, fired and unfired
10 rounds, were admitted into evidence.)

11 MS. FULLER: Now looking at the bag collectively
12 marked as State's 93 with contents 90, 91, 92, that's
13 been identified --

14 THE WITNESS: Correct.

15 MS. FULLER: -- as collected by this investigator,
16 the State seeks to introduce them into evidence.

17 THE COURT: That's the total contents of State's 93?

18 MS. FULLER: That's correct.

19 THE COURT: And those objects were identified by --

20 MS. FULLER: Excuse me?

21 THE COURT: Did he say what they were?

22 MS. FULLER: Recognized as --

23 THE COURT: You may have said it. I heard several
24 things.

25 MS. FULLER: And I can fully lay it out on the

1 record as well --

2 THE COURT: Okay. That would be great. Just be
3 quick.

4 MS. FULLER: -- what they specifically are through
5 testimony.

6 THE COURT: All right.

7 MS. FULLER: Which are projectiles, fragments and
8 casings. That's what all this evidence is.

9 THE COURT: Thank you.

10 Same objection?

11 MS. MOORE: Yes, sir.

12 THE COURT: All right. State's Exhibit 93,
13 containing Exhibits 90, 91 and 92, is admitted subject
14 to objection.

15 (State's Exhibit Number 90, 91, 92, projectiles,
16 and State's Exhibit Number 93, bag with projectiles, were
17 admitted into evidence.)

18 BY MS. FULLER:

19 Q. Now looking at State 95 and 94, you identified these
20 as casings collected as well?

21 A. Correct. These are from the scene.

22 MS. FULLER: And the State seeks to introduce this
23 into evidence, State's 94 and 95.

24 THE COURT: Same objection, Ms. Moore?

25 MS. MOORE: (Nods head.)

1 THE COURT: All right. State's Exhibit Number 94
2 and 95 are admitted subject to objection.

3 (State's Exhibit Number 94 and 95, fired cartridge
4 cases, were admitted into evidence.)

5 BY MS. FULLER:

6 Q. Turning -- before turning to those items, what's
7 already in evidence, I'm showing you -- publishing
8 State's 13, State's 14 and State's 15. You recognize the
9 contents in this box?

10 A. Yes. I was requested to come over to the evidence
11 room. There's a -- there's a lobby to the evidence room
12 where deputies are able to package evidence and all. I
13 was called over there. I met with Investigator Miller at
14 the time and he had a shoebox and inside the shoebox was
15 firearm-related paraphernalia.

16 Q. Okay. Now turning to what's been marked as State's
17 98, 97, as well as 96, do you recognize these as contents
18 from that box?

19 MS. MOORE: Your Honor, I'd object.

20 THE COURT: Yeah, come on up, Ms. Moore.

21 (Proceedings held at the bench; not reported.)

22 THE COURT: The Court will note the Defendant's
23 objection.

24 MS. FULLER: Thank you.

25 BY MS. FULLER:

1 Q. Looking specifically at State's 97 and 98, these are
2 separately packaged from this, can you explain that to the
3 jury?

4 A. Yes. 96 was submitted into evidence, I believe, by
5 Investigator Miller at the time. I subsequently checked
6 this out and I extracted two of these at random to take
7 with me to SLED. SLED has what is referred to as IBIS By
8 Appointment. IBIS By Appointment is basically nothing more
9 than a fingerprint database for cartridge cases. So what
10 you're able to do is you're able to take them cartridge
11 casings. They're able to upload it into the -- into the
12 system, it scans it, makes a 3D model out of it and then
13 what they're able to do is compare those cartridge cases
14 amongst all of those here in the southeast or they can just
15 do among -- among two specific ones, right? So in this
16 case what I did is I took these two random ones out of the
17 bag, as well as these two random ones here, up to SLED.
18 They put them into the system. They ran it across NIBIN,
19 the National Integrated Ballistic Identification Network.
20 It came back -- they came back as a -- not a match, but
21 they call it a correlation, and it's -- they also refer to
22 it as a lead. In other words, it says hey, we can't -- we
23 can't tell you that these match, but these need to be
24 microscopically compared to each other by a firearms
25 examiner. Once we got that back and we knew that we were

1 looking at something that correlated, at that point we sent
2 off all of it for microscopic comparison.

3 Q. And we'll get into that in a little bit. And when you
4 said you grabbed these, that was State's Exhibit 94 and 95
5 that were separately packaged as well?

6 A. Correct.

7 MS. FULLER: At this time, Your Honor, the State
8 seeks to introduce into evidence, and we'll go into
9 further testimony shortly, State's -- collectively it
10 looks like there's a bag within a bag, so State's 100
11 with contents 96, 97, 98, and State's 99 will be
12 testified to later because it's a separate packaging in
13 here. I'm not sure -- this will be the analyst. So
14 just at this time --

15 THE COURT: You're marking 99 for ID only or are
16 you --

17 MS. FULLER: It's just in -- I'm keeping it
18 together, but we'll move it in later. So it's State's
19 100 with contents moving in now State's 96, 97 and 98.

20 THE COURT: Okay. Subject to objection, State's
21 Exhibit 100, which contains State's Exhibit 96, 97
22 and 98 are admitted. 99 I think is just marked for
23 identification now.

24 MS. FULLER: It's marked for ID right now.

25 THE COURT: Very well.

1 (State's Exhibit Number 96, shell casings, State's
2 Exhibit Number 97 and 98, fired casings, and State's
3 Exhibit Number 100, a bag with casings, were admitted
4 into evidence.)

5 MS. FULLER: And going back to State's 40 and 41,
6 and then we'll work in these exhibits now that they're
7 in, Your Honor, the State's seeks to introduce into
8 evidence State's 40 and 41, which are diagrams that he
9 previously identified -- that he previously identified
10 he recognized.

11 THE COURT: These are diagrams of the residence?

12 MS. FULLER: Yes. And is entitled showing cartridge
13 cases, projectiles and defects.

14 THE COURT: And the location is inside the residence?

15 MS. FULLER: Yes.

16 THE COURT: Okay. Any objection?

17 MS. MOORE: No, sir.

18 THE COURT: All right. So State's Exhibit 40 and
19 41, diagrams, are admitted into evidence.

20 (State's Exhibit Number 40 and 41, diagrams, were
21 admitted into evidence.)

22 MS. FULLER: I beg the Court's indulgence.

23 BY MS. FULLER:

24 Q. Okay. Now that we have all of that in, let's go
25 through this evidence that you collected. Looking at this

1 diagram, can you go ahead and describe this to the jury?

2 A. Yes. The top part there we have the overall
3 diagram of the -- of the residence itself. In the bottom
4 right-hand side is an exploded view or larger view of the
5 bedroom and the bathroom right there on the north end of
6 the residence. There's also a legend there on the left
7 identifying what's marked in there; however it be, expended
8 cartridge cases, cartridges, as well as defects and other
9 -- defects and projectiles that were found inside that
10 specific room itself.

11 Q. Looking at what I'm gonna hand up to you, State's
12 Exhibit 95, 94, 44, 39, 83, 85, can you describe for the
13 jury -- I'm gonna show them to you again, as well as
14 State's 95 and 94 -- what these are?

15 A. These are all expended or fired .40 Smith & Wesson
16 caliber cartridge cases.

17 Q. Okay. And those were collected from the scene?

18 A. Correct.

19 Q. All right. We'll go ahead and take them one at a
20 time. I've displayed State's 41 on the overhead and I'll
21 display these on the overhead as well. Looking first at
22 State's 95, can you point out with your laser to the jury
23 where -- the cartridge cases in this item?

24 A. Can I see the other side of the bag so I can get my
25 item number? Because I'm not able to see it.

1 Q. Okay.

2 A. So Item 3 -- no, that's 5, and I don't see it on the
3 diagram.

4 Q. Which one?

5 A. It looks like it says Item 5. Can we get the --

6 Q. Sorry. I zoomed too far in.

7 A. All right. So Item 5 right underneath that window.

8 Q. Okay. And then pointing out here, what we're looking
9 at, it's cut off there, but that's the number?

10 A. Right. It would have -- there's an "I" in front of
11 it. Item 5, expended cartridge case, WIN .40. 40 being
12 caliber, WIN is the manufacturer. WIN is short for
13 Winchester.

14 Q. And that was recovered from the room?

15 A. Correct.

16 Q. And orient the jury where the deceased was found in
17 this room.

18 A. The deceased was found right in this location here.

19 Q. Publishing State's 39, can you identify your item
20 number on this packaging for the jury?

21 A. Correct. Item Number 9 there correlates to Number 9
22 here underneath the window.

23 Q. And you also -- what's written on the packaging?

24 A. It says WIN .40 Smith & Wesson. Again, a .40 Smith
25 and Wesson cartridge made by Winchester.

1 Q. And right here, that's the cartridge?

2 A. Correct.

3 Q. And how were you able to identify it as a .40
4 Winchester Smith & Wesson?

5 A. So every firearm has what's called a headstamp on it,
6 so if you look at where the primer is or where -- where the
7 base of the cartridge is around there it's required to have
8 the caliber, which in this case .40 Smith & Wesson, and
9 most manufacturers also put on there their name brand. And
10 some manufacturers do it under different -- has several
11 different lines and they'll use different ones. This one
12 right here is just W-I-N for Winchester and these are
13 usually your white box like target ammo Winchester rounds.

14 Q. Do you see it on here? I'm trying to focus it.

15 A. Yes.

16 Q. Can you point it out for the jury?

17 A. So W-I-N is right here on the top and then .40 and
18 then Smith & Wesson right there.

19 Q. Looking at State's 83, can you describe that to the
20 jury and identify it as well? State's 83, what item
21 number?

22 A. So Item 14 and Item 14 is right here kind of up
23 against the wall and, again, it's a Winchester .40
24 Smith & Wesson.

25 Q. And looking at State's 44?

1 A. Item 4 here and, again, Winchester .40 Smith & Wesson.

2 Q. And looking at State's 85?

3 A. Item 15 is over here. Again, it's a Winchester .40
4 Smith & Wesson.

5 Q. And looking at State's 101?

6 A. 21 is right here at the window. Again, it's a
7 Winchester .40 Smith & Wesson.

8 Q. And looking at State's 94?

9 A. So that one is right here. This mark right here is
10 the swing of the door, so it would have been back behind
11 the door here, and it's, again, a .40 Smith & Wesson.

12 Q. And can you point out where you wrote the item number
13 again for the jury on the packaging?

14 A. Item 7 here. And --

15 Q. Oh, I'll put it back. Sorry.

16 A. This one right here, I talked to you about taking --
17 I spoke about taking it up to IBIS and all, this is the
18 sticker that we put on the items that have gone to IBIS.
19 It just helps indicate that it's been put into the system.

20 Q. And going back to State's 40, publishing now with
21 State's 86, can you describe to the jury what that is and
22 where it is?

23 A. Again, Item 11, which is right here. It's an expended
24 cartridge casing. Again, a .40 Smith & Wesson.

25 Q. So in total in terms of fired cartridge casings in --

1 cases in that residence, did you collect eight of those?

2 A. Correct.

3 Q. And is that what's displayed here on the legend?

4 A. Correct.

5 Q. There were some unfired items collected as well,
6 correct?

7 A. Correct.

8 Q. I'll hand you --

9 MS. MOORE: Your Honor, I object. Oh, no, never
10 mind. I'm okay with all of that.

11 THE COURT: All right. Thank you.

12 BY MS. FULLER:

13 Q. I'm gonna hand you what's been marked as State's
14 Exhibit -- and introduced into evidence as State's
15 Exhibit 42 and 87. And these were collected, again, from
16 the residence?

17 A. Yes, ma'am.

18 Q. And publishing, again, State's 41 with State's 42,
19 where was that collected?

20 A. So this is Item 8, it was located right here, and
21 it's a .380 ACP round. It's a full cartridge, so there's
22 bullet, primer, powder and all inside there.

23 Q. And that's what is actually in this packaging here?

24 A. Correct.

25 Q. That's what you identified as an unfired cartridge

1 case?

2 A. Correct.

3 Q. And publishing State's 87, can you point that out to
4 the jury as well?

5 A. Sure. Item 10 was located here and that's a
6 9-millimeter. That's your standard 9-millimeter handgun
7 ammo is what that is. And, again, it's a complete
8 cartridge.

9 Q. And that's unfired, correct?

10 A. Correct.

11 Q. I'm gonna hand you now State's exhibit -- or just
12 publish here State's Exhibit 43 and can you describe to
13 the jury what that is and where it was collected?

14 A. Of course. So this is a projectile that we removed
15 from the residence. It was actually here and actually
16 behind the stove. So when we went to remove -- when we
17 were trying to track back where some of these bullets had
18 gone, we noticed that there was a defect or a hole in the
19 front of the stove. We pulled the stove out and that
20 projectile was actually imbedded into the -- the wire that
21 connected the stove to the wall. So we had to unplug it
22 and then remove it from the wire itself.

23 Q. And that was on State's 40. Publishing State's 41 and
24 showing you Item 88. If you'd point that out for the jury.

25 A. So Item 12, this is a projectile, and it was located

1 approximately right here.

2 Q. And where was the deceased?

3 A. The deceased was in this general area here.

4 Q. And now publishing State's 84 and can you describe
5 that to the jury?

6 A. Of course. This is Item 16. Again, it's a
7 projectile, it's just the bullet itself, and it was located
8 on the floor here underneath this defect labeled B.

9 Q. We talked about the counter defect in the kitchen
10 area. I'm gonna show you what's been premarked as State's
11 Exhibit 52 through 58, 52 through 58, and ask you if you
12 recognize it -- recognize them?

13 A. I do.

14 Q. And how do you recognize them?

15 A. They were photographs taken -- the first two of the
16 photographs were taken on the 25th as we were starting
17 to do the shooting reconstruction. The rest of the
18 photographs were taken on the 23rd when we were initially
19 processing the residence.

20 Q. And do they appear to be altered in any way?

21 A. They do not.

22 MS. FULLER: Your Honor, at this time the State
23 seeks to introduce into evidence State's 52 through 58.

24 THE COURT: Any objection?

25 MS. MOORE: No objection.

1 THE COURT: All right. State's 52 through 58 are
2 admitted into evidence.

3 (State's Exhibit Number 52 through 58, photographs,
4 were admitted into evidence.)

5 BY MS. FULLER:

6 Q. Looking at State's 52, can you orient the jury and
7 describe what's in this image?

8 A. What we're looking at here is the living room.
9 I'm about at the very end of the couch here taking my
10 photographs back this way. As you can see, we've had to
11 move stuff out of the way in order to get this picture
12 and be able to see this defect. The white thing you see
13 right here on the counter is what we -- is tape that has
14 measurements on it and all so you can see the size, so all
15 I'm doing is marking where the defect actually physically
16 is in this counter so that you're able to see it inside the
17 picture.

18 Q. And looking at 53, is that what you were just
19 describing?

20 A. Correct. This would be my evidence placard and all
21 for that actual defect itself.

22 Q. Now looking at State's 54. You were talking about
23 Item 20 earlier?

24 A. Yeah. So I spoke of on the initial day that we were
25 inside the residence we observed this. I actually pulled

1 this tray out and that's when we were able to identify the
2 projectile.

3 Q. Were you able to connect that defect there in
4 State's 54 with State's 57 and State's 53?

5 A. Not from that side because the kitchen table is on the
6 other side, but there's a defect on the other side that we
7 were able to line it up with. So, yes, ma'am.

8 Q. So would the same projectile have caused both defects?

9 A. Yes, ma'am.

10 Q. Looking at 55, is that just a closer up image?

11 A. Correct.

12 Q. And then 56?

13 A. That's with the warming tray removed.

14 Q. And then in 57?

15 A. That's when we pulled out the stove and you can see in
16 the wire right here is the projectile.

17 Q. And looking at State's 58?

18 A. Again, at this point we've unplugged it and all and
19 this is where we proceed to remove the projectile from the
20 cable.

21 Q. Now did you remove the projectile from the cable
22 on-scene?

23 A. I don't think so. I think I remember cutting a good
24 portion of that off and then extracted the bullet back at
25 the lab where we had better conditions to do it in.

1 Q. Okay. And so while you're processing the scene, you
2 essentially followed the defect from here, the counter in
3 State's 53, all the way through to the kitchen, having to
4 remove the warmer and located that projectile behind there,
5 correct?

6 A. Correct.

7 Q. The projectile identified here in State's 58, were you
8 able to determine that it caused the defect that we first
9 talked about in State's 52?

10 A. Yes. It lined up, yes.

11 Q. And how were you able to line it up?

12 A. A laser trajectory kit.

13 Q. Can you describe that to the jury?

14 A. So the way a laser trajectory kit works is we're able
15 to use -- and understand kits come with different sources.
16 We use a Sirchie kit primarily. Being Sirchie they use
17 metal rods, so you have a metal rod that's designed to go
18 through the hole. That rod is designed to be smaller than
19 your intermediate cartridges. When we're talking about
20 intermediate cartridges, we're talking about your calibers,
21 kind of 32 through 45, 44. And then we have the rod that
22 goes through there and then when we have what's called
23 centering cones and what these cones do is they come in on
24 each side and they go into the hole to center that rod
25 where that hole is. That way when you're measuring that --

1 that aluminum rod, that trajectory rod that you put through
2 there, it's centered on that hole, and then we're able to
3 use a laser and that laser allows us to have an indication
4 on where that -- that bullet not came from, but the -- the
5 trajectory or the path of that bullet. So if I walk into
6 a room and I -- I set up a laser trajectory kit and I get
7 it set up and having it at an angle it might go from the
8 floor all the way up to the ceiling. The only thing that
9 trajectory kit is telling me is that's the possible line
10 that it travelled or that's the line that it travelled. It
11 doesn't tell me where it was shot from, it doesn't tell me
12 anything other than it travelled this line and that's what
13 we were able to use to facilitate that.

14 Q. And I want to talk a little bit more about that, but
15 I want to go through a couple more of these. I'm showing
16 you State's 60 through 65 and I'm gonna ask you if you
17 recognize State's 60 through 65?

18 A. I do.

19 Q. And what do you recognize these to be?

20 A. So on the 23rd we collected a sweatshirt. Let me make
21 sure I have the right. My Item 2. We collected a blue
22 sweatshirt from inside the bedroom. Got it back. Due to
23 the fact that it was in biohazard condition, it was still
24 wet, we put it into a drying chamber to allow it to dry.
25 Once it was dried, I brought it out to photograph it and --

1 and conduct a search of it because I was told that one of
2 the victims had held it up to their -- their face and
3 everything. So I brought it out to photograph it and all
4 and then at that point I started finding small shards and
5 pieces of bone and teeth. After searching through that, I
6 actually found a piece of -- of cotton, which I recognized
7 as the batting from the couch. Inside that batting was a
8 large piece of projectile, a large piece of lead, and some
9 copper -- some copper fragments as well.

10 Q. Do these appear to be altered in any way?

11 A. They do not.

12 MS. FULLER: Your Honor, at this time the State
13 seeks to introduce into evidence State's 60 through 65.

14 THE COURT: Without objection?

15 MS. MOORE: Without objection.

16 THE COURT: All right. State's Exhibit 60 through
17 65 are admitted into evidence.

18 (State's Exhibit Number 60 through 65, photographs,
19 were admitted into evidence.)

20 BY MS. FULLER:

21 Q. I'm showing you also now State's 50 that's already in
22 evidence. I'm gonna ask if you recognize it?

23 A. Yes, this is the couch in the living room.

24 Q. I'm gonna also show you additional photographs marked
25 as State's 49 and 51 and ask if you recognize those as

1 well? I'll show you 49 and 51. Do you recognize them?

2 A. Yes. Again, one of them is of the couch and then the
3 other one is the side of the couch with the -- again, that
4 metal -- I call it like an end table -- and the couch
5 itself.

6 Q. Do these appear to be altered in any way?

7 A. No, ma'am.

8 MS. FULLER: Your Honor, at this time the State
9 seeks to introduce into evidence State's 49 and 51.

10 THE COURT: Without objection?

11 MS. MOORE: Without objection.

12 THE COURT: State's 49 and 51 are admitted into
13 evidence.

14 (State's Exhibit Number 49 and 51, photographs,
15 were admitted into evidence.)

16 BY MS. FULLER:

17 Q. Looking at State's 49, can you go ahead and describe
18 to the jury what they're looking at here?

19 A. Yeah. So this is our front door leading out. This
20 is that metal end table I was talking about that has a
21 metal frame and looks like wicker basket-type shelves and
22 all on it. This right here is actually where a -- is a
23 projectile defect where it transversed the arm and that's
24 the -- the batting being pulled out of the couch itself.

25 Q. Looking at State's 50, is that another angle of what

1 you're describing?

2 A. Correct. And this one shows it a little better. We
3 can tell directionality on this one because we have a
4 defect here and you can see how the batting and all from
5 here has been pulled through the hole, so it gives us the
6 directionality on that projectile.

7 Q. And then looking at State's 51, can you describe to
8 the jury what they see here?

9 A. Correct. So this is the -- the end table and this is
10 the inside arm of it, the one closest to the couch. This
11 right here is a projectile defect. In other words, it
12 struck here and continued going into the arm of the couch
13 here and exited the other side.

14 Q. And so essentially are you testifying that the bullet
15 path went from 51 to what we can see here in 50 and 49 into
16 the couch?

17 A. Correct.

18 Q. And now going into State's 60, can you describe to the
19 jury what you were just describing as a biohazard and what
20 you found?

21 A. Sure. So this is the sweatshirt. Once we laid it
22 out and started drying it, we started seeing this along
23 here. That's actually bone and teeth fragmentation and
24 everything.

25 Q. And looking at 61, can you describe to the jury what

1 we see here?

2 A. Correct. As we started searching further and started
3 removing the bone and teeth, this right here is located.
4 It's the batting from the arm of the couch.

5 Q. And then looking at 62?

6 A. We actually just -- this is a picture of the batting
7 itself. We removed it from the -- we removed it from the
8 sweatshirt and laid it out and photographed it.

9 Q. And looking at 63?

10 A. As we pulled the batting away, that's when we were
11 able to locate the lead from the projectile itself.

12 Q. And looking at 64?

13 A. Again, we removed more batting and all to -- to make
14 it easier to see.

15 Q. And then zooming in, it's kind of hard to see on
16 there, but can you see where you're talking about the
17 batting or what I call cotton?

18 A. Yeah. Right up in here you can still see some of it
19 attached, as well as right through here.

20 Q. Okay. And then now looking at 65?

21 A. That's a piece of copper jacket.

22 Q. And where was that removed from?

23 A. In amongst the -- the sweatshirt itself.

24 Q. Okay. Based on your review -- you testified that you
25 found this sweatshirt in the back room?

1 A. Correct.

2 Q. But once you took it back to the crime lab and you
3 start to break it down, were you able to determine where
4 this sweatshirt would have been when the shooting occurred?

5 A. That sweatshirt -- in order for the batting to be
6 wrapped up in it, that sweatshirt would have had to have
7 been right here on the arm of the chair in some sort of
8 condition.

9 Q. And so essentially someone would have -- the evidence
10 lines up with someone moving it from there to that back
11 room?

12 A. Correct.

13 Q. And you testified that there was teeth and other
14 matter as well?

15 A. Teeth and bone.

16 Q. And what would that suggest?

17 A. That the -- that it was -- that the bullet struck
18 and caused damage to the oral cavity or the mouth of the
19 victim.

20 Q. Okay. And so whoever was holding that sweatshirt
21 would have also sustained a gunshot wound to the oral
22 cavity?

23 A. Correct.

24 Q. Were you able to lineup the defect that we see there
25 in 49 with the defect here in 58?

1 A. No.

2 Q. Okay. Why is that?

3 A. So a couple of things. Due to the fact that this is
4 -- there we go. Due to the fact that this is cloth and
5 everything like that and we're not dealing with a solid
6 material such as cabinetry, walls, doors, laser trajectory
7 rods won't work on it, so we can't use laser trajectory.
8 Also if you look, with the metal here hitting here, this is
9 actually lower, you can see it slope, so this is lower than
10 what our defect in the cabinetry would have been.

11 Q. And that's publishing now 53 that you're referring to?

12 A. Correct.

13 Q. So the defect on the couch is lower --

14 A. Secondary.

15 Q. -- to the defect in State's 53?

16 A. Correct.

17 Q. Would this suggest there was one shot in this area or
18 two?

19 A. There was two.

20 Q. And that's based on your processing of the crime scene
21 and the evidence?

22 A. Correct, ma'am.

23 Q. Looking back at the diagram, one thing I just noticed
24 here, in the legend you note a defect up here as F. That's
25 not listed in this legend, correct?

1 A. Correct.

2 Q. But that is the defect that we see in State's 53,
3 correct?

4 A. Correct.

5 Q. And that's what the F stands for?

6 A. Yes, ma'am.

7 Q. And that's State's 53 and then written on here is
8 that F?

9 A. Yeah, that -- that would be an F1, so F1, and then
10 continuing on.

11 Q. Okay. Now let's go into the bedroom. You identified
12 three defects here, correct?

13 A. Correct.

14 Q. And those are identified as A, B and C, C2?

15 A. Correct.

16 Q. And talking about C first, C and C2, can you describe
17 that to the jury?

18 A. Yeah. So in blue there is actually a plastic toy
19 chest and everything that was up against the wall. We
20 identified a defect in it. That defect perforated the toy
21 chest. In other words, it went in the front and came out
22 the back. A big fancy word for that. When it came out the
23 back, it then struck the drywall of the residence. That's
24 what the C2 is. It's a mark where it struck the drywall.
25 And then C3 on the exterior is where it actually left the

1 residence out into the yard.

2 Q. And the area there on the diagram where C2 is, do you
3 recall in your report or processing that there was blood in
4 that area?

5 A. There was blood in that area. Right here was a -- a
6 box or something that had blood on -- on the side of it,
7 the side facing the toy chest and a little bit to the front
8 of it, and it looked like there was a source of bleeding
9 and that bleeding came in contact with that. So there's no
10 velocity or anything. It looks like someone was bleeding
11 and they rubbed up against it.

12 Q. And that would be consistent with someone falling into
13 that corner?

14 A. Falling, backing into, standing, something along those
15 lines.

16 Q. And then that blood was to the right of the defect
17 that you found in the toy chest?

18 A. Correct.

19 Q. Now looking at Defect B, can you describe that one to
20 the jury?

21 A. Defect B was a nonperforating. It actually looked as
22 though the round hit the wall and due to studs or something
23 being there it actually bounced out and that is why we had
24 a projectile laying here on the ground.

25 Q. Did that one have an end point?

1 A. It ended right there at the wall, so.

2 Q. Sorry. I know that was a dumb question. Were you
3 able to tell based on that where a shooter would have been
4 standing when that happened?

5 A. We can't, no. So in order to use the laser trajectory
6 we've got to have two points, okay? I talked to you-all
7 about we run the rod through the hole and then we use the
8 centering cones. So if we don't have that capability, then
9 we're not able to use the laser trajectory kit. There is a
10 method to mathematically do it, but I did not -- did not do
11 it on this scene.

12 Q. And then jumping back to C, were you able to determine
13 where the shooter would have been standing in the scene?

14 A. Yes, on C since I had it not only going through the
15 toy chest, but also had it exiting the residence, I was
16 able to use the laser trajectory kit. When I used it, the
17 laser trajectory pointed us back towards the shooter being
18 in the vicinity of the doorway here.

19 Q. And that's when that shot would have occurred?

20 A. Correct.

21 Q. Now looking at the defect A, and I'm gonna hand you
22 what's been marked as State's Exhibit 59, and ask you if
23 you recognize it?

24 A. I do, ma'am.

25 Q. And how do you recognize it?

1 A. That is a sketch that was conducted of the room. It's
2 just a rough sketch of the room we did while we were on the
3 scene.

4 Q. At this time -- and this sketch fairly and accurately
5 represents that wall --

6 A. Yes. It's not to scale, but the measurements in it
7 are accurate.

8 Q. Okay.

9 MS. FULLER: At this time, Your Honor, the State
10 seeks to introduce into evidence State's Exhibit 59.

11 MS. MOORE: Without objection.

12 THE COURT: State's Exhibit 59 is admitted into
13 evidence. Thank you.

14 (State's Exhibit Number 59, a diagram, was admitted
15 into evidence.)

16 BY MS. FULLER:

17 Q. And talking about defect A, can you point it out on
18 State's 41?

19 A. Correct. It's right here just above this metal
20 cabinet.

21 Q. Now looking at State's 59, can you orient the jury?

22 A. Yes. So this is the metal cabinet that -- that we've
23 referenced previously. This is the window beside the metal
24 cabinet. Defect A would be located right here above the
25 metal cabinet and from that wall.

1 Q. And looking back at this document, State's 37, is that
2 the metal cabinet that is depicted in State's 37 that I was
3 showing the jury?

4 A. It is, yes.

5 Q. And the defect is just above the cabinet?

6 A. Correct.

7 Q. You have some measurements there. How high was
8 defect A from the ground -- from the floor?

9 A. 144.3 centimeters.

10 Q. And approximately how many inches is that?

11 A. So I was asked to convert that and that's 57.87 --
12 58.874 inches.

13 Q. How many inches? Say it again.

14 A. 57.874.

15 Q. Okay. And that would be roughly rounding to
16 approximately 58 inches from the floor to where that
17 defect is?

18 A. Correct.

19 Q. When processing this scene, did you also collect
20 samples of blood?

21 A. I did.

22 Q. Can you describe that for the jury?

23 A. The collection thereof or where it was collected from
24 or --

25 Q. Generally the process for collecting and where it was

1 collected from.

2 A. Sure. So the collection of blood is fairly simple
3 just simply because you're able to readily see it in most
4 surfaces, so it's nothing more than a sterile ampule of
5 water, a one-time use, and sterile cotton swabs. So what
6 we do is it we take the cotton swab. If it's still wet,
7 then we just simply test the cotton swab into the -- the
8 blood sample. It is then put into a small -- we use coin
9 envelopes where it's allowed to dry and then it's packaged
10 and submitted to the evidence room. If it's dried blood
11 and everything, then all we're doing is taking the swabs,
12 we're wetting it with the sterile water and swabbing that
13 area and then putting it into a small coin envelope,
14 letting it dry and submit it into the evidence depository.

15 Q. Did you collect from every source of blood or every
16 location that you found blood in the residence?

17 A. No, we did not.

18 Q. And ultimately this -- the blood was not tested in
19 this case; is that correct?

20 A. To my knowledge, no.

21 Q. In terms of when it comes to collecting blood and DNA,
22 when you processed this scene based on the information you
23 knew, what you were processing, were the locations of the
24 blood that you found consistent with where the victims were
25 found or where they were known to be?

1 A. Yes.

2 Q. And consistent with their movement as well through the
3 residence?

4 A. Correct.

5 Q. Was there any indication -- or did you have any
6 knowledge of whether or not the defendant in this case was
7 injured in this residence?

8 A. I was told that the suspect was not injured. That
9 the --

10 MS. MOORE: Your Honor, I'd object. That's hearsay.

11 MS. FULLER: That's the purpose of police
12 investigation.

13 THE COURT: If you could try to rephrase the
14 question, please, Ms. Fuller.

15 BY MS. FULLER:

16 Q. Was there any indication that the suspect was -- the
17 defendant was shot in this case or injured?

18 A. No.

19 Q. Okay. And in terms of the -- your familiarity with
20 processing crime scenes over the years in terms of
21 collecting blood and other types of DNA like touch, are
22 you aware of blood overpowering touch DNA in a residence?

23 A. So in general -- and I'm gonna say, first off, I'm --
24 I'm not a DNA person, but in general what we are taught and
25 what we learn and what our SLED lab tells us is that if you

1 have a source of blood it's going to overpower any touch
2 DNA and all that's on that surface. It's just too strong
3 for them to be able to break it out in most cases.

4 Q. And touch DNA is simply touching?

5 A. Yeah, touch DNA is just that. An individual comes in
6 and touches a doorknob, touches a light switch, we can swab
7 that and if there's enough of a contributing -- if there's
8 enough of a source, then that can be run and a profile
9 developed.

10 Q. In terms of State's, I think it's 37, where we found
11 Aaron Peterson and the blood that's on the wall there, was
12 that consistent or suggestive that Aaron Peterson was
13 standing when he was shot based on your processing of the
14 crime scene?

15 A. Yes. Pertaining to the -- where the projectile was
16 and the -- the blood and -- well, it's not even -- so when
17 an individual gets shot, that bullet passes through and
18 brings blood with it. That blood has such small molecules
19 and it's so fine that it doesn't travel really far, but
20 what does travel far is tissue and on that wall around that
21 defect and everything like that we did find tissue in that
22 immediate area, so it's an indication that that bullet went
23 through a -- through a source and that tissue was deposited
24 there from that projectile. Due to the height of that, it
25 would indicate an individual that was standing.

1 Q. Thank you. And in terms of a weapon in this case that
2 was used, you said you were looking for a 40-caliber. Did
3 you ever locate one?

4 A. No.

5 Q. Looking at State's 23, and I'm orienting you with
6 publishing State's 15, do you recognize State's 23 as
7 something you've looked at?

8 A. Yes.

9 MS. FULLER: I'm showing defense counsel.

10 MS. MOORE: No objection.

11 BY MS. FULLER:

12 Q. Looking at State's 15, do you see a gun box in here?

13 A. Yes, there's a gun box. That blue box is for a
14 Smith & Wesson pistol.

15 Q. And you testified that what we see here in State's 15
16 is a shoebox that contained a gun box that was provided to
17 Investigator Miller from Janet Long that's associated with
18 Bradley Walker in this case?

19 A. Yeah, I don't know who specifically provided it. I
20 know Investigator Miller called me to take a look at what
21 was inside the box and it was, like I said, firearm-related
22 paraphernalia inside the box to include a gun box, a couple
23 of boxes of ammunition, a magazine, and -- yeah.

24 Q. And State's 23, is this also another angle of that gun
25 box that you looked at?

1 A. Yes.

2 MS. FULLER: Your Honor, at this time the State
3 seeks to introduce State's 23 into evidence.

4 THE COURT: Without objection?

5 MS. MOORE: Yes, sir.

6 THE COURT: So admitted.

7 (State's Exhibit Number 23, a photograph, was
8 admitted into evidence.)

9 BY MS. FULLER:

10 Q. What, if anything, were you able to do with the
11 information on the gun box?

12 A. Well, first off, we were able to identify exactly what
13 type of gun we were looking for in this case. On the box
14 it shows that it's a Smith & Wesson handgun. This is the
15 model number, SD40 VE, which is a 40-caliber firearm, and
16 this is the serial number for that specific firearm. Due
17 to the size of the -- side of the box and all we were able
18 to tell that it was sold by Hickory Gun and Pawn. I then
19 took that information and called Hickory Pawn and Gun and
20 spoke to the owner of the facility and he provided me with
21 the last purchaser of that firearm.

22 Q. And who was the last purchaser of that firearm?

23 A. If you'd give me just a second. I'm gonna have to
24 refer to my notes.

25 Q. And while you're doing that, is this Hickory Pawn and

1 Gun located in North Carolina?

2 A. Correct.

3 Q. In Hickory, North Carolina.

4 A. An Aaron Matthew Peterson.

5 Q. Huh?

6 A. Oh, wait. Sorry. That's from a different firearm.

7 Q. I'm gonna hand you your report to get you there.

8 A. Okay. Yeah, I spoke to a Mr. Griggs who provided the
9 individual as a Jordan Brown.

10 Q. And that's -- and this is in Hickory, North Carolina?

11 A. Correct.

12 Q. Jordan Brown?

13 A. Yes. Also provided a phone number for Mr. Brown.

14 Q. And jumping back because I neglected to publish from
15 the hoodie, looking at State's 60, we already introduced
16 into evidence these items, but just publishing for the
17 benefit of the jury, looking at State's 93, this packaging,
18 is that what you testified to the contents thereof what you
19 recovered from the hoodie, publishing State's 91? Do you
20 recognize that?

21 A. Yes.

22 Q. And then publishing also State's 90?

23 A. Yes.

24 Q. And then 92?

25 A. Correct.

1 Q. And these were what you recovered and sent to SLED --
2 and was sent to SLED from the hoodie, correct?

3 A. Correct.

4 Q. In terms of the contents of that gun box that's
5 already in evidence, do you recall the condition -- what
6 I'm holding in my hand is a bunch of spent casings. Do you
7 recall the condition or how they were stored in that box?

8 A. They were -- I think that -- I think because I don't
9 -- I don't have it written down, but there's that black
10 plastic bag right here. I think they were just loose
11 inside of it. It was either loose inside the plastic bag
12 or just loose in the bottom of the shoebox, one of the two.

13 Q. Okay. So publishing collectively what's been marked
14 as State's 93, those are all the loose casings that were
15 found there?

16 A. Correct.

17 Q. And what kind of casings are they?

18 A. They're all 40-caliber Smith & Wesson -- or they're
19 all .40 Smith & Wesson Winchester manufacturer.

20 Q. And then in the box there's also a gun -- ammunition
21 boxes as well?

22 A. Correct.

23 Q. And those are Winchester?

24 A. Correct.

25 Q. And looking at State's 98 and 97, were those also

1 recovered from that box?

2 A. Correct. So I went in and pulled out two from the
3 main packaging in order to send for IBIS, so those two
4 would have been part of the initial ones taken out.

5 Q. And what led you to want to compare these items found
6 in this box associated with Bradley Walker to the ones --
7 compared to the ones at the crime scene?

8 A. Because they were both 40-caliber, they were both
9 manufactured by Winchester and that we have a 40-caliber
10 handgun box, a 40-caliber magazine, so all of that led us
11 to want to associate and determine whether or not those
12 matched each other and the IBIS By Walk-in and all is a
13 one-day. I can walk in pretty much any time. They do the
14 initial scan and you get the results back within a day.

15 Q. And your testimony was that they identified a
16 correlation, correct?

17 A. Correct.

18 Q. While processing the crime scene, did you locate any
19 gas -- any gas can?

20 A. No, but I wasn't looking for a gas can.

21 Q. If you saw one -- were you aware of while there of the
22 defendant's vehicle being on fire?

23 MS. MOORE: I'm gonna object to hearsay.

24 THE COURT: What was the question?

25 MS. FULLER: Was he aware of the defendant's vehicle

1 being on fire.

2 THE COURT: Overruled.

3 THE WITNESS: So while I was waiting for the search
4 warrant, dispatch came over the radio twice for south
5 region. The first time that they came over the radio
6 they were advising that Lexington County Fire Services
7 was out with a Prius that was on the side of the road on
8 fire and that they were currently battling that. The
9 second time that they came over the radio they identified
10 that there was an individual with severe burns on an
11 individual's porch and deputies were dispatched to both
12 of those locations.

13 BY MS. FULLER:

14 Q. Did you relocate to that location to process the
15 vehicle?

16 A. I did not. A burnt vehicle on the side of the road
17 from what we were told as to the amount of damage that was
18 done to the vehicle, going there -- me going there and
19 photographing it would make no difference from a road
20 deputy going and photographing it, so they sent a road
21 deputy out there, they photographed it, and then that
22 vehicle was towed directly to our impound lot with a deputy
23 physically following that vehicle.

24 Q. Okay. And the connection to this case was readily --
25 you knew that while you were processing the scene it was

1 related to this case?

2 A. Right. So that vehicle description and model and
3 everything matched what was originally put out over the
4 radio as far as a suspect vehicle leaving the immediate
5 area of the -- the scene.

6 Q. And that's the same vehicle that you attempted look
7 for while you were en route to the scene?

8 A. Yes, ma'am.

9 Q. So being aware of a vehicle on fire, if you had
10 noticed any gas or smell of gas in the residence you would
11 have noted that in your report?

12 A. Yes.

13 Q. And you did not?

14 A. No.

15 Q. While processing the scene did you notice any blood
16 trailing into the woods or anything like that as it relates
17 to processing this scene?

18 A. I didn't notice any -- so I didn't look at the --
19 the edge of the wood lines, but the immediate ingress and
20 egress of the residence there was no blood trail leaving
21 past where EMS and all would have -- would have come upon
22 it. There was nothing going down the driveway or going off
23 into the woods. No, ma'am.

24 Q. And talking about now -- I want to talk about gunshot
25 residue.

1 A. Okay.

2 Q. What is gunshot residue?

3 A. Gunshot residue is nothing more than when an
4 individual fires a gun two things happen. That projectile
5 is expanded out -- or expelled out of the barrel of the
6 gun. Right behind that is a whole bunch of gas. That
7 gas is comprised of heated elements. Some of it's unspent
8 powder, in other words, the powder that didn't burn up
9 while it travelled down the barrel. So gunshot residue is
10 nothing more than trace element of -- that trace element
11 of that -- those gases and all pushing past the end of the
12 barrel forward.

13 Q. Did you test for gunshot residue or collect samples
14 for testing for gunshot residue as related to this case?

15 A. I did not.

16 Q. And why is that?

17 A. So when gunshot residue first came out, it was the
18 bee's knees. Everybody loved it. If you had gunshot
19 residue on your hands, you were the shooter and everything
20 like that. What we've learned is that that gunshot
21 residue, that powder, travels so far, especially in an
22 enclosed area such as this residence, that if you're a
23 victim nine chances out of ten since the gun was pointed
24 at you, you're gonna have some gunshot residue on you. So
25 SLED will not or does not as a general rule process victim

1 GSR kits because they're expected to have gunshot residue
2 on them, so it was not collected.

3 Q. Okay.

4 MS. FULLER: Your Honor, can we take a brief break?

5 THE COURT: Yeah, let's just go ahead -- I'm gonna
6 take like ten minutes. We've been at it for an hour and
7 forty-five.

8 So, ladies and gentlemen, we'll go ahead and take a
9 break at this time. We'll get you back here in about ten
10 minutes and finish up with this direct and move on into
11 cross. Please don't discuss the case.

12 (Whereupon, the jury retires to the jury room at
13 11:26 AM.)

14 (Back on the record at 11:39 AM.)

15 BAILIFF: Court's back in session. Keep your seats.

16 THE COURT: Are we ready to bring them back in?

17 MS. FULLER: Yes, Your Honor. Thank you so much.

18 THE COURT: All right. Ms. Moore, are you ready to
19 proceed?

20 MS. MOORE: Yes.

21 THE COURT: All right. Let's bring them back in.

22 (Whereupon, the jury return to the courtroom at
23 11:47 AM.)

24 THE COURT: All right. Ladies and gentlemen of the
25 jury, we'll just continue where we left off with this

1 witness before our break.

2 Madam Solicitor.

3 MS. FULLER: Thank you so much, Your Honor.

4 BY MS. FULLER:

5 Q. We were talking about gunshot residue and I was
6 thinking about needing a break and I missed the answer.
7 Can you go ahead and tell me why you didn't collect or test
8 for gunshot residue?

9 A. So we have a couple of things that was going on.
10 First and foremost, SLED as a general rule does not test
11 for GSR on a victim. It's actually expected to be there
12 just simply because they're, especially in this case,
13 inside of an enclosed room. Those particles -- those dust
14 and particles and everything in that cloud and all spread
15 so easily and all they generally don't test it.

16 Second off, both -- both of the victims had been
17 transported to -- to the hospital; one to Richland, one to
18 LMC. When they were transported, they were not transported
19 with their hands protected so that we could go back to do
20 GSR on them at a later date.

21 Third, the FBI recommends that all GSR kits are
22 collected within four hours. Due to the female victim
23 going into surgery when she did and everything like that,
24 we were out -- we were pushing outside of our four-hour --
25 we would have pushed past a four-hour window and all to

1 collect GSR.

2 So all those considerations taken into effect, we did
3 not do a GSR kit.

4 Q. And is it safe to say that gunshot residue is fragile?

5 A. Yes. So if an individual washed their hands -- so
6 this is how sensitive GSR is. If you have an individual,
7 let's say us as law enforcement officers, you can test our
8 hands just about any time you want for GSR and it's gonna
9 show because it's on our holsters, it's on our web belt,
10 it's on the firearm that we have on us, so any time we're
11 handling that stuff we're going to get GSR on us, it
12 travels very easily, but it also washes off real easy. If
13 an individual washed their hands, went to the restroom, if
14 their hands become saturated in blood and stuff like that,
15 all of that's gonna negate -- all that's gonna wash away
16 that very, very fragile GSR. And I also want to put out
17 that we also did not do a GSR kit on the suspect either.

18 Q. I was gonna get to that. Why was that?

19 A. Because the same way he was located. By the time that
20 he was located and then transported, again, we didn't have
21 his hands protected, then he was taken and immediately
22 transported to the burn center in Augusta, Georgia, so
23 outside of that four hours, outside of this is a suspect,
24 we expect there to be GSR there. It really doesn't show
25 us. GSR is great when you have an individual that says I

1 wasn't there, I didn't shoot him, I don't own a car and
2 they meet all these criteria, then it's great because if
3 they deny having a gun, if they deny shooting, they deny
4 being present and GSR shows up, you have a suspect, you
5 have something and all that you can work with. Outside of
6 that, it's really not helpful in an investigation to be
7 honest with you.

8 Q. So just to give a real practical example, not that
9 you're gonna shoot me, but let's say I'm here, you're
10 pointing a gun, a shot goes off and I'm standing here,
11 depending on the size, the caliber, all that stuff, if
12 gunshot residue ends up on me what would that indicate?

13 A. You were in a room present with a gunshot.

14 Q. Okay. Would you be able to say that I fired that
15 weapon?

16 A. No.

17 Q. You would simply be able to say that I was around when
18 a gun was fired?

19 A. Correct.

20 Q. In terms of -- are you familiar with -- you testified
21 that some fragments were collected. Are you familiar with
22 fragments being referred to as shrapnel as well or it
23 depends?

24 A. I guess whoever's collecting it. I can see like a
25 -- like an emergency room calling it shrapnel. I think

1 amongst us in crime scene we would use the term
2 "fragmentation", but I could see where they could be used
3 interchangeably depending on who's collecting it.

4 Q. Okay. And so if we hear the words "shrapnel", we
5 hear "fragments" or "lead fragments", are we referring
6 to the same thing?

7 A. Correct.

8 Q. As it relates to this case I guess specifically?

9 A. In relation to this case, yes, we're referring to
10 what was once a projectile that has come in contact with
11 something and then small pieces of that have come off of
12 the original projectile.

13 Q. And when you say small pieces have come off, for the
14 shrapnel or the fragments to end up on someone what would
15 that indicate about where that person would have been?

16 A. So whenever it hits, there's lot of stuff that's gonna
17 be taking place. We're dealing back with physics and I
18 never did physics, but in general what we're looking at is
19 depending on the type of -- the type of angle, how the
20 round hits it, you know, is it hitting and deflecting and
21 stuff like that when it breaks off, but generally what
22 you're gonna see is kind of a cone effect where that
23 fragmentation goes, where the primary fragmentation and
24 all goes, the cone of trajectory and all, but it's not
25 something that is -- is gonna be scientifically upheld. I

1 can't say every time this bullet hits this object, but you
2 usually see a cone effect as that hits and breaks off.

3 Q. So if in terms of the -- the jacket or an individual,
4 it fragments or shrapnel is located, would that indicate
5 that they were within the cone of fire, per se?

6 A. Yes.

7 Q. And in terms of projectiles, what -- I'm losing the
8 words -- I'm sorry -- what are they made up of? I'm so
9 sorry. What materials?

10 A. So that's a -- the traditional projectile that we're
11 all accustomed to is a lead core that has a copper jacket
12 attached to it. Lead is extremely fragile. If you take
13 solid lead and all you can bend it, you can roll it, you
14 can do all types of stuff with it. That copper jacket is
15 very thin, but what it does is it holds that lead together.
16 That way the lead as it goes down range doesn't fragment,
17 doesn't break up on its own. Now there's other -- like now
18 they have solid -- solid copper projectiles and stuff like
19 that, but in this case we're dealing with a -- with a
20 traditional lead core with a copper jacket over it.

21 Q. And that would be the Win -- a Winchester 40-caliber
22 Smith & Wesson cartridge case, the actual cartridge case
23 would be a lead core with a copper jacket?

24 A. Well, the bullet --

25 Q. Bullet?

1 A. -- would be lead with a copper jacket. That bullet is
2 seated into, in this case, a brass cartridge.

3 Q. Okay. And in that living room area, was there
4 anything else in that area that contained lead that you
5 found?

6 A. No, ma'am.

7 Q. When we talked about the defects in the living room,
8 we talked about the defect on the couch?

9 A. Yes, ma'am.

10 Q. We talked about it indicates that there were two shots
11 fired in that area. When it comes to the -- you talked
12 about being able to use a laser trajectory in the defect
13 that went -- that ended up -- you located the projectile in
14 the kitchen. Where -- are you able to say -- that's gonna
15 read terribly in the transcript, so scratch that. The
16 question is are you able to determine where the shooter
17 would have been standing when the shooting took place in
18 the living room area?

19 A. So we used our -- the laser trajectory and fired it
20 from F1 back towards the couch area to see where that
21 shooter would have been located. The laser itself
22 indicated that it was on the living room wall right there
23 just past the -- the entranceway into the living room. Due
24 to that location, I do not believe that that's accurate. A
25 doctor once told me bullets fly straight until they don't;

1 in other words, bullets fly straight until they strike
2 another object and that's gonna alter the course. I do
3 think I have deflection somewhere in there, but -- enough
4 to cause it to go off, but not enough to make it go off
5 wide. I believe the shooter was in the hallway when those
6 two rounds came towards the living room.

7 Q. And that's based on your processing of this crime
8 scene and your experience and training as it relates to
9 doing trajectory --

10 A. Yes.

11 Q. -- and reconstructing crime scenes?

12 A. Correct.

13 MS. FULLER: I beg the Court's indulgence while
14 I just double-check that all the evidence has been
15 admitted.

16 I believe that is all that I have at this time.

17 Thank you, Your Honor.

18 THE COURT: All right. Cross-examination.

19 MS. MOORE: Thank you, Your Honor. I don't have
20 very many questions.

21 I beg the Court's indulgence.

22 CROSS-EXAMINATION

23 BY MS. MOORE:

24 Q. Is it agent or deputy or --

25 A. Deputy works, ma'am. Or Thom. I'm good with

1 whatever.

2 Q. I don't want to call you Thom, but I might later. So
3 let me just show you what's been marked as State's Exhibit
4 Number 14 and ask you if you can identify that?

5 A. No, ma'am, I cannot. This is not my photograph. I
6 don't know when it was taken. So, no, I cannot identify
7 that.

8 Q. Okay. Does it look like the shoebox that you may have
9 collected?

10 A. I didn't collect the shoebox, ma'am, so I --

11 Q. Okay. Where did the shoebox go?

12 A. What do you mean, ma'am?

13 Q. I mean, I thought you testified that Detective Miller
14 brought that in.

15 A. Correct.

16 Q. But not to you?

17 A. Well, he brought it in to turn it into evidence and
18 he called me over to look and see what the contents of the
19 shoebox was, so that was never handed to me. That was
20 never my evidence.

21 Q. Okay. So I'll rephrase it.

22 A. Yes, ma'am.

23 Q. Did you -- you looked at the contents in the shoebox,
24 correct?

25 A. Yes, ma'am.

1 Q. Okay. So you're familiar with that shoebox?

2 A. Well, so this and the other shoebox -- the other
3 picture of the shoebox, we were able to -- I was able to
4 determine this is the bottom of the shoebox, but I never --
5 because I was worried about the contents, I never saw the
6 bottom of the shoebox, ma'am.

7 Q. But you measured it?

8 A. That's not my ruler, ma'am. It's not my photograph,
9 ma'am.

10 Q. Are you aware that that's blood on that box?

11 A. I was -- I was made aware that that might be blood
12 yesterday.

13 Q. Yesterday?

14 A. Yesterday.

15 Q. Okay. And you talked about the chaos at the crime
16 scene. I'm gonna show you a photograph and I'll ask you if
17 you recognize that?

18 A. Yes, ma'am.

19 Q. And what is that?

20 A. This is a photograph of the interior of the residence
21 from right inside the door. I mean, here's the -- you can
22 see the edge of the door here. That's the lock.

23 Q. Right.

24 A. So right inside the doorway of the residence. This
25 would be looking -- north, south -- west into the living

1 room.

2 MS. MOORE: Your Honor, I'd offer this into
3 evidence.

4 THE COURT: That's Defense Exhibit 4?

5 THE COURT REPORTER: It will be 4.

6 THE COURT: Without objection from the State?

7 MS. FULLER: No objection, Your Honor.

8 THE COURT: All right. Defendant's Exhibit 4 is
9 admitted into evidence.

10 (Defendant's Exhibit Number 4, a photograph, was
11 marked and admitted into evidence.)

12 THE COURT: You may publish.

13 BY MS. MOORE:

14 Q. I think this is what you were referring to as a
15 chaotic scene, correct?

16 A. Yes, ma'am.

17 Q. And that makes it difficult for you-all to process it,
18 correct?

19 A. Yes, ma'am.

20 Q. Because you have to move stuff. There was a lot of
21 clutter and chaos here --

22 A. Yes, ma'am.

23 Q. -- so you had to move things out of the way, right?

24 A. Yes, ma'am.

25 Q. I want to show you these two photographs. Where would

1 that photograph have been?

2 A. So this is in the bedroom in question.

3 Q. Well, let me -- first, you recognize that, correct?

4 A. Yes.

5 Q. And do you recognize this?

6 A. That looks like a close-up of this.

7 MS. FULLER: Your Honor, no objection.

8 MS. MOORE: I offer 5 and 6.

9 THE COURT: Defendant's Exhibit 5 and 6 are admitted
10 into evidence without objection.

11 (Defendant's Exhibit Number 5 and 6, photographs,
12 were marked and admitted into evidence.)

13 MS. MOORE: May I publish?

14 THE COURT: Yes, ma'am.

15 BY MS. MOORE:

16 Q. And this -- you testified earlier this is the bedroom?

17 A. Correct.

18 Q. And where would Aaron's body have been?

19 A. Aaron's body is actually out of frame here. So this
20 is the west facing wall, this is the north facing wall.
21 There's a window right here. Aaron's body would have been
22 out of frame down here in the bottom. Actually that's
23 probably the first -- that's probably half the bedroom
24 right there in that photograph, so he would have been in
25 the lower half of that up against the east wall.

1 Q. And I'm gonna show you a closer picture, Defendant's
2 Number 6. On the floor, that's one of the pictures you
3 would take of the shell casing, correct?

4 A. Correct, and I collected that as well.

5 Q. You didn't collect the wedding band, did you?

6 A. No, I did not. I'll be honest with you, I wouldn't
7 have recognized that as a wedding band.

8 Q. Okay. And right by the wedding band there were
9 gloves. There were gloves everywhere, weren't there?

10 A. Gloves?

11 Q. Correct. Didn't the decedent have one glove on, one
12 latex glove?

13 A. Let me refer to my notes. I'm not --

14 Q. Okay.

15 A. Yes, he did. He had a blue latex glove on over his
16 right hand and pen in his left hand.

17 Q. Was there anything on the glove? Did you note
18 anything on top of the glove or --

19 A. I don't have anything listed in my report, ma'am.

20 Q. What about his left hand?

21 A. There was a pen in it. A pen in the left hand.

22 Q. Was there a glove?

23 A. No, just the pen.

24 Q. Okay. But that's a glove right there, isn't it? A
25 blue latex glove?

1 A. Can you blow it up?

2 Q. I don't know how, but -- do you want me to show it to
3 you?

4 A. Sure.

5 MS. FULLER: Ms. Moore, the zoom's at the top.

6 I'm sorry. I didn't mean to interrupt. Right
7 there.

8 MS. MOORE: Just hit it?

9 MS. FULLER: Just push it. The other way.

10 MS. MOORE: Oh, this thing.

11 THE WITNESS: Yes, ma'am, it does appear to be a blue
12 latex glove.

13 BY MS. MOORE:

14 Q. Okay. And so right there -- and he didn't have that
15 on, so he took that off and there's his wedding band. What
16 about that phone? You didn't collect that phone either,
17 did you?

18 A. There's a phone there, ma'am?

19 Q. Right there.

20 A. I don't recall that being a phone. I believe that's
21 some sort of tablet.

22 Q. You didn't collect that, did you?

23 A. No.

24 Q. I'll show you another photograph. It's just a
25 close-up of the wall behind the couch leading out?

1 A. Yes, ma'am.

2 Q. Okay.

3 MS. MOORE: Defense Number 6, Your Honor.

4 THE COURT: 7.

5 MS. MOORE: Thank you.

6 THE COURT: Without objection?

7 MS. FULLER: No objection, Your Honor.

8 THE COURT: So admitted.

9 (Defendant's Exhibit Number 7, a photograph, was
10 marked and admitted into evidence.)

11 BY MS. MOORE:

12 Q. So this is a picture of the wall. I think we saw a
13 bigger one earlier and did you test that fingerprint?

14 A. No, ma'am.

15 Q. You didn't. In fact, you didn't find any evidence
16 that Bradley Walker had ever been at [REDACTED] Sandspur, did you?

17 A. Physical evidence or --

18 Q. Physical.

19 A. No, ma'am.

20 MS. MOORE: Thank you.

21 THE COURT: Redirect.

22 MS. FULLER: Just briefly.

23 REDIRECT EXAMINATION

24 BY MS. FULLER:

25 Q. Looking at defense exhibits, just so it's clear for

1 the record, in terms of -- you have other photos in
2 evidence showing the location here. Can you tell whether
3 or not this photograph was taken after you already began
4 processing the scene?

5 A. No, this is an initial photograph.

6 Q. So in terms of the room, was there more than one
7 handcart or dolly in the room?

8 A. Yes, ma'am.

9 Q. Okay. And so this one over here is a second one?

10 A. Yes, ma'am.

11 Q. Also looking at this exhibit here -- and we used the
12 diagram instead of the photos so it's clear, but here is
13 that the toy chest reflected in the diagram?

14 A. Correct.

15 Q. And the defect is not marked in this photograph, but
16 could you point it out for the jury?

17 A. It would have been right in this area here.

18 Q. And then when you described in the corner by a
19 cardboard box and the blood that was consistent with
20 someone being in that area, can you point that out for the
21 jury as well?

22 A. Yeah, right here, and then right here on the box
23 itself.

24 Q. And so you have the blood here and then the defect
25 here; is that correct?

1 A. Correct.

2 Q. In terms of Defense 3 that we talked about yesterday,
3 can you tell whether or not this was taken before or after
4 the scene was processed or during?

5 A. This was taken before the scene was -- this was taken
6 as I was doing my initial scene, but this was also taken
7 after our officers arrived on-scene and made access through
8 the house.

9 MS. FULLER: I beg the Court's indulgence.

10 May we approach briefly?

11 (Proceedings held at the bench; not reported.)

12 BY MS. FULLER:

13 Q. I'm gonna come up and show you State's 4 that was
14 admitted without objection --

15 THE COURT: Defendant's or State's?

16 MS. FULLER: Sorry. Defendant's 4.

17 Thank you, Judge.

18 BY MS. FULLER:

19 Q. Before I publish, I noticed here there were some
20 markings here. Can you confirm that that wasn't part of
21 the original crime scene?

22 A. No.

23 Q. Okay. And then for the record this will be swapped
24 out prior to submission to the jury, but other than that
25 this is generally how the scene was?

1 A. Correct.

2 Q. And so looking at Defendant's 4, this was done before
3 photographs were taken -- I'm sorry, before the scene was
4 processed?

5 A. Yeah, this is -- so whenever we go into the scene, the
6 first thing we do before we start moving stuff, before we
7 start collecting anything is we take what's called our
8 overall photographs and what we're trying to do is we're
9 trying to get into the corners of the room to the best of
10 our abilities. Rooms with this much chaos and all that
11 becomes difficult, but we're trying to do a 360 of that
12 room, get as many photographs as possible to show what it
13 looked like before we started to actually move items,
14 before we started collecting evidence and so forth. This
15 is one of those photographs of just that room and all
16 during that 360 initial photographing.

17 Q. Okay. And so you were asked if this was -- the
18 accuracy question and all that. There seems to be a
19 printer defect up here. That's not part of the crime
20 scene, correct?

21 A. Correct. There was no red mark on the wall or
22 anything like that.

23 MS. FULLER: No further questions, Your Honor.

24 THE COURT: Recross.

25 MS. MOORE: Your Honor, briefly.

25 THE WITNESS: Yes, sir.

1 (Witness excused.)

2 THE COURT: Madam Solicitor. Ms. Moore.

3 (Proceedings held at the bench; not reported.)

4 MS. FULLER: The State calls Joe Hart.

5 (Whereupon, Joe Hart was duly sworn by the Clerk
6 of Court.)

7 THE CLERK: If you'll have a seat, please. State
8 your name and spell your last for the record.

9 THE WITNESS: Yes, my name is Joe Hart, H-A-R-T.

10 JOE HART,

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. FULLER:

14 Q. Where are you employed?

15 A. Lexington County Sheriff's Department.

16 Q. In what capacity?

17 A. I'm a sergeant in the major crimes division.

18 Q. On July 24, 2018, did you respond to [REDACTED] Sandspur
19 Road?

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

21 Q. And what was the purpose?

22 A. It was a follow-up investigation for the investigation
23 that started the day before.

24 Q. And what -- when you arrived on-scene, did you search
25 outside of the premises?

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

2 Q. And did you locate anything that you collected in
3 evidence?

4 A. No, ma'am.

5 Q. Did you locate any blood outside trailing off into the
6 wooded area?

7 A. No, ma'am.

8 Q. And how extensive was your search of the exterior of
9 the residence?

10 A. We searched all the way around the residence, all the
11 way up the driveway and into the woods on the side of the
12 driveway and back down towards the house.

13 Q. And to be clear, we've seen photographs and seen the
14 overheads. When you speak of the driveway, you're talking
15 about the driveway that began at Sandspur all the way up
16 to the actual mobile home? Because there's one home in
17 the front and then there's another one in the center and
18 another one in the back. Is that the driveway you're
19 referring to?

20 A. Yes, ma'am. We searched all the way to the house in
21 the back.

22 Q. I want to show you what's been premarked as
23 State's Exhibit 66 and 67. Did you go into the residence
24 after that?

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

1 Q. And what, if anything, did you notice?

2 A. Well, first I noticed the clutter in the residence,
3 but I was able to locate the -- I guess Investigator
4 Smith referred to it as the end table next to the couch.
5 I noticed that there was a mark on it that was consistent
6 with it being struck by a bullet and beside it was a
7 shampoo bottle and I noticed that there were some pieces
8 of a projectile jacket inside of that bottle.

9 Q. Okay. I'm gonna hand you what's been marked as
10 State's Exhibit 66, 67, as well as the exterior package of
11 State's 102 with interior markings, which is State's 103
12 and 104, and have you look at it and see if you recognize
13 it?

14 A. Yes, ma'am. I recognize these items.

15 Q. And how do you recognize those items?

16 A. These are the pictures I took and this is the bottle
17 I collected and then this is a piece of a jacket that I
18 collected from the floor.

19 Q. And just to orient the jury in terms of location,
20 looking at State's 46, do you see the area of where you
21 collected those items in this photograph?

22 A. Yes, ma'am. You can see the blue bottle there is the
23 -- the shampoo bottle I was referring to.

24 Q. Do you have the laser pointer up there? Can you point
25 it out to the jury?

1 A. Yes, ma'am. Right here.

2 Q. And do these photographs and those items appear to be
3 accurate or -- an accurate depiction of the scene?

4 A. They do.

5 Q. Do they appear to be altered in any way?

6 A. They do not, no.

7 MS. FULLER: Your Honor, at this time the State
8 seeks to introduce into evidence State's Exhibit 66 and
9 67, which are photographs, along with the bag collectively
10 marked as State's 102 with contents being 103 and 104.

11 THE COURT: All right. Without objection?

12 MS. MOORE: Without objection.

13 THE COURT: All right. So admitted. State's
14 Exhibit 66, 67 and 102, which contains 103 and 104.

15 (State's Exhibit Number 66 and 67, photographs,
16 and State's Exhibit Number 102, a bag, State's Exhibit
17 Number 103, a bottle, and State's Exhibit Number 104,
18 a bullet fragment, were admitted into evidence.)

19 BY MS. FULLER:

20 Q. Looking at State's 66, can you describe that to the
21 jury, what you looked at up there?

22 A. Yes, ma'am. I would have seen -- I think you can see
23 it right there. It's a little discoloration, it's a little
24 duller color, what looked like a bullet had struck there,
25 and then I noticed this bottle right there had some small

1 perforations or small holes in it and when I picked up the
2 bottle, you could hear the jacket inside and you could look
3 in the end and see little pieces of jacket inside that
4 bottle.

5 Q. Displaying now State's 103 that has contents within,
6 is that what you collected?

7 A. Yes, ma'am. When I collected these, these pieces of
8 metal were actually inside the bottle. I didn't remove
9 them. I put it in evidence as one item.

10 Q. And these items went to SLED for forensic testing?

11 A. Yes, ma'am.

12 Q. Looking now at State's 67, can you tell the jury where
13 that was in relation to the other photograph or do you need
14 a different photograph?

15 A. If you could show a photograph with the area in front
16 of the couch.

17 Q. If I can grab the -- I apologize.

18 Okay. Looking at State's 52, does that help or --

19 A. It does. You can't --

20 Q. Actually -- or 52?

21 A. Okay. They're both about the same. They'll both
22 be off the picture. It will be about right here in this
23 picture.

24 Q. Okay. But in the general area of the couch?

25 A. Yes, ma'am. About a foot in front of the -- the end

1 of the couch. This end of the couch.

2 Q. Closer going towards the door?

3 A. Yes, ma'am.

4 Q. And then looking at State's 104, the actual item, is
5 that what you collected?

6 A. Yes, ma'am.

7 Q. And what's that described as?

8 A. Bullet fragment from living room floor.

9 Q. Okay. And so that's the item that you collected?

10 A. Yes, ma'am.

11 MS. FULLER: No further questions.

12 THE COURT: Cross-examination.

13 MS. MOORE: Briefly, Your Honor.

14 CROSS-EXAMINATION

15 BY MS. MOORE:

16 Q. That projectile, you can't tell what kind of gun that
17 came from, correct?

18 A. No, ma'am.

19 Q. And a 40-caliber is a very strong, powerful firearm,
20 correct?

21 A. I mean, it's as powerful as any other firearm I would
22 imagine. I'm not a firearms expert.

23 MS. MOORE: That's all I have.

24 THE COURT: All right. Any redirect?

25 MS. FULLER: No, Your Honor.

1 THE COURT: All right. The witness may step down.

2 (Witness excused.)

3 MS. FULLER: Your Honor, the State calls Dr. Janice
4 Ross.

5 (Whereupon, Janice Edwards Ross was duly sworn by
6 the Clerk of Court.)

7 THE CLERK: If you'll have a seat, please, and
8 state your full name, spelling your last on the record.

9 THE WITNESS: Janice Edwards Ross, R-O-S-S.

10 JANICE EDWARDS ROSS,

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. FULLER:

14 Q. And, Dr. Ross, can you introduce yourself to the
15 jury?

16 A. Yes. I'm a forensic pathologist, which means I
17 went through four years of college, four years of medical
18 school and five plus years of training in the field of
19 pathology. In the field of pathology, we learn how to
20 identify diseases, diagnose cancers, for instance, using
21 the microscope and using laboratory work, so I'm
22 Board-certified in that area. Also I did further training
23 in forensic pathology, which concentrates on the forensic
24 autopsy where we identify patterns of injury and identify
25 the cause of death, which is what it means, cause of

1 death, and the manner of death, which is how that cause
2 of death came about. So the manners of death can include
3 natural death like a heart attack, a suicide, accident,
4 homicide, and sometimes we can't determine so it would
5 be undetermined. So I'm Board-certified in that area as
6 well.

7 Q. And, Dr. Ross, how many autopsies have you informed
8 in your career?

9 A. Over fifteen thousand.

10 Q. The number always blows me away, Doctor. Where are
11 you currently employed?

12 A. I am now in Charleston, South Carolina. I do
13 autopsies for the coroner down there. Previous to that,
14 I was in Newberry, South Carolina, where we did autopsies
15 for coroners of the state of South Carolina at the morgue
16 in Newberry County Memorial Hospital. So I was there from
17 May of 2000 to October of 2018.

18 Q. And did you retire?

19 A. No.

20 MS. FULLER: Your Honor, at this time the State
21 seeks to introduce Dr. Janice Ross as an expert in
22 forensic pathology.

23 MS. MOORE: Without objection.

24 THE COURT: All right. Ladies and gentlemen, a
25 person testifying cannot give opinion testimony, but

1 testify to what they personally saw, heard or did or
2 sensed by smell or something of that nature; however,
3 there is an exception when someone is qualified because
4 of their knowledge, education or experience they're
5 permitted to give their opinion in certain areas if the
6 Court qualifies them that way. This witness will be
7 qualified in the area of forensic pathology and give
8 opinion testimony in that area. That does not mean you
9 must accept the opinion, but it is evidence for you to
10 use in any way you see fit.

11 MS. FULLER: Thank you.

12 BY MS. FULLER:

13 Q. As it relates to -- can you first tell the jury what
14 is the purpose of a forensic autopsy?

15 A. To identify any injuries pertinent to the cause of
16 death and what the cause of death is whether it could have
17 been a natural death versus a homicide or accident or
18 suicide.

19 Q. And as it relates to this case, what was -- did you
20 perform an autopsy on Aaron Peterson?

21 A. Yes.

22 Q. And when did that autopsy take place?

23 A. July 25, 2018.

24 Q. And what procedure did you use to perform that
25 autopsy?

1 A. The patient is brought to us in the morgue at that
2 time by transport with a -- inside a body bag. So we open
3 the body bag and we identify and take photographs of the
4 person clothed and unclothed and then because we could
5 identify the fact that there were gunshot wounds present we
6 would do x-rays of the body to find out if there was any
7 remaining lead or a bullet inside the body.

8 Q. At the time of autopsy did you record Aaron Peterson's
9 height and weight?

10 A. Yes.

11 Q. And can you publish that for the jury?

12 A. Yes, his height is seventy and a half inches. We
13 didn't have a scale in the morgue, so we estimated his
14 weight to be approximately 185 pounds.

15 Q. Were you able to determine a cause of death in this
16 case?

17 A. Yes.

18 Q. And what was that?

19 A. There were a total of four gunshot wounds. One went
20 through -- lacerated the brain, so that was part of the
21 cause of death. One went through -- from the back through
22 the left chest and exited the right clavicle and that
23 went through major blood vessels in the lung that caused
24 a lot of hemorrhage. So the cause of death would be a
25 combination of laceration of the brain and exsanguination,

1 which means to bleed out, due to gunshot wounds of the head
2 and back.

3 Q. And based on those gunshot wounds, how long would it
4 have taken Aaron Peterson to pass away?

5 A. Minutes. The bullet in the head would have caused
6 him to go unconscious immediately. The bleeding in the
7 chest would have occurred over a few minutes. So, in
8 general, the bullet to the head did not cause immediate
9 death because it didn't go through the vital area where it
10 would stop the heart and lung immediately, but it would
11 cause death within a few minutes.

12 Q. And what were his chances of survival? So if he was
13 shot in the operating room, what would be his chance of
14 survival?

15 A. If he was at the doorway of the operating room he may
16 have been resuscitated.

17 Q. Taking these gunshot wounds one by one -- did you
18 generate a report in this case?

19 A. I did.

20 Q. And in the report you identified the gunshot wounds by
21 number; is that correct?

22 A. Correct.

23 Q. Does that indicate the order of when the -- when Aaron
24 Peterson sustained those gunshots?

25 A. No, it does not. We organize our -- enumerate our

1 wounds for organizational purposes from top to bottom and
2 front to back.

3 Q. Based on your expert opinion, and we'll talk about
4 each of these wounds, based on the direction of travel in
5 the body were you able to determine the potential order of
6 gunshots in this case?

7 A. Not really. You'd have to coordinate that with a
8 scene investigation and/or witnesses.

9 Q. And we'll get to that. Looking at what you recorded
10 as Gunshot Number 1, and I'm gonna hand you what's been
11 marked as State's 68 and 108, if that will assist your
12 testimony.

13 I'm gonna hand you State's 68 and 108 and ask you if
14 you recognize them?

15 A. Yes, these are diagrams that I made from my notes to
16 show where the entrance and exit wounds or the direction
17 of the bullets on Mr. Peterson.

18 Q. And when you're performing your autopsy, you also took
19 photographs of these injuries as well, correct?

20 A. Yes.

21 Q. But in terms of this diagram, this diagram would
22 accurately reflect what's in those photographs as well?

23 A. Yes.

24 MS. FULLER: Your Honor, at this time the State will
25 introduce State's 68 and 108 into evidence.

1 THE COURT: Without objection?

2 MS. MOORE: (Nods head.)

3 THE COURT: All right. State's Exhibit 68 and 108
4 are admitted into evidence.

5 (State's Exhibit Number 68, a diagram, and
6 State's Exhibit Number 108, a diagram, were admitted
7 into evidence.)

8 MS. FULLER: Permission to publish?

9 THE COURT: Very well.

10 BY MS. FULLER:

11 Q. Looking at State's 68, and I'm not sure if the
12 laser --

13 A. It's here. Let me see if I know how to do it.
14 There. Okay.

15 Q. And you identified in your report Gunshot Wound
16 Number 1. Can you point that out for the jury?

17 A. Yes. It seems to -- there it goes. Number 1 goes in
18 just underneath the right ear and it goes towards the left
19 and upwards to go into the brain through the skull cavity
20 and the bullet itself is found in the bone of the front --
21 frontal -- front skull sort of behind -- close to the left
22 eye.

23 Q. In terms of what I'm gonna refer to the entrance
24 wound, were you able to measure that entrance wound?

25 A. It was irregular, so it didn't -- I didn't write it

1 down. It was -- it wasn't clear.

2 Q. Okay. So it seemed irregular in shape?

3 A. Yes.

4 Q. In terms of the bullet path, can you describe bullet
5 path in general to the jury?

6 A. Yes, right to left, upward and maybe either slightly
7 backward.

8 Q. And so what would that indicate about -- if taking
9 Aaron Peterson as stationary, what would that indicate
10 about the shooter?

11 A. Well, bullets go straight so the gun would have to be
12 to the right of the victim, but the head can swivel so if
13 we're talking about -- when we're talking about the path of
14 the bullet, we're talking as if the victim was standing up,
15 but he may have had his head cocked to one side, so all I
16 can say is they're moveable parts.

17 Q. And so we'll get back to Gunshot Wound Number 1 at the
18 end. Looking at Gunshot Wound Number 2, can you point that
19 out for the jury?

20 A. Yes, it's here. It's just a graze wound, what we call
21 a graze wound. It just goes across the surface of the skin
22 and it's going, again, basically right to left and it's
23 pretty much back to front.

24 Q. And so in terms of where the shooter would have been
25 standing assuming a stationary Aaron Peterson, would the

1 shooter have been in front of Aaron or behind him?

2 A. Well, more to his right side.

3 Q. To the side. In terms of Gunshot Wound Number 3, can
4 you describe -- can you point that out for the jury?

5 A. That goes right in the posterior shoulder, the right
6 shoulder or the right back, and it just goes underneath the
7 skin and comes out the top of the shoulder.

8 Q. And the direction of travel?

9 A. Pretty much right front -- I'm sorry -- back to front
10 and upward.

11 Q. And would that be left to right or right to left?

12 A. It would be slightly right to left, but not much.

13 Q. In terms of Gunshot Wound Number 4, can you point that
14 out for the jury?

15 A. Yes. The entrance wound is here in the left back. It
16 goes into the left chest, it goes through the left lung,
17 it goes through the aorta, which is the main artery coming
18 off the heart, and it goes through the sternum and then
19 comes out the front of the patient just around the right
20 clavicle. So it is going back to front, left to right,
21 back -- let's see -- and upward.

22 Q. And in terms of the bullet path and the laceration it
23 caused in the body, what would you have expected in terms
24 of blood loss from that gunshot wound?

25 A. It's a major loss of blood. It was over a liter of

1 blood, which is almost four units of blood because it went
2 through that main artery and it also went through the lung.

3 Q. And where would you expect to see that blood exit the
4 body?

5 A. It depends on how the body is left. I mean, it would
6 only -- it wouldn't come out except for by gravity.

7 Q. I want to go to State's Exhibit 108 and can you
8 describe this angle and what you were showing here for the
9 jury?

10 A. It just shows the side of the body just to show like
11 Number 1 going upward, Number 2 going across the outside
12 of the arm, Number 3 -- did I leave that out? Number 3
13 would be up on the right shoulder. And Number 4, going
14 from the left back upward and coming out the right chest --
15 upper chest.

16 Q. I'm gonna show you -- as soon as I can find it. I
17 apologize. I'm not seeing it anymore. I'm going to get
18 help finding it while I ask you some questions.

19 I'm gonna approach you and show you State's 37,
20 Doctor. And this is already in evidence and Aaron Peterson
21 has been identified, his position, for the jury. Over here
22 there's been testimony about the blood here and standing
23 where -- and testimony of where he was standing when he was
24 shot. Based on the bullet path that you described, you
25 described some of them were going from right to left and

1 one was going from left to right; is that correct?

2 A. Correct.

3 Q. If his body was in this position, what, if anything,
4 would that suggest about the multiple gunshot wounds in
5 terms of his body movement?

6 A. Well, he was probably in a standing position for all
7 those except maybe the -- except for the one shot to the
8 head.

9 Q. And so looking at State's 37, your testimony is that
10 he was probably standing for all the shots except for the
11 head shot?

12 A. Yes.

13 Q. And that's based on the change in the bullet path
14 because bullets travel straight; is that correct?

15 A. That's correct.

16 Q. And so based on your expert opinion, if I can show the
17 diagram . . .

18 MS. FULLER: I beg the Court's indulgence. I found
19 it.

20 BY MS. FULLER:

21 Q. I'm gonna approach you, Dr. Ross, and orient you
22 with this. Aaron Peterson in State's 37, and looking at
23 State's 5, there's been testimony that this is this corner
24 of the room and this item is right here and this is the
25 door. Publishing it for the jury to ask you a question,

1 in your opinion if Aaron Peterson was standing here and
2 that chest that we looked at in State's 32 was on this wall
3 and he would have been standing for -- referring to what
4 you identified as Gunshot Number 4, and you described that
5 bullet path as being from left to right, would that be
6 consistent with Aaron Peterson standing approximately here
7 in the doorway with his back at an angle to the doorway?
8 Would that bullet path be consistent with that?

9 A. Yes.

10 Q. And so Aaron Peterson standing here for that gunshot
11 wound that you identified as Gunshot Wound Number 4, can
12 you tell me if you list that gunshot wound as a fatal
13 gunshot wound?

14 A. Yes.

15 Q. And looking at State's 37, there is blood on top of
16 that cabinet in there. Would that location of the blood
17 also be consistent with the arteries that were struck with
18 Gunshot Wound Number -- what you identified as Gunshot
19 Wound Number 4?

20 A. The -- most of that blood would stay inside. I'd go
21 more with where the bullet was found -- bullet hole was
22 found.

23 Q. Okay. And we'll get to that one, too. Looking at
24 State's 59 that's already in evidence, there's been
25 testimony that that's the cabinet and the bullet hole A

1 here that was approximately -- testimony is 58 inches from
2 the ground and the blood in this photograph, which I'll
3 leave with you is found on top of that metal cabinet, would
4 that now be consistent with him standing with the shot
5 coming from left to right in front of that cabinet?

6 A. Yes.

7 Q. And in your report did you note -- you indicated that
8 there was an exit wound as it relates to Gunshot Wound
9 Number 4; is that correct?

10 A. Yes.

11 Q. And were you able to measure how -- the height or
12 where that gunshot wound -- measure where that gunshot
13 wound was located in the body -- on his body?

14 A. We measure from the top of the head, so the entrance
15 wound was fourteen inches below the top of the head, three
16 inches to the left of midline in the back, and the exit
17 wound was twelve and a half inches below the top of the
18 head and one and a quarter inches to the right of midline.

19 Q. And you testified that at autopsy Aaron Peterson
20 measured seventy and a half inches; is that correct?

21 A. Yes.

22 Q. And your testimony is for Gunshot Wound Number 4, the
23 exit wound is twelve and a half inches below the top of his
24 head, correct?

25 A. Yes.

1 Q. Would that make it approximately fifty-eight from the
2 ground?

3 A. Yes.

4 Q. Sorry to ask you to do math when you're on the stand.

5 A. No, that's fine.

6 Q. So that would be fifty-eight inches from the ground
7 if he was standing straight up or approximately straight up
8 when he was shot in the back?

9 A. Correct.

10 Q. And that would be consistent with this defect also
11 that we see here that is fifty-eight inches from the
12 ground?

13 A. Yes.

14 Q. And that would be consistent with what you determined,
15 is that that bullet path travelled from left to right which
16 would place an individual with his -- the left angle of his
17 body to that door, that is consistent with someone standing
18 there with the bullet path going from left to right, back
19 to front, correct?

20 A. Yes, if his -- yes.

21 Q. Now your testimony is that the other gunshot wounds
22 had a right to left slightly upward angle. If Aaron
23 Peterson was shot first in the back left to right and the
24 other gunshot wounds, including the head shot was a
25 different direction, what would that indicate about the

1 position of his body at the time that he received those
2 other shots?

3 A. Well, there's two people -- two people involved.

4 Q. Right.

5 A. So there's movement. There's turning around.

6 Q. Okay. Can you tell me whether or not that would be
7 consistent with Aaron Peterson in the exhibit that you
8 have there, State's 37, and I'll show it to the jury again,
9 would the angle and direction of travel of this head shot
10 be consistent with him now with his body -- the right side
11 of his body angled towards the doorway?

12 A. Yes.

13 Q. So the other shot that you identified as fatal was
14 also that head shot, correct?

15 A. Correct.

16 Q. And that would have been done when he was in a
17 different position with his body angled a different
18 direction?

19 A. Yes. Bullets go straight.

20 Q. And in terms of that first shot to the back, would
21 that have caused him to collapse?

22 A. Not immediately. He -- he could have moved around
23 after that shot for a matter of thirty, forty-five seconds.

24 Q. A matter of seconds; is that correct?

25 A. Well, up to -- you know, less than a minute probably,

1 but close to it.

2 Q. In terms of any of the gunshot wounds, were you able
3 to identify any soot or stippling?

4 A. No.

5 Q. And what would that indicate?

6 A. When we're talking about range of the shot, in other
7 words, how far the gun was away from the -- the victim.
8 When a bullet comes out of the gun so does soot and powder,
9 but the soot and powder only go a certain distance whereas
10 the bullet obviously goes further. So if you see either
11 soot or powder stippling, you can identify the fact that
12 it's an intermediate shot. In other words -- and it
13 depends on the type of gun and the ammunition and all kind
14 of things, but it indicates that the gun was at least
15 eighteen to twenty-four inches away from the person.

16 Q. So that would be --

17 A. If you don't have the soot or the powder.

18 Q. So in this case the absence of soot and stippling
19 would indicate that the barrel of the gun with an
20 individual's arm fully extended was at least -- how many?
21 Eighteen inches?

22 A. Eighteen to twenty-four inches depending on the
23 weapon.

24 Q. And so would that also be consistent with -- in
25 looking at the diagram and the position of his body with

1 someone standing away from him, this direction generally,
2 at least eighteen inches? Well, the barrel of the gun at
3 least eighteen inches from his body?

4 A. Correct.

5 Q. I'm gonna hand you, Dr. Ross, what's been collectively
6 marked as State's 105, it looks like the whole packaging is
7 105, and ask you if you recognize it?

8 A. Yes, this is -- these are bullets -- the bullet from
9 the head that we retrieved from the left frontal head in
10 our packaging with my initials, and then on the gunshot
11 wound that would be Number 4 we found two fragments of a
12 copper jacket of a bullet next to the left collarbone, so
13 those are in a package with my initials on it.

14 Q. And looking at State's 68, can you point out for the
15 jury on this diagram where that was recovered -- where they
16 were recovered?

17 A. The bullet from the head was found here in the frontal
18 bone, the front part of the skull just above the left eye.
19 The fragments of Bullet Number 4 that we -- yeah, would be
20 right here by the collarbone.

21 MS. FULLER: At this time, Your Honor, the State
22 seeks to introduce into evidence State's Exhibit 105,
23 which is collectively the two items Dr. Ross retrieved at
24 autopsy.

25 THE COURT: That's State's Exhibit what?

1 MS. FULLER: 105.

2 THE COURT: Without objection?

3 MS. MOORE: Your Honor, could we see them first?

4 Without objection, Your Honor.

5 THE COURT: All right. State's Exhibit 105 is
6 admitted.

7 (State's Exhibit Number 105, a bullet and fragment
8 from autopsy, was admitted into evidence.)

9 BY MS. FULLER:

10 Q. And publishing now for the jury -- you testified about
11 a lab number. I'm pointing at FA18-553. Would that be
12 your number?

13 A. Yes.

14 Q. And that's how you were also able to identify it as
15 what you recovered at autopsy?

16 A. Yes.

17 Q. And then underneath here there's also another printed
18 label describing the locations. Is that what you were
19 talking about as well?

20 A. Yes.

21 Q. And now, Dr. Ross, in terms of the crime scene photo
22 in State's Exhibit 37 and the testimony, if there's no
23 indication that Aaron Peterson moved after that first
24 gunshot wound to the back, would -- is it -- would that
25 gunshot wound potentially have caused him to collapse if

1 there's no indication that he moved?

2 A. I'm sorry, I'm not sure what . . .

3 Q. So your testimony -- I just want to make sure it's
4 clear. When I asked if that gunshot wound could have
5 caused him to collapse, I think you indicated that it
6 depends.

7 A. The Number 4 bullet wound would not make him collapse
8 immediately. It would take several seconds and he would
9 be able to move, but the bullet going through the brain
10 causing an explosive effect it makes the brain shut down
11 and he would collapse immediately there.

12 Q. Okay. And so the head shot would have caused an
13 immediate collapse, but the back shot would have allowed
14 some movement for thirty to forty-five seconds? I think
15 that was your earlier testimony.

16 A. Approximately, yes.

17 Q. And in terms of signs of death, if an individual
18 came over to his body within minutes of him receiving
19 this gunshot wound would his heart have still been pumping
20 receiving any of these gunshot wounds?

21 A. Within how long?

22 Q. Within minutes.

23 A. After about five minutes probably not, no.

24 Q. And depending on the condition of the room, the
25 temperature, that would impact whether or not -- the

1 temperature of his body at the time, correct?

2 A. Yes. That's very subjective. You can't go by time
3 of death with cooling of the body.

4 Q. Okay. And that's based on your expertise and your
5 experience doing autopsies for the last several years?

6 A. Yes.

7 Q. Okay.

8 MS. FULLER: No further questions at this time.

9 THE COURT: Cross-examination.

10 CROSS-EXAMINATION

11 BY MS. MOORE:

12 Q. Good afternoon, Dr. Ross.

13 A. Good afternoon.

14 Q. Just a couple of questions. How did you receive the
15 body? Was he clothed or --

16 A. Clothed. Yes, ma'am.

17 Q. And what do you-all do? Take them off?

18 A. Yes.

19 Q. What clothing -- do you have an inventory of his
20 clothing?

21 A. I do. He had on a short-sleeved shirt, which was
22 black and had holes in it over the gunshot wounds. He
23 had blue denim pants with a black belt, multicolored
24 boxer-style underwear, a pair of black socks and a pair of
25 black shoes, athletic shoes.

1 Q. And what -- did he have jewelry on as well?

2 A. Let's see if I have any inventoried. Let me look. He
3 had a plastic glove on his right hand and a circular wooden
4 earring in his left ear.

5 Q. And that's it?

6 A. Yes.

7 Q. No other rings?

8 A. Not that's listed, no.

9 MS. MOORE: Thank you. That's all I have.

10 THE COURT: Any redirect?

11 MS. FULLER: No, Your Honor.

12 THE COURT: All right. The witness is excused.

13 Thank you.

14 (Witness excused.)

15 (Proceedings held at the bench; not reported.)

16 THE COURT: All right, ladies and gentlemen. We're
17 gonna go ahead and take a lunch break now. I'd like you
18 to be back in your jury room in an hour and fifteen
19 minutes, that's approximately 2:10, and we'll look to
20 start shortly thereafter.

21 Please don't discuss the case while you're out and
22 have a nice lunch.

23 (Whereupon, the jury was excused for lunch at
24 12:57 PM.)

25 THE COURT: Thank you.

1 THE COURT: Ms. Moore, are you ready?

2 MS. MOORE: Yes, sir.

3 THE COURT: All right. Let's bring them in, please.

4 (Whereupon, the jury return to the courtroom at
5 2:30 PM.)

6 THE COURT: All right. Please be seated.

7 Madam Forelady, and ladies and gentlemen of the
8 jury, welcome back. I hope you-all had a nice lunch.
9 We're gonna kick off the afternoon here with the State's
10 next witness.

11 MS. FULLER: Thank you, Your Honor.

12 The State calls Michele Eichenmiller.

13 (Whereupon, Michele Eichenmiller was duly sworn by
14 the Clerk of Court.)

15 THE CLERK: If you'd have a seat, please. State
16 your name and spell your last name for the record.

17 THE WITNESS: My name's Michele Eichenmiller,
18 E-I-C-H-E-N-M-I-L-L-E-R.

19 MICHELE EICHENMILLER,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. FULLER:

23 Q. Can you please introduce yourself to the jury? Where
24 are you employed?

25 A. I work for the South Carolina Law Enforcement

1 Division, also known as SLED. I work in the forensic
2 laboratory in the firearms department.

3 Q. And what do you do in the firearms department?

4 A. We are responsible -- we're the branch of forensic
5 science that's responsible for anything related to
6 firearms, so the guns themselves, fired bullets, fired
7 cartridge cases, serial number restoration, and then we
8 also do tool mark analysis.

9 Q. And is that essentially firearm identification?

10 A. Yes.

11 Q. How long have you -- can you please describe for the
12 jury your training and experience in the field of firearm
13 identification?

14 A. In order to be a firearms examiner, there's no school
15 you can attend. I have a bachelor's degree in biology and
16 I have a Master of Science in forensic science, but to do
17 the training for a firearms examiner once you're hired
18 somewhere you're an apprentice with the firearms examiners
19 that are there. So it's a three to four-year training
20 program at SLED where I learned with the examiners that
21 were there. I did a lot of reading and testing on my own.
22 At the end of that three to four-year period, I took a
23 comprehensive test and then they deemed me to be able to
24 do casework on my own.

25 Q. Have you testified in court before as an expert?

1 A. Yes.

2 Q. Approximately how many times?

3 A. Approximately 120 times.

4 MS. FULLER: Your Honor, at this time the State
5 seeks to introduce Michele Eichenmiller as an expert in
6 the field of firearm identification.

7 MS. MOORE: Without objection.

8 THE COURT: All right. Ladies and gentlemen,
9 this witness will be qualified in the area of firearm
10 identification and give opinion testimony in that area.
11 That does not mean you must accept the opinion, but it
12 is evidence for you to use in any way you see fit.

13 MS. FULLER: Thank you, Your Honor.

14 BY MS. FULLER:

15 Q. Before we begin our line of questioning, I'm gonna
16 hand you a number of items of evidence that's already in
17 and just collectively review them and see if you identify
18 them as items of evidence that you have processed in this
19 case.

20 And first you looked at State's Exhibit 105. Do you
21 recognize it as an item of evidence that you analyzed in
22 this case?

23 A. Yes. Whenever we get evidence in a case, we scribe on
24 it our initials, the case number and the item number. When
25 I complete the case, I sign it and date the seal with my

1 initials and the date.

2 Q. And you say case number. Is this all related to
3 L18-13209?

4 A. Yes.

5 Q. And that is also listed on the packaging?

6 A. Yes.

7 Q. And that's what I'm pointing out for the jury, the
8 yellow sticker?

9 A. Yes.

10 Q. Similarly, you just reviewed what's collectively
11 marked as State's Exhibit 93, with contents 92, 90 and 91.
12 Similarly, do you recognize this as items you handled?

13 A. Yes.

14 Q. Proceed. I apologize.

15 A. Yes. This was SLED Item Number 38 that I examined.

16 Q. And for the record that's State's Exhibit 82?

17 A. Yes.

18 Q. I'm handing you now State's 102 and the contents 103
19 and 104.

20 A. Yes. These are SLED item numbers 39 and 40 that I
21 examined.

22 Q. I'm handing you State's 100 and the contents being
23 State's 96 and there was a bag that's marked as 99 that was
24 for ID, as well as 97 and 98, and ask you if you recognize
25 them?

1 A. Yes.

2 Q. And you received all of this for analysis?

3 A. Yes.

4 MS. FULLER: Your Honor, for the record, 99 had
5 not been admitted, but we'll move to introduce it into
6 evidence. It's just the bag for the contents.

7 THE COURT: You're moving it in at this time?

8 MS. FULLER: Yes, Your Honor.

9 THE COURT: All right. Without objection?

10 MS. MOORE: Without objection, right.

11 THE COURT: State's Exhibit 99 is admitted into
12 evidence.

13 (State's Exhibit Number 99, a bag, was admitted
14 into evidence.)

15 BY MS. FULLER:

16 Q. And then last, this bag is collectively marked as 89
17 and I'll just publish for the record 101, 85, 83, 86, 39,
18 95, 44, 94, 87, 42, 84, 43 and 88 are the State exhibit
19 numbers. If you'll identify those as items that you
20 handled in this case.

21 A. Yes. All the heat seals are intact and my initials
22 are on the tape. They are all evidence in this case.

23 Q. Thank you. Can you go ahead and describe for the jury
24 firearm identification, specifically exactly what you do
25 and how you actually determine -- what exactly you do.

1 A. We receive evidence in a case related to firearms.
2 Whenever we have a firearm, we'll compare fired cartridge
3 cases or fired bullets to a firearm. If we don't receive
4 a firearm, then we can examine the cartridge cases to each
5 other to see how many firearms are involved. We also
6 compare the bullets to each other to see if they were fired
7 by the same firearm or different firearms. We can issue
8 reports based on our findings.

9 Q. I'll display what's already in evidence, which is
10 State's Exhibit 40. Dealing first with the unfired
11 cartridge case, can you just tell the jury what exactly is
12 a cartridge case?

13 A. A cartridge case holds everything together. So it's
14 the case, it holds the gunpowder in it, it holds the bullet
15 in it, so the case holds it all together. We call that a
16 cartridge. Once it's fired, the bullet and the cartridge
17 case separate and then we have two pieces.

18 Q. And is there a common example that you can describe
19 for the jury exactly how that it separates and what you'd
20 be looking for in an analysis?

21 A. During -- whenever a cartridge is fired in a firearm,
22 it can be marked by the barrel. So the bullet can be
23 marked as it leaves the firearm. The cartridge case can
24 also be marked by the firing pin or anything from the gun
25 that comes in contact with the cartridge case.

1 Q. So looking first at SLED Item 46, what is described
2 as SLED Item 46?

3 A. SLED Item 46 is an unfired .380 auto caliber
4 cartridge.

5 Q. And so that would indicate that it was essentially not
6 fired?

7 A. Correct.

8 Q. I know that sounds silly. I just wanted it for the
9 record. And also SLED Item 48, can you describe for the
10 jury what that is?

11 A. That was an unfired 9-millimeter Luger caliber
12 cartridge.

13 Q. And you said fired or unfired?

14 A. Unfired.

15 Q. Essentially not fired in this case?

16 A. Correct.

17 Q. Turning now to SLED Item -- SLED items 1, 2, 45
18 through -- 45, 47, 49, 51, 52, 55. Did you have an
19 opportunity to analyze those items --

20 A. I did.

21 Q. -- and explain them? State's Exhibit -- just so the
22 jury has the benefit since they will have this, looking
23 here at State's Exhibit 44, can you -- there should be a
24 laser up there. Can you point out to the jury how to
25 identify the SLED item number associated with the case?

1 A. It will be on the other side, I think. Yeah. So
2 right here is where I wrote the SLED lab number, the item
3 number and my initials. So this is Item 45.

4 Q. And so looking at the first line of the legend right
5 here, it says Item 4. So Item 4 is associated with SLED
6 Item 45?

7 A. That's correct.

8 Q. And what's the purpose of assigning your own
9 independent item numbers to law enforcement's items of
10 evidence?

11 A. Whenever evidence is brought to SLED, it will get a
12 unique lab number. So in this case it was L18-13209.
13 Each piece of evidence will also get a unique item number.
14 That way we can track it throughout the lab. A piece of
15 evidence might not go to just one department or one
16 examiner, it might have to go to several departments, so
17 it gets a barcode and that barcode is scanned every time
18 that evidence moves to somebody new or a new department.

19 Q. Looking here -- looking here at what's been marked as
20 State's 95, do you also see the item number that you wrote
21 as well?

22 A. Yes, it's right up here. Item 1.

23 Q. And similarly for all these items, not necessarily in
24 order, but State's 44, the item number's also here as well?

25 A. Yes.

1 Q. And then State's 105, the item number is listed here
2 as well, your Item Number 55?

3 A. That's correct.

4 Q. And so Item -- for example, the last line of this
5 legend, Item 21, is SLED Item 55?

6 A. Yes.

7 Q. Which is State's Exhibit 101?

8 A. Correct.

9 Q. So as it relates to publishing, again, SLED Item 45,
10 1, 2, 47, 49, 51, 52 and 55, which are fired cartridge
11 cases recovered from the crime scene, what were you able
12 to determine?

13 A. I compared each of the cartridge cases to each other
14 and in my opinion they had enough matching individual
15 identifying characteristics to say they were fired by one
16 firearm.

17 Q. Can you offer an opinion in terms of what type of
18 firearm would have fired those cartridge cases?

19 A. Just a 40-caliber firearm would have fired those.

20 Q. Turning now to SLED Item -- it's not on there, but
21 other items that you received for testing, which is SLED
22 Item 38, which is described as a metal fragment that was
23 recovered from the living room, as well as SLED Item 39,
24 which is described as six led fragments and one fired
25 bullet projectile in a shampoo bottle, as well as SLED

1 Item 42, which is the two bullet fragments from the left
2 lung, SLED Item 58, which is described as a lead fragment
3 from a blue hoodie, and SLED Item 60, which is one lead
4 fragment from a blue hoodie, what were you able to
5 determine?

6 A. Those items bore no marks of value, so there was --
7 I couldn't do anything with them so they were unsuitable
8 for identification. In firearms, we have four different
9 conclusions. One is unsuitable, which means there's just
10 not enough marks to say anything. Another is fired by
11 one gun, so positive. We also have negative or we have
12 inconclusive. So these ones were unsuitable.

13 Q. And so -- just so it's clear, unsuitable meaning no
14 marks of value?

15 A. Correct.

16 Q. And so as it relates to the six lead fragments
17 recovered from the shampoo bottle and the lead fragment on
18 the floor of the living room, what was recovered from the
19 left lung, the fragments from autopsy, and two of the
20 fragments from the blue hoodie, there were no marks of
21 value; is that correct?

22 A. That's correct.

23 Q. Turning now to the fired bullet jacket fragment from
24 SLED Item 39, which is described as being also in the
25 shampoo bottle, as well as SLED Item 40, which is described

1 as a bullet fragment from the living room floor, and SLED
2 Item 61, which is described as a bullet jacket fragment
3 from the blue hoodie, what, if any -- what were your
4 results in terms of that analysis?

5 A. Those items were damaged, so I couldn't tell you the
6 caliber of those items, and they had limited marks of value
7 so they may not be suitable for identification.

8 Q. Turning now to SLED Item 41, which is State's Exhibit
9 105, publishing here, do you see -- the lighting is not the
10 best. Do you see your identifying marks on this packaging?

11 A. I do. Item 41 is this -- is right here describing the
12 bullet from head.

13 Q. And looking at the bullet from the head, am I pointing
14 at that specific item here?

15 A. I believe that's correct. I'll also have written the
16 item number on that envelope inside, so.

17 Q. And that is not open, so I'm gonna slide it down and
18 then zoom in and see if you can see it?

19 A. Yes.

20 Q. Is that your handwriting?

21 A. Yes.

22 Q. And that would be the projectile recovered from the
23 head of Aaron Peterson?

24 A. Correct.

25 Q. As it relates to that item, what were your results?

1 A. I -- whenever we receive a bullet in a case, I'll do
2 some general analysis on it. I'll measure the diameter,
3 I'll count the number of lands and grooves, which is what
4 the firearm would have put on the bullet, I'll measure
5 those and I'll also determine the direction of twist. In
6 this case, I determined that that bullet was consistent
7 with a .40 S&W caliber or 10-millimeter auto. They both
8 have the same diameter and from a bullet you can't tell
9 which it is.

10 Q. And so SLED Item 41 that was recovered from autopsy
11 from the head of Aaron Peterson, your report is that's most
12 consistent with a .40 Smith & Wesson or a 10-millimeter?

13 A. Correct.

14 Q. Looking now to SLED Item 50, which is identified
15 through testimony as Item 12 here, Item 12 fired bullet,
16 SLED Item 50, and it was testified it was found year Aaron
17 Peterson, what were your results?

18 A. SLED Item 50 was also consistent with being a .40 S&W
19 caliber or 10-millimeter auto caliber bullet.

20 Q. Looking at SLED Item 53 that is identified as Law
21 Enforcement Item Number 16 that was found in the floor of
22 the bedroom at the residence, what were your results?

23 A. That fired bullet is also consistent with being a .40
24 S&W or 10-millimeter auto caliber bullet.

25 Q. Looking now at SLED Item 54, which is identified as

1 Law Enforcement Item 20 down here in the legend that was
2 found in the kitchen area, what were your results?

3 A. Item 54 was also consistent with being a .40 S&W
4 caliber or 10-millimeter auto caliber bullet.

5 Q. Can you describe to the jury what is rifling?

6 A. Rifling is what a manufacturer of a firearm will put
7 in a barrel to give stability to a bullet. So think of it
8 as a quarterback throwing a football. It gets a spiral,
9 so that's what happens to the bullet. It will engage the
10 rifling and it will come out the barrel so increases its
11 accuracy.

12 Q. And how -- what is important about identifying the
13 rifling during your examination?

14 A. If we don't receive a firearm in a case, we can put
15 all the information we received from a bullet into a
16 database and it will tell us what manufacturers make
17 firearms with those specifications. That can lead to an
18 investigative help for the investigators what kind of gun
19 they're looking for.

20 Q. So as it relates to SLED Item 41, which is the bullet
21 from the -- recovered at autopsy from the head of Aaron
22 Peterson, as it relates to SLED Item 50, which is the
23 bullet described as being found underneath Aaron Peterson,
24 as it relates to SLED Item 53, which is described as a
25 bullet found in the floor of the bedroom where the shooting

1 occurred, SLED Item 50 -- did I say 53? Hopefully.

2 A. Yes.

3 Q. Okay. SLED Item 54, which is described as the
4 projectile recovered from the kitchen area under the stove,
5 as well as SLED Item 61, which is described as a fired
6 bullet jacket fragment from the hoodie that there's been
7 testimony Elizabeth Peterson held to her head, what, if
8 anything, can you determine about the rifling as relates
9 to those items?

10 A. Those items, 41, 50, 53 and 54 were complete bullets,
11 so I can tell you that they had five right rifling. When
12 I put it in the database, it came back with Smith & Wesson
13 as the manufacturer that makes firearms with those
14 specifications.

15 Q. What other manufacturers?

16 A. That's it. That's only one.

17 Q. Only Smith & Wesson?

18 A. (Nods head.)

19 Q. As relates to 61, were you able to determine that that
20 also had a Smith & Wesson rifling?

21 A. Yes.

22 Q. And the difference with 61, your report indicates you
23 could not determine the caliber since it was a bullet
24 jacket fragment; is that correct?

25 A. That's correct.

1 Q. So as it relates to those five items, they all had
2 Smith & Wesson rifling?

3 A. Correct.

4 Q. And since it is one manufacturer, you indicated you
5 put it into a database. What type of database is this?

6 A. It's a database that's maintained first by the FBI
7 and then the professional organization that I belong to,
8 the Association of Firearm and Tool Mark Examiners, we
9 maintain it now. It's an online database that we can put
10 all of this information into and it will give us a
11 printout.

12 Q. Okay. And when you entered this information into a
13 printout, do they also -- does that system also provide you
14 with potential types of firearms that would be responsible
15 for this rifling?

16 A. Yes. You can ask for the database to tell you models,
17 as well as manufactures. This one gave us models as well.

18 Q. And what models were provided?

19 A. If I could refer to my notes. The following Smith &
20 Wesson models have five right rifling as of the printing of
21 this database. So a Model 610, a 10-millimeter auto; also
22 a Model M&P 40; and SD40 VE; and SW40 VE; and an SW 99.

23 Q. And that's a pretty short list compared to other cases
24 that you've worked?

25 A. Yes. Sometimes we get hundreds of manufacturers on a

1 list.

2 Q. And in this particular case as it relates to the
3 murder weapon in this case, as well as the firearm that
4 shot Elizabeth Peterson, it is one of those five firearms,
5 correct?

6 A. In order to shoot those bullets, it would be one of
7 these firearms.

8 Q. It would be one of those. I'm gonna show you what's
9 already in evidence as 13, 14 and 15, and ask if you
10 recognize these as photographs that you took yourself?

11 A. Yes. Whenever we receive evidence in a case, we'll
12 document how we received it, the packaging and then measure
13 it just so we have a documentation of how it was when we
14 got it.

15 Q. And so those would be considered intake photographs?

16 A. Yes.

17 Q. And those are the ones that you took yourself?

18 A. Yes.

19 Q. And is that identified -- the content, was that
20 collectively identified as SLED Item 43?

21 A. Yes, that's correct.

22 Q. And did you go through -- and I'll display it so the
23 jury knows what we're looking at. Did you go through the
24 contents of this box?

25 A. I did. I documented what was in the box.

1 Q. And publishing State's 13 and over here Item Number 43
2 and your initials associated with this case number?

3 A. Yes.

4 Q. Item 14 displaying your initials in that top corner?

5 A. Yes.

6 Q. And then State's 15, you identify your initials, as
7 well as item number and handwriting?

8 A. Yes.

9 Q. I'm gonna hand you now State's -- what's been
10 premarked as State's Exhibit 16 through 28 and ask if you
11 similarly recognize these photographs?

12 A. These are the additional pictures I took of the items
13 that were received in the Item 43 box.

14 Q. Do they appeared to be altered in any way?

15 A. They appear as the pictures that I took.

16 Q. Okay.

17 MS. FULLER: At this time, Your Honor, the
18 State's seeks to introduce into evidence State's
19 Exhibit 16 through 28.

20 THE COURT: Without objection?

21 MS. MOORE: No objection.

22 THE COURT: State's Exhibit 16 through 28 are
23 admitted into evidence.

24 (State's Exhibit Number 16 through 28, photographs,
25 are admitted into evidence.)

1 BY MS. FULLER:

2 Q. Can you describe or publish from your report what you
3 located in SLED Item 43, which is also depicted in these
4 photographs?

5 A. SLED Item 43 is one shoebox. It contains three
6 Winchester brand ammunition boxes, which contain 64
7 unfired, three S&W caliber cartridges. There was also a
8 plastic Wal-Mart bag, a Wal-Mart receipt, a Smith & Wesson
9 brand magazine that was loaded with thirteen unfired
10 .40 S&W caliber cartridges. There was a red in color
11 gunlock, a Smith & Wesson firearm box, which contained an
12 instruction manual, two small keys and an orange in color
13 chamber indicator.

14 MS. FULLER: As she published that I realized, Your
15 Honor, this correction. State's 23 was already admitted
16 into evidence. I just wanted the record to be clear.

17 THE COURT: Thank you.

18 BY MS. FULLER:

19 Q. Looking now at State's 16, are those the contents of
20 the box once they were removed?

21 A. Yes.

22 Q. Looking also now at State's 17, can you describe to
23 the jury what we're seeing here?

24 A. These are the three boxes of Winchester ammunition
25 that were in the container. I opened them up so I could

1 take pictures of how many cartridges were in the boxes.

2 Q. Looking at State's 18, can you describe to the jury
3 what we're looking at here?

4 A. That's a little closer picture of the cartridges that
5 were in one of the boxes.

6 Q. Can you just point out to the jury the headstamp and
7 what it reads?

8 A. The headstamp on a cartridge case -- on a cartridge is
9 right here. W-I-N stands for Winchester and the .40 S&W is
10 the caliber.

11 Q. Looking now at State's 19, can you describe that for
12 the jury?

13 A. That's another close-up picture of the items that were
14 in another box.

15 Q. State's 20.

16 A. The same thing. The third box. That's what the
17 cartridges look like that were in that box.

18 Q. State's 21.

19 A. This is a photograph of the Wal-Mart bag, the receipt
20 and the gunlock.

21 Q. State's 22.

22 A. That's the Smith & Wesson firearm box. When I opened
23 it, that was with the contents of the box.

24 Q. And State's 23 that's already in evidence, can you
25 describe that for the jury?

1 A. This is kind of the informative side of the box. It
2 tells you the serial number, the model, the make of the
3 firearm that was originally in that box.

4 Q. Looking at State's 24.

5 A. That's the magazine that was also in the box with
6 Item 43 and the cartridges that were in the magazine.

7 Q. And then it looks like a zoomed in -- this is
8 State's 25 or were you showing something different here?

9 A. It's the other side of the magazine.

10 Q. Okay. State's 26.

11 A. It's the side. It gave more information. It's a .40
12 S&W caliber magazine.

13 Q. State's 27.

14 A. This is the bottom of the magazine. It's called the
15 floor plate. It has the Smith & Wesson logo on it.

16 Q. And State's 28.

17 A. Those are the cartridges that were in the magazine,
18 the headstamp and then what kind of bullet it was.

19 Q. And as it relates to this gun box, the actual firearm
20 that is associated with this gun box was never -- you never
21 received it for analysis, correct?

22 A. That's correct.

23 Q. Going back to State's 23, you indicated the model and
24 serial number. Can you point that out for the jury?

25 A. Let's see. So the serial number is here. It's FYH66

1 -- I believe that's a 2-0. Here's S -- S&W is the
2 manufacturer. SD40 VE is right there.

3 Q. When you were testifying about the type of firearms,
4 the list that the database provided in terms of the rifling
5 associated with the head shot as relates to Aaron Peterson,
6 also Lyz Peterson's shot, which is SLED 51, the first one
7 was SLED 41, SLED 50, 53, 54, is SD40 VE on that list that
8 the database provided?

9 A. It is.

10 Q. Looking now at the ammunition in this box, looking at
11 State's 16, I have a couple of questions about the weight
12 of an unfired bullet. Is that the appropriate term?

13 A. Uh-huh.

14 Q. What is the unit of measure? Is that the phrasing?

15 A. Bullets are weighed in grains. It's something that's
16 just unique to bullets.

17 Q. And as it relates to the boxes of ammunition in this
18 box, what -- where do you see the weight listed?

19 A. So it's right -- it will also be on the side, but it's
20 right here. This box as it came from the manufacturer was
21 165 grain bullets. This one was 180 grain.

22 Q. Okay. And at SLED and in your analysis and
23 examination in identifying projectiles, do you weigh the
24 evidence as well?

25 A. Yes.

1 Q. So in this case as it relates to SLED Item 54, which
2 is Law Enforcement Item, going back here, 20, which is
3 found in the kitchen, that projectile, do you have a weight
4 for it?

5 A. Item 54 weighed 179.6 grains.

6 Q. And as it relates to Item 64, did it have a headstamp
7 still when you analyzed it? Item 54. I'm sorry.

8 A. It's a fired bullet, so it didn't have any other
9 manufacturing information on it.

10 Q. And so there you would be relying on your analysis and
11 the Smith & Wesson rifling that your analysis revealed?

12 A. Yes.

13 Q. And the grains, again, for 54 is 179.6?

14 A. That's correct.

15 Q. What, if anything, that would indicate about looking
16 at the -- I'm gonna back up and retract that question. In
17 terms of the ammunition that is in the box associated with
18 Bradley Walker, there's ammunition in there that is 180
19 grains, correct?

20 A. Correct.

21 Q. And in terms of that bullet that was found in the
22 kitchen that's 179.6 grains, what, if anything, that would
23 suggest about how intact that bullet was?

24 A. That bullet was fairly intact. During firing it's
25 possible that you could lose a couple of grains. There's

1 also variability in bullet weight as they even come from
2 manufacturer, so that would be consistent with a complete
3 bullet.

4 Q. Now shifting to SLED Item 60, which is described as
5 the lead fragment again, Item Number -- recovered from the
6 blue hoodie associated with Elizabeth Peterson, did you
7 weigh SLED Item 60?

8 A. I did. SLED Item 60 weighed 105.6 grains.

9 Q. And what, if anything, that would indicate?

10 A. That bullet lost a good bit of its weight. It was
11 also just a lead fragment, so it was missing potentially a
12 jacket and part of its core material.

13 Q. I think I confused Line 38 and 40 earlier, so I'm
14 gonna hand you 38 so we can clear it up. Looking at
15 State's Exhibit 82, I'm gonna ask if you recognize it?

16 A. Yes. It's SLED Item 38.

17 Q. So in looking at SLED Item 38, is this -- it's written
18 as a fragment, a metal fragment, and there's testimony that
19 this was recovered from MINOR Can you publish,
20 again, your results for SLED Item 38?

21 A. SLED Item 38 was a lead fragment that bore no marks of
22 value, so it was unsuitable for identification.

23 Q. And you indicated that it was actually a lead
24 fragment, correct?

25 A. Correct.

1 Q. And projectiles, specifically the Winchester
2 ammunition that we have here, is it made up of lead?

3 A. Correct. The core of the bullets are lead.

4 Q. Looking at the weight of that item, SLED Item 38 from
5 MINOR your report -- your bench notes indicate
6 that that weighed .2 grains; is that correct?

7 A. That's correct.

8 Q. Looking also at SLED Item 39, the contents of the
9 plastic bottle, your bench notes indicated that those
10 contents -- the six lead fragments weighed 8.6 grains; is
11 that correct?

12 A. Yes.

13 Q. And the bullet jacket fragment weighed 4.8 grains?

14 A. That's correct.

15 Q. Looking at SLED Item 40, which that was the jacket
16 fragment that was recovered from the living room floor,
17 your bench notes indicate that that weighs 4.6 grains; is
18 that correct?

19 A. That's correct.

20 Q. Looking at SLED Item 58 from the blue hoodie
21 associated with Elizabeth Peterson, your bench notes
22 indicate that that weighed 13 grains; is that correct?

23 A. That's correct.

24 Q. And looking at SLED Item 61, another -- listed as
25 another bullet jacket fragment from the blue hoodie

1 associated with Elizabeth Peterson, your bench notes
2 indicate that that weighed 14 grains; is that correct?

3 A. That's correct.

4 Q. If we take those fragments, add that total up with
5 SLED Item 60, the 105 grains you testified about from the
6 blue hoodie, it comes to approximately 150 grains; is that
7 correct?

8 A. That's correct.

9 Q. Despite not being able -- despite those fragments not
10 having -- either limited marks of value or no marks of
11 value, are you comfortable stating that that 150 grains
12 possibly made up one bullet?

13 A. It's possible that that could be from one bullet.

14 Q. As it relates to the bullet that was found in the
15 kitchen and the one that we know is 105 grains, which is
16 the one from the blue hoodie from Elizabeth Peterson, are
17 you comfortable saying that those are two different
18 projectiles?

19 A. Yes.

20 Q. And that is because -- due large in part to the
21 grains, the weight of the bullets, correct?

22 A. Correct.

23 Q. Associated with the box belonging to Bradley Walker,
24 we have what's been collectively marked as State's 100,
25 the bag, and pulling out the contents here is State's

1 Exhibit 96. Looking at State's 96, can you describe all
2 of these to the jury?

3 A. In State's 96 is SLED items I believe -- does that say
4 5 through 37? Yes.

5 Q. Right here?

6 A. Yes.

7 Q. 5 through 37?

8 A. Yes. They're SLED Item Numbers 5 through 37, which
9 were all fired cartridge cases.

10 Q. Also combining that with State's 97 and 98, also from
11 the box associated with Bradley Walker, can you describe
12 those two for the jury as well?

13 A. Those were two additional fired cartridge cases.

14 Q. And so all in all thirty-five cartridge cases here
15 that are marked with the three exhibit numbers, correct?

16 A. Correct.

17 Q. And were you able to perform an analysis on these
18 items recovered from the box associated with Bradley
19 Walker?

20 A. I did.

21 Q. And what were your results?

22 A. I compared those fired cartridge cases with the
23 previously examined fired cartridge cases. I concluded
24 that they all had matching individual identifying
25 characteristics to say that they were all fired by one

1 firearm.

2 Q. And so it's clear, the eight that we see there, fired
3 cartridge cases from the crime scene and the thirty-five
4 fired cartridge cases from the gun box associated with
5 Bradley Walker, were all fired by one firearm?

6 A. That's correct.

7 Q. And also to summarize on the list that the database
8 provided in terms of the projectiles, not the cases, but
9 the projectiles, a Smith & Wesson .40 --

10 MS. FULLER: I beg the Court's indulgence. I just
11 drew a blank.

12 BY MS. FULLER:

13 Q. A Smith & Wesson .40 S -- I have VE; is that correct?

14 A. Yes.

15 Q. Is on the list?

16 A. Yes.

17 Q. As potentially firing the projectiles associated in
18 this case?

19 A. That's correct.

20 Q. That had rifling characteristics?

21 A. Yes.

22 MS. FULLER: No further questions at this time.

23 THE COURT: Cross-examination.

24 MS. MOORE: Thank you, Your Honor.

25 CROSS-EXAMINATION

1 BY MS. MOORE:

2 Q. I just have a couple of questions for you.

3 A. Yes, ma'am.

4 Q. But none of this -- none of these shell casings and
5 bullets, none of those have been compared to an actual
6 weapon, have they?

7 A. That's correct.

8 Q. Actually they could have come from five different
9 kinds of guns, correct?

10 A. The cartridge cases were all fired by one firearm and
11 the bullets were inconclusive with each other.

12 Q. Okay. So -- because all you can say is that it's a
13 40-caliber. The bullets are what -- is the manufacturer,
14 correct? The bullets are Smith & Wesson, right?

15 A. The bullets are .40 Smith & Wesson caliber. That's
16 the name of the caliber.

17 Q. Okay. Thank you. And when you received the evidence,
18 you received the box, and you made a notation about there
19 being some kind of bio -- blood on there, on the box?

20 A. Are you referring to Item 43?

21 Q. Yes.

22 A. Let's see exactly what I put.

23 Q. You made a notation shoebox had what appeared to be
24 blood droplets and spatter on the outside of box?

25 A. Yes.

1 Q. And was that -- did you test that?

2 A. I did not.

3 Q. What do you do with that kind of information?

4 A. I would have spoken to the investigators and asked
5 if they thought they needed it examined. I'm not a blood
6 spatter expert, so I didn't do anything else with it. I
7 just noted that it was there.

8 Q. And so you wouldn't have any idea whether they did
9 what you said?

10 A. Correct.

11 MS. MOORE: Okay. That's all I have.

12 THE COURT: Redirect.

13 MS. FULLER: Nothing, Your Honor.

14 THE COURT: All right. The witness may step down.
15 (Witness excused.)

16 MS. FULLER: The State calls Dayton Barton.

17 (Whereupon, Dayton Barton was duly sworn by the
18 Clerk of Court.)

19 THE CLERK: If you will have a seat over there,
20 please. If you'll state your name and spell your last,
21 please, for the record.

22 THE WITNESS: My name is Dayton Barton, B-A-R-T-O-N.

23 DAYTON BARTON,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MS. FULLER:

2 Q. And, Dayton, where are you employed?

3 A. Currently with Charleston County EMS.

4 Q. And back in July of 2018, where were you employed?

5 A. I worked for Lexington County EMS.

6 Q. And on July 23, 2018, did you respond to [REDACTED] Sandspur
7 Road?

8 A. Yes, ma'am.

9 Q. Were you first on-scene?

10 A. No, ma'am.

11 Q. Would you be considered an assisting unit?

12 A. Yes, ma'am.

13 Q. When you arrived on-scene, can you describe the scene
14 for the jury?

15 A. Yes, ma'am. I recall a long-ish driveway and because
16 I was later in response as an assisting unit where we
17 staged the ambulance was further away from the residence
18 and that's where we remained. That's where we stayed in
19 order to receive patients.

20 Q. As it relates to this case, did you receive two
21 patients?

22 A. Yes, ma'am.

23 Q. Can you describe the first one to the jury?

24 A. Yes, ma'am. A 20's year old male.

25 Q. And what were his injuries?

1 A. There was a -- there was an entry and exit wound from
2 a gunshot wound to his arm. Right arm, I believe.

3 Q. And did he have any other injury?

4 A. Not that I recall.

5 Q. Okay. Do you note -- and do you have a copy of your
6 report?

7 A. No.

8 Q. I'm gonna hand you a copy of your report, and while
9 I'm trying to pull it out of here, do you recall an injury
10 to his face or his lips?

11 A. I do now, yes.

12 Q. Okay. And can you describe that for the jury?

13 A. I recall a laceration with a contusion, which would
14 be like a bruising or redness or swelling to his upper and
15 lower lip, I believe.

16 Q. And here's a copy of the EMS report.

17 A. Thank you.

18 Q. And I apologize. Can you describe the injury again?
19 I apologize.

20 A. Yes, ma'am. To his lips?

21 Q. Yes.

22 A. There was a las -- a laceration to his upper lip
23 with a contusion, which would be swelling or redness, with
24 bleeding.

25 Q. In terms of his gunshot wound, as well as his face

1 laceration, he was able to tell you what happened?

2 A. Yes.

3 Q. And this was while you were providing him medical
4 care?

5 A. Yes.

6 Q. And what was he able to tell you?

7 A. I recall him saying that he was at that residence
8 that day assisting his friends with moving furniture and
9 an additional male was there and as they were moving said
10 furniture opened gunfire on them and then he fled the
11 scene.

12 Q. Okay. In terms of the laceration to the lips, would
13 you describe them as being burns?

14 A. No, ma'am.

15 Q. If there was burns, what would you have described them
16 in your report -- how would you have described the injury?

17 A. Blistering.

18 Q. Okay. But in your report you listed it as a contusion
19 or laceration?

20 A. Yes, ma'am.

21 Q. While you were treating the male, did you smell any
22 gasoline on him?

23 A. No, ma'am.

24 Q. If you did, would you have noted that in your report?

25 A. Yes, ma'am.

1 Q. And so to be clear, his lip injury did not appear to
2 be a burning from gasoline?

3 A. Correct.

4 Q. Would you expect that to look very different?

5 A. I would, yes.

6 Q. In terms of a second patient, do you recall who you
7 treated or transported?

8 A. Yes, a three-year-old child, male.

9 Q. And can you describe to the jury what injuries he had?

10 A. Yes. He -- I recall him having a laceration to his
11 upper abdominal area or sternum -- sternal area with a
12 shrapnel-type metal lodged in that area.

13 Q. And that area, did it appear fresh?

14 A. Yes.

15 Q. And was there any redness or irritation around it?

16 A. Yes, there was.

17 Q. And what else can you describe about it?

18 A. Most notably that it appeared fresh and in the sense
19 that there was blood in the area that was bright in nature,
20 meaning that it was recently active bleeding. There was no
21 scabbing as in like an old injury.

22 Q. Okay. And so this is what you described as a shrapnel
23 injury to -- you're pointing, but just for the record
24 you're pointing to it looks like the upper abdomen?

25 A. Yes, ma'am.

1 Q. And were you able to communicate with this
2 three-year-old?

3 A. Yes, ma'am.

4 Q. And how were you able to communicate with him?

5 A. Like I would any patient of that age. First
6 introducing myself and then saying where are you hurting
7 in a sense. To a three-year-old, that would be do you have
8 any owies or boo-boos.

9 Q. And is that what you did? Is that how you
10 communicated with him on this day?

11 A. Yes, ma'am.

12 Q. And was he able to identify any owies or boo-boos for
13 you?

14 A. Yes, ma'am, to that upper abdominal area.

15 Q. And how did he indicate that?

16 A. By pointing.

17 Q. With his hand?

18 A. Yes, ma'am.

19 Q. Did anyone direct him to do that?

20 A. No, ma'am. Not --

21 Q. Not in your presence?

22 A. Not in my presence.

23 Q. Did you direct him to do that?

24 A. No, ma'am.

25 Q. Can you go ahead and describe transport for the jury?

1 Transporting both of these individuals.

2 A. Yes, ma'am. So like I mentioned earlier, we were
3 further to the main road down that driveway. I recall it
4 raining that day and we staged the stretcher just outside
5 of our ambulance in preparation for receiving patients.
6 That's when the young adult male was brought to us. We
7 placed -- we assisted him to the stretcher and then
8 loaded him inside the ambulance and while we were
9 assessing him, performing secondary assessments on him
10 like his blood pressure and other vital signs, that's
11 when the three-year-old child was brought to us inside
12 the ambulance via the side entrance door and that is when
13 I assisted him to the captain's chair, which is a single
14 chair behind the stretcher that also faces the rear
15 of the ambulance, and there's a foldout booster seat that
16 that child was placed in with restraints and the adult male
17 remained on the stretcher for transport.

18 Q. And just so I can picture this, too, and assist the
19 jury, so a typical box for the back of the ambulance?

20 A. Uh-huh.

21 Q. And the driver would be facing that way?

22 A. Okay.

23 Q. And when you talk about the adult male, the stretcher,
24 is it typically like you see in the movies where the adult
25 male is on the stretcher facing towards the rear of the

1 ambulance?

2 A. Yes, ma'am.

3 Q. And you talked about captain's chair. If the adult
4 male is on the stretcher facing the rear of the ambulance,
5 where is the captain's chair associated to the adult male?

6 A. Directly behind the adult male in a chair also facing
7 the same direction.

8 Q. Okay. So it would be a chair behind the stretcher
9 that would be behind the driver?

10 A. Yes.

11 Q. But in the cabin part of the ambulance?

12 A. In the patient compartment, yes.

13 Q. I apologize.

14 A. No worries.

15 Q. The patient compartment part of the ambulance?

16 A. Yes, ma'am. And then to their left would be a bench
17 seat and that's where I would sit and allow access to both
18 patients.

19 Q. And at that point once they're loaded up, did you stay
20 on the ambulance for transport as well?

21 A. Yes, I remained in the back in the patient compartment
22 throughout transport.

23 Q. And throughout transport to the hospital?

24 A. Yes, ma'am.

25 Q. And during transport what, if anything, did you hear

1 the three-year-old say?

2 A. I -- as I was attending to the adult male, I recall
3 that three-year-old child saying --

4 MS. MOORE: Objection, Your Honor. Leading.

5 THE COURT: Rephrase your question.

6 MS. FULLER: Your Honor --

7 MS. MOORE: Hearsay, Your Honor. I apologize.

8 MS. FULLER: Respectfully, Your Honor, I'm gonna
9 ask the same question.

10 THE COURT: Okay. Your objection -- well, the
11 objection was on hearsay. Do you have an exception?

12 MS. FULLER: Yes, Your Honor. Excited utterance.

13 THE COURT: Can you lay a little more foundation to
14 that, please?

15 MS. FULLER: Okay.

16 BY MS. FULLER:

17 Q. You described that he was in the back of the
18 ambulance?

19 A. Yes.

20 Q. Okay. And they were both under the treatment of care?

21 A. By myself, yes.

22 Q. And this would have been shortly after the incident
23 occurred. You described the injuries to the three-year-old
24 as fresh and there was bleeding?

25 A. Yes.

1 MS. FULLER: Your Honor, do you need more of a
2 foundation?

3 THE COURT: Your objection is hearsay. It's
4 overruled.

5 MS. FULLER: Thank you, Your Honor.

6 BY MS. FULLER:

7 Q. And during transport can you tell me what, if
8 anything, the three-year-old said?

9 A. Yes, during the transport as I was tending to the
10 young adult male the child from the captain's chair said
11 bang, mommy hurt; bang, daddy hurt.

12 Q. And throughout transport when he made that first
13 statement, did you ask him any questions?

14 A. I do not recall.

15 Q. Did anyone tell him to say that?

16 A. I did not.

17 Q. Did David, the other male that's in transport, tell
18 him to say that?

19 A. No.

20 Q. Did he, in fact, repeat that multiple times during
21 transport?

22 A. Yes, ma'am.

23 Q. Do you recall in your report documenting that he also
24 had to be consoled while making that statement?

25 A. Yes, ma'am.

1 Q. And is that accurate?

2 A. Yes, ma'am.

3 Q. In your report you documented that there was also
4 small shrapnel -- minor shrapnel noted in his forearm. Is
5 that accurate as well?

6 A. Yes, it is.

7 Q. And it's written in your report?

8 A. It is, yes.

9 Q. And so in addition to the injury to the abdomen, your
10 report documents also an injury to his forearm; is that
11 correct?

12 A. Yes, ma'am.

13 Q. And just to be clear, in terms of the abdomen your
14 testimony is that it was lodged in, embedded, and there was
15 some bleeding around it; is that correct?

16 A. Yes, ma'am.

17 MS. FULLER: No further questions.

18 THE COURT: Cross-examination.

19 MS. MOORE: Just a question -- or two questions.

20 CROSS-EXAMINATION

21 BY MS. MOORE:

22 Q. The little three-year-old, he wasn't covered in blood,
23 was he?

24 A. No, ma'am.

25 Q. He didn't have any blood on him, did he?

1 A. On his abdomen area around that lodged shrapnel, yes,
2 ma'am.

3 Q. Was it actively bleeding?

4 A. No, ma'am. Just around the immediate site of injury.

5 Q. And you testified about the abrasions to the lip on
6 the adult male?

7 A. The adult male, yes, ma'am.

8 Q. That could have come from being punched with a ring
9 on, couldn't it?

10 A. One could say that, yes. I don't know how the injury
11 occurred and neither did he recall. I have it stated in my
12 report that he didn't recall either.

13 MS. MOORE: Thank you. That's all I have.

14 THE COURT: Any redirect?

15 MS. FULLER: No, Your Honor.

16 THE COURT: All right. The witness may step down.

17 (Witness excused.)

18 MS. FULLER: The State calls Nick Uveges.

19 THE COURT: Before we do, is everybody okay on the
20 jury right now?

21 All head nods.

22 Okay. Go ahead.

23 MS. MOORE: Your Honor, may we approach?

24 (Proceedings held at the bench; not reported.)

25 (Whereupon, Nicholas Uveges was duly sworn by the

1 Clerk of Court.)

2 THE CLERK: If you'll have a seat up there. If
3 you'll state your name and spell your last name for the
4 record.

5 THE WITNESS: Absolutely.

6 My name is Nicholas Uveges, U-V-E-G-E-S.

7 NICHOLAS UVEGES,

8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. FULLER:

11 Q. Could you, please, introduce yourself to the jury?
12 Where are you employed?

13 A. I'm employed currently with Lexington County Fire
14 Service as one of the deputy fire marshals in the fire
15 marshal's division.

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

17 A. I've been employed with the fire marshal's division
18 for two years now. A little over two years.

19 Q. And prior to your employment there, where were you
20 employed?

21 A. Lexington County Sheriff's Department.

22 Q. And in what's capacity?

23 A. An investigator in property crimes.

24 Q. And prior -- and how long were you employed by the
25 Lexington County Sheriff's Department?

1 A. A little over eight years.

2 Q. And prior to that?

3 A. City of Columbia Police Department for two and a half
4 years.

5 Q. And prior to that?

6 A. Three years for the South Brunswick Fire Marshal's
7 Division in New Jersey.

8 Q. And what was your title there?

9 A. Deputy fire marshal.

10 Q. In terms of your experience and as it relates to
11 fires, what is your training and experience and any
12 certifications that you have?

13 A. I have numerous certifications in firefighting,
14 Firefighter 1 and Firefighter 2. Nationally recognized
15 Firefighter 2. I have numerous certifications in fire
16 inspections, as well as fire investigation, arson, origin
17 and cause investigation from the National Fire Academy.
18 I have ten years -- roughly ten years firefighting
19 experience. Several investigation trainings through law
20 enforcement, as well as fire.

21 Q. As it relates to fire -- vehicle fires, what specific
22 training and experience do you have in terms of vehicle
23 fires?

24 A. There's several modules that we have to take as
25 prerequisites in order to get in the National Fire Academy.

1 One of the prerequisite classes was basically on vehicle
2 fires, it was about three hours, and I have some other
3 experience from an international arson -- International
4 Association of Arson Investigators. They have similar here
5 as New Jersey and I have a two-day course on forensic fire
6 reconstruction in regards to vehicle fires.

7 MS. FULLER: Your Honor, at this time the State
8 seeks to introduce Nick Uveges as an expert in the field
9 of fire identification.

10 THE COURT: Fire identification.

11 Ms. Moore, any voir dire?

12 MS. MOORE: Yes, sir, Your Honor.

13 VOIR DIRE EXAMINATION

14 BY MS. MOORE:

15 Q. So you -- you've only had three hours' training in
16 vehicle fires and it was a two-day seminar, correct?

17 A. It was -- yes, awareness, as well as a two-day course.

18 Q. Have you ever testified in court?

19 A. I have.

20 Q. As an expert?

21 A. No, I have not.

22 MS. MOORE: Your Honor, I would have challenges.

23 THE COURT: All right.

24 Any response to her?

25 MS. FULLER: No, Your Honor. I stand on his

1 previous certifications and his testimony in term of
2 experience.

3 VOIR DIRE EXAMINATION

4 BY MS. FULLER:

5 Q. Well, I'll lay this. According to -- I'll add this to
6 the record. According to your CV, it indicates that you're
7 a certified arson and cause and origin investigator through
8 the National Fire Academy. Is that what you just testified
9 to?

10 A. That's correct.

11 Q. As well as a certified incident management Level 1, 2,
12 fire inspector and official licenses under the State of
13 New Jersey, and it indicates here as well as a certified
14 fire inspector 1 and 2, nineteen years firefighting, law
15 enforcement, emergency incident cumulative experience. Is
16 that accurate?

17 A. That's correct.

18 MS. FULLER: Your Honor, I stand by his
19 qualifications that he is an expert in the -- the
20 field of fire identification, specifically cause and
21 origin.

22 THE COURT: Ladies and gentlemen, let me talk
23 with the attorneys real quick just outside your presence
24 and I'll get you back in here in a few minutes. Please
25 don't discuss the case.

1 (Whereupon, the jury retires to the jury room at
2 3:33 PM.)

3 THE COURT: So he's being offered as a fire origin
4 -- fire identification and origin expert investigations?

5 MS. FULLER: Yes, fire investigations essentially,
6 so cause and origin.

7 THE COURT: All right.

8 MS. MOORE: Your Honor, that's too --

9 THE COURT: Well, hold on. I don't know because the
10 idea is he's gonna testify about the fire in the car,
11 right?

12 MS. FULLER: That's correct, Your Honor.

13 THE COURT: And then where the fire in the car
14 originated?

15 MS. FULLER: Not specifically, Your Honor. My
16 specific questions would be based on his review of
17 actually seeing the car and general questions about
18 gasoline as an accelerant, as well as Walker's injuries,
19 as well as what his injuries are consistent of as it
20 relates to the burning of a car.

21 THE COURT: Okay. So, number one, is what are some
22 of the methods he used for -- I guess we could proffer
23 some more information at this point. It's tough for me
24 to make a blind call.

25 MS. FULLER: Okay. I can do that.

1 THE COURT: So we'll just proffer some testimony and
2 go from there.

3 MS. FULLER: Thank you, Your Honor.

4 VOIR DIRE EXAMINATION (In-Camera)

5 BY MS. FULLER:

6 Q. Investigator Uveges, did you have an opportunity to
7 review photographs in this case?

8 A. Yes, I did.

9 Q. And did you also have an opportunity to go and look at
10 the burnt vehicle in this case?

11 A. Yes, I did.

12 Q. What, if anything, did you notice about the windows as
13 it relates to the vehicle?

14 A. There were no windows inside the vehicle at the time I
15 saw it.

16 Q. Say that one more time.

17 A. There were no windows left inside that were intact.

18 Q. And based on your training and experience, could you
19 tell based on the condition of the vehicle whether or not
20 the window -- the driver's side window was up or down at
21 the time the fire occurred?

22 A. It appears that the window was down based on the
23 mechanism, which is mechanical, and the -- the way it was
24 left post-fire.

25 Q. And based on your training and experience, would a

1 fire cause that mechanical system to lower during the fire?

2 A. I have not seen it. I have not seen a mechanical
3 system like that lower on its own due to a fire, no.

4 Q. Also I'm gonna show you State's 33. Did you have
5 an opportunity to look at this photo, as well as other
6 photographs of Bradley Walker in this case?

7 A. Yes, I have.

8 Q. And did you note indications of burning in these
9 photographs?

10 A. Yes.

11 Q. And can you tell me whether or not in your opinion
12 the burning that he sustained is consistent with someone
13 standing outside of a car and not inside of a car at the
14 time of the vehicle fire?

15 A. Based on this photo I can't determine whether it was
16 inside or outside.

17 Q. Based on the injuries -- based on his injuries that
18 were described to you as being -- and what's in evidence
19 is that his injuries were up from his upper extremities to
20 include his back and his face, what, if anything, that
21 would indicate in terms of his relationship to the car?

22 A. That would indicate to me that there was some sort
23 of barrier between his waistline area and the lower
24 extremities to prevent any kind of radiating heat from
25 fire.

1 Q. And is that consistent -- is that type of injury and
2 the lack of injury to his lower extremities consistent
3 with someone sitting inside of a vehicle at the time of a
4 vehicle fire?

5 A. In my experience, no.

6 Q. As well as the injury to his back, the burning to his
7 back, is that consistent with someone sitting in their
8 driver's seat of their vehicle at the time of a vehicle
9 fire?

10 A. Unless the fire was behind them, that's not
11 consistent.

12 Q. In terms of -- I would also ask you to describe for
13 the jury what causes a fire -- in terms of a vehicle fire
14 if gasoline is the accelerant, how easy would it be, in
15 this case a Toyota Prius, for a fire to be set?

16 A. Very easily. Because it's the vapors that actually
17 ignite, not the liquid itself, and the vapors are extremely
18 volatile. If anybody's fueled their vehicle before and
19 have watched the nozzle, you can clearly see a vapor trail
20 come down. That's how quickly the vapors move and as soon
21 as they find an ignition source wherever that vapor is it
22 violently ignites.

23 Q. So it's the vapor that actually starts the fire,
24 not what we like to see is the actual like gasoline like
25 poured --

1 A. That's correct. It's not the liquid, it's the vapor.

2 Q. The vapor.

3 MS. FULLER: Your Honor, that would be the extent
4 of the testimony that I would be asking of this witness.

5 THE COURT: So he talked about the -- how the fire
6 started, where it started, where the --

7 MS. FULLER: Well, the question about how it started
8 is a general question based on his training and experience
9 if gasoline is the accelerant.

10 THE COURT: Okay.

11 MS. FULLER: The specific questions as relates to
12 Bradley is noting he was -- I provided him a description
13 of his injuries, as well as a photograph, and asking him
14 if that's consistent with someone sitting in a vehicle
15 when the vehicle ignited.

16 THE COURT: Okay.

17 MS. FULLER: So specifically --

18 THE COURT: And then his response was that it was
19 not consistent with him being inside the vehicle.

20 MS. FULLER: That's correct. Based on his training
21 and experience.

22 THE COURT: Okay. And then -- well, actually, I
23 guess I need to let -- instead of me asking questions,
24 Ms. Moore, anything you want to ask him at this time?

25 MS. MOORE: Thank you.

1 VOIR DIRE EXAMINATION (In-Camera)

2 BY MS. MOORE:

3 Q. You didn't see the defendant, correct?

4 A. No.

5 Q. You've never seen him. You just saw a picture and
6 based your opinion on what Ms. Fuller said about his
7 injuries, correct?

8 A. That's correct.

9 MS. MOORE: Your Honor, this is -- I object.

10 THE COURT: Well, Ms. Moore, you've -- okay.
11 You've talked about the picture. Anything else you want
12 to touch on or address?

13 MS. MOORE: There's nothing medical been introduced
14 about his injuries.

15 THE COURT: Okay.

16 MS. MOORE: And as far as the demarcation line, if
17 somebody's on fire, aren't they moving and there wouldn't
18 be just a straight line.

19 THE COURT: I think that's a question for --

20 MR. McNAIR: That would be cross-examination, Your
21 Honor.

22 MS. FULLER: That's cross-examination, what she's
23 saying. That doesn't go necessarily to his ultimate
24 opinion. If the challenge is -- I'm confused by her line
25 of questioning if the challenge is his qualifications or

1 the challenge is his opinion. If she's challenging the
2 opinion, that's cross-examination. In terms of his
3 qualifications, ultimately that's what this proffer
4 mainly was and I went into his opinion.

5 THE COURT: Okay.

6 MS. MOORE: Your Honor, I would like to know how
7 many vehicles --

8 BY MS. MOORE:

9 Q. What's your experience in mechanical fires,
10 specifically like vehicle fires?

11 A. I have probably between seventy to hundred fires.
12 I've investigated several vehicle fires, farm equipment,
13 structures, commercial properties, electrical fires,
14 lightning strikes.

15 Q. And when you do that, what do you do when you do those
16 investigations? The same thing you did here?

17 A. No.

18 Q. No.

19 MS. MOORE: Your Honor, I believe he testified on --
20 I beg the Court's indulgence.

21 Your Honor, I don't think he's qualified the way
22 he's been offered and we would ask this witness not be
23 allowed to testify. It's very confusing and misleading
24 to the jury. He didn't investigate the inside of the
25 car, but he testified about the windows. I hope he

1 didn't because there was no search warrant or any court
2 order to allow him to do that.

3 BY MS. MOORE:

4 Q. That was in December, correct?

5 A. December, yes.

6 MS. MOORE: Okay. That's all I have.

7 THE COURT: Okay. I'll be right back.

8 MS. FULLER: And, Your Honor, just briefly in
9 response, if I may?

10 THE COURT: Sure.

11 MS. FULLER: Defense counsel indicated there's been
12 no medical testimony in terms of Mr. Walker's injuries.
13 The EMS -- the EMT that -- the paramedic that treated
14 Mr. Walker testified to the extent of his injuries and
15 so that's what Mr. Uveges -- Investigator Uveges would
16 have been relying on in terms of being able to offer an
17 opinion as to whether or not his injuries are consistent
18 with being inside of the vehicle or outside of the vehicle
19 and that's the ultimate opinion that he has in this case.

20 THE COURT: Okay. Give me a moment. Thanks.

21 MS. FULLER: Thank you.

22 (Recess taken at 3:42 PM.)

23 (Back on the record at 3:58 PM.)

24 BAILIFF: Court is back in session.

25 THE COURT: All right. We just took a short break.

1 This is what I'm gonna do. I'm not gonna outright
2 exclude this witness, but I am gonna limit his testimony.
3 As far as the origin, identification of the fire and the
4 way in which it burned, gasoline, that sort of thing and
5 how -- and based on his experience in investigations he's
6 done and how that fire started, that is in my opinion
7 acceptable; however, I am gonna limit his testimony as
8 far as the injuries on the defendant based off what I've
9 heard in this proffer we just did. So by that I mean I
10 don't want him to answer any questions about the
11 consistency of his injuries based off what I've heard
12 today. It's been proffered for the record, but that's
13 how I'll limit his testimony. I certainly think he's
14 capable of testifying as an expert as far as fire and
15 origin and identification from the vehicle in question
16 in this case.

17 MS. MOORE: Your Honor, so I understand, what's the
18 limitation again?

19 THE COURT: He's not gonna talk about Mr. Walker's
20 -- the consistency of his injuries.

21 MS. MOORE: Okay.

22 THE COURT: That was a topic.

23 Any questions?

24 MS. MOORE: No, sir. That's fine.

25 THE COURT: All right. So I'm gonna bring the jury

1 back in and qualify him.

2 MS. FULLER: Your Honor, just to clarify because I
3 don't want to run afoul of the Court's order, a more
4 extensive line of questioning would also include the
5 behavior of fire in a vehicle if the window was down
6 and the way the fire would go, which would -- obviously
7 respecting the Court's order --

8 THE COURT: I think that -- well, first and foremost,
9 we understand that he's not to testify about Mr. Walker's
10 injuries to the extent that -- whatever consistency they
11 have based off of what he indicated to the Court was his
12 investigation at this point; however, the fact that how
13 a fire might behave if a window is down or if a window
14 is up, I think that's within his parameters. He's
15 investigated him a lot of fire. I recognize that. And
16 the fact that he hadn't been qualified as an expert in
17 the past, he certainly has real world experience in
18 investigating fires, but investigating causation of
19 injuries is not a path we'll go down today.

20 MS. FULLER: Okay. And also specifically in leading
21 up before I got to the ultimate question specifically
22 about Mr. Walker would have been questions about
23 recognizing burns on a person. Are you saying I can't
24 even ask him those questions? I won't ask about Walker,
25 but in terms of responding to vehicle fires and where he

1 sees burns on -- can I ask that question?

2 THE COURT: Okay. Are you talking about -- if I
3 understand you correctly, you're talking about previous
4 cases that you've investigated where people were burned
5 in a vehicle?

6 MS. FULLER: Yes.

7 THE COURT: Okay. I don't want to put a hypothetical
8 in, but --

9 MS. FULLER: I just don't want you to hear me ask
10 because that's --

11 THE COURT: I don't want to muddy the record and
12 then going back. You-all approach real quick and I'll
13 figure out how we want to say this.

14 MS. FULLER: Okay.

15 (Proceedings held at the bench; not reported.)

16 (Recess taken 4:04 PM.)

17 (Back on the record at 4:12 PM.)

18 BAILIFF: Court's back in session.

19 THE COURT: All right. Ms. Fuller, just for the
20 benefit of the record let's profer those additional
21 questions. That way I can hear it and understand and
22 I don't -- well, I'll let you lay those foundational
23 questions for the things we just talked about here at
24 the bench.

25 MS. FULLER: Thank you, Your Honor.

1 VOIR DIRE EXAMINATION (In-Camera)

2 BY MS. FULLER:

3 Q. Investigator Uveges, in terms of speaking -- can you
4 describe in terms of how -- the behavior of the fire in a
5 vehicle if gas is the accelerant?

6 A. So if gasoline is the accelerant used inside of a
7 vehicle, typically if it's compartmentized and, let's say,
8 the windows are up or it has very little oxygen, meaning
9 one window or just two windows up, all that vapor is
10 concentrated in one area and if it's ignited, it's ignited
11 very violently and very rapidly.

12 Q. Okay. And what direction would the fire go?

13 A. Towards the oxygen source.

14 Q. And so if a window -- for example, if the driver's
15 side window is down, would that be considered an oxygen
16 source?

17 A. Yes, it would.

18 Q. And specifically with the window down, what direction
19 would the fire go?

20 A. Out the window.

21 Q. And would it go up or down?

22 A. It would go up.

23 Q. And if an individual was in the driver's seat of a
24 vehicle with the front window down, how would the fire
25 respond to that individual?

1 A. Is that including the use of an accelerant?

2 Q. Including the use of an accelerant.

3 A. There more than likely would be more injuries towards
4 the right side of the body.

5 Q. And comparing to the front and the back of the body?

6 A. That's correct. More than likely typically somebody
7 sitting in a seat their back's protected more from that
8 fire.

9 Q. So you would see injury you indicated to the right
10 side of the body if they're in the driver's seat, as well
11 as the front of the body versus the back?

12 A. That's correct.

13 Q. And if an individual is outside the vehicle and the
14 window is down using gas as the accelerant, how would the
15 fire respond?

16 A. If they were facing that window, it would be all on
17 the front.

18 Q. And in terms of their legs, would you expect their
19 legs to be burned?

20 A. I wouldn't.

21 THE COURT: Okay. May I ask a question?

22 MS. FULLER: Yes, Your Honor.

23 THE COURT: Do you object to me asking a question?

24 MS. FULLER: No, Your Honor.

25 THE COURT: How many of these investigation have you

1 done involving a vehicle fire and a person being -- where
2 you had -- you investigated the burns on a human being?

3 THE WITNESS: None.

4 THE COURT: Okay.

5 MS. FULLER: But in terms -- I can follow up on that.

6 THE COURT: Go ahead.

7 BY MS. FULLER:

8 Q. In terms of investigating a vehicle fire, how many
9 vehicle fires have you investigated?

10 A. I would say at least a dozen.

11 Q. And in terms of where gasoline was the accelerant,
12 have you been able to make that determination?

13 A. Not that gasoline just as an accelerant's been used.

14 Q. Just that an accelerant's been used?

15 A. That's correct.

16 Q. And when an accelerant has been used, the questions
17 that I was asking your opinion was based on when
18 accelerants are used, correct?

19 A. That's correct, ma'am.

20 Q. And we're focussed here on the behavior of fire,
21 correct?

22 A. That's correct.

23 Q. And your training and experience -- through your
24 training, did you -- does your training include the
25 behavior of fire?

1 A. Yes, it does.

2 Q. And your testimony is that fire would go towards an
3 oxygen source, correct?

4 A. That's correct.

5 Q. And so when asked about if a person is in the driver's
6 seat of a vehicle with the window down your response was
7 related to the behavior of the fire and where it would go,
8 correct?

9 A. That's correct. That person would just be in the path
10 of the fire trying to get towards the oxygen source.

11 Q. And this information specifically, what training
12 course taught you this?

13 A. It would be the cause and origin investigation,
14 cause and origin explosive fire investigation, that was
15 instructed by the National Fire Academy in Emmitsburg,
16 Maryland.

17 Q. And throughout your career, how many fires have you
18 responded to?

19 A. Between seventy to a hundred.

20 Q. And even though you didn't do formal investigations,
21 you do have actual experience in dealing with actual fires?

22 A. Yes, I do.

23 Q. And this experience goes back to what year?

24 A. 2003.

25 Q. Until approximately -- for approximately twenty years?

1 A. That's correct.

2 THE COURT: All right. Ms. Moore, you asked some
3 questions earlier about qualifications. I just want to
4 make sure you didn't have anything else in light of this
5 additional questioning? You don't have to.

6 MS. MOORE: As far as his qualifications?

7 THE COURT: Correct.

8 MS. MOORE: Your Honor, I stand by what I said
9 earlier.

10 THE COURT: Okay. Just making sure.

11 All right. He's okay to testify as to cause and
12 origin. He's okay to testify as to the behavior of fire
13 and how a fire behaves on oxygen sources. I will not
14 allow him to testify about injuries.

15 MS. FULLER: Thank you, Your Honor.

16 THE COURT: All right. So you'll be limited in your
17 testimony about injuries to the human body. As far as
18 how fire behaves with an accelerant like gasoline, the
19 way you've testified, I was fine with that. So he'll be
20 admitted as an expert, but he will be limited specifically
21 to the fire.

22 MS. FULLER: Thank you, Your Honor.

23 THE COURT: All right. And just to be -- and,
24 Ms. Moore, I'll note your objection to him being allowed
25 to testify to anything, okay?

1 MS. FULLER: Your Honor, just so we're clear, you
2 said I can't ask him where he would expect to find burns
3 on the body?

4 THE COURT: Let's leave that out. Yes, ma'am.

5 All right. Anything else before we bring them back
6 in?

7 MS. MOORE: Nothing from the defendant.

8 THE COURT: All right. Let's get them back in here.

9 (Whereupon, the jury return to the courtroom at
10 4:19 PM.)

11 THE COURT: All right. Please be seated.

12 Ladies and gentlemen, welcome back.

13 Madam Solicitor, you're offering him as an expert?

14 MS. FULLER: I didn't hear you. I'm sorry.

15 THE COURT: Are you offering him now as an expert?

16 MS. FULLER: Yes, Your Honor.

17 THE COURT: All right. Ladies and gentlemen,
18 this witness will be qualified in the area of fire
19 identification and origin and may give opinion testimony
20 in that area. That does not mean you must accept the
21 opinion, but is evidence for you to use in any way you
22 see fit.

23 MS. FULLER: Thank you, Your Honor.

24 CONTINUED DIRECT EXAMINATION

25 BY MS. FULLER:

1 Q. In terms of a vehicle fire, can gasoline be used as
2 an accelerant?

3 A. Yes, it can.

4 Q. And can you describe to the jury how that usually
5 works?

6 A. If gasoline is used as an accelerant, typically it's
7 a very violent eruption. As far as ignition goes, it's
8 actually the vapors that ignite, it's not the liquid
9 itself, so if that vapor is confined in an area and has no
10 where to go, if you introduce a heat source to it, then it
11 does ignite very violently and very fast.

12 Q. In terms of the -- speaking about the behavior of a
13 fire inside a vehicle, can you describe how -- and if an
14 accelerant like gasoline is used, describe the behavior of
15 that fire inside a vehicle.

16 A. The fire would move -- it would ignite very quickly
17 and it would burn very rapidly and if there was any kind of
18 oxygen source, which it would require to ignite, it would
19 seek more of an oxygen source in order to sustain an active
20 burn.

21 Q. And when you say oxygen source, what exactly is an
22 oxygen source?

23 A. If there is an opening somewhere in that compartment,
24 meaning an open window, an open sunroof, a broken window,
25 something like that, that would be able to introduce an

1 oxygen source into that confined area.

2 Q. And so I'm talking about an episode of Chicago Fire
3 where they're in the room and they're yelling no, don't
4 open the door and then they open the door and it's bad.

5 A. Right.

6 Q. What -- what accounts for that?

7 A. So just like having all that vapor concentrating and
8 initiating a heat source to ignite that gasoline mixture,
9 if you have -- if you have a closed area and you open up
10 the door or open up a window and there's already fire in
11 there, it's gonna feed it more oxygen in order to survive.
12 That's why a lot of times they tell you when you sleep at
13 night keep your door closed. If there's a fire inside your
14 house, it will prevent that oxygen from going in there and
15 the fire from travelling in your bedroom.

16 Q. And so the best way to keep, for example, a vehicle
17 fire contained is to keep all the windows closed, correct?

18 A. That's correct. Any fire. If you starve it of
19 oxygen, it cannot survive.

20 Q. Okay. And so saying it the another way is a fire
21 needs oxygen to survive?

22 A. That's correct.

23 Q. In this particular case did you have an opportunity to
24 look at the vehicle in this case which was a burnt Toyota
25 -- a Prius?

1 A. Yes, I have.

2 Q. And what, if anything, were you able to determine
3 about the windows?

4 A. Based on the mechanical mechanisms, it appeared that
5 the driver's window had been down during the fire.

6 Q. And in terms of a vehicle, the window is connected to
7 a door, correct?

8 A. That's correct. It's connected to a track inside of
9 the door.

10 Q. So a track inside of the door. And when you say
11 you were able to determine that it was down in your
12 observations, were you referring to the actual track?

13 A. Yes, the track and the mechanism that it was connected
14 to.

15 Q. As it relates to this case, and we've seen photographs
16 already, when you observed the vehicle was there any --
17 were there any glass identifying an actual window?

18 A. No, there was no glass intact in any of the window
19 areas.

20 Q. What would the fire have done to the glass?

21 A. As I said earlier, if you ignite gasoline or any kind
22 of ignitable fluid and it's in a confined space, it's gonna
23 create a lot of pressure similar to an explosion and it's
24 gonna blow a lot of that glass out.

25 Q. And in this case in your opinion if the window was

1 down, what would be -- how would that fire behave?

2 A. The fire would go towards that down window where it
3 could get an oxygen source if that was the only source.

4 Q. And once it travels towards that window, would it
5 actually go outside of that window?

6 A. Yes, it would.

7 Q. And what direction would it go in?

8 A. It would go out and up.

9 Q. And why wouldn't it go down?

10 A. Because as you know heat rises and it's looking for
11 that oxygen source and the majority of the time a lot of
12 the smoke that you have created by fires it causes a draft
13 and it pulls the flames upward.

14 Q. A vehicle like a Prius, would it have taken hours for
15 it to burn?

16 A. No.

17 Q. In terms of the seat inside of the vehicle, would the
18 fire have also caused the seat to burn?

19 A. That's correct.

20 Q. And in terms of -- we talked about the door where the
21 mechanism would have been, the window would have been in
22 the door, would that bottom part of the door or the door
23 frame be considered a barrier?

24 A. Yes, it would.

25 Q. And are there any other barriers on a vehicle where

1 the fire would go in, I guess, a different direction away
2 from the barrier or can you explain that?

3 A. Obviously the roof, so the fire's gonna go up and out.
4 So if there's no glass in the windows, the fire's gonna go
5 up and out and around. So barriers could be your trunk,
6 barriers could be the hood, it could be the doors, it could
7 also be the roof.

8 MS. FULLER: I beg the Court's indulgence.

9 BY MS. FULLER:

10 Q. And then also to clarify, in looking at this vehicle
11 did you determine if any other windows were down?

12 A. It appeared that the back driver's window might have
13 been partially down.

14 Q. Okay. And in terms of the front driver's window, was
15 that also partially down or --

16 A. That appeared to be all the way down.

17 Q. So the front driver's window appeared to be all the
18 way down and the back behind the driver appeared to be
19 partially down?

20 A. Correct.

21 Q. How about on the passenger side?

22 A. Those appeared to be in the upward closed position.

23 Q. Would the fire have caused the mechanism to rise or
24 fall?

25 A. No.

1 Q. And so at the time that the fire took place or
2 occurred, that would have been the position of the window
3 at the time the fire happened?

4 A. Yes.

5 MS. FULLER: No further questions.

6 THE COURT: Cross-examination.

7 MS. MOORE: Briefly, Your Honor.

8 CROSS-EXAMINATION

9 BY MS. MOORE:

10 Q. At the time of this incident you worked at the
11 sheriff's department, right? The Lexington County
12 Sheriff's Department?

13 A. That's correct.

14 Q. In 2018?

15 A. That's correct.

16 Q. But you didn't have anything to do with this case or
17 this car, correct?

18 A. No, ma'am.

19 Q. And so you didn't see it as -- when it initially came
20 into the sheriff's department in the back lot, right?

21 A. That's correct.

22 Q. What you're testifying to is four and a half years
23 later you went to the back lot of the sheriff's department
24 and examined a car that is -- it doesn't look like the same
25 condition that it was that day, correct?

1 A. That's correct.

2 Q. And what if the passenger window was out? What would
3 the fire do then?

4 A. It would go out the passenger window.

5 Q. So when you looked at the vehicle did you note
6 anything -- any defects in the car that you didn't testify
7 to?

8 A. Other than damage caused by fire suppression efforts.

9 Q. Like the door? It was missing a door, the back?

10 A. The back door was missing.

11 Q. It was a hatchback. No trunk, right?

12 A. I can't remember that.

13 Q. Okay.

14 MS. MOORE: That's all I have.

15 THE COURT: Any redirect?

16 MS. FULLER: No, Your Honor.

17 THE COURT: All right. The witness may step down.

18 THE WITNESS: Thank you.

19 (Witness excused.)

20 MS. FULLER: Thank you, Your Honor.

21 The State calls Brannon Marthers.

22 THE COURT: All right.

23 (Whereupon, Brannon Marthers was duly sworn by the
24 Clerk of Court.)

25 THE CLERK: If you'll have a seat, please. State

1 your name and spell your last for the record.

2 THE WITNESS: Brannon Marthers, M-A-R-T-H-E-R-S.

3 BRANNON MARTHERS,

4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. FULLER:

7 Q. And go ahead and introduce yourself to the jury.

8 Where are you employed?

9 A. I'm currently employed with the Lexington County
10 Sheriff's Department and have been with them since August
11 of 2008.

12 Q. And in what capacity?

13 A. When I first was employed, originally I was a patrol
14 deputy and throughout that time I got promoted to a master
15 deputy, which is an assistant road supervisor. I held that
16 position for about two years, transferred over to the major
17 crimes unit of the sheriff's department, was there just a
18 little over five, and then for the past three years this
19 month have been in the criminal intelligence unit.

20 Q. And can you describe your general responsibilities in
21 intelligence unit?

22 A. Essentially we're the communications hub for the
23 sheriff's department with other agencies. If other
24 agencies need to send requests to us for incident reports,
25 they have a crime going on and want to see if we have the

1 same thing going on, we'll reach out to them and do the
2 same. I'll do cell phone analysis as far as call detail
3 record analysis, mapping. We're kind of the fill in the
4 blank of an investigation. If somebody needs something and
5 has a question, they'll come to us to see if we can help or
6 either try to find somebody who can.

7 Q. And your experience in this capacity, as well as
8 others, as an investigator you're familiar with different
9 business records and interpreting them?

10 A. Yes, ma'am.

11 Q. Okay. First, I'm gonna start with State's Exhibit 69.
12 I'm gonna ask you if you recognize it. I'm gonna ask you
13 if you recognize State's 69 or if you had an opportunity to
14 review State's 69?

15 A. Yes, ma'am. This is a printout from U-Haul, rental
16 information.

17 Q. Thank you.

18 MS. FULLER: Your Honor, at this time the State
19 seeks to introduce State's 69 pursuant to 19-5-520.

20 THE COURT: Without objection?

21 MS. MOORE: Without objection.

22 THE COURT: All right.

23 (State's Exhibit Number 69, a U-Haul Rental
24 Contract, was admitted into evidence.)

25 BY MS. FULLER:

1 Q. Looking at State's 69, I'm guiding you here to the
2 customer information. Can you publish the name for the
3 record?

4 A. Aaron Peterson.

5 Q. And these records were obtained as it relates to the
6 U-Haul that was found in the driveway in this case?

7 A. Yes, ma'am. The U-Haul was rented for the move.

8 Q. And the address published here is [REDACTED] Sandspur Road?

9 A. Pelion, yes, ma'am.

10 Q. And that's in Lexington County?

11 A. It is.

12 Q. Down here can you publish for the record the dispatch
13 date and time?

14 A. The indicated dispatch date and time is July 23, 2018,
15 at 12:03 PM.

16 Q. And this was essentially a day rental?

17 A. It's indicated to be 20 hours and 58 minutes, so just
18 under a day.

19 Q. And then the additional portion of the document is
20 just additional records from U-Haul; is that correct?

21 A. Payment and copies of the driver's license for the
22 person who was renting.

23 Q. And that would be Aaron Peterson?

24 A. Yes, ma'am.

25 MS. FULLER: Going down to State's Exhibit 70 that

1 I'll be moving in pursuant 19-5-520, I'm showing to
2 defense counsel.

3 MS. MOORE: Uh-huh.

4 BY MS. FULLER:

5 Q. I'm showing you State's 70. Did you have an
6 opportunity to review this document?

7 A. This is a DMV certification out of North Carolina with
8 respective information pertaining to a Prius.

9 Q. Okay.

10 A. A 2006 Toyota Prius.

11 MS. FULLER: At this time, Your Honor, pursuant to
12 19-5-520, the State seeks to introduce State's Exhibit 70
13 into evidence.

14 THE COURT: Without objection?

15 MS. MOORE: Yes, sir.

16 THE COURT: So admitted.

17 MS. FULLER: Thank you, Your Honor.

18 (State's Exhibit Number 70, North Carolina DMV
19 information, was admitted into evidence.

20 BY MS. FULLER:

21 Q. As it relates to this Prius, during the investigation
22 the VIN number was obtained from that Prius; is that
23 correct?

24 A. Yes, ma'am.

25 Q. And it was associated with here, publishing down here,

1 a 2006 Prius?

2 A. Yes, ma'am.

3 Q. And flipping through up here it says title
4 certification; is that correct?

5 A. Yes, ma'am.

6 Q. And flipping through the next screen, do you see the
7 name of Bradley Wayne Walker here?

8 A. Yes, ma'am.

9 Q. The next screen. I apologize. The next page. And
10 then vehicle information is listed here as well; is that
11 correct? Where I am pointing in the vehicle section of the
12 title application.

13 A. Yes, ma'am.

14 Q. And the rest of this document that's in evidence is
15 just essentially what the DMV provided as it relates to the
16 vehicle in this case, correct?

17 A. Yes, ma'am.

18 Q. In preparing for today, we know that the incident
19 location is [REDACTED] Sandspur Road and the vehicle in this case
20 was located on Pooles Mill Road at the intersection of Mack
21 Edisto. Were you able to look up the drive time between
22 those two locations?

23 A. Yes, ma'am. I did Google that.

24 Q. And what did you determine?

25 A. Based off the information from Google, it recommended

1 three different routes. One of the routes that would take
2 the most southern path was about 13 minutes at nine and a
3 half miles. Again, that's traffic contingent because
4 Google tries to do data analysis for traffic. The most
5 direct route was indicated be 8.2 miles at approximately
6 12 minutes. And then a more northern route, which would
7 take you back into the town of Pelion, was indicated to be
8 about 13 minutes at 10.4 miles.

9 Q. And back into the town of Pelion, would that be going
10 up -- leaving Sandspur, making a left on 302, up to Pelion
11 and down 178 to Mack Edisto and Pooles Mill?

12 A. Yes, ma'am. That's the route I recommended.

13 Q. And that's approximately 13 minutes based on traffic?

14 A. Yes, ma'am.

15 Q. As it relates to this case, did you assist as well
16 with different aspects of the investigation?

17 A. Yes, ma'am. If Detective Miller requested my
18 assistance and I was available, I would assist him.

19 Q. And do you recall interacting with Elizabeth Peterson
20 in the hospital any?

21 A. Yes, ma'am.

22 Q. And were you able to communicate with her?

23 A. Her communication was limited. She would have hand
24 gestures and like some kind of tablet to communicate
25 through. Verbal communication was, if I remember, very

1 limited if any at all.

2 Q. Okay. Jumping back into a few records here, I'm
3 gonna hand you what's been marked for identification as
4 State's 71 and what's already in evidence as 72, and ask if
5 you recognize it? Looking at State's 71, can you describe
6 for the jury what this is?

7 A. This is the front page of a Facebook business record
8 for Elizabeth Peterson's Facebook.

9 Q. Are you familiar with how business records -- how
10 Facebook puts together their business records?

11 A. I've had experience with numerous Facebook records.

12 Q. Okay. And this is you said associated with Elizabeth
13 Peterson?

14 A. Yes, ma'am.

15 MS. FULLER: Your Honor, the State seeks to
16 introduce pursuant to 19-5-520 State's Exhibit 71 into
17 evidence.

18 THE COURT: Without objection?

19 MS. MOORE: No objection.

20 THE COURT: So admitted.

21 (State's Exhibit Number 71, a Facebook record, was
22 admitted into evidence.)

23 BY MS. FULLER:

24 Q. Looking at State's 71, this is page one of the
25 business records. Just so it's clear, this record is

1 expansive and it comes in a PDF format or another
2 downloadable method; is that correct?

3 A. Yes, ma'am.

4 Q. And this is just the -- the first page. Can you point
5 out to the jury -- I think the laser should be up there --
6 how you identify this as Elizabeth Peterson's?

7 A. Right here. The first, middle and last names are
8 what's provided to Facebook when they capture the account
9 creation.

10 Q. Now going to what's already in evidence as -- on
11 State's 72, which appears as page number 585 that's a part
12 of this record, what's already in evidence is this text
13 message. The rest of the page is white. Can you testify
14 as to why that is?

15 A. It was redacted for court purposes.

16 Q. Now looking specifically at this text message that
17 says heads up, Brad coming down 302, what is the date and
18 time of that message?

19 A. It was the January -- excuse me -- July 23rd of 2018,
20 and the time format there is in world time or Universal
21 Time Coordinated, which is indicated to be 16:43:35.

22 Q. And did you have an opportunity to convert that to
23 Eastern Standard Time?

24 A. Yes, ma'am. Based off of that time of the year, we
25 were in a four-hour differential for world time or UTC

1 time, so that timeframe would convert to right at 12:43 and
2 35 seconds in the afternoon.

3 Q. So 12:43 PM on July 23, 2018, is when that text was
4 sent?

5 A. Yes, ma'am.

6 Q. And in terms of business records, do they typically
7 come over in UTC time?

8 A. It depends on the company, but for Facebook it's --
9 I've always seen it in UTC time.

10 Q. And it's necessary for you to convert that into
11 Eastern Standard Time?

12 A. Yes, ma'am.

13 Q. You indicated for this time of the year and you're
14 referring to July; is that correct?

15 A. Yes, ma'am.

16 Q. Would that account for daylight savings time?

17 A. Yes, ma'am.

18 Q. And so if it's a different time of the year, what
19 would be the conversion?

20 A. That would be five hours.

21 Q. But based on your knowledge of the records, this is a
22 four-hour conversion here?

23 A. Yes, ma'am. Specifically March 11th of 2018 and
24 November 4th were when the daylight savings time hours were
25 observed.

1 Q. Okay. And so this time span would be four hours?

2 A. Yes, ma'am.

3 Q. I'm now showing you a few more records.

4 MS. FULLER: State's Exhibit 73 and then I'll show
5 you also State's Exhibit 106.

6 MS. MOORE: Your Honor, there's no content to this.

7 THE COURT: I don't know what you're talking about.
8 You-all come show me.

9 (Proceedings held at the bench; not reported.)

10 THE COURT: Okay.

11 MS. MOORE: Without objection.

12 MS. FULLER: Pursuant to 19-5-520, I'll seek to
13 introduce State's Exhibit 73 and 106 into evidence, Your
14 Honor.

15 THE COURT: State's Exhibit 73 and 106 are admitted
16 into evidence without objection.

17 Thank you.

18 (State's Exhibit Number 73, a Facebook record, and
19 State's Exhibit Number 106, a Facebook record, were
20 admitted into evidence.)

21 BY MS. FULLER:

22 Q. Looking now at 73, do you recognize this?

23 A. It's also Facebook business records. This first
24 page is indicated to be for the account of Bradley Walker.

25 Q. And I'll put the rest on the projector to publish.

1 And then look at this body of pages, State's 109. Do you
2 recognize that also from Bradley Walker's records?

3 A. Communications from Bradley Walker, yes, ma'am.

4 Q. And to an individual. There's no content in terms
5 of actual words, but this just shows an exchange of
6 communication?

7 A. Yes, ma'am, between two people.

8 THE COURT REPORTER: You said 109.

9 MS. FULLER: Okay. It's 106 for the record. I
10 apologize.

11 BY MS. FULLER:

12 Q. Looking at 73, looking at the top of the record, can
13 you point out the name that you were just looking at when
14 I was standing up there?

15 A. It will be right here. First name Bradley, last
16 name's indicated to be Walker, and the middle field has
17 been left blank.

18 Q. Okay. And go ahead and let's just explain these
19 pages of this exhibit to the jury. Down here there's a
20 registered e-mail address; is that correct?

21 A. Yes, ma'am.

22 Q. And in terms of identifying this as Bradley Walker,
23 were you able to review some of these records to actually
24 confirm that this was Bradley Walker's account?

25 A. Yes, ma'am. Throughout the information provided there

1 is a date of birth that I confirmed through our RMS record
2 system to match Mr. Walker's.

3 Q. Okay. And we'll get to that. Down here also is
4 Bradley Walker's name also printed there associated with a
5 card?

6 A. Yes, ma'am.

7 Q. Going to page 2 of this document here is simply
8 listening IP addresses; is that correct?

9 A. Yes, ma'am.

10 Q. And just flipping now to page 18 of the initial
11 identifying information, obviously there's some redactions
12 here. Is this just redacted for court purposes?

13 A. Yes, ma'am.

14 Q. And you testified you verified a date of birth. Is
15 that what you see here?

16 A. Yes, ma'am, it is.

17 Q. And were you able to verify that based on essential
18 records that you have?

19 A. Yes, ma'am.

20 Q. And that's the date of birth of Bradley Walker,
21 correct?

22 A. That is what our records management system had.

23 Q. Now flipping down here you see the word "friends?"

24 A. Yes, ma'am.

25 Q. And then it's blank underneath. Obviously this was

1 prepared for court purposes. Were other names listed under
2 "friends"?

3 A. Yes, ma'am.

4 Q. And flipping to page 19 on his friends list, can you
5 tell us what name is here?

6 A. Jordan Brown.

7 Q. And that's on page 19 of the record. And then going
8 to page 37, it looks like there's an image. It says mobile
9 upload. What would that indicate?

10 A. The user was using the Facebook app and in that app
11 they uploaded a photograph to the network.

12 Q. And now flipping from page 37 now to page 38, who is
13 this a photograph of?

14 A. That would probably have been a photograph of
15 Mr. Walker.

16 Q. Were you able to confirm that?

17 A. Based off of the descriptions that we were given
18 throughout time and other stuff, we were able to figure out
19 it was Mr. Walker.

20 Q. Okay. And this would have been based on page 37 as
21 the user of the account uploaded that image?

22 A. Yes, ma'am.

23 Q. And then the next page, 39, is that just additional
24 upload information and the name here Bradley Walker?

25 A. Yes, ma'am.

1 Q. So you were able to confirm that these records belong
2 to Bradley Walker?

3 A. It does appear, yes.

4 Q. We talked about on the friends list, Jordan Brown.
5 Looking at page 106, there's no content, but is this
6 exhibit essentially showing that there was active
7 communication between Bradley Walker and one of his
8 friends, Jordan Brown?

9 A. Yes, ma'am. Where it has author, it dictates whether
10 it was Mr. Walker or whether Mr. Brown was the one who was
11 writing that message.

12 Q. And this shows not just someone on his friends list,
13 but someone that he actually communicated with?

14 A. Yes, ma'am.

15 Q. Now going to -- this has already been identified by
16 Elizabeth Peterson, but I'm gonna show you now State's 74.

17 MS. FULLER: Your Honor, the State seeks to
18 introduce State's 74 pursuant to Statute 19-5-520.

19 THE COURT: I'm sorry, what was the question?

20 MS. FULLER: The State seeks to introduce into
21 evidence State's 74 pursuant to 19-5-520.

22 THE COURT: Without objection?

23 MS. MOORE: Yes.

24 THE COURT: So admitted.

25 (State's Exhibit Number 74, a Facebook record, was

1 admitted into evidence.)

2 BY MS. FULLER:

3 Q. Do you recognize this exhibit as being a portion also
4 of Bradley Walker's Facebook records that law enforcement
5 received?

6 A. Yes, ma'am. This was in the records.

7 Q. And it's also redacted. Is that for court purposes?

8 A. Yes, ma'am.

9 Q. Okay. It's a three-page document; is that correct?

10 A. It is.

11 Q. And based on your experience, the author here is who?

12 A. Mr. Walker.

13 Q. And there's a text message there, correct?

14 A. Yes, there is.

15 Q. And on the next page there is a blank space and then
16 upload information and on the last page there's an image.
17 Were you able to confirm that all of this goes together
18 with the author commenting with that text message?

19 A. Yes, ma'am. If you look at the timestamp, the
20 timestamp is very -- very close in time, just a few seconds
21 away, from the message and then the image uploading.

22 Q. Okay.

23 MS. FULLER: Publishing now State's 74 --

24 THE COURT: Very well.

25 MS. FULLER: -- which is page 568 of his record.

1 The author being Bradley Walker.

2 BY MS. FULLER:

3 Q. Can you publish the contents of that message?

4 A. The message indicates, quote, my gun, end quote.

5 Q. And what date was that?

6 A. It was April 4, 2018.

7 Q. And flipping to the next page of this record, you
8 talked about information. Can you describe this to the
9 jury?

10 A. Again, you can see the author was Mr. Walker, the date
11 and time that it was sent was 4-4 of '18, so April 4th of
12 2018. The timestamp for this was just a few seconds
13 different from when the message was receive and the body
14 indicates that a photograph was sent and then the
15 attachment is indicating that it was an image.

16 Q. And then on the next page -- and this is page 569 and
17 then on the next page, 570, is the attachment of the image?

18 A. Yes, ma'am.

19 Q. And what is that?

20 A. That is a picture of a pistol.

21 Q. And do you know what type of pistol that is?

22 A. Offhand I do not without -- I believe it's a Smith &
23 Wesson. I'd have to see the other side without knowing for
24 sure.

25 Q. Okay. And I will show you State's Exhibit 75, a

1 two-page document.

2 MS. FULLER: And, Your Honor, I'd seek to introduce
3 State's 75 pursuant to 19-5-520.

4 THE COURT: Has she seen it yet?

5 MS. FULLER: I'm moving it in pursuant to statute.

6 THE COURT: As a business record.

7 Without objection, so admitted.

8 MS. FULLER: Thank you.

9 (State's Exhibit Number 75, a Facebook record, was
10 admitted into evidence.)

11 BY MS. FULLER:

12 Q. I'll have you take a look at this. Did you review
13 this prior to court?

14 A. Yes, I've seen this also.

15 Q. And this is part of Bradley Walker's -- the Facebook
16 business records that law enforcement received in this
17 case?

18 A. Yes, ma'am.

19 Q. And looking at State's 75, a two-page document, can
20 you tell me who wrote this message?

21 A. The author, again, is indicated to be Mr. Walker.

22 Q. And on what day?

23 A. April the 3rd of 2018.

24 Q. And what's the content of the message?

25 A. The top message says, quote, that's the gun I have,

1 it shoots really well, but is very loud, end quote.

2 Q. And the next message here, can you explain that to
3 the jury?

4 A. That is the Facebook indication that a image was sent
5 and the attachment indication for the image.

6 Q. And looking at the next page of this document, is this
7 the image associated with that text message?

8 A. Yes, ma'am, it is.

9 Q. And what type of firearm is this?

10 A. That's a Smith & Wesson SD40 VE.

11 Q. In terms of this case, already in evidence is a -- a
12 gun box. I believe it's State's Exhibit 23. Looking here
13 are you familiar with labels on a gun box?

14 A. Yes, ma'am.

15 Q. And right here can you publish that label?

16 A. It's indicated to be a Smith & Wesson SD40 VE.

17 Q. And looking back at this firearm, is that consistent
18 with the firearm in State's Exhibit 75 -- on the second
19 page of the document, is that consistent with the labeling
20 on State's Exhibit 23?

21 A. Yes, ma'am.

22 Q. Now there isn't a serial number visible on this
23 firearm, correct?

24 A. Not that I could see.

25 Q. But you can say that the model firearm is consistent,

1 correct?

2 A. Yes.

3 MS. FULLER: Your Honor, the State seeks to
4 introduce State's 76 pursuant to statute as well.

5 MS. MOORE: No objection.

6 THE COURT: State's Exhibit 76 is admitted without
7 objection.

8 (State's Exhibit Number 76, a Facebook record, is
9 admitted into evidence without objection.)

10 BY MS. FULLER:

11 Q. Is this a document you also reviewed and confirmed
12 that's part of the Facebook business records associated
13 with Bradley Walker?

14 A. Yes, ma'am.

15 Q. And this is page 513 of that report; is that correct?

16 A. I believe so. I'd have to look back at the page.
17 Yes, 513.

18 Q. And can you go ahead and publish and explain this to
19 the jury?

20 A. Again, the author is Mr. Walker. The message was sent
21 on May the 1st of 2018 and it states, quote, cool. Right
22 now I just have a Smith & Wesson SD40 VE, end quote.

23 Q. And showing back to State's 23, that's consistent with
24 what's labeled on this gun box, correct?

25 A. Yes, ma'am.

1 MS. FULLER: No further questions at this time.

2 THE COURT: Cross-examination.

3 MS. MOORE: I don't have any questions, Your Honor.

4 THE COURT: All right. The witness may step down.

5 THE WITNESS: Thank you, judge.

6 (Witness excused.)

7 THE COURT: Counsel.

8 (Proceedings held at the bench; not reported.)

9 THE COURT: All right. Ladies and gentlemen, we'll
10 go ahead and wrap it up for today and we'll pick up where
11 we left off tomorrow morning. I hope you-all have a
12 pleasant evening. Let's just do it again like you did
13 today. Number one, thank you again. I know today was
14 lengthy. You-all have been on time every time, so thank
15 you for doing that. I appreciate your help. I'll see
16 you in your jury room at 9:00. We'll try to start about
17 9:15 again tomorrow. Please don't discuss the case or
18 do any independent research. See you in the morning and
19 have a nice evening.

20 (Whereupon, the jury was excused for the day at
21 4:55 PM.)

22 THE COURT: Briefly, folks, anything else for the
23 record for the moment?

24 MS. MOORE: Your Honor, I did want to put on the
25 record about the evidence custodians at the sheriff's

1 department notifying the deputies and accusing me of
2 giving my client medication. They checked the cameras
3 and that was not true, so I just wanted that to be clear
4 for the record.

5 THE COURT: Okay.

6 MS. MOORE: That's the second time I've been accused
7 of a crime in the past couple of weeks by this office, so
8 I just wanted that to be abundantly clear.

9 THE COURT: Okay. So noted.

10 I would just ask for tomorrow, I expect the State
11 to rest tomorrow morning. If there's any specific
12 charges you-all would like me to look over in advance,
13 jury charges, obviously it's -- most of these charges
14 are standard anyway, but I just wanted to let you know
15 if you want me to review something and put some time
16 in reviewing it, the more notice I get the better.

17 Other than that I'll see you-all tomorrow morning.

18 MS. FULLER: And obviously the defense doesn't have
19 to answer, just for scheduling purpose after we rest
20 should I anticipate going into closing or --

21 THE COURT: Well, I don't know.

22 MS. FULLER: -- you haven't decided yet?

23 MS. MOORE: We haven't decided yet.

24 THE COURT: Okay. Well, I'll say this. In any
25 eventuality, if we happen to -- if there's no -- if the

1 started?

2 MS. FULLER: Yes, Your Honor. I just texted Robbie.

3 We can go ahead and get started.

4 THE COURT: The jury's all ready?

5 BAILIFF: The jury is ready.

6 THE COURT: Ms. Moore, are you ready to proceed?

7 MS. MOORE: Yes.

8 THE COURT: All right. Let's bring them in.

9 BAILIFF: Are you ready, sir?

10 THE COURT: Yes, sir.

11 (Whereupon, the jury enter the courtroom at 9:25 AM.)

12 THE COURT: All right. Madam forelady, ladies and
13 gentlemen, welcome back. I hope you-all had a nice
14 evening. We'll pick up where we left off yesterday with
15 the next witness in the State's case in chief.

16 MR. McNAIR: Thank you, Your Honor. The State calls
17 Debra Brown.

18 (Whereupon, Debra Brown was duly sworn by the
19 Clerk of Court.)

20 THE CLERK: If you'll have a seat over there,
21 please, and state your name and spell your last name for
22 the record.

23 THE WITNESS: Debra Brown, B-R-O-W-N.

24 DEBRA BROWN,

25 having been duly sworn, testified as follows:

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DIRECT EXAMINATION

BY MR. McNAIR:

Q. Good morning, Ms. Brown.

A. Good morning.

Q. How are you doing?

A. (Nods head.)

Q. Will you tell the jury where you live?

A. I live at [REDACTED] Sand Spur Road, Pelion.

Q. All right. How long have you lived there?

A. Twenty years.

Q. Okay. Where is [REDACTED] Sand Spur Road in relation to your house?

A. Right behind us.

Q. Okay. Now back on July 23rd of 2018, do you recall a lot of law enforcement vehicles showing up to that location?

A. Yes, I do.

Q. All right. Now where were you when you first saw or heard sirens that day?

A. I was at the grocery store actually checking out.

Q. All right. Which grocery store was that?

A. Shumpert's IGA.

Q. And that's in -- that's in Pelion?

A. Yes, it is.

Q. Now where had you been prior to going to the grocery

1 store?

2 A. The waste collection center.

3 Q. Okay. Is that -- that's on the way to the grocery
4 store?

5 A. Yes, it is.

6 Q. Where had you been prior to that?

7 A. I was at home.

8 Q. Okay. And that's what I want to ask you about. As
9 you were leaving your home that day to go to the dump and
10 then the grocery store, did you notice anything that stood
11 out to you as being unusual?

12 A. Yes. There was a -- my driveway comes out on one side
13 and then there's a driveway that leads back to the other
14 home on the other side and there was a little gold car
15 sitting at the end of the driveway.

16 Q. Okay. And why was that unusual to you?

17 A. Well, usually when they come down that driveway, they
18 come out, but this time it was just sitting there.

19 Q. So you saw them sitting there as you were pulling out
20 of your driveway?

21 A. Right. I pulled out and the car proceeded to pull out
22 behind me.

23 Q. Okay. So they sat there until you pulled past them?

24 A. Yes, sir.

25 Q. All right. I'm gonna give you this little laser

1 pointer thing and you just push that little button right
2 there, okay?

3 A. All right.

4 Q. I'll show you State's Exhibit 2. All right. Can you
5 point out for the jury where your house is on this aerial
6 photo on State's 2?

7 A. Right there.

8 Q. Okay. And where's -- and that represents [REDACTED] Sandspur
9 that's denoted on the map?

10 A. Right.

11 Q. And will you show the jury how you pulled out that day
12 and where you saw that little gold car?

13 A. Wait a minute. I'm a little confused on where I live.

14 Q. Okay.

15 A. It seems more like this one.

16 Q. All right.

17 A. Because this is the driveway that comes out at [REDACTED] and
18 this is my driveway.

19 Q. Okay. So you have your own driveway?

20 A. Right.

21 Q. All right. And show us where you pulled out that day.

22 A. Well, I pulled out from here and the little gold car
23 was sitting here.

24 Q. All right. And which way did you go?

25 A. I went to the right.

1 Q. And you passed a little gold car?

2 A. Yes.

3 Q. Now did you notice anything about the person inside
4 the vehicle?

5 A. Well, I seen a man.

6 Q. Was it just one man?

7 A. Yes.

8 Q. Could you tell if his window was up or down?

9 A. It was up.

10 Q. Was he on fire?

11 A. Unh-unh. No.

12 Q. Okay. Was anybody behind him?

13 A. No.

14 Q. There was not another vehicle behind him?

15 A. No.

16 Q. There was nobody chasing him down that road?

17 A. No.

18 Q. Okay. So you pulled past him and then what did he do?

19 A. He pulled out behind me.

20 Q. All right. And which route did you take?

21 A. Going down Sandspur.

22 Q. All right. And Sandspur runs into what road?

23 A. 302.

24 Q. I'll show you State's 1. Show us what route you took.

25 A. This map's kind of difficult.

1 Q. Can you see?

2 A. Yes.

3 Q. That's 302?

4 A. He came down this way.

5 Q. All right. And that's 302 where your pointer is?

6 A. Yes.

7 Q. And which way did you turn?

8 A. I turned left.

9 Q. All right. And where does that road lead?

10 A. It heads straight up to the dump and the IGA.

11 Q. In the town of Pelion?

12 A. Right.

13 Q. Where is the dump?

14 A. It's about two miles up the road on 302.

15 Q. All right. And was the guy in the little gold car
16 behind you all the way to the dump?

17 A. Yes.

18 Q. Did you notice anything about him while he was behind
19 you?

20 A. He had his lights on and he seemed to be driving
21 slower than I was, but other than that, no.

22 Q. How fast were you driving; do you remember?

23 A. Well, the speed limit's 55, but generally I'm more apt
24 to go like 45.

25 Q. Okay. And he stayed behind you? He didn't pass you?

1 A. Unh-unh.

2 Q. Did he appear to be in a hurry to you?

3 A. No.

4 Q. From time to time did you look in your rear view
5 mirror to see where he was?

6 A. Yes.

7 Q. Did you ever see another vehicle behind his vehicle?

8 A. No.

9 Q. All right. So you mentioned you went to the dump.
10 Now did you have like a trailer full of yard trash or
11 anything like that?

12 A. No.

13 Q. Just some household garbage?

14 A. Yes.

15 Q. So you just kind of ran through the dump and threw it
16 in the bin?

17 A. Right. Any time we passed the dump, we took whatever
18 trash we had, so it's a bag or two.

19 Q. All right. So you weren't there very long?

20 A. No.

21 Q. After you turned into the dump, did you see the guy in
22 the little gold car again?

23 A. No.

24 Q. Okay. And then you testified you went to the IGA in
25 Pelion, correct?

1 A. Correct.

2 Q. Were you in the grocery store very long?

3 A. No.

4 Q. How long do you think you were in the grocery store?

5 A. Probably ten, fifteen minutes.

6 Q. All right.

7 A. I picked up a couple of items.

8 Q. And you testified you heard the sirens while you were
9 in the grocery store?

10 A. Yes, sir, I did.

11 Q. All right. If you were to estimate, how long after
12 leaving your house and seeing that little gold car was it
13 that you heard the sirens?

14 A. Within ten minutes. In didn't take long at all.

15 Q. Didn't take long at all?

16 A. No.

17 Q. Okay. And after leaving the grocery store, did you go
18 back home?

19 A. Yes.

20 Q. And what did you see at that point?

21 A. All kinds of emergency vehicles in my -- in that
22 driveway and in my yard. I saw a guy on the stretcher
23 sitting.

24 Q. Did you know the individuals that lived at [REDACTED]
25 Sandspur?

1 A. Not really.

2 Q. All right. I'm gonna show you State's Exhibit 9. Did
3 you ever see this -- this minivan behind that little gold
4 car?

5 A. No.

6 MR. McNAIR: Ms. Brown, thank you for being here.
7 Please answer any questions Ms. Moore has.

8 THE COURT: Cross-examination.

9 MS. MOORE: Briefly, Your Honor.

10 THE COURT: Yes, ma'am.

11 CROSS-EXAMINATION

12 BY MS. MOORE:

13 Q. Good morning, Ms. Brown. Were you shown a photo
14 lineup of an individual and asked to pick him out?

15 A. No.

16 Q. Did they ask you for receipts as to the time that you
17 left the grocery store?

18 A. No.

19 Q. And it was pouring down rain, wasn't it?

20 A. Yes.

21 Q. We'd had a bad storm?

22 A. Yes.

23 Q. A thunderstorm?

24 A. Yes.

25 MS. MOORE: That's all I have.

1 THE COURT: Any redirect?

2 MR. McNAIR: No, sir, Your Honor.

3 THE COURT: The witness may step down. Thank you.

4 (Witness excused.)

5 MR. McNAIR: Your Honor, at this time the State
6 rests.

7 THE COURT: Very well.

8 Ladies and gentlemen, the State's rested their case.
9 I've got to take up some matters with the attorneys at
10 this time. I'll ask you to return to your jury room, do
11 not discuss the case, and I'll get you back out here in
12 a little while.

13 Thank you.

14 (Whereupon, the jury retires to the jury room at
15 9:35 AM.)

16 THE COURT: All right. Any motions?

17 MS. MOORE: Your Honor, at this time, of course, I
18 move for a directed verdict in this case. We've spent
19 three days in trial and there's absolutely no -- as you
20 know, there's no -- this case is born on hearsay and a
21 little -- and the least amount of circumstantial evidence
22 that I've ever seen. There is no link to my client, not
23 a strong enough link, to even give this case to a jury
24 and ask twelve members of our community to decide this
25 case. I can think of four ways this could have happened,

1 but asking them to -- the circumstantial evidence is from
2 two people with all the motive in the world and a gun box
3 that her mother brought in that has blood on it. Nothing
4 was tested. They've got a Facebook message that he has a
5 gun, a 40-caliber gun. That is the State's case.

6 Your Honor, the amount of circumstantial evidence
7 in a case has to be substantial if that is what you're
8 relying on alone. This case is the textbook example of
9 a directed verdict and my client should be released from
10 custody immediately.

11 Thank you.

12 THE COURT: Thank you.

13 Madam Solicitor, or who wants to --

14 MS. FULLER: Thank you, Your Honor.

15 THE COURT: All right.

16 MS. FULLER: Your Honor, in looking at the rules
17 in terms of directed verdict, obviously right now when
18 ruling on a motion for directed verdict the trial court
19 is concerned with the existence or nonexistence of
20 evidence, not its weight. If there is any direct
21 evidence or any substantial circumstantial evidence
22 reasonably tending to prove the guilt of the accused,
23 then the case must be submitted -- must be submitted to
24 the jury.

25 Your Honor, in this case and, respectfully to

1 defense counsel, direct evidence is eyewitness testimony,
2 so we have direct evidence in this case. We don't
3 even have to make the leap to make a substantial
4 circumstantial evidence argument in this case. We had
5 Elizabeth Peterson, as well as David Hawkins, testify
6 and say that that man shot them, that man killed Aaron
7 Peterson. That is enough to submit this case to this
8 jury, but in addition to that, we have crime scene
9 evidence, as well as forensic pathology evidence to
10 suggest -- to corroborate what they indicated took place
11 here.

12 I don't think I need to go any further, Your Honor,
13 but I think you've sat through this trial, we're on day
14 four here, you've heard all the testimony and the evidence
15 and there is definitely more than enough evidence in the
16 record to properly submit this case to the jury.

17 THE COURT: Okay.

18 MS. MOORE: Your Honor, if I may?

19 THE COURT: Sure.

20 MS. MOORE: The forensic pathologist refuted all
21 the crime scene testimony and the witnesses' statements
22 about how Mr. Peterson fell to the ground and was shot
23 execution style. It didn't happen. This -- this is
24 the least amount of circumstantial evidence. This is a
25 whodunit. This man is charged with murder on the word of

1 two people. He is being prosecuted on the word of two
2 people. Your Honor, this is a tragedy.

3 THE COURT: Okay.

4 All right. I've heard from both sides. I think
5 there's certainly evidence in this case for the jury to
6 weigh and make a decision on what they believe as to
7 the defendant's -- as to this case. I think a directed
8 verdict at this point would amount to me weighing the
9 evidence, which is -- that's the jury's province, not
10 mine.

11 So the motions for directed verdict are respectfully
12 denied and we can move on.

13 I'm prepared to talk with your client, if that's
14 okay, as far as the colloquy.

15 MS. MOORE: Uh-huh.

16 THE COURT: Okay. Madam Clerk, if you'd just --

17 THE CLERK: Raise your right hand, please.

18 (Whereupon, Bradley Wayne Walker was duly sworn by
19 the Clerk of Court.)

20 THE COURT: Good morning, Mr. Walker.

21 THE DEFENDANT: Good morning.

22 THE COURT: All right. At this time I'm gonna
23 explain to you some of your rights. If you do not
24 understand anything I'm saying, just let me know. If
25 you want me to explain anything in more detail or if you

1 you-all were probably discussing this some yesterday, but
2 take your time if you'd like to talk with your attorney
3 and I'll ask you one more question after you've had the
4 opportunity to do that, okay?

5 THE DEFENDANT: Okay.

6 THE COURT: All right.

7 Do you-all want to step in the back?

8 MS. MOORE: Thank you.

9 THE COURT: I think we can just be at ease here.
10 I'll step off the bench. I want to give them certainly
11 a couple of minutes.

12 Thank you-all.

13 (Recess taken at 9:44 AM.)

14 (Back on the record at 10:08 AM.)

15 BAILIFF: Remain seated. Court's now in session.

16 THE COURT: Okay.

17 MS. MOORE: We're ready, Your Honor.

18 THE COURT: All right. So obviously you-all are
19 gonna present a case?

20 MS. MOORE: Yes.

21 THE COURT: Okay. Mr. Walker, if you could just
22 stand up.

23 You've had a chance to discuss whether you want to
24 testify with your attorney; is that correct?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And have you made a decision?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do you intend to testify?

4 THE DEFENDANT: No, Your Honor.

5 THE COURT: Very well.

6 So the defense is ready to call their first witness
7 then, correct?

8 MS. MOORE: Yes.

9 THE COURT: All right. Is the State ready to proceed
10 as well?

11 MS. FULLER: The State's ready, Your Honor.

12 THE COURT: All right. Let's bring in the jury,
13 please.

14 BAILIFF: Are you ready, sir?

15 THE COURT: Yes.

16 (Whereupon, the jury return to the courtroom at
17 10:15 AM.)

18 THE COURT: All right. Please be seated.

19 Ladies and gentlemen of the jury, welcome back.

20 When we left, the State had rested. Now we'll have
21 an opportunity to hear the defendant's case in chief.

22 Ms. Moore.

23 MS. MOORE: May it please the Court?

24 THE COURT: Yes, ma'am.

25 MS. MOORE: The defense calls Sue Groff.

1 (Whereupon, Jacqueline Suzanne Groff was duly sworn
2 by the Clerk of Court.)

3 THE CLERK: If you'll have a seat over there,
4 please. If you'll state your name and spell your last,
5 please, for the record.

6 THE WITNESS: My name is Jacquelin Suzanne Groff.

7 JACQUELINE SUZANNE GROFF,

8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. MOORE:

11 Q. And, Ms. Groff, do you know -- did you know Aaron
12 Peterson?

13 A. Yes.

14 Q. How did you know him?

15 A. He was in the same motorcycle club that my husband
16 was in.

17 Q. What's the name of that club?

18 A. Warhorse Brotherhood MC.

19 Q. And when did you meet Aaron?

20 A. I met Aaron in the later part of 2016.

21 Q. And did you meet his wife?

22 A. Yes.

23 Q. Do you recognize her in the courtroom today?

24 A. Yes.

25 Q. That's his wife?

1 A. Yeah.

2 Q. Lyz?

3 A. Yeah.

4 Q. What -- tell us about the motorcycle club and the
5 activities that go on there.

6 A. Warhorse Brotherhood, they are a motorcycle club
7 that supports veterans, so they are a veterans club. They
8 have -- I think their percentage is like 80 percent vets,
9 20 percent civilians, people who did not serve. They
10 basically raise money for Alston Wilkes Society, stuff
11 like that, all of your veterans homes, Dorn VA. So they're
12 a 501(c)(3), so there a non-profitable charity. They get
13 together and they just raise money and bring awareness to
14 veterans' needs and try to help veterans out. They'll go
15 out and do repairs to veterans' homes and stuff like that.

16 Q. And was Aaron active in that club?

17 A. Yes.

18 Q. Is there a place where you gathered that the -- is
19 there a clubhouse?

20 A. Yeah, they had a clubhouse.

21 Q. And can you explain that clubhouse and the activities
22 that go on there?

23 A. Yeah, they had -- had a clubhouse. It was off of Old
24 Leesburg Road and it was just a -- just regular house, you
25 know, like a family would live in. I think it was like a

1 three-bedroom house and basically what they did is they had
2 their social nights which was get-togethers and whatnot.
3 Everybody got together and we did cooking out there and we
4 would have Second Amendment Sundays out there. So Second
5 Amendment Sundays is where you -- we built a range out
6 there, a rifle range, and it was a 100 yard range. So a
7 lot of us like to shoot. I mean, 80 percent of the club is
8 military, so, you know, they like to shoot and whatnot, and
9 I did, too. I'd go hunting with my husband and whatnot, so
10 I was out there a lot on Second Amendment Sundays, but we'd
11 go out there and we'd shoot and sometimes we do it for
12 target practice and sometimes we would actually plink. And
13 plinking is where you shoot against each other. We had
14 games like battleship and stuff like that that we played,
15 so those were the main things that went on out there.

16 Q. Were there rules in this club?

17 A. Yeah.

18 Q. What were some of the rules?

19 A. Well, typically wives were -- wives weren't there
20 unless their spouse was there. The only way you could
21 technically be there was if -- and your suppose wasn't
22 there was if you weren't going -- you weren't going
23 inside, so. Because we didn't have access to go inside.
24 We didn't have keys or the door code or nothing like that.
25 So you could have been there, you know, doing yard work

1 or something like that, which I'd done several times, but
2 you couldn't get inside. So basically wives -- honestly,
3 wives had no place in the club. You're a wife, you know
4 what I mean? So nothing's shared with you, you're just --
5 your spouse is in that club and that's just the way it is.
6 It's a man's club.

7 Q. It's all men?

8 A. Yes, it's all men.

9 Q. You can't be a woman Warhorse?

10 A. No. It's a traditional three-piece MC, so there's no
11 women. And basically if guests were brought up to the
12 clubhouse, the member that brought the guests out were
13 responsible for them, their actions, all that kind of
14 stuff. If they come out for Second Amendment Sundays on
15 the range, then they were responsible for abiding by the
16 rules and the rules were, you know, if you're plinking,
17 then you obviously don't shoot at the plinking setup with
18 anything larger than a .22 or a .17 because then you're
19 just tearing the stuff up, so that was one rule. The other
20 rule was clean up your brass. So we didn't leave any brass
21 on the ground, so we made sure we cleaned it up because if
22 you didn't clean it up it would get in the lawnmower and
23 it'd get, you know, shot all over the place and whatnot
24 and then some of us -- some of us actually reload our own
25 brass, so that was another thing.

1 Q. So after you left, you had to clean up the field or
2 whatever that was?

3 A. Yes.

4 Q. And do you know if Lyz ever went out there without
5 Aaron?

6 A. I know that Aaron had asked if Lyz and a friend could
7 come out and shoot during the week.

8 Q. Were you aware that they actually did that?

9 A. I have no idea.

10 Q. And do you remember when that would have been?

11 A. That would have been early -- a little earlier in
12 2018.

13 Q. All right. So when you learned of this incident,
14 what, if anything, did you do? How did you learn that
15 Aaron had been shot and killed?

16 A. The way I found out Aaron had been killed was the
17 person that owned the trailer that Aaron was living in had
18 called us. We saw a story on the news the day before, but
19 there was no names released, so we did not realize that it
20 was Aaron and none of us -- none of us had any clue until
21 that person called us and told us that it was Aaron.

22 Q. And what did you do then?

23 A. To be honest with you, I mean, it was like -- Aaron's
24 the last person that you'd think something like that would
25 happen to.

1 Q. Was he a nice guy?

2 A. Yeah.

3 Q. Can you describe him for us?

4 A. Yeah. So Aaron -- Aaron's probably one of the most
5 laid back chill persons that I've ever met in my life. We
6 called him the political person of the group because if
7 people disagreed about things or whatever, Aaron had a way
8 of just mediating if that makes sense. He had a way of
9 just, you know, making people understand different points
10 and stuff like that. He was real good at that. He was
11 funny. He was always full of jokes. Always. I know he --
12 he worked hard. He worked hard. Half the time you'd see
13 Aaron he'd be sitting there and he'd fall asleep sitting
14 straight up. He'd be so tired from working. He worked
15 crazy shifts and when he wasn't working, I know he tried to
16 spend as much time as he would with MINOR and, you know, he
17 wanted to see his other kids more no doubt, but he was
18 great. I mean, there wasn't a mean bone in his body.

19 Q. He's just the peacemaker?

20 A. Yeah.

21 Q. No confrontation?

22 A. No. No. The only thing about Aaron was he had -- he
23 had stomach issues and that was it. I mean, you know . . .

24 Q. And he loved MINOR?

25 A. Oh, yeah.

1 Q. Did you learn that -- was there a time that you were
2 made aware that they no longer lived together?

3 A. Yeah.

4 Q. And what did -- what did you know about that?

5 A. So there was a point in time when they -- they had
6 separated. We were out at the clubhouse. Myself --
7 actually the whole group was out there, but Aaron was there
8 and Lyz was not there and he was talking to my husband and
9 I about what was going on and what was going on is that Lyz
10 was living with her mom.

11 Q. Okay. So they had separated?

12 A. Yeah, they had separated. She was living with her mom
13 and she was working. She was working at the Waffle House
14 or the Huddle House, one of the two, but they had separated
15 and, you know, I asked him, I said, well, you know, what
16 are you gonna do and he said well, I want my marriage, I
17 want my wife, I want my kid. He's like I already had one
18 failed marriage, you know, I'll do anything to keep this
19 one. You know, he was crazy about that boy. I mean,
20 **MINOR**, was everything, you know, everything to him, but --

21 Q. What about Lyz? How did he feel about Lyz; do you
22 know?

23 A. He loved Lyz.

24 Q. He loved her?

25 A. He did. I mean, he told us that, you know, whatever

1 it took to make her happy.

2 Q. Did you ever go to the hospital?

3 A. Yeah.

4 Q. And what was the purpose of that?

5 A. I went to the hospital to collect Aaron's club ring.

6 Q. Tell us about that ring.

7 A. Each club member in good standing had the ability to
8 purchase what they call a -- their club items. You know,
9 things that only a full patch could have. Rings,
10 sweatshirts, stuff like that. Things that were directly
11 related to Warhorse Brotherhood MC. Not support gear, but
12 actual club effects. And Aaron had a club ring that --
13 honestly money was tight. Money was tight for Aaron a lot
14 of the time and my husband gave him his club ring so when
15 Aaron was killed my husband was looking for the club ring.
16 I found out that Lyz had the club ring and when I found out
17 that she had the club ring, we made the decision -- and
18 when I say we, I mean, me and my husband, we made the
19 decision that I would go and see Lyz and get the ring
20 instead of him going. Typically that would be something
21 that they would do. They would collect, you know, their
22 own possessions or whatever, but because of the situation
23 and, to be honest with you, how angry and hurt the club
24 was that they lost Aaron and with it being so unexpected
25 it just wasn't a good idea for my husband to go up to the

1 hospital and collect anything from Lyz.

2 Q. What do you mean by that from Lyz?

3 A. He was mad with her.

4 Q. Why?

5 A. Because he felt like she was responsible.

6 Q. And when you spoke, did you have a conversation with
7 Lyz?

8 A. Yeah.

9 Q. And what did she tell you?

10 MR. McNAIR: Objection, Your Honor. We wouldn't be
11 allowed to get into this and neither should Ms. Moore.

12 THE COURT: I'm sorry, but the question was what did
13 another person tell you? An out of court statement.

14 Any exception here?

15 MS. MOORE: No, sir.

16 THE COURT: All right. Sustained.

17 BY MS. MOORE:

18 Q. As a result of your conversation, did your opinion
19 change -- your opinion about whether Lyz was responsible?

20 MR. McNAIR: Objection, Your Honor. She's a lay
21 witness. She can't offer an opinion.

22 THE COURT: Sustained.

23 BY MS. MOORE:

24 Q. Did you get the ring back?

25 A. I did. I did after -- after talking to Lyz for a

1 little while, I did get it back.

2 Q. Have you spoke to her since?

3 A. I -- I spoke to her via Facebook messenger a time or
4 two after that. I ended up having knee surgery, so we kind
5 of just fell off, but honestly I've seen Lyz probably ten,
6 twenty times. She lives on my side of town. I run into
7 her all the time in the grocery store and I just avoid her
8 to be honest. I don't speak.

9 MS. MOORE: I beg the Court's indulgence.

10 BY MS. MOORE:

11 Q. Without telling me what was said, did Lyz tell you
12 anything about the bullets that she purchased?

13 MR. MCNAIR: Objection.

14 MS. FULLER: Objection.

15 THE COURT: Hold on. Let's --

16 MS. MOORE: She testified --

17 THE COURT: Just a moment.

18 You-all approach real quick to make sure I
19 understand your question.

20 (Proceedings held at the bench; not reported.)

21 MS. MOORE: One moment, Judge.

22 BY MS. MOORE:

23 Q. This ring that you testified to, can you describe it
24 in detail?

25 A. You know how when you -- when you're in high school

1 and you get like a class ring? It was like the size of a
2 class ring. It was big. What it had on it was it had the
3 Warhorse Brotherhood full patch on it. So it had that
4 whole insignia. It was a really big ring.

5 Q. It was heavy?

6 A. Heavy, yeah.

7 Q. And when you -- about these shell casings that
8 everybody would pick up at the range --

9 A. Uh-huh.

10 Q. -- can you give an estimate as to how -- in a given
11 practice or target, how many would you typically expel?

12 A. To be honest, I mean, we -- I'll tell you like I tell
13 everybody. We -- we called it Second Amendment Sundays
14 for a reason because we stayed out there all day shooting.
15 That was a place that we could and you didn't get in
16 trouble for it. I mean, we were, you know, abiding by the
17 law and whatnot and we were invoking our freedom to do so,
18 so a lot of us spent the whole day and we'd go through some
19 rounds out there.

20 Q. So not just one round?

21 A. No.

22 Q. Many?

23 A. Uh-huh.

24 MS. MOORE: That's all I have.

25 THE COURT: Any re -- excuse me. Cross-examination.

1 MR. McNAIR: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. McNAIR:

4 Q. Ms. Groff, Aaron was a great guy, wasn't he?

5 A. Yes.

6 Q. He didn't deserve to get shot in the back, did he?

7 A. No. Nobody does.

8 Q. And he didn't deserve to get shot in the head, did he?

9 A. No.

10 Q. And you weren't there on July 23rd to see who did it,
11 were you?

12 A. No.

13 MR. McNAIR: Thank you.

14 THE COURT: Any re -- redirect? Excuse me.

15 MS. MOORE: No, sir.

16 THE COURT: All right. The witness may step down.
17 Thank you.

18 (Witness excused.)

19 MS. MOORE: The defense calls Investigator Miller.

20 THE WITNESS: Am I still under oath?

21 THE COURT: I guess you are.

22 THE WITNESS: Even though I was excused?

23 THE COURT: Well, you haven't left, right?

24 THE WITNESS: No, I was --

25 THE COURT: Do it again.

1 (Whereupon, Jeff Miller was duly sworn by the Clerk
2 of Court.)

3 THE CLERK: If you'll have a seat, please, and state
4 your name for the record.

5 THE WITNESS: Jeff Miller, M-I-L-L-E-R.

6 JEFF MILLER,

7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. MOORE:

10 Q. You're a sergeant now, right?

11 A. Yes, ma'am.

12 Q. Sergeant Miller, I know you've already testified, but
13 I just wanted to review a couple of things, if I could.

14 A. Okay.

15 Q. So tell us your duties and responsibilities again at
16 the sheriff's department.

17 A. Currently or --

18 Q. At the time in 2018.

19 A. At the time I was just a major crimes detective.

20 Q. Okay.

21 A. I was responsible for getting cases and investigating
22 those cases, doing follow-ups and then getting warrants or
23 closing cases out.

24 Q. And what does that process entail when you get a case
25 assigned? What are your steps?