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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marlboro County

Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JEJAUNCEY FERNANDO HARRINGTON,

APPELLANT

APPELLATE CASE NO. 2023-000305

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JAMIE CAMPBELL - DIRECT BY MR. REDMOND

1 directly to the defendant or did you --

2 A: Yes, sir.

3 Q: Okay. Now, just to be clear, did you ever give him the
4 authority to drive from Rockingham approximately, I think, 70
5 miles to Charlotte?

6 A: No, sir.

7 Q: Okay. And we'll get into that in a minute. So on the
8 night when you're talking with the FBI and -- and explaining
9 the situation, did you tell them that he -- did they ask you
10 and did you tell them that he did not -- let me just ask you
11 like this. Did you ever talk with them about whether he had
12 permission to drive that vehicle?

13 A: Did I talk to who?

14 Q: The FBI, when you talked to the FBI.

15 A: When someone called my phone and asked me did I give
16 Squeaky permission to drive the vehicle to Charlotte, I told
17 them no --

18 Q: Okay.

19 A: -- when I talked to them.

20 Q: Okay. Exactly. You -- to be clear, you told them? When
21 you were asked by law enforcement, you told them, no, he did
22 not have permission to drive that car to Charlotte; is that
23 correct?

24 A: That's correct.

25 Q: So also on the 9th when you were talking to them, to go

JAMIE CAMPBELL - DIRECT BY MR. REDMOND

1 even further as it relates to him not having permission, what
2 did you have friends of yours doing in Marlboro County?

3 Because you're in Georgia, what did you have -- reach out to a
4 friend of yours to do?

5 A: To drive by the house to see if the car was there or if
6 he -- or if anybody was at the house because I couldn't get in
7 touch with anyone.

8 Q: Okay. And so -- and of course, did you tell the FBI this
9 on the 9th of May that you had -- also had somebody --

10 A: Yes, sir.

11 Q: -- driving by? Okay. Did you also tell them that you
12 were willing to assist in any way as it relates to this
13 investigation?

14 A: Yes, sir. I told them they could search my home because
15 it was in my name, and they could search that car because it
16 was in my name.

17 Q: Okay. Now, did you on the 10th of May call Nationwide
18 related to the insurance?

19 A: Yes, sir.

20 Q: And tell the judge about that?

21 A: I had -- I had called them to drop -- to see if I could
22 drop the insurance, and I inquired as in could I, you know,
23 see if I can report the car stolen because at that time I felt
24 like I couldn't get in touch with him. So I asked him could I
25 report it stolen, but they did tell me, no, I couldn't drop

JAMIE CAMPBELL - DIRECT BY MR. REDMOND

1 the insurance at that particular time, and they told me, no, I
2 couldn't report it stolen because I allowed him to drive the
3 car.

4 Q: Now -- but you did attempt to get the insurance out of
5 your name?

6 A: Yes, sir.

7 Q: So let's fast-forward to -- of course, did you find out,
8 I think the next day, that the defendant had been arrested in
9 Charlotte, North Carolina?

10 A: I don't know if it was the next day.

11 Q: But did you at least find out shortly thereafter that he
12 was arrested in Charlotte?

13 A: Yes, sir.

14 Q: Okay. And I had asked you whether or not you had any
15 communication with him by phone directly, but in July of 2018
16 did he send you a letter?

17 A: Yes, sir.

18 Q: Okay. I'm going to approach you, with the Court's
19 permission, with State's 267. I think the defense --

20 MR. REDMOND: And just as a -- as a housekeeping matter,
21 I thought I had, but if I had not officially 265 and 266, the
22 Mitsubishi pictures, I'd move into evidence at this time.

23 THE COURT: Any objection?

24 MS. CRAYTON: No, Your Honor.

25 THE COURT: They're into evidence.

JAMIE CAMPBELL - DIRECT BY MR. REDMOND

1 (WHEREUPON, State's Exhibits Number 265 and 266,
2 photographs, were admitted into evidence.)

3 BY MR. REDMOND:

4 Q: Do you recognize 266 -- 267, State's Exhibit 267?

5 A: Yes, sir.

6 Q: And what is State's Exhibit 267?

7 A: It's a letter from JeJauncey.

8 Q: Okay. Now, does that letter ask you about the issue with
9 the car, about his permission to drive the car?

10 A: Yes, sir.

11 Q: How did you take that letter? When he sent you this
12 letter, what was your thinking?

13 A: That he was telling me exactly what to tell his lawyers.

14 Q: Okay. And did he even mention in that letter that his
15 lawyers and I think an investigator even would be coming to
16 see you as it relates to the issue about the car?

17 A: Yes, sir.

18 Q: All right.

19 MR. REDMOND: And I think I did move 267 into evidence,
20 but if not, I would now move 267 into evidence.

21 MS. CRAYTON: No objection.

22 THE COURT: It's into evidence.

23 (WHEREUPON, State's Exhibit Number 267, letter, was
24 admitted into evidence.)

25 BY MR. REDMOND:

JAMIE CAMPBELL - DIRECT BY MR. REDMOND

1 Q: All right. The reason I asked you that, because now
2 let's move on to July -- I'm sorry -- August of 2019. Do you
3 remember -- and I'm sure the defense will get into this with
4 you, but I want to ask you a couple of things just briefly.
5 Do you remember being visited by, I guess, members of the
6 defense team related to an affidavit?

7 A: Yes. Yes, sir.

8 Q: And did you actually type the affidavit or was it
9 prepared for you?

10 A: I want to say she was writing what I was saying.

11 Q: Okay. And then was it ultimately typed and then you
12 signed -- I guess, signed the affidavit?

13 A: Yes, sir.

14 Q: Okay. And was that affidavit done -- like we said, July
15 2018 you get the letter about the car. The affidavit that was
16 done, was that done in court or did you sign -- initial and
17 sign in pertinent parts of that affidavit?

18 A: It was at my house on Grace Street.

19 Q: Okay.

20 A: I mean -- I'm sorry. In Grayson, Georgia. It was at my
21 house in Grayson, Georgia.

22 Q: Okay. But again, this was not in a courtroom? You were
23 not in court when you signed it?

24 A: No, sir.

25 Q: Okay. So -- and again, I'm sure they'll ask you some

JAMIE CAMPBELL - DIRECT BY MR. REDMOND

1 about that, and they are entitled to do that. But I'm going
2 to go back a little bit to May 23rd of 2017. I'm talking
3 about testifying. Did you receive a subpoena that required
4 you to come to Florence, South Carolina --

5 A: Yes, sir.

6 Q: -- to testify?

7 A: Yes, sir.

8 Q: And was that testimony in a federal grand jury
9 proceeding?

10 A: I think so.

11 Q: Okay. Did --

12 A: In Florence.

13 Q: Did you have to get and testify and ask -- be asked
14 questions and have the grand jurors even ask you some
15 questions?

16 A: Yes, sir.

17 Q: And at that time on May 23rd, 2017, 19 -- 18 days after
18 these murders --

19 A: Uh-huh.

20 Q: -- did you tell the U.S. attorney asking you questions
21 that the defendant did not have permission to drive that car
22 to Charlotte?

23 A: Yes, sir.

24 Q: And did you tell that grand jury that you did inform the
25 FBI and law enforcement that he did not have permission to

JAMIE CAMPBELL - DIRECT BY MR. REDMOND

1 drive that vehicle?

2 A: Yes, sir.

3 MR. REDMOND: I beg the Court's indulgence.

4 BY MR. REDMOND:

5 Q: And I forgot to ask you this. And I actually wrote it
6 down, but in my getting old I forgot to ask you. There were
7 -- there were several reasons you weren't thrilled about him
8 driving, especially just going to work and home. What was one
9 of the reasons as it relates to the status of his driver's
10 license?

11 A: He didn't have one. It was suspended.

12 Q: Okay.

13 MR. REDMOND: Thank you. That would be all the questions
14 I have. Please answer any questions that the defense may
15 have.

16 THE COURT: Cross-examination.

17 MS. CRAYTON: Court's indulgence, Your Honor.

18 THE COURT: Yes, ma'am.

19 CROSS-EXAMINATION

20 BY MS. CRAYTON:

21 Q: Good morning, Ms. Campbell.

22 A: Good morning.

23 Q: Ms. Campbell, you were talking about when the FBI came to
24 visit you in Georgia. They asked you about a telephone
25 number, a number I think that you said was the defendant. Did

1 they ask you about any other telephone numbers?

2 A: I don't remember.

3 Q: You don't remember if that was the only one or if they
4 asked you about multiple?

5 A: That's just the only -- I mean, I just know that's the
6 number that stuck out. I don't remember if they asked me
7 anymore numbers.

8 Q: Okay. I think you said you've known Ella since about the
9 tenth grade; is that right?

10 A: Correct.

11 Q: That's a long time, isn't it?

12 A: Yes, ma'am.

13 Q: And I think you sort of -- I guess I'd like to talk to
14 you about her and what you've known about her all that time.
15 Okay?

16 A: Uh-huh.

17 Q: Ella sort of lived a risky lifestyle, didn't she?

18 A: Uh-huh. Yes, ma'am. I'm sorry.

19 Q: Okay. And I think that you told law enforcement a little
20 bit about her risky lifestyle?

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

22 Q: Can you tell the judge a little bit about that?

23 A: Ella was a party girl. She was a fun girl. She liked to
24 have fun. She liked to have sex. She did what she did. I
25 mean, ask me a question. Ask me a question.

JAMIE CAMPBELL - CROSS BY MS. CRAYTON

- 1 Q: Sure. I think you told law enforcement that she did
2 phone sex chats and --
- 3 A: Uh-huh.
- 4 Q: Is that correct?
- 5 A: That's correct.
- 6 Q: And that she did video sex; correct?
- 7 A: Correct.
- 8 Q: And that she was stripping?
- 9 A: No, no, no, no. She promoted strippers.
- 10 Q: Promoted strippers. I apologize.
- 11 A: Yes, ma'am.
- 12 Q: She promoted strippers?
- 13 A: Yes.
- 14 Q: Okay. And she had a lot of men in her life; would that
15 be fair to say?
- 16 A: Yes.
- 17 Q: Okay. And sometimes she would see different men at the
18 same time period?
- 19 A: Yes, ma'am.
- 20 Q: Okay. And I think that you talked a little bit about her
21 ex-boyfriend, Dwayne Bright?
- 22 A: Yes.
- 23 Q: Is that right?
- 24 A: Yes, ma'am.
- 25 Q: And tell me how long had they been together roughly? Do

1 you remember?

2 A: I'll be honest, I don't remember.

3 Q: Okay. Do you remember --

4 A: But they was together for -- that was about the longest
5 relationship I know she had.

6 Q: Okay. So you remember maybe telling law enforcement it
7 was from 2015?

8 A: Yes, ma'am.

9 Q: Okay. All right. And you talked to her about that
10 relationship?

11 A: Uh-huh. Yes, ma'am.

12 Q: And I think that -- I think the solicitor put it in this
13 box here.

14 A: Uh-huh.

15 Q: State's 575. Are those text messages from --

16 A: Correct. From Ella.

17 Q: Okay.

18 A: Well, screenshots that she sent me.

19 Q: So Ella sent you screenshots of what Mr. Bright had sent
20 her?

21 A: Correct.

22 Q: And those are not nice things?

23 A: No, ma'am.

24 Q: Okay. There -- it was kind of a volatile relationship,
25 would you say?

JAMIE CAMPBELL - CROSS BY MS. CRAYTON

1 A: Yeah. It was -- it was weird, yes.

2 Q: And he was a little verbally abusive?

3 A: Yes, ma'am.

4 Q: Okay. Which I think is clear from those text messages --

5 A: Yeah.

6 Q: -- that maybe he wasn't the nicest when it came to that;

7 is that fair?

8 A: Correct. That's correct.

9 Q: And she expressed, I guess, why she sent you this. She

10 was unhappy, upset or --

11 A: She was angry.

12 Q: -- scared?

13 A: She was angry.

14 Q: She was angry?

15 A: Yes, ma'am. She was mad about it.

16 Q: She was mad about it?

17 A: Yes, ma'am.

18 Q: I understand. And did she -- along with showing you

19 those text messages, did she also express how she was afraid

20 of him?

21 A: Ella -- with Dwayne, it was more she was up -- more angry

22 with Dwayne than scared of Dwayne. She used to say I wish

23 Dwayne would come here or something like that, like, but she

24 knew that Dwayne was off. So I would say she was cautious of

25 Dwayne.

JAMIE CAMPBELL - CROSS BY MS. CRAYTON

1 Q: Did she tell you about looking out the window outside of
2 her house to make sure he wouldn't --

3 A: He was --

4 Q: -- jump?

5 A: -- assaulting her and jumping out on her and stuff. Yes,
6 ma'am.

7 Q: And jumping out of the woods; right?

8 A: Yes, ma'am.

9 Q: So she would actually check out her windows to make sure
10 he wasn't out there?

11 A: That's what she would say.

12 Q: And he sent you some -- he sent her some very horribly
13 graphic texts?

14 A: Uh-huh.

15 Q: So you said at one point that maybe she was thinking
16 about a restraining order? I heard something in direct. Can
17 you explain?

18 A: I told her she should get a restraining order because he
19 was talking about her kid.

20 Q: So you were concerned as well?

21 A: Yes, yes, of course.

22 Q: Now, when she was in that relationship with Bright, would
23 she continue to have sex with other men as well?

24 A: Yes, ma'am.

25 Q: Okay. Did that include Bright's uncle and brother?

JAMIE CAMPBELL - CROSS BY MS. CRAYTON

- 1 A: That's what she's told me. Yes, ma'am.
- 2 Q: Yeah. And that was at the same time; correct?
- 3 A: Correct.
- 4 Q: Do you know if Mr. Bright knew about that?
- 5 A: I don't think he did.
- 6 Q: Okay. But this is part of a risky lifestyle we were
- 7 talking about, isn't it?
- 8 A: Yes, ma'am.
- 9 Q: Ms. Iyana Lowery, her -- Ella's daughter?
- 10 A: Uh-huh.
- 11 Q: Can you tell me did you describe her as high maintenance
- 12 possibly to law enforcement?
- 13 A: That was their words.
- 14 Q: Okay.
- 15 A: Okay. My words was she was spoiled and she was a crier.
- 16 Like, she would cry, like.
- 17 Q: I think their note said she would scream and cry over
- 18 nothing. Was that your words?
- 19 A: I was telling them about an incident. Okay? So it was
- 20 an incident where Iyana cried for hours because she wanted
- 21 French fries from Bojangles, and Ella made her fries that was
- 22 at the house. So I know that Iyana would have cried for hours
- 23 and hours and hours if somebody was trying to take her, you
- 24 know.
- 25 Q: I understand. Now, I'm going to talk to you a little bit

1 about your relationship with the defendant, who you call

2 Squeak; is that right?

3 A: Squeaky.

4 Q: Squeaky? Okay. How long were you all in a relationship
5 together? Do you remember?

6 A: Off and on, maybe six years.

7 Q: About six years? A long time?

8 A: Uh-huh.

9 Q: And there was -- there was some infidelity in that?

10 A: Oh, yeah.

11 Q: Yeah. And you were aware of that?

12 A: Yes, ma'am.

13 Q: Okay. And, you know, you were aware of his infidelity
14 and y'all sort of continued through that and remained
15 together; is that correct?

16 A: Yes, ma'am.

17 Q: Okay. I also want to talk to you about this residence at
18 Grace Street. Can you tell me -- you said, I think that he
19 lived off and on with you?

20 A: Yeah.

21 Q: Is that what you --

22 A: Yes, ma'am.

23 Q: Did he also maintain another residence at [REDACTED] Second
24 Avenue? Do you remember that?

25 A: I don't -- I don't really know his address.

JAMIE CAMPBELL - CROSS BY MS. CRAYTON

1 Q: Okay. You don't remember him living there, but --

2 A: I don't know the address. I know he may have lived
3 there.

4 Q: Oh, okay. Yes, ma'am. Okay. Well, let's -- let's move
5 on and talk about his vehicle. So I think that Mr. Redmond
6 showed you some pictures of his Eclipse?

7 A: Uh-huh.

8 Q: And he bought that car, I think you said, after you moved
9 to Georgia?

10 A: Uh-huh.

11 Q: So he paid for that car himself?

12 A: Yes, ma'am.

13 Q: Okay. Did you know he was planning on purchasing that
14 car or --

15 A: Uh-huh.

16 Q: -- did you just come home and he had purchased it?

17 A: I had came home -- well, I think he called me and told me
18 he had got a car.

19 Q: Okay.

20 A: But I came home, and it was there.

21 Q: And it was there? So you weren't involved in the
22 purchasing, that you didn't go with him to the dealer, you
23 don't where he bought it, anything like that; right?

24 A: He bought it from an old lady that lived in a complex
25 area, like the --

- 1 Q: Were you with him?
- 2 A: -- old person home. No, he told me about it.
- 3 Q: Okay.
- 4 A: But I remember driving over there with him and somebody
- 5 to do something with the car, I guess. I don't remember what
- 6 the details was, but I remember him saying that he bought the
- 7 car from an old lady, and she lived in those with the old
- 8 people's home.
- 9 Q: Yes, ma'am. But you weren't with him when he purchased
- 10 it?
- 11 A: No.
- 12 Q: Okay. And you -- you didn't have any ownership interest
- 13 in that car? I mean, that was his car; right?
- 14 A: Correct.
- 15 Q: Okay. And I understand that you put the insurance under
- 16 your name?
- 17 A: Uh-huh.
- 18 Q: Is that correct?
- 19 A: Yes.
- 20 Q: And he registered that car in your name as well?
- 21 A: Correct.
- 22 Q: Okay. But you never drove that car consistently on a --
- 23 A: No, ma'am.
- 24 Q: -- day-to-day basis or anything?
- 25 A: Not consistently, no.

JAMIE CAMPBELL - CROSS BY MS. CRAYTON

1 Q: No? And he drove it day to day; correct?

2 A: Correct.

3 Q: Okay. And he signed the title in your name and put that
4 in your name and you just did the insurance or did he do the
5 insurance on your account?

6 A: The -- I had to go get the title. I had to do the
7 footwork with the DMV.

8 Q: Okay.

9 A: So I did that. I did the footwork with the DMV. And as
10 far as the insurance, we added it on because I already had a
11 car with insurance.

12 Q: Okay.

13 A: So we added that car onto it.

14 Q: And he paid for his insurance; correct?

15 A: We paid it together. So --

16 Q: You paid it together?

17 A: So it was -- it was like, you know, it was another
18 vehicle. So if the insurance is \$76, I would pay \$76 or he
19 would pay \$76.

20 Q: Okay.

21 A: You know what I'm saying? It wasn't like he would give
22 me \$16 on the 60. You know what I'm saying?

23 Q: Yes, ma'am, absolutely.

24 A: Okay.

25 Q: So y'all were getting a better deal because you bundled

1 the cars together?

2 A: We bought them together and we was together, and he was
3 supposed to pay the bills if we was together. So, you know,
4 he paid some of the bills, I paid the bills, we both had
5 money.

6 Q: Y'all shared that responsibility?

7 A: Correct.

8 Q: Absolutely. And I think Mr. Redmond spoke to you about
9 an affidavit that you signed; is that right?

10 A: Uh-huh.

11 Q: Okay. I'm going to hand you what's been marked as
12 State's -- or Defense Exhibit 26 -- 26? 26, okay. Can you
13 tell me do you recognize that?

14 A: I'm going to tell you I don't recognize it, but I
15 recognize my signature. So, obviously, I -- but I -- you
16 know, I don't.

17 Q: So you recognize your initials on each of the statements?

18 A: Yes.

19 Q: And then you recognize your signature at the bottom or
20 that?

21 A: Yes.

22 Q: Okay.

23 A: Yes, ma'am. I'm sorry.

24 MS. CRAYTON: Your Honor, at this time, I would -- I
25 would move State's -- or Defense Exhibit 26 into evidence.

JAMIE CAMPBELL - CROSS BY MS. CRAYTON

1 MR. REDMOND: Without objection, Your Honor.

2 THE COURT: It's into evidence.

3 (WHEREUPON, Defendant's Exhibit Number 26, affidavit of
4 Jamie Campbell, was admitted into evidence.)

5 MS. CRAYTON: Thank you, Your Honor.

6 All right, Ms. Campbell. So Mr. Redmond spoke to you a
7 little bit about this.

8 And, Your Honor, I have a copy for you. It might make it
9 easier.

10 THE WITNESS: This one?

11 MS. CRAYTON: This one, yep.

12 BY MS. CRAYTON:

13 Q: So Mr. Redmond talked to you a little bit about this, but
14 you met with Ms. Bree; right?

15 A: Correct.

16 Q: Bree Russell?

17 A: Uh-huh.

18 Q: And y'all spoke about this incident with this car;
19 correct?

20 A: Uh-huh.

21 Q: Is that a yes? I'm sorry. You have to say yes.

22 A: Yes, yes.

23 Q: Okay.

24 A: I'm sorry.

25 Q: That's okay. She has to take it all down. And when

1 doing that, you said she was typing what you were saying?

2 A: She was writing.

3 Q: She was writing what you were saying?

4 A: Writing what I was saying.

5 Q: Okay.

6 A: We was sitting on my steps in the house. So she was
7 writing down what I was saying.

8 Q: And then you signed each one of these paragraphs and --
9 or initialed each of these paragraphs and then signed at the
10 bottom; correct?

11 A: It looks like my handwriting. Yes, ma'am.

12 Q: Okay. Do you want to review that for a minute? I know
13 you haven't had a chance to.

14 A: Okay.

15 Q: It seems like what happened is law enforcement called
16 you, and they said did you give JeJauncey permission to drive
17 this car, and you said no because you hadn't talked to him?

18 A: Right.

19 Q: So it wasn't that you didn't -- you weren't saying I
20 called him and said he can't drive it, you're just saying I
21 hadn't talked to him?

22 A: Correct.

23 Q: Okay. So JeJauncey drove this car wherever he needed to
24 go, didn't he?

25 A: Yes.

JAMIE CAMPBELL - CROSS BY MS. CRAYTON

1 Q: Whether that was work or taking his sister to a doctor's
2 appointment or whatever, he drove this car; right?

3 A: Yeah. Yes, ma'am.

4 Q: Okay.

5 MS. CRAYTON: Court's indulgence, Your Honor.

6 BY MS. CRAYTON:

7 Q: And I think Mr. Redmond asked you about an accident in
8 December of 2016?

9 A: Yes, ma'am.

10 Q: But you were aware he continued to drive that car after
11 December of 2016, weren't you?

12 A: Yes, ma'am, I was.

13 Q: Okay. And you talked about your insurance and how -- or
14 Mr. Redmond asked you about your insurance and how you asked
15 for that car to be reported stolen; correct?

16 A: Uh-huh.

17 Q: I think that was on May 10th, and your insurance company
18 advised you, I guess your agent, you spoke to her, and she
19 said you can't report the car stolen because it's not stolen;
20 right?

21 A: Right.

22 Q: And specifically, because you gave someone permission to
23 drive that vehicle and they're driving it?

24 A: Right.

25 Q: So it's not a stolen vehicle; right?

1 A: Yeah.

2 Q: And --

3 A: I just wanted the car out of my name.

4 Q: It was just in your name?

5 A: Right.

6 Q: Absolutely.

7 A: I just wanted the car out my name.

8 Q: And I understand why you were concerned. I get it.

9 Yeah. Do you -- were you aware that the law enforcement
10 actually had a memo about how to best get information from
11 you?

12 MR. REDMOND: Your Honor, I would object. Without some
13 foundation as to the relevance, first of all, but also to her
14 knowledge as to whether or not -- I mean, she's asking
15 questions on what somebody else would've done, and so I don't
16 think that's proper without a proper foundation.

17 THE COURT: She can ask if she knows.

18 MS. CRAYTON: That's all I'm asking.

19 THE COURT: She can ask her if she knows.

20 BY MS. CRAYTON:

21 Q: Were you aware that law enforcement had a memo about the
22 best way to get -- to gain information from you?

23 A: No.

24 Q: You were not aware of that?

25 A: I don't know what you're talking about.

JAMIE CAMPBELL - CROSS BY MS. CRAYTON

1 Q: It's okay if you're not aware.

2 A: Yeah. I don't know what you're talking about. I don't
3 know what that means.

4 Q: Were you aware that they had structured a plan how to
5 gain information from you as a person to use?

6 A: Oh, no. No.

7 Q: You were not aware of that?

8 A: No.

9 Q: And Mr. Redmond asked you about a letter that Squeak had
10 written you?

11 A: Uh-huh.

12 Q: That you turned over to law enforcement?

13 A: Uh-huh.

14 Q: And in that letter, it appears he's begging you about the
15 car?

16 A: Uh-huh.

17 Q: Is that a yes? I'm sorry.

18 A: Yes. Yes. Yes.

19 Q: And to me, when I read that letter --

20 MR. REDMOND: Your Honor, I would object to the
21 phraseology.

22 THE COURT: You can ask her if she knows.

23 MS. CRAYTON: I'll -- I'll rephrase. I apologize, Mr.
24 Redmond.

25 BY MS. CRAYTON:

JAMIE CAMPBELL - CROSS BY MS. CRAYTON

1 Q: In that letter, he specifically says he believes you're a
2 wonderful person and that the only way that you could have
3 possibly told this to law enforcement was if you were tricked
4 or it was somehow misstated. Is that a correct statement of
5 the letter?

6 A: Yeah, yeah, yeah.

7 Q: He essentially says you would have never intentionally
8 lied. That's what he's saying; right?

9 A: Right, right.

10 Q: That clearly either somebody forced you or somebody
11 tricked you or you didn't understand because you would've
12 never lied?

13 A: Right.

14 Q: That's essentially what he's saying; right?

15 A: Basically.

16 Q: And then he's begging you to tell the truth, which I
17 think is what you've done here today?

18 A: Yes.

19 Q: And that's all he was asking you to do, wasn't it?

20 A: Yes.

21 Q: Okay. And on May 5th, you had a conversation with
22 Squeak, didn't you?

23 A: Yes.

24 Q: And y'all had been dating for six years; right?

25 A: Uh-huh.

JAMIE CAMPBELL - CROSS BY MS. CRAYTON

- 1 Q: And I think you called him around 8 a.m.; is that right?
- 2 A: Uh-huh.
- 3 Q: Or I'm sorry. I don't know if you called him or he
- 4 called you, but --
- 5 A: We talked.
- 6 Q: Y'all talked at about 8 a.m.?
- 7 A: Right.
- 8 Q: Is that about right?
- 9 A: I don't remember the time, but we talked.
- 10 Q: Okay. Was it in the morning?
- 11 A: It was in the morning.
- 12 Q: And y'all were just sort of talking about your day, just
- 13 having a normal conversation?
- 14 A: Uh-huh. Yes, ma'am.
- 15 Q: And I think that phone call lasted about 80 minutes.
- 16 Does that sound right?
- 17 A: That's what I was told.
- 18 Q: It was a long conversation?
- 19 A: It was long.
- 20 Q: Do you remember it being a long conversation?
- 21 A: I just remember being on the phone. It was six years
- 22 ago.
- 23 Q: Yes, ma'am.
- 24 A: But I remember being on the phone with him for a while.
- 25 Q: Do you remember telling law enforcement that, and you

1 described his demeanor as normal and not worried during that
2 conversation?

3 A: Right. It was all calm.

4 Q: And it was just a normal conversation?

5 A: Just a normal conversation.

6 Q: During your six years of dating Squeaky, did you -- were
7 you hospitalized at any point?

8 A: I was in the hospital. Yes, ma'am.

9 Q: Okay. And did Squeak help you when you were in the
10 hospital? Did he help you with your kids?

11 A: Okay. Yes, ma'am. He watched my son.

12 Q: He watched your son for you?

13 A: Uh-huh.

14 Q: During that time period?

15 A: Yes, ma'am.

16 Q: And would he often meet your son at the bus stop when he
17 was getting out of school?

18 A: Of course.

19 Q: And would he also help you when you were sick with your
20 medication?

21 A: Uh-huh.

22 Q: And he even figured out a way for you to sort of take
23 your pills I think with some juice or something so you could
24 keep them down because you were very sick; is that true?

25 A: It's true.

JAMIE CAMPBELL - CROSS BY MS. CRAYTON

1 Q: Okay.

2 MS. CRAYTON: Court's indulgence, Your Honor.

3 Sorry. Just a few more questions, Ms. Campbell.

4 BY MS. CRAYTON:

5 Q: I think that you met with Ms. Bree, and you signed that
6 affidavit like we talked about earlier, but you also met other
7 investigators from the defense team. Do you remember meeting
8 a Brenton in -- Mr. Brenton in November of 2017? Do you
9 remember meeting with him?

10 A: The guy that came before Bree?

11 Q: Yes.

12 A: He only came once.

13 Q: Yes.

14 A: Okay.

15 Q: Do you remember meeting with him?

16 A: I think I did.

17 Q: And he was on -- he was sort of before Bree came along,
18 in fact?

19 A: I think so.

20 Q: And so do you remember that being in November? It was
21 November 15th of 2017. Do you remember that?

22 A: I don't remember dates.

23 Q: Okay.

24 A: I mean it was -- it was within that year of the murders.

25 Q: Yes, ma'am.

1 A: Oh, yes.

2 Q: Okay. And do you remember telling him about the car and
3 speaking to him about the car?

4 A: I don't remember. I don't remember what was said to him
5 at all. Like, I don't remember the conversation at all. I
6 just remember it was somebody that came before then.

7 Q: Okay. And are you familiar with JeJauncey's friend,
8 Uncle Bo?

9 A: Yeah. Uncle Bo, yeah.

10 Q: You know who that is?

11 A: Uh-huh.

12 Q: Okay. And does he live over in the Shady Rest area of
13 town?

14 A: Correct.

15 Q: Okay. And do you know if Second Avenue is over there in
16 that area?

17 A: I think so.

18 Q: Okay.

19 A: I think so.

20 Q: Okay. So you know that Squeak was sort of living in that
21 area near Uncle Bo at one point?

22 A: I'm not sure about that.

23 Q: Okay.

24 A: I don't remember him living with Uncle Bo.

25 Q: Okay. Not -- not with Uncle Bo, but over there on that

JAMIE CAMPBELL - CROSS BY MS. CRAYTON

1 side of town?

2 A: I don't remember.

3 Q: Okay. That's all right.

4 MS. CRAYTON: Thank you so much. No further questions,
5 Your Honor.

6 THE COURT: All right. We're going to take about a five-
7 minute recess and come back for redirect.

8 MR. REDMOND: Thank you, Your Honor.

9 THE COURT: We'll stand at ease for five minutes.

10 Ms. Campbell, I'll ask that you stay on the witness
11 stand.

12 (WHEREUPON, there was a break in the proceedings from
13 11:21 a.m. until 11:31 a.m., after which the proceedings
14 resumed as follows.)

15 THE COURT: Mr. Redmond, you're recognized --

16 MR. REDMOND: May it --

17 THE COURT: -- for redirect.

18 MR. REDMOND: May it please the Court, Your Honor.

19 Ms. Campbell, let me first take out the letter.

20 If the Court would indulge me? May I approach the
21 witness, Your Honor?

22 THE COURT: Yes.

23 MR. REDMOND: I apologize.

24 REDIRECT EXAMINATION

25 BY MR. REDMOND:

JAMIE CAMPBELL - REDIRECT BY MR. REDMOND

1 Q: I will start about right here. I just want you to hold
2 that and follow it and make sure that I'm reading this
3 accurately.

4 MR. REDMOND: Your Honor, since it is in evidence, I'll
5 just say --

6 BY MR. REDMOND:

7 Q: Ms. Campbell, were you -- weren't you -- were you asked
8 about certain individuals? I think Brenton was one and also
9 Ms. Russell. Weren't you asked about them on -- on cross-
10 examination about whether they had come out to talk to you?

11 A: Yes, sir.

12 Q: Related to the affidavit?

13 A: Yes, sir.

14 Q: That affidavit again was signed in August of 2019. This
15 letter is from July 2018. Let me read the pertinent portions
16 of that letter. It says -- and if I misstate something, you
17 correct me. Okay?

18 It says if you decide that you would like to tell the
19 truth, be known as why you lied, then you contact any of my
20 lawyers. One of them is -- and I can't pronounce the last
21 name, but one of them is E. Brenton Sadreameli, looks like, S.
22 Boyd Young, and Bree Russell. These lawyers represent capital
23 trial defendants. The first one, Brenton, is a fact
24 investigator.

25 MS. CRAYTON: Your Honor, I need to object. There's not

JAMIE CAMPBELL - REDIRECT BY MR. REDMOND

1 been a question yet. I just -- Mr. Redmond is just
2 testifying.

3 MR. REDMOND: I'll -- I'll rephrase.

4 THE COURT: Well, to some extent, the letter is already
5 into evidence. I'll allow it.

6 MR. REDMOND: Thank you, Your Honor.

7 BY MR. REDMOND:

8 Q: But is that accurate? Is that what the letter says up to
9 this point that I've read?

10 A: Yes, sir.

11 Q: Okay. And does it also say -- does this letter also say
12 that the second one, Boyd -- S. Boyd is my actual trial
13 lawyer. The third one is B. Russell. She is, in fact, my
14 mitigationist. Is that what it says? And then, of course, it
15 goes on. So to be clear, the people that he -- are the people
16 that he references in his July 2018 letter also the people
17 that were involved in this affidavit?

18 A: Yes, sir. Bree.

19 Q: Okay. And in fact, do you -- again, were you in court
20 testifying as you are now at the time you gave this affidavit?

21 A: No, sir.

22 Q: Were there members of law enforcement, FBI, prosecution
23 team, anybody else present when you gave this affidavit?

24 A: No, sir.

25 Q: And did you type this affidavit?

1 A: No, sir.

2 MR. REDMOND: That would be all the questions I have.

3 THE COURT: You may step down.

4 Any objection to this witness being excused?

5 MR. YOUNG: None from the defense.

6 MR. REDMOND: Your Honor, since she lives close by, just
7 in case, I don't know obviously what the defense -- or what
8 may come up during the course of the trial. We would ask that
9 she be allowed to leave and not have to come back, but we
10 would ask that she remain on standby, obviously depending on
11 what may come up.

12 THE COURT: Very good. Just stay pretty close in the
13 event they need you to come back to testify.

14 THE WITNESS: Yes, sir.

15 THE COURT: But you're free to leave now. Thank you very
16 much.

17 THE WITNESS: Thank you. Do I leave this up here?

18 THE COURT: Just leave that right up there.

19 THE COURT: All right. You may call your next witness.

20 MR. REDMOND: And, Your Honor, I'm just going to help Ms.
21 Campbell down the steps, if it's okay.

22 MS. WEISS: Your Honor, for clarification while they're
23 doing that, there was some confusion about the pictures
24 yesterday, about whether they were actually moved into
25 evidence. So just to make the record clear, I'll make sure

1 State's Exhibits 268 through 563, I'd like to move those into
2 evidence.

3 MR. YOUNG: Still no objection.

4 THE COURT: All right. They're into evidence.

5 (WHEREUPON, State's Exhibit Number 268 through 563,
6 photographs, were admitted into evidence.)

7 MS. WEISS: Thank you, Your Honor.

8 MS. MUNNERLYN: Your Honor, the State would call Josh
9 White, and he's in the back. Josh White.

10 THE COURT: Josh White.

11 (WHEREUPON, there was a pause in the proceedings until
12 the witness entered the courtroom, after which the
13 proceedings resumed as follows.)

14 THE COURT: Mr. White, I'm going to ask you to come right
15 in front of the clerk here and place your left hand on the
16 Bible and raise your right hand as the clerk administers the
17 oath.

18 THE CLERK: Do you solemnly swear or affirm that the
19 testimony you shall offer the Court in this case shall be the
20 truth, the whole truth, and nothing but the truth, so help you
21 God?

22 THE WITNESS: I do.

23 THE CLERK: Thank you. If you would, have a seat.

24 THE COURT: Mr. White, if you could, come around and have
25 a seat in the witness chair. I'm going to ask that you make

JOSH WHITE - DIRECT BY MS. MUNNERLYN

1 yourself comfortable. I'm going to ask that you pull up real
2 close to that microphone and speak loudly, clearly, and slowly
3 in order that we can hear everything that you have to say.
4 Let's start with your full name.

5 THE WITNESS: My full name is Robert Joseph White.

6 THE COURT: Very good.

7 THE WITNESS: I go by Josh.

8 THE COURT: Thank you.

9 MS. MUNNERLYN: Thank you.

10 JOSH WHITE, being first duly
11 sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. MUNNERLYN:

14 Q: Now, where are you employed currently?

15 A: I'm not employed. I'm self-employed currently.

16 Q: You're self-employed? But you have law enforcement
17 experience?

18 A: Yes, ma'am.

19 Q: Okay. And were you at one point working here for the
20 Marlboro County Sheriff's Office?

21 A: Yes, ma'am. From 2016 to 2019.

22 Q: And how many years all total do you have in law
23 enforcement experience?

24 A: Right now, 14.

25 Q: Fourteen years?

JOSH WHITE - DIRECT BY MS. MUNNERLYN

1 A: Uh-huh.

2 Q: Okay. All right. And so back in May of 2017, you were
3 working for the Marlboro County Sheriff's Office?

4 A: Yes, ma'am.

5 Q: Okay. And in what capacity were you working for the
6 Sheriff's Office?

7 A: I was in -- assigned to the investigation unit.

8 Q: So you were an investigator?

9 A: Investigator.

10 Q: Okay. And do you recall the events of May the 5th of
11 2017 and the call associated with [REDACTED] Craig Circle here in
12 Bennettsville?

13 A: Yes, ma'am.

14 Q: Okay. Did you respond to the scene that morning?

15 A: I did.

16 Q: Okay. All right. Did you do anything specifically at
17 the scene?

18 A: No, ma'am.

19 Q: Okay. All right. What were your duties as that case
20 began to unfold?

21 A: It was kind of a team effort, but we had -- I was looking
22 for -- basically, I was sent out to different areas to look
23 for -- to pull videos.

24 Q: Okay. So you were canvassing the area and pulling
25 surveillance videos from various locations?

1 A: Yes, ma'am.

2 Q: Okay. And you were also involved in some interviews,
3 weren't you?

4 A: Yes, ma'am.

5 Q: In questioning and following up on leads that were --
6 that came into the department?

7 A: Yes, ma'am.

8 Q: Okay. And pretty quickly actually that day, there was a
9 command center that was set up at the Sheriff's Office; isn't
10 that right?

11 A: Correct.

12 Q: And there were other law enforcement agencies that came
13 in to assist?

14 A: Yes, ma'am.

15 Q: Okay. And so there were many people working this case?

16 A: There were.

17 Q: Okay. All right. And do you recall an individual by the
18 name of Clifton Benjamin?

19 A: I do.

20 Q: Okay. Do you remember you followed up on a lead
21 regarding him?

22 A: Yes, ma'am.

23 Q: Okay. I believe he was an alleged boyfriend of Ella at
24 one time?

25 A: Yes, ma'am.

JOSH WHITE - DIRECT BY MS. MUNNERLYN

1 Q: Okay. And you actually met and interviewed him?

2 A: Yes, ma'am.

3 Q: Okay. And you also -- as a result of your interview with
4 him, you interviewed his girlfriend; isn't that right?

5 A: Correct.

6 Q: Okay. A Cotillion Cook?

7 A: Yes, ma'am.

8 Q: Okay. All right. And based upon those two interviews,
9 did you determine -- were you able to exclude him?

10 A: Yes, we were.

11 Q: Okay. Basically, he had an alibi for that night?

12 A: Yes, ma'am.

13 Q: And he was with his girlfriend?

14 A: Yes, ma'am.

15 Q: Okay. Now, as a part of that interview process and
16 pursuing that lead, you did actually go to the home he shared
17 with his girlfriend; isn't that right?

18 A: Yes.

19 Q: All right. And they gave consent to search the house, as
20 well as the vehicle that he drove?

21 A: Yes, ma'am.

22 Q: Okay. And during that search, one of the things you were
23 looking for potentially was any Air Force 1 tennis shoes; is
24 that right?

25 A: Yes.

1 Q: And were any located?

2 A: No.

3 Q: And you searched both the house and the vehicle that Mr.
4 Benjamin drove?

5 A: Yes.

6 Q: Okay. All right. And you were also -- there were other
7 persons of interest that were being interviewed at that time
8 that you were at least collaterally involved with; isn't that
9 right?

10 A: Made aware of.

11 Q: Okay. And those would include Tyrone Thomas, who was
12 Iyana and Tyreon's father?

13 A: Yes.

14 Q: Okay. And others, to include Dwayne Bright?

15 A: Yes.

16 Q: Okay. So there were many people who were being
17 questioned?

18 A: Correct.

19 Q: If there were -- if there were leads, were y'all
20 following up on them?

21 A: Yes.

22 Q: Okay. All right. Well, let's go to -- let's talk a
23 minute about Dwayne Bright. Now, you weren't involved in any
24 interviews of Dwayne, were you?

25 A: No.

JOSH WHITE - DIRECT BY MS. MUNNERLYN

1 Q: Okay. But as a result of his interview, you did go and
2 obtain some video footage; correct?

3 A: Yes.

4 Q: Okay. And were you one of the ones who went to the
5 Bojangles here in Bennettsville on Cottingham Boulevard to
6 obtain some surveillance footage?

7 A: Yes. On the second time.

8 Q: Okay. So you were --

9 A: We were there twice.

10 Q: Okay. There were two -- two nights, the night of the
11 murder and the night before the murder; correct?

12 A: Yes.

13 Q: Of the footage that was obtained. You didn't go to
14 obtain the night of the murder, but you went to obtain the
15 night before?

16 Q: The night before.

17 Q: Which would have been May 3rd into May 4th of 2017?

18 A: Correct.

19 Q: Okay. All right. And you are actually the one -- I
20 think y'all contacted the owner of the Bojangles?

21 A: Yeah. Mr. Ronnie Campbell.

22 Q: Mr. Ronnie Campbell out of Chesterfield, and he gave
23 verbal consent for y'all to come over and get the video
24 footage?

25 A: Yes.

1 Q: Okay. And so you obtained that video footage and brought
2 it back to the Sheriff's Office and shared it with law
3 enforcement there?

4 A: Yes.

5 Q: And it was taken into evidence and viewed?

6 A: Correct.

7 Q: Okay. All right. And then later there came into
8 question some video that was available at [REDACTED] Grace Street,
9 which was a daycare over in Richardson Park?

10 A: Yes, ma'am.

11 Q: Are you familiar with that?

12 A: Yes, ma'am.

13 Q: Okay. And I think another member of the Marlboro County
14 Sheriff's Office obtained a search warrant for that particular
15 video footage; correct?

16 A: Correct.

17 Q: Not you, but one of the -- one of the team; correct?

18 A: Correct.

19 Q: Okay. And you were -- you were part of the crew that
20 went to that location to obtain that video?

21 A: Yes.

22 Q: Okay. And you did get that? You were present when that
23 video was -- when you got that video and it was taken into law
24 enforcement possession?

25 A: Correct.

JOSH WHITE - DIRECT BY MS. MUNNERLYN

1 Q: Okay.

2 THE COURT: Which location was this?

3 MS. MUNNERLYN: [REDACTED] Grace Street, which was the daycare
4 video.

5 BY MS. MUNNERLYN:

6 Q: Okay. And once it was taken in to the Sheriff's Office
7 possession through you, then it was provided to the FBI for
8 viewing and analysis; is that right?

9 A: Correct.

10 Q: Okay. You didn't do the actual viewing of that footage?

11 A: No.

12 Q: Okay. All right.

13 MS. MUNNERLYN: Court's indulgence just one moment.

14 I don't have any further questions. Please answer any
15 questions that the defense might have.

16 THE COURT: Yes, sir.

17 MR. BANK: Thank you.

18 CROSS-EXAMINATION

19 BY MR. BANK:

20 Q: Mr. White, how are you doing today?

21 A: All right.

22 Q: And just to clear it up for the judge since he was just
23 thinking about it, the Grace Street video we were just talking
24 about, that's Mr. Harrington's house, surveillance of his
25 house. Is that what you understood also?

JOSH WHITE - CROSS BY MR. BANK

1 A: Yes, sir. It was surveillance posted across the road --

2 Q: -- from his house?

3 A: From his mother's house at the time.

4 MR. BANK: If that answers your question, Judge.

5 BY MR. BANK:

6 Q: So you were with the Marlboro County Sheriff's Office.

7 You said you were an investigator; is that right?

8 A: Yes, sir.

9 Q: And did you have a rank?

10 A: At the time, I don't think so.

11 Q: Okay. And you said in this case you did a couple of
12 things. The first thing you said you -- just said you did go
13 to the scene?

14 A: I did go to the scene.

15 Q: Of Ella's house; right?

16 A: Right.

17 Q: That you collected videos; right?

18 A: Not from there.

19 Q: Sure, but just generally in the case you collected
20 videos; is that right?

21 A: Right.

22 Q: And that you did interviews; is that right?

23 A: I didn't hear you.

24 Q: Interviews? You conducted interviews?

25 A: Yes.

JOSH WHITE - CROSS BY MR. BANK

1 Q: Okay. Is there a single written report anywhere by you
2 on this case?

3 A: I'm not aware.

4 Q: Okay.

5 A: I'm not sure.

6 Q: Was that the practice of the Marlboro County Sheriff's
7 Office to not do -- have their investigators do reports in
8 homicide cases or serious -- other serious cases?

9 A: We did follow-ups.

10 Q: What do you mean by that?

11 A: An initial report is basically done by a deputy.

12 Q: Okay?

13 A: Whoever your first responder is on the scene.

14 Q: Yes, sir.

15 Q: And we would do case notes and stuff to that nature.

16 Q: Okay. But you aren't aware of any case notes that you
17 did in this case?

18 A: Personally, no.

19 Q: Okay. All right. So let's talk about the Clifton
20 Benjamin interview that you did, and I know it's been a while.
21 Have you had a chance to watch that video recently?

22 A: I have looked over it.

23 Q: Okay. Great. So y'all actually talked to him very
24 quickly on May 5th, the same day that Ella was found; right?

25 A: I'm not really sure what date it was, but I know we did

1 talk to him.

2 Q: Well, the reason that y'all talked to him is because
3 y'all found out that he was supposedly Ella's boyfriend at the
4 time; right?

5 A: An associate or a boyfriend. I don't -- I don't know
6 what the relation was.

7 Q: I gotcha. Well, your information was that they had
8 recently had a fight and Ella had broken up with him?

9 A: I'm unaware. I'm unsure at this time.

10 Q: Unsure at that time? Okay.

11 MR. BANK: I beg the Court's indulgence.

12 I beg the Court's indulgence.

13 MS. MUNNERLYN: What was the question?

14 MR. BANK: Oh, whether he recalled that Ella had gotten
15 into a fight with him and broken up with him recently. That's
16 why I --

17 MS. WEISS: With Clifton Benjamin?

18 MR. BANK: Yes. Can I approach?

19 THE COURT: Yes.

20 BY MR. BANK:

21 Q: Would it refresh your recollection if you got to see a
22 transcript of the interview?

23 A: Do what now?

24 Q: Would it refresh your recollection if you got to see a
25 transcript of your interview?

1 A: Sure.

2 Q: Great. So we can try to speed this up, if you can turn
3 to page 37?

4 A: 37?

5 Q: Yes, sir.

6 MR. BANK: And Your Honor, it would be a transcript of
7 the video surveillance -- or of their interview with Mr.
8 Benjamin.

9 BY MR. BANK:

10 Q: If you could just read that small square?

11 MS. MUNNERLYN: Your Honor, I would just object to him
12 reading from that.

13 THE COURT: I think, generally, the proper procedure is
14 that you ask him the question and if he answers it consistent
15 with his interview, then that's the end of it, but if he says
16 something different, then you can cross-examine him.

17 MR. BANK: Yes, sir.

18 THE COURT: So first of all, let's ask him the question
19 here today in court, and then you can resort to the interview
20 transcript.

21 MR. BANK: Yes, sir.

22 BY MR. BANK:

23 Q: So you're aware that one of the reasons you were talking
24 to him was because you had information that him and Ella got
25 into a fight and that Ella broke up with him?

JOSH WHITE - CROSS BY MR. BANK

1 A: I don't know about a fight or whatnot. I don't know.

2 Q: Well, if you could, again, read or review page 37 to see
3 if that reminds you.

4 A: Okay.

5 Q: Does that remind you of that --

6 A: Yeah.

7 Q: -- being --

8 A: Yeah.

9 Q: So you -- it was your understanding that there had been a
10 fight between Ella, and Ella broke up with him?

11 A: Okay.

12 MS. MUNNERLYN: Your Honor, I'll just object. If he's
13 trying to get in specifically what Clifton said in that
14 interview by questioning --

15 THE COURT: He was there, wasn't he?

16 MS. MUNNERLYN: -- this witness --

17 THE COURT: He was there, wasn't he?

18 MS. MUNNERLYN: He was there, but that would be hearsay
19 for him to testify as to what Clifton Benjamin was saying at
20 that time. Clifton Benjamin is on the witness list.

21 MR. BANK: Well, just to be clear, I just asked him if he
22 was aware that that's what -- why they were interviewing him,
23 that they had information that --

24 THE COURT: You can ask that.

25 MR. BANK: Thank you.

JOSH WHITE - CROSS BY MR. BANK

1 BY MR. BANK:

2 Q: So, again, we can agree you -- one of the reasons you
3 were interviewing him is because you had information that
4 Clifton and Ella had gotten into a fight and Ella broke up
5 with him?

6 A: It says they got into an argument.

7 Q: Great. And he very quickly goes on to tell you a series
8 of lies that he -- you correct him.

9 MS. MUNNERLYN: Your Honor, I would just object. I mean,
10 you know, again he's asking a question referring to Clifton
11 Benjamin's testimony, and this is not -- I mean, if he wants
12 to ask him what he knows or what he asked him, then I think
13 that would be appropriate, but to try and get what Clifton
14 Benjamin said in through him, I would object to.

15 THE COURT: Rephrase the question.

16 MR. BANK: Well, Your Honor, I just -- and it may address
17 a number of my questions all at once so we can speed through
18 it. I'm not asking him anything for the truth of the matter
19 asserted. Clifton Benjamin lied about a number of things.
20 That's what I'm getting out, that he was lying to the
21 investigators. I don't --

22 THE COURT: It's not what the lie was, it's whether or
23 not he told a falsehood?

24 MR. BANK: About whether he -- I think it may be easier
25 to go through the specific falsehoods that he told, and I

JOSH WHITE - CROSS BY MR. BANK

1 don't think that that's prevented from hearsay because I'm not
2 offering it for the truth of the matter asserted. I think
3 Clifton Benjamin -- it's very clear that he was lying. I'm
4 not saying he's -- the substance of it is truth. I --

5 THE COURT: I'll allow you some leeway in that regard.
6 Go ahead.

7 MR. BANK: Thank you.

8 BY MR. BANK:

9 Q: So, initially, he tells you that he denies being her
10 boyfriend. Do you remember that?

11 A: I don't recall the not being her boyfriend part.

12 Q: Okay. Do you recall that he denied initially having sex
13 with her?

14 A: I don't. I don't remember that.

15 Q: Okay. If you could try to refresh your recollection
16 again on page 11?

17 A: I don't see where it says that he said that he didn't
18 have sex with her.

19 Q: Well, let me ask you in a better way. Is it fair to say
20 that he is trying to distance himself as much from Ella as he
21 could?

22 A: I don't know about that.

23 Q: He says he only had sex with her once or twice?

24 A: That's what it says.

25 MS. MUNNERLYN: Objection again, Your Honor. I mean --

JOSH WHITE - CROSS BY MR. BANK

1 again, I mean, he's speculating as to what he wanted to do or
2 what he meant to do, but all of that goes to Clifton
3 Benjamin's state of mind and what he anticipated, not what
4 this witness knows.

5 This witness was just conducting the interview and,
6 again, I would just renew my motion with regard to if he's
7 trying to prove he's lying. I mean, what he's trying to prove
8 is the truth is that it was a lie, which would be hearsay. So
9 I would just continue to object.

10 MR. BANK: Again, it's just the purpose of the
11 investigation. We've talked openly in openings and through
12 other witnesses that this was an ongoing investigation looking
13 at multiple suspects. I think at this point the door has been
14 opened for us to talk about what those investigations into
15 those suspects were. I don't think there's any problem and
16 the obvious purpose of me doing this is not to prove that Mr.
17 Benjamin had sex with her once or twice or that he was the
18 boyfriend, it is to talk about the state of mind of the
19 investigation and who they were investigating.

20 At the end of the day, we have a case where they arrested
21 a totally different person, and they have sheets of paper
22 lining task force walls with all of the different suspects,
23 and we've talked about it pretty openly. I think we can
24 continue to talk about it pretty openly.

25 This is a bench trial, Your Honor. I understand that the

JOSH WHITE - CROSS BY MR. BANK

1 rules of evidence are not different, but I think that you can
2 easily distinguish differently from a jury what is appropriate
3 to consider or not, but we're talking about the substance of
4 their investigation and the quality of it.

5 THE COURT: I'll allow you to ask it.

6 MR. BANK: Thank you, Judge.

7 BY MR. BANK:

8 Q: So, again, sir, it says on there I only had sex with her
9 once or twice; right?

10 A: That's what it says.

11 Q: Yes, sir. It says he said to you he never even went to
12 her house to have sex with her; right? That's --

13 A: Down here, it says he went to the motel.

14 Q: Right. They went to the motel. He says I went to the
15 motel twice and didn't go to the house to have sex; right?

16 A: That's what it says.

17 Q: Okay. I'm not trying to be rude or short with you, sir.
18 I'm just trying to get the information out. That's all. And
19 he says -- on page 22, he talks about how he doesn't really
20 know the kids, Iyana and Ty?

21 A: Tell me -- ask me that again now?

22 Q: Yes, sir. He tries to say that he doesn't -- he knows
23 that she has kids but doesn't know the kids?

24 A: It just says she didn't have any kids with her.

25 Q: Okay. Well, you are aware that the -- Ty at least in

JOSH WHITE - CROSS BY MR. BANK

1 this investigation says that he identifies Benjamin as someone
2 he knows? Are you aware of that fact in this case?

3 MS. MUNNERLYN: Objection again, Your Honor. I just -- I
4 don't know how --

5 THE COURT: I think that he's -- and Clifton Benjamin is
6 going to testify?

7 MR. BANK: I'm -- he is not on our witness list.

8 THE COURT: Is he on your witness list?

9 MS. MUNNERLYN: He's not on our witness list. No, sir.

10 MR. BANK: And I actually --

11 THE COURT: I'll overrule it. Go ahead.

12 MR. BANK: Sorry. I just wanted to correct myself. He
13 actually, I think, is on our witness list, but I don't know if
14 we intend to call him or not. I don't want to commit to that.

15 THE COURT: Go ahead and ask a question.

16 MR. BANK: Thank you. And that really gets to the end of
17 that kind of part of the interview.

18 BY MR. BANK:

19 Q: So, quickly, you said that you also did go to the house
20 with Mr. Benjamin and Ms. Cook; is that right?

21 A: I went to the house.

22 Q: Okay. And did you pull carpet from a car at that house?

23 A: I don't recall.

24 Q: Okay. And all of these interviews that you were doing
25 with the Marlboro County Sheriff's Department, they were all

JOSH WHITE - CROSS BY MR. BANK

1 filmed or at least you had filming set up in the investigation
2 room -- interrogation room?

3 A: Yeah.

4 Q: Yeah? Did you also have body-worn cameras and dashcams
5 at that time?

6 A: No.

7 Q: Okay. All right.

8 MR. BANK: I beg the Court's indulgence. No other
9 questions.

10 THE COURT: All right.

11 MR. BANK: And again, thank you, sir.

12 THE COURT: Any redirect?

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

14 THE COURT: All right.

15 MS. MUNNERLYN: This witness can be excused.

16 THE COURT: You're free to leave. Thank you.

17 And we're going to stand at ease until 1:30, 1:30.

18 (WHEREUPON, there was a break in the proceedings from
19 11:59 a.m. until 1:31 p.m., after which the proceedings
20 resumed as follows.)

21 THE COURT: The State is recognized.

22 MS. MUNNERLYN: The State calls Sara Albarri. She's back
23 there in the room.

24 (WHEREUPON, there was a pause in the proceedings until
25 the witness entered the courtroom, after which the

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 proceedings resumed as follows.)

2 THE COURT: Yes, ma'am. If you could, come forward and
3 place your left hand on the Bible and raise your right hand as
4 the clerk administers the oath.

5 THE CLERK: Do you solemnly swear or affirm that the
6 testimony you shall give the Court in this case shall be the
7 truth, the whole truth, and nothing but the truth, so help you
8 God?

9 THE WITNESS: I do.

10 THE CLERK: Thank you. Have a seat.

11 THE COURT: Yes, ma'am. Please come around and have a
12 seat in the witness chair here. You can set your stuff down,
13 and I'm going to ask that you pull up real close to that
14 microphone and speak loudly, clearly, and slowly in order that
15 we can hear everything that you have to say, and let's start
16 with your full name, please, ma'am.

17 THE WITNESS: Sara Jane Albarri.

18 THE COURT: How do you spell that last name?

19 THE WITNESS: A-l-b-a-r-r-i.

20 THE COURT: Thank you.

21 SARA ALBARRI, being first duly
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. MUNNERLYN:

25 Q: Where are you currently employed?

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 A: Dillon County Sheriff's Office.

2 Q: In what capacity?

3 A: Detective.

4 Q: Okay. And so you are Detective Albarri now?

5 A: Correct.

6 Q: Okay. And all total how many years of law enforcement

7 experience do you have?

8 A: This year is 20 years.

9 Q: Okay. And where was -- before the Dillon Sheriff's

10 Office, where were you?

11 A: Marlboro County Sheriff's Office.

12 Q: Okay.

13 Q: And were you, in fact, here in May of 2017?

14 A: I was.

15 Q: All right. And in what capacity were you working for the

16 Sheriff's Office here then?

17 A: Lieutenant in investigations.

18 Q: Okay. And do you recall on May the 5th, 2017, when the

19 call came out for [REDACTED] Craig Circle?

20 A: I do.

21 Q: Okay. And did you respond?

22 A: I did.

23 Q: And tell us when you responded and arrived what you

24 found?

25 A: Yes, ma'am. I was actually in the city limits of

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 Bennettsville and heard the radio call come out. So I
2 responded there, and there were some deputies that were on
3 scene, and we did see Ms. Ella Lowery on the floor. You could
4 see it from the back door.

5 So I didn't go in at that time. It was roped off. We
6 notified the sheriff at the time. SLED came and processed it.
7 I stayed there at the location, and one time I went inside
8 with Deputy Hale. When we realized that Iyana Lowery was
9 missing, we wanted to make sure that she wasn't inside the
10 home hiding.

11 So we went in calling her name, saying, hey, it's the
12 police, Iyana, are you in here, looking through the closets.
13 We didn't go in the area that Ella was at the back.

14 Q: Okay.

15 A: So she wasn't there. So we went back out of the crime
16 scene.

17 Q: Okay. So you did go in house that day at least once
18 before --

19 A: Correct.

20 Q: -- SLED crime scene arrived?

21 A: Correct.

22 Q: Okay. But when you initially arrived, you could see
23 Ella, you said, through the doorway?

24 A: Yes. The door was open, and she was laying on the floor
25 in front of the door a few feet from the door. So -- but when

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 we came in to check for Iyana, we went through the front door
2 so as not to disturb her since she was at the doorway.

3 Q: Okay. And during that period of time, do you recall --
4 Now, you said you didn't go in initially. Was anybody inside
5 in or around where Ella was lying there near the doorway when
6 you arrived?

7 A: No. No, ma'am. Not that I seen.

8 Q: Okay. All right. And so do you know about how long it
9 was before you went in to check on Iyana?

10 A: It was about, I think, around 30 minutes before Ms.
11 Delores, who was very -- you know, of course, she realized
12 that Iyana was missing. So we had to do a sweep of the
13 residence to at least see if she wasn't inside somewhere.

14 Q: Okay. Okay. And do -- and do you recall in which door
15 you went in order to go check for Iyana?

16 A: Through the front door.

17 Q: Through the front door?

18 A: Right.

19 Q: Okay. And so did you ever go close to Ella's body when
20 you went to do that?

21 A: No.

22 Q: Did you even go into the kitchen?

23 A: I think there was a little spot between the kitchen and
24 that little den area where she was at, and we didn't cross
25 over there. There didn't appear to be anything where Iyana

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 could've been hiding there.

2 Q: Okay. Okay. So you just swept from there toward the
3 back of the house?

4 A: Correct.

5 Q: Okay. And looked everywhere?

6 A: Right.

7 Q: Potentially for where Iyana might be hiding or where she
8 might be injured?

9 A: Correct.

10 Q: Okay. And you were not able to locate her?

11 A: No, ma'am.

12 Q: Now, you mentioned Delores. Do you recall where Delores
13 was when y'all -- when you arrived?

14 A: There's, like, a little bench on the front porch, and
15 that's where she was at.

16 Q: Okay. And do you recall seeing Tyreon?

17 A: I don't actually recall seeing him --

18 Q: Okay.

19 A: -- anywhere around.

20 Q: Okay. But he was not in the house when you went into it?

21 A: No, he was not in the house.

22 Q: Okay. All right. Okay. So, at that point, did you do
23 anything else at the crime scene?

24 A: No.

25 Q: All right. What were your responsibilities from that

1 point forward?

2 A: We had decided to call other agencies to assist. So I
3 was advised to go to the Sheriff's Office and act as liaison
4 at what they called the command center, which was the kitchen
5 area -- it had a bunch of large tables in there -- between the
6 agencies to make sure someone was always there. At the time,
7 we had, you know, sticky stuff on the walls, like the big
8 poster boards and stuff.

9 Q: Okay.

10 A: Just to maintain the privacy of it.

11 Q: So you were the liaison for the Sheriff's Office in the
12 command center, and you were helping to compile and take in
13 all of the information that was coming in?

14 A: Correct.

15 Q: Okay. You did not go -- in general terms, you didn't go
16 out in the field and interview people or get videos or
17 anything like that?

18 A: No. The only other time I came out was when we found
19 Iyana's body.

20 Q: Okay. Okay. All right. Well, let's go back. One other
21 thing that you did while, I believe, you were still at the
22 scene, is there anything else you attempted to do while you
23 were still there with regard to finding Iyana?

24 A: We -- they needed a DNA sample. So I got the toothbrush
25 out of the bathroom. One of the family members let me in and

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 and we got the toothbrush out of the bathroom that belonged to
2 her.

3 Q: Okay. All right. So I'm going to show you what's been
4 marked as State's Exhibit 576. Do you recognize that
5 document?

6 A: Yes.

7 Q: Okay. And is that the property receipt that you filled
8 out for that?

9 A: Yes.

10 Q: Okay.

11 MS. MUNNERLYN: Your Honor, I would move to admit State's
12 Exhibit 2 -- or excuse me -- 576.

13 MR. YOUNG: Without objection.

14 THE COURT: It's into evidence.

15 (WHEREUPON, State's Exhibit Number 576, property receipt,
16 was admitted into evidence.)

17 MS. MUNNERLYN: Okay.

18 BY MS. MUNNERLYN:

19 Q: And so that indicates that actually you collected the
20 toothbrush at some point from the house?

21 A: Correct.

22 Q: Okay. And when you -- you said you went into the house
23 with family members to get that?

24 A: Right.

25 Q: Okay. And collected it and then it was transferred to

1 SLED for testing?

2 A: Correct.

3 Q: Okay. As reflected on that property receipt? All right.

4 Now, was there -- going back now to the day, did you ever
5 attempt to put out any kind of alert through the state system
6 for a missing child?

7 A: Yes. I actually did that from the command center, along
8 with trying to get photos and working with the National Center
9 of Missing and Exploited Children to get a flyer up of her and
10 also the one that was done by SLED, the missing person that
11 was done by SLED.

12 Q: Okay. And did you -- did you attempt to do an Amber
13 Alert?

14 A: I did. While we were on scene when we first realized
15 that Iyana was missing and not in the house, I attempted to
16 get an Amber Alert done, but was told that because we did not
17 have a person of interest or a vehicle description, we could
18 not have an Amber Alert.

19 Q: Okay. All right. And then, now, the next day you were
20 involved in obtaining a search warrant on the 6th of May for
21 some phone records; isn't that correct?

22 A: Correct.

23 Q: Okay. I'm going to show you what's been marked as
24 State's Exhibit 262. Do you recognize all of that?

25 THE COURT: What was that number again?

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 MS. MUNNERLYN: 262.

2 BY MS. MUNNERLYN:

3 A: Yes.

4 Q: Okay. Those are the records?

5 A: Yes.

6 Q: Okay.

7 MS. MUNNERLYN: Your Honor, I would move to admit State's
8 Exhibit 262 at this time.

9 MR. BANK: Without objection.

10 THE COURT: They're into evidence.

11 (WHEREUPON, State's Exhibit Number 262, search warrant
12 and phone records, was admitted into evidence.)

13 MS. MUNNERLYN: Thank you, Your Honor.

14 BY MS. MUNNERLYN:

15 Q: Okay. So this is actually the search warrant that you
16 requested for the phone records of the phone number 843-535-
17 2091; correct?

18 A: Correct.

19 Q: And those were -- that was the number you were provided
20 for Dwayne Bright?

21 A: Yes.

22 Q: Okay. All right. So y'all had begun the investigation
23 regarding him at this time --

24 A: Correct.

25 Q: -- on the 6th? And you actually received these records

1 and there is a certificate of authenticity in here for these
2 records from AT&T?

3 A: Yes.

4 Q: All right. And these records actually run from February
5 the 6th of 2017 until May the 6th of 2017?

6 A: Yes.

7 Q: Isn't that right?

8 A: Yes.

9 Q: And they show both voice data and SMS or text usage;
10 right?

11 A: Correct.

12 Q: I'm sorry. Voice usage and text usage?

13 A: Yes.

14 Q: Okay.

15 Q: For that number, 535-2091?

16 A: Correct.

17 Q: Okay. So this would show any calls or texts to and from
18 anyone he would have communicated with on the night of May the
19 4th or May the 5th?

20 A: Correct.

21 Q: Okay. I want to -- I want to ask you specifically about
22 a couple of dates in there.

23 MS. MUNNERLYN: Let's see. Is this still working? Is
24 this not on?

25 MS. WEISS: Just hit the red button or the power button.

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 I'm sorry. Unless somebody -- yeah, turned the TV off.

2 MR. REDMOND: The TV might be off. There it is.

3 MS. MUNNERLYN: Is it coming on?

4 MR. REDMOND: It's not on.

5 MS. MUNNERLYN: The light is on.

6 MR. REDMOND: That light is red. There it is. There it
7 is.

8 MS. MUNNERLYN: It's coming up.

9 BY MS. MUNNERLYN:

10 Q: Okay. So I want to ask you about a couple of pages in
11 here. So this page right here, I don't know if you're going
12 to be able to see it. I might have to hand it to you.

13 MS. MUNNERLYN: How do you -- how do you zoom in?

14 MS. WEISS: You can press the plus button or you can push
15 the thing up top down.

16 MR. MUNNERLYN: I've got it. We're learning. We're
17 learning.

18 THE COURT: It would be helpful if you could go down and
19 look at it a little bit closer.

20 BY MS. MUNNERLYN:

21 Q: Okay. If you see here, right here, that is a call and
22 then at the top of this page it shows right here voice usage
23 for this number?

24 A: Correct.

25 Q: Okay. And these are all calls on May the 2nd; correct?

1 A: Correct.

2 Q: All right. And then right here, so there's a call on May
3 the 2nd at 8:08?

4 A: Correct.

5 Q: Actually, I think this is UTC time?

6 A: Yeah. So it's four hours before.

7 Q: So it was four hours earlier. So that would be 4:08, and
8 then the next call on there on this phone on this number is
9 May 5th; correct?

10 A: Correct.

11 Q: Okay. And that would be four hours before 1:35. So that
12 would be --

13 A: 9:35.

14 Q: 9:35 on May the 5th, 9:35 in the morning?

15 A: Correct.

16 Q: Okay. All right. So there's no calls on this number
17 from May 2nd to May 5th?

18 A: That's correct.

19 Q: Okay.

20 MR. BANK: If you could just leave that there, if you
21 don't have another one to put up because I want it up.

22 MS. MUNNERLYN: Okay. You want me to leave it there?

23 MR. BANK: Yeah. Yeah. Unless you had another one you
24 were going to put up.

25 MS. MUNNERLYN: Okay. Well, I'm going to ask her about

1 one other.

2 MR. BANK: That's fine.

3 MS. MUNNERLYN: Okay. I'll kind of -- I don't want to
4 get them out of order. I should have put it back in. Stay
5 there.

6 BY MS. MUNNERLYN:

7 Q: Then we also have text usage that's separately recorded
8 within these records. All right. You see this page shows SMS
9 usage for this number?

10 A: Correct.

11 Q: So that would be text. And if we scroll down here and,
12 again, this is UTC time here; correct?

13 A: Correct.

14 Q: So that's four hours earlier --

15 A: Earlier.

16 Q: -- than what's actually shown. Okay. So if we go to May
17 the 4th right here at 3:42, do you see that?

18 A: Yeah. That would actually be -- when you take the four
19 hours away, it'll be 11:42 p.m. on the 3rd.

20 Q: Okay. All right. So on May the 3rd at 11:42, he is
21 texting 862-0497?

22 A: Correct.

23 Q: Okay. And that is actually the number for Ella Lowery,
24 is it not?

25 A: That is correct.

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 Q: Okay. All right. And so starting at 11:42 on May the
2 3rd, that's almost into the early morning hours of May the
3 4th, is a text from Dwayne Bright to Ella Lowery?

4 A: Correct.

5 Q: And as we go down, there are several texts back and
6 forth, are there not?

7 A: That's correct.

8 Q: All these are back and forth between 862-0497, which is
9 Ella Lowery's number, and 535-2091, which is Dwayne Bright;
10 correct?

11 A: That's correct.

12 Q: And they started at 11:42 on the 3rd, and then the 3rd at
13 11:42, that -- that would have been --

14 A: Wednesday.

15 Q: -- Wednesday night?

16 A: Wednesday night.

17 Q: Wednesday night?

18 A: Correct.

19 Q: Okay. So that would have been a full day, 24 hours
20 before the night that Ella Lowery was killed; correct?

21 A: That's correct.

22 Q: Okay. All right. So these start there, and they go down
23 even here at the bottom of the page, 3:57. We're getting
24 close to midnight right there?

25 A: Correct.

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 Q: And it would be flipping over into the 5th; correct?

2 A: That's the 4th. It would be flipping over into the 4th.

3 Q: I mean into the 4th. I'm sorry.

4 Q: Okay. And then, again, continuing on here on May the

5 4th, in this then we're moving just beyond midnight here,

6 aren't we?

7 A: Correct.

8 Q: On the -- in the early morning hours of the 4th, which

9 would be Wednesday night, early morning Thursday morning?

10 A: That is correct.

11 Q: And those texts continue between those two numbers, don't

12 they?

13 A: Correct.

14 Q: And they actually continue down. You see right -- right

15 here. So May 4th at UTC time 6:17, what time would that be?

16 A: 2:17 a.m.

17 Q: Okay. So that would have been early Thursday morning,

18 Wednesday night, Thursday morning at 2:17 was a text from

19 Dwayne Bright to Ella Lowery?

20 A: That's correct.

21 Q: And that is the last one; is that correct?

22 A: That is.

23 Q: So we don't -- we're moving it here on the next page.

24 Make sure you can see it. Here is the night of May the 4th

25 into May the 5th, and there are no communications with 862-

1 0497 on that date, is there?

2 A: That is correct. There is not.

3 Q: So no texts between Dwayne and Ella shown on his phone
4 records for the night of the murder?

5 A: That's correct.

6 Q: Okay. You can have a seat. I'll leave them right there.

7 So, obviously, when you receive these records, y'all were
8 investigating Dwayne Bright, and actually at that time y'all
9 -- that was around the time that he was arrested in this
10 matter; isn't that correct?

11 A: Correct.

12 Q: Okay. And I'm going to show you what's been marked as
13 State's Exhibit 259 and see if you recognize that.

14 A: That would be Dwayne Bright's booking report.

15 Q: Okay.

16 MS. MUNNERLYN: Your Honor, I would move to admit State's
17 Exhibit 259 into evidence.

18 MR. BANK: Without objection.

19 MS. MUNNERLYN: Okay.

20 THE COURT: It's into evidence.

21 (WHEREUPON, State's Exhibit Number 259, Booking report of
22 Dwayne Bright, was admitted into evidence.)

23 MS. MUNNERLYN: Thank you, Your Honor.

24 BY MS. MUNNERLYN:

25 Q: All right. I want to show you the top of this page just

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 for information purposes I want to ask you. Now, it shows the
2 date and time of his arrest is May the 7th at 4:15?

3 A: Yes.

4 Q: Okay. And what does it show here for his height?

5 A: Five nine.

6 Q: And what does it show for his weight?

7 A: New glasses. I'm sorry. It looks like 154.

8 Q: Okay. All right. Now, the only -- and again, that was
9 the only search warrant you were involved in obtaining;
10 correct?

11 A: Correct.

12 Q: Okay. You went back then to man the command center?

13 A: Correct.

14 Q: And you were continuing to receive evidence?

15 A: Correct.

16 Q: If it came in?

17 A: If it came in. Most of the evidence was put in the
18 locker, but more like information.

19 Q: Okay. All right. But you did receive -- there was --
20 there were some officers who were canvassing and talking with
21 witnesses in Rockingham, North Carolina, with regard to
22 another possible suspect; isn't that right?

23 A: Correct.

24 Q: Okay. And there were some bank cards that were received
25 from a Steven Jones in Rockingham that belonged to the

1 defendant, JeJauncey Harrington; isn't that right?

2 A: Correct.

3 Q: And they were actually collected by Jackie Hamelryck and
4 then you received those?

5 A: That is correct.

6 Q: And they were put into evidence at that point?

7 A: Yes.

8 Q: Okay. So -- okay. I just want to go back and ask you
9 about this photo. This is already in evidence as State's
10 Exhibit 271, which is -- here, I'll put it up here. Do you
11 recognize what's shown in that photo or can you see it with
12 the reflection?

13 A: It's a little bit --

14 Q: Okay.

15 A: -- hard to see. I'm sorry.

16 Q: I'll going to just hand it to you. Okay.

17 A: I'm trying to adjust.

18 Q: Okay. From where do you recognize that photo?

19 A: That's from the angle of the back -- the side door of
20 Craig Circle.

21 Q: Okay.

22 A: Ella Lowery's residence.

23 Q: Okay. So who was shown in that photo?

24 A: Ella Lowery.

25 Q: Okay. And is that how she was when you got to the crime

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 scene?

2 A: Correct.

3 Q: Okay. And did anybody at any point touch her body or
4 touch her while you were there?

5 A: Not that I saw, no.

6 Q: Okay. Did anybody disturb anything else there in or
7 around her body?

8 A: No. We were very quick putting the tape up. So --

9 Q: Okay. Okay. And then -- now, you said the only other
10 time you actually really went out of the office or out of the
11 command center was when the search was proceeding on New
12 Bridge Road?

13 A: Correct.

14 Q: Okay. So tell us what you did when you went to New
15 Bridge Road?

16 A: The night before, I was contacted by Sgt. Seales to come
17 out the following morning. So we came out very early that
18 next morning. So we began -- when daybreak came, we began
19 looking in the woods, trying to find anything, Iyana, anything
20 that would help us. So we did actually go look at the woods
21 that morning.

22 Q: Okay.

23 A: I'm -- they had found some paperwork on the ground.
24 Myself and Will Horne actually secured that building -- it was
25 an old building next to it -- to make sure that Iyana wasn't

1 in the building or anything.

2 Q: So this was the abandoned property across the street from
3 the LaBean home where the surveillance video had been
4 obtained?

5 A: Correct.

6 Q: Okay. And did you and Will Horne -- did y'all go inside
7 that abandoned property?

8 A: Correct.

9 Q: Okay. And you searched, tried to see if you could find
10 any evidence or Iyana in that home itself?

11 A: Correct.

12 Q: Okay. And was there anything inside that building?

13 A: No. It was just a bunch of trash, I think some old
14 clothes maybe. We didn't find anything of importance to the
15 case.

16 Q: Inside the building?

17 A: Inside the building.

18 Q: But outside the building there were some items?

19 A: Correct.

20 Q: Okay. And those were the cards and receipts connected to
21 Ella Lowery that had her name on it?

22 A: Correct.

23 Q: Okay. And once y'all found those, what did you do?

24 A: Well, the crime scene was called to come out there.

25 Q: Okay. So SLED crime scene was contacted again to come to

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 process that scene?

2 A: Yes. And I -- and I stayed right at the roadway until
3 that was done.

4 Q: Okay. So you stayed right there. You didn't go down to
5 the creek?

6 A: It was a little while later that we went down to the
7 creek.

8 Q: Okay. Were you still there when Iyana's body was found?

9 A: Correct.

10 Q: Okay. And did you have anything to do with that part of
11 the investigation?

12 A: No, ma'am. I walked away.

13 Q: Okay. Okay. And -- but you remained there -- there on
14 New Bridge Road until SLED crime scene arrived?

15 A: Correct.

16 Q: Okay. And none of those items that were found on the
17 ground were moved or disturbed in any way?

18 A: No.

19 Q: Okay. Okay. I'm going to show you what's been marked
20 and is in evidence as State's Exhibits 526, 525, and 524, and
21 ask you if you recognize those?

22 A: Yes.

23 Q: Okay. And from where do you recognize those?

24 A: In the -- the little grass beside the old building.

25 Q: Okay.

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 A: I don't know how to explain it. It's, like, a little
2 drive-type thing it was.

3 Q: Okay. So these are the items that y'all found located on
4 the ground next to that abandoned property?

5 A: Correct.

6 Q: And State's Exhibits 244, 245, and 247, are those closer
7 pictures of those items which were picked up?

8 A: Yes.

9 Q: Okay. And whose name is embossed on the bottom of those
10 cards?

11 A: This one says Ella Lowery.

12 Q: Okay. But y'all did not pick those up or disturb those
13 in any way?

14 A: No.

15 Q: Okay. And once that was concluded, did you do anything
16 else as a part of this investigation?

17 A: No.

18 Q: Okay.

19 MS. MUNNERLYN: Court's indulgence just one moment.

20 MR. REDMOND: I beg the Court's indulgence. I'm sorry.

21 MS. MUNNERLYN: I'm sorry, Your Honor.

22 I'm sorry, Your Honor. There is one item of evidence I
23 thought was already in, and it's in the back. If he can run
24 and go get it just a second, that'll be my last question for
25 her.

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 THE COURT: All right.

2 BY MS. MUNNERLYN:

3 Q: All right. I'm going to show you -- hold on. Sorry.

4 All right. I'm going to show you what's been marked as

5 State's Exhibit 75. You can look in that if you need to. Do

6 you want some gloves? Hold on.

7 A: Yes.

8 MR. BANK: They're telling me it's already in evidence.

9 We have no objection to putting it in again.

10 MS. MUNNERLYN: Okay. I don't think it's in, is it?

11 THE COURT REPORTER: It's on this list.

12 MS. WEISS: Technically.

13 THE COURT REPORTER: Technically, it is.

14 MR. REDMOND: I think it was -- I think it was mentioned

15 yesterday in the group that we talked about. It just never

16 made it out here.

17 MS. MUNNERLYN: It never made it out here. Okay. All

18 right. So just to be on the safe side, Judge, I would like to

19 make sure that State's Exhibit 75 is in evidence. I think

20 that's without objection.

21 THE COURT: 75 is into evidence without objection.

22 (WHEREUPON, State's Exhibit Number 75, toothbrush and

23 swabs from toothbrush, was admitted into evidence again.)

24 BY MS. MUNNERLYN:

25 Q: Okay. So do you recognize what's in Exhibit 75?

SARA ALBARRI - DIRECT BY MS. MUNNERLYN

1 A: Yes. That's Iyana Lowery's toothbrush.

2 Q: Okay. And that's the toothbrush that you collected from
3 her home?

4 A: Correct.

5 Q: Okay. All right.

6 MS. MUNNERLYN: Okay. Please answer any questions that
7 the defense may have.

8 THE COURT: Defense, you're recognized.

9 MR. BANK: Thank you.

10 CROSS-EXAMINATION

11 BY MR. BANK:

12 Q: How are you doing today, Detective?

13 A: I'm fine.

14 Q: We went through some -- this isn't a real question. We
15 went through a rabbit hole last night trying to figure out
16 whether you were both Lt. Albarri and Capt. Albarri. It
17 sounds like maybe there was a promotion sometime around the
18 time of all these?

19 A: Afterwards.

20 Q: Afterwards? Okay. I had to call Mr. -- Mr. Redmond to
21 clear that up. So at the time -- and you are an investigator
22 now you said in Dillon; is that correct?

23 A: Correct.

24 Q: Great. All right. So I think we can get through this
25 pretty quickly. I kind of just want to go chronologically

SARA ALBARRI - CROSS BY MR. BANK

1 just like you did on direct a little bit. You're on scene on
2 5/5; right? May 5th?
3 A: Correct.
4 Q: And it's a little bit chaos? It's chaotic because
5 there's a missing girl?
6 A: That is correct.
7 Q: Right? And when you get to a scene, whether it's chaotic
8 or not, one of the biggest things is to preserve it; right?
9 A: That is correct.
10 Q: And not walk all over stuff; right?
11 A: That is correct.
12 Q: Document it the best that it can be documented?
13 A: That is correct.
14 Q: Is that right? Taking photographs; right?
15 A: We -- usually, if we call out crime scene, they actually
16 take the photographs.
17 Q: Right. But that's an important part of law enforcement
18 as a whole?
19 A: That is correct.
20 Q: Right. And keep track of who comes and goes; right?
21 A: That is correct.
22 Q: And you came and -- and maybe I just misunderstood it.
23 It looks like you came and went out of the scene three times;
24 is that right?
25 A: No. I don't believe I went in there three times.

1 Q: Okay. If I show you the crime scene log, would that
2 maybe help --

3 A: Yeah.

4 Q: -- clear up what it is? And I'm specifically talking
5 about the entry five down by your name, and then on that far
6 right column, it has two additional -- it looks like in and
7 out entries in addition to the original one?

8 A: Okay.

9 Q: Does that -- can you kind of clear that up for us or does
10 that help you remember that at all?

11 A: When I first went, I didn't go in the house. We only saw
12 her from out there. We roped off -- the deputies roped off
13 the outside and I waited, and then I went inside when we were
14 looking for Iyana.

15 Q: Okay.

16 A: But yeah.

17 Q: Okay.

18 A: I can't see where you're saying a third time on there.

19 Q: You're not seeing it? All these -- these two? Are those
20 not two separate entries?

21 A: You're talking about -- no, they have the same exit.

22 Q: Okay.

23 A: So --

24 Q: I just -- it was confusing to me and I didn't know why it
25 was written that way.

SARA ALBARRI - CROSS BY MR. BANK

1 A: Oh, okay. Yeah, you're fine.

2 Q: Okay.

3 A: I'm sorry.

4 Q: And this is Defense Exhibit 11 for the record. Now, with
5 all that said, you haven't written any reports in this case?

6 A: I actually did do a supplemental.

7 Q: A supplemental? You?

8 A: Yes. When Iyana was located to have her taken out of
9 NCIC as missing.

10 Q: I gotcha. But other than that in terms of any
11 investigation in the case prior to Iyana being found, you
12 don't have any reports, didn't -- didn't make any
13 investigative memos or anything like that?

14 A: No.

15 Q: All right. Okay. And it's important to do that because,
16 unfortunately like here, we're five years later and people are
17 struggling with memories?

18 A: Correct.

19 Q: Is there a reason? Is this -- was that the common
20 practice of the Marlboro County Sheriff's Office --

21 A: No.

22 Q: -- not to write reports?

23 A: No, it wasn't.

24 Q: What was the purpose and the distinction of it happening
25 this time, that investigators and captains and lieutenants

1 aren't making reports?

2 A: I couldn't answer for why no one else did.

3 Q: Can you answer for why you didn't?

4 A: Well, I was there when Iyana was found, and there is a
5 supplemental that says she was located on New Bridge to take
6 her out of NCIC. I didn't do any of the investigative work.

7 Q: Okay.

8 A: I stayed at the command center as liaison. Maybe I
9 should have --

10 Q: Oh, I understand.

11 A: -- wrote a supplemental on that. I'm sorry.

12 Q: No, no. I just -- we're just trying to get a picture of
13 what was going on and it's five years later.

14 A: I understand.

15 Q: I just want to make sure that we aren't missing something
16 that was written down. That's all.

17 A: Okay.

18 Q: Okay? And we talked about the taking of the toothbrush
19 and the hairbrush. That happened at 12:51. Is that your
20 memory of it? And I can hand that report back up to you if it
21 would help you?

22 A: Yes. I'd have to look to be sure. It was five years
23 ago. It's -- yes, it says 12:51.

24 Q: Okay. And that's p.m.?

25 A: It was actually 5/5 at 12:51 p.m.

SARA ALBARRI - CROSS BY MR. BANK

1 Q: Okay. And then you kept it in your possession it looks
2 like for almost 21 hours?

3 A: Correct.

4 Q: And that means it was turned in the next day?

5 A: Right.

6 Q: Okay. And where did you physically have that?

7 A: Locked in my trunk.

8 Q: Okay. Of your police officer --

9 A: My vehicle, yes.

10 Q: Okay. All right. Then you do actually do a -- it looks
11 like a statement of Ms. Lowery, Delores, on 5/6. Do you
12 recall that?

13 A: I do not.

14 MR. BANK: I beg the Court's indulgence.

15 I'm going to approach with a statement, Defense Exhibit
16 8.

17 BY MR. BANK:

18 Q: Do you recall taking that statement?

19 A: Yes. She actually came to the Sheriff's Office.

20 Q: Okay. And two of the names that come up in that
21 statement -- and it's already in evidence, but two of the
22 names that come up in that statement from Dolores on the
23 second page are a Clifton Benjamin and a Dwayne Bright. Do
24 you see that?

25 A: Yes.

1 Q: Okay. All right. That same day -- we talked about it
2 again -- 5/6, you then went and got the search warrant for Mr.
3 Bright's telephone records; right?

4 A: Correct.

5 Q: I'm going to hand up a copy of it. It's already in
6 evidence, but just so we know we're talking about the same
7 thing, and I'll grab all those papers from you. Any time you
8 get a search warrant, you are very familiar as an officer you
9 go to a magistrate; right?

10 A: Correct.

11 Q: And you're sworn under oath; right?

12 A: Correct.

13 Q: Just like you were here; right?

14 A: Correct.

15 Q: And then you basically explain to the judge in writing
16 and sometimes orally what information you want; right? In
17 this case, it's cell phone records?

18 A: Correct.

19 Q: And then you give a basis for why; right? The probable
20 cause?

21 A: Yes.

22 Q: Does that make sense? So I want you to turn over to the
23 probable cause section, the reason for affiant's belief that
24 the property sought is on the subject premises. It should be
25 the second to last page. Do you see that?

SARA ALBARRI - CROSS BY MR. BANK

1 A: Where was it? Say it again?

2 Q: Sure. And I'll come up there.

3 A: Where you said the affiant?

4 Q: Yes.

5 A: Yes. I see it.

6 Q: The reason for the affiant's belief that the property
7 sought?

8 A: Correct.

9 Q: All right. And then I want you to go down about halfway
10 and you see a sentence that says a search of the victim's
11 immediate call log. Do you see that sentence?

12 A: Yes.

13 Q: Could you read that out to the Court?

14 A: A search of the victim's immediate call log showed
15 several text messages from the subject to the victim that
16 stopped around the same time which is estimated time of death.

17 Q: Okay. Well, who provided you that information?

18 A: We had got an email with the last call log that was sent
19 to my email address, but I think it was forwarded. So I'm not
20 sure who sent it.

21 Q: Okay.

22 A: I'm not sure which agency sent it, whether it was SLED or
23 the FBI that did the last calls that they had.

24 Q: Okay. Would you agree with me that that statement is not
25 true?

SARA ALBARRI - CROSS BY MR. BANK

1 A: That it wasn't the estimated time of death? Is that what
2 you're implying?

3 A: No. That there were no phone calls that night listed.
4 We just went through the records.

5 A: Right.

6 Q: Right? It turns out that's not true?

7 A: Okay.

8 Q: Do you agree with me on that?

9 A: Well, there were no phone calls, no.

10 Q: Okay. Well, let's maybe sit back down, and I think Ms.
11 Freedman can kind of help me here because it appears from the
12 records that there was no texts or phone calls at all?

13 A: Not that day. The night before, there were texts.

14 Q: All right. Let's do this because we're all talking about
15 --

16 MR. BANK: Do we have a demonstrative thing I can write
17 on?

18 MS. WEISS: Do you mind moving that back just a little
19 bit so we can see too?

20 MR. BANK: Sure.

21 MS. WEISS: Thanks.

22 MR. BANK: Is that better?

23 MS. WEISS: Yes.

24 MR. BANK: I beg the Court's indulgence. I'm sorry. I
25 should've had this ready.

SARA ALBARRI - CROSS BY MR. BANK

1 BY MR. BANK:

2 Q: So we're talking -- Detective, can you see this all
3 right?

4 A: Yes.

5 Q: All right. So we basically had two nights.

6 MR. BANK: And, Judge, can you see it all right?

7 THE COURT: Yes.

8 BY MR. BANK:

9 Q: We have basically two nights. We have the night of the
10 3rd going into the 4th; right?

11 A: Correct.

12 Q: And then we have the 4th going into the 5th?

13 A: That's correct.

14 Q: And I apologize for my handwriting.

15 A: No, you're fine.

16 Q: Ella is found 5/5 in the morning?

17 A: That's correct.

18 Q: That's right? And the records that you just went through
19 with the prosecutor showed Mr. Bright and Ella talking to him
20 5/3 and 5/4?

21 A: That's correct.

22 Q: Right? And then there is no activity on this phone
23 between 5/4 and 5/5 to anybody; right?

24 A: That's correct.

25 Q: Okay. So your statement in the search warrant that Ella

SARA ALBARRI - CROSS BY MR. BANK

1 and Mr. Bright were talking close in time to when she died is
2 not correct. It was the night before?

3 A: Well. I think the word "estimated" is, you know, exactly
4 what it says, estimate. So the call logs, he was talking to
5 her the day before but not that day. So it doesn't say
6 specifically, but I understand what you're saying.

7 Q: Okay.

8 A: It wasn't the day. He did not have contact with her the
9 day of the 4th leading into the 5th.

10 Q: All right. And you don't recall who gave you that
11 information or that wording?

12 A: No, I do not.

13 Q: Okay. And then you actually got the records on 5/7,
14 asked for them on 5/6?

15 A: Correct.

16 Q: And got the records on 5/7?

17 A: So yeah. So the record that we showed, we didn't
18 actually have. It was when they did a history of Ella's
19 phone.

20 Q: Okay.

21 MR. BANK: I think we're good on that, Hannah.

22 BY MR. BANK:

23 Q: And then it was already brought up, but also on 5/7 you
24 were instructed to sign for arrest warrants for Mr. Bright; is
25 that right?

SARA ALBARRI - CROSS BY MR. BANK

1 A: That's correct.

2 Q: But that wasn't your decision, that was somebody else's
3 decision to ask or sign for the arrest warrants?

4 A: Well, I think it was a general agreement.

5 Q: Okay. Can I show these to you for a second?

6 A: Yes.

7 Q: And those are warrants for murder and for possession of a
8 weapon during a violent crime?

9 A: Yes.

10 Q: Great.

11 MR. BANK: I'm going to mark these and move them into
12 evidence, Defense 27 and then Defense 28.

13 Y'all -- y'all didn't have any objection to that?

14 MS. MUNNERLYN: No.

15 MR. BANK: Oh, sorry. I'll give them to you.

16 MS. MUNNERLYN: But I do want to see.

17 MR. REDMOND: I beg the Court's indulgence a moment.

18 MS. MUNNERLYN: Your Honor, we -- we don't object. It's
19 just one is a unserved -- one is a served copy and the other
20 is not a served copy.

21 THE COURT: But you have no objection with that
22 clarification?

23 MS. MUNNERLYN: No, Your Honor.

24 THE COURT: All right. They're into evidence.

25 (WHEREUPON, Defendant's Exhibits 27 and 28, arrest

SARA ALBARRI - CROSS BY MR. BANK

1 warrants for Dwayne Bright, were admitted into evidence.)

2 MR. BANK: Thank you, Judge.

3 BY MR. BANK:

4 Q: Now, going back to the email you got about getting the
5 email records, do you remember that? You said you got an
6 email from somebody telling you to -- that information to put
7 in the search warrant?

8 A: Yes. No. That it was the last calls that she made.

9 Q: The last --

10 A: We were trying to determine who -- who had been in
11 contact with her, trying to get any lead that we could.

12 Q: Okay. Where can I get that email? Do you have any idea
13 if the -- if your emails would be preserved anywhere?

14 A: Well, I -- I thought it was printed off, but I could be
15 wrong.

16 Q: Okay. Well, I'll get with the prosecutors about that.

17 A: Okay.

18 Q: And we'll see if we can track it down. I'm sure you'll
19 help us in any way you can.

20 A: Right.

21 Q: All right. And then you guys got a lot of praise for
22 this case. Y'all, you know, eventually were able to
23 thankfully grant some closure to the family by finding the
24 body, even though it was unfortunately deceased, and y'all
25 were in a lot of, like, photo shots and things like that after

SARA ALBARRI - CROSS BY MR. BANK

- 1 this; right?
- 2 A: Maybe. I'm not sure.
- 3 Q: Well, in newspaper articles and things like that?
- 4 A: It's possible.
- 5 Q: Okay.
- 6 A: I don't really buy newspapers.
- 7 Q: I gotcha. But you took pictures with cameras with groups
8 of people with the FBI and Sheriff Lemon and all of that;
9 right?
- 10 A: Yeah. I got -- I got my award too.
- 11 Q: Okay. And you eventually were also, I guess, promoted
12 from lieutenant to captain; right?
- 13 A: Yes.
- 14 Q: Was that mostly because of the work on this case or you
15 had other things going on?
- 16 A: It had nothing to do with this case.
- 17 Q: I gotcha. I gotcha. I'm sure you've done a lot of good
18 work on other cases. Now, a couple of final things. You were
19 talking about being the liaison in the task force meeting or
20 the meeting room; right?
- 21 A: Yes.
- 22 Q: Sorry. You've got to say it out loud.
- 23 A: I'm sorry.
- 24 Q: And that's the room where we have all these big posters
25 hanging around with all the information; right?

- 1 A: Correct.
- 2 Q: And people are kind of coming in and out; right?
- 3 A: That's correct.
- 4 Q: And it's everybody, it's the Sheriff's Department, it's
- 5 the FBI; right?
- 6 A: Yes.
- 7 Q: It's SLED; right?
- 8 A: SLED, and also DNR.
- 9 Q: DNR? And you've got forensic people that are coming in
- 10 and out?
- 11 A: Correct.
- 12 Q: Right. Everybody just trying to put all the information
- 13 together the best they can?
- 14 A: That is correct.
- 15 Q: All right. And then finally or maybe finally, New Bridge
- 16 Road. You said you went into that building. I think you
- 17 characterized it as, like, an abandoned building?
- 18 A: Yes.
- 19 Q: And you saw, like, beer bottles and clothes everywhere?
- 20 A: I don't remember, but I just remember it being trash and
- 21 junk.
- 22 Q: Right. There's writing all over the wall, I think?
- 23 A: Yeah. I would have to take your word for it. I'm not
- 24 sure.
- 25 Q: Okay.

SARA ALBARRI - CROSS BY MR. BANK

1 A: It was -- I don't like going into abandoned buildings.
2 So I went in and come out. She wasn't in there.

3 Q: Okay.

4 A: And that was our objective.

5 Q: But the floors were falling apart, doors were falling
6 apart, you do remember that much?

7 A: I don't like -- it didn't feel safe. So -- but yeah.

8 Q: Okay. I gotcha. Now, there was an issue -- and I'm not
9 doing this in any way to accuse you of having done anything
10 wrong, but there's something I understand, the Lemon Laws.

11 A: Okay.

12 Q: Do you --

13 MS. MUNNERLYN: Your Honor, I would object.

14 MR. BANK: Okay.

15 MS. MUNNERLYN: I don't know --

16 THE COURT: I need to hear what the question is first.

17 MS. MUNNERLYN: Okay.

18 MR. BANK: Sure.

19 BY MR. BANK:

20 Q: Well, so -- and again, I'm not accusing you to have done
21 this, but there was a time when you were accused of falsifying
22 timesheets with the police department? And again, I'm not
23 saying you did it, but there was a time that you were accused
24 of that?

25 A: You said here? I've never been accused of that.

SARA ALBARRI - CROSS BY MR. BANK

1 Q: In the Marlboro County Sheriff's Department?

2 A: No knowledge of ever being accused of that.

3 Q: Okay. And again, I'm not saying you did it, but are you
4 aware of an accusation that you took a generator out of
5 evidence at the Sheriff's Department and took it home for your
6 own personal use?

7 A: No.

8 Q: You've never heard? Are you familiar with the Lemon Laws
9 at all? They were general accusations made against Sheriff
10 Lemon and a number of other people alleging misconduct?

11 MS. MUNNERLYN: Your Honor, I would just object as to the
12 relevance as to the line of questioning that he is going down.
13 If she doesn't know about the Lemon Laws, then she doesn't
14 know about them.

15 THE COURT: Doesn't know about -- what are y'all saying?
16 Lemon Laws?

17 MR. BANK: Yes, sir. So there was a point in time after
18 this investigation where someone within the Sheriff's
19 Department essentially wrote a report alleging misconduct by
20 mostly Sheriff Lemon, but there were other names that were
21 brought up alleging them of misconduct, and they did it in a
22 report style, basically as a whistleblower.

23 Those were the only two things I was going ask her about
24 because I think it is important if we're talking about
25 previously falsifying timesheets and/or taking evidence out of

SARA ALBARRI - CROSS BY MR. BANK

1 a locker room.

2 THE COURT: You have asked her that, and she said she did
3 not do it.

4 MR. BANK: Yes, sir.

5 THE COURT: I'm not real sure, and you have no extrinsic
6 evidence to prove that?

7 MR. BANK: It may be coming in from through another
8 witness. That's why we just wanted to ask her, and if she's
9 saying she didn't, that's fine for us. That's what I expected
10 her answer to be.

11 THE COURT: Okay. Very good.

12 MR. BANK: And we can deal with it when that other
13 witness comes.

14 THE COURT: All right.

15 MR. BANK: And I beg the Court's indulgence.

16 That's all the questions I have. Thank you.

17 MS. MUNNERLYN: I just have a couple, Your Honor.

18 THE COURT: Yes.

19 REDIRECT EXAMINATION

20 BY MS. MUNNERLYN:

21 Q: The crime scene log that they were questioning you about,
22 now you didn't actually prepare that log, did you?

23 A: No. And my name is spelled wrong on it.

24 Q: Okay. So you didn't even write your name?

25 A: No, ma'am.

1 Q: Or the times on there?

2 A: No. It's all the same handwriting.

3 Q: Okay. So that was prepared by somebody other than you?

4 A: That's correct.

5 Q: Okay. And -- okay. I want to show you what's been
6 marked as State's Exhibit 255 and see if you recognize that?

7 A: That's correct, and that's actually my handwriting right
8 there.

9 Q: Okay. All right. So what is that?

10 A: This was forwarded to me, and that was the last incoming
11 calls. So it has a list of the numbers, and they do, like, a
12 CLEAR on each number to see who it belonged to.

13 Q: Okay. Is this the email you were referring to when he
14 was questioning you?

15 A: Correct.

16 Q: Okay. All right.

17 MS. MUNNERLYN: Then I'd like to move this into evidence,
18 Your Honor, as State's Exhibit 255.

19 THE COURT: Any objection?

20 MR. BANK: No, sir.

21 THE COURT: It's into evidence.

22 (WHEREUPON, State's Exhibit Number 255, email, was
23 admitted into evidence.)

24 MS. MUNNERLYN: Thank you, Your Honor.

25 BY MR. MUNNERLYN:

SARA ALBARRI - REDIRECT BY MS. MUNNERLYN

1 Q: Okay. I want to ask you just a couple of questions about
2 it. So this is just an email that was forwarded to you from
3 -- it came through Margaret Ariel and Tommy Hines at SLED;
4 correct?

5 A: Correct.

6 Q: Okay. And at that point, this is all you had to go on
7 for that search warrant?

8 A: Right.

9 Q: You didn't have the actual phone records, you just had
10 the information in this email?

11 A: Right.

12 Q: Okay. And so I want to flip over right here several
13 pages back. Let's see. So right here, and this was, you
14 know, early in the investigation, wasn't it?

15 A: Correct.

16 Q: On May the 5th into the 6th?

17 A: That's correct.

18 Q: Okay. So here it's got that T-Mobile had sent records,
19 last incoming calls were at 1:08 and 1:13, two calls from
20 these three numbers, and it's got the numbers listed. And
21 then over here on the next page, it's got the most frequent
22 numbers that she called and that called her were, and it's got
23 three numbers listed. And you see the second one right here,
24 the 535-2091? Now, it shows 24 calls in the last 48; right?

25 A: That's correct.

SARA ALBARRI - REDIRECT BY MS. MUNNERLYN

1 Q: Okay. So at that time, the information was there were 24
2 calls between that number, which y'all were advised was Dwayne
3 Bright's number; correct?

4 A: Correct.

5 Q: And Ella Lowery. And at the time, you didn't -- you
6 didn't realize that they were on the 3rd to the 4th, did you?

7 A: No, ma'am.

8 Q: Okay. So -- and does that explain the discrepancy in the
9 -- in the affidavit on the warrant?

10 A: That's correct.

11 Q: Okay.

12 MS. MUNNERLYN: All right. That's all we would have,
13 Your Honor.

14 THE COURT: All right. Very good.

15 All right. You -- you may step down.

16 Any -- any objection to this witness being excused?

17 MR. BANK: No, sir.

18 MR. MUNNERLYN: No, Your Honor.

19 THE WITNESS: Thank you, sir.

20 THE COURT: You're free to leave. Thank you.

21 You may call your next witness.

22 MS. MUNNERLYN: Alphonso Coachman.

23 MR. REDMOND: He's back there.

24 MS. MUNNERLYN: He is?

25 MR. REDMOND: Yes.

1 MS. MUNNERLYN: Alphonso Coachman. He should be back
2 there.

3 (WHEREUPON, there was a pause in the proceedings until
4 the witness entered the courtroom, after which the
5 proceedings resumed as follows.)

6 MS. MUNNERLYN: Mr. Coachman, come on around.

7 THE COURT: Mr. Coachman, watch your step. I'm going to
8 ask you to come around and stand in front of the clerk, if you
9 could, please, sir.

10 THE WITNESS: Stand right here?

11 THE COURT: Around here.

12 MS. MUNNERLYN: Come right around here.

13 THE COURT: I'm going to allow you to balance yourself
14 and place your left hand on the Bible and raise your right, if
15 you can.

16 THE CLERK: Are you ready? Do you solemnly swear or
17 affirm that the testimony you shall give the Court in this
18 case shall be the truth, the whole truth, and nothing but the
19 truth, so help you God?

20 THE WITNESS: Yes.

21 THE CLERK: Okay. If you'll have a seat --

22 THE WITNESS: All right.

23 THE CLERK: -- up here.

24 THE COURT: Come around here and watch your step as you
25 climb up to the witness stand. Take your time. Settle in and

ALPHONSO COACHMAN - DIRECT BY MS. MUNNERLYN

1 have a seat in that witness chair.

2 THE WITNESS: All right.

3 THE COURT: I'm going to ask you to pull up real close to
4 that microphone and speak loudly, clearly, and slowly in order
5 that we can hear everything that you have to say and, if you
6 don't mind, it will be a little bit easier for us to hear you
7 if you would take your mask off.

8 THE WITNESS: All right.

9 THE COURT: All right. Let's pull up a little bit closer
10 to that microphone so the court reporter can hear you. There
11 you go. All right. And your full name?

12 THE WITNESS: Alphonso Coachman.

13 THE COURT: Thank you.

14 ALPHONSO COACHMAN, being first
15 duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. MUNNERLYN:

18 Q: Hey, Mr. Coachman.

19 A: How are you doing?

20 Q: I'm good. I want to ask you do you live here in Marlboro
21 County?

22 A: Yes, ma'am.

23 Q: You live in Bennettsville; right?

24 A: Yes.

25 Q: Okay. And how are you related to Dwayne Bright?

ALPHONSO COACHMAN - DIRECT BY MS. MUNNERLYN

1 A: That's my nephew.

2 Q: He's your nephew? And so you've known him obviously then
3 all your life; correct?

4 A: Yes.

5 Q: Okay. And were you aware -- now, Mr. Bright,
6 unfortunately, has passed now; is that correct?

7 A: Yes, ma'am.

8 Q: I'm sorry to hear that. Tell me what -- were you aware
9 that he had a relationship at one time with Ella Lowery?

10 A: Yes.

11 Q: Okay. All right. And back in May of 2017 when she was
12 found, how did you learn of her death?

13 A: I live around the corner.

14 Q: You live right around the corner?

15 A: Yes.

16 Q: Okay.

17 A: And I walked around there.

18 Q: You walked around there and what happened or what did you
19 find out?

20 A: I didn't find out nothing. I just went back home.

21 Q: Okay. What did you see when you went around there?

22 A: Polices and everybody.

23 Q: I gotcha. And when you went back home, what did you do?

24 A: I called my nephew.

25 Q: Okay. And why -- now, why did you call your nephew?

1 A: Because I knew he used talk to her.

2 Q: Okay. You knew he used to -- used to talk to her?

3 A: Yes.

4 Q: They -- they had -- they were sort of boyfriend and

5 girlfriend?

6 A: At one time.

7 Q: At one time, they had been?

8 A: But not at that moment.

9 Q: Okay. And so do you know how long it had been since they

10 were together?

11 A: No, I do not.

12 Q: Okay. But you knew he had been in a relationship with

13 her?

14 A: Yes.

15 Q: Okay. So you called your nephew, that being Dwayne

16 Bright; right?

17 A: Yes.

18 Q: Okay. And when you called him, what did you tell him?

19 A: I asked him -- I said do you know they found a girl dead

20 you talked to, and he said, no, I ain't know that.

21 Q: Okay. And how did he act?

22 A: He acted surprised.

23 Q: He acted surprised?

24 A: We hung up the phone, and that was the last conversation

25 --

1 Q: Okay.

2 A: -- about that.

3 Q: Okay. All right. Do you know -- and you said that they
4 weren't together then. Do you know how long they had been
5 broken up?

6 A: No, I do not.

7 Q: Okay. Well, when Dwayne was living, did he have any
8 health conditions?

9 A: Yes. He used to have seizures.

10 Q: He had seizures? Like, epileptic-type seizures?

11 A: I guess. Whatever a seizure is.

12 Q: Okay. Okay. And did that affect his ability to be able
13 to drive a car?

14 A: I never seen my nephew driving no car.

15 Q: Okay. Did he own a car?

16 A: No, he did not.

17 Q: Okay. All right. So you never saw -- how did he get
18 around?

19 A: He walked everywhere he went.

20 Q: He walked everywhere he went? Okay.

21 MS. MUNNERLYN: Court's indulgence just one moment.

22 I don't have any further questions. Please answer any
23 questions that the defense might have.

24 THE COURT: Cross-examination.

25 MR. BANK: Thank you, Judge.

ALPHONSO COACHMAN - CROSS BY MR. BANK

1 CROSS-EXAMINATION

2 BY MR. BANK:

3 Q: Hey, Mr. Coachman. Are you doing okay today?

4 A: I'm all right.

5 Q: We talked yesterday briefly; right?

6 A: You talked to my brother.

7 Q: I talked to your brother? You were in the room though?

8 Yeah?

9 A: Uh-huh.

10 Q: Okay. So just real quick, Dwayne dated Ella for some
11 period of time; right? Is that right?

12 A: Yes.

13 Q: And you understood her to be involved in sex work; is
14 that right?

15 A: I haven't the slightest idea. I don't know nothing about
16 that.

17 Q: Do you remember talking to a police officer about how you
18 understood her to have a reputation --

19 A: No, I didn't.

20 Q: -- of being in sex work?

21 A: No, I ain't never did.

22 Q: Okay. Now, how -- how did you feel about Dwayne being
23 arrested for this case?

24 A: I was hurt about it. That's my nephew.

25 Q: Right. What did you think about law enforcement and how

ALPHONSO COACHMAN - CROSS BY MR. BANK

1 they treated him?

2 MS. MUNNERLYN: Objection, Your Honor. That's not
3 relevant.

4 THE COURT: I'll sustain.

5 MR. BANK: All right. I'll move on.

6 BY MR. BANK:

7 Q: And let's see here. You guys have got a pretty big
8 family here in town?

9 A: Yes.

10 Q: A lot of cousins and uncles and aunts and whatnot?

11 A: Uh-huh.

12 Q: All right. And then this may sound like a funny
13 question, but I noticed that you had -- and I've just seen a
14 lot of them recently for some reason. You're wearing Air
15 Force 1s today; yeah?

16 A: Yes, I am.

17 Q: That's a popular shoe around here it seems. I've seen
18 them all over town.

19 A: Okay.

20 Q: What size shoe do you wear, just out of curiosity?

21 A: I wear size 11.

22 Q: I gotcha.

23 MR. BANK: All right. Well, thank you, and I don't have
24 any further questions.

25 THE COURT: Any -- any re -- I mean redirect?

1 MS. MUNNERLYN: No, Your Honor. I don't have any further
2 questions for Mr. Coachman. I would ask that he be excused.

3 THE COURT: You're free to leave.

4 THE WITNESS: Thank you.

5 MS. MUNNERLYN: Thank you, Mr. Coachman.

6 THE WITNESS: Can I go back out this door so I can catch
7 the elevator?

8 THE COURT: You sure can.

9 MS. MUNNERLYN: Absolutely. Be careful stepping down.

10 THE COURT: We're going to -- we're going to take about a
11 five-minute recess, and we'll reconvene in about five minutes.

12 (WHEREUPON, there was a break in the proceedings from
13 2:39 p.m. until 2:49 p.m., after which the proceedings
14 resumed as follows.)

15 THE COURT: You may call your next witness.

16 MS. MUNNERLYN: Your Honor, before -- my next witness
17 will be Trevor Murphy, but before we call him out, I would
18 like to make a motion to the Court to exclude any questioning
19 or testimony with regard to these, quote, Lemon Laws that they
20 were requesting -- they were just questioning Ms. -- Detective
21 Albarri about.

22 We -- of course, that is just a document that was created
23 by the witness that I'm getting ready to call. There have
24 been no criminal charges that have come out of that document.
25 There's no ongoing investigation that we are aware of. These

TREVOR MURPHY - PROFFER BY MS. CRAYTON

1 THE WITNESS: Trevor Wayne Murphy.

2 THE COURT: All right.

3 MS. MUNNERLYN: They're going to do their proffer first,
4 Your Honor?

5 THE COURT: I think that would be fine.

6 TREVOR MURPHY, being first duly
7 sworn, testified as follows:

8 PROFFERED EXAMINATION

9 BY MS. CRAYTON:

10 Q: Good morning. Mr. Murphy, we're kind of doing this a
11 little backwards. I'm Emily. We spoke on the phone a few
12 days ago. So we're going to start by asking you some
13 questions about the Lemon Laws, and then we're going to go
14 from there and sort of we're going in a weird order. Okay?

15 A: All right.

16 Q: All right. Okay. So you don't currently work for the
17 Marlboro County Sheriff's Office, do you?

18 A: No, ma'am.

19 Q: Tell me when did you work for the Marlboro County
20 Sheriff's Office?

21 A: March of 2017 until December of 2021. There was also a
22 period before then, November of 2014 or '15 to, I think, May
23 or June of the next year.

24 Q: Now, when you worked at the Sheriff's Office, you saw a
25 lot of misconduct. Is that an accurate statement?

1 A: Yes.

2 Q: And you and several other members of the Marlboro County
3 Sheriff's Office wrote a report called the Lemon Laws; is that
4 correct?

5 A: Correct.

6 Q: And as I understand it, it contains misconduct and even
7 including some probably illegal, unethical things that members
8 of the Sheriff's Office did and witnessed firsthand?

9 A: Yes.

10 Q: Okay.

11 MS. CRAYTON: I guess the best thing would be to mark
12 this as a Court's exhibit, Your Honor?

13 THE COURT: Yes.

14 (WHEREUPON, Court's Exhibit Number 1, Lemon Laws, was
15 marked.)

16 MS. CRAYTON: And, Elizabeth, you have a copy of that;
17 right? Okay.

18 BY MS. CRAYTON:

19 Q: I'm going to hand you what's been marked as Court's
20 Exhibit 1. Do you recognize that document?

21 A: Yes, ma'am.

22 Q: Okay. Is that the Lemon Laws we're referring to?

23 A: It appears to be, yes, ma'am.

24 Q: Okay. And I'm going to ask you some of the -- some of
25 the instances regarding this and some of the misconduct that

TREVOR MURPHY - PROFFER BY MS. CRAYTON

1 you witnessed firsthand. Okay? And tell me -- but before I
2 do that, tell me why did you leave the Sheriff's Office? Why
3 did you leave the Marlboro County Sheriff's Office?

4 A: The second time; correct?

5 Q: Yes. Correct.

6 A: Okay. The second time, a group of investigators that got
7 together to do this, put this thing together based on previous
8 information. We had all been seeking outside employment to
9 leave, staying there but trying to leave just the office. And
10 I got a phone call that the information we turned in wasn't
11 going to be -- nothing was going to be able to be done about
12 it. Plus, he knew that other people that had given the
13 information. So that felt like it was time to go and seek
14 other employment just for my safety.

15 Q: So not only had you turned over this packet to SLED and
16 SLED tells you we're not going to be able to do anything to
17 help you and now you felt like your safety was in jeopardy?

18 A: Yeah. I had a -- there was a sergeant at the Sheriff's
19 Office at the time who had called me the week prior to this
20 and told me to -- if we got any callouts for any kind of
21 special call out just to not go or stay away from certain
22 people because -- the kind of phrase he used was I'd hate for,
23 you know, friendly fire to happen to you. And so I actually
24 complied and --

25 MS. MUNNERLYN: Your Honor, I just -- I know we're doing

TREVOR MURPHY - PROFFER BY MS. CRAYTON

1 a proffer, but I would object to hearsay as to I don't even
2 know who he's referring to.

3 THE COURT: I'll sustain that objection.

4 BY MS. CRAYTON:

5 Q: But you were concerned about your safety, and you left
6 the office?

7 A: Yes.

8 Q: Okay. And that's why you resigned your position here in
9 Marlboro -- in Marlboro County?

10 A: Yes, ma'am.

11 Q: Okay. And Sheriff Lemon was eventually arrested, even
12 though SLED told you they couldn't do anything?

13 A: Yes, ma'am.

14 Q: Okay. And this report that you've got in your hand, it
15 begins in 2017; is that right?

16 A: Yes, ma'am.

17 Q: That's when you start -- I guess, when do you start
18 documenting incidents? Is that in 2017?

19 A: At this time, yes, ma'am.

20 Q: Okay. So let's talk about page 2. So the no probable
21 cause warrant. This is an instance where -- can you tell us
22 about this probable cause no warrant that involves Sara
23 Albarri? Albarri? Albarri? I always say her name wrong.

24 A: It's related to -- excuse me -- a burglary that occurred
25 on Pringle Drive in Bennettsville where some change was stolen

TREVOR MURPHY - PROFFER BY MS. CRAYTON

1 from a residence. There were two persons of interest, and it
2 was -- Albarri assigned David Douglas to the case. She
3 advised him that Sheriff Lemon met with the magistrate judge
4 and swore the probable cause for the case and that he needed
5 to sign the warrants, which were later signed.

6 Q: So that investigator was ordered to go sign a warrant,
7 even though there was no probable cause for that warrant?

8 A: Yes.

9 Q: Okay. And then let's turn to page 3, and this is a
10 specific instance involving you, I believe, where Ms. Harrison
11 was an individual that Sheriff Lemon arrested or ordered to be
12 arrested; is that correct?

13 A: Correct.

14 Q: And you had to intervene as she had not committed any
15 crimes?

16 A: Correct.

17 Q: Okay. And tell us did you plead for her to be released
18 with the sheriff?

19 A: I did with the sheriff and then when he ordered me away
20 from her, I actually called the magistrate judge.

21 Q: Okay. And at that time prior to her being arrested, I
22 think Sheriff Lemon also called her derogatory names prior to
23 arresting her?

24 A: That's correct.

25 Q: Okay. And you had to go to Judge Weaver to have that

TREVOR MURPHY - PROFFER BY MS. CRAYTON

1 individual released from jail?

2 A: I called. I never went and saw her, but I did call.

3 Q: You called and got her out of jail that way?

4 A: Yes.

5 Q: Got her a bond essentially?

6 A: I called ahead.

7 Q: Okay. If you can turn to page 5, I believe on page 5 you
8 outline a time when Sheriff Lemon allowed an individual to
9 take some -- take personal use of some evidence; is that
10 correct? Can you tell us about that a little bit?

11 A: This -- this involved one of the other investigators that
12 was putting information together. He was firsthand knowledge
13 for this incident.

14 MS. MUNNERLYN: Your Honor, I would object then. If he
15 doesn't have firsthand knowledge of it, I would object to his
16 testimony.

17 THE COURT: I'll sustain that objection.

18 MS. CRAYTON: Okay.

19 BY MS. CRAYTON:

20 Q: On page 5, were you aware of sergeants working night
21 shifts and also a second job at the time you were at the
22 Sheriff's Office?

23 A: I was aware of the extra duty outfit or whatever you
24 called it at Parkers. The sergeants who were said to be
25 working, that information came to us through deputies out

TREVOR MURPHY - PROFFER BY MS. CRAYTON

1 working felt like they were getting shortchanged because of
2 that.

3 Q: Okay. So you had a -- several sergeants that were
4 working. They were working their job, and then they were
5 getting paid to work a second job for a friend of Sheriff
6 Lemon's; correct?

7 A: Correct.

8 Q: And that's illegal activity as well as you are aware;
9 correct?

10 A: Yes, ma'am.

11 Q: Okay. And then the reason Sheriff Lemon was fired on
12 page 6 and 7, I think we've discussed already, but Sheriff
13 Lemon ordered an inmate to be tased several times
14 unnecessarily; correct?

15 A: Yes, ma'am.

16 Q: And he ordered Deputy Cook to tase an inmate numerous
17 times; is that correct?

18 A: It was, yes.

19 Q: Okay. And then on page 7 and 8, I think again you had to
20 intervene when there was an illegal seizure of property and
21 there was a pregnant victim's vehicle who Sheriff Lemon
22 decided to seize her vehicle; is that correct?

23 A: Yes, involving a stolen Dodge truck.

24 Q: And the truck was stolen from her and y'all recovered it;
25 correct?

TREVOR MURPHY - PROFFER BY MS. CRAYTON

1 A: Yes, ma'am.

2 Q: And -- but Sheriff Lemon got upset with her and decided
3 to seize the vehicle; is that correct?

4 A: Yeah. Now, I can't speak to it on the stand because I
5 was gone once he got there, but she expressed her gratitude
6 when she --

7 MS. MUNNERLY: Okay. Then I would object to that.

8 THE COURT: Sustained.

9 MS. CRAYTON: And, Your Honor, I'll move on. He does
10 have a part of that investigation at the end.

11 BY MS. CRAYTON:

12 Q: Did you intervene on her behalf later on?

13 A: I did.

14 Q: Okay. And you had to intervene with the Sheriff to get
15 that victim's vehicle back; is that right?

16 A: I did, yes.

17 Q: Because she had contacted you about that vehicle?

18 A: Her brother or brother-in-law, I was dealing with him
19 directly.

20 Q: And eventually you got her vehicle back after essentially
21 telling the sheriff that she might pursue legal action?

22 A: Yeah. We contacted other people to try to make contact
23 with him to kind of push it, and then they were saying that
24 she was going to take legal action if the vehicle -- the tow
25 owner was contacted and advised to release the vehicle to her.

TREVOR MURPHY - PROFFER BY MS. CRAYTON

1 Q: Okay. And you were aware that there was a sergeant
2 drinking on duty on page 8 and 9, and when that was reported
3 to Sheriff Lemon or to somebody higher up, I guess, they told
4 y'all to leave well enough alone; right?

5 A: Yeah. That was reported to the captain, and she did.

6 Q: And y'all were told to leave well enough alone because it
7 might hurt --

8 MS. MUNNERLYN: Objection, Your Honor. Again, hearsay.

9 MR. YOUNG: Your Honor, this is a proffer. They don't
10 get to object. This is making a record for the appellate
11 court.

12 THE COURT: You may go forward.

13 MS. CRAYTON: Thank you, Your Honor.

14 BY MS. CRAYTON:

15 Q: Y'all were told to leave well enough alone because it
16 might hurt the sheriff in an upcoming election; correct?

17 A: Correct.

18 Q: Okay. And on page 9, y'all were also aware of
19 individuals falsifying time sheets; correct? On page 9?

20 A: It was, yes.

21 Q: And when that was reported to Sheriff Lemon, he responded
22 stay in your lane?

23 A: Correct.

24 Q: And nothing went further about that; right?

25 A: I took it to the lieutenant and the chief deputy and

TREVOR MURPHY - PROFFER BY MS. CRAYTON

1 tried to see if they could push it further. That was it.

2 Q: That was it? Okay. And then on page 10, there was a
3 firefighter who was engaging in some illegal activity?

4 A: Correct.

5 Q: And I think you were involved in that investigation;
6 correct?

7 A: Yes, ma'am.

8 Q: And you actually spoke to Deputy Solicitor Munnerlyn and
9 SLED about that; correct?

10 A: That's correct.

11 Q: And they had told you to proceed a certain way, but the
12 sheriff told you not to proceed that way; right?

13 A: Correct.

14 Q: Not to report it?

15 A: Yes.

16 Q: Because that's what Ms. Munnerlyn and SLED wanted you to
17 do -- right? -- was to report it?

18 A: To report it.

19 Q: But Sheriff Lemon said no?

20 A: Correct.

21 Q: Okay.

22 MS. CRAYTON: Court's indulgence, Your Honor.

23 BY MS. CRAYTON:

24 Q: So Sheriff Lemon was involved in the Lowery
25 investigation; correct? In this investigation; correct?

TREVOR MURPHY - PROFFER BY MS. CRAYTON

1 A: Correct. Yes, ma'am.

2 Q: Okay. And you believe he ran a corrupt department; is
3 that fair to say?

4 A: I believe -- I mean, I had dealings with him during this
5 time as the sheriff where he did things the wrong way. Now,
6 at the time of this investigation, I can't speak to that
7 because I didn't have any, like, one-on-one interactions with
8 him right at the time.

9 Q: And his employees, they -- they most -- for the most part
10 followed orders, did they not?

11 A: Yes.

12 Q: Did Sheriff Lemon develop personal vendettas against
13 people for sometimes no reason?

14 A: I believe so.

15 Q: And he would act on those vendettas; correct?

16 A: Correct.

17 Q: Okay. And he would order his deputies to act on those
18 vendettas; correct?

19 A: I can't think of, like, specific --

20 Q: So --

21 A: Other than specific things, but yeah.

22 Q: Like we just talked about? I mean, him arresting a
23 female. I think her name was Harrison. Even though she
24 hadn't done anything wrong? And you had to intervene several
25 times in those vendettas, did you not?

TREVOR MURPHY - PROFFER BY MS. CRAYTON

1 A: Yes, ma'am.

2 Q: Okay.

3 MS. CRAYTON: Your Honor, I think that that's already
4 been made a Court's exhibit.

5 THE COURT: Yes.

6 MS. CRAYTON: Is there -- and that's all I have for the
7 Lemon Laws. Oh, excuse me. Court's indulgence.

8 BY MS. CRAYTON:

9 Q: And, Mr. Murphy, if Sheriff Lemon had prosecuted a case,
10 developed a case, a murder case against someone and that
11 person was acquitted, do you think he would've had a personal
12 vendetta against that person? If someone had already been
13 acquitted of murder that -- that Sheriff Lemon prosecuted --

14 A: Who?

15 Q: So Sheriff Lemon --

16 A: I'm sorry.

17 Q: If Sheriff Lemon had developed a case --

18 A: Okay.

19 Q: -- against someone and they were acquitted of that crime
20 --

21 MS. MUNNERLYN: Objection, Your Honor.

22 THE COURT: Sustained. You're asking him what Sheriff
23 Lemon would think.

24 MS. CRAYTON: Your Honor, that's all I have on the Lemon
25 Laws, Your Honor.

TREVOR MURPHY - PROFFERED CROSS BY MS. MUNNERLYN

1 THE COURT: Okay. Ms. Munnerlyn, you're recognized.

2 PROFFERED CROSS-EXAMINATION

3 BY MS. MUNNERLYN:

4 Q: So, Mr. Murphy, you came back to work for the Sheriff's
5 Office in March of 2017. So that was just two months or less
6 before this incident happened; correct?

7 A: Yes, ma'am. About a month and a half.

8 Q: Okay. And you just stated that at the time of this
9 investigation you were still getting reacclimated in the
10 Sheriff's Department, weren't you?

11 A: Correct. I was a -- as far as rank, I was the lowest
12 level investigator.

13 Q: Okay.

14 A: Entry level.

15 Q: So your involvement was much less than it became years
16 later as you remained with the Sheriff's Office?

17 A: Correct.

18 Q: And so you just stated that at the time of this
19 investigation you couldn't really speak to wrongdoings or
20 allegations against the sheriff because you just didn't have a
21 whole lot of involvement with this investigation?

22 A: That's correct.

23 Q: Okay. So you -- you're not saying that any of this
24 relates to this particular case?

25 A: No. All these incidents were separate incidents.

TREVOR MURPHY - PROFFERED CROSS BY MS. MUNNERLYN

1 Q: Okay. And in fact, I think the first one that you
2 mentioned is not until at least six months or several months
3 after this incident in the end of September 2017. That's the
4 Pringle incident?

5 A: That's correct.

6 Q: Okay. And in fact -- okay. So you started with the
7 Sheriff's Office in March of 2017 and, actually, the sheriff
8 had just been elected the prior year and he had just taken
9 office in January of 2017; isn't that right?

10 A: That's correct.

11 Q: Okay. So he had only been -- when this incident
12 occurred, he had only been in office about four months?

13 A: That's correct.

14 Q: All right.

15 MS. MUNNERLYN: That's all of the proffer, Your Honor.

16 THE COURT: All right. Very good. I'm going to take
17 that under advisement, and I'll make a ruling on it before I
18 render a verdict.

19 MS. CRAYTON: And, Your Honor, just so you're aware, the
20 Lemon Laws is a report, but it also contains the documents
21 that were supplementing that report that do provide some
22 evidentiary support for what is alleged here today. So the
23 Court's Exhibit 1 not only contains that report but also any
24 documents that support that.

25 THE COURT: Very good. All right. You may proceed.

TREVOR MURPHY - DIRECT BY MS. MUNNERLYN

1 MS. MUNNERLYN: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MS. MUNNERLYN:

4 Q: I want to call you Officer Murphy, but you're not
5 employed with -- with the Sheriff's Office any longer, are
6 you?

7 A: No, I'm not. I'm not employed there.

8 Q: In fact, you're no longer in law enforcement at this
9 time?

10 A: That's correct.

11 Q: Okay. And -- but you're still living and working here in
12 Marlboro County?

13 A: Yes, ma'am.

14 Q: Okay. And all total how many years law enforcement
15 experience do you have?

16 A: It was right at ten years.

17 Q: Okay. All right. And in -- in 2017, just for the
18 record, let's let you go ahead and testify. When did you come
19 back to work for the Marlboro County Sheriff's Office?

20 A: It was the beginning to middle of March. I don't know
21 the exact date.

22 Q: Of 2017?

23 A: 2017.

24 Q: Okay. All right. And so when this incident happened,
25 you had just been here back with the Sheriff's Office for less

1 than two months?

2 A: That's correct.

3 Q: Okay. And what -- in what capacity were you working with
4 the Sheriff's Office at that time?

5 A: I was working investigations.

6 Q: Okay. So you were a detective then?

7 A: Correct.

8 Q: Okay. And -- but now you indicated you were a lower-
9 level detective when you came back in?

10 A: Correct.

11 Q: Okay. So your -- your involvement in this investigation
12 was a little more limited?

13 A: That's correct.

14 Q: Okay. All right. So do you remember you were actually
15 working the day this happened, the day the call came out, May
16 the 5th of 2017, early that morning about 8:30 or so. Did you
17 respond to the scene on Craig Circle?

18 A: I did.

19 Q: Okay. And when you responded, did you have any active
20 involvement at the scene?

21 A: The initial involvement I had was a young male walking
22 around outside without a shirt on. So my initial thought was
23 just to kind of shadow him and make sure he was out of the
24 roadway and safe and kind of to himself while the scene was
25 being secured by deputies and other investigators.

TREVOR MURPHY - DIRECT BY MS. MUNNERLYN

1 Q: Okay. And you're referring to actually, I believe,
2 Ella's son, Tyreon; is that correct?

3 A: That's correct. Tyreon.

4 Q: Okay. And at that time he was, I believe, 10 years old?

5 A: That's correct.

6 Q: Okay. All right. So you were sort of taking watch over
7 him and taking care of him?

8 A: Correct.

9 Q: Okay. You didn't -- did you go into the scene at all?

10 A: No, ma'am.

11 Q: Okay. So you didn't see Ella's body or go and see
12 anything in the house?

13 A: No, ma'am.

14 Q: Okay. What -- moving forward then, what was your -- what
15 was your part in this investigation?

16 A: I conducted initial interviews with Tyreon and, I
17 believe, Ms. Delores. I also did some search warrants and
18 eventually signed arrest warrants.

19 Q: Okay. All right. Well, speaking of search warrants, I'm
20 going to show you what's been marked as State's Exhibit 263
21 and see if you recognize that.

22 A: This is a -- excuse me. It's a Verizon search warrant
23 for two cell phone numbers.

24 Q: Okay. And those were -- one of those numbers is 843-287-
25 4282; is that correct?

1 A: That's correct.

2 Q: And that was one of the numbers that was attributed or
3 being used by JeJauncey Harrington; is that correct?

4 A: That's correct.

5 Q: Okay. And so you did the search warrant for those
6 records and then you eventually obtained those records;
7 correct?

8 A: Correct.

9 Q: Okay. And those are -- and those are reflected in that
10 particular exhibit?

11 A: It appears to be, yes, ma'am.

12 Q: Okay.

13 MS. MUNNERLYN: All right. Your Honor, I would move to
14 admit this exhibit, which is State's Exhibit 263.

15 MS. CRAYTON: And, Your Honor, we don't believe that
16 they're relevant. There was no contact between the victim and
17 Mr. Harrington. I don't know what the purpose is for this,
18 Your Honor.

19 MS. MUNNERLYN: Your Honor, we are moving to admit these.
20 There are some calls between the defendant and Jamie Campbell,
21 who was a witness who testified earlier in the case, and we
22 think it is important for the Court to see what's on these
23 because this -- this phone number has been discussed as having
24 been used by the defendant around the time of this particular
25 incident. So we think it's important to show who he was

TREVOR MURPHY - DIRECT BY MS. MUNNERLYN

1 calling on that number.

2 THE COURT: I'll allow you to introduce it. It's into
3 evidence.

4 (WHEREUPON, State's Exhibit Number 263, search warrant,
5 was admitted into evidence.)

6 MS. MUNNERLYN: Thank you, Your Honor.

7 BY MS. MUNNERLYN:

8 Q: So I want to point out on these records with regard to --
9 now, you're familiar that Jamie Campbell's phone number was --
10 she was living in Georgia at the time. Do to recall that?

11 A: Correct.

12 Q: Okay. So she had a 706-386-6788 number?

13 A: Sounds correct.

14 Q: Okay. And I'm going to point you to -- can you see that?

15 THE WITNESS: Do you mind if I move my chair a little
16 bit?

17 THE COURT: Yeah, sure. Go ahead.

18 MS. MUNNERLYN: I can make it a little bit bigger.

19 BY MS. MUNNERLYN:

20 Q: Can you see? Okay. So this is -- this is the
21 originating number, the 287-4282?

22 A: Yes, ma'am.

23 Q: And do you see right here, 706-386-6788?

24 A: Yes, ma'am.

25 Q: That's Jamie Campbell's number. So he is -- he is making

TREVOR MURPHY - DIRECT BY MS. MUNNERLYN

1 phone calls, and here it is again you'll see, and it's got the
2 duration of the call there with it. So he -- he has some very
3 lengthy phone calls with Ms. Campbell on the 5th; is that
4 correct?

5 A: That's correct.

6 Q: And you're aware that this phone number has -- shows no
7 calls to Ella on this -- to Ella Lowery's phone, the 862-0497,
8 on the dates in question?

9 A: Correct.

10 Q: Now, I think you've already testified to this, but I want
11 to go ahead and just make sure we're clear on this. Now, you
12 actually -- after the FBI interviewed Jamie Campbell --
13 actually, there was more than -- multiple interviews with
14 Jamie Campbell. And based upon the entire investigation, you
15 actually ended up signing an initial warrant for JeJauncey
16 Harrington, didn't you?

17 A: That is correct.

18 Q: And what was that warrant for?

19 A: Unlawful use of a motor vehicle.

20 Q: Okay. All right. And that was then -- it was put into
21 -- entered into NCIC to locate him?

22 A: Correct.

23 Q: As wanted so that you might be able to locate him?

24 A: Yes.

25 Q: Okay. All right. And did you have any other involvement

TREVOR MURPHY - DIRECT BY MS. MUNNERLYN

1 in any other search warrants that you're aware of?

2 A: I know I did other search warrants. There were several
3 of them.

4 Q: You did do a search warrant for Facebook, didn't you?

5 A: I did, correct.

6 Q: Okay. Okay. And those -- those were primarily the
7 Facebook records of Ella Lowery?

8 A: Yes, correct.

9 Q: Okay.

10 MS. MUNNERLYN: Court's indulgence just one moment.

11 DIRECT BY THE COURT

12 THE COURT: While you're doing that, do you have any
13 personal knowledge about any corruption with regards to this
14 case, the investigation of this case?

15 THE WITNESS: No, sir, Your Honor. I was -- like I said,
16 I wasn't --

17 THE COURT: You participated in it?

18 THE WITNESS: Yes, sir.

19 THE COURT: There was no corruption with regard to your
20 participation, was there?

21 THE WITNESS: No, sir.

22 THE COURT: Do you know of anybody else who might have
23 been tainted by corruption or any influence from the sheriff?

24 THE WITNESS: No, not in this case. No, sir.

25 THE COURT: Anything further?

TREVOR MURPHY - DIRECT BY MS. MUNNERLYN

1 MS. MUNNERLYN: Yes, just a couple of questions, Your
2 Honor.

3 RESUMED DIRECT EXAMINATION

4 BY MS. MUNNERLYN:

5 Q: Now, at the -- toward the end of the investigation, y'all
6 did receive a call late on the evening of May the 13th. That
7 would be --

8 A: Yes, ma'am.

9 Q: -- the following Saturday; correct?

10 A: Saturday night.

11 MS. CRAYTON: Objection, Your Honor. Leading.

12 THE COURT: That is leading.

13 MS. MUNNERLYN: I'll rephrase, Your Honor.

14 BY MS. MUNNERLYN:

15 Q: Did you -- what did you do as a result of a call received
16 on May the 13th? Anything?

17 A: Saturday night, I received a call. I'm not sure if the
18 call came from a deputy at the Sheriff's Office or from 9-1-1
19 telecommunicator, but I received a call that there was a male
20 at the McColl Police Department, that he wanted to speak with
21 law enforcement regarding some video footage his home security
22 system had picked up.

23 Q: Okay. And did you respond to that?

24 A: I did. I can't remember the time. It was late. It was
25 before midnight, but it was probably 9, 10, 11 o'clock. I

TREVOR MURPHY - DIRECT BY MS. MUNNERLYN

1 responded to the McColl Police Department, and I met with the
2 male, who was Mr. Richard LaBean, as well as -- I believe he
3 was a sergeant at the time, Sgt. Tryon [ph] with the McColl
4 Police Department.

5 Q: Okay. And did you actually go with Mr. LaBean to look at
6 the -- at the footage?

7 A: I did, yes.

8 Q: Okay. So you accompanied him or followed him to his
9 home?

10 A: Correct.

11 Q: And that was located there on New Bridge Road in McColl?

12 A: Yes, ma'am.

13 Q: Okay. And you went -- you went into his home and viewed
14 the footage?

15 A: I did. I, along with Sgt. Tryon, went inside and we were
16 led to a bedroom where the surveillance system was set up. We
17 were able to view some footage that was captured on his
18 surveillance system.

19 Q: Okay. And do you -- what particularly do you recall
20 about the footage that stuck out to you?

21 A: The footage was facing the roadway from where the mobile
22 home is at. So it was basically a portion of New Bridge Road,
23 and across the road on the video you can see a dirt road
24 leading back to a wooded area and --

25 THE COURT: You say what road?

TREVOR MURPHY - DIRECT BY MS. MUNNERLYN

1 THE WITNESS: I'm sorry. A dirt road.

2 BY MS. MUNNERLYN:

3 A: The video camera faced the main road, which is New Bridge
4 Road, and then on the other side of the road there was a dirt
5 road leading to a wooded area on the other side of the road.
6 and we saw a vehicle enter and exit the dirt road that was
7 consistent with the vehicle that Mr. Harrington was using at
8 that time.

9 Q: Okay. So you saw it both enter and exit from that area?

10 A: Correct. Yes, ma'am.

11 Q: And do you -- so you specifically remember seeing it
12 enter?

13 MS. CRAYTON: Your Honor, I have to object. We actually
14 do not have evidence of this. There is no video of him
15 entering that or that vehicle into --

16 THE COURT: You can -- you can cross-examine him with
17 regards to that. He can testify as to what he saw.

18 MS. MUNNERLYN: Okay.

19 BY MS. MUNNERLYN:

20 Q: So tell us again about the vehicle and what you saw when
21 it entered?

22 A: We could see it enter. The vehicle had distinct
23 taillights, very strange taillights, and --

24 Q: And what --

25 A: -- we saw --

TREVOR MURPHY - DIRECT BY MS. MUNNERLYN

1 Q: Tell me more about that?

2 A: Kind of it was a smaller vehicle, sat low to the ground,
3 and the taillights were kind of long and kind of rounded at
4 the back. It was kind of --

5 Q: Okay.

6 A: -- kind of odd.

7 Q: Okay. And so what were you able to see?

8 A: You saw the vehicle enter in. There was a time that the
9 vehicle was back in the wooded area, but we couldn't see
10 anything really, and at a later time you see the vehicle exit
11 the dirt road and get back onto the main road.

12 Q: Okay.

13 A: New Bridge.

14 Q: Okay. Was there anything you remember about when the
15 vehicle came out?

16 A: At some point, the headlights were off on the vehicle,
17 and then they were later turned on.

18 Q: Okay. Okay. So the lights were turned off and on at
19 some point when he --

20 A: Yes.

21 Q: -- was coming out?

22 A: At some point, yes, ma'am.

23 Q: Okay.

24 MS. MUNNERLYN: Court's indulgence just one moment.

25 That's all I have. If you would, answer any questions

TREVOR MURPHY - CROSS BY MS. CRAYTON

1 the defense has.

2 CROSS-EXAMINATION

3 BY MS. CRAYTON:

4 Q: All right. Mr. Murphy, how are you?

5 A: I'm good.

6 MS. CRAYTON: Judge, can we approach for just a moment?

7 THE COURT: Yes.

8 (WHEREUPON, a bench conference was held off the record,
9 after which the proceedings resumed as follows.)

10 BY MS. CRAYTON:

11 Q: Sorry about that, Mr. Murphy. Mr. Murphy, as part of the
12 investigation, you obtained a bunch of search warrants;
13 correct?

14 A: Correct.

15 Q: And some of those search warrants were for Ella Lowery
16 and her Facebook pages; is that correct?

17 A: That's correct.

18 Q: And we're talking about multiple different pages; is that
19 correct?

20 A: That's correct.

21 Q: Okay.

22 MS. CRAYTON: And just sort of to make it cleaner, we
23 have put all of those on this flash drive and, Your Honor, I
24 would ask if we would admit Defense Exhibit 29.

25 MS. MUNNERLYN: Your Honor, I don't object to Ella's

TREVOR MURPHY - CROSS BY MS. CRAYTON

1 Facebook. I don't think Iyana's is on there, but I don't see
2 any reason for hers to be on there.

3 MS. CRAYTON: It's just Ella's Facebook.

4 THE COURT: It's into evidence.

5 (WHEREUPON, Defendant's Exhibit Number 29, Ella Lowery's
6 Facebook records on a USB drive, was admitted into
7 evidence.)

8 MS. CRAYTON: Okay. Thank you.

9 BY MS. CRAYTON:

10 Q: And just to be clear, that was three separate Facebook
11 pages, was it not?

12 A: I believe so.

13 Q: Okay. Do you remember the names of those Facebook pages?

14 A: I don't.

15 Q: Okay.

16 A: I don't remember.

17 Q: If I told them to you, would you remember?

18 A: Possibly.

19 Q: Okay. Do you remember Intoxication St. Brown as being
20 one?

21 A: That sounds like one of them.

22 Q: And Azul Shatrice Lowery? Does that sound right?

23 A: That sounds right.

24 Q: Okay. And then Lola Purple Rain Lowery?

25 A: Yeah.

TREVOR MURPHY - CROSS BY MS. CRAYTON

- 1 Q: Does that sound like the three?
- 2 A: I remember them being odd, strange kind of names.
- 3 Q: Okay. And as part of this investigation, you -- I think
- 4 you interviewed a Willie Campbell, did you not? He would be
- 5 the bus driver of Iyana?
- 6 A: I may have.
- 7 Q: Okay. Do you -- do you remember him coming into the
- 8 Sheriff's Office?
- 9 A: I don't. I'm sorry.
- 10 Q: Okay.
- 11 A: Willie Campbell?
- 12 Q: Willie Campbell. Yes, sir.
- 13 A: Not off the top of my head, no.
- 14 Q: Okay. So you don't remember talking to him about Iyana?
- 15 A: I remember the initial one when we responded to the scene
- 16 and contacted the school about speaking to the bus driver, but
- 17 as far as an interview, I'm not a hundred percent. I just
- 18 don't recall.
- 19 Q: Okay. And you don't remember him describing anything
- 20 suspicious to you?
- 21 A: I don't. I'm sorry.
- 22 Q: Okay. Now, you provided several other search warrants in
- 23 this case too, I think, didn't you?
- 24 A: Yes, ma'am.
- 25 Q: And some of those search warrants you -- I mean, you did

TREVOR MURPHY - CROSS BY MS. CRAYTON

1 what you do when you get a search warrant, you went to a
2 magistrate and you provided them with an affidavit, didn't
3 you?

4 A: Yes, ma'am.

5 Q: Okay. And a lot of that information that you had that
6 was written in that affidavit, that was things that were given
7 to you from other law enforcement, wasn't it?

8 A: Correct. Yes, ma'am.

9 Q: You were provided that information; correct?

10 A: Correct.

11 Q: And you -- a lot of it you're not sure if it's true or
12 false, it was just what was told to you?

13 A: At the time, it was just records given, yes, ma'am.

14 Q: Okay. So -- so you went to get a search warrant it looks
15 like for Verizon, and I can provide you this. But it looks
16 like you got a search warrant for some records -- for some
17 Verizon phone records, and that affidavit -- I'm going to just
18 kind of give you some information from that affidavit and
19 we're going to talk about it to see if you remember and what
20 you remember about it.

21 A: Okay.

22 Q: So that information I think that you stated that the
23 owner got home around 7:45 a.m. Do you remember putting that
24 in the search warrant?

25 MS. MUNNERLYN: I'm sorry. Which -- which search warrant

TREVOR MURPHY - CROSS BY MS. CRAYTON

1 are you referring to? That one I put just in?

2 (WHEREUPON, counsel conferred off the record, after which
3 the proceedings resumed as follows.)

4 BY MS. CRAYTON:

5 Q: Do you remember that affidavit?

6 A: Yeah. Can I read over it?

7 Q: Yeah, absolutely. Give me a second. And I'm sorry this
8 one is highlighted.

9 A: You're fine.

10 Q: So you did several search warrants, and that's one of
11 them, isn't it?

12 A: Yes, ma'am.

13 Q: Okay. And in that, I think you said in the affidavit
14 that the owner got home around 7:45 a.m.?

15 A: Yes, correct.

16 Q: Okay. But that's not actually a correct time frame, is
17 it?

18 A: It's not?

19 Q: Let's see. You arrived -- the crime scene log has you
20 arriving at the scene at 8:45?

21 A: Me? Correct.

22 Q: Yes, you.

23 A: Yes, ma'am.

24 Q: So are you aware that the owner did not get home at
25 around 7:45?

TREVOR MURPHY - CROSS BY MS. CRAYTON

1 A: No.

2 Q: Okay. And let's see. It says that the last phone
3 activity the victim had was a text message from 843-535-3480?

4 A: Yes, ma'am.

5 Q: And you were provided that information; correct?

6 A: Correct. Yes, ma'am.

7 Q: And you did not independently verify that information,
8 did you?

9 A: No. This was from the other agencies. This is not to
10 Verizon, and then I'm not sure who put the data that they got
11 that together.

12 Q: So you didn't independently verify his phone records to
13 see what was the last text, did you?

14 A: I don't recall how that information came through.

15 Q: Okay.

16 A: I'm not going to lie.

17 Q: And were you given information about her receiving a text
18 from Darrell Hawkins at 1:13?

19 A: I don't see anything about 1:13.

20 Q: Okay. What about her providing -- her receiving another
21 text from a Javon Hargett at 1:13:10?

22 A: I don't see that in here.

23 Q: Okay. So if you were aware that the information in your
24 warrant in your affidavit was incorrect, you would not have
25 put it in there, would you?

1 A: No.

2 Q: Okay. And like I said, you didn't independently verify
3 any of that, did you?

4 A: I can't speak to how -- some -- like, I don't know who
5 the information came back from or whether it was a printout or
6 just written down and given. I'm not sure. I can't recall
7 how the information was given.

8 Q: And it also says that the victim and the defendant
9 exchanged numbers between -- and it gives a date. What's the
10 date in there where they exchanged numbers on Facebook? I
11 think it might say December 3rd of 20 -- does it say 2016?

12 A: Is that on the back page?

13 Q: You've got my copy actually.

14 A: I'm sorry.

15 Q: Okay.

16 A: Okay. It says --

17 MR. REDMOND: I'm sorry. Court's indulgence. What page
18 is that?

19 MS. CRAYTON: He's got my copy. Hold on. What page is
20 it?

21 THE WITNESS: Second bullet point on the affidavit.

22 MS. CRAYTON: Second bullet point on the affidavit.

23 MS. WEISS: On the first page or second page?

24 THE WITNESS: It's the first page.

25 MS. CRAYTON: Oh, it's the first page of that.

TREVOR MURPHY - CROSS BY MS. CRAYTON

1 THE WITNESS: The first page of the affidavit.

2 MS. CRAYTON: Sorry.

3 BY MS. CRAYTON:

4 Q: Do you see where it says the victim and the defendant
5 exchanged numbers it looks like over Facebook?

6 A: It's says phone number was determined through Facebook
7 Messenger with number represented by Campbell with Facebook
8 message between Harrington and Lowery on 12/3/16 when they
9 exchanged numbers between 1:16 a.m. and 4:14 a.m.

10 Q: Okay. Do you know which of Ella's accounts they
11 exchanged numbers on?

12 A: I do not.

13 Q: Did you see the contact between them at all?

14 A: I remember going through those Facebook records.

15 Q: But you don't remember seeing it or do you remember
16 seeing them exchange numbers or anything specific about those
17 Facebook records?

18 A: Not off the top of my head I don't remember, no.

19 Q: Okay.

20 A: I'm sorry.

21 Q: And again, if you -- if you knew any of that information
22 was incorrect, you would not have provided it to the -- in
23 that affidavit, would you?

24 A: That's correct.

25 Q: You would not have sworn it to a judge?

1 A: That's correct.

2 Q: Okay. Let's see. And I think you also got a search
3 warrant for Mr. Harrington's Facebook page. Does that sound
4 correct as well?

5 A: Yes, I believe so.

6 Q: Okay.

7 Q: And in that one it says Iyana was last seen 4/4/17; is
8 that correct? Or was that a scrivener's error?

9 A: That's an error on my part. It should have been 5/4/17.

10 Q: Okay. So you knew that date. You just -- that was just
11 a scrivener's error?

12 A: Yeah. That was a mistake I made.

13 Q: Okay.

14 A: I wrote a four, but that would have been incorrect. So
15 yea, that was May.

16 Q: And in this -- in this affidavit, there's a claim that
17 there is cell phone records that tie Mr. Harrington to the
18 scene at Craig Circle. Did you view those cell phone records
19 or mapping of those cell phone records?

20 A: That reads weird.

21 Q: And do you know which -- do you know which cell phone
22 possibly was connected with the scene or if there was one?

23 A: The way I -- the way I worded the sentence was this
24 information was led by DNA evidence recovered on scene, as
25 well as phone records, and that could read either way, but I'm

TREVOR MURPHY - CROSS BY MS. CRAYTON

1 not sure if that was tied to phone records related to the
2 scene or just phone records in general.

3 Q: So you're not aware of any phone records actually tying
4 Mr. Harrington to the scene; correct?

5 A: Not to my knowledge.

6 Q: Okay.

7 A: No, ma'am.

8 Q: And you're not sure where that came from or why that was
9 --

10 A: Yeah. I think it goes back to the phone records. That
11 sentence is worded weird where the DNA recovered on scene, as
12 well as phone records. I don't know if I was referring to the
13 phone records at the scene or phone records being recovered in
14 general.

15 Q: Okay.

16 A: So I can't speak to that.

17 Q: Okay. I think we're done with that one.

18 A: Okay.

19 Q: You did a lot of search warrants, didn't you?

20 A: Yes, ma'am.

21 Q: Okay.

22 MS. WEISS: What's that one?

23 MS. CRAYTON: It's labelled as 10 from Verizon.

24 MS. WEISS: What's the phone number?

25 MS. CRAYTON: I'm sorry, Judge.

TREVOR MURPHY - CROSS BY MS. CRAYTON

1 BY MS. CRAYTON:

2 Q: All right. Okay. And so in your affidavit in the latest
3 search warrant, this is for some Harrington Verizon phone
4 records. It says that Mr. Harrington and Ms. Lowery made
5 contact with each other up until 1:13 a.m. on May 5th. Do you
6 know where that information came from?

7 A: Some -- some kind of phone records from somewhere.

8 Q: Okay. Did you see them?

9 A: I don't recall off the top of my head.

10 Q: Okay.

11 A: And that's --

12 Q: It also said --

13 A: I'm sorry.

14 Q: No, no, no. Go ahead.

15 A: Oh, with that time being so specific, it would have had
16 to have come from somebody or somewhere.

17 Q: But you don't know where it came from?

18 A: I don't recall. No, ma'am.

19 Q: Okay. And again, is that information that was probably
20 provided to you by someone?

21 A: Correct. Yes, ma'am.

22 Q: Okay. And it also says this is the last known contact
23 Lowery had?

24 A: Yes, ma'am.

25 Q: Okay. And was that information that was provided to you?

TREVOR MURPHY - CROSS BY MS. CRAYTON

1 A: Yes, ma'am. Correct.

2 Q: And if you knew today that that information was
3 incorrect, you would not have provided that to the magistrate?

4 A: Yeah. I wouldn't have put that in there. That's
5 correct.

6 Q: Okay. Because you would not have provided something
7 incorrect to a magistrate?

8 A: Probably not.

9 Q: Okay. So, again, you weren't provided her Facebook
10 activity that had her contacting other people after -- well
11 after 1:13 a.m.?

12 A: I don't know if we had her Facebook stuff at this time.

13 This was May 8th. I don't know if we had it back by then.

14 Q: No?

15 A: I'm not sure.

16 Q: Okay. And it looks like you also say in this search
17 warrant that Mr. Harrington and Ms. Lowery had over 700
18 contacts with each other the 60 days prior. Do you know where
19 that information came from?

20 A: That would have to have come from some cell information
21 that was mapped out showing the contacts between two numbers.

22 Q: So you don't know if that was -- you don't know where
23 that -- what numbers or anything about that that could provide
24 us some insight on that number?

25 A: I know we had personnel from SLED and the FBI working on

TREVOR MURPHY - CROSS BY MS. CRAYTON

1 records that were coming back in. They would've been doing
2 the mapping on that. Yes, ma'am.

3 Q: I understand. And were there several people running down
4 sort of the Facebook records and phone records and that sort
5 of stuff?

6 A: Yeah. When information came back in, we provided it to
7 those other agencies and they would have done the work, kind
8 of mapping and blocking and everything.

9 MS. CRAYTON: This is one of y'all's, 255, which is the
10 email.

11 BY MS. CRAYTON:

12 Q: I'm going to hand you what's been marked as State's
13 Exhibit 255, and were you on the receiving end of that email,
14 as well as numerous other people it looks like?

15 A: That's correct.

16 Q: And is this sort of the rundown of Facebook and phone
17 records and --

18 A: It looks like part of a CLEAR report. Yeah, it's part of
19 a CLEAR report on different people with their addresses and
20 potential numbers and nicknames and stuff like that.

21 Q: So SLED would run down things and then they would email
22 them to y'all at the Sheriff's Office? Is that essentially
23 how that was going on?

24 A: Yes.

25 Q: Okay. And it looks like Margaret Ariel emailed y'all

TREVOR MURPHY - CROSS BY MS. CRAYTON

1 some of that information?

2 A: Yes. That's correct.

3 Q: Okay. And that email shows that there were actually --
4 there was a call at 1:08, but there were also two calls at
5 1:13?

6 A: Yes, 1:13.

7 Q: And then does it also provide the most frequent calls?
8 It should be later in it.

9 A: Yeah. Most frequent numbers that she called or that
10 called her.

11 Q: Can you tell me about those? I think there were three,
12 weren't there?

13 A: I think 843-862-0497.

14 Q: And how many times does it say that called?

15 A: It was 197 calls in 48 hours.

16 Q: Okay. And then what's the next one?

17 A: 843-535-2091. That was 24 calls in 48 hours.

18 Q: And the third one?

19 A: 843-910-3955. That was 23 calls in 48 hours.

20 Q: All right. Thank you. I appreciate it. And although
21 you did not sign the warrants for Dwayne Bright, you actually
22 were the one that served the warrant, weren't you?

23 A: I believe I was the one who signed and served it.

24 Q: You served the warrant?

25 A: Signed and served. Yes, ma'am.

TREVOR MURPHY - CROSS BY MS. CRAYTON

1 Q: Yes, yes. You didn't actually swear the warrant;
2 correct?

3 A: No. That's correct.

4 Q: But you were the one that served the warrant on Mr.
5 Bright; correct?

6 A: I believe so, if I remember right. I'd have to check,
7 but I believe so.

8 Q: Okay. And you were doing what you were told to do at the
9 Sheriff's Office at that time; correct?

10 A: Yeah. I think he was picked up and brought to the -- I
11 can't remember the Sheriff's Office or the jail. They needed
12 something to sign and give him the warrants to serve him.

13 Q: But you were not part of the decision to arrest Mr.
14 Bright; is that correct?

15 A: No.

16 Q: Okay.

17 MS. CRAYTON: Court's indulgence, Your Honor.

18 BY MS. CRAYTON:

19 Q: I totally forgot about Mr. LaBean. The videos at Mr.
20 LaBean house -- Mr. LaBean's house, did you make a copy of
21 those videos?

22 A: No.

23 Q: Okay.

24 A: I don't believe so.

25 Q: Did anybody take a copy of those videos?

TREVOR MURPHY - CROSS BY MS. CRAYTON

1 A: I know we got there 10 or 11 o'clock that night, and we
2 watched the video on the screen in the room. Then we
3 contacted our supervisors, which would have been Louie James
4 [ph] at the time, and we stood pat and just kind of secured it
5 until other people arrived, I think around 4 o'clock that
6 morning. And if I remember correctly, I think Josh White was
7 the one that actually pulled the video.

8 Q: Okay. Do you think it would've been important to get
9 video from that date showing the vehicle, the suspected
10 vehicle coming and going?

11 A: Yeah. Correct.

12 Q: Do you think it would've been a good idea to get video
13 starting on the 4th and do the 4th, the 5th, the 6th, the 7th,
14 and go all the way until the date y'all were there?

15 A: To?

16 Q: That would have been a good thing to do; right?

17 A: Yeah, sure.

18 Q: And a proper investigation? Are you aware whether that
19 was done or not?

20 A: I don't -- I don't know the time frames that they pulled
21 video from. I was there when the video was pulled, but as far
22 as the time frame and the parameter that was set, I'm not sure
23 what the time frame was.

24 Q: Okay.

25 MS. CRAYTON: Court's indulgence, Your Honor.

TREVOR MURPHY - REDIRECT BY MS. MUNNERLYN

1 No further questions. Thank you, Mr. Murphy, for doing
2 this.

3 THE COURT: Redirect?

4 MS. MUNNERLYN: Just a couple questions, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. MUNNERLYN:

7 Q: Now, these search warrants you obtained, you've already
8 indicated that you were sort of a lower-level detective at
9 that time, and you were going and getting these search
10 warrants based upon information provided by a huge group of
11 law enforcement; is that right?

12 A: That's correct.

13 Q: Can you estimate maybe how many officers were working on
14 this case?

15 A: I'm not sure, but close to a hundred at times.

16 Q: Okay.

17 A: Just to guess.

18 Q: So a hundred officers, FBI, SLED, Marlboro County
19 Sheriff's Office, and some local law enforcement; isn't that
20 right?

21 A: There was a bunch of state agencies that would be
22 assisting at some times.

23 Q: Okay. So lots of people contributing information, and
24 that is why a command center was set up to receive that?

25 A: That's correct.

TREVOR MURPHY - REDIRECT BY MS. MUNNERLYN

1 Q: Okay. And so even though you might not have seen all the
2 phone records, that information was being shared in the
3 command center?

4 MS. CRAYTON: Objection, Your Honor. Leading.

5 THE COURT: This is redirect. You have to ask direct
6 questions.

7 MS. MUNNERLYN: Yes, Your Honor.

8 BY MS. MUNNERLYN:

9 Q: And so how did you get that information?

10 A: There were several ways of getting information. They
11 were what I call runners that were back and forth between
12 command post and the offices with various tasks that could be
13 done. They'd also bring information back that was newly
14 discovered, and also, if I remember correctly, there was a
15 command center meeting on the hour. So every hour anything
16 that came out would have been briefed in front of everybody
17 that was there and available at the time.

18 Q: Okay. All right. And was this a fluid situation with
19 constant change in the information?

20 A: Yeah. The whole time just kind of going off the
21 communication and different things that needed to be done at
22 the time. It was very kind of fluid and ongoing.

23 Q: Okay. And more information coming in every moment?

24 A: Absolutely, yes.

25 Q: Okay.

1 A: Around the clock.

2 Q: Okay. And that last calls list she asked you about
3 there, this State's Exhibit 255, that did reference some of
4 those last calls?

5 A: Yes. It's all the 1:08 to 1:13, I believe, time frame on
6 there.

7 Q: And -- but after you received this, y'all received actual
8 phone records so you could see when --

9 MS. CRAYTON: Objection. She's leading, Your Honor.

10 THE COURT: Yeah, that is leading.

11 MS. MUNNERLYN: Okay.

12 BY MS. MUNNERLYN:

13 Q: What did you receive after you received this? Did you
14 receive anything else that gave you further information?

15 A: Yeah. So that would have been from a clipboard, which is
16 kind of the initial step for any -- anything foundational
17 thing. Then through Verizon we do what's called an exigency,
18 which would just give you very limited but somewhat valuable
19 content we can kind of go off of in exigent circumstances.
20 Then you would also shop for search warrants, which take some
21 time to get back where there's -- it's a more in-depth and
22 kind of broad return of information.

23 Q: Okay. So as time went by, you got more detailed
24 information? Is that what you're saying?

25 A: That's correct.

TREVOR MURPHY - REDIRECT BY MS. MUNNERLYN

1 Q: Okay. So when you -- when you swore these affidavits for
2 all these search warrants, it was not based on all of your
3 personal knowledge but on the joint effort of 100+ officers?

4 A: That's correct. It was obtained from other sources as
5 well.

6 Q: Okay.

7 MS. MUNNERLYN: Nothing further, Your Honor.

8 THE COURT: You may step down.

9 Any objection to this witness being excused?

10 MR. YOUNG: Yes, Your Honor, until further notice, we
11 would ask that this witness be held, not held here but
12 available.

13 THE COURT: You're free to leave. Just if you receive
14 notice, then you need to come back. You're not released from
15 your subpoena, but you're free to go.

16 THE WITNESS: Okay.

17 THE COURT: Thank you.

18 MR. BANK: Judge, unrelated to him, we've not been very
19 aggressive with objecting to leading. Quite potentially --
20 and this is a bench trial and we're just trying to get all the
21 information to you that we can, but as these investigators
22 that have been involved are coming through, we're just --
23 we're going to have to start objecting some because they are
24 -- it's starting to get out of hand, and I don't think it's
25 intentional or anything like that, but I just want to make you

ROXANNE LOVE - DIRECT BY MS. WEISS

1 aware that we were kind of -- we're going to have to do that.

2 It's a case that nobody wrote any reports on, so we can't
3 impeach anybody. And so the prosecutors are just testifying
4 and it's starting to become problematic, and I just wanted to
5 make the Court aware of our position.

6 THE COURT: If the spirit moves you, you object, and I'll
7 rule on it.

8 MR. BANK: Yes, sir.

9 THE COURT: All right. You may call your next witness.

10 MS. WEISS: The State calls Roxanne Love.

11 THE CLERK: Do you solemnly swear that the testimony you
12 shall offer the Court in this case shall be the truth, the
13 whole truth, and nothing but the truth, so help you God?

14 THE WITNESS: I do.

15 THE CLERK: Be seated, please.

16 THE COURT: Yes, ma'am.

17 MS. WEISS: Thank you, Your Honor. May it please the
18 Court.

19 ROXANNE LOVE, being first duly
20 sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. WEISS:

23 Q: Investigator Love, will you please tell the Court where
24 you're currently employed and what you're currently doing?

25 A: Currently, I'm employed at the Twelfth Judicial Circuit

ROXANNE LOVE - DIRECT BY MS. WEISS

1 as an investigator for Florence and Marion County.

2 Q: Prior to becoming an investigator for the Fourth Judicial
3 Circuit, where were you employed?

4 A: Twelfth.

5 Q: I mean Twelfth Judicial Circuit.

6 A: Yes, ma'am.

7 Q: Where were you employed?

8 A: At the South Carolina Law Enforcement Division, known as
9 SLED.

10 Q: Okay. And how long were you employed at SLED?

11 A: At SLED, approximately 28 years.

12 Q: And how many years total have you been in law
13 enforcement?

14 A: Thirty in law enforcement, and I've been at the
15 Solicitor's Office for a little over four years.

16 Q: Where were you before you went to SLED?

17 A: I started out with the South Carolina Highway Patrol. It
18 was on the governor's RAID team as a part of that while I was
19 employed there, and then before I came to SLED, I was employed
20 at the Alcoholic Beverage Control Commission before it was
21 absorbed by SLED.

22 Q: Okay. What positions did you hold at SLED?

23 A: I was a lieutenant in the Pee Dee Region in the
24 investigative unit.

25 Q: That was your last -- that was your last title before you

1 retired?

2 A: Yes. I retired. I retired as a lieutenant. Yes, ma'am.

3 Q: So what other positions at SLED did you hold?

4 A: I started out working narcotics on the governor's RAID
5 team, and from there I went to the Midlands Region, which is
6 investigative services just like the Pee Dee Region, and
7 around 2001 or so, I moved to the Pee Dee area, and I was an
8 agent there before being promoted.

9 Q: Okay. And what year were you -- what year were you
10 promoted to lieutenant?

11 A: I believe it was 2004.

12 Q: I'm sorry? I couldn't hear you.

13 A: 2004.

14 Q: So were you working on -- in May of 2015 [sic]?

15 A: Yes.

16 Q: With the Pee Dee region?

17 A: Yes, I was.

18 Q: And you were a lieutenant with the Pee Dee Region at that
19 time?

20 A: Yes, ma'am.

21 Q: What are the duties of a lieutenant with SLED?

22 A: I was an administrative lieutenant and a field
23 lieutenant, and basically you supervise agents in their cases,
24 any problems they may have within their cases or maybe
25 potential problems they just want to talk about, supervise

ROXANNE LOVE - DIRECT BY MS. WEISS

1 their time. They manage -- they manage their own time.

2 Anyway, supervise their time and also review reports, also
3 handle evidence.

4 Q: Okay. And did you receive a call regarding an incident
5 in Marlboro County in March of 2015?

6 A: I did. I was on call. In 2017?

7 Q: Yes.

8 A: On May 5th, 2017, I was on call, the on-call lieutenant,
9 and myself and two other agents responded to Marlboro as a
10 result of that request from Marlboro County Sheriff's
11 Department.

12 Q: And do you remember what time you were notified?

13 A: I want to say it was approximately around nine. I had
14 just come out. Our day usually starts around 8:30.

15 Q: Okay. So pretty much first thing in the morning?

16 A: Yes.

17 Q: You received notification, and you said you and two other
18 agents came to Bennettsville?

19 A: Yes, ma'am.

20 Q: Okay.

21 A: Separate individually, but yes, we all ended up in
22 Bennettsville.

23 Q: And were those Pee Dee agents?

24 A: They were. It was Trey Rogers and Kristina Gainey.

25 Q: And you were their supervisor?

1 A: I was.

2 Q: As a lieutenant?

3 A: Yes. Yes, I was.

4 Q: Okay. So why did you come out as the lieutenant to this
5 particular call?

6 A: As it came out, the information was it came out
7 originally as -- as a murder, and then there was some
8 discrepancy -- not discrepancy, but they couldn't decide
9 whether or not there was a child missing. So I decided to go
10 up there and see what was going on and see if I could offer
11 any assistance.

12 Q: And is that pretty typical around the state if there's a
13 child missing?

14 A: Yes.

15 Q: For everybody to try to respond?

16 A: Yes, yes.

17 Q: And did you stay involved with this investigation
18 throughout the entire investigation?

19 A: Yes, ma'am, I did.

20 Q: And so you were there the morning. Did you come straight
21 over?

22 A: I did.

23 Q: All right. So you were there the morning of the 5th and
24 you were there all the way through when Iyana's body was
25 found?

1 A: Yes.

2 Q: So although you were a supervisor, you were actively
3 involved in this investigation?

4 A: Yes, ma'am.

5 Q: And what's your role as being a SLED lieutenant working
6 with a local sheriff's office? What's your role?

7 A: SLED is an assisting agency, and we're requested for
8 various reasons, you know, like murder, misconduct in office,
9 fraud type cases, CSCs, just a variety of just whatever
10 assistance is needed. Sometimes we're needed because it does
11 involve, like, a misconduct or an officer involved shooting
12 with the agency itself where we are the leading agency, but a
13 lot of the time, majority the time, we are assisting with
14 sometimes smaller departments or just a difficult case where
15 they just need additional manpower and assistance.

16 Q: Okay. And so although you were a lieutenant for SLED,
17 you were here assisting Marlboro County, doing whatever could
18 be done to help facilitate this case?

19 A: Yes.

20 Q: Okay. So SLED actually provided a report in this case
21 from Special Agent Gainey?

22 A: Yes. She was the case agent for this --

23 Q: Okay. And then --

24 A: -- particular investigation.

25 Q: And then you -- and then you would have signed off on

1 that report?

2 A: Yes, ma'am.

3 Q: As her supervisor? Okay.

4 A: Myself and other supervisors, yes.

5 Q: Right. So what was the first thing you did when you got
6 to Bennettsville on May the 5th? Do you recall?

7 A: Typically, when we respond, we get with the investigator
8 on scene and they inform us as much as they can with the
9 details of what they have at that moment, and in this
10 particular case, there was a deceased female and a missing
11 eight-year-old child.

12 Q: Okay. When you got to the scene, did you immediately go
13 into the scene itself?

14 A: I may have been on the curtilage of the residence, but I
15 -- we don't go into the residence until after crime scene
16 arrives or the location where it may be, but in this instance
17 a residence, but we wouldn't go inside until after crime scene
18 has gotten there and then once they've gotten to a certain
19 point, we'll do a walk through with them.

20 Q: Okay. So who -- so SLED crime scene was coming out?

21 A: Yes.

22 Q: But you beat them out there?

23 A: Correct, because we're close and crime scene is coming
24 from Columbia, and we were both requested at the same time, I
25 believe.

ROXANNE LOVE - DIRECT BY MS. WEISS

1 Q: So when you were on scene that morning, what was your
2 role in the investigation that morning or in the case that
3 morning?

4 A: Just as information came in or leads came in, assist in
5 any way possible.

6 Q: Okay. And so what was the first thing that you did to
7 assist in that investigation?

8 A: Well, the agents -- I sent the agents, Kristina Gainey
9 and Trey Rogers. We had gotten some information about -- I
10 believe it was -- I believe the name was Clifton Benjamin, but
11 anyway, some information on him that the Sheriff's Department
12 had and this person needed to be interviewed. I sent them for
13 the interview. I stayed at the scene to secure -- to maintain
14 and secure it until our crime scene could get there, along
15 with the Sheriff's Department, who was also there.

16 Q: When you say you stayed to help secure the scene, what
17 does that -- what does that involve?

18 A: For us, our crime scene is -- it's required that in an
19 investigation like this that we have an agent there for them
20 to help them, if not process the scene, but to make sure
21 nobody's coming in on them while they are processing the
22 scene. So it's kind of like securing in a sense, and also to
23 help them if they, you know, have some type of request or
24 anything from us to help them, if possible, but not to process
25 the scene.

1 Q: Okay. And prior to them getting there and after you got
2 there, you were helping secure the scene as well?
3 A: Yes.
4 Q: From the curtilage?
5 A: Yes. And the Sheriff's Department was there.
6 Q: Right.
7 A: I was there for our crime scene.
8 Q: But you were also -- were you also observing to make sure
9 that random people weren't coming in --
10 A: Right.
11 Q: -- and out of the crime scene?
12 A: Yes. Correct.
13 Q: Okay. Investigator Bethea, were you -- I mean Love.
14 Sorry. I'm reading it off here.
15 A: Yeah.
16 Q: You had a different name back in 2017 when you were
17 investigating?
18 A: Oh, yeah.
19 Q: That was Roxanne Bethea?
20 A: That's correct.
21 Q: Okay. Sorry. I was just reading it on this.
22 A: That's fine.
23 Q: So were you involved in communications back and forth
24 with Margaret Ariel and Tommy Hines with SLED?
25 A: I was.

ROXANNE LOVE - DIRECT BY MS. WEISS

1 Q: Okay. I'm going to show you State's Exhibit 255, which
2 is already in evidence. And you were part of that chain in
3 receiving information from them?

4 A: Yes. Yes, ma'am.

5 Q: Can you explain who they are and what their involvement
6 is in cases?

7 A: Ariel Margaret -- Margaret Ariel -- excuse me. She works
8 at the Fusion Center as an analyst. She's retired now, I
9 believe, but they assist. Whenever -- they assist in many
10 ways. A lot of it is running CLEAR reports for the whole
11 state of South Carolina.

12 Q: What is a CLEAR report?

13 A: A CLEAR report -- there are several types of databases
14 that they use to run information on individuals at the request
15 of other -- SLED or other law enforcement agencies to gather
16 information. You know, you could possibly be looking for
17 someone, trying to locate a witness, a victim even later if
18 you lose track of them or what have you. And then, of course,
19 suspects in cases or persons of interest.

20 Q: Okay. And when you involve the Fusion Center in a case,
21 do you usually get one person that works with you throughout
22 the case or is it just whoever is there when you call?

23 A: The --

24 Q: Like, maybe investigation. Was there one person that --
25 one or two people you were working with?

1 A: Yes. They were the people we were working with in this
2 particular case, yes.

3 Q: Okay. And in this case, you said Margaret Ariel and
4 Tommy Hines?

5 A: Yes. And Tommy Hines works for the SSI unit, which is
6 the State Surveillance Investigation unit at SLED, and they do
7 exigent warrants for phone records and things of that nature.

8 Q: Okay. And were you the one that was in contact with them
9 to get some of that information?

10 A: Myself and others, yes.

11 Q: Okay. I'm going to show you what's been marked as
12 State's Exhibit 257 for identification. Do you recognize
13 this?

14 A: I do.

15 Q: Okay. And what is that?

16 A: This is the exigent circumstance request form that Tommy
17 did.

18 Q: For what phone number?

19 A: It would be from T-Mobile for -- let me find it --
20 843-862-0497.

21 Q: Okay. And did you receive those from Tommy Hines?

22 A: Yes, we did.

23 Q: Okay.

24 MS. WEISS: Your Honor, at this time, I would like to
25 move State's Exhibit 257 into evidence.

ROXANNE LOVE - DIRECT BY MS. WEISS

1 MR. YOUNG: No objection.

2 THE COURT: It's into evidence without objection.

3 (WHEREUPON, State's Exhibit Number 257, exigent

4 circumstance request form, was admitted into evidence.)

5 BY MS. WEISS:

6 Q: Investigator Love, yes, can you tell us when those
7 records were received?

8 A: Received?

9 Q: By SLED?

10 A: Yes. The date is -- the signature is Tommy Hines, and it
11 was -- the date on it is 5/5/2017 was on the request form.

12 Q: Okay. You described that as an exigent request form?

13 A: Yes.

14 Q: So typically those are -- are those typically returned
15 pretty quickly?

16 A: Yes.

17 Q: Okay. And those emails that were going back and forth
18 that you were a part of, were they reflecting information from
19 phone records?

20 A: Yes.

21 Q: The email there?

22 A: Yes.

23 Q: Okay. And who was -- who was going through and providing
24 that information from the phone records?

25 A: The information was coming from Tommy Hines to Ariel

1 Margaret, who was then forwarding it to William Horne, Trevor
2 Murphy, Jamie Seales, and myself.

3 Q: Okay. And is that a typical part of what the Fusion
4 Center and specifically Tommy Hines does as far as reviewing
5 -- requesting and reviewing the records?

6 A: Correct. That is his job.

7 Q: Okay. And so what is the purpose of getting that
8 information? What was y'all's purpose in getting that
9 information?

10 A: To see the last incoming calls from that number, Ella's
11 number, within the 48 -- this was for 48 hours with the
12 detailed call records, cell site information on Ella Lowery's
13 phone number, cell number, to see the last incoming calls or
14 outgoing too.

15 Q: Okay. And what was the -- I guess you had two primary
16 goals with the investigation, but what was the most exigent
17 part of your investigation as of May 5th when you arrived on
18 scene?

19 A: To find Iyana Lowery.

20 Q: And how did the last 48 hours of Ella Lowery's phone help
21 in doing that?

22 A: It gave us the 3480 number, which belongs to JeJauncey --
23 well, which we were able to determine was associated with
24 JeJauncey Harrington.

25 Q: And what was the importance of that number?

ROXANNE LOVE - DIRECT BY MS. WEISS

1 A: This was Ella -- Ella Lowery had been communicating with
2 JeJauncey Harrington and, ultimately, these records with DNA
3 and other information.

4 Q: So they -- but these put you on to the information as to
5 who she was last in contact with?

6 A: Right. 3480, which that one ultimately came back to
7 Jamie Campbell, and it was determined through an FBI interview
8 that she -- that she -- that phone -- that was the phone she
9 provided to JeJauncey Harrington.

10 Q: Okay. So there was a command center set up at the
11 Sheriff's Office?

12 A: Correct.

13 Q: And that was FBI, SLED, Marlboro County, anybody else
14 that was there assisting with this investigation?

15 A: That's correct.

16 Q: Okay. And is that sort of the meeting place?

17 A: Correct.

18 Q: Where you would go to get assignments?

19 A: Yeah. At the Marlboro County Sheriff's Department, a
20 command post was set up in their kitchen area, which was
21 fairly large, large enough for us to have meetings and put up,
22 as they have talked about, the poster boards to help us have a
23 central location to brief or either debrief people and for us
24 to make a list of where we were headed in the investigation,
25 things that needed to be done.

1 Q: Okay. And do you know when -- when JeJauncey
2 Harrington's name officially first came into the
3 investigation? Do you recall?

4 A: His name, I believe, came from the interview with Jamie
5 Campbell.

6 Q: Do you remember --

7 A: Oh, no. I'm sorry.

8 Q: It came in fairly --

9 A: Right.

10 Q: When it came in, just within the first couple --

11 A: Yes.

12 Q: -- days?

13 A: Yes. Yes.

14 Q: Okay. And there were people working different avenues of
15 this investigation all at the same time?

16 A: Correct.

17 Q: Okay. And were you sort of the liaison between the SLED
18 groups, the SLED Fusion Center, the SLED analysts, the people
19 from SLED that were working in Columbia, and the people in
20 Marlboro that were receiving the information?

21 A: I was, yes.

22 Q: Okay. And was there a piece of evidence in particular
23 that you were tracking and following to try to find out if
24 there was -- if you could get an identification from it?

25 A: Yes. It was a standard, a sample from a --

ROXANNE LOVE - DIRECT BY MS. WEISS

1 Q: Before that, a piece of evidence from the scene that you
2 were trying to get?

3 A: Yes. I'm sorry. Yeah. There was a piece of evidence at
4 the scene. It was a cigarette butt that was on the step of
5 the carport on that side door. It was taken to SLED and
6 analyzed. Crime scene gathered that up and sent it to SLED
7 DNA for analysis.

8 Q: Okay. And who analyzed that?

9 A: Adrienne Hefney.

10 Q: And were you in contact -- pretty constant contact with
11 Adrienne?

12 A: I was on a daily, multiple times sometimes, basis.

13 Q: Okay. And when she -- she was there working from the
14 first moment that this case kicked off?

15 A: She was.

16 Q: And when she first -- was she able to get -- as far as
17 you know, was she able to get a profile off of that cigarette
18 butt?

19 A: She was able to get a profile.

20 Q: And initially, did she -- was she able to identify it
21 with anybody?

22 A: No.

23 Q: Okay. And you were aware of that?

24 A: Yes.

25 Q: And did you then contact her to talk to her more about

1 that profile?

2 A: I did. Basically, our conversation at some point was if
3 we developed any more subjects, persons of interest, suspects,
4 to let her know and see if she could look at their databases
5 that they had.

6 Q: Okay. And did there come a time when you -- when you got
7 some more information in the investigation?

8 A: Yes, we did, and I believe it was around the 8th, May the
9 8th, and I contacted -- JeJauncey Harrington's name had come
10 into play; so I contacted Adrienne Hefney.

11 MR. YOUNG: Your Honor, I'm going to object to this line
12 of questioning. I think this goes back to our previous
13 objection regarding the 2005 standard that was collected of
14 Mr. Harrington after he was acquitted of murder.

15 THE COURT: All right. Your objection is noted.
16 You may go forward.

17 MS. WEISS: Thank you, Your Honor.

18 BY MS. WEISS:

19 Q: So continue, please.

20 A: Yes. So I contacted Adrienne Hefney there from the
21 command post, gave her the name of JeJauncey Harrington. She
22 researched that and said that basically we're headed in the
23 right direction, that it matched the profile that they had in
24 their databases.

25 Q: Okay. And did she say what needed to be done for her to

ROXANNE LOVE - DIRECT BY MS. WEISS

1 give you a more solid answer on that?

2 A: She did. We would need a known standard, which is a --
3 more or less just my understanding of a standard from a
4 person, whether it be blood or a buccal swab from -- that
5 would be a known standard because it's coming from somebody
6 that we obtained that from and we know who they are.

7 Q: Okay. And did she -- was she aware or were you aware of
8 where you might be able to find such a thing?

9 A: Yes. She said there was -- she gave me the lab number,
10 and so I got up with Investigator or the command post and --

11 MR. YOUNG: Your Honor, I'm going to object to hearsay.

12 THE COURT: Rephrase the question.

13 BY MS. WEISS:

14 Q: Based on the information you received from Adrienne
15 Hefney, what did you do next in your investigation?

16 A: Based on the information, we requested that the evidence
17 from the prior case be brought up because there was a known
18 blood standard in that evidence from 2005.

19 MR. YOUNG: And, Your Honor, I just want to make sure
20 that I'm protected on the record regarding this known standard
21 from --

22 THE COURT: Your objection --

23 MR. YOUNG: -- you know, 2005.

24 THE COURT: Your objection is noted but overruled.

25 BY MS. WEISS:

1 Q: And were you aware of this 2005 case personally?

2 A: No.

3 Q: What did you do next?

4 A: Once the evidence was brought up --

5 Q: Wait. When you say once the evidence is brought up, who
6 did you talk to?

7 A: I talked to the sheriff and Jamie Seales. I believe the
8 sheriff possibly but told him that we would like to --
9 wherever this evidence was, we would like to get it brought to
10 the command post to where I was so we could see if we could
11 retrieve this known blood sample.

12 Q: Okay. And was that case file brought to you?

13 A: Yes, it was.

14 Q: Or the evidence from that case?

15 A: Yes, the evidence.

16 Q: And who brought that?

17 A: Sandy Wilkes from the Marlboro County Sheriff's
18 Department.

19 Q: And what's her role at the Marlboro County Sheriff's
20 Office?

21 A: She handles the evidence. I don't know what her title
22 would be.

23 Q: Evidence custodian?

24 A: Yeah. Yes, custodian.

25 Q: Okay. And when she brought that up -- when she brought

ROXANNE LOVE - DIRECT BY MS. WEISS

1 it up, who looked -- what did you do next as far as trying to
2 find this known standard?

3 A: I started looking through the box, realized I didn't know
4 how it was packaged. So I called back to the lab, asked what
5 exactly -- what would it look like, exactly what I would be
6 looking for, and they told me. I believe it was Item 50, the
7 item number on it and how it would be packaged, and it was
8 easier to locate. So I located it within that box and --

9 Q: Okay. When you found the Item 50 in the -- in the box,
10 did it match the description that you were given?

11 A: It did.

12 Q: Okay. And what did you do with it at that point?

13 A: At that point, we had a lot going on and everything. At
14 a certain point, we packaged that back up, and that evidence
15 went back into all that evidence that came out of that box and
16 went back into their evidence room, and then the next day we
17 were able to pull it and get it transported to SLED by another
18 -- by an agent from SLED.

19 Q: Okay. And so did you personally hand it to the agent?

20 A: I did not.

21 Q: Did -- but you made sure the agent that took it was able
22 to receive it?

23 MR. YOUNG: Objection. Leading.

24 THE WITNESS: Yeah. Well, we --

25 THE COURT: Sustained.

1 BY MS. WEISS:

2 A: We retrieved it -- the box again and the evidence was
3 given to Roshani by Sandy Wilkes, the evidence custodian.

4 Q: I'm going to show you what's been marked for
5 identification as State's Exhibit 577. Do you recognize this
6 form?

7 A: I do.

8 Q: What is it?

9 A: That is the -- an evidence worksheet, and it's a chain of
10 custody form.

11 Q: Okay. Is your name on that chain of custody?

12 A: It is.

13 Q: Okay. When is it first on that chain of custody?

14 A: May the 8th, 2017.

15 Q: And what does it indicate?

16 A: At 1:17 p.m., I received evidence from Sandy Wilkes, and
17 then on the same day, 5/8/2017, it was given back to Sandy --
18 well, to the evidence locker. It was returned back to the
19 evidence locker.

20 Q: Okay.

21 A: And then --

22 Q: Go ahead.

23 A: Yes. And then -- and so on 5/9/2017, Sandy Wilkes gave
24 Roshani -- and I'll pronounce her last name wrong. P-a-r-i-k-
25 h.

ROXANNE LOVE - DIRECT BY MS. WEISS

1 Q: Parikh.

2 A: Parikh. And she was a SLED -- she was a new SLED agent
3 at the time, and she transported that piece of evidence, the
4 known blood standard, to SLED for Adrienne Hefney.

5 MS. WEISS: Your Honor, at this time, I'd like to admit
6 State's Exhibit 577 into evidence.

7 MR. YOUNG: We maintain our objection.

8 THE COURT: All right. Your objection is noted and
9 protected on the record. It's into evidence over objection.

10 (WHEREUPON, State's Exhibit Number 577, evidence
11 worksheet/chain of custody, was admitted into evidence.

12 MS. WEISS: I beg the Court's indulgence one minute. I
13 just want to make sure I'm not messing up numbers.

14 BY MS. WEISS:

15 Q: I'm going to show you what's been marked as State's
16 Exhibit 199 for identification. Do you recognize this
17 package?

18 A: I do.

19 Q: And what is that package?

20 A: This is the package that was retrieved back in 2017 to be
21 taken to SLED, the known blood standard.

22 Q: Okay. And what was the item number from 2005?

23 A: Item 50.

24 Q: And is this the same thing that you saw that was given to
25 Roshani?

1 A: Yes.

2 MS. WEISS: Your Honor, at this time, I'd like to move
3 State's Exhibit 199 into evidence.

4 MR. YOUNG: We maintain our objection.

5 THE COURT: Overruled. You're protected on the record in
6 all respects, but it's into evidence over objection.

7 (WHEREUPON, State's Exhibit Number 199, known blood
8 standard of JeJauncey Harrington, was admitted into
9 evidence.)

10 BY MS. WEISS:

11 Q: Okay. And -- and then I'm going to move forward a few
12 days from that, unless is there any other part of your
13 investigation prior to Mother's Day that you were involved in
14 significantly other than being the liaison between the two --
15 between the departments?

16 A: Any other investigation?

17 Q: Any other part of this investigation?

18 A: Oh, yes. I assisted with interviews.

19 Q: Okay. And then on May 14th of 2017?

20 A: Yes. I responded to New Bridge Road. I met the agents
21 and the Sheriff's Department out there and -- and others, and
22 we --

23 Q: Okay. So just let me slow you down just a second. Were
24 you notified? How were you notified to come out to New Bridge
25 Road?

ROXANNE LOVE - DIRECT BY MS. WEISS

- 1 A: I was contacted by Jamie Seales, Sgt. Jamie Seales.
- 2 Q: And do you know when you were contacted?
- 3 A: I want to say it was anywhere between 11 and 12
- 4 somewhere.
- 5 Q: Of the 13th?
- 6 A: Of May the -- yeah, May the 13th. Yeah, Saturday night.
- 7 Q: Okay. And had you pretty much been running wide open for
- 8 the week or so, week plus that things were going?
- 9 A: Yes.
- 10 Q: Okay. And if you could say approximately how much sleep
- 11 were you getting each night that you were there?
- 12 A: The longer it went on, we were lucky to get three hours,
- 13 if that, of sleep.
- 14 Q: And you had to drive from Bennettsville to?
- 15 A: Florence.
- 16 Q: Florence?
- 17 A: Yes.
- 18 Q: And you'd spend the night and you'd come back the next
- 19 morning?
- 20 A: Correct.
- 21 Q: Okay. So on Saturday night, the 13th?
- 22 A: Yes.
- 23 Q: Had you headed home for the night?
- 24 A: Yes. I'd already made it home when he called.
- 25 Q: Okay. And how long had you been home when he called?

ROXANNE LOVE - DIRECT BY MS. WEISS

1 A: A few hours. I don't recall exactly, but a few hours.

2 Q: And when he called, as a result of his phone call, what
3 did -- what was -- what did you plan to do next?

4 A: He told me about the video from New Bridge Road. So he
5 said they were going to briefing so crime scene could get
6 there around four or 4:30, and I told him I would meet them
7 out there at the scene.

8 Q: Okay. And so you went straight to the scene?

9 A: I did.

10 Q: What time did you get there?

11 A: I want to say approximately around six or so.

12 Q: Okay. So not at the 4 o'clock briefing?

13 A: No.

14 Q: The 4:30 briefing?

15 A: Right.

16 Q: You got there about six?

17 A: Yes.

18 Q: And what did you do once you arrived?

19 A: I believe they had already started searching when I
20 arrived, and I was informed of the evidence that was found on
21 the ground that belonged to Ella Lowery, which were, like, a
22 Walgreens card and maybe some type of credit card and a few
23 receipts were located. Ultimate -- and ultimately, we did
24 call the tracking team from SLED to see if they could assist
25 us and since it was a wooded area in helping locate because

ROXANNE LOVE - DIRECT BY MS. WEISS

1 that's what they do, not necessarily with dogs, but visually.

2 And we -- then we searched for a while to try to locate Iyana
3 in that wooded area. It was unsuccessful. I know DNR was
4 there. They were down by the creek and, ultimately, we were
5 notified that a body had been discovered.

6 Q: Okay. When you say down by the creek, you were up at the
7 abandoned house --

8 A: Right.

9 Q: -- area up in the woods?

10 A: Correct.

11 Q: Approximately how far was the creek, the bridge to the
12 creek, from where y'all were looking at the abandoned house?

13 A: It probably wasn't a hundred yards. That's a guess.
14 Easily walkable.

15 Q: Were you able to walk down to the bridge --

16 A: Yes.

17 Q: -- once you were notified?

18 A: That's what we did. I walked down there with crime
19 scene, our crime scene, SLED crime scene.

20 Q: And were you able to see what they were referring to when
21 you got to the bridge?

22 A: I could smell the decomposition, and then you could see
23 -- you could see where she was -- where Iyana was kind of hung
24 up on some debris that was in the creek, in Gum Creek. Well,
25 I say Iyana. We didn't know it was her until later.

1 Q: And what did you do at that point?

2 A: Crime scene brought the vehicles down there, and we let
3 them process, go down there and photograph and do their
4 processing of the area and of the victim and wait for them to
5 bring her back up toward the bridge so she could be brought up
6 to the land to where we were.

7 Q: And again, you said that somebody from SLED has to be
8 there when the crime scene is on scene?

9 A: Yes.

10 Q: And so you were -- were you providing that at that point
11 as well?

12 A: Yes, we did, and it's because in the past they've had
13 people walk up on them while they were in the middle of
14 processing a scene. So it's for their safety.

15 Q: And at some point, was the body brought up?

16 A: She was brought up, yes.

17 Q: Okay. And what did you do next?

18 A: They photographed Iyana. She was in really bad shape. I
19 saw that she had on -- like, it looked like black leggings or
20 some type of pants, no shirt, and a comforter-type blanket or
21 whatever it was was also brought up and photographed, and we
22 waited for crime scene to finish processing.

23 Q: Okay. Did you -- were you then involved in -- later on,
24 approximately May 31st, were you involved in a *Schmerber*
25 hearing to collect DNA --

ROXANNE LOVE - DIRECT BY MS. WEISS

1 A: Yes, ma'am.

2 Q: -- on this case?

3 A: I was.

4 Q: Okay. And did you provide an affidavit at that time?

5 A: I did.

6 Q: Okay. Did you testify as well?

7 A: I did. Yes, ma'am.

8 Q: Okay. And if you know, what was the result of that

9 hearing?

10 A: The result was we were able to obtain -- obtain another

11 known standard from JeJauncey Harrington and have his hand

12 x-rayed at the Dillon -- McLeod Dillon Hospital.

13 Q: And there was a court order for that?

14 A: Yes, ma'am.

15 Q: Were you involved in seeing that that happened?

16 A: Yes, ma'am. I believe Kristina Gainey -- Agent Gainey

17 got the swab, and it was, like, a team of multiple -- between

18 the Sheriff's Department, and I'm not sure if SLED agents want

19 to get the x-ray or not. I can't remember who went there, but

20 he was transported. He was already in custody. So he was

21 transported, like however they normally do that.

22 Q: Okay. And after that *Schmerber* hearing, was there any

23 other part -- was there -- was there anymore investigation

24 related to this case that you were involved in?

25 A: After the *Schmerber* hearing, I believe we did go to -- I

ROXANNE LOVE - DIRECT BY MS. WEISS

1 went with Steve Stokes from the FBI, and we went to -- I can't
2 think of the address. Rockingham, North Carolina, to --
3 because there was a driver's license found in the vehicle of
4 JeJauncey Harrington when it was processed in North Carolina
5 to try to identify that person and spoke with the individual
6 on the phone once we got up there.

7 Q: Okay.

8 MS. WEISS: Thank you, Investigator Love.

9 I have no further questions for this witness.

10 Please answer any questions the defense may have.

11 THE COURT: We're going to break for the evening. We're
12 going to reconvene at 9:30 in the morning, 9:30 sharp.

13 Anything from the State before we recess for the evening?

14 MS. WEISS: No, sir, Your Honor.

15 THE COURT: Anything from the defense?

16 MR. BANK: Judge, I just wanted to give the State and the
17 Court a heads up that we're going to prepare a written brief
18 on the proffer of the Lemon Laws and probably add a section
19 that deals with his constitutional right to present a defense
20 under the state and federal constitutions, but I just wanted
21 to give everybody a heads up that would be coming in the next
22 day or so.

23 THE COURT: Thank you very much. You're welcome to
24 respond.

25 And under these circumstances, you can't discuss the case

ROXANNE LOVE - CROSS BY MR. YOUNG

1 with the Solicitor's Office or the defense. You can just put
2 on your happy shoes and go home today and come back at 9:30,
3 and just -- you can just have a seat and don't sit over there
4 for any appearance of impropriety.

5 Very good. Thank y'all.

6 MR. REDMOND: Thank you, Your Honor.

7 MS. WEISS: Thank you, Your Honor.

8 MS. MUNNERLYN: Thank you, Your Honor.

9 (WHEREUPON, the proceedings adjourned for the day at 4:40
10 p.m.)

11 FEBRUARY 15, 2023

12 (WHEREUPON, the proceedings resumed at 9:31 a.m.)

13 THE COURT: Mr. Young, you're recognized.

14 MR. YOUNG: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. YOUNG:

17 Q: All right. Good morning, Investigator Love. How are
18 you?

19 A: Good.

20 Q: I wanted to start with a quick video. Do you recall your
21 interview with Dwayne Bright on May the 9th, 2017?

22 A: Yes, sir, for the most part.

23 Q: Okay. And was there another officer who came in there
24 with you?

25 A: Is that the one where -- did Sheriff Lemon come in there?

ROXANNE LOVE - CROSS BY MR. YOUNG

1 Q: He did. Yeah. And it's you and Sheriff Lemon talked to
2 Dwayne Bright for a minute?

3 A: Yes, sir.

4 Q: And Dwayne Bright says, "I want a lawyer" --

5 MS. WEISS: Objection, Your Honor.

6 THE COURT: That being?

7 MS. WEISS: Hearsay.

8 MR. YOUNG: I'm not offering it for the truth of the
9 matter. They didn't do anything substantive. It goes
10 directly to the integrity of the investigation and how Sheriff
11 Lemon was acting in this investigation.

12 THE COURT: I'll -- I'll allow you some leeway.

13 MR. YOUNG: And I guess you object to me playing the
14 interrogation? I mean it's a short couple-minute video.

15 MS. WEISS: Your Honor, we would just like to go ahead
16 and have a full discussion on the video before we start --
17 before the defendant starts playing it in parts just because I
18 think the intent of the defense is to get in a lot of
19 different parts with different witnesses of this video.

20 Am I correct on that?

21 MR. YOUNG: Well -- so my intention is to -- that they
22 came in there, Mr. Bright immediately asserted his right to an
23 attorney. Investigator Love said that's your right, glad you
24 said it, I'm going to leave. Sheriff Lemon stayed and
25 continued to try and talk to Mr. Bright, and then Investigator

ROXANNE LOVE - CROSS BY MR. YOUNG

1 Love came and reminded Sheriff Lemon that he needed to leave,
2 that he had asserted his right to an attorney, and pulled him
3 out.

4 MS. WEISS: Okay. And I'm still not sure of the
5 relevance.

6 MR. YOUNG: Well, Sheriff Lemon continued to try and
7 interrogate somebody after they had asserted their right to an
8 attorney.

9 THE COURT: All right.

10 MR. YOUNG: And had the -- and Investigator Love had to
11 go in and intervene to make sure that that right that he had
12 asserted was scrupulously honored.

13 MS. WEISS: Okay. But I'm still not sure what the
14 relevance is to this case.

15 MR. YOUNG: Well, this is part of this --

16 THE COURT: Well, the ramifications -- the ramifications
17 of that would be that if there were a statement, it would not
18 be able to be used --

19 MS. WEISS: Right.

20 THE COURT: -- if you were prosecuting.

21 MR. YOUNG: Sure, but it's also part of how Sheriff Lemon
22 was behaving in this investigation.

23 THE COURT: I'm going to allow you to proffer it, and
24 I'll take into consideration whether or not it should be in
25 evidence or not.

ROXANNE LOVE - CROSS BY MR. YOUNG

1 MS. WEISS: Your Honor, that was -- so as far as the
2 video, there's a lot of video with Bright that different
3 people -- Roxanne interviewed Mr. Bright, and then Jamie
4 Seales, who is the next witness, also interviewed Mr. Bright.

5 And so we just wanted to -- we understand that you're
6 probably going to watch all of this as a proffer regardless
7 because that's your job as the gatekeeper of the law.
8 However, if they're going to put in parts of it, then we --
9 and you're going to watch parts of it, we'd want a -- we'd
10 want it in its entirety because I think that's the best way to
11 understand the full context of this video, but if we do that,
12 we get into multiple hours of video, as opposed to the clips
13 they're showing.

14 MR. YOUNG: About 20 hours, I think.

15 MS. WEISS: Twenty hours?

16 MR. YOUNG: I think so.

17 MR. BANK: If you count all the time. Sorry. If you
18 count all the time that he was in the room alone, it's 15.

19 MR. YOUNG: If you want to play all of it.

20 THE COURT: I'll tell you what. I think he's entitled to
21 do that, and I'm going to allow him to proffer it, and then
22 it's going to be incumbent upon you to show whatever portions
23 you want. If you want to show all 15, you can, all 15 hours
24 you can. But that might be painful, but we might have to do
25 it.

ROXANNE LOVE - CROSS BY MR. YOUNG

1 MS. WEISS: I was just going to ask if Your Honor -- if
2 we could proffer it all to Your Honor and give it to you to
3 watch and not have to sit and watch all 15 -- all 15 hours or
4 whatever.

5 THE COURT: If I'm going to watch it, y'all are going to
6 watch it.

7 MS. WEISS: Yes, sir, Your Honor.

8 BY MR. YOUNG:

9 Q: Investigator Love, you've heard us discussing this video?

10 A: Yes.

11 Q: Does that sound accurate, my description of what happens
12 in this video?

13 A: For the most part, yes, sir.

14 Q: All right.

15 (WHEREUPON, a portion of the video on Court's Exhibit
16 Number 2 was played and then stopped. Not transcribed
17 herein.)

18 BY MR. YOUNG:

19 Q: Okay. You left the room?

20 A: Yes, sir.

21 Q: And Sheriff Lemon stayed in there?

22 A: Yes, sir.

23 (WHEREUPON, the video on Court's Exhibit Number 2 resumed
24 playing and was then stopped.)

25 BY MR. YOUNG:

ROXANNE LOVE - CROSS BY MR. YOUNG

1 Q: Now, are you watching what's going on in the room from
2 outside the room?

3 A: I don't remember. I could be where the actual recording
4 equipment is.

5 Q: There's a monitor in there?

6 A: Yes, sir.

7 Q: You can monitor in real time what's going on?

8 A: Yes. I believe I was. Yes, sir.

9 Q: Okay.

10 (WHEREUPON, the video on Court's Exhibit Number 2 resumed
11 playing and was then stopped.)

12 BY MR. YOUNG:

13 A: I was in and out. I don't recall.

14 Q: Okay. But there is a place where people can monitor
15 what's going on inside the room?

16 A: Yes, sir.

17 Q: Okay.

18 (WHEREUPON, the video on Court's Exhibit Number 2 resumed
19 playing and was then stopped.)

20 BY MR. YOUNG:

21 Q: So you went back in and stopped the conversation that was
22 going on right then?

23 A: Yes, sir.

24 Q: Okay. Because he had said I want a lawyer?

25 A: Yes, sir.

ROXANNE LOVE - CROSS BY MR. YOUNG

1 Q: And you knew that you shouldn't keep talking to him?

2 A: Correct.

3 Q: Okay. Mr. Bright in that video mentioned talking to
4 somebody. Do you know who he's talking about? Whether or not
5 you found the guy that saw him?

6 A: I believe his last name was Watson.

7 Q: Travis Watson?

8 A: Yes, sir. Travis.

9 Q: And he has a street name of Hulk?

10 A: Yes, sir.

11 Q: Okay. And you interviewed Travis Watson?

12 A: Yes, sir.

13 Q: And you had interviewed Travis Watson earlier that day?

14 A: I don't remember the time, but we did interview him, yes,
15 sir.

16 Q: I'm going to just sort of show you a transcript real
17 quick and ask you if this appears to be an interview with
18 Travis Watson?

19 A: Yes, sir.

20 Q: And it appears to be on 5/9 at 10:53?

21 A: Yes, sir.

22 Q: And that was you? I know it's labeled on here as
23 interviewer one and interviewer two, but you were in that
24 interview?

25 A: Yes, sir.

ROXANNE LOVE - CROSS BY MR. YOUNG

1 Q: And one of the things that you were talking to Travis
2 Watson about was whether or not he had seen Mr. Bright and
3 what night it was?

4 A: Correct.

5 Q: And it was important about what night it was because
6 Wednesday night it wasn't raining and Thursday night it was
7 raining?

8 A: Correct.

9 Q: And that was sort of the focus of, like, what night did
10 you see him on, whether or not it was raining or not?

11 A: Correct.

12 Q: Right. And Watson told you that he had seen him on
13 Thursday night because he remembered that it was raining?

14 A: Watson? You're talking about Wednesday into Thursday or
15 Thursday into Friday?

16 Q: Thursday into Friday.

17 A: From what I remember, Watson wasn't real sure. I think
18 he was -- he couldn't really say which night it was, but he
19 did see him. And I -- yeah.

20 Q: And you did recall it raining?

21 A: I don't recall that.

22 Q: Would you like to review the transcript? I'd be happy
23 to.

24 A: Yes, sir. Watson says, like I'm telling you, it's either
25 that Wednesday or that Thursday night.

ROXANNE LOVE - CROSS BY MR. YOUNG

1 Q: And he said, yeah, the rain because I knew it had rained,
2 it was raining something one night, and that was the night
3 that he got a ride back to his house? And I'm looking at the
4 bottom of page 9, top of page 10.

5 A: Where are you looking at? I apologize.

6 Q: Sure. On page 10 where he says -- you say so you're
7 pretty clear you were out there, it was not raining when you
8 were walking. When you saw him those two times, was it
9 raining then? He says, no, it wasn't raining then. It was
10 not raining when you saw him, and then you asked when Stanton
11 took him home, was it raining, and he said I think it was,
12 probably a light -- like, drizzle, light drizzle, I'm
13 thinking?

14 A: It was still -- it was to me that he wasn't sure. He
15 says "I think."

16 Q: Okay. Thank you. And you talked a little bit in your
17 direct testimony about the affidavit that you did for the
18 *Schmerber* hearing?

19 A: Yes, sir.

20 Q: And the affidavit you drafted was for a DNA sample;
21 right?

22 A: Yes, sir.

23 Q: And an -- and an x-ray?

24 A: Yes, sir.

25 Q: And the DNA sample, the probable cause for the DNA sample

1 was this match to this known standard from 2005?

2 A: I'd have to look at the -- I haven't looked at that in a
3 while as far as that, but yes, sir, I believe so.

4 Q: Sure. And I think I have it underlined right here.

5 A: Okay. Yes, sir.

6 Q: So it resulted in a match from the defendant based on a
7 prior DNA sample?

8 A: Right. Yes, sir.

9 Q: And you didn't say it was 2005. You didn't say that in
10 the affidavit?

11 A: It's not in there, no, sir.

12 Q: Okay. And you didn't say that it was a known standard
13 from 2005?

14 A: The sample?

15 Q: Yes.

16 A: Yes, sir. No.

17 Q: But it was a known standard; right? It wasn't a crime
18 scene sample. It wasn't an evidentiary sample. It was the
19 sample that Mr. Harrington had been court ordered to provide?

20 A: Can I see that again just to make sure?

21 Q: Sure.

22 A: Okay. The question again, please?

23 Q: Sure. And I -- let me back up a little bit.

24 A: Okay.

25 Q: In your conversations with Adrienne Hefney, the DNA

ROXANNE LOVE - CROSS BY MR. YOUNG

1 analyst at SLED --

2 A: Yes, sir.

3 Q: She had told you there was a potential for a known
4 standard -- right? -- from the 2005 case?

5 A: Right. Yes, sir.

6 Q: Right. Not a crime scene sample or a swab?

7 A: Right.

8 Q: But a known standard that we knew was collected from him,
9 and I don't know if y'all knew this at the time, pursuant to a
10 court order or not?

11 A: I'm not sure, but yes, sir, I know what you're talking
12 about.

13 Q: Okay. Whether it was consent or a court order, he gave a
14 blood standard, and that's what you knew you were looking for?

15 A: Yes, sir. Correct.

16 Q: And like -- let's just back up a little bit. It wasn't
17 something that was collected at a crime scene or part of the
18 case, it was a sample that he provided, and you knew it came
19 directly from him?

20 A: Correct.

21 Q: Okay. And you knew he had been acquitted in the 2005
22 case?

23 A: I came to know that.

24 Q: Okay. That he was found not guilty?

25 A: Yes, sir.

ROXANNE LOVE - CROSS BY MR. YOUNG

1 Q: I want to ask you a little bit about another interview
2 that you did. You did an interview with Mr. Harrington's
3 mother, Gatha Jones?

4 A: Yes, sir.

5 Q: Okay. And you did that at the Marlboro County Sheriff's
6 Office?

7 A: Yes, sir.

8 Q: And you had her come over there?

9 A: Yes, sir. Yes, sir.

10 Q: And she wasn't under arrest?

11 A: Oh, no, sir.

12 Q: Did you just call and ask her or did you give her a ride?
13 Do you remember how that worked?

14 A: I believe they just showed up based on a call, but I
15 don't -- I don't really recall.

16 Q: Okay. And is it your practice to pull, like, a driver
17 record before interviewing somebody?

18 A: No, sir, not always.

19 Q: Okay. Was one pulled for her?

20 A: I don't recall.

21 Q: Okay. I'm going to show you --

22 A: I didn't pull one.

23 Q: Okay. Well, I'll ask you take a look at this, and does
24 this appear to be a three-year driver record for Ms. Gatha
25 Jones?

ROXANNE LOVE - CROSS BY MR. YOUNG

1 A: Yes, it is.

2 Q: And does it have a date and time on it as to when it was
3 pulled?

4 A: Yes, sir. 5/7/2017 at 1:22 p.m.

5 Q: Okay. And does she have the DMV records or the ID
6 records that they keep addresses on them?

7 A: Yes, sir.

8 Q: And what was her address on that DMV record?

9 A: It says [REDACTED] S. Main Street, Apartment [REDACTED], McColl,
10 Marlboro --

11 Q: Okay.

12 A: -- County.

13 Q: And where did you list her address as on your interview
14 notes?

15 A: [REDACTED] Grace Street in Bennettsville, South Carolina.

16 Q: Okay. And those don't match?

17 A: This is what she told me.

18 Q: Okay. Oh, I'm sorry. There's a cell phone number that
19 she provided down there. Can you tell us what that cell phone
20 number is?

21 A: 843-439-2099.

22 Q: 2099 is the last four on that?

23 A: Yes, sir.

24 Q: Investigator Love, are there other ways to communicate on
25 a cell phone or a mobile phone that don't go through the phone

1 company?

2 A: Are you talking about through Wi-Fi?

3 Q: Sure.

4 A: Yes, sir.

5 Q: You can do Facebook Messenger?

6 A: Oh, yes, sir. Uh-huh.

7 Q: And that doesn't show up on your telephone records?

8 A: I don't believe so.

9 Q: And there are a number of apps, WhatsApp. I mean there's
10 Snapchat. There's a million different ways to talk to
11 somebody through a cell phone that don't show up on your cell
12 phone records?

13 A: Yeah. There are other ways of communicating, yes.

14 Q: Okay.

15 MR. YOUNG: Thank you, Investigator Love. That's all the
16 questions I have.

17 THE COURT: Any redirect?

18 MS. WEISS: Just briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. WEISS:

21 Q: Investigator Bethea, the defense showed you this
22 interview with Dwayne Bright, this conversation with Dwayne
23 Bright, and the date on that is what?

24 A: May the 9th, 2017.

25 Q: Was Bright already in custody at that point?

ROXANNE LOVE - REDIRECT BY MS. WEISS

1 A: Yes, ma'am.

2 Q: Okay. Do you know when he was arrested?

3 A: He was arrested in the wee hours of Sunday morning, which
4 would have been the 7th, May 7th, I believe.

5 Q: Did you have the opportunity to talk to him before he was
6 arrested?

7 A: I did.

8 Q: Okay. And was anybody in those -- in that conversation
9 with you?

10 A: Yes, ma'am.

11 Q: Who was that?

12 A: FBI agent Jim Granzio [ph]. I can't pronounce his last
13 name.

14 Q: Okay.

15 A: It's been quite some time. Granzio.

16 THE COURT: What day was that again? What day was the
17 interview?

18 THE WITNESS: With the FBI agent, we interviewed him that
19 Saturday, which would be May the 6th.

20 BY MS. WEISS:

21 Q: That's what I was getting to. So you interviewed him on
22 May the 6th?

23 Q: Yes, ma'am.

24 Q: Did you interview him once or twice?

25 A: We -- I believe it was twice because we were in and out.

1 We took a break and everything.

2 Q: Okay. And did he ask for an attorney at that time?

3 A: No, ma'am.

4 Q: Did Sheriff Lemon come in during those interviews?

5 A: No, ma'am.

6 Q: Did Sheriff Lemon order you or suggest or tell you what
7 to ask, what not to ask? Was he -- did he structure that --
8 those interviews at all?

9 A: No, ma'am. He didn't structure any interviews that I
10 did.

11 Q: And during those interviews -- no. The defense asked you
12 about Travis Watson. During the interviews, did he suggest or
13 did he give you any times or dates of where he was, where he
14 walked to and from the victim's home?

15 A: Repeat that? I'm sorry.

16 Q: Did he give you -- did -- did Bright admit to being at
17 the victim's home at some point that week?

18 A: Yes.

19 Q: And did he tell you what day he was there?

20 A: He initially said Wednesday into Thursday.

21 Q: Did he give you directions on the way he walked?

22 A: He did.

23 Q: Okay. And did that involve walking by any areas that had
24 a surveillance camera?

25 A: He walked by the Bojangles here in Marlboro County.

ROXANNE LOVE - REDIRECT BY MS. WEISS

1 Q: And did he tell you anything specific about the Bojangles
2 when he was walking by?

3 MR. YOUNG: Your Honor, I would object as this is beyond
4 the scope.

5 THE COURT: I'm going to allow her to ask it.

6 BY MS. WEISS:

7 A: Yes, ma'am, he did. He said that there was a delivery
8 truck out there.

9 Q: And have you had a chance to look at your -- to look at
10 your interview of Gatha Jones?

11 A: I did.

12 Q: The defense asked you about that. Do you remember what
13 she said as far as when was the last time she had seen Mr.
14 Harrington?

15 A: Can I see that interview?

16 Q: Would it help you to refresh your memory to look at your
17 --

18 A: Yes.

19 Q: -- notes?

20 A: Yes, ma'am. She stated that --

21 MR. YOUNG: Objection. Hearsay.

22 THE COURT: What do you have to say about that?

23 MS. WEISS: This is a report that the defense had already
24 asked her about information provided by Ms. Gatha Jones, and
25 I'm just expanding on what they've already provided as to the

1 information provided by Gatha Jones.

2 MR. YOUNG: If she has more questions about the address
3 or the cell phone number that was provided, that's fine.
4 That's all I asked about. I didn't ask about anything about
5 the contents.

6 THE COURT: Nor the -- not the substance of the
7 interview?

8 MR. YOUNG: No, sir. I didn't ask anything about the
9 substance, just sort of -- there were DMV records that were
10 pulled of the witnesses that have addresses on them and they
11 might be different.

12 THE COURT: I'll sustain the objection. Of course, you
13 can call the necessary witness to elicit that information.

14 MS. WEISS: Yes, Your Honor.

15 BY MS. WEISS:

16 Q: As a result of that -- that interview with Gatha Jones,
17 were you able to confirm anything that you were looking for in
18 your investigation as far as a car that you might've been
19 looking for?

20 A: She stated that he drove a Mitsubishi Eclipse. That's
21 one thing that --

22 Q: Were you able to -- okay.

23 A: And smoked Newport cigarettes.

24 MS. WEISS: I beg the Court's indulgence.

25 No further questions, Your Honor.

1 THE COURT: You may step down.

2 All right. The State may call the next witness.

3 MS. WEISS: The State calls Jamie Seales.

4 THE COURT: Is it Jamie Seales or James?

5 MS. WEISS: Jamie.

6 THE COURT: Jamie.

7 MS. WEISS: J-a-m-i-e. He's in the back.

8 MR. BANK: Your Honor, just to let you know, we did go
9 ahead and file with the clerk the motion related to the Lemon
10 Laws. I just wanted to make sure that either there was a
11 written copy available for you to review at any time, and
12 we're happy to argue it whenever you've had a chance to review
13 it. Oh, and, Judge, this would be very helpful. We have the
14 attachments that go with it.

15 (WHEREUPON, there was a pause in the proceedings until
16 the witness entered the courtroom.)

17 THE CLERK: Raise your right hand. Do you solemnly swear
18 or affirm to tell the truth, the whole truth, and nothing but
19 the truth, so help you God?

20 THE WITNESS: I do.

21 THE CLERK: Okay. If you'll be seated, please.

22 THE COURT: Yes, sir. Come around and have a seat in the
23 witness chair. Pull up real close to that microphone and
24 speak loudly, clearly, and slowly in order that we can hear
25 everything that you have to say, and let's start with your

1 full name.

2 THE WITNESS: Yes, sir. Jamie Seales.

3 JAMIE SEALES, being first duly
4 sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. WEISS:

7 Q: Good morning, Investigator Seales. Will you please tell
8 the Court where you are currently employed?

9 A: I'm employed with the South Carolina Attorney General's
10 Office.

11 Q: And what is your position there?

12 A: Assistant chief investigator.

13 Q: Which unit?

14 A: Medicaid fraud control unit.

15 Q: And when did you come to the Attorney General's Office?

16 A: June 17th of '17.

17 Q: And when were you made an offer to come to the Attorney
18 General's Office or did you accept the offer to come to the
19 Attorney General's Office?

20 A: I think it was late April of '17.

21 Q: Were you working on -- so prior to working at the
22 Attorney General's Office, where were you working?

23 A: Prior or my whole career?

24 Q: Prior to the Attorney General's Office.

25 A: Prior to the Attorney General's Office, the Marlboro

JAMIE SEALES - DIRECT BY MS. WEISS

1 County Sheriff's Office.

2 Q: Okay. And what was your position there?

3 A: I've worked there twice. The time right before I came to
4 the Attorney General's Office, I was a sergeant in
5 investigations.

6 Q: All right. Then let's go through the timeline of when
7 you were there, so what you've done in your career. How long
8 have you been in law enforcement?

9 A: This past October was 25 years.

10 Q: And where did you start out in law enforcement?

11 A: I started in 1997 at Probation, Parole, and Pardons in
12 the Chesterfield County office, and then I transferred here to
13 the Marlboro County office in '99.

14 Q: And how long did you stay with the Marlboro County
15 Probation, Pardon, and Parole Office?

16 A: I left in 2005. So I guess about -- about seven years
17 total in Probation and Parole. I came to the Marlboro County
18 Sheriff's Office shortly after Sheriff Knight was elected
19 sheriff in 2005.

20 Q: And how long did you work at the Marlboro County
21 Sheriff's Office at that point?

22 A: I worked there from February of '05 to April of 2006.

23 Q: And what was your position with the Marlboro County
24 Sheriff's Office at that time?

25 A: Just a criminal investigator.

1 Q: And where did you go in 2006?

2 A: State Law Enforcement Division.

3 Q: What was your role at the State Law Enforcement Division?

4 A: I was a crime scene agent.

5 Q: And how long were you with the crime scene unit at SLED?

6 A: Until October of 2007.

7 Q: And where did you go in 2007?

8 A: My mom got sick, and she lived here so I needed to move

9 back to help her, and Sheriff Knight hired me back at the

10 Sheriff's Office as a lieutenant over investigations.

11 Q: Okay. And from 2007, how long did you stay with the

12 Marlboro County Sheriff's Office?

13 A: Until June. I think my last day here was -- I started in

14 the AG's office in '17.

15 Q: Okay.

16 A: I think it was the 14th or 15th of June of '17.

17 Q: So you were hired back as a lieutenant over

18 investigations by Sheriff Knight?

19 A: Correct.

20 Q: And did you -- did you ever go to another level above

21 lieutenant?

22 A: No.

23 Q: Okay. So lieutenant was the highest level at Marlboro

24 County Sheriff's Office, and you stayed a lieutenant until --

25 as long as Sheriff Knight was in office?

1 A: Yes.

2 Q: Okay. And then you said Sheriff Lemon came into office
3 in January of '17?

4 A: Yes. He won the primary in June of '16 and didn't have
5 any opposition on the ticket. So he ultimately became sheriff
6 and was sworn in January of '17. That's correct.

7 Q: Or sometime after the election? Sometime after the
8 election he was sworn in. Would that be after the November
9 election?

10 A: Uh-huh.

11 Q: And did he run against Sheriff Knight?

12 A: No.

13 Q: And did Sheriff Knight stay and work in the Sheriff's
14 Department?

15 A: He did.

16 Q: Okay. So you said at the time of May of 2017, you were a
17 sergeant over investigations?

18 A: Uh-huh.

19 Q: When Sheriff Lemon came in, did he rearrange the staff as
20 far as rankings?

21 A: He did.

22 Q: Okay. And so who was the lieutenant over investigations?

23 A: Sara Albarri.

24 Q: And initially, where did he put you?

25 A: Initially -- so typically, when sheriffs take office,

JAMIE SEALES - DIRECT BY MS. WEISS

1 technically they rehire -- have to rehire the deputies. So I
2 was just rehired as an investigator initially, and sometime
3 between January and April or May -- well, I guess about March
4 or April, he promoted me from investigator to sergeant of
5 investigations.

6 Q: Okay. So -- so as of -- as of May 5th, 2017, you were
7 the sergeant over investigations?

8 A: Correct.

9 Q: But you had been the lieutenant for about the ten years
10 prior?

11 A: Correct.

12 Q: Okay. So going back to May -- May 4th, May 5th of -- May
13 5th of 2017, were you working that morning?

14 A: Yes.

15 Q: Okay. And had you -- did you get called out to the
16 incident location of the murder?

17 A: I did.

18 Q: Do you remember about what time you got called out?

19 A: I typically got to the office between 7:30 and eight. I
20 think I made it in a little earlier that morning. If I had to
21 guess, it was 7 -- 8 a.m., somewhere in there.

22 Q: Okay. And so -- so you would've heard the original
23 callout when it came out?

24 A: I didn't have my radio on. I got a telephone call.

25 Q: Telling you to come out there? Asking you?

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1 A: Just saying, you know, this is what we have. Just being
2 a sergeant in investigations, anytime we -- patrol guys have a
3 scene they respond to that they thought they needed
4 investigative assistance, they would call us.

5 Q: So you got a call from patrol?

6 A: Uh-huh.

7 Q: Asking for assistance?

8 A: Yes.

9 Q: And you said at that point that you had already accepted
10 a job with the Attorney General's Office. Was the sheriff
11 aware at that point that you had accepted a job with the AG's
12 Office?

13 A: He wasn't aware that I accepted it. He was aware that
14 they had started a background investigation. I had told him
15 about that.

16 Q: They had started a background?

17 A: Yes.

18 Q: Okay. And so had you put in your notice at that point?

19 A: I had it printed on my desk that Friday morning. That's
20 why I came in a little earlier.

21 Q: Okay. And -- but you got called out to this scene?

22 A: Yes.

23 Q: And so did you end up putting in your notice that day?

24 A: I put it on my desk, and I called Human Resources with
25 the Attorney General's Office and told them what was going on

1 and asked them if I could have, like, a six-week start
2 extension because I just didn't want to leave the Sheriff's
3 Office with that type of case going on.

4 Q: When you say that type of case, what do you mean?

5 A: The murder investigation.

6 Q: Okay. And even in addition to the murder investigation,
7 there was also the other part of the investigation going on?

8 A: There was a missing child.

9 Q: Okay. So you get a call to come out to the scene. Did
10 you go inside the scene when you got there?

11 A: No. When I got there, I stood -- from what I recall, I
12 stood in the road. It was already roped off and there wasn't
13 any reason for me to walk up to it. At that point, there were
14 a lot of people there.

15 Q: And was Lt. Albarri already there?

16 A: I can't remember if she was there or she arrived shortly
17 after.

18 Q: Okay.

19 A: I had a closer drive from the office than she had from
20 home. I don't know if she was already there or not.

21 Q: Did you have the opportunity to talk to her that morning?

22 A: I did.

23 Q: Okay. And what were the first things that you did as far
24 as the -- as far as assisting with the scene and the
25 investigation?

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1 A: Her being my superior, I talked to her and asked her if
2 she wanted me to help to try to organize getting some duties
3 assigned and getting investigators going in certain
4 directions. We talked about that. She agreed. She knew I
5 had previously worked a lot of FBI in Florence, and I could
6 use my contacts with them to see if they could help. And I
7 called over to the region office of SLED. I think I called a
8 couple of the agents that I knew personally to go ahead and
9 try to get some assistance with them and get crime scene on
10 the way.

11 Q: Okay. And so you called SLED and the FBI to start that
12 ball rolling?

13 A: Uh-huh.

14 Q: And -- and then what was -- what -- what did you do next
15 as far as moving forward the investigation?

16 A: I think I started just generally -- again, different
17 investigators that were there that I knew had a certain skill
18 set, I was asking them to do various things. I think
19 primarily I went back and got a description of the residence
20 of the crime scene and some preliminary information. I went
21 back to start a search warrant for the processing of the crime
22 scene for SLED.

23 Q: And was a search warrant -- I'm going to show you State's
24 Exhibit 578 for identification. Do you recognize this?

25 A: Yes.

1 Q: And what is that?

2 A: This is a search warrant for the [REDACTED] Craig Circle
3 residence.

4 Q: And what was the purpose of that search warrant?

5 A: For SLED crime scene to process it for forensic evidence.

6 Q: Okay. And did you obtain that search warrant?

7 A: I did.

8 Q: And did you deliver it to the scene to crime scene?

9 A: I did.

10 Q: Once crime scene processed the scene, did you then follow
11 up with another search warrant for items that were retrieved
12 from the scene?

13 A: Yes. That would probably have been an electronic search
14 warrant for some of the devices.

15 Q: I'm going to show you State's Exhibit 579 for
16 identification. Do you recognize that search warrant?

17 A: Yes.

18 Q: And is that the search warrant you were just describing?

19 A: Yes.

20 Q: And that was for the digital forensics?

21 A: Yes.

22 Q: Okay. What was the date of that search warrant?

23 A: It was signed on 5/5/17.

24 Q: Okay.

25 MS. WEISS: At this time, I'd like to move State's

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1 Exhibits 578 and 579 into evidence.

2 MR. YOUNG: No objection.

3 THE COURT: Any objection?

4 MR. YOUNG: No objection.

5 THE COURT: They're into evidence.

6 (WHEREUPON, State's Exhibits Number 578 and 579, search
7 warrants, were admitted into evidence.)

8 BY MS. WEISS:

9 Q: Once you got those search warrants, you got them where
10 they needed to go?

11 A: Yes.

12 Q: But did you actually carry out the search warrants on
13 those?

14 A: No.

15 Q: So at some point between 5/5 and 5/6, did you have the
16 opportunity to come into some information related to the
17 investigation of a potential person of interest?

18 A: Yes.

19 Q: And who was that?

20 A: Who the person of interest was?

21 Q: Uh-huh.

22 A: Dwayne Bright.

23 Q: Okay. And how did you come into that information?

24 A: From what I recall, we got a -- we got a phone call from
25 Jamie Campbell, who had some -- some, I think, text messages

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1 and some other electronic communication between Ella Lowery
2 and Dwayne that Ella had previously sent to Jamie that they
3 both found disturbing, and I think Jamie was just pointing us
4 in the direction of this as a person you might want to look
5 at. These are the text messages, and this is -- you know,
6 take a look at this. Take a look at this language.

7 Q: Okay. And did you pass that information on?

8 A: I did.

9 Q: And did anyone, as far as you know, start to talk to
10 Dwayne Bright or try to locate who that was?

11 A: Yes. He was brought to the Sheriff's Office.

12 Q: Okay. Did you interview him at that point?

13 A: Yes. At one point, all --

14 Q: No. At that point when he was first brought to the
15 Sheriff's Office?

16 A: Oh, no.

17 Q: Okay. Who interviewed him at that point?

18 A: And just for reference, that would've been 5/6, I think.
19 May 6th.

20 Q: Right. And that was the -- so that was Saturday?

21 A: Uh-huh.

22 Q: And who interviewed him first?

23 A: From what I recall, it was Lt. Bethea and an FBI agent.

24 Q: And did you observe some of that interview?

25 A: I watched parts of it. We have a small room where you

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1 could observe, and it was very small, but I mean after they
2 would take breaks, I would talk with Lt. Bethea and kind of
3 get her synopsis of what was said.

4 Q: Okay. And as a result of that, those interviews, was
5 there anything of interest that you -- that you through -- I'm
6 going to step back a second. So when you would go into the
7 office, especially starting that Saturday, how were -- how was
8 this investigation being run?

9 A: As far as the people that were assisting us?

10 Q: Yeah. As far as the whole --

11 A: So --

12 Q: -- morning and evening and throughout the day?

13 A: Once the FBI CARD team got there, we had multiple local
14 agencies from all over our county and some surrounding
15 counties who were offering to assist. We had a large group of
16 law enforcement officers every day, and we have a large
17 conference room at the Sheriff's Office. So we made that a
18 command post, and the FBI agents came down to help us to start
19 structure the investigation as far as where they were set up
20 at and the things that they would do and the things, and we
21 started just kind of forming a plan every day and had
22 briefings and things of that nature.

23 Q: Okay. And you said there were briefings every day. When
24 would the briefings occur?

25 A: They were usually in the mornings. There could have been

1 some late afternoons, just depending on what type of evidence
2 there was. A lot of times in the mornings we'd have new areas
3 to conduct searches for Iyana. So we would have search
4 groups. We'd have agencies. We'd have just various agencies
5 who wanted to help, and they would come in and people would --
6 there were certain people in charge of showing them the plots
7 of land to search or the plots of property. So the morning
8 briefings were really a huge effort to try to keep the search
9 for Iyana organized and moving forward.

10 Q: Okay. And at the same time you were looking for who
11 might have killed Ella Lowery as well?

12 A: Yes.

13 Q: Hoping that that person would be tied to finding Iyana?

14 A: Yes.

15 Q: So as we go through, obviously, you were involved in a
16 lot of search warrants?

17 A: Yes.

18 Q: So what was your role? You said there were people doing
19 searches, there were people doing interviews, the CARD team
20 was there. What was your role? How did you see your role in
21 this investigation?

22 A: Well, I knew I was leaving. So I was trying to, as much
23 as I could, stay out of people's way the best I could without
24 -- you know, Sara was my support team, she was my supervisor.
25 So I was trying to help her and Roxanne, the lieutenant with

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1 SLED who was there, and Mike Connelly, the FBI agent who was
2 there. That us four were sort of trying to structure and
3 steer the investigation, make sure that we had the briefings
4 and that stuff was turned in and things of that nature.

5 Q: So at first you went out to the scene and called people,
6 but then you went back and started doing search warrants,
7 started typing up search warrants?

8 A: Yes.

9 Q: Okay. And you said you didn't serve those search
10 warrants, you got them out to who needed them to serve the
11 search warrants?

12 A: Yes.

13 Q: And then you were watching the interview that SLED and
14 FBI did of Dwayne Bright?

15 A: Uh-huh. I saw parts of it.

16 Q: And talked to Roxanne about how that went?

17 A: Yes.

18 Q: And I guess, was one of the key issues that had come up
19 was that Dwayne Bright didn't have a car?

20 A: Yes. I remember in one of the interviews he said he
21 didn't. They kept asking him if he had driven. So I think he
22 said he had never driven a car.

23 Q: So when you would do the next search warrant, was that
24 sort of a group effort of a conversation or did you go and do
25 search warrants and tell people what to do?

1 A: No. I would -- when it was time or we were in a position
2 in the investigation to prepare a search warrant, I would
3 typically either be on my laptop in the command post
4 conference room but mostly in my office, and folks would come
5 in and sit in my chairs in my office with a notepad who had
6 the critical information for the affidavit, and I would ask
7 the questions.

8 So you're saying at this time it happened this, this
9 happened, this, and I'd prepare the search warrant. I had so
10 many examples of search warrants over the years saved on my
11 computer from working there that it was just easier for me to,
12 you know, copy and paste some stuff, move stuff around so we
13 could get them to where they needed to go.

14 Q: And at some point, did you become aware that the Ford
15 Fusion at the crime scene had not been searched?

16 A: Yes.

17 Q: Do you know how you became aware of that?

18 A: I don't remember.

19 Q: Okay. But you weren't out there during the crime scene
20 search?

21 A: No.

22 Q: So did you do an additional search warrant for the Ford
23 Fusion that was out there?

24 A: This is the one at Ella's house crime scene? Yes.

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

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1 Exhibit 580 for identification. Do you recognize that?

2 A: Yes.

3 Q: And what was the date that you did that search warrant?

4 A: It was signed by the magistrate on 5/6/17.

5 MS. WEISS: Your Honor, at this time, I'd like to move
6 State's Exhibit 580 into evidence.

7 MR. YOUNG: Without objection, Your Honor.

8 THE COURT: 580 is into evidence.

9 (WHEREUPON, State's Exhibit Number 580, search warrant
10 for Ford Fusion, was admitted into evidence.)

11 BY MS. WEISS:

12 Q: Based on that search warrant, what was the reason that
13 the investigation was concerned about searching the Ford
14 Fusion?

15 A: There was a bloody footwear impression or appeared to be
16 a bloody footwear impression found at the scene near the
17 driver's door of the vehicle.

18 Q: So as a result of that -- and at this point, the person
19 of interest that you were focused on was Dwayne Bright?

20 A: Correct.

21 Q: And so why at this time is it important to search the
22 Ford Fusion that was at the carport next to the bloody
23 footprint?

24 A: Well, I think my initial thought was to see if Iyana was
25 in it.

1 Q: Right.

2 A: Or if anybody else had got in it or any suspects would
3 have touched it or anything connecting the bloody footwear
4 impression to a suspect and the car.

5 Q: Okay. And did you actually carry out that search
6 warrant?

7 A: No. This would have been for SLED crime scene.

8 Q: Okay. So you were able to get the search warrant?

9 A: Yes.

10 Q: And are you aware if anything helpful from this search
11 warrant came out for the investigation?

12 A: I'm not. I'm not aware. There's nothing on the return
13 or something. So . . .

14 Q: And then at some point, did you have the opportunity to
15 interview Dwayne Bright?

16 A: Yes.

17 Q: And you said you were keeping a distance from this
18 investigation?

19 A: Uh-huh.

20 Q: Doing search warrants kind of from the periphery. So why
21 at this point did you now get involved in an interview?

22 A: There was something that occurred in the interview
23 investigation process that we thought it was a good idea for
24 somebody else to talk to him.

25 Q: And you had basically 20 years' experience at that point

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1 in investigations, law enforcement experience?

2 A: Yes, ma'am.

3 Q: And so you went in and talked to him?

4 A: Yes.

5 Q: And at the same time you did some other -- another set of
6 -- another set of search warrants related to Dwayne Bright?

7 A: That same day?

8 Q: Uh-huh.

9 A: Yes.

10 Q: And what were those for?

11 A: Sometime during that afternoon while, I think, Lt. Bethea
12 and the FBI agent were interviewing Bright, we conducted a
13 search warrant at Mr. Bright's residence, and I think I recall
14 that whatever we seized from there would probably need an
15 electronic search warrant done also in relation to some items
16 that were seized from his residence.

17 Q: And did you actually carry out that search warrant?

18 A: I went down to the residence, but I didn't. I don't even
19 think I went inside the house. I just stood out in the road.

20 Q: Again, that was crime scene?

21 A: Uh-huh. Yes.

22 Q: And we're talking on 5/6, so a lot was going on on 5/6?

23 A: Uh-huh.

24 Q: That Saturday. I'm going to show you what's been marked
25 as State's Exhibit 581 for identification. Do you recognize

1 that?

2 A: I do.

3 Q: And what is that?

4 A: It's a search warrant issued to AT&T Wireless.

5 Q: And what phone number was it?

6 MS. WEISS: Oh, well, Your Honor, at this time, I would
7 like to admit State's Exhibit 581 into evidence.

8 MR. YOUNG: Which one is it?

9 MS. WEISS: AT&T.

10 MR. YOUNG: Your Honor, I don't remember if we objected
11 at our prior hearing on this one. To the extent that we did,
12 we would just maintain our objection.

13 THE COURT: All right. It's into evidence over
14 objection.

15 (WHEREUPON, State's Exhibit Number 581, search warrant to
16 AT&T, was admitted into evidence.)

17 BY MS. WEISS:

18 Q: And what was that search warrant for? What was that
19 phone number that search warrant was for?

20 A: 843-535-3480.

21 Q: Okay.

22 THE COURT: What was the last four numbers, please?

23 THE WITNESS: 3480.

24 BY MS. WEISS:

25 Q: And do you know where you had gotten that phone number to

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1 seek a search warrant?

2 A: On the affidavit, during the investigation the number
3 listed herein has been identified as being one of the last
4 numbers that had activity on the victim's cell phone shortly
5 after 1 a.m. on the day she was discovered.

6 Q: Okay. I'm going to show you State's Exhibit 264. Do you
7 recognize this?

8 A: With this search warrant it's actually from, it appears
9 to be the return, the records that were requested for in this
10 search warrant.

11 Q: Okay.

12 A: From AT&T.

13 Q: And -- and the front page on that is what?

14 A: Letterhead says AT&T Global Legal Demand Center,
15 Declaration of Authenticity of AT&T Records --

16 Q: Okay.

17 A: -- for 535-3480, area code 843.

18 Q: And so that was the response to your search warrant?

19 A: Yes, it appears so.

20 Q: Okay.

21 MS. WEISS: Your Honor, at this time, I'd like to admit
22 State's Exhibit 264 into evidence.

23 THE COURT: Any objection?

24 MR. YOUNG: We'd maintain our objection.

25 THE COURT: Into evidence over objection.

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1 (WHEREUPON, State's Exhibit Number 264, AT&T records of
2 Dwayne Bright, was admitted into evidence.)

3 BY MS. WEISS:

4 Q: Once you received the return, once the return came in,
5 what did you do with that return?

6 Q: That would have probably been emailed to me, I think. I
7 forwarded it to Trevor Murphy or the FBI agents who were
8 reviewing the phone records. I wouldn't -- I wouldn't have
9 maintained phone records.

10 Q: So you didn't review those phone records? You got them
11 and then --

12 A: Yeah.

13 Q: -- turned them over?

14 A: Turned them over to whoever was part of the team that was
15 doing it.

16 Q: Okay. And then you also did -- you continued doing
17 search warrants for Dwayne Bright's clothing as well from the
18 jail?

19 A: Post-arrest, yes.

20 Q: Okay.

21 A: Is that what you're asking?

22 Q: All right. So post-arrest you did a search warrant --

23 A: Yes.

24 Q: -- for his clothing?

25 A: After he was arrested, there was a search warrant done

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1 for the detention center to collect some clothes, yes.

2 Q: And so basically you interviewed him, you did these
3 search warrants of his home, the car, of all those things, and
4 then were you the one who actually signed the warrant?

5 A: No.

6 Q: Were you the one who actually arrested Dwayne Bright?

7 A: No.

8 Q: But you were aware he was arrested?

9 A: Yes.

10 Q: And that was sometime late night of the 6th, early
11 morning of the 7th?

12 A: Yes. It would've been probably 4 a.m. I think we booked
13 him on the 7th, if I recall, somewhere around the morning.

14 Q: And did you interview him again after that?

15 A: No.

16 Q: Okay. And so what was -- so you -- were you continuing
17 to investigate at that point? Somebody was in custody.

18 A: Yes.

19 Q: Did you continue to investigate?

20 A: Yes.

21 Q: Okay. And what was the -- do you know what the next
22 thing is that you were asked to look into or asked to do a
23 search warrant for? I'm sorry.

24 A: Asked to do a search warrant for? So we were talking
25 about he was booked in at 4 a.m. on the 7th.

1 Q: And then?

2 A: So then we go home and sleep a couple hours and come back
3 Sunday morning. I can't remember what I did a search warrant
4 for next. I can remember what I did -- some of what I did
5 that Sunday, but not for as far as search warrants.

6 Q: I'm going to show you two search warrants that are both
7 as part of State's Exhibit for identification Number 582. Do
8 you recognize these search warrants?

9 A: Yes. This was on 5/8 and 5/9. So the 7th was Sunday.
10 This would have been Monday and Tuesday.

11 Q: Okay. And did you -- did you get both of those search
12 warrants?

13 A: Yes.

14 MR. YOUNG: Which two are these?

15 MS. WEISS: These are the search warrants for the Grace
16 Street.

17 MR. YOUNG: For the flip phone?

18 MS. WEISS: For the phones, and then another search
19 warrant.

20 MR. YOUNG: Your Honor?

21 I'm assuming you're asking those be introduced?

22 MS. WEISS: Yes.

23 MR. YOUNG: Your Honor, we had a previous hearing on
24 these search warrants where Officer Seales testified. I'd
25 like to incorporate all of our previous arguments by way of

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1 reference. I know Your Honor has heard those before and then
2 ruled against me on those, but I just want to make sure that
3 I'm protected on the record on this.

4 THE COURT: You're protected on the record in all
5 respects, and they're entered into evidence over objection.

6 (WHEREUPON, State's Exhibit Number 582, two search
7 warrants, was admitted into evidence.)

8 MS. WEISS: Thank you, Your Honor.

9 BY MS. WEISS:

10 Q: State's Exhibit 582 are the search warrants for what
11 area?

12 A: [REDACTED] Grace Street.

13 Q: Okay. And at that point, what were -- what was the
14 reason for that search warrant?

15 A: Excuse me. I'm looking for the affidavit part. I don't
16 -- I don't have an affidavit for that one.

17 MS. WEISS: I beg the Court's indulgence one moment.

18 BY MS. WEISS:

19 Q: I'm going to show you what's -- what's been marked for
20 identification as State's Exhibit 583. Do you recognize that
21 envelope?

22 A: Yes, I do.

23 Q: What is that?

24 A: This is an envelope with my handwriting on it that I put
25 a -- I enclosed an affidavit, as I recall, for this search

1 warrant there we're talking about. It says search warrant for
2 [REDACTED] Grace Street, and I met with Judge Henderson and he
3 ordered that it was sealed, and I put it in, sealed it with
4 evidence tape, and filed it in the magistrate's office.

5 Q: Okay. And what would be -- what would be a reason that
6 you would seal an affidavit on a search warrant?

7 A: Because at the time the critical information and evidence
8 that we had just received that linked another defendant to the
9 case, Mr. Harrington, we thought and felt compelled that to
10 keep this secretive from the public would aid in finding Iyana
11 alive.

12 Q: Okay. So at this point, Iyana still has not been found?

13 A: She has not.

14 Q: Okay. And that sealed search warrant affidavit --

15 A: Uh-huh.

16 Q: -- was opened -- was ordered to be opened by Judge
17 Nettles previous to this hearing at another hearing?

18 A: In July, yes, ma'am. I think it was -- I think it was
19 July.

20 Q: Okay. So now do you have the affidavit for that search
21 warrant?

22 A: I do.

23 Q: Okay. So what was the -- what was the reason that you
24 got the search warrant for 603 Grace Street?

25 A: Would you like me to read it or just kind of summarize

1 it?

2 Q: You can summarize it.

3 MR. YOUNG: Your Honor, is it -- is Ms. Weiss putting the
4 affidavit into evidence?

5 MS. WEISS: Yes.

6 MR. YOUNG: Your Honor, briefly, in addition to the
7 grounds previously argued to Your Honor, the defense would
8 also argue that under 17-13-150 of the South Carolina Code, a
9 person served with a search warrant shall be furnished with a
10 copy of the warrant and the supporting -- and affidavits
11 supporting it, and that failure to attach the affidavit to the
12 search warrant would make the search warrant null and void and
13 meaningless and as an additional ground for exclusion.

14 THE COURT: All right. And your objection is noted but
15 overruled.

16 BY MS. WEISS:

17 Q: So the information that you put in that search warrant --

18 MS. WEISS: Just to be clear, State's Exhibit --

19 THE WITNESS: I'm sorry.

20 MS. WEISS: -- 583, the State would like to move that
21 into evidence.

22 THE COURT: It's into evidence over objection.

23 (WHEREUPON, State's Exhibit Number 583, affidavit to
24 search warrant, was admitted into evidence.)

25 BY MS. WEISS:

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1 Q: So did you personally review all of the information that
2 you typed into that search warrant or any of these search
3 warrants necessarily or you said somebody would come in your
4 office and give you the information?

5 MR. YOUNG: Objection. Leading.

6 THE CLERK: Sustained. Rephrase the question.

7 BY MS. WEISS:

8 Q: Where did you get the information for the search
9 warrants?

10 A: It was a collaboration of information from other
11 individuals, law enforcement working on the case.

12 Q: Okay. And so what was the reason for that search
13 warrant?

14 A: Well, in the second paragraph, it talks about the -- some
15 DNA analysis had been completed on a cigarette butt found at
16 the front door of the residence. It had been confirmed to a
17 match to JeJauncey Fernando Harrington. It lists his date of
18 birth and his SCDL. DNA results also suggest that Iyana, who
19 was missing, could be severely injured while gone. Then the
20 next paragraph talks about the utilization of analyzing phone
21 records by various agencies.

22 Then the fourth paragraph, it says three phones listed
23 herein have been established as belonging to or used by or
24 accessed to regularly by Harrington. On 5/7/17, FBI agents
25 from Atlanta field office interviewed Jamie Campbell.

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1 Campbell was the ex-girlfriend of Harrington. The 843-535-
2 3480 number listed is an AT&T number with subscriber
3 information to Campbell. Campbell advised the FBI that she
4 gave the phone to Harrington in July of 2016 when they broke
5 up and she moved to Atlanta.

6 This number has been in use for over 100 calls, texts,
7 and voice mails since March of '17 between the victim and who
8 we suspect to be Harrington. On the night of the murder, the
9 last communication with this phone was this number at 1:08
10 a.m., and then the phone was shut off and has not been back
11 on.

12 The other two cells -- cell phone numbers listed herein
13 ending in 428-2099, Campbell stated in her interview to the
14 FBI that she knows these numbers to be Harrington's and that
15 Harrington uses these or has access to. Over the past seven
16 days, last know RTT data from Verizon for these phones show
17 that both of these phones have been communicating with the
18 tower close to the home, and that historically all three
19 phones have communicated with the same tower.

20 Over the past four days specifically and before that,
21 these two phones have been received -- have received calls
22 from Graham and her cell, 706-386-6788, as she has tried to
23 get in touch with him, and she has admitted the same to the
24 FBI.

25 That Graham, as we -- I think we talked about in here in

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1 July, is Campbell. I misspoke and put Graham instead of
2 Campbell.

3 Harrington lists the address herein on his SCDMV records.
4 Graham, again meaning Campbell, stated that Harrington lives
5 at an address listed herein. The vehicle listed here was seen
6 at the residence yesterday by MCSO Investigators and is
7 registered to Graham, and there's another paragraph of some
8 more probable cause. This search warrant was also not just
9 for the residence. It was also for the -- the residence and
10 the 1998 Eclipse, assuming it was there.

11 Q: Okay. Okay. And what was that address?

12 A: [REDACTED] -- no. [REDACTED] Grace Street.

13 Q: And you said the address was on Harrington's DMV?

14 A: Yeah. That's what I put in the affidavit.

15 Q: Okay. Have you had a chance to review that?

16 A: Yes.

17 Q: Was it in the DMV record?

18 A: No, it's not.

19 Q: Was it in another record that you had?

20 A: Yes. It's in -- it was in one of the comprehensive
21 reports that's SLED sent. It could have been. We use TLO and
22 CLEAR. Somebody in investigation gave it to me. It could've
23 been a jail record too. I -- whenever I -- just was mistaken
24 on the DMV --

25 MR. YOUNG: Your Honor, I need to object and move to

JAMIE SEALES - DIRECT BY MS. WEISS

1 strike jail record. I'm not aware of any jail record --

2 THE COURT: Sustained.

3 MR. YOUNG: -- or other record.

4 THE COURT: Sustained.

5 BY MS. WEISS:

6 Q: But it was on other records that you are aware of but was
7 not in the DMV record?

8 MR. YOUNG: Objection. Leading.

9 MS. WEISS: Just summarizing.

10 THE COURT: Sustained.

11 THE WITNESS: What was the question?

12 THE COURT: Where did you get -- where did you get the
13 address?

14 BY MS. WEISS:

15 Q: So where did you get the address?

16 A: From other individuals in investigation that we're
17 talking about.

18 Q: And once you got these search warrants, did you carry out
19 the search warrants?

20 A: I went to the scene, but I didn't even -- I didn't go
21 inside the residence. There were multiple law enforcement
22 officers there.

23 Q: Was the 1998 Eclipse outside the residence when you got
24 there?

25 A: I don't recall. It would be in the crime scene photos,

1 I'm sure.

2 Q: Was the car searched that night as far as you know?

3 A: No.

4 Q: Or that day? Sorry. As a result of that search warrant,
5 what was collected? And you can summarize that as well.

6 A: A variety of cell phones.

7 Q: Okay. And you said there was also a search warrant to
8 search those cell phones?

9 A: Yes. There's one here. It was a computer crimes search
10 warrant.

11 Q: Okay. And did you receive the results of that search
12 warrant?

13 A: The computer crimes search warrant?

14 Q: Uh-huh.

15 A: I think I did, yes.

16 Q: Okay. And do you remember was there anything of
17 significance found on those phones?

18 A: Not that I recall.

19 Q: Okay. And I'm going to show you what's been marked as
20 State's Exhibits 251 and 252. Do you recognize these?

21 A: Yes. They appear to be Bojangles videos from two
22 different days.

23 Q: Okay. Did you have the opportunity to review both of
24 these sets of videos?

25 A: Yes. Not the entirety, but certain sections of it.

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1 Q: Okay.

2 MS. WEISS: Your Honor, at this time, I'd like to admit
3 State's Exhibits 251 and 252 into evidence.

4 THE COURT: Any objection?

5 MR. YOUNG: I'm not -- I'm not sure where he lays the
6 foundation, other than he's seen them. You know, I've seen
7 the Bojangles videos too and am happy for them to come into
8 evidence. I just don't know that -- I think Josh White said
9 that he collected them.

10 MS. WEISS: Right.

11 MR. YOUNG: He testified to that.

12 MS. WEISS: And then he's -- and then now Jamie has
13 actually watched -- Jamie Seales has actually watched them.

14 MR. YOUNG: No objection.

15 THE COURT: Into evidence.

16 (WHEREUPON, State's Exhibits Number 251 and 252,
17 Bojangles surveillance videos, were admitted into
18 evidence.)

19 BY MS. WEISS:

20 Q: That's 251, and it's Bojangles ending on May 5th, and 252
21 is Bojangles ending on May 4th. You -- I'm going to go back a
22 little bit into your testimony, but you said in -- when Bright
23 was being interviewed, he talked about the Bojangles during
24 his initial interviews?

25 A: Not with me, I don't think, but now in his --

1 Q: No. But he talked about them?

2 A: Yes, yes.

3 Q: And you're aware of that?

4 A: I am.

5 Q: And so at some point, did it become important to check
6 the Bojangles surveillance videos?

7 A: Yes.

8 Q: Okay. And why was that?

9 A: Continuing the investigation after he'd been arrested to,
10 you know, confirm if he had been there or went the way he said
11 he went and how -- the clothes he said he had on.

12 Q: And between your interview and the other investigators,
13 was there -- was there some confusion as to which night he may
14 have been talking about that he was there?

15 A: In relation to the other investigators conducting
16 interviews with him?

17 Q: Uh-huh.

18 A: Well, he -- he said pretty consistently he was there
19 Wednesday night.

20 Q: Okay. And which night did the murder occur?

21 A: Thursday into Friday.

22 Q: Okay. So did you go over to the Bojangles to collect the
23 Thursday into Friday video?

24 A: Thursday into Friday?

25 Q: Did you go to see if they had a Thursday into Friday

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1 video? I'm sorry.

2 A: So just to keep myself on track, so he gets booked in,
3 Bright, to the detention center Sunday morning around 4 a.m.

4 Q: Okay.

5 A: I guess about 8 -- 9 a.m., I'm back at work. Sometime
6 midmorning, myself, Josh white, and Investigator Baker went to
7 the Bojangles and went in and spoke to a gentleman that worked
8 there.

9 Q: Okay.

10 A: Told him what we were looking for. One, do you have
11 cameras and do they work, and we went back into an office and
12 he showed us that they do have them. I don't recall if we
13 watched some of the video or how much we watched, but
14 essentially, we -- the FBI, one of their roles was they were
15 helping with collecting the videos, just to preserve, make
16 sure nothing was erased or damaged or anything because they're
17 in pieces. So we called and had an FBI agent come to get it,
18 get the video, and we went down Cheraw Street to where people
19 were meeting for another search that Sunday afternoon, like a
20 boots on the ground search.

21 Q: Okay. And were you made aware that the FBI did actually
22 obtain the video?

23 A: Yes.

24 Q: You received the May 4th to May 5th video?

25 A: Yes.

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1 Q: Okay. And you were able to watch that?

2 A: Yes. I watched parts of it.

3 Q: When you say you watched parts, what parts were those?

4 A: From what I recall, I think the FBI agent, you know,
5 through one of the briefings told us that during the portion
6 of the time where we were looking at the video for the murder,
7 there was a certain time period, and I went to that section
8 and watched it.

9 THE COURT: We're going to take about a five-minute
10 recess while you do that and gather. We'll stand at ease for
11 five minutes.

12 MS. WEISS: Thank you, Your Honor.

13 (WHEREUPON, there was a break in the proceedings from
14 10:55 a.m. until 11:05 a.m., after which the proceedings
15 resumed as follows.)

16 BY MS. WEISS:

17 Q: So you said that you -- you watched some of the -- some
18 of the video through the pertinent parts to see if you could
19 see Bright on the video. That's where we were?

20 A: Yes.

21 Q: Okay.

22 MS. WEISS: Your Honor, at this time, the whole video has
23 been admitted into evidence, but I just want to show some just
24 representative parts of the time. So this was the video
25 starting with 5/4/2017 at 11:23:56.

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1 (WHEREUPON, the Bojangles surveillance video was played
2 with the following questioning during.)

3 BY MS. WEISS:

4 Q: And you said that the murder occurred on which dates or
5 which date?

6 A: We were called on 5/5.

7 Q: Okay. So sometime the early morning of 5/5, late-night
8 5/4, that's the time frame of the murder?

9 A: Yes.

10 Q: And so this time is sometime -- is the later evening of
11 5/4?

12 A: Yes. It looks like it's the 5/4, 23:24, which is 11:24
13 p.m.

14 Q: And you watched through this video? Did you watch
15 through the videos that would have gone through the night to
16 see if you could see Bright on the videos?

17 A: You mean -- like, tell me what time period you're asking
18 about.

19 Q: From 5/4 to 5/5.

20 A: Uh-huh.

21 Q: The first video that was collected.

22 A: Yes.

23 Q: Did you watch that video through the night to see if
24 Bright was on that video?

25 A: Yes. I watched the time period that we were just talking

1 about, yes.

2 Q: Okay. And did you see Bright walk by anywhere on this
3 video?

4 A: 5/4 into 5/5, no.

5 Q: Okay. And so this video --

6 MS. WEISS: Do you want to go -- if you'll go --

7 DIRECT EXAMINATION BY THE COURT

8 THE COURT: While she's looking for that, essentially
9 this -- this video is exculpatory in that it does not show
10 Bright being -- or walking by, at least to that extent, not
11 walking by during -- during the time or before the murders; is
12 that correct?

13 THE WITNESS: That's correct.

14 THE COURT: Was that the determining factor on not
15 pressing charges against him? Tell me the reason why y'all
16 didn't charge Bright?

17 THE WITNESS: Well, we charged him, but he --

18 THE COURT: I mean why you did not prosecute him?

19 THE WITNESS: Well, that was one of them. At some point
20 between 5/5 and 5/6, I think, we were under the impression we
21 had -- we had -- we had some confusion about the phone records
22 because I put in a search warrant affidavit that -- for his
23 home, that there were calls between him and the victim on the
24 night of the homicide.

25 And we were under the impression. Lt. Bethea and the FBI

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1 agent who conducted the interviews with Bright earlier in the
2 day were under the same impression. They said it to him too,
3 again, back to our collaboration and briefing and that brief
4 interview. That's why I put that in that affidavit.

5 So that was one of the reasons. That was cleared up
6 eventually, I think the next day. Other reasons we didn't
7 move forward with prosecution was the DNA from the cigarette
8 butt was JeJauncey Harrington. The -- I think one of the
9 strongest reasons was Iyana's DNA found in the trunk of the
10 car he was driving when he was arrested in Charlotte, the --
11 the videos from the daycare that faced his -- the residence of
12 him and his mother and the family, the [REDACTED], the video was from
13 [REDACTED].

14 THE COURT: Did you see that video?

15 THE WITNESS: Yes, sir. I've seen -- I've seen clips of
16 it.

17 THE COURT: All right. You've been involved in the
18 investigation of this thing. Was it my understanding -- am I
19 correct in my assumption that the video was never produced and
20 given to the defense?

21 THE WITNESS: The video from the daycare?

22 THE COURT: From the daycare, yes.

23 THE WITNESS: I don't know that --

24 MS. WEISS: That's a --

25 THE COURT: It's a different one?

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1 MS. WEISS: It's a different video. That -- yeah, that
2 video.

3 THE COURT: Which is the one that was never produced?

4 MS. WEISS: New Bridge.

5 THE COURT: That identifies --

6 MS. WEISS: One part of --

7 THE COURT: -- the Mitsubishi?

8 MS. WEISS: Well, there's two. There's two different
9 times, but one of the -- one of the clips is missing off the
10 video, and he can tell you about that.

11 THE COURT: Tell me about it. Explain all that to me.

12 THE WITNESS: Okay. So the night of -- I mean it helps
13 with some dates. The night of 5/14, that's the Saturday
14 night, I think, 5/13 and 14, I think the 14th was Mother's
15 Day, the Sunday.

16 That Saturday night, I got a phone call that someone had
17 called in to the -- or called the police department or 9-1-1
18 and said that they had surveillance video that they thought we
19 should see from across their yard from a piece of property
20 across from their house. So myself and another investigator
21 went out to Tim [sic] LaBean and Anita Beach's residence, and
22 I remember this pretty vividly because Anita and I went to
23 school together since kindergarten.

24 So I got there. She knew me, and I knew her. She has
25 since passed away now. He shows us the video, and I saw and

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1 another investigator saw and other investigators saw
2 taillights pulling in to the area right across the road from
3 their house, which is at the corner of New Bridge and it might
4 be Red Bluff Road. I can't remember the name of it. And then
5 they had watched the video, and I think this was in response
6 to a reward that the Sheriff's Office brought for additional
7 information because we're still --

8 THE COURT: A real altruistic motive.

9 THE WITNESS: True.

10 The day before this, Mr. Harrington had been booked in.
11 So we were completely again full find Iyana mode. So we see
12 this video. We're there watching it. We see the taillights
13 pull in. They had already watched it and described it to us.
14 So then I think they moved it forward to when we could see
15 taillights coming out. So I stood and looked at it for a
16 while. The taillights on a 1998 Mitsubishi were pretty, from
17 what I recall, pretty --

18 THE COURT: Distinct?

19 THE WITNESS: Yeah. It's a straight line sort of across
20 the back. It looked -- it got my attention, and I had some
21 personal connection to that area from a previous case and I
22 had already sent, as part of one of the briefings, a search
23 team with a SLED agent a few days prior out to that area to
24 search that area because of prior experience I had, and I was
25 thinking this could be a good area to search for Iyana.

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1 So after we watched the video, we go outside. I start
2 calling everybody involved in the case, have somebody stay
3 there with them. Essentially, I go back to the Sheriff's
4 Office to start writing a search warrant. I did a GSI map
5 search for the property that we saw it pull towards, and --

6 THE COURT: GSI? What is that?

7 MS. WEISS: GIS.

8 THE WITNESS: GIS, where you can look up who owns certain
9 pieces of property. Got where I could list that on the search
10 warrant. I think the corner piece of land was maybe a timber
11 company or something, and then I think part of the land may
12 have belonged to somebody in Mr. Harrington's family. So I
13 did two search warrants for that piece of property.

14 And as that was developing, you know, over through the
15 night, 1 -- 2 -- 3 -- 4 o'clock in the morning, I went to the
16 office. People were starting to come in for a briefing based
17 on me calling them because of what we saw in the video because
18 now we have a pretty prominent area to search for Iyana.

19 So then we get the search warrant, we go out, and SLED
20 crime scene gets there. The sun is coming up. We got the
21 road blocked off and we started to search that area, and when
22 we started searching that area, from what I recall, is that
23 SLED crime scene found a Walgreens card, they found I think a
24 credit card or they found something identifying Ella Lowery, I
25 think maybe a beer can of some sort, a couple other

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1 miscellaneous things. So then we started putting a group
2 together to really search that patch of woods because we felt
3 strongly that she was somewhere in that area. And then
4 shortly a time later while we were there, she was discovered,
5 not in that area. Do you want me to go on?

6 THE COURT: How far away was it? How far away was it?

7 THE WITNESS: From where -- from where we were searching
8 --

9 THE COURT: From this initial area?

10 THE WITNESS: -- where the car pulled in to the bridge?
11 I'd probably say the courtroom from me to the doors of the
12 courtroom, probably three times. So from the piece of woods
13 where we were at --

14 THE COURT: A hundred -- 150 yards?

15 THE WITNESS: Probably three or 400 yards.

16 MS. WEISS: From from where you were searching?

17 THE WITNESS: From the wooded area to the bridge. It
18 could be further than that. It wasn't very far. There's an
19 -- there's an intersection and where you can turn at that
20 corner where we were searching and then as soon as you -- if
21 you come out to the left, the bridge is right there on the
22 left and right. It's not far.

23 THE COURT: All right. We're going to refer to this
24 video as the LaBean --

25 THE WITNESS: LaBean?

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1 THE COURT: LaBean video.

2 THE WITNESS: Yes, sir.

3 MS. WEISS: B, bean, like a string bean?

4 THE WITNESS: LaBean.

5 THE COURT: LaBean. Okay. Did y'all secure that video?

6 THE WITNESS: Yes. I don't remember who seized it, which
7 one of the officers did, but I do know that it was at the
8 Sheriff's Office. And I think during the briefing, if I
9 recall, there was some folks watching it, other people
10 associated with the investigation, FBI agents, SLED agents.

11 THE COURT: Am I mistaken that they never received this
12 video? The defense?

13 THE WITNESS: There was -- I'm sorry.

14 MS. WEISS: So the video that I received once I got into
15 the case was the same one the prosecution received. We have
16 the LaBean video. We have the time periods, but the video --
17 the actual clip of that car pulling in, just that one little
18 clip is not within the clips that we have.

19 So that's -- so on that, the day that they went and saw
20 it, as you've heard, multiple people saw that video, saw that
21 clip, and have testified and will testify to that, of the car
22 pulling in, but it was never in anything that I received, and
23 so it was never in anything that we were able to turn --

24 THE COURT: Is there -- on the video that was produced,
25 was there video of the Mitsubishi pulling out?

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1 MS. WEISS: Yes, sir, Your Honor.

2 THE COURT: All right. I understand.

3 MR. YOUNG: And we have a witness who will testify later
4 that there aren't any -- going through the sequence of videos
5 that there's none missing. So it would have to have been
6 prior to the time that we -- the videos start.

7 THE COURT: Okay. So you're saying that just logically
8 you concluded that they didn't start the video early enough to
9 see the car going in?

10 MR. YOUNG: If it -- if there was a video, that's
11 correct.

12 THE COURT: All right. But you do concede that there's a
13 video of a car coming out on the stuff that you received?

14 MR. YOUNG: Yes, sir.

15 THE COURT: Okay. All right.

16 MR. YOUNG: And I showed a clip of that during the --

17 THE COURT: It might have made a little sense to walk
18 through that.

19 MR. YOUNG: A lot of stuff I think is going to come
20 together today.

21 THE COURT: Okay. Very good. You can carry on with your
22 questioning.

23 MR. YOUNG: Your Honor?

24 THE COURT: Well, let me -- let me go back. You've
25 listed six reasons why you did not follow through with the

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1 prosecution. Do you want to add anything else?

2 THE WITNESS: We, as a group, consulted again with the
3 Solicitor's Office, and they agreed.

4 THE CLERK: Based on this information?

5 THE WITNESS: Yes, sir.

6 THE COURT: And you haven't left anything out that you
7 can think of?

8 THE WITNESS: Not that I can think of.

9 THE COURT: All right. Very good.

10 MR. YOUNG: Your Honor, may I make one motion? We're not
11 on notice of anything regarding uniqueness of taillights or
12 Mitsubishi taillights, and we would move to strike that from
13 the record.

14 THE COURT: I think that it doesn't take an expert to do
15 that. I think he can testify as to his perception of it, and
16 you probably -- you probably have seen a picture of a
17 Mitsubishi, haven't you?

18 MR. YOUNG: Yes, sir. And the car is over there if Your
19 Honor wanted to go see it.

20 THE COURT: All right. Well, if y'all make a motion for
21 me to view it, I will, and I imagine I can make a
22 determination whether it's a distinctive taillight or not.
23 We'll do that at the appropriate time. Go ahead.

24 MS. WEISS: Okay. So -- and, Your Honor, I understand
25 this is a bench trial. So we've got the video that we can

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1 queue up and show you where Mr. Bright is on the screen, but I
2 know you just asked Investigator Seales about that. So it's
3 in evidence and you can look at it.

4 CONTINUED DIRECT EXAMINATION

5 BY MS. WEISS:

6 Q: Just to clarify, Mr. Bright was on the video on which
7 night?

8 A: The Wednesday night going into Thursday morning.

9 THE COURT: Which is the night not of the murder?

10 MS. WEISS: Correct.

11 BY MS. WEISS:

12 A: It appears to be Mr. Bright from what he described he was
13 wearing.

14 Q: And the times?

15 A: And the times.

16 Q: And he described the truck?

17 A: The delivery truck, yes, ma'am.

18 Q: And is the delivery truck -- can you see that in the
19 video where what appears to Mr. Bright walking by?

20 A: You can.

21 Q: And --

22 THE COURT: One other question. Does the video that you
23 saw when they were exiting, does it show that the lights were
24 off at one point in time?

25 MR. YOUNG: Yes, sir.

1 THE COURT: Oh, okay.

2 MR. YOUNG: But it did not show any taillights. There's
3 no taillights in the video that I played and the video that
4 I've seen.

5 THE COURT: Okay. Very good.

6 MS. WEISS: Okay. So I'm just trying to get my bearings
7 here. We can go to the video, the previous video. I mean the
8 next video. I'm sorry. If we can look at -- I'm sorry. Hold
9 on. This is channel 7. I'm sorry. I was looking at the
10 wrong one. So yeah. So if you could go down to the next one,
11 the next -- right. Nope. The next video. That one. Yep.
12 Just play that one.

13 (WHEREUPON, the Bojangles surveillance video was played.)

14 BY MS. WEISS:

15 Q: What does the time appear to be on that video?

16 A: 5/4/17 at, I guess, 12:23 a.m.

17 Q: Okay.

18 MS. WEISS: If you can fast-forward that to about 20
19 minutes to 55? Fast forward it to 55, 55 on the time at the
20 top.

21 UNIDENTIFIED FEMALE: I'm sorry.

22 MS. WEISS: Okay. Just let it play there. Okay. You
23 can pause it.

24 BY MS. WEISS:

25 Q: Is that the person that you identified walking in the

1 background?

2 A: Yes.

3 Q: And based on the information you have, who did you
4 believe that person to be?

5 A: Dwayne Bright.

6 Q: In which direction is he walking? Is he walking --
7 knowing where his house is and where Ella's house is, is he
8 walking towards Ella's house or towards his own house?

9 A: He's walking away from the crime scene on Ella's back
10 towards Cheraw Street toward his house.

11 Q: Okay. And at the time you saw this, you -- had you
12 gotten information from the Bojangles on which night the
13 deliveries occur?

14 A: Sometime in that time period, we -- I think the gentleman
15 -- it's hard to recall.

16 Q: Whether deliveries occurred Wednesday into Thursday or
17 Thursday into Friday was the regular time?

18 A: Yes.

19 Q: So when did deliveries occur?

20 A: Wednesday into Thursday.

21 Q: Okay. And that was consistent with this video?

22 A: Correct.

23 Q: And at that point, you had -- you had the video early on.
24 Did you -- were you aware of Dwayne Bright's phone records at
25 that point? Did you review phone records at all?

1 A: I didn't review any phone records, no.

2 Q: Okay. Since that time, have you become aware of the
3 records from McClane Trucking that have been entered into
4 evidence?

5 A: Yes.

6 Q: Okay. And are you aware of what time was on the McClane
7 Trucking records as to what time the item was delivered or
8 what time the truck was there?

9 A: I don't remember the exact time, but what I recall is is
10 that the actual delivery time was an hour later than what is
11 on here, what is on this time stamp.

12 Q: So --

13 A: So if this time stamp said 8 p.m., the delivery was at 9
14 p.m.

15 Q: And so if the McClane Trucking said that it was at 1:20
16 a.m. --

17 A: Uh-huh.

18 Q: -- on the 4th --

19 A: Uh-huh.

20 Q: -- you would agree that's after this time?

21 A: Correct.

22 Q: Okay. And did you have the opportunity to look at the
23 phone records belonging to Dwayne Bright?

24 A: Yes.

25 Q: And were you able to -- throughout your -- throughout the

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1 investigation, were you able to identify Dwayne Bright's phone
2 number and Ella Lowery's phone number?

3 A: Yes. I was made aware of the phone numbers.

4 Q: Okay. And based upon the interviews of Dwayne Bright,
5 did you have any information about them communicating with
6 each other the night that he walked to her house?

7 A: Yes.

8 Q: Okay. And -- and these records are already in evidence.
9 I'm going to ask you to look at the AT&T records of Dwayne
10 Bright. Based on those records, what time did -- did Dwayne
11 Bright and Ella Lowery start communicating?

12 A: Is Mr. Bright's number 2091? Is that right?

13 Q: Yes.

14 A: And Ms. Lowery's was 0497?

15 A: Yes.

16 Q: It looks like on the record there's 5/4 of '17, and it
17 says 3:42:30 a.m. So if you take four hours off of that --

18 Q: Why do you take four hours off?

19 A: The UTC time.

20 Q: Okay.

21 A: That would be 2 -- 1 -- 12 -- 11. That would've been
22 11:42:30 p.m. on the 3rd if you back it up. The record says
23 5/4, but if I'm calculating this right, that would be 11:42 on
24 the 3rd p.m.

25 Q: Okay. And when did they stop communicating?

1 A: On this date? The 4th?

2 Q: Yes.

3 A: The record reflects 5/4/17 at 6:17 a.m. So again, with
4 UTC, it would be 5/4/17 at 2:17:21 a.m.

5 Q: And so based on that information -- based on that
6 information, as well as the McClane Trucking information, at
7 this point do you have an opinion as to the time on the video
8 from Bojangles?

9 MR. YOUNG: I'm sorry, Your Honor. I'm going to object
10 to the form of the question. Does he have an opinion on the
11 Bojangles?

12 THE COURT: I'm going to ask that you rephrase.

13 MS. WEISS: Okay.

14 BY MS. WEISS:

15 Q: You stated just a few minutes ago that based on the
16 trucking it was about an hour off?

17 A: I think that's right from the invoice itself.

18 THE COURT: Go ahead.

19 MS. WEISS: Thank you.

20 BY MS. WEISS:

21 Q: And so after reviewing all of these records, do you have
22 a -- what is your conclusion as far as the time on the
23 Bojangles video?

24 A: That in reality it's an hour ahead, an hour -- the real
25 time is an hour ahead, if I'm stating that right. Again, like

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1 it says, it's easier for me to say round numbers. If it's 11
2 p.m., it's really 12 a.m.

3 Q: Okay.

4 A: Based on the McClane receipt.

5 Q: But based on the -- based on the information as far as
6 the dates on the video?

7 A: It's 5/3 into 5/4.

8 Q: Okay.

9 A: Which is Wednesday into Thursday.

10 MS. WEISS: And I think you've already covered a little
11 bit of this, Your Honor, so I'm just going to go briefly
12 through it.

13 BY MS. WEISS:

14 Q: When you were talking to Judge Nettles, you said that you
15 were aware of the name JeJauncey -- JeJauncey Harrington?

16 A: Yes.

17 Q: And why were you aware of that name?

18 A: Because I've been familiar with him through other
19 criminal investigations.

20 Q: Okay. And were you familiar of any connection between
21 JeJauncey Harrington and Gum Swamp Creek and the bridge at Gum
22 Swamp Creek?

23 A: Yes.

24 Q: Okay. And what was that? What was that connection?

25 MR. YOUNG: We'd object, Your Honor.

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1 THE COURT: I'll sustain that. It's come up in --

2 MS. WEISS: Okay.

3 THE COURT: -- hearings, and I'm aware of it.

4 MS. WEISS: Got it.

5 THE COURT: Of course, this is a bench trial and y'all
6 have elected me be the finder of fact. I'm aware of the
7 previous charge.

8 MS. WEISS: Okay. And --

9 THE COURT: Whether I -- I mean, I'm not going to
10 consider that. I'm not going to consider that.

11 MS. WEISS: The charge or that Harrington has been in the
12 area? You're --

13 THE COURT: Well, I'm not going to consider the previous
14 charge.

15 MS. WEISS: Okay. Yes, sir, Your Honor.

16 BY MS. WEISS:

17 Q: And you said that you got a call from Mr. LaBean or from
18 somebody telling you to go out to Mr. LaBean's house, Mr.
19 Richard LaBean and Anita Beach?

20 A: I think -- yeah, Rick LaBean, Richard LaBean.

21 Q: Does he have a brother?

22 A: Tim LaBean, I think.

23 Q: Okay. But this was actually Richard LaBean?

24 A: I think so.

25 Q: And you said you went to his house?

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1 A: Yes. It was on --

2 MR. YOUNG: Objection. Leading.

3 THE COURT: You can ask him what he did next.

4 MS. WEISS: Okay.

5 BY MS. WEISS:

6 Q: What did you do next?

7 A: After I received a phone call, I went out to Mr. LaBean's
8 residence.

9 Q: Okay. And what did you do when you got there?

10 A: I spoke to them and viewed the video that they were
11 describing to us. They described it to us first, from what I
12 remember.

13 Q: Okay. And did you go inside the residence?

14 A: I did.

15 Q: And what did you see when you were viewing the video?

16 A: I saw a set of taillights that appeared to be consistent,
17 as I put on my search warrant affidavit, with the taillights
18 of a Mitsubishi Eclipse. The vehicle was consistent -- from
19 what I could see, it was a dark video -- of shape and size.
20 And then we saw a clip of the video of headlights pulling out.

21 Q: Okay. And what --

22 A: And the car went back toward the bridge, which is back
23 towards the McColl area.

24 Q: So what did you do once you saw that video?

25 A: Again, stepped outside and started calling various people

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1 associated with the investigation, telling them what we've
2 seen and what I thought we should do next as far as securing
3 search warrants for that piece of property to look for Iyana
4 or look for, you know, any evidence. Then I went back to the
5 Sheriff's office and started to compile the two search
6 warrants after I did my research on whose land it was.

7 THE COURT: Just out of pure curiosity, did they pay a
8 reward?

9 THE WITNESS: Did they pay?

10 THE COURT: Yes.

11 THE WITNESS: I think the FBI paid. I think that's
12 correct.

13 THE COURT: I was just curious.

14 MR. BANK: \$10,000.

15 THE COURT: And where did those funds come from?

16 MR. BANK: The FBI has some money that they can get
17 approval for it, but I don't -- it comes from the federal
18 government.

19 THE COURT: Out of pure curiosity. It has nothing to do
20 with the merits of this case. I was just curious.

21 MR. BANK: It might.

22 THE COURT: All right.

23 BY MS. WEISS:

24 Q: I'm going to show you what's been marked as State's
25 Exhibit 584 for identification. We talked about the two

JAMIE SEALES - DIRECT BY MS. WEISS

1 search warrants that you -- that you went back to get. Can
2 you say what that consists of?

3 A: Yes. This appears to be both, the one for -- a search
4 warrant, New Bridge Road, Wateree Holding LLC, which is the
5 LLC company that owned one corner of it, and then one I put
6 Jones property. It was the last name Jones, who I think I
7 understand it to be some family members of Mr. Harrington.

8 Q: And what is the date of that search warrant?

9 A: 5/14/17, which would have been Mother's Day.

10 MS. WEISS: And, Your Honor, I would like to put these
11 search warrants into evidence. However, I would like to
12 replace them with a clean copy. I realize that the copy that
13 I had out here has markings on it. So I can replace it.

14 THE COURT: Any objection?

15 MR. YOUNG: I don't care if it has markings on it.

16 THE COURT: All right. Look at the markings and see if
17 you have any objection to the markings.

18 MS. WEISS: Well, it's not -- I mean, I can replace it
19 quickly.

20 MR. YOUNG: I don't have a problem with her replacing it
21 or putting that one in. It's not like -- just some
22 underlining. It's fine.

23 THE COURT: Okay. You may put that one in.

24 (WHEREUPON, State's Exhibit Number 584, two search
25 warrants, was admitted into evidence.)

1 MS. WEISS: Thank you, Your Honor.

2 BY MS. WEISS:

3 Q: You included several facts. You got the search warrant
4 for two different areas?

5 A: Yes.

6 Q: Okay. And why was that?

7 A: Because that section of land was, I think -- I think the
8 line between the two owners of the property were pretty close
9 to where we were looking, and we just wanted to make sure that
10 we weren't trespassing on anybody's property and that we had
11 all the areas covered, I guess to the extent that out farther
12 we looked and maybe went farther.

13 Q: And the facts that are included in your search warrant as
14 probable cause, did -- did you verify -- independently verify
15 each of those?

16 A: No.

17 Q: Okay. And so if you can just go through the basic
18 probable cause for this search warrant?

19 A: Well, paragraph 2 just talks about the homicide that we
20 responded. It talks about some phone activity of the victim,
21 and the last activity -- the victim had the last activity in
22 her phone was by way of an incoming text message from a cell
23 that has been identified as being that of suspect JeJauncey
24 Harrington. Harrington texted the victim at her cell number
25 843-862-0497 at 1:08:55 a.m. Shortly after that, this cell

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1 utilized by Harrington for that call was shut off and has not
2 been used since.

3 The victim last posted on Facebook at 1:33 a.m. That
4 number was established to be his based on FBI interviews with
5 his former girlfriend, Jamie Campbell. Campbell stated she
6 gave him the phone when she moved to Georgia in July of '16.
7 She also talked to him regularly on the phone since then and
8 up until the 5th. Phone records also confirmed this from
9 Campbell. Campbell also stated she left her 1998 Mitsubishi
10 Eclipse RS, black in color, and I listed the VIN number with
11 South Carolina tag MTS 630 in South Carolina for him to drive.

12 It goes on to talk about investigators going by [REDACTED] Grace
13 Street and speaking with a family member of Campbell's and
14 observed a -- observed this car at the residence and
15 Harrington at the residence.

16 It talks about SLED identifying the cigarette butt by
17 DNA. It was found at the crime scene close to the victim's
18 body.

19 It talks about a T-shirt that belonged to Iyana, who was
20 still missing, and around the neckline of the T-shirt, it had
21 Iyana's blood and a secondary bloodstain on the child's shirt
22 but also her mother, Ella. So the T-shirt of Iyana's had her
23 blood and had her mama's blood on it.

24 That SLED reported to us on 5/13 that the vehicle they
25 processed, the Mitsubishi Eclipse in Charlotte, they reported

JAMIE SEALES - DIRECT BY MS. WEISS

1 to us on 5/13 that in the trunk of the car that DNA was found
2 belonging to Iyana. It goes on to talk about that Mr.
3 Harrington was arrested for the charges that we're here for.

4 It talks about the Grace Street video from the daycare
5 across the street from his parents' or his house at 603. It
6 talks about the timeline that -- of the car leaving and
7 coming, the Eclipse leaving and coming and when it arrived and
8 when it got back. So the video shows the car back at 2:05
9 a.m. and again at -- to arrive at 2:05 and leaves again at
10 2:10 and then returns around 5 a.m.

11 Then it goes into the video that we had just gotten from
12 1604, Mr. LaBean's New Bridge Road, that shows a car
13 consistent in size, shape, and color to the Eclipse pull into
14 the property or drive across -- or driveway across the road.
15 I said property or driveway across the road, and I list the
16 map, the GIS map number, and it has an abandoned home on it.
17 The car arrives at 2:40 a.m. and leaves approximately 5:10
18 with the headlights off. The property as described herein ss
19 close to multiple family members and their property of
20 Harrington.

21 THE COURT: Let me get some clarification. There was a
22 video you say of him leaving and coming back. Are you talking
23 about Ella's residence?

24 THE WITNESS: No. No, sir. There was a daycare -- there
25 was a home that may have been a daycare across the street

JAMIE SEALES - DIRECT BY MS. WEISS

1 somewhat adjacent to Mr. -- to ■■■ -- ■■■, Mr. Harrington's
2 residence. That video on the night --

3 THE COURT: So Mr. Harrington was leaving and coming from
4 Mr. Harrington's?

5 THE WITNESS: That was the first one I was speaking of,
6 yes. It shows that on the night of the homicide the car
7 leaving and then it pulls back up to his residence and it's
8 there for, like, five minutes and it leaves again. And then
9 when it comes back is later, early the next morning, that we
10 can establish what had been somewhat consistent with matching
11 coordination of the video of the LaBean residence for the time
12 it would take to drive from Bennettsville to that area of
13 McColl.

14 BY MS. WEISS:

15 Q: And you actually -- you said you didn't independently
16 verify a lot of these, but you actually watched the video from
17 LaBean's?

18 A: I watched it there in the residence, the clips that they
19 were showing us that were pertinent to what we were looking
20 for, and I saw the clips up at the Sheriff's Office again
21 while everybody else was viewing it prior and during the
22 briefing to start the search that Sunday morning.

23 Q: You got the search warrants prior to the briefing or
24 before you started the search?

25 A: Before we started the search.

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1 Q: And where did you get the times -- the times on the --
2 for that car coming and leaving from LaBean's?

3 MR. YOUNG: Objection.

4 THE WITNESS: From LaBean's?

5 MR. YOUNG: That's never been provided to us, and that
6 would be *Brady*.

7 THE COURT: What is the question again?

8 MS. WEISS: It's where did he get the times that were on
9 his search warrant. Your Honor, I would submit that the
10 answer would be exactly what they said, that he doesn't -- he
11 doesn't know, but that's just the times that he had. That's
12 the times that he had. So it's not -- I think it's going to
13 just -- I was just getting that same answer out.

14 THE COURT: Okay. What are you saying is *Brady* material?

15 MR. YOUNG: If they have a video that shows what time the
16 car got there, that would be *Brady*.

17 THE COURT: Is that exculpatory?

18 MS. WEISS: No, sir. Your Honor, I believe it would be
19 inculpatory, but we don't have a video of the car getting
20 there. Investigator Seal -- or Investigator Seales is just
21 testifying that he saw it.

22 THE COURT: Your motion -- your objection is noted, but
23 overruled.

24 Go ahead.

25 BY MS. WEISS:

JAMIE SEALES - DIRECT BY MS. WEISS

1 Q: And if your times differ from those that are on the
2 actual video that we did turn over in discovery that we have
3 --

4 A: Uh-huh.

5 Q: Do you know why your times are different?

6 A: From my best what I recall is I would have been sitting
7 at my desk typing this and probably on the phone with
8 investigators I left there at the house.

9 Q: But you don't actually -- but --

10 A: I'm not sure.

11 Q: You don't remember that?

12 A: No.

13 Q: You're saying you don't actually know?

14 A: No. That's just my own logical deduction. I'm not sure.

15 Q: Okay.

16 MR. REDMOND: I beg the Court's indulgence.

17 BY MS. WEISS:

18 Q: And, Investigator Seales, you're familiar with Marlboro
19 County and Bennettsville and McColl from your time here?

20 A: I am.

21 Q: And you're familiar with the Craig Circle address?

22 MR. YOUNG: Objection. Leading.

23 THE COURT: Sustained.

24 BY MS. WEISS:

25 Q: Are you familiar with the Craig Circle address?

1 A: The crime scene, yes.

2 Q: And are you familiar with the Grace Street address of
3 Harrington?

4 A: Yes.

5 Q: And are you familiar with the New Bridge Road area where
6 the body was found?

7 A: Yes.

8 Q: So what is the approximate distance driving time from
9 Craig Circle to New Bridge Road, if you know, to that area of
10 New Bridge?

11 A: From Craig Circle to New Bridge Road?

12 Q: From the crime scene to New Bridge Road.

13 A: It depends on which way you go, but I would say generally
14 probably 25 -- 30 minutes.

15 Q: And what about from the Harrington address to New Bridge
16 Road?

17 A: It wouldn't be a lot different. It might be 30 minutes
18 or maybe a little more. The Craig Circle, there's a --
19 there's a back way that you can go from there that's closer
20 across -- across the -- across the falls. You might not go
21 that way if you live in Craig Circle, but it's not -- there's
22 not but a few minutes difference between both.

23 Q: Okay. So you would say it's approximately -- you don't
24 have a map here, but comfortable with distances, but
25 approximately how far?

JAMIE SEALES - DIRECT BY MS. WEISS

1 A: Ten miles, 12 miles.

2 Q: Okay. And would you say it's a -- it's an easily
3 walkable distance?

4 A: Walkable from Craig Circle to New Bridge Road? No, it
5 wouldn't be easily walkable.

6 MS. WEISS: Thank you. I have no further questions of
7 this witness at this time.

8 Please answer any questions the defense may have.

9 THE COURT: Before we do that, y'all have made reference
10 to phone numbers. I'm not real familiar with who the phone
11 number belongs to, but let me ask you, if you can, to
12 summarize the activity between Mr. Harrington and Ella's phone
13 on the day of the murder. Do we know that?

14 MR. REDMOND: That's in the records as far as the --

15 THE COURT: I know they're in the records. I'm just
16 asking if y'all could summarize it for me. I can probably
17 look through my notes if I can figure out whose number belongs
18 to who.

19 MR. YOUNG: Your Honor, we have a witness coming who is
20 going to answer all of those questions.

21 THE COURT: Okay.

22 MR. REDMOND: I can -- I mean, I can summarize it real
23 quick --

24 THE COURT: Very good.

25 MS. REDMOND: -- as it relates to the calls, and I think

JAMIE SEALES - DIRECT BY MS. WEISS

1 Ms. Munnerlyn touched on it in her opening, if I recall
2 correctly, but the calls -- his last call, as I recall, to
3 Ella is -- it's either two or three in the morning of the 3rd
4 --

5 MS. FREEDMAN: That's not correct.

6 MR. REDMOND: -- going into the 4th. I'm talking to Ella
7 Lowery. I'm talking about from Bright.

8 MS. FREEDMAN: Dwayne Bright. Dwayne Bright's phone
9 number ends in 2091.

10 MR. REDMOND: Yes.

11 MS. FREEDMAN: And that -- yeah, the last phone
12 communication I have is on May 2nd by voice call, but Dwayne
13 Bright has no voice calls between May 2nd and May 5th.

14 MR. REDMOND: Yes. And that's correct. There are text
15 messages and text messages that we're talking about. Ms.
16 Freedman is correct.

17 MS. FREEDMAN: Yes.

18 MR. REDMOND: He doesn't make any calls, phone calls,
19 from the 2nd. So the interaction that he had is actually by
20 text messages. I misspoke. She is correct, but the text
21 messages go until about --

22 THE COURT: All right. We're talking about text messages
23 between who?

24 MR. REDMOND: Between Bright and Ms. Lowery, Ella Lowery.

25 THE COURT: I was talking about Mr. Harrington.

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1 MS. WEISS: He was talking about Mr. Harrington.

2 MR. REDMOND: Oh, Mr. Harrington. Okay. That's
3 different. The -- I beg the Court's indulgence. I'm sorry.
4 I misunderstood.

5 MR. BANK: Judge, if I just could, Ms. Freedman -- she
6 has those prepared from memory and if I have a question about
7 phones and times, she can tell me.

8 THE COURT: All right. And of course, the record -- I
9 was just wanting to sort of get it clear in my mind.
10 Obviously, the record is what it is.

11 MR. REDMOND: Your Honor, actually, Ms. Munnerlyn has
12 actually highlighted that. I'm sorry. I misunderstood. I
13 thought we were talking about Bright.

14 THE COURT: All right. Let me hear from you the contact
15 between Mr. Harrington and Ella Lowery the day of the murder.

16 MS. FREEDMAN: And so the --

17 THE COURT: And the day before.

18 MS. FREEDMAN: So I think there's sort of this
19 outstanding issue about whether or not they have actually
20 established how they identified the phone number ending in
21 3480 as belonging to Mr. Harrington.

22 THE COURT: Right.

23 MS. FREEDMAN: But that phone number does have a series
24 of text communications with Ella Lowery, the last one is at --

25 THE COURT: How many texts over the day before the day of

1 the murder?

2 MS. FREEDMAN: Several, more than two dozen.

3 THE COURT: Okay.

4 MS. FREEDMAN: But that's not sort of inconsistent with
5 -- and we'll have a witness come testify to this. That's not
6 inconsistent with the longer-term pattern of communication.

7 THE COURT: Okay. And how many voice calls?

8 MS. FREEDMAN: A much smaller number.

9 THE COURT: Okay.

10 MS. FREEDMAN: And that's the 3480 phone number.

11 THE COURT: And the last --

12 MS. FREEDMAN: And that's a --

13 THE COURT: The last contact, when was that before the
14 time -- the estimated time of death?

15 MS. FREEDMAN: 1:08 a.m. on May 5th.

16 MR. REDMOND: That's correct, 1:08. I do know that.

17 MS. FREEDMAN: And Ella Lowery also received two
18 additional phone calls after that 1:08 phone call from two
19 different numbers at 1:13 a.m. Sorry, texts, yes.

20 THE COURT: Okay.

21 MS. FREEDMAN: And then later after that, another
22 incoming call that she answered from Facebook Messenger, but
23 it was an audio call that she picked up.

24 MR. REDMOND: I think that was about 1:33.

25 MS. FREEDMAN: 1:38.

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1 MR. REDMOND: 1:38.

2 THE COURT: Estimated time of death is what?

3 MR. YOUNG: 6:30 a.m.

4 MS. FREEDMAN: 6:30 a.m. The only evidence of that --

5 MR. REDMOND: Well, we're not saying that. That's the
6 defense. We haven't said that.

7 MR. YOUNG: It's on the autopsy records that are in
8 evidence and testified to by the --

9 MR. REDMOND: Well, Your Honor, we can argue that.

10 THE COURT: This was just for clarification. We'll be
11 able to get all of that, and the record speaks for itself.

12 MR. REDMOND: Yes, sir.

13 THE COURT: All right. Very good.

14 All right. Cross-examination?

15 MR. YOUNG: Your Honor, I could use the five minutes to
16 get set up. I don't know if you want me to start --

17 THE COURT: I'll tell you what. We'll reconvene at 1:30.
18 It is getting kind of lunchtime. We'll stand at ease until
19 1:30.

20 MR. YOUNG: Your Honor, for the record, I'm going to
21 provide Investigator Seales with two transcripts just to sort
22 of have on the bench with him. One is a transcript of his
23 prior testimony in front of Your Honor regarding certain
24 points, and the other one that was here was a copy of his
25 transcript from his interview with Dwayne Bright.

JAMIE SEALES - CROSS BY MR. YOUNG

1 THE COURT: All right. Y'all can work that out. I will
2 be back at 1:30.

3 MR. REDMOND: Yes, sir.

4 MS. WEISS: Thank you, Your Honor.

5 (WHEREUPON, there was a break in the proceedings from
6 11:54 a.m. until 1:31 p.m., after which the proceedings
7 resumed as follows.)

8 THE COURT: Good afternoon, everybody.

9 MR. YOUNG: Good afternoon.

10 THE COURT: Mr. Young, you're recognized.

11 MR. YOUNG: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. YOUNG:

14 Q: Mr. Seales, is it investigator these days or --

15 A: That's fine, sir.

16 Q: Okay. Investigator Seales, let me start -- let's back up
17 a little bit. In 2005 -- and I know that you've talked about
18 this a little bit. In 2005, you were involved in the murder
19 charges that Mr. Harrington was charged with?

20 A: I was an investigator. I wasn't primary investigator,
21 but I was an investigator with the Sheriff's Office.

22 Q: Okay. And you were involved in that case?

23 A: Uh-huh.

24 Q: I mean you talked to witnesses, you took statements, you
25 submitted evidence?

JAMIE SEALES - CROSS BY MR. YOUNG

1 A: Yes, sir, as far as I can remember. It was a long time
2 ago. Yes, sir.

3 Q: Okay. And after his arrest in this case, you gave a
4 statement to the press?

5 A: I gave one. Yeah, I talked with -- yeah.

6 Q: And what you said after his arrest in this case is we
7 were completely confident then and now that the right person
8 was charged in the Hulon case, says Sgt. Jamie Seales with the
9 Marlboro County Sheriff's Office. The evidence in that case
10 was overwhelming. The jury, unfortunately, did not agree in
11 unison with the State.

12 A: Yes, sir.

13 Q: That was the statement from you to --

14 A: Yes

15 Q: -- the media?

16 A: Yes.

17 Q: At the time -- and I guess I don't know rank structure at
18 the police departments.

19 A: Uh-huh.

20 Q: Like, I always think of it, like, for like military.
21 Like, the sergeants of a police department -- and you tell if
22 I'm wrong about that. They're sort of the workhorses, the
23 blue-collar guys, the guys who get things done?

24 A: Yeah. Well, when I was a lieutenant at the Sheriff's
25 Office -- and you're correct in that, but when I was a

1 lieutenant in the Sheriff's Office, it was the same way. I
2 was on call when everybody else had a caseload or something.

3 Q: Okay. But at this time in the time of your involvement
4 in this case, you were a sergeant?

5 A: Yes, sir.

6 Q: And you were the guy getting stuff done?

7 A: Well, I was one of -- I wouldn't -- my view was in this
8 case I was one of three others who were having a supervisory
9 role in a sense. Yes, sir.

10 Q: Okay. And I want to talk to you about a couple of things
11 real quick. I'm going to show you what's been marked as
12 Defense Exhibit Number 30 and ask you if you recognize that?

13 A: I recognize the letterhead, but I'm not sure if I've ever
14 seen this before because it doesn't have -- it wouldn't be a
15 document I produced because it doesn't have any -- it doesn't
16 have anything identifying other than just the individuals.
17 Apparently, somebody was interviewed.

18 Q: Okay. On direct testimony, you testified that you had
19 sent people out to the McColl area to canvass around?

20 A: One morning, yeah, we were doing -- one of the mornings
21 we were looking for new places to go, and I had suggested that
22 this area around New Bridge would be a good area to go out.
23 And I think Sean Felder and I think Tyler White with SLED kind
24 of headed that up and took a crew out that way.

25 Q: Okay. Is that a summary of that canvass?

JAMIE SEALES - CROSS BY MR. YOUNG

1 A: I don't know. It could be because David Warrax [ph]
2 lives on New Bridge, and Richard LaBean lives on New Bridge.
3 Well, all -- all four of them appear to. Yes. I'm not sure
4 if this was mine.

5 Q: Okay.

6 A: But I think -- I think that if -- I know if SLED had to
7 have done it, it would have been documented better, I would
8 assume, but I can't tell you if it was mine.

9 Q: Okay.

10 A: But they're all New Bridge Road residents.

11 Q: And to be clear, you didn't write any individual reports
12 about what you did each day in this case?

13 A: Not that I wrote, no.

14 Q: Okay. And I mean, you would have them if you did?

15 A: I would have. I would have turned it in, that stuff, to
16 the command post every day.

17 Q: Okay.

18 MR. YOUNG: For the record, this is Defense Exhibit
19 Number 30, and it does have four individuals who live on New
20 Bridge Road who were talked to at some date. I would offer it
21 into evidence.

22 MS. WEISS: I object, Your Honor. He hasn't laid a
23 foundation for that. The information that is in the discovery
24 is that that document was made on July 6th.

25 MR. YOUNG: And where is that information in here that

1 this was made on July 6th?

2 MS. WEISS: It's in the FBI list.

3 THE COURT: All right. You need to let her make an
4 objection --

5 MR. YOUNG: Certainly.

6 THE COURT: -- and then you can address it.

7 MS. WEISS: And so that would be after Agent --
8 Investigator Seales had left the Sheriff's Office. I believe
9 it says it was done by a witness who has already testified
10 prior to this.

11 THE COURT: Might I see it? I'll be glad to hear from
12 you, Mr. Young.

13 MR. YOUNG: Your Honor, this is a document of people who
14 were talked to at New Bridge Road, specifically Richard LaBean
15 as the first one who says he hasn't seen Mr. Harrington in
16 years. It seems to me that if it was made in July after he
17 had turned over a video of what he claimed to be Mr.
18 Harrington's car, that would have been mentioned since what he
19 said in there is I used to know him, used to live around
20 McColl, hadn't seen him in years. He used to cut my grass as
21 a kid. I think that that document was the result of what
22 Investigator Seales sent out there to talk to people around
23 there.

24 THE COURT: Well, the objection is that he's not the
25 author of this. It's not a business record. What -- I

JAMIE SEALES - CROSS BY MR. YOUNG

1 understand why you're trying to enter it into evidence.

2 However, what do you have to say about her objection?

3 MR. YOUNG: Your Honor, I think it's a reasonable
4 interpretation that that is a summary of what Investigator
5 Seales had people go do. I understand that he didn't author
6 this, and nobody put their name on it. It's clearly done by
7 the Sheriff's Department at some point in time, and it seems
8 to me to be clearly done before the 14th or the evening of the
9 13th going into the 14th when Mr. LaBean says -- claims to
10 have seen Mr. Harrington's car.

11 THE COURT: For what it's worth, I'm going to allow him
12 to put it into evidence.

13 (WHEREUPON, Defendant's Exhibit Number 30, New Bridge
14 Road canvass summary, was admitted into evidence.)

15 MR. YOUNG: Thank you, Your Honor.

16 BY MR. YOUNG:

17 Q: Investigator Seales, earlier on direct testimony, you
18 talked about going to the crime scene and not going into the
19 crime scene?

20 A: I said -- I think I said I couldn't -- I stayed outside
21 mostly. I couldn't remember if I actually went up into the
22 yard or anything. I can't recall if I ever -- probably after
23 it was processed I may have walked up in there, but I can't
24 remember if I -- exactly what happened. My recollection is
25 most of my time was spent out at the road that morning trying

1 to get everything organized and then going back and writing
2 the search warrant for the house for SLED crime scene, and
3 then I think I came back to the residence, but --

4 Q: And have you reviewed the crime scene log --

5 A: I have not.

6 Q: -- from that day?

7 A: I have not.

8 Q: I'm going to show you, and I know it's in evidence. I
9 don't have it in my hand; so I'm going to show you just a copy
10 of it. I think I've highlighted your name on there.

11 A: Yes, sir. 9:07 and 9:12.

12 Q: And that was the log maintained by Deputy Childers?

13 A: Uh-huh. I think that's right. Yes, Deputy Childers. He
14 just started.

15 Q: And according to the crime scene log, you went in there
16 at 9:07?

17 A: Uh-huh.

18 Q: And you're saying that you didn't go inside the house?

19 A: No.

20 Q: But maybe inside the --

21 A: That's what he listed as me going in. I could have just
22 crossed the tape in the yard and came back out to the road.
23 He was -- I think he had been a deputy for about maybe a
24 couple months.

25 Q: And I think the previous testimony was not even that

JAMIE SEALES - CROSS BY MR. YOUNG

1 long, that he wasn't even certified yet?

2 A: Yeah. That's been my memory for six years.

3 Q: Okay. I want to talk to you a little bit about one
4 thing. Sort of toward the end of your direct testimony, you
5 talked about some distances between Craig Circle, Grace
6 Street, and New Bridge Road?

7 A: Uh-huh.

8 Q: And did you get asked about the distance between Craig
9 Circle and Grace Street, [REDACTED] Craig Circle and [REDACTED] Grace
10 Street?

11 A: I don't think I was asked about that.

12 Q: Do you know the distance from there? Or if I tell you
13 it's about 1.9 miles, does that sound right?

14 A: I would think less, but that sounds about right.

15 Q: It takes about five minutes to drive?

16 A: That sounds almost exactly right.

17 Q: Okay. I know we've had a prior hearing where we talked
18 about some of the search warrants, and I'm not trying to
19 rehash what we did last time. I've gotten you a transcript of
20 their -- of your prior direct testimony concerning the search
21 warrants, but sort of looking under a -- under a different
22 angle, I want to talk to you about a couple of different ones.
23 Okay? Are you good with that?

24 A: Uh-huh.

25 Q: The first one I want to talk to you about is the one that

JAMIE SEALES - CROSS BY MR. YOUNG

1 you talked about on direct examination, the May 6th, 2017,
2 search warrant for the Ford Fusion, and I know it's in
3 evidence, but I'm just going to give you a copy to refer to --

4 A: Yes, sir.

5 Q: -- if you need to. On direct, your testimony was that
6 you wanted to process that car to look for Iyana, that she
7 might be in that car; right?

8 A: Or any other evidence related to it.

9 Q: And in your affidavit for that search warrant, you said
10 -- and this is dated on the 6th; right?

11 A: Yes, sir.

12 Q: About halfway through your affidavit, you said cell phone
13 records of a person of interest and statements made during an
14 interview with him now lead this affiant to believe that the
15 suspect traveled to Cheraw, South Carolina?

16 A: Uh-huh.

17 Q: Right? And that's Dwayne Bright that you're talking
18 about?

19 A: Yes.

20 Q: And so the cell phone records request for Dwayne Bright
21 was also dated on the 6th; right? And it was done by another
22 officer, Lt. Albarri; right?

23 A: I trust you on that.

24 Q: Okay. And those records didn't come back in until the
25 7th; right?

JAMIE SEALES - CROSS BY MR. YOUNG

1 A: I don't know. I know that sometimes during this and
2 other cases where you have exigent circumstances like a
3 missing child, they would send an email with a set of records
4 maybe early and then send a disk overnight, the next day, or
5 send the completion of the records the next day, but without
6 looking at anything that came in or a timestamp on an email or
7 something, I couldn't tell you exactly.

8 Q: Okay.

9 A: I wasn't heavily involved in the cell phone review or the
10 record review.

11 Q: The information given to you was that you had those
12 records?

13 A: Yes. As it relates to this affidavit, yes, sir.

14 Q: Okay. And then two sentences later, you said it is my
15 belief that the suspect drove the victim's car with the child
16 in it to another area and then returned the vehicle to home
17 and left on foot?

18 A: Yes.

19 Q: And that was --

20 A: Correct.

21 Q: -- your belief?

22 A: Yes. That's when I was writing the search warrant it
23 was.

24 Q: And I'm just trying to be clear, like, that was an
25 assumption that you made, somebody told you that, like --

1 A: Just --

2 Q: Your gut?

3 A: No. Just everybody talking, talking it out, I guess, the
4 same group of all the investigators going through what we knew
5 so far and just such a fast-paced environment we're talking
6 about.

7 Q: Okay. But that's what you said -- you said to the
8 magistrate?

9 A: I did, yes.

10 Q: And we probably should agree on this. Like, affidavits
11 to magistrate judges are no different than your testimony here
12 today; right?

13 A: Correct.

14 Q: You're under oath; right?

15 A: Yes.

16 Q: Whether you were in court or not, whether an attorney is
17 present or not, you were sworn to tell the truth, the whole
18 truth, and nothing but the truth?

19 A: Yes.

20 Q: Right?

21 A: Yes.

22 Q: And occasionally sometimes you supplement your affidavit
23 with oral testimony at the time?

24 A: That's correct.

25 Q: If the magistrate has a question, they'll ask you and

JAMIE SEALES - CROSS BY MR. YOUNG

1 you'll answer; right?

2 A: Yes.

3 Q: And you don't have a specific recollection of that being
4 the case in this search warrant?

5 A: I don't. I don't remember if I told him anything or not
6 in addition.

7 Q: Okay. I want to talk to you about the search warrant
8 also issued on the 6th, and I think you indicated on direct
9 examination that the search warrant for [REDACTED] N. Everett Street
10 was after Mr. Bright was brought in for questioning, and while
11 he was there you went and issued a search warrant for his
12 residence?

13 A: Yes, because I -- in reviewing the video interviews of
14 Mr. Bright, it started that day I think around 2 p.m., and I
15 was -- I was referencing that off the return when the return
16 was done at 6 p.m. So logical assumption would be sometime I
17 guess between 4:30 and five we arrived there.

18 Q: Okay. Some of the information that you included in the
19 affidavit for this warrant was the threatening texts that were
20 given to y'all by Ms. Campbell?

21 A: Yes.

22 Q: You talked about he had lied about the last time that he
23 had seen Ms. Lowery?

24 A: Yes. Uh-huh.

25 Q: I guess it was paragraph 4, you said Bright started off

1 by saying he had been in a four-year relationship with the
2 victim and hadn't seen her in a while or months?

3 A: Correct.

4 Q: Right? And then he said he was going to tell the truth,
5 he was there Wednesday night?

6 A: Yes.

7 Q: Okay. You indicated that at least Mr. Bright had said
8 that she was not a good mother and that she was mean to him?

9 A: Are we in paragraph 4 still?

10 Q: Sure. I think it's paragraph 5.

11 A: Yes. Uh-huh.

12 Q: And I know you talked about this a little bit on direct
13 that you had some bad information that cell phone records
14 showed 13 text messages on the 4th going into the 5th?

15 A: Yes, sir. I think it was a consensus among a few of the
16 investigators, but I think it was mentioned in an earlier
17 interview too.

18 Q: And you -- and I guess it was also bad information that
19 the cell tower records showed that he was near her house on
20 the 4th going into the 5th?

21 A: Yes. That would be the same -- the same set of records
22 there was some confusion about.

23 Q: Okay. And did you ever go back to the magistrate and say
24 I gave you some bad information, I was not correct about these
25 text messages?

JAMIE SEALES - CROSS BY MR. YOUNG

1 A: No.

2 Q: Okay. And I know we talked a little bit about this one
3 on direct as well. This is the 5/6/17 warrant for 843-535-
4 3480?

5 A: Uh-huh.

6 Q: Do you recall that search warrant that's also in evidence
7 already?

8 A: I do.

9 Q: I'll ask you a couple questions following up on that.
10 One of the things that you put in the search warrant was --
11 and I guess this is sort of the middle of your affidavit.

12 A: Uh-huh.

13 Q: Which starts off one of the last numbers that had
14 activity on the victim's cell phone shortly after 1 a.m. on
15 the day she was discovered, a review of the victim's call log
16 at the crime scene did not show this number; right?

17 A: Uh-huh.

18 Q: Is this affiant assumes someone deleted it. I'm assuming
19 that's just a typo. It is assumed that this -- by this
20 affiant that somebody deleted it from the call log?

21 A: That's what I put on here.

22 Q: And if this is found to be true, this is very suspicious
23 sequence of events?

24 A: Yes.

25 Q: And those are all your opinions?

1 A: Yes.

2 Q: I mean, they're not facts?

3 A: No, they're not.

4 Q: Okay. But you put them in the search warrant to the
5 magistrate?

6 A: Yes.

7 Q: And you now know that you didn't have Ella Lowery's cell
8 phone?

9 A: That was another phone. I think it was her mom's.

10 Q: Okay. So her mom's cell phone didn't have any of her
11 call records in it; right?

12 A: Logically, it shouldn't.

13 Q: Okay. Did you go back to the magistrate and be, like, I
14 was wrong, I was looking at the wrong cell phone, that number
15 wasn't -- that wasn't Ella's cell phone?

16 A: No, sir, I did not.

17 Q: When Mr. Bright had been brought in, did you run a
18 driving history on him or DMV record?

19 A: I didn't.

20 Q: Do you know if anybody did?

21 A: I think -- I would guess somebody did. I don't know for
22 certain. We typically would.

23 Q: Let me show you what's been marked as Defense Exhibit
24 Number 32. Can you tell the Court what that is?

25 MS. CRAYTON: Did you say 31?

JAMIE SEALES - CROSS BY MR. YOUNG

1 MR. YOUNG: It's -- I said it correctly. There's another
2 pre-marked thing coming. I got it.

3 BY MR. YOUNG:

4 A: It's a ten-year driving record from the South Carolina
5 DMV.

6 Q: And for who?

7 A: Dwayne Jermaine Bright.

8 Q: And does it have a date and time at the bottom of it as
9 to when it was run?

10 A: 5/6/17 at 10:08 a.m.

11 Q: Okay. And does it have an address listed for him?

12 A: [REDACTED] Gilchrist Avenue, Apartment [REDACTED], in McColl.

13 Q: Is that the same address that you did a search warrant
14 for?

15 A: No.

16 Q: Did you ever go to [REDACTED] Gilchrest --

17 A: No.

18 Q: -- Avenue? Does it have [REDACTED] Everett Street listed as a
19 previous address?

20 A: It does.

21 Q: Okay. But that's the address that y'all went to? That's
22 the address you were informed that he was staying at?

23 A: Yes, sir. He was picked up from that address that day
24 and brought to us.

25 Q: Okay.

1 A: If that helps.

2 MR. YOUNG: Your Honor, I'd offer Defense Exhibit Number
3 32 into evidence.

4 MS. WEISS: Without objection.

5 THE COURT: It's into evidence.

6 (WHEREUPON, Defendant's Exhibit Number 32, Dwayne Bright
7 driving record, was admitted into evidence.)

8 BY MR. YOUNG:

9 Q: I think sort of the next thing that you did was be
10 involved in the interrogation of Mr. Bright?

11 A: In relation to?

12 Q: This is the same day.

13 A: After doing search warrants and all?

14 Q: Yeah.

15 A: Yes. So this was Saturday?

16 Q: Right.

17 A: Uh-huh.

18 Q: And you were at the police station after you got done
19 doing your search warrants?

20 A: Uh-huh.

21 Q: And you knew that Mr. Bright was in there being
22 interrogated?

23 A: Yes.

24 Q: And he had been interrogated by SLED, by --

25 A: FBI.

JAMIE SEALES - CROSS BY MR. YOUNG

1 Q: -- FBI. Anybody else from the Sheriff's Office?

2 A: Not that I know of. He could've been, but not that I

3 know of.

4 Q: All right. And he was given a polygraph by an FBI agent?

5 A: Yes.

6 Q: And he was informed that he did not --

7 MS. WEISS: Objection --

8 Q: -- pass?

9 MS. WEISS: -- Your Honor.

10 THE COURT: Sustained.

11 MR. YOUNG: Your Honor, this is not for the truth of the

12 matter asserted. I'm not saying that the polygraph is

13 reliable. I'm saying that Mr. Bright was informed that he did

14 not pass the polygraph. I'm not saying the results are

15 admissible or --

16 THE COURT: We're not going to be talking about the

17 polygraph.

18 BY MR. YOUNG:

19 Q: It was after those events is when you got sent in to

20 interrogate him?

21 A: After that event, yes, sir.

22 Q: And everybody else left and you went in by yourself?

23 A: I don't know who left the office, but I went in the room

24 by myself, yes, sir.

25 Q: Nobody else was in there with you and Mr. Bright?

1 A: No, sir.

2 Q: And one of the things that you started off with was that,
3 listen, man, I'm here to be honest with you and tell you the
4 truth?

5 A: Yes, sir.

6 Q: At one point in time, you said you're not -- I'm not
7 pussy footing around with you anymore, I'm going to tell you
8 like it is?

9 A: Uh-huh.

10 Q: And you went in there to tell him what the evidence was
11 against him?

12 A: Uh-huh.

13 Q: And that's sort of what you did. You said, listen,
14 here's what we got; right?

15 A: Yep. At stages I would tell him different things,
16 different parts of it.

17 Q: Sure. And I guess on page -- at the top of page 122 --
18 and I know you have that summary? Do you need a full-size
19 one?

20 A: 122? I got it.

21 Q: These guys, they hadn't been completely honest with you,
22 but you were there to be honest with him; right?

23 A: Well, that's what I was telling him.

24 Q: Okay. And one of the first things you did, going to page
25 125, y'all talked about some fingerprints, stuff like that,

JAMIE SEALES - CROSS BY MR. YOUNG

1 and then towards the bottom of the page you said we got her
2 DNA in your house?

3 A: Yes. It says I said that.

4 Q: Right. And that was true; right? That you had her DNA
5 on his shoes?

6 A: I honestly don't recall that without seeing the report.

7 Q: Okay.

8 A: If that's the truth, I agree with you.

9 Q: Okay. Next on page 130, you confronted him, I guess in
10 the middle the page on 130, with we got the text messages?

11 A: Yes.

12 Q: So you confronted him with, like, we got your text
13 messages, and these are in evidence, but you -- you had these;
14 right? And you showed him the text messages and you talked
15 about their contents?

16 A: The language, yes.

17 Q: Right. That he was making sexual remarks about her son
18 and her?

19 A: The animosity going toward them.

20 Q: Right. Skipping forward a little bit to page 136, you
21 confronted him about blood, her blood being at his house?

22 A: Uh-huh.

23 Q: Right? And again, that was on the shoes?

24 A: Yes.

25 Q: On page 144 towards the bottom, you started talking --

JAMIE SEALES - CROSS BY MR. YOUNG

1 confronting him with the wear patterns, his Nike Air Force 1s
2 versus the bloody footprint from the crime scene?

3 A: Uh-huh.

4 Q: And you went on to explain to him that everybody who
5 wears shoes wears them differently and that the wear pattern
6 on this print was going to match his?

7 A: Yes, sir.

8 Q: And after you had confronted him with this stuff on page
9 -- I think page 172 is when he says, you know, you know what?
10 She hit me. She told me fuck you, fuck you, just get the fuck
11 out of my house, and she hit him. It's at page -- the bottom
12 of page 172.

13 A: Yes, sir.

14 Q: I'm going to back up with you a little bit.

15 MS. WEISS: Can you back that up a little bit so I can
16 see it?

17 MR. YOUNG: I can try.

18 MS. WEISS: Thank you. That's good.

19 BY MR. YOUNG:

20 Q: Prior to going in there to meet with Mr. Bright, you knew
21 at that point in time that she was an ex-girlfriend?

22 A: Well, yeah. In his mind, she was a girlfriend.

23 Q: In his mind, she was still a girlfriend, but he had told
24 you that she was an ex-girlfriend, hadn't seen her in a while
25 or four months was his initial statement?

JAMIE SEALES - CROSS BY MR. YOUNG

1 A: Correct.

2 Q: And then you confronted him with the texts that he had
3 sent, and I think those texts were sent in March of 2017.

4 Does that sound right?

5 A: It does. The search warrant I did for his residence, I
6 think it has a little detail in there, but that sounds
7 correct.

8 Q: Okay. Anyway, he had sent threatening texts to her?

9 A: Yes.

10 Q: Do we agree with that? And his testimony went on to say
11 on Wednesday was his testimony or his statement was Wednesday
12 she had called him to come over for sex?

13 A: Are we still on page 172?

14 Q: No, sir.

15 A: Oh.

16 Q: I'm just talking about the information you had from the
17 interviews that had been going on with him.

18 A: Yeah. And you're saying that she called him Wednesday to
19 come over?

20 Q: Yeah. They had texted through text. I'm sorry.

21 A: I think that's correct.

22 Q: Okay. And then during your interrogation after you had
23 confronted him with these evidence -- these -- the evidence
24 against him --

25 A: Uh-huh.

1 Q: -- is when he started saying, well, they got in a fight
2 and she had hit him?

3 A: The 172?

4 Q: Yeah. Is that right?

5 A: She does. She says -- he says that.

6 Q: And then he goes on to say that he hit her back?

7 A: Uh-huh.

8 Q: To get her off of him; right?

9 A: Yes.

10 Q: Okay. I'm going to call that a fight. Is that okay? Is
11 that fair to say if somebody hits you and you hit them, that's
12 a fight?

13 A: You know, I think I -- I'd have to read the whole
14 transcript, but I think I tried to parse that out with him
15 about how violent it was. I don't remember what his
16 explanation was because I was interested in that too, was this
17 just pushing or how violent was it.

18 Q: Well --

19 A: It was an argument, fine, yes.

20 Q: And he said he -- let's see. On page 180 in the middle
21 of the page, he says that she's, like, get out of my house,
22 just get out of my house, and you respond she's hitting you
23 like that, and he says, yes, she's throwing and he's trying to
24 block her?

25 A: Yeah. I think we were standing up in the interview room

JAMIE SEALES - CROSS BY MR. YOUNG

1 and he was demonstrating.

2 Q: Right.

3 A: Yeah.

4 Q: He was showing you how -- how the blows were being
5 exchanged?

6 A: Correct.

7 Q: And then on page 184, he says that -- at the top, he says
8 --

9 MS. WEISS: Your Honor, if I may object, he's going
10 through this transcript of a video. Has the video been put
11 into evidence?

12 MR. YOUNG: I don't know.

13 MS. WEISS: And the transcript has not been put into
14 evidence. I would just ask that if he's going to go through
15 this -- this transcript that the video of this interrogation
16 be put into evidence. I think that's really the best
17 evidence, and I know Mr. Young might not want to play it.

18 THE COURT: Do you have an objection to that?

19 MR. YOUNG: Your Honor, if they want to put it in, that's
20 fine. I'm going to just go through the sections that I think
21 are important to paint the picture for the Court, and if they
22 want to put other stuff in, then I don't have an objection to
23 that.

24 THE COURT: All right. The video is into evidence.

25 MS. WEISS: Thank you, Your Honor.

1 BY MR. YOUNG:

2 Q: So on page 1 --

3 THE COURT: You might need to give her a disk of that if
4 you want it in evidence.

5 MS. WEISS: I'll do so, Your Honor.

6 MS. CRAYTON: Your Honor, can we have a number? Is that
7 State's Exhibit --

8 THE COURT REPORTER: It would be 33.

9 MR. REDMOND: 585.

10 MS. CRAYTON: 580?

11 THE COURT REPORTER: Oh, State's Exhibit.

12 MS. CRAYTON: State's Exhibit, wouldn't it be?

13 THE COURT REPORTER: It would be 585.

14 (WHEREUPON, State's Exhibit Number 585, interview of
15 Dwayne Bright on disk, was admitted into evidence.)

16 BY MR. YOUNG:

17 Q: Investigator Seales, on page 184 at the top, he says I
18 hit her a couple of times?

19 A: Yes, sir. I see it.

20 Q: And then at the bottom of that page, he said, like you
21 said, how many times do you think you hit her, and he said no
22 more than probably three, at least three?

23 A: Yes, sir.

24 Q: Okay. At the bottom of page 185, you started talking to
25 him about a knife?

JAMIE SEALES - CROSS BY MR. YOUNG

1 A: Uh-huh.

2 Q: And he told you, yeah, she had threatened to cut him
3 before?

4 A: Yes.

5 Q: And then on page 203 is when he said he had a knife in
6 the middle of the page?

7 A: 203?

8 Q: Yes, sir. She had something. It was probably a knife.

9 A: Yes.

10 Q: And based on the information that law enforcement had at
11 the time, we know that it was a long-bladed knife?

12 A: Yes.

13 Q: Like a kitchen knife out of a butcher's block?

14 A: I don't know that I can testify as to that part, but I
15 guess a sharp object.

16 Q: Sure. And sharp object with a blade approximately five
17 inches?

18 A: Without seeing the autopsy report, I don't know that I
19 can testify to that.

20 Q: Okay. And we've heard testimony from the medical
21 examiner that talks about the wound being five-and-a-quarter
22 inches deep?

23 A: Sure.

24 MS. WEISS: Objection, Your Honor. I think you said
25 you've heard testimony?

JAMIE SEALES - CROSS BY MR. YOUNG

1 MR. YOUNG: I said we have heard, I mean, in court.

2 MS. WEISS: I don't think Investigator Seales was in here
3 to hear testimony from --

4 MR. YOUNG: I didn't mean to --

5 THE COURT: He can ask the question. If he doesn't know,
6 he can respond accordingly.

7 BY MR. YOUNG:

8 Q: The information law enforcement had was it was a long-
9 bladed knife?

10 A: Again, I can look at the document and tell you, but I --

11 MS. WEISS: Your Honor, I object. This is something the
12 defense is writing on a board that has nothing to do with the
13 testimony.

14 MR. YOUNG: The Court is familiar with the --

15 THE COURT: He can -- you can cross-examine with regard
16 to that, and it seems to be a question as to whether or not it
17 was classified as a long-bladed knife. We've heard the
18 testimony from the pathologist. It's a question of fact. I
19 understand that. Go ahead.

20 MR. YOUNG: And the testimony of Agent Hunton.

21 BY MR. YOUNG:

22 Q: Eventually, on page 204, he talks about he was trying to
23 take it from her and that she fell? She just -- I guess it's
24 the middle of the page. And she just fall, she just go ahead
25 and fall. Now I'm trying to grab the door and get out of the

1 way?

2 A: Yes.

3 Q: And your response was, like, well, there was blood
4 because we're talking about the blood on your shoes; right?

5 A: Correct. He kept saying there was no blood.

6 Q: On page 222 near the bottom, you had talked about whether
7 or not he had weapons, and he said he had had a straight razor
8 and some brass knuckles?

9 A: Yes.

10 Q: And on page 226 again at the bottom, you started talking
11 about let's go get the knife, can you take me to the knife?

12 A: Yes. We've got to go get that knife. Can you take us to
13 it? Yes.

14 Q: And he said, yes, sir?

15 A: Yes.

16 Q: And you asked for some more information about the knife,
17 and I guess on page 228 at the bottom is when he said he threw
18 it as he was walking down her driveway?

19 A: Yes. Like, her driveway. I was walking down her --
20 like, her driveway, yes.

21 Q: And then on page 231 right in the middle is where he
22 says, oh, my God, I don't know what I did?

23 A: Yes.

24 Q: Now, you relayed this information about throwing the
25 knife in the bushes to law enforcement to go back to Craig

1 Circle to look for the knife?

2 A: Yes. Several of us went out there, and he went with us.

3 Q: And Dwayne went with you?

4 A: Uh-huh.

5 Q: Okay. Did -- is that documented anywhere?

6 A: I would assume somebody put it in a report. I didn't. I
7 didn't put it in. There were people there who -- I think he
8 went with us. He was in handcuffs because that way he could
9 show us, you know.

10 Q: All right.

11 A: We got there and just walked around the yard. He just
12 kept walking around and saying I don't know where it is, I
13 don't know where it went, I don't know where it's at. Just I
14 can't remember how long that went on, maybe an hour or so,
15 maybe not even that long.

16 Q: Okay. After this and after making these admissions to
17 you, Dwayne Bright was arrested?

18 A: Yeah, not long after that.

19 Q: And he wasn't charged with criminal domestic violence?
20 He wasn't charged with that?

21 A: No.

22 Q: He wasn't charged with an assault and battery?

23 A: No.

24 Q: He was charged with murder?

25 A: He was.

JAMIE SEALES - CROSS BY MR. YOUNG

1 Q: And possession of a weapon during a crime of violence?

2 A: He was.

3 Q: And those were the charging decisions that were made
4 against him?

5 A: Yes.

6 Q: Now, I understand that I characterize this as a
7 confession, and you said -- at a previous hearing, you said,
8 well, it depends on what you consider a confession?

9 A: Yes.

10 Q: Right? Because the judge asked you --

11 A: I did, yeah.

12 Q: Right? Do you remember that?

13 A: I remember it.

14 Q: So what I should have said is, like, his ex-girlfriend
15 who he sent threatening texts to texts him to come over for
16 sex, they got in a fight, she had a knife with a long blade on
17 it, which he -- she fell on, he got the knife and threw it
18 away from her, not a confession, but that's what he told you?

19 A: Yes, but you just said that she fell on the knife. Does
20 it say that in the transcript or that she just fell? I think
21 it says she just fell.

22 Q: It just says she fell; right?

23 A: Okay. She didn't fall on the knife.

24 Q: Well, you knew that there was a lot of blood there?

25 A: Correct. And I asked him could she have been on her

1 period. I went through a lot of that. There's some stuff
2 that's in between some of those points.

3 Q: Well, sure. I think what he brought up, well, maybe she
4 was on her period to explain the blood on his shoes, and you
5 said I've been waiting for that bullshit; right?

6 A: Yes, I did.

7 Q: You said I've talked to the doctor, I've talked to the
8 medical examiner, and she was not?

9 A: We talked about the autopsy.

10 Q: Yeah.

11 A: Yeah.

12 Q: And you told him I was waiting on you to try that?

13 A: Uh-huh.

14 Q: Right? To shut that down?

15 A: I did.

16 Q: Okay. After he was arrested and after the -- I guess,
17 after the callouts came in, you did a search warrant. I guess
18 it was on the 8th, so not the 7th but the next day, and that
19 was the day that you did the search warrant for Grace Street;
20 right?

21 A: So, yeah, the 8th would have been Tuesday, I think,
22 Monday or Tuesday, I think. Yeah.

23 Q: And I think that you've addressed this in your testimony.
24 Let me find you a copy of the affidavit. This is the one that
25 I don't have a copy of either because it was sealed. One of

JAMIE SEALES - CROSS BY MR. YOUNG

1 the things that you testified about previously was that you
2 had pulled a copy of Mr. Harrington's DMV?

3 A: Uh-huh.

4 Q: Right?

5 A: Yes.

6 Q: And I'm going to show you what's been marked as Defense
7 Exhibit Number 33 and ask you if you recognize that?

8 A: Yes.

9 Q: And what is it?

10 A: It's a ten-year driving record from the DMV for JeJauncey
11 Fernando Harrington.

12 Q: Okay. And I need you to speak up a little bit. What was
13 the address listed on his DMV?

14 A: [REDACTED] Second Avenue, Bennettsville, South Carolina.

15 Q: And does it list [REDACTED] Grace Street anywhere on it?

16 A: No, sir. I've reviewed it. No, it doesn't.

17 Q: Okay. And did you ever go to [REDACTED] Second Avenue,
18 Bennettsville, South Carolina?

19 A: Pertaining to this investigation?

20 Q: Yes, sir.

21 A: No, sir.

22 Q: Okay. And that's not far from [REDACTED] Grace Street?

23 A: Not very far.

24 Q: And so across that main road into the Shady Rest
25 neighborhood?

JAMIE SEALES - CROSS BY MR. YOUNG

1 A: Across Ross Street, yes.

2 Q: Okay.

3 MR. YOUNG: Your Honor, at this time, we'd offer Defense
4 Exhibit No. 33 into evidence.

5 THE COURT: Any objection?

6 MS. WEISS: No objection.

7 THE COURT: It's into evidence.

8 (WHEREUPON, Defendant's Exhibit Number 33, driving record
9 of JeJauncey Harrington, was admitted into evidence.)

10 BY MR. YOUNG:

11 Q: Referring to the transcript from a prior hearing
12 concerning this search warrant, and I'm going to skip to page
13 28. And I'd ask you did you provide any supplemental oral
14 testimony to this affidavit, and your response was you usually
15 try and do a long affidavit so that you don't have to?

16 A: Yes, I said it.

17 Q: Okay. And I think you cleared up today that the Graham
18 was a typo, it should have been Campbell?

19 A: Yes. Jamie Campbell, not Jamie Graham.

20 Q: Okay. And you cleared up the DMV. And then we talked a
21 little bit about whether or not Bright had confessed. I guess
22 it was page 42 and that he had said that he was there at 1:40,
23 and my point was that you did not tell the magistrate that
24 another person had said that he was there and got in a fight
25 with her with a knife?

JAMIE SEALES - CROSS BY MR. YOUNG

1 A: Right. At the July hearings, yes, sir.

2 Q: Right?

3 A: That's right.

4 Q: We talked about the -- I'm sorry. I lost my spot on
5 that. I think the Court asked you about some more information
6 about Mr. Bright on page 48 at the bottom?

7 A: Uh-huh.

8 Q: And the Court asked you tell me about him, I don't know
9 anything about him, and you went on to say he was a person of
10 interest early in the investigation, brought to the Sheriff's
11 Office and interviewed. And then skipping down towards the
12 end of page 49?

13 A: Uh-huh.

14 Q: You said in subsequent days after reviewing the Bojangles
15 video, we found out from the staff at Bojangles that their
16 cameras were 24 hours off.

17 A: Uh-huh.

18 Q: So that put him there, based on my recollection, the day
19 before the actual homicide or two days before the actual
20 homicide?

21 A: Uh-huh.

22 Q: Right?

23 A: I said that, yeah.

24 Q: And you've subsequently -- subsequently to your testimony
25 in that case or at that hearing, you provided us with an

1 affidavit; right?

2 A: Yes.

3 Q: And your affidavit was a correction of that testimony?

4 A: Yes. At the time in July when we had these hearings, I
5 hadn't reviewed the case file in five-and-a-half years.

6 Q: Sure. I'm going to show you what's been marked as
7 Defense Exhibit Number 31 and ask you if you recognize that?

8 A: I do.

9 Q: And what is it?

10 A: It's an affidavit from me correcting the events of the
11 Bojangles, two Bojangles dates and hours.

12 Q: Okay. Now, did you write that affidavit? Did you sit
13 down and type that?

14 A: I did not type it.

15 Q: Okay. Do you know who did type that?

16 A: I don't.

17 Q: Okay. Were you in court when you wrote that affidavit?

18 A: This, was I in court?

19 Q: Sure.

20 A: No, sir. I didn't type it.

21 Q: All right. Was I there or another defense lawyer there
22 when you wrote this affidavit?

23 A: No, sir.

24 Q: All right. It is signed by you, and it is a sworn
25 statement?

JAMIE SEALES - CROSS BY MR. YOUNG

1 A: It is.

2 Q: Now, the statement in the affidavit was that you had
3 talked to staff at Bojangles. The correction was that you had
4 talked to staff, and you said we, so I'm assuming that you
5 meant, like, the global we of law enforcement?

6 A: That, and that Sunday when I first went there midmorning,
7 I had Robert -- well, Walter Baker and Robert White -- Josh
8 White with me.

9 Q: Okay.

10 A: That's what I recall.

11 Q: And that was the we?

12 A: Yes. And later I talked more to the -- as you said, the
13 collective as we talked more about it probably later that
14 Sunday about the videos and going back and collecting the
15 evidence.

16 Q: Okay. But nobody from Bojangles ever told you that our
17 videos are 24 hours off?

18 A: I don't recall if they did or not. I don't think so.

19 Q: And nobody from Bojangles ever told you that they're an
20 hour off?

21 A: I don't recall.

22 Q: You've sort of pieced that together based on the trucking
23 records? Today you said that those videos are an hour slow?

24 A: Yes. After I was given a copy of the trucking record,
25 the delivery record.

JAMIE SEALES - CROSS BY MR. YOUNG

1 Q: And in your affidavit, you said the date stamp on the
2 video is correct, and I was able to verify that with the date
3 of the delivery to the Bojangles on 5/4/2017 at 1:20?

4 A: Yes. That was my understanding of it then. I saw the --
5 I saw the Bojangles delivery for the trucking company date.

6 Q: And you looked at the time on the Bojangles film?

7 A: Uh-huh.

8 Q: And you verified that it was correct because there was a
9 truck there at 1:20?

10 A: I looked and saw that the time on the Bojangles delivery
11 says 1:20 and the truck pulled up on the video at
12 approximately 12:20.

13 Q: So when you said the date stamp on the video is correct
14 and I was able to verify that, you meant that the date stamp
15 was an hour slow and you were able to verify that?

16 A: I don't recall.

17 Q: Okay. Well, you understand they can't both be the same
18 thing?

19 A: Right.

20 Q: The date stamp can't be correct and be an hour slow?

21 A: Right.

22 MS. WEISS: Objection, Your Honor. The defense keeps
23 saying date stamp. The date stamp would be the date? So --

24 MR. YOUNG: So you're -- I object to the prosecution
25 testifying for the witness, but I took date stamp to mean all

JAMIE SEALES - CROSS BY MR. YOUNG

1 the -- the whole line, date, time, everything.

2 BY MR. YOUNG:

3 Q: That's not what you meant?

4 A: That date and time on the screen?

5 Q: Yeah.

6 A: I'm not -- ask me again. I'm not sure exactly what
7 you're asking.

8 Q: Sure. On --

9 A: On the Bojangles video?

10 Q: Yeah. Today --

11 A: Uh-huh.

12 Q: -- was the first time I ever heard you testify that your
13 conclusion is that the timestamp on the Bojangles video is an
14 hour slow?

15 A: That's because I saw the receipt today for McClane
16 Trucking.

17 Q: Okay.

18 A: Yes.

19 Q: Now, you gave me an affidavit in November of 2022?

20 A: Uh-huh.

21 Q: And in that affidavit, you said that you had looked at
22 that receipt from the trucking company?

23 A: Uh-huh.

24 Q: And verified the date and time on the Bojangles video.

25 A: Yes. I just misspoke, yes.

JAMIE SEALES - CROSS BY MR. YOUNG

1 Q: Okay. So that was -- that was incorrect in your --

2 A: That was incorrect.

3 Q: Okay. On May the 9th, 2017, is when you did a search
4 warrant. I don't know if this one -- did this one go in, the
5 602 Grace Street for the videos? Do you recall at this moment
6 if this went in on direct examination or not? I'll show you a
7 copy of it. Are you with me on that one?

8 A: Yes, sir.

9 Q: Okay. Now, in your affidavit for probable cause to get
10 the videos from [REDACTED] Grace Street was a phone number that
11 called the victim around the time of her death has been linked
12 to a residence in close proximity to this address; right?

13 A: Correct.

14 Q: And that this affiant feels that review of the video
15 footage contained at this residence will be beneficial to the
16 investigation?

17 A: Yes, sir.

18 Q: There's nothing else in there?

19 A: There's nothing else.

20 Q: And I know that you talked about the affidavit for the
21 New Bridge Road search. Briefly, I just want to refer back to
22 the portion where you talked about the --

23 A: New Bridge Road?

24 Q: Yeah. Do you need a copy?

25 A: I think I -- Exhibit 584? I think I have it.

JAMIE SEALES - CROSS BY MR. YOUNG

1 Q: Is that the one for Grace Street or the one for --

2 A: New Bridge.

3 Q: Okay. Then I handed you the wrong one earlier. Okay.

4 And what is the exhibit number on that one?

5 A: 584.

6 Q: Okay. Now, in State's 584, we talked a little bit about
7 the times. This is after you've reviewed the Grace Street
8 videos; right? And you have picked images of the car coming
9 and going?

10 A: This was 5/14. Yes, because we got the Grace Street
11 surveillance videos I guess on the 8th or 9th.

12 Q: Right.

13 A: So yeah. Yes, sir.

14 Q: And you had looked at those?

15 A: Yes, I'd seen clips of them.

16 Q: Okay. And you didn't have any reason to suspect that the
17 times on those videos were off?

18 A: I didn't have any. I can't recall any reason I had they
19 would be off.

20 Q: Okay. Nobody told you that the time on those videos is
21 inaccurate?

22 A: I don't recall that.

23 Q: Okay. And now, the times that you listed in the
24 affidavit for probable cause was that the car got back at 2:05
25 a.m.?

1 A: Uh-huh.

2 Q: This is the last paragraph; right?

3 A: That's it.

4 Q: And on the video, it shows the car returning to Grace
5 Street at 1:42 in the morning; right?

6 A: On the daycare video?

7 Q: Yes, sir.

8 A: Yes. Well, I'd have to -- I don't remember it, but sure,
9 yeah.

10 Q: Okay. Do you know why you wrote 2:05?

11 A: Not unless somebody -- again, that's -- as you said, the
12 collective was telling me that while I'm writing the search
13 warrant.

14 Q: Okay. And you wrote that it left again at 2:10 a.m.?

15 A: Yes.

16 Q: Okay. In actuality, on the video it's 1:47 a.m.?

17 A: Uh-huh. The only thing that I can attribute that to is
18 that someone was there or someone who had some knowledge that
19 the camera system was off a certain amount, and I was
20 adjusting that instead of just putting what was actually on
21 the timestamp because the five minutes stay consistent;
22 correct?

23 Q: Yeah. And you don't have in your possession, you had
24 never seen, and you can't put your hands on something that's
25 saying adjust this time?

JAMIE SEALES - CROSS BY MR. YOUNG

1 A: No, I don't.

2 Q: Okay. And today you testified that you put something
3 about the unique taillights on the video that you saw going
4 into New Bridge Road?

5 A: That I put it?

6 Q: Well, you testified that you did.

7 A: Yeah.

8 Q: I just want you to show me where you did it.

9 A: Did I testify that I put that on a search warrant?

10 Q: Yes, sir.

11 A: I thought I was asked was there anything about it. Do we
12 have the search warrant here? Is this -- is this the one for
13 the --

14 Q: This is the search warrant.

15 A: No. I mean if I -- I don't remember testifying that I
16 put something in the search warrant that it was unique. If I
17 did, I misspoke. I mean, I put it was consistent in size,
18 shape, and color. I think that was -- I do remember us --
19 everyone watching that and it being inconsistent from the
20 collective that that's a very distinct taillight.

21 Q: That didn't make it into your affidavit for probable
22 cause?

23 A: It is not in here, no, sir.

24 DIRECT EXAMINATION BY THE COURT

25 THE COURT: I just have one question. Based on your

JAMIE SEALES - DIRECT BY THE COURT

1 interview, when did Mr. Bright maintain that this
2 confrontation took place?

3 THE WITNESS: He was pretty consistent with Wednesday,
4 from what I recall, but watching the video and reading the
5 whole transcript, I think one time he said it was Thursday,
6 but he stuck pretty consistent with Wednesday. Even the
7 search warrant that I did for Bright's house I put in the
8 affidavit that he said this all happened Wednesday.

9 THE COURT: Do you want -- do you want to question him
10 regarding that?

11 MR. YOUNG: No, Your Honor.

12 THE COURT: Okay.

13 THE COURT: Redirect?

14 MS. WEISS: Okay. Your Honor, if we can, since the
15 defense was just asking about the Grace Street video cameras,
16 I want to go ahead and mark those and enter those into
17 evidence. It would be State's Exhibit 586.

18 MR. YOUNG: No objection, Your Honor.

19 THE COURT: It's into evidence.

20 (WHEREUPON, State's Exhibit Number 586, Grace Street
21 videos search warrant, was admitted into evidence.)

22 REDIRECT EXAMINATION

23 BY MS. WEISS:

24 Q: Okay, Investigator Seales. Investigator Seales, on the
25 defense's cross-examination, they were talking to you about a

JAMIE SEALES - REDIRECT BY MS. WEISS

1 transcript that they had created from your interrogation of
2 Bright?

3 A: Yes.

4 Q: And would you characterize that as an interrogation?

5 A: Yes.

6 Q: Okay. And when you're interrogating somebody, the
7 defense brought out you made statements about DNA on the shoe?

8 A: Uh-huh. Yes.

9 Q: The DNA on the cigarette butt?

10 A: Yes.

11 Q: The footprint in the drive -- in the carport?

12 A: Yes.

13 Q: And you've got the transcript up there. Did you ever
14 tell him that they did match him?

15 A: It's -- it's gone now.

16 Q: Oh, it's gone?

17 A: Yeah. But to answer your question, I don't think I did.
18 I think I told him -- I explained to him how evidence was
19 processed and how, you know, if we could get evidence back and
20 get results back, we just need to know the truth before it got
21 back.

22 Q: And is that part of your training in interrogation?

23 A: It's just a technique.

24 Q: A technique? That's what I mean. A technique for
25 interrogation?

1 A: Yes.

2 Q: And what's the purpose of that?

3 A: To try to get the factual information, a confession, to
4 try to get to the truth, try to see if there's information
5 they're withholding.

6 Q: And at some point, just to be sure, you were getting
7 information about Dwayne Bright, and that's been -- that's
8 come out throughout the testimony?

9 A: Yes.

10 Q: That led to his arrest?

11 A: Right.

12 Q: And what was ultimately the goal in trying to figure out
13 who may have committed this crime at this point prior to the
14 14th?

15 A: Prior to the 14th?

16 Q: Uh-huh.

17 A: The goal was to find who murdered Ella and try to find
18 Iyana alive.

19 Q: Okay. And so when you put in there what you thought
20 about the car, that was what you were thinking at that point?

21 A: Yeah.

22 Q: Of how this could have happened?

23 A: And this car, which car are we talking about?

24 Q: The Ford Fusion.

25 A: Yes.

JAMIE SEALES - REDIRECT BY MS. WEISS

1 Q: Because you were aware after interrogation that Mr.
2 Bright didn't have a car?

3 A: Yeah. He -- I think he actually made the statement he
4 had never driven before, either to me or to another
5 investigator.

6 Q: And at some point, he agreed to give you a buccal swab?

7 A: He provided one. I think I may have been in the room. I
8 think it was after we went out to the crime scene.

9 Q: Okay. And he agreed to come out with you to the crime
10 scene?

11 A: He did.

12 Q: To try to help you find a knife?

13 A: Yes.

14 Q: And actually, SLED crime scene met you out there as well?

15 A: I think that's correct, yes.

16 Q: And there is a report of that in the SLED crime scene
17 report?

18 A: Yes.

19 Q: With metal detectors?

20 A: Yes.

21 Q: And there was no knife found?

22 A: No.

23 Q: And the [REDACTED] Grace Street cameras, what led you to get the
24 video -- to get the -- to do a search warrant to try to get
25 video from the daycare across the street?

JAMIE SEALES - REDIRECT BY MS. WEISS

1 A: Myself and Josh White and Walter Baker were together. I
2 think we were riding through the neighborhood again to see if
3 the Mitsubishi Eclipse may have been back at Mr. Harrington's
4 mother's, and I just happened to look up and see the video
5 cameras. I was, like, well, oh, my God, there's cameras right
6 here, you know, pointing toward the residence. We thought it
7 would be very helpful information to get those.

8 Q: And then you did the search warrant?

9 A: Yes.

10 MS. WEISS: Thank you. I have no further questions.

11 THE COURT: You may step down.

12 MR. YOUNG: Could we ask for, like, a two-minute break --

13 THE COURT: Yes.

14 MR. YOUNG: -- so we can clean up?

15 THE COURT: Yes. We'll stand at ease for about 10
16 minutes.

17 (WHEREUPON, there was a break in the proceedings from
18 2:34 p.m. until 2:44 p.m., after which the proceedings
19 resumed as follows.)

20 MR. YOUNG: Your Honor, may I take care of one
21 housekeeping matter?

22 THE COURT: Yes.

23 MR. YOUNG: I think the record is incomplete on Defense
24 Exhibit Number 31. I don't think I moved that one in. That
25 was the affidavit from Investigator Seales, and I don't see it

1 up here. I may have set it out. I'd move it into evidence.
2 I think it's been ruled on.

3 Am I correct, Ms. Weiss, that there's no objection to the
4 affidavit?

5 MS. WEISS: I'm not going to object to it, no, but we'll
6 find it after.

7 MR. YOUNG: I will find it in my --

8 MS. WEISS: I've got to find -- I've got to make you a
9 disk anyway for mine. So we've both got something to provide.

10 THE COURT: Let's try to do that after court today so we
11 can get it straight. Let's do that.

12 MS. WEISS: Absolutely. Absolutely, Your Honor.

13 THE COURT: Very good.

14 (WHEREUPON, Defendant's Exhibit Number 31, affidavit of
15 Jamie Seales, was admitted into evidence.)

16 THE COURT: All right. You may call your next witness,
17 Ms. Munnerlyn.

18 MS. MUNNERLYN: Thank you, Your Honor. I would call Tab
19 Clardy to the stand.

20 THE CLERK: Come around to be sworn, please. Reach over
21 the boxes. Do you solemnly swear or affirm the testimony you
22 shall offer the Court in this case shall be the truth, the
23 whole truth, and nothing but the truth, so help you God?

24 THE WITNESS: I do.

25 THE CLERK: Okay. Please be seated.

TAB CLARDY - DIRECT BY MS. MUNNERLYN

1 THE COURT: If you'd just come around and have a seat in
2 the witness chair. I'm going to ask you, if you could, to
3 make yourself comfortable, pull up real close to that
4 microphone, and speak loudly and slowly in order that we can
5 hear everything that you have to say, and let's start with
6 your full name.

7 THE WITNESS: Tab J. Clardy.

8 MS. MUNNERLYN: Thank you, Your Honor.

9 TAB CLARDY, being first duly
10 sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. MUNNERLYN:

13 Q: Agent Clardy, where are you employed?

14 A: With the Federal Bureau of Investigation.

15 Q: Okay. And how many years have you been employed with the
16 FBI?

17 A: In eight days will be 20 years.

18 Q: Wow. Okay. And so you were employed with the FBI back
19 in 2017, May of 2017 to be specific, and were involved with
20 this particular investigation?

21 A: Yes.

22 Q: Okay. And tell us in what capacity you became involved
23 with this case?

24 A: At the time, I was a supervisory special agent. I'm
25 currently in that same position. At that time, I had the job

TAB CLARDY - DIRECT BY MS. MUNNERLYN

1 of the Computer Analysis Response Team, being a supervisor
2 over that program.

3 Q: Computer Analysis Response Team? So that's that CART
4 team that's been referred to here so far?

5 A: Yes.

6 Q: Okay. All right. And do you recall when y'all came to
7 -- did you -- did you actually come to Bennettsville?

8 A: I did. I received a phone call from Special Agent Jackie
9 Hamelryck. She called me and said that they -- we were
10 assisting, the FBI was assisting a local police agency and
11 that she needed some more assistance because the investigation
12 was detailed. At the time, there was a missing person.

13 So I responded from Columbia and also I called one of my
14 tech persons, forensic examiners, and told him to be in route.
15 When I arrived here in this jurisdiction, I went to the
16 sheriff's command post, where I met with leadership and got
17 some updates and instructions.

18 Q: Okay. All right. So when you got here, you went
19 immediately to the command center, which was set up at the
20 Marlboro County Sheriff's Office?

21 A: Yes.

22 Q: Okay. And once there, you were provided with video at
23 that time that was already in the possession of the Marlboro
24 County Sheriff's Office; isn't that correct?

25 A: Yes.

TAB CLARDY - DIRECT BY MS. MUNNERLYN

1 Q: It had already been obtained from the [REDACTED] Grace Street
2 location?

3 A: Yes.

4 Q: Okay. And it was transferred to you or to the Federal
5 Bureau of Investigation, your team?

6 A: It was transferred to my team.

7 Q: Okay.

8 A: Yes, ma'am.

9 Q: And you were supervising the team that -- that had the
10 responsibility of viewing this evidence?

11 A: Yes, ma'am.

12 Q: Okay. And do you recall -- I mean how many video clips
13 were included in this particular evidence that was given to
14 you?

15 A: Approximately 4,000.

16 Q: Okay. And so what did -- when you received it, what did
17 you proceed to do with it?

18 A: So our team, the team that I assembled, was composed of
19 professional staff members, supervisory special agents,
20 special agents, and also we had a computer scientist. So I
21 parsed out the videos or I had one of our computer forensic
22 analysts parse out the videos between a certain time frame
23 that we learned from supervising Special Agent, at the time,
24 Mike Connelly. He told us or told me specifically that we
25 were looking at a certain time frame, I'm going to say around

TAB CLARDY - DIRECT BY MS. MUNNERLYN

1 8 o'clock at night through the next day, and so I took nine
2 team members and we took eight sections of the video which
3 involved eight separate cameras.

4 Q: Okay. And what information in particular were you given
5 as to what to look for in the video?

6 A: We were told that the main person of interest was driving
7 a dark-colored car, possibly an Eclipse, and it had a
8 different colored top on the top of the roof.

9 Q: Okay. All right. And so you said y'all -- you divided
10 it up essentially?

11 A: Yes.

12 Q: And that was by channel, I believe it was?

13 A: Yes.

14 Q: Okay. And so the team viewed all of those 4,000 or so
15 portions of video; correct?

16 A: Yes.

17 Q: And after y'all did that, did you -- what did you with
18 the larger video, the 4,000 portions? Did you do something
19 with it to compress it or to make it more relevant to the
20 case?

21 A: We did.

22 Q: What did you do?

23 A: We took -- we took -- so the computer scientist took all
24 of our notes from all of the team members over a period of
25 days and compiled all of those notes and parsed it down to the

TAB CLARDY - DIRECT BY MS. MUNNERLYN

1 -- to the relevant videos that we actually observed. I was
2 actually assigned -- I assigned myself channel 3, and channel
3 3 actually had the view of the target of interest, his
4 driveway. So I actually viewed that, put my notes, gave all
5 the notes to our computer scientist, who compiled a timeline
6 --

7 Q: Okay.

8 A: -- in a spreadsheet format with times and parsed it out
9 where each camera would show where this car was leaving the
10 driveway and also returning to the driveway, which he did that
11 multiple times.

12 Q: Okay. All right. So he created a -- a video timeline?

13 A: Yes, ma'am.

14 Q: And there was also a paper document that was prepared;
15 isn't that right?

16 A: Yes.

17 Q: A spreadsheet of sorts?

18 A: Yes.

19 Q: Okay. And those two were prepared together or to
20 complement each other?

21 A: Yes, ma'am.

22 Q: Okay. All right. And I'm going to show you what's been
23 marked as State's Exhibit 253. Is that that Grace Street
24 timeline on here that was created?

25 A: I want to say yes, but I haven't actually seen this copy.

TAB CLARDY - DIRECT BY MS. MUNNERLYN

1 Q: Okay. Once I open it up --

2 A: Yes, ma'am.

3 Q: -- you'll be able to see it. Okay?

4 A: Yes, ma'am.

5 MR. YOUNG: No objection to the timeline or the videos.

6 THE COURT: All right. It's into evidence.

7 MS. MUNNERLYN: Okay. Your Honor, that's the -- the
8 video timeline is State's Exhibit 253, and then the
9 spreadsheet is actually Exhibit 261.

10 So no objection to either?

11 MR. YOUNG: That's correct.

12 MS. MUNNERLYN: Okay. So both of those then are in
13 evidence, Your Honor.

14 (WHEREUPON, State's Exhibit Number 253, Grace Street
15 video timeline, and State's Exhibit Number 261, Grace
16 Street spreadsheet, were admitted into evidence.)

17 BY MS. MUNNERLYN:

18 Q: Okay. Okay. I want to play with -- well, first of all,
19 I want to show you State's Exhibit 261. You know what? Hold
20 on. Well, I can't do that because we can't do two at one
21 time. Okay. I'm going to have to show it to you. Can you
22 kind of explain to us what -- how the spreadsheet is set up
23 and what is shown on there that's relevant to this case?

24 A: Yes, ma'am. This is the spreadsheet the computer
25 scientist created in a spreadsheet format which details on May

TAB CLARDY - DIRECT BY MS. MUNNERLYN

1 the 4th from about 8 o'clock or a little bit thereafter on May
2 the 4th through the end on May the 5th. So there's a lot of
3 videos in here, over -- I would say over 300 of the 4,000 that
4 were viewed, but this 300 was relevant to the actual dark car,
5 possibly the Eclipse, that we observed on multiple angles out
6 of eight different video -- videos that -- video cameras that
7 were actually on this -- this business across the street.

8 And this is a depiction which shows the approximate time.
9 Like, the last column here shows, like, 15 seconds, 11
10 seconds, on each video where the relevancy is in the actual
11 video.

12 Q: Okay. So it would list the type of vehicle that is seen
13 in that particular screen at that time and then the action,
14 either leaving or coming or some description such as that?

15 A: Yes, ma'am.

16 Q: Okay. All right. So is there -- what -- what is the
17 first time that the dark-colored Eclipse comes into the camera
18 there that you show on the spreadsheet?

19 A: So the first is on May the 4th at 22:50:14, which is
20 actually 10 o'clock -- 10 minutes until 11 at night, and then
21 there is the 00 at the end of it, which means it's immediately
22 inside the video. If we see it, there is no lapse in the
23 video.

24 Q: Okay.

25 A: I'm just explaining the spreadsheet, what the notes are

TAB CLARDY - DIRECT BY MS. MUNNERLYN

1 on the spreadsheet.

2 Q: Gotcha. Okay. All right. So it comes in -- the first
3 time you see it on this particular timeline is going to be on
4 the 4th and you say about 10:50?

5 A: Yes, ma'am.

6 Q: P.M.?

7 A: Yes, ma'am.

8 Q: Okay. And that's -- is it -- is it coming to the
9 neighborhood or leaving the neighborhood?

10 A: It's leaving.

11 Q: Okay. All right.

12 A: And there are actually a total of one -- two -- three --
13 four -- five -- six -- seven -- eight -- eight angles on the
14 other video different cameras that actually show the same
15 vehicle. Well, we believe the same vehicle in the video
16 itself.

17 Q: Okay.

18 A: There was eight angles.

19 Q: Okay. And -- and so it leaves at 10:50. When does that
20 next -- that same dark -- you I believe described it as a
21 dark, possible Eclipse?

22 A: Yes, ma'am.

23 Q: When does it come back into the neighborhood?

24 A: 23:35:40 or 11:35:40 p.m.

25 Q: Okay. And so it remains in the -- in the neighborhood

1 and when is it seen leaving again?

2 A: Twenty-five minutes after midnight.

3 Q: Okay. So 12:25, it leaves the Grace Street neighborhood,

4 and when does it come back?

5 A: It pulls back in the driveway at 1:41 a.m.

6 Q: Okay. And this is -- now we're on May the 5th?

7 A: Yes, ma'am.

8 Q: Okay. So May the 5th at what time?

9 A: 1:41 a.m.

10 Q: 1:41 a.m. it's coming into the neighborhood and pulls

11 into the driveway?

12 A: Yes, ma'am.

13 Q: Okay. And when does it leave?

14 A: 1:46 a.m. on the same day.

15 Q: Okay. Still on May the 5th?

16 A: Yes, ma'am.

17 Q: Okay. And when does it come back into the neighborhood

18 next?

19 A: 5:16.

20 Q: A.M.?

21 A: Yes, ma'am.

22 Q: On May the 5th?

23 A: Yes, ma'am.

24 Q: Okay. All right. I want to go back and show you --

25 MS. MUNNERLYN: Is the TV on? Hold on. It's not on.

TAB CLARDY - DIRECT BY MS. MUNNERLYN

1 Okay.

2 BY MS. MUNNERLYN:

3 Q: Do you recognize this clip?

4 A: I do.

5 Q: Okay. So is --

6 A: That is the -- that's the angle where the street turns
7 and that's the -- I call it a right turn right there where
8 channel 1 is, and if you're heading where your hand is going
9 to the right, it goes toward his house.

10 Q: So this is coming into the neighborhood?

11 A: Yes, ma'am.

12 Q: And his house is over here?

13 A: Yes, ma'am.

14 Q: Okay. All right. And so this is at 1:41:58 and it's
15 running over into 1:42 a.m.?

16 A: Yes, ma'am.

17 Q: Okay.

18 MS. MUNNERLYN: Go on to the next one. Okay.

19 BY MS. MUNNERLYN:

20 Q: Now, this is at 1:46 moving into 1:47, and that's the
21 same vehicle leaving?

22 A: Yes, ma'am.

23 Q: Okay. And the car -- did you notice anything about the
24 car that stood out to you in the -- in the video?

25 A: The top of the car, the roof of the car.

TAB CLARDY - DIRECT BY MS. MUNNERLYN

1 Q: Okay. What about the roof of the car?

2 A: Different color.

3 Q: Okay. I want to show you what's been marked and is into
4 evidence now as State's Exhibits 265 and 266 and see if you
5 recognize what's in those?

6 A: Yes, ma'am. It's a Mitsubishi Eclipse with a different
7 colored -- it's actually primered in this photograph or
8 appears to be primered.

9 Q: And is it -- is the vehicle in those photos consistent
10 with the one that you see in the video?

11 A: Yes, ma'am.

12 Q: Okay. Now -- and this is at 5:16 a.m. Okay. All right.
13 And so you documented that as the -- as the same vehicle
14 coming back into the neighborhood at 5:16 a.m.?

15 A: Yes, ma'am.

16 Q: Okay. All right. And the -- the videos go -- the
17 spreadsheet goes on throughout the next day, I believe, does
18 it not? What does it go through?

19 A: It goes through on the 5th through, I think, 8 o'clock,
20 almost 9 o'clock.

21 Q: Okay. Let's go back to the 5:16. It comes -- you see
22 the vehicle coming in here at 5:16 a.m. on the 5th. When does
23 it next leave?

24 A: 7:11.

25 Q: 7:11 a.m.?

TAB CLARDY - DIRECT BY MS. MUNNERLYN

1 A: Yes, ma'am.

2 Q: On the 5th?

3 A: Yes, ma'am.

4 Q: Okay. And when does it come back into the neighborhood?

5 A: It comes back into the neighborhood at 8:10.

6 Q: Okay.

7 MS. MUNNERLYN: Let's go to the 7:11.

8 BY MS. MUNNERLYN:

9 Q: Okay. This is the 7:11 video. All right. And this is

10 the 8:10 a.m. Okay. And after that, it leaves again?

11 A: 11:25.

12 Q: 11:25 a.m.?

13 A: Yes, ma'am.

14 Q: And when does it come back?

15 A: 12:47 p.m.

16 Q: Okay. And then when does it leave again after that?

17 A: 1746 or 5:46.

18 Q: 5:46?

19 A: P.M.

20 Q: P.M.?

21 A: 1746.

22 Q: Okay. Is there another -- does it come --

23 A: That was -- that was leaving. Returning at 1822.

24 Q: Okay. So at 6:22 --

25 A: Yes, ma'am.

TAB CLARDY - DIRECT BY MS. MUNNERLYN

1 Q: -- it returns? And how long does it stay and then leave
2 again?

3 A: 1911.

4 Q: Okay. And then does it return again?

5 A: 2048.

6 Q: 2048? Okay. Which would be 8:48?

7 A: Yes, ma'am.

8 Q: Okay. All right. Did you review any other videos with
9 regard to this investigation?

10 A: No, ma'am.

11 Q: Okay. And did you do anything else with regard to this
12 investigation?

13 A: No, ma'am.

14 Q: Okay.

15 MS. MUNNERLYN: All right. I don't have any further
16 questions. Please answer any questions that the defense may
17 have.

18 THE COURT: Mr. Young, you're recognized.

19 MR. YOUNG: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. YOUNG:

22 Q: Agent Clardy, how are you doing?

23 A: I'm doing well. How are you?

24 Q: The video clips that you just watched, the ones on the --
25 after midnight on the 5th, so it would be early morning of the

TAB CLARDY - CROSS BY MR. YOUNG

1 5th, does it appear to be raining in those videos?

2 A: I could not tell other than they're -- not that video,
3 but there are other videos, one of the eight that we viewed,
4 that were droplets that appeared to be water coming off of the
5 actual cameras themselves, but I cannot tell you if it was
6 raining outside. I can't tell you that.

7 Q: Okay. And they're not, like, HD quality cameras; is that
8 correct?

9 A: I don't believe so.

10 Q: Okay. Do you have a copy of your spreadsheet up there?

11 A: I do. Which one do you want me to use?

12 Q: I'm going to ask you to review a series of stills that's
13 been marked as Defense Exhibit Number 34, and what I'm trying
14 to do is capture an image of the car. You see it here on
15 channel 1 at 10:07. You see that?

16 A: Yes, sir, I do.

17 Q: Okay. I mean, here it is again on channel 2. Basically,
18 I mean, it's two seconds later, but that's because of how long
19 it takes the car to come around that corner?

20 A: Yes, sir.

21 Q: Okay. Can you go through this and make sure that these
22 stills line up with your spreadsheet on when you saw the car
23 in the videos?

24 A: Sure. Can you give me a minute?

25 Q: And I'm sorry to ask you to do this on the stand. I

TAB CLARDY - CROSS BY MR. YOUNG

1 should've prepared this --

2 A: Sure.

3 Q: -- beforehand.

4 (WHEREUPON, there was a pause in the proceedings, after
5 which the proceedings resumed as follows.)

6 BY MR. YOUNG:

7 A: The first two photographs?

8 Q: Yes, sir.

9 A: The time of 2207 doesn't match with what I have on my
10 spreadsheet in the first two photographs, but everything past
11 this pretty much looks consistent.

12 Q: Okay. And that does appear to be the same car in those
13 photographs; correct?

14 A: It does.

15 Q: And they don't appear to be Photoshopped? I mean the
16 channels and they have the video numbers on them at the bottom
17 of each one?

18 A: Yes, sir.

19 Q: And in reviewing, a bunch of people reviewing thousands
20 of videos, somebody might have missed one?

21 A: Sure.

22 Q: Okay.

23 MR. YOUNG: Your Honor, at this time, the defense would
24 offer Defense Number 34 into evidence.

25 THE COURT: Any objection?

TAB CLARDY - CROSS BY MR. YOUNG

1 MS. MUNNERLYN: No objection, Your Honor.

2 THE COURT: It's into evidence.

3 (WHEREUPON, Defendant's Exhibit Number 34, photographs,
4 was admitted into evidence.)

5 BY MR. YOUNG:

6 Q: These are stills from the [REDACTED] Grace Street videos
7 channels 1,2,3,5,7, and 8. I'm going to ask you -- I know
8 this is a little bit longer of a batch. These start at
9 5/5/2017 at 5:16:42 a.m. Just -- I mean, just check a couple
10 to make sure that I'm not -- that these match up with what
11 your records are.

12 A: Yes, sir.

13 Q: Okay. Those pretty much line up with what you have on
14 your spreadsheet?

15 A: Yes, sir.

16 MR. YOUNG: Your Honor, at this time, the defense would
17 offer Defense Number 35.

18 MS. MUNNERLYN: No objection, Your Honor.

19 THE COURT: They're into evidence.

20 (WHEREUPON, Defendant's Exhibit Number 35, photographs,
21 was admitted into evidence.)

22 MR. YOUNG: Thank you, Agent Clardy. That's all the
23 questions I have.

24 THE COURT: Any redirect?

25 MS. MUNNERLYN: Yes, Your Honor.

TAB CLARDY - REDIRECT BY MS. MUNNERLYN

1 BY MS. MUNNERLYN:

2 Q: So you have them packaged separately?

3 A: This is the hard drive that contains everything, and
4 these are -- this contains the timeline. This is a
5 Cellebrite, which is a company who does all of our
6 electronics. It's a report on the ISP dump, and this is an
7 archive of the ISP dump and this is the actual -- all video
8 files here.

9 Q: So that has all 4,000 videos on it or portions of the
10 video that y'all received?

11 A: To the best of my knowledge, yes.

12 Q: Okay.

13 MS. MUNNERLYN: So that is what I would like to have
14 marked, Your Honor.

15 THE COURT: So --

16 MS. MUNNERLYN: And -- but before I do that --

17 BY MS. MUNNERLYN:

18 Q: So if, in fact, you did miss one, as you indicated there
19 was one screenshot there that maybe is not reflected on your
20 spreadsheet, then it would be on that hard drive? Should be?

21 A: It should be.

22 Q: Okay.

23 MS. MUNNERLYN: All right.

24 THE COURT: That's without objection?

25 MR. YOUNG: That is without objection, Your Honor. I

TAB CLARDY - REDIRECT BY MS. MUNNERLYN

1 would like to ask one follow-up question.

2 THE WITNESS: Sure.

3 MS. MUNNERLYN: And that's State's Exhibit 587, Your
4 Honor. Court's indulgence just one moment.

5 (WHEREUPON, State's Exhibit Number 587, videos on hard
6 drives in box, was admitted into evidence.)

7 THE COURT: As a general rule, we have direct and cross-
8 examination and redirect. It's incumbent upon you to object
9 to any questions that are not responsive. However, you said
10 one question. I'm going to allow it.

11 MR. YOUNG: Can you -- can you get two?

12 THE COURT: Two. All right.

13 MS. MUNNERLYN: I just have one other question.

14 BY MS. MUNNERLYN:

15 Q: So you -- you indicated that everything would be on here
16 and that there was one potentially that didn't match up to
17 your spreadsheet, but as far as everything that's in the
18 timeline and on the video, did those match up with the times
19 on your spreadsheet? I mean, what's on your spreadsheet is
20 what's shown on the video; correct?

21 A: It should be, but out of an abundance of caution for the
22 Court, I'll tell the Court I'm not a technical expert. The
23 computer scientist, who is our technical expert, is the one
24 who actually took and processed that and created the disk. I
25 supervised it, but I don't have the technical expert to give a

TAB CLARDY - REDIRECT BY MS. MUNNERLYN

1 definitive answer on that.

2 Q: I gotcha, but in the -- in supervising the team and
3 analyzing -- and your team analyzing this, did you see
4 anything to reflect that the time was off, that the time was
5 not correct?

6 A: No, ma'am.

7 Q: Everything as far as you had matched?

8 A: Yes, ma'am.

9 Q: Okay.

10 THE COURT: Mr. Young, you're recognized.

11 MS. MUNNERLYN: Wait. Hold on. I'm sorry, Your Honor.

12 THE COURT: She's wide-open on redirect.

13 MS. MUNNERLYN: That's all I have. I'm sorry, Your
14 Honor.

15 THE COURT: Mr. Young, you're recognized.

16 RECROSS-EXAMINATION

17 BY MR. YOUNG:

18 Q: You're aware that a lot of surveillance videos were being
19 collected from all over Bennettsville?

20 A: I was not. I only knew of one surveillance video, which
21 was [REDACTED] Grace Street.

22 Q: Okay. And that's all that's in there? It doesn't
23 contain anything else?

24 A: To my knowledge.

25 Q: Okay.

1 A: Correct.

2 THE COURT: All right. Any objection to this witness
3 being excused?

4 MS. MUNNERLYN: Please, Your Honor.

5 MR. YOUNG: No, Your Honor.

6 THE COURT: Mr. Clardy, you're excused. Thank you for
7 being here.

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: Thank you, Agent.

10 You may call your next witness.

11 MS. MUNNERLYN: Steve Jones, and he's back in the back.

12 MR. YOUNG: Your Honor, may we get a short recess?

13 THE COURT: All right. We'll stand at ease for five
14 minutes.

15 (WHEREUPON, there was a break in the proceedings from
16 3:22 p.m. until 3:26 p.m., after which the proceedings
17 resumed as follows.)

18 THE COURT: I'm going to ask, if you could, to stand up
19 and place your left hand on the Bible and raise your right
20 hand as the clerk administers the oath.

21 THE CLERK: Do you solemnly swear or affirm that the
22 testimony you shall give the Court in this case shall be the
23 truth, the whole truth, and nothing but the truth, so help you
24 God?

25 THE WITNESS: Yes, ma'am.

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 THE COURT: I'm going to ask you, if you could, to have a
2 seat. Pull up real close to that microphone and speak loudly,
3 clearly, and slowly in order that we can hear everything that
4 you have to say, and let's start with your full name, please,
5 sir.

6 THE WITNESS: Steven Jones.

7 THE COURT: All right, Mr. Jones.

8 MS. MUNNERLYN: Thank you, Your Honor.

9 STEVE JONES, being first duly
10 sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. MUNNERLYN:

13 Q: Mr. Jones, you have a nickname?

14 A: Coon.

15 Q: Coon? C-o-o-n?

16 A: Yes, ma'am.

17 Q: Okay. And where do you live?

18 A: Rockingham.

19 Q: Okay. And how are you related to JeJauncey Harrington?

20 A: That's my first cousin.

21 Q: He's your first cousin? So his --

22 A: My mother's brother, that's his son.

23 Q: Your mother's brother is --

24 A: My uncle.

25 Q: Gotcha. Gotcha. Okay. All right. And so you've known

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 JeJauncey Harrington most all of your life?

2 A: Yes.

3 Q: Okay. Or at least all of his life?

4 A: Yes, ma'am.

5 Q: Okay. And you have seen him on a pretty regular basis?

6 A: Yes. Well, when I was in town, yeah, I'd see him.

7 Q: Okay.

8 A: Or whenever he was working up in Rockingham.

9 Q: Okay.

10 A: He'd stop by.

11 Q: So how long have you lived in Rockingham?

12 A: How long I've been living there?

13 Q: Yeah.

14 A: Like, 25 years.

15 Q: Okay.

16 A: Twenty -- 25 years.

17 Q: Okay. And now, you live there with who now?

18 A: By myself.

19 Q: Okay.

20 A: And my son -- well, my daughter used to live with me, but

21 she moved.

22 Q: Okay.

23 A: But my son still stay there, but he just finished

24 college, and so now he's practicing for football right now.

25 Q: Okay. All right. Now, you're working in Rockingham as

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 well?

2 A: Yes, ma'am.

3 Q: Okay. All right. Well, do you remember speaking to the
4 FBI back on May 11th of 2017?

5 A: I remember speaking to them. I don't exactly remember
6 the date, but I remember talking to them.

7 Q: Okay. I think it was Jackie Hamelryck?

8 A: Yes. I remember her.

9 Q: Okay. All right. And y'all had a conversation about
10 whether or not you had recently seen JeJauncey Harrington?

11 A: Yes, ma'am.

12 Q: Okay. All right. And did you tell her you had seen him
13 in the days previous to that?

14 A: Yes. She -- yeah, I done told her that. Yeah.

15 Q: Okay. And when you -- do you remember where it was you
16 saw him?

17 A: Yes. I seen him at my friend PY's house.

18 Q: Okay.

19 A: At that time.

20 Q: Okay. And that was actually on the Tuesday before you
21 talked to her?

22 MR. BANK: Objection. Leading.

23 THE COURT: I'll sustain.

24 MS. MUNNERLYN: Okay. All right.

25 BY MS. MUNNERLYN:

1 Q: Do you know when it was?

2 A: I'm not sure the date and the time when it was --

3 Q: Okay.

4 A: -- when I talked to her, but I did talk to her.

5 Q: Okay. All right. And so you said you saw him at PY's

6 house?

7 A: Yes.

8 Q: Now, who is --

9 A: PY.

10 Q: Go ahead. I'm sorry.

11 A: PY, that's George Robinson.

12 Q: Okay. And you call him PY?

13 A: Yeah.

14 Q: All right. So you were at PY's house when you saw him?

15 A: Yeah, when he called me.

16 Q: Okay.

17 A: And I told him where I was at.

18 Q: Okay. And then when did you see him?

19 A: When he came by.

20 Q: All right. And when he came by, do you recall what he

21 was driving?

22 A: His little Eclipse, Mitsubishi Eclipse.

23 Q: Okay. Okay. I'm going to show you what's been marked as

24 State's Exhibit 265 and 266. Do you recognize the car there?

25 A: Yeah. That's it.

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 Q: And that's it?

2 A: Yes, ma'am.

3 Q: Okay. Okay. And that's the car he was driving that day
4 that you saw him?

5 A: Yes, ma'am.

6 Q: Okay. And tell me what your discussion with him was
7 about?

8 A: As usual, he needed a few dollars for some cigarettes and
9 he asked.

10 Q: Okay. And did you give him some money?

11 A: Most likely, yeah.

12 Q: Okay. Now, you regularly lent him money?

13 A: Oh, yeah. That wouldn't be the first occasion I had
14 loaned him money.

15 Q: Okay. So you would loan him money from time to time and
16 he would pay you back?

17 A: Oh, yes. No problem.

18 Q: Okay. And did you -- did you have any -- hold any
19 collateral or anything sometimes when you loaned him money?

20 A: Yes. He had an unemployment card that he would let me
21 hold, though whenever his check hit, he'd either say it's
22 going to hit this day or that day, and he'll come up or either
23 if he owed me the whole thing, I'd just get it off or either
24 he'd come up and whatever is left I'd give him the rest.

25 Q: Okay. All right. So, in fact, that day did you give

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 something to Jackie Hamelryck that you had that you were
2 holding for him?

3 A: Yeah. I still had his card at the time.

4 Q: Okay. You had his card?

5 A: Yeah.

6 Q: All right. I'm going to show you -- okay. I'm going to
7 show you what's been marked as State's Exhibit 258. Do you
8 recognize those two cards?

9 A: I'm not sure about this one. I think I remember that
10 one.

11 Q: Okay. All right. So does that look like the cards that
12 you gave Jackie Hamelryck?

13 A: I know I gave her a card, but I'm not sure which one it
14 was. But I know it was a bankcard --

15 Q: Okay.

16 A: -- I gave her.

17 Q: Okay.

18 A: I'm not sure because I don't know if the unemployment
19 cards were different and a work card might have been
20 different.

21 Q: Okay.

22 A: So I'm not sure which one is unemployment.

23 Q: Okay.

24 A: At the time it was unemployment.

25 Q: But you did give her two cards?

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 A: I don't remember if it was two or one.

2 Q: Okay.

3 A: I know it --

4 Q: But it looks like this blue one looks familiar, you said?

5 A: I would think that was it.

6 Q: Okay.

7 A: But I'm not sure. I could have been BB&T, but I know it

8 was a bankcard and it had, like, some money still on it.

9 Q: Okay. It had money still on it?

10 A: Oh, yeah.

11 Q: Okay. And you see in this -- well, let me ask you one

12 other thing. So let me show you what's been marked -- all

13 right. Let me show you also State's Exhibit 260 and see if

14 you recognize what's in those photos?

15 A: That's me and my truck.

16 Q: Yeah. Okay. Okay. All right. So you recognize that's

17 you --

18 A: Yeah.

19 Q: -- in those photos?

20 A: Uh-huh.

21 Q: Okay. And you're actually at an ATM there?

22 A: Yeah. But I'm not sure which one it is.

23 Q: Okay. But there's no question that's you?

24 A: Oh, yeah. That's me.

25 Q: Do you remember going -- telling Jackie Hamelryck about

1 going to the ATM?

2 A: Well, I went to the ATM probably a bunch of times, but
3 what specific time I don't know because there was still money
4 on the card I had went at that time. So I'm not sure what
5 time it was when I went then.

6 Q: Okay. But you remember telling her you had gone to the
7 ATM with him?

8 A: Yeah, I had.

9 Q: Okay.

10 A: We've done that ever since I've known him.

11 Q: Okay. All right.

12 MS. MUNNERLYN: Your Honor, then I would move to admit
13 State's Exhibit 260, which is the photos, and State's Exhibit
14 258.

15 MR. BANK: I don't have problems with the pictures and,
16 honestly, the cards I don't really care, but I just -- I don't
17 know that the State has ID'd them properly since he says he
18 doesn't know them, which cards they are.

19 MS. MUNNERLYN: Okay. Well, I mean, I can --

20 MR. BANK: I'm not trying to be difficult. Yeah. I
21 mean, but you don't -- I mean, we can recall a witness if we
22 need to.

23 MR. BANK: No, it's fine. I really don't care.

24 THE COURT: All right. I understand there's no
25 objection.

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 MS. MUNNERLYN: Okay. 258 and 260 then are in evidence.
2 (WHEREUPON, State's Exhibit Number 258, bank cards, and
3 State's Exhibit Number 260, photographs, were admitted
4 into evidence.)

5 BY MS. MUNNERLYN:

6 Q: Okay. All right. So you would go frequently with him
7 and y'all would get the money out of the bank?

8 MR. BANK: Leading.

9 BY MS. MUNNERLYN:

10 A: Yeah, we would. Uh-huh.

11 Q: Okay. And when you did that, how -- I mean, would you
12 get your money back? Do you remember getting your money back
13 that day?

14 A: Of course.

15 Q: Okay.

16 A: Uh-huh.

17 Q: All right. And do you recall if he got any extra money?

18 A: At -- at the time, there was -- if he only brought, like,
19 \$50 and the card 200, you know, I owe him \$150 back. The card
20 was, you know, still his. It wasn't like I would take
21 advantage of the card because I had it.

22 Q: Okay. Do you remember telling her that -- that he
23 withdrew \$260 and you were paid back 200 and he kept 60?

24 A: That could have happened, but I can't recall if that
25 happened at that time because, like I said, it happened plenty

1 of times.

2 Q: Okay.

3 A: I don't remember.

4 Q: So if she said you said that, then that could be true?

5 A: It could be true.

6 Q: Okay.

7 A: Yeah.

8 Q: All right. And do you remember where -- after you went
9 to -- you told her where y'all went after you went to the BB&T
10 ATM?

11 A: To be honest, they say in the paperwork I went to Food
12 Lion to get water or something, but I mean, I don't remember
13 exactly. But I could have --

14 Q: Okay.

15 A: -- went to Food Lion.

16 Q: Okay. So you don't -- it's been six years now?

17 A: Yes, ma'am.

18 Q: Okay. But you don't deny telling her that y'all did go
19 to the Food Lion to get some water after that?

20 A: We could have, but I can't exactly remember. We could
21 have.

22 Q: Okay. Okay. All right. And then -- and then is when
23 you went to PY's house?

24 A: That -- I don't know if it was that day or not if I went
25 to PY's house or not.

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 Q: Okay. Well, let's -- let's talk about when you saw
2 JeJauncey Harrington a few days before the FBI came to talk to
3 you at PY's house.

4 A: They didn't come to PY's house to talk to me.

5 Q: No, I know.

6 A: Okay.

7 Q: But you talked with them about JeJauncey being at PY's
8 house?

9 A: Okay. Yeah, at my house. They came to my house and
10 talked to me.

11 Q: Right. They came to your house and talked to you?

12 A: Yes, ma'am.

13 Q: About when you saw JeJauncey at PY's house?

14 A: Right.

15 Q: Okay. Tell us what happened and what y'all talked about?
16 You already said he was driving the Mitsubishi Eclipse that
17 you recognized in the photo?

18 A: Uh-huh.

19 Q: What -- what did y'all talk about? Do you recall?

20 A: Nothing really, but I told them I got the phone call from
21 his mom.

22 Q: Right. Okay.

23 A: And maybe either at this time I probably had done called
24 him and told him about that or he called me and I told him I
25 was at PY's house, and I told him that he needed to go talk to

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 the people in Bennettsville because they're something going on
2 down there.

3 Q: Okay. So his mom had called you about what?

4 A: Asking me have I seen him today -- that day.

5 Q: Okay. And why was she looking for him?

6 A: Because --

7 MR. BANK: Hearsay. Objection.

8 A: I'm guessing that the people came to --

9 THE COURT: I'm going to ask you to rephrase the
10 question.

11 MS. MUNNERLYN: Okay.

12 MR. BANK: And, Your Honor, if the witness -- I don't
13 know if he understands to wait for your ruling if someone
14 objects.

15 THE WITNESS: Okay.

16 BY MS. MUNNERLYN:

17 Q: Okay. So as a result of his mother calling, you had a
18 conversation with him -- with JeJauncey; right?

19 A: Yes, ma'am.

20 Q: And what did you tell him?

21 A: I told him his mom said he needed to come down there
22 because people wanted to talk to him.

23 Q: Okay. And who wanted to talk to him?

24 A: I guess somebody from Marlboro County. I'm not sure what
25 police it was.

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 Q: Okay.

2 A: At that time, I don't think it was Ms. Jackie or
3 whatever, I don't think --

4 Q: Okay.

5 A: -- it was Jackie.

6 Q: So it was the police that wanted to talk to him?

7 A: I'm assuming it was the police because she wasn't direct
8 who it was. She was just, like, because -- I mean, I wasn't
9 thinking that he had nothing to do with it. So that's why she
10 was, like, just tell him to come down here and talk to them,
11 just like I told him.

12 Q: Okay.

13 A: If he hadn't done nothing wrong, just go.

14 Q: And he didn't have anything to do with what?

15 A: What the police had come for. Something had happened
16 down there.

17 Q: Do you know what that was about?

18 A: At the time, what they came there for, I can't -- it had
19 to be serious, but I'm not sure what it was at the time. I
20 didn't really look into it. I wasn't really sure. I just
21 know I told him he needed to go down there.

22 Q: Didn't you -- didn't you tell Ms. Hamelryck that you
23 understood that it was about the murder and the missing child?

24 MR. BANK: Objection. Leading.

25 THE COURT: Sustained. It's leading.

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 MS. MUNNERLYN: Okay. Your Honor, if I could refresh his
2 memory --

3 THE COURT: Yes.

4 MS. MUNNERLYN: -- with the --

5 MR. BANK: Your Honor, I think she's refreshing it with
6 not his statement that he wrote or that I received. That's an
7 FBI report written by someone else. I don't think it would be
8 appropriate for his memory to be refreshed by a document he's
9 never seen. He can't know whether that document would refresh
10 his recollection.

11 MS. MUNNERLYN: Your Honor, this is a memorandum of
12 interview prepared by the officer who he admits he spoke with,
13 and it documents what he told her.

14 THE COURT: The appropriate way to do it is to ask him
15 the questions substantive to what's in that report.

16 MS. MUNNERLYN: Yes, sir.

17 THE COURT: If he says something different, you can
18 cross-examine him.

19 MS. MUNNERLYN: Yes, sir.

20 THE COURT: And you can use that document to do it.

21 MS. MUNNERLYN: Yes, sir. If I could get just a moment,
22 Your Honor?

23 BY MS. MUNNERLYN:

24 Q: So let me ask you a different way. Did you have a
25 discussion with him about his car and what was in his car?

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 A: Me and him, like, what?

2 Q: Did you -- did you -- did he invite you to look in his
3 car?

4 A: I mean, I think he was, like, do y'all want to look in my
5 car or something like that, but I never really paid the car no
6 attention, you know. I never really paid the car no
7 attention.

8 Q: Didn't you tell Ms. Hamelryck that Harrington invited you
9 and Robinson -- PY?

10 A: Uh-huh.

11 Q: To come look in his car to prove that he did not have
12 anything to do with the murder?

13 MR. BANK: Objection. Leading clearly.

14 THE COURT: I'm going to allow her -- him to confront --
15 her to confront him with regard to the substance of the
16 statement.

17 BY MS. MUNNERLYN:

18 Q: You --

19 A: Repeat that again now?

20 Q: Okay. Didn't you tell Ms. -- Ms. Hamelryck --

21 A: Uh-huh.

22 Q: -- that JeJauncey Harrington invited you and PY to come
23 look in his car to prove that he did not have anything to do
24 with the murder?

25 A: I'm not understanding why would he invite us to the car.

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 He could've told us to just look at the car, but what -- you
2 know, I don't know why I'm going to look to the car for that
3 because I never looked in the car.

4 Q: So what I'm saying is you don't remember telling her he
5 said y'all come look in the car and --

6 MR. BANK: I'm repeating my objection, Your Honor.

7 BY MS. MUNNERLYN:

8 A: I could have, but I don't remember if -- you know, if I
9 just looked in the car just to be looking for something like
10 that, you know. I don't understand what you're saying.

11 Q: Okay. And did you have any conversation with Harrington
12 with regard to Ella Lowery?

13 A: I don't -- I never knew that lady's name.

14 Q: Did you have any conversation with JeJauncey Harrington
15 about the lady who had been murdered in Marlboro County?

16 A: No more than -- no more than, like, this is something
17 that had happened down here, but what the intent was I never
18 really know what was going on with that.

19 Q: Well, then you said no more than something had happened
20 down here. What was the conversation?

21 A: About what? Well, when I told him that he needed to go
22 down there and talk to them, if you ain't did nothing, don't
23 worry. Go talk to the big man. It was probably like that. I
24 never know, you know, because they supposed to have said they
25 had somebody already for that. So he was, like, it ain't got

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 nothing to do with me. So that's what I believed. If it
2 ain't got nothing to do with you, you're going to be fine.

3 Q: Okay.

4 A: Just go, you know, talk to the people.

5 Q: So y'all discussed -- y'all talked about the murder and
6 that he needed to go talk to the police?

7 A: I --

8 MR. BANK: Objection to leading. This is not a proper
9 form of questions on direct examination.

10 MS. MUNNERLYN: Your Honor?

11 THE COURT: I'll allow her some leeway.

12 MS. MUNNERLYN: Okay.

13 BY MS. MUNNERLYN:

14 Q: And so what was his response when you told him this?

15 A: He said I'm going back down there, but I might not go
16 right now because it don't got nothing to do with me. I
17 shouldn't have to talk to nobody. I said, well, you're grown,
18 that's fine, but if somebody is going to talk to you, go talk
19 to them, and that's -- and that's how I left it.

20 Q: Okay.

21 A: You know, I hate whatever happened, but I didn't know.
22 You know, I didn't technically, you know, know that he had
23 something to do with it. So I didn't really pressure him
24 because, you know, I believed that whatever was going on he
25 had nothing to do with. So he said he'll talk to them

1 eventually. So I was fine with that.

2 Q: Okay. And did you discuss any further his relationship
3 or where he had seen the lady who had been murdered in --
4 murdered?

5 A: I never did specifically know --

6 Q: Okay.

7 A: -- who that lady was.

8 Q: Did you have -- and did you have a discussion about her
9 children, whether or not he knew her children?

10 A: I never know her, period, or her kids or any
11 relationship.

12 Q: I'm not asking if you knew her.

13 A: Uh-huh.

14 Q: I'm asking if you had a discussion with the defendant,
15 JeJauncey Harrington, about him and where he met the lady who
16 was murdered and whether he knew her children?

17 A: No. No, ma'am. I never know specifics with her.

18 Q: You don't remember that?

19 A: No, I don't remember.

20 Q: So you would deny that you told Ms. Hamelryck that the
21 defendant told you he only messed with her at hotels, like the
22 Marlboro Inn, but had never been to her house and did not know
23 her children?

24 MR. BANK: Objection. Again, she's just reading the
25 report into the record at this point.

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 MS. MUNNERLYN: Your Honor, I'm trying to impeach him
2 because he says he doesn't --

3 MR. BANK: And, Your Honor, she --

4 THE COURT: Might counsel approach the bench for a
5 moment?

6 (WHEREUPON, a bench conference was held off the record,
7 after which the proceedings resumed as follows.)

8 BY MS. MUNNERLYN:

9 Q: So do you deny telling Ms. Hamelryck that -- I mean,
10 telling Ms. Hamelryck that the defendant told you that he only
11 met the lady who was murdered at hotels and that he didn't
12 know her children?

13 A: I don't know nobody's name that he just said that he went
14 to hotels. He told me about the other ladies he dealt with,
15 but to a specific -- a name, I don't recall no name that he
16 went to the hotel with, that one or another one.

17 THE COURT: I'll tell you what. She's asking you a
18 question.

19 THE WITNESS: Yes, sir.

20 THE COURT: Listen to the question and answer yes or no,
21 and then you can explain it.

22 THE WITNESS: Okay.

23 MS. MUNNERLYN: Okay.

24 THE COURT: Yes or no, and then explain it.

25 MS. MUNNERLYN: Okay.

1 BY MS. MUNNERLYN:

2 Q: So do you deny telling Ms. Hamelryck --

3 A: Is -- Ms. Hamelryck is Jackie? Right?

4 Q: Yes, Jackie.

5 A: Because the last name was not --

6 Q: Okay.

7 A: Okay.

8 Q: I'm sorry. Do you deny telling Jackie that the defendant
9 told you that he had met the lady at motels and he didn't know
10 her children?

11 THE COURT: That's a yes or no.

12 BY MS. MUNNERLYN:

13 A: I can't remember. No, sir. No, ma'am, I can't remember
14 that.

15 Q: Okay. Okay. And do you recall anything about the
16 defendant's appearance that was concerning to you?

17 A: He looked normal to me.

18 Q: That was different? You don't -- you don't recall any of
19 that?

20 A: I don't recall. He looked the same to me.

21 Q: You would deny -- deny telling Jackie with the FBI --

22 A: Yes, ma'am.

23 Q: -- that you noticed his hand was swollen?

24 A: I did not notice that until PY said something about that.

25 Q: So you did notice it?

STEVE JONES - DIRECT BY MS. MUNNERLYN

1 A: I did not never notice his hand until he said something.

2 Q: Okay. But when PY said something, then you saw that his
3 hand was swollen?

4 A: No, ma'am. I still never paid it no attention because
5 this was after he left I think he said something about it. I
6 can't remember his hand.

7 Q: Okay.

8 A: Never seen his hand being swollen.

9 Q: Okay.

10 MS. MUNNERLYN: Court's indulgence just one moment.

11 BY MS. MUNNERLYN:

12 Q: Okay. Mr. Jones?

13 A: Yes, ma'am.

14 Q: So what -- what did you tell your cousin, Mr. Harrington
15 --

16 A: Yes, ma'am.

17 Q: -- with regard to the situation down here in Marlboro
18 County? Tell us again.

19 A: What you mean?

20 Q: What did you tell him he should do if he was wanted, if
21 somebody wanted to talk to him?

22 A: Oh. Come and talk to y'all. That's the right thing to
23 do.

24 Q: And did he come to Bennettsville?

25 A: At the time, I don't know if he did or not.

1 Q: Okay.

2 A: I know he said he was, but if he did, I don't know.

3 Q: Next time you heard was what? Where was he?

4 A: When I heard the next time, they said they had found him
5 in Charlotte.

6 Q: Okay.

7 MS. MUNNERLYN: Okay. I don't have any further
8 questions.

9 THE COURT: Cross-examination?

10 MR. BANK: Thank you.

11 CROSS-EXAMINATION

12 BY MR. BANK:

13 Q: Mr. Jones, how are you doing?

14 A: All right.

15 Q: You're not doing anything wrong, by the way. This is
16 five years ago?

17 A: Yes, sir.

18 Q: And you -- I've never met with you until just about ten
19 seconds ago; right?

20 A: Yes, sir.

21 Q: But you have met with Bobby Watkins, who is sitting right
22 back there? Do you see him in the front row? He might look a
23 little different because he's got a suit on today.

24 A: Yeah. I may have saw him.

25 Q: Yeah. Did you ever meet with the prosecutors to kind of

STEVE JONES - CROSS BY MR. BANK

1 talk about what court would be like here and kind of prepare
2 you for the kind of questions they'd be asking you?

3 A: Yeah. We was right there at that table. We had talked a
4 little bit one time right there.

5 Q: Okay. How long ago has that?

6 A: That was, like, last week, week before last.

7 Q: Okay.

8 A: Uh-huh.

9 Q: Were your discussions pretty similar to how you're
10 answering today?

11 A: Pretty much.

12 Q: Okay. All right. So you know Mr. Harrington. You know
13 him by a nickname though; is that right?

14 A: Squeaky.

15 Q: Squeaky?

16 A: Yeah.

17 Q: And at the time around the time of Mr. Harrington's
18 arrest, he was -- we've just talked about it -- driving an
19 Eclipse; right?

20 A: Yes, sir.

21 Q: And it had primer on the roof?

22 A: Yes, sir.

23 Q: Right? But before that, he drove a moped; is that right?

24 A: Yeah. He had a moped.

25 Q: He's a big guy for driving around on a moped?

STEVE JONES - CROSS BY MR. BANK

1 A: That I didn't approve of, but he was dedicated to his
2 job.

3 Q: All right. And do you remember talking to him and him
4 driving that moped up to Charlotte?

5 A: Briefly. I know he probably drove that moped a little
6 bit of everywhere.

7 Q: I gotcha.

8 A: Yeah. But he could've drove it to Charlotte. I think he
9 had told me, but I can't recall. Ain't no telling where he
10 drove the moped.

11 Q: I gotcha. But you're familiar with him going to
12 Charlotte?

13 A: Yes, sir.

14 Q: That's not that far away from where you guys are; right?

15 A: Sir?

16 Q: It's not that far away?

17 A: No, but still, it's a moped.

18 Q: Okay. Now, I want to talk to you about Squeaky's use of
19 cell phones. Okay?

20 A: Okay.

21 Q: Would you say that he has a lot of cell phones?

22 A: If one didn't work, he'll make another one work.

23 Q: Right.

24 A: So I just looked at him just grab another one. If one
25 tear up, he get another one.

STEVE JONES - CROSS BY MR. BANK

1 Q: And so his number would switch a lot?

2 A: Well, yeah. Yeah, it could switch, but it could have
3 been the same. I don't never really program no numbers. I
4 try to memorize them, but after that period of time, I can't
5 really remember that far back.

6 Q: I gotcha. And Squeaky -- Mr. Harrington dated around a
7 lot? Had relations with a lot of women?

8 A: I don't feel like he -- he's a man, you know, yeah, but
9 he had one girlfriend far as I know, you know.

10 Q: Right. That -- you're talking about Ms. Campbell?

11 A: Yes, Ms. Jamie.

12 Q: But even while he was dating her, he was having sex with
13 other women; right?

14 A: He could have, yeah.

15 Q: And did you keep track of who he was having sex with?

16 A: Oh, no.

17 Q: Okay. You couldn't name me all the women that Squeaky
18 has ever had sex with?

19 A: I can't name none of them. I'm sorry about what happened
20 to that lady, but I didn't even know her name.

21 Q: I gotcha. So you have known Mr. Harrington a long time;
22 right?

23 A: Yes, sir.

24 Q: And you're aware that he was arrested for murder in 2005,
25 a long time ago?

STEVE JONES - CROSS BY MR. BANK

1 A: Well, yeah. I wasn't really around, but I did hear from
2 the family members, yeah.

3 Q: And you're aware that he was acquitted; right?

4 A: Yes.

5 Q: And that because of that experience, Mr. Harrington had
6 mistrust with the police department?

7 MS. MUNNERLYN: Objection, Your Honor. I mean, this
8 witness wouldn't know --

9 THE WITNESS: How --

10 MS. MUNNERLYN: -- how --

11 THE COURT: It's cross-examination. He can ask the
12 question, if he knows.

13 BY MR. BANK:

14 Q: Do you --

15 A: I don't know, but I probably -- it probably would.

16 Q: Okay.

17 A: So is acquitted the same as not guilty?

18 Q: Yes, it is.

19 A: Okay. All right.

20 Q: And not only you just knew about the 2005 not guilty, but
21 the community knows about it?

22 A: I mean, I didn't really follow upon that either because,
23 like I said, I was living in Fayetteville at the time.

24 Q: I gotcha.

25 MR. BANK: I'm almost done here. I beg the Court's

1 indulgence.

2 All right. No further questions. Thank you.

3 THE COURT: Redirect?

4 MS. MUNNERLYN: No further questions, Your Honor. This
5 -- this witness may be excused.

6 THE COURT: You're free to leave. Thank you, sir.

7 THE WITNESS: Thank you, sir.

8 THE COURT: You may call your next witness.

9 MS. MUNNERLYN: George Jerome Robinson.

10 (WHEREUPON, there was a pause in the proceedings until
11 the witness entered the courtroom.)

12 MS. MUNNERLYN: Hey, Mr. Robinson. Come on right here.

13 THE COURT: Mr. Robinson, come around and place your left
14 hand on the Bible and raise your right hand as the clerk
15 administers the oath.

16 THE CLERK: Raise your right hand. Do you solemnly swear
17 or affirm that the testimony you shall offer the Court in this
18 case shall be the truth, the whole truth, and nothing but the
19 truth, so help you God?

20 THE WITNESS: Yes, ma'am.

21 THE CLERK: You can be seated, please.

22 THE COURT: Come around and have a seat in the witness
23 chair, please, sir. I'm going to ask that you pull up real
24 close to that microphone and speak loudly, clearly, and slowly
25 in order that we can hear everything that you have to say and,

GEORGE ROBINSON - DIRECT BY MS. MUNNERLYN

1 Mr. Robinson, state your full name, please.

2 THE WITNESS: Well, my full name is George Jerome
3 Robinson, but they call me PY.

4 THE COURT: Okay.

5 MS. MUNNERLYN: Thank you, Your Honor.

6 GEORGE ROBINSON, being first
7 duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. MUNNERLYN:

10 Q: PY, you live in Rockingham?

11 A: I live in Hamlet.

12 Q: Hamlet? I'm sorry. You live in Hamlet, just across the
13 North Carolina line. Okay. And I would ask you, if you can,
14 say yes or no to our questions because she's got to take down
15 everything you say. Okay?

16 A: Yes, ma'am.

17 Q: Okay. Now, are you familiar with -- do you know Coon,
18 who just testified?

19 A: Yes, ma'am. He's my best friend.

20 Q: He's your best friend? And do you -- are you familiar
21 with the defendant, JeJauncey Harrington?

22 A: Yes, ma'am.

23 Q: And how do you know him?

24 A: Through my best friend.

25 Q: Through -- through Coon or Steven Jones?

GEORGE ROBINSON - DIRECT BY MS. MUNNERLYN

1 A: Yes, ma'am.

2 Q: Okay. And what do you call JeJauncey Harrington?

3 A: I call him Squeaky.

4 Q: Squeaky? Okay. All right. Now, how long have you known
5 Squeaky?

6 A: I can't count right off, but I've been knowing him for
7 years.

8 Q: Okay. For several years?

9 A: Yeah, several years.

10 Q: Okay. And you remember -- do you remember talking to the
11 FBI, I believe it was actually Jackie Hamelryck, back in May
12 of 2017?

13 A: Yes, ma'am.

14 Q: Okay.

15 A: I think she's the one that come to my job or something.

16 Q: Yes, sir. And you talked -- they were asking you about
17 contact you had had with Squeaky in the days previous to that?

18 A: Yes, ma'am.

19 Q: Okay. And had you seen Squeaky previous to that in May
20 of 2017?

21 A: Have I seen him?

22 Q: No, no, no. Back then at that time, did you see Squeaky
23 then?

24 A: Wait a minute now.

25 Q: Did he come up to Rockingham or Hamlet and come by your

1 house?

2 A: Yeah. He came by my house, yeah.

3 Q: Okay.

4 A: Yes, ma'am. He came to my house.

5 Q: That's what I'm talking about.

6 A: Yeah.

7 Q: Okay. Well, when he came by your house, do you recall

8 what he was driving?

9 A: Yeah. He was driving a -- a gray -- I think it was a

10 gray primed down Eclipse.

11 Q: A gray primed down Eclipse?

12 A: Yeah. It looked like it was primed down.

13 Q: Okay. All right. And is this -- is that the vehicle he

14 normally drove?

15 A: That's the only vehicle I've normally seen him drive.

16 Q: Okay. That's the only vehicle? And that was his vehicle

17 as far as you knew?

18 A: Yes, ma'am.

19 Q: Okay. Now, had he lived up there for a little while?

20 A: I don't know for sure if he lived with Steven Jones, but

21 I seen him over there a few times.

22 Q: Okay. Okay. Well, on this particular day that you were

23 telling the FBI about, did the defendant come by your -- or

24 did Squeaky come by your house?

25 A: Huh-uh.

GEORGE ROBINSON - DIRECT BY MS. MUNNERLYN

- 1 Q: Where did you see him?
- 2 A: I remember seeing Squeaky go by Julio's store.
- 3 Q: Okay. All right. And --
- 4 A: It looked like his car anyway.
- 5 Q: Okay.
- 6 A: It blew the horn.
- 7 Q: You blew the horn?
- 8 A: No. He did.
- 9 Q: I gotcha.
- 10 A: And I just glanced at the tail end of the car, and I
- 11 threw my hand up. I said I think that's Squeaky and went on
- 12 in the store to do what I had to do. And then I come back out
- 13 of the store, and I left.
- 14 Q: Okay. All right. And then did you see him later?
- 15 A: Not that I know of. Not that I knew.
- 16 Q: Okay. You don't remember seeing him when you were with
- 17 Steven Jones?
- 18 A: With who was with Steven Jones?
- 19 Q: When you were -- you and Steve Jones were together, you
- 20 and Coon were together, y'all saw the defendant, Squeaky?
- 21 A: He come to my house.
- 22 Q: Okay. They came to your house?
- 23 A: Yeah.
- 24 Q: Tell us about that?
- 25 A: Yeah, they come to my house. Squeaky came first, then

1 Steven Jones pulled up.

2 Q: Okay. All right. So -- and when Squeaky -- what was
3 Squeaky driving?

4 A: His gray -- the Eclipse.

5 Q: That Eclipse?

6 A: Yes, ma'am.

7 Q: All right. And what did they come over there for?

8 A: They come over there. I don't know if we was fixing to
9 play cards or what, but he might've came over there to borrow
10 some money from Coon. I'm not for sure.

11 Q: Okay. He would sometimes borrow money from Coon?

12 A: Yeah.

13 Q: Okay.

14 A: Yes, ma'am.

15 Q: Okay. Do you remember having any conversation with him?

16 A: With who?

17 Q: With Squeaky.

18 A: With Squeaky?

19 Q: Yeah.

20 A: Yeah. I remember having a conversation with Squeaky.

21 Q: Okay. And do you remember what the conversation was
22 about?

23 A: Yeah. It was about the law.

24 Q: What about the law?

25 A: I asked him did he do it, and he told me no.

GEORGE ROBINSON - DIRECT BY MS. MUNNERLYN

1 Q: Okay. Now, what were you talking about? What did he --
2 did you do it? What? Did he do what?

3 A: About a murder, a killing.

4 Q: Okay. About a murder? And so -- so then what did he --
5 how did he respond?

6 A: He said no.

7 Q: Okay. And so what did you tell him?

8 A: At the time? Let me see, what did I tell him? I'm going
9 to tell you I told him exactly -- I told him if you ain't had
10 nothing to do with it, you might need to get in touch with the
11 law then because they're looking for you.

12 Q: Okay. So y'all knew that the law was looking for him?

13 A: Steven -- Steven Jones told me. I think Steven Jones
14 told me that the law was looking for him.

15 Q: Okay.

16 A: I think that's how I found out about it.

17 Q: Okay. And you told him that, and what was his response
18 when you told him he needed to go talk to them?

19 A: He said he was.

20 Q: Okay. Do you know whether or not he did go down and talk
21 to them?

22 A: No. That was the last time I seen Squeaky.

23 Q: Okay. Let me ask you this. When he was there and y'all
24 were talking about whether he should go talk to the law about
25 the murder, did you notice anything about him?

GEORGE ROBINSON - DIRECT BY MS. MUNNERLYN

1 A: It looked like his hand was swollen.

2 Q: Okay. It looked like -- and did you ask him why his hand
3 was swollen?

4 A: Yes, I did, and he told me he made a mistake and slammed
5 it in the car door or slammed it in a door. I think he said a
6 car door, slammed it in his car door.

7 Q: Okay.

8 A: I think that's what he said. I'm not for sure.

9 Q: Okay. He thinks he slammed it in the car door in some
10 way and hurt it?

11 A: Yes, ma'am.

12 Q: Okay. And what did it look like was wrong with it?

13 A: It was just like a regular hand, but it looked more like
14 -- it just looked like it was just bigger than -- a little
15 bigger than the other one.

16 Q: It was swollen?

17 A: Not that big. It was swollen. You can tell the
18 difference.

19 Q: Okay. You could tell it was injured?

20 A: Yeah, you could tell it. You could tell.

21 Q: Okay. All right. And now, do you know what kind of --

22 A: Well, I could tell. I'll put it that way.

23 Q: I gotcha. Okay. Do you know what kind of cigarettes
24 that Squeaky smoked?

25 A: I think he smoked Newports, I think, but then again, I'm

GEORGE ROBINSON - DIRECT BY MS. MUNNERLYN

1 not for sure.

2 Q: Okay. Okay. And do you know where he went when he left
3 your house that day?

4 A: No, ma'am.

5 Q: Okay.

6 MS. MUNNERLYN: Court's indulgence just one moment.

7 That's all the questions I have. Please answer any
8 questions the defense might have.

9 THE COURT: Mr. Banks?

10 CROSS-EXAMINATION

11 BY MR. BANK:

12 Q: Mr. Robinson, how are you doing?

13 A: I'm doing all right.

14 Q: Me and you haven't talked before, have we?

15 A: No.

16 Q: But you've talked with Mr. Watkins, Bobby Watkins? He's
17 sitting right there in the front row.

18 A: Yes, sir.

19 Q: I said he looked a little different because he's in a
20 suit.

21 A: Yeah. I'm going to be fair.

22 Q: So when you were talking with Squeaky that day that you
23 were talking about, was he -- he was acting normal?

24 A: He acted normal to me.

25 Q: Okay. And on his hand, you said it was a little swollen;

GEORGE ROBINSON - CROSS BY MR. BANK

1 right? But did you see -- you didn't see any bruises or cuts?

2 A: I didn't see no cuts or no bruise or none of that.

3 Q: Okay. And then just real briefly, you're familiar at
4 least with Mr. Harrington's 2005 murder trial where he was
5 found not guilty?

6 A: No, I didn't know him.

7 Q: You didn't know him? Okay.

8 MR. BANK: Well, that's it. I have no further questions.
9 Thanks.

10 THE COURT: Redirect?

11 MS. MUNNERLYN: No, Your Honor.

12 THE COURT: You're free to leave. Thank you.

13 MS. MUNNERLYN: Thank you, Your Honor. This witness is
14 excused?

15 THE COURT: Yes.

16 MS. MUNNERLYN: Thank you, Your Honor.

17 Thank you, Mr. Robinson.

18 MR. REDMOND: The State would next call Micah Ramsey,
19 Sgt. Micah Ramsey.

20 (WHEREUPON, there was a pause in the proceedings until
21 the witness entered the courtroom.)

22 THE COURT: Michael Ramsey? Sgt. Michael Ramsey?

23 MR. REDMOND: Micah Ramsey.

24 MS. WEISS: Micah.

25 THE COURT: Micah.

MICAHA RAMSEY - DIRECT BY MR. REDMOND

1 MR. REDMOND: Come around here. I'm sorry, Sgt. Ramsey.

2 THE COURT: Come around and place your left hand on the
3 Bible and raise your right hand as the clerk administers the
4 oath.

5 THE CLERK: Do you solemnly swear or affirm that the
6 testimony you shall give the Court in this case shall be the
7 truth, the whole truth, and nothing but the truth, so help you
8 God?

9 THE WITNESS: I do.

10 THE CLERK: Okay. You can be seated.

11 THE COURT: I'm going to ask you, if you could, to have a
12 seat in the witness chair and pull up real close to that
13 microphone and speak loudly, clearly, and slowly in order that
14 we can hear everything that you have to say. If you want to
15 set your hat down, you can set it down right over there.
16 Thank you.

17 MR. REDMOND: Sgt. Ramsey.

18 May it please the Court, Your Honor?

19 THE COURT: Yes.

20 MICAHA RAMSEY, being first duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. REDMOND:

24 Q: Sgt. Ramsey, by whom are you employed?

25 A: Charlotte-Mecklenburg Police Department.

MICAHA RAMSEY - DIRECT BY MR. REDMOND

1 Q: And how long have you been employed with CMPD?

2 A: Since 2008.

3 Q: Okay. And I think your law enforcement career -- if I
4 recall correctly, did your law enforcement career begin in
5 2008 with CMPD?

6 A: Yes, it did.

7 Q: Okay. And of course, and -- and back in 2017 -- well,
8 let me ask you this. Currently, right now what are your
9 duties? What is your title?

10 A: I am a sergeant of Central Division second shift within
11 the Charlotte-Mecklenburg Police Department.

12 Q: Okay. And back in 2017, specifically May 11th, 2017, in
13 what capacity were you employed with CMPD?

14 A: I was a police officer in Eastway Division.

15 Q: Okay. And were you on duty on the 11th of May 2017?

16 A: Yes.

17 Q: Okay. Now, let's talk about briefly the Real Time Crime
18 Center. Could you explain that for His honor?

19 A: Certainly. The Real Time Crime Center is a group of
20 detectives who operate multiple cameras, sensors including
21 license plate readers that are tied into the NCIC, and there's
22 wall-mounted televisions that span the room about the size
23 from the wall there to where the attorney is, possibly a
24 little farther.

25 All of these cameras are positioned throughout the city,

MICAHA RAMSEY - DIRECT BY MR. REDMOND

1 and the LPR, the license plate reader systems, are at
2 different intersections. We have access to cameras both in
3 the schools, both to the Department of Transportation, our own
4 cameras, and deployable cameras. All of these are maintained
5 by detectives at the Real Time Crime Center to be able to
6 transfer back and forth information within the department
7 through different divisions. We also have a tie-in to our
8 helicopter unit that's able to feed live feed to the same
9 unit.

10 Q: And so when we say real time, it literally -- is it
11 literally real-time?

12 A: Yes.

13 Q: And did that actually come into play on the 11th of May
14 2017? Did you receive an alert? Well, before we get into
15 that, plate readers. Do they -- does CMPD utilize plate --
16 utilize plate -- license plate reader technology?

17 A: Yes. We use license plate reader technology.

18 Q: And does that then also feed into the real time crime
19 center if there's an alert?

20 A: Yes.

21 Q: Okay. And did that occur on the 11th of May 2017?

22 A: Yes.

23 Q: Okay. Could you tell us about how you became involved?
24 And I think this would have been approximately 1:50 in the
25 afternoon. Could you tell us about how you became involved,

MICAHA RAMSEY - DIRECT BY MR. REDMOND

1 where you were, and where you responded to?

2 A: Yes. I was on the Plaza in Central Division when the
3 real time crime detective came over the radio and advised that
4 they had a hit on a felony vehicle, a vehicle with a wanted
5 subject.

6 Q: And when you get such an alert and such a call, what is
7 -- what is the normal response? What is the normal action
8 taken?

9 A: We're to be on the alert looking for the vehicle
10 description or suspect description.

11 Q: Okay.

12 A: And then take action to be able to find that vehicle or
13 person.

14 Q: Now, on this particular day, to the best that you can
15 recall, about how far -- where did the alert take place and
16 about how far from there were you?

17 A: I was on the Plaza, and I know that a tag reader -- it
18 occurs on the Plaza before my location where I was at. I
19 recall that I ended up being instructed that the car had
20 stopped at the gas station at Plaza and Sugar Creek, which was
21 I'd say about a half-mile down the road from my position where
22 I heard the alert.

23 Q: Okay. And at that particular time, of course, did you
24 respond? And I think that's a Citgo station, if I remember
25 right, I think. It's a -- it's a convenience store?

MICAHA RAMSEY - DIRECT BY MR. REDMOND

1 A: A convenience store and gas station.

2 Q: Gas station.

3 A: I did respond that direction. I turned on my body-worn
4 camera to start recording.

5 Q: Okay. And in fact, you've got on the body-worn camera
6 today. Did you have one such as that at the time?

7 A: Yes. I had on an Axon body-worn camera.

8 Q: And so did -- when you responded, tell His Honor what you
9 -- what occurred once you responded to Sugar Creek and the
10 Plaza there in Charlotte?

11 A: Certainly. At Plaza and Sugarcreek, I observed the
12 vehicle matching the description put out by the Real Time
13 Crime Center. It had been parked in front. I was advised
14 that the sought driver had gotten out and gone into the gas
15 station. I waited for my backup, two additional officers to
16 arrive.

17 When I verified that they were on scene with me, I told
18 them it's time to go. I asked for a description from Real
19 Time Crime Center of the person they observed. I went into
20 the store, checked around, and motioned everyone to welcome
21 them, turned toward the bathroom, which was a single hall, a
22 single door, single stall bathroom, and out walked the
23 defendant.

24 Q: And when you say the defendant, do you recognize the
25 individual that you encountered that day?

MICAHA RAMSEY - DIRECT BY MR. REDMOND

1 A: Yes, I do. Sitting with the blue shirt and the glasses
2 over there.

3 MR. REDMOND: And we'd ask that the record reflect that
4 he did, in fact, point out the defendant.

5 BY MR. REDMOND:

6 Q: So what actually did you take -- so you encountered the
7 defendant. Tell us what took place?

8 A: I wanted to keep everything calm. So I simply approached
9 and welcomed him to Charlotte and told him to put his hands
10 behind his back.

11 Q: Okay.

12 A: And I put him in handcuffs.

13 Q: Okay. And did he comply?

14 A: He did comply.

15 Q: Okay. And would you -- I would just say -- I know I
16 might be leading a little bit, but would it be fair to say it
17 was a pretty event -- it was an eventless arrest? In other
18 words, there was not any drama behind it?

19 A: Correct. It was an eventless arrest.

20 Q: Okay.

21 A: No problem.

22 Q: So -- and so after he was put in handcuffs, what then did
23 you do?

24 A: I then passed him to my backup officers in his custody,
25 and I went to check the bathroom to verify that there wasn't

MICAH RAMSEY - DIRECT BY MR. REDMOND

1 anything left behind or any potential evidence that might
2 exist and to see if there'd been anything moved.

3 Q: And of course, did you find any evidence that -- that you
4 thought might be useful?

5 A: No, I did not.

6 Q: Okay. Now, we talked about the body-worn camera. Of
7 course, with what you've testified to, are you aware of the
8 fact that there was also the -- I think there's video of what
9 you described from CMPD and the street cameras once the plate
10 reader activated -- the plate reader activated?

11 A: Yes. My understanding is the camera was taken over at
12 Plaza and Sugar Creek by Real Time Crime Center, of which Real
13 Time Crime Center can take control of any of these cameras and
14 they then turn to be able to focus their attention on
15 something.

16 Q: And just to put State's 88 [sic], which I'm about to
17 introduce into context, let's say if you are alerted at the
18 Plaza and 36, would -- because it's real-time, would other
19 cameras then get involved to try to track and locate the
20 vehicle in question?

21 A: Right. There's the whole bank of screens, and there are
22 multiple detectives in Real Time Crime Center, and they would
23 take the effort to be able to pull up multiple cameras in the
24 area.

25 Q: And would that be reflected in what's going to be on

MICAHA RAMSEY - DIRECT BY MR. REDMOND

1 State's 88 [sic], the cameras from Charlotte?

2 A: The cameras from Charlotte, obviously.

3 MR. REDMOND: Your Honor, with that, I would move -- and
4 I've already discussed this with defense that -- with Mr.
5 Young. State's 88 actually --

6 THE COURT REPORTER: 588.

7 MR. REDMOND: What did I say?

8 THE COURT REPORTER: 88.

9 MR. REDMOND: I said 88? I wish it was 88.

10 State's 588 is actually a compilation of the body-cam
11 video and there are two videos, one on the Plaza and 36 and
12 then the Plaza and Sugar Creek. I put them all on one flash
13 drive, Your Honor, and so the defense has been able to see.
14 And I would move this into evidence at this time.

15 THE COURT: Any objection?

16 MR. YOUNG: Without objection, Your Honor.

17 THE COURT: It's into evidence.

18 (WHEREUPON, State's Exhibit Number 588, Charlotte videos
19 on flash drive, was admitted into evidence.)

20 MR. REDMOND: So first, if I may, and I think I've
21 actually got it here. Let me turn the TV on.

22 I'm going to hand the exhibit to Madam Court Reporter,
23 and if I could publish? First, Your Honor, I'm going to
24 actually publish the video from the -- Charlotte from -- I
25 think the first one I'm going to do is the Plaza and 36.

MICAHA RAMSEY - DIRECT BY MR. REDMOND

1 (WHEREUPON, the video was played. No sound.)

2 MR. REDMOND: And, Your Honor, I'm pausing it.

3 BY MR. REDMOND:

4 Q: Sgt. Ramsey, do you see the vehicle in question in this
5 video?

6 A: I do.

7 Q: Where I paused it? And for the record, 13:48 at 44
8 seconds. Yes. And which vehicle is that?

9 A: The vehicle in the far left lane, the outside lane.

10 Q: Okay.

11 (WHEREUPON, the video resumed playing.)

12 BY MR. REDMOND:

13 Q: And I believe this is the Plaza and Sugar Creek video?

14 A: Yes, it is.

15 Q: Now, while we're waiting, do they have the ability to
16 actually control and move the cameras from the Real Time
17 Center?

18 A: Yes, they do.

19 Q: Okay. And I believe we'll be seeing that shortly. I
20 said Citgo. It's actually BP. I apologize. Now, is what
21 we're watching, is this them attempting to locate the vehicle?

22 A: Yes, it is.

23 Q: And do you see the Mitsubishi Eclipse in question?

24 A: I see the same vehicle.

25 Q: When the camera is panning, would y'all be in

MICAHA RAMSEY - DIRECT BY MR. REDMOND

1 communication with the Real Time Center as they're directing
2 you to what's going on and where the defendant is, what he's
3 wearing, etc.?

4 A: Yes. The Real Time Crime Center has that option if they
5 need to do so.

6 Q: And do we see CMPD cars starting to arrive at the scene?

7 A: Yes. That is a CMPD vehicle.

8 Q: Does it reflect less than two minutes that you arrived on
9 the scene?

10 A: I haven't measured time.

11 Q: Okay. But it was a pretty short period of time?

12 A: It was indeed a short period of time.

13 Q: And is that you?

14 A: Yes. That is me.

15 Q: Walking?

16 A: I was telling this individual they need to walk away.

17 Q: Okay. And this is into evidence. So -- and then I'm
18 going to switch to your body-cam, if I could.

19 MR. REDMOND: I beg the Court's indulgence. Here we go.

20 (WHEREUPON, the video was played. Not transcribed
21 herein.)

22 BY MR. REDMOND:

23 Q: And is this your body-cam video that you're looking at
24 right now?

25 A: Yes. That's my body-worn camera.

MICAHA RAMSEY - DIRECT BY MR. REDMOND

1 Q: And I'm stopping it there because, again, did you find
2 anything in your search of the bathroom to see if there might
3 be any evidence?

4 A: I did not.

5 Q: Okay. Now, moving forward, so after this I believe you
6 completed a tow sheet. What was the purpose of that?

7 A: The tow sheet documents when any vehicle is towed by CMPD
8 and with our authority.

9 Q: And so where was it towed to?

10 A: The tow took the vehicle over to the law enforcement
11 center to a secured crime scene bay.

12 Q: And is that in, well, uptown Charlotte?

13 A: Yes.

14 Q: Okay. And at the main headquarters, I believe?

15 A: It is.

16 Q: Okay.

17 A: I also recorded all of this on my body-worn camera from
18 the tow being picked to when it was dropped off door to door
19 until it actually got inside the crime scene bay.

20 Q: Gotcha. And let's see. And of course, from that
21 standpoint, did that conclude your role in this particular
22 matter?

23 A: I also was called back to transport the defendant to
24 jail.

25 Q: That's right. That's right.

MICAH RAMSEY - CROSS BY MR. YOUNG

1 MR. REDMOND: I beg the Court's indulgence.

2 That would be all the questions I have. Please answer
3 any questions that Mr. Young may have.

4 THE COURT: Mr. Young, you're recognized --

5 MR. YOUNG: Thank you, Your Honor.

6 THE COURT: -- for cross-examination.

7 CROSS-EXAMINATION

8 BY MR. YOUNG:

9 Q: How are you doing, Officer Ramsey?

10 A: Doing well, sir. Thank you.

11 Q: So you did a report after this arrest?

12 A: Yes.

13 Q: And your report is three pages?

14 A: That appears to be my report.

15 Q: I'll show you.

16 A: Thank you. Yes.

17 Q: And there were other officers involved in the search
18 arrest information that was going on in Charlotte?

19 A: Correct.

20 Q: One of those was Officer Dollar?

21 A: Detective Dollar.

22 Q: Detective Dollar?

23 A: Joe Dollar.

24 Q: Yes. And he did a report?

25 A: To my knowledge.

MICAHA RAMSEY - CROSS BY MR. YOUNG

1 Q: Okay.

2 A: Yes.

3 Q: And there's also a confidential law enforcement data
4 report?

5 A: May I?

6 Q: Yes, sir.

7 A: These have some of my notes, yes, and it appears that
8 Officer Caddell initiated, and I added the narrative.

9 Q: Okay. And how long is that one?

10 A: This one?

11 Q: Yes, sir.

12 A: It says one of nine pages, and I see on the original
13 eight -- nine -- you have a one of ten. It looks like you've
14 printed off one with an additional narrative, Caddell. Let me
15 separate these.

16 Q: That's all right.

17 A: Okay. So this is a document supplement included on the
18 one of ten, which is the exact same thing as the one of nine,
19 but it includes another -- ah, on Thursday following suspect
20 was arrested. We're required to be able to submit a
21 supplement to cases that we create in a timely manner to be
22 able to close the case.

23 Q: Okay. I'm going to refer you to one page. I'm going to
24 refer you to page 6 of 9, not including the supplemental, and
25 show you -- I guess it's number 6. It says color of vehicle

MICAH RAMSEY - CROSS BY MR. YOUNG

1 top, and it has black written here. Now, you've seen the
2 vehicle and we just saw a picture of it and the top appears to
3 be white?

4 A: When we refer to top or bottom colors, the officer can be
5 referring to the actual hood or the actual roof.

6 Q: Okay.

7 A: So in this case, the vehicle that I saw had a white roof.
8 Correct.

9 Q: Correct. And I guess a black hood?

10 A: That's what I observed, yeah.

11 Q: Okay. So when you said top, you were -- that was --
12 somebody was referring to --

13 A: That would be someone else's report.

14 Q: Okay.

15 MR. YOUNG: All right. Thank you very much.

16 THE WITNESS: Thank you.

17 MR. YOUNG: That's all the questions I have, Your Honor.

18 THE COURT: Any redirect?

19 MR. REDMOND: No redirect.

20 THE COURT: You're free to leave. Thank you, sir.

21 THE WITNESS: Thank you, Your Honor.

22 MR. REDMOND: And we'd ask that Sgt. Ramsey be excused to
23 return to his duties in Charlotte.

24 THE COURT: He's excused.

25 MR. REDMOND: The State would next call Lt. Todd Schenk.

TODD SCHENK - DIRECT BY MR. REDMOND

1 (WHEREUPON, there was a pause in the proceedings until
2 the witness entered the courtroom.)

3 THE COURT: Yes, sir. Come on forward and place your
4 left hand on the Bible and raise your right hand as the clerk
5 administers the oath.

6 THE CLERK: Do you solemnly swear or affirm that the
7 testimony you shall give the Court in this case shall be the
8 truth, the whole truth, and nothing but the truth, so help you
9 God?

10 THE WITNESS: Yes, ma'am.

11 THE CLERK: Have a seat.

12 THE COURT: If you would, come around here and have a
13 seat in the witness chair. I'm going to ask you, if you
14 could, to have a seat and pull up real close to that
15 microphone and speak loudly, clearly, and slowly in order that
16 we can hear everything that you have to say.

17 THE WITNESS: Yes, sir.

18 THE COURT: Let's start with your full name.

19 THE WITNESS: Todd Schenk.

20 THE COURT: Spell that last one?

21 THE WITNESS: S-c-h-e-n-k.

22 MR. REDMOND: And, Lt. Schenk, in fact, are you a
23 lieutenant?

24 Oh, excuse me. May it please the Court, Your Honor?

25 THE COURT: Yes.

TODD SCHENK - DIRECT BY MR. REDMOND

1 TODD SCHENK, being first duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. REDMOND:

5 Q: Lieutenant, are you, in fact, a lieutenant with the State
6 Law Enforcement Division?

7 A: I am.

8 Q: Okay. How long have you worked with SLED?

9 A: Approximately a little over -- a little over nine years
10 now.

11 Q: Okay. And how about law enforcement, your background in
12 law enforcement?

13 A: A little over nine years now.

14 Q: Okay. And so you came straight from working -- you
15 started your law enforcement career at SLED?

16 A: That is correct.

17 Q: Okay. And when you started at SLED, in what capacity
18 were you working with SLED?

19 A: I'm a special agent assigned to crime scene
20 investigations unit.

21 Q: Okay. So -- and have you -- and are you still with that
22 unit?

23 A: I am.

24 Q: Okay. So -- so your experience with SLED is completely
25 with the crime scene unit?

TODD SCHENK - DIRECT BY MR. REDMOND

1 A: As an agent.

2 Q: As an agent, yes?

3 A: Yes, sir.

4 Q: All right. Now -- and I'm not going to spend too much
5 time on this, but your unit -- how does your unit function?
6 Are you a primary agency or an assisting agency when it comes
7 to investigations?

8 A: SLED is an assisting agency.

9 Q: Okay. Now, in your role specifically as it relates to
10 the crime scene unit, just in general if you can give us a
11 brief outline -- outlay of what your duties entail around the
12 state?

13 A: Yes, sir. So we're an assisting agency for SLED. We get
14 -- in crime scene we'll get a call from usually a local
15 department or local sheriff's office or the region, depending
16 on where it is. Our job is to respond to the crime scene,
17 document the scene with photographs, take notes, and the meat
18 and potatoes of what we're doing is the forensics of the case.
19 So documenting and collecting evidence, photographing, notes,
20 diagrams, measurements, all that stuff is on us.

21 Q: Okay. And once you are involved, you are not -- are you
22 agents that actually conduct interviews and engage in the
23 other aspects of the investigation?

24 A: No.

25 Q: Okay. Is your role strictly to collect, document, and to

TODD SCHENK - DIRECT BY MR. REDMOND

1 transport whatever evidence collected to the SLED lab?

2 A: Yes, sir.

3 Q: Okay. Now, let me direct your attention to the 5th of
4 May 2017. Were you dispatched to Marlboro County,
5 specifically [REDACTED] Craig Circle?

6 A: I was.

7 Q: Okay. Tell His Honor about -- about your -- how you were
8 dispatched here and -- and what you did once you got here?

9 A: So we run in pairs. In this case, I had a trainee with
10 me. I was a training officer. So it was myself and my
11 partner, Agent Miller -- her last name is Hunton now -- and my
12 trainee, Jazik. We all responded.

13 And we did here. We were secondary in the case. I was
14 the secondary in this case. So my job was to photograph,
15 document, and help with the collection of the evidence, where
16 Jennifer would have taken notes and actually wrote the report.
17 That's all done by Jennifer. So in this aspect of this case,
18 I was the main photographer for the case.

19 Q: And let me -- let me continue. All right. So when you
20 got to -- I guess, when you got to Craig Circle and you did
21 what you've talked about here, was that the only scene?
22 Because we've already heard from -- from Ms. Hunton, but as
23 far as the Craig Circle address, did y'all spend a good amount
24 of time processing that scene?

25 A: We did.

TODD SCHENK - DIRECT BY MR. REDMOND

1 Q: Okay. And on the -- and of course, I'm not going to get
2 into all the evidence that was collected. There are several
3 items already in evidence. So I'm not going to go through
4 that again, but suffice it to say, did you collect a lot of
5 evidence that was transported back for further testing?

6 A: Yes.

7 Q: Okay. Now, on the 6th of May 2017, did you then go to
8 Dwayne Bright's house on North Everett Street in
9 Bennettsville?

10 THE WITNESS: If I may -- if I may refer to my notes,
11 Your Honor?

12 THE COURT: Yes, sir.

13 BY MR. REDMOND:

14 A: May 6th? Yes, sir.

15 Q: Okay. Now -- excuse me. Tell us what you did when you
16 got to -- to Dwayne Bright's house. Did you document and
17 collect evidence from there as well?

18 A: We did.

19 Q: Okay. And the same thing in accordance with your normal
20 operating procedure, did you -- oh, let me go back to Craig
21 Circle real quick. I forgot to specifically ask you about
22 this. Do you recall doing swabs of the door handle and a T-
23 shirt? I think that's -- the t-shirt is State's Exhibit 14.
24 Do you recall having collected those items?

25 A: Yes.

TODD SCHENK - DIRECT BY MR. REDMOND

1 Q: Okay. And at Dwayne Bright's house, do you recall having
2 collected, I think, a pair of Air Force 1 shoes, I believe it
3 was?

4 A: I know we photographed a lot of shoes. Yes.

5 Q: Okay. And also at that time, did you -- I guess, were
6 you present and are aware that -- that Dwayne Bright's buccal
7 swab was also taken at that time?

8 A: Yes, sir.

9 Q: Okay. Now, I'm going to skip a minute and then we'll go
10 back to what you did in Charlotte, but did you get called --
11 we're not going to get into great detail about it, but did you
12 get called on the 14th to come back to Marlboro County?

13 A: We responded on the 14th. We got the call the 13th, but
14 yes.

15 Q: On the 13th?

16 A: Yes.

17 Q: Okay. And tell us about generally what did y'all do when
18 you got here? What was the purpose of y'all coming here on
19 the 14th?

20 A: We were serving a search warrant in search of the victim.

21 Q: Okay. And was that on New Bridge Road in the McColl area
22 of Marlboro County?

23 A: That sounds right. Yes, sir.

24 Q: Okay. And was there a body found in the creek while
25 y'all were out there?

TODD SCHENK - DIRECT BY MR. REDMOND

1 A: Yes, sir, there was.

2 Q: Okay. And pursuant to SLED procedure, was there a buccal
3 swab that was taken? I believe it was by Agent Hunton. Was
4 it -- then Miller. Was there a buccal swab that was collected
5 at that time of the corpse?

6 A: There was.

7 Q: From the corpse. I'm going to show you -- and I've
8 already shown it to defense -- State's 169. Technically in
9 evidence, but this is a photograph of that exhibit. Do you
10 recognize that and the initials? And could you tell the Court
11 what that is?

12 A: Yes, sir.

13 Q: So this is a photograph of our evidence bag with the lab
14 number, item number, and SA Hunton's -- at the time Miller's,
15 that's why it's JIM -- initials and date, case information.
16 So this is what that bag would look like. Yes, sir.

17 Q: Okay.

18 MR. REDMOND: And of course, we'd move it into evidence.
19 Technically, it's already into evidence, but officially with
20 this photo I would move it into evidence at this time.

21 MR. BANK: No objection.

22 THE COURT: It's into evidence.

23 (WHEREUPON, State's Exhibit Number 169, photographs of
24 package containing buccal swabs of Iyana Lowery, was
25 admitted into evidence again.)

1 BY MR. REDMOND:

2 Q: Now -- and again, we've already heard a lot of this
3 through other witnesses. So I'm not going to -- I want to
4 direct your attention to Charlotte. On the 11th of -- on the
5 11th of May 2017, were you dispatched to CMPD in downtown
6 Charlotte?

7 A: We were.

8 Q: And could you tell the Court -- tell His Honor about
9 that?

10 A: So we were told that there was a vehicle that needed
11 processing in Charlotte. The Charlotte-Mecklenburg Police
12 Department had seized the vehicle, and it was in one of their
13 vehicle bays. So we responded up to Charlotte and met with
14 some of the investigators from the Sheriff's Office and from
15 the SLED agents or from the SLED region, the Pee Dee region,
16 and got a search warrant for the vehicle and processed the
17 vehicle in Charlotte.

18 Q: Okay. And -- excuse me. Take us through -- and I'll
19 show you some pictures, but -- well, did you photograph what
20 y'all did in Charlotte, what you were -- any interesting items
21 of potential evidence did you document by photograph?

22 A: I did.

23 Q: Okay. And of course, was Agent Hunton and Agent Jazic
24 also there with you?

25 A: Yes, sir.

TODD SCHENK - DIRECT BY MR. REDMOND

1 Q: Okay. And with the car, could you tell His Honor
2 specifically what it was that y'all did in the processing of
3 the vehicle, that being a 1998 Mitsubishi Eclipse?

4 A: Yes, sir. So with the vehicle, we start with overall
5 photographs of the outside of the vehicle. We then search it
6 to make sure there's no fingerprints that we can see readily
7 with oblique lighting. Before we do fingerprints, we'll
8 usually swab the door handles and any high areas of touch that
9 need to be swabbed, and then we'll throw black powder and
10 we'll actually process the outside of the vehicle for
11 fingerprints.

12 Once we're done with the outside, we then go to the
13 inside. We'll process and photograph the outside -- or
14 photograph the inside, search it, take our swabs, and in this
15 case we ended up doing some black powder on the inside as
16 well. And there was a K-9 on scene as well.

17 Q: Now -- excuse me. With the canine, let's talk about
18 that. Was the K-9 a SLED K-9 or was that a K-9 that was
19 called in? Or just explain to us that situation.

20 A: We were told that there was a K-9 requested. It was not
21 one of ours. And he came and let the dog run around without
22 touching the vehicle prior to us doing the processing. Once
23 --

24 MR. BANK: Objection, Your Honor. I'm sorry. I don't
25 believe we've ever been given any information on a dog being

1 involved in the search.

2 MR. REDMOND: It's in the -- it's actually in the crime
3 scene summary. Skylar. It talks about Skylar.

4 MR. BANK: We don't have any -- we don't have any records
5 of, like, the training of the dog.

6 MR. REDMOND: Oh, no.

7 MR. BANK: The records of how the -- what dog they used,
8 who the handler of the dog is, the training of the handler.

9 MS. WEISS: It's right here. It's right here. K-9
10 Skylar.

11 MR. YOUNG: I understand the names are there, but do you
12 have Skylar's CV or what? I don't know what dogs have.

13 MR. REDMOND: Your Honor, we're not going to -- we're not
14 calling Skylar or the handler for Skylar and, of course, I
15 would argue that they can cross-examine and, I guess, address
16 that however they see fit. I'm just asking in general. I'm
17 not getting into any more detail than what --

18 THE COURT: Did the dog find anything?

19 MR. REDMOND: Well -- and I -- the dog -- well, the dog
20 didn't find anything per se, and I think I'd better -- I'm
21 better suited letting Lt. Schenk address how Skylar reacted
22 and then, of course, what took place from there.

23 MR. BANK: Your Honor, for us to be able to properly
24 cross-examine him on that issue, we --

25 THE COURT: Might counsel approach the bench for one

1 minute?

2 MR. REDMOND: Yes, sir.

3 (WHEREUPON, a bench conference was held off the record,
4 after which the proceedings resumed as follows.)

5 BY MR. REDMOND:

6 Q: Let me just ask you like this because, of course, it's
7 noted in your record in your report, but was Skylar a part of
8 your investigational process? Let me ask you like that.

9 A: No.

10 Q: Okay. Thank you. Now, moving on. So, of course, like I
11 said, the dog was there, but again, not a part of your
12 investigation. What then did you do as it relates to the
13 processing of the scene -- of the car? Excuse me.

14 A: So once we photographed the exterior and interior,
15 collected swabs and done black powder, we then used an
16 alternate light source to search the inside of the vehicle,
17 which is more just like a black light to search for blood or
18 any biological fluids.

19 After that, prior to doing any chemicals, the dog was
20 then allowed in the vehicle, but again, that was not on us.
21 After the dog was done, we then used chemicals within the
22 vehicle, which is our Blue Star to search for any latent blood
23 that may or may not have been -- or help search for any blood
24 that may or may not have been in the vehicle. We also removed
25 the front two car seats and ended up cutting some of the

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1 carpet out to submit for blood testing at the lab as well.

2 MR. REDMOND: I beg the Court's indulgence.

3 Your Honor, just as a housekeeping matter -- and this is
4 squarely on my shoulders. In my haste, I actually forgot to
5 mark the pictures that we've already got prepared to play. I
6 believe Mr. -- Mr. Bank is gracious enough to allow us to go
7 ahead and publish them, and then I'll supplement and mark them
8 and put them into evidence before the close of business today.
9 That's on me, Your Honor. I apologize for that, but we --

10 THE COURT: You may proceed.

11 MR. REDMOND: We'll be prepared to do that, if that's
12 okay.

13 MR. BANK: That's fine.

14 MR. REDMOND: Thank you.

15 (WHEREUPON, State's Exhibits Number 620 through 619 and
16 State's Exhibits Number 622 through 645, photographs,
17 were admitted into evidence. State's Exhibits Number 620
18 and 621, photographs, were marked for identification
19 only.)

20 BY MR. REDMOND:

21 Q: Now, talking about the items that were found, did you get
22 any lifts and did you do any swabs in the car?

23 A: Yes, sir.

24 Q: Okay. Talk to us, talk to His Honor a little bit about
25 that?

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1 A: Okay. From latent lifts, we had latent impressions. We
2 had a stain on the back of the vehicle that was labeled Stain
3 A. Then we had Impression B, C, D, E, F, G, H, all the way
4 through N, as in November. Of the lifts, when you dust,
5 you'll see that there's ridge flow with fingerprints, but it
6 doesn't always mean that they're suitable for collection. So
7 of the fingerprints that were suitable for collection, it was
8 Latent C or Impression C, F, G, H, L, and N.

9 Once those are collected -- and those were from the
10 outside and the inside of the vehicle. We also did swabs of
11 the interior and exterior door handles where someone would
12 pull on the driver door and the passenger door. We swabbed
13 the rearview mirror. We swabbed the steering wheel and the
14 gearshift, the gas cap, the taillight that was underneath the
15 spoiler, the top of the trunk spoiler. We did the side panel
16 of the trunk on the driver's side and the side panel of the
17 trunk on the passenger side, and then we also swabbed the foot
18 pedals, the brake and gas of the vehicle.

19 Q: Now, excuse me. Now --

20 THE COURT: Is that for touch DNA?

21 THE WITNESS: Well, the foot -- the idea behind doing the
22 gas and the foot pedals -- the other swabs, yes, sir, Your
23 Honor, but for the foot pedals, it was more thinking if this
24 vehicle was at the original scene, the person who had
25 committed the crime probably would have stepped in blood and

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1 maybe it would have transferred to the gas pedal was the line
2 of thinking.

3 BY MR. REDMOND:

4 Q: Now, did you -- I guess, did you have the opportunity to
5 use I think what we call Blue Star?

6 A: Yes, sir.

7 Q: Okay. And could you explain that? I know that's going
8 to be something that is discussed subsequently, but explain
9 that briefly to His Honor?

10 A: So Blue Star is a presumptive test that we use on crime
11 scenes. It's specifically for when you're looking for latent
12 blood on dark objects where it's not readily available to the
13 naked eye. With Blue Star, you get the room somewhat dark and
14 you spray the Blue Star, and there's a chemiluminescence with
15 a chemical and the hemoglobin in the blood, and it shines with
16 a blue color, and that's pretty much a reaction. And when
17 that reaction happens, we will photograph it and we'll collect
18 swabs of it and send it to DNA for testing.

19 Q: Now -- excuse me. And let me go back for just a second
20 just to establish, even though this has been earlier
21 litigated, but did you wait until CMPD returned with a search
22 warrant before you commenced your search of the vehicle?

23 A: Yes, sir.

24 Q: Okay. And is that standard operating procedure in any
25 case that you worked or SLED works?

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1 A: Yes, sir.

2 Q: Thank you. I forgot to mention that. Now, then what I
3 was going to ask you about was the defendant. Did you also
4 have the opportunity to photograph the defendant as well?

5 A: I did.

6 Q: Okay. And of course, among the photographs of the
7 defendant, did you take pictures of his hand?

8 A: Yes, sir.

9 Q: And did you take pictures of his shoes?

10 A: I did.

11 Q: Okay. And we'll get into that in just a few minutes.

12 MR. REDMOND: Actually, if I may with the Court's
13 indulgence? And what I'm going to do, Your Honor, since it
14 hasn't been marked yet, I'm going to try with due diligence to
15 list what would be the exhibit number. And so if we could
16 start at the first one?

17 BY MR. REDMOND:

18 Q: That would be 6 -- I mean, excuse me, 589 is what I've
19 got, State's 589. And could you tell us what -- and if you
20 need to step down -- as a matter of fact, if you wouldn't mind
21 --

22 A: Sure.

23 Q: If you would step down, that might help you be able to
24 better explain what we're looking at. And again, this is
25 State's 589.

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1 A: State's 589, this is the rear of the Mitsubishi Eclipse.
2 We're looking to show the photograph and just the -- or excuse
3 me -- the license plate and just the rear of the vehicle.
4 Q: Okay.
5 Q: And State's 590?
6 A: This is --
7 Q: Here we go.
8 A: There we go. So as we take photographs, we go all the
9 way around the vehicle. So this is from the rear passenger
10 quarter panel, just showing the side and the rear of the
11 vehicle to give a different perspective all the way around.
12 Q: 591?
13 A: This is the passenger side of the vehicle.
14 Q: 592?
15 A: This would be the front passenger quarter panel showing
16 the front and the side.
17 Q: 593?
18 A: This would be the front of the vehicle.
19 Q: 594?
20 A: This is -- normally, we try to take it on an angle, but
21 sometimes if the rims are too small, we try to break up the
22 sides. So this would be to try to show the front and the side
23 of this vehicle.
24 Q: All right. And 595?
25 A: Rear quarter panel of the driver's side looking forward

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1 showing the back and the side.

2 Q: 596?

3 A: This is a latent impression from Latent Impression F.

4 This is our scale tape we use to show scale so that when our
5 latent examiners get the image, they can make it a one-to-one
6 image and actually compare the image or the photo to the
7 latent. And we'll also collect lifts if they're suitable for
8 collection. So this is Latent F, and this is on the top of
9 the spoiler that was on the back of the trunk.

10 Q: 597?

11 A: This is Latent Impression G.

12 Q: Okay. And where is that located? It's written on there,
13 but where is it located?

14 A: The top of the trunk spoiler.

15 Q: 598?

16 A: This is H. This is, again, on the top of the spoiler.

17 Q: 599?

18 A: This is a photo showing that we are now going into the
19 vehicle. So the driver door is open, beginning the photos of
20 the inside.

21 Q: 600?

22 A: This is showing the driver's seat of the vehicle.

23 Q: 601?

24 A: These are showing the gas and brake pedals of the
25 vehicle.

1 Q: 602?

2 A: This is the center console.

3 Q: Okay. And let me just -- in the upper left quadrant of
4 the picture, what do you see in there?

5 A: Upper left? There's a pack of Newport cigarettes,
6 there's a beer can, lint roller. I think that's some kind of
7 -- that's a can of some kind.

8 Q: And is there an ashtray with some cigarettes in it in
9 State's 602?

10 A: This is -- sorry. 602?

11 Q: 602.

12 A: Yes. Down here, yes, there are.

13 Q: And 603 would be next?

14 A: So this is opening the passenger side and moving over to
15 the passenger side of the vehicle.

16 Q: 604?

17 A: This is showing the passenger seat and its contents.

18 Q: 605?

19 A: Another photograph of the contents of the passenger seat.

20 Q: 606?

21 A: This is showing the contents of the passenger seat.

22 Q: 607?

23 A: This is showing behind the passenger seat and what's
24 behind between the rear seat and the back of the front
25 passenger seat.

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1 Q: 608?

2 A: This was a piece of mail with -- I'm having a hard time
3 reading the name.

4 Q: Well, go to 609? That might help. Nope. Go back to
5 608. I'm sorry. 609?

6 A: If I may refer to my notes?

7 Q: Yeah, sure.

8 A: I'm not sure what the name is on it. I'm having a hard
9 time reading that.

10 Q: That's no problem, and we'll have the actual picture. I
11 think it'll make it easier to see.

12 A: Okay.

13 Q: So no worries. Let's go on to 609, the next one.

14 A: This is a vehicle registration. Is it Jamie Campbell?

15 Q: Okay. 610?

16 A: This is a Nationwide letter.

17 Q: And you're not going to be able to read it. We'll have
18 the picture in evidence. 611?

19 A: This appears to be -- it's another letter.

20 Q: Okay.

21 A: I'm having a hard time reading it.

22 Q: Can you make out who it's made out to, who it's addressed
23 to?

24 A: I think it's something -- I believe it's Campbell.

25 Q: Okay.

1 A: Something Campbell.

2 Q: And again, these will be in the pictures, and I
3 apologize, but the pictures -- His Honor will have those
4 picture available. 612?

5 A: This is a City of Bennettsville -- I believe it says
6 Campbell.

7 Q: Okay. 613? I'm not even going to ask you to try to read
8 613.

9 A: It's another letter.

10 Q: 614?

11 A: Looking right at it, it's hard to -- I believe that says
12 JeJauncey Harrington.

13 Q: Okay. 615?

14 A: This is another letter. I'm having a hard time making
15 out what it says.

16 Q: That's okay. Again, we'll have the actual picture. 616?

17 A: This is a photograph of the pack of cigarettes in the
18 front passenger seat.

19 Q: 617?

20 A: This is an EBT card to JeJauncey Harrington.

21 Q: 618?

22 A: A driver's license to Kenny McBride.

23 Q: Okay. And again -- and who -- could you state again who
24 is that driver's license?

25 A: It says Kenny McBride, Jr.

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1 Q: Okay. And just out of curiosity, does it tell the height
2 -- does it list the height of Mr. McBride?

3 A: It does.

4 Q: And what does it say?

5 A: Six feet two.

6 Q: Okay. And is that a South Carolina or North Carolina
7 driver's license?

8 A: That's a North Carolina.

9 Q: Okay. And it indicates Mr. McBride is six foot two?

10 A: Yes, sir.

11 Q: Okay. Next, please? That would be 619? Go to 619.

12 A: This is a bag with a bunch of cigarette ashes.

13 Q: 620?

14 MR. BANK: And, Judge, this is actually a good spot for
15 me to bring up two objections.

16 MR. REDMOND: And what I can do is skip that one for
17 right now and then keep going on.

18 MR. BANK: Okay.

19 MR. REDMOND: Because I know your objection is based on
20 this.

21 MR. BANK: On the ammonia and --

22 MR. REDMOND: Yeah.

23 MR. BANK: And the spoon that was found in the glove box.

24 MR. REDMOND: Okay. So yeah, we'll just --

25 MR. BANK: Take those two out.

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1 MR. REDMOND: So 620 is -- we'll just say for ID only at
2 this point, 620, and 621 is for ID only.

3 BY MR. REDMOND:

4 Q: Now, starting with 622?

5 A: This appears to be behind the back driver's seat. There
6 were gloves, a pack of cards, and some other miscellaneous
7 items on the backseat.

8 Q: Okay. 623?

9 A: This is in the front -- or this is in the passenger door.
10 There was a knife in the door pocket.

11 Q: 624?

12 A: A closer photo of the knife.

13 Q: 625?

14 A: This is the trunk of the vehicle.

15 Q: 626?

16 A: This is trying to photograph looking up at the inside of
17 the glass of the vehicle.

18 Q: 627?

19 A: This would be the male end of the receiver that locks the
20 trunk.

21 Q: And is this looking from inside?

22 A: This is -- I'm standing outside looking up at it.

23 Q: At it where it's elevated?

24 A: Correct.

25 Q: Okay. 628?

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1 A: This appears to be on the inside of the trunk, and
2 there's the male receiver, looking up at the bottom of the
3 trunk.

4 Q: 629?

5 A: This is inside the back of the trunk because it was clear
6 we had to put paper bags over the back to get a better
7 photograph of the latent impressions on the inside of the
8 trunk.

9 Q: 630?

10 A: This is Latent Impression N, which was on the inside of
11 the glass on the back of the trunk.

12 Q: 631?

13 A: This is another photograph of Latent N on the inside.

14 Q: 632?

15 A: This is an additional photo of Latent N on the inside of
16 the car.

17 Q: 633?

18 A: Same thing, Latent N on the inside.

19 Q: And 634?

20 A: Latent N on the inside.

21 Q: 635?

22 A: Same. This is me trying to attempt different lighting
23 just to try to give it the best photo I can, but this is the
24 same impression.

25 Q: 636?

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1 A: This is a photo of JeJauncey Harrington's hands and no
2 shirt, but mainly this is focusing on his hands.

3 Q: Okay. And 637?

4 A: This is his right hand, the back of his right hand.

5 Q: Okay. And of course, His Honor will have that to be able
6 to see in evidence. Let's go to 638.

7 A: This is the back of his left hand.

8 Q: Okay. And again, His Honor will have that to be able to
9 compare in evidence. 639?

10 A: This is a side shot of JeJauncey Harrington.

11 Q: And on the bottom, does he -- is he wearing shoes right
12 there?

13 A: He is.

14 Q: Okay. 640?

15 A: This is the right side of JeJauncey Harrington.

16 Q: 641?

17 A: This is the back side of JeJauncey Harrington.

18 Q: And again, does it -- and I'll just ask you to look at
19 the shoes real closely at the bottom of the shoes. Do they
20 appear to be different shoes?

21 A: They are.

22 Q: Okay. 642?

23 A: This is --

24 Q: And I know the glare and everything. If you can just
25 explain what this is again? His Honor will have the smaller

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1 picture to review.

2 A: For this photograph, it's a little hard to see, but I'm
3 standing on the back passenger quarter panel looking towards
4 the latch on the female side of that latch of the trunk. The
5 struts that hold the trunk open were given out; so we had to
6 use what looked like a -- I don't know if it was a two-by-six
7 or a two-by-four, but a piece of wood to hold the trunk open,
8 and this was when we were using the presumptive test Blue
9 Star. We sprayed it and we got a reaction here, and this is
10 my attempt to photograph the reaction of Blue Star.

11 Q: 643?

12 A: If you saw the light change a little bit, this is another
13 photo of me trying to get a better image of the Blue Star
14 reaction on the back of the vehicle.

15 Q: 644?

16 A: This gives a little more perspective, but this right
17 here, it's faint, but there was the reaction here in this
18 area, and this is -- you can see the floor of the trunk, and
19 I'm standing shooting towards the driver's side from the
20 passenger side.

21 Q: And what area is this noted in this report?

22 A: So in the report, we call it the -- I forget the exact
23 verbiage of it in the report, but this is the anterior trunk
24 latch receiver or the -- it was in the final notes that
25 Special Agent Miller/Hunton wrote. This is called the -- if I

1 may?

2 Q: Yeah, certainly. Certainly.

3 A: I don't want to tell you wrong. The submission document
4 was stated a little bit different than what was --

5 Q: And that would be Item 86.

6 Q: So in the notes, it's two swabs from lock mechanism on
7 interior trunk latch, but then on Item 86, it was logged in as
8 two swabs from lock mechanism on interior trunk latch.

9 A: Okay. All right. And just to be clear, did you -- did
10 you -- I think you've already testified to it, but just to be
11 clear, did you swab that particular area that we see with the
12 Blue Star?

13 A: Yes.

14 Q: Okay. 645? Is that it? Oh, that's it. Okay. 644, so
15 that's where we end. All right. So, again, to be clear, did
16 you -- and we're not going to get into all the items that were
17 submitted, but were these items, after they were documented by
18 photographs, collected and then forwarded for -- I guess,
19 forwarded and taken by Agent Hunton for analysis at the
20 laboratory in Columbia?

21 A: Yes.

22 Q: Okay. You can have a seat.

23 MR. REDMOND: I beg the Court's indulgence.

24 BY MR. REDMOND:

25 Q: Oh, there is one issue. I think this is going to be

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1 subject to their objection. So at this point, I'll go ahead
2 and start it, and then I'm sure he's going to object. But I'm
3 going to show you what's marked as State's 164.

4 MR. REDMOND: If I may approach the witness?

5 MR. BANK: Is this the bottle?

6 MR. REDMOND: It's the bottle of ammonia.

7 MR. BANK: Yeah. We need to -- that needs to be argued,
8 yes.

9 MR. REDMOND: Okay. Oh, no, I'm just going on ahead. I
10 know.

11 THE COURT: Might counsel approach the bench for a
12 moment?

13 MR. REDMOND: Yes, sir.

14 (WHEREUPON, a bench conference was held off the record,
15 after which the proceedings resumed as follows.)

16 THE COURT: Anything from the State before we recess for
17 the evening?

18 MR. REDMOND: I beg the Court's indulgence. I just want
19 to make sure I'm done.

20 THE COURT: Anything from the defense?

21 MR. BANK: No, sir.

22 MR. REDMOND: Your Honor, actually, I do want to get into
23 that. So, in essence, I'm not done, but we're done for today,
24 subject to us picking up the issue of the ammonia bottle at
25 9:30 tomorrow morning.

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1 under oath, and we're going to have a few more direct
2 questions and then we're going to cross-examination.

3 THE WITNESS: Yes, sir.

4 THE COURT: Mr. Redmond, you're recognized.

5 MR. REDMOND: May it please the Court, Your Honor.

6 CONTINUED DIRECT EXAMINATION

7 BY MR. REDMOND:

8 Q: Let me refer you to page 19 of your report, and I didn't
9 ask you that because in all candor yesterday afternoon I was
10 going fast with the pictures because it was getting late, but
11 -- and you've got it in your report. We've seen the pictures
12 already, but could you tell us on page 19 did you describe the
13 conditions particularly of the windows on the Eclipse?

14 A: Yes, sir, they were.

15 Q: Okay. Let me ask you about the windows. Was the
16 driver's-side window actually still -- was there a driver's-
17 side window based on your examination of the vehicle?

18 A: No, sir.

19 Q: Okay. Was there a passenger side window, front -- both
20 of them, driver's side front, passenger side front, were there
21 either passenger or driver's side front windows?

22 A: No, sir.

23 Q: Now, was there a -- I think it's a driver's-side back
24 window, smaller back window on the driver's side. Was that
25 window still there?

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1 A: On the back driver's-side?

2 Q: Yes.

3 A: I've got -- sorry. I'm trying to find that back driver
4 window. It would -- I've got the -- the pass -- excuse me.
5 The passenger side rear window was observed to be shattered
6 out. So on the passenger side.

7 Q: Okay. So the passenger side window was there?

8 A: Was shattered out.

9 Q: Okay. So in other words and just to be clear, the
10 passenger side -- I guess it's a smaller -- is it a smaller
11 window on the passenger side?

12 A: From what I remember, yes, sir.

13 Q: And what did you say you noted was the situation with
14 that window?

15 A: It appeared to be shattered out.

16 Q: Okay.

17 MR. REDMOND: I beg the Court's indulgence.

18 BY MR. REDMOND:

19 Q: So just to be clear, at least I think from your
20 recollection -- of course, we've got the pictures and
21 everything, but three out of four windows were gone?

22 A: Correct.

23 MR. REDMOND: That would be all the questions I have.
24 Please answer questions the defense may have.

25 THE COURT: The defense is recognized.

1 MR. BANK: Thank you.

2 CROSS-EXAMINATION

3 BY MR. BANK:

4 Q: Hey, Lieutenant. How are you doing today?

5 A: Good, sir. How are you?

6 Q: I'm great. While it's just on my mind, the front two
7 windows on the driver's side door -- this is a two-door car;
8 right?

9 A: Correct.

10 Q: And it's -- on the left side and the right side, those
11 are big windows that are electric that come up and down;
12 right?

13 A: Correct.

14 Q: Did you actually look into the door to see whether the
15 windows were there or not or did you just not be able to crank
16 them up?

17 A: That I don't remember.

18 Q: Okay. You don't remember actually seeing into the door
19 whether there was a window or not?

20 A: I don't remember.

21 Q: Okay. And then the two back windows, those are smaller
22 windows that do not roll up or down; right?

23 A: From what I remember, correct, they were fixed. Right.

24 Q: And the left window was there and the right window was
25 not?

1 A: Correct.

2 Q: And then you have the glass that's on the hatchback?

3 A: Correct.

4 Q: Okay. Great. I just wanted to get that cleared up. All
5 right. So, Lieutenant, you are a crime scene analyst with
6 SLED; right?

7 A: Yes, sir.

8 Q: And we've talked a couple times about this case?

9 A: Yes.

10 Q: And I really appreciate that.

11 A: Yes, sir.

12 Q: And you are trained in the best practices of crime scene
13 analysis?

14 A: Correct.

15 Q: Right? And that means the best practices in analyzing
16 scenes; is that right?

17 A: Yes, sir.

18 Q: And items that might be given to you; right? Or that
19 you're analyzing?

20 A: We don't usually do a whole lot of analysis. We usually
21 collect stuff and bring it back to the lab for the scientists
22 to handle.

23 Q: I understand.

24 A: Okay.

25 Q: But you're reviewing and going over and trying to have

1 best practices in handling scenes?

2 A: Correct.

3 Q: And handling items?

4 A: Yes, sir.

5 Q: Whether they be a small item like a wallet or a large
6 item like a car?

7 A: Yes, sir.

8 Q: Okay. And we talked about this book, *The Crime Scene*
9 *Handbook*, Henry Lee's book. I think we talked about it
10 yesterday?

11 A: Yes, sir.

12 Q: And you and I talked about a couple kind of
13 straightforward quotes that were in the book that you agreed
14 with. I'll just read those out. And this is a learned
15 treatise for your field?

16 A: I'm sorry?

17 Q: This is a learned treatise for your field? This is a
18 book that is recognized in crime scene analysis?

19 A: I have not read it myself, but I'm not sure.

20 Q: Okay. Well, we looked over it and just a couple of basic
21 points of crime scene analysis, which is the proper crime
22 scene investigation and analysis of physical evidence can
23 often assist with the determination of the credibility of
24 victims, eyewitnesses, or even suspects' statements or
25 testimony. Is that reasonable?

TODD SCHENK - CROSS BY MR. BANK

1 A: Yes, sir, I believe it is.

2 Q: And then another one, it is of more importance to the
3 investigator to determine how the evidence was created and in
4 doing so determine how the crime scene came to exist. This
5 type of information received from the physical evidence is
6 using the physical evidence as it was found at a crime scene
7 to reconstruct how the crime occurred. Do you agree with
8 that?

9 A: So we don't do reconstruction.

10 Q: Okay.

11 A: Pretty much our job is to document what we observe,
12 collect what seems pertinent to the case, and then pass on the
13 information to the investigators who do more of the big
14 picture thing.

15 Q: I understand. And then just one final one, good
16 notetaking will not replace good still photography, sketching,
17 or videography.

18 A: They all go hand-in-hand.

19 Q: Okay.

20 A: So yes.

21 Q: But you would never want to just take notes when you have
22 the ability to also photograph or document in some other way?

23 A: Correct.

24 MR. REDMOND: Just to be clear, Your Honor. I mean, I
25 don't have any objection. I don't know -- and if he did, I

TODD SCHENK - CROSS BY MR. BANK

1 apologize if counsel put the book that he was referring to
2 into the record.

3 MR. BANK: Yes. It's the *Crime Scene Handbook*, Henry
4 Lee's, is the title and author. I have not put it in as
5 evidence.

6 MR. REDMOND: I know you're not putting it in, but just
7 what you're referencing.

8 MR. BANK: Yes, sir.

9 MR. REDMOND: So that the record is clear.

10 MR. BANK: Oh, no. Thanks for cleaning that up.

11 BY MR. BANK:

12 Q: So with that said, crime scene analysis, that important
13 things that we've been talking about in documenting; right?

14 A: Yes, sir.

15 Q: Photography; right?

16 A: Yes, sir.

17 Q: And preservation, keeping it as it was when you found it?

18 A: Yes, sir.

19 Q: And it's also important for you to be objective; right?

20 A: Yes, sir.

21 Q: That means that you need to try and stay -- try to be a
22 scientist?

23 A: Correct.

24 Q: Right? You want to try and be what we talked about as
25 blind, not knowing -- blind?

1 A: Yes.

2 Q: Not knowing outside things and just focusing on the
3 science of crime scene analysis?

4 A: Yes.

5 Q: Right? You don't want to be going into task force
6 meetings, for instance, and hearing theories that the other
7 investigators are discussing?

8 A: Sometimes it happens where we're given information that
9 we may need to know for either officer safety purposes or --
10 but most of the time we're not going to meetings like that.
11 We make sure right before a search warrant is done we're going
12 here, we're going to go do this, this is a person of interest.
13 That's pretty much the brunt of what we're getting. We're not
14 getting interview questions. We're not getting information
15 like that. It's pretty much this is things to look out for,
16 we're going to this location, officer safety type briefings.

17 Q: Right. And there's going to be times where you have to
18 learn something, but in best case scenario, you don't know
19 what the crime theories are or anything like that if you don't
20 have to?

21 A: Most cases when we show up, it's -- we know very little,
22 if anything.

23 Q: But --

24 A: And it's the first time we're looking at it.

25 Q: And that would include not knowing who the suspects are

TODD SCHENK - CROSS BY MR. BANK

1 if you don't need to know who the suspects are?

2 A: Most of the time we don't until later.

3 Q: Okay. I want to talk to you just briefly about your
4 understanding or the rotations of the kind of crime scene
5 people in your office. So back in 2017, I think there were
6 three of you working?

7 A: Correct.

8 Q: Investigator Miller?

9 A: Now Hunton, yes.

10 Q: Yourself?

11 A: Correct.

12 Q: And then -- and I'm not sure if I'm using the right
13 title, but Agent Worley; is that right?

14 A: Worley was in crime scene, but the person who worked the
15 scene with us was my trainee, which was Agent Jazic, now
16 Cirencione.

17 Q: But at the time, Agent Worley was working there?

18 A: That is correct, yes.

19 Q: Okay. And my understanding -- and correct me if I'm
20 wrong -- is that for any given case, there are typically two
21 people that are assigned, a lead crime scene person and a
22 secondary crime scene person?

23 A: That's correct.

24 Q: With that said, it rotates. So if the next case comes
25 along, totally unrelated to the first, there's a rotation

TODD SCHENK - CROSS BY MR. BANK

1 within those three or four people, including Ms. Worley,
2 including Ms. Miller, including yourself, where then another
3 two people are on the next case?

4 A: Yes. If it is the next case.

5 Q: Right. And then the next case after that, there's
6 another rotation; right?

7 A: Yes.

8 Q: So over the years you all work on scenes together in a
9 rotating fashion?

10 A: Sort of. You'll have a partner. So my last partner
11 before I came out on rotation, I had run with him for three
12 years, and then we would have a sister team. So my team goes,
13 their team goes, and our sister team we ran with for probably
14 a year, year and a half. So you're running with the same
15 people. We don't rotate teams that often.

16 Q: Okay. Were you rotating teams more at that time though
17 in 2017?

18 A: From what I remember, we had significantly less people.
19 We're up to 16 full-time positions now. At the time, I don't
20 want to tell you how many we had, but we didn't have 16 at the
21 time. So, yes, it would have been more reasonable that we
22 were running with other people more often.

23 Q: Rotating just out of necessity?

24 A: Right.

25 Q: I gotcha. All right. So I want to talk about Blue Star,

1 and there was essentially Blue Star in the car found in three
2 locations or it lit up in three locations; right?

3 A: Correct.

4 Q: And that's the floorboard of the passenger seat; is that
5 right?

6 A: I have it as the anterior metal floor of the passenger
7 compartment of the car.

8 Q: Okay. So is that right in front of the front right seat?

9 A: Yes.

10 Q: Where your feet would be?

11 A: Correct.

12 Q: Okay. And then we have the bottom of the trunk?

13 A: Correct.

14 Q: And then what everybody here at this pint knows is most
15 relevant is the lock mechanism?

16 A: Yes, sir.

17 Q: Right? And so wherever you see that illumination, you're
18 going to swab it?

19 A: Correct.

20 Q: Right? And in this case, you took, depending on how you
21 count it, I think 19 pairs of swabs, totaling 38 swabs?

22 A: Including the touch swabs or including --

23 Q: Well, let me show you what I'm looking at, and I think
24 you can probably tell me better.

25 MR. BANK: Can I approach, Your Honor?

TODD SCHENK - CROSS BY MR. BANK

1 THE COURT: Yes.

2 BY MR. BANK:

3 Q: Do you recognize this?

4 A: Yes, sir, I do.

5 Q: So that -- the item I just gave you is a list of numbered
6 items that are described as swabs, and I counted 19 pairs.

7 A: Yes, sir. I do as well.

8 Q: Okay. Great. And so those are all the swabs that you
9 took specific to the car?

10 A: Correct.

11 Q: Okay. Now, so when you swab an area that is potentially
12 Blue Star or anything else, if there's potential blood, the
13 idea is that the swab would pick up that blood; right?

14 A: Yes.

15 Q: But it's also going to pick up any other substance that's
16 around that blood; right?

17 A: Right.

18 Q: Anything that the swab touches?

19 A: Yes.

20 Q: And that could include touch DNA; right?

21 A: Yes.

22 Q: It could include all forms of DNA; right?

23 A: Yes.

24 Q: And then I also kind of -- getting to the end, me and you
25 had a conversation about Blue Star and a report they put out

1 about false positives. Do you recall that conversation?

2 A: Yes, sir, I do.

3 Q: And I'm going to hand up to you -- I'm going to hand up
4 to you a report, and I emailed that to you a week or two ago;
5 is that right?

6 A: Yes, sir.

7 Q: And it is a report that was conducted by the Blue Star
8 Company itself; right?

9 A: Yes.

10 Q: And it goes through potential false positives, meaning
11 potential things that you can spray Blue Star on that would
12 illuminate but not actually be blood?

13 A: Yes, sir.

14 Q: Right? And those items include food products; right?

15 A: Yes.

16 Q: That could include apples, bananas, carrots. Do you see
17 those on the list?

18 A: Yes, sir, I do.

19 Q: Chemical products, magnesium, copper. Do you see those
20 on the list?

21 A: Yes, sir.

22 MR. BANK: And I don't want to go through it and I
23 believe I asked Mr. Redmond if he minded if we go ahead and
24 mark this and enter it as evidence. I think it's Number 36.

25 MR. REDMOND: Your Honor, I've seen it and have no

TODD SCHENK - CROSS BY MR. BANK

1 objection to it. We actually have all discussed it.

2 THE COURT: Very good. It's into evidence without
3 objection.

4 (WHEREUPON, Defendant's Exhibit Number 36, Blue Star
5 report, was admitted into evidence.)

6 BY MR. BANK:

7 Q: And the reason that it's important is because at the end
8 of the day Blue Star is a presumptive field test; right?

9 A: Correct.

10 Q: You -- it is not the type of test where you say we know
11 this is blood?

12 A: It would -- we would say it's positive presumptive for
13 blood.

14 Q: Right. And then the next step would -- it would just go
15 to the lab where the scientists would do the test they needed
16 to do to decide whether it's actually blood or not?

17 A: Correct.

18 Q: Right?

19 A: And all of their testing, yes.

20 Q: Okay. And I also yesterday looked over some pictures
21 with you, I think from the Blue Star website. Do you recall
22 that?

23 A: Yes, sir, I do.

24 Q: And I was asking you why they look so different, and by
25 that I mean the Blue Star pictures on their website show a lot

1 more blue than we've seen in these pictures?

2 A: Yes.

3 Q: Do you remember that conversation?

4 A: I do.

5 Q: And I'll hand up just -- and this looks like something
6 that's off their -- and you're familiar with their website and
7 their company; right?

8 A: Yes, sir, I am.

9 Q: You actually know somebody at Blue Star, I think?

10 A: I have met one of their photographers, yes, sir.

11 Q: Okay. And this is a picture that looks like from their
12 website that they're showing how Blue Star looks in an attempt
13 to create sales; right?

14 A: I believe that this would be from the Blue Star website,
15 yes.

16 Q: Great.

17 MR. BANK: And I'd like to mark this as Defense 37 and
18 offer it into evidence.

19 MR. REDMOND: Without objection, Your Honor.

20 THE COURT: It's into evidence.

21 (WHEREUPON, Defendant's Exhibit Number 37, photograph,
22 was admitted into evidence.)

23 BY MR. BANK:

24 Q: Now, the pictures that we saw yesterday look a lot
25 different than these?

TODD SCHENK - CROSS BY MR. BANK

1 A: Yes, sir.

2 Q: And why is that?

3 A: Well, I believe there's a lot of variables. One, the
4 photograph -- when we use Blue Star, we're looking at darker
5 surfaces. So the blue may not show as well as the blue on a
6 white background would. It could be there's more of a
7 reaction because there's more of a substance that they're
8 testing for. It could be they have better lighting, and it
9 could just be that they were a better photographer than me.
10 So that's the main thing.

11 We try to do timed exposures or we don't try, we do timed
12 exposures when it comes to Blue Star. So that means putting
13 the camera on a tripod, and we have to do 15 to 30 second
14 exposure without moving anything while we're spraying the
15 substance to get the bioluminescence to actually show through
16 the camera lens.

17 So it could be better lighting. It could be there's more
18 of the substance. It could be the background makes the
19 difference. And at the end of the day, it could just be they
20 have a professional photographer doing it as opposed to me.

21 Q: I think one of the things you said is is you're not as
22 good of a photographer?

23 A: Potentially. I like to think I'm a decent photographer,
24 but I'm not a paid professional for a chemical company.

25 Q: I gotcha. But you have been doing this for, I think, you

1 said nine years?

2 A: Yes, sir, I have.

3 Q: Now, talking about the other Blue Star sprays, you were
4 spraying Blue Star under the carpets in the car?

5 A: So we had -- from what I remember, we had pulled the
6 carpet out at this point.

7 Q: Okay.

8 A: And it's right underneath it.

9 Q: Okay. And you weren't seeing any results anywhere else
10 in the car other than the three locations we talked about?

11 A: From what I remember, no, sir, we did not.

12 Q: Not on the carpet, not under the carpet?

13 A: I don't know if we sprayed the carpet. I believe it had
14 been cut out prior to the chemical testing, but I may be
15 misspoken.

16 Q: Okay. And then quickly back to the glass we first
17 started talking about, the windows and the two front windows
18 being down and then the back window being broken?

19 A: Yes, sir. Do you remember that? You didn't have any
20 evidence or see any evidence that there was any glass in the
21 car?

22 A: I don't remember.

23 Q: Okay. There's nothing that you remember that gave you
24 any idea of what point in time that window may or may not have
25 been broken?

TODD SCHENK - CROSS BY MR. BANK

1 A: No, sir. I don't remember.

2 Q: All right. And then just quickly, you also went to Clio
3 to take some carpet out of a Benjamin -- Clifton Benjamin's
4 car at some point, I think very early in the investigation?

5 A: I believe it was on the -- are you referring to the
6 address of --

7 THE WITNESS: I beg the Court's indulgence.

8 BY MR. BANK:

9 Q: I believe it was --

10 A: [REDACTED] Calhoun Street Street?

11 Q: I believe so. It was a Suburban?

12 A: Yes, sir.

13 Q: Okay. And you did -- you were instructed to go get
14 cutting out of that carpet?

15 A: I believe we didn't cut anything. We just took the
16 actual floor mat.

17 Q: Okay. Perfect.

18 MR. BANK: And then I beg the Court's indulgence.

19 BY MR. BANK:

20 Q: All right. Maybe it'll be a little repetitive, but there
21 was no blood ever detected on any carpet or fabric from the
22 car, presumptive or otherwise?

23 A: I'm sorry. Could you --

24 Q: Sure. There was no blood ever detected from Blue Star on
25 any carpet or fabric from the car that you know of?

TODD SCHENK - CROSS BY MR. BANK

1 A: No, sir. I believe it was on the vinyl in the back trunk
2 in the metal of the car.

3 Q: Okay. Great. And then just finally, Investigator Seales
4 and Sheriff Lemon were with you in Charlotte?

5 A: Based on what our report said, yes, sir, I believe they
6 were.

7 Q: Okay.

8 MR. BANK: Thank you. That's all the questions I have.

9 THE COURT: Redirect?

10 MR. REDMOND: Really quickly, Your Honor. May it please
11 the Court.

12 REDIRECT EXAMINATION

13 BY MR. REDMOND:

14 Q: You were asked about the car in Clio, the Suburban, I
15 believe it was. Just to put it in the proper context, did you
16 process -- y'all didn't just go there and take it? Did you
17 process that vehicle as well?

18 A: From what I remember, we photographed it, documented the
19 license plate, normal processing. I don't remember if we
20 collected anything other than the floor mat. I know we
21 photographed it and went through it and we searched it, but --

22 Q: In other words, in the normal course of what you do as a
23 crime scene unit analyst?

24 A: Yes, sir.

25 MR. REDMOND: That would be all the questions I have.

1 THE COURT: Any objection to this witness being excused?

2 MR. BANK: No.

3 MR. REDMOND: None at all, Your Honor.

4 THE COURT: You're free to leave.

5 THE WITNESS: Thank you, sir.

6 THE COURT: All right. The students from Cornell, y'all
7 feel free to come up here so y'all can see and hear better.

8 MR. REDMOND: I beg the Court's indulgence a moment.

9 (WHEREUPON, there was a pause in the proceedings for
10 counsel to confer, after which the proceedings resumed as
11 follows.)

12 MR. YOUNG: Judge, there are some references to the
13 ammonia bottle, which was fingerprinted as part of his report.
14 We're going to draw a marker line through those.

15 MR. REDMOND: Yes. So we'll do that. So based on the
16 Court's prior ruling on -- that's Exhibit 164, the ammonia
17 bottle.

18 And after this witness, Your Honor, my next witness will
19 be Mike Connelly from the FBI. There is a matter, and I guess
20 that might be the appropriate time to take up whatever Mr.
21 Young has because I also have a matter that I would need to
22 take up prior to him testifying.

23 THE COURT: Students from Cornell, I mistakenly thought
24 y'all were from Dartmouth, but Cornell is equally impressive
25 and an equally fancy school.

JEFFERY CROOKS - DIRECT BY MR. REDMOND

1 MR. REDMOND: Jeff Schenk -- not Jeff Schenk. Jeff
2 Crooks is the next witness. He's back there.

3 (WHEREUPON, there was a pause in the proceedings until
4 the witness entered the courtroom.)

5 THE COURT: Yes, sir. If you could, please come forward.
6 I'm going to ask if you could come in front of the clerk over
7 there and place your left hand on the Bible and raise your
8 right hand as she administers the oath.

9 THE CLERK: Do you solemnly swear or affirm that the
10 testimony you shall offer the Court in this case shall be the
11 truth, the whole truth, and nothing but the truth, so help you
12 God?

13 THE WITNESS: I do.

14 THE CLERK: Okay. You may be seated.

15 THE COURT: Come around and have a seat in the witness
16 chair there. You can set your paperwork down. Pull up real
17 close to the microphone. I'm going to ask, if you could, to
18 speak loudly, slowly, and clearly in order that we can hear
19 everything that you have to say, and let's start with your
20 full name, please, sir.

21 THE WITNESS: My name is Jeffery Allen Crooks.

22 THE COURT: Very good.

23 MR. REDMOND: May it please the Court, Your Honor.

24 THE COURT: Yes.

25 JEFFERY CROOKS, being first duly

JEFFERY CROOKS - DIRECT BY MR. REDMOND

1 sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. REDMOND:

4 Q: Lt. Crooks, by whom are you employed?

5 A: I'm employed with the South Carolina State State Law
6 Enforcement Division, commonly referred to as SLED.

7 Q: And could you tell us how long have you been with SLED?

8 A: I've been with SLED for 25 years.

9 Q: Okay. And in your law enforcement career, is that -- did
10 you start at SLED or had you been elsewhere?

11 A: No, sir. I have 29 total years of law enforcement. My
12 first four years was as a deputy sheriff with the Lexington
13 County Sheriff's Office.

14 Q: All right. And if you could tell the Court what -- well,
15 in what capacity are you working with SLED at this time?

16 A: I am the supervisor of the latent prints department. We
17 are responsible for processing evidence for the presence of
18 latent prints, as well as conducting fingerprint examinations.
19 We also do footwear and tire tread examinations.

20 Q: And what trainings and certifications pertinent to
21 specifically latent print analysis -- what training and
22 certifications do you have in that regard?

23 A: I successfully completed the laboratory's in-house
24 training program for latent print processing, as well as
25 latent print examination. I've also completed more than 190

JEFFERY CROOKS - DIRECT BY MR. REDMOND

1 hours of external training as it relates to examination of
2 latent fingerprints, to include courses provided by the
3 Federal Bureau of Investigation and courses sponsored by the
4 International Association for Identification. I have also
5 testified 31 times as an expert in both state and federal
6 court as an expert in fingerprint examination.

7 Q: All right.

8 MR. REDMOND: And that was going to be my last question.
9 With that, I would move to have Lt. Crooks qualified as an
10 expert in the field of latent print analysis.

11 THE COURT: Any query --

12 MR. YOUNG: No objection.

13 THE COURT: -- with regard to his qualifications?

14 MR. YOUNG: No, Your Honor.

15 THE COURT: All right. He's so qualified and allowed to
16 testify and render his opinions in the field of latent print
17 analysis.

18 BY MR. REDMOND:

19 Q: And could you briefly explain how you go about doing your
20 job? In other words, if a set of prints is -- if a latent
21 lift is made, how do you go about doing your analysis? What
22 type of equipment do you use? Just for brief edification for
23 the Court.

24 A: On the surface of one's fingers and feet are raised lines
25 of skin known as ridges. These ridges form during pregnancy

JEFFERY CROOKS - DIRECT BY MR. REDMOND

1 and remain until decomposition after death.

2 There are three types of these ridges that we refer to.
3 There are ending ridges, which is a ridge that comes to an
4 abrupt end and ceases to continue, there's a bifurcation,
5 which is a single ridge that splits into two separate distinct
6 ridges, and then there's a dot, which is a ridge that forms a
7 dot. It's these three types of ridges and their relationship
8 to each other within a fingerprint is what we use to conduct a
9 fingerprint examination.

10 As far as how a latent print is actually formed, these
11 raised lines of skin, these ridges, contain pores, and out of
12 these pores sweat is exuded. During the normal contact of
13 your face, as well as the sweat that collects on the ridges of
14 your skin, when an object is touched, it is possible to leave
15 an outline of these ridges, the same way a rubberstamp would
16 do with ink.

17 Most fingerprints are not able to be seen without
18 enhancement, which is why they're called latent prints.
19 Latent means hidden. We have techniques that allow us to make
20 these prints visible, which allows us to conduct examinations.
21 There are also types of prints that can be seen. We refer to
22 those as patent prints or plastic prints. An example of a
23 patent print would be a print in blood or a print in paint. A
24 plastic print would be a print that is formed in, say, some
25 kind of putty or caulk or it's almost like a print that's a

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1 reverse of the ridges. And those are the types of -- most of
2 what we experience are latent prints, but we can examine all
3 three types, and we have the ability to do -- particularly
4 with latent prints to enhance them to where we can see them
5 and conduct an examination.

6 Q: And in this particular case that you're here to testify
7 about, were there prints that were actually -- I guess, that
8 were sent to you for analysis to determine whether or not you
9 could match any of the lifts that were taken from several
10 pieces of potential evidence?

11 A: Yes, sir. There was evidence submitted in this case.
12 There were latent prints, as well as photographs of latent
13 prints that were submitted to our department for examination.

14 Q: And now, before we get into that, tell us what the
15 process were as it relates to being able to compare. So there
16 are lifts made. So obviously, you have to be able to compare
17 those lifts against something. Tell us about -- specifically,
18 I think it's Items 127 on your report and Items 130. What --
19 what were those and what was the significance in you being
20 able to do your analysis?

21 A: We received some what we call latent lifts from a
22 vehicle. A latent lift is basically when you use fingerprint
23 powder, which is a dark kind of graphite like powder substance
24 that you can put on a surface of, in this example, a vehicle.
25 It will make any latent prints on the car that are present

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1 visible. Those are then lifted with adhesive tape, clear
2 tape. The tape is then placed on what we refer to as a
3 backer, which is similar to, like, a card with a glossy
4 surface on one side. Those were collected from the vehicle in
5 this case and submitted to us for examination.

6 In addition, we had major case prints of the victims, as
7 well as JeJauncey Harrington. So we had prints of Mr.
8 Harrington. We had what we refer to as major case prints of
9 Jamie Campbell, and we had what we refer to as major case
10 prints of Iyana Lowery.

11 And by major case prints, we're talking about the fingers
12 and the palms. A normal fingerprint card will contain the 10
13 fingers, the end digit of the fingers. Major case prints
14 include the palms and the full length of the finger as well.
15 So we had major case prints in this case.

16 Q: Now, let me ask you about Iyana Lowery. I think that's
17 your Item 127, her prints. Obviously -- well, let me just ask
18 you like this. How were you able to attempt to get prints
19 from Iyana Lowery, the deceased?

20 A: As is often the case with victims who have experienced a
21 significant amount of decomposition, we will accept hands
22 submitted to the laboratory. That was what took place in this
23 case. The hands were removed during autopsy, and the hands
24 were submitted to the forensics laboratory to us in an effort
25 to record known standards, major case prints of the victim.

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1 In this particular case, the outer layer of skin, which
2 is called the epidermis, was not present, which is fairly
3 common, something we routinely see, particularly when there's
4 been long-term exposure to water. The dermal layer was
5 present. The dermal layer is the second layer of skin below
6 the epidermis, and the dermal layer is actually where cell
7 development occurs and travels up into the epidermis.

8 The dermal layer reflects the similar ridge
9 characteristics. It's -- biologically, it's --
10 physiologically, it's a little bit different. So we can tell
11 when we're looking at the dermal layer as opposed to the
12 epidermal. On the epidermal layer, it's solid ridges. On the
13 dermal layer, those same ridges are actually two thin ridges
14 side-by-side.

15 And it was -- I received the hands and I attempted to
16 make a set of major case prints with the dermal layer, and
17 that is what Item 130 is. It's a set of the recording of her
18 dermal layer. It was also fairly evident to me that the
19 dermal layer had also experienced decomposition. So I was not
20 able to obtain a complete set of her full fingers and palms.

21 Q: Okay. And so -- but did you at least attempt to use what
22 you had in doing your analysis on the items that were
23 submitted to you?

24 A: Yes, sir. We have techniques which -- which give us a
25 better opportunity to be successful with obtaining these major

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1 case prints in the laboratory environment, which is why they
2 are submitted to us from autopsy instead of us going to the --
3 to the morgue to try to collect them.

4 One of -- one of the more common techniques is to use
5 printer's ink the same way you see on the TV shows and the
6 movies where ink is put on an individual's finger and then the
7 finger is rolled on a fingerprint card. We can use the same
8 process on postmortem hands to try to record the friction
9 ridged skin. We also have the ability to through the use of
10 syringes and saline illuminate groomed areas of skin to -- to
11 try to better capture certain areas to smooth out the skin to
12 give a better -- a better representation of those areas.

13 We also have a product called MicroSeal, which is -- it's
14 very similar to -- probably the best way to describe it is
15 it's very similar to, like, silly putty, but it's actually
16 -- it's a product we can apply to the surface, and it captures
17 very minute details. It's also used for toolmark examinations
18 and trying to capture fine, very small detail. I did use
19 MicroSeal, as well as inking the hands, in an effort to
20 capture the ridge detail that was present.

21 Q: Now, with what you were able to capture, let's go to some
22 specific items. Was there a lift that's listed as Item 89 on
23 your report from -- I think it was the -- from the truck --
24 the trunk spoiler. That would be Item 89. Were you able to
25 do an analysis and come up with any conclusions on that item?

JEFFERY CROOKS - DIRECT BY MR. REDMOND

1 A: Yes, sir, I was.

2 Q: And could you explain that to the Court?

3 A: Item 9 was described on the backer as being a latent lift
4 from the trunk spoiler. It was the same latent that was
5 represented in the photographs as Impression F, as in fox.
6 There was a latent impression on that backer, which was
7 labeled 89.1, .1 being the sub item of Item 89, and that
8 latent print was identified to JeJauncey Harrington.

9 Q: Okay.

10 MR. REDMOND: And just to be clear for the record, Your
11 Honor, that would be -- I keep saying the items, but that's in
12 evidence as Item -- as Exhibit 140 that we're referring to,
13 his Item 89.

14 BY MR. REDMOND:

15 Q: So with that said, now tell me -- when we were talking,
16 you were explaining the nature of how you were able to get a
17 match and the significance of that. As an expert, could you
18 explain to the Court what -- I guess, what part of the hand
19 and what the significance of that was to you?

20 A: Yes, sir. That was a palm print. As a matter of fact,
21 it was the left palm. It was the hypothenar portion of the
22 palm, which would be the area directly below the ring finger
23 and the little finger. It's the back side of the palm.

24 The latent lift itself, on the back of the card, which is
25 standard practice, the individual who collected the latent

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1 lift and created the latent lift wrote on the back that it was
2 from the trunk spoiler and also drew a diagram depicting where
3 on the trunk spoiler the palm print was located and also gave
4 an orientation of where the palm print was on the spoiler by
5 indicating the direction of up, which is also written on the
6 latent itself, both on the back and the front. Based on my
7 examination and the orientation of the palm print of the left
8 palm, it was consistent with being parallel to the spoiler as
9 if the palm was --

10 MR. YOUNG: Your Honor, I'm going to object to that as
11 outside the scope of his expertise.

12 THE COURT: Overruled. You may proceed.

13 MR. REDMOND: Thank you.

14 BY MR. REDMOND:

15 A: It was parallel to the spoiler on the trunk, which was --
16 so, basically, if -- if the trunk -- the spoiler on the trunk,
17 you would've had to have been -- it was -- it was a typical
18 place where I would expect to see someone press down on the --
19 on the trunk or the spoiler of the trunk as far as the
20 orientation of the left palm and how it appeared on the
21 spoiler based on the latent.

22 Q: Would that be consistent with someone closing the trunk?

23 A: Yes, sir. I would expect if someone was closing the
24 trunk and they left a palm print that that would be the
25 orientation based on the fact that it was the left palm. That

JEFFERY CROOKS - DIRECT BY MR. REDMOND

1 would put him on -- more than likely on the driver's side
2 pushing down or directly in front with their arm bent pushing
3 down on the trunk.

4 Q: Okay. Thank you. Now, let's move on to -- and this is
5 the last item I'm going to get into with you, and that's Item
6 93, which is actually, for the record, Exhibit 145 in
7 evidence. Did you attempt to do a -- an analysis on that?

8 A: Yes, sir, I did.

9 Q: And could you explain what your findings were as it
10 relates to each of the individuals listed in your report?

11 A: Item 93, again, was a backer bearing a latent lift. It
12 was described as being from the interior glass trunk hatch,
13 and it was indicated as being the same latent impression
14 represented by the letter N in the photographs, N, November.

15 There was -- the latent itself was given a subitem on my
16 report as 93.1, and it was not identified with JeJauncey
17 Harrington, it was not identified to Jamie Campbell, and it
18 was inconclusive with Iyana Lowery, and it was also a palm
19 print.

20 Q: And so, to be clear, this print in the hatch area, I
21 guess the hatch area, it was a palm print, I think you said?
22 Was it a palm print?

23 A: Yes, sir. It appeared to me to be a palm print. Yes,
24 sir.

25 Q: And to be clear, was that palm print inside of the glass?

JEFFERY CROOKS - DIRECT BY MR. REDMOND

1 A: That is my understanding.

2 Q: Okay.

3 A: I was not present, but as a matter of fact, I will look
4 to see what the --

5 Q: Yes, certainly.

6 A: -- latent says. Yes, the back of the latent lift itself
7 indicates that it was the interior glass trunk hatch
8 impression.

9 Q: And again, based on you being qualified as an expert and
10 based on some of your earlier testimony, is that consistent
11 with someone actually being inside the trunk or the hatch
12 area?

13 A: It could be. It could also be consistent with someone
14 touching the glass while the hatch was up.

15 MR. REDMOND: I beg the Court's indulgence.

16 BY MR. REDMOND:

17 Q: Oh, let me ask you this. You indicated it was
18 inconclusive, and I think in fairness I need to ask that.

19 MR. REDMOND: I apologize, Judge. I actually meant to
20 ask that question.

21 BY MR. REDMOND:

22 Q: Explain the inconclusive nature?

23 A: We have two inconclusive results that we can give. This
24 inconclusive result was inconclusive based on the quality of
25 the known standards. As I mentioned before, there -- Miss

JEFFERY CROOKS - DIRECT BY MR. REDMOND

1 Lowery's hands were impacted by decomposition.

2 While we made attempts to record the ridge detail that
3 was present and I feel like I was able to capture all the
4 ridge detail that was present, there were surfaces of the
5 palms and the fingers that, due to the decomposition, I was
6 not able to capture. It just wasn't there anymore.

7 So as an examiner, knowing that there were areas of the
8 palms and the fingers that were not represented in the known
9 standard, the only result I could give for her for that print
10 was an inconclusive due to the quality of the known standard.
11 And in a normal situation, if I would have had a full
12 recording of someone's palms and fingers, I would more than
13 likely be --

14 MR. YOUNG: Objection. Speculation.

15 MR. REDMOND: Your Honor, I would say he's an expert and
16 part of hypothetical is speculating. So I think as an expert
17 he's entitled to continue, Your Honor.

18 THE COURT: Objection is overruled.

19 MR. REDMOND: Thank you.

20 BY MR. REDMOND:

21 Q: Please continue.

22 A: If I -- if I had a normal set of major case prints where
23 all of the surface areas were represented, that would allow me
24 to either give an identification or a non-identification,
25 which would be excluding it as coming from the same source.

JEFFERY CROOKS - DIRECT BY MR. REDMOND

1 This particular print, because of the known standards, I was
2 not able to do that, which is why I have an inconclusive
3 result due to the quality of the known standards.

4 Q: So just to be clear, if -- if you had a better sample --
5 a standard from, say, Iyana Lowery, that would -- would that
6 have increased the chance of you getting a match?

7 A: Yeah. It would give me -- it would allow me to give a
8 conclusive result, either an ident or an elimination.

9 Q: I think the better way to say it, was it the quality of
10 the print that was the problem or the quality of the sample?

11 A: It was the quality of the known standard and not all
12 areas being represented.

13 MR. REDMOND: Thank you. I beg the Court's indulgence.

14 That would be all the questions I have. Please answer
15 any questions the defense has.

16 (WHEREUPON, State's Exhibit Number 646, latent print
17 report, was marked for identification only.)

18 THE COURT: Cross-examination?

19 MR. YOUNG: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. YOUNG:

22 Q: A couple of things, Agent Crooks. So do you have or were
23 you provided with any information about how long the car had
24 been outside or since the time of the alleged crime until the
25 time that it was processed?

JEFFERY CROOKS - CROSS BY MR. YOUNG

1 A: I -- I recall that there was a period of time between the
2 crime and the vehicle being discovered. I don't -- don't
3 really have -- I don't really -- I'm not involved in the
4 initial investigation. I'm working the evidence as it comes
5 in, and I deal with it the way I receive it. So I don't
6 typically look for a lot of detailed information. I do know
7 just from the case that there was a period of time. I don't
8 know how long it was.

9 Q: Okay. And as an expert, what is your experience with
10 prints on a surface that's outside for nine to ten days or --
11 or a week?

12 A: Well, the biggest enemy to a latent print is friction.
13 You know, all you've got to do to get rid of a latent print is
14 wipe it off. So environmental factors, rain, wind, exposure
15 to elements can impact the viability of a latent print that is
16 left behind. It's -- every -- every situation is unique when
17 it comes to that.

18 Q: Okay. Did you suggest to crime scene or other agents
19 involved in the case to go and retrieve items from -- from the
20 house, from Iyana's room, from her book bag, from her tablet
21 to see if you could get better print images off of them?

22 A: Are you referring to -- for use in comparison or to
23 examine for the presence of latent prints?

24 Q: Well, to examine and, if possible, get images that you
25 could use in comparison?

JEFFERY CROOKS - CROSS BY MR. YOUNG

1 A: We do not use latent prints to compare to other latent
2 prints. The only standard we are going to use are standards
3 that are recorded from the individual, whether it's by us or
4 by another law enforcement entity.

5 The only prints that I would be aware of that could be
6 captured in that manner would be latent prints, which would
7 not help us with finding better standards. The reason for
8 that is we don't know who those latent prints are, and there's
9 also a question of being able to demonstrate that they came
10 from that individual. So that's why we don't compare latent
11 prints to latent prints.

12 Q: Okay. How about -- I don't know. Go to the school and
13 see if they ever kept a set of prints or a doctor's office and
14 see if they ever --

15 A: No, sir. I did not talk with anyone involved in the
16 investigation. We -- we are available if someone has
17 questions they need expertise to -- you know, regarding what
18 we do depending on the part of the lab. We are typically not
19 involved in the actual investigation. We process what's
20 received. If we have questions about the evidence and what
21 they want done with the evidence, we might reach out to that
22 investigator and discuss that, but no, I was not -- I was not
23 involved in the investigation as it was occurring in any
24 capacity.

25 Q: And did you ever suggest, like, well, maybe we need to go

JEFFERY CROOKS - CROSS BY MR. YOUNG

1 get some more prints other than Mr. Harrington, Ms. Campbell,
2 and Iyana Lowery's, like does he have nieces and nephews,
3 friends who have been in the car. We need to know whether or
4 not any relatives have been in the car and asked for prints
5 from them to see if those might match up?

6 A: Our reports, whenever we have latent prints that --
7 either an inconclusive results or a not identified result, we
8 normally include on our report a request to submit additional
9 standards. So that is done through our report.

10 We also run any fingerprints that are not identified
11 through the AFIS database, which is the Automated Fingerprint
12 Identification System. That will tell us if there's anyone we
13 need to look at who is on file with the database. Obviously,
14 we won't for those that are not in the database, but to the
15 extent of trying to identify any prints that were not
16 identified, we did an AFIS search, and we also indicated in
17 our report or in my report that additional standards were
18 needed.

19 MR. YOUNG: Thank you very much, Agent Crooks. That's
20 all the questions I have.

21 THE COURT: Any redirect?

22 MR. REDMOND: No redirect, Your Honor.

23 THE COURT: Any objection to this witness being excused?

24 MR. REDMOND: Absolutely not, Your Honor.

25 MR. YOUNG: No, sir.

1 THE COURT: They aren't going to discard them. They'll
2 be available if not introduced.

3 MS. WEISS: Yes, Your Honor.

4 MR. YOUNG: Oh, sorry. The State and the defense have
5 worked together to excuse a large number of witnesses that
6 were sort of unnecessary and chain witnesses and stuff like
7 that.

8 One of the agreements involves a lot of surveillance
9 camera footage. There was a large number of surveillance
10 cameras that were seized and kept, and some of them had stuff
11 in them, some of them don't.

12 One of the cameras that was received was from a
13 barbershop in McColl, close in time to the time that the State
14 is alleging that the car was out there on New Bridge Road. So
15 this is a camera, a surveillance camera that was close to that
16 scene at the relevant time.

17 We are asking to present a clip, one clip from the
18 barbershop that would indicate the weather around about that
19 time. I don't know who collected it because there aren't any
20 reports. We thought that we were going to get in -- we
21 thought we were all going to agree that one either FBI or SLED
22 agent was going to be the person that you could ask any
23 questions about the surveillance reports.

24 Obviously, Agent Clardy only had knowledge of one
25 specific location of surveillance cameras. We've asked the

1 State, we've shown them the clip, and I'm just asking on the
2 record that we be allowed to play that one. I think it's less
3 than a minute long clip from the barbershop in McColl around
4 the relevant time period.

5 MS. WEISS: And they showed me the clip, and the State
6 has no objection to that.

7 THE COURT: Very good.

8 MR. REDMOND: And last thing really quick is which one of
9 y'all is taking Mike?

10 MR. YOUNG: I am.

11 MR. REDMOND: Okay. These are two maps, and we can go
12 ahead and bring him out. I was going to let him look at two
13 exhibits to see if we can get it in.

14 THE COURT: And his name?

15 MR. REDMOND: It's Mike Connelly. I'm sorry.

16 THE COURT: Michael Connelly.

17 MR. REDMOND: Your Honor, I forgot to put -- he's already
18 testified to it, but I'd like to move State's 650 -- 646 into
19 evidence. That's the latent print report.

20 MR. YOUNG: Oh, yeah.

21 MR. REDMOND: With the -- with the redactions that we're
22 making.

23 THE COURT: All right.

24 (WHEREUPON, State's Exhibit Number 646, latent print
25 report, was admitted into evidence.)

MIKE CONNELLY - DIRECT BY MR. REDMOND

1 THE COURT: Mr. Connelly, if you could, come forward and
2 stand in front of the clerk --

3 THE WITNESS: Yes, sir.

4 THE COURT: -- as she administers the oath.

5 THE CLERK: Do you solemnly swear or affirm that the
6 testimony you shall give the Court in this case shall be the
7 truth, the whole truth, and nothing but the truth, so help you
8 God?

9 THE WITNESS: Yes, ma'am.

10 THE CLERK: Okay. You can go ahead and have a seat.

11 THE COURT: I'm going to ask you to come over here and
12 have a seat --

13 THE WITNESS: Yes, Your Honor.

14 THE COURT: -- in the witness chair. I'm going to ask
15 that you pull up real close to that microphone and speak
16 loudly, clearly, and slowly --

17 THE WITNESS: Okay.

18 THE COURT: -- in order that we can hear everything that
19 you have to say. I'm going to ask that you state your full
20 name and spell your last.

21 THE WITNESS: Yes, sir. Michael Connelly, C-o-n-n-e-l-l-
22 y.

23 MIKE CONNELLY, being first duly
24 sworn, testified as follows:

25 DIRECT EXAMINATION

MIKE CONNELLY - DIRECT BY MR. REDMOND

1 BY MR. REDMOND:

2 Q: Good morning, Agent Connelly. How are you doing today?

3 A: Good, sir.

4 Q: And by whom are you employed?

5 A: The Federal Bureau of Investigation.

6 Q: And in what capacity are you employed with the FBI?

7 A: As a special agent.

8 Q: And have you -- or are you a supervisory special agent?

9 A: I am.

10 Q: Okay. And back in 2017, were you assigned to, I believe,
11 Myrtle Beach, the office in Myrtle Beach?

12 A: Yes, sir.

13 Q: Now, at the current time, where are you assigned? And
14 explain to the Court what your current duties are with the FBI
15 now.

16 A: I'm currently assigned as the FBI attaché in Germany,
17 responsible for FBI operations in Germany.

18 Q: Okay. And how long have you been there in Germany?

19 A: Approximately two years and about eight months.

20 Q: Okay. And at the time -- as I said, at the time in 2017,
21 were you assigned here in South Carolina?

22 A: Yes, sir.

23 Q: And in fact, let's talk about your experience in law
24 enforcement. Could you give the Court your experience in law
25 enforcement, please?

MIKE CONNELLY - DIRECT BY MR. REDMOND

1 A: I've been with the FBI approximately 22-and-a-half years.
2 So it'll be 23 years in July. I was assigned to the FBI
3 office in Detroit, several overseas assignments, and I arrived
4 in Myrtle Beach, South Carolina, as the supervisor of Horry,
5 Georgetown, Marlboro, and Florence Counties in 2016.

6 Q: Okay. And of course, were you serving in that capacity
7 on May 5th of 2017?

8 A: Yes, sir.

9 Q: And in fact, did you respond to Marlboro County at that
10 time?

11 A: I did.

12 Q: Now, before we get started in earnest with your testimony
13 --

14 MR. REDMOND: If I may approach the witness, Your Honor?

15 THE COURT: Yes.

16 BY MR. REDMOND:

17 Q: I'm going to show you what's been marked as State's 47
18 and 48, and I'm actually going to ask you about State's 47.

19 A: Yes, sir.

20 MR. REDMOND: What did I say? Your Honor, I apologize.
21 I'm not used to this many exhibits. That would be 647 and 648
22 -- thank you, Madam Court Reporter -- that I'm referring to.

23 BY MR. REDMOND:

24 Q: State's 648. I'll ask you about that one first. Could
25 you tell us what that represents?

MIKE CONNELLY - DIRECT BY MR. REDMOND

1 A: This is a map of Bennettsville, and it has street
2 addresses on it that were pertinent to this investigation.

3 Q: Okay. And what are those addresses reflected in that
4 map?

5 A: [REDACTED] N. Everett Street, which was the residence of Mr.
6 Bright; [REDACTED] Grace Street, which was the address residence of
7 Mr. Harrington; and then [REDACTED] Craig Circle, which was the
8 address of Ms. Lowery.

9 Q: Okay. Thank you. And actually, also 648, could you tell
10 us about that? I'm sorry, 647.

11 A: Yes, sir. 647, [REDACTED] New Bridge Road was the residence
12 where there was video obtained there that was relevant to this
13 investigation, and it led us out to McColl to conduct a search
14 on the last day.

15 Q: Okay. And was the -- was the body of Iyana Lowery found
16 a short distance from that location in a creek in the -- in
17 the New Bridge Road area?

18 A: Yes, sir.

19 Q: Okay.

20 MR. REDMOND: Now, Your Honor, I would move State's 647
21 and 648 into evidence at this time.

22 MR. YOUNG: No objection.

23 THE COURT: It's into evidence.

24 (WHEREUPON, State's Exhibits Number 647 and 648, maps,
25 were admitted into evidence.)

MIKE CONNELLY - DIRECT BY MR. REDMOND

1 MR. REDMOND: Thank you.

2 BY MR. REDMOND:

3 Q: Now, let's then go -- let me direct your attention to the
4 5th of May 2017, Agent Connelly. Special Agent Connelly,
5 could you tell us how you ended up in Marlboro County that
6 day?

7 A: So I can't remember if I was called, but a lot of times
8 I'll just respond. If there's a murder or if there's a
9 kidnapping in our area, a lot of times I'll just show up at
10 the scene to offer assistance to whoever the senior law
11 enforcement authority is. I heard that there was a murder
12 that occurred and a child was missing. So I responded up to
13 Marlboro County, arrived at the Marlboro County Sheriff's
14 Office here, and linked up with SLED and the sheriff.

15 Q: Okay. Now, as part of the FBI, what did you do once you
16 got here? Were you briefed on what the situation was at that
17 time on the 5th?

18 A: I received more details when I arrived here, and what was
19 known at the time was that there was a murder scene. So it
20 clearly was a Marlboro County Sheriff's Office case, and then
21 there was a second component to that case, which was a child
22 which we weren't sure what exactly the status was of the child
23 at that point. So there was a second part of this case that
24 -- that we were assessing, but what we knew for sure was it
25 was a local murder investigation.

MIKE CONNELLY - DIRECT BY MR. REDMOND

1 Q: Now, with the -- with the -- and so you got these dual
2 tracks going on regarding the same incident. What did you do
3 as a result of the information that you obtained when you got
4 here? What actions did you take in your role as supervisory
5 agent?

6 A: So I basically just asked how we could plug in at that
7 point. What was known was this was going to be a murder case,
8 which is not -- there is no FBI jurisdiction for strictly a
9 murder case. So I was here in a support advisory capacity to
10 try to bring any resources that might benefit the
11 investigation to this area, any federal resources or
12 otherwise.

13 So when we got here, SLED was at the crime scene. So we
14 had collectively decided that SLED was going to initially
15 remain focused on leading all the efforts at the crime scene,
16 and my responsibility was going to be to immediately start
17 searching resources here and also provide some sort of
18 structure to a command post and focus my efforts on locating
19 the individual that conducted the crime and also try to
20 attempt to locate the eight-year-old child promptly.

21 Q: And in fact, again, was this investigation taking two
22 tracks trying to solve the murder and trying to find Iyana
23 Lowery?

24 A: It was. And I had discussions with the U.S. Attorney's
25 Office, but all the focus during the first couple of days was

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1 just whatever we can do to assist because what we knew for
2 sure was it was a local homicide case. So we knew ultimately
3 that there was going to be some -- that the primary effort was
4 going to be on Marlboro County Sheriff's Office.

5 Q: And to that point, were you an assisting agency at that
6 point in this investigation?

7 A: We were.

8 Q: Okay. Now, speaking of that assistance, let me move
9 forward to the 7th of May 2017. At that point, were you made
10 aware of the arrest of Dwayne Bright?

11 A: I was. I think I -- maybe on the 6th, but I heard for
12 certainly on the 7th.

13 Q: Okay.

14 A: Going into the 7th.

15 Q: And so once he became -- he was arrested, what did you do
16 in the context of Dwayne Bright being arrested?

17 Q: So, initially, we were -- I was -- we were bringing in
18 all the resources to try to provide some structure, which are
19 cellular phone analysis teams, digital video teams, interview
20 teams to do neighborhood canvasses, and I wasn't initially
21 focused on any of the initial interviews that occurred with
22 Mr. Bright, but I did observe portions of the interview that
23 occurred in the early morning hours of the 6th of Mr. Bright.

24 Q: And with that interview, I think it started on the 6th
25 and had gone into the early morning hours of the 7th, if you

1 recall?

2 A: Correct.

3 Q: Okay. Now, when you viewed the interview at that point,
4 what -- when you viewed the interview that had taken place,
5 was there action -- were there actions that you felt needed to
6 be taken to move forward in the investigation?

7 A: Correct. So I participated in a search immediately
8 following the interview, which occurred out at 656 Craig
9 Circle, in an attempt to locate the knife. And then the
10 following day, there were just several inconsistencies in Mr.
11 Bright's statement.

12 So the first thing that I wanted to do was, obviously,
13 reinterview Mr. Bright and try to focus on some specific facts
14 that he could share with us that could either be proven or
15 disproven via science. So specifically what was occurring.
16 So myself and Ms. Bethea from SLED reinterviewed Mr. Bright,
17 and then we started to try to prove or disprove from cell
18 phone records, video, and other evidence whether his statement
19 was factually correct or if it was not factually correct.

20 Q: And to that end, were there -- do you recall were there
21 items -- let's talk about the videotapes. Did you -- was
22 there surveillance video -- additional surveillance video
23 obtained from Bojangles based on your interview with Mr.
24 Bright?

25 A: There was.

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1 Q: Okay. And based on what Mr. Bright had told you, what
2 were you looking for, if you can recall specifically, in the
3 videotape from Bojangles?

4 Q: So Mr. Bright had indicated that he was there. He
5 believed he was there the night that the murder occurred. So
6 he gave us a very specific account and he showed me exactly on
7 a map where he had walked, and then we obtained the Bojangles
8 video and we tried to prove his statement. He was very
9 specific about what his activities were at Bojangles, that he
10 would be on video. We were never able to find him on
11 Bojangles the night of the murder, but in another video we
12 were able to find him the night before the murder walking
13 through the Bojangles parking lot, as he seemed to recall he
14 did.

15 Q: Okay. So to be clear, did his description match the
16 night of the murder at Bojangles or the night before the
17 murder?

18 A: For the video, it matched the night before.

19 Q: Okay. Now, that being -- would that be the night of the
20 3rd of May going into the 4th?

21 A: Yes, sir.

22 Q: Okay. Now, what else as it relates to the -- as you,
23 this track of trying to figure out what the situation was with
24 Bright and if you needed to move further in the investigation?

25 A: I mean, some things we were able to prove, some things we

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1 weren't. So he said he was watching a specific show, the
2 Wayans Brothers show, when he was at the house that night. He
3 said he had sex with Ms. Lowery, which we believe that that's
4 something that we could -- that the autopsy might help us
5 confirm or deny.

6 And then he said there was a series of communications
7 when he left the residence, which would indicate that his
8 phone should be active that night. And when you actually look
9 at -- I looked at a summary of the phone records, which was
10 provided to me by our CAST expert, it showed that his phone
11 was actually active during that window the night before the
12 murder and the phone was not active at all the night of the
13 murder. So it was another indication just to me that this
14 might not be factually correct because this story might be off
15 by a 24-hour period.

16 And there was other facts, like the rain. We asked him
17 specifically was he wet that night when he was walking home
18 and whether he recalled that, and so those are some of the
19 things we tried to match and we tried to see if the autopsy
20 report would have reflected anything. And for the most part,
21 we felt like there was -- there was -- there were
22 inconsistencies in the story, which caused us to maybe focus
23 our efforts elsewhere simultaneously, not exclusively on Mr.
24 Bright.

25 Q: Okay. And is that common in investigation? You want to

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1 make sure -- do you want to make sure that you get it right?

2 A: I mean, I think the most important thing is you get the
3 story from the individual, and then you don't believe or
4 disbelieve him. You just say give me scientific things that I
5 might be able to prove or disprove, and then your story will
6 either be credible or less credible. It doesn't mean it's --
7 we didn't factually disprove it, but there certainly are
8 indicators that show that he -- that the dates might have been
9 off.

10 Q: Okay. And then did the -- were there other developments
11 that totally took you into a different direction, specifically
12 toward the defendant?

13 A: Yes.

14 Q: Okay. And could you tell the Court about that?

15 A: So there was a -- we received -- at some point in time
16 during that week, we received DNA confirmation from a
17 cigarette butt that was located at the crime scene that came
18 back positive to Mr. Harrington. We saw some phone anomalies
19 that occurred during those couple of days, which caused us
20 some concern that needed to be looked into a little bit
21 harder.

22 We also obtained some video that showed some activity at
23 Mr. Harrington's residence, which generally, you know, fit the
24 time frame of the events that were going on that night, and we
25 also received cell phone records, which indicated there was

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1 text communications between a phone that the investigation had
2 tied to Mr. Harrington and Ms. Lowery at approximately 1:08
3 that morning. And then that particular phone, there was never
4 any tower activity after that phone -- after the
5 communications at approximately 1:13.

6 Q: Okay. So the -- and is that the 3480 number for Mr.
7 Harrington?

8 A: 3480.

9 Q: And is that the number you said -- basically, is that the
10 number that you're saying basically went dark after that last
11 communication?

12 A: The records I saw at the command post at that time show
13 that there's communications between that phone and Ms. Lowery
14 at -- at approximately 1:08 a.m., and I think there was one
15 additional communication on that 3480 number at 1:13 a.m., and
16 then after that, the phone has no tower activity at all the
17 rest of the time I was there.

18 A: Okay. So -- and in your -- I guess in the case moving
19 toward Mr. Harrington, tell us what else transpired and
20 specifically leading up to Charlotte, him being arrested in
21 Charlotte.

22 A: So we -- there was a search warrant that was done at his
23 house. We decided to put his vehicle, which was a 1998
24 Eclipse, into the South Carolina and North Carolina license
25 plate reader system in the event that he could be located. We

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1 attempted through cell phone analysis to locate him too as
2 well. We did interviews at stores, which we believed that he
3 had used a -- you know, some sort of financial device at as
4 well to try to corroborate where he might be and locate him
5 and in an effort to try to talk to him.

6 Q: And so was he actively being sought at that time?

7 A: He was.

8 Q: Okay. And I didn't -- I failed to ask you this. Are you
9 aware of an interview conducted with Jamie Campbell in the
10 Atlanta area?

11 A: So I tasked our Atlanta agents to actually locate Ms.
12 Campbell and interview her.

13 Q: Okay. And I had forgotten to ask you to talk about that
14 and, of course, to your recollection was she, in fact,
15 interviewed and did she give information that you followed up
16 on?

17 A: She gave very valuable information about several
18 different parts of this case that helped us look for Iyana
19 eventually and then also track down phones.

20 Q: Okay. And so moving on to the steps that you took, was
21 there an opportunity at some point for you to go to Charlotte,
22 specifically CMPD -- I believe CMPD headquarters in Charlotte?

23 A: Yes, sir.

24 Q: Could you tell us how that -- could you tell His Honor
25 how that came about?

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1 A: Yes, Your Honor. So we were contacted that there was a
2 license plate reader hit, and the local police in Charlotte-
3 Mecklenburg executed the arrest based upon the warrant that
4 was entered here in Marlboro County. We were contacted that
5 he was -- that he was in custody, and myself and Ms. Bethea
6 and Sheriff Lemon drove to Charlotte-Mecklenburg Police
7 Department to try to speak with him.

8 Q: And -- and so when you got to Charlotte -- and I'm not
9 going to get into what was said. I'm more interested in your
10 observations. Tell His Honor what struck you in your
11 observations of the defendant when you encountered him on May
12 11th, 2017, at CMPD?

13 MR. YOUNG: Objection. Speculation.

14 MR. REDMOND: I said --

15 THE COURT: I think he can testify as to what his
16 demeanor was.

17 MR. REDMOND: Yes, sir.

18 BY MR. REDMOND:

19 Q: And any other physical observations, any observation you
20 had specifically physically, but could you explain that to His
21 Honor?

22 A: Yes, sir. So I walked in and I shook Mr. Harrington's
23 hand. He seemed very calm. When I shook his hand, to me it
24 felt like something might have been wrong with his hand, his
25 right hand, for a couple reasons.

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1 First of all, it felt like the bottom part of his hand
2 was swollen. His handshake was very weak, and for a large --
3 yeah, I felt like that just struck me as odd when I initially
4 came in there. So during the course of the interview, I would
5 watch his right hand just to see kind of what he might've been
6 doing with it during that time, and there were several
7 occasions where he -- most of the time he would keep it under
8 the table or he would keep his hands folded while he was
9 talking to us.

10 And there was times that he would use his left hand for
11 reasons which just struck me as odd. Like, for example, he
12 would sign his rights waiver statement with his right hand,
13 indicating he's right-handed, but when he was offered a
14 cigarette, everything else, his right hand would stay down and
15 he'd reach out with his left hand and just keep his right hand
16 out of the eyesight. So I just saw that as -- as interesting
17 and something that I thought should be followed up on.

18 Q: And, in fact, did you relay that information -- the
19 information on that that you relayed, did that result in a
20 hearing where his x-rays were requested? I guess there was an
21 order done for him to have his x-ray -- x-ray done on that
22 hand?

23 A: We did, yes.

24 Q: And so, in other words, is that based on information that
25 you actually -- what you just described?

1 A: Yes.

2 Q: Okay. Now, so, of course, is the defendant then
3 transported back? Subsequently, I think the next day,
4 transported back to South Carolina, Marlboro County Detention
5 Center?

6 A: Yes, sir.

7 Q: And of course, you've got him, but have you found Iyana
8 yet?

9 A: No.

10 Q: Okay.

11 A: No, sir.

12 Q: Tell me about what happened I guess on the 13th into the
13 14th, that being Mother's Day 2017? Tell me -- tell His Honor
14 actually what took place significantly during that time frame?

15 A: Yes, Your Honor. So we'd been going for about eight days
16 straight there for a long period of time, and people were
17 burned out and we were losing some resources too as well,
18 which means we would -- I thought we would have to sustain
19 this thing for a long period of time.

20 So on that Saturday evening, we put a map up on the board
21 and we decided on a specific area that we were going to search
22 next, and that area was McColl based upon some of the
23 information we obtained in this case that connected one of Mr.
24 Harrington's -- or one of our suspects to that area, but we
25 decided that that wouldn't start until Monday and we decided

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1 we were going to take Sunday, everybody was going to rest, and
2 we would head out to McColl on Monday morning based upon some
3 of the information we had, and we would start searching in
4 that general area.

5 I drove all the way back to Myrtle Beach. I got back to
6 Myrtle Beach probably about 1 o'clock in the morning and my
7 phone rang. It was one of the Marlboro County Sheriff's
8 officers, and he said you need to come back up here right now.
9 We have a video that you need to see, and you need to take a
10 look at it.

11 So I said, okay. I didn't put anything down. I got
12 right back in my car. I drove all the way back up to the
13 Marlboro County Sheriff's Office. I went into one of the
14 offices that was inside the Sheriff's Office, and they had on
15 a computer a video that was playing that looked to be a
16 residential camera that was showing a view into the woods.

17 Q: Okay. And what do you recall seeing? Best that you can
18 recall, what do you recall seeing on that video?

19 A: So you can see a vehicle make a turn off of New Bridge
20 Road, but it didn't look like it turned onto a road. It
21 looked like it turned offroad because you can see the
22 taillights moving in a manner that look like it wasn't driving
23 on a paved highway, and that vehicle disappeared into the
24 woods and then you couldn't see anything. We continued to
25 watch the video, and then you can see -- later on, you can see

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1 a vehicle exiting that same location inside the wood line.

2 Q: And was there anything that struck you when it was
3 exiting, that you can recall obviously, that struck you about
4 the vehicle when it was pulling out?

5 A: It was just odd that once it came up to the road, it cut
6 its lights and turned onto the main road.

7 Q: Okay. Now, so let's move forward. So you come back to
8 Marlboro County. You see that. Then where did you go from
9 there? You see that video that they've shown you. Tell us
10 what -- tell His Honor what took place next?

11 A: So we had collectively decided as a team that we didn't
12 want to go out there at nighttime and possibly disrupt any
13 evidence that could be located in that area. So we waited.
14 We secured the area with all the officers that we had at the
15 time, and then we waited until the sun came up, which was
16 approximately five -- 5:30 in the morning. We were all
17 sitting on New Bridge Road. We calculated where we thought
18 the vehicle had entered the wood line, and then me and a
19 couple of other officers walked into the woods as soon as it
20 started to get light to exactly where we thought the vehicle
21 stopped, which is next to an -- it looked like an abandoned
22 house.

23 Q: And then do you recall what you found? What was found
24 when you got to that abandoned house?

25 A: So I saw on the ground there was some beer cans. There

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1 was a bank card that was in Ms. Lowery's name. There was,
2 like, a Walgreens card, and there were a couple of receipts.
3 So we said, okay, this is -- this is a spot we need to stop
4 again and kind of consolidate and let's figure out a plan for
5 searching.

6 I contacted a K-9 dog that was up in Greenville, and we
7 waited for -- the K-9 dog was coming down to help us search,
8 and we called out a lot more resources to assist in actually
9 looking in the water and in the woods. So we really kind of
10 froze a little bit at that point until we could get some more
11 resources.

12 Q: Okay. And was DNR one of the resources that was called
13 in?

14 A: Yes, sir.

15 Q: South Carolina Department of Natural Resources. Were you
16 present on scene when Iyana was found?

17 A: Yes, sir.

18 Q: Could you tell His Honor about that?

19 A: I was with the K-9 dog in the vicinity of the abandoned
20 house when -- when Ms. Bethea had told me -- called my cell
21 phone and said they had found something in Gum Swamp, Gum
22 Creek, Gum Swamp area, which is maybe a couple hundred meters
23 down the road from me. So I ran down the road with Ms.
24 Bethea, and we stood on the bridge as the evidence response
25 team did a systematic recovery of the remains.

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1 Q: And of course, after that, of course, now, unfortunately,
2 Iyana Lowery is found. What -- what else did you do in
3 relation to this particular matter?

4 A: For the most part at that -- at that point in time, there
5 was no real federal criminal charge that anybody felt was
6 going to be pursued at that point in time. So we did an out-
7 brief for the next day or so, and then turned the
8 investigation over to the local police. I left one of my
9 agents up there to provide any support that was necessary, and
10 I went back to Myrtle Beach.

11 Q: Okay. And let me fast-forward to the 6th of July or
12 early July, around the 6th of July 2017. Did you -- did you
13 request that there be some canvassing done out in the New
14 Bridge Road area?

15 A: You know, I can't remember exactly what date, but I did
16 recommend that we do canvassing at New Bridge because there
17 was information from open-source reporting that tied Mr.
18 Harrington to within a couple hundred meters of that location,
19 and then there was some information from an interview too as
20 well. So I felt that that needed to be followed up on to see
21 if that information -- which open-source information is not
22 always a hundred percent accurate, so there needs to be some
23 sort of corroboration. So I felt that it would be a good
24 recommendation to do interviews to see if we could further tie
25 the defendant to that specific spot, and we were able to.

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1 Q: Okay. And let me ask you this. Again, did you
2 physically come back and do it or you -- did you request that
3 it be done?

4 A: I recommended that it be done. I wouldn't say request
5 because I really wasn't running the investigation.

6 Q: That's right.

7 A: I just recommended that might be something that we could
8 do that might be of benefit, but I did not come back --

9 Q: Okay.

10 A: -- to my recollection to do the canvass.

11 Q: And -- well, and just to put in a context, His Honor had
12 asked about the reward. With you being FBI, was there a
13 reward offered and given to Richard LaBean?

14 A: Yes, sir.

15 Q: Okay. I think it was \$10,000 for the information?

16 A: I don't know the amount. I wasn't there when it was
17 paid, but I was part of the approval chain --

18 Q: Okay.

19 A: -- for the -- the award.

20 Q: And is that based on the information that you actually
21 viewed on the morning of the 13 -- 14th of May 2017?

22 A: That's correct.

23 Q: And just to be clear, after viewing that interview, did
24 you find the cards tying to Ella Lowery by that abandoned
25 house within a few hours of seeing the video?

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1 A: Yes, we did.

2 Q: And then within a short period of time after that, after
3 seeing Mr. LaBean's video, finding the cards, did you then,
4 unfortunately, find the body of Iyana Lowery?

5 A: Yes, sir.

6 Q: Okay. And is that why the reward -- you felt the reward
7 needed to be given to Mr. LaBean?

8 A: Correct. Because he came forward with that information
9 to my knowledge. It was not something that was-- you know,
10 that was wrestled out of him. It was something he offered.

11 MR. REDMOND: I beg the Court's indulgence.

12 That would be all the questions I have. Please answer
13 any questions the defense may have.

14 THE COURT: We're going to take about a five-minute
15 recess.

16 And under these circumstances, I'm going to ask you
17 remain.

18 THE WITNESS: Yes, Your Honor.

19 THE COURT: If needed, you can use the restroom in that
20 regard, and under these circumstances you can't discuss it
21 with either party.

22 THE WITNESS: Yes, sir.

23 MR. REDMOND: And, Your Honor, what I'll do is I'll just
24 leave it up there, if I could, because I didn't publish it on
25 here. But just so the Court will see what areas we're talking

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1 about, I was going to leave this for the Court to view
2 whenever we get back.

3 THE COURT: All right.

4 MR. REDMOND: Thank you, Your Honor.

5 THE COURT: We'll stand at ease for five minutes.

6 (WHEREUPON, there was a break in the proceedings from
7 11:07 a.m. until 11:20 a.m., after which the proceedings
8 resumed as follows.)

9 MR. YOUNG: Your Honor, may I hold the maps for -- may I
10 hold the maps for a second?

11 THE COURT: You sure can. Mr. Young, you're recognized.

12 MR. YOUNG: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. YOUNG:

15 Q: Agent Connelly, how are you?

16 A: Good, sir.

17 Q: So I'm looking through the reports that were generated
18 that have your name on them, and I don't see anything about
19 what you testified to. Do you have any reports or anything
20 about all this stuff that you testified to?

21 A: I don't.

22 Q: Okay. This is just based on your memory of the events
23 six years ago?

24 A: Yes, sir.

25 Q: Okay. Now, one of the things that you testified about

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1 was the map in Bennettsville. It's in evidence as State's
2 Number 648.

3 A: Yes.

4 Q: And the addresses that are marked on here, did you mark
5 those addresses?

6 A: I didn't mark that.

7 Q: They were -- you're familiar with it?

8 A: I'm familiar with that.

9 Q: Are you familiar with [REDACTED] S. Second Street?

10 A: I'm not.

11 Q: And whether or not that's the address on Mr. Harrington's
12 DMV records?

13 A: I'm not aware of that.

14 Q: Or who lived there or whether or not he maintained a
15 residence there?

16 A: No, sir. No.

17 Q: That scene was never visited by anybody?

18 A: Not me.

19 Q: I noticed that you were familiar with the phone records
20 and the electronic evidence in the case?

21 A: Just generally from the level I had exposure to it during
22 that time frame.

23 Q: One more question. The map up there, the distance
24 between [REDACTED] Craig Circle and [REDACTED] Grace Street was about 1.9
25 miles?

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- 1 A: I think I calculated 2.2, but yeah, approximately 1.9 or
2 two miles.
- 3 Q: Okay. And the time that it would take to drive from that
4 location, from Craig Circle to Grace Street, about five
5 minutes?
- 6 A: Five minutes. Yes, sir.
- 7 Q: Okay. And do you know from the electronic evidence that
8 Ella Lowery was active on Facebook?
- 9 A: Correct.
- 10 Q: And she had multiple Facebook accounts and she often
11 talked to people on Facebook?
- 12 A: Yes.
- 13 Q: And that at 1:38 in the morning, she accepted a Facebook
14 call from a guy named David Reddick?
- 15 A: I'm not aware of that.
- 16 Q: You didn't know that?
- 17 A: I didn't know that.
- 18 Q: You knew around 1:30 she was active on Facebook? There
19 was outgoing Facebook activity?
- 20 A: Yes, sir.
- 21 Q: Based on --
- 22 A: Yes, sir.
- 23 Q: -- her account? And the time between 1:38, if you accept
24 a call that lasted some time, 42 seconds, and 1:42, the time
25 that you see the Mitsubishi come onto the Grace Street videos;

- 1 right?
- 2 A: Correct.
- 3 Q: Is less than five minutes?
- 4 A: It's less than five minutes.
- 5 Q: It's four minutes?
- 6 A: Correct.
- 7 Q: You talked about the interview of Mr. Harrington in
- 8 Charlotte?
- 9 A: Yes, sir.
- 10 Q: And you said you observed him protecting the right hand?
- 11 He's careful with that hand?
- 12 A: Yeah. Maybe just keeping it concealed a little bit.
- 13 Q: Okay. He was often left alone in that room?
- 14 A: He was left alone? Yes, he was. That's correct.
- 15 Q: There's a period of time -- there's a period of time
- 16 where nobody is in there with him?
- 17 A: That's correct.
- 18 Q: And he has a water bottle in that room?
- 19 A: Correct.
- 20 Q: And he opens the water bottle with his right hand?
- 21 A: He does. After we left the room, he was doing more with
- 22 both of his hands.
- 23 Q: Okay.
- 24 A: Correct.
- 25 Q: The Bojangles video that were pulled from the 4th, you

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1 were trying to find out whether or not that was indeed Dwayne
2 Bright who walked through the video?

3 A: We were trying to corroborate his story, whether somebody
4 fitting his description walked through either on the night of
5 the 3rd or the 4th.

6 Q: Are you -- I guess, sort of you got to my point. Was
7 somebody fitting his description?

8 A: Correct.

9 Q: You never positively identified that person as Dwayne
10 Bright?

11 A: No.

12 Q: Nobody said -- I mean you can't really see it well enough
13 to make a positive ID?

14 A: Exactly, yes.

15 Q: The video of the car turning on New Bridge Road; right?
16 This video that you've seen?

17 A: Yes, sir.

18 Q: I have not.

19 A: Okay.

20 Q: It doesn't exist in anything that's turned over to us.
21 Okay?

22 A: Okay.

23 Q: You didn't -- do you know what time the car was turning
24 off the road?

25 A: I don't remember. I saw that video once when I returned

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1 back to the command post. So I don't know that I -- I don't
2 recall exactly what time it turned off of New Bridge Road or
3 turned back onto New Bridge Road. I don't recall.

4 Q: Well, we know a car turns onto New Bridge Road --

5 A: Right.

6 Q: -- at 4:11?

7 A: Okay.

8 Q: In the -- in the video; right?

9 A: Okay.

10 Q: But we don't know when it got there, and you don't recall
11 what time it got there?

12 A: I don't. I don't recall the time it arrived.

13 MR. YOUNG: Hold on a second. Thank you, Agent Connelly,
14 That's all the questions I have.

15 THE WITNESS: Yes, sir.

16 THE COURT: Any redirect?

17 MR. REDMOND: Just real quickly.

18 REDIRECT EXAMINATION

19 BY MR. REDMOND:

20 Q: Just to be clear, did the FBI keep documents that were, I
21 guess, reports and documents that several folks did, including
22 several FBI agents in this case? Did y'all keep that in your
23 database?

24 A: If you actually did the investigation and wrote the
25 report, then you would -- you would keep that report. It

MIKE CONNELLY - REDIRECT BY MR. REDMOND

1 would be uploaded to our database if you actually physically
2 did it.

3 Q: Okay. And were there several -- I mean, like, lots of
4 pages of -- were there lots of pages of documents that the FBI
5 kept that you were able to review in preparing to testify
6 today?

7 A: There were. There were documents that we were able to --
8 like, 302s, like interviews of Jamie Campbell.

9 Q: That's what I mean.

10 A: But most of the documents in this case were left at the
11 county level because we knew it would be a county case. So if
12 we did something specifically, like an interview at a
13 convenience store or an interview of Jamie Campbell, then we
14 kept those documents, and they would be in my files and I
15 would have kept them.

16 Q: And so -- and I'll just word it like this. Did you rely
17 both on your memory of certain very vivid things and your
18 review of certain items that were kept? Did you rely on both
19 of those in your testimony today?

20 A: Yes, sir.

21 Q: Okay.

22 MR. REDMOND: That would be all of the questions I have.

23 THE COURT: Any objection to this witness being excused?

24 MR. YOUNG: No, Your Honor.

25 THE COURT: You're free to leave.

1 THE WITNESS: Thank you, Your Honor.

2 MR. REDMOND: Thank you, Your Honor.

3 THE COURT: You may call your next witness.

4 MS. WEISS: Thank you, Your Honor. The State is going to
5 call Melinda Worley, but I realize there's one piece of
6 evidence back there I just need to run get.

7 MR. REDMOND: And, Your Honor, if I could step out for
8 just one moment? I'll be right back.

9 (WHEREUPON, there was a pause in the proceedings, after
10 which the proceedings resumed as follows.)

11 MS. FREEDMAN: And, Your Honor, just while we're waiting
12 for the witness, I just wanted to remind the Court -- I'm sure
13 you're aware that there is an outstanding motion with respect
14 to this witness.

15 THE COURT: Okay. Now would probably be an appropriate
16 time to hear that. Let's see if we can ask them to hold onto
17 the witness, and we'll entertain the motion.

18 (WHEREUPON, there was a pause in the proceedings, after
19 which the proceedings resumed as follows.)

20 MR. REDMOND: Oh, I'm sorry. I didn't mean to keep Your
21 Honor waiting. I mean, I think -- I'm sorry, Your Honor.

22 THE COURT: I think we have an outstanding motion
23 concerning this witness, and I thought it would be appropriate
24 to hear it.

25 MR. REDMOND: Oh, I'm sorry, Your Honor. I apologize.

1 THE COURT: I wasn't aware of it before you left.

2 MR. REDMOND: And if I had been aware of it, I would not
3 have left, Your Honor.

4 THE COURT: Very good. Ms. Freedman?

5 MS. FREEDMAN: And, Your Honor, I think at the last --
6 after -- yeah, after the -- at the last hearing we had, we
7 submitted a physical copy to the Court, and so there should be
8 a physical motion or a copy of the motion that the Court
9 should have in its possession.

10 But the motion is essentially made under Rule 702, and
11 the basis is to exclude this witness's testimony because it is
12 unreliable. The witness did not follow the standard
13 scientific procedures that an expert in the field would've
14 followed, and so our position is that that testimony itself is
15 tainted by that unreliability, and under 702 the fact finder
16 should not be allowed to actually hear the testimony of this
17 witness who is unreliable as part of the Court's gatekeeping
18 role.

19 THE COURT: I'll hear from the State.

20 MS. WEISS: Your Honor, Ms. Worley is an expert in the
21 field. Your Honor has already declared her an expert in the
22 field of footwear impression analysis, and she follows the
23 same procedure. And not only does she follow the procedure
24 that goes step by step and she can explain that when she
25 testifies as to she'll explain each of the steps she took, but

1 each of those steps are also reviewed by her supervisor, and
2 her analysis is reviewed by the supervisor. There's quality
3 assurance in that.

4 This is SLED's process. This is the same process that
5 has been used time after time, as she has testified as an
6 expert as recently as last week. And, Your Honor, I would
7 submit that if the defense wants to cross her on that, that's
8 fine, but based on her being an expert in the field and her
9 following the process and the fact that it was peer-reviewed
10 and quality tested, that it absolutely is reliable and should
11 be admitted into evidence.

12 MS. FREEDMAN: And, Your Honor, I would just add from our
13 perspective none of what the State just argued in favor of
14 reliability, none of that is documented in her report. And so
15 to the extent she's relying on her report as the basis for her
16 opinion, I would submit that the report itself is unreliable
17 because it includes one summary statement that she followed
18 the ACE-V methodology, and there's no documentation of any of
19 the steps she took in the report and there's also no
20 documentation of any of the peer review or verifications have
21 been made in ACE-V.

22 THE COURT: This is indeed a bench trial, which sort of
23 puts you in an odd situation. In order for me to make those
24 determinations, I'm going to have to hear it. So I'm going to
25 accept the proffer, and I'll make a ruling on it, but you're

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1 protected on the record, your objection is timely, very well
2 made, and we'll proceed forward with her testimony.

3 MS. WEISS: Thank you, Your Honor.

4 MS. FREEDMAN: Thank you.

5 MS. WEISS: The State calls Melinda Worley.

6 (WHEREUPON, there was a pause in the proceedings until
7 the witness entered the courtroom, after which the
8 proceedings resumed as follows.)

9 THE COURT: Ms. Worley, please come around and place your
10 left hand on the Bible and raise your right hand as the clerk
11 administers the oath.

12 THE CLERK: Do you solemnly swear or affirm that the
13 testimony you shall give the Court in this case shall be the
14 truth, the whole truth, and nothing but the truth, so help you
15 God?

16 THE WITNESS: I do.

17 THE CLERK: Please be seated.

18 THE COURT: Yes, ma'am. Have a seat in the witness chair
19 and I'm going to ask you, if you could, to pull up real close
20 to that microphone and speak loudly, clearly, and slowly in
21 order that we can hear everything that you have to say, and
22 let's start with your full name and spell that last one for
23 us.

24 THE WITNESS: Melinda Worley, W-o-r-l-e-y.

25 THE COURT: Very good.

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1 MS. WEISS: Your Honor, I beg the Court's indulgence.
2 I've got to find just a couple of pictures. I've been trying
3 to organize these. So -- okay.

4 MELINDA WORLEY, being first duly
5 sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. WEISS:

8 Q: Good morning, Ms. Worley. How are you?

9 A: Good morning.

10 Q: Agent Worley.

11 MS. WEISS: And, Your Honor, just to be clear, we've gone
12 through the qualifications for this witness as an expert.

13 Would you like us to go back through those and hear it?

14 THE COURT: I don't see that it's necessary unless the
15 defense requests that.

16 MS. FREEDMAN: No, Your Honor. We just maintain our
17 prior objection.

18 THE COURT: I've already qualified her as an expert.
19 With regard to the issue about the admissibility of her
20 testimony in this case, it's still before the Court.

21 MS. WEISS: Yes, sir, Your Honor.

22 BY MS. WEISS:

23 Q: Agent Worley, when were you first qualified to examine
24 latent footwear impressions?

25 A: As far as completing my training?

1 Q: Yes.

2 A: That was in, I believe, March of 2014.

3 Q: If you would, please explain for the Court what process
4 you go through in order from the time that you get an
5 impression -- something to compare and all the way through
6 coming up with your final -- your final opinion, expert
7 opinion on the footwear impression?

8 A: We follow the ACE-V procedure. I basically start with an
9 item in a case, assess the evidence, whether it's photographs,
10 sometimes gel lifts, metal stone casts. Sometimes I have one
11 pair of shoes, sometimes I have five pairs of shoes. I just
12 assess what evidence is involved in the case.

13 I prepare all of it to go to the photography studio to be
14 photographed. I receive back photographs that are printed to
15 scale one-to-one for me to be able to do my comparisons with
16 the known shoes. So then I create inked test impressions of
17 the known shoes.

18 I think for this case I applied ink to the shoe. I had
19 somebody who wears a similar size wear the shoe. I applied
20 the ink, and they stepped directly onto the transparency. I
21 don't do it that way anymore, but that's the way it was done
22 for this case. So that creates test impressions for me, and
23 then I can overlay those on the printed photographs of the
24 unknown impressions.

25 Q: You said you don't do that anymore?

1 A: No.

2 Q: Okay. What do you do now?

3 A: I use, like, a thick card stock paper. The test
4 impression goes on to the card stock paper. I reprint those
5 on the transparencies. It's -- stepping directly onto the
6 transparency, it's slippery with the ink. So it's better on
7 the card stock paper.

8 Q: Was that -- was that the accepted method that was being
9 used back when you did this evaluation back in 2017, this
10 examination?

11 A: Yes. We -- we had to change the way we do test
12 impressions. We used to do red powder transparencies, and we
13 used the Kodak roller transport film. It's not made anymore,
14 and I still use the Fuji roller transport film, but the red
15 powder won't stick to it. So I can't use the red powder
16 anymore. So that's why I switched to the ink, but those are
17 both accepted ways.

18 Q: Okay. So you've changed the way you do it because the
19 materials you used in 2017 are no longer available?

20 A: I'm not sure what year the Kodak film wasn't available.

21 Q: But -- right, but you changed -- you changed your methods
22 because of the materials not being available and not because
23 the methods were incorrect?

24 A: Right.

25 Q: Do you have procedures that are required by SLED and are

1 quality checked?

2 MS. FREEDMAN: Objection, Your Honor. She's leading the
3 witness.

4 THE COURT: Sustained.

5 BY MS. WEISS:

6 Q: Are these procedures provided -- or required by SLED?

7 MS. FREEDMAN: Objection. She's still leading the
8 witness.

9 THE COURT: I'll allow her to ask that.

10 BY MS. WEISS:

11 A: I basically follow the same procedure from when I was
12 trained in footwear how to do the comparisons from start to
13 finish, the entire process. I do that the same way for every
14 case I do.

15 Q: Are -- is your work peer-reviewed?

16 A: It is.

17 Q: And by whom?

18 A: We have two qualified examiners. They don't currently do
19 casework. My supervisor might do casework from time to time.
20 They're both still competent in being able to do tech reviews
21 for me. So they used to do footwear casework themselves.

22 Q: What do those reviews consist of?

23 A: They receive my examination worksheet and table of
24 contents, all the photographs of the unknown impressions, the
25 test impressions that I've created, and they will overlay

1 those test impressions on the photos and see if they agree
2 with my results or not agree with my results. From time to
3 time, they'll send it back to me saying if you'll take a look
4 at this, and we'll kind of decide which way to go with it if
5 it appears there's a discrepancy or a, you know, non-agreement
6 kind of thing.

7 Usually, the person who is reviewing it typically agrees
8 with my results. I'm very detailed in the information I
9 provide in my worksheet as to what I'm seeing in each
10 impression, and so that he can usually find that very easily
11 when he goes back himself.

12 Q: And does that have to pass the approval before it can be
13 given out as an opinion in the case?

14 A: Right. He either approves it the first time I send it to
15 him or if there's something I need to fix, he'll send it back
16 to me, I'll fix whatever needs to be fixed, and send it back
17 to him and he'll review it again to make sure I made any
18 corrections, and then he will approve it if he's satisfied
19 with it.

20 Q: Has there ever been discussion about the use of --

21 MS. FREEDMAN: Objection. Again, she's leading the
22 witness.

23 THE COURT: Rephrase the question.

24 MS. WEISS: Your Honor, that is the question.

25 BY MS. WEISS:

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1 Q: Has SLED ever used computer technology for footwear
2 impressions?

3 THE COURT: What procedures does SLED use?

4 BY MS. WEISS:

5 A: We have not started using Photoshop at all, if that's
6 what you're asking. I do everything by hand with the test
7 impressions, make the actual test impressions with the actual
8 shoes and compare those to the photographs that are printed to
9 scale. We don't -- we don't do anything on computer so far.

10 Q: Have you received any continuing education training since
11 2014?

12 A: I've attended the International Association for
13 Identification conference in San Antonio in 2018. I took
14 several courses or workshops or attended lectures based upon
15 footwear.

16 Q: And what is your latest certification as of recently?

17 A: I was certified within our unit, the latent print unit,
18 to photograph evidence. So I can photograph my own evidence
19 in the photo studio.

20 Q: And when was that certification?

21 A: I believe January 24th is the official date.

22 Q: 2023?

23 A: Yes.

24 Q: I'm going to show you what's been admitted as State's
25 Exhibits 105, 107, and 109, and ask, if you would -- I know

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1 you may want to put on gloves. Can you identify which of
2 those is Item 52?

3 A: It would be these.

4 Q: Those?

5 A: Yes.

6 Q: All right.

7 MS. WEISS: I beg the Court's indulgence one minute.

8 BY MS. WEISS:

9 Q: You said that is Item 52 as SLED marked it?

10 A: Yes.

11 Q: It's State's Exhibit 109. It's already admitted -- been
12 admitted into evidence. If you wouldn't mind opening? Would
13 it help you to have a table?

14 A: This is okay.

15 MR. REDMOND: There's a table right here.

16 THE COURT: I think she indicated it's okay.

17 MR. REDMOND: You're going to be fine?

18 THE WITNESS: Yes, sir.

19 MR. REDMOND: Okay.

20 BY MS. WEISS:

21 Q: Okay. So what is State's Exhibit 109?

22 A: These are the size 12 Air Force 1s collected from the
23 Bright residence.

24 Q: And I now hand you State's Exhibit 153. State's Exhibit
25 153.

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1 MS. FREEDMAN: They taped it well.

2 MS. WEISS: Yes.

3 BY MS. WEISS:

4 Q: And what is State's Exhibit 153?

5 A: These are the item on here, size --

6 Q: Okay.

7 A: Size 13 Air Force 1s.

8 Q: And when you took the first pair out of the package, you
9 identified them as the Bright shoes. Are you given
10 information about this case or about expectations of what your
11 analysis -- what they're looking for in your analysis to show
12 prior to doing your analysis?

13 A: No.

14 Q: So you know those as the Bright shoes?

15 A: They were in the item description. That's the only
16 reason I knew that.

17 Q: At the time you start your comparison, do you know who
18 Bright is from anybody else?

19 A: No.

20 Q: So -- so you received -- you received those two sets of
21 shoes that we're going to be discussing today?

22 A: That's right.

23 Q: And then I'm going to show you State's 63 as an example.
24 Did you receive several of these packages?

25 A: Yes, I did.

1 Q: And what are they?

2 A: They're cuttings from the kitchen floor in the house
3 bearing footwear impressions.

4 Q: Okay. And approximately how many of those did you
5 receive?

6 A: I believe it was five.

7 Q: And -- and if you wouldn't mind opening that for the
8 Court? Okay. What is that?

9 A: This is a piece of vinyl or linoleum -- I'm not sure --
10 floor. That was cut from the kitchen floor. It was processed
11 with Leucocrystal violet at the scene, and that's why it's
12 purple. And there's a partial footwear impression on it.

13 Q: Okay. And you received that initially in this --
14 associated with this case?

15 A: That's right.

16 Q: And did you use those linoleum pieces to do -- to start
17 your comparison to those footprints?

18 A: No. I sent these to the photography studio. They were
19 photographed, and the photos were printed to scale and then
20 returned to me to do the comparison from the photographs.

21 Q: And that's what you did with each of the linoleum pieces?

22 A: That's right.

23 Q: And that is State's Exhibit 63. Then there was one other
24 print, which I'll show you an example. State's Exhibit 320.
25 Do you recognize that print?

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1 A: Yes, I do.

2 Q: And what is that?

3 A: This is a photo of another partial footwear impression
4 that was outside on the carport at the house.

5 Q: Okay. And were you able to receive a cutting of that?

6 A: No. It was photographed at the scene, but it was --
7 since it was on the carport, they couldn't actually collect
8 it.

9 Q: So how do you go about beginning your comparison on that?

10 A: I decide which photograph they took because they'll take
11 multiple photos at the scene of the impression with a scale in
12 it. It was also processed with LCV, and so I'll go through
13 the photographs that we have from the scene and determine
14 which ones I think are the best quality that have -- show the
15 most detail, and then I will have those printed at the photo
16 studio also.

17 Q: Okay. I'm going to show you State's 319, 321, 322, -23,
18 -24, -25, -26, -27, -28, -29, -30, and -31. In addition to
19 the photograph that you're holding, are these examples of the
20 ones that you would go through to select which photographs are
21 best for you to use?

22 A: Yes, they are.

23 Q: And what is important about those photographs for you to
24 be able to use them?

25 A: They -- they were taken with the camera parallel to the

1 ground so it's a straight-on shot, and there's a scale in the
2 photographs so that they can be reprinted for me to scale.

3 Q: And you said you then sent this to the photo lab as well?
4 What is the purpose of sending this to the photo lab?

5 A: I didn't actually send that to the photo lab.

6 Q: Oh.

7 A: I just told them which photos I need printed, and they --
8 they can access the photos on the server.

9 Q: I'm sorry. I mean sent the photo -- I guess, the photo
10 digital form?

11 A: Right.

12 Q: To the photo lab?

13 A: They -- they retrieve that themselves and print it for me
14 to scale.

15 Q: They print it to scale?

16 A: Yes.

17 Q: Okay. So the first thing is I'm going to show you what's
18 been marked as State's Exhibit 62. Do you recognize what's
19 inside this package?

20 A: It's not at all how I left it. Yes. This is all the --
21 all the photographs that were printed to scale for me and the
22 test impressions that I made.

23 Q: Okay. So the pictures that were sent of the cement
24 floor, is there a to-scale picture of that in there?

25 A: Three versions --

1 Q: Okay.

2 A: -- of the same photo or a version with the LCV and one
3 without the LCV, and I believe the LCV version in black and
4 white.

5 Q: And then the other photographs, are those representative
6 of the ones from the -- or the ones from the linoleum?

7 A: Yes.

8 Q: Okay. And you said those are taken of the linoleum tiles
9 that were sent to you?

10 A: That's right.

11 Q: And they are taken in a one-to-one ratio as well?

12 A: They're printed one to one, yes.

13 Q: Okay. And those one-to-one photographs, are those what
14 you use to begin to make your -- to do your analysis?

15 A: Yes. I overlay the inked test impression that I made of
16 the known shoes on top of these photographs.

17 Q: Okay. So if we could just look at one of each of the
18 known shoes?

19 MS. FREEDMAN: And, Your Honor, I haven't really had -- I
20 haven't -- I don't know if she's talking about the shoes or
21 the impressions, but to the extent the exhibit contains inked
22 impressions of shoes that the Court has already suppressed, we
23 would object to any of that being discussed or admitted into
24 evidence.

25 THE COURT: Which ones were suppressed?

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1 MS. WEISS: We're only talking about 152. So we can pull
2 those out.

3 MS. FREEDMAN: Great. Thank you.

4 MS. WEISS: We won't be mentioning those. But as to
5 anything not involving -- anything involving 52 and 100 and
6 then the known -- I mean the impressions, we would like to
7 move State's Exhibit 62 into evidence.

8 MS. FREEDMAN: No objection so long as I can just take a
9 second to look and make sure that the --

10 MS. WEISS: I'll pull them out before. We'll pull them
11 out at the end of this. I think -- so we actually, as you
12 saw, we have a lot of stickers because they are individually
13 listed on the form that could go to each of these pictures,
14 but as opposed to taking the Court's time now, I'm going to
15 identify them as 62.

16 THE COURT: I'll tell you what we need to do. Let's take
17 a break for lunch and reconvene at 1:30, and y'all can have an
18 opportunity to -- you and Ms. Weiss can have an opportunity to
19 at these impressions and the photographs, and we'll reconvene
20 at 1:30.

21 And under these circumstances, you can't discuss the case
22 with Ms. Weiss or Ms. Freedman.

23 THE WITNESS: Yes, sir.

24 THE COURT: All right. We'll reconvene at 1:30, 1:30
25 sharp.

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1 MS. FREEDMAN: Thank you, Judge.

2 MS. WEISS: Thank you, Your Honor.

3 MR. BANK: Before we break, they're calling Dr.

4 Cunningham tomorrow. If you recall, we -- the defense called
5 the radiologist out of turn as the first witness that talked
6 about the hand fracture. He said that it looked like it was
7 an injury that was four to ten weeks old.

8 They're now calling a doctor who, as far as I know, has
9 never reviewed the x-ray. So if they have any other
10 information outside of the report, any conversations in your
11 discussion of his testimony, that needs to be turned over
12 pursuant to *Brady*.

13 MR. REDMOND: Well, actually, I disagree with the
14 characterization, but here's the thing. I don't mind
15 providing him with ways to contact Dr. Cunningham as it
16 relates to this, but the relevance comes in because of the
17 fact just as it relates to what he was told by the defendant
18 as to how his hand was injured. That's where it's going to be
19 relevant.

20 As it relates to his other issues about not having
21 reviewed it, I think I'll let him talk with Dr. Cunningham. I
22 think that's kind of misunderstanding the nature of the x-ray
23 and how that process works. Just to be clear, Dr. Cunningham
24 was the attending physician when the defendant was brought
25 under Judge -- I think it was Judge Henderson's order, but

1 under court order from May of 2017 to have his hand x-rayed
2 and have a buccal swab taken. Both of those were addressed at
3 the same time.

4 So the x-ray was done. Of course, as you know, a
5 radiologist -- they do the x-ray. The radiologist reads it.
6 That is then provided to the attending physician to go forward
7 with the treatment. So, therefore, I mean, they do -- they
8 are linked together, but again, I've got no issue at all
9 providing Mr. Cunningham -- giving them his information so he
10 can talk with Dr. Cunningham.

11 MR. BANK: That's all fine. That's not my point at all.
12 My point is if they've had any conversations with the doctor
13 and information that's outside of the report, they need to
14 turn that over to us.

15 MR. REDMOND: Okay. That's fine. I mean, we've got --
16 the only information that I've got is what's in the report.
17 And actually, now, I don't -- I probably will be talking with
18 him today, of course, to let him know about tomorrow, but the
19 main thing -- and I don't mind telling you the only thing that
20 I'm going to be getting into with him is how the defendant
21 says his hand was injured.

22 MR. BANK: That's fine.

23 MR. REDMOND: That's all.

24 MR. BANK: Okay.

25 MR. REDMOND: But if he wants to go any further than

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1 MR. REDMOND: Thank you, Judge.

2 THE COURT: We'll stand at ease until 1:30.

3 MS. WEISS: Thank you, Your Honor.

4 MS. FREEDMAN: Thank you, Judge.

5 (WHEREUPON, there was a break in the proceedings from
6 12:05 p.m. until 1:33 p.m., after which the proceedings
7 resumed as follows.)

8 THE COURT: I remind you that you're still under oath.

9 THE WITNESS: Yes, sir.

10 THE COURT: Ms. Weiss, you're recognized.

11 MS. WEISS: Thank you, Your Honor. May it please the
12 Court.

13 Okay. And we clarified during the break we've got
14 everything numbered right, got everything out, so everything
15 is clear for the Court.

16 CONTINUED DIRECT EXAMINATION

17 BY MS. WEISS:

18 Q: Okay. So we were talking about -- Ms. Worley, I hope you
19 had a good lunch. We were talking about all these different
20 pieces of evidence and things that you've taken, and you don't
21 know anything about the case or what -- what results anybody
22 may be looking for from the impressions? You have --

23 MS. FREEDMAN: Objection, Your Honor. She's leading.

24 THE COURT: Sustained.

25 MS. WEISS: I'm sorry. I was just going to summarize

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1 where we were so I could start the next question.

2 BY MS. WEISS:

3 Q: So this is what you had? Is this what you had when you
4 began your comparisons?

5 A: Yes.

6 Q: Okay. And if you can describe for the Court what that
7 is?

8 A: They are the photographs of the unknown impressions from
9 the kitchen floor pieces.

10 THE COURT: Those would be evidence numbers?

11 MS. WEISS: Your Honor, if I can help because Ms. Worley
12 wasn't in here when we did this? So these were tied in the
13 evidence to one particular piece of evidence. It was just
14 multiple of it. So the court reporter asked that we staple
15 them together if they were going to be part of one thing. So
16 when you see stapled together, the number is the top one and
17 the other one is just based on what we have. It's just
18 another photograph of that same thing.

19 THE WITNESS: Okay.

20 MS. WEISS: Oh, that one came unstapled. Okay.

21 THE WITNESS: Numbers 72, 62, 64, 66, 68, and 71.

22 THE COURT: Very good.

23 BY MS. WEISS:

24 Q: And then what do you do with the shoes themselves?

25 A: Oh.