

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Richland County

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

NATHANIEL DAVID ROWLAND,

APPELLANT.

APPELLATE CASE NO. 2021-000822

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INDEX

INDEX	i
PRETRIAL HEARING TRANSCRIPT DATED JULY 16, 2021.....	1
MOTION TO SUPPRESS EVIDENCE OBTAINED FROM TRAFFIC STOP PURSUANT TO THE FOURTH AMENDMENT	3
TESTIMONY (IN CAMERA)	
JEFFREY KRAFT	
Direct Examination by Ms. Goode	14
Cross-Examination by Mr. Goldberg.....	19
Examination by the Court	24
Re-Direct Examination by Ms. Goode.....	26
Re-Cross Examination by Mr. Goldberg	27
MOTION TO DESIGNATE AS COURT’S EXHIBIT SEARCH WARRANT AND EMAILS RECEIVED FROM CITY OF COLUMBIA	32
TESIMONY (IN CAMERA)	
JEFFREY KRAFT (RECALLED)	
Further Direct Examination by Ms. Goode.....	36
Further Cross-Examination by Mr. Goldberg.....	42
RULING BY THE COURT DENYING MOTION TO SUPPRESS EVIDENCE OBTAINED FROM TRAFFIC STOP.....	46
MOTION TO EXCLUDE EVIDENCE OF HANDWRITING COMPARISONS	47
TESTIMONY (IN CAMERA)	
JOHN A. JAMIESON	
Direct Examination by Ms. Pinnock.....	48
NORAH RUDIN (VIA WEBEX)	
<i>Voir Dire</i> Examination by Ms. Pinnock	51
Direct Examination by Ms. Pinnock.....	53
Cross-Examination by Mr. Goldberg.....	114
RYAN DEWANE	
<i>Voir Dire</i> Examination by Mr. Goldberg.....	123
Direct Examination by Mr. Goldberg	124
Cross-Examination by Ms. Pinnock	136

Examination by the Court	137
Re-Direct Examination by Mr. Goldberg	141
MOTION TO EXCLUDE EVIDENCE OF HANDWRITING COMPARISONS	158
TESTIMONY (IN CAMERA)	
JOHN A. JAMIESON	
Direct Examination by Ms. Pinnock	159
Voir Dire Examination by Ms. Gaston	167
Cross-Examination by Ms. Gaston	170
Re-Direct Examination by Ms. Pinnock	172
COURT’S EXHIBIT NO. 3 (EMAIL WITH ATTACHMENTS)	193
COURT’S EXHIBIT NO. 6 (PHOTOGRAPH OF QUESTIONED DOCUMENT)	196
COURT’S EXHIBIT NO. 7 (KNOWN DOCUMENTS OF DEFENDANT – CAPITAL WASTE SERVICES PERSONNEL FILE)	197
COURT’S EXHIBIT NO. 8 (KNOWN DOCUMENTS OF DEFENDANT – FEDEX EMPLOYEE RECORDS)	241
TRANSCRIPT OF TRIAL DATED JULY 19-23, 26-27, 2021	265
OPENING STATEMENT BY MR. GIPSON	268
OPENING STATEMENT BY MS. GOODE	279
TESTIMONY	
GREGORY CORBISHLEY	
Direct Examination by Mr. Gipson	287
TEAGAN BERRY	
Direct Examination by Ms. Gaston	308
AMANDA MOSKAITIS	
Direct Examination by Ms. Sampson	324
MARCUS WILLIAMS	
Direct Examination by Mr. Gipson	332
Cross-Examination by Ms. Pinnock	341
ANDREW YI	
Direct Examination by Ms. Gaston	342

ANDER LEE	
Direct Examination by Mr. Goldberg	357
Cross-Examination by Mr. Pillinger	371
HENDLEY O. MORRIS, JR.	
Direct Examination by Mr. Goldberg	376
Cross-Examination by Mr. Pillinger	389
THOMAS HUCKABY	
Direct Examination by Mr. Goldberg	392
Cross-Examination by Ms. Goode	405
RENEWED MOTION TO SUPPRESS EVIDENCE OBTAINED FROM TRAFFIC STOP PURSUANT TO THE FOURTH AMENDMENT	407
RULING BY THE COURT.....	408
JEFFREY KRAFT	
Direct Examination by Mr. Goldberg	409
Cross-Examination by Mr. Pillinger	432
Re-Direct Examination by Mr. Goldberg	435
JUSTIN NISCIA	
Direct Examination by Ms. Sampson	436
OBJECTION TO BODY CAMERA FOOTAGE	442
RULING BY THE COURT.....	443
TESTIMONY	
JUSTIN NISCIA (CONTINUED)	
Cross-Examination by Mr. Pillinger	451
JAMES NUNEZ	
Direct Examination by Ms. Gaston.....	454
Cross-Examination by Mr. Pillinger	466
TRAVIS MYERS	
Direct Examination by Mr. Gipson.....	467
BRIAN HUDAK	
<i>Voir Dire</i> Examination by Mr. Gipson	476
<i>Voir Dire</i> Examination by Ms. Goode.....	481
Direct Examination by Mr. Gipson.....	482

JAMES FISHER	
Direct Examination by Ms. Gaston.....	489
RENEWED MOTION TO SUPPRESS EVIDENCE OBTAINED FROM TRAFFIC STOP PURSUANT TO THE FOURTH AMENDMENT	492
RULING BY THE COURT.....	492
CAREY SHEALY	
Direct Examination by Ms. Sampson	495
Cross-Examination by Ms. Pinnock	499
MARIA HOWARD	
Direct Examination by Ms. Sampson	502
Cross Examination by Ms. Goode	551
Re-Direct Examination by Ms. Sampson.....	582
Re-Cross Examination by Ms. Goode	588
EXHIBITS ADMITTED INTO EVIDENCE BY STIPULATION	590
TODD SCHENK	
Direct Examination by Mr. Goldberg	590
Cross-Examination by Ms. Goode.....	670
Re-Direct Examination by Mr. Goldberg	702
OSHAMAR WILLIAMS	
Direct Examination by Ms. Sampson	706
Cross-Examination by Mr. Pillinger	727
DALILIA JAZIC CIRENCIONE	
Direct Examination by Ms. Sampson	731
Cross-Examination by Ms. Goode.....	781
ALLISON FITZGERALD	
Direct Examination by Ms. Gaston.....	794
RENEWED MOTION TO EXCLUDE EVIDENCE OF HANDWRITING COMPARISONS	796
RULING BY THE COURT.....	808
TESTIMONY	
ALLISON FITZGERALD (CONTINUED)	
Direct Examination by Ms. Gaston resumes.....	811
Cross-Examination by Ms. Pinnock	818

JAMES A. JAMIESON

<i>Voir Dire</i> Examination by Ms. Gaston	820
Direct Examination by Ms. Gaston.....	822
Cross-Examination by Ms. Pinnock	834
Re-Direct Examination by Ms. Gaston	839

MICHAEL MOSKAL

<i>Voir Dire</i> Examination by Ms. Gaston	840
Direct Examination by Ms. Gaston.....	843
Cross-Examination by Ms. Pinnock	853
Re-Direct Examination by Ms. Gaston.....	857

DAWN CLAYCOMB

Direct Examination by Ms. Gaston.....	858
Cross-Examination by Ms. Goode	876

DAVID B. DOVE

<i>Voir Dire</i> Examination by Ms. Sampson.....	880
Direct Examination by Ms. Sampson	884
Cross-Examination by Ms. Goode.....	918
Re-Direct Examination by Ms. Sampson.....	926
Re-Cross Examination by Ms. Goode	927

DANNY CONYERS

Direct Examination by Mr. Gipson.....	929
Cross-Examination by Ms. Pinnock	944
Re-Direct Examination by Mr. Gipson.....	946

DESTINY CUTTINO

Direct Examination by Mr. Gipson.....	948
Cross-Examination by Ms. Pinnock	957

ERIC GRABSKY

<i>Voir Dire</i> Examination by Ms. Sampson.....	961
Direct Examination by Ms. Sampson	964
Cross-Examination by Ms. Goode.....	1011
Re-Direct Examination by Ms. Sampson.....	1019

KIMBERLY MEARS

<i>Voir Dire</i> Examination by Mr. Goldberg.....	1023
Direct Examination by Mr. Goldberg	1025
Cross-Examination by Ms. Pinnock	1043
Re-Direct Examination by Mr. Goldberg	1049
Re-Cross Examination by Ms. Pinnock.....	1050

VERONA HERRERA	
<i>Voir Dire</i> Examination by Ms. Sampson	1050
Direct Examination by Ms. Sampson	1053
Cross-Examination by Ms. Pinnock	1064
MOTION TO SUPPRESS DNA EVIDENCE	1067
RULING BY THE COURT.....	1078
RACHEL NGUYEN	
<i>Voir Dire</i> Examination by Ms. Sampson.....	1083
Direct Examination by Ms. Sampson	1086
Cross-Examination by Ms. Pinnock	1091
RYAN DEWANE	
<i>Voir Dire</i> Examination by Mr. Goldberg.....	1092
Direct Examination by Mr. Goldberg	1094
Cross-Examination by Ms. Pinnock	1165
Re-Direct Examination by Mr. Goldberg	1218
THOMAS R. BEAVER	
<i>Voir Dire</i> Examination by Mr. Gipson	1226
Direct Examination by Mr. Gipson.....	1232
Cross-Examination by Ms. Goode.....	1279
Re-Direct Examination by Mr. Gipson.....	1291
JUSTIN A. MARTIN	
Direct Examination by Mr. Goldberg	1294
Cross-Examination by Ms. Pinnock	1337
STATE RESTS	1339
MOTION FOR DIRECTED VERDICT.....	1340
DEFENSE RESTS	1341
CLOSING ARGUMENT BY MR. GOLDBERG	1342
CLOSING ARGUMENT BY MS. PINNOCK	1384
JURY CHARGE	1412
VERDICT	1428
POLLING OF THE JURY.....	1429

RENEWAL OF ALL MOTIONS AND MOTION FOR A NEW TRIAL.....	1431
RULING BY THE COURT.....	1432
SENTENCING	1442
COURT’S EXHIBIT NO. 2 (MEMORANDUM IN SUPPORT OF MOTION TO EXCLUDE TESTIMONY RELATING TO HANDWRITING COMPARISON).....	1445
COURT’S EXHIBIT NO. 3 (MEMORANDUM IN SUPPORT OF MOTION TO EXCLUDE TESTIMONY RELATED TO DNA SAMPLES).....	1453
INDICTMENTS	1526
SENTENCE SHEETS	1532
CERTIFICATE OF COUNSEL	1538

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
COURT’S EXHIBIT NO. 4 (DVD OF BODY CAMERA); COURT’S EXHIBIT NO. 5
(DVD OF DASH CAMERA); COURT’S EXHIBIT NO. 6 (PHOTOGRAPH OF
QUESTIONED DOCUMENT)**

C. SHEALEY - CROSS-EXAM / M. HOWARD - DIRECT EXAM 495

1 A. Yeah.

2 Q. But if they had, you would have given it to them?

3 A. Absolutely.

4 Q. Great.

5 MS. PINNOCK: Beg the court's indulgence.

6 (A PAUSE.)

7 MS. PINNOCK: Thank you. I have no further questions.

8 WITNESS: Thank you.

9 MS. SAMPSON: Nothing from the state, Your Honor.

10 THE COURT: Thank you, sir.

11 WITNESS: Appreciate it.

12 (THE WITNESS EXITS THE STAND.)

13 THE COURT: Next witness.

14 MS. SAMPSON: Thank you, Your Honor. The state would
15 now call Maria Howard.

16 MARIA HOWARD, BEING DULY SWORN,

17 TESTIFIES AS FOLLOWS:

18 THE CLERK: Please have a seat. State your full name
19 for the record.

20 WITNESS: My name is Maria Howard.

21 DIRECT EXAMINATION BY MS. SAMPSON:

22 Q. Maria, I'm going to need you to speak real loud, okay?

23 A. Yes, ma'am.

24 Q. Maria, can you tell the jury how old you are?

25 A. I'm twenty-seven.

1 Q. And where do you live currently?

2 A. I ---

3 Q. Don't give your address, but where do you live?

4 A. In Columbia.

5 Q. And how long have you lived in Columbia?

6 A. For ten years.

7 Q. Prior to that, where did you live?

8 A. North Carolina.

9 Q. So, is that where you were born and raised?

10 A. Uh-huh.

11 Q. I need you to say yes.

12 A. Yes, ma'am.

13 Q. Thanks. So, what year did you move to Columbia?

14 A. 2012.

15 Q. And do you remember how old you were?

16 A. Seventeen.

17 Q. Seventeen?

18 A. Uh-huh.

19 Q. Were you still in high school?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes, ma'am.

23 Q. Where did you graduate?

24 A. A.C. Flora.

25 Q. And upon -- let me ask you this. When you graduated,

1 what did you do?

2 A. After I graduated, I went to Voorhees College.

3 Q. And while you were at Voorhees, what did you do for
4 fun?

5 A. Partied.

6 Q. Partied. Fair to say you went out regularly?

7 A. Yes, ma'am.

8 Q. Where did you party?

9 A. When I came back home, Five Points.

10 Q. And when you say came back home, what do you mean?

11 A. Came back home to Columbia for the weekend.

12 Q. Where is Voorhees?

13 A. It's in Denmark.

14 Q. And did you ---

15 A. South Carolina.

16 Q. Did you live in Denmark?

17 A. Yes. I was staying on campus.

18 Q. Okay. So, you would come back to Columbia and party?

19 Is that what you just said?

20 A. Yes, ma'am.

21 Q. And you said in Five Points?

22 A. Yes, ma'am.

23 Q. All right. Did you have an occasion to meet the
24 defendant?

25 A. Yes, ma'am.

1 Q. When did you meet him the first time?

2 A. It was on a weekend that I had come home from college.

3 Q. So, came home to Columbia?

4 A. Uh-huh. Yes, ma'am.

5 Q. And where did you meet him?

6 A. At a club in Five Points.

7 Q. In Five Points?

8 A. Yes, ma'am.

9 Q. All right, and at that time, what was your
10 relationship?

11 A. We was friends.

12 Q. Did you date at that time?

13 A. No.

14 Q. So, you were just friends?

15 A. Uh-huh. Yes, ma'am.

16 Q. All right. Did you all ever date back then?

17 A. You can say dating, but it was more so like a
18 friendship.

19 Q. Did you all stay friends from back then until now or
20 until March of 2019?

21 A. We had lost contact with each other.

22 Q. When did you all become associated again?

23 A. March, April. It was in 2020.

24 Q. And before this incident, is that when you became
25 acquainted?

1 A. No.

2 Q. So, you didn't know him prior to -- not today. Okay.
3 Let me rephrase. Did you know him in March of 2019?

4 A. Yes.

5 Q. And were you all -- how did you become acquainted with
6 him again in March of 2019?

7 A. He had come to my job at McDonald's on Garners Ferry.

8 Q. Okay. So, I want to talk about McDonald's.

9 A. Yes, ma'am.

10 Q. You said you worked at McDonald's in 2019?

11 A. Yes, ma'am.

12 Q. Which McDonald's did you work at?

13 A. The one on Garners Ferry across from Rosewood.

14 Q. So, coming into Columbia?

15 A. Yes, ma'am.

16 Q. Okay, and you worked at McDonald's. How did you meet
17 him? Did he come in the McDonald's?

18 A. He was going through the drive-thru. I was outside.

19 Q. What were you doing outside?

20 A. Smoking a cigarette because I had just got off.

21 Q. So, how did it happen that you talked to him?

22 A. He, he was, like, hey, Maria, and I was, like, oh,
23 wow. I haven't seen you in forever, and we exchanged
24 numbers.

25 Q. And did you go back to work?

1 A. No.

2 Q. What did you do at that point?

3 A. He offered me a ride home.

4 Q. Did you have a car at that time?

5 A. No.

6 Q. So, did you get rides a lot?

7 A. Yes.

8 Q. So, he took you back to home, you said?

9 A. Yes.

10 Q. Where was your home at that point?

11 A. Mountainbrook on Leesburg.

12 Q. Was it -- what type of house was it?

13 A. It was a condo.

14 Q. Was it a ---

15 A. A duplex.

16 Q. So, it was a duplex?

17 A. Uh-huh.

18 Q. Was it an apartment or was it like a...

19 A. It was like an apartment.

20 Q. So, can you describe to the jury, was it one story or
21 two stories?

22 A. It was two stories.

23 Q. So, he took you back to Mountainbrook, you said?

24 A. Yes, ma'am.

25 Q. And what happened when you got home?

1 A. We hung out for a little while, and then he left.

2 Q. And let me ask you this. Was that the last time you
3 saw him?

4 A. No.

5 Q. What happened -- how often did you see him after that
6 first encounter at McDonald's?

7 A. Every day.

8 Q. After that?

9 A. Uh-huh. Yes, ma'am.

10 Q. All right. Did you all, at that point, start dating?

11 A. Yes, ma'am.

12 Q. Okay, and what do you mean by dating?

13 A. Seeing somebody every day.

14 Q. And let's just be honest. Did y'all have a sexual
15 relationship?

16 A. Yes, ma'am.

17 Q. And at that time, did you have a child?

18 A. Yes, ma'am.

19 Q. How old was your child?

20 A. Four.

21 Q. Did she live with you?

22 A. Yes, ma'am.

23 Q. Did she see -- did you allow him to see her as well?

24 A. Not often.

25 Q. So, you said that you saw him every day. What type of

1 relationship did you mean when you said you saw him every
2 day? Was it for long periods or short periods? That's
3 where -- start there.

4 A. It was for long periods.

5 Q. So, what did y'all do during those long periods?

6 A. Watched TV, hang out, eat.

7 Q. Did you go to Five Points?

8 A. No.

9 Q. Okay. Did you all go to bars at all?

10 A. No.

11 Q. Do you know if he liked to go to bars?

12 A. Yeah.

13 Q. How do you know that?

14 A. Because he always talked about Five Points.

15 Q. And what did he tell you about Five Points?

16 A. It was lit.

17 Q. And what does -- in case people don't know, what does
18 it's lit mean?

19 A. It's so good. It's a place to have a good time.

20 Q. Okay, and that's what he told you about Five Points?

21 A. Uh-huh. Yes, ma'am.

22 Q. Okay, and were you, at that time, going to Five
23 Points?

24 A. No.

25 Q. Why not?

1 A. Because I was working double shifts, and I didn't have
2 time to party no more.

3 Q. So, I'm going to move you to Thursday the 28th of
4 March of 2019. Were you two seeing each other at that
5 time?

6 A. Yes, ma'am.

7 Q. And you were working at McDonald's, I believe you
8 said?

9 A. Yes, ma'am.

10 Q. So, tell the jury what you all did that -- was he
11 there when you got up that morning?

12 A. No.

13 Q. Did he stay over during this time period that you knew
14 him? Would he spend the night with you?

15 A. He was supposed to, but he never came back.

16 Q. What do you mean he was supposed to?

17 A. Like, he would tell me I'm going to stay the night and
18 then he just didn't.

19 Q. How do you know that?

20 A. Because if I wake up, the cover was still the way that
21 I put it and he wasn't there.

22 Q. Would you all go to bed together?

23 A. No.

24 Q. Where did you expect him to stay if he was staying?

25 A. In the living room.

1 Q. And while we're talking about who was staying with
2 you, was anyone else living with you at the time?

3 A. Yes, ma'am.

4 Q. Who else was living ---

5 A. My daughter's cousin.

6 Q. What's her name?

7 A. Niesha.

8 Q. Okay. Did anything happen with Niesha during this
9 time period?

10 A. She just didn't follow my rules. So, I tried to get
11 her evicted.

12 Q. What do you mean by follow your rules?

13 A. The guidelines in my house.

14 Q. Which were what?

15 A. The cleaningness.

16 Q. So, what would she not be doing that abided by your
17 cleanliness?

18 A. She wouldn't clean up, and her daughter had urinated
19 on my daughter's floor and it smelt my -- it had my whole
20 house smelling.

21 Q. So, you wanted to do what based on that?

22 A. Get her put out. I wanted her to leave but ---

23 Q. What did you do?

24 A. I went and typed a letter up and I was going to get it
25 notarized.

1 Q. And where did you put that letter?

2 A. In the glove box of his car.

3 Q. What kind of car did he have?

4 A. A black Impala.

5 Q. Did you ever see him drive a different car?

6 A. No, ma'am.

7 Q. And did you ever see him let anyone else drive that
8 Impala?

9 A. Besides me? No, ma'am.

10 Q. And when you drove it, was he with you or let you
11 drive it alone?

12 A. He was with me.

13 Q. So, you said you put the letter in the glove box?

14 A. Yes, ma'am.

15 Q. Why was that?

16 A. Because I was going to the bank to get it notarized.

17 Q. Do you remember when you put that in there?

18 A. Thursday. It was Thursday.

19 Q. On Thursday?

20 A. Yes, ma'am.

21 Q. Okay. So, I believe I interrupted you, but you said
22 on Thursday. What were you planning on doing on Thursday?

23 A. I was supposed to go to my mom house and wash clothes.

24 Q. And where in general did your mom live? What side of
25 town?

1 A. Northeast.

2 Q. Okay, and how were you going to get there?

3 A. He was going to take me.

4 Q. And did he take you?

5 A. Yes, ma'am.

6 Q. Okay. Were you able to wash your clothes?

7 A. No, ma'am.

8 Q. And so what did you do because you couldn't wash your
9 clothes?

10 A. I brought them back home to my house.

11 Q. Was there anything significant that needed to be
12 washed?

13 A. My work shirt.

14 Q. Why did it need to be washed?

15 A. Because I needed it for work.

16 Q. So, since you couldn't wash it ---

17 A. I couldn't wash it at my mom's house.

18 Q. So, what did you do based on that?

19 A. I asked him if he could wash it at his sister's house.

20 Q. And did he?

21 A. Yes, ma'am.

22 Q. Did you see him wash it, or did he just take it?

23 A. He took it.

24 Q. Okay, and was your daughter with you at this time?

25 A. No, ma'am.

1 Q. Where was your daughter?

2 A. She was with my mom.

3 Q. Is -- was that normal or out of the ordinary?

4 A. It was normal.

5 Q. So Thursday afternoon into Thursday night, where are
6 you at?

7 A. At home.

8 Q. With who?

9 A. Nate.

10 Q. What are y'all doing?

11 A. Watching TV.

12 Q. And do you remember what you were watching?

13 A. Something on the Ion channel.

14 Q. Something on the what?

15 A. Ion channel.

16 Q. Ion channel. Okay, and at what point did you -- or do
17 you go to bed?

18 A. It was around 12 or 1.

19 Q. And did you ---

20 A. In the morning.

21 Q. Earlier you said he didn't sleep with you. Did he
22 sleep with you that night, and by sleeping I mean literally
23 going to sleep in your bed?

24 A. No.

25 Q. Okay. Where were you?

1 A. In my bed.

2 Q. Where was he when you went to sleep?

3 A. Downstairs.

4 Q. How do you know he was downstairs?

5 A. The TV was still on, and before I went to bed, I went
6 back downstairs to make sure.

7 Q. And what was he wearing on Thursday?

8 A. Gray Nike hoodie with the drawstring and, like, the
9 wind -- windbreaker sweatpants.

10 Q. What color were the sweatpants?

11 A. Like, a navy blue.

12 Q. And was it a hoodie or a sweatshirt?

13 A. It was a thin shirt with a hood on it.

14 Q. With a hood on it. Okay. So, you see -- you said
15 he was downstairs and you go to your room and go to sleep?

16 A. Yes, ma'am.

17 Q. And when you go to sleep, he's downstairs?

18 A. Uh-huh.

19 Q. You positive of that?

20 A. Unless he left because he's good about leaving.

21 Q. But when you last saw him, he was downstairs. Is
22 that ---

23 A. Uh-huh. Yes, ma'am.

24 Q. I don't want to put words in your mouth, but is that
25 correct?

1 A. Yes, ma'am.

2 Q. All right. So, what time do you go to bed?

3 A. Around 1:30, 2:00.

4 Q. And, at that point, he's downstairs at 1:30?

5 A. Yes, ma'am.

6 Q. Okay. Where -- is he there when you wake up?

7 A. No.

8 Q. And what time did you wake up?

9 A. I have to be to work around 7. So, I wake up around
10 5:30, 6 o'clock.

11 Q. And so around 5:30, 6 o'clock, he's not there?

12 A. No, ma'am.

13 Q. Were you -- was that what you expected?

14 A. No.

15 Q. What did you expect?

16 A. Him to be there.

17 Q. Why?

18 A. Because he told me he was going to be there when I
19 wake up.

20 Q. And why -- or had you asked him to be there when you
21 woke up?

22 A. Yes, ma'am.

23 Q. Why?

24 A. Because I don't like staying by myself.

25 Q. And had he made you any promises about staying?

1 A. Uh-huh.

2 Q. What did he ---

3 A. Yes, ma'am.

4 Q. What did he tell you?

5 A. That he would be there when I wake up.

6 Q. But he wasn't?

7 A. But he wasn't.

8 Q. So, what did you do when you woke up and he wasn't
9 there?

10 A. I called his phone and I texted him.

11 Q. Did you get a response?

12 A. No.

13 Q. Okay. So, you said you called and you texted his
14 phone. Did he have more than one phone or just one phone?

15 A. More than one phone.

16 Q. Do you remember how many he had?

17 A. Two.

18 Q. Did you try to call both or just one?

19 A. Yes, ma'am.

20 Q. Did you get a response on either phone?

21 A. No, ma'am.

22 Q. All right. So, how did you feel about that?

23 A. I was upset because I know I had to go to work, and I
24 don't like being late for work.

25 Q. Okay. So, what did you do?

1 A. I called my mom, and by the time I got off the phone
2 with my mom, he was pulling in the driveway.

3 Q. Do you remember what time that was?

4 A. No, ma'am.

5 Q. Okay. Was it after you were supposed to have already
6 been at work?

7 A. Yes, ma'am.

8 Q. And you were supposed to be to work at 7?

9 A. Yes, ma'am.

10 Q. So, what did you do when he -- how did you know he'd
11 gotten there? Start there.

12 A. I looked out the window, and I seen his car out there
13 in the ---

14 Q. So, you could see your -- could you see your front
15 yard from your window?

16 A. Yes, ma'am, the front window.

17 Q. Which window?

18 A. The front window. The front window.

19 Q. Okay. Like your bedroom front window? Your living
20 room?

21 A. The living room.

22 Q. Okay. So, what do you do when you see him?

23 A. I went outside to ask him where my shirt
24 was.

25 Q. And I want to stop a little bit. When you see him

1 pull up, what is he driving?

2 A. His black Impala.

3 Q. And you go outside, you said?

4 A. Yes, ma'am.

5 Q. And what do you say?

6 A. Where's my work shirt.

7 Q. Because -- did you have your uniform?

8 A. I had my pants and my shoes on, but I didn't have my
9 shirt because he was supposed to wash it.

10 Q. And did he have it?

11 A. Yes, but it was wet.

12 Q. It was wet?

13 A. Uh-huh.

14 Q. Did you tell him or say anything to him about that?

15 A. Yes, ma'am.

16 Q. What did you say?

17 A. Why is my shirt wet.

18 Q. What ---

19 A. When you said you was going to dry my clothes, wash
20 my shirt and dry it.

21 Q. And what did he say?

22 A. Nothing really.

23 Q. Okay, and let me ask you this. Were you real nice
24 about the way you asked or were you upset?

25 A. I was upset.

1 Q. And does he give you your shirt?

2 A. Yes, ma'am.

3 Q. You said that, and so what do you do at that point?

4 A. I asked him for my work hat.

5 Q. And tell the jury. What's your work hat?

6 A. It's a, like, a sun visor.

7 Q. Okay.

8 A. With an M on it.

9 Q. And I'm going to repeat what you said because you
10 mumbled a little bit. Did you say it was a visor?

11 A. Yes, with an M on it for McDonald's.

12 Q. And where had you left that visor?

13 A. In the back window.

14 Q. Of what?

15 A. His car.

16 Q. Of?

17 A. Nate's car.

18 Q. What kind of car?

19 A. His Impala.

20 Q. Okay, and when had you left it there?

21 A. The day before when he picked me up.

22 Q. And where did you leave it?

23 A. In the back window.

24 Q. So, did you -- what, if anything, did you expect
25 about that visor when he showed up? Where did you expect

1 it to be?

2 A. In the window.

3 Q. Was it?

4 A. No, ma'am.

5 Q. Okay. Did you ask him about that?

6 A. Yes, ma'am.

7 Q. And what did he tell you?

8 A. That it was in the country.

9 Q. And what did you say to that?

10 A. Why would it be in the country?

11 Q. And what did he tell you?

12 A. It had blood on it.

13 Q. I'm going to need you to repeat that.

14 A. It had blood on it.

15 Q. He told you that the visor had blood on it?

16 A. Yes, ma'am.

17 Q. Did you ask him -- what did you ask him?

18 A. Why would the hat have blood on it?

19 Q. And what did he tell you? You can tell.

20 A. Mind my business.

21 Q. Mind your business. Did you ask him again?

22 A. Yes.

23 Q. And what did he tell you?

24 A. Mind my business.

25 Q. Okay. So, he had your shirt but not your hat. So

1 what'd you do?

2 A. I called my job and told my boss that I was on the
3 way, and she had an extra hat for me.

4 Q. And so what did you do?

5 A. I left my house to go to work.

6 Q. Were you able to go straight to his car?

7 A. Yes. No, no, no.

8 Q. What happened?

9 A. He left and said that he had to take his nephew to
10 school.

11 Q. So after he shows up, he leaves again?

12 A. Yes, ma'am.

13 Q. And what did you do when he left?

14 A. I went out the door, and I shut the door behind me,
15 and I didn't know I had done locked the door. So, I had
16 to go to my neighbor's house and wait for him to get back.

17 Q. Where were your keys?

18 A. In his car.

19 Q. And so you wait with your neighbor, I think you just
20 said?

21 A. Yes, ma'am.

22 Q. How long is he gone?

23 A. Like, ten minutes.

24 Q. How long -- and you said he went to go get his nephew?

25 A. To take his nephew to school.

1 Q. Do you know where his nephew -- was his nephew in the
2 car?

3 A. No.

4 Q. Do you know where his nephew lived?

5 A. On Rosewood.

6 Q. How far from -- how long does it take to go from your
7 house to the nephew's house?

8 A. Like, from Leesburg to Rosewood is, like. thirty
9 minutes ---

10 Q. So, did he have time to go ---

11 A. --- with traffic.

12 Q. --- from your house to his nephew's in that ten
13 minutes?

14 A. No.

15 Q. So, he leaves and comes back?

16 A. Uh-huh. Yes, ma'am.

17 Q. Had he already given you your shirt at that point?

18 A. No.

19 Q. So he, when does he ---

20 A. I put my shirt on in the car.

21 Q. So, when you said he gave you back your shirt wet, was
22 that before or after the first time he shows up at your
23 house that morning?

24 A. The second time.

25 Q. So the first time -- I just want to make sure we got

1 the timeline right.

2 A. Yes, ma'am.

3 Q. He asked -- you asked him where it is.

4 A. Yes, ma'am.

5 Q. And then the second time, he actually gives it to you?

6 A. Yes, ma'am.

7 Q. All right, and it's wet?

8 A. Yes, ma'am.

9 Q. All right. So, what do you do with your wet shirt?

10 A. I put -- I had to put it on because I had to get to
11 work.

12 Q. And do you -- does he take you to work?

13 A. We went to the convenience store because he had to get
14 gas on Leesburg.

15 Q. Okay, and what, if anything, did you notice about the
16 car at that point?

17 A. That it was, like, dry blood in the car.

18 Q. Where in the car?

19 A. On the dashboard and beside the seats.

20 Q. When you say the dashboard, what are you talking
21 about?

22 A. The -- where the air bags are.

23 Q. Like the console?

24 A. Yes, ma'am.

25 Q. Like the console. Okay, and where else did you see

1 blood?

2 A. In the back seat.

3 Q. In the back seat. Was anything else in the back seat?

4 A. It was a sheet over this -- over the back seat and the
5 back of the driver's seat.

6 Q. And how do you mean there was a sheet?

7 A. It was kind of like covering, but it wasn't all the
8 way covering the seat.

9 Q. And was it like draped on the seat so you could see
10 the outline of the seat, or was it above the seat, or tell
11 us ---

12 A. Just like ---

13 Q. Describe that.

14 A. --- threw over the seat where you can't sit.

15 Q. Okay. Could you see anything in the back seat besides
16 the sheet?

17 A. Blood.

18 Q. Where did you see blood then?

19 A. On the seat.

20 Q. On the seat?

21 A. Uh-huh.

22 Q. Okay. Not, not the part that was covered or was it
23 under the -- could you see through the sheet?

24 A. Like the part of the seat that wasn't covered, you
25 could see blood.

1 Q. Okay. Did you -- what did you do when you saw the
2 blood?

3 A. I asked him why is it blood in his -- in the car. Did
4 you hit a dog?

5 Q. Okay, and what did he say?

6 A. Mind my business.

7 Q. Did he tell you he hadn't had his car all day?

8 A. No.

9 Q. Did he tell you, did he tell you where he'd been other
10 than being in the country?

11 A. No.

12 Q. So, what did you do based on that?

13 A. After that, I went to work.

14 Q. And who was supposed to take -- pick you up from work
15 that day?

16 A. He was supposed to pick me up.

17 Q. How did y'all decide that?

18 A. I told him that -- what time that I got off, and he
19 said that he would be there to pick me up.

20 Q. And I'm going to need you to say that again because
21 you mumbled a little.

22 A. I told him what time I got off, and he said that he
23 would be there, make sure he was there to pick me up.

24 Q. And was he there to pick you up?

25 A. No.

1 Q. Okay, and before that, did he tell you what he was
2 going to go do while you were at work?

3 A. Clean his car.

4 Q. Did he have your keys?

5 A. Yes.

6 Q. Why did he still have your keys?

7 A. Because I was worried about getting to work and I --
8 and he looked like he was sleepy. So, I let him get the
9 key to go in the house and go to sleep.

10 Q. Did you all talk about him being tired or sleepy?

11 A. No.

12 Q. Okay, and you just thought he was?

13 A. The way he looked.

14 Q. And so you go to work. How did you get home since he
15 didn't ---

16 A. A coworker brought me home.

17 Q. Coworker brought you home?

18 A. Yes, ma'am.

19 Q. Is that out of the ordinary for a coworker to take you
20 home?

21 A. No.

22 Q. Okay, but this day, that wasn't supposed to happen?

23 A. That wasn't supposed to happen.

24 Q. So, what did you do when you got home?

25 A. I bammed on the door.

1 Q. Why?

2 A. Because I didn't have my key and he didn't pick me up
3 from work and I was mad.

4 Q. All right, and I just really didn't ask you something.
5 When he picked you up, what was he wearing? When he picked
6 you up to take you to work, what was he wearing?

7 A. The same clothes.

8 Q. The same clothes from when?

9 A. Thursday.

10 Q. When you got home and banged on the door, did he
11 answer?

12 A. Yes.

13 Q. And what did -- what happened when he came to the
14 door?

15 A. He looked shook.

16 Q. And what do you mean by looked shook?

17 A. Like he seen a ghost.

18 Q. And how did you bang on that door?

19 A. Hard like the police.

20 Q. Banged on it like the police?

21 A. Uh-huh.

22 Q. And when he, when -- he looked shook?

23 A. Uh-huh.

24 Q. Shook?

25 A. Yes, ma'am.

1 Q. All right. What did he have on when he came to the
2 door looking shook?

3 A. The same clothes.

4 Q. And what did you do once you got in the house?

5 A. I went and took my shower and everything from work.

6 Q. Did he take a shower?

7 A. No.

8 Q. Did you say anything about that?

9 A. Yes, ma'am.

10 Q. What'd you say?

11 A. Why you still have the same clothes on, and why you
12 haven't washed your ass?

13 Q. Say it again.

14 A. Why he haven't washed his ass.

15 Q. You asked him why he hadn't washed his ---

16 A. Ass.

17 Q. Okay.

18 A. Yes, ma'am.

19 Q. Did he respond?

20 A. No.

21 Q. So, what did you do after you got out of the shower?

22 A. I put my clothes on and I went outside.

23 Q. And what was he doing?

24 A. Cleaning the car.

25 Q. Did you all -- cleaning the car how?

1 A. Like, scrubbing it with something.

2 Q. Could you tell what he was cleaning it with?

3 A. It smelt like -- the car smelled like chlorine.

4 Q. And I'm going to break that down. You say it smelled
5 like

6 chlorine. When did you first notice it smelled like
7 chlorine? When you were going to work or after you got ---

8 A. After I got off work.

9 Q. Okay. Were -- you said you went outside. Were you
10 standing by the car? Like, how were you ---

11 A. Yes, ma'am.

12 Q. So, what were y'all's plans that day?

13 A. To go to my mom's house.

14 Q. You said -- and I, and I interrupted you. You said he
15 was cleaning and you could smell chlorine?

16 A. It was bleach but it was so strong, it smelt like
17 chlorine.

18 Q. Did you get -- did you see him in the car cleaning, or
19 what did you see?

20 A. The bleach bottles on the seat and the doors opened.

21 Q. And the doors open. All right. Did you help him
22 clean?

23 A. No.

24 Q. Why not?

25 A. It's not my car.

1 Q. So, did you see him taking any items out of the car?

2 A. No.

3 Q. Do y'all get back in the car?

4 A. Yes, ma'am.

5 Q. And at that point, who's driving when you get back in?

6 A. I was.

7 Q. Why?

8 A. I needed to go to my mom house to get my rent money.

9 Q. All right, and when you get in the car, did you have
10 to do anything with the seat?

11 A. I had to adjust the seat.

12 Q. Why?

13 A. To my height.

14 Q. Does his seat -- is it upright or laid back?

15 A. When he's driving, it's laid back but when I drive,
16 it's up.

17 Q. And so where do you go?

18 A. To my mom's house.

19 Q. And you're driving?

20 A. Yes.

21 Q. Do you stop anywhere?

22 A. I had to go to the ATM.

23 Q. Okay, and while you're driving, what is he doing?

24 A. Cleaning the car still.

25 Q. Still cleaning. With what?

1 A. Like, some type of wipes.

2 Q. Did you ask him about that?

3 A. Yeah.

4 Q. What did you ask him?

5 A. Where did he get them from. Why you cleaning the car
6 with wipes?

7 Q. And what'd he say?

8 A. Mind my business.

9 Q. And what, if anything, does he have on him, have on
10 his hands when he's doing this?

11 A. He had, like, the surgical gloves.

12 Q. What do you mean by surgical?

13 A. The blue surgical gloves.

14 Q. And did you see him clean anything besides the
15 interior of the car?

16 A. This little hunter knife-like thing.

17 Q. I'm going to show you what's been marked as State's Ex
18 -- I'm going to show Judge Newman first.

19 (A PAUSE.)

20 Q. I'm going to show you what's been marked as State's
21 Exhibit Number 13 and ask if you recognize that.

22 A. Yes, ma'am.

23 Q. What is that?

24 A. The thing that he was cleaning.

25 Q. And does that fairly and accurately depict the way it

1 looked when you saw it?

2 A. Yes, ma'am.

3 Q. All right.

4 MS. SAMPSON: At this time, I'd ask to introduce
5 State's Exhibit Number 13 into evidence.

6 THE COURT: Any objection?

7 MS. GOODE: Beg the court's indulgence.

8 (A PAUSE.)

9 MS. GOODE: No, Your Honor.

10 THE COURT: It's admitted.

11 (PHOTOGRAPH MOVED INTO EVIDENCE AS STATE'S EXHIBIT
12 NUMBER 13.)

13 BY MS. SAMPSON:

14 Q. So, this is what you saw him cleaning?

15 A. Yes, ma'am.

16 Q. And when was he doing this?

17 A. While I was driving down the road.

18 Q. Had you ever seen him pull that tool out and clean
19 it before that night?

20 A. No, ma'am.

21 Q. So, had you seen him with that previously?

22 A. He showed it to me but it wasn't opened.

23 Q. Okay. So you -- this wasn't the first time you've
24 seen it. It was the first time you'd seen it opened?

25 A. Opened, yes, ma'am.

1 Q. So, you're driving around and he's cleaning the tool
2 in the car?

3 A. Yes, ma'am.

4 Q. Do you go to your mom's?

5 A. Yes, ma'am.

6 Q. And were you able to get the money?

7 A. Yes, ma'am.

8 Q. Okay. What do you do after that?

9 A. I went back home to Mountainbrook and to wait on my
10 landlord to pay the rent.

11 Q. All right. At any point, do you leave again?

12 A. No.

13 Q. Where's your daughter?

14 A. She was at daycare.

15 Q. Do you have her -- ever have to go get her that
16 day?

17 A. Yes, because I forgot she was at daycare. I was
18 so tired.

19 Q. So, who was supposed to pick her up?

20 A. My mom was supposed to pick her up.

21 Q. Did she?

22 A. But she didn't.

23 Q. So, what did you have to do because of that?

24 A. I had to drive his car to go get her.

25 Q. Okay. Did he go with you?

1 A. Yes.

2 Q. And so you go to -- what it -- where -- what side of
3 town was she located?

4 A. Killian.

5 Q. Killian, and so you go there to pick her up?

6 A. Yes, ma'am.

7 Q. All right. Where does she sit?

8 A. In the back on the passenger side ---

9 Q. Did ---

10 A. --- in her seat.

11 Q. In her seat? Anything ---

12 A. Her car seat. It's a bucket seat.

13 Q. So when you say a bucket seat, is it like a booster
14 seat or ---

15 A. A booster seat. Not the infant seat.

16 Q. All right. So, was it behind the driver or behind the
17 passenger?

18 A. The passenger.

19 Q. All right. Did you put her in the car?

20 A. Yes, ma'am.

21 Q. Was there any conversation between you and Mr. Rowland
22 about her getting in the car?

23 A. He told me he don't want her in the car, but I had no
24 choice but to go get her.

25 Q. Did he tell you why?

- 1 A. Because there was blood in the car.
- 2 Q. So -- but you have to go get her, you said?
- 3 A. Uh-huh.
- 4 Q. So, what did you do?
- 5 A. I went and got my baby.
- 6 Q. Okay, and does she get in the car?
- 7 A. Yes, ma'am.
- 8 Q. Where do y'all go after you pick her up?
- 9 A. We went back home.
- 10 Q. So, does she stay with you the rest of the night?
- 11 A. Yes, ma'am.
- 12 Q. Does Mr. Rowland?
- 13 A. No.
- 14 Q. Did -- does anyone else come to your house that night
- 15 or that -- or into the morning?
- 16 A. His friends.
- 17 Q. Do you remember who came over?
- 18 A. I don't remember one of them name, but one of them
- 19 name was ---
- 20 Q. Got to speak up.
- 21 A. I don't remember their names, but two people had came
- 22 ---
- 23 Q. Okay.
- 24 A. --- to the house.
- 25 Q. Were they there to see you or Mr. Rowland?

- 1 A. They were there to see him.
- 2 Q. Did they speak and talk?
- 3 A. Yeah. We conversated.
- 4 Q. All right, and did they stay or leave?
- 5 A. They left because they was going out.
- 6 Q. Who was going out?
- 7 A. All -- the three of them.
- 8 Q. All, including Mr. Rowland?
- 9 A. Yes.
- 10 Q. Were you planning on going out?
- 11 A. No.
- 12 Q. Did they say where they were going?
- 13 A. Five Points.
- 14 Q. Was that unusual for him to go to Five Points?
- 15 A. No.
- 16 Q. When he left, what car would -- did he leave in?
- 17 A. His car, the Impala.
- 18 Q. What, if anything, did you say to him?
- 19 A. Why would you drive that car with blood in it?
- 20 Q. Any response?
- 21 A. No.
- 22 Q. Do you remember what time they left?
- 23 A. It was early morning.
- 24 Q. What do you mean by early morning?
- 25 A. It's was after 12 o'clock, so it was another, another

1 day.

2 Q. Okay. Do you know exactly what time?

3 A. No.

4 Q. Okay, and let me ask you this. What, if anything, was
5 he wearing when he left to go out with his friends?

6 A. He had changed clothes and put on a gray Puma
7 sweatsuit.

8 Q. Did you see him change clothes?

9 A. No.

10 Q. And I want to ask you. Did -- what, if anything, did
11 he have in terms of a phone when you saw him on Friday?

12 A. It was a phone in his car, and I asked him where did
13 he get it from because it looked like a female phone.

14 Q. And why do you say it looked like a female phone?

15 A. It was a rose-gold iPhone and it was in perfect
16 condition.

17 Q. All right, and where was it located?

18 A. In the -- it's a button that you mash and the radio
19 thing go up. It was in there.

20 Q. So, is that like a holder or something ---

21 A. Uh-huh.

22 Q. --- behind ---

23 A. Yes, ma'am.

24 Q. All right, and so that's where it was?

25 A. Uh-huh. Yes, ma'am.

1 Q. Did you ask him where that phone was from?

2 A. I asked him where he get it from.

3 Q. And what did he tell you?

4 A. He found it.

5 Q. And you stated -- again, what kind of condition was it
6 in?

7 A. It was in perfect condition.

8 Q. Did it look like it'd been dropped?

9 A. No.

10 Q. Did it look like it'd been in the dirt?

11 A. No.

12 Q. Did he ask you or did he tell you anything about what
13 he planned to do with that phone?

14 A. He said he was going to try to get it flashed over for
15 me, but I don't do iPhones.

16 Q. What do you like?

17 A. I like Androids.

18 Q. All right. So, you didn't need that phone?

19 A. No.

20 Q. And did you have a phone?

21 A. Yes, ma'am.

22 Q. So, he leaves?

23 A. Yes, ma'am.

24 Q. All right. Does he come back to your house after,
25 after he leaves with his friends?

1 A. No.

2 Q. All right. When is the next time you know anything
3 about this case? What do you see?

4 A. When it was on the news. I seen that she was -- the
5 -- she was missing, and then they showed the clip of his
6 car.

7 Q. All right, and what did you think when you saw the
8 car?

9 A. It all made sense to me now.

10 Q. What do you mean by that?

11 A. The, the blood. She's missing. That's his car.

12 Q. How'd you know it was his car?

13 A. Because it had mud on the back by the fender.

14 Q. And what -- why didn't you call the police at that
15 moment?

16 A. I was scared.

17 Q. So, what did you do? Did you go to work?

18 A. It -- no.

19 Q. Why not?

20 A. Because I had to get myself together. So, I faked my
21 baby being sick to take her to Doctors Care so I could get
22 myself together.

23 Q. Who took you?

24 A. His brother.

25 Q. And what, if anything, did you say to him about the

1 car or there being blood in it?

2 A. That looks like Nate's car.

3 Q. All right, and did police ever come speak with you?

4 A. Yes, ma'am.

5 Q. And when was that?

6 A. The first time they came, I, I forgot what day it was
7 but I had did a double shift, and they came and woke me up
8 out my sleep. And then they came back three, two to three
9 days later but I was, I was off. So, I was recuperated.

10 Q. So, I'm going to start with the first time you speak
11 with them.

12 A. Uh-huh.

13 Q. I think you just told the jury you had a double shift.

14 What was a double shift?

15 A. I worked over twelve hours that day.

16 Q. Over twelve hours?

17 A. Yes, ma'am.

18 Q. And you went home and went to sleep?

19 A. Yes, ma'am.

20 Q. And they woke you up?

21 A. Yes, ma'am.

22 Q. So, were you tired or real rested when you talked to
23 them?

24 A. I was tired, exhausted.

25 Q. And were you able -- were you trying to be helpful

1 when you talked to them?

2 A. I was.

3 Q. Were you able to tell them everything at that point?

4 A. I thought I told them what I could at the time.

5 Q. Did they do questions like I'm doing with you, or was
6 it just talk to them?

7 A. It was just talking.

8 Q. Okay. Did you leave out some things?

9 A. Yeah.

10 Q. Did you do it on purpose?

11 A. No.

12 Q. And you said they talked to you another time, and at
13 that point, you had some sleep?

14 A. Yes, ma'am.

15 Q. And were you -- did you talk to them?

16 A. Yes, ma'am.

17 Q. Did you try to tell them everything you could?

18 A. Yes, ma'am.

19 Q. All right, and they asked to look at your phone. Did
20 you let them?

21 A. Yes, ma'am.

22 Q. And do you remember what they did with your phone?

23 A. I just know they had it for a long time.

24 Q. They took it from you?

25 A. Uh-huh.

1 Q. I'm sorry. They took it from you?

2 A. Yes, ma'am.

3 Q. Okay. Did they give it back to you?

4 A. Yes, ma'am.

5 Q. Did you have any problems with that?

6 A. No.

7 Q. What, if anything, did they do at your house?

8 A. They searched my house.

9 Q. Did you have any problems with that?

10 A. No.

11 Q. Do you remember if his phone was working on the 28th
12 and the 29th? Could you call it?

13 A. No.

14 Q. Why not?

15 A. It was -- the bill was supposed to be paid and he
16 didn't pay the bill. So, he was using my Wi-Fi.

17 Q. What do you mean by using your Wi-Fi?

18 A. The -- use the internet.

19 Q. So ---

20 A. It would connect the phone to the Wi-Fi for that
21 internet.

22 Q. So, the phones worked?

23 A. Yeah, they worked but you just had to be connected to
24 the Wi-Fi.

25 Q. And I'm going to ask you. I'm skipping around a

1 little bit to make sure I covered everything. When you
2 came home from being at McDonald's and he didn't pick you
3 up -- so, this would be the 28th -- and he, you said he --
4 you knocked on the door. He looked shook. Did you --
5 could you tell he'd been asleep?

6 A. Yes, ma'am.

7 Q. How did you know?

8 A. I could tell when he been asleep. Like, he got this
9 look where he -- you can tell a person been asleep.

10 Q. And where had he been sleeping? Could you tell that?

11 A. He was in my room but he wasn't on my bed.

12 Q. How could you tell that?

13 A. Because the cover and stuff was on the floor.

14 Q. And on the floor?

15 A. Yes, ma'am.

16 Q. And were his clothes clean or dirty?

17 A. Dirty.

18 Q. Could you tell what was on them?

19 A. Blood.

20 Q. You could see it?

21 A. Yes, ma'am.

22 Q. Did you ever notice anything about -- what, if
23 anything, did you notice about Chloe's shoes after she got
24 out of his car?

25 A. When I took her to Doctors Care and she was sitting on

1 the table, she had blood on the bottom of her shoes.

2 Q. And so what did you do?

3 A. I took them off from her and threw them in the closet.

4 Q. In your house when they searched it, did they find any
5 marijuana or any edibles?

6 A. Uh-huh. Yes, ma'am.

7 Q. So, you also -- did you smoke marijuana back then?

8 A. Back then I did.

9 Q. Did Mr. Rowland?

10 A. Yes.

11 MS. SAMPSON: Beg the court's indulgence.

12 (A PAUSE.)

13 BY MS. SAMPSON:

14 Q. All right. A couple of things. I think I misstated.
15 When he was sleeping and looking shook, I think I said the
16 wrong date. It was the 29th, correct? The 28th was
17 Thursday.

18 A. Yeah, this was Friday.

19 Q. Okay. That's my -- that's it. I'm sorry. So, on the
20 29th is when you knocked on the door and he looked shook
21 ---

22 A. Yes, ma'am.

23 Q. --- and he was sleeping in the floor?

24 A. Yes, ma'am.

25 Q. All right, and to clarify, you said his brother. Was

1 it his blood brother or someone he called brother that took
2 you to Doctors Care?

3 A. I don't know if it's his blood brother or not, but he
4 called him his brother.

5 Q. All right. He called him his brother?

6 A. Yes, ma'am.

7 Q. All right, and then you stated he was cleaning the
8 car. Can you tell the jury. Where is your, your trash
9 can, outside dumpsters in relation to your house? Are they
10 in the front yard, the back yard?

11 A. The back yard.

12 Q. In the back yard?

13 A. Yes, ma'am.

14 Q. And can you get to those dumpsters with -- do you have
15 to go through your house?

16 A. You don't have to. You can go around the fence.

17 Q. Is there anything that could keep you from being able
18 to go in the dumpster?

19 A. No.

20 Q. So, if someone's out front, they can go to the back?

21 A. Yes, ma'am.

22 Q. And they can put stuff in the dumpster?

23 A. Yes, ma'am.

24 Q. Did you put anything in the dumpster between Friday
25 and Saturday?

1 A. No, ma'am.

2 MS. SAMPSON: Beg the court's indulgence.

3 (A PAUSE.)

4 BY MS. SAMPSON:

5 Q. Just one thing and I think I'm done. All right, did
6 you ever see him wear head coverings like a durag or a
7 bandanna?

8 A. Yes, ma'am.

9 Q. What did he wear?

10 A. He would wear, like, a toboggan, a skully, a black
11 one, and a durag.

12 Q. Showing you what's been -- already been marked as
13 State's Exhibit Number 11.

14 A. Yes, ma'am.

15 Q. Does this look familiar?

16 A. Yes, ma'am.

17 Q. What is this?

18 A. A durag.

19 Q. And is this what he was wearing?

20 A. Yes, ma'am.

21 Q. What about State's Exhibit -- the rest of ---

22 A. I've never seen that.

23 Q. Never seen that one but you've seen this one?

24 A. Yes, ma'am.

25 Q. And he -- did he always wear bandannas on his head?

1 A. The black one, yes.

2 Q. Okay, and what about pullover hoodies?

3 A. Hoodies, yes.

4 Q. And you said -- when he was cleaning, did you ever see
5 him throw away or put items in a bag?

6 A. No.

7 Q. In the car, was he -- when he was cleaning the car.

8 A. Oh, yeah. Yes, ma'am.

9 Q. What was he doing with them?

10 A. He was putting them -- like the wipes that he done
11 used in a trash bag, like a grocery store bag.

12 Q. And what do you mean by grocery store bag?

13 A. Like the, the plastic bags that you get from the
14 grocery store.

15 Q. He was putting them in that?

16 A. Yes, ma'am.

17 Q. I'm going to show -- sorry. I'm going to show you
18 what's been marked as State's Exhibit 14 and ask if you
19 recognize that.

20 A. Yes, this the letter that I had typed to ---

21 Q. I need you to speak into the microphone.

22 A. This is the letter that I had typed to my daughter's
23 cousin.

24 Q. And, and is that the eviction letter?

25 A. Yes, ma'am.

1 Q. And where did you leave that letter?

2 A. In the glove box.

3 Q. And is that a fair and accurate depiction of what you
4 left in the glove box?

5 A. Yes, ma'am.

6 MS. SAMPSON: I'd ask to introduce State's Exhibit 14
7 into evidence.

8 THE COURT: Any objection?

9 MS. GOODE: No objection.

10 THE COURT: It's admitted.

11 (PHOTOGRAPH MOVED INTO EVIDENCE AS STATE'S EXHIBIT
12 NUMBER 14.)

13 BY MS. SAMPSON:

14 Q. So, this is the letter that you left in his vehicle?

15 A. Yes, ma'am.

16 Q. And where did you leave it?

17 A. In the glove box.

18 Q. And what was it in?

19 A. An envelope.

20 Q. And it was in an envelope?

21 A. Yes, ma'am.

22 Q. And do you remember what kind of shoes -- I asked you
23 about clothing -- what kind of shoes he was wearing?

24 A. Nike slides.

25 Q. What do you mean by slides? Do some people call them

1 flipflops?

2 A. Yes.

3 Q. So, wasn't it -- what are slides?

4 A. Nike slides that you just slide your feet in or ---

5 Q. Do you remember what color?

6 A. Red and black.

7 Q. Red and black. So, just a few more. When -- so, the
8 night -- I guess it's the morning of the 29th ---

9 A. Uh-huh.

10 Q. --- I guess. The morning. So, y'all've gone to bed.
11 It's 1:30 in the morning. What does he have on?

12 A. The grayish hoodie, Nike hoodie, and the windbreaker
13 pants.

14 Q. And you stated -- did he get in the bed with you with
15 all that on?

16 A. No.

17 Q. How did he get in the bed or did he?

18 A. He would take the pants off.

19 Q. And did he get in the bed with you that night?

20 A. Uh-huh.

21 Q. Okay, and earlier you said at some point he was
22 downstairs. Did he get out of the bed and go downstairs?

23 A. Yeah.

24 Q. Where did the pants go?

25 A. They was -- like, when he take his pans off, they

1 would be beside the bed.

2 Q. When you got up the next morning ---

3 A. When he got up, he put them back on.

4 Q. And when he got up to go downstairs, he'd put them
5 back on?

6 A. Uh-huh. Yes, ma'am.

7 Q. Okay.

8 MS. SAMPSON: No further questions at this time, Your
9 Honor.

10 THE COURT: Cross-examination?

11 MS. GOODE: Thank you, Your Honor. Please the court?

12 CROSS-EXAMINATION BY MS. GOODE:

13 Q. All right. Ms. Howard, how are you?

14 A. I'm good.

15 Q. Good. You moved into that Mountainbrook apartment,
16 would that have been the beginning of March?

17 A. Yes, ma'am.

18 Q. Around maybe March 9th?

19 A. Yes, ma'am.

20 Q. Is that right? And the timeframe that we're talking
21 about here today is about three weeks later. Is that
22 right?

23 A. That sounds right.

24 Q. Okay, and at this point it's some -- at some point
25 between the time you move into the Mountainbrook apartment

M. HOWARD - CROSS-EXAMINATION BY MS. GOODE

545

1 on March 9th and March 28th is when you say that Nate comes
2 to the drive-thru when you're at work?

3 A. Yes, ma'am.

4 Q. You don't know the exact day that is?

5 A. No.

6 Q. So -- but within that three week period?

7 A. Yes, ma'am.

8 Q. And that night that he -- and it's -- is it nighttime
9 when he comes through?

10 A. Yes.

11 Q. And that night he comes over -- brings you home?

12 A. Yes, ma'am.

13 Q. And ends up leaving?

14 A. Uh-huh. Yes, ma'am.

15 Q. But he comes back that night?

16 A. That morning ---

17 Q. The next morning?

18 A. --- to take me to work.

19 Q. So, he didn't stay with you that night?

20 A. No.

21 Q. So, he came back the next morning and took you to
22 work?

23 A. Yes, ma'am.

24 Q. And you don't know what day that is?

25 A. Not off the top of my head, no.

1 Q. Okay, and did -- that same day that -- I guess the
2 first morning that would have been that he took you to
3 work, did he pick you up from work that day?

4 A. Yes.

5 Q. He did. Okay. Now, we've talked a lot about Nate's
6 car, and what you are saying you saw in that car.

7 A. Yes, ma'am.

8 Q. And you told the jury that you drove that car, right?

9 A. I drove it to my mom's house.

10 Q. And you -- and that was the day that he was late
11 picking you up for work?

12 A. Yes, ma'am.

13 Q. And when he did pick you up for work that morning when
14 he was late picking you up.

15 A. Uh-huh.

16 Q. You're telling us that you saw blood in the car that
17 morning?

18 A. Yes, ma'am.

19 Q. And you're saying it was dried blood?

20 A. Yes, ma'am.

21 Q. And you got in the car, right?

22 A. Uh-huh. Yes, ma'am.

23 Q. And he drove you to work?

24 A. Yes, ma'am.

25 Q. And made a stop along the way?

1 A. We went to the store to get gas.

2 Q. Got gas, and then he dropped you off at work?

3 A. Yes, ma'am.

4 Q. And you're -- you say your shirt is wet. So, you put
5 on a wet shirt to go to work?

6 A. Yes, ma'am.

7 Q. Okay. Later that same day, you get back in the car?

8 A. Yes, ma'am.

9 Q. You're driving this time?

10 A. To go to northeast.

11 Q. With blood in the car?

12 A. Yes, ma'am.

13 Q. At some point, you put your child in that car?

14 A. Yes.

15 Q. Put her in the back seat, right?

16 A. Yes, ma'am.

17 Q. Her car seat's back there?

18 A. Yes, ma'am.

19 Q. Her booster seat?

20 A. Yes.

21 Q. And that booster seat, was that in there the -- it was
22 in the car the morning when he picked you up for work,
23 right?

24 A. Yes.

25 Q. And on the driver's side?

1 A. The passenger's side.

2 Q. It's on the passenger side. So, it was behind the ---

3 A. The passenger seat.

4 Q. --- passenger seat in the back seat?

5 A. Yes, ma'am.

6 Q. And you could see that?

7 A. Yes, ma'am.

8 Q. And so later that day you put your daughter, Chloe,
9 you put her in the car?

10 A. That was that night, and I had went and picked her up
11 from daycare.

12 Q. In that seat?

13 A. Yes, ma'am.

14 Q. And you say she gets blood on her shoe?

15 A. Yes, ma'am.

16 Q. From the back seat?

17 A. From stepping on the floorboard.

18 Q. And in this -- I'm, I'm saying three weeks because

19 we're using the timeframe of you moving into the

20 Mountainbrook apartment and then March 29th. So, about
21 twenty days?

22 A. Uh-huh.

23 Q. Right?

24 A. Yes, ma'am.

25 Q. The majority of time when you two are hanging out,

1 you're at your apartment?

2 A. Yes, ma'am.

3 Q. You don't go anywhere else?

4 A. We would stop by his sister house.

5 Q. Stop by his sister's house?

6 A. Yes, ma'am.

7 Q. But as far as going out anywhere?

8 A. We didn't.

9 Q. No friends of his would come over to your house?

10 A. Yes.

11 Q. Just that ---

12 A. They only came over that one time.

13 Q. That one time?

14 A. Uh-huh.

15 Q. So, for that short period of time that you guys are
16 romantically involved, you would be in the car but then
17 drive to your house and, and stay?

18 A. Yes.

19 Q. And you testified that he would come to your house and
20 stay but not stay the night?

21 A. Most of the time, yes, ma'am.

22 Q. Okay. So -- but he would be there when you would wake
23 up in the morning?

24 A. He would make -- yes.

25 Q. Okay, and on how many occasions would you say that,

1 that that was what happened, that he didn't stay the night
2 with you?

3 A. When I go to sleep, that's when he would leave.

4 Q. And you're kind -- you're a hard sleeper?

5 A. Yes, ma'am.

6 Q. And you would -- you're sure that he would leave?

7 A. Yes, ma'am, because when I wake up to go to the
8 bathroom he wouldn't be there.

9 Q. He wouldn't be in ---

10 A. In the house.

11 Q. In the house, and you have a bath -- you have a
12 bathroom upstairs?

13 A. Yes, ma'am.

14 Q. And your bedroom is upstairs?

15 A. Yes, ma'am.

16 Q. And that would be the bathroom that you would go to?

17 A. Yes, ma'am.

18 Q. Do you remember telling this jury on ---

19 A. That he was downstairs.

20 Q. --- on direct that he would be ---

21 A. Uh-huh.

22 Q. --- sleeping downstairs?

23 A. Yes, ma'am.

24 Q. And that's -- would always be the set up if he would
25 stay?

1 A. Until a couple of weeks after. When we first started
2 talking, a couple weeks after, I started letting him sleep
3 upstairs.

4 Q. Okay. So, he had slept upstairs with you ---

5 A. Yes, ma'am.

6 Q. --- in your bed? But you're -- you told the jury on
7 the night of the 28th, that Thursday leading into the 29th,
8 which is that Friday morning, remember you told us on
9 direct that, that he went downstairs to sleep on the couch?

10 A. Yes, ma'am.

11 Q. So, he didn't stay with you in your bed that night?

12 A. No.

13 Q. And you go to bed that night between 12 and 1 AM?

14 A. Yes, ma'am.

15 Q. And this is, again, Thursday night but going into
16 Friday ---

17 A. Morning.

18 Q. --- Friday morning hours?

19 A. Yes, ma'am.

20 Q. Early morning. Do you remember -- you remember
21 speaking with Investigator Blackmon?

22 A. Yes.

23 Q. And you actually spoke to him a couple -- well, at, at
24 least once and then you spoke to another investigator with
25 SLED?

1 A. Yes, ma'am.

2 Q. And you remember telling them that you fell asleep in
3 your bed?

4 A. Yes, ma'am.

5 Q. And that was around 1:30, right?

6 A. Uh-huh.

7 Q. And at that time, you both were in bed watching TV ---

8 A. TV.

9 Q. --- together?

10 A. Yes, ma'am.

11 Q. You're watching it on -- I think it's Chloe's maybe
12 tablet?

13 A. Her tablet, yes, ma'am.

14 Q. And had been watching something maybe on Disney
15 Channel?

16 A. Yes, ma'am.

17 Q. And you fell asleep about 1:30?

18 A. Yes, ma'am.

19 Q. Had even posted something on Snapchat?

20 A. Yes, ma'am.

21 Q. Okay. Okay, and you told us today he's wearing a gray
22 Nike hoodie?

23 A. Yes, ma'am.

24 Q. And windbreaker-type pants?

25 A. Yes, ma'am.

1 Q. Blue?

2 A. Yes, ma'am.

3 Q. And he had been wearing some slides?

4 A. Yes, ma'am.

5 Q. And some socks?

6 A. Yes, ma'am.

7 Q. And that he is downstairs in your apartment at 1:30?

8 A. No. He was in the bed with me.

9 Q. So, now you're saying he was in the bed with you?

10 A. Yes.

11 Q. Okay. A little confusing. I, I think on direct, on
12 direct you told us he was downstairs at 1:30.

13 A. He was with me in the bed.

14 Q. He was with you in bed. Okay, and you told us that
15 when you wake up the next morning, he's not there?

16 A. He's not.

17 Q. And you told us previously that was something -- I
18 mean ---

19 A. He normally would do.

20 Q. --- you didn't have to be to work until 7?

21 A. Uh-huh.

22 Q. Right?

23 A. Yes, ma'am.

24 Q. And this was -- you woke up between 5:30 and 6 AM?

25 A. Yes, ma'am.

1 Q. And the plan was that he would come back to take you
2 to work?

3 A. He was supposed to stay.

4 Q. He was supposed to stay that night?

5 A. Yes, that night he was supposed to stay. He told me
6 he was going to stay the night with me.

7 Q. Okay.

8 A. He wasn't leaving.

9 Q. Okay, and previously had he -- he had not stayed a
10 night with you?

11 A. No, he, he, he always end up leaving early morning
12 when I go to sleep.

13 Q. When you would go to sleep. But this particular
14 night, he told you he was going to stay?

15 A. Yes, ma'am.

16 Q. Okay, and you told us on direct that he told you he
17 would be there when you woke up?

18 A. Yes.

19 Q. That's what you're saying. Okay.

20 A. That means he was going to be in the house with me
21 when I wake up.

22 Q. Gotcha. That's how you took it?

23 A. Yes.

24 Q. Okay, and whenever you woke up and he wasn't there,
25 that's when you start calling him?

- 1 A. Yes, ma'am.
- 2 Q. And no response?
- 3 A. No.
- 4 Q. No text? The text didn't ---
- 5 A. It didn't go through.
- 6 Q. Didn't go through and that's because ---
- 7 A. His phones was off.
- 8 Q. His phones were off? No service?
- 9 A. No service.
- 10 Q. He had to connect to your Wi-Fi?
- 11 A. Or Wi-Fi anywhere else.
- 12 Q. If he went out to eat, use the Wi-Fi ---
- 13 A. Wi-Fi, uh-huh.
- 14 Q. --- at the restaurant or if he's at someone's house,
15 connect to their Wi-Fi?
- 16 A. Yes.
- 17 Q. And that was the same situation for your house?
- 18 A. Yes.
- 19 Q. You had ---
- 20 A. Wi-Fi.
- 21 Q. --- wireless internet at your house?
- 22 A. Yes, ma'am.
- 23 Q. And he would connect to that wireless internet?
- 24 A. Uh-huh.
- 25 Q. And you're upset with him because he's not there?

1 A. Right.

2 Q. And you have to go to work, right?

3 A. Right.

4 Q. You're going to be late?

5 A. And I don't like being late for work.

6 Q. Okay, and that's understandable. And he, at this
7 point, he's got the keys to your apartment?

8 A. Yes. When I went to my mom's house, I left the key in
9 his car because ---

10 Q. You left the key in his car?

11 A. Yes.

12 Q. Was it on a -- it's on a keyring?

13 A. Yes.

14 Q. Along with other keys?

15 A. Yes.

16 Q. Including your mom's keys?

17 A. Those were my mom's keys.

18 Q. To her house?

19 A. Yes.

20 Q. And that was what was left in his car?

21 A. Yes.

22 Q. Okay, and you're telling us at -- today that he had
23 your shirt for work?

24 A. Yes.

25 Q. And he had taken it to ---

1 A. His sister's ---

2 Q. --- wash?

3 A. --- to wash it.

4 Q. And that was the plan the night before?

5 A. Yes.

6 Q. He had told you he was going to do that?

7 A. Yes.

8 Q. And when he brought it back ---

9 A. It wasn't dry.

10 Q. --- it wasn't dry? It was wet?

11 A. Yes.

12 Q. And you had gone the day before, though, to your mom's
13 house?

14 A. Right, but I was ---

15 Q. Didn't get to do your laundry?

16 A. --- supposed to wash clothes but it didn't go as
17 planned.

18 Q. Didn't go as planned. Okay. One second.

19 (A PAUSE.)

20 Q. When he comes to get you, he's -- what time exactly is
21 he, is he back at your house?

22 A. I don't know the exact time.

23 Q. But it was after 7 o'clock?

24 A. Yes.

25 Q. Because you had to be to work at 7?

1 A. Because I had to be to work at 7.

2 Q. And do you know what time you went -- you actually got
3 to work that day?

4 A. Like, 7:45.

5 Q. 7:45, and so it was some time between -- we know it
6 was 7 and 7:45 ---

7 A. Yes, ma'am.

8 Q. --- he's at your house, and that's the first time?

9 A. Yes.

10 Q. And he leaves?

11 A. He left.

12 Q. He's gone for ---

13 A. About ten minutes.

14 Q. --- you say about ten minutes? And that's when he
15 comes back with the shirt?

16 A. Yes.

17 Q. Okay. Did you -- had you asked him about the shirt
18 before he left?

19 A. Yes, and he said I got your shirt. I got to take my
20 nephew to school. I'll be right back.

21 Q. Be right back and he came right back ten minutes
22 later?

23 A. Ten minutes later.

24 Q. Okay, and, at this point, is the sun up?

25 A. Yes.

1 Q. It's come up?

2 A. Uh-huh.

3 Q. And you get in his car, right?

4 A. Yes.

5 Q. And immediately you're telling us you, you notice the
6 blood?

7 A. No.

8 Q. Not immediately?

9 A. No. I didn't notice it until we got to the store to
10 get gas.

11 Q. Okay, and is that when you asked him about that?

12 A. Yes.

13 Q. Okay, and at what point do you notice this sheet over
14 the back seat?

15 A. When we was at the store when we were ---

16 Q. At the store?

17 A. Yes.

18 Q. Are you in the back seat looking around?

19 A. No.

20 Q. You're not in the back seat?

21 A. I was in the front seat, in the passenger seat, and I
22 turned around.

23 Q. Okay, and Chloe's seat's back there?

24 A. Yes.

25 Q. In the passenger seat?

- 1 A. Behind the passenger seat.
- 2 Q. Behind the passenger, and you can see that?
- 3 A. Yes.
- 4 Q. It's not covered up by the sheet?
- 5 A. No.
- 6 Q. And the sheet, you say, it's, it's draped over the
7 back seat?
- 8 A. Yes.
- 9 Q. But, like, hanging over kind of the driver side and
10 then ---
- 11 A. Uh-huh. Over the back.
- 12 Q. Over the back but not over Chloe's seat?
- 13 A. No. Her seat was on top of the sheet.
- 14 Q. Her sheet's -- on top of the sheet and he doesn't tell
15 you anything ---
- 16 A. No.
- 17 Q. --- about what happened? And you just go to work?
- 18 A. Yeah.
- 19 Q. Expecting him to come pick you back up?
- 20 A. Yes.
- 21 Q. And he's got the key to your house still?
- 22 A. Yeah.
- 23 Q. So when you get home, you testified the door's locked?
- 24 A. Yes.
- 25 Q. You can't get inside?

1 A. No.

2 Q. You still can't get him to answer the phone ---

3 A. No. So, I just ---

4 Q. --- that's not working?

5 A. The car's in the driveway, so I knew he's in the
6 house. So, I started bawking on the door.

7 Q. Phone's still -- it's not working?

8 A. No.

9 Q. Gives you that -- the user -- what -- what's the --
10 you -- would you get a message, a, a lady's voice?

11 A. Yes.

12 Q. And it will tell you that this number's not in
13 service?

14 A. Yes.

15 Q. Okay, and you said -- you told the jury on direct that
16 when you got home, you took a shower ---

17 A. Uh-huh. Yes.

18 Q. --- right after work. Is that right?

19 A. Yes.

20 Q. And that Mr. Rowland, that Nate is outside cleaning
21 his car?

22 A. When I went in the house, he came out the door.

23 Q. And what time of day is this?

24 A. I got off at, like, 2:30 that day.

25 Q. Okay.

1 A. And it takes at least thirty minutes to get from the
2 Wal -- the McDonald's to road -- to my house.

3 Q. About a thirty-minute drive?

4 A. Yes.

5 Q. Okay, and he's outside at this point?

6 A. Yes.

7 Q. And you know that? You tell -- you can see that?

8 A. Yes.

9 Q. Okay, and you don't go out there to help him?

10 A. I went outside to talk to him, and that's when I smelt
11 the bleach.

12 Q. You smelled the bleach?

13 A. I think the bottle's in the back seat.

14 Q. And again, you ask him what are you doing?

15 A. Yes.

16 Q. What's going on?

17 A. And he wouldn't tell me.

18 Q. He doesn't tell you and you don't call police?

19 A. No.

20 Q. You, at that point, made a plan to go to your mom's
21 house?

22 A. Yes.

23 Q. You need to get rent money?

24 A. Yes.

25 Q. And she lives out in Sandhills?

M. HOWARD - CROSS-EXAMINATION BY MS. GOODE

563

1 A. Yes.

2 Q. And that's another maybe thirty-minute drive ---

3 A. Uh-huh.

4 Q. --- or so?

5 A. Yes.

6 Q. And you get back in the car?

7 A. Yeah.

8 Q. Correct? This time you were driving?

9 A. Yeah.

10 Q. Y'all make a stop at the ATM ---

11 A. Uh-huh. Yes.

12 Q. --- to get your rent money, right?

13 A. Yeah.

14 Q. And you do go to your mom's house?

15 A. Yes.

16 Q. Again, you've got the key to your mom's house?

17 A. Yes.

18 Q. It's on the keyring that he's got and that's the 29th,
19 that Friday, right?

20 A. Uh-huh. Yeah.

21 Q. You get back. The landlady's at your house. You need
22 to pay.

23 A. And I pay my rent.

24 Q. Okay, and this is when you say -- you told us on

25 direct that, that that's when you see Nate put gloves on,

1 right?

2 A. When we left my house the first time to go to my mom's
3 house, we was going down Beltline and he put the gloves on
4 because he was cleaning with wipes.

5 Q. Uh-huh. In the car?

6 A. In the car.

7 Q. And you don't drive to the police station?

8 A. No.

9 Q. You don't call the police?

10 A. No.

11 Q. He's in there cleaning a car, right?

12 A. Right.

13 Q. He's got wipes or he's got gloves on, right?

14 A. Right.

15 Q. And wipes, right?

16 A. Right.

17 Q. And he's wiping down his car?

18 A. Yes.

19 Q. And at some point, he pulls out this hunting knife?

20 A. Right.

21 Q. The picture we saw here, this multitool, right?

22 A. Right.

23 Q. And you say he's -- he begins cleaning that?

24 A. Correct.

25 Q. Where does he, where does he pull it out from?

1 A. The, the pocket in the side of the door.

2 Q. On the passenger side?

3 A. On the passenger side.

4 Q. Passenger side, and you said you've seen it before?

5 A. Right.

6 Q. He had it. He pulled it out and showed it to you for
7 whatever reason?

8 A. But it wasn't opened.

9 Q. It wasn't opened, and you told us, you told that you
10 forgot that Chloe was at daycare?

11 A. Yes, because I was so tired. I went home.

12 Q. Yeah, and this was -- at this point, this would be
13 closer to 8 o'clock at night?

14 A. Yes.

15 Q. So, it's dark?

16 A. It's dark.

17 Q. It's getting late?

18 A. Uh-huh.

19 Q. Like you said, you're tired.

20 A. Yes.

21 Q. And, again, you drive ---

22 A. I had no ---

23 Q. --- the car?

24 A. --- no choice but to drive that car to go get my, my
25 daughter.

- 1 Q. Your mom didn't go get her?
- 2 A. No.
- 3 Q. So, you get, again, back in his car?
- 4 A. And go get my child.
- 5 Q. Drive his car, right?
- 6 A. Yes.
- 7 Q. To go get your daughter?
- 8 A. Yes.
- 9 Q. And he allows you to drive it?
- 10 A. Yes, because he was with me.
- 11 Q. And again, her seat is still in the car?
- 12 A. Uh-huh. Yes.
- 13 Q. In the back passenger seat?
- 14 A. Yes.
- 15 Q. Behind where ---
- 16 A. Behind the passenger seat.
- 17 Q. Now, Nate is sitting in the passenger seat?
- 18 A. Yes.
- 19 Q. That's right. Y'all end up back at your house.
- 20 A. Uh-huh. Yeah.
- 21 Q. Chloe stays the night. Nate ends up leaving, correct?
- 22 A. Yeah.
- 23 Q. His friends come over, though, before he, before he
- 24 goes out?
- 25 A. Yeah.

1 Q. And y'all have a cookout at your house?

2 A. It wasn't a cookout.

3 Q. It wasn't a cookout?

4 A. No.

5 Q. So, y'all were just hanging out at your house?

6 A. Yes. That was just in the yard. Like, it's concrete
7 slab where the cars park at. Then everybody was just
8 outside.

9 Q. Drinking?

10 A. No.

11 Q. Nobody's drinking?

12 A. No.

13 Q. You didn't tell either Investigator Blackmon or
14 Investigator Grant that you came back with some Hennessy?

15 A. No.

16 Q. You don't remember saying that?

17 A. No, I don't.

18 Q. And you said to the jury on direct that whenever the
19 plan for Nate and his two friends to go to Five Points --
20 that you asked him why would you drive that car with blood
21 in it?

22 A. Right.

23 Q. You asked him that?

24 A. Yes, I did.

25 Q. Because why would somebody drive a car with blood in

1 it?

2 A. With blood in it.

3 Q. Correct, and he leaves some time after midnight?

4 A. Right.

5 Q. Right? You tell us that he had changed clothes at
6 some point?

7 A. Uh-huh. Yes.

8 Q. You didn't see when and where he changed clothes?

9 A. No.

10 Q. Had he left? Had he left at some point?

11 A. Yes.

12 Q. So, he left your house, your apartment?

13 A. Yes.

14 Q. And came back in different clothes?

15 A. Yes.

16 Q. You have no idea -- you don't know where he went?

17 A. No.

18 Q. Okay. I do want to ask you this. So, you're -- you
19 told the jury -- you're telling us that, that you did not
20 help do any sort of clean up of that car?

21 A. No.

22 Q. So, it would surprise you if your DNA is found
23 anywhere on any of the items used to clean up?

24 A. He got them out of my house. So, of course my DNA
25 going to be on it. That's my cleaning stuff; it was in my

1 house.

2 Q. Would we expect it anywhere else?

3 A. No.

4 MS. GOODE: Beg the court's indulgence.

5 (A PAUSE.)

6 Q. A few more questions, I think. So, you met with
7 Investigator Blackmon sitting right here. Is that right?

8 A. Uh-huh.

9 Q. And you met with him. I believe the date was April
10 3rd and you may not remember the exact date, but we'll say
11 April 3rd, right?, and you met with him for quite some
12 time?

13 A. Yes.

14 Q. I believe there was another investigator in the room
15 as well?

16 A. A lady.

17 Q. A lady investigator, and they asked you all kinds of
18 questions?

19 A. Yes.

20 Q. They asked you about your daughter being in the car?

21 A. Yes.

22 Q. Your daughter sitting in the car seat, in the booster
23 seat, in the back seat that has the blood in it, right?

24 A. Right. Where else was she going to sit? She can't
25 sit in the front seat.

1 Q. Right, and you told the investigator at that point
2 that you didn't know that there was blood in the back seat?

3 A. And I -- and that probably was the date that I was
4 tired and wore out. But when I talked to him again, I
5 cleared it up.

6 Q. Okay, and you told him if you had known there was
7 blood in the car, you never would have put her in there.
8 Is that right?

9 A. Right.

10 Q. And, and you told him that on April 3rd. Is that
11 right?

12 A. I don't recall the exact date.

13 Q. But it was the first time you met with him?

14 A. Yeah.

15 Q. And you -- I believe he asks you or basically
16 confronts you on that and says you already knew when you
17 put your daughter in the car there was blood in there,
18 right? That you were putting your daughter in the back
19 seat and there was blood in there?

20 A. Yeah.

21 Q. And you tell him I wanted to see if Nate was going to
22 tell me the truth about of her being in the car. Is that
23 right?

24 A. Yes.

25 Q. And you put your daughter in this car, right?

1 A. Yes.

2 Q. Did you know about any other females that, that Nate
3 was seeing?

4 A. No.

5 Q. So, you be -- believed that you were the only ---

6 A. Yeah.

7 Q. --- female? And you eventually find out that he had
8 been talking to other people?

9 A. No.

10 Q. You didn't figure that out?

11 A. No.

12 Q. Didn't find that out? And you -- so you, you met with
13 the investigators April 3rd?

14 A. Uh-huh.

15 Q. And then met with them again a few days later?

16 A. Uh-huh.

17 Q. After you say you slept?

18 A. Uh-huh.

19 Q. And rested?

20 A. Yeah.

21 Q. And I kind of want to go through it -- a little
22 timeline here. So, they show up at your house?

23 A. Right.

24 Q. The first time that you talked with them?

25 A. Right.

1 Q. They bring you down to the police station?

2 A. Yes.

3 Q. And question you for quite some time?

4 A. Right.

5 Q. They get a Buccal swab of your DNA?

6 A. Yeah.

7 Q. Swab your mouth, and they take your phone?

8 A. Yeah.

9 Q. They want to search your phone?

10 A. Uh-huh.

11 THE COURT: Ma'am, you must use words.

12 WITNESS: Oh, yes.

13 BY MS. GOODE:

14 Q. While you're there, Investigator Blackmon tells you
15 they got a search warrant for your house?

16 A. Right.

17 Q. And that you're going to go with them to the house ---

18 A. Yes.

19 Q. --- while this search warrant's happening?

20 A. Right.

21 Q. And prior to that, before you go to the house when the
22 search warrant is happening, is when you tell investigators
23 you didn't see the blood. You didn't know about the blood
24 until later that day, right?

25 A. Right.

M. HOWARD - CROSS-EXAMINATION BY MS. GOODE

573

1 Q. After they do the search warrant at your house. Then
2 on April 6th, three days later, they bring you back in?

3 A. Right.

4 Q. They start asking you questions again?

5 A. Right.

6 Q. And that's when you give them a little more
7 information?

8 A. Right.

9 Q. It's -- you're saying now because you were ---

10 A. I was tired.

11 Q. --- better rested?

12 A. And I was better rested a couple days after because I
13 had days off.

14 MS. GOODE: Beg the court's indulgence.

15 (A PAUSE.)

16 THE COURT: Any further questions?

17 MS. GOODE: Yes, sir. I, I apologize, Your Honor.

18 BY MS. GOODE:

19 Q. Just a few more questions. I'll be done. Nate didn't
20 keep things at your house ---

21 A. No.

22 Q. --- right? Didn't keep clothing items at your house?

23 A. No.

24 Q. Shoes?

25 A. No.

1 Q. Any, any personal items?

2 A. No.

3 Q. Those were mainly in his car?

4 A. No. I didn't never see clothes in his car.

5 Everything ---

6 Q. You never saw clothes in his car?

7 A. --- at his sister house.

8 Q. And he told you that night that he was going to stay?

9 A. Yes.

10 Q. And this -- previously though he didn't stay?

11 A. What night are you talking about?

12 Q. Talking about the night of the 28th into the 29th.

13 A. So, that's Thursday into Friday?

14 Q. Thursday and Friday.

15 A. Yes.

16 Q. That was the first night he was going to stay the, the
17 whole night with you?

18 A. Right.

19 Q. Previously he had not done that?

20 A. Right.

21 Q. Just this one night ---

22 A. Right.

23 Q. --- was the exception.

24 (A PAUSE.)

25 MS. GOODE: Thank you.

1 THE COURT: Any redirect?

2 MS. SAMPSON: Yes, sir.

3 REDIRECT EXAMINATION BY MS. SAMPSON:

4 Q. Now, Ms. Howard, let's clarify some things. That one
5 night that you asked him, why did you ask him to stay that
6 night?

7 A. Because I don't like staying by myself, and I was so
8 far in the country on Leesburg. My family is all the way
9 on the other side of town.

10 Q. Who was normally with you at night?

11 A. Chloe.

12 Q. And did you have a roommate?

13 A. Yes.

14 Q. So, this night you asked him to stay, why?

15 A. Because nobody was home with me.

16 Q. Okay. Now we've cleared that up. What about ---

17 THE COURT: Okay, no ---

18 Q. She asked you ---

19 THE COURT: No commentary regarding ---

20 MS. SAMPSON: I'm sorry.

21 THE COURT: --- the testimony. Just ask questions.

22 MS. SAMPSON: Yes, sir.

23 BY MS. SAMPSON:

24 Q. Ms. Goode asked you about the, the search of your
25 house.

1 A. Right.

2 Q. Did they ever give you the search return from what
3 they took from your house?

4 A. No.

5 Q. Why not? Did you, did you ask them for it?

6 A. No.

7 Q. Did you want it?

8 A. No.

9 Q. Did you know what they took from your house?

10 A. No.

11 Q. Did you know they took -- they found that tool at your
12 house in the trash?

13 A. No.

14 Q. Did you know they found bloody clothes in your house
15 in your trash?

16 MS. GOODE: Objection, Your Honor.

17 A. No.

18 MS. GOODE: Leading.

19 THE COURT: Objection sustained.

20 BY MS. SAMPSON:

21 Q. What, if anything, did you know about the bloody
22 clothes they found at your house?

23 A. I knew about it when they pulled it out of the trash
24 can and they asked me about it.

25 Q. When they asked you about it?

1 A. Yes.

2 Q. Did you know prior to that?

3 A. No.

4 Q. Did -- she asked you about a conversation you had with
5 Mr. Blackmon about Nate and your child being in the car.

6 She asked you about wanting to see if he would tell you the
7 truth. Did that happen?

8 A. No.

9 Q. Okay. What did happen when you put your child in the
10 car?

11 A. We got in the car and we went back home.

12 Q. And why, if there was blood everywhere in your car,
13 why didn't -- in the car, why did you get back in it?

14 A. Because I had no choice. How else, how else was I
15 going to get home?

16 Q. And why did you let your child get in the car?

17 A. She had to come home.

18 Q. Couldn't you have called your mother?

19 A. My momma was asleep. She's a school teacher. She
20 can't -- she's not going to get up that time of night.

21 Q. And when -- you stated that the first time you saw
22 blood was on the way to work with -- when you stopped at
23 the gas station.

24 A. Right.

25 Q. Why didn't you get out of the car then?

1 A. I was worried about getting to work.

2 Q. Who, if anyone else, pays the bills in your house?

3 A. I pay the bills.

4 Q. So, how would you pay the bills if you didn't go to
5 work?

6 A. Exactly.

7 Q. She asked you about stating why would he drive the
8 car. Were you -- was the question why would he drive the
9 car or why would he drive the car to Five Points?

10 A. Why would you drive the car period.

11 Q. Okay, and why did you drive the car?

12 A. Because I had no choice but to go get my rent money so
13 I have a place for my child to stay and to go get my child.

14 Q. And when you see all, all this blood -- and she asks
15 you about him cleaning -- why didn't you call the police
16 when he's cleaning everything?

17 A. Because I was scared.

18 Q. What were you scared of?

19 A. For my life. I don't know what's going to happen.

20 Q. She asked you about the plans to go wash your clothes.
21 What were you supposed to do at your mother's house?

22 A. Wash clothes.

23 Q. Why didn't that happen?

24 A. Because she was leaving.

25 Q. Anything wrong with -- why, why didn't you just stay

1 and wash your clothes?

2 A. I didn't want to stay in her house.

3 Q. So, what was the plan based on that?

4 A. I was supposed to wash clothes while she was there and
5 go back home, but she was leaving. So, I wasn't going to
6 do it.

7 Q. So, what became the plan of what to do with your
8 uniform at that point?

9 A. He was going to wash my shirt at his sister's house.

10 Q. And she asked you about -- let's go talk about his
11 sister's house. You stated this, I believe. Did he keep
12 clothes at your house?

13 A. No.

14 Q. So, at some point he changed his clothes. Did you see
15 him change his clothes?

16 A. No.

17 Q. Did you see where he put the clothes he had on?

18 A. No.

19 Q. All right. Now let's talk about those clothes a
20 little bit. You said gray. Was it dark gray or light
21 gray?

22 A. Like a dark gray color.

23 Q. Okay, and the pants, were they dark or light?

24 A. Dark.

25 Q. And these are the pants that he had on. When did he

1 have those pants on?

2 A. Just Thursday.

3 Q. And did -- and took -- was he -- did he have these
4 clothes on Friday when he picked you up to take you to
5 work?

6 A. Yes.

7 Q. And when you got home?

8 A. He had the same clothes on.

9 Q. And the person who was wearing those clothing, is he
10 in the courtroom?

11 A. Yes, ma'am.

12 Q. Where is he?

13 A. Sitting right there.

14 Q. I need you to look at him. Identify him.

15 A. Sitting right there.

16 Q. What does he have on?

17 A. A red shirt.

18 MS. SAMPSON: Let the record reflect she's identified
19 the defendant, Your Honor.

20 THE COURT: It does.

21 BY MS. SAMPSON:

22 Q. Is that the same person you saw driving the black
23 Impala on the 27th, the 28th, the 29th?

24 A. Yes, ma'am.

25 Q. And Mr. Rowland, where did he keep his phones? On his

1 person or in his car?

2 A. On him.

3 Q. And was the phone locked, or could you just pick up
4 his phone and use it?

5 A. No, he had a lock on his phones.

6 Q. How do you know that?

7 A. Because once you hit the power button, it will ask you
8 for a code.

9 Q. All right.

10 A. And then our iPhone, you have to use his face or his
11 thumb.

12 Q. His face or his thumb. All right, and that was on the
13 iPhone?

14 A. Yeah.

15 Q. All right, and in asking him about the blood in the
16 car, what did you ask him about that?

17 A. I asked why the blood was in the car.

18 Q. And what was the response?

19 A. Mind your business.

20 Q. And did you -- what about a dog? What did you think?

21 A. I asked him, to try to be funny, did you hit a dog and
22 put the dog in the car.

23 Q. And what was the response?

24 A. No.

25 Q. What, if anything, did he ever give you as a reason

1 why there was blood in his car?

2 A. He didn't really give me a reason.

3 Q. And when you saw his car, I believe you said earlier
4 you saw his car at some point on the news?

5 A. Uh-huh. Yes, ma'am.

6 Q. And I believe you said you put two and two together?

7 A. Yes, ma'am.

8 Q. Can you again explain to this jury why you didn't call
9 the police then?

10 A. Because I was scared.

11 Q. Scared of what?

12 A. My -- for my life and my child.

13 MS. SAMPSON: No further questions, Your Honor.

14 THE COURT: Anything further?

15 MS. GOODE: Just a couple more questions, Your Honor.

16 THE COURT: Okay.

17 RE-CROSS EXAMINATION BY MS. GOODE:

18 Q. You told us that you had no choice but to get in that
19 car.

20 A. Right.

21 Q. Right? You had no choice but to get in that car and
22 go get your rent money?

23 A. Right.

24 Q. You had no choice but to get in that car to go ---

25 A. Pick up my child.

M. HOWARD - RECROSS-EXAMINATION BY MS. GOODE

583

1 Q. --- get your child? You had a choice, though, when
2 you got in that car and went to pick up cigarettes later
3 on?

4 A. No.

5 MS. SAMPSON: Objection, Your Honor. Goes beyond the
6 scope of redirect.

7 MS. GOODE: No further questions.

8 THE COURT: Thank you. You may step down.

9 WITNESS: Thank you.

10 (THE WITNESS EXITS THE STAND.)

11 THE COURT: Ladies and gentlemen, we'll take a fifteen
12 minute break. Please do not discuss the case.

13 Wait for the jury to leave. Addressing the jury only.

14 (JURY EXITS AT 3:52 P.M.)

15 THE COURT: We'll be in recess for fifteen minutes.

16 (OFF THE RECORD.)

17 THE COURT: Are there any matters before the jury
18 comes in?

19 MS. PINNOCK: Your Honor, I think we are close to
20 figuring out an issue and making it a nonissue. If we took
21 maybe three more minutes, we might be able to ---

22 THE COURT: Three more minutes.

23 MS. PINNOCK: Yes.

24 THE COURT: Okay. I'll sit right here.

25 MS. PINNOCK: All right. Thank you.

1 (A PAUSE.)

2 THE COURT: Is that correct, Ms. Pinnock?

3 MS. PINNOCK: Yes, Your Honor.

4 THE COURT: All right. These exhibits are admitted
5 into evidence by stipulation of the parties ---

6 MS. SAMPSON: Thank you, Your Honor.

7 THE COURT: --- subject to the proper foundation being
8 laid.

9 You can bring the jury.

10 (JURY ENTERS THE COURTROOM AT 4:26 P.M.)

11 THE COURT: You may call your next witness.

12 MR. GOLDBERG: Thank you, Your Honor. May It please
13 the court? State calls Lieutenant Todd Schenk.

14 TODD SCHENK, BEING DULY SWORN,
15 TESTIFIES AS FOLLOWS:

16 CLERK: Please have a seat. State your full name for
17 the record.

18 WITNESS: Thank you. Todd Schenk.

19 DIRECT EXAMINATION BY MR. GOLDBERG:

20 Q. Lieutenant Schenk, good afternoon.

21 A. Good afternoon, sir.

22 Q. Tell this jury where you're employed.

23 A. I'm currently employed with the South Carolina Law
24 Enforcement Division, also known as SLED.

25 Q. What is your role with SLED?

1 A. So right now I'm the, the lieutenant of the Crime
2 Scene Investigations Unit.

3 Q. How long have you been in that capacity?

4 A. I've been in the Crime Scene Investigations Unit for a
5 little over seven and a half years now.

6 Q. All right, and how long have you been in law
7 enforcement all together?

8 A. A little over seven and a half years.

9 Q. Okay. You spent your entire career there?

10 A. Yes, sir.

11 Q. All right, and so when you talk about working in crime
12 scene, what does that mean?

13 A. So, the job or the role of the crime scene department
14 is -- with SLED, we're an assisting agency. So when a
15 local agency calls for help, specifically with homicides or
16 major cases, the crime scene unit will respond and provide
17 forensic expertise with collecting of evidence, documenting
18 the scene, writing reports so that we can provide a
19 forensic investigation to the local agency that may not
20 have the ability to do a crime scene investigation on their
21 own.

22 Q. So, for those that may not be familiar, when you use
23 words like forensic, can you describe what that means?

24 A. Yes. So, we're not doing interviews with suspects.
25 We're not, you know, we're not the normal investigators you

1 see on TV in the sense of going and knocking on doors. Our
2 job is to respond to the actual incident location or follow
3 on locations and our job is taking pictures, looking at the
4 evidence, correcting the proper evidence, or collecting
5 evidence that we believe might be pertinent to the case,
6 and trying to figure what happened during the crime scene,
7 and make sure we document everything we can to provide more
8 information as to what happened during the scene. So,
9 forensics is more along the lines of the science role of
10 the investigation.

11 Q. What kind of training do you have in order to carry
12 out this task?

13 A. So, at SLED we have an in-house training. We also go
14 to external training but the in-house training consists of
15 -- we call them blocks. They're, they're more sections.
16 So, photography, DNA collection, evidence collection in
17 general, how to write reports, how to maintain case
18 records, how to document footwear and tire tread
19 impressions. And while you're going through these training
20 blocks, you have to read books and articles which then
21 you're tested on where you have to take a written test, and
22 then you also have to take a practical examination to show
23 that you're competent in doing such skill. At the end of
24 that training, we have an all-encompassing written test
25 where you have to take the test and pass.

1 After that, you also have -- we call it a mock crime
2 scene. Imagine a pretend crime scene where you have to
3 prove that you know how to follow policy or policies and
4 procedures, and you have to be able to successfully
5 complete a crime scene investigation for the mock scene.
6 And we also have a mock court where we have to show that we
7 have the ability to testify. Once all that's completed,
8 you're deemed competent in crime scene investigation.

9 And besides the in-house training, I've also been
10 through external photography training, a bloodstain pattern
11 analysis training, a shooting reconstruction training.

12 Q. If you had to approximate, how many crime scenes do
13 you think you've responded to over your seven and a half
14 years?

15 A. I think last time I checked, it was about 413.

16 Q. All right. Is that confined solely to the Midlands
17 here?

18 A. No, sir. We respond to the whole state from coast to
19 Georgia. We go everywhere.

20 Q. Okay. When you respond to a crime scene, what is your
21 goal? What is your intention when you get there? What are
22 you trying to do?

23 A. So when we first get to the scene, we try to gather as
24 much information as possible. Sometimes we get a decent
25 amount of information. Sometimes we, we have none. And

1 the job, our, our job is to try to document the scene as --
2 and preserve the evidence as best as we can. So, our first
3 photographs are documenting exactly what we see, where it's
4 at, and how -- the condition of the area or the evidence
5 that exists at the scene. And we're just trying to
6 preserve and show exactly what was going on during the
7 crime scene or as it -- as we got there, what, what existed
8 and where it was.

9 Q. So, you say as you got there. On occasion, have crime
10 scenes had people present or walking or driving through and
11 things like that prior to your arrival?

12 A. Yes. Sometimes we get it where folks have moved
13 things or touched things, or vehicles have driven through
14 the crime scene. Sometimes it's pristine. It just depends
15 on the situation.

16 Q. Okay, and as a result, if you know that there has been
17 foot traffic or car traffic in a crime scene, does that
18 impact the manner in which you look for certain evidence?

19 A. It, it can. If, for instance in this case, there's a
20 dirt road and a farmer access road that was also dirt, and
21 we were advised that multiple vehicles had been traveling
22 on this dirt road. So, that kind of excludes any other
23 vehicle or tire track impression that we would really look
24 for because, theoretically, they've been contaminated
25 because people driving up and down the roads. So the --

1 that would be an instance.

2 Q. And that's a judgment call that, that you have to make
3 as the investigator on the scene, correct?

4 A. That is correct.

5 Q. All right. So, let's turn to the case at hand. I
6 want to take you back to March 29th of 2019. Did you
7 receive a call to respond to Clarendon County?

8 A. We did.

9 Q. And when you say we, who are you referring to?

10 A. My partner at the time, Dalilia Cirencione. Her last
11 name was Jazic, so if I refer to that, it -- she got
12 married. But so myself and Special Agent Cirencione,
13 Cirencione.

14 Q. Also, she is also a crime scene investigator?

15 A. She is.

16 Q. Okay. Why are there two of you responding?

17 A. So we, we respond in at least a pair so that we have
18 -- one person can document the scene with photographs while
19 the other person can take notes and collect evidence. But
20 it's also good to get multiple sets of eyes in the scene so
21 that we're not overlooking something or potentially missing
22 evidence.

23 Q. And for this particular case, on March the 29th, do
24 you recall the area in which you responded?

25 A. Yes. We responded to -- it was a, it was a dirt road.

1 If I may refer to my notes?

2 Q. And did you generate a report ---

3 A. I ---

4 Q. --- as a result?

5 A. I did.

6 Q. And would it help you to refresh your memory to refer
7 to those notes?

8 A. It would.

9 Q. All right. Go ahead.

10 A. So we responded to -- it was Black Bottom Road and it
11 was near a town, Mount Zion, I believe it was, and I'm, I'm
12 pretty sure we had to have the local investigators on the
13 phone to kind of talk us how to get to it because we, we
14 weren't finding it. But we finally got there. It was a,
15 it was pretty soft dirt road, and then there was a farmer's
16 access road with a wooded area near it.

17 Q. You said Mount Zion. Could that have New Zion?

18 A. New -- sorry. New Zion, yeah, that, that sounds
19 right.

20 Q. I'm going to hand you what's been marked as State's 68
21 for identification. Can you take a look at that?

22 A. Yes, sir.

23 Q. What do you recognize that to be?

24 A. This is the diagram I made of Black Bottom Road and
25 the farmer's access road.

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

592

1 Q. All right, and does that diagram -- is that -- copy of
2 that diagram fairly and accurately depict the diagram as
3 you created it?

4 A. It does.

5 MR. GOLDBERG: Your Honor, at this time we'd offer
6 State's 68.

7 MS. GOODE: No objection.

8 THE COURT: It's admitted.

9 MR. GOLDBERG: I'm sorry, Your Honor. I neglected to
10 show it to you. Apologies.

11 (PAPER MAP MOVED INTO EVIDENCE AS STATE'S EXHIBIT
12 NUMBER 68.)

13 BY MR. GOLDBERG:

14 Q. And, Mr. Schenk -- excuse me, Lieutenant Schenk, if
15 you can just kind of hold that up? I apologize for not
16 having a bigger version, and describe what it is that
17 diagram shows.

18 A. So this area here, it says Black Bottom Road, it's
19 the, the sandy dirt road. Right here coming through it,
20 you can see where there's a field, but coming right
21 through, this is the farmer's access road. And then these
22 pins, I took GPS coordinates of things that we believed to
23 be of evidentiary value on scene.

24 There are two cigarette butts. One was on Black
25 Bottom Road; one was on the farmer's access road. There

1 was a beer can bottle. It was one of those aluminum -- it
2 wasn't
3 a glass bottle beer can but it was an aluminum bottle, and
4 then there's a beer can near the, the footpath that we
5 located, and the bottom one was where the victim was
6 located.

7 Q. And did you take measurements in regard to those items
8 or not?

9 A. So, when we take measurements of a crime scene, we use
10 a fixed point in the scene that use -- usually
11 recognizable, what we call our reference point. That way
12 you could go back and triangulate where the evidence was
13 within the crime scene. But because it was mainly trees
14 and there wasn't -- there was a couple light polls, but
15 nothing I could really reach. So, I used our handheld
16 radios to give you GPS coordinates that you can pin, and
17 that's how I did this was I actually collected GPS
18 coordinates of each location of each item and then marked
19 them on the diagram.

20 Q. All right. Thank you, sir. You can, you can put it
21 down. Do you recall approximately what time of day you
22 responded to that scene?

23 A. So, we got the call at 1620, which is 4:20 in the
24 afternoon on 3/29 of 2019. We arrived on scene at
25 approximately 6:03, and it was clear and about 75 degrees

1 outside.

2 Q. Do you recall what other law enforcement personnel was
3 there at the time generally?

4 A. There was -- I believe the sheriff was out there,
5 Sheriff Baxley, Investigator Huckaby from the Clarendon
6 County Sheriff's Office, and then I believe there's DNR
7 officer who was out there as well. And then there's a
8 couple officers from the sheriff's office that were out
9 holding scene security.

10 Q. What information did you have at that time as to what
11 was there and what you were responding for?

12 A. So, pretty much the initial call came in as the
13 sheriff's office located a, a found body in a wooded area
14 and that was pretty much the extent. I was told that there
15 was some hunters that had located her in the -- or located
16 the victim in the woods. When we got on scene, there was
17 -- we were informed that there were some beer cans and some
18 cigarettes butts that were kind of just laying out and
19 around. So, that was noted to us. But then, other than
20 that, it was, it was -- we were told that we had a consent
21 to search, to search the property, but other than that,
22 that was about all the information we had.

23 Q. When you get to a location like that, what are some of
24 the protocols in place in terms of documenting or making
25 sure that other individuals don't further, if necessary --

1 if possible -- contaminate a scene?

2 A. Sure. So, the sheriff's office in this case had put
3 crime scene barrier tape up and they have law enforcement
4 personnel there to secure the area, which is a plus. So,
5 we know that random folk from the area aren't walking
6 through the crime scene because we know law enforcement
7 have been securing it. But once we've met with the
8 investigators, we get our initial information, we'll then
9 begin to take photographs of the scene as it exists. While
10 that's going on, we'll actually pull all the investigators
11 out of the way so we're not taking photos of law
12 enforcement because we want to show the scene as it exists
13 without us walking through it.

14 Q. All right, and when you arrived, can you describe -- I
15 think this jury's pretty familiar at this point with Black
16 Bottom Road being the dirt road and then the farmer's
17 access road. Could you describe where vehicles were parked
18 upon your arrival?

19 A. So, there were vehicles parked on Black Bottom Road,
20 and if I recall right, they were down farmer's access road
21 as well.

22 Q. And some of those vehicles belonged to whom? Do you
23 know?

24 A. I think they were law enforcement. I, I'm not sure
25 who all the vehicles belonged to.

1 Q. All right, and so where did you begin with your
2 investigation once you get out? What's the first thing you
3 do when you get there?

4 A. So, the first thing we do is we, we meet with
5 investigators to see if any more -- because we all respond
6 out in Columbia for SLED crime scenes. So, sometimes when
7 you get to the scene, if it's been a couple hours of a
8 response, they'll gather more information. So, our first
9 thing to do is we meet with the investigators to see if
10 anything has changed information wise. Once we're done
11 with that, then we set the camera up and start documenting
12 the scene.

13 Q. Okay. Do you recall what you begin to document first?

14 A. So, normally I like to start kind of -- especially in
15 a fields like this, I don't want to start right at the
16 victim. I want to start away and show the conditions of
17 what was around her and what potential evidence may be
18 around. So we started on, if I remember correctly, on
19 Black Bottom Road documenting that dirt road to later go
20 down the farmer's access road.

21 Q. Okay. You say documenting. Taking photos?

22 A. This is documenting with photographs. We're taking
23 notes or, or -- and both.

24 Q. All right. Once you did that, what area of the crime
25 scene did you move in next?

1 A. So, once we finished Black Bottom Road, we would then
2 move down to farmer's access road to document the, the path
3 down to where the victim was, and I believe there was a
4 firebreak up behind where she was. And then we would
5 document the actual footpath that we were able to use to
6 get to the victim.

7 Q. Okay.

8 A. And we would eventually document the victim.

9 Q. All right. Thank you.

10 MR. GOLDBERG: Beg the court's indulgence.

11 (A PAUSE.)

12 Q. I show you what's been marked as State's 146 through
13 165. That's State's 146 through 165 for ID purposes only.
14 If you could, just describe generally what those reference.

15 A. These will be photographs of the initial scene as we,
16 as we arrived on scene.

17 MR. GOLDBERG: Okay, and, Your Honor, may the witness
18 step down from the ---

19 THE COURT: Yes.

20 MR. GOLDBERG: No, I'm sorry. I apologize.

21 BY MR. GOLDBERG:

22 Q. Do those photographs fairly and accurately depict the
23 scene as it appeared on March the 29th?

24 A. It does.

25 Q. All right. Thank you.

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

598

1 MR. GOLDBERG: Your Honor, at this time we'd offer
2 State's 146 through 165 into evidence.

3 MS. GOODE: Without objection.

4 THE COURT: They are admitted without objection.

5 MR. GOLDBERG: Thank you, Your Honor.

6 (PHOTOGRAPHS INDIVIDUALLY MOVED INTO EVIDENCE AS
7 STATE'S EXHIBIT NUMBERS 146 THROUGH 165.)

8 MR. GOLDBERG: Permission for the witness to step
9 down?

10 THE COURT: Yes.

11 MR. GOLDBERG: Thank you, Your Honor.

12 BY MR. GOLDBERG:

13 Q. All right, I'm going to hand you State's 146 through
14 165 that have been admitted into evidence and ask you if
15 you can describe for the jury what it is they're, they're
16 looking at.

17 A. Sure.

18 Q. And if you would refer to the particular item number
19 as you're discussing the photo.

20 A. This, this is State's Exhibit 165. This is a
21 photograph looking down. So this crime scene barrier tape,
22 this would be us standing on the farmer's access road, and
23 this would be looking down the firebreak of the scene
24 behind where the victim was located. State's Exhibit 163,
25 this is a photograph of the beer can there or the beer can

1 bottle that was located closer to Black Bottom Road than it
2 was the victim. State's Exhibit 162, this is on Black
3 Bottom Road, the dirt road, and this is marking a, a
4 cigarette that we had viewed.

5 So, these flags were not on scene originally. What we
6 do is, is -- on TV, I'm sure you've seen the little
7 placards that have the numbers on them. So, instead of
8 using that in kind of an open area or field, we'll use
9 evidence flags. So, it's a little bit easier to see from
10 far off, so that's what that flag is. That's marking the
11 actual cigarette butt on Black Bottom Road.

12 State's Exhibit 161, this is flag in the bushes that
13 would -- is showing the location of the beer can bottle.
14 So for referencing, this -- the victim is, excuse me, the
15 victim is further down in this area and Black Bottom Road
16 would be back over this way.

17 State's Exhibit 160, this is another evidence flag
18 that we used on scene. This is Black Bottom Road, this
19 sand here. This is the farmer's access road, the entrance
20 to it from Black Bottom Road, and that is marking a second
21 cigarette butt with the flag. State's Exhibit, Exhibit
22 159, this is standing on Black Bottom Road and this is
23 documenting with the flag a little bit closer of the
24 cigarette butt, and this photo also shows its relationship
25 to the other cigarette butt on the farmer's access road.

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

600

1 And if you go further up this way, that was the location of
2 the victim.

3 State's Exhibit 158, this is with my -- with back --
4 with your back to Black Bottom Road looking down the
5 farmer's access road and you can see the crime scene
6 barrier tape on the right side of the photograph. And
7 that's the wooded area where the victim was located.

8 State's Exhibit 157, this is further down the farmer's
9 access road, and the footpath that we entered is in this
10 wooded area in that -- up here. State's Exhibit 156, this
11 is standing further down the farmer's access road looking
12 back towards Black Bottom. So, Black Bottom Road is up
13 here where the truck is and the firebreak trail would
14 actually be right here, and the victim was in this area in
15 the woods here.

16 State's Exhibit 155, this is standing on the farmer's
17 access road looking at the path that we took to get to the
18 victim. If you can see kind of where the brush has been
19 pushed down, that's, that's how we gained access to where
20 the victim was. State's Exhibit, Exhibit 154, this is
21 standing on the farmer's access road looking at -- or,
22 excuse me, standing on the other side of the farmer's
23 access road looking at the farmer's access road. The trail
24 to get to the victim was in this area, and that's the
25 firebreak trail, which would put Black Bottom Road up over

1 here.

2 State's Exhibit 153, this is going through down that
3 access path in the woods. The victim is located up right
4 about where my finger is in relation on the photo, and this
5 is going to show where the beer can is. You can kind of
6 see it in this photograph, but this is the beer can near
7 the footpath. State's Exhibit 152, again this is coming
8 down the footpath. There's a bit better photo of the beer
9 can and then the victim you can see -- starting to see here
10 right here on the side. State's Exhibit 151, this is
11 actually close up as best we could have the beer can in the
12 bush where it was located on the front -- on the footpath
13 there.

14 State's Exhibit 150, this is on the footpath looking
15 at the victim -- looking down to where the victim would be
16 found. The beer can would be over this way, and the victim
17 is lying on the ground right up here. State's Exhibit 149,
18 this is on the footpath with your back to Black Bottom Road
19 looking down the farmer's access road here, and the victim
20 was up around this brush over here. This is State's
21 Exhibit 148. This is -- if you continue down that
22 footpath, again the bush with the beer can's here, and if
23 you look closely, you can see the victim lying on the
24 ground behind those bushes. State's Exhibit 147, this is
25 standing in the footpath looking through the brush at the

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

602

1 farmer's access road, and State's Exhibit 146, this is
2 actually of insect activity that we found on the victim.

3 Q. Thank you. You can have a seat.

4 All right. Now, can you describe please, now that
5 we've kind of gotten an overview with those photos of, of
6 the lay of the land, so to speak, as you're approaching
7 down the access road, can you see the body from the access
8 road?

9 A. From what I remember, I could not see the body until
10 we went down that footpath.

11 Q. Okay, and once you went down the footpath and got
12 towards the body, can you describe how she was oriented?

13 A. Sure. So she was lying ---

14 WITNESS: I Beg the court's indulgence one second.

15 Q. Actually while you, while you find that, I'll show you
16 one thing. I show you State's 20 and 21. Describe those.

17 A. This is the beer can bottle from the bushes near the
18 dirt road, Black Bottom Road, and this is the beer can that
19 was near the footpath.

20 Q. All right. Thank you.

21 MR. GOLDBERG: Your Honor, I offer State's 20 and 21
22 into evidence.

23 MS. GOODE: No objection.

24 THE COURT: Admitted.

25 MR. GOLDBERG: Thank you, Your Honor.

1 (BEER CAN MOVED INTO EVIDENCE AS STATE'S EXHIBIT
2 NUMBER 20.)

3 (BEER CAN MOVED INTO EVIDENCE AS STATE'S EXHIBIT
4 NUMBER 21.)

5 BY MR. GOLDBERG:

6 Q. And I apologize for interrupting. If you need to
7 refer to your notes, if you could describe Ms. Josephson's,
8 the orientation of her body as you entered into the crime
9 scene.

10 A. So, the victim was laying on her back with her left
11 arm underneath her and her right arm -- or near her left
12 hip or her -- excuse me, her right arm. Her right arm, arm
13 was laid over across her chest near her left hip. Her
14 clothes, we noticed that the bottoms of her -- she was
15 wearing some sandals. The sand -- or like platform sandals
16 and they were broken, and her shirt was pulled up towards
17 her head with the drawstring going past her head.

18 Q. All right, and what, if anything, did you observe
19 about her in terms of evidence of some type of injury?

20 A. So, we noticed what appeared to be stab mark or stab
21 wounds to her, some type of cut, and there was a large
22 amount of blood on the victim, but there was wounds all
23 over her.

24 Q. When you say on the victim, what do you mean by that?

25 A. It appeared that in the skin, you could see where she

1 had been stabbed multiple times.

2 Q. Okay, and what part of your body -- of her body did
3 you observe blood on her?

4 A. So, we observed suspected stab wounds on her head, her
5 right shoulder, her right hand, her right leg, her neck,
6 her back, and her right foot.

7 Q. When you, when you observe a scene quite like that,
8 what is your first step in terms of addressing it from your
9 standpoint?

10 A. So, the first thing I'd want to do or I -- we did in
11 this case is we wanted to identify was this something that
12 happened here, or was this something that happened
13 somewhere else. So, we know that there's a stabbing. So,
14 I -- or we believe it's a stabbing. It doesn't look like
15 gunshot wounds, so we're not looking for guns or cartridge
16 cases. So begin, begin to search the area for knives or
17 for blood other than on her to see if maybe she ran from
18 whoever was attacking her. So, you kind of just look at
19 what you have and try to figure out did this happen here,
20 did it happen somewhere else. If it did happen here, what
21 kind of evidence were we looking for that would show it
22 happened here. And if that evidence doesn't exist, it
23 potentially happened somewhere else. So, that's what we
24 were trying to establish.

25 Q. Okay, and based on your observations at that time, did

1 it appear as though the -- whatever act, whatever happened
2 to her, did it appear to you whether that occurred on site
3 or perhaps somewhere else?

4 A. Based on where she was, how she was laying, different
5 marks on her body, it did not appear that -- and there was
6 no blood around her. We looked on leaves and stuff to see
7 if she was fighting and, and we didn't see anything that
8 told us that the scene had actually happened in the woods.
9 We believed it happened somewhere else.

10 Q. All right, and any time when someone has passed away
11 in something like this, does a local coroner's office
12 respond?

13 A. Yes, sir. In this, in this case, the Clarendon County
14 Coroner's Office responded.

15 Q. Do you work with them in terms of logistics of what's
16 going on with the body and how it can be moved and things
17 like that?

18 A. Yes, sir. So, we work hand and hand with the
19 coroner's office. We will not actually physically
20 manipulate or touch the body at all until the coroner's on
21 scene and gives us permission. So, we'll document the
22 victim as she lays. Once the coroner gets on scene and
23 we've gotten everything that we're -- we picked up our
24 evidence so that the, the transportation for the victim can
25 come into the scene without manipulating or damaging any

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

606

1 evidence, the coroner will come in. We'll work hand and
2 hand and make sure that we can document the victim fully
3 and then get the victim out of there.

4 Q. All right. Excuse me one moment.

5 (A PAUSE.)

6 Q. All right, Lieutenant Schenk, I've got a series of
7 photos here that I'm going to hand up and ask you to take a
8 look at. They are State's -- sorry for the number jumble --
9 - 139, 144, 143, 141, 40, 38, 37, and 42, and 106.

10 Apologies for those random numbers, but if you would take a
11 look at this and tell us generally what those are photos
12 of?

13 A. These are photographs that we took of the victim in
14 her
15 location.

16 Q. Do those photos fairly and accurately depict how she
17 appeared on March the 29th, 2019?

18 A. They do.

19 MR. GOLDBERG: Your Honor, at this time we'd offer the
20 aforementioned items into evidence.

21 MS. GOODE: No objection.

22 THE COURT: They are admitted.

23 MR. GOLDBERG: Thank you, Your Honor.

24 (PHOTOGRAPHS INDIVIDUALLY MOVED INTO EVIDENCE AS

25 STATE'S EXHIBIT NUMBERS 37, 38, 40, 42, 106, 139, 141, 143,

1 144.)

2 BY MR. GOLDBERG:

3 Q. And, Lieutenant Schenk, if you could explain to the
4 jury what they're -- what those photos are?

5 A. State's Exhibit 106, this is to photograph -- excuse
6 me. This is a photograph showing the location of the
7 victim on the ground in relation to the footpath and the
8 farmer's access road. State's Exhibit 42, this was the
9 position of the victim as we found her laying on her back
10 with her arms going across her chest and her left arm
11 underneath her back, and you can see how the drawstring and
12 her shirt are pulled up and her shoes are broken. State's
13 Exhibit 37, this is a little bit closer of the torso of the
14 victim. This is showing her left hand as it's underneath
15 her back near her right hip.

16 State's Exhibit 38, this is showing the position of
17 her arm. This is showing striations on her arm, the
18 position of her shirt, the blood on her stomach, and the
19 position of her hand.

20 Q. I'm going to stop you there for a second. Which
21 number was that?

22 A. This is State's Exhibit 38.

23 Q. Okay. You used the word striations. Can you describe
24 to the jury what that means?

25 A. So if you look on her arm, you can see that there's

1 blood and dirt mixed in on her arm. Then they will travel
2 either from her elbow to her shoulder or to her shoulder to
3 her elbow. They, they go with the arm. And, to me, that
4 shows that something has come in contact with her arm to
5 remove the mud and the blood from her arm.

6 Q. Is that consistent with being -- possibly being
7 dragged?

8 A. I would say so. State's Exhibit 40, this is a bit
9 closer of the striations and you can see the, the bug
10 activity has started.

11 State's Exhibit 141, this is showing -- Black Bottom
12 Road would be on this side of her and if you look back up
13 here on the photograph, you can see the trucks. The
14 farmer's access road is running this way, and this is
15 showing the open field that was behind the victim on it
16 away from the farmer's access road.

17 State's Exhibit 143, this is a photograph of the
18 bottom of the victim's foot. You can see that there's
19 blood on her foot, and then you see how her sandal has been
20 broken. It is no longer attached to her foot. It was
21 attached by the strap on the ankle but not by the toe
22 strap. State's Exhibit 144, this shows it a bit better.

23 So she's got what appeared to be stab wounds in the
24 right foot. You can see the suspected blood on the bottom
25 of her feet. You can see how both of these sandals are

1 broken here but they're still attached around her ankles.

2 State's Exhibit 139, this is of the victim's back once
3 we've rolled her over, and you see more of the striations
4 right around where her pants were.

5 Q. All right. Thank you. What, if anything, did you
6 observe about her, her fingernails?

7 A. So, her fingernails appeared to be broken, or we
8 weren't sure if they were broken or cut or how they were.
9 But they, they did not appear to be like a normal way
10 someone walked around with their fingernails every day.

11 Q. So speaking of, of nails, what, if anything, do you
12 all do with the victim's body physically before the coroner
13 takes the body to do whatever they're supposed to do with
14 it?

15 A. Sure. So, once we've gotten permission from the
16 coroner and we've finished documenting the victim, we'll
17 then take fingernail scrapings from the victim to see if
18 she had been in contact with anybody else, to see if
19 there's DNA underneath her fingernails. We would take a
20 Buccal swab, which is kind of a big Q-tip that we stick in
21 her mouth, so that we have her known standard for DNA
22 comparison. And we would also take fingerprints so if
23 anything shows up that we need to identify fingerprints on,
24 we would have her fingerprints to go by.

25 Q. Okay. Can you tell the jury what a alternate light

1 source is?

2 A. Yes, sir. So, an alternate light source is -- it's a
3 flashlight that has an alternate or a, a different
4 wavelength than white lights. If you've ever been to Chuck
5 E. Cheese where they got the blacklight and your kid gets
6 stamped with the old, old way of doing it, that blacklight?
7 Imagine that kind of thing. It's a, it's a special
8 flashlight that we use to look for body fluids or blood or
9 fibers on scene and it's just an -- it's an additional way
10 to process the scene or document what's there.

11 Q. Did you utilize that in this case?

12 A. We did.

13 Q. Tell the jury what you found.

14 A. So, we got -- once we got the victim up onto the
15 stretcher, we utilized our alternate light source -- ALS is
16 what we call it for short -- our ALS to document any
17 bruises or injuries that the victim may have that you can't
18 see with the naked eye. And that's what the ALS is good
19 for is, is bringing out bruises and injuries.

20 Q. And did you observe bruises throughout?

21 A. The -- from my memory, there was bruises on her sides
22 and her arms and a good bit over her body. She had
23 bruises.

24 Q. Okay. At this point in the process as you're
25 establishing the crime scene, you're beginning to collect

1 evidence and the like, on this particular date, did you
2 know anything at this point about what had happened or even
3 who the victim was?

4 A. No. It wasn't until -- I think in my notes I say we
5 had -- it was right before -- after the ALS in my notes I
6 talk about it was when we found out or we were told who we
7 thought she was or who the investigators thought she was.
8 But up until that point, we had no idea who she was or
9 where she came from.

10 Q. And at that point, the information you were given, I
11 believe, has already been testified to that it was a
12 missing person out of Columbia, correct?

13 A. That is correct.

14 Q. Later identified as Samantha Josephson?

15 A. That is correct.

16 Q. What, if anything, did you observe about Ms.
17 Josephson's ears or jewelry?

18 A. So, we did notice that her -- I believe it was her
19 left -- one second. Yeah, no earring was observed in the
20 victim's left ear, which sometimes earrings fall out.
21 Maybe there was a fight and she lost it in the fight. So,
22 we actually ran the metal detector on scene to try to
23 locate it but we, we never located the earring.

24 Q. You used metal detectors out there?

25 A. We did.

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

612

1 Q. Is that a common practice?

2 A. It is.

3 Q. All right. Thank you. And while you're doing this,
4 you mentioned that Agent Jazic or what is her name now?

5 A. Cirencione.

6 Q. Cirencione. So she was there. Describe again what
7 you all are doing in terms of how you're working together.

8 A. So, Special Agent Cirencione would document the scene.
9 So she -- her, her whole job that night was to photograph
10 and take photographs and to assist with searching, but it
11 was mainly documenting and photographs. And then my job
12 would be to make sure we're keeping up on notes, collecting
13 things properly, and proceeding -- and following protocols
14 and procedures, and making sure everything flows so we're
15 not missing anything.

16 Q. And so you've described for us what steps you took in
17 terms of the crime scene and what you did with Ms.
18 Josephson at that time, correct?

19 A. I believe so.

20 Q. And then ultimately she was removed from the scene.
21 Is that right?

22 A. That's correct.

23 Q. Do you stay there after she's gone?

24 A. In -- most of the time we do. We'll -- once the
25 victim's removed, we search underneath the victim to make

1 sure that there, there wasn't anything under her. Maybe
2 there's evidence underneath where she was laying that we
3 need to find, and then we'll document where the victim was.
4 And then once everything's kind of wrapped up with where
5 we're at, we do a crime scene review or a walk through
6 where we take locals through the scene, tell them what we
7 found, what we saw, what -- how we documented things, and
8 kind of go from there.

9 Q. Okay. So once you completed all that, about what time
10 was it? How long were you at this crime scene?

11 A. We cleared that scene at approximately 00:49 hours on
12 the 30th. So, we were on scene from 6 the day before, 6 PM
13 the day before till a little after midnight.

14 Q. And what do you do with the evidence that you collect
15 from that scene like the beer cans, for example?

16 A. So, once the beer cans are collected, they're secured
17 in my vehicle and we drive them back to the forensic
18 laboratory where they're stored in an evidence room and
19 then we go from there, go home, and we'll come back the
20 next or a couple days later and log everything in and...

21 Q. Okay. Did you ever respond back to New Zion again
22 after you left there that evening?

23 A. I did not.

24 Q. All right, but you had additional involvement in the
25 case, correct?

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

614

1 A. I did.

2 Q. And tell us generally what that involved.

3 A. So, that night when we got back, we were told that
4 there was a traffic stop conducted in Columbia, and they
5 requested for us to come document the vehicle that they had
6 stopped.

7 Q. And where was that traffic stop and what time were you
8 dispatched out there?

9 A. The traffic stop occurred at 600 Saluda Avenue, I
10 believe it was. Yeah, 600 Saluda Avenue in Columbia. We
11 were contacted at 3:01 and we got on scene at about 3:26
12 AM.

13 Q. 3:26 AM?

14 A. Yes, sir.

15 Q. And that's, that's Saluda Avenue here in Columbia?

16 A. That's correct.

17 Q. Okay, and do you recall the nature of why you were
18 called there and other than it being a traffic stop?

19 A. So, we were told that it was a vehicle that was
20 possibly involved in the death investigation from
21 Clarendon.

22 Q. Did you notate what the conditions were like that
23 night?

24 A. We do when we respond to scenes. It was approximately
25 57, 57 degrees Fahrenheit with clear conditions.

1 Q. 57 degrees. Okay, and were you advised that some
2 items of evidence had been taken off of the driver of the
3 vehicle already?

4 A. I was.

5 Q. Okay, and based on that, what did you do?

6 A. So, the -- if I remember correctly, the contents were
7 on a vehicle. So, they were documented before we collected
8 them.

9 Q. Okay. Do you recall what those items were?

10 A. I believe they were -- it was a cell phone, a cell
11 phone. There was a USB thumb drive, a set of keys, a
12 plastic bag, a plastic bag containing an edible item.
13 There was also two durags, another cell phone that I
14 remember.

15 Q. Okay, and Columbia Police Department was on scene,
16 correct?

17 A. They were.

18 Q. And they actually took some items into evidence
19 themselves. Is that right?

20 A. Yes. Excuse me. The durags and the cell phone, I
21 actually got a, a chain of custody from one of the
22 officers.

23 Q. Okay. So once that occurs, what's your, what's your
24 role next?

25 A. So with that, we document the vehicle where it was.

1 But given the nature of what we were seeing with the
2 vehicle, we waited for a search warrant and for the vehicle
3 to be towed to a more ideal location to process it.

4 Q. Okay. Did you take some photographs of the vehicle
5 while it was out on Saluda Avenue?

6 A. We did.

7 Q. All right. What would be the purpose of that if you
8 know that you are not going to be going inside the vehicle
9 at that point until you get a search warrant?

10 A. So, whenever -- even if we're going to tow the
11 vehicle, we want to document the vehicle exactly how it was
12 found when we got on scene: what doors were opened, what
13 evidence may be sitting inside the vehicle that's easily
14 seeable. That way if anything gets shifter -- shifted
15 around while it's towed, we have somewhat -- or we have
16 documentation where things were in the vehicle. So it's
17 standard practice to document before we ever move the
18 vehicle.

19 Q. Photographs but not rooting around in the car and
20 trying to pull evidence out yet?

21 A. No. I do believe I swabbed a spot in the car, but
22 that was the only thing I did inside the vehicle.

23 Q. Okay.

24 MR. GOLDBERG: Your Honor, may we approach briefly?

25 THE COURT: Yes.

1 MR. GOLDBERG: Thank you, Your Honor.

2 THE COURT: While he's approaching, let's all stand.

3 (OFF-THE-RECORD BENCH CONFERENCE.)

4 THE COURT: All right. Thank you.

5 BY MR. GOLDBERG:

6 Q. All right. Mr. -- I show you what's been marked as
7 State's 69 through 82 that counsel has seen already. If
8 you could describe what those photos are of just generally?

9 A. These are photographs of the vehicle as it was at 600
10 Saluda Avenue.

11 Q. Okay, and do those photos fairly and accurately depict
12 the vehicle as it appeared on Saluda Avenue that night?

13 A. They do.

14 MR. GOLDBERG: Your Honor, I would offer 6 -- State's
15 69 through 82 into evidence, please.

16 MS. GOODE: Over previous objection.

17 THE COURT: Okay. They're admitted.

18 MR. GOLDBERG: Thank you, Your Honor.

19 (PHOTOGRAPHS INDIVIDUALLY MOVED INTO EVIDENCE AS
20 STATE'S EXHIBIT NUMBERS 69 THROUGH 82.)

21 BY MR. GOLDBERG:

22 Q. Lieutenant, if you would describe -- I'm going to hand
23 you these, just a few here. All right, State's 82.

24 A. This is standing on the median of Saluda Avenue
25 looking at the side -- the passenger side of the vehicle.

1 There's a cell phone on the hood, and then you can see the
2 items on the roof.

3 Q. All right. State's 81.

4 A. This is the trunk, documenting that the truck was
5 opened and you can see from here kind of what was in it.

6 Q. 78.

7 A. This is looking in the driver's door. You can see
8 that the rear driver door was opened but there's -- the
9 interior of the rear or the driver door.

10 Q. Okay. Thank you. And when you're looking at the
11 driver door of State's 78, what, if anything, do you -- did
12 you notice about the controls that were utilized with that
13 vehicle?

14 A. On this photograph, if you look closely you can see
15 there's a yellow light that kind of grabbed my attention.
16 Later found out that's the driver door or the child safety
17 lock and the window safety lock, and it was engaged at the
18 traffic stop.

19 Q. How did you know it was engaged?

20 A. Because the light was on, and I later tested it to see
21 what happened when you turned it off.

22 Q. Okay. Here's another. State's 72.

23 A. This is a closer photograph showing contents inside
24 that little door handle, and then the orange light on, on
25 the child safety locks.

1 Q. Okay, and let's talk about that for a minute. You
2 said that you tested whether or not that locking mechanism
3 engaged. Can you describe what the child safety lock is
4 and a window lock and what you did to see if it was
5 functionable?

6 A. Sure. So the safety lock, it's you -- when you have
7 it engaged, whoever's sitting in the back cannot open the
8 vehicle from inside. The vehicle has to be opened from the
9 outside. Same with the windows. The windows can't be put
10 up or down. And to test it, once we were done processing
11 the vehicle later that day, I actually got into the vehicle
12 to try to get out with it engaged, and I had my partner
13 turn it off to show that it did function, and I was able to
14 get out of the vehicle. We closed it, reengaged it, tried
15 it again, and so we, we were trying to show that it
16 actually did function as a child safety lock.

17 Q. And it did function in that way?

18 A. It did.

19 Q. So, in other words, when that is engaged, what does
20 that mean for the usability or the functionality of the
21 windows and doors in the car?

22 A. They cannot be used from the back seats. You can't
23 open anything from or close from the back seats.

24 Q. Did you have an opportunity to review an owner's
25 manual of any kind pertaining to 2017 Chevy Impalas? Not

1 this one in particular but in general.

2 A. I have, after the fact, yes.

3 Q. And what, if anything, did that tell you about this
4 particular mechanism?

5 A. It showed that the child safety lock and window lock
6 were actually one button instead of -- in some old -- other
7 cars, you'll see them. It's an actual physical switch on
8 the rear door, but this actually just a, a button.

9 Q. All right. Thank you. State's 73.

10 A. This is showing a cell phone from inside the vehicle.

11 Q. Okay. Did it say what time -- what type?

12 A. It's an Alcatel.

13 Q. All right, and State's 74.

14 A. This is kind of a darker photo, but this is of the
15 rear driver door. You can see suspected blood on the rear
16 bottom of the door.

17 Q. When you say suspected blood, what do you mean by
18 that?

19 A. So, we don't call blood blood unless we can physically
20 prove it. So, we have chemical tests that we can do to
21 show that it is presumptive positive for blood or it is
22 likely to be blood with the test. But if I don't -- if I
23 have not tested it yet, I don't say this is, in fact, blood
24 because I can't prove it. So I say it's suspected blood
25 because, based on my experience, it, it appears to be

1 blood.

2 Q. All right. Thank you. How is -- oh, I'm sorry. One
3 other thing. I'm going to show you State's 70, 71, 75, 76.
4 What does 76 show overall?

5 A. This is an overall photograph of the trunk of the
6 vehicle and the contents.

7 Q. Why would it have been necessary to take that photo?

8 A. The trunk was opened, so I wanted to show what was in
9 it. And we were going to close the trunk to tow it because
10 I don't want all the contents blowing out on a tow truck or
11 on the road. So, just to document what's where in the
12 trunk.

13 Q. Okay, and you actually did secure at least one item
14 from that trunk. Is that correct?

15 WITNESS: I beg the court's indulgence.

16 Q. Sure. I'm sorry. I'm jumping around on you. I'll
17 hand you State's 70, 71, and 75.

18 A. Yes, sir. There was a black McDonald's visor in the
19 back of the trunk.

20 Q. Can you show that to the jury and describe what you
21 noted and observed about said visor?

22 A. On State's Exhibit 75, it's kind of a darker photo,
23 but it shows it's next to the white Yankee Candle bag.
24 It'd be further up over here. And then, on State's Exhibit
25 70, there's suspected blood on the brim and on the, on the

1 hat itself. And then on State's Exhibit 71, on the
2 underside of the hat, there's suspected blood.

3 Q. What would be the reason for collecting that item
4 prior to the ---

5 A. It seemed strange. It kind of stuck out right at me
6 that it was a -- there's a hat in the trunk. From what we
7 were seeing with the vehicle, most of the blood appeared to
8 be at the back seat of the vehicle. So, the fact that
9 there was a bloody item or a suspected bloody item like
10 that in the trunk, it just kind of stood out to me. So, I
11 thought it would be better to grab it now than let it get
12 shifted around later or potentially damaged by towing with
13 other items falling on it.

14 Q. Okay. As was testified to earlier, there were several
15 cell phones located in the car prior to your arrival. Is
16 that correct?

17 A. Yes, sir.

18 Q. I believe it was three cell phones. Is that right?

19 A. That sounds right, yes, sir.

20 Q. Okay. Did you collect those cell phones?

21 A. I did not.

22 Q. And why not?

23 A. We had our computer crimes experts come out and deal
24 with the cell phone.

25 Q. And do you recall which agent from State Law

1 Enforcement took possession of those phones?

2 A. Lieutenant Britt Dove.

3 Q. Okay. Would you have had any other involvement with
4 those items at that time?

5 A. Other than photographing the phones, Britt Dove, or
6 the lieutenant, would have collected them.

7 Q. Okay, and, for example, State's 77 depicts one of
8 them. Is that right?

9 A. Correct.

10 Q. Okay. All right. So, why do you have the vehicle
11 towed back to another location rather than doing what you
12 need to do right then and there?

13 A. One, Columbia can be a busy town. So, I don't like
14 processing stuff in front of everybody and their --
15 everyone to see. But, two, it was dark outside and if we
16 can get it somewhere where we have better lighting to find
17 the evidence, it's, to me, more advantageous to process it
18 with better light.

19 Q. How does that procedure work in terms of knowing the,
20 the car is not altered or affected in any way by way of the
21 tow?

22 A. So, that's why we document it beforehand because as a
23 tow truck picks the car up to tow it, it may -- items may
24 be shifted around. So, we document things as they go, and
25 then we will usually ask the tow truck driver to wear

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

624

1 gloves so that they're not adding DNA or anything to the
2 vehicle if they have to get into it or whatnot. Sometimes
3 they can just hook up and take it over to the tow truck.
4 But we do what we can to preserve the evidence as best as
5 possible, and then someone follows it to maintain the chain
6 of custody.

7 Q. And you collected some other items from the vehicle at
8 that time as well like the keys, correct?

9 A. That is correct.

10 Q. All right, and State's 16 and 15. Will you just look
11 in those bags and tell us what they are?

12 A. State's Exhibit 16, these are keys with a pink device
13 on them, and State's Exhibit 15, they're a set of keys with
14 a -- kind of a lanyard-type plastic thing on them.

15 Q. All right, and those are the keys that you collected -

16 --

17 A. Those are.

18 Q. --- that, that -- at the scene?

19 MR. GOLDBERG: Your Honor, at this time the state
20 offers 15 and 16 into evidence.

21 MS. GOODE: Over previous objection.

22 THE COURT: They're admitted.

23 MR. GOLDBERG: Thank you, Your Honor.

24 (KEYS MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
25 15.)

1 (KIDS WITH PINK ATTACHMENT MOVED INTO EVIDENCE AS
2 STATE'S EXHIBIT NUMBER 16.)

3 BY MR. GOLDBERG:

4 Q. So if the car is transported, where's it transported
5 to?

6 A. It's taken to, excuse me, 17 -- or 715 Bluff Road,
7 which was a CP facility, or Columbia Police Department
8 facility.

9 Q. All right. What time did you leave the Saluda Avenue
10 scene?

11 A. I left at approximately 0644 hours, so 6:44 AM.

12 Q. All right. Did you go straight over to the Bluff Road
13 location?

14 A. I did. I got on scene at 0714 hours.

15 Q. Okay, and did you have an opportunity to revisit the
16 Impala upon your arrival back at Bluff Road?

17 A. First I responded -- I, I collected some items via
18 chain of custody from Special Agent Jazic and then brought
19 stuff back to the forensic laboratory to log in. Then
20 responded back to actually process the vehicle.

21 Q. Okay, and what items did you collect from her?

22 A. I got suspected blood from the suspect shoe, the swabs
23 of the suspect's fingernails, and then I logged -- or I, I
24 took those back to the lab with, I believe, the known
25 standard from the victim, and then fingernail scrapings

1 from the victim.

2 Q. All right. Why would it be important to get those to
3 the lab that quickly?

4 A. So, we wanted to see if the blood in the vehicle was,
5 in fact, our victim's to see if this, this was the right
6 vehicle that we were looking for.

7 Q. And until you deliver it elsewhere, nothing can be
8 done with it, correct?

9 A. Correct.

10 Q. All right. What did you do after that?

11 A. So, then I responded back to 7 -- 715 Bluff Road to
12 begin processing the vehicle.

13 Q. And you mentioned that a search warrant had been
14 obtained for the vehicle. Is that right?

15 A. That's correct.

16 Q. And so upon making it back to Bluff, what are -- what
17 is your objective here with the car now that you're back in
18 a secure location?

19 A. So, now that we have the vehicle in a secure location
20 and we've got lights, we've got time, our job was to
21 document as thoroughly and search as thoroughly as we can
22 for any and all items that may be potential evidence.

23 Q. Can you describe where the car was and what the
24 conditions were like?

25 A. It was inside of the bay, like a big garage that CPD

1 has and it was well lit.

2 Q. Okay, and so do you immediately jump right in or, or
3 how's that process work?

4 A. No. So, first we meet with investigators to kind of
5 make sure no information's changed in the last while since
6 things have been going on and there's an investigation
7 constantly moving. So, sometimes more information comes in
8 and certain things are looked for or different things that
9 we need to process. Once we've met with investigators,
10 we'll review the search warrant, make sure the search
11 warrant's a valid search warrant, and then we'll begin
12 processing the vehicle.

13 Q. All right. So in this situation, what -- jumping
14 ahead. What, what, if anything, did you observe about the
15 vehicle as you began to process it?

16 A. So, there was -- one of the first things we noticed
17 was there was suspected blood on the rear passenger side
18 rim of the vehicle, the outside of the vehicle. The driver
19 window was observed down. The rear driver window or the
20 rear driver window was observed to be about a quarter of a
21 way down, and we could see what appeared to be some type of
22 -- it looked like footprints on the inside of the glass of
23 the rear passenger or the rear driver door.

24 Q. Can you describe why you thought that those might be
25 footprints?

1 A. Based on the shape. So your fingers, you've got --
2 it's called friction ridge skin and you can -- it's, it's
3 -- you know, lane -- or it's got a movement to it, and
4 there's different things inside of it that you could
5 identify folks with. But -- so what we're looking for is
6 we're looking for that type of skin to say it's a
7 fingerprint or latent or footprints. But then based on the
8 shape of it, you could see what appeared to be toes as
9 opposed to fingers. So, that's what made me think it was a
10 footprint.

11 Q. Okay, and so what do you do when you see a, a marking
12 like that?

13 A. So, the first thing we do is we photograph. Anything
14 and everything we do, we photograph first, and then we'll
15 put scale tape on it, which is just a ruler that is tape,
16 and we'll tape it so that we can actually have a dimension
17 and an actual -- have a photograph to scale.

18 Q. I'm going to show you what's been marked State's 180
19 to 182. What are those?

20 A. These are photographs of the latent impressions on the
21 inside of the vehicle.

22 Q. And the ruler's on there with them?

23 A. Yes, those are the scales that we placed.

24 Q. The photographs fairly and accurately depict ---

25 A. They ---

1 Q. --- how they looked that night?

2 A. They do.

3 MR. GOLDBERG: Your Honor, we'd offer State's 180 to
4 182.

5 MS. GOODE: Over previous objection.

6 THE COURT: They're admitted.

7 MR. GOLDBERG: Thank you, Your Honor.

8 (PHOTOGRAPHS INDIVIDUALLY MOVED INTO EVIDENCE AS
9 STATE'S EXHIBIT NUMBERS 180, 181, 182.)

10 BY MR. GOLDBERG:

11 Q. All right, and can you just describe to the jury what
12 that depicts?

13 A. So, this is the top of the window of the rear driver
14 door. You can see what appears to be a footprint with the
15 toes. This is my -- this is the scale tape where it's got
16 the ruler and the millimeters on one side, inches,
17 millimeters, and then we mark what direction it is. So up
18 the B pillar, which is the second pillar between the driver
19 and the passenger door, and then my initials, date, and
20 then this was marker F. So, we'll give each latent print a
21 designation. And then over here there's more. That was
22 latent E.

23 Q. And the other two, if you can describe them?

24 A. State's Exhibit 181, this is showing the direction of
25 the B pillar up. This is G, and in here you can see that

1 there's more friction ridge skin on the inside of the
2 glass.

3 State's Exhibit 180, this, I believe, was after we
4 rolled the window up. So, the window was partially down.
5 When we rolled the window up, we were able to see more
6 impressions and so that's what marker H was showing.

7 Q. At this point, it's not your job to try to do any
8 analysis about the print, who it belongs to, or anything of
9 that nature, correct?

10 A. Correct.

11 Q. All right. Did you then have an opportunity to
12 examine the interior compartment of the vehicle?

13 A. We did.

14 Q. And what were your observations once you got inside?
15 We'll start with the driver compartment.

16 A. So in the driver compartment, we, we saw a, a, a large
17 amount of suspected blood. We saw suspected blood on the
18 seatbelt buckle receiver, the driver seat bottom closest to
19 the driver door, the driver headrest, the, the driver seat
20 shoulder area, the area between the driver seat and the
21 center console, also on the side of the chair, and
22 suspected blood on the center console, and roof on the, the
23 headliner above the driver seat.

24 Q. When you see areas of suspected, suspected blood, what
25 do you do with that?

1 A. So, most of the time we -- or we always photograph
2 them to show the location of them, and then some of them
3 we'll swab to collect to have a sample of.

4 Q. How do you decide what to swab?

5 A. In this case, we kind of went for larger areas to show
6 what was, you know, a, a better sample.

7 Q. Okay, and what other items were located as you made
8 your way through the driver's compartment?

9 A. So, there was a wallet in the driver door pocket.
10 There was a social security card. There was a Wendy's
11 receipt on the driver's floorboard dated 3/29 of '19 and
12 time stamped at 12:38. And there was an envelope in the
13 center console that has suspected blood on it, and there
14 was a handwritten list on the back side of the envelope.

15 Q. What did you do with those items?

16 A. The Wendy's receipt was, I believe, collected, at
17 least photographed, and the envelope was collected.

18 Q. All right. Got some more photos here. These are
19 State's 84 through 105 and then 107 and 108. Give those a
20 look. Just kind of generally describe what you see.

21 A. These are photographs of the interior of the vehicle
22 and the contents within it.

23 Q. All right.

24 MR. GOLDBERG: Your Honor, at this time we'd offer 84
25 through 105 and then 107 and 108 into evidence.

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

632

1 MS. GOODE: Over previous objections.

2 THE COURT: They're admitted.

3 MR. GOLDBERG: Thank you, Your Honor.

4 (PHOTOGRAPHS INDIVIDUALLY MOVED INTO EVIDENCE AS
5 STATE'S EXHIBIT NUMBERS 84 THROUGH 105, THEN 107, 108.)

6 BY MR. GOLDBERG:

7 Q. State's 108, what does that depict?

8 A. This is showing the driver's belt -- seatbelt receiver
9 and this is suspected blood on the seat.

10 Q. 107.

11 A. This is the driver's seat and suspected blood on the
12 shoulders of the driver's seat.

13 Q. 104.

14 A. This is the rear driver door. This is showing what
15 the initial traffic stop showed -- but a little bit better
16 lit -- of suspected blood on the rear driver's door.

17 Q. All right. 101.

18 A. This is the front passenger seat showing suspected
19 blood on the headrest and then something on the shoulder.

20 Q. 100.

21 A. This is a closer up of the suspect -- suspected blood
22 on the front passenger seat headrest.

23 Q. 97.

24 A. This is another side showing the back of the front
25 passenger seat headrest of suspected blood.

1 Q. 96 and 98.

2 A. 98 is showing an overall photograph of the rear
3 passenger seat with this Top Job bleach container on the
4 floorboard, and then this is a close up of the Top Job
5 bleach with suspected blood on the bottom of it.

6 Q. Along those same lines, 94 here.

7 A. This is showing from -- or this is -- sorry. This is
8 a better photograph. This is this side of the seat showing
9 the Top Job on the floorboard.

10 Q. 91 through 93, what do they depict and what part of
11 the car is that in? I'm sorry I might have jumped around.

12 A. So these are all in the trunk, and this is showing a
13 Yankee Candle bag that had suspected blood on it. This is
14 showing a tan backpack, and here's the Yankee Candle bag
15 again showing some more blood on it, suspected blood. And
16 then there was a bleach, some type of cleaning product with
17 suspected blood on the container.

18 Q. Okay. All right. Do you then have to -- how are you
19 approaching this? Like, are you doing the whole car at
20 once? You doing the front? You doing the back? What are
21 you ---

22 A. We, because of the amount of evidence in this vehicle,
23 we broke it down by compartment. So we did the driver
24 compartment, then rear driver. Then -- and we tried to
25 quadrant the vehicle up and -- quadrant the vehicle up, and

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

634

1 then we would do the trunk later. Look -- try to break it
2 down piece by piece.

3 Q. Okay. What did you observe in the rear compartment?

4 A. So, in the rear driver's side compartment, we saw
5 suspected blood on the interior door panel armrest, the
6 interior door pocket, the seat bottom closest to the rear
7 driver's side door, the interior doorframe bottom, the seat
8 back closest to the door, the seatbelt, the middle of the
9 back seat, the rear, rear of the driver's seat itself, the
10 rear frame of the driver's seat where the seat is attached
11 to the vehicle, the roof liner on the driver's side, the
12 light switch on the center of the roof liner, and the rear
13 side center console, on the side center console.

14 Q. All right.

15 A. And the air vents on the rear side of the center
16 console.

17 Q. Did you take swabs from those items?

18 A. Not all of them. We swabbed in the middle back seat,
19 the roof liner, the light switch, and the rear side center
20 console.

21 Q. We saw pictures of the Top Job. Were there other
22 cleaning products found in the car?

23 A. There were. In -- on specifically that side, the rear
24 driver side, there was a clear plastic spray bottle labeled
25 window cleaner with a blue liquid. There was a white

1 plastic spray bottle labeled L.A.'s Totally Awesome were --
2 and they both had suspected blood on them.

3 Q. Did you also find a container of wipes in the car?

4 A. We did but I believe those were in the trunk.

5 Q. In the trunk. Okay. State's 23, 24, 25, and 17, are
6 these the items you just described, the cleaning products
7 and bottles that you found?

8 A. Yes, sir.

9 Q. All right.

10 MR. GOLDBERG: Your Honor, I'd offer 23 through 25 and
11 17.

12 MS. GOODE: Over previous objections.

13 THE COURT: They are admitted.

14 MR. GOLDBERG: Thank you, Your Honor.

15 (SPRAY BOTTLE MOVED INTO EVIDENCE AS STATE'S EXHIBIT
16 NUMBER 17.)

17 (CLOROX WIPES MOVED INTO EVIDENCE AS STATE'S EXHIBIT
18 NUMBER 23.)

19 (WINDOW CLEANER MOVED INTO EVIDENCE AS STATE'S EXHIBIT
20 NUMBER 24.)

21 (TOP JOB BLEACH MOVED INTO EVIDENCE AS STATE'S EXHIBIT
22 NUMBER 25.)

23 BY MR. GOLDBERG:

24 Q. And you said that all but the, the wipes were in the
25 trunk. Is that right?

1 A. Yes, sir.

2 Q. And the others were where?

3 A. The window cleaner and the L.A.'s Totally Awesome were
4 in the rear driver compartment and the Top Job were -- was
5 on the rear passenger side.

6 Q. What were your observations about the rear compartment
7 in terms of the odor?

8 A. So, you could smell what we thought to be bleach. It,
9 it was pretty pungent, and then when we picked up the
10 floorboards, you could also see that there was -- they were
11 wet and things were dripping off the bottom. Something was
12 dripping off the bottom of the floor mat.

13 Q. So, something was dripping off the bottom of the mat?

14 A. It -- like a clear liquid.

15 Q. Okay, and describe that odor again, please.

16 A. It's -- it smelled like bleach.

17 Q. Okay. Did you find some gloves of any kind in the
18 vehicle?

19 A. We did. In the rear driver, rear driver compartment
20 there was a blue plastic glove near the two spray bottles,
21 and the glove was collected.

22 Q. And then two additional gloves located in the front
23 passenger compartment?

24 A. That's correct. They were in the interior door pocket
25 of the front passenger door.

1 Q. All right. State's 27 and 28, I can have you take a
2 look at those. Actually if you turn that. Yeah.

3 A. Yes, sir, these were ---

4 Q. The gloves ---

5 A. --- the gloves.

6 Q. --- you found?

7 A. Yes, sir, they are.

8 MR. GOLDBERG: Your Honor, we'd offer 27 and 28 into
9 evidence please.

10 MS. GOODE: Over previous objection.

11 THE COURT: They are admitted.

12 MR. GOLDBERG: Thank you, Your Honor.

13 (GLOVES INDIVIDUALLY MOVED INTO EVIDENCE AS STATE'S
14 EXHIBIT NUMBERS 27, 28.)

15 BY MR. GOLDBERG:

16 Q. All right, and so you continue to process the car.
17 You, you're documenting and taking photos. You're
18 swabbing. Is that right?

19 A. That's correct.

20 Q. All right. Once you got to the rear compartment and
21 the rear passenger seat compartment, what stood out to you
22 about that area as compared to the rest of the vehicle?

23 A. There was a child seat in that seat. There was also
24 -- there was blood. The blood of the back seat, it looked,
25 compared to the rest of the vehicle where you could kind of

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

638

1 see where the blood was moving, it kind of looked like it
2 was absorbed kind of into the seat or kind of diluted a
3 little bit in the rear passenger seat.

4 Q. And how would you classify the amount of blood in the
5 back seat based on your view of it?

6 A. I can't give you an exact amount, but I can say that
7 there was a, a decent bloodletting, significant
8 bloodletting, in the back of that, back of that vehicle.

9 Q. A significant bloodletting?

10 A. Yes, sir.

11 Q. And that is based on your observations of that area of
12 the vehicle?

13 A. And throughout the vehicle.

14 Q. And throughout the vehicle. State's 109 through 129,
15 is that the rear compartment photos?

16 A. Yes, sir, they are.

17 MR. GOLDBERG: Your Honor, we'd offer 109 through 129
18 into evidence.

19 MS. GOODE: Over previous objection.

20 THE COURT: They are admitted.

21 MR. GOLDBERG: Thank you, Your Honor.

22 (PHOTOGRAPHS INDIVIDUALLY MOVED INTO EVIDENCE AS
23 STATE'S EXHIBIT NUMBERS 109 THROUGH 129.)

24 BY MR. GOLDBERG:

25 Q. As you described the dripping mat earlier, I want to

1 show you State's 128. Is that ---

2 A. That's it. In the photograph it's -- there's -- you
3 could see a clear liquid beading up on the bottom of the
4 mat
5 in the vehicle or in the photograph.

6 Q. 129.

7 A. So, this is suspected blood. This is kind of what
8 you'd expect to see. There's, you know, things happening
9 in the blood, movement where it's hitting. It's not -- it
10 doesn't appear to be wiped in that one.

11 Q. Can you elaborate on that?

12 A. So, it's -- I mean, you can see movement in the blood
13 where something has been in contact with it, but it's still
14 kind of -- like there's a -- appears to be a 90-degree mark
15 where it's kind of hit the seat and stayed there. It's not
16 -- it doesn't appear someone had attempted to clean that
17 yet.

18 Q. All right. Thank you. And that was 129?

19 A. Yes, sir.

20 Q. 126 and 127 -- actually we'll just give you 126,
21 please.

22 A. So, this is looking at the back of the center console,
23 and you can see the suspected blood inside of the air vents
24 and down here in this compartment here.

25 Q. 125, how's that different from the other passenger's

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

640

1 -- rear passenger's seat that you described a moment ago
2 was blood?

3 A. So, in this seat you can see there's a red tint to it,
4 but it doesn't seem like anything's going on with it other
5 than there being a red tint. It just -- it didn't look
6 right so that it -- that kind of just brought attention to
7 it.

8 Q. And then State's 119's a little closer view of that?

9 A. This is. You can see, again, the red tint but there's
10 no patterns. It doesn't appear that there's blood sitting
11 on top of it like the other seats and everywhere else in
12 the vehicle.

13 Q. 120.

14 A. So 120, this is one of the door jambs of the vehicle.
15 This is where the door seals here. This is the
16 weatherproofing and you can see the suspected blood inside
17 the door jamb.

18 Q. 117, what do you observe about this seat?

19 A. So, this is the driver's seat, and you can see how
20 there's blood flowing off of the -- or moving. There's
21 movement in the blood here on the back of the seat.

22 Q. And did you actually find a container for those vinyl
23 gloves as well?

24 A. I believe we did.

25 Q. Okay. State's 116.

1 A. I'm sorry. Yes, and I want to say these were in the
2 front passenger interior door pocket. There was a black
3 tag with a DG Hardware of vinyl gloves and that's what that
4 is.

5 Q. All right, and, lastly, 115.

6 A. This is the photograph of the trunk showing the 298
7 backpack, and there's a pink roll of duct tape in the
8 backpack of the truck or in the, in the trunk. Excuse me.

9 Q. So, a pink roll of duct tape?

10 A. That's correct.

11 Q. State's 29.

12 A. Yes, sir.

13 Q. Is that the duct tape?

14 A. Yes, sir.

15 MR. GOLDBERG: Your Honor, we'd offer State's 29 into
16 evidence, please.

17 MS. GOODE: Over previous objection.

18 THE COURT: They're admitted.

19 MR. GOLDBERG: Thank you.

20 (DUCT TAPE MOVED INTO EVIDENCE AS STATE'S EXHIBIT
21 NUMBER 29.)

22 BY MR. GOLDBERG:

23 Q. Did you find any clothes in the back seat compartment?

24 A. We did.

25 Q. What did you find?

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

642

1 A. We found -- there was a leather jacket in the back
2 seat and there was a -- rear passenger. There was a black
3 jacket and then -- yeah, I believe it's just a black
4 jacket.

5 Q. Just a black jacket?

6 A. Yes, sir, from the, from the back seat, just a black
7 jacket.

8 Q. State's 22. If you would describe the contents of the
9 bag without pulling it out.

10 A. This is one black-in-color jacket, a Robert Comstock,
11 size XL, from the rear passenger seat with suspected blood.

12 Q. Is that the black jacket that you retrieved from the
13 back seat?

14 A. This is.

15 MR. GOLDBERG: Your Honor, we'd offer State's 22 in
16 evidence.

17 MS. GOODE: Over previous objection.

18 THE COURT: Admitted over objection.

19 MR. GOLDBERG: Thank you, Your Honor.

20 (BLACK JACKET MOVED INTO EVIDENCE AS STATE'S EXHIBIT
21 NUMBER 22.)

22 BY MR. GOLDBERG:

23 Q. Lieutenant, can you pull the bag out? Do you need
24 some gloves?

25 A. I've got some, sir.

1 Q. Okay. Thank you. What, if anything, did you observe
2 then and do you see now about that jacket?

3 A. So, there was suspected blood on the jacket when we
4 collected it that night. When we got it back to the lab,
5 we photographed clothing with photographs. We documented
6 it with photographs, and we noticed some striations in the
7 jacket itself that we documented with photographs and a
8 scale to kind of show the size of what we found on the
9 jacket.

10 Q. And again, striations being?

11 A. Something came in contact with the jacket that left a
12 mark.

13 Q. Okay. Did you have any -- and you took photographs of
14 that as well?

15 A. We did.

16 Q. Can you point out the areas on the jacket -- I know
17 it'd be hard to see -- where you located those possible
18 striations?

19 A. So, one was down here some -- in this circle area.
20 You can see -- I'm not sure if you can see it from where
21 you're sitting, but there are some marks in the leather
22 itself up on the right chest, and there's that scratch or
23 some, some sort of something came in contact with that
24 jacket on the right shoulder, and then down here on the
25 right sleeve in this area.

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

644

1 Q. All right. Thank you. As you're holding the jacket
2 up, earlier when you testified about striations, you did so
3 in reference to potential drag, things like that. You
4 described the victim, how there were marks on her to show
5 items were moved off of her, possibly consistent with being
6 dragged. Is that the only manner in which striations can
7 possibly appear on a person or an item of clothing?

8 A. No, sir.

9 Q. Okay. Can you describe other scenarios in which that
10 can occur?

11 A. It, it's possible that if she was fighting, that if
12 someone was wearing this jacket, that claw marks -- or not
13 claw marks but scratches from fingernails could cause
14 those.

15 Q. Are those marks on that jacket consistent with that
16 possibility?

17 A. I think so.

18 Q. All right, and briefly, State's 59 through 67. We're
19 not going to go through all these, but just generally what
20 are those pictures of?

21 A. These are the photographs we took of the jacket.

22 Q. Okay, and in your review of those photos, how, how
23 does looking at that compare with the actual physical
24 appearance of the jacket?

25 A. I think you can see these better and should ---

1 Q. In which item?

2 A. Specifically State's Exhibit 60 you can see the, the
3 striations on the front pocket, the front left pocket. 61
4 is a close up of it. 62 is of the right shoulder. 63 is
5 of the right shoulder. 64 and 65 -- excuse me, 64 is of
6 the arm and so is 66, and 67 and 65 are suspected blood on
7 the jacket.

8 Q. Suspected blood on the jacket as well?

9 A. Yes.

10 Q. All right. Thank you. That was in the back seat of
11 the vehicle?

12 A. Yes, sir.

13 Q. Okay. Let's turn to the trunk. This is a pretty
14 comprehensive processing job that was taking place,
15 correct?

16 A. Yes, sir.

17 Q. Okay, and that's part of your training, right?

18 A. Yes.

19 Q. All right. So, in the trunk you found a, a bag with
20 suspected blood. Is that right?

21 A. It was a Yankee Candle, Yankee Candle bag, yes, sir.

22 Q. State's 26, is that the bag?

23 A. That is.

24 MR. GOLDBERG: Your Honor, we'd offer State's 26, the
25 Yankee Candle bag, in evidence.

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

646

1 MS. GOODE: Over previous objections.

2 THE COURT: It's admitted.

3 (YANKEE CANDLE BAG MOVED INTO EVIDENCE AS STATE'S
4 EXHIBIT NUMBER 26.)

5 BY MR. GOLDBERG:

6 Q. And I'm not going to, I'm not going to ask you to take
7 it out at this time, but if you could just kind of describe
8 what that is that's there on the outside of the bag?

9 A. So, this is suspected blood, and we saw what appeared
10 to be some type of fingerprint or footprint impressions in
11 the blood on the bag. So, we collected it for our latent
12 print department to process.

13 Q. All right. Thank you. Did you have an opportunity to
14 locate a set of flipflops in the trunk of the car as well?

15 A. We did.

16 Q. All right, and can you describe what they looked like?

17 A. They were red and black Nike flipflops, and they had
18 suspected blood on the left shoe.

19 Q. State's 19 and 31, if you would open those up, take a
20 look.

21 A. I'm sorry.

22 Q. That's all right.

23 A. Yes, sir, these are both the flipflops.

24 MR. GOLDBERG: Your Honor, we'd offer State's 19 and
25 31 into evidence, please.

1 MS. GOODE: Over previous objection.

2 THE COURT: They're admitted.

3 MR. GOLDBERG: Thank you.

4 (FLIPFLOPS INDIVIDUALLY MOVED INTO EVIDENCE AS STATE'S
5 EXHIBIT NUMBERS 19 AND 31.)

6 BY MR. GOLDBERG:

7 Q. And if you would, show those to the jury, please.

8 A. To the judge?

9 Q. To, to the ---

10 A. Did you want them out?

11 Q. To, to the -- first ---

12 A. Oh, I'm sorry. So, this is the left shoe and this is
13 the right, right shoe.

14 Q. And you indicated on the left one that there was
15 suspected blood on that. Is that right?

16 A. Yes, sir.

17 Q. Okay. All right, and earlier you discussed the visor.
18 We saw photographs of the visor that was collected.

19 State's 34.

20 A. Did you want me to open it?

21 Q. Open it up and take a look at it, yes, sir. I'm
22 sorry. And if you can just tell us what that is inside
23 that package.

24 A. Yes, sir, this is the visor I collected.

25 MR. GOLDBERG: Your Honor, at this time we'd offer

1 State's 34 into evidence.

2 MS. GOODE: Over previous objection.

3 THE COURT: It's admitted over objection.

4 (VISOR MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
5 34.)

6 BY MR. GOLDBERG:

7 Q. If you would show it to the jury, please?

8 A. So, this is the black McDonald's hat that we've
9 located in the trunk. As you can see, the suspected blood
10 on the front and back, top and bottom.

11 Q. All right. Get those out of your way. Thank you.
12 Thank you.

13 A. Uh-huh.

14 Q. Your, your thorough investigation continued to another
15 day. Is that correct?

16 A. That is correct.

17 Q. And that was April the 2nd. Is that right?

18 A. Yes, sir, that sounds right.

19 Q. And I'm sorry. Yes, that's right, April the 2nd.
20 What did you do with the vehicle on April the 2nd? I
21 believe it's Page 11 of your report.

22 A. Yes, on April 2nd we responded back to [REDACTED] -- or,
23 excuse me, [REDACTED] Bluff Road, and we processed it by -- we --
24 I pulled out the rear seat of the vehicle to gain access to
25 the trunk to see if the emergency release of the trunk

1 would work. It did function properly. I also took out the
2 back seat and to document the suspected blood that had
3 fallen through the seatbelt, and that had gathered
4 underneath on the metal frame of the, of the vehicle.

5 Q. And what did you observe in terms of suspected blood
6 in the back seat?

7 A. Once we took it off, you could see the suspected blood
8 on the, on the base, but we also cut into the seat to show
9 how the blood had gone from the fabric and soaked down into
10 the foam of the seat.

11 Q. I'm going to show you what's marked State's 167
12 through 169. Do those, those photos fairly and accurately
13 depict what you just described?

14 A. Yes, sir, they do.

15 MR. GOLDBERG: Your Honor, we offer State's 167
16 through 169.

17 MS. GOODE: Over previous objection.

18 THE COURT: They're admitted.

19 MR. GOLDBERG: Thank you, Your Honor.

20 (PHOTOGRAPHS INDIVIDUALLY MOVED INTO EVIDENCE AS
21 STATE'S EXHIBIT NUMBERS 167, 168, 169.)

22 BY MR. GOLDBERG:

23 Q. What are we looking at in 167?

24 A. In 167, this is with the rear passenger seat or the
25 rear seat taken out of the vehicle, and you can see the

1 suspected blood that had gathered around the seatbelt
2 latches.

3 Q. 168.

4 A. This is a closer up photo of the suspected blood on
5 the seatbelt latches.

6 Q. All right, and can you describe the nature of that
7 blood in any way? Like how it's -- or no?

8 A. I'm not sure what you're -- sorry.

9 Q. That's all right. I'll, I'll move on. 167.

10 A. So, this was -- as I was cutting the seat, I was
11 trying to show the saturation from the fabric down into the
12 foam of the seat.

13 Q. So, that's actually with the -- the part that we
14 actually sit on is cut open and that's kind of the
15 interior, interior of that actual seat?

16 A. That is correct.

17 Q. And it's been removed from the vehicle in that photo?

18 A. That is correct.

19 Q. All right. Thank you, and then you have -- well, a
20 couple other items that you found in the vehicle at that
21 time. Couple more pieces of clothing, correct?

22 A. Yes, sir.

23 Q. State's 32, 33, and 35.

24 (A PAUSE.)

25 Q. All right. 33, that one.

1 A. I think this was collected the night before.

2 Q. Okay.

3 A. On the 30th.

4 Q. That's all right.

5 A. And this is a white jacket from the rear driver's
6 seat.

7 Q. Okay, and 32 and 35.

8 A. This was a white-in-color shirt with suspected blood
9 from the floorboard of the front passenger seat.

10 Q. And 35?

11 A. Is a white and blue jersey from with -- I believe
12 that's from the trunk.

13 Q. And these, these bags all have some handwriting and,
14 and initials on them. Are those your initials?

15 A. That is.

16 Q. And you put those on there when you seal these items
17 up?

18 A. When we'll -- before I even seal it, I document on the
19 bag what it is, time and date of collection, and then seal
20 it up.

21 MR. GOLDBERG: Your Honor, at this time we'd offer
22 State's 32, 33, and 35 in evidence.

23 MS. GOODE: Over previous objection.

24 THE COURT: They're admitted.

25 (WHITE SHIRT MOVED INTO EVIDENCE AS STATE'S EXHIBIT

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

652

1 NUMBER 32.)

2 (WHITE JACKET MOVED INTO EVIDENCE AS STATE'S EXHIBIT
3 NUMBER 33.)

4 (WHITE AND BLUE JERSEY MOVED INTO EVIDENCE AS STATE'S
5 EXHIBIT NUMBER 35.)

6 BY MR. GOLDBERG:

7 Q. All right. If you would open State's 32 there. Show
8 the jury that item and describe what it is.

9 A. This is white-in-color shirt with suspected blood from
10 the floorboard of the front passenger seat of the Impala.

11 Q. All right. If you would show the jury? All right.
12 Thank you. State's 33, please.

13 A. Those are falling out.

14 Q. Okay. State's 33.

15 A. State's 33 is a white jacket from the rear driver's
16 seat of the Chevy Impala with suspected blood.

17 Q. What happens to the, the appearance of blood over time
18 in terms of color?

19 A. It starts to turn like this. Sometimes it will even
20 get a little green like you can see down in here.

21 Q. Almost done with you. And as indicated, you went back
22 out there on another occasion with the vehicle. This was
23 all done, the most recent one we discussed, was April the
24 2nd, that -- then you returned to the vehicle on April the
25 29th. Is that correct?

1 A. Yes, sir, the 29th.

2 Q. And that would be some months after this all occurred?

3 A. That's correct.

4 Q. All right. Why did you go back there a month later to
5 do that?

6 A. We brought with us a trace expert to help look into
7 the vehicle for his purposes.

8 Q. And what is trace?

9 A. Our trace department, they are a -- they deal with
10 fire debris or GSR kits or different types of kind of
11 microscopic-type evidence.

12 Q. Okay, and so what was the purpose, purpose of bringing
13 this individual to look at the car?

14 A. So that we could document the vehicle and collect
15 cuttings from where we believed different chemicals were
16 used inside the vehicle.

17 Q. All right, and so that would be for other analysts who
18 do examinations on it at the later time?

19 A. That's correct.

20 Q. Okay, and what types of testing does -- who was the
21 individual that was there with you?

22 A. It was Michael Moskal, Special Agent Michael Moskal.

23 Q. He's a SLED agent?

24 A. He's a class three officer, but, yes, he's a SLED
25 agent.

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

654

1 Q. All right, and so what -- generally, what types of
2 things does he run tests for?

3 A. G ---

4 Q. Well, I'll, I'll just back that up. I'm sorry to
5 interrupt. To your knowledge, what was he looking for?

6 A. My understanding is he was doing chemical tests with
7 the bleach.

8 Q. Okay. To see what exactly it was made of, right?

9 A. Correct.

10 Q. Okay, and he would have done that in his own time and
11 another day?

12 A. Correct.

13 Q. You were just assisting in helping get it from the car
14 for him?

15 A. That's correct.

16 Q. I understand. Thank you. All right. I'm not going
17 to have, have you go into great detail about these but I'm
18 going to have you look at them.

19 MR. GOLDBERG: One moment, Your Honor.

20 (A PAUSE.)

21 Q. All right. I'm going to do this is one very small
22 group and then one group all at once, okay, so we can get
23 you down. All right, State's 56, can you describe what
24 that is?

25 A. This would have been the envelope of suspected blood

1 that we collected from the center console of the vehicle.

2 Q. And that's the one that was notated having some sort
3 of writing or list of some kind on it. Is that corrects?

4 A. That is correct.

5 Q. All right. Thank you, and when you collected that,
6 you passed it on for further examination?

7 A. Yes.

8 Q. Okay. All right. We're going to leave State's 56 for
9 ID purposes only at this time. Thank you. All right,
10 State's 58, 57, 55, 54, 44, 43, 53, 56, 50, 49, 58, 47, 46,
11 and 45. You have previously reviewed these items, have you
12 not?

13 A. Yes, sir.

14 Q. Okay, and each of these items that I mentioned are all
15 items that you collected in this case. Is that correct?

16 A. That is correct.

17 Q. And then after collecting them, you submitted them
18 into evidence. Is that right?

19 A. That is correct.

20 Q. And State's 58 is dirt from the wheel well. Is that
21 right?

22 A. That is correct.

23 Q. Okay, and State's 57 is suspected hair?

24 A. Yes.

25 Q. State's 55 is more suspected hair, correct, from the

1 Impala?

2 A. Yes.

3 Q. State's 54, cigarette butts from Clarendon?

4 A. That's correct.

5 Q. State's 44 are a series of swabs from inside the car.
6 Is that correct? Items 65 through 79, SLED item 65 through
7 79.

8 A. Yeah, that's us. Yes, sir.

9 Q. Okay. Thank you. State's 43 is a hair from the
10 victim's shirt. Is that right?

11 A. Yes, sir.

12 Q. 53 is Buccal swabs from Ms. Josephson?

13 A. That's correct.

14 Q. Okay. State's 52 is swabs from where Mr. Rowland was
15 seated at law enforcement headquarters. Is that right?

16 A. I believe I got those through a chain of custody but
17 yes, sir.

18 Q. Okay. Thank you. We'll put that one off to the side.
19 State's 51 is hair from the victim's pants. Is that right?

20 A. Yes, sir.

21 Q. State's 50 is hair from the jersey that was collected,
22 the white jersey?

23 A. Yes, sir.

24 Q. 49 is our swabs from inside this Impala?

25 A. Yeah.

1 Q. 48 are latent prints lifted from the interior window
2 of the vehicle?

3 A. Yes, sir.

4 Q. 47, fingerprints from Ms. Josephson that you talked
5 about from the crime scene in Clarendon?

6 A. That is correct.

7 Q. Two more. 46, swabs of suspected blood from inside
8 the vehicle?

9 A. Yes, sir.

10 Q. And 45, again, are the nail scrapings and clippings
11 from the victim in Clarendon County. Is that correct?

12 A. Yes, I do believe some of those are from autopsy, too.

13 Q. And autopsy. Okay. Thank you.

14 MR. GOLDBERG: Your Honor, at this time the state
15 would offer each of those aforementioned items into
16 evidence with the exception of State's 52.

17 THE COURT: What says the defense?

18 MS. GOODE: Over previous objection related to the
19 items in the car.

20 THE COURT: Will any of those, those items be
21 subjected or subject to further testimony regarding chain
22 of custody issues? MR. GOLDBERG: Thank you, Your Honor.
23 I meant to bring that up. Ms. -- the defense and the state
24 have entered into a stipulation regarding the chain of
25 custody internally regarding those items.

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

658

1 THE COURT: Is that correct?

2 MS. PINNOCK: Yes, Your Honor.

3 THE COURT: All right. They're admitted. Thank you.

4 MR. GOLDBERG: Thank you very much, Your Honor.

5 (HAIR MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
6 43.)

7 (SWABS MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
8 44.)

9 (FINGERNAIL SCRAPINGS MOVED INTO EVIDENCE AS STATE'S
10 EXHIBIT NUMBER 45.)

11 (SWABS MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
12 46.)

13 (FINGERPRINTS MOVED INTO EVIDENCE AS STATE'S EXHIBIT
14 NUMBER 47.)

15 (LATENT PRINTS MOVED INTO EVIDENCE AS STATE'S EXHIBIT
16 NUMBER 48.)

17 (SWABS MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
18 49.)

19 (HAIR AND STRAW MOVED INTO EVIDENCE AS STATE'S EXHIBIT
20 NUMBER 50.)

21 (HAIR MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
22 51.)

23 (SWABS MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
24 53.)

25 (CIGARETTE BUTT MOVED INTO EVIDENCE AS STATE'S EXHIBIT

1 NUMBER 54.)

2 (HAIR MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
3 55.)

4 (HAIR MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
5 57.)

6 (DIRT MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
7 58.)

8 BY MR. GOLDBERG:

9 Q. I think I have -- all right, last three items. I know
10 it's late. State's 170. All right, a little scattered on
11 these three and then we'll -- State's Exhibit 170. What
12 does that depict?

13 A. This is a note we found or a typed letter we found in
14 the glove box of the vehicle from -- it was a notice to
15 vacate, vacate.

16 Q. Okay. Does that photo fairly and accurately depict
17 how that note appeared when you collected it?

18 A. It does.

19 MR. GOLDBERG: Your Honor, offer State's 170.

20 THE COURT: Any objection?

21 MS. GOODE: Over previous objections.

22 THE COURT: It's admitted.

23 (PHOTOGRAPH MOVED INTO EVIDENCE AS STATE'S EXHIBIT
24 NUMBER 170.)

25 BY MR. GOLDBERG:

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

660

1 Q. State's 30. You don't have to open that one.

2 A. Yes, sir, these are some clippers from the rear seat
3 floorboard.

4 Q. Rear seat floorboard of the Impala?

5 A. Yes, sir.

6 Q. All right.

7 MR. GOLDBERG: Your Honor, I'd offer State's 30.

8 MS. GOODE: Over previous objection.

9 THE COURT: Admitted.

10 (CLIPPERS MOVED INTO EVIDENCE AS STATE'S EXHIBIT
11 NUMBER 30.)

12 BY MR. GOLDBERG:

13 Q. And lastly State's Number 18. If you could describe
14 what this is and where it was collected from? You might
15 need some gloves for that.

16 A. This is a black beanie, Field Grade was the company,
17 and it said Cold Blooded, and this was from the trunk of
18 the vehicle.

19 THE COURT: What word did you use, a black what?

20 WITNESS: It was a black beanie.

21 THE COURT: Beanie?

22 WITNESS: Beanie or a skull cap.

23 BY MR. GOLDBERG:

24 Q. Could that also be known as a toboggan possibly?

25 A. Toboggan. Excuse me.

1 Q. That's all right. I got you. What, what is this that
2 fell out of there?

3 A. We have -- I'm not sure what -- that's not part of the
4 hat.

5 Q. Okay.

6 A. This is the hat and it says Cold Blooded, and we did
7 note that there was a hole in the back of it.

8 Q. You said that it says Cold Blooded?

9 A. Yes, sir, Cold Blooded.

10 Q. And where was that located?

11 A. This was collected from the trunk of the vehicle.

12 Q. The Impala?

13 A. Yes, sir.

14 Q. All right, Lieutenant Schenk, does that conclude the
15 nature of your involvement in this case?

16 A. Yes, sir.

17 MR. GOLDBERG: Thank you. That's all I'd have. Thank
18 you.

19 THE COURT: With regard to the last exhibit.

20 MR. GOLDBERG: Oh, I'm ---

21 THE COURT: Was there -- the beanie, was there any
22 testimony concerning anything other than it -- its
23 existence?

24 MR. GOLDBERG: Thank you, Your Honor. May I, may I
25 reengage the witness?

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

662

1 THE COURT: Yes, sir.

2 MR. GOLDBERG: Thank you, Your Honor.

3 BY MR. GOLDBERG:

4 Q. Item 18, the, the beanie that you collected from the
5 trunk, that's what you just showed and described?

6 A. Yes, sir.

7 MR. GOLDBERG: Your Honor, at this time we'd offer
8 State's 18 in -- into evidence.

9 THE COURT: All right. Is there any ---

10 MS. GOODE: Over previous objection.

11 THE COURT: Was there any testimony regarding anything
12 other than the existence of it?

13 MR. GOLDBERG: Not at this time, no, sir.

14 THE COURT: It will be marked for identification
15 purposes at this time.

16 MR. GOLDBERG: Well, he did describe the hole in it,
17 sir.

18 THE COURT: Anything unusual about a hole in a cap,
19 sir?

20 BY MR. GOLDBERG:

21 Q. Would, would you like to look at it?

22 A. Sure. Sometimes holes exist here for people using it
23 as a mask. So, I do notate stuff like that. But as for --
24 I mean, it is a hole in the back of the hat is all I see.

25 Q. I do have another question for you. Was that item

1 later examined by other analysts at State Law Enforcement
2 Division?

3 A. It was. You can see the markings on the hat where our
4 scientists would mark, and they can explain that better
5 than I can.

6 Q. And that would have been analyzed for any DNA evidence
7 connected to said, said beanie?

8 A. I believe it was sent for DNA.

9 MR. GOLDBERG: Okay. Subject to the stipulation
10 regarding the internal chain of custody regarding these
11 items, the state would offer that item into evidence.

12 THE COURT: It will be admitted for identification
13 only
14 at this time.

15 MR. GOLDBERG: Yes, sir. Thank you, Your Honor.

16 THE COURT: That particular exhibit.

17 MR. GOLDBERG: Yes, sir.

18 THE COURT: That will be marked for identification but
19 not admitted at this time.

20 MR. GOLDBERG: Yes, sir, marked. And, just to be
21 clear for the record --

22 You can put it back in the bag, please.

23 WITNESS: Do you have the bag?

24 MR. GOLDBERG: Oh, yes. Thank you. All right.

25 Thank you.

T. SCHENK - DIRECT EXAMINATION BY MR. GOLDBERG

664

1 So to be clear, Your Honor, that is State's 18 for ID
2 purposes at this time.

3 THE COURT: 18?

4 MR. GOLDBERG: Yes, sir.

5 THE COURT: All right.

6 MR. GOLDBERG: Nothing further, Your Honor. Thank
7 you.

8 THE COURT: Okay. Thank you.

9 Ladies and gentlemen, we will quit for the day. Thank
10 you all very much for hanging in there. We're going to
11 resume tomorrow morning at 9:30.

12 Please do not discuss the case or allow anyone to
13 discuss it with you in your presence. Please do not allow
14 yourself to be exposed to any matters or information
15 through media or otherwise concerning this case outside of
16 the courtroom. Thank you. We'll see you tomorrow morning
17 at 9:30.

18 (JURY EXITS AT 6:15 P.M.)

19 THE COURT: All right, Officer, you are -- you may
20 step down. You are -- you'll be subject to
21 cross-examination in the morning, so you cannot discuss
22 your testimony in any form or fashion with anyone in the
23 interim.

24 WITNESS: Yes, sir.

25 THE COURT: So, we'll see you in the morning at 9:30.

1 MR. GOLDBERG: State's ready, Your Honor.

2 MS. PINNOCK: Yes, Your Honor.

3 THE COURT: Okay. We can bring the jury. We can have
4 our witness back.

5 (THE JURY ENTERS AT 9:43 A.M.)

6 THE COURT: Good morning.

7 JURY: (*EN MASSE*) Good morning.

8 THE COURT: Welcome back. Day number four of your
9 jury service.

10 Cross-examination?

11 MS. GOODE: Thank you very much, Your Honor. May it
12 please the court?

13 THE COURT: Yes.

14 CROSS-EXAMINATION BY MS. GOODE:

15 Q. Good morning, Agent Schenk.

16 A. Morning.

17 Q. All right. So, yesterday you told us kind of what
18 your role is at SLED.

19 A. Yes, ma'am.

20 Q. Crime scene agent and kind of what SLED's role is in
21 assisting other agencies.

22 A. That's correct.

23 Q. Smaller counties that may not have bigger labs and
24 access to these types of things.

25 A. That is correct.

T. SCHENK - CROSS-EXAMINATION BY MS. GOODE

670

- 1 Q. Correct? And you've told us all about your training,
2 right?
- 3 A. Yes, ma'am.
- 4 Q. And your experience ---
- 5 A. Yes, ma'am.
- 6 Q. --- in law enforcement and how you -- when you get to
7 a scene, you may not be the first people to get there ---
- 8 A. That is correct.
- 9 Q. --- right? There might be other people on scene,
10 other officers?
- 11 A. That is correct.
- 12 Q. And so, as you told us yesterday, that some scenes,
13 when you get there, they may not, may not be pristine,
14 meaning there might be foot traffic and ---
- 15 A. Yes, ma'am.
- 16 Q. --- somebody may have touched something?
- 17 A. That is also correct.
- 18 Q. But then some may be not disturbed when you get there?
- 19 A. Yes, ma'am.
- 20 Q. And meaning that nobody's done anything to the scene?
- 21 A. Correct.
- 22 Q. And so you get there and it's as is?
- 23 A. Yes, ma'am.
- 24 Q. Okay.
- 25 A. As we're told.

1 Q. As you're told, and as you get on a scene, your job is
2 to gather as much information as possible?

3 A. Yes, ma'am. When we gather the in -- or we're trying
4 to get everything we can to kind of glean an insight as to
5 what exactly we're dealing with before we show up on the
6 crime scene.

7 Q. Because you don't have all of that information when
8 you get there?

9 A. That's correct. Sometimes we have very little
10 information and we kind of go by what the evidence is
11 telling us.

12 Q. And, depending on the scene, you pretty much always
13 are going to take pictures?

14 A. Always, yes.

15 Q. And there may be an occasion to take swabs ---

16 A. This is ---

17 Q. --- in a case?

18 A. Yes, ma'am.

19 Q. You may visibly observe fingerprints?

20 A. Yes, ma'am.

21 Q. But there's also prints that you may not be able to
22 see?

23 A. That is correct.

24 Q. And those are called latent prints?

25 A. Yes, ma'am, they are.

1 Q. And you have a process that you go through to lift
2 those prints?

3 A. We do.

4 Q. And then as you're doing all this, you're also
5 documenting with notes, right?

6 A. Yes, ma'am.

7 Q. And sketches?

8 A. Yes, ma'am.

9 Q. And then eventually you may collect items that you
10 think might be important?

11 A. That is correct.

12 Q. Because, again, at that point you don't know?

13 A. Correct.

14 Q. Could be important, right?

15 A. Yes, ma'am.

16 Q. Might not be?

17 A. That's also correct.

18 Q. But, but that's not really your job to determine?

19 A. No, ma'am, we won't -- we do what we can to identify
20 what may have evidentiary value in the scene. So, we're
21 documenting and collecting and trying to just see what
22 makes sense or what doesn't make sense and what evidence we
23 believe has pertinent value to the case.

24 Q. And when you're on a scene, you are -- you're careful
25 not to contaminate the scene?

1 A. That's correct. We wear gloves. Yesterday I put some
2 on before I handled the evidence. That's standard
3 procedure. Whenever we handle evidence, we're doing
4 everything we cannot to breathe over it, talk over it
5 because we don't want to contaminate it ourselves while
6 we're handling the evidence.

7 Q. And sometimes the situation may require more than just
8 gloves as protective gear, right?

9 A. Sometimes, yes, ma'am.

10 Q. Sometimes you might cover up your shoes?

11 A. If it's real bloody, yes, ma'am.

12 Q. Yeah, and put or more protective clothing over your
13 clothing -- more protective gear over your clothing?

14 A. Sometimes.

15 Q. Sometimes. So, you told us your involvement started
16 March 29, 2019?

17 A. Yes, ma'am.

18 Q. You get there in Clarendon County. It's about 6
19 o'clock that evening.

20 A. Yes, ma'am. We arrived at about 6:03, yes, ma'am.

21 Q. And this is -- the sun's starting to set somewhat?

22 A. I believe it was still up but starting -- it was
23 getting closer to night.

24 Q. It was later in the evening ---

25 A. Yes, ma'am, it was.

T. SCHENK - CROSS-EXAMINATION BY MS. GOODE

674

1 Q. --- by that time? The days are getting longer but not
2 quite there yet. Not a July day.

3 A. Sure.

4 Q. Right. So, the lighting's starting to getting a
5 little dim for you guys?

6 A. Eventually, yes, ma'am.

7 Q. Okay.

8 A. It did get dark outside.

9 Q. But y'all have that covered?

10 A. Yes, flashlights, lights.

11 Q. Yes, and you're not the only agent that comes out from
12 crime scene?

13 A. That is correct.

14 Q. You have someone there to help you. You called her
15 your partner yesterday.

16 A. Yes, ma'am.

17 Q. And she's now Cirencione?

18 A. Cirencione.

19 Q. Cirencione?

20 A. Yes, ma'am.

21 Q. Okay. Great. She was Jazic ---

22 A. That's correct.

23 Q. --- at the time? Okay, and she -- you both are tasked
24 with kind of documenting this in -- this scene, this entire
25 scene?

1 A. Yes, ma'am. We work together with splitting up the
2 jobs and going over behind each other to make sure we're
3 not missing anything.

4 Q. She's taking pictures?

5 A. And I take notes and do the diagram.

6 Q. And, yeah, you were taking measurements for your
7 diagram, and you told us yesterday they're already several
8 cars already there?

9 A. Yes, ma'am.

10 Q. And trucks that were there?

11 A. I just pretty much remember just trucks.

12 Q. Just trucks.

13 A. There could have been patrol vehicles.

14 Q. Cars there?

15 A. Yes, ma'am.

16 Q. And the yellow tape's already up?

17 A. Yes, ma'am, it was.

18 Q. Somebody's already secured that scene for you?

19 A. Yes, ma'am.

20 Q. And this -- the scene is a, it's a wooded area?

21 A. That is correct, off of a dirt road.

22 Q. Off of a dirt road. And on the dirt road there are
23 several tire tracks?

24 A. On which dirt road?

25 Q. On all the dirt roads.

T. SCHENK - CROSS-EXAMINATION BY MS. GOODE

676

1 A. Well, both, yes.

2 Q. Yeah, on all the dirt roads.

3 A. Yes.

4 Q. There are tire tracks?

5 A. Yes.

6 Q. And you do observe, on one of the roads, significant
7 muddy area?

8 A. It was a large muddy area, yes, ma'am.

9 Q. And you document that in your notes?

10 A. We document it. I believe we document it in our notes
11 but mainly with photographs with something like that.

12 Q. And take pictures, correct?

13 A. Yes, ma'am.

14 Q. And is pretty much immediately, upon your arrival,
15 you're, you're told about the beer cans?

16 A. Yes, ma'am.

17 Q. And you are able to observe those yourself?

18 A. We did.

19 Q. Again, taking pictures and putting those in your
20 notes?

21 A. Yes, ma'am.

22 Q. Great, and one is at the bottom of that bush along the
23 access road?

24 A. That is correct.

25 Q. The farmer's access road. I think that's what we've

1 --- what we call it, right, the farmer's access road?

2 A. Yes, ma'am.

3 Q. And that's kind of near the intersection of -- I think
4 that was Black Bottom? The intersection of that farmer's
5 access road and Black Bottom. Is that right?

6 A. There was -- the beer can bottle was kind of in a bush
7 on the farmer's access road near Black Bottom Road, and
8 then there was a physical beer can that was off the
9 farmer's access road near the footpath we used to get to
10 the victim.

11 Q. Near the footpath. And again, you're told about these
12 cigarette butts?

13 A. Yes, ma'am.

14 Q. One on the access road?

15 A. And one on Black Bottom.

16 Q. And one on Black Bottom. And, again, Agent Cirencione
17 is tasked with taking the pictures ---

18 A. Yes, ma'am.

19 Q. --- of those items and you're documenting it with your
20 notes?

21 A. That's correct.

22 Q. Eventually marking those areas with flags?

23 A. We did.

24 Q. So you can ---

25 A. Easily identify them ---

T. SCHENK - CROSS-EXAMINATION BY MS. GOODE

678

1 Q. Easily ---

2 A. --- in the photographs.

3 Q. Easily identify them in the photographs and then, you
4 know, locate them again?

5 A. Yes, ma'am.

6 Q. And eventually collect them?

7 A. We did.

8 Q. Because they could be important.

9 A. Could be.

10 Q. You don't know yet?

11 A. We don't know.

12 Q. Once you collect those, those things -- once you leave
13 the scene, you would take those back to the lab at SLED?

14 A. That is correct.

15 Q. Where a lab analyst, somebody else, would do the
16 processing of those items and issue a report about any
17 findings or lack of findings?

18 A. Yes. When we bring evidence back to the lab, we'll
19 seal it, package it. We'll log it into our -- it's called
20 the Beast but it's a LEM system. It's an electronic chain
21 of custody system and we'll submit it to the laboratory,
22 and then it goes to its prospective departments.

23 Q. You, after doing that, you kind of eventually make
24 your way into that, into that wooded area?

25 A. Yes, ma'am.

1 Q. Right? Again, making your, your notes and even
2 Cirencione taking photographs?

3 A. That's correct.

4 Q. And as you're making your way into this wooded area
5 and you're -- you're not just going right in and, and going
6 straight to where the body is and taking pictures, right?

7 A. No. We want to make sure we're not disturbing
8 anything between the footpath or the farmer's access road
9 and where the victim was. So, we would document that
10 footpath with photographs and make sure we're not stepping
11 on anything.

12 Q. And you want to document that. You, you document that
13 footpath?

14 A. That's correct.

15 Q. Okay, and along that footpath?

16 A. That is also correct.

17 Q. Because, from the farmer's access road, you can't see
18 where the body is?

19 A. From my recollection, you could not see the body from
20 the farmer's access road.

21 Q. And you take pictures at the beginning of your -- of
22 this footpath that we're talking about?

23 A. We do.

24 Q. And all the way through leading up to eventually where
25 the body is?

1 A. We, we did.

2 Q. And this wooded area is -- there's some sticks around?

3 A. Yes, ma'am, there's bushes and briars. It's ---

4 Q. Bushes. There are bigger trees.

5 A. Yes, ma'am.

6 Q. And there are smaller trees, right?

7 A. Yes.

8 Q. And these smaller trees have, have branches sticking
9 out?

10 A. It appeared that way, yes, ma'am.

11 Q. And there's vines and leaves and sticks on the ground?

12 A. Yes, ma'am.

13 Q. Right?

14 A. Yes, ma'am.

15 Q. And even along that, that footpath?

16 A. I believe -- yes, there was.

17 Q. And whenever you make your way into this wooded area
18 along the footpath and eventually make the way -- make your
19 way to where the body is located, you observed that her
20 feet are facing away from the dirt road. Is that right?

21 A. Her feet were towards Black Bottom Road and her head
22 was towards the fallen tree behind her ---

23 Q. Okay.

24 A. --- if my memory...

25 Q. Okay. Let's -- I don't know if we have...

1 MS. GOODE: Beg the court's indulgence.

2 (A PAUSE.)

3 Q. And you said there was a fallen tree?

4 A. Yes, ma'am.

5 Q. And ---

6 A. You could see the roots underneath it.

7 Q. And you could see that from the road?

8 A. I, I think if you got down closer to the firebreak,
9 you could see that there was a tree laying down, and she
10 would have been on the other side of that towards Black
11 Bottom Road.

12 Q. Let's see here. I may not have an angle here, but
13 let's see if this will help you remember. I'm going to
14 show you what's previously been admitted as State's Exhibit
15 106 and State's Exhibit 42 and see if that helps you
16 remember the --- where her feet were. If you can tell from
17 those pictures?

18 A. Sorry about this. Looking through the woods can ---

19 Q. Yeah, it can get a little disoriented. I'm trying
20 to -- I'll show you State's Exhibit 141. See if that
21 helps.

22 A. Yes, ma'am, this one, this one does.

23 Q. Okay.

24 A. She -- so her feet were, her feet were towards -- I
25 apologize. Her feet were towards the fallen tree and her

1 head was towards the farmer's access road. I believe
2 that's right.

3 Q. And again, you are -- because we may have to refer
4 back to these photographs later, you want to take a, a lot
5 of photographs?

6 A. Correct.

7 Q. And you want to, again, to take notes?

8 A. Yes, ma'am.

9 Q. Because sometimes when you end up in a situation like
10 this, it's years later. You need to be able to remember.

11 A. That's correct.

12 Q. And you observed that she's laying on her back?

13 A. Yes, ma'am.

14 Q. And that her -- you take note of her clothing?

15 A. We do.

16 Q. It is pulled up somewhat on her body?

17 A. So, her shirt was pulled up. I believe her bralette
18 and her bra was somewhat pulled up on the left side and
19 there was a drawstring that was extended out over her head
20 on the ground.

21 Q. And that's all above -- that the ---

22 A. I ---

23 Q. The drawstring's above her head?

24 A. Yes, ma'am, it is.

25 Q. Okay.

1 A. In State's Exhibit 42, you can see it pretty good.

2 Q. And again, there's clothes kind of pulled up on her
3 body?

4 A. Yes. The shirt was pulled up, and this didn't seem to
5 sit right on the left side of her body, and then the
6 drawstring came up above her head.

7 Q. And that footpath we're talking about in relation to
8 where the top part of her body is, can you ---

9 A. It -- the footpath would have been this direction over
10 here.

11 Q. That direction over there, and we're talking about her
12 clothing. You, you document what she's wearing?

13 A. We do.

14 Q. What it looks like?

15 A. Yes, ma'am. Colors, location.

16 Q. The condition that it's in?

17 A. We do.

18 Q. How it's situated on her body?

19 A. Yes, ma'am.

20 Q. You talk about her shoes.

21 A. We do.

22 Q. That you observed they're broken?

23 A. We do.

24 Q. They're still strapped on her feet?

25 A. They were strapped around her ankles.

1 Q. On her ankles?

2 A. Yes, ma'am.

3 Q. Yes. Thank you. Did you also notice that she only
4 has one earring?

5 A. That is correct.

6 Q. And you end up trying to locate that one in that
7 area ---

8 A. We ---

9 Q. --- later on?

10 A. We did.

11 Q. You don't find it?

12 A. We did not.

13 Q. Okay, and you often can't -- you told us how her hands
14 were -- how they were positioned ---

15 A. We did.

16 Q. --- as you saw them, how her legs were positioned?

17 A. That's correct.

18 Q. And you make a note that you observe what you believe
19 is suspected blood?

20 A. Yes, ma'am.

21 Q. And you told us yesterday you used that word suspected
22 because you don't know until you test it?

23 A. We don't test it and I don't like to assume ---

24 Q. Right.

25 A. --- anything on scene.

1 Q. And you also note and told us yesterday about
2 striations.

3 A. Yes, ma'am.

4 Q. And those are scratch-like injuries, right, or
5 scratch-like marks on the body?

6 A. It, it is something that has come in contact with the
7 arm that has removed what the -- suspected blood and the
8 dirt that was in the location. It, it appears something
9 had come in contact after the blood was there and removed
10 it from the body.

11 Q. And you note that it's on the, kind of on -- this is
12 my right. On the right shoulder area, right?

13 A. Yes, ma'am.

14 Q. And on her, kind of in this area here?

15 A. The biceps, tricep area, yes, ma'am.

16 Q. And then eventually the Clarendon County coroner is
17 there on scene?

18 A. Yes, ma'am.

19 Q. And he helps kind of roll the body on the side, right?

20 A. Yes.

21 Q. And he's wearing gloves at that time?

22 A. Yes, I believe.

23 Q. Yes.

24 A. For the most part, the coroners are really good about
25 maintaining personal protective equipment.

T. SCHENK - CROSS-EXAMINATION BY MS. GOODE

686

1 Q. Again because you don't want to put yourself ---

2 A. On the body.

3 Q. --- in that scene? Yes.

4 A. That's correct.

5 Q. And then when he does roll her, that's when you
6 observed more of those striations?

7 A. On her lower back above her pants, yes, ma'am.

8 Q. That's on her lower back. And you told us yesterday,
9 in your opinion, with your, your training, you believe
10 that's consistent with being dragged?

11 A. It's -- based on the location where she was, the
12 position of the clothing, the striations, there was no
13 blood around her, it -- everything kind of added to it
14 appeared that she had been dragged.

15 Q. And that's consistent with the way the wooded area
16 appears, too?

17 A. I believe so, yes, ma'am.

18 Q. That footpath ---

19 A. Yeah.

20 Q. --- that we talked about?

21 A. There's brush and briars and undergrowth that could
22 have done that.

23 Q. This isn't a, a, a smooth area on the ground?

24 A. No, ma'am.

25 Q. They're lots of things on the ground?

1 A. That's true.

2 Q. And again, in your report you talk about the suspected
3 stab wounds?

4 A. Yes, ma'am.

5 Q. And you don't know that they are actually stab wounds
6 at that point?

7 A. No. I let the doctor at autopsy determine ---

8 Q. Okay.

9 A. --- what is and what isn't.

10 Q. But you, in your notes, go ahead and make a note of
11 everywhere that you see ---

12 A. General ---

13 Q. --- suspected stab ---

14 A. --- locations.

15 Q. Yeah.

16 A. Yeah, I note general location where the suspected stab
17 wounds are that we could observe.

18 Q. All right, and you noted suspected stab wounds to her
19 head?

20 A. Yes, ma'am.

21 Q. Suspected stab wounds to her right shoulder?

22 A. Yes, ma'am.

23 Q. To her right hand?

24 A. Yes.

25 Q. To her neck?

T. SCHENK - CROSS-EXAMINATION BY MS. GOODE

688

1 A. I'm not sure what side of the neck but, yes, the neck
2 was notated.

3 Q. And her back?

4 A. That's correct.

5 Q. And her right foot?

6 A. That is correct.

7 Q. And it's not just one suspected stab wound in each of
8 those areas, right, because, like you said ---

9 A. Correct.

10 Q. --- it's more the general area of where you observed
11 something?

12 A. One or some. I did not list what -- because sometimes
13 something that looked like stab wounds, at autopsy they may
14 determine they're not. So, that's, that's why I say
15 suspected.

16 Q. General area?

17 A. General area.

18 Q. And you give, in your notes, the general area?

19 A. The general area, yes.

20 Q. And you notice that some female -- her fingernails
21 looked to be broken?

22 A. They didn't -- yes, ma'am.

23 Q. And again, that may be important?

24 A. May be.

25 Q. So, you document that?

1 A. Uh-huh.

2 Q. Agent Cirencione ---

3 A. Cirencione, yes, ma'am.

4 Q. --- takes photos and you take notes?

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

6 Q. And before she's even taken away, because that could
7 be important, you want to -- and before she's even moved,
8 you want to get the fingernail scrapings?

9 A. I believe we did them before she is moved.

10 Q. Because she is eventually moved to a stretcher ---

11 A. That is correct.

12 Q. --- and taken away by the coroner's office?

13 A. That is correct.

14 Q. And so before she's moved and taken away, you get
15 those fingernail scrapings?

16 A. That's correct. I don't want any contamination of if
17 we're moving the body or if we're moving hands, that
18 potentially one of our gloves could knock off or disturb
19 the victim in any way. So, that's why we make sure we do
20 everything we can while she's in position before we start
21 moving her to remove her from the scene.

22 Q. You go ahead and get fingerprints, too, at that time?

23 A. We did.

24 Q. And you go ahead and collect what -- we've heard a lot
25 about swabs but it's like a Q-tip?

T. SCHENK - CROSS-EXAMINATION BY MS. GOODE

690

1 A. Yes, ma'am, it's a ---

2 Q. You swab the inside of her mouth?

3 A. Yes, ma'am, a Buccal swab.

4 Q. A Buccal swab and that's for -- to collect DNA?

5 A. That -- so we have her known standard. So, if there's
6 any other DNA that comes up in the case, we can say what is
7 and what isn't hers, or the scientist can.

8 Q. And at that point, maybe for identification,
9 identification purposes?

10 A. It usually would identify -- well, it, it could be
11 used for identification. A lot of the times we use the
12 fingerprints as identification.

13 Q. You also collect several hairs from her body?

14 A. We did.

15 Q. And that's -- they're in different areas of her
16 body?

17 A. Yes, ma'am.

18 Q. You got one from her left hand?

19 A. That is correct.

20 Q. Right. Three from her right hand?

21 A. That is correct.

22 Q. And one hair from the -- what you've noted at the
23 crotch area of her pants?

24 A. That is correct.

25 Q. And you're careful when you collect them?

1 A. Yes, ma'am.

2 Q. And you've got gloves because you don't want to
3 manipulate or contaminate any potential evidence?

4 A. That is correct.

5 Q. Because, again, you don't know what's important,
6 what's not important?

7 A. That is correct.

8 Q. You also, you also told the jury yesterday about this
9 alternate light source?

10 A. Yes, ma'am.

11 Q. And that -- a different -- what was it, wavelength ---

12 A. That is correct.

13 Q. --- or -- yeah, of -- so that you can see things that
14 maybe wouldn't be able to see just with your eyeballs?

15 A. That's correct. So with bruising, eventually the
16 bruising will come out to where you can see it with the
17 naked eye. But with alternate light source, it kind of
18 lets you see before that because a bruise can take a couple
19 days to come to the surface.

20 So by using the ALS, the alternate light source, it
21 lets us document beforehand how she was. So, you may not
22 be able to see the bruise in the normal photographs, but
23 with the ALS, you'd be able to see the, the bruising.

24 Q. And you did observe, you did see bruises on -- in
25 multiple areas on her body?

T. SCHENK - CROSS-EXAMINATION BY MS. GOODE

692

1 A. Yes, ma'am.

2 Q. And it's, it's gotten quite dark at this point in your
3 time out there. You spend several hours out there?

4 A. I think we spent approximately six hours out there.

5 Q. And by the time you're finished, it's completely dark?

6 A. That is correct. It was midnight when we left.

7 Q. It's after midnight?

8 A. Yes, ma'am.

9 Q. And there aren't any -- you know, this is a dirt road,
10 right?

11 A. Yes, ma'am.

12 Q. Out -- I think we've heard it's more for farming and
13 hunting, things like that?

14 A. Yes, ma'am.

15 Q. There are no streets lights?

16 A. No.

17 Q. Completely dark?

18 A. Besides flashlights and truck lights ---

19 Q. Right.

20 A. --- yes, ma'am.

21 Q. Okay. So from there, at the scene in Clarendon
22 County, you could take those items. You take them back to
23 the lab at SLED.

24 A. That is correct.

25 Q. Okay. While there, you get a call about this car on

1 Saluda Avenue?

2 A. No, ma'am. We'd actually left the lab ---

3 Q. Okay.

4 A. --- and we were on our way home.

5 Q. Okay. Then just three hours later you got to come
6 back?

7 A. Yes, ma'am.

8 Q. And this time it's to process a car?

9 A. Yes, ma'am, that is correct.

10 Q. This car is on Saluda Avenue in Columbia?

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

12 Q. Same -- your partner went with you?

13 A. That is correct.

14 Q. That was Agent Cirencione?

15 A. Yeah.

16 Q. You get there around 3:30?

17 A. We got on scene -- we got the call at 3:01. We got on
18 scene at 3:26.

19 Q. And again, still dark at this point?

20 A. Yes, ma'am, I believe it was.

21 Q. A little brighter there because you're in the city?

22 A. And I believe there are streetlights, yes, ma'am.

23 Q. And street -- and headlights and, and those things.

24 And again, the task is to document that scene?

25 A. That is correct.

T. SCHENK - CROSS-EXAMINATION BY MS. GOODE

694

1 Q. As you find it at that point?

2 A. That is correct.

3 Q. And Agent Cirencione's tasked with the photos again?

4 A. Yes, ma'am.

5 Q. And you're tasked with taking photos -- taking notes?

6 A. That is correct.

7 Q. And you noted that the, the child lock was engaged ---

8 A. Yes, ma'am.

9 Q. --- on the car? Did you guys ask the officers on the
10 scene about that ---

11 A. I did not.

12 Q. --- when you were out there? You didn't ask any
13 officers. You observe a child seat. There is a car seat
14 in the back, a booster seat?

15 A. Yes, ma'am, there was.

16 Q. And eventually -- and kind of investigating a little,
17 a little bit more on this, you review a -- an owner's
18 manual?

19 A. Later on. That was much after but yes, ma'am.

20 Q. And that was in -- was it an owner's manual for a 2017
21 Chevy Impala?

22 A. I be -- I Googled it, yes, ma'am.

23 Q. Okay, and it -- the manual tells you that it's just a
24 one button ---

25 A. From what I remember, yes, ma'am.

1 Q. --- that you can push on or push off?

2 A. That is correct.

3 Q. And that pushing it on engages the locks but also the
4 windows ---

5 A. That is correct.

6 Q. --- to where the back seat would not be able to
7 operate those controls?

8 A. That's correct.

9 Q. At that point, while you're on Saluda Avenue, you
10 collect a few things but you don't collect everything from
11 the car?

12 A. That is correct.

13 Q. But you -- because you want to get the car documented
14 as it is right there, but you want to get it back to a more
15 secure location?

16 A. More secure with better lighting, better ---

17 Q. Better lighting, not in the middle of a street?

18 A. Correct.

19 Q. Not in the middle of the night.

20 A. Correct.

21 Q. Okay. You want to have a better situation where you
22 can really spend some time with this car and fully examine
23 it?

24 A. That is correct.

25 Q. At some point Agent Cirencione, she gets called away,

1 right?

2 A. Yes, ma'am.

3 Q. So, you're tasked with finishing up the documentation
4 through photos?

5 A. I believe I took photographs once she left, but I
6 don't remember off the top of my head if I did.

7 Q. Okay, and yesterday you told the jury that the car is
8 eventually towed to the Columbia Police Department?

9 A. At [REDACTED] Bluff -- I believe it's ---

10 Q. Yes.

11 A. --- Bluff Road, yes, ma'am.

12 Q. [REDACTED] Bluff Road and you tell the tow driver to
13 wear gloves?

14 A. Yes, ma'am.

15 Q. And that's, again, not to -- because you want to
16 preserve that scene as it is?

17 A. Correct, and I don't remember if the tow truck driver
18 had to physically get in the vehicle or if he was able to
19 hook it up from underneath to tow it out.

20 Q. So, later that same morning that you -- you get back
21 to that vehicle?

22 A. Yes, ma'am.

23 Q. And it's still secured at Columbia Police Department?

24 A. It was.

25 Q. And by secured we mean behind ---

1 A. It was inside a facility and it was also inside of a,
2 a small gate area.

3 Q. And you had collected the keys to that car while at
4 Saluda Avenue?

5 A. That is correct.

6 Q. And you, along with Agent Cirencione, you guys get
7 back to doing what you're tasked to do, right?

8 A. Um.

9 Q. Taking photos, making notes?

10 A. Pretty much, yes, ma'am.

11 Q. And it gets a little more involved because at this
12 point, you are swabbing more things?

13 A. That is correct.

14 Q. You swab the steering wheel?

15 A. We did.

16 Q. You swabbed the gearshift?

17 A. We did.

18 Q. You swabbed the door handle?

19 A. That's a ---

20 Q. The rear, the rear passenger door handle?

21 A. Yes. I'm sorry. Before we did that, we did the
22 fingerprints.

23 Q. Speaking of that ---

24 A. But then ---

25 Q. --- you also lift prints from the vehicle, from the

1 car. Is that right?

2 A. Yes, ma'am.

3 Q. And then eventually collecting other things from the
4 car?

5 A. That is correct.

6 Q. And we went through all of those things yesterday, so.

7 A. We did.

8 Q. And again, while you're working on the car, same day,
9 you're wearing gloves?

10 A. Yes.

11 Q. You're not wearing the same gloves you were wearing
12 that morning?

13 A. No. We change gloves very often.

14 Q. Not wearing the same gloves you were wearing out in
15 Clarendon County?

16 A. That is correct.

17 Q. It's important to change gloves, change your gloves
18 frequently?

19 A. That's correct.

20 Q. You touched a lot of things?

21 A. Uh-huh.

22 Q. And again, you're wanting to be careful not to
23 manipulate any evidence?

24 A. Correct.

25 Q. Contaminate any evidence?

1 A. That is correct.

2 Q. Because, again, you don't know what could be
3 important, what might not be important?

4 A. That's correct.

5 Q. And because we've seen how, how you, you collect
6 things, how everything's packaged?

7 A. Everything's packaged separately so that it maintains
8 the integrity of the item of evidence.

9 Q. And when you do package it, you indicated you write
10 the time and the day in which you collected it and put your
11 initials on it, right?

12 A. That is correct.

13 Q. And then if it -- you use this kind of seal tape,
14 right ---

15 A. Yes, ma'am.

16 Q. --- to seal it up?

17 A. That is correct.

18 Q. So that the next person that ends up with this item
19 knows it's in the condition it was when you collected it?

20 A. Correct.

21 Q. And that it's been sealed, nobody's touched it?

22 A. Correct.

23 Q. And then once that person opens it, they would put
24 their initials here ---

25 A. I'm ---

T. SCHENK - REDIRECT EXAMINATION BY MR. GOLDBERG

700

1 Q. --- make a note somewhere about that?

2 A. I'm sure they would. I'm not sure how the rest of the
3 lab -- pretty much once we submit the evidence, that's ---

4 Q. That's, that's outside of your ---

5 A. Realm, yes, ma'am.

6 Q. It's on to somebody else?

7 A. Yes, ma'am.

8 Q. Because what your job entails is to be observant,
9 right?

10 A. Yes, ma'am.

11 Q. To be thorough?

12 A. Yes, ma'am.

13 Q. To gather as much information as possible?

14 A. We try, yes, ma'am.

15 Q. And then you turn that information over to the
16 investigators in the case?

17 A. The investigators and then the evidence to the lab.

18 Q. Yeah, and then -- yeah, and to the people in the
19 lab?

20 A. Correct.

21 Q. And from there, that's where their work begins?

22 A. Yes, ma'am.

23 Q. And your work kind of ends?

24 A. Besides writing a report and follow ups, yes, ma'am.

25 MS. GOODE: Beg the court's indulgence.

1 (A PAUSE.)

2 MS. GOODE: Thank you very much.

3 WITNESS: Yes, ma'am.

4 MS. GOODE: No further questions.

5 THE COURT: Redirect?

6 MR. GOLDBERG: Yes, Your Honor.

7 REDIRECT EXAMINATION BY MR. GOLDBERG:

8 Q. Lieutenant, good morning.

9 A. Good morning.

10 Q. There was some questions about the striations, and you
11 have told this jury that you think it is possible that
12 Samantha was dragged to that spot but you can't say for
13 sure?

14 A. I can't say for sure but yes, sir.

15 Q. But that the, the markings that you just ---

16 MS. GOODE: Objection, Your Honor. He's leading.

17 THE COURT: Objection overruled.

18 BY MR. GOLDBERG:

19 Q. The markings that were on her arm, I believe you
20 testified, are consistent with that possibility. Is that
21 right?

22 A. They are, yes, sir.

23 Q. Okay, and then can you tell the jury again one more
24 time about the nature of her clothes as they were found and
25 how that fits with what we're talking about?

T. SCHENK - REDIRECT EXAMINATION BY MR. GOLDBERG

702

1 A. Yes, sir. State's Exhibit 42, with her clothing being
2 pulled up over her head and this drawstring being up over
3 her head, along with her positioning, and then the
4 striations, it just -- and then being in the middle of the
5 woods, there's no suspected blood around her to make -- to
6 indicate that this is where the incident happened, and
7 there's no blood trail to indicate that she was -- she ran
8 to this spot. So, to me it appeared that someone had to
9 put her here.

10 Q. Can you say with any degree of certainty whether that
11 was one person, two people, three people, seven people,
12 anything like that?

13 A. No, sir, I don't think I can.

14 Q. There was a, a lot of questioning about what your role
15 is, and not just in this crime scene, but any crime scene,
16 correct?

17 A. Yes, sir.

18 Q. And you, you were asked about how you -- you gather as
19 much information as possible, right?

20 A. We try.

21 Q. Is it fair to say that sometimes the evidence that you
22 collect ends up being relevant to an investigation?

23 A. Sometimes it does, yes, sir.

24 Q. Sometimes it ends up being valuable to an
25 investigation. Is that fair?

1 A. Absolutely, yes, sir.

2 Q. At the same time, does some of that information end up
3 being -- or some of that evidence that's collected end up
4 being irrelevant?

5 A. That, that also happens.

6 Q. Does it sometimes end up being not valuable?

7 A. That's true, yes.

8 Q. All right. But regardless of whether, at the time you
9 collect it, whether you know that or not, you get it, you
10 lock it up, and you submit it into the secure evidence
11 facility at SLED, correct?

12 A. We do.

13 Q. Okay. On these cases, not just this case but any
14 case, when you do that, when you submit evidence like that,
15 do you oftentimes make yourself aware of whether any items
16 are tested or not?

17 A. Not normally, sir.

18 Q. Okay. So, you don't even know if things get tested or
19 not?

20 A. No. We submit things and then pretty much we're on to
21 the next case.

22 Q. Okay, and had there been cases in your career where
23 you have taken it upon yourself to find out what happened
24 to a particular item that you collect and whether it was
25 tested or what the results were?

O. WILLIAMS - DIRECT EXAMINATION BY MS. SAMPSON

704

1 A. Yes, and sometimes questions come up about certain
2 items later by the forensic folks or the forensic
3 scientists -- excuse me -- and we'll do what we can to
4 answer questions they have about location and whatnot of
5 where the evidence came from on the scene. So, sometimes
6 we do have a little bit of correspondence with the
7 scientists.

8 Q. Okay, and when you have that correspondence, have you
9 also been made aware during those whether things have not
10 been tested?

11 A. I, I don't remember. No, I'm not sure, sir.
12 Sometimes -- I'm sure I've been told in the past but I
13 don't -- I can't say for sure.

14 Q Generally speaking.

15 A. I'm sure I have in the past.

16 Q. Okay. If you had to say, approximately how many
17 items of evidence, single items of evidence, have you
18 collected in your seven and a half years at SLED?

19 A. Thousands.

20 Q. Thousands. Do you know if every one of those
21 thousands has been analyzed?

22 A. I would highly doubt it.

23 MR. GOLDBERG: Thank you.

24 THE COURT: Anything further?

25 MS. GOODE: Nothing from defense.

1 THE COURT: Thank you.

2 WITNESS: Thank you, sir.

3 THE COURT: You may step down.

4 (THE WITNESS EXITS THE STAND.)

5 THE COURT: Call your next witness.

6 MS. SAMPSON: State calls Oshamar Williams.

7 OSHAMAR WILLIAMS, BEING DULY

8 SWORN, TESTIFIES AS FOLLOWS:

9 CLERK: Please have a seat in the witness stand and
10 state your full name for the record, and please spell your
11 first name.

12 WITNESS: Oshamar Kian Williams.

13 DIRECT EXAMINATION BY MS. SAMPSON:

14 Q. And you can take your mask off if you're okay with
15 that. Good morning, Mr. Williams.

16 A. Good morning.

17 Q. How are you doing?

18 A. All right.

19 Q. Mr. Williams, where do you work?

20 A. Cellular City. I own a store.

21 Q. You own the store?

22 A. A cell phone store.

23 Q. And can you tell the jury what is Cellular City?

24 A. I fix and repair cell phones ---

25 Q. And ---

O. WILLIAMS - DIRECT EXAMINATION BY MS. SAMPSON

706

1 A. --- and computers and things like that, too, and
2 consoles.

3 Q. You talk really fast. So ---

4 A. Oh, I'm sorry.

5 Q. Slow down a little bit. So, you said you sell and
6 repair phones?

7 A. Yes, ma'am.

8 Q. Do you do anything else in this store?

9 A. Computers, game consoles. Basically like a break fix
10 and, you know.

11 Q. All right, and how long have you had the store?

12 A. This is my -- this will be my eleventh year next
13 month.

14 Q. So, did you own -- and where's the store located?

15 A. [REDACTED] Monticello Road.

16 Q. So, what kind -- it's in -- is that in Columbia?

17 A. Yes, ma'am.

18 Q. And is -- was that store owned and operated by you
19 back in March of 2019?

20 A. Yes, ma'am.

21 Q. And I'm just going to bring you straight to this case.
22 Were you working in your store on March 29th of 2019?

23 A. Yes, ma'am.

24 Q. What time did your store open?

25 A. 10 o'clock but normally sometimes I'm there at 9.

1 Q. And do you remember on that day whether -- what time
2 you opened up the store?

3 A. I don't remember.

4 Q. Okay, but usually it's opened around what time?

5 A. Usually around 9.

6 Q. And are you the person that opens this store?

7 A. Yes, ma'am, or usually I have an employee but I opened
8 the store that day.

9 Q. Okay, and I'm going to show you some photographs.

10 A. Yes, ma'am.

11 Q. I'm going to show you, I'm going to show you what's
12 been marked as State's Exhibits 303 through 314.

13 A. Okay.

14 Q. And I'm going to ask you to look at those and see if
15 you recognize those.

16 (A PAUSE.)

17 A. Yes, ma'am, this is my ---

18 Q. You got to look through all of them first for me and
19 then tell me if you recognize all of them before you tell
20 me what they are.

21 A. Uh-huh. Yes, ma'am.

22 Q. And what -- are they pictures of your store ---

23 A. Yes, ma'am.

24 Q. --- in different parts of your store?

25 A. Yes, ma'am.

O. WILLIAMS - DIRECT EXAMINATION BY MS. SAMPSON 708

1 Q. And do they fairly and accurately depict the store as
2 it looked back in March of 20 -- March and April of 2019?

3 A. Yes, ma'am, kind of disorganized but yeah.

4 Q. Wait. Don't say it. What did you say?

5 A. Disorganized in the back, so.

6 MS. SAMPSON: At this time, Your Honor, we'd ask to
7 introduce State's Exhibit 303 through 314 into evidence.

8 THE COURT: Says the defense?

9 MR. PILLINGER: No objection, Your Honor.

10 THE COURT: Okay. They're admitted.

11 MS. SAMPSON: Thank you, Your Honor.

12 (PHOTOGRAPHS INDIVIDUALLY MOVED INTO EVIDENCE AS
13 STATE'S EXHIBIT NUMBERS 303 THROUGH 314.)

14 (A PAUSE.)

15 BY MS. SAMPSON:

16 Q. All right, Mr. Williams, I'm going to start and I'm
17 going to have you -- can you tell the jury what State's
18 Exhibit Number 314 shows?

19 A. That's the front of my store.

20 Q. And is that how it looked back in March of 2019?

21 A. Yes, ma'am.

22 Q. Okay, and that's the front door?

23 A. Yes, ma'am, right in the center.

24 Q. Right in the center, all right.

25 And what about --- what does State's Exhibit 313 show

1 you?

2 A. That's my camera that points to the left side.

3 Q. How many cameras did you have in the store?

4 A. Fifteen.

5 Q. Okay. Why do you have so many cameras?

6 A. Because I've had break-ins and stuff before.

7 Q. Okay. All right, and I'll go through the rest in a
8 minute. I just want to ask you a few more questions first.

9 So, you said you've had some break-ins. That's why
10 you have so many cameras?

11 A. Yes, ma'am.

12 Q. Were those cameras active and working on March 29th
13 of 2019?

14 A. Yes, ma'am.

15 Q. Okay. So, you stated you opened your store. What do
16 you do when you first open the store?

17 A. Go and check the store and make sure there's no
18 break-ins, go through inventory, make sure I count all the
19 money and everything else, and, you know, get ready to
20 start my day. Make sure I ordered all the supplies.

21 Q. Everything fine that morning?

22 A. Yes, ma'am.

23 Q. What, if anything, happened that involves this case?

24 A. Say that one more time.

25 Q. What, if anything, occurred that involved this case?

1 Who came into your store?

2 A. That morning? I mean, normal, you know. People come
3 and go when -- I remember, you know, someone tried to sell
4 me a phone that morning.

5 Q. And I want to talk to you about the selling of that
6 phone.

7 A. Yes, ma'am.

8 Q. Do you remember what the person was wearing when they
9 came into your store?

10 A. Yes, ma'am. I want to say he had a, a black hoodie.

11 Q. And ---

12 A. I want to say it was a black hoodie.

13 Q. And is there video from that -- from that, of that
14 coming ---

15 A. Yes, ma'am.

16 Q. --- coming in? And we're going to talk about that in
17 a minute. But you -- I stopped you. You said he tried to
18 sell you a phone. Do you remember roughly what time this
19 was?

20 A. I -- it was early. I want to say maybe before 11
21 o'clock. I know that.

22 Q. All right, and so he came to the store. What, what
23 did -- what happened? What occurred?

24 A. I know I was helping -- no, I remember him coming in
25 and he had a -- it was an iPhone 7 plus. I remember -- and

1 he brought the phone in the store. I think it went -- the
2 phone was dead at that time and I was checking it out. It
3 didn't have a SIM tray in it.

4 Q. And what's a SIM tray?

5 A. That's the actual thing that holds a SIM card.

6 Q. So, what did you do ---

7 A. So ---

8 Q. --- because it didn't have a SIM tray?

9 A. I plug it up to, you know, to try to find it because
10 it has a serial number and everything.

11 Q. And I'm going to stop you. You plug it into what?

12 A. Into my computer.

13 Q. And why do you do that?

14 A. Because you have to -- any time I buy anything, I have
15 to have the serial number on ---

16 Q. Why?

17 A. Be -- because I have to record it just in case
18 anything
19 happens.

20 Q. So, how do you find the serial number?

21 A. I plug it up to my computer, and I have a tool that I
22 use and it pulls up the serial number for the actual phone.

23 Q. And do you do that every time you ---

24 A. Every time.

25 Q. And were you able to do that with this phone?

1 A. Yes, ma'am.

2 Q. Okay, and did the phone come back as stolen or
3 anything?

4 A. No, ma'am, it came back -- in that picture that you
5 had, it comes up and says find my iPhone, which is on,
6 which some -- that happens because sometimes the user
7 hasn't signed out of the iCloud before they sell it. But
8 it displays a serial number and I record them all the time.

9 Q. And I'm going to show you State's Exhibit 310 and 311.
10 Are these what you were talking about?

11 A. Yes, ma'am.

12 Q. And specifically in 311, what does it show?

13 A. That's the serial number of the phone and where it
14 says find my iPhone. Yes, that's what it says with the
15 iCloud signed in.

16 Q. So, right there?

17 A. Yes, ma'am.

18 Q. And that signifies to you what?

19 A. That the iCloud is signed onto the phone. So, the
20 user ID is still signed onto the phone.

21 Q. Okay. So, you were able to determine the, the -- what
22 does the, the serial number entail for you? What does that
23 mean?

24 A. What kind of phone it is, the carrier, and everything
25 else. If it's lost or stolen.

1 Q. Okay, and so what did you do after you looked at and
2 were able to get the SIM -- the number?

3 A. I looked at the serial number, charged the phone up,
4 and the phone came on and we tried to -- normally I
5 negotiate to try to get a price on it. So, me and him, we
6 couldn't come to an agreement. We kind of went back and
7 forth for probably about twenty, thirty minutes or whatever
8 because he was back and forth, back and forth, in and out
9 the car. And we couldn't come to an agreement, and he took
10 the phone and left.

11 Q. Do you remember how much he wanted for the phone?

12 A. 300.

13 Q. Is that a normal price you would pay for the phone?

14 A. I -- no, that's too much.

15 Q. Why?

16 A. Because, I mean, I have a family I have to feed. So,
17 you know, the lower the price, the better, you know, the
18 profit is. I want to say I offered him, like, 150, 125 for
19 the phone, something like that.

20 Q. And did he take that?

21 A. No, ma'am.

22 Q. So, what happened with the phone?

23 A. I gave the phone back to him.

24 Q. And when you plugged the phone in, are you able to see
25 who owns the phone or just that serial number?

O. WILLIAMS - DIRECT EXAMINATION BY MS. SAMPSON

714

1 A. I can see the serial number and I want to say that
2 there was -- there wasn't a password on the phone.

3 Q. What do you mean by password?

4 A. When -- like, every user has a phone and they can put
5 a password on to lock the phone, but there was no password
6 on the phone.

7 Q. And is that often called a passcode as well?

8 A. Yes, ma'am.

9 Q. But this one was not ---

10 A. No.

11 Q. Was it locked or unlocked?

12 A. It was unlocked.

13 Q. Is the serial number the same as the IMEI number?

14 A. The serial -- it is the same thing. It's just a
15 different -- the serial number can -- it's like a decoder.
16 The serial number and the IMS are the same thing but it's
17 just two sets -- two different sets of numbers.

18 Q. I'm going to show you what's been marked as State's
19 Exhibit 302 for ID ---

20 A. Okay.

21 Q. --- and ask if you recognize that?

22 A. Yes, ma'am.

23 Q. What is that?

24 A. This is the video from my store.

25 Q. And how do you know it's the video from your store?

1 A. I watched it.

2 Q. And what did you put on it so you would know that?

3 A. My initials and -- yeah, my initials and the date are
4 on it.

5 Q. And does this fairly and accurately depict the video
6 that was shown -- that was done and made on March 29th of
7 2019?

8 A. Yes, ma'am.

9 MS. SAMPSON: At this time we'd ask to introduce
10 State's Exhibit 302 into evidence, Your Honor.

11 THE COURT: Any objection?

12 MR. PILLINGER: No objection, Your Honor.

13 THE COURT: Admitted.

14 (DVD OF SECURITY CAMERA FOOTAGE MOVED INTO EVIDENCE AS
15 STATE'S EXHIBIT NUMBER 302.)

16 MS. SAMPSON: And may I publish, Your Honor?

17 THE COURT: Yes.

18 BY MS. SAMPSON:

19 (WHEREUPON, STATE'S EXHIBIT NUMBER 302 IS PLAYED FOR
20 THE COURT AS DIRECT EXAMINATION CONTINUES. THERE IS NO
21 AUDIO.)

22 BY MS. SAMPSON:

23 Q. Mr. Williams, is this you?

24 A. Yes, ma'am.

25 Q. And so this -- what angle is this from?

O. WILLIAMS - DIRECT EXAMINATION BY MS. SAMPSON

716

1 A. This is -- I have an overhead view above that covers
2 the cash register and everything that goes on the counter.

3 Q. Okay, and so what are you doing in here?

4 A. What am I doing now?

5 Q. Yes, sir. Just working?

6 A. Yes, ma'am, just working normally.

7 Q. Okay, and I'm going to scoot it up a little bit, and
8 is this you continuing to work?

9 A. Yes, ma'am.

10 Q. And so what are you doing here?

11 A. That's the phone plugged up to the computer.

12 Q. And so what are you doing?

13 A. Waiting for it to come on.

14 Q. So, what are you doing there?

15 A. Going through the phone itself for the -- getting,
16 getting the serial number. Really couldn't...

17 Q. Okay, and after -- is that normally how the procedure

18 ---

19 A. Yes.

20 Q. --- worked?

21 A. Yes, ma'am. Yeah, everything that comes in my store,
22 I have to record the serial number.

23 Q. Okay. So, I'm going to stop this for one moment.

24 A. Yeah, and that's me going through it. As you see, I'm
25 trying to ---

1 Q. Okay.

2 A. Uh-huh.

3 Q. I'm going to bring up the -- another angle. So where
4 is this, where is this in reference to your store? Where
5 is this? Where are you?

6 A. I'm behind -- oh, I'm sorry. I'm behind -- you can't
7 see my desk but I'm behind it. That's pointing at the
8 front door.

9 Q. Okay. So this is -- what is this here?

10 A. That's the front door that everybody comes in and out.

11 Q. Okay. I'm going to speed it up just a little bit
12 again. Who is that?

13 A. The -- I don't know what his name is but yeah.

14 Q. Is this the -- who, who is this that brought -- in
15 relation to the phone?

16 A. That's the guy that tried to sell me the phone.

17 Q. And what is he wearing?

18 A. A hoodie and I guess a hat or it's a skull, skull cap.
19 I can't see it. It's a glare from here.

20 Q. Okay, and you said you think it's a skull cap, though?

21 A. Yes, ma'am.

22 Q. And is this how he appeared to you back in March of
23 2019 ---

24 A. Yes, ma'am.

25 Q. --- of 2019? And this is -- the date and time is on

1 here. Is that the correct date and time?

2 A. No, ma'am, that camera -- it kind of squirrely
3 sometimes but the, the -- I think -- I'm pretty sure the
4 date is right, but I don't know about the time.

5 Q. The time could be off?

6 A. Yes, ma'am.

7 Q. Okay, but that is the correct date?

8 A. Yes, ma'am.

9 Q. He goes off camera a little bit. Where is he in
10 relation to you at this point?

11 A. Because this is a camera, like, above the counter, so
12 that's that view. It should -- you want to have another
13 one that's a direct shot to -- I don't know if y'all have
14 that one.

15 Q. Would you -- I just -- I'm asking. Where -- he goes
16 off camera. Is he, like, out of the store or ---

17 A. No, ma'am. No, he's still in the store.

18 Q. All right.

19 A. Yeah, he's not out the store until you walk out that
20 front door.

21 Q. Okay. I'm going to speed it up just a little bit
22 again.

23 Still the same guy?

24 A. Yes, ma'am.

25 Q. Still wearing the thing on his head?

1 A. Yes, ma'am.

2 Q. And does -- is it a quick process to check that phone
3 or did it take a few minutes?

4 A. It depends on the phone. Normally about fifteen,
5 twenty minutes. Yes, I have to go through and make sure
6 everything is, you know, everything is clean before I can
7 purchase it.

8 Q. Okay, and that's the normal procedure?

9 A. Yes, ma'am.

10 Q. I'm just going to speed it up a little. He's still in
11 the store?

12 A. Yes, ma'am.

13 Q. So, it does take a few minutes. Would that be fair to
14 say?

15 A. Yes, ma'am.

16 Q. And does he have a phone?

17 A. I don't, I don't recall that, ma'am.

18 Q. Okay.

19 A. All I remember he was in and out to the car. I know
20 that, remember that like yesterday.

21 Q. And, again, I, I know I'm skipping around. I'm
22 just ---

23 A. Yes, ma'am.

24 Q. --- trying not to waste everybody's time.

25 A. Yes, ma'am.

1 Q. Still going through?

2 A. Yes, ma'am.

3 Q. Fair to say he was in your store for a few minutes?

4 A. Yes, ma'am.

5 Q. Now he's gotten closer. What are y'all doing now?

6 A. I'm still going through the phone.

7 Q. Okay, and it -- I'm just, again, going to speed it up.

8 Still just waiting ---

9 A. Yes, ma'am.

10 Q. --- for the phone?

11 A. Yes, ma'am.

12 Q. --- to finish? So we see him leaving here. Do you
13 have to let him out or can people just go in and out?

14 A. They go in and out as they please.

15 Q. And there's another customer in the store. Is that
16 typical?

17 A. Yes, ma'am.

18 Q. All right. I'm just going to go to the next clip.

19 So, where's this camera located?

20 A. That's right above the door pointing back at the front
21 counter. You should see me right there, yeah.

22 Q. Basically similar angle that's reflected in State's
23 Exhibit 309?

24 A. Yes, ma'am, the same.

25 Q. And this is you located here?

1 A. Yes, ma'am.

2 Q. Okay. I'm going to speed it up just a little. Is
3 that the same person?

4 A. Yes, ma'am.

5 Q. And, again, what are you all doing?

6 A. Sitting going through the phone. I'm probably waiting
7 for the phone to power up or the diagnostics to come back.

8 Q. And while we're waiting, did you see him drive up?

9 A. Yes, ma'am.

10 Q. What kind of car did he drive up in?

11 A. It was a black car, a black Impala.

12 Q. How -- did you know that it had pulled up?

13 A. No. Well, I have cameras in the back of my store. I
14 mean -- well, I got the big screen. I can see who comes up
15 and I park directly in the front. So, I remember the car
16 whipping in and parking on my right side.

17 Q. So, his car parked next to your car?

18 A. Yes, ma'am.

19 Q. And he was in a black Chevy Impala?

20 A. Yes, ma'am.

21 Q. Anybody else get out of the car?

22 A. I didn't see anybody get out the car. It was only
23 him.

24 Q. And again, I'm just going to fast forward. That's him
25 kind of walking around, looking around?

O. WILLIAMS - DIRECT EXAMINATION BY MS. SAMPSON

722

1 A. Yes, ma'am.

2 Q. I'm just going to speed it along. Does he do anything
3 with his hand?

4 A. Like, I see, like, I, I think he got a phone in his
5 hand now.

6 Q. That's not the phone ---

7 A. Yeah, that's a phone.

8 Q. That's not the phone you're working on, is it?

9 A. No. No, my -- the other phone was still behind the
10 counter.

11 Q. Okay. I'm just going to speed it up a little. And is
12 this gentleman involved in this case at all?

13 A. No. No. No, he's just a customer. He -- me and him
14 talk all the time and everything. He stops by. We talk.

15 Q. You said he's a customer?

16 A. Yes.

17 Q. Is there something else people can do at your store
18 besides buy phones?

19 A. I mean, I buy and sell but no, there's ---

20 Q. Can they pay their phone bill or something?

21 A. Yeah, they pay they phone bill, yes. Yes. I'm sorry.

22 Q. That's okay. Is he one of the customers that does
23 that?

24 A. Yes, ma'am. Yeah, normally he just comes and we be
25 just -- we just talk. He's an older guy, retired from the

1 railroad, and we just be talking about life, you know.

2 Q. Okay, and so the -- he is still standing here, the
3 person that sold you the phone ---

4 A. Yes, ma'am.

5 Q. --- or tried to sell you the phone? And what are you
6 doing?

7 A. Still probably going through diagnostics on the phone
8 or pulling the -- going through the phone doing something.
9 I can't really see but...

10 Q. Okay. That's, that's fine. I'm just -- in general,
11 what are you doing?

12 A. Yes, ma'am.

13 Q. He's still in your store?

14 A. Yes, ma'am.

15 Q. Still waiting?

16 A. Yes, ma'am. Yeah, I was probably running a report
17 because sometimes they take a little bit -- a long time to
18 come back. So we're...

19 Q. You say you're running a report. What's a report?

20 A. Basically what I do, I get -- once I get the serial
21 number of the ---

22 Q. Can you just speak ---

23 A. I'm sorry. When I -- once I get the serial number of
24 it, I have a, a tool that I use to run back and see if the
25 phone was actually lost or stolen, and I ran it and it came

O. WILLIAMS - DIRECT EXAMINATION BY MS. SAMPSON

724

1 back clean, which is not reported lost or stolen.

2 Q. Okay. So, that's the report you mean when you say
3 report?

4 A. Yes, ma'am.

5 Q. Okay, and does that -- is that a quick process or does
6 it take time?

7 A. It depends on how the service is responding. So,
8 maybe that day it was running really slow.

9 Q. Is it anything you can control the speed of?

10 A. No. Yeah, I just put it in the database and I just
11 wait for it to, to come back.

12 Q. All right, and so now ---

13 A. Yeah.

14 Q. --- he's going?

15 A. Yeah, that's, that's -- yeah, that's my other customer
16 who was ---

17 Q. And so there are several -- I'm not going to go
18 through all the other camera angles, but there are two
19 other camera angles, correct ---

20 A. Yes, ma'am.

21 Q. --- that -- and did you provide these to law
22 enforcement?

23 A. Yes, ma'am.

24 Q. Have any problems with doing that?

25 A. At first -- no, no. Well, they came and they did what

1 they did and pulled them.

2 Q. I meant did you have any problems giving it to them?

3 A. No, no. Uh-uh. Uh-uh.

4 Q. And did they do anything or ask you for anything else?

5 A. My DNA.

6 Q. Did you have any problems with them taking your DNA?

7 A. No, ma'am.

8 MS. SAMPSON: Beg the court's indulgence.

9 (A PAUSE.)

10 Q. And, Mr. Williams, what, if anything, did you see on
11 the phone once you turned it on? Did you see anything?

12 A. When I turned it on I didn't see anything but, you
13 know, sometimes I just scroll through, you know, kind of
14 seeing what's going on. I remember -- yeah, I was looking
15 at the iCloud name and everything else, yes, ma'am.

16 Q. Did you recognize name or see a name?

17 A. I want to say I did see a name, but I think I remember
18 seeing a picture.

19 Q. What picture did you see?

20 A. I want to say -- I know it was a caucasian female, and
21 I want to say it was a Christmas picture.

22 Q. Okay.

23 A. Maybe. Yeah, it was some sort of -- it was a
24 Christmas picture. I remember it was black and white or
25 red or something like that.

O. WILLIAMS - CROSS-EXAMINATION BY MR. PILLINGER 726

1 Q. All right, Mr. Williams, and one last question. Do
2 you see the person who tried to sell, sell you the phone in
3 the courtroom?

4 A. Yes, ma'am.

5 Q. Where is he?

6 A. The guy right there.

7 Q. What does he have on?

8 A. The blue, blue shirt and tie.

9 MS. SAMPSON: Please let the record, record reflect he
10 has identified the defendant, Your Honor.

11 THE COURT: It does.

12 MS. SAMPSON: Thank you, Your Honor. No further
13 questions.

14 THE COURT: Cross-examination?

15 MR. PILLINGER: Just briefly, Your Honor. Thank you.
16 May it please the court?

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION BY MR. PILLINGER:

19 Q. Mr. Williams, how you doing today?

20 A. All right.

21 Q. Okay. Good. I just have really quick questions.

22 MR. PILLINGER: Permission to approach the witness,
23 Your Honor?

24 THE COURT: Yes.

25 BY MR. PILLINGER:

1 Q. Mr. Williams, I would like you to please point out to
2 the jurors, if you could in these photos, where your
3 cameras are located.

4 A. This camera is in the top left corner.

5 Q. Okay. Can we see any other cameras in this photo?

6 A. Yes, one right here. That's one right here. That's
7 one right here and that's another one right there.

8 Q. So, right around your work station?

9 A. Yes.

10 Q. Looking ---

11 A. Well, well -- and this is facing the front door.

12 Q. Okay, and we can go see -- through some other photos
13 just to kind of -- do you see any cameras in this photo?

14 A. No. This right here is the back of the store where I
15 actually monitor.

16 Q. Okay. So, that shows all the camera angles ---

17 A. Yeah, and this is where I ---

18 Q. --- and sort -- okay, and where's this camera located?

19 A. This one is pointing -- like, I sit here. It's a
20 camera right behind you so I can look ---

21 Q. Okay.

22 A. --- directly at you.

23 Q. And it looks like this one is -- is that right in the
24 front of the store looking ---

25 A. This is right here at the top, the top right corner,

O. WILLIAMS - CROSS-EXAMINATION BY MR. PILLINGER

728

1 like you about to walk out the door and look in the top
2 right corner.

3 Q. So, when customers are speaking with you, we're seeing
4 their back?

5 A. Yes.

6 Q. Okay, and that's the same camera that we just spoke
7 about?

8 A. Yes.

9 Q. Okay.

10 A. Uh-huh.

11 Q. How about this camera?

12 A. This camera's in the top left-hand corner. So, if
13 you're standing looking at me, top left.

14 Q. Okay, and safe to say this camera is behind you?

15 A. That's the one. That's this camera. This one.

16 Q. Same one?

17 A. Yes.

18 Q. Okay. Okay. Great. And this last one?

19 A. This camera is the top right corner.

20 Q. Okay.

21 A. That's facing this way. So I got them kind of
22 crossed ---

23 Q. Okay.

24 A. --- where you can see ---

25 Q. Got every angle?

1 A. Yes.

2 Q. Sure. All right, and a moment ago you mentioned that
3 you were having some issues with your cam -- with your
4 cameras as far as not the date. You said the date was
5 right, correct?

6 A. Right.

7 Q. But the time.

8 A. Yeah, the, the time.

9 Q. Could you -- do you know if all of your cameras, while
10 the time might be displayed incorrectly, are the cameras
11 synced? Is the time synced throughout all the cameras?
12 Like ---

13 A. Yeah.

14 Q. --- all the cameras say it's 11 o'clock or 12 o'clock?

15 A. They should be because they're on the same DVR.

16 Q. Okay.

17 A. Yes, it's all one DVR, so it all comes on one unit.

18 Q. Okay. All right.

19 MR. PILLINGER: One moment. Beg the court's
20 indulgence.

21 (A PAUSE.)

22 MR. PILLINGER: Thank you, Mr. Williams.

23 WITNESS: Okay.

24 THE COURT: Anything further?

25 MS. SAMPSON: No, sir.

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON 731

1 173 and 174. I'm not sure what the objection is.

2 THE COURT: All right. Is all that correct, Ms.
3 Goode?

4 MS. GOODE: Yes, Your Honor. With the other photos of
5 our previous objections that we raised pretrial.

6 THE COURT: All right. They will be admitted,
7 assuming proper foundation is established.

8 MS. SAMPSON: Thank you, Your Honor. Then that's the
9 only matter.

10 THE COURT: If you'll bring the jury please.

11 (THE JURY ENTERS AT 11:07 A.M.)

12 THE COURT: Your next witness.

13 MS. SAMPSON: State calls Dalilia Cirencione.

14 DALILIA JAZIC CIRENCIONE, BEING
15 DULY SWORN, TESTIFIES AS FOLLOWS:

16 CLERK: Thank you. Please have a seat in the witness
17 stand and state your full name for the record.

18 WITNESS: My name's Dalilia Jazic or maiden name's
19 Jazic. Now it's Cirencione.

20 DIRECT EXAMINATION BY MS. SAMPSON:

21 Q. Can you spell that last one?

22 A. Yes, ma'am, it's C-i-r-e-n-c-i-o-n-e.

23 Q. And is it okay if I just call you Agent Dalilia
24 because I can't really say either of your last names.

25 A. Yes, ma'am, it is.

1 Q. Where do you currently work?

2 A. I'm currently employed with the South Carolina Law
3 Enforcement Division, also known as SLED.

4 Q. And ---

5 A. I ---

6 Q. What is -- what are you -- capacity are you employed
7 in?

8 A. I'm a special agent assigned to the crime scene unit.

9 Q. Okay, and as a special agent, what do you do?

10 A. As a special agent or as a crime scene?

11 Q. Both. Let's start with, start with whichever one you
12 like.

13 A. Okay. In crime scene, our duties are to respond to a
14 crime scene after we get a request from a local law
15 enforcement agency. From then we arrived on scene. We
16 collect as much information as we can from our local
17 agencies, as well as any of our regional agents that may be
18 there. We then keep the scene as pristine as we can, any
19 evidence pristine as we can, and preserve it with
20 documentation to include photographs, notes, measurements,
21 and a sketch. We collect the evidence. We package it. We
22 put it into our vehicles where it's secured and then take
23 it back to the SLED Forensic Services Laboratory for
24 analysis.

25 Q. And do you, as a SLED agent, do you receive any kind

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON

733

1 of training?

2 A. Yes, ma'am, our ---

3 Q. What kind of training do you receive?

4 A. Our training program is about a year long. So in
5 that, we have required readings that we do, written
6 examinations, practical examinations, and oral examinations
7 in various aspects of crime scene to include photography,
8 latent prints, footwear and tire tread, blood pattern
9 analysis, shooting reconstruction, and so forth. We also
10 have external training and the external training that I ---
11 I've completed is a blood pattern analysis class, a
12 photography class, and a shooting reconstruction.

13 At the end of all of your training, we have a
14 cumulative or all-encompassing exam that has to be passed
15 and a mock scene where we set up a fake crime scene, and
16 you have to demonstrate your abilities to follow protocols
17 and procedures correctly and show competency within crime
18 scene. We also have a mock court which shows your
19 demonstration and ability to testify in court proceedings.

20 Q. Now, I'm just going to move you along to what we're
21 all here about. Were you involved in the processing of the
22 Clarendon scene and as it relates to this case?

23 A. Yes, ma'am, I was.

24 Q. And I'm going to ask you a little bit. How did you
25 get to the scene?

1 A. We got to the scene. We drive separately, myself and
2 Lieutenant Schenk, and I, I drove there.

3 Q. And how did you know where to go?

4 A. Well, this was a particularly remote are. So, I put
5 the best address that I could into my GPS and followed
6 Lieutenant Schenk there. Once we did get to the certain
7 area of New Zion, I believe it was, we were escorted in by
8 some of the local law enforcement agencies from Clarendon
9 County.

10 Q. Okay. Did you know how to get straight to Black
11 Bottom and where this area was?

12 A. Once we were escorted, yes.

13 Q. Did you know it by yourself?

14 A. Absolutely not.

15 Q. And so we've already heard from Agent Schenk about
16 that. So, I'm just going to move to the next -- what was
17 the next thing you did after going to Clarendon and help
18 process that scene?

19 A. Once we were completed with the scene?

20 Q. Yes, ma'am.

21 A. Once we were completed with the Clarendon County
22 scene, we went to the SLED Forensic Services Laboratory,
23 dropped off our evidence that we had at the time, and then
24 on the way home, or by the time we got home, we received
25 another phone call at approximately 0301 hours and -- or

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON 735

1 3:01 AM and we responded to [REDACTED] Saluda Avenue to process a
2 black Chevrolet Impala.

3 Q. Okay, and did you photograph that Impala?

4 A. I did.

5 Q. Okay, and were you -- were -- and you said Saluda
6 Avenue. That's the scene where he was arrested, is that
7 correct, or ---

8 A. Yes, ma'am, that's the scene where the suspect was
9 allegedly arrested.

10 Q. Okay, and you processed that scene with -- along with
11 Agent Schenk. Is that correct?

12 A. Yes, ma'am, I did.

13 Q. And then what was the next thing that you recall?

14 A. I was then requested to go to [REDACTED] Bluff Road, which is
15 the Columbia Police Department annex or their facility of
16 Columbia Police Department, and I documented the suspect,
17 Mr. Rowland, with photographs and collected evidence from
18 him, which included his clothing at the time, and swabs
19 from underneath his left and right fingernails. And I --
20 while I was still on scene, I swabbed one of his shoes that
21 had suspected blood on it, the left shoe heel area.

22 Q. And how do you collect the evidence under his
23 fingernails?

24 A. I used swabs. So, they come in a sterile packaging.
25 It looks like Q-tips but extra long. I used deionized

1 water and I, or sterile water, on one of the Q-tips to
2 moisten it or wet it. And then it's a very noninvasive
3 thing. You just swab underneath the nails, and then I put
4 it back into a small coin envelope or a packaging, and on
5 that I write a description of what the swabs came from with
6 my initials, the date, and the time.

7 Q. And what about the -- you said you, you swabbed his
8 hands and then you swabbed -- I think you said -- did you
9 take any evidence from inside of his mouth?

10 A. No, ma'am, I did not.

11 Q. Did you swab for a Buccal?

12 A. At that time, no, I did not.

13 Q. Okay. So, I'm going to show you -- and any -- did you
14 --- can you go through the process of how you swabbed on
15 the shoe?

16 A. Yes, ma'am. The left shoe, he was wearing, I believe,
17 black Jordan, sized 8 mens. Collected the shoes. And then
18 while I was still on scene I used the same swabs, the
19 sterile swabs out of the sterile packaging, and swabbed the
20 general left heel area that looked like suspected blood and
21 placed that back in an envelope and sealed it with a date,
22 initials, and time, and location of the collection.

23 Q. I'm going to show you what's been marked as State's
24 Exhibits 324, 323, and 325 and ask if you recognize those.

25 A. Yes, ma'am, I do.

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON 737

1 Q. And what are they?

2 A. State Exhibit 323 is two swabs of suspected blood from
3 the left shoe back portion of the size 8, black in color,
4 from Nathaniel Rowland. State Exhibit 325 is two swabs
5 underneath the right-hand nails of Nathaniel Rowland, and
6 State Exhibit 324 is two swabs from underneath the
7 left-hand nails on Nathaniel Rowland.

8 Q. And how do you know that those are the swabs that you
9 collected?

10 A. These all have my initials, my handwriting, the date,
11 and the time collected.

12 MS. SAMPSON: At this time, Your Honor, we'd ask to
13 introduce State's Exhibit 323, 324, and 325 into evidence.

14 MS. GOODE: Over previous objections.

15 THE COURT: They're admitted.

16 MS. SAMPSON: Thank you, Your Honor.

17 (SWABS INDIVIDUALLY MOVED INTO EVIDENCE AS STATE'S
18 EXHIBIT NUMBERS 323, 324, 325.)

19 BY MS. SAMPSON:

20 Q. And so you stated you took these swabs yourself?

21 A. Yes, ma'am, I did.

22 Q. What do you do after you take the swabs? What do you
23 do with them?

24 A. After they've been packaged, I actually met with
25 Lieutenant Schenk at the Bluff load -- Road location and

1 gave him all of the evidence I collected by a chain of
2 custody.

3 Q. Okay. So after doing that process, what do you do?

4 A. After that process was completed, I waited for
5 Lieutenant Schenk to come back to the Bluff Road area, and
6 we began additional processing on the black Chevrolet
7 Impala.

8 Q. And let me ask you this. Did you collect the clothing
9 that the defendant was wearing at the time?

10 A. I did.

11 Q. So, I interrupted you. What was the next thing you
12 did?

13 A. We processed the black Chevrolet Impala.

14 Q. Okay, and I'm going to show you the photographs.

15 State's Exhibits 171, 172, -73, -74, -75, one -- 176, -77
16 -- 178 and 179 and ask if you recognize those.

17 A. Yes, ma'am, I do.

18 Q. And what are they of? Are they of items you took out
19 of the car?

20 A. Some of them are items that were taken out of the car.
21 Others of them are just pictures of the vehicle.

22 Q. And do ---

23 A. The Chevrolet Impala.

24 Q. Do they fairly and accurately depict what you saw on
25 March -- April -- on the date that you took everything?

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON

739

1 A. Yes, ma'am.

2 MS. SAMPSON: At this time, Your Honor, I'd ask to
3 introduce State's Exhibits 171 through 179 into evidence.

4 MS. GOODE: Continued previous objections, Your Honor.

5 THE COURT: They're admitted.

6 (PHOTOGRAPHS INDIVIDUALLY MOVED INTO EVIDENCE AS
7 STATE'S EXHIBIT NUMBERS 171 THROUGH 179.)

8 BY MS. SAMPSON:

9 Q. Okay. So if you would, you can just go through each
10 one and if you think -- show the jury and tell them what
11 they're looking at.

12 A. State Exhibit 171 is a picture of -- I believe it's
13 the back of the packaging from a pair of vinyl gloves that
14 was located in the front passenger compartment of the black
15 Chevrolet Impala. State Exhibit 172 is the front packaging
16 of the vinyl gloves that was taken out of the front
17 passenger compartment of the Chevrolet Impala. State
18 Exhibit 173 is a black beanie or toboggan with the wording
19 in red Cold Blooded that was taken out of the trunk of the
20 Chevrolet Impala.

21 State Exhibit 174 is a picture of the trunk of the
22 Chevrolet Impala. State Exhibit 175 is a picture of the
23 rear compartment floorboard of the Chevrolet Impala, and
24 this is after myself and Lieutenant Schenk had taken a
25 cutting from the floorboard just to show our damage and

1 what's underneath.

2 State Exhibit 176 is a black and red-in-color slipper
3 or slip on, flipflop, whatever you want to call it, from
4 the Chevrolet Impala.

5 State Exhibit 177 is a picture of the rear side of the
6 driver seat of the Chevrolet. It's ---

7 Q. And what is on that picture?

8 A. Suspected blood is observed on, on the seat.

9 Q. And why do you say suspect -- suspected blood and not
10 blood?

11 A. As Lieutenant Schenk said, we're not going to assume
12 that it is blood until it's actually been tested on scene
13 or ---

14 Q. And who ---

15 A. --- somebody from the lab has tested it.

16 Q. Is that your job to test it?

17 A. We can do a presumptive test while we're on scene, but
18 I don't do any further analysis with it.

19 Q. Okay. Right.

20 A. State Exhibit 178 is the rear console, center console,
21 with suspected blood on it from the Chevrolet Impala.

22 State Exhibit 179 is one of the front headrests with
23 suspected blood from the Chevrolet Impala.

24 Q. And so at some point are you directed to go process a
25 duplex?

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON

741

1 A. Yes, ma'am.

2 Q. And where was that duplex located?

3 A. The duplex was located at 17 -- let me check my notes.

4 It was [REDACTED] Mountainbrook, unit C. It was a two-story
5 brick duplex.

6 Q. And do you know who lived there?

7 A. I believe it was Maria Howard.

8 Q. And did you have anything that allowed you to do this
9 search?

10 A. Yes, ma'am. We received a search warrant from the
11 SLED Midlands Region.

12 Q. Okay, and so was the scene -- how do you process a
13 house that that's large? What do you do?

14 A. We process every scene the same, our general duties.
15 So we arrived at, at the scene. We make sure we had a
16 search warrant before we went in and did anything. It was
17 myself and Special Agent Dawn Claycomb. She documented the
18 residence with digital photographs and I documented it with
19 notes. We then searched the residence for any items of
20 evidentiary value, collected those items, and brought them
21 back to SLED for forensic analysis.

22 Q. And do you only take pictures of things you think are
23 important or do you take, take pictures of everything?

24 A. We make sure we document everything as we get there.
25 As Lieutenant Schenk was saying, everything is documented

1 before it's manipulated, as we see it when we arrive on the
2 scene, and then if there is items of interest, those are
3 documented as well, sometimes a little bit more closely.
4 Not, not everything is going to be collected but everything
5 is documented.

6 Q. And roughly how many pictures did you take of this
7 duplex?

8 A. I cannot tell you right now.

9 Q. More than a hundred?

10 A. More? Absolutely. More than a hundred.

11 Q. More than 200?

12 A. More than likely more than 200.

13 Q. And I'm going to show you a photograph. I'm going to
14 show you State's 241 through 289.

15 MS. SAMPSON: It is my understanding that, subject to
16 any prior objections, that the defense does not have
17 objections to these photographs.

18 THE COURT: Is that correct?

19 MS. GOODE: Yes, Your Honor.

20 THE COURT: They're admitted.

21 MS. SAMPSON: Thank you, Your Honor.

22 (PHOTOGRAPHS INDIVIDUALLY MOVED INTO EVIDENCE AS
23 STATE'S EXHIBIT NUMBERS 241 THROUGH 289.)

24 BY MS. SAMPSON:

25 Q. Okay. So, what I'm going to do to make it easier, if

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON 743

1 you would just go through and show and describe what --
2 let's talk, let's start first. Did you -- what, if
3 anything, did you find in terms of garbage in the back of
4 the yard, of the yard?

5 A. We found garbage and items of evidentiary, evidentiary
6 value in a trash can on the porch in the rear of the
7 residence.

8 Q. And when you say trash can, was it a trash can like we
9 see in the courtroom, or was it like the kind you put all
10 your trash in?

11 A. No, ma'am, it was a large trash can that you put all
12 of your trash in.

13 Q. Okay. So, I'm going to start with State's Exhibit
14 Number 289. Can you tell the jury what this is?

15 A. That is the trash that was inside of the trash can.
16 The trash can number is 10299010.

17 Q. Okay, and you can do that one yourself. I just was --
18 you did a perfect job before. Can you tell the jury what
19 this one is?

20 A. Do you want the whole stack?

21 Q. Just start with just those and we'll stop.

22 A. Okay. State Exhibit 288, this is the picture of a
23 black in color trash bag and a white color trash bag. Out
24 of one of or on top of one of the trash bags is a
25 multicolored sheet, a bedsheet, and the trash bags. At

1 this point, have not been opened.

2 Q. Okay. Do you eventually open those?

3 A. Yes, ma'am.

4 Q. Okay. Go to the next photo.

5 A. State Exhibit 287 is a different sheet but this one is
6 coming out of the black trash bag that's a -- the similar
7 pattern of blue and something else, colored white sheet
8 with suspected blood.

9 Q. And why did -- why was that important to you?

10 A. It had suspected blood on it and it was collected.

11 Q. All right.

12 A. State Exhibit 286 is more close-up photograph of the
13 suspected blood from the same sheet. State Exhibit 285 is
14 the sheet as well. If you look on the far right side, you
15 can also see some kind of cleaning wipe and suspected blood
16 on the sheet. State's Exhibit 284 is the sheet with
17 suspected blood and a close-up photograph of that same
18 cleaning wipe. State Exhibit 283 is a -- the black trash
19 bag with a yellow-in-color plastic grocery bag and a white-
20 in-color plastic grocery bag, and there is another sheet
21 located inside with suspected blood.

22 Q. And all of this is outside in the garbage can?

23 A. All of this is outside in the garbage can.

24 State Exhibit 282 is the white-in-color grocery bag,
25 and inside of it is the sheet with suspected blood and some

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON

745

1 kind of cleaning wipe. State Exhibit 281 is a yellow
2 grocery bag with some kind of towel with suspected blood
3 inside. State Exhibit 280 is a white plastic grocery bag,
4 and inside is a black or blue vinyl gloves, excuse me, and
5 paper towels with suspected blood. State Exhibit 279 is the
6 same trash bag with a close-up photograph of the blue
7 gloves and cleaning supplies, cleaning supplies.

8 Q. And this is still all outside?

9 A. Yes, ma'am, this is still outside.

10 State Exhibit 278 is a photograph inside of the trash
11 can as we were pulling other bags out. This is more
12 towards the bottom. Another white grocery bag and inside
13 of the grocery bag you can see a khaki type of clothing.
14 State Exhibit 277 is a close-up photograph of the white bag
15 with the khaki clothing and some suspected blood, blood on
16 the white grocery bag. State ---

17 Q. And while you're going through photos, I note. Do you
18 collect the bags? What do you do with the bags and all the
19 items that we have these photographs of?

20 A. The -- there was certain bags that we did pull items
21 out of, which I'm about to get to, but the bags that had a
22 large amount of items inside of them or more than one sheet
23 and towel or whatever it may have been, we left them as is
24 and did not go through them so that we didn't contaminate
25 the evidence or destroy any potential evidence that was

1 inside. We, we wanted to leave it as is and have it
2 processed at the SLED Forensic Services Laboratory in, in
3 better conditions.

4 Q. So, do you leave it at the scene, or do you take it
5 with you?

6 A. All of it was collected.

7 Q. Okay. Go on to the next photograph, please.

8 A. State Exhibit 276 is a white-in-color grocery bag with
9 a khaki colored clothing item inside, a black-in-colored
10 glove, and a multitool. State Exhibit 275 is the same bag
11 with a close-up photograph of the khaki clothing, the
12 black-in-color glove, and the multitool. State Exhibit 274
13 is yet another photograph of a close-up of the khaki
14 clothing, the multitool, and the black glove from the white
15 grocery bag.

16 Q. Is it fair to say -- you just said yet another -- that
17 you all take -- how, how many different angles do you take
18 of the same thing?

19 A. Many.

20 Q. All right.

21 A. State's Exhibit 273 is a picture of the left-hand
22 glove, which was black-in-color, out of the grocery bag and
23 we observed discoloration on the glove State Exhibit 272
24 is another close-up photograph of the black-in-color glove
25 with discoloration. State Exhibit 271 is a empty duct tape

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON 747

1 roll with suspected blood on it that came out of the white-
2 in-color grocery bag. State Exhibit 270 is a photograph of
3 the multitool that was inside the white grocery bag.

4 Q. And what else was in the bag with that tool?

5 A. The duct tape roll with blood, the khaki pants, and
6 the black glove. State's Exhibit 269 is a close-up
7 photograph of the multitool with suspected blood and
8 suspected hair.

9 Q. And did you collect this knife?

10 A. Yes, ma'am, I collected the knife.

11 Q. How do you collect it?

12 A. I -- we document it with digital photographs. We make
13 sure we're always wearing gloves, as Lieutenant Schenk was
14 saying. We switch out gloves and we collected it in a
15 knife box that was sealed and the description of the item,
16 the date, and the time was written and my initials.

17 Q. Go on to the next photograph.

18 A. State Exhibit 268, another close-up photograph of the
19 multitool with the blades out and suspected blood.

20 Q. State --- and I believe you said khaki pants. Was it
21 pants or a shirt?

22 A. Khaki shirt.

23 Q. Okay.

24 A. I apologize.

25 Q. That's okay. Go on to the next one.

1 A. State Exhibit 267 is another close-up photograph of
2 the multitool with suspected blood.

3 Q. All right.

4 A. State Exhibit 266 is the khaki shirt with suspected
5 blood.

6 Q. And where is the blood on the shirt? Is it at the
7 top, at the bottom? Do you remember?

8 A. It's on the right-hand sleeve and towards the bottom
9 of the shirt. State Exhibit 265 is another photo of the
10 khaki shirt with suspected blood towards the bottom of the
11 shirt. State Exhibit 264 is a photograph of the khaki
12 button-down shirt with suspected blood. State Exhibit 263
13 is a photo of the trash can and a white-in-color grocery
14 bag. It's tied at this point. We then untied the grocery
15 bag, and State Exhibit 262 is a photograph of a black-in-
16 color, black-in-color clothing inside of the bag.

17 Q. Could it -- is it black or dark gray or what ---

18 A. It's a dark color.

19 Q. Okay.

20 A. Sometimes the -- when we use our flash, it's a bright
21 light and it may miscolor an item. It could be a black or
22 dark gray or a navy. State Exhibit 261 is a photograph of
23 dark-colored pants that came out of the white-in-color
24 grocery bag ---

25 Q. And you ---

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON

749

1 A. --- from the trash can.

2 Q. You mentioned the flash. So, what time of day is it
3 when you're taking these pictures?

4 A. We actually arrived here -- it was nighttime.

5 Q. That's what I'm trying to figure out. Was it daytime
6 or nighttime?

7 A. Yes, ma'am, it was nighttime and it was beyond 9:30
8 PM.

9 Q. So, did you -- could you take the photographs outside
10 with the -- without a flash?

11 A. I don't recall taking them without a flash but we took
12 them with, with flash.

13 Q. Okay.

14 A. State Exhibit 260 is a picture of the dark-in-color
15 pants. State Exhibit 259 is a photograph of the pants.
16 State Exhibit 258 is a photograph of the pants, and it
17 zoomed in on some defects or some kind of wear and tear in
18 the pants. State Exhibit 257 is another photograph of the
19 pants. On the upper right front pocket you can see another
20 small defect on the pants. State Exhibit 256 is a dark-in-
21 color hoodie Nike, Just Do It. State Exhibit 255 is the
22 back of the gray or the dark-colored hoodie that we just
23 saw.

24 Q. And is all of this still collected outside, or are
25 y'all inside?

1 A. This is all still being collected from outside in the
2 trash can in a grocery bag. State Exhibit 254 is another
3 grocery bag that came out of the trash can, and you see
4 cleaning supplies inside. State Exhibit 253 is a close-up
5 photograph of the white-in-color grocery bag with a
6 cleaning product inside. State Exhibit 252 is the cleaning
7 product, Top Job, that came out of the grocery bag.

8 Q. And to be clear, this is at Maria Howard's home,
9 correct?

10 A. This is at Maria Howard's home.

11 Q. And -- or -- and I should say in the back yard?

12 A. In the back yard, yes. This is all out of the same
13 trash can. State Exhibit 251 is a photograph of the Top
14 Job cleaning product. State Exhibit 250 is two receipts
15 that were pulled out of the trash can.

16 Q. And what are they receipts from?

17 A. The receipts are from Palmetto Citizens dated March
18 29, 2019, at 5:43 PM or 1743.

19 Q. Are they bank receipts?

20 A. They look like bank receipts. State Exhibit 249 is
21 another photo of the bank receipt just divided up. State
22 Exhibit 248 is, once again, a photo of the bank receipt
23 divided up on its own. State Exhibit 247 is a picture of
24 some Wendy's trash and a Wendy's bag and part of a sandwich
25 of some sort. State Exhibit 246 is black trash bags that

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON 751

1 were located on the rear porch area of Maria Howard's home.

2 State Exhibit 245 is a photograph of that rear entry
3 door of -- on the -- leading to the back porch with the
4 same trash bags. State Exhibit 244 is a picture from the
5 back yard if you're faced -- if -- facing towards the
6 residence. Unit C is located to your left.

7 Q. Sort of where your hand is or was?

8 A. Where my -- where I'm pointing is going to be unit C.

9 Q. And is it -- can you access the back yard without
10 going through the house?

11 A. Yes, ma'am, you can. State Exhibit 243 is a picture
12 of the back yard of the residence with a tire impression or
13 some form of vehicle that had come through. State Exhibit
14 242 is a more close-up photograph of a tire impression that
15 was in the back yard of the residence in the grassy area.
16 State Exhibit 241 is a close-up photograph of that tire
17 impression in the back yard grassy area.

18 Q. And to be clear, were these all the photos you took?

19 A. No, ma'am.

20 Q. I'm going to show you what's been marked -- I'm going
21 to show you what's been marked as State's Exhibit 292. Do
22 you have gloves or ---

23 A. I've got gloves.

24 Q. I show you what's been marked as State's 292 and ask
25 if you recognize it.

1 A. Do you want me to open it?

2 Q. Well, first of all, do you recognize it?

3 A. Yes, ma'am, I do.

4 Q. What is it?

5 A. It's one black glove with suspected blood from the
6 white plastic Family Dollar bag.

7 Q. And how do you know that that's what it is?

8 A. Because I collected that glove.

9 MS. SAMPSON: At this time, I'd ask to introduce
10 State's Exhibit Number 292 into evidence.

11 THE COURT: Says the defense?

12 MS. GOODE: Pursuant to previous objections.

13 THE COURT: And, and that item was retrieved from
14 where?

15 MS. SAMPSON: This ---

16 WITNESS: Sir?

17 MS. SAMPSON: This was re ---

18 THE COURT: To the witness.

19 MS. SAMPSON: She already went over it, Your Honor.

20 BY MS. SAMPSON:

21 Q. He asked where did you retrieve this.

22 A. If -- the left-hand glove or the ---

23 Q. Where did ---

24 A. --- right-hand glove?

25 Q. Where did you retrieve it from?

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON

753

1 A. The right-hand glove was from the -- that's the
2 left-hand glove or the right-hand glove?

3 Q. You can read it yourself.

4 A. It's from the white plastic Family Dollar bag which
5 was in the trash can in the back yard of the residence.

6 THE COURT: And there's an objection as to that?

7 MS. GOODE: No, it's just previous objection.

8 THE COURT: Objection's overruled.

9 MS. SAMPSON: So, entered then? Is it entered, Your
10 Honor? I'm sorry.

11 THE COURT: Yes.

12 (GLOVE MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
13 292.)

14 BY MS. SAMPSON:

15 Q. You can go ahead and open it then. Do you have
16 scissors?

17 A. Yes, ma'am.

18 Q. Sorry. I was going to...

19 A. This is one left-hand glove with discoloration that
20 was out of, one of the trash bags in the trash can in the
21 back yard of the residence.

22 Q. And is that the same glove that you photographed ---
23 that you showed in the photograph previously?

24 A. Yes, ma'am, it is.

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

1 Exhibit 296 and ask you if you recognize that.

2 A. Yes, ma'am, I do.

3 Q. And what is that?

4 A. It's one white and blue-in-color bedsheet with
5 suspected blood from the black-in-color trash bag from the
6 trash can in the back yard from Maria Howard's residence.

7 Q. And how do you know that's what it is?

8 A. It's got my initials on it, the date, and the label,
9 and the time.

10 MS. SAMPSON: At this time, Your Honor, we'd ask to
11 introduce State's Exhibit Number 296 into evidence.

12 MS. GOODE: Over previous objection.

13 THE COURT: It's admitted.

14 (BEDSHEET MOVED INTO EVIDENCE AS STATE'S EXHIBIT
15 NUMBER 296.)

16 BY MS. SAMPSON:

17 Q. Help you out a little bit this time.

18 A. Thank you.

19 Q. If you need to stand up, you may. Can you take that
20 out and show it to the jury, please?

21 A. Yes, ma'am. Again, this is the white and blue sheet
22 from the trash bag in the trash can, and you can see the
23 suspected blood on it right here. It appears inside is
24 also a piece of some kind of napkin or a cleaning device
25 with suspected blood.

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON 755

1 Q. If it's easier, you can just try to put it all back in
2 here. You can sit down.

3 A. Thank you.

4 Q. I'm going to show you what's been marked as 318, 319,
5 and 320. I'm going to ask if you recognize these items.

6 A. Yes, ma'am, I do.

7 Q. And how do you -- what are the items? I'm sorry.

8 A. This is one of the white-in-color grocery bags.

9 Q. Not showing the jury. They're not in yet.

10 A. Oh, I'm sorry. A white-in-color grocery bag with a
11 duct tape roll with suspected blood on it. Another grocery
12 bag, white plastic grocery bag, and a black grocery or
13 trash bag.

14 Q. Okay, and how do know that that's what they are?

15 A. They all have my initials and date and the time on
16 them and a description.

17 MS. SAMPSON: At this time, Your Honor, we'd ask to
18 introduce State's Exhibit 318, 319, and 320 into evidence.

19 MS. GOODE: I don't believe the foundation's been
20 laid, Your Honor.

21 THE COURT: The objection is foundation.

22 MS. SAMPSON: I'm sorry? I did not hear any of that.

23 THE COURT: The objection was insufficient foundation.

24 BY MS. SAMPSON:

25 Q. Where did you, where did you find those items?

1 A. All these items were found in the trash can in the
2 back of Maria Howard's residence.

3 Q. And did you collect those at the time?

4 A. Yes, ma'am, I did.

5 Q. And did you -- what did you do with them after you
6 collected them?

7 A. They were secured in my vehicle, and they were taken
8 to the SLED Forensic Services Laboratory and then chained
9 over to Lieutenant Schenk, where he then submitted them for
10 analysis.

11 MS. SAMPSON: At this time, Your Honor, I'd ask to
12 introduce State's Exhibit 318, 319, and 320.

13 MS. GOODE: Over previous ---

14 THE COURT: Any objection?

15 MS. GOODE: Over previous objection.

16 THE COURT: They are admitted.

17 (GROCERY BAG/DUCT TAPE MOVED INTO EVIDENCE AS STATE'S
18 EXHIBIT NUMBER 318.)

19 (GROCERY BAGS/TRASH BAG MOVED INTO EVIDENCE AS STATE'S
20 EXHIBIT NUMBER 319.)

21 (GROCERY BAG MOVED INTO EVIDENCE AS STATE'S EXHIBIT
22 NUMBER 320.)

23 BY MS. SAMPSON:

24 Q. You may go ahead and open them.

25 A. State Exhibit 320 is the paper bag in which I

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON 757

1 collected the items, and this is just the white grocery bag
2 that the items were inside of. You see through the bag.

3 Do you ---

4 Q. That's fine.

5 A. Okay. State Exhibit 318 is a white plastic grocery
6 bag and a empty roll of duct tape. That -- it's discolored
7 now because it's been processed, but it had suspected blood
8 on it. State Exhibit 319 is, again, the paper bag in which
9 I collected the item, and a black-in-color grocery bag, and
10 a yellow-colored grocery bag. I'll open this one. The
11 yellow-in-color Dollar General grocery bag and black-in-
12 color trash bag and a white-in-color IGA grocery bag, and
13 all of these have been discolored because they've been
14 processed with -- by our forensic scientists.

15 Q. All right. I want to show you what's been marked as
16 State's Exhibit 298 and ask if you recognize this.

17 A. Yes, ma'am, I do.

18 Q. And what is that?

19 A. This is another grocery bag that was taken out of the
20 trash can at Maria Howard's residence.

21 Q. And where did you collect that from? I think you just
22 said it came from ---

23 A. The trash can.

24 Q. And what did you do with it after you collected it?

25 A. It was all secured in my vehicle and taken to the

1 Forensic Services Laboratory and then chained over to
2 Lieutenant Schenk by a chain of custody form.

3 Q. And how do you know that that's what it is?

4 A. It has the description of where it is, what it is, my
5 initials, the date, and the time.

6 MS. SAMPSON: At this time, I'd ask to introduce
7 State's Exhibit 298 into evidence.

8 MS. GOODE: Foundation objection, Your Honor.

9 THE COURT: A foundation objection to this.

10 BY MS. SAMPSON:

11 Q. All right, where did you collect it from?

12 A. This was collected from the trash can in the back yard
13 residence of Maria Howard.

14 Q. Where did you take it after you collected it?

15 A. I took it to the SLED Forensic Services Laboratory to
16 chain over to Lieutenant Schenk ---

17 Q. How ---

18 A. --- for forensic processing.

19 Q. I'm sorry. How was it packaged when you packaged it?
20 How did you package it to take it to SLED?

21 A. I packaged it in this brown paper bag, and I sealed it
22 and secured it in my vehicle when it was transported.

23 MS. SAMPSON: At this time, Your Honor, I'd ask to
24 introduce State's Exhibit 298 into evidence.

25 THE COURT: Any objection?

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON

759

1 MS. GOODE: Over previous objections.

2 THE COURT: It's admitted.

3 (GROCERY BAG MOVED INTO EVIDENCE AS STATE'S EXHIBIT
4 NUMBER 298.)

5 BY MS. SAMPSON:

6 Q. You may go ahead and open it.

7 A. This is a paper bag, the original packaging which I
8 collected, and this is a white Family Dollar grocery bag.

9 Q. And it's got some -- what's this stuff that's on the
10 outside of the bag?

11 A. Again, it's just discolored from forensic processing,
12 more than likely by our latent print department.

13 Q. It's not something you did?

14 A. It's not something that I did.

15 Q. Okay. Before I go over these next items, the clothing
16 that you looked -- that we already looked at in the
17 photographs, did you collect that clothing?

18 A. Yes, ma'am, I did.

19 Q. And once you -- how do you collect it?

20 A. The clothing?

21 Q. Yes.

22 A. The clothing is documented with photographs, and it's
23 then collected and placed into a paper bag that's sealed
24 with my initials, the item description written on it, the
25 date and the time, and then it's secured in my vehicle and

1 transported to the SLED Forensic Services Laboratory.

2 Q. And it -- you said it was sealed?

3 A. Yes, ma'am.

4 Q. How was it sealed?

5 A. I put SLED evidence tape, or the yellow tape that you
6 are seeing, and sealed it from one end to the other so
7 nobody else could get into, into it.

8 Q. All right. So, I'm going to open this, but I don't
9 want you to show it to the jury, okay?

10 A. Yes, ma'am.

11 Q. Maybe I'm not going to. If you will open that for me?
12 Do not show it to anyone. And what is it?

13 A. This is a khaki shirt with suspected blood that was
14 taken out of the trash can.

15 Q. And where did you locate that khaki shirt?

16 A. Inside a grocery bag inside of the trash can at Maria
17 Howard's residence.

18 Q. And I believe you said this, but how did you collect
19 it?

20 A. I -- we documented it with digital photographs, placed
21 it into a brown paper bag, sealed it, wrote the description
22 of the item, the date and the time, and my initials, and
23 then secured it into my SLED vehicle, and transported it to
24 the SLED Forensic Services Laboratory.

25 MS. SAMPSON: At this time, Your Honor, I'd ask to do

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON 761

1 -- ask to introduce State's Exhibit 327 into evidence.

2 MS. GOODE: Objection to foundation.

3 THE COURT: Okay. Objection as to foundation.

4 BY MS. SAMPSON:

5 Q. Where did you -- we'll go over this again. Where did
6 you collect it from?

7 A. Collected it from the trash can in the back yard of
8 Maria Howard's residence at Mountainbrook.

9 Q. And where did you put it after you collected it?

10 A. I placed it into a paper bag with my initials, the
11 date, the time, and into my secured SLED vehicle, and
12 transported it to the SLED Forensic Services Laboratory.

13 Q. And how do you know that that is what you recovered?

14 A. Because I have written on the packaging, and I took
15 photos of it, and I saw it, and I collected it on scene.

16 Q. Has it been changed in any way other than being
17 tested?

18 A. Not that I can see.

19 MS. SAMPSON: At this time, Your Honor, I'd ask to
20 introduce State's Exhibit 327 into evidence.

21 MS. GOODE: Over previous objection.

22 THE COURT: It's admitted over objection.

23 (KHAKI SHIRT MOVED INTO EVIDENCE AS STATE'S EXHIBIT
24 NUMBER 327.)

25 BY MS. SAMPSON:

1 Q. Okay. Now you can show it to the jury.

2 A. This is a Dickies brand khaki shirt, a button-down
3 that was collected out of the trash can with suspected
4 blood.

5 Q. And there are cuttings on the bottom of that. Did you
6 do that or is that how you found it?

7 A. No, ma'am, I did not take any cuttings from it.

8 Q. Okay. Once you have this item, what is done with it?
9 You said it's submitted to SLED. Is any other tests -- is
10 it done for other testing?

11 A. Lieutenant Schenk would have been the one to submit
12 these items for testing. So, more than likely he submitted
13 it for forensic analysis.

14 Q. Okay. This is State's Exhibit 329.

15 A. Would you like for me to open it?

16 Q. Yes. Don't show it to anyone. And what is that?

17 A. It's a pair of dark-colored pants and a dark-colored
18 hoodie.

19 Q. And where did you collect that item -- those items
20 from?

21 A. These were collected from a grocery bag that was in a
22 trash can in the back yard of Maria Howard's residence.

23 Q. And where did you put those after you collected them?

24 A. They were placed into a paper bag. They were labeled
25 with the item description, the date, my initials, the time,

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON 763

1 and they were secured in my SLED vehicle and transported to
2 the SLED Forensic Services Laboratory.

3 Q. And how do you know that those are the same items that
4 you collected at that -- or collected?

5 A. These are documented with digital photographs, and I
6 put my name on them as the one that collected them.

7 MS. SAMPSON: At this time, Your Honor, I'd ask to
8 introduce State's Exhibit 329 into evidence.

9 MS. GOODE: Over previous objection.

10 THE COURT: It's admitted.

11 (CLOTHING MOVED INTO EVIDENCE AS STATE'S EXHIBIT
12 NUMBER 329.)

13 BY MS. SAMPSON:

14 Q. Now you can show it to the jury.

15 A. The is one pair of Russell brand size medium 32 to 34
16 pair of pants.

17 Q. Those are the same -- are those the same pants that
18 were in the photograph we looked at earlier?

19 A. These are the same pants in the photograph that we saw
20 earlier, and you can see the small defect in the right side
21 pocket area. The picture may be a little bit better than
22 seeing it now. And this is a dark-colored hoodie, Nike
23 brand, that was collected from one of the grocery bags in
24 the trash can at Maria Howard's residence.

25 Q. I show you what's been marked as State's 322 and ask

1 if you recognize that.

2 A. Yes, ma'am, I do.

3 Q. And what is that?

4 A. It's one roll of toilet paper from inside the trash
5 can with suspected blood from the back yard of Maria
6 Howard's residence.

7 Q. And who collected that?

8 A. I collected this.

9 Q. And what did you do after you collected it?

10 A. I placed it into a paper bag. I put my -- the
11 description of the item on the bag, the -- my initials, the
12 date, and the time that it was collected, secured it in my
13 SLED vehicle, and then transported it to the SLED Forensic
14 Services Laboratory.

15 Q. And how do you know that it -- that that is the same
16 thing that you collected from the trash?

17 A. Because I was there, I documented it, I collected it,
18 and the item description is on the back with my initials
19 and the date.

20 Q. And what is it again?

21 A. It is a roll of toilet paper with suspected blood.

22 MS. SAMPSON: At this time, we'd ask to introduce
23 State's Exhibit Number 322 into evidence.

24 MS. GOODE: Over previous objection.

25 THE COURT: It's admitted.

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON 765

1 (TOILET PAPER MOVED INTO EVIDENCE AS STATE'S EXHIBIT
2 NUMBER 322.)

3 BY MS. SAMPSON:

4 Q. You now, you can now show it. And where did you find
5 that again?

6 A. That was from a grocery bag in the trash can at Maria
7 Howard's residence.

8 Q. And again, is it in the inside of her house or the
9 back yard?

10 A. It is on -- in the back yard.

11 Q. State's Exhibit 328. I'm going to have you again look
12 at those items -- don't show them to anyone -- and then
13 tell me what they are. What are those?

14 A. This is another part of a multicolored sheet with
15 suspected blood and what appeared to be cleaning wipes and
16 a towel with suspected blood.

17 Q. And where did you collect those from?

18 A. All these items were collected from inside of the
19 trash can in the back yard residence of Maria Howard.

20 Q. And what did you do when you collected those?

21 A. These were packaged into brown envelopes with my date,
22 initials, the time, and an item description written on
23 them. They were secured in my SLED vehicle and transported
24 to the SLED Forensic Services Laboratory.

25 Q. And how do you know those are the same items that you

1 collected?

2 A. I was on scene. I collected the items and I
3 documented
4 them.

5 MS. SAMPSON: At this time, Your Honor, I'd ask to
6 due -- introduce State's Exhibit 328 into evidence.

7 MS. GOODE: Over previous objection.

8 THE COURT: It's admitted.

9 (TOWEL/PILLOWCASE/PAPER TOWELS/WIPES
10 CLOTHING MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
11 328.)

12 BY MS. SAMPSON:

13 Q. You may go ahead and show the jury.

14 A. This is one of the towels that was collected from
15 inside the trash can with suspected blood. This is part of
16 a sheet or a pillowcase with suspected blood that came out
17 of the trash can. This is a paper towel roll that came out
18 of the trash can as well with suspected blood, and there is
19 miscellaneous and numerous cleaning wipes with suspected
20 blood.

21 Q. And these were all located where?

22 A. These were all from a grocery bag that was inside of
23 the trash can in the residence -- in the back yard
24 residence of Maria Howard. And then just other items of
25 trash.

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON

767

1 Q. Okay. I want to show you what's been marked as
2 State's 295. I show you what's been marked as State's
3 Exhibit 295 and ask if you recognize that.

4 A. Yes, ma'am, I do.

5 Q. And what is that?

6 A. This is a multitool that was collected from one of the
7 grocery bags in the trash can in the back yard residence of
8 Maria Howard at Mountainbrook.

9 Q. And what did you do with it once you collected it?

10 A. I collected it and I wrote the time, initials, and
11 date on the packaging as -- and secured it in my SLED
12 vehicle, and transported it to the SLED Forensic Services
13 Laboratory.

14 Q. And how do you know that's what you collected?

15 A. Because I was on scene, I documented it, and I
16 collected it.

17 MS. SAMPSON: At this time, we'd ask to introduce
18 State's Exhibit Number 296 into evidence ---

19 WITNESS: 295.

20 MS. SAMPSON: Or, excuse me, 295 into evidence.

21 MS. GOODE: Over previous objection.

22 THE COURT: It's admitted.

23 (MULTITOOL MOVED INTO EVIDENCE AS STATE'S EXHIBIT
24 NUMBER 295.)

25 BY MS. SAMPSON:

1 Q. You may open it.

2 A. This is a multitool that we found in the grocery bag
3 in the trash can in the back yard residence of Maria Howard
4 at Mountainbrook.

5 Q. And can it be opened?

6 A. I'm not sure how to open it.

7 Q. I'm not asking you to.

8 A. Okay. It can be opened.

9 Q. Okay.

10 A. But I will not open it for you guys.

11 Q. And where did you find that again?

12 A. It was in a grocery bag in the trash can at
13 Mountainbrook of Maria Howard's residence in the back yard.

14 Q. Thank you. And I believe you said this, but what, if
15 anything, did you see on the knife when you collected it?

16 A. Suspected blood was seen on the knife when we
17 collected it, as well as suspected hair.

18 MS. SAMPSON: Your Honor, State's Exhibits Number 2 --
19 228 through 240. It's my understanding that the defense,
20 over the previous objection, is okay with this.

21 THE COURT: Is that correct?

22 MS. GOODE: Yes, Your Honor.

23 MS. SAMPSON: No objection to these outside of their
24 previous objection.

25 (PHOTOGRAPHS INDIVIDUALLY MOVED INTO EVIDENCE AS

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON 769

1 STATE'S EXHIBIT NUMBERS 228 THROUGH 240.)

2 BY MS. SAMPSON:

3 Q. All right. So, I'm going to ask you to show the jury
4 State's 228 through 240 and just tell them what's in each
5 one of those, and let me start. We've done all the outside
6 of the house. Did you go into the house and take
7 photographs?

8 A. Yes, we went inside the house and took over all and we
9 took photographs.

10 Q. And can you talk to the jury about these photographs
11 then?

12 A. Yes, ma'am. State Exhibit 228 is a photo of the front
13 door looking out -- looking at it from the living room and
14 to the right right here. You'll see the staircase that
15 leads up to the second floor. State Exhibit 229 is a
16 photograph of the staircase that leads to the second floor
17 bedrooms and a bathroom.

18 State Exhibit 230 is a picture of -- as soon as you
19 walk up the front, the stairs, the very first bedroom that
20 has a mattress laying on the floor, it was a photograph of
21 the mattress and a gray-in-color pillowcase and a
22 comforter. State Exhibit 231 is a closer photograph of the
23 gray-in-color pillowcase with suspected blood on the
24 pillowcase. State Exhibit 232 is a close-up photograph of
25 suspected blood on the gray pillowcase.

1 State Exhibit 233 is a photograph standing on the back
2 porch of the residence of unit C at Mountainbrook looking
3 in towards the -- this door would lead to a kitchen, which
4 is the rear door. State Exhibit 234 is a photograph of a
5 closet door and closet that was located underneath the
6 stairwell, the staircase, on the first floor.

7 Q. And what, if anything, did you find in that closet?

8 A. In this closet we found a pair of what looked like
9 children's pink Adidas shoes, and on the sole of one of the
10 shoes was suspected blood.

11 Q. Go ahead with the pictures.

12 A. State Exhibit 235 is a picture inside of the closet
13 which was underneath the stairs and the pink-in-color
14 Adidas shoes. State Exhibit 236 is a closer photograph of
15 the right pink Adidas shoe with suspected blood. State
16 Exhibit 237 ---

17 Q. And before -- well, you can show it but where, where
18 did you locate that white, that white basket?

19 A. The white basket that you're seeing a photograph of is
20 in the bedroom that you just saw the gray pillowcase in,
21 the first bedroom as soon as you walk up the stairs, in a
22 closet. And the black-in-colored glove you're seeing was
23 from the white laundry basket in the closet.

24 State Exhibit 238 is the right-hand glove, black glove
25 from the white laundry basket in the closet of the bedroom.

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON

771

1 State Exhibit 239 is the black glove that was inside out
2 when we found it, and it had suspected hair on it. State
3 Exhibit 240 is another photograph of the black glove from
4 the white laundry basket.

5 Q. Did you collect any of those items you just showed us
6 a photo of?

7 A. Yes, ma'am. We collected the pink shoes with the
8 suspected blood that was underneath this staircase closet,
9 and we collected the gray pillowcase from the bedroom with
10 suspected blood. We also collected the black glove, the
11 right-hand glove, from the white laundry basket that had
12 hair on it.

13 Q. And there's not a photograph of it, but did you find
14 anything related to marijuana in, in the home?

15 A. Yes, ma'am. In the same bedroom we've been talking
16 about in the closet, at the top shelf was a metallic and
17 clear-type bag with a edible sus -- item inside of it, like
18 a Rice Krispies treat-looking item, that we believe was
19 suspected drugs.

20 Q. And I want to start with State's Exhibit 294. What,
21 what is State's No. 294?

22 A. One pair of pink-in-color Adidas, size 9K shoes with
23 suspected blood from the closet underneath the stairs at
24 Maria Howard's residence.

25 Q. And what did you do when you collected that? How did

1 you collect it?

2 A. We took photographs of the shoes. We placed it into a
3 brown paper bag, as you see, and I labeled it with the item
4 description, the date, the time, and my initials, and then
5 secured it into my SLED vehicle, and transported it to the
6 SLED Forensic Services Laboratory.

7 Q. How do you know that that's the item that you
8 collected?

9 A. Because of the label, my initials, the date, the time,
10 and I was on scene and I collected it myself.

11 MS. SAMPSON: At this time, I'd ask to introduce
12 State's
13 Exhibit 294 into evidence.

14 THE COURT: Says the defense?

15 MS. GOODE: Over previous objections.

16 THE COURT: They're admitted.

17 (SHOES MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
18 294.)

19 BY MS. SAMPSON:

20 Q. Do you need more gloves?

21 A. Yes, please.

22 Q. And let me show you this.

23 A. This is a pair of the pink Adidas child shoes with
24 suspected blood on the sole.

25 Q. State's Exhibit 291 and ask you if you recognize this.

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON

773

1 A. I do.

2 Q. What is it?

3 A. It is one right hand, black-in-color glove with
4 suspected hair from white-in-color basket from the closet
5 in Maria Howard's residence.

6 Q. And how did you collect that?

7 A. I documented it with digital photographs, or Special
8 Agent Claycomb documented it with digital photographs,
9 placed it into a brown paper bag that you see, labeled it
10 with item description, the date, the time, and my initials.

11 Q. And where did you take it?

12 A. And then secured it in my SLED vehicle and transported
13 it to the SLED Forensic Services Laboratory.

14 Q. And how do you know that's the item you collected?

15 A. It's got my initials, the date, and time, and I was on
16 scene, and I collected this item.

17 MS. SAMPSON: I would ask at this time to introduce
18 State's Exhibit 291 into evidence.

19 MS. GOODE: Over previous objection.

20 THE COURT: It's admitted.

21 (GLOVE MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
22 291.)

23 BY MS. SAMPSON:

24 Q. You may open it.

25 A. This is the black right-hand glove that was out of the

1 white laundry basket in the upstairs bedroom closet.

2 Q. I'm going to show you State's Exhibits 290 and 293 and
3 ask if you recognize these, and just say which one first.

4 A. This is the gray-in-color pillowcase from the right
5 side of the bed in Maria Howard's residence.

6 Q. And that's 293?

7 A. And that is 293.

8 Q. And what's 291?

9 A. And State Exhibit 290.

10 Q. Excuse me. 290.

11 A. Is one silver and clear plastic bag containing a food
12 edible, suspected drugs, or THC.

13 Q. And where did you collect those two items?

14 A. The gray-in-color pillowcase was collected from the
15 right side of the bed in the upstairs bedroom of Maria
16 Howard's residence, and the suspected drugs were collected
17 from the closet shelf in the same bedroom at Maria Howard's
18 residence.

19 Q. And how did you collect those items?

20 A. Each item was collected separately and placed into a
21 paper bag with the item description, and the date, my
22 initials, and the time it was collected, and then it was
23 secured in my SLED vehicle and transported to the SLED
24 Forensic Services Laboratory.

25 Q. And how do you know those were the same items that you

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON 775

1 collected?

2 A. It's got the item description on there. It's got my
3 initials and my date and -- the date and time, and I was on
4 scene, and I collected these items.

5 MS. SAMPSON: At this time, Your Honor, I'd ask to
6 introduce State's Exhibit 290 and 293 into evidence.

7 THE COURT: Which is which?

8 MS. SAMPSON: 239 is the pillowcase. 290 is the
9 edible
10 product.

11 THE COURT: And what says the defense?

12 MS. GOODE: Over previous objection.

13 THE COURT: 290 will be for identification only at
14 this time. The other, 293, is admitted at this time.

15 (PILLOWCASE MOVED INTO EVIDENCE AS STATE'S EXHIBIT
16 NUMBER 293.)

17 BY MS. SAMPSON:

18 A. This is the pillowcase from the right side of the bed
19 closest to the door with suspected blood that was collected
20 at Maria Howard's residence.

21 Q. Now earlier you stated -- earlier you stated that you
22 did go to the police station on Bluff Road and document
23 or -- and see the defendant. Is that correct?

24 A. Yes, ma'am. That is correct.

25 Q. And at that time, did you take -- and take photographs

1 of anything, of him? Rather -- let me just be specific.

2 Did you take photographs of the defendant?

3 A. I did.

4 Q. And what, if anything, did you do with his clothing?

5 A. All of his clothing was collected, placed into paper
6 bags, and the description of the item, the date, the time,
7 and the initials were placed on the bag, and I secured the
8 items in my truck. And I met with Lieutenant Schenk, and
9 things were transferred to him by a chain of custody.

10 Q. I'm going to show -- I'll just start with State's
11 Exhibit 300 and ask if you recognize this.

12 A. Yes, ma'am, I do.

13 Q. And what, what is that item?

14 A. It's one pair of black-in-color Jordan size 8 shoes
15 from Nathaniel Rowland.

16 Q. And, if we could, we're just going to lay them down so
17 I can get them all in at the same time.

18 A. Okay.

19 Q. Can you tell -- what is 301?

20 A. State Exhibit 301 is one pair of black-in-color socks
21 with suspected blood from Nathaniel Rowland.

22 Q. 316.

23 A. 316 is one pair of gray-in-color Puma sweatpants from
24 Nathaniel Rowland.

25 Q. And 317.

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON

777

1 A. 317 is one gray-in-color Puma hoodie from Nathaniel
2 Rowland.

3 Q. And how did you collect these items?

4 A. All of these items were collected from Nathaniel
5 Rowland. They were placed into an individual paper bag
6 with
7 the item description, the date, my initials, and the
8 time they were collected.

9 Q. And where did you take them after you collected them?

10 A. These were taken to the SLED Forensic Services
11 Laboratory and chained over to Lieutenant Schenk via a
12 chain of custody form.

13 Q. And how do you know those were the items that you
14 collected?

15 A. I collected these items from Nathaniel Rowland, and
16 these are my initials and my descriptions and my
17 handwriting on these bags.

18 MS. SAMPSON: At this time, Your Honor, I'd ask to
19 introduce State's Exhibit 300, 301, 316, and 317 into
20 evidence.

21 MS. GOODE: Continue the previous objections.

22 THE COURT: Each are admitted.

23 MS. SAMPSON: Thank you, Your Honor.

24 (SHOES MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
25 300.)

1 (SOCKS MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
2 301.)

3 (SWEAT PANTS MOVED INTO EVIDENCE AS STATE'S EXHIBIT
4 NUMBER 316.)

5 (HOODIE MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
6 317.)

7 BY MS. SAMPSON:

8 Q. Start with three -- I guess start with 300 and show
9 them to the jury, please.

10 A. State Exhibit 300 is one pair of black-in-color Jordan
11 size 8 shoes from Nathaniel Rowland.

12 Q. And those are what he was wearing when he was taken
13 into custody. Is that correct?

14 A. These are what he was wearing when I saw him at Bluff
15 Road at Columbia Police Department.

16 Q. What is 301?

17 A. State Exhibit 301 is one pair of black-in-color socks
18 with suspected blood from Nathaniel Rowland.

19 Q. And again, these are what he was wearing when?

20 A. These are what he was wearing when I collected it from
21 him at Bluff Road at the Columbia Police Department.

22 Q. And what's State's Exhibit 316?

23 A. State Exhibit 316 is one pair of gray-in-color Puma
24 sweatpants from Nathaniel Rowland, and these are the gray
25 sweatpants collected from Nathaniel Rowland at Bluff Road.

D. CIRENCIONE - DIRECT EXAMINATION BY MS. SAMPSON

779

1 Q. And 317.

2 A. State Exhibit 317 is one gray-in-color Puma hoodie
3 from Nathaniel Rowland, and this is the gray Puma hoodie
4 collected off of Nathaniel Rowland.

5 Q. And was this the last time you met with Mr. Rowland?

6 A. No, ma'am, it was not.

7 Q. And when was the next time you dealt with him?

8 A. On April 2nd. On April 2, 2019, I, myself, and
9 Lieutenant Schenk went back to Bluff Road to the Columbia
10 Police Department for a meeting. It was then I was advised
11 that a search warrant had been obtained by the SLED
12 Midlands Region for his -- for Nathaniel Rowland's Buccal
13 swab.

14 Q. And how do you take, how do you take a Buccal swab in
15 general?

16 A. A Buccal swab is a -- again, it comes out of a sterile
17 packaging. It's, like, two, two Q-tips, just longer, and
18 then you swab the inside of the suspect or the witness,
19 whoever it is, mouth and those are placed back into the
20 small coin envelope or a packaging where it's sealed with
21 evidence tape. The item description is written with the
22 time, the date, and my initials.

23 Q. And were you able to do that with Mr. Rowland?

24 A. Yes, ma'am, I was.

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

1 Exhibit 326 and ask if you recognize that.

2 A. I do.

3 Q. And what is that?

4 A. This is two Buccal swabs from Nathaniel Rowland.

5 Q. And what did you do with them after you obtained them
6 from Mr. Rowland?

7 A. These were provided to Lieutenant Schenk via a chain
8 of custody form.

9 Q. And how do you know that that's what you collected
10 from the defendant?

11 A. This has my item description, my initials, and the
12 date, and the time.

13 MS. SAMPSON: At this time, Your Honor, we'd ask to
14 do -- ask to introduce State's Exhibit Number 326 into
15 evidence.

16 MS. GOODE: Over previous objection.

17 THE COURT: 326 is admitted.

18 MS. SAMPSON: Thank you.

19 (BUCCAL SWABS MOVED INTO EVIDENCE AS STATE'S EXHIBIT
20 NUMBER 326.)

21 MS. SAMPSON: Beg the court's indulgence.

22 (A PAUSE.)

23 MS. SAMPSON: No further questions, Your Honor.

24 THE COURT: Cross-examination?

25 MS. GOODE: All right.

D. CIRENCIONE - CROSS-EXAMINATION BY MS. GOODE

781

1 THE COURT: As she prepares to come, let's stand for a
2 moment, everyone.

3 (A PAUSE.)

4 THE COURT: Okay.

5 MS. GOODE: Thank you, Your Honor. May it please the
6 court?

7 THE COURT: Yes.

8 CROSS-EXAMINATION BY MS. GOODE:

9 Q. Good afternoon. How are you?

10 A. I'm good. How are you?

11 Q. Good. All right, so just going to go back a little
12 bit and set out a timeline here, okay? So you were with
13 Lieutenant Schenk on March 29th in Clarendon County?

14 A. That's correct.

15 Q. Your job basically is to take pictures?

16 A. Yes, ma'am.

17 Q. I said basically. I don't mean it that way. You're,
18 you're tasked with documenting with pictures?

19 A. Yes.

20 Q. And he's tasked with documenting the scene with notes?

21 A. Yes.

22 Q. And you're wearing gloves?

23 A. Yes, ma'am.

24 Q. Protective gear ---

25 A. Correct.

- 1 Q. --- right? Because the purpose of that is to not,
2 right, is to not contaminate anything that could be there,
3 right?
- 4 A. That's right.
- 5 Q. Manipulate any evidence?
- 6 A. Right.
- 7 Q. And collect things as they are and take those back to
8 the laboratory at SLED?
- 9 A. Correct.
- 10 Q. And you're there for several hours?
- 11 A. Yes, ma'am, approximately six hours.
- 12 Q. About six hours, and when you start out, it's still
13 light?
- 14 A. It is.
- 15 Q. And then, by the time you leave, it's completely dark?
- 16 A. It is. It's past midnight.
- 17 Q. It's past midnight, and there are no street lights?
- 18 A. No, not, not in the location we were.
- 19 Q. Dirt -- it's a dirt road?
- 20 A. Is it.
- 21 Q. Wooded area?
- 22 A. Yes.
- 23 Q. Leave there and you end up on Saluda Avenue in
24 Columbia?
- 25 A. Correct.

D. CIRENCIONE - CROSS-EXAMINATION BY MS. GOODE

783

1 Q. And again, you're tasked with taking pictures?

2 A. Correct.

3 Q. And Lieutenant Schenk is tasked with documenting with
4 notes?

5 A. Correct.

6 Q. And again at that time it's not -- you're documenting
7 the car as it is at that moment on Saluda Avenue?

8 A. Yes.

9 Q. It eventually gets towed back to the CPD building on
10 Bluff Road?

11 A. Yes, it's on Bluff Road.

12 Q. And it's secured in their facility there ---

13 A. Yes.

14 Q. --- right? While Lieutenant Schenk and yourself are
15 at the scene on Saluda Avenue, you get called away?

16 A. I do.

17 Q. And that's for you to go to that building, that
18 Columbia Police Department building ---

19 A. Yes.

20 Q. --- right? And that's about almost 6 o'clock in the
21 morning?

22 A. I cleared [REDACTED] Saluda Avenue at approximately 5:45 AM,
23 and I arrived at [REDACTED] Bluff Road at 5:47 AM.

24 Q. And the reason you go to Columbia Police Department at
25 that time is to photograph Mr. Rowland?

1 A. It is.

2 Q. And you do take photographs of Mr. Rowland?

3 A. I do.

4 Q. And we don't see any of those today?

5 A. I did not see them today.

6 Q. You took pictures of his face. Is that right?

7 A. Yes, it is.

8 Q. And this was March 30th of 2019?

9 A. Correct.

10 Q. All right. So, the early morning hours of March 30th?

11 A. Yes.

12 Q. And at that time, Mr. Rowland had facial hair?

13 A. He did.

14 Q. And his hair is a little longer than it is today?

15 A. It is.

16 Q. So, you took pictures of his face, right?

17 A. Yes, ma'am.

18 Q. And you took pictures of his arms?

19 A. I did.

20 Q. Lifting up each sleeve?

21 A. Yes.

22 Q. All right, and taking a picture of the top of his arm?

23 A. Yes.

24 Q. Taking a picture of the bottom of his arm?

25 A. Yes.

D. CIRENCIONE - CROSS-EXAMINATION BY MS. GOODE

785

1 Q. And you take a picture of the other arm?

2 A. Correct.

3 Q. Repeat the same process?

4 A. That's right.

5 Q. Take a picture of the front of his arm, right?

6 A. Yes.

7 Q. And a picture of the bottom of his arm?

8 A. Yes.

9 Q. And you go on to take pictures of his hands?

10 A. I do.

11 Q. Laid out on a table like this?

12 A. That's right.

13 Q. You take pictures of the top of his hands, right?

14 A. Yes.

15 Q. And you flip over and take pictures of the bottoms of
16 his hands?

17 A. I do.

18 Q. And you take pictures basically of him from top to
19 bottom?

20 A. Yes, ma'am, I do.

21 Q. Okay, and you tell him at that time you don't, you
22 don't see anything? You're just documenting?

23 A. Correct. I'm documenting him.

24 Q. Okay, and at that time, as we've heard, you collect
25 his clothing, right?

1 A. Yes, I do.

2 Q. And swab his fingernails?

3 A. I do.

4 Q. And take the swab from his shoe?

5 A. Yes.

6 Q. And that's just the -- I think you said two -- was it
7 two swabs of his shoe? I'm sorry. Two swabs from his
8 shoe?

9 A. It's two swabs.

10 Q. Of that one area of ---

11 A. Of the left shoe heel area.

12 Q. The left shoe heel area. You end up -- this is still
13 at Columbia Police Department. You finish up with Mr.
14 Rowland. You're still at the, at the police department?

15 A. I am.

16 Q. And you end up going down to where the vehicle has
17 been secured?

18 A. Yes, I do.

19 Q. This Impala.

20 A. That's correct.

21 Q. Okay, and Lieutenant Schenk, he's there, too?

22 A. He is.

23 Q. And you both begin further processing that car?

24 A. Correct.

25 Q. And by further processing, meaning more pictures, more

D. CIRENCIONE - CROSS-EXAMINATION BY MS. GOODE

787

1 swabs, collecting items?

2 A. That's right.

3 Q. Okay, and at this point, the car keys have been
4 collected?

5 A. To my knowledge, yes.

6 Q. Yes, and to your knowledge, no swabs of the car keys
7 have been taken?

8 A. Not to my knowledge.

9 Q. Okay. You also, as I said, you documented further the
10 car by taking pictures. That was your job that night?

11 A. It is.

12 Q. Well, early morning hours.

13 A. Yes.

14 Q. That was your job to take pictures and you took
15 pictures of the windows of the car?

16 A. That's right.

17 Q. The prints that were on the window?

18 A. Uh-huh.

19 Q. And if there was blood on the windows, you would have
20 taken pictures of the suspected blood ---

21 A. Yes.

22 Q. --- from that?

23 A. If there was suspected blood, I would have taken a
24 photo

25 of it.

1 Q. And you collect several items from the vehicle, right?

2 A. Yes, ma'am.

3 Q. You don't collect an earring?

4 A. Not from the vehicle.

5 Q. Not from the vehicle. You don't collect an ATM card?

6 A. Not to my knowledge.

7 Q. And you don't collect a purse?

8 A. Not to my knowledge.

9 Q. And all while you're processing this car, even just
10 taking the pictures, you're gloved. Is that right?

11 A. Yes, ma'am.

12 Q. When you take the swabs from the vehicle, that's what
13 you did? You, you document -- I'm sorry. You wear your
14 gloves, right?

15 A. Right. I did not take the swabs from the vehicle.
16 Lieutenant Schenk did. But, in general purposes, yes,
17 I'm ---

18 Q. Are you ---

19 A. --- always wearing gloves.

20 Q. --- always wearing gloves ---

21 A. Yes, ma'am.

22 Q. --- when you're dealing with a crime scene? And I
23 want to talk about -- it's a couple of days later. This
24 was March 30th at Columbia Police Department when you're
25 working with Lieutenant Schenk to process the vehicle.

D. CIRENCIONE - CROSS-EXAMINATION BY MS. GOODE

789

1 A. Uh-huh.

2 Q. On April 3rd, so four days, five days later is when
3 we end up at Marie Howard's house. Is that right?

4 A. Yes, ma'am. It is April 3rd.

5 Q. And there you don't take any swabs either, right?

6 A. No, ma'am, I took no swabs at ---

7 Q. Just ---

8 A. --- Mountainbrook.

9 Q. Right. Just collecting the items as they are at her
10 house?

11 A. Yes.

12 Q. And that gets taken back to the SLED lab for analysis?

13 A. Yes, ma'am, everything got taken back to the SLED
14 Forensic Services Laboratory, and then it was all chained
15 over to Lieutenant Schenk, who then submitted it for
16 analysis.

17 Q. And you don't do the analysis?

18 A. No, I do not do the analysis. I collect it and I
19 submit it, or I chained it over to Lieutenant Schenk, who
20 then submitted it for analysis, and then we just write up a
21 report of our documentation and what we did and our
22 observations.

23 Q. And this trash can, you, you said a number that was
24 associated with that trash can.

25 A. Yes, ma'am.

1 Q. Is that a unique code for a trash can?

2 A. I don't know if it's a unique code, but it is an
3 identifying marker of which trash can it, it is since I
4 believe there was more than one trash can out there.

5 There was -- it's a duplex. So, unit ■ is the one
6 that we were looking at. We didn't want to mistakenly take
7 a trash can from a different address, and we were able to
8 go back in the photographs and identify that specific trash
9 can as what the grocery bags and items of evidence came out
10 of.

11 Q. So, that code would be unique to the certain address,
12 this, this being an apartment?

13 A. I, I can't testify to that. I'm not sure.

14 Q. So, you don't have that information ---

15 A. No, I do not.

16 Q. --- that that particular trash can number is unique to
17 that address?

18 A. No, ma'am, it's just ---

19 Q. Okay.

20 A. --- documenting that that trash can is behind the
21 residence at unit ■ of Mountainbrook.

22 Q. And while we're talking about the back of the
23 residence, you did say earlier to the jury that that is an,
24 an area that can be accessed by not -- you don't have to go
25 through the house to get back there?

D. CIRENCIONE - CROSS-EXAMINATION BY MS. GOODE

791

1 A. No, ma'am, not to my knowledge.

2 Q. And again, these items that we just went through, all
3 these, these are all items that were found at the home of
4 Maria Howard?

5 A. Yes.

6 Q. I want to talk just again about the, the car real
7 quick. You were tasked with taking pictures. You took a
8 lot of pictures ---

9 A. I did.

10 Q. --- right? You didn't see any defects in the seats?

11 A. Not to my knowledge.

12 Q. No cuts?

13 A. Nothing that I can think of right now without seeing
14 photographs.

15 Q. You would have documented that with photographs ---

16 A. Yes.

17 Q. --- had you seen them? And Lieutenant Schenk would
18 have documented that in his notes?

19 A. Yes.

20 Q. All right, and again at every scene, Clarendon County,
21 Saluda Avenue, dealing with Mr. Rowland, and dealing with
22 the search warrant at Maria Howard's house, you were
23 gloved, right?

24 A. Yes, I was.

25 Q. Careful not to contaminate anything?

1 A. That's right.

2 Q. And careful not to manipulate any evidence?

3 A. Correct.

4 Q. You collected as is, right?

5 A. Yes.

6 Q. Package it separately?

7 A. Yes.

8 Q. Seal it?

9 A. Yes.

10 Q. And take it to the lab?

11 A. Yes.

12 Q. For the analysts at the lab to begin their work?

13 A. Correct.

14 Q. All right.

15 MS. GOODE: Beg the court's indulgence.

16 (A PAUSE.)

17 Q. And whenever you were taking the photographs of Mr.

18 Rowland on March 30th -- we got the timeframe. It was

19 around almost 6 o'clock in the morning. Is that right?

20 You said 5:47?

21 A. Yeah, I arrived at [REDACTED] Bluff Road at approximately

22 5:47 AM.

23 Q. 5:47 AM. Thank you. And again, I'm referring to

24 whenever you're documenting him with pictures. It could be

25 important, right?

A. FITZGERALD - DIRECT EXAMINATION BY MS. GASTON

793

1 A. Right.

2 Q. But again you, you don't see anything on him, right?

3 A. In what terms?

4 Q. On his face as far as scratches.

5 A. As far as scratches, no, I do not.

6 Q. You don't see any marks?

7 A. I do not see any marks on his face.

8 Q. Cuts?

9 A. I do not see cuts on his face.

10 Q. The same thing with the arms?

11 A. Same thing.

12 Q. Both sides?

13 A. Correct.

14 Q. And his hands ---

15 A. Yes.

16 Q. --- no scratches?

17 A. Correct.

18 Q. And these photos that you took, you turned those over
19 to the investigators in this case?

20 A. All those photos were turned over to Lieutenant
21 Schenk.

22 Q. All the photos to Lieutenant Schenk.

23 MS. GOODE: Thank you very much. I have nothing
24 further.

25 THE COURT: Any redirect?

1 MS. SAMPSON: Beg the court's indulgence.

2 (A PAUSE.)

3 MS. SAMPSON: No further questions, Your Honor.

4 THE COURT: Thank you. You may step down.

5 (THE WITNESS EXITS THE STAND.)

6 THE COURT: Your next witness.

7 MS. GASTON: May it please the court, Your Honor?

8 State calls Investigator Allison Fitzgerald.

9 ALLISON FITZGERALD, BEING DULY

10 SWORN, TESTIFIES AS FOLLOWS:

11 CLERK: Please have a seat in the witness stand.

12 Please state your full name for the record.

13 WITNESS: Investigator Allison Fitzgerald.

14 DIRECT EXAMINATION BY MS. GASTON:

15 Q. Investigator Fitzgerald, where are you employed?

16 A. With the City of Columbia Police Department.

17 Q. And how long have you worked with the Columbia Police
18 Department?

19 A. Been there almost nine years.

20 Q. And in what capacity are you employed with them?

21 A. I'm now an investigator on the Special Victims Unit.

22 Q. Briefly describe some of your day-to-day
23 responsibilities with CPD.

24 A. Currently I investigate domestic violence, sexual
25 assault cases, any cases with children missing and, and

A. FITZGERALD - DIRECT EXAMINATION BY MS. GASTON

795

1 runaways.

2 Q. Investigator Fitzgerald, I want to draw your attention
3 to late March and early April of 2019. Were you involved
4 with an investigation into the kidnapping and murder of
5 Samantha Josephson?

6 A. I was.

7 Q. How did you become involved in that investigation?

8 A. I believe we came in on Monday after the incident
9 happened, and we were all assigned to help with tasks.

10 Q. And let me just clarify. At that time -- so, late
11 March, early April of 2019, you were also an investigator?

12 A. Correct.

13 Q. So, your duties and responsibilities would be the
14 same?

15 A. Correct.

16 Q. And what was the extent of your involvement in the
17 investigation?

18 A. I was tasked with helping follow up with some search
19 warrants and -- as well as follow up on some different
20 leads
21 that we had.

22 Q. Specifically, did you go and get any search warrants
23 in this case?

24 A. I did.

25 Q. And what were those search warrants for?

1 A. I obtained search warrants for the Capital Waste
2 Services, which was an employment of Mr. Rowland, as well
3 as also the FedEx, which is also another employment.

4 Q. And to your knowledge -- do you know specifically what
5 those documents were related to?

6 A. I believe we were attempting to get some employment
7 records that potentially had his applications with some
8 handwriting on them to be compared ---

9 MS. PINNOCK: Objection, Your Honor. May we approach?

10 THE COURT: Pardon me?

11 MS. PINNOCK: Sorry. I'm sorry. Can we approach?

12 THE COURT: Yes.

13 (OFF-THE-RECORD BENCH CONFERENCE.)

14 THE COURT: Ladies and gentlemen, we're going to have
15 you, the jury, break for lunch at this time, resume at
16 2:15. Please do not discuss the case. We'll see you at
17 2:15.

18 (THE JURY EXITS AT 12:55 P.M.)

19 THE COURT: What is the nature of the objection?

20 MS. PINNOCK: Your Honor, the, the basis for the
21 objection is I had filed a motion with the court, prefiled
22 as well. It was put off to be handled later. I assumed it
23 would only be coming up in the testimony of the handwriting
24 expert. However, if Investigator Fitzgerald is going to go
25 into the reasons behind the search warrant were to get

1 handwriting samples for the comparison, I would -- I
2 believe we would possibly need to have a ruling on that
3 testimony being admissible prior to that testimony being
4 offered to the jury.

5 THE COURT: A ruling on the admissibility of the
6 handwriting expert ---

7 MS. PINNOCK: Yes.

8 THE COURT: --- prior to receiving testimony
9 concerning obtaining samples?

10 MS. PINNOCK: Yes, sir.

11 THE COURT: There ---

12 MS. PINNOCK: That were submitted for handwriting
13 comparison.

14 THE COURT: All right. What says the state?

15 MS. GASTON: Your Honor, at this time we would just be
16 seeking to enter these items into evidence, these records.
17 If I can approach, Your Honor? I have a copy of them ---

18 THE COURT: Okay.

19 MS. GASTON: --- to show you. And we -- well, Your
20 Honor, I believe there is an additional legal issue
21 regarding the potential -- I'm not sure if the defense's
22 planning on objecting to the admissibility of them along
23 with an affidavit in lieu of us calling the business
24 custodian. But I'm sure that would potentially be
25 something that Your Honor wants to handle outside the

1 presence of the jury as well.

2 THE COURT: Is there an objection as to validity of
3 the search warrant or, or is your objection to the opinion
4 of the handwriting expert?

5 MS. PINNOCK: I would say both.

6 THE COURT: All right.

7 MS. PINNOCK: We, we -- go ahead.

8 THE COURT: Well, the handwriting expert is not on the
9 stand. So, if you're objecting to the testimony regarding
10 the search warrant, we can proceed with that objection at
11 this time.

12 MS. PINNOCK: Yes, sir. I guess with this witness, it
13 would be objecting to the basis for the search warrant.

14 THE COURT: What is the objection?

15 MS. PINNOCK: Honestly, Your Honor, I'm about, about
16 to correct that. I don't -- I think the issue with this
17 witness is the testimony regarding the reasons why they
18 were getting the search warrant, what the information was
19 being obtained for.

20 THE COURT: Well, she just stated that they wanted to
21 get his handwriting sample.

22 MS. PINNOCK: And that's why I objected, Your Honor.

23 THE COURT: Okay. Any response to the objection?

24 MS. GASTON: Your Honor, my response to that would be
25 there was -- Your Honor, the testimony of Investigator

1 Fitzgerald is to the fact that she went and collected these
2 items pursuant to a lawfully executed search warrant. As
3 far as the contents of those documents, I'm not planning on
4 asking her to go through any of that. I'm merely just
5 entering them into evidence with Investigator Fitzgerald.

6 THE COURT: Entering what into evidence?

7 MS. GASTON: These business records that she collected
8 pursuant to the search warrant.

9 THE COURT: Can you restate your argument again?
10 You're not objecting -- you're not asking her about the
11 contents of the records, but you're entering the contents
12 of the records?

13 MS. GASTON: Your Honor, as far as the contents of the
14 records go, I'm not going to be asking Investigator
15 Fitzgerald to go through them and testify as to the
16 contents themselves of the records.

17 THE COURT: You mean you're not asking her whose
18 handwriting it is?

19 MS. GASTON: Correct, Your Honor. I would just be
20 asking her if these are the records that she, she did
21 collect pursuant to a lawfully executed search warrant.

22 THE COURT: And is there an objection to that?

23 MS. PINNOCK: Begging the court's indulgence.

24 (A PAUSE.)

25 MS. PINNOCK: Your Honor, I apologize. I had to -- I

1 wasn't clear on what the proposed testimony was. If the,
2 if the witness's testimony is going to be limited to she
3 issued a search warrant and obtained records, I would not
4 object to it. The objection was based on how the witness
5 testified, what she testified to, which was the purpose of
6 doing, you know, XY and Z was to get records or as to --
7 for handwriting, and that's an issue that has not been
8 ruled on by Your Honor just yet. So, it's improper for
9 that testimony to come in, which is why I objected to it.
10 So, if, Your Honor, if she's going to be limited to I got
11 these records and I turned them in to evidence ---

12 THE COURT: Yeah, I'm not ---

13 MS. PINNOCK: --- we wouldn't ---

14 THE COURT: --- limiting the testimony. This is what
15 the solicitor said she intends the testimony to be. I have
16 no idea what the, the witness intends to testify other than
17 what the solicitor just stated.

18 MS. GASTON: And, Your Honor, if I may clarify? At
19 this point, we're merely just trying to enter the records,
20 just laying the foundation for them to be entered. The
21 intention of the state is to then speak about these records
22 as far as the handwriting analysis goes later on.

23 THE COURT: With another witness?

24 MS. GASTON: Yes, Your Honor.

25 THE COURT: All right. On that basis is there an

1 objection or, or do you maintain your objection or your ---

2 MS. PINNOCK: Yes, Your Honor. I still maintain my
3 objection and I ask ---

4 THE COURT: All right. Go ahead. I'm sorry.

5 MS. PINNOCK: I still maintain my objection.

6 THE COURT: Based on what?

7 MS. PINNOCK: Improper testimony by the witness
8 regarding a pending motion that we are awaiting ---

9 THE COURT: All right.

10 MS. PINNOCK: --- a ruling for.

11 THE COURT: The evidence thus far is that a
12 handwriting of various sorts were -- a handwriting was
13 retrieved from various places in the vehicle suspected to
14 be Mr. Rowland, who is suspected of kidnapping and murder.
15 This is proper investigation. I overrule the objection and
16 the basis for this objection is not -- the basis for the
17 ruling on the admissibility of the handwriting expert is
18 not conditioned upon ruling on the -- this particular
19 objection and these records. So, I deny your motion. I
20 overrule the objection.

21 MS. PINNOCK: Thank you, judge.

22 THE COURT: And so that brings us to 1 o'clock,
23 lunchtime now.

24 You may step down and we'll resume your testimony ---

25 WITNESS: Thank you.

1 THE COURT: --- after lunch. Please do not discuss
2 your testimony.

3 (THE WITNESS EXITS THE STAND.)

4 THE COURT: With regard to testimony later on from --
5 anticipated testimony from the handwriting expert and the
6 hearing we had last week in which I did not rule because
7 there's no basis for me to rule, the solicitor -- or the
8 defense attorney was asking me to rule based on her
9 recitation of facts not in evidence. What's the timeline
10 of calling that witness?

11 MS. GASTON: Your Honor, it's the intention of the
12 state to call that witness right after Investigator
13 Fitzgerald is through.

14 THE COURT: Okay. Well, we can take up that issue
15 now, or we can break for an hour and then take it up at
16 that time with -- what is the handwriting expert's name
17 again?

18 MS. GASTON: That is Mr. Jamieson.

19 THE COURT: Okay. I'll take up any further argument
20 regarding Mr. Jamieson at 2 o'clock if you all would like,
21 or we can press on at this time.

22 MS. GASTON: State's ready, Your Honor.

23 THE COURT: All right. Defense?

24 MS. PINNOCK: We're ready to go forward, Your Honor.

25 THE COURT: All right. Anything further that y'all

1 want me to hear concerning it?

2 MS. PINNOCK: If it please the court, Your Honor? I
3 believe I handed up a written memorandum. I believe I
4 submitted it to Your Honor either Saturday, this past
5 Saturday or Sunday that, you know, put in writing my
6 arguments.

7 The issue with the testimony is that the report that
8 Mr. Jamieson issued does not identify Mr. Rowland as the
9 author of the questioned document. If the state is
10 intending on presenting the opinion of an expert, the
11 expert's opinion should not be, well, it, it could be.
12 It's probably this person. That is not what 702 requires
13 from expert opinion, expert testimony.

14 The expert is supposed to testify in an area to a
15 material fact, and they are supposed to assist the jury in
16 understanding a material fact or a certain topic. Saying
17 something is probable is offering an assumption.

18 If the, the state had provided an additional notice --
19 standard as was requested by Mr. Jamieson in April of 20 --
20 of 2019, he very well could have come to some other
21 opinion, but that information was never provided. The
22 state never filed a Schmerber. They never attempted to get
23 a -- an additional known sample from Mr. Rowland. They
24 just, they grabbed these records and, and, you know, by a
25 search warrant, and that was all they did.

1 The expert witness asked for more information; the
2 state failed to provide more information. That information
3 could or could not have changed his opinion. But at this
4 point, what we know is a probable is not an identification.
5 So, I don't believe that he should be allowed to offer that
6 opinion under 702.

7 I don't believe that it is relevant under 401 because
8 it's not proving anything. And, Your Honor, I believe that
9 allowing him to testify to something is probable is
10 extremely prejudicial and extremely confusing to the jury
11 because they will then assume that Mr. Rowland is the one
12 who wrote it.

13 The testimony is not going to be that he did, and we
14 should not be having experts testify and offering opinions
15 suggesting that the jury should assume those things. So, I
16 would object to his testimony under 401, 403, and for
17 failing requirements of 702.

18 THE COURT: Response?

19 MS. GASTON: Yes, Your Honor. Respectfully, I
20 believe, from what I just heard from the defense, my
21 response to that would be that it is exclusively the jury's
22 job to weigh the evidence in this case. And the court and
23 the jury would hear testimony from Mr. Jamieson to the fact
24 that probable comes up, and probable relates to that
25 document that was located in Mr. Rowland's car, which is

1 extremely probative in this case, Your Honor.

2 THE COURT: It's what?

3 MS. GASTON: It's extremely probative in this case,
4 Your Honor. And, and, additionally, what the jury and the
5 court would hear from Mr. Jamieson, that probable, in the
6 scope of the scale of what he uses to perform this
7 analysis, is one step right below almost certain. And he
8 comes to that by a -- and I, I would argue a, a process
9 that is all -- is highly scientific and reliable as well as
10 peer reviewed. And I would ask that Your Honor deny the
11 motion, given the fact that this goes strictly to the
12 weight of the evidence rather than the admissibility.

13 And if the defense is concerned about Mr. Jamieson
14 testifying to the author of these employment records that
15 we have secured, I would just let Your Honor know that he
16 is not going to get up there and say Mr. Rowland wrote
17 these documents because he has no way to know that for
18 sure.

19 So, we are not entering the report into evidence. He
20 will merely be testifying to the records and saying that
21 the person who wrote these two items probably -- meaning a
22 high degree of likelihood -- wrote this item which we have
23 marked for identification purposes, which was found in Mr.
24 Rowland's vehicle.

25 THE COURT: All right. Yes. Yes, ma'am, Ms. Pinnock.

1 MS. PINNOCK: Thank you, Your Honor. If, if I
2 understand the solicitor's opinion or her argument just a
3 second ago, I believe she said she was not going to have
4 Mr. Jamieson testify that Mr. Rowland filled out the
5 employment documents. They are just going to introduce
6 them for the expert witness to say that he compared the,
7 the three items and formed a conclusion. That actually
8 creates a whole nother issue is -- if we don't have a
9 witness to testify that Mr. Rowland was the author of the
10 employment records, how are they then going to offer an
11 opinion by an expert that he wrote any of these items? So,
12 if I understood what she said, that creates a whole nother
13 problem with allowing this expert to testify.

14 Your Honor, it -- I -- the plain definition of
15 relevancy -- relevant, relevant evidence means evidence
16 having a, a -- any tendency to make the existence of any
17 fact that is not a consequence to determination of the
18 action more probable or less probable than it would without
19 the evidence.

20 Saying something is probable, the state pointed out
21 it's one step below, you know, almost certain but it's two
22 steps below identity. So, almost certain still isn't
23 enough. The analyst could have found -- and I'm sure in
24 his proof he has found, and, you know, offered an opinion
25 about the identity of an author.

1 We've got a multilevel problem with not having any
2 evidence that Mr. Rowland filled out the employment
3 applications based on the solicitor's presentation. An
4 expert that's not offering an opinion on the actual
5 identity of the now author of three different documents,
6 just saying the person who wrote this thing is the same
7 person and not offering an opinion of -- on any relevant
8 matter.

9 So, Your Honor, again, I would ask that you exclude
10 the testimony outright. This witness should not be offered
11 to the jury as an expert and should not be rendering any
12 opinions. Thank you.

13 THE COURT: Anything further?

14 MS. GASTON: Yes, Your Honor, briefly. As far as
15 relevance go, Your Honor, the fact at issue is who is the
16 author of the letter which was found in the vehicle of Mr.
17 Rowland. As far as the documents themselves, they are
18 self-authenticating. So, having someone here to talk about
19 who wrote them, when and where, that, I believe that is ---
20 this is the job for the jury. Goes to the weight rather
21 than admissibility here, and that the jury would be the one
22 who would deduce who was the author of this document, given
23 the testimony that they hear from Mr. Jamieson. I believe,
24 once again, that the defense's entire argument goes to the
25 weight rather than the admissibility.

1 THE COURT: Remind me again of Mr. Jamieson's
2 experience or, or his testimony being many, many years of
3 training and experience in his field. Can you recount that
4 for me?

5 MS. GASTON: Yes, Your Honor. Mr. Jamieson has been
6 doing this for forty years before -- most recently he's
7 been at SLED for four years. He's attended various
8 training programs. I'm, I'm sure Your Honor remembers him
9 listing, taking some amount of time last week to list them
10 all for Your Honor.

11 He also let Your Honor know that when they do these
12 sort of scientific comparisons, these are all peer
13 reviewed. He has also been published, Your Honor. He has
14 testified as an expert many, many, many times -- his words,
15 not mine. And by that -- by all accounts, Your Honor, he
16 is qualified to testify, to testify as to this questioned
17 document.

18 THE COURT: All right, the Rule 702 stating that:

19 A technical, scientific, or other specialized
20 knowledge to assist the trier of fact to
21 understand the evidence or to determine a fact in
22 issue, a witness qualified as an expert with
23 knowledge, skill, and experience, training, or
24 education may testify in the form of opinion or
25 otherwise.

1 The standards for reviewing testimony for other expert
2 witnesses in court in its gatekeeping function, evaluating
3 the reliability of proposed expert testimony, is laid out
4 in *State v. Council*, which outlines the factors, including
5 peer review, experience, and all.

6 This witness has extensive -- forty years of training
7 and experience in the field that he purports to testify
8 concerning. When an expert witness offered an opinion,
9 there are both technical, specific term that -- terms that
10 he must use in, in offering an opinion.

11 The report of his examination that was handed up to me
12 and which he testified to states that it is probable,
13 meaning a high degree of likelihood, that the writer of
14 Items 8 and 21, which were known writings of Nathaniel
15 Roberson, that the same person who wrote those two items,
16 i.e. Nathaniel Roberson, also wrote Item 22. He indicated
17 some limiting factors in not having comparable or other
18 comparable known writings. But based on the writings that
19 he had, it's his view that, to a high degree of likelihood,
20 that that is -- those items were written by Nathaniel
21 Roberson. He believes that if he wrote one and two, he
22 probably wrote three to a high degree of certainty, and the
23 law does not and the standard does not require certainty by
24 an expert.

25 If the testimony would assist the trier of fact, and

1 the person offering the testimony and the opinion offered
2 has a sufficient degree of reliability, it should be
3 admitted for the jury then to weigh the strength of the
4 testimony. In ruling on the motion to exclude the
5 testimony of Mr. Jamieson, that motion is denied for the
6 reasons just stated.

7 MS. GASTON: Thank you, Your Honor.

8 THE COURT: All right. 2:15 it will be.

9 (OFF THE RECORD.)

10 THE COURT: I need to correct the record on the
11 pronunciation of Mr. Rowland's name. Someone said I said
12 Roberson, Nathaniel Roberson. Certainly not my intention
13 to, to pull Mr. Roberson, Mr. Roberson into this case and
14 so correct that, please, to say Nathaniel Rowland. Not
15 Roberson. Thank you.

16 Anything before the jury comes?

17 MS. GASTON: Briefly, Your Honor. If I may approach
18 with a copy of the exhibit?

19 (OFF-THE-RECORD BENCH CONFERENCE)

20 THE COURT: Okay. You can bring the jury.

21 (THE JURY ENTERS THE COURTROOM AT 2:20 P.M.)

22 THE COURT: If we can have our witness back?

23 You're still under oath, ma'am.

24 WITNESS: Yes, sir.

25 THE COURT: You may proceed.

A. FITZGERALD - DIRECT EXAMINATION BY MS. GASTON 811

1 MS. GASTON: Thank you, Your Honor. May it please the
2 court?

3 THE COURT: Yes.

4 DIRECT EXAMINATION BY MS. GASTON RESUMES:

5 Q. Investigator Fitzgerald, I want to draw your attention
6 back to late March and early April of 2019.

7 A. Uh-huh.

8 Q. Did you become involved in an, in an investigation
9 involving the kidnapping and murder of Samantha Josephson?

10 A. Yes, I did.

11 Q. And how did you become involved in that investigation?

12 A. I became involved on that Monday when I came into
13 work. We found out that happened over the end of the last
14 week and into the weekend, and then we were tasked with
15 different things.

16 Q. Did you obtain any search warrants regarding that
17 investigation?

18 A. I did. I obtained two search warrants: one for the
19 Capital Waste Services and one for FedEx in Columbia that
20 were both prior employment of Mr. Rowland.

21 Q. And did you execute those search warrants yourself?

22 A. I did.

23 Q. Did you obtain any documents pursuant to that lawfully
24 executed search warrant?

25 A. I did.

1 MS. GASTON: Beg the court's indulgence, Your Honor.

2 (A PAUSE.)

3 MS. GASTON: Your Honor, I'm approaching the witness
4 with what's been marked previously for ID purposes as
5 State's Exhibit 192 and 193.

6 BY MS. GASTON:

7 Q. Investigator Fitzgerald, do you recognize what I just
8 handed you?

9 A. I do.

10 Q. What are they?

11 A. They are the documents that I received. The one had
12 been a chain of custody through SLED.

13 Q. And are those the documents that you obtained pursuant
14 to the search warrant?

15 A. Yes, they were.

16 Q. If you could -- do you have scissors up there?

17 A. I do not.

18 MS. GASTON: Your Honor, I'm approaching the witness
19 with some scissors to open the document.

20 A. Thank you.

21 Q. And which item is that state's exhibit?

22 A. This is going to be the personnel file for Nathaniel
23 Rowland from Capital Waste Services.

24 Q. What item number is that?

25 A. This would be Item Number 192, State's Exhibit.

A. FITZGERALD - DIRECT EXAMINATION BY MS. GASTON 813

1 Q. And what is inside of that envelope there?

2 A. Inside is the documentation that Capital Waste
3 Services had and they had printed out and ready for me to
4 pick up when I went there on the date that I served the
5 search warrant.

6 Q. And do those documents fairly and accurately reflect
7 the records that you collected in April of 2019?

8 A. They do.

9 MS. GASTON: Your Honor, at this time state moves to
10 enter what's been previously marked for ID purposes as
11 State's Exhibit 192 in evidence.

12 THE COURT: Any additional objection?

13 MS. PINNOCK: Your Honor, additionally I would object
14 under 901.

15 THE COURT: On what basis?

16 MS. PINNOCK: Lack of authentication.

17 THE COURT: All right. Response?

18 MS. GASTON: Your Honor, these are self-authenticating
19 documents. We have affidavits in lieu that -- beg the
20 court's indulgence, Your Honor.

21 (A PAUSE.)

22 MS. GASTON: Your Honor, the state was provided
23 affidavits that provide the certification of these records,
24 and pursuant to South Carolina law, these would be
25 admissible with these certifications provided from the

1 companies kept in the ordinary course of business.

2 THE COURT: Her objection is under 901, requirement of
3 authentication or identification. You contend that they're
4 self-authenticating under Rule 902. What provision?

5 MS. GASTON: Your Honor, that would be the
6 certification provided in this statute.

7 THE COURT: Yeah, but what provision?

8 MS. GASTON: I believe it is Article 9, Chapter 5,
9 Title 19 of the code.

10 THE COURT: All right.

11 MS. GASTON: Your Honor, may -- I can approach. I
12 have a copy of it.

13 THE COURT: Okay. Sure. Let, let me see it.

14 (A PAUSE.)

15 THE COURT: And have you provided this certification
16 to defense counsel?

17 MS. GASTON: Yes, Your Honor.

18 THE COURT: Any, any further argument, Ms. Pinnock?

19 MS. PINNOCK: No, Your Honor.

20 THE COURT: The document is admitted under Article 9,
21 Chapter 5 of the South Carolina Code regarding domestic
22 records. That meets the requirements of Rule 803(6), the
23 rules of evidence, as shown by certification of custodian
24 which has been shown here and that the exhibits are
25 admitted of this -- are you to offering one or two?

A. FITZGERALD - DIRECT EXAMINATION BY MS. GASTON 815

1 MS. GASTON: Just one at the moment, Your Honor.

2 THE COURT: It is admitted.

3 MS. GASTON: Thank you, Your Honor.

4 (EMPLOYMENT DOCUMENTS MOVED INTO EVIDENCE AS STATE'S
5 EXHIBIT NUMBER 192.)

6 BY MS. GASTON:

7 Q. Investigator Fitzgerald, I want to turn your attention
8 to Item 193.

9 A. Yes.

10 Q. And what is that envelope?

11 A. It's going to be the documentation handwriting
12 standard from Nathaniel Rowland filed from FedEx that I, I
13 received.

14 Q. And did you obtain those records pursuant to the
15 lawful -- service of a lawful search warrant?

16 A. Yes.

17 Q. And have you had a chance to take a look at the
18 documents inside the file?

19 A. Yes.

20 Q. And are those, in fact, the documents that you
21 obtained pursuant to your search warrant?

22 A. Yes, they are.

23 Q. And what are those records specifically?

24 A. They are ---

25 Q. Which copy -- which business?

1 A. It's going to be his employment records, any
2 applications that they had on hand, and any internal
3 reviews.

4 Q. And where? What company?

5 A. From FedEx Ground.

6 Q. And do those documents fairly and accurately reflect
7 the records that you obtained pursuant to that search
8 warrant in 2019?

9 A. Yes, they do.

10 MS. GASTON: Your Honor, at this time the state would
11 ask that Item 193 is entered into evidence.

12 THE COURT: Says the defense?

13 MS. PINNOCK: Your Honor, for record purposes, I
14 object on the grounds of authentication.

15 THE COURT: I couldn't understand what you said.

16 MR. PILLINGER: Apologies, Your Honor. I would object
17 to authentication under 901.

18 THE COURT: All right. The same objection as before.
19 What's your response?

20 MS. GASTON: Your Honor, pursuant to Article 9,
21 Chapter 5, Title 19 of the South Carolina Code of Laws,
22 these documents are admissible. Along with the fact that
23 they are self-authenticating, I've given the certification
24 of business records that was obtained by, by the custodian
25 of records employed at FedEx. A copy of this certification

A. FITZGERALD - DIRECT EXAMINATION / CROSS-EXAMINATION 817

1 was shown to the defense as well, Your Honor.

2 THE COURT: All right. The document -- the documents
3 are admitted.

4 MS. GASTON: Thank you, Judge.

5 (EMPLOYMENT DOCUMENTS MOVED INTO EVIDENCE AS STATE'S
6 EXHIBIT NUMBER 193.)

7 BY MS. GASTON:

8 Q. Investigator Fitzgerald, other than retrieving these
9 documents that we just talked about, what else did you do
10 during the course of the investigation, if anything?

11 A. I followed up on some different leads that we were
12 given. There were a few -- well, there was a lead that I
13 found through going out to FedEx in reference to a female
14 that Mr. Rowland would -- used to come to work with.

15 Q. Did you make any attempts to check on surveillance
16 footage in this case?

17 A. I did not.

18 Q. Did you make any attempts to collect additional
19 evidence in this case?

20 A. Yes.

21 Q. And what pieces of additional evidence did you attempt
22 to recover?

23 A. Yes. We did, myself and a couple other investigators,
24 did go out to multiple Dollar General stores to attempt to
25 locate the different cleaning products and potential --

A. FITZGERALD - DIRECT EXAMINATION / CROSS-EXAMINATION 818

1 sorry, potential surveillance video, I misspoke, of Dollar
2 Generals to see if Mr. Rowland had bought the products from
3 any of the Dollar Generals in the area.

4 Q. And about how many Dollar Generals would you say you
5 visited?

6 A. At least five.

7 Q. Were you successful in obtaining any additional
8 evidence?

9 A. We were not.

10 MS. GASTON: No further questions from the state, Your
11 Honor.

12 THE COURT: By the defense?

13 MS. PINNOCK: Please the court, Your Honor?

14 THE COURT: Yes.

15 CROSS-EXAMINATION BY MS. PINNOCK:

16 Q. Investigator Fitzgerald, when you said -- you went out
17 to a number of Dollar Generals?

18 A. We did.

19 Q. Some of the stores sold some of the products but not
20 others. You never found a store that sold everything,
21 right?

22 A. Correct.

23 Q. Did you watch surveillance videos while you were at
24 the stores?

25 A. We did and I misspoke. We, we attempted to view the

A. FITZGERALD - CROSS-EXAMINATION BY MS. PINNOCK

819

1 footage at the ones that did appear to have some of the
2 products ---

3 Q. Uh-huh.

4 A. --- and were unsuccessful.

5 Q. Unsuccessful?

6 A. In finding Mr. Rowland on the videos.

7 Q. Okay. Did you notice anybody else buying these times
8 while you watched the videos?

9 A. No, not at that time.

10 Q. Did you look?

11 A. Yes.

12 Q. So, you paid attention to every single person that
13 went through that line to see if anybody bought Top bleach?

14 A. Right. We were looking for somebody who was buying
15 that volume of the same type of product.

16 Q. All right. Did you get receipts?

17 A. No. They did look through some of the receipts and
18 were not able to find any that had that type of
19 combination.

20 Q. Okay, but you didn't see Nathaniel Rowland buying
21 them?

22 A. Correct.

23 MS. PINNOCK: Thank you.

24 THE COURT: Anything further?

25 MS. GASTON: No, Your Honor.

1 THE COURT: Thank you. You may step down.

2 (THE WITNESS EXITS THE STAND.)

3 THE COURT: And your next witness.

4 MS. GASTON: Your Honor, the state calls Jack
5 Jamieson.

6 JAMES A. JAMIESON, BEING DULY
7 SWORN, TESTIFIES AS FOLLOWS:

8 CLERK: Please have a seat in the witness stand and
9 state your full name for the record.

10 WITNESS: Thank you. My full name is John Allan
11 Jamieson. Allen is spelled A-l-l-a-n. Jamieson is spelled
12 J-a-m-i-e-s-o-n.

13 VOIR DIRE EXAMINATION BY MS. GASTON:

14 Q. Good afternoon, Mr. Jamieson. Where are you employed?

15 A. I'm employed at SLED, the South Carolina Law
16 Enforcement Division, in the forensics lab.

17 Q. And how long have you been with SLED?

18 A. A little over four years.

19 Q. In what capacity are you employed with SLED?

20 A. I'm employed as a questioned document examiner for
21 SLED.

22 Q. And just to clarify for the jury, when we say SLED,
23 what specifically do we mean?

24 A. The South Carolina Law Enforcement Division.

25 Q. Generally what are some of your day-to-day

1 responsibilities?

2 A. My duties include the examination and comparison of
3 handwriting, hand printing signatures, and numerals. My
4 duties also include the examination of mechanical
5 impressions, such things as printouts from photocopiers,
6 typewriting check protectors, that sort of thing. I'm also
7 involved in the analysis of pens, papers, inks, and
8 pencils, and I also examine documents for alterations,
9 obliterations, and erasures.

10 Q. And how long have you worked as a questioned document
11 examiner?

12 A. I started my training in June of 1981, so forty years.

13 Q. All right. Generally, is there any sort of
14 specialized training associated with your position?

15 A. Yes. In order to become a questioned document
16 examiner, it's a two-year apprenticeship type program
17 conducted under the tutelage of senior document examiners.
18 They give you cases to do, exemplary work to look at that
19 demonstrate various aspects of questioned document
20 examination. The training also includes numerous tests,
21 quizzes, both oral and written, as well as there was a mock
22 trial where they made a case that was independently
23 examined by another document examiner, and then I examine
24 the case and then presented my findings as part of the mock
25 court. Document examination also includes continuous

1 training to keep up with various aspects that are new or
2 changing within the field.

3 Q. And about how many times do you think you've testified
4 as an expert?

5 A. I've testified over 250 times.

6 Q. Just generally as far as your experience goes, do you
7 continue to attend trainings and things like that?

8 A. Yes. As a matter of fact, I attended a training last
9 week that was an online Zoom-type training. But, yeah, it
10 was as recently as last week.

11 Q. And are your reports peer reviewed?

12 A. Yes, my -- actually, my reports and the entire case.

13 MS. GASTON: Your Honor, at this time the state would
14 ask that you qualify Mr. Jamieson as an expert in the area
15 of questioned document analysis.

16 THE COURT: Says the defense?

17 MS. PINNOCK: Your Honor, no objections to Mr.
18 Jamieson's qualifications, but I would renew all
19 objections, previous objections.

20 THE COURT: All right. He's so qualified as an expert
21 in the field that the state is offering him in.

22 MS. GASTON: Thank you, Your Honor.

23 DIRECT EXAMINATION BY MS. GASTON:

24 Q. Mr. Jamieson, I want to draw your attention to April
25 of 2019. Were you contacted regarding an investigation

J. JAMIESON - DIRECT EXAMINATION BY MS. GASTON

823

1 that would require your services in the questioned document
2 analysis field?

3 A. There was a submission made to the SLED lab that
4 involved QD work.

5 Q. And what was the extent of your involvement in that
6 investigation?

7 A. I received certain documents. I performed a
8 comparison between those documents. I then published the
9 report.

10 Q. Would you recognize that document if I showed it to
11 you?

12 A. Yes.

13 MS. GASTON: For the record, Your Honor, I'm
14 retrieving what's been previously marked for ID purposes as
15 State's, State's Exhibit 56.

16 BY MS. GASTON:

17 A. Thank you.

18 Q. Yes, sir. Mr. Jamieson, do you recognize what I just
19 handed you there?

20 A. Yes, ma'am. This is a, a -- lab item number 22. It
21 is a -- it's marked both on the outside of the bag as well
22 as on the document inside with the case number, item
23 number, and my initials.

24 Q. And was that the item submitted through the SLED lab
25 for your analysis?

1 A. That was one of them, yes.

2 Q. And does that item fairly and accurately represent the
3 item that you were given to perform that handwriting
4 analysis?

5 A. I supposed I should open it because I should see the
6 other side of the envelope ---

7 Q. Yes, sir.

8 A. --- that's there, please. Thank you.

9 Q. Yes, sir.

10 A. Yes, this is the item I examined. It has been
11 subjected to latent print processing since I've seen it but
12 -- hence the purple color as a developing agent they use
13 for ---

14 MS. PINNOCK: Objection, Your Honor.

15 A. --- latent prints.

16 MS. PINNOCK: It's not, it's not in evidence.

17 THE COURT: That objection is sustained.

18 MS. GASTON: Yes, Your Honor.

19 THE COURT: Publishing a document that's not in
20 evidence.

21 MS. GASTON: Yes, Your Honor.

22 BY MS. GASTON:

23 Q. Mr. Jamieson, I believe you're saying is that the item
24 that would be the -- what we call the questioned document
25 in this case?

J. JAMIESON - DIRECT EXAMINATION BY MS. GASTON

825

1 A. That's correct.

2 MS. GASTON: And, Your Honor, at this time I, I would
3 ask that we -- that the state is able to enter item -- I
4 believe it's 59, into evidence.

5 THE COURT: Says the defense?

6 MS. GASTON: I, I apologize, Your Honor. 56.

7 WITNESS: 56.

8 MS. PINNOCK: Yeah, I would just -- over our previous
9 objections.

10 THE COURT: It's admitted.

11 MS. GASTON: Thank you, Judge.

12 (ENVELOPE MOVED INTO EVIDENCE AS STATE'S EXHIBIT
13 NUMBER 56.)

14 MS. GASTON: Permission at this time to publish to the
15 jury, Judge?

16 THE COURT: Yes.

17 BY MS. GASTON:

18 Q. Mr. Jamieson, if you could show the jury the part of
19 the document that you would be performing your analysis on?

20 A. I perform my analysis on the totality of the document
21 but I'm particularly focused in, in on the handwritten
22 inscription at the top of the envelope on the back side of
23 the envelope.

24 Q. And, Mr. Jamieson, just generally what is the process
25 that you go through when you're performing an analysis on a

1 questioned document?

2 A. It's a three-phased process where I go through the
3 questioned document, and then -- in order to determine
4 whether or not it's original, i.e. not a copy, whether it
5 contains identifiable features, are those identifiable
6 features present in sufficient quantity upon which to base
7 a conclusive comparison.

8 The second phase of examination is I perform a com --
9 a analysis of the known documents. Again, whether or not
10 they're original, whether or not they contain identifying
11 features, whether or not these features are sufficient upon
12 which to base a comparative analysis. And then I also go
13 on to look at the known documents to determine whether or
14 not they're written by one person, and whether or not they
15 are comparable to the questioned documents.

16 Then I perform in -- my one-to-one comparison where
17 I'm comparing features of the handwriting. Such things as
18 letter formation, the relative heights between letters, the
19 line quality, the spelling and things like that. And I
20 look for a set of individual similarities that, if it was
21 an identification, that would distinguish the writings
22 between the known and the questioned as having being
23 written by one person and one person alone.

24 Q. Now, Mr. Jamieson, the envelope you just held up a
25 minute ago, can you please tell the jury what is written on

J. JAMIESON - DIRECT EXAMINATION BY MS. GASTON

827

1 the front of the envelope? I know it's probably hard to,
2 to see.

3 A. Yes. We have a number 4 and we have a circled out or
4 overwritten portion under the number 4. We have job,
5 j-o-b. Beside it is another overwritten portion and then
6 there's a colon, 30, 3-0, 4 PM. Next line is duct tape,
7 tape whole body. Next line is gloves. Next line is all
8 black. Next line is flip phone. Next line is gasoline.
9 Next line is matches and then there's a crossed out line
10 below the matches line.

11 Q. And can you just hold that up one more time for the
12 jury to see it? Thank you, sir. And over the course of
13 your analysis, did you obtain any documents that you
14 utilized in comparing the handwriting to this questioned
15 document?

16 A. Yes, there were documents submitted.

17 MS. GASTON: Your Honor, I'm retrieving what's been
18 previously entered into evidence as State's Exhibit 192 and
19 193.

20 BY MS. GASTON:

21 Q. Mr. Jamieson, are those the documents that you used to
22 perform your analysis?

23 A. Yes, these are the documents.

24 Q. And are there any identification marks that you put on
25 those documents?

1 A. Yes. On each document that I used in the examination
2 has the case number, item number, and my initials usually
3 at the lower right-hand corner. I've also marked the
4 actual container that was submitted to SLED, again with the
5 case number, regarding the item number, and my initials.

6 Q. And did you compare the handwriting on these two items
7 to that of the questioned document? And that would be item
8 22 that you just saw there.

9 A. Yes, I did.

10 MS. GASTON: Beg the court's indulgence, Your Honor.

11 (A PAUSE.)

12 Q. Mr. Jamieson, did you prepare a demonstrative for this
13 case?

14 A. Yes, I did.

15 Q. And how do you go about doing that?

16 A. Basically I take a piece of foam board and then I cut
17 out portions of the questioned documents and the known
18 document and position them side by each to demonstrate some
19 of the features.

20 Q. And to help the jury understand what we're talking
21 about here, for instance, in item 1 here, line 1, can you
22 just explain the things that you would be looking for or
23 the things that you would be comparing?

24 A. Yes. On the left side of the document, we have one of
25 the words that's enlarged about double the size it was on

1 the questioned note and that word is duck, d-u-c-k. On the
2 known side I've cut out various words or word fragments
3 from the known documents in order to demonstrate the
4 similarity in, in some of the features. For example, the D
5 of duck is a ball and stick formation of the D. The D is
6 open, and that's evidenced in the known document's first
7 word in on line one.

8 Q. And let's go to line 2. What would be something that
9 you would use to compare there or that you noticed?

10 A. One of the comparison points would be the W. The W,
11 when one is taught copybook form when you're first starting
12 out, the -- all the strokes of the W are supposed to be the
13 same height. However, in this case, there's a feature in
14 the fact that the final terminal stroke of the W is -- ends
15 up higher than the rest of the W and also it ends with a
16 hook, and that hook's evidenced in line 2 beside it on two
17 of the W's I've demonstrated.

18 Q. Jumping down to line 3, what do you notice there?

19 A. Among the things I noticed was the fact that the M has
20 a high center, which is not copybook form, as well as the
21 second hump of the M is higher than the first hump.

22 Q. And on line 4, what did you notice there?

23 A. One of the features I noticed was the, the A is --
24 excuse me. The A's crossbar ends up to the right-hand side
25 of the A and as they do in the known documents beside it.

1 Q. And just to clarify, Mr. Jamieson, this column that is
2 labeled questioned, where did you pull these images from?
3 What are these words reflected on?

4 A. They are the words that were on the questioned note,
5 State's Exhibit Number 56.

6 Q. And, under the known column, were these all contained
7 within the documents that you used to do your comparison?

8 A. Yes, they were contained from State's Exhibits 193 and
9 192.

10 Q. All right. Mr. Jamieson, moving down to line 5, what
11 did you notice about that?

12 A. Well, among the features I noticed was the formation
13 of the G. It's a two stroke G. The second stroke is an
14 inverted L. There are many, many other ways of making a G,
15 but we have the similarity there.

16 Something else to point out perhaps in the word
17 gasoline, y'all notice that the S is much taller than the
18 other letters. When you're taught copybook, they're all
19 supposed to be around the same height and -- same height.
20 This is what we call proportion, i.e. in-between letters.
21 They're all supposed to be lined across but this S is much
22 taller in the, the line there. So, it ends up in the known
23 documents as well. The second one in Lisa, you can see the
24 S is much taller than the rest of the letters in the word.

25 Q. And, Mr. Jamieson, just to clarify for the jury, what

1 is copybook form? What does that mean?

2 A. Copybook form is the forms that you're taught when
3 you're in -- just learning to write. There are several
4 copybook systems out there, but basically it's when you're
5 learning to write, your, your teacher may have had an
6 exercise book that you would be copying the letters from.
7 They may have been up on the board and it's the way they
8 teach you to write, by copying from a, a master pattern, if
9 you will.

10 Q. And, finally, item 6, what were some similarities you
11 noticed there?

12 A. Well, we start with the F, which is similar on both
13 sides. It's, again, an inverted L with a stroke through
14 the middle. One of the proportion things that I saw was
15 the P in flip being much taller than the rest -- the I
16 beside it -- and you can see that in line 6 in the known
17 between the P and the H.

18 Q. And as far as these comparisons go, are these just
19 some of the ones that you noticed or that -- some of the
20 ones that you notated between the questioned document and
21 the documents you were provided?

22 A. Yes, just some.

23 Q. Were there others that you didn't put on the
24 demonstrative?

25 A. Several. There were several other words that I

1 compared from the questioned note to the known as well.

2 Q. Okay. All right, Mr. Jamieson. Did you prepare a
3 report in this case?

4 A. Yes.

5 Q. And when you analyzed the questioned document as well
6 as the ones that you were using to compare in this
7 analysis, did you come up with any results?

8 A. Yes.

9 Q. And as far as the results go, what did you determine?

10 A. My determination was that it's probable that the
11 writer of the known documents wrote -- also wrote the
12 questioned document. Probable means a high degree of
13 likelihood that they were written all by the same writer,
14 both questioned and known.

15 Q. And just one more time to clarify, Mr. Jamieson. It's
16 probable, meaning a high degree of likelihood the writer of
17 the documents you used to compare to the questioned
18 document, which there would be the envelope, is probable
19 that it's the same individual?

20 A. That's correct.

21 Q. Let's talk about the word probable. Do you utilize a
22 scale containing several reporting options?

23 A. Yes. The scale that we use is much like a spectrum.
24 In the middle of the spectrum we have item I don't know.
25 Cannot be determined whether or not the person either did

1 or did not write it.

2 Moving out and at the odd -- the farthest end of this
3 spectrum on either end is the person is identified as
4 having written something, or they can be excluded as having
5 written something. So, we're moving out from the middle.
6 We have indications the person either did or did not write
7 the document. Indication means that there's a degree of
8 likelihood, but my examination is limited by some factors
9 within the known or questioned writing.

10 Moving a little further out, we have probable. The
11 pro -- it's probable the person either did or did not write
12 the document, and, again, it's due to limitations within
13 the known or questioned writings.

14 Then moving just under identification or elimination,
15 we have strong probability, which means almost certain that
16 the person either did or did not write the document.

17 Q. And, Mr. Jamieson, to clarify one more time where
18 probable falls on that scale that you determined?

19 A. Probable falls two steps below identification. So, it
20 falls -- there's identification, strong probability, and
21 then probable, and then we go further down to indications
22 to I don't know.

23 Q. And, Mr. Jamieson, is it your expert opinion that
24 whoever wrote Items 8 and 21, those documents you used to
25 compare in your analysis, probably -- meaning a high degree

1 of likelihood -- is the writer of the list on that
2 envelope?

3 A. Yes.

4 MS. GASTON: Beg the court's indulgence.

5 (A PAUSE.)

6 MS. GASTON: Nothing further from the state, Your
7 Honor.

8 THE COURT: Cross-examination?

9 MS. PINNOCK: May it please the court, Your Honor?

10 THE COURT: Yes.

11 CROSS-EXAMINATION BY MS. PINNOCK:

12 Q. Hi, Mr. Jamieson.

13 A. Good afternoon.

14 Q. All right. So, the testing that you do, that has
15 nothing to do with when something is written, correct? You
16 can't, you can't time it?

17 A. I can't ---

18 Q. You can't say ---

19 A. I can't time it. Handwriting does change over a
20 period of time.

21 Q. Uh-huh.

22 A. But I cannot like date the ---

23 Q. Right.

24 A. --- date of execution of the document.

25 Q. Okay, and the testing, the comparisons that you do

J. JAMIESON - CROSS-EXAMINATION BY MS. PINNOCK

835

1 have nothing to do with finding DNA on the item?

2 A. No.

3 Q. You don't do anything with fingerprints?

4 A. No. No, other than preserve the document for future
5 latent print and DNA analysis.

6 Q. Yes, sir, and you do everything that you, that you're
7 supposed to do to preserve that for the next department
8 that's going to get it, right?

9 A. That's correct.

10 Q. Okay, because you don't want to contaminate anything
11 or, you know, change anything for whoever's going to be
12 processing it next?

13 A. That's correct.

14 Q. And you did all those things?

15 A. Yes.

16 Q. You issued your report on April 8th of 2019, correct?

17 WITNESS: Your Honor, may I refer to my notes, please?

18 THE COURT: Yes.

19 WITNESS: Thank you.

20 BY MS. PINNOCK:

21 A. Yes, the report's dated April 8th.

22 Q. And can you tell us -- if you said it before, I
23 apologize. I missed it. When were, when were all the
24 items submitted to you?

25 A. I'm not sure the submission date. I know that I

1 started the case on April 4th.

2 Q. Okay, and so you did your comparison and then you said
3 you sent it through peer review, and after the peer review
4 part, you issue your report?

5 A. That's correct.

6 Q. And after you issued your report, where does it go?
7 Do you give it directly to the investigator or where, where
8 do you send it?

9 A. I believe it went over to latent prints, and they were
10 going to process it for latent prints and DNA at the same
11 time. So, it's an internal transfer within the laboratory.

12 Q. I apologize. My question wasn't clear. Where does
13 your report go?

14 A. My report goes up to a system called iLab where the
15 investigators have access to my report.

16 Q. Okay.

17 A. We don't send out a mailed copy.

18 Q. So, the -- any investigator or the lead investigator
19 on a case can access it at any time?

20 A. I'm not super familiar with iLab but I assume so, yes.

21 Q. Okay. The point is they don't have to contact you to
22 say please give me your report? As the investigator, they
23 can go get it?

24 A. That's right.

25 Q. All right.

1 A. Yes.

2 Q. And when you issued your report, you said that your
3 result was that it's probable ---

4 A. Correct.

5 Q. --- that the same author was for all three documents,
6 right?

7 A. Yeah. Well, well, probable that the writer of the
8 documents that were submitted as known documents is the
9 same writer who wrote the questioned.

10 Q. Yes, sir, and you just testified that probable is two
11 steps below identification?

12 A. That's correct.

13 Q. But isn't it also one step above indication?

14 A. Yes.

15 Q. And then that would be -- the second step would be
16 nonconclusion?

17 A. That's correct.

18 Q. Okay. So, you were not able to make a higher degree
19 of -- you've -- I've lost my voice. You were not able to
20 make a -- I guess form an opinion on a stronger match
21 between the hand -- the handwriting samples?

22 A. I couldn't come up with a more definitive conclusion,
23 correct.

24 Q. Yes, sir, but you did put in your report that you were
25 requesting some more information. Is that right?

J. JAMIESON - CROSS-EXAMINATION / REDIRECT EXAMINATION 838

1 A. Yes, I was requesting more known documents.

2 Q. Okay, and that was on -- in the report from April 8th?

3 A. Yes.

4 Q. And the information -- you, you can't go out and try
5 to get information?

6 A. No.

7 Q. That information has to come from the investigator?

8 A. Yes.

9 Q. As far as you know, based on your experience in the
10 field, more information -- the information you were trying
11 to gather would come from the solicitor's office?

12 A. No.

13 Q. Correct?

14 A. It would then actually come from the investigators,
15 the submitters.

16 Q. Okay, but you asked for that when you issued your
17 report?

18 A. In my report, yes.

19 Q. And to the best of your knowledge, nobody did anything
20 else after you issued your report on April 8th?

21 A. I did not receive anything else, no.

22 Q. Okay. You never heard back from the investigator on
23 the case?

24 A. No.

25 Q. Nobody ever gave you anything else to compare?

J. JAMIESON - CROSS-EXAMINATION / REDIRECT EXAMINATION 839

1 A. No.

2 Q. You issued your report and then your, your involvement
3 in this was finished?

4 A. Yes.

5 MS. PINNOCK: Beg the court's indulgence.

6 (A PAUSE.)

7 MS. PINNOCK: Thank you, Your Honor. No further
8 questions.

9 THE COURT: Any redirect?

10 MS. GASTON: Just very briefly, Your Honor.

11 REDIRECT EXAMINATION BY MS. GASTON:

12 Q. Mr. Jamieson, you're not able to put names with
13 samples, right?

14 A. No. I have samples that are submitted to me as having
15 been written by somebody, but I have no personal knowledge
16 as to who the writer actually is.

17 Q. Is it fair to say that you can only compare the
18 samples that you're given?

19 A. Yes.

20 Q. Is that what you did in this case?

21 A. Yes.

22 Q. And once again, what was the conclusion that you came
23 to?

24 A. It's probable, meaning high degree of likelihood, that
25 the person who wrote the known documents also prepared the

1 questioned document.

2 MS. GASTON: Thank you, Mr. Jamieson.

3 Nothing further, Your Honor.

4 THE COURT: Anything further?

5 MS. PINNOCK: No, Your Honor.

6 THE COURT: Thank you, sir.

7 WITNESS: Thank you, Your Honor.

8 (THE WITNESS EXITS THE STAND.)

9 THE COURT: Call your next witness.

10 MS. GASTON: Thank you, Your Honor. May it please the
11 court? The state calls Michael Moskal.

12 MICHAEL MOSKAL, BEING DULY SWORN,
13 TESTIFIES AS FOLLOWS:

14 CLERK: Thank you. Please have a seat in the witness
15 stand and state your full name for the record, and please
16 spell your last name.

17 WITNESS: Michael Moskal. M-o-s-k-a-l.

18 VOIR DIRE EXAMINATION BY MS. GASTON:

19 Q. Good afternoon, Mr. Moskal.

20 A. Good afternoon.

21 Q. Where are you employed?

22 A. I am currently employed by South Carolina Law
23 Enforcement Division, what's commonly known as SLED, and I
24 am assigned to the Trace Evidence Department in the
25 forensics division.

1 Q. And how long have you been doing that?

2 A. I've been in the Trace Evidence Department for about
3 fifteen years now.

4 Q. And what did you do prior to working at SLED?

5 A. Prior to working at SLED, I taught high school
6 chemistry at Summerville High School.

7 Q. And you mentioned trace evidence a minute ago. Would
8 you clarify for the jury what that means?

9 A. Yes, ma'am. Trace evidence are pieces of evidence
10 that are often difficult to see with the naked eye, and so
11 most often they're going to require sensitive
12 instrumentation and microscopes in order, in order to be
13 able to view them. They're going to include things like
14 gunshot residue, paint from hit and runs, glass from
15 breaking and enterings, fibers, explosives, and then
16 there's a broad category of just general unknowns where
17 we're looking to identify different chemicals that may be
18 -- may come into play somewhere.

19 Q. And how long have you worked in the field?

20 A. Fifteen years at SLED.

21 Q. And generally what are some of your day-to-day
22 responsibilities?

23 A. Okay. So, the day-to-day responsibilities are going
24 to be receiving evidence and analyzing it with the
25 intention of being able to make an opinion about what the

1 evidence may hold, issuing a report on it, then -- and
2 ultimately coming to court to testify.

3 Q. And is there any sort of specialized training
4 associated with your position?

5 A. Yes, ma'am. So in the Trace Evidence Department, each
6 one of those categories I mentioned, gunshot residue,
7 paint, fiber, glass, explosives, each one of those has
8 their own individual training program that lasts anywhere
9 from about six months to a year where the analyst works
10 with a court-qualified analyst in that discipline. I
11 worked cases side-by-side with them, helped them write
12 reports, and come to conclusions.

13 At the end of the training period, after we've --
14 after I have worked cases with them -- we've had lectures,
15 we've had lots of books to read. At the end of that
16 training period I was given a case, a mock case where I had
17 to receive the evidence, analyze it, come up with a
18 conclusion on my own, write a report, and then that was
19 verified by other analysts in the department.

20 Q. And without naming each one individually,
21 approximately how many trainings have you attended?

22 A. I believe my training list is about forty to forty-
23 five different classes that I've been to.

24 Q. And have you testified as an expert before?

25 A. Yes, ma'am, I have. I've testified -- I think this

1 will be the thirty-fifth testimony.

2 MS. GASTON: Your Honor, at this time the state
3 requests Mr. Michael Moskal be qualified as an expert in
4 the area of trace evidence.

5 THE COURT: Says the defense?

6 MS. PINNOCK: No objection, Your Honor.

7 THE COURT: He is so qualified.

8 MS. GASTON: Thank you, Your Honor.

9 DIRECT EXAMINATION BY MS. GASTON:

10 Q. Mr. Moskal, I'm going to draw your attention to March
11 and April of 2019. Were you contacted regarding an
12 investigation into the kidnapping and murder of Samantha
13 Josephson?

14 A. Yes, ma'am, I was.

15 Q. Do you recall when you became involved with that
16 investigation?

17 A. According to my notes, I started doing some bleach
18 research around 4/22 of 2019.

19 Q. And specifically what was your involvement in that
20 investigation?

21 A. I was informed that I would have a variety of evidence
22 where there was the interest to determine whether or not
23 bleach was present on these items.

24 Q. All right. Mr. Moskal, I want to talk about
25 oxidizers.

1 A. Yes, ma'am.

2 Q. In the simplest definition that you can possibly think
3 of, can you please describe what, what an oxidizer is?

4 A. Yes, ma'am. So, an oxidizer is one part of a chemical
5 reaction known as a redox reaction. It has one part that
6 is a reducer, one part that's an oxidizer, and basically it
7 involves the transfer of electrons from one of those
8 particles to the other.

9 Q. Would a fair characterization of that be something
10 that causes a chemical reaction to form another chemical
11 compound of some sort?

12 A. Yes, ma'am. During this process, new chemicals are
13 going to be -- will be per -- will be formed. They're
14 going to -- these reactions include things that may be very
15 slow to occur, like rusting. They may be very rapid to
16 occur, like fires or the discoloration that you see on
17 clothing when something like bleach is poured onto them.

18 Q. And what is an example of a strong oxidizer?

19 A. An example of a strong oxidizer would be a chlorinated
20 bleach solution.

21 Q. And how do you test for the presence of those strong
22 oxidizers?

23 A. There are a couple of pieces that we will test to
24 determine whether a chlorinated oxidizer is present or not.
25 The first one is a chemical test. It's a spot test much

1 like somebody who is running an aquarium would use to test
2 the pH in the aquarium. You take a solution, you add a
3 drop of a chemical to it, and if it turns one color, you
4 know it's acidic. If it turns another color, you know it's
5 basic.

6 So in the lab, we use a chemical known as
7 diphenylamine. If we have a solution that we believe may
8 be a strong oxidizer, we'll put it into a spot plate and
9 then add a drop of diphenylamine to it. And if it turns a
10 bright blue instantly, we know that there was a strong
11 oxidizer present.

12 Q. Would it be fair to compare this process similar to
13 testing for, say, the level of chlorine in your pool?

14 A. It's a similar process. The chemistry is a different
15 reaction but it's the same type of process. You take a
16 solution out of the pool, add a chemical to it. If it
17 turns one color, you know it's a certain pH; if it turns a
18 different color, you know it's different. And then based
19 on the color you get, you add chemicals to adjust the pH.
20 So, it's the same type of process.

21 Q. And when you're conducting this spot test, if that
22 solution turns bright blue, what did you mention that's an
23 indication of?

24 A. So, when we add diphenylamine to a solution, if it
25 turns a dark blue instantly, that indicates that there is a

1 strong oxidizer present.

2 Q. And are your test results peer reviewed?

3 A. Yes, ma'am, they are. Every report that we issue in
4 the trace department is reviewed by another qualified
5 analyst. That includes all of our documentation from the
6 time we receive the evidence till the time we write the
7 report.

8 MS. GASTON: Beg the court's indulgence.

9 (A PAUSE.)

10 MS. GASTON: Your Honor, I'm approaching the witness
11 with what's been entered as State's Exhibit 25.

12 BY MS. GASTON:

13 Q. Mr. Moskal, do you recognize what I just handed you?

14 A. Yes, ma'am, I do. State's Exhibit 5 has a bar code
15 with the number L190697, Item Number 35.3, which is the lab
16 number for this case and the item number for this bottle of
17 Top bleach. It also has my initials and dates from various
18 days where I performed analysis on this item.

19 Q. I believe you just said it, but did you perform a,
20 a chemical analysis of the liquid inside this bottle?

21 A. Yes, ma'am, I did.

22 Q. And what did your test results show? I believe
23 it's item 35. Is that correct?

24 A. Item 35, yes, ma'am. So, my results for this item
25 of Top Job bleach indicate that a -- or say that a

M. MOSKAL - DIRECT EXAMINATION BY BY MS. GASTON 847

1 strong chlorinated oxidizer was found, and an example of
2 a strong oxidizer containing chlorine is chlorinated
3 bleach.

4 MS. GASTON: Your Honor, I'm approaching the
5 witness with what's been previously entered into
6 evidence as State's Exhibit 23.

7 Q. And do you recognize that?

8 A. Yes, ma'am, I do. There is a handwritten lab
9 number associated with this, and the seal on the bag has
10 my initials with the date where I sealed this evidence
11 at completion.

12 Q. And did you perform a chemical analysis on the
13 contents of that item?

14 A. Yes, ma'am, I did.

15 Q. And what did your test results show?

16 A. So on the germicidal wipes, again I found a strong
17 oxidizer containing chlorine. And so an example of a
18 strong oxidizer containing chlorine would be chlorine
19 bleach.

20 Q. Mr. Moskal ---

21 MS. GASTON: Your Honor, I'm approaching the
22 witness with what's been previously entered as State's
23 Exhibit 17.

24 BY MS. GASTON:

25 Q. Mr. Moskal, do you recognize what I just handed

1 you?

2 A. Yes, ma'am, I do. Again, State's Exhibit 17 has a
3 bar code and lab number and item number associated with
4 this case, and it has a seal with my initials and date
5 from where I completed this analysis.

6 Q. And what did the results of your analysis show?

7 A. So, my analysis on -- this is a bottle of L.A.'s
8 Totally Awesome cleaner. My results indicate that a
9 light oxygenated solvent and a strong oxidizing -- a
10 strong oxidizer contains chlorine was found.

11 Q. And one more time. What is an example of a strong
12 oxidizing agent containing sodium, chlorine, and oxygen?

13 A. A strong oxidizing agent containing sodium,
14 chlorine, and oxygen, an example of that is chlorinated
15 bleach.

16 Q. And for this item in particular, did you run a
17 standard?

18 A. Yes, ma'am. We purchased a bottle of Totally
19 Awesome cleaner from the store and I analyzed it.

20 Q. And what did that analysis -- I, I apologize. When
21 you ran the standard of what's normally contained in
22 this brand of liquid, was there any evidence of a strong
23 oxidizing agent containing sodium, chlorine, and oxygen
24 also known as bleach?

25 A. No, ma'am. In the standard that we purchased, that

M. MOSKAL - DIRECT EXAMINATION BY BY MS. GASTON 849

1 was analyzed and it did not contain a strong oxidizer.

2 MS. GASTON: Your Honor, I'm approaching the
3 witness with what's been marked for identification
4 purposes as State's Exhibit 194 and State's Exhibit 219.

5 BY MS. GASTON:

6 Q. Do you recognize the contents of those packages?

7 A. State's Exhibit 194 and Exhibit 219 again both have
8 the bar code with the lab number associated with this
9 case. They contain my initials and dates on various
10 parts of the containers. Yes, ma'am, I do recognize
11 them.

12 Q. And what are -- what are those items in -- inside
13 of the containers as well?

14 A. So, State's Exhibit 217 has two parts in here. One
15 is a test tube containing a solution. That would have
16 been a solution where I added -- can I refer to my notes
17 for one second?

18 MS. GASTON: Your Honor, may the witness refer to
19 his notes?

20 THE COURT: Yes.

21 WITNESS: Thank you.

22 BY MS. GASTON:

23 A. So, when I receive an item where I'm looking to see
24 whether bleach was present or not, the first thing I'm
25 going to look for is an area of discoloration. If I

1 find an area of discoloration, I will cut that, cut an
2 -- a portion of that out, place it in a test tube, and
3 add some water to it so that if anything is precipitated
4 or there are any solids on that article, they come out
5 into a solution. And so the test tube here is a portion
6 of that solution that I removed from my Item 107,
7 State's Exhibit 219. The next part of the test ---

8 Q. Mr. Moskal, I'll stop you right there. Just
9 briefly, did you make these cuttings yourself?

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

11 Q. And that would -- would that include both items?
12 In your report I believe it's 107.2 and 52.1.

13 A. Yes, ma'am.

14 MS. GASTON: Your Honor, at this time the state
15 would ask that these items be entered into evidence.
16 It's State's Exhibit 219 and State's Exhibit 194.

17 THE COURT: Says the defense?

18 MS. PINNOCK: Your Honor, this is over previous
19 objections.

20 THE COURT: They're admitted.

21 MS. GASTON: Thank you, Your Honor.

22 (TEST TUBE WITH CUTTING MOVED INTO EVIDENCE AS
23 STATE'S EXHIBIT NUMBER 194.)

24 (TEST TUBE WITH CUTTINGS MOVED INTO EVIDENCE AS
25 STATE'S EXHIBIT NUMBER 219.)

M. MOSKAL - DIRECT EXAMINATION BY BY MS. GASTON

851

1 BY MS. GASTON:

2 Q. And do you recall -- I'm going to draw your
3 attention back to Item 107.2 of your report. What item
4 of evidence did you take that cutting from?

5 A. All right, the cutting 107.2 in my lab report came
6 from item 107, which was a black left-hand glove.

7 Q. And as for item 52.1, I, I believe you mentioned
8 you made the cutting but what item of evidence did that
9 come from?

10 A. Item 52.1 was a cutting that I took from a pair of
11 gray Puma sweatpants.

12 Q. And prior to taking those cuttings for further
13 testing, did you notate an area of discoloration on the
14 clothing items?

15 A. Yes, ma'am, I did.

16 Q. And would those areas of discoloration be
17 consistent with bleaching?

18 A. They were consistent with what I've seen on clothes
19 that I've bleached before, yes, ma'am.

20 Q. And did you perform tests, did you perform tests on
21 these cuttings for the presence of a strong oxidizer
22 such as bleach?

23 A. Yes, ma'am.

24 Q. And did those tests reveal the presence of a strong
25 oxidizer?

1 A. Neither one of them revealed a presence of a strong
2 oxidizer, but both of them, when I did the elemental
3 analysis, contained the elements sodium, chlorine, and
4 oxygen.

5 Q. Is it fair to say that the results are inconclusive
6 for the presence of a chlorine-based bleach?

7 A. Yes, ma'am.

8 Q. And ---

9 A. When ---

10 Q. I'm sorry.

11 A. When we analyze these items looking for a
12 chlorinated oxidizer, it's a two-part test. We're
13 looking to see that the oxidizer is present and that the
14 elements sodium, chlorine, and oxidizer -- oxygen are
15 present. If one or the other portions of that test
16 turns out negative, then the report is going to be
17 inconclusive.

18 Q. And how can that be?

19 A. Bleach, the main ingredient in bleach or the active
20 ingredient in it is a chemical called sodium
21 hypochlorite and it decomposes very easily when it's
22 exposed to air, with increases in temperature, contact
23 with metals. Those things are, those things are going
24 to cause sodium hypochlorite to decompose fairly
25 rapidly.

M. MOSKAL - CROSS-EXAMINATION BY MS. PINNOCK

853

1 Q. And what happens if those contents aren't captured
2 and sealed relatively quickly ---

3 A. Yes, ma'am.

4 Q. --- in an air-tight container?

5 A. So, again, in order to be able to capture the
6 compound itself, it needs to be sealed and collected
7 relatively quickly. Otherwise, it degrades and we will
8 not be able to identify them.

9 Q. And, Mr. Moskal, in your opinion, based -- and on
10 your experience, in your expert opinion, what does
11 bleach smell like when it's exposed to air?

12 A. Probably the most common thing to, to compare it to
13 would be a chlorinated pool cleaner.

14 MS. GASTON: Beg the court's indulgence.

15 (A PAUSE.)

16 MS. GASTON: No further questions from the state,
17 Your Honor.

18 THE COURT: Questions by the defense?

19 MS. PINNOCK: If it please the court, Your Honor?

20 THE COURT: Yes.

21 CROSS-EXAMINATION BY MS. PINNOCK:

22 Q. Hi, Mr. Moskal.

23 A. Hello.

24 Q. Can you tell us, with the three elements that are
25 required, the sodium -- you said sodium, chlorine, and

1 oxygen?

2 A. Yes, ma'am.

3 Q. What are some examples of other just natural
4 examples that could leave sodium on, on something?

5 A. So, some other common examples that are going to
6 contain both sodium and chlorine are going to be sweat,
7 salt from potato chips or french fries. Those are
8 probably two of the most common things.

9 Q. Okay. What about chlorine? Is there ---

10 A. Chlorine. The pool cleaners are probably going to
11 be about the most common thing that I can give you.

12 Q. And oxygen, is there ---

13 A. Oxygen is all around us and it's in just about
14 everything we're going to come across.

15 Q. Okay. So, is there other ---

16 A. A bunch.

17 Q. --- ways that these three elements could show up
18 individually or combined with other elements?

19 A. Yes, ma'am.

20 Q. One of the items you just testified about, the gray
21 Puma pants, item 52.1, you said with the two-part test
22 that you do, it failed the second part?

23 A. It did not show the presence of an oxidizer, yes,
24 ma'am.

25 Q. Okay. When you received these pants, can you --

1 you did your own cutting?

2 A. Yes, ma'am, I did.

3 Q. And you cut where you noticed a discoloration?

4 A. Yes, ma'am.

5 Q. Was that discoloration -- what were the, the -- was
6 it wet?

7 A. They were dry when I received them.

8 Q. Okay, and the same thing with the glove. Was the
9 glove wet or dry?

10 A. It was dry when I received it.

11 Q. All right. So, when you're dealing with
12 discolorations -- you said it yourself, you've bleached
13 a shirt before?

14 A. Yes, ma'am.

15 Q. So, just because a shirt or a pair of pants is
16 discolored doesn't mean it happened right then. It
17 could have happened at another time?

18 A. Yes, ma'am. There is no timestamp on the
19 discoloration.

20 Q. Okay. You just know that you see it, so you cut
21 it?

22 A. Yes, ma'am.

23 Q. Is there a way that you can do trace analysis on
24 skin? Like if I ---

25 A. Uh-huh.

1 Q. --- spilled something on my hand, could you do --
2 take a sample or do some testing?

3 A. For some things, yes, ma'am.

4 Q. Would you be able to do that for bleach?

5 A. I have never tested bleach on somebody's hands
6 before.

7 Q. Okay. Would you be able to do it for gasoline?

8 A. We can do it for gasoline, yes, ma'am.

9 Q. Okay, but nobody gave you anything like that to
10 test?

11 A. No, ma'am.

12 Q. Okay. It's just the items that you have in your
13 report?

14 A. Just the items in my report, yes, ma'am.

15 Q. Yes, sir, and it's not up to you to go out and get
16 something? You're only able to test what you're doing?

17 A. Correct.

18 MS. PINNOCK: Begging the court's indulgence.

19 (A PAUSE.)

20 MS. PINNOCK: Thank you, Mr. Moskal.

21 Thank you, Your Honor. I have no further
22 questions.

23 THE COURT: Anything further?

24 MS. GASTON: Very briefly, Your Honor.

25 REDIRECT EXAMINATION BY MS. GASTON:

M. MOSKAL - REDIRECT EXAMINATION BY MS. GASTON 857

1 Q. Mr., Mr. Moskal, defense just asked you about other
2 potential sources, if you will, of portions of elements
3 that could be combined to form bleach, which is what we
4 were talking about here.

5 A. Yes, ma'am.

6 Q. And I think she mentioned french fries, sweat, and
7 grease?

8 A. Yes, ma'am.

9 Q. Do those things typically give off the odor of pool
10 cleaner?

11 A. Not in my experience.

12 MS. GASTON: Thank you, Mr. Moskal.

13 No further questions, Your Honor.

14 THE COURT: Ms. Pinnock?

15 MS. PINNOCK: I don't have anything else, Your
16 Honor.

17 THE COURT: All right. Thank you, sir. You may
18 step down.

19 WITNESS: Thank you.

20 (THE WITNESS EXITS THE STAND.)

21 THE COURT: We'll take a break now, ladies and
22 gentlemen, of about ten minutes. Please do not discuss
23 the case. Ten minute break.

24 (THE JURY EXITS AT 3:33 P.M.)

25 THE COURT: Anything before we break?

1 are relevant and they are not prejudicial. They are
2 more probative than prejudicial.

3 MS. PINNOCK: Thank you, Your Honor.

4 THE COURT: And the objection assumes that a
5 foundation can be laid for the admission of the
6 exhibits.

7 Bring the jury, please.

8 (THE JURY ENTERS AT 3:58 P.M.)

9 THE COURT: Next witness, please.

10 MS. GASTON: Thank you, Your Honor. May it please
11 the court? State calls Dawn Claycomb.

12 DAWN CLAYCOMB, BEING DULY
13 SWORN, TESTIFIES AS FOLLOWS:

14 CLERK: Thank you. Please have a seat in the
15 witness stand and state your full name for the record.
16 Please spell your last name.

17 WITNESS: Dawn Claycomb. C-l-a-y-c-o-m-b.

18 DIRECT EXAMINATION BY MS. GASTON:

19 Q. Good afternoon, Ms. Claycomb.

20 A. Good afternoon.

21 Q. Where are you currently employed?

22 A. Duke Energy in Charlotte, North Carolina.

23 Q. And in what capacity?

24 A. Digital forensics investigator.

25 Q. Where did you work in March and April of 2019?

D. CLAYCOMB - DIRECT EXAMINATION BY MS. GASTON

867

1 A. At the South Carolina Law Enforcement Division.

2 Q. Is that also known as SLED?

3 A. Yes, also known as SLED.

4 Q. And how long were you with SLED?

5 A. Almost seven years.

6 Q. In what capacity were you employed with SLED?

7 A. I was a crime scene agent at SLED.

8 Q. And generally what were some of your day-to-day
9 responsibilities for that job?

10 A. Responding to any crime scene request throughout
11 the state of South Carolina. That includes death
12 investigations, officer-involved shootings, child
13 fatalities, and any follow-up scenes that would be
14 necessary such as an autopsy or any follow-up
15 processing.

16 Q. Were you contacted regarding an investigation
17 involving the murder and kidnapping of Samantha
18 Josephson?

19 A. Yes, I was.

20 Q. Do you -- did you become involved with that
21 investigation?

22 A. Yes. Yes, I did.

23 Q. And what was the extent of your involvement?

24 A. I responded to her autopsy at the Medical
25 University of South Carolina.

1 Q. And did you collect any items from the autopsy?

2 A. Yes, I did. I collected swabs from her right and
3 left ankles.

4 Q. Did you collect any items of the victim's clothing
5 while you were there?

6 A. Yes. That was also transferred over to me after
7 the autopsy was completed.

8 Q. Did you take any postmortem prints?

9 A. Yes. Postmortem major case prints, they're
10 basically inked known impressions from the hands and
11 feet during the -- or this was after the autopsy.

12 Q. I'm approaching with what's been marked as, for
13 identification purposes, as State's Exhibit 191. Do you
14 recognize that item?

15 A. Yes, ma'am. These are the swabs.

16 Q. And swabs from what exactly?

17 A. Swabs from the right ankle, from her right ankle as
18 well as her left ankle.

19 Q. And when you say her, you mean ---

20 A. Samantha Josephson, Josephson.

21 Q. And that's the victim in this case?

22 A. Yes, ma'am.

23 Q. And those items in that that I just handed you,
24 those are the actual swabs that you took?

25 A. Yes, ma'am.

D. CLAYCOMB - DIRECT EXAMINATION BY MS. GASTON

869

1 MS. GASTON: At this time, Your Honor, state would
2 ask to enter item 191 into evidence.

3 MS. GOODE: No objection.

4 THE COURT: It's admitted.

5 (SWABS MOVED INTO EVIDENCE AS STATE'S EXHIBIT
6 NUMBER 191.)

7 BY MS. GASTON:

8 Q. Ms. Claycomb, you mentioned that you collected some
9 other items of -- from the autopsy.

10 A. Yes, ma'am.

11 Q. And that included clothing items?

12 A. Yes, ma'am.

13 MS. GASTON: Beg the court's indulgence.

14 (A PAUSE.)

15 Q. And what is the process generally of taking prints
16 from a deceased victim?

17 A. Generally we commonly collect known inked
18 impressions from the hands after an autopsy is
19 completed. That's to have a known standard to be
20 compared, compared to any known fingerprints that may be
21 collected at a scene.

22 Q. And when the prints are taken, are the extremities
23 cleaned at that time, or might they have other things on
24 them?

25 A. Typically once the autopsy's completed, they've

1 already been, been cleaned. The hands have been cleaned
2 at that point. We may document any wounds we may see to
3 the hands, and then we then place ink -- would be black
4 ink -- onto the palms of the hands to collect those
5 known impressions of the, the ridges.

6 Q. And you mentioned you take photographs of the
7 extremities prior to prints?

8 A. Yes. If they're any wounds, to document the
9 wounds.

10 Q. I'm approaching with what's been ID'd as State's
11 Exhibit 222, 223, 224, 225, 226, and 227. Do you
12 recognize those photographs?

13 A. Yes, ma'am, I do.

14 Q. And what is on those photographs?

15 A. This first photograph is a picture ---

16 Q. Ms. Claycomb, I apologize. Just generally what do
17 those depict on the ---

18 A. Of the hands and the feet.

19 Q. And are those the photographs that you took of
20 Samantha Josephson at autopsy?

21 A. Yes, ma'am.

22 MS. GASTON: Your Honor, at this time state asks
23 that the aforementioned items are entered into evidence.

24 MS. GOODE: Over previous objection.

25 THE COURT: They are admitted.

D. CLAYCOMB - DIRECT EXAMINATION BY MS. GASTON

871

1 (PHOTOGRAPHS INDIVIDUALLY MOVED INTO EVIDENCE AS
2 STATE'S EXHIBIT NUMBERS 222 THROUGH 227.)

3 BY MS. GASTON:

4 Q. Ms. Claycomb, if you could show the jury -- I
5 believe there's a couple photos in there. Do they
6 depict injuries?

7 A. Yes, they do.

8 Q. All right.

9 A. This first one -- I can show this?

10 MS. GASTON: Permission to publish, Your Honor?

11 THE COURT: Yes.

12 BY MS. GASTON:

13 A. This first one here is of her right palm, and you
14 can see the wound.

15 Q. Ms. Claycomb, I apologize. What item number is on
16 the back there?

17 A. This is 222.

18 Q. And what does 222 depict?

19 A. This is a photograph of the -- her right palm with
20 a wound to the palm. This is the back side of her right
21 hand.

22 This is the other side of the wound on her right
23 hand.

24 Q. And, Ms. Claycomb, what item number is that?

25 A. 223. This is a photograph of her -- the bottom of

1 her right foot. And this is State's Exhibit 224.

2 Q. And is that how the foot would appear prior to
3 taking a print?

4 A. Yes, correct. No ink on it. This is just a, a
5 close-up photo, still again of her right foot, just not
6 the entire foot. And this is State's Exhibit 225.

7 Q. Do you notice anything on the bottom of her foot
8 there?

9 A. There's just some discoloration in the foot. This
10 photograph is of her left hand, the back side of her
11 left hand. This is State's Exhibit 226.

12 Q. Do you notice any discoloration on that photo?

13 A. Yes. There appear to be small scratches and some
14 discoloration in the hand as well. This is a close-up
15 photo of her right hand that would be just the fingers,
16 more of the fingertips, the nail beds. This is State's
17 Exhibit 227.

18 Q. Do you notice any discoloration in the nails?

19 A. Yes, there's some discoloration in, in the nails as
20 well.

21 Q. I'm approaching with what's been marked as State's
22 Exhibit 183 and 184 for identification purposes. Ms.
23 Claycomb, do you recognize the envelopes that I just
24 handed you?

25 A. Yes, ma'am. Both of these items are the postmortem

D. CLAYCOMB - DIRECT EXAMINATION BY MS. GASTON

873

1 major case prints from the hands and the feet.

2 Q. Let's start with Item 183. If you could, can you
3 please open that up for us?

4 A. Yes, ma'am. State's Exhibit 183.

5 Q. And what is, what is that?

6 A. These are the inked postmortem prints from the
7 hands. As you can see, these are ---

8 Q. Just for ID purposes for right now. And, Ms.
9 Claycomb, are these the handprints that you took in
10 April of 2019?

11 A. Yes, ma'am.

12 MS. GASTON: Your Honor, at this time state asks
13 item 183 be entered into evidence.

14 THE COURT: The state moves that those items be
15 admitted into evidence. What says the defense?

16 MS. GOODE: No objection.

17 THE COURT: They're admitted.

18 (PRINTS FROM VICTIM MOVED INTO EVIDENCE AS STATE'S
19 EXHIBIT NUMBER 183.)

20 MS. GASTON: And permission to publish to the jury,
21 Your Honor?

22 THE COURT: Yes. You may publish any items that
23 are in evidence.

24 MS. GASTON: Thank you, Your Honor.

25 A. So ---

1 THE COURT: Without requesting the court's
2 permission.

3 MS. GASTON: Thank you, Your Honor.

4 BY MS. GASTON:

5 A. These are the inked impressions from the hands. As
6 you can see, there's four strips. There's a square on
7 each strip. That just represents the fingertips from
8 each hand. Ink's placed on the hand just to, to
9 represent the ridges on the hand and then it's placed
10 onto these strips. These are palms cards. Basically
11 it's to document the larger areas of the hands, on the
12 palm of the hand: the palm itself, the thumb side, the
13 pinkey side, as well as down to the wrists. You can see
14 here the wrist area, the palm. Here's the full palm,
15 and then full fingers, as well as the upper palm and the
16 full fingers to the tips, and there's two typically done
17 for one hand. You can see here the full palm.

18 This was the right palm that had the wound, and
19 that's documented as well because, obviously, in that
20 area the ridge detail may be disturbed.

21 Q. Thank you, Ms. Claycomb. As for item -- State's
22 184, would you mind opening that envelope as well?

23 A. State's Exhibit 184?

24 Q. Yes, ma'am.

25 A. These are the inked known impressions from the

1 bottom of the soles of Samantha's feet.

2 Q. And are those the impressions that you took?

3 A. Yes, ma'am.

4 MS. GASTON: Your Honor, at this time state moves
5 for item 184 to be entered into evidence.

6 MS. GOODE: No objection.

7 THE COURT: Without objection.

8 (PRINTS FROM VICTIM MOVED INTO EVIDENCE AS STATE'S
9 EXHIBIT NUMBER 184.)

10 BY MS. GASTON:

11 Q. You may show the jury.

12 A. Again, these are similar to the hands but obviously
13 from the feet. The four strips with each box of the
14 tips of the toes, very similar to the fingertips. And
15 then a full impression after inked of the right and left
16 foot from toe to heel. And then again similar to the
17 hands, broken down into sections of the foot: kind of
18 mid-foot to toe, mid-foot to toe, mid-foot to toe, and
19 then tips of the toes, and similar on the other side.

20 And this is similar to what I just showed you but
21 this is the left foot. And the same, again, similar to
22 the ones I just showed you. These are the right.

23 Q. Thank you, Ms. Claycomb. I'm approaching with
24 what's been marked previously as State's 214 to 218. Do
25 you recognize those photographs?

1 A. Yes, ma'am. These were the pants collected from
2 Samantha during the autopsy.

3 Q. And do the photographs of those pants fairly and
4 accurately depict the pants that you collected that day
5 at the autopsy?

6 A. Yes, ma'am. Yes, they do.

7 MS. GASTON: Your Honor, State moves for State's
8 214 to 218 be entered into evidence.

9 THE COURT: With regard to those exhibits, were
10 there any objections to any of those exhibits now being
11 offered?

12 MS. GASTON: I don't believe so, Your Honor.

13 THE COURT: Well, I've already ruled on the
14 admissibility of them.

15 MS. GASTON: Correct. Thank you, Your Honor.

16 BY MS. GASTON:

17 Q. Ms. Claycomb, could you please show a couple of the
18 photographs to the jury and explain what they are?

19 A. Yes, ma'am. This is State's Exhibit 218. This is
20 a photo of the front of the pants. This is an overall
21 of the rear of the pants, State's Exhibit 214, and this
22 was with a scale in it that a defect was observed within
23 the pants. This is a close-up photo of the upper waist
24 area of the pants, State's Exhibit 217. This is a
25 close-up photograph of one of the defects on the pants,

D. CLAYCOMB - DIRECT EXAMINATION BY MS. GASTON

877

1 State's Exhibit 215, and another defect, State's Exhibit
2 216, on the pants.

3 Q. Thank you, Ms. Claycomb. I'm approaching with
4 what's been marked as State's 185. Do you recognize
5 that package? Do you have gloves up there?

6 A. Uh-huh. It's one pair of black-in-color size 6
7 with suspected blood from Samantha Josephson.

8 Q. And are those the pants that you collected from
9 autopsy?

10 A. Yes.

11 MS. GASTON: State moves to enter Item 185 into
12 evidence, Your Honor.

13 THE COURT: Any objection?

14 MS. GOODE: No objection.

15 THE COURT: They're admitted without objection.

16 (PANTS MOVED INTO EVIDENCE AS STATE'S EXHIBIT
17 NUMBER 185.)

18 BY MS. GASTON:

19 Q. Among the other, other items that you collected, do
20 you recall what those included?

21 A. As far as clothing items?

22 Q. Yes, ma'am.

23 A. Yes. There were sandals, a bra, a bralette, and a
24 --- kind of an overshirt, kind of a mid -- it, it wasn't
25 a full length shirt. It was a midlevel shirt.

1 Q. I'm approaching with what's been marked as State's
2 Exhibit 190. Ms. Claycomb, do you recognize that item?

3 A. This was an earring that was collected from her
4 right ear during the autopsy.

5 Q. Is that the earring that you collected?

6 A. Yes.

7 MS. GASTON: Your Honor, state moves to enter item
8 190 into evidence.

9 MS. GOODE: No objection.

10 THE COURT: It's admitted.

11 (EARRING STUD MOVED INTO EVIDENCE AS STATE'S
12 EXHIBIT NUMBER 190.)

13 BY MS. GASTON:

14 Q. Can you please show the jury?

15 A. This is one stud earring.

16 Q. Thank you, Ms. Claycomb. I'm approaching with
17 State's 204 and 205. Do you recognize those?

18 A. Yes, ma'am. This is the bra and the bralette that
19 was collected at autopsy.

20 Q. Could you please show the jury so they can get a
21 better picture of what we're talking about?

22 A. This is State's Exhibit 205 and this is the bra
23 that was collected. This is State's Exhibit 204. This
24 was the bralette.

25 Q. I'm approaching with what's been marked as State's

D. CLAYCOMB - DIRECT EXAMINATION BY MS. GASTON

879

1 186 and 187. Do you recognize those two items, Ms.
2 Claycomb?

3 A. This is the bra and the bralette that's packaged.

4 Q. Could you -- I can get you some gloves if you need
5 some. Do you mind opening that up for me?

6 A. State's Exhibit 187, the bralette.

7 Q. Is that the bralette that you collected from
8 autopsy?

9 A. Yes.

10 Q. And did you have a chance to open up State's 186?

11 A. State's Exhibit 186 is the bra.

12 Q. Is that the bra you collected from the autopsy?

13 A. Yes.

14 MS. GASTON: Your Honor, at this time state moves
15 to enter item 186 and 187 into evidence.

16 MS. GOODE: No objection.

17 THE COURT: They're admitted.

18 (BRA MOVED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
19 186.)

20 (BRALETTE MOVED INTO EVIDENCE AS STATE'S EXHIBIT
21 NUMBER 187.)

22 BY MS. GASTON:

23 Q. Ms. Claycomb, could you please show those items to
24 the jury?

25 A. Yes, ma'am. This is State's Exhibit 186, the bra.

1 State's Exhibit 187, the bralette.

2 Q. Thank you, Ms. Claycomb. I'm handing you what's
3 been entered into evidence State's 206 through 213. Do
4 you recognize those images?

5 A. Yes, I do.

6 Q. And what do those images depict?

7 A. These are images of the shirt collected at autopsy.

8 Q. And are there any -- is there anything that you
9 notice specifically about the shirt?

10 A. Yes, ma'am. It was hard to tell the natural color
11 of the shirt. It was saturated. The whole entire shirt
12 was saturated with blood, so it was hard to tell the
13 natural, original color of the shirt.

14 MS. GASTON: Your Honor, may I have the witness
15 step down?

16 THE COURT: Yes.

17 BY MS. GASTON:

18 Q. I'm approaching with what's been marked as State's
19 Exhibit 189. Do you recognize that package?

20 A. Yes, ma'am. This is the shirt collected at
21 autopsy.

22 Q. Can you do me a favor and peak inside that package
23 before you pull anything out just to make sure?

24 A. Yes, ma'am.

25 Q. Is that the shirt you collected at autopsy?

D. CLAYCOMB - DIRECT EXAMINATION BY MS. GASTON

881

1 A. It's packaged in additional white paper.

2 MS. GASTON: Your Honor, state moves to enter
3 State's 189 in evidence.

4 THE COURT: Says the defense?

5 MS. GOODE: Without objection.

6 THE COURT: It's admitted without objection.

7 (SHIRT MOVED INTO EVIDENCE AS STATE'S EXHIBIT
8 NUMBER 189.)

9 BY MS. GASTON:

10 A. This is State's Exhibit 189. You can see it's
11 further packaged in white paper. If I could, I'm going
12 to try to do this without making too much of a mess.

13 Q. Put it on the floor.

14 A. That's the back of the shirt. That's the front of
15 the shirt.

16 Q. Thank you, Ms. Claycomb.

17 I'm approaching with what's been entered as State's
18 195 through 203. Do you recognize what's in those
19 photographs?

20 A. Yes, ma'am. These are the photos of the sandals
21 she was wearing.

22 Q. Did you collect those at autopsy as well?

23 A. Yes, ma'am.

24 Q. Do you notice anything about those sandals that was
25 peculiar? What, what was on them? What did they look

1 like?

2 A. Yes, ma'am.

3 Q. And also show the jury but also state the number
4 for the record.

5 A. Yes. So, these are -- this is an overall photo of
6 the sandals. This is State's Exhibit 200. They were
7 sort of a sandal with a strap at the front, and then you
8 can see these kind of went up the back of the heel with
9 a strap above the ankle with a, a buckle, and the right
10 strap on the front was no longer attached to her foot.
11 Both sandals were actually just dangling from the actual
12 straps above the ankles.

13 So, this is State's Exhibit 198. You can see the
14 front strap here appeared to be broken or damaged, and
15 here's a close-up photo of it. Be State's Exhibit 201.
16 And a better photo of it with the strap moved, State's
17 Exhibit 202.

18 Q. Approaching with what's been marked as State's 188
19 for ID purposes. Do you recognize that item, Ms.
20 Claycomb?

21 A. Yes, ma'am. These are the shoes.

22 Q. Would you, if you don't mind, just take a peak
23 inside with the gloves?

24 A. This is also packaged in additional white paper.

25 Q. Can you please undo that white paper?

D. CLAYCOMB - DIRECT EXAMINATION / CROSS-EXAMINATION 883

1 A. Yes, ma'am. Shoes.

2 Q. All right. Are, are these the shoes that you
3 collected at autopsy?

4 A. Yes, ma'am.

5 MS. GASTON: Your Honor, state moves to enter
6 State's 188 in evidence.

7 MS. GOODE: No objection.

8 THE COURT: They're entered without objection.

9 MS. GASTON: Thank you, Your Honor.

10 (SHOES MOVED INTO EVIDENCE AS STATE'S EXHIBIT
11 NUMBER 188.)

12 BY MS. GASTON:

13 Q. Ms. Claycomb, can you please hold up just one at a
14 time one of the shoes ---

15 A. Yes, ma'am.

16 Q. --- and show the jury?

17 A. So, this is the left shoe. This strap is still
18 intact. However, it was not attached to the front of her
19 left foot. This top strap was still buckled and
20 attached around her ankle, and it was just dangling with
21 the buckle.

22 This is the right shoe and this, you can see the
23 strap is damaged and the same thing with the right shoe.
24 It was attached above her ankle with the buckle around
25 her ankle -- above her ankle on her leg.

1 Q. Thank you, Ms. Claycomb. And after you collected
2 all of these items from autopsy, what did you do with
3 them?

4 A. They were transported back to the SLED laboratory
5 and transferred over to Lieutenant Schenk.

6 Q. And is that the extent of your involvement in the
7 case?

8 A. Yes, ma'am.

9 MS. GASTON: Thank you.

10 No further questions, Your Honor.

11 THE COURT: Cross-examination.

12 MS. GOODE: Thank you, Your Honor.

13 CROSS-EXAMINATION BY MS. GOODE:

14 Q. You did have a little bit more involvement in the
15 case. Do you remember?

16 A. That -- yes, ma'am, that was only for autopsy.

17 Q. Right, but ---

18 A. That's what I was referring to.

19 Q. So, follow-up ---

20 A. Yes, ma'am.

21 Q. There was a follow-up incident ---

22 A. Correct.

23 Q. --- or a follow-up scene ---

24 A. Correct.

25 Q. --- on the vehicle earlier?

D. CLAYCOMB - CROSS-EXAM / D. DOVE - VOIR DIRE EXAM 885

1 A. Yes, ma'am.

2 Q. You also helped Agent Jazic, who we heard from
3 earlier today AT ---

4 A. Yes, ma'am.

5 Q. --- the search warrant of Maria Howard's house,
6 correct? And at both scenes -- I'll talk to you about
7 the autopsy, the autopsy first. You're not the only one
8 there at the autopsy?

9 A. No, ma'am.

10 Q. There's a medical examiner?

11 A. Correct.

12 Q. And then an assistant to the medical examiner?

13 A. Correct.

14 Q. And potentially other investigators?

15 A. Correct.

16 Q. And everyone is gloved if there's any interaction
17 of all of the ---

18 A. So, you're not allowed directly into the autopsy
19 room unless you're physically collecting something.
20 Otherwise, they will not let you stay in there. There
21 is a viewing room that separates. SO, you're separated
22 by a wall and a window where you can then view the
23 entire autopsy during the process.

24 Q. So, at any point it would just then be either
25 yourself or anybody actually doing the exam?

1 A. The pathologist and his assistant.

2 Q. Okay.

3 A. Yes, ma'am.

4 Q. And each of those people involved wearing gloves?

5 A. Yes, ma'am.

6 Q. And the medical examiner must be -- and his
7 assistant would be wearing more protective gear, PPE?

8 A. They are fully -- yes, fully. PPE gear head to
9 toe, yes, ma'am.

10 Q. And April 3rd, the same thing. You're at the
11 search warrant of Maria Howard's house?

12 A. Correct.

13 Q. And your job was to take photographs?

14 A. Correct.

15 Q. Agent Jazic, she took notes?

16 A. Correct.

17 Q. Again, you're both wearing gloves ---

18 A. Correct.

19 Q. --- while -- and while collecting these items?

20 A. Yes, ma'am.

21 Q. And you just collected the items from there, right?

22 A. Correct.

23 Q. Didn't do any processing of anything ---

24 A. No.

25 Q. --- up there?

D. CLAYCOMB - CROSS-EXAM / D. DOVE - VOIR DIRE EXAM 887

1 A. No analyzing, no, ma'am.

2 Q. And that goes to, to the lab at SLED, all those
3 items?

4 A. Yes, ma'am, back to the lab for analysis.

5 Q. Where they would, they would do the processing and
6 the analysis?

7 A. Correct.

8 Q. Let me just check here.

9 (A PAUSE.)

10 Q. I'll ask you this. You collected one earring at
11 the autopsy, though, right?

12 A. Yes, ma'am.

13 Q. And that was out of the right ear?

14 A. Yes, ma'am.

15 Q. You did not collect a left ear?

16 A. No, ma'am, there ---

17 Q. There was ---

18 A. --- was none in the left ear.

19 Q. And at some point the, I think the fingernail
20 pictures ---

21 MS. GOODE: Beg the court's indulgence.

22 (A PAUSE.)

23 Q. There we go. At autopsy, these, these fingernails
24 were, were cut, right?

25 A. Yes, ma'am, fingernail clippings were collected

D. CLAYCOMB - CROSS-EXAM / D. DOVE - VOIR DIRE EXAM 888

1 from both the right and left hand by the pathologist.

2 Q. They were longer than that at the time, at --
3 before they were, they were cut?

4 A. Yes, ma'am.

5 Q. Okay.

6 MS. GOODE: Beg the court's indulgence.

7 (A PAUSE.)

8 MS. GOODE: I have no further questions. Thank you
9 so much.

10 WITNESS: Yes, ma'am.

11 THE COURT: Anything further?

12 MS. GASTON: No, Your Honor.

13 THE COURT: Thank you. You may step down.

14 WITNESS: Thank you, Your Honor.

15 (THE WITNESS EXITS THE STAND.)

16 THE COURT: Next witness.

17 MS. SAMPSON: Thank you, Your Honor. The state
18 calls Investigator Britt Dove.

19 DAVID B. DOVE, BEING DULY

20 SWORN, TESTIFIED AS FOLLOWS:

21 CLERK: Please have a seat in the witness stand and
22 state your full name for the record.

23 WITNESS: David Britton Dove. D-o-v-e.

24 VOIR DIRE EXAMINATION BY MS. SAMPSON:

25 Q. Good afternoon.

D. DOVE - VOIR DIRE EXAMINATION BY MS. SAMPSON

889

1 A. Good afternoon.

2 Q. And you, I called you Britt. Do you go by Britt?

3 A. Yes, ma'am, I do go by Britt.

4 Q. And can you tell this jury what do you do for a
5 living?

6 A. Yes, ma'am. I am currently employed with the South
7 Carolina Law Enforcement Division, also known as SLED.
8 I'm the lieutenant in charge of the Computer Crime
9 Center at SLED. I've been employed at SLED for thirteen
10 years now. Previous to that, I've worked in law
11 enforcement beginning in January 1999 for -- December,
12 1999, excuse me, with the West Columbia Police
13 Department, and also I've worked at the Richland County
14 Sheriff's Department.

15 Q. And you said you've been with SLED for how long?

16 A. I began with SLED in June of 2008, for a little
17 over thirteen years.

18 Q. And have you always been in the same division that
19 you are now?

20 A. Yes, ma'am. I started in computer crimes doing
21 investigations and digital forensics, and now I'm the
22 lieutenant of the unit.

23 Q. And can you explain to the jury what are digital
24 forensics?

25 A. Digital forensics in our realm that we do, when we

1 receive items in, whether it be a computer, a tower, a
2 laptop, a tablet, cell phone, GPS system, car
3 infotainment center, DVR, servers, anything dealing with
4 that, we will do forensics on it as far as trying to do
5 forensic copies or images of the items or do extractions
6 and process those items for any information contained
7 within.

8 Q. And how do you do this? Is it different for -- I
9 mean, okay, do you have to use the same process with
10 each device, or does each device have a different
11 process?

12 A. Each device will have a different process. If you
13 are processing a laptop, for example, you could remove
14 the hard drive. At that time you would connect it to a
15 write blocker and then process it through the software
16 on the computer.

17 If you're doing a cell phone, you would connect
18 that through a software/hardware, different variations,
19 different brands of them, and from that point you would
20 extract the information and review the extraction.

21 Q. And are -- do you get specific training on how to
22 do this, or have you had specific training?

23 A. Yes, ma'am, I have.

24 Q. What kind of training have you had?

25 A. I am currently certified as a Cellebrite operator,

D. DOVE - VOIR DIRE EXAMINATION / DIRECT EXAMINATION 891

1 operator.

2 Q. And I'll stop you.

3 A. Okay.

4 Q. Nobody knows what Cellebrite is but you.

5 A. Okay.

6 Q. So, what is Cellebrite?

7 A. Cellebrite is one of the products we use, one of
8 the forensic products we use when we extract from
9 tablets or cell phones. It's a company that's known
10 worldwide that is one of the ones that we use.

11 Q. I interrupted you. So, you're certified on that.

12 A. Uh-huh.

13 Q. What else, other training do you have?

14 A. I'm also certified as a Cellebrite forensic --
15 physical analyst. I'm also certified as an advanced
16 smart phone analyst both with Cellebrite and I'm also
17 certified with --- mobilized operator with them. I'm
18 associated with the South Carolina Electronic Crimes
19 Task Force, the FBI Cyber Working Group and a task force
20 member, also the FBI Info Guard, South Carolina Internet
21 Children -- Internet Crimes Against Children Task Force,
22 and South Carolina Fraud Watch Coalition member, and
23 I've received numerous trainings from Cellebrite, the
24 FBI, United States Secret Service through their National
25 Computer Forensic Institution.

1 Q. Have you been certified -- or excuse me. Have you
2 been qualified as an expert in court before?

3 A. Yes, ma'am, I have. Approximately six times.

4 Q. And in what area of expertise?

5 A. I've been qualified in both computer forensics and
6 cell phone forensics.

7 MS. SAMPSON: Your Honor, I'd ask for Mr. Dove to
8 be qualified in the field of cell phone forensics.

9 THE COURT: Says the defense?

10 MS. GOODE: No objection, Your Honor.

11 THE COURT: He's so qualified.

12 DIRECT EXAMINATION BY MS. SAMPSON:

13 Q. So, is it Analyst Dove, Lieutenant Dove? What am I
14 supposed to call you?

15 A. It -- I go by Lieutenant Dove or just Britt is
16 fine.

17 Q. So, Britt, can you explain to this jury -- you
18 talked about Cellebrite a little bit. Is that -- do you
19 use that with every phone, or what do you use with
20 phones to analyze them?

21 A. We don't use it with every phone because every
22 phone is different. We can go to it a lot of times.
23 It's kind of our first choice because we have more of
24 that product right now, but we also have other things
25 like XRY. We have Magnet Axion that we can use on cell

D. DOVE - DIRECT EXAMINATION BY MS. SAMPSON

893

1 phones, too, and we also have Mobilize, who used to be a
2 standalone company. It's now been bought by Cellebrite.

3 Q. And how did you become -- in this case involving
4 the murder of Samantha Josephson?

5 A. I was contacted on the early morning hours of the
6 29th to respond to the scene at Columbia Police
7 Department regarding a missing female from USC. Once I
8 was -- arrived on scene, I was asked to process a cell
9 phone. I can't remember. I believe it was the
10 boyfriend's cell phone. I was asked to look at it.

11 While I was there at the scene trying to set up my
12 equipment and go through that, other things developed.
13 At one time I was asked to respond to [REDACTED] Saluda Avenue.

14 Q. And you said boyfriend's phone. Whose boyfriend
15 were you speaking of?

16 A. It was Samantha Josephson's.

17 Q. And so what did you do when you went to Saluda
18 Avenue?

19 A. When I went to Saluda Avenue, I stood by. I saw
20 that there were phones that had been pulled out of the
21 car, placed on the hood of the car. At that point the
22 scene was secured, so I stood by until a search warrant
23 was obtained. At what time the search warrant was
24 obtained and we were able to seize the items, I let
25 crime scene with SLED photograph the area, and once they

1 finished photographing and documented, I then collected
2 the items.

3 Q. I'm going to show you what's been marked as State's
4 Exhibit 331 and 330 and ask if you recognize these
5 items.

6 A. Yes, ma'am, I do.

7 Q. And what are those two items?

8 A. State's 331, it's marked as a cell phone, an
9 Alcatel, black-in-color, and it was taken from the
10 inside of the car, and then State's 330, it's marked as
11 an iPhone cell phone, pink-in-color. No SIM card. It
12 was collected from the roof of a car.

13 Q. And how do you know those were -- did you collect
14 those items?

15 A. Yes, ma'am, I collected the items with time and
16 dates on there of when the items were collected. Once
17 the items were collected, they were secured in my SLED
18 vehicle and then transported to the Computers Crime
19 Center located on Bush River Road.

20 Q. And how did you know that those items are the same
21 items you collected?

22 A. It's my handwriting on the bag, and I also do the
23 intake once I re -- got back to the SLED Computer Crime
24 Center. So once I did that, I placed the evidence label
25 on the bag after I logged them into our evidence system.

D. DOVE - DIRECT EXAMINATION BY MS. SAMPSON

895

1 MS. SAMPSON: At this time, Your Honor, I'd ask to
2 introduce State's Exhibit 330 and 331 into evidence.

3 THE COURT: Says the defense?

4 MS. GOODE: Over previous objection.

5 THE COURT: They are admitted.

6 (CELL PHONES INDIVIDUALLY MOVED INTO EVIDENCE AS
7 STATE'S EXHIBIT NUMBERS 330 AND 331.)

8 BY MS. SAMPSON:

9 Q. And we look -- can we start with Item 330? You can
10 go ahead and open it. Do you need scissors?

11 A. No.

12 Q. And can you show -- I'm sorry. Can you show it to
13 the jury?

14 A. Yes, ma'am, I'm sorry. It is an Apple iPhone. It
15 is rose gold in color.

16 Q. And is it in the same condition as you received it
17 on March 29th or March 30th? I'm sorry.

18 A. The only other change to the condition of this is
19 it was on when I received it and it's currently off.

20 Q. Okay, but it was on, it was on and working when you
21 received it?

22 A. Yes, ma'am.

23 Q. And how about Item 331? You can show it to the
24 jury for me.

25 A. All right. 331 is another cell phone. It's an

1 Alcatel cell phone.

2 Q. What is Alcatel? Is it a brand or what?

3 A. It's a brand of cell phone. It's made, I believe,
4 by TCL.

5 Q. So, for example, saying iPhone is a brand. Alcatel
6 is just a brand of phone?

7 A. iPhone is actually the model of the Apple phone.
8 Alcatel is the brand of the phone.

9 Q. And so what do you do -- and did you have any other
10 phones to analyze?

11 A. Yes, ma'am, I did. I collected four phones that
12 night.

13 Q. So, I'm going to -- do you -- what do you do with
14 all four phones? Are -- do you do the same thing
15 initially?

16 A. Yes, ma'am. When phones come in or any piece of
17 electronics comes into our unit, the first thing we will
18 do is we will photograph it in the state in which we
19 receive it in. For instance, if it has a cracked
20 screen, it will be documented with photographs. If it's
21 on, it's documented. If there's other defects, they'll
22 be documented.

23 So the phone -- all four phones were photographed,
24 and then at that time I begin to enter them into our
25 evidence system. Once that got done, it printed out

D. DOVE - DIRECT EXAMINATION BY MS. SAMPSON

897

1 labels to associate the evidence number with that item.
2 I placed the items on the bag and then, then began to
3 process them.

4 Q. I'm going to show you what's been marked as State's
5 Exhibit 330 -- 332 and ask if you recognize it.

6 A. Yes, ma'am, I do.

7 Q. And what, what is State's Exhibit 332?

8 A. They are my examination worksheets. The majority
9 of them involve the cell phones. There's also one in
10 here that is a forensic imaging sheet from a phone die
11 -- a phone draw that I obtained at the scene where I did
12 a forensic image of that to process it as -- for any
13 information on it.

14 Q. And are all those records created by yourself?

15 A. Yes, ma'am.

16 Q. And do those fairly and accurately depict the
17 records that -- the reports that you made revolve --
18 involving the phones that we're discussing?

19 A. Yes, ma'am.

20 Q. Have they been altered in any way?

21 A. No, ma'am.

22 MS. SAMPSON: At this time I'd ask to introduce
23 State's Exhibit 332 into evidence.

24 MS. GOODE: I'd object to the hearsay, Your Honor.

25 THE COURT: Any response? Response by the state?

1 MS. SAMPSON: Your Honor, I never gave you a copy.

2 BY MS. SAMPSON:

3 Q. Are these records that are kept in your normal
4 course of business in dealing with cell phones?

5 A. Yes, ma'am, they are.

6 MS. SAMPSON: That would be my only response, Your
7 Honor, is it's a hearsay exception.

8 THE COURT: Anything further?

9 MS. GOODE: Nothing, Your Honor.

10 THE COURT: They are admitted.

11 MS. SAMPSON: Thank you, Your Honor.

12 (EXAMINATION WORKSHEET RE CELL PHONES MOVED INTO
13 EVIDENCE AS STATE'S EXHIBIT NUMBER 332.)

14 BY MS. SAMPSON:

15 Q. So, I'm going to have you -- you have your own
16 copy?

17 A. Yes, ma'am.

18 Q. So, what is item number one on your report?

19 A. Item number 1 is identified as an Apple iPhone.
20 It's a model A1661, 32 gigabits in size. I was not able
21 to obtain the serial number from that one.

22 Q. And I'm going to stop you with that. Why weren't
23 you able to get the serial number off of that one?

24 A. That phone was locked.

25 Q. And what do you mean by locked?

D. DOVE - DIRECT EXAMINATION BY MS. SAMPSON

899

1 A. It had a passcode on it, and I was not able to get
2 into it to process it fully.

3 Q. Well, aren't you able to just break a passcode or
4 something?

5 A. No, ma'am, not always. We do have software and
6 hardware to use to try to bypass passcodes. Sometimes
7 it's a -- you know, works. Sometimes it doesn't. It
8 really depends a lot on the type of password they have.
9 If you have a four digit passcode and you use all zeros,
10 it's going to be a lot easier to get by than if you have
11 a six digit, eight-digit passcode that's alphanumeric
12 and you're putting letters and numbers and that kind of
13 combination in there.

14 Q. And item number 1, which phone is that with?

15 A. I'm sorry. Repeat.

16 Q. Is it -- which phone does number, item number 1
17 relate to? Is it, is it -- it's not the Alcatel phone,
18 correct? It's the other?

19 A. No, ma'am. It's an Apple iPhone.

20 Q. And whose phone was that -- did that end up
21 belonging to?

22 A. I believe that was seized from Mr. Rowland's person
23 at the scene.

24 Q. Okay. All right, and that one you stated already
25 had a passcode. Is that the same as a password?

1 A. Yes, ma'am.

2 Q. And could that -- is a passcode just a way to lock
3 the phone? It is sometimes your fingerprint, your face,
4 or is it always going to be a number?

5 A. It doesn't always have to be a number. It could be
6 alphanumeric also, especially with the more advanced
7 security features. You can now use numbers or you can
8 change it and use numbers that are more complex and put
9 letters in there.

10 Q. Okay. So, it can be a combination of things?
11 Would that be fair to say?

12 A. Yes, ma'am.

13 Q. And you stated that that was locked?

14 A. Yes, ma'am.

15 Q. And what about item number 2?

16 A. Item number two is also an Apple iPhone. It was an
17 8 plus 256 gigabit in size. and it has an IMEI that I
18 was able to record on it of 354829091587638.

19 Q. And what -- you just read that number. What is
20 that? Is that like a serial number? What is that?

21 A. It's an international mobile equipment
22 identification number.

23 Q. And which phone does that go to?

24 A. That goes to the Apple iPhone that was collected at
25 the scene.

D. DOVE - DIRECT EXAMINATION BY MS. SAMPSON

901

1 Q. Is that the one that you just showed to the jury?

2 A. No, ma'am. That was item 3 on my report that I
3 showed to the jury that was a rose gold.

4 Q. All right. So, let's go to number 3. What is,
5 what is that one?

6 A. Item number 3 is an Apple iPhone, an 8 plus, 64
7 gigabit in size. It has an IMEI number of
8 353010095041382.

9 Q. And what phone does this belong -- who does this
10 phone belong to?

11 A. That was one that was collected from the car. It
12 was the rose gold one.

13 Q. Okay, and you were able to give us that IM, IMEI
14 number. Why were you able to give that?

15 A. That phone was not locked and it was on, and I was
16 able to process it.

17 Q. And what about item number 4?

18 A. Item number 4 was the Alcatel phone that I showed.
19 It was a model 5056N. It was 3 gigabits in internal
20 size and it had an IMEI number of 014650006859546.

21 Q. And, again, were you able -- was this phone locked
22 or unlocked?

23 A. This phone was locked, but I was able to bypass the
24 lock code.

25 Q. And how were you able to bypass the lock on this

1 one?

2 A. It -- we'll use Cellebrite with that phone, and
3 there were vulnerabilities that Cellebrite has found
4 that we're able to bypass the lock code on it.

5 Q. And that, and, and that -- I believe you said this
6 but that led you to be able to get the I -- the IMEI
7 number?

8 A. Yes, ma'am.

9 Q. Does that allow you to get all information off the
10 phone as well?

11 A. Yes, ma'am. I was able to do a physical extraction
12 on that phone.

13 Q. So let's talk about physical extraction. What is a
14 physical extraction?

15 A. A physical extraction, cell phones can be done
16 three different ways usually. You can get a physical
17 extraction. It's going to get you most -- pretty much
18 all the information. It's going to get you hidden
19 files; it's going to get you deleted information. It's
20 going to gather your most information. There's also
21 what's called a file system extraction. It's going to
22 be a step back from the physical. It's going to get you
23 some of the deleted information but not all the hidden
24 information.

25 And then there was -- there's a logical extraction.

1 Logical's going to get you the least amount. Usually --
2 think about logical would be looking at what you can see
3 going through your phone. Not always the deleted stuff
4 that may be there or the other things that -- operating
5 in the background such as databases and things. A
6 physical extraction will get you the file systems. It
7 will get you the logical stuff you can see plus some of
8 the hidden files that you are not able to see on your
9 phone.

10 Q. So, I'm going to start first with the rose-gold
11 iPhone.

12 A. Uh-huh.

13 Q. Were you able to get into that phone and get the
14 physical extraction from that?

15 A. On that phone, I was able to get in and do a full
16 file system. At this time, I'm not able to and don't
17 have the ability to do full physical extractions on
18 Apple I products. Full file systems are the largest
19 we're able to gather on that, and I was able to process
20 that because there was no password on it, and I was able
21 to get by the backups on there.

22 Q. And so based on that, what were you able to get
23 from that phone?

24 A. I got a ton of information from the phone. I could
25 gather location information because it was turned on on

1 the phone. I was able to collect chats, MMS messages,
2 internet history searches, call logs, contact lists,
3 photos, videos, and a variety of things.

4 Q. And were you able to determine who phone -- who
5 owned that phone, who that phone belonged to?

6 A. I was able to acquire a name for the user account
7 of that phone.

8 Q. And what was that name?

9 A. The Apple ID is for -- is identified as
10 S-a-m-i-j-b-b-a-l-l@aol.com. I was also able to get
11 names from computers that that phone had been synced
12 with also.

13 Q. And what names were you able to get?

14 A. It was Samantha's MacBook Pro/user. Samantha
15 Josephson was one of them. Sammy's MacBook Pro 421,
16 user Sam -- Sami Josephson.

17 Q. And you stated that you were able to get location
18 information. Can you explain to the jury what you mean
19 by location information?

20 A. Yes, ma'am. When you turn your location
21 information on on a phone, when you download a new app,
22 sometimes when you pull up the news sites it will say
23 turn on your location information for more accurate, you
24 know, news or weather, what have you. The -- she had
25 her location information turned on on the phone. It's

1 also how you can use it to do Find My Friends, Find My
2 iPhones, things like that.

3 So, what I was able to do with the extraction was
4 to go in and look at the location information. Then I
5 could take that information and I could export it as a
6 KML file, which that file you're able to put into Google
7 Earth and it will drop pins at every place it has the
8 latitude and longitude that that phone's been seen at.

9 Q. And were you able to do that with this phone?

10 A. Yes, ma'am, I was.

11 Q. And while we're setting up, I think you said this,
12 but can you do this if the phone is off, has been turned
13 off by the user?

14 A. If the phone is turned off, it's not going to be
15 transmitting. It's not going to reach out to the
16 towers; it's not going to reach out with the GPS
17 coordinates. It's not going to reach out for data.

18 So when a phone's off, you're not going to be able
19 to record those locations. If a phone's on and location
20 services are turned on, with the exception of being in a
21 building -- like a heavily concreted or steel building
22 that's going to interfere with the signals, you wouldn't
23 be able to obtain that.

24 Q. And you stated you were able to, to locate and put
25 things on pins on Google Earth. Is that correct?

1 A. Yes, ma'am. I exported the file for the location
2 information and dropped it into Google Earth, and it
3 revealed a map of pins on it with time, dates, and
4 locations.

5 Q. And is this that map?

6 A. Yes, ma'am.

7 Q. And for demonstrative purposes, I'm going to make
8 it a little bigger and move it. Can you tell the jury
9 what time it started showing locations that you took
10 down and put on this map?

11 A. I believe the time was at 1:58 AM on the 29th. I
12 limited the scope of it because there just was so many
13 information points and location points on the phone. It
14 would have just been hard because it would have tracked
15 everywhere that phone has been. So, I limited it to the
16 time that I was given as far as the last time Ms.
17 Josephson was seen to when it stopped and we recovered
18 the phone on the 30th, on the 30th.

19 Q. So where, when you first started doing the pins
20 because it's hard to show on this map exactly where it
21 is, where it is?

22 A. It's in the Five Points area.

23 Q. Does it stay in the Five Points area?

24 A. For a period of time it does, and then about the
25 2:10, 2:12 mark it starts to move and move out of Five

1 Points into the Rosewood area.

2 Q. So if I move my fingers, is this what we're talking
3 about, moving to the right?

4 A. Yes, ma'am.

5 Q. All right, and all of these pins, as you see them
6 like that, you -- those are the different locations of
7 her phone. Is that correct?

8 A. Yes, ma'am.

9 Q. And how do you know for sure that that's location
10 and not -- we've heard about towers. What is the
11 difference between a tower and this GPS actual location?

12 A. Those were GPS coordinates. They did not have to
13 interact with a tower, a cell phone tower as far as -- a
14 cell phone tower collects information from the cell
15 phone, and then you would triangulate the towers to be
16 able to find the location of the cell phone. This is
17 what came off the phone, the GPS coordinates of it.

18 Q. So, which is more reliable, this or the tower
19 information?

20 A. They both have a certain degree of inconsistency.
21 GPS locations, if you think about it with your phone,
22 your GPS system, you can be driving along and all of a
23 sudden it tells you take a right turn in 500 feet. You
24 look and you're 2 feet away from it because sometimes
25 there's lag in GPS. So, that way there is going to be a

1 certain degree that it's not going to -- you can't say
2 it's a hundred percent that spot, but it puts you in the
3 area within probably less than a mile.

4 Q. And that's what I mean. If it tells you that
5 you're downtown, it's -- you're not out in Chapin?

6 A. No, ma'am.

7 Q. And so it continues to stay in the down -- the
8 downtown Columbia area. Is that fair to say?

9 A. Yes, ma'am.

10 Q. And when does it stop tracking?

11 A. It's about 2:33, I believe, AM in the South Ott
12 area was the last pin I was able to see.

13 Q. Okay, and so where these pins are is where it
14 stops?

15 A. Yes, ma'am.

16 Q. And, again, why would it stop?

17 A. Most likely it would have been turned off. It
18 could have run out of power and gone dead, but it would
19 have lost power or been turned off.

20 Q. And does it ever come back on?

21 A. Yes, ma'am, it does.

22 Q. And I'm not going to pull that one up right now but
23 what -- where did it come back on at?

24 A. It comes back on also in the downtown area around

25 ---

D. DOVE - DIRECT EXAMINATION BY MS. SAMPSON

909

1 Q. At what time?

2 A. Down in that 8:46 AM time. Stays on. Travels out
3 towards Monticello Road around the 11:00, 11:30
4 timeframe that morning. Then it goes off. You have
5 another gap of time and then it shows up later that
6 evening on the 30th, where I have it going down Leesburg
7 Road. I see it travel down Leesburg Road into the
8 Mountainbrook area.

9 Q. All right, and so in order for you to see this
10 information, the phone is either off -- what is it, it's
11 off or on?

12 A. Yes, ma'am, it would have to be on to be able to
13 get that information.

14 Q. Okay, and so did you provide this information to
15 anyone else in law enforcement?

16 A. Yes, ma'am. I provided the information to the case
17 agents with SLED and also Columbia Police Department. I
18 took the information, the location information, and
19 created an Excel spreadsheet and put down addresses that
20 -- in the area of that in the hopes of locating
21 additional cameras or other information so they could
22 see where the phone had traveled.

23 Q. All right, and I'm now going to move on to a
24 different phone. Okay, you also were able to get
25 information from a phone connected with Maria Howard.

1 Is that correct?

2 A. Yes, ma'am, I was.

3 Q. And which phone was that?

4 A. That is item number 8.

5 Q. And what type of phone was her phone?

6 A. Give me one second. Her phone is a ZTE phone.

7 It's a model N9519. It's a 16 gig in size with a serial
8 number of 320775291418.

9 Q. And how do you -- did you use the same extraction
10 process you just spoke to the jury about to get
11 information from her phone?

12 A. Yes, ma'am, I did.

13 Q. Okay, and were you able to get all the information
14 from her phone?

15 A. No, ma'am. Her phone was an Android-based phone,
16 and it didn't interact the same with the Cellebrite
17 machine I was using and the -- as the Apple phone did.
18 So, I was able to acquire a lot of information but not
19 get a full physical extraction from it.

20 Q. Were you able to get her text messages around the
21 time of March 28th and 29th?

22 A. Yes, ma'am. I got call logs, text messages, some
23 images, videos. I wasn't able to get all the databases
24 and the additional kind of hidden areas.

25 Q. And I want to...

D. DOVE - DIRECT EXAMINATION BY MS. SAMPSON

911

1 (A PAUSE.)

2 Q. I'm going to show you what's been marked as State's
3 Exhibit 333 and ask if you recognize it.

4 A. Yes, ma'am, I do.

5 Q. And what is that?

6 A. This is the extraction report, part of the
7 extraction report I ran for item number 8, which is the
8 ZTE from Ms. Howard.

9 Q. And is that a record that's kept in the normal
10 course of your business as far as it concerns the
11 extraction of reports?

12 A. Yes, ma'am. Once we do the extraction of the
13 report, we go through and produce this type of report.

14 Q. And has it been changed in any way?

15 A. No, ma'am.

16 MS. SAMPSON: At this time, we'd ask to introduce
17 State's Exhibit Number 333 into evidence.

18 MS. GOODE: I object on hearsay grounds, Your
19 Honor.

20 THE COURT: It's admitted over objection.

21 MS. SAMPSON: Thank you.

22 (EXTRACTION REPORT MOVED INTO EVIDENCE AS STATE'S
23 EXHIBIT NUMBER 333.)

24 BY MS. SAMPSON:

25 Q. And I'm not going to go into all of this, but I

1 will ask you. On these records, it says, for example,
2 the first one says 6/2/2019. Is that the correct date?

3 A. Yes, ma'am, it is. But the way they do the dates
4 is they will put the day first, then the month, then the
5 year.

6 Q. All right.

7 A. That's the way the format is when I laid this
8 report out.

9 Q. So, instead of being what I would think is June 2,
10 2019, it's actually February 2, 2019?

11 A. Yes, ma'am. Correct.

12 Q. So, I'm just going to show you a couple of pages
13 from that report. All right. Can you see from up
14 there?

15 A. No, ma'am.

16 Q. You come down here then. I'm just going to need
17 you to keep your voice up.

18 A. Yes, ma'am.

19 Q. So, what does -- I'm going to highlight it. What
20 does --- where it says 964. What does that mean?

21 A. That's just an identification number that's placed
22 on the report. Just a way to keep track of it. It's
23 something the report generates when it makes itself.

24 Q. And here in this column where -- oh, shoot. Sorry.
25 There you go. In this column where it says a name, what

1 does that mean?

2 A. That's a name that would be identified in the
3 phone. When you put a contact in your phone, you assign
4 it a name and that's what that would reflect is that
5 phone number next to it, and then it associates with
6 that name. That's something that the user would have
7 put in there.

8 Q. And sticking with the highlighted one, what is the
9 phone number that's listed?

10 A. The phone number is [REDACTED]

11 Q. And at what time is that text sent?

12 A. It's showing that it's sent, according to the
13 report, it's 29/03/2019, which would actually be March
14 29, 2019, at 5:31:31 AM.

15 Q. And what does the -- where it says GMT minus 4,
16 what does that represent?

17 A. Computer systems, especially when you talk about
18 servers, they're what's called UTC or GMT time, which is
19 universal time and it's always at zero. To figure out
20 the time zones, you would back it up and move forward,
21 depending on where you move from that zero point.

22 So, what happens is since we are four hours, five
23 hours behind, depending on Daylight Savings Time. This
24 is reflective, the negative four, because we, at that
25 time of the year, we were four hours behind the UTC

1 time. So, that's why you'd see negative four, which
2 puts it our time zone, Eastern Standard Time zone.

3 Q. So, what time did this message get sent?

4 A. At 5:31:31.

5 Q. And I'm ---

6 A. AM.

7 Q. I'm saying it was sent. Is that represented in
8 here?

9 A. Yes, ma'am. It shows the two columns that it was
10 sent. The phone, the phone was used and it was an
11 outgoing message.

12 Q. And it says WYA?

13 A. Yes, ma'am.

14 Q. Do you have any idea what WYA means?

15 A. No, ma'am, not in this context.

16 Q. And I want to go down to the 967. Again, what is
17 the phone number associated on this line?

18 A. It's [REDACTED]

19 Q. And what time -- what day and time is that one
20 sent?

21 A. It's also the same day on March 29, 2019, at
22 7:01:22 AM.

23 Q. And, again, is it sent, sent at ---

24 A. It's sent per the phone as an outgoing message.

25 Q. And what does it say?

D. DOVE - DIRECT EXAMINATION BY MS. SAMPSON

915

1 A. It says: Bay, I'm late, A-S-F-4.

2 Q. And that's sent from Maria Howard's phone to Nate's
3 phone?

4 A. Yes, ma'am.

5 Q. And then the next one, what's -- what number is it
6 sent to?

7 A. It's 1- [REDACTED]

8 Q. And how has she labeled that number?

9 A. That number's labeled as Mom's.

10 Q. And what time does she send that one?

11 A. It's sent on the 29th, 2019, at 8:03:17 AM. It's
12 also showing sent messages. It's also showing phone in
13 outgoing.

14 Q. And what does it say?

15 A. Baby tried L-O-L. My shirt wet A-S-F. He
16 will not be washing -- wasing clothes ever.
17 Have a good day Mom. Love you.

18 Q. So, I'm going to go to the next one

19 (A PAUSE.)

20 Q. There we go, and I'll go to the next one. Now
21 these -- when I pull it up, I'm going to ask you. Are
22 these still the same reports we were just talking about?

23 A. Yes, ma'am. You can see from the top up here that
24 it's got the examination report on the ZTE GSM, same
25 model number from the previous one.

1 Q. So, this is the same, Maria Howard's phone again?

2 A. Yes, ma'am, it's Maria Howard's phone, just another
3 page of the report.

4 Q. I want you go down to this one here. What is --
5 what does it say down here at the bottom?

6 A. It's in column 1112. It's phone number [REDACTED]
7 [REDACTED] and it's titled Brother Baby and it's 3/30/2109
8 at 12:38:25 PM.

9 Q. And what does it say? Was it sent?

10 A. It was sent from the phone showing an outgoing
11 message.

12 Q. And what does it say?

13 A. It says: Chloe's shoes got blood on them.

14 Q. And then the last one on this one? From the top
15 line, can you do the same thing with that one?

16 A. Yes, ma'am, this is also from the same report from
17 the ZTE phone, same model number. It's -- 1113 is the
18 column number and it's going to be [REDACTED] 9625. It's
19 also to Brother Baby. It's 3/30/2019 at 12:38:42 PM.
20 It's sent from the phone. It's outgoing and the message
21 is: From when she got in the car last night.

22 Q. And then what is 1115?

23 A. It's going to be from [REDACTED] 9625. Brother Baby.
24 3/30/2019. 12:43:01 PM. It's showing sent from the
25 phone outgoing. It says:

1 It's on the bottom of the shoes. You ain't
2 got to buy new shoes.

3 Q. Thank you. You may have a seat.

4 So, I'm going to go back to some of the other
5 phones. You able to get -- were you able to get any
6 phones that you then associated with the defendant?

7 A. Yes, ma'am.

8 Q. Okay, and were you able to break into either of
9 those phones to gain the same GPS location information
10 that you got off Samantha's phone?

11 A. No, ma'am. The iPhone that came from the defendant
12 at the scene I was not able to get into. So, I was not
13 able to obtain all the GPS information.

14 Q. Why is that?

15 A. It's because it still contained the passcode, and I
16 was not able to bypass the passcode and get a full
17 extraction.

18 Q. Okay, and what about the other phone?

19 A. It was item 4. I was able to get into to bypass
20 the passcode and obtain information on that.

21 Q. And what were you able to get off of that phone as
22 far as location information?

23 A. On location information, I was able to obtain some
24 location information. Not a tremendous amount because
25 it was an Android-based system. It didn't have

1 locations pulled like they did for the Apple, so it's
2 very limited in locations.

3 Q. And I want to go back to -- and I want to make sure
4 we're talking about the same phone. I'm going to hand
5 you a stack of records and, the first thing, we're not
6 going through all these records. I want to show you
7 what's been marked for ID as State's Exhibit 334 and ask
8 if you recognize those.

9 A. Yes, ma'am, I do.

10 Q. And what are those records from?

11 A. These records are from the timeline that is
12 produced in my report when I did the extraction for
13 item 4.

14 Q. Which is which phone again?

15 A. Which is the Alcatel phone.

16 Q. Okay, and are -- is that report one that's kept in
17 the normal course of your business as a record from the
18 phone?

19 A. Yes, ma'am, it's produced. Once we do the
20 extraction, we produce this record, and then we'll
21 review this record a lot of times when we're looking
22 through the phones to give us indications for time and
23 dates and activities.

24 MS. SAMPSON: At this time, Your Honor, I'd ask to
25 introduce State's Exhibit Number 334 into evidence.

D. DOVE - DIRECT EXAMINATION BY MS. SAMPSON

919

1 MS. GOODE: Your Honor, I'd object on hearsay
2 grounds and our previous objections.

3 MS. SAMPSON: Same response from the state, Your
4 Honor.

5 THE COURT: What?

6 MS. SAMPSON: I said ---

7 THE COURT: Pardon me?

8 MS. SAMPSON: I said same, the same response for
9 the state. This is a business record exception.

10 THE COURT: What was, what was the previous
11 response?

12 MS. SAMPSON: This is a business record exception.
13 It's kept in the normal course of their business. He
14 testified to that, Your Honor.

15 THE COURT: It's admitted over objection.

16 MS. SAMPSON: Thank you.

17 (TIMELINE RECORD OF CELL PHONE MOVED INTO EVIDENCE
18 AS STATE'S EXHIBIT NUMBER 334.)

19 BY MS. SAMPSON:

20 Q. So, I'm going to ask you a little bit about how you
21 generate these records.

22 A. Uh-huh.

23 Q. All right. So, when you get the report, is it like
24 this, a whole big stack, or how do you get it?

25 A. When we usually generate a report -- because, as

1 you can see with that volume of paper for just the
2 timeline, a lot of times what we'll do is we'll generate
3 it as an HDML report, which makes it easy because it's
4 all linked together on a disk so that an investigator
5 can click on it to go to different sections they want
6 and be able to look through it a lot easier without
7 having thousands of pages to try to, you know, go back
8 and forth and thumb through.

9 Q. And I'm going to ask you a little bit about that.
10 I'm going a little bit back and forth. This Alcatel
11 phone, when -- how do you know that a phone is on and
12 working for -- if, if you're just looking at the
13 reports?

14 A. If I'm looking at the report, there are things I'm
15 looking for. If a phone's on when we get it and receive
16 it and we go to process it, a lot of times the last
17 things we can look at on there may show the time and
18 date at which we start our processing on there. Other
19 thing is a lot of times phones, especially Apple --
20 Alcatel has a few of it with some of their things. It
21 has powering events on there. For example ---

22 Q. Now I'm going to stop you. What's a powering
23 event?

24 A. For example, if you go to cut your phone on or off,
25 that's a powering event. With a phone, if you pick up a

D. DOVE - DIRECT EXAMINATION BY MS. SAMPSON

921

1 smart phone and it's off and the screen's dark and you
2 go to pick it up and it lights up, that's considered a
3 powering event. If you turn it sometimes, if you're
4 holding it straight up and you turn your hand over and
5 then it rotates over so that it, it goes and moves,
6 that's considered a powering event. Some phones and
7 some systems will record more of those than others; some
8 will not record all that. You can also look in the
9 databases, too, and see activity that's occurring at
10 different times. It may not be pulled out in a report
11 all the time.

12 Q. And was this phone, the Alcatel, that you took, was
13 it working?

14 A. Yes, ma'am, it was.

15 Q. And how do you know that?

16 A. When I go to do the examination on this phone, I
17 took photos of the phone when it was hooked up which
18 show that it's on with the passcode on there so that I
19 knew it was on and working at that point. Also, too, I
20 was able to go into some of the databases that the
21 report produced and look at them. One of them is a
22 power up reason text file that's in there, and it shows
23 that, at 3:20 on March 29, 2019, there was a reboot of
24 the phone. It also shows that at 2:58 AM on the 29th of
25 2019 that a keypad activity was initiated.

1 Q. What's a keypad activity?

2 A. It could have been anything. It could have been
3 somebody's finger hit it. It does not necessarily mean
4 that's somebody's punching numbers in, but somebody
5 would hit the keypad for some reason or something hit
6 the keypad.

7 Q. And what time was that at?

8 A. That was at 2:58:30 AM on March 29, 2019.

9 Q. All right, and you, I believe you stated this, but
10 was this phone locked or unlocked?

11 A. It was locked when I received it.

12 Q. And so what does that mean? In order to access the
13 phone, what do you need?

14 A. We had to bypass the lock code or either have the
15 lock code and unlock it.

16 Q. And so if that phone was sitting here, would I be
17 able to use it and just pick it up and start using it?

18 A. No, ma'am.

19 Q. What would I need?

20 A. You would need the passcode to get into it.

21 Q. Any other way to get that phone to work without
22 that passcode?

23 A. No, ma'am, not that I'm aware of.

24 Q. And how long does the phone have to -- does the
25 passcode -- phone automatically locked, or is there a

1 function that it only locks after so much, much -- many
2 minutes?

3 A. I found in there in the settings security XML file
4 of the phone that the locked screen locked after a time
5 out, that it locked after thirty minutes.

6 Q. So, what does that mean in layman's terms?

7 A. That after it times out, in which I found the
8 timeout to be one minute for the phone for the screen,
9 that once it goes off, then after that, thirty minutes
10 after that, that phone locks automatically whether you
11 interact with it or not.

12 Q. So, is it fair to say that if the phone sat still
13 for thirty minutes, minute thirty-one you couldn't open
14 it? You couldn't use the phone without the passcode?

15 A. Yes, ma'am.

16 Q. So, I'm going to show you one particular record
17 from those records and before I go into it, did you
18 provide any of this information that you downloaded from
19 this phone to anyone?

20 A. Yes, ma'am. It was provided to investigators and
21 then a discovery copy was made.

22 Q. Was it -- it was given to other people at SLED, at
23 SLED?

24 A. Yes, ma'am.

25 Q. And let me ask you this. With the phone there,

1 were you able to get any information in order to do cell
2 towers off the Alcatel or the other phone that was
3 located with Mr. Rowland?

4 A. No, ma'am. I don't do cell towers or cell records.

5 Q. Who does that?

6 A. At the time, I believe it was Special Agent Eric
7 Grabsky.

8 Q. So, can you see this or do you need to step down?

9 A. It'd be easier if I could step down.

10 Q. You can.

11 A. It's hard to see.

12 Q. And is this the same extraction report as I -- a
13 page from the report that I've just -- we've just put
14 into evidence?

15 A. Yes, ma'am, it's from item 4. It's a Cellebrite
16 report ---

17 Q. And is this ---

18 A. --- from the timeline.

19 Q. I'm sorry. From the Alcatel phone?

20 A. Yes, ma'am.

21 Q. Okay, and so what does this mean here that's
22 highlighted?

23 A. This is from the timeline report. It's showing
24 that there was a web search or the web was pulled up at
25 -- on 3/29/2019 at 4:36:05 AM. You can see on this one

D. DOVE - DIRECT EXAMINATION BY MS. SAMPSON

925

1 it did a UTC minus four instead of a GMT minus four.
2 So, it's still set from zero to our time zone.

3 Q. And what was pulled up?

4 A. It's -- the description says:

5 Trending porn videos of the day, mobile HD
6 porn videos, SpankBang.

7 Q. And what -- why is this significant for you?

8 A. Because at this time at 4:36 AM, the only way
9 somebody would have been able to pull that up and to
10 access that would have had to either know the pass --
11 would have to know the passcode to be able to unlock the
12 phone to get to that Chrome search -- or not search, but
13 that Chrome tab to be able to open it.

14 Q. Thank you. You may take your seat.

15 And just to be clear, that that you've just read
16 from, that's from the phone associated with whom?

17 A. That's from the phone associated with Mr. Rowland.

18 MS. SAMPSON: Beg the court's indulgence.

19 (A PAUSE.)

20 MS. SAMPSON: Thank you. No further questions.

21 THE COURT: By the defense?

22 MS. GOODE: Thank you very much, Your Honor. May
23 it please the court?

24 THE COURT: Yes, ma'am.

25 CROSS-EXAMINATION BY MS. GOODE:

1 Q. Good afternoon. How are you?

2 A. Good. How are you?

3 Q. I'm doing well. So, you testified you received
4 four phones on the 30th ---

5 A. Yes, ma'am.

6 Q. --- is that right? And one was an iPhone?

7 A. Yes, ma'am.

8 Q. It was reported to have been taken from Mr. Rowland
9 at the time that he was arrested?

10 A. Yes, ma'am.

11 Q. And you were able to do a personal extraction on
12 that phone?

13 A. Yes, ma'am.

14 Q. Is that correct?

15 A. Correct.

16 Q. And we didn't -- I don't think that that was
17 actually admitted into evidence. Is that right?

18 A. Correct. I didn't see those reports.

19 Q. Okay. We have an extraction from Maria Howard's
20 phone?

21 A. Yes, ma'am.

22 Q. And that was item eight?

23 A. Yes, ma'am.

24 Q. And then we have an extraction from the Alcatel
25 phone?

D. DOVE - CROSS-EXAMINATION BY MS. GOODE

927

1 A. Yes, ma'am.

2 Q. And we went through some records here on the -- for
3 the Alcatel phone ---

4 A. Yes, ma'am.

5 Q. --- right? And the number associated with that one
6 is the 862 number?

7 A. I would have to see the record again. I don't
8 remember right offhand.

9 Q. I will -- don't know how to mess with that, so I'm
10 going to grab what -- State's 334 and see if you are ---

11 A. That would be not that. That would be the Alcatel
12 phone. I believe the one you were asking about is ---

13 Q. Yes.

14 A. --- item eight, Ms. Howard's phone.

15 Q. I'm talking about the Alcatel phone.

16 A. Okay.

17 Q. Would be the ---

18 A. I apologize.

19 Q. May not be able to tell from just this timeline.
20 What I -- I'm going to take it apart here for a second.

21 THE COURT: Ladies and gentlemen, stand for a
22 moment.

23 MS. GOODE: Thank you.

24 (A PAUSE.)

25 MS. GOODE: I apologize, Your Honor.

1 (A PAUSE.)

2 THE COURT: All right. Questions of the witness?

3 MS. GOODE: Yes, Your Honor. I apologize. I'm
4 looking for, for something specific here. I will --
5 just -- this is a -- an extensive timeline here. I
6 apologize.

7 BY MS. GOODE:

8 Q. You're familiar -- I asked you about the iPhone
9 that was taken from Mr. Rowland on, on 3 -- on March
10 30th?

11 A. Yes, ma'am.

12 Q. And you were able to do a partial extraction of
13 that phone?

14 A. Yes, ma'am.

15 Q. And the number associated with that phone begins
16 with 566. Is that right?

17 A. I'm not sure offhand. Let's see if -- I can refer
18 to my report and see. Yes, ma'am, it looks like it
19 begins with 566.

20 Q. [REDACTED]

21 A. It's actually [REDACTED]

22 Q. 566.

23 A. 3692.

24 Q. Thank you.

25 A. You're welcome.

D. DOVE - CROSS-EXAMINATION BY MS. GOODE

929

1 Q. And this timeline goes back to -- it starts on
2 February 15th. Is that right?

3 A. Yes, ma'am, that stack right there.

4 Q. I'm also -- I'm not -- all right. I'm getting to
5 it. I promise. And like you testified, someone just
6 opening the web browser would pull up maybe a tab that
7 was opened in the web browser?

8 A. Correct.

9 Q. Not that someone was actually searching out,
10 making, making an actual search of that website.

11 A. Correct. If it's still open and it was just closed
12 out and reopened, it's still there and would pull back
13 up.

14 Q. And the last time that website was accessed on this
15 phone prior to that time would be in this report as
16 well?

17 A. Yes, ma'am.

18 (A PAUSE.)

19 Q. And if someone doesn't save the phone number in the
20 phone, there would be no context -- name next to that
21 number, right?

22 A. Correct.

23 MS. GOODE: All right. Beg the court's indulgence.

24 (A PAUSE.)

25 MS. GOODE: I apologize, Your Honor.

1 (A PAUSE.)

2 BY MS. GOODE:

3 Q. Okay. While I'm waiting on that, we'll come back
4 to that.

5 A. Uh-huh.

6 Q. I will ask you. So, you are -- as far as iPhone is
7 concerned that was all -- that was taken from Mr.
8 Rowland on the night of the 30th ---

9 A. Yes, ma'am.

10 Q. --- that was a partial extraction, extraction done,
11 right?

12 A. Yes, ma'am.

13 Q. And the GPS information that was obtained from
14 that, there was none. Is that what you're saying?

15 A. On that one, I believe it was maybe three locations
16 that came from that one. Because it was a partial
17 extraction, I couldn't get the full file system. So, I
18 was not able to get all the information.

19 Q. Okay, and the Alcatel you said is kind of the same
20 thing. There's some location information but not a lot.

21 A. Yes, ma'am.

22 Q. Is that correct?

23 A. Correct. It could have some location information
24 from that. It's a different operating system, so it
25 operates and acts differently.

D. DOVE - CROSS-EXAMINATION BY MS. GOODE

931

1 Q. And Alcatel, you said, was Android?

2 A. Yes, ma'am.

3 Q. Okay, and if a phone is connected to Wi-Fi,
4 wireless internet connection, it would show up on that
5 timeline?

6 A. It would show the Wi-Fi connection possibly.

7 Q. Right. It would show that it had been connected to
8 Wi-Fi at a certain point and maybe when it connected or
9 disconnected?

10 A. A lot of times it can show that. It can also show
11 the first connection and the last connection to it. But
12 that doesn't necessarily mean it was connected to that
13 Wi-Fi the whole time. It could have been different
14 times because that connection was autosaved in there
15 with their password.

16 Q. Okay. I found what I'm looking for.

17 A. Okay.

18 Q. Thank you. Appreciate your patience. All right.
19 Okay. Here we are. I want to show you again State's
20 Exhibit 334. This is Page 287 and if you could, please,
21 let's start here at this item number and tell the jury
22 right here ---

23 A. I wasn't sure which item number you were referring
24 to. If it was 63102 or 63103. This one? Okay.

25 Q. Both of them.

1 A. All right. At 63102, it shows that it's an
2 incoming call and on 3/15/2019 at 12:15:31 AM. It's
3 coming from 1- [REDACTED] and it's looks like it's a
4 duration of about 23 seconds. Would you like me to do
5 the next one, too?

6 Q. Yes, please.

7 A. The next one is 63103 is the call number. It's
8 also an incoming call at 315-2019 at 12:22:35 AM. It's
9 coming from [REDACTED] 3692, and it looks like the
10 duration is a minute and 41 seconds.

11 Q. Okay, and again, the phone number associated with
12 item one, which is the iPhone taken from Mr. Rowland on
13 March 30th, is that the [REDACTED] number that you just
14 talked about?

15 A. Yes, ma'am.

16 Q. Okay, and so Mr. Rowland's iPhone is calling Mr.
17 Rowland's Alcatel phone on March 15th?

18 A. Yes, ma'am, according to these records.

19 Q. And do you see where that number shows up again on
20 that day?

21 A. Yes, ma'am, I do.

22 Q. Are those phone calls, text messages?

23 A. It's a phone call on 3/15/2019 at 2:10:53 AM. It
24 lasts 35 seconds.

25 Q. So, a phone call from the [REDACTED] 3692 number, the

D. DOVE - CROSS-EXAMINATION BY MS. GOODE

933

1 iPhone number, calling the Alcatel number on 3/15/2019?

2 A. Yes, ma'am.

3 Q. I have -- I just have one more question for you.

4 A. Uh-huh.

5 Q. The item eight, the phone that you said belonged to
6 Maria Howard ---

7 A. Yes, ma'am.

8 Q. --- you, I think you testified you weren't able to
9 get all of the information from her phone?

10 A. Correct.

11 Q. So, you don't have location information ---

12 A. No, ma'am.

13 Q. --- from her phone?

14 A. I don't believe I do. I'll have to check the
15 report and see. No, ma'am, I wasn't able to get a full
16 picture of that, that information.

17 Q. And again, the date that Nate Rowland's iPhone is
18 calling Nate Rowland's Alcatel phone is March 15, 2019?

19 A. Yes, ma'am.

20 Q. And this incident date was March 29, 2019?

21 A. Yes, ma'am.

22 Q. So, about two weeks before?

23 A. Yes, ma'am, roughly fourteen days.

24 MS. GOODE: Beg the court's indulgence.

25 (A PAUSE.)

1 MS. GOODE: That's all I have. Thank you.

2 THE COURT: Any redirect?

3 MS. SAMPSON: Begging the court's indulgence.

4 (A PAUSE.)

5 REDIRECT EXAMINATION BY MS. SAMPSON:

6 Q. Just a couple of questions. You've been
7 downloading phones for how many years?

8 A. I started in June of 2008.

9 Q. And have you ever, in all that time in doing these
10 cell phones, have you heard of somebody having more than
11 one phone?

12 A. Yes, ma'am.

13 Q. And have you seen them call their own phone?

14 A. Yes, ma'am.

15 Q. Several reasons to call your own phone?

16 A. Yes, ma'am, it could be various reasons.

17 Q. Could you call it when it's lost?

18 A. Yes, ma'am.

19 Q. How about to check your messages?

20 A. Yes, ma'am.

21 Q. Any of -- and that could happen, right?

22 A. Yes, ma'am.

23 MS. SAMPSON: No further questions, Your Honor.

24 THE COURT: Anything further?

25 MS. GOODE: Yes, Your Honor. Just briefly.

D. DOVE - RE-CROSS-EXAMINATION BY MS. GOODE

935

1 RE-CROSS EXAMINATION BY MS. GOODE:

2 Q. The -- you testified that the, the -- one of the
3 calls was around a minute and a half or so?

4 A. It was, I believe, a minute 41 possibly, yes,
5 ma'am.

6 Q. And somebody would talk to their self for a minute
7 and 41 seconds?

8 A. It -- I can't answer that because I have no idea if
9 they've listened to something or they talked to
10 something.

11 MS. GOODE: Thank you very much.

12 THE COURT: All right. Thank you, sir. You may
13 step down.

14 WITNESS: Thank you.

15 (THE WITNESS EXITS THE STAND.)

16 THE COURT: And, ladies and gentlemen, that's it
17 for the day. Thank you very much. I need you back at
18 9:30.

19 Please do not be exposed to any information
20 concerning the case outside of the courtroom, and do not
21 discuss the case with anyone or allow anyone to discuss
22 it with or in your presence. And we'll see you at 9:30
23 tomorrow morning.

24 (THE JURY EXITS AT 5:49 P.M.)

25 THE COURT: Are there any anticipated issues

1 THE COURT: Oh, okay. Well, the record speaks for
2 itself. Once you make an objection, you don't have to
3 repeat it a thousand times.

4 MS. GOODE: Thank you, Your Honor.

5 THE COURT: See y'all tomorrow.

6 (WHEREUPON, THE CASE IS AT EASE.)

7 FRIDAY, JULY 23, 2021

8 (COURT RESUMES AT 9:29 A.M.)

9 (DVD OF SECURITY CAMERA MARKED AS STATE'S EXHIBIT
10 NUMBER 335 FOR IDENTIFICATION.)

11 (ATM REPORT MARKED AS STATE'S EXHIBIT NUMBER 336
12 FOR IDENTIFICATION.)

13 (CELL PHONE RECORDS MARKED AS STATE'S EXHIBIT
14 NUMBER 337 FOR IDENTIFICATION.)

15 (CELL PHONE RECORDS MARKED AS STATE'S EXHIBIT
16 NUMBER 338 FOR IDENTIFICATION.)

17 (CELL PHONE RECORDS MARKED AS STATE'S EXHIBIT
18 NUMBER 339 FOR IDENTIFICATION.)

19 (CHART OF PRINT COMPARISONS MARKED AS STATE'S
20 EXHIBIT NUMBER 340 FOR IDENTIFICATION.)

21 (PHOTOGRAPHS INDIVIDUALLY MARKED AS STATE'S EXHIBIT
22 NUMBERS 341 THROUGH 357 FOR IDENTIFICATION.)

23 THE COURT: Good morning. Everybody here? Good
24 morning.

25 MR. GIPSON: Good morning.

D. CONYERS - DIRECT EXAMINATION BY MR. GIPSON

939

1 MR. GIPSON: Yes, sir. Thank you.

2 THE COURT: Let's bring them in.

3 (THE JURY ENTERS AT 9:39 A.M.)

4 THE COURT: Good morning.

5 JURY: (*EN MASSE*) Good morning.

6 THE COURT: Day number five of your jury service.

7 Ladies and gentlemen, I've been made aware that
8 some of you have perhaps had trouble seeing the TV
9 screen when lawyers might stand in front of it. I
10 experienced the same thing the other day. They're aware
11 of it and will endeavor to not block your view.

12 You may call next witness.

13 MR. GIPSON: Thank you, Your Honor. The state
14 calls Danny Conyers.

15 DANNY CONYERS, BEING DULY
16 SWORN, TESTIFIES AS FOLLOWS:

17 CLERK: Please have a seat. State your full name
18 for the record.

19 WITNESS: Do I have to keep this on?

20 MR. GIPSON: No, sir. You may pull it down.

21 WITNESS: Danny Conyers.

22 DIRECT EXAMINATION BY MR. GIPSON:

23 Q. Good morning, Mr. Conyers.

24 A. Good morning.

25 Q. Tell the jury a little bit about your occupation.

1 A. Retired.

2 Q. Prior to the retirement, and congratulations on
3 that retirement, but prior to retirement, tell me what
4 you did before.

5 A. I was a -- I started off with South Carolina
6 National Bank as a corporate fraud investigator, and I
7 ended up with Wells Fargo as a financial crimes
8 investigator.

9 Q. And how many years were you with -- between South
10 Carolina National and Wells Fargo?

11 A. Forty-four.

12 Q. All right. So, that went from South Carolina
13 National to Wells Fargo and a couple of spots in
14 between?

15 A. There's a couple of Wachovia and First Unions in
16 there.

17 Q. All right, and before that, you were -- were you in
18 law enforcement at some ---

19 A. Yes.

20 Q. --- point in time?

21 A. I worked for Richland County Sheriff's Office from
22 1970 to '76.

23 Q. All right, and so as -- so, tell me a little bit
24 about your duties as you were working with the bank.

25 A. I did -- when I first started off, I did physical

D. CONYERS - DIRECT EXAMINATION BY MR. GIPSON

941

1 security and fraud investigations. You know, I, I
2 investigated all the crimes against the bank.

3 Q. And as time wore on, did you kind of morph into a
4 different role?

5 A. Well, they, they split it up. We got bigger and
6 had people specialize in the, in the, the, the physical,
7 physical security and then we specialized in the, the
8 investigations department.

9 Q. All right, and need to talk about fraud
10 investigations.

11 A. Yes, sir.

12 Q. Okay, and would ATM use or misuse of ATMs be a part
13 of that?

14 A. Yes.

15 Q. In that department you worked in?

16 A. Big part.

17 Q. All right. So, can you explain to the jury a
18 little bit about how, when a person accesses an ATM at
19 Wells Fargo, just what the process would be for security
20 or what security measures are in place?

21 A. Well, any time you use a credit card, that's a
22 daily procedure. I mean, it -- there's a system that
23 takes in the time, the date, the location, the amount,
24 and all that. As far as the ATM, we try to keep the
25 lighting -- and, and we pretty well got cameras in all

1 our ATMs now. There are a few that don't have them, but
2 the biggest majority of them all do.

3 Q. All right, and did you have an opportunity -- let
4 me ask you this. When you have that ATM video, does it
5 record?

6 A. Yes, sir.

7 Q. How does it record?

8 A. 24/7.

9 Q. All right. So, just a, just a continuous
10 recording?

11 A. Right.

12 Q. All right, and as it relates to the paper records
13 of people trying to access ---

14 A. Right.

15 Q. --- ATM cards, explain how that works again.

16 A. Well, any time you access it, you know, it, it
17 prints out. You know, it goes into a database with the
18 time, the date, the amount of the transaction, or what
19 you did, whether you was just checking your balance, or
20 making a bank transfer, or making a deposit.

21 Q. And are those records that are kept in the normal
22 course of business?

23 A. Yes, sir.

24 Q. All right, and those are records that you would
25 have access to, based on your employment with Wells

1 Fargo at the time?

2 A. Yes, sir.

3 Q. All right, and more specifically, back in 2019,
4 March of 2019, were you employed by Wells Fargo?

5 A. Yes, sir.

6 Q. Okay, and during that employment, did you have an
7 occasion to become involved in the investigation that
8 dealt with the murder of Samantha Josephson?

9 A. Yes, sir.

10 Q. All right. Can you tell us a little bit about --
11 what you remember about your involvement?

12 A. I, I remember the detective called me and asking me
13 about was the, the -- was the card used. Was, was the
14 card used and I, I, I told him it was used at, at two
15 locations, one in Sumter and one here in Columbia.

16 Q. And you were provided a search warrant at some
17 time?

18 A. Yes, sir. He, he provided the search warrant for
19 the photos.

20 Q. Okay, and pursuant to that search warrant, did you
21 provide certain information? Did you give certain
22 information ---

23 A. Yeah.

24 Q. --- to the ---

25 A. I told, I told them where the transactions took

1 place.

2 Q. Okay.

3 A. Because he needed that for the search warrant.

4 Q. All right.

5 MR. GIPSON: May I approach, Your Honor?

6 THE COURT: Yes, sir.

7 Q. Now, sir, I'm going to show you what's been marked
8 at this point for -- as State's Exhibit Number 335 for
9 identification purposes.

10 A. Yeah.

11 Q. Can I show that to you, sir?

12 A. Yes, sir.

13 Q. All right, and what is that?

14 A. This is a disk of the transactions that took place
15 at, at -- trying to think of the location there. One of
16 the Wesmark and the one here in Columbia.

17 Q. Okay, and did you have a chance -- is that a --
18 that's a disk of the videos?

19 A. Yes, sir.

20 Q. The recordings, and did you have an opportunity to
21 review those?

22 A. Yes, sir.

23 Q. Okay, and are those your initials on the back?

24 A. Yes, sir.

25 Q. To show that you, in fact, viewed them?

D. CONYERS - DIRECT EXAMINATION BY MR. GIPSON

945

1 A. Yes, sir.

2 Q. If I could have that back ---

3 A. Yes, sir.

4 Q. --- for a moment, please? Let me also show you
5 what's been marked as State's Exhibit Number 336. You
6 recognize that?

7 A. Yes, sir. It's a time of day report for Wesmark in
8 Hampton Hills.

9 Q. Okay, and you said time and date report? What?

10 A. It's a time and date report for ATM.

11 Q. Okay, and again, that's kept in the normal course
12 of business?

13 A. Yes.

14 Q. Can I have that back, please?

15 MR. GIPSON: I'd like to enter State's 335 into
16 evidence, Your Honor.

17 MS. PINNOCK: No objection.

18 THE COURT: It's admitted without objection. It is
19 admitted without objection.

20 (DVD OF SECURITY CAMERA MOVED INTO EVIDENCE AS
21 STATE'S EXHIBIT NUMBER 335.)

22 MR. GIPSON: Thank you, and I'd also like to admit
23 State's Exhibit 336 as well, Your Honor.

24 MS. PINNOCK: No objection.

25 THE COURT: It's admitted.

1 MR. GIPSON: Thank you.

2 (ATM REPORT MOVED INTO EVIDENCE AS STATE'S EXHIBIT
3 NUMBER 336.)

4 BY MR. GIPSON:

5 Q. I'm going to show you -- and if you'd like to step
6 down, you may, It is State's Exhibit Number 335, and
7 I'll ask you questions while this plays.

8 (WHEREUPON, STATE'S EXHIBIT NUMBER 335 IS PLAYED
9 FOR THE COURT AS DIRECT EXAMINATION CONTINUES. THERE IS
10 NO AUDIO.)

11 Q. Is there an audio recording of what happens at
12 these ATM machines?

13 A. Audio?

14 Q. Yes, sir.

15 A. No, sir.

16 Q. All right. Sir, can you explain the ATM area we're
17 talking about and just what you're seeing briefly?

18 A. Yes. That's Wesmark Plaza drive-thru in Sumter.

19 Q. Okay, and what are the streets that are -- that
20 it's closest to in Sumter?

21 A. I think the main drag, Broad Street.

22 Q. Okay.

23 A. And then if you're going back towards this way,
24 that runs into 238 and 521.

25 Q. Okay. So, kind of at that apex of 378, 521, and

1 Broad Street?

2 A. Yes, sir.

3 Q. All right.

4 A. That machine has two cameras.

5 Q. All right, and so the camera that we are looking at
6 right now, what would that represent?

7 A. That, that, well, it's -- it would, it would be the
8 overall view.

9 Q. Okay.

10 A. Where he would walk up to it, and it's just, it's a
11 really good camera. That's why you get so much footage.

12 Q. Okay. Now as this video plays, it's about A four
13 minute video, but since there's no audio, I'm going to
14 continue to talk to you while ---

15 A. That's fine.

16 Q. Now as that video plays, I'm going to show you
17 what's marked as State's Exhibit Number 336.

18 A. Yes, sir.

19 Q. All right. So, may I hand that to you, sir?

20 A. Yes.

21 Q. All right. Are you able to tell what took place by
22 way of transactions during that time?

23 A. He attempted to make purchases -- I mean,
24 withdrawals on it, but undoubtedly he didn't have the
25 right PIN number, so.

1 Q. Okay. How many withdrawals were attempted during
2 that period of time?

3 A. Two.

4 Q. And that's the Sumter location?

5 A. Yes, sir. I'm just going by this.

6 Q. Okay, and is there a time that's listed as to when
7 those ---

8 A. Yes, sir.

9 Q. --- took place?

10 A. It's saying 0545.

11 Q. Okay. So, 5:45 in the morning?

12 A. Yes, sir.

13 Q. Let's talk about time a little bit. There are
14 occasions when sometimes your -- the ATMs may read in
15 Pacific time?

16 A. Right. The biggest majority of them are on Pacific
17 time. If I remember right, they had put a new machine
18 in this one. When, when they set it up, they left, left
19 it on Eastern time instead of putting it on Pacific.

20 Q. Yes, sir.

21 A. But as you can see, he disguised himself pretty
22 good.

23 Q. Okay. All right, and at this point, he's walking
24 off. Is that correct?

25 A. Yes, sir. Looks like he parked his car up on Broad

1 Street.

2 Q. Okay. So, parked his car on Broad Street, walked
3 back to the car?

4 A. Yes, sir.

5 Q. All right. Now I'm going to play the second video
6 for you, sir, and I'll ask if you recognize that video
7 in just a moment.

8 A. Yes, sir. That's the overhead.

9 Q. So, you talked about possible two camera views?

10 A. Yes, sir.

11 Q. That will exist. Some, some more but at least at
12 this location, there are two camera views?

13 A. Right.

14 Q. So, one was direct on you?

15 A. Yes, sir.

16 Q. And the other was overhead?

17 A. Yes, sir.

18 Q. Okay, and it's in color as well. Is there anything
19 that you -- that looked particularly interesting about
20 this video?

21 A. Yeah. One thing that I -- usually I don't spend
22 much time on overhead, but I wanted to make sure the
23 detective seen the shoes this guy had on, or this
24 person.

25 Q. Okay. What's interesting about those shoes based

1 on the view?

2 A. Well, you don't see too many people walking up to
3 the ATM with those on. They look like bedroom shoes.

4 Q. Okay, and again is that particular transaction
5 captured in the record that you ---

6 A. Yes.

7 Q. --- have in front of you?

8 A. Yes, sir.

9 Q. Okay. In fact, it's the same transaction ---

10 A. Right.

11 Q. --- we just spoke about?

12 A. It's just a different view.

13 Q. And again, unsuccessful transaction?

14 A. Right.

15 Q. And it's noted as well on that business record?

16 A. Right.

17 Q. Okay, I'm going to move on to the next video. Now,
18 you have a record that shows the transactions occurred
19 on -- attempted transactions took place in the Columbia
20 area as well, correct?

21 A. Right. Hampton Hills.

22 Q. Okay. Explain to us, to the best of your ability,
23 where Hampton Hills is.

24 A. It's right over by -- I get all my tech schools
25 mixed up anymore since I moved to Charleston, but I

1 think it's Midlands -- Midland Techs.

2 Q. Yes, sir.

3 A. Close to there.

4 Q. Okay. So, would that be the corner of Sumter
5 Highway and Rosewood?

6 A. Yes, sir. We got two branches. One on Sumter
7 Highway we call Garners Ferry branch and then the
8 Hampton Hills branch.

9 Q. Okay. So, the bottom of that Garners Ferry hill?

10 A. Yes, sir.

11 Q. Okay, and what do we see here?

12 A. The same person attempting to use the ATM machine.

13 Q. And based on the record that you have in front of
14 you, can you tell us how many attempts were made?

15 A. Looks like it was one, two, three, four, five, six,
16 seven, eight, nine.

17 Q. Okay. So, nine attempts?

18 A. Yes, sir.

19 Q. Were they successful or unsuccessful?

20 A. Unsuccessful.

21 Q. And you talked about camera views with the Sumter
22 location when that person tried to use the branch in
23 Sumter.

24 A. Yes, sir.

25 Q. Where are the camera angles for Hampton Hills?

1 A. We have two cameras there also. We have a straight
2 on like that right there, and then we have one overhead,
3 and this was black and white.

4 Q. Okay, and this is a five minute video. I don't
5 intend to play the entire ---

6 A. Yes.

7 Q. --- video right now, but again this is a fair and
8 accurate representation of what you turned over to the
9 investigator after you received a search warrant?

10 A. Yes, sir.

11 Q. All right. So, I'm going to show you a different
12 camera angle, sir.

13 A. Okay.

14 Q. I will attempt to show you a different camera
15 angle, sir. There we go. So, again can you talk to us
16 about that particular angle of the Hampton Hills branch?

17 A. Yes. It's the overview camera, and if you -- again
18 you look, you see the same shoes that really stand out.

19 Q. And would this reflect the same set of nine
20 transaction attempts that we just watched?

21 A. Yes.

22 Q. Okay, but just from a different angle?

23 A. Yes, sir.

24 Q. All right, and again, color camera?

25 A. That one is, yes, sir.

D. CONYERS - CROSS-EXAMINATION BY MS. PINNOCK

953

1 Q. All right.

2 A. And the times on here are going to be Pacific time.

3 Q. Okay.

4 A. Which -- it's showing 0347, which would be, I
5 think, 6:47.

6 Q. Okay. So, adding three hours will be 6:47?

7 A. Yeah, adding three hours.

8 Q. All right. So in Sumter, attempting to use an ATM
9 after 5 AM?

10 A. Yes, sir.

11 Q. And in Columbia, attempting to use an ATM after 6
12 AM?

13 A. Right.

14 Q. Both on Sumter Highway?

15 A. Yes, sir.

16 Q. Now after you provided these videos and provided
17 that report, did that end the ---

18 A. My part.

19 Q. Yes, sir, your part in this case?

20 A. Yes.

21 Q. All right.

22 (END OF PLAY.)

23 MR. GIPSON: Well, sir, that's all the questions I
24 have. I'm going to pause this video, and then please
25 answer any questions that the defense may have for you.

1 WITNESS: Yes, sir.

2 MR. GIPSON: All right. Thank you.

3 (A PAUSE.)

4 THE COURT: Ms. Pinnock.

5 MR. GIPSON: Thank you, sir.

6 MS. PINNOCK: If it please the court, Your Honor?

7 THE COURT: Yes.

8 CROSS-EXAMINATION BY MS. PINNOCK:

9 Q. Good morning. It's ---

10 A. Good morning.

11 Q. Is it Connors?

12 A. Conyers.

13 Q. Conyers. Good morning. How are you?

14 A. Fine.

15 Q. Good. You were contacted by which investigator?

16 A. I think it was McCracken.

17 Q. McCracken, okay, and when you spoke to Investigator

18 McCracken, he told you what they were looking for, the

19 information they were looking for?

20 A. Right. He give me the, the card number and

21 everything.

22 Q. Yes, sir. He told you the reason why?

23 A. Yes, ma'am.

24 Q. And ---

25 A. At the time, yeah, he -- I get a lot, a lot of

D. CONYERS - CROSS-EXAMINATION / REDIRECT EXAMINATION 955

1 different cases, but yeah, he told me.

2 Q. Okay. So, you had a conversation with him prior to
3 getting the search warrant, correct?

4 A. Yes, ma'am.

5 Q. And then you got a copy of the search warrant?

6 A. Yes, ma'am.

7 Q. You pulled the videos?

8 A. Yes, ma'am.

9 Q. And you delivered the videos?

10 A. Yes, ma'am.

11 Q. Did you watch the video prior to turning it over?

12 A. Well, I, I did the video. I mean, I didn't to the
13 actual disk, but yeah, I looked at all -- I did, I did
14 all the video.

15 Q. Okay. So, you watched the video ---

16 A. Yes, ma'am.

17 Q. --- from the Columbia location?

18 A. Both locations.

19 Q. And you see can't who's at the ATM, correct?

20 A. What's the -- one more time?

21 Q. You cannot see who is at the ATM?

22 A. No, ma'am.

23 Q. Okay. You watched the Sumter location video?

24 A. Yes, ma'am.

25 Q. You cannot see who's at the ATM?

1 A. No, ma'am.

2 Q. You testified that the same person was trying to
3 use the card, but you don't know that, do you?

4 A. Well, that ---

5 Q. Do you know if it's the same person who used the
6 card both times?

7 A. I can't -- well, wearing the same clothes, but as
8 far as being the same person, no.

9 Q. No, you can't tell. So, you're just assuming that
10 it's the same person using the card?

11 A. Yes, ma'am.

12 MS. PINNOCK: Begging the court's indulgence.

13 (A PAUSE.)

14 MS. PINNOCK: Thank you. I have no further
15 questions.

16 REDIRECT EXAMINATION BY MR. GIPSON:

17 Q. So, sir, you were asked if you were assuming that
18 it's the same person using the card, correct? The
19 question that was just asked was you were ---

20 A. Right.

21 Q. --- assuming?

22 A. All I can say is, you know, they had on identical
23 clothes.

24 Q. Okay, and when you say identical clothing, you're
25 talking about those shoes, those ---

D. CUTTINO - DIRECT EXAMINATION BY MR. GIPSON

957

1 MS. PINNOCK: Objection, Your Honor.

2 A. Yeah.

3 MS. PINNOCK: Leading.

4 THE COURT: Don't lead him. Don't lead him.

5 MR. GIPSON: Yes, sir.

6 BY MR. GIPSON:

7 Q. What identical ---

8 MR. GIPSON: Thank you, Your Honor..

9 Q. What identical clothing did the person who used the
10 ATM in Sumter have that was identical to the clothing
11 that the person who used the ATM in Columbia had?

12 A. Those bedroom shoes.

13 Q. Okay.

14 A. Those stood out more than anything.

15 MR. GIPSON: Thank you, sir.

16 WITNESS: Yes, sir.

17 MR. GIPSON: That's all my questions. All right,
18 that's all.

19 WITNESS: Do I step down?

20 THE COURT: Anything further?

21 MS. PINNOCK: No, Your Honor.

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

23 (THE WITNESS EXITS THE STAND.)

24 THE COURT: Next witness.

25 MR. GIPSON: State calls Destiny Cuttino.

1 DESTINY CUTTINO, BEING DULY

2 SWORN, TESTIFIES AS FOLLOWS:

3 CLERK: Please have a seat. State your full name
4 for the record.

5 WITNESS: Destiny Cuttino.

6 DIRECT EXAMINATION BY MR. GIPSON:

7 Q. Good morning, Ms. Cuttino.

8 A. Good morning.

9 Q. I'll ask you to speak up just a little bit more so
10 we can ensure that all the jurors are able to hear you,
11 all right?

12 A. Uh-huh.

13 Q. And one other thing, and this is not to bug you,
14 but I will need you to give a verbal answer, a yes or a
15 no because uh-huh or uh-uh, we don't want to guess what
16 you were just saying. We want to make sure that you're
17 -- that we understand that you're saying, yes or no.

18 A. Okay.

19 Q. And you'll have plenty of time to explain your
20 answers, all right? Okay. All right.

21 So, tell us how old you are.

22 A. I'm twenty-six.

23 Q. A little bit about your educational background?

24 A. I graduated from Irmo High School. I went to
25 Fortis College for dental assisting, and that's it.

D. CUTTINO - DIRECT EXAMINATION BY MR. GIPSON

959

1 Q. All right, and are you presently -- well, let's --
2 a little bit about your work history.

3 A. I worked at FedEx; I worked at Sunoco driving
4 forklifts. I currently work is Schneider Electric.

5 Q. And let me ask it this. How long were you at FedEx
6 when you worked there?

7 A. Say three years, I want to say.

8 Q. And during the time when you were working at FedEx,
9 did you have occasion to meet a Nathaniel Rowland?

10 A. Yes, I met him. We met.

11 Q. All right, and did you come in contact with him
12 frequently when you worked at FedEx?

13 A. Before we actually met, no.

14 Q. After you met, let's talk a little bit about when
15 you met. What took place after you met? Did you guys,
16 did you have any type of relationship?

17 A. Yeah. After we met, we were just friends. Then we
18 eventually started dating.

19 Q. All right. Can you tell us about when you started
20 dating?

21 A. Like, the specific date?

22 Q. No. Just the time period, timeframe.

23 A. We started dating about, I want to say, April 2019,
24 I think.

25 Q. All right, and if you began dating, let's see,

1 could it have been any time before April 2019?

2 A. It could have, yeah. I can't remember exactly.

3 Q. But you're clear you dated in 2019?

4 A. Yeah.

5 Q. All right. Now, did you have a chance, you know,
6 when you were hanging out to just go places and hang out
7 with him from time to time?

8 A. Kind of, yeah. We hung out at his family's house,
9 his sister, his mom's house. We've hung out in Five
10 Points before.

11 Q. So, let's start in Five Points. Where in Five
12 Points did you hang out?

13 A. We been to Breakers couple times. I forgot the
14 name of the other place, but...

15 Q. But frequently in Five Points?

16 A. Not that many times but yeah.

17 Q. And you said you hung out at his sister's house?

18 A. Uh-huh.

19 Q. What, what did you do ---

20 A. Yeah.

21 Q. --- when you went to his sister's house?

22 A. Say again?

23 Q. What did you do when you went to his sister's
24 house?

25 A. Just hung out.

1 Q. What side of town does she live on?

2 A. Off Rosewood.

3 Q. All right, and so -- and do you know where he was
4 living at the time?

5 A. With his sister.

6 Q. And was anyone else living with his sister?

7 A. Her kids.

8 Q. All right, and you said that you also had the
9 chance to meet his family?

10 A. Uh-huh. Yeah.

11 Q. How? How did that take place?

12 A. Just from hanging out at his sister's house. Then
13 I met his mom.

14 Q. Where did you meet his mom?

15 A. His sister's house.

16 Q. All right. Did you have a chance to travel with
17 him anywhere?

18 A. Yeah. We went to his mom's house.

19 Q. Where was that?

20 A. In New Zion.

21 Q. So.

22 A. I think.

23 Q. I'm sorry. I cut you off. Go ahead.

24 A. I want to say it was New Zion. I can't remember
25 the name of it.

1 Q. But it was at his family home?

2 A. Him, his mom, dad.

3 Q. And do you remember how you would get there?

4 A. Yeah. Take Garners Ferry, go to Sumter Highway.
5 Straight, straight shot.

6 Q. Straight shot, and about how long did it take to
7 get there?

8 A. I want to say a hour maybe, hour.

9 Q. Who would drive?

10 A. He would.

11 Q. What kind of car was he driving at the time?

12 A. His car? Yeah, it was his car, his Impala.

13 Q. Was it -- what color was it?

14 A. Black.

15 Q. All right. Was it relative -- do you remember was
16 it an old Impala?

17 A. I don't think so.

18 Q. Okay. Relatively new?

19 A. Uh-huh.

20 Q. All right. Did you ever have a chance to get
21 behind the wheel of it?

22 A. Yeah.

23 Q. Anything interesting ever happen when you were
24 driving it?

25 A. I hit a deer.

D. CUTTINO - DIRECT EXAMINATION BY MR. GIPSON

963

1 Q. Okay. Who was with you when you hit the deer?

2 A. He was.

3 Q. Did you ever drive his vehicle without him in it?

4 A. We would go to like, the, the corner store, but
5 that's it.

6 Q. Where was the corner store?

7 A. Up the street from his sister's house off of
8 Rosewood.

9 Q. Okay, and together, you guys were together and you
10 hit a deer?

11 A. Uh-huh. Yeah.

12 Q. All right. Damage the car pretty good?

13 A. The front, yeah.

14 Q. And after that, was the car fixed?

15 A. Yeah, it got fixed.

16 Q. Okay, and, and you continued to go back and forth
17 to New Zion with him?

18 A. Every now and then, yeah.

19 Q. All right. Now, was that a place, was it a city
20 like Columbia?

21 A. No. It was like the country.

22 Q. All right, and how often did you, if you can
23 remember, would you have had the chance to go there?

24 A. How often?

25 Q. Yes.

1 A. Not that often. I probably had been about three
2 times, three or four.

3 Q. Okay. Now, do you see the person, Mr. Rowland,
4 sitting in the courtroom today?

5 A. Yeah.

6 Q. Can you point him out to us? Tell us what he's
7 wearing if you would, please.

8 A. It's a pink button up.

9 Q. All right. Now, you said you were around him a
10 period of time when y'all worked at FedEx. How did
11 y'all contact one another?

12 A. We would text.

13 Q. And what -- do you know what kind of phone he had?

14 A. Yeah. He had my old Alcatel phone.

15 Q. Okay. So, you gave him a phone?

16 A. Yeah. Eventually, yeah. I gave him a phone so
17 that we could contact each other.

18 Q. Why did you have to give him a phone?

19 A. He didn't have one.

20 Q. Okay, and let me ask you this. In seeing him, you
21 had an opportunity to, like you said, be in his car from
22 time to time?

23 A. Yeah.

24 Q. Did you ever see him with any kind of tools or
25 anything interesting in the car?

D. CUTTINO - DIRECT EXAMINATION BY MR. GIPSON

965

1 A. The little -- it's something you can use to open
2 something, but, like...

3 Q. I'm sorry?

4 A. I can't really describe it.

5 Q. All right. I'd like to show you something that's
6 been marked as State's Exhibit Number 225. Is this
7 something that you've seen before?

8 A. Not exactly that but something like that.

9 Q. Okay.

10 A. Yeah.

11 Q. But something, something like this in his car?

12 A. Yeah.

13 Q. And you've seen him with something like this?

14 A. Something like that.

15 Q. Okay, and you said he's had it and he was opening
16 things in the -- opening packages?

17 A. He would use it, use it to open something. I mean,
18 that's it.

19 Q. Now dressing wise, have you ever seen him wearing
20 head coverings or anything like that, bandannas?

21 A. He would wear a hat. Yeah, I seen him wear a
22 bandanna.

23 Q. Okay. Any particular kind of bandanna you remember
24 him wearing?

25 A. Yeah.

1 Q. I'm going to show you what's marked as State's
2 Exhibit Number 11. Have you seen this before?

3 A. Yeah.

4 Q. I'm sorry, that's a?

5 A. Yeah.

6 Q. Okay, and how would he wear this?

7 A. Just around his head.

8 Q. I'm going to show you what's been marked as State's
9 Exhibit Number 19. Have you seen these before?

10 A. No.

11 Q. Have you seen shoes like this, him wearing slides
12 or anything like that before?

13 A. Yeah, but not those.

14 Q. Okay. Now, did you guys have an occasion to end
15 your relationship?

16 A. Say it again.

17 Q. Did you break up with one another?

18 A. Yeah, we did.

19 Q. Okay. About when did that happen, if you remember?

20 A. I don't remember.

21 Q. Did he keep the phone you gave him?

22 A. Yeah.

23 Q. All right.

24 MR. GIPSON: Court's indulgence?

25 (A PAUSE.)

D. CUTTINO - CROSS-EXAMINATION BY MS. PINNOCK

967

1 Q. And let me just be clear. You were working at
2 FedEx?

3 A. Yeah.

4 Q. Was he working at FedEx as well?

5 A. Yeah.

6 Q. Okay. So, y'all were coworkers at some point in
7 time?

8 A. We were.

9 Q. And that's where you met?

10 A. Yeah.

11 Q. All right.

12 MR. GIPSON: That's all the questions I have at
13 this time, Your Honor.

14 THE COURT: By the defense?

15 MS. PINNOCK: Please the court, Your Honor?

16 THE COURT: Yes.

17 CROSS-EXAMINATION BY MS. PINNOCK:

18 Q. Good morning.

19 A. Good morning.

20 Q. Excuse me. Do you remember how long you knew Nate
21 before you started dating?

22 A. It wasn't long. It wasn't -- maybe a month before
23 we started dating. Yeah, a month or two.

24 Q. And you said that you had driven his car?

25 A. I have.

1 Q. And you wrecked his car?

2 A. Yeah.

3 Q. That wreck was in January of 2019, right?

4 A. I can't remember.

5 Q. Okay, and it was in the, it was in the shop for a
6 while?

7 A. Uh-huh. Yeah.

8 Q. Because there was pretty significant damage on it?

9 THE COURT: Can't hear you, ma'am.

10 Q. Sorry. You have to answer out loud.

11 A. Yeah.

12 Q. And you also told the investigators when you met
13 with them that you knew that other people had driven
14 Nate's car also, right?

15 A. Maybe. I know his cousin maybe go to the store,
16 but not really, no.

17 Q. No? Okay. You went to his parents' house, you
18 said?

19 A. Yeah, I've been before.

20 Q. To his sister's house?

21 A. Yeah.

22 Q. Y'all would hang out at the house. You'd spend
23 time together. You would go to the Five Points area,
24 but you said it wasn't that frequent, right?

25 A. Yeah.

D. CUTTINO - CROSS-EXAMINATION BY MS. PINNOCK

969

1 Q. It was not ---

2 A. Not that many times.

3 Q. Okay. So, that was not the normal thing, hangout

4 ---

5 A. No.

6 Q. --- whenever you were going to do something, let's
7 go to Five Points?

8 A. Yeah. No.

9 Q. Okay, and how -- did you say how long the
10 relationship was?

11 A. It was maybe four months, I want to say, but it
12 wasn't long.

13 Q. And during that time, you described him as a sweet
14 person?

15 A. Yeah. To me, yeah.

16 Q. Kindhearted?

17 A. Uh-huh.

18 Q. Giving?

19 A. Uh-huh.

20 Q. Never gave you ---

21 THE COURT: Ma'am.

22 MS. PINNOCK: Oh, I'm sorry.

23 WITNESS: I'm sorry.

24 BY MS. PINNOCK:

25 A. Yes. Yes.

1 Q. A giving person?

2 A. Yes.

3 Q. If you ever had any concerns, you would walk away,
4 right?

5 A. Yeah.

6 MS. PINNOCK: Begging the court's indulgence.

7 (A PAUSE.)

8 BY MS. PINNOCK:

9 Q. And, Ms. Cuttino, do you remember exactly when you
10 gave Nate that phone?

11 A. No, I don't.

12 Q. But y'all would be communicating prior to having
13 that phone, right?

14 A. Yeah.

15 Q. So, he had a different device that you ---

16 A. Yeah.

17 Q. --- could contact him on? Okay.

18 MS. PINNOCK: Thank you.

19 WITNESS: You're welcome.

20 MR. GIPSON: There's no further questions, Your
21 Honor.

22 MS. PINNOCK: Oh, I'm sorry. No further questions,
23 Your Honor.

24 THE COURT: Thank you. You may step down.

25 (THE WITNESS EXITS THE STAND.)

E. GRABSKY - *VOIR DIRE* EXAMINATION BY MS. SAMPSON 971

1 THE COURT: Next witness.

2 MS. SAMPSON: State calls Eric Grabsky.

3 ERIC GRABSKY, BEING DULY SWORN,

4 TESTIFIES AS FOLLOWS:

5 CLERK: Please have a seat. State your full name
6 for the record.

7 WITNESS: My name is Eric Grabsky.

8 *VOIR DIRE* EXAMINATION BY MS. SAMPSON:

9 Q. Good morning.

10 A. Good morning.

11 Q. Could you tell the jury where you are currently
12 employed?

13 A. Yes. I work for a company called Invista
14 Forensics. I now work as a digital forensic examiner
15 specializing in cellular location analysis and mobile
16 forensics.

17 Q. And how long have you been there?

18 A. I've been there since May of 2019.

19 Q. And where were you previously?

20 A. Previous to that, I worked for the South Carolina
21 Law Enforcement Division, otherwise known as SLED.

22 Q. And how long did you work for SLED?

23 A. I was at SLED for a little over three years.

24 Q. And what did you do at SLED?

25 A. At SLED I was assigned as a special agent to the

1 State Surveillance and Intelligence Unit, which operated
2 as a fugitive apprehension team. So, we would get calls
3 from local agencies requesting assistance in
4 apprehending violent felons or people with warrants.

5 And my area of expertise specifically on that team
6 was to track cell phones in realtime, as well as map out
7 historical call detail records in relation to major
8 crimes.

9 Q. Did you receive any training in order to do that?

10 A. I did.

11 Q. What is your training?

12 A. I've received 250 hours of training in pen
13 register, trap and trace device training, and I probably
14 should explain what a pen register, trap and trace is.

15 You've probably all heard of the wiretap. So, a
16 pen register is a bit of a scaled down version of a
17 wiretap. So, you get a target number. We initiate a
18 warrant, pen register. Basically what's going to
19 happen, we're going to be able to see all the incoming
20 and outgoing phone calls and text messages, but we're
21 not going to be able to hear anything as far as voice
22 conversations or see any text message content. And what
23 this did is it allowed us to analyze the cellular, you
24 know, location analysis of a phone in real time because
25 we would see in the pen register, we would see towers

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 973

1 that were being used, the locations of the towers, as
2 well as date and time and other particulars regarding
3 that.

4 So, I received training in pen register, trap and
5 trace device, collection and analysis, advanced training
6 in call detail record analysis, wireless communications
7 theory. And since being employed at SLED, I'm now a
8 certified telecommunications network specialist,
9 certified wireless analyst, and I've received additional
10 training in that as well.

11 Q. And have you ever been qualified as an expert in
12 court?

13 A. I have.

14 Q. In what field?

15 A. Cellular location analysis and mobile forensics.

16 MS. SAMPSON: At this time, Your Honor, I'd ask
17 that Mr. Grabskey be certified -- qualified as an expert
18 in the field of cellular location...

19 WITNESS: Analysis.

20 MS. SAMPSON: Analysis, sorry. Cellular location
21 analysis, Your Honor.

22 THE COURT: Says the defense?

23 MS. GOODE: No objection.

24 THE COURT: He is so qualified.

25 MS. SAMPSON: Thank you, Your Honor.

1 DIRECT EXAMINATION BY MS. SAMPSON:

2 Q. So, you said a lot of definitions when you were
3 just talking. Can you explain to the jury, how do you
4 get cell phone information? Let's start there.

5 A. So, I'm going to say call detail records a lot
6 probably, and that's what we refer to as the records
7 that come from the major providers for cell phone
8 companies. So, Verizon, AT&T, T-Mobile, and Sprint.

9 Q. And how do you get these records?

10 A. I get these records through, when I was at SLED,
11 through the legal process. So, we would send in a
12 search warrant or a court order to obtain those records.

13 Q. And what kind of records do you receive?

14 A. So, we receive call detail records, often in
15 digital format. So, Excel spreadsheets, that kind of
16 thing, and we'll receive basically records of incoming
17 and outgoing calls, text message transactions, internet
18 or data transactions, subscriber information, as well as
19 precision location records. There are several types of
20 call detail records, and that's what we'll receive from
21 the carriers when we make our request.

22 Q. And are the records you receive the same, whether
23 it's Verizon, AT&T, the provider, or does that matter?

24 A. I'm sorry. So, the records do differ in not only
25 the way they are provided but the way that they are

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 975

1 recorded by the provider. So, essentially they're all
2 very similar, but they're provided in different formats,
3 and some carriers may store certain information, whereas
4 another carrier may not store the same information.

5 Q. And I guess what I'm getting at, do you always get
6 the same information from each provider, or is it
7 different depending on the provider?

8 A. It's different depending on the provider.

9 Q. All right, and so I'm going to draw your attention
10 to this case. How did you become involved in the murder
11 of Samantha Josephson?

12 A. I received a call from my lieutenant at that time
13 inquiring about this case and requesting our assistance.

14 Q. And what, what assistance did they need at that
15 time from you?

16 A. They needed cellular location analysis on a known
17 phone number.

18 Q. And how do you know what, what phone numbers to get
19 records for?

20 A. It just depends. In this case, we received
21 information from investigators and special agents who
22 had already been working the case prior to.

23 Q. And what information are you given, or are you just
24 given the phone number? Are you told it's to this
25 person or that person, or are you just given a phone

1 number, or does that vary?

2 A. It, it varies but ultimately we receive information
3 as far as the phone number and who it's associated with,
4 the person that it's associated with.

5 Q. And what do you mean by associated with?

6 A. Meaning who possibly had possession of that phone
7 during a given time period.

8 Q. So in this case, you got information about some
9 phone numbers. Is that correct?

10 A. That's correct.

11 Q. And what did you do based on that?

12 A. I obtained search warrants for the call detail
13 records specifically containing historical cell site
14 location in order to map out the records and determine
15 where these phones were possibly located for a specific
16 time period.

17 Q. And were you able to get the information?

18 A. I was, yes.

19 Q. I want to start with certain records. I'm going to
20 show you what's been -- well, excuse me.

21 (A PAUSE.)

22 Q. I'm going to show you what's been marked as State's
23 Exhibit -38 and ask if you recognize it.

24 A. Yes.

25 Q. And what, what is -- what are those?

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 977

1 A. These are call detail records for [REDACTED] 5123.

2 Q. And is that, is that one of the phone numbers that
3 was provided to you?

4 A. Yes.

5 Q. And does that exhibit fairly and accurately depict,
6 depict the records that you received?

7 A. Yes.

8 Q. Have they been changed in any way?

9 A. Not that I can tell.

10 MS. SAMPSON: At this time, Your Honor, I'd ask to
11 introduce State's Exhibit 338 into record -- into
12 evidence.

13 MS. GOODE: Over previous objection.

14 THE COURT: They are admitted.

15 MS. SAMPSON: Thank you, Your Honor.

16 (CELL PHONE RECORDS MOVED INTO EVIDENCE AS STATE'S
17 EXHIBIT NUMBER 338.)

18 BY MS. SAMPSON:

19 Q. Now I'm going to show you 339 -- excuse me, 337.

20 (A PAUSE.)

21 Q. I'm going to show you what's been marked as State's
22 Exhibit 337, ask if you recognize this one.

23 A. I do.

24 Q. What is that?

25 A. These are RTT records, a type of call detail

1 record, for 803 [REDACTED]

2 Q. And is that a fair and accurate depiction of what
3 you received -- sorry, fair and accurate copy of what
4 you received?

5 A. It is.

6 Q. Has it been changed in any way?

7 A. It is not.

8 MS. SAMPSON: At this time, I'd ask to introduce
9 State's Exhibit 337 into evidence.

10 MS. GOODE: With prior objection.

11 THE COURT: It's admitted.

12 (CELL PHONE RECORDS MOVED INTO EVIDENCE AS STATE'S
13 EXHIBIT NUMBER 337.)

14 BY MS. SAMPSON:

15 Q. Now I'm going to show you what's been marked as 339
16 and ask if you recognize those.

17 A. I do.

18 Q. And what are those?

19 A. These are the same RTT records for that previous
20 number, for the Verizon number.

21 Q. And do they fairly and accurately depict the
22 records you received in this -- for this case?

23 A. They do.

24 Q. And have they been changed in any way?

25 A. No.

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 979

1 MS. SAMPSON: At this time, Your Honor, I would ask
2 to introduce State's Exhibit 339 into evidence.

3 MS. GOODE: Sorry.

4 MS. SAMPSON: Oh, I'm sorry.

5 (COUNSELORS CONFER.)

6 MS. GOODE: Over previous objection.

7 THE COURT: It's admitted.

8 (CELL PHONE RECORDS MOVED INTO EVIDENCE AS STATE'S
9 EXHIBIT NUMBER 339.)

10 BY MS. SAMPSON:

11 Q. And you just used what I will say is a term of art,
12 RTT. Explain to the jury what that is.

13 A. Yes. So, RTT is what Verizon describes as their
14 precision location records. So as I mentioned before,
15 there are several types of call detail records, one of
16 which is precision location records, right, and Verizon,
17 they use the acronym RTT, which stands for range to
18 tower or realtime tool.

19 Essentially what these are are records that show
20 tower information regarding the health of their network.
21 So, what we're going to see on these records is a date
22 and time of when the phone contacted a tower. The tower
23 then, if it's equipped with one of these tools, will
24 actually time the, the amount of time it takes for the
25 signal to get to the phone and then return back to the

1 tower. And when they do that, they estimate the
2 distance that the phone could be from the tower, and
3 it's an estimate.

4 They also include the estimated latitude and
5 longitude of the device. And this is not to track
6 phones or to maintain locations of their subscribers.
7 These records are produced and maintained by these
8 carriers in order to oversee the health of their
9 network. What they're seeing is they're getting all
10 kinds of network information regarding how that signal
11 is seen by the actual handsets, by the phone itself.
12 And this is a way, a method for them to oversee the
13 health of their network because the whole point of all
14 of these networks is for us to continue to subscribe to
15 them, right? They're a business, and so they need to
16 maintain the health of their network so that they can
17 maintain subscribers. They can maintain their
18 customers, and this is a way that they do that, to be
19 able to see basically in realtime how the network is
20 interacting with various cell phones.

21 Q. Now, you said something about the latitude and
22 longitude and that I believe you said it's not accurate.
23 What do you mean by that?

24 A. So, along with these -- or included in these
25 records is an estimated latitude and longitude of the

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 981

1 device. And there is a, you know, confidence level
2 associated with it: high confidence, medium confidence,
3 or low confidence. And again, these are not, you know,
4 created to actually determine the location of the
5 device. What they're trying to do is see where various
6 towers' signal overlaps because where that signal
7 overlaps, you're going to get better signal for the
8 device. That's really what they're looking at. And for
9 purposes of the -- you know, this report and my
10 testimony today, those estimated latitude and longitudes
11 were not included, but you will see an estimated
12 latitude and longitude in these records and, you know,
13 we just need to make sure that you're aware that those
14 are not what was used today.

15 Q. And just to be clear, if something says the
16 latitude and longitude of, say, downtown Columbia, does
17 that mean the phone is in Camden?

18 A. No. It's -- and, and again it's going to be
19 associated with an actual tower. And so what we're
20 going to see is the tower that was used for, for
21 connecting to the network.

22 Q. Did you prepare a PowerPoint that would help assist
23 you in your testimony today?

24 A. I did.

25 Q. And was that provided to myself and everybody that

1 needed it?

2 A. Yes.

3 (A PAUSE.)

4 Q. You can step down.

5 A. Sure.

6 (WHEREUPON, POWERPOINT PRESENTATION IS PLAYED FOR
7 THE COURT AS DIRECT EXAMINATION CONTINUES. THERE IS NO
8 AUDIO.)

9 Q. Is this what we were speaking of that you prepared?

10 A. Yes.

11 Q. So, this has a lot of information. Can you talk
12 about the background and what this presentation deals
13 with, which number?

14 A. Yes. So, I created a, a cellular map report.

15 Q. Speak up.

16 A. Sorry, for ---

17 Q. How about this. Switch with me so the court
18 reporter can hear you better.

19 A. Can everybody see?

20 So, I created a cellular analysis report which maps
21 out the towers that were used by two target phone
22 numbers. That's going to be 803- [REDACTED] as well as
23 609- [REDACTED].

24 Q. And were you given any information about what the
25 609 number, who it was associated with?

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 983

1 A. Yes. I was told that that was associated with
2 Samantha Josephson.

3 Q. And what about the phone number [REDACTED] 692?

4 A. That was associated with Nathaniel Rowland.

5 Q. Okay, and here you have methodology. What is this
6 speaking of?

7 A. This is just basically telling you what I just
8 spoke about, which is we conducted analysis on the call
9 detail records and documented where the locations of
10 those towers are, as well as the sector location on
11 those towers.

12 Q. And what is cell site location?

13 A. So, cell site location simply means location of a
14 tower. So, cell site just simply means the site of the
15 cell, and that is how we describe the location of the
16 tower.

17 Q. And you use all of this information to make some
18 determinations that we're going to talk about. Is that
19 correct?

20 A. That's correct.

21 Q. So, this is a sample. It's a sample of a three
22 sector tower. Can you explain to the jury what is a
23 three sector tower?

24 A. Yes. So, the majority of the towers that are used
25 by these networks, and specifically in this report, all

1 the towers that we saw are what we call sectorized. And
2 that's just a fancy way of saying that they're broken up
3 into different sectors so that you're able to determine
4 when you analyze these records the side, what side of
5 the tower that a phone call could have originated from
6 or, you know, some type of connection to the network
7 could have been from, right?

8 And so when we see these towers in realtime, the
9 next time you see a tower and you see that little kind
10 of a triangular-looking rack there at the top, that
11 indicates that the tower is sectorized.

12 Q. And so does a tower like this, does it project out
13 one way or another, or is it a 360?

14 A. It's actually a 360. Each of those sectors
15 projects out in 120 degree beam width, right, and that
16 -- you know, 120 degree times three is 360, which, you
17 know, encompasses a circle.

18 Q. So, can you explain to the jury what this means?

19 A. Right. So, this is, like, a birds-eye view on a
20 cell site or cell tower. So, if you think of a
21 Mercedes-Benz symbol, the very center of that symbol
22 would be where the tower is located. And each of those
23 kind of triangular-looking shapes that come out, that
24 span out from the center, represents a sector. And
25 that's how we're able to determine, you know, if the

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 985

1 call originated potentially on the north side of the
2 tower or on the east side or west or south.

3 Q. And so again, the first target number is the one
4 associated with Mr. Rowland. Is that correct?

5 A. That is correct.

6 Q. And who was his provider?

7 A. Verizon Wireless.

8 Q. Okay, and so what timeframe did you analyze?

9 A. The evening of March 28 through March 29.

10 Q. And what was the second target number?

11 A. 609- [REDACTED]

12 Q. And again, who was this associated with?

13 A. Samantha Josephson.

14 Q. And who was the cell phone provider?

15 A. Verizon Wireless.

16 Q. And again, what were you asked to analyze?

17 A. March 28, 2019, through March 29, 2019.

18 Q. So, what is -- why is this significant? What
19 information were you given? Start there.

20 A. I was given information that the incident
21 originated at the Bird Dog, which is a bar in Five
22 Points.

23 Q. Okay, and you said given information. Were you a
24 part of the investigation, or are you just receiving
25 information from different people?

1 A. I'm receiving information from investigators.

2 Q. And what is this?

3 A. This is the coordinates of where the body was
4 located.

5 Q. So, this is where it says 33 -- I believe it's
6 degree -- 48.472. What, what is that?

7 A. Those -- that's the actual coordinates on, on Earth
8 of where the, the body was located.

9 Q. So, is this, for lack of a better word, a Google
10 map of that?

11 A. Yes, it is.

12 Q. What is this?

13 A. This is a location of interest that I was provided.

14 Q. And do you know anything about this when you're
15 provided, or are you just told this is an area of
16 interest?

17 A. I was told that's an area of interest.

18 Q. Okay, and so [REDACTED] Mountainbrook?

19 A. That's correct.

20 Q. And this is, again, just an aerial shot?

21 A. That's correct.

22 Q. What is this?

23 A. Another location of interest.

24 Q. So, [REDACTED] Hemphill Street was one you were given as a
25 location of interest?

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 987

1 A. That's correct.

2 Q. Again, were you given information as to why this
3 was a location of interest or that it just was?

4 A. It's -- I believe it was associated with a family
5 member. That's, that's why I remember.

6 Q. Family member of whom?

7 A. Nathaniel Rowland.

8 Q. What about Memorial Stadium?

9 A. I believe this was in reference to some of the GPS
10 coordinates that were extracted from the device
11 originally by Lieutenant Britt Dove, I believe, that
12 there was potentially -- this may have been an area of
13 interest at the time that this map was created.

14 Q. And you brought up Britt Dove. Do you all -- do
15 your, your talents sort of overlap? Would that be fair
16 to say?

17 A. Sure.

18 Q. And so he does -- he was here yesterday, talked
19 about cell phone records. Do you have the same records
20 he does, or are your records different?

21 A. So, he -- so, actually I had the records and he had
22 possession of the physical devices. So, it's important
23 to understand that that's two separate sources of
24 information, right? You're going to be able to get
25 actual content of the text messages, you know, internet

1 activity, and you're going to actually see the contents
2 of that phone from the physical phone itself. From the
3 provider, from the carrier, from the -- as far as the
4 records go, we're just going to see basically contact
5 with the towers and incoming and outgoing phone calls
6 and data transactions.

7 Q. So, is it fair to say that the information you
8 received and the information he gets are not always the
9 same?

10 A. That's correct.

11 Q. This is just another point of interest?

12 A. That's correct.

13 Q. All right. So, let's get back to this. So, you're
14 analyzing [REDACTED] What are you getting in terms of
15 helping you analyze that number?

16 A. So, I looked at all the records that were provided
17 by Verizon when I made my request, and the records that
18 were used for this report are the records that I have
19 here. We have call detail records that I was provided,
20 and specifically I used RTT records that were provided
21 by Verizon, as well as the cell site listing, which is
22 the Carolina tower data that was provided.

23 So, Verizon -- I should explain this. Verizon,
24 they record the tower number in their records, right?
25 So, you know, they'll say, hey, this number used tower

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 989

1 number one, but they don't really specify, specify at
2 all where tower number one is located. So, you have to
3 look at their cell site listing, which is a database
4 that says, hey, tower number one is located at this
5 latitude and longitude, and that's how we determine
6 where those towers are that were being used by any
7 target phone number.

8 Q. And to be clear, latitude and longitude is just a
9 way to say the address basically because the tower
10 doesn't have an address. Is that a ---

11 A. Towers do have addresses, yes. So, a tower has an
12 address, but it's more accurate to plot the latitude and
13 longitude because that's going to be the exact point on
14 Earth as to where that tower is located. If you plot an
15 address as the tower, you may have, you know, varying
16 degrees of distance as to -- as far as where that tower
17 is located and where that address is because an address
18 is going to be on a main road, but I'm sure all of us
19 who've seen towers way back in the woods somewhere with
20 -- you know, through a little cut or a little trail.
21 And it's going to be more accurate to show that latitude
22 and longitude.

23 Q. So, when this says Carolina's tower data, that's
24 providing you the data for the tower as far as the
25 location?

1 A. That's right.

2 Q. Okay. So, what does this signify for you?

3 A. So, this is the RTT explanation form. We include
4 this just so we can reference it for, for these
5 purposes, and we have a date. We have an access time.
6 The release time is going to be the time that the tower
7 saw that phone leave that tower, basically when it
8 disconnected from that tower. We have a call length, a
9 tech -- technology-type dial digits.

10 Q. And do you get all of this information in the
11 report for ---

12 A. I do.

13 Q. --- the phone? This is a continuation of that?

14 A. Correct.

15 Q. Can you explain that to the jury?

16 A. Sure. We have various device identifies, the ESN
17 ID. We have the ---

18 Q. You're going to have to explain.

19 A. I'm sorry.

20 Q. What is the E ---

21 A. Electronic serial number. And MID is essentially
22 the, the actual phone number itself.

23 Q. What is that that you -- you said it fast. Say
24 what ESN is again.

25 A. ESN is the electronic serial number. So, that's

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 991

1 going to be the electronic serial number associated with
2 a specific device.

3 Q. Okay. So, that's like the serial number on the
4 phone?

5 A. Essentially, yes.

6 Q. Okay, and I interrupted you. MID and ESN, are
7 those the same?

8 A. They can be. This is going to be just the, the
9 mobile identifier to the network.

10 Q. Okay, and so that's another column. What's entry
11 type?

12 A. Entry type is going to be where we see if it was
13 originating or if it was incoming. So, originating
14 meaning outgoing and then, you know, incoming meaning
15 obviously incoming to the device.

16 Q. And again because I'm about as smart about this as
17 my three-year-old, outgoing is you using the phone to
18 call something or text something out from your phone?

19 A. That's correct.

20 Q. And incoming is somebody -- or inbound is somebody
21 sending you or calling you. Is that correct?

22 A. That's correct.

23 Q. Okay, and then what's the next column?

24 A. The access CBSC, that's going to be essentially the
25 switch specific to the RTT record. So, it's a lot of

1 complicated stuff here, but really what, what it is is a
2 group of towers that are essentially given a number, and
3 it's by geographic location. So, you'll have like -- in
4 this case especially we have the Columbia switch, and so
5 that's going to be all towers that Verizon signifies as
6 the greater Columbia area. We'll have the Charleston
7 switch, which is kind of more towards Charleston, toward
8 the coast, and there's various other switches. So, this
9 is the identifier that identified what group of towers
10 corresponds to these records.

11 Q. And so say something came up from the Charleston
12 tower. You wouldn't be looking at the Columbia tower?

13 A. That's right.

14 Q. Okay, and what's access BTS?

15 A. This is the actual -- the cell site the itself.
16 This is the cell site number, which is what we then go
17 reference in the cell site listing as to the location.

18 Q. And does BTS stand for something?

19 A. It does. Based transceiver station, which again is
20 a fancy way of saying cell tower.

21 Q. And what about access sector?

22 A. This is going to be the sector that was used. So
23 as I mentioned earlier, if you think of the, you know,
24 Mercedes-Benz symbol, it's going to signify sector one,
25 sector two, or sector three.

E. GRABSKY - *VOIR DIRE* EXAMINATION BY MS. SAMPSON 993

1 Q. And so all this information is on one long
2 generated report?

3 A. That's correct.

4 Q. Is this still the same thing?

5 A. That's correct.

6 Q. All right. So, continue. What is this?

7 A. Access distance is going to be the estimated
8 distance from the tower that, that Verizon estimates
9 that phone to be from the actual tower. The last RF1 is
10 going to be potentially multiple switches were used.
11 That's going to be your second one if it's -- if the
12 phone rolls into another switch.

13 Q. And what's a multiple switch again? What does that
14 mean?

15 A. So, it's just like a tower. If you go from one
16 tower to the next, sometimes we will see the first tower
17 that was used, then the last tower that was used, and
18 this is the same thing for the switch. You might see it
19 go from a switch that has switch number one, and then
20 you might see the, the last switch essentially go to
21 switch number two.

22 Q. Now switching towers, does that mean you're moving?

23 A. It can. It's not always indicative of movement,
24 but it can mean that you're moving.

25 Q. And so I interrupted you. What is -- where are we

1 here?

2 A. The last one RF1 BTS again is going to be the last
3 time that that tower was -- the last tower that was used
4 during that time.

5 Q. And what is call location confidence?

6 A. So, this is going to be in correlation to the
7 estimated latitude and longitude of the device, which is
8 not GPS location and was not used in this report.

9 Q. Okay, and last.

10 A. Call latitude, call longitude. Again, that
11 latitude and longitude of the physical device -- not the
12 tower -- that is estimated by Verizon, which again was
13 not used in this report.

14 Q. And so you have a little disclaimer here. Is that
15 what you've been talking about?

16 A. Yes. That's exactly right. This is everything
17 that's provided from Verizon. They're aware that these
18 coordinates can be confused as GPS coordinates, and it's
19 important for anybody who's looking at these records to
20 understand that that is not the case, which is again why
21 they were not used in this report.

22 Q. But they were provided to you?

23 A. Yes, they were provided in these, in these records.

24 Q. So, a little hard to see, but what does this
25 signify for [REDACTED]

E. GRABSKY - *VOIR DIRE* EXAMINATION BY MS. SAMPSON 995

1 A. These are the RTT records, and what we're seeing is
2 we're seeing a date and time assisted with various
3 transactions that were occurring as the device is
4 connected to the network.

5 Q. So in general, does this mean the device is
6 working?

7 A. Yes.

8 Q. Okay, and so is there anything specific in this one
9 thing that you used to reference anything? This goes
10 from March 28 through March 29?

11 A. Yeah. These are the records that I began to
12 analyze.

13 Q. And what are you looking for in this particular
14 record?

15 A. So, specifically in all of these records, what I'm
16 looking for is the actual tower number, and that's going
17 to be signified in this column right here where you see
18 that number eight. That is going to be the access BTS.
19 That's going to be the tower that was used, and then I'm
20 looking at the sector, which is going to be the very
21 next column over, which in this -- on this side, you can
22 see sector number one. You know, I'm not looking at the
23 latitude and longitude of the device, and then I'm also
24 looking at the dialed digits.

25 Q. What does that mean?

1 A. So, pound 7, 7 -- so, dialed digits is going to
2 show you if there was a call associated with any of
3 these transactions, right? So, we access cellular
4 networks for really three main reasons: calls, text
5 messages, and data. Data refers to our internet plan,
6 right?

7 That's how our providers these days are, are making
8 more money, right? They used to be charging 10 cents a
9 text, but they wouldn't make any money if they tried
10 that now because no one would, you know, be willing to
11 pay that much, right? So, they put more emphasis on
12 data. So, they're now starting to track and, and make
13 sure that they keep tabs obviously of when data
14 transactions occur.

15 So, specifically in these records, what we're
16 seeing is pound 7, 7 being used. That is simply
17 Verizon's code for data transactions occurring on your
18 phone.

19 Q. And we have talked about this, but can a data
20 transaction occur if, let's say, your, your phone has
21 not been paid for and so the bill -- it's off?

22 A. It's not likely.

23 Q. What -- is there any other way to access data if
24 you're not paying on your plan with Verizon?

25 A. I don't know.

E. GRABSKY - *VOIR DIRE* EXAMINATION BY MS. SAMPSON 997

1 Q. What about this call from March 29? Starts -- and
2 are these times accurate?

3 A. Yes.

4 Q. Okay. So, it starts at 4 -- at 0-40 and this one
5 ends at 4:10?

6 A. That's right.

7 Q. What does this mean?

8 A. That's from 12:40 to 4:10 AM, and these are the
9 transactions that are occurring that we're seeing.
10 Basically the towers that are being used by this phone
11 to access the network.

12 Q. So, what -- does this mean the phone is being used?

13 A. It -- yeah, it means the phone, that the, that the,
14 the phone is accessing the cellular network.

15 Q. Okay, and that -- so, there's got various times, so
16 at 2:06 it's using it?

17 A. Right.

18 Q. And at 2:22?

19 A. That's right.

20 Q. And at 2:38?

21 A. Right.

22 Q. And can you tell on this where, where those
23 locations are at that time?

24 A. I cannot.

25 Q. Not with this, this particular ---

1 A. Right. I have to join with the cell site listings
2 to determine where those specific towers numbers, you
3 know, are located.

4 Q. And at 3:05?

5 A. 3:05, yes.

6 Q. And at 3:20?

7 A. Yes.

8 Q. 3:39?

9 A. Correct.

10 Q. 3:55?

11 A. Correct.

12 Q. 4:10?

13 A. Correct.

14 Q. Phone is being used in some manner?

15 A. In respect some manner, it is accessing the network
16 for, for -- specifically for data connection.

17 Q. And then you have -- this is more of the same?

18 A. Correct.

19 Q. And 4 -- at 4:13 4:15, 4:17, 4:26, 4:45, 4:51,
20 4:52, 5:01, phone's being used?

21 A. Correct, and what we see here is actually this
22 change from the Columbia switch to the Charleston
23 switch, which means that the phone moved from one large
24 geographic area network to -- or towers to another
25 switch, right, another geographic area where more

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 999

1 Verizon towers were.

2 Q. And how do you know that?

3 A. I ---

4 Q. Could you tell that on -- or is that on another
5 report?

6 A. Both. So, you can tell specifically by this access
7 number right here, 602, the CSBSC. That's going to show
8 you that identifier. But also just simply from, you
9 know, obtaining those records from Verizon, we'll be
10 able to see what switches were being used.

11 Q. So, I want to go back. You said it switched from
12 602. So, at 4:10 where -- this is the column?

13 A. That's right.

14 Q. And then it switches at some point?

15 A. That's right. We see a -- just a number change,
16 that's right.

17 Q. And then this is just more of the same?

18 A. That's right, and then what we see is that the, the
19 phone went from the Columbia switch to the Charleston
20 switch. And then as the, you know, the time continued,
21 it went back to the, the, the device was using the
22 towers that are associated with the Columbia switch.

23 Q. Can you tell on here when it went back to the
24 Columbia switch, or is that in a different report?

25 A. No. Well, yeah. So, it looks like at about -- I

E. GRABSKY - *VOIR DIRE* EXAMINATION BY MS. SAMPSON 1000

1 can't tell. I think about 4:10 is when it came back to
2 the Columbia switch.

3 Q. Okay.

4 A. But -- if I, if I remember correctly.

5 Q. And is it fair to say they're large, the tower
6 range is large, and at some point you could not be in
7 Columbia but still be on the Columbia tower switch?

8 A. Potentially, yes.

9 Q. All right, and is this is still more of the same?

10 A. That's correct. These are all the records that we
11 use to display that.

12 Q. So, on March 29 at 10:20 when the phone is being
13 accessed, is that the Columbia switch?

14 A. It appears so, yes.

15 Q. So, what -- explain to the jury what this map for.

16 A. So, this map is an example of how we're going to
17 see where the device was located and what, what towers
18 will be used by this device. And specifically I
19 shouldn't say where the device was located. I should
20 say what, what towers were being used by the device,
21 right?

22 Q. So, explain. Okay, do you have locations of
23 interest? What do those mean again?

24 A. So, those are the locations of interest that we
25 discussed previously, various areas of interest that

E. GRABSKY - *VOIR DIRE* EXAMINATION BY MS. SAMPSON 1001

1 were pertinent to the case. And then we have a tower
2 that is being used by the phone is going to show in this
3 red sector symbol here. And what that is that where
4 those two lines opened up, that's going to be facing the
5 direction for where that phone accessed the network,
6 right?

7 So, here we see the sector's kind of facing the
8 northeasterly direction. That means that the phone
9 would have been somewhere within the radio range of that
10 tower, tower number eight, as well as that sector in the
11 northeasterly direction.

12 Q. So when we see something like this -- just to make
13 sure I, we, all understand -- does that mean the person
14 -- or the phone being used has to be on this side or
15 this side?

16 A. More than likely, it's going to be on that
17 northeastern side. Now, of course the way that radio
18 frequency propagates, it doesn't expand out in straight
19 lines. It really more looks like a block, but the best
20 way that we're able to, you know, display this
21 information without making it entirely confusing. We
22 don't have, you know, coverage maps that were provided
23 by the, the providers. They don't provide a coverage
24 map or anything like that. So, this is how we display.
25 So, it's possible that, you know, the phone may be a

1 little on the -- you know, one side of a sector or a
2 little on the other side of a sector where some of those
3 sectors actually bleed over.

4 Q. And you have here that not -- tower not utilized.

5 A. That's right, so ---

6 Q. How do you know for sure that this tower is not
7 being utilized if you -- well, based on what you just
8 said?

9 A. That's right because when we looked through those
10 records, as I mentioned before, we look and see what
11 tower's being utilized, right? So, what tower's being
12 accessed. The network is not going to record towers
13 that are not being accessed, right? It's only going to
14 show, hey, tower number one, tower number two was
15 accessed. But, you know, in our cell site listing, we
16 also see this surrounding areas of other towers, which
17 helps us develop, you know, a good mindset of where that
18 call could have possibly been and how many other towers
19 may be overlapping in the geographic area. So, it's
20 important to see, or at least to display, towers that
21 aren't being used versus the tower that is being used in
22 order to make it -- to make sure that we all can
23 understand that, you know, one tower doesn't just
24 service all of Columbia, right? But if you only show
25 one tower that's being used in the middle of Columbia,

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 1003

1 you might think, okay, that's the only cell tower in
2 Columbia, right?

3 Q. So, we're going to go to specifics. So, 5 -- this
4 is again the number associated Mr. Rowland, [REDACTED]
5 correct?

6 A. Correct.

7 Q. And you have here that at 8:19:54 through 1:33,
8 what tower is his phone accessing?

9 A. Tower number eight.

10 Q. And you have -- where is [REDACTED] Mountainbrook in
11 relationship to that tower?

12 A. North northeast.

13 Q. Would it be in range of that tower?

14 A. I believe so, yes.

15 Q. And that's from 8:19 on March 28 through to March
16 29 at 1:33?

17 A. At 1:33 AM.

18 Q. And then it moves, would that be fair to say? The
19 phone at some point moves?

20 A. Yes, the phone does move.

21 Q. And what towers is it now accessing?

22 A. It's now accessing tower -- I believe that's tower
23 547 and tower 530.

24 Q. All right, and I'm going to be specific. So, 1:50
25 through 1:51, this is accessing tower 530?

1 A. That's correct.

2 Q. And this tower is this one that goes this way
3 towards -- and Bird Dog is in the middle of that?

4 A. Yeah. So, these two towers that are being used,
5 this 530, this sector three is facing west, which in
6 relation to that tower, the Bird Dog is west of that
7 tower. And then we have tower 547 at 2, 2:06 AM, and
8 the sector there, sector number two, is facing sort of
9 in a easterly direction, which again would face the Bird
10 Dog bar.

11 Q. So, it goes from this tower to this tower in the
12 six -- from 1:50 to 2:06, so however much time that is.
13 Ten minutes or so?

14 A. That's right.

15 Q. And then the next time it utilizes -- or what, what
16 is this showing?

17 A. This is just a little bit closer of where the Bird
18 Dog is situated between these towers there and sectors
19 that are being used by 3692.

20 Q. And this is the number associated with Nathaniel
21 Rowland?

22 A. Correct.

23 Q. What does this show?

24 A. This is again you see tower 547 and 530 being used.
25 The last tower contacted 547 at 2:06 AM, and then we see

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 1005

1 a new tower being used, tower 552, sector one, at 2:22
2 AM.

3 Q. And that's here facing Fort Jackson, North
4 Beltline, all of that area?

5 A. That's correct.

6 Q. And that's at 2:22. So, it has moving from Bird
7 Dog to this area?

8 A. Yes.

9 Q. And what is this map?

10 A. This is again a continuation. So, as time is
11 progressing, we're seeing that at 2:22, the one that we
12 just mentioned, is sort of facing Fort Jackson, that
13 area, and then we see a tower at 2:38. Between 2:38 and
14 3:05 AM, tower 539, sector one, is the only tower that
15 was being used during that time.

16 Q. Okay, and you have some locations here, Hemphill
17 Street. Are these points of interest like we talked
18 about before?

19 A. Yes.

20 Q. Okay, and are they within the cell site at that
21 point?

22 A. It would be my opinion, yes.

23 Q. And again, what does this show?

24 A. Again, this is going to show continuation. So, we
25 have tower 539 where we left off from the last site at

E. GRABSKY - *VOIR DIRE* EXAMINATION BY MS. SAMPSON 1006

1 2:35 AM to 3:05. And then we have tower number eight
2 being used, which is used which is further west -- east,
3 excuse me, at 3:28.

4 Q. And so it goes from -- somewhere in this sector,
5 the phone is being used still in Columbia at 3:20. It's
6 moving away going this -- towards, heading towards this
7 way towards 222 is the highway is where it's starting to
8 access. Is that correct?

9 A. That's right.

10 Q. And then this is the same number that's associated
11 with Mr. Rowland, correct?

12 A. Correct.

13 Q. And here's where we left off, 3:20. Is that
14 correct?

15 A. Correct.

16 Q. And where are we now?

17 A. The next one after 3:20, the next transaction that
18 we see is 3:39 AM, and that is on tower 513 in sector
19 two.

20 Q. And this is heading out towards Sumter?

21 A. Yeah. It's in an east direction from Columbia.

22 Q. All right, and the next slide. This is where we're
23 stopped, correct?

24 A. That's right.

25 Q. 3:39 is on this tower going down -- then it says

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 1007

1 Garners Ferry, so heading out. Is that correct?

2 A. Yes. He's still in Columbia.

3 Q. All right, and then the next time it hits is 3:55,
4 where it ---

5 MS. GOODE: Objection, Your Honor. Just let it get
6 -- testifying.

7 THE COURT: Don't lead with this.

8 BY MS. SAMPSON:

9 Q. Where is it?

10 A. So, the next thing that we see is at 3:55 AM, we
11 have a tower accessed is tower number 563, sector three,
12 which is, again, more toward the Sumter area.

13 Q. And what is here you've got listed, just so the
14 jury can have an idea of where this is?

15 A. Shaw Air Force Base. Is that what you're pointing?
16 Okay.

17 Q. So, where, where are we now?

18 A. So, now this is a tower that's being accessed on
19 the east side of Sumter. Specifically, it looks like
20 it's in the area of east Sumter. This is going to be at
21 4:10 and 50 seconds and 4:10 and 56 seconds.

22 Q. And this looks at little different than some of the
23 others. Is it different?

24 A. It is. So, we have two sectors being used in a
25 short timespan, so I highlighted both sectors in this.

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 1008

1 So, the second that is pointing in a south direction,
2 pointing down, that's going to be used at 4:10:50. And
3 then the sector, sector one is used at 4:10:56, so six
4 seconds later, which indicates that the, the sector
5 changed.

6 Q. And what do you have here?

7 A. This is where the -- the latitude of where the body
8 was located.

9 Q. And so what does this signify?

10 A. This is a progression of time. We see again those,
11 those 4:10 transaction that I just spoke of in the
12 previous slide, and then we have the very next following
13 transaction, which is at 4:13 AM, which it appears that
14 this tower is in a southeasterly direction from tower
15 number forty up near east Sumter.

16 Q. And which phone is this associated with again?

17 A. This is [REDACTED]

18 Q. And who is that phone associated with?

19 A. Nathaniel Rowland.

20 Q. And again, where is the body located in relation to
21 the tower?

22 A. This tower, 1702, is -- the body's located to the
23 east of that tower.

24 Q. And so what does this signify?

25 A. Again, another progression in time. So, we see at

E. GRABSKY - VOIR DIRE EXAMINATION BY MS. SAMPSON 1009

1 4:15 AM, tower 417 22 is being used and then -- I'm
2 sorry, at 4:13 here we have 1702, and then at 1722 at
3 4:15 we have that tower being used as well.

4 Q. And is it -- and can you still see the body located
5 on this map, where the body was found?

6 A. I can see -- yes. The latitude and longitude is
7 here in the middle where the body was located.

8 Q. And what does this slide show?

9 A. This shows at 4:17 we had a sector change on 1722.
10 It's facing in a south direction, and then at 4:26:03
11 AM, we have two transactions that occur on a tower south
12 of there, and the sector is facing in a northeasterly
13 direction, as you can see at that bottom symbol there.

14 Q. And in your expert opinion, if someone is here
15 where the body is located, could they access this tower?

16 A. It's possible.

17 Q. Next slide.

18 A. So, the next one we see are two towers that are
19 located just north of New Zion. They possibly are
20 included in New Zion. It looks like near the Turbeville
21 area. This is going to be tower 1722 and tower 1726.
22 We had a transaction occur 17 seconds apart. So, we had
23 1726 is accessed at 4:45:02, two seconds, in the
24 morning. 1722, that tower on the left there, was
25 accessed at 4:45:19.

E. GRABSKY - *VOIR DIRE* EXAMINATION BY MS. SAMPSON 1010

1 Q. And again, who -- which phone is this associated
2 with?

3 A. Nathaniel Rowland.

4 Q. And again, what does this sig -- you've got some
5 circles now.

6 A. Yeah.

7 Q. Explain that to the jury.

8 A. So, this is the distance-to-tower measurements that
9 I spoke of earlier. So, we're not using latitude and
10 longitude, the estimate of latitude and longitude. What
11 we saw for those two, same two transactions that we just
12 saw on the previous slide that are seventeen seconds
13 apart, we're -- those RTT records indicate a -- an
14 estimated distance from the tower that that handset is.

15 So, in our, in our experience, my experience at
16 SLED, this is a technique that we would use in realtime
17 when we are tracking phones in realtime. We would look
18 at the RTT records and we would try to find where two
19 separate towers has basic -- where the phone accessed
20 two separate towers within a short amount of time. And
21 if we got distance-to-tower measurement readings from
22 those towers, we would draw those out and see where they
23 overlapped. And that really aided our, you know,
24 investigations and helped narrow down a search of where
25 we were going to locate that phone because as you can