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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 A. So the report's already been written. First, the
2 deputies have already responded out to the location, wrote
3 the report, took any statements or whatever that was
4 on-scene, collected any photographs or any evidence like --
5 that they would have needed or that they would have found
6 on-scene at that particular time. When it comes to us, we
7 review everything, make contact with either the subject,
8 victim or whoever is on the report and then you follow up
9 questions if there are any available and then after we do
10 all the investigation, the follow-ups and whatnot, we then
11 go -- if there's enough probable cause, we go present to a
12 judge and we'd get a warrant for an arrest. If there's
13 not, we'd just close it out.

14 Q. And you already testified I believe about probable
15 cause. Can you tell us again what that is?

16 A. So certain -- it's a set of facts or circumstances
17 that would lead a reasonable person to believe that a crime
18 has been, will be or was committed.

19 Q. And at the time that you got this warrant, you
20 believed that there was?

21 A. Yes, ma'am. I believed there was probable cause.

22 Q. And what did you base that on?

23 A. I based it on the evidence that we had, the statements
24 that we had and --

25 MR. McNAIR: Judge, I'm gonna object to asked and

1 answered. This was all -- he answered all these questions
2 on cross in our case in chief and she's asking the same
3 questions again now.

4 THE COURT: Well, Mr. -- well, your objection's
5 noted. It's her case in chief. I'll allow her to
6 question the witness with some latitude here and we'll
7 see where this is going.

8 BY MS. MOORE:

9 Q. So you collected statements?

10 A. Yes, ma'am. We -- we collected statements.

11 Q. And who did you collect statements from?

12 A. From the individuals that were involved in this case.

13 Q. And who would those be?

14 A. Elizabeth, David Hawkins, a verbal statement from
15 MINOR and then a forensic interview that was completed for
16 -- at the Dickerson Center. We spoke to the neighbors and
17 then looked at all the evidence that we had collected and
18 presented the case.

19 Q. You say that you talked to MINOR?

20 A. Yes, ma'am. On-scene.

21 Q. Did you write any of that in your follow-up?

22 A. It was in the report that I wrote.

23 Q. Was it?

24 A. Yes, ma'am.

25 Q. And when you go to a scene, especially when it's of a

1 violent crime --

2 A. Yes, ma'am.

3 Q. -- are you a forensic interviewer yourself?

4 A. No, ma'am.

5 Q. Is it your practice to interview three-year-olds on --
6 on the scene in the environment that --

7 A. He was not interviewed. He was asked basic questions.

8 Q. That's not an interview?

9 A. No, ma'am, it's not.

10 Q. And so that was something that you used? That -- that
11 statement, right?

12 A. What statement?

13 Q. From the three-year-old.

14 A. From MINOR? Yes, ma'am.

15 Q. Okay. And all he said was Brad?

16 A. He said big bang, hurt momma; big bang, hurt daddy;
17 big bang hurt me, then we asked him who and he said Brad,
18 big bang, hurt mommy; Brad, big bang, hurt daddy; Brad, big
19 bang, hurt me, and his statement never changed even in the
20 forensic interview that was --

21 Q. You cannot --

22 MS. MOORE: Objection. Well, I can't tell him.

23 THE COURT: Well, you asked the question, so move on.

24 MS. MOORE: That's fine.

25 BY MS. MOORE:

1 Q. But he's three, correct?

2 A. Yes, ma'am.

3 Q. He said -- could he give you full statements?

4 THE COURT: Ms. Moore, I have a quick question,
5 please.

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

7 BY MS. MOORE:

8 Q. And you interviewed Lyz?

9 A. Yes, ma'am.

10 Q. And David Hawkins, correct?

11 A. Yes, ma'am.

12 Q. And based on -- well, let me back up. Did you go to
13 the scene at [REDACTED] Sandspur?

14 A. Yes, ma'am.

15 Q. And is that where you talked to Mr. Hawkins? Because
16 I wasn't sure.

17 A. Yes, ma'am, in the back of the ambulance.

18 Q. In the back of the ambulance?

19 A. Yes, ma'am.

20 Q. And then did you have an occasion to talk to him
21 again?

22 A. Yes, ma'am.

23 Q. When was that?

24 A. That was over in Forest Acres. It was after he'd got
25 released from the hospital.

1 Q. Did you go to the hospital?

2 A. We did.

3 Q. And interview him there?

4 A. No, ma'am.

5 Q. Okay. Who did -- what was the purpose of going to the
6 hospital?

7 A. To attempt to interview him, but he was out with
8 family.

9 Q. That's right. You did testify to that.

10 A. Yes, ma'am.

11 Q. I apologize. Are you aware that there were any other
12 interviews taken of him at the hospital?

13 A. By myself or by another detective?

14 Q. Another detective.

15 A. I'm aware that Detective Marthers was at the hospital
16 with him right before he went into surgery. He met him up
17 there.

18 Q. And did he give you -- give a statement to Marthers?

19 A. To Detective Marthers he ID'd the photograph that we
20 sent of Mr. Walker.

21 Q. Okay. And is that recorded, the interview?

22 A. No, ma'am.

23 Q. It's not?

24 A. No, ma'am.

25 Q. You didn't review this interview, the one that you say

1 that --

2 A. We -- we didn't have body cams as detectives.

3 Q. It wasn't -- there was no audio? Is that what you're
4 testifying to?

5 A. We don't have body cams as detectives, ma'am.

6 Q. Okay. So no interview at all at the hospital of
7 Mr. Hawkins?

8 A. There was -- he was given a picture -- or shown a
9 picture of the suspect and he positively identified Bradley
10 Walker based on that photograph.

11 Q. Okay. And so that was something you used for probable
12 cause, right?

13 A. Yes, ma'am. That was a portion of it, yes, ma'am.

14 Q. Okay. Isn't -- well, at the scene -- well, you left
15 Sandspur, correct, after you talked to David and where did
16 you go?

17 A. I went over to Pooles Mill to the fire.

18 Q. To a fire?

19 A. Yes, ma'am. To the vehicle fire on Pooles Mill.

20 Q. Did you personally respond to that?

21 A. Yes, ma'am, I did. I testified to that.

22 Q. I think you testified that it was -- you got to the
23 house and then realized they were connected?

24 A. No, ma'am. I testified that we went to Pooles Mill
25 and while en route there we were advised that they had the

1 vehicle and the male. We stopped by the vehicle first
2 because you had to drive by it and then we went up to the
3 house.

4 Q. Okay. But you're not aware of when that vehicle fire
5 was called in, correct? Because we went through that the
6 other day.

7 A. The CAD sheets, I don't have them in front of me.

8 Q. Okay. So when you get to the house, what -- what was
9 going on there?

10 A. To what house, ma'am? I'm sorry.

11 Q. You said there was -- you went to a car fire and a
12 house?

13 A. Yes, on Pooles Mill. Yes, ma'am.

14 Q. Okay. And what happened there?

15 A. The fire --

16 Q. What did you observe?

17 A. The fire department was outside on Pooles Mill Road.
18 The vehicle, which was a Prius, was pulled off to the side.
19 I believe it was still smoking. We stopped. They were
20 still actively putting it out and whatnot. We then drove
21 up the long winding driveway to the gentleman's house who
22 -- I can't recall his name, I think it's Mr. Allen, who
23 stated that he had an individual --

24 Q. You can't say what Mr. Allen said, but based on what
25 he said --

1 A. The call that we received is --

2 Q. No, sir. You were gonna say what -- did Mr. Allen say
3 something personally to you?

4 A. No. I'm saying the call that we received through the
5 CAD, through our dispatch, was --

6 Q. Okay. Right. It was from this person's home, right?

7 A. Yes, ma'am.

8 Q. Okay. And so when you got there, what did you
9 observe?

10 A. I observed a fire truck out there. No ambulance as
11 yet. A -- Mr. Walker, who we later identified, was sitting
12 on the man's porch with a blanket around him wearing
13 nothing but socks smelling like gasoline and refusing to
14 answer our questions.

15 Q. He refused to answer your questions?

16 A. Yes, ma'am. He wouldn't talk to anybody.

17 Q. He was evasive?

18 A. He wouldn't talk to anybody, wouldn't make eye
19 contact. Nothing.

20 Q. And at that point were you convinced that you had the
21 suspect?

22 A. Based on the information that we had on-scene, the
23 description that we were given, yes, I did.

24 Q. But you said he was a John Doe, right?

25 A. Because we had no name for him.

1 Q. All right. You drove by the fire. Did you get out?

2 A. Yes, ma'am. We stopped at the vehicle.

3 Q. Did you survey the area?

4 A. Yes, ma'am, but I'm not a firefighter. I'm not gonna
5 get -- get off in their way.

6 Q. Fair enough. But you didn't smell gasoline, did you?

7 A. I smelled smoke and a burning car.

8 Q. Which you would expect to find, right?

9 A. Yes, ma'am.

10 Q. But no evidence was collected there?

11 A. No, ma'am, because it was hot.

12 Q. And no evidence was collected at Pooles Mill?

13 A. I don't believe so. No, ma'am. There was no --

14 Q. You're the case officer. Did you collect it?

15 A. There was none.

16 Q. Was there -- okay. So you don't believe, but you know
17 there was none?

18 A. All we had was Mr. Walker, a pair of socks that he was
19 wearing and that blanket that somebody had put over him.

20 Q. Socks and --

21 A. And I can't collect a smell.

22 Q. Oh, I understand that. But you did collect the smell
23 of the gasoline that you say was on Mr. Walker, correct?

24 A. Yes, ma'am. I smelled it.

25 Q. That's collected. And you talked about all this

1 evidence. When you get a case, tell us about the different
2 people. You testified that there were other like crime
3 scene and --

4 A. Yes, ma'am.

5 Q. So when they do their stuff, they turn it all over to
6 you, right?

7 A. I wouldn't say they turn it over to us. So what
8 they do is crime scene collects -- like he -- he explained,
9 he collected the rounds, the shell casings, the blood,
10 photographs and all that stuff. They will package it,
11 enter it all into evidence and then they say here's my
12 report, here's my photographs, and we -- we look over
13 everything. We don't -- if they collect it, there's a
14 chain of -- chain of custody. We're not gonna go and mess
15 with that. If it's something that we feel we need to go
16 look at, we'll pull it out of evidence and look at it. We
17 also have the other detectives who were out there. They
18 each have their own job. Everything is -- is managed
19 appropriately. One person can't do a whole -- an entire
20 case.

21 Q. But if you're responsible, then you're -- do you make
22 the decision what happens to the evidence?

23 A. As far as testing?

24 Q. Yes.

25 A. We work with CSI.

1 Q. Who makes the determination what to send to SLED?

2 A. The investigators and CSI.

3 Q. And in this case is that what you did?

4 A. Yes, ma'am. I worked with Thom Smith, Investigator
5 Smith, and we sent stuff over there.

6 Q. What did you send over there?

7 A. We sent the shoebox with the shells that were
8 collected and then --

9 Q. Did you collect those shells?

10 A. Yes, ma'am. I collected that shoebox.

11 Q. You collected that shoebox from where?

12 A. From Lyz's mother.

13 Q. You didn't collect it on the scene. Did you go to --
14 where did you say that she got it?

15 A. From the apartment on Broad River.

16 Q. And you-all were aware on the scene that there was an
17 apartment on Broad River, correct?

18 A. Yeah, I was -- we were --

19 Q. You knew -- you knew that they had an apartment?

20 A. We did. We didn't know where. David Hawkins had told
21 us that they were going to move to an apartment.

22 Q. Uh-huh. You-all didn't go search that apartment?

23 A. No, ma'am.

24 Q. You didn't ask where it was?

25 A. We asked where it was. I just don't recall where it

1 was. I just know it was Broad River.

2 Q. So her mother brings in this box, but you don't know
3 where it comes from, right? Or do you?

4 A. We knew it came from the apartment on Broad River. I
5 just can't recall the address.

6 Q. You don't know that it came from there. You didn't
7 collect it, correct?

8 A. I did not collect it out of the apartment in Broad
9 River, correct.

10 Q. Correct. So you can't testify as to where this --
11 these contents of that box were, can you? Can you?

12 A. I mean, they were in the box when it was given to me.

13 Q. Are you aware of the contents of the box?

14 A. When it was handed to me, yes, I was.

15 Q. Where -- but the police did not collect the actual
16 evidence. Is that true or not?

17 A. We didn't collect it from the apartment in Broad
18 River, correct.

19 Q. You were -- did you rely on Janet to bring it to you
20 or did you go get it from Janet?

21 A. I went to her residence and collected it there.

22 Q. And where's that?

23 A. It was in Winnsboro.

24 Q. Did she give you a statement?

25 A. We spoke several times.

1 Q. Okay. And did you have an opportunity to interview
2 Lyz?

3 A. Later we did, yes, ma'am.

4 Q. And when -- or where was that?

5 A. I want to say I spoke to her kind of off and on at
6 the hospital as much as we could and then we spoke at the
7 sheriff's department.

8 Q. You spoke to her at the sheriff's department?

9 A. Yes, ma'am. I believe so. Most of the stuff we had
10 to do was on the phones.

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

12 BY MS. MOORE:

13 Q. Do you record statements that people come in and give
14 you?

15 A. We try to get written statements. At the time we
16 didn't have the -- the cameras up working. The -- our Axon
17 in the interview rooms.

18 Q. So there was no way to record anything audio or visual
19 in the interview rooms?

20 A. Correct, not at that time. I don't think they even
21 put that in until 2019, 2020, something like that, and got
22 it working.

23 Q. So prior to that they never had had any capability to
24 record an interview?

25 A. They did, but I didn't have a camcorder to set up or

1 anything like that.

2 Q. So you didn't record it?

3 A. No, ma'am.

4 Q. Okay. And you state that there's a statement from
5 Lyz. Is it in your case file?

6 A. I'd have to go back and look through it if -- if she
7 gave a written statement.

8 Q. If she did. You testified that she did. She came to
9 the sheriff's department.

10 A. I said that we got a statement. I didn't say it was
11 written. I just said we got a statement.

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

13 Your Honor, I have a matter of law.

14 THE COURT: All right. Ladies and gentlemen, I'll
15 -- I need to discuss something with the attorneys and
16 I'll get you back in here as soon as possible. Please
17 don't discuss the case.

18 Thank you.

19 (Whereupon, the jury retires to the jury room at
20 10:51 AM.)

21 THE COURT: All right. Yes, ma'am.

22 MS. MOORE: Your Honor, we were never provided any
23 statement or any Riddle material regarding a statement
24 from Lyz at the sheriff's department.

25 THE COURT: You mean a -- let me be clear. Do you

1 mean a written statement or --

2 MS. MOORE: Any statement. There's no mention of
3 that.

4 THE COURT: Anything from the State? I mean, this
5 is just -- I feel like --

6 MR. McNAIR: We have no written statement either,
7 Your Honor, and based on Miller's report I don't see
8 where he interviewed her at the sheriff's department.
9 I think they talked -- tried to talk to her at the
10 hospital, but I don't have any record of a statement
11 from the sheriff's department, so he may just be
12 mistaken on that. I don't know. We don't have it in
13 our possession.

14 THE COURT: Okay. And that's --

15 MS. MOORE: That is confusing to the jury if they
16 make it sound like she's given a statement, which she
17 hasn't.

18 THE COURT: Well, this is -- I've tried to give you
19 a lot of latitude here, but --

20 MS. MOORE: I'll just note that for the record.

21 THE COURT: Very well, but just -- since we're
22 talking about it, I've tried to give you as much latitude
23 as possible --

24 MR. MOORE: Correct.

25 THE COURT: -- making your case in chief, but in

1 reality I -- I don't even know if I overruled it, but
2 I've noted your objection on the asked and answered
3 standpoint and Rule 403, but we haven't covered anything
4 really new. So, I mean, if you've got new questions, I'd
5 like for you to get to it.

6 MS. MOORE: I will. I'll do it now.

7 THE COURT: Okay. I don't want to go back on his
8 testimony that you've already crossed him on from two
9 days ago, okay?

10 MS. MOORE: Yes, sir.

11 THE COURT: All right. So the record will reflect
12 what you noted. They're not gonna be ready to come back
13 yet. I guarantee you someone's in the restroom. Does
14 anyone need a five minute break while we're here?

15 THE COURT REPORTER: Yes.

16 THE COURT: She's the most important person, so if
17 the court reporter needs it, let's take -- let's take
18 five minutes, folks.

19 (Recess taken at 10:54 AM.)

20 (Back on the record at 11:01 AM.)

21 BAILIFF: Court's back in session.

22 THE COURT: Okay. Are we ready to get started
23 again?

24 MS. MOORE: Yes, Your Honor.

25 THE COURT: All right. So before we bring the jury

1 in, obviously I just said this five or ten minutes ago,
2 but let's move onto new information for the rest of this
3 witness, nothing that's been testified to previously or
4 on cross-examination.

5 Bring the jury in, please.

6 BAILIFF: Are you ready, sir?

7 THE COURT: Yes, sir.

8 (Whereupon, the jury return to the courtroom at
9 11:07 AM.)

10 THE COURT: Please be seated.

11 Ladies and gentlemen, welcome back. We'll continue
12 where we left off.

13 MS. MOORE: Thank you, Your Honor.

14 BY MS. MOORE:

15 Q. I think we were just talking about gathering things
16 for your investigation and sending them out to different
17 places, right?

18 A. Yes, ma'am.

19 Q. And then things that you collected. You testified,
20 too, that there were cell phones, correct?

21 A. CSI collected all the cell phones.

22 Q. Okay. And when you -- what's the purpose of that?

23 A. Of collecting cell phones?

24 Q. Yes.

25 A. Looking for any digital information, pictures,

1 photographs, text messages, call logs, GPS data, apps that
2 they may have, anything that may lead to clues about the
3 investigation.

4 Q. And you testified that you read all the -- every text
5 and looked -- you used that to base your determination as
6 to the -- why do you do that?

7 A. To read through the texts?

8 Q. Yes.

9 A. Just to see the conversations that have been had and
10 see if we can't get any information from it, things that
11 they may have talked about which may lead to other things
12 for us to look into.

13 Q. And you did that in this case, correct?

14 A. Yes, ma'am. There was quite a few text messages that
15 we had to go through.

16 Q. Did you read the text messages -- do you recall
17 reading the text messages from David Hawkins and Lyz?

18 A. Which ones? I mean, I read a bunch of them, so you'd
19 have to be more specific.

20 Q. Well, one of them said that --

21 MR. McNAIR: Objection, Your Honor. He did not
22 perform the phone extractions. There's no responsory
23 witness to authenticate these conversations she's about
24 to ask him about.

25 MS. MOORE: Your Honor, he --

1 THE COURT: Which texts are we even referring to?

2 MS. MOORE: He said he read them.

3 MR. McNAIR: That's not enough to establish a
4 foundation for admissibility.

5 THE COURT: Do you have a text that you want him to
6 review?

7 MS. MOORE: Yes, I have.

8 Let me show you this.

9 THE COURT: Mr. McNair.

10 MR. McNAIR: He can't testify to somebody else's
11 conversation period. There's no exception for that.

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

13 BY MS. MOORE:

14 Q. The box that you collected from Lyz's mother --

15 A. Yes, ma'am.

16 Q. -- you were in here yesterday when the SLED agent
17 testified, correct?

18 A. Yes, ma'am.

19 Q. And what -- what was on that box?

20 A. As far as --

21 Q. On the top of that box.

22 A. I don't recall.

23 Q. Did she send back any -- did she tell you to do
24 anything further or -- or suggest it?

25 A. No, ma'am. I don't recall getting any messages from

1 SLED.

2 Q. Which --

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

4 That's all I have. Thank you.

5 THE COURT: Cross-examination.

6 MR. McNAIR: Yes, sir, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. McNAIR:

9 Q. Sergeant Miller, when did you get that shoebox from
10 Ms. Long? Was that July 31st? That contained the gun box?

11 A. Yes, sir. I believe that's the day that we entered it
12 into evidence.

13 Q. And you were asked about interviewing Lyz at the
14 sheriff's department. Do you recall speaking -- or trying
15 to speak to her at the hospital?

16 A. Yes, sir.

17 Q. Now if you -- if you had interviewed her at the
18 sheriff's department, would you have that in your report?

19 A. Yes, sir.

20 Q. All right. I'm gonna give you your report to look
21 through and tell me if you see any -- any record of
22 actually interviewing her at the sheriff's department.

23 A. No, sir, I don't.

24 Q. So does your report refresh your memory?

25 A. It does. Like I said, I know we spoke to Elizabeth

1 several times. I just can't recall when we would have
2 spoken to her exactly, but I don't have in my report that
3 we spoke to her at the sheriff's department.

4 Q. Okay. So she did not give a written statement in this
5 case to you, correct?

6 A. No, she did not. Correct.

7 Q. And she never came in for a formal interview at the
8 sheriff's department?

9 A. Correct.

10 Q. Okay. Now you were asked again about the statements
11 that MINOR made to you, so I'm gonna ask you the
12 same question again. What was his level of certainty when
13 told you what happened?

14 A. He was very certain. He repeated it multiple times.

15 Q. And he didn't say David, big bang, hurt mommy, did he?

16 A. No, sir.

17 Q. He didn't say David, big bang, hurt daddy?

18 A. No, sir.

19 Q. He didn't say David, big bang, hurt me, correct?

20 A. Correct.

21 MR. McNAIR: Thank you.

22 THE COURT: Redirect.

23 MS. MOORE: No, sir.

24 THE COURT: The witness may step down to return to
25 the table.

1 (Witness excused.)

2 MS. MOORE: Annette Twaites.

3 (Whereupon, Annette Twaites was duly sworn by the
4 Clerk of Court.)

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

8 THE WITNESS: My name's Annette Twaites,
9 T-W-A-I-T-E-S.

10 ANNETTE TWAITES,
11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. MOORE:

14 Q. Ms. Twaites, where do you live?

15 A. I live in Minnesota.

16 Q. And what is your relationship to the victims in this
17 case?

18 A. Aaron Peterson is my son. Lyz Peterson was his wife.

19 Q. And how were you notified of your son's death?

20 A. Three days after his death two policemen and a
21 chaplain came to my door at 3 AM and informed me that Aaron
22 was dead. That he had been shot in the back and that --
23 I'm sorry. I don't recall.

24 Q. The rest -- where did -- did everyone live in
25 Minnesota with you, your family?

1 A. No, ma'am.

2 Q. They -- most of them lived here, correct?

3 A. Right. Well, my daughter lives in North Carolina. My
4 grandson, Aaron's youngest, now lives with his grandfather,
5 and Joel, his younger brother, lives in Minnesota, his
6 other brother, Gregory, lives in Minnesota.

7 Q. All right. And after you found out about it, what, if
8 anything, did you do?

9 A. I started talking to people that I knew were Aaron's
10 friends.

11 Q. Don't say what they said.

12 A. No.

13 Q. But as a result of that?

14 A. As a result of that I was hearing conflicting
15 information from what the police had told me and what
16 friends were telling me.

17 Q. And what did you do with that information?

18 A. I tried to talk to the police detective and we had a
19 long conversation about my son and -- sorry -- his
20 personality, what his friends thought of him, what I knew
21 about him, that he was a good man, he'd give you the shirt
22 off his back if you needed it, that he was an excellent
23 marksman and there's no way that he would have had gone
24 down in a gunfight if he knew the gun was coming. He was
25 great at self-defense and he was a fabulous shot. So I --

1 nothing made sense.

2 Q. And did you relay that information?

3 A. Any time somebody told me more information, even
4 conflicting information, I gave it to the detective. I
5 called and left messages on his phone because after our
6 initial conversation he never called me back.

7 Q. And so did you later have any participation in this
8 case? Did you have a conversation with anyone else about
9 the case?

10 A. Brian kept me up to date. He was my only contact
11 until Mr. Setree, Private Investigator Setree, contacted me
12 to ask me --

13 Q. Well, let me ask you this. Did you ever talk to the
14 solicitor's office about this?

15 A. Yes, I did. After -- I don't remember if it was the
16 summer of 2000 or 2001.

17 Q. Or maybe '20 or '21?

18 A. Brian gave me the name of the victim's advocate.

19 Q. Okay.

20 A. And that was two years after Aaron had been killed and
21 I requested the prosecution's information so that I could
22 call and give her information. We talked --

23 Q. Who talked?

24 A. Sutania.

25 MR. McNAIR: Your Honor, I'm gonna object to the

1 nature of this questioning.

2 THE COURT: Well, let's just talk before we object.
3 Let's just see where we're going.

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

5 MS. MOORE: That's all I have. Thank you.

6 THE WITNESS: Thank you.

7 THE COURT: Cross-examination.

8 No, ma'am.

9 THE WITNESS: I'm sorry.

10 THE COURT: That's okay. That's all right.

11 CROSS-EXAMINATION

12 BY MR. McNAIR:

13 Q. Ms. Twaites, I'm sorry for the loss of your son.
14 Everybody agrees that Aaron was a great guy. Now you've --
15 you've never really liked Lyz, right?

16 A. That's beside the point.

17 Q. That's -- ma'am?

18 A. I hold no grudge against her.

19 Q. Ma'am?

20 A. I hold no grudge against her.

21 Q. Oh. But you've never really liked her, right?

22 A. Lyz is a difficult person to like.

23 Q. Okay. That's fine. That's a fair answer.

24 A. Or not to like. I like and accept anyone until they
25 show negativity towards me.

1 Q. Okay.

2 A. Okay?

3 Q. All right.

4 A. And if I have anything negative to say or feel about
5 Lyz, it's reciprocated, and --

6 Q. Okay. Now at one point --

7 A. -- that was initiated first by her.

8 MS. MOORE: Your Honor, we'd like her --

9 THE WITNESS: I'm sorry.

10 THE COURT: Well, ma'am. I don't want you-all to
11 talk over each other --

12 THE WITNESS: No.

13 THE COURT: -- and so you may -- I think he thought
14 you were done responding, so he started asking you a
15 question.

16 THE WITNESS: I understand.

17 THE COURT: I think you've answered the question,
18 but I don't want to cut you off either.

19 THE WITNESS: Thank you.

20 BY MR. McNAIR:

21 Q. All right. So you moved to Minnesota prior to **MINOR**
22 being born, correct?

23 A. Correct.

24 Q. All right. And you and Aaron, you-all would talk
25 infrequently, right?

1 A. Aaron worked a lot, and the time difference between
2 here and there, our schedules rarely coincided. I never
3 knew when he was working, he never knew when I was working.

4 Q. Okay. So you-all didn't -- you-all really didn't talk
5 very much during the time you were in Minnesota, which was
6 prior to MINOR being born, so three years or more, correct?

7 A. I'm sure not three years went by, no. We talked --

8 Q. Well, you lived in Minnesota at the time of this
9 incident, didn't you?

10 A. Yes.

11 Q. And MINOR was three?

12 A. Yes.

13 Q. Okay. Now you mentioned talking to people about
14 this case. Is one of the people you've been talking to
15 regularly Mr. Setree, who's the investigator for the
16 defense?

17 A. I have been in touch with many people.

18 Q. That's not what I asked you. I asked you if you'd
19 been talking to Mr. Setree regularly?

20 A. Regularly like maybe once every couple of months.
21 Regularly, yes. Once every week, no. Once every month,
22 no.

23 Q. Well, you've been talking to him every day after court
24 this week, haven't you?

25 A. Every day this week after court, yes.

1 Q. Yeah. Okay. And has he been sharing things with you
2 about this case?

3 A. Not anything that I haven't already known.

4 Q. Well, how do you know about everything in discovery in
5 this case?

6 A. Anything that has been --

7 Q. Do you know what happened on --

8 A. -- mentioned -- he hasn't told me anything in advance
9 of what's gonna be said or said, no.

10 Q. But the bottom line is you have no idea what happened
11 July 23rd, do you?

12 A. All I know is that nothing made sense to the point
13 where I had my own suspicions knowing Aaron, knowing Lyz,
14 knowing how -- how -- how she treated me while I was there
15 and how she manipulated so many situations while I was
16 there that I know how she operates. You can fool some of
17 the people some of the time, but you cannot fool all the
18 people all the time, and I had her number.

19 Q. Well, how do you know anything about what happened
20 July 23rd if nobody told you that? You don't know what
21 happened July 23rd.

22 A. You're right. I don't know.

23 Q. Okay. Thank you.

24 A. Nobody knows. Nobody. The only two people who were
25 there are the two people who are being believed. You don't

1 know.

2 Q. Ma'am --

3 A. You don't know. I don't know.

4 Q. -- my point is you're here testifying today to what
5 you think. It's not based on the evidence or being there
6 that day.

7 A. I'm here today to testi -- I'm sorry.

8 Q. Correct?

9 A. Pardon?

10 Q. What you're testifying to is not based on anything you
11 saw July 23rd, correct?

12 A. I am -- correct.

13 Q. Thank you.

14 A. I am here to testify about how --

15 MR. McNAIR: Judge, she's answered my question and
16 that's all the questions I have.

17 Thank you.

18 THE COURT: All right. Redirect.

19 THE WITNESS: I'm sorry.

20 MS. MOORE: I just have one question.

21 REDIRECT EXAMINATION

22 BY MS. MOORE:

23 Q. Where did you live when you were in South Carolina the
24 last time? One of the residences.

25 A. I lived with Aaron and Lyz and Joshua and I can't

1 remember the other man's name, but -- I'm not sure if you
2 want me to answer --

3 Q. Just tell me how long you lived with them.

4 A. Oh, two and a half to three years.

5 MS. MOORE: That's all I have, Your Honor.

6 THE COURT: Any recross?

7 MR. McNAIR: No, sir.

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

9 (Witness excused.)

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

11 THE COURT: Yes.

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

13 THE COURT: All right. Ladies and gentlemen,
14 oftentimes we never know how the timing of a trial's
15 gonna go and we try to coordinate witnesses the best we
16 can, but what we want to do at this point is give you
17 an early lunch and ask you to be back ready to go at
18 1 PM, okay, and we will kick off the next witness then.

19 But obviously while you're out, please don't
20 discuss the case or do any independent research of the
21 case. Otherwise, have a nice lunch and we'll see you
22 back here in about ninety minutes.

23 Thank you.

24 (Whereupon, the jury was excused for lunch at
25 11:32 AM.)

1 THE COURT: Counsel, real quick.

2 Counsel?

3 MS. MOORE: Yes.

4 THE COURT: Just -- I'm gonna maybe during the
5 lunch hour or the next thirty minutes -- you've obviously
6 got access to your e-mail, right?

7 MS. MOORE: Yes.

8 THE COURT: So I'm gonna send out the charge, but
9 obviously it's murder, attempted murder. I've got to
10 add for the defendant not to testify in there. Most of
11 it is basic stuff that you-all have heard a hundred times,
12 so I'll get that out to everybody in the next twenty
13 minutes, okay? I didn't hear anything else on charges,
14 so I'm just gonna go with what I do.

15 MS. MOORE: That sounds good.

16 (Whereupon, a luncheon recess was taken at 11:33 AM.)

17 (Back on the record at 1:15 PM.)

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

20 THE COURT: Good afternoon. Please be seated.

21 Thank you.

22 All right.

23 MS. MOORE: Your Honor, if we could take up a matter
24 before we get started, please.

25 THE COURT: Yes, ma'am.

1 MS. MOORE: Sometime earlier today the solicitor's
2 office approached Ms. Twaites and --

3 THE COURT: Ms. Twaites, who was a witness, right?

4 MS. MOORE: Yes.

5 THE COURT: Okay.

6 MS. MOORE: -- prior to her testimony trying to get
7 her not to testify. In fact, they also -- well, every
8 one of them heard that, but as you -- and I can put
9 Annette back on the stand. She talked to Solicitor
10 Fuller, she talked to the detective. None of this was
11 turned over in discovery at all. This is a major
12 discovery violation. I don't want a mistrial because I
13 want to go forward, but this case, it has been -- those
14 violations have been obvious. I might have been a little
15 overzealous trying to get it, but time was of the essence.
16 There's so much cell phone data that was -- that was not
17 turned over. In fact, I'd like to make this a Court's
18 exhibit. This is the extraction that we received from
19 the sheriff's department after they removed the images.

20 THE COURT: Okay.

21 MS. MOORE: And if one of the evidence custodians
22 could get out the actual phone, the Alcatel phone, and
23 put that as a Court's exhibit, too, as well. Because
24 of those -- you know, all this child pornography
25 controversy, which my point was I don't have everything.

1 There -- that is an extremely -- that is exculpatory all
2 day long to my client and it's -- the standard is not
3 whether it changes the outcome, but whether or not he
4 could have effective cross-examination to establish his
5 defense, but this Dave Hawkins' cell phone was hidden.
6 They have -- they -- they even tried to arrest us.

7 THE COURT: What -- Ms. Moore --

8 MS. MOORE: My team. And we were -- we were court
9 ordered to return the discovery, the only phone extraction
10 that the sheriff's department gave us, so we were denied
11 the full extraction prior to this trial. We never got it.

12 THE COURT: Okay.

13 MS. MOORE: But the witness is here and I'd like to
14 put her on the stand.

15 THE COURT: Okay. The witness about the extraction?

16 MS. MOORE: No, Ms. Twaites.

17 THE COURT: Well, I mean, that went from -- we
18 started with Ms. Twaites and then to discovery and
19 extraction --

20 MS. MOORE: Those are my issues.

21 THE COURT: Okay.

22 MS. MOORE: Mountains.

23 THE COURT: You have previously noted that.
24 obviously I have a pretrial order in effect on at least
25 some of the material from the extraction.

1 So as far as Ms. Twaites, she testified, okay?

2 MS. MOORE: Under oath that she had talked to the
3 solicitor --

4 THE COURT: Okay.

5 MS. MOORE: -- and I was never provided that
6 information. Never. In fact, we had to find her. They
7 wouldn't even fly her in. I paid for it.

8 THE COURT: Okay. Anyone?

9 MS. FULLER: Your Honor, the accusations, obviously
10 I completely deny. My conversations with the victim's
11 mom is not discovery. Nothing she shared with me was
12 discovery. It was not subject to Rule 5 or exculpatory.
13 What she expressed to me was a lot of conjecture and
14 after that conversation I talked to the officer and he
15 said he was aware of what she was saying and her theory
16 that Elizabeth Peterson orchestrated this. That's not a
17 fact in this case, it's not exculpatory. There's no
18 proof of anything like that, and that was the extent.

19 And I remember when I spoke to her. I can't
20 remember the exact day, but I know it was a Saturday. I
21 think she might have been outside gardening or something
22 along those lines, the call disconnected, I connected the
23 call back. This was just me communicating with a victim
24 in the case. I've never -- unless it has to do with
25 witnessing a fact or something in play, I've never typed

1 a summary of every communication of a victim. If that's
2 the case, then I'd have to do that in every single case
3 and we've never done that.

4 My communication with her was solely as Aaron
5 Peterson's mom because early on in the case we were
6 communicating with Aaron Peterson's father and he was
7 keeping the family updated. I didn't realize until
8 maybe a year or so into it that they weren't together
9 per se, weren't married, and so that's when I requested
10 my previous victim advocate to get her contact information
11 so I could talk to her myself and that's how that even
12 came about. We asked him to pass along our information
13 so we can talk to her because that's when we realized
14 that he had kids as well and that's when she told me
15 about the whole family history.

16 I'm trying to rack my brain about the conversation,
17 but none of those -- the family dynamic, who she talked
18 to in the family, none of that is discoverable. I would
19 never have shared her personal -- she shared some personal
20 details, too, about herself, her health, her mental
21 health. A lot of that stuff is not discovery in this
22 case and I never would have drafted a report on any
23 victim and turn that over to the defense. The defendant
24 wasn't entitled to that information. Nothing she said
25 was as an eyewitness, a fact witness. Nothing.

1 In terms of the Alcatel extraction, I stand by the
2 fact that a full extraction was provided in the UFED
3 reader format. This allegation -- we provided it multiple
4 times when it was extracted initially, we turned over
5 that copy, and when it was extracted again, we turned
6 that over. I did not withhold anything and the accusation
7 and her tone is very offensive. This is a direct attack
8 on me and my license. I have no reason to hide discovery.
9 I don't care what's on the Alcatel. It's not relevant
10 to this case.

11 We covered this last Friday. I don't understand why
12 we're going through this again. I turned it over. I've
13 made the cover letters Court's exhibits. If she's being
14 specific in terms of not receiving the binary, the 0's
15 and 1's that Creech talked about on Friday, there was
16 never a specific request for the raw data so they can
17 interpret it themselves. I turned over what I had, which
18 was the raw data converted into a readable format, and
19 that was turned over. That was turned over. That's all
20 -- that's what I always turn over.

21 THE COURT: All right. I think the discovery
22 issue's been talked about back and forth thoroughly.

23 As far as Ms. Twaites --

24 MS. MOORE: Just note for the record.

25 THE COURT: -- if I'm mispronouncing that, I

1 apologize.

2 MS. MOORE: Twaites.

3 THE COURT: Twaites. Excuse me.

4 To the extent that someone talked to her in the --
5 I think you mentioned the courthouse, all I know is she
6 was here in open court, she testified on direct and
7 cross-examination. I don't recall if you did redirect
8 or not.

9 MS. MOORE: No.

10 THE COURT: She was here and subject to questioning
11 from all of the parties, so nothing -- whatever -- if
12 anything transpired, she still testified, so. But your
13 -- but it's noted.

14 MS. MOORE: Thank you.

15 THE COURT: All right. Our next witness is an
16 expert, correct?

17 MS. MOORE: Yes.

18 THE COURT: I guess in line we'll get into -- I
19 know you'll start with qualifications. I don't know who
20 the expert is. You'll have an opportunity to voir dire
21 on qualifications as well and if we need to take a break
22 after that, we can.

23 Obviously, you know, whatever testimony's being
24 offered is subject to previous motion in limine orders
25 by the Court and we'll go from there, all right?

1 JENNIFER SETREE,
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. MOORE:

5 Q. Ms. Setree, where are you employed?

6 A. Data Driven Investigations, LLC.

7 Q. What's that?

8 A. That's a company I own. It's a digital forensics
9 company.

10 Q. How long have you owned your company?

11 A. I opened up it up in 2019.

12 Q. And what are your duties and responsibilities there?

13 A. I do cell phone forensics and computer forensics
14 analysis and examinations.

15 Q. Are you also -- well, let's go through your
16 background. Tell us what your educational background is.

17 A. I attended Western Carolina University in North
18 Carolina. I received a bachelor's degree in criminal
19 justice. After five years I also received a bachelor's
20 degree in psychology with the primary focus on child and
21 adolescent psychology. After graduating, I became a QP
22 counselor. It's otherwise known as a qualified mental
23 health professional.

24 Q. If you could slow down a little bit.

25 A. Sorry. I have a cold. I can't hear myself.

1 Q. That's all right.

2 A. I worked as a QP counselor. It's otherwise known as
3 a mental health qualified professional and that was at
4 Appalachian Family Mental Health in North Carolina. I
5 worked with children that were victims of sexual assault
6 and bodily crimes who had experienced traumatic events
7 and/or diagnosed with behavioral disorders. I moved to
8 South Carolina in 2012 and before I moved here I was
9 also working part-time at JC Enterprises, which I was an
10 electronics manager over three stores and oversaw the
11 electronics department, and I was responsible for
12 troubleshooting repairs and such, et cetera. After I
13 moved here, I began as a volunteering intern at a law firm
14 and there was an in-house investigator that actually had
15 piqued my interest so, therefore, I decided to get a PI
16 license and in 2017 my interest was even piqued even more
17 when it came to digital forensics and cell phones because
18 I realized that the way technology is going these days
19 investigations is not common when it comes to cell phones
20 and digital forensics, so I piqued -- I decided at that
21 point I wanted to become a -- certified in digital
22 forensics, and here I am.

23 Q. So when did you get certified and tell us about that.

24 A. I became certified in Cellebrite in 2022.

25 Q. What's Cellebrite?

1 A. That is the -- basically your gold standard of digital
2 forensics. It's a software that you can use to extract
3 data from a cell phone or a computer or a hard drive,
4 basically any type of electronic device. You extract that
5 data and then you can -- after you extract the data or
6 retrieve the data off of the device, you can put it into
7 an analyzer and it actually decodes that data so it's in
8 a readable format.

9 Q. So I'm gonna stop you there. How -- how many cell
10 phone extractions have you done?

11 A. Over two hundred. I've done them for civil, family,
12 criminal, private clients. Basically any -- any type of
13 defense.

14 Q. And are you a member of any organizations?

15 A. I am. I'm a member of what's called ASFED. It's
16 the American Society of Digital Forensics and E-Discovery.
17 Also ISACA. It's Information Systems Audit and Control
18 Association, so it's I-S-A-C-A. I have a hard time
19 pronouncing it. Also South Carolina Association of Legal
20 Investigators. It's SCALI.

21 Q. And when did you receive your Cellebrite
22 certification?

23 A. 2022. In May of 2022.

24 Q. And have you previously been qualified as an expert
25 in forensics -- digital forensics?

1 A. No, ma'am.

2 Q. Why not?

3 A. I'm a problem solver, so any time I've been asked to
4 possibly testify either there's been some kind of an
5 agreement made, such as a plea agreement, or the charges
6 were dropped or I just wasn't needed to testify at that
7 point.

8 MS. MOORE: Your Honor, at this time I'd move
9 Ms. Setree -- offer her as an expert in digital forensics
10 and forensic cell site analysis.

11 THE COURT: Cell site analysis?

12 MS. MOORE: Yes.

13 THE COURT: Any voir dire from the State?

14 MS. FULLER: Yes, Your Honor.

15 THE COURT: Very well.

16 VOIR DIRE EXAMINATION

17 BY MS. FULLER:

18 Q. Ms. Setree, just to go over a few things, prior to
19 your Cellebrite certification in 2022, you said May 2022,
20 so last year?

21 A. Yes, ma'am.

22 Q. So you've been certified for approximately seven
23 months?

24 A. Correct.

25 Q. And the -- in terms of cell site analysis, what's

1 your training and experience in -- as relates to cell site
2 analysis?

3 A. I have a -- I'm certified as a forensic cell site
4 analyst through ZetX, which is a software company that also
5 does cell site and tower analysis. I received training
6 through them. And also I've had access to the software as
7 well.

8 Q. And when did you receive that training as it relates
9 to cell site analysis?

10 A. I started that training because it's an on-going
11 training because it used to be cell tower, now it's cell
12 site, so as -- as technology changes so does the terms. I
13 started that in 2018.

14 Q. And specifically how many hours of training have you
15 undergone?

16 A. Over forty hours.

17 Q. Since 2018?

18 A. Yes, ma'am.

19 Q. In terms of -- as it goes to the extraction of
20 cellular devices, how many devices have you performed
21 extractions on?

22 A. Over two hundred.

23 Q. When did you start doing that?

24 A. That was in 2018 as well. I was an understudy of a
25 digital forensics expert out of Tennessee, his name is Mike

1 Tillery, and I was his mentor -- well, he was actually --
2 sorry -- he was my mentor and so I started learning how to
3 -- the processes and received my examination certification
4 through that and was able to do the examination and then in
5 2022 I was able to save the money -- because it was \$4,000
6 -- to save the money to get my license.

7 Q. So when you indicated you did two hundred extractions,
8 you're using someone else's license to do that?

9 A. That was my mentor's and so what we would do is -- and
10 he's a business partner so as I would do the analysis and
11 the examination just as if I have my license now.

12 Q. So just to be clear, the two hundred devices you
13 extracted you used somebody else's license to do?

14 A. That is correct.

15 Q. And what type of license was that?

16 A. That's a Cellebrite license.

17 Q. So Cellebrite allows -- is that part of the user
18 agreement to allow someone else to use their license?

19 A. It's just as if it was in any other state agency
20 that allows investigators to do the examination and the
21 analysis and the physical analyzer from the UFED. Other
22 investigators as well use that same program.

23 Q. And so this was under -- what's his last name?

24 Mike --

25 A. T-I-L-L-E-R-Y.

1 Q. And what agency did he work for?

2 A. He actually has his own. It's called Black Swan and
3 Cyber Sleuths.

4 Q. So it's not a government agency?

5 A. It's a proprietary.

6 Q. Explain that. I'm sorry.

7 A. He -- he has his own company. I think he's retired
8 law enforcement and he also is a private investigator as
9 well.

10 Q. Out of Tennessee?

11 A. Yes.

12 Q. Okay. So you said starting in 20 -- let me see if I
13 can check my notes. In 2017, you received your private
14 investigator license, and that's in South Carolina?

15 A. No, ma'am. I received my private investigation
16 license in 2013.

17 Q. 2013. And then what did you receive in 2017? I
18 miswrote -- I wrote PI license in 2017.

19 A. In 2017, I just decided to actually start going
20 towards digital forensics and the PI instead of your
21 typical PI investigations, such as domestic investigations.
22 I realized I had a passion for digital forensics.

23 Q. Okay. And now as it relates to the cell phone
24 extracting --

25 MS. MOORE: Your Honor, if we could -- are we still

1 going towards her qualifications at this point?

2 MS. FULLER: I am.

3 THE COURT: I believe so.

4 MS. MOORE: Okay. Thank you.

5 BY MS. FULLER:

6 Q. In terms of your specific training, can you cover that
7 with me again in terms of actual performing? Outside of
8 working under your mentor's license, what other training do
9 you have?

10 A. I have training through Magnet Forensics, Axiom, which
11 is also a forensic software that has -- that deals with
12 computers and cell phone forensics as well.

13 Q. How many hours?

14 A. I have over a hundred hours. I have certifications
15 for everything that I've done through them. I have a
16 certification through ZetX for forensic cell -- for
17 forensic analysis of cellular networks.

18 Q. Well, just dealing with the extraction side because
19 that's two different things. Not the cellular network,
20 dealing with just the device extraction. Switching now
21 to your Cellebrite license, in terms of performing an
22 extraction, what type of an extraction -- can you describe
23 the different types of extractions that are possible on
24 these devices?

25 A. There's only one type of extraction that's through the

1 Cellebrite UFED or are you talking about -- I'm sorry. Can
2 you be more specific? I'm sorry.

3 Q. Okay. So let's talk about that. So in terms of
4 Cellebrite, what type of -- describe the tool for me that
5 you use.

6 A. Cellebrite UFED.

7 Q. Okay. And 4PC?

8 A. 4PC. Uh-huh.

9 Q. Okay. In terms of actual extraction types, what type
10 -- describe different extraction types for me.

11 A. The advanced logical, file system and physical ana --
12 and physical extraction. Sorry.

13 Q. And in terms of logical and file system, can you
14 describe the difference between those?

15 A. The logical will pull your basic information and your
16 file system actually pulls like the binary information for
17 the file systems. So if your phone is -- it stores
18 information so where if you have like your documents,
19 notes, things of that nature, that's in a different
20 location in a phone than just, say, your pictures and
21 things of that nature. So it not only does the advanced
22 logical, it will pull all the -- basically all the
23 pictures, chats, messages, phone -- the call log, and your
24 file system will pull everything else, the back end that
25 you actually don't see on your phone.

1 Q. And then you mentioned a physical. Is that different?

2 A. A physical extraction is different. A physical
3 extraction, it pulls basically all of that information and
4 sometimes you can -- such as like, say, a Samsung. Samsung
5 is very difficult to do a physical extraction on, in which
6 I actually reached out to Cellebrite at that point and I
7 did have -- if I do have any errors or any problems, I
8 always reach out to Cellebrite and ask them if there's an
9 issue, what the issue is and how to bypass that issue.

10 Q. So on Samsung you're not able to do a physical
11 extraction?

12 A. On some -- some devices. Anything that has a security
13 patch past 2016.

14 Q. In terms of --

15 A. Excuse me, could I get some water?

16 THE COURT: Certainly you may.

17 THE WITNESS: Thank you. Sorry.

18 As I was saying, I have a cold. Thank you.

19 MS. FULLER: Whenever you're ready.

20 THE WITNESS: No, you're fine.

21 BY MS. FULLER:

22 Q. You indicated that you purchased your own software.
23 When was that?

24 A. 2022 after I had received my training, so it was a
25 week of training and after you receive your training, then

1 you can actually have your license and your software and
2 things that -- there's different software that you can
3 purchase as well depending on your budget. I don't have
4 unlimited means so, therefore, I have to purchase what I
5 can afford.

6 Q. And so you purchased that in May as well?

7 A. Uh-huh. Yes, ma'am. It was eight thousand.

8 Q. When you were performing -- assisting the defense in
9 this case, there was a request for Internet. Are you aware
10 that best practice is not to use Internet when performing
11 extractions?

12 A. No, ma'am. Because there's always updates that can be
13 -- and actually that's what ended up happening is I had a
14 few errors at the beginning of when I did some extractions
15 and, therefore, it was because there was an update to
16 Cellebrite in which once I did the update I was able to
17 perform the rest of the extractions without any errors and
18 so had I had the update before I started I would have been
19 more successful and it wouldn't have been so time consuming
20 at that point.

21 Q. So but you didn't extract -- have a device connected
22 while you were on the Internet. That's not what you're
23 saying, correct?

24 A. That's right. I mean, the software that -- the only
25 reason why I needed the Internet is so, therefore, I could

1 do any updates that was needed in which there was an update
2 that I did need which speeded up the process at the -- at
3 the end of the -- well, the last two to three devices that
4 I did.

5 Q. So my question is did you have the device connected
6 while connected to the Internet? Did you have the devices
7 connected to your software while you were on the Internet?

8 A. As in like the actual -- I didn't have the phones
9 connected to Internet because they're in airplane mode.

10 Q. Did you have -- your program is on your laptop or is
11 it a desktop?

12 A. It's a desktop.

13 Q. Okay. So you have your software on a desktop. Was
14 the desktop connected to the Internet while the evidence
15 was connected to your device?

16 A. Yes, because it's through a cloud server.

17 Q. And what software do you have that requires a cloud
18 server?

19 A. Cellebrite, the 7 -- the Cellebrite -- I use
20 Cellebrite UFED and that was -- the most recent version was
21 the 7.60.

22 Q. Are you familiar with Cellebrite's publications?
23 Like What Happens When You Press That Button? Have you
24 reviewed this as part of your training? So here it says
25 UFED operators --

1 MS. MOORE: Your Honor, I'd object. I mean, at
2 least give her an opportunity to see it before she asks
3 her questions.

4 MS. FULLER: She shook her head no. I apologize.

5 BY MS. FULLER:

6 Q. Have you seen What Happens When You Press That Button,
7 a publication by Cellebrite?

8 A. I'm sorry, what publication?

9 Q. What Happens When You Press That Button.

10 THE COURT: Can you see that?

11 THE WITNESS: I don't -- I don't have that button
12 that I pressed.

13 BY MS. FULLER:

14 Q. Have you seen this publication -- reviewed this
15 publication by Cellebrite? That's a yes or a no.

16 A. I don't know what that is. I'm sorry. Can I see it?

17 Q. It's a publication by Cellebrite. What Happens When
18 You Press That Button. Have you reviewed this as part of
19 your training?

20 A. I've not seen that before.

21 Q. So Cellebrite goes over UFED basics and best practices
22 and are you familiar with the fact that it says UFED
23 operators should adhere to the same best practices for both
24 touch and 4PC platforms that -- that they do for any
25 forensic computer installation? Isolate the forensic

1 machine from the Internet while performing forensic
2 examinations. Don't store digital evidence on any computer
3 that is or will be connected to the Internet at any time
4 and if performing an over-the-air software update the
5 operator should not simultaneously have the evidence device
6 or evidence storage connected to the forensic machine.

7 So this is put out by Cellebrite.

8 A. I'm sorry. Which -- but I did the updates before it
9 was connected to the machine.

10 Q. Well, that was my question. You said yes. I wouldn't
11 have read this if you'd said no. I asked you --

12 A. No, when I did the updates. I'm sorry.

13 Q. I asked you was your desktop connected to the Internet
14 when you were performing extractions on the device. It's a
15 yes or a no.

16 A. My desktop was connected to the Internet, but whenever
17 I have to disconnect the cell phones or any other devices
18 so I would do any updates before I would connect to via
19 USB.

20 Q. Okay. So I'm gonna ask the same question one more
21 time. Was your desktop connected to the Internet while the
22 device was connected by USB to your desktop?

23 A. Yes. I mean -- yes.

24 Q. And even though Cellebrite says best practice is not
25 to do that?

1 A. There's actually an article and in our training manual
2 that says that it must -- your UFED, your -- if you're
3 using the UFED cloud, the Cellebrite 4PC is to be connected
4 to the Internet. And I'm sorry I don't have that article
5 with me, but I did print it out.

6 Q. For which version of the software?

7 A. The newest version. I have stacks of manuals I can
8 provide.

9 Q. Let's -- let's go through parsing data. What tool do
10 you use to parse the data?

11 A. Cellebrite physical analyzer.

12 Q. Okay. So the UFED physical analyzer?

13 A. Not the UFED.

14 Q. Cellebrite?

15 A. Cellebrite Physical Analyzer. The UFED extracts the
16 data. You put -- from the data -- from the hard drive, I
17 put the data from the UFED into the physical analyzer. The
18 physical analyzer decodes the information from the UFED.

19 Q. And then just to be clear, Cellebrite does not have a
20 cloud license?

21 A. It's a cloud server. It's a dongle, so what it is,
22 is your Cellebrite license is on a dongle and then that
23 connects.

24 Q. The first paragraph of UFED basics put out by
25 Cellebrite says the UFED 4PC, which is what you said you

1 used, is extraction software that can be installed on any
2 PC platform accessible and securable in the way as any
3 other PC based software.

4 A. Yes, it is installed on my -- on my computer. That's
5 the reason why I had to actually bring my computer.

6 Q. Right. So it's not a cloud based service?

7 A. In order to do your updates it has to be.

8 Q. I'm not talking about updates.

9 A. And, therefore, your -- your logs and everything else
10 is stored there as well.

11 Q. So are you saying the Cellebrite publication is wrong?

12 A. I don't know when that publication came out.

13 Q. I'll get that answer. In terms of testifying in court
14 as an expert, you said you've never done that before?

15 A. Correct. Yes, ma'am.

16 Q. In terms of analyzing data, once you extract the data
17 it's not in readable format, correct?

18 A. From the UFED, right. You have to put it through the
19 physical analyzer to get that.

20 Q. Once you get in the analyzer, you run -- it's in a
21 reader so you can view the data, correct?

22 A. Correct.

23 Q. If there is an entrance, a call detail or a phone
24 call or a message or an image, how do you perform your
25 researching to verify the information in the reader?

1 A. Through peer review and through -- and also if I have
2 any questions sometimes I'll reach out to Cellebrite and
3 ask them if I have any -- if I have any questions. I've --
4 the only time I've actually ever had any issues was when
5 there was a software error issue.

6 Q. No, my question is how do you verify that the
7 information that you parse into a report is accurate?

8 A. Through Cellebrite, which is the gold standard that
9 all agencies -- well, most agencies across the U.S. use.

10 Q. No. You can't -- I'm not asking you to call them.
11 I'm asking you as the analyst, you have the software, you
12 have the raw data, how do you go through and verify the
13 report?

14 A. Which report? I don't --

15 Q. When you perform an extraction, it comes in a UFED
16 reader where you can view the data in a readable format,
17 correct?

18 A. Once you put it through the analyzer, yes.

19 Q. Once you put it through the analyzer, it goes into a
20 readable format, correct?

21 A. Correct.

22 Q. To come to court and testify as an expert, you're
23 relying on your expertise to say that the report you
24 generated is correct, right?

25 A. (Nods head.)

1 Q. So prior to coming to court you verify the report.

2 What is your method of verifying the report?

3 A. I go through and make sure that all the data that was
4 retrieved from the analyzer from the phone is actually in
5 the report instead of being selective so when I -- if I was
6 to give a report format in a Cellebrite reader format or a
7 PDF or HTML, make sure that all of the information is there
8 instead of being selective.

9 Q. That doesn't necessarily answer my question. Because
10 there has to be a method to rely on the report that you
11 generate when performing the extraction. So what -- who
12 checks your work, who --

13 A. I check my work.

14 Q. So there's no -- there's no peer that can verify your
15 report?

16 A. Other than an attorney if I'm doing the work for an
17 attorney.

18 Q. Okay. I don't understand X's and O's. I can't --

19 A. I don't read --

20 Q. 1's and 0's in the binary format, I can't --

21 A. 0's and 1's?

22 Q. I don't understand that, so I couldn't check that.

23 A. Right, because that's in the UFED, but you're not
24 looking at the data from the UFED, you're actually reading
25 it -- you're actually seeing it in a readable format from

1 the physical analyzer so you're taking the data that was
2 retrieved in the UFED from Cellebrite and you're putting it
3 into a physical analyzer.

4 Q. So if there's content on a report that has, for
5 example, two different timestamps, how do you go back into
6 the raw data and verify the report? How do you verify
7 that?

8 A. You -- you see what time the -- if it was in UTC-4 or
9 UTC-5 if it was during daylight savings time, what time
10 of the year was it, what day so, therefore, you can
11 actually verify it. That's -- that's part of the training.
12 You verify --

13 Q. That's surface level. I'm talking about -- I'm
14 talking deeper than that. So if you generate a report that
15 has two different dates and times on it for the same data,
16 how do you go back into the raw data and actually verify
17 what the report is saying?

18 A. You process the data through the physical analyzer.

19 Q. How does Cellebrite actually extract the data?

20 A. Through the UFED.

21 Q. Specifically. What is API?

22 A. Your application protocol information.

23 Q. And so that's how Cellebrite extracts the data? I'm
24 asking --

25 A. I'm -- I'm not the creator of Cellebrite, so I don't

1 know all how they -- the development of Cellebrite so,
2 therefore, I can't testify on how that information is --
3 what -- how they do their programming. I can tell you
4 whenever you receive your training you're trained on the --
5 how to retrieve the data from the UFED and how to parse
6 that data through the physical analyzer.

7 Q. But as an expert in digital forensics, isn't it
8 necessary to understand the root, to actually understand
9 the raw data to understand fully what you're doing?

10 A. Well, the raw -- raw data comes from the UFED. In
11 order to retrieve that raw data, you have to put it through
12 the -- through the Cellebrite UFED.

13 Q. But in terms of actually understanding, I mean, I can
14 connect my phone by USB to a computer and push a button,
15 but actually understanding what you're doing to come to
16 court to testify as an expert that this is the data, I
17 stand on what I'm pulling in this report, I'm just asking
18 for a little bit more understanding from you to explain.

19 A. So whenever you put your phone into a computer it
20 only will read certain -- it reads a readable format from
21 your phone. Whenever you put it in Cellebrite physical
22 -- Cellebrite UFED, it's not in a readable format so,
23 therefore, because it's pulls all of the back end data,
24 all of the information like your location data, things of
25 that nature that you physically don't see on your phone,

1 just like a computer, there's a back end, there's digital
2 footprints on everything so, therefore, it pulls that data,
3 it retrieves that data, even deleted information, deleted
4 text messages, deleted pictures.

5 Q. Not all extractions, correct?

6 A. The file system will pull the deleted data.

7 Q. But not a logical?

8 A. A logic -- as a logical if you do the file system.

9 Q. So a file system would pull deleted data on what
10 devices?

11 A. Android, iPhone.

12 Q. But -- but your testimony is that a logical, a pure
13 logical would?

14 A. An advanced logical?

15 Q. Logical. Will a logical extraction pull deleted data?

16 A. No, ma'am. Not if you don't do the file system.

17 Q. Okay.

18 A. I have the option of doing a file system when I do an
19 advanced logical.

20 Q. In terms of specific courses that you've taken, what
21 courses -- how many courses have you taken?

22 A. For Cellebrite you go through their training. You do
23 the CCO, which is the Cellebrite certified operator, and
24 you do the CCPA, which is the Cellebrite certified physical
25 analyzer.

1 Q. And when did you do that?

2 A. That was in May. I had to save. It was \$4,000 that
3 I paid out of my own pocket. It wasn't government funded.

4 Q. In addition to that, what other training do you have?
5 Like courses that you've taken. Not Magnet. In terms of
6 Cellebrite and phone extractions.

7 A. That's the start. You do the CCO and CCPA.

8 Q. That's to start. What else have you done?

9 A. And then I can continue. If I want to pay another
10 four thousand this year, I can continue with any other
11 search as your --

12 Q. As of today what courses have you taken?

13 A. That's --

14 Q. That's it? Two courses?

15 A. It's not courses. That is your -- that's how you
16 become Cellebrite certified.

17 Q. But that's all you've done in the area of cell phone
18 extraction?

19 A. For certification that's all that Cellebrite offers
20 for your certifications.

21 Q. Now in cell site data, that's not Cellebrite, correct?
22 That's analyzing tower location and information?

23 A. Correct.

24 Q. And your testimony is you went through what training
25 for that?

1 A. Through ZetX. It's forensic cell site analysis and
2 they also have webinars and things that you can -- other
3 classes or other training that you can do as well. In
4 February, they will have a 40-hour class in Anderson,
5 South Carolina that's a thousand that I'm going to attend.

6 Q. Well, I mean, today. So anything that you've done
7 prior to today, not what you're going to do.

8 A. That was the forensic cell site analysis.

9 Q. And in terms of cell site analysis, have you gone
10 through training with the actual cell site providers?

11 A. Yes, that would be ZetX.

12 Q. So that's T-Mobile, Metro, Verizon --

13 A. I don't work for those companies so, therefore, I
14 don't do the training for them.

15 Q. So have you driven to towers?

16 A. Yes, the -- are you -- the actual --

17 Q. Physical cell phone towers to understand their
18 landscape, how they work.

19 A. (Nods head.)

20 Q. I can't -- you just --

21 A. Yes, ma'am.

22 Q. And when did you do that?

23 A. That's been since 2018. It's an on-going training.

24 Q. What do you mean by an on-going training? I haven't
25 heard of that before, so I'm asking.

1 A. So I continue my education. Any time anything new or
2 I get a phone that needs location data, I don't -- not all
3 phones are extractions that I do need a retrieval of cell
4 site analysis, so when I have a phone that I need to verify
5 location data, I make sure --

6 Q. So are we talking about phone location data or are
7 we talking about cell phone company provider location
8 information?

9 A. Not your phone -- not your phone company information.
10 That's your call detail records.

11 Q. So when you're offered as a cell site expert, are you
12 saying that you reviewed cell phone records with tower
13 information?

14 A. If I get the call detail records from the cell phone
15 companies, I do. If I don't, then I take the information
16 from Cellebrite and I put that information into ZetX.

17 Q. So you're basically taking latitude and longitude
18 information from a cell phone extraction and putting it
19 into a tool and mapping?

20 A. Into a software, right. Into a software company
21 that's also used by government agencies.

22 Q. And as it relates to cell site, have you been offered
23 as an expert before?

24 A. No, ma'am.

25 Q. And so if I get this correctly, this is -- is this

1 different than taking latitude and longitude and putting it
2 into Google?

3 A. It is because you have in into either a KML or KMZ
4 file.

5 Q. And for that specific -- so you're not able to
6 interpret actual cellular device records. You're talking
7 about interpreting latitude and longitude from a cell phone
8 extraction?

9 A. If I am provided call detail records, I can. In this
10 particular case, I was not provided call detail records,
11 CDRs.

12 Q. So then you're not -- you're relying on the cell phone
13 provider data. You're not using that in this case?

14 A. Not in this case.

15 MS. FULLER: I beg the Court's indulgence.

16 That's it for voir dire.

17 THE COURT: Ladies and gentlemen, let's take a
18 short break and I'll get you back in here in a few
19 minutes.

20 Thank you. Please don't discuss the case.

21 (Whereupon, the jury retires to the jury room at
22 2:01 PM.)

23 THE COURT: I just didn't want to have this
24 conversation in front of jury.

25 Okay. So the defendant's offering, when we started,

1 digital forensics and Cellebrite analysis, correct?

2 MS. MOORE: Digital forensics and forensic cell
3 site analysis.

4 THE COURT: Okay. And there was various licenses
5 and training she's had?

6 MS. MOORE: Correct.

7 THE COURT: I guess I'll start with the State. What
8 are your specific objections?

9 MS. FULLER: I'm sorry, Your Honor. You said my --

10 THE COURT: Do you have specific objections to her
11 being qualified?

12 MS. FULLER: Yes, Your Honor. I do not believe
13 Ms. Setree is qualified as an expert in this area, Your
14 Honor. She indicated that she's only been licensed
15 appropriately -- properly for seven months. Her previous
16 phone extractions, her testimony was that was done under
17 someone else's license, a mentor out of Tennessee. In
18 terms of courses, she talked about future courses, but
19 nothing current. In terms of Cellebrite publications'
20 best practices, she disagreed with, which that is
21 concerning as well considering the evidence in this case
22 was allowed to be accessed by her and the Internet was
23 connected, and so that is also a concern.

24 In terms of her knowledge about parsing data and
25 verifying the reports, she simply said that she phoned a

1 friend or called in when there's more -- there's more to
2 that than actually verifying a report. When you put up
3 an expert in digital forensics, they need to know -- they
4 need to definitively be able to say they went back into
5 that data, carved it out, researched it to verify it or
6 even have a peer reviewer verify the report. The same
7 thing with cell site data. When we put up the FBI experts
8 in terms of cellular tower location and all of that,
9 there's always a peer review method and she said myself,
10 I check the work.

11 THE COURT: Is she being offered as a cell site data
12 expert as well?

13 MS. MOORE: Forensic cell site analysis, Your Honor,
14 and the standard for --

15 THE COURT: I thought you said forensics in
16 Cellebrite.

17 MS. MOORE: No, sir. Forensic cell site analysis.

18 THE WITNESS: Like cell towers.

19 MS. MOORE: Cell towers, yes. It's a program, Your
20 Honor.

21 THE COURT: I'm aware of that. I just misheard the
22 words.

23 MS. FULLER: Well, then I'm confused because I had
24 it down -- she said she's an expert in Cellebrite.

25 That's different than the actual cell site location

1 information, so I guess it's not the software --

2 THE COURT: Well, I think they're saying both.

3 MS. FULLER: And that's what I thought, saying both.
4 I thought defense counsel just said no.

5 THE COURT: Just to be clear, by digital forensics,
6 you're including Cellebrite, correct?

7 MS. MOORE: Forensic cell site. Two words.

8 THE WITNESS: Digital forensics is Cellebrite.

9 THE COURT: Okay. I think I understand. Digital
10 forensics includes the program of Cellebrite, which you
11 say you have a certification in?

12 THE WITNESS: Yes, sir. That's right.

13 THE COURT: And then the secondary thing is the cell
14 site analysis, correct?

15 THE WITNESS: Which I do have a certification in.

16 THE COURT: A great way to name that program that
17 close to cell site. It's confusing.

18 Okay. If I cut you off, I apologize.

19 MS. FULLER: Yes, Your Honor.

20 I was just simply saying that I don't believe she
21 has enough qualifications to be offered here as an expert.
22 My main concern is that there is no method that she
23 described or articulated to verify. Digital forensics
24 is not something simply you connect your USB to the
25 software, generate -- and hit a button, I can do that,

1 generate a report and then if there's a problem call the
2 company. It's not like that. You have to have actual
3 like institutional knowledge and understanding digital
4 forensics. It's not as simple as taking one or two
5 training courses that anyone can take. Our paralegals,
6 a couple of ones, have taken. That does not mean I'm
7 gonna put them up here and offer them as an expert in
8 this area, particularly asking her questions about her
9 knowledge and specifically what Cellebrite says is best
10 practices she disagreed with, and that is also concerning.

11 MS. MOORE: Your Honor, she's not seen that. I
12 don't know where that came from, when it was published or
13 anything.

14 THE COURT: Okay.

15 MS. FULLER: Your Honor, I would respectfully not
16 cut her off if she would extend the same courtesy to me.

17 THE COURT: Okay.

18 MS. FULLER: In terms of the -- asking me questions
19 on articles summarizing the training that she said she
20 went through in the last several years in terms of cell
21 site, I think her testimony is since 2018 is forty hours
22 of training. That's simply something I don't believe she
23 has sufficient training and experience to come into this
24 courtroom and offer an opinion on cell site information
25 from a phone extraction when I don't think she's

1 articulated on the record enough training and experience
2 in my opinion.

3 THE COURT: Okay. Ms. Moore.

4 MS. MOORE: Your Honor, I believe that article is
5 outdated, but it's -- it's the same company that the FBI
6 and Lexington County Sheriff's Department has and she's
7 just an independent business owner, but she has the same
8 program --

9 THE COURT: Okay.

10 MS. MOORE: -- and she can explain the whole process.
11 It's no different than theirs. She had to connect to this
12 cloud to --

13 THE COURT: She already did explain the process to
14 some extent.

15 MS. MOORE: Well, I mean, I understand. So I think
16 what she's saying is, you know, Jennifer hasn't gone into
17 detail about how she interprets the data, but an expert
18 is just a witness that has more knowledge about something
19 than lay people and can interpret data.

20 THE COURT: Uh-huh. Let me step out real quick.
21 It will be very short.

22 (Recess taken at 2:08 PM.)

23 (Back on the record at 2:26 PM.)

24 BAILIFF: Court is back in session. Please keep
25 your seats.

1 THE COURT: All right. We had a thorough session
2 of voir dire here. I think based on the expert's --
3 obviously she's never been qualified before, but she's
4 had -- certainly she's been certified since 2018 in this
5 ZedX or ZetX program regarding cell site analysis, the
6 training. She has been certified in the Cellebrite
7 program. You know, there was a lot of testimony here
8 about how she performed the testing, but I think
9 ultimately a lot of that goes to, you know, the weight
10 of -- the weight the jury wants to give any testimony
11 that an expert provides.

12 So ultimately I'm inclined to qualify her in digital
13 forensics, which includes the Cellebrite program and cell
14 -- forensic cell site analysis. To the extent that that
15 testimony goes outside those bounds, we'll take that up
16 accordingly, but overall I -- you know, I think she's
17 qualified enough to testify.

18 MS. MOORE: Thank you, Your Honor.

19 THE COURT: Ms. Moore, just -- we're taking a break
20 here, but do you foresee any -- based on your knowledge
21 of what you're gonna ask your witness, do you see foresee
22 any issues on previous pretrial orders of anything you've
23 reviewed?

24 MS. MOORE: We're -- we're not talking about --

25 THE COURT: It's a yes or no question.

1 MS. MOORE: No. There will be no issues whatsoever.
2 No, sir.

3 MS. FULLER: Your Honor, based on that ruling and
4 what she's qualified as an expert in, I haven't seen any
5 reports or received anything in reciprocal Rule 5 as to
6 what she's about to testify to.

7 THE COURT: Are there any reports?

8 MS. MOORE: Demonstratives. She's putting it up on
9 the screen. It's an interaction. It's their data.

10 THE COURT: Ma'am?

11 MS. MOORE: It's their data. We got it from the
12 extraction and she's gonna show it.

13 THE COURT: When we were up here at the bench
14 earlier, we weren't on the record, of course, but I
15 asked if your expert had done a report.

16 MS. MOORE: She's not prepared a report.

17 THE COURT: Okay. But your point is?

18 MS. FULLER: I would like to know what this is. I
19 don't know what this is. I haven't received a copy of
20 what they're -- you can't just put something up as
21 demonstrative that is from evidence. Demonstrative is a
22 summary of testimony. Demonstrative is a vehicle photo.
23 Demonstrative -- they're introducing something that I
24 haven't seen. There's no way to cut around it. If
25 you're putting something up that's not in evidence,

1 that's more than -- that's beyond demonstrative.

2 THE COURT: Okay. Well, to her question, is there
3 any new material that's not already been seen in this
4 case?

5 MS. MOORE: No, sir. No. This is the cell site --
6 the tower analysis that --

7 MS. FULLER: I don't have tower analysis.

8 MS. MOORE: Well, that's -- we got it from them
9 and Your Honor said that to the extent that the hard
10 drives and the external hard drives and those type of --
11 anything we got from those devices, we had to turn over
12 in reciprocal, but they -- they told us they had turned
13 over the full extraction, which was never done. This
14 is not a report. It's her testimony about the phone and
15 the tracking. These people testified about Life360 and
16 they made it clear that there was -- you know, they
17 could --

18 THE COURT: Let's focus on this here.

19 MS. MOORE: Okay. Yes.

20 MS. FULLER: Let me make myself clear. If they're
21 presenting a video of movements, that is something that
22 should be turned over. That is a report. I've had
23 rulings from the Court when I've provided a Court exhibit
24 taking data from a cell tower and put it on a document,
25 I've argued is a Court exhibit. I've had some --

1 depending on the ruling, they're like oh, no, it's a
2 report generated, but if she's taking data that she's
3 interpreted and put it into a format that's presented
4 to the jury, that's more than demonstrative. That's
5 actually introducing evidence into the record and I
6 think reciprocal Rule 5 allows me to get a copy of it.
7 This is not just a demonstrative aid. This is more than
8 demonstrative. This is actually a Court exhibit --

9 THE COURT: Okay. Well --

10 MS. FULLER: -- and I haven't seen it. So this
11 is --

12 THE COURT: Well, under the circumstances it sounds
13 to me like you need to proffer it. I'm not gonna just go
14 blind and bring the jury in on this. You're indicating
15 that there's nothing --

16 MS. MOORE: All it is, is the tower -- it's just
17 cell tower movement. There's no text, no extraction,
18 nothing. It's the cell tower --

19 THE COURT: And she doesn't -- you said a
20 demonstrative exhibit. You're talking about --

21 MS. MOORE: On the computer.

22 THE WITNESS: It's on a flash drive.

23 MS. FULLER: Your Honor, just to be clear, I didn't
24 provide any cell tower information.

25 THE COURT: Yeah, I think you need to --

1 MS. MOORE: You absolutely did.

2 THE COURT: Hold on a second. You-all approach real
3 quick. Hold on. You-all approach real quick to make sure
4 I understand.

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

6 THE WITNESS: May I?

7 THE COURT: Yeah, you can step down.

8 And I meant for Ms. Fuller to be able to see it on
9 the computer.

10 THE WITNESS: Yeah, I have it connected.

11 THE COURT: Okay.

12 THE COURT REPORTER: Is this on the record?

13 THE COURT: I wanted you-all to look at it informally
14 first. The attorneys can stand up there and you-all can
15 see it before I need to.

16 I'm gonna step out.

17 (Recess taken at 2:35 PM.)

18 (Back on the record at 3:26 PM.)

19 (Court's Exhibit Number 5 was marked for
20 identification.)

21 BAILIFF: Court's now in session.

22 THE COURT: Please be seated.

23 Counsel, we just had a -- please be seated.

24 Best guess, if you're proffering how long do you
25 think your proffer is?

1 MS. MOORE: Ten minutes.

2 THE COURT: Well, we'll let the jury sit for a bit.
3 Do they have plenty of refreshments and snacks back
4 there?

5 BAILIFF: They do.

6 THE COURT: All right. So we've been through voir
7 dire as to this witness and I made some initial rulings
8 as to qualifications. There's been some material handed
9 over and discussed by the attorneys at length in the
10 courtroom off the record and I think, frankly, at this
11 point the only way to try to alleviate any confusion is
12 to proffer and go from there.

13 So, Ms. Moore, you may precede with your examination.

14 MS. MOORE: Okay.

15 EXAMINATION (In-Camera)

16 BY MS. MOORE

17 Q. So you've told us all the way you got this
18 information. This specifically, this -- the cell -- what
19 is it called?

20 A. The GPS data.

21 Q. The GPS data. Where do you get that from?

22 A. That came from the Cellebrite extraction.

23 Q. Where specifically in there?

24 A. The cell phone extraction from the Samsung Note
25 Galaxy.

1 Q. Okay. What about Life360?

2 A. That's an app. It's an application that is -- that
3 was present on the phone. It's a tracking app.

4 Q. Okay.

5 A. You can track family members and --

6 THE COURT: I'm sorry. One of us hit a button and
7 turned on the white noise. Apologies.

8 BY MS. MOORE:

9 Q. Tell us again.

10 A. It's an -- it's an application that is installed on
11 your phone.

12 Q. Okay. And is that -- did you put that data into ZetX
13 to --

14 A. Verify and validate --

15 Q. Yes.

16 A. -- the location history. The movement of the phone
17 data.

18 Q. Okay. And did you validate that?

19 A. Yes, I did.

20 Q. How did you validate that?

21 A. I took the information from the Cellebrite, exported
22 that information into an Excel file. From there I uploaded
23 the Excel file into ZetX. ZetX trans -- transposes that
24 information into a KMZ file and at that time it actually
25 maps the locations in Google Earth.

1 Q. All right. How did you get it into Google Earth?

2 A. From the CSV file that's exported from Cellebrite.

3 Q. And what does that tell us?

4 A. It shows the location of the GPS second by second.

5 Q. It's second by second?

6 A. Uh-huh.

7 Q. Is that why there's so many pins on there?

8 A. Yes, there's seven thousand something pins.

9 Q. And so you do see the data moving. If there's ever
10 two people moving, what would you see?

11 A. You would see multiple -- multiple -- see multiple
12 pins in different locations if it's another phone that's
13 actually travelling unless if it's two people together. If
14 it's two people together, then the cell phone data -- the
15 GPS data's gonna match. If there's another phone that is
16 not travelling in the same direction, that phone's gonna
17 actually show a different location, a different pin.

18 Q. And in this case the data that you used for this cell
19 GPS mapping, was that one phone or two phones or --

20 A. That was from the Samsung Galaxy Note 8 extraction.
21 The Cellebrite extraction.

22 Q. Was that your extraction or was it the extraction
23 provided by the State?

24 A. That came off of the Blu-ray DVD -- the Blu-ray,
25 sorry, and then I put that into Cellebrite because it

1 actually provided the UFDR. I uploaded the UFDR, which is
2 the raw data, into Cellebrite, into the physical analyzer,
3 and pulled the data and did a physical analyzer.

4 Q. And then when you get that, where do you have to go to
5 look for that Life360 or is it --

6 A. You can go to the timeline, you can go to the analyzed
7 data. So it's -- it's completely different on an -- your
8 software Cellebrite reader file than a PDF file.

9 Q. So is it fair to say that Life360, you know, is gonna
10 store that in the whole device?

11 A. Correct. The application.

12 Q. So even -- even though the Life360 for users can only
13 keep it for thirty days, but the history -- the phone still
14 -- the phone --

15 A. The phone is -- it's stored in a location in a
16 database in the file system.

17 Q. And so if they did the same thing, would they come up
18 with the same result?

19 A. Correct.

20 Q. And so what, if anything, do you do with this data?

21 A. I wanted to see the travel history and the location in
22 reference to the case so, therefore, what I -- I exported
23 the locations just for the day of the 23rd. I exported
24 that location history into a CSV file into an Excel sheet
25 and I uploaded that Excel sheet into ZetX to verify the KML

1 file that actually came from Cellebrite.

2 Q. Okay. And you verified that?

3 A. Yes, I did. Two different times.

4 Q. Twice?

5 A. Uh-huh.

6 Q. And so on that extraction what is the time that shows
7 that phone returning to [REDACTED] Sandspur?

8 A. At 5:32 PM.

9 Q. And that is in daylight standard time?

10 A. UTC-4, correct.

11 Q. And was that phone at that location all day?

12 A. No, ma'am.

13 Q. Where had it gone?

14 A. It had gone -- it shows the travel history all the way
15 down to Greens, onto the U-Haul, back to Greens. Shows the
16 whole -- the whole history of the location.

17 Q. And since it's in Google Earth, you can, you know,
18 actually Zoom in and see --

19 A. You can Zoom in and see --

20 Q. -- the store and the trailer, can't you?

21 A. Correct. Yes, ma'am.

22 Q. I mean, it's -- it's good for demonstrative purposes,
23 isn't it?

24 A. Yes.

25 Q. But you can testify, you know, under oath that you

1 have verified this data. That is the time that someone,
2 not saying Lyz Peterson, it's whoever had that cell phone,
3 that cell phone arrived there at 5:32?

4 A. Correct.

5 Q. 803-476-7974.

6 A. And that number belongs to Elizabeth Peterson.

7 Q. Did you verify that?

8 A. Yes, I did.

9 MS. MOORE: Thank you.

10 THE COURT: Ms. Moore, so you proffered it in. I
11 need to ask you-all a question. I don't want to do
12 something that's unsound.

13 Ms. Fuller.

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

15 THE COURT: Is that all for now, Ms. Moore?

16 MS. MOORE: Yes.

17 THE COURT: Thank you.

18 EXAMINATION (In-Camera)

19 BY MS. FULLER:

20 Q. Ms. Setree, what is the source of your extraction?
21 You said you relied on ours, but then you parsed the data
22 yourself?

23 A. I parsed the data that came from the extraction.

24 Q. Okay. And what was the source file for these
25 locations?

1 A. It was in a KML file. Once you export --

2 Q. The source file. So each location on an extraction
3 shows you the pathway, the source of the data. What was
4 the source, the full length, all three thousand letters is
5 what I'm asking?

6 A. It came from the Samsung Galaxy slash dot slash
7 location slash database history. I don't have that in
8 front of me.

9 Q. Can I see -- I do need to see it. I need to see the
10 source path.

11 A. I didn't create a PDF so, therefore, I don't have
12 that -- I don't have the information memorized on all the
13 databases that everything comes from.

14 Q. Okay. I'm gonna feed this to you. The source path
15 for the location information on the extraction has a data
16 file slash com dot Life360, correct?

17 A. Dot Life360. Also family location.

18 Q. For Life360. Is the source path for all this
19 location, correct?

20 A. It shows Life360 and then it shows also a family
21 location. There's actually two different -- it shows on
22 Cellebrite two different.

23 Q. Okay. So as it relates to Life360, what training do
24 you have in terms of interpreting Life360 data?

25 A. Just the Cellebrite interprets that data.

1 Q. No, no. You. Life360. What engineering training do
2 you have to understand how the application works?

3 A. Just the training through Cellebrite. It parses that
4 out.

5 Q. So none?

6 A. It parses the data.

7 Q. I'm not talking about parsing the data. I'm talking
8 about Life360. Specifically their engineers, how they
9 engineered their application. What training do you have
10 from Life360 to understand their application?

11 A. I don't have any training from Life360.

12 Q. Okay. Are you familiar with the fact that in Life360
13 you can load multiple people into that application?

14 A. Correct.

15 Q. And are you familiar with the fact that GPS
16 information in the application is stored on the device?

17 A. Correct.

18 Q. In terms of what software did you use to then go in
19 and research and parse out the individual users of the
20 Life360 app?

21 A. The information came from the cell phone so,
22 therefore, if I were to have a different cell phone that
23 had that same location that data would match. I did not
24 have a cell phone that actually -- to parse that data from
25 because that data was not there.

1 Q. I'm gonna ask my question again. What in terms of
2 parsing the application data to identify what user is
3 attributed to the location information in the app, whether
4 it's A, B, C or D? Let's say there's A, B, C, D, four
5 different people's information is in that application, what
6 tool do you have to then sort through the application to
7 determine whose information you're mapping?

8 A. That comes from the source file, once again, where it
9 shows the device, it shows the Samsung Galaxy Note 8, the
10 file location and the location history.

11 Q. You're going backwards. We already have the source
12 path being the Samsung. It's the Samsung CDMA underscore
13 SM slash N950U Galaxy Note 8 dot zip slash data slash data
14 slash com dot Life360 dot Android dot safety map D slash
15 file slash location underscore store underscore realm, from
16 that pathway once you get that, what tool do you use to
17 divide -- to determine what user is attributed to the
18 Life360 location data?

19 A. If it's in -- if it's in Cellebrite, then it's gonna
20 extract that data.

21 Q. No, ma'am. No.

22 MS. MOORE: Your Honor --

23 BY MS. FULLER:

24 Q. I need to know how did you go into the application to
25 say User A is attributed to this path -- this information,

1 User B is attributed to this information. What tool do you
2 have to determine that information?

3 A. That would -- that would have me logging into their
4 Life360 and I don't have -- I don't --

5 Q. Exactly. So there's really no way for you to parse
6 the Life360 data based on the tools that you have?

7 A. Yes, there is because it comes from the Cellebrite
8 extraction.

9 Q. No, ma'am. You have the Samsung 8 Note information
10 that has an application on it that stores data for multiple
11 users. You then have to go into the application to parse,
12 so my question is --

13 MS. MOORE: Your Honor, I would object. She is
14 yelling --

15 THE COURT: Hold on, please. Now you're objecting
16 -- let her finish the question.

17 MS. FULLER: My -- my question is --

18 MS. MOORE: I just want her to quit badgering my
19 witness.

20 THE COURT: I don't think she's badgering the
21 witness. It is a complicated question, okay? It is a
22 complicated question involving a lot of technical dot
23 slash forward slash this and that, okay? I mean, it's
24 stuff to understand from here.

25 So, Ms. Setree, I'm sorry these questions are kind

1 of long.

2 And, Ms. Fuller, I'm sorry it has to take you that
3 long to ask, but try one more time.

4 BY MS. FULLER:

5 Q. I need to know did you use a tool to parse through the
6 application to isolate the individual source of the GPS
7 location?

8 A. If there were two sources that were identified in
9 Cellebrite, it would show the two different devices on
10 their GPS location. It does. There is other history the
11 day before that actually shows where two devices are
12 located. It shows a device at Location A and shows a
13 device at Location B. You know two devices cannot be at
14 the same location at the same time unless they're together.

15 Q. And how was that reflected? What did the report show?
16 What did it say? Person A is here? Did it specifically
17 say that?

18 A. It showed that phone that's attached to that phone
19 number in that location's GPS history just as if you were
20 to get the Google location. If you were to do a Google
21 warrant geolocation data for Google, it would also show --
22 if you would have your Google location on, it would show
23 the travel history for that user as well.

24 Q. I mean no disrespect, but that doesn't answer my
25 question. No disrespect. My question is how is it

1 reflected in a report? What did it specifically say?

2 A. It showed -- I mean, it shows the -- it shows the
3 location.

4 Q. You just said --

5 A. It just shows a time by time address location of that
6 GPS history of that device. I'm sorry. I'm not
7 understanding you.

8 Q. So how does the report show --

9 A. Can you ask it in a different way?

10 THE COURT: You've got to not talk over each other.
11 I know it's tough, but . . .

12 Q. So you indicated that there was a data point the day
13 before that you can see two people within the application
14 at the same location. How is that reflected in the report?
15 What did the report say to signify that?

16 A. It shows two different -- it shows two locations at
17 two different times.

18 Q. Oh, so it didn't show them together?

19 A. Correct. So it shows two different locations, two
20 different -- two different devices at the same time.

21 Q. So which device was in what location?

22 MS. MOORE: No, this was day before.

23 MS. FULLER: I understand.

24 THE WITNESS: This was the day before.

25 BY MS. FULLER:

1 Q. The day before, what device was in Location A?

2 A. It was --

3 Q. You don't know.

4 A. Actually -- actually I did go through and do Person A,
5 Person B, Person C and so forth any time and every time
6 that I was to find a different location to correspond that
7 data to the data that I'm seeing. It took hours. Now we
8 don't see that data. I don't have that data. I didn't
9 know it was --

10 Q. So if I understand you correctly --

11 A. The day before I didn't realize that that would cause
12 a question. I'm sorry.

13 Q. I apologize. So if I understand you correctly, based
14 on where the GPS location was you did a best guess to say
15 who was there and identify that person as Person A?

16 A. That was on that phone. I can say that phone. I
17 don't know the person that was attached to that phone.

18 Q. Okay. All right. The phone. So what you did was if
19 you pulled the report and at 6:30 it said GPS here in
20 Columbia and GPS here in Miami, you did a best guess to say
21 well, Person A is the one in Columbia and Person B is the
22 one in Miami?

23 A. According to the phone. It's Device A and Device B.

24 Q. So the report didn't say 803-555-9338 is in Columbia
25 and 305-555-9833 is in Miami?

1 A. It does and that's actually how I was able to go
2 through and do Person 1, Person 2, Person 3, which, once
3 again, I did not provide that data. I can --

4 Q. Just to be clear, you're saying it does. So the
5 report generated said 803 is here and 305 is here? You're
6 saying the report says that?

7 A. If I was to generate that report, yes.

8 Q. I need to see that report because I don't have that.

9 A. I didn't bring that report.

10 MS. MOORE: She didn't --

11 THE COURT: She said she did it.

12 MS. FULLER: She said she looked at it.

13 THE WITNESS: That was the day -- that was a couple
14 of days before to --

15 BY MS. FULLER:

16 Q. So even for the day of you're saying there's a report
17 that would show multiple locations?

18 A. That shows one loca -- that shows one device. If
19 there's two devices that are together, that would be two
20 devices that are together. It shows that device
21 travelling.

22 Q. So it -- so it shows the device phone number is what
23 you're saying?

24 A. It shows the device that's attached to the Cellebrite
25 report that I pulled for that device -- that number.

1 Q. Well, that's the Samsung Note 8, the actual physical
2 phone that you --

3 A. Uh-huh.

4 Q. Okay. But I'm talking about the report for the 360.
5 The 360 -- so you're saying 360 knows that the 305 number
6 is an iPhone and the 803 number is an Android?

7 A. Yes. I mean, I'm --

8 Q. I don't know. I'm asking.

9 A. It does.

10 Q. The 360 report says that?

11 A. It shows each -- it would show when a --

12 THE COURT: Can I ask you-all a quick question,
13 please?

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

15 THE COURT: We've really tried to talk this out and
16 make as much sense of it as we can. The real concerns
17 here are the use of data through an app, I believe, that
18 I'm not personally familiar with, versus cell tower data.
19 Is that accurate?

20 MS. MOORE: No, Your Honor. She got the location
21 data -- forget about the app. There's location data on
22 that phone --

23 THE COURT: There's a history?

24 MS. MOORE: -- and just because there's Life360 that
25 only shows if somebody joins this group. That's the

1 purpose of that. That phone will always have that.

2 THE COURT: Which is a group of how many people?

3 MS. MOORE: I have no idea. I mean, she --

4 THE COURT: I thought we had testimony it was --

5 MR. McNAIR: Four.

6 THE COURT: -- four people.

7 MS. MOORE: Well, two of them have their phone off.

8 THE COURT: So, at least two people.

9 MS. MOORE: We know were off.

10 THE COURT: But we don't know -- there's no way to
11 differentiate between the two.

12 MS. MOORE: There's not a second person.

13 THE COURT: Well, there's testimony that there was
14 on the app.

15 MS. MOORE: No, there wasn't. That they had the
16 app. Not that they had it on and not that they were --
17 it was located or turned on at that particular time.

18 THE COURT: Well, fair enough, but the testimony as
19 I recall was that she had her friend, whose name I
20 forgot, on the app along with Aaron and --

21 MS. MOORE: And she can ask her were there ever
22 people on that --

23 THE COURT: Well, are you able to differentiate
24 between the four different people?

25 MS. FULLER: No.

1 THE WITNESS: Yes, because what I did was I put
2 the extractions for each of the devices, I pulled their
3 location history and their location history did not match
4 the Samsung location history. If they would have had
5 their phone on or their location history on during that
6 time, it would also show on their phone as well.

7 THE COURT: What about the fourth person?

8 THE WITNESS: The fourth person, I didn't have that
9 phone. That would have been the defendant's phone. I
10 didn't have the defendant's phone.

11 THE COURT: Did you have data through the Life360?

12 THE WITNESS: It shows on the other devices when
13 his phone would -- when he would check in. For instance,
14 it would show -- and those are -- and it does show those
15 people and those phone numbers that are attached. It
16 shows a user ID that is attached to each of those devices.

17 THE COURT: So it did show a fourth user ID?

18 THE WITNESS: It showed a fourth user ID.

19 THE COURT: And it gave you that --

20 THE WITNESS: And it gave me that data for up until
21 that night, the night before, and it shows where they
22 had checked into Target and it actually has the names
23 and user ID's so, therefore, it would say Walker or --

24 THE COURT: Has that been provided? Because I
25 mean --

1 THE WITNESS: Those are all the extractions that
2 we received.

3 THE COURT: No, no, no. That's -- you mentioned
4 that you -- I thought you mentioned that you personally
5 did this?

6 THE WITNESS: I did.

7 THE COURT: Okay. I guess there's a way to tell
8 everything apart.

9 THE WITNESS: Right. So, therefore, I did the
10 presentation just on the Samsung. That's what I was
11 asked to provide was just the Samsung. There was no
12 other user data on any of the other phones for that day
13 up until --

14 THE COURT: Go ahead, Ms. Fuller.

15 MS. FULLER: Judge, this is the -- the exact
16 question that I was asking. The -- the issue is the
17 report to support this isn't before the Court and isn't
18 before the jury. We're literally taking her word for
19 it without them actually seeing a report. Typically
20 how we introduce a map into evidence is we put the actual
21 data in. Usually I call the expert and I ask them to
22 show me -- show the jury the data they're relying on and
23 how did they generate the map. We're skipping so many
24 steps here. I'm not even arguing foundational stuff, but
25 we're skipping so many steps here and if we just had the

1 data that they're relying on, actually see it, the jury
2 needs to be able to touch and feel it, we might be able
3 to get somewhere here because that's what I need to know
4 is what pathway, what source are they relying on for this
5 mapping, and my question was how did they differentiate?
6 Now she's saying the name is there. We need to see that
7 and the jury needs to see that. You can't just testify
8 the phone arrived at 5:32 when -- so maybe the phone
9 turned on, I don't know, but I need to see the report
10 that she's relying on. It should be an exhibit to go to
11 the jury and this is a Court exhibit to present. That's
12 how you do it and I think that would -- that would
13 alleviate a lot of things here that we can see that on
14 their device at -- who is moving at 8:25 PM when the
15 scene was secured and the device was seized or under
16 control at 5:51 PM. To me, this alone shows that it's
17 not reliable because it's showing a movement of the
18 device at 8:25 PM after the crime occurred when Lyz was
19 en route or at the hospital and the phone was at the
20 crime scene, but their report says the phone is somewhere
21 else, in Berlin, wherever that is, at 8:25 PM when there's
22 no evidence the phone moved because crime scene secured
23 the scene and took the phone in evidence. So we should
24 see the phone going to Gibson Road if that, but we don't
25 see that. And then some of the data --

1 MS. MOORE: If we could --

2 MS. FULLER: -- and on the extraction you show --
3 you show in one minute it jumping from here to miles down
4 the road. How do you differentiate what is what and what
5 user is contributing? If they're saying there's a report
6 that says it shows an identifying user, then that needs
7 to come before the Court.

8 This isn't just a lay witness saying I saw movement.
9 This is expert testimony and she has not really explained.
10 She is -- we're asking -- she's saying it's the device.
11 It's not the device. The pathway is Life360, so it's
12 data within the Life360. I can turn -- I turn on -- I
13 looked at Aaron's extraction, for example, and I can see
14 Walker at work, but when you run the timeline report for
15 his phone, on Aaron's phone, it has location data and
16 then the last comment it showed me latitude and longitude
17 and it says Target and I'm like well, I know Aaron's not
18 at Target, it had to be Walker. That's how I -- that's
19 how I do my logic reasoning, but if she's saying there's
20 a report that says -- that it says on Aaron's phone that
21 says that's Walker at Target and his name or number, then
22 we need to see that and the jury needs to see it. That's
23 not reliable. This is expert testimony. This isn't just
24 a random person on the street. We're saying -- the Court
25 is saying that this is an expert and we're relying on her

1 word without seeing the data. That's a problem.

2 MS. MOORE: The data is there. They have the data.

3 MS. FULLER: It doesn't matter.

4 MS. MOORE: They can go back to the sheriff's
5 department and do it themselves. And if she did it,
6 didn't turn that over either.

7 THE COURT: Okay.

8 (Recess taken at 4:14 PM.)

9 (Back on the record at 4:26 PM.)

10 THE COURT: Mr. McNair, you can both come up.

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

12 THE COURT: Let's bring them in so we can let them
13 go.

14 (Whereupon, the jury return to the courtroom at
15 4:34 PM.)

16 THE COURT: All right. Please be seated.

17 Ladies and gentlemen of the jury, you-all have been
18 waiting back there a while. I know you're getting tired
19 waiting back there. We're gonna break for the day, okay?
20 And let me just be clear. We've been working extremely
21 hard out here and the main reason for the delay is I'm
22 trying to work through some things, okay? We're gonna
23 come back tomorrow at 9 AM and come what may we'll finish
24 tomorrow, okay? But I've got some -- I've just got to
25 make sure I go through some things before we continue any

1 further. I apologize for the delay. I certainly did not
2 intend to leave you-all in there, but sometimes that's
3 just necessary in trials, so please don't read anything
4 into it.

5 We'll start first thing tomorrow morning. You-all
6 have a nice night and we'll see you tomorrow morning in
7 your jury room by 9 AM.

8 Thank you.

9 (Whereupon, the jury was excused for the day at
10 4:35 PM.)

11 THE COURT: All right. So everybody sit down,
12 please.

13 So we've spent a lot of time on this this afternoon
14 and it's late in the day. I spoke with the lawyers up
15 here at the bench. If I say something incorrectly, let
16 me know. The witness here heard us as well, but I'm
17 gonna allow the witness to produce what I would call
18 reports and support for whatever opinion she intends to
19 offer and we will address this. Frankly, we can try to
20 get on this at 8:45 tomorrow morning. I know that's
21 early, but --

22 MS. MOORE: We'll be here.

23 THE COURT: -- we don't need the jury here to do
24 that, but we are in a bit of -- the witness is already
25 on the stand, she's been voir dire'd in front of the

1 jury. I would like for the State to be able to -- in
2 fact, you can do that now. Something where you-all can
3 talk amongst each other on what exactly you're looking
4 for as far as support for her proposed expert opinion
5 and you need to be able to provide that to the State
6 immediately.

7 Does that make sense, Ms. Moore?

8 MS. MOORE: Yes, sir.

9 THE COURT: Ms. Fuller?

10 MS. FULLER: Thank you, Your Honor.

11 THE COURT: I would ask -- it's already been
12 proffered, so we've heard the testimony already.

13 All right. Any -- Ms. Moore, would it be accurate
14 to say that you've gave a full proffer?

15 MS. MOORE: No, I don't -- I mean, I want to go into
16 more detail.

17 THE COURT: Okay. Well, the reason I say that is --

18 MS. MOORE: I was waiting for your ruling.

19 THE COURT: Of course. And we're in this spot
20 where it's at the end of the day. Ordinarily the witness
21 can't talk with the lawyers while they're on the stand
22 and she will be on the stand tonight, so really the
23 communications --

24 MS. MOORE: I won't talk to her. I'll go home.

25 THE COURT: That's not what -- I'm just trying to

1 make a record frankly for her benefit so she knows not
2 to seek you out outside of the specific things she's
3 supposed to provide to both you and the State.

4 What would be the most efficient way for that
5 information to be provided to the State? Through
6 Ms. Moore, Ms. Fuller?

7 MS. FULLER: Just e-mail it to me.

8 THE COURT: E-mail. We talked about -- I'd like
9 you to tell me the words you used as far as the tool --
10 the verification-type information.

11 MS. FULLER: Right. Just in terms of any data
12 point that they plan to present or introduce, I would
13 need the actual report reflecting that data to include
14 the entire source path.

15 THE COURT: Okay. Does that make sense, Ms. Setree?
16 Or is that close enough?

17 THE WITNESS: Yes, sir.

18 THE COURT: All right. Anything else from the State
19 for now?

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

21 THE COURT: Ms. Moore?

22 MS. MOORE: No, sir.

23 THE COURT: All right. Sheriff, we need to get in
24 a little early tomorrow, so please have the courtroom
25 open at 8:30 so the parties can be here and get started

1 on time at 8:45.

2 We'll see you-all in the morning. Thanks.

3 (Whereupon, the proceedings were concluded for
4 January 12, 2023, at 4:39 PM.)

5 (The following proceedings were held January 13,
6 2023, beginning at 9:06 AM.)

7 BAILIFF: Court is back in session.

8 THE COURT: Okay.

9 Okay. When we left yesterday, we had a lengthy
10 voir dire conversation about the qualifications of this
11 proposed expert. There were some issues that arose as
12 far as whether information supporting her opinions were
13 provided to the State in any form. I know yesterday
14 evening some materials were passed. I don't know
15 specifically about seeing all of them, but I know at
16 least some extraction reports, some spreadsheets were
17 passed back and forth, and really at this time I think
18 it would be appropriate to almost pick up where we left
19 off as far as the methods and qualifications of the
20 expert dependent upon the material that was provided.

21 Does the State have additional questions or anything
22 from the State before we start here?

23 MS. FULLER: Yes, Your Honor. Just to confirm that
24 what was sent yesterday was the extent of what she relied
25 on for her opinion.

1 THE COURT: Is that correct?

2 THE WITNESS: Yes, sir. Sorry. Yes, sir.

3 THE COURT: Well, I think I'll, frankly, turn it to
4 you then as far as if you have additional questions about
5 her qualifications or what she's done. I don't know if
6 you do or not.

7 MS. FULLER: I still challenge her qualifications,
8 but I respect the Court's ruling. I think we can handle
9 it -- just let it play out.

10 THE COURT: On cross. Okay.

11 MS. FULLER: And, Your Honor, just to be clear,
12 in terms of what she's provided and what I -- what I
13 understand her testimony is, I don't believe it's
14 appropriate still to qualify her as a cell site expert.
15 None of the data deals with cellular towers or cell
16 sites. It's her GPS data, so I think that expertise
17 title should be limited.

18 Also just for the record, too, what she expressed
19 to the Court that she was providing is not exactly what
20 she provided. What she does provide I do see some source
21 information as I understand a little better where she got
22 her information from, but in terms of where we left off
23 about parsing out the Life360 data, that's not what she
24 provided. There was no data showing Walker, this person
25 -- Person A, B, C, D, and I think that's kind of what we

1 left thinking that she could produce and that wasn't
2 produced. What would have been simplified yesterday is
3 looking at the data, the Zendrive, how she was able to
4 isolate the device is that in Life360 it has tools that
5 allows you to track the person's speed, how fast they're
6 going and then there is a section -- there's a carved
7 out data that shows the individual device. So I'm
8 comfortable knowing that the data exists isolating, but
9 not in the method that she described yesterday.

10 THE COURT: Okay. But that is something you can
11 also question her about.

12 MS. FULLER: I can.

13 THE COURT: Okay.

14 Yes, ma'am.

15 MS. MOORE: I just realized we have to set up this
16 again.

17 THE COURT: Please feel free.

18 The only -- to her point about the cell tower, to
19 the extent that this GPS from the app information in my
20 review of the extraction, and I'm a little new to this,
21 but it doesn't appear to be cell phone data -- excuse me
22 -- cell tower data.

23 Any reason that -- that would be accurate; would it
24 not?

25 THE WITNESS: The GPS data that came from the --

1 does match with the ZetX cell towers.

2 THE COURT: But the device -- you know what, I'll
3 just -- I don't want to get any more involved. The State
4 will just cover it on cross.

5 I, frankly, think that she's qualified in digital
6 forensics and the use of Cellebrite, which is the
7 extraction that was performed. That adequately covers
8 based upon the materials she provided and the State
9 provided as well, so.

10 Ms. Moore, anything else?

11 MS. MOORE: I'm sorry, we've qualified her already
12 in front of the jury, correct?

13 THE COURT: No, ma'am. We took a break I believe
14 before I qualified her. Isn't that right?

15 MS. FULLER: That's correct, Your Honor.

16 THE COURT: In-camera I mentioned digital forensics
17 and cell tower.

18 MS. MOORE: I guess we were in here so long I can't
19 remember. So what is the qualification?

20 THE COURT: Digital forensics. Cellebrite. Because,
21 I mean, that's what --

22 MS. MOORE: And that's what we're talking about.

23 MS. FULLER: And, Your Honor, what I think would be
24 appropriate, too, is -- what I think would be appropriate,
25 too, is a stipulation by the State that what -- I believe

1 this is just the Samsung Note 8. There isn't anything
2 -- when I was going back through it in my mind, there
3 isn't anything in the record establishing who the device
4 belonged to, but we're comfortable stipulating that the
5 device belonged to Elizabeth Peterson and it was seized
6 from the incident location.

7 THE COURT: Okay. Ms. Moore, do you --

8 MS. MOORE: I'm sorry?

9 THE COURT: Do you agree with that stipulation?
10 That the State will stipulate that the Samsung in
11 question in this report belonged to Elizabeth Peterson?

12 MS. MOORE: Correct.

13 MS. FULLER: Because there's nothing in the record.
14 There's no trail in the record of seizure or, you know,
15 where it was specifically seized. I just want the
16 record to be complete, but I think it's appropriate by
17 stipulation.

18 THE COURT: Okay. And you can cite to that
19 stipulation as you see fit down the line.

20 And you as well.

21 All right. Yes, ma'am?

22 MS. MOORE: Your Honor, I'm still looking for an
23 HDMI.

24 THE COURT: That's okay. Take a moment.

25 MS. MOORE: Your Honor, if we could use this time

1 to clear up a matter of law.

2 THE COURT: Okay.

3 MS. MOORE: Yesterday Detective Miller testified
4 that Mr. Hawkins positively identified my client at the
5 hospital. That is not true. That there is -- it is
6 actually false. I mean, demonstratively false.

7 THE COURT: I don't think that's a matter of law.
8 I think that's a matter of fact and, you know, you can
9 point out inconsistencies in testimony as you see fit,
10 Ms. Moore.

11 MS. MOORE: I did, Your Honor.

12 THE COURT: Okay. Well, then you can point it out
13 in closing, too, but --

14 MS. MOORE: My point is the testimony is mis -- I
15 mean, he's an officer and he lied in court.

16 MR. McNAIR: That's for cross-examination, Your
17 Honor.

18 MS. MOORE: That is -- it flies in the face of this
19 judicial center. Everything here has. These discovery
20 violations.

21 THE COURT: Okay. You've made your record clear on
22 that.

23 MS. MOORE: I have not made my record clear, Your
24 Honor.

25 THE COURT: Okay.

1 MS. MOORE: This -- people testified yesterday.
2 Detective Miller testified that he -- Lyz gave a second
3 statement -- gave a statement at the sheriff's department
4 and that was never -- that was never recorded, noted or
5 turned over. As well as Ms. Twaites. That is the most
6 exculpatory evidence there is. The mother of the dead
7 victim she believes that her daughter-in-law has something
8 to do with it. That was never turned over. The only
9 reason that we learned this is because his father was
10 contacted by Ms. Twaites and she -- that -- that is how
11 he learned that his son was in a coma in Augusta. That
12 is a direct violation of Brady versus Maryland, Kyles v.
13 Whitley. For our system to work we have to rely on fair
14 play from the prosecutors. They don't get to determine
15 what I can use to effectively defend my client.

16 THE COURT: Uh-huh.

17 MS. MOORE: Is it shocking to me that in all of this
18 -- every hearing, Your Honor, I brought that up and you
19 have vouched for them saying that they've turned over
20 discovery, that you sat in here and watched them do it.
21 That does not mean that they've complied with discovery.

22 THE COURT: Okay.

23 MS. MOORE: They did not.

24 THE COURT: All right. Your record is noted,
25 Ms. Moore. Thank you.

1 MS. MOORE: Thank you.

2 THE COURT: All right. Are we ready to proceed?

3 MS. FULLER: The State's ready, Your Honor.

4 THE COURT: All right. So I'll qualify this expert
5 in digital forensics in front of the jury and you can go
6 on with your direct examination, Ms. Moore. Do you
7 understand?

8 MS. MOORE: Excuse me, Your Honor.

9 Do you have your materials here?

10 THE WITNESS: The flash drive with the location data
11 since I was getting all the stuff last night, I -- it's
12 in the computer at the office. He went to go grab it just
13 real quick.

14 THE COURT: What are we missing?

15 MS. MOORE: Her --

16 THE WITNESS: The GPS locations, the data. I had it
17 in the computer last night pulling all the information.
18 Let me make sure I have --

19 THE COURT: Okay -- well.

20 THE WITNESS: -- all the reader files and everything
21 else.

22 THE COURT: All right. We all knew we were gonna be
23 here this morning, I think, and you all were here.

24 Let me know when it's here and we can start.

25 Thank you.

1 MS. MOORE: Thank you, Your Honor.

2 (Recess taken at 9:21 AM.)

3 (Back on the record at 9:35 AM.)

4 BAILIFF: Court is now back in session.

5 THE COURT: Keep your seats, please. Thank you.

6 All right. Are we ready to bring the jury back in?

7 MS. MOORE: Yes.

8 MS. FULLER: Yes.

9 THE COURT: All right. When the jury takes their
10 seats, I'll just qualify Ms. Setree in the area of digital
11 forensics and turn it over to Ms. Moore, okay?

12 MS. MOORE: Thank you.

13 THE COURT: Bring them in, please.

14 (Whereupon, the jury enter the courtroom at 9:37 AM.)

15 THE COURT: Please be seated.

16 All right. Ladies and gentlemen, welcome back. I
17 appreciate you being here on time again this morning.

18 This witness -- we're gonna pick up where we left
19 off yesterday, but this witness will be qualified in
20 the area of digital forensics and give opinion testimony
21 in that area. That does not mean you must accept the
22 opinion, but it is evidence for you to use in any way
23 you see fit.

24 Ms. Moore.

25 MS. MOORE: Thank you, Your Honor.

1 CONTINUED DIRECT EXAMINATION

2 BY MS. MOORE:

3 Q. Can you tell us a little bit about what digital
4 forensics is?

5 A. It's a wide variety. Digital forensic is the
6 validation, preservation and the analysis and examination
7 of any evidence that -- or any -- any data that is digital.
8 That could be via mobile, computer, anything of that
9 nature.

10 Q. So mobile phones, computers?

11 A. Computers, USB drives, hard drives. Anything
12 electronic. Electronic devices.

13 Q. And what's the process that you use to retrieve that
14 data?

15 A. I use a program called Cellebrite. It's a software
16 that actually retrieves, extracts, that data from a mobile
17 device or any other electronic devices. They can do
18 computers, hard drives, solid state drives.

19 Q. And what kind of data comes off of these devices?

20 A. It's kind of a raw data. It's in a binary file and --

21 Q. And what is binary? What does that mean?

22 A. That's your ones and your zeros. So when you hear
23 the --

24 Q. Is that kind of like the coding looking stuff?

25 A. Yes, ma'am, it is.

1 Q. And when it's in these ones and zeros and whatever,
2 how did you get it to where you can read it?

3 A. That's where you use a Cellebrite physical analyzer
4 and it actually reads that data that you retrieve from the
5 phone into a readable format. So it's not like the data
6 that you would actually see on your phone, it transposes
7 it so where you can actually see like your file systems
8 and your back end data and so you can see if anything has
9 been deleted, anything that's been, say, stored away in a
10 private vault, your chat messages.

11 Q. So all of that stays on your phone?

12 A. Everything stays on your phone or your electronic
13 device.

14 Q. That seems like a lot of data to store on these
15 phones.

16 A. So I call them mini computers. Your phone is a mini
17 computer these days.

18 Q. And what is the difference between extraction and an
19 analysis?

20 A. The extraction just is your pulling of that data. It
21 just retrieves it, extracts it. Just like you would have
22 a root canal or a tooth pulled. A tooth extraction, you
23 pull that tooth. You pull that data off the phone. So
24 when you retrieve that data it still has to be put into a
25 readable format because you're not gonna be able to see

1 anything from that extraction until you put it into an
2 analyzer and it analyzes that data and then from the
3 analysis part then you can actually examine and go through
4 and look at that data, the location histories, the -- the
5 pictures, chat messages, Snapchat.

6 Q. That stays on there, too?

7 A. Absolutely. Absolutely.

8 Q. So using your tooth analogy, let's say you extract the
9 tooth and then bore down to the middle and that's where you
10 find the --

11 A. The root.

12 Q. -- the cavity, the root, right, and that's kind of
13 what we're talking about, right?

14 A. It essentially is, yes, ma'am.

15 Q. So the raw data's really translated through this
16 physical analyzer?

17 A. That's correct.

18 Q. And then what happens next?

19 A. From being in the physical analyzer, you start -- I
20 start examining the data from pulling it into the physical
21 analyzer, so, therefore, it retrieves your text messages,
22 your SMS, which is your standard text messaging, your MMS
23 is your picture messaging, it pulls all that data so,
24 therefore, it's called carving or sorting through that data
25 to see if there's anything that really sticks out, really

1 -- you know, is there anything that would be in question,
2 and just you're sorting through the data.

3 Q. Well, how do you get the data? It goes into the
4 physical analyzer --

5 A. Uh-huh.

6 Q. -- and what does it generate, like a --

7 A. The physical analyzer, it processed that data so you
8 have all that data in the physical analyzer. You can then
9 create that report, you can create a report and put it
10 into a Cellebrite reader file and that reader file -- you
11 can open that reader file and work on it so, therefore, you
12 don't have to keep putting it back through the physical
13 analyzer and keep reprocessing that data once you create
14 that physical -- once you create that reader file, you'll
15 -- it's just like report, like a PDF, HTML. Once you
16 create that, then you can work off of that. That's your
17 working copy as I call it. It's a working copy.

18 Q. And why is that important?

19 A. If I ever need to retrieve the data to, for instance,
20 if I tag something or if there was, you know, text messages
21 that I just wanted to retrieve, then if I needed to go back
22 to the original data, then the original data is still there
23 and preserved. So I don't ever work off the original data,
24 I work off of my own working copy is what I call them.

25 Q. Can these -- the data extractions, the Cellebrite

1 report, can that information be manipulated or changed or
2 deleted in any way?

3 A. It cannot be manipulated once it's into -- once you
4 do the extraction and it's put into the physical analyzer,
5 there's no manipulation of the data. You can't add data.
6 The only thing you can do is you can be selective on what
7 is included in your reports.

8 Q. What does that mean? What do you mean by that?

9 A. So, therefore, whenever you create your reader files
10 or your reports, you're given the option to select your
11 text mess -- if you just want your text messages or, say,
12 your location history and that's all you want, then you can
13 go through and just select that bit of data and then you
14 can create that report. You can go back into the reader
15 file once again and create several different reports to
16 reflect what information that you would want to narrow the
17 scope down to because sometimes these documents they could
18 be 3,000, 60,000 pages that no one wants to sit through and
19 have to look through 60,000 pages of documents.

20 Q. Off of one phone extraction?

21 A. Off of one phone extraction.

22 Q. So scope can be limited to timeframe or --

23 A. Timeline, analyzed data, tagged data. Anything that
24 you do in Cellebrite reader, you can go through and you can
25 create a report on.

1 Q. What are the three types of extractions?

2 A. You have your advanced logical, your file system and
3 your physical.

4 Q. And what's the file system extraction?

5 A. Your file system pulls all your -- your files like
6 your database information; that is, everything that you
7 don't see with the naked eye. So, therefore, think of it
8 as when you're travelling down a road. It's -- all that
9 location has to be stored somewhere. Well, that
10 information is stored in a file system and that's your
11 database system. So, therefore, whenever you're doing a
12 file system, you're pulling all that data.

13 Q. From the file system?

14 A. From -- from the phone.

15 Q. What types of file systems?

16 A. You have your text messages. For instance, if
17 anything was deleted. Your MMS messages, your database
18 files. Your -- it puts it into, say, also like a hex text
19 code, and it's gonna get technical, but your hex and your
20 text data, that is your zeros and your ones. That's what
21 can be transposed into a readable format, so, therefore,
22 you're not looking at your zeros and your ones constantly
23 in trying to make sense, the heads and tails of what is
24 this that I'm looking at.

25 Q. So these different numbers represent something?

1 A. Uh-huh. Represents your -- your alphabet. Represents
2 your sentence structure.

3 Q. And what's a logical extraction?

4 A. A logical extraction would just be your basic -- basic
5 retrieval of your data. For instance, if someone wants to
6 just, say, retrieve the text messages or Snapchat, if they
7 think their child's being bullied or something of that
8 nature, then you'd do just a logical extraction and just
9 pull just basic information off through a file system and
10 have all of that data there.

11 Q. So if I wanted you to print out all my text messages
12 between me and my best friend and --

13 A. Uh-huh.

14 Q. Is that what you're talking about? You could go in
15 and take that and it would be in sequence or does that make
16 sense at all?

17 A. Uh-huh. Yes, ma'am.

18 Q. Okay.

19 A. It retrieves it. So basically the difference between
20 putting your phone into a computer and retrieving your text
21 messages that way. You can retrieve what is there. You
22 can't retrieve your deleted data. If you want the deleted
23 information, that's where the -- your UFED and your raw
24 data comes in. That's where you're pulling all of that
25 information. Anything that's deleted you can actually have

1 that recovered. You're recovering that data.

2 Q. So logical is basically you can still see it on the
3 phone, but you have to go deeper, really deep, to get the
4 deleted information that's gonna always be there?

5 A. (Nods head.)

6 Q. And your GPS location, is that all -- I mean, can you
7 go back and see where I was August 5, 2019?

8 A. It's a digital footprint.

9 Q. Excuse me?

10 A. It's a digital footprint is what I call it. A digital
11 fingerprint. There's always a trace. You leave little
12 breadcrumbs and your phone stores that. It's like a mini
13 computer.

14 Q. It's kind of scary, isn't it?

15 A. Just a little. Our world's a little scary.

16 Q. Now different phones have different operating systems?

17 A. Correct. You have your Android.

18 Q. Excuse me?

19 A. You have Android, you have Apple. You have -- some
20 people still use BlackBerrys. You have your Windows, your
21 Google.

22 Q. And do they affect the extractions in any way?

23 A. You can do any phone such as an Android, Apple. They
24 all are able to be -- the data is still able to retrieve --
25 be able to be retrieved via the Cellebrite UFED. You can

1 retrieve that data.

2 Q. Okay. And is it harder on other phones or --

3 A. Some of them are. Some of your Androids due to, say,
4 like a security patch that Android has started past 2016.
5 Actually I reached out to Cellebrite and I asked them. I
6 was like why am I having such trouble on getting a physical
7 analyzer processed. They're like is there a security patch
8 past 2016? Yes, there was. They're like all right, so
9 that's been an issue. We're working -- you know, it's
10 always a race who's going to come out with the newest and
11 the latest technology, who's going to be able to, you know,
12 combat these cell phone manufacturing companies, the
13 creators of the Android software operating system, and
14 who's going to be the quickest to the punch. So Cellebrite
15 is often -- they're coming out with, you know, updates,
16 constant updates, so where it's, you know, trying to stay
17 ahead or, you know, you're staying in the forefront of the
18 technology that cell phones are coming out with.

19 Q. And it changes?

20 A. It changes.

21 Q. So can you get an extraction off of any phone, every
22 phone?

23 A. Yes, ma'am. In a logical.

24 Q. What if there is a password? Does that affect it in
25 any way?

1 A. Yes, ma'am, it does. As long as the phone is
2 unlocked, you can get that data. When it's password
3 protected, it does make it more difficult to get the
4 information. Cellebrite does have some features that is
5 being able -- that they're releasing to combat that issue.
6 They've just recently released a new program. It's just
7 like your physical analyzer. It's an upgraded physical
8 analyzer that will be able to bypass your user lock codes
9 depending on the phone.

10 Q. And Cellebrite, I don't know if we covered this
11 yesterday or not, but can you tell us about Cellebrite,
12 what it is and -- because I don't know that -- we've been
13 using that term and I don't know that we've even talked
14 about it yet.

15 A. Cellebrite is your -- your national standard
16 software that's actually used across the nation with law
17 enforcement agencies, government agencies, to retrieve
18 the data from cellular devices, mobile devices, iPhones,
19 iPads, computers, any electronic devices essentially, so
20 it -- that program, the software, that is help -- that
21 helps to tell a story. It tells a person's story. They're
22 -- you know, as long as they have their phone on, it tells
23 their story of where they were, who they were texting, who
24 their phone calls were to during -- from the time that the
25 cell phone was in operation to the time it was off.

1 Q. So it's used by law enforcement in investigations?

2 A. Yes, ma'am.

3 Q. And is it recent that it's been released to private
4 individuals or has it always been -- just can anybody get
5 it?

6 A. No, ma'am. You have to go through training, through
7 their training classes. You also have to -- such as I
8 have a four-year degree in criminal justice, so you have --
9 there are qualifications that have to be met in order to
10 purchase or have the software.

11 Q. Is it fair to say there's not many independent
12 extractions in this area?

13 A. As far as I know, yes, ma'am.

14 Q. Now we're getting into something that I think you can
15 explain. What is this Lite database? What's that?

16 A. Do what? I'm sorry.

17 Q. The Lite database, the SQ --

18 A. Oh, the SQL. SQLite.

19 Q. What is that?

20 A. That is -- as I was saying, that is your -- your hex
21 code or your ASCII key. That's where everything is in
22 your zeros and your ones or your zero zero one, zero zero
23 one, zero zero A, F. Some -- that's -- that's the SQL,
24 so, therefore, it just validates what it is that you're
25 seeing. That's the code behind whatever program,

1 application, whatever it is that you're trying to -- if
2 you're trying to carve out data, you're trying to find
3 information that can be hidden, that SQLite database, what
4 you can do is pull that up, click on, say, that database
5 system and then you can say all right, I want to go to
6 location history, and it just takes you there. It's an
7 easier way to filter out some of your searches instead of
8 scrolling for hours.

9 Q. Okay. And there's a time system, I mean, when it's
10 converted in the physical analyzer. What does it do to the
11 time of the -- the reported time?

12 A. Are you talking about like UTC?

13 Q. Yes.

14 A. So in UTC code, whenever you're putting in the
15 information from the raw data, there's -- there's daylight
16 savings time during certain, you know, times of the year,
17 so during that time of the year that's the UTC-4 and any
18 other time outside of daylight savings time is UTC-5. So
19 you want to validate and check and make sure that that
20 time is correct with the -- with the device location, with
21 the device time. It's just a validation process. That
22 UTC-5, if it's -- say, if it comes over into UTC zero, then
23 you just have to validate that time of the year, you know,
24 is it between, you know, March and November, and if it is,
25 then, you know, you're gonna have to subtract.

1 Q. Okay. So for one-half of the year you've got minus
2 five?

3 A. Five.

4 Q. And the other half minus four?

5 A. Correct.

6 Q. And it goes by the number of seconds since
7 January 1970?

8 A. Yes, it does.

9 Q. What does that mean?

10 A. It's called Unix Epoch Time. Basically that was when
11 the -- the time clock started ticking in 1970.

12 Q. Greenwich?

13 A. Uh-huh.

14 Q. Greenwich Mean Time?

15 A. Yes, Greenwich or the Coordinated Universal Time.
16 That was when the UTC was established in 1970 and that's
17 what the UTC stands for.

18 Q. Okay. Well, does Cellebrite teach your examiners
19 to validate your findings or how do you know what you're
20 bringing to court is accurate?

21 A. Yes, it does. It teaches you how to validate and,
22 once again, that comes back to the SQLite database just
23 going on back and making sure you can find that data, say,
24 if they did have a file as a result on their phone, going
25 through it, and there's other ways to validate. What I'll

1 do is I'll put it through different software programs such
2 as Magnet Axiom that does cell phones as well and for
3 location, you know, I'll put it through another software
4 called ZetX and then for phones I'll use Altox as well,
5 so it just validates and verifies what it is that I'm
6 seeing on the Cellebrite in the findings there. There's
7 different --

8 Q. Is it sort of like a safeguard?

9 A. Uh-huh. Yes, ma'am.

10 Q. Like checking behind you, right?

11 A. Correct. Yes, ma'am.

12 Q. Okay. What does it mean when you say validate?

13 Validate what? The time?

14 A. Validate time. Validate that you're -- you're
15 seeing every -- like everything because, like I said,
16 there's so much data that sometimes you can filter out
17 in one program versus another program a lot easier. In
18 Magnet I may be able to filter out and carve just the
19 information easier than, say, Cellebrite. I'm pretty
20 familiar with Cellebrite, so I find it very user friendly.

21 Q. Does Cellebrite teach the examiners, you know, how to
22 do the selection and --

23 A. Uh-huh. That is the training.

24 Q. You don't want to look at 60,000 pages basically?

25 A. Correct.

1 Q. So in this case specifically did you perform an
2 independent extraction on a Samsung Note 8?

3 A. Yes, ma'am.

4 Q. And were you able to determine what the phone number
5 was on that phone and verify that information?

6 A. Yes, ma'am.

7 Q. Can you tell us what the phone number is and the
8 identification of the cell phone owner?

9 A. Let's see if I've got that document. Sorry. I was
10 trying to find --

11 Q. Maybe more specifically did you verify that the number
12 belonged to Lyz Peterson?

13 A. Yes. Yes, ma'am.

14 Q. And what was your role? What were you told to do in
15 this case?

16 A. Perform the independent extraction. So -- on several
17 devices. Basically all of the devices that was collected.

18 Q. In this case specifically?

19 A. Correct. In this case. And that was done by
20 Cellebrite. I performed the extraction using Cellebrite
21 UFED.

22 Q. And you got all the data off the phone?

23 A. Correct.

24 Q. How many pages; do you know?

25 A. I can tell you the location data was just 9,000 pages

1 alone in a PDF format and the Excel sheet was 6,000 pages.

2 Q. All right. What tool did you utilize to extract this
3 data?

4 A. The UFED. Cellebrite UFED.

5 Q. Okay. And do you use 2PC or 4PC?

6 A. 4PC.

7 Q. What's the different between a 2PC and 4PC?

8 A. 2PC is like a touch that is -- can be mobile. A 4PC
9 is on a computer. It's your software.

10 Q. So in the mobile you can do it anywhere, this
11 extraction?

12 A. Right. Say law enforcement they go out to a crime
13 scene they could take the -- they have the 2PC and they can
14 do it right there on the scene if need be.

15 Q. And so the whole device is mobile and why don't you
16 have that? That seems easier than your 4PC?

17 A. Cost.

18 Q. How much does that cost?

19 A. The --

20 Q. Mobile.

21 A. The mobile?

22 Q. 2PC.

23 A. They came out with a new version of the 3PC. I
24 probably could get it at a discounted price.

25 Q. How much is the 2PC? Is it out of your price range?

1 A. Yes, it is.

2 Q. So you just have it extracted, you go back to your
3 office and do all the analyzing?

4 A. Right. Correct. So the UFED, what I do is that --
5 the extraction and that is saved to an external hard drive.
6 Once that data is saved to an external hard drive, it's
7 retrieved and put onto an external hard drive, that hard
8 drive, then that data is then uploaded into the physical
9 analyzer.

10 Q. And did you do that in this case?

11 A. Yes, I did.

12 Q. Was the physical extraction successful?

13 A. Yes.

14 Q. And the Cellebrite --

15 A. On the Samsung -- on the Samsung Note, I'm sorry, it
16 was not. The physical extraction was not on the Samsung
17 Note. That was --

18 Q. What's the difference between --

19 A. I was able to do the advanced logical and I was able
20 to do a file system. The physical I ran into errors and
21 that was when I reached out to Cellebrite. Now they have
22 released an update, but in this timeframe that I was doing
23 these independent extractions they hadn't released an
24 update that fixed the error that I was receiving, so I was
25 able to be more successful the last several days that I

1 was there on doing the physical extraction on the other
2 devices. By that point it was -- I'd been at the location
3 for several -- several days.

4 Q. What location?

5 A. Lexington County Sheriff's Department.

6 Q. Performing your extractions?

7 A. Correct.

8 Q. And so the advanced logical and the file system,
9 that's what you reviewed in this case?

10 A. In this Samsung Note 8, yes, ma'am.

11 Q. And the file system is where all of your GPS and
12 footprints are for however long you've had that phone?

13 A. Correct.

14 Q. And were you able to retrieve GPS location data?

15 A. Yes. Yes, ma'am.

16 Q. And have you -- does that work differently? How does
17 that work? When you -- when you extract it, how is it --
18 how are we able to see where you were? Does it give you
19 coordinates or --

20 A. It does. It gives your latitude and longitude
21 coordinates just as any GPS location would.

22 Q. And how many -- is it seconds, minutes or hours? Does
23 it just pick and choose or all the time?

24 A. As long as you're moving.

25 Q. As long as you have your phone and on?

1 A. Correct, the device. As long as that device is with
2 you it's also travelling with you.

3 Q. So if you turn your phone off, you can't get it?

4 A. Correct.

5 Q. So this data that you retrieved, what system -- I
6 mean, how does this work? Can you come down here and show
7 us?

8 A. Yes. So what I -- essentially like creating a report,
9 I took the information from the physical analyzer and I
10 exported that information into an Excel sheet and that
11 information was a KML file.

12 Q. Was it the Galaxy Note 8 that you analyzed?

13 A. Yes, ma'am.

14 Q. I'll show you -- well, let me have you look at this
15 and all of that and see what's in there and if you
16 recognize it.

17 MS. FULLER: Your Honor, we stipulate it's the
18 phone. We just need it marked for ID.

19 THE COURT: Very well.

20 MS. MOORE: If we can mark it for ID as a defense
21 exhibit.

22 Has it been premarked for the State?

23 MS. FULLER: No, Your Honor. We can mark it for
24 ID so it doesn't stay permanent.

25 (Defendant's Exhibit Number 8 was marked for

1 identification.)

2 BY MS. MOORE:

3 Q. What's the rest of this? Does that belong to this
4 thing, to that phone?

5 A. Yes, ma'am.

6 Q. What is this?

7 A. That would be your SIM card. Yes, that's your SIM
8 card.

9 Q. Okay. And this one says Samsung Galaxy Note 8 as
10 well. Let's make sure we've got the right one. Did this
11 go with it or --

12 A. That's the case.

13 Q. Okay. So you put this phone into your little device,
14 right?

15 MS. FULLER: Excuse me, Ms. Moore.

16 MS. MOORE: Is their hand sanitizer?

17 I beg the Court's indulgence.

18 MS. MOORE: Do you want to come down here and show
19 us what --

20 THE COURT: Go ahead.

21 BY MS. MOORE:

22 Q. What is it we're looking at here?

23 A. So this is the -- let me make sure you can hear. This
24 would be the data that came from the Excel spreadsheets
25 that I had mentioned from the -- the physical analyzer that

1 I have pulled into a KML file and then put it into Google
2 Earth Pro and it -- if we can zoom in, it plots the
3 locations for the travel time. And as you can see, there's
4 thousands of them because it does track your location
5 second by second.

6 Q. What day is this specifically?

7 A. This is on the 23rd.

8 Q. Of when?

9 A. Of 2018. 7-23-2018.

10 Q. Did you narrow down a time?

11 A. I did. I narrowed down from the 22nd to the -- to
12 midnight of the 23rd, so midnight to midnight. And --

13 Q. That's not what is 9,000 pages, is it, or that day?
14 It's all the --

15 A. It's all of the coordinates, correct.

16 Q. Okay. Is it still loading -- well, so Google Earth,
17 how do you use Google Earth to put that in there?

18 A. Whenever it's -- as I had mentioned, it's in a --
19 when uploading the Excel file it transposes the -- or not
20 transposes, it puts it into an KML file instead of a CSV
21 file and then the KML is what's read through Google Earth.
22 That's the way that Google Earth has to read that data.
23 It's just how physical analyzer on Cellebrite reads the raw
24 data from UFED, Google Earth reads those locations as a KML
25 file, and because it is so much data --

1 Q. It's still loading?

2 A. It's trying. There we go. Come on.

3 Q. What information do you use or are you provided when
4 you do an extraction?

5 A. Here we go. So what I'm trying to do is actually zoom
6 in, so, therefore, you're not seeing all this thousands of
7 data points.

8 Q. Is that the pins there?

9 A. Uh-huh. There we go. And the pins will get more
10 defined the closer you are zooming into these areas. There
11 we go.

12 Q. Why do you put it in Google Earth? What's the purpose
13 of that?

14 A. So I can move this little man right here and I can
15 carry him down to, say, a street view and I can see what
16 area, the location of where that device is currently at.

17 Q. Even in realtime or -- or was?

18 A. Correct. From -- from the plots that -- from the
19 pins. Well, from the pins that's plotted.

20 Q. Like historical data maybe?

21 A. Correct.

22 Q. And it takes so long because?

23 A. It does and it takes -- if we were on a desktop and
24 you had mentioned earlier about the UFED 2PC and things
25 like that, I don't have a need for a -- I have a desktop

1 that I have all my forensic software on and that desktop I
2 have devices come to me. I don't go out.

3 Q. Right.

4 A. So with my desktop because it has a bigger processor
5 speed, this wouldn't take so long, but on a laptop this
6 is --

7 Q. What is it we're -- what's our goal when you're
8 putting it into Google Earth? Is it to --

9 A. Track the history of a device to validate location and
10 to -- let's see -- come on -- verify locations. If someone
11 says that they're at a location, then a phone can provide
12 that information to show whether or not a person is at a
13 location.

14 Q. So it's used for law enforcement as an investigative
15 tool?

16 A. Uh-huh.

17 Q. And, well, for everybody. Even parents.

18 A. (Nods head.)

19 Q. Now the time on there, did you validate that?

20 A. Yes. I ran this six to seven different times to make
21 sure that it was, you know, in the correct -- and it's just
22 a validation that I always double-check, triple-check my
23 work. And I also validated it through another program
24 called ZetX. ZetX actually will pull that data from a KMZ
25 file, so ZetX actually uses a little different format, but

1 ZetX still puts it into Google Earth Pro and that's one of
2 the trainings that you have with ZetX is learning how to
3 utilize Google Earth Pro and lets you know -- hey, look at
4 that. Come on.

5 Q. Okay. So why is it?

6 A. Because this is the travel pattern of -- of a device.
7 There we go. Narrowing in. So I can do this through
8 Cellebrite as well, and that's what I originally started
9 doing, but through Cellebrite you literally have to place
10 every single box and it will show you the location. So I
11 was -- I said this is just too time-consuming, so I picked
12 Google Earth.

13 Q. And what's --

14 A. So here we show the device at 3:32 PM travelling down
15 -- this is 302 and if we move on up --

16 Q. And so what time are we now? Still at 3?

17 A. We're at 3 and then at 5 because it travelled to and
18 it travelled from. So if we come back out, all these
19 little pins -- imagine if I were to replace these pins with
20 a car, and I could do that, however, that would take more
21 processing time.

22 Q. Okay. So is it still on 302? Highway 302?

23 A. Yes, ma'am. 302. Highway 302.

24 Q. So it shows you coming and going?

25 A. Yes, ma'am.

1 All right. So we're gonna go -- we're gonna take our
2 little car, our little pin, our thumbtack, and we're gonna
3 follow this on down.

4 Q. And that's the airport?

5 A. And let's see where we go. That's the airport.
6 There's an airplane.

7 Q. All right. And so what time are we now --

8 A. All right.

9 Q. -- at I-26?

10 A. We're at I-26 and if we can scroll on in. I'm sorry.
11 So that's a good example of the reason why we put it in
12 Google Earth is so that way we can actually go into the
13 street view and see the car at that location in a street
14 view to see what the surroundings were. So you can just
15 kind of --

16 Q. Well, if somebody dropped their phone, like a victim
17 and gets carjacked and they got their purse, so when the
18 police take their mobile unit they could track it in
19 realtime or no? Or they could go down and see a location?

20 A. They could. If they -- if they get the phone.

21 Q. Well, they would be travelling so they could --

22 A. They could see the location history of that phone.
23 Once they retrieve that phone, like, say, if someone did
24 lose their -- if someone was committing a crime and they
25 drop the phone, for example, the police go grab them, get

1 the phone and it would show if that -- if that phone was at
2 that location at that certain time.

3 Q. And that's something that they do frequently; isn't
4 that true?

5 A. Yes. That's the street view. I'm sorry. There we
6 go. I'm just trying to get back to my little pins.

7 All right. So let's back this up. So on the day, on
8 the 23rd, we can see that the device travelled down 302
9 into Columbia, and let's see where some of these little
10 pins are. At 4:41 we're going to move our man here and
11 this location is at Green's.

12 Q. So that phone was at Green's at what time? 4:41 you
13 say?

14 A. Correct.

15 Q. And were you able to determine that the -- a path
16 earlier than that to Green's? Did you confirm that?

17 A. That is -- let's exit street view. Correct. So we
18 see 4 -- at this particular Green's at 4:29, 4:33. So
19 let's go back out.

20 Q. But you've got data for the entire day?

21 A. Correct. Yes, ma'am. So with the -- looking at the
22 travel history from, let's see, 4, and as you can see with
23 these pins what it does is that's 4:22 and 8 seconds, 4:22
24 and 14 seconds, 4:22 and 19 seconds, 4:22 and 24 seconds.
25 We can actually see more seconds the more you scroll in.

1 14, 17, 20, 23. So as this device is moving, it is -- time
2 is travelling. Time travel. Time is travelling with the
3 device.

4 Q. And that's realtime? Well, on that?

5 A. On the device, yes. So let's scroll here. Drop the
6 man right here.

7 Q. So at different parts of the day they're --

8 A. You can say different parts of the day this device
9 would be travelling. And there.

10 Q. So you can also do the time travel back, correct?

11 A. Correct. So, once again, click on and pulling out.
12 So we track it going -- well, followed it going downtown to
13 Green's and as you can see this is 4:21, so this is going
14 back in time 4:20, 4:19. This is 4:48.

15 Q. Well, at that point it's going where? At 4:45?

16 A. At 4:45?

17 Q. Can it tell you what direction?

18 A. It's going -- it's coming back out. This makes it
19 easier to rotate this. All right. There we go.

20 All right. So at 4:51 we see it travelling back down
21 -- back towards 26 again. So it travelled down -- at 3:42
22 it was travelling one direction, at 4:53 it's travelling
23 back in that direction. So ingoing and outgoing traffic.
24 So if you want to track this back down 302 again, as you
25 saw it was coming down, it's going back on 302, and 302

1 going on the way back down. It would be easier if I had
2 a mouse.

3 All right. As you can see at 5:21, 5:24. I'm gonna
4 scroll right on back down at 5:31 scrolling in and at 5:31
5 and 47 you can see it actually -- that is the last location
6 that stayed stationary.

7 Q. So if you put the little man over there, can we see
8 that, too?

9 A. And we're gonna go by it. And this is the trailer and
10 if I want to see which road this is -- come on -- there we
11 go.

12 Q. So what time does the -- the phone assigned to or
13 owned by Elizabeth Peterson, what time does that arrive at
14 [REDACTED] Sandspur?

15 A. 5:31 and 48 seconds. 5:31 and 53 seconds.

16 Q. All those little --

17 A. So this is Sandspur Road right here. So -- and as you
18 can see, once you -- once you have your GPS still active on
19 your phone, any movements going to -- it's going to trace
20 your whole movements. Even through your house it will --
21 it will actually pin your --

22 Q. So it keeps collecting data?

23 A. Correct, as long as it's on. So and then it arrives
24 back at this location at the trailer at 5:31 and so that
25 device --

1 Q. Was that device at that location?

2 A. Yes.

3 Q. And you validated that -- that information?

4 A. The phone that came from that location, yes.

5 Q. And it belongs to Elizabeth Peterson?

6 A. Yes.

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

8 THE COURT: All right. Cross-examination.

9 Would you like the witness to return to the stand?

10 MS. FULLER: Yes, please.

11 THE COURT: All right.

12 Is everybody okay in the jury box for now?

13 All right. Good. Thank you.

14 CROSS-EXAMINATION

15 BY MS. FULLER:

16 Q. Ms. Setree, in performing your extraction on the
17 device, you indicated that you performed a logical and a
18 file system; is that correct?

19 A. Correct.

20 Q. And just to confirm, the report that you generate --
21 generated and you've been working with, your report is
22 information on the device?

23 A. I'm sorry. Do what now?

24 Q. The report associated -- that you worked with -- you
25 performed your own independent extraction, correct?

1 A. Correct.

2 Q. And the information you have is all information stored
3 on the device?

4 A. The information, correct, came from the device.

5 Q. All the information that you have in terms of
6 performing your extraction is from the Samsung Note 8; is
7 that correct?

8 A. From all the extractions, yes.

9 Q. What you do mean all the extractions?

10 A. I received extractions from the sheriff's department
11 as well.

12 Q. That's correct. You received our physical?

13 A. Correct.

14 Q. Because we were able to obtain a physical; is that
15 correct?

16 A. In this particular information, there was the advanced
17 and then a logical --

18 Q. And you received a copy?

19 A. -- and there was a file.

20 Q. And you received our physical extraction?

21 A. On the data that I'm working with, there was an
22 advanced logical and the file system. There was no
23 physical extraction.

24 Q. Okay. And in terms of -- you indicated you loaded the
25 data into your UFED analyzer, physical analyzer, correct?

1 A. Yes, ma'am. Both extractions, yes, ma'am.

2 Q. Both your independent and the one that the State
3 provided, correct?

4 A. Yes, ma'am.

5 Q. And the report that you generated, just to confirm,
6 is information solely from the Samsung Note 8; is that
7 correct?

8 A. From the Note 8, yes, ma'am.

9 Q. No other sources?

10 A. Correct. No other sources from the report. So I
11 didn't take two phones and generate one report. One report
12 comes from one phone.

13 Q. So the report that you generated is solely from the
14 Samsung Note 8 physical device?

15 A. Yes, from the physical extraction from that device.

16 Q. No other sources?

17 A. Correct.

18 Q. Okay. And in terms of performing your own independent
19 extraction, what tool did you use?

20 A. Cellebrite UFED.

21 Q. What version?

22 A. The 7.600.02.

23 Q. And what version did the law enforcement use?

24 A. The Cellebrite UFED and I would assume they would also
25 have the updated version as well, the latest.

1 Q. No assumptions here. You were tendered as an expert.
2 You reviewed the extraction, correct?

3 A. Correct.

4 Q. And in order to prepare for court today you also
5 reviewed it again, correct?

6 A. Correct.

7 Q. So what version of physical analyzer did the sheriff's
8 department use?

9 A. The physical analyzer or the UFED?

10 Q. The UFED reader. Which -- what version did law
11 enforcement use?

12 A. That's two different -- that's two different
13 questions.

14 Q. The first question, the physical analyzer version,
15 what version did law enforcement use?

16 MS. MOORE: Your Honor, if she knows the answer. I
17 don't know that she knows that.

18 THE COURT: Well, she can say that. She's not
19 responded to the question yet.

20 You can continue.

21 BY MS. FULLER:

22 Q. What version did law enforcement use?

23 A. The -- from the report, it was 7.57 of the physical
24 analyzer.

25 Q. 7.57?

1 A. That was before they did an update, which would have
2 -- the update would take it to the 5.9 and they recently
3 did another update to the 7.0 -- 7.60. Like I said, they
4 -- they do often release updates.

5 Q. Okay. And when you -- in preparing for today last
6 night you provided some records to the State; is that
7 correct?

8 A. Correct.

9 Q. And it's supposed to be the report and the records you
10 relied on to generate this, correct?

11 A. Correct. Yes, ma'am.

12 Q. I'm gonna go ahead and mark this as State's Exhibit
13 107 and ask you if you recognize this as the first --

14 MS. MOORE: Your Honor, may I see that? I don't
15 know what she's showing the witness.

16 MS. FULLER: I'll show it to you in a second.

17 BY MS. FULLER:

18 Q. It's what was e-mailed last night. The first four
19 pages of the report you sent us.

20 A. Correct.

21 Q. And this is what you sent us?

22 A. Correct.

23 MS. MOORE: No objection.

24 MS. FULLER: Do you mind? I apologize. There's
25 some Kleenex here. Do you mind coming and grabbing it?

1 MS. MOORE: I'll get it. I'll get it.

2 THE WITNESS: Thank you. Sorry.

3 (State's Exhibit Number 107 was marked for
4 identification.)

5 MS. FULLER: Looking at State's 107, Your Honor,
6 I'm just gonna move this portion into evidence.

7 State's 107, the first four pages of the report
8 that she submitted in support of her data.

9 THE COURT: And that's without objection. So
10 admitted and you can publish.

11 (State's Exhibit Number 107, Excerpt from
12 Defendant's Data, was admitted into evidence.)

13 MS. MOORE: Your Honor, is that not a full copy?

14 THE COURT: I just heard you say no objection.
15 That's why I thought it was okay.

16 MS. MOORE: Well, I didn't know it was the first
17 couple of pages.

18 THE COURT: I believe it is the summary section,
19 not --

20 MS. FULLER: It's the first four --

21 MS. MOORE: Thank you. I apologize.

22 BY MS. FULLER:

23 Q. Looking here at the top page of this report here,
24 report creation date, January 12, 2023, 6:34 PM; is that
25 correct?

1 A. Correct.

2 Q. And that's what you submitted last night?

3 A. That is correct.

4 Q. Right here it says the examiner's name. That's not
5 your name, correct?

6 A. Correct. I cannot change that information.

7 Q. Excuse me?

8 A. That's not from my extraction. That was from the
9 extraction that I was provided that was from the examiner,
10 Mike Phipps.

11 Q. But you did your own independent examination?

12 A. Correct.

13 Q. So isn't it problematic for you to generate a report
14 with someone else's name on it?

15 A. Not in this case when I'm taking the -- the data that
16 we are seeing -- that we are seeing today.

17 Q. Okay. I'll move on. Right here indicates the
18 extraction capture date, November 11, 2022; is that
19 correct?

20 A. Correct.

21 Q. So despite Mike Phipps' name being on this report,
22 you recognize this as what you provided in support of your
23 data; is that correct?

24 A. The --

25 Q. It's a yes or a no. The first four -- this front

1 page, is that what you e-mailed last night in support of
2 your data?

3 A. That's not my data, but, yes, I'll support that page
4 as being from that data, but that's not my extraction.

5 Q. I understand.

6 A. My extraction will say my name.

7 Q. Well, yesterday we left things with you sending us a
8 copy of everything you used to make and create this Google
9 Earth presentation, correct?

10 A. Correct.

11 Q. And this is part of what you sent?

12 A. Correct, because I used the data that actually came
13 from Mike Phipps and not my own independent extraction.

14 Q. Not a trick question. I just needed a yes or a no
15 that this is the first few pages.

16 MS. MOORE: Your Honor, she can explain her answer.

17 THE COURT: Okay. She -- she did.

18 MS. FULLER: I believe I allowed her to, Your Honor.
19 I can move on.

20 THE COURT: We can move on.

21 MS. FULLER: Thank you.

22 BY MS. FULLER:

23 Q. And I believe your testimony was that everything that
24 you obtained is from the Samsung Note 8, the physical
25 device?

1 A. From -- correct. From the extraction from the
2 Samsung 8, correct.

3 Q. Can you, please, explain why this report contains
4 information from 2022?

5 A. The phone was turned on and the location services were
6 still active.

7 Q. Do you need time to review your work and think about
8 your answer?

9 A. I pulled the information from the -- from the
10 information I received.

11 Q. Are you familiar with Cellebrite best practices and
12 standards?

13 A. Yes, ma'am.

14 Q. So I'm gonna ask you a question again. How were
15 you able to generate a report of the victim's location
16 information from ten days ago if this device has been in
17 evidence since July 23rd of 2018?

18 A. That report -- that location came off of an Excel
19 file. That's the --

20 MS. MOORE: What is that called? Say it.

21 MS. FULLER: Was that an objection?

22 THE COURT: Yeah, move on. Next question. Or --

23 MS. FULLER: I'm waiting for my answers.

24 THE WITNESS: Can you repeat the question? I'm
25 sorry.

1 BY MS. FULLER:

2 Q. How did you get that information?

3 A. I pulled the data.

4 Q. From where?

5 A. From the physical extraction.

6 Q. So you're telling me that --

7 A. Or from the extraction I was provided from the Blu-ray

8 disc.

9 Q. Huh. So that device -- so you said you verified the

10 independent extraction matched up with the information we

11 provided, correct?

12 A. The --

13 Q. The information we provided to you matched up with the

14 information that you had, correct?

15 A. The information that I -- I received?

16 Q. Yes.

17 A. Correct.

18 Q. The State did not give you information for 2022, so my

19 question is how did you obtain that information?

20 A. I have the DVR -- I mean, the Blu-ray that the

21 information came off of. We can put it into the -- the

22 disc and pull the information.

23 Q. And that's your answer? Because I can make it a Court

24 exhibit.

25 A. It's here.

1 Q. I can.

2 A. Okay.

3 Q. That information is not on what we provided.

4 MS. MOORE: Your Honor, I object to her testifying.

5 MS. FULLER: Question mark.

6 THE COURT: Overruled.

7 BY MS. FULLER:

8 Q. You would agree that you obtaining that information is
9 not part of Cellebrite's best practices? Do you even know
10 how you accessed that?

11 A. The information that you're seeing is the information
12 that I gathered from the report.

13 Q. No, ma'am. The information -- that phone has been in
14 evidence since 2018. How did you generate a report of my
15 victim's information and location for 2022?

16 A. I honestly don't have an answer for you.

17 Q. Thank you. You would agree that that location
18 information that you generated is not on the physical
19 device; yes or no? Do you agree with me or do you disagree
20 with me?

21 A. Well, as long as the device is active and if they're
22 doing -- any time a device is active, even if it's in
23 evidence, if it's taken out of evidence and it's turned on,
24 those devices -- that location's going to be retrieved if
25 it's updated.

1 Q. Yes or no?

2 A. I'm sorry. What was the question?

3 Q. Having my victim's location information for 2022, that
4 information is not on the device that has been on Gibson
5 Road since July of 2018, correct?

6 A. We can power on the device and I'll -- I'll be able to
7 answer that more.

8 Q. Are you serious? That's your serious response? Are
9 you challenging that that's been in evidence?

10 A. No, ma'am.

11 Q. Okay. And, in fact, the thousands of pages that you
12 submitted last night, you don't get to 2018 data until
13 several pages deep into the report you sent; is that
14 correct?

15 A. Correct.

16 Q. Did you not notice that you were sending 2022 data to
17 the State?

18 A. I pulled the report that came from the -- I put -- I
19 loaded the Blu-ray back into the DVD player or Blu-ray
20 player and those reports was generated from that Blu-ray.
21 That was immediately when I got back to the office.

22 Q. You loaded the data into your own analyzer; isn't that
23 correct?

24 A. Into the --

25 Q. So the State provided you a report in the UFED reader,

1 correct?

2 A. Correct.

3 Q. And once you open the UFED reader, there's databases
4 in there that have other information and other databases
5 within there, correct?

6 A. Not other information. No, ma'am.

7 Q. It has databases in there, correct? That the only way
8 to access them is to reanalyze that data; is that correct?

9 A. I pulled the -- yes, I pulled the data from -- from
10 the physical analyzer that you-all had provided.

11 Q. Okay. I'll start over. When you load an extraction
12 in, there is information deep within the data that has
13 links to databases that if you're just operating the
14 reader you can't open but for putting back in the physical
15 analyzer; is that correct?

16 A. So there's different information from a reader?

17 Q. Yes or no. When you open the report in this database,
18 in the software -- we agree it's a software program?

19 A. Software. Uh-huh.

20 Q. And within the file systems there are other files,
21 there's other databases in there that have data; is that
22 correct?

23 A. Correct.

24 Q. And within there to go through and parse that data you
25 would have to load that into an analyzer; is that correct?

1 A. Into a physical analyzer.

2 Q. And that's what you did?

3 A. From your -- from the UFDR that was provided.

4 Q. Great. That's what you did, correct?

5 A. Correct.

6 Q. So from what you did you found my victim's location

7 information from 2022, correct?

8 A. That was what --

9 Q. Are you denying sending that?

10 A. That was -- that was what was loaded and I sent what

11 was -- excuse me -- what was loaded.

12 Q. Cellebrite has safeguards for accessing cloud data,

13 correct?

14 A. Yes.

15 Q. And when you access someone's personal device that you

16 said is a walking computer, doesn't Cellebrite ask you to

17 confirm that you have proper access?

18 A. I didn't access any -- any --

19 Q. Well, how else would you --

20 A. -- any personal information.

21 Q. How else would you get her current location?

22 A. That was -- that was what was retrieved from

23 Cellebrite.

24 Q. So the source -- jumping to your display here, the

25 source of your information was coming from Life360,

1 correct?

2 A. It's coming from different -- yes, from Life360.
3 Family locations.

4 Q. It's not a trick question. We know the answer.

5 A. Life360. Family locations.

6 Q. So from -- Life360 you agree is an application,
7 correct?

8 A. Correct.

9 Q. It's an application stored in the cloud, correct?

10 A. In --

11 Q. It's an application stored in the cloud?

12 A. That's also stored on your phone as well.

13 Q. Great. Yes or no. It's stored in the cloud, yes?

14 A. Yes.

15 Q. And with our advances in technology and the access
16 that you have as a licensee for this delicate software --

17 A. Uh-huh.

18 Q. -- it gives you people's access to -- basically a key
19 to unlock any door that you have access to to include the
20 cloud for Life360?

21 A. If you know the login information.

22 Q. No, ma'am. Cellebrite -- how else would you have
23 gotten this 2022 data from Life360?

24 A. That was -- that's what was retrieved.

25 Q. Would you agree that that's not best practices in

1 performing an extraction?

2 A. Then that would be challenging the Cellebrite.

3 Q. I'm challenging you. Would you agree that that is not
4 best practice?

5 A. Yes, ma'am.

6 MS. MOORE: Your Honor --

7 MS. FULLER: Thank you. That's it.

8 BY MS. FULLER:

9 Q. You presented your Google Earth. What data backing
10 up --

11 THE COURT: Oh. Five minutes?

12 Okay. All right.

13 Ladies and gentlemen, head back to the jury room.

14 We'll take five minutes. Let me know as soon as you're
15 ready to come back out. Thank you for telling me.

16 (Whereupon, the jury retires to the jury room at
17 10:53 AM.)

18 THE COURT: All right. Let's make this as quick a
19 break as possible, folks.

20 Ms. Setree, do you need to get off the stand to use
21 the restroom?

22 THE WITNESS: Yes.

23 THE COURT: Obviously you're in the middle of an
24 examination, so please don't talk to anyone, okay?

25 (Recess taken at 10:54 AM.)

1 (Back on the record at 11:05 AM.)

2 THE COURT: This is a -- well, it's not a question,
3 it's a comment from the jury, and all I can do is -- a
4 note's been handed to me and I've got to make it a Court
5 exhibit.

6 I'll let you read it to yourself.

7 Debra, you, too.

8 This will be Court's Exhibit 6.

9 I'm not gonna respond to it because it's not a
10 question.

11 (Court's Exhibit Number 6 was marked for
12 identification.)

13 (Pause in proceedings.)

14 BAILIFF: All rise.

15 THE COURT: All right. Please be seated. Thank
16 you.

17 All right. The jury's ready to come back.

18 Is the State's ready to continue cross?

19 MS. FULLER: Yes, Your Honor.

20 THE COURT: Ms. Moore, are you ready?

21 MS. MOORE: Yes.

22 THE COURT: All right. Let's bring them back.

23 BAILIFF: Your Honor?

24 THE COURT: Yeah, bring them on in.

25 (Whereupon, the jury return to the courtroom at

1 11:07 AM.)

2 THE COURT: All right. Ladies and gentlemen,
3 welcome back. We'll continue where we left off.

4 Madam Solicitor.

5 MS. FULLER: Thank you, Your Honor.

6 BY MS. FULLER:

7 Q. In preparing for court, your -- the Google Earth
8 exhibit, the report that you relied on, do you have a copy
9 of that to be submitted into evidence?

10 A. No, ma'am.

11 Q. Excuse me?

12 A. No, ma'am.

13 Q. Is it going to be so that the jury is allowed to see
14 the data?

15 A. Oh, yes, ma'am. That USB. I'm sorry.

16 Q. So the report supporting this is on the USB?

17 A. The Excel sheets, is that what you're talking about?

18 Q. Yes.

19 A. Yes, those are on the USB drive.

20 MS. FULLER: In terms of the first page of that,
21 I'm gonna mark my own exhibit, just a portion of it
22 because it was a really long report, State's 109.

23 (State's Exhibit Number 109 was marked for
24 identification.)

25 BY MS. FULLER:

1 Q. If you could look at the first page, is that what --
2 outside the grid lines, is this what you submitted?

3 A. Yes, ma'am.

4 Q. Now when you first powered that up, and I don't know
5 if you're able to get back to the place that you were at,
6 but it was -- there were timestamps at the bottom of the
7 map. I saw like an 8:25 PM. Do you remember that? Do
8 you want to -- it's okay if you can get back to that place
9 because I have a question about it.

10 A. Uh-huh.

11 (Whereupon, the witness steps down from the witness
12 stand.)

13 Q. I think right there is good.

14 A. Okay.

15 Q. Thank you.

16 Okay. You can take your seat back. I just had a
17 question about right here.

18 A. Okay.

19 Q. So on direct your testimony was in the center where we
20 see the 5:31 time that that was the device going back to
21 the Pelion area, the Sandspur Road; is that correct?

22 A. Correct.

23 Q. Down here at 8:25 and 8:26, can you explain that to
24 the jury?

25 A. That also is GPS history or device location history.

1 Q. So is it your testimony that the device at 8:25 moved
2 in the area somewhere south of Pelion?

3 A. Yes, ma'am.

4 Q. And what would account for that?

5 A. The device, it was also there at 1:31. It could --
6 since this is Life360, it could power down, it could power
7 on during the timeframe from 5:30 to 8:25 or it could be
8 another user that had Life360 that had powered on a device
9 at that time.

10 Q. I thought your testimony was that the records you
11 provided supported this -- I was gonna say PowerPoint,
12 but this demonstration -- what do you call this? A
13 demonstration? Demonstrative? Supported this Court
14 exhibit as it relates to the Samsung Note 8, correct?

15 A. Correct.

16 Q. So is your testimony now that the 8:25 time and the
17 8:26 time is not for this device?

18 A. That's what the information had that was stored in the
19 device.

20 Q. So is your testimony now that the 8:25 and 8:26 time
21 is not for this device?

22 A. That information came from the device.

23 Q. So is your testimony now that that location
24 information for 8:25 and 8:26 is not where that physical
25 device was at 8:25 and 8:26?

1 A. I -- no, ma'am, I can't.

2 Q. No, ma'am, what?

3 A. I can't -- I can't say whether that device was there
4 or not.

5 Q. So if you can't --

6 A. I mean, I can say the information that is plotted came
7 from the device from the information that was provided by
8 the device from the extraction.

9 Q. So if you can't say that the information at 8:25 on
10 your exhibit and 8:26 is where the physical device was at
11 that time, how are you able to say that the physical device
12 was up there in Pelion at 5:31 PM?

13 A. Due to the pattern. The pattern of the time from the
14 time span of the activity that was tracked from that day in
15 prior activity.

16 Q. Do you mind breaking that down for me? What you do
17 mean by pattern?

18 A. The pattern of the travel. The travel history
19 pattern.

20 Q. How are you able to determine that it's the device at
21 5:31, but not the device at 8:25?

22 A. The -- that particular device it would show if there
23 was, say, two devices at one time that was, say -- Life360
24 is a family locator. You can have different people on
25 Life360. It's gonna have that information. As long as

1 those phones are powered up that information is going to be
2 received by your phone.

3 Q. So how are you able to isolate forensically whose
4 information you're relying on for this data?

5 A. In prior events when there was a -- for instance,
6 a chat or a check-in, that check-in would show, say, a
7 user -- like a user ID and it would show the participants
8 and it would show from. For instance, Lyz Peterson's
9 participant is a string of -- a string of numbers. So
10 it's 5CCBA8AT4-49FC-4C14-A1DC-3BE3263BD441 --

11 Q. Ma'am, slow down.

12 THE COURT: I don't want my court reporter expiring
13 on us.

14 A. And then it says Lyz Peterson right beside that. So
15 in Aaron Peterson's phone it also had the participant and
16 it showed that user ID and it showed the name of that --
17 the name of the person belonging to that and that was --
18 that was from Life360 as well.

19 Q. Do you -- keep going. I didn't mean to cut you off.

20 A. That's fine. So as I was saying, that was from the
21 Life360 app, so it shows a from, it would show also the
22 user ID.

23 Q. Do you have a report reflecting that so the jury can
24 see it?

25 A. It was provided. Yes, I can pull that report. I gave

1 that over to you-all last night as well.

2 Q. I didn't see that.

3 A. That was actually in a screen shot that I took that
4 was in the last e-mail. The screen shot that I -- I sent.

5 Q. What I was looking for was a report that showed each
6 line and the source, not just one source. Because how many
7 data points did you plot?

8 A. That's in the Excel files.

9 Q. How many?

10 A. That was 7,000.

11 Q. And so your testimony is that there is 7,000 location
12 points for July 23rd of 2018?

13 A. Correct, that was --

14 Q. And the 7,000 is for the Samsung Note 8 location?

15 A. From the data that was retrieved from the Samsung 8.

16 Q. I'll ask it differently. Is your testimony that
17 the 7,000 points -- approximately 7,000 points that you
18 plotted in this exhibit GPS locations for the Samsung
19 Note 8 device? Is that your testimony?

20 A. As it relates to the information that was retrieved,
21 yes.

22 Q. That's a separate question because -- because you
23 indicated that the data included other people's locations.
24 Did I misunderstand you?

25 A. That wasn't until 8:25.

1 Q. Okay. So the 7,000 points in your report that you say
2 is on this flash drive and that's plotted are those 7,000
3 associated with Elizabeth Peterson on July 23rd of 2018?

4 A. All of them are, yes.

5 Q. And that's your testimony?

6 A. Yes.

7 Q. I showed you previously what I've marked as
8 State's 109. Do you recognize the first page of this
9 spreadsheet?

10 A. Yes.

11 MS. FULLER: At this time, Your Honor, the State
12 seeks to introduce the defense's location data. It's,
13 for the record, not the entire page, but I do have a
14 disk that I can make a Court exhibit. It was 683 pages
15 once shrunk to a printable format, but just introducing
16 a number of pages from it as State's 109.

17 THE COURT: So you're seeking State's Exhibit 109,
18 the report you just showed her --

19 MS. FULLER: And the entire thing is on a disc and I
20 can mark that as 110.

21 THE COURT: Okay.

22 Without objection, Ms. Moore?

23 MS. MOORE: I haven't seen the contents of the disc.
24 Is it just backup?

25 MS. FULLER: It's just gonna be for ID. Just so

1 it's in the record the whole thing. I can establish it
2 later.

3 (State's Exhibit Number 109, excerpt from location
4 report, was admitted into evidence.)

5 (State's Exhibit Number 110 was marked for
6 identification.)

7 BY MS. FULLER:

8 Q. So looking at State's 109, and I'll leave your maps
9 on the TV and 109 will be in the center here, you provided
10 without the grid lines, but other than that this is the
11 data you indicated you relied on, correct?

12 A. Correct.

13 Q. And jumping to -- and down here listed as page 1 of
14 683, jumping of the last page of this where it says
15 page 683 of 683, this would be where the data ends on your
16 spreadsheet?

17 A. Correct.

18 Q. So going back here looking at these columns here, that
19 says estimated speed, correct?

20 A. Correct.

21 Q. And what unit of measure is the estimated speed
22 recorded in?

23 A. I'm not sure.

24 Q. The next column is smooth latitude. What does that
25 indicate?

1 A. That's the latitude and the longitude.

2 Q. Just this column?

3 A. The latitude.

4 Q. Okay. And jumping here, this column says latitude.
5 What's that?

6 A. That's your coordinates, your GPS coordinates.

7 Q. How does the smooth latitude and the latitude
8 correspond?

9 A. One is your -- one's your GPS coordinates, your
10 latitude and your longitude. That's your location --

11 Q. Right.

12 A. -- based on -- that's your Earth location.

13 Q. Which one? The smooth latitude or the column that
14 says regular latitude?

15 A. That's your location. That's how you -- that's how
16 you can narrow down your place and location.

17 Q. Right.

18 A. Without -- without both of them you'd have -- you'd
19 have no -- you'd just be in the Earth.

20 Q. Well, that's latitude and longitude. I'm asking when
21 a column reports smooth latitude and latitude. I'm not
22 asking about the longitude and smooth longitude yet. I'm
23 asking how the --

24 A. My apologies. I'm sorry.

25 Q. I'm asking how does smooth latitude and latitude

1 correspond?

2 A. I don't know.

3 Q. And this is the data you relied on to generate --

4 A. I relied on --

5 Q. -- the Court exhibit?

6 A. Correct. Because that data is put into the KML file.

7 Q. Which one did you put in, the smooth latitude or the
8 latitude?

9 A. It's exports the whole KML file from -- it's from
10 Cellebrite.

11 Q. I understand that. But as a forensic expert I'm
12 asking you to explain this to the jury.

13 A. I can't explain something I don't understand.

14 Q. In terms of estimated speed and raw speed for this
15 dataset, what would that indicate?

16 A. I'm not sure.

17 Q. Looking now at this column that says timestamp, what
18 does the timestamp indicate?

19 A. The timestamp's in microseconds -- micro milliseconds.

20 Q. In Unix time, correct?

21 A. Correct.

22 Q. And to convert to Unix -- from Unix time to Eastern
23 Standard Time, what tool did you use?

24 A. That is -- it's -- that's actually transposed in
25 Cellebrite.

1 Q. What tool did you use?

2 A. Cellebrite.

3 Q. Walk me through your method, please.

4 A. The information that your -- I was given from the UFED
5 from the raw data, put that into the Cellebrite analyzer
6 and it analyzes that data.

7 Q. Okay. And then the next step?

8 A. And then from that data I -- from the location --
9 from the analyzed data from the location history I export
10 a KML file. The CSV file is created for the ZetX program
11 to upload the CSV file because it transfers it into a KML
12 file for Google. I don't know -- I don't know how the
13 program back end works. It transfers that information and
14 -- from a CSV over to a KML. I'm not the creator of the
15 program, so I don't know the coding on the back end of
16 that.

17 Q. In terms of being able to tell the jury that that
18 timestamp that is in Unix time, which the base time is,
19 what, 1970, January 1, 1970, in milliseconds Unix time to
20 convert it over to Eastern Standard Time for them to rely
21 on this Court exhibit. That's my specific question. What
22 steps did you take to confirm that that timestamp, which
23 is a bunch of numbers that you would have to be a
24 mathematical genius to stand here and say what time that
25 is, how did you --

1 A. Cellebrite gives you the option.

2 Q. Right. Walk me through your steps in Cellebrite.

3 A. Cellebrite gives you the option to choose if you
4 want it in micro milliseconds from UTC 1970 and there's
5 different -- different options that you can -- days from
6 -- days from UTC, months, years, nanoseconds, micro
7 nanoseconds, micro milliseconds.

8 Q. I guess my specific question is walk me through your
9 -- you open your portal, right? You have to select the
10 timestamp column, correct? And how did -- from there how
11 did you convert the timestamp that is in Unix time to
12 Eastern Standard Time? And I keep asking the same
13 question, but I'm not getting the full method of what you
14 used or I don't understand it.

15 A. I can pull it up for you as an exhibit on a Cellebrite
16 reader file.

17 Q. You didn't prepare to do that and explain that jury
18 today?

19 A. I can, yes, ma'am.

20 Q. You didn't prepare something already?

21 A. It's -- it's here. Yes, ma'am.

22 Q. That's fine. And just to confirm, this column, even
23 though you can't tell me the difference, this would
24 indicate that the device was in motion, correct?

25 A. Correct or stationary.

1 Q. And this data in the Zendrive of the extraction is
2 not solely what you used to create that exhibit; is that
3 correct?

4 A. That's incorrect. I used the -- the data from the
5 physical extraction. I took the physical extraction, the
6 data that I was given from the -- from the analyzed data
7 from the physical analyzer. I exported that data.

8 Q. So if I told you that in the 683 pages I didn't see
9 8:25 PM in that report you sent us last night, what would
10 you tell me?

11 A. What was that question again? I'm sorry.

12 Q. If I tell you that in the 683 pages -- because you
13 indicated that on page 683 this was the end of the data
14 that you relied on where it has a speed of zero in this
15 column. If I told you that I do not see 8:25 PM, what
16 would you tell me?

17 A. I would have to ask did you transpose the time?

18 Q. I did.

19 A. And the time was?

20 Q. Not 8:25 PM.

21 A. Okay.

22 Q. So what other sources did you use to generate this?
23 Because I don't have it all.

24 A. I have everything that I -- I generated last night and
25 I can open it up.

1 MS. FULLER: That's all I have.

2 THE COURT: Redirect.

3 REDIRECT EXAMINATION

4 BY MS. MOORE:

5 Q. Did you manipulate this data in any way?

6 A. No, ma'am.

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

8 THE COURT: Any recross?

9 MS. FULLER: No, Your Honor.

10 THE COURT: All right. The witness is excused.

11 (Witness excused.)

12 MS. MOORE: Your Honor, may we have a ten-minute
13 break?

14 THE COURT: Can you-all approach real quick, please?

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

16 THE COURT: Folks, let's just take five minutes
17 briefly and I'll get you back in here. At least you
18 didn't have to stay long this time. It was only twenty
19 minutes or so. We'll get you back here in a few minutes.
20 Please don't discuss the case.

21 Thank you.

22 FOREPERSON: Yes, sir.

23 (Whereupon, the jury retires to the jury room at
24 11:30 AM.)

25 THE COURT: All right, folks. I hope this is a

1 short recess.

2 (Recess taken at 11:30 AM.)

3 (Back on the record at 11:38 AM.)

4 BAILIFF: Court's back in session.

5 THE COURT: Ms. Moore.

6 MS. MOORE: Your Honor, at this time the defense
7 rests.

8 THE COURT: All right. The defense has rested.

9 Let's do this for the benefit of -- well, the
10 jury's not here. Let's go ahead and you renew all your
11 previous motions?

12 MS. MOORE: Yes, sir, Your Honor.

13 THE COURT: All right. That would include your
14 directed verdict motion from yes -- what day was it?
15 Yesterday?

16 MS. MOORE: Correct. Thank you.

17 THE COURT: All right. The record will reflect
18 those motions are renewed and remain denied.

19 Does the State anticipate any rebuttal witnesses?

20 MS. FULLER: Yes, Your Honor. As a matter of
21 housekeeping, the e-mail that we received, along with
22 the data, I do want to make a Court exhibit from the
23 defense yesterday.

24 THE COURT: I'm sorry, Ms. Fuller. Can you --

25 MS. FULLER: The e-mails that we received from the

1 defense. I apologize. I want to make a Court exhibit.

2 THE COURT: All right. So when you say the e-mail,
3 that's the CD that just contains the e-mails you received
4 last night basically?

5 MS. FULLER: That the Court was copied on, I believe.

6 THE COURT: Okay. Well, correct.

7 (Court's Exhibit Number 7 was marked for
8 identification.)

9 THE COURT: All right. So obviously we have some
10 reply testimony here. That will be limited to rebuttal
11 of matters raised by the defense rather than to completing
12 the plaintiff's case in chief, which I know you-all are
13 familiar with, but I'm just saying.

14 Anything else before we bring the jury back in and
15 move onto whatever reply witness or witnesses you have?

16 MS. FULLER: Nothing, Your Honor.

17 THE COURT: Everyone's here that you need?

18 MS. FULLER: Yes, Your Honor.

19 THE COURT: All right. Let's bring them back.

20 Time out. I'm sorry. You rested. When they come
21 back in, Ms. Moore, I need you to stand up and rest and
22 then I'll ask the State if they have any additional
23 witnesses and we'll go from there.

24 BAILIFF: Are you ready, Judge?

25 THE COURT: Now I'm ready.

1 (Whereupon, the jury return to the courtroom at
2 11:42 AM.)

3 THE COURT: All right. Please be seated.

4 All right. What's next from the defense?

5 MS. MOORE: Your Honor, at this time the defense
6 rests.

7 THE COURT: Very well.

8 Ladies and gentlemen, the defense has rested.

9 Madam Solicitor, does the State have any reply
10 witnesses?

11 MS. FULLER: The State does.

12 THE COURT: Okay. Proceed.

13 MS. FULLER: Thank you, Your Honor.

14 The State calls Mike Phipps.

15 (Whereupon, Michael Phipps was duly sworn by the
16 Clerk of Court.)

17 THE CLERK: If you'll have a seat up there and
18 state your name and spell your last name for the record.

19 THE WITNESS: It's Michael Phipps, P-H-I-P-P-S.

20 MICHAEL PHIPPS,

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. FULLER:

24 Q. Can you introduce yourself to the jury? Where are you
25 currently employed?

1 A. Currently I'm unemployed.

2 Q. And can explain that to the jury?

3 A. Yes. I previously worked for the Lexington County
4 Sheriff's Department for twenty-five years. I was in a
5 position and able to retire with twenty-five years of
6 service and I'm prepared to return to the sheriff's
7 department in just over a week. The State requires a
8 30-day separation from the time you retire before they can
9 rehire you, so I'm in that retirement phase.

10 Q. And when you were employed at the sheriff's
11 department, can you explain to the jury in what capacity?

12 A. My last post and the post I'll return to was as a task
13 force officer with the Secret Service. My title with the
14 sheriff's department was a forensic technology examiner.

15 Q. And can you explain that to the jury?

16 A. Just like with any digital forensics, we deal with
17 anything -- trying to -- trying to extract data from any
18 digital device in a forensic manner for the purpose of
19 criminal prosecution or criminal investigation to include
20 GPS devices, cell phones, DVR systems, info entertainment
21 systems out of vehicles, drones, Internet devices. Just --
22 just anything that's digital.

23 Q. And how long have you served in that capacity?

24 A. I was a full-time examiner since 2015. I started in
25 digital forensics as a collateral duty to my crime scene

1 duties in 2005 and I was a task force member since 2010.

2 Q. And can you describe to the jury your training and
3 experience in the field of digital forensics?

4 MS. MOORE: Your Honor, I will stipulate to
5 Mr. Phipps -- Investigator Phipps' qualifications.

6 THE COURT: Okay. Do you still want to ask a
7 little more bio?

8 MS. FULLER: Thank you, Your Honor.

9 THE COURT: Okay.

10 BY MS. FULLER:

11 Q. Can you, please, explain to the jury your training and
12 experience in this field?

13 A. Again, my training dates back to 2005 when I first
14 started taking courses in digital forensics. Of course, it
15 was just a collateral duty at that time. As I progressed
16 up through 2015 and it became a full-time duty, I devoted
17 much more time to training and on-going continuing
18 training. At this point I have over 900 hours in training
19 in various areas of digital forensics.

20 Q. What tools do you use?

21 A. We use a multitude of tools within the lab. We also
22 use the Cellebrite that's been spoken of. We use a couple
23 of different versions of it. I don't currently use the
24 4PC, which I think the defense expert used in this case.
25 I use the UFED Touch that was mentioned.

1 Q. And have you testified in court before as an expert in
2 the field of digital forensics?

3 A. Yes, ma'am.

4 Q. Approximately how many times?

5 A. Over twenty times.

6 Q. And as relates to performing forensic examinations and
7 in this field, how many examinations have you performed
8 throughout your career?

9 A. I don't really count, but it's -- it's over a
10 thousand. Well-over a thousand.

11 MS. FULLER: At this time, Your Honor, the State
12 seeks to introduce Investigator Mike Phipps or Former
13 Investigator for the next week Mike Phipps as an expert
14 in the field of digital forensics.

15 THE COURT: Without objection?

16 MS. MOORE: Yes, sir.

17 THE COURT: All right. Ladies and gentlemen, this
18 witness will be qualified in the area of digital forensics
19 and he can give opinion in that area. It doesn't mean
20 you have to accept the opinion, but it's evidence for you
21 to use in any way you see fit.

22 MS. FULLER: Thank you, Your Honor.

23 BY MS. FULLER:

24 Q. Investigator Mike Phipps, can you explain to the
25 jury, and specifically in this case, did you perform

1 examinations on a Samsung Note 8, what type of tool you
2 used, as well as the type of extraction you were able to
3 obtain?

4 A. Yes. My -- I examined this device a couple of times
5 since it was originally collected. The most recent being,
6 let's see, November 11th of 2022.

7 Q. And what tool did you use?

8 A. At that point in time, if my memory serves me
9 correctly, we used a Cellebrite product called Cellebrite
10 Premium.

11 Q. And can you describe to the jury how you actually --

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

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

14 BY MS. FULLER:

15 Q. And just so it's clear on the record, you testified
16 that you looked at this device a couple of times and most
17 recent being November. Is this when you were able to
18 actually access the device?

19 A. We accessed it previously. We weren't able to get a
20 physical on the previous examinations, but this time we
21 were.

22 Q. Okay. So previously before -- I'm a little confused.
23 So back then for the Samsung Note 8, you were able to get
24 into the device?

25 A. Previously we -- we were able to access the device at

1 a logical level, possibly file system, I don't recall
2 exactly, but the software -- even though you can get into a
3 device doesn't necessarily mean you can pull a physical, so
4 even if you unlock your phone and hand it to me depending
5 on the platform, whether it's Apple or Android, you know,
6 whether it's Samsung or Kyocera, what version of operating
7 system, all those play into it and the software that we
8 utilize to do these extractions has limitations. So
9 sometimes it's able to get a physical, sometimes it isn't.
10 So back in the day we weren't able to get a physical.
11 Utilizing the tool I used in 2022, I was able to get a
12 physical.

13 Q. Okay. So back then -- I don't have an extraction from
14 back then. What I have is from last year; is that correct?

15 A. Correct.

16 Q. I just want to make sure that's clear for the record.

17 A. Yeah.

18 Q. In terms of -- we went over -- the jury's already
19 heard about different types of extractions. Can you break
20 down what's exactly the physical extraction?

21 A. Well, a physical extraction is that raw data, the
22 binary data, the ones and zeros for the entire device, the
23 memory space that's occupied on the phone.

24 Q. And from there what do you have to do with that data?

25 A. We have to parse it in a tool that's able to read that

1 date, read the headers and footers and make sense of the
2 data and organize it in a human readable format.

3 Q. And did you do that in this case?

4 A. Yes.

5 Q. And what format did you provide that in?

6 A. Utilizing Cellebrite's physical analyzer and it was
7 provided on disc in a UFED reader format.

8 Q. I'm gonna show you what's already in evidence as
9 State's 107 and it has your name on it and ask if you are
10 familiar with this generated report?

11 A. I'm familiar with it in the sense that it was e-mailed
12 last night, but I've not seen it and I did not generate
13 this report.

14 Q. Okay. And putting it on this document here, looking
15 at State's 107, it indicates your name on here, but your
16 testimony is you didn't generate this report?

17 A. That's correct.

18 Q. Can you explain that to the jury?

19 A. When -- in physical analyzer when you go to export
20 the data, there's a field that you fill in, you can put
21 anything in it, the same as case number and the same as
22 for evidence. So, obviously I typed my name in there to
23 identify this as a product that I generated. Later on that
24 UFED reader report, if someone has it in hand, in theory
25 they can open the reader and they can generate a sub report

1 from that reader, so there's actually a box up there that
2 they can click and they can narrow the scope of the report.
3 So I believe in this instance this report's dealing with
4 just three artifacts and it's obvious that if my original
5 data was used it was loaded into the physical analyzer and
6 then the scope of that data was narrowed to those three
7 artifacts that they wanted to report out. As far as being
8 able to change the examiner name, you most certainly can.
9 It's free-type field. You can type over it and change the
10 name of the person that's generating the report.

11 Q. And when you say artifacts, we haven't heard that
12 before. What are artifacts?

13 A. Well, artifacts are what we generally consider the
14 different categories on the phones, such as photos, text
15 messages, recordings, databases. It's a general term for
16 the items that we recover from the phone.

17 Q. Flipping now to page 3 of this exhibit, it looks like
18 GPS information here for 2022. Did your version of the
19 UFED reader for the Samsung Note 8 contain that
20 information?

21 A. It did not.

22 Q. And how do you know that?

23 A. Well, I conducted my exam -- let's see. I was
24 utilizing Cellebrite Physical Analyzer Version 7.58.0.66
25 conducted November 14, 2022. The version of software used

1 here to generate this sub report is a more recent version
2 and it would be physically impossible for data that
3 represents locations after the point that I generated my
4 report. It would just -- I mean, that would be making up
5 stuff at that point. So I don't have an answer for how
6 date and time and location information for just a few
7 months ago -- a few weeks ago rather is appearing in this
8 sub report which it's allegedly based off data that I
9 supplied.

10 Q. And so to be clear, if this data is obtained -- well,
11 let me ask this a better way. That device has been in
12 evidence to the best of your knowledge since it was seized
13 from the crime scene; is that correct?

14 A. Except for when it's brought out for examination, yes.

15 Q. And when it's brought out for examination, would that
16 impact whether or not 2022 data is retrieved from the
17 device?

18 A. When it's brought out obviously we have to physically
19 power a device on to examine it, so there is a chance that
20 things can update at that point, but obviously you wouldn't
21 see data for projected time in the future beyond the date
22 of the exam.

23 Q. And so if there are -- if the report has data points
24 throughout December and November of 2022, would that
25 information have been obtained in a different way?

1 A. I -- yes. I don't have an answer for what the data
2 respects or where it came from.

3 Q. Looking at State's Exhibit 109, this is the defense's
4 location information, it's just a portion of the report,
5 did you have an opportunity to review this last night?

6 A. I did.

7 Q. And are you familiar with how -- the reporting
8 structure?

9 A. Yes, ma'am.

10 Q. I'm gonna publish it now and ask you if you can
11 explain where is this located on the extraction? Starting
12 up here, the name of the file, the Zendrive, can you
13 explain that to the jury?

14 A. So that com.dotZENdrive path that you see there is
15 the SQLite database that that data has been carved from or
16 exported from, more specifically, the GPS table within that
17 database, and that database is part of the Life360.

18 MR. McNAIR: Judge?

19 MS. FULLER: Judge?

20 JUROR: Can you use your pointer to point to what
21 you're talking about up here?

22 MS. FULLER: I apologize.

23 THE COURT: I thought something was bad wrong there
24 for a minute.

25 MS. FULLER: I thought so, too.

1 JUROR: I apologize.

2 THE COURT: All right. Thank you-all for asking.

3 THE WITNESS: So up here we've got the SQLite file
4 name and we've got the name of the database that the data
5 was pulled from and specifically within the database --
6 within the SQLite database you have multiple tables and
7 the table listed there is the GPS data and so the data
8 represented in that spreadsheet is specifically from
9 the GPS table within the Zendrive database, which is a
10 database embedded within the Life360 application.

11 BY MS. FULLER:

12 Q. And in that database whose information would be
13 contained in that Zendrive?

14 A. I had to research that because I wasn't familiar with
15 Zendrive. Zendrive is a company that specializes in
16 developing applications that get embedded in other people's
17 applications. So if an insurance company wanted to develop
18 an app you installed on your phone that allowed them give
19 you a discount based on your driving, you know, if you're
20 a good driver, you get a discount, they would utilize this
21 product that Zendrive offers and that's what the SDK in
22 that path means. It's a software development kit. So
23 evidently Life360 bought that -- the rights to that and
24 incorporated it within their application as well, so it's
25 doing a lot of background logging that you may not see in

1 the native Life360 app itself.

2 Q. And the native app would be on the user interface
3 portion; is that correct?

4 A. Yes, that's correct.

5 Q. So this is logging that is done essentially in the
6 background?

7 A. Yes, ma'am.

8 Q. And in terms of this data here the way it's reported
9 out, did you have the opportunity to also verify the
10 defense's document with your own records?

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

12 Q. Looking here there are columns here. Smooth latitude,
13 latitude, longitude, smooth longitude that I've pointed to.
14 Are you familiar with the difference in that titling or
15 classification?

16 A. I don't have direct information about it. I could
17 make an assumption based on what I've researched about the
18 company and how they do their -- their modeling.

19 Q. Can you explain that to the jury based on your
20 experience and what you've researched?

21 A. Again, Zendrive, their specialty is utilizing all the
22 sensors on the phone to collect the data that they use. So
23 in addition to just GPS, your phone has an accelerometer
24 built into it so it can sense movement and direction, XYZ
25 axis. I'm sure it's utilizing the microphone. All the

1 sensors that are incorporated within your phone it utilizes
2 and whenever you're relying on data like that occasionally
3 you may have an erroneous recording of a data point so you
4 may get a point that just doesn't make sense, it's way off
5 out in nowhere. So smoothing most likely refers to an
6 algorithm they use to kind of normalize that data so that
7 they don't get, you know, something that's way off base,
8 it kind of brings it all in and shapes it into a form that
9 keeps it on track so to speak.

10 Q. And in terms of when it comes to accounting for
11 latitude and longitude, for example, to the reliability of
12 it, what data points would you use?

13 A. I would use the raw data, the one listed as latitude
14 and longitude.

15 Q. And I'm just gonna point it out for the jury. It will
16 be this column, the latitude and longitude column?

17 A. Yes, ma'am.

18 Q. In terms of estimated speed and raw speed, can you
19 explain to the jury what that indicates?

20 A. Again, it's probably utilizing various different
21 methods because, again, they -- they tout that they utilize
22 sensor data other than GPS data. So without speaking to
23 the software developer that wrote it and how they do their
24 work, you really wouldn't know what -- even what the units
25 of measure are. I haven't researched it.

1 Q. So you would have to reach out to a Life360 or
2 Zendrive developer expert to be able to understand this
3 data?

4 A. Or another examiner that's already done all that
5 research. Yes, ma'am.

6 Q. When it comes to the latitude and longitude, are you
7 comfortable with identifying the location that reflect that
8 latitude and longitude in the data?

9 A. Yes. In plotting it, it seems very accurate data.

10 Q. And this timestamp column has a bunch of numbers in
11 here. Are you able to interpret that by simply eyeballing
12 it?

13 A. No, ma'am.

14 Q. And can you explain the unit of measure or report the
15 timestamp column for these records?

16 A. Again, as already been testified to, that's a Unix
17 timestamp in milliseconds and there are software tools that
18 allow you to do a conversion to a human readable format.

19 Q. And can you just walk the jury through your method of
20 actually converting that time into Eastern Standard Time?

21 A. As already been testified to, there is a tool within
22 Cellebrite. It's a SQLite database viewer and it allows
23 you to go in and open this up and see the native Unix
24 timestamp and then there's a converter at the header of
25 that column that allows you to select various conversion

1 factors and you're able to click on that and it will
2 automatically convert all that to a UTC time.

3 Q. And what is UTC time? I know we've heard it already,
4 but I want you to explain it.

5 A. It's -- it's what used to be referred to as Greenwich
6 Mean Time, so it's just a time point that everyone agreed
7 on to within -- on the globe a point -- a geographical
8 point where you could say that 1:00 PM UTC time is the same
9 time all around the world. Everyone could figure out, you
10 know, what that was based on where they were.

11 Q. I'm gonna mark as exhibit -- as it relates to the
12 location data that we already see there, did you generate
13 your own document?

14 A. I did. Yes, ma'am.

15 Q. And did you convert and account for the timestamp?

16 A. I did. I did the conversion within Cellebrite and
17 exported a table that has the time conversions that
18 Cellebrite provided which are, again, in UTC time.

19 Q. And were you able to verify that as well?

20 A. Yes. I used another -- another tool. I used Decode
21 version 5.5. It's a free software tool. You can take the
22 Unix time and just copy and paste it into the tool and it
23 does that conversion for you, too, so you can validate your
24 findings.

25 Q. And the data that you provided, you e-mailed to me

1 this morning; is that correct?

2 A. Yes, ma'am.

3 MS. FULLER: Your Honor, I'll make a Court exhibit
4 -- a State's exhibit for ID as 114.

5 THE COURT: Very well.

6 (State's Exhibit Number 111, 112, 113 and 114 were
7 marked for identification.)

8 BY MS. FULLER:

9 Q. I'll hand you what's been marked for identification as
10 State's 111, 112 and 113 ask you if you recognize them?

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

12 Q. And looking at State's 111, is this a portion of the
13 report that you generated accounting for the timestamp?

14 A. It is.

15 Q. And then looking at State's 112, is this just a
16 different interface for converting the timestamp to Eastern
17 Standard Time?

18 A. Yes, that's an online web based conversion tool you
19 can pull up.

20 Q. And looking at State's 113, does this account for
21 one of the location points on the records that we have
22 regarding State's 111?

23 A. Yes, ma'am.

24 Q. And you verified this latitude and longitude?

25 A. Yes, ma'am.

1 MS. FULLER: Your Honor, at this time the State
2 seeks to introduce into evidence State's 111, 112 and
3 113.

4 MS. MOORE: No objection.

5 THE COURT: All right.

6 I'm sorry, Ms. Fuller, what's the number on that one?

7 MS. FULLER: I apologize, Your Honor.

8 THE COURT: You said it. I just --

9 MS. FULLER: 111, 112 and 113.

10 THE COURT: All right. State's Exhibit 111 through
11 113 are admitted in evidence.

12 (State's Exhibit Number 111, Phipps' Location Data,
13 State's Exhibit Number 112, a Unix Time Converter, and
14 State's Exhibit Number 113, a Location Map for 1:32 PM,
15 were admitted into evidence.)

16 MS. FULLER: Thank you.

17 BY MS. FULLER:

18 Q. Relying on defense's exhibit -- the defense's record
19 that was sent, State's 109, there's a highlighted line here
20 in this column that indicates a zero. Can you explain to
21 the jury what that would indicate?

22 A. According to the application, it's not sensing any
23 movement in the phone or device, so no forward or backward
24 movement.

25 Q. So even though for the -- and that's the estimated

1 speed and raw speed column; is that correct?

2 A. Correct.

3 Q. And so we don't know the unit of measure here, but
4 zero is zero in almost every language, correct?

5 A. Yes, ma'am.

6 Q. And so for here this would indicate that the device
7 is not in motion, correct?

8 A. That would be my assumption. Yes, ma'am.

9 Q. And then prior to here is -- do you see the column
10 above the highlighted there's data points in the estimated
11 speed and raw speed column; is that correct?

12 A. That's correct.

13 Q. In looking at the defense's records in this column for
14 the timestamp it is 153236713853; is that correct?

15 A. That is correct.

16 Q. Publishing now State's 112, is this the Internet
17 currentmillisdotcom information that inputs that
18 milliseconds into a converter?

19 A. It is.

20 Q. And were you able to confirm that this conversion
21 lines up with what you generated on your report using
22 Cellebrite, as well as the additional method of validation?

23 A. It does. Yes, ma'am.

24 Q. And up here the time the website was accessed, this
25 would be this information, the UTC time and the Unix time,

1 which would have been local time this morning at 6:54
2 Eastern Time?

3 A. That is correct.

4 Q. And over here do you see the milliseconds that I just
5 published inputted into this converter?

6 A. I do.

7 Q. Looking at this UTC time and date for defense's
8 records that they relied on that's highlighted here in
9 State's 109, can you publish for the record the UTC time?

10 A. The UTC times resolves back to Monday, July 23, 2018,
11 at 17:32.

12 Q. And what would have been local time on July 23rd of
13 2018?

14 A. When you do the conversion back to local, you end up
15 with Monday, July 23, 2018, at 13:32.

16 Q. And what is that in standard time?

17 A. It's 1:32 in the afternoon.

18 Q. So 1:32 PM is on their records when the phone was no
19 longer in motion; is that correct?

20 A. That is correct.

21 Q. Oh, I apologize if it didn't focus. Okay. And that
22 will explain 112.

23 Now looking at their records for the latitude and
24 longitude, looking at State's 113, were you able to verify
25 the latitude and longitude associated with 1:32 PM?

1 A. Yes, using online Google.

2 Q. And it was accurate based on --

3 A. Yes, ma'am.

4 Q. Looking at State's 113 for that time, looking at
5 State's Exhibit 113 for 1:32 PM on July 23, 2018, where is
6 that device located?

7 A. I can't see it. I'm not familiar with the address,
8 so.

9 Q. Is that off Sandspur Road?

10 A. It is.

11 Q. And that's the mobile home where this incident
12 occurred?

13 A. That's what I've been advised. Yes, ma'am.

14 Q. Looking back at their data, and then I'll get to you
15 yours, defense expert confirmed that the data ends here on
16 page 683, which is a portion of the report, and I'm gonna
17 flip each page and can you confirm that the estimated
18 speed, as well as raw speed columns, which are the extreme
19 left and right columns, remain at zero?

20 A. They do. Again, it's still zero. Still showing zero.
21 Again.

22 Q. And based on your review of the records, did the last
23 entry for the data provided by the expert line up with the
24 evidence that you have -- the report that you generated as
25 well?

1 A. I'm sorry. Say that one more time.

2 Q. Does defense's exhibit line up with the exhibit you
3 generated in terms of the information and the data points
4 available?

5 A. Yes. I went back to my original extraction, went to
6 the same database that was provided to us and did my own
7 pull from that database and obtained the same results.

8 Q. Looking at what you generated, which is in
9 State's 111, focussing now on the timestamp column, did
10 you use the software to convert the time?

11 A. Now I'm not real good with Excel unfortunately, so
12 the extraction you see here is what came straight out of
13 Cellebrite after Cellebrite converted it from the Unix time
14 code to a UTC time.

15 Q. So you didn't alter this in any way?

16 A. I did not.

17 Q. And this time is in reverse order compared to theirs,
18 so this would be the last entry at the top, correct?

19 A. Yes, ma'am.

20 Q. And can you publish that timestamp that I'm pointing
21 to here for the record?

22 A. Maybe my eyesight's a little poor. 17:38.

23 Q. And what's time is that in standard time?

24 A. After the conversion you have to subtract four hours
25 from it, so it would be 1:38.

1 Q. So that is 1:38 PM is the last data location
2 information that we have for that device, correct?

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

4 Q. And it's at the same location at the crime scene,
5 correct?

6 A. Yes, ma'am.

7 Q. In your review of the records, do you see the device
8 move south of Pelion at 8:00 that day?

9 A. No, ma'am, I do not.

10 Q. Did you find that in the records associated with the
11 actual device anywhere?

12 A. Not in my records. No, ma'am.

13 Q. And then just to confirm that last entry of no
14 movement is what -- the same location generally -- the same
15 location of the crime scene that we see in State's 113?

16 A. That's correct. Yes, ma'am.

17 Q. Now looking at the data points, just so it's clear for
18 the jury, the latitude and longitude, some of the columns
19 -- the initial numbers generally stay the same, but the
20 last column seems to bounce around. Does that at all
21 change the location of [REDACTED] Sandspur Road?

22 A. It does not.

23 Q. What accounts for the -- the fifth -- the sixth
24 decimal point increasing or decreasing?

25 A. It's just the way the phone's reading. It's not

1 collecting a high resolution of data so it truncates it to
2 sort of a more rounded figure.

3 Q. In your review of the data, did you identify -- how
4 many points for July 23rd as it relates to the device, how
5 many data points did you identify?

6 A. 3,097.

7 Q. Not 7,000?

8 A. Not for the date, no.

9 Q. Not for that date and not for that device -- not for
10 that user?

11 A. From that database in the table contained in that
12 database there are only 3,097 entries for July 23, 2018.

13 Q. As it relates to the -- I lost my train of thought.
14 I apologize. As it relates to the device location after
15 this point based on your examination, did you recover any
16 other data points for the device in your extraction?

17 A. I didn't examine the phone, and when I say examine the
18 phone, I'm talking about yesterday. In reviewing the data
19 that was presented, I was specifically looking at what was
20 printed by the defense expert from the table they indicated
21 that they were pulling the data for their exhibit from and
22 within that table I found nothing after that point.

23 Q. Okay. And that was -- thanks for answering the
24 question that I was attempting to ask.

25 MS. FULLER: I beg the Court's indulgence.

1 BY MS. FULLER:

2 Q. Were you in the courtroom for the Google Earth
3 demonstration?

4 A. I was, yes.

5 Q. And the timestamp on the image indicated 5:31, 5:32,
6 does that lineup with the dataset that you received last
7 night and the data that you examined yourself late last
8 night?

9 A. Yes. If you don't go further -- well, the data that
10 was provided to me in the Excel spreadsheet was in a Unix
11 time format, so that's dependent on who further resolves
12 that date code and makes it human readable and then applies
13 the proper conversions, so I'm not sure if I can answer the
14 question based on the way --

15 Q. So it showed what you testified to as 1:32. Their
16 exhibit said 5:32. What would account for that
17 discrepancy?

18 A. It appears that the four-hour local time offset to
19 convert from UTC to Eastern Daylight Time was not applied.

20 Q. In your review of the records, did you look at random
21 locations throughout the 3,000 entries that you had access
22 to?

23 A. I did.

24 Q. And prior to 1:32 PM what, if any, random locations
25 did you identify the device travelling to?

1 A. One I picked, I think it was around 1:00, if memory
2 serves correctly, was off 302 in a strip mall area in South
3 Congaree.

4 Q. Okay. And did that strip mall contain a liquor store?

5 A. Yes, it did.

6 Q. And did you see any other data points? Did you look
7 at any other ones on the route? But did the route
8 generally follow 302 back to the incident location?

9 A. It did. Yes, ma'am.

10 MS. FULLER: No further questions at this time.

11 THE COURT: Cross-examination.

12 MS. MOORE: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MS. MOORE:

15 Q. So the information that you received last night, is it
16 fair to say that that is not all of the databases on that
17 phone?

18 A. Well, there are hundreds of databases.

19 Q. And this was just the Life360, correct?

20 A. No, it was more specifically a subset of the Life360.
21 There are multiple databases within Life360.

22 Q. And on the entire phone there's 49,040 different
23 databases. Does that sound right?

24 A. Yes, ma'am.

25 Q. And so that -- if you had to do your own report and

1 come in here and testify and put that on the screen, what
2 other databases? Would you just use Life360 to come up and
3 generate that report?

4 A. It depends on what question I was trying to answer as
5 far as an evidentiary question.

6 Q. Well, you said twice that's it's your assumption. Did
7 you validate that information that you -- that we put on
8 the overhead?

9 A. You will have to be more specific.

10 Q. Well, what validation tools did you use?

11 A. As far as timestamps, I -- I testified that initially
12 I used the built-in time converter in Cellebrite physical
13 analyzer. I also used a free software tool, Decode version
14 5.5, as well as the online tool that the State's exhibit
15 represented, so there was three -- three ways to convert
16 the Unix into a UTC time.

17 Q. But when you're doing some kind of geomapping like
18 that or GPS mapping, the more databases you can gather for
19 different points and compare them to the -- to one of these
20 -- one of those reports, when you validate it don't you
21 check behind it and use other things that are on the phone
22 or other databases to ensure that that is -- that that
23 time's correct?

24 A. I was given the supporting document that the defense
25 was utilizing -- their expert was utilizing to create an

1 exhibit for the jury and my focus was on specifically what
2 they said that they were utilizing to create that exhibit.

3 Q. And that's the sub report, right, that you were
4 provided last night? Did you say that it was --

5 A. Which part are you talking about? The PDF document
6 or --

7 Q. Excuse me?

8 A. The PDF document or --

9 Q. Well --

10 A. The only report I received was the PDF document that
11 was generated by Cellebrite physical analyzer.

12 Q. But you didn't do this yourself?

13 A. No. It had my name on it, but I didn't do it.

14 Q. And that's because we, the defense, used the sheriff's
15 department's extraction and that was your name on there.

16 So you had performed the original extraction, correct?

17 A. I performed the original physical extraction that the
18 expert said she utilized in her exam. Yes, ma'am.

19 Q. And did you do that for court prep today or did you
20 just rely on that little bit of information that was
21 parcelled to you?

22 A. When I received the Excel spreadsheets that broke out
23 the databases that she stated she was utilizing in support
24 of this presentation, I reloaded my original extraction
25 that I did in physical analyzer and went to the path of

1 that database and pulled that specific table from that
2 database utilizing data that I knew that I was the one that
3 collected.

4 Q. But you admit that you did not analyze the full data?
5 Would you admit that?

6 A. Again, I'm at a loss as to what you're asking.

7 Q. Well, you didn't -- the little bit of data that was
8 sent to you in this report --

9 A. Right.

10 Q. -- that is not every database on that phone, correct?

11 A. No, ma'am, it is not.

12 Q. So you were only provided documents for -- how many
13 documents did you receive?

14 A. I received two Excel spreadsheets and a PDF document.

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

16 BY MS. MOORE:

17 Q. Was it the 9,000 pages that you looked at? Did you
18 review those, too?

19 A. 9,000 pages of what?

20 Q. I thought that was sent to you last night. There were
21 9,000 pages also sent for your review. Did you not see
22 that?

23 A. I received a PFD document that had my name on it for
24 a product that I didn't create, so I did not utilize any
25 data from that because I couldn't validate any of the data

1 contained in it, so I went back to my original extraction
2 and did my own independent exam based on what the defense
3 expert was saying that she utilized in her court exhibit.

4 Q. Well, if you couldn't validate it, why did you use her
5 data to testify?

6 A. I didn't use her data. I used my data.

7 Q. What -- so this morning you prepped this. Did you use
8 the Cellebrite service or a cloud base to prepare that?

9 A. What are we speaking of, ma'am?

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

11 That's all I have.

12 THE COURT: Redirect.

13 MS. FULLER: Yes, just briefly.

14 REDIRECT EXAMINATION

15 BY MS. FULLER:

16 Q. Investigator Phipps, just so it's clear for the
17 record, late last night you received records that the
18 defense relied on for their Google Earth demonstration; is
19 that correct?

20 A. Yes, ma'am, I did.

21 Q. And is your testimony that you -- instead of using
22 their data alone you went and reloaded the data to analyze
23 it yourself?

24 A. That is correct.

25 Q. You were able to confirm that the portion that I

1 displayed here in State's 109, the 683 document, which was
2 an Excel spreadsheet, you were able to confirm that this
3 information was on the extraction?

4 A. It was. Yes, ma'am.

5 Q. And in State's 111, you generated your own based on
6 your data and converted using Cellebrite the date and
7 times?

8 A. That is correct. From Unix to UTC time.

9 Q. And I asked you if you were in the courtroom during
10 their presentation and when they displayed that the device
11 got back to Sandspur Road at 5:32, what is your testimony
12 to account for the discrepancy?

13 A. The only thing I can explain is that if you map that
14 data without doing a conversion to Eastern Standard
15 Daylight Time you appear to see data that is shifted
16 forward by four hours in time.

17 Q. So your testimony as an expert in this field, who's
18 testified in court before, is that the last time the phone
19 was in motion was it arrived at Sandspur Road at 1:32 PM
20 that day; is that correct?

21 A. Yes, ma'am.

22 Q. And the last data point that you have is for 1:38 PM
23 and it's remained at Sandspur Road, correct?

24 A. Yes, ma'am.

25 Q. Did you receive any information from even the

1 defense's records and what your records -- that you said
2 they lined up, that the device left -- that there's any GPS
3 information proving that the device left Sandspur Road
4 after 1:38 PM on July 23, 2018?

5 A. That's a hard question to answer because they supplied
6 a FDF document that had data from a few weeks ago. I don't
7 know how to explain that, so I didn't utilize any of the
8 data within that document.

9 Q. Okay. So based on the data that is actually on the
10 device that you extracted, is there any information that
11 the device left the location on July 23, 2018 --

12 A. No, ma'am.

13 Q. -- at 1:38 PM? I apologize. Let me finish the
14 question. Based on the actual data that you extracted, is
15 there any records that show that the device left Sandspur
16 Road on July 23, 2018, after 1:38 PM?

17 A. No, ma'am.

18 MS. FULLER: No further questions.

19 THE COURT: Recross.

20 MS. MOORE: Briefly.

21 RE CROSS EXAMINATION

22 BY MS. MOORE:

23 Q. And I asked you on cross if you were aware that we
24 used your extraction because it was -- that report was
25 created by you when it was turned over in discovery to

1 us and so that's what -- you used your own extraction,
2 correct?

3 A. Yes. I -- I went back to my original, not -- not what
4 I provided. What was provided was an UFED reader and UFED
5 reader is a dataset that is not the raw extraction from the
6 phone. So I went back to the original raw extraction and
7 reparsed it in physical analyzer and did my own independent
8 validating that the GPS table within that database had the
9 same data that was presented in your Excel spreadsheet that
10 was e-mailed to me.

11 Q. So -- but information was selected or filtered. Can
12 you explain that? How -- when you do extractions, don't
13 they narrow it down?

14 A. No. The only time that an extraction -- that we do an
15 extraction where we intentionally narrow the scope is at
16 the direction of the judge and the search warrant indicates
17 that the scope is narrowed.

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

19 THE COURT: Okay. The witness may step down.

20 (Witness excused.)

21 MS. FULLER: Thank you, Your Honor.

22 Nothing further, Your Honor.

23 THE COURT: You-all approach, please.

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

25 THE COURT: All right.

1 THE COURT: Ma'am?

2 MS. FULLER: I have a brief matter.

3 THE COURT: Okay.

4 MS. FULLER: Your Honor, I'm not sure the best way
5 to handle this because I haven't experienced it before,
6 so I'm relying on the guidance of the Court. The 9,000
7 -- almost 10,000 page report that was received yesterday
8 went outside of the scope of what the Court order would
9 have allowed providing location information for my victim
10 up until approximately ten, eleven days ago, and that is
11 of great concern for the State and I'm sure would be a
12 concern for my victim. I plotted some of the locations
13 and I know where she was on New Year's Eve and no one
14 should know that information. No one is allowed to have
15 that information. I don't know -- I don't believe defense
16 counsel was aware, so I'm not making an accusation against
17 her, but it was done and it does need to be addressed, so
18 I'm respectfully requesting that it is addressed.

19 THE COURT: Well, I heard the testimony you noted
20 for the record. As far as taking some sort of action in
21 the next hour and fifteen minutes, I don't foresee that
22 happening, but the record will reflect what it reflects
23 and where we go from there we'll figure out after.

24 MS. FULLER: Thank you, Your Honor.

25 MS. MOORE: Thank you.

1 arguments of the attorneys are not evidence in this case.
2 Their statements and arguments are meant to help you
3 understand the evidence and apply the law to the evidence.
4 You should disregard any remark, statement or argument
5 which is not supported by the evidence presented during
6 the trial or the law that I'll explain to you after
7 their arguments.

8 Now at this time give your complete and undivided
9 attention to the attorneys as they make their closing
10 arguments.

11 MS. FULLER: Thank you, Your Honor. May it please
12 the Court?

13 THE COURT: Yes, ma'am.

14 MS. FULLER: Bang, daddy hurt; bang, mommy hurt.
15 Bang, bang Aaron; bang, bang towards David; three more
16 bangs towards Aaron, two bangs towards Lyz and MINOR,
17 and then back into the room until the gun clicks towards
18 David.

19 Bradley Walker, that man, is responsible. He did
20 this, but this trial felt like those two had to defend
21 themselves. Why? Because they live a nontraditional
22 life. Because they live a nontraditional life.

23 The judge will tell you questions -- questions are
24 not evidence, but you can't unhear what was suggested.
25 It was suggested to you-all that Elizabeth and David

1 orchestrated this. Questions, not evidence, but can you
2 really unhear that? No. No one's naive to that fact.

3 Now the defense did not have to put up a case, but
4 they did, and I submit to you despite flashing records
5 that if there was any -- any proof -- any proof that
6 Lyz orchestrated this or was responsible or pulled the
7 trigger herself, you would have seen it, but you didn't
8 because it doesn't exist. He did this. Him. Selfish.
9 Coward. Evil. He did this.

10 Now if Lyz is really responsible, she could have
11 given us a better script to work with. Presumably they
12 had the time. A better script. Don't let your face get
13 blown up. Don't take a head shot where everyone knows
14 that you might die. That's a better script, but I submit
15 to you that there is no script because this is real life.

16 Let's go back to the script. They're giving them a
17 lot of credit, too. So who would have shot Lyz? David,
18 right? That's their theory. That's their questions.
19 So he would have had to have taken a shot that occurs
20 right on the couch. All right, Lyz. Stay safe. I've
21 got to make sure I shoot you in just the right position
22 so that cotton can end up on the projectile so that when
23 you walk to the back rooms and the cops find the cotton
24 they can figure out where you were shot.

25 Bravo, David. He is that good of a shot. Bravo,

1 Bradley. He's that bad of a shot. That's what you guys
2 would have to believe.

3 Well, then who shot right-handed David? That is
4 some kills there. How would that have happened? Oh, and
5 then while he's bleeding get rid of the gun when there's
6 no signs of a blood trail. Please tell me how that
7 happened.

8 Questions, not evidence, but you can't unhear what
9 you heard. But evidence is what comes through that
10 witness stand. What comes out their mouths, what you
11 can see. Lyz was brave enough to take this stand knowing
12 she would be judged. Not only as a woman. She had to
13 sit there and talk about her lifestyle.

14 So let's back up to this script, right? If they're
15 setting Bradley Walker up, in her script, in her script,
16 did she really foresee the day she had to take this stand?
17 No woman wants to come up here and defend herself, have
18 to share her lifestyle. Who wants to do that? Even if
19 it was a traditional lifestyle, nobody belongs in her
20 bedroom in this courtroom. But I ask you guys, just like
21 my colleague did, separate that. Whether you have
22 preconceived notions about it, it is not a defense to
23 murder. You don't get away with killing someone and
24 almost killing three others just because of who you
25 killed. That is not the society we live in. That is

1 not Lexington County.

2 Now MINOR In opening, the defense wanted to
3 suggest to you that MINOR wasn't there. I hope you paid
4 attention to the EMT's testimony and what I emphasized.
5 I hope you picked up on it. I wanted to make sure that
6 you-all heard where MINOR was injured. Why? He's
7 three years old. And what did Barton say? That he had
8 shrapnel lodged not in his lower abdomen, not in his legs,
9 but in his upper abdomen. Do you know what that means?
10 And when he was on the stand, he pointed like this. I
11 hope you remember that and noticed that. And you're
12 wondering like why did I ask that? What does it matter?
13 Shrapnel's, shrapnel, and it hit him. No, what it tells
14 you is that three-year-old MINOR was facing his shooter.
15 What it tells you is that three-year-old MINOR was
16 standing up when his momma was shot.

17 Now she took that stand and she told you she didn't
18 know where he was, but she said he was somewhere behind
19 her. Unfortunately, Lyz didn't have the conversation
20 with a three-year-old you drop when you hear gunshots.
21 MINOR didn't have that conversation. You run when you
22 hear gunshots. MINOR didn't have that conversation.
23 MINOR had to be standing up, he's three years old, for
24 that shrapnel to be lodged, for it to be fresh, for it
25 to be causing bleeding on his stomach, upper stomach.

1 And then you heard the testimony and you saw crime
2 scene evidence that there were two shots that went into
3 that living room. We normally don't talk about the
4 grains, but grains were important because it was
5 important to show that two shots went into that living
6 room. The one that struck Elizabeth in the face, what
7 was recovered from her mouth that fell into the blue
8 hoodie, you remember that, was 105 grains. There was
9 fragments in the shampoo bottle, fragments on the floor
10 where she was, the fragment from MINOR combined amounted
11 to 150 so we know that the one that went into the kitchen
12 area that CSI Thom Smith said was a higher angle was a
13 separate bullet? And who was still standing up after
14 the first shot? MINOR isn't still alive because of that
15 man. Maybe because he was a bad shot. But trust me it
16 wasn't because he was trying to spare little MINOR. Who
17 else would he have been shooting at after the head shot
18 took her out?

19 Now let's talk about Aaron. You heard Dr. Ross who
20 performed the autopsy. He was shot in the back. Didn't
21 see it coming. And what you also have, which is rare,
22 is that exit shot the same height goes into that wall.
23 You'll have that diagram and you'll see that that means
24 that was the first shot. And what does that line up
25 with? Exactly what David said happened.

1 But let's go back to this script. David's a genius.
2 I have to shoot him at the right angle that it's gonna
3 stay straight and hit the wall so that when law
4 enforcement processes the scene there's more evidence of
5 what I'm saying. That's giving a man a lot of credit.
6 That's giving someone a lot of credit and asking you guys
7 to believe a lot happened for this to be orchestrated.

8 You heard the testimony that that shot alone was
9 fatal. Within thirty or forty-five seconds he would have
10 been immobile. I submit to you he never moved. He may
11 be coddled over, but we know his body had to switch
12 directions because the angles switch. So by the time he
13 shoots David and comes back grinning as he pumps more
14 rounds into Aaron, that the head shot was just good
15 measure. That's evil. That's malice that I'll talk
16 about shortly.

17 From the records you've seen that day, you don't
18 only have to rely on testimony, but you have records to
19 support this timeline. You probably wondered why we were
20 talking about the time. Because the time is important.
21 What you've heard and what you get to see is that he was
22 there for almost four hours. They remembered it as four
23 to five hours. Helping them move. How evil are you?
24 To then take out your fellow man. How evil are you?

25 At 12:03 that dispatch paperwork was done by Aaron.

1 By 12:43 PM Aaron gives Lyz a head's up. Brad wasn't
2 supposed to be there. Why did he go there? Why? At
3 12:43 when she gets the heads up that Brad's on 302,
4 which you've seen the maps and if you're familiar with
5 the area, he is on the way almost to Pelion. He shows
6 up unexpected. They believed he was supposed to go to
7 work.

8 Then in reply you got to see some cell phone maps,
9 some GPS data. You heard from our expert who said Lyz's
10 phone arrived back at Sandspur. He corroborated that
11 she went to some liquor stores to get boxes like they
12 testified and she was back about 1:32. Her testimony
13 was 1:00. Forgive them for not taking notes. 1:32 is
14 when her phone ends up back at Sandspur.

15 Now defense put up an expert. It's no fault,
16 everyone has to start somewhere, but respectfully she
17 only had seven months of experience and data she showed
18 you was not data on the device and she failed to account
19 for UTC time. A common mistake, but just like the
20 Facebook records you saw, most data comes over in UTC
21 time. You have to do the conversion. These are people's
22 lives we are talking about. This is Aaron Peterson who
23 deserves justice. This is Lyz and MINOR who deserves
24 justice. This is David who deserves justice. The expert
25 opinions have to be reliable and have to be based on

1 data.

2 Digital forensics is not easy work and when she
3 testified she didn't even show you all the data she
4 relied on. We showed you the data she relied on that
5 matched up with the data we had and you guys have because
6 we know you can't go back there and look it up yourselves.
7 You have the data, but you have an image from a converter
8 and you can match up the millisecond time yourself and
9 see what the converter said. You can see it for yourself.
10 It's that simple. I know it was a lot of jargon, digital
11 jargon, but go to the timestamp, check it, put -- look at
12 the converter and you'll see the time yourself. You can
13 see the zero and see that means the phone was stationary
14 and did not leave. That corroborates what they said the
15 entire time. The entire time.

16 So after he unleashes havoc on these people, he
17 leaves, and who sees his car? Debra Brown. You heard
18 from her. She has no dog in this fight. None. And
19 what does she tell you? She follows -- this car follows
20 her out, nobody following her following that car, just
21 that car on that road. And she says she got into the
22 supermarket check outline and it wasn't -- shortly
23 thereafter, I think her testimony was ten minutes, she
24 heard sirens. She has no dog in this fight. She even
25 testified -- she even testified that she didn't even know

1 her neighbors. No dog in this fight.

2 So then the timeline, State's 77, and you'll have
3 this back there. The 9-1-1 call at 5:43 PM. Why is the
4 arrival time of law enforcement important? Give David
5 some time to find a working phone, right? Give Debra
6 enough time to get to the grocery store and then look
7 at when law enforcement arrives on-scene. This was a
8 shooting. Lights and sirens. So when Debra said she
9 heard the sirens go by, and she testified the dump and
10 Shumpert's is approximately two miles from her house, she
11 heard the responders responding to this scene ten minutes
12 after his car goes by. He was there. He did this.

13 And let's talk about the next time that was
14 important. 6:21 the vehicle fire was reported, right?
15 At 6:33, fire got there. Why did I make sure you guys
16 saw that? And the question was asked were emergency
17 lights on? The answer was yes. Why? Why is that
18 important? He's on Pooles Mill sustaining second and
19 third degree burns the testimony shows of his upper
20 extremities. First responders are in the area.

21 If something -- if someone really did this to you,
22 what are you going to do? Run towards help. Not away
23 from help. Run towards the lights that are flashing.
24 But no, he goes deep into the woods. And you saw the
25 map. This was a wooded area in State's 4 where the car

1 is and he goes and finds someone's home instead of going
2 towards help. They're in the area for over thirty
3 minutes. What is he doing? And what don't you find?
4 His clothes. Why? Maybe they had evidence of a crime
5 on them. Picture yourself soaking wet trying to take
6 wet clothes off of you. That's work. Now picture
7 yourself sustaining burns and trying to take burned
8 clothes off of you. That's work.

9 Did he have his clothes on when he set the car on
10 fire? Who knows? But his burns are not consistent with
11 the behavior of fire. If he was sitting in the car when
12 the suggestion was made that someone doused it on fire,
13 his legs weren't burned. His back was burned. The chair
14 would have protected his back. You would not expect to
15 see the burns on his back. I submit to you that fire
16 moved faster than he could. The behavior of fire is
17 important. It goes towards the oxygen source, which was
18 up and out the window. Picture him standing at the car.
19 The murder weapon was not found. Nothing of his was
20 found. You can see pictures of the car. That fire went
21 up and out the window. Car door. Window. This is
22 protecting his lower extremities. If he was in his car,
23 you would expect to see burns, but you don't.

24 You got to hear from SLED firearms. The gun box
25 found by Janet Ross -- Janet Ross. I apologize -- from

1 Janet Long belonging to the defendant had the same brass
2 spent casings that matched at the crime scene. Not only
3 do you have that, but the gun that he claimed and sent
4 pictures of to people is consistent with what would have
5 been used at the crime scene. And where's the gun?

6 Defense pointed out droppings on the box. Don't
7 know when they got there, don't know how they got there,
8 but how does that fit into the script? How does that
9 fit into their theory? If David Hawkins did all this,
10 then he left to go to the apartment, put the box back,
11 dumped the gun somewhere, came back, set Walker on fire,
12 then goes back and shoots himself? Well, no, he had to
13 be bleeding before he put the box back. You-all help me
14 with that one, but you already know that the testimony is
15 that it's forty to forty-five minutes from the apartment
16 to Sandspur so you have to account for an hour and a half
17 drive time, which doesn't exist, plus the amount of time
18 from Sandspur to Pooles Mill, which the testimony is
19 thirteen minutes, so there and back, so that means they
20 would have had to be plotting this for over two hours and
21 a bleeding David would have had to drive to the apartment,
22 drop blood on a box, drive back, no signs of blood in the
23 car, but it happened to be on the box. It doesn't make
24 sense. I don't know where that stain came from. Don't
25 know if it's blood, don't know what it is, but that was

1 the question asked. Questions are not evidence, but you
2 heard it. But that doesn't fit into their theory. It
3 just doesn't make sense.

4 Now the recorder. You got to hear about a recorder.
5 Unfortunately it couldn't bring it full circle, but you
6 heard Lyz talk about she listened to it, she knows it
7 was from the day before. Surely she didn't know she was
8 being recorded. You heard that the recorder was found
9 in Walker's bag, you heard that, and it was turned over
10 to the police. Just maybe -- just maybe since she didn't
11 know she was being recorded Walker listened to whatever
12 was on that recorder and maybe just maybe that's why he
13 didn't go to work that next morning and just maybe that's
14 why he grabbed his gun and went to Sandspur. Just maybe.

15 So why else would a man plant a recorder? What did
16 he hear or what did he think he heard? Walker decided
17 that day to unleash evil on these people and his anger
18 towards Aaron. Aaron, who everyone described was the
19 mediator, but also Aaron had his gun on his waist fully
20 holstered. Aaron an excellent marksman, right? That was
21 some of the testimony. Just maybe he had to take Aaron
22 out first because he was bigger and better than him.
23 Just maybe. Just maybe he hated Aaron that much. Just
24 maybe. Because Aaron could reach for his weapon and
25 probably take him out because we know he's a bad shot

1 anyway. So he had to catch Aaron slipping when his back
2 turned. So with Aaron's back turned towards him, he
3 trusted him. He let him stay there and help him move
4 all afternoon. Aaron didn't see it coming because he
5 was in trusted company, and that includes Bradley Walker.
6 But Bradley Walker is a small, cowardly man so he had to
7 take out his biggest opposition.

8 The law in this case, and the judge will charge you
9 on the law, so you're gonna hear it twice. I apologize.
10 Murder is that simple. The killing of another person
11 with malice. Shooting at a three-year-old, shooting at
12 multiple people, attempting to finish others off, all of
13 that is malice. That's an evil heart, a depraved heart,
14 indifference. He didn't care about human life that day.
15 He did not.

16 And attempted murder, the same. Just attempts.
17 That's what the law says and this is our burden to prove
18 to you beyond a reasonable doubt that Bradley Walker
19 killed Aaron Peterson and attempted to kill Lyz Peterson,
20 MINOR and David Hawkins here in Lexington County.

21 Now proof beyond a reasonable doubt isn't proof
22 beyond all doubt. It is proof that leaves you firmly
23 convinced of that man's guilt. The law allows for
24 direct and circumstantial evidence. Direct evidence is
25 testimony. The words that you heard from this witness

1 box. Circumstantial evidence is a chain of events
2 essentially. It's like the played out example. You're
3 inside and you go outside and it's wet outside. You
4 didn't see it rain, you didn't hear the sprinklers on,
5 but your common sense tells you some water source ended
6 up wetting the grass. No one can tell you it did not
7 happen. No one can tell you that it did not rain or the
8 sprinklers didn't come on. You didn't see it, but you
9 know it happened. Circumstantial evidence.

10 Now the judge also charges you that you are the
11 factfinders. We all play a part. We all play a part,
12 but you-all are the sole judges of the credibility and
13 the believability of each and every witness that takes
14 that stand. Not the State, not the defense, not the
15 judge. You-all. And I know that's a high burden,
16 that's not easy, but only you twelve can do that.

17 Now if there is something that you wish should have
18 been done, could have been done by the State or law
19 enforcement or if there's something that you did not
20 like about myself or anybody in this courtroom, I ask
21 that you do not hold that against Aaron, Lyz, MINOR and
22 David. If the time impacts you at all, the delay, blame
23 external factors, but don't blame them. I beg of you.
24 Judge the facts, judge the evidence and return a verdict
25 that speaks justice in this case. That speaks the truth

1 and hold that man accountable for what he did. On
2 July 23rd Bradley Walker killed Aaron, Bradley Walker
3 attempted to kill three others, and they're just as
4 important; Elizabeth, MINOR and David.

5 Bradley Walker could have said his name that day.
6 He could have sought help that day if something else
7 happened. Nothing prevented him from telling EMS and
8 law enforcement who he was, but just maybe his identity
9 would have allowed law enforcement to prove who he was
10 quicker. A killer. That's the eyes of a killer and I
11 ask that you find him guilty.

12 THE COURT: Ms. Moore.

13 MS. MOORE: May it please the Court?

14 THE COURT: Yes, ma'am.

15 MS. MOORE: Thank you.

16 I'm gonna try not to take any more of your time this
17 week. I know you've sat here five days. Three of those
18 days you got to hear how much evidence they have that
19 means nothing. 107 pieces of evidence that do not place
20 my client at SANDSPUR. There's nothing linking him
21 to that scene and that car fire. You haven't heard any
22 testimony and you won't because they didn't do their job.

23 This is -- this case is terrifying. We rely on law
24 enforcement to do the right thing and they arrest a man
25 and charge him with murder on the word of these two? And

1 allegedly a three-year-old. You didn't hear him. You
2 got to hear this deputy say that he was in the car and he
3 was competent. He's three. But they want to make this
4 case about poor little MINOR. And I submit MINOR is a
5 victim. He's a victim of his mother and so is his father
6 because she killed him.

7 I don't like attacking the victims in this case,
8 but there's more evidence that that happened than that
9 my client was ever even there. Again, consider all this.
10 We have bullets. All they have, and it's 2023, are two
11 or however many bullets that match each other, shell
12 casings or whatever, the striations and the marks. They
13 have to prove their case beyond a reasonable doubt, and
14 I submit if you could think of four reasons or four
15 theories of how this happened, that is reasonable doubt.
16 If you can think of two, and I can think of at least
17 seven.

18 This -- the evidence does not support the
19 allegations. This case is all about hearsay. I know
20 you-all heard that a lot this week, and I apologize for
21 the way this case was put up and, you know, just the
22 breaks and everything about this. It wasn't our greatest
23 week in court and I apologize because that is -- because
24 this is a reflection on our system and that is -- this
25 is his trial. It's not her trial. It's his.

1 No one ever cared about Bradley Walker. You can see
2 that. No one cared. They didn't care enough to write
3 down things in a follow-up report and they're gonna
4 charge somebody with murder? The detective didn't even
5 know his case when he testified the first time. I asked
6 him are you even prepared? I wasn't trying to be rude.
7 It's just wasting our time. But when I put him on the
8 stand, he's so evasive, won't answer my questions. You
9 know why? Because they're all taking up for him. And I
10 don't take any pleasure whatsoever dogging out the cops,
11 but I will tell you that when one of their own makes
12 mistakes, they will circle the wagons, and they did that
13 here.

14 They -- you have so many people took that witness
15 stand and tell you nothing. Nothing. The evidence
16 doesn't support Dr. Ross's testimony, the pathologist.
17 She wants to have you believe that he went down
18 immediately, Ms. Fuller. He didn't. She testified he
19 was mobile, he was moving. The last shot was to his
20 head and he went down immediately. So when Elizabeth
21 tells us that she saw him pump two guns into her husband
22 while he's on the floor, that is a lie because the
23 evidence does not support that. And, yes, people come
24 in here and lie all the time. Some people just lie and
25 -- but some people, they misunderstood. There's no

1 misunderstanding here at all. Four and a half years
2 later all they have is little MINOR.

3 I can -- I forgot who I represent sometimes. I feel
4 like a prosecutor and a defense attorney. And Annette
5 Twaites, Aaron Peterson's mother. We brought her here.
6 We put her on the stand because they didn't want you to
7 know about that because that did not fit their narrative,
8 and that is the truth.

9 MS. FULLER: Objection.

10 THE COURT: All right. Overruled, but let's keep it
11 confined to the testimony, please.

12 Thank you.

13 MS. MOORE: I always lose my train of thought. But
14 that's -- that's part of the process. They put Lyz and
15 David up on Tuesday as far away from the end of this case.
16 I know. I know why they would and I would, too, because
17 they have the most motivation in this case. What is his
18 motive? Nothing. He just met these people. They're
19 using him. She was using him. That nontraditional
20 lifestyle. I don't think that was the lifestyle Aaron
21 wanted. Aaron didn't know that behind his back David
22 and Lyz were talking about him. They had to bide their
23 time. Aaron didn't know. Before they could get together.
24 Aaron didn't know. Who told you Aaron was a good guy?
25 My client's witnesses. Sue Groff, the motorcycle club

1 president's wife. She told you about that ring. That's
2 how David got punched in the mouth. He didn't get pistol
3 whipped.

4 They want to talk about this timeline. I want to
5 talk about it, too, because if they wanted to do the
6 geomapping or whatever that thing's called, they could
7 have. It was four and a half years ago and . . .

8 I beg the Court's indulgence one second.

9 Okay. So it got a little confusing this morning,
10 and I figured it would because you heard from Jennifer
11 Setree, a little business owner, has got a little
12 extraction business, and she did that mapping. She
13 converted that time. She checked it seven times and
14 they want to come in here and talk about this report and
15 how the times are off.

16 All right. So this is -- I'm sorry. Again, Mike
17 Phipps. Remember that whole talk about, well, this is my
18 report and whatever, it wasn't, you know, she could have
19 changed the name? Oh, no, it's his because, you know,
20 remember the whole Touch 2 or 4PC or whatever? She didn't
21 have a Touch 2. That cost too much money. Only law
22 enforcement. That's that mobile one. They're trying to
23 deceive you.

24 I truly cannot believe that we are here in a
25 courtroom in 2023 asking twelve people to convict anyone

1 of murder with as little evidence four and a half years
2 later. All they want to do is win. That is not our
3 system.

4 I don't know what happened in that trailer. We'll
5 never know. We could have if the police had done their
6 job. Something. I mean, they get a box back from SLED
7 with a note on it. Not droplets, it's blood. And the
8 agent sent it back to the sheriff's department saying
9 hey, you might want to get this tested. They never did
10 it.

11 Aaron Peterson's mother might have closure if that
12 were the case. They don't want you to hear what she has
13 to say. She lived with Lyz and Aaron for two years. She
14 knows. She knows her daughter-in-law, but they took the
15 word of David Hawkins, the two people who want to run off
16 and be together.

17 When I listened to that 9-1-1 call, the first thing
18 that stood out to me was that's a whole lot of detail to
19 vomit out immediately. 9-millimeter. It's a 9-millimeter.
20 He's certain on the call because he forgot his lines. I
21 think Lyz was the one that was supposed to call because
22 she knew it was a 40-caliber and he was very adamant about
23 the type of gun, but he got it wrong.

24 It was a chaotic scene. Well, Bradley Walker was
25 not there. He's eight miles away burning alive. How

1 do the police and the prosecution make that link? How?
2 Because it is a lie. It is not true. It is not supported
3 by anything in this case and it is a shame that you are
4 being asked to make the decision on what happened when
5 there is absolutely nothing here, no credible evidence.

6 She talked about little MINOR and his injuries.
7 Well, I don't know. It sounds like ricochet. In fact,
8 I'm not so sure Lyz wasn't ricochet, but I don't know
9 because I wasn't there. None of us were. But the
10 pictures of the bed -- or the couch, it couldn't have
11 happened like she said because she testified she rolled
12 over on the floor and -- I don't know. I'm not gonna
13 waste your time about that, but she says she rolls off
14 the floor, was reaching behind to get her gun, and gets
15 shot in the face. There's gonna be a lot of blood not
16 only in the living room, but on MINOR, and nobody
17 testified that MINOR had -- he wasn't covered in blood,
18 he wasn't crying and screaming.

19 When David Hawkins said that Aaron -- this is what
20 set Aaron off. That Aaron was -- told him to go do
21 something or take something to the bathroom. You can
22 always take a little nugget from what people say and
23 that's where MINOR was. I submit to you that is where
24 MINOR was. He was in the bathroom. He heard big bang.
25 He heard big bang. But what do three-year-old's do?

1 And we don't even know what he said. Let's be honest.
2 There's nothing -- we got hearsay and nothing documented.
3 Now they want you to think that that's what he said, but
4 even if he did, three-year-olds are parrots. All you've
5 got to do was say Brad, Brad, Brad, but that's not
6 competent. I mean, it's just -- it's ridiculous and
7 insulting that they would have used -- that they would
8 use a little boy and the passion we all have for children
9 to prove their case.

10 And the grains. How are we gonna -- we're gonna
11 determine what kind of bullet it was from grains? I
12 don't even -- but when you don't have anything to prove,
13 you've got to use something. It is insulting.

14 Let me just say it has been my professional pleasure
15 to represent Mr. Walker. If I stood up here and talked
16 for as long as I am passionate about this case, we -- I
17 would die on this hill. That's how passionate I am
18 because law enforcement has too much power already. This
19 is frightening when someone could get arrested with
20 absolutely no corroboration at all.

21 They want you to think that he shows up on this
22 porch evasive, won't give his name. He was burned alive.
23 That's insulting. And they were all so adamant. He
24 refused. But, oh, David over here they were babying him,
25 put a tourniquet on him, you know, just getting his name

1 because when they came on the scene they made assumptions
2 and believed the word of two people. Never ever even
3 considered that the spouse of the deceased would be the
4 number one first suspect. At least someone to rule out.
5 Never did it.

6 He never even talked to her. He said he did. That
7 wasn't true. He didn't. She didn't go to the sheriff's
8 department, didn't, but she came in here and told you that
9 she -- when I asked her why haven't you ever given your
10 statement because she was waiting for this because she
11 didn't want her business splashed all over the media.

12 She's a narcissist. This is -- this is what they do.
13 Manipulate everyone around them to get what they want
14 and she controlled every man to include her little boy
15 MINOR. Everything was all about her when she took that
16 stand. You didn't hear her crying about her husband being
17 killed. You didn't hear about her -- you didn't hear her
18 crying about MINOR. She was crying about herself. And
19 so dramatic talking about her injuries. It's insulting.
20 Like I said, I could go on and on.

21 Okay. We talked about this voice recorder. Well,
22 too bad you didn't get to listen to it, but he told you
23 basically what was on it. He tried to blame it on crazy
24 cousin Eddie or whoever it was, but that voice recording,
25 that would have been very helpful, but he's told you in

1 general terms that crazy Eddie told him how to torture
2 people. I don't remember his name, but whoever it was at
3 the flea market. Torture people. Dip their fingers in
4 liquid nitrogen.

5 THE COURT: Confine your remarks to the evidence,
6 please.

7 MS. MOORE: I'll move on.

8 I know that this has been a very frustrating week,
9 but my client is charged with a capital offense. Murder.
10 This is -- this is a scary day. It is. I don't know how
11 they came up with the conclusion that this man was even
12 there. His mother, Annette, his children, Lily and Luke,
13 are here. His ex-wife, Barbara, they deserve --

14 THE COURT: Wait.

15 MS. MOORE: I hate to sit down, but, you know, I
16 have to at some point. I just ask that you just consider
17 the lack of evidence. Consider the witnesses he put up.
18 The mis -- misleading time. Because they can't have it
19 both ways, you-all. There was a Facebook text in here
20 about heads up, Brad's coming down 302. So I don't know,
21 but that time matches and that time came off that
22 extraction because the one that he did this morning wasn't
23 converted. That time needed to be converted, but they
24 just -- they want you to believe the unbelievable. And
25 reasonable doubt is -- this case is all doubt in the whole

1 world. If you could think of two or more ways that this
2 happened, you cannot convict a man of murder.

3 Thank you.

4 THE COURT: Reply from the State.

5 MS. FULLER: Thank you, Your Honor.

6 Please ignore the smoke. I beg you and I hope that
7 you-all paid attention during this trial. You-all can
8 remember for yourselves what the testimony was and what
9 the evidence was and not what was just said in closing.
10 Like the judge will tell you, and has told you, what we
11 say is not evidence, but we have a duty to summarize what
12 was in evidence. And as an advocate, defense counsel
13 talks about passion about the law, we all have passion
14 and have to speak the truth in this courtroom and you-all
15 sat through this trial and it's insulting to tell you-all
16 something you didn't hear.

17 Let's take it from the back to the top, and I am
18 sorry that I have to keep you guys in this courtroom much
19 longer, but as an advocate I cannot sit down, and that's
20 the hardest part is sitting there and have to listen to
21 things and be tasked with being emotionless. It's hard.
22 And it's hard to sit down. She's right about that. And
23 it's hard to say seated. You saw us during trial. Up.
24 Hold on. Because we all know the rules.

25 So you want to talk about the time? Heads up,

1 Brad's coming down 302 was sent at 12:43 PM. When you
2 look at the records, it is in UTC time. It has to be
3 converted. That means if you live in Europe or you live
4 in America, you've got a standard time and you adjust for
5 your time zone. It's always like that. An expert knows
6 that and you heard from an expert who has twenty-five
7 years of experience. You don't have to just take
8 someone's word for it. You can check the records
9 yourself. Like I told you, right here, the timestamp.
10 You see the time on page 2 of State's 109, that
11 highlighted column, and you heard the testimony, was
12 placed in a converter. State's 111. You take your time
13 and check the milliseconds yourself and see who is
14 credible.

15 They didn't have to put up a case, but they did and
16 did they show you the evidence yourself? You're supposed
17 to take her word for it on a demonstration that you're not
18 even gonna have back in there to look at? You'll have
19 this. They didn't have to put up a case, but why didn't
20 they put it into evidence for you to see back there?
21 Because maybe you will see that on their projection, on
22 their Google Earth imaging, times that didn't much up and
23 are not in the report.

24 She pulled out this report that they generated that
25 shows 2022 data. How? I almost forgot where I was and

1 I was about to say how, Craig? How? How? The device
2 has been in evidence since this happened. So how did
3 their expert get data? And her testimony was she pulled
4 what was on the device. And we won't get technical.
5 Well, we will. A physical device is a physical device.
6 The cloud, we all know the cloud. We all know what the
7 cloud is by this point. It's 2023, right? It's stored
8 up there. But her testimony was she pulled what was on
9 the device. Well, she pulled it wrong. Actually, no, she
10 pulled it. She interpreted it wrong. That's the better
11 phrasing.

12 And it's no slight to her. Everyone has to start
13 somewhere, but you can't come in court as an expert and
14 not know your stuff. She confirmed to you that this was
15 her records and why is it so important? Why was this
16 their last piece of evidence? Because they thought ah, ha,
17 I got the State. No, unh-unh. No, you did not. Why was
18 this so important? Because they forgot to do minus four.
19 So what you could do with your Google Earth demonstration
20 when they went to Greens, that time minus four, and what
21 does that line up with? It lines up with exactly what
22 Elizabeth and David told you. You're not just relying on
23 hearsay.

24 And, education lesson, hearsay is not what they said.
25 That is not the definition of hearsay since we want to

1 talk about that. Hearsay's an out of court statement.
2 They were here, right? Hearsay's defined as an out of
3 court statement. They were here. The rules keep out
4 hearsay when it's unreliable, but if there's a condition
5 or something going on that suggests it is trustworthy,
6 there's an exception. You heard the Court say is there
7 an exception to what you're asking. How many times did
8 she say no? How many times did she say no, Your Honor?

9 So why does MINOR's statement come in? She wants
10 you to put a three-year-old boy up here to relive this
11 horror. It's not about going towards your passion because
12 after this case, he has to go on with his life. To bring
13 him into this courtroom to subject himself to this? No,
14 ma'am. No, ma'am. No case is worth it. Not a
15 three-year-old that has to go on with their life.

16 But what you got to hear, what you got to hear, were
17 the statements he made to the first responding officer and
18 statements he made to EMS. You saw Barton on that stand.
19 Barton was nervous. We did our best to get him in and out
20 because he was nervous. He stood on his report. She got
21 up there and said it wasn't documented. He stood on his
22 report and you heard me ask. He documented shrapnel to
23 his upper abdomen, shrapnel to his arm. Ricochet? There
24 was no testimony about what ricocheting is, but it wasn't
25 no ricochet. He was in the cone of fire. He was standing.

1 He was standing when that man chose to pull the trigger
2 again. But he probably did what a three-year-old does at
3 that point.

4 So what -- what do they want you to believe? That
5 Elizabeth got a three-year-old while she's gurgling and
6 vomiting up blood say hey, don't forget en route to the
7 hospital randomly say bang, bang. MINOR, MINOR, MINOR,
8 say bang, bang. Say it several times so people can come
9 to court years later and repeat it for you. No, because
10 it didn't happen. When did she -- when was she supposed
11 to do that? Before or after she got shot in the face?
12 I'm sorry. There ain't enough money in this world to
13 take a head shot to the face. No disrespect to her, but
14 have a scar across my face and my teeth looking shattered?
15 Not enough money in the world. Change of script.

16 Bradley Walker wanted to finish her. It is insulting
17 to tell you something you did not hear. You sat through
18 this trial all week. Yeah, we're advocates. Yeah, we're
19 passionate, but the truth is the truth. You heard what
20 you heard. And trust that if there's something I said
21 that is different, I stand back. You stick to the record.
22 If there's something you're confused about, the record is
23 here.

24 And forgive me, Stacy. She can pull it back up for
25 you. They always hate when I say that, but what no one

1 is gonna do is say the truth didn't come through this
2 witness stand.

3 Her closing was a personal, direct attack. I've
4 never seen that in my career and I have to stay seated
5 because I didn't want to interrupt her. She brought her
6 own credibility and mine into this trial when we're not
7 supposed to. I represent him with pride. You're not
8 supposed to say that, but I didn't object. Judge for
9 yourselves the evidence. Judge the credibility of each
10 witness. And if you didn't hear from MINOR and you wanted
11 to, blame me. Blame me. MINOR saw his killer
12 and he didn't lie.

13 THE COURT: All right. Ladies and gentlemen, before
14 I charge you on the law in the case, that will take some
15 time, so let's take a short five-minute break and refresh
16 yourselves.

17 Please let me know the moment the jury's ready to
18 come back in, Bailiff.

19 BAILIFF: I will.

20 (Whereupon, the jury retires to the jury room at
21 2:59 PM.)

22 THE COURT: We'll be right back and charge the law.

23 (Recess taken at 3:00 PM.)

24 (Back on the record at 3:07 PM.)

25 THE COURT: All right. Let's get everybody.

1 All right. The jury is ready to come back.

2 Anything else before we bring the jury in and charge
3 the law?

4 Madam Solicitor?

5 MR. McNAIR: Judge, I have a little bit of a concern
6 in the fact that in her closing she called this a capital
7 murder case --

8 THE COURT: Okay.

9 MR. McNAIR: -- and I don't know how to address that.
10 Some instruction that --

11 THE COURT: Not capital murder.

12 MR. McNAIR: -- sentencing is not the province of
13 the jury, but the fact she said that makes this seem like
14 it's a death penalty case.

15 THE COURT: Okay.

16 MS. MOORE: Your Honor, I believe I said it's a
17 capital offense and then I said murder. I don't think --

18 MR. McNAIR: She said a capital murder case.

19 THE COURT: I don't -- the word "capital" itself is
20 probably where the issue lies here and, you know, I'll
21 see where I can -- instead of concerning -- I think I'll
22 just find a spot to say it, but what I would address to
23 the jury is -- why don't you-all approach so we can talk
24 about it up here.

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

1 THE COURT: Okay. Let's bring them in, please.

2 (Whereupon, the jury return to the courtroom at
3 3:16 PM.)

4 THE COURT: All right. Please be seated.

5 Members of the jury, it is now my duty as the trial
6 judge to instruct you on the law applicable to this case
7 and in that regard it is your duty as jurors to accept
8 and apply the law as I now state it to you.

9 Furthermore, it is your exclusive duty to decide
10 all the issues of fact in this case and to determine the
11 effect, value, weight and truth of the evidence.

12 All the parties have a right to expect that you will
13 carefully consider and evaluate the evidence and apply
14 the law of the case to it so that in the end all parties
15 will receive a fair and impartial trial.

16 Now during this trial you and I have separate duties
17 to perform. As the trial judge, it is my responsibility
18 to preside over this trial and to rule upon the
19 admissibility of the evidence offered during the trial.
20 You, as members of the jury, are only to consider -- are
21 to consider only the evidence before you. If you have
22 any preconceived ideas as to what the law is or what you
23 think the law ought to be and it does not agree with what
24 I tell you the law is, you are obligated under your oath
25 to abandon those preconceptions because you are sworn to

1 Now, ladies and gentlemen, a remark was made in
2 closing argument that -- that referenced this case as
3 being capital in nature. To be clear, this is not a
4 capital murder case and punishment shall not be
5 considered by you during your deliberations.

6 I will ask now that you return to the jury room,
7 but do not begin your deliberations until you are told
8 to do so by a clerk or bailiff. There are some matters
9 I need to discuss with the attorneys before you begin
10 your deliberations, but you may return to the jury room
11 now. Please do not discuss the case.

12 (Whereupon, the jury retires to the jury room at
13 3:34 PM.)

14 THE COURT: All right. Any exception to the charge?

15 MS. FULLER: None from the State.

16 THE COURT: Ms. Moore?

17 MS. MOORE: No.

18 THE COURT: All right. I need to type in what we
19 discussed as far as that addition and then if you-all
20 would be so kind as to make sure your exhibits are in
21 order and the State's exhibits are in order. I'm gonna
22 go ahead and get the alternates in at this time.

23 (Whereupon, the alternates were excused.)

24 (Court's Exhibit Number 8 was marked for
25 identification.)

1 (Whereupon, the exhibits, the jury charge and the
2 verdict form were sent back at 3:35 PM.)

3 (Recess taken at 3:35 PM.)

4 (Back on the record at 4:19 PM.)

5 (Court's Exhibit Number 9 was marked for
6 identification.)

7 (Back on the record at 6:24 PM.)

8 BAILIFF: Court's now back in session.

9 THE COURT: Please be seated. Thank you.

10 All right. I'm informed that we have a verdict.

11 Anything we need to discuss before we bring the jury
12 in?

13 MS. FULLER: Your Honor, could we have just a minute?

14 THE COURT: Oh, okay.

15 (Pause in proceedings.)

16 THE COURT: Madam Solicitor, are you ready?

17 MS. FULLER: Yes, Your Honor.

18 THE COURT: Before we bring in the jury obviously
19 everyone was here in this trial this whole week, and just
20 like I told you some other days, we don't know what this
21 verdict is, but regardless of what the verdict is I expect
22 everyone to behave themselves regardless of what they hear
23 in the verdict, okay? However you may feel about it, this
24 jury has worked hard, they have sat here an entire week of
25 testimony, they've worked hard this afternoon and we're

1 gonna -- everyone will give them the respect they deserve
2 when they give us their verdict.

3 Anyone have a problem with that?

4 All right. Let bring them in, please.

5 BAILIFF: Are you ready?

6 THE COURT: Yes, sir. Come on in.

7 (Whereupon, the jury return to the courtroom at
8 6:27 PM.)

9 THE COURT: You may be seated.

10 Madam Forelady, I understand you have a verdict; is
11 that correct?

12 FOREPERSON: Yes.

13 THE COURT: Are your verdicts unanimous?

14 FOREPERSON: Yes.

15 THE COURT: Please hand them to the bailiff.

16 Madam Clerk, if you would publish.

17 THE CLERK: Yes, sir.

18 The State versus Bradley Walker. We, the jury, as
19 to Indictment 2019-GS-32-02881 for the charge of murder
20 of Aaron Peterson, unani -- unanimously find Bradley
21 Walker guilty.

22 As to Indictment 2019-GS-32-02884 for the charge
23 of attempted murder of Lyz Peterson, unanimously find
24 Bradley Walker guilty.

25 To Indictment 2019-GS-32-02883 for the charge of

1 attempted murder of David Hawkins, unanimously find
2 Bradley Walker guilty.

3 As to Indictment 2019-GS-32-02882 for the charge
4 of attempted murder of MINOR unanimously find
5 Bradley Walker guilty.

6 So signed by the Foreperson January 13, 2023.

7 THE COURT: Any motions for the jury at this point?

8 MS. MOORE: Poll the jury, please.

9 THE COURT: Very well.

10 Madam clerk.

11 THE CLERK: As I call your juror number, please hold
12 up your hand so that I can recognize you. I will ask you
13 were these your verdicts and are they still your verdicts.
14 At that time, please respond.

15 Juror Number 202, is this your verdicts and are they
16 still your verdicts?

17 JUROR NUMBER 202: Yes.

18 THE CLERK: Juror Number 110, are these your verdicts
19 and still your verdicts?

20 JUROR NUMBER 110: Yes.

21 THE CLERK: Juror Number 5, are these your verdicts
22 and still your verdicts?

23 JUROR NUMBER 5: Yes.

24 THE CLERK: Juror Number 148, are these your verdicts
25 and still your verdicts?

1 (Whereupon, the jury was discharged at 6:32 PM.)

2 THE COURT: Before we pivot to the next, any motions?

3 MS. MOORE: Yes, Your Honor.

4 It was brought to the Court's attention during my
5 last witness the note that's in the Court's exhibits from
6 the juror about the State's behavior.

7 THE COURT: Uh-huh.

8 MS. MOORE: That was also reported by my -- the
9 victim's family over here and they also have instructed
10 me all -- or told me all week that Your Honor was doing
11 that as well; shaking your head, rolling your eyes, and
12 there was a cameraman over here that said the same thing,
13 and I would just note that for the record that behavior
14 like that --

15 THE COURT: Did the cameraman say that to anyone else
16 other than you?

17 MS. MOORE: Excuse me?

18 THE COURT: Did the cameraman tell that to anybody
19 else? Did you talk to the cameraman?

20 MS. MOORE: I did talk with the cameraman.

21 THE COURT: Okay. That's the first I heard of it.
22 Thank you for sharing it.

23 MS. MOORE: And -- and everyone back here did as
24 well, Your Honor, and that reflects on my client. I
25 can't get questions asked because every time it -- we

1 have to go up to the bench.

2 THE COURT: Okay. Well, thank you.

3 And, Ms. Moore, to be clear, every single person at
4 these tables this week made facial expressions. You are
5 not excluded from that just so you know.

6 MS. MOORE: I -- I haven't --

7 THE COURT: Okay. Thank you.

8 Any other motions?

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

10 THE COURT: All right. Let's pivot into sentencing.
11 How much time do you need?

12 MS. FULLER: Just three minutes, Your Honor. Just
13 to go get the --

14 THE COURT: Three minutes. So be it.

15 MS. FULLER: Thank you, Your Honor.

16 (Pause in proceedings.)

17 MS. FULLER: And, Judge?

18 THE COURT: Yes, ma'am.

19 MS. FULLER: I just want to clarify one thing
20 Ms. Moore said. Did she indicate that -- I -- I may
21 have misheard her. Did she say the family had videos or
22 watched us? I just want to make sure if there are any
23 videos.

24 THE COURT: I think she heard that they saw. I
25 didn't -- I don't think you said they were --

1 MS. MOORE: They were watching it in person.

2 MS. FULLER: No, that's -- it's when you were saying
3 cameraman. I wasn't sure if you said it was actually
4 recording or something.

5 THE COURT: All right.

6 Okay. Madam Solicitor, are you ready to proceed
7 with victim impact?

8 MS. FULLER: Yes, Your Honor. I have an additional
9 presentation as well.

10 Thank you, Your Honor. And if you'll allow me, I
11 have additional things that I think are important for
12 sentencing in this case, Your Honor, and for the record
13 based on several things that were said.

14 Your Honor, as you know this case was pending for
15 a really long time largely due in part to Mr. Walker's
16 decision initially to go pro se, he had prior counsel,
17 COVID delays and then new counsel joined the case, and
18 then I had a death in the family.

19 Your Honor, over the course of a number of -- the
20 past several years, Mr. Walker has made several attempts
21 to avoid justice in this case. He's also asserted
22 different rights. I want to show the Court initially --
23 I'm not sure if he's gonna continue to maintain his
24 innocence, which, of course, he can do, but this was a
25 filing where he indicated essentially that what happened

1 at one point was self-defense. This is in his own
2 handwriting, something that he filed, which to me
3 acknowledges that he's putting himself at the crime scene
4 when this happened despite what was presented to this
5 courtroom. And this is a filing that he did that's in
6 the public record that anyone can go pull and see for
7 themselves.

8 Also, Your Honor, there was suggestion by defense
9 witnesses in terms of, and I know this might -- I just
10 want to make sure that Your Honor understood Aaron
11 Peterson before the family gets to speak. Here is
12 messages from Aaron to Lyz the day before this happened
13 expressing their love and if you read from the bottom up
14 it's him initiating it. Also the suggestion that Aaron
15 would not be in this relationship. Despite what others
16 may think, this was what they agreed to and Aaron's own
17 words when Walker was attempting to introduce his
18 ex-girlfriend into their relationship, he wanted to
19 confirm that they understood -- that she understood that
20 they were poly, and those are his own words the day
21 before this happened. And, again, this was Walker's
22 attempt to keep -- to keep the relationship together and
23 find someone else for Aaron so that he can keep Lyz.
24 Within forty-eight hours of his death, and this one's the
25 most telling, it's almost as if Aaron knew this was going

1 to happen to him, that he knew Walker would do this. The
2 jury didn't get to see this text, but this was Aaron kind
3 of telling Lyz I don't want to push -- they're talking
4 about Walker. I just don't want to push a vindictive
5 personality too far before we can sit down and have a
6 talk. That's all.

7 So the defense would put up a witness to talk about
8 Aaron and his mediation, but he also had it seems to be
9 a really good emotional intelligence to know that
10 something was wrong with Bradley Walker and described his
11 personality as vindictive. Now he is not here obviously
12 to speak for himself, but this is less than forty-eight
13 hours before his murder and he knew something was not
14 right. It's almost like he had the foresight that Walker
15 would do this and do something. Obviously the jury didn't
16 get to see that.

17 While the case was pending, I will tell you this, I
18 have never had as many individuals reach out to me that
19 wanted -- from the jail that wanted to testify against
20 Bradley Walker. Because one inmate had told me, you know,
21 they've been a career criminal for fifteen years and
22 they've been in some of the toughest prisons across the
23 state, but they said something is wrong with Bradley
24 Walker. They describe him as the type that would poison
25 your food in the jail if you let him, if you didn't have

1 to watch him, and none of them wanted any deals. They
2 didn't ask for anything.

3 One individual that was prepared to testify is
4 someone that Bradley Walker approached in the jail
5 because he had represented himself and Walker wanted his
6 help and so he reviewed his case with him and eventually
7 this individual got Walker to really talk about his case
8 because he kept coming up with different theories as to
9 what happened. Initially -- initially Walker told people
10 in the jail that Aaron's motorcycle club is who killed
11 Aaron, then it changed to Hawkins. When he got word that
12 this inmate was potentially gonna testify against him,
13 Walker then approached other inmates in the jail to write
14 statements against that inmate.

15 I sent the letters to SLED for analysis to compare
16 to Walker's public filings and his handwriting and it
17 came back a match. Even here showing his personality and
18 who he is at the top of this letter to one of the other
19 inmates he says refer to the paper I gave you concerning
20 written statements to make sure this will be admissible.
21 So essentially he wrote a letter in another inmate -- for
22 another inmate and wanted the inmate to rewrite it in
23 their handwriting because once he got word that one of
24 the inmates was gonna testify he wanted to fabricate --
25 he essentially wanted to fabricate a motive for that

1 inmate coming forward. These inmates were interviewed
2 and they acknowledged that none of what Walker wrote in
3 these statements were true.

4 Even in another letter where he wrote this in his
5 handwriting spelling this inmate's name wrong, but wanted
6 this inmate to sign it. What's most telling about his
7 personality and who is he -- and there was another one --
8 was this public filing to the clerk's office where Walker
9 sent the clerk this letter and said please give two
10 copies of my subpoena with signature on it to
11 Westmoreland, which is now an additional inmate in the
12 jail. He said to the FBI about something -- he wrote
13 something to the FBI about something that relates to my
14 case. He sent this letter out and underlined, he did that
15 himself, before I knew about it and could be potentially
16 exculpatory evidence in my favor. Obviously this is
17 something we potentially as guilty knowledge could have
18 introduced into the trial, but we were waiting and
19 anticipating potentially him testifying and then we would
20 have offered it and then offer it in reply, but he chose
21 not to, which is his right. He underlined saying before
22 he knew about it and could be potentially exculpatory
23 evidence in my favor. Lucky for me Westmoreland made a
24 copy of it before he sent it out and more accurately --
25 or more accurately had copies made as he does with every

1 letter. And it goes on to other things about the judge.

2 And here's the affidavit. This is clearly Bradley
3 Walker's handwriting. This is the subpoena, then the
4 affidavit, and what struck me as odd was how similar the
5 handwriting was to the letter saying that he had no
6 knowledge that this other inmate wrote this letter and
7 this was another story that he attempted to make up as
8 evidence of guilty knowledge of what he did, and I sent
9 this to SLED as well and it came back that that was
10 Bradley Walker's handwriting outside of the signature
11 here, which is that other inmate's, and this was just
12 done last year.

13 Bradley Walker spent his time in the jail
14 essentially trying to figure out ways to get out of this.
15 He initially at some point wanted to enter a plea, he
16 wanted to plead guilty, and his previous attorney
17 approached me with a negotiated twenty-five years. I
18 don't even think I took it to the family because I was
19 not willing to negotiate such a low sentence for what he
20 did here. This could have been four people dead and that
21 to me was him -- it came down to the last minute where he
22 was supposed to enter a plea to another sentence and he
23 backed out. What I heard potentially was because another
24 murder defendant got less time than that.

25 Your Honor, Bradley Walker may not have -- I don't

1 believe he has a criminal history, but you heard the
2 facts and you heard the -- heard the case and heard what
3 he did. The inmate that was supposed to testify this
4 week and bring it full circle with the recorder, Walker
5 admitted to him that he planted that recorder and on the
6 recorder he listened to it that day, that morning, and he
7 heard them talking about moving and then he heard Bear's
8 voice on the recorder. He indicated that he thought he
9 heard them having sex on this recorder. When we spoke
10 with the victim about it and let her listen to the portion
11 that the inmate indicated that he was -- that triggered
12 him that morning, that's when she explained that she was
13 getting a back massage and the groans and the moans was
14 from the back massage. The inmate indicated that Walker
15 told him that he went -- then that's when he grabbed his
16 gun and he went down to Sandspur that day unannounced and
17 that's why no one knew he was there. He told the inmate
18 -- when asked about the shot in the kitchen, he told the
19 inmate that he was aiming at MINOR when he pulled that
20 trigger. We -- something we wish the jury could have
21 heard, wanted them to hear, but we're thankful that they
22 still got it without hearing that statement that Walker
23 made sometime I think in 2021 about why he did it and how
24 he did it. Why -- when we asked this inmate why he came
25 forward and he said what struck him is like when you mess

1 with little kids and he said Walker was still laughing
2 when he described what he did. To me that says no remorse
3 and it goes along with what David and Lyz recalled of him
4 grinning while he was shooting.

5 At this time, Your Honor, I'm gonna allow the victim
6 impact. First it will be Brian Peterson, which is Aaron
7 Peterson's father.

8 BRIAN PETERSON: Brian Peterson. As was said, I am
9 Aaron's father and -- and, of course, nothing can be done
10 to replace what that man took from our family. The family
11 is fractured and that's visible in both sides of the
12 courtroom these last few days. I think in time some of
13 that will heal.

14 Aaron's three children were robbed of the guidance,
15 the support, the comfort and the love of a good father.
16 One of them, the youngest, MINOR, is now eight years old.
17 He is brave and he is confident as he was when he was
18 three and a half. He remembers that day. Once in a while
19 he still asks why would my dad's friend kill him? And,
20 of course, there is no sensible answer to a senseless act.
21 There's been healing for MINOR. He's had a few really
22 good therapists and there's more healing to be done from
23 that awful afternoon. That healing that has taken place
24 has been possible because for the last four and half years
25 MINOR knew that Brad was in a place where MINOR didn't

1 have to worry about him anymore. Where Brad could not
2 hurt him or try to hurt him again.

3 There are others in this room that -- that also need
4 Brad put somewhere so their lives can be lived without
5 fear of his violence and his vindictiveness, his hatred.
6 They need that chance for healing, too.

7 [REDACTED] MINOR is not here and for that I am deeply grateful.
8 So I'll speak on his behalf. Please sentence this man to
9 a long enough prison sentence that [REDACTED] MINOR can grow up
10 and live without ever having to fear that man again.

11 Thank you.

12 THE COURT: Yes, sir.

13 MS. FULLER: And, Your Honor, before Lyz comes up
14 and speaks, so in preparing for this case, I got to -- I
15 like to say get in the head of Bradley Walker, but I also
16 got to read a lot of Aaron's messages and to echo that he
17 really wanted his family unit and he loved his children.
18 It's -- it's a fact to me that he had the foresight to
19 know that this was happening or could happen and knew
20 that Walker was capable of it. It's just reading that
21 struck me and despite what anyone might think about their
22 lifestyle, it's not an excuse for what he did, and despite
23 what others might have thought about how I should resolve
24 the case, that was the main reason why I couldn't. He
25 still took a life and almost took three. And I know the

1 Court is not gonna judge lifestyle and kind of like I
2 implored the -- the jury is because on first blush you
3 read this case and it's like I guarantee you if Aaron and
4 Lyz had the opportunity to read Bradley Walker's deep
5 thoughts and his messages before they met him, they never
6 would have let him in their life. I promise you that.

7 And now Lyz.

8 ELIZABETH PETERSON: Your Honor, as you know my name
9 is Elizabeth Peterson. I'm not nearly so eloquent as my
10 father-in-law, but I do second everything he has to say.
11 These last four and a half years not only have I feared
12 for the life of my child who I have not had with me
13 because of Mr. Walker's actions, I have feared for my
14 own life, the life of my fiance, and now the lives of
15 our two little girls. I fear that if this man ever is
16 released from prison that he will come back and try to
17 finish what he started.

18 In addition to that, and not to make any light of it
19 because I miss that man so much, my husband, I now have
20 four of my five basic senses impaired because of what he
21 has done to me. This ear no longer hears properly, this
22 eye no longer sees properly, and because of the damage to
23 my sinuses I can no longer smell or taste properly. Food
24 has lost flavor, life has lost luster. I have spent the
25 last four years of my life living in anxiety, depression

1 and struggling with the PTSD, which very few people truly
2 understand. I can only tell you that David did not want
3 to get up here because he did not want to overact on the
4 way he feels because he feels so strongly. We fear for
5 our lives. We fear for our children. We want a normal
6 life again. We want to be able to go ahead and not think
7 about having to look around our shoulders thirty years in
8 the future. I want to know that my son can grow up and
9 have children and that his children will not die because
10 a man got out of jail and wanted to be vindictive.

11 I beg you, Your Honor, please, please help us end
12 this and let our family start the healing by putting this
13 man away for as long as you can.

14 Thank you.

15 MS. FULLER: Your Honor, that's all we have on
16 behalf of the State and law enforcement --

17 UNKNOWN FEMALE VOICE: His daughter would like to
18 go.

19 MS. FULLER: Excuse me?

20 LILY PETERSON: I'm Lily Peterson.

21 THE COURT: I'm sorry, first name?

22 LILY PETERSON: Lily.

23 THE COURT: Thank you.

24 LILY PETERSON: I just wanted to say that we all
25 really miss my dad, Aaron Peterson, and I don't know what

1 happened. I mean, it's already -- the verdict's already
2 happened, but I just wanted to say that -- I'm sorry.

3 THE COURT: Take your time.

4 LILLY PETERSON: -- that I -- I -- I loved him a lot
5 and my entire family loved him a lot and it's just --
6 it's really hard hearing all of this and a lot of things
7 that I don't believe being told like it is. There are --
8 there are people here that I've known for a really long
9 time and I have gotten to know them and I've gotten to
10 know their personality and I've heard things that they've
11 said that are awful and that will never be able to be
12 proven in court, but I know -- I know what the truth is.

13 Thank you.

14 THE COURT: Thank you.

15 MS. FULLER: Your Honor, thank you. And on behalf
16 of law enforcement is there anyone else? We just ask
17 that you -- we just ask for the appropriate sentence
18 based on the facts.

19 ELIZABETH PETERSON: I'm sorry. Sutania, my mother
20 would like to speak if appropriate.

21 THE COURT: Who?

22 MS. FULLER: Elizabeth Peterson's mother if you would
23 allow.

24 THE COURT: That's fine.

25 JANET LONG: Janet Long.

1 THE COURT: Yes, ma'am.

2 JANET LONG: Your Honor, after this happened my
3 husband was diagnosed with severe grief. He couldn't
4 stop throwing up. He aspirated and got a lung infection
5 and they had to take his lung out. He was a lineman.
6 That's gone. We went through our retirement surviving
7 that illness. He knows where we live. Please put him
8 away as long as you can. I don't want to have to keep
9 looking down my driveway wondering if he's gonna come
10 after us.

11 The other thing that happened is the way DSS
12 arranged MINOR's protectorship. MINOR lived with me the
13 first three years of his life, him and his mother. For
14 almost five years we haven't had a family holiday together
15 because we can't. I can have Lyz to my house or I can
16 have MINOR to my house, but never together, and I don't
17 know if that will ever change.

18 Thank you.

19 THE COURT: Thank you.

20 MS. FULLER: I don't know if there's any additional
21 victim impact, but I think that's the extent of it, Your
22 Honor.

23 Thank you.

24 THE COURT: Thank you.

25 Ms. Moore.

1 MS. MOORE: Your Honor, thank you for everything I
2 need to say, but I want to tell you a little bit about
3 Bradley Walker. It has honestly been my pleasure to
4 represent him. I know that he's kind of controversial,
5 but I'll let you know that he is not this crazy lunatic.
6 I have been behind doors with him without his handcuffs.
7 He's not a dangerous person. And I accept the jury's
8 verdict, but the lack of evidence is astonishing.

9 He has no prior record and maintains his innocence.
10 I think before he wrote all these letters and -- to the
11 Court, but I think that was just a -- a desperate man
12 who's representing himself, but I respect Your Honor's
13 sentence. I would ask that you would sentence him to
14 the minimum. Without any prior record he -- he's not
15 someone that would re-offend at all and taking his --
16 completely his life away, that is not justice.

17 Thank you.

18 THE COURT: Thank you.

19 Mr. Walker, is there anything you'd like to say?
20 You don't have to, but you're free to say anything.

21 THE DEFENDANT: I'm sorry, can you speak up?

22 MS. MOORE: Do you want to say anything?

23 THE COURT: He doesn't have to, Ms. Moore,
24 obviously. Make sure he understands that.

25 THE DEFENDANT: Your Honor --

1 THE COURT: I'd appreciate it if you could stand up
2 so the court reporter can see you.

3 THE DEFENDANT: I'm gonna be honest with you, Your
4 Honor. I feel like it's not really gonna matter what I
5 say. I just -- I'm just being honest. So I'm just not
6 gonna say too much, but it's -- I'm worried about my
7 daughter and I'm just praying for everyone, and my
8 daughter included, of course.

9 MS. MOORE: How old is she?

10 THE DEFENDANT: My daughter is nine years old, Your
11 Honor. You know, my wife and I separated and, you know,
12 we were going through a divorce and I actually agreed
13 with it, you know, and maybe I shouldn't have been -- I
14 wanted to try something adventurous and I didn't think it
15 was gonna lead to all of this, but, you know, I know that
16 maybe, you know -- like I never intended for any of this.
17 Like I didn't even -- I mean, there's times I don't even
18 really know what happened because this was such traumatic
19 events and I'm still trying to figure it out for myself,
20 I mean.

21 And I'm sorry for, you know, that her mom -- or
22 Aaron's mom has to go through all this and honestly
23 she's the real victim in this because honestly I don't
24 know what I would do if, you know, anything happened to
25 my child. You know, I think I would go insane and I'm

1 just glad she made this drawing for me and that -- I
2 mean, that's really all I've got, Your Honor.

3 THE COURT: Okay. Thank you, Mr. Walker.

4 MS. MOORE: Ms. Moore, is there anyone else who
5 wishes to speak?

6 MS. MOORE: No, sir.

7 THE COURT: All right. Let me take a brief break.
8 I'll be right back. Thank you.

9 (Recess taken at 7:07 PM.)

10 (Back on the record at 7:14 PM.)

11 BAILIFF: Court's back in session.

12 THE COURT: Please be seated.

13 Let me start by thanking everyone who spoke
14 during both mitigation and the State's victim impact
15 presentation. We're all here because you lost someone
16 that can't be replaced.

17 Mr. Peterson, I've seen you at hearings for the last
18 three years it feels like. Obviously I didn't know about
19 really the case much until this week.

20 Ms. Peterson, I'm very sorry for your loss.

21 Mr. Peterson, I'm very sorry for your loss.

22 Mr. Hawkins.

23 And to MINOR although he's not here. It's difficult
24 to fathom what you've had to go through here.

25 You know, obviously there were a lot of disputes

1 during the trial, but the jury found guilt beyond a
2 reasonable doubt on all the charges.

3 And for -- you know, for everyone in the gallery
4 who's, you know, lost something this week, you know,
5 there's -- you know, no sentence is gonna really make
6 it right for you, but I do hope when you leave the
7 courthouse today you'll have a sense of closure and can
8 move on and move forward from today.

9 All right. On the three indictments -- convictions
10 for attempted murder, those are each sentences of thirty
11 years in the Department of Corrections.

12 On the charge of murder, based upon all the
13 circumstances presented this week, Mr. Walker, you're
14 sentenced to forty-five years in the Department of
15 Corrections.

16 Court's adjourned.

17 (Whereupon, the proceedings were concluded for
18 January 13, 2023, at 7:20 PM.)
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24
25

WITNESSES

Lexington County Sheriffs Department
75

Jeffrey J Miller

Law Enforcement Case #: 18-014912

SF

ARREST WARRANT NUMBER

2018A3210201388

DOCKET NO. 2019GSS3202883

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

AUGUST TERM 2019

THE STATE

VS.

Bradley Wayne Walker

ACTION OF GRAND JURY

Century Seely
Foreperson of Grand Jury
Date: 8/5/19

VERDICT

Guilty

TRUE BILL

Sheddi M.
Foreperson of Petit Jury

Date: 11/13/23

CDR #: 3410

Indictment for

Attempted Murder

§ 16-03-0029

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
Attempted Murder

§ 16-03-0029

At a Court of General Sessions, convened on August 2019, the Grand Jurors of Lexington County present upon their oath:

That **Bradley Wayne Walker**, in Lexington County, South Carolina, on or about July 23, 2018, did, with the intent to kill, attempt to kill another person with malice aforethought, to wit: the Defendant did, after shooting at and killing Aaron Peterson, repeatedly shoot at others in the residence located at [REDACTED] Sandspur Road, Pelion, with a firearm, and did strike David Hawkins in the arm, in violation of §16-03-0029 of the Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department
75

Jeffrey J Miller

Law Enforcement Case #: 18-014912

SF

ARREST WARRANT NUMBER

2018A3210500082

DOCKET NO. 2019GSS3202882

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

AUGUST TERM 2019

THE STATE

VS.

Bradley Wayne Walker

ACTION OF GRAND JURY

Carmy Seely
Foreperson of Grand Jury
Date: *8/5/19*

VERDICT

Guilty

TRUE BILL

Shawn M. ...
Foreperson of Petit Jury

Date: *1/13/23*

CDR #: 3410

Indictment for

Attempted Murder

§ 16-03-0029

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Attempted Murder

§ 16-03-0029

At a Court of General Sessions, convened on August 2019, the Grand Jurors of Lexington County present upon their oath:

That **Bradley Wayne Walker**, in Lexington County, South Carolina, on or about July 23, 2018, did, with the intent to kill, attempt to kill another person with malice aforethought, to wit: the Defendant did, after shooting at and killing Aaron Peterson, repeatedly shoot at others in the residence located at [REDACTED] Sandspur Road, Pelion, with a firearm, including a 3 year old child, **MINOR**, who did suffer an injury from the shrapnel from a fired projectile, in violation of §16-03-0029 of the Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department
SC
Jeffrey J Miller

Law Enforcement Case #: 18-014912

SF

ARREST WARRANT NUMBER

2018A3210201387

DOCKET NO. 2019GS3202881

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS

AUGUST TERM 2019

THE STATE

VS.

Bradley Wayne Walker

ACTION OF GRAND JURY

Cathy Seely
Foreperson of Grand Jury

Date: *8/5/19*

VERDICT

Guilty

TRUE BILL

[Signature]
Foreperson of Petit Jury

Date: *11/3/23*

CDR #: 0116

Indictment for

Murder

\$ 16-03-0010

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

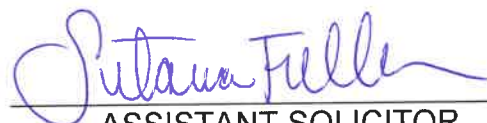
INDICTMENT FOR
Murder

§ 16-03-0010

At a Court of General Sessions, convened on August 2019, the Grand Jurors of Lexington County present upon their oath:

That **Bradley Wayne Walker** did, in Lexington County, South Carolina, on or about July ~~26~~²³, 2018, commit the offense of murder in that he did unlawfully kill one Aaron Peterson, with malice aforethought, either express or implied, to wit: by means of shooting the victim with a firearm, in violation of section 16-3-10 of the Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department
79

Jeffrey J Miller

Law Enforcement Case #: 18-014912

SF

ARREST WARRANT NUMBER

2018A3210201389

DOCKET NO. 2019GSS3202884

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS

AUGUST TERM 2019

THE STATE

vs.

Bradley Wayne Walker

ACTION OF GRAND JURY

Cathy Seely
Foreperson of Grand Jury
Date: *8/5/19*

VERDICT

Guilty

TRUE BILL

Shoni N.
Foreperson of Petit Jury

Date: *1/13/23*

CDR #: 3410

Indictment for

Attempted Murder

§ 16-03-0029

S.R. Hubbard III, SOLICITOR

IN THE COURT OF GENERAL SESSIONS

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Bradley Wayne Walker INDICTMENT/CASE#: 2019 - GS - 32 - 02883**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100			\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100			\$ _____
§56-5-2995 (DUI Assessment)	\$12			\$ _____
§56-1-286 (DUI Breath Test)	\$25			\$ _____
§14-1-212 (Law Enforce. Funding)	\$25			\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150			\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41			\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50			\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea			\$ _____
3% to County (if paid in installments)	TBD			\$ _____
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500			\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD			\$ _____
TOTAL				\$ <u>125</u>

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

Lisa Comer
Stacy Jamin

 Presiding Judge: _____
 Judge Code: 2765
 Sentence Date: 1-13-2023

0-30418

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

VS.

INDICTMENT/CASE#: 2019 - GS - 32 - 02882Bradley Wayne Walker

AKA:

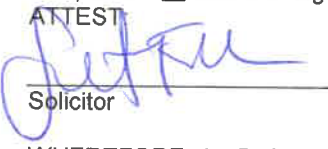
AW#: 2018A3210500082Race: White Sex: M Age: 30Date of Offense: 7/23/2018DOB: 1992 SS#: [REDACTED]S.C. Code §: 16-03-0029Address: Woodstone DriveCDR Code #: 3410City, State, Zip: Newton, NC 28658DL#* 30128113 SID#

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murder / Attempted MurderIn violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST


 Solicitor 100730

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 30 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. 1,558 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Bradley Wayne Walker INDICTMENT/CASE#: 2019 - GS - 32 - 02882

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100		\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)		\$100		\$ _____
§56-5-2995 (DUI Assessment)		\$12		\$ _____
§56-1-286 (DUI Breath Test)		\$25		\$ _____
§14-1-212 (Law Enforce. Funding)		\$25		\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)		\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41		\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea		\$ _____
3% to County (if paid in installments)		TBD		\$ _____
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500		\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD		\$ _____
		TOTAL		\$ <u>125</u>

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

Presiding Judge: W. Johnson
Judge Code: 2765
Sentence Date: 1-13-2023

30-Life

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

STATE

VS.

Bradley Wayne Walker

AKA:

Race: White Sex: M Age: 30DOB: 1992 SS#: [REDACTED]Address: Woodstone DriveCity, State, Zip: Newton, NC 28658DL#* SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019 - GS - 32 - 02881AW#: 2018A3210201387Date of Offense: 7/26/2018S.C. Code §: 16-03-0010CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murder / MurderIn violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 100730

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 45 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.1,558 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Bradley Wayne Walker INDICTMENT/CASE#: 2019 - GS - 32 - 02881**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 125

Clerk of Court/Deputy Clerk: YUSA Cornejo
Court Reporter: Stacy JohnsonPresiding Judge: WahjJudge Code: 2765Sentence Date: 1-13-2023

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

VS.

INDICTMENT/CASE#: 2019 - GS - 32 - 02884

Bradley Wayne Walker

AW#: 2018A3210201389

AKA:

Date of Offense: 7/26/2018Race: White Sex: M Age: 30S.C. Code §: 16-03-0029DOB: 1992 SS#: [REDACTED]CDR Code #: 3410Address: Woodstone DriveCity, State, Zip: Newton, NC 28658DL#* SID#

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murder / Attempted MurderIn violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives
 Presentment to Grand Jury. (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

100730

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 30 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Bradley Wayne Walker INDICTMENT/CASE#: 2019 - GS - 32 - 02884**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

		\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees

\$500

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TBD

TOTAL

\$ 125

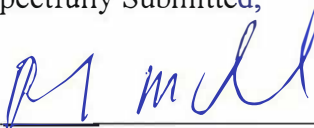
 Clerk of Court/Deputy Clerk: Rita Comer
 Court Reporter: Stacy Johnson
Presiding Judge: WalterJudge Code: 2765Sentence Date: 1-13-2023

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

RECEIVED**Oct 21 2024****SC Court of Appeals**

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 21st day of October, 2024.

RECEIVED

Oct 21 2024

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

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Tommy Evans, Jr., Esquire, at the primary email address listed within the Attorney Information System (AIS), this 21st day of October, 2024.



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: tommyevansjr@scag.gov
Cc: [Dudek, Robert](#); [Brandy Rankin](#)
Subject: 2023-000139 The State v. Bradley Wayne Walker
Date: Monday, October 21, 2024 8:51:00 AM
Attachments: [2023-000139 The State v. Bradley Wayne Walker Record on Appeal Volume II.pdf](#)
[2023-000139 The State v. Bradley Wayne Walker Record on Appeal Volume I.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the two-volume Record on Appeal which will be filed today, October 21, 2023, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330