

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Anderson County

Honorable R. Scott Sprouse, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ADAM D. LAWLESS,

APPELLANT

APPELLATE CASE NO. 2023-000636

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

DON J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

ATTORNEY FOR APPELLANT

KAYLEE C. KEMP
Assistant Attorney General

Office of the Attorney General
PO Box 11549
Columbia, SC 29211-1549
(803) 734-6307

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBIT #1 (PHOTOS); STATE'S EXHIBIT #34 (CELL PHONE RECORDS);
STATE'S EXHIBIT #38 (EXPERT'S CELL PHONE REPORT); DEFENDANT'S
EXHIBIT #1 (PHOTOS); DEFENDANT'S EXHIBIT #4 (BODY CAM FOOTAGE);
DEFENDANT'S EXHIBIT #7 (THUMB DRIVE)**

State of South Carolina
County of Anderson

Court of General Sessions

State of South Carolina	)	
	)	
	)	Transcript of Record
v.	)	2018-GS-04-02885
	)	
Adam Don Lawless	)	
	)	
<u>Defendant.</u>	)	

April 10-14, 2023
Anderson, South Carolina

B E F O R E:

The Honorable R. Scott Sprouse, Judge; and a
jury.

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

Kristen W. Reeves, Assistant Solicitor
Attorney for the State

William Norman Epps III, Esquire
Attorney for the Defendant

Lisa Scott
Circuit Court Reporter

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1	State's - pictures (77)		X
2	State's - 911 tape		X
4	Defense - body cam DVD		X
6	Defense - letter		X
11-26	State's - pics		X
27	State's - latent prints		X
28	State's - picture		X
29	State's - still pics of video		X
31	State's - diagram		X
33	States's - picture		X
32	State's - receipt		X
7	Defendant's - USB thumb drive		X
34	State's - reports		X
35, 36	State's - printouts		X
37	State's - phone records		X
38	State's - phone records		X
39	State's - phone records		X

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1 elect a foreperson. This will be the presiding
2 juror over your deliberations at the end. This will
3 also be the juror that communicates with the Court.
4 Any communication between the jury and the Court
5 should be in the form of a written note signed by
6 the foreperson, if there's any problems or anything
7 that I need to be made aware of.

8 So go have your lunch. I hope everyone has a
9 good lunch. Be back in the jury room at 1:45. When
10 you've elected a foreperson, just write that juror's
11 name and juror number on a slip of paper and give it
12 to the bailiff. So with that, y'all will be
13 dismissed for lunch. We'll see at you 1:45.

14 (At 11:58, jurors exited the courtroom.)

15 THE COURT: Okay. Any -- anything from the
16 State before we go into recess for lunch?

17 MS. REEVES: No, sir.

18 THE COURT: Anything from the defense?

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

20 THE COURT: And, Ms. Reeves, we discussed this
21 in chambers, but it's my understanding the State
22 does not object to the defendant's bond remaining in
23 effect during this trial?

24 MS. REEVES: Correct.

25 THE COURT: Because he's on electronic monitor?

1 MS. REEVES: Yes, sir.

2 MR. EPPS: Yes, sir.

3 THE COURT: The bond would remain in effect.
4 The electronic monitor will remain in effect. And
5 we will be in recess until 2:00 o'clock.

6 MR. EPPS: Thank you, Your Honor.

7 MS. REEVES: Thank you.

8 (From 11:59 to 1:58 p.m., lunch recess.)

9 THE COURT: All right. Let's go on the record.
10 I've had a brief chambers conference with the
11 attorneys over lunch. It's stated that one of the
12 jurors had some anxiety over this particular case.
13 Does not feel like she, due to her religious
14 beliefs, that she can serve as a juror. And the
15 Court, after discussing this with Juror No. 158, has
16 excused her. So that would make our first
17 alternate, Juror No. 267, now become a primary
18 juror. Okay. Anything from the State before we
19 proceed?

20 MS. REEVES: Yes, sir.

21 THE COURT: Yes, ma'am.

22 MS. REEVES: Your Honor, as I indicated
23 previously, I have a motion in limine for you. This
24 is to exclude third-party guilt in this case.
25 Throughout the investigation, the defendant has

1 provided no less than six alternate suspects to law
2 enforcement. Each of these suspects were
3 interviewed and provided DNA samples. Multiple
4 other people were interviewed as a result of those
5 suspects being offered. And, ultimately, it was
6 found that they had no involvement in this case.

7 As you're aware, prior to trial, the defendant
8 served the State with his intent to offer the
9 defense of alibi. And his notice says he intends to
10 introduce witnesses to show that the defendant was
11 at work when the victim was murdered.

12 However, in Mr. Epps' witness list, he has
13 multiple people listed who are witnesses that also
14 gave statements to law enforcement that involve
15 either seeing other people or other cars in the area
16 of the crime scene before the victim in this case
17 had been found.

18 There is also one witness, in particular Mike
19 Dowis, who is a tattoo artist. And he -- his
20 statement most definitely points to the victim's
21 ex-husband. Mike Dowis is a tattoo artist, and
22 apparently the victim's ex-husband went to see him
23 to get a similar tattoo to the victim. That's all
24 the information he provides, other than his opinion
25 about that he thought this interaction was -- was

1 sketchy.

2 So according to the case law for third-party
3 guilt, that there is no proof of a connection
4 between these suspects, these random men or cars in
5 the area. They aren't even -- the men can't even be
6 identified clearly. No clear descriptions of them
7 can be given. No height, weight. Maybe a vague
8 what they might've been wearing. Vehicles are
9 without license plates or ownership.

10 Obviously, Taylor Duncan was the victim's
11 ex-husband. His DNA was collected. It does not
12 match anything on the crime scene. There's no other
13 evidence of him being at that scene when she was
14 killed, either the night before or the day after.

15 In addition, obviously, the defendant has
16 provided his intent to offer alibi, and so these are
17 not part of his case-in-chief at all. This is not
18 part of his defense. He's claiming that he doesn't
19 know who was in the area, but it wasn't him because
20 he was at work and he didn't do it.

21 So we would ask just this -- this evidence
22 would be prejudicial to the jury. It would confuse
23 and mislead them and we would ask that the defendant
24 be prevented from discussing these witnesses and any
25 third-party guilt throughout this trial.

1 THE COURT: All right. Mr. Epps.

2 MR. EPPS: Your Honor, may it please the Court?
3 I'm going to point to the *Holmes v. State of South*
4 *Carolina*, U.S. Supreme Court case. Obviously, I
5 have told the Assistant Solicitor about it. I
6 understand her point about Taylor Duncan and some of
7 these other individuals. That's not what I thought
8 that she was bringing this motion in limine for.
9 There is an issue, Your Honor, about at 202 -- the
10 house where this murder happened was [REDACTED]
11 Street in Iva. Across the street, there is a car
12 wash. There is two witnesses, a Sharon Brooks and
13 a -- and a Thomas Brooks, who at 9:30 on the morning
14 of March 12th of 2018, went to this car wash at --
15 on or about around a little bit after 9:00 a.m. to
16 9:30.

17 All right. They gave a statement. They
18 notified Iva PD who was -- that that -- this
19 happened within their jurisdiction -- they were
20 basically the first responders -- that they had seen
21 a suspicious vehicle in one of the -- a bay at the
22 car wash around 9:30 -- around between 9:00 and
23 9:30 a.m. They also said they saw an individual
24 walking across the street from the direction --
25 basically, the direction of the house with a hoody

1 on and got in the car and drove away. All right.
2 That's -- they contacted Iva and Iva talked to them.
3 And before that, that is about 9:30 in the morning.

4 Now, why that's -- that is -- we believe,
5 that's very relevant. My client, again, we filed a
6 notice of intent of an alibi. We maintain and my
7 client maintains and there's evidence -- and the
8 evidence shows that he's on the road by 6:47 a.m. on
9 March -- the morning of March 12th, and he goes
10 about 19.3 miles -- 20 miles across -- to Anderson
11 to the Meineke on Clemson Boulevard to go to work.

12 He pulls into Meineke at 7:21 a.m., and he's on
13 video from 7 -- when he opens the store at 7:30,
14 he's on video from -- from that point on until he
15 left to come to the house about 2:00 p.m., a little
16 before 2:00 p.m. that afternoon.

17 Why this is important, Your Honor, is that's --
18 there is -- the evidence will show that the victim's
19 cell phone was in [REDACTED] Street after and
20 was active after -- we believe active after my
21 client was at work and on the video at Meineke.
22 That phone stopped receiving activity about
23 8:54 a.m.

24 We believe at that point in time, that phone
25 was in the target -- it was geofencing analysis done

1 around the target -- around [REDACTED] Street of
2 this house. That phone was in that residence at
3 least two hours after my client was at work. The
4 phone stopped getting activity at 8:54 a.m. That
5 phone is gone from that residence. Somebody took it
6 from that residence.

7 That phone has never been found to this day.
8 We've got records -- we've got cell phone -- the
9 State has cell phone records -- cell phone experts.
10 I have Tom Slovenski who's going to testify, so that
11 is an issue. That is -- that is an issue.

12 This is -- one, we think it's -- it's relevant.
13 And it's inconsistent with the guilt of Mr. Lawless
14 who was at work at this time under video with
15 Meineke. We also believe that -- that it's
16 consistent with *State v. Holmes*. This is not
17 speculative. This is not -- this is not so remote
18 that it doesn't matter. We are -- it is on or
19 around the time when they see this individual --
20 when they're at this -- at this car wash across the
21 street, it's at or around the time that this phone
22 stopped getting activity.

23 Now, I will tell you then, there's another
24 witness, a Kyle Martin, that was in that area about
25 4:30 that morning and notified Iva PD and they took

1 him out. And they had -- they had body cam footage
2 about -- and he showed them, I saw a strange
3 individual. There was a car hidden in this wash
4 bay.

5 Now, unfortunately, Kyle Martin, we can't
6 locate him, but there was somebody at -- at --
7 at 4:30 a.m. and then there's somebody at 9:30 a.m.,
8 and we believe given the evidence that her cell
9 phone was in that house, that that cell phone was --
10 was -- was receiving signal and was active, and then
11 it stopped receiving signal at 8:54 a.m., and then
12 it's gone. Somebody took it and it wasn't the
13 defendant because he was at work at Meineke across
14 town in Anderson County.

15 So it's -- it's not -- it certainly goes -- it
16 goes towards -- it's inconsistent with -- it is
17 certainly evidence that he wasn't there. We have a
18 time -- there's an issue about the time of death.
19 Now, the time of my forensic pathologist -- the
20 forensic pathologist, Doctor Rose, said based on her
21 review of the records, that we're looking at 8 to 10
22 hours, a max of 12. Okay. So we're looking 8 to 10
23 hours and this time -- this temperature.

24 Let me back up. This body was found about
25 1:50, close to 2:00 p.m. that afternoon. Iva -- Iva

1 came. Iva couldn't handle a murder, so Iva
2 contacted Anderson, and Anderson County deputies
3 were out there. Ultimately, Jason Hawkins, who is
4 the Chief of Police at Iva at that time, called SLED
5 and SLED came in as a full -- they came in. They
6 took over the investigation.

7 They had to wait from 2:00 p.m. till 5:17, 5:19
8 p.m. for the forensics team to get there. That's
9 when they went into the house. Now, the body
10 temperature and everything was taken about 6:23 p.m.
11 so, you know, we've got -- there -- there's an issue
12 about the time of death. I've got a forensic,
13 Doctor Rose, will opine that, you know, we're
14 looking at probably 8 to 10 hours, so that's all
15 around that time -- that's all around that time
16 around between 8:30, 9:00, 9:30 a.m. when they say
17 they saw this car and they saw this -- this --
18 individual with a hood on and coming across from
19 that area and getting in the car.

20 And I would also note, Your Honor, that I don't
21 think the State can have it both ways, because
22 they -- it's my understanding they intend to try to
23 say that that is -- they -- these two witnesses are
24 on their list. They're going to try to say that was
25 my client's father who was -- whose car was in that

1 wash bay. And I don't think they can have it both
2 ways, if that's what they intend to insinuate that
3 that was my client's father's car hidden in that --
4 that car wash bay.

5 THE COURT: What -- which two witnesses are
6 these?

7 MS. REEVES: Your Honor, it's more than just
8 two. On defense's list, it's Number 1, Mike Dowis;
9 Number 3, Katy Evans; 7 and 8, 12 and 13.

10 MR. EPPS: And I read his answer. And I --
11 I -- we had discussed Taylor Duncan, but if it comes
12 up, that is the victim's -- that is the victim's
13 ex-husband and he's extremely violent. And he was
14 interviewed I think the next day by SLED and he had
15 a big ole bandage on his hand. Now, they said that
16 he went and got -- he had a horse fell on it Sunday,
17 so, you know, and I intend to -- right now, I don't
18 intend to -- I haven't intended to say anything
19 about him. I thought the main reason this motion in
20 limine was even being brought was to deal with the
21 car wash issue.

22 Mike Dowis -- Mike Dowis was the tattoo artist
23 that Taylor Duncan came in shortly after this murder
24 and was acting so paranoid, so -- so out -- off the
25 wall, so it caused him concern, that he reported

1 Taylor Duncan's behavior. Obviously, he had a
2 bandage on his hand.

3 These injuries -- the injuries that the victim
4 sustained happened with a steak knife. My
5 understanding is that there's a very high chance
6 that whoever perpetrated this act -- this
7 violence -- this savage attack upon Ms. -- Ms. --
8 Ms. Duncan could very possibly have injuries on
9 their hand.

10 So, you know, he was -- he had his hand all
11 wrapped up. Now, he talked to SLED. Okay. They
12 didn't unwrap his hand. They didn't check that. He
13 said he crushed it on Sunday. Nobody checked it for
14 a crush injury or a cut injury, so -- but that's --
15 that is -- that -- that -- that's -- that would --
16 that would be my argument as to Duncan. I don't
17 necessarily intend, unless the door is opened or
18 something to that effect.

19 My main -- my main concern was based on my
20 conversations with the Solicitor that it was about
21 the car wash issue, and I know that that car wash,
22 the same witnesses are on their list because they
23 want to say that car wash, the red Cavalier or the
24 alleged red car at the car wash is my client's
25 daddy.

1 THE COURT: All right. Ms. Reeves, any
2 response?

3 MS. REEVES: Yes, Your Honor. I think the
4 defense is -- is arguing, like I said, alibi and
5 would like to use her cell phone activity in support
6 of that. However, the witnesses who specifically
7 have seen this red Chevy Cavalier in the area do
8 not -- all they are doing -- so, yes, we are going
9 to argue that the defendant's father owns a red
10 Chevy Cavalier. It doesn't mean that the defendant
11 did not -- did not commit the crime or hadn't
12 already done it.

13 By bringing up the Brooks' testimony for the
14 defense, I mean, he is casting mere suspicion and
15 conjecture that this person had anything to do --
16 this person that cannot be identified was walking
17 from the home to that red Chevy Cavalier.

18 The defense would like to point out that that
19 was possibly the person who stole her phone and
20 killed her. But, again, he's offering an alibi
21 defense. He is at work. He cannot just speculate
22 without actual connection of who this man is.

23 We're not saying that we definitively know.
24 We're saying that this car was seen in the area and
25 the defendant's father happened to own the same car.

1 So I don't think that these qualify -- I think in
2 terms of -- if he's trying to -- trying to present
3 that evidence because they are on his witness list,
4 you know, I think he is trying to use them to point
5 to third-party guilt.

6 THE COURT: But these are the same witnesses
7 you have on your list?

8 MS. REEVES: Yes, sir.

9 MR. EPPS: Yes, sir.

10 MS. REEVES: But they are not only the ones
11 that he has on this list in reference to other
12 vehicles or other people in the area.

13 THE COURT: All right. Mr. Epps, I give you
14 last word.

15 MR. EPPS: Your Honor, the *State v. Holmes*.
16 Obviously, if you look at the United States Supreme
17 Court case, *Holmes v. State of South Carolina*, I
18 think was what a Gregory case, but there's a case
19 that said obviously it was a South Carolina case
20 that was appealed, but Holmes said there was strong
21 forensic evidence.

22 I would also opine on that is that we're -- at
23 this point in time, we still have a victim with
24 unidentified male DNA on her right hand and a -- and
25 a hair taken from her right hand during the autopsy.

1 So there's certainly -- we certainly don't -- but
2 that issue, as far as the State having strong
3 forensic evidence, that was what *Holmes v. South*
4 *Carolina* state -- South Carolina stated in the
5 United State Supreme Court.

6 And, basically, they said the application of
7 the principle is found in rules, regulated in the
8 admission of evidence proffered by showing that
9 someone else committed the crime for which they are
10 charged. Evidence that shows the comission by
11 another person of the crime charged may be
12 introduced by defense when it is inconsistent with
13 information to a reasonable doubt of their own
14 guilt, but frequently matters offered into evidence
15 for this purpose is so remote and lacks a connection
16 with the crime that they are excluded.

17 This is not so remote. It does have some
18 connection because I -- obviously, our position is
19 that, you know, the phone was active. The phone
20 last got activity around 8:54. This was very, very
21 close in time. And, again, it was right across the
22 street at a car wash snuck in a bay. And somebody
23 suspicious looking with a hoody came across, got in
24 the car, and drove away. And, again, they want to
25 use it for the purposes of saying that it was my

1 client's daddy that was over there and that was him
2 implying that's him and he went in and did something
3 with the scene, so I don't think you can have it
4 both ways, so...

5 THE COURT: Okay. Well, I have -- I've heard
6 from counsel and looked at the law.

7 Ms. Reeves, as to the car wash evidence, I'm
8 going to deny your motion at this time. However, a
9 proper foundation must be laid for the evidence.
10 The State would have the opportunity to object at
11 such time that the issue is brought up.

12 I do not have the luxury at this point of
13 seeing the context in which the evidence is being
14 brought up. I'm having to rely on statements from
15 counsel based on what's anticipated on being brought
16 up. But at this time, I'm going to deny that
17 motion. And it's my understanding from Mr. Epps,
18 he's not going to use the Taylor Duncan hand
19 evidence. And if such time that's brought up again,
20 I will -- I'll decide it based on the context.

21 MR. EPPS: Yes, sir.

22 THE COURT: So any -- anything further at this
23 time?

24 MS. REEVES: No, sir.

25 MR. EPPS: Your Honor, I do have -- I do

1 have -- I do have a motion.

2 THE COURT: Yes, sir.

3 MR. EPPS: My motion would be to deal with --
4 the State has intended -- intends to call Aaron
5 Kenyon, who is the codefendant. Talking with the --
6 with -- with Ms. Reeves, she don't know what he's
7 going to say. Talking to Ms. Ferguson, who
8 represents -- who represents Mr. Kenyon, she don't
9 know what he's going to say.

10 He's had an evaluation. I don't have a copy of
11 the evaluation. I'm not bringing that up as an
12 issue, but he has been -- he has given -- I want to
13 say he's talked to SLED at lest four times and he's
14 given inconsistent statements. He said -- he
15 said -- multiple times he said, "I didn't have
16 anything to do with it." And then he gave a
17 statement that implicated my client. That's what
18 got him charged with -- with this -- with murder.

19 I have heard -- I have heard two different --
20 I've heard that -- that he may take the fifth. I've
21 heard that the charges may be dismissed. I want --
22 my concern is that this man -- if Aaron Kenyon gets
23 on the stand and takes the Fifth Amendment or
24 invokes his Fifth Amendment privilege to not to
25 testify, that is prejudicial to my client.

1 I would ask that before he testifies pursuant
2 to the *State v. Laurens* case, that the Court allow
3 Mr. Kenyon to testify en camera to see if he is, in
4 fact, going to take the fifth. And I don't know if
5 his charges have been dismissed, I don't -- I
6 don't -- I don't know. I know that no offer has
7 been extended to him. But if he takes the fifth, I
8 would ask that it be done -- he be ordered -- that
9 the Court allow him to be en camera to give his
10 testimony. And if he does take the fifth, that he
11 should be -- should not testify -- be barred from
12 testifying pursuant to that *State v. Laurens* case.

13 THE COURT: Ms. Reeves.

14 MS. REEVES: Your Honor, Aaron Kenyon in this
15 case, has given multiple statements. He -- we're
16 going to call him. He's under subpoena. We intend
17 to call him as a witness. If he testifies
18 inconsistently with any of those statements, his --
19 he can be impeached on that, and, certainly,
20 Mr. Epps can cross him on any of that.

21 He has not taken the fifth. And if he -- if he
22 chooses to do that while he's on the stand, I think
23 this issue can be addressed then, but I think it's
24 premature and he has not indicated at this point
25 that he plans to do that.

1 THE COURT: Well ---

2 MS. REEVES: For clarification also, this
3 codefendant is not charged with murder. He is only
4 charged with accessory after the fact, and we are
5 not going forward currently on that charge.

6 THE COURT: The charge is pending?

7 MS. REEVES: It is.

8 THE COURT: And it's factually related to this
9 indictment?

10 MS. REEVES: Yes, sir.

11 THE COURT: Well, I -- I'm going to -- I've
12 read the *State v. Laurens* case, and we -- certainly,
13 the State has the right to call him as a witness,
14 but he's -- he is represented by counsel. And in
15 the event that he was going to exercise his Fifth
16 Amendment right, we will have an en camera
17 hearing ---

18 MR. EPPS: Yes, sir.

19 THE COURT: --- prior -- prior to that and let
20 his testimony be proffered.

21 MR. EPPS: Yes, sir.

22 THE COURT: All right. Anything further?

23 MS. REEVES: No, sir.

24 THE COURT: All right. Let's get our jury.

25 And Juror No. 5 has been elected foreman.

1 MR. EPPS: Your Honor, I apologize. I would
2 like to make a motion to sequester any witnesses.

3 THE COURT: Ms. Reeves, any objection?

4 MS. REEVES: No, sir.

5 THE COURT: Sequester all the witnesses.

6 (At 2:26 p.m., jury entered the courtroom.)

7 THE COURT: All right. Mr. Foreman, ladies and
8 gentlemen of the jury, I hope everyone had a good
9 lunch. We are ready to proceed.

10 Mr. Foreman, you will always sit right there,
11 and then now we have two alternates instead of
12 three. So my two alternates, you will always sit in
13 those chairs. The rest of you are free to move
14 about as you see fit in the -- in the jury box.

15 So we are ready to proceed. The first stage of
16 the trial will be opening statements by the
17 attorneys. Ms. Reeves, is the State ready to
18 proceed?

19 MS. REEVES: Yes, sir. May it please the
20 Court?

21 Ladies and gentlemen, My name again is Kristen
22 Reeves, and I represent the State of South Carolina
23 in the prosecution of Adam Lawless. You all heard
24 this morning that he has been charged with murder.
25 The defendant in this case, Adam Lawless, is accused

1 of murdering his girlfriend, Tabatha Duncan. She
2 was just 24 years old at the time of her death.

3 To convict the defendant of murder, I must
4 prove to you beyond a reasonable doubt all of the
5 elements of murder. Murder is the killing of
6 another person with malice aforethought. Malice and
7 aforethought are two -- maybe not malice, but maybe
8 not aforethought are not very common words.

9 The judge will tell you at the end of the trial
10 what those specifically mean, but we can define
11 malice as a hatred or an ill will or hostility
12 towards another and it is the intentional doing of a
13 wrongful act without just cause.

14 Aforethought just means that it is accompanying
15 the act of killing. It is the intent to do that bad
16 thing, but it doesn't have to be preplanned. It
17 doesn't have to be thought about days in advance.
18 It can be -- come up -- it can come to your mind as
19 you're getting -- as you're making that first blow.
20 So together, malice and aforethought means the
21 combination of the evil intent with the act of
22 killing.

23 Throughout this week, you will hear several
24 witnesses and testimony from them who will tell you
25 that this incident happened on Sunday evening,

1 March 11th of 2018, and then went into the early
2 morning hours of Monday, March 12, 2018. It
3 happened at the home the couple shared together at
4 [REDACTED] Street in Iva, South Carolina.

5 Present in the home that night were the
6 defendant, Adam Lawless, his best friend, Aaron
7 Kenyon, Tabatha Duncan, and two sleeping children.
8 One of the children belonged to the defendant. That
9 child's name is WL [REDACTED] and he was six years old at
10 that time. The second child belonged to both the
11 defendant and Tabatha. That child's name is FL [REDACTED]
12 and she was just two years old.

13 You will hear testimony that there had always
14 been noise and turmoil around this couple. After
15 FL [REDACTED] was born, the couple had separated and lived
16 apart. They went back and forth about custody over
17 their child, but the noise and turmoil always seemed
18 to get a lot louder when the defendant's family was
19 involved.

20 His mother and father, Donna and James or Jim
21 Lawless, lived less than a mile away from this
22 couple. You will hear in the days leading up to
23 Tabatha's murder that Tabatha had discovered that
24 her tax return amount was supposed to be close to
25 \$6,000. You will hear how Donna Lawless, the

1 defendant's mother, was a tax preparer and how she
2 had prepared Tabatha's taxes and had written Tabatha
3 a check for way less than that amount.

4 You will hear how on Friday before she was
5 murdered, Tabatha went to Donna's job to get a copy
6 of her tax return to see for herself what her refund
7 was supposed to be. And because Donna had not done
8 Tabatha's taxes through Donna's employer, Donna was
9 fired. You are going to hear how this event
10 affected the defendant's and Tabatha's relationship
11 throughout the weekend. The noise and the turmoil
12 that surrounded this couple and the pressure on the
13 defendant kept getting louder and louder.

14 Tabatha was going to move out after the
15 results -- or after that Friday events and what
16 happened through that weekend, she was packing her
17 stuff to leave. The defendant himself had already
18 moved on. He had already began again a relationship
19 that he had had with WL's mother. The victim
20 too was beginning to think that she was ready to
21 move on, and had, in fact, that Sunday evening been
22 in communication with a prior boyfriend that she
23 had. In fact, she was on the phone with that
24 boyfriend until probably 1:00 or 2:00 a.m., but
25 that's last that she had or used her phone.

1 The evidence will show that the argument
2 between the defendant and Tabatha started in their
3 daughter's room. This was not like their other
4 arguments. The attack began on a cot that Tabatha
5 was going to sleep on that night. And during the
6 attack, she lost her thumbnail and she lost a nose
7 ring.

8 The argument and attack continued into the
9 kitchen of this home where knives were taken out of
10 a knife block. You will hear how the noise and the
11 turmoil of this relationship ended with a high
12 pitched scream in the laundry room. Tabatha
13 suffered multiple severe injuries to her mouth; her
14 face; her forehead; two chipped teeth. She had
15 blunt force trauma to her brain, which caused it to
16 bleed. She had bruising and scratches or abrasions
17 to her neck. She also had a knife wound, a gash, to
18 the side of her neck that was about two inches long.
19 But, ultimately, those things were not what killed
20 her. What killed her were ten stab wounds to the
21 back that punctured her lungs.

22 You will hear the testimony during this week
23 from Aaron Kenyon, the defendant's best friend, who
24 was there that night. You will hear from crime
25 scene technicians. You will hear from the case

1 investigator and the pathologist who performed her
2 autopsy, as well as other witnesses to talk about
3 what her death set in motion.

4 After you've heard all of this evidence, I know
5 you will be convinced to find this defendant guilty
6 of murder beyond a reasonable doubt. Thank you.

7 THE COURT: Mr. Epps.

8 MR. EPPS: May it please the Court, opposing
9 counsel, and ladies and gentlemen of the jury? My
10 name is William Norman Epps III, and I represent the
11 defendant, Adam Don Lawless. Adam, please stand up.

12 THE DEFENDANT: (Complying.)

13 MR. EPPS: This is Adam Lawless. You can sit
14 down.

15 THE DEFENDANT: (Complying.)

16 MR. EPPS: If he -- on March 12th of 2018,
17 five years ago, he lost too. He was a victim. They
18 charge -- he sits here today and he don't want to be
19 here. He sits here today charged with murder. But,
20 ladies and gentlemen, you took an oath about an hour
21 or two hours ago, as your oath as jurors, to be the
22 fact finders in this -- in this case. And you took
23 an oath to follow the law. And you took an oath
24 when you -- when you raised your hand to -- to --
25 your oath is to find -- well, your oath is, as we

1 sit here right now, Mr. Lawless is innocent. And
2 that burden -- that -- that -- that presumption of
3 innocence has followed him and been with him since
4 March 12th of 2018.

5 March 12th of 2018, when this happened, he was
6 innocent. 2019, he was innocent. 2020, he was
7 innocent. 2021, he was innocent. And 2023, as we
8 sit here today, he is innocent. He is -- he is
9 innocent until -- and throughout this trial, until
10 the State has proven beyond a reasonable doubt that
11 he is guilty. And I would submit to you -- I will
12 submit to you, that is a very, very, very tall --
13 that is a very high burden. We don't think that
14 they'll reach it.

15 Mr. Lawless was in a relationship. Lived at
16 [REDACTED] Street. And that's in Iva, South
17 Carolina. And on the night of March the 11th was on
18 a Sunday. On the night of March the 11th, there
19 were five people in that house. This is a small
20 house in Iva right behind the police department.
21 Right behind the Fiesta Mexican restaurant. There's
22 a car wash across the street, and the Iva square
23 with the Magistrate's Court is -- is right above the
24 house.

25 Five people were in that house that night.

1 There was Adam, there was his girlfriend, Tabatha
2 Duncan, there was his friend, Aaron Kenyon, and
3 there were two children. There were six-year old --
4 six-year old WL [REDACTED] who my client had
5 custody of. That's his son with Kayla Riggins. He
6 also in -- FL [REDACTED] was in the house. That
7 is his child with -- with Tabatha. That is -- that
8 is their child together. There were five people in
9 that house.

10 And the State wants to throw this smoke and
11 mirrors that this happened on the 11th and extended
12 into the 12th, but that's simply not possible.
13 Simply not possible because -- and they'll tell you
14 that they're going to -- they're going to say that
15 they talked about Donna, his mother, being a tax
16 preparer. His mother preparing Tabatha's taxes and
17 didn't give her all the money. Okay. You'll hear
18 about that.

19 But you'll also hear prior to that -- you'll
20 see prior to that, that that wasn't Mr. -- that
21 wasn't Adam. Even though Adam -- Adam and Tabatha
22 had -- had gotten back -- had -- had -- there had
23 some marital litigation going on. They had gotten
24 back together. They were working -- she was
25 planning to move out, but prior to that there was a

1 lot of back and forth, "I love you," "I love you
2 too." All right. This thing -- this tax money
3 thing, we're talking about a couple thousand
4 dollars. Okay.

5 Also -- and it's certainly not a motive to --
6 to -- to -- to cause what happened to this young
7 woman, and it was brutal. It was absolutely
8 heinous. It was an attack. It was -- it was -- it
9 was a vicious, brutal attack.

10 And my client has been affected. He lost his
11 child's mother, but I will tell you that he has
12 raised a defense of alibi. And the defense of alibi
13 is, he doesn't to prove anything. He doesn't have
14 to prove his innocence. He doesn't have to prove
15 his defense -- his defense of alibi. It is the
16 burden upon the State to find -- to prove beyond a
17 reasonable doubt that my client -- that Adam Lawless
18 committed the crime of murder. It's also the
19 State's burden to prove beyond a reasonable doubt
20 that his defense -- to disprove his defense of
21 alibi.

22 It's also -- it's their burden of proof and the
23 judge recently touched on reasonable doubt. What is
24 reasonable doubt? Reasonable doubt is a doubt that
25 a reasonable person would hesitate to act. Wait a

1 minute. You know, you say wait. There's a question
2 there.

3 My client -- Mr. Lawless left that morning.
4 There were five people in that house. He had to
5 work. You -- he worked at Meineke. This is [REDACTED]
6 [REDACTED] Street. This is in Iva. He works at
7 Meineke. He's a car mechanic. He worked at Meineke
8 almost 20 miles away in Anderson County on Clemson
9 Boulevard.

10 So -- and he -- his -- his hours of work are
11 7:30 to the afternoon when he gets off. His days
12 off are usually Sunday and Monday. But because of a
13 friend, a coworker, had to get -- had -- was having
14 a baby or his spouse or his significant other was
15 having a baby, he had got called in to work. He got
16 called in to work that Monday morning on March 12th.

17 So March 12th, he got up. And this is a small
18 house in Iva. Y'all are going to see the house.
19 His uniforms were in the mudroom. He got up a
20 little after 6:00 a.m. He went and -- and got
21 dressed.

22 He got his son WL [REDACTED] up who was six years old
23 and went to kindergarten. Got WL [REDACTED] up. WL [REDACTED]
24 went into the kitchen, tried to get a Pop-Tart.
25 WL [REDACTED] came into the mudroom and tried to talk to

1 Mr. Lawless and -- and -- and talk to him while he
2 was getting dressed.

3 Aaron Kenyon, his friend, got up and -- and got
4 dressed. At that point in time, they all got
5 dressed.

6 And I'm going to back up a minute, because this
7 is the sleeping arrangements for the night of
8 March the 11th. Tabatha slept on the cot with the
9 two-year-old baby in the baby's room, FL [REDACTED] She
10 slept on that blue cot. My client slept in the
11 recliner in the den. His friend slept in the other
12 recliner in the den, and WL [REDACTED] had his own room.
13 His own room. And then across from that room was
14 the master bedroom that Tabatha and -- and Adam
15 shared, but they didn't sleep in there. Tabatha
16 slept on the blue cot in the baby's room.

17 So that morning, he gets up. Gets his son up.
18 Aaron gets up. Aaron goes to work with him at
19 Meineke on that Monday morning. They get in the car
20 and they leave. Okay. At that point in time,
21 they're on video at the Mexican restaurant right
22 next door leaving around 6:47 a.m. They pull in --
23 they're on camera pulling in the Meineke at 7:21
24 a.m. 6:47 a.m. and they're pulling into Meineke at
25 6:21 a.m. [sic] He opens up -- he opens up at 7:30.

1 Opens the store. Turns the computers on and get to
2 work. And from 7:30 a.m., he is on video. He is on
3 video until 2:00 o'clock when he gets the call to
4 come back to his house.

5 He was normal. He acted fine. He acted like
6 smoking and joking like any other day. He didn't
7 have any cuts. He didn't have any injuries. He
8 didn't have any bruises. He didn't have any
9 abrasions. He didn't have anything on him.

10 And the Solicitor is right. That girl was
11 brutally butchered. And it happened -- and the
12 attack -- there's three places in that house where
13 something happened. The cot with the baby's room.
14 The cot in the baby's room. And the bad thing about
15 is, my client took -- my client took his six-year
16 old son to his mother and father's house and they,
17 in turn, they took him to school. I'm going to back
18 up before I get...

19 Tabatha didn't go to work that day. Tabatha
20 stayed in that house. Tabatha was asleep in that
21 bed with FL [REDACTED] in her bed when they left the
22 house. Tabatha was alive. So my client took his
23 son -- and usually he takes both FL [REDACTED] and WL [REDACTED]
24 to his mother and father, and they take -- they take
25 care of FL [REDACTED] take her to daycare and take WL [REDACTED]

1 to school, but that morning he just had WL

2 FL was in the home with her mother.

3 Something happened in that room. She was attacked
4 on that cot while my client was at work at Meineke,
5 and that child was in the house. Unfortunately,
6 that -- that poor baby was in the house. And by the
7 grace of God, the door was shut and that baby wasn't
8 hurt. She's been through some trauma, but the baby
9 wasn't hurt.

10 You'll see there's blood, there's a fingernail,
11 there's a nose ring or an earring, and blood and
12 hair on the blue cot. You'll see there is places --
13 there is a caulk on an armoire that's been ripped.
14 There's some items -- a clothes basket turned over
15 in the cot -- in the -- in the baby's room. You'll
16 also see a sippy cup of what appears it is -- it
17 is -- it is -- diaper -- poop -- poop in the baby's
18 bed. The baby was in there.

19 The attack went -- started in that or happened
20 in that room in the kitchen. The attack was in --
21 she was also attacked in the kitchen. And as the
22 Solicitor said, the knife -- the killing -- the
23 killing weapon came from the butcher's block. There
24 appeared to be apparently a scramble for the knives
25 because there was a knife laying in the floor in the

1 kitchen. There's a gob of blood in the kitchen with
2 some splatter. And through the kitchen, there is a
3 dining room area. There's a table. There's some
4 blood droplets on the table. I will tell you,
5 there's a backdoor in the kitchen that apparently --
6 well, there was a break in some time before. And
7 what they did is, they put hinges and there's a 2 by
8 4 on the back door. That door was open when law
9 enforcement went in.

10 That door was open, but you go through the
11 kitchen and there is -- there's a dining room table.
12 There's some blood transfer on that. You -- there's
13 an open area to the den. There's the recliners and
14 there's a little bit of blood transfer on the
15 recliner.

16 As you go in the den, there's a fireplace and
17 then there's a door to the mudroom. There's blood
18 on the mudroom door. Tabatha got to the mudroom.
19 Tabatha got into the mudroom, and that's where it
20 ended. That's where it -- that's where it ended.

21 And it was tragic. It was hard. And she was
22 stabbed, as the Solicitor said, no less than ten
23 stab wounds to the back. She had blunt-force trauma
24 to her head -- to the head. She had severe chipped
25 teeth. Severe injuries. This was a brutal violent

1 attack that you just couldn't -- just, normally,
2 unless you're a true psycho, you couldn't do what
3 was done to this woman and go have a normal day.

4 Her throat was cut. She laid on the cold
5 concrete linoleum floor for several hours until
6 2:00 p.m. -- around 2:00 p.m. when -- when she was
7 discovered. And the way that happened was while my
8 client was at work, and he told his mother and
9 father that Tabatha was asleep, that she was -- that
10 FL [REDACTED] was with her.

11 Some time in that morning around 11:00 --
12 around 11:00, Tabatha's mother starts contacting --
13 contacting Adam, and said, "Where is Tabatha?
14 You're going to tell me right now, or I'm going to
15 call the police." So Adam calls his mother and
16 father to say, listen, they -- go -- he tried to
17 call. Tabatha's mother said the phone was off the
18 hook. Adam tries to call. No answer. Cell phone
19 no answer. So he tells his mother and father who
20 was at the Walmart in Georgia, "Go check on
21 Tabatha." So they leave and they go -- they get
22 there about 1:40, 1:45.

23 His father, James Lawless, they can't get into
24 the house. They ultimately heard the baby crying,
25 and James Lawless knocked the window out and got

1 into the house. Got the baby. Saw the body. Moved
2 out. Went on the porch. Contacted 911.

3 At that point in time, Tabatha -- some of
4 Tabatha -- Tabatha's family members were there. And
5 my, Jim Lawless, my client's father had a seizure
6 right there on the front steps. Iva responds. Iva
7 goes in the house. Some ES -- EMS workers go in the
8 house.

9 At that point in time, it's roped off. At that
10 point in time, ultimately SLED was called to come in
11 and be the lead investigator. That's at 2:00
12 o'clock. It was cold that day. It was raining that
13 day. Tabatha Duncan laid on that cold linoleum
14 floor in the mudroom from the time this happened
15 till she was found about 2:00 o'clock until SLED
16 forensic team who came from Columbia ultimately went
17 into the house and removed -- and -- and did an
18 investigation and removed the body.

19 Again, my client was at work. I will tell you,
20 there is unidentified male DNA under the victim's
21 right hand fingernails. There is a hair that was
22 found in her right hand of the autopsy that's not
23 been identified.

24 The victim's cell phone that she had recently
25 purchased, it is gone. It was stolen, was taken,

1 has never been found. But you're going to hear
2 test -- you're going to hear from several. The
3 State has cell phone expert. The defense has a cell
4 phone expert -- expert. What is -- what is
5 without -- what is you can't -- what is -- which
6 both sides -- that -- Tabatha's phone was in that
7 house after my client was at work at Meineke.

8 That phone was active. Data was being used.
9 That phone was getting a signal at -- at -- after
10 7:00 a.m. or 6:47 a.m., after my client had left
11 that house. The Google activity stops about
12 8:54 a.m. It's in that house. SLED did a
13 geofencing -- they call it geofencing analysis
14 around [REDACTED] Street where they look for --
15 what they want to do is, you're looking for where
16 you, you know, four corners of an area. In this
17 case, the house. And then you go -- you go to
18 several, say one, two, and three. And you
19 identify -- you exclude certain devices from each
20 stage.

21 Tabatha Duncan's phone was in that residence.
22 Tabatha Duncan's phone was in that residence when my
23 client was at Meineke at work. Tabatha Duncan's
24 phone was taken from that residence while my client
25 was at work across town at Meineke.

1 WL my client's six-year old, was given a
2 forensic interview. He never disclosed -- he didn't
3 disclose any fussing and fighting. Didn't disclose
4 anything. And I promise you, if WL had
5 heard fussing, if WL had heard fighting,
6 WL would've told you, but that didn't
7 happen.

8 Again, ladies and gentlemen of the jury, it's
9 the State's burden to prove -- to prove my client
10 guilty beyond a reasonable doubt. It is the State's
11 burden to prove -- to prove my client -- disprove
12 beyond a reasonable doubt his defense of alibi. And
13 he stands here as we sit now innocent. He's been
14 innocent for five years and he is innocent, and we
15 ask -- I ask the jurors, you, ladies and gentlemen
16 of the jury, to so find Mr. Lawless innocent at the
17 end of this -- this trial. Thank you.

18 THE COURT: Counsel approach.

19 (Sidebar discussion.)

20 MS. REEVES: State calls Tealisa Goetting
21 Evans.

22 (Witness approached.)

23 THE CLERK: If you would, please step forward
24 and raise your right hand.

25 THE WITNESS: (Complying.)

1 THE CLERK: Do you swear or affirm to testimony
2 you give this Court will be the truth, the whole
3 truth, and nothing but the truth?

4 THE WITNESS: I do.

5 THE CLERK: Thank you. You can have a seat in
6 our witness chair.

7 THE WITNESS: (Complying.)

8 THE CLERK: And if you would, please state your
9 full name for the record and spell your last name.

10 THE WITNESS: Tealisa Goetting Evans,
11 E-v-a-n-s.

12 TEALISA EVANS,
13 having been produced and first duly sworn as a
14 witness on behalf of the State, then testified as
15 follows:

16 DIRECT EXAMINATION

17 BY MS. REEVES:

18 Q. Ms. Evans, where did you grow up?

19 A. Starr.

20 Q. Where did you go to high school?

21 A. Crescent High School.

22 Q. And where do you work?

23 A. I'm a part-time substitute teacher for Anderson
24 School District 3. I'm a full-time online college
25 student. I also work second shift for Alleguard in

1 Anderson.

2 Q. Are you married?

3 A. Yes.

4 Q. Do you have any children?

5 A. Yes.

6 Q. How many?

7 A. One.

8 Q. Okay. And how old is he or she?

9 A. He's three.

10 Q. Who are your parents?

11 A. Terri and Tony Goetting.

12 Q. Okay. And do you have a sister named Tabatha?

13 A. Yes, ma'am.

14 Q. Is she the victim in the case today?

15 A. Yes.

16 Q. How much older was Tabatha than you?

17 A. Less than two years.

18 Q. And were you close?

19 A. Yes.

20 Q. Tell us about Tabatha.

21 A. She was smart. She was funny. She liked

22 spending time with her family. She loved her kids

23 very much. And she liked to be goofy all the time.

24 And she was like my person to go to all the time.

25 Q. How tall was she?

1 A. Maybe about five-five, five-six.

2 Q. And what was -- what was her size?

3 A. She was small, tiny.

4 Q. Did she have children?

5 A. Yes, ma'am.

6 Q. How many?

7 A. Two.

8 Q. What are their names?

9 A. Bentley and FL [REDACTED]

10 Q. How old is Bentley -- Bentley now?

11 A. Bentley is ten.

12 Q. And how old is FL [REDACTED] now?

13 A. FL's [REDACTED] seven.

14 Q. Who is Bentley's father?

15 A. Taylor Duncan.

16 Q. Had Tabatha been married to him?

17 A. Yes.

18 Q. And did they get divorced?

19 A. Yes.

20 Q. Who does Bentley live with?

21 A. My parents, Tony and Terri Goetting.

22 Q. And how long has Bentley been living with them?

23 A. Since he was about two days old.

24 Q. How old was Tabatha when she had Bentley?

25 A. Twenty-four.

1 Q. When she had Bentley?
2 A. No. Like 16.
3 Q. Who is FL's father?
4 A. Adam Lawless.
5 Q. At the time of Tabatha's death, where was she
6 living?
7 A. At Street.
8 Q. And is that in Anderson County?
9 A. Yes, ma'am.
10 Q. And who did she live with at that address?
11 A. Adam Lawless, FL and WL
12
13 Q. And do you know who WL is?
14 A. Yes.
15 Q. Who is he?
16 A. Adam's son.
17 Q. Do you know his mother's name?
18 A. Kayla Riggins.
19 Q. And do you know about how old he was in March
20 of 2018?
21 A. Probably about six, seven.
22 Q. And how old was FL
23 A. She was two.
24 Q. How long had Tabatha and the defendant been
25 dating?

1 A. They were on-and-off for about two or three
2 years.

3 Q. How would you describe their relationship?

4 A. Controlling.

5 Q. By whom?

6 A. Adam.

7 Q. Did you witness that?

8 A. Yes.

9 Q. Can you describe the house they lived in?

10 A. It was a single story, three bedroom, one bath.

11 Q. And that was in Iva?

12 A. Yes, ma'am.

13 Q. Where was it located in Iva?

14 A. It was like right off the main street of Iva.

15 Q. Do you know who Adam's parents are?

16 A. Yes.

17 Q. And who are they?

18 A. Donna Lawless and James Lawless.

19 Q. Do you know where they were living in March of
20 2018?

21 A. On H H Foster Drive.

22 Q. And is that also in Iva?

23 A. Yes, ma'am.

24 Q. And how close is that between East Broad Street
25 and H H Foster?

1 A. Less than five minutes of a drive.

2 Q. How did your family get along with the
3 defendant's family?

4 A. There was no -- no relationship between the two
5 families.

6 Q. Why not?

7 A. Because that side was more controlling and
8 tried to get my -- like brainwash my sister and
9 stuff.

10 MR. EPPS: I'm going to object, Your Honor.
11 I'm going to object to that statement. Obviously,
12 she ---

13 THE COURT: Okay. Overruled.

14 BY MS. REEVES:

15 Q. So your family didn't have a relationship with
16 the defendant's family?

17 A. No.

18 Q. Even though Tabatha and the defendant had been
19 dating on-and-off for about two or three years and
20 had a child together?

21 A. Yes.

22 Q. How did Tabatha get along with Adam's mother?

23 A. They were -- they were fine as long as she was
24 getting pleasure, getting pleased.

25 Q. Who is she?

1 A. Donna.

2 Q. I'm going to draw your attention back to a few
3 days before Tabatha was killed. Was there something
4 specific going on between Tabatha and Donna during
5 that time?

6 A. Yes.

7 Q. And ---

8 MR. EPPS: I'm going to -- I'm going to object,
9 unless she can lay a foundation.

10 THE COURT: Okay. Lay a foundation.

11 BY MS. REEVES:

12 Q. Had you had contact with your sister on that
13 Friday before she was killed?

14 A. Yes.

15 Q. Had you been with her all day that day or most
16 of the day -- I'm sorry -- that day?

17 A. Yes.

18 Q. And were you with her right after there was an
19 incident?

20 A. Yes.

21 Q. And what was that incident?

22 A. She had found -- gotten a letter from the IRS
23 and found out that Donna had filed her taxes and...

24 Q. Was it the amount that she got -- that Tabatha
25 got the refund?

1 A. Yes, ma'am.

2 MR. EPPS: I'm going to -- I'm going to object.
3 Sounds like she -- the Solicitor is testifying.

4 THE COURT: Don't -- don't lead the witness.
5 Sustained.

6 BY MS. REEVES:

7 Q. Tell us about more of what you know from your
8 experience, what you were -- the conversations that
9 you had -- sorry. When you were with Tabatha on
10 Friday, what did you understand the problem to be?

11 A. That her taxes were filed the wrong way. She
12 had received the wrong amount that she was supposed
13 to get.

14 Q. And what had -- what, if anything, had Tabatha
15 done that day to try to get -- resolve that issue?

16 A. She went to the tax office to talk to the taxes
17 people about her taxes.

18 MR. EPPS: I'm going to object again, unless
19 she's got direct knowledge to lay a -- lay a
20 foundation, unless she went. Did she ride with her?
21 Did she go with her to this office?

22 THE COURT: Sustained. Lay some foundation.

23 BY MS. REEVES:

24 Q. Tealisa, at what point were you with Tabatha
25 that day on Friday?

1 A. After she had come back from the tax office.

2 Q. And were you in telephone contact with her
3 prior to that, or not until after she had gone to
4 the tax office?

5 A. Not until after she went to the tax office --
6 tax office.

7 Q. And then you were in telephone contact with
8 her. Did you end up seeing her?

9 A. After she come back from the tax office.

10 Q. Where did you see her?

11 A. At the [REDACTED] Street.

12 Q. You went to see her there?

13 A. Yes, ma'am.

14 Q. And at that time did you have a conversation
15 with Tabatha about what had transpired that day?

16 A. Yes.

17 Q. So you learned these things of Tabatha's day,
18 what she had done -- what she had learned about her
19 tax situation?

20 A. Yes.

21 Q. Did Tabatha end up telling you anything that
22 had happened regarding Donna's job?

23 A. Yes.

24 Q. And what was that?

25 A. She had told me that she had gotten fired.

1 Q. You already said this previously. I'm just
2 confirming that -- how did Tabatha get her refund?
3 Had she talked to you about this?

4 A. Yes.

5 Q. On that Friday?

6 A. Yes.

7 Q. And how did she end up receiving her refund?
8 Did she get it directly in her account or no?

9 A. No.

10 Q. How did she get it?

11 A. Through a check.

12 Q. Written by whom?

13 A. By Donna Lawless.

14 Q. How did -- how did Tabatha appear to you when
15 you were talking to her that Friday when you saw
16 her?

17 A. Upset.

18 Q. What was she upset about?

19 A. About her taxes.

20 Q. How did she feel about what had happened to
21 Donna?

22 A. She didn't really feel bad about it because she
23 didn't really have an intention to get her fired
24 from her job.

25 Q. While you were visiting with Tabatha, had the

1 police been called?

2 A. Yes.

3 MR. EPPS: Well, I'm going to -- again, she's
4 got to lay a foundation.

5 THE COURT: Hold on. Counsel approach.

6 (Sidebar discussion.)

7 THE COURT: Mr. Bailiff, take the jury to the
8 jury room.

9 (At 3:09 p.m., jury exited the courtroom.)

10 THE COURT: Okay. Mr. Epps, state your
11 objection again.

12 MR. EPPS: Well, she needs to lay a foundation.
13 It's hearsay -- hearsay, lack of foundation
14 regarding, you know, whether she -- I don't even
15 know if she was there. I don't know anything.
16 She ---

17 THE COURT: All right. Ms. Reeves, go ahead
18 and proffer the testimony about this incident that
19 you're trying to elicit.

20 PROFFER EXAMINATION

21 BY MS. REEVES:

22 Q. Tealisa, were you with your sister Tabatha on
23 Friday, March 9th of 2018?

24 A. Yes.

25 Q. Were you -- where were you together?

1 A. At the [REDACTED] Street.

2 Q. And had you been in phone contact prior to
3 seeing each other that day?

4 A. Yes.

5 Q. Did you find out from Tabatha what had happened
6 from her before you got there?

7 A. Yes.

8 Q. Who was on scene when you got there?

9 A. Iva police officer and Angelica and James.

10 Q. You said Iva police officer and Angelica
11 Lawless?

12 A. Uh-huh.

13 Q. Anyone else?

14 A. James Lawless.

15 MR. EPPS: And who?

16 THE WITNESS: James Lawless.

17 THE COURT: Let her finish the question before
18 you ask questions.

19 BY MS. REEVES:

20 Q. Did you come to find out why the police had
21 been called?

22 A. Yes.

23 THE COURT: This is a proffer.

24 BY MS. REEVES:

25 Q. Were the police still on scene from that

1 incident?

2 A. Yes.

3 Q. Was your sister still upset about what had
4 happened during that incident?

5 A. Yes.

6 Q. Was she crying?

7 A. No.

8 Q. Was she emotional?

9 A. Yes.

10 Q. And upset?

11 A. Yes.

12 Q. She wasn't crying, but she was still under the
13 influence of the emotion?

14 A. Yes.

15 Q. Okay. And what did you learn had happened to
16 her?

17 A. That Angelica Lawless had been over there and
18 choked her and tried to take FL from her.

19 MS. REEVES: Your Honor, that's all the
20 questions I have regarding what happened between --
21 specifically, what happened between -- on that
22 March 9th.

23 THE COURT: Okay. Mr. Epps, do you have any
24 cross-examination on these proffered questions?

25 MR. EPPS: I do.

CROSS-PROFFER EXAMINATION

BY MR. EPPS:

Q. All right. Ms. Evans, you -- you wasn't at the house, is that right, when -- you wasn't at the house when anything -- when -- when -- you did not witness personally anything that you just testified to ---

A. No.

Q. --- regarding Tabatha, Angelica ---

A. No.

Q. --- Jim, or anything; is that right?

A. Right.

Q. So you've got no direct knowledge of anything that may have happened at that house on that -- on March 9th?

A. Only after I come there and the police had been called back.

Q. Okay. But you didn't see -- you didn't witness any of -- of -- of -- of any incident that took -- that may've happened that day -- that night; is that right?

A. Right.

Q. What day -- what time -- what time of day is this?

A. It's around 3:00.

1 Q. Around 3:00?

2 A. Uh-huh.

3 Q. Okay. But you didn't witness anything; is that
4 right?

5 A. Right.

6 Q. So your sole basis of any knowledge that you
7 may have is basically from your sister; is that
8 right?

9 A. Right.

10 MR. EPPS: All right. Nothing further, Your
11 Honor.

12 THE COURT: Ms. Reeves, anything further from
13 the witness?

14 MS. REEVES: Well, yes, Your Honor. Not for --
15 not regarding this issue.

16 THE COURT: On the proffer?

17 MS. REEVES: Right.

18 THE COURT: Mr. Epps, anything further on your
19 objection?

20 MR. EPPS: Just reiterate my objection, Your
21 Honor.

22 THE COURT: Okay. Ms. Reeves, any response?

23 MS. REEVES: Your Honor, I would argue that
24 first of all, this isn't hearsay. It's not being
25 offered for the truth of the matter -- of the matter

1 asserted. I have not asked her what Tabatha said
2 specifically. I'm asking her what her impressions
3 of what may -- what had she come to learn from
4 Tabatha because she came to the incident right
5 after.

6 If it is hearsay, it would be an exception for
7 excited utterance. The victim -- that Tabatha had
8 just gone through this with the defendant's sister,
9 had been attacked, and the police were called. And
10 she came over to the residence right after that
11 happened, while the police were still on the scene.
12 This is the impression of the victim, the -- what --
13 what the victim understood to be happening on that
14 date. And she did witness part of it, but she can
15 come to know the facts because she was there.

16 MR. EPPS: It is hearsay. They're not just
17 say -- I want to -- she -- I got -- I know she's
18 saying that she's trying to get it in. She's not
19 getting her statement, but that's exactly what she's
20 testifying to, what she was told by her sister, not
21 the fact -- or not what was implied by her sister.
22 What was said by her sister. She has no direct
23 knowledge. Absolutely no direct knowledge. And she
24 doesn't know one way or the other. If whether
25 she -- that was even the truth that -- that she was

1 attacked or what happened in that house prior to her
2 getting there.

3 So if it -- it's hearsay, she doesn't know.
4 It's not an excited utterance. I mean, this issue
5 is a present tense or it's not. It's simply just
6 hearsay. She does not know.

7 THE COURT: All right. I will sustain the
8 objection as to the specifics of this incident, the
9 choking and the taking of the child statement.
10 However, I will allow the State to -- to put
11 testimony in that she arrived when the police were
12 there as a result of an incident between them, but
13 stay away from the details of what was actually
14 alleged. So that'll be -- that will be the order of
15 the Court.

16 While we have the jury out, let's just go ahead
17 and take our afternoon break, just a brief break.

18 Ma'am, you're on the witness stand. Don't talk
19 about your testimony with anybody while we're taking
20 the break. Okay.

21 All right. We'll -- we'll take about 10
22 minutes, and then we'll start back.

23 MS. REEVES: Thank you, Judge.

24 (From 3:17 to 3:25 p.m., brief recess.)

25 THE COURT: All right. Thank you. Y'all be

1 seated, please.

2 (Complying.)

3 THE COURT: All right. Mr. Bailiff, would you
4 get our jury please, sir?

5 (At 3:26 p.m., jury entered the courtroom.)

6 THE COURT: All right. Ms. Reeves, proceed.

7 MS. REEVES: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MS. REEVES:

10 Q. Ms. Evans, I believe you were saying on
11 March 9th of 2018, did you go to the victim's house
12 that day?

13 A. Yes.

14 Q. And when you arrived, do you remember what time
15 that was?

16 A. Around 3:00.

17 Q. And who was on scene when you got there?

18 A. Iva P.D., Angelica Lawless, and James Lawless.

19 Q. And was Tabatha there?

20 A. Yes.

21 Q. Anyone else?

22 A. No.

23 Q. Was a child there?

24 A. Yes.

25 Q. Which one?

1 A. FL

2 Q. And when you saw your sister, how was she
3 acting?

4 A. Upset.

5 MR. EPPS: And, Your Honor, may I -- I'm having
6 a hard time hearing. May I step up?

7 THE COURT: You can get closer. And, ma'am, if
8 you want to speak into that microphone. Is her
9 microphone on?

10 THE CLERK: Yes, sir, Judge.

11 THE COURT: All right. Just make sure that's
12 pulled right in front of you.

13 THE WITNESS: (Complying.)

14 THE COURT: All right. Go ahead.

15 MS. REEVES: Thank you.

16 BY MS. REEVES:

17 Q. Did you end up leaving Tabatha's house that
18 day?

19 A. Yes.

20 Q. And who else left?

21 A. My mother.

22 Q. Was she with you the whole time, as well?

23 A. Yes.

24 Q. And did Tabatha stay or did she leave?

25 A. She left.

1 Q. And where was FL [REDACTED]
2 A. She was with my sister.
3 Q. And where did you all go?
4 A. To my mom's.
5 Q. Was Tabatha -- where was Tabatha going to stay
6 that night?
7 A. At my mom's.
8 Q. And did she end up staying?
9 A. No.
10 Q. Where did she go?
11 A. She went back to the [REDACTED] Street.
12 Q. While you were with her at your mom's, was
13 Tabatha ever on the phone?
14 A. Yes.
15 Q. And could you hear who she was talking to?
16 A. Yes.
17 Q. Who was that?
18 A. Adam Lawless.
19 Q. And without saying what he said, how did he
20 sound? Could you actually hear him on the phone?
21 A. Yes.
22 Q. And how did he sound?
23 A. Loud. Cuss words.
24 MR. EPPS: I'm going to object.
25 THE COURT: Overruled.

1 BY MS. REEVES:

2 Q. Did -- did you talk to Tabatha on that Sunday,
3 March 11th?

4 A. Yes.

5 Q. For what reason?

6 A. Because she called me and asked me to bring her
7 some ---

8 MR. EPPS: Again, I'm going to ask -- I'm going
9 to object.

10 BY MS. REEVES:

11 Q. I'm going to ask you not to tell -- say what
12 she said, but what did you do after talking to her?

13 A. I took her some Rubbermaids.

14 Q. Some Rubbermaids like for leftovers, or what
15 was it?

16 A. The big ones, like to pack stuff in.

17 Q. When you saw her on that Sunday, did you notice
18 any injuries to Tabatha?

19 A. No.

20 Q. Nothing to her hands ---

21 A. No.

22 Q. --- or her face? Had Tabatha recently gotten
23 her nails done?

24 A. Yes.

25 Q. And how do you know when that was?

1 A. Because I was the one that took her and dropped
2 her off at the nail salon.

3 Q. And do you remember what color she got them
4 painted?

5 A. Like a baby blue.

6 Q. On every finger?

7 A. Yes. Except for her ring fingers. They were
8 silver.

9 Q. Did Tabatha have a nose piercing?

10 A. Yes.

11 Q. Did she wear jewelry in them?

12 A. Yes.

13 Q. And what was that?

14 A. A diamond stud.

15 Q. Did she have any other piercings or jewelry for
16 that?

17 A. She had her -- she had a mother's ring and like
18 an engagement ring, a mother's neckless. She had
19 her tongue pierced and her lip pierced.

20 Q. Did Tabatha work?

21 A. Yes.

22 Q. And where did she work?

23 A. She was working at Colgate.

24 Q. Was she -- did she do anything -- excuse me --
25 did she do anything else? Was she in school?

1 A. She was going to school for criminal justice.

2 Q. Do you know was she supposed to work on that
3 Monday?

4 A. No.

5 Q. Did you have plans with Tabatha on Monday,
6 March 12th?

7 A. No.

8 Q. Do you know what your mother planned to do on
9 Monday?

10 A. Yes.

11 Q. Okay. And what was that?

12 A. My mother was planning to ---

13 MR. EPPS: She needs to lay a foundation. I
14 would object again. She needs to lay a foundation.

15 THE COURT: Lay some foundation, please.

16 BY MS. REEVES:

17 Q. Over the weekend, did you talk to your mother
18 about her plans?

19 A. Yes.

20 Q. And what were her plans?

21 MR. EPPS: And, again, that's hearsay.

22 MS. REEVES: Your Honor, she ---

23 THE COURT: I'll overrule the objection.

24 MS. REEVES: Thank you.

25 BY MS. REEVES:

1 Q. And what were her plans on that Monday?

2 A. She and my sister were going to the bank to
3 talk to the bank about the check that had been
4 wrote.

5 MR. EPPS: Well, that's ---

6 THE COURT: All right. Mr. Epps ---

7 MR. EPPS: Yes, sir.

8 THE COURT: --- now, first of all. Mr. Epps,
9 can you hear the microphone now?

10 MR. EPPS: I'm having a problem. I apologize,
11 Your Honor, but I'm having a hard time under -- I
12 mean, hearing some of her testimony. That's ---

13 THE COURT: Okay. Go ahead. Ask the question
14 again, Ms. Reeves.

15 BY MS. REEVES:

16 Q. Your mother and Tabatha had plans, you said,
17 for Monday. Where do you live or did you live in
18 March of 2018?

19 A. On Farmer Road.

20 Q. Okay. And where did you mother live?

21 A. On Farmer Road.

22 Q. How far away from each other were you?

23 A. Like three doors up.

24 Q. Okay. So you were close?

25 A. Yes.

1 Q. And these plans your mother had, what -- how
2 did you understand that Tabatha and your mom were to
3 get together that day?

4 A. I had spoke with my mother about her and my
5 sister's plans for that Monday.

6 Q. Okay. And so was anyone coming to your mom's
7 house?

8 A. My sister.

9 Q. And so when you got up on Monday, March 12th,
10 what did you -- what -- about what time did you get
11 up?

12 A. Between 10:00 and 11:00 o'clock.

13 Q. And what did you do after waking up?

14 A. I called my mom and asked her if she had heard
15 from my sister.

16 Q. Did you talk to Tabatha that morning?

17 A. No.

18 Q. What time did Tabatha normally wake up?

19 A. Between 6:00 and 8:00 o'clock.

20 Q. When you talked to your mom, was Tabatha at
21 your mom's house?

22 A. No.

23 Q. Had they gone to the bank?

24 A. No.

25 Q. Had your mom seen Tabatha?

1 A. No.

2 Q. I'm sorry. You answered -- what time did
3 Tabatha normally wake up?

4 A. Between 6:00 and 8:00.

5 Q. A.m. in the morning?

6 A. A.m.

7 Q. During that Monday morning as you're speaking
8 to your mom, did you end up making plans yourself
9 that day?

10 A. Yes.

11 Q. And what was that?

12 A. I was going to get my grandmother.

13 Q. And where does she live?

14 A. In Abbeville.

15 Q. And why were you going to get her?

16 A. Because she asked me to come pick her up to
17 take her to pick up her vehicle. It was in the
18 shop.

19 Q. And how far away does she live from you?

20 A. About 30 minutes.

21 Q. Did you decide to do anything after that
22 conversation with your grandmother?

23 A. Yes.

24 Q. And what did you do?

25 A. I went by the [REDACTED] Street to check

1 and see if my sister was there.

2 Q. Again, had you tried to call Tabatha?

3 A. Yes.

4 Q. More than once?

5 A. Yes.

6 Q. What's your mom's phone number?

7 A. (86 [REDACTED] -0848.

8 Q. She still has the same one?

9 A. Yes.

10 Q. Do you -- were you aware that any other family
11 members were attempting to call Tabatha?

12 A. Yes.

13 Q. Do you know if any of them were able to speak
14 with Tabatha?

15 A. No.

16 Q. So you went to [REDACTED] Street?

17 A. Yes.

18 Q. What happened when you got there?

19 A. I knocked on the front door and I didn't get an
20 answer, so I knocked on FL's [REDACTED] window and didn't
21 get an answer there either.

22 Q. How far away was Tabatha's house from your
23 house?

24 A. Fifteen to 20 minutes.

25 Q. Do you remember about when you got there, what

1 time?

2 A. Around noon.

3 Q. And was anyone else with you at that time?

4 A. No.

5 Q. Was Tabatha's car there?

6 A. Yes.

7 Q. What was she driving at that time?

8 A. A blue Ford Escape.

9 Q. And where was that car?

10 A. In the driveway.

11 Q. Was there another car there, as well?

12 A. Yes.

13 Q. What was that other car?

14 A. It's like a black Honda.

15 Q. Where was that parked?

16 A. In the driveway in front of my sister's car.

17 Q. Did you know who that car belonged to?

18 A. Yes.

19 Q. Who was that?

20 A. Adam.

21 Q. When you arrived on that Monday, you had

22 said -- you said that your sister was not working

23 that day, correct?

24 A. Right.

25 Q. Do you have any idea where -- if the defendant

1 was supposed to be working that day?

2 A. I do not.

3 Q. But no one was home?

4 A. No.

5 Q. No one responded when you called?

6 A. No.

7 Q. WL [REDACTED] where would he go on weekdays?

8 A. School.

9 Q. And where would FL [REDACTED] go on school days?

10 A. Daycare.

11 Q. Did you ever try to open the front door?

12 A. No.

13 Q. Is there a back door?

14 A. Yes.

15 Q. And did you go around and try that back door?

16 A. No.

17 Q. Why not?

18 A. Because I always knew from visiting the house

19 that there was something in front of that door

20 blocking that door.

21 Q. Did you knock loudly?

22 A. Yes.

23 Q. Where is FL's [REDACTED] -- you said you knocked on

24 FL's [REDACTED] window?

25 A. Yes.

1 Q. Where is that in relation to the front door?

2 A. Like right to the left of the front door, right
3 beside it.

4 Q. Did you hear anything, any movement inside the
5 house?

6 A. No.

7 Q. Did you see any movement through the window?

8 A. No.

9 Q. Could you hear anything?

10 A. No.

11 Q. And did anyone respond?

12 A. No.

13 MS. REEVES: Ms. Evans, I'm going to show you
14 what's been previously entered into evidence as
15 State's Exhibit No. 1, and I'm going to show you
16 State's Exhibit No. 1 (a, b, c, d, and e).

17 THE COURT: Ms. Reeves, take -- state for the
18 record -- State's Exhibit No. 1, how many subparts
19 are to that that you've stipulated?

20 MS. REEVES: In exhibit -- State's Exhibit
21 Number 1, there are 77 parts. I believe it goes
22 from 1(a) to 1(yyy).

23 THE COURT: Mr. Epps, are you in agreement with
24 that?

25 MR. EPPS: Yes, sir, Your Honor.

1 THE COURT: All right. Go ahead.

2 BY MS. REEVES:

3 Q. Can you see your screen, Ms. Evans?

4 A. (Affirmative response.)

5 Q. This is State's Exhibit 1(a). What is that?

6 A. The [REDACTED] Street.

7 Q. This is where your sister was living with the

8 defendant?

9 A. Yes.

10 Q. This is 1(b). What is this?

11 A. The front door of [REDACTED] Street.

12 Q. And that's where you were knocking?

13 A. Yes, ma'am.

14 Q. And what is the window on the left of that

15 front door?

16 A. FL's [REDACTED] room.

17 Q. And is that where you knocked, as well?

18 A. Yes.

19 Q. What is the window to the right of the front

20 door?

21 A. The living room.

22 Q. This is 1(c). What is in that picture?

23 A. My sister's car and Adam's Honda.

24 Q. And this was the car that was in the

25 driveway ---

1 A. Yes.

2 Q. --- when you got there? I'm going to put back

3 up the first one. Is there another door at the

4 front of this house?

5 A. Yes.

6 Q. Where is that?

7 A. It's over near the driveway.

8 Q. To the right of the front door? Is that

9 where you're indicating?

10 A. Yes.

11 Q. Okay. And what does that door go into?

12 A. To the laundry room.

13 Q. Did you try that door when you were there?

14 A. No.

15 Q. Where did you normally enter the house when you

16 went?

17 A. The front door.

18 Q. What, if anything, did you do next?

19 A. I went to the -- I actually called my mother

20 and told her that I was not getting a response.

21 Q. Let me stop you. Don't say what you said or

22 what anybody said, but you called your mother?

23 A. Yes.

24 Q. And after calling her, what did you do?

25 A. I went to the police department and the doors

1 were locked, so I went to the magistrate office and
2 told her I needed an officer to do a wellness check.

3 Q. And did you understand that officer was going
4 to respond right then?

5 A. Yes.

6 Q. And so what did you do?

7 A. I went back to the house and waited on the
8 officer.

9 Q. Did an officer arrive?

10 A. Yes.

11 Q. Do you remember how quickly?

12 A. Real quick.

13 Q. What is real quick?

14 A. Like within 2 minutes.

15 Q. And what, if anything, did the officer do when
16 he got there?

17 A. He knocked on the front door.

18 Q. Did he knock loudly?

19 A. Yes.

20 Q. And did anyone respond?

21 A. No.

22 Q. Was there any sound or any movement coming from
23 inside the house?

24 A. No.

25 Q. What did you do next?

1 A. I talked to the officer and told him I knew
2 where my niece was -- went to daycare, that I was
3 going to go to the daycare and see if she went to
4 daycare that day.

5 Q. And which daycare did she go to?

6 A. The Iva First Baptist.

7 Q. And did you do that?

8 A. Yes.

9 Q. And was FL there?

10 A. No.

11 Q. What did you do next?

12 A. I went back by the house and knocked on the
13 door and window again.

14 Q. Did you hear anything at that time?

15 A. No.

16 Q. Were you also trying to call her during this
17 time?

18 A. No.

19 Q. Okay. Just knocking on the window and the
20 door?

21 A. Yes.

22 Q. What did you do next?

23 A. I left and went to my grandmother's.

24 Q. And, again, that was where?

25 A. In Abbeville.

- 1 Q. And how long did it take you to get there from
2 Tabatha's house?
- 3 A. About 15 more minutes.
- 4 Q. When you got to your grandmother's, who else
5 was there?
- 6 A. My grandmother, my Uncle Matthew, and my aunt.
- 7 Q. And without saying what anyone said, did you
8 share the situation with them?
- 9 A. Yes.
- 10 Q. And what situation was that?
- 11 A. That we were unable to get ahold of my sister
12 that day.
- 13 Q. Did you know if there was a hidden key or
14 anything outside?
- 15 A. No.
- 16 Q. Do you know if the defendant had been
17 contacted?
- 18 A. Yes.
- 19 Q. And did you understand that anyone was coming
20 to the house?
- 21 A. Yes.
- 22 Q. Who was that?
- 23 A. James Lawless and Donna Lawless.
- 24 Q. After learning that, what did you do?
- 25 A. We got in my car -- my grandmother, my uncle,

1 and I -- and went back to [REDACTED] Street.

2 Q. And about what time was that?

3 A. About 1:50.

4 Q. Again, when you get back, who is now at the
5 house?

6 A. Donna Lawless holding FL [REDACTED] and James
7 Lawless.

8 Q. And you said Donna was where?

9 A. In the yard holding FL [REDACTED]

10 Q. And where was James?

11 A. Sitting on the porch.

12 Q. Did you notice anything about the front door?

13 A. Yes.

14 Q. What was going on?

15 A. It was opened and there was glass in -- inside
16 the front door.

17 Q. How did FL [REDACTED] appear to you?

18 A. She had wet hair. She was in pajamas. Seemed
19 like she didn't know who I was or know who my
20 grandma was or my uncle.

21 Q. Did you speak with Donna?

22 A. Yes.

23 Q. After you got there, what, if anything, did
24 Donna do?

25 A. She said she didn't know what was going and put

1 FL [REDACTED] in the car and she left.

2 Q. How did Jim appear?

3 A. Like he was having like a seizure.

4 Q. This is State's Exhibit 1(d). What is that a
5 picture of?

6 A. The front door with the broken glass.

7 Q. It -- it's hard to tell in the picture. Is
8 that what that is at the bottom?

9 A. Yes.

10 Q. Okay. And is that how the porch looked when
11 you got there?

12 A. Not the front porch. Not with the glass on the
13 porch, no.

14 Q. Where was the glass?

15 A. Inside.

16 Q. Okay. And what is this a picture of?

17 A. My sister's belongings that she was packing up.

18 Q. This is 1(e). Is this in through the front
19 door?

20 A. Yes.

21 Q. And you can see those are items belonging to
22 your sister?

23 A. Yes.

24 Q. And are those normally in the hallway?

25 A. No.

1 Q. Did you speak to Jim at that time?

2 A. Yes.

3 Q. Did he -- what did he say?

4 A. He told me not to go in the house, to call 911.

5 Q. Did you go in?

6 A. No.

7 Q. What did you understand was going on?

8 A. He -- he just appeared to be having a seizure.

9 And in my mind, I thought something bad had happened
10 so I instantly called 911.

11 Q. Did you know where your sister was?

12 A. No.

13 Q. Did you think she was inside?

14 A. Yes.

15 Q. And you said you called 911?

16 A. Yes.

17 Q. Do you remember about what time that was?

18 A. 1:51.

19 MS. REEVES: I'm going to play for you State's
20 Exhibit No. 2 that has previously been entered into
21 evidence and stipulated by the parties.

22 THE COURT: State's Exhibit 2, is that
23 stipulated, Mr. Epps?

24 MR. EPPS: Yes, sir, Your Honor. That's
25 correct.

1 THE COURT: Exhibit 2 is in evidence by
2 stipulation.

3 (State's Exhibit No. 2 was received into
4 evidence.)

5 (Playing audiotape.)

6 BY MS. REEVES:

7 Q. Ms. Evans, at the beginning of the call, who
8 were you talking to besides the 911 dispatcher?

9 A. Jim.

10 Q. And on the call, you said you thought your
11 sister was missing?

12 A. Yes.

13 Q. Is that what you thought?

14 A. Yes.

15 Q. Did you know what had happened when you first
16 got there and saw the glass?

17 A. No.

18 Q. And by the end of the call, who were you
19 talking to?

20 A. The police officer.

21 Q. Where was he from?

22 A. Anderson.

23 Q. Was he from Anderson or Iva? Is it the same
24 officer that you had spoken to earlier that day?

25 A. Yes.

1 Q. And you had gone to the Iva magistrate's office
2 to find him?

3 A. Yes.

4 Q. And he was the same one that responded to your
5 911 call?

6 A. Yes, ma'am.

7 Q. Who else responded?

8 A. EMS.

9 Q. And after your call when they were responding,
10 did you still understand what had happened?

11 A. No.

12 MS. REEVES: Ms. Evans, that's all the
13 questions I have. Thank you.

14 THE COURT: Mr. Epps, cross-examination.

15 MR. EPPS: Yes, sir, Your Honor. If you would
16 grant me one minute.

17 CROSS-EXAMINATION

18 BY MR. EPPS:

19 Q. Ms. Evans, I am sorry about your sister, but
20 you -- you testified to your knowledge that Tabatha
21 was not going to work. She did not go to work
22 Monday morning; is that right?

23 A. Right.

24 Q. And she was supposed to meet your mother?

25 A. Yes.

1 Q. At some time that morning?

2 A. Yes.

3 Q. Okay. All right. And you stated that you went

4 by the house; is that right?

5 A. Yes.

6 Q. Okay. Did you go -- but you did not go around

7 the back of the house?

8 A. No.

9 Q. Did you go around the side of the house?

10 A. No.

11 Q. Okay. Do you remember what time that was?

12 A. Around noon.

13 Q. Around noon. All right. And then that you

14 came -- you came -- you came back. How did you --

15 you said you knew Jim and Donna were coming to the

16 house. How did you know that?

17 A. By talking to my uncle.

18 Q. Talking to who?

19 A. My uncle.

20 Q. Your uncle. How would your uncle know that Jim

21 and Donna were coming to the house?

22 A. Because he got in contact with Adam Lawless.

23 Q. Your uncle got in contact with Adam Lawless?

24 A. Yes.

25 Q. All right. So you happened to come back -- you

1 said you went to the daycare?

2 A. Yes.

3 Q. Did you talk to anybody at the daycare?

4 A. Yes.

5 Q. Okay. All right. And then from the daycare,
6 you went back to [REDACTED] Street; is that
7 right?

8 A. Yes.

9 Q. Okay. And when you got there, that's -- is
10 that -- Jim and Donna were there; is that right?

11 A. No.

12 Q. Jim and Donna were not there?

13 A. No.

14 Q. Okay. So then you went -- is that when you
15 went to your grandmother's ---

16 A. Yes.

17 Q. --- to pick her up?

18 A. Yes.

19 Q. What time did you go back -- the time you just
20 testified to, do you know what time it was when you
21 came back from the daycare?

22 A. About 12:30.

23 Q. About 12:30. How far was the daycare located
24 from [REDACTED] Street?

25 A. About 2 minutes up the road.

1 Q. Two minutes up the road. And then it took you
2 15 minutes to get to your grandmother's; is that
3 right?

4 A. Yes.

5 Q. Okay. And then you got back. What time did
6 you get back to [REDACTED] Street?

7 A. 1:50.

8 Q. 1:50. And at that point in time, Jim and Donna
9 were there?

10 A. Yes.

11 Q. Is that right? And Jim was carrying FL [REDACTED]
12 out the house?

13 A. No.

14 Q. Okay. All right. But Donna had FL [REDACTED]

15 A. Yes.

16 Q. And you testified that she didn't -- look like
17 she didn't know where she was?

18 A. Yes.

19 Q. Okay. And then Donna put FL [REDACTED] in the car
20 and left; is that right?

21 A. Yes.

22 Q. All right. And then at that point in time,
23 that's when you initiated that 911 call; is that
24 right?

25 A. Yes.

1 Q. And Iva Police Department responded?

2 A. Yes.

3 Q. Did Anderson County respond?

4 A. Not right then and there, no.

5 Q. Okay. But the EMS responded; is that right?

6 A. Yes.

7 Q. Okay. And did you go in at any time -- any
8 point in time, did you go in that house?

9 A. No.

10 Q. At any point in time, did you go around the
11 back of the house?

12 A. No.

13 Q. Okay. But you stayed out front; is that right?

14 A. Yes.

15 Q. All right. And did you stay -- did you realize
16 what was going on?

17 A. No.

18 Q. And did Iva EMS go into the house?

19 A. Yes.

20 Q. And did Anderson County -- anybody from the
21 Anderson County Sheriff's Department arrive at 2 --
22 at [REDACTED] Street?

23 A. Yes.

24 Q. Okay. Did they go in the house?

25 A. Not that I'm aware.

1 Q. Okay. And then at some point in time, law
2 enforcement put tape in front of the house; is that
3 right?

4 A. Yes.

5 Q. Were you allowed to come -- would you -- were
6 you allowed to pass that tape at any time?

7 A. No.

8 Q. Did you stay at [REDACTED] Street that
9 afternoon?

10 A. Yes.

11 Q. Okay. And where did you -- where did -- and
12 who were you with?

13 A. My family.

14 Q. Okay. Who was all your family?

15 A. My parents; my brother; my cousins; my uncles.

16 Q. Okay. And y'all stayed on the scene for how
17 long?

18 A. I was there until midnight.

19 Q. Until midnight. Okay. All right. And did you
20 see -- after -- after tape was put in front of the
21 house, and you were there for the rest of the
22 afternoon, right?

23 A. Yes.

24 Q. Okay. Did any other law enforcement or EMS or
25 coroner's office come to the scene?

1 A. Yes.

2 Q. Did they go into the house?

3 A. Yes.

4 Q. Were people going in and out -- out of that
5 house all afternoon?

6 A. Yes.

7 Q. Okay. Were they telling the family anything?

8 A. No.

9 Q. Did you know what was going on? Did you know
10 what had happened during that afternoon?

11 A. Yes.

12 Q. When did you finally find out?

13 A. After the coroner spoke to my parents.

14 Q. And when was that?

15 A. Not too long after they put the tape up.

16 Q. Ma'am?

17 A. Not too long after they put the tape up.

18 Q. All right. So you said the coroner -- so that
19 was fairly quickly. Are you saying you knew fairly
20 quickly?

21 A. Yes.

22 Q. Okay. Do you know when the coroner arrived?

23 A. No.

24 Q. And you said you stayed there. Did Adam -- did
25 Adam come to the scene?

1 A. Yes.

2 Q. Okay. And was he upset?

3 A. No.

4 Q. He wasn't upset?

5 A. No.

6 Q. He didn't -- did he try to get in the house?

7 A. No.

8 Q. Did they segregate him off and -- and -- and

9 put him in a police car?

10 A. Yes.

11 Q. Okay. But you didn't see him upset? You

12 didn't see him crying?

13 A. No.

14 Q. Okay. All right. And was his family there?

15 A. Yes.

16 Q. Who all from his family were there?

17 A. Angelica Lawless.

18 Q. Okay.

19 A. Donna Lawless; James Lawless.

20 Q. Okay.

21 A. And I know a few of their friends, but I don't

22 know who they were.

23 Q. Okay. All right. And were they upset?

24 A. No.

25 Q. No? Okay. And do you know what happened to

1 FL [REDACTED] and WL [REDACTED]

2 A. No.

3 Q. Okay. And -- but was law enforcement going in
4 and out of that house all afternoon?

5 A. Yes.

6 Q. Okay. Do you remember when SLED got there?

7 A. No.

8 Q. Do you know when SLED -- got any idea when they
9 got there?

10 A. No.

11 Q. And what went on until -- you said you left
12 about midnight?

13 A. Yes.

14 Q. Okay. So what happened? Why did you -- why
15 did you leave at midnight?

16 A. Because I got asked to go to the police
17 department to give a statement.

18 Q. So you gave a statement?

19 A. Yes.

20 Q. Okay. All right. Did SLED finish their -- did
21 law enforcement ultimately leave?

22 A. No. They were there for a little while longer.

23 Q. Okay. But at some time in the -- in the night,
24 did law enforcement leave and return the house to
25 the family?

1 A. Yes.

2 Q. They did?

3 A. Yes.

4 Q. Okay. Do you remember when that was?

5 A. Probably around 11:00.

6 Q. 11:00? Judge, grant me one minute. Did you
7 see anybody talking to Adam on the scene?

8 A. No.

9 Q. At any time that you were at that house, why
10 did you go around back and check the back door?

11 A. I didn't go around back.

12 Q. At any time before -- before you came to the
13 scene about 1:30 or so, when you came earlier, why
14 didn't you go around back?

15 A. Because I honestly forgot about the back door.

16 Q. You forgot about the back door?

17 A. Uh-huh.

18 MR. EPPS: Your Honor, I have nothing further.

19 THE COURT: Any redirect?

20 MS. REEVES: Yes, Your Honor. Just real
21 quickly.

22 REDIRECT EXAMINATION

23 BY MS. REEVES:

24 Q. Did you understand which law enforcement were
25 on scene and which agency they belonged to?

1 A. No.

2 Q. And that back door, did you say that back door
3 was used?

4 A. No.

5 Q. Why not?

6 A. Because it was always blocked by something.

7 MS. REEVES: That's all I have.

8 THE COURT: Anything further from this witness?

9 (No responses.)

10 THE COURT: All right. Thank you, ma'am. You
11 can step down.

12 MS. REEVES: May she be excused, Your Honor?

13 THE COURT: Any objection?

14 MR. EPPS: No objection, Your Honor.

15 THE COURT: All right. The witness is excused.

16 (Witness excused.)

17 MS. REEVES: The State calls Assistant Chief
18 Chris Vaughn.

19 (Witness approached.)

20 THE CLERK: Would you raise your right hand?

21 THE WITNESS: (Complying.)

22 THE CLERK: Do you solemnly swear or affirm the
23 testimony you give this Court is the truth, the
24 whole truth, and nothing but the truth?

25 THE WITNESS: I do.

1 THE CLERK: Thank you. You can have a seat in
2 the witness chair.

3 THE WITNESS: (Complying.)

4 THE CLERK: Would you please state your full
5 name for the record and spell your last name?

6 THE WITNESS: Harry Christopher Vaughn,
7 V-a-u-g-h-n.

8 ASSISTANT CHIEF CHRISTOPHER VAUGHN,
9 having been produced and first duly sworn as a
10 witness on behalf of the State, then testified as
11 follows:

12 DIRECT EXAMINATION

13 BY MS. REEVES:

14 Q. Assistant Chief Vaughn, by whom are you
15 employed?

16 A. City of Belton Police Department.

17 Q. And how long have you been with Belton?

18 A. I've been with Belton since March the 2nd of
19 '22.

20 Q. And what's your current position?

21 A. Assistant Chief.

22 Q. Where did you work prior to Belton PD?

23 A. The Town of Iva Police Department.

24 Q. And how long were you with Iva Police
25 Department?

1 A. A little over 11 years.

2 Q. Were you working at the Iva Police Department
3 in March of 2018?

4 A. Yes, ma'am, I was.

5 Q. And what was your position?

6 A. At that time, I was lieutenant over road
7 patrol.

8 Q. How many years of experience do you have in law
9 enforcement?

10 A. I started my career in September of '99, so
11 almost a little over 23 years.

12 Q. What were your duties and responsibilities as a
13 lieutenant in Iva?

14 A. I was over road patrol, VSROs, and also
15 answering calls. We were a fairly small department,
16 so I also answer calls on the road.

17 Q. On March 12, 2018, did you have occasion to go
18 to [REDACTED] Street?

19 A. Yes, ma'am, I did.

20 Q. And for what reason?

21 A. I was actually out there twice that day. The
22 first time I was out was for a wellbeing check. I
23 was contacted by the county magistrate, Linda
24 Graham. She had a lady in her office that was
25 wishing for a wellbeing check to be done on her

1 sister.

2 Q. And what time did you arrive at that location?

3 A. Roughly, 12:30.

4 Q. And who was at the residence when you arrived?

5 A. That would've been Tealisa Troyer I believe was
6 her name -- last name.

7 Q. And who was she?

8 A. That was the sister of the victim.

9 Q. And what, if anything, happened when you
10 arrived?

11 A. I spoke with her. She had advised me when I
12 got there that her sister, Tabatha Duncan, had
13 planned on going out with her and her mother that
14 day and nobody had been able to get in touch with
15 her that morning.

16 Knocked on the door several times, and I'm
17 going to call it the stereotypical police knock. If
18 you're familiar, it wasn't just a light knock on the
19 door. It was the police presence knock, a hard loud
20 knock.

21 Q. Did you get any response?

22 A. I did not.

23 Q. Did you hear any movement or anything inside
24 the home?

25 A. No, ma'am, I did not.

1 Q. Did you walk around the home and check any
2 other doors?

3 A. I did not.

4 Q. Were there cars in the driveway?

5 A. Yes, ma'am. There were a couple of cars in the
6 driveway. I believe there was two in the driveway
7 and one in the roadway, which would've been
8 Ms. Troyer's vehicle.

9 Q. What did you do next?

10 A. Spoke with her. She had advised me that
11 Ms. Duncan had a, I believe, two-year-old daughter.
12 And usually in the mornings, Ms. Duncan would take
13 the daughter to daycare. She was going to go to
14 daycare, because apparently she was on the list at
15 daycare of approved people that could make contact
16 and get information. She was going to go see if the
17 child was at daycare, and I told her to go ahead and
18 go do that.

19 At that time, the laws were still, what I call,
20 the old laws. It was hard to get an adult, unless
21 it was a life threatening incident, into NCIC which
22 is a national computer base. But I told her if the
23 child was not there, we could get that child into
24 NCIC as a missing person report really easily, to
25 let me know whether the child was at the daycare or

1 not.

2 Q. And did you leave the scene after that?

3 A. I did. And before I left, I had talked to her.
4 I told her, I said -- she asked if she needed to go
5 back to the police department or the city hall. I
6 told her if it was before roughly 1:00, 1:30,
7 somewhere in there, that we'd probably be closed for
8 lunch and told her to call 911, which would go to my
9 dispatch and they could get me a lot quicker than
10 having to hunt -- hunt me down around town.

11 Q. Were you called back?

12 A. I was.

13 Q. Do you remember what time?

14 A. A little before 2:00 o'clock.

15 Q. And this time, how -- how were you notified to
16 go to that scene?

17 A. Through dispatch. I arrived on scene and spoke
18 to Ms. Troyer again. There was another lady there
19 with her, which I later found out is her
20 grandmother, and then another gentleman that was
21 also with her.

22 Those three were together. There was another
23 gentleman sitting on the front porch, kind of leaned
24 up against the post there at the front steps.

25 Q. And how did the house look?

1 A. This time when I got there, the front door was
2 open. The door was -- had the -- like a
3 diamond-shape glass window in it. And that window
4 had been busted out and the front door was open.

5 Q. Just to refresh your memory, I'm going to show
6 you State's Exhibit 1(d). Is that what the front
7 door appeared to look like when you got there?

8 A. The door was open. I cannot -- I can't sit
9 here and say -- it's been five years. I can't sit
10 here and say that the -- the front door, not
11 counting the storm door. I can't say that the front
12 door was completely open as it is there.

13 Q. But the -- the -- the front door was, to some
14 degree, open?

15 A. Yes, ma'am.

16 Q. And the storm door in the front was shut?

17 A. I believe so.

18 Q. And can you see the glass on the ground in the
19 front of that picture?

20 A. Yes, ma'am. I can.

21 Q. I'm also going to show you State's
22 Exhibit 1(g). And what is in that picture?

23 A. That would be the front door that appears to be
24 closed.

25 Q. Okay. And where is the window in this picture

1 that you were speaking of?

2 A. It's inside the center of that wreath covered.

3 Q. How did the gentleman on the porch appear to

4 you?

5 A. Unresponsive. He was leaned -- like I said, he

6 was leaned up to his right up against the corner

7 post of the porch. Eyes open. He was breathing,

8 but he was completely unresponsive.

9 Q. After seeing him, what, if anything, did you

10 do?

11 A. I contacted dispatch and had them dispatch

12 EMS ---

13 Q. For him?

14 A. --- to that location. For him, yes.

15 Q. Do you remember what he was wearing?

16 A. I believe it was a short-sleeved shirt. But

17 then again, it's been five years ago, so it's hard

18 for me to remember exactly what he did have on.

19 Q. Did you end up -- what did you understand the

20 situation to be when you arrived? What information

21 were you -- were you getting?

22 A. That what I was getting was the sister,

23 Ms. Duncan, was missing, and the two-year old was in

24 the home by herself.

25 Q. And did you enter the home?

1 A. Yes, ma'am. After EMS arrived on scene, I did
2 go into the home once they got there and got with
3 the gentleman on the front porch. I started into
4 the house. It was extremely dark inside the house.
5 Shanon Robinson was the medic that was on duty that
6 pulled up that was walking. As she was coming by my
7 car, I asked her to grab my flashlight out of my
8 car, which she did. And once she got the flash --
9 once I got the flashlight from her, I entered into
10 the house.

11 Q. Where did you go first?

12 A. So when you go into the front door of that
13 house, you enter into a hallway. Right inside the
14 front door, there's a doorway that goes to the
15 right. That doorway leads into the living room.
16 It's a large room from the front of the house to the
17 rear of the house. It goes like the living room and
18 the back side of the house is the dining room. It's
19 one big open room.

20 Straight across from the doorway that I entered
21 into the living room, there was another doorway
22 almost completely opposite of it. The door was
23 open, and that was after I went into the living
24 room, I crossed it and stepped into the threshold of
25 that doorway.

1 Q. How had the doorway appeared? Was it open or
2 closed?

3 A. It was open.

4 Q. All the way?

5 A. There again, that's one of those, it's been
6 five years. I can't sit here and say that it was
7 completely opened all the way or -- but it was open
8 enough. I wouldn't -- it was more than cracked I
9 know that.

10 Q. I'm going to show you State's Exhibit 1(jj).
11 Is this the door in the home that you're referring
12 to?

13 A. Yes, ma'am.

14 Q. And, again, that's coming through the front
15 door and to the right?

16 A. Yes.

17 Q. Okay. And you open the door, and what did you
18 see?

19 A. The room itself appeared to be like a laundry
20 room or a mudroom, like a room you would enter from
21 the outside of the home. There was a washing
22 machine, things of that nature, which you would
23 normally see in a laundry room there. And then I
24 found the victim laying in the floor.

25 Q. Did you see anything else?

1 A. Yes, ma'am. There was -- what I noticed right
2 after that was literally between my feet in the
3 doorway, there was a silver in color fixed blade
4 knife, like a steak-knife type.

5 Q. What, if anything, did you notice about the
6 victim?

7 A. I sat there for a minute. A lot of blood that
8 I could tell in her hair on the floor. There was
9 what appeared to be blood on the knife itself. I
10 watched her. I was unable to detect any -- the rise
11 and fall of her chest or her back from the way she
12 was laying on the floor that would indicate that she
13 was breathing.

14 Q. Did you go into the room?

15 A. No, ma'am. I stood -- I was pretty much right
16 there. From where that doorway is from where the
17 victim was laying in the floor was 2 feet, 3 feet
18 maybe, and that was not far.

19 Q. What did you do next after seeing this?

20 A. At that point, I turned. I made a crick --
21 quick -- a quick sweep of the house, pretty much
22 clearing the rooms -- rest of the rooms of the home
23 to make sure that I did not, one, locate the child
24 that's supposedly in the home by herself, and, two,
25 to make sure there was no threats, nobody else in

1 the house that could be a threat.

2 Q. Did you find anyone else in the house?

3 A. No, ma'am. I did not.

4 Q. And did you walk through the house?

5 A. I did. I -- from this picture that's on the
6 screen right here, if you're looking at the picture
7 the way it is, if you go to the left, like I said,
8 that goes into a dining room area. From that dining
9 room to the left is the kitchen area. There's
10 another doorway out of that kitchen that leads into
11 a hallway.

12 When you turn right into that hallway, there is
13 a room to the left. I checked that room real quick,
14 which appeared to be -- it was decorated like it was
15 a little girl's room -- pink, things of that nature.
16 There was a crib in there. Checked that room.

17 Went on down the hallway. There was a -- I'm
18 going to call it a little short hallway to the right
19 about halfway down the hall. Had a closet in it and
20 then the bathroom. Checked there.

21 And then went on down the rest of the hall or
22 the longer hallway. Into the room to the left,
23 there was another bedroom. I checked it.

24 And then there was one last bedroom to the
25 right of it that I checked. It was clear. That was

1 the remainder of the house.

2 I went back immediately to the front door and
3 got Shanon Robinson. Like I said earlier, was the
4 paramedic that was on duty that was there. I told
5 her I needed her inside.

6 Q. And did she enter -- did she enter?

7 A. Yes, ma'am. She did.

8 Q. And did you stay in the house while she came
9 in?

10 A. Yes. She come in. We went in. Same pretty
11 much feeling that I had. She went right back out
12 and asked her partner to bring the monitor in. They
13 entered into the house. I stayed there at the front
14 door at that time.

15 Q. And did they go inside that laundry room?

16 A. I believe so. I was -- I -- to be honest, I
17 was not right there with them during that time. So
18 to the extent of them entering into the laundry
19 room, I do not know.

20 Q. And what did -- what did you do after EMS
21 entered?

22 A. He got on the radio. Started asking for more
23 units out there. I advised dispatch that I had a
24 possible signal 10.

25 Q. And what is that?

1 A. That is a death.

2 Q. Okay.

3 A. Asked for more Iva units and also some county
4 units.

5 Q. Who did you ultimately learn would be handling
6 this investigation?

7 A. Ultimately, I learned that through Jason
8 Hawkins, which held the title of chief at that time.
9 He advised me that SLED was going to be taking the
10 investigation.

11 Q. Why wouldn't Iva have handled it?

12 A. We're -- we were a small department. Road
13 patrol of four to five officers with three -- I'm
14 sorry. I believe at that time we had five SROs, and
15 those four to five road officers included the chief
16 himself. We did not have the manpower or the
17 resources to handle a case of that size.

18 Q. When you were still on scene and calling for
19 some backup, had other officers already shown up on
20 scene?

21 A. Yes, ma'am. Patrolman Ray Kelly, which was an
22 Iva officer. He worked the Iva Elementary School.
23 He was actually at the bank at that time when I
24 first called on the radio. He pulled up.

25 And then there was a Jonathan Villegas, which

1 is a sergeant with Anderson County Sheriff's
2 Department and another deputy that I cannot remember
3 his name at this time. Pretty much the three of
4 those pulled up and walked up at the same time.

5 Q. What, if anything, was done to secure the
6 scene?

7 A. As soon as they walked up to the front of the
8 house to the front porch where I was actually
9 standing, I instructed Officer Kelly to go ahead and
10 start a crime scene log. And then asked the
11 deputies if they would go ahead and start taping off
12 the yard for a crime scene.

13 Q. And what is a crime scene log?

14 A. A crime scene log is a form that we fill out
15 with any pretty much major crimes. And it keeps
16 track of who enters into that crime scene, what time
17 they enter into that crime scene, and what time they
18 leave that crime scene.

19 Q. What does the crime scene tape do?

20 A. Pretty much just a barrier, if you want to call
21 it that. It just sets the crime scene. Gives the
22 officer that hard layer, a physical location not to
23 allow any unauthorized people to cross.

24 Q. And was the crime scene log, you said Officer
25 Kelly started that?

1 A. Yes, ma'am. He was who I instructed to.

2 Q. And was that ever handed off from Officer
3 Kelly?

4 A. It was. At some point, Sergeant Villegas with
5 the sheriff's department ended up with the crime
6 scene log. And then, when then Patrolman Ross
7 Richey, which is now the chief at Belton, he was the
8 SRO at the Starr-Iva Middle School at the time, when
9 he arrived on scene, he took over the crime scene
10 log.

11 Q. Did you -- were you ever in charge of the crime
12 scene log?

13 A. No, ma'am. I was not.

14 Q. And to your knowledge, who else entered the
15 crime scene after you and EMS?

16 A. Jason Hawkins had entered the crime scene.
17 Like I said, he was -- he held the title of chief at
18 that time. I know the coroner entered. Originally,
19 those two deputies, Sergeant Villegas, and the other
20 deputy. And I apologize. I cannot remember his
21 name. They were inside the crime scene.

22 Q. Did they enter the residence?

23 A. No. They did not, but they were -- the crime
24 scene -- like I said, the crime scene contained
25 almost the entire property. Not just the house

1 itself. It sort of extended out almost to the
2 sidewalk in front of the home, all the way around
3 just about to the property line on both sides.

4 And then I'll be honest with you, as far as
5 where it circled around behind the house, I'm not
6 exactly sure of.

7 Q. When you put up that tape though, do officers
8 watch the barrier to make sure that no one comes in?

9 A. Yes, ma'am. They do.

10 Q. And was that done on that day?

11 A. Yes, ma'am. It was.

12 Q. After when you're setting up this crime scene
13 tape, did you eventually learn where the two-year
14 old had gone?

15 A. I did. I had learned that the grandmother had
16 taken the child to her residence.

17 Q. And where did you understand that residence to
18 be?

19 A. H H Foster.

20 Q. And did you know how far away that was?

21 A. I'm go to say off the top of my head, probably
22 roughly a mile, mile and a half, somewhere in there.

23 Q. Did you request anyone go to that residence?

24 A. I did. I actually requested Sergeant Villegas
25 with the sheriff's department to go out and lay eyes

1 on the child and make sure the child -- the child
2 was okay.

3 Q. Do you remember when that was?

4 A. No, ma'am. I cannot sit here -- I do not -- do
5 not remember the exact time of that.

6 Q. What is a CAD?

7 A. A CAD is the report that dispatch keeps track
8 of. Every time there is a call for service,
9 dispatch on their computer, they have a computer
10 system and it keeps track of the time the call come
11 in. It keeps track of when it was dispatched, who
12 it was dispatched to, what time that officer arrived
13 on scene. Pretty much is a log of every single
14 thing that the officers do on scene, everything we
15 call in over the radio, everything. It's just about
16 a complete log of everything that's done.

17 Q. If I showed you the CAD from this incident,
18 would that help refresh your memory of when Officer
19 Villegas or Deputy Villegas was on scene?

20 A. Yes, ma'am.

21 Q. I'm going to hand you that CAD.

22 A. So Sergeant Villegas, which is -- his call
23 number is -- or unit number is Charlie 21. He was
24 dispatched at 1:59:26 seconds. He arrived on the
25 scene at 1:59:27 seconds. I'm sorry. He went en

1 route at 1:59:27 seconds. He arrived on scene at
2 2:00 o'clock and 32 seconds.

3 Q. And does that CAD help you remember when
4 Sergeant Villegas would've gone to H H Foster?

5 A. Yes. It appears, if I'm reading this
6 correctly, he went en route either at 2:14 or 2:17.

7 Q. And after you responded to that location, did
8 he come back to [REDACTED] Street?

9 A. Yes, ma'am. He did.

10 Q. And is that when he took over the crime scene
11 log briefly?

12 A. I cannot state that. I do not know exactly
13 when he took over the crime scene log, but he showed
14 back -- he got back on scene on Broad Street at
15 2:22.

16 Q. And were you still on scene?

17 A. Yes, ma'am.

18 Q. How long were you on scene?

19 A. I was on scene until SLED released the crime
20 scene after their investigation that night.

21 Q. So well into the evening?

22 A. Yes, ma'am. I'm going to say -- well, if it's
23 on here, I can look and tell you exactly. It
24 does -- I don't see my clear time, but I want to say
25 it was after 10:00 o'clock that evening.

1 Q. So you were still on scene when Sergeant
2 Villegas came back to [REDACTED] after having gone to H H
3 Foster?

4 A. Yes, ma'am. I was.

5 Q. Was any indication given at that point that EMS
6 needed to go check out that two-year-old child?

7 A. No, it was not. He told me the child appeared
8 to be safe and healthy at the time.

9 MS. REEVES: I have nothing further.

10 THE COURT: Mr. Epps, before you start your
11 cross-examination, I see some evidence from our
12 jurors that we're getting tired. I'd like
13 everybody -- before we do cross-examination,
14 everybody stand up and stretch your legs. I know
15 it's been a long day, but it's very -- every --
16 every bit of evidence in this case is important to
17 both the State and the defendant and so you need to
18 pay attention to everyone. So stretch -- stretch
19 and let's be alert for the cross-examination.

20 THE JURORS: (Complying.)

21 THE COURT: Okay. You can be seated.

22 THE JURORS: (Complying.)

23 THE COURT: All right. Go ahead, Mr. Epps.

24 MR. EPPS: Thank you, Your Honor. May it
25 please the Court?

CROSS-EXAMINATION

1
2 BY MR. EPPS:

3 Q. Officer Vaughn, how are you?

4 A. I'm good, sir. How are you?

5 Q. Good. And you were -- you were with Iva Police
6 Department back on -- back on March 12th of 2018; is
7 that right?

8 A. That's correct.

9 Q. Okay. And you had appeared -- you were on
10 scene for a well-check about 12:30 that day; is that
11 right?

12 A. Yes, sir.

13 Q. Okay. And you knocked on the door, right?

14 A. Uh-huh.

15 Q. Okay. And but you did not go around the back
16 of the house; is that correct?

17 A. No, sir. I did not.

18 Q. All right. And you can't say for certain
19 whether or not FL [REDACTED] was in the house or not in
20 the house; is that right?

21 A. No, sir. I cannot.

22 Q. You cannot?

23 A. Nope.

24 Q. All right. And it's certainly reasonable
25 she -- she very well could've been in that house,

1 right?

2 A. I guess she could have. Yes.

3 Q. Could've been asleep; is that right?

4 A. That's correct.

5 Q. All right. Now -- and then you were -- you
6 were called back at or about 2:00 p.m.; is that
7 right?

8 A. Yes, sir.

9 Q. Now, you had a body cam -- you had a body
10 camera on your -- on your person when you came back;
11 is that right?

12 A. Yes, sir, I did.

13 Q. And did you activate that body camera?

14 A. I did.

15 Q. Okay. And did you -- that body cam footage
16 showed you -- well, it showed you coming to the
17 house -- going in the house and looking in the
18 mudroom and doing a sweep of the house; is that
19 correct?

20 A. That's correct.

21 Q. Okay. Do you remember what you saw in the
22 kitchen?

23 A. I remember some things. And like I said, the
24 back door, I know the back door has been brought up
25 a good bit.

1 Q. Yes, sir.

2 A. I do not remember whether that back door was
3 open or was closed. I know on my body cam video,
4 you can see the back door is open when I go through
5 there. But to sit here and tell you that I remember
6 that door being open or closed, no, I do not.

7 Q. Was it safe to say, number one, you were
8 looking -- there was, to your information, a child
9 had been in the house and you were looking for any
10 other threats; is that right?

11 A. That's correct.

12 Q. Okay. And you were clearing the house; is that
13 right?

14 A. That's correct.

15 Q. All right. And -- and your body cam footage,
16 did you -- did you take that footage and turn it
17 over to SLED?

18 A. I personally did not. The way those system --
19 that system worked was at the office at the police
20 department, there was -- we had a docking station
21 and it downloaded to the server and also charged the
22 body camera at the same time.

23 So the way that would be done was, I would take
24 the body camera off at the end of shift from when I
25 come in to do reports or whatever periodically, and

1 I would put that body camera in the docking station
2 and it would automatically download to that.

3 At that time I did not have access to the
4 videos. So it would've been either the clerk at
5 that time or the chief at that time would've been
6 the one that actually would download the body cam
7 and turn it over to whomever.

8 Q. But you -- but you -- but you had your body
9 camera activated and you had it running when you
10 went in the house; is that right?

11 A. That's correct.

12 Q. And it accurately reflected the scene and what
13 you saw and what you did in that house on March 12,
14 2018?

15 A. For the most part. Yes.

16 Q. Have you had a chance to review your body cam
17 footage?

18 A. I have.

19 Q. You have?

20 A. Yes, sir.

21 Q. Okay. And is that body cam footage and that
22 was -- is that body cam footage what's been provided
23 in discovery or to the -- to the -- in the process
24 of this case?

25 A. That is the body cam footage that you have that

1 I actually watched with you is the same body cam
2 footage that I watched with Ms. Reeves.

3 Q. And does that body cam foot -- is that body
4 camera footage accurate and accurately reflect what
5 you saw and did that day?

6 A. To the most extent it does. And what I mean by
7 that is, the body cam was mounted to the center of
8 my chest. So if there's things not looked at, if I
9 did not turn my whole body, it did not record every
10 single thing that I seen. But at the same time, it
11 recorded things that I did not see because I was not
12 looking for this. I was looking for a small child
13 or a threat.

14 Q. Right. And, again, like you -- you were -- you
15 were looking for -- there was a report of a small
16 child, plus you were looking for any other threats
17 or anybody else that may be in that house; is that
18 right?

19 A. That's correct.

20 Q. Okay. And you order -- and then EM -- you
21 spoke with EMS and EMS came in. You saw Tabatha
22 Duncan? You saw her body; is that right?

23 A. That's correct.

24 Q. And that body was -- was -- her body was in the
25 mudroom on the floor?

1 A. That's correct.

2 Q. Okay. And you had advised -- you advised EMS
3 and they -- they came into the house at that time;
4 is that right?

5 A. Yes, sir.

6 Q. And you testified that you -- that you asked
7 Officer Ray Kelly to start a crime scene log?

8 A. That's correct.

9 Q. And that crime scene log was -- was brought to
10 the scene and maintained by multiple law enforcement
11 officers; is that right?

12 A. That is my understanding.

13 Q. Okay. I'm going to -- and Officer Vaughn, you
14 had -- you had testified that had -- you watched
15 your body cam footage with me?

16 A. Yes, sir.

17 Q. Okay. And I'm going to -- it was -- was it
18 placed on a disk?

19 A. I -- honestly, I do not know.

20 MR. EPPS: All right. Your Honor, I'm going
21 to move -- I would move at this time to play Officer
22 Vaughn's body camera footage.

23 THE COURT: Was it -- do you have it marked?

24 MR. EPPS: It's not. I would mark it -- I'd
25 like to mark it as Defendant's 4.

1 THE COURT: Ms. Reeves, do you have any
2 objection?

3 MS. REEVES: No, sir, Your Honor.

4 THE COURT: All right. So Defendant's Exhibit
5 No. 4 would be admitted without objection.

6 (Defendant's Exhibit No. 4 was received into
7 evidence.)

8 MR. EPPS: Your Honor, I may need some -- could
9 we take a short, short break?

10 THE COURT: Okay. All right. Mr. Bailiff,
11 would you take our jury to the jury room?

12 (At 4:42 p.m., jury exited the courtroom and a
13 brief recess was had.)

14 THE COURT: Are we ready to go?

15 MR. EPPS: Yes, sir, Your Honor.

16 THE COURT: All right. Get our jury.

17 (At 4:48 p.m., jury entered the courtroom.)

18 THE COURT: All right. Mr. Epps, proceed.

19 MR. EPPS: Thank you, Your Honor.

20 BY MR. EPPS:

21 Q. All right. Officer Vaughn, you've identified
22 what we have on the screen. That is -- that is your
23 body cam footage; is that right?

24 A. That's correct.

25 Q. All right. And that's being activated at

1 1:55:23 on March the 12th, 2018?

2 A. That's correct.

3 Q. And that was at [REDACTED] Street; is that

4 correct?

5 A. Yes, sir.

6 Q. Okay. Now, one thing it says, 12:55:23. Is

7 it -- that was daylight savings?

8 A. That was -- at that time, it had not been

9 changed.

10 Q. Okay. And the time changed that night -- that

11 morning; is that right?

12 A. I do -- I'll take your word for that. I don't

13 know.

14 Q. All right. But this is -- you arrived at [REDACTED]

15 [REDACTED] Street; is that right?

16 A. Yes, sir.

17 Q. Yes, sir.

18 (Playing video.)

19 BY MR. EPPS:

20 Q. And, Officer Vaughn, that was your body cam

21 footage; is that right?

22 A. Yes, sir. It was.

23 Q. Is there any other body cam footage from that

24 day -- that afternoon?

25 A. There should also be body cam footage of the

1 first time I was out there.

2 Q. Okay. But as far as you after -- after you
3 arrived on scene about 2:00 o'clock, did you have
4 any -- did you -- did you activate your body camera
5 at any other time that afternoon?

6 A. I don't believe so, but I can't -- I couldn't
7 swear to that.

8 MR. EPPS: Yes, sir. Your Honor, at this time
9 I would move to mark -- to enter what's been marked
10 as Defendant's 4 into evidence.

11 THE COURT: That's already been admitted.

12 MR. EPPS: Okay.

13 THE COURT: That was admitted before you
14 published it. Is this a different body cam?

15 MR. EPPS: No, sir.

16 THE COURT: That's the one you just played?

17 MR. EPPS: Yes, sir.

18 THE COURT: That's already been admitted.

19 MR. EPPS: Okay. All right. Thank you, Your
20 Honor.

21 BY MR. EPPS:

22 Q. Do you know if any other officer had body cam
23 footage that afternoon?

24 A. I do not know.

25 Q. Okay. All right. Did you -- all right. You

1 stayed on the scene until 10:00 p.m. that night?

2 A. Roughly, in there.

3 Q. And did you stay on the scene until SLED
4 released the property; is that correct?

5 A. That's correct.

6 Q. They -- go ahead. I'm sorry.

7 A. I did leave one time, but that was to escort
8 Mr. Lawless to the police department to where SLED
9 wanted to talk to him.

10 Q. Okay. That's -- that's the defendant, Mr. Adam
11 Lawless; is that ---

12 A. That's correct.

13 Q. Okay. All right. And on your body cam
14 footage, you were looking at the ID -- you had the
15 phone and the identification of Mr. Jim Lawless; is
16 that right?

17 A. I had my phone.

18 Q. That's your phone?

19 A. That was my phone.

20 Q. Okay. But you had Mr. -- Mr. Jim Lawless --
21 James Lawless' identification?

22 A. I believe it was. Yes.

23 Q. Okay. And that was -- Mr. Lawless was on the
24 porch unresponsive; is that right?

25 A. That's correct.

1 Q. Was he placed in the ambulance?

2 A. I believe at some point, he -- they did put
3 him -- take him to the ambulance.

4 Q. All right. And who all -- do you remember --
5 and a crime scene log was maintained that whole day;
6 is that correct?

7 A. As far as I know, yes.

8 Q. Okay. All right. And who all entered the
9 scene during that afternoon?

10 A. Myself.

11 Q. Yes, sir.

12 A. Prior to the tape going up, it would've been
13 myself, both EMS workers, Shanon and Michael,
14 Officer Kelly, both of the deputies that were on
15 scene then that were seen on my camera.

16 Once the tape went up, I know Jason Hawkins
17 entered at some point, the coroner, and the SLED
18 agents.

19 Q. Okay. What time did the SLED agents get to
20 the -- get to the scene?

21 A. I am not sure. I do not have that down. It's
22 not on my log I don't believe.

23 Q. All right. Did y'all have to wait -- what
24 time -- you would initially request, it says
25 something about Anderson forensic ---

1 A. Yes.

2 Q. --- Anderson County forensics?

3 A. That is correct.

4 Q. Okay. And then subsequent to you advising for
5 Anderson forensic, was it changed? Was it -- is
6 that when SLED took over?

7 A. It was. Our previous homicides, we've always
8 had -- while I was there, had Anderson County, the
9 sheriff's department, their forensics and their
10 detectives to assist on that. So at the very
11 beginning, that is the route that I started taking
12 with it. And then I was notified by Jason Hawkins
13 that SLED was actually going to take the
14 investigation.

15 Q. Okay. Was agent -- were any SLED agents there
16 early in the afternoon?

17 A. Yes. Fairly early. I mean, it wasn't late
18 into the evening before they got there.

19 Q. Okay. But the forensic -- did you have to wait
20 on SLED's forensic team?

21 A. Yes, sir. We did.

22 Q. And did they have to come from Columbia?

23 A. Yes, sir. They did.

24 Q. Okay. Now, was that day rainy?

25 A. Yes, it was.

1 Q. Was that day cold?

2 A. Yes.

3 Q. And did Agent Ledbetter -- did Agent Ledbetter
4 arrive on scene prior to SLED's forensic team
5 arrival?

6 A. Yes.

7 Q. Okay. Did Agent Mike Collins arrive on scene
8 prior to SLED's forensic team arriving?

9 A. Yes.

10 Q. And they went into the house, as well?

11 A. Yes. At some point.

12 Q. All right. Now, did you happen to -- at some
13 point, did you start having a crowd outside this
14 house?

15 A. Yes.

16 Q. Okay. And were individuals upset?

17 A. Of course.

18 Q. Okay. Did -- were you there when Mr. Lawless
19 arrived on the scene?

20 A. Yes, I was.

21 Q. Okay. Did you speak to Mr. Lawless?

22 A. I did.

23 Q. All right. Was Mr. Lawless upset?

24 A. He was.

25 Q. Did he try to get in the house?

1 A. I'll be honest, I cannot remember on that. I
2 can't remember if he tried to get into the house or
3 not. I remember speaking to him and him saying,
4 "I've seen them go in where I have not seen my
5 girlfriend or Tabatha," or however, but he was
6 talking about the victim.

7 Q. Okay. All right. He was upset?

8 A. Yes, sir, he was.

9 Q. Was he crying?

10 A. Yes, sir, he was.

11 Q. Did he -- did he ask -- did you -- did he try
12 to find out what had happened?

13 A. He was asked -- he had -- he asked what was
14 going on to that extent. His exact verbiage, I
15 can't remember.

16 Q. Let me ask you this, did you -- did you -- did
17 you know exactly -- I mean, obviously, you saw --
18 was there a question about what was going on through
19 the day?

20 A. I remember -- I remember at some point somebody
21 bringing up the fact that the coroner had said
22 something about it possibly being a suicide.

23 Q. And so there was -- so was there some
24 confusion?

25 A. I -- I don't know as far as everybody else on

1 that. I can only speak for myself. Myself, I --
2 the thought of suicide never crossed my mind.

3 Q. No. Because you saw it, right?

4 A. Yes, sir.

5 Q. You saw it. And that absolutely was not
6 suicide?

7 A. If I'm allowed to speak my opinion, no, I do
8 not feel that it was a suicide.

9 Q. But you saw -- but there was some -- apparently
10 some confusion that day either by -- from the
11 coroner -- the coroner's office?

12 A. From -- from somebody -- somebody had made a
13 statement that the coroner felt that it possibly was
14 suicide.

15 Q. Now, did you -- did -- at -- did you interview
16 Mr. Lawless?

17 A. I did not interview him. No.

18 Q. Did you take pictures of Mr. Lawless that
19 afternoon?

20 A. No.

21 Q. You didn't. Do you know who did take pictures?

22 A. I do not.

23 Q. Did you see anybody take pictures of
24 Mr. Lawless that afternoon?

25 A. Not that I can remember.

1 Q. All right. When he got on the scene, what --
2 what happened as far as -- who did Mr. Lawless --
3 how did he get there? Do you know?

4 A. I do not know how he got there.

5 Q. Do you know who he was with when he arrived on
6 scene?

7 A. No. I can't at this -- five years later, I
8 cannot sit there and tell you. No.

9 Q. Did -- was -- was Mr. Lawless -- I guess is --
10 was he put some -- was he -- was he moved to a -- a
11 patrol car?

12 A. Yes, sir. He was.

13 Q. He was? And why was he moved to a patrol car?

14 A. I was advised prior to -- to once he arrived on
15 scene, to talk to him, let him know the
16 investigators would want to speak with him, and to
17 place him in the car.

18 Q. Okay. So who advised he was placed in the car?

19 A. I believe that it was Jason Hawkins at that
20 time.

21 Q. Okay. All right. And did you have any
22 conversation -- well, did you have any con -- did
23 you have any conversation of substance with
24 Mr. Lawless?

25 A. Not really. When he got there, the best I can

1 remember is we spoke. I told him that the
2 investigators would want to talk to him. I did --
3 because of the situation, I did advise him his
4 Miranda warnings, made sure he didn't have anything
5 in his pockets, patted him down, and I sat him in
6 the back seat of the car. I think I even gave him a
7 water -- a bottle of water and pretty much stayed
8 right there at the vehicle with him the entire time
9 and told him, "If you need anything, whatever, tap
10 on the window. Let me know."

11 Q. Okay. And did he -- he cooperated?

12 A. Absolutely.

13 Q. Okay. And he was upset?

14 A. Yes, sir. He was.

15 Q. All right. And then you took -- then you
16 transported Adam down to Iva to give a statement; is
17 that right?

18 A. To the -- down to the police department.

19 Q. Okay. Did he give a statement to SLED?

20 A. I do not know. I wasn't in there.

21 Q. Okay. So you wasn't in there?

22 A. No.

23 Q. You -- you just took him to the station; is
24 that right?

25 A. That's correct.

1 Q. All right. Did you transport him back to [REDACTED]
2 [REDACTED] Street after -- afterward?

3 A. I don't believe I did.

4 Q. Did you have any -- did you see Adam at all any
5 that night?

6 A. After that, I know I gave him his property
7 back, everything with the exception of his cell
8 phone I believe it was.

9 Q. Okay. So he willing -- he -- he gave SLED his
10 cell phone that night; is that right?

11 A. I'm not sure if he handed it over wrapped up on
12 a silver platter or if they got a search warrant, I
13 do not know.

14 Q. Okay.

15 A. But I know I was told to give him back his
16 property, with the exception of his cell phone.

17 Q. All right. To your knowledge, I mean, he was
18 cooperative that day on the scene, right?

19 A. With me and the dealings I had with him, yes,
20 sir, he was.

21 Q. All right. And did you have any -- did you
22 have any part in any other investigation subsequent
23 in this case -- subsequent to March 12, 2018?

24 A. No, I did not.

25 MR. EPPS: Okay. Court grant me one minute.

1 All right. Officer Vaughn, thank you, sir. Your
2 Honor, I have no further questions at this time.

3 THE COURT: Is there anything further from this
4 witness?

5 MS. REEVES: Just two.

6 REDIRECT EXAMINATION

7 BY MS. REEVES:

8 Q. Officer Vaughn, was the defendant under arrest
9 when you put him in the back of the patrol car?

10 A. No, he was not. I even expressed to him that
11 he was not under arrest or in any trouble at that
12 time.

13 Q. And was that information about this being a
14 suicide, was that from the defendant's family?

15 A. I'll be honest with you, I do not know who that
16 was from. I just remember that it was -- it was
17 said that it could possibly be a suicide. I know
18 that myself, Patrolman Kelly, and at the time
19 Patrolman Richey, which is now Chief Ross Richey
20 with Belton, was kind of -- the three of us were
21 kind of a little dumbfounded about that, but exactly
22 who that came from, I cannot say.

23 MS. REEVES: Nothing further.

24 THE COURT: All right. Thank you, Officer.
25 You can step down.

1 MS. REEVES: Can this witness be excused?

2 THE COURT: Any objection?

3 MR. EPPS: No -- no objection, Your Honor.

4 THE COURT: Officer, you are excused.

5 THE WITNESS: Thank you, sir.

6 (Witness excused.)

7 THE COURT: Okay. Ladies and gentlemen, that
8 will conclude today. We will start in the morning
9 at 9:00 o'clock, so be in the jury room shortly
10 before 9:00 o'clock.

11 Now, remember your instructions: Don't talk
12 about the case. I know your family is going to want
13 to know all about it. Just tell them you can't talk
14 about it. No independent research or investigation
15 in either the facts or the law. And don't talk
16 about the case amongst yourselves. When you see
17 each other, you can talk about anything you want to
18 except this case. And, again, I'll tell you at the
19 end when you can start your deliberations.

20 So thank you for your attentiveness today, and
21 we will see everyone at 9:00 o'clock in the morning.

22 (At 5:18 p.m., jury exited the courtroom.)

23 THE COURT: Madam clerk, one of the juror needs
24 something.

25 (Brief recess.)

1 THE COURT: All right. Let's go back on the
2 record. Counsel, Juror No. 195 here has informed
3 the Court that she may recognize one of the people
4 sitting in the audience.

5 Ma'am, is this a close friend of yours?

6 THE JUROR: Someone I know personally.

7 THE COURT: Okay. Is this a -- is this a
8 witness?

9 THE JUROR: I'm not sure. I just -- I don't
10 think so.

11 THE COURT: Okay.

12 THE JUROR: I just wanted to make you aware of
13 it.

14 MS. REEVES: Judge, the witnesses have been
15 sequestered.

16 THE COURT: Right. That's -- that's correct.
17 This name didn't come up as far as the witnesses
18 that I called out the names?

19 THE JUROR: No.

20 THE COURT: Okay. And so the fact that someone
21 that you may know is sitting in the audience, do you
22 feel that you could be fair and impartial?

23 THE JUROR: I mean, I think. Like I said, I
24 just never -- I never did -- I just didn't want
25 to ---

1 THE COURT: I mean, you did the right thing in
2 calling it to the Court's attention ---

3 THE JUROR: Yeah.

4 THE COURT: --- but I'm going to ask you, can
5 you be fair and impartial?

6 THE JUROR: I think so.

7 THE COURT: Okay. Anything from the State?

8 MS. REEVES: No, sir.

9 THE COURT: Anything from the defense?

10 MR. EPPS: I apologize, Your Honor. I could
11 not hear. I mean, was she -- I want to know if she
12 can be -- I mean, obviously ---

13 THE COURT: All right. I'm going to --
14 Mr. Epps couldn't hear your answer. I'm going to
15 ask you again. Do you feel you could be fair and
16 impartial?

17 THE JUROR: Yes. I think I can.

18 MR. EPPS: And does she know -- she saw -- it's
19 my understanding she saw somebody sitting in the
20 audience?

21 THE COURT: Somebody sitting in the audience
22 that she recognized that's not a witness.

23 MR. EPPS: Would it be on this side of the room
24 or this side of the room?

25 THE JUROR: That side of the room (indicating).

1 MR. EPPS: So it's this side of the room
2 (indicating)?

3 THE COURT: So it's over here (indicating).
4 Anything for the record, Mr. Epps?

5 MR. EPPS: Could she identify how does she
6 know -- do you know who it is?

7 THE COURT: Which -- which person is it?

8 THE JUROR: That lady sitting right there
9 (indicating).

10 UNKNOWN SPEAKER: She's -- I'm a restaurant
11 manager. She comes to my job. We've known each
12 other quite a while.

13 THE COURT: Okay.

14 UNKNOWN SPEAKER: I'm just here for support.

15 THE JUROR: I didn't notice her until I got up
16 there, so that's why I'm just now telling you.

17 THE COURT: Okay. All right. Ms. Reeves, you
18 don't have any -- do you have anything for the
19 record?

20 MS. REEVES: I don't know who that is that
21 she's saying she knows.

22 THE COURT: This is not a witness. Is this a
23 member of your client's family?

24 UNKNOWN SPEAKER: I'm just a family friend.
25 I'm just hear for support. I'm hearing a lot of

1 stuff for the first time myself.

2 THE COURT: All right. Ms. -- Ms. Powell, I'm
3 go to excuse you from this case. I don't want you
4 to be placed in an awkward situation. You also
5 hesitated when I asked you if you could fair and
6 impartial.

7 THE JUROR: Yeah.

8 THE COURT: I understand that, but if you know
9 the people so I'm going to excuse you. The second
10 alternate would become a primary juror, so thank
11 you, ma'am. You are -- you are excused.

12 THE JUROR: Thank you. I just wanted to let
13 you know.

14 THE COURT: Okay. Anything further from either
15 side before we go into recess?

16 MS. REEVES: No, sir.

17 MR. EPPS: No, sir.

18 THE COURT: All right. We'll see you at 9:00
19 o'clock in the morning.

20 (At 5:24 p.m., proceedings concluded for the
21 day.)

22 April 11, 2023

23 THE COURT: Okay. Let's go on the record.
24 Anything from either side before we get our jury?

25 MS. REEVES: No, sir.

1 MR. EPPS: Your Honor, I just -- I was notified
2 this morning. Obviously, Mr. Aaron Kenyon is going
3 to testify. I had previously addressed if the
4 issue -- if Mr. Kenyon was going to take the fifth,
5 that that be done en camera so we can deal with
6 *State v. Laurens*, but if he's not going to take the
7 Fifth I'd like to know prior.

8 THE COURT: Well, Ms. Reeves, when do you plan
9 on calling Mr. Kenyon?

10 MS. REEVES: He's the first witness this
11 morning.

12 THE COURT: Okay. Is his attorney present?

13 MR. EPPS: Yes, sir.

14 THE COURT: All right. Let's go ahead and deal
15 with that.

16 MS. REEVES: Your Honor, I have no indication.
17 I've spoken with Mr. Kenyon this morning. He is
18 willing to take the stand, but there's -- he's not
19 indicated that he's going to plead the fifth.

20 THE COURT: Well, let me -- let me hear from
21 his attorney. He has pending -- pending charges.

22 MS. FERGUSON: May it please the Court, Your
23 Honor.

24 THE COURT: Ms. Ferguson, if you will come
25 forward.

1 MS. FERGUSON: Of course. May it please the
2 Court, Your Honor?

3 THE COURT: Yes, ma'am.

4 MS. FERGUSON: I have advised him about the
5 Fifth Amendment, both of the United States
6 Constitution and the South Carolina Constitution.
7 He is quite nervous about testifying, but at this
8 point I believe he's willing to go forward.

9 THE COURT: All right. Get Mr. Kenyon in here.

10 MS. FERGUSON: He's here.

11 THE COURT: All right. Well, get him in here.

12 MS. FERGUSON: To the stand, Your Honor?

13 THE COURT: He can -- well, yeah, come around
14 to the witness stand.

15 THE WITNESS: (Complying.)

16 THE CLERK: If you would, please stand and
17 raise your right hand.

18 THE WITNESS: (Complying.)

19 THE CLERK: Do you solemnly swear or affirm the
20 testimony you give this Court is the truth, the
21 whole truth, and nothing but the truth?

22 THE WITNESS: I do.

23 THE CLERK: Please state your full name for the
24 record and spell your last name.

25 THE WITNESS: Aaron Joseph Kenyon, K-e-n-y-o-n.

1 THE CLERK: You can have a seat.

2 THE WITNESS: (Complying.)

3 THE COURT: Ms. Ferguson, would you like to ask
4 your client any questions about the Fifth Amendment
5 right?

6 MS. FERGUSON: Very briefly, Your Honor. May
7 it please the Court?

8 THE COURT: Yes, ma'am.

9 EXAMINATION

10 BY MS. FERGUSON:

11 Q. You are Aaron Joseph Kenyon?

12 A. Yes.

13 Q. Mr. Kenyon, you and I have had conversations
14 about your rights pursuant to the Fifth Amendment of
15 the United States Constitution?

16 A. Yes.

17 Q. Do you understand those rights?

18 A. Yes.

19 Q. Did you understand your conversations with me
20 about them?

21 A. Yes.

22 Q. And at this point, are you willing to enter
23 your testimony in this case?

24 A. Yes.

25 Q. Do you intend to avail yourself of the rights

1 of the Fifth Amendment?

2 A. Yes.

3 THE COURT: Okay. All right. You can be
4 seated.

5 MR. EPPS: He said "yes."

6 BY MS. FERGUSON:

7 Q. And in other words, you don't -- you're not
8 going to testify? You want the protection of the
9 Fifth Amendment?

10 A. No. I'm going to testify.

11 Q. Oh, yes, sir. So you -- you're not going
12 to ---

13 A. No.

14 Q. You don't think there's anything ---

15 A. (Nonverbal response.)

16 MS. FERGUSON: Okay. Yes, sir. He will offer
17 his testimony, Your Honor.

18 THE COURT: Okay. All right. Any -- anything
19 from the State on that issue?

20 MS. REEVES: No, sir.

21 THE COURT: Anything from the defense on that
22 issue?

23 MR. EPPS: No, sir.

24 THE COURT: All right. Let the record reflect
25 Mr. Kenyon has waived his Fifth Amendment rights

1 with his attorney present.

2 MS. REEVES: Should he stay?

3 THE COURT: Yeah. You said he's going to be
4 the first witness?

5 MS. REEVES: Yes, sir.

6 THE COURT: He -- he can continue to stay here,
7 but you'll have to announce his name as a witness
8 when the jury comes in.

9 Mr. Bailiff, would you get our jury, please.

10 (At 9:18 a.m., jury entered the courtroom.)

11 THE COURT: Mr. Foreman and ladies and
12 gentlemen of the jury, good morning.

13 THE JURORS: (Responses.)

14 THE COURT: I hope everyone had a good evening.
15 Now, let -- let me emphasize. As you heard
16 yesterday, we have a number of witnesses that --
17 that have been submitted. And so I'm going to do my
18 best to get us through this as efficiently as
19 possible, so please make an effort to be on time.
20 It's not fair to your fellow jurors and to the
21 parties of the cases and the people that are putting
22 forth a lot of effort to present this case on both
23 the prosecution and the defense, so please be on
24 time.

25 So we're ready to proceed. Ms. Reeves, state

1 the name of this witness.

2 MS. REEVES: Yes, Your Honor. This is Aaron
3 Kenyon.

4 THE COURT: Okay. And, Mr. Kenyon, you have
5 already been placed under oath by the clerk. So,
6 Ms. Reeves, please proceed.

7 MS. REEVES: Thank you, Your Honor. May it
8 please the Court?

9 AARON KENYON,
10 having been previously produced and first duly sworn
11 as a witness on behalf of the State, testified as
12 follows:

13 DIRECT EXAMINATION

14 BY MS. REEVES:

15 Q. Mr. Kenyon, how old are you?

16 A. Twenty-five.

17 Q. And where do you live?

18 A. [REDACTED] Drive.

19 Q. And who do you live with?

20 A. My mom, my stepdad, and my little brother.

21 Q. You mentioned your mom. Are you close with
22 her?

23 A. Very close.

24 Q. Where were you born?

25 A. Barre, Vermont.

1 Q. And when did you move to South Carolina?
2 A. 2006 or -7.
3 Q. Do you remember how old you were when you moved
4 here?
5 A. I don't.
6 Q. What jobs have you had?
7 A. Cook at Denny's. Cook at IHOP.
8 Q. Only cooking?
9 A. Yeah, and dishwashing.
10 Q. Any other jobs?
11 A. No.
12 Q. Do you have any children?
13 A. Two.
14 Q. What are they, boys or girls?
15 A. Both girls.
16 Q. And how old are they?
17 A. Five and four.
18 Q. Do you know Adam Lawless?
19 A. Yes.
20 Q. How do you know him?
21 A. That was my best friend.
22 Q. When was that your best friend?
23 A. Five, six years ago.
24 Q. How long did you know him when he was your best
25 friend?

- 1 A. Four or five years.
- 2 Q. And did you ever live together?
- 3 A. Off and on.
- 4 Q. Did you live at his house?
- 5 A. Sometimes.
- 6 Q. Where was that?
- 7 A. Broad Street in Iva.
- 8 Q. Are you familiar with Tabatha Duncan?
- 9 A. Yes.
- 10 Q. Did you live with the defendant when she lived
- 11 there?
- 12 A. No.
- 13 Q. Did you live with him prior to?
- 14 A. Yes.
- 15 Q. And was she living there at the same time?
- 16 A. No.
- 17 Q. When you lived there with the defendant, was he
- 18 together with Tabatha?
- 19 A. Off and on.
- 20 Q. How old were you in March of 2018?
- 21 A. Nineteen.
- 22 Q. And where were you working then?
- 23 A. Denny's.
- 24 Q. Let's talk about Sunday, March 11, 2018. Did
- 25 you spend the night with the defendant on that

1 night?

2 A. Yes.

3 Q. Why were you going over there to spend the
4 night?

5 A. To hang out like we usually did.

6 Q. Did you have to work on Monday?

7 A. No.

8 Q. Did he have to?

9 A. Yes.

10 Q. Where was he working?

11 A. Meineke.

12 Q. Was there any other reason you went over to the
13 house?

14 A. No.

15 Q. How was your relationship with Tabatha?

16 A. We didn't really have a relationship.

17 Q. Does that mean you did or did not get along?

18 A. We got along. We just didn't really talk as
19 much.

20 Q. When did you see the defendant on Sunday?

21 A. Probably late afternoon.

22 Q. Where did you see him?

23 A. At my house.

24 Q. And why was he there?

25 A. To pick me up to go to his house.

- 1 Q. When he picked you up, where did you go?
- 2 A. To his other child's mother's house.
- 3 Q. What's her name?
- 4 A. Kayla.
- 5 Q. And why did you go over there?
- 6 A. To pick WL up.
- 7 Q. What happened when you got there?
- 8 A. Those two, Kayla and Adam, walked in the house.
- 9 Q. And where were you?
- 10 A. In the car with WL
- 11 Q. How long would you say that the defendant and
- 12 Kayla were inside?
- 13 A. Thirty to 45 minutes.
- 14 Q. And did they both come out together?
- 15 A. Yes.
- 16 Q. And how did Kayla look when she came out?
- 17 A. Her face was red.
- 18 Q. How did the defendant look?
- 19 A. Like normal.
- 20 Q. And what did he do when he came outside?
- 21 A. Told me not to tell Tabatha what happened.
- 22 Q. What did you understand had happened?
- 23 A. They had intercourse.
- 24 Q. The defendant and Kayla?
- 25 A. Yes.

1 Q. Where did you go from there?

2 A. To his house.

3 Q. Who was at his house when you got there?

4 A. Tabatha and his youngest daughter, FL [REDACTED]

5 Q. Where were you going to sleep that night?

6 A. In the living room.

7 Q. Do you know where Tabatha and the defendant
8 were going to sleep that night?

9 A. Probably in the bedroom where they always
10 slept.

11 Q. Did she still have her stuff in there?

12 A. Some of it.

13 Q. Where did he end up sleeping?

14 A. In the living room.

15 Q. Where did she end up sleeping?

16 A. I'm not sure.

17 Q. What happened after you arrived?

18 A. We went outside. We smoked some pot to get
19 high like we usually do. We played video games.
20 And that's all we usually do.

21 Q. Is that what happened that night?

22 A. Yes, ma'am.

23 Q. Was anything going on between Adam and Tabatha?

24 A. Little altercations, like he -- we were hungry.
25 She wanted to cook. We didn't have no bread, so she

1 had to go to the store and he didn't want to go with
2 her.

3 Q. And do you know what store she went to?

4 A. I'm not exactly sure the name of it.

5 Q. But she left at some point to get bread?

6 A. Yes.

7 Q. And did anyone go with her?

8 A. No.

9 Q. Both children were left in the home?

10 A. I'm not sure.

11 Q. How long did that trip take her?

12 A. Not very long.

13 Q. And what happened when she got back?

14 A. She threw the money and bread into his lap.

15 Q. Why did she throw it?

16 A. Because she -- he didn't want to go with her.

17 Q. What was he doing instead?

18 A. Playing the video game with me.

19 Q. Was there tension between the two of them?

20 A. There's always been tension between the two of
21 them.

22 Q. So were they arguing at that point or just
23 tension?

24 A. More tension.

25 Q. Was Tabatha ever on her phone that night?

1 A. Yes.

2 Q. At what point? Before or after she came back
3 from the store?

4 A. After.

5 Q. Did you know who she was talking to?

6 A. No.

7 Q. Did the defendant appear to know who she was
8 talking to?

9 A. No.

10 Q. Did he make any comments about her being on the
11 phone?

12 A. That she's always on the phone.

13 Q. With anyone in particular?

14 A. Just everybody.

15 Q. She never said anything about -- or he never
16 said anything about being on the phone with her
17 mother?

18 A. I don't recall.

19 Q. Did you know about a -- let me ask you this:
20 How -- how long was -- how late was WL up that
21 night?

22 A. 8:00 or 9:00 o'clock.

23 Q. Did the defendant continue to talk to Kayla
24 that night?

25 A. I'm not sure.

- 1 Q. WL went to bed at what time?
- 2 A. 8:00 or 9:00.
- 3 Q. And what did y'all do after he went to bed?
- 4 A. I still played the video games.
- 5 Q. What did Adam do?
- 6 A. He was sitting in the chair across from me.
- 7 Q. Was he on his phone?
- 8 A. Yes.
- 9 Q. Were you on your phone?
- 10 A. Off and on.
- 11 Q. Who were you communicating with?
- 12 A. My daughter's mother.
- 13 Q. Anyone else?
- 14 A. That's it.
- 15 Q. Who's Angel?
- 16 A. His sister.
- 17 Q. Do you know her?
- 18 A. Yes.
- 19 Q. Were you talking to her that night?
- 20 A. Probably.
- 21 Q. Through call or text?
- 22 A. I'm not a hundred percent sure.
- 23 Q. What, if anything, happened after the children
- 24 went to bed?
- 25 A. Arguments.

1 Q. Where did WL sleep?
2 A. In his room.
3 Q. Where did FL sleep?
4 A. In her room.
5 Q. Arguments between whom?
6 A. Tabatha and Adam.
7 Q. Where were you during the arguments?
8 A. Living room and out back.
9 Q. Do you know what was being said?
10 A. No.
11 Q. How long did the arguing last?
12 A. Not a hundred percent sure.
13 Q. Was there a reason you were outside?
14 A. I can't stand when those two argue.
15 Q. Did you ever hear a change in the way they were
16 arguing?
17 A. Just her voice and his voice getting louder.
18 Q. What about her voice?
19 A. More louder and high pitched.
20 Q. Did you hear a scream?
21 A. Yes.
22 Q. From whom?
23 A. Her.
24 Q. How did it sound?
25 A. I can't really describe it.

- 1 Q. Try.
- 2 A. More of a, if you hear the scream, your stomach
- 3 kind of drops in a way.
- 4 Q. Is that what your stomach did?
- 5 A. Yes.
- 6 Q. Were you outside when you heard this?
- 7 A. Yes.
- 8 Q. Had you ever heard her scream like that before?
- 9 A. No.
- 10 Q. Had you ever heard anyone scream like that
- 11 before?
- 12 A. No.
- 13 Q. Could you hear anything else?
- 14 A. No.
- 15 Q. Could you hear any movement in the house?
- 16 A. No.
- 17 Q. Did the scream eventually stop?
- 18 A. Yes.
- 19 Q. How long were you outside?
- 20 A. Not a hundred percent sure. I'd stay outside
- 21 from five minutes to an hour.
- 22 Q. Was that how long you were outside during
- 23 the -- during the argument and the screaming?
- 24 A. Most likely.
- 25 Q. Just an hour?

1 A. Yes, ma'am.

2 Q. At some point, did you come back inside?

3 A. Yes, ma'am.

4 Q. What did you see?

5 A. I don't recall.

6 Q. Where did you walk in the house, the front door

7 or the back door?

8 A. Front door.

9 Q. And when you walked in -- back in the house,

10 where did you go?

11 A. To the living room.

12 Q. And where inside the living room?

13 A. To the chair I was sitting at.

14 Q. And where was this chair?

15 A. In the middle of the room.

16 Q. What was the chair facing?

17 A. The front window.

18 Q. Is there a laundry room or a mudroom off of

19 that room?

20 A. Yes.

21 Q. Could you see in there?

22 A. No.

23 Q. When you came in, how did Adam look?

24 A. Normal.

25 Q. Was he wearing the same thing?

1 A. Yes.

2 Q. He hadn't showered?

3 A. No.

4 Q. What had he been wearing?

5 A. Sweatpants and I think a shirt.

6 Q. Mr. Kenyon, do you remember making a statement

7 to law enforcement in this case?

8 A. Yes.

9 Q. And do you remember giving that to Special

10 Agent Drew Ledbetter?

11 A. Yes.

12 Q. On March 15th?

13 A. Yes.

14 Q. I'm going to hand you a copy of that statement.

15 Do you recognize the handwriting on it?

16 A. Yes.

17 Q. How many pages is it?

18 A. Two.

19 Q. And is that your signature on the statement?

20 A. Yes.

21 Q. Would reading that statement help refresh your

22 memory?

23 A. No.

24 Q. It would not?

25 A. No. I've already read it.

1 Q. Okay. And when did you give this statement?

2 A. Saturday.

3 Q. That was March 15th?

4 A. Yes.

5 Q. And she had been found on March 11th; is that
6 right?

7 A. No. I got -- I got this on Saturday, so I was
8 able to read it.

9 Q. Oh, okay. But you gave this statement -- when
10 is the statement dated?

11 A. The 15th.

12 Q. Of March 2018?

13 A. Yep.

14 Q. On the second page of that statement, did you
15 say that you saw Tabatha's feet and blood?

16 A. Pretty sure if it's in the statement, it's
17 there.

18 Q. Did you write that you saw that late Sunday or
19 early morning on Monday?

20 A. If it's in the statement, I probably wrote it.

21 Q. Did you say that you couldn't take anymore
22 arguing or loud noises that night?

23 A. Yes.

24 Q. And did you say that -- again, that you saw the
25 blood and her feet in the mudroom and I was scared

1 to come clean because of my background?

2 A. Yes.

3 Q. Did you say that then she went and called her
4 mom, and Adam kept saying, "That's why you're
5 leaving my house," and kept saying it?

6 A. If it's in the statement, I probably wrote it.

7 Q. Did you say that the arguing kept going on and
8 then you hear a very loud, high-pitched scream and
9 it wouldn't stop?

10 A. Yes.

11 Q. And then it finally stopped?

12 A. Yes.

13 Q. It stopped after about five minutes or so?

14 A. Yes.

15 Q. Then I went to check on the kids?

16 A. Yes.

17 Q. And I didn't see Tabatha?

18 A. Exactly.

19 Q. But it looked like she was laying in the bed in
20 FL's room?

21 A. Yep.

22 Q. Where I thought she was sleeping?

23 A. Yep.

24 Q. I came in to go to sleep and wake up in the
25 middle of the night?

1 A. Yep.

2 Q. And I checked on the kids again?

3 A. Got a Pop-Tart and a drink when I woke up.

4 Q. And then went back to sleep?

5 A. Yep.

6 Q. You all had to be up at 6:00 a.m. to go to
7 work?

8 A. Yes, ma'am.

9 Q. So at what point did you see her feet and
10 blood?

11 A. The next morning when I took the kids to the
12 car.

13 Q. So before you left that morning?

14 A. Yes, ma'am.

15 Q. That's where you saw her feet?

16 A. Yep.

17 Q. Was she moving?

18 A. No.

19 Q. You also saw blood?

20 A. Yes.

21 Q. In your statement, did you say that he said to
22 leave FL [REDACTED] home because she was going to take
23 care of her?

24 A. Yes.

25 Q. I didn't believe Tabatha was able to take care

- 1 of FL [REDACTED] after what I saw?
- 2 A. Yes.
- 3 Q. Adam took a shower because his hair was wet and
- 4 he was with gray sweatpants with a white shirt?
- 5 A. Yes.
- 6 Q. Adam was holding a knife with a silver handle
- 7 on it?
- 8 A. If it's in the statement.
- 9 Q. He was in the kitchen?
- 10 A. And that's in the statement.
- 11 Q. He was wearing blue pants and a blue shirt with
- 12 a white short-sleeve shirt and a long-sleeve shirt
- 13 on?
- 14 A. If that's in the statement.
- 15 Q. His shirt says Meineke on it and he was wearing
- 16 work clothes when the arguing started?
- 17 A. It's in the statement.
- 18 Q. Where did those clothes go?
- 19 A. I'm not sure.
- 20 Q. Did you go looking for them later?
- 21 A. No.
- 22 Q. Did you see him in those clothes again?
- 23 A. He had a bunch of work clothes.
- 24 Q. Did you ever ask the defendant what happened?
- 25 A. No.

1 Q. Why not?

2 A. I was scared to ask him.

3 Q. Did you continue onto work with him the next
4 morning?

5 A. Yes.

6 Q. Do you know about what time you left that next
7 morning?

8 A. 6:00 or 6:30ish.

9 Q. Where did you go?

10 A. First, we had to go drop WL off at his
11 mom's.

12 Q. So WL was up with you that morning?

13 A. Yes.

14 Q. Where was he then -- where was he?

15 A. He was in his room sleeping when I woke him up.

16 Q. And then what happens?

17 A. I brought him out to the car to get ready to
18 go.

19 Q. And where was he going?

20 A. School.

21 Q. Were you with him the whole time he was getting
22 dressed?

23 A. Yes.

24 Q. And where did he go?

25 A. Went from the room to outside.

1 Q. Anywhere else?

2 A. I don't recall.

3 Q. Where was FL [REDACTED] at that time?

4 A. Her room.

5 Q. Did you give other statements besides this one?

6 A. Yes.

7 Q. In this case?

8 A. Yes.

9 Q. Are they different from this?

10 A. Yes.

11 Q. In what way?

12 A. More protecting him. The other statements are

13 more protecting him.

14 Q. Protecting?

15 A. Adam.

16 Q. For what reason?

17 A. Just scared and that's my best friend.

18 Q. Did you give a statement like that on the 12th?

19 A. I'm pretty sure.

20 Q. And what changed between the 12th and the 15th?

21 A. My heart.

22 Q. Had you talked to your mom?

23 A. Yes.

24 Q. Did she influence your decision?

25 A. No.

1 Q. Your heart told you to write this statement on
2 the 15th?

3 A. Yes.

4 Q. Is it truthful?

5 A. Yes.

6 Q. Were you charged with a crime in connection
7 with this case?

8 A. Yes.

9 Q. What was that?

10 A. Accessory.

11 Q. Accessory?

12 A. After the fact.

13 Q. What's happened with that charge?

14 A. I'm not a hundred percent sure.

15 Q. Have you been convicted of it?

16 A. No.

17 Q. Were you promised anything for testifying
18 today?

19 A. No.

20 MS. REEVES: Thank you, Mr. Kenyon.

21 THE COURT: Mr. Epps, cross-examination.

22 MR. EPPS: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. EPPS:

25 Q. Mr. Kenyon, can you tell -- how long have you

1 been friends with Adam?

2 A. Four or five years.

3 Q. Four or five years?

4 A. Before all of this happened.

5 Q. Before all this happened. And y'all were

6 like -- y'all were best friends; is that right?

7 A. We were more like brothers.

8 Q. Okay. You were brothers. And he came and

9 picked you up that Sunday evening ---

10 A. Yes, sir.

11 Q. --- is that right?

12 A. Yes.

13 Q. Okay. And y'all went to his mother and

14 father's house after you picked up WL [REDACTED] is that

15 right?

16 A. To get packages ---

17 Q. Packages.

18 A. --- that were in his name at his mom's house.

19 Q. Okay. And then you went -- and then you went

20 back to [REDACTED] Street?

21 A. Yes.

22 Q. All right. Now, the Solicitor asked and you

23 went -- you and Adam played video games?

24 A. Yes.

25 Q. And y'all played video games with WL [REDACTED] is

1 that right?

2 A. Yes.

3 Q. Okay. And you were on the phone with several

4 people; is that correct?

5 A. Possibility.

6 Q. Possibility. All right. Were you not talking

7 to Angel late into the night?

8 A. I'm not a hundred percent sure.

9 Q. You're not a hundred percent sure?

10 A. No, sir.

11 Q. Okay. If I told you you were, would you

12 dispute it?

13 A. No.

14 Q. Okay. All right. And did you ever mention

15 anything to Angel or anybody else on the phone that

16 you were talking to or texting that there was any

17 kind of fighting or fussing or fighting going on?

18 A. No.

19 Q. Okay. All right. And where did you sleep?

20 A. In the living room.

21 Q. In the living room. Where did Adam sleep?

22 A. In the living room.

23 Q. Okay. And you don't know where Tabatha slept?

24 A. No.

25 Q. Okay. And WL [REDACTED] slept in his room ---

1 A. Yes.

2 Q. --- is that right? All right. And then you

3 say there was fussing and fighting; is that right?

4 A. Yeah.

5 Q. What time was this?

6 A. Any time of the day, but it was like 6:30 or

7 7:00.

8 Q. 6:30 or 7:00 at night?

9 A. Yes.

10 Q. Sunday -- Sunday evening?

11 A. Yes.

12 Q. Okay. That's when they were fussing and

13 fighting?

14 A. Yep.

15 Q. Okay. Not late into the night?

16 A. No.

17 Q. Okay. But if they were fussing and fighting,

18 wouldn't the kids wake up?

19 A. No.

20 Q. Okay.

21 A. They were able to keep it in between themselves

22 without waking anybody up.

23 Q. Okay. But this was earlier in the evening on

24 Sunday; is that right?

25 A. Yep.

1 Q. Okay. And when you -- and you slept in the
2 den -- in the living room and Adam slept in the
3 living room, right?

4 A. Yep.

5 Q. Okay. Was he downloading music?

6 A. Not a hundred percent sure.

7 Q. Was he talking to Kayla?

8 A. Not a hundred percent sure.

9 Q. Okay. All right. But you testified you
10 couldn't see into the mudroom, and you couldn't see
11 anything, did you? You didn't see anything happen,
12 did you?

13 A. Not a hundred percent sure.

14 Q. Okay. But you didn't -- you're not a hundred
15 percent sure, but you didn't see anything happen; is
16 that right?

17 A. I didn't see anything happen.

18 Q. Okay. And, in fact, you've given multiple
19 statements; is that right?

20 A. Yep.

21 Q. Okay. And you went to work that morning. What
22 time did y'all get up?

23 A. 6:00, 6:30.

24 Q. 6:00 or 6:30. And Adam gets dressed in the
25 mudroom; is that right?

1 A. No. He gets dressed anywhere in the house.
2 Q. Okay. But his clothes are in the mudroom?
3 A. He had work clothes in his room.
4 Q. Okay. But he also had work clothes in the
5 mudroom; is that right?
6 A. Yep.
7 Q. Okay. Did he go in the mudroom and get
8 dressed?
9 A. I don't remember.
10 Q. You don't remember. All right. And then
11 WL got up; is that right?
12 A. Yep.
13 Q. All right. Because WL had to go to school
14 that morning?
15 A. Yes.
16 Q. All right. And Tabatha did not go to work that
17 morning, right?
18 A. Exactly.
19 Q. Okay. Was she still in FL's bedroom when
20 y'all left?
21 A. Not a hundred percent sure.
22 Q. Not a hundred percent sure. Okay. And then --
23 and then WL got up, right?
24 A. Yep.
25 Q. Do you know if WL went in the kitchen?

1 A. No.

2 Q. You don't know or you ---

3 A. He didn't go in the kitchen.

4 Q. He didn't go in the kitchen?

5 A. No.

6 Q. Did he go in the mudroom?

7 A. No.

8 Q. Okay. And when y'all left -- and then you

9 left; is that right?

10 A. Yep.

11 Q. Okay. So when you left, y'all left and FL [REDACTED]

12 and Tabatha were at the house; is that right?

13 A. Yep.

14 Q. Okay. But you don't know where she was?

15 A. No.

16 Q. Okay. And you're saying you didn't -- she was

17 in the bedroom with FL [REDACTED]

18 A. No. Whatever you're trying to say, I don't

19 understand it.

20 Q. Okay. But you don't know; is that right?

21 A. No.

22 Q. Your testimony was you don't know?

23 A. (Nonverbal response.)

24 Q. All right. And then y'all went to work?

25 A. Yes.

1 Q. Okay. And y'all left straight from -- do you
2 remember what time you left 202 Broad Street?
3 A. Not a hundred percent sure.
4 Q. Was it about 6:45?
5 A. Possibly.
6 Q. Okay. And then y'all went straight to his
7 mother and father's house, right?
8 A. Yep.
9 Q. And dropped WL off?
10 A. Yes.
11 Q. Okay. And then from -- and that -- that's ---
12 A. That's like five minutes from the house.
13 Q. Five minutes from the house. You drop WL
14 off. Did you stay at -- at his mother and father's?
15 A. No.
16 Q. You dropped WL off and then went
17 straight to -- did you -- you went to Meineke; is
18 that right?
19 A. Yes.
20 Q. And, in fact, y'all stopped at McDonalds on
21 Pearman Dairy Road?
22 A. I don't recall.
23 Q. You don't recall. You don't recall getting
24 two -- two large teas and a -- and a -- and a
25 sausage biscuit?

1 A. I don't recall.

2 Q. Okay. But then y'all went to Meineke ---

3 A. Yep.

4 Q. --- is that right? And then y'all pulled into
5 Meineke about 7:21 a.m.?

6 A. Seems about right.

7 Q. Okay. And did Adam open up Meineke that
8 morning by 7:30?

9 A. Yes.

10 Q. Okay. And he walked in and he opened up and he
11 was at Meineke for the rest of the day; is that
12 right?

13 A. Until he got a phone call.

14 Q. Okay. And you were at Meineke, as well?

15 A. Yes.

16 Q. Okay. And did you work some that day?

17 A. Off and on.

18 Q. Okay. But you -- off and on. What did you do?

19 A. I would be like the little runt.

20 Q. The little runt?

21 A. Yes.

22 Q. So what would that -- what does that mean?

23 A. You go get what they need. Like, if they need
24 a certain tool, you go get it.

25 Q. Okay. And this is mechanic work; is that

1 right?

2 A. Yes.

3 Q. Okay. So you would help them out. You
4 get whatever they needed, but you were there, right?

5 A. Yes.

6 Q. And you were there under -- the whole --
7 everything is on video; is that right?

8 A. Sure.

9 Q. Okay. All right. Now, Aaron, you got -- did
10 you -- you got any -- on that day on March 12th of
11 2018, have you got any marks or bruises or cuts on
12 your body?

13 A. No.

14 Q. Does Adam have any marks or cuts or bruises on
15 his body?

16 A. Not a hundred percent sure.

17 Q. Okay. And then Adam got -- did Adam get a
18 phone call from Tabatha's mother?

19 A. It's either Tabatha's mother or his mother.

20 Q. Okay.

21 A. I don't recall who called him. I wasn't around
22 him.

23 Q. Somebody called him. Do you know what time
24 that was?

25 A. Lunchtime.

1 Q. Lunchtime. Okay. Was Adam -- was Adam --
2 prior to getting that call, was -- was that day at
3 Meineke just like any other day working?

4 A. Yeah.

5 Q. All right.

6 A. Yep.

7 Q. Was Adam joking?

8 A. Off and on.

9 Q. Off and on. Were you joking with him?

10 A. Yes.

11 Q. Okay. Yet, it was like a normal day at Meineke
12 or work; is that right?

13 A. Yes.

14 Q. Okay. So Adam gets a phone call from somebody
15 from Tabatha's family, right?

16 A. I'm guessing.

17 Q. Okay. And what did you -- did you happen to be
18 around when that phone call was -- all right. You
19 don't know?

20 A. No. I wasn't around.

21 Q. Did you know anything about going back to the
22 house before y'all left?

23 A. No. He just said we have to go back to the
24 house.

25 Q. Okay. All right. So you find -- all right.

1 So at some point in time, do you know if Adam called
2 his parents to ask them to go check on Tabatha?

3 A. I don't recall.

4 Q. You don't recall. All right. What time did
5 y'all leave Meineke?

6 A. Like 12:00, 12:30. Right after the phone call.
7 It wasn't very long after the phone call we left.

8 Q. Okay. So you left and y'all went straight back
9 to [REDACTED] Street?

10 A. Yes.

11 Q. Okay. And what time did you arrive at [REDACTED]
12 [REDACTED] Street?

13 A. I don't exactly recall that time.

14 Q. Okay. But you -- did you remain at [REDACTED]
15 [REDACTED] Street the whole day?

16 A. Yes.

17 Q. That afternoon?

18 A. Yes.

19 Q. Okay. And were you and Adam -- all right.
20 What happened once you arrived at [REDACTED]
21 Street?

22 A. The house was surrounded by paramedics and
23 cops. The detectives took Adam into custody and
24 they took me into custody.

25 Q. Okay. Now, they took you into custody. Did

1 they put cuffs on you?

2 A. No.

3 Q. All right. Did they put you in a police car?

4 A. No.

5 Q. How did you say that you were put into custody?

6 A. They told me to stay by myself over there in

7 the corner.

8 Q. Okay.

9 A. Don't talk to nobody.

10 Q. I gotcha. So they -- they put you over in the

11 corner and said don't talk to anybody?

12 A. Yes.

13 Q. Okay. Did you feel like you were free to

14 leave?

15 A. No.

16 Q. Okay. And what did they do to Adam?

17 A. Put him in the back of the car.

18 Q. Okay. Did anybody come talk to you?

19 A. A couple of detectives.

20 Q. Okay. Did -- who -- do you remember who?

21 A. No.

22 Q. Okay.

23 A. Ledbetter was one of them. I don't remember

24 the other one.

25 Q. And did you tell them -- did you -- that --

1 that -- that you and Adam didn't have anything to do
2 with this?

3 A. Yes.

4 Q. Okay. And how long did you stay on the scene?

5 A. It was all night until they released the house.

6 Q. Okay. Let me ask you this: Y'all stayed that
7 afternoon and you were at [REDACTED] Street,
8 right?

9 A. Yes.

10 Q. And during that afternoon, were a bunch of
11 people there?

12 A. Everybody from the town was there.

13 Q. Okay. And there was a big crowd at that house,
14 right?

15 A. Yeah.

16 Q. All right. Did you see -- were people going in
17 and out of that house?

18 A. Detectives; the paramedics. All of those were
19 going in and out.

20 Q. And this was -- this was all afternoon?

21 A. Yes.

22 Q. Okay. All right. And at some point in time --
23 when did you and Adam -- did you get taken down to
24 Iva Police Department to make a statement?

25 A. That was later that night.

1 Q. That was later that night. But you had been --
2 you -- when you got back to [REDACTED] Street,
3 you were at [REDACTED] Street until you went to
4 Iva?

5 A. Yes.

6 Q. Okay. I mean, Iva -- Iva Police Department to
7 make a statement?

8 A. Yes.

9 Q. Right? Okay. And at -- while you were at --
10 were you on scene, did you -- while you were at [REDACTED]
11 [REDACTED] Street, did you talk to -- were you able
12 to talk to Adam?

13 A. No.

14 Q. Were you able to talk to anybody?

15 A. No.

16 Q. Okay. But you talked with law enforcement or
17 the detectives, correct?

18 A. Yes.

19 Q. All right. And you told him that -- that you
20 and Adam -- that you didn't have anything to do with
21 this?

22 A. Yes.

23 Q. That Adam didn't have to anything to do with
24 this?

25 A. Yes.

1 Q. And that y'all left that morning and that she
2 and the baby -- and FL [REDACTED] were there at the house,
3 right?

4 A. Yes.

5 Q. Okay. Right?

6 A. Yes.

7 Q. All right. So then when you went to -- so when
8 do you -- you went to -- what time -- do you
9 remember what time you went to Iva Police
10 Department?

11 A. It was dark out, so it had to be like 7:30 or
12 8:00.

13 Q. Okay. And you went into the interview --
14 interview room, right?

15 A. Yes.

16 Q. And did SLED interview you?

17 A. Yes.

18 Q. Okay. And was that -- was that statement
19 recorded?

20 A. I'm not a hundred percent sure.

21 Q. Yeah, but you gave a written statement; is that
22 right?

23 A. Pretty sure.

24 Q. Okay. And you -- you denied having anything to
25 do with this, right?

1 A. Yep.

2 Q. You denied Adam -- that you and Adam had
3 anything to do with this -- this -- this crime ---

4 A. Yes.

5 Q. --- is that right? Okay. And did -- did --
6 did the law enforcement officer tell you that day
7 that -- let me -- did he ask you about Adam?

8 A. Off and on.

9 Q. Off and on. Did he tell you that you were
10 going to be seeing your kids through a Plexiglass
11 window?

12 A. Yes.

13 Q. Did he tell you you were going to jail?

14 A. Yes.

15 MS. REEVES: Objection, Your Honor.

16 MR. EPPS: Did you feel threatened?

17 THE COURT: Hold on.

18 MS. REEVES: He's asking for what the
19 investigator said.

20 THE COURT: Overruled. It's cross-examination.

21 BY MR. EPPS:

22 Q. So he told you that you were going to see your
23 kids through the -- through the Plexiglass window,
24 right?

25 A. Yes.

1 Q. Did he tell you that you're not a monster?
2 A. I'm pretty sure.
3 Q. Did he tell you that -- that you need come
4 clean?
5 A. Pretty sure.
6 Q. Okay. And that was the even -- that was March
7 12th; is that right?
8 A. Yes.
9 Q. The day that -- that -- that Tabatha was found?
10 A. That night.
11 Q. After y'all came back from Meineke; is that
12 right?
13 A. Yes.
14 Q. Okay. Were they telling -- telling you to give
15 information on Adam?
16 A. They weren't really telling me to give
17 information.
18 Q. Did you feel intimidated?
19 A. A little bit.
20 Q. Okay. Did they -- did they tell you you were
21 going to go to jail?
22 A. They always say that.
23 Q. Okay. And they said that you were going to
24 lose your kids, right?
25 A. Yes.

1 Q. Okay. And you maintained that neither you nor
2 Adam had anything to do with this; is that right?

3 A. Yes.

4 Q. Okay. And, in fact, you gave a written
5 statement that evening; is that right?

6 A. Yes.

7 Q. Okay. And that was consistent with -- you --
8 that's consistent with you tell -- you told them
9 that you and Adam didn't have anything to do with
10 this, right?

11 A. Yes.

12 MR. EPPS: All right.

13 THE COURT: Mr. Epps, if you're going to ask
14 him about his statement, give him a copy of it so he
15 can look at it.

16 MR. EPPS: I am. Yes, sir.

17 BY MR. EPPS:

18 Q. Mr. Kenyon, I'm going to hand you -- is that
19 your statement made on March 12th of 2018?

20 A. Yes.

21 Q. And in that statement, you -- you deny any
22 involvement -- any -- any involvement with you and
23 Adam in this -- in this crime; is that right?

24 A. Yes.

25 Q. Okay. And that was under pressure from law

1 enforcement?

2 A. Yes.

3 Q. Okay. And that statement was true and
4 accurate?

5 A. No.

6 Q. So you lied?

7 A. Yes.

8 Q. Okay. All right. And did law enforcement come
9 to you on March the 13th?

10 A. I'm pretty sure.

11 Q. Okay. Did you tell them that you and Adam
12 didn't have anything to do with this?

13 A. I'm pretty sure.

14 Q. Okay. All right. And you lied?

15 A. Yes.

16 Q. And they came to you on March the 14th?

17 A. They come that whole week.

18 MR. EPPS: They came that whole week. Now, let
19 me ask you this: Where were y'all staying at -- all
20 right. Let me ask you -- all right.

21 May I approach, Your Honor?

22 THE COURT: Yes, sir.

23 BY MR. EPPS:

24 Q. Law enforcement threatened you with jail and
25 losing your children, right?

1 A. Yes.

2 Q. And losing your family?

3 A. Yes.

4 Q. Told you, you were not a monster?

5 A. Yes.

6 Q. All right. Told you that -- that you shouldn't
7 protect Adam; is that right?

8 A. Yes.

9 Q. Okay. That Adam wasn't going to protect you;
10 is that right?

11 A. Yes.

12 Q. Okay. And he said he's never said anything
13 against you; is that right?

14 A. I'm not a hundred percent sure.

15 Q. Okay. All right. And did you actually -- and
16 then you got -- you actually got charged with
17 accessory after the fact?

18 A. Yes.

19 Q. Okay.

20 A. And possession.

21 Q. Huh?

22 A. And possession.

23 Q. All right. After you left -- all right. I'm
24 going back to being on the scene March 12th of 2018.
25 All right. You went and once you gave a statement

1 at Iva Police Department, were you allowed to go
2 back to [REDACTED] Street?

3 A. No.

4 Q. Were you there when the -- when the -- when
5 SLED -- when law enforcement released the house to
6 the family?

7 A. The whole family was there.

8 Q. Okay. Were you there?

9 A. Yes.

10 Q. Did you go in the house?

11 A. No.

12 Q. You didn't go in the house?

13 A. No.

14 Q. Did the family go in the house?

15 A. I think his dad went in the house.

16 Q. His dad went in the house?

17 A. Yes.

18 Q. You don't know if anybody else went in the
19 house?

20 A. No.

21 Q. You're saying you didn't go in the house?

22 A. I didn't.

23 Q. Okay. But the -- but the house was turned over
24 to the family?

25 A. Yes.

1 Q. Okay. And you had testified earlier that you
2 were outside and heard awful screams, right?

3 A. Yes.

4 Q. And you said that you heard these awful -- that
5 your stomach dropped; is that right?

6 A. Yes.

7 Q. And these screams didn't wake these children
8 up?

9 A. No.

10 Q. Okay. Because you said -- I think you
11 testified it happened earlier in the afternoon --
12 earlier in the evening?

13 A. When the kids go to sleep, it's 7:00, 6:30,
14 7:00 o'clock.

15 Q. Okay. All right. And after -- so you -- you
16 didn't go back in the house; is that right?

17 A. Not that night.

18 Q. Okay. And then -- but did you ever go home to
19 your mother's?

20 A. It was the week after.

21 Q. Okay. But you -- you stayed at H H Foster
22 Drive with Adam and his family; is that right?

23 A. I'm pretty sure that's the address. Yes.

24 Q. Okay. And that's -- that's where -- and you
25 said SLED would come there every day?

- 1 A. Every day.
- 2 Q. And what would they say?
- 3 A. Just try to question us.
- 4 Q. Okay. Would they put pressure on you?
- 5 A. No.
- 6 Q. Okay. Did you feel intimidated?
- 7 A. All the time.
- 8 Q. All the time?
- 9 A. All the time.
- 10 Q. Every time you talked to law enforcement, you
- 11 felt intimidated by them?
- 12 A. Still to this day.
- 13 Q. To this day. All right. And did they try to
- 14 make you -- make you give statements against Adam?
- 15 A. Yes.
- 16 Q. And you told them y'all didn't do it?
- 17 A. Yes.
- 18 Q. And, in fact -- all right. The 12th was on a
- 19 Monday?
- 20 A. I don't recall.
- 21 Q. You don't recall. Okay. But the 15th was on a
- 22 Thursday?
- 23 A. Yes.
- 24 Q. And were you at Adam's house that day?
- 25 A. The Thursday?

1 Q. Yes.

2 A. I turned myself in.

3 Q. Okay. You turned yourself in, but were at
4 Adam's -- but you got --

5 A. Earlier.

6 Q. --- how did you know to turn yourself in?

7 A. I got a call from Ledbetter to turn myself in.

8 Q. Okay. Turn yourself in for what?

9 A. Accessary after the fact.

10 Q. Accessary after the fact. Were you charged
11 with accessary after the fact at that time?

12 A. I'm not a hundred percent sure.

13 Q. You're not a hundred, but you were charged with
14 simple possession of marijuana?

15 A. He also said I had a warrant for the accessary.

16 Q. He told you before you went into the sheriff's
17 department?

18 A. Over the phone, he told me I had a warrant for
19 accessary and to turn myself in because it would be
20 easier.

21 Q. All right. And then you went down to the
22 sheriff's department; is that right?

23 A. Yes.

24 Q. All right. So you're saying that you got --
25 you were charged with accessary before you went --

1 he told you that before you went down to the
2 sheriff's department?

3 A. Yes.

4 Q. All right.

5 A. He said I had a warrant and to turn myself in.

6 Q. Okay. And that you got down there, and they
7 put you in an interview room, right?

8 A. Yes.

9 Q. Did you have an attorney at that time?

10 A. No.

11 Q. Did you ask for an attorney?

12 A. No.

13 Q. Okay. And did you, in fact, you denied
14 involvement; is that right?

15 A. Pretty sure.

16 Q. All right. And you also told them in that
17 statement that you denied that you were innocent and
18 didn't know anything ---

19 A. Positive ---

20 Q. --- is that right?

21 A. Pretty sure.

22 Q. Did they tell -- did they tell you that you had
23 time to save yourself?

24 A. They always say that.

25 Q. Okay. Did they tell you they don't see a

1 monster in you?

2 A. Yes.

3 Q. Did they tell you you have a strong soul and
4 want to do what's right?

5 A. I'm not a hundred percent sure on that.

6 Q. Did they tell you to be the hero?

7 A. No.

8 Q. Did he say don't be a monster?

9 A. Pretty sure.

10 Q. Did they tell you that God sent them to you?

11 A. No.

12 Q. No? All right. Did SLED tell you that they
13 can spin it, this thing, that you were being
14 manipulated and coerced by Adam?

15 A. I'm not a hundred percent sure.

16 Q. You're not a hundred percent sure?

17 A. No.

18 Q. Okay. If that's in the transcript?

19 A. Then it's probably there.

20 Q. Okay. And they told you that SLED -- that they
21 could spin this thing that you were being
22 manipulated and coerced?

23 A. Yeah, I don't remember them saying that.

24 Q. Okay. Do you feel that you were being
25 manipulated and coerced by law enforcement?

- 1 A. Not by law enforcement.
- 2 Q. Not by law enforcement? All right. Did they
- 3 tell you that -- that "God sent me here to be here
- 4 for you as you want to be loved like your daddy
- 5 should've loved you"?
- 6 A. I'm not a hundred percent sure.
- 7 Q. Okay. Did you have a bad relationship with
- 8 your daddy?
- 9 A. I don't have a father.
- 10 Q. You don't have a father? And why don't you
- 11 have a father?
- 12 A. He chose other things over his own kid.
- 13 Q. Did he beat you?
- 14 A. I'm not a hundred percent sure.
- 15 Q. Did he beat your mama?
- 16 A. Always.
- 17 Q. Did he molest your sister?
- 18 A. Pretty sure.
- 19 Q. Did you actually beat up your daddy?
- 20 A. Yes.
- 21 Q. Okay. And it was -- it was an awful
- 22 relationship; is that right?
- 23 A. Yes.
- 24 Q. You don't have a relationship?
- 25 A. Still to this a day.

1 Q. Did -- did SLED know about this?

2 A. No.

3 Q. Okay. They didn't know about this. Why would
4 they bring your father -- your relationship with
5 your father up?

6 A. I don't know.

7 Q. You don't know?

8 A. No.

9 Q. Okay. Do you know if your mother told them
10 about -- about your past?

11 A. No.

12 Q. Did they tell you you were a good person?

13 A. Probably.

14 Q. Did SLED say they are giving you a chance?

15 A. Yes.

16 Q. Okay. And did you tell them, "I don't know
17 what happened"?

18 A. Yes.

19 Q. All right. You denied involvement one time,
20 right?

21 A. Yep.

22 Q. You denied involvement two times?

23 A. Yep.

24 Q. You denied -- you continue to deny involvement
25 three times?

1 A. Pretty sure.

2 Q. And you told them you didn't happen -- you

3 didn't know what happened?

4 A. Yes.

5 Q. Four times; is that right?

6 A. Pretty sure.

7 Q. All right. And then you said, "I don't know"

8 in that interview. And that's five times you said,

9 "I don't know what happened," right?

10 A. Pretty sure.

11 Q. Okay. Did they tell you this is not your

12 situation, this is Adam's situation?

13 A. I don't recall.

14 Q. You came -- did you tell them -- all right.

15 You say that you never saw -- then you start talking

16 about the high-pitch scream, right?

17 A. Pretty sure.

18 Q. All right. Did you tell them that because you

19 were being charged?

20 A. No.

21 Q. All right. But you said you never saw Tabatha?

22 A. If it's in there.

23 Q. You never saw Tabatha, did you?

24 A. I'm not a hundred percent sure.

25 Q. Okay. And did you go into the kitchen at any

1 time that evening?

2 A. Yeah, in the middle of the night.

3 Q. Okay. Did you see anything?

4 A. No.

5 Q. Did you say that you were going to beat the
6 fuck out of Adam for leaving FL Is that what
7 you told the law enforcement people?

8 A. If I found out that he did, yeah.

9 Q. Okay. Did you tell law enforcement that Adam
10 said nothing. He just wants to know how she died?

11 A. Not a hundred percent sure.

12 Q. Did they tell you that you had no right to
13 protect Adam?

14 A. Yes.

15 Q. And, in fact, did you know that you -- so you
16 said you knew that you were going to get accessory
17 after the fact after this statement. And that
18 statement that you testified to that you wrote, did
19 SLED help you write it?

20 A. What statement?

21 Q. The statement you got in front of you on the
22 15th?

23 A. No.

24 Q. That the Solicitor ---

25 A. They never helped.

1 Q. They never helped?

2 A. No.

3 Q. They tell you to add stuff?

4 A. No.

5 Q. You sure?

6 A. They just told me to explain in detail.

7 Q. Okay. Did they tell you to add anything?

8 A. Not a hundred percent sure.

9 Q. You -- you're not a hundred percent sure? Did

10 they tell you that this was a disease eating away at

11 your soul?

12 A. Yes.

13 Q. Did -- did they tell you that this -- this

14 situation doesn't make you a bad guy?

15 A. I'm pretty sure they said that.

16 Q. Did they say will you be able to -- talking

17 about you looking FL [REDACTED] in the eyes?

18 A. I'm pretty sure they said that.

19 Q. And you felt intimidated, right?

20 A. Yes.

21 Q. And that is when Adam got charged with

22 murder ---

23 A. Yes.

24 Q. --- is that right? Because of your statement?

25 A. Possibly.

1 Q. Okay. And you got charged with accessory after
2 the fact, right?

3 A. Yes.

4 Q. But if what you say is true, you were in that
5 house?

6 A. Possibly.

7 Q. Possibly? You were there the whole time. You
8 were there from the time you got there Sunday
9 afternoon and you were there till y'all left. You
10 were there from then on at the [REDACTED] Street
11 and at H H Foster Drive, right?

12 A. Yes.

13 Q. And they charged you with accessory after the
14 fact?

15 A. Yes.

16 Q. And you get out on bond?

17 A. Yes.

18 Q. That day?

19 A. Not that day.

20 Q. The next day?

21 A. A couple days after.

22 Q. A couple days after. And, in fact, you were
23 angry about that, right?

24 A. Yes.

25 Q. You were angry at SLED?

1 A. I was angry at everybody.

2 Q. Angry at everybody. SLED -- SLED -- SLED -- do

3 you think SLED lied to you?

4 A. Do I believe they lied to me? Yeah.

5 Q. Okay. And you told your mama that you told

6 them what you wanted to tell them -- what they

7 wanted to hear so you can get out?

8 A. Pretty sure.

9 Q. Okay. And, in fact, you got a bond and you got

10 out?

11 A. Yes.

12 Q. Have you read -- have you -- it's been five

13 years?

14 A. Yes.

15 Q. Okay. Have you been told that they're going to

16 drop your charges?

17 A. No.

18 Q. Have you seen or spoken to Adam since this

19 time?

20 A. A couple of times here and there.

21 Q. A couple of times here and there. Okay.

22 Because he's been out on bond; is that right?

23 A. Yes.

24 Q. And y'all spoke a little bit?

25 A. Yes.

1 Q. Did you write him a letter?

2 A. Not a hundred percent sure.

3 Q. Not a hundred percent sure. Do you remember
4 writing a letter -- sending a letter?

5 MS. REEVES: Objection, Your Honor. I've never
6 seen this letter.

7 MR. EPPS: I'm sorry.

8 MS. REEVES: Your Honor, may we approach?

9 THE COURT: Yes, ma'am.

10 (Sidebar discussion.)

11 THE COURT: Mr. Bailiff, let's take our jury to
12 the jury room. Let's take a short break.

13 (At 10:12 a.m., jury exited the courtroom.)

14 THE COURT: We're going to take our morning
15 break. Mr. Epps, while we're taking our break, make
16 Ms. Reeves a copy.

17 MR. EPPS: Yes. I'm going to make her a copy.

18 THE COURT: Yes. Make her a copy. We're going
19 to take our morning break. Mr. Kenyon, do not
20 discuss your testimony with anyone.

21 (From 10:13 to 10:21 a.m., a recess was had.)

22 THE COURT: All right. Anything from either
23 side before we bring our jury back in?

24 (No responses.)

25 THE COURT: Are we -- are we ready?

1 MS. REEVES: I'm sorry, Judge.

2 THE COURT: Are we ready?

3 MS. REEVES: Yes.

4 THE COURT: Okay. All right. Get our jury.

5 (At 10:23 a.m., jury entered the courtroom.)

6 MR. EPPS: May it please the Court?

7 THE COURT: Yes, sir.

8 BY MR. EPPS:

9 Q. Mr. Kenyon, did you write a letter to Adam
10 dated May 8, 2018?

11 A. June 8 -- the 18th, yeah.

12 Q. Yeah, June. Was that a six? Is that June?

13 A. Yes.

14 Q. Okay. And you've been a -- you've been given a
15 copy of that letter; is that right?

16 A. Yes.

17 Q. Okay. And that letter was written to Adam and
18 you timed it 12:47 a.m.; is that correct?

19 A. Yes.

20 Q. All right. Can you read that letter to the
21 jury, please, sir?

22 A. The handwriting is kind of scribbled. I don't
23 think I can read it.

24 Q. It's your handwriting?

25 A. Yes. It is my handwriting.

1 Q. All right. And you can't read it?

2 A. No.

3 Q. And you're not even going to try to read it?

4 A. No.

5 Q. Okay. So you say, "Adam." Is that right?

6 A. Yes.

7 Q. I'll read it for you. "They kept say that they
8 weren't going to stop unless I wrote what they
9 wanted me to."

10 A. Yep.

11 Q. Did you write that?

12 A. Yep.

13 Q. "I'm truly sorry, bro." Is that right?

14 A. Yep.

15 Q. "I'd do anything to switch -- switch spots with
16 you because I don't feel right being free." Is that
17 right?

18 A. Yep.

19 Q. "You know my birthday is -- is coming up,"
20 right?

21 A. That's in there.

22 Q. "I heap -- I keep hearing she had a boyfriend."

23 A. Yep.

24 Q. "Honestly, I don't know what or how to feel."

25 A. Yep.

1 Q. "I feel like it's my fault you're in there."
2 A. Yes.
3 Q. "I feel lost and confused without you."
4 A. Yes.
5 Q. "I'm trying to get you out."
6 A. Yeah.
7 Q. "Though I haven't called my bondsman in like
8 three weeks, so there might be a warrant for me."
9 A. Yes.
10 Q. "I just want you home so I can have my brother
11 back."
12 A. Yes.
13 Q. "Nobody will talk to me anymore."
14 A. Yes.
15 Q. "I try to talk to our families, but it's like
16 we're -- they disowned me, so I started doing my own
17 thing."
18 A. Yes.
19 Q. "I come home and take a shower and leave
20 because I can't be stuck in the house, or you
21 wouldn't get to write me because since I've known
22 you, I've never had to go without seeing you."
23 A. Yes.
24 Q. "I understand if you were upset with me and I
25 couldn't blame you."

1 A. Yes.

2 Q. "My mind has been running wild, and I can't

3 even smile anymore."

4 A. Yes.

5 Q. "I miss you, bro."

6 A. Yes.

7 Q. "Just remember, it costs me -- it costs -- just

8 remember it costs to be the boss."

9 A. Yes.

10 Q. "But I will -- but I will never give up on

11 you."

12 A. Yes.

13 Q. "I'm always your brother."

14 A. Yes.

15 Q. "You're -- you're stuck with me now."

16 A. Yes.

17 Q. "I can't even have speakers thumping anymore.

18 I've been more antisocial since you got locked up."

19 A. Yes.

20 Q. "I don't ever want to talk to any -- anymore."

21 A. Yes.

22 Q. "Everyone asks if I'm in pain because it looks

23 like I'm not, but deep down I'm about ready to

24 explode."

25 A. Yes.

- 1 Q. "I can't keep a relationship anymore."
- 2 A. Yes.
- 3 Q. "I've cut off all girls that I was fucking
- 4 with."
- 5 A. Yes.
- 6 Q. "When you get out, we need to just relax on
- 7 everything -- on everything we were doing."
- 8 A. Yes.
- 9 Q. "But until that happens, I'm going to grind."
- 10 A. Yes.
- 11 Q. "These other niggers should have stayed on the
- 12 porch because they aren't as hungry as I am right
- 13 now."
- 14 A. Yes.
- 15 Q. "Even though I shouldn't be showing my face
- 16 around, I am -- I still am because all this is a
- 17 setback."
- 18 A. Yes.
- 19 Q. "But when you get out, we will raise -- we will
- 20 rise to the top of mount profession."
- 21 A. Yes.
- 22 Q. "I made a promise to you and now I can't keep
- 23 it, and that upsets me more than anything."
- 24 A. Yes.
- 25 Q. "Don't worry, we're still family."

1 A. Yes.

2 Q. "I've told you I'd take care of them, and
3 that's what I intend to do."

4 A. Yes.

5 Q. "Our moms and dads won't ever have to ever ask
6 for anything."

7 A. Yes.

8 Q. "Right now, we're both in bad times in our
9 life, but we got through everything before this."

10 A. Yes.

11 Q. "I know you loved her."

12 A. Yes.

13 Q. "We will get through this one way or the
14 other."

15 A. Yes.

16 Q. "I'll stand by your side as long as you let
17 me."

18 A. Yes.

19 Q. "I'm sorry I got scared when they kept saying
20 they were going to ruin my life if I didn't say what
21 they wanted."

22 A. Yes.

23 Q. "I regret it every day."

24 A. Yes.

25 Q. "I wake up and can't -- can't call you."

1 A. Yeah.

2 Q. "It gets thrown up my face every day. I feel
3 like it's my fault you're in there, or that's how
4 everyone else feels."

5 A. Yeah.

6 Q. "I can't and won't talk to anyone and everyone
7 is worried one dog [sic] I'm going to end up
8 flipping because you're not here. I look out the
9 window hoping you're going to show up, but I find
10 myself sitting there waiting every day. And every
11 time I hear a loud car and smile hoping it's you,
12 but it's not."

13 A. Yes.

14 Q. "P.S. I'm truly sorry I'm the reason you're
15 still locked up."

16 A. Yeah.

17 Q. That's your letter you wrote to Adam ---

18 A. Yes.

19 Q. --- Lawless, right?

20 A. Yes.

21 Q. Saying you told them what they wanted to hear?

22 A. That's what's in the letter.

23 MR. EPPS: Okay. Your Honor, may I mark that
24 as Defendant's 6 and enter into evidence?

25 THE COURT: Any objection?

1 MS. REEVES: No, sir.

2 THE COURT: All right. Defendant's No. 6 is
3 admitted without objection.

4 (Defendant's Exhibit No. 6 was received into
5 evidence.)

6 BY MR. EPPS:

7 Q. In fact, Aaron, after you gave that statement
8 on March 15th, that causes Adam to get arrested for
9 murder. You did -- you recanted that statement?

10 A. Pretty sure.

11 Q. You're pretty sure? You recanted that
12 statement ---

13 A. I'm pretty sure.

14 Q. --- through your attorney; is that right?

15 A. I think so.

16 Q. Okay. And did you provide the Solicitor's
17 Office that you recanted that statement?

18 A. Yes.

19 Q. Told them it was a lie?

20 A. Pretty sure.

21 Q. Okay. So you said you didn't do it. Adam
22 didn't do it. You implicated Adam by saying you
23 don't see anything, and then you recant your
24 statement; is that right?

25 A. Yes.

1 Q. Okay. And you give another statement; is that
2 right?

3 A. I'm not a hundred percent sure.

4 Q. Was it in April?

5 A. I'm not sure.

6 Q. Okay. All right. You're not sure, but you've
7 said multiple statements?

8 A. I know there was one the day of and this one.
9 I'm not sure of the rest.

10 Q. All right. And you're going to sit here in
11 front of this jury and implicate Adam. And if
12 that's case, you were in that house. If that's the
13 case, you left those kids there. If that's the
14 case, you left and you went to work and left that
15 two-year-old child in that house; is that right?

16 A. If that's what you want to say.

17 Q. That didn't happen, did it?

18 A. No.

19 Q. Okay. And you told them what they wanted to
20 hear?

21 A. That's what the letter says.

22 Q. And you talked to your mama on the -- on the
23 jail phone while you were -- how many days were you
24 locked up?

25 A. I'm not a hundred percent sure.

1 Q. Not a hundred percent sure. But you talked to
2 your mother while you were locked up, right?

3 A. Always.

4 Q. Okay. And you told your mother that basically
5 you told them what they wanted to hear so you could
6 get out?

7 A. If it's on the jail call, it's there.

8 Q. Okay. And you were trying to get the money for
9 the bondsman, right?

10 A. Yes.

11 Q. And you were angry?

12 A. Yes.

13 Q. You wanted to get out?

14 A. Yes.

15 Q. And did you tell your mama that, "Yeah, Adam
16 and Tab -- only thing I changed was I said, 'Yeah,
17 Adam and Tabatha fought, but Adam still ain't got
18 the goddamn balls to put his hands on Tabatha.'"

19 A. I'm pretty sure.

20 Q. That's what you said, right?

21 A. I'm pretty sure.

22 Q. All right. Did you also on the jail phone
23 calls, you're going to beat the fuck out of Adam?

24 A. I'm pretty sure.

25 Q. Okay. You talked big and bad on those jails

1 calls, didn't you?

2 A. Why won't you?

3 Q. Okay. You also said that Tabatha -- Tabatha

4 would beat that little boy's ass?

5 A. Pretty sure.

6 Q. Was Tabatha a fighter?

7 A. No.

8 Q. She wasn't a fighter?

9 A. But I know she could beat him.

10 Q. She could beat up Adam?

11 A. Yeah.

12 Q. Okay.

13 A. There's no doubt past that.

14 Q. Tabatha could take care of herself?

15 A. Yeah.

16 Q. Tabatha -- Tabatha -- so Tabatha -- Tabatha

17 would take care of herself, and she would -- she'll

18 go at you, right?

19 A. Yeah.

20 Q. Okay. Do you know what happened to Tabatha?

21 A. No.

22 Q. Did you tell law enforcement that you saw bare

23 feet?

24 A. If it's there.

25 Q. That's in your 15th statement -- March 15th

1 statement.

2 A. If it's in the statement, I said it.

3 Q. Okay. Don't mean it's true, right?

4 A. Not necessarily.

5 Q. Okay. Do you know what Tabatha was wearing
6 that day?

7 A. No.

8 Q. Court grant me a minute. The truth is, you got
9 no idea what happened to Tabatha?

10 A. No.

11 Q. Is that right?

12 A. That's right.

13 MR. EPPS: No further questions, Your Honor.

14 THE COURT: Any redirect?

15 MS. REEVES: Yes, sir.

16 REDIRECT EXAMINATION

17 BY MS. REEVES:

18 Q. Aaron, after you gave that statement on the
19 15th to law enforcement, did you feel like you had
20 betrayed your friend?

21 A. No.

22 Q. So you did not?

23 A. No.

24 Q. Did you feel lonely after that?

25 A. Always.

1 Q. Did you still have Adam as a friend?
2 A. No.
3 Q. So had you lost him?
4 A. Yes.
5 Q. How many entrances are there into the kitchen?
6 A. Two.
7 Q. And this is into Adam's house we're referring
8 to?
9 A. Yes.
10 Q. How can you enter that kitchen?
11 A. Through the living room or through the front
12 door.
13 Q. Is there a hallway?
14 A. Yes. It's attached off of the front door.
15 Q. And went you in the middle of night to get a
16 Pop-Tart, you said?
17 A. Yes.
18 Q. What else did you ---
19 MR. EPPS: I'm going to object. This is not --
20 this is not the -- I mean, I don't think it's --
21 this is not -- redirect is not -- I didn't bring up
22 where he was at in the house as far as ---
23 THE COURT: There -- there was testimony about
24 him going into the kitchen. I'm going to allow that
25 question.

1 MR. EPPS: Yes, sir.

2 BY MS. REEVES:

3 Q. How did you go in through the kitchen?

4 A. Through the back by the fish tank, which would
5 be behind the living room.

6 Q. There was several phone calls that you made
7 while you were in jail, correct?

8 A. Yes.

9 Q. Did you ever say anything about law enforcement
10 finding the right guy?

11 A. Pretty sure.

12 Q. And that he was two doors down from you?

13 A. Yes.

14 Q. Again, did you tell law enforcement that you
15 had heard a high-pitched scream from Tabatha?

16 A. Yes.

17 Q. Did you say that you saw her feet in the
18 mudroom?

19 A. Yes. It's in the statement.

20 Q. And did you say there was blood at her feet?

21 A. Yes. That's in the statement.

22 Q. Did you say that she was going to be able to
23 take care of Tabatha -- or take care of FL [REDACTED]

24 A. That's not exactly the words I said.

25 Q. Did you say that you thought Tabatha was going

1 to be able to take care of FL

2 A. Yes.

3 Q. Did you say earlier that your heart had changed
4 when you gave this statement?

5 A. Yes.

6 Q. And was this truthful?

7 A. Yes.

8 MS. REEVES: No further questions.

9 THE COURT: Anything further from this witness?

10 MR. EPPS: Nothing further, Your Honor.

11 THE COURT: All right. Thank you, sir. You
12 can step down.

13 MS. REEVES: Your Honor, may this witness be
14 excused?

15 THE COURT: Any objection?

16 MR. EPPS: I do have an objection. He's under
17 my subpoena. I do have an objection to him being
18 excused. I very well may call him back.

19 THE COURT: Okay. Ms. Ferguson, your client is
20 free to leave the courthouse, but he needs to be
21 available at such time as the defense case.

22 MS. FERGUSON: Respectfully, Your Honor, he is
23 not under subpoena.

24 MR. EPPS: I take that back. I -- he is not
25 under my subpoena.

1 THE COURT: Okay.

2 MR. EPPS: But I would like the opportunity to
3 recall him if necessary.

4 THE COURT: If you have -- if you haven't
5 issued a subpoena for him, then I'm going to -- you
6 had your opportunity. I'm going to release him.

7 MR. EPPS: Yes, sir. Thank you.

8 (Witness excused.)

9 MS. REEVES: Your Honor, state calls Rebecca
10 Inman.

11 (Witness approached.)

12 THE CLERK: Do you solemnly swear or affirm the
13 testimony you're about to give the Court is the
14 truth, the whole truth, and nothing but the truth?

15 THE WITNESS: Yes, ma'am.

16 THE CLERK: And if you would, please state your
17 full name for the record and spell your last name.

18 THE WITNESS: It's Rebecca Inman, I-n-m-a-n.

19 REBECCA INMAN,
20 having been produced and first duly sworn as a
21 witness on behalf of the State, then testified as
22 follows:

23 DIRECT EXAMINATION

24 BY MS. REEVES:

25 Q. Ms. Inman, do you go by Becky?

1 A. I do.

2 Q. And where do you work?

3 A. Right now, I work at Intuit and Cracker Barrel.

4 Q. What do you do for Intuit?

5 A. I'm a tax professional.

6 Q. Did you work anywhere else in the tax field as

7 a tax -- as a tax professional?

8 A. Liberty Tax.

9 Q. And how long did you work there?

10 A. Six years.

11 MR. EPPS: Judge, I -- I -- I can't hear.

12 THE WITNESS: I'm sorry. Is this better?

13 THE COURT: Yes, ma'am. Speak into that

14 microphone.

15 THE WITNESS: Okay. I apologize. I worked at

16 Liberty Tax for six seasons.

17 BY MS. REEVES:

18 Q. Were you working at Liberty Tax in March of

19 2018?

20 A. Yes, ma'am.

21 Q. And what was your position there then?

22 A. I was the office manager.

23 Q. Do you know Donna Lawless?

24 A. Yes, ma'am.

25 Q. How do you know her?

1 A. She was a preparer that worked there, as well.

2 Q. How long did you work with her?

3 A. I think at that point, I worked with her like
4 three seasons. I had started out as a preparer just
5 like her.

6 Q. And what is the season you're referring to?

7 A. A season is a tax season. I'm sorry. Between
8 like January and April.

9 Q. So is this a busy time for you right now?

10 A. Very much so.

11 Q. What was Donna's position when she worked with
12 you at Liberty Tax?

13 A. She was a tax preparer.

14 Q. How was Donna as an employee?

15 A. She was very, very smart. Very smart in
16 subject matter. And then she was a great asset to
17 the office, but she loved drama. So I had to coach
18 her on that several times, and so did my district.

19 Q. And when you say she loved drama, was that ---

20 MR. EPPS: Well, I'm going to object, Your
21 Honor. I'm going to object -- object -- object on
22 the grounds of relevance. You're talking about
23 Donna.

24 THE COURT: Overruled.

25 THE WITNESS: After every shift, she would go

1 to the other office and talk to district instead
2 of coming ---

3 MR. EPPS: I'm going to object, unless she --
4 unless she's got direct knowledge or she can lay a
5 foundation.

6 THE COURT: Lay some foundation for this.

7 BY MS. REEVES:

8 Q. How do you know Donna? Donna, was your
9 employee?

10 A. Yes, ma'am.

11 Q. And you were her direct supervisor?

12 A. Yes, ma'am.

13 Q. And what was her conduct as an employee?

14 A. She was, I mean, as far as a tax professional,
15 she was an asset because she -- she was very
16 knowledgeable and knew a lot about social security
17 taxes and stuff like that, and she was good at
18 finding, like, legal loopholes to get people the
19 best legal return.

20 Q. But you said as an employee working with
21 others?

22 A. Right. I mean, she was mannerable [sic], but
23 after every shift, she would try and go to the other
24 boss and tell them everything that went on, even if
25 it was nothing at all. So I had to coach her on

1 that a couple of times, you know, about, you know, I
2 need you here. I need you here. You're a great
3 asset to us, but I'm not going to deal with the
4 drama and causing drama in the office.

5 Q. I'm going to draw your attention to March 9th
6 of 2018?

7 A. Okay.

8 Q. Did you happen to meet Tabatha Duncan on that
9 date?

10 A. Yes, ma'am.

11 Q. And did you -- did you know who she was at
12 first?

13 A. No, ma'am.

14 Q. Did you come to find out her name?

15 A. Yes, ma'am.

16 Q. And where did you see her that day?

17 A. She come in the office.

18 Q. And why was she there?

19 A. She said she come ---

20 MR. EPPS: I'm going to object to hearsay, Your
21 Honor.

22 MS. REEVES: Your Honor, I did not ask what she
23 said. I asked about the interaction between the two
24 of them.

25 THE COURT: Overruled.

1 THE WITNESS: She had came in to get a copy of
2 her return.

3 BY MS. REEVES:

4 Q. This was March. Had her file -- had her taxes
5 already been filed?

6 A. According to her.

7 Q. Were you -- what did you do after -- were you
8 able to locate a tax return for her?

9 A. I was not. We were running three systems that
10 year. We were trying to phase out of the one and go
11 into another, but they weren't working like the
12 best. And so we had a third system, and I was
13 trying to go through all of our systems to find her
14 return.

15 Q. Were you able to find one?

16 A. No, ma'am.

17 Q. Did you do anything to help you find it?

18 A. I'm sorry?

19 Q. Did you do -- was there anything that you think
20 could've helped you find it?

21 A. I called Donna to ask her what system it was
22 in.

23 Q. And did she lead you to it?

24 A. No.

25 Q. Was it in your system at all?

1 A. No, ma'am.

2 Q. Had Ms. Duncan's taxes been filed with Liberty
3 Tax?

4 A. No, ma'am.

5 Q. Did you share this information with Tabatha?

6 A. Yes, ma'am.

7 Q. And how did she react to that?

8 A. I don't think she reacted to the fact that it
9 wasn't filed with Liberty so much as the reaction to
10 Donna.

11 Q. The reaction to -- was Donna there?

12 A. No, ma'am. She was on the phone.

13 Q. Okay. And what do you mean by that, the
14 reaction that she knew you were on the phone with
15 Donna?

16 A. Yes. I called Donna and asked her what system
17 did she file it under because I couldn't find it.
18 Donna then told me that ---

19 Q. I'm going to stop you right there. Don't say
20 what she told you, but were you able to find it?

21 A. Huh-uh. It was not there.

22 Q. And so what did you perceive of Tabatha's
23 reaction?

24 A. Worried. Scared.

25 MR. EPPS: Well, I'm going to object to

1 speculation. I'm mean, that -- I'd ask that it be
2 stricken from the record, Your Honor.

3 MS. REEVES: No, sir. That is her reaction to
4 what she is observing.

5 THE COURT: Rephrase the question so that it
6 specifies whose reaction you're talking about.

7 BY MS. REEVES:

8 Q. What did you observe of Ms. Duncan's reaction?
9 How did you observe Ms. Duncan to appear to you?

10 A. She was quite worried that Donna would be mad
11 at her.

12 Q. Why was this a big deal as far as an
13 employee/employer relationship?

14 A. Doing taxes outside of Liberty Tax was against
15 policy. And contracturally, you were not allowed to
16 do any returns outside of Liberty Tax.

17 Q. And so what does that potentially mean for
18 Donna?

19 A. To lose her job.

20 Q. And did she?

21 A. Yes, ma'am.

22 Q. Did you end up speaking with Ms. Duncan again?

23 A. Yes, ma'am. Twice more after she left the
24 office.

25 Q. What was the number to Liberty Tax at that

1 time?

2 A. I think it was 224. There's two different
3 numbers. I'm trying to remember. It's either --
4 it's two of the same numbers. It was either 7744 or
5 8877 I think. I can't remember. It's out of work
6 for me like two years. I'm sorry.

7 Q. Does 226-4777 sound accurate?

8 A. Yes.

9 Q. Did you alert anyone of what had gone on that
10 day as the manager?

11 A. My district.

12 Q. Did you hear from Donna again?

13 A. Yes, ma'am. I did not personally talk to her.
14 Through text.

15 Q. How was she communicating with you?

16 A. She had tried to call the store and my personal
17 phone a couple of times, but I was busy and couldn't
18 answer. So I texted her and told her I was busy,
19 and then she texted me back.

20 Q. How did she appear to you?

21 A. She seemed worried that she would lose her job.

22 Q. You said she ultimately did get fired?

23 A. Yes, ma'am.

24 Q. And was that the same day?

25 A. Yes, ma'am.

1 Q. On March 9, 2018?

2 A. Yes, ma'am.

3 Q. After Donna was let go, were you ever contacted
4 by any other family members?

5 A. No, ma'am.

6 Q. Of Donna's?

7 A. I have ran into -- I was not contacted, but I
8 ran into a gentleman that had worked with us
9 previously that she said it was her son.

10 Q. Did you ever receive any phone calls or
11 messages from her family?

12 A. The same day. Yes.

13 Q. From her husband?

14 A. From her husband. Yes. I can't remember if I
15 got one from her son as well, but I know I got one
16 from her husband. And then another call where it
17 was mumbling in the background from the same number,
18 but I couldn't make it out.

19 Q. So you did receive a message from Donna's
20 husband, Jim Lawless?

21 A. Yes, ma'am.

22 Q. And how did he appear on the phone with you?

23 MR. EPPS: I'm going to object.

24 MS. REEVES: What was his tone when he left you
25 this message?

1 THE COURT: Don't say what he said.

2 THE WITNESS: Yes, sir. He was just concerned
3 Donna that -- he was concerned that Tabatha was
4 causing trouble.

5 MR. EPPS: Again, I'm going to object.

6 THE COURT: I sustain the objection.

7 BY MS. REEVES:

8 Q. Without saying what he said, what was his tone
9 in the -- in the message to you? Was it friendly?

10 A. It was actually more matter of fact or business
11 matter of fact lawyery-type tone.

12 Q. And this was from the husband of your employee?

13 A. Yes, ma'am.

14 Q. At some point after March 9th, did you hear
15 what had happened to Ms. Duncan?

16 A. Yes, ma'am.

17 Q. And after hearing that, what, if anything, did
18 you do?

19 A. When I found out, it was hard. Sorry.

20 Q. Take your time.

21 A. It was hard for me because I felt indirectly
22 responsible. Sorry. I went home and I watched
23 everything on the news probably like everything
24 else -- everybody else.

25 And then the next day as I went to work, it

1 started hitting me. If she'll die over this,
2 what'll happen to me?

3 MR. EPPS: I object, Your Honor. I'm going to
4 object and ask that be stricken from the record.
5 That is absolutely rank speculation.

6 THE COURT: Sustained.

7 MR. EPPS: And I'd ask it be stricken from the
8 record.

9 THE COURT: So ordered. That will be stricken.
10 BY MS. REEVES:

11 Q. Did you end up talking to law enforcement?

12 A. Yes, I did.

13 MS. REEVES: I have no further questions.

14 THE COURT: Cross-examination.

15 MR. EPPS: Yes, sir, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. EPPS:

18 Q. All right. Ms. Inman, you said in March of
19 2018, you worked at Liberty Tax Service?

20 A. Yes, sir.

21 Q. Okay. Do you know Adam Lawless?

22 A. I don't.

23 Q. You don't. You never met him; is that right?

24 A. Never.

25 Q. Okay. All this ---

1 A. Actually, that's not true. He did come in. I
2 don't remember him, but I do remember him coming in
3 to speak with Donna one time. I don't know what
4 about. It was a quick in and out, but I don't know
5 him.

6 Q. Okay. But Donna worked for you as a seasonal
7 tax preparer, correct?

8 A. Right.

9 Q. Okay. All right. But at -- this ain't got --
10 what you testified to has got to do with Donna
11 Lawless and -- and -- and Tabatha Duncan, right?
12 Nothing to do with Adam Lawless; is that correct?

13 A. That's not correct.

14 Q. Nothing to -- nothing -- Donna losing her job
15 didn't have anything to do with Adam?

16 A. That's not correct.

17 Q. It's not correct?

18 A. No, sir.

19 Q. Okay. Did you talk to Adam at any time?

20 A. Did not.

21 Q. Okay. Did you know Tabatha Duncan before she
22 came in on that -- on March the 9th?

23 A. I did not.

24 Q. Never seen her?

25 A. Never seen her.

1 Q. Never talked to her?

2 A. Never.

3 Q. Okay. Let me ask you this: Do you know -- did
4 you know the relationship between Tabatha Duncan and
5 Donna Lawless?

6 A. After she come in, yes.

7 Q. After she come in, but until that day, you had
8 no idea?

9 A. Huh-uh.

10 Q. You had no idea; is that right?

11 A. No, sir.

12 Q. Okay. And the whole thing was about that she
13 was looking for a return -- a tax return; is that
14 right?

15 A. That is -- that -- that was the initial
16 contact. Yes, sir.

17 Q. To look for a tax return?

18 A. Initially.

19 Q. Which you looked for and you couldn't find it;
20 is that right?

21 A. Correct.

22 Q. And that's when you called Donna. And do you
23 know anything about any agreement or anything
24 dealing with Donna and Tabatha Duncan or anything
25 about any tax return related ---

1 A. Yes, sir.

2 Q. Do you?

3 A. Yes, sir.

4 Q. How did you find out?

5 A. Between Tabatha and Donna, both of them talking
6 to me.

7 Q. Okay. But as far as any -- the reason Donna
8 lost her job was because she prepared tax --
9 Tabatha's tax returns at somewhere else other than
10 Liberty Tax Service?

11 A. Yes, sir.

12 Q. Okay. That's the sole reason, right, breach of
13 contract?

14 A. Yes, sir.

15 Q. I mean, she can help somebody file it -- file
16 their taxes; is that right?

17 A. No, sir.

18 Q. Okay. So for Liberty Tax Service, that is your
19 policy that if you help somebody, whether it be a
20 family member or not?

21 A. Can you explain what you mean by help?

22 Q. Help -- help file their taxes, whether that be
23 on Turbo Tax, whether that be with H&R Block,
24 whether that be with another CPA ---

25 A. Okay.

1 Q. --- M&M Tax Service?

2 A. So a tax professional helping someone is simply
3 giving them a little bit of advice according to law.
4 Once you provide so much help in that return, you
5 are considered to have prepared that return.

6 Q. Okay.

7 A. So there's a difference in helping someone and
8 preparing a return.

9 Q. Okay. But you don't know exactly what -- I
10 mean, all you know is that Tabatha Duncan came in
11 that -- on -- on Friday, March the 9th, was looking
12 for a return; is that right?

13 A. That is correct.

14 Q. Okay. And you don't have any -- you -- you
15 haven't had any conver -- you haven't -- have you
16 seen anybody, whether it be the Lawless family,
17 Tabatha Duncan's family, anybody after March the 9th
18 of 2018, have you seen any of those individuals?

19 A. Yes, sir.

20 Q. Who?

21 A. Michael.

22 Q. Michael?

23 A. Uh-huh.

24 Q. Shields?

25 A. Yes, sir.

1 Q. Okay. So you -- when did you see him?

2 A. I ran into him a couple of times, but actually
3 speaking to him, possibly about a -- probably a
4 year-and-a-half ago ---

5 Q. Okay.

6 A. --- two years ago.

7 Q. Okay.

8 A. Yeah.

9 Q. Okay. All right. But nobody from the Lawless
10 family?

11 A. Not that I know of ---

12 Q. Okay.

13 A. --- because I don't really know the family.

14 Q. All right. And the only thing, basically Donna
15 got -- Donna lost a job because she broke --
16 breached the contract from what y'all say with
17 Liberty Tax Service?

18 A. An investigation was requested, as well.

19 Q. Okay. Okay. But she lost her job, right?

20 A. Yes. And potentially freedom.

21 Q. Okay. All right. Did you tell her that? Did
22 you put that in your statement?

23 A. What do you mean?

24 Q. When you talked to SLED.

25 A. I didn't -- what do you mean? That is common

1 knowledge ---

2 Q. Did you tell SLED she was looking at ---

3 THE COURT: Let the witness answer the question
4 before you ask another question.

5 THE WITNESS: To me, that's common knowledge.
6 If you -- with the allegations that were given to
7 me -- if I was allowed to tell you the allegations
8 that were given to me, then, yeah, anybody would
9 know that that would cost you your freedom.

10 BY MR. EPPS:

11 Q. Okay. Donna's freedom, right?

12 A. Correct.

13 Q. Okay. All right. But did you talk -- you
14 didn't talk about that with law enforcement?

15 A. To me that's common knowledge.

16 Q. But you -- so the answer is no?

17 A. No. I don't think so anyway.

18 MR. EPPS: Your Honor, I have no further
19 questions.

20 THE COURT: Is there anything further from this
21 witness?

22 MS. REEVES: No, sir.

23 THE COURT: All right. Thank you, ma'am.

24 MS. REEVES: May she be excused?

25 THE COURT: Any objection?

1 MR. EPPS: No -- no objection.

2 THE COURT: Thank you, ma'am. You are excused.

3 THE WITNESS: Thank you.

4 (Witness excused.)

5 MS. REEVES: State calls Josh Raffini.

6 (Witness approached.)

7 THE CLERK: Please raise your right hand.

8 THE WITNESS: (Complying.)

9 THE CLERK: Do you solemnly swear or affirm the
10 testimony you give this Court will be the truth, the
11 whole truth, and nothing but the truth?

12 THE WITNESS: I do.

13 THE CLERK: Thank you. Please have a seat in
14 our witness chair.

15 THE WITNESS: (Complying.)

16 THE CLERK: And please state your full name for
17 the record and spell your last name.

18 THE WITNESS: Joshua Brent Raffini,
19 R-a-f-f-i-n-i.

20 JOSHUA RAFFINI,

21 having been produced and first duly sworn as a
22 witness on behalf of the State, then testified as
23 follows:

24 DIRECT EXAMINATION

25 BY MS. REEVES:

- 1 Q. Mr. Raffini, where do you work?
- 2 A. Pruitt & Pruitt Law Firm here in Anderson.
- 3 Q. And how long have you worked there?
- 4 A. I'm in my tenth year now.
- 5 Q. Okay. And what is your position with the firm?
- 6 A. I'm an associate attorney.
- 7 Q. Was that your position back in March of 2018?
- 8 A. It was.
- 9 Q. And are you familiar with Tabatha Duncan?
- 10 A. I am.
- 11 Q. How are you familiar with her?
- 12 A. She was a client of mine that hired me I
- 13 believe in April of 2017.
- 14 Q. Why were you hired?
- 15 A. It was a custody modification case that was
- 16 filed here in Anderson County Family Court.
- 17 Q. What is custody modification?
- 18 A. There was already a custody order in place for
- 19 Tabatha concerning the child that was at issue in
- 20 that case, and so this case was an effort to modify
- 21 an existing order concerning both custody and
- 22 visitation for Tabatha's child.
- 23 Q. And who was that child in question?
- 24 A. FL [REDACTED]
- 25 Q. And who was the opposing party?

1 A. That was Adam.

2 Q. What was the -- you said there had already been
3 a final order?

4 A. That's correct. I believe the final order was
5 in 2016, so this was about a year later.

6 Q. And what did that final order read? How was
7 custody?

8 A. It was joint custody between the parents and
9 they shared placement on a week-to-week basis, so
10 they alternated having the child each week.

11 Q. And she hired you at some point to modify that?

12 A. That's correct.

13 Q. In what way?

14 A. She was seeking primary placement or sole
15 custody. So, effectively, she was seeking to have
16 more time with the child and have the father of the
17 child have less time.

18 Q. And was that custody modified?

19 A. It was on a temporary basis. The case was
20 ongoing through that year, but we had two temporary
21 orders that had made certain changes to the previous
22 final order.

23 Q. So what changes were made?

24 A. In I believe May of 2017, we had the first
25 temporary order. It was done by consent, meaning we

1 didn't actually have a hearing. And both parties
2 were represented by attorneys, so these attorneys
3 had agreed on some temporary changes. We kept the
4 same week-to-week schedule. However, at that time
5 the father of the child agreed that he would be
6 supervised during his time until there were a couple
7 of drug tests that were performed, and the parties
8 were also going to undergo coparenting.

9 Q. Was there supposed to be contact between the
10 two parties?

11 A. At that time there was not. The contact was
12 limited. They were to rely on family, primarily
13 their parents, for exchanging the child and not to
14 have any direct contact.

15 Q. Was that temporary order modified again?

16 A. It was.

17 Q. How so?

18 A. In November, Tabatha had had some issues,
19 primarily with stability. I believe housing were a
20 couple of concerns that we were addressing. And so
21 the father was going to have custody on a temporary
22 basis, at least primarily, until she could gain some
23 additional stability. And we -- just like with the
24 first temporary order, we actually -- we did that by
25 consent. We didn't have a hearing, and the

1 intention and what was actually set forward in that
2 order was that the parties were going to work on
3 modifying it as soon as she had addressed the -- the
4 concerns that were present in November of 2017.

5 Q. Was there an additional clause in that
6 temporary agreement that hadn't been in the previous
7 orders?

8 A. There was. The parties also agreed that if
9 there were any need for the child, which was again
10 **FL** to not be with either parents, either of
11 the parents, that the child would be with Adam's
12 parents, the paternal grandparents.

13 Q. And why was that clause included in the order?

14 A. There were concerns that if there were
15 additional problems with the parents, that DSS may
16 become involved and neither one of the parents
17 wanted DSS to actually take the child and put the
18 child in DSS custody.

19 Q. And, again, you said -- so if -- if neither
20 parent could take care of them, then custody would
21 go to whom?

22 A. To Adam's parents.

23 Q. And these orders that you're speaking of, they
24 were temporary?

25 A. That's correct.

1 Q. Is there a deadline of sorts?

2 A. A temporary order in family court lasts while
3 the action is still pending. So as long as the
4 family court case is going on, the temporary order
5 is valid. It's similar to what a final order would
6 be. It's just that it, by its very nature, will
7 expire at some point.

8 In family court, we have one year to resolved
9 the case based on the Supreme Court order that
10 requires us to at least request a final hearing
11 within one year from when we filed. It doesn't
12 always happen we can have that final hearing, but we
13 have to at least request the final hearing.
14 Otherwise, the case would be administratively
15 dismissed, which would then end those temporary
16 orders.

17 Q. Was that deadline approaching in Tabatha's
18 case?

19 A. It was. We were within about two months of the
20 deadline.

21 Q. Had you been in contact with Ms. Duncan prior
22 to March 9th of 2018?

23 A. I had. Earlier in that week, we had began
24 discussing prior court orders towards a final
25 resolution of the case.

1 Q. And, initially, what was that final resolution
2 to be? Was that going to be by hearing or by
3 agreement?

4 A. It was going to be by agreement. We discussed
5 that basically the options at that point were we
6 could agree to some form of resolution by consent.
7 Similarly, to what we had done with the temporary
8 orders.

9 If we couldn't reach an agreement, we would be
10 required to go through mediation. And only after
11 mediation, if we were still unsuccessful, we would
12 be able to request a contested final hearing. But
13 at that point, I believe we had an agreement
14 earlier. Friday, I believe, was March the 9th. It
15 was earlier that week I believe that we were -- if
16 we didn't have an agreement, we were very close to
17 an agreement.

18 Q. And what was that agreement to be?

19 A. We were going to return back to the previous
20 final order, the week-to-week placement. There were
21 a couple of clarifications we were keeping that were
22 part of the temporary order. And we were going to
23 keep the same language from the November 2017
24 temporary order regarding Mr. Lawless' parents as
25 far as what would happen in the event DSS became

1 involved with the family again.

2 Q. Were you or your office contacted by Tabatha on
3 March 9, 2018?

4 A. We were that afternoon.

5 Q. What do you know about that contact?

6 A. She called the office that afternoon. I
7 received a message the way I typically would from
8 our staff by e-mail if I'm already engaged in
9 another call with a client, which is actually quite
10 common for Friday afternoons before a weekend. A
11 lot of issues that need to be addressed before we
12 close for the week. So she called while I was on a
13 call, and I was told that she was holding for a
14 substantial period waiting for me to complete a call
15 I was already on.

16 Q. Did you end up speaking to her that day?

17 A. I did. I was -- the call I was already on,
18 when she contacted our office, went for quite a long
19 time. And so my instruction to our staff was to
20 make sure we had a good number to call her back and
21 that I would contact her as soon as I was done with
22 the call that I was already on, but certainly would
23 call her before leaving for the day, even though
24 that was late on Friday afternoon.

25 Q. So did this call seem -- and did your staff

1 treat this as something that was urgent?

2 A. They did.

3 Q. When you ended up speaking with her on the 9th,
4 did you understand that this agreement was still
5 going to go forward?

6 A. No. That was the purpose for the call. There
7 had been a disagreement between her and Adam that
8 afternoon. Several concerns were raised by Tabatha
9 at that time. And so as of Friday afternoon, the
10 agreement that we thought we had earlier that week
11 was no longer going to be in place.

12 Q. And did you continue to communicate with her
13 throughout the weekend?

14 A. I did. It was by e-mail over the course of the
15 weekend. We didn't speak again by phone.

16 Q. Through the course of the weekend, did -- did
17 Tabatha change her mind in terms of what she had
18 conveyed to you on Friday?

19 A. Not from Friday. As of Friday, we -- we no
20 longer had an agreement and she was pretty firm that
21 we were not going to have the agreement that had
22 been worked out earlier in the week.

23 So at that point, it -- it -- of course, this
24 is over the course of the weekend. We weren't doing
25 scheduling, that type of thing, but it was my

1 understanding we were not going to be going forward.
2 It was most likely mediating the case to try to
3 reach a resolution.

4 Q. In the final order that had been previously
5 prepared, did that lay out any information about who
6 was supposed to claim FL [REDACTED] in tax returns?

7 A. It did. The parties were to alternate claiming
8 FL [REDACTED] as their dependant. And so because they had
9 equal time, one would claim her one year and the
10 other would claim her the next year.

11 Q. And in 2017, who was supposed to claim FL [REDACTED]

12 A. Tabatha was.

13 Q. When was your last communication with
14 Ms. Duncan?

15 A. It was Sunday night. That would've been March
16 the 11th. And I don't remember the exact time, but
17 it shortly before 9:00 p.m. I believe.

18 MS. REEVES: I have no further questions.

19 Thank you.

20 THE WITNESS: Thank you.

21 THE COURT: Mr. Epps.

22 MR. EPPS: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. EPPS:

25 Q. Josh, how are you?

1 A. I'm doing well. How about you?

2 Q. You represented Tabatha during this time
3 period?

4 A. I did.

5 Q. Okay. And, I mean, we both do a lot of family
6 court work?

7 A. Yes.

8 Q. All right. And y'all had -- there was a final
9 order from August 26th of 2016; is that right?

10 A. That's correct.

11 Q. And that was by agreement?

12 A. I believe it was. Yes.

13 Q. And that -- that is the parties shared
14 week-to-week visitation?

15 A. That's -- that's correct.

16 Q. That's right. And then there was -- there was
17 a modification that was filed; is that right?

18 A. That's correct.

19 Q. And that you filed it?

20 A. I did.

21 Q. Okay. And then there was a temporary consent
22 order in June -- June 2nd of 2017?

23 A. That sounds like the correct date. Yes.

24 Q. Okay. As far as the parties were order to
25 participate in coparenting classes and so on and so

1 forth; is that right?

2 A. That's right.

3 Q. Okay. And then there was a temporary consent
4 order -- a second temporary consent order in
5 November of 2017?

6 A. That's right.

7 Q. Okay. It gave Adam sole custody of FL [REDACTED]

8 A. I don't have it front of me. I don't remember
9 it being sole. I thought we just switched
10 placement, but, certainly, he would've had -- had
11 the child primarily at that time.

12 MR. EPPS: And I've got a copy of it if I
13 can -- may I approach, Your Honor?

14 THE COURT: Yes, sir.

15 BY MR. EPPS:

16 Q. Is that a copy of that second temporary consent
17 order?

18 A. It is.

19 Q. Okay. And that order -- that's the last one in
20 effect before this prior to March 12th of 2018; is
21 that right?

22 A. That's correct. Yes.

23 Q. All right. And that gave Adam sole custody of
24 FL [REDACTED] is that right?

25 A. You're correct. It doesn't actually specify

1 sole custody. It just indicates ---

2 Q. It just says custody?

3 A. --- it says Adam would have custody, so I would
4 take that to be sole custody.

5 Q. Yes, sir. And does she have supervised
6 visitation?

7 A. Doesn't actually specify.

8 Q. Was she -- had -- you said that she had some
9 problems. You testified that she had some problems;
10 is that right?

11 A. There were some concerns about her. That's
12 right.

13 Q. Did she try to commit suicide?

14 A. That was my understanding. Yes.

15 Q. And was she hospitalized?

16 A. Briefly. Yes.

17 Q. And based on those concerns, y'all entered into
18 that second temporary consent order?

19 A. That's correct.

20 Q. And that's the last order that was in place as
21 of March 12th of 2018?

22 A. That's the last temporary order that was in
23 place because this was custody modification.

24 Certain -- certain items weren't addressed in the
25 temporary order so it would've gone back to the

1 previous final order, but this is the last order in
2 that one.

3 Q. That's right, but that was in place as of
4 March 12, 2018?

5 A. That's correct.

6 Q. And if it gets -- I can't -- whether it gets
7 dismissed by a trial or agreement or the 365-day
8 rule, the administrative rule, then it goes back --
9 it goes back to the final -- that -- the previous
10 final order; is that right?

11 A. Correct. If the modification was dismissed, it
12 would go back to the previous final order.

13 Q. Right. Okay. And you said that -- that
14 Tabatha had contacted your office on Friday?

15 A. Yes.

16 Q. Okay. And I know you said that it was, I
17 guess, labeled as urgent?

18 A. That's correct. That -- that was how our staff
19 sent the message.

20 Q. And we do a lot of family court work?

21 A. Yes.

22 Q. And we get a lot of these -- a lot of these --
23 a lot of times clients call on Friday about matters
24 that are urgent to them that may not necessarily be
25 urgent; is that right?

1 A. That's not at all unusual. That's correct.

2 Q. It is. All right. And -- but you -- you spoke
3 with her; is that right?

4 A. I did.

5 Q. Okay. And did she plan -- was she planning on
6 moving out of [REDACTED] Street?

7 A. Eventually, yes. She didn't have immediate
8 plans to.

9 Q. Okay. Did you know -- were you aware that she
10 had talked to Norman Boggs, a realtor?

11 A. No, I was not.

12 Q. Okay. Your communications with her over the
13 weekend, what was it -- was it about tax money?

14 A. That was part of it. Yes.

15 Q. Okay. What was the other part?

16 A. We talked about her living at the -- the
17 residence there in Iva. I understand that an
18 eviction action had been filed against her and she
19 had received a copy of that as well, so we were
20 discussing her -- her time there. We just hadn't
21 discussed her -- any plans to move out immediately.

22 Q. Okay. But were you in communication with
23 Adam's attorney?

24 A. Over the weekend, I don't believe so, no. We
25 were in communication I believe on Friday of that

- 1 week and then again on Monday.
- 2 Q. Monday morning?
- 3 A. Yes.
- 4 Q. All right. So Friday, you contacted Heather
- 5 Hite Stone about -- y'all having -- you said you had
- 6 an initial agreement on Friday?
- 7 A. Earlier in the week.
- 8 Q. Earlier in the week?
- 9 A. Yes.
- 10 Q. And that was to go back to the week-to-week,
- 11 right?
- 12 A. Correct.
- 13 Q. And y'all were going to leave -- well, y'all
- 14 were going to leave the language regarding the
- 15 grandparents in that final order; is that right?
- 16 A. As of earlier in the week, yes. That was what
- 17 we ---
- 18 Q. And then that kind of fell apart Friday; is
- 19 that right?
- 20 A. That's correct.
- 21 Q. And did you communicate -- but you were
- 22 communicating with -- with Heather on Adam -- Adam's
- 23 attorney?
- 24 A. Yes.
- 25 Q. Okay. And you said -- did you testify that

1 y'all had -- obviously, there was settlement
2 discussions or trying to actually resolve the case
3 or get it back on track for an agreement with
4 Heather -- your communication with Heather, Adam's
5 attorney; is that right?

6 A. Yes. Earlier -- earlier in the week.

7 Q. Okay. And was she making plans -- to your
8 knowledge, was she making plans to move out?

9 A. Tabatha?

10 Q. Yes.

11 A. No. I was not aware of any immediate plans to
12 move out, but, of course, she had been served with
13 an eviction action so she was aware of the
14 possibility of having to find a new place to live.

15 Q. Okay. All right. Are you sure that she was
16 served with an eviction action?

17 A. I don't think she was actually served. My
18 understanding was she was provided with a copy of
19 it, but not -- not served. And put it like this, I
20 don't think the way she received a copy of the
21 paperwork would've met with the court rules ---

22 Q. I understand.

23 A. --- but she did receive a copy of it.

24 Q. All right. But you had -- you spoke with
25 Adam's attorney Monday -- Friday -- I mean, Monday

1 morning?

2 A. I did.

3 Q. And that was on the 12th?

4 A. Yes. I believe that's right.

5 Q. Okay. And were the -- were the
6 conversations -- did you believe that there was --
7 that y'all were ultimately going to either come to
8 an agreement or actually go to mediation?

9 A. We actually didn't talk about that because by
10 the time I was speaking with her on Monday, we were
11 discussing what had occurred with Tabatha over the
12 weekend.

13 Q. Okay. So what time did you start -- what time
14 did you speak with Heather Hite Stone?

15 A. I'm not sure.

16 Q. You're not? Okay. All right. Did you
17 e-mail -- you e-mailed with -- with Tabatha all
18 weekend?

19 A. I did.

20 Q. Did you -- were you e-mailing with her at 9:00
21 o'clock on Sunday night?

22 A. I believe it was a little before 9:00 o'clock,
23 but it pretty close to 9:00.

24 MR. EPPS: Okay. All right. Josh, thank you.

25 Your Honor, I have no further questions.

1 THE COURT: Any redirect?

2 MS. REEVES: No, sir.

3 THE COURT: Thank you, Mr. Raffini.

4 THE WITNESS: Thank you, Your Honor.

5 MS. REEVES: May he be excused?

6 THE COURT: Any objection to this witness being
7 excused?

8 MR. EPPS: No objection.

9 THE COURT: You are excused.

10 THE WITNESS: Thank you, Your Honor.

11 (Witness excused.)

12 MS. REEVES: State calls Jeremy Gunnels.

13 (Witness approached.)

14 THE CLERK: If you would, please raise your
15 right hand.

16 THE WITNESS: (Complying.)

17 THE CLERK: Do you solemnly swear or affirm the
18 testimony you give this Court will be the truth, the
19 whole truth, and nothing but the truth?

20 THE WITNESS: I do.

21 THE CLERK: Thank you. Please have a seat in
22 the witness chair.

23 THE WITNESS: (Complying.)

24 THE CLERK: And if you would, please state your
25 full name for the record and spell your last name.

1 THE WITNESS: Jeremy Gunnels, G-u-n-n-e-l-s.

2 JEREMY GUNNELS,

3 having been produced and first duly sworn as a
4 witness on behalf of the State, then testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MS. REEVES:

8 Q. Mr. Gunnels, where do you live?

9 A. Lavonia.

10 Q. And where are you from?

11 A. Hartwell, Georgia.

12 Q. Where do you work?

13 A. I work at Purina Nestle.

14 Q. And did you know the victim in this case,
15 Ms. Duncan?

16 A. Yes, ma'am, I did.

17 Q. How did you know her?

18 A. We met when I worked at -- excuse me -- at
19 Michelin and we became friends there.

20 Q. Where did you work at Michelin?

21 A. I was a maintenance technician.

22 Q. Where is that?

23 A. Sorry. Starr, USH.

24 Q. I know there are multiple locations.

25 A. Yes, ma'am.

1 Q. Okay. So this one was in Starr?

2 A. Yes, ma'am.

3 Q. And you met Tabatha there. Was she an
4 employee, as well?

5 A. She -- she was -- she was a contract employee
6 through our cleaners.

7 Q. Oh, she provided -- I'm sorry -- cleaning
8 service?

9 A. Yes, ma'am.

10 Q. She was a cleaner? Okay. Did you, at some
11 point, start a relationship with her?

12 A. We did.

13 Q. Had her daughter FL [REDACTED] already been born at
14 that time?

15 A. Yes, ma'am.

16 Q. Did you ever meet Mr. Lawless?

17 A. Only once that I can recall when I went with
18 her to pick up FL [REDACTED]

19 Q. How long did your relationship with Tabatha
20 last?

21 A. Probably six to eight months.

22 Q. And do you remember when -- when this was?
23 What year this was?

24 A. I'm sorry. I don't know the exact year. No,
25 ma'am. I would say probably 2016, 2017.

1 Q. After you broke up, did you keep in touch with
2 her?

3 A. We didn't for quite some time, and then she
4 contacted me later on.

5 Q. And not later on, I mean, before she died?

6 A. Yes, ma'am.

7 Q. Okay. Did you have -- after your relationship
8 ended and then further contact, was that
9 romantically or no?

10 A. It started off just as -- speaking as friends,
11 just catching up and seeing how she had been doing,
12 and then it progressed into more of a romantic.

13 Q. More of what?

14 A. More romantic conversation. Yes, ma'am.

15 Q. Okay. And I'm referring to -- so are you
16 talking about, again, closer to her death?

17 A. Yes, ma'am.

18 Q. Okay. In between when you had broken up, was
19 there contact between you?

20 A. There was -- there was intermittent contact.
21 Yes, ma'am.

22 Q. Okay. And was that romantic?

23 A. No, ma'am. That was more of a friendly nature.

24 Q. Okay. And so then closer to her death, did you
25 begin communicating with her, as well?

1 A. Closer to her death, she did contact me. Yes,
2 ma'am.

3 Q. And how close? Do you remember?

4 A. A few days, a few weeks maybe. Sorry. I just
5 don't...

6 Q. And how did she contact you?

7 A. I want to say via text message.

8 Q. In the days before her death, did you end up
9 seeing her?

10 A. No, ma'am.

11 Q. Did you communicate with her?

12 A. Yes, ma'am. We did text back and forth.

13 Q. And how -- how did you normally communicate
14 between you?

15 A. Usually, via text. Sometimes through Facebook
16 messenger or Snapchat.

17 Q. What's your phone number?

18 A. (706) 201-5292.

19 Q. And so you said the nature of your relation --
20 your communications changed at some point?

21 A. Yes, ma'am. Closer to her death.

22 Q. And how so?

23 A. She expressed that she was moving out, had
24 found an apartment or -- I'm not quite certain
25 there, but she was wanting to come see me.

1 Q. Okay. And so she ---

2 MR. EPPS: Excuse me. I missed that. What was
3 the answer? I'm sorry.

4 THE COURT: Repeat -- repeat the answer.

5 THE WITNESS: She had indicated to me that she
6 had found an apartment or was moving to an apartment
7 and wanted to come see me.

8 BY MS. REEVES:

9 Q. Who -- did you understand who had she been
10 living with?

11 A. At one time I knew she was living with
12 Mr. Lawless. At the exact current time, I did not
13 know.

14 Q. Did you know where they lived?

15 A. No.

16 Q. Did you end up speaking with her on Sunday,
17 March 11th of 2018?

18 A. Possibly. I don't know the exact dates at that
19 time. Sorry.

20 Q. In March of 2018, where were you -- where were
21 you working?

22 A. March of 2018, I was still working with
23 Michelin.

24 Q. Do you remember the date that she died?

25 A. Yes, ma'am.

1 Q. When was that?

2 A. The -- no. I'm sorry. I don't know. '18
3 maybe. Sorry. I don't remember the exact date.

4 Q. Okay. If I can refresh your memory?

5 A. Yes, ma'am.

6 Q. Would it sound familiar to you if it -- she was
7 found on March 12th. Does that sound about right?

8 A. Yes, ma'am.

9 Q. Okay. So for you -- had you been communicating
10 with her the day before her death?

11 A. Yes, ma'am.

12 Q. And so if I told you that was Sunday, March
13 11th?

14 A. That would be correct. Yes, ma'am. I'm sorry.

15 Q. And so where were you the night of Sunday,
16 March 11th?

17 A. I was at work at Michelin.

18 Q. What shift did you work?

19 A. We worked a swing shift. At that current time,
20 I was working the 6:00(p) to 6:00(a).

21 Q. You said? I'm sorry?

22 A. I'm sorry. 7:00 a.m. to 7:00 p.m. Sorry.
23 Nightshift.

24 Q. Okay. The nightshift?

25 A. Yes, ma'am.

1 Q. Okay. And so what time would you approximately
2 have arrived at work then?

3 A. I usually got to work anywhere from 30 to
4 45 minutes early, so probably about 6:15 to 6:30.

5 Q. So that evening, had you been talking to
6 Tabatha while you were at work?

7 A. Yes, ma'am.

8 Q. And, again, was that through texting or
9 something else?

10 A. Yes, ma'am, via text. And then later on,
11 possibly through Snapchat. I can't remember.

12 Q. And what was the nature of that conversation?

13 A. So she had told me that she wanted to come see
14 me, or we were affirming her coming to see me the
15 next day.

16 Q. Were you making plans together to see each
17 other?

18 A. Yes, ma'am.

19 Q. What was that going -- what was that
20 interaction going to be?

21 A. She was supposed to arrive at my house. I
22 was -- I had to go to sleep or possibly awake at
23 that point in time. Didn't give an exact time. She
24 just said she would show up when she got done.

25 Q. So at some point Monday?

1 A. Yes, ma'am.

2 Q. And through that conversation, did you talk
3 about anything sexual?

4 A. Yes, ma'am.

5 Q. Was it detailed?

6 A. It was.

7 Q. Was it back and forth between the two of you?

8 A. Yes, ma'am.

9 Q. And how long did that conversation last?

10 A. Those text messages ended early in the night
11 and then probably swapped over to Snapchat or
12 messenger. Midnight, 1:00 a.m. Somewhere in there.

13 Q. At some point, you are awake, but did she stop
14 communicating with you?

15 A. Yes, ma'am. She quit texting back, so I
16 assumed she went to sleep.

17 Q. You got off work on Monday morning?

18 A. Yes, ma'am.

19 Q. And where did you go?

20 A. I went home from there. I had spoke with a
21 gentleman that was buying a truck I had, so I went
22 home. I left my home and took the truck. Got gas
23 in it. Went up to my grandmother's home since it's
24 on the main route or main road and he indicated he
25 was coming with a wrecker. Parked the truck and

1 waited on the gentleman to show up to pick it up.

2 Q. So the morning of Monday, you got off work ---

3 A. Yes, ma'am.

4 Q. --- and sold a truck?

5 A. Yes, ma'am.

6 Q. After that?

7 A. After I sold the truck, I went back home and

8 went to sleep.

9 Q. Did anything wake you up?

10 A. Yes, ma'am. Tabatha's mother called me. Woke

11 me up and said she couldn't get in touch with

12 Tabatha.

13 Q. Did you try to call Tabatha?

14 A. I don't recall. I don't -- I don't recall.

15 Q. Did you end up speaking with Tabatha that day?

16 A. No, ma'am.

17 Q. At some point later, did you hear what had

18 happened to Tabatha?

19 A. Yes, ma'am.

20 Q. Did you speak with investigators?

21 A. I did. One showed up to my work.

22 Q. Did he ask for your DNA?

23 A. Yes, ma'am.

24 Q. Did you give it to him?

25 A. Of course.

1 Q. And did he ask for anything else?

2 A. He asked for -- he asked me to give a detailed
3 statement of where I had been -- what hour I went
4 home, things of that nature, so I did. And he asked
5 me to meet him at the county -- county office to
6 download all the data from my phone.

7 Q. And did you do that?

8 A. Yes, ma'am.

9 MS. REEVES: I have nothing further,
10 Mr. Gunnels. Thank you.

11 THE WITNESS: Yes, ma'am.

12 THE COURT: Cross-examination.

13 MR. EPPS: Yes, sir, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. EPPS:

16 Q. All right. Mr. Gunnels.

17 A. Yes, sir.

18 Q. All right. You said that you had met Tabatha
19 at, you said, Michelin?

20 A. Yes, sir.

21 Q. Okay. And she was working for a cleaning
22 service?

23 A. Yes, sir.

24 Q. And y'all started a relationship?

25 A. Yes, sir.

1 Q. And that lasted about six to eight months?

2 A. Roughly, yes, sir. Sorry for the rough

3 estimate.

4 Q. No, sir. You got ---

5 A. I don't have the exact date. It's been five

6 years.

7 Q. No, you're fine. You're fine. And I think you

8 said that you didn't know Adam Lawless, did you?

9 A. No, sir.

10 Q. Okay. And you said you had met him one time?

11 A. That I can recall. Yes, sir. Rode with

12 Tabatha to pick up FL [REDACTED] at a pick-up or a

13 drop-off FL [REDACTED] at a skate rink.

14 Q. Okay. All right. And that -- that was in

15 2016?

16 A. Yes, sir.

17 Q. Okay. And then who reached out, and did you --

18 did you see or have a relationship with Tabatha in

19 2017?

20 A. I don't recall when the exact date of when the

21 relationship ended or started.

22 Q. But you had one and you were talking to her.

23 When did -- did she you reach out you or did you

24 reach out to her?

25 A. She reached out to me.

1 Q. When did she reach out -- back out to you?

2 A. I don't remember the exact dates. I'm sorry.

3 Q. Was it early in 2018? Was it in 2017?

4 A. The last I can recall was early 2018.

5 Q. Early 2018. Were you aware that she was living
6 in the house with Adam?

7 A. At one point, I didn't know where she was when
8 she reached out the final time.

9 Q. But y'all were talking about getting back into
10 a relationship?

11 A. It developed in that way. Yes, sir.

12 Q. But it -- but it -- it developed into that; is
13 that right?

14 A. Yes, sir.

15 Q. And then on Sunday, March the 11th, through
16 Monday, March the 12th of 2018, y'all were on the
17 phone a good bit?

18 A. Yes, sir.

19 Q. Okay. Through Snapchat and Facebook messenger
20 and texting?

21 A. As far as I can remember. Yes, sir.

22 Q. Okay. And then she was -- and y'all were being
23 sexual?

24 A. Yes, sir.

25 Q. Talking about what y'all were going to do to

1 each other?

2 A. Yes, sir.

3 Q. Suck on each other?

4 A. Sure.

5 Q. Be together; is that right?

6 A. Yes, sir.

7 Q. Okay. And this went on until after 1:00

8 o'clock in the morning?

9 A. As best I can remember. I was at work. I

10 don't know the exact time.

11 Q. It was late, right?

12 A. Yes, sir.

13 Q. Real late?

14 A. Yes, sir.

15 Q. All right. And that's basically the content of

16 the text messages? Basically, that y'all were

17 having sex talk back and forth; is that right?

18 A. Yes, sir.

19 Q. Okay. And she said that she had moved in.

20 When did she tell you she was moving into an

21 apartment?

22 A. She didn't give me an exact time. To my

23 understanding, she was finishing moving. Hadn't

24 moved. That next day, she was -- to my knowledge,

25 she was moving the rest of her stuff into an

1 apartment.

2 Q. Okay. Did you -- did she -- because I -- were
3 you aware that she had contacted a realtor?

4 A. No, sir.

5 Q. Okay. How do you know her mother?

6 A. Just -- excuse me -- just met one or twice.

7 Q. Okay. But she had your phone?

8 A. Yes, sir.

9 Q. Did she know that you and Tabatha were talking
10 again?

11 A. For her to call me, I assume she did.

12 Q. Okay. Had you -- had you had any communication
13 with her mother prior to the 12th?

14 A. Not that I can recall. No, sir.

15 Q. What car were you driving?

16 A. A black 2005 Nissan Titan.

17 Q. A black 2005 Nissan Titan?

18 A. Yes, sir.

19 Q. Okay. A pickup truck or SUV?

20 A. Pickup truck.

21 Q. Pickup truck?

22 A. Yes, sir.

23 Q. Okay. Black?

24 A. Yes, sir.

25 Q. All right. Is that the car that you sold?

1 A. No, sir. I sold ---
2 Q. What car did you sell?
3 A. I sold a '79 C30 silver in -- silver in color
4 truck.
5 Q. Silver in color truck?
6 A. Yes, sir.
7 Q. You sold it that morning; is that right?
8 A. Yes, sir.
9 Q. Let me ask you: How long after -- obviously,
10 SLED came to talk to you?
11 A. Yes, sir.
12 Q. Okay. Obviously, you were the last person on
13 her phone records at least until 1:00 a.m. or so in
14 the morning to speak with Tabatha; is that right?
15 A. That's what I was informed.
16 Q. How long before SLED came to speak with you?
17 A. I don't remember exactly. A month maybe.
18 Q. A month?
19 A. Maybe somewhere in there. May not be exact.
20 Close to there, yes.
21 Q. So a month later is a -- a month later? Do you
22 know how they got to -- to know to come talk to you?
23 A. He said that I had been indicated by
24 Mr. Lawless or someone in that family that was
25 having contact with Tabatha.

1 Q. Or that -- that information was given that you
2 were the last person to speak with Tabatha ---

3 A. He didn't ---

4 Q. --- as far as on the phone?

5 A. He didn't express it like that directly.

6 Q. But they had been contacted and they came
7 out ---

8 A. Yes, sir.

9 Q. --- is that right?

10 A. Yes, sir.

11 Q. It wasn't that they picked up your name and
12 then came out and spoke with you and took your
13 information; is that right?

14 A. Correct.

15 Q. All right. And you gave a swab -- a DNA swab?

16 A. Yes, sir.

17 Q. Are you aware they didn't talk to anybody else
18 in your family?

19 A. No, sir.

20 Q. Okay. You sold a vehicle the morning of
21 that -- when Tabatha was found?

22 A. Yes, sir.

23 Q. Did they talk to anybody -- did they talk to
24 the guy you sold the vehicle to?

25 A. They spoke with my grandmother.

1 Q. They spoke with your grandmother?

2 A. Yes, sir.

3 Q. Did you sell the vehicle at your grandmother's
4 house?

5 A. I did.

6 Q. Okay. So they did follow-up and spoke with
7 your grandmother, right?

8 A. Sorry. I misunderstood your question.

9 Q. No. Did they talk to anybody else about --
10 what about the person that you sold the vehicle to?

11 A. I'm unaware.

12 Q. Did you know the person you sold the vehicle to
13 or did you just get this -- how did you ---

14 A. I sold the truck on Facebook. He contacted me.
15 I did not know him.

16 Q. Okay. When did he contact you?

17 A. That night -- excuse me. That night when I was
18 at work.

19 Q. Okay. And all of this -- you were talking
20 extensively with Tabatha throughout Sunday night and
21 Monday night or Monday morning?

22 A. To my recall, yes, sir.

23 MR. EPPS: Okay. Thank you, Your Honor. I
24 have no further questions.

25 THE COURT: Anything further from this witness?

1 MS. REEVES: No, sir.

2 THE COURT: All right. Thank you, sir. You
3 can step down. Any objection to this witness being
4 excused?

5 MR. EPPS: No, sir, Your Honor.

6 THE COURT: Sir, you are excused.

7 THE WITNESS: Thank you.

8 (Witness excused.)

9 MS. REEVES: Your Honor, the State calls Staff
10 Sergeant Jonathan Villegas..

11 (Witness approached.)

12 THE CLERK: If you'd step forward and raise
13 your right hand?

14 THE WITNESS: (Complying.)

15 THE CLERK: Do you solemnly swear or affirm the
16 testimony you give this Court is the truth, the
17 whole truth, and nothing but the truth?

18 THE WITNESS: I do.

19 THE CLERK: Please have a seat in our witness
20 chair.

21 THE WITNESS: (Complying.)

22 THE CLERK: And if you would, please state your
23 full name for the record and spell your last name.

24 THE WITNESS: Yes, ma'am. Jonathan Villegas.
25 Last name is V-i-l-l-e-g-a-s.

1 STAFF SERGEANT JONATHAN VILLEGAS,
2 having been produced and first duly sworn as a
3 witness on behalf of the State, testified as
4 follows:

5 DIRECT EXAMINATION

6 BY MS. REEVES:

7 Q. Sergeant Villegas, where do you work?

8 A. Anderson County Sheriff's Office.

9 Q. How long have you worked there?

10 A. Thirteen years.

11 Q. And your current position?

12 A. Staff Sergeant.

13 Q. What does that mean?

14 A. Basically, I'm a road supervisor. I oversee
15 the duties of the deputies that work up under me and
16 basically help manage their paperwork and caseload.

17 Q. And was that your position in March of 2018?

18 A. I was a sergeant back in 2018, but basically
19 the same responsibilities.

20 Q. On March 12th of 2018, did you have occasion to
21 go to [REDACTED] Street in Iva?

22 A. Yes, ma'am.

23 Q. And for what reason?

24 A. Me and another coworker at the time, Corporal
25 Caleb Wilkinson, we were eating lunch at Mama

1 Minto's. And when we existed the restaurant, we
2 noticed just down the road an Iva patrol -- Iva PD
3 patrol car in front of the residence. The officer
4 on scene at the time seemed a bit frantic, so we
5 went over to check on him to make sure he didn't
6 need any assistance from us. And then from that
7 point, he had told us what had transpired at that
8 address.

9 Q. So I'm assuming Mama Minto's is close to
10 the residence?

11 A. It is. Yes, ma'am. Within walking distance.

12 Q. So when you existed, you could see the
13 residence ---

14 A. Yes, ma'am.

15 Q. --- and the activity going on?

16 A. Yes, ma'am. Correct.

17 Q. So you were not necessarily dispatched to that
18 residence, but you arrived?

19 A. Correct. Yes, ma'am.

20 Q. And would you have notified dispatch though of
21 your arrival?

22 A. Yes, ma'am.

23 Q. And why do you do that?

24 A. Just so they're basically in the loop. They
25 need to keep track of what -- where we're at, what

1 we're doing, and how we're assisting.

2 Q. Do you remember about what time that was that
3 you arrived at 202?

4 A. I would say probably close to around 2:00, 2:00
5 o'clock. Yes, ma'am.

6 Q. And, again, you said it was Lieutenant Vaughn
7 on scene; is that correct?

8 A. Yes, ma'am.

9 Q. And can you describe how he appeared?

10 A. He just appeared frantic, like, clearly, there
11 was a situation going on there. And at the time, I
12 believe, he was the only officer on scene when we --
13 when we got there, so we just decided to help out
14 any way we could.

15 Q. And how did you help?

16 A. I put up crime scene tape around the scene and
17 just basically made sure nobody else other than
18 medical and law enforcement could get past the crime
19 scene tape.

20 Q. At some point, were you asked to do anything
21 else?

22 A. Yes, ma'am. I was asked to do a welfare check
23 on a child off of -- I believe it was H H Foster I
24 believe the name of the road was. I was asked to go
25 do a welfare check on a child over there.

1 Q. Okay. And where was -- how close was that
2 address?

3 A. It was fairly close. I mean, just within
4 several miles. It didn't take long to get there.

5 Q. Did anyone else go with you?

6 A. No, ma'am. I was by myself.

7 Q. And what time did you arrive at that other
8 residence?

9 A. I'd say a little after 2:00, probably 2:15 or
10 so, something like that.

11 Q. And what happened when you arrived at H H
12 Foster?

13 A. I made contact with -- I believe it was two
14 adults inside the home. They seemed -- they seemed
15 surprised I was there, like, clearly, they didn't
16 know I was coming. And I checked on -- I believe it
17 was a little girl at the time. She appeared fine.
18 Maybe she had just gotten out of -- I think she had
19 a towel on, so maybe just got out of a bath, but I
20 talked to them. Nothing at the house seemed to
21 really raise any alarms to me. The child appeared
22 to be in good condition and nothing was told to me
23 as far as any kind of issues or medical problems or
24 anything like that. So once I made sure the child
25 was safe, I -- I left that residence and returned

1 back to the scene.

2 Q. So no alarm bells, no reason to call EMS, or
3 anything that indicated to you at that time?

4 A. No, ma'am. Not at that time.

5 Q. And what did you do after that?

6 A. I returned back to the scene where I resumed my
7 post. Basically, just making sure nobody could come
8 into the crime scene until I was released.

9 Q. Did you ever do anything else while you were on
10 the scene?

11 A. The only -- the only other thing I did do while
12 I was on scene, I did make phone calls to my
13 supervision just to kind of let them know where I
14 was at, what I was doing.

15 At some point, I know Lieutenant Vaughn had
16 asked me to notify our CID personnel to see if they
17 would be able to take over, and they advised me that
18 they couldn't. So at that point, I left it back up
19 to Lieutenant Vaughn how to -- how to proceed from
20 there and -- but that was -- that was it.

21 Q. Did you ever handle a crime scene log?

22 A. No, ma'am.

23 Q. You don't remember that?

24 A. No, ma'am. I don't remember that.

25 Q. Do you remember staying on the perimeter?

1 A. Yes, ma'am. I did stay on the perimeter until
2 I was relieved.

3 MS. REEVES: I don't have any further
4 questions. Thank you.

5 THE COURT: Mr. Epps, any cross-examination?

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

7 CROSS-EXAMINATION

8 BY MR. EPPS:

9 Q. Officer, how are you?

10 A. Good. How are you?

11 Q. Good. You were eating lunch with Caleb
12 Wilkinson?

13 A. Correct. Yes, sir.

14 Q. And that was at -- at the Mexican restaurant?

15 A. At Mama Minto's.

16 Q. Mama Minto's?

17 A. Yes, sir.

18 Q. And that was right above where the house is?

19 A. Yes, sir.

20 Q. Okay. And y'all just happened -- y'all saw --
21 obviously, there was something go on, so y'all went
22 to assist; is that correct?

23 A. Correct. Yes, sir.

24 Q. All right. And as far as March 12th of 2018,
25 that's your only involvement in this case; is that

1 right?

2 A. That's correct. Yes, sir.

3 Q. Did you ever -- I mean, did you ever speak with
4 Adam Lawless?

5 A. Not -- not that I can -- not that I can recall.
6 I -- I remember seeing him, but I don't think I ever
7 spoke with him.

8 Q. And he came to the -- he came to the residence;
9 is that right?

10 A. He did.

11 Q. How long were you there -- ultimately, how long
12 were you there at -- at [REDACTED] Street?

13 A. I would probably say anywhere from 30 to 40
14 minutes total. If we're talking from the time I
15 arrived and then left to go do the welfare check and
16 came back, I -- I'd say probably about 30, 45,
17 minutes total. I wasn't there too -- too long.

18 Q. Okay. So you didn't stay there through the
19 afternoon and through the night?

20 A. No. No, sir.

21 Q. Okay. You -- I guess, you -- you left once you
22 were con -- or informed that SLED was going to be
23 the head investigating agency, right?

24 A. Correct. Yes, sir.

25 Q. All right. So you left -- and that's -- that's

1 the extent of your participation in this
2 investigation?

3 A. Correct. Yes, sir.

4 Q. All right. Now, they asked you about a crime
5 scene log. Did you ever have your hands on a crime
6 scene log for a little bit and hand it off to
7 somebody?

8 A. I don't recall. I don't -- I don't -- I
9 don't -- I don't remember if I ever did a crime
10 scene log. No, sir.

11 Q. Okay. But it's been -- it's been five years
12 ago?

13 A. Yes -- yes, sir.

14 Q. So you very possibly could've -- would you have
15 handled the crime scene log?

16 A. Probably not, just because I left the scene.

17 Q. Okay.

18 A. So if anything -- if -- if I had done a crime
19 scene log, it would've been handed over to one of
20 the other officers on scene. It would've been Iva
21 or the other deputy.

22 Q. Right. But there was a crime scene log -- it
23 is -- it's possible -- crime -- you should start --
24 a crime scene log was started for that -- at that
25 residence for that -- at the beginning of that

1 investigation; is that right?

2 A. There should've been -- if it was -- if it was
3 our scene, typically our policy is with the
4 sheriff's office that, yes, sir, we start a crime
5 scene log, but I -- I can't attest to if Iva or
6 anybody started the crime scene log.

7 Q. Okay. And you never went into the house?

8 A. Correct.

9 Q. All right. You never did -- you just stepped
10 foot on the property. I think you helped put tape
11 around ---

12 A. That's correct. Yes, sir.

13 Q. --- the property, but you never went inside?

14 A. That's correct.

15 Q. Okay. But you did the welfare check; is that
16 right?

17 A. That's correct.

18 Q. And you went to H H Foster Drive?

19 A. Correct. Yes, sir.

20 Q. And there were two adults in there?

21 A. To my -- to my knowledge.

22 Q. And the child had just got out of a bath?

23 A. Appeared to be. Had a -- had a towel wrapped
24 around her.

25 Q. Did you -- did you have -- did you happen to

1 see the child's smelly clothes?

2 A. No, sir.

3 Q. Okay. Did they offer for -- well, did you --
4 so you didn't -- do you not -- you didn't see them
5 or you don't remember?

6 A. What? The smelly clothes?

7 Q. Yes, sir.

8 A. No, sir. I never saw any clothes. All I saw
9 was the child wrapped in a towel.

10 Q. Okay. But she was in towel; is that right?

11 A. That's correct.

12 Q. Okay. And she was safe?

13 A. Yeah, from -- from what I could tell. Yes,
14 sir.

15 Q. Okay. And based on that and based on her being
16 said, that you went ahead and returned to the scene;
17 is that right?

18 A. Correct. Yes, sir.

19 Q. Do you remember who the adults were in the
20 house?

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

22 Q. You don't? Okay. And how long did you stay at
23 the house?

24 A. I'd say less than 5 minutes.

25 Q. Less than 5 minutes?

1 A. Correct.

2 Q. All right. And the child was being -- she had
3 a towel around her?

4 A. Correct. Yes, sir.

5 Q. Okay. Been cleaned up?

6 A. Yeah, like she just got out of a -- a bath or
7 something like that. Yes, sir.

8 Q. Okay. And, basically, your observation and
9 what you -- your communication with people that the
10 child was safe, so you returned back to the scene,
11 right?

12 A. Correct. Yes, sir.

13 MR. EPPS: Okay. Thank you, sir. Your Honor,
14 I have no further questions.

15 THE COURT: Anything further from this witness?

16 MS. REEVES: No, sir.

17 THE COURT: Any objection to this witness being
18 excused?

19 MR. EPPS: No, sir.

20 THE COURT: Okay. Thank you, Officer. You are
21 excused.

22 THE WITNESS: Thank you.

23 (Witness excused.)

24 MS. REEVES: Judge, may we approach?

25 THE COURT: Yes, ma'am.

1 (Sidebar discussion.)

2 THE COURT: We've got one witness that we're
3 going to try to get through before lunch. So I know
4 it's been an hour and a half since we -- we had a
5 break, so I'm going to let you take a short break
6 just so we can get through this witness and then
7 we're going to break for lunch. We've got -- as I
8 understand it, we've got some witnesses that are a
9 little bit more lengthy after that, so we're going
10 to do them after lunch.

11 So, Mr. Bailiff, take the jury to the jury
12 room, and we're going to take just a little quick
13 break and then finish out our morning.

14 (From 11:47 to 11:57 a.m., brief recess.)

15 MS. REEVES: State calls Shanon Robinson.

16 (Witness approached.)

17 THE CLERK: If you would, step forward and
18 raise your right hand.

19 THE WITNESS: (Complying.)

20 THE CLERK: Do you solemnly swear or affirm the
21 testimony you give this Court is the truth, the
22 whole truth, and nothing but the truth?

23 THE WITNESS: I do.

24 THE CLERK: You can have a seat in our witness
25 chair.

1 THE WITNESS: (Complying.)

2 THE CLERK: If you would, state your full name
3 and spell your last name for the record.

4 THE WITNESS: Shanon Robinson, R-o-b-i-n-s-o-n.

5 SHANON ROBINSON,

6 having been produced and first duly sworn as a
7 witness on behalf of the State, then testified as
8 follows:

9 DIRECT EXAMINATION

10 BY MS. REEVES:

11 Q. Ms. Robinson, where do you work?

12 A. I work for the Anderson County Fire Protection
13 Commissioner.

14 Q. And how long have you worked there?

15 A. Four years.

16 Q. What is your position?

17 A. I'm the training coordinator for the county.

18 Q. Where did you work prior to the fire
19 department?

20 A. For Iva rescue squad.

21 Q. How long did you work there?

22 A. Fifteen years.

23 Q. And what was your position?

24 A. I'm a paramedic.

25 Q. Can you pull that microphone down just a little

1 bit?

2 A. I'm sorry.

3 Q. What kind of training have you had to be a
4 paramedic?

5 A. I went to Midlands Tech and received my
6 paramedic in 2007. I've been an EMT since 1992.

7 Q. And what were your duties and responsibilities
8 as a paramedic?

9 A. Provide emergency care to patients prior to
10 being transported to the emergency room.

11 Q. And were you employed with Iva rescue in March
12 of 2018?

13 A. Yes, ma'am.

14 Q. And March 12, 2018, were you dispatched to [REDACTED]
15 [REDACTED] Street?

16 A. Yes, ma'am. We were.

17 Q. And was anyone else working with you that day?

18 A. Yes, ma'am.

19 Q. Who?

20 A. Paramedic Michael Wild.

21 Q. And why were you dispatched to that address?

22 A. We were sent to standby for the Iva Police
23 Department.

24 Q. Do you remember what time that call came in?

25 A. It was about 1:55. We had just finished lunch

1 at a local cafe.

2 Q. And so were you close?

3 A. We were. It's a few blocks.

4 Q. What does standby for Iva PD mean?

5 A. We were sent there in case we were needed. Law
6 enforcement usually goes in to evaluate what was
7 going on. Then if we're needed, we're -- we're
8 close by.

9 Q. Was that standby status changed at some point?

10 A. Yes, ma'am.

11 Q. How so?

12 A. They upgraded us to go in emergent for an
13 unresponsive male patient.

14 Q. And where was he located?

15 A. He was on the front porch leaning up against
16 the column or a pillar on the porch.

17 Q. Do you remember what he was wearing?

18 A. I know that he had on pants. I'm not sure.

19 Q. Long sleeves or short?

20 A. No, ma'am. I don't recall.

21 Q. To refresh your memory, were you -- you were
22 able to watch Lieutenant Vaughn's body camera
23 yesterday. Would it surprise you if the gentleman
24 on the front porch was wearing a short-sleeve shirt?

25 A. Surprise me? No.

1 Q. Does that sound familiar?

2 A. I actually -- I can't -- I can't recall.

3 Q. Okay. What did you do when you arrived on
4 scene then?

5 A. We evaluated him like we would any other
6 patient. We checked for responsiveness and try to
7 speak with the patient to see what's wrong with
8 them. He had called us for an unresponsive male,
9 but his eyes were open and he was looking around.

10 Q. Did you come to found out his name?

11 A. It was Mr. James lawless.

12 Q. And how did he appear? Was he bleeding from
13 anywhere?

14 A. No, ma'am. He didn't have any injuries at all
15 that we could see. He would not respond and answer
16 any questions for us when we tried to speak with him
17 to ask him what was wrong. So we didn't really --
18 didn't know exactly what was wrong with him, but he
19 was awake and looking around.

20 Q. What, if anything, happened while you were
21 assessing that patient?

22 A. Lieutenant Vaughn came back to the door and
23 motioned for me to come inside and assist him.

24 Q. And what did you do once inside?

25 A. He pointed as I walked in the door to the right

1 and asked me to assist that patient. It was pretty
2 far off, but I could see, like, she was on her side
3 and I could see the bottom of her feet.

4 Q. Did you come to find out her name?

5 A. It was Ms. Tabatha Duncan.

6 Q. And when you were -- once you saw her, what did
7 you do for this patient?

8 A. On the way there, it was dark inside.

9 Lieutenant Vaughn had his flashlight. I had to -- I
10 think I stepped over a basket to get to her. It was
11 a very small area. I couldn't get all the way up to
12 her head, so I was kind of towards her feet. I
13 just, you know, tried to assist her. I raised her
14 shirt a little bit and touched her body with the
15 back of my hand because she did not appear to be
16 breathing.

17 Q. Did you have on gloves?

18 A. Yes, ma'am, I did.

19 Q. And when you felt her skin, how did it feel?

20 A. It was cold. It was kind of gray and cold.

21 Q. Could you observe anything else about her?

22 A. Her hair was kind of down like over her face.

23 There appeared to be a significant wound to her neck
24 area. And, again, she didn't appear to be
25 breathing, so I asked Lieutenant Vaughn to get my

1 partner to get our monitors so we could assess her
2 status.

3 Q. Did you notice anything else inside the room?

4 A. There was a large amount of blood around her
5 head area towards -- I think it was the washing
6 machine that was there.

7 Q. Did you actually come out of the room?

8 A. I did. When -- because Lieutenant Vaughn was
9 back towards the door a little bit. I came out and
10 stepped back over the -- the basket. And on the
11 floor, there was a silver knife with what appeared
12 to be blood on it, so we were careful not to disturb
13 that. I actually went back to the door to wait on
14 Michael to come back in with a monitor.

15 Q. And what is the monitor?

16 A. It captures your heartbeat, so we would -- per
17 our protocols that we go by, if we think somebody is
18 deceased, we normally -- it is our discretion, but
19 we normally apply that and run a strip that shows
20 that they have no heart activity.

21 Q. So you're -- it's essentially an aid to help
22 you assess if there are signs of life?

23 A. It is. It's a tool, and it's at my discretion
24 to use that. In normal situations, we do that, but
25 this was not a normal situation.

1 Q. How so? Did you use the monitor?

2 A. I did not. My partner, Mr. Wilds, came back
3 with me. We stopped. It takes a lot. There's
4 certain places that you have to put the electrode
5 switches that sends the information to the monitor
6 screen. They have to be placed in certain areas in
7 a certain order to capture the heartbeat. We would
8 have disturbed a lot of things putting those pads on
9 her, so we decided that her injuries appeared to be
10 incompatible with life, which is another tool that I
11 can use to determine a person is deceased. So we
12 decided collectively that we would not disturb
13 anything else in the room.

14 Q. So what, if anything, further did you do?

15 A. We immediately walked back out the same way
16 that we came. We requested the coroner to respond.
17 We called once we were outside and back outside of
18 the residence.

19 Q. Was Mr. Lawless still sitting on the front
20 porch?

21 A. He was. When we went back to evaluate him,
22 Paramedic Wilds sat with him. After some time, we
23 eventually got the stretcher out and placed
24 Mr. Lawless in the back of the ambulance so we could
25 continue to assess him. He still was, in my

1 opinion, not being cooperative by answering
2 questions.

3 There was some people in the yard that gave us
4 some information because we didn't have any medical
5 history on him, didn't know what was wrong with him.
6 There was a female there. I can't recall exactly
7 who she was. She said he had a traumatic brain
8 injury in the past. With that, sometimes people can
9 have different problems like seizures, but that
10 didn't appear to be what was going on with
11 Mr. Lawless. He was able to move all of his
12 extremities, so we did not think he was having a
13 stroke.

14 He also would respond to painful stimuli, which
15 if you were truly having a true seizure you wouldn't
16 be able to do that either. So we did not feel that
17 he was having a major medical problem, but we did
18 put him in the back of the ambulance.

19 Q. So there was no treatment given to him?

20 A. No. We -- we did take his vital signs pretty
21 regularly for the amount of time that he was in the
22 back of our ambulance.

23 Q. What is a pain stimuli?

24 A. It's a sternum rub where we take our fist and
25 then the sternum area, rub it really hard. Most

1 people can't tolerate that kind of pain without
2 flinching. And he did respond to that. If we tried
3 to do the sternum rub, he did withdraw from that
4 pain.

5 Q. And was he eventually released?

6 A. Yes, ma'am, he was. He was stable. Again, not
7 very informative about what was going on and what
8 was wrong with him, but he -- he was -- he
9 answered -- eventually answered all of our questions
10 and we released him. I believe one of his family
11 members took him.

12 Q. So did he ever make any other complaints to you
13 about any other injuries that he was suffering from?

14 A. No, ma'am.

15 Q. Did you treat a third patient that day?

16 A. Yes, we did. We remained on scene just because
17 of the large presence of people and things that were
18 going on.

19 A lady came to my side of the ambulance and
20 knocked on the window. I believe it was shortly
21 after 6:00, in that time frame, and said that the
22 child that had been taken from the residence earlier
23 in the day was at her residence and that she felt
24 like she needed to be evaluated. She said the child
25 came to her covered in vomit, had vomited several

1 more times, and had a diarrhea diaper on that had
2 red plastic in it and she was concerned for the
3 child's wellbeing.

4 Q. And what, if anything, did you do next?

5 A. We responded. We notified Lieutenant Vaughn
6 that she came to us. Spoke to the SLED agent, and
7 they advised us to go evaluate the child and to
8 transport her to the hospital.

9 When we got there, we walked in. We followed
10 the -- didn't have an exact address on H H Foster,
11 but we followed the female back up there. When we
12 went in, the child was sitting in the highchair.
13 And no clothes, but did have a diaper on. I think
14 she was playing with a spoon.

15 Q. And about how old was she?

16 A. Two.

17 Q. And what did you observe her condition to be?

18 A. She did not appear to be in any distress at
19 all. She was playing. We did take her to the
20 ambulance. We did evaluate her. Her vital signs
21 were good. We covered her up in some blankets just
22 because she didn't have anything on -- no clothes
23 on.

24 Q. Did she have a fever?

25 A. She did not have a fever.

1 Q. Did she have any signs of vomit or diarrhea on
2 her that you observed?

3 A. No, she did not. And she did not vomit
4 anymore. When we were transporting her, she -- she
5 played the entire time.

6 Q. Did you ask -- this lady that had come talked
7 to you, did you ask for the clothes?

8 A. Yes, I did.

9 Q. And what -- for what purpose?

10 A. You know, if she was -- had red plastic in her
11 diaper, you know, that's something that the doctor
12 would want to evaluate, you know, maybe if she'd
13 been exposed to something, you know, chemicals in
14 the house or anything in the house that could've
15 been harmful. You know, if she had red plastic in
16 her diaper, she obviously ingested it. You don't
17 know what kind of damage that can do.

18 Q. Were you given the clothes?

19 A. No. They said that the clothes were not there,
20 that they had been thrown away due to the smell --
21 the horrific smell.

22 Q. Was it indicated to you that they were still in
23 the trash can?

24 A. I -- when she said that they had been thrown
25 away, I told her that was fine. That I would get,

1 you know, some gloves and I would bag it and we'd
2 tie it up and carry it for the doctor to see. And
3 they advised that the clothes and diaper were no
4 longer at the residence, that they were gone to the
5 dumpster.

6 Q. So you transported the child to the hospital?

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

8 Q. Did you have any further involvement with this
9 case?

10 A. We did go back. It was well after dark to take
11 Tabatha's body to the morgue. The law enforcement
12 and the coroner's office had completed their
13 investigation, which means they had already placed
14 her in a body bag and sealed it. All we did was
15 transport it to the morgue.

16 MS. REEVES: Thank you, Ms. Robinson. I have
17 no further question.

18 THE COURT: Mr. Epps, cross-examination.

19 MR. EPPS: Yes, sir, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. EPPS:

22 Q. Ms. Robinson, how are you?

23 A. Well. How about you?

24 Q. Good. All right. And you worked for Iva
25 rescue ---

1 A. Yes, sir. I did.

2 Q. --- on March -- March 12th? And where do you

3 work now?

4 A. I work for Anderson County Fire Department.

5 Q. Okay. All right. And you respond -- y'all

6 were eating lunch and responded to [REDACTED]

7 Street?

8 A. Yes.

9 Q. Okay. And you as well as Officer Vaughn were

10 probably the third -- the second or third people in

11 that house that day; is that right?

12 A. To my knowledge, first responder-wise, yes,

13 sir.

14 Q. Okay. Now, did your -- and you were with --

15 you said his name is Michael Wilds?

16 A. Yes, sir.

17 Q. All right. Did he go in -- he went into the

18 house, as well; is that right?

19 A. He did after I asked for the monitor to be

20 brought in.

21 Q. Okay. And that day -- was that -- that day had

22 been rainy?

23 A. I remember that the reason we placed

24 Mr. Lawless in the back of the ambulance was because

25 it was starting to mist rain. I'm not sure prior to

1 that if it had been raining that day or not.

2 Q. Okay. All right. It was cold that day?

3 A. Yes, sir. I had a pullover on.

4 Q. It was cold that day; is that right.

5 A. I don't recall if it was cold that day. I had
6 a pullover on. I remember that.

7 Q. Okay.

8 A. I'm cold natured, so...

9 Q. All right. But Mr. Lawless -- but did -- did
10 you -- you say you initially responded because there
11 was an individual on the porch unresponsive?

12 A. No. Our initial call was to stand by for law
13 enforcement.

14 Q. Okay.

15 A. That was -- that was -- when they dispatched
16 the call to us, it was to stand by for Iva.

17 Q. Okay. And this was about 2:00 -- 1:55 p.m.; is
18 that right?

19 A. Yes, sir. The best of my knowledge, we just
20 had finished eating lunch.

21 Q. Okay. And then when -- but you -- you went
22 into the house. All right. And you -- did you
23 touch the victim?

24 A. Yes, sir, I did.

25 Q. Okay. Did you move anything out of the way

1 when you entered into that mud -- that laundry room?

2 A. No, sir. I stepped over a basket to get to the
3 laundry room, but, no, I did not move anything in
4 the ---

5 Q. Okay.

6 A. --- in the mudroom at all or laundry room.

7 Q. You, obviously, you had the monitor, which
8 y'all normally use it to determine if somebody is
9 deceased, but y'all did not use it because it
10 would've disturbed the scene; is that right?

11 A. Yes, sir.

12 Q. And there was a significant amount of blood
13 on -- in that scene; is that right?

14 A. Yes, sir.

15 Q. All right. And there was a knife that was
16 bloody and bent at the doorway to that laundry room,
17 right?

18 A. I didn't say the knife was bent. It was on the
19 floor.

20 Q. But there was -- it was bloody?

21 A. It appeared to be what I thought was blood.

22 Q. And there was -- there was another knife close
23 to Tabatha's left hand; is that right?

24 A. No, sir. I didn't see that.

25 Q. You didn't see that?

1 A. One silver knife outside of the laundry
2 room ---

3 Q. Okay.

4 A. --- that I saw. I did not see a second knife.
5 No, sir.

6 Q. Okay. So you didn't see a second knife in the
7 -- in the mudroom close to Tabatha?

8 A. No, sir.

9 Q. Okay. Don't mean it wasn't there. You just
10 don't remember it or you didn't see it?

11 A. I did not see it.

12 Q. Okay. You did not see it?

13 A. No, sir.

14 Q. All right. So -- but y'all didn't move the
15 body at all? You -- you didn't -- you put the
16 monitor on?

17 A. No, sir. I did not put the monitor on.

18 Q. Okay.

19 A. I did not move her body. I moved her shirt
20 just a very couple inches so I could touch -- touch
21 her skin with the back of my hand with gloves on.

22 Q. Did she have -- did she have two shirts on?

23 A. I do not remember two shirts. If she had two
24 shirts on, I do not remember.

25 Q. But she had -- but she had shirt -- she had --

1 she had blue jeans on; is that right?

2 A. I don't recall if she had on blue jeans or not.

3 Q. Okay.

4 A. I know that she had a shirt that showed like
5 the bottom part of her mid-drift. Like, I can -- I
6 barely moved the shirt up and her side was there.

7 Q. Okay.

8 A. And that's the only thing.

9 Q. And she had socks on her feet; is that right?

10 A. I believe so.

11 Q. Okay. And you don't remember if she had blue
12 jeans on?

13 A. No, sir. It was 2018.

14 Q. It's been five years. It's been a long time
15 ago?

16 A. Yes, sir.

17 Q. I gotcha.

18 A. I mean, and I'm not going to tell you that I do
19 or don't because I really don't recall if she had on
20 pants or not.

21 Q. All right. And, ultimately, how long --
22 Mr. Lawless, who was on the front porch, how long
23 was he on the front porch until he got put into the
24 ambulance?

25 A. I could give you a good estimated guess, but

1 I'm really not sure. All of this transpired
2 relatively quickly, but he was -- we probably --
3 Michael spent several minutes with him while I was
4 inside the residence with Lieutenant Vaughn. We
5 were probably inside the house just a few minutes,
6 so less than 10 minutes we probably -- after we got
7 there, was probably less than 10 minutes he sat on
8 the porch.

9 Q. Did you go anywhere in the house other than the
10 mudroom?

11 A. No, sir.

12 Q. You didn't go through the den, the kitchen,
13 back bedrooms? You didn't -- you didn't ---

14 A. No, sir.

15 Q. Okay. You went into the mudroom and saw the
16 body, and then you did what you did and you backed
17 out; is that right?

18 A. Yes, sir. And it's not fair to say that I went
19 into the mudroom because where I had to step to be
20 able to reach her side was just like one step
21 inside. I -- I was not inside of that mudroom where
22 she was at. It was a very small area. I was at the
23 doorway.

24 Q. Okay. You were at the doorway?

25 A. Reached down and touched her, and we -- yeah,

1 we never walked in the mudroom at all.

2 Q. Okay. Okay. All right. Now, you -- and that
3 was -- but that was around 2:00 p.m. that afternoon.
4 It was a little after 2:00 p.m., is that right, or
5 around 2:00 p.m.?

6 A. Yes, sir.

7 Q. Okay. How long did Mr. Lawless stay in the
8 ambulance?

9 A. I would have to pull his report to see what
10 time we documented his vital signs. He was back
11 there for, I would say, well over an hour.

12 Q. Okay. But y'all didn't assess him. I mean,
13 y'all didn't -- I mean, this obviously -- y'all
14 didn't take him to -- to the -- y'all didn't take
15 him to the hospital?

16 A. No, sir. He did not go to the hospital.

17 Q. Okay. But there was really no assessment. All
18 you -- all you was just -- I mean, he was not
19 responsive?

20 A. Paramedic Wilds sat back there with Mr. Lawless
21 the entire time. He was not left unattended in the
22 back of our ambulance.

23 Q. Do what?

24 A. He was not left unattended ---

25 Q. Okay.

1 A. --- in the back of our ambulance.

2 Q. Okay.

3 A. And his vital signs were checked.

4 Q. Yeah. And, obviously, he did -- eventually,

5 he -- he talked to somebody. Was it -- was it

6 Wilds? He -- he spoke, right?

7 A. Yes, sir.

8 Q. And gave some information; is that right?

9 A. You would have to ask ---

10 Q. Okay.

11 A. --- Paramedic Wilds that.

12 Q. Did anybody else from SLED or law enforcement

13 come in there and talk -- and talk to him?

14 A. Again, you'd have to ask Paramedic Wilds. I

15 was not back there with him.

16 Q. Now, how long did you -- and you said that you

17 went and checked on -- on FL [REDACTED] the two-year

18 old -- two-year old at H H Foster drive. You said

19 that was around 6:00 p.m. that night?

20 A. I believe so.

21 Q. So four hours later? A long time. I mean,

22 hours later, right?

23 A. Yes, sir.

24 Q. Okay. And then you took -- you took FL [REDACTED] --

25 y'all -- you took FL [REDACTED] to the hospital?

1 A. Yes, sir, we did.

2 Q. Okay. Do you know -- and then do you know
3 anything -- once FL [REDACTED] got to the hospital, do you
4 know any -- did you stay there or did you leave?

5 A. We took her in and when the DSS representative
6 got there, which was a few minutes after us, we left
7 her in the care -- or I say DSS representative. It
8 was a hospital or DSS representative. Somebody took
9 her and took ---

10 Q. Were you aware FL [REDACTED] had a urinary tract
11 infection?

12 A. No, sir. I would have no way of knowing that.

13 Q. I understand. Okay. All right. But once --
14 once you got to the hospital, y'all didn't stay?
15 Y'all left and went back to the residence at [REDACTED]
16 [REDACTED] Street?

17 A. Yes, sir. When left the hospital, we probably
18 went back to our station before we went back to the
19 [REDACTED] Street. I'm not sure.

20 Q. Okay. But you had to go back to the residence
21 to get Tabatha's body and take it to the morgue?

22 A. Yeah, we were dispatched back there. Yes, sir.

23 Q. And do you remember what time that was?

24 A. No, I don't. If I had my report ---

25 Q. I understand that. It was late; is that right?

1 A. Yes. It was late. Well after dark.

2 MR. EPPS: If the Court will grant me a minute.

3 Ms. Robinson, thank you. Your Honor, I have no
4 further questions.

5 THE COURT: Any redirect?

6 MS. REEVES: No, sir.

7 THE COURT: All right. Thank you, ma'am. You
8 may step down. Any objection to this witness being
9 excused?

10 MR. EPPS: No, sir, Your Honor.

11 THE COURT: Ma'am, you are excused.

12 THE WITNESS: Thank you.

13 (Witness excused.)

14 THE COURT: Okay. Ladies and gentlemen, we're
15 going to break for lunch. We'll start back at 2:00
16 o'clock. Be back in the jury room shortly before
17 2:00 o'clock. I hope everyone has a good lunch.
18 Remember your instructions: No discussion with
19 third parties, no deliberation amongst yourselves,
20 and no independent research. I'll see you at 2:00
21 o'clock.

22 (At 12:22 p.m., jury exited the courtroom.)

23 THE COURT: All right. Anything from either
24 side before we decide to go into recess?

25 MS. REEVES: No, sir.

1 MR. EPPS: No, sir, Your Honor.

2 THE COURT: All right. We'll be in recess
3 until 2:00 o'clock.

4 (From 12:23 to 2:00 p.m., lunch recess.)

5 MS. REEVES: Your Honor, we intend to call one
6 hopefully quick witness, and then we have the crime
7 scene investigator. So he's here and going through
8 evidence. Do you mind if he takes a few more
9 minutes to kind of pull everything out ---

10 THE COURT: No, that's fine.

11 MS. REEVES: --- before we bring the jury back
12 in?

13 MR. EPPS: And in the meantime, Your Honor,
14 it's my understanding they're calling my client's
15 boss at Meineke. There's some video. It's like
16 hours of video, which I don't intend to play, but
17 there's several clips that I want to play. Can
18 we -- can I, without objection, kind of put the disk
19 and just make sure we got it set up?

20 THE COURT: As long as y'all have -- if you're
21 not going to play the whole thing, you need to have
22 the time stamp.

23 MR. EPPS: That's -- that's what I want.

24 That's what I'm going to do, make sure we've got ---

25 THE COURT: All right. Well, y'all look at it.

1 Take a minute and get it to where you can do it
2 easily.

3 (From 1:59 to 2:08, a brief recess was had.)

4 THE COURT: What do we need?

5 THE CLERK: I think they're going to try a
6 flash drive, Judge.

7 THE COURT: Mr. Epps, do you have a flash
8 drive?

9 MR. EPPS: Yes, sir.

10 THE COURT: We need -- we need to get started.

11 MR. EPPS: There's certain clips we're putting
12 on a flash drive now. Shouldn't take more than a
13 few minutes to check it.

14 THE COURT: Okay.

15 (From 2:09 to 2:16 p.m., brief recess was had.)

16 THE COURT: Ms. Reeves, go ahead and call him
17 while Mr. Epps' office is working on the technical
18 part.

19 MR. EPPS: My we approach, Your Honor?

20 THE COURT: Yes, sir.

21 (Sidebar discussion.)

22 (At 2:20 p.m., jury entered the courtroom.)

23 THE COURT: All right. Mr. Foreman, ladies and
24 gentlemen of the jury, I hope everyone had a good
25 lunch. We are ready to proceed. State, call your

1 next case.

2 MS. REEVES: Thank you, Your Honor. The State
3 calls Jeffrey Peterson.

4 (Witness approached.)

5 THE CLERK: If you would, please step forward
6 and raise your right hand.

7 THE WITNESS: (Complying.)

8 THE CLERK: Do you solemnly swear or affirm the
9 testimony you give this Court is the truth, the
10 whole truth, and nothing but the truth?

11 THE WITNESS: I do.

12 THE CLERK: Thank you. Please have a seat
13 right there in our witness chair.

14 THE WITNESS: (Complying.)

15 THE CLERK: And if you would, please state your
16 full name for the record and spell your last name.

17 THE WITNESS: It's Jeffrey Peterson,
18 P-e-t-e-r-s-o-n.

19 JEFFREY PETERSON,
20 having been produced and first duly sworn as a
21 witness on behalf of the State, then testified as
22 follows:

23 DIRECT EXAMINATION

24 BY MS. REEVES:

25 Q. Mr. Peterson, where do you work?

1 A. Now I work for 1-800 Radiator.

2 Q. Say that again.

3 A. 1-800 Radiator. It's a parts supplier.

4 Q. A parts supplier. How long have you worked
5 there?

6 A. About a year and a half.

7 Q. Was that your job back March of 2018?

8 A. No.

9 Q. What was your job back then?

10 A. Store manager for Meineke in Anderson.

11 Q. Where is that located?

12 A. Clemson Boulevard. Beside Advanced Auto Parts.

13 Q. Can you pull that microphone a little bit more
14 towards your mouth?

15 A. (Complying.)

16 Q. Thank you. How long did you -- you said you
17 were the manager at Meineke?

18 A. Uh-huh.

19 Q. And how long did you work there?

20 A. Approximately, eight years.

21 Q. Do you know Adam Lawless?

22 A. I do.

23 Q. How do you know him?

24 A. Just he worked with me at Meineke. He was one
25 of my technicians.

1 Q. And how long did you work together?
2 A. Honestly, I don't know exactly. Several years.
3 Q. Are you familiar with Aaron Kenyon?
4 A. Somewhat. Yes.
5 Q. Was he a Meineke employee?
6 A. No.
7 Q. How did you know him then?
8 A. He was a friend of Adam's.
9 Q. Back in March of 2018, what was Adam's
10 position?
11 A. Technician.
12 Q. And on Monday, March 12th specifically, was
13 Adam working that day?
14 A. Yes.
15 Q. Does he normally -- or back then, did he
16 normally work on Mondays?
17 A. It's been a while, but to my recollection he
18 was off on Mondays, but he came in because I had
19 something to do that morning. Or he had switched
20 with somebody or something to that extent, but he
21 was scheduled to be there because of a situation.
22 Q. So he was covering?
23 A. Yes.
24 Q. And so he came into work. What time would he
25 have supposed to have been there?

1 A. When we open at 7:30.

2 Q. And is that when he arrived?

3 A. To the best of my knowledge, yes.

4 Q. Were you there when he got there?

5 A. No.

6 Q. Did you communicate with him that morning?

7 A. I did. I texted him and I asked if he was
8 going to open the store. Honestly, I just remember
9 that from my statement, but my memory is not the
10 greatest.

11 Q. Did you give a statement to law enforcement in
12 this case?

13 A. I did.

14 Q. And was it shortly after March 12th that you
15 gave that statement in 2018?

16 A. Uh-huh.

17 Q. And have you been provided a copy and reviewed
18 that statement before your testimony today?

19 A. Yes.

20 Q. To remind you what happened five years ago?

21 A. Yes.

22 Q. Okay. And so from that statement and your
23 memory, did you -- you said that you communicated
24 with Adam that morning and sent him a text; is that
25 right?

- 1 A. Correct.
- 2 Q. And what did you ask him?
- 3 A. If he was going to open the store, or if he was
- 4 there or something to that extent.
- 5 Q. And did he respond?
- 6 A. Yeah. He said he would or was.
- 7 Q. So as far as you know, the store was open at
- 8 normal time?
- 9 A. Yes.
- 10 Q. Do you know what time you got to work that day?
- 11 A. I honestly don't remember exactly. It was
- 12 probably around 8:30 or 9:00 if I had to guess.
- 13 Q. Was Aaron there when you got there?
- 14 A. Yes.
- 15 Q. Had he -- you said -- had he come to work with
- 16 Adam before?
- 17 A. He had been up there, but not for a full day.
- 18 He'd been up there multiple times, but just not for
- 19 a full day at all.
- 20 Q. How long had he stayed in the past?
- 21 A. A couple of hours maybe.
- 22 Q. And how long was he there on Monday?
- 23 A. To my knowledge at least. He was there most of
- 24 the day if I remember correctly.
- 25 Q. Do you know if he arrived with Adam?

1 A. I mean, they were the only one in the car so I
2 assume.

3 Q. And did either one of them leave throughout the
4 day that you know of?

5 A. Seems like once everything kind of happened,
6 then they left. But, again, like I said, I'm just
7 going by what I wrote and my memory is not the
8 greatest.

9 Q. But on this particular day, Aaron stayed as far
10 as you know all day?

11 A. Honestly, I don't remember. If it was in my
12 statement. I really don't remember at this point
13 though, but he was there at least that morning.

14 Q. Would you like a copy of your statement?

15 A. Yes. If you don't mind.

16 Q. Mr. Peterson, I'm going to hand you this. Does
17 that look familiar to -- to you?

18 A. Yeah. Can I read over it real quick?

19 Q. Please.

20 A. Just kind of brush up on my memory. (Reading.)
21 Okay.

22 Q. Does that help you remember?

23 A. Yes, ma'am.

24 Q. Okay. So as far as you remember, did either
25 one of Adam or Aaron leave during the day?

1 A. According to my statement, they did once
2 everything took place.

3 Q. Okay. But during working hours up until then?

4 A. Up until then, no. To my knowledge, nobody
5 left.

6 Q. And how did Adam appear that day?

7 A. Pretty fairly normal. I didn't -- I didn't
8 notice anything until, like I said, until he got
9 concerned. He'd got some phone calls according to
10 this, and I -- I remember it after reading my
11 statement, but, again, it was years ago, so...

12 Q. So Adam had been on the phone at some point
13 that day?

14 A. Yes, ma'am.

15 Q. And did he need to leave when he first started
16 getting phone calls?

17 A. Initially, he didn't. Again, to the best of my
18 recollection, he had a couple of phone calls before
19 he ever said he had to leave.

20 Q. Okay. And at some point, did he come to you
21 and ask you if he could leave?

22 A. Yes, ma'am. According to my statement and to
23 the best of my memory, yes, he did.

24 Q. And did you understand what was going on?

25 A. A little bit. He told me that something

1 happened and that -- and his dad had found the lady,
2 had went in the house or something and came out and
3 passed out or something to that knowledge and then
4 that was about it.

5 Q. Do you remember what time that was?

6 A. Not exactly.

7 Q. Did Adam leave shortly after that?

8 A. Yes, ma'am.

9 Q. And did Aaron go with him?

10 A. I think so. Yeah, he had to because he wasn't
11 there the rest of the day. I didn't see them get in
12 the car together, but they were neither one there
13 later.

14 MS. REEVES: Mr. Peterson, I have no further
15 questions. Thank you.

16 THE COURT: Mr. Epps, cross-examination.

17 CROSS-EXAMINATION

18 BY MR. EPPS:

19 Q. Mr. Peterson, how are you?

20 A. I'd rather be elsewhere, but I'm okay.

21 Q. I understand. I understand. All right. You
22 were the store manager at Meineke on Clemson
23 Boulevard in March of 2018?

24 A. Yes, sir.

25 Q. Okay. And you had been there for how long,

1 eight years?

2 A. Yes, sir.

3 Q. Okay. And I know this has been five years ago,

4 but you gave a statement. Obviously -- well, Adam

5 was your -- was your employee, right?

6 A. Correct.

7 Q. He was a technician?

8 A. Correct.

9 Q. Was he good at his job?

10 A. Yes.

11 Q. Okay. Any problems with him at work?

12 A. No. I mean, nothing that was not normal with

13 technicians.

14 Q. Okay. And Aaron had been -- prior to

15 March 12th of 2018, Aaron had come to work with him

16 before, right?

17 A. For a short period. Not for a full day that I

18 reckon -- that I remember.

19 Q. Okay. All right. But you had scheduled --

20 Adam was scheduled to work Monday, March 12th of

21 2018, right?

22 A. Not scheduled. He was covering.

23 Q. He was covering, but that was planned before --

24 I mean, he was planned to work that Monday morning,

25 right?

1 A. Correct.

2 Q. And, typically, he had Sunday and Monday off;
3 is that correct?

4 A. Correct.

5 Q. Okay. All right. And there's video
6 surveillance continuously at Meineke; is that right?

7 A. Should be, yeah, as long as it's working
8 properly.

9 Q. Inside and outside?

10 A. Yes, sir.

11 Q. Okay. And, in fact, when SLED came to talk to
12 you and you gave -- you -- you gave -- you wrote
13 your statement, you also -- did they -- did you also
14 give them the video footage from that day?

15 A. They looked at it. I don't know if they took
16 copies or not. That would've been between them and
17 the owner.

18 Q. Okay. All right. But if -- if the SLED
19 statement says that you -- you gave them the video,
20 would you dispute that?

21 A. No. I mean, they could've took pictures of it
22 or recorded it or the owner could've allowed it. I
23 just -- honestly, I don't remember. I do remember
24 them looking at it.

25 Q. Okay. And you also -- do you remember -- is

1 it -- do you -- is it safe to say that Adam arrived
2 in the parking lot of Meineke about 7:21 a.m.?

3 A. I mean, he was there at opening which is 7:30.

4 Q. 7:30. But he arrived there -- but he had
5 opened -- but the office -- the Meineke was opened
6 at 7:30 on time; is that right?

7 A. To the best of my knowledge, yes, sir.

8 Q. Okay. And it was opened up by Adam Lawless; is
9 that correct?

10 A. Correct.

11 Q. Any other workers there at that time in the
12 morning?

13 A. My other technicians, but I couldn't call out
14 their names for you.

15 Q. You couldn't -- but there was another
16 technician there as well at 7:30 a.m.?

17 A. Correct.

18 Q. Okay. So at 7:30 a.m., Adam opened up --
19 opened up the shop, right? And he was there on the
20 video from 7:30 a.m. until he was called or left to
21 go home back to Iva; is that right?

22 A. To the best of my knowledge, yes.

23 Q. Okay. All right. Did you know where Adam
24 lived in Iva?

25 A. No, sir.

1 Q. Okay. All right.

2 A. I knew he lived in Iva, but not where.

3 Q. But you put in your -- now, this is five years
4 ago. I understand. But in your statement, you
5 said, "Through the morning, Adam smiled, laughed,
6 and cut up a bit as we always do;" is that right?

7 A. Yes, sir.

8 Q. Okay. "I did not notice any behavior out of
9 the ordinary," right?

10 A. Not until the phone calls started.

11 Q. Okay. But he -- during that day, that morning,
12 I mean, he was smiling, laughing, cutting up, right?

13 A. Yes, sir.

14 Q. Okay. Just like any normal day?

15 A. Again, according to my statement. I don't
16 remember five years ago.

17 Q. I gotcha. All right. But -- and then he
18 started -- then he got a phone call; is that right?

19 A. That's correct.

20 Q. Started getting phone calls?

21 A. Correct.

22 Q. And did you know -- do you know who he got the
23 phone call from?

24 A. It was family. I don't know who.

25 Q. Okay. But you didn't know. But then around

1 2:00 o'clock, he had to leave; is that right?

2 A. From the best of my memory, yes.

3 Q. Okay. But he had to leave that day and he

4 didn't come back; is that right?

5 A. Correct.

6 Q. Okay. Now, you -- you said -- where are you at

7 now?

8 A. 1-800 Radiator.

9 Q. 1-800 Radiator?

10 A. Correct.

11 Q. All right. How long did you work at Meineke?

12 You said you've been there about a year?

13 A. At Meineke?

14 Q. No, no. At that -- at 1-800 Radiator.

15 A. A year-and-a-half.

16 Q. A year-and-a-half. All right. And so you --

17 did you go from Meineke to 1-800 Radiator?

18 A. No, sir. I had a couple of jobs between.

19 Q. How long did you stay at Meineke after March

20 12th of 2018?

21 A. I don't remember exactly. It was a while.

22 Q. Okay. All right. Also, did you give Adam his

23 job back after March of 2018?

24 A. Well, that's a decision of myself and the

25 owner. Yes, sir.

1 Q. Okay. So when he -- so -- and -- and does he
2 currently work at Meineke?

3 A. I assume. To the best of my knowledge.

4 Q. When you left Meineke, he was working there; is
5 that correct?

6 A. Correct.

7 Q. And when did you leave Meineke?

8 A. It's been a couple of years.

9 Q. Couple of years?

10 A. Yeah.

11 Q. Okay. But you gave him his job back; is that
12 right?

13 A. Correct.

14 Q. So you don't tell -- I mean, did you look at
15 the video with SLED?

16 A. I mean, I can't tell you what it had on it
17 honestly, but I was just letting them look at it.

18 Q. Okay. But you -- did you sit in there when
19 they were looking at it?

20 A. I was in the office, yes, but they were viewing
21 it.

22 Q. All right. But you don't doubt -- you -- Adam
23 was there before 7:30 a.m., right?

24 A. He was there to open the store. Yes, sir.

25 Q. He was there to open the store up?

1 A. Yes.

2 MR. EPPS: Okay. If the Court would grant me a
3 moment. Thank you, Your Honor. I have no further
4 questions.

5 THE COURT: Anything further from this witness?

6 MS. REEVES: Yes, Your Honor. Just briefly.

7 REDIRECT EXAMINATION

8 BY MS. REEVES:

9 Q. Mr. Peterson, were you in charge of that
10 decision to hire Mr. Lawless back?

11 A. It was between me and the owner.

12 Q. And are employees aware that these cameras are
13 at Meineke and recording?

14 A. Yes, ma'am.

15 Q. And are they like inside? outside? How many
16 cameras? Do you know?

17 A. I don't remember at that time if there was an
18 outside one. I think there was, but I know they're
19 inside. The later owner added some and I don't
20 know -- I can't remember which ones he added.

21 Q. Okay. Is there more than one?

22 A. Yes, ma'am.

23 Q. Okay. And the employees are aware of that?

24 A. Yes, ma'am.

25 MS. REEVES: Nothing further.

1 THE COURT: Anything further from this witness?

2 (No responses.)

3 THE COURT: All right. Thank you, sir. You
4 can be -- is there any objection to this witness
5 being excused?

6 MR. EPPS: No, sir, Your Honor.

7 THE COURT: All right. Thank you, sir. You
8 are excused.

9 (Witness excused.)

10 THE COURT: Call your next witness.

11 MR. EPPS: Judge, I've got -- Mr. Peterson. I
12 had him under subpoena, as well. And I just wanted
13 to release him as far as ---

14 THE COURT: Well, you just said you had no
15 objection to him being released.

16 MR. EPPS: I have no objection, but I also have
17 him under subpoena.

18 THE COURT: Okay. He's released ---

19 MR. EPPS: All right.

20 THE COURT: He's released from -- from that.

21 MS. REEVES: Your Honor, the State calls
22 Special Agent Todd Schenk.

23 (Witness approached.)

24 THE CLERK: Step forward and raise your right
25 hand.

1 THE WITNESS: (Complying.)

2 THE CLERK: Do you solemnly swear or affirm the
3 testimony you give this Court is the truth, the
4 whole truth, and nothing but the truth?

5 THE WITNESS: I do.

6 THE CLERK: Thank you. You can have a seat in
7 our witness chair.

8 THE WITNESS: (Complying.)

9 THE CLERK: Would you please state your full
10 name for the record and spell your last name.

11 THE WITNESS: Yes, ma'am. Todd Schenk, Schenk.

12 SPECIAL AGENT TODD SCHENK,
13 having been produced and first duly sworn as a
14 witness on behalf of the State, testified as
15 follows:

16 DIRECT EXAMINATION

17 BY MS. REEVES:

18 Q. Agent Schenk, were do you work?

19 A. I work for the South Carolina Law Enforcement
20 Division, commonly referred to as SLED.

21 Q. How long have you worked there?

22 A. Almost nine-and-a-half years now.

23 Q. What is your current position?

24 A. I'm a lieutenant over the crime scene
25 investigations unit.

1 Q. And was that your position back in March of
2 2018?

3 A. In March of '18, I was just a normal special
4 agent in crime scene.

5 Q. And what were your duties and responsibilities
6 as normal crime scene?

7 A. So SLED is an assisting agency. Our job is to
8 go across the state when local sheriff or police
9 department needs assistance with, specifically for
10 us, forensic needs. So our job is to show up and
11 assist with crime scene -- documentation,
12 photographing, evidence collection. That kind of
13 thing. Working crime scenes.

14 Q. What kind of training have you received?

15 A. So at SLED we do, first, we go to the police
16 academy for three months. After the police academy,
17 we go through a year, year-and-a-half long inhouse
18 program which is consistent of blocks or sections.
19 Things like photography, footwear collection, DNA
20 collection. The different types of evidence
21 collection, how to maintain a case.

22 Each of these blocks, you have to do written
23 read -- or written tests, physical tests, and also
24 we have to do just practical examination to show we
25 can do it and textbook readings.

1 At the end of all of those blocks, we take a --
2 we do a mock crime scene, which is a known crime
3 scene, and we have to show that we can follow
4 policies and procedures. Work the crime scene;
5 write a report. We also do an all-encompassing
6 test, which is a written test to show you are
7 competent. After that, you're deemed competent.
8 While doing all of this, we're also responding to
9 scenes and getting scene exposure.

10 Outside of the internal training, I've been
11 through a 40-hour bloodstain pattern analysis class
12 or a BPA class, a 40-hour shooting incident
13 reconstruction class, a two-day photography class,
14 and a two-day intermediate crime scene class.

15 Q. On March 12th of 2018, did you respond to [REDACTED]

16 [REDACTED] Street in Iva?

17 A. I did.

18 Q. And what time did you respond?

19 A. We got on scene around 5:19 in the evening.

20 Q. And for what reason did you arrive?

21 A. We were called to assist with a homicide
22 investigation.

23 Q. And was anyone else with you at the crime
24 scene?

25 A. Yes. So how we run SLED is, I've got another

1 person with me so we always run in pairs. In this
2 case, I also had a trainee with me. So Special
3 Agent Ryan -- or Terrence Ryan Matthews, he goes by
4 Ryan, was my partner and Tara Watson, Special Agent
5 Tara Watson, was my trainee at the time.

6 Q. Did either of them assist you with this crime
7 scene?

8 A. Yes. So Ryan -- Special Agent Matthews, he was
9 my photographer, so he'll do all the photography.
10 My job is to document with notes, evidence
11 collection, diagrams, measurements, things like
12 that. And then Tara was pretty much just a shadow.
13 She -- she was pretty new. She was getting her
14 scene exposure and showing her how it works.

15 Q. So you kind of mentioned this, but what do you
16 typically do when you arrive on the scene?

17 A. So besides meeting with investigators,
18 that's -- that's our number one thing. We all
19 respond out of Columbia, so sometimes information
20 changes. We get the most relevant updated --
21 update in -- updated information, and then begin
22 with walking through the scene, observing what can
23 we see, what's there, what's not there. Then we
24 begin with our photographs and just taking pictures
25 of everything we see.

1 Q. After pictures, what do you do at the scene?

2 A. After pictures, it becomes evidence collection,
3 putting markers down, what seems pertinent, what
4 doesn't, documenting it with a diagram,
5 measurements, and then evidence collection itself.

6 Q. Do you wear gloves?

7 A. We do.

8 Q. And is that what you did in handling this crime
9 scene?

10 A. It is.

11 Q. I'm going to show you some pictures that have
12 already been introduced into evidence. So I'm going
13 to begin with 1-A. What is that a picture of?

14 A. This is the front of the residence, which is a
15 green story one -- or a green, one-story building
16 residence.

17 Q. And this is 1-B. What is this a picture of?

18 A. This is a photograph closer to the residence
19 showing the front door.

20 Q. 1-C?

21 A. This is working around counterclockwise from
22 the residence. The front door would be on your left
23 as you see it. These are the two vehicles that were
24 parked in the driveway.

25 Q. 1-D?

1 A. This is a closer photo of the front of the
2 residence. There is a cell phone on the wooden
3 banister in the bottom left of the screen. And then
4 you can see -- eventually, you'll see the glass on
5 the ground, but that's showing glass from the window
6 of the front door itself on the porch.

7 Q. Finally, I'm going to show you 1-F.

8 A. This is a photograph of the back of the
9 residence and the back screen -- or that's a storm
10 door that leads into the kitchen.

11 Q. As part of this crime scene processing, did you
12 prepare two diagrams along with your report?

13 A. I did.

14 Q. And do you have those with you today?

15 A. I do.

16 Q. And will those help you in discussing further
17 this crime scene?

18 A. They will.

19 Q. May I have those quickly if you don't mind?
20 I'll put them on the screen in just a minute so you
21 can talk about them.

22 Where did you begin? So, obviously, you
23 already said you began with taking pictures of the
24 outside. Did you walk completely around the home
25 and have those pictures taken?

1 A. We did.

2 Q. And how did you enter the home?

3 A. So we were advised that potential family
4 members had made entry through the front door by
5 breaking out a window. So because of that, myself,
6 my partners on scene, and the investigators that
7 were working it all entered through the back door to
8 not disturb the front door of the glass that was
9 knocked out.

10 Q. And who entered the home with you?

11 A. So it would've me, Terrence Matthews, Tara
12 Watson, Drew Ledbetter, and Michael Collins. Both
13 Michael Collins and Drew were from the region, which
14 is an investigative arm up here, and then the deputy
15 coroner would've came in with us.

16 Q. At some point, did you learn which family
17 member had come through the front door?

18 A. I believe it was James Lawless.

19 Q. Did he say how he had entered?

20 A. I remember the window was broken and he had
21 unlocked the door and entered that way.

22 Q. What room do you enter in through the back
23 door?

24 A. So when you walk through this back door you're
25 seeing right here, that is the kitchen.

1 Q. I'm going to show you 1-L. Is that the back
2 door in question?

3 A. This is the back door from inside the kitchen.

4 Q. When you're in the kitchen, what can you see?

5 A. So there was a mop and a mop bucket, which was
6 a little not normal. There was a bracket on the
7 back door that looked to be a security device with a
8 wood board behind that back door, behind that -- the
9 stuff hanging on the back door, there's a wooden
10 board back there.

11 The green cord laying on the ground, when we
12 moved it there was actually still water or some kind
13 of liquid underneath the cord, so it appeared it was
14 wet on the ground. The room smelled like bleach or
15 cleaning solution.

16 In the kitchen sink, there was a -- the sink is
17 a double sink. On the right side was a set of keys
18 and it was covered in a clear gel looking something.
19 And then right next to it was an empty bottle -- on
20 the other side of the sink was an empty bottle of
21 hand sanitizer.

22 Q. So I'm going to slow you down ---

23 A. Sure.

24 Q. --- just a little bit. So to catch you up,
25 this is 1-T. What is that a picture of?

1 A. So this is the back door. You can see the
2 brackets on either side of the door in the bottom
3 right. Underneath the green bag is that -- that's
4 the wood board that was -- we found back there.

5 Q. And is that how the wood board appeared to be
6 when you entered the home?

7 A. Yes. It was back behind that door.

8 Q. What else did you see in the kitchen?

9 A. So we saw the board. There was suspected blood
10 on the ground almost closer -- on the kitchen floor,
11 almost into the living loom room, which was to the
12 left. There was also blood in the directionality on
13 the floor or suspected blood, excuse me, on the
14 floor. The mop; the mop bucket. The keys. There
15 was also a knife block that was, from what I
16 remember, missing five knives. Two of the knives we
17 located in the dishwasher, and then there was
18 another knife that appeared to correlate with that
19 knife block over deeper in the kitchen near the sink
20 on the floor.

21 Q. So here is 1-I.

22 A. So this is looking from the hallway of the
23 residence into the kitchen. The back door that we
24 were talking about earlier would be to your right.
25 The kitchen sink is right in front of you.

1 Q. And this is 1-J.

2 A. This is looking into the trash can underneath
3 the microwave in the kitchen.

4 Q. And I'm actually going to hand you this photo
5 so you can see maybe a little bit better. Is there
6 anything else on the floor in that picture?

7 A. Yes. You can see the liquid. There's -- from
8 what it looks like, you can still see liquid here in
9 the middle of the floor on the ground.

10 Q. Thank you. It's really hard to see, but,
11 again, you were pointing to beyond in this area?

12 A. Yes, ma'am.

13 Q. Okay. And you said there was also liquid
14 underneath that cord in front of the back door; is
15 that correct?

16 A. Yes.

17 Q. And it is right here in 1-K. Is that the black
18 cord you were referring to?

19 A. It's the cord. I don't remember the color.

20 Q. Okay. I said black. It's green.

21 A. Okay.

22 Q. Sorry. I think you said green earlier. I'm
23 going to show you -- I think this is just a
24 different view of 1-M.

25 A. This is ---

1 Q. And what is this looking into? Sorry.

2 A. --- this is in look -- from the kitchen, the
3 sink would be behind you. Front -- or the back door
4 is to your left. This is now walking into the
5 living room.

6 Q. Is that into the living room or which room?

7 A. Well, it was this dining room/living room
8 combo, so it's technically the dining room I guess.
9 And then as you went further right, would've been a
10 living room.

11 Q. This is 1-N.

12 A. This is a little bit different view from the
13 living room -- or excuse me -- from the kitchen into
14 that dining room/living room combo. Directly in the
15 center of the bottom of the screen, you can see the
16 suspected blood on the ground.

17 Q. Where does that doorway out of the kitchen go
18 to? I'm sorry?

19 A. That goes directly into the -- there was a
20 dining room table, so the dining room. And then to
21 the right, would've been the living room as you walk
22 through the door.

23 Q. Look at it again. I'm sorry. This is actually
24 a different angle.

25 A. Are you talking about the door next to the

1 refrigerator?

2 Q. Yes. I thought that's what you were referring
3 to. I'm sorry. You're saying to the left is the
4 door into the dining room?

5 A. Once you walk through the door next to the
6 fridge would be the dining room, and then to the
7 right would be the living room.

8 Q. And, obviously, the thing at the bottom of the
9 screen is what?

10 A. Is suspected blood.

11 Q. 1-O.

12 A. This is another photograph in the kitchen
13 showing the suspected blood on the ground.

14 Q. 1-P.

15 A. This shows the cord and you can kind of see the
16 clear liquid around the cord, the suspected blood,
17 the mop, and the mop bucket.

18 Q. 1-R.

19 A. This is a close-up of that suspected blood on
20 the floor.

21 Q. This is 1-BB.

22 A. This is a picture of the floor moving to the
23 left, that opening would be the dining room door
24 that we're looking at -- no -- yeah -- excuse me.
25 I'm turned around. Sorry.

1 Q. I'm going to show you AA.

2 A. Excuse me. So the back door is to your left,
3 the living room is to your right, and these are the
4 suspected blood. What that white scale tape is,
5 it's -- imagine a ruler. You pull it out, it's got
6 hash marks on it. We lay that down and mark it so
7 we can scale and photograph the suspected blood to
8 scale or it can be used to scale. And so that's
9 what this is. It is everywhere you see that scale
10 or that L, that's suspected blood on the kitchen
11 floor.

12 Q. And did you mention something about
13 directionality?

14 A. Yeah, so directionality is when blood hits,
15 there is a way where you can look to see the
16 direction of movement. Almost like water hitting,
17 you can kind of see the spines from -- if the water
18 falls straight down, it's going to move, so just the
19 directionality of it is the movement. You can see
20 the blood -- the suspected blood.

21 Q. And did this blood appear to have
22 directionality to it?

23 A. The two in the top left did. Yes.

24 Q. And could you tell which direction?

25 A. They appear to be moving, as you're looking at

1 this photo, towards the top left corner of the
2 photo.

3 Q. So sort of away from the big spot in the
4 middle?

5 A. Correct.

6 Q. And is this just a picture before the scales
7 were put down?

8 A. I believe so.

9 Q. That was 1-BB. This is 1-U.

10 A. This is the sink and stove in the kitchen.

11 Q. And, again, what did you observe inside the
12 sink?

13 A. On the right side was a set of keys covered in
14 a clear jell liquid, and then on the left side was
15 an empty hand sanitizer bottle.

16 Q. So this is 1-V.

17 A. So on the right, you see the keys with that
18 jellish looking color on them -- or not color --
19 excuse me -- jellish liquid, and the left is the
20 empty bottle of Germ-X or the hand sanitizer.

21 Q. This is 1-W.

22 A. This is looking towards the stove. And the
23 bottom right -- it might be a little hard to see on
24 the screen. If you see the white fabric on the
25 ground, to the right of that is one of the knives we

1 located in the kitchen.

2 Q. And from this picture, can you see that spot of
3 blood?

4 A. I can't on the screen. No.

5 Q. It -- it hadn't been cleaned up. It's just not
6 visible; is that correct?

7 A. Correct.

8 Q. And is that -- can you vaguely see the knife
9 block in the back of that?

10 A. From the screen, it's hard to see.

11 Q. Okay. I'm go to show you 1-X.

12 A. So this is -- that yellow marker, that's our --
13 those are the markers you see on TV, the little
14 tents. That's marking the knife on the ground, and
15 then the knife block is between the stove and the
16 fridge to the left.

17 Q. And how many knives were missing from the
18 block?

19 A. I believe it was five.

20 Q. And were you able to find -- obviously, the one
21 marked by number two, was that consistent with being
22 from that knife block?

23 A. It was.

24 Q. And where did you -- did you find anymore?

25 A. We found two more in the dishwasher that

1 appeared to be consistent with the knife block in
2 the kitchen.

3 Q. This is 1-I. Is that the dishwasher?

4 A. It is.

5 Q. And 1-Z.

6 A. And those are the two knives we found that
7 appeared to be consistent with the knife block in
8 the dishwasher.

9 Q. What items did you collect from that room?

10 A. So from this room, we collected touch swabs
11 from the interior and exterior of the storm door,
12 the back door. We collected interior, exterior
13 touch swabs from the actual back door. I collected
14 a knife from the ground. I collected swabs from
15 what ended up being marker one, was that larger area
16 of blood. I collected the wood board that would've
17 been a brace for the back door. We collected keys
18 from the sink. I collected the hand sanitizer
19 bottle from the sink. And if I may refer to my
20 notes?

21 Q. Please. Would that help you refresh your
22 memory?

23 A. It would. So from the back or the kitchen:
24 The swabs from the kitchen floor, the knife from
25 marker two which was near the sink, the keys, the

1 hand sanitizer bottle, the wooden board. And I
2 eventually ended up swabbing the liquid on the
3 ground to see if I could just collect some of it.

4 MS. REEVES: I'm going to hand you several
5 items that have been admitted into evidence.
6 Actually...

7 (From 3:02 to 3:06 p.m., brief recess to mark
8 exhibits.)

9 BY MS. REEVES:

10 Q. Agent Schenk, these are items 1 through 24.
11 You've previously looked through all of these items,
12 yes?

13 A. I have.

14 Q. And these are the items that you collected?

15 A. They are.

16 Q. Did you do any -- and so -- I'm sorry. You --
17 you -- did you find the last thing that you had left
18 from your report you're referring to?

19 A. Yes. The swabs from the clear liquid on the
20 floor.

21 MR. EPPS: I'm sorry. Swabs from what?

22 THE WITNESS: The clear liquid that was on the
23 kitchen floor.

24 MR. EPPS: All right.

25 BY MS. REEVES:

1 Q. Did you do any presumptive testing in the
2 kitchen?

3 A. We did.

4 Q. And what was that?

5 A. We use Leucocrystal Violet or LCV, which is a
6 presumptive test for blood. When it's sprayed onto
7 what it's -- we call everything suspected blood.
8 Once we spray this chemical on the suspected blood,
9 the blood -- or it would turn purple, and then we
10 would say it is positive presumptive for blood.

11 We reliability test the chemical with a blood
12 standard that we bring. I test it outside. Make
13 sure that the chemical itself is working, and then
14 we will presumptive test the area we're looking for
15 blood. And we did that in the kitchen.

16 Q. To what items?

17 A. We did the mop, the mop bucket, the floor, and
18 I believe -- the mop bucket, the mop, the floor, the
19 sink -- excuse me -- and the knife block were all
20 presumptive tested.

21 Q. Put up here 1-M. And did anything test
22 positive out of that?

23 A. The kitchen floor did.

24 Q. 1-O.

25 A. This is the -- I may have misspoke earlier. I

1 believe the hallway is to the right in this photo
2 and the living room is to the left in this photo. I
3 apologize about that. And the suspected blood is
4 there in the middle of the kitchen.

5 Q. So there was -- your test did not react to
6 which items?

7 A. So we got a negative presumptive on the mop,
8 the mop bucket, the knife block, and the kitchen
9 sink.

10 Q. What can bleach or hand sanitizer do to
11 suspected blood evidence?

12 A. It can destroy DNA evidence.

13 Q. You collected the swabs from the clear liquid
14 on the floor. Do you see that in the items that I
15 handed you?

16 A. I do.

17 Q. Which item number is that?

18 A. This is my Item No. 21, State's Exhibit 15.

19 Q. And did you perform any testing on that
20 specifically?

21 A. I -- I did not.

22 Q. Can you hold that up? What happened when
23 the -- with the swabs when you put them in the
24 envelope?

25 A. You can see how it changed the envelope from

1 yellow to white.

2 Q. And what did that smell like?

3 A. Bleach.

4 MR. EPPS: What was that? Excuse me?

5 THE WITNESS: Bleach.

6 MR. EPPS: No, what was -- what item?

7 THE COURT: Don't address the witness until
8 it's cross-examination. Could you speak into the
9 microphone?

10 THE WITNESS: Yes, sir.

11 MR. EPPS: Sorry, Your Honor.

12 THE WITNESS: This is State's Exhibit 15, SLED
13 Item No. 21.

14 BY MS. REEVES:

15 Q. Had you done any other testing to that mop
16 handle before you did a presumptive test on it?

17 A. We did.

18 Q. And what was that?

19 A. Because it was a smooth surface, we thought
20 there might be a chance for fingerprints on it. So
21 before we sprayed anything on it, we wanted to make
22 sure there was no fingerprints that would be
23 destroyed by the chemicals. So we use a bleak item
24 to look at the broom -- or the mop handle to make
25 sure that there's no ridge detail observable. We

1 didn't see anything, so we went ahead and sprayed it
2 with the chemical.

3 Q. And did you test the knife or the Germ-X bottle
4 for fingerprints?

5 A. Those items, since I can collect them, it's
6 best to collect them and bring them back to the lab
7 and let the scientists in a controlled environment
8 have a best chance at getting fingerprints on it.
9 My job is pretty much preserve it, collect it, and
10 bring it back to the scientists.

11 Q. And is that what you did?

12 A. It is.

13 Q. Which room did you enter next?

14 A. So from the kitchen, we then walked through
15 that door that we -- I spoke about earlier that goes
16 into the dining room/living room combo.

17 Q. Was anything observed in that room?

18 A. When we walked into that room, to the left was
19 a dining room table. There was suspected blood on
20 the dining room table.

21 To the right when you walk through that door,
22 there was two chairs. On the back of the chair
23 closest to the wall, fireplace area, was suspected
24 blood.

25 When you continue back through the living room

1 towards the front of the residence, there was a
2 broken cell phone on the ground, a pair of boots,
3 and there was a home phone on the docking station
4 behind the -- in front of the TV.

5 Q. Okay. Show you State's 1-CC.

6 A. This is looking at the dining room table.

7 Q. 1-DD.

8 A. This is another photograph of the dining room
9 table. And, again, you can see our scale tape where
10 the suspected blood is.

11 Q. 1-EE.

12 A. This is now looking -- the dining room table is
13 behind you, and this is looking into the living
14 room. And these are the two chairs directly in
15 front of you. The suspected blood was on the back
16 of the one with the -- on the left side in this
17 photo.

18 Q. 1-FF.

19 A. This is moving closer into the living room.
20 The TV is in front of us. The laundry room is to
21 the left, main entrance is to the right. That is
22 not the main entrance door, but that's a door to the
23 hallway.

24 Q. 1-GG.

25 A. This is the TV and entertainment center and a

1 cell phone on the cradle -- excuse me -- not cell
2 phone -- the house phone on the cradle. You can see
3 in the bottom right -- at the bottom right of that
4 TV corner.

5 Q. And did you pick up the handset to that cell
6 phone?

7 A. We did collect that. Yes. It was collected by
8 SLED, not by crime scene.

9 Q. Okay. Did you take pictures though of the
10 screen itself?

11 A. We did.

12 Q. So 1-HH. Is that a picture of the handset
13 screen?

14 A. It is.

15 Q. And 1-II?

16 A. Same photo.

17 Q. A different shot of the screen though?

18 A. Correct.

19 Q. This is 1-JJ.

20 A. This is the chimney. The fireplace is to your
21 left. The dining room to your left. The TV is to
22 your right. This is now going into the laundry
23 room.

24 Q. This was a very difficult -- this is 1-KK. Can
25 you make out anything in that picture?

1 A. On the doorknob to the laundry room was
2 suspected blood. It's hard to see. From my memory,
3 the boots and the cell phone would be there on that
4 fireplace.

5 Q. I'm go to show you a little bit closer, 1-LL.

6 A. Yep. So the laundry room door, you can see the
7 crack on the right of the screen or the right of the
8 photograph. The fireplace bottom, the cracked
9 screen phone is right there next to marker three and
10 you've got the pair of black boots.

11 Q. You said the home phone was not collected by
12 you, but collected by someone else?

13 A. Yes, ma'am.

14 Q. And who was that?

15 A. Michael Collins with the region.

16 Q. He's a SLED agent?

17 A. He is.

18 Q. And where did you go -- did you collect
19 anything else from this room?

20 A. We collected the -- that -- or crime scene did
21 not, but that cell phone you can see in this photo
22 was also collected by the region.

23 Q. Do you normally collect electronics?

24 A. Not normally, no.

25 Q. Why not?

1 A. Normally, with electronics, they've got to go
2 through a process to get them dumped. So us and
3 crime scene, we focus on primates with DNA
4 fingerprints, things like that. The region usually
5 handles electronics.

6 Q. Where did you go from the living room?

7 A. From here, we then went into the back or the
8 laundry room. Excuse me.

9 Q. And what did you observe in the laundry room?

10 A. So we located the victim in the laundry room.
11 She was on her right side down, face down, hands
12 kind of extended away from her.

13 As we open the door, there was a bent knife at
14 her feet. There was a white headset with suspected
15 blood, like head phones on the ground with broken
16 wires kind of around the room. And then a large
17 presence of suspected blood on the floor. And there
18 was also a knife by her -- like up near her head
19 from what I remember.

20 Q. This is 1-MM.

21 A. This is a photograph of the suspected blood on
22 that doorknob.

23 Q. Going into the laundry room; is that right?

24 A. Correct.

25 Q. And did you attempt to locate any fingerprint

1 evidence on this doorknob?

2 A. We did. So in the photograph, if you look at
3 it, you can see ridge flow. And to collect a
4 fingerprint, what we're looking for is ridge flow,
5 which is movement of the skin on your finger, but
6 we're also looking for minutia, what's your actual
7 points. Like where a line was split, where it'll
8 end. We're looking for the characteristics, not
9 just the ridge flow. And this, it wasn't suitable
10 for collection. We ended spraying it with LCV and
11 it didn't help, but we did swab that blood.

12 Q. So no fingerprints could be found on this?

13 A. There was -- there was ridge flow, but it
14 wasn't suitable for collection.

15 Q. And, again, in the doorway, you -- you
16 mentioned a knife. And what was significant about
17 the knife?

18 A. The knife closest to the door appeared to be
19 bent.

20 Q. This is NN.

21 A. So this is looking into that living -- or into
22 the laundry room. The victim is up on the upper
23 side of the photograph. The bent knife is almost at
24 the door jam with the laundry basket there. And
25 then the white headphones I was talking about

1 earlier almost in that corner.

2 Q. What could you observe from the victim?

3 A. So there was suspected blood on her socks.
4 There was blood on her pants. Blood on her shirt.
5 When we get into her hands, there was some injuries
6 to her hands, but her hands were clean. And she had
7 a decent amount of wounds.

8 Q. Was there a white cord around her or near her?

9 A. There was. You can kind of see it in this
10 photograph near her knees. There was a white -- and
11 I believe -- it appeared to be consistent with the
12 cord that came from those headphones.

13 Q. This is 1-00.

14 A. This is a closer photograph of the bent knife
15 with suspected blood on it, and then those
16 headphones with suspected blood.

17 Q. This is 1-PP.

18 A. This is with that laundry basket removed. We
19 marked -- marker four was the bent knife with
20 suspected blood, and then the headphones are to the
21 right.

22 Q. This is QQ.

23 A. This is the victim's pants and socks. And you
24 can see the suspected blood on her feet, on the
25 bottoms of her feet, and you can see the -- that

1 dark mark, suspected blood area on her jeans. And
2 that cord is -- if you look underneath that black
3 fabric, you can see the cord kind of going between
4 that new -- or over that leg.

5 Q. This is 1-SS.

6 A. So this is the victim further into the room.
7 There's -- the cord is going between the -- you can
8 kind of follow it over the animal food bag. Her
9 shirt has been slightly pulled up. There are two
10 cleaning agent bottles on that table. And then at
11 the base of the table leg closest to the middle of
12 the picture frame is the other knife, which we
13 believe to be the fifth knife that was consistent
14 with that knife block.

15 Q. 1-TT.

16 A. This is another photograph of the Clorox bottle
17 and the empty bottle that said "peroxide" on it.

18 Q. Were these both empty?

19 A. I don't -- I believe they were, but I don't
20 remember.

21 Q. This is UU.

22 A. This is the knife at the base of that coffee
23 table in the laundry room.

24 Q. This is VV.

25 A. These are the injuries you can see to the

1 victim's right hand.

2 Q. What, if anything, can you see -- and you said,
3 obviously, at this stage, there was blood around
4 her, but not near her hands; is that right?

5 A. That's correct.

6 Q. Did you collect items from this room, as well?

7 A. We did.

8 Q. And what were those?

9 A. So from this room, we collected both of the
10 knives that were on the floor. We collected the
11 headphones, and the wires, the swabs from the
12 doorknob.

13 Q. Were these items collected prior to Ms. Duncan
14 being moved?

15 A. They were.

16 Q. And how was she moved?

17 A. So once we had the items collected, we
18 preserved them as best we could, we then moved her
19 out into the living room where we had a little more
20 space to photograph her.

21 Q. What injuries could you observe on her?

22 A. From what I remember, she had suspected stab
23 wounds to the back. She had a cut on her neck. She
24 had injuries on her hands and there was a
25 fingernail, I believe it was the left thumbnail, was

1 completely gone. Beg the Court's indulgence.

2 Q. This is WW.

3 A. So this is her left hand, and you can see that
4 thumbnail is missing. All the fingernails were
5 blue, except for the ring fingers were like a
6 silvery metallic looking sparkly color. Everything
7 else was blue and that fingernail was missing.

8 Q. Show you YY.

9 A. This is another close-up photograph of her
10 right hand, and you can see the injury on the back
11 of it.

12 Q. And those other injuries near her hand and the
13 base of her thumb, how did those look to you in
14 person? Were those still wet or had blood on them?

15 A. I don't remember. I'm sorry. I don't
16 remember.

17 Q. Was a presumptive test done on the -- was there
18 a door within that room?

19 A. There was a door from the living room to the
20 kitchen or from the living room to the laundry room.
21 And then there was an external door that left from
22 the laundry room to the exterior side of the
23 residence.

24 Q. Did you do any presumptive testing on that
25 door?

1 A. On that door, from what I remember, we LCD'd
2 that room pretty much where -- where we could.

3 Q. This is 1-RR.

4 A. This is that exterior door you can see. So the
5 purple means it is reacting with what we believe to
6 be suspected blood. That's what that reaction is.

7 Q. Does that mean -- is that the only place on the
8 door that you could see a reaction?

9 A. I'd have to go through all the photos, but in
10 this photograph that's the only one I see, but
11 that's -- that's all I see. Yes.

12 Q. From your -- did you do any other testing on
13 any other parts of the door? Did you ---

14 A. We would've sprayed the entire door. We don't
15 just spray sections of doors.

16 Q. Okay. And ---

17 A. From this photo and from what I remember, no,
18 that's -- that's it.

19 Q. That's the only part that reacted?

20 A. From -- from memory and this photo, yes.

21 Q. How many bedrooms and bathrooms were in this
22 house?

23 A. There were three bedrooms and one bathroom in
24 this house.

25 Q. And so from the laundry room, where did you go

1 next?

2 A. So we then go down -- if you leave the laundry
3 room, go through the living room, you come to the
4 foyer kind of area by the front door and then go
5 down a hallway. As you go down that hallway, there
6 was a little girl's room on the left, then the
7 master bedroom. On the far back right was a little
8 boy's room, and then the bathroom was on the right
9 side of the hallway, so down that hallway.

10 Q. This is 1-ZZ.

11 A. So this is looking down that hallway. Directly
12 to your left in this hallway is the little girl's
13 room. Further down on the left is the master.
14 Further down on the right is the little boy's room
15 -- or what appeared to be a little boy's room and
16 what appeared to be a little girl's room. And then
17 the bathroom area to the right -- immediate right.

18 Q. This is 1-triple A.

19 A. This is the little girl -- or excuse me. This
20 is the room that appeared to be a little girl's room
21 as you first walk down the hallway immediately to
22 your left.

23 Q. So what all did you observe in the little
24 girl's room?

25 A. In this room ---

1 Q. What appeared to be. Excuse me.

2 A. I'm sorry.

3 Q. What did you observe in this bedroom?

4 A. Okay. So it -- it appeared to be a little
5 girl's room. And then there was also a cot with a
6 blue sheet on it. And on this blue sheet, there was
7 a blue -- what appeared to be a fingernail, a gold
8 in color ring, earring or some -- or some type of
9 jewelry, and then there appeared to be suspected
10 blood on the sheet itself.

11 Q. Can you see that cot from this picture?

12 A. It's hard to make it out, but the very dark
13 area I believe is the cot back towards the backside
14 of the room.

15 Q. 1-BB.

16 A. So this is the blue cot in the middle bottom of
17 the floor of the photograph.

18 Q. Okay. This is triple B. Excuse me. This is
19 triple C.

20 A. So this is the bottom layer of that cot. And
21 you can see the -- on the right side of the screen,
22 that blue -- what appeared to be a fingernail. On
23 the left, kind of halfway up the cot, is that
24 suspected gold earring, nose ring. Some kind of
25 jewelry.

1 Q. Was there any testing done to the sheet?

2 A. We used that LCD again to presumptive test for
3 blood.

4 Q. And how did it react?

5 A. It reacted positive.

6 Q. This is triple E.

7 A. The darker stains are turning purple on top of
8 the blue sheet.

9 Q. And this is triple D.

10 A. This is a close-up of that fingernail.

11 Q. What, if anything, did you collect from this
12 room?

13 A. We collected the fingernail and then we
14 collected that entire sheet.

15 Q. Are those part of the evidence that I've handed
16 you previously?

17 A. They are.

18 Q. Where did you go from this bedroom?

19 A. From this room, we then move into the master
20 bedroom or it could be the boy's room. After, I
21 believe we did the boy's room next to search it.

22 Q. Was anything found in that bedroom?

23 A. There wasn't.

24 Q. I'm going to back you up a bit and request that
25 you -- the items in front of you, do you see Item

1 No. 3 that was near Marker No. 4 from the laundry
2 room?

3 A. I do.

4 Q. Can you open that up please, and what exhibit
5 number is that?

6 A. State's Exhibit 22.

7 Q. Again, I'm going to put up 1-PP. Is that what
8 you're opening now?

9 A. Yes, ma'am.

10 Q. After you collected that knife, where did it
11 go?

12 A. It then went to our latent print department.

13 Q. Is that at SLED?

14 A. Yes, it is.

15 Q. So would you have tested that for blood or done
16 anything to that knife?

17 A. No, ma'am.

18 Q. And what is latent prints?

19 A. Latent prints, they are -- our latent print
20 examiners are experts. They test with different
21 chemicals, different processes to try to preserve
22 fingerprints on an item of evidence.

23 And then depending on what they have, they will
24 also collect swabs from each item of evidence. So
25 they're our latent print department.

1 Q. Thank you. That can go back. Oh, I'm sorry.
2 From the little girl's room off the hallway, where
3 did you go next?

4 A. I believe we went to the little boy's room.

5 Q. Okay. And you searched in there and did not
6 appear to find anything of evidentiary value; is
7 that correct?

8 A. Correct.

9 Q. Where did you go after that?

10 A. After that, we then move into the master
11 bedroom.

12 Q. I'm showing you 1-triple F. What does that
13 show?

14 A. This is from the hallway looking into that
15 master bedroom.

16 Q. This is 1-triple G.

17 A. This is a little bit closer in looking at the
18 bed in the master bedroom.

19 Q. Was there anything that you can see from this
20 picture that a SLED agent might have collected?

21 A. Yes. If you look at the far bookshelf, the
22 lighter colored bookshelf next to the TV, if you can
23 make out the TV in the photo. On that top shelf is
24 a cell phone that was photographed and collected by
25 the region -- or we photographed it and they

1 collected it.

2 Q. And is that bookshelf at the end of the bed

3 right there?

4 A. It is.

5 Q. And this is triple H. What is that?

6 A. This is now standing in the other corner

7 looking back across the bed. Where the cell phone

8 is, is now in that bookshelf at the base of the bed

9 on that top shelf.

10 Q. And, again, is this how the bedroom appeared

11 when you were walking through and observing

12 everything. Were the drawers open?

13 A. It was.

14 Q. This is 1-triple I.

15 A. This is now looking -- the TV that I mentioned

16 earlier is now on the left of the screen. You can

17 see the nightstand or the dresser. And then the

18 infant bed is in front of you. There's a closet off

19 to your right in that top corner of that room.

20 Q. This is 1-triple J.

21 A. This is looking towards that closet, and then

22 to the right on this photograph would be the actual

23 door to the hallway.

24 Q. From this room, where did you go?

25 A. From here, I believe we went to the mast -- or

1 the -- not master, but the actual bathroom.

2 Q. This is 1-triple K.

3 A. This is standing in the hallway looking into
4 that bathroom.

5 Q. And what else did you observe in that bathroom
6 area?

7 A. In this bathroom, there was some sort of bottle
8 top in the kitchen -- or in the bathroom sink, and
9 then what appeared to be suspected blood on the
10 light switch.

11 Q. This is 1-triple L.

12 A. So in the sink, you can see that some sort of
13 cleaning bottle top spray nozzle.

14 Q. And is that consistent with the -- one of the
15 bottles that you had seen in the laundry room?

16 A. I think that green was close to what that
17 Clorox bottle would've had, so, yeah, I think it's
18 consistent.

19 Q. And did you do any presumptive testing in this
20 room?

21 A. We did.

22 Q. Where did you do that on?

23 A. So the bathroom, we used LCV and we
24 presumptive -- or we -- excuse me. We tested the
25 sink, the light switch, the tub, and the toilet for

1 suspected blood.

2 Q. And what, if anything, reacted?

3 A. The only thing that reacted in that room was
4 the light switch.

5 Q. This is 1-triple M. Is that the light switch?

6 A. It is. You can see on the bottom left of that
7 light switch is the purple reaction.

8 Q. This is triple M. That's just a closer up.

9 A. Uh-huh. And it's on the switch itself.

10 Q. And did you collect a swab from that?

11 A. We did.

12 Q. And is that part of what I've handed you
13 previously?

14 A. It is.

15 Q. Did you also take pictures of the front door?

16 A. We did.

17 Q. So I'm going to -- going to -- you said that
18 you had prepared some diagrams while you were
19 walking through and going through your crime scene;
20 is that correct?

21 A. Yes.

22 Q. Okay. And I'm going to show you State's
23 Exhibit No. 25. What does that show?

24 A. So this is my diagram of the entire layout of
25 the residence. The back door that we entered

1 through, it was off the kitchen. The circles with
2 numbers in them are where my markers are. And then
3 you can see the living room, dining room area. You
4 can see where the victim is located. You can see
5 the front door. You can see the bedrooms.

6 Q. What, if anything, is missing from this diagram
7 and the laundry room?

8 A. Most items are not drawn on this. I normally
9 just draw pertinent -- what I'm collecting. So like
10 the table and the chairs, the reason those are there
11 is because there was suspected blood on it, but
12 normally I'm not putting a whole lot into the
13 diagram.

14 And then you can also see where that front door
15 off that laundry room is not included on this
16 diagram, just the door from the laundry room to the
17 living room.

18 Q. So the cot with the fingernail is noted, as
19 well?

20 A. It is.

21 Q. And the light switch that positively reacted,
22 is that noted as well?

23 A. It is.

24 Q. And that generally depicts the layout of the
25 house?

1 A. Very general. Yes.

2 Q. Did you go back and take pictures of the front
3 door?

4 A. We did.

5 Q. Inside and outside?

6 A. Yes.

7 Q. This is 1-G.

8 A. This is from the outside of the residence
9 looking at the front door where the glass was.

10 Q. And this is 1-H.

11 A. This would be on the inside of the residence
12 looking back out.

13 Q. And I'm sure it's hard to see, but can you see
14 anything inside that hole there?

15 A. There was glass still remaining in that window
16 frame.

17 Q. I'm going to hand you this picture. Can you
18 see that in 1-H?

19 A. Yes, I can.

20 Q. And where is it in -- in this picture?

21 A. It's in the bottom. As we were looking at the
22 photo, the bottom left. That corner where you can
23 see the red between that plaid, that's where the
24 glass is down there.

25 Q. Did you do a diagram, a rough sketch I should

1 say, of that back door?

2 A. We did.

3 Q. And is that what I have here in Exhibits 26?

4 A. It is.

5 Q. Can you tell us what that -- what is that
6 showing?

7 A. This was taking measurements to -- or from the
8 window to each area that would've had to have been
9 unlocked to gain access to that residence.

10 So "A" is from that corner window to the chain
11 latch. And it was 1 foot -- excuse me -- 1 foot, 7
12 inches approximately. All of our measurements are
13 approximate. So 1 foot, 7 inches.

14 From "B" would've been from that bottom corner
15 to the dead bolt which was 1 foot, 3 inches. And
16 the doorknob from that bottom corner was 1 foot, 7
17 inches. All approximate.

18 Q. Why did you prepare that document?

19 A. Just to see if for whatever reason we -- it --
20 we want to see if it was feasible for someone to
21 actually physically break through that front window
22 and gain access through all barriers to entry, so we
23 just took measurements to see.

24 Q. Having observed it in real life, what --
25 what -- did you feel like your arm could've fit

1 through there?

2 A. I do. Yes.

3 Q. And how so?

4 A. I would've had to get up to get them, but I
5 think my arm could've reached it?

6 Q. How far in would your arm have to be?

7 A. Pretty -- pretty far in to get a foot, 7
8 inches.

9 Q. Did you notice any blood or anything on that
10 window or on that glass?

11 A. I did not.

12 Q. After processing the scene, what did you do
13 with all the evidence?

14 A. So all the evidence gets secured, sealed,
15 marked -- or not marked, but so on scene, we'll put
16 the location of the evidence, date, time, initials,
17 all of that. It will get sealed and then it gets
18 stored in my vehicle. I've got a locked vault on
19 the back of it, and that'll get stored there. I'll
20 bring it back to the lab where it will then get
21 submitted and disseminated through the lab to where
22 it needs to go.

23 Q. Did you collect anything from the defendant,
24 Adam Lawless?

25 A. We did. We collected his photographs and we

1 also got a buccal swab, which is just a DNA standard
2 from him that night.

3 Q. And what about from Aaron Kenyon?

4 A. Same thing. We collected photographs, took --
5 or document photographs, and got a DNA buccal swab.

6 Q. And are those buccal swabs within the items
7 that I previously handed you?

8 A. They are.

9 Q. And what did you do with these items?

10 A. They would've been secured, brought back to the
11 lab, sealed up, packaged, and disseminated through
12 the lab where they needed to go.

13 Q. Did you attend the victim's autopsy?

14 A. I did not.

15 Q. Who did?

16 A. Special Agent Melinda Worely, who is also the
17 crime scene unit.

18 Q. When was that?

19 A. That was on the -- excuse me. I believe it was
20 the 15th, but I think that's when I went. It was
21 the 13th. Excuse me.

22 Q. Do you know who performed the autopsy?

23 A. Dr. Brett Woodard.

24 Q. And during that autopsy, were items collected?

25 A. They were.

1 Q. And did you receive them?

2 A. Yes. How we handle autopsy is, since I was
3 still on-call doing other things or going to other
4 cases, Special Agent Melinda Worely responded. She
5 collects everything she needs. Transports it
6 back -- transports it back to me. We do a chain of
7 custody, and then I package and submit everything
8 and send it where it needs to go.

9 Q. What items did you receive?

10 A. So from Mindy, she collected the fingerprints
11 from the victim, and then I believe she also
12 photographed the victim.

13 And then from autopsy, we got two grade -- two
14 types of blood, a blue top, a tube of urine, a DNA
15 card, fingernail scrapings from the left and the
16 right hand, head hair, loose hair from the right
17 hand, swabs from left index finger, and all of her
18 clothing items. Would you like me to list them?

19 Q. Are those part of the items that I previously
20 handed you?

21 A. I believe the box is over there, but all the
22 other stuff, yes.

23 Q. The items that I handed you, would that include
24 the scrapings from her right and left hand?

25 A. Yes.

1 Q. From the hair from -- that was collected from
2 her right hand?

3 A. Yes.

4 Q. And her standard?

5 A. Yes.

6 Q. And a standard is what?

7 A. So a standard is just a -- it's a blood spot
8 where they just will dry on a little card some blood
9 and it's so that DNA has your standard on file.

10 Q. And what did you do with these items after
11 receiving them?

12 A. They were all packaged and disseminated to the
13 lab where they needed to go.

14 Q. Other than searching the home at [REDACTED]
15 Street, did you conduct any searches of any cars?

16 A. Eventually, we did. Yes.

17 Q. When was that?

18 A. That would've been on the 15th.

19 Q. And what car did you search on the 15th?

20 A. We did three vehicles that day.

21 Q. Did you search a Ford Escape?

22 A. We did.

23 Q. Where was that car searched?

24 A. That was located in the front driveway of the
25 main residence.

1 Q. This is 1-triple O.

2 A. This is the driver's side of that blue Ford.

3 Q. Just one more picture, the front one, triple P.

4 A. This is the front driver quarter panel of the

5 blue Ford.

6 Q. How are cars normally searched?

7 A. So we'll go all the way around them with

8 photographs. Photograph license plate, VIN numbers,

9 and then we kind of break them down by compartments.

10 We'll photograph through a compartment. Go through

11 everything we need to. Go to the next compartment

12 and photograph that way.

13 Q. Is that what you did in this case?

14 A. It is.

15 Q. Did you collect anything or photograph anything

16 in particular from this vehicle?

17 A. Yes, we did.

18 Q. What was that?

19 A. There was a receipt in the -- I believe it was

20 a Family Dollar receipt that was located. I

21 apologize. There was a receipt in that car that we

22 photographed and collected.

23 Q. This is 1-triple Q.

24 A. That's the receipt.

25 Q. Can you read anything on that receipt or should

1 I hand this to you?

2 A. I can read Wonder classic white bread;
3 Starbucks frappuccino mocha; the total items. It
4 was dated for 3/11/18 at 8:04 at night.

5 Q. What other cars did you search?

6 A. We also photographed a red -- a red Cavalier
7 and a black Kia.

8 Q. This is 1-triple R.

9 A. This is the black Kia Soul.

10 Q. And was anything found inside of this car?

11 A. There were two bags of a green leafy substance
12 from the center ---

13 MR. EPPS: I want to -- Your Honor, I object.

14 THE COURT: Counsel approach.

15 (Sidebar discussion.)

16 BY MS. REEVES:

17 Q. Agent Schenk, did you find another receipt in
18 that car?

19 A. Umm ---

20 Q. Inside the Kia?

21 A. I believe we did. Yes. Excuse me. I'm trying
22 to find it. I believe we did. Yes.

23 Q. I'm going to show you triple T right there.
24 Can you read that?

25 A. I cannot.

1 Q. I'm going to hand it to you.

2 A. This is a McDonalds receipt.

3 Q. And what was the date of purchase?

4 A. 3/12/18 at 07:14 a.m.

5 Q. And can you read what has been purchased?

6 A. Sausage McGriddle. I think that's sweet tea.

7 Q. Okay.

8 A. Sorry.

9 Q. I'm going to show you triple U. Is this the
10 second car that you -- or third car that you
11 searched?

12 A. Yes. The red Cavalier.

13 Q. And what did you observe inside the Cavalier?

14 A. On or behind the rear passenger's seat, there
15 was some cleaning materials, cleaning bottles that
16 we located.

17 Q. This is 1-triple X.

18 A. Those are the Clorox bottles and some other
19 cleaning agents.

20 Q. And this is 1-triple Y.

21 A. It's a better photograph of showing each
22 chemical.

23 MS. REEVES: Your Honor, at this time, the
24 State's -- we would like to move into evidence or
25 clarify that State's Exhibits 11 through 24 had

1 previously been admitted, and I would ask that
2 Exhibits 25 and 26 be admitted into evidence.

3 THE COURT: Any objection?

4 MR. EPPS: No objection.

5 THE COURT: So 11 and 24 are stipulated
6 exhibits in that they were included in the written
7 stipulation that the attorneys entered into the
8 record at the start of the trial. And then 25, 26
9 would be admitted without objection.

10 MS. REEVES: Yes, sir.

11 (State's Exhibit Nos. 11-26 were received into
12 evidence.)

13 MS. REEVES: Nothing further. Thank you.

14 THE COURT: We're going to take a break before
15 we do cross-examination of this witness.

16 Ladies and gentlemen of the jury, the bailiff
17 is going to take you to your jury room and take a
18 short break.

19 Agent, you're under oath so don't discuss your
20 testimony while you're under oath.

21 THE WITNESS: Thank you, sir.

22 (At 3:53 p.m., jury exited the courtroom.)

23 THE COURT: Okay. We'll be in recess.)

24 (From 3:53 to 4:03 p.m., recess was had.)

25 THE COURT: All right. Is there anything for

1 me to sign before we bring our jury back in?

2 MS. REEVES: No, sir.

3 THE COURT: Have we looked at the exhibits to
4 make sure we have everything that's stipulated to?

5 MS. REEVES: I believe so. Yes, sir.

6 MR. EPPS: Yes, sir.

7 THE COURT: Okay. All right. Very good.

8 Let's get our jury in.

9 (At 4:06 p.m., jury entered the courtroom.)

10 THE COURT: All right. We just finished direct
11 examination. Mr. Epps, cross-examination.

12 MR. EPPS: Yes, sir, Your Honor. May it please
13 the Court?

14 CROSS-EXAMINATION

15 BY MR. EPPS:

16 Q. Special Agent, how are you?

17 A. Good, sir. How are you?

18 Q. How do you say your last name again?

19 A. Schenk.

20 Q. Scheck?

21 A. Schenk.

22 Q. Okay. I don't want to mess it up.

23 A. It's okay.

24 Q. All right. You are -- you are employed with
25 SLED; is that right?

1 A. I am.

2 Q. Okay. And where are you stationed in -- are
3 you out of the Columbia office?

4 A. We are.

5 Q. Okay. So you got -- on March 12th of 2018,
6 when did you get the call about this case?

7 A. We received the call -- I forget the exact
8 time, but it was probably about an hour and a half,
9 two hours before we got on scene. I don't remember
10 the exact time.

11 Q. Okay. It was -- it was after 2:00 p.m. in the
12 afternoon; is that right?

13 A. I believe so. Based on us getting there at
14 5:19, yes.

15 Q. Okay. So y'all were notified -- you had to --
16 you had to come from Columbia; is that right?

17 A. We do.

18 Q. And what did -- you have to -- so it was you
19 and two other special agents?

20 A. From crime scene. Yes.

21 Q. Okay. And they're from Columbia, as well?

22 A. Correct.

23 Q. All right. So y'all had to load up and it took
24 y'all about two, two-and-a-half hours to get to [REDACTED]

25 [REDACTED] Street; is that right?

1 A. Yes.

2 Q. Okay. And I noted that you put in your -- you
3 developed -- you developed a crime -- a SLED crime
4 scene -- crime scene notes; is that right?

5 A. I took the notes. Yes.

6 Q. Okay. And y'all arrived on scene probably --
7 approximately 5:00, 5:19 p.m. that afternoon; is
8 that ---

9 A. Yes, sir.

10 Q. Okay. And you had a -- you a noted a temp -- a
11 temperature of 53 -- 53 degrees; is that right?

12 A. Approximately, yes.

13 Q. Okay. All right. And what did you do -- tell
14 me again what you did once you arrived on scene --
15 once you was -- when you arrived on scene, was there
16 a crowd of people?

17 A. I remember there being some folks and I
18 remember law enforcement securing the scene and
19 crime scene barrier tape up like you see, so I
20 remember that.

21 Q. Okay. So there was crime scene barrier tape
22 up, but there were some people at -- were there --
23 were there individuals, not law enforcement or EMS?
24 There were other -- there were other people gathered
25 at that -- that property; is that ---

1 A. Not within the crime scene tape that I
2 remember.

3 Q. But outside the crime scene tape?

4 A. Could be. I'm -- I'm normally focusing on
5 who's in the tape, what's going on with the scene.
6 Sometimes we've got crowds; sometimes we don't. I'm
7 not usually noting crowds.

8 Q. Right. I understand. So inside within that
9 crime scene tape, do you know about -- when you got
10 there at -- at 5:19 in the afternoon, do you know
11 when this body was discovered?

12 A. I don't remember. No, sir.

13 Q. Okay. All right. Do you know if it was
14 around -- if I tell you it was around 2:00 p.m.,
15 around that time frame?

16 A. I don't remember. I don't know.

17 Q. Obviously, the body would've been found when
18 they gave -- when you got the call; is that right?

19 A. I believe that's fair. Yes.

20 Q. Okay. And then it took you two-and-a-half --
21 two, two-and-a-half hours to get to the scene?

22 A. I'm guessing because I don't remember exactly
23 when we got the call.

24 Q. Okay. And -- but do you have any idea who
25 went -- who had been in that house prior to you and

1 your team getting there?

2 A. I don't remember if a log was kept. That's
3 normally how we keep track of it, but from memory,
4 no, I don't.

5 Q. Sir?

6 A. From memory, no, I do not.

7 Q. Okay. But a crime screen log would've been or
8 should've been kept; is that right?

9 A. Sometimes it is; sometimes it's not. It
10 depends on the agency we're working with if they
11 keep them or not.

12 Q. Okay. But you don't know exactly who went in
13 that house prior to you arriving -- you don't know
14 who went in -- went in and out?

15 A. Correct.

16 Q. Okay. All right. And you stated that y'all --
17 you and your team went in -- went in the back door?

18 A. We did.

19 Q. And to you -- for your -- I mean, based on your
20 information, the back door had been open?

21 A. Correct.

22 Q. Special Agent, I'm going to -- I'm just going
23 to go through some of these photographs like the
24 State did, but I'm just doing it because I want
25 to -- I want to get a full picture of -- of

1 the scene. Okay.

2 A. Yes, sir.

3 Q. And that is a picture. This is Defendant's
4 1-A, and that's the front of [REDACTED] Street;
5 is that right?

6 A. It is.

7 Q. Now, did you go around the side on your --
8 what -- as you went in the back door, did you go
9 around the -- which side of the house did you go
10 around?

11 A. From what I remember, I think there's actually
12 a photo of me coming up the side of the cars, but my
13 partner at some point made his way all the way
14 around the house to document the vehicle.

15 Q. Okay.

16 A. Or excuse me, the residence, not the vehicle.

17 Q. And if you're facing the house, the two
18 vehicles were on your right side; is that right?

19 A. That's correct.

20 Q. Okay. And you -- did you go around the right
21 side?

22 A. From what I remember, yes.

23 Q. Okay. And you went through a gate? There was
24 a gate going to the backyard; is that right?

25 A. I don't remember if there's a gate.

1 Q. I'm going to hand you what's been entered into
2 evidence as Defendant's 1-D.

3 A. There's a gate.

4 Q. There's a gate. Okay. And do you remember
5 going around the side of the house and there --
6 there was blood seeping coming out down the side of
7 the house?

8 A. I do.

9 Q. You do? And is that -- if you can see -- can
10 you see in that picture?

11 A. It would be as you look at this photograph, you
12 see the vent that goes from the basement -- or not
13 the basement, the crawl space? To the left of that,
14 that -- right above that baseboard. It's not really
15 a baseboard, but that flat board that the slots go
16 up and down on, there in that area on the left side
17 of the screen is where what appeared to be suspected
18 blood seeping through the wall.

19 Q. And this -- I'm going to -- this is Defendant's
20 1-F. This may be a little better picture.

21 A. If you look, you can see the lines on that flat
22 board running lengthwise of the house. Those
23 reddish brownish marks, those lines above the brick,
24 below the slats, that's the suspected blood coming
25 through the house.

1 Q. And that -- that is -- that is the mudroom or
2 the laundry room where Ms. Duncan was found; is that
3 right?

4 A. It is.

5 Q. Okay. And is that on or about the location --
6 there was a chest freezer in that mudroom; is that
7 right?

8 A. Yes. There was.

9 Q. And Ms. Duncan's head was against the chest --
10 the chest freezer; is that right?

11 A. Correct. I don't -- I don't remember if it was
12 against it, but it was near the -- that way.

13 Q. And she had -- she -- her -- her throat had
14 been cut; is that right?

15 A. She had a cut here (indicating). I wouldn't
16 say all the way across, but yes.

17 Q. On the left side of the neck?

18 A. Yes.

19 Q. All right. And that blood had run under the
20 chest freezer; is that right?

21 A. That's what it appeared. Yes.

22 Q. Now, did you take any -- was there any --
23 anything you could do with the suspected blood --
24 the blood that was -- this, that was coming down the
25 side of the house?

1 A. Based on observations inside the house when we
2 went back out there, it was pretty -- it made sense
3 that that was her bleeding. So, no, we didn't do
4 anything with it.

5 Q. But that picture was taken -- you -- those
6 pictures were taken after you arrived on scene at
7 5:19 in the afternoon; is that right?

8 A. Those -- those were our overall photos before
9 going into the residence. Yes.

10 Q. Let me ask you this, let me back up a little
11 bit. Once you arrived at 5:19, how long -- how long
12 until you actually started taking photographs of the
13 scene?

14 A. I don't remember. Normally, we meet with our
15 investigators. Make sure search warrants are in
16 order. Get any other pertinent information. We'll
17 do a walkthrough. Usually, we'll talk with the
18 coroner to see if there's a game plan for when and
19 how to remove the victim. So it could be 10 minutes
20 depending on communication. It could be 20,
21 30 minutes. I -- I don't remember.

22 Q. Okay. Do you remember if you went in the
23 house, was it after 6:00 p.m. that evening?

24 A. I -- I couldn't tell you. I don't remember.

25 Q. You don't remember. Okay. I'm going to show

1 you what's been entered as Defendant's 1-L. There
2 is -- you said there was some clear liquid on the
3 floor where the refrigerator is?

4 A. From what I remember, it was further in the
5 room on the other side of that trash can, almost
6 towards the middle of the room. I don't see it in
7 this photo though.

8 Q. Okay. But you said -- did you -- did you --
9 did you test it or did you take a swab? What did
10 you do with that?

11 A. We -- we collected a sample of it.

12 Q. Okay. What was it?

13 A. I don't know. I don't know if it was ever
14 tested. I don't know if we can test that. I just
15 wanted to have a sample of it so that if there was a
16 test, it could have been done.

17 Q. All right. And then there was a towel. Is
18 that a towel that is next to the refrigerator?

19 A. I don't remember what that was.

20 Q. Did you collect it?

21 A. We did not.

22 Q. You did not. All right. And then that's the
23 knife in front of the stove; is that correct?

24 A. Yes, sir, it was.

25 Q. And that's the knife -- consistent with the

1 knife -- the knife coming out of the butcher's block
2 there on the kitchen counter; is that right?

3 A. Yes, sir.

4 Q. Okay. And you collected that knife, correct?

5 A. We did.

6 Q. Did you collect the butcher's block?

7 A. Not the entire block, no.

8 Q. I'm going -- this is what's been entered as
9 Defendant's 1-M. Is that the hallway going toward
10 the bathroom? Well, is that the hallway going down
11 to the bathroom to -- to -- to the child's room, to
12 FL's [REDACTED] room, the bathroom, and the boy's -- and
13 the -- the boy's room as well as the master bedroom?

14 A. It is.

15 Q. Okay. Whose clothes are that in the hallway?

16 A. I don't remember.

17 Q. Did you collect them?

18 A. We did not.

19 Q. All right. Now, you said that y'all first --
20 when y'all entered, y'all went through the open back
21 door in the kitchen; is that right?

22 A. Yes, sir.

23 Q. All right. And then you first started, the
24 kitchen was the first room that y'all investigated
25 or you took swabs or you started your investigation;

1 is that right?

2 A. Yes. However, when we have our photos going,
3 my photographer will go through the entire residence
4 to photo before we start touching or collecting
5 anything, that way everything is preserved. So it
6 would've been after he had photoed the house, and
7 then we would've started actually physically going
8 back, rephotographing, and collecting evidence.

9 Q. Okay. All right. So that's clear. So he's --
10 you -- you go in the house, and then you photograph
11 the house, and then you start collecting -- and --
12 and cataloging and doing what you do; is that right?

13 A. It is.

14 Q. Okay. All right. This is -- this has been
15 entered as Defendant's 1-M. This is -- this is
16 FL's [REDACTED] room. This is the little girl's room; is
17 that right?

18 A. Yes, sir.

19 Q. Okay. All right. Now, you up -- that piece of
20 cloth that's ripped in the corner, do you see that?

21 A. I see the cloth.

22 Q. You see the cloth?

23 A. Uh-huh.

24 Q. Do you see that cut or that -- that opening,
25 what appears to be a rip?

1 A. I do. Yes, sir.

2 Q. Okay. Did you -- did y'all collect or have it
3 or do anything with that -- that cloth that's
4 hanging there in the -- in the little girl's room?

5 A. We did not.

6 Q. I'm going to -- all right. I'm going to put up
7 here what's been marked as Defendant's 1-0. That's
8 the little girl -- that's -- I'm going to call her
9 FL because that's -- she's the two-year old.
10 That's -- that's FL'S bed. Did you take any --
11 did y'all collect any of the -- the -- the sheets or
12 comforter or anything from FL'S bed?

13 A. We did not.

14 Q. Did you -- there is a sippy cup. Do you see
15 the sippy cup in that picture?

16 A. Yes, sir.

17 Q. Did you collect that sippy cup?

18 A. We did.

19 Q. You did?

20 A. Yes, sir.

21 Q. Did y'all do any testing on it or do you know?

22 A. I don't know if any testing was done, but we
23 did collect it.

24 Q. And there appears to be what looks like, I
25 don't know, maybe some -- some feces or something on

1 that -- on one of those sheets?

2 A. I remember seeing that. Yes, sir.

3 Q. Do you remember seeing that?

4 A. Uh-huh.

5 Q. All right. And did y'all take that sheet?

6 A. No, sir.

7 Q. And this has been marked as -- this has been
8 entered as Defendant's 1-P. That's another side
9 view of that room of that -- I don't know if it's an
10 armoire or whatever it is, but seems like it is a --
11 there's a covering on it. And it looks like it's
12 ripped. It's got a hole in it. Again, that's --
13 but y'all didn't -- y'all didn't collect that or do
14 anything with that; is that right?

15 A. No. We did not.

16 Q. And you said there was -- there was -- on the
17 back of the hallway and to the right is -- was a --
18 was a boy's room, right?

19 A. Yes, sir.

20 Q. And you -- everything was negative. There was
21 nothing of any -- there were -- y'all didn't take
22 anything or y'all -- out of that room; is that
23 right?

24 A. We did not presumptive test in that room. We
25 did look through it, but nothing that we felt was

1 probative to the homicide.

2 Q. Right. I understand. Now, the master bedroom.
3 I'm going to show you -- this has been marked as
4 Defendant's 1-BB. Is that -- where is those --
5 that's -- that's in the master bedroom; is that
6 right?

7 A. Yes, sir, it is.

8 Q. And there were some drawers that were pulled
9 out; is that correct?

10 A. There were. Yes.

11 Q. Okay. Do you know whose drawers that -- that
12 was? Was that -- was that Tabatha's drawers or do
13 you know?

14 A. I have no idea.

15 Q. Did you take -- did you do any -- any forensic
16 or any testing on those open doors, swab for prints,
17 or do anything?

18 A. No. We did not.

19 Q. I'm going to hand you -- I'm going to show you
20 what's been marked and entered into evidence as
21 D1-DD. And that's the kitchen, right?

22 A. Yes, sir.

23 Q. All right. Now, you said y'all tested the mop
24 bucket; is that right?

25 A. We did.

1 Q. All right. And that was negative, right?

2 A. With LCD. Correct.

3 Q. And -- and -- then you tried to do latent
4 prints on the mop handle?

5 A. We looked for latent prints. We did not dust
6 because that would've messed with the chemical.

7 Q. I understand. But there was nothing -- there
8 was -- there was -- it's LCD negative on the mop; is
9 that right?

10 A. Correct.

11 Q. And no substance in that. Did you test the
12 water?

13 A. I believe we did, but nothing happened.

14 Q. Okay. All right. Now, at the bottom -- well,
15 at the -- at the -- at the corner of this picture,
16 looks like drawers are coming out. That's not
17 actually drawers, is it?

18 A. It appears to be a drawer. Yes, sir.

19 Q. Yeah, but you don't know. Is it just a big
20 drawer stuck underneath this -- these drawers -- do
21 you know if that -- if those drawers were actually
22 drawers to that chest or was that just something
23 stuck underneath?

24 A. Oh, I'm not sure.

25 Q. You don't know?

1 A. No, sir.

2 Q. Okay. Y'all didn't look or do any testing or
3 anything -- anything on that?

4 A. On that drawer? No, sir, we did not.

5 Q. Okay. Now, that -- that blood in the center of
6 the kitchen, there was some splatter or
7 directional ---

8 A. The directionality were on other areas. That
9 one, I don't remember really seeing any
10 directionality to it. It appeared just to be there.
11 I don't remember seeing any, like, even blood in the
12 blood where it's jumping out. I just remember there
13 being a little bit of movement, but not actual
14 directionality in that stain.

15 Q. I want to show you what's been entered as -- as
16 1 -- as Defendant's 1-FF. All right. And that's --
17 that is the kitchen. And y'all -- did y'all look in
18 the trash or in the trash can for anything of
19 evidentiary value?

20 A. We did.

21 Q. Was it negative?

22 A. It was negative.

23 Q. Didn't find anything of evidentiary value,
24 right?

25 A. No, sir.

1 Q. I'm going to note -- I'll point you right to
2 the right of that trash can. It looks like some
3 substance. Do you know what that is?

4 A. I don't remember. No, sir. I don't remember.

5 Q. Okay. Did you test it?

6 A. I don't believe so. No.

7 Q. Okay.

8 A. I don't know if that is -- depending on when in
9 the scene this was taken, if that is purple, it
10 could've been presumptive for blood. But I don't --
11 based on the photo, I don't remember.

12 Q. But you don't have anywhere in your records in
13 this crime -- or the crime scene notes where it was
14 tested?

15 A. Well, we tested the kitchen floor, so I don't
16 know if that was from ---

17 Q. Okay. So you don't know exactly what that is;
18 is that right?

19 A. I do not remember. No, sir.

20 Q. And I'm going to show you what's been entered
21 as Defendant's 1-HH. And I'm going to ask you --
22 that's the -- that's the -- there's only real one
23 [sic] blood spot in the kitchen; is that right?

24 A. There was two other small areas that we used
25 the L-scale on, but the obvious one that was

1 suspected blood was this one. Yes, sir.

2 Q. But wasn't there some directional splatter that
3 was going toward, I guess, in the direction toward
4 the dining room entrance?

5 A. I'd have to look at the other photo to see
6 where the L-scales were ---

7 Q. Yes. Okay.

8 A. --- to tell you.

9 Q. I gotcha. That's fair. And I -- this is
10 D1-KK. And we don't have the L-scale -- scales
11 here, but there was some blood -- blood transfer on
12 this dining room table; is that right?

13 A. There was suspected blood on that table.

14 Q. Okay. And then I'm going to hand you D -- it's
15 been entered as D1-LL. That's the two recliners
16 that that dining room essentially goes into a
17 den-like living room area, right?

18 A. Correct.

19 Q. And they were that -- there were two -- two
20 recliners?

21 A. Correct.

22 Q. And that's the two recliners; is that correct?

23 A. Those are.

24 Q. Okay. And this is Defendant's 1-MM. And I
25 don't know if you can see it. You probably can see

1 it, but it's -- it's -- well, this little spot to
2 the left, is that -- was that suspected of being
3 blood?

4 A. I can't tell from this photo, sir, but there
5 was suspected blood on that.

6 Q. On that recliner?

7 A. It was on that recliner. Yes.

8 Q. And just to be clear, this is Defendant's
9 1-QQQ. That's the L-shape on that recliner; is that
10 right?

11 A. It is.

12 Q. Okay. And this is Defendant's 1-RRR. That's
13 the L-shape on the kitchen table, right?

14 A. It is.

15 Q. You went in -- y'all were in the kitchen first,
16 and then did you move into FL's [REDACTED] room?

17 A. No, sir. So once we photographed the house, we
18 started moving from the kitchen, then moved to the
19 living room, then to her in the laundry room, and
20 then we started doing the bedrooms post-dealing with
21 the victim.

22 Q. Okay. So you went into the laundry room before
23 you went into FL's [REDACTED] room; is that right?

24 A. From what I remember, yes.

25 Q. So you went in the kitchen, the dining room,

1 the living room, and then the laundry room, correct?

2 A. Yes.

3 Q. All right. And this is Defendant's 1-00. All
4 right. And that is the entrance into the laundry
5 room; is that right?

6 A. It is.

7 Q. Okay. And that's got -- and that's -- and that
8 was tested for -- or it was swabbed for blood; is
9 that right?

10 A. We did.

11 Q. And it was -- you found a ridge line, but there
12 was no -- you were not successful in getting --
13 getting a print; is that correct?

14 A. There wasn't one with blood. The only way to
15 collect a bloody fingerprint was either to enhance
16 it further and then document it with photographs.
17 And based on what was there, we sprayed it. There
18 wasn't -- there wasn't enough ridge detail to make
19 it suitable for collection, so we sprayed it and
20 then swabbed it.

21 Q. Now, I'm going to -- this is D -- this is
22 Defendant's 1-PP. All right. That shows both the
23 exterior and the interior of the door handle?

24 A. It does.

25 Q. Was there -- on the interior doorknob, was

1 there any testing?

2 A. I'm sorry?

3 Q. Was that tested?

4 A. I believe we LCD'd that entire door.

5 Q. Was there any -- was it negative or was there
6 a ---

7 A. I don't remember. I'd have to look at the
8 photos.

9 Q. So you LVC'd -- LCV'd the entire -- the door of
10 the interior of the mudroom or laundry room door?

11 A. Pretty much when we're looking for -- the
12 reason we use LCV is to find latent blood or blood
13 that you can't easily see. So we're trying to test
14 just about everywhere we can get to see if there's
15 anything anywhere.

16 Q. And this is Defendant's 1-RR and that's the
17 entrance to the laundry room; is that right?

18 A. Yes, sir.

19 Q. And that is -- shows the bent knife -- the
20 going into the laundry room?

21 A. Yes, sir. In the very bottom, right in front
22 of that door jam.

23 Q. And is that -- that's the exhibit that you --
24 that you pulled out there in court here on direct;
25 is that right?

1 A. Yes, sir. It is.

2 Q. Right there. Okay. And that knife was bent

3 pretty bad; is that right?

4 A. It was.

5 Q. All right. And did it have blood on the --

6 blood -- and it had blood on the handle; is that

7 right?

8 A. I remember blood being on the blade. I don't

9 remember about the handle. I'd have to look at the

10 photo. I'm sorry.

11 Q. I understand. All right. And then you had a

12 basket that had been -- looks like it had been

13 knocked over; is that right?

14 A. Yes, sir. We did.

15 Q. But y'all moved that basket out of the way?

16 A. We did.

17 Q. And then you had a cord that's laying on the

18 ground to your left. What is that?

19 A. It appeared to be the white cord from that

20 headset. And it appeared -- or that headset didn't

21 have a cord anymore. So that cord -- and -- or are

22 you talking about this black thing?

23 Q. I'm talking about the black thing to the left

24 of the -- of the -- the door. The left part of the

25 door area.

1 A. I remember that black thing. It was some kind
2 of like behind the door. It was some object, but it
3 wasn't like a wire.

4 Q. Had it been hanging on the door?

5 A. I don't know. That's how we found it.

6 Q. Okay. Did y'all do anything with that?

7 A. No, sir.

8 Q. And that -- well, and then Tabatha was on into
9 the laundry room laying on the floor on her right
10 side; is that right?

11 A. Yes, sir.

12 Q. And this is -- I'm going to show you what's
13 Defendant's 1-SS. All right. And that's a little
14 closer picture, but that's -- that's Ms. Duncan
15 that's laying in the floor; is that right?

16 A. Yes, sir.

17 Q. Okay. And then that's the door that goes
18 outside the residence; is that right?

19 A. Yes, sir.

20 Q. All right. Let me ask you something, was it
21 cold in that house?

22 A. I don't remember the internal temperature.

23 Q. But it was cold that day. Do you remember
24 that?

25 A. From my truck reading, it was about 53 degrees.

1 Q. And I'm going to show you, this has been
2 entered as Defendant's 1-TT. All right. If you can
3 see that, that may see a little better. There
4 was -- there's blood up on the handle to that steak
5 knife; is that right?

6 A. I believe you. The screen is a little out of
7 focus up here. The photos are a little more clear
8 if you hand them here, but...

9 Q. Okay. You want me to hand this to you?

10 A. If you don't mind, sir.

11 MR. EPPS: May I approach, Your Honor?

12 THE COURT: Yes, sir.

13 THE WITNESS: Thank you.

14 MR. EPPS: Yes, sir.

15 THE WITNESS: Yes, sir. There is.

16 BY MR. EPPS:

17 Q. So there's blood on the blade and there's blood
18 on the handle?

19 A. Suspected blood, but yes.

20 Q. Yes, sir. Okay. And there is no handgun.
21 These are steak knives out of the butchers block in
22 the kitchen, right?

23 A. They appear to be consistent with the butcher
24 block in the kitchen.

25 Q. And there's really no guard on these handles?

1 A. No, sir. There isn't.

2 Q. This is defendant -- this has been -- this
3 picture has been entered as Defendant's 1-VV. And
4 is -- when you -- when y'all took photographs, that
5 was the position of Ms. Duncan; is that right?

6 A. Yes, sir.

7 Q. Okay. And you see right above her head. That
8 is blood that had pooled or blood that had -- had
9 gone under the chest freezer from Ms. Duncan; is
10 that right?

11 A. Yes, sir.

12 Q. Okay. Now -- and to the left of Ms. Duncan's
13 left arm or left hand, there is that knife, or
14 that's a knife from the butchers block; is that
15 right?

16 A. It appeared to be consistent with. Yes, sir.

17 Q. Is that Marker 5?

18 A. I believe that was Marker 5. Yes.

19 Q. Okay. I'm going to -- this is what's been
20 entered as Defendant's 1-WW. All right. That's --
21 that's in the laundry room, right?

22 A. Yes, sir. It is.

23 Q. And that's -- that's above the chest and that's
24 items that were -- that were in the laundry room; is
25 that right?

1 A. They are.

2 Q. All right. Do you see right at the bottom kind
3 of left, there's a speaker?

4 A. Yes, sir, I do.

5 Q. At the top of that speaker, it looks like
6 there's a red dot?

7 A. On the gray speaker or the black box?

8 Q. On the black -- the black speaker.

9 A. Could you point it to me? I apologize.

10 MR. EPPS: May I approach, Your Honor?

11 THE COURT: Yes, sir.

12 MR. EPPS:

13 Q. Right here that bottom (indicating).

14 A. Yes, sir.

15 Q. All right. You show -- you see that -- that --
16 do you see what I'm talking about?

17 A. Yes, sir, I do.

18 Q. Like little drops. Did you see in any way --
19 did you -- did you see that? notice that? swab it?
20 Did you do anything with that?

21 A. I don't remember swabbing it. I don't know if
22 we LCV'd it when we were spraying, but we did not
23 swab that. No, sir.

24 Q. Did you take that speaker?

25 A. We did not.

1 Q. Let me -- now, there are towels and there are
2 things that are up on the chest of drawers in the
3 laundry room. At any time did y'all take those
4 towels down or take items down and put them on the
5 floor?

6 A. We did and they do end up on the floor when
7 we're searching through.

8 Q. And here is a -- this has been marked and
9 entered as Defendant's 1-XX. Now, Ms. Duncan is
10 dressed in jeans; is that right?

11 A. Yes, sir.

12 Q. She has socks on; is that right?

13 A. Yes, sir.

14 Q. All right. She -- did she have black long john
15 underwear on?

16 A. I don't remember, but I can look at what was
17 collected at autopsy. Yes, sir. We've got black
18 long underwear.

19 Q. Okay. And she had panties on; is that right?

20 A. Yes, sir. She did.

21 Q. She had a t-shirt and kind of an undershirt on,
22 as well?

23 A. A t-shirt, yes. Cami, yes, sir.

24 Q. Yes, sir. All right. And her shirt, when you
25 got there, the shirt is kind of raised up; is that

1 right?

2 A. Yes, sir.

3 Q. And is that a puncture wound on her lower back?

4 A. It appeared to be so. Yes, sir.

5 Q. And this has been entered as Defendant's 1-YY.

6 Now, it's the same picture, but that white cord
7 around her left leg, is that what you're talking --
8 that's the cord -- that's the cord that you
9 retrieved; is that right?

10 A. It is.

11 Q. Okay. That's -- is that a tarp? Do you know
12 what's laying -- laying over her legs?

13 A. I remember it being fabric, but I don't
14 remember exactly what it was. No, sir, I don't.

15 Q. Had that fallen down? How did you ---

16 A. From my recollection, this is exactly how we
17 found her.

18 Q. That's exactly how you found her. Did you
19 collect that fabric?

20 A. We did not.

21 Q. Any testing with that fabric?

22 A. If we sprayed LCV on it, but I don't remember.

23 Q. Now, I'm going to show you what's been entered
24 as Defendant's 1-CCC. All right. And that -- that
25 is a picture of Ms. Duncan. Does that show at least

1 two, what appear to be, stab wounds in her lower
2 back?

3 A. Yes, sir.

4 Q. Okay. Now, her arms -- at her left wrist, is
5 that a broken bracelet?

6 A. I believe it was some sort of jewelry.

7 Q. And did y'all collect it?

8 A. No, we did not.

9 Q. Now, on her elbow and her forearms, are
10 those -- they look like bruises. Did -- was -- were
11 there -- was her forearms, elbows, were there
12 contusions?

13 A. I don't remember if there were contusions on
14 them.

15 Q. You don't remember?

16 A. I don't remember. No.

17 Q. I'm going to back up just one minute to the --
18 to the entrance to the laundry room. This is
19 Defendant's 1-JJ. All right. And that's got --
20 looks like the -- I guess some kind of hanger or
21 hooks as to the left of the knife, is that right,
22 and left to Marker 4?

23 A. Yes, sir.

24 Q. Okay. And, again, that was not taken or
25 anything done with it?

1 A. No, sir.

2 Q. All right. And then y'all -- then you -- then

3 there's a headset that's -- that have blood on them,

4 right?

5 A. Yes, sir.

6 Q. Okay. And that was collected?

7 A. It was.

8 Q. And that was tested, right?

9 A. Yes, sir.

10 Q. Okay. And this is Defendant's 1-triple K. Is

11 that -- that is blood in the mudroom; is that right?

12 A. From memory. It's hard to see in this photo,

13 but, yes, there was suspected blood on the ground.

14 Q. Did it appear to be any footprints?

15 A. I don't remember.

16 Q. But none were noted?

17 A. None were noted. No.

18 Q. Now, I'm at -- at some point after -- when did

19 y'all move the body out of the -- the laundry room?

20 A. After we had collected those items from the

21 laundry room, so she was then moved out with the

22 coroner.

23 Q. I'm on -- this has been entered as Defendant's

24 1-four K. Is that Ms. Duncan once she was moved out

25 of the laundry room?

1 A. It is.

2 Q. Okay. Does she have injuries about her head?

3 A. I don't remember. I remember she had injuries
4 on her back; hands; neck. Beg the Court's
5 indulgence. From what I remember and what's in my
6 notes, she had 11 stab wounds to the back, 2 of
7 which were deep penetrating. And then an injury to
8 the left index finger, which were swabbed at
9 autopsy. But as far as that, I don't remember
10 exactly what injuries she had.

11 Q. But she suffered injuries about her face and
12 head?

13 A. I'd -- I'd have to look through the photos
14 again.

15 Q. This has been entered as Defendant's 1-
16 quadruple O. Does that -- that is a photograph of
17 Ms. Duncan as she was on -- as she was -- when she
18 was moved out of the laundry room, correct?

19 A. It is.

20 Q. All right. By that picture, can you identify
21 any wounds or injuries to her head and face?

22 A. Some of that could be coagulated blood. It
23 would be best for a doctor to talk about injuries.
24 I -- we just photograph and document what we see.

25 Q. I understand. I'm going to show you what's

1 been entered as Defendant's 1-TTTT. That is a
2 picture of Ms. Duncan's arm; is that right?

3 A. Yes, sir.

4 Q. Does she have injuries on her forearm?

5 A. I -- I see -- I'm not sure.

6 Q. Okay. Is that a -- down at the very -- at the
7 bottom, it looks like a -- I don't -- a cut or do
8 you know what that is?

9 A. It -- no, sir. I don't know what it is.

10 Q. It's an injury; is that right?

11 A. It appears to be so, but we just photograph and
12 let the doctors...

13 Q. This has been entered as Defendant's
14 1-quadruple X. Does that reflect the location of a
15 stab wound?

16 A. A suspected stab wound. Yes.

17 Q. Suspected stab wound. I'm going to show you
18 what's been entered as Defendant's 1-quadruple Y.
19 And that shows Ms. Duncan. Is that with her
20 shirt -- it that -- appears to be the holes in her
21 shirt. Do they appear to be consistent with the
22 stab wounds she sustained?

23 A. We were trying to line up the holes with the
24 suspected injuries, so that's what we were doing
25 there.

1 Q. Do they line up?

2 A. I don't remember if they line up exactly, but
3 that was what we were attempting to document.

4 Q. And I'm going to show you what's been entered
5 as Defendant's 1-five C. And does that picture show
6 suspected stab wounds on Ms. Duncan's back?

7 A. It does.

8 Q. Do you remember how many -- did you say 11 stab
9 wounds?

10 A. Based on what I had from autopsy, it was 11.

11 Q. That's based on the autopsy?

12 A. That's based on what the agent who attended
13 autopsy noted and told me.

14 Q. This is what's been entered as Defendant's
15 1-five G. Now, there's one wound that appears to be
16 jagged, is that right, in the middle?

17 MS. REEVES: Objection, Your Honor. I don't
18 think he can testify about any of the injuries.

19 THE COURT: Sustained.

20 MR. EPPS: I'll move on.

21 BY MR. EPPS:

22 Q. Now, she also -- also sustained a neck injury;
23 is that right?

24 A. Yes, sir.

25 Q. And it was to the left side of her neck?

- 1 A. From what I remember, yes.
- 2 Q. And I'm going to show you what's been entered
3 as Defendant's 1-five N.
- 4 A. Yes, sir.
- 5 Q. Does that show Ms. Duncan's neck injury?
- 6 A. It does.
- 7 Q. Okay. And this has been entered as Defendant's
8 1-five P. That's a -- that's another photograph
9 that reflects her neck injury, correct?
- 10 A. It does.
- 11 Q. Based on your observation and your
12 investigation, this -- this was a very violent
13 attack, was it not?
- 14 A. Yes, sir. It was.
- 15 Q. And based on your investigation, there were
16 three locations in the -- at least three locations
17 in the house where something happened; is that
18 right?
- 19 A. I can't say as to if things happened there, but
20 there was signs of -- there were -- there are
21 different pieces of evidence in the laundry room,
22 kitchen, living room, dining room area, bedroom,
23 little girl's bedroom, and then the bathroom.
- 24 Q. So there was certainly evidence of -- there was
25 evidence of -- of what appeared to be like an

1 altercation of something happening in the kitchen;
2 is that right?

3 A. There was suspected blood in the kitchen.

4 Q. Yes, sir.

5 A. As to what exactly happened, I can't even begin
6 to...

7 Q. I understand. But there was evidence -- there
8 was evidence to suggest something happened in the
9 little girl's room, as well?

10 A. There was a missing fingernail and suspected
11 blood on the cot, so potentially lost a fingernail
12 in there.

13 Q. And there were hairs on that blue cot; is that
14 right?

15 A. There were.

16 Q. Okay. Did you collect those hairs?

17 A. They would've been wrapped up in that sheet.

18 Q. All right. Now, I'm going to back up again to
19 earlier, I guess when you're photographing
20 Ms. Duncan, and this is Defendant's 2-C. Is that
21 a -- that is a contusion on her -- is that her left
22 ear?

23 A. There appear to be discoloration to her left
24 ear.

25 Q. Okay. So appeared to be an injury to her left

1 ear; is that right?

2 A. I'm not great with injuries, unless it's a
3 physical penetrating injury. Normally, with
4 bruises, things like that, I try to leave those to
5 the doctors. We document and then move on.

6 Q. Yes, sir. And this is Defendant's 2-E that's
7 been entered. And you documented that injury to
8 Ms. Duncan?

9 A. That would've been, yes, sir.

10 Q. And that's above her right eye?

11 A. I believe that's her left eye.

12 Q. Left eye. Yes. That's above her left eye.
13 Correct. I'm going to show you what's been entered
14 as Defendant's 2-F. Did you document -- did that
15 appear to be an injury over her -- on her forehead?

16 A. Yes.

17 Q. I'm going to show you what's been entered as
18 Defendant's 2-G. Did you document a -- a -- a
19 suspected injury on, looks like, Ms. Duncan's cheek?

20 A. Yes, sir.

21 Q. Right cheek?

22 A. Yes, sir.

23 Q. And I'm going to the show you what's been
24 marked as Defendant's 2-H. Appears to be a
25 documentation of -- of a -- a bruise or mark or

1 suspected injury to her lower part of her right
2 cheek; is that correct?

3 A. That appears to be the jawline.

4 Q. The jawline?

5 A. Yes.

6 Q. I'm going to show you what's been marked as
7 Defendant's 2-J. Did you document what appears to
8 be, I guess, a contusion or a cut?

9 A. I'm not sure which ---

10 Q. Her right knuckle there?

11 A. There was something on the knuckle. I'm not
12 sure which they were documenting, if it was the
13 darker area or above it.

14 Q. All right. I'm going to show you what's been
15 entered as Defendant's 2-L. That's the blue cot in
16 FL's [REDACTED] room, the little girl's room, right?

17 A. It is.

18 Q. Okay. And that shows the fingernail; there's
19 an earring; nose ring to the left. And I don't know
20 if you can see, but there were hairs on the cot; is
21 that right?

22 A. Yes, sir.

23 Q. Okay. Was that nose ring or earring taken?

24 A. It was not collected directly.

25 Q. Okay. And you did not specifically collect any

1 hairs on that?

2 A. We did not.

3 Q. I'm going to -- this has been entered as
4 Defendant's 2-Q I believe. That's the little girl's
5 bedsheets. Do you -- that appears to be feces.

6 A. There was a substance on it. I don't recall
7 what it was on it, if it was food or feces.

8 Q. Okay. But you didn't -- you didn't take it; is
9 that right? You didn't collect it?

10 A. No, sir.

11 Q. I'm going to show you what's been entered as
12 Defendant's 2-S. Now, that's -- I guess that is you
13 had -- you LCV tested that blue cot?

14 A. Yes, sir. We did.

15 Q. And you sprayed the whole thing; is that right?

16 A. Yes, sir. We did.

17 Q. Okay. Are those dark colors, are they -- are
18 they -- is that suspected blood?

19 A. I believe that's where -- either that -- the
20 photo's a little gray, but it's either that or the
21 bigger areas of darkness in the blue.

22 Q. Yes, sir.

23 A. And then the little dots would be where it's a
24 little more concentrated with the chemical.

25 Q. But it was positive for LCV, right?

1 A. It was.

2 Q. Now, I'm going back. This is -- I'm going to
3 show you what's been entered as Defendant's 2-U. Is
4 that armoire in the laundry room?

5 A. It is.

6 Q. All right. To the left and down a little bit,
7 there's a mark, or it looks like -- I don't know if
8 it's a spot. This appears to be something on that
9 armoire. Do you see it?

10 A. I do.

11 Q. Okay. Was that tested, swabbed, or...

12 A. No, sir.

13 Q. Was that -- okay. Was that item sprayed?

14 A. I don't recall if it was sprayed with LCV, but
15 I did not swab it.

16 Q. All right. I'm going to hand -- I'm going to
17 show you what's been entered as Defendant's 2-W.
18 Now, is that -- that's where y'all tested the floor
19 in the laundry room; is that right?

20 A. It is.

21 Q. Okay. And that -- those -- those towels and
22 what's on the floor, did y'all place them in the
23 floor?

24 A. Those would've been -- from what I recall,
25 while we were searching that room, it could've been

1 either from the searching or when we were moving
2 her, they got knocked down. So I don't recall at
3 what point they made it on the ground, but it would
4 have been us who ended -- they would've ended up on
5 the floor by us, yes.

6 Q. Okay. And then I'm going to -- this is what --
7 I'm going to show you what's been entered as
8 Defendant's 2-X. That is the interior of the door
9 that goes outside in the laundry room; is that
10 right?

11 A. Yes, sir.

12 Q. Okay. And that was -- you tested that with
13 LCV; is that right?

14 A. We did.

15 Q. And you got a positive hit; is that right?

16 A. We did.

17 Q. And that shows that purple spot?

18 A. It does.

19 Q. Did you swab it?

20 A. We did not.

21 Q. So it was not collected or anything done with
22 that purple swab -- with that presumptive -- with
23 that swab -- with that presumptive positive on that
24 door?

25 A. No, sir.

1 Q. Okay. You -- you didn't attend the autopsy,
2 right?

3 A. I did not.

4 Q. But there was some items that were collected
5 during the autopsy; is that correct?

6 A. There were.

7 Q. Okay. One being a hair that was extracted from
8 Ms. Duncan's right hand, right?

9 A. Yes, sir. That sounds correct.

10 Q. Do you remember what color that hair was?

11 A. No. Normally, when we get things from autopsy,
12 they're packaged and sealed, so then we send them
13 off to where they need to go.

14 Q. And did you -- you took photographs of
15 Mr. Lawless; is that right?

16 A. My partner did, but yes. Photographs were
17 taken that night.

18 Q. Did you ask -- did you speak or talk or have
19 any interaction with Mr. Lawless?

20 A. I want to say I was standing there, but I don't
21 remember.

22 Q. Did Mr. Lawless have any injuries on him?

23 A. I don't remember.

24 Q. Did he have any marks? cuts? scrapes? bruises?

25 A. Nothing that I've noted.

1 Q. Okay. And I'm going to show you what's been
2 marked as Defendant's 1-triple U. Is that a picture
3 of Mr. Lawless?

4 A. It is.

5 Q. And that's what y'all -- that's what -- that
6 was -- that's the photograph y'all took of him that
7 day; is that right?

8 A. It is.

9 Q. And is that outside the house of [REDACTED]
10 Street?

11 A. It is.

12 Q. Okay. And do you remember about what time that
13 was taken?

14 A. No, sir.

15 Q. Okay. Obviously, he was on the scene; is that
16 right?

17 A. At some point.

18 Q. Okay. Was he in a police car?

19 A. I don't recall.

20 Q. Okay. All right. Was he cooperative?

21 A. I don't know.

22 Q. And I'm going to show you what's been marked
23 and entered as Defendant's 1-four A. That's
24 Mr. Lawless's hands and forearms?

25 A. They are.

1 Q. And I'm going to show you what's been marked as
2 Defendant's 1-four B. Is that another picture of
3 Mr. Lawless's hands and the beginning of his
4 forearms?

5 A. They are.

6 Q. Are they clear?

7 A. They clear?

8 Q. Are they clear? They -- they -- they show no
9 injuries; is that right?

10 A. Not that recall. No, sir.

11 Q. Okay. I'm going to show you what's been
12 entered as Defendant's 1-four C. That's a
13 picture -- I believe it's the left hand of
14 Mr. Lawless; is that right?

15 A. I believe so. Yes.

16 Q. And there's no injury to that hand?

17 A. No, sir.

18 Q. Or marks to that hand?

19 A. There are not.

20 Q. I'm going to show you Defendant's 1-four D.
21 And is that Mr. Lawless's right hand?

22 A. It is.

23 Q. Appear to be clear?

24 A. Yes, sir. There was something on the knuckle
25 here, his ring finger, but...

1 Q. And I'm going to show you what's been entered
2 as Defendant's 1-four E. Is that the underside of
3 Mr. Lawless's hands and forearms?

4 A. It is.

5 Q. Okay. And does it appear clear? No injuries?

6 A. Yes, sir.

7 Q. Were you the one -- did you take a swab from
8 Mr. Lawless that day on the 12th?

9 A. It would've either been me or my partner.

10 Q. But he willingly gave a swab -- a swab to
11 you ---

12 A. He did.

13 Q. --- that day?

14 A. He did.

15 Q. So to your -- to the best of your knowledge, he
16 fully cooperated with law enforcement that day; is
17 that right?

18 A. I can only say he cooperated with us when it
19 came to photographs and giving us consent for buccal
20 swabs. So with us, he was.

21 Q. So as far as cooperation, he cooperated with
22 you as far as taking photographs and -- and -- and
23 taking a swab for DNA; is that right?

24 A. He did.

25 Q. Okay. Now, when did -- did SLED -- did -- did

1 SLED release the scene after your -- after you
2 collected evidence, after you photographed, went
3 through the house, did y'all release the scene that
4 night?

5 A. Yes, sir. It would've been released to either
6 the region or Iva PD.

7 Q. Okay. And was the -- was the home released
8 back to the family that evening?

9 A. I don't know.

10 Q. You don't know?

11 A. No, sir. I don't know.

12 Q. Okay. Now, whose responsible -- obviously, was
13 there blood still in the house?

14 A. There was.

15 Q. And were there items that were -- well, would
16 it have been thrown on the floor in the -- in the --
17 in the -- laundry room, did y'all pick it up?

18 A. No.

19 Q. Okay. So whoever at that home was released
20 from the -- released back to the family, whose
21 responsibility is it to clean it up?

22 A. I'm not sure.

23 Q. Okay. So it wasn't -- SLED wasn't going to
24 clean it up, right?

25 A. No, sir.

1 Q. All right. Do you think any other -- Iva was
2 going to clean it up?

3 A. Law enforcement-wise, no, sir.

4 Q. So law enforcement was not going to clean it
5 up. So the responsibility would fall on the home
6 owner, family, or whoever the house was released --
7 released to, correct.

8 A. Yes, sir. That's right.

9 Q. Okay. Now, those vehicles that you processed
10 and talked about and testified to, those vehicles --
11 you did not get those vehicles until March 5th --
12 15th of 2018; is that right?

13 A. Yes, sir. That is correct.

14 Q. Three days later?

15 A. Correct.

16 Q. Okay. That red Cavalier, are you aware who
17 drives that vehicle?

18 A. No, sir. I'm not.

19 Q. Okay. If that was -- those cleaning products
20 found in that -- that red Cavalier, if they were
21 items used to clean that house that was returned to
22 them, that would be expected; is that right?

23 A. I'm -- I'm not sure what -- what do you mean?

24 Q. You got the -- the automobiles that y'all
25 tested and processed ---

1 A. Yes.

2 Q. --- you got -- you -- your team got those --
3 those vehicles three days after this -- after
4 Ms. Duncan was found -- after the murder, right?

5 A. Correct.

6 Q. Okay. That was on March 15th. All right. You
7 responded to [REDACTED] Street on -- on Monday,
8 March 12th. You got these vehicles on Thursday,
9 March 15th; is that right?

10 A. I'm not sure what day of the week, but, yes,
11 the 15th is when we went.

12 Q. So if that's a family vehicle -- obviously, it
13 was a family vehicle. It was related to something
14 -- it was connected to Mr. Adam Lawless; is that
15 right?

16 A. I'm not -- no. It was connected to this case.
17 I don't remember what ---

18 Q. But you don't know why those cleaning products
19 were in that vehicle?

20 A. No.

21 Q. Okay. You just know that there were cleaning
22 products in that vehicle three days later after --
23 after y'all have processed the scene and the scene
24 had been released?

25 A. Yes.

1 Q. Okay. So if those cleaning products were used
2 to clean the inside of the house, that would be --
3 that would be reasonable; is that right?

4 A. Yeah. I have no idea what happens in the house
5 after I leave.

6 Q. I understand that. You have no idea what --
7 what happened once you leave, right?

8 A. Correct.

9 Q. Okay. But, obviously, if the family has to
10 clean the mess up that's in that house, they would
11 have to have cleaning products to do so, right ---

12 A. Yes.

13 Q. --- to do that?

14 A. Yes. That's correct.

15 Q. All right. So -- and as you testified, law
16 enforcement is not going to clean it up?

17 A. Correct.

18 Q. So that's going -- it's going to be up to the
19 family of whoever the house was released back to to
20 clean that house up?

21 A. Yes, sir.

22 Q. And there was a significant amount of blood
23 and -- and to clean up; is that right?

24 A. There -- there was blood in the house that
25 needed to be cleaned.

1 Q. Plus, you had to clean up -- if -- when you
2 sprayed for LCV, what is it, phenol?

3 A. LCV is a separate chemical.

4 Q. That's a separate chemical. What is -- what
5 is -- did you use another chemical? Did y'all use
6 any other chemicals?

7 A. In the vehicles, we use Blue Star which is
8 another presumptive test.

9 Q. Okay.

10 A. I don't remember if we used phenol on scene.
11 Beg the Court's indulgence, but phenol is phenylene
12 which is another presumptive blood test we use.

13 Q. Okay. But they would have -- but that makes a
14 mess as well, right?

15 A. LCV does.

16 Q. Okay. And that LCV was a lot of what y'all did
17 in -- in that house at [REDACTED] Street?

18 A. It is.

19 Q. Okay. And that's another -- that's another
20 mess that you have -- that the family has to clean
21 up, right?

22 A. That's fair.

23 MR. EPPS: Thank you, sir. I have no further
24 questions at this time. Your Honor, no further
25 questions.

1 THE COURT: All right. Ms. Reeves, any
2 redirect?

3 MS. REEVES: Yes, sir. Really briefly.

4 REDIRECT EXAMINATION

5 BY MS. REEVES:

6 Q. Agent Schenk, if there was other droplets of
7 suspected blood within where the victim was, would
8 you have collected or swabbed every single one?

9 A. No.

10 Q. Why not?

11 A. It's a bloodletting event. She's been stabbed
12 multiple times. It makes sense that there's blood
13 throughout that room coming from the victim.

14 Q. And in the little girl's room, did the room
15 have a smell to it at all?

16 A. No. Not that I remember.

17 Q. Did it smell like feces or like vomit?

18 A. No.

19 Q. And the particular blanket that had some stains
20 on it, did you look at that when you were in there?

21 A. I remember seeing it. Yes.

22 Q. And did those appear fresh to you?

23 A. I don't remember, but, no, I don't remember is
24 the best answer.

25 Q. Did they have a smell?

1 A. Not that I remember.

2 MS. REEVES: Nothing further.

3 THE COURT: Anything further from this witness?

4 (No responses.)

5 THE COURT: Thank you, Agent. Any objection to
6 this witness being excused?

7 MR. EPPS: No, sir, Your Honor.

8 THE COURT: Thank you. You are excused.

9 THE WITNESS: Thank you, Judge.

10 (Witness excused.)

11 THE COURT: Okay. Mr. Foreman, ladies and
12 gentlemen of the jury, we are going to go into
13 recess for today. Be back in the jury room shortly
14 before 9:00 o'clock where we will commence in the
15 morning. We -- we still have a number of witnesses
16 to get through, so everyone please be prompt in the
17 morning so we can start on time.

18 Remember your instructions: Don't talk to
19 third parties. Don't deliberate. Don't do any
20 research. I hope everyone has good evening and we
21 will see you in the morning at 9:00 o'clock.

22 (At 5:15 p.m., jury was excused for the day.)

23 THE COURT: Okay. Anything from either side
24 before we go into recess?

25 MS. REEVES: No, sir.

1 MR. EPPS: No, sir, Your Honor.

2 THE COURT: All right. We'll be in recess
3 until 9:00 o'clock in the morning.

4 (At 5:15 p.m., proceedings concluded for the
5 day.)

6 April 12, 2023

7 THE COURT: Okay. Good morning. Before we
8 bring our jury in, I received a note from the
9 foreman wanting to know if the jurors could take
10 notes. My standard policy is, I do not allow note
11 taking from the jury. So I will explain that to
12 them, but is there anything else from either side
13 before we bring our jury in?

14 MS. REEVES: No, sir.

15 MR. EPPS: No, sir, Your Honor.

16 MS. REEVES: Judge, there is one thing. Judge,
17 we have another stipulation for the case.

18 THE COURT: Okay.

19 MS. REEVES: We are stipulating to the latent
20 prints report dated March 29th of 2018.

21 THE COURT: Okay. What -- what exhibit will
22 that be?

23 MS. REEVES: Number 27.

24 THE COURT: State's No. 27, which is a SLED
25 report of what?

1 MS. REEVES: Latent prints.

2 THE COURT: Latent prints.

3 MR. EPPS: Yes, sir.

4 THE COURT: All right. And Mr. Epps, is that
5 correct?

6 MR. EPPS: That is -- that is correct, Your
7 Honor.

8 THE COURT: All right. So State's Exhibit
9 No. 27 is stipulated and will be admitted without
10 objection.

11 (State's Exhibit No. 27 was received into
12 evidence.)

13 THE COURT: All right. Get our jury, please.

14 (At 9:11 a.m., jury entered the courtroom.)

15 THE COURT: All right. Mr. Foreman, ladies and
16 gentlemen of the jury, good morning.

17 THE JURORS: (Responses.)

18 THE COURT: I hope everyone had a good evening.
19 I received, Mr. Foreman, your question about taking
20 notes.

21 THE FOREMAN: Yes, sir.

22 THE COURT: I take the traditional view and I
23 do not allow note taking. And the reason for that
24 is, some folks are good note takers and others are
25 not.

1 MR. FOREMAN: Yes, sir.

2 THE COURT: I was always one of the folks that
3 wasn't a good note taker, but your decision at the
4 end should not be a contest between those who take
5 good notes and those who do not.

6 Also, there are times in a trial, sometimes the
7 appearance or what we call "demeanor of the witness"
8 is something the jury would be interested in. If
9 your head is buried in a notepad and you're not
10 watching, you might miss something. So that --
11 that's why I -- I -- I take that view. I realize
12 some of my brethren take a different view and some
13 judges allow note taking. I -- I do not, but that's
14 to answer your question.

15 THE FOREMAN: Yes, sir.

16 THE COURT: So with that, is the State ready to
17 call their next witness?

18 MS. REEVES: Yes, sir.

19 THE COURT: All right.

20 MS. REEVES: May it please the Court? The
21 State calls Katie Evans.

22 (Witness approached.)

23 THE CLERK: If you would, please step forward
24 and raise your right hand.

25 THE WITNESS: (Complying.)

1 THE CLERK: Do you solemnly swear or affirm the
2 testimony you give this Court will be the truth, the
3 whole truth, and nothing but the truth?

4 THE WITNESS: Yes, ma'am.

5 THE CLERK: Thank you. Please have a seat up
6 here in our witness chair.

7 THE WITNESS: (Complying.)

8 THE CLERK: And please state your full name for
9 the record and spell your last name.

10 THE WITNESS: Katie Madison Evans, E-v-a-n-s.

11 KATIE EVANS,

12 having been produced and first duly sworn as a
13 witness on behalf of the State, then testified as
14 follows:

15 DIRECT EXAMINATION

16 BY MS. REEVES:

17 Q. Ms. Evans, how old are you?

18 A. I'm 30.

19 Q. And where do you work?

20 A. I work at Stop-A-Minute.

21 Q. What shift?

22 A. Third shift.

23 Q. Do you need some water?

24 A. Please, ma'am.

25 Q. Do you have children?

1 A. Yes, ma'am. I have three.

2 Q. Boys or girls?

3 A. All boys.

4 Q. And who is the father to two of your boys?

5 A. Michael Shields.

6 Q. And who is Michael Shields related to?

7 A. Adam Lawless's adopted brother or he is Adam

8 Lawless's adopted brother. I apologize.

9 Q. So are you familiar with the defendant and his

10 parents in this case?

11 A. Yes, ma'am.

12 Q. And are you still together with Michael

13 Shields?

14 A. No, ma'am. We were separated before the

15 incident.

16 Q. Okay. So are you -- you said you're familiar

17 with the family then?

18 A. Yes, ma'am.

19 Q. And what was your impression of how this family

20 was?

21 MR. EPPS: I'm going to object to impression;

22 speculation.

23 MS. REEVES: It's her own impression, Your

24 Honor.

25 THE COURT: Overruled.

1 THE WITNESS: So I answer?

2 BY MS. REEVES:

3 Q. Yes, ma'am.

4 A. All my opinion, of course, is that they're a
5 very tight-knit family. When one says something,
6 they all -- you know, they are a very tight fit
7 group. Mom runs the show. And when mom says, you
8 know, that's how it goes, that's how it goes.

9 Q. Did you know where the defendant was living
10 back in March of 2018?

11 A. Yes, ma'am. Been to his house.

12 Q. Where is it?

13 A. I'm not sure of the exact address, but I do
14 know in Iva, like I've been there several times.
15 We've housesat for them when they were out of town.

16 Q. Do you know what street it's on?

17 A. No, ma'am.

18 Q. Okay. But it is in Iva?

19 A. Yes, ma'am.

20 Q. And is it close to the downtown area?

21 A. Yes, ma'am.

22 Q. Did you know the victim in this case, Tabatha?

23 A. I didn't really know her much, but I had met
24 her several times.

25 Q. What was your impression of how Tabatha got

1 along with the defendant's family?

2 A. Great at first until she disagreed with them.

3 Q. And then what?

4 A. Well, it made it worse. She ---

5 MR. EPPS: Objection, unless she can lay a
6 foundation of how she knows.

7 THE COURT: I sustain the objection. You'll
8 have to lay some foundation.

9 BY MS. REEVES:

10 Q. How familiar were you with Tabatha?

11 A. I'm not very familiar with her at all. Like I
12 said, I had met her a few times, but I had done
13 separated from Michael, and I didn't really want to
14 be a part of that family too much because it was a
15 very controlling environment and I refused to be
16 around it.

17 Q. Back in 2018, were you having some personal
18 difficulties?

19 A. Yes, ma'am. I was using methamphetamine. Let
20 me just go ahead and put that out there before
21 anybody else does, but I've been sober for four
22 years now. But even with the drug use, it did not
23 impair what I recall.

24 Q. Let me draw your attention to the morning of
25 Monday, March 12, 2018. What were you doing that

1 morning?

2 A. I was taking my then boyfriend at the time to
3 work. He worked in Abbeville. He had to be at work
4 at 9:00, so we left about 8:00 o'clock. Suttle's
5 Landing is where we were staying, which oddly
6 enough, that road connects straight to the road that
7 Adam lived on. So we would go down that road and we
8 would stop at the Little General right there that's
9 by Adam's house. And as we were going by his house
10 that morning, I saw a black SUV in the yard. The
11 only reason I recall that is because Adam has always
12 had a little car and I knew Tabatha had a small,
13 light blue SUV. This was a big black SUV.

14 Q. And why did that stand out to you?

15 A. Because Adam's always had a little souped up
16 car. He likes them to go fast and to make a lot of
17 noise.

18 Q. And again, what time about was this?

19 A. It was about 8:15 to 8:30. Like I said, he had
20 to be at work at 9:00, so we left right there at
21 around 8:00, so...

22 Q. Did you learn later that -- what had happened
23 to Tabatha?

24 A. Yes, ma'am. Later that afternoon. Like --
25 like I said, this was around 8:00 something, so it

1 was later in the evening like after 2:00 or 3:00.

2 So then I get a call from Michael Shields. He
3 told me what happened. And that's when I told him
4 what I had saw. And then he gave the phone to the
5 police officer, to which then I had to repeat what
6 had happened or what I had saw.

7 Q. At that time did you know what kind of car
8 Donna and Jim were driving?

9 A. No, ma'am.

10 Q. Later in the week, did you end up seeing
11 Michael again?

12 A. Yes, ma'am. I was going to drop off our son to
13 him.

14 Q. And where was he?

15 A. At Donna and Jim's.

16 Q. What, if anything, did you see when you
17 arrived?

18 A. A big black SUV. It was almost, you know,
19 very, very similar to the one that I saw in that
20 yard that day.

21 Q. Do you know the make and model of it?

22 A. Absolutely not. I'm not going to lie to you.
23 I'm stupid when it comes to cars. All I can tell
24 you is I had an Expedition, so I know it has a third
25 row. I've always wanted a Tahoe. It -- it

1 resembled something along that line. It's a big
2 third row seat-type thing. I -- like I said, I know
3 hers was a very small like five passenger SUV, and
4 it was a lot bigger compared to Tabatha's car.

5 Q. You're saying "her." You mean a lot smaller
6 than Tabatha's?

7 A. Yes, ma'am. I apologize.

8 MS. REEVES: Okay. I have no further
9 questions.

10 THE WITNESS: Thank you.

11 THE COURT: All right. Mr. Epps,
12 cross-examination.

13 CROSS-EXAMINATION

14 BY MR. EPPS:

15 Q. All right. Ms. Evans.

16 A. Yes, sir.

17 Q. You said you formerly dated Michael Shields?

18 A. Uh-huh.

19 Q. Okay. And ---

20 A. Oh, yes, sir. I'm so sorry.

21 Q. You're fine. All right. And you said back in
22 2018, you were on methamphetamine; is that right?

23 A. Yes, sir.

24 Q. Okay. And you were actively using
25 methamphetamine?

1 A. Yes, sir.

2 Q. And around March -- March of 2018?

3 A. Yes, sir.

4 Q. Okay. And you passed by -- you said you drove
5 by [REDACTED] Street at or around 8:15 or 8:30;
6 is that right?

7 A. Yes, sir.

8 Q. And a black SUV was parked in front of that
9 house; is that correct?

10 A. Yes, sir.

11 Q. Okay. And do you have the tag number?

12 A. Absolutely not.

13 Q. Do you have the make and model?

14 A. Absolutely not.

15 Q. Do you have any -- do you have -- you don't
16 know, as you sit here today, whose black SUV that
17 is, right?

18 A. Absolutely not. No, sir.

19 Q. Okay. But there was a vehicle in that yard
20 about 8:15 or 8:30?

21 A. Yes, sir.

22 Q. You're sure of that?

23 A. I'm positive of that.

24 Q. Okay. And you have no idea -- as you sit here
25 today, you can't say that SUV was Jim and Donna

1 Lawless's?

2 A. No, sir.

3 Q. Or anybody's SUV; is that right?

4 A. No, sir. I can't even tell you that it was the
5 same model of their's. All I can tell you is it was
6 very similar, sir.

7 Q. Okay. And it -- did it cause you -- and -- and
8 when you found out what happened to Tabatha, it --
9 you told the police that you made -- gave a
10 statement that said, yeah, I saw a black SUV in
11 that -- in that -- in that yard?

12 A. Yes, sir.

13 Q. Okay. And that was certainly -- and if it was
14 there at 8:15 or 8:30, that's what time it was.
15 You're sure about that time, right?

16 A. Yes, sir.

17 Q. Okay. All right. Do you know where Adam
18 works?

19 A. I did not know. I know he was like a mechanic
20 at the time I believe.

21 Q. Okay. Did you know where he worked at this
22 time -- at the -- at the -- on that day, did you
23 know where he -- where he worked?

24 A. No, sir.

25 Q. Okay. So you don't know anything. Okay. All

1 right.

2 A. No, sir.

3 Q. But you don't have any identifying information?

4 You don't know whose that black SUV? You just

5 know a vehicle was in that yard?

6 A. I just know a vehicle was in ---

7 Q. And that vehicle was not Adam Lawless's

8 vehicle?

9 A. No, sir.

10 Q. And it wasn't Tabatha Duncan's vehicle?

11 A. No, sir.

12 Q. Right?

13 A. Correct.

14 Q. Okay. And I -- you -- you -- obviously, you

15 gave a statement to SLED, right?

16 A. Yes, sir.

17 Q. Did you go to them or they come to you?

18 A. They came to me. I tried my best to avoid this

19 whole situation honestly, because I didn't want to

20 be involved ---

21 Q. Okay.

22 A. --- in a murder charge or a murder case.

23 Q. Ma'am?

24 A. I didn't want to be involved in a murder case.

25 Q. All right. But you just told -- all right.

1 And when you went by -- when you went by [REDACTED]
2 [REDACTED] Street about 8:15 or 8:30, were the lights on?

3 A. I don't recall, sir.

4 Q. Okay. You stated in your statement ---

5 A. Yes, sir. I know. I'm sorry. I know I stated
6 that, but I'm telling you I don't -- I don't recall
7 the lights.

8 Q. I understand. It's been five years; is that
9 right?

10 A. Yes, sir.

11 Q. All right. But in your statement, you said
12 there was a lot of lights on in the home; is that
13 correct?

14 A. That's what the statement said, but honestly I
15 don't recall.

16 Q. Okay. You don't recall?

17 A. Yes, sir.

18 Q. Do you recall putting in your statement that
19 Adam doesn't have the guts to pull this off?

20 A. I sure do. Yes, sir.

21 Q. All right.

22 A. In the -- in the little bit of time I've known
23 him, I don't think Adam could hurt a fly to be
24 honest with you.

25 MR. EPPS: Okay. Thank you, ma'am.

1 THE WITNESS: You're very welcome.

2 MR. EPPS: Your Honor, I have no further
3 questions.

4 THE COURT: Anything further from this witness?

5 MS. REEVES: No, sir.

6 THE COURT: Any objection to this witness being
7 excused?

8 MR. EPPS: No, sir, Your Honor.

9 THE COURT: Thank you, ma'am. You are excused.

10 THE WITNESS: Thank you so much.

11 (Witness excused.)

12 MS. REEVES: Your Honor, the State calls Thomas
13 Brandon Brooks.

14 (Witness approached.)

15 THE CLERK: Please step forward and raise your
16 right hand.

17 THE WITNESS: (Complying.)

18 THE CLERK: Do you solemnly swear or affirm the
19 testimony you give this Court is the truth, the
20 whole truth, and nothing but the truth?

21 THE WITNESS: I do.

22 THE CLERK: Please have a seat in our witness
23 chair.

24 THE WITNESS: (Complying.)

25 THE CLERK: If you would, please state your

1 full name for the record and spell your last name.

2 THE WITNESS: It's Thomas Brandon Brooks.

3 Spell my last name?

4 THE CLERK: Yes, sir.

5 THE WITNESS: B-r-o-o-k-s.

6 THOMAS BROOKS,

7 having been produced and first duly sworn as a

8 witness on behalf of the State, testified as

9 follows:

10 DIRECT EXAMINATION

11 BY MS. REEVES:

12 Q. Mr. Brooks, how old are you?

13 A. I'm 25.

14 Q. Where do you live?

15 A. In Starr.

16 Q. Where are you from?

17 A. Iva.

18 Q. Who do you live with currently?

19 A. Myself.

20 Q. Did you live with your mom back in 2000 --
21 March of 2018?

22 A. Yes.

23 Q. Who's your mom?

24 A. Sharon Brooks.

25 Q. I'm going to call your attention to the morning

1 of Monday, March 12, 2018. Do you remember what you
2 were doing that morning?

3 A. Yes.

4 Q. What were you doing?

5 A. We were -- well, we were looking at a house we
6 were going to purchase.

7 Q. Who's we?

8 A. Me and my mother.

9 Q. Okay.

10 A. And after we looked at it, we stopped by the
11 car wash.

12 Q. Which car wash did you go to?

13 A. Iva car wash.

14 Q. And where is that located?

15 A. It's -- I don't know the exact road name, but
16 it's right behind the post office near the town
17 hall.

18 Q. Downtown area of Iva?

19 A. Yeah. Yeah, downtown.

20 Q. Do you remember what time you were there?

21 A. If I recall, it was between 9:40 and 10:00 a.m.

22 Q. Is that a self-service car wash?

23 A. Yes.

24 Q. And can you describe how that looks for us, the
25 car wash?

1 A. It's -- there's maybe six or so stalls you
2 would wash your car in. And then, you know, that
3 would be this here (indicating), and then off to the
4 side is like a carport where you pull in to vacuum
5 your car. And then that's what we were doing, is
6 cleaning our car at the time.

7 Q. Does that, the vacuum carport area, does
8 that -- can you drive straight out of there?

9 A. No. You pull in and you have to back out.

10 Q. Okay. And so there's a barrier in front of
11 that?

12 A. Yes. Yeah, and there's a -- there's a
13 chain-link fence separating the car wash property
14 and the post office.

15 Q. And so you were in one of those bays with your
16 mother?

17 A. Yes.

18 Q. And what, if anything, did you notice?

19 A. Say that again.

20 Q. What, if anything, did you notice that morning
21 while you were washing your car?

22 A. Well, while we were there, we noticed a red
23 Cavalier parked to our left. Not directly beside
24 us, but one spot over and nobody was present.

25 Q. And where was it parked within the car wash?

1 A. It was in the vacuum stall in the -- you know,
2 the car wash stalls are here (indicating). It was
3 in the same, like, carport as we were under.

4 Q. Was it under the canopy of the vacuum stall?

5 A. Yes. It was -- well, we originally noticed the
6 vehicle or started talking about it because it was
7 parked kind of weird. It wasn't directly centered
8 under the canopy. It was pulled like way up under
9 it like forward of it, if that makes any sense.

10 Q. Could you have vacuumed the car from where it
11 was parked?

12 A. No. No.

13 Q. And you said no one was around it?

14 A. Nobody was around it.

15 Q. How can you been so specific about what kind of
16 car it was?

17 A. I know my vehicles. I'm a car guy. My -- my
18 grandmother actually had a four-door version of the
19 same car when I was a kid, so...

20 Q. And so what kind of car was this that you saw?

21 A. This was a mid-90's to mid-2000's Chevrolet
22 cavalier, two door.

23 Q. What color?

24 A. It was red.

25 Q. How many doors did it have?

1 A. It was a coupe. It was a two door.

2 Q. Did you notice anything else that morning?

3 A. While we were -- I was banging out the floor

4 mat and my mom was cleaning the passenger's side. I

5 drove. And as I was doing that, I noticed a guy. I

6 didn't -- I didn't, you know, think to observe him,

7 you know what I mean? A guy walked up and he got in

8 the car and he drove off.

9 Q. From what direction had he come?

10 A. It was the direction towards that house,

11 towards like the police department direction, back

12 that way.

13 Q. Okay. So are you familiar with what ended up

14 happening at that -- at this incident location?

15 A. Yes, ma'am.

16 Q. Later on?

17 A. Not at the time, no.

18 Q. But this person that you saw, it was a man?

19 A. Yes. It was definitely a male. That's all I

20 can say.

21 Q. That's all you can say. And he had been coming

22 across the street; is that correct?

23 A. Yes.

24 Q. And got into the car, the red Cavalier?

25 A. Yep.

1 Q. And left?

2 A. Yes.

3 Q. What, if anything, did you do the following
4 morning?

5 A. I think it was -- I seen on the news. That's
6 how -- that's how I pieced it or kind of, you know,
7 saw on the news was a, you know, the report of it.
8 And I seen the same -- the same two-door red
9 Cavalier on the news, and that's what made me
10 think ---

11 MR. EPPS: Your Honor, I'm going to -- I
12 object. It's the same, lay a foundation. I mean, I
13 don't know if it's the same.

14 MS. REEVES: I can ask a follow-up question on
15 that.

16 THE COURT: Lay some foundation and let's move
17 on.

18 MS. REEVES: Thank you.

19 BY MS. REEVES:

20 Q. Mr. Brooks, how were you convinced or how did
21 you think that that was a coincidence that you saw
22 this red Chevy Cavalier?

23 A. Well, it's -- it was the same make, the same
24 model. It's a two door. It's the same color, and
25 it fit the time frame that they said on the news

1 when I was at the car wash.

2 Q. Are there many of these red Chevy Cavaliers
3 still driving around?

4 A. Probably not. They're cheap, disposable
5 economy cars.

6 Q. While you were watching the news, what, if
7 anything, did you do?

8 A. I remember going -- I woke up and I got on
9 Facebook, like most people probably do. Scrolling
10 through my newsfeed, and that's when I seen the news
11 article. And I walked downstairs, and I showed my
12 mom and she immediately -- same thing. She thought
13 the same thing.

14 Q. Did you take a screen shot of the news?

15 A. Yes. Well, originally, I seen it was live
16 video footage of them on the scene, but I
17 couldn't -- I couldn't -- I mean, I could've screen
18 shot that, but there's another picture. Yeah,
19 so, yes, I did screen shot the picture of it.

20 Q. Mr. Brooks, I'm going to show you what's been
21 marked as State's Exhibit No. 28. Can you tell me
22 what that's a picture of?

23 A. That is a -- that's a picture of the -- the
24 front of the -- the house, and there's the red,
25 two-door Cavalier.

1 Q. Is that the picture that you took?

2 A. I did not take this picture. This picture
3 was -- I saved this from a news article to pretty
4 much show what I was talking about where -- you
5 know, that's how...

6 Q. Is that the same screen shot that you took?

7 A. Yes. That's the one that I sent to ---

8 Q. Okay.

9 A. --- I sent it to SLED.

10 Q. It's been blown up now and printed off ---

11 A. Yeah.

12 Q. --- but it's the same screen shot?

13 A. Yeah, it's the same one. Yeah.

14 MS. REEVES: Okay. Your Honor, the State would
15 like to admit State's Exhibit 28 into evidence.

16 THE COURT: Any objection?

17 MR. EPPS: No objection.

18 THE COURT: So State's Exhibit No. 28 would be
19 admitted without objection.

20 (State's Exhibit No. 28 was received into
21 evidence.)

22 BY MS. REEVES:

23 Q. After taking this screen shot, you had a
24 conversation with your mother?

25 A. Yes.

1 Q. And then what -- what, if anything, else did
2 you do after discussing with her?

3 A. We decided -- I think that it was the next day.
4 I think the 14th, we went down to the Iva Police
5 Department, and we told what we seen.

6 Q. Do you know anybody involved in this case?

7 A. No, I don't.

8 MS. REEVES: Mr. Brooks, I have no further
9 questions. Thank you.

10 THE COURT: Mr. Epps, cross-examination.

11 CROSS-EXAMINATION

12 BY MR. EPPS:

13 Q. Mr. Brooks, how are you?

14 A. I'm doing good.

15 Q. You and your mother, Ms. Sharon Brooks,
16 contacted Iva Police Department?

17 A. That's correct.

18 Q. How many days later?

19 A. I believe it was -- it was on the 14th, so...

20 Q. It was on the 14th, so two days after ---

21 A. Yes.

22 Q. --- two days after this happened; is that
23 right?

24 A. Yes.

25 Q. Okay. And you -- you test -- all right.

1 You -- you and your mother were in Iva. Are you --
2 do you live in Iva?

3 A. Yes.

4 Q. Okay. And what were y'all doing that --
5 that -- that morning when -- that proceeded you
6 going -- you and your mother going to the car wash?

7 A. We were -- we were heading to Anderson to
8 probably eat breakfast or something, and we had
9 stopped by the car wash to clean out the floor
10 boards because, you know, that was her vehicle, and,
11 you know, I guess she threw her trash on the
12 passenger floorboard, so we wanted it gone.

13 Q. I gotcha. And you said you pulled -- you were
14 at the car wash about 9:40 to 10:00 -- 10:00 a.m.?

15 A. Yes.

16 Q. Okay. And when y'all pulled in, and it's a
17 self-serve car wash with bays in it; is that right?

18 A. Yes.

19 Q. Okay. And was this car -- where was this --
20 this -- this -- this red car located? Was it
21 towards the end?

22 A. It was -- I -- we -- me and my mother, we were
23 all the way on the -- the end stall.

24 Q. Yes.

25 A. Still under the canopy.

1 Q. Right.

2 A. This car -- not the spot directly to our left,

3 but one more over.

4 Q. One more over?

5 A. One more over.

6 Q. And was it -- was it in the bay kind of -- did

7 it look like it was like hidden?

8 A. It wasn't hidden, but it -- it was -- it was

9 parked weird. It wasn't directly centered under

10 the -- the carport. It was way forward like -- it

11 wasn't there to use the vacuums or the trash cans.

12 Q. Okay.

13 A. And nobody was ---

14 Q. And nobody was in it?

15 A. That's ---

16 Q. Did you note how -- what a -- what -- what good

17 condition that car was in?

18 A. The paint looked pretty decent on it.

19 Q. All right. Was it in good condition?

20 A. Fairly, I would say.

21 Q. Okay. Did you get any -- did you get a tag

22 number?

23 A. No, I didn't.

24 Q. Did you -- was there any bumper -- or -- or

25 stickers on the back window?

1 A. I did not think to take note. I -- I didn't
2 realize that, you know, any -- you know what I mean?
3 Q. Any -- but you didn't see any -- any -- any --
4 any stickers on the back window or anything?
5 A. Not that I recall.
6 Q. Okay. And you stated while you were at this
7 car wash, and this was about 9:40; is that right?
8 A. Yeah, between 9:40 and 10:00.
9 Q. 9:40. It could be 9:30, 9:40, in that area?
10 A. Yeah.
11 Q. Okay. You saw an individual walk across the
12 street. Was it from the direction of -- of -- of
13 the house?
14 A. Yes.
15 Q. [REDACTED] Street, and you're familiar with
16 that area?
17 A. Yes.
18 Q. Okay. So a guy walked across the street from
19 the -- from that house; is that correct?
20 A. I did not see him come directly from the --
21 whenever I originally seen him, he was pretty much
22 walking. He was in the road at the -- it's not a
23 four way.
24 Q. Right.
25 A. There's two stop signs and then the other road

1 just flows through. He was pretty much in that
2 intersection right there when I observed him.

3 Q. Okay. So he was in the road?

4 A. Yes.

5 Q. Okay. And did he have a -- did he have -- did
6 he have a hoody on?

7 A. I want to say so.

8 Q. Okay. Was it pulled up tight?

9 A. I -- I don't really -- I didn't -- I didn't
10 look at the guy in his face.

11 Q. Okay.

12 A. That's why I can't ---

13 Q. You can't -- you'd know -- do you know it was a
14 male?

15 A. It was a male. Just ---

16 Q. Okay. Was he tall? Was he skinny?

17 A. He was smaller than me.

18 Q. Smaller than you?

19 A. Probably. This was five years ago.

20 Q. Five years ago?

21 A. Yeah.

22 Q. Can you stand up real quick, sir?

23 A. (Complying.)

24 Q. All right. So this -- so this individual you
25 saw coming in that direction from -- from that --

1 that house into that car wash area, is small -- was
2 smaller than you?

3 A. At the time I was -- I was 300 pounds at the
4 time.

5 Q. Okay. And thank you, sir.

6 A. Yeah.

7 Q. Are you talking about -- are you talking
8 height-wise or are you talking ---

9 A. I would just say overall from what I remember.

10 Q. Was smaller?

11 A. Yeah.

12 Q. Okay. And then they had a -- to your
13 knowledge, he had a hoody; is that right?

14 A. Yes.

15 Q. And it was suspicious enough that y'all
16 contacted law enforcement; is that right?

17 A. Yes.

18 Q. Okay. Now, you said that you took a screen
19 shot of this. You didn't actually see this yourself
20 riding down that road? You didn't see this vehicle,
21 right?

22 A. Well, I seen a -- a vehicle matching that one
23 there at the car wash.

24 Q. But this is a -- this is a screen shot that's
25 kind of blurry. You didn't see this yourself? You

1 didn't see ---

2 A. No.

3 Q. --- this picture?

4 A. No. That was on the news.

5 Q. You saw the car hidden in the car wash bay,
6 right?

7 A. Yes. I seen that in person.

8 Q. Okay. But you saw an individual that you
9 deemed to be suspicious enough that you called law
10 enforcement, right?

11 A. Yeah.

12 Q. And he got in that -- this person got in that
13 red car at the car wash and drove away; is that
14 right?

15 A. Yes.

16 Q. Okay. And then you got this off a news ---

17 A. Yes. In a news article.

18 Q. It was in a news article. Okay. And you don't
19 know if that's a -- you can't tell what model --
20 that might be a red car?

21 A. It was originally more clear than that.

22 Q. Okay. But you didn't see it yourself? You
23 didn't -- you just saw this on the screen shot from
24 a news article; is that right?

25 A. Yes.

1 Q. Okay. And you don't know -- you don't have
2 any -- you didn't take -- you don't -- you didn't
3 get the license tag number?

4 A. No.

5 Q. You didn't see if there was any identifying
6 stickers or anything on the vehicle? You didn't
7 know if there was any -- was there any damage to the
8 vehicle?

9 A. None that I noticed.

10 Q. Okay. Were you looking at the vehicle when it
11 was tucked in that wash bay. Did you see --
12 obviously, you were -- you were to the left of the
13 vehicle, right?

14 A. I was on the right. The -- the only sides of
15 the vehicle I seen was the passenger's side.

16 Q. Was the passenger's side?

17 A. The passenger's side. Yes.

18 Q. Okay. All right.

19 A. And as it backed out and drove away, I
20 wasn't -- I wasn't, you know, gaping at the car.

21 Q. I understand. I understand.

22 A. I was minding my own business.

23 Q. I understand, but it was suspicious enough that
24 you called law enforcement, right?

25 A. Sure. Yes.

1 Q. And you can't -- you -- you can't tell this
2 jury today -- you can't identify the individual that
3 was walking across the street from the direction of
4 that house and got in that vehicle and drove away,
5 right?

6 A. Nope.

7 Q. And you can't identify -- you can't -- you
8 can't identify really that red car, whether it's the
9 same car you saw or not; is that right?

10 A. I can't say it's the same exact one, but it is
11 the same make, the same model, the same
12 configuration being two door, and the same color.

13 Q. Okay. But you didn't see it yourself
14 personally? You saw it when there was a screen
15 shot, right?

16 A. Originally, it was live footage ---

17 Q. It was live. Okay. Well, let me ask you ---

18 A. --- of the news channels on the scene.

19 Q. All right. It was live footage on the scene?

20 A. Yes. And a matching vehicle. Not saying it's
21 the exact one, but one that -- the same description
22 of what I seen at the car wash sat in that driveway
23 at the scene.

24 Q. And this was live scene of the day the ---

25 A. Yes.

1 Q. --- the afternoon of March 12th?

2 A. Yes.

3 Q. Okay. So that's where you got this picture?

4 A. Yeah.

5 Q. The afternoon of March 12th?

6 A. Well, I don't know if that picture is. That
7 was a picture just, you know, you scroll and read
8 the news article, that picture was just in the news
9 article.

10 Q. So you don't know when that picture was taken?

11 A. I'm not sure when that one was taken.

12 Q. Okay. And you -- and, obviously, you don't
13 have any identifying marks or anything that you
14 would -- you can't say -- you can't say if that's
15 the same car or not; is that right?

16 A. Honestly, no. At the time I was not aware
17 that, you know, I may have witnessed something, so I
18 didn't think to take notice. You know what I mean?

19 Q. Did you think maybe you had witnessed the --
20 the -- the person that did this murder?

21 A. Say that one more time.

22 Q. Did you think that you may have witnessed the
23 person that did this murder walking?

24 A. At the time, no.

25 Q. But once you found out what happened, you

1 obviously, that was suspicious enough that you
2 contacted law enforcement, right?

3 A. Yes.

4 MR. EPPS: Okay. All right. Mr. Brooks, thank
5 you, sir. I don't have anymore questions.

6 THE COURT: Any redirect?

7 MS. REEVES: No, sir.

8 THE COURT: All right. Any objection to this
9 witness being excused?

10 MR. EPPS: No, sir, Your Honor. And I think I
11 do have Mr. Brooks under subpoena. I would release
12 him of his subpoena.

13 THE COURT: Thank you, Mr. Brooks, you are
14 excused.

15 (Witness excused.)

16 MS. REEVES: Your Honor, the State does not
17 intend to call his mother, Ms. Brooks, but I do
18 believe Norman had her under subpoena, as well. May
19 she be excused?

20 THE COURT: Mr. Epps?

21 MR. EPPS: No, sir. Not at this time.

22 THE COURT: Okay.

23 MS. REEVES: The State calls Chief Ross Richey.

24 (Witness approached.)

25 THE CLERK: If you would, step forward and

1 raise your right hand.

2 THE WITNESS: (Complying.)

3 THE CLERK: Do you solemnly swear or affirm the
4 testimony you give this court is the truth, the
5 whole truth, and nothing but the truth?

6 THE WITNESS: Yes, ma'am.

7 THE CLERK: Thank you. Please have a seat in
8 our witness chair.

9 THE WITNESS: (Complying.)

10 THE CLERK: Would you please state your full
11 name for the record and spell your last name.

12 THE WITNESS: James Ross Richey, R-i-c-h-e-y.

13 CHIEF JAMES ROSS RICHEY,
14 having been produced and first duly sworn as a
15 witness on behalf of the State, testified as
16 follows:

17 DIRECT EXAMINATION

18 BY MS. REEVES:

19 Q. Good morning, Chief Richey.

20 A. Good morning.

21 Q. Where do you currently work?

22 A. The City of Belton Police Department.

23 Q. How long have you been with Belton?

24 A. Four years.

25 Q. And what is your current position?

1 A. Chief of police.

2 Q. Did you previously work for Iva Police
3 Department?

4 A. Yes, ma'am, I did.

5 Q. And when did you work there?

6 A. 2017 to 2019.

7 Q. And when you working for Iva PD, what was your
8 position?

9 A. My primary role -- excuse me. My primary role
10 was a school resource officer.

11 Q. And was that your role back in March of 2018?

12 A. Yes, it was.

13 Q. What were your duties as a school resource
14 officer?

15 A. Just to maintain the safety and security of --
16 of the Starr/Iva Middle School and -- and make sure
17 the campus was safe and secure.

18 Q. Did you have any other duties or
19 responsibilities within the police department?

20 A. Yes, ma'am, I did.

21 Q. What were those?

22 A. Iva's a small agency, and we -- we -- we have
23 to utilize each other in different situations
24 anytime there's a specific need because we're still
25 law enforcement officers.

1 Q. On March 12, 2018, did you respond to [REDACTED]
2 [REDACTED] Street?

3 A. Yes, ma'am, I did.

4 Q. And for what reason?

5 A. To assist with the call that the other officers
6 were already on scene for.

7 Q. And what did you do once you were on scene?

8 A. When I arrived on scene, I retrieved a crime
9 scene log from Sergeant Jonathan Villegas of the
10 Anderson County Sheriff's Office.

11 Q. And what did you do with that log?

12 A. I maintained it until the coroner and SLED
13 investigators and everyone cleared the scene that
14 evening.

15 Q. And what did you do with it afterwards?

16 A. I turned it over to then Chief of Police Jason
17 Hawkins.

18 Q. Did you ever go inside the residence?

19 A. No, ma'am, I did not.

20 Q. Do you know who did that day?

21 A. I can recall several off the top of my head,
22 but I would have to see the list to know who
23 actually who all did it.

24 Q. This was five years ago?

25 A. That's correct.

1 Q. Have you been able to look at that list?

2 A. I have not.

3 Q. Who do you remember going into the scene?

4 A. I remember Chris Vaughn. He was an officer
5 there at the time. Tim Richey. Jason Hawkins.

6 Q. And when you say "into the scene," do you mean
7 into the house or just inside the tape?

8 A. I was referring to the interior of the home.

9 Q. Anyone else?

10 A. Yes, ma'am. Would you like for me to ---

11 Q. Please.

12 A. Jason Hawkins. Agents with the State Law
13 Enforcement Division. If I believe correctly, it
14 was Agent Ledbetter, Agent Collins, Agent Ezell. I
15 don't recall the name of the forensic technicians
16 that arrived from SLED that evening. Ray Kelley.
17 There were multiple. I -- I can't name -- there
18 were multiple EMS personnel. I do remember Coroner
19 Don McCown specifically. That's to the best of my
20 recollection.

21 Q. Did you have further involvement in this case?

22 A. Yes, ma'am, I did.

23 Q. What was that?

24 A. A -- a couple days -- a couple days after the
25 incident, I was contacted by then Chief Jason

1 Hawkins. I believe it was at the direction of Agent
2 Ledbetter that Chief Hawkins called me and asked me
3 to respond to Hartwell, Georgia, to review some
4 surveillance footage.

5 Q. And what were you supposed to review?

6 A. I was supposed to review surveillance footage
7 from the Home Depot in Hartwell, Georgia, Dairy
8 Queen fast food restaurant, and Walmart Superstore.

9 Q. And what were you do looking for?

10 A. I was given the description of Mr. Lawless, his
11 wife, and a vehicle description.

12 Q. Did you go to those three places?

13 A. Yes, ma'am, I did. I believe it was on March
14 14th. I went -- I actually went twice, but I
15 believe my first one was March the 14th.

16 Q. So that first visit, did you know a time frame
17 that you were supposed to be looking at the video
18 footage?

19 A. At the time I did not. The first -- the first
20 trip I made, I didn't know a specific time.

21 Q. And were you able to locate any video footage
22 from these three places?

23 A. I didn't know -- can I -- can I finish? Can I
24 continue?

25 Q. Sure.

1 A. I didn't know a specific time. I think the
2 first time I went, there was a window of time that I
3 was supposed to be looking at. I think it was
4 somewhere around 10:30 a.m. to 2:00 -- 2:00 p.m.,
5 but not a specific time frame. There was a specific
6 window.

7 Q. Okay. And were you able to watch video at
8 these three places?

9 A. At the Home Depot, I was not able to review any
10 footage. They had -- they outsource their security
11 stuff and so all surveillance is viewed at another
12 location.

13 The Dairy Queen, they had interior surveillance
14 footage, but they didn't have anything on the
15 exterior. I did review Dairy Queen footage, but I
16 did not locate anything or locate any of the
17 individuals on the inside of Dairy Queen.

18 And then the first time that I reviewed the
19 footage at the Walmart Superstore on March 14th,
20 during the times that -- the time frame that I just
21 mentioned, I think it was 10:30 a.m. to 2:00 p.m., I
22 did not locate anything.

23 Q. Were you later provided better information
24 about what you might be looking for at the Walmart?

25 A. Yes, ma'am. That's correct. When I -- when I

1 came back to the agency on March 14th, I relayed the
2 information that I had learned that day to Agents
3 Ledbetter, Chief Hawkins, and I believe Agent Ezell.

4 It was at that time that I think they had
5 recovered a receipt or been provided a receipt from
6 the Walmart Superstore, and then I made plans to
7 return the following day.

8 Q. Would that have been on March 15th?

9 A. That's correct.

10 Q. And on your return trip, were you able to
11 identify anyone in the video or were you able to
12 watch video from the Walmart?

13 A. Yes, ma'am. The receipt that I was provided
14 had a specific register, specific department,
15 specific time, and we were able to pull those times
16 from the receipt provided. And then I was able to
17 see the description of Mr. Lawless in the store.
18 Yes, ma'am.

19 Q. Do you remember what time that was on the
20 receipt?

21 A. Without looking at it specifically, I want to
22 think it's somewhere approximately 12:40 p.m.

23 Q. And was anyone else with you when you were
24 watching this video from Walmart?

25 A. There were two. There was an assistant store

1 manager and there was a loss-prevention officer,
2 both females.

3 Q. And they were able to pull the video from the
4 receipt information?

5 A. They knew specifically which cameras to go to
6 based off the receipt that would give me a shot of
7 the register where Mr. Lawless was checking out at
8 the Walmart Super Center.

9 Q. Could they just make a copy of that video and
10 give it to you?

11 A. No, ma'am, they could not. Again, like the
12 Home Depot, their -- their information is stored to
13 an outside server, like applied base-type system.
14 It was not readily available for pickup that day.
15 They had to provide me some still shot photographs.

16 Q. And did they provide those to you?

17 A. That is correct.

18 Q. I'm going to show you what's been marked as
19 State's Exhibit 29. Can you go through these and
20 are these the stills that ---

21 A. Can I get a sip first?

22 Q. Yeah.

23 A. Sorry about that.

24 Q. That's okay. Would you flip through this --
25 through those pictures please and make sure those

1 are the stills that you received from the Walmart
2 security?

3 A. (Complying.) Yes, ma'am. These are the
4 photographs that I obtained from the Walmart
5 Superstore.

6 Q. Do they accurately depict what you saw and
7 observed on the video that day?

8 A. Yes, ma'am, they do.

9 Q. There's some writing on two of them. Did you
10 do that writing?

11 A. No, ma'am. There was one of the ladies that I
12 mentioned that was in the room with me. I can't
13 remember if it was the loss-prevention officer or
14 the assistant store manager, but it was one of those
15 two.

16 Q. And did she do that in your presence while you
17 were watching the video?

18 A. Yes, ma'am, she did.

19 MS. REEVES: Your Honor, I'd like to admit
20 State's Exhibit 29.

21 THE COURT: Any objection?

22 MR. EPPS: No objection.

23 THE COURT: State's Exhibit No. 29 will be
24 admitted without objection.

25 (State's Exhibit No. 29 was received into

1 evidence.)

2 BY MS. REEVES:

3 Q. Chief Richey, I'm actually going to have you
4 step down here so you can ---

5 A. Sure.

6 Q. --- go through these pictures with me. Thank
7 you. And then you can point. We'll call this first
8 one "A."

9 A. Yes, ma'am.

10 Q. What is that a picture of?

11 A. That is the camera at the lawn and garden gate
12 of the Walmart Superstore. And that is a red pickup
13 truck and a black SUV, and I was looking for the
14 black SUV pictured.

15 Q. And did that seem to match the description of
16 the vehicle that you were given?

17 A. Yes, ma'am, it does.

18 Q. And this date and time on this still
19 photograph, do you know if that's correct?

20 A. That's 12:40 p.m. Yes, ma'am.

21 Q. I'm going to show you "B." Can you see what
22 that is a picture of?

23 A. Yes, ma'am. That's the exterior front license
24 plate camera that they have, and that is the black
25 SUV that it was described to me that I needed to be

1 looking for in surveillance.

2 Q. And, again, I'm sorry. Did you say what time?

3 You said 12:40 on this first one on "A"?

4 A. Yes, ma'am.

5 Q. Can you read the seconds?

6 A. Yes, ma'am. It's 12 -- 12 -- 12:00 o'clock --
7 12:40 p.m., 29 seconds.

8 Q. And this next one, what's the time stamp on
9 that?

10 A. That is 12:40 p.m. and 51 seconds.

11 Q. This is "C." And what is that a picture of?

12 A. That is an exterior crosswalk camera shot and
13 that is the same black SUV that you've previously
14 seen, and that is -- it is arriving at Walmart.

15 Q. This is "D." And what is that a picture of?

16 A. That is the customer entrance, and this is the
17 black SUV that you -- you've already seen that I was
18 provided a description of and it appears someone's
19 walking around the rear of the vehicle at that time,
20 12:41:04 p.m.

21 Q. This is "E." What does that show?

22 A. This is also the customer entrance. This one's
23 at 12:41:08 p.m. And that is a white male walking
24 around the rear of the black SUV that I was
25 described that I needed to be looking for.

1 Q. Did that male match the description of the
2 person you were also supposed to be looking for?

3 A. It did. I had already previously seen him at
4 the register checking out based off the times on the
5 receipt and that matched the description. Yes,
6 ma'am.

7 Q. And does this show what is happening, or can
8 you tell what is happening in this picture?

9 A. No, ma'am. I can tell that it is the vehicle
10 description that I was provided. I can tell that it
11 is the male that I had seen inside the store
12 checking out and the clothing description, and that
13 appears to be him as he was walking into the store.

14 Q. Is that vehicle parked though?

15 A. No, ma'am. It doesn't appear to be parked.

16 Q. And what is the time again on that?

17 A. That is 12:41:08 p.m.

18 Q. This is "F." And what does this picture show?

19 A. This is the exterior, aisle 3 and 4 camera, and
20 that is the black SUV that was described to me that
21 I needed to be looking for. And that is it after a
22 white male exists and enters the store and it
23 appears to be going to park. That is at 12:41 --
24 12:41 p.m. and 25 seconds. 12:41:25.

25 Q. Can you see or could you see from the video who

1 was driving?

2 A. No, ma'am. You cannot.

3 Q. Could you see into the vehicle at all?

4 A. No, ma'am.

5 Q. This is "G." What is that?

6 A. That's Mr. Lawless leaving the store.

7 Q. And what time is that?

8 A. That is 12:52:51 p.m.

9 Q. And so the previous one had been what time?

10 A. 12:41:25 p.m.

11 Q. Okay. And is this an exit or an entrance?

12 A. That is a customer exit on the grocery side of

13 Walmart Superstore.

14 Q. This is "H." What does that show?

15 A. That is the customer entrance, 12:53:38, and

16 that shows Mr. Lawless exiting the store and appears

17 to be holding a small bag of items talking on the

18 cell phone.

19 Q. I'm going to go back to "F."

20 A. Yes, ma'am.

21 Q. When you were watching the video, could you see

22 where this vehicle ended up parking?

23 A. It initially parked a couple of spaces down

24 this particular aisle, down in here (indicating).

25 And after a period of time, it backs out and moves

1 up towards the gas station store at the top of the
2 parking lot.

3 Q. Okay. So it initially parked when again?

4 A. It initially parked somewhere along this aisle
5 here (indicating). I can't remember exactly what
6 spot, but it was along this aisle. And then as time
7 passes, it -- it moves from here and goes to the top
8 of the parking lot towards the convenient store or
9 gas station.

10 Q. This is "Y."

11 A. Yes, ma'am.

12 Q. What is that a picture of?

13 A. That's a picture of the aisle that we were just
14 reviewing that camera.

15 Q. And what is time stamp on that?

16 A. That is 12:54:37 p.m.

17 Q. This is "J."

18 A. That's -- that's essentially -- it's the same
19 picture at 12:54:38 p.m. And the vehicle that I was
20 in question that I was supposed to be looking for is
21 not in that photograph at that time.

22 Q. Do you recognize any of the individuals though
23 walking in that picture?

24 A. Right here on the right side, it appears to be
25 Mr. Lawless carrying small items -- a small bag of

1 items and appears to still be on his cell phone.

2 Q. Showing you "K."

3 A. Yes, ma'am. Based on the cameras, the exterior
4 front drive aisle going into, which is adjacent to
5 aisle 3 and 4. This is time stamped 12:56:19 p.m.

6 Q. And can you see the vehicle in question in that
7 picture?

8 A. No, ma'am, I cannot.

9 Q. I'm going to show you State's Exhibit L. What
10 is that a picture of?

11 A. This is for aisle 1 and 2. It's 12:58:05. And
12 this is what I was mentioning previously. The
13 vehicle had left its parking spot after a period of
14 time and went and parked up here next to the gas
15 station at the top of the parking lot.

16 Q. Is this that same vehicle? This is "K." Is
17 this that same vehicle in motion?

18 A. That's it right here. I'm sorry. That is
19 my apology. That's that vehicle after it had left
20 its parking space going towards the gas station. My
21 apologies.

22 Q. And so, again, it's that same vehicle?

23 A. Yes, ma'am. It's -- it's hard to tell from
24 these still shots, but you could actually follow
25 that in the live footage as it was driving here to

1 park here.

2 Q. And where is Mr. Lawless at this time?

3 A. I have no idea.

4 Q. Was he -- I know he's not in this picture, but
5 from the video that you reviewed, was he walking
6 still at this point?

7 A. Yes, ma'am. He would've been walking in the
8 parking lot at that time.

9 Q. And did you see where he went to?

10 A. Up towards the top of the parking lot to meet
11 with the car.

12 Q. That appeared to be where he was picked up?

13 A. That's correct.

14 Q. And what time is that?

15 A. That is 12:58:05 p.m.

16 Q. And this is the last one, "M."

17 A. Yes, ma'am. This is exterior -- exterior
18 camera that points in the direction of aisle -- of
19 aisle 08, 09 of the parking lot.

20 Again, as I said, it was really hard to tell
21 from the still shots, but we followed the vehicle
22 through the live video feed and we could observe
23 this was the vehicle in question exiting the store
24 back towards Anderson Highway.

25 Q. After that vehicle picked up Mr. Lawless; is

1 that correct?

2 A. That is correct. Yes, ma'am.

3 Q. And when this vehicle went to the back of the
4 parking lot, you said it was near the -- let me show
5 you "L." It was near the -- there's a gas station
6 in the back of that Walmart?

7 A. Yes, ma'am. It -- the -- there's a gas station
8 that's in the same parking lot area of the Walmart,
9 closest to the highway.

10 There's a -- there's a gas station that's in
11 the same parking lot as the Walmart Super Center.
12 It's just at the very top of that picture that
13 you're looking at on the screen up there. That's
14 where the gas station and gas pumps are. It's not
15 an actual convenient store that you can go inside.
16 It's just a -- it's a small building that's occupied
17 by a single -- single clerk.

18 Q. And from the video, could you see if the -- if
19 that vehicle actually went to the convenient store,
20 one of the gas pumps in the back of that?

21 A. It never -- it never went to a gas pump.

22 Q. It just waited and did what?

23 A. It just waited there and appeared to wait for
24 Mr. Lawless to exit the store to meet him across the
25 parking lot and pick him up.

1 Q. You can have a seat again, Chief Richey. Thank
2 you.

3 A. Yes, ma'am.

4 Q. After obtaining these still photographs, did
5 you request a copy of this video?

6 A. Yes, ma'am, I did. And I was advised that it
7 would take some -- a period of time to get it -- to
8 get it downloaded and get an actual hardcopy disk of
9 it.

10 Q. And inside the store, were you able to spot
11 anyone else matching a description of Mr. Lawless's
12 wife?

13 A. Inside the store?

14 Q. Yes, sir.

15 A. No, ma'am.

16 Q. Just Mr. Lawless was observed?

17 A. That is correct.

18 MS. REEVES: Thank you, Chief Richey. I have
19 no further questions.

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Mr. Epps, cross-examination.

22 MR. EPPS: Yes, sir, Your Honor. May it please
23 the Court?

24 CROSS-EXAMINATION

25 BY MR. EPPS:

1 Q. Chief Richey, how are you?

2 A. Good, sir. How are you?

3 Q. Yes, sir. I appreciate you. All right. You

4 were with Iva Police Department back on March 12th

5 of 2018?

6 A. That's correct, sir.

7 Q. Okay. And you were the school resource

8 officer?

9 A. Yes, sir.

10 Q. All right. And you were called -- you were --

11 you were called to the scene at [REDACTED]

12 Street?

13 A. That is correct.

14 Q. Okay. And did you maintain -- did you ever go

15 in the house?

16 A. No, sir.

17 Q. All right. Did you maintain the perimeter

18 outside the house?

19 A. Yes, sir, I did.

20 Q. Okay. And was it cold that day?

21 A. It was very cold.

22 Q. Okay. Was it rainy that day?

23 A. Yes, sir, it was.

24 Q. All right. And did you effectively stay --

25 what time did you get there?

1 A. I'm not exactly sure. It was toward the end of
2 my school day, which my school day would end around
3 12:40, 12:45 -- or 2:00 -- 2:40, 2:45. Excuse me.
4 I was called by then Chief Jason Hawkins and asked
5 me if I could come relieve a sheriff's deputy and
6 take over the crime scene log.

7 Q. Okay. So you -- you made -- and that was --
8 that was Deputy Villegas?

9 A. Deputy, at the time, Villegas. Yes, sir.

10 Q. Okay. And you took over. He was keeping the
11 crime scene log?

12 A. When I arrived. Yes, sir.

13 Q. Okay. And you took over that duty of
14 maintaining the crime scene log?

15 A. Yes, sir. That's correct.

16 Q. And did you maintain that crime scene log
17 throughout the day?

18 A. Until that night when the crime scene was
19 cleared and we were free to leave. Yes, sir.

20 Q. Okay. At that -- what time was the crime scene
21 cleared?

22 A. It was late. It was after dark. I can't
23 recall exactly, but it was definitely after dark. I
24 would -- I would venture to say somewhere between
25 8:30 and 9:30, somewhere in there.

1 Q. At that point in time that scene was cleared
2 and released. Was it released -- who was it
3 released to?

4 A. I just know that the crime scene tape was taken
5 down and the body had been removed and we were
6 advised that we were -- we were free to leave.

7 Q. Okay. Did all of law enforcement leave?

8 A. To the best of my knowledge, yes, sir.

9 Q. And that crime scene log, did you -- you gave
10 it to Jason Hawkins?

11 A. Then chief, yes, sir.

12 Q. Okay. And do you know if he gave that to SLED?

13 A. I can't confirm or deny that, sir.

14 Q. But if you got the crime screen log, it would
15 be maintained at -- at Iva Police Department? It
16 would be maintained ---

17 A. Yes, sir.

18 Q. Okay.

19 A. Yes, sir.

20 Q. And that was detailed and you had a detailed
21 crime scene log of who entered and who went in and
22 who came out -- who -- who went in that house and
23 who came out of that house; is that right?

24 A. Yes, sir.

25 Q. Okay. And I think you had said -- you had said

1 at least Chris Vaughn, Tim Richey, Jason Hawkins,
2 Special Agent Ledbetter, Special Agent Collins,
3 Special Agent Ezell, SLED forensic team, Ray Kelley,
4 multiple EMS personnel, and the coroner, Don McCown;
5 is that right?

6 A. To the best of my recollection.

7 Q. To your recollection. Did Greg Shore go in the
8 house? Was he there?

9 A. I can't -- I can't say, sir.

10 Q. But that crime scene log would've detailed
11 everybody that went inside?

12 A. Oh, absolutely.

13 Q. And the times they went in and the times they
14 came out; is that right?

15 A. That's -- yes. That is correct.

16 Q. All right. And that's a pretty important
17 document?

18 A. It's very important.

19 Q. Okay. And once you handed it off to Chief
20 Hawkins, that's the last you saw of it?

21 A. That's the last I ever seen of it, sir.

22 Q. But you were the one that maintained it
23 throughout the night?

24 A. I was the second person to have maintained it
25 throughout the course of the day from the time the

1 officers arrived.

2 Q. Yes, sir.

3 A. There was already obviously a list of names
4 that had been documented entering the scene, whether
5 that be just beyond the tape or inside the home.

6 Q. Yes, sir.

7 A. And when I arrived there, I just started
8 maintaining who was coming and going once I arrived
9 there at roughly 2:40, 2:45.

10 Q. Yes, sir. Once you got there. And then did
11 you have any -- once you left that night, was it
12 your understanding or did you see the family was
13 allowed to go back or the house was released back to
14 the family?

15 A. I -- I'm not sure, sir.

16 Q. I understand. So two days later -- then you
17 were in -- you were -- you testified you were
18 instructed to go to Hartwell, Georgia, on the
19 14th -- March 14th; is that right?

20 A. Yes, sir.

21 Q. Okay. And you were specifically -- what were
22 your instructions to do?

23 A. I was instructed to go to the Walmart
24 Supercenter, the Home Depot, and Dairy Queen fast
25 food store.

1 Q. And you were looking for the move -- or you
2 were looking for Jim and Donna Lawless; is that
3 right?

4 A. That is correct. Yes, sir.

5 Q. Were you also instructed to find evidence that
6 they may have had a child with them?

7 A. Yes, sir, I was.

8 Q. Okay. So you were sent to -- and this was --
9 did -- did Chief Hawkins advise you -- he was the
10 one that advised you to go to Hartwell, Georgia; is
11 that ---

12 A. That is -- yes, sir. That's correct.

13 Q. But that was at the direction of SLED; is that
14 right?

15 A. Yes, sir. That was what was relayed to me.

16 Q. And the receipt that you received, do you -- do
17 you know how they got that receipt?

18 A. No, sir.

19 Q. Okay. So you don't know if the -- if -- if the
20 Lawlesses or the family had given that receipt to
21 law enforcement prior to you being instructed to go
22 to Hartwell, Georgia?

23 A. No, sir. I have no idea.

24 Q. Did you have a photograph of Jim and Donna
25 Lawless?

1 A. I did not take one with me. No, sir.

2 Q. But you had -- you knew what they looked like?

3 A. Based on a description, yes, sir. That's
4 correct.

5 Q. Okay. So you knew -- you know what they -- and
6 you went to -- you went to -- where did you go first
7 once you went to Georgia?

8 A. On March the 14th, the very first store I went
9 to was Home Depot.

10 Q. Okay. And you didn't find any evidence there
11 they had been in Home Depot; is that right?

12 A. No, sir.

13 Q. Okay. And then where did you go?

14 A. I went to the Walmart Supercenter.

15 Q. Okay. And at that point in time, did you find
16 any evidence that they had been there?

17 A. Not on March 14th. No, sir.

18 Q. Okay. And did you go to Dairy Queen?

19 A. Yes, sir, I did.

20 Q. All right. And did you find any evidence that
21 they -- that they had been to Dairy Queen?

22 A. I was able to review surveillance, but I did
23 not locate anything. No, sir.

24 Q. Right. And then that's when you came back.

25 And you -- you -- apparently, you were provided a

1 receipt that designated the time that Mr. Lawless
2 was at Walmart; is that right?

3 A. Yes, sir. That is correct.

4 Q. Okay. And when you went there -- and they were
5 there approximately starting I believe 12:40 p.m.;
6 is that right?

7 A. Yes, sir. Based on the receipt.

8 Q. And that black SUV pulls up to the front of
9 Walmart and lets Mr. Lawless out, right?

10 A. Yes, sir.

11 Q. Okay. And you don't see any -- you don't see
12 anybody -- you don't see anybody in the vehicle; is
13 that right?

14 A. Other than the driver, but I can't make out who
15 it is.

16 Q. And then you say that -- that the black SUV
17 parked in the parking -- a parking place, and then
18 backed up and moved on down towards the gas station;
19 is that right?

20 A. That is correct. Yes, sir.

21 Q. Okay. But that car didn't -- it wasn't like
22 the car parked way up at the gas station and let
23 Mr. Lawless walk into -- walk down to entrance of
24 the store and go in; is that right?

25 A. No, sir.

1 Q. That didn't happen. They dropped --

2 Mr. Lawless was dropped off at the entrance, and
3 then the car parked, and then moved up to the gas
4 station; is that right?

5 A. That is correct.

6 Q. Okay. At any time did you see any evidence of
7 any child in the vehicle?

8 A. No, sir.

9 Q. Okay. And inside the store, Mr. Lawless
10 bought -- you got -- what do -- do you remember what
11 Mr. Lawless bought in Walmart?

12 A. It was -- it was every day items. If I recall,
13 it was sandwich meat, maybe a roll of paper towels.
14 Just your every day household goods.

15 Q. Nothing out of the ordinary?

16 A. No, sir.

17 Q. Okay. And -- and did that car pull back down
18 to meet Mr. Lawless and pick him up?

19 A. About halfway across the parking lot. Yes,
20 sir.

21 Q. Now, I want to show you maybe. Can you see
22 that -- that photograph, Chief?

23 A. Yes, sir. It's a little blurry on the screen,
24 but I can see it.

25 Q. That individual with the green jacket or the

1 green shirt, do you see that person?

2 A. Yes, sir, I do.

3 Q. Okay. Do you know if that's Donna Lawless?

4 A. Not to my knowledge, sir.

5 Q. Okay. But do you -- you don't know?

6 A. No, sir.

7 Q. Did you see on the -- you -- and did you -- you
8 didn't actually -- did you actually view the video
9 with the two -- two employees of Walmart?

10 A. Yes, sir, I did.

11 Q. Okay. At any time did Donna Lawless get out of
12 the car and walk up and down the -- the -- the
13 parking row smoking?

14 A. Based on what I've seen, she did not, sir.

15 Q. Okay. All right. But that car -- when
16 Mr. Lawless came out of Walmart, that -- that
17 vehicle met him and then he got in the vehicle and
18 they left; is that right?

19 A. Yes, sir.

20 Q. Okay. But you didn't find any evidence that
21 they had a child with them, right?

22 A. No, sir.

23 Q. Okay. And then you went to -- and that Dairy
24 Queen, there was no evidence that they had been
25 there with the child; is that correct?

1 A. No, sir.

2 Q. No receipt. No -- would show no receipt at
3 all; is that correct?

4 A. No, sir.

5 Q. Okay. And is that the only -- and you --
6 and -- well, there was a video maintained and you
7 said they -- that -- that it was would have to be
8 prepared and it would take a couple of days or take
9 some time to do that?

10 A. At the Dairy Queen?

11 Q. No. At Walmart?

12 A. At the Walmart, yes, sir.

13 Q. Okay. And did you advise -- so you couldn't
14 get the video that day, right?

15 A. That's correct. I could not.

16 Q. Okay. And did you come back and did you tell
17 Chief Hawkins that -- that the video would be ready
18 and that SLED would have to pick it up?

19 A. The two ladies I was meeting with, again, was
20 assistant store manager and loss-prevention officer.
21 I left them the name, number, and explained to them
22 that I'm a school resource officer and that they
23 might not be able to reach me directly, but I -- I
24 left with them with the Iva Police Department's
25 phone number and who they need to contact in

1 reference to when the video would be ready to be
2 picked up.

3 Q. Okay. Do you know if that video was ever
4 picked up?

5 A. I have no idea, sir. I didn't pick it up.

6 Q. Yes, sir. But as we sit here on -- at any time
7 when you went to Hartwell, you found no evidence
8 that there was -- that Jim and Donna Lawless had a
9 child with them at that time; is that -- is that
10 correct?

11 A. That is correct.

12 Q. All right. And I'm going to go back to March
13 12th of 2018. You maintained the perimeter and the
14 crime scene log throughout that afternoon when you
15 got there through when the -- when the -- when the
16 house -- when I guess law enforcement finished their
17 investigation; is that right?

18 A. Yes, sir. From the time I arrived to the time
19 we were told to leave to do so. Yes, sir.

20 Q. Was there a big -- was there a crowd there?

21 A. Yes, sir. There was.

22 Q. Was there any kind of confusion to your
23 knowledge about what had taken place or what had
24 happened?

25 A. There were multiple conversations throughout

1 the day. Yes, sir.

2 Q. Okay. And did you see -- at any time did you
3 have -- did you see Mr. Adam Lawless?

4 A. I never seen him. No, sir.

5 Q. You never -- you wasn't aware when he came to
6 the scene?

7 A. No, sir.

8 Q. Okay. Do you know Adam Lawless?

9 A. No, sir. I do not.

10 Q. But you don't remember seeing him that day?

11 A. I didn't.

12 MR. EPPS: Okay. All right. Your Honor, if
13 you give me one moment. Chief Richey?

14 THE WITNESS: Yes, sir.

15 MR. EPPS: Thank you. Your Honor, I have no
16 further questions.

17 THE COURT: All right. Any redirect?

18 MS. REEVES: Yes, sir.

19 REDIRECT EXAMINATION

20 BY MS. REEVES:

21 Q. Chief Richey?

22 A. Yes, ma'am.

23 Q. Were you ever provided with a receipt from
24 Dairy Queen?

25 A. Again, I can't recall. It's been five years.

1 Q. Is there anything in your report regarding a
2 receipt from Dairy Queen?

3 A. No, ma'am.

4 Q. Was there anything in your report regarding a
5 receipt from Home Depot?

6 A. No, ma'am. Not a receipt. No, ma'am.

7 MS. REEVES: Nothing further.

8 THE COURT: Anything further from this witness?

9 MR. EPPS: No, sir.

10 THE COURT: Thank you, Chief. You are excused.

11 Any objection to him being excused?

12 MR. EPPS: No, sir, Your Honor.

13 THE COURT: Chief, you're excused.

14 THE WITNESS: Thank you, sir.

15 (Witness excused.)

16 MS. REEVES: Your Honor, may we approach?

17 THE COURT: Yes, ma'am.

18 (Sidebar discussion.)

19 THE COURT: Ladies and gentlemen of the jury,
20 we're going take our first break. So, Mr. Bailiff,
21 would you take our jury to the jury room.

22 (From 10:23 to 10:39 a.m., a recess was had.)

23 THE COURT: Okay. State, call your next
24 witness.

25 MS. REEVES: Yes, sir. May it please the

1 Court? State calls Maryann Boehm.

2 (Witness approached.)

3 THE CLERK: If you'll come forward and raise
4 your right hand.

5 THE WITNESS: (Complying.)

6 THE CLERK: Do you solemnly swear or affirm the
7 testimony you give this Court is the truth, the
8 whole truth, and nothing but the truth?

9 THE WITNESS: I do.

10 THE CLERK: Thank you. You can have a seat in
11 our witness chair.

12 THE WITNESS: (Complying.)

13 THE CLERK: Please state your full name for the
14 record and spell your last name.

15 THE WITNESS: Yes, ma'am. My name is Maryann
16 Elizabeth Boehm, B-o-e-h-m.

17 ELIZABETH BOEHM,
18 having been produced and first duly sworn as a
19 witness on behalf of the State, then testified as
20 follows:

21 DIRECT EXAMINATION

22 BY MS. REEVES:

23 Q. Do you need a minute to get out your reports?

24 A. I have it, but I will open it up. Thank you.
25 I'm ready.

1 Q. Ms. Boehm, where do you work?

2 A. I work for the South Carolina Law Enforcement
3 Division, commonly known as SLED.

4 Q. And what is your position with SLED?

5 A. I am a forensic DNA analyst.

6 Q. How long have you been a forensic DNA analyst?

7 A. At SLED, I've been a forensic DNA analyst for
8 over 17 years.

9 Q. What are your duties and responsibilities?

10 A. So my main duty would be to analyze cases,
11 submit it to our agency. I develop DNA profiles
12 from the evidence or unknowns and compare them to
13 DNA profiles I develop from knowns submitted in that
14 case.

15 Q. What is your educational background?

16 A. I received a bachelor of science in integrated
17 science and technology with a concentration in
18 biotechnology from James Madison University and
19 that's in Harrisonburg, Virginia.

20 Q. Any other specialized training or education as
21 far as employment?

22 A. I -- upon employment at SLED, I was training
23 for approximately a year in the proper procedures
24 and methods used in our laboratory.

25 Upon completion of that training program, I had

1 to successfully complete a series of tests, which
2 included a lab practical, a written test, an oral
3 test, and a mock court.

4 Q. How often do you analyze DNA?

5 A. I would like to say every week. I am also the
6 training coordinator of the department, so some of
7 my duties is also teaching the new hires how to
8 perform DNA analysis.

9 Q. Have you ever been qualified and testified as
10 an expert in the fiend of forensic serology and DNA
11 analysis?

12 A. I have.

13 Q. How many times?

14 A. Approximately, 85 times.

15 MS. REEVES: And at this point, I would like to
16 offer Ms. Boehm as an expert in serology and DNA
17 analysis.

18 THE COURT: Any objection?

19 MR. EPPS: No objection.

20 THE COURT: So the witness would be deemed an
21 expert in serology and DNA analysis without
22 objection.

23 BY MS. REEVES:

24 Q. Ms. Boehm, what is forensic serology?

25 A. Forensic serology is the identification or

1 indication of body fluids on an item such as blood,
2 semen, or saliva.

3 Q. And what is DNA?

4 A. DNA stands for deoxyribonucleic acid. It's a
5 chemical found in all the cells of our body, except
6 for red blood cells. It's important for passing
7 known traits from generation to generation. We get
8 half of our DNA from our mom; half from our father.
9 With the exception of identical twins, no two
10 individuals have the same DNA.

11 In forensic science, we're interested in the
12 portions that vary between individuals, which has 21
13 of those locations and the combination of those test
14 results make up a DNA profile.

15 Q. What is forensic DNA analysis?

16 A. So forensic DNA analysis, we are trying to
17 develop a DNA profile from unknown, which would be
18 evidence from a crime scene, and compare it to known
19 samples, the DNA profiles from the known standard
20 submitted in that case. And then we -- I will
21 interpret my findings and write a report based on my
22 findings.

23 Q. To help explain this, can you kind of give us
24 an analogy?

25 A. Sure. So a DNA profile from evidence can be a

1 single-source profile, which means it would be from
2 one person or it could be made up of multiple
3 people. So an analogy would be like a salad. A
4 salad could be made of just lettuce, or it could
5 have lettuce and tomatoes. That's kind of like a
6 mixture of two people. Or lettuce, tomatoes, and
7 onions would be a mixture of three people. Part of
8 the first steps in interpretation of DNA is to
9 determine how many profiles or how many people make
10 up that DNA profile from the evidence.

11 Q. So in other words, which ingredients might make
12 up the salad? If it's made up of one or more than
13 one?

14 A. That's correct.

15 Q. When your lab receives cases for DNA testing,
16 what steps do you take to ensure the integrity of
17 that test?

18 A. So when the submitting officer submits the
19 items for a case, it is given a unique lab number,
20 and then each item in the case is given a unique
21 item number. This starts our internal chain of
22 custody, so the internal chain of custody is a
23 business record of the transactions of a movement of
24 the evidence. So it tracks the time and date, any
25 time the item is moved. Either it's moved to a

1 person or to a secure location at SLED. We also
2 make sure that all of our evidence is properly
3 sealed, and in a way that if someone had opened it,
4 it's very apparent that it had been opened.

5 Q. Has SLED recently started using a new procedure
6 for calculating statistics?

7 A. Yes, we have. Back in the fall of 2018, we
8 transitioned to a new statistic program called
9 STRmix, where we calculate likelihood ratios.

10 Q. Was the old method of calculating statistics,
11 what was that method called?

12 A. The old method is called "random match
13 probability," and I used it in this case as well as
14 the new method for statistics based on the time line
15 of this case.

16 Q. So what did random match probability estimate?

17 A. It estimates the chance of selecting someone at
18 random would match that DNA profile that I develop
19 from the evidence.

20 Q. And how is STRmix or likelihood ratios
21 different from that?

22 A. So STRmix uses likelihood ratios for our
23 interpretation statistics. It is how the -- is the
24 evidence best explained by one scenario or the
25 opposite scenario.

1 So the first scenario would be the person of
2 interest of that known standard could've contributed
3 to that profile or if it somebody else, and it'll
4 state what one -- what of the two scenarios is more
5 likely.

6 Q. Can you give us an example of what a likelihood
7 ratio would be that we might use every day?

8 A. Absolutely. So we talked about that salad
9 analogy. I would say if I'm trying to mimic my
10 favorite restaurant's salad, first I would consider
11 if iceberg lettuce, a vegetable of interest, has
12 contributed to that salad. And it's more likely
13 that iceberg lettuce, that salad exists, because the
14 iceberg lettuce was a contributor to that salad
15 versus if I considered something like jellybeans.
16 It's, you know, highly unlikely that salad exists
17 because jellybeans contributed to that salad.

18 Q. So what is STRmix?

19 A. So STRmix is a tool that we use at SLED. It
20 helps -- it calculates our likelihood ratio and
21 helps with our interpretation of the evidence
22 profiles that we develop.

23 Q. What is probabilistic genotyping software?

24 A. STRmix is a probabilistic genotyping software.
25 There are other commercially available probabilistic

1 genotyping softwares available; however, SLED
2 decided to go with STRmix. Again, it is a tool that
3 helps first deconvolute the mixture, which it breaks
4 down the mixture of the profile of the evidence into
5 what contributors are present in that mixture. And
6 then it calculates that likelihood ratio comparing
7 that known standard to that item.

8 Q. Why did SLED change to this new system?

9 A. Because with random match probability
10 statistics, we are unable to calculate complex
11 mixtures or low-level mixtures. With STRmix, we
12 have the ability to do both of those things.

13 Q. So STRmix can aid in identifying smaller
14 amounts of DNA if they're present?

15 A. So STRmix, can -- we can make comparisons to
16 that low level or small amounts of DNA or to complex
17 mixtures.

18 Q. What is a Y-STR profile?

19 A. So Y-STR testing is another method we have at
20 SLED beyond DNA testing. It targets the
21 Y-chromosome, and only male individuals have
22 Y-chromosomes. So, essentially, filters out female
23 DNA. Part of the steps of DNA analysis is that we
24 determine how much DNA we have in each sample, and
25 this tells us the total amount of DNA and also tells

1 us the male amount of DNA.

2 So if I have a large total amount of DNA, which
3 means I have a lot of large female DNA present and
4 only a small male presence, I am able to do Y-STR
5 testing to look at that male DNA. When -- with
6 autosomal DNA testing, I may not be able to detect
7 that male DNA because the female DNA is so big.

8 Q. How many locations are you testing on the
9 Y-chromosome?

10 A. We test 24 locations.

11 Q. And are those different from the 21 locations
12 you're testing for DNA?

13 A. There's one in common, and then the rest are --
14 well, actually not for the 21. So we test -- for
15 autosomal DNA testing, we test locations that are
16 gender determining and one of those locations is
17 also NY-STR testing.

18 Q. But the rest are different?

19 A. That's correct.

20 Q. What is a major versus a minor contributor?

21 A. So in a mixture, sometimes one person is
22 contributing a lot more DNA than another person or
23 multiple individuals. We call the person
24 contributing the most DNA the major contributor.
25 And the other DNA present, we consider it a minor

1 contributor or contributors if it's more than one
2 minor contributor.

3 Q. Are Y-STR profiles unique to an individual?

4 A. They are not. So Y-STR's, your Y-chromosome,
5 is passed along from generation to generation. So
6 the father will give the Y-chromosome to the son and
7 then that son could give it -- pass it along to his
8 son. So any male on the same family line would have
9 the same Y-STR profile.

10 Q. So what is the difference then between the DNA
11 test -- DNA testing and the Y-STR testing?

12 A. So for DNA testing, it's that unique DNA
13 profile that I was mentioning before when I
14 explained DNA. It varies among everybody in the
15 world, except for identical twins. And Y-STR
16 testing is a little bit more limited because it
17 does -- an individual and their father -- a male
18 individual and their father/son will have that same
19 Y-STR profile. And, again, we're only testing
20 males. On -- with Y-STR testing, we cannot test
21 females with Y-STR testing.

22 Q. So can the results sometimes from DNA testing
23 and the Y-STR testing, can they sometimes appear to
24 be inconsistent if you're testing different sites or
25 different locations?

1 A. They can be. It's kind of comparing apples and
2 oranges. It's two different profiles from the same
3 evidence, but one's autosomal so it could have lots
4 of female DNA so you can't see that male DNA or not
5 see it very well versus Y-STR profiling is just male
6 DNA in that sample so it looks completely different.

7 Q. With all of that being said, can the results of
8 the STRmix and the Y-STR testing end up being a
9 little more confusing since you are able to test
10 such small amounts and you're diluting those
11 amounts?

12 A. Yes. It can be confusing if you're trying to
13 think of the item as a whole, but you really need to
14 think of the items as two different things, the DNA
15 profile from that item and then the Y-STR profile
16 from that item, but Y-STR testing can be helpful
17 because we can target that male DNA that we may not
18 be able to see with our regular DNA testing.

19 Q. And what is an advantageous inclusion?

20 A. So an advantageous inclusion is a likelihood
21 supporting the inclusion or a person contributing to
22 that DNA profile. We get that sometimes with our
23 staff database. So at SLED, we maintain a database
24 with all individuals that come into our lab, all
25 forensic employees. We try to get lots of outside

1 agencies to submit DNA -- or submit evidence to --
2 to SLED. We have this database that we compare all
3 of our evidence to.

4 Sometimes we'll get a very small likelihood
5 ratio that includes them as a possible contributor
6 to the item; however, we can rule them out because
7 they were nowhere near the evidence. They were, you
8 know, there in Charleston and not in, you know,
9 wherever the case was or they had no part in that
10 case, so we can rule them out for other reasons
11 besides that likelihood ratio.

12 Q. So sometimes even staff DNA might appear in the
13 mixture, but it isn't actually present?

14 A. That -- that would be -- we can rule them out
15 for another reason. So if -- especially, if that
16 staff member had no affiliation with that case.

17 Q. Did you receive evidence in this case?

18 A. I did.

19 Q. So in front of you, we have already entered
20 into evidence Exhibits 11 through 24 and 30. So I'm
21 just going to refer to your item numbers on your
22 report instead of handing the actual items to you.

23 A. That would be great. Thank you.

24 Q. What items did you receive in this case?

25 A. So I received -- I'll go through the evidence

1 items first. Item 1 would be swabs from the kitchen
2 floor from Marker 1. Item 2.1, which is swabs from
3 the knife from the kitchen floor. Items 3.1 and
4 3.2, which was swab from a knife found at Marker 4.
5 Items 4.1 and 4.2 were swabs from the knife found in
6 the laundry room. Items 5.1 and 5.2 were swabs from
7 the Sony headset. Item 6.1 was a swab from a white
8 wire. Item 7.1 was swabbed from a white wire with
9 jack. Item 8.1 were swabbed from keys. Item 9.1
10 was swabbed from a Germ-X bottle. Item 10.1 was
11 swabbed from a wooden board. Item 12.1 was a
12 cutting from a blue bedsheet. Item 14 was a
13 fingernail. Items 15 through 18 were swabs from the
14 exterior/interior of a door -- storm door handle.
15 Item 19 was swabbed from the doorknob to the laundry
16 room. Item 20 was swabbed from the bathroom light
17 switch. Item 2 was swabbed from the second finger
18 from thumb that was collected at autopsy. Item 27
19 was a fingernail scraping from the right hand of
20 Tabatha Duncan. And Item 28 was the fingernail
21 scraping from the left hand of Tabatha Duncan. And
22 Item 29 was the hair from -- from the right hand of
23 Tabatha Duncan.

24 Q. Ms. Boehm, did you do the swabbing of some of
25 these items that you received?

1 A. The only items I swabbed were from the -- I did
2 the fingernail scrapings, but nothing else. Someone
3 else at SLED swabbed everything else.

4 Q. And who was that?

5 A. Steven Curtis.

6 Q. And where does he work within SLED?

7 A. He is retired now, but he was at the time in
8 our latent prints division.

9 Q. And then had you received these swabs from him
10 and how did you receive them?

11 A. I did. I did receive them from him in a sealed
12 intact method. There was no evidence of tampering
13 at all.

14 Q. So for Item No. 12, which would have been the
15 bedsheet, did you receive the entire bedsheet?

16 A. No. So if a large item is submitted for DNA,
17 it goes first to an individual that will screen that
18 large item for the body fluid of request.

19 So in this case, I am told it was submitted the
20 whole bedsheet and Verona Herrera was the individual
21 who examined the bedding for a red brown staining,
22 and she sent one cutting to me that tested positive
23 for indication of blood. And then I performed DNA
24 analysis on that cutting.

25 Q. Did you review her work before beginning yours?

1 A. Yes. So part of our process is to review all
2 the work that she did before I start my analysis.

3 Q. And so that item is Item 12. And then if a
4 cutting or swab was taken -- taken from it, what
5 does it -- what item -- does it get a new item
6 number?

7 A. It gets a point from that original. So we call
8 the -- like Number 12 would be the parent item, and
9 then we'd call 12.1, which would be a swab or
10 cutting from it would be the sub-item.

11 Q. What is a buccal swab or a standard?

12 A. A buccal swab is a known source of DNA, so --
13 or and the standard. A buccal swab is taking a
14 sterile cotton swab and rubbing the inside of your
15 cheek. The inside cells of your cheek are called
16 buccal swabs, so that's why it's called a buccal
17 swab.

18 We can also get a known standard from blood, so
19 a person's blood is drawn and submitted to SLED as a
20 known standard. So that known standard is from a
21 person. It's not an unknown like the evidence.

22 Q. Did you receive buccal swabs and/or standards
23 from Adam Lawless, Aaron Kenyon, James Lawless, and
24 Tabatha Duncan in this case?

25 A. I did. Yes, ma'am.

1 Q. Did you perform analysis testing -- analysis
2 and testing on the items that you received?

3 A. I did.

4 Q. And from the known DNA profiles developed from
5 buccal swabs of Adam Lawless and James Lawless, can
6 you tell if they are biologically related?

7 A. They have different Y-STR profiles, so they are
8 not biologically related.

9 Q. Were the items that you tested -- were there
10 items that you tested that did not contain DNA?

11 A. Yes. I was unable to develop a DNA profile
12 from the swabs from the keys, as well as swabs from
13 the Germ-X bottle, and also there was no hair
14 suitable from the hair from the right hand.

15 Q. Can bleach or hand sanitizer affect the DNA
16 profile?

17 A. Absolutely. So we actually use bleach and
18 the -- and alcohol in our lab to sterilize and clean
19 all of our equipment. It destroys and degrades our
20 DNA so leaving no DNA behind, so bleach definitely.
21 And then the alcohol is found -- found in hand
22 sanitizer, so that also -- the alcohol in the hand
23 sanitizer would destroy the DNA.

24 Q. And why could you not find DNA from the hair?

25 A. So in order for you to do DNA analysis on hair,

1 we need the root part of the hair. Lots of hair
2 that falls out naturally does not have a root, so
3 we're unable to process it for DNA. So, first, I
4 will look at the hair under a microscope to see if I
5 see a root. If there is no root present, then I
6 cannot perform DNA analysis because there's no DNA
7 there.

8 Q. Were you able to find DNA on the rest of the
9 items?

10 A. I was.

11 Q. And what were your results?

12 A. I can refer to my reports for these results. I
13 first -- I tested the swabs from the kitchen floor
14 from Marker 1. I performed a serology test to see
15 if blood was present, and there was an indication of
16 blood was present so I performed DNA analysis on
17 this item.

18 The DNA profile matches the DNA profile of
19 Tabatha Duncan. The probability of randomly
20 selecting an unrelated individual having a DNA
21 profile matching this item is approximately 1 in 2.3
22 nonillion.

23 Q. Do you know how many zeros that has?

24 A. Not off the top of my head. No, I do not.
25 It's a lot of zeros.