

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)**

1 Q. What were your results from swab two -- or Item
2 2.1?

3 A. Item 2.1 was the swabs from the top and bottle
4 handle -- bottom handle of Item 2, which was a
5 silver knife from the kitchen floor from Marker 2.
6 I was able to develop -- I did develop a DNA profile
7 suitable for comparison. I determined that that
8 profile developed was a mixture originating from two
9 individuals. So then I performed comparisons to the
10 known standards submitted in this case.

11 So, first, I compared Tabatha Duncan, and her
12 results were that the DNA profile was approximately
13 30 quintillion times more likely if Tabatha Duncan
14 and an unidentified unrelated individual contributed
15 to the mixture than if two unidentified unrelated
16 individuals contributed to the mixture. That's
17 giving very strong support to that first scenario
18 that Tabatha Duncan and an unidentified unrelated
19 individual contributed to that mixture.

20 I then compared the rest of the standard
21 submitted, so Aaron Kenyon, Adam Lawless, and James
22 Lawless. And all three of them could be excluded as
23 contributors to that mixture.

24 Q. For the DNA portion?

25 A. That's correct. Then ---

1 Q. Yeah, go ahead.

2 A. Oh, sorry. I then performed Y-STR profile --
3 Y-STR testing on this item again because it had lots
4 of female DNA and did have an indication of male DNA
5 based on our quantitation step, but the partial
6 DNA -- the partial Y-STR profile I developed was
7 insufficient for comparison, meaning there was not
8 enough DNA from the Y-STR profile developed to make
9 any kind of comparison.

10 Q. So going back to the DNA testing. If we go
11 back to the salad analogy. You're beginning your
12 first proposition to compare if the known has two
13 individuals contributing, it's a mix. So you know
14 that it's lettuce and tomatoes for example; is that
15 correct?

16 A. Yes. It would be two -- two people are
17 contributing to that profile.

18 Q. And so you take the first proposition and you
19 have the victim and an unknown. Explain what those
20 vegetables would be?

21 A. So that would be -- so lettuce. Do I have a
22 salad because lettuce contributed to that profile?
23 Lettuce and another vegetable contributed to that
24 profile, or is it two different vegetables? And
25 that the likelihood ratio calculated would be that

1 it is very strong support that I had that salad
2 because lettuce contributed -- lettuce and something
3 else contributed to that profile or salad.

4 Q. So in this circumstance, you couldn't determine
5 what that second vegetable -- if that vegetable was
6 a tomato. What you tested, the small sample, did
7 not match -- I'm sorry. Of the known standards that
8 you had, they did not compare to match that tomato?

9 A. Yes. So the known standards I -- the other
10 remaining known standards that I compared is more
11 likely that it was another vegetable or another
12 person contributing to that salad or mixture.

13 Q. There was Y-STR testing done and what was that
14 amount?

15 A. So it's a very small amount. I'd have to look
16 back at my case file to know the exact amount.
17 However, there was male DNA present. However, the
18 partial Y-STR profile I developed was not enough for
19 comparison.

20 Q. And you're testing for Item 3.1?

21 A. Okay. So Item 3.1 was swabs from the joint of
22 the blade and handle of Item 3, which was a silver
23 knife from Marker 4. I first tested for the
24 indication of blood, and it was positive so I did
25 DNA analysis on it.

1 The results were that the DNA profile matches
2 the DNA profile of Tabatha Duncan. The probability
3 of randomly selecting an unrelated individual having
4 a DNA profile matching this item is approximately 1
5 in 2.3 nonillion.

6 I also performed Y-STR testing on this sample,
7 as well. And those results were that the partial
8 Y-STR profile matches the Y-STR profile of Adam
9 Lawless and WL [REDACTED] The probability of
10 randomly selecting an unrelated male individual
11 having a Y-STR profile matching this item is
12 approximately 1 in 11,000.

13 Paternal male relatives of Adam Lawless and
14 WL [REDACTED] may not be excluded as the
15 contributor of this profile.

16 Q. So, again, because these two are related,
17 that's why you can't differentiate the Y-STR
18 profile?

19 A. Absolutely. They have the same exact Y-STR
20 profile, so they both matched. The Y-STR profile
21 matches the Y-STR profile developed from that item.

22 Q. And so if you're doing Y-STR profiling, can you
23 tell the amount of the victim's DNA that would've
24 been present since it matches?

25 A. So the -- so the autosomal, the DNA testing,

1 did match the victim in the Y-STR profile, which
2 would not be her because she's a female. She
3 doesn't have a Y-chromosome. I developed that, and
4 it matched two other -- two other individuals.

5 Q. And those were?

6 MR. EPPS: Go ahead. I'm sorry.

7 BY MS. REEVES:

8 Q. That was the "Y" testing?

9 A. Yes. That was the Y-STR testing.

10 Q. And that was the one that matched the defendant
11 and/or WL

12 A. That's correct.

13 Q. Item 3.2. What were your results?

14 A. Item 3.2 is swabs from the top and bottom edge
15 of the handle of Item 3, which was a silver knife
16 from Marker 4. So I was able to develop a DNA
17 profile suitable for comparison. I determined it
18 was a mixture of two individuals. So then I
19 compared all those known standards submitted to this
20 profile.

21 So the first result from Tabatha Duncan's
22 comparison is that the DNA profile is approximately
23 1.3 octillion times more likely if Tabatha Duncan
24 and an unidentified unrelated individual contributed
25 to the mixture than if two unidentified unrelated

1 individuals contributed to the mixture.

2 I then compared the remaining known standards
3 and Aaron Kenyon, Adam Lawless, and James Lawless
4 are excluded as contributors to the mixture under
5 the listed proposition.

6 Q. And you did "Y" testing?

7 A. Yes. I then performed Y-STR testing and the
8 results of that is that the Y-STR profile is a
9 mixture of at least two male individuals. The
10 partial Y-STR profile of the major contributor to
11 this mixture matches the Y-STR profile of Adam
12 Lawless and WL

13 The probability of randomly selecting an
14 unrelated individual having a Y-STR profile matching
15 the major contributor to this mixture is
16 approximately 1 in 180.

17 Paternal male relatives of Adam Lawless and
18 WL may not be excluded as the major
19 contributor of this mixture. The partial Y-STR
20 profile of the minor contributor to this mixture is
21 insufficient for comparison.

22 Q. And that's to say that it -- not that it
23 doesn't match, it's just too small?

24 A. I can't make any kind of comparisons to that
25 minor contributor.

1 Q. So in this situation, why are the DNA results
2 you were unable to determine who it might be;
3 however, you were able to find a match for the "Y"
4 testing?

5 A. Will you repeat that question?

6 Q. In this example or in this Item 3.2, you said
7 there was no match for DNA testing, but you were
8 able to find a major contributor for the "Y" testing
9 to match the defendant. Why are those different?

10 A. I think I know what you're asking. So for the
11 DNA profile I developed on Tabatha Duncan, there's
12 very support -- strong support that she could be
13 contributing to that DNA profile; however, the other
14 individuals that tested -- Aaron Kenyon, Adam
15 Lawless, and James Lawless -- were excluded as
16 contributors from the DNA profile.

17 Like I said before, that there are two
18 different profiles. My DNA profile is completely
19 separate from my Y-STR profile. Apples and oranges.
20 So for the Y-STR profile, I was able to match the
21 major contributor to Adam Lawless and WL [REDACTED]

22 [REDACTED]

23 Q. So Item 4.1.

24 A. Item 4.1 was swabs from the handle and the
25 blade of Item 4, the silver knife found from Marker

1 5. I tested this item for the possibility of blood
2 on it, and it was a positive result so blood was
3 indicated. So I performed DNA analysis, and the
4 results were that the DNA profile matches the DNA
5 profile of Tabatha Duncan.

6 The probability of randomly selecting an
7 unrelated individual having a DNA profile matching
8 this item is approximately 1 in 2.3 nonillion.

9 I also performed Y-STR testing on this item,
10 and the results were that the partial Y-STR profile
11 is a possible mixture and insufficient for
12 comparison.

13 Q. Swabs 4.2.

14 A. Swabs 4.2 were swabs from the top and bottom
15 edge of the handle of Item 4, which was the silver
16 knife from Marker 5. I was able to develop a DNA
17 profile suitable for comparison, and I determined it
18 was a mixture originating from two individuals.

19 So then I performed likelihood ratios on the
20 known standards, comparing it to -- to this profile
21 developed. And the results were that the DNA
22 profile is approximately 11 octillion times more
23 likely if Tabatha Duncan and an unidentified
24 unrelated individual contributed to the mixture than
25 if two unidentified unrelated individuals

1 contributed to the mixture.

2 The DNA profile is approximately 47 times more
3 likely if James Lawless and an unidentified
4 unrelated individual contributed to the mixture than
5 if two unidentified unrelated individuals
6 contributed to the mixture. And that supports that
7 James Lawless and an unidentified unrelated
8 individual contributed to the mixture.

9 When I have two -- when we have two
10 inclusionary likelihood ratios, we then combine it
11 to so if both people could explain the DNA profile,
12 so that's what I did next. So that results -- those
13 results were that the DNA profile is approximately
14 3.3 nonillion times more likely if Tabatha Duncan
15 and James Lawless contributed to the mixture than if
16 two unidentified unrelated individuals contributed
17 to the mixture.

18 I then compared Aaron Kenyon and Adam Lawless
19 also to this profile, and they were excluded as
20 contributors to the mixture under the listed
21 propositions. I also did Y-STR testing on this
22 item, and the partial Y-STR profile developed was
23 insufficient for comparison.

24 Q. Item 5.1.

25 A. Item 5.1 was swabs from the ear cover and

1 headband of Item 5, the white Sony headset from
2 floor of laundry room. There was an indication of
3 blood tested positive, so I performed DNA analysis
4 and developed a profile suitable for comparison.

5 I determined it was a mixture originating from
6 two individuals, so I made comparisons to the known
7 standards in the case. And those results were that
8 the DNA profile is approximately 1.3 octillion times
9 more likely if Tabatha Duncan and an unidentified
10 unrelated individual contributed to the mixture than
11 if two unidentified unrelated individuals
12 contributed to the mixture.

13 I also compared Aaron Kenyon, Adam Lawless, and
14 James Lawless to this profile from the evidence and
15 they were all excluded as contributors to the
16 mixture under the listed propositions.

17 I also performed Y-STR testing on this item,
18 and the Y-STR profile developed was a mixture of at
19 least two male individuals. The partial Y-STR
20 profile of the major contributor to this mixture
21 matches the Y-STR profile -- profile of Aaron
22 Kenyon. The probability of randomly selecting an
23 unrelated individual having a Y-STR profile matching
24 the major contributor to this mixture is 1 in 72.

25 Paternal male relatives of Aaron Kenyon may not

1 be excluded as the major contributor to this
2 mixture. The partial Y-STR profile of the minor
3 contributor to this mixture is insufficient for
4 comparison.

5 Q. Swabs 5.2.

6 A. Swabs -- Item 5.2 were swabs from the edge of
7 the headband of Item 5, which was the white Sony
8 headset from floor of the laundry room. The DNA
9 profile I developed was a mixture of at least two
10 individuals.

11 The DNA profile of the major contributor to
12 this mixture matches the DNA profile of Tabatha
13 Duncan. The probability of randomly selecting an
14 unrelated individual having a DNA profile matching
15 the major contributor to this mixture is
16 approximately 1 in 2.3 nonillion. The partial DNA
17 profile of the minor contributor to this mixture is
18 insufficient for interpretation.

19 The -- and then I performed Y-STR testing on
20 this item, as well. And the results were that the
21 Y-STR profile is a mixture of at least three male
22 individuals. Due to the inability to calculate a
23 statistic, no conclusions will be offered.

24 So at SLED, if it's a Y-STR profile, it's a
25 mixture where we cannot determine a major and minor

1 contributor. We cannot do statistics; so therefore,
2 we cannot make an interpretation.

3 Q. Item 6.1.

4 A. Item 6.1 were swabs from the entire piece of
5 cord of Item 6, which was a white wire from the
6 floor of the laundry room. I was able to develop a
7 DNA profile suitable for comparison. I determined
8 it was a mixture originating from three individuals.

9 I then performed likelihood ratio calculations
10 on the known standards submitted in this case. And
11 those results are that the DNA profile is
12 approximately five times more likely if Aaron Kenyon
13 and two unidentified unrelated individuals
14 contributed to the mixture than if three
15 unidentified unrelated individuals contributed to
16 the mixture. This, again, is weak support that
17 Aaron Kenyon and two unidentified unrelated
18 individuals contributed to the mixture.

19 The DNA profile is approximately 13 billion
20 times more likely if Adam Lawless and two
21 unidentified unrelated individuals contributed to
22 the mixture than if three unidentified unrelated
23 individuals contributed to the mixture.

24 Then the DNA profile is approximately 4.9
25 octillion times more likely if Tabatha Duncan and

1 two unidentified unrelated individuals contributed
2 to the mixture than if three unidentified unrelated
3 individuals contributed to the mixture. So any
4 likelihood ratio that's over greater than a million
5 is very strong support for that scenario. So
6 those -- it's very strong support that Adam Lawless
7 and two unidentified unrelated individuals
8 contributed to the mixture, and it's also very
9 strong support that Tabatha Duncan and two
10 unidentified unrelated individuals contributed to
11 the mixture.

12 Q. So it's very strong support that that was from
13 the defendant and the victim?

14 A. So then I -- that they could've contributed to
15 the mixture. I also did all three of those
16 individuals and inclusionary likelihood ratios. I
17 compared all three together to see if the profile
18 that I developed could be explained by all three of
19 them contributing to the profile.

20 And the results for that was the DNA profile is
21 approximately 2 tredecillion times more likely if
22 Aaron Kenyon, Adam Lawless, and Tabatha Duncan
23 contributed to the mixture than if three
24 unidentified unrelated individuals contributed to
25 the mixture. Again, this is very strong support

1 that Aaron Kenyon, Adam Lawless, and Tabatha Duncan
2 contributed to the mixture.

3 Q. Did you do "Y" testing on this item?

4 A. I did do Y-STR testing also on this item. The
5 Y-STR profile developed is a mixture of at least
6 three male individuals. The partial Y-STR profile
7 of the major contributor to this mixture matches the
8 Y-STR profile of Adam Lawless and WL [REDACTED]
9 The probability of randomly selecting an unrelated
10 individual having a Y-STR profile matching the major
11 contributor to this profile is approximately 1 in
12 11,000.

13 Paternal male relatives of Adam Lawless and
14 WL [REDACTED] may not be excluded as the major
15 contributing to this mixture. The partial Y-STR
16 profile of the minor contributor to this mixture is
17 insufficient for comparison.

18 Q. Item 7.1.

19 A. Item 7.1 are swabs from the entire piece of
20 cord of Item 7, which was a white wire with jack
21 from floor of laundry room. I developed a DNA
22 profile suitable for comparison. I determined it
23 was a mixture of two individuals, so I made those
24 comparisons to the known standards.

25 The DNA profile is approximately 11 octillion

1 times more likely if Tabatha Duncan and an
2 unidentified unrelated individual contributed to the
3 mixture than if two unidentified unrelated
4 individuals contributed to the mixture.

5 I also compared Aaron Kenyon, Adam Lawless, and
6 James Lawless and all three of those were excluded
7 as a contributor to the mixture under the listed
8 propositions.

9 I performed Y-STR testing as well on this item
10 and a partial Y-STR profile developed is
11 insufficient for comparison.

12 Q. Item 10.1.

13 A. Item 10.1 were swabs from the edges of Item 10,
14 which was a wooden board from the back door in the
15 kitchen. I originally made this comparison using
16 our old method of statistics. I determined it was a
17 mixture of at lease four individuals, and the
18 partial DNA profile of the major contributor to this
19 mixture matches the DNA profile of Tabatha Duncan.

20 The probability of randomly selecting an
21 unrelated individual having a DNA profile matching
22 the major contributor to this mixture is
23 approximately 1 in 590 quintillion. And due to the
24 inability to calculate a specific, no further
25 interpretation will be offered regarding the minor

1 contributors to the mixture.

2 However, when we got that STRmix online at
3 SLED, I also relooked at this profile and I
4 determined that it was too complex to perform any
5 kind of STRmix interpretation to this item.

6 I did do Y-STR testing on this item, as well.
7 The Y-STR profile developed was a mixture of at
8 least three male individuals. So due to the
9 inability to calculate a statistic, no conclusions
10 could be offered.

11 Q. Item 12.1.

12 A. Item 12.1 was a cutting from that bedsheet
13 found in the cot in girl's room. So Verona Herrera
14 initially tested it for blood and it was positive
15 for the indication of blood. So I performed DNA
16 analysis on this item. I determined that there was
17 a DNA profile suitable for comparison and it was a
18 mixture of two individuals, so I compared the known
19 standards submitted in this case to this item.

20 The results are that the DNA profile is
21 approximately 9.6 octillion times more likely if
22 Tabatha Duncan and an unidentified unrelated
23 individual contributed to the mixture than if two
24 unidentified unrelated individuals contributed to
25 the mixture.

1 The DNA profile is approximately 37 times more
2 likely if two unidentified unrelated individuals
3 contributed to the mixture than if James Lawless and
4 an unidentified unrelated individual contributed to
5 the mixture.

6 For this likelihood ratio, it's actually
7 supporting the opposite more than it is the person
8 of interest. So it's 37 times more likely if two
9 unidentified unrelated individuals contributed to
10 the mixture than if James Lawless and an
11 unidentified unrelated individual contributed to the
12 mixture.

13 I also compared Aaron Kenyon and Adam Lawless,
14 and they both were excluded as contributors to the
15 mixture under the listed propositions. I also did
16 Y-STR testing on this item and the partial Y-STR
17 profile developed is insufficient for
18 interpretation.

19 Q. Had you tested this blue bedsheet for blood?

20 A. Verona Herrera did.

21 Q. And -- and did she find the presence of blood?

22 A. Yes. That cutting she forward -- forwarded to
23 me was positive for the indication of blood.

24 Q. Item 14.

25 A. Item 14 was a blue in color fingernail from the

1 cot in the girl's bedroom. I tested this item for
2 the possible presence of blood and it was positive,
3 so I performed DNA analysis on it.

4 The DNA profile I developed matched -- matches
5 the DNA profile of Tabatha Duncan. The probability
6 of randomly selecting an unrelated individual having
7 a DNA profile matching this item is approximately 1
8 in 2.3 nonillion. I also performed Y-STR testing on
9 this item and the partial Y-STR profile developed is
10 insufficient for comparison.

11 Q. Item 15.

12 A. So Item 15 were swabs from the back doorknob
13 exterior. I developed a DNA profile suitable for
14 comparison and determined it was a mixture of three
15 individuals, so I compared the known standards
16 submitted in this case.

17 The DNA profile developed is approximately 62
18 trillion times more likely that Aaron Kenyon and two
19 unidentified unrelated individuals contributed to
20 the mixture than if three unidentified unrelated
21 individuals contributed to the mixture.

22 The DNA profile is approximately 20 septillion
23 times more likely if Adam Lawless and two
24 unidentified unrelated individuals contributed to
25 the mixture than if three unidentified unrelated

1 individuals contributed to the mixture.

2 So since both Aaron Kenyon and Adam Lawless
3 likelihood ratios were inclusionary, I calculated
4 the likelihood ratio with both of them comparing
5 both of them together, and that results were the DNA
6 profile is approximately 210 duodecillion times more
7 likely if Aaron Kenyon and Adam Lawless and an
8 unidentified unrelated individual contributed to the
9 mixture than if three unidentified unrelated
10 individuals contributed to the mixture.

11 And then I also compared Tabatha Duncan to this
12 DNA profile I developed, and the DNA profile is
13 approximately 76 times more likely if three
14 unidentified unrelated individuals contributed to
15 the mixture than if Tabatha Duncan and two
16 unidentified unrelated individuals contributed to
17 this mixture.

18 Again, that likelihood ratio is -- there's more
19 weight to the unknown of three unknowns versus
20 Tabatha and two unknowns contributing to that
21 mixture.

22 Q. But -- but you did find DNA and it was
23 consistent with Aaron and the defendant?

24 A. There is very strong support that Aaron Kenyon
25 and Adam Lawless contribute -- and another person

1 contributed to that profile.

2 I also compared James Lawless to this item of
3 evidence, and he was excluded as a contributor to
4 the mixture under the listed propositions.

5 I also performed Y-STR testing on this item.
6 The Y-STR profile developed is a mixture of at least
7 two male individuals. The partial Y-STR profile of
8 the major contributor to this mixture matches the
9 Y-STR profile of Adam Lawless and WL [REDACTED]
10 The probability of randomly selecting an unrelated
11 individual having a Y-STR profile matching the major
12 contributor to this mixture is approximately 1 in
13 11,000.

14 Paternal male relatives of Adam Lawless and
15 WL [REDACTED] may not be excluded as the major
16 contributor to this mixture. The partial Y-STR
17 profile of the minor contributor to this mixture is
18 insufficient for comparison.

19 Q. Item 16.

20 A. Item 16 was swabs from the back doorknob
21 interior. I developed a DNA profile suitable for
22 comparison and determined it was a mixture of two
23 individuals, so I compared the known standards
24 submitted in this case to that profile.

25 The DNA profile is approximately 10 octillion

1 times more likely if Tabatha Duncan and an
2 unidentified unrelated individual contributed to the
3 mixture than if two unidentified unrelated
4 individuals contributed to the mixture.

5 The DNA profile is approximately 590 trillion
6 times more likely if WL [REDACTED] and an
7 unidentified unrelated individual contributed to the
8 mixture than if two unidentified unrelated
9 individuals contributed to the mixture.

10 So then I combined Tabatha Duncan and WL [REDACTED]
11 [REDACTED] to see if they could -- how likely it was
12 they both contributed. And that result was the DNA
13 profile is approximately 42 tredecillion times more
14 likely that Tabatha Duncan and WL [REDACTED]
15 contributed to the mixture than if two unidentified
16 unrelated individuals contributed to the mixture.

17 I also compared Aaron Kenyon, Adam Lawless, and
18 James Lawless and they were all excluded as
19 contributors to the mixture under the listed
20 propositions.

21 I also performed Y-STR testing on this item and
22 the Y-STR profile is the mixture of at least two
23 male individuals. The Y-STR profile of the major
24 contributor to this mixture matches the Y-STR
25 profile of Adam Lawless and WL [REDACTED] The

1 probability of randomly selecting an unrelated male
2 individual having a Y-STR profile matching the major
3 contributor to this mixture is approximately 1 in
4 11,000.

5 Paternal male relatives of Adam Lawless and
6 WL [REDACTED] may not be excluded as the major
7 contributor to this mixture. The partial Y-STR
8 profile of the minor contributor to this mixture is
9 insufficient for comparison.

10 Q. Item 17.

11 A. Item 17 were swabs from the back storm door
12 exterior handle. I developed a DNA profile suitable
13 for comparison and determined it was a mixture of
14 two individuals. The DNA profile is approximately
15 12,000 times more likely if Adam Lawless and an
16 unidentified unrelated individual contributed to the
17 mixture than if two unidentified unrelated
18 individuals contributed to the mixture.

19 The DNA profile is approximately 4.9 billion
20 times more likely is WL [REDACTED] and an
21 unidentified unrelated individual contributed to the
22 mixture than if two unidentified unrelated
23 individuals contributed to the mixture.

24 So I then tried to compare Adam Lawless and
25 WL [REDACTED] They both could contribute to that

1 profile, and the results were that the DNA profile
2 obtained cannot be explained -- explained by the
3 combination of DNA from Adam Lawless and WL [REDACTED]
4 [REDACTED] under the listed propositions.

5 And the DNA profile is approximately 41 times
6 more likely if two unidentified unrelated
7 individuals contributed to the mixture than if
8 Tabatha Duncan and an unidentified unrelated
9 individual contributed to the mixture.

10 And then I was able to exclude Aaron Kenyon and
11 James Lawless as contributors to the mixture under
12 the listed propositions. I also performed Y-STR
13 testing, and the partial Y-STR profile is a possible
14 mixture and not suitable for comparison.

15 Q. But there was strong support that the
16 defendant's DNA was present on this?

17 A. Yes, ma'am. The likelihood ratio developed is
18 strong support that he is contributing, him and
19 another person is contributing to that profile
20 developed.

21 Q. Item 19. I'm sorry, 18.

22 A. Okay. So Item 18 is swabs from the back storm
23 door interior handle. I was able to develop a DNA
24 profile suitable for comparison and determined there
25 was a mixture of two individuals, so I compared the

1 known standard submitted in this case.

2 The DNA profile is approximately 2.1 million
3 times more likely if Adam Lawless and an
4 unidentified unrelated individual contributed to the
5 mixture than if two unidentified unrelated
6 individuals contributed to the mixture.

7 The DNA profile is approximately 450 million
8 times more likely if WL and an
9 unidentified unrelated individual contributed to the
10 mixture than if two unidentified unrelated
11 individuals contributed to the mixture.

12 But when I combine the two together to see if
13 they both could've contributed to that profile, the
14 DNA profile cannot be explained by the combination
15 of DNA from Adam Lawless and WL under
16 the listed propositions.

17 I also compared Aaron Kenyon, Tabatha Duncan,
18 and James Lawless to the profile I developed, and
19 they were all excluded as contributors to the
20 mixture under the listed propositions.

21 I performed Y-STR testing on this item, as
22 well. The partial Y-STR profile matches the Y-STR
23 profile of Adam Lawless and WL. The
24 probability of randomly selecting an unrelated
25 individual having a Y-STR profile matching this item

1 is 1 -- approximately 1 in 35.

2 Paternal male relatives of Adam Lawless and
3 WL [REDACTED] may not be excluded as a contributor
4 to this profile.

5 Q. Item 19.

6 A. Item 19 was swabs from the doorknob of the
7 laundry room. I tested this item for the presence
8 of blood and there was an indication that blood was
9 present, so I performed DNA analysis. I developed a
10 DNA profile suitable for comparison and determined
11 it was a mixture of two individuals, so then I
12 compared the known standards to this item -- to the
13 DNA profile from this item.

14 The DNA profile is approximately 96 times more
15 likely if Aaron Kenyon and an unidentified unrelated
16 individual contributed to the mixture than if two
17 unidentified unrelated individuals contributed to
18 the mixture.

19 The DNA profile is approximately 9.3 octillion
20 times more likely if Tabatha Duncan and an
21 unidentified unrelated individual contributed to the
22 mixture than if two unidentified unrelated
23 individuals contributed to the mixture.

24 So I combined those two individuals to see if
25 the DNA profile could be explained by both of them

1 contributing. And the DNA profile is approximately
2 2.2 nonillion times more likely if Aaron Kenyon and
3 Tabatha Duncan contributed to the mixture than if
4 two unidentified unrelated individuals contributed
5 to the mixture.

6 I was able to exclude Adam Lawless and James
7 Lawless as contributors to the mixture under the
8 listed propositions. I also performed Y-STR testing
9 on this item. The partial Y-STR profile is a
10 possible mixture and not suitable for comparison.

11 Q. Item 20.

12 A. Item 20 was swabs from the bathroom light
13 switch. I was able to develop a DNA profile
14 suitable for comparison. I determined it was a
15 mixture from three individuals, so then I compared
16 the known standards to this item.

17 The DNA profile is approximately 77 million
18 times more likely if Adam Lawless and two
19 unidentified unrelated individuals contributed to
20 the mixture than if three unidentified unrelated
21 individuals contributed to the mixture.

22 The DNA profile is approximately 6.3 octillion
23 times more likely if Tabatha Duncan and two
24 unidentified unrelated individuals contributed to
25 the mixture than if three unidentified unrelated

1 individuals contributed to the mixture.

2 The DNA profile is approximately 1.9
3 quadrillion times more likely if WL and
4 two unidentified unrelated individuals contributed
5 to the mixture than if three unidentified unrelated
6 individuals contributed to the mixture.

7 So I combined all three of them together to see
8 if they could explain the DNA profile that I
9 developed, and those results are that the DNA
10 profile is approximately 71 quattuordecillion times
11 more likely if Adam Lawless, Tabatha Duncan, and
12 WL contributed to the mixture than if
13 three unidentified unrelated individuals contributed
14 to the mixture.

15 I then compared James Lawless to the DNA
16 profile I developed. The DNA profile is
17 approximately 76 times more likely if three
18 unidentified unrelated individuals contributed to
19 the mixture than if James Lawless and two
20 unidentified unrelated individuals contributed to
21 the mixture.

22 And I was able to exclude Aaron Kenyon as a
23 contributor to the mixture under the listed
24 propositions.

25 I also performed Y-STR testing in this sample.

1 The Y-STR profile developed is a mixture of at least
2 two male individuals. The Y-STR profile of the
3 major contributor to this mixture matches the Y-STR
4 profile of Adam Lawless and WL

5 The probability of randomly selecting an
6 unrelated male individual having a Y-STR profile
7 matching the major contributor to this mixture is
8 approximately 1 in 11,000.

9 Paternal male relatives of Adam Lawless and
10 WL may not be excluded as the major
11 contributor to this mixture. The partial Y-STR
12 profile of the minor contributor to this mixture is
13 insufficient for comparison.

14 Q. Item 25.

15 A. Item 25 was labelled Swab No. 2 finger from
16 thumb at autopsy of Tabatha Duncan. The DNA profile
17 that I developed matches the DNA profile of Tabatha
18 Duncan.

19 The probability of randomly selecting an
20 unrelated individual having a DNA profile matching
21 this item is approximately 1 in 2.3 nonillion. I
22 also performed Y-STR testing on this item, and the
23 partial Y-STR profile is a possible mixture and not
24 suitable for comparison.

25 Q. Item 27.

1 A. Items 27 -- Item 27 was the right hand
2 fingernails and fingernail scrapings of Tabatha
3 Duncan. I -- the results were that the DNA profile
4 is consistent with the DNA profile of Tabatha
5 Duncan. So we will say that if it's -- a DNA
6 profile that we developed is single source and it's
7 from -- meaning from one person and it's off of
8 their own body, we just say that it's consistent
9 with their profile and we don't need to do any
10 statistics because we expect their profile to be on
11 their body.

12 I also did Y-STR testing on this item. And the
13 Y-STR profile developed is a mixture of at least two
14 male individuals. The partial Y-STR profile of the
15 major contributor to this mixture is from an
16 unidentified male individual. The partial Y-STR
17 profile of the minor contributor to this mixture is
18 insufficient for comparison.

19 Q. And Item 28.

20 A. Item 28 was the left hand fingernail and
21 fingernail scrapings of Tabatha Duncan. The DNA
22 profile is consistent with the DNA profile of
23 Tabatha Duncan.

24 And then I also did Y-STR testing on this item.
25 The partial Y-STR profile is insufficient for

1 comparison.

2 Q. How sensitive is this DNA testing?

3 A. DNA testing very sensitive. It takes
4 approximately 8 to 10 cells to develop a DNA
5 profile, so it may be DNA from something we can see
6 like blood or we can also get a DNA profile
7 developed from swabbing something that someone
8 touched or owned where you cannot see that DNA
9 visibly on an item.

10 Q. How easy is it to leave behind those 8 to 10
11 cells without knowing it?

12 A. Very easy as long as your skin is exposed
13 meaning you're not wearing gloves or anything like
14 that. When I touch an item, I have the possibility
15 of leaving my DNA behind. So if we swab this bench
16 right here, it could have my DNA because I just
17 touched it. It could also have whoever else's DNA
18 who's touched it before me.

19 Q. And how long can your DNA stay on an item?

20 A. Essentially, forever as long as it's stored
21 properly. So if it's stored in the proper room
22 temperature away from extreme heat and moisture, DNA
23 can last for a very long time.

24 Q. What could affect how long it stays on an item?

25 A. So heat and moisture can, as well as cleaning

1 agents. If I clean an object often, I wouldn't
2 expect to see DNA behind -- left behind because that
3 bleach or cleaning has alcohol in it will break down
4 that DNA.

5 Q. How can having a large amount of one
6 contributor to a profile affect your results and
7 determining other possible contributors?

8 A. So it's a little bit better now with STRmix
9 that we can compare some of those minor
10 contributors, but when we have a major contributor,
11 like especially if it's female DNA. If we have a
12 lot of female DNA, it may mask or hide the other
13 contributors because there's so much. It's
14 overwhelming to the system that we cannot see the
15 other contributors to that sample.

16 Q. So like you said, this test can pick up 8 to 10
17 skin cells?

18 A. Approximately, yes, ma'am.

19 Q. And we don't know when we're losing those skin
20 cells, right?

21 A. We're losing them all the time. Yes.

22 Q. And is there DNA in sweat?

23 A. Well, there's sort of. There's DNA that is the
24 skin cells that are sluffed off when you're sweating
25 is what we get the DNA from.

1 Q. So if you have a good amount of DNA on your
2 clothing or someone else has done your laundry and
3 they put a good amount of DNA on your clothing, can
4 you get that transfer from person to person?

5 A. Yes, you can.

6 Q. Does SLED maintain a database so-to-speak of
7 standards from local coroners or forensic
8 pathologists or assistants?

9 A. We do maintain a database. It's required for
10 all forensic employees to be in that database. We
11 want to compare all of our unknowns to that we
12 develop from every case for every item of evidence
13 to that to make sure that it's not unintentional
14 transfer from, for instance, a staff member to that
15 piece of evidence.

16 We also try -- so that's mandatory. We also
17 try to ask all of our submitters who come in contact
18 with DNA evidence to submit as a volunteer program.
19 We do have some. Definitely have law enforcement
20 submitters. Some coroners, but -- but not all of
21 them.

22 Q. If I go to a grocery store and purchase items,
23 can I possibly pick up someone else's DNA on my
24 hands?

25 A. You could. Yes.

1 Q. If I get my nails done by someone, can I
2 possibly transfer their DNA onto my hands?

3 A. Yes, you could.

4 Q. And how long would that remain?

5 A. It would -- essentially, forever until we wash
6 our hands well or, you know, expose them to extreme
7 heat or moisture. Then maybe you could get rid of
8 that DNA, but if you just touch something and don't
9 wash your hands or anything like that, then that DNA
10 would persist.

11 MS. REEVES: Ms. Boehm, I have no further
12 question. Thank you.

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

14 MR. EPPS: Yes, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. EPPS:

17 Q. Special Agent, how are you?

18 A. I'm doing well. How are you, sir?

19 Q. DNA can be very confusing; is that right?

20 A. It's possible.

21 Q. All right. Tell me, you can get DNA from hair,
22 correct?

23 A. I can get it from the root of hair.

24 Q. The root of hair?

25 A. Not the entire hair shaft.

1 Q. You can get it from bodily fluids like blood?
2 A. That's correct.
3 Q. Semen? Saliva?
4 A. Yes, sir.
5 Q. Okay. You also have touch DNA; is that right?
6 A. That's correct.
7 Q. Okay. Now, to break this down. You didn't
8 find any of Adam Lawless's blood in the house of [REDACTED]
9 [REDACTED] Street; is that right?
10 A. I cannot say that for sure. I found blood
11 on -- there was an indication of blood on many of
12 the items. However, many of those items were
13 mixtures so I cannot tell you if it's a mixture of
14 blood and touch or blood and some other skin cells
15 or saliva or something like that. I tested for
16 blood and I also developed a DNA profile. Some of
17 them were mixtures of more than one person. So it
18 could be from both blood sources or it could be from
19 two different sources.
20 Q. That's right. Two different. And you don't
21 know.
22 A. I do not know.
23 Q. You do not know?
24 A. Correct.
25 Q. All right. And touch DNA. Explain to the jury

1 what touch DNA -- you didn't explain that, but if
2 you could explain to the jury touch DNA.

3 A. Yeah, I sort -- I sort of hinted on it, but I
4 did not explain it very well. So touch DNA is what
5 we determine, any time you touch an item, you have
6 the possibility of leaving your skin cells behind.
7 Some people sluff off more cells than others, but
8 everybody will leave it -- leave touch DNA behind.

9 The success or ability to get a DNA profile
10 from touch DNA determines on a lot of different
11 things, like how often I touch it. So the steering
12 wheel of my car. I'm going to expect my DNA profile
13 on it because I touch it multiple times a day.
14 Maybe right here (indicating) when I touch that
15 surface, I may not have left any DNA behind. So I
16 did touch it, but I may not be -- my DNA profile may
17 not be detected because I didn't leave DNA behind or
18 enough DNA behind.

19 It also factors if I have something on like if
20 I have a barrier, like my clothing or a glove or
21 something like that when I touch an object, I'm not
22 going to leave it behind because my cells are not
23 touching the item.

24 It also depends on how well or often it's
25 cleaned. Cleaning will remove the DNA from an

1 object. It also determines how hard I touch it. So
2 if I touch it lightly, I may not leave DNA behind or
3 if I rub something, I'm more likely to leave DNA
4 behind. So it definitely varies on if we all get a
5 DNA profile from touch DNA.

6 Q. And you can't tell the time frame of when this
7 DNA was deposited; is that right?

8 A. No, sir. I cannot tell you when the DNA got
9 there or how it got there.

10 Q. You can't tell the -- you can't tell the jury
11 how -- what -- under what circumstances this DNA
12 came to be where it's at; is that right?

13 A. No, sir. I cannot.

14 Q. Okay. And you cannot -- well, you can't
15 determine the source of the DNA; is that right?

16 A. I'm not sure ---

17 Q. Blood? Saliva?

18 A. That is correct.

19 Q. Okay.

20 A. I can tell that blood was present, but I can't
21 tell you whose DNA came from what line of clothes or
22 other skin cells.

23 Q. Now, these items that you tested were from [REDACTED]
24 [REDACTED] Street?

25 A. I -- I -- I know it's a residence. I do not

1 know the address at the time in my head.

2 Q. But these items came out of my -- Mr. Lawless's
3 home?

4 A. That's how it was described to me. Yes, sir.

5 Q. And it is purely -- his DNA is expected to be
6 all over that house; is that right?

7 A. I would expect it. Yes, sir.

8 Q. So his DNA would be on steak knives in the
9 kitchen. If he's uses knives to cut food or touches
10 knives or if -- if the knives were in the kitchen
11 out of the butcher's block, it would be expected
12 that his DNA would be on those knives; is that
13 right?

14 A. It's possible. Again, it depends on how well
15 they were cleaned. So cleaning may remove that DNA
16 how often they're touched, but it's definitely
17 possible to leave your DNA behind on your household
18 objects.

19 Q. But this definitely -- you did basically -- you
20 did touch DNA analysis on these items that you
21 tested; is that right?

22 A. Essentially any DNA which would've -- would
23 include it would be touch DNA.

24 Q. And you -- I'm just going to go through. You
25 had -- and, again, this is a purely reasonable

1 innocent explanation why his DNA would be found on
2 items in that house; is that right?

3 A. That's correct.

4 Q. Okay. If I touch this box and kind of press
5 down, my DNA could possibly be on that box; is that
6 right?

7 A. Yes, sir. That's correct.

8 Q. And you did find multiple contributors --
9 multiple male contributors to -- to these items that
10 you tested in the house that you do not -- you do
11 not have any standard for; is that right?

12 A. I developed DNA profiles, especially the Y-STR
13 profiles, were a mixture. Some of them were
14 mixtures I couldn't interpret. I only compared the
15 known standards submitted in the case, as well as
16 our agency database. And some of those, I could
17 make comparisons and it matched someone in the case.
18 Other of those profiles were insufficient for
19 interpretation, meaning I could not compare it to
20 anybody, whether it be someone in the case or
21 someone who hasn't been submitted in the case. I
22 couldn't make any comparison to those profiles.

23 Q. Okay. But on the analysis you did on 2.1,
24 that's swabs from the top and bottom of the handle
25 of Item 2. That's the silver knife in the kitchen

1 floor; is that right?

2 A. Yes. That is the swabs from ---

3 Q. All right. And that was a -- that was a
4 mixture of two individuals; is that correct?

5 A. Yes. I interpreted it as a mixture of two
6 individuals.

7 Q. And with Tabatha Duncan and an unidentified
8 unrelated individual was approximately 30
9 quintillion times more likely?

10 A. Yes. The DNA -- the DNA profile I developed is
11 30 times -- 30 quintillion times more likely that it
12 was Tabatha Duncan and somebody else contributing to
13 that profile.

14 Q. And that random -- and that -- well, let me
15 back up. So -- and then Adam Lawless was excluded
16 from that -- that analysis; is that right?

17 A. Yes. Adam Lawless was excluded from that
18 profile.

19 Q. But there was another -- there was an
20 indication of another -- there was another male DNA
21 that was in that mixture; is that right?

22 A. There's another contributor to that mixture and
23 then the Y-STR profile I developed was insufficient
24 for comparison. Yes, sir.

25 Q. There's some -- I'm sorry.

1 A. There is some male DNA there, but it was not --
2 that Y-STR profile, I could not interpret or compare
3 to anybody.

4 Q. Now, the joint -- swabs of the joints of the
5 blade and handle of Item 3 was the silver knife on
6 Marker 4. Do you know where that was located?

7 A. Marker 4? I don't -- I was not at the scene,
8 so I do not know firsthand. I could refer to the
9 crime scene notes.

10 Q. Now, you had said that that had -- that was a
11 Y-STR profile matching the Y-STR profile of Adam
12 Lawless and WL is that right?

13 A. That's correct. Yes, sir.

14 Q. And, again, there was a perfectly -- if his --
15 if that steak knife had been used by Adam or WL
16 in the house to cut food or to do anything, if they
17 touch it, it's going to be, that D -- their DNA will
18 be on that item; is that right?

19 A. It's possible for them to leave their DNA
20 behind by touching it.

21 Q. Okay. Now, you said this probability of random
22 selection of -- the probability of randomly
23 selecting an unidentified unrelated male individual
24 having a Y-STR profile matching this item is
25 approximately 1 in 11,000; is that right?

1 A. That's correct.

2 Q. One in 11,000, that is based on what? What
3 ratio are you looking at? What ratio do you use or
4 what rate -- how do you determine or what is the
5 significance of 1 in 1100 [sic]?

6 A. So we use the Y -- Y-STR statistics, they use a
7 counting method. So unlike our autosomal DNA where
8 our profiles -- our chromosomes are inherited at
9 random, the "Y" chromosome is inherited as a whole,
10 so we have to use the counting method. The counting
11 method is -- there is a national database and it's
12 how many times it's seen in that database is
13 essentially how they do the statistics.

14 So it means if I test 11,000 people, I expect
15 to see that profile -- that Y-STR profile or someone
16 having that Y-STR profile once, so out of every
17 11,000 people I test.

18 Q. And that is out of everybody in the United
19 States?

20 A. Yes. Or probably even the world.

21 Q. In the world?

22 A. Uh-huh.

23 Q. That's 1 out of 1100 out of the entire world?

24 A. That would be correct.

25 Q. That's a lot of people?

1 A. Yes, sir.

2 Q. All right. And then your swab -- then you
3 swabbed on 3.2, the top and bottom edge of handle of
4 Item 3. That's the silver knife on Marker 4; is
5 that right?

6 A. That's correct.

7 Q. So you had a D -- DNA profile of two
8 individuals?

9 A. Yes.

10 Q. Now, Adam Lawless was excluded from that
11 result; is that right?

12 A. Yes. Adam Lawless was excluded from the DNA
13 profile I developed from that item.

14 Q. That's right. All right. And then as far as
15 the partial Y-STR profile, a possible mixture of
16 Adam Lawless and WL is that correct?

17 A. No. So I developed a Y-STR profile that is a
18 mixture of at least two individuals. The major
19 contributor to that Y-STR profile matches both Adam
20 Lawless and WL

21 Q. Which is, again, there is consistent innocent
22 ordinary reasons why their DNA would be on that
23 item; is that right?

24 A. It is possible.

25 Q. Okay. And then you said the probability of

1 randomly selecting an unrelated male individual
2 having a Y-STR profile matching the major
3 contributor to this mixture is approximately 1 in
4 108?

5 A. That's correct.

6 Q. That's a lot of people.

7 A. Well, if I understand your question correctly,
8 yes, it is. It's not a very rare statistic. So if
9 I test 180 people, I would expect to see that Y-STR
10 profile once.

11 Q. So 1 in 80 based on your -- what you said the
12 entire world; is that right?

13 A. Right. And this is -- this statistic is lower
14 because it's a partial Y-STR profile. With the
15 other item I just talked about, I had the entire
16 Y-STR profile, so I had more information making it
17 more rare, so that's why this number is lower than
18 the other number, the 1100.

19 Q. And then you had swabs for -- swabs from the
20 handle and the blade of Item 4?

21 A. That's correct.

22 Q. That silver knife in Marker 5. That was --
23 that was positive for the DNA profile of Tabatha
24 Duncan; is that right?

25 A. So, yes. Tabatha Duncan matched her -- the DNA

1 profile of Tabatha -- Tabatha Duncan matched the DNA
2 profile I developed.

3 Q. On the knife in Marker 5, there was presumptive
4 testing the blood was positive; is that right?

5 A. On Item 4.1, yes, sir.

6 Q. And that matches Tab -- that matches --
7 matches -- matched the DNA profile of Tabatha
8 Duncan, correct?

9 A. The DNA profile I developed matched the DNA
10 profile of Tabatha Duncan.

11 Q. Okay. And then the Y-STR profile is a possible
12 mixture and was insufficient for comparison?

13 A. That's correct.

14 Q. There was DN -- male -- there was male DNA
15 within that the mix, but you couldn't make a
16 comparison?

17 A. No. That is very true. Yes, sir.

18 Q. And, in fact, Adam Lawless was excluded as a
19 contributor to that mixture; is that right?

20 A. Are you -- we still talking about in 4.1?

21 Q. I'm looking at 4 point -- no. I'm sorry. 4.2.
22 4.2. I'm going to 4.2. That's the top and bottom
23 edge of the handle of Item 4. That's -- that's
24 again the silver knife in Marker 5; is that right?

25 A. Yes, sir. So from the DNA profile I developed

1 from that Item 4.2, Adam Lawless was excluded as a
2 contributor to the mixture under the listed
3 propositions.

4 Q. But the DNI -- DNA profile was a mixture of two
5 individuals; is that right?

6 A. That's correct.

7 Q. There was male DNA in that mixture, but you
8 could not -- that was insufficient for comparison?

9 A. So we're comparing apples and oranges again.
10 So the DNA profile I developed was a mixture of two
11 individuals. The Y-STR profile developed is a
12 partial profile and insufficient for comparison, the
13 two different profiles.

14 Q. Okay. But Adam Lawless was excluded as a
15 contributor; is that right?

16 A. From the DNA profile. I could not make any
17 comparisons to the Y-STR profile.

18 Q. And, again, ma'am, any -- these items in the
19 house, again, there's an explanation of -- there's a
20 reasonable explanation -- explanation or innocent
21 explanation of why Adam Lawless's DNA would be on
22 these items; is that right?

23 A. It is possible for his DNA to be on it for
24 other reasons. Yes, sir.

25 Q. And you don't know when it was deposited; is

1 that right?

2 A. That's correct.

3 Q. You don't know how it was contributed; is that
4 right?

5 A. That is correct.

6 Q. So on the -- and, obviously, if we're talking
7 about exterior and interior doors, doorknobs, you
8 would expect the homeowner, the person who lived in
9 that house, to have their DNA all over that; is that
10 right?

11 A. Depending on how well it's cleaned, yes. I
12 would expect from my door handle in my house, I
13 would definitely expect my DNA to be on that door
14 handle.

15 Q. Now, I'm going to go to the -- to 12.1. That's
16 the cutting of the blue sheet from the cot in the
17 girl's room.

18 A. Okay. So I have found it in my report.

19 Q. Now, you found -- you had a DNA profile that
20 was interpreted as a -- as a mixture originating of
21 two individuals, correct?

22 A. Yes. The DNA profile I developed was suitable
23 for comparison and I determined it's a mixture of
24 two individuals.

25 Q. Okay. Now, did you -- you didn't get the whole

1 sheet, the whole blanket, did you?

2 A. SLED did, but that went to Verona Herrera who
3 screened it for the possibility of blood staining
4 and she found a spot that tested positive for blood
5 and that's what I got. So I physically only got the
6 cutting, but SLED got the whole sheet.

7 Q. Would you have gotten all the blood from the
8 sheet or would you have gotten -- if there were
9 multiple blood or would you just get one?

10 A. I'm unsure actually. So our policies have
11 changed since 2018. Back then, we would do -- if we
12 only suspected one bleeder, we may have only cut --
13 done one cutting because we're only looking for one
14 bleeder. However, our policy now is that we take
15 every blood spot, so I'm unsure if there was more
16 blood on that item or not.

17 Q. Okay. So you don't know?

18 A. That's correct.

19 Q. And you didn't get the whole sheet?

20 A. That's correct.

21 Q. Did you receive any hairs from the sheet?

22 A. No, sir. I did not.

23 Q. Did you receive any -- like a nose ring or an
24 earring?

25 A. I did not.

1 Q. All right. And, in fact, Adam Lawless was
2 excluded as the contributor to that mixture on that
3 sheet; is that right?

4 A. Yes. That's correct, from the autosomal or DNA
5 profile I developed.

6 Q. And then the partial Y-STR profile was
7 insufficient for interpretation?

8 A. That is correct.

9 Q. And the blue in color fingernail from the cot
10 in the girl's room, that profile -- DNA profile
11 matched Tabatha Duncan; is that right?

12 A. Yes. The DNA profile I developed matched her.

13 Q. And the partial Y-STR profile was insufficient
14 for comparison?

15 A. That's correct.

16 Q. All right. I'm going to direct you, ma'am, to
17 Item No. 27.

18 A. Okay.

19 Q. All right. And that was the right hand
20 fingernails and fingernail scraping; is that -- of
21 Tabatha Duncan; is that right?

22 A. That's correct.

23 Q. And did you receive them from Ms. Duncan's
24 autopsy?

25 A. That's correct.

1 Q. All right. And the DNA profile is consistent
2 with the DNA profile of Tabatha Duncan; is that
3 correct?

4 A. That is correct.

5 Q. And the Y-STR profile is a mixture of at least
6 two male individuals?

7 A. Yes, sir.

8 Q. Okay. And the partial Y-STR profile of the
9 major contributor to this mixture is from an
10 unidentified male individual, right?

11 A. That's correct.

12 Q. Okay. And you've done -- now, this -- this
13 test was a STRmix test; that's right?

14 A. I used STRmix to assist in the interpretation
15 of this in my supplemental report. So I did five
16 reports without STRmix. Then we brought STRmix
17 online and that is -- again, it's a tool for the
18 interpretation. It does not affect any -- or the
19 development of a DNA profile.

20 Q. And that -- that's correct. That's fine.
21 You've done multiple reports. You've done multiple
22 testing of these items; is that right?

23 A. I test the item once. The additional reports
24 would be additional items submitted to me for
25 testing or additional comparison standards submitted

1 to me for testing, but I only test the item one
2 time. I only develop a DNA profile one time.

3 Q. But there are multiple reports?

4 A. That is correct.

5 Q. Okay. And every single report dealing with the
6 right hand fingernail is the fingernail scrapings of
7 Tabatha Duncan that was taken at the autopsy were a
8 partial -- was an STR profile of two male
9 individuals, right?

10 A. That's correct.

11 Q. And that the partial Y-STR profile of the major
12 contributor to that mixture was from an unidentified
13 male individual?

14 A. That's correct.

15 Q. And the partial Y-STR profile, the minor
16 contributors to this mixture is insufficient for
17 comparison; is that right?

18 A. That's correct.

19 Q. But there are two individuals in that mix?

20 A. It's at least two male individuals.

21 Q. At least two. And the major contributor is of
22 an unidentified male; is that right?

23 A. That's correct. So any of the comparison
24 standards that were submitted to me in this case, it
25 did not match any of those males.

1 Q. All right. Now, there was also a hair found
2 from Tabatha Duncan's right hand?

3 A. Yes, sir.

4 Q. And that was during the autopsy?

5 A. I believe so. Yes, sir.

6 Q. Okay. And then you received that hair from the
7 autopsy. You -- there was -- there was no roots so
8 you couldn't do an analysis?

9 A. That's correct. So I looked at the hair under
10 the microscope to see if I could see a root and
11 there was no root material present, so I did not do
12 DNA analysis on it.

13 Q. Is there any other analysis that you could've
14 done on that hair?

15 A. Not at SLED.

16 Q. Okay. And is there -- is -- but there's other
17 testing that could be done?

18 A. So that shaft of the hair, so the most of your
19 hair is the shaft. It can be sent off for
20 mitochondrial DNA testing. However, like Y-STR
21 testing, there's limitations. So your mitochondrial
22 DNA is passed along from your maternal side, your
23 mother's side, so it also has limitations. Again,
24 we do not perform that at SLED.

25 We will outsource it to -- or send it off to

1 the FBI. However, that was not requested in this
2 case and the FBI has a great backlog to get to do
3 that testing. And I think they have lots of
4 requirements too for what kind of tests or what kind
5 of cases they'll accept.

6 Q. Do you know the color of this hair?

7 A. No, sir.

8 Q. All right. But there could've been further
9 testing, but it was not ordered or requested by
10 SLED?

11 A. There could -- there is no further testing that
12 could be done at SLED. However, it could've been
13 sent out for mitochondrial DNA testing if requested.

14 Q. And y'all didn't have the capability to do sort
15 of testing at SLED; is that right?

16 A. We do not do mitochondrial testing at SLED.

17 Q. But you would received -- but you did not --
18 there was no request to perform any additional or
19 try to perform any additional testing on that hair
20 that was recovered from Ms. Duncan's right hand?

21 A. That's correct.

22 MR. EPPS: Ma'am, thank you. Your Honor, I
23 have no further questions.

24 THE COURT: Any redirect?

25 MS. REEVES: Briefly.

REDIRECT EXAMINATION

BY MS. REEVES:

Q. On Item No. 3.1, I think you referenced that statistic as being 1 in 1100, and what does that mean?

A. I'm sorry. Yes. It's one in 11,000.

MS. REEVES: Thank you. No further questions.

THE COURT: Anything further from this witness?

MS. REEVES: No, sir.

THE COURT: Okay. Thank you, ma'am. Any objection to this witness being excused?

MR. EPPS: No objection, Your Honor.

THE COURT: Okay. Ma'am, you are excused.

THE WITNESS: Thank you, sir.

(Witness excused.)

THE COURT: Counsel approach.

(Sidebar discussion.)

THE COURT: Ladies and gentlemen, I -- I've conferred with the attorneys about witnesses and who's next. And I inquired with them if we had a short one we could do before lunch, but apparently the next one is going to be fairly lengthy, so we're going to go ahead and break for lunch. And I believe the witness is going to be here -- we're going to start back at 2:00 o'clock. So I hope

1 everyone has a good lunch, and we will see you at
2 2:00 o'clock.

3 (From 12:08 to 2:02 p.m., lunch recess.)

4 THE COURT: Anything from either side before we
5 bring our jury back in?

6 MS. REEVES: No, sir.

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

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

9 (At 2:03 p.m., jury entered the courtroom.)

10 THE COURT: Okay. Mr. Foreman, ladies and
11 gentlemen of the jury, I hope everyone had a good
12 lunch. We are ready to resume the trial. State,
13 call your next witness.

14 MS. REEVES: Thank you, Your Honor. May it
15 please the Court? The State calls Dr. Brett
16 Woodard.

17 (Witness approached.)

18 THE CLERK: Please raise your right hand.

19 THE WITNESS: (Complying.)

20 THE CLERK: Do you solemnly swear or affirm the
21 testimony you give this Court will be the truth, the
22 whole truth, and nothing but the truth?

23 THE WITNESS: I do.

24 THE CLERK: Thank you. Please have a seat in
25 our witness chair.

1 THE WITNESS: (Complying.)

2 THE CLERK: If you would, please state your
3 full name for the record and spell your last name.

4 THE WITNESS: Brett Houghton Woodard,
5 W-o-o-d-a-r-d.

6 DR. BRETT WOODARD,
7 having been produced and first duly sworn as a
8 witness on behalf of the State, then testified as
9 follows:

10 DIRECT EXAMINATION

11 BY MS. REEVES:

12 Q. Good afternoon, Dr. Woodard. What is your
13 occupation of profession?

14 A. I'm a medical doctor and I'm a forensic
15 pathologist by specialty.

16 Q. What is a forensic pathologist?

17 A. It's a person who learns pathology, a
18 subspecialty in medicine, and then takes additional
19 training to interpret injuries and interpret those
20 injuries in relationship to any disease process that
21 may be present and determine if any disease or
22 medication problem exists that may have resulted in
23 injury or death to a person.

24 Q. Describe your educational background for us.

25 A. I got my baccalaureate degree in science at the

1 University of Pittsburgh. I received my medical
2 degree from Tulane University School of Medicine in
3 New Orleans. I did internship at the Charity
4 Hospital of New Orleans. I did residency training
5 in pathology at Duke University Medical Center. I
6 did fellowship training in forensic pathology at the
7 North Carolina Medical Examiner's Office.

8 I've practiced here in South Carolina at the
9 Anderson Hospital with Piedmont Pathology since 1982
10 to 2018, and I've been doing nothing but forensic
11 pathology since that time.

12 Q. What are your some of your duties as a
13 pathologist?

14 A. My duties today exist of examining usually dead
15 people, determining what the cause of various
16 injuries on that dead person is, and determine if
17 those injuries resulted in their death, and how
18 those injuries may have occurred to them.

19 Q. How many autopsies have you performed?

20 A. It's been variable over the years, between 220
21 to 350 up until about 2016. Since that date, I've
22 cut back my practice, and currently I'm doing about
23 70 autopsies a year.

24 Q. Have you been qualified as an expert before?

25 A. Yes.

1 Q. How many times?

2 A. Multiple times in South Carolina, as well as
3 other jurisdictions.

4 Q. In this court, as well?

5 A. Yes, I have.

6 MS. REEVES: Your Honor, I'd like to move to
7 have Dr. Woodard qualified as an expert in forensic
8 pathology.

9 THE COURT: Any objection?

10 MR. EPPS: No objection, Your Honor.

11 THE COURT: The witness is deemed an expert in
12 forensic pathology without objection.

13 BY MS. REEVES:

14 Q. Dr. Woodard, were you -- did you perform an
15 autopsy on the victim, Tabatha Duncan, in this case?

16 A. Yes, I did.

17 Q. When was that performed?

18 A. The autopsy was performed on the 13th of
19 March 2018.

20 Q. What procedure is generally followed when you
21 perform an autopsy?

22 A. We perform a standard autopsy. We perform all
23 autopsies the same way. We receive the deceased as
24 they were dressed at the time of their death. We
25 examine the clothing for any injuries that are on

1 the clothing that may be transmitted into the inside
2 of the body. We preserve the clothing so if there's
3 any evidence attached to the clothing, SLED's
4 investigators can get it and examine it.

5 We then look at the body and look for injuries
6 on the surface of the body. We document the
7 injuries on the surface of the body, usually by
8 majoring them in relationship to a known anatomic
9 point on the body like the head. Sometimes we'll
10 also secondarily identify them like on the chest if
11 they're the front or the back of the chest or so far
12 from beyond the likeness or whatever.

13 Then we open the body up with a usual incision.
14 It's done so that we can look at the undersurface,
15 the fat of the body, because injuries that are in
16 the fat won't necessarily have displayed themselves
17 into the skin yet.

18 We also look for paths that sharp course like
19 stabbing wounds or projectiles like gunshot wounds
20 may be passed through the body to give us an idea of
21 where to look inside the body for the injury they
22 may have caused.

23 We then open the body, look at the organs
24 separately to see which organs have been injured.
25 Is there anything inappropriate around the organs

1 like blood or air, and was there any natural disease
2 that may have made this person more susceptible to
3 this injury than a healthier person.

4 Q. And after receiving Tabatha Duncan, could you
5 tell about how tall or how heavy she was?

6 A. She was a very thin person. She was 66 inches
7 tall, 5-foot-6. She weighed approximately 110
8 pounds.

9 Q. And what was she wearing?

10 A. She was wearing a shirt, camisole, bra, blue
11 jean pants, long underwear bottoms, and socks.

12 Q. Did you note injuries to Tabatha's body?

13 A. I'm sorry. I couldn't hear you.

14 Q. Did you note injuries to Tabatha's body?

15 A. Yes, I did.

16 Q. Did you prepare a diagram to help you
17 illustrate those?

18 A. Yes, I did.

19 Q. May I see that, please?

20 A. (Complying.)

21 Q. Thank you. Dr. Woodard, I'm going to hand you
22 back -- or, actually, may I put it on the -- well,
23 hand this back to you. Is this what you prepared
24 from your notes ---

25 A. Yes.

1 Q. --- of this autopsy?

2 A. Yes, it is.

3 Q. And, again, would this aid in your testimony of
4 talking about what happened to Ms. Duncan?

5 A. It -- I hope it will make it clearer to the
6 jury.

7 MS. REEVES: Your Honor, I'd like to admit
8 State's Exhibit No. 31 into evidence.

9 THE COURT: Any objection?

10 MR. EPPS: No objection.

11 THE COURT: All right. So State's Exhibit
12 No. 31 would be admitted without objection.

13 (State's Exhibit No. 31 was received into
14 evidence.)

15 BY MS. REEVES:

16 Q. Thank you. Now, Doctor, do you think it would
17 be more helpful to come down so you can use this
18 screen to point?

19 A. Yes, I would.

20 Q. Would you mind?

21 A. (Complying.) This is the front and back of a
22 standardized female drawing. I tried to use
23 different colors of ink to try and make the
24 difference between tears in the skin and sharp force
25 trauma different. I think it comes up a little

1 clearer on the back. You can see the stab wounds in
2 blue on the back.

3 Starting with the front, there was bruising
4 around the left eye, both the eyelid, upper and
5 lower eyelids. There was a bruise on the nose up
6 under the forehead. There was a bruise above the
7 right eye. There was a scrape on the right cheek.
8 And there was a tear in the skin on the right scalp
9 and on the left scalp. And on the left scalp, it
10 went around the edge of the head over toward the
11 area above the ear.

12 The -- additionally, there was a cut on the
13 left side of the neck that didn't go terribly deep.
14 It didn't make it to the major vessels of the neck,
15 the carotid artery and the jugular vein, but it did
16 cut the muscles and would've produced a significant
17 amount of bleeding.

18 There was a bruise underneath the chin on the
19 left side. And this was associated with some
20 chipping of the internal teeth where the teeth had
21 come together and chipped the tops of each other.
22 There also was a small stab wound that just barely
23 went into the subcutaneous fat.

24 Looking more onto the back side, on the right
25 side of the back, we see seven sharp force trauma

1 injuries, stab injuries, that a portion of these
2 went into the underlying lung letting air into the
3 lung around the lung, which we call a pneumothorax,
4 and causing the lung to breathe, which we call a
5 hemothorax, or blood around the lung.

6 There were superficial cuts associated with
7 those, which could be the knife being dragged out
8 before it's put back in, or could've been
9 independent cuts that were administered to the skin.

10 Some of these wounds demonstrated what we call
11 "motion." When a knife goes in, it produces an
12 oblong wound. It doesn't have two tails. It tends
13 to have one tail. These had two tails telling me
14 that either she moved while the knife was in there,
15 or the knife was moved once it was in her body.

16 The same was true on the right side, though
17 there were fewer, there were just three stab wounds
18 on the right side, that went into -- excuse me -- on
19 the left side. They went into the left lung that
20 produced cuts into the left lung, produced air
21 around the left lung, produced blood around the left
22 lung, just as we saw in the right lung.

23 There was a large scrape that came up over her
24 shoulder headed toward the front, and she had a big
25 bruise behind her left ear as we see in that area.

1 She had some scrapes over where your hip bones
2 come to the front. She had some scrapes in those
3 areas. She had superficial scrapes on her fingers
4 on her left hand. On the -- she had bruises and
5 scrapes on her left forearm. She had scrapes across
6 her right elbow, and she had an older injury on her
7 right hand between the first and the second fingers
8 in this web area of her right hand. It was scabbed
9 over and had occurred some time other than during
10 this attack.

11 Q. Thank you, Dr. Woodard. You, I believe,
12 mentioned the difference between a stabbing and a
13 cutting wound?

14 A. A cut is longer than it is deep, and a stab is
15 deeper than it is long.

16 Q. And she had both?

17 A. She had both.

18 Q. I believe you also mentioned the cut to her
19 neck. Would that have caused her death?

20 A. No. If you'd been present in the room, it
21 would've been quite impressive to you, but a towel
22 across her neck and a 911 would've saved her life.

23 Q. Was there also bruising to her neck?

24 A. Yes, there was. And there was a petechia eye,
25 which is hemorrhage into the sclera o f her eyes,

1 which is usually associated with closing off the
2 blood vessels for a period of time and then the
3 blood restarting so that it causes little tiny
4 capillaries to blow out. It is common in neck
5 compression.

6 Q. So explain that compression. Would her
7 injuries have been consistent with that?

8 A. Yes. On the left side.

9 Q. And is that always like a strangulation with
10 hands or what can that be from?

11 A. It can be someone taking a forearm coming
12 across a portion of her neck. It could be someone
13 coming from the front with a hand.

14 Q. Did you see any individual hand bruising or
15 thumbprints or anything like that?

16 A. I saw no clear delineated thumbprints. I did
17 see injuries to her right forearm that suggested a
18 hand grip.

19 Q. I think you mentioned a subarachnoid or an
20 injury to her forehead. I'm not sure if you called
21 it a subarachnoid.

22 A. Yeah. No. That's inside the head. That's
23 bleeding around the brain itself and is caused by
24 violent blows to the head. The type of blows that
25 result in splitting of the scalp and are associated

1 with underlying contusional injuries that don't
2 produce something immediately that you can see
3 pathologically.

4 Q. And is that what you saw on Ms. Duncan when
5 you ---

6 A. Yes.

7 Q. --- looked internally? Could that have killed
8 her?

9 A. It would've stunned her up to the point of
10 perhaps making her temporarily unconscious.

11 Q. Did you note if she had a nose ring in?

12 A. She did not have a nose ring when I saw her.

13 Q. You noted other jewelry that she was wearing?

14 A. Yes. She had a stud-type ring in her right
15 ear -- excuse me -- and her umbilicus and in her
16 right upper lip.

17 Q. Umbilicus? What's that?

18 A. Umbilical cord; belly button.

19 Q. What do -- what, if anything, did the linear
20 abrasions to her left arm tell you?

21 A. They suggest that someone is attempting to
22 control that arm.

23 Q. And I think you mentioned this, but just again.
24 You mentioned that she had bruising to the front of
25 her hips. What does that suggest?

1 A. Yeah, it was scraping that suggests that while
2 she's forward against a hard surface, there's some
3 degree of motion occurring to her and so her skin is
4 against that hard surface. And in the rubbing
5 process, it barely tears the surface of the skin.

6 Q. Can that be consistent with a fall?

7 A. No. A fall would've produced a bruise. This
8 takes motion. It requires motion.

9 Q. You mentioned an injury to her hand possibly
10 being older than some other ones.

11 A. Yeah, there was a super -- between the web of
12 the first and second finger, there was a superficial
13 injury that appeared to be in the early stages of
14 scabbing that suggested that it had occurred some
15 time before this or multiple hours before this
16 attack.

17 Q. What, if anything, did she have in her stomach?

18 A. She had mucus which is common, but it was a
19 little bit blood tinged which is consistent with a
20 blow to her face and upper lip that she had would've
21 resulted in some blood that would've gone down into
22 her stomach.

23 Q. And what could you tell about her chipped
24 teeth?

25 A. The chipped teeth would suggest that she's had

1 a violent blow to her jaw, like when the teeth would
2 come suddenly together or when the jaw was struck by
3 a hand or foot or object. And we did see the
4 bruising on her -- on her mandible, her lower jaw.

5 Q. Can you give an opinion about the order of
6 these wounds?

7 A. It would seem most likely that she was attacked
8 from the front, but I can't tell you which wounds
9 was the first or last.

10 Q. Which would've killed her? Which injury
11 would've killed her?

12 A. The injuries to the back of the chest that
13 resulted in cuts to the lungs.

14 Q. In your expert opinion, are these stab wounds
15 consistent with being caused by a steak knife?

16 A. Yes.

17 Q. And were you able to determine a time of her
18 death?

19 A. No. I didn't see her until the day after her
20 death.

21 Q. What goes into making that determination about
22 time of death?

23 A. Well, obviously, like an Apple watch that tells
24 you when the heart stopped. But short of something
25 like that, we use crude measurements of body

1 temperature, the degree of rigor mortis, if the
2 settling of the blood has occurred and has become
3 thick so it won't resettle in a different position.

4 Any kind of historical information that might
5 happen around the house. Someone spoke to her at a
6 certain time on the telephone, and then called her
7 back and she didn't answer. All those things would
8 go into doing it, but at best, unlike television,
9 those determinations are rather crude.

10 Q. So is that an exact science that you can just
11 determine?

12 A. No, it's not.

13 Q. Are there many variables as you were saying
14 that go into that?

15 A. Absolutely.

16 Q. So if you were -- even if you were provided
17 with that information maybe about how she looked at
18 the scene and the other measurements that were
19 taken, would you offer an estimate as to time of
20 death?

21 A. No. I wouldn't.

22 Q. In your expert opinion, what was the cause of
23 Ms. Duncan's death?

24 A. Stab wounds with resultant, stab injuries to
25 the lungs with bleeding and air going around the

1 lungs, hemopneumothorax.

2 Q. And as a result, what was the manner of her
3 death ruled?

4 A. A homicide.

5 MS. REEVES: Dr. Woodard, I have no further
6 questions. Thank you.

7 THE COURT: Cross-examination.

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

9 CROSS-EXAMINATION

10 BY MR. EPPS:

11 Q. Dr. Woodard, how are you?

12 A. Alright.

13 Q. Ms. Duncan, you -- you got -- you performed
14 this autopsy on March 13th of 2018; is that right?

15 A. That's correct.

16 Q. Okay. And what time did this -- did you
17 perform this autopsy?

18 A. 11:00 a.m. in the morning.

19 Q. Okay. And you got Ms. Duncan as she was
20 clothed as she was found on the scene; is that
21 right?

22 A. That's what I was told.

23 Q. And that included panties?

24 A. Let me get to that for you. That -- that
25 included a shirt, a camisole, a bra, blue jean

1 pants, long underwear, socks.

2 Q. And so did it appear that she was dressed as
3 she was about to start her day?

4 A. That's what I would assume from that dress.
5 Yes, sir.

6 Q. All right. So when you got -- and you --
7 obviously, what you describe and what you found in
8 your autopsy, this was a -- would you character --
9 it is an extremely violent event; is that right?

10 A. It was very violent. It's what we refer to as
11 "overkill."

12 Q. Overkill. Extreme -- would you characterize it
13 as "extreme overkill"?

14 A. I'd just use the term overkill.

15 Q. Overkill.

16 A. I think extreme is really unnecessary.

17 Q. Yes, sir. Overkill?

18 A. Yes, sir.

19 Q. It was a brutal, brutal attack and injuries; is
20 that right?

21 A. That's correct.

22 Q. Okay. That would you say was sustained over a
23 period of time?

24 A. The -- while she had an older injury to her
25 right hand, the injuries that the bruising, the

1 splitting of the scalp, the stab wounds, all of
2 those occurred in a short window of time.

3 Q. Okay. And there was blunt force trauma to her
4 -- her head; is that right?

5 A. That's correct.

6 Q. All right. What's called "bleeding on the
7 brain"?

8 A. Just outside the brain.

9 Q. Just -- all right. And she had a -- she had
10 contusions and bruises and cuts on her face, right?

11 A. That's correct.

12 Q. She was hit in the face with hands or some --
13 some object; is that right?

14 A. Some object.

15 Q. Some object. And they caused extensive
16 injuries?

17 A. That's correct.

18 Q. And you -- and she was stabbed, as you
19 testified, multiple times in the back. And you said
20 that some -- there was motion?

21 A. Either they -- there was evidence that there
22 was motion when the stab occurred, either when
23 pulling it out, the perpetrator changed directions
24 or the deceased moved underneath the knife.

25 Q. All right. And there were bruises and

1 contusions on her -- on her -- on her hands as well
2 as her forearms; is that right?

3 A. That's correct.

4 Q. Is that consistent with defensive wounds?

5 A. Yes, it would be.

6 Q. Okay. So is it your opinion that Ms. Duncan
7 fought her attacker?

8 A. Yes, it is.

9 Q. Okay. Is it your opinion that Ms. Duncan was
10 obviously -- she was fighting her attacker as well
11 as trying to move from her attacker? Is that your
12 opinion?

13 A. I can't say with the knife wounds if she was
14 trying to move away or if she was already
15 incapacitated and the stabber was moving. The --
16 certainly, while she's facing the attacker, she's
17 making some effort to pull her arms away, and I
18 would assume pull herself.

19 Q. Okay. So, again, it's your opinion that she
20 is -- she -- she is -- she is fighting her attacker?
21 She's got defensive wounds to suggest that she
22 fought the person that did this; is that right?

23 A. That's correct.

24 Q. Okay. Now, do you know what happened? I know
25 you've got the -- were you aware -- were you given

1 the information about what happened or where this
2 attack took place in this house?

3 A. I -- I was told it was a laundry area.

4 Q. Okay. If I told you there were three places
5 where something happened in this house, there was a
6 little girl's room, FL's [REDACTED] room, where SLED found
7 a -- a fingernail, blood on a cot, as well as a nose
8 ring. There was a struggle in that room.

9 There was the kitchen area that had blood in
10 the center of the kitchen area. The killing
11 weapon -- the knives that were involved in this came
12 from the butchers block in the kitchen. There were
13 steak knives that didn't have any hand guards.

14 There -- if you leave the kitchen area, there
15 is the dining room area. There's some blood
16 transfer on the -- on the dining room table. And
17 then there's an open den area and there's a door
18 that goes in the den that goes into the mudroom.
19 There's blood on the door handle going into the
20 mudroom. And, ultimately, this ends in the mudroom.

21 And the -- the weapon that was used was a steak
22 knife out of the butchers block in the kitchen.
23 That steak knife didn't have any hand guard.
24 Knowing that, that was at least a sustained attack
25 through at least three rooms in the house. Would

1 you agree with that?

2 A. From what you just told me, yes.

3 Q. And would you agree that if there was -- if
4 Ms. Duncan was fighting her attacker and this was
5 going on, this was a very violent, violent event
6 that took place throughout multiple rooms in that
7 house; is that right?

8 A. That's what you've told me.

9 Q. And would you be will -- would you -- do you
10 have an opinion as to the person that perpetrated
11 this crime, would you been looking for somebody that
12 had injuries to their person?

13 A. Yes, I would.

14 Q. Okay. And this per -- the person that -- do
15 you have an opinion as to the perpetrator of this
16 crime -- this was -- would you expect -- do you have
17 an opinion, the individual that killed Ms. Duncan in
18 this manner, would they be able to effectively do
19 this act and leave, go to work, and have a normal
20 day?

21 A. That would be a question for a psychiatrist.

22 Q. All right. Is there such a thing called --
23 is -- is -- could you render any kind of opinion as
24 to that?

25 A. We just watched that trial on television, and

1 he seemed to have a normal day after he did what he
2 did.

3 Q. But you would be -- you -- based on your
4 opinion, you would be looking for somebody who had
5 injuries about their body?

6 A. I would.

7 Q. Would it be normal, in your opinion, for
8 somebody to commit this violent crime and be able to
9 have a normal day?

10 MS. REEVES: Objection, Your Honor. I think
11 he's asked and answered.

12 THE COURT: Yeah, let's move on.

13 MR. EPPS: Yes, sir.

14 THE COURT: Let's move on.

15 BY MR. EPPS:

16 Q. Dr. Woodard, did you take -- you -- all right.
17 You, obviously, during the autopsy, did you -- did
18 you -- was DNA cards saved?

19 A. Yes. We saved DNA cards. We saved a variety
20 of specimens that could be used for toxicology,
21 because the blood we had to get was in a body cavity
22 and that could change the drug levels, so we saved
23 some liver. We took nails and exemplar hairs and I
24 swabbed some blood that didn't seem to be in an
25 appropriate place on the hands.

1 Q. Okay. There was -- you swabbed some blood on
2 her hands?

3 A. That didn't seem -- when we looked at her, at
4 the time we looked at her, it didn't seem to be in
5 an appropriate place.

6 Q. Okay. What -- what does that -- where exactly
7 were they at?

8 A. It wasn't associated with a wound or injury.
9 It was just on the surface of the hand. The
10 possibility of someone else's blood needed to be
11 excluded.

12 Q. Yes, sir. And did you happen to take -- did
13 you extract or take or swab DNA from her right hand
14 fingernails and scrapings?

15 A. We sent the right nail -- let me see where we
16 took the -- I believe it was the right hand, but let
17 me just check.

18 Q. Yes, sir.

19 A. It was the left hand.

20 Q. Okay. The left hand?

21 A. Yeah.

22 Q. All right. Did you find a -- so you didn't
23 take -- did you take any DNA from the right hand?

24 A. We took the nails.

25 Q. The nails?

1 A. Yeah.

2 Q. All right. Did you -- did you also find a hair
3 in her right hand?

4 A. Yes, we did.

5 Q. Okay. Where was that hair located?

6 A. It was on the top. What people would call the
7 top. We just call it the posterior aspect of the
8 hand because we look at people with palms out.

9 Q. Yes, sir.

10 A. And it was placed in evidence and again sent to
11 SLED.

12 Q. Did you note the color of that hair by any
13 chance?

14 A. It -- it -- it wasn't a bleach blonde hair.
15 But beyond that, I can't tell you.

16 MR. EPPS: Yes, sir. Dr. Woodard, thank you.
17 Your Honor, I have no further questions.

18 THE COURT: Any redirect?

19 MS. REEVES: Yes, sir.

20 REDIRECT EXAMINATION

21 BY MS. REEVES:

22 Q. Dr. Woodard, can you say with certainty that
23 this victim would've been dressed for the beginning
24 of the day or still been dressed from the end of the
25 day?

1 A. No, I can't.

2 Q. Okay. And as far as injuries to a perpetrator,
3 do you deal with perpetrators?

4 A. Occasionally, I'm asked to look at
5 perpetrators. Yes.

6 Q. And -- and their injuries. Okay. And if an
7 object was used to cause some of these injuries to
8 the victim, would you expect the perpetrator to have
9 injuries in that situation?

10 A. I would expect the object to have some transfer
11 from the victim, but not the perpetrator.

12 Q. And if gloves or anything were worn on top of
13 the hand or anything in between a blanket or a
14 curtain or something blocking those blows between,
15 would you expect injuries to a perpetrator?

16 A. No. It would be like wearing boxing gloves.

17 Q. So there are other variables that could account
18 for injuries to a perpetrator?

19 A. That's correct.

20 MS. REEVES: I have no further questions.

21 THE COURT: Anything further?

22 (No responses.)

23 THE COURT: Thank you, Doctor. Any -- any
24 objection to this witness being excused?

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

1 THE COURT: Doctor, you are excused.

2 THE WITNESS: Thank you.

3 (Witness excused.)

4 THE COURT: State, call your next witness.

5 MS. REEVES: Your Honor, the State calls
6 Special Agent Drew Ledbetter.

7 (Witness approached.)

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

10 THE WITNESS: (Complying.)

11 THE CLERK: Do you solemnly swear or affirm the
12 testimony you give this Court is the truth, the
13 whole truth, and nothing but the truth?

14 THE WITNESS: Yes, ma'am.

15 THE CLERK: Thank you. Please have a seat in
16 our witness chair.

17 THE WITNESS: (Complying.)

18 THE CLERK: Please state your full name for the
19 record and spell your last name.

20 THE WITNESS: Yes. Full name is Drew Simmons
21 Ledbetter. Ledbetter is spell L-e-d-b-e-t-t-e-r.

22 SPECIAL AGENT LEDBETTER,
23 having been produced and first duly sworn as a
24 witness on behalf of the State, then testified as
25 follows:

1 DIRECT EXAMINATION

2 BY MS. REEVES:

3 Q. Agent Ledbetter?

4 A. Yes, ma'am.

5 Q. Where do you work?

6 A. I work for the South Carolina Law Enforcement
7 Division, commonly known as SLED. I'm stationed in
8 the Piedmont Region of SLED, which is the 12th
9 county here in the upstate of South Carolina.

10 Q. And how long have you worked for SLED?

11 A. Be six years in June.

12 Q. What is your position?

13 A. I am a -- currently a senior special agent in
14 the Piedmont Region. The Piedmont Region is under
15 investigative services.

16 Q. So what are your duties and responsibilities as
17 a senior special agent?

18 A. So our duties and responsibilities as a senior
19 special agent in the Piedmont Region, we conduct
20 investigations at the direction of the Governor, the
21 Attorney General, or at the request of a sheriff or
22 police chief.

23 We conduct all types of investigations, ranging
24 from violent crimes to white color crimes. There's
25 usually about 13 of us in the Piedmont Region Office

1 when we're fully staffed to conduct those
2 investigations across 12 counties, field agents.

3 Q. Were you in that position or at least a special
4 agent on March 12th of 2018?

5 A. I was.

6 Q. And on that day, did you respond to [REDACTED]
7 [REDACTED] Street?

8 A. I did.

9 Q. And is that in Anderson County?

10 A. It is.

11 Q. And why did you respond to that address?

12 A. I was contacted by my lieutenant at the time,
13 Lieutenant Gene Donahue. He informed me that Iva
14 Police Department had requested our assistance with
15 a possible homicide. He instructed me to respond to
16 the location of [REDACTED] Street for that
17 possible homicide to assist them.

18 I believe at the time, he told us we were going
19 to go ahead and be lead on the investigation. When
20 we get a call for assistance, sometimes we're just
21 assisting and sometimes we're lead. I think I was
22 instructed we were going to be lead at that time,
23 meaning that SLED was going to go ahead and take,
24 you know, be directing the investigation.

25 Q. Were other agents with you?

1 A. Yes. Special Agent Michael Collins responded
2 to the -- to the location; Special Agent Charlene
3 Ezell; Special Agent Todd Schenk with SLED crime
4 scene; Special Agent, I believe, it was Tara Watson
5 with crime scene; and Ryan Matthews -- Terrance Ryan
6 Matthews with crime scene. Other agents assisted as
7 the investigation went on, but that's the ones that
8 responded that day.

9 Q. Approximately, what time did you arrive?

10 A. I would say around 3:00, 3:15 in the afternoon
11 of March 12th.

12 Q. All the agents that you just mentioned, did
13 they all arrive at the same time?

14 A. No. We were all coming from different
15 locations. I believe on that day I was -- I
16 probably responded from Abbeville or Greenwood. I
17 was working on another case. So any time we get a
18 call, we just respond from where we're at.

19 Q. When you arrived on scene, do you know who had
20 entered the crime scene before you?

21 A. When I arrived on scene, I understood that Iva
22 Police Department had responded and I believe at the
23 time he was a lieutenant, Lieutenant Chris Vaughn
24 with Iva Police Department had made the initial
25 entrance in the house.

1 As a law enforcement officer, I do know that
2 the defendant's dad, James Lawless had entered the
3 house and that was reported to us.

4 Q. Did you know of any -- any other -- anyone else
5 had entered the scene before you got there?

6 A. Before I got there, no.

7 Q. Had EMS been in?

8 A. Yes, they had. I apologize. I was thinking
9 law enforcement. Yes. EMS had went in and checked
10 on the victim to see if there's anything they
11 could've done for her.

12 Q. And who arrived -- who had entered after you
13 arrived?

14 A. After I arrived on scene, I knew the -- I
15 believe he goes by Deputy Coroner Don McCown had
16 arrived on scene. I believe he entered, I believe I
17 entered with him, and I think the chief of Iva
18 Police Department, Jason Hawkins, entered.

19 From my recollection, the reason for him
20 entering the scene was the deputy coroner wanted to
21 get an assessment of what type of situation we were
22 dealing with.

23 Q. Did Special Agent Ezell enter?

24 A. Not that I know of.

25 Q. Did you ever receive a crime scene log in this

1 case?

2 A. I did not, that I can recall. I don't believe
3 I did. SLED being an assisting agency, we do get
4 called to assist local jurisdictions, sometimes
5 small towns. Each jurisdiction has different ways
6 of doing things. It's not uncommon not to receive a
7 crime scene log and for a crime scene log not to be
8 done. In this case, I don't have one. I don't
9 believe I ever received one.

10 Q. What, if anything, did you do once you arrived?

11 A. Once I arrived on scene, I was -- we kind of
12 gathered up and received kind of details of what was
13 known to the police department -- Iva Police
14 Department at the time.

15 I understood that Lieutenant Vaughn had been
16 called out to the residence earlier in the day for
17 what I would call a welfare check. The victim's
18 sister was trying to get ahold of her. Went out to
19 the residence. Couldn't make contact with her. Had
20 contacted Iva Police Department.

21 Lieutenant Vaughn had responded. Was never
22 able to get anyone to answer the door at the
23 residence. Was -- did not hear any noise or anyone
24 inside the residence, so they had cleared. They
25 left the scene. And then I understand that they had

1 been called back to the -- to the scene.

2 At that time Lieutenant Vaughn, when he got
3 back to the scene, found James Lawless at the front.
4 The victim's sister, Tealisa Troyer at the time, was
5 out there. And he told us what proceeded after
6 that.

7 Q. Was -- when you arrived on scene, was the
8 defendant on scene?

9 A. I believe so. Yes.

10 Q. And do you know where he was?

11 A. He was in the back of an Iva police vehicle.

12 Q. Was he under arrest?

13 A. No.

14 Q. And so how did you enter the home?

15 A. I entered the home that original time through
16 the back door. And then when the crime scene
17 processing started, we entered through that back
18 door again with the crime scene team. And it was
19 the SLED's crime scene team out of Columbia.

20 Q. Special Agent Ledbetter, can you speak up a
21 little bit?

22 A. Yes. I'm sorry.

23 Q. It's okay. Why did you enter through the back
24 door again?

25 A. The -- so when crime scene gets on scene,

1 they're obviously the experts on how to handle the
2 crime scene, but the door was open around back and
3 because the entry -- the forcible entry had made
4 through the front, they made the decision that the
5 best way to preserve that evidence would be to go
6 through the back.

7 Q. And, again, did you come to find out who had
8 been through the front door?

9 A. Yes. It was the defendant's father, James
10 Lawless, and then Lieutenant Vaughn, and then EMS to
11 see if live-saving measures were appropriate.

12 Q. Once inside, what do you do?

13 A. So once as an investigator, we walk in. We get
14 the impressions of the scene. Make any observations
15 in the scene that we should note as an investigator.
16 You want to have firsthand knowledge. You want
17 to -- obviously, crime scene takes pictures and they
18 sketch it, but you want to be able to see it as the
19 investigator. You want to know what they're going
20 to provide your report about, so you go in with
21 them.

22 They're -- the SLED crime scene is responsible
23 for photographing, processing, collecting the
24 evidence. However, you want to have an idea of the
25 layout yourself. So we're going in to get that

1 mental picture, to get that exposure, to make those
2 observations, but we're trying to let crime scene do
3 their job and not disturb any evidence.

4 Q. What impressions or observations did you make
5 of this scene?

6 A. I remember the initial when I walked in, I
7 remember we came in through the kitchen. I detected
8 the odor of a cleaning agent that I -- I mean, I
9 would describe it as Clorox. I mean, that's what it
10 smelled like. I saw a mop bucket. Saw water in the
11 mop bucket. Saw the blood in the kitchen floor.

12 And we worked our way around through the living
13 room, and then to the mudroom where the victim was
14 located. I remember seeing the knife there near the
15 threshold of the door. I remember seeing that it
16 was bent and bloody or what appeared to be blood.

17 Q. What else did you observe of the home?

18 A. I observed there was a lot of items around the
19 house. I observed what appeared to be like
20 Rubbermaid containers. There was items in those
21 containers, like, what looked to me as if someone's
22 packing up. I observed there was a small child's
23 room or what appeared to be a small child's room,
24 and later determined to be. It was decorated in,
25 what -- what I would think a female's room, pink.

1 And then the normal living quarters, a bedroom and a
2 bathroom.

3 Q. Inside the kitchen, you observed blood?

4 A. Yes. Inside the kitchen, I observed blood on
5 the floor. I did observe the knife -- a knife
6 block, a knife on the floor and the kitchen, as
7 well.

8 Q. Was there another additional stain on the
9 linoleum in that kitchen?

10 A. Also, when we were in the kitchen, I observed
11 what the floor looked like. It had recently been
12 mopped or was in the process ---

13 MR. EPPS: I'm going to object to his
14 characterization of recently -- recently been
15 mopped.

16 MS. REEVES: Your Honor ---

17 THE COURT: Lay -- lay some foundation on what
18 the basis.

19 BY MS. REEVES:

20 Q. Was the floor still wet?

21 A. Yes. When -- based on my observations, the
22 floor appeared wet, and I detected that odor.

23 Q. And so was there -- the floor had been -- it
24 appeared still to be wet, but was there something on
25 the floor that appeared to be there, a stain of some

1 sort?

2 A. On -- there was blood stains on the ground or
3 what I suspected to be blood stains on the -- on the
4 linoleum or the -- the floor covering, and those --
5 what appeared to be wet to me. And I did -- that's
6 the best way I could characterize it.

7 Q. When you went into the child's room, FL's
8 room, what, if anything, did you smell or notice in
9 that room?

10 A. I don't recall smelling anything out of the
11 ordinary in that room or noticing anything out of
12 the ordinary in that room.

13 Q. So no dirty diapers? No dirty underwear?

14 A. No.

15 Q. Anything of that nature? Okay. Were phones
16 collected from the residence?

17 A. Yes. I believe there was four phones collected
18 from the residence. There was one recovered near
19 what appeared to be a fireplace or like a hearth in
20 the fireplace. It had a cracked screen.

21 There was one recovered from the front porch.
22 I say four from the residence. I believe it was
23 three from the residence.

24 There was another one additionally recovered
25 that day from the defendant or received from the

1 defendant.

2 There was one recovered from, I believe it was
3 a master bedroom. I'm not a hundred percent sure,
4 so three from the residence.

5 Q. And was a house phone and a base collected, as
6 well?

7 A. Yes.

8 Q. What were -- what, if anything, was done with
9 those cell phones?

10 A. When we take a cell phone, we -- we will take
11 it for a forensic extraction or examination. It's
12 referred to by different -- I've heard it referred
13 to as "forensic extraction." I've heard it as
14 "forensic examination," but we took those phones.
15 They're taken into evidence. They're -- they're --
16 they're kept safely.

17 In this case, we transported them. We used
18 Greenville County Sheriff's Office, I believe, for
19 those phones to do the forensic extraction, slash,
20 examination on those phones.

21 Q. And at some point did you look at the house
22 phone?

23 A. Yes, I did.

24 Q. I'm going to show you what's been previously
25 entered into evidence as State's 1-GG, HH, and II,

1 as well as State's Exhibit 33. Can you tell me what
2 State's Exhibit No. 33 is a picture of?

3 A. State's Exhibit 33 appears to be a cordless
4 handset commonly used for a landline in a house and
5 a charging base on some type of furniture and
6 there's like a nightstand, and then the back is
7 removed off the cordless handset.

8 Q. Can you tell us what the makeup of the house
9 phone appeared to be? Was there one device or two
10 devices?

11 A. So it appeared that there was a -- one device
12 or one base that had like an answering machine and
13 it had the cordless handset charging port with it so
14 it plugged in with the answer machine, and that's
15 what looked like charged that cordless handset. And
16 there looked to be another cordless -- I mean,
17 handset with a base -- charging base that didn't
18 have an answering machine. So you would have a
19 bigger base with that answering machine, and then
20 the one with just a smaller base, a cordless
21 handset.

22 Q. And those next pictures, what do those depict?

23 A. The screen of the cordless handset, looking at
24 telephone number displayed of (86[REDACTED]-6564.

25 And then another one of 82(86[REDACTED]-3294 on the

1 cordless -- on the cordless handset.

2 And then, the next picture is of what I would
3 call an entertainment system located in the living
4 room. There's a TV. And to the lower right of the
5 TV, there's that answering machine charging base
6 combo with a cordless handset in that.

7 MS. REEVES: Your Honor, State would move to
8 admit Exhibit No. 33 into evidence.

9 THE COURT: Any objection?

10 MR. EPPS: No objection.

11 THE COURT: State's Exhibit No. 33 is admitted
12 without objection.

13 (State Exhibit No. 33 was received into
14 evidence.)

15 THE COURT: Now, do you have it labeled by
16 letter subparts?

17 MS. REEVES: Yes, sir.

18 THE COURT: How many subparts?

19 MS. REEVES: No. That is just an individual.
20 These were already previously entered.

21 THE COURT: Okay. Okay. All right. Go ahead.

22 BY MS. REEVES:

23 Q. Special Agent Ledbetter, what is this a picture
24 of?

25 A. That is of that charging base in the cordless

1 handset with the battery cap or the battery cover
2 missing on that piece of furniture. I believe that
3 was located in the master bedroom.

4 Q. And was that battery connected to the phone?

5 A. I believe it was.

6 Q. But it just didn't appear to have a back to the
7 phone?

8 A. That's correct.

9 Q. This is 1-HH. Is that the screen from the home
10 phone?

11 A. Yes.

12 Q. And do you know whose number that belongs to?

13 A. I believe that is Donna Lawless, if I can refer
14 to my notes.

15 Q. Uh-huh.

16 A. Yes. Based on my investigation, I believe that
17 is Donna Lawless's number.

18 Q. And is there any timing information as far as
19 when the call came in or any of that?

20 A. No, ma'am.

21 Q. Okay. I'm going to show you 1-II.

22 A. This is the cordless phone with that
23 82(864 [REDACTED]-3294.

24 Q. And do you know whose number that belongs to?

25 A. I do not.

1 Q. Is there any identifying information as far
2 when the phone call came in?

3 A. No.

4 Q. And, finally, GG. What is that a picture of?

5 A. That is of the entertainment center located in
6 the living room of [REDACTED] Street. And then
7 as looking at the picture, if you look at the lower
8 right of the TV, you'll see that charging base with
9 the answering machine and the cordless handset.

10 Q. Did you make a request for records from the
11 local phone company?

12 A. I did. I believe the name was West Carolina.
13 It was not a -- one that I'd ever heard of, but I
14 believe it's a local phone company, and I ended up
15 requesting the phone records for the residence.

16 Q. Did you receive any?

17 A. I received no records as far as detailed call
18 records, who called, and stuff like that. I believe
19 there's some audio recordings of -- there wasn't any
20 individuals on it. It was like an automated
21 calling, but no actual call detailed records where
22 you could see who called the house or who called
23 out.

24 Q. Did this -- did this little local company keep
25 records of local calls?

1 A. They indicated they did not keep records.

2 Q. Did you speak with anyone on scene or were they
3 spoken with?

4 A. Yes. Multiple people on scene were spoken with
5 as the investigation started. Obviously, we
6 started -- we got the rundown of what occurred with
7 Iva Police Department, their response, kind of what
8 they knew to be the backstory.

9 And then I ended up speaking with Ms. Troyer,
10 Tealisa Troyer. I believe it's Tealisa Evans now.
11 And then following that, I ended up speaking with
12 members of the victim's family.

13 Q. And do you remember who they were?

14 A. Yes. Patricia Goetting, Terri Goetting, and I
15 believe Matthew Goetting.

16 Q. And as a result of those conversations, what,
17 if anything, did you do next?

18 A. Based on the information provided to us, we
19 determined that we would interview Ms. Inman, who is
20 an employee at Liberty Tax Service. Do you care if
21 I refer to my notes?

22 Q. No. Please. Is that your report in front of
23 you?

24 A. It is.

25 Q. And would that help refresh your memory?

1 A. Yes.

2 Q. One person -- you said you spoke with Ms. Inman
3 at Liberty Tax Service; is that correct?

4 A. Yes. That is correct. Spoke with her about a
5 situation that occurred prior to the incident date.
6 She indicated ---

7 Q. I'm going to stop you.

8 A. Yep. I apologize.

9 Q. Did you follow-up with the Iva Police
10 Department, as well?

11 A. I did. I did. I found out that Iva had
12 been -- had responded out to the residence on
13 March 9th at -- as a result of a confrontation
14 involving the victim and the defendant's family.

15 Q. And did you speak with an attorney?

16 A. I did. Mr. -- I believe it's Raffini, Joshua
17 Raffini. It was the victim's attorney in a custody
18 matter.

19 Q. Did you follow-up and search the -- or have the
20 victim's car searched?

21 A. I did.

22 Q. And what car was she driving again?

23 A. It was a Ford Escape. It was located at the
24 incident location outside the incident -- or on the
25 property incident location.

1 Q. And what, if anything, was found inside her
2 car?

3 A. There was a receipt located inside her car from
4 where she had went to -- I believe it was Family
5 Dollar and bought some bread on March 11th.

6 Q. The keys that were located in the sink of this
7 residence, did you find out where those belonged?

8 A. Based on looking at them, I believed they
9 belonged to the Ford Escape. Looking at the remote,
10 the wireless or keyless entry or the remote that you
11 would use to enter, lock the car, and unlock the
12 car, and then the actual key, it -- it looks like it
13 goes to that Ford Escape.

14 Q. At the scene, did you also -- or was the
15 defendant's family spoken with?

16 A. Yes.

17 Q. And which members?

18 A. James Lawless, Donna Lawless, and Angelica. I
19 believe she goes by Angela Lawless.

20 Q. Eventually, was the defendant's son spoken
21 with, WL

22 A. Yes. WL was referred to a child advocacy
23 center for a forensic interview. We do that because
24 they're trained in interviewing children. The way
25 they do interviews, the reason we use child advocacy

1 centers is the way they do interviews, they're
2 trained so as to create as least trauma as possible
3 for a child. If they've witnessed or seen
4 something, the last thing you want to do is talking
5 to them and re-traumatizing them.

6 Q. After speaking with members of the defendant's
7 family, did you follow-up on anything?

8 A. Yes. We ended up -- I'm trying to remember the
9 order.

10 Q. Did you receive a receipt?

11 A. Yes. We received a receipt from Donna Lawless,
12 the defendant's mother. The receipt was for a
13 Walmart in Georgia. I obtained that from her, and
14 then we followed up to see if they were at that
15 location.

16 Q. I'm going to show you what's been marked as
17 State's Exhibit No. 32. Is this the receipt that
18 you received?

19 A. Yes, it is. This is the Walmart receipt from
20 Walmart at 1572 Anderson Highway in Hartwell,
21 Georgia.

22 Q. And that's the receipt that Ms. Donna Lawless
23 provided to you?

24 A. Yes. This is the receipt that Donna Lawless
25 provided.

1 MS. REEVES: Your Honor, I'd like to admit
2 State's Exhibit No. 33.

3 THE COURT: Is that 33 or 32?

4 MS. REEVES: Which one?

5 THE WITNESS: Thirty-two.

6 MS. REEVES: Thirty-two. Sorry.

7 THE COURT: Any objection?

8 MR. EPPS: No objection.

9 THE COURT: State's Exhibit No. 32 would be
10 admitted without objection.

11 (State's Exhibit No. 32 was received into
12 evidence.)

13 BY MS. REEVES:

14 Q. Did you receive any other receipts from her?

15 A. No.

16 Q. And can you read -- I'm not sure if it's clear
17 enough. Can you read the date and time stamp on
18 this receipt?

19 A. I'll -- I'll have to look at it.

20 Q. I'll hand it back to you.

21 A. Yes, ma'am. So the date is March 12, 2018.
22 The time is 12:52 and 19 seconds. It's for five
23 items sold. A Bic lighter; S -- I believe that's SL
24 honey ham; t-o-m -- and then what I -- it's an
25 abbreviation, but I make it out to be turkey breast,

1 white rolls, and I believe that other -- I think it
2 is bread.

3 Q. And did you request some video from the
4 Walmart?

5 A. I did.

6 Q. Did you receive any?

7 A. I did.

8 Q. And what did it show?

9 A. The interior of Walmart, the inside.

10 Q. And who could be seen in the video?

11 A. James Lawless.

12 Q. In addition, did you also receive those still
13 photographs?

14 A. I did. They were obtained from Iva Police
15 Department and turned over to me from the Walmart.

16 Q. Again, after speaking with the defendant's
17 family, what was your impression of their
18 statements?

19 A. I noted ---

20 MR. EPPS: I -- I object.

21 THE COURT: Is there an objection?

22 MR. EPPS: She's asking for his impression of
23 their statements. That calls for speculation.

24 MS. REEVES: No, sir, Your Honor. He's the
25 lead investigator.

1 THE COURT: Overruled. Overrule the objection.

2 THE WITNESS: After conducting our
3 investigation and speaking with the defendant's
4 family and associates, I felt there was
5 inconsistencies within the statements.

6 BY MS. REEVES:

7 Q. And is that what led you to follow-up on this
8 Walmart receipt?

9 A. Yes.

10 Q. Had you received any other tips about vehicles
11 in the area the morning of the 12th?

12 A. Yes. So during the course of the
13 investigation, we spoke to Katie Evans, and she
14 provided the information about seeing a large black
15 SUV at the residence the day of the incident. And
16 then we ended up getting information from Iva Police
17 Department where they had interviewed a Katie Brooks
18 and a -- I'm sorry -- a -- two Brooks. Their first
19 names slip my mind, but I think the last name was
20 Brooks.

21 Q. And their information provided was in regards
22 to what?

23 A. So they had provided information that they saw
24 a red Chevy Cavalier at the car wash on the day of
25 the incident, March 12th. And then they had ended

1 up seeing that same vehicle on the news I believe
2 the next day. And then they reported that the news
3 had set up a camera at the house, and they had saw
4 that same -- or what they believed to be that same
5 vehicle at the house. And they had reported it to
6 Iva, and Iva took statements and notified me of that
7 information.

8 Q. And what, if anything, did you do to follow-up
9 with that ownership of a red Chevy Cavalier?

10 A. It was determined that James Lawless owned a
11 red Chevy Cavalier.

12 Q. Any other information?

13 A. Yes. So they also -- James and Donna Lawless
14 had a black Toyota Sequoia that they drove.

15 Q. That red Chevy Cavalier, do you know any more
16 of -- was it two door or four door?

17 A. It was two door.

18 Q. Did you also follow-up a search of the
19 defendant's car?

20 A. Yes.

21 Q. And what, if anything, was recovered from that
22 search?

23 A. There was a receipt that was recovered in the
24 defendant's vehicle, a McDonald's receipt, where
25 they appeared to have purchased breakfast on the

1 morning of March 12th.

2 Q. Did you try to collect any video surveillance
3 from businesses in the area of [REDACTED]
4 Street?

5 A. I did. We learned that the People's Bank had
6 some video surveillance. I ended up collecting it.
7 It was -- it was of poor quality and it didn't cover
8 the area that we needed.

9 There was a Mexican restaurant. I believe it
10 was Me Fiesta or My Fiesta in that location. Ended
11 up, the chief of Iva knew those individuals and
12 ended up reviewing the video. And we made attempts
13 to obtain it, but by the time we made -- got it, it
14 was in Spanish, the instructions were. And by the
15 time we got someone that could understand the
16 Spanish to download it, the video had written over
17 itself.

18 Q. Did -- had it been viewed by Chief Hawkins.

19 A. It had been and he documented what he viewed in
20 a supplement statement.

21 Q. What, if anything, did he view?

22 A. I believe he viewed the defendant and his black
23 Kia Soul passing that location. I can refer to the
24 statement of the exact time.

25 Q. Please.

1 A. I -- I'm not seeing it in my report right this
2 second, but I recall the time was approximately 6:50
3 in the morning.

4 Q. And did the video show anything else that you
5 remember?

6 A. Not that I remember.

7 Q. Did you request fingerprint analysis or latent
8 prints be done in this case?

9 A. I did.

10 Q. And did you receive a report back?

11 A. I did.

12 Q. Okay. I'm going to hand you what's been
13 previously stipulated to by the parties as State's
14 Exhibit No. 27. Is this the latent prints report
15 that you received back?

16 A. Yes, it is.

17 Q. And were any fingerprints found?

18 A. No.

19 Q. So the items that were collected from the home
20 and submitted for testing, did not come back with
21 any fingerprints; is that correct?

22 A. That is correct.

23 Q. And can you remind us what those items are?

24 A. Yes. The first item was labelled Item 2. It
25 was a JCP home knife from Marker 2. The second item

1 was Item 3, one JCP home knife from Marker 4. The
2 Third item was one JCP home knife with serrated
3 blade from Marker 5. Fourth item was one set of
4 Sony headphones. Fifth item was one piece of white
5 cord. The sixth item was one piece of white cord
6 with jack. The seventh item was one set of keys.
7 Eighth item was one bottle of Germ-X hand sanitizer.
8 Ninth item was one wooden board. And that was all
9 of the items submitted for latent prints.

10 Q. Did you speak with Aaron Kenyon in this case?

11 A. I did.

12 Q. More than once?

13 A. Yes.

14 Q. Why did you do that?

15 A. Based on the information we gained during the
16 investigation and the inconsistencies that we
17 determined during the investigation, we determined
18 it was necessary to speak to him on more than one
19 occasion.

20 Q. And was he read his rights each time?

21 A. I believe so. Yes.

22 Q. And did he give those statements voluntarily?

23 A. Yes.

24 Q. Did he ever try to recant a statement?

25 A. He contacted me at a court proceeding where he

1 told me he wanted to recant his statement and
2 indicated that basically he didn't want anything to
3 do with the case.

4 Q. So he never told you that his statement had
5 been untruthful. He just indicated what?

6 A. That he was upset that he had been charged with
7 a crime and that he never said his statement was
8 untruthful.

9 MR. EPPS: I'm going to object to hearsay.

10 THE COURT: The witness has already testified.
11 I overrule the objection.

12 THE WITNESS: Basically, he was upset that he
13 was charged with a crime or that was my impression.
14 And he said he wanted to recant his statement, but
15 he never said it was untruthful.

16 BY MS. REEVES:

17 Q. Did he make any changes to the statement he
18 made on the 15th?

19 A. He -- he -- we -- I ---

20 Q. Did he give you more detail or was it
21 consistent?

22 A. When interviewed another time after the 15th,
23 he provided different details.

24 Q. Were they consistent with that statement on the
25 15th?

1 A. Some were and some were not.

2 Q. Did he change the essence of his statement on
3 the 15th?

4 A. No.

5 Q. And, again, he didn't say it was untruthful?

6 A. That's correct.

7 Q. He just didn't want to be involved anymore?

8 A. That's correct.

9 Q. When he was giving you a statement on the 15th,
10 did he ever -- did you ever tell him what to write?

11 A. So the way that statement occurred on the 15th
12 is, he was taken into an interview room by Anderson
13 County Sheriff's Office. The interview room was
14 video and audio recorded. We talked to him. He
15 eventually made his statement about what occurred
16 that night.

17 After he made that statement, we talked to him
18 again to make sure that what he was telling us
19 was -- was accurate, and then he was asked to
20 provide a written statement. While providing that
21 written statement, I asked him if he wanted to add
22 details that he had told us, which he then added.

23 Q. As a result of his statements to you, did you
24 do anything? Did you follow-up with anyone?

25 A. As a result of his statements with us, we -- we

1 looked at the evidence in the totality and looked at
2 the information that he had provided us and looked
3 at other evidence that we gathered in the case.

4 Q. Did you speak with Kayla Riggins?

5 A. One of the agents spoke with Kayla Riggins.
6 That's correct.

7 Q. And did you follow-up at Meineke?

8 A. Yes. We followed-up at Meineke and we received
9 statements from the individuals at Meineke and some
10 video surveillance.

11 Q. Did you collect phone records in this case?

12 A. Yes, we did.

13 Q. From whom?

14 A. I believe they were from AT&T and T-Mobile I
15 believe, but it was on Adam Lawless's phone records,
16 Tabatha Duncan's phone records, James Lawless's
17 phone records, Donna Lawless, and Aaron Kenyon and
18 Angel Lawless.

19 Q. Did you go through the records when you
20 received them?

21 A. Yes.

22 Q. And, specifically, did you go through Tabatha's
23 records?

24 A. Yes.

25 Q. And who was the last person she had been in

1 contact with?

2 A. If I can refer to my notes that I have here?

3 Q. Uh-huh.

4 A. The last person it appears she was in contact
5 with was a Jeremy Gunnels.

6 Q. Okay. And had you requested Snapchat and
7 Facebook records, as well?

8 A. Yes.

9 Q. And did those records appear to be consistent
10 with the information you were getting about her last
11 contacts?

12 A. Yes.

13 Q. Were you able to identify some other calls that
14 the victim received from those phone records?

15 A. Yes.

16 Q. These would've been on the morning that she was
17 found; is that correct?

18 A. Yes.

19 Q. So there was a phone number for (8[REDACTED]-4254.
20 Do you know who that belongs to?

21 A. I'm sorry. Can you repeat that number, again?

22 Q. ([REDACTED]-4254.

23 A. That number was identified as the Colgate
24 facility in Hodges in Anderson.

25 Q. And was that consistent with where the victim

1 worked?

2 A. Yes.

3 Q. Another number was (8 [REDACTED]-0929. Did you find
4 out who that belonged to?

5 A. I believe that was determined to be the -- one
6 of the victim's cousins.

7 Q. Not in her phone records, but did you also find
8 out the phone number for the Iva First Baptist
9 Daycare?

10 A. Yes. It was (86 [REDACTED]-2175.

11 Q. Has that victim's phone in this case ever been
12 recovered?

13 A. No.

14 Q. And how did you check? How did you verify
15 that?

16 A. So when we determined that the -- and
17 discovered that the phone was missing, what we
18 determined is that we would send a search warrant to
19 the major phone providers.

20 Based off her phone records that we got back
21 that has the IMEI numbers -- and an IMEI number is
22 specific to the phone to -- from my understanding,
23 it goes to that one phone. There's no IMEI number
24 for two phones. It's specific to the one phone.

25 So what I do is, we sent a search warrant to

1 the major phone providers and said, "Please look at
2 your database and see if this phone has ever been
3 reactivated maybe by someone else or anyone since
4 March 12th," the incident date.

5 Q. And did you receive any records back?

6 A. No.

7 Q. And any of the phones that had been collected
8 on scene or through this investigation, did they
9 match that IMEI number?

10 A. No, they did not.

11 Q. Did this -- having witnessed the scene and your
12 experience, did this appear to be a robbery to you?

13 A. Based on what I observed, no. I mean, there
14 was multiple items in the house of value. There was
15 a necklace, I believe, left under the victim's hand
16 or near the victim's body. There was a computer in
17 the house, TV, tools. So I don't believe it was
18 robbery.

19 MS. REEVES: Special Agent Ledbetter, thank
20 you, and answer any questions that Mr. Epps has.

21 THE COURT: We're going to take a break before
22 we start cross-examination.

23 Mr. Bailiff, would you take our jury to the
24 jury room, please.

25 (From 3:25 to 3:41 p.m., a recess was had.)

1 THE COURT: Okay. Let's get our jury.

2 (At 3:42, p.m., jury entered the courtroom.)

3 THE COURT: Okay. Mr. Epps, cross-examination.

4 MR. EPPS: Yes, Your Honor. May it please the
5 Court?

6 CROSS-EXAMINATION

7 BY MR. EPPS:

8 Q. Special Agent Ledbetter, how are you?

9 A. Good, sir. How are you?

10 Q. All right. You were the lead investigative --
11 investigation -- investigative agent -- you're the
12 lead investigator on this -- on this crime ---

13 A. Yes.

14 Q. --- in this investigation? All right. And
15 from -- from the beginning when you -- when SLED
16 took over this investigation; is that correct?

17 A. Not from the beginning, no.

18 Q. Okay. So when did you become lead
19 investigator?

20 A. So, originally, the investigation was assigned
21 to Special Agent Michael Collins. And then I
22 believe it was March 13th, he was removed and I was
23 reassigned the investigation. I was assigned
24 initially to assist him, and then he had some kind
25 of assignment came down from Columbia where they

1 needed his assistance, so I was -- our captain
2 directed me to take it over. He was reassigned.
3 And then I think the day after he was relieved from
4 that assignment, so he came back to assist me and I
5 maintained the role.

6 Q. All right. But you respond to [REDACTED]
7 Street on March 12th of 2018; is that right?

8 A. That's correct.

9 Q. Okay. And how long -- at that time how long
10 had you been employed at SLED?

11 A. Probably, eight months.

12 Q. Okay. Where did you work prior to being
13 employed by SLED?

14 A. The South Carolina Highway Patrol for
15 nine-and-a-half years.

16 Q. For nine-and-a-half years. Was that the
17 beginning of your law enforcement career?

18 A. Yes. Well, so I was conditionally hired with a
19 small town in Spartanburg. Never went to the
20 academy with them or anything like that. They knew
21 that I had put in for the highway patrol. The chief
22 knew that if the highway patrol hired me, that I was
23 not going to be working for him. I accepted the
24 job, got an academy date, and then the highway
25 patrol hired me, and that was understood -- he

1 understood that.

2 Q. Okay. And what was your role -- what were your
3 duties with the highway patrol?

4 A. With the South Carolina Highway Patrol, I was
5 stationed in Lexington, South Carolina, initially.
6 Let me correct myself there. So, initially, I was
7 stationed in Lexington County conducting traffic
8 enforcement, investigating motor vehicle collisions.

9 I went from Lexington County to Greenville
10 County and was stationed there. I'm from the
11 upstate, so I wanted to move closer back to home. I
12 was in Greenville County with the highway patrol.
13 Same thing, highway patrol's duties are to conduct
14 traffic enforcement, investigate motor vehicle
15 collisions, hit-and-run collisions, incidents
16 involved the motoring public.

17 Then from Greenville, I went to Spartanburg
18 County, still with the highway patrol because
19 Spartanburg is my home county. There, I went to the
20 drug interdiction team. I was a K9 handler. This
21 was all voluntary. And then ended up, my last duty
22 station was back in Spartanburg, back in my home
23 county before I came to SLED.

24 Q. Okay. And then you were -- when were you --
25 you said you had -- you had been with SLED about

1 eight months prior to ---

2 A. Don't -- I am not good at math, so bear with
3 me, but I'm assuming eight months. I got hired
4 June 17th of 2018 with the South Carolina Law
5 Enforcement Division.

6 Q. And -- and I'm not trying to be disrespectful.
7 Had you investigated a violent crime before?

8 A. No.

9 Q. And you -- but you did respond on -- on March
10 12, 2018, to [REDACTED] Street; is that right?

11 A. Yes. And let me clarify, I don't take that as
12 disrespectful.

13 Q. Yes, sir. All right. And it's not intended to
14 be disrespectful.

15 A. No, sir. You guys have a job to do.

16 Q. Yes, sir. And so you arrived on the scene
17 about what time?

18 A. Around 3:15, 3:17, 3:00 o'clock, something like
19 that.

20 Q. And when you got there, the scene was taped
21 off?

22 A. I believe so. Yes.

23 Q. Okay. And there was a -- was there a large
24 crowd -- large crowd?

25 A. There -- there was a presence of people. I

1 guess large is to the eye of the beholder, but there
2 was a crowd of folks on the outside of the crime
3 scene on the road. And so the house -- you got Iva
4 Police Department, a car wash, and the road runs
5 here, and then there's like an industrial building.
6 So there was people on each side of the road on each
7 side outside the crime scene.

8 Q. But the house was taped off; is that right?

9 A. The -- the -- yes. The perimeter around the
10 house was taped off.

11 Q. And EMS was there?

12 A. Yes.

13 Q. The coroner's office was there?

14 A. I believe they were there before me. I'm --
15 I'm -- I'm positive of that. Yeah, they were.

16 Q. Iva PD was there?

17 A. That's correct.

18 Q. Okay. Did you ever -- did you ever ask --
19 well, when you got there, did you -- did you -- did
20 you know that there was a crime log -- a crime scene
21 log being maintained?

22 A. I don't know.

23 Q. Okay. Did you ever receive a copy of the crime
24 scene log?

25 A. I don't believe so. I -- I don't think so.

1 I -- it would -- if I did, I -- I feel certain it
2 would be in my report, so I don't believe I ever
3 received a copy of the crime scene log.

4 Q. Did you ever request a copy of the crime scene
5 log?

6 A. I don't know.

7 Q. You don't know?

8 A. I don't know.

9 Q. Okay. All right. But, obviously, there were a
10 lot of people going in and out of that house; is
11 that right?

12 A. When I got there, the people that were going in
13 and out was -- I told you Deputy Coroner McCown, I
14 believe Chief Hawkins, and myself went in. But when
15 I was there, there was nobody going in and out that
16 I can remember.

17 Q. And you don't know who went in that -- went in
18 and out of the house prior to you getting there if
19 you don't have a crime scene log; is that right?

20 A. That's correct.

21 Q. Okay. And when you -- when you got on scene,
22 did you -- when you arrived that afternoon, did you
23 go in the house?

24 A. Yes.

25 Q. Did you go in the house before the SLED

1 forensic team got there?

2 A. I did. So if I'm recalling correctly, Deputy
3 Coroner McCown wanted to go in. I believe there was
4 some information about a possible suicide I think --
5 and I think from my -- what I interpret from him, he
6 wanted to go in and look to see if maybe that's what
7 he was dealing with. And being that it is our scene
8 but he's the coroner and responsible for the body, I
9 felt the best thing to do was go in with him to make
10 sure. I mean, not that I don't trust the coroner,
11 but just to look and be with him, as well.

12 Q. Okay. So you went in with the coroner ---

13 A. Yes, sir.

14 Q. --- right? All right. Did anybody else go in
15 with you?

16 A. I think it was Chief Hawkins from Iva.

17 Q. All right. And then did you -- did you stay in
18 the house or did you exit the house?

19 A. We exited.

20 Q. Did you go back in the house or did you stand
21 outside and wait for SLED forensics to get there?

22 A. So I think if I remember correctly, as I'm
23 exiting the house, SLED crime scene was pulling up
24 because I don't think there was a long period of
25 time before they had got there. I know I did -- I

1 believe I did the search warrant for the house to
2 enter the house for them to start processing, but I
3 think as I'm coming out there, they were getting
4 there.

5 Q. The testimony yesterday, they arrived about
6 5:19 that afternoon?

7 A. Yes.

8 Q. Okay. And that was a cold day?

9 A. Yeah, cold. I mean, cooler. Windy a little
10 bit and rainy I think.

11 Q. Okay. And had it been rain that morning?

12 A. I -- I think it was raining then. I'm not sure
13 about that morning.

14 Q. And did you -- were you there -- was Adam
15 Lawless there when you got there, or did he arrive
16 after you got to the scene?

17 A. I think he was there when I got there. I know
18 I was informed that he was on scene. We ended up
19 going over. I met with them with one of the crime
20 scene guys to get his pictures and a buccal swab I
21 believe.

22 Q. Okay. So you went -- did you talk to Adam
23 Lawless that day?

24 A. Briefly. I -- I had like an interview-type,
25 give me a statement of what happened, but spoke to

1 him, told him about we were wanting to photograph
2 him and, you know, interacted with him shortly
3 there.

4 Q. And you talked to him; is that right?

5 A. Yes.

6 Q. And you took a buccal swab from Mr. Lawless; is
7 that ---

8 A. SLED crime scene did, but I was there with
9 them.

10 Q. But he fully cooperated; is that right?

11 A. Yes.

12 Q. All right. And, actually, you took -- were you
13 there when they took pictures of him?

14 A. Yes.

15 Q. And those pictures were shown yesterday?

16 A. Yes.

17 Q. And Mr. Lawless had no injuries on his -- on
18 his body or person; is that right?

19 A. None that I observed or stood out to me.

20 Q. Okay. And he fully cooperated with SLED and
21 law enforcement that day; is that right?

22 A. Yes. With crime scene during my interaction.

23 Q. All right. And, in fact, he went and gave a
24 statement that evening or that afternoon at Iva
25 Police Department?

1 A. That's correct.

2 Q. Okay. And he adamantly denied any involvement
3 in the murder of Tabatha Duncan?

4 MS. REEVES: Objection, Your Honor. I don't
5 think he can testify for his defendant.

6 THE COURT: Sustained.

7 BY MR. EPPS:

8 Q. He gave a statement; is that right?

9 A. That's correct. To Special Agent Michael
10 Collins and I believe Chief Hawkins.

11 Q. And fully cooperated with giving that
12 statement; is that right?

13 A. I've reviewed the statement. I believe that
14 one was recorded. At the time we didn't have body
15 cameras, which, thankfully, we have them now where
16 we can record all our interviews. That's a great
17 thing. But at that time we had this thing called
18 "Case Cracker," and it had a camera on it. It --
19 honestly, it's -- it's a laptop with a webcam, but
20 it supposedly kept a better interview, and that I
21 believe was recorded. And based on my review, yes.

22 Q. Okay. And, in fact, he gave -- did he -- he
23 gave law enforcement or gave -- he gave his cell
24 phone that night; is that right?

25 A. That is correct.

1 Q. Now, did you go -- all right. Back at the
2 scene, you went back -- you -- you went -- you went
3 inside the scene with the SLED forensic team; is
4 that right?

5 A. Yes.

6 Q. Okay. So you were there when they photographed
7 the scene?

8 A. Not the whole time.

9 Q. Not the whole time? You didn't stay the whole
10 time?

11 A. No. I wasn't lead at the point and because we
12 knew there was family members on scene. And so our
13 job as the region, crime scene does the processing
14 and photographing. And, obviously, we go in and we
15 get that feel for the scene, but then we want to go
16 ahead and start talking to people, trying to figure
17 out what's going on. So, you know, one of our
18 biggest roles as the region is going out, talking to
19 people, gathering information. We're responsible
20 for writing the search warrants and gathering
21 statements and talking -- talking to folks. So,
22 again, that's our process.

23 Q. Okay. And -- but you observed the inside of
24 the house, right?

25 A. Yes.

1 Q. And you agreed there's three main areas where
2 something happened in that house?

3 A. I believe there would be, yes. And it appears
4 that something occurred around the cot area slipping
5 arrangement in FL'S [REDACTED] room. The little girl's
6 room that we believe to be FL'S [REDACTED] room. I think
7 everybody has established that.

8 And then the kitchen. And then leaving from
9 the kitchen or what I take as moving from the
10 kitchen through the dining room, living room area,
11 into the mudroom. So I guess when you say three, I
12 mean, it moves through that dining and living room
13 area.

14 Q. So you agree that something happened in --
15 in -- in FL'S [REDACTED] room ---

16 A. Yes.

17 Q. --- right? And that was consistent --
18 something happened. There was blood on the cot
19 sheets. There was a fingernail and a -- and a nose
20 earring, right?

21 A. Yes.

22 Q. Something happened in the kitchen?

23 A. Yes.

24 Q. Okay. And the killing weapon came from the
25 butchers block in the kitchen, you agree?

1 A. The weapon that most likely or what we believe
2 to be the murder weapon, yes.

3 Q. Came from the butchers block in the kitchen?

4 A. Yes.

5 Q. There was blood in the -- in the kitchen with
6 some directional spray. You agree with that?

7 A. So, obviously, crime scene can tell you. I
8 will say there was suspected blood in the kitchen.

9 Q. Okay.

10 A. I don't want to testify to something I'm not
11 qualified to.

12 Q. Okay. But there was blood on the dining room
13 table in the dining area that's adjacent to the
14 kitchen; is that right?

15 A. Yes.

16 Q. Okay. There was some blood transfer on that
17 recliner in the den area that we saw yesterday?

18 A. Yes.

19 Q. Okay. And then there's blood on the -- on the
20 door handle going into the mudroom?

21 A. Yes.

22 Q. Okay. And, ultimately, Ms. -- Ms. Duncan was
23 found and it ended in the mudroom; is that right?

24 A. Yes.

25 Q. Okay. And there were items taken off -- there

1 were items in there disturbed from what appears to
2 be a struggle? Do you agree?

3 A. The house wasn't the cleanest, but I would
4 agree with that. Yes.

5 Q. Okay. All right. Now, there were a couple of
6 items -- and you didn't stay in there the whole time
7 with SLED forensics; is that right?

8 A. That's correct.

9 Q. Okay. There were a couple of items that --
10 that we went through with Special Agent Schek ---

11 A. Schenk.

12 Q. --- Schenk yesterday. There was a -- that's in
13 FL's [REDACTED] room. There was a ripped piece of cloth
14 in that room at or around the cot area where there
15 was an altercation. Should that -- do you believe
16 that that -- that -- that -- that item should've
17 been taken or processed or collected?

18 A. I mean, I'm going to stand behind what crime
19 scene did and based on their observations. That's
20 -- that's their expertise. If I saw something that
21 stood out to me, then I would tell them specifically
22 going out, hey, that needs to be collected, but I do
23 rely on the expertise that -- that's their primary
24 role.

25 Q. There was a speaker in the mudroom that had

1 a -- what appeared to be a -- a -- a drop of blood
2 and that was not taken or collected or swabbed. Do
3 you believe that that should've been swabbed and
4 collected?

5 MS. REEVES: Objection, Your Honor. Asked and
6 answered.

7 THE COURT: It's a different room.

8 MS. REEVES: Still regarding the forensic
9 collections though.

10 THE COURT: Overruled.

11 THE WITNESS: I don't recall the speaker. But
12 that being said, I'm going to rely on crime scene
13 and their expertise.

14 BY MR. EPPS:

15 Q. Are you going to rely on the crime -- the crime
16 scene investigators expertise in failing to swab the
17 LV -- LCV positive mark on the interior of the
18 mudroom door going outside?

19 A. I mean, I am going to rely on crime scene, the
20 job that they do. As the lead investigator, I'm
21 ultimately responsible, but I have to trust those --
22 those folks, I mean, the job that they do.

23 Q. There was what appeared to be a -- a -- some
24 blood on the armoire in the mudroom, and that was
25 not swabbed, taken, or collected -- or collected

1 either. Same thing? You stand by your forensic
2 team?

3 A. Again, what's the question?

4 Q. There was a mark that was a -- a -- a -- what
5 appeared to be a -- some blood on that armoire in
6 the mudroom. Do you know which one I'm talking
7 about?

8 A. Can you show it to me?

9 Q. I'll show it to you.

10 THE COURT: What exhibit number is this,
11 Mr. Epps?

12 MR. EPPS: Your Honor, this is exhibit --
13 Defendant's D -- Defendant's 2-U.

14 THE WITNESS: I -- I know what you're talking
15 about now. I apologize. When you said armoire, I
16 was referring to this closet. I'm sorry.

17 BY MR. EPPS:

18 Q. All right. There's what appears to be a mark,
19 some blood on that closet; is that right?

20 A. Can I see it closer?

21 Q. Do you want me to hand it to you?

22 A. Yes, please.

23 MR. EPPS: May I approach, Your Honor?

24 THE COURT: Yes, sir.

25 THE WITNESS: Yes. I would agree with that.

1 BY MR. EPPS:

2 Q. So that would've been tested, swabbed, and
3 collected?

4 A. Again, you know, hindsight is 20/20. I'm going
5 to stand behind -- I rely on their -- the job that
6 they -- they do. They're the ones that are trained
7 to process the scene. You know, again, hindsight is
8 20/20. I'm going to rely on the job that they've
9 done.

10 Q. Okay. Well, hindsight is 20/20. That's fine
11 to say when you're at the scene of a brutal, violent
12 murder. Would you agree with that?

13 A. Yes.

14 Q. Okay. And this -- this murder was extremely
15 brutal. Do you agree with that?

16 A. I think any murder is brutal, but yes.

17 Q. And do you agree with Dr. Woodard's assessment
18 that it's overkill?

19 A. I mean, yeah. It -- it's a murder.

20 Q. This was an extremely violent act that took
21 place at [REDACTED] Street; is that right?

22 A. Yes.

23 Q. Okay. And you were the lead -- you were in
24 charge of the scene or you became the lead
25 investigator of this crime; is that correct?

1 A. Yes.

2 Q. Okay. And you went in there and you
3 photographed my client the day of and didn't have
4 any injuries to his body, right?

5 A. Not that I observed.

6 Q. He fully cooperated in giving you his cell
7 phone, his DNA buccal swab, as well as taking
8 pictures of his body, right?

9 A. Yes.

10 Q. Okay. And he was immediately segregated -- or
11 he was -- to your knowledge, was he immediately upon
12 arriving on the scene -- did he -- he got placed in
13 a -- in a patrol car.

14 A. That's my understanding. Yes.

15 Q. Okay. And he was isolated, right?

16 A. Yes.

17 Q. All right. Was he considered -- he was
18 considered a suspect from day one; is that right?

19 A. So any time I conduct -- any time I conduct an
20 investigation, especially into something like this,
21 what I'm going to do is, I'm going to start at who
22 was closest to the victim, who last saw the victim,
23 and I'm go to work my way out. That's how I'm going
24 to start. I think that's ---

25 Q. And I understand that. I mean, obviously, you

1 got a crime like you got -- you got a crime where a
2 spouse or a girlfriend or somebody, you're going
3 to -- you're going to -- obviously, you're going to
4 look at the person closest to them; is that right?

5 A. Yes.

6 Q. Okay. All right. And -- but -- but
7 Mr. Lawless, fully -- he fully cooperated?

8 A. He did. Yes.

9 Q. Okay. Now -- and you testified -- you
10 testified that you -- phones were taken from the
11 scene?

12 A. That's correct.

13 Q. Okay. But the victim's cell phone -- the
14 victim's cell phone that she used -- well, the --
15 the victim's cell phone was never found; is that
16 right?

17 A. That's correct.

18 Q. All right. And the victim's cell phone --
19 well, it was -- to this day, that cell phone -- you
20 never -- it wasn't -- do you know the number of that
21 cell phone?

22 A. Do you mind if I refer to my notes?

23 Q. Yes, sir.

24 A. Okay. It's (86 [REDACTED]-2831.

25 Q. All right. [REDACTED]-2831?

1 A. Yes.

2 Q. All right. And that -- but I -- on the day of
3 the crime when you were there, those phones that you
4 collected, they were old phones; is that right?

5 A. One of them was Mr. James Lawless's from the
6 front porch. It was still an active phone. I would
7 say the other two, I would characterize them as old.
8 Correct.

9 Q. Okay. And did you do any extraction on them?

10 A. I don't. As I stated before, they were taken
11 to Greenville County Sheriff's Office. I know
12 Mr. James Lawless's was extracted. Adam's, the one
13 that he provided, was extracted or examined. I
14 believe one -- and I might have to refer to it, but
15 I believe one was -- had been erased and one was
16 damaged beyond getting in to if I remember correct.

17 Q. Okay. But Tabatha Duncan's phone was not
18 found; is that right?

19 A. That's correct.

20 Q. Okay. And you did a canvas of the
21 neighborhood?

22 A. Yes.

23 Q. And did you do a canvas of the businesses
24 around [REDACTED] Street?

25 A. Yes.

1 Q. Okay. And ---

2 A. But that would be the days -- I did the canvas

3 of the neighborhood starting the day of the

4 incident, and then the days following, as well.

5 Q. And did you look for any video cameras from any

6 of the businesses around that area?

7 A. Yes.

8 Q. Okay. And there was some video at Me Fiesta;

9 is that right?

10 A. That is correct.

11 Q. And did you advise or direct Chief Jason

12 Hawkins to -- to go view that video?

13 A. I did.

14 Q. Okay. Now, you had testified earlier, and that

15 video, he went and viewed that video, right?

16 A. I believe so. Yes.

17 Q. To your knowledge?

18 A. To my knowledge, yes.

19 Q. Did he take notes?

20 A. He completed a supplemental report I believe.

21 Q. And in that supplemental report, it had the

22 time of Mr. Lawless leaving in a dark in color Kia

23 at 6:47 a.m.? Do you want me to hand this to you?

24 A. I mean, yeah.

25 MR. EPPS: May I approach?

1 THE COURT: Yes, sir.

2 BY MR. EPPS:

3 Q. All right. This is your -- this is your
4 investigative file that I received?

5 A. Yes.

6 Q. I direct you to the last page of the Iva
7 supplemental report.

8 A. (Reading.) Yep. He stated 6:47 a.m. I -- I
9 believe I previously testified around 6:54, but that
10 is approximate.

11 Q. As -- as of 6:54 a.m.?

12 A. Or 6:47.

13 Q. Or 6:47 a.m., Adam's vehicle is -- is going
14 through that video at -- at the Mexican restaurant,
15 right?

16 A. Yes.

17 Q. Does that also note the time that Jim and Donna
18 Lawless turned onto East Broad Street that
19 afternoon?

20 A. This vehicle was a black in color Toyota
21 Sequoia that took place around 1:43 p.m. Chief
22 Hawkins wrote that, "I also saw a vehicle consistent
23 with Donna Lawless's vehicle enter the area by
24 making a left off of West Front Street onto East
25 Broad Street and continued towards [REDACTED]"

1 Street. This vehicle was a black in color Toyota
2 Sequoia. This took place around 1:43 p.m."

3 Q. Okay. So that video -- that -- that from Chief
4 Hawkins supplemental showed Adam Lawless leaving
5 that morning, and then Jim and Donna Lawless coming
6 onto that road at or around the time that they got
7 to that property and, ultimately, Tabatha Duncan's
8 body was found; is that right?

9 A. Yes.

10 Q. Okay. Now, you said that, obviously, that
11 video footage would be very important? Do you
12 agree?

13 A. Yes.

14 Q. Okay. And you said -- and did you go -- you
15 went to -- did you go to the Me Fiesta Mexican
16 Restaurant to extract that video from that day?

17 A. Yes. Not on the 12th, but days after. That's
18 correct.

19 Q. What day did you go?

20 A. I don't recall.

21 Q. Okay. Were you able to extract that video?

22 A. I was not. I notified my lieutenant at the
23 time that the -- it appeared that it was in Spanish.
24 I was worried that if I tried to, I might delete it.
25 And he advised that one of the computer crime agents

1 in Columbia that was bilingual would come up and
2 help.

3 Q. So you needed -- all right. So but you went
4 out -- did you -- how long would it take to delete
5 the video or override the video?

6 A. So what they -- they provided us a window of
7 when that video would delete. I don't recall when
8 it was, but we felt like we had that time frame to
9 get back and get that video. We ended up getting a
10 detective that was bilingual from Anderson County to
11 come with us. But by the time we went back, the
12 time frame they had told us was wrong and that video
13 had been deleted.

14 Q. That -- do you agree that video would've been
15 very important?

16 A. Yes.

17 Q. To see who would've been coming down that
18 street or leaving that -- that area that morning?

19 A. I mean, Chief Hawkins documented it in his
20 report. He was not trying to hide anything, but, I
21 mean, obviously, we would want to get any video we
22 can.

23 Q. Okay. Do you know if Chief Hawkins made any
24 notes?

25 A. I don't know.

1 Q. Okay. All right. But you -- would it be fair
2 to say that that video would also depict any other
3 vehicles leaving that area, which could be the
4 video -- which could be a -- the vehicle that left
5 from the car wash about 9:30 or 10:00 a.m.?

6 A. It would be fair to say that that video footage
7 would capture vehicles passing that location ---

8 Q. Okay.

9 A. --- throughout the day.

10 Q. And it also could depict the vid -- the SUV
11 that was found -- that was seen in the front yard
12 that -- that morning around 8:30; is that right?

13 A. Again, that video would capture cars that is
14 passing that location throughout that time.

15 Q. That would've been an important piece of
16 evidence to collect in this case?

17 A. I agree.

18 Q. Okay. It could -- it would've been an
19 important piece of evidence that could -- that could
20 potentially be exculpatory to Mr. Lawless; is that
21 right?

22 A. The -- the -- he documented what he saw. The
23 video was not collected. It would show vehicles
24 that is passing that location.

25 Q. And, ultimately, did you go back the next --

1 you talked to Aaron -- you talked to Aaron Kenyon
2 the night of -- of March 12th of 2018, right?

3 A. I did not.

4 Q. You did not talk to him?

5 A. That's correct.

6 Q. All right. Special Agent Collins talk to him?

7 A. That's correct and I believe Chief Hawkins.

8 Q. Did you talk to -- did you talk to Mr. Kenyon
9 on the 13th?

10 A. No.

11 Q. Did you not go out to H H Foster Drive and
12 speak with Adam and Aaron?

13 A. I believe that was the 14th. I might be ---

14 Q. The 14th?

15 A. Do you care if I refer to my notes?

16 Q. No, you can refer to your notes. Yes, sir.

17 A. I don't think I had contact with Mr. Kenyon on
18 the 13th. It was March 14th that I spoke to him at
19 H H Foster.

20 Q. Okay. And did Aaron Kenyon continue to deny
21 involvement in this -- in this crime?

22 A. Yes.

23 Q. Okay. And the next day was the 15th; is that
24 right?

25 A. That's correct.

1 Q. All right. Now, that day -- that afternoon,
2 did you arrest Adam Lawless?

3 A. Yes.

4 Q. Okay. You went to H H Foster Drive and put the
5 handcuffs on him, right?

6 A. Yes.

7 Q. Okay. And ---

8 A. Well, let me -- I'm not sure who actually
9 handcuffed him, but he was arrested and I was there.

10 Q. And he was -- was he asking for his attorney?

11 A. Yes.

12 Q. Okay. And you took him down to the sheriff's
13 department?

14 A. I believe Iva transported him to the sheriff's
15 office.

16 Q. Okay. But you went to -- you went to the --
17 you didn't go to the detention center. You went to
18 the sheriff's department; is that right?

19 A. That's correct.

20 Q. Okay. And he told you he wanted his attorney,
21 right?

22 A. I believe he told Special Agent Michael Collins
23 that.

24 Q. All right. And you were in the room?

25 A. That's correct.

1 Q. All right. And he told you multiple times he
2 wanted an attorney?

3 A. I don't ---

4 MS. REEVES: Objection, Your Honor. That
5 statement has not been offered into evidence.

6 THE COURT: Counsel approach.

7 (Sidebar discussion.)

8 BY MR. EPPS:

9 Q. All right. Agent Ledbetter, did you also that
10 night -- you also that night talked to Aaron Kenyon?

11 A. That's correct.

12 Q. Okay. And that went on for about four hours;
13 is that right?

14 A. I would have to look, but it seems appropriate.

15 Q. But his statement on the 12th, he denied
16 involvement -- Aaron Kenyon denied involvement and
17 denied any -- any knowledge of a role of him and
18 Adam in this -- in this -- this murder; is that
19 right?

20 A. That's correct.

21 Q. That's on the 12th. He denied it again on the
22 14th; is that right?

23 A. That's correct.

24 Q. And then you talked to him on the 15th?

25 A. That's correct.

1 Q. Were you aware that he was high when he talked
2 to you?

3 A. I -- I believe I asked about his drug use, and
4 I'm going to refer to my notes just a second,
5 please.

6 (Reading.) From what was provided to me by
7 Mr. Kenyon, that he did not have the opportunity to
8 smoke on March 15th, and he was not under the
9 influence of drugs during the interview.

10 Q. Okay. All right. And did you tell him
11 that day that -- that y'all had talked yesterday
12 and, "I told you the window on this thing is getting
13 ready to close." Did you tell him that?

14 A. I don't know if I told him that or if Michael
15 Collins told him that.

16 Q. Did you tell -- did you tell Aaron that he
17 wasn't a monster and that he wasn't that guy?

18 A. Yes.

19 Q. And he denied any involvement?

20 A. Initially, he denied involvement. And then on
21 his part, I mean, I don't think he's ever said that
22 he was involved as far as injured the victim.

23 Q. But you -- you said on that day, you said,
24 "You're not that monster"; is that right?

25 A. Yes.

1 Q. Okay. You obviously wanted him to talk; is
2 that right?

3 A. Yes.

4 Q. Okay. And he said, "I don't know what to tell
5 you guys. I don't know anything." He also told you
6 he was innocent; is that right?

7 A. I -- I have watched the interview. I -- you
8 know, I -- I'm familiar, but I couldn't tell you
9 verbatim what was said.

10 Q. Did you tell him that God -- did you say God
11 had sent you to him?

12 A. I believe every case I'm assigned there for a
13 reason. And, I mean, that's my personal belief is
14 that I -- I -- I truly care about the cases I work.
15 That's my personal belief that if I have a case,
16 that it is because I was supposed to have it.

17 Q. All right. Did you get ---

18 A. But, yes, I did say that.

19 Q. Did you get any background information on -- on
20 Aaron's upbringing or childhood prior to
21 interviewing him?

22 A. So I spoke to his mother I believe on the 14th,
23 and she had provided information. I believe some of
24 that information might've come from that.

25 Q. Okay. And was that information about his

1 daddy?

2 A. I can't say for sure, but probably.

3 Q. But you had that information; is that right?

4 A. Yes.

5 Q. About his father beating his mother?

6 A. I don't know the details, but, obviously, I
7 mean, she had given me some background information.

8 Q. So you had that background information?

9 A. Yes.

10 Q. All right. And did you tell Aaron Kenyon on
11 that night that, "Because I look at you, I see a guy
12 who got the shaft from his daddy." Did you tell him
13 that?

14 A. Yes.

15 Q. And that, "You got the opportunity to save
16 yourself and have an opportunity to be here for your
17 kids and your future"; is that right?

18 A. I'm not sure verbatim again. I very well could
19 have.

20 Q. Did you tell him that -- you continuously told
21 him that he was not a monster?

22 A. Yes. I do remember that.

23 Q. Okay. Did you tell him that he was being
24 manipulated and coerced?

25 A. Yes. I remember that.

1 Q. And, again, you told him several times, "God
2 sent me here"; is that right?

3 A. I -- I did say that. I don't know if that's
4 several times.

5 Q. And how long did this -- this interview lasted
6 about four hours, right?

7 A. That's correct. Again, so any time I talk to
8 somebody, we don't ask for a written statement right
9 away. You want to talk to them, find out what
10 happened, go over it, and then get that written
11 statement.

12 I -- I know four hours sounds like a lot, but I
13 mean, I -- I conduct very lengthy interviews,
14 especially on something this important. I mean, I
15 think it's important to get those details.

16 Q. It is important to get details. It's important
17 to get the -- it's important to get the details, but
18 not get the details in such a way that you -- that
19 -- that the person you're getting details from feels
20 like they're being intimidated or coerced. Do you
21 agree with that?

22 A. I would agree with that, and I don't believe I
23 intimidated or coerced Mr. Kenyon at all. I have a
24 very different style of interview than other law
25 enforcement officers. I'm pretty -- I -- I can't

1 say that I haven't ever raised my voice, but I would
2 say that I'm pretty relaxed. I -- I'm pretty -- I
3 try to make a connection with everybody I talk to.

4 You know, there's people in the world that have
5 done bad things, but that don't mean they're -- you
6 know, there's not good in them, and I try to look
7 for that in everybody and try to connect with that.

8 Q. All right. Now, it is also your testimony that
9 you -- you got Mr. Kenyon to write a statement; is
10 that right?

11 A. That is correct.

12 Q. And didn't you, in fact, tell him that he
13 needed to write -- that you needed to put things in
14 that statement?

15 A. I may have said, "You said this. Do you want
16 to add that to your statement?" or something to that
17 effect.

18 Q. You had to proof it; is that right?

19 A. I read over -- so after people provide a
20 statement, I'll read it because of what they said
21 verbally to me. And then -- so you don't have to
22 have a written statement, especially when it's being
23 audio recorded, but I want the prosecuting body to
24 be able to see what is video and audio recorded, but
25 I also want them to be able to read in their

1 person's own handwriting, so they can make the right
2 decision on whether the case moves forward or not.

3 I -- my job is to -- to gather the facts, look
4 at the totality of the circumstances, take those
5 facts, take those totality, and provide it to the
6 prosecuting body. I think it's only fair because
7 when it is video and audio recorded, I have to
8 summarize that.

9 Now, yes, there's a video and audio recording,
10 but I can't say whether or not that prosecuting body
11 is going to watch that. And if I summarize it, it's
12 in my -- I summarize it. I write it. If it's in
13 their own handwriting, it's what they have wrote, so
14 I'm not inadvertently putting some kind of slant on
15 it.

16 Q. Well, I'm looking at page 85 of the -- of the
17 transcript from that -- from that meeting that's
18 your interview with Aaron Kenyon, and you left the
19 room and came back, and said, "Listen. Hey, I
20 noticed that you didn't put something in your
21 statement. You -- you need to put it in there."

22 A. Okay.

23 Q. Okay.

24 A. Is that something I can see? I mean, again, I
25 can't ---

1 THE COURT: Yeah, Mr. Epps, if you're going to
2 ask him about that, at least let him see a copy of
3 it.

4 THE WITNESS: Again, I can't tell you what I
5 said verbatim. I would absolutely not hide
6 anything. If it's there, then I'm sure it's here
7 and I appreciate you letting me see the copies and I
8 absolutely can testify to what's there.

9 THE COURT: To expedite it, just when you're
10 referring to a question, refer to the page so he
11 can ---

12 BY MR. EPPS:

13 Q. Yes, sir. Yes, sir. I believe it's page 85.

14 A. Okay. I'm on page 85.

15 Q. Yes, sir. And it's highlighted, but you
16 advised -- you came back in the room and you advised
17 Mr. Kenyon he needed to put a statement that he saw
18 her in the mudroom in -- in his statement; is that
19 right?

20 A. What line are you at? I'm sorry.

21 Q. I don't know the line. I got the page number.

22 A. Okay. Okay. Hold on. (Reading.) Okay. So
23 it says, "Okay. Take your time. Can I take a look
24 at this while you're doing that? Agent looks" -- or
25 I look at the paper. I leave the room at 9:24. I

1 return at 9:25 and 30 seconds. I ask him if he's
2 still writing. He nods head.

3 I said, "Okay. Hey, listen, I noticed you
4 didn't put in here that you saw her in the mudroom.
5 You need to be completely -- you need to be
6 completely honest in this thing. Okay. He nods
7 head."

8 The reason I said that is he had verbally told
9 us that. And from my experience, when people are
10 involved in situations like this, they -- nobody
11 wants to admit to being involved in anything like
12 that. They want to distance themselves. They want
13 to try to soften it. He had verbally told us that.
14 And people can verbally tell you stuff a lot easier
15 than writing it, but when you write it, it's harder.
16 And so they'll typically write and try to clean it
17 up. And my things is, you -- you told us. Just be
18 honest. Write the truth.

19 Q. But you told him to put it in there, right?

20 A. I'm sorry. I said, "Okay. Hey, listen. I
21 notice you didn't put it in here that you saw her in
22 the mudroom. You need to be completely honest in
23 this thing. Okay. He nods his head. You're still
24 trying to cover for him. Don't cover for him.
25 Okay. Do you want a soda? Uh-huh. I'll be back."

1 I leave at 9:30. I come back. Ask him, "Are you
2 done? Did you get it in there? Yes. Towards the
3 end of it. Okay. My partner will come in here
4 shortly and we'll go over this. Okay."

5 Q. Okay. But you -- you -- but you tell him that
6 you need to put that in your statement, right?

7 A. Because it's what he told us verbally.

8 Again ---

9 Q. After -- after he had told you at least twice
10 that he had nothing to do with it.

11 A. So ---

12 Q. That Adam had nothing to do with it, right?

13 A. So in my career, 15 going on 16 years, people
14 have not been truthful when asked about crimes.
15 That's the nature of the world we live in.

16 So, especially in a murder, when a young woman
17 is dead and been murdered, I feel I owe it to the
18 family, to the community, to who might be suspected
19 of it as well to do a thorough job. And I don't
20 feel I'd be doing a thorough job if I took what
21 someone said and not followed-up or not challenged
22 them on it.

23 Q. I mean, Agent Ledbetter, Aaron Kenyon has lied,
24 right?

25 A. He has lied.

1 Q. Multiple times; is that right?

2 A. That's correct.

3 Q. He's given at least four statements?

4 A. That is correct.

5 Q. That says that he denied involvement, denied
6 involvement on the 13th. You told him that you were
7 sent from God, that you played on his relationship
8 with his father. You told him he wasn't a monster.
9 You told him to write stuff in the statement, and he
10 gave you that statement; is that right?

11 A. That is right. I want -- I want to clarify
12 something. The "sent from God" thing, that is my
13 personal belief and feeling. I was not trying to
14 use that. You can look at many other cases I've
15 done. And, you know, I've talked to people on
16 witness and offender side of things. And, you know,
17 right or wrong, that's -- that's me.

18 Q. Okay. All right. But the fact of the matter
19 is, and then the boy after that said I recant; is
20 that right?

21 A. That is correct.

22 Q. Okay.

23 A. Yes.

24 Q. And gave another story, right?

25 A. That's correct.

1 Q. You can't trust a word that's coming out of
2 Aaron Kenyon's mouth?

3 A. So when Aaron Kenyon gave that statement on the
4 15th, we don't totally take that statement and say
5 this is the gospel. You have to look at it in the
6 totality of the circumstance, the whole circumstance
7 that we're looking at. So just because someone says
8 something happened, you don't trust that. You got
9 to look at it in the whole circumstance that we're
10 talking about and see does it line up with what your
11 other evidence shows, what your other statement
12 shows.

13 Q. Okay. All right. Well, let me ask you this.
14 All right. Obviously, at that point in time --
15 well, based on that statement, you charged my client
16 with murder; is that right?

17 A. No, sir. I ---

18 Q. He wasn't -- he wasn't ---

19 A. No, sir. No, sir. Can I answer? I -- he was
20 charged with murder, but it's based on the totality
21 of the circumstances, not based on one statement.
22 It's based on everything that we know.

23 Q. Okay. Let me ask you ---

24 A. Because I will tell you right now, the last
25 thing I would ever want is the wrong person to ever

1 be charged.

2 Q. Absolutely.

3 A. I think we both can agree on that.

4 Q. Absolutely. It's better if ten guilty men go
5 free than one -- one innocent man be sent to prison;
6 is that right?

7 A. Yes.

8 Q. Okay. And you -- the totality of the
9 circumstances, let's look at this. All right.
10 There's unidentified male DNA under Tabatha
11 Duncan -- Duncan's fingernails; is that right?

12 A. Yes.

13 Q. That's all -- that hasn't changed. Regardless
14 of the standards, the buccal swabs, and the profiles
15 you get and the individuals that have been collected
16 in this case; is that right? That DNA underneath
17 Tabatha Duncan's right hand fingernail or fingernail
18 scraping is not Adam Lawless, right?

19 A. That is correct.

20 Q. Okay. And there is a hair that was found on
21 that right hand during the autopsy. The same hand
22 that had unidentified male DNA under -- under her
23 fingernails and fingernail scrapings. That -- that
24 hair was found during the autopsy, right?

25 A. That's correct.

1 Q. And that hair hasn't been tested?

2 A. That is correct.

3 Q. And that hair hasn't been -- it doesn't have a

4 root, but there are other -- there is other further

5 testing that could've been done. Do you agree with

6 that?

7 A. I actually learned that today. I didn't ---

8 Q. Okay. You didn't know, so, obviously, in the

9 five years this happened, you never made a request

10 or any -- any kind of -- any kind of inquiry of

11 whether or not that you could send that hair off for

12 any further testing, right?

13 A. I was unaware that was an option.

14 Q. Do you know what color that hair was?

15 A. I do not. I -- I -- I've looked at it on the

16 crime scene photos, but I've not personally looked

17 at it.

18 Q. Okay. All right. Well, if it was a jet black

19 hair, obviously, that wouldn't be Mr. Lawless's; is

20 that right?

21 A. I mean, I guess it depends on where it comes

22 from. I mean, I'm trying to ---

23 Q. But I'm saying ---

24 A. --- I guess it depends on where at the body it

25 comes from.

1 Q. But you -- but you're the investigator of this
2 case. You said look at the totality of the
3 circumstances. You got this. You've got a brutally
4 murdered young woman with at least 16 or 17 stab
5 wounds. A -- her -- her throat is cut. Her head
6 has got major trauma. Bleeding on the brain. There
7 are -- there are -- there is a struggle throughout
8 that house. And you got unidentified DNA on the
9 victim's right hand fingernails and fingernail
10 scrapings.

11 A. So, again, totality of the circumstances. You
12 also look at the weapon that we believed was used to
13 kill her and the DNA that's on there.

14 I know you were talking about someone would
15 probably have injuries, but if that's the case,
16 where is that DNA? So what DNA is on there? And,
17 again, it's not just made on that DNA. It's -- it's
18 made on everything in that case.

19 Q. But you heard the DNA lady talk today, that's
20 his house. His DNA is all through that house.

21 A. Absolutely.

22 Q. There is an innocent reasonable explanation why
23 his DNA and WL'S DNA is on that knife. You
24 heard the testimony that there are other -- there's
25 unidentified male DNA mixed in around that house

1 in -- in the DNA profile in the swabs in the testing
2 that was done, right?

3 All right. Now you testified -- you can't --
4 you testified that you were in the kitchen. You saw
5 water in the floor, right?

6 A. Yes.

7 Q. Okay. Did you realize that the -- that the
8 refrigerator had been leaking?

9 A. No, sir.

10 Q. Okay. All right. Did you -- and you said that
11 you smelled bleach. All right. You know the -- the
12 mop was tested, right?

13 A. Yes.

14 Q. And it was tested L -- LCV negative, right?

15 A. Yes.

16 Q. Nothing wrong with the mop bucket? Nothing
17 wrong with the mop water, right?

18 A. Based on what Lieutenant Schenk testified to, I
19 don't know how -- me, personally, I don't know how
20 bleach would affect those tests though.

21 Q. Okay. There is -- there is no latent prints
22 found in that residence?

23 A. That is correct.

24 Q. There were five people in that house. There
25 was Adam, Aaron, Tabatha, FL [REDACTED] and

1 WL [REDACTED] right?

2 A. Yes, sir.

3 Q. Okay. And the six year old went to school that
4 morning. Adam -- Adam dropped him off at his mom
5 and -- mother and father's house, and you testified
6 he had a forensic interview, right?

7 A. Yes.

8 Q. Gave no disclosure?

9 MS. REEVES: Objection, Your Honor. He's
10 offering facts that are not in evidence.

11 MR. EPPS: He testified that -- that WL [REDACTED] had
12 a forensic interview.

13 MS. REEVES: But not what was said, Your Honor.

14 THE COURT: Stay away from what was said.

15 BY MR. EPPS:

16 Q. Nothing came out of that forensic interview; is
17 that right?

18 A. Umm ---

19 MS. REEVES: Same objection, Your Honor.

20 THE COURT: Rephrase your question.

21 BY MR. EPPS:

22 Q. I'll rephrase my question. All right. WL [REDACTED]
23 [REDACTED] gave a forensic interview on March 14th --
24 March 13 -- I think it was -- I think it was 13th --
25 the day after in 2018.

1 A. I cannot say exactly a day.

2 Q. He gave a forensic interview?

3 A. That is correct. And it was shortly
4 thereafter.

5 Q. There was nothing you gained from that
6 interview that would assist you in this
7 investigation; is that right?

8 A. That's correct.

9 Q. All right. Did you go to WL's
10 classroom and speak to his teachers that morning?

11 A. I did not.

12 Q. Okay. Would that be something that Iva -- if
13 WL could basically -- if -- would you think that
14 important?

15 A. I didn't ---

16 Q. If WL was at the house, you were
17 going to talk to his teachers to see how he was
18 doing in class or school that morning, right?

19 A. I didn't do that. I didn't think of it.

20 Q. Okay. And Tabatha's cell phone has never been
21 found? And, in fact, was it not my -- my office
22 that contacted -- that sent you information on
23 Jeremy Gunnels?

24 A. That is correct. We received that information,
25 and I interviewed him on May the 14th. I received

1 the phone records back. It takes time when you --
2 you send off a search warrant to get the phone
3 records back, it takes some time. And I haven't had
4 the opportunity to look at the phone records, but
5 that is correct.

6 Q. Okay. But without my office subpoena, the
7 info -- the -- Tabatha -- Tabatha's phone records,
8 we'd given that information to you; is that right?

9 A. I -- I don't think I got her phone records from
10 you. If I did, I don't recall that.

11 So I sent a search warrant for -- to AT&T on
12 April 4, 2018. Received the phone records back on
13 April 20, 2018.

14 Q. Okay.

15 A. Or around about that time. The return on the
16 search warrant was done on April 20th, which usually
17 they're done within a day or so to receive the
18 records.

19 Q. Okay. All right. But do you agree that --
20 that -- that I forwarded -- or my office forwarded
21 information about Jeremy Gunnels?

22 A. Absolutely. I documented that in my report
23 that you did.

24 Q. Okay. And -- and by his own testimony, him and
25 Tabatha were talking sex talk until 1:00 o'clock in

1 the morning?

2 A. Yes.

3 Q. Okay. And that's consistent with the Snapchat
4 documents you've got in this case; is that right?

5 A. Yes.

6 Q. All right. Did you review -- did you review
7 any other numbers the day that -- any other
8 individuals that she may have been talking to the
9 day before?

10 A. So I know I reviewed the phone records. It has
11 been quite some time on certain ones on her phone
12 records. I've reviewed them. I can't -- I mean,
13 I -- I know I went over recently the phone records
14 the day before to certain times, but I don't know if
15 it's the time frame that you're going to be asking
16 about.

17 Q. Okay. Did you review her phone records -- her
18 AT&T phone records for 309 -- 309-2831 for March
19 the 11th -- March 10th of 2018?

20 A. At some point, I'm sure I have. I couldn't
21 tell you specifics though.

22 Q. All right. But you thought it was important to
23 talk to Jeremy Gunnels because he was -- that was
24 the last person that actually communicated with her;
25 is that right?

1 A. Again, we -- we've talked to Jeremy Gunnels.
2 You sent over. We followed-up on that contact. We
3 saw that she had talked to him, as well.

4 Q. Okay. And there was other individuals that you
5 talked to and collected buccal swabs from; is that
6 right?

7 A. That is ---

8 MS. REEVES: Objection, Your Honor.

9 THE COURT: Yes, ma'am.

10 MS. REEVES: Your Honor, we had a motion in
11 limine regarding this issue.

12 THE COURT: All right. Mr. -- Mr. Bailiff,
13 would you take our jury to the jury room, please?

14 (At 4:42 p.m., jury exited the courtroom.)

15 THE COURT: Yes, ma'am.

16 MS. REEVES: Your Honor, the question was
17 regarding other buccal swabs that Agent Ledbetter
18 collected in this case. There were a number of
19 other buccal swabs collected in this case for other
20 subjects that were investigated and ruled out.

21 I believe the reference that Mr. Epps made the
22 phone records was regarding the phone call on the
23 March 10th of 2018. That would've been the day
24 before her murder. I didn't catch the time. But,
25 again, these people were investigated, DNA was

1 collected, and they were ruled out as not being
2 consistent or having anything to do with this case.

3 So I do not believe that -- Mr. Epps, again,
4 has submitted an alibi defense. I don't believe he
5 just makes -- gets to reference a phone call that
6 was received on the 10th as in that could be another
7 killer just because there was a phone call on her
8 records from the 10th.

9 MR. EPPS: That's not ---

10 THE COURT: Mr. Epps.

11 MR. EPPS: That's not what I asked. I asked if
12 he had taken other buccal swabs in this case during
13 his investigation.

14 THE COURT: Listening to the analyst's
15 testimony earlier, she indicated that they had a
16 number of buccal swabs. Are these different
17 individuals than what she testified to?

18 MS. REEVES: Your Honor, what ---

19 THE COURT: Mr. Gunnels testified earlier that
20 he had had a buccal swab taken.

21 MS. REEVES: Yes, sir.

22 THE COURT: How many other individual are we
23 talking about?

24 MS. REEVES: At least six, Your Honor.

25 THE COURT: Okay. All right.

1 MR. EPPS: I mean, I believe that's -- I mean,
2 I'm -- it's going to be very -- I think I got -- the
3 door has been open to the extent that Jeremy Gunnels
4 was looked at and a buckle swab was taken from him.
5 I believe we also got -- there's Taylor Duncan, the
6 victim's ex-husband, who was talked to by SLED, a
7 buccal swab was taken, and he had an injured hand.

8 MS. REEVES: No, sir. That door was not
9 opened. His name was mentioned in reference to
10 being the father of the victim's other child. That
11 was the only time his name was mentioned.

12 THE COURT: All right. I will -- I will allow
13 you to ask about Gunnels. I will allow you to ask
14 the question were other buccal swabs taken, but I'm
15 going to sustain the objection as to the ex-husband.

16 MR. EPPS: All right. Okay.

17 (At 4:46 p.m., jury entered the courtroom.)

18 THE COURT: Mr. Epps.

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

20 BY MR. EPPS:

21 Q. All right. Agent Ledbetter, were other buccal
22 swabs taken; is that right?

23 A. Yes.

24 Q. Okay. All right. And the phone records, which
25 are into evidence. All right. Were you aware that

1 Tabatha was talking to a John Francis Queenie?

2 A. No, sir.

3 Q. Okay. If she had been talking to that
4 individual ---

5 MS. REEVES: Objection, Your Honor. Same
6 issue.

7 THE COURT: I'm going to sustain the objection.

8 BY MR. EPPS:

9 Q. Now, did you also do a geolocation fencing
10 analysis on that -- on Tabatha Duncan's cell phone?

11 A. (No response.)

12 Q. Did you send a search warrant to Google?

13 A. At -- I think your wording is wrong, but we did
14 a geofence location -- a geofence on the incident
15 location, not on her cell phone.

16 Q. Okay. You did a geofence on the -- on the
17 incident location?

18 A. That's correct. Yes.

19 Q. And I'm going to rephrase it, but you sent a
20 subpoena -- you sent a search warrant to Google to
21 get that information; is that right?

22 A. That is correct.

23 Q. Okay. And during that, you -- during that
24 investigation -- tell -- the -- the jury about
25 that -- that detailed -- tell the jury about that --

1 that analysis of that -- that -- what you did with
2 that Google information.

3 A. Okay. So I'm going to try not to testify above
4 my understanding, so I'm going to testify to how I
5 understand it.

6 The whole -- how Google actually does this
7 stuff is beyond -- over my level of expertise, but
8 what I did, I sent the search warrant. Basically,
9 it draws off an area of the incident location like a
10 box. You try to get it over this location and you
11 say, "Hey, send me whatever devices that y'all know
12 entered this box, this -- this boundary within this
13 time frame."

14 And then after some -- some time, I believe
15 close to a year approximately, they got that
16 information back. And then you look at it. They
17 don't send you names or subscriber information.
18 They just send you device ID's. And then you look
19 at those device ID's to see which device was in that
20 boundary.

21 There's a Stage 1. If you see devices that are
22 of interest that look like they may be related, you
23 move to Stage 2, which gives you more location data
24 on where that device was.

25 And then after you look at that and you

1 determine what devices are pertinent, because at
2 Stage 2, you're going to catch passing traffic
3 devices that are unrelated.

4 Then you move to Stage 3. And if I'm correct
5 in understanding, Stage 3 is the identification
6 stage where they tell you who those devices belong
7 to.

8 Q. Okay. And there was Stage 1, Stage 2, and
9 Stage 3; is that right?

10 A. That's correct.

11 Q. And there was mapping done with that -- that
12 information; is that correct?

13 A. That's correct.

14 Q. And that mapping was done by Bradley Whitfield
15 of the Anderson County Police Department -- Anderson
16 City Police Department?

17 A. That's correct.

18 Q. Okay. And Tabatha Duncan's device was in that
19 residence pursuant to that analysis; is that right?

20 A. That's correct.

21 Q. Okay. So her device was there in that house in
22 that [REDACTED] Street. That was the targeted
23 location; is that right?

24 A. That's correct.

25 Q. And her device or phone was in that residence

1 at 7:00 a.m.?

2 A. I believe that's correct.

3 Q. Okay. And you'll agree at that point in time,
4 Mr. Lawless had left -- he had left the -- he was --
5 he had left the residence?

6 A. Yes.

7 Q. And was headed to Meineke about 19, 20 miles
8 away; is that right?

9 A. I'm not sure on the mileage, but, again, he was
10 going to Meineke in Anderson.

11 Q. [REDACTED] Street in Iva and Meineke is in
12 Clemson -- on Clemson Boulevard in Anderson, right?

13 A. That is correct.

14 Q. Okay. And that phone -- that device was in
15 that -- was in [REDACTED] Street up until at
16 least 8:54 a.m.?

17 A. That is correct. The time I'm not sure on, I
18 can refer to it, but I -- that is past date.

19 Q. All right. But there's -- at that point in
20 time, there is -- when -- when -- when that phone --
21 it's essentially stopped receiving activity; is that
22 right?

23 A. It stopped showing up.

24 Q. It stopped showing up at 8:54 a.m.; is that
25 right?

1 A. The time I can't state without looking at the
2 report. If you got it, that's fine, but I -- I
3 agree that it's after 8:00. If you want a specific
4 time, then I need to look at it.

5 Q. And I've got your report. Do you want me to
6 hand your -- this is -- this is your supplemental.

7 A. Okay. So I might have ---

8 Q. You got yours?

9 A. I have -- yes. Let's see. I wasn't sure if it
10 was an attachment or ---

11 Q. It's Addendum 3, dated December the 10th of
12 2020.

13 A. And I apologize. I -- I had my report, but my
14 attachments are not up here with me.

15 Q. I gotcha.

16 A. Did I document the time in that report?

17 Q. Time is in the mapping.

18 A. In the mapping?

19 Q. Yes, sir.

20 A. Okay. So that would be an attachment, but I
21 agree, it's after 8:00. That sounds correct.

22 Q. And if I told you 8:54 a.m. ---

23 A. That sounds ---

24 Q. --- does that sound about right?

25 A. Yes, sir.

1 Q. And that -- that device stopped receiving
2 activity?

3 A. That -- Yes.

4 Q. And that would note that at 8:54 a.m., the
5 morning of March 12th of 2018, that device was in
6 [REDACTED] Street, right?

7 A. Yes.

8 Q. And you agree that at some point in time after
9 8:54 a.m., that that device was removed from East
10 Broad Street -- [REDACTED] Street?

11 A. Yes.

12 Q. And has never been found?

13 A. Yes.

14 MR. EPPS: Your Honor, if you would grant me a
15 minute?

16 THE COURT: Yes, sir.

17 BY MR. EPPS:

18 Q. Are you aware of items -- you testified that
19 you didn't think it was a robbery?

20 A. Based on -- based on my investigation, that's
21 correct.

22 Q. But items were taken from the home; is that
23 right?

24 A. As we just stated, the phone was missing.

25 Q. Okay. The phone was missing. Was a drill

1 missing?

2 A. I know it was reported to me that a drill was
3 missing, but looking at the crime scene photos,
4 there's a drill present.

5 Q. Okay. But was any -- was a purse missing?

6 A. I know her wallet was there. I -- I was told
7 that a purse was missing.

8 Q. All right. So items were taken from the
9 residence to your ---

10 A. Yes.

11 Q. --- based on the information that you got. All
12 right. Now, let me ask you this: Did you also, in
13 April of 2019, talk to Ms. Donna Lawless?

14 A. Yes.

15 Q. And did she give you a book that has some
16 important papers from Tabatha?

17 A. Yes.

18 Q. And that was left at the house, right?

19 A. Yes.

20 Q. Okay. And let me -- I'm going to back up just
21 a little bit. On this -- at the -- the night of
22 March 12th of 2018, SLED -- y'all came and did an
23 investigate and ultimately released the house; is
24 that right?

25 A. That's correct.

1 Q. Okay. You released the house back to the
2 family; is that correct?

3 A. It -- so the way SLED did it was release it
4 back to the local agency.

5 Q. Okay. And it was ultimately -- it was released
6 back to the family; is that right?

7 A. That's correct.

8 Q. Okay. You agree they had the family was in --
9 they were responsible for cleaning up what had been
10 done in that house and what was in that house; is
11 that right?

12 A. So there's victim's services that clean up. I
13 don't know if that was ever extended to the
14 Lawlesses, but, I mean, it would fall on them if
15 victim's services didn't pay for it.

16 Q. Okay. They had to clean the blood up, the LCV,
17 and just clean the house; is that right?

18 A. That's correct.

19 Q. Okay. Now, did you -- did -- I'm going to back
20 up. When you talked to Adam and you were there and
21 he cooperated and he gave a swab, gave his cell
22 phone, did he also offer to give you his clothes at
23 the time?

24 A. I don't recall.

25 Q. You don't recall?

1 A. I don't recall.

2 Q. And did he offer to give you his boots?

3 A. I don't recall.

4 Q. Okay. And, in fact, you went to -- you went to
5 Meineke and you talked to his boss who testified
6 yesterday, right?

7 A. I can't say. I know I did go to Meineke and I
8 believe I picked up the video surveillance. I
9 believe he was interviewed by another agent
10 because -- that testified yesterday. I believe he
11 was interview by Agent Featherston.

12 Q. Okay.

13 A. But I definitely went and picked up the video
14 surveillance after that.

15 Q. Okay. And did you look at the video
16 surveillance?

17 A. Yes.

18 Q. Okay. And Adam -- do you agree Adam arrived
19 there about 8:21 a.m.?

20 A. Again, without seeing the time, I would say
21 that time sounds correct.

22 Q. And then opened up? Do you remember that? Did
23 you watch that video where he opened the store up?

24 A. Yes.

25 Q. Okay. And he was maintaining a normal day on

1 the video up until he was called to come back to [REDACTED]
2 [REDACTED] Street. Do you agree with that?

3 A. He was on camera working, going about what
4 appeared to be his business.

5 Q. Okay. And I want -- but you -- but you got the
6 video, right?

7 A. Yes.

8 Q. And you collected the video?

9 A. Yes.

10 Q. And you preserved that video and provided my
11 office with a copy of that video; is that right?

12 A. I believe the Solicitor's office provided that
13 video.

14 Q. That's right. You provided it to the
15 Solicitor's office and they provided it to me?

16 A. That's correct.

17 MR. EPPS: All right. Your Honor, at this
18 time, I would move -- I got a short video I would
19 like to play for the jury.

20 THE COURT: Okay. Is this -- okay. Counsel
21 approach.

22 (Sidebar discussion.)

23 MR. EPPS: Your Honor, I'll move to mark
24 this -- this USB drive as Defendant's 7 and enter
25 into evidence.

1 THE COURT: Any objection?

2 MS. REEVES: No, sir.

3 THE COURT: All right. So Defendant's No. 7
4 will be admitted without objection.

5 MR. EPPS: Thank you, Your Honor.

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

8 BY MR. EPPS:

9 Q. All right. Now, Agent Ledbetter?

10 A. Yes, sir.

11 Q. This is 7:14 a.m. on the morning of March the
12 12th of 2018. Do you mind, I'm going to fast
13 forward it to about 7:21.

14 A. I don't mind. Just to clarify, I think you
15 said 8:00 earlier, and I think you meant 7:00.

16 Q. 7:00. I meant 7:00.

17 A. And for clarification, it was Featherston --
18 Agent Featherston and Agent Ezell that interviewed
19 Mr. Peterson, but I picked up the video -- the
20 video.

21 Q. Picked up this video?

22 A. Yep.

23 Q. And about the -- the -- the black Kia that just
24 passed through that screen. That was Mr. -- you
25 agree that's Mr. Lawless arriving at Meineke at

1 7:00 -- around 7:21 a.m. that morning?

2 A. I believe so.

3 Q. Now, I'm going to change the video to when --
4 to inside the store around 7:28 a.m. Is this -- is
5 this the camera behind the counter at Meineke?

6 A. Yes.

7 Q. And that vehicle that just passed through at
8 7 -- 7:21 a.m. was pursuant to your investigation,
9 was that Mr. Lawless that pulled into the store?

10 A. I believe so. Yep.

11 Q. Okay. Now, Mr. Ledbetter, the -- obviously,
12 around 7:28 is when they -- when Mr. Lawless opens
13 up the or enters Meineke. Do you mind if I ---

14 A. No, sir. Go ahead. You can actually go up
15 there to play back if you want it to play faster.

16 Q. Okay. And I let that play through, but that
17 was Mr. Lawless opening up that morning; is that
18 right?

19 A. Yes.

20 Q. And there are different videos and different
21 angles and different areas where their cameras
22 record at Meineke; is that correct?

23 A. I believe so and from based on my review of it.

24 Q. And Mr. Lawless is on the video at Meineke from
25 the time he opened up that store until the time he

1 was called to leave to go back to [REDACTED]

2 Street; is that right?

3 A. I agree.

4 Q. Okay. And you talked to his mother in April of
5 2019; is that right?

6 A. I remember talking to her. I believe it was
7 April of 2019.

8 Q. And she gave you a book that had some -- some
9 of Tabatha's paperwork in it; is that right?

10 A. The three-ring binder?

11 Q. The three-ring binder.

12 A. Yes.

13 Q. Okay. And in that -- that book or in that --
14 that notebook she gave you, there were also a list
15 of account -- of media account -- account numbers
16 and social media accounts, as well as passwords; is
17 that right?

18 A. I believe so.

19 Q. Okay. Did you research or -- or do an
20 investigation into those media accounts -- Tabatha
21 Duncan's media accounts?

22 A. You mean like social media like that?

23 Q. Yeah. Did you do -- did you invest -- did you
24 do an investigation regarding Ms. Duncan's accounts,
25 Google accounts, or any other accounts that she had

1 that was -- that were on that paperwork that was
2 provided to you by Ms. Lawless?

3 A. Did I do it based off what she provided me, no.

4 Q. You didn't look into it? Did you -- you didn't
5 look into Tabatha Duncan's Google accounts?

6 A. No, sir.

7 Q. Did you get her "my activity information"?

8 A. I don't believe so.

9 Q. Did you ever send a search warrant to get that
10 activity -- that -- that information from Google?

11 A. Yes.

12 Q. You did?

13 A. I believe so. SLED did.

14 Q. SLED did?

15 A. Yes.

16 Q. When was that?

17 A. Recently.

18 Q. That was recently? Was that the search warrant
19 that was sent to Google in March of 2023?

20 A. Yes.

21 Q. Okay. Well, sir, that was for my client's
22 information, Donna Lewis's [sic] information, James
23 Lawless's information, and Aaron Kenyon's
24 information.

25 A. Okay.

1 Q. That didn't have anything to do with Tabatha
2 Duncan.

3 A. Then that was a mistake. So we have phone
4 people, and there must've been some wires crossed
5 there.

6 Q. Okay. But that's five years after the fact.
7 Do you agree with that?

8 A. Agree.

9 Q. All right. But you were provided Ms. Duncan's
10 account information, particularly Google account and
11 passwords, in May -- in April of 2019?

12 A. 2019. Yes.

13 Q. Okay. And you were provided to that by
14 Ms. Donna Lawless, as well as she cooperated with a
15 buccal swab, right?

16 A. Yes.

17 Q. All right. And did you do any investigation
18 with that information that you -- that you received?

19 A. No.

20 Q. Okay. Did you receive a document or did you
21 receive information from Ms. Duncan's "my activity"
22 account that shows the weather was checked?

23 MS. REEVES: Objection, Your Honor. This was
24 not from Google. This is not admissible and it is
25 not in evidence.

1 THE COURT: Okay. I'll sustain the objection.
2 However, if proper foundation can be laid for it,
3 then I can revisit.

4 MR. EPPS: Yes, sir. I understand.

5 BY MR. EPPS:

6 Q. All right. But you were given that
7 information, right?

8 A. Yes.

9 Q. Okay. And that's what I wanted to tell you.
10 You were given the information that was found at the
11 residence of [REDACTED] Street on -- that was
12 there on March the 12th of 2018. That was
13 photographed at the scene, right?

14 A. That's correct. It was photographed.

15 Q. Okay. And it was not collected; is that right?

16 A. That is correct. It was not collected.

17 Q. And during the course of the -- in April of
18 2019, during the course of this case, Donna Lawless
19 provided that information to you?

20 A. That's correct.

21 Q. At the Anderson County Sheriff's Department?

22 A. That's correct.

23 Q. And that was on body cam. That was -- you had
24 a body cam -- camera on at the time, right?

25 A. That's correct.

1 Q. And you took that information and you gave her
2 a swab, right? You gave her a DNA buccal swab?

3 A. Yes.

4 Q. All right. And she cooperated with that,
5 right?

6 A. Yes.

7 Q. Okay. But that information that you gave --
8 that she gave you, you took that information and you
9 didn't do anything with it?

10 A. I have the -- the notebook ---

11 Q. Yes, sir.

12 A. --- in evidence.

13 Q. Okay. You put it into evidence, but didn't do
14 anything with it, did you?

15 A. It had been photographed. I -- I didn't -- I
16 did not do what you asked, no.

17 Q. You didn't -- you didn't do any -- didn't do
18 any -- any investigation into any -- any of those
19 accounts that were list -- that were maintained in
20 that book; is that -- or listed in that book; is
21 that right?

22 A. That's correct.

23 Q. Okay. And you still have that book or you
24 still -- you still have that book and that
25 information into evidence today; is that right?

1 A. Yes.

2 Q. Okay. So four years later, y'all still haven't
3 looked into it; is that -- is that correct?

4 A. That's correct.

5 Q. All right. If activity is on Ms. Duncan's
6 phone, that's something you would want to know
7 about; is that right?

8 A. Yes.

9 Q. But that would suggest -- that would say that
10 some -- that -- that -- that -- obviously, somebody
11 was on that phone after 8:00 a.m. that morning; is
12 that right?

13 A. I don't know. I don't have -- I have the phone
14 records. What's the question?

15 Q. The question is, you would -- that would be
16 important information to find out if that -- if
17 there was activity on that Google account after 8:00
18 a.m., and certainly after my client had left and was
19 at work on Ms. Duncan's device?

20 A. Yes.

21 Q. Right. That would be extremely important
22 information. You agree?

23 A. Yes.

24 Q. Okay. Because that would point -- if she's
25 active on that device and that device is in the

1 house, which we know it was, that could mean that
2 she -- she was in the house using that device after
3 my client is at work at Meineke at 7:21 a.m. You
4 agree?

5 A. No.

6 Q. You don't agree?

7 A. No.

8 Q. Okay.

9 A. I don't think because the phone is active means
10 she's using it.

11 Q. Okay. But you don't know, do you?

12 A. I do not.

13 Q. You don't know at all, but you know that phone
14 was in that residence ---

15 A. I believe ---

16 Q. --- and you know for a fact that phone is in
17 that residence -- residence while my client is at
18 work?

19 A. Based off the Google geofencing investigation,
20 yes.

21 Q. Okay. And based on the AT&T records, right?

22 A. Yes.

23 Q. Every -- every analysis that's been done puts
24 that phone in that house after my client is at work?

25 A. Yes.

1 Q. Okay. Every analysis. And you don't think
2 that's important?

3 A. I believe I answered "yes."

4 Q. Yes. It's important. And so would seeking or
5 looking to see if there was any kind of activity on
6 the information that you received in April of '19.
7 That would -- that -- April of 2019 would be very
8 important as well, right?

9 A. I think we already established that information
10 with the phone records and the geofence. I don't
11 know if it was back by then, but as you just
12 referred to, the geofence mapping -- I mean, the
13 phone record mapping of the geofence.

14 Q. Yeah, but the geofence you said was -- but that
15 wasn't -- that wasn't a deep dive into her Google
16 account. That was where that device was located,
17 correct?

18 A. Correct.

19 Q. Okay. Now, you heard the testimony of
20 Mr. Brooks that talked about that he -- that -- that
21 went into the car wash at around 9:30 a.m. on that
22 morning?

23 A. That's correct.

24 Q. And that car was in one of the bays with nobody
25 in it, right?

1 A. Yes. The red Chevy Cavalier.

2 Q. And you heard his testimony about seeing an
3 individual in a hoody around 9:30, 10:00 a.m. coming
4 from across the street, get in the car, and drive
5 away?

6 A. Yes. That's correct.

7 Q. Okay. Did you do a -- did you do a geo -- did
8 you do a geofencing -- a geofence -- did you do an
9 analysis around that -- that -- that car wash?

10 A. No.

11 Q. Did anybody -- did you ever think it might be a
12 good idea to do a geofence around that car wash?

13 A. I think if information would show up on the car
14 wash from the surveillance, would it not show up at
15 the incident location?

16 Q. It depends on -- well, you targeted the house?

17 A. That's correct. Where the incident occurred.

18 Q. Okay. But you don't -- you didn't think it
19 would be a -- did you think it would've been a good
20 idea to target around the car wash?

21 A. No.

22 Q. You don't?

23 A. No. Target the incident location.

24 Q. Okay. But you got information -- you had
25 information about a suspicious vehicle in that car

1 wash and an individual coming from across the street
2 to get in that car and leave on or around the time
3 of 9:30 to 10:00 a.m.?

4 A. Yes. A public car wash. So if they were
5 coming from the incident location, then it would
6 show up in the geofence of the incident location.

7 Q. But you don't think -- I mean, listen, if that
8 car would've -- was sitting -- if you -- whoever
9 that car was sitting in the car wash wasn't using
10 the car wash, it was there for a reason. It was
11 parked and nobody was in it. You just answer -- you
12 didn't think it would be -- you didn't think it
13 would be a good idea to do a geofence around that
14 car wash?

15 A. No.

16 Q. And it was never done, right?

17 A. That's correct.

18 Q. Did anybody request that it be done?

19 A. No.

20 MR. EPPS: All right. Agent Ledbetter, at this
21 time, I have no further questions. Thank you, Your
22 Honor.

23 THE COURT: Are there any redirect questions?

24 MS. REEVES: Yes, Your Honor.

25 REDIRECT EXAMINATION

1 BY MS. REEVES:

2 Q. Agent Ledbetter, you were provided with that
3 book of passwords in April of 2019; is that correct?

4 A. That is correct.

5 Q. And were those passwords not just to Google,
6 but to other very personal things for Tabatha?

7 A. Yes.

8 Q. And who provided those to you?

9 A. Donna Lawless.

10 Q. What else did she provide at the same time?

11 A. Some diaries that appear to be written by
12 Tabatha Duncan.

13 Q. Were there two of them?

14 A. Yes.

15 Q. And who had these in their possession? Where
16 did they come from?

17 A. They were trans -- they were transferred to me
18 from Donna Lawless and had been in the possession of
19 Donna Lawless or that family.

20 Q. So, presumably, for over a year since Tabatha's
21 murder, this family held onto her passwords that
22 were very personal and journals?

23 A. That's correct.

24 Q. And had not turned them over to her family; is
25 that correct?

1 A. That's correct.

2 Q. You did search warrants for phone records for
3 the victim in this case?

4 A. Yes.

5 Q. And did those include location information?

6 A. The initial ones, if I -- if I'm remembering
7 correctly, did not based on just a statement of
8 search warrant, so we redid the search warrant
9 asking for the location information. So we actually
10 got two sets of search warrants, one without the
11 location. It was a mistake, and then we got it with
12 the location.

13 Q. You did a search warrant to Facebook?

14 A. I believe so.

15 Q. You did a search warrant to Snapchat?

16 A. Yes.

17 Q. You did a geofence around the location where
18 this incident happened?

19 A. That's correct.

20 Q. There was a laptop found inside?

21 A. Yes.

22 Q. And did you have information that that was the
23 victim's?

24 A. I believe it was.

25 Q. Was there any evidence that you've ever seen

1 that the victim used her phone the morning of
2 Monday, March 12th?

3 A. I've never seen evidence that she activated or
4 used her phone the morning of March 12th.

5 Q. And that activity from the geofence showed that
6 her phone ended around 8:54, yes?

7 A. Yes.

8 Q. Not connected to anything any longer?

9 A. That's correct.

10 Q. And who involved in this case owns a two-door
11 red Chevy Cavalier?

12 A. James Lawless.

13 MS. REEVES: Nothing further.

14 MR. EPPS: But you ---

15 THE COURT: Yes, sir. In response to those
16 redirect questions.

17 REXCROSS-EXAMINATION

18 BY MR. EPPS:

19 Q. All right. But you don't know -- James Lawless
20 may have a Cavalier, but you don't know. You have
21 no evidence that that is his -- actually his red
22 Cavalier at the car wash; is that right?

23 A. I would -- I would say that is a heck of a
24 coincidence.

25 Q. You don't know, do you? Do you have the tag

1 number?

2 A. No.

3 Q. Do you have any ---

4 MS. REEVES: Objection, Your Honor. I think
5 this is outside the scope.

6 MR. EPPS: She asked.

7 MS. REEVES: I asked who owned it only. Not
8 about the car wash.

9 THE COURT: I'm going to allow it.

10 BY MR. EPPS:

11 Q. You don't have the tag number?

12 A. I have the information provided by Katie Evans
13 about the black SUV that matched the description of
14 a vehicle owned by James and Donna Lawless, a full
15 size black SUV. And then it's a heck of a
16 coincidence that Brooks turned around saying that --
17 or Mr. Brooks says that there's a two-door red Chevy
18 Cavalier that's within the same location.

19 Q. But you -- both those individuals testified,
20 they don't know. They just saw the vehicles, right?

21 A. And, again, that's where you come into the
22 totality of the circumstances. You come in looking
23 at everything and all information you have provided.
24 It's -- if someone -- you cannot see something and
25 still know something. That's -- that's part of

1 using common sense, using your observations.

2 Q. Your Honor -- okay. Bet let's just -- you're
3 talking -- all right. Those individuals had no idea
4 the -- the -- the -- the license, tag number, the
5 make of the vehicle, or anything of that nature; is
6 that right?

7 A. That is correct. But what they do do is
8 provided a piece of a puzzle. And I am thankful
9 they came forward because by doing that, they
10 provided a piece of the puzzle. So that happens a
11 lot in investigations. People don't go the
12 information ---

13 MR. EPPS: Your Honor, I'm going to object.
14 He's got to -- I mean, he's giving a narrative.
15 He's -- I mean ---

16 THE COURT: You asked him the question. I'm
17 going to allow him finish his answer.

18 MR. EPPS: Okay.

19 THE WITNESS: Thank you. So when people report
20 stuff to law enforcement, they don't know the
21 importance of the information they're reporting.
22 But when they give that to you, that a lot of times,
23 a lot of that information, they don't know the
24 importance, but it's a piece of that puzzle. And
25 that's where we go back to the totality of the

1 circumstances of where everything comes into play.

2 BY MR. EPPS:

3 Q. Okay. All right. A piece of the puzzle. All
4 right. You've got -- a lot of the people ---

5 MS. REEVES: Objection, Your Honor. This was
6 redirect -- my recross. I'm sorry. My redirect.
7 This is outside the scope.

8 THE COURT: All right. Go ahead with this
9 question.

10 BY MR. EPPS:

11 Q. There's a lot of people whose got a black SUV,
12 right?

13 A. Yes.

14 Q. Okay. And what we know from Katie Evans,
15 there's a black SUV about 8:30 at [REDACTED]
16 Street?

17 A. Yes.

18 Q. While my client is at work?

19 A. Yes.

20 Q. That's the totality of the circumstances,
21 right?

22 A. Part of it. Yes.

23 Q. Part of it. You also have ---

24 MS. REEVES: Objection, Your Honor.

25 MR. EPPS: I mean, he went on about the

1 totality of the circumstances and yada yada.

2 MS. REEVES: That was not part of my redirect.

3 MR. EPPS: It was a part.

4 THE COURT: Ask this question and then we'll
5 shut it down.

6 BY MR. EPPS:

7 Q. All right. You have no idea what red -- what
8 black SUV was in that -- in that -- or at that
9 property at 8:30 a.m., but what you -- is that ---

10 A. You say I have no idea. I believe it to be
11 James Lawless and Donna Lawless's SUV.

12 Q. But you have no other verifying -- you've got
13 no corroborating information to even suggest that
14 that's who that -- you don't know that?

15 A. I witnessed the SUV. I've seen it personally.
16 We have the statements of Katie Evans. We have the
17 SUV on video surveillance.

18 Q. You didn't ---

19 A. So you're asking would I believe, yes, I
20 believe that is their vehicle.

21 Q. But you didn't see the vehicle that morning?

22 A. No.

23 Q. She couldn't tell that -- she couldn't know who
24 that -- that vehicle was?

25 A. I believe on the circumstances based on the

1 circumstances, that's my belief.

2 Q. Okay. That's your belief, but you don't --
3 you've got no evidence. You didn't see that
4 vehicle -- you didn't see that black SUV that
5 morning?

6 A. That's correct. I did not.

7 Q. Katie Evans doesn't know whose black SUV that
8 is?

9 A. She said it resembled.

10 Q. What we do know -- but she didn't know that
11 was -- she didn't know -- she didn't know whose
12 that -- she didn't know that was anybody's -- she
13 didn't know whose vehicle -- vehicle that was,
14 right?

15 A. The information she provided to me is it was --
16 resembled -- initially, she saw a black SUV. And
17 then when she went to H H Foster where Donna and
18 James Lawless lived, she saw that vehicle and said
19 that looks like the same vehicle.

20 Q. Agent Ledbetter ---

21 THE COURT: All right. That's it. I give you
22 one more question.

23 MR. EPPS: One more question. Okay.

24 THE COURT: And then that's ---

25 MR. EPPS: But that's real ---

1 THE COURT: All right. Mr. Epps, that's it.
2 That's it. I gave you one more question, and I've
3 actually let you have four. And I understand he's
4 answering not in the exact response of what you've
5 asked, but I've given you a little leeway on this.

6 All of this territory has been covered, so,
7 Agent, that will conclude your testimony. You can
8 step down.

9 (Witness excused.)

10 THE COURT: Okay. We are going to recess for
11 the day, ladies and gentlemen, and we'll start in
12 the morning at 9:00 o'clock. Remember your
13 instructions: Do not discuss this case with third
14 parties, do not do independent research, and do not
15 deliberate on this case amongst yourselves. I hope
16 everyone has good evening and we will see you in the
17 morning.

18 (At 5:29 p.m., jury exited the courtroom.)

19 THE COURT: All right. Anything from either
20 side before we're excused?

21 MS. REEVES: Yes. May Agent Ledbetter be
22 excused? He's not going anywhere, but he needs to
23 assist me with the case. If he -- if Norman needs
24 to recall him, he can. He's available. He's not
25 going anywhere.

1 MR. EPPS: No objection.

2 THE COURT: Okay. All right. Now, just for
3 planning purposes, Ms. Reeves, how many witnesses do
4 you plan on calling tomorrow?

5 MS. REEVES: Two.

6 THE COURT: Okay. Who -- who -- who are you
7 going to call tomorrow?

8 MS. REEVES: James Perry and David Church.

9 THE COURT: Okay. And this is on the cell
10 phone?

11 MS. REEVES: Yes, sir.

12 THE COURT: All right. Mr. Epps, you've got a
13 number of witnesses, and I know your client can't
14 make his decision whether or not to testify at that
15 point, but do you anticipate calling any witnesses
16 tomorrow?

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

18 THE COURT: Okay. All right. So we'll see how
19 far we get tomorrow. And if we can finish with the
20 testimony, then we can argue and charge Friday
21 morning. If not, we'll keep plowing into Friday.
22 But we'll take as long as we need. I have been in
23 contact with the Clerk, and they cancelled the
24 backup dockets for the rest of the week, so we're
25 under no -- no pressure to hurry. Take as long as

1 you need, both sides, and we'll do what we have to
2 do. So we'll go into recess.

3 MS. REEVES: Thank you, Judge.

4 MR. EPPS: Thank you, Your Honor.

5 (At 5:32 p.m., proceedings concluded for the
6 day.)

7 April 13, 2023

8 THE COURT: Before we bring our jury in, I got
9 a note from the foreman, and he is asking if there's
10 any way we can give an estimate of how long we can
11 be out of work so we can update our employers. I'm
12 just going to tell them that we're going to do our
13 best to finish the testimony today; however, it
14 may -- they may not be able to do that. So I don't
15 know what else to -- what else to tell him on that
16 because I don't know how long this is going to take.
17 As I indicated -- as the State indicates, you have
18 two more witnesses?

19 MS. REEVES: Yes, sir.

20 THE COURT: And then we have several witnesses
21 that are listed by the defense, so I don't know.
22 Certainly, I don't want either side to feel
23 pressured if they have to leave out something they
24 feel is necessary, so we'll do our best. As you --
25 as you have -- we have been been working hard and

1 we're going to continue to work hard to try to get
2 this case tried, but we'll take as long as it needs.

3 Okay. Anything from either side before we
4 bring our jury in?

5 MS. REEVES: Your Honor, the State will need a
6 minute between the first witness and the second
7 witness, unless you can give me just a minute this
8 morning. We're still trying to -- we've admitted,
9 by stipulation, the phone records. I'm trying
10 to have printed just a portion of those records, so
11 we don't have to fiddle with the whole thing. And I
12 want to make sure that my date ranges are correct
13 and our display is -- is working, so either now
14 before we get started or in between.

15 MR. EPPS: And I want to ask -- we've got this
16 also State's -- State's witness, Forensic
17 Investigator James Perry from the Greenville County
18 Sheriff's Office. He did the phone extraction.
19 We've agreed to the chain of custody. I don't
20 necessarily -- it's like over 2400 pages. The
21 State -- I'm going through. The State has printed
22 out what they want to put in. I don't think I
23 necessarily have a disagreement with it coming in,
24 but I'd like to review it some. There may be a few
25 more that I've got to get that I want to place in,

1 as well. If we could have just a minute.

2 THE COURT: Y'all go ahead and look at it now.

3 MR. EPPS: Yes, sir.

4 THE COURT: I don't want to have to take a
5 break. I don't know how long this first witness is
6 going to be.

7 MS. REEVES: Your Honor, he actually won't be
8 very long, but you know.

9 THE COURT: I'd rather do it now ---

10 MS. REEVES: Right. Thank you.

11 THE COURT: --- so it doesn't interrupt the
12 flow.

13 (From 9:05 to 9:42 a.m., a recess was had.)

14 THE COURT: Okay. Let's get our jury.

15 (At 9:43 a.m., jury entered the courtroom.)

16 THE COURT: Good morning, ladies and gentlemen.
17 Mr. Foreman, I -- I'm in receipt of a question about
18 time. And in light of that, I know y'all have
19 been -- I appreciate your patience this morning. I
20 know you've been sitting back there for 40 minutes.
21 What's been happening, the attorneys have been
22 working very hard to try and streamline what's being
23 presented, and this goes right in line with your
24 question. We're doing our best to keep this moving
25 so we can be done this week.

1 THE FOREMAN: Yes, sir.

2 THE COURT: So there's still -- as you know,
3 the names that were read to you at the beginning,
4 there's still a number of potential witnesses for
5 each side that are out there, and I don't know which
6 will be called and which will not. We're -- we're
7 doing our best to move this along and get -- get
8 done this week.

9 MR. FOREMAN: Yes, sir.

10 THE COURT: So that's -- I wish I had more
11 definite information to tell you, but at this point
12 I don't, but the attorneys have been working very
13 hard to make this as streamlined as -- as possible.
14 We're -- we're ready to get started.

15 Ms. Reeves, call your next witness.

16 MS. REEVES: Yes, sir. Thank you. May it
17 please the Court? The State calls Investigator
18 James Perry.

19 (Witness approached.)

20 MR. EPPS: Your Honor, may we approach real
21 quick?

22 THE COURT: Yes, sir.

23 (Sidebar discussion.)

24 THE CLERK: Sir, if you would please step
25 forward and raise your right 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. Please have a seat in
7 our witness chair.

8 THE WITNESS: (Complying.)

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

11 THE WITNESS: It's James Phillip Perry. That's
12 P-e-r-r-y.

13 INVESTIGATOR JAMES PERRY,
14 having been produced and first duly sworn as a
15 witness on behalf of the State, then testified as
16 follows:

17 DIRECT EXAMINATION

18 BY MS. REEVES:

19 Q. Good morning.

20 A. Good morning.

21 Q. Investigator Perry, where do you work?

22 A. I work for the Greenville County Sheriff's
23 Office.

24 Q. And for how long?

25 A. I've been there for 28 years. And prior to

1 that, I have another Greenville City and Greer City
2 for a total of about 41 years actually this year.

3 Q. Okay. What is your position?

4 A. I'm an investigator in the computer crimes
5 unit.

6 Q. And what are your duties and responsibilities
7 as an investigator in the ---

8 A. We do the online predator. We're part of the
9 ICAT, which is internet crimes against children task
10 force. We also do all the cell phone and computer
11 forensics dealing with all types of cases, whether
12 it's homicides, sexual assaults, armed robberies.
13 We handle all of that, not only for our agency, but
14 we do it for surrounding agencies that don't have
15 the ability to have the equipment needed to do these
16 type investigations.

17 Q. Have you received specialized training and
18 education?

19 A. I have. I've had -- I've had training in
20 Cellebrite. I've been certified in Cellebrite
21 several times, other -- Blackthorn, WM3C. I've had
22 training through them. I've had training through
23 SLED at the beginning of my career with cell phone
24 forensics. I've had multiple classes. I've done
25 over 2500 cell phones so far in my career.

1 Q. What is an extraction?

2 A. An extraction is basically where you take a
3 cell phone. And the thing you have to understand is
4 that every cell phone is different, whether it's an
5 Android or an iPhone. And then once you break it
6 down into those two categories, what you're going to
7 get off of a cell is, depending on make, model of
8 that particular phone.

9 So what an extraction is, we take the cell
10 phone. We connect it to a machine. It's called
11 Cellebrite Touch. Once you plug it in, then you
12 navigate to that particular phone. It'll tell you
13 the type of extraction you can get, and the
14 extraction is just imaging information off of that
15 phone.

16 So once you get the image, it downloads it onto
17 an external hard drive that you've got connected to
18 the machine. I take it over to my forensic machine,
19 and I load that image into my forensics computer
20 using a software program by Cellebrite called UFED
21 physical analyzer. I then begin the analysis of the
22 extraction that I had just gotten off of the
23 Cellebrite touch machine.

24 So then it -- it goes in there, decodes that,
25 and it puts it into a format where I can then go

1 through the cell phone and look at the different
2 data that it was able to extract from that
3 particular phone.

4 Q. And what kind of things are you able to see?

5 A. I'm sorry? What?

6 Q. What kinds of things are you able to see from a
7 cell phone?

8 A. You can get texts messages. You can get
9 images, videos, call logs, contacts, other type of
10 information. Again, depending on the type of phone
11 it is. iPhones, you have a tendency to get a little
12 bit more information than you do off of Androids,
13 but both of them get all of this type of data.

14 Q. Does it extract -- does the extraction process
15 alter the information in any way?

16 A. No, it doesn't. There's no -- there's no way
17 to alter the information that it extracts off of
18 there.

19 Q. Did you receive evidence to analyze in this
20 case?

21 A. I did.

22 Q. Specifically, I will ask you, did you receive
23 an Alcatel 5044R collected from the incident in this
24 case from the bedroom?

25 A. I did.

1 Q. And did you receive a Motorola Model XT1609
2 collected from Marker 1?

3 A. I did.

4 Q. And did you receive a Samsung SM-N920A
5 belonging to Adam Lawless?

6 A. Yes.

7 Q. And when did you receive these items?

8 A. I received these on the 14th of March 2018.

9 Q. And the process you described previously, is
10 that what you did with these phones?

11 A. It is.

12 Q. And what, if anything, was done to the Alcatel?

13 A. Well, the Alcatel, when I powered it on, I
14 realized that it had been reset. So I went ahead
15 and tried to do an extraction anyway just to see if
16 possibly I could get some information off of it.
17 But once it's factory reset, it's -- you're not
18 going to get any information, so I wasn't able to
19 get anything dealing with normal information that
20 you want off of a phone. I think I got the last --
21 last time it had been powered on was the only
22 information that was available.

23 Q. And when was that?

24 A. I think it was on March 2, 2018.

25 Q. So what is a factory reset exactly?

1 A. It -- it just means that you have a cell phone,
2 you can reset it back to the factory reset.

3 Q. So it takes all the information off?

4 A. Yeah, it takes all the information off.

5 Q. And what, if anything, was done to the
6 Motorola?

7 A. The Motorola was missing a battery, and it
8 had -- the screen was just extremely damaged,
9 cracked, and everything else. I was able to find a
10 battery that fit it. Unfortunately, because of the
11 damage to the cell phone screen, I was unable to
12 manipulate the screen to get it to where I needed to
13 be for Cellebrite to be able to read it. So I
14 wasn't able to get anything off of that.

15 Q. And, finally, the Samsung in this case?

16 A. That one, I was able to get a logical and file
17 system extraction off of that.

18 Q. And did you create a report based on that
19 extraction?

20 A. I did.

21 Q. I'm going to show you what's been marked as
22 State's Exhibit 34, 35, and 36. Can you tell me
23 what these items are?

24 A. This is the report -- the digital report that I
25 created through the Cellebrite physical analyzer.

1 That's Exhibit 34.

2 And then 35 and 36 are printouts of information
3 that came off of the digital report that was on the
4 CD or DVR.

5 Q. Do you remember approximately how large this
6 extraction was if we printed the whole thing?

7 A. If you wanted to print the whole report, it
8 would've been over 2,000 pages.

9 MS. REEVES: Your Honor, at this time the State
10 would move to introduce Exhibits 34, 35, and 36 into
11 evidence.

12 THE COURT: Any objection?

13 MR. EPPS: No objection.

14 THE COURT: State's Exhibit Nos. 34, 35, and 36
15 are admitted without objection.

16 (State's Exhibit Nos. 34, 35, and 36 were
17 received into evidence.)

18 BY MS. REEVES:

19 Q. Thank you. Investigator Perry, I'm going to
20 have you look for me at State's Exhibit No. 35.

21 A. Okay.

22 Q. And, again, can you tell us what that is?

23 A. This is a printout of a contact list.

24 Q. From the defendant's ---

25 A. From this Samsung SM-N920.

1 Q. Okay. And can you please refer to the contacts
2 in that and tell us what Number 62 reads?

3 A. Sixty-two was named "house phone."

4 Q. And what is the first number in the
5 description?

6 A. (86 [REDACTED]-2016.

7 Q. And then for Contact No. 69, who does that
8 belong to?

9 A. That one was labelled "Kayla" and the phone
10 number is (86 [REDACTED]-8032.

11 Q. And then Contact No. 81?

12 A. "Mama Petty Betty's" and it's (86 [REDACTED]-0848.

13 Q. And finally Number 98?

14 A. "Mom home." And it's (86 [REDACTED]-3294.

15 Q. All right. And now I'll have you refer to
16 State's Exhibit No. 36.

17 A. Okay.

18 Q. I have highlighted some -- and, again, can you
19 tell us what this is?

20 A. This is a printout of some text messages
21 between a particular date range.

22 Q. And can you go ahead and read what has already
23 been highlighted for you?

24 A. Okay.

25 MR. EPPS: Your Honor, may I ask the -- it's

1 not an objection. We're certainly not trying to
2 hide anything, but I'd ask the Solicitor to
3 designate where he's going to start. There's
4 several places marked.

5 THE COURT: Show Mr. Epps what you have
6 highlighted.

7 MS. REEVES: We're actually going to start on
8 the back page and move forward.

9 MR. EPPS: So we're going from the -- okay. So
10 from ---

11 BY MS. REEVES:

12 Q. Investigator Perry, would you please begin at
13 Number 279?

14 A. Okay. It says, "Tabatha is pissing me off,
15 Adam."

16 Q. Investigator Perry, could you please tell us
17 who these calls are coming in from and when?

18 A. That's coming from "Mama's old cell."

19 Q. And when is that?

20 A. And that was 3/9 of 2018.

21 Q. And at what time?

22 A. 12:35 in the afternoon.

23 Q. And can you read that one again?

24 A. Sure. "Tabatha is pissing me off, Adam."

25 Q. And if you would, just continue on up, unless

1 the incoming or outgoing person changes ---

2 A. Okay.

3 Q. --- the conversation changes?

4 A. So you want me to tell you who it's ---

5 MR. EPPS: Judge, she's going to tell -- I
6 mean.

7 THE COURT: This is in evidence.

8 MR. EPPS: Yes, sir.

9 THE COURT: It's in evidence.

10 MR. EPPS: I understand.

11 THE COURT: Go ahead.

12 MR. EPPS: Yeah, we're not trying to hide
13 anything.

14 THE COURT: This is the exhibit. They can go
15 over the exhibit. Go ahead.

16 THE WITNESS: Okay. Then there's one from
17 Tabatha that, "Answer the goddamn phone." Now, do
18 you want the times on these too?

19 MS. REEVES: Please.

20 THE WITNESS: Okay.

21 MR. EPPS: Your Honor, may I -- sorry to
22 interrupt again. Again, we're not trying to hide
23 nothing, but he needs to designate what -- what --
24 whose phone this is, the time, if it's
25 incoming/outgoing.

1 THE COURT: Ms. Reeves, would it help to put it
2 on the screen? Could you put it on the screen?

3 MS. REEVES: I don't know. Mr. Epps, would
4 that help you?

5 MR. EPPS: He just needs to be clear for the
6 jury. I mean, this -- it's ---

7 THE COURT: We can see who sent it and who
8 received it. Again, this is in evidence, so
9 anything we can do to clarify this would be helpful.
10 BY MS. REEVES:

11 Q. Okay.

12 A. Okay.

13 Q. Investigator Perry, would you continue?

14 A. Okay. You want my to start at 278 again?

15 Q. You can start at 277, please.

16 A. 277. Okay. It's from "Mama's old cell,"
17 3/9/2018 at 1:12 in the afternoon. "Okay. So it
18 will give you an extra \$126 on State and an extra
19 thousand dollars, and Adam can still have some
20 amount as he was getting if we do this way."

21 Next one is from "Mama's old cell," 3/9/2018 at
22 1:55 in the afternoon. "You need to call me."

23 From "Mama old cell," 1:56:51. "She had her --
24 she had her mom call over here yelling and hollering
25 at your dad. You know that he can -- he can't --

1 cannot take -- take that. Yes, you are in it
2 because you are the one that got the money. So I
3 guess you be a man and stand up because she is one
4 that agreed to it."

5 This one is sent to "Tabatha" at 2:54 in the
6 afternoon on 3/9/2018. "Call me now."

7 The next one is sent to "Tabatha," 3/9/2018, at
8 2:55 p.m. "Why you need -- why you keep hanging up
9 on me?"

10 The next one is sent to "Tabatha," 3/9/2018 at
11 3:00 o'clock in the afternoon. "I don't know why
12 you're not answering me."

13 Next one is -- is from "Mama's old cell,"
14 3/9/2018 at 4:20. "The police left -- the police
15 let them in your house. Your dad fought for you,
16 but he told him only you can stop them. Your dad
17 has been cussed at, hollered at, and all not doing
18 it. You have to go get FL [REDACTED] and bring her to us.
19 He told dad to leave."

20 Next one is from "Mama old cell," 3/9/2018 at
21 4:21 in the afternoon. "You are the one that has to
22 make her leave."

23 Next one is from "Tabatha" on 3/9/2018 at
24 4:24 in the afternoon. "Why you not answering me?"

25 The next one is sent to "Mama old cell" on

1 3/9/2018 at 4:25. "The cunt made him leave."

2 Next is from "Mama old cell," 3/9/2018 at 4:31.

3 "He said you have to come tell them to leave your
4 house."

5 Next one is from "Tabatha" on 3/9/2018 at 4:56.

6 "If you can throw me away like that, then you don't
7 care about me."

8 Next one is from "Tabatha" at 3/9 or on
9 3/9/2018 at 4:56, "It's fine."

10 Next one is from "Mama's old cell, 3/9/2018 at
11 6:14 in the evening. "Tabatha thinks it's because I
12 did something wrong, but it's not. It's because she
13 told them I filed her taxes using another company's
14 software."

15 Then from -- from "Mama's old cell," 3/9/2018
16 at 6:22 in the evening. "Becky Liberty Tax" and
17 then gives a mobile phone number of "(86 [REDACTED] 4855."

18 Then there's one from "Tabatha," 3/9/2018 at
19 6:44, "I'm headed back there."

20 Then another -- the next one is from "Mama's
21 old cell," 3/9/2018 at 6:53. "If we put FL [REDACTED] on
22 there, it goes into account. If we don't, then I
23 would tell IRS to send check. I'm not doing yours
24 through Liberty Tax. You can't offer fees." Is
25 that -- I can't tell if that's ---

1 Q. Afford I think?

2 A. The next one is from, "Mama's old cell,"
3 3/9/2018. "Proof that I told her I wasn't doing it
4 at Liberty Tax. Now who is the liar?"

5 From "Mama's old cell," 3/9/2018, 6:55. "Do
6 not show her that whole message."

7 From "Tabatha," 3/9/2018 at 6:56. Just then,
8 "K."

9 Q. Investigator Perry, I think you can probably
10 skip the date, unless the date changes. If you
11 want -- just want to ---

12 A. Oh, I'm sorry. Okay. I didn't see that, but
13 yeah.

14 MR. EPPS: Judge, may I put -- I mean, I know
15 this is in evidence, but, obviously, this is talking
16 about -- and they talk about this tax issue, which
17 is fine. I don't believe it's relevant. We can --
18 I mean, this is a lot of stuff. He's going to have
19 to sit here and just read. All of it's into
20 evidence. We can give it to the jury. They can
21 look at it, but if he wants to talk about it, I
22 mean, he can reference the -- the March 12th of
23 2018. I mean, I don't think we got to go through
24 this whole ---

25 THE COURT: Mr. Epps, it's in evidence. How

1 Ms. Reeves chooses to ask her questions in her case
2 in chief is up to her, subject to your
3 cross-examination.

4 MR. EPPS: Yes, sir.

5 THE COURT: So let's move on.

6 BY MS. REEVES:

7 Q. Investigator Perry, if you could just read
8 the -- who's it ---

9 A. I'm sorry.

10 Q. That's okay. Incoming, who's it from, who's it
11 going to, and just the time, unless the date
12 changes.

13 A. Okay.

14 Q. So you start again at 225.

15 A. It's from "Mama's old cell" at 7:12 in the
16 evening. "Okay. So it will give you an extra 126
17 on State and an extra hundred -- or an extra
18 thousand, and Adam can still have some amount as he
19 was getting if we do this way."

20 Next one is from "Mama's old cell" at 7:12 in
21 the evening. "So you would get 1496 Fed and 645
22 State, so that's 2,000 now instead of a thousand.
23 What -- what do you think? Would that help you?"

24 From "Mama's old cell" at 7:13. "Go ahead."

25 From "Mama" old cell" at 7:26. "She needs to

1 fix my job or I will call IRS on her and claiming
2 Bentley will win. She was not living there. She
3 was living with you. Two can play that backstabbing
4 games."

5 From "Mama's old cell" at 7:29. "I lost my
6 bonus, Adam. Are you going to pay it for her?"

7 Q. Go ahead.

8 A. Next one is to "Mama's old cell" at 7:29. "No,
9 I'm not. I didn't do anything."

10 From "Mama's old cell" at 7:29. "Is she back
11 with your child?"

12 To "Mama's old cell" at 9 -- or at 7:37.

13 "Yep."

14 Then to "Mama's old cell" at 7:37. "I ain't
15 said a word to her."

16 From "Mama's old cell" at 8:00 o'clock. "She
17 fixed it with my work or leaves."

18 Next one is from "Mama's old cell" at 8:00
19 o'clock. "She needs to tell them I only help her
20 and she was mad about the State taking her money."

21 From "Mama's old cell" at 8:01. "She -- she
22 fail to realize all your money goes into that roof
23 that is over her head. She isn't paying for it.
24 She has to pay for her mother's."

25 Next one is from "Mama's old cell" at -- this

1 on 3/10/2018 at 6:06 in the morning. "Thanks for
2 having my back when I needed you most."

3 Next one is from "Mama's old cell" at 8:40 a.m.
4 "Why are you -- excuse me. What are your plans for
5 dealing with this?"

6 To "Mama's old cell" at 8:41. "I don't know
7 yet. I have got to work first."

8 From "Mama's old cell" at 8:42. "Is she going
9 to fix it with my work?"

10 At 8 -- to "Mama's old cell" at 8:43. "I'm
11 dealing with that. I can bet I'm working first."

12 The next one goes to 2:51 in the afternoon from
13 "Tabatha." "Wrong. But you believe everyone else,
14 so thank you for showing me exactly what I knew was
15 going to happen."

16 To "Tabatha" at 2:55 p.m. "This is all you
17 wanted from the beginning."

18 Let's see. From "Tabatha" at 3:16. "WTF. My
19 supposedly finance [sic] hides shit behind my back
20 and wants to kick the mother of his child out. You
21 left me this morning and didn't say anything but
22 bye. Here I am buying groceries and cleaning stuff,
23 hoping you'd appreciate it, but nah. And today, I'm
24 cleaning the house for you and your -- and you don't
25 appreciate it."

1 To "Tabatha" at 3:18. "No, Tabatha. It seems
2 that this is what you wanted. Like I said, it all
3 leads down to it. And then you put our business on
4 Facebook. WTF."

5 From "Tabatha" at 3:26 in the afternoon.
6 "Adam, you have screamed -- you've screamed at me
7 for two days and told me to leave and that you don't
8 give a shit. I'm not going to fight and argue
9 anymore. You want me gone, then give me two weeks
10 to pack my stuff and find a place to go so this
11 doesn't affect my job since you don't care."

12 To "Tabatha" at 3:27. "Tabatha, I done told
13 I'm thankful for everything you never once had. I
14 said I wasn't" ---

15 MR. EPPS: Your Honor, I'd ask -- he missed --
16 he needs to say it completely.

17 THE WITNESS: I'm sorry. "Tabatha, I done told
18 I'm thankful for everything you do. Never once have
19 I said I wasn't thankful. And, Tabatha, have you
20 ever tried to fix what you have caused?"

21 At 3:29 in the afternoon. "If you cared, you
22 would be trying to fix TG problems, not make it
23 worse and post shit on Facebook."

24 At -- to "Tabatha" at 3:48. "Okay. So do want
25 to go?"

1 At 3:50 to "Tabatha." "If you can throw me
2 away like that, then you don't care about me. Ain't
3 that what you just sent me?"

4 From "Tabatha" at 4:01. "You scream for me to
5 leave and that you will make me leave. I didn't do
6 it to you. You never leave it -- you never leave is
7 what you told me, but you've screamed and screamed
8 for me to leave. I tell you no, and your response
9 is you will make me."

10 From "Tabatha" at 4:09. "I haven't said one
11 word to you about leaving. You throw it up to me
12 for two days now, hollering and screaming. Again,
13 I'm not fighting or arguing with you. I'll talk to
14 you, but if it comes to one of those two, you can
15 count on me as a brick wall. You can count me as a
16 brick wall."

17 From "Tabatha" at 4:11. "And since it's thrown
18 in my face that I don't pay nothing here, every
19 little bit I have left out of my money will come to
20 you until whatever is decided."

21 To "Tabatha" at 4:12. "If I came down to -- if
22 it came down to it was what I was referring to. If
23 you want to go, I'm not going to stop you. It seems
24 like you want that anyway."

25 Q. Let's skip up to 209.

1 A. Skip up to 209?

2 MR. EPPS: You marked 213.

3 THE COURT: It's her exhibit.

4 MS. REEVES: Your Honor, this is my exhibit and
5 I'd like him to skip up to 209.

6 MR. EPPS: If he's going to read the
7 highlighted portions.

8 MS. REEVES: I'm trying to hurry this up, Your
9 Honor.

10 THE COURT: Again, Mr. Epps. This is
11 Ms. Reeves' question. You have the right to
12 cross-examine him ---

13 MR. EPPS: Yes, sir.

14 THE COURT: --- on whatever you feel is
15 relevant.

16 MR. EPPS: Yes, sir.

17 THE COURT: Go ahead, Ms. Reeves.

18 THE WITNESS: Okay. To "Mama's old cell" at
19 8:14 p.m. "I'm sure she's going to call her mama
20 over here and bullshit and cops and it's just going
21 to be hell. And you tell that lawyer if he keeps
22 on, IMAE take his ass to court."

23 To "Mama's old cell" at 8:18 in the evening.
24 "Just be ready. I'm sure she didn't -- I'm sorry.
25 Just be ready. I am sure she did the DSS call, so

1 don't think she want to do the IRS."

2 Q. Why don't you skip up to 205?

3 A. This is from "Mama's old cell" at 8:21. "She
4 could put all this to an end if she really loved
5 you, but telling Liberty Tax I only helped her do
6 her taxes."

7 Q. And then skip up to 203.

8 A. At -- this is from "Mama's old cell" at 8:27 in
9 the evening. "She on phone with her mama."

10 Q. And then the next, 202.

11 A. From "Mama's old cell" at 8:27. "Well, I guess
12 that's what you should tell her."

13 Q. 199.

14 A. Wait a minute.

15 Q. Do you need some water?

16 A. No. Just my eyes are -- they just need a
17 minute to let them get focused.

18 MS. REEVES: Your Honor, may I approach?

19 THE COURT: Yes, ma'am.

20 (Sidebar discussion.)

21 BY MS. REEVES:

22 Q. Okay. Investigator Perry, can you skip ahead
23 to 182, please?

24 A. Okay. This is to "Mama's old cell" at 10:21 at
25 night. "She still hasn't shut up."

1 Q. And then skip ahead to 170.

2 A. This is sent to "Mama's old cell" at 11:32 in
3 the evening -- at night. "She finally shut up."

4 Q. Skip ahead to 135.

5 A. This is from "Mama's old cell" at -- this is on
6 3/11 now, and it's at 2:45 in the afternoon. "Did
7 she leave?"

8 Q. Skip ahead to 123.

9 A. This one is from "Mama's old cell" at 7:14 in
10 the evening. "You're the damn one that don't want
11 to stop smoking."

12 Q. The next several that I have highlighted,
13 without reading them, who are they -- who is the
14 conversation between?

15 A. It is -- the next ones are from Kayla, from
16 Mama's old cell, from Kayla. Keep going up the
17 page?

18 Q. Are they mostly to and from Kayla?

19 A. Well, let's see. They're from -- from Kayla.
20 You got Mama's old cell. From Kayla. From Kayla.
21 And then there's -- on the -- at 7:55, there's one
22 to Kayla.

23 Q. And then, again, on the next page, are these
24 mostly to and from Kayla on March 11th, that
25 evening?

1 A. Yeah, the vast majority are -- are from Kayla.
2 There's a few to her. Just a couple, three I think.

3 Q. And same with the next page, does this continue
4 on, same evening, March 11th?

5 A. Yeah, that -- it's a conversation back and
6 forth between Kayla and the phone.

7 Q. I'm going to skip ahead to Number 48.

8 A. Okay. Do you want me to read that one?

9 Q. Yes, please.

10 A. Okay. It's to "Mama's old cell" at 7:02 in the
11 morning. "I guess you don't have FL [REDACTED] today.
12 She didn't go to work, so I believe she is going and
13 doing shit behind our back today and she might be
14 going to start trouble."

15 Q. And then the next one above that?

16 A. That's from -- from "Kayla" at 7:33 a.m. on the
17 March 12, 2018. And it says, "Morning."

18 Q. And then next one above that?

19 A. This is to "Kayla" at 7:39 a.m., "Morning,
20 beautiful."

21 Q. Can you read Number 30, please?

22 A. It's from "Mama Petty Betty." "I don't know
23 why Tab is not answering her phone and you took
24 the -- took the house phone off the hook, but if I
25 didn't hear from her in five minutes, I'm calling

1 the cops."

2 Q. And Number 24?

3 A. That's from "Mama Petty Betty's" at 12:39 in
4 the afternoon. "I'm not trying to be smart with
5 you. I just want to talk to my daughter."

6 Q. And then finally Number 21?

7 A. It's to "Mama Petty Betty's at 12:45 in the
8 afternoon. "After that, she went to bed and I
9 haven't spoke to her since. She slept in her
10 daughter's room."

11 MS. REEVES: That's all. Investigator Perry, I
12 don't have any further questions for you. Thank
13 you.

14 THE COURT: Okay. Mr. Epps.

15 MR. EPPS: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. EPPS:

18 Q. Investigator Perry, you just did the extraction
19 of this phone; is that right?

20 A. That's correct.

21 Q. Everything you read is just what you extracted?

22 A. Correct.

23 Q. You don't know nothing about -- anything else
24 about this case?

25 A. Not really.

1 Q. You wasn't involved in this -- in any
2 investigation other than doing this phone
3 extraction; is that right?

4 A. Correct.

5 Q. Okay. You read selected text messages between
6 Mr. Lawless, his mama, Tabatha, so on and so forth;
7 is that right?

8 A. Yes, sir.

9 Q. Okay. And that's it. Did you -- have you read
10 any text messages prior -- just prior to beginning
11 on March 9th of 2018 regarding how Tabatha and Adam
12 go back and forth on how they love each other and
13 want to cuddle and all of that? Did you look at
14 that?

15 A. No.

16 Q. All right. You just looked at the designated
17 selections that -- that the State wanted you to read
18 out; is that right?

19 A. That's correct.

20 Q. All right. But she skipped over a few on
21 March the 12th that I think are important. All
22 right. And I'm going to put this document on the
23 screen and I'm going to -- this document. So if
24 you're looking at that -- if you look at Number 48,
25 right?

1 A. Okay.

2 Q. All right. That is -- this is from Adam

3 Lawless's phone, correct?

4 A. Correct.

5 Q. All right. And that is an outgoing text from

6 him that is at 7:02 a.m. in the morning, right?

7 A. Correct.

8 Q. All right. That says UTC4, but that's eastern

9 standard time, right?

10 A. No. UTC is designated as -- the designation is

11 zero. So when you subtract 4 hours, that makes it

12 eastern time.

13 Q. Yes, sir.

14 A. So that -- that's eastern time.

15 Q. And that's what I'm clarifying.

16 A. Okay.

17 Q. That -- that's 7:02?

18 A. That's the correct time.

19 Q. That is -- that is eastern standard time?

20 A. Yes.

21 Q. Yes. All right.

22 A. Actually, yeah. It's daylight savings time

23 actually.

24 Q. Okay. But that's the correct time, 7:02 a.m.?

25 A. Right.

1 Q. All right. And that's on the morning of
2 March 12th of 2018?

3 A. Correct.

4 Q. Okay. And Mr. Lawless says, "I guess you don't
5 have FL [REDACTED] today because she didn't go to work, so
6 I believe she is going and doing some shit behind
7 our backs today and she might be going to start
8 trouble," right? He tells his mama that she doesn't
9 have FL [REDACTED] because she didn't go to work --
10 because FL [REDACTED] -- I mean, Tabatha didn't go -- go
11 to work, correct?

12 A. That's what it says.

13 Q. Okay. And then he's got some back and forth
14 that you read between he and -- and -- and Kayla,
15 right? "Morning, beautiful."

16 A. Correct.

17 Q. And then there's a text from -- on Number 45
18 from "Meineke Jeff from -- Meineke Jeff from," which
19 is an incoming text to Adam at 7:41 a.m.; is that
20 right?

21 A. That's correct.

22 Q. And that says, "You open?"

23 A. Correct.

24 Q. Okay. And then on Number 43, Adam responds at
25 7:53 a.m., "Yes"; is that right?

1 A. That is correct.

2 Q. Okay. Now, I'm going to hand you -- I'm going
3 to show you what you -- you also referenced and
4 testified to Number 30; is that right? That was
5 from "Mama Petty Betty" and it was incoming at
6 12:03 p.m. on the 12th?

7 A. Correct.

8 Q. And you read -- you read that. The State
9 wanted you to read that -- that specific text,
10 right? And that said, "I don't know why Tab is not
11 answering her phone and you took the house phone off
12 the hook, but if I don't hear from her in five
13 minutes, I'm calling the cops," right?

14 A. Correct.

15 Q. Okay. And then you read Number 20. Did you
16 read Number 26, the -- the -- the text from Adam to
17 Mama Petty Betty?

18 A. I don't recall if I read that one or not.

19 Q. Okay. That's Number 26. And he said, "Call
20 the cops. I don't gave shit"; is that right?

21 A. Correct.

22 Q. All right. And he also -- what's the next --
23 the Number 25. He also text -- texted "Mama Petty
24 Betty" and said, "I don't take the house phones to
25 work and she was in her daughter's -- she was with

1 her daughter last night sleeping, so I don't have a
2 clue why she's not answering," right?

3 A. Correct.

4 Q. That's what his response was to her mother, and
5 the State just skipped over that one, right?

6 A. Well, she had it checked, but I think she
7 was ---

8 Q. And then -- and then the response is, "I'm not
9 trying to be smart with you. I just want to talk to
10 my daughter."

11 And then Adam responds, and that's number --
12 that's Number 23, "I haven't spoke to her since
13 yesterday."

14 And then Tabatha's mama said on 22, "You talked
15 to her last night because I sent her -- because you
16 sent her to the store and had your friend over
17 there."

18 And then Adam responded on Number 21, "After
19 that, she went to bed and I haven't spoke to her
20 since she slept in her daughter's room," right?

21 A. That's what he said.

22 Q. Okay. And then on Number 20, that is from
23 Adam's mother incoming. "We're at the Walmart in
24 Georgia. I'll go over there and tell her to call
25 her mom as soon as I get home," right?

1 A. Right.

2 Q. And that's at 12:47 a -- p.m. on March 12th.
3 And then on -- at 12 -- well, at 12 -- on Number 19,
4 an incoming call from Adam's mom to -- Adam's mom to
5 Adam, "Tell her mom I'll go over there and tell her
6 to call her"; is that right?

7 A. That is correct.

8 MR. EPPS: Okay. Thank you, sir. Your Honor,
9 I have no further questions.

10 THE COURT: Any redirect?

11 MS. REEVES: No, sir.

12 THE COURT: All right. Thank you, Officer.
13 You may step down. Any objection to this witness
14 being excused?

15 MR. EPPS: No, sir.

16 THE COURT: All right. Thank you, Officer.
17 You are excused.

18 THE WITNESS: Thank you.

19 (Witness excused.)

20 THE COURT: State, call your next witness.

21 MS. REEVES: Yes, sir. State calls David
22 Church.

23 (Witness approached.)

24 THE CLERK: Please raise your right.

25 THE WITNESS: (Complying.)

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

4 THE WITNESS: I do.

5 THE CLERK: Thank you. Please 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: Thomas David Church, Jr. The
11 last name is spelled C-h-u-r-c-h.

12 DAVID CHURCH,
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. Good afternoon, Mr. Church.

19 A. Good afternoon.

20 Q. Good morning, Mr. Church. Sorry. Could you
21 please introduce yourself to the Court?

22 A. Again, my name is David Church. I'm currently
23 employed with a company named Precision Cellular
24 Analysis or PCA for short. PCA is a group of former
25 FBI agents that all have experience in analyzing

1 call detail records from phone companies and have
2 all been certified through a process that the FBI
3 has in that same realm.

4 Q. Can you pull that microphone up to you just a
5 bit?

6 A. I'm so sorry.

7 Q. How long were you employed by the FBI?

8 A. Twenty-three years.

9 Q. And prior to that, what did you do?

10 A. I was a police officer in Greer, South
11 Carolina, for four years.

12 Q. Where did you go to school?

13 A. Clemson University.

14 Q. And could you please give the jury some
15 background about what you did with the FBI during
16 your 23 years?

17 A. So I started out in the Brownsville, Texas,
18 office after I got out of the agent academy in
19 Quantico, and I primarily worked violent criminal
20 matters there, general criminal matters. Also, part
21 of a task force there on the border of the U.S. and
22 Mexico.

23 After that, I transferred to Quantico,
24 Virginia, that was in 1999, where I became the
25 full-time tactical operator for the hostage

1 negotiation team. Part of my duties there were
2 doing communications for our team, both in the
3 United States and abroad using our multiband radio
4 systems.

5 In 2007, I transferred to Roanoke, Virginia,
6 and went back to doing investigations full-time.
7 Again, part of the violent crime task force and
8 mainly working violent crime matters, but also did
9 some public corruption, terrorism-type
10 investigations, as well.

11 Q. What were your duties and responsibilities for
12 the last several years of your FBI career?

13 A. So my last six years, I spent full-time as a
14 CAST trained agent. Cast stands for "cellular
15 analysis survey team." It's a unit within the FBI.
16 So I spent pretty much full-time assisting cases
17 within our own agency with the FBI, other Federal
18 agencies, and State and local -- other State and
19 local agencies in violent crime investigations
20 primarily by analyzing company detail records as
21 part of those cases.

22 Q. What is CAST?

23 A. CAST, again, is cellular analysis survey team.
24 That's a unit that the FBI formed in 2010 that
25 specializes in analyzing cellular call detail

1 records from phone companies and cell site analysis.

2 Q. And what is the primary duty of CAST agents?

3 A. To assist local and State and other Federal
4 agencies and, obviously, within the FBI also in
5 their investigations, analyzing those call detail
6 records to help with investigations. Also, with
7 fugitive investigations, finding people, finding
8 missing children, things of that nature.

9 Q. And so why was this task force formed?

10 A. So CAST was formed in 2010, mainly in the
11 growing response -- the growing need to have a cadre
12 of experienced people to analyze records as part of
13 investigations. As we all know in the last 15 to 20
14 years, cell phone usage has increased. We all
15 depend on our cell phones for a lot of things in our
16 lives.

17 And with that, comes a lot of records that need
18 to be analyzed and put into context. So when these
19 investigations -- when records are received by
20 request or a person is being sought for, whether
21 it's, you know, an arrest warrant or just a missing
22 person, we assisted. There was obviously a need for
23 some experience there to look at those records and
24 be able to find people based on those phones.

25 Q. And is the CAST team associated with any other

1 units in the FBI?

2 A. The CAST team was also part of what the FBI
3 calls the "child abduction rapid deployment team."
4 That's a team that responds when, like, an amber
5 alert is put out for a missing child, things of that
6 nature, child abductions, CAST would deploy with
7 them to provide the phone analytical resources.

8 Q. Did you stay busy?

9 A. Yes. As you can imagine, nowadays phones are
10 involved in every investigation, so we were
11 constantly being used for cases within the FBI and
12 State and local partners within, you know, for all
13 of their cases.

14 Q. We are here today on a criminal matter of
15 course, but is that the only context that you're
16 used?

17 A. No. We can use phone records, I mean, as long
18 as we have the records obviously, to find any phone
19 for whatever purpose. You know, we used those in
20 cases of trying to find maybe an Alzheimer's
21 patient -- patient that's walked away or a person
22 missing in a National forest. Things of that
23 nature, so it's not always -- doesn't always have to
24 be in a criminal realm.

25 Q. What is historical cell site analysis?

1 A. So as I mentioned before, we obviously -- most
2 of us at least have cell phones. There's actually
3 more cell phones in the world today than there are
4 people because there are people that have two or
5 more cell phones.

6 When you're using your cell phone within a
7 given network, say AT&T or T-Mobile or Verizon, that
8 particular carrier is recording what's going on and
9 produces a record of your call activity, who's being
10 called, more importantly, the cell tower and sector
11 site of a tower that's being used at a particular
12 time.

13 So we can take those records, and along with
14 the investigative facts that we know in a case that
15 are -- that were provided, can put meaning into
16 those records as far as context and relate that as
17 far as the activity of the phone in regards to that
18 particular investigation.

19 Q. And what -- what are CDRs?

20 A. That's the acronym we use for call detail
21 records.

22 Q. And what do they provide?

23 A. They provide duration of calls, date and times
24 of when those communications occur, the people that
25 are receiving or sending the call. And more

1 importantly, again, the cell tower information
2 associated with where those resources were used to
3 do that particular communication.

4 Q. And what is the cell site or sector?

5 A. So the -- the cell phone companies also
6 maintain towers that provide the service for our
7 cell phones. They also maintain a list, what we
8 call a tower list or a cell site list, of where all
9 those thousands of towers are located in the United
10 States.

11 Along with that, they provide what -- how that
12 actual service is delineated on that particular
13 tower. Most towers are set up to provide service to
14 three different sectors. And so within that record,
15 they also provide the site of a tower or a sector
16 with an orientation -- it's called an azimuth. It's
17 a fancy word for direction -- of where that
18 particular sector is pointing to provide service.
19 So along with that and the records, we can show the
20 activity graphically on a map.

21 Q. So how do you do that? How do you go about
22 using CDRs to locate phones and people using them?

23 A. So if we were looking -- if we're looking for
24 an actual person or a phone that's, you know, being
25 used by someone presumably, we can look at several

1 different things. One, looking at the first and
2 last call. That's primarily where someone resides.
3 If you think of your own phone usage, typically, you
4 know, you're using your own phone quite frequently
5 during the day or the phone is doing something with
6 even out you using it. And that, typically, is
7 going to occur where you're residing, where you're
8 sleeping. So in the evenings, in the mornings is a
9 good indicator of where a phone may be at those
10 particular times.

11 And also look -- take a -- do a pattern
12 analysis. So looking at the records, depending on
13 how many records we have as a whole, you can look at
14 the records and kind of come up with pattern of life
15 analysis. These determine the people that are
16 called the most, where people spend the most of
17 their time, and what they may be doing around that
18 specific time.

19 Q. Can you pinpoint an exact location?

20 A. No, we can't. No, we can't say exactly where
21 the phone is based on the call detail on these
22 particular call detail records that we're referring
23 to. Again, it provides a tower and a sector off of
24 that tower that the phone is used. So the area or
25 the actual location is not -- the exact location

1 can't be provided, but we can determine where people
2 are located based on some of those -- those things
3 that I mentioned by looking at the totality of the
4 records, determining known addresses. We can put
5 all of that information together and investigate and
6 logically determine where a person may be located,
7 and that's how we end up finding people eventually.

8 Q. You mentioned that you were a certified CAST
9 agent. What qualifications does a person need to
10 become a CAST member?

11 A. So, primarily, you just need experience in
12 understanding how cellular networks operate.

13 Secondly, experience actually analyzing records
14 from all the major carriers.

15 And then the real life application of putting
16 that to use and investigations and experience of
17 using those to find people and impact ongoing
18 investigations.

19 Q. What is your training that you personally
20 received?

21 A. So I've had over 500 hours of training radio
22 frequency theory; advanced and basic network survey
23 tools that we use to -- CAST uses to map coverage
24 areas; advance cellular record analysis training.

25 Also, we, CAST, regularly met with the actual

1 carriers, the people that provide us the records and
2 their engineers and got training from them about how
3 the networks operate, how do they facilitate the
4 services they provide.

5 Q. Are you required to pass any type of test or
6 exam?

7 A. Yes. To be ultimately certified, all the
8 advance courses required, a written test and
9 practical examination, practical testing to pass in
10 order to be certified.

11 Q. And did you pass?

12 A. Yes.

13 Q. And once certified, did you receive any
14 additional training or certification?

15 A. Yeah, yearly we would get trained again from
16 the carriers, meet together and get training from
17 other entities within the cell phone world to keep
18 up-to-date on changes that may be occurring,
19 especially within the records themselves from the
20 major carriers.

21 Q. And have you ever provided training in these
22 areas?

23 A. Yes. I was an FBI certified instructor, so I
24 provided training as a CAST certified agent, basic
25 and advanced level. I was involved in putting

1 together some of the training.

2 Also, within the company that I work for now,
3 PCA, we provide that same training to local and
4 State agencies and Federal agencies. And I just
5 recently trained -- had a basic class that I
6 instructed in Kansas City a few months or a month
7 ago.

8 Q. Mr. Church, do you mind speaking up?

9 A. Oh, I'm sorry.

10 Q. How many times approximately have you performed
11 historical cell site analysis cases?

12 A. So I've been -- excuse me. I've personally
13 hundreds of cases, and then assisted in many others.
14 The types of cases -- homicides, like I said
15 earlier, terrorism cases, public corruption cases.
16 I also have worked or my work has been with violent
17 crime-type cases and fugitives and missing persons.

18 Q. Have you testified as an expert on this topic
19 in court before?

20 A. Yes. I've testified as an expert numerous
21 times and I actually testified in this court several
22 years ago.

23 Q. Based on your training and experience in
24 cellular telephone record analysis, is cellular
25 telephone analysis reliable?

1 A. Yes. So, again, cell phone companies keep
2 record of their customers' activity. One main
3 reason they do that is because they want to make
4 sure that they're running their network efficiently.
5 They want to optimize that network so you get the
6 best service you can because, obviously, they want
7 to keep you as a customer.

8 So they -- they use a lot of the records they
9 have to make sure they don't have gaps in the
10 network, they can minimize dropped calls, things of
11 that nature. They also do it for billing reasons.

12 The 911 system, at a minimum, requires that
13 they can provide at least a tower and a sector of a
14 911 call in case you need help. They've refined
15 that over the years to be able to provide even more
16 than that, so it needs to be reliable just for
17 public safety obviously.

18 And then the biggest thing that for me and the
19 valid -- the validity of reliability is just over
20 the years of working cases and using the phone
21 records to find people, you know, the records
22 validate themselves by, you know, when we're able to
23 do that, looking at the records and the same type of
24 records that are involved in this case and being
25 able to determine where people are located to find

1 them.

2 MS. REEVES: Your Honor, at this time I'd like
3 to offer Mr. Church as an expert in historical
4 cellular telephone record analysis.

5 THE COURT: Any objection?

6 MR. EPPS: No objection.

7 THE COURT: So the witness will be deemed an
8 expert in historical telephone record analysis
9 without objection.

10 BY MS. REEVES:

11 Q. Mr. Church, did you create a report as part of
12 the presentation today?

13 A. Yes, I did.

14 Q. And were you also provided with the cell phone
15 records from six different individuals in this case?

16 A. Yes.

17 Q. And I'm going to hand you those as State's
18 Exhibit 38 and 39. I'm also going to hand you
19 what's been marked as State's Exhibit 37. This is a
20 phone list of the phone numbers in addition to the
21 phone records that are involved in this case. Would
22 that assist you today in your testimony?

23 A. Yes.

24 Q. And, again, the phone records that you
25 provided -- I mean, that we provided to you that

1 have previously been admitted into evidence, those
2 were larger than just what I've handed you; is that
3 correct?

4 A. Yes.

5 Q. And so these are just small portions of that
6 record; is that correct?

7 A. That's correct.

8 MS. REEVES: Okay. Your Honor, at this time
9 I'd like to offer State's Exhibit Nos. 37, 38, and
10 39 into evidence.

11 THE COURT: Any objection?

12 MR. EPPS: No objection.

13 THE COURT: So State's Exhibits 37, 38, and 39
14 are entered into evidence without objection.

15 (State Exhibit Nos. 37, 38, and 39 were
16 received into evidence.)

17 BY MS. REEVES:

18 Q. Mr. Church, may I retrieve your report from you
19 and I'll go ahead and put it on the screen. And if
20 at any point you need step down, please do so to
21 point.

22 A. Okay.

23 THE COURT: Which -- which exhibit is this?

24 MS. REEVES: These are pages of State's
25 Exhibit 38. It does have multiple pages and they're

1 numbered within.

2 BY MS. REEVES:

3 Q. So, Mr. Church, if you would just like to begin
4 explaining your report.

5 A. Okay. This first page is just a cover page of
6 the report and it shows the phones that I was
7 provided -- phone numbers I was provided to be
8 analyzed, the date it was completed, and then the
9 date it was peer reviewed -- peer reviewed by
10 another CAST certified expert from the same company,
11 PCA.

12 So this second page summarizes the case
13 information that I was provided. At any time that
14 we're doing any type -- type of analysis, we need at
15 least a certain amount of facts about the case so we
16 can properly look at the proper time frames and
17 those types of things when we're analyzing the
18 records. Do you want me to read that or...

19 Q. No. I think they are familiar at this point.

20 A. Yeah. And then it shows the date and times
21 that the -- for the analysis based on that
22 information which was the evening of March 11, 2018,
23 to the afternoon of March 12, 2018, and then the
24 type of records that were provided from AT&T. All
25 six phones were AT& -- the carrier was AT&T.

1 Q. And then go to page 3.

2 A. This summarizes the methodology that we used
3 for the analysis, which is basically a summary of
4 what I've explained before, taking the call detail
5 records and matching that with the cell tower list
6 to be able to graphically display that on a map that
7 you'll see in the report.

8 It also shows the software that was used. We
9 take -- there's different softwares out there to
10 help analyze the records. You can put the records
11 in and it helps you map them quicker. We always --
12 at least I always manually verify that mapping by
13 using other tools to make sure that it's -- it's
14 being mapped accurately. In this case, we used one
15 that's -- a mapping software that's produced by a
16 company called Cell Phone Data. It's out of
17 Colorado.

18 Q. Page 4.

19 A. So this first section of the report gives
20 examples or it explain -- helps explain the
21 fundamental principles of cellular analysis. This
22 is the cover page for these next few pages.

23 Q. Page 5.

24 A. This is some bullet points explaining a few
25 extra things that I probably haven't explained as

1 far as technology. So when cell phones are
2 operating in a network, say, your cell phone, my
3 cell, it's -- and it's on, it's constantly surveying
4 the network around it because it wants to obviously
5 find service so you can receive a call, send a text,
6 whatever it may be. Send an e-mail, get on Google,
7 whatever it may be.

8 So as it's scanning that environment, it's
9 constantly measuring the signal strength from the
10 different towers that are around it. And it creates
11 a list of the -- actually, the network gives it a
12 list called a neighbor list, so it -- first, it
13 measures and basically ranks. We call it racking
14 and stacking. It ranks the signal strength. So at
15 given time if the phone is going to be in use, it
16 knows the best tower or sector to use. And we call
17 that the best serving cell.

18 That is typically the closest tower or sector
19 to the phone providing service, but it doesn't
20 always have to be. There's other factors that can,
21 you know, be in play that may not warrant it being
22 the closest, but typically it is. So as that phone
23 moves around, it's constantly changing. And mobile
24 phones came about so we could use mobile phones as
25 we travel. That's why in a minute we'll see a map

1 and you'll see the actual towers that -- and a lot
2 of the towers are situated near roads because that's
3 what they're intended -- intended to do to use while
4 you're on roads. So that's the thrust of where
5 their coverage tends to be located, but we all know
6 it provides service all over because nowadays we
7 have service about everywhere we go.

8 Q. Page 6.

9 A. So this is an example or this is actually the
10 towers for AT&T back in March of 2008 [sic], during
11 the time frame of this particular investigation and
12 this incident. So as you can see on there, there's
13 a -- all those little orange dots are tower
14 locations. So it's not showing you the actual
15 sectors inside the PowerPoint on this map. It's
16 just showing you where the towers are.

17 You notice up in the top kind of right-hand
18 corner, that's Greenville. Obviously, a more
19 populated area, so there's more power -- or there's
20 more towers. As you move out into the rural areas
21 down toward the lake and south of Greenville, you
22 see less towers mainly because there's less people.
23 There's not as much capacity needed for service.

24 So, generally, rural -- most urban areas have
25 more towers than rural areas just for those capacity

1 reasons. And towers are fairly -- equipment is
2 fairly inexpensive -- or fairly -- I'm sorry --
3 expensive to operate and to install. So, obviously,
4 a company that's looking to make money is not going
5 to put up multiple towers where they don't need them
6 for that particular capacity.

7 So throughout the map on the maps, the orange
8 dots are labelled. They're AT&T cell sites. Each
9 time you see one of those orange dots.

10 Q. Page 7.

11 A. And this is a close-up view -- a closer view of
12 just the area that you will see during this
13 analysis, the area where the activity of these
14 particular phones was taking place. So you have
15 Anderson up there, and some of the locations I was
16 provided are on this map. One being Meineke Car
17 Care up in the -- of the top area in Anderson. Down
18 south in Iva, you have an East Broad Street address
19 and a Foster Road address. And then out west near
20 Hartwell, a Walmart address.

21 Q. Page 8.

22 A. This explains a little more about cell site and
23 sectors. So as I explained before, a tower,
24 typically, is divided into three sectors. We'll
25 graphically see that here in a minute in the

1 upcoming page of the report.

2 So if you think about a clock, with 12:00
3 o'clock being north and then going in a circle,
4 clockwise circle, the sectors are oriented in a
5 particular azimuth by degrees. So if you're not
6 familiar with that, again, it's just a fancy way --
7 if you were looking at a compass, it shows you
8 degrees based on north on a map, magnetic north.

9 And so the company set up their towers and the
10 center of a particular sector -- sector site of
11 tower is a particular direction or azimuth, whether
12 it's zero degrees, 20 degrees, 180 degrees, that
13 would be pointing directly south. And then off of
14 that is where the radio frequency is emitting to
15 provide service. That will make a little more sense
16 when you see the graph on the map here or the
17 diagram here to come.

18 Also of note, the cellular -- the engineers for
19 the cellular network set up the towers and the
20 networks so the service is efficient at providing
21 you with the service you need to operate no matter
22 where you are with your cell phone, so then you'd
23 probably need to provide some overlap with those
24 opposing towers and sectors. So you can, what we
25 call, hand off from one sector to another if you're

1 in a call and, you know, they don't want you to drop
2 that call.

3 So like a great example would be driving down
4 the road. If I was on a call today, I drove from
5 Greenville down to Anderson. As I -- if I was on a
6 call for 20 minutes, as I moved the network would
7 hand me off to the next sector as I went and we
8 would see that in the record, depending on the
9 record. Some providers don't provide all of those
10 hand offs. AT&T actually does.

11 So you can think of it like if you were setting
12 up a sprinkler system in your yard and you didn't
13 want to have any brown spots, you would overlap the
14 water, you know, from the -- from your zones that
15 you're trying to -- you're covering all your grass.
16 Similar concept. They're the same concept. They're
17 overlapping at least the -- a little bit depending
18 on the needs of what -- what they need in that
19 particular area and capacity, so you can constantly
20 operate that phone without having gaps in service.
21 In the following pages, there are some illustrations
22 of that that make it better explained.

23 Q. Page nine.

24 A. So this would be -- kind of imagine looking
25 down the top two diagrams, this says tower sectors

1 and tower azimuth. If you were looking like a
2 bird's eye view on top of the tower, and this shows
3 how they're divided up into three sectors.

4 So in a circle, there's 360 degrees, so a three
5 sector -- three-sided tower, each sector is
6 estimated or approximated to be 120 degrees. Now,
7 some they can have, depending on capacity, they can
8 be smaller. All the ones in this particular case
9 that I found were three-sided towers or approximated
10 to be 120 degrees per sector.

11 So the diagram on the top left shows just an
12 example of how one could be set up. They're not all
13 set up exactly the same. Again, it depends on the
14 needs there in that particular area, but sector one
15 there and it's shaded in the red pointed north.
16 Sector two, kind of pointed southeast. You can --
17 on your screen, you may be able to see degrees
18 there. I can on mine, but north -- zero degrees is
19 north and then you can counterclockwise go in
20 increments of 10 all the way around to 360 back to
21 zero.

22 So that's what's provided to us in the record.
23 We get a unique identifier. Every identify -- every
24 tower and sector is identified by a unique number
25 that's not duplicated, like a -- it's like a

1 fingerprint in the network.

2 Based on that out of the call detail records,
3 we can match that to the tower list and then it'll
4 tell us, okay, that sector is located here on earth
5 and this sector is pointed in this direction, this
6 azimuth. So if it's zero degrees and we're doing
7 120 degree side of the tower, we're going 60 degrees
8 on each side and zero degrees at the center of that
9 direction that the radio frequency is being
10 provided. And that's depicted there on the top
11 right. You can see what we call a pie wedge. It
12 depicts that 120 degree sector. And then you see it
13 better on the bottom illustration as it's in a -- on
14 a map, that actual wedge depicting activity.

15 A couple of things to point out. That wedge,
16 that pie wedge, is not showing coverage area. We
17 can't determine the actual coverage area of a
18 particular sector from the records. To get an
19 accurate coverage area, you would have to actually
20 go out and drive test, meaning you would take
21 equipment out, gather the radio frequency in the
22 area, and then it would map where there is the
23 usable RF, radio frequency, for the phone for a
24 particular coverage area of a sector.

25 So what we're illustrating is, again, the side

1 of the tower, the 120 degree side of a tower that
2 was used for that particular activity in the record.
3 The -- what we call the legs or the arms on that
4 wedge are not, you know, definite beginning and
5 ending to the sector. Again, there's going to be
6 transitional between opposing sectors facing each
7 other and within the sectors that are on the same
8 tower. So, again, you can move around and continue
9 to use the phone without any gaps.

10 And then, finally, that wedge or the little
11 curved ark that's shaded there is just to show
12 direction. That's the direction again. Another
13 indicator that's the direction of the RF signal, the
14 radio frequency signal is pointed and servicing that
15 particular area.

16 So, again, just as important to know that the
17 shape of that particular diagram -- when you see
18 that diagram, it's not saying this is the area where
19 the phone would be. We can -- we have to look at
20 the entire network. The other -- the other towers,
21 the surrounding towers, can make an estimate on, you
22 know, where that phone could be or where that phone
23 would not be.

24 Q. Slide 10.

25 A. This is -- it's examples of different cell

1 towers. I'm sure we've all seen them driving up and
2 down the road. There's -- they put them on the side
3 of buildings, you know, in downtown areas where they
4 can't erect a tower. And nowadays, they're trying
5 to beautify them as much as possible so they're not
6 gaudy steel structures out there that people are
7 unhappy looking at, so they turn them into cactuses
8 and different things to help them blend in.

9 So when we talk about a cell site or a tower,
10 it's just that place where a company -- a phone
11 company has equipment to provide service for the
12 network.

13 Q. Slide 11.

14 A. And this is a little better example. This is a
15 real tower looking down on it and then you can see
16 those antennas. They're, you know, going up and
17 down, but you see the three defined sides of that
18 particular tower, and then the antennas that are
19 pointing up and down facing different directions.
20 So each one of those sides is providing
21 approximately 120 degrees of coverage to the
22 radio -- or for radio frequency for cell phone
23 usage.

24 So when you're -- when you're thinking about
25 the coverage of that, the radio frequency is similar

1 to shining a flashlight. So if you shine -- if I
2 was shining a flashlight at you and it's pointed
3 directly -- directly at you, you're going to get the
4 brightest part of the light. As you move out away
5 from that, it will diminish some. The same with
6 radio frequency. The strongest signal is going to
7 be from the middle and it'll diminish a little bit
8 going out, but obviously they're setting it up to
9 cover all their area that they can.

10 Same with distance. The closer it is, the
11 brighter it's going to be. The further you get away
12 from that light, the less bright it's going to be.
13 Same with radio frequency.

14 Q. Slide 12.

15 A. This next section is just explanations of the
16 phone records themselves and what sound and what
17 we're using to map and show the activity.

18 Q. Slide 13.

19 A. So this is an example pulled from one of the
20 records in this case from AT&T that shows -- they
21 call it a mobility record, but it's the call detail
22 record for a particular phone. And as you look
23 across from left to right, they have different
24 columns here. And this is AT&T provided their
25 record, their main raw record in a PDF format.

1 So from left to right, you have the date and
2 time of the call, which for AT&T and most of the
3 records nowadays are provided in UTC, which is
4 coordinated universal time, which is just what all
5 of our times are based on. So you have to determine
6 what time zone you're in for this particular --
7 these sets of records where the phone was located,
8 when it was using, and figure out what the time is.
9 So in this case, eastern standard time or eastern
10 daylight time.

11 It just so happened in this case that
12 March 11th was our time change that year in 2018
13 where we change our clocks. So we changed from
14 eastern standard time to eastern daylight time, so
15 that occurred within here. It doesn't really --
16 it's just something that we have to know so we make
17 sure we're adjusting the times the proper way and
18 showing the proper time for eastern time here when
19 we're converting it from UTC.

20 So based on that, we're either subtracting four
21 hours or five hours from UTC. So if you're looking
22 at a record without it being converted, you've got
23 to make that calculation in the record to come up
24 with the right time and note obviously the date.

25 Next, you have seizure time. So AT&T provides

1 seizure time and elapse time. Seizure is the
2 time -- it's the set up of the call when you make
3 the -- in this case, say you're making a call,
4 that's it running through the network and getting
5 hooked up to whatever. If your phone's ringing, the
6 network's processing and getting it to whoever
7 you're trying to call or who may be trying --
8 whoever may be trying to call you.

9 The next one is elapsed time. That's after the
10 call is set up, you're on the phone, you can call
11 and then the certain amount of seconds, however long
12 that is, or minutes that you're on the call is the
13 elapsed time.

14 And then they have an originating number and a
15 terminating number. Originating number is the
16 person that's making the call. If these are for
17 particular target cell phone number, if the
18 originating number is in that target cell phone,
19 then that's the person making the call. So let's
20 say if it was my phone -- phone records, if I'm in
21 the originating call, that means I'm the one making
22 the call or I'm the one sending the text or my phone
23 is either way.

24 And, again, just to point out, I can't -- we
25 can't tell from the record exactly who is doing a

1 particular action on a phone. That doesn't show in
2 the record. It shows what the phone is doing.
3 Determining number then would be, obviously, the
4 person being called or the person receiving the
5 text.

6 Then you have to know the AT&T records, they
7 provide several legs of the calls. So as it goes
8 through the network, they provide a lot of those
9 legs sometimes. So you got to know how to use
10 the -- some of these other columns, that I'll point
11 out to determine what's really going on. So IMEI
12 and IMSI are equipment identifiers, serial number
13 for your phone, and an IMSI is a subscriber
14 identifier, that's your unique subscriber number
15 assigned to you by AT&T and that's how they find you
16 in the network when you're receiving or sending
17 something to make sure you're allowed to use it.

18 Then you have a couple of codes here,
19 connection type, whether it's terminating or
20 origination. It's just an extra column to help you
21 determine that.

22 Feature codes kind of help you determine how
23 the call is being routed, whether it's going to
24 voicemail especially, is where you look at this.
25 And then, again, the more important information as

1 far as what we're usually doing with the records to
2 try to determine approximate locations is the cell
3 location. So they provide -- you can see a group of
4 numbers here. It's numbers separated by colons.
5 The first few numbers are the actual tower and
6 sector identifiers.

7 After that, they give you the latitude and
8 longitude, which is the location on Earth where the
9 tower's located. And then most -- sometimes --
10 sometimes they don't, but in a lot of cases AT&T
11 within their call detail record will also give you
12 the azimuth or the direction of that sector. So,
13 typically, within the AT&T call detail record, you
14 can map a call, but we always match that up to the
15 tower list because that's the listing that AT&T or
16 whomever, whatever carrier keeps record of where
17 their towers are and where the sectors are facing.

18 And I'll just note that AT&T separates -- when
19 they give you the record, they'll give you all the
20 voice records of what we just talked about and
21 they'll give you the SMS or text records, similar
22 information, and then they have what's called a data
23 record that gives you some similar information, but
24 a little -- a little -- kind of the same, but a
25 little different.

1 Q. And in the SMS text records, can you see the
2 actual substance of those texts?

3 A. No. You can't see like actual content of what
4 was actually texted, just that phone one texted
5 phone two.

6 Q. This is page 14.

7 A. So this shows, this is a legend showing the
8 locations that I was provided and how they're
9 depicted on the map on this -- on the maps that
10 you'll see.

11 So starting at the top, you have a red, a
12 square like kind. It'll depict the crime scene and
13 this cross street. Another orangish-type icon that
14 depicts a residence of James and Donna Lawless's
15 residence in Iva. The Meineke Car Care that we saw
16 earlier in blue, Walmart in green, Family Dollar in
17 Iva in like a dark gray color, and then McDonalds
18 location in the Anderson area with that kind of
19 yellowish icon.

20 Q. Page 15.

21 A. And this is how you'll see the activity noted
22 on the maps that are coming in the report. So on
23 the left, that's the cell site sectors with
24 different colors associated with each cell phone
25 like we already discussed, as far as those wedges,

1 what we call them.

2 And on the far right, you have what -- callout
3 boxes that show the tower being used, the direction,
4 the sector it was facing, and it'll give a time
5 frame of that activity. So you'll see that on the
6 maps.

7 And then those colors like at the top, the red
8 colors are associated with the phone ending in 1185,
9 which was associated with Adam Lawless. And then on
10 down, the green is the phone associated with Tabatha
11 Duncan. The dark or the purple is the phone
12 associated with James Lawless, the dark blue
13 associated with Donna Lawless, the black associated
14 with Angel Lawless, and the yellow associated with
15 Aaron Kenyon. So that's what you'll see kind of as
16 the key indicators of what phone it was and the
17 activity that was occurring at that specific time.

18 Q. Page 16.

19 A. Okay. So within that whole time frame that I
20 already talked about on the evening of March 11th
21 into March 12th of the time frame that I was
22 analyzing, I broke that down into smaller time
23 frames. And with each -- within each time frame, I
24 just grouped together or looked at each phone record
25 that we had to see if there was any activity. And

1 if so, map that activity.

2 So it's grouped into sections. And each
3 section, you know, has this title slide I guess you
4 would call it. It tells the time frame I'm looking
5 at. And then each subsequent slide within that
6 section will show the activity for a particular
7 phone if there was activity. And then also -- also
8 shows any pertinent phone calls they may have been
9 taken placed on their phone calls that I was
10 provided that were pertinent to the investigation.

11 Q. Page 17.

12 A. So this is the first of this section on
13 March 11th in the evening. So this is showing the
14 phone activity for some phone associated with Adam
15 Lawless. So between 6:21 and 7:23, the phone moves
16 north to south from the area up there around Meineke
17 Car Care to the vicinity of the crime scene, which
18 is down lower. It may be better at this point if I
19 can point at that if that's okay?

20 Q. Please.

21 A. Okay. And so phone moves from a northerly
22 cover from a north to south direction this way as
23 indicated here by the direction of travel. And,
24 ultimately, the last activity is on this sector that
25 I'm pointing at here which is off of Tower 80016 --

1 80016, and it's the sector facing southeast or at
2 140 degrees. So usage at or near the crime scene
3 location would be consistent with using that
4 particular sector.

5 And then the calls of note that were with in
6 the record, there was outgoing voice call to 8032,
7 which was associated or is associated with Kayla
8 Riggins. That call occurred at 6:54 approximately
9 and lasted for 23 minutes. So that call was
10 occurring while the phone was moving toward the
11 crime scene location.

12 And then all the communication during the time
13 frame for this particular phone were with either the
14 phone associated with Kayla or the phone associated
15 with Donna.

16 Q. Page 18.

17 A. This is the phone associated with -- or
18 activity associated with Tabatha's phone. As you
19 can see, it's just one sector being used. The same,
20 even though this isn't green, denoting her phone
21 activity. It's the same sector that I just pointed
22 out for the phone associated with Adam. And all of
23 her phone activity was occurring during this time
24 frame between 6:22 and 7:09 p.m. on the 11th of
25 2018.

1 And, again, phone -- the phone being at or near
2 the crime scene location is consistent with the
3 usage of this particular sector. Again, just to
4 point out, based on the record, I can't say the
5 phone was there, but the phone is located in that
6 area that would be consistent with this activity.

7 And then communications of note, there were 20
8 text communications with the phone associated with
9 Donna during this time frame.

10 Q. And does that mean one person in particular
11 texted 20 times or was that like a conversation?

12 A. I believe in this -- in this case, this was
13 texting going back and forth, texting from Tabatha
14 and from Donna back and forth to each other.

15 Q. Page 19.

16 A. So this is activity for Donna's phone. And,
17 again, I'm just going to -- just for brevity, I'll
18 just state the person's phone, but, again, it's the
19 phone that I was given that's associated with this
20 particular phone number.

21 So for Donna's phone between 6:21 and 7:12 p.m.
22 on March 11, 2018, using the same tower that we've
23 seen provided in just a different sector from the
24 previous activity. So this is sector facing 260
25 degrees, which is facing the general direction of

1 James and Donna's residence. So, again, just like
2 in the previous activity, phone activity at or near
3 James or Donna's residence would be consistent with
4 using this particular tower and sector.

5 Phone activity, there were, again, the 20 texts
6 with Tabatha that were back and forth. There were
7 also five texts and one voice call with Adam's
8 phone, and then eight texts that I noted with Angel
9 Lawless or on her phone.

10 Q. Page 20.

11 A. This is for Angel's phone. It's saying general
12 time frame. And the phone is up north in Anderson
13 and up in the Sandy Springs, La France area, so the
14 phone moves from the general vicinity of Meineke,
15 west of that area up toward the vicinity of Sandy
16 Springs and -- or sector providing service to the
17 Sandy Springs and La France area. And I'll note,
18 again, those on the other side were eight texts with
19 Donna's phone during this time frame.

20 Q. Page 21.

21 A. So then -- I'm noting, when I looked at James
22 and Aaron's phone, there were no voice or text
23 activity in the record to actually put on a map, so
24 that's why they're not included in this group to any
25 activity in this particular time frame.

1 Q. Page 22.

2 A. And this is the next block of time. This is
3 March 11, 2018, between 7:24 p.m. up into midnight.

4 Q. Page 23.

5 A. So this is showing both Tabatha and Adam's
6 phone again. Adam is in the red; Tabatha indicated
7 by the green. So they're both using the same site
8 of the tower. You'll note that there's different
9 sectors. That's just based on technology, whether
10 Tabatha's phone was also using some 3G technology
11 from an older service. And then most of the time,
12 both phones are using 4G technology, so it's just a
13 difference in how AT&T slightly is orienting that
14 particular sector, but they're both generally facing
15 the same direction, 140 degrees and 160 degrees, so
16 providing service to the same general vicinity -- or
17 vicinity of the crime scene location.

18 So there's a lot here, but Adam had 68 texts
19 and two voice calls with Kayla during this time
20 frame. Adam has five texts with Donna between
21 7:37 p.m. and 8:41 p.m.

22 Tabatha had ten texts and one voice call at --
23 the one -- the voice call at 7:51 lasts over
24 47 minutes, and it's with the phone associated with
25 her mother. Phone number ending in 0848. And this

1 is actually occurring during a known time that
2 Tabatha was visiting the Family Dollar, so that's
3 why you see the Family Dollar location right here.
4 And I was provided with a time stamp from a receipt
5 when she was apparently there at 8:04 p.m., so which
6 would be consistent with this activity and that cite
7 or tower that's noted on the map.

8 And then Tabatha has 16 texts with a phone
9 number ending in 5292 that's associated with a
10 Jeremy Gunnels, and that was -- that activity was
11 between 7:38 p.m. and 9:04 p.m.

12 And then of note, the last known user initiated
13 communication from Tabatha's phone occurs at
14 9:04 p.m. in the form of a text to Jeremy's phone.
15 So what I mean by that is last user initiated
16 communication, do you remember when I was explaining
17 the record, you have the outgoing column that shows
18 who's making calls or sending texts and then the
19 terminating.

20 And so in the records for Tabatha, this was the
21 last time her phone was an originating number,
22 meaning the last time a user on that phone -- that
23 we can tell in the records that a user was actually
24 definitely doing something on her phone to send a
25 text or ever make a call. And that occurred, again,

1 at 9:04 in the form of a text to Jeremy's phone.

2 Q. Can you explain again what user initiated
3 means?

4 A. So like I mentioned before, we can't say from
5 the record who is actually behind on the phone doing
6 the calling or whatever. We can honestly make
7 logical conclusions based on activity, who they're
8 calling, where the numbers are calling from, but,
9 again, in the record you have an originating -- it
10 shows what cell phone is originating the call or
11 text and then what phone is receiving or
12 terminate -- where it terminates this -- receiving
13 that call or text.

14 So the last user initiated, meaning the last
15 time we can see in the record that some user on that
16 phone was actually using the phone to make a call or
17 a text. Now, there's other records in -- there's
18 other activity in the record, but it's all incoming
19 traffic to the phone.

20 Q. And does this slide or this page right here
21 include any data usage?

22 A. It does not.

23 Q. And we'll get to that later.

24 THE COURT: Ms. Reeves, I hate to break up
25 testimony, but it's been nearly two hours. We're

1 going to take a short break.

2 And, Agent, don't discuss your testimony with
3 anyone while we take the break.

4 THE WITNESS: Yes, sir.

5 THE COURT: Mr. Bailiff, would you take the
6 jury to the jury room?

7 (From 11:34 to 11:50 a.m., recess was had.)

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

9 MS. REEVES: Yes, sir. Thank you.

10 BY MS. REEVES:

11 Q. Mr. Church, this is page 24.

12 A. It's okay to step back down?

13 THE COURT: Yes, sir.

14 THE WITNESS: Okay. This is activity for
15 Aaron's phone denoted in the yellow, and this is
16 March 11, 2018, between 7:35 p.m. and 11:24 p.m.
17 Again, using the same site of the tower, same tower
18 and sector that we've seen previously with Tabatha's
19 activity and Adam's activity.

20 Again, phone activity matter in the general
21 vicinity of that -- of the crime scene location
22 would be consistent with the usage of that sector.
23 And of note, Aaron had 38 texts with Angel's phone.

24 BY MS. REEVES:

25 Q. Page 25.

1 A. This is showing James and Donna Lawless's phone
2 activity together. See the purple and the dark blue
3 kind of together. Again, using the same sector that
4 we saw previously with just Donna's phone in the
5 previous time frame. Again, activity at or near
6 their residence would be consistent with that
7 activity and that -- utilizing that particular
8 sector.

9 Of note as far as call activity, Donna had two
10 voice calls which were both forwarded to voicemail
11 and then also ten texts with Angel Lawless. And
12 then Donna has five texts with Adam. Those occurred
13 between 7:37 p.m. and 8:41 p.m. And then Donna has
14 four texts with Kayla between 7:28 p.m. and
15 11:19 p.m. during that time frame.

16 Q. Page 26.

17 A. This is activity for Angel's phone just using
18 the one sector. Again, we saw that previous slide
19 with her activity. It's cell site providing service
20 to the area of Sandy Springs and La France there
21 north of Anderson. And activity as far as calls and
22 texts and notes, ten texts and two voice calls, two
23 voice calls, both went to voicemail. That was with
24 Donna. Two texts with Kayla. And then 38 texts
25 with Aaron. Same thing we saw in the previous slide

1 with Aaron's activity.

2 Q. Page 27.

3 A. This is the next time frame I looked at, which
4 was March 12, 2018, between midnight and 2:00 p.m.

5 Q. Page 28.

6 A. So this is phone activity for Tabatha denoted
7 in the green. Again, same two sectors facing 140
8 degrees and 160 degrees that we saw before.
9 Consistent with providing service to the area of the
10 crime scene. So of note on these calls, the
11 activity on her phone -- I -- see I actually noted
12 the calls and the text appear in the box, not just
13 the time frame.

14 But Tabatha's phone, there's a voice call at
15 7:59 from 4254 that was sent to voicemail. There's
16 an incoming text at 7:07 a.m. from Donna and which
17 Tabatha does not respond to. There's no text going
18 back out to Donna on these records. Tabatha
19 received two incoming network initiated texts at
20 7:59 and 8:00 a.m., which would be associated with
21 indicator in the record of it being some type of
22 notification, most likely to the cell phone. And
23 both of those were received, not originated.

24 These are the last texts or voice
25 communications with any cell site information in the

1 records provided. Meaning that at this point, with
2 the voice and text record at least, there's no more
3 activity that's getting to the phone. There's no --
4 it's not on the network anymore after this based on
5 those records to where it could be received or send
6 anything.

7 And that's previously noted in the other time
8 frame for Tabatha's activity, the last known user
9 communication for Tabatha's phone occurs on
10 March 11, 2018, at 9:04 p.m. in the form of a text
11 to the phone associated with Jeremy Gunnels.

12 Q. What can cause a phone to go off and not be
13 communicating with the network?

14 A. So it could be the user powers the phone down.
15 You get in an area where there's just not cell phone
16 coverage. I mean, we know every once in a while we
17 drop phones, but usually when we continue to move,
18 we pick service back up. The phone could've been
19 destroyed by someone and it powered down, or the
20 phone just powers down on itself -- by itself. It
21 runs out of battery. It's not plugged in and it
22 just runs out of power.

23 Q. So in -- go ahead. Page 29.

24 A. So with this, I looked at each set of records
25 that were provided by AT&T for Tabatha's phone.

1 Like we discussed for voice and text, which are the
2 first two sets. So this first set of records in
3 this box here and then the second one down, this is
4 voice and this is SMS or text.

5 And what I'm -- and the next one is the data
6 usage for the phone. Data usage would be things
7 like browsing the internet and using data for
8 Snapchat, whatever it may be. And then they also --
9 AT&T provides a second record called NELOS. It's a
10 network element location service. And, basically,
11 that's what I explained earlier about how phone
12 companies are always optimizing. They want to want
13 make sure that you're not dropping calls. And they
14 want to keep their networks proficient.

15 Phone companies, including AT&T, are generating
16 these records so they have -- have a running log of
17 what's going on in a particular area for phones. It
18 doesn't provide any call activity. It just provides
19 information about this phone is connected to this
20 date and time and this is the general area where
21 they think the phone is based on some time distance
22 measurements.

23 So I looked at all four of those records to try
24 to determine as close as possible when the phone was
25 not on the network anymore and not being able to

1 receive or send any communications. So based on
2 that, you have the last voice call that was
3 voicemail that I described before here depicted in
4 this voice callout box. The text is the one trying
5 to see the -- I believe it's 12. I'm going to have
6 to refer to the records. I can't see that that
7 well.

8 So, again, the time span shown here and the
9 UTC, so we have to convert and subtract the four
10 hours for eastern daylight time to get the eastern
11 or local time.

12 So in the voice is the voicemail call that I
13 originally described at 7:59. Approximately, 7:59
14 was that last -- where it actually had cell cite
15 information. The text, which is the next one down,
16 is basically 8:00 a.m. And that was one of the
17 notifications being sent to the phone by the
18 network.

19 And then the data usage right here, there's --
20 the way data, if you can see, you have a date and
21 time of when the data session began and then it
22 gives you a lapsed time with that data session, so
23 you could be in multiple data sessions. Your
24 phone's doing multiple things, set up multiple
25 wands, or just running on data session. And

1 these -- we can't tell from the actual data record
2 if it's user initiated or not. We don't know what
3 our phones are doing. Things in the background,
4 whether it's automatically updating an app or
5 operating system or whatever it may be. Things are
6 happening without us really interacting with the
7 phone. So these data sessions open and close just
8 based on what the network needs when they need to
9 connect -- connection -- or make a connection with
10 your cell phone to provide whatever services it is.

11 So in this case, the last data session occurs
12 at 8:59 -- approximately, 8:59 a.m. and that last --
13 that session lasts for 55 minutes and 53 seconds.
14 And that's the last one in the record right there.
15 The NELOS ---

16 Q. And is that -- I'm sorry, Mr. Church. Does
17 that begin at 8:00 or at 7:59?

18 A. You're right. I'm sorry. 7 -- approximately,
19 7:59 a.m. And it runs for 55 minutes and 53
20 seconds. When you look at the NELOS, the NELOS
21 record, it's showing from the most recent down. So
22 the most -- the last one is at the top as opposed to
23 the bottom in chronological order.

24 So the last one, connection time is 8:54 and 51
25 seconds. So if you add 55 minutes and 53 seconds to

1 the 7:59 a.m. call or data transaction, that browser
2 session, you basically come right up to that right
3 after that last NELOS transaction that's in the
4 record at 8:54 and 51 seconds.

5 So right at that 8:54 to 8:55 a.m. time frame,
6 based on these records is when the phone was no
7 longer on the network and being able to communicate
8 with towers.

9 Q. From the record, are you able to see Snapchat
10 activity?

11 A. No. We can't tell within -- that would be in
12 the data sessions, but we can't see -- the data
13 sessions don't tell us what activity is going on.
14 It just says there was data. The phone requested
15 data or sending -- an app requested to do something
16 with the phone, and it sets up a data session. We
17 can't see in that record what is actually taking
18 place, what type of data is being used.

19 Q. And I might refer to you that phone list up
20 there, so that call that comes in at 7:59 a.m., who
21 is that associated with?

22 A. It's associated with Colgate.

23 Q. Okay. And I believe she receives another call
24 a little bit later from about 10:32 from a different
25 number that it ends 4777. Can you say from the --

1 that call list who that is associated with?

2 A. Yeah, that number is associated with Liberty
3 Tax.

4 Q. And did that number go to voicemail as well, or
5 that call?

6 A. Yes. All the calls after the one listed here
7 went to voicemail, this last one that actually has
8 cell site data. All the calls after that were going
9 to voicemail.

10 Q. Next page.

11 A. Yeah.

12 Q. Page 30.

13 A. So this is activity for Adam and Aaron's phone.
14 Adam in the red and Aaron noted by the yellow on
15 March 12, 2018, between midnight and roughly
16 2:00 p.m.

17 So you see the phones eventually move north
18 from the area around the crime scene to the area
19 around Meineke Car Care. If -- and, again, just
20 same sector we saw before consistent with the
21 service for those location, those sectors.

22 One note review of the NELOS records, Adam's
23 first activity during this time frame and the voice
24 or text record is 6:58 a.m., which is north here of
25 Starr, a tower along that route.

1 Looking at the NELOS records, the 1185 or
2 Adam's phone began moving in that direction right
3 around 6:51 a.m. that morning is when the phone had
4 moved, based on the NELOS records started to move
5 away and go north.

6 Of note, call-wise or communication-wise, Aaron
7 text with Angel six times between midnight and
8 12:10 a.m. when the phone would've been at or near
9 the vicinity of the crime scene at that point. Adam
10 communicates with Donna 19 times. Nine texts and
11 nine voice calls between 6:58 and 1:55. Adam texts
12 with Kayla about ten times between 7:33 a.m. and
13 12:22 p.m. This would've been after the phone
14 starts moving north and/or already gets up to that
15 area of Meineke Car Care. Adam texts with Tabatha's
16 mother's phone eight times between 11:58 and 12:40
17 and Adam calls Tabatha one time at 1:23 p.m. and
18 that call goes to voicemail.

19 Q. So, again, between midnight and 1:55 p.m. on
20 March 12th, the defendant calls Tabatha how many
21 times?

22 A. Once. Her cell phone.

23 Q. Does he text her during that time?

24 A. I don't believe there are any texts. There is
25 a call to another number I believe, but I'd have to

1 look at the record.

2 Q. Is there a call to a house phone perhaps?

3 A. Yes. I believe there was one call to what was
4 associated with a house phone ending in 2016.

5 Q. So that would be Tabatha and defendant's house
6 phone?

7 A. Yes. That's my understanding, yes.

8 Q. So one call in the time frame to her cell phone
9 and one call to her house phone or their house
10 phone?

11 A. Correct.

12 Q. And how many times does the defendant
13 communicate with Donna?

14 A. There is nine texts and nine voice calls.

15 Q. And do you know their total talk time?

16 A. Not off the top of my head, but I can figure it
17 out if you want me to.

18 Q. That's okay. They are communicating a lot.
19 We'll leave it at that.

20 A. Yeah, it was several minutes per call. If I
21 remember correctly, somewhere in that 15 to
22 20-minute range total.

23 Q. Page 31.

24 A. So this is activity for James Lawless phone.
25 So, again, phone using sectors consistent with

1 providing service to their res. -- James and Donna's
2 residence. The one I'm pointing at here which is
3 80016 that we've seen before on the other activity,
4 but then another one that faces away from it here or
5 it's opposite sector facing the same direction for
6 the residence of tower 82146.

7 This is fairly common when you see phones that
8 are between -- that possibly could be in that
9 transition area of the service, especially when
10 they're at the -- activities occurring in small time
11 frames where it would be unlikely a phone would be
12 moving. So from that, it indicates that the phone,
13 when it's in that vicinity of the residence,
14 sometimes will use service off of this other sector.

15 Phone, again, is moving. So the phone is
16 using, you know, in the general vicinity of the
17 residence up until around 11:27 a.m. and the phone
18 moves in this way as noted in the direction of
19 travel toward the west toward the area of Walmart
20 and uses services off of the tower north of the
21 sector pointing at Walmart, so it's tower 731764.
22 And that's the only activity while the phone is over
23 in that vicinity at 12:53 p.m.

24 And then some time after that, the phone
25 travels back and it begins using services again off

1 of the tower facing to the west, northwest of their
2 residence, James and Donna's residence, at
3 1:41 p.m., and then begins using services off of the
4 sector that we've seen before that provides the
5 service to the area of the crime scene at 1:50 p.m.

6 And then of note as far as calls, there's an
7 outgoing voice call with Adam at 6:59 a.m. that
8 last -- that morning that lasts 38 seconds. And
9 then voice calls with Donna three times between
10 11:26 and 12:53 p.m.

11 Q. For James Lawless, his first usage during this
12 time frame would've been at 6:59 a.m., right?

13 A. Correct.

14 Q. And does he have any more communication or
15 phone calls or texts up until that next 11:26 or 27
16 that you can see from the record?

17 A. No. There were no voice or texts in the record
18 until 11:26.

19 Q. And so from this, again, this doesn't show
20 exactly where everyone -- where -- exactly where a
21 person is or a person's phone is located, but it
22 appears that probably the earliest that they arrived
23 at the crime scene that afternoon would've been
24 around 1:41, 1:42; is that correct?

25 A. Yes. The activity off of the tower 82146 at

1 1:41 in my opinion would be some time between that
2 period, 1:41, 1:42, and 1:50, which is the activity
3 there with the sector facing -- or providing service
4 to the crime scene somewhere in that would be --
5 that time frame would've been when the phone arrived
6 in the vicinity of the crime scene.

7 Q. Page 32.

8 A. So this is similar activity as far as movement.
9 There's two pages. This is Donna's activity, so
10 this is page 1 of 2 and then it would be 2 of 2.
11 And this activity basically in summary, Donna's
12 phone is using services off of those same two
13 sectors we just discussed with James' phone that are
14 facing each other and that provide service to the
15 area of their residence.

16 And at around 7:34 -- at 7:34, and a second
17 apart, the phone uses services from these other two
18 towers that are north and east, northeast, which
19 indicate the phone moved in that direction somewhat
20 in order to do that, but then returned to the area
21 of the residence and continued to provide or
22 continued to utilize resources consistent with being
23 in the general area of their residence up until
24 11:27 a.m., which is similar to what we saw with
25 James' activity.

1 And then of note as far as calls, the two texts
2 here at 7:34 are texts with Kayla's phone. There
3 was an incoming text with Adam at 7:58 a.m.,
4 outgoing text with Tabatha at 7:07 a.m. Donna text
5 Tabatha at that time, and that's what we saw earlier
6 where there was no return text from Tabatha. And
7 Kayla -- and then communicated with Kayla three
8 times between 7:08 and 7:18, both outgoing and
9 incoming. They were texting back and forth.

10 And then Donna had voice calls with Adam, an
11 outgoing at 7:17 a.m. for 3 minutes and 11 seconds,
12 outgoing at 8:39 a.m. that went to voicemail, and an
13 incoming call from Adam at 8:43 a.m. for 4 minutes
14 and 40 seconds.

15 And then from 7:53 a.m. to 11:27 a.m., it --
16 like I had mentioned, it had moved -- it had moved
17 away from this area slightly at least enough to get
18 services from the two towers north and east and move
19 back to the vicinity of the residence.

20 And then at 8:25, it has -- a text with Adam at
21 8:25 and 8:37, both are outgoing texts from Donna
22 and Adam. Donna has two voice calls with Angel at
23 7:59 a.m. that went to voicemail and 8:39 for
24 3 minutes and 25 seconds, and then received two
25 voice calls from James. The same two -- well, two

1 of the three we discussed prior at 11:26 and 11:27.

2 Q. So from the record, does it appear that Donna's
3 phone at least is in the vicinity -- vicinity of her
4 home at about 7:53, or at least she's using the
5 tower that's consistent with her home?

6 A. That's correct.

7 Q. And other than that text to Tabatha at
8 7:07 a.m., were there any other phone calls or texts
9 made to Tabatha within that time frame?

10 A. No.

11 Q. From the record, could you tell if Donna placed
12 any phone calls to the house phone up until that
13 time -- in this time frame?

14 A. I did look at that and I can't remember. I
15 don't think there were any. I can double check
16 that, but I'm pretty sure there were no calls to
17 that 2016 number.

18 Q. Okay. And Donna and Jim call each other -- or
19 Jim calls Donna at 11:27 when they're both using
20 that same sector. Can you kind of give an
21 explanation for that?

22 A. Yeah. I know I can just explain it based on my
23 own experience that, you know, if I lose my phone, I
24 get my wife to call it, or if I'm waiting on her,
25 I'm impatient, I may call her and say, "Hey, I'm in

1 the car waiting on you," or just for whatever
2 reason, or they're not together -- they're -- but
3 they're using. They're just somewhere in the
4 vicinity of that tower that's providing service and
5 they're communicating.

6 Q. Page 33.

7 A. This is the second page of two of her activity
8 during this time frame, and this indicates the
9 movement similar to -- same as James' phones
10 movement. Moving west over to the area of the
11 Walmart around some time after 11:27 a.m. and then
12 after 1:23, 1:21, that should be p.m., moving back
13 toward the area of their residence and the crime
14 scene.

15 And, again, similar to -- similar to James'
16 activity, uses the tower west of their residence at
17 1:41, 1:40 -- 1:40 to 1:41 p.m. and then the tower
18 providing -- consistent with providing service to
19 the crime scene at 1:51 p.m. and to indicating that
20 their phones were in the general vicinity of each
21 other together.

22 And then the phone actually at 1:55 moves away
23 from the crime scene back up to the vicinity of
24 their residence during that area utilizing that
25 tower west again.

1 Q. So on this slide within this time frame, are
2 there any calls or texts to Tabatha's cell phone
3 from Donna Lawless?

4 A. I don't believe there are any.

5 Q. And was there any calls to the house phone?

6 A. No. I don't believe so.

7 Q. Do either within this time frame or from what
8 we saw from James, does the record show that either
9 James or Donna Lawless called 911 during that time
10 frame?

11 A. No. There were no 911 call in the records.

12 Q. And, again, what approximate time would Donna
13 Lawless's phone have arrived within the vicinity of
14 the crime scene?

15 A. It would be in that same time window as James,
16 1:41 p.m. or so to 1:51 p.m.

17 Q. And at 1:51, she's using that phone. Does she
18 call Adam at that point?

19 A. I know there is a call to Adam's phone, and I
20 know it was around that time. I don't remember if
21 it was exactly that 1:51 call or one after, but it
22 was right around that time. I can check the record.

23 Q. Would you?

24 A. Yes.

25 Q. Hopefully.

1 A. So voice records look like they stop at 1:21,
2 unless I'm looking at the wrong record here. Yeah,
3 I don't know that, unless I'm doing my math wrong.
4 I'm not sure that the ---

5 Q. We may have had a problem in converting our UTC
6 to EDT. Is that for -- are those the records for
7 Donna or for Adam?

8 A. These are for Donna, so the last call was at
9 1:21 and that was with Adam at 1:21 p.m. Yeah, so
10 at 1:51 on Adam's record is the phone call with --
11 between him and Donna.

12 Q. And can you tell the originating number?

13 A. The originating number is Adam, Adam's phone.

14 Q. And how long does that call last? I'm sorry.

15 A. It's okay. It was 1 minute and 4 seconds.

16 Q. And that's at 1:51 p.m.?

17 A. Yes.

18 Q. Okay. Thank you. Next slide I believe?

19 A. Yes.

20 Q. Page 34.

21 A. This is activity for Angel's phone showing
22 movement from north to south from the vicinity of
23 the same sector we saw earlier serving the Sandy
24 Springs area and moving in a southerly direction to
25 eventually using the sector 8 -- or the tower 8016

1 and the sector facing 260 degrees. Which, again,
2 that's the same sector we've seen before that's
3 providing service to the vicinity of James and
4 Donna's residence.

5 The phone does loiter an area here south of
6 Meineke at 178 for a little while between 9:30 a.m.
7 and 11:12 a.m. It's using the two sectors here off
8 of this tower south of the Meineke location, which
9 indicates most likely the phone is in this area for
10 a little while and it's doing something for that
11 time period.

12 Angel has four texts with Kayla between
13 midnight and 12:04 a.m. this morning while the phone
14 is still up here in the Sandy Springs area. Six
15 texts with Aaron between midnight and 12:10. Again,
16 still up in that same location, Sandy Springs.
17 Three voice calls with Donna between 7:59 a.m. and
18 11:26 a.m. One of those went to voicemail and then
19 had 14 texts and three voice calls with a number
20 ending in 11 -- a 706 number, 296-1153. And that
21 was a voice call that at 11:33 a.m., lasted over
22 27 minutes. So at some point during, the phones
23 traveled down to the residence at the -- near that
24 area of that call.

25 Q. And this is page 35.

1 A. And this is just a close-up view of the
2 activity after Angel's phone arrives in the vicinity
3 of James and Donna's residence and it's utilizing
4 that same sector we seen before from the other cell
5 phones. It provides service to that location.

6 Q. Page 36.

7 A. I believe this is the last time frame of
8 analysis on March 12, 2018, between 2:00 p.m. and
9 4:00 p.m.

10 Q. Page 37.

11 A. So this shows movement of the phone associated
12 with Adam from the area of Meineke down to the area
13 of the crime scene. Same sectors we've seen
14 previously around the crime scene that provides
15 service to that area.

16 Adam has nine voice calls between 2:01 and
17 2:23 p.m. with Donna. That's during -- that's while
18 the phone is moving south toward the crime scene
19 area, and five of those calls went to voicemail.
20 The other four, again, total amount of time was
21 probably around 20 minutes or so I think. I mean,
22 there were -- there were obviously calls where they
23 connected and most likely speaking to each other.
24 Two voice calls at 2:04 and 2:13 p.m. with James.
25 Both of those went to voicemail. And then there

1 were two calls with Adam and Angel at 2:42 p.m. and
2 2:43 p.m. And then a text at 2:39 p.m. and a voice
3 call with -- at 3:48 p.m. with the phone associated
4 with Kayla.

5 Q. This is page 38.

6 A. This is showing activity for James and Aaron.
7 James in purple and Aaron in yellow. Again, same
8 tower and sector we've seen that's consistent with
9 providing service to the vicinity of the crime
10 scene. During this time, James communicates with
11 Adam and Angel during this time period.

12 I don't think I saw any -- anything based on
13 what I knew of note of any of Aaron's activity for
14 this time frame.

15 Q. Page 39.

16 A. So this is Donna's activity during that time
17 frame on the 12th on 2018 between 2:00 and 4:00.
18 Again, her phone appears to -- the records indicate
19 her phone is most likely moving between the area of
20 the crime scene and the area of the residence at
21 different times. During that time, her phone is
22 communicating with Adam and Angel.

23 Q. This is page 40.

24 A. And this is activity for Angel, March 12, 2018,
25 between 2:00 and 4:00 p.m. Activity on her phone

1 indicates movement away from the area of the crime
2 scene and James and Donna's residence up toward
3 Anderson area. During that time frame, she's
4 communicating with Adam, Donna, James, and Kayla.

5 The phone kind of loiters in this area south of
6 Anderson for a little while, utilizing tower 80646
7 right here. It's facing 240 degrees. And then the
8 phone returns back south toward the residence. That
9 activity is not mapped, but looking further into the
10 records, I can see that the phone returned back to
11 that area.

12 Q. Do you -- can you tell from the -- and that is
13 the end of the slides. Could you tell from the
14 records if Jim or Angel ever called Tabatha on
15 March 12th?

16 A. I did -- I don't believe there were any calls
17 from either of those two phones to Tabatha's phone.

18 Q. Okay. And were you aware of multiple phone
19 calls between the associated number with Terri --
20 with Tabatha's mother and Tabatha on the 12th?

21 A. Yes. There were at least 20, 22, or something
22 like that, calls from Tabatha's mother to Tabatha's
23 phone. And I believe there was roughly -- I think
24 it was three texts, somewhere around there.

25 Q. Okay. And could you see the calls from her

1 sister, that number associated with her sister from
2 3481, were there also multiple calls from -- from
3 her sister on the 12th?

4 A. Yes, there were.

5 Q. And as well as a number associated with her
6 cousin? Were there multiple calls from her, as
7 well?

8 A. Yes.

9 Q. And do you remember approximately what time
10 they were calling or began calling?

11 A. I would have to look at the record.

12 Q. Was it still some time that morning do you
13 think?

14 A. I believe my recollection, it was after
15 Tabatha's phone -- they were all going to voicemail.
16 It was after that time period where her phone was no
17 longer on the network -- network, so I'm thinking it
18 was around that 10:00 a.m. and after time frame.

19 Q. And did that number associated with Jeremy
20 Gunnels call her during that afternoon time frame as
21 well when her calls were going to voicemail?

22 A. Yes. I believe there was one, and it was I
23 think around 1:30ish p.m.

24 Q. And do you remember from the record -- I know I
25 associated that number for you for Iva Baptist

1 Daycare. Were there any phone calls that you could
2 see from the record from the defendant, Donna,
3 James, or Angel to that number for Iva Baptist
4 Daycare on March 12th?

5 A. No.

6 MS. REEVES: Mr. Church, I have no further
7 questions. Thank you.

8 THE COURT: Counsel approach.

9 (Sidebar discussion.)

10 THE COURT: Okay. Mr. Epps, cross-examination.

11 MR. EPPS: Yes, sir, Your Honor. May it please
12 the Court?

13 CROSS-EXAMINATION

14 BY MR. EPPS:

15 Q. Mr. Church, how are you?

16 A. I'm good.

17 Q. You got -- you were retained by the State in
18 this matter?

19 A. Yes, sir.

20 Q. When were you retained?

21 A. I believe it was some -- our first
22 communications I believe were in November of last
23 year.

24 Q. November of 2022?

25 A. Yes, sir.

1 Q. Okay. You -- do you -- well, that's several
2 years after this crime happened; is that right?

3 A. Yes.

4 Q. All right. Do you know any details about --
5 regarding the crime?

6 A. Only what was provided by the prosecutor and
7 reflected a lot of -- well, some of that at least is
8 reflected in the summary in my report.

9 Q. That's right. Have you ever -- did you
10 receive -- and is the only thing you reviewed and
11 looked at were the AT&T records?

12 A. Yes. As far as the phone records. I did just
13 briefly review some of the phone extraction just to
14 see if there was any location information in there
15 that would be useful and I didn't see any. That was
16 just a brief overview of looking at that.

17 Q. Did you ever look at any Google information?

18 A. I did not look at any Google information.

19 Q. Were you provided any Google geofence analysis
20 or geofencing testing around [REDACTED] Street?
21 Were you ever -- were you ever provided that
22 information?

23 A. Verbally, I was told that that process took
24 place and generally what was found, but I didn't
25 look at any records.

1 Q. Okay. You never -- you didn't look at any
2 records or provide any -- you didn't review any
3 records; is that right?

4 A. Correct.

5 Q. All right.

6 A. From Google.

7 Q. And were you provided any records for Snapchat
8 or Facebook messenger?

9 A. I think I had some Facebook records. And,
10 again, I was looking at that to see if there was any
11 location information that would be helpful and
12 briefly looking, I didn't see any. I don't recall
13 having any Snapchat records or looking at any
14 Snapchat records.

15 Q. All right. I'm going to hand you -- I'm going
16 to show you -- this is part of your report. I've
17 got it as page 31. What page -- I notice some of
18 the pages were ---

19 A. It's 31.

20 Q. Let's see. If the Court would give me a
21 moment? What number is that for you, sir?

22 A. Thirty-one. It's also page 31.

23 Q. Is that your last communications with the
24 network for Tabatha Duncan?

25 A. Yes, sir. That's the header on that page.

1 Q. Are you looking at the exhibit, sir?

2 A. Yes. Well, no, I'm looking at my copy.

3 Q. That's your copy?

4 A. Yes. I don't have the exhibit up here.

5 Q. Here, I got it. Sorry. Is that the document
6 you're looking at?

7 A. Yes, sir.

8 Q. Okay. And I noted on Section 3 where it says
9 data usage for (86 [REDACTED]-2831.

10 A. Yes.

11 Q. All right. And that is Tabatha Duncan's
12 number, correct?

13 A. Correct.

14 Q. All right. And there's data usage or there's
15 data -- there's a -- there's data information for
16 what is 7:59 a.m.; is that right?

17 A. Yeah, the last one there in -- in the record is
18 the one on 3/12/2018 at -- if you convert the time
19 7:59 and 07 seconds.

20 Q. That's right. And that's UTC time. You got to
21 back it up four hours?

22 A. Yes.

23 Q. Right? All right. And that says that's got
24 bytes up and bytes down 13,000 -- well, 133,764; is
25 that right?

1 A. Yes.

2 Q. And then bytes down 246,472; is that right?

3 A. Yes.

4 Q. Okay. And that is -- that is -- is that data
5 being used?

6 A. Yeah, that's the data session opened up and
7 something occurring within the network in the phone.
8 It's some interaction.

9 Q. Okay. And I know you said based on the AT&T
10 records, you can't tell if that's customer
11 initiated; is that right?

12 A. Yes. We can't tell if the user is doing
13 something during that time frame or not. That could
14 be other activity on the network.

15 Q. But it could be customer initiated, correct?

16 A. Yes. Yes.

17 Q. You don't know. It could be customer
18 initiated. It could be -- it -- you just can't say
19 one way or the other, right?

20 A. That's correct.

21 Q. So that data at 7:59 a.m. on Tabatha Duncan's
22 phone could be her using data on that phone at
23 7:59 a.m., right?

24 A. Possibly.

25 Q. And you stated at the -- on the NELOS portion

1 right below it, you said the last NELOS was at
2 8:54 a.m.; is that right?

3 A. Correct.

4 Q. On 8 -- on 3/12/2018?

5 A. Yes.

6 Q. Okay. And that -- at 8:54 a.m., that's the
7 last -- you -- at that point in time, that phone is
8 off the network; is that right?

9 A. Some time after that period, there's no more
10 records that shows the phone being on the network.

11 Q. Okay. There's no more record that shows that
12 phone being on the network, but that phone at
13 8:54 a.m. was in the area of the crime scene, right?

14 A. Yes. It was utilizing that same -- well, based
15 on the data, the voice text and data was using the
16 same tower and sector that we saw the whole time
17 that I kept pointing out. NELOS is done by -- it
18 doesn't provide a tower and sector. Just latitude
19 and longitude, but that activity is consistent with
20 being in the vicinity of the crime scene, yes.

21 Q. So as of -- as of 8:54 a.m., that phone -- that
22 device is in -- in or around the area of the crime
23 scene, correct?

24 A. Yes. Somewhere in that area where that service
25 is being provided.

1 Q. And the last -- I guess it would be safe to say
2 that that phone as of 8:54 a.m., that phone is no
3 longer on the network, destroyed, or ---

4 A. Turned off.

5 Q. --- turned off? It's no longer receiving
6 information, right?

7 A. That's correct.

8 Q. Were you aware that that phone was never found?

9 A. I am aware of that.

10 Q. Are you aware that that phone was moved from
11 that location?

12 A. I'm not aware. Nobody's told me that the phone
13 was moved from the location.

14 Q. But you're aware that phone has never been
15 found?

16 A. Correct.

17 Q. But as of 8:54 a.m., that was phone was at [REDACTED]
18 [REDACTED] Street, right?

19 A. It was in that vicinity and that area. It was
20 utilizing resources off the tower that provides
21 resources. I could never say it was definitely at
22 the house, but ---

23 Q. In the area?

24 A. Yes.

25 MR. EPPS: If the Court would grant me one

1 moment?

2 THE COURT: Yes, sir.

3 MR. EPPS: All right. Your Honor, I have no
4 further questions.

5 THE COURT: Is there any redirect?

6 MS. REEVES: No, sir.

7 THE COURT: Okay. Thank you.

8 THE WITNESS: Thank you.

9 THE COURT: Any objection to this witness being
10 excused?

11 MR. EPPS: No, sir.

12 THE COURT: You are excused.

13 (Witness excused.)

14 THE COURT: Okay. Mr. Foreman, ladies and
15 gentlemen of the jury, at this point we're going to
16 break for lunch. We have a lot of ground to cover,
17 so we're going to take a little bit shorter lunch
18 today. We're going to start back at 2:00 o'clock.
19 So remember your instructions: Don't talk to third
20 parties, don't deliberate amongst yourselves, and
21 don't do any independent research. We'll see you
22 after lunch at 2:00 o'clock.

23 (From 12:44 to 2:11 p.m., lunch recess.)

24 THE COURT: All right. Anything from either
25 side before we bring our jury back in?

1 MS. REEVES: No, sir.

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

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

4 (At 2:11 p.m., jury entered the courtroom.)

5 THE COURT: All right. Mr. Foreman, ladies and
6 gentlemen of the jury, I hope everyone had a good
7 lunch. We are ready to proceed. State, call your
8 next witness.

9 MS. REEVES: Your Honor, the State rests.

10 THE COURT: The State has rested. Mr. Bailiff,
11 take our jury back to the jury room. Getting your
12 exercise.

13 (At 2:12 p.m., jurors exited the courtroom.)

14 THE COURT: Okay. The State has rested. Are
15 there any motions?

16 MR. EPPS: Yes, sir, Your Honor. Defense does
17 have a motion.

18 THE COURT: Yes, sir.

19 MR. EPPS: Your Honor, I respectfully remove --
20 or move for a directed verdict acquittal as to the
21 defendant, Adam Don Lawless, to the charge of
22 murder.

23 Specifically, Your Honor -- or as the Court
24 knows, the case law should be submitted to the jury
25 if evidence circumstantial -- if there's any

1 substantial evidence which reasonably tends to prove
2 the guilt of the accused or from which that guilt
3 may be fairly and logically deduced.

4 However, the Trial Court should -- the Trial
5 Court should deny -- should grant a directed verdict
6 if the evidence merely raises a suspicion that an
7 accused is guilty. That suspicion applies to a
8 belief or opinion as to guilt based upon the facts
9 or circumstances which do not amount to proof.

10 Accordingly, the State must -- the Court must
11 determine whether the evidence presented is
12 sufficient to allow a reasonable juror to find that
13 the defendant is guilty beyond a reasonable doubt.

14 Your Honor, and we think that the State has not
15 met that burden in this case. Specifically --
16 tragically this -- this murder happened on
17 March 12th of 2018 at [REDACTED] Street. That
18 morning, my client -- the State -- to start off, the
19 State has identified or presented no evidence of the
20 time of death for Ms. Duncan.

21 They've also -- by all the testimony and
22 evidence put into -- put in through the witness
23 stand and -- and entered into evidence, have not
24 even -- I've heard nothing that really implicates my
25 client. I've heard nothing, except for we have the

1 following: We have a strange -- we have multiple
2 things, Your Honor.

3 We have: My client is leaving [REDACTED]
4 Street by 6:47 a.m. He goes 20 -- 19, 20 miles.
5 He's at Meineke. He's at Meineke by 7:21 a.m. and
6 he's opening the Meineke -- he's opening the Meineke
7 store at 7 -- by 7:30 a.m. He's on video from that
8 time until around 2:00 p.m. when he's called to come
9 back to [REDACTED] Street because Tabatha
10 Duncan's body has been found.

11 He had no marks. He had no injuries. He had
12 had -- he has no -- no injuries about his person
13 this whole time. He is -- he is on video -- he is
14 on video.

15 Also, when the body -- when Ms. Duncan is found
16 and she is found around -- almost right before 2 --
17 2:00 p.m. that afternoon.

18 Cell phone evidence, Your Honor, that's been
19 even attested to by the State's experts, has got
20 that cell phone of Ms. Duncan's that has never been
21 found in the residence at [REDACTED] Street
22 after my client is at work. There is data usage at
23 7:59 that even her own expert said, "I can't say it
24 wasn't Ms. Duncan. It could be customer initiated.
25 It could be Ms. Duncan initiating that data -- that

1 data transaction on her cell phone."

2 The phone ceases to get any -- ceases to be on
3 the network at 8:54 a.m. At 8:54 a.m., my client,
4 Mr. Lawless, is at work at Meineke working on the
5 video. That phone has never been found. That phone
6 has been -- was taken from that residence after
7 8:54 a.m. and has never been found. That phone was
8 removed from that residence while my client was at
9 work.

10 Also, Your Honor, we have testimony from Thomas
11 Brooks who saw -- who his -- he and his mother went
12 to the car wash that is directly across the street
13 at [REDACTED] Street. At that -- at that car
14 wash, they saw a -- a -- a red Cavalier. They
15 couldn't identify who -- they obviously -- they
16 identified as a red Cavalier. They saw an
17 individual walking -- walking back across the road
18 in the direction -- from the direction of that
19 house. They couldn't identify that person. Got in
20 that car and left. That's around 9:30 or so, 10:00
21 o'clock, after the phone -- after Ms. Duncan's phone
22 at [REDACTED] Street ceased to be on the
23 network.

24 There's also testimony by the State's witness
25 Katie Evans, testified a black SUV was in the

1 front -- in the front yard of that residence on or
2 about 8:30 that morning. Can't identify. Can't say
3 it's -- it's -- whose black SUV it was.

4 I know we've heard a lot of talk about Jim and
5 Donna Lawless. This whole trial seems to be about
6 everybody but Mr. Adam Lawless. We've heard a lot
7 about Jim Lawless, about Donna Lawless, about Angel,
8 but there's a black SUV in -- in front of that
9 residence at 8:30 -- around 8:30 that morning.

10 Obviously, that's important because that
11 vehicle being at that location around 8:30 that
12 morning. And then we have -- there's actually --
13 there's -- there's -- there's a lack -- that phone
14 goes off the network at 8:54 a.m. So that's on or
15 about the time that that vehicle -- that black SUV
16 was -- was seen at that -- that residence and that
17 phone ceased to be on the network.

18 Consistent with the -- with the geofencing
19 location that was done around that targeted area by
20 SLED, by the Anderson City Police, Ms. Duncan's
21 device was in that house. Ms. Duncan's device
22 stopped activity in that house at 8:54 and it's
23 gone.

24 I will tell you also, the DNA that's in that
25 house, my -- there's a -- there is an innocent

1 reasonable ordinary explanation why my clients's DNA
2 would be on the items in that house. It's his
3 house.

4 The -- the killing -- well, the knife that was
5 used that was bent came from the butchers block in
6 the kitchen. It's bent. Other items such as the
7 doorway, the light switch, the -- the exterior or
8 interior/exterior doors, if they have my client's
9 DNA, it's touch DNA and it's absolutely -- it's
10 absolutely -- there is -- his DNA should be all over
11 that house. And it's a purely innocent ordinary
12 reason why my client's DNA is there.

13 There significantly and most importantly,
14 Ms. Duncan had unidentified male DNA under her right
15 hand finger -- fingernails and fingernail scrapings.
16 Unidentified male DNA, that as of today, has not
17 been identified. It's unidentified. As well as a
18 foreign hair that was extracted from her hand at the
19 autopsy.

20 And I have yet -- and while it cannot be tested
21 because it didn't have a root, it's never been --
22 there is further testing that could be done. I
23 understand that SLED didn't have the capability of
24 doing that, but the FBI does. And they could've
25 requested that it be sent off for further testing.

1 That has not been done.

2 I don't know the hair of it. Nobody can
3 testify to the color of the hair on Ms. Duncan's
4 hand, but she has unidentified male DNA under her
5 fingernails, as well as a -- a -- a -- a hair that
6 could not be tested, but, obviously, it was
7 extracted from her right hand during the autopsy.
8 This was an incredibly violent, violent brutal
9 attack and murder.

10 And my heart goes out to the family, but she
11 was murdered in what I -- what Dr. Woodard said she
12 was dressed -- what she appeared to be starting her
13 day: Black long john underwear, panties, blue
14 jeans, socks, a camisole shirt, as well as a
15 t-shirt. She was dressed. She was -- appeared to
16 start her day. She wasn't going to work. She was
17 going to meet her mother -- or she was -- she was
18 going to meet her mother that day. There's no
19 evidence -- but she was dressed and she appeared to
20 start her day.

21 There's three rooms in that house -- there's
22 really five areas where something took place. An
23 altercation or the attack of this brutal murder that
24 took place. One is in the child's room, in
25 FL [REDACTED] -- in the two-year-old child FL's [REDACTED] room,

1 and that's where Ms. Duncan slept that night.
2 Everybody agrees that that -- that she slept in
3 that -- on that cot with FL [REDACTED] the two-year-old
4 child.

5 In that room there was blood, there was a
6 fingernail, a nose ring. Not from Mr. Duncan -- not
7 from Mr. Lawless. There was -- there was a
8 struggle. Some -- the attack happened in there.
9 Something happened in there.

10 Something happened in the kitchen. There's
11 a -- there's blood in the kitchen that's
12 Ms. Duncan's. There's also a -- there's a knife in
13 the kitchen. The knife came from the butchers --
14 butchers block.

15 Apparently, there is -- there's blood on the
16 dining room table that appears Ms. Duncan was trying
17 to get away. As Dr. Woodard said, she was fighting,
18 fighting for her life while trying -- trying to get
19 away.

20 She -- there is blood on the -- on the
21 recliner, as well as blood on the doorknob or door
22 handle going into the mudroom, and that's where it
23 ended. There was a -- this violent -- this --
24 this -- this violent brutal attack ended in the
25 mudroom. She had significant injuries.

1 Significant, significant injuries.

2 And, again, like Dr. Woodard said, he would --
3 in his opinion, he would be looking at somebody that
4 had injuries on their person. Mr. Lawless had no
5 injuries on his person. He was at work.

6 Even the cell phone records, a lot of what we
7 heard, is about a tax money issue between Donna
8 Lawless and Tabatha Duncan.

9 A lot of what we've heard -- a little bit is
10 about -- is something between Angel Lawless and
11 Tabatha Duncan.

12 We've heard a lot about Jim and Donna Lawless.
13 We've heard a lot about phone calls. Nothing --
14 nothing that -- nothing that points -- nothing that
15 says -- nothing that would rise to any kind of what
16 I would say even at most is suspicious. It's not
17 proof. It's not -- it's not substantial evidence to
18 justify sending this to the jury.

19 He is -- he has cooperated. He went to the
20 scene. He gave his cell phone up. He gave his DNA
21 up. He gave his statement. He's cooperated from
22 day one.

23 They haven't established a time of death. They
24 have not established a time of death. What has been
25 established, again, is that Ms. Duncan looked like

1 she was about to start her day. Her own sister said
2 she's was rising some time at 8:00. She was talking
3 to Jeremy Gunnels till 1:00 o'clock or after in the
4 morning.

5 She gets up. There's data use on her cell
6 phone that definitely could -- you could be --
7 you -- user -- customer -- Ms. Duncan initiated
8 that. Again, that phone is in the house. That
9 phone is moving. That's not moving, but that phone
10 ceases to get on the network and is gone.

11 The back door is open. The back door was open,
12 which is the key -- there was car keys with hand
13 sanitizer in the -- hand sanitizer in the sink.

14 It is tragic. It is -- it is tragic. It is --
15 it is -- it is a horrible, horrible murder, but I
16 don't believe that the State -- our position is the
17 State has not -- has not presented evidence
18 implicating that it -- that Adam Lawless was
19 involved or that Adam Lawless was the one
20 that committed this crime.

21 Even the -- even agent -- Special Agent
22 Ledbetter didn't implicate Adam. I heard nothing
23 that implicated Adam.

24 Aaron Kenyon. Even Aaron Kenyon, when he
25 testified, he testified that he may heard screaming,

1 but he said -- I him say it's -- it's 7:00, 7:30,
2 early in the evening, and he didn't know what
3 happened to her.

4 So, Your Honor, respectfully, I would ask the
5 Court to, again, at most -- at most, the evidence --
6 and I don't even think it rises up to the level of
7 suspicious, but -- but suspicion implies a belief or
8 opinion as to guilt based on facts and circumstances
9 which do not amount to proof. And there's certainly
10 not been any proof. And the Court should grant a
11 verdict -- grant -- grant a directed verdict when --
12 when the evidence merely raises a suspicion that the
13 accused is guilty, and I'd ask the Court to
14 respectfully grant a directed verdict of acquittal.

15 THE COURT: Thank you, Mr. Epps. Ms. Reeves,
16 response.

17 MS. REEVES: Your Honor, the evidence has
18 established that the defendant spent the night with
19 the victim at the home of [REDACTED] Street.
20 They were together that night. The codefendant
21 stated that he heard an argument. He heard the
22 victim scream a high-pitch scream like he saw or
23 heard before, saw blood, and then no movement
24 thereafter of her feet in the mudroom.

25 The defendant's knife was on the DNA [sic] and

1 then there was no activity on her phone, any user
2 activity on her phone after 1:00 a.m. She wasn't
3 answering any phone calls the following morning. We
4 think we have established our part to go to the
5 jury. There's plenty of evidence.

6 THE COURT: Well, the ruling on a motion for a
7 directed verdict, the Court is concerned with the
8 existence or nonexistence of the evidence, not its
9 weight. To grant a directed verdict, I must find
10 that after viewing the evidence in a light most
11 favorable to the State, that the State has not
12 produced any direct or circumstantial evidence
13 reasonably tending to prove the guilt of an accused,
14 could a reasonable jury convict the defendant based
15 on what the State has presented?

16 In this case, I find the State has produced
17 evidence to support the elements of the charges. I,
18 therefore, find this is a jury question. Now,
19 Mr. Epps, I find that your arguments go toward the
20 weight of the evidence, not the existence of the
21 evidence, and I'm going to deny the motion for a
22 directed verdict at this time.

23 So, Mr. Epps, would you and your client stand,
24 please?

25 MR. EPPS: Yes, sir.

1 THE COURT: Madam clerk, would you put
2 Mr. Lawless under oath?

3 THE CLERK: Yes, sir, Your Honor. If you
4 would, please raise your right hand.

5 THE DEFENDANT: (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 DEFENDANT: I do.

10 THE CLERK: Thank you.

11 THE COURT: Okay. Mr. Lawless, at this time
12 I'm going to explain to you some of your rights.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: If you do not understand anything
15 that I say, please let me know and I will explain it
16 in more detail.

17 THE DEFENDANT: Okay.

18 THE COURT: If you answer the question, I will
19 assume that you understood the question. Do you
20 understand?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: We have reached the stage in the
23 trial where you may present your defense. You have
24 the right to claim the protections given to you by
25 the Fifth Amendment to the Constitution of the

1 United States.

2 This amendment states in part: No person shall
3 be compelled in any criminal case to be a witness
4 against himself. This means that you cannot be
5 required to testify in this case.

6 On the other hand, you have the right to
7 testify on your own behalf should you choose to do
8 so. However, no one can make you testify. This is
9 a personal right and no one can waive this right
10 except you.

11 If you decide to testify, you will be subject
12 to the same rules that govern other witnesses and
13 you may be examined and cross-examined on any
14 relevant issue in this case.

15 In addition, if you have any convictions
16 involving dishonesty or false statement or for
17 crimes punishable by imprisonment for more than one
18 year and this Court determines that probative value
19 of admitting this evidence outweighs the prejudicial
20 effect to you, the Solicitor would be able to
21 introduce your record to attack your credibility.

22 If you decide to testify, this decision on your
23 part must be freely, voluntarily, and intelligently
24 made with the knowledge of the protections given to
25 you by the Fifth Amendment and the consequences of

1 your decision to testify.

2 If you decide not to testify, I will instruct
3 the jurors that they cannot give the fact that you
4 did not testify any consideration whatsoever and
5 that there is to be absolutely no prejudice to you
6 because you did not testify.

7 It is left entirely up to you whether or not to
8 testify. You may talk to your attorney, your
9 family, friends, or anyone else, but the final
10 decision will be left up to you. Do you understand
11 what I've explained to you?

12 THE DEFENDANT: I do, sir.

13 THE COURT: Okay. Do you have any questions
14 you'd like to ask your attorney about that?

15 THE DEFENDANT: Yes, sir. I'll talk to him.

16 THE COURT: Okay. Well, I'm going to give you
17 a minute to talk to your attorney.

18 And I -- Mr. Epps, I note you have other
19 witnesses that you have listed.

20 MR. EPPS: Yes, sir.

21 THE COURT: So if your client wants to wait and
22 make a decision later, he certainly can do that,
23 whether or not he wants to testify.

24 MR. EPPS: Yes, sir. If I could have just a
25 few minutes with my client?

1 THE COURT: Yes, sir. We'll go off the record
2 and you can talk to your client. All right. We'll
3 take a short break.

4 MR. EPPS: Yes, sir.

5 (From 2:31 to 2:48 p.m., a recess was had.)

6 THE COURT: Okay. Let's go back on the record.

7 MR. EPPS: Your Honor, may we approach?

8 (Sidebar discussion.)

9 THE COURT: Okay. We're going to -- we're
10 going to take a short break while we're waiting on a
11 witness.

12 (From 2:54 to 3:08 p.m., a recess was had.)

13 THE COURT: Okay. Let's go back on the record.
14 Mr. Epps, have you had an opportunity to confer with
15 your client?

16 MR. EPPS: Yes, sir, Your Honor. The defense
17 will not offer any testimony or witnesses. We do
18 rest.

19 THE COURT: Okay. You're going to rest. Okay.
20 Well, what I will do is allow you to rest on the
21 record after we bring the jury back in.

22 Now, it's after 3:00 o'clock. I anticipate
23 that your closing argument -- I don't -- a serious
24 case of this nature with a lot of witnesses and a
25 lot of evidence, I don't know how long you're going

1 to talk, but, certainly, the Court doesn't want you
2 to feel constrained that you have to leave out
3 something that you feel important.

4 It's a little bit after 3:00 o'clock. We can
5 go forward with closing arguments now and proceed if
6 that's what -- if that's what each side wants to do,
7 or we can come back in the morning and just have a
8 whole day and fresh start. Ms. Reeves, what's the
9 State's position?

10 MS. REEVES: We would ask for tomorrow, Your
11 Honor.

12 THE COURT: Okay.

13 MR. EPPS: Yeah, we agree, Your Honor.

14 THE COURT: Okay. All right. Well, that --
15 and as you have noticed, I try to get the jury out
16 of here as close to 5:00 as -- as possible. They
17 get tired in the evening. I know they have daily
18 lives, routines, and children to pick up and so
19 forth. So I don't like sending something to the
20 jury late in the evening, so that'll be -- we'll --
21 I'll dismiss them for the day, and we'll start at
22 9:00 o'clock tomorrow. Okay. But I'll let you rest
23 on the record.

24 MR. EPPS: Yes, sir.

25 THE COURT: Get our jury.

1 (At 3:11 p.m., jury entered the courtroom.)

2 THE COURT: Okay. Mr. Foreman, ladies and
3 gentlemen of the jury, the State has rested.
4 Mr. Epps.

5 MR. EPPS: Yes, sir, Your Honor. The
6 defense -- the defendant -- the defense does rest.

7 THE COURT: Okay. All right. Ladies and
8 gentlemen, both parties have rested, so that ends
9 the evidentiary stage of the trial. The next stage
10 of the trial will be closing arguments by the
11 attorneys, then I will charge you on the law, and
12 then you will begin your deliberations after I
13 charge you on the law.

14 Now, it's after 3:00 o'clock. These arguments
15 by the attorneys could be lengthy. I don't know how
16 long they're going to argue. Could be short.
17 That's up -- that's up to the attorneys, but you --
18 you've had several days of testimony. So in order
19 to give the attorneys ample time to tell you what
20 they need to tell you and also for my charge to be
21 given to you and you not go late into the evening,
22 I'm just going to recess for the day and have you
23 come back first thing in the morning, and we'll
24 start at 9:00 o'clock for closing arguments.

25 So, again, I know I tell you this every time

1 you leave, but it's very important that you not talk
2 to third parties. And I know your family really
3 wants to know what you're doing, but just tell them
4 you can't talk about it. Don't do any independent
5 research, the internet, magazines, newspapers,
6 anything on either the law or the facts, and don't
7 deliberate amongst yourselves about the case. I
8 will instruct you to do so at the appropriate time
9 tomorrow.

10 So with that, I'm going to dismiss you for the
11 day and we will see you at 9:00 o'clock tomorrow.

12 (At 3:13 p.m., jury was excused for the day.)

13 THE COURT: Okay. Let's -- let's -- while we
14 have everybody here, let's use this as an
15 opportunity to talk about charges. We talked about
16 this at the bench briefly yesterday, but I just want
17 to go over what I have. Each of you has heard my
18 charges in the past, but I -- I want to go over them
19 again just for the -- for the record.

20 I have a general charge on responsibilities of
21 the judge and jury. Also, defining evidence. I
22 have a charge on that the arrest and indictment are
23 not evidence and create the presumption of guilt. I
24 have a charge on the presumption of innocence;
25 reasonable doubt; direct and circumstantial

1 evidence; credibility of witnesses; expert
2 witnesses; criminal intent; failure of the defendant
3 to testify; identification. And then I have a -- we
4 have a case specific charge on murder. And I have a
5 standard charge on alibi. And then a charge about
6 the deliberations.

7 And the verdict form. We haven't printed it
8 yet, but it'll be a simple verdict form that just
9 gives two options, not guilty and guilty. We place
10 not guilty first since the State has the burden of
11 proof.

12 So are there other specific charges that either
13 party would like the Court to look at?

14 MS. REEVES: Not at this time. No, sir.

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

16 THE COURT: Okay. If -- when you are preparing
17 your closing arguments, if you come across something
18 that you would like for me to look at in the morning
19 before we start, just get it to my law clerk. Send
20 it him -- send him a copy of it and we'll be happy
21 to look at it.

22 Now, the defendant put exhibits into evidence,
23 so the State would open in full. The defense would
24 close in full. And then the State would have a
25 reply and then since the State has the burden of

1 proof. So is there anything else for the record
2 before we go into recess?

3 MS. REEVES: No, sir.

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

5 THE COURT: Okay. Well, we will start at 9:00
6 o'clock in the morning.

7 (At 3:16 p.m., proceedings concluded for the
8 day.)

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10 THE COURT: All right. Let's go on the record.
11 Is there anything from either side before we bring
12 our jury in?

13 MS. REEVES: No, sir.

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

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

16 (At 9:04 a.m., jury entered the courtroom.)

17 THE COURT: Mr. Foreman, ladies and gentlemen
18 of the jury, good morning.

19 THE JURORS: (Responses.)

20 THE COURT: I hope everyone had a good evening.
21 We are ready to proceed. As I told you yesterday,
22 the next stage of the trial will be closing
23 arguments by the attorneys. Ms. Reeves, is the
24 State ready to proceed?

25 MS. REEVES: Yes, sir. May it please the

1 Court?

2 THE COURT: Yes, ma'am.

3 CLOSING ARGUMENTS

4 MS. REEVES: Good morning.

5 THE JURORS: (Collectively:) "Good morning."

6 MS. REEVES: The defendant in this case, Adam
7 Lawless, murdered Tabatha Duncan with malice
8 aforethought in the early morning hours of Monday,
9 March 12, 2018. It has been my job this week to
10 prove this case to you beyond a reasonable doubt.

11 Now, this is a circumstantial evidence case.
12 Most criminal cases that take place in the privacy
13 of our own homes are based on circumstantial
14 evidence. They happen, like I said, in privacy
15 among family. They don't happen in front of video
16 cameras or other eyewitnesses.

17 We have to piece together what happened from
18 the evidence that we've -- that we have seen and
19 collected. We do this all the time in our daily
20 lives. We see evidence is something and we piece it
21 together and draw conclusions based on our common
22 sense. We know that if we look out the window and
23 see people using umbrellas, we don't have to go
24 outside to know that it's raining. We can put that
25 together. Although, I'm not required to prove a

1 motive to you, this defendant had means, motive, and
2 opportunity. I submit to you that the evidence
3 you've seen -- you've heard this week was
4 circumstantial, but you can piece it together.

5 At the beginning of this trial, I told you that
6 there had always been noise and turmoil within this
7 relationship. And that the noise and turmoil seemed
8 to get more intense when the defendant's family was
9 involved. Tabatha's involvement in Donna getting
10 fired on Friday, March 9th, was a big deal. You
11 heard from Rebecca Inman who worked at Liberty Tax,
12 as she told you as soon as Tabatha found out that
13 Donna had been called, she was worried and Ms. Inman
14 was worried for her. In fact, Ms. Inman said that
15 she knew Tabatha had not done this intentionally.
16 She had not intentionally come there to get Donna
17 fired, and now she feels indirectly responsible.

18 You heard what a big deal Donna getting fired
19 was yesterday in all of those text messages. I had
20 to lay out a lot of foundation to show you that, to
21 get those text messages read. It was a big deal for
22 Donna. Every day that weekend, she was pressuring
23 her son, this defendant, to either get Tabatha to
24 fix this or get him to kick her out of his house.

25 You could see Tabatha's messages and how hurt

1 she was to the defendant that he would do this to
2 her, that he would take his mother's side and choose
3 to kick her out over something she didn't
4 intentionally do. Because this was big deal for
5 Donna, it became a big deal for the rest of her
6 family.

7 Tabatha's sister, Tealisa, told you that the
8 defendant was controlling, that his whole family was
9 controlling, and you can see that on March 9th after
10 Donna was fired, that Jim and Angel, the defendant's
11 father and sister, came right over to Adam's house.

12 There was a confrontation. The Iva Police
13 Department had to be called. Jim, the defendant's
14 father, was trying to make Tabatha leave that day,
15 but keep FL [REDACTED] with him.

16 Tabatha and her mother and her sister were
17 there and eventually left. They eventually left
18 back -- left and went back to Tabatha's mother's
19 house. Tealisa thought Tabatha and FL [REDACTED] were
20 going to stay, but then she heard Tabatha on the
21 phone with the defendant arguing, cussing, yelling
22 at her, so she ended up going back. She took
23 FL [REDACTED] back, and there's a text message from Donna
24 making sure that Tabatha brought FL [REDACTED] back.

25 Drama from -- from Donna getting fired lasted

1 that whole weekend. You heard from Mr. Raffini, the
2 victim's attorney. He said that Tabatha had been in
3 communication with him that weekend and that she
4 told him that she been served by the defendant with
5 some sort of eviction papers. You also heard
6 Tabatha's text messages, how the defendant had been
7 screaming at her to leave for two days. Donna was
8 saying again, fix this or she leaves.

9 Mr. Raffini told you that he'd represented
10 Tabatha since May of 2017. And during that time,
11 the couple had had several custody arrangements in
12 almost a year. He told you that Tabatha and the
13 defendant had initially shared custody of FL [REDACTED]
14 until things had gotten so contentious that they no
15 longer wanted any contact between each other in
16 exchanging her.

17 He told you that custody was again addressed in
18 November of 2017 when Tabatha had gone through some
19 mental health problems. In that temporary order, a
20 clause had been added that if for any reason the
21 defendant or Tabatha could not take care of FL [REDACTED]
22 that she would go to his parents. That was going to
23 be part of the new agreement up until that week
24 right before March 9th. Mr. Raffini told you that
25 Tabatha in no way wanted that clause to be in that

1 agreement going forward. They no longer had an
2 agreement as far as custody.

3 Tealisa told you that Tabatha was moving out.
4 She was packing her things. Tealisa told you that
5 she brought two Rubbermaid containers over that
6 Sunday, March 11th. She told you that the victim
7 had gotten her nails done earlier in the week and
8 they were painted blue, except for silver sparkle on
9 her ring fingers. She also told you that she didn't
10 see any injuries on the victim -- her face, her
11 hands, nothing. Again, Tabatha was packing her
12 things to leave and had put them in the hallway.

13 You heard from Aaron Kenyon. Aaron Kenyon told
14 you that the defendant picked him up on Sunday and
15 he and the defendant drove to Kayla's house, the
16 mother of WL [REDACTED] to pick up WL [REDACTED] Aaron told you
17 that the defendant and Kayla went inside and had sex
18 while he and WL [REDACTED] waited in the car.

19 When they got back to [REDACTED] Street, he
20 told you that FL [REDACTED] and Tabatha were there.
21 Tabatha went to the store for them to get some
22 bread, they ate, and she went into the bedroom with
23 FL [REDACTED] The defendant continued to text back and
24 forth with Kayla that night.

25 Aaron said there was always tension between

1 this couple. They were always arguing. But this
2 night, it was different. He told you he couldn't
3 take it. He couldn't hear it anymore, so he went
4 outside, and he was outside for a long time.

5 I submit to you that Tabatha was going to sleep
6 on a cot in FL'S [REDACTED] bedroom. She was on the cot
7 while texting and communicating through Snapchat
8 with Jeremy Gunnels. They were talking about
9 meeting up. Talking about doing things together
10 sexually. They were doing this until almost
11 1:00 a.m.

12 And anyone who's ever known a controlling
13 cheater knows that they can't accept being cheated
14 on. I submit to you the defendant saw her on her
15 phone that night, and there was a violent struggle
16 on that cot to get that phone away from her.
17 He ripped that phone away from her. He ripped
18 out her thumbnail, he pulled out her nose ring, and
19 he caused those scratches on her hands. That's what
20 the defendant did.

21 They had to leave the bedroom. They couldn't
22 stay in FL'S [REDACTED] bedroom. They didn't want to wake
23 her up. They did not want to wake WL [REDACTED] up.
24 Children are sound sleepers. And these children in
25 particular may have been accustomed to arguing.

1 They probably heard it before, but not right in
2 their own bedroom, so the arguing continued and went
3 into the kitchen.

4 Tabatha never had her phone again. Once it was
5 ripped out of her hands, she never had it again.
6 She's bleeding from her thumbnail as she's holding
7 it to the side of her jeans. You can see that blood
8 spot in the picture of her in the laundry room.

9 Enough time passes that those scrapes to her
10 hands begin to show signs of healing. In those
11 pictures that you can see from her lying in the
12 laundry room, her hands do not appear to be
13 bleeding. That thumbnail, she's not bleeding from
14 it anymore.

15 Did she have time to wash her hands? Were
16 those Clorox or peroxide bottles dumped on top of
17 them? I'm not sure, but enough time passed to show
18 some healing of those scratches. This took a long
19 time. This was a drawn out argument. Tabatha did
20 not have her phone to call for help.

21 Another struggle happened in the kitchen. She
22 had bruising and abrasions to her neck from being
23 strangled. She had multiple facial injuries. I
24 don't believe Tabatha was trying to fight back. I
25 think, if anything, she was defending herself.

1 MR. EPPS: I'm going object to the Solicitor
2 representing "I."

3 THE COURT: Rephrase your statement.

4 MS. REEVES: I submit to you that Tabatha, I
5 don't, Tabatha was not fighting back. I believe the
6 evidence shows that she was trying to get away,
7 especially when the defendant grabbed a knife from
8 the kitchen block in the kitchen.

9 He used that knife to cause a huge gash to her
10 neck, but it didn't cut her carotid artery. It
11 would've bled, but as Dr. Woodard told you, if
12 pressure had been applied, she wouldn't have died
13 from that. It did cause a lot of blood in the
14 kitchen and she was in her socks and blood did get
15 on her -- on the bottom of her feet, but I think she
16 ran. I think ---

17 MR. EPPS: Again, Your Honor. I'm going to
18 object to the Solicitor injecting her own ---

19 THE COURT: Sustained.

20 MS. REEVES: My apologies. I submit to you
21 that she ran. I believe the evidence shows that
22 through the dining room and into living room, there
23 were spots of blood.

24 Outside of the fireplace was a cracked and
25 broken cell phone, an old cell phone. I submit to

1 you that maybe she was trying to use that. I submit
2 to you that maybe she was trying to use the house
3 phone that no longer had a back to it. I submit to
4 you that she made it to the laundry room but no
5 further.

6 The defendant at that point knocked her to the
7 floor and there was another struggle in the laundry
8 room. The headphones were broken. Things were
9 knocked over. Those wires had the defendant's blood
10 on them -- or excuse me -- DNA on them. She
11 screamed a high-pitched scream. The defendant
12 slammed her head into the floor, and she was
13 unconscious.

14 Dr. Woodard told you that that would've
15 caused -- caused bleeding to the brain and she
16 wouldn't have been able to move after that. This is
17 when I submit to you that her -- her teeth were
18 chipped, she got other injuries to her face, but she
19 wasn't moving. And the defendant, who still had a
20 knife in his hand, was able to put pressure on top
21 of her body causing abrasions to her hips and
22 stabbed her back over and over and over again. That
23 knife that was bloody and bent had the defendant's
24 DNA on it. Both swabs.

25 This was overkill as Dr. Woodard told you.

1 This was a crime of passion. This was not, I'm
2 going to steal some stereo equipment or your purse
3 and run out. This lasted a long time in the privacy
4 of the defendant's own home.

5 A crime scene log would not have changed the
6 DNA on that knife. The DNA analyst explained to you
7 that DNA can be detected from eight to ten skin
8 cells, that those are extremely tiny, that this
9 testing is extremely sensitive.

10 But DNA can also be left behind without knowing
11 it. We lose skin cells all the time. We transfer
12 them without meaning to. DNA doesn't have a time
13 stamp. We don't know how long it's been there. We
14 can't say when it got there. The DNA under her
15 fingernails could've easily been from the person who
16 did her nails. Could've been from the coroner.
17 Could've been from someone else on the scene. We
18 don't know when it got there.

19 The wounds on her hand that were fresh were
20 very small, and she had no broken fingernails at
21 that point. I submit to you that at this point in
22 the laundry room so was no longer struggling. The
23 hair in Tabatha's hand that was found at an autopsy,
24 again, it could've been hers. It could've been
25 somebody at the crime scene, and maybe a crime scene

1 log could've prevented this. This is also on the
2 laundry room floor. We lose hair all the time,
3 especially in the laundry room where you're doing
4 laundry.

5 At some point after this, Aaron Kenyon came
6 back inside. He came to check on the children
7 because he knew what he had heard and he wanted to
8 make sure that they were still asleep. He told you
9 he had heard that very high-pitched scream and it
10 wouldn't stop, the kind of scream that makes your
11 stomach drop. He didn't see Tabatha at that point.

12 He said the defendant had taken a shower. He
13 was wearing different clothes at this point, gray
14 sweatpants. At some point, he had seen him in the
15 kitchen holding a silver knife in his hand. He told
16 you he saw blood and her feet in the mudroom on late
17 Sunday or early Monday morning, and it just so
18 happened that that's where she was found with blood
19 and her feet at the doorway.

20 He told you he did not believe that Tabatha was
21 going to be able to take care of FL [REDACTED] when they
22 left that morning. He told you that the defendant
23 said "leave her." He doesn't know what happened to
24 the defendant's clothes or how they could've been
25 disposed of.

1 You heard that Aaron had been charged in
2 connection with this case. You also heard though
3 that the defendant and Aaron had been best friends
4 for four or five years. They'd even lived together
5 at that house at [REDACTED] Street, so why would
6 Aaron make a statement like this? He didn't have to
7 say anything, especially if nothing happened.

8 If they left for work that morning like the
9 defendant wants you to believe, why is Aaron making
10 this up? What does he have to gain? In fact, he
11 lost a best friend. He tried to deny this multiple
12 times to investigators. You heard classic
13 interrogation techniques when they were questioning
14 him. Aaron told you that he didn't feel pressure or
15 coercion, at least not from law enforcement. I can
16 only imagine the pressure and coercion he was
17 feeling from the defendant and his family.

18 You heard Aaron say that he gave this statement
19 implicating the defendant after a change of heart.
20 After he told though, he told you that he also lost
21 his best friend and he felt lonely. You heard the
22 letter that he wrote to the defendant. He was
23 lonely. Probably felt badly.

24 But you also heard about Aaron's life. He was
25 19 years old when this happened, when he witnessed

1 his best friend or at least heard his best friend
2 murder his girlfriend. He never changed his story.
3 He said he wanted to recant it, but he didn't. He
4 didn't change what he originally said, that he saw
5 the defendant with a knife, that he heard a
6 high-pitched scream, and he saw her feet and the
7 blood in the mudroom.

8 On Monday morning, Aaron told you that he got
9 WL [REDACTED] up and made sure he was dressed and walked
10 him through the house. Steered him down the
11 hallway, right out the front door. WL [REDACTED] didn't go
12 anywhere else in that house. You can see from the
13 pictures the layout of the kitchen and how it's
14 shaped like an "L." You can see in some of those
15 pictures that the blood spot is not visible on the
16 floor. There are angles to that kitchen. Children
17 at six are not observant. He walked down the hall,
18 he got in the car as he was told, and he was taken
19 to his grandparents' house to go to school.

20 Mr. Peterson told you that the defendant came
21 into work. He was called in that Monday. Normally,
22 he doesn't work on Mondays. Got there, normal time,
23 opened -- opened the store. It was a normal day,
24 except Aaron was there all day. Aaron had come
25 before, stayed for 30 minutes, maybe an hour, not

1 all day.

2 Aaron and the defendant were on video
3 surveillance all day. They were. They also knew
4 they were on surveillance. What's normal about how
5 they acted is that they acted normally. Of course
6 they did. If the defendant acted any other way, it
7 would draw attention to it immediately. He knew he
8 was being videotaped, and he knew it would establish
9 what time he left.

10 The phone calls began almost immediately
11 between the defendant and his mother that Monday
12 morning. First thing though, the defendant texted
13 his mother about Tabatha not bringing her FL [REDACTED]
14 If you've watched any sort of TV or crime shows, you
15 understand how much our cell phones can tell. You
16 learned yesterday in great detail all the things
17 that a cell phone can produce about your private
18 life -- your contacts, who you're calling, who
19 you're texting, what you're saying, where your
20 location is. By now, most people have figured out
21 that if they're going to commit a crime, they don't
22 have their cell phone on them.

23 MR. EPPS: I'm going to object, Your Honor. I
24 mean, that's ---

25 THE COURT: Overruled.

1 MS. REEVES: I mean, that's common sense. They
2 don't write things in text. House phones, at least
3 in this case, don't keep records of local calls.
4 The defendant and his mother talked nine different
5 times that day while the defendant was at work. She
6 called him at 7:17, and they'd just seen each other.
7 He had just dropped WL [REDACTED] off. It lasted for three
8 minutes. She called him again at 8:37. He calls
9 her at 8:43. That one lasts for almost five
10 minutes.

11 Jim, on the other hand, doesn't have any phone
12 calls or other phone activity from between 7:00 a.m.
13 until 11:26 a.m.

14 Katie Evans told you that the defendant and his
15 family, that she knows them. She knows that Donna
16 runs that show. Was a very controlling environment.
17 She told you how on Monday morning, she and her
18 boyfriend happened to drive right by the defendant's
19 home. It was between 8:15 and 8:30. And she told
20 you she happened to notice a large black SUV in the
21 driveway at [REDACTED] Street. It stuck out to
22 her only because she knew that's not the kind of
23 cars the defendant drove. They're usually small and
24 loud. This was a big black SUV. She did not know
25 at the time what kind of car the Lawlesses drove.

1 It wasn't until later in the week when she went to
2 pick up her child that she saw a large black SUV in
3 the driveway of the Lawless's home. She told you
4 that she thought it was very similar to the one that
5 she had seen that Monday morning.

6 Investigator Ledbetter confirmed to you that
7 the Lawlesses drove a black Toyota Sequoia, which is
8 a large SUV. This, I would submit to you, was when
9 FL [REDACTED] was removed from that house. The defendant
10 did leave her like Adam -- like Aaron said, but he
11 wasn't going to leave her all day. He knew someone
12 was going to go back and get her, so he closed the
13 door and walked away. Donna and Jim are not using
14 their cell phones during this time.

15 Next, you hear -- heard from Brandon Brooks.
16 Mr. Brooks and his mother had been at the car wash
17 across the street from [REDACTED] Street at
18 between 9:40 and 10:00 a.m. that Monday morning.
19 They were vacuuming and cleaning out their own car,
20 and Mr. Brooks is a car guy. And two days over, he
21 notices a two-door red Chevy Cavalier pulled way up
22 in the bay. Not under the canopy. Way up under the
23 bay so you couldn't use the vacuums or the trash
24 can. No one was around it. This was a self-service
25 car wash at 9:40 or 10:00 a.m., and no one's around

1 that car.

2 Until they happen to see a man walking in the
3 roadway from the direction of [REDACTED] Street.
4 They didn't catch a good description. Didn't stare
5 at him. It wasn't important at the time. They saw
6 him get into that red Chevy Cavalier and drive off.

7 It wasn't until the next morning that they were
8 watching the news coverage of this murder, Brandon
9 happened to see a red Chevy Cavalier, two-door,
10 backed into the driveway at [REDACTED] Street.
11 He's a car guy. His grandmother used to drive the
12 same make and model four-door teal Chevy Cavalier.
13 He knew his cars. Thought it was a coincidence. He
14 couldn't believe these cars were still running, let
15 alone seeing two. He took a screen shot of it and
16 he and his mother got in touch with Iva Police
17 Department. He told you it's too big of a
18 coincidence.

19 This is when I would submit to you that Jim
20 starts the clean up. The red Chevy Cavalier already
21 had cleaning supplies in them -- in it. We don't
22 know when they were put there. The knife found by
23 Tabatha's left hand had his DNA on it. This is the
24 one in the laundry room up near her hand. It was
25 placed on top of the kitty litter.

1 The Clorox spray top was left in the kitchen --
2 in a bathroom sink that was consistent with the
3 empty Clorox bottle that was in the laundry room.
4 There was also a Peroxide bottle. There were no
5 fingerprints found on the Germ-X bottle, the board,
6 the keys, nothing.

7 He could've started to mop the floor then.
8 Leaving a spot of blood right in the middle, but
9 there's a mop bucket full of water and bleach. And
10 the floor is still wet when crime scene gets there.
11 It smelled like bleach. He took a swab of it, put
12 it into an envelope, reacted like bleach. It turned
13 that envelope white. Again, I would submit to you
14 that Jim was not using his cell phone during this
15 time.

16 Next, Jim and Donna and FL [REDACTED] went to
17 Hartwell, Georgia. You saw the still photos of them
18 at Walmart and you heard Chief Richey explain the
19 video that he saw, how a driver, that couldn't be
20 seen, dropped Jim off at the front door. He got out
21 and went into the store by himself. That car pulled
22 around and parked close to the entrance. But when
23 Jim comes out of the store later, he's on the phone.
24 That car does not come swing up and pick him up. It
25 goes all the way to the back of the parking lot.

1 Not to the gas station. Not to the convenient
2 store, but waits out there for Jim to walk out
3 there. I would submit to you that Walmart was the
4 only receipt that was provided, not the one from
5 Dairy Queen, not the one that might've shown that
6 they bought something for FL [REDACTED] there.

7 The phone calls begin again. This now is after
8 Tabatha's mother Terri cannot get in touch with her
9 daughter. The defendant calls his mother at 12:29.
10 He calls her again at 12:30. They talk for more
11 than six minutes. He calls her again at 12:40.
12 They talk for a minute. The defendant calls again
13 at 1:21. This lasts for a minute.

14 Although Angel Lawless had been in the vicinity
15 of H H Foster Drive -- H H Foster Drive, beginning
16 at around 11:44 a.m., she's never asked to check on
17 Tabatha. She is a mile away from the house. The
18 Lawlesses are at least 20 minutes away in Hartwell,
19 Georgia. They do not ask Angel to go check on
20 Tabatha to go to the house. They do that
21 themselves.

22 That was not the case on March 9th. On
23 March 9th, when they wanted to have a confrontation
24 with Tabatha about her getting Donna fired, Angel
25 went right over there.

1 Not on the morning of the 12th. According to
2 the phone records, Jim and Donna arrive back at [REDACTED]
3 [REDACTED] Street at about 1:42 p.m. Tealisa told
4 you that she called 911 at 1:51 p.m. Jim and Donna
5 were at [REDACTED] Street for 8 minutes without
6 calling 911.

7 I would submit to you that at this time Jim had
8 plenty of time to break that -- that door -- the
9 window -- excuse me -- to the door, but he actually
10 used the keys to open it. Tabatha's keys were found
11 in the sink with hand sanitizer on them.

12 I submit to you that during that time, he
13 opened the back door, took the bar off, and in --
14 inadvertently placed it in the corner where it
15 always goes. Donna stayed outside with FL [REDACTED]

16 When Tealisa and her family arrived, they
17 missed Donna and Jim's arrival. They didn't see
18 them arrive with FL [REDACTED] or without. Donna and Jim
19 were already at the house and Donna was standing
20 outside with FL [REDACTED] And FL [REDACTED] appeared confused
21 with her hair wet. I would submit to you that's
22 because she was standing in the rain with her
23 grandmother.

24 You heard Tealisa say that Donna took FL [REDACTED]
25 and left the scene. She did not stay to find out

1 what was going on. She did not stay to help her
2 husband on the porch. She got FL [REDACTED] and she left
3 immediately. She didn't call 911. She called the
4 defendant. They spoke for almost four minutes.
5 Again, no one at this time in that 8 minutes had
6 called 911.

7 Jim was already sitting on the front porch and
8 having some sort of overload is what he said in his
9 9 -- in the 911 call. Not his 911 call. Tealisa's
10 911 call. You heard Ms. Robinson from Iva rescue
11 tell you that Jim was unresponsive. He was not
12 nonresponsive. His eyes were open and he could move
13 his arms. He had been talking selectively. He sat
14 in the back of the ambulance and they took his
15 vitals for hours until they eventually released him.

16 You heard from Staff Sergeant Villegas. He
17 told you when he arrived on scene, he just happened
18 to be in the area, offered to help. And shortly
19 after he arrived, he was asked to go check out the
20 child that had been removed from [REDACTED]
21 Street to make sure that if she had been left in
22 there by herself that she was okay, that she didn't
23 have any injuries, that she didn't need any medical
24 attention.

25 He drove over, he told you, to H H Foster.

1 Spoke with two adults. The child seemed happy,
2 healthy. He was not made aware of any issues. He
3 was not told that she had had diarrhea, that her
4 diaper smelled terribly, or that she had vomited all
5 over herself, nothing.

6 At that point, he returned back to the scene.
7 Ms. Robinson, again from Iva rescue, told you that
8 she responded to check on the child at almost 6:00
9 o'clock. Said the aunt of FL [REDACTED] had come and told
10 her this child had been vomiting and continues to
11 have diarrhea and has thrown up something that has
12 plastic in it. Ms. Robinson told you that when she
13 saw FL [REDACTED] that FL [REDACTED] was happy, playing with a
14 spoon. She did not vomit or have diarrhea in her
15 care at all. She had no fever. She was
16 transported.

17 Ms. Robinson also told you that she asked for
18 the clothing that FL [REDACTED] had been wearing. "Let me
19 take this to the doctor so I can show the doctor
20 what this child may have thrown up." And she was
21 told what? "That clothing is not here. It smelled
22 so badly. It's not in our trash can. It's not
23 outside in our big trash can. It is at a dumpster.
24 It is no longer on scene."

25 I submit to you that if your own child had

1 ingested something, that you would keep that. You
2 would want to show the doctor that. If you didn't
3 know what they had taken in, you would want to show
4 the doctor. I would also submit to you that you
5 would seek medical attention.

6 MR. EPPS: I'm going to object, Your Honor.
7 She's asking -- asking the jurors to assume or put
8 them in a ---

9 THE COURT: Overruled.

10 MS. REEVES: I would submit to you that if your
11 child was in some sort of medical distress that you
12 would take the child to the doctor. You would not
13 go back to a crime scene, go back to an ambulance
14 and ask for that child to be treated.

15 Tabatha's phone has never been found. You
16 heard Mr. Church tell you that her last user
17 initiated activity was the text that she sent to
18 Jeremy Gunnels at 9:04 p.m. on March 11th. We know
19 from his testimony that he was communicating with
20 her until about 1:00 a.m. through Snapchat. This
21 would show on her phone records as data usage.

22 We also know from Mr. Church's testimony that
23 she does not respond to any incoming calls or texts
24 after that. At 7:07, she receives a text from
25 Donna. She does not respond. At 7:59, she gets a

1 call from her job at Colgate that goes to voicemail.
2 She doesn't respond. At 10:32, she receives a call
3 from Liberty Tax. Again, doesn't answer. Goes to
4 voicemail.

5 All the calls thereafter from her mother, from
6 her sister, from her cousin go to voicemail. The
7 phone is no longer connected to the network at
8 8:54 a.m. I submit to you that at that time her
9 phone was still hidden from the night before. It
10 could've run out of battery at that point. Yes, it
11 may have still been at [REDACTED] Street, but it
12 wasn't found.

13 As Mr. Church explained, there's no way to no
14 know if that data session in the morning was done by
15 a user or by the phone itself, and we all understand
16 that our phones are doing things when we're not
17 touching them. But Mr. Church also explained to you
18 that you can't tell who the user is just because if
19 it were being used, you don't know who's using it.

20 I would submit to you that these are important
21 calls that Tabatha is receiving that morning because
22 she is not responding to them. Tealisa told you
23 she's an early riser. As important as these -- as
24 these calls are, the ones that you do see, the calls
25 that aren't being made are just as important.

1 Mr. Church told you that the Lawless family was
2 not calling Tabatha on Monday, March 12th. The
3 defendant calls the house phone once at 12:40. This
4 is in response to Tabatha's mother asking about the
5 house phone. And then, he calls her cell once at
6 1:23. Besides a text from Donna at 7:07, she never
7 calls Tabatha's cell phone, neither Jim or Angel
8 call Tabatha at any point. They know she won't
9 answer.

10 I would submit to you that if they believed
11 that Tabatha had killed herself, that this is so
12 quick to come to mind after this tragedy, weren't
13 they worried about FL [REDACTED] If Tabatha had FL [REDACTED]
14 and was watching her and Tabatha had committed
15 suicide, who's then watching FL [REDACTED] Why are they
16 not concerned about that? Nobody calls the daycare
17 to see if she's there. They don't need to. They
18 have FL [REDACTED]

19 I would submit to you what the defendant is
20 going to argue and what he's argued throughout this
21 case, is that he wasn't there, that this was an
22 unknown assailant. This unknown assailant would
23 have had to know that on that Monday morning, the
24 defendant had gone to work. Doesn't usually work on
25 Mondays, but he did on that one.

1 The unknown assailant would have to -- would've
2 had to know that Tabatha had called off of work.
3 She wasn't there.

4 This unknown assailant would've had to not
5 communicated with Tabatha. Her family didn't know
6 of any arguments with anyone prior to his arrival.

7 This unknown assailant happened to show up,
8 again, Monday morning and Tabatha would've had to
9 let him in the front door. It just so happens that
10 this was after a weekend of turmoil and arguing with
11 the defendant's family where he's threatened to
12 evict her, where she's gotten his mother fired.
13 There's custody disputes and battles where she's
14 texting into the early morning hours with someone
15 else.

16 It just so happened that this unknown assailant
17 showed up that morning and she let him in the front
18 door. It just so happened that she was up and
19 dressed, ready to start her day, but hadn't touched
20 dinner in the kitchen. It's still on the stove.
21 Up, dressed, ready to start her day. Hadn't given
22 breakfast to FL [REDACTED] Also was not answering her
23 phone. Maybe checking the weather, maybe looking on
24 Google, but not answering a work call?

25 I would submit to you that once this unknown

1 assailant gets in the house, he goes and makes
2 Tabatha go back to the cot. She's already up and
3 dressed, but this has to start on the cot. After
4 ripping her fingernail out, he has to wait several
5 hours in the home with Tabatha and the two-year old
6 for those scratches on her hand to heal and her
7 thumbnail to stop bleeding.

8 He eventually starts the attack again and
9 causes these multiple severe injuries to her face
10 and neck. He didn't bring his own murder weapon, so
11 he had to use a knife in the kitchen. He slashed
12 Tabatha's throat or her neck. And as she's running
13 away, I submit to you that he's chasing her and that
14 he violently slams her head into the floor in the
15 laundry room and stabs her in the back multiple
16 times. This attack was so violent that he too had
17 injuries. He too would've been scratched and
18 bleeding. However, he manages to not leave his DNA
19 on the knife. He only leaves it in a fingernail.

20 Then he takes time to clean up. He gets a mop
21 bucket. Fills it with bleach and water begins to
22 wash the floor. Opens the back door. Gently places
23 the board. Uses the Clorox bottle. Squirts hand
24 sanitizer on her keys. All while a two-year old is
25 in the house. This unknown assailant would've had

1 to murder Tabatha and close the door on FL [REDACTED]
2 after spending hours in the home arguing, murdering,
3 her, cleaning up, and then walk away. There's no
4 motive. This does not make sense.

5 Dr. Woodard cannot make a determination as to
6 the time of death. There are too many variables.
7 That doesn't mean we have to disregard all of the
8 other signs that point to her time of death. Like
9 her phone. When she's not using it. The DNA from
10 the swabs to the interior doorknobs to both doors on
11 the back door match the defendant and WL [REDACTED]

12 FL [REDACTED] was not left in that house. Both
13 Tealisa and Assistant Chief Vaughn told you that
14 they knocked loudly. This was over an hour period
15 of going to the house, leaving, coming back, to
16 knocking on the front door. Tealisa told you she
17 was knocking on the window. They hear no noise.
18 They see no movement. They hear nothing from
19 inside.

20 There are no signs of diarrhea or vomit in her
21 bedroom. There's no smells. There's no dirty
22 clothes. There's an old stain on a blanket in her
23 bed. If she had been left for more than six hours,
24 I submit to you that there would be something else.
25 If she had ingested something and was having

1 diarrhea and vomiting over six hours, there would be
2 something else in that bedroom.

3 Finally, I submit to you that Donna -- or
4 excuse me -- that Jim did not stick his arm through
5 the window in the front door. It's possible, but
6 you can see in the picture there is glass right at
7 the base, right in the corner where he would've had
8 to reach his arm through. That day he was wearing a
9 short-sleeve shirt. He was not treated for any cuts
10 or bleeding. No bleeding -- no blood was seen on
11 him, so he would have you believe that he reached
12 his bear arm through a window with glass shards and
13 did not get cut to open two locks perhaps and the
14 doorknob.

15 Ladies and gentlemen, the judge will tell you
16 what the -- the law is. As we've discussed earlier,
17 murder is the killing of another with malice
18 aforethought. Malice is defined as hatred, ill
19 will, or hostility towards another. It is the
20 intentional doing of a wrongful act without just
21 cause or excuse and with the intent to inflict an
22 injury. Malice can be inferred from conduct showing
23 a total disregard for human life.

24 Aforethought just means that malice was
25 accompanying the act of killing. The evil wicked

1 intent does not have to be formed any significant
2 amount of time before the killing. It can be
3 conceived at the very moment of the blow. Together,
4 malice aforethought means the combination of evil
5 intent and the act of killing. The evil intent and
6 the act of killing. Causing multiple severe
7 injuries to Tabatha and stabbing her in the back
8 multiple times is malice aforethought.

9 The judge will tell you that beyond a
10 reasonable doubt isn't beyond every doubt.
11 Reasonable doubt is the kind of doubt that makes a
12 person hesitate to act. A reasonable -- reasonable
13 person hesitate to act. I submit to you that every
14 question can't be answered. There are gaps. I
15 submit to you that this does not create reasonable
16 doubt. The defendant committed this murder.
17 Tabatha can't tell us directly. She can tell us
18 indirectly through circumstantial evidence what
19 happened to her. You can still be firmly convinced
20 of his guilt.

21 Circumstantial evidence, the judge will tell
22 you, is just as strong as direct evidence. There
23 are few things in this life we know with absolute
24 certainty, but we all use our common sense every day
25 to connect the dots.

1 The noise of this relationship ended with a
2 high -- high-pitched scream in the laundry room.
3 And as you know, it was the kind of scream that
4 would make your stomach drop. Find Adam Lawless
5 guilty of murdering Tabatha Duncan. Thank you.

6 THE COURT: Mr. Epps.

7 MR. EPPS: May it please the Court? opposing
8 counsel?

9 Ladies and gentlemen of the jury, what you just
10 heard was suspicion, conjecture, or speculation.
11 The Solicitor told you what she thinks happened.
12 Told the -- this is -- you cannot find the defendant
13 guilty upon suspicion, conjecture, or speculation.
14 The defendant is -- you cannot do it, no matter how
15 strong. And I take offense because that is not the
16 evidence that was presented to you this week.

17 There is absolutely reasonable doubt. There's
18 ob -- obvious doubt, and there is absolute -- there
19 is no evidence. There's certainly no evidence that
20 Mr. Lawless committed this murder. Mr. Lawless lost
21 too. Mr. Lawless lost the -- the -- the mother of
22 his child.

23 Ladies and gentlemen of the jury, I told you
24 Monday that when you swore an oath as jurors, the --
25 the defendant is presumed innocent. He was innocent

1 on March 12, 2018. He was innocent in 2019, and in
2 2020, and in 2021, and in 2022, and in 2023 when he
3 came into this -- to this courtroom. He has been
4 innocent throughout this trial, and he will remain
5 innocent until going into the delib -- deliberation
6 room. He will remain innocent until the State has
7 provided evidence -- provided proof beyond a
8 reasonable doubt that the defendant is guilty.

9 That has not happened. Abs -- there is
10 absolute reasonable doubt. There is absolute ob --
11 obvious doubt. There is absolutely no evidence
12 given of the time of death of Ms. Duncan. There's
13 no evidence that anything happened between 1:00 a.m.
14 and 6:47 a.m. when the defendant, his son, and Aaron
15 Kenyon left that -- left that [REDACTED] Street
16 and was on video at the Me Fiesta Mexican Restaurant
17 at 6:40 a.m.

18 They drove to Jim and Donna's house. They
19 dropped WL [REDACTED] off to go to school, and Aaron and
20 Adam went straight to Meineke, 19 miles away in
21 Anderson County. They stopped at Pearman Dairy Road
22 and they got a -- McDonalds. They got sweet teas
23 and a sausage McGriddle, and they went straight to
24 work.

25 You saw -- you saw the defendant entering

1 Meineke at 7:21 a.m. You saw the defendant opening
2 up Meineke at 7:29 a.m. There's no marks, cuts,
3 abrasions, scratches, injuries on his person,
4 neither on him or Aaron.

5 His boss, Mr. Peterson, testified that he was
6 like any other normal day -- laughing, joking,
7 cutting up -- and he was -- he was at work on the
8 video from 7:28 a.m. until he was called to come
9 home when they found Tabatha.

10 The Solicitor said it's a piece of the puzzle.
11 She doesn't know. What she told you, she has
12 absolutely no idea. And there was no evidence
13 presented to you this week that that scenario was
14 even possible, period, even possible.

15 What we do got -- what we do got, is we've
16 got -- we've got Tabatha Duncan talking to Jeremy
17 Gunnels at 1:00 o'clock in the morning. You got
18 Adam. You heard a lot about -- we heard a lot about
19 Jim -- Jim Lawless. We heard a lot about Donna
20 Lawless. We heard a lot about Angel Lawless. We
21 heard very little about Adam Lawless, but what we do
22 know is that Tabatha slept in the baby's room on the
23 blue cot in Fay -- in FL's room.

24 She was on the phone with Jeremy Gunnels till
25 1:00 o'clock or after in the morning talking sex.

1 She was talking -- she was going to meet up with him
2 the next day. They were talking sexually. She was
3 on the phone.

4 Adam had been on the phone with Kayla. Aaron's
5 been on the phone and Angel. Nothing in those text
6 messages, nothing in those -- those communications
7 that reference any kind of -- any kind of tension,
8 altercation, fighting, or any kind of that. They
9 were talking -- they were talking to other people.

10 I submit to you -- I submit to you that when
11 she got up -- she slept -- she went to sleep. You
12 heard Tabatha's sister get up here on the -- on the
13 stand and say she wasn't go to work that day. She
14 was going to meet her mother. Colgate called so
15 maybe she supposed to go to work, but she wasn't
16 going to work. She intended to stay home that
17 morning, and she stayed home that morning. Tealisa
18 said she gets up between 6:00 and 8:00 a.m.

19 What we do have is a piece of the puzzle, we
20 have her cell phone at the house. The cell phone --
21 Tabatha's cell phone that she used is at the house
22 after Adam, Aaron, and WL leave that house. At
23 7:49 a.m., there is data initiated. They can't say
24 beyond a reasonable -- their own expert, FBI man,
25 Mr. Church, said you can't -- you can't -- it could

1 absolutely be Tabatha Duncan initiating that data.
2 They don't know and can't say. That's reasonable
3 doubt. That is reasonable doubt. If Tabatha was
4 initiating that data search and that was her data,
5 that was Tabatha on her cell phone at 7:59 a.m.
6 Obviously, while Mr. Lawless is at work.

7 Also, the phone is in the house. There is no
8 question about it. That phone is -- is in that
9 residence at -- residence at 7:59 a.m. That phone
10 ceased to have any access to the network at 8:54
11 a.m. That phone, when it ceased to have any contact
12 with the network at 8:54 a.m. was in [REDACTED]
13 Street, 19 miles away from Meineke where Mr. Adam
14 Lawless was working. That phone was in that house.
15 That phone was taken from that house while
16 Mr. Lawless was at work at Meineke.

17 There is absolutely no evidence that there
18 was -- that there was some altercation where it got
19 knocked from her head or anything. That's just --
20 that's speculation. It's conjecture. You cannot
21 convict on speculation and conjecture, only evidence
22 submitted or proved to you beyond a reasonable
23 doubt. That has not been done.

24 And, again, they absolutely -- the most crucial
25 part of this case, the State has not even attempted.

1 They have provided no evidence as to the time of
2 death of Tabatha Duncan. They haven't did -- they
3 didn't do it. If anything, they got Dr. Woodard,
4 their pathologist, says I can't tell. I don't know
5 when she died. I can't tell when she died. I can't
6 give an estimated time of death. They didn't call
7 the coroner. They didn't call the deputy coroner.
8 Nobody said any evidence about the time of death.
9 That's reasonable doubt.

10 You've got activity on her cell phone. She was
11 dressed to start her day. She was dressed in long
12 john -- in -- in panties, black long john underwear,
13 jeans, socks, camisole shirt, and a tee -- and a
14 shirt. She was, as Dr. Woodard said, dressed to
15 start her day. I submit to you, she was up. She
16 was dressed to start her day. She checked her data,
17 the weather. Between 7:59 a.m. and 8:54 a.m.,
18 somebody came into that house. Somebody came into
19 that house and it wasn't Mr. Lawless, who is the
20 only one on trial here today. It was not -- and
21 there is -- somebody came into that house.

22 Because you got Katie Evans, you got some
23 evidence. And what I'm telling you, there is
24 evidence to support this. Evidence that came in
25 through the State's case. There is evidence to

1 support this. Katie Evans said she saw a black SUV
2 in front of [REDACTED] Street at around 8:30, a
3 black SUV. Now, they want to say it's Jim and
4 Donna. They don't know. Katie Evans can't testify
5 to that. She don't know. It's just a black of SUV.
6 A lot of people have black SUVs and she doesn't
7 know.

8 Thomas Brooks testified, you know, it was a red
9 Cavalier. I don't know. I can't identify the
10 person walking -- walking across the street in that
11 direction -- from that direction and getting in that
12 car and driving off, but what you can, putting
13 pieces to the puzzle together. And that's what --
14 there is evidence to put these pieces to the puzzle
15 together.

16 The phone has got data usage at 7:49 a.m. You
17 cannot say it wasn't Tabatha initiating the data
18 call. You've got a black SUV in front of [REDACTED]
19 [REDACTED] Street at or around 8:30. You've got the
20 phone going off network at 8:50 -- 8:54 a.m.

21 And then you've got Thomas Brooks and Sharon
22 Brooks coming on -- going to the car wash across the
23 street and see a strange red Cavalier in -- in the
24 wash bay, and an individual they can't recognize
25 coming from the direction of the house across the

1 street, get in the car, and drive away. That's
2 around 9:30 or 10:00. Piecing that puzzle together.

3 What there is evidence of is somebody entered
4 that house between 7:50 -- 7:59 a.m. and 8:54 a.m.
5 Somebody entered that house. Somebody got to
6 Tabatha. Somebody got her keys and they threw the
7 keys in the sink. There's no latent prints found in
8 that house.

9 And if -- and -- and the Solicitor says, well,
10 there's DNA, DNA, but you heard the DNA expert.
11 Adam Lawless's DNA is all over that house. Adam
12 Lawless's, WL's [REDACTED] DNA is all over that
13 house. That is their house. It's expected. It's
14 touch DNA. They don't know when it got there, how
15 it got there, or under what circumstances. But Adam
16 Lawless's DNA, there's a purely innocent ordinary
17 reason why Adam Lawless's and WL's [REDACTED] DNA
18 are on those steak knives out of the butchers block
19 in the kitchen.

20 I'll submit to you that somebody entered
21 between 7:49 -- 59 a.m. and 8:54 a.m. She got
22 attacked and this was a brutal, horrifically,
23 violent attack. It was tragic. And I feel -- I --
24 I feel for all families and all parties involved.
25 This was a horror movie. This was a -- over --

1 Dr. Woodard said it's overkill.

2 And I'll submit to you if it happened like the
3 State said in the middle of the night, you don't
4 believe WL [REDACTED] would've seen or heard
5 something? Would've got up? Would've said
6 something? He had a forensic interview the next
7 day, the day after, and they didn't want to ---

8 MS. REEVES: Objection, Your Honor. He's
9 talking about facts that are not in evidence.

10 MR. EPPS: That is facts.

11 THE COURT: Counsel approach.

12 (Sidebar discussion.)

13 THE COURT: Objection is overruled.

14 MR. EPPS: And you heard that WL [REDACTED]
15 went and had a forensic interview and nothing was --
16 nothing -- no -- nothing was followed-up on after
17 that. Nothing. If there had been something during
18 that interview, something would've been followed-up
19 on. It wasn't.

20 There is unidentified male DNA underneath
21 Tabatha Duncan's right hand fingernails and
22 fingernail scrapings developed through the autopsy.
23 Unidentified male DNA. Unidentified. Reasonable
24 doubt. Absolutely reasonable doubt. They say,
25 well, you know, she got her nails done some time

1 prior. They didn't bring a nail lady in here. They
2 didn't bring any kind of -- they didn't go talk to
3 any nail salon. They didn't do any investigation
4 into that. All this you got from day one, you have
5 unidentified male DNA under Tabatha Duncan's right
6 hand.

7 You also have a foreign hair extracted from her
8 hand where the unidentified male DNA is at. That
9 hair couldn't have been -- couldn't be tested
10 because there -- it had no root, but that hair
11 could've been sent for further testing with the FBI.
12 It could've been done. It's been five years.
13 March 12th of 2018 is over five years ago. It's
14 never been done. Nobody on the stand could say what
15 color that hair was. And I think that's important
16 because if it's a jet black hair, obviously that
17 is -- that's another reason why Mr. Lawless --
18 that's more -- that is absolutely reason. That
19 shows that's not Mr. Lawless.

20 There's other male DNA scattered on the knife
21 in the kitchen. Unidentified male DNA. And, again,
22 Adam Lawless -- Adam Lawless is -- is on the video
23 at Meineke from 7:28 on, until he got called to come
24 home. That is a lot talk.

25 You heard a lot of testimony about phone calls

1 and Jim talking to Adam. Jim talking to Donna --
2 Donna talking to Adam. Donna talking to Tabatha.
3 Donna talking to Kayla. There is a lot of talk.
4 You heard a lot of talk. A lot of cell phone
5 movement. A lot of talk.

6 They went to -- Jim and Donna went to Walmart
7 in -- in Hartwell, Georgia. They went to Home
8 Depot. They went to -- and they were in -- in
9 Hartwell, Georgia, when they got the call to come
10 back and check on Tabatha, simply put.

11 That morning -- and you saw there was a text
12 message that was read yesterday. At about
13 7:00 a.m., Adam texted his mother, you know, "You
14 don't have FL [REDACTED] today. Tabatha is at home. She
15 may be trying to start some shit. She may be trying
16 to cause trouble." I mean, listen, people fight.
17 Families have arguments. Families have fusses and
18 feuds, but you don't -- it's not involving Adam. It
19 involves -- it was Tabatha getting Donna fired.
20 Tabatha going in and asking for a tax return. There
21 was back and forth with Donna and Tabatha.

22 Now, yes, there -- that's Adam's mama's wanted
23 to -- they wanted -- Tabatha was leaving. They
24 wasn't getting a -- they -- Tabatha was leaving.
25 Adam had custody of FL [REDACTED] because Tabatha had a --

1 had committed -- tried to commit suicide back in
2 November. Adam had custody of FL [REDACTED] That was
3 Adam's house.

4 You know, just because his mama said, "You need
5 to get her to go," that's not a motive. And, in
6 fact, if you look at those text messages closer, he
7 kind of blew his mother off. You know, all of this
8 was Donna and Tabatha, not Adam and Tabatha. You
9 can look at those texts. I mean, there was some, "I
10 love you -- I love you" prior -- just prior to that.
11 It -- I mean, there was some stuff going on. And
12 there was maybe some stuff going on when Angel went
13 to the house on Friday, you know, but it's -- it's
14 not motive at all.

15 And there's no evidence that Adam Lawless did
16 it, except for -- if you -- if -- his -- his --
17 his -- Aaron Kenyon. Now, you got to believe the --
18 I mean, obviously, the credibility of Aaron Kenyon
19 is -- is -- that's -- that's an issue. Okay. And
20 he got up here and told you -- I mean, he made
21 several -- he denied it, denied it, denied it.

22 And then on March 15th, after he -- he told you
23 he was intimidated. SLED used -- SLED played on --
24 on his emotions. Played on his relationship with
25 his daddy. Said, "I'm here for you. You're not a

1 monster." Targeted Adam. Used him. Intimidated
2 him. Coerced him. And he implicated -- he gave a
3 statement that really doesn't make any sense.

4 And he even testified on the trial. He never
5 said really anything. "It's in my statement. It's
6 in my statement. I lied. I lied." He recanted
7 after and lied again. Can you believe anything that
8 comes out of his mouth? The fact of the matter is
9 that he said up here that when he heard these
10 screams and -- and -- and high-pitched screams, it
11 was early. It was Sunday evening, 7:00 to 7:30. He
12 doesn't know what happened to her. He doesn't know
13 what happened to her.

14 And then he wrote a letter in May of 2018 to
15 Mr. Lawless, and that was read into the record. He
16 told -- he just told SLED what they wanted to hear.
17 Told SLED what they wanted to hear. And he said
18 that on his jail phone. Told his mama that he
19 wanted to get out of jail. He told SLED what they
20 wanted to hear so he could get out of jail. He got
21 charged with accessory after the fact, which is a
22 lot less than murder.

23 And on that day, Adam Lawless got charged with
24 murder. Adam Lawless since then has got his job
25 back at Meineke. He denied involvement the whole

1 way. Five long years. And if SLED had the evidence
2 to convict him, they never would've sent a search
3 warrant in March of 2023 to Google. They never
4 would've sent that search warrant if they had the
5 evidence that they needed to get Adam Lawless. Five
6 years later.

7 They never would -- they -- they should have
8 sent that hair off for testing, and I don't know if
9 they tested the unidentified male DNA. Retested it
10 within these five years.

11 SLED did a lot of things wrong. SLED dropped
12 the ball. SLED zeroed in on Adam to the exclusion
13 of all others, intimidated, bullied Aaron into
14 giving a statement after he denied it, denied it,
15 denied it, denied it, denied it. Then took that
16 statement, arrested Adam. And then when he
17 recanted, they didn't like it either.

18 But, frankly, Aaron Kenyon is not credible.
19 And y'all are the judges -- and the judge will
20 charge you on credibility, but y'all got to assess
21 the credibility. You seen him on the stand. You
22 heard Aaron Kenyon on the stand. He said -- you
23 know, ultimately, he said, "I didn't -- I heard
24 screaming Sunday afternoon, and I don't know what
25 happened to her."

1 Dr. Woodard said in his opinion, the attacker
2 of Tabatha Duncan would have injuries. Again, Adam
3 Lawless has no injuries. He cooperated when he
4 got -- when we -- when he got to the -- when he was
5 called to come to the scene, he arrived at the scene
6 and cooperated. He was upset.

7 Chris Vaughn -- Officer -- Deputy Vaughn told
8 you he was upset. He was upset. He cooperated. He
9 talked to law enforcement. He was segregated. He
10 gave them his phone. He gave a buccal swab. He
11 gave them pictures. They took pictures of his
12 hands, his forearms, his clothes, his -- his front
13 and back. He cooperated. He then went down and
14 gave a statement. Gave two statements. You heard
15 testimony from Ledbetter, he gave a statement even
16 though he was asking for me, and they kept talking.

17 Ladies and gentlemen, the defendant does not
18 have to prove a thing. They do not -- he does not
19 have to prove a thing, and that is -- that's our
20 jury system. That is our jury system. And it's --
21 and it's -- and it's the best one in the world. The
22 defendant has -- there's no burden to prove
23 anything.

24 The State has the burden to prove the defendant
25 guilty or submit evidence that is beyond a

1 reasonable doubt -- not suspicion, not conjecture,
2 not speculation. And the reason of that is the
3 State has the power. They have the power to
4 prosecute cases. They have subpoena powers. They
5 have the power to get search warrants. They have
6 the power to -- to -- and access to documents in --
7 in -- in their investigation in order to help their
8 case.

9 The defendant doesn't have that. The defendant
10 doesn't have that. The defendant -- the
11 defendant -- and the defendant doesn't have to prove
12 anything. The defendant has raised the defense of
13 alibi. The State has to disprove the defense of
14 alibi. They have to disprove the defense of alibi
15 beyond a reasonable doubt. There is no burden on
16 the defendant to prove that he was not at the scene
17 of the crime. There is no burden on the defendant
18 to prove an alibi. The defendant does not need to
19 prove that he was somewhere else. The State has to
20 disprove that. That has not happened. There's no
21 evidence that -- that -- there has been no evidence
22 submitted that anything took place between 1:00 a.m.
23 and 6:47 a.m. when Mr. Lawless, Aaron Kenyon, and
24 WL [REDACTED] left.

25 I submit to you if WL [REDACTED] had said

1 something, it would've been here. I submit to you
2 if there had been Adam Lawless's DNA under her
3 fingernails, that's the nail in the coffin. They'd
4 been jumping up and down, but it's not. It's
5 reasonable doubt.

6 There's no time of death. They can't say when
7 Tabatha Duncan died, but there's good -- if you want
8 subjective evidence, something happened between
9 7:59 a.m. and 8:54 a.m. Somebody came into that
10 house. Somebody grabbed the keys. Somebody tried
11 to clean up.

12 They talked about Jim and Donna Lawless. They
13 had them here to testify. Angel Lawless. You
14 didn't hear from them. Why? Because it wouldn't
15 support their theory; their narrative; their
16 speculation; their suspicion; their conjecture.

17 Also, you heard that -- we heard from
18 Mr. Church. That's the State's phone expert who was
19 hired November of 2022, but you also heard that SLED
20 performed a geolocation -- a geofencing analysis
21 around [REDACTED] Street. That analysis put
22 Tabatha Duncan's phone in that home the morning
23 of -- the morning of March 12th of 2018. That
24 geolocation -- that geofence analysis put that phone
25 stopping at 8:54 a.m. That phone was in that house.

1 That phone was taken from that house after 8:54 a.m.
2 while Adam Lawless was at work. While he was at
3 work.

4 That geofencing location never put Jim and
5 Donna's or anybody else's phone, except for two
6 neighbors, in that area. They didn't want to submit
7 that evidence. Why? Because it didn't help them
8 with their narrative. That's the State's evidence.
9 That is the State's record. That is the -- that is
10 the State's analysis. That's their -- what they did
11 in this case because it's important. They did it
12 and then they don't want to share it because it
13 don't help them.

14 They had to go get Mr. Church, the FBI guy, in
15 November of 2022. And what Mr. Church ultimately
16 said, they didn't put -- you got a bunch of talking
17 back and forth and cell phones and Jim and Donna's
18 cell phone going to Walmart and coming back. It's
19 confirmed what -- just confirmed that they went to
20 Walmart and they talked a lot on the cell phone.
21 Didn't put them in the area of the -- of [REDACTED]
22 [REDACTED] Street. Had them communicating, talking.

23 What it did show -- what Mr. Church did -- did
24 say was, yeah, there's data being used at 7:59 a.m.
25 and it could definitely be Tabatha Duncan. Can't

1 say it's not. Can't say it's not. And that there
2 was no activity after 8:54 a.m.

3 Ladies and gentlemen, this was a horrible,
4 horrific act. SLED came into the scene. Iva Police
5 Department responded. You saw that video when
6 Officer Vaughn went into the house. Jim Lawless was
7 on the porch unresponsive. They -- they tried to
8 say that he was playing, I guess, possum, but
9 there's no evidence of that. You heard the -- you
10 heard the 911 call. I mean, he had some kind of
11 event. He fell out. You heard the 911 call as it
12 happens. Tealisa Evans -- FL [REDACTED] was in the house
13 by herself.

14 SLED -- Iva started a crime scene log.
15 Sergeant Villegas start -- had something to do with
16 the crime scene log, and then Chief Ross Richey
17 maintained that log until late that evening. I --
18 nobody -- SLED don't know -- SLED's never provided
19 that log. SLED's never looked at that log.
20 That's a -- you've got a murder scene, a violent
21 crime scene, and you've got multiple individuals
22 coming in and out. And the purpose of that crime
23 scene log is to document and catalog that. And it's
24 a very important investigation, and that was never
25 given. That was never provided.

1 Items were not collected in the home. The back
2 door was open when they went in. Items were not
3 collected.

4 There is a ripped -- something happened in the
5 baby's room. Y'all saw the pictures and the
6 pictures will go back with you.

7 There's a blue cot with a fingernail hair and a
8 nose ring. The hair wasn't collected. Apparently,
9 the nose ring, the earring wasn't collected.

10 There is what appears to be feces on the baby's
11 bed and a sippy cup. That -- that stuff -- sheet
12 was not collected.

13 There is a cloth on the closet area armoire
14 that -- that had a big rip in it. That wasn't
15 collected.

16 In the laundry room, there is what appears to
17 be a drop of blood on a speaker. That wasn't
18 collected. There is a piece of blood that looks
19 like on that closet or armoire in the mudroom. That
20 wasn't swabbed or collected.

21 And when they sprayed the LCV over the interior
22 of the door in the mudroom that goes outside, it
23 tested positive. And there's a picture of it. That
24 wasn't swabbed or collected.

25 There's a video from Me Fiesta Mexican

1 Restaurant. And why that video was important, that
2 video showed Mr. Lawless's black Kia riding by the
3 Mexican restaurant at 6:47 a.m. They also utilized
4 that video to say that Jim and Donna Lawless turned
5 on East Broad Street about 1:41 or so p.m. that
6 afternoon.

7 SLED told -- they let that video get over --
8 overwritten. Why is that important? Why would I
9 want that? Because it shows the comings and goings
10 down East Broad Street from 6:47 a.m. or early that
11 morning until that afternoon. Maybe they would've
12 seen the black SUV that was in front of the house at
13 8:30. Maybe they would've seen the red Cavalier
14 that was in the wash bay at 9:30, 10:00 o'clock.
15 Maybe they would've got a license plate. Maybe they
16 would've seen another -- the other vehicles coming
17 in and out, but they didn't keep it. And then there
18 was no other records. They didn't provide it.
19 Important, absolutely critical material evidence,
20 and then we ain't got it. They let it tape -- they
21 let it tape over.

22 Tabatha's Google account information was given
23 to SLED in April of 2019. Given to SLED. It was at
24 the scene. It was photographed at the scene. It
25 wasn't collected. It was given to them in April of

1 2019. They did nothing with it. Nothing with it.
2 Could've searched her Google account. Had access to
3 it. See if she's checked the weather, had some
4 activity. Obviously, there was data activity at
5 7:59 a.m. They didn't do it.

6 The defendant is entitled to every inference in
7 his favor, which can be reasonably drawn from the
8 evidence. And the judge is going charge you this.
9 When two inferences may be drawn from the same set
10 of facts, one consistent with a verdict of guilty
11 and one inference consistent with the verdict of not
12 guilty, the defendant is entitled to the inference
13 in which is consistent with a verdict of not guilty.

14 Mr. Lawless is innocent. He didn't do it. He
15 was innocent then. He's innocent now. The State
16 has to present evidence beyond a reasonable doubt.
17 There is reasonable doubt. There's obvious doubt.
18 Again, there's no evidence of -- no evidence.
19 There's been no evidence of time of death. There's
20 no evidence of any altercation between 1:00 a.m. and
21 6:47 a.m. There's no evidence of any -- WL
22 seeing anything, hearing anything. There's no
23 evidence of any marks, scratches, cuts, bruises,
24 injuries on Adam Lawless. And, frankly, there's no
25 cuts, bruises, scratches, or injuries on Aaron

1 Kenyon.

2 Adam contacted -- she -- she was at home.
3 Maybe she didn't want to -- maybe she was sleeping.
4 Her sister said she gets up around 8:00 o'clock, but
5 she was dressed to start her day. This wasn't in
6 the middle of the night. She was dressed to start
7 her day. Dr. Woodard said that. Again, Dr. Woodard
8 said his opinion, there'd be a -- there would be
9 injuries.

10 The DNA is touch DNA. They don't know when it
11 got there, how it got there, or under what
12 circumstances. There's purely innocent reasons and
13 ordinary reasons why Adam Lawless's DNA is in that
14 house, why it's on that steak knife. But what we do
15 know and why it's on the light switch and the -- and
16 the door handles and the -- and some of the interior
17 and exterior. I mean, it's his house. Your DNA is
18 going to be all over the house.

19 The unidentified male DNA that's under
20 Ms. Duncan's fingernails shouldn't be there.
21 That -- that hair shouldn't be there. That is
22 reasonable doubt. And they've shown nothing to
23 suggest -- this -- Ms. Duncan fought for her life.
24 Ms. Duncan's had contusions. She had injuries to
25 her hips. She had injuries to her -- she had

1 defensive wounds on her elbows, forearms, hands.

2 She was stabbed horrifically.

3 Again, there's no evidence that -- I -- if it
4 happened during the night -- so if you buy what the
5 State is selling, this happened in the middle of the
6 night with Ms. Duncan fully clothed, with two kids
7 in the house, WL [REDACTED] sleeping through it, and they
8 leave FL [REDACTED] in the house and go to work and have a
9 normal day. That's not what happened. That's not
10 what the evidence that the State presented shows.
11 That's not evidence. That's not what the evidence
12 presented to -- to -- to you today or through this
13 court this week shows.

14 And like the State said, piecing together --
15 piecing the puzzle. The only piece -- the only way
16 to piece this puzzle is by the evidence we got.
17 And, again, Adam tells his mama, "I ain't got
18 FL [REDACTED] She stayed at home. I mean, I ain't got
19 FL [REDACTED] She's -- Tabatha stayed at home. And
20 there may be trouble. She may be going behind our
21 back," but she'd been talking to Raffini that week,
22 Josh Raffini. They had some marital litigation
23 going on, but, again, Adam had custody.

24 Tabatha was moving out. Tabatha was talking to
25 Jeremy Gunnels at 1:00 o'clock in the morning. She

1 slept, got up, checked her data, and somebody came
2 in between 7:59 a.m. and 8:54 a.m. because there was
3 a vehicle seen at 8:30. And a strange -- and a
4 strange individual coming across the street to the
5 car wash about 9:30 or 10:00.

6 And that's another thing. I'm going to go back
7 to SLED. That's another thing. They did no
8 geofence analysis around that car wash. They didn't
9 do it. They should've done it, they could've done
10 it, and they didn't do it.

11 Five years later, no time of death. Any DNA in
12 that house where Adam's DNA and WL'S D --
13 WL'S DNA is purely -- there's a purely innocent
14 ordinary -- ordinary -- ordinary reasonable
15 explanation why his DNA is there. There's no
16 explanation of why they got unidentified male DNA on
17 Tabatha Duncan's right hand. There's no reasonable
18 explanation -- reasonable explanation why she's got
19 a hair on her right hand.

20 Ladies and gentlemen of the jury, again, you
21 cannot find the defendant guilty upon suspicion,
22 conjecture, or speculation no matter how strong.
23 This was a tragic, horrific event, a killing,
24 murder, but the State has to present evidence that
25 Adam Lawless did this beyond a reasonable doubt.

1 Adam Lawless didn't do this. There's reasonable
2 doubt, there's obvious doubt, and there's, frankly,
3 no evidence to support anything happening between
4 1:00 a.m. and 6:47 a.m. when he was at work. They
5 got to disprove his defense of alibi. And,
6 critically, they didn't provide any time of death.
7 They did not provide proof of time of death.

8 And, frankly, we heard a lot this week about
9 Jim and Donna. A lot about Jim and Donna. Not on
10 that -- not about Adam Lawless.

11 And before I finish, you heard the text
12 messages that morning when Tabatha's mother was
13 texting Adam, "I want to talk to my daughter. If
14 you don't call -- if you -- if I don't hear from
15 her, I'm going to call the police."

16 Adam said, "Call them. I don't give a shit,"
17 because he was at work. He'd done nothing wrong.

18 And then when she said, "I can't. Why is the
19 phone off the hook?"

20 He said, "I don't know. I'm at work." And he
21 calls the phone himself and he tries to call
22 Tabatha's cell phone and then calls his mother and
23 father to go check on Tabatha. And they advise him,
24 "When we find her, we'll tell her to call her
25 mother."

1 They want you to believe that this was some big
2 whole huge conspiracy involving everybody. This was
3 a tragic, violent, horrific act of violence that
4 happened while Mr. Lawless was at work at Meineke.

5 And that's the only reasonable inference that
6 could be deduced from this evidence that was
7 submitted. That's the only reasonable evidence.
8 That's from their own witnesses. That's from their
9 own expert. I submit to you, ladies and gentlemen
10 of the jury, the State had the burden of proof
11 beyond a reasonable doubt, to submit evidence beyond
12 a reasonable doubt. That has not been done.

13 They've also got to disprove the defendant's
14 defense of alibi. That has not been done. I
15 respectfully ask that you return a verdict of not
16 guilty. That is the only verdict. Thank you.

17 THE COURT: All right. Ms. Reeves, State
18 reply?

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

21 In response to the defendants's argument, I
22 would ask you again, what makes sense? Does it make
23 sense that this was an unknown assailant who had no
24 motive? Who came in and stole nothing but her cell
25 phone? Who committed a crime of passion, stayed to

1 clean up, left the child, and then vanished. Taking
2 her cell phone when there's no evidence, calls, or
3 texts we can see on there.

4 Or in response to the defendant's argument,
5 does it make sense that the defendant and Tabatha
6 argued? You heard Aaron Kenyon's statement. There
7 was a scream, there's blood, and no movement. The
8 defendant's DNA is on that knife. It's not an
9 innocent reason why it's on there. There's no one
10 else's on there. There's no activity on Tabatha's
11 phone.

12 MR. EPPS: I'm going to object. That's
13 facts -- Your Honor, that's facts -- that's
14 misstating facts in evidence because Adam ---

15 THE COURT: Sustained.

16 MS. REEVES: There's no user initiated activity
17 on Tabatha's phone. I would again submit to you to
18 find this defendant guilty of murder beyond a
19 reasonable doubt. Thank you.

20 JURY CHARGE

21 THE COURT: All right. Ladies and gentlemen,
22 we have come to the point in the trial where I
23 instruct you on the law. My instructions will be in
24 three parts. First, instructions that state the
25 general rules and control the -- and control the

1 jury's duties. Secondly, I'm going to state the
2 rules of law that you must apply. What the State
3 must prove to make its case. And, lastly, some
4 rules for your deliberations.

5 The general rules begin with your duties as
6 jurors. It is your duty to find the facts from all
7 of the evidence in the case. To those facts, you
8 must apply the law as I give it to you. You shall
9 not be concerned with what the law should be, but
10 what it is. And you must not be influenced by any
11 personal likes, dislikes, opinions, prejudices, or
12 undue sympathy. This means you must decide the case
13 solely on the evidence before you in accordance with
14 the law, the very thing that you took an oath
15 promising to do at the beginning of the trial.

16 It is your responsibility and yours alone to
17 determine the facts of this case. I would therefore
18 charge you that if during the course of this trial
19 or during this charge you have been given or left
20 with the impression or feeling that I have a
21 personal feeling about the facts of this case or
22 that I favor one side or the other, I would
23 specifically instruct you to disregard that
24 impression.

25 Under our Constitution, I am not allowed to

1 have an opinion as to the facts of the case. You
2 should not be influenced by any objections or the
3 Court's ruling on it. You and you alone are the
4 judges of the facts. You determine the facts by
5 evaluating or weighing the evidence in the case --
6 that you've heard during the case.

7 What is evidence? Evidence is the sworn
8 testimony from witnesses and any exhibits that are
9 entered into evidence. The statements by the
10 attorneys are not evidence. What they have said in
11 opening statements, closing arguments, and at other
12 times is intended to help you interpret the
13 evidence, but it is not evidence.

14 There are two types of evidence which are
15 generally presented during a trial, direct evidence
16 and circumstantial evidence. Direct evidence
17 directly proves the existence of a fact and does not
18 require deduction.

19 Circumstantial evidence is proof of a chain of
20 facts and circumstances indicating the existence of
21 a fact. Crimes may be proven by circumstantial
22 evidence. The law makes no distinction between the
23 weight or value to be given to either direct or
24 circumstantial evidence. However, to the extent
25 that the State relies on circumstantial evidence,

1 all the circumstances must be consistent with each
2 other and when taken together point conclusively to
3 the guilt of the accused.

4 If the circumstances merely portray the
5 defendant's behavior as suspicious, the proof has
6 failed. When the circumstances are taken together,
7 they must point conclusively to the guilt of the
8 accused beyond a reasonable doubt.

9 The State has proving -- has the burden of
10 proving the defendant guilty beyond a reasonable
11 doubt. The burden rests with the State regardless
12 of whether the State relies on direct evidence,
13 circumstantial evidence, or some combination of the
14 two.

15 The defendant has entered a plea of not guilty
16 to this indictment and that plea puts the burden on
17 the State to prove the defendant guilty. A person
18 charged with committing a criminal offense is never
19 required to prove himself innocent.

20 I charge you that it is an important rule of
21 law that a defendant in a criminal trial, no matter
22 what the seriousness of the charge may be, will
23 always be presumed to be innocent of the crime for
24 which the indictment was issued unless guilt has
25 been proven by evidence satisfying you of that guilt

1 beyond a reasonable doubt.

2 The presumption of innocence does not end when
3 you begun -- begin your deliberations, but it
4 accompanies the defendant throughout the trial until
5 you reach a verdict of guilt based on evidence
6 satisfying you of that guilt beyond a reasonable
7 doubt. The presumption of innocence is like a robe
8 of righteousness placed about the shoulders of the
9 defendant which remains with the defendant until it
10 has been stripped from the defendant by evidence
11 satisfying you of the defendant's guilt beyond a
12 reasonable doubt.

13 The presumption of innocence is not mere legal
14 theory. It is not just a legal phrase. It is a
15 substantial right to which every defendant is
16 entitled, unless you the jury are satisfied from the
17 evidence of the defendant's guilt beyond a
18 reasonable doubt.

19 What is a reasonable doubt? A reasonable doubt
20 is the kind of doubt that would cause a reasonable
21 person to hesitate to act. Some of you may have
22 served as jurors in civil cases where you were told
23 that it is only necessary to prove that a fact is
24 more likely true than not true, such as by the
25 greater weight or preponderance of the evidence.

1 In criminal cases, the State's proof must be
2 more powerful than that. It must be beyond a
3 reasonable doubt. Proof beyond a reasonable doubt
4 is proof that leaves you firmly convinced of the
5 defendant's guilt. There are very few things in
6 this world that we know with absolute certainty, and
7 in criminal cases the law does not require proof
8 that overcomes every possible doubt.

9 If based on your consideration of the evidence
10 you are firmly convinced that the defendant is
11 guilty of the crime charged, then you must find the
12 defendant guilty. If on the other hand, you think
13 there is a real possibility that the defendant is
14 not guilty, you must give the defendant the benefit
15 of the doubt and find him not guilty.

16 A reasonable doubt may arise from the evidence
17 or from a lack of evidence. The defendant is
18 entitled to every reasonable doubt that may arise in
19 the case. If upon any issue of fact essential to a
20 conviction and a verdict of guilty of an offense, if
21 you have any reasonable doubt as to how that issue
22 should be resolved, it is your duty to resolve that
23 doubt in favor of the defendant. Suspicion, however
24 strong, is not enough to sustain a conviction. The
25 evidence presented by the State must be substantial

1 evidence that tends to prove the guilt of the
2 defendant beyond a reasonable doubt.

3 As the judges of the facts, you are the sole
4 judges of the credibility. That is the
5 believability of the witnesses who have testified in
6 this case. In determining credibility, you may take
7 into consideration many things: The appearance and
8 manner of the witness on the stand, sometimes
9 referred to as the demeanor of the witness. Was the
10 witness able to see or know or hear the things about
11 which the witness testified? How well was the
12 witness able to recall and describe those things?
13 Did the witness have a cause or reason to be biased
14 and prejudiced in favor of the testimony he or she
15 gave? How reasonable was the witness's testimony
16 considered in the light of all the evidence in the
17 case? Was the witness's testimony contradicted by
18 what the witness had said or done at another time or
19 by the testimony of other witnesses or by other
20 evidence?

21 These are some of the factors you may consider
22 in deciding whether to believe testimony. As
23 jurors, you have the right to believe all of the
24 testimony of a witness or none of the testimony of a
25 witness. You have the right to believe a portion of

1 the testimony of a witness and discard the rest.
2 You may believe the testimony of one witness over
3 the many or the many over the one, but most
4 certainly you do not determine the matter of
5 credibility by simply counting up the number of
6 witnesses that may have testified on behalf of the
7 parties in the case.

8 And, ladies and gentlemen, normally, a person
9 cannot give opinion testimony. Normally, a witness
10 must testify to what they either saw, heard, or
11 sensed by smell, or by their senses.

12 However, there's an exception when someone is
13 qualified as an expert because of education or
14 experience. They are permitted to give opinion
15 testimony in certain areas that the Court -- that
16 the Court qualifies them as an expert in that area.
17 You heard from expert witnesses in this case. This
18 does not mean that you are required to accept their
19 opinion. Like any other witness, you may place
20 whatever weight on that person's testimony that you
21 as the judge of the facts deem appropriate.

22 Ladies and gentlemen, I instruct you and
23 emphasize that the fact that the defendant did not
24 testify is not a factor to be considered by you in
25 any way in your deliberation and in your

1 consideration on the question of guilt or innocence
2 of the defendant. It must not be considered by you
3 in any manner whatsoever. A defendant has the
4 constitutional right to remain silent and the
5 assertion of this right must not be considered by
6 you in your deliberations. I repeat, under your
7 oath, you are to draw no conclusion whatsoever from
8 the fact that the defendant in this case did not
9 testify. The fact that this defendant did not
10 testify should not even be discussed in the jury
11 room. The burden of proof, as I have stated to you,
12 is on the State. The defendant is not required to
13 prove his innocence. The burden of proof remains on
14 the State to prove guilt beyond a reasonable doubt.

15 In order to establish criminal liability,
16 criminal intent is required. For example, the
17 mental state required to be proven by the State for
18 a particular crime might be purpose, intent,
19 knowledge, recklessness, or criminal negligence.
20 Criminal intent must be proven by the State beyond a
21 reasonable doubt. Criminal intent is always a
22 matter that must be determined by the jury from the
23 circumstances surrounding the situation.

24 There is no way to prove intent to a
25 mathematical certainty. There's no way medical

1 science can dissect a person's brain and determine
2 what that person had in mind. So the law says that
3 criminal intent may be inferred from the
4 circumstances shown to have existed. This is how
5 you make a determination of whether or not the
6 element requiring intent was present.

7 It is not necessary to establish intent by
8 direct and positive evidence, but intent may be
9 established by inference in the same way as any
10 other fact by taking into consideration the acts of
11 the parties and all of the facts and circumstances
12 of the case.

13 Criminal intent is a mental state, a conscious
14 wrongdoing. It is up to you to determine what the
15 defendant intended to do based on the circumstances
16 shown to have existed. Criminal intent can arise
17 from action or a failure to act. It may arise from
18 negligence, recklessness, or indifference to duty or
19 to the consequences that is considered by the law to
20 be equivalent of criminal intent.

21 The indictment charges the defendant with
22 murder. I remind you that the fact that the
23 defendant was arrested, charged, and indicted in
24 this case is not evidence in this case and cannot be
25 considered by you as evidence of guilt in this case

1 nor does it create any presumption or inference of
2 guilt. These documents are simply the formal
3 written instruments which contain the charges made
4 against the defendant. They are the formal
5 documents by which the case is brought into court.

6 The defendant is charged with murder. The
7 State must prove beyond a reasonable doubt that the
8 defendant killed another person with malice
9 aforethought. Malice is hatred, ill will, or
10 hostility toward another person. It is the
11 intentional doing of a wrongful act without just
12 cause or excuse and with an intent to inflict an
13 injury or under circumstances that the law will
14 infer an evil intent.

15 Malice aforethought does not require that
16 malice exists for any particular time before the act
17 is committed, but malice must exist in the mind of
18 the defendant just before and at the time the act is
19 committed. Therefore, there must be a combination
20 of the previous evil intent and the act.

21 Malice aforethought may be expressed or
22 inferred. These terms "express" and "inferred" do
23 not mean different kinds of malice, but merely the
24 manner in which the malice may be shown to exist,
25 that is either by direct evidence or by inference

1 from the facts and circumstances which are proven.

2 Express malice is shown when a person speaks
3 words which express hatred or ill will for another
4 or when the person prepared beforehand do the act
5 which is later accomplished. For example, lying in
6 wait for a person or any other acts of preparation
7 going to show that the deed was within the
8 defendant's mind would be expressed malice. Malice
9 may be inferred when there is conduct otherwise
10 showing a total disregard for human life.

11 The defendant has raised the defense of alibi.
12 In order to establish an alibi, it must be shown
13 that the defendant was at another specified place at
14 the time that the crime was committed, and it was,
15 therefore, impossible for the defendant to have been
16 at the scene of the crime. Mere denial of presence
17 at the scene of a crime does not constitute an
18 alibi. There is no burden upon the defendant to
19 prove that he was not at the scene of the crime.
20 There's no burden on the defendant to prove an
21 alibi. The defendant need not prove that he was
22 somewhere else. The burden is on the State to prove
23 beyond a reasonable doubt that the defendant was
24 actually present at the scene of the crime, actually
25 participated in it, and was not somewhere else.

1 In other words, the State has the burden of
2 disproving the defendant's alibi defense. Where the
3 evidence taken as a whole where a duty by the
4 prosecution or by the defendant is sufficient to
5 raise in the minds of the jury a reasonable doubt as
6 to his presence at the scene of the crime, he is
7 entitled to an acquittal.

8 Ladies and gentlemen, we're almost to the point
9 where I send you to the jury room to begin your
10 deliberations. This has been a long instruction on
11 the law, but I want to leave you with some final
12 thoughts. You were chosen as jurors in this case
13 because both sides believed that you could be fair
14 and impartial in deciding this case. I instruct you
15 to make use of your life experiences, your common
16 sense, and your sense of logic and reason in
17 evaluating the evidence in this case. You are not
18 partisans or advocates for either side. You have no
19 friends to reward nor any enemies to punish. You
20 are the judges of the facts. Your sole interest is
21 to determine whether the State has proven beyond a
22 reasonable doubt that the defendant is guilty of the
23 offense charged. Be courteous with one another.
24 Listen to the views of your fellow jurors. Take the
25 amount of time necessary for you to thoroughly

1 evaluate the evidence in this case. This case is
2 important to both sides because this is their day in
3 court.

4 So, Mr. Foreman, I'm going to go over the
5 verdict form with you. It's a one-page verdict form
6 and it says, "As to the charge of murder, Indictment
7 No. 2018-GS-04-02885, we the jury unanimously find
8 the defendant," and then it gives you two options.
9 The first box is not guilty. The second box is
10 guilty of murder. Your verdict has to be unanimous.
11 And when you have reached a verdict, you will check
12 the appropriate box, the decision that the jury has
13 reached, you will sign it above the -- the line that
14 is foreperson, and date it. You'll knock on the
15 door and let the bailiff know you have reached a
16 verdict.

17 Now, I'm going to send you to the jury room at
18 this point. Do not begin your deliberations until I
19 send the verdict form and the exhibits back, and the
20 bailiff will instruct you when you may begin your
21 deliberations.

22 So, Mr. Bailiff, would you take our jury to the
23 jury room, please.

24 (At 11:00, the jury left the courtroom.)

25 THE COURT: Okay. Any exceptions to my charge

1 from the State?

2 MS. REEVES: No, sir.

3 THE COURT: Any exceptions to my charge from
4 the defense?

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

6 THE COURT: All right. Let me get both
7 attorneys to come forward. I want you to check and
8 counts all the exhibits, make sure they're there,
9 and then we'll send them back and they will begin
10 their deliberations.

11 (Complying.)

12 THE COURT: Have the attorneys looked at the
13 exhibits?

14 MS. REEVES: Yes, sir.

15 THE COURT: Are all -- all the exhibits there?

16 MS. REEVES: Yes, sir.

17 THE COURT: All right. Mr. Bailiff, you may
18 send the exhibits back to the jury. Take them back
19 to the jury room with the verdict form. Tell the
20 foreman they may begin their deliberations. Bring
21 the alternate back out here.

22 (From 11:05 to 11:23 a.m., jury deliberated.)

23 THE COURT: Let's go back on the record.
24 Counsel, I've received a question from the foreman.
25 It says, "Can a court transcript be provided?" I'm

1 going to explain to them that there is no official
2 transcript. That's something that's not available
3 today. That takes weeks to type up, as y'all are
4 well aware. So I'm going to tell them they will
5 have to decide based on the testimony they heard in
6 the courtroom. So is there any objection?

7 MS. REEVES: No, sir.

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

9 THE COURT: Okay. All right. Where's my
10 bailiff? Get our jury, please.

11 (At 11:25 a.m., jury entered the courtroom.)

12 THE COURT: Okay. Mr. Foreman, I'm in receipt
13 of your question, "Can a court transcript be
14 provided?" There is no written transcript. The way
15 the transcript works, is at some point in the
16 future, there's a procedure that attorneys go
17 through to get that and that takes sometimes weeks
18 to get typed up. So you are to decide the case
19 based on the oral testimony that you heard, and as I
20 explained to you earlier, any exhibits that are --
21 that are in evidence for your consideration.

22 THE FOREMAN: Yes, sir.

23 THE COURT: So with that explanation, I'm going
24 to send you back to the jury room. You may resume
25 your deliberations.

1 THE FOREMAN: Thank you.

2 (From 11:26 a.m. to 2:38 p.m., jury continued
3 their deliberations.)

4 THE COURT: I have been informed that we have a
5 verdict. Is there anything from either side before
6 we get our the jury?

7 MS. REEVES: No, sir.

8 MR. EPPS: No, sir Your Honor.

9 THE COURT: Mr. Bailiff, get our jury, please.

10 (At 2:45 p.m., jury entered the courtroom.)

11 THE COURT: Mr. Foreman, has the jury reached a
12 verdict?

13 THE FOREMAN: We have, Your Honor.

14 THE COURT: Would you hand that to the bailiff,
15 please, sir?

16 THE FOREMAN: (Complying.)

17 THE COURT: Okay. Madam clerk, would you
18 publish the verdict?

19 THE CLERK: Yes, sir, Your Honor. This is the
20 State of South Carolina, County of Anderson in the
21 Court of General Sessions, Tenth Judicial Circuit,
22 the *State of South Carolina, plaintiff, v. Adam Don*
23 *Lawless*, defendant, Case No. 2018-GS-04-02885, this
24 is the verdict form.

25 For Count 1 of murder as to the charge of

1 murder, Indictment No. 2018-GS-04-02885, we the jury
2 unanimously find the defendant guilty of murder.
3 Signed by our foreperson and dated April 14, 2023.

4 Ladies and gentlemen, if that was your verdict
5 in the jury room and it remains your verdict, please
6 raise your right hand.

7 THE JURORS: (Indicating.)

8 THE CLERK: Thank you. Your Honor, let the
9 record reflect that all 12 jurors have raised their
10 right hand.

11 THE COURT: Is there anything from either side
12 before I send the jury out?

13 MS. REEVES: No, sir.

14 MR. EPPS: I'd ask the Court to individually
15 poll each juror.

16 THE COURT: Madam clerk, would you poll the
17 jury, please?

18 THE CLERK: Yes, Your Honor. Ladies and
19 gentlemen, when your name is called, please stand
20 and indicate that the verdict was read was indeed
21 your verdict in the jury room and it remains your
22 verdict by answering "yes" or "no." Juror No. 5,
23 James M. Atkins.

24 THE JUROR: Yes, ma'am.

25 THE CLERK: Thank you. Juror No. 33, Tyler K.

1 Bryant.

2 THE JUROR: Yes.

3 THE CLERK: Thank you. Juror No. 63,
4 Gabrielle -- Gabriel R. Crawford.

5 THE JUROR: Yes.

6 THE CLERK: Thank you. Juror No. 83, Jesse
7 Floyd.

8 THE JUROR: Yes.

9 THE CLERK: Thank you. Juror No. 97, Thomas
10 Gengo.

11 THE JUROR: Yes.

12 THE CLERK: Thank you. Juror No. 146, Michael
13 Lenkowski, Jr.

14 THE JUROR: Yes.

15 THE CLERK: Thank you. Juror No. 160, Jennifer
16 Martin.

17 THE JUROR: Yes.

18 THE CLERK: Thank you. Juror No. 176, Maleah
19 Moss.

20 THE JUROR: Yes.

21 THE CLERK: Thank you. Juror No. 185, Kelli
22 O'Donnell.

23 THE JUROR: Yes, ma'am.

24 THE CLERK: Thank you. Juror No. 217, Tykira
25 Sadler.

1 THE JUROR: Yes, ma'am.

2 THE CLERK: Thank you. And Juror No. 267 --
3 no, 248, Anthony Tocco.

4 THE JUROR: Yes, ma'am.

5 THE CLERK: Thank you. Juror No. 267, Chauncey
6 Williams.

7 THE JUROR: Yes, ma'am.

8 THE CLERK: Thank you. Your Honor, that's all
9 12 jurors that have answered affirmatively.

10 THE COURT: Mr. Foreman, ladies and gentlemen
11 of the jury, I'm going to send you briefly back to
12 the jury room, and then I'll speak to you in a
13 moment.

14 (At 2:48 p.m., jury exited the courtroom.)

15 THE COURT: Okay. Before we proceed with
16 sentencing, I want to take a break. Let each
17 attorney gather any information to present to the
18 Court, and I'll be back in just a few minutes.

19 (From 2:48 to 3:00 p.m., a recess was had.)

20 THE COURT: All right. Mr. Epps, if you and
21 your client would come forward, please.

22 MR. EPPS: Your Honor, I do have a motion to
23 make.

24 THE COURT: Yes, sir.

25 MR. EPPS: Your Honor, at this time I would

1 move to make a motion for a new trial. I'll -- the
2 Court grant my motion for a directed verdict that
3 was -- that was -- that was made yesterday. I would
4 make a motion for a new trial for several reasons.
5 Obviously, Your Honor, we believe that the State
6 didn't submit substantial evidence enough --
7 substantial circumstantial evidence that would
8 justify a jury's verdict.

9 Specifically -- well, specifically, the
10 unidentified DNA under Ms. Duncan's right hand, the
11 cell phone activity, the cell phone being in the
12 home, the cell phone getting off the network at
13 8:54 a.m., the cell phone leaving the home, my
14 client being at work, my client having no injuries,
15 my client's cooperation throughout this process.
16 There -- did not -- the evidence did not arise
17 beyond a reasonable doubt to convict Mr. Lawless.

18 And, certainly, the State -- the -- the -- the
19 evidence submitted to the jury -- or presented by
20 the State did not rise to the level beyond the
21 reasonable doubt to disprove the defense of alibi.
22 My client was under -- arrived -- left at 6:47 a.m.
23 He arrived by 7:21 a.m. at Meineke, and by 7:30 he
24 opened the -- opened the store and was on video the
25 whole day. No problems. No marks. No injuries.

1 There's no evidence that -- that Mr. and
2 Ms. Lawless had FL [REDACTED] at all in the car. She
3 originally said -- there's no evidence of that.
4 There's no evidence other than that child was in
5 that house. There's -- obviously, there's two
6 vehicles at the scene after my client's at work.
7 Your Honor, we would ask the Court to grant the
8 defendant a new trial.

9 In addition, Your Honor, we have had continuous
10 problems. My understanding that two jurors sleeping
11 during this week. They were in there. This is a
12 complex case. We had DNA evidence. We had cell
13 phone experts. We had forensic experts. This
14 evidence has not even been touched it looks like.
15 These -- these jurors were in there for about maybe
16 2, 3 -- 3 hours. And that includes -- going on
17 4 hours -- 4 hours. That includes lunch.

18 Your Honor, they would certainly -- I think the
19 Court -- there was certainly jurors sleeping during
20 this week. The fact that they have not -- with this
21 kind of complex case, with, again, DNA, cell phone
22 experts, forensic experts, or forensic -- just the
23 totality of the -- of this -- of this -- of the
24 case, this trial of this week, they ain't hardly
25 looked. It don't even looked like they even touched

1 some of it. Your Honor, I would respectfully ask
2 the Court to grant Mr. Lawless a new trial.

3 THE COURT: Thank you, Mr. Epps. Ms. Reeves,
4 response.

5 MS. REEVES: Judge, I think the jury reached a
6 verdict. They heard the evidence all week. I don't
7 have any more response than that, unless you want me
8 to. Do I need to go further?

9 THE COURT: Well, I'm familiar with -- I'm
10 familiar with the evidence that's been presented
11 during the trial. And, Mr. Epps, your motion is
12 noted for the record, but I'm going to deny your
13 motion for a new trial. I would note that the case
14 had a significant amount of circumstantial evidence
15 for which there was significant disagreement as to
16 what that evidence signified, which you very
17 thoroughly pointed out in your closing argument
18 to -- to the jurors. So the jury reached a verdict.
19 They are the finder of fact in the case.

20 Now, as to the situation as to the jurors
21 sleeping, at one point that was called to my
22 attention, and I had the jury stand up. I gave them
23 an instruction on that. However, no one else --
24 there were no other complaints about that during the
25 case of the trial and the Court monitored that,

1 tried to take breaks. We had several situations
2 during the trial where in order to get a witness
3 finished, we went a little longer than I'd like to
4 before we took a break, but we did take breaks so
5 they could remain alert.

6 They deliberated for over three hours. That's
7 in the jury's province. They had the -- they had
8 the exhibits and there is no evidence of jury
9 misconduct, so I would deny your motion at this time
10 and it is noted for the record.

11 MR. EPPS: Yes, sir. Thank you, Your Honor.

12 THE COURT: Okay. Is the State ready to
13 proceed?

14 MS. REEVES: Yes, sir.

15 THE COURT: Mr. Epps, would your client come
16 forward?

17 MR. EPPS: (Complying.)

18 THE COURT: Yes, ma'am.

19 MS. REEVES: Tabatha Duncan's mother would like
20 to speak. Her name is Terri Goetting.

21 THE COURT: Yes, ma'am.

22 MS. GOETTING: Your Honor, my name is Terri
23 Goetting. I am Tabatha's mother. This has been a
24 long drawn out five years. Not only was my child
25 taken from our family, she was taken from her two

1 small children, Bentley and FL [REDACTED] I feel the
2 children have been robbed. She should be here
3 seeing her children grow and being able to
4 participate with them in school and other
5 activities.

6 I am finally thankful that justice has been
7 served to our family. That won't -- that won't
8 bring her back. We all love and miss her dearly.
9 Hopefully, I can help her live on through her
10 children. Thank God -- thank God for this closure
11 we can now have.

12 THE COURT: Okay. Thank you, ma'am.

13 MS. GOETTING: Thank you.

14 MS. REEVES: Nothing further, Judge.

15 THE COURT: Is there any -- any criminal
16 record?

17 MS. REEVES: No, sir.

18 THE COURT: No prior record?

19 MS. REEVES: No, sir.

20 THE COURT: All right. Mr. Epps.

21 MR. EPPS: Yes, sir, Your Honor. May it please
22 the Court? Adam Don Lawless stands before you. I
23 know that the jury has reached a verdict. Again,
24 he -- Mr. Lawless maintains his innocence. He has
25 maintained his innocence since day one. I

1 understand that it's -- the Court is -- I mean,
2 it's -- it's a 30 year -- 30 to life sentence. You
3 know, it's the mandatory minimum. Obviously, I
4 would ask -- ask -- respectfully ask the Court to,
5 you know, give Mr. Lawless the 30 years, but we will
6 be noting an appeal, you know, a notice of appeal in
7 this matter.

8 Again, Mr. Lawless has maintained his
9 innocence. We understand the jury has reached a
10 verdict, however, but he has always maintained and
11 continues to maintain his -- his -- his innocence in
12 this matter.

13 And just, respectfully, you know, he has no
14 criminal history. He's been five -- five years
15 since this has been -- this has been pending. He
16 has been on good behavior. He got his job -- he's
17 been -- he got his job back at Meineke. He worked
18 at Meineke. He also saw his kids during this
19 process. Has a great relationship with his
20 children. He had unsupervised visits with his kids.
21 He did not -- he did not have any problems at all.

22 Respectfully, Your Honor, however, we disagree
23 with the jury's verdict and there will be an appeal.
24 We just respectfully ask -- I mean, obviously, he
25 doesn't -- he maintains his innocence, but I'd ask

1 the Court to impose the minimum, the mandatory
2 minimum and not life in prison.

3 THE COURT: Thank you, Mr. Epps. Mr. Lawless,
4 is there anything you would like to tell me?

5 THE DEFENDANT: No, sir.

6 THE COURT: Okay. He's been on house arrest
7 how many days?

8 MR. EPPS: He was arrested on the 15th.
9 March 15th was five years, so I'd have to calculate.
10 He was at the county from May 15 to October 12th.

11 MS. REEVES: March.

12 MR. EPPS: March 15th of 2018 to October 12th
13 of 2018. Has been on house arrest from
14 October 20 -- October 18, 2018, to now. So, Your
15 Honor, there's 212 days at the Anderson County
16 Detention Center, plus 1,646 days on house arrest,
17 which totals 1,885 days, Your Honor.

18 THE COURT: Do you agree with that, Ms. Reeves?

19 MS. REEVES: Yes, sir.

20 THE COURT: 1,800 ---

21 MR. EPPS --- 58. Excuse me. 1,858 days.

22 THE COURT: This is a tragic, tragic situation.
23 I heard this case this week and the evidence, and I
24 see a family that's suffering. They've been here
25 all week. I see another family that's -- I see two

1 families that are affected by this. My heart goes
2 out to the children that are involved in this. They
3 lost one parent and another has been convicted.
4 This is a very tragic thing.

5 I am going to take into account, the State
6 informing me the defendant has no prior record. I
7 am going to take into account the circumstances
8 which appears as though this was an explosion of
9 some sort as far as a dispute goes. Again, it's
10 clear from all the evidence exactly what the
11 motivation was, but I am going to sentence the
12 defendant to 30 years. I'm going to give him credit
13 for 1,858 days. Good luck to you, Mr. Lawless.

14 MR. EPPS: Thank you, Your Honor.

15 THE COURT: Good luck to the victim's family.
16 I hope all of you find peace as you move forward.
17 Good luck to all of you.

18 (At 3:13 p.m., the proceedings concluded.)

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24

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C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

I, the undersigned, Lisa Scott, Circuit Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the trial of the captioned cause, relative to appeal in the Criminal Court for Anderson County, South Carolina, on the 14th day of April, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

October 4, 2023

/s/Lisa Scott

Lisa Scott
Circuit Court Reporter

State of South Carolina
County of Anderson

Court of General Sessions

State of South Carolina)
)
)
 v.)
)
 Adam Don Lawless)
)
 Defendant.)

Transcript of Record
2018-GS-04-02885

May 15, 2023
Anderson, South Carolina

B E F O R E:

The Honorable R. Scott Sprouse, Judge.

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

Kirsten Reeves, Assistant Solicitor
Attorney for the State

William Norman Epps III, Esquire
Attorney for the Defendant

Lisa Scott
Circuit Court Reporter

I N D E XWITNESSPAGE

No Witnesses.

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>

No Exhibits.

P R O C E E D I N G S

- - -

THE COURT: Okay. Let's go on the record.
This is the matter of the *State v. Adam Don Lawless*,
2018-GS-04-2885. This is a motion for a new trial
on after-discovered evidence. This was served on
the Solicitor and filed with the Court. The Court
set this hearing for today's date. The State is
present. The defense is present. As I understand
it, Mr. Epps has submitted an affidavit, so
Ms. Thomason will be handling the case on behalf of
the defense.

MS. THOMASON: That's correct, Your Honor.

THE COURT: All right. So is the defense ready
to proceed?

MS. THOMASON: We, are, Your Honor.

THE COURT: Is the State ready to proceed?

MS. REEVES: Yes, sir.

THE COURT: All right. Let me hear from the
defense.

MS. THOMASON: Thank you, Your Honor. May it
please the Court? You should've gotten an amended
motion this past Friday, I believe, which was the
result of an affidavit given by one of the jurors in
the case; therefore, our motion for a new trial is

1 twofold. One is the after-discovered evidence and,
2 two, is juror misconduct in not following your
3 charge and following the law.

4 I'll first speak to -- to the issue of
5 after-discovered evidence. Obviously, Mr. Epps
6 relayed in his affidavit to the Court the events
7 that transpired after the jury's verdict and after
8 sentencing in this case.

9 I believe it was a Friday afternoon, he went
10 back to his office. The defendant's mother and
11 father came to the office and were speaking in the
12 parking lot. Looked agitated. Came into Mr. Epps'
13 office. And at that point, Jim Lawless, the
14 defendant's father, admitted that he is the one who
15 killed the victim in this case. He did not just
16 spurt this out and -- and leave it at that. He went
17 on to describe details that nobody else would've
18 known.

19 The defendant's mother then stated that she had
20 known at some point after the killing that her
21 husband had committed this crime. She knew that
22 there was evidence that if SLED had come to their
23 home that day and if SLED had executed a search
24 warrant of their home, they would've found his
25 bloody clothes in the boat at their home.

1 All of this testimony or -- or disclosure by
2 Donna and Jim Lawless would be admissible at a new
3 trial. Of course, it's now turned Mr. Epps into a
4 witness in the case.

5 Your Honor, the -- the seminal case regarding
6 after-discovered evidence in the State of South
7 Carolina is *State v. Spann*, 334 S.C. 618. I'll hand
8 up a copy to Your Honor and to the State.

9 Your Honor, in that case, there's basically a
10 five-prong test about after-discovered evidence and
11 whether or not based on after-discovered evidence --
12 after-discovered evidence, a new trial should be
13 granted.

14 The Court found the following factors: Is it
15 such that it would probably change the result if a
16 new trial were granted? Well, obviously, if a new
17 trial is granted and Mr. Epps is able to testify
18 that somebody else admitted to committing the crime
19 and there was another witness who is aware that that
20 person had also admitted the crime to them, that's
21 almost the best evidence there is, Your Honor, that
22 would tend to lead to a reasonable doubt for the
23 jury if this case was tried again. So there's no
24 question, but that the first prong of that test has
25 been satisfied.

1 The second prong is: Has the evidence been
2 discovered since the trial? And, of course, that's
3 true. Mr. Epps knew nothing of this information
4 until the parents came to his office and made these
5 admissions after the verdict and after the
6 sentencing.

7 The third prong of the test is: That the
8 evidence could not, in the exercise of due
9 diligence, been discovered prior to trial. Well, we
10 meet that test as well, Your Honor. Nobody could've
11 known except for Mr. Lawless and his wife the
12 information that they were giving to Mr. Epps,
13 except for having, you know -- and my understanding
14 is that during the investigation of this case,
15 Mr. Lawless was questioned. But absent, you know,
16 holding a gun to his head and -- and making him make
17 this admission at some point prior to trial, nobody
18 could've ever known that he was the one that did it,
19 you know, except for him making that admission.

20 The fourth -- the fourth prong of the test is:
21 Is the evidence material? Well, of course, it's
22 material. If there's somebody else that could be
23 pointed to as the person who perpetrated this crime,
24 that's absolutely not only material but central to
25 the evidence in a new trial.

1 And then number five is: The evidence is not
2 merely accumulative but impeaching. And, of course,
3 we meet that test, as well. There's -- there's no
4 doubt that -- that this new evidence could be
5 admitted at a new trial and it meets all five prongs
6 of the Spann test.

7 But more importantly, Your Honor, I want to
8 talk to the quality of this evidence. I -- I was
9 told -- I don't think I was here -- but I was told
10 that during the trial of this case, Your Honor even
11 made a comment to the State that there was a lot of
12 evidence in this case that talked about the dad and
13 the mom, but there wasn't a whole lot of evidence
14 that pointed to Adam Lawless. Well, now we know
15 why. He's innocent. He didn't do this. His father
16 did it. And his father's now admitted to having
17 done that.

18 And if you take that information and you line
19 it up with the evidence that was presented at trial,
20 and I was here for quite a bit of the trial,
21 although, I wasn't here for every piece of evidence,
22 but the red Chevy Cavalier that was seen in the
23 parking lot of the -- of the car wash at -- at or
24 around some of the morning hours after Mr. Lawless,
25 the defendant, went to work.

1 The person in the -- in the black hoody, who
2 Mr. Jim Lawless now says that was him, the person
3 that was seen in the black hoody coming from the
4 residence.

5 So not only is the newly discovered evidence
6 admissible, it meets the Spann test, but it just
7 makes sense. It all makes sense now when you go
8 back and look at the investigation that SLED did,
9 you look at the evidence that the State offered.

10 If you recall, Your Honor, one of the things
11 that in my observance of the trial that I thought
12 was the biggest problem for the State was, the one
13 piece of evidence that had -- that they had that
14 pointed at Adam -- I guess two if you consider it
15 happened in Adam's home. But the other and the only
16 other real piece of evidence that pointed to Adam
17 was the testimony of Aaron, the friend, who had
18 spent the night there. Aaron had given several
19 inconsistent statements, but Aaron's statement was
20 even inconsistent with the States's own case because
21 Aaron -- and -- and if you'll recall, Judge, Aaron
22 really didn't testify to anything. He got on the
23 witness stand and said, "I don't know. I don't
24 remember." The State basically cross-examined him
25 on one statement, and his answers were always, "If

1 it's in my statement, I guess I said it." But he
2 truly -- if you went back and read the transcript of
3 this trial and you highlighted the things that that
4 witness said of his own volition in direct testimony
5 and at cross-examination, he didn't say much. He
6 says, "Yeah, I may've said that. If it's in my
7 statement, I said it." Remember he wouldn't read
8 the letter that he wrote. He admitted to writing it
9 to Adam. He wouldn't read that. Mr. Epps had to
10 read every word of it. And he said, "Yeah, if I
11 said it, it's in there."

12 But the main thing that was such, to me, was
13 the biggest problem is that Aaron talks about going
14 outside, sitting on the swing because the defendant
15 and the victim were fighting and he heard some
16 screams. And that was around 7:00 or 8:00 or 9:00
17 o'clock in the evening. Says he sat on the swing I
18 think for a couple of hours at one point.

19 And I apologize, Your Honor. I wasn't -- I was
20 here for his testimony, but I -- I watched both of
21 his interviews and I've read the statements, so I
22 may be conflating what came from the witness stand
23 and what was in his statements and I -- I don't mean
24 to do that. We don't have a transcript to look at
25 yet. But without question on the witness stand, he

1 talks about hearing some things in the house,
2 basically, under cross-examination by both the State
3 and the defense he says that. He admits to what was
4 in his statement.

5 But then the State puts up a witness who says
6 he was texting and messaging on a private app with
7 the victim until 1:00 a.m. So the testimony that
8 Aaron gave, is absolutely contradicted by this other
9 person who acknowledges she was alive and well at
10 1:00 a.m. So whatever he heard, whatever screams he
11 heard, whatever he says he heard couldn't have been
12 her being murdered because she was still talking to
13 this other guy, you know, that -- that he says they
14 were talking to at least 1:00 a.m.

15 So if you take that information and apply it to
16 what we know, the testimony that her phone was still
17 operating somewhere within the residence, that it
18 was still active till -- up to I think close to
19 9:00 a.m., might've been 8:55 a.m. You apply what
20 now Jim Lawless has said to Mr. Epps, "Yeah, I went
21 over there after Adam went to work. We got into it.
22 I killed her. I took her phone, I took my bloody
23 clothes, and I disposed of them.

24 Well, SLED never went over to their house.
25 They never followed-up on investigating where the

1 baby was taken. They never did any of that. If
2 you -- if you look at all the evidence that the
3 State gave in this case that the State presented, it
4 makes absolute sense now that we've heard this
5 admission from Jim Lawless. He's the one who killed
6 her. And we believe that the defendant is entitled
7 to a new trial and that that after-discovered
8 evidence be -- would -- would certainly be
9 admissible in a new trial.

10 The second point of our motion is juror
11 misconduct, Your Honor. Your Honor, I think,
12 charges pretty much similar charges on reasonable
13 doubt, on the defendant's right not to testify. I
14 was here, I think, during part of the trial when the
15 defendant chose not to testify. And I do believe I
16 remember your instructions to him, you know, prior
17 to your charge that they were not to consider that,
18 but I certainly believe your charge included it
19 based on what Mr. Epps has told me. We don't have a
20 verbatim copy of your charge, but it -- it goes
21 along the lines of what every other criminal charge
22 I've ever heard in my 30 years of practising law is,
23 and that's that you cannot hold it against the
24 defendant that he didn't testify. And you cannot
25 hold it against the defendant that he didn't present

1 any evidence.

2 The foreman of the jury in this case provided
3 an affidavit, and that's attached to the amended
4 motion. The most crucial part of his affidavit is
5 at the end of the first page, at the beginning of
6 the second page, he says, "After each, the
7 prosecution and defense, settled, it really shocked
8 me and the other jurors that the defense did not
9 call anyone to the stand for questions. I, as a
10 juror, would've like to have seen Adam, the coroner,
11 and Adam's parents called to the stand, which
12 could've provided a time of death as well as more
13 questions asked about the parents' involvement in
14 the case." And this is key, "During deliberations,
15 this was something every juror would like to have
16 seen, and in my opinion could've affected the way
17 the verdict could've gone."

18 That is absolutely without a shadow of a doubt
19 burden shifting, Judge. They did not understand or
20 chose to ignore both their oath as jurors and your
21 jury charge. Because if they had questions, if they
22 had concerns, if they weren't really sure, your jury
23 charge says you are to resolve any of those
24 questions, any of those inconsistencies in favor of
25 the defendant.

1 If the foreman of the jury is saying it
2 might've made a difference if he had testified or if
3 somebody else would've come in, that means they had
4 significant questions. That in of itself is
5 reasonable doubt.

6 We believe that based on what we consider --
7 and when I say "jury misconduct," I'm not alleging
8 that -- that Mr. Atkins intentionally did anything
9 wrong. He -- he didn't go in and, you know, bully
10 anybody or try to sway anybody or talk about
11 evidence outside the trial. But, certainly, for --
12 for him to admit that they wanted more from the
13 defendant and that that -- that played into their
14 decision, that is a direct violation of your
15 instruction, their oath, and the Constitution of the
16 State and the Constitution of the United States.
17 And we believe that -- that the new trial should be
18 ordered based on that juror misconduct.

19 And, Your Honor, lastly, I think -- I
20 understand that the evidence that's been presented
21 in Mr. Epps' affidavit was not a part of the trial
22 and -- and has been presented post-trial, but I
23 believe in light of that evidence, in light of how
24 it correlates with information that the State
25 presented in its case, I believe Your Honor also has

1 a right to consider the renewal of our motion for
2 you to direct a verdict of acquittal. I know that
3 motion was made at the close of trial, but I believe
4 that Your Honor still has the authority and the
5 ability to weigh the information, especially in
6 light of what the jury has done, and find that the
7 State did not meet its burden of proof. There is no
8 way after hearing all the testimony in this case,
9 there was not a reasonable doubt as to who committed
10 this crime.

11 So my -- my third point would be, Your Honor,
12 that we also believe that you have the opportunity
13 now not only to grant a new trial, but to also
14 direct a verdict of acquittal in this case. We
15 would ask that you do so.

16 THE COURT: Thank you, Ms. Thomason.
17 Ms. Reeves.

18 MS. REEVES: Yes, sir, Your Honor. May it
19 please the Court? Your Honor, I will begin by
20 addressing the defense's motion for a new trial
21 based on after-discovered evidence. Granting a new
22 trial because of after-discovered evidence is
23 generally not favored, so says the Court of Appeals
24 in *State v. Harris*. And then, again, it is up to
25 you as the trial judge that you must consider

1 whether the new evidence that has been presented is
2 even credible.

3 James Lawless in this case, the defendant's
4 father, has only made this so-called confession to
5 his son's attorney. He and his wife are the ones
6 that hired Mr. Epps to represent their son. He has
7 not told as of this date -- this so-called
8 confession was given on April 14th, I believe. And
9 as of this date, James Lawless has not gone to any
10 law enforcement agency to tell what he says
11 happened. The only statement that was given, again,
12 was to Norman Epps. It has not been given to any
13 investigator or law enforcement officer within this
14 county that we are aware of.

15 Obviously, the SLED agent is here. He made
16 phone calls and inquiries to the Anderson County
17 Sheriff's Department as well as Iva Police
18 Department, and they were instructed that if James
19 Lawless came in to speak to someone, that he be told
20 about that. We have not heard any of that
21 information. So, again, the statement was given to
22 Norman Epps and he has put it into an affidavit, but
23 nothing else has been given to law enforcement and
24 no follow-up investigation, of course, has been done
25 because of that.

1 The statement that was given to Mr. Epps, as
2 reiterated by Mr. Epps, is not credible. There is
3 just no way that this defendant, James -- excuse
4 me -- James Lawless, held this information for five
5 years while this case was pending, while his son was
6 under arrest. Part of that time for many months,
7 the defendant had been in jail. Then for the father
8 to sit through a one-week trial and have the jury
9 deliberate and still not speak up about that he was
10 the real person that committed this crime, there is
11 just no way the Court should believe that. I truly
12 just -- a -- a person this interested and this
13 involved in the case clearly would've come forward
14 earlier if he were the real killer.

15 Also, she says that his -- his -- his statement
16 that he does give carefully exonerates his wife,
17 Donna, in any further criminal activity. He is very
18 careful to say that she only found out because that
19 he was sleep talking. And I just don't believe that
20 to be credible at all, that he was, I guess, making
21 admissions in his sleep and she heard those, and
22 that is how this -- she confronted him about his
23 actions.

24 Also, he claims that he left -- he went in the
25 home on the morning of the murder to check on

1 FL their grandchild. Yet, in his statement,
2 he says that he gave her a sippy cup and left her
3 there with her dead mother and no one else to take
4 care of her for hours. He's careful, again, not to
5 implicate Donna in this because if he had said that,
6 yes, we had taken FL with us to Walmart, she
7 would've been asking questions about why Tabatha
8 wasn't taking care of the child. And so it's just
9 not consistent to say that he went over there to
10 check on FL but he left her, but also avoiding
11 getting Donna into trouble by saying, you know,
12 that's why he left her. She wouldn't have known the
13 child, of course, wasn't with them when they went to
14 their trip to Georgia.

15 It still doesn't explain why no one was calling
16 Tabatha the entire time of that morning, as the
17 State argued in its case. The statement that
18 Adam -- or that James gives is basically follows my
19 closing argument, and that was what the -- what
20 James was privy to during this trial.

21 He was also privy to all of my discovery
22 through the five years. So if his statement now
23 lines up with the evidence, well, there's reason.
24 He had five years to look at it. He heard my
25 closing argument, so he knows that I argued that the

1 argument started in FL's bedroom on the cot and
2 moved to the kitchen. It ended in the mudroom. He
3 adds in about Brook seeing his red Chevy Cavalier.
4 Of course, that's what I argued, that he was part of
5 the cleanup, and we'll get to that in a minute. And
6 then he has to mention that the keys were in the
7 sink, when he first claims, I believe, that the keys
8 were left in the door and that's how he gained
9 access, but statements to law enforcement said that
10 they had a spare key with them at the -- at their
11 house, but did not go back. When they came back
12 from Walmart, did not go back to the home to
13 retrieve the key. That's why when they showed up at
14 the residence -- the defendant and the victim's
15 residence, he had to break a window. So he's
16 further trying to explain the evidence at the scene
17 because he heard it in my closing argument.

18 No motive is given for this murder, other than
19 the fact that he went over to check on FL. And
20 if he, again, is so concerned about his
21 granddaughter, why is he leaving her there for hours
22 with no supervision and no one to take care of her?
23 She was barely two years old.

24 His statement does not provide any further
25 details about how Ms. Duncan received her injuries.

1 He says that it gets hazy and he blacked out. He
2 says that a speaker was used and that SLED may have
3 missed that, but he doesn't go in detail about how
4 that speaker was used, why there were so many knives
5 out. He actually claims that Ms. Duncan retrieved a
6 knife first, but this would've been after the
7 assault in the cot or on the cot where her
8 fingernail had been ripped out. It gives no detail
9 into the injuries that she sustained, all the stab
10 wounds to her back. It's just completely devoid of
11 any details and just says, oh, he blacked out. And
12 when he came to, he saw all the blood.

13 The information that he goes on to provide as
14 far as the disposal of the clothes and the keys in
15 the sink and Ms. Duncan's phone, the State has
16 always believed and always -- and argued to the jury
17 that the defendant -- or excuse me -- that James was
18 involved in the cleanup at the scene.

19 This information he provides is probably very
20 true. We've always argued that he went to the scene
21 after Adam had committed the murder and left to go
22 to work, that he attempted to clean up the scene.
23 That is why there -- the victim's phone cannot be
24 located. That is why his red Chevy Cavalier was
25 seen in the area, but, again, the timeline for the

1 victim is such that if he's claiming that he
2 murdered her some time after, let's say, 9:00 a.m.,
3 to have his Chevy Cavalier to have been seen at 9:40
4 or 10:00 a.m., that still leaves the gap the victim
5 was not responding to any text messages she received
6 or phone calls that she received that morning at
7 all. So she was getting texts and phone calls
8 beginning at 7:00 a.m., but did not respond to them.
9 Yet James is claiming that he didn't murder her
10 until 9:00 a.m. or after. It just doesn't line up.

11 As far as Aaron's statement to law enforcement,
12 if he wasn't there at all, if he left with Adam on
13 the morning before Tabatha was murdered, why did he
14 gave this statement at all? He didn't have to say a
15 thing because he didn't witness anything. He was
16 detailed in his statement. He says there was an
17 argument going on between Tabatha and Adam. He
18 heard screams and he saw blood and her feet in the
19 mudroom. He was cross-examined by the defense.
20 They had that opportunity. And, again, Aaron did
21 not change his statement. That's what he said. If
22 Adam didn't commit this murder, then why is Aaron
23 giving a statement at all? He wouldn't have known
24 anything. He wouldn't have known where she was or
25 about her screams.

1 Ultimately, the defendant's DNA was on the
2 murder weapon. And he provides no motive for --
3 James provides no motive for having done this. The
4 State believes this is yet more evidence of cleanup.
5 He cleaned up at the scene. He tried to mop the
6 kitchen floor. The floor was still wet. It doesn't
7 make sense really to have the floor still wet if he
8 had murdered her at 9:40 or 10:00 a.m. and left
9 water still on the kitchen floor, yet didn't
10 complete it and still left some blood, but then was
11 still wet -- the floor was still wet at
12 approximately 5:00 to 6:00 p.m. when SLED finally
13 went into the home. It makes more sense that he
14 attempted any of that cleanup later in the afternoon
15 when her body was -- right before her body was
16 discovered.

17 What was not presented at trial was an incident
18 that occurred on March 19th of 2018. This is an
19 incident where a plastic bag containing some jeans
20 and a brick and a note was thrown through Mr. Epps'
21 window. Anderson Police Department was called and
22 investigated that. This note that was contained in
23 the bag ---

24 MS. THOMASON: Your Honor, I'm going to object
25 to anything that wasn't introduced at trial, other

1 than the statements and the affidavits that we've
2 presented. She's arguing evidence that's not before
3 the Court nor has it been vetted.

4 MS. REEVES: Your Honor, it was all provided in
5 discovery and we are talking about after-discovered
6 evidence. This was all evidence that we had that
7 was shared during the trial that shows, we believe,
8 that James could've been part of, again, a cleanup
9 for ---

10 MS. THOMASON: But, Your Honor ---

11 MS. REEVES --- this effort, not involved in her
12 murder.

13 THE COURT: Hold on. All right. I understand
14 this was not put into evidence at trial. How is
15 this not relevant for purposes of after-discovered
16 evidence?

17 MS. THOMASON: Well, number one, it's not
18 after-discovered evidence. She just said the
19 information was given to the defense during
20 discovery. It's not after-discovered evidence. It
21 has nothing to do with our motion regarding
22 after-discovered evidence and it's not testimony
23 that was elicited at the trial. So it -- I can't
24 respond to something that isn't in the trial record,
25 nor should the Court consider anything that's not in

1 the trial record, that's not in the affidavits that
2 we've provided in our motion.

3 THE COURT: Ms. Reeves, is this something that
4 Mr. James Lawless did?

5 MS. REEVES: Yes. And it goes directly to his
6 credibility and his involvement to get his son out
7 of trouble for this murder.

8 THE COURT: So the State's alleging that he
9 threw the brick through the window?

10 MS. REEVES: Your Honor, unfortunately, we --
11 he -- Mr. Lawless was -- James Lawless was not
12 charged because, of course, we did not have a video
13 of him throwing this through the window. However,
14 the jeans that went with the brick and the note ---

15 MS. THOMASON: I object. She's testifying
16 about facts that are not in evidence.

17 THE COURT: Y'all cannot prove Mr. Lawless did
18 that?

19 MS. REEVES: His DNA is on the jeans.

20 MS. THOMASON: Objection. That should not be
21 in the record.

22 THE COURT: I'm going to sustain that
23 objection. Go ahead.

24 MS. REEVES: Your Honor, there were multiple
25 incidents that SLED investigated after this murder

1 that involved James Lawless and his attempt, we
2 believe, to show that someone else did this other
3 than Adam Lawless.

4 Katie Evans, who was a witness during the
5 trial, I -- she was the one that witnessed the black
6 SUV in the driveway of the residence on the morning
7 before Tabatha Duncan was discovered murdered.
8 Katie Evans told me that there was much discussion
9 within the family about who was going to take the
10 fall for this and was it going to be ---

11 MS. THOMASON: Objection, Your Honor. Again,
12 she's talking about things that were in her
13 investigation that should've been disclosed to
14 defense, but it's not on the record at trial.

15 THE COURT: Well, let's -- let's -- let's back
16 up. Let's back up.

17 Ms. Reeves, why don't we go through -- and --
18 and I think this will be helpful. A major part of
19 the State's case was the action or lack of action
20 that Mr. Lawless took or didn't take during the
21 course. According to my recollection, you had a
22 significant amount of evidence of his involvement on
23 the day. There was a body cam video that showed him
24 on the front porch. There was an officer who went
25 to the residence for a welfare check for -- for the

1 child. There was a dispute -- evidence of a dispute
2 days before about the victim being -- getting the
3 mother-in-law fired from the job. And I'm just
4 trying to recollect the different things the State
5 put in. Of course, you've already noted his DNA was
6 on -- on an object.

7 MS. REEVES: Are you speaking of James?

8 THE COURT: James -- yeah, James Lawless. Yes.
9 There was a significant amount of evidence about
10 James Lawless' trip to Hartwell, Georgia, to -- to
11 the Walmart. There was a video put in. There was
12 testimony about the red Chevy, his vehicle.

13 Now, you've answered one question that -- that
14 I was going to -- to ask and that is: Has James
15 Lawless agreed to speak to any law enforcement
16 officer since Mr. Epps filed his affidavit?

17 MS. REEVES: No, sir.

18 THE COURT: Okay. So -- so we -- we don't have
19 any -- other than what he told Mr. Epps, we don't
20 have any follow-up information from him about any
21 details?

22 MS. REEVES: No, sir.

23 THE COURT: Okay. All right. I -- I
24 interrupted you. Go -- go ahead. Let's -- I
25 think -- and -- and you -- you made a number of

1 arguments in your closing argument about James
2 Lawless and his wife's activities afterwards, and
3 you mentioned that again today about the theory
4 about the cleanup. And each side, obviously, is
5 entitled to give a theory of the case, which both
6 sides did in their closing arguments, so just let's
7 continue on that line.

8 MS. REEVES: Well, Your Honor, that's why I
9 think it's so significant is because Adam's entire
10 family was involved in this case. Even if Adam
11 committed the murder, they were significantly
12 involved before, during, and after. And that is
13 what I argued to the jury.

14 And so these specific acts that I'm referring
15 to are in the record, but they further go to James
16 Lawless trying to cast doubt and throw blame onto
17 someone else other than his son. I think it's
18 extremely relevant to his credibility when he has
19 now so-called confessed to killing her when he
20 didn't. The State has presented their case in a
21 week-long trial. The jury deliberated after all of
22 the evidence and found this defendant guilty. So
23 the fact that that is why I think it is extremely
24 significant that a brick was thrown through Norman
25 Epps' office ---

1 MS. THOMASON: You've already sustained my
2 objection on that, Your Honor. I would ask that she
3 refrain ---

4 THE COURT: All right.

5 MS. THOMASON: --- from violating your previous
6 ruling.

7 THE COURT: Let's -- let's move on. You made a
8 point. I want you to expound on this. What -- what
9 is the State's -- how -- or does the State consider
10 a statement? It's being labelled as a confession,
11 but there's no -- no statement to law enforcement.
12 It's just a statement made to Mr. Epps.

13 MS. REEVES: Correct.

14 THE COURT: Okay. All right. Talk to me about
15 Ms. Thomason's argument about the juror. I'm going
16 to go back and consider the record on Mr. Lawless,
17 and I think, Ms. Reeves, I think you made the exact
18 point. It's not listed in *State v. Spann*, but the
19 Court does -- before I even get into the *State v.*
20 *Spann* analysis, I have to make a finding of whether
21 that -- that evidence is credible evidence before we
22 even -- because it has to go toward the materiality
23 as well in the test, but Ms. Thomason correctly
24 stated the law on that and you're correct on *Spann*
25 too, so I'm going to back. I'm going to consider

1 that, but I want to hear from you on the issue of
2 the jury disregarding the Court's instruction.

3 MS. REEVES: Yes, sir. So, Judge, I would say
4 that much like you, I was informed and given this
5 affidavit from the juror at 5:15 on Friday. We have
6 not had time to contact him or -- or I should say
7 drive to him. I did attempt to call him. His
8 voicemail box was full, so I could not leave a
9 message so I have not spoken with him personally.
10 All we have is this affidavit. And so I will back
11 up and say that, of course, as you know, the law,
12 there is a limited exception in considering juror
13 testimony in affidavits as to their deliberations.
14 There is a very narrow exception given.

15 And the Court in *State v. Ziegler* specifically
16 addresses basically a jury's discussion of the lack
17 of a defendant testifying, because a juror
18 specifically asked a question during their
19 deliberations, "Could the defendant go under oath
20 and tell their story?" And, of course, the judge
21 gave them an instruction, "No. They're not allowed
22 to consider it," and then in charging gave them a
23 curative instruction, as you did, about they are not
24 allowed to consider that, whether the defendant
25 testified or not.

1 Of course, there was motions after the
2 defendants were found guilty and the defense went
3 out and contacted eight of the jurors. They were
4 provided seven statements from those jurors, and
5 only four of them provide statements and all profess
6 that they thought the defendant should have
7 testified. None of the jurors stated that there was
8 reason they -- none of them stated that that was the
9 reason they found the defendant guilty.

10 So based on this, the judge did not grant a new
11 trial, even though it was discussed literarily
12 during deliberations, so the Court heard about it.
13 So I would argue that, you know, in this situation,
14 you gave an instructive charge that they were not to
15 consider that. One of the 12 jurors has written
16 this affidavit. We don't know who took this
17 statement. We don't know what questions he was
18 asked. We don't know if those were leading
19 questions.

20 In fact, please tell me, Mr. Foreperson, did
21 you want to hear from the defendant? Would it have
22 made a difference to you if the defendant testified?
23 Please write that in your statement. We don't have
24 a recording of when this was given or even who asked
25 these questions, so we don't know why he wrote in

1 here what he did.

2 I will say, I would argue that, you know, maybe
3 it is something he thought about after. It does
4 specifically say that the juror -- that the other
5 jurors would've like to have heard, but to me the
6 way I read that is, you know, they're still
7 considering the defense case that was offered. The
8 defense did put up a case. They didn't call
9 witnesses, but they did introduce exhibits and
10 evidence. They were considering what was
11 introduced.

12 Norman is actually the one that argued to the
13 jury that I had the defendant's parents under
14 subpoena and did not call them. He is the one that
15 argued that to the jury and said, "Why did I
16 subpoena them? And if they were so involved, why
17 did I not call them to the stand?" So that was put
18 in their minds already by the defense.

19 The juror also goes into great detail to say
20 that's not what he based his decision on. His
21 entire main paragraph is about what he was
22 considering or what the jurors considered in -- of
23 the State's case and why they found the defendant
24 guilty. And I can go through that and specify if
25 you'd like, but none of that is about the defendant

1 not testifying or his family or anyone else. It is
2 about what the State presented and what they
3 considered in finding him guilty.

4 So I would say based on all of that, that the
5 defense is not required to a new trial. We had a
6 trial. It lasted for a week and the defense -- a
7 jury heard all of the evidence. The defense had a
8 right to cross-examine them, call any witnesses they
9 wanted to, and the jury found the defendant guilty.

10 THE COURT: Thank you, Ms. Reeves.

11 Ms. Thomason, any response?

12 MS. THOMASON: Yes, Your Honor. May it please
13 the Court? I first want to talk about the statement
14 that Jim Lawless gave to Mr. Epps. Your Honor,
15 there's -- to me, there's nothing in that statement
16 that makes it more credible than he admitted to
17 leaving a two-year-old child in a bed with a sippy
18 cup for hours. Who does that, other than a
19 despicable criminal? Who admits to doing that? Who
20 even would fathom saying that? That's almost as
21 horrendous as killing this poor girl. You leave a
22 two-year-old baby in a bed with a sippy cup after
23 you just murdered her mother and admit to that?
24 That's what makes this statement that he gave to
25 Norman credible.

1 The fact that Norman said, "Guys, come on.
2 You're not just here trying to make up a good story
3 because you think it's going to help your kid, are
4 you?" And he goes into great detail. This man was,
5 as Norman has said, playing the long game. They
6 thought -- he thought -- he knew he did it, so
7 there's no way the criminal justice system would
8 allow his son to be convicted for something he did.
9 Yeah, he kept quiet. He's a criminal. He's a
10 murderer. He didn't want to get caught. Yes, he
11 did -- he -- he and his wife routinely were throwing
12 up red flags to the State. We heard this person was
13 there. We heard that person was there. They were
14 trying to deflect every bit of attention away from
15 them and on to some other mystery person.

16 We now know it wasn't any mystery person. It
17 was Jim Lawless, and he let his son get convicted
18 and get a 25-year sentence to sit in prison because
19 he thought since he knew he did it, there's no way
20 that an innocent guy goes to prison anymore in the
21 State of South Carolina or the United States, right,
22 because he didn't do it.

23 And if Adam gets found not guilty, is the State
24 going to come after me? Probably not. He thought
25 he had committed the perfect crime. And when it

1 blew up in his face, when he's watching his son get
2 sent to the Department of Corrections for probably
3 what will be the rest of his life because he's not
4 going to survive in prison, it all came tumbling
5 down on him and he finally admitted the truth. I
6 think the fact that he said what he said to Norman
7 is the most credible thing that he's said since this
8 event occurred.

9 One of the things that the prosecutor argued is
10 that his statement mirrored her closing argument.
11 If you'll recall, the witnesses were sequestered.
12 He was not in the courtroom during closing
13 arguments.

14 One of the things that she got brought to my
15 recollection when she was talking about Aaron's
16 statement, you know, Your Honor, Aaron gave two
17 statements. The first statement he said, "I didn't
18 see anything. I didn't hear anything." When he got
19 up to go to work, everything was normal. The
20 six-year old gets his breakfast. Wants a Pop-Tart.
21 I don't see anybody. I don't see anything. We
22 leave.

23 A week later after all the events of this crime
24 have been made public, anything that any of us
25 could've seen on the news or read in the newspaper,

1 he says, "Saw her feet in the mudroom. Saw some
2 blood." I wonder where he got that information.

3 She talked about the jury instruction and
4 charge and this being one juror. Judge, we've been
5 under a time crunch in trying to understand. My
6 understanding is that the Solicitor's Office sends
7 questionnaires to all of the jurors after a trial.
8 And our understanding is, based on the investigator
9 that spoke to this jury foreman, he responded and
10 sent them an answer. They have not bothered to
11 share that with us, so we don't know what he said in
12 response to the State's questionnaire. I would
13 assume if there was something that they felt
14 concerning about his answers to that questionnaire,
15 certainly, they would bring it to the Court's
16 attention, but we don't know because we haven't seen
17 it. But the foreman told our investigator that he
18 had sent a form. He said, "I've already submitted
19 something to the Solicitor's Office about what I
20 thought." So they got a statement from him, as well
21 as potentially the rest of the jurors.

22 But, Your Honor, in the two cases that we found
23 about juror misconduct, there is *Shumpert v. State*,
24 which is South Carolina 378 -- excuse me -- 378 S.C.
25 62. And there's also *Ethier*, if I'm pronouncing

1 that right, *E-t-h-i-e-r v. Fairfield Memorial*
2 *Hospital*, which is 429 S.C. 649. That specific case
3 references *State v. Aldret*, A-l-d-r-e-t, 333 S.C.
4 307. That's a 1999 Supreme Court case.

5 In the Aldret case, the Court actually had a
6 hearing and brought all the jurors back. So I think
7 that's well within Your Honor's prerogative if you
8 need to see something else other than this
9 affidavit, if you need to hear from all the jurors
10 regarding what went on in the jury room. The *State*
11 *v. Aldret* case gives you a basis for bringing each
12 and every juror back in and questioning them to the
13 extent that they considered the defendant's failure
14 to testify or offer any evidence against him in
15 contradiction to your jury instructions.

16 So if -- if the State, you know, wanted to
17 consider more evidence, certainly we can do that. I
18 think that the jury foreperson's very clear
19 statement notarized, sworn under oath, that they
20 considered the fact that he did not testify and that
21 weighed in their decision making is clear enough to
22 give my client a new trial.

23 One thing, Your Honor. It's our understanding,
24 Your Honor, that Jim Lawless at his conclusion of
25 discussion with Mr. Epps, of course, Mr. Epps

1 immediately said, "I can't talk to you anymore. You
2 need to get a lawyer. I'm not your lawyer. I want
3 you to understand clearly, I'm not your lawyer and
4 I've got to report this to law enforcement, to the
5 Court, and everybody else."

6 It's our understanding he's retained counsel,
7 and I'm certain whatever counsel he retained
8 probably has given him, you know, advice. But, you
9 know, the -- the admissions that Mr. Lawless made
10 are absolutely a statement against interest, most
11 specifically leaving that child there. I mean,
12 that -- that's horrendous to admit that you did
13 that, to admit that you committed the crime.

14 Of course, he was fuzzy on some of the details.
15 He's been lying for five years. Since the day this
16 crime was committed, he's been lying, finagling, and
17 obstructing, and now we know why. He wanted to get
18 Adam off, and he thought nobody would ever come
19 looking for him. It is wrong to let an innocent
20 young man go to prison for what is conceivably the
21 rest of his life. He's entitled to a new trial.
22 He's entitled to have this evidence presented. He's
23 entitled to have his case reinvestigated based on
24 this admission and this confession, and he's
25 entitled to a new trial. We ask that you give to

1 him.

2 THE COURT: Ms. Reeves, was a survey sent to
3 the jury?

4 MS. REEVES: Yes, sir, Your Honor. We send
5 out -- after the trial's conclusion, we send out
6 anonymous questionnaires just for our office to see
7 if -- how was their court experience. What could
8 the State have done better. What could law
9 enforcement have done better. What could the
10 defense have done better. What did they like and
11 dislike. We received two back, Your Honor. One of
12 which we did think, after receiving this affidavit,
13 it was the same person. And, honestly, the only
14 thing that this juror, and he is not -- doesn't
15 identify himself, but he does state that he wishes
16 that he would've -- that I would've called the
17 defendant's parents so he could've seen -- or he or
18 she could've seen me question them. He does not
19 mention seeing the defendant testifying.

20 THE COURT: Do you have copies of these
21 surveys?

22 MS. REEVES: I do. We can go get them, Your
23 Honor.

24 THE COURT: Well, I'll allow you to submit
25 those and copy Mr. Epps.

1 MS. REEVES: And the other one doesn't make any
2 mention of the defendant testifying or not. Am I
3 able to address a couple of other things she said?

4 THE COURT: Yes, ma'am.

5 MS. REEVES: Okay. So I wanted to point out
6 that -- that I think I already addressed why he --
7 why James would not -- would say that he left the
8 two-year old in this home and that is, again, to
9 protect his wife. If he said that he took her,
10 again, that would raise questions and he would've
11 had to say they were not supposed to have the child.
12 Adam already sent a text that said, "I guess you're
13 not getting FL [REDACTED] today." So that would be a
14 direct contradiction of "they weren't having the
15 child and now they do." So I believe that statement
16 he says he left the two-year old in the home is
17 absolutely to protect his wife.

18 Also, the whole -- this whole issue was over
19 custody. The incident on Friday before the murder
20 when -- that Tabatha's sister testified to was about
21 custody and Adam's parents trying to take FL [REDACTED]
22 from Tabatha that day.

23 James has a background in law enforcement. He
24 used to work in the detention center at Perry
25 Correctional. He 100 percent would've heard of

1 people being wrongfully convicted. There is no way,
2 again, that he would've sat back for five years and
3 just let the system play out because he would've had
4 firsthand information of seeing people convicted
5 rightly or wrongly over his career.

6 James Lawless was here for closing arguments.
7 He was not allowed in the courtroom obviously during
8 testimony, but at that point, you know, he was not
9 sequestered any longer. So any of those witnesses
10 could've come in and he was here on the day of
11 closing. He did hear that.

12 The final thing I will address is that Aaron in
13 his statement, sure he could've heard or seen news
14 articles, but, again, he said that Adam did this.
15 He could've said that James did it. He could've
16 said no one or anyone did it. Yet, again, he was
17 there overnight and gave a statement that Adam
18 committed this murder. That's how he knew the
19 details of it. So that is the last thing I will
20 say, Your Honor.

21 THE COURT: Well, this is what I want to do: I
22 want to go back and review my notes. I want to look
23 at these cases that each party has cited, and I want
24 these two juror surveys. I'd like a copy of those.
25 Copy Ms. Thomason with those, as well. And I will

1 allow either party any further cases that you want
2 me to look at, get that to me by the end of business
3 tomorrow. Okay. Anything else you'd like for me to
4 consider, and I will -- I'll have a decision before
5 the end of the week.

6 And I'll also order Mr. Lawless to be held here
7 in Anderson pending my decision in the case.

8 MS. THOMASON: Thank you, Your Honor. Your
9 Honor, since it's our burden to carry the weight,
10 can I have the last word?

11 THE COURT: Yes, ma'am.

12 MS. THOMASON: As to the issue of Mr. Lawless
13 trying to protect his wife, at this point our client
14 is -- is so upset and feels so betrayed by both of
15 his parents. It is -- it's horrendous. It's --
16 it's almost unbelievable that we're here making
17 these arguments. And, quite frankly, maybe his mom
18 and dad did it together. Maybe the State's right.
19 Maybe Mr. Jim Lawless is still, you know, trying to
20 protect people or manipulate the story, but the
21 bottom line is, he makes admissions that are in
22 direct line with the State's case. And I don't care
23 if the State charges Donna and Jim Lawless. Maybe
24 she helped him do it. I don't know. But our client
25 didn't do it. It happened after he left for work.

1 THE COURT: Thank you.

2 MS. REEVES: I'm so sorry. I don't mean to
3 steal her thunder; however, because the defendant is
4 in the Anderson County Detention Center, we are
5 still privy to his phone calls. Apparently, he has
6 been in contact with his father, James Lawless, and
7 he tells his father he loves him all the time.

8 MS. THOMASON: Again, Your Honor, I would ask
9 that be stricken from the record. We have not been
10 provided that evidence. We don't know if that's
11 true or not.

12 THE COURT: Whether or not -- whether or not
13 they are communicating, wasn't a regulatory
14 statement in the case. I will not consider that.

15 Okay. I'll take this under advisement. Again,
16 anything you want me to look at, get it to me by the
17 end of business tomorrow.

18 MS. THOMASON: Yes, sir.

19 THE COURT: And I'm going to read these cases.
20 Very interesting legal question. Again,
21 Ms. Thomason, you stated the case law correctly.
22 And, Ms. Reeves, you have stated what the Court must
23 do before I can get there. And -- but this was a
24 difficult case for both sides. This was a very
25 complicated case. A lot of moving parts. A lot of

1 witnesses. That's why it took a week to try it.
2 And I'm going to be very deliberate. I'm not going
3 to rush the decision without considering anything,
4 all the cases, but just get me what you want me to
5 look at.

6 MS. THOMASON: Thank you, Your Honor.

7 MS. REEVES: Thank you, Your Honor.

8 THE COURT: All right. Close the record.

9 (At 2:58 p.m., the proceedings concluded.)

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C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

I, the undersigned, Lisa Scott, Circuit Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Criminal Court for Anderson County, South Carolina, on the 15th day of May, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

October 6, 2023

/s/Lisa Scott

Lisa Scott
Circuit Court Reporter

95	Name: Dss Lady From Source: Phone Source Extraction: Logical	Phone: Mobile 86 8259		
47	Name: Emhof Eric Source: Phone Source Extraction: Logical	Phone: Mobile 86 6222		
48	Name: Facebook Brittany With Source: Phone Source Extraction: Logical	Phone: Mobile +186 8266		
49	Name: From Lucky Source: Phone Source Extraction: Logical	Phone: Mobile 86 2329		
50	Name: From Who I Bought Grand Am Source: Phone Source Extraction: Logical	Phone: Mobile +186 2190		
51	Name: 6 Junior Wiyh Source: Phone Source Extraction: Logical	Phone: Mobile +182 0166		
52	Name: Geeze Source: Phone Source Extraction: Logical	Phone: Mobile +186 2588		
53	Name: Gina Source: Phone Source Extraction: Logical	Phone: Mobile 86 5273		
54	Name: Girl Micheals Source: Phone Source Extraction: Logical	Phone: Mobile +186 4617		
55	Name: Granger Travis With Nissan Parts Of Source: Phone Source Extraction: Logical	Phone: Mobile +186 2256		
56	Name: Holmee Matthew Source: Phone Source Extraction: Logical	Phone: Mobile 86 12011		
57	Name: Homer Source: Phone Source Extraction: Logical	Phone: Mobile 86 7111		
58	Name: Honda Daniel With Source: Phone Source Extraction: Logical	Phone: Mobile +186 0116		
59	Name: Honda DJ Guy With 4 12s And Source: Phone Source Extraction: Logical	Phone: Mobile +186 0235		
60	Name: Honneycut Candance Nicole Source: Phone Source Extraction: Logical	Phone: Mobile +186 67643		
61	Name: House Jcs New Source: Phone Source Extraction: Logical	Phone: Mobile +186 2893		
62	Name: House Phone Source: Phone Source Extraction: Logical	Phone: Home 86 2016 Home 86 3602		
63	Name: Jamie Source: Phone Source Extraction: Logical	Phone: Mobile +186 1870		
64	Name: Jim From Saylors Source: Phone Source Extraction: Logical	Phone: Home 86 5823		



65	Name: Jimbooooo Source: Phone Source Extraction: Logical	Phone: Mobile 86 8787	South Carolina	
			South Carolina	
			South Carolina	
			South Carolina	
66	Name: Joesph Source: Phone Source Extraction: Logical	Phone: Mobile +18 9393		
67	Name: John johnn Source: Phone Source Extraction: Logical	Phone: Home 86 0412		
68	Name: Jordan Carolyn Source: Phone Source Extraction: Logical	Phone: Mobile 86 1079		
69	Name: Kayla Source: Phone Source Extraction: Logical	Phone: Mobile 86 8032		
70	Name: Kenyon Aorrron Source: Phone Source Extraction: Logical	Phone: Mobile +186 8791		
71	Name: Kirby Hunter Source: Phone Source Extraction: Logical	Phone: Mobile 86 7037 Mobile 186 7037		
72	Name: Kyzer Craig Source: Phone Source Extraction: Logical	Phone: Mobile 86 09560		
73	Name: Lance Gretchens Husbond Source: Phone Source Extraction: Logical	Phone: Mobile 86 6800		
74	Name: Lawless Angelica Source: Phone Source Extraction: Logical	Phone: Mobile 86 5435		
75	Name: Lawyer Heather Stine Source: Phone Source Extraction: Logical	Phone: Mobile +186 9540		
76	Name: Leee Source: Phone Source Extraction: Logical	Phone: Mobile +186 5001		
77	Name: Linda Source: Phone Source Extraction: Logical	Phone: Mobile +186 985		
78	Name: Loud Kevin With Source: Phone Source Extraction: Logical	Phone: Mobile +186 8756		
79	Name: Machine Kevin Alignment Source: Phone Source Extraction: Logical	Phone: Mobile +170 3221		
80	Name: Mama New Cell Source: Phone Source Extraction: Logical	Phone: Mobile 86 3902		
81	Name: Mama Petty Bettys Source: Phone Source Extraction: Logical	Phone: Mobile +186 0848		
82	Name: Mamad Friend Jill Source: Phone Source Extraction: Logical	Phone: Home 86 6442		
83	Name: Mamas old Cell Source: Phone Source Extraction: Logical	Phone: Mobile 86 6564		

952	Name: Man Clyde Weed Source: Phone Source Extraction: Logical	Phone: Mobile +186 6684			
85	Name: Marcus Plug Source: Phone Source Extraction: Logical	Phone: General 86 3831			
86	Name: Massage Kellys Source: Phone Source Extraction: Logical	Phone: Mobile 86 5548			
87	Name: Matco Source: Phone Source Extraction: Logical	Phone: Mobile +186 8597			
88	Name: Mculough Garret Source: Phone Source Extraction: Logical	Phone: Mobile 86 0669			
89	Name: Meineke Brent From Source: Phone Source Extraction: Logical	Phone: Mobile 86 0774			
90	Name: Meineke Jeff From Source: Phone Source Extraction: Logical	Phone: Mobile 86 4397			
91	Name: Micheal Source: Phone Source Extraction: Logical	Phone: Mobile +186 3520			
92	Name: Michelle Source: Phone Source Extraction: Logical	Phone: Mobile +186 4312			
93	Name: Mienke Merrick From Source: Phone Source Extraction: Logical	Phone: Mobile +186 6846			
94	Name: Mike Mad Source: Phone Source Extraction: Logical	Phone: Mobile 86 3793			
95	Name: Miles Will Source: Phone Source Extraction: Logical	Phone: Mobile 86 5098			
96	Name: Miranda Jonathan And Source: Phone Source Extraction: Logical	Phone: Mobile +186 0250			
97	Name: Mom Aaron/his Source: Phone Source Extraction: Logical	Phone: Mobile +186 7933			
98	Name: Mom Home Source: Phone Source Extraction: Logical	Phone: Mobile 86 83294			
99	Name: Motor Trey With Source: Phone Source Extraction: Logical	Phone: Mobile +186 8785			
100	Name: Motors A And P Auto For Source: Phone Source Extraction: Logical	Phone: Mobile 86 3858			
101	Name: Neibor Austin Source: Phone Source Extraction: Logical	Phone: Mobile +186 4953			
102	Name: New Kayla Source: Phone Source Extraction: Logical	Phone: Mobile +186 0782			
103	Name: New Tommy Little Source: Phone Source Extraction: Logical	Phone: Mobile +186 0003			
104	Name: Nissan Tony From Source: Phone Source Extraction: Logical	Phone: Mobile +186 1188			

* These details are cross-referenced from this device's contacts

#	Folder	Party	Time	All timestamps	SMSC	Status	Message	Deleted
1	Inbox	From +186 6800 Lance Gretchens Husband * Direction: Incoming	03/13/2018 16:51:38(UTC-4)		+19703769 769	Unread	You ok today man ? Source Extraction: Logical	
2	Inbox	From +186 8772 Brown Dale * Direction: Incoming	03/13/2018 01:05:45(UTC-4)		+19703769 769	Unread	Its dale call me Source Extraction: Logical	
3	Inbox	From +186 0140 Direction: Incoming	03/12/2018 22:00:11(UTC-4)		+19703769 769	Unread	Hey man its Eric Phillips are you ok I heard what happen Source Extraction: Logical	
4	Inbox	From +186 1870 Jamie Direction: Incoming	03/12/2018 21:42:51(UTC-4)		+19703769 769	Unread	Hey man if u can talk for a sec give a freind a call worried about yo man Source Extraction: Logical	
5	Inbox	From +186 3900 Aron Marshall From* Direction: Incoming	03/12/2018 18:00:04(UTC-4)		+19703769 769	Unread	Adam what is going on tell me ur ok Source Extraction: Logical	
6	Inbox	From +186 5936 Work Josh From* Direction: Incoming	03/12/2018 17:38:19(UTC-4)		+19703769 769	Unread	Hey man, bring those things for me tomorrow Source Extraction: Logical	
7	Inbox	From +186 7985 Linda * Direction: Incoming	03/12/2018 16:22:58(UTC-4)		+19703769 769	Unread	U ok Source Extraction: Logical	
8	Inbox	From +186 8032 Kayla * Direction: Incoming	03/12/2018 16:11:52(UTC-4)		+19703769 769	Unread	Adammm Source Extraction: Logical	
9	Inbox	From +186 7985 Linda * Direction: Incoming	03/12/2018 15:54:08(UTC-4)		+19703769 769	Unread	There was a death in Iva Source Extraction: Logical	
10	Inbox	From +186 7985 Linda * Direction: Incoming	03/12/2018 15:53:34(UTC-4)		+19703769 769	Unread	Is that at your house or next door Source Extraction: Logical	
11	Inbox	From +186 7985 Linda * Direction: Incoming	03/12/2018 15:53:21(UTC-4)		+19703769 769	Unread	Wyd Source Extraction: Logical	
12	Inbox	From +186 8032 Kayla * Direction: Incoming	03/12/2018 15:25:57(UTC-4)		+19703769 769	Unread	Not replying now Source Extraction: Logical	
13	Inbox	From +186 8032 Kayla * Direction: Incoming	03/12/2018 14:39:00(UTC-4)		+19703769 769	Read	What she say Source Extraction: Logical	
14	Inbox	From +186 1870 Jamie Direction: Incoming	03/12/2018 14:23:29(UTC-4)		+14047259 875	Read	You good man Jeff just said u had some issues call me man if u need to talk to someone Source Extraction: Logical	
15	Inbox	From +186 1870 Jamie Direction: Incoming	03/12/2018 14:22:06(UTC-4)		+19703769 769	Read	You good man Jeff just said u had some issues call me man if u need to talk to someone Source Extraction: Logical	
16	Inbox	From +186 6564 Mamas old Cell * Direction: Incoming	03/12/2018 13:45:38(UTC-4)			Read	Tell her mom I'm almost there Source Extraction: Logical	✓

APR 17 AM 11:10:57
Anderson, SC CDC, CP/6S



APR 17 AM 11:11:11
Anderson, SC CDC, CP/6S

954	Inbox	From: +186 6564 Mamas old Cell * Direction: Incoming	03/12/2018 13:16:14(UTC-4)		Read	Tell her what I said Source Extraction: Logical	✓
18	Inbox	From: +186 6564 Mamas old Cell * Direction: Incoming	03/12/2018 12:57:43(UTC-4)		Read	When I get back to iva Source Extraction: Logical	✓
19	Inbox	From: +186 6564 Mamas old Cell * Direction: Incoming	03/12/2018 12:57:28(UTC-4)		Read	Tell her mom I will go over there and tell her to call her Source Extraction: Logical	✓
20	Inbox	From: +186 6564 Mamas old Cell * Direction: Incoming	03/12/2018 12:47:55(UTC-4)		Read	We are at Wal-Mart in GA I will go over there and tell her to call her mom soon as I get home. Source Extraction: Logical	✓
21	Sent	To: +186 0848 Mama Petty Bettys* Direction: Outgoing	03/12/2018 12:45:12(UTC-4)		Sent	After that she went to bed and i havent spoke to her since she slept in her daughters room Source Extraction: Logical	✓
22	Inbox	From: +186 0848 Mama Petty Bettys* Direction: Incoming	03/12/2018 12:41:09(UTC-4)		Read	You talked to her last night cause you sent her to store & had your friend over there Source Extraction: Logical	✓
23	Sent	To: +186 0848 Mama Petty Bettys* Direction: Outgoing	03/12/2018 12:40:07(UTC-4)		Sent	I haven't spoke to her since yesterday Source Extraction: Logical	✓
24	Inbox	From: +186 0848 Mama Petty Bettys* Direction: Incoming	03/12/2018 12:39:53(UTC-4)		Read	I'm not trying to be smart with u I just want to talk to my daughter Source Extraction: Logical	✓
25	Sent	To: +186 0848 Mama Petty Bettys* Direction: Outgoing	03/12/2018 12:37:46(UTC-4)		Sent	I dont take house phones to work and she was with her daughter lastnight sleeping so i dont have a ckue why she aint answering Source Extraction: Logical	✓
26	Sent	To: +186 0848 Mama Petty Bettys* Direction: Outgoing	03/12/2018 12:35:06(UTC-4)		Sent	Call the cops i dont give a shit Source Extraction: Logical	✓
27	Sent	To: +186 0848 Mama Petty Bettys* Direction: Outgoing	03/12/2018 12:33:48(UTC-4)		Sent	Im at work Source Extraction: Logical	
28	Inbox	From: +186 8032 Kayla * Direction: Incoming	03/12/2018 12:22:29(UTC-4)	+19703769 769	Read	And? Source Extraction: Logical	
29	Inbox	From: +186 6564 Mamas old Cell * Direction: Incoming	03/12/2018 12:20:51(UTC-4)		Read	He has had 3 spells this weekend, having seizure Source Extraction: Logical	
30	Inbox	From: +186 0848 Mama Petty Bettys* Direction: Incoming	03/12/2018 12:03:18(UTC-4)		Read	I don't know why tab is not answering her phone & you took the house phone off the hook but if I don't hear from her in 5 minutes I'm calling the cops Source Extraction: Logical	✓
31	Sent	To: +186 8032 Kayla * Direction: Outgoing	03/12/2018 11:58:24(UTC-4)		Sent	Yes i did Source Extraction: Logical	
32	Inbox	From: +186 8032 Kayla * Direction: Incoming	03/12/2018 11:52:20(UTC-4)	+19703769 769	Read	So u talk to your mama Source Extraction: Logical	
33	Sent	To: +186 900 Aron Marshall From*	03/12/2018 11:31:03(UTC-4)		Sent	Sup ho Source Extraction: Logical	
34	Inbox	From: +186 900 Aron Marshall From*	03/12/2018 11:29:18(UTC-4)	+19703769 769	Read	Just got off bitch Source Extraction: Logical	

35	Inbox	From: +186 3900 Aron Marshall From* Direction: Incoming	03/12/2018 11:22:07(UTC-4)	+19703769 769	Read	What's up bitch Source Extraction: Logical	955
36	Sent	To: +186 8032 Kayla * Direction: Outgoing	03/12/2018 10:27:10(UTC-4)		Sent	Ohok Source Extraction: Logical	
37	Sent	To: +186 8032 Kayla * Direction: Outgoing	03/12/2018 10:25:18(UTC-4)		Sent	Doing what Source Extraction: Logical	
38	Inbox	From: +186 8032 Kayla * Direction: Incoming	03/12/2018 10:20:48(UTC-4)	+19703769 769	Read	Getting ready for wrk Source Extraction: Logical	
39	Inbox	From: +186 564 Mamas old Cell * Direction: Incoming	03/12/2018 08:42:29(UTC-4)		Read	Heather called Source Extraction: Logical	
40	Inbox	From: +186 564 Mamas old Cell * Direction: Incoming	03/12/2018 08:30:29(UTC-4)		Read	I'm worried about your dad Source Extraction: Logical	✓
41	Inbox	From: +186 8032 Kayla * Direction: Incoming	03/12/2018 08:12:05(UTC-4)	+19703769 769	Read	Laying here Source Extraction: Logical	
42	Sent	To: +186 8032 Kayla * Direction: Outgoing	03/12/2018 08:05:51(UTC-4)		Sent	At work wyd Source Extraction: Logical	
43	Sent	To: +186 397 Meineke Jeff From* Direction: Outgoing	03/12/2018 07:53:28(UTC-4)		Sent	Yes Source Extraction: Logical	
44	Inbox	From: +186 8032 Kayla * Direction: Incoming	03/12/2018 07:53:12(UTC-4)	+19703769 769	Read	Wyd Source Extraction: Logical	
45	Inbox	From: +186 397 Meineke Jeff From* Direction: Incoming	03/12/2018 07:41:01(UTC-4)	+19703769 769	Read	U open?? Source Extraction: Logical	✓
46	Sent	To: +186 8032 Kayla * Direction: Outgoing	03/12/2018 07:39:43(UTC-4)		Sent	Morning beautiful Source Extraction: Logical	✓
47	Inbox	From: +186 8032 Kayla * Direction: Incoming	03/12/2018 07:33:44(UTC-4)	+19703769 769	Read	Morning Source Extraction: Logical	✓
48	Sent	To: +186 564 Mamas old Cell * Direction: Outgoing	03/12/2018 07:02:53(UTC-4)		Sent	I guess you dont have faylynn today she didnt go to work so i belive she is going and doing shit behind our back today and she might be going to start trouble Source Extraction: Logical	✓
49	Sent	To: +186 8032 Kayla * Direction: Outgoing	03/11/2018 23:25:01(UTC-4)		Sent	Ok Source Extraction: Logical	
50	Inbox	From: +186 8032 Kayla * Direction: Incoming	03/11/2018 23:20:28(UTC-4)	+19703769 769	Read	Don't like u being short with mw Source Extraction: Logical	
51	Inbox	From: +186 8032 Kayla * Direction: Incoming	03/11/2018 23:20:22(UTC-4)	+19703769 769	Read	Call me Source Extraction: Logical	✓
52	Sent	To: +186 8032 Kayla * Direction: Outgoing	03/11/2018 23:17:53(UTC-4)		Sent	We will see lol Source Extraction: Logical	✓

53	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 23:16:58(UTC-4)	+19703769 769	Read	I just need to know i work 11-7 may can leave earlier I hoping but u can come to my work when I'm off an go from there ima need to shower am u can join me as well hehe den we can grab sum food just let her know when I'm off Source Extraction: Logical	✓
54	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 23:15:56(UTC-4)	+19703769 769	Read	You said eating an then us time...so do i need ask Donna to keep wesgo WL [REDACTED] while we hang out a bit or what I'm sure she won't care Adam Source Extraction: Logical	✓
55	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 23:15:09(UTC-4)	+19703769 769	Read	What u mean Source Extraction: Logical	
56	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 23:11:41(UTC-4)	+19703769 769	Read	So what are are the plans for tomorrow Source Extraction: Logical	
57	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 23:05:01(UTC-4)		Sent	Sexy little thang Source Extraction: Logical	✓
58	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 23:04:51(UTC-4)		Sent	Cute Source Extraction: Logical	
59	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 22:57:21(UTC-4)	+19703769 769	Read	In shower can u call me in a few plz Source Extraction: Logical	✓
60	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 22:52:00(UTC-4)		Sent	Lol Source Extraction: Logical	
61	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 22:46:56(UTC-4)	+19703769 769	Read	Love that Source Extraction: Logical	
62	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 22:46:20(UTC-4)		Sent	Watching breaking bad Source Extraction: Logical	✓
63	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 22:38:23(UTC-4)		Sent	Yes Source Extraction: Logical	
64	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 22:34:40(UTC-4)	+19703769 769	Read	Wyd Source Extraction: Logical	
65	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 22:32:14(UTC-4)		Sent	Imu Source Extraction: Logical	
66	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 22:27:49(UTC-4)	+19703769 769	Read	Do u really Source Extraction: Logical	
67	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 22:17:53(UTC-4)		Sent	Ohpk Source Extraction: Logical	
68	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 22:17:20(UTC-4)		Sent	Wyd Source Extraction: Logical	
69	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 22:12:46(UTC-4)	+19703769 769	Read	Eating an bath den send u pic Source Extraction: Logical	✓

70	Sent	To +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 21:42:25(UTC-4)			Sent	What Source Extraction: Logical	957
71	Sent	To +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 21:14:04(UTC-4)			Sent	Ok babeez Source Extraction: Logical	✓
72	Inbox	From +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 21:09:30(UTC-4)		+19703769 769	Read	Source Extraction: Logical	
73	Inbox	From +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 21:03:05(UTC-4)		+19703769 769	Read	I'll send one in a bit Source Extraction: Logical	✓
74	Inbox	From +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:59:09(UTC-4)		+19703769 769	Read	Bout to shower in few Source Extraction: Logical	✓
75	Sent	To +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 20:54:33(UTC-4)			Sent	I asleep on couch lol Source Extraction: Logical	✓
76	Sent	To +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 20:54:22(UTC-4)			Sent	Shes been here she works first wtf Source Extraction: Logical	✓
77	Inbox	From +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:49:49(UTC-4)		+19703769 769	Read	Lol Source Extraction: Logical	
78	Inbox	From +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:49:43(UTC-4)		+19703769 769	Read	Didn't know whoops Source Extraction: Logical	✓
79	Sent	To +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 20:49:06(UTC-4)			Sent	Me to here shortly Source Extraction: Logical	
80	Sent	To +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 20:48:13(UTC-4)			Sent	He loves u Source Extraction: Logical	
81	Sent	To +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 20:48:07(UTC-4)			Sent	Ok lol Source Extraction: Logical	
82	Sent	To +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 20:47:11(UTC-4)			Sent	Little shave maybe Source Extraction: Logical	✓
83	Inbox	From +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/11/2018 20:46:22(UTC-4)			Read	I think he changing mind about getting it Source Extraction: Logical	
84	Sent	To +186 [REDACTED] 6564 Mamas old Cell * Direction: Outgoing	03/11/2018 20:44:54(UTC-4)			Sent	No Source Extraction: Logical	
85	Sent	To +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 20:44:39(UTC-4)			Sent	Okkks lottle shave mayne Source Extraction: Logical	
86	Inbox	From +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:44:33(UTC-4)		+19703769 769	Read	Does she come home tonight Source Extraction: Logical	✓
87	Inbox	From +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:43:58(UTC-4)		+19703769 769	Read	Wish i could come stay Source Extraction: Logical	✓

88	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:43:40(UTC-4)	+19703769 769	Read	When hes going to bed Source Extraction: Logical	
89	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:42:45(UTC-4)	+19703769 769	Read	Tell WL I love him Source Extraction: Logical	
90	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:42:35(UTC-4)	+19703769 769	Read	Okay played on it Source Extraction: Logical	
91	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/11/2018 20:42:10(UTC-4)		Read	Is carcatv your house that Kimberly wants her husband to see Source Extraction: Logical	
92	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:41:03(UTC-4)	+19703769 769	Read	Lol Source Extraction: Logical	
93	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:40:16(UTC-4)	+19703769 769	Read	Don't talk that way ijs Source Extraction: Logical	
94	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:39:18(UTC-4)	+19703769 769	Read	When i take my shower I'll take one it be a bit I'm cleaning Source Extraction: Logical	✓
95	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 20:37:33(UTC-4)		Sent	Now weres my sexy pics at Source Extraction: Logical	✓
96	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:33:45(UTC-4)	+19703769 769	Read	I sent one lol earlier Source Extraction: Logical	
97	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:31:14(UTC-4)	+19703769 769	Read	Looks fun Source Extraction: Logical	
98	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 20:28:48(UTC-4)		Sent	Playing game with my boy Source Extraction: Logical	✓
99	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 20:26:36(UTC-4)		Sent	Thinking of you Source Extraction: Logical	✓
100	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:24:20(UTC-4)	+19703769 769	Read	I wanna c lol Source Extraction: Logical	✓
101	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:23:20(UTC-4)	+19703769 769	Read	And what else Source Extraction: Logical	✓
102	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 20:22:05(UTC-4)		Sent	Not thinking of me Source Extraction: Logical	✓
103	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 20:19:13(UTC-4)		Sent	Wyd Source Extraction: Logical	✓
104	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:17:53(UTC-4)	+19703769 769	Read	Wyd Source Extraction: Logical	✓
105	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:17:47(UTC-4)	+19703769 769	Read	Always Source Extraction: Logical	

106	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:14:40(UTC-4)	+19703769 769	Read	Folding cloths Source Extraction: Logical	959
107	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 20:03:13(UTC-4)		Sent	Sorry Source Extraction: Logical	✓
108	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 20:01:35(UTC-4)	+19703769 769	Read	Its ok Source Extraction: Logical	
109	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 20:00:15(UTC-4)		Sent	Dont do face time or snap Source Extraction: Logical	✓
110	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 19:58:30(UTC-4)		Sent	One wording me Source Extraction: Logical	
111	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 19:57:19(UTC-4)		Sent	Mandwitch Source Extraction: Logical	
112	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 19:55:32(UTC-4)	+19703769 769	Read	Oh ugh Source Extraction: Logical	
113	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 19:55:15(UTC-4)		Sent	Hee just ate now he in shower Source Extraction: Logical	✓
114	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 19:54:33(UTC-4)	+19703769 769	Read	Sorry folding cloths lol now abt to smoke lol u can face time me lol sbapchat Source Extraction: Logical	✓
115	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 19:53:26(UTC-4)	+19703769 769	Read	Yymy Source Extraction: Logical	
116	Sent	To: +186 [REDACTED] 8032 Kayla * Direction: Outgoing	03/11/2018 19:50:47(UTC-4)		Sent	Ight you told me to message u Source Extraction: Logical	
117	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 19:50:44(UTC-4)	+19703769 769	Read	What he eat Source Extraction: Logical	
118	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/11/2018 19:48:18(UTC-4)		Read	Ok that's good Source Extraction: Logical	
119	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 19:46:21(UTC-4)	+19703769 769	Read	Wyd What is our son doing Source Extraction: Logical	✓
120	Sent	To: +186 [REDACTED] 6564 Mamas old Cell * Direction: Outgoing	03/11/2018 19:42:01(UTC-4)		Sent	She hasbt said nothing Source Extraction: Logical	✓
121	Inbox	From: +186 [REDACTED] 8032 Kayla * Direction: Incoming	03/11/2018 19:38:38(UTC-4)	+19703769 769	Read	I'm cleaning my room lol hold on Source Extraction: Logical	✓
122	Sent	To: +186 [REDACTED] 397 Meineke Jeff From* Direction: Outgoing	03/11/2018 19:37:09(UTC-4)		Sent	Yyyyyyy Source Extraction: Logical	
123	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/11/2018 19:14:45(UTC-4)		Read	Your the dam one that don't want to stop smoking Source Extraction: Logical	✓

12	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/11/2018 19:14:18(UTC-4)		Read	And again it's back to being about you and fuck what she has done to me Source Extraction: Logical	
125	Sent	To: +186 [REDACTED] 6564 Mamas old Cell * Direction: Outgoing	03/11/2018 19:09:28(UTC-4)		Sent	Idk shes gone Source Extraction: Logical	
126	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/11/2018 19:08:46(UTC-4)		Read	What are you doing I think she is calming down some maybe you can get her to fix my job so I don't lose \$2000 Source Extraction: Logical	
127	Sent	To: +186 [REDACTED] 6564 Mamas old Cell * Direction: Outgoing	03/11/2018 19:07:34(UTC-4)		Sent	Ok Source Extraction: Logical	
128	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/11/2018 18:17:07(UTC-4)		Read	If she starts tonight call me and I will come get him, I don't want him listening to it. Make sure baby has what she needs when you bring her in morning. Source Extraction: Logical	✓
129	Sent	To: +186 [REDACTED] 6564 Mamas old Cell * Direction: Outgoing	03/11/2018 18:16:04(UTC-4)		Sent	Dping tag Source Extraction: Logical	✓
130	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/11/2018 18:15:50(UTC-4)		Read	Did you get WL Source Extraction: Logical	✓
131	Inbox	From: +186 [REDACTED] 5092 Direction: Incoming	03/11/2018 16:17:06(UTC-4)		Read	This is Kayla off of Diana's phone. The address is 3897 Seminole ave. See u at about 6 Source Extraction: Logical	✓
132	Sent	To: +186 [REDACTED] 6564 Mamas old Cell * Direction: Outgoing	03/11/2018 15:35:30(UTC-4)		Sent	Never know Source Extraction: Logical	
133	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/11/2018 15:29:42(UTC-4)		Read	She probably left after you did Source Extraction: Logical	
134	Sent	To: +186 [REDACTED] 6564 Mamas old Cell * Direction: Outgoing	03/11/2018 14:45:43(UTC-4)		Sent	Idk havent been home Source Extraction: Logical	✓
135	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/11/2018 14:45:21(UTC-4)		Read	Did she leave Source Extraction: Logical	✓
136	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/11/2018 14:45:01(UTC-4)		Read	Are you ok Source Extraction: Logical	
137	Sent	To: +186 [REDACTED] 2831 Tabatha * Direction: Outgoing	03/11/2018 14:43:55(UTC-4)		Sent	Nothing i dont wanna be ungratefull Source Extraction: Logical	
138	Inbox	From: +186 [REDACTED] 2831 Tabatha * Direction: Incoming	03/11/2018 14:39:47(UTC-4)	+19703769 769	Read	It will be ready. Kids gotta eat Source Extraction: Logical	✓
139	Inbox	From: +186 [REDACTED] 2831 Tabatha * Direction: Incoming	03/11/2018 14:38:39(UTC-4)	+19703769 769	Read	What do you want for dinner? Source Extraction: Logical	✓
140	Inbox	From: +186 [REDACTED] 2831 Tabatha * Direction: Incoming	03/11/2018 14:38:03(UTC-4)	+19703769 769	Read	No. Source Extraction: Logical	✓
141	Sent	To: +186 [REDACTED] 2831 Tabatha * Direction: Outgoing	03/11/2018 14:30:34(UTC-4)		Sent	You call Source Extraction: Logical	✓

142	Sent	To +186 [REDACTED] 900 Aron Marshall From* Direction: Outgoing	03/11/2018 13:32:32(UTC-4)			Sent	Brpooooooo Source Extraction: Logical	961
143	Sent	To +186 [REDACTED] 900 Aron Marshall From* Direction: Outgoing	03/11/2018 13:32:28(UTC-4)			Sent	Brpooooooo Source Extraction: Logical	
144	Sent	To +186 [REDACTED] 900 Aron Marshall From* Direction: Outgoing	03/11/2018 13:32:24(UTC-4)			Sent	Bro Source Extraction: Logical	
145	Sent	To +186 [REDACTED] 900 Aron Marshall From* Direction: Outgoing	03/11/2018 13:32:22(UTC-4)			Sent	Yo Source Extraction: Logical	
146	Sent	To +186 [REDACTED] 900 Aron Marshall From* Direction: Outgoing	03/11/2018 13:32:19(UTC-4)			Sent	You at work yo Source Extraction: Logical	
147	Sent	To +186 [REDACTED] 900 Aron Marshall From* Direction: Outgoing	03/11/2018 13:32:14(UTC-4)			Sent	Im in drive thru Source Extraction: Logical	
148	Inbox	From +186 [REDACTED] 1870 Jamie * Direction: Incoming	03/11/2018 13:28:16(UTC-4)		+19703769 769	Read	Call me bitch Source Extraction: Logical	
149	Sent	To +186 [REDACTED] 7037 Kirby Hunter * Direction: Outgoing	03/11/2018 12:52:18(UTC-4)			Sent	Oh what Source Extraction: Logical	
150	Inbox	From +186 [REDACTED] 7037 Kirby Hunter * Direction: Incoming	03/11/2018 12:47:57(UTC-4)		+19703769 769	Read	For my warrant for yesterday Source Extraction: Logical	
151	Inbox	From +186 [REDACTED] 7037 Kirby Hunter * Direction: Incoming	03/11/2018 12:11:57(UTC-4)		+19703769 769	Read	Bout to be going to turn myself in Source Extraction: Logical	
152	Sent	To +186 [REDACTED] 7037 Kirby Hunter * Direction: Outgoing	03/11/2018 11:13:42(UTC-4)			Sent	Wyd Source Extraction: Logical	
153	Inbox	From +186 [REDACTED] 7037 Kirby Hunter * Direction: Incoming	03/11/2018 11:08:38(UTC-4)		+19703769 769	Read	Yo Source Extraction: Logical	
154	Sent	To +186 [REDACTED] 7472 Phone Craigs New* Direction: Outgoing	03/11/2018 10:34:41(UTC-4)			Sent	Here in a little bit Source Extraction: Logical	
155	Sent	To +186 [REDACTED] 7472 Phone Craigs New* Direction: Outgoing	03/11/2018 10:34:07(UTC-4)			Sent	It will be lol ima come by got a good bit of loud Source Extraction: Logical	
156	Sent	To +186 [REDACTED] 7472 Phone Craigs New* Direction: Outgoing	03/11/2018 10:33:25(UTC-4)			Sent	Sup Source Extraction: Logical	
157	Sent	To 864 [REDACTED] 037 Kirby Hunter * Direction: Outgoing	03/11/2018 10:31:14(UTC-4)			Sent	Was sup Source Extraction: Logical	
158	Sent	To 864 [REDACTED] 037 Kirby Hunter * Direction: Outgoing	03/11/2018 10:31:11(UTC-4)			Sent	Yo Source Extraction: Logical	
159	Inbox	From +186 [REDACTED] 7472 Phone Craigs New* Direction: Incoming	03/11/2018 10:29:57(UTC-4)		+19703769 769	Read	Ok Source Extraction: Logical	

160	Inbox	From: [REDACTED] 472 Phone Craigs New* Direction: Incoming	03/11/2018 10:29:33(UTC-4)	+19703769 769	Read	Ok. When? Source Extraction: Logical	
161	Inbox	From: [REDACTED] 7472 Phone Craigs New* Direction: Incoming	03/11/2018 10:28:44(UTC-4)	+19703769 769	Read	The sky Source Extraction: Logical	
162	Inbox	From: [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/11/2018 10:13:21(UTC-4)		Read	You can read to her but don't send to her. She lied she knew where her money was and she knew y'all made a agreement. I would have never tried to get her fired. Source Extraction: Logical	✓
163	Inbox	From: [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/11/2018 10:11:59(UTC-4)		Read	----- Forwarded Message ----- From: Becki To: Donna Lawless <lawless@wctel.net> Sent: Fri, 09 Mar 2018 15:27:03 - 0500 (EST) Subject: Re: Employment We don't allow anyone to use other company tax software. She said she had no part of filing the return. You did everything. She is looking for her federal refund. She wants a copy of the return and the bank info that was used on it. On Fri, Mar 9, 2018 at 2:45 PM Donna Lawless <lawless@wctel.net> wrote: > I did not breach my contract. I only helped her do hers. > Source Extraction: Logical	✓
164	Inbox	From: [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/11/2018 10:02:52(UTC-4)		Read	She has got to be off her meds Source Extraction: Logical	
165	Inbox	From: [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/11/2018 10:00:11(UTC-4)		Read	Heather said she will get original custody agreement back in place like y'all agreed. No more fighting, no more threatening. Just go on with your lives. You don't treat people you say you love like this, you don't intentionly try to get them in trouble, your suppose to protect them, like we did her when she needed us even though we were mad. Source Extraction: Logical	
166	Inbox	From: [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/11/2018 09:55:16(UTC-4)		Read	Tell her to make all this go away she needs to tell Liberty Tax that I only helped her do Taxes and y'all had a agreement about the money, has nothing to do with me. I need my bonus Adam. Source Extraction: Logical	✓
167	Inbox	From: [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/10/2018 23:34:29(UTC-5)		Read	Heather said to stay calm and dont tell her to leave, if she leaves she needs to do it on her own not you putting her on street Source Extraction: Logical	
168	Sent	To: [REDACTED] 564 Mamas old Cell * Direction: Outgoing	03/10/2018 23:33:08(UTC-5)		Sent	Nope Source Extraction: Logical	✓
169	Inbox	From: [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/10/2018 23:32:57(UTC-5)		Read	Did you talk to her Source Extraction: Logical	✓
170	Sent	To: [REDACTED] 564 Mamas old Cell * Direction: Outgoing	03/10/2018 23:32:01(UTC-5)		Sent	She finally shut up Source Extraction: Logical	✓
171	Inbox	From: [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/10/2018 23:22:50(UTC-5)		Read	Goodnight I love you Source Extraction: Logical	

172	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/10/2018 23:03:37(UTC-5)		Read	My son just told me he got a copy of her tax return from his house for you to see. He also said she was asking her attorney how could y'all fire me when I hadn't did anything wrong. She is telling him that I did something wrong at Liberty Tax. I'm telling you Becki, I didn't do her taxes for her, I showed her how to go online and do them and even showed her the liberty online site, she didn't want that. I even told Dorothy at the office I had to remove Faylynn off of Adams because Tabatha was going to claim her. I tried to tell her Adam was suppose to claim FL [REDACTED] Because he supported her over half the year and he had the higher AGI but she would not listen so that's when her and my son made the agreement. I told her I couldn't do her taxes if she wanted them done by Liberty to go to 28 bypass. That is the reason that I ask you could I do Adams and Mike's up there because they don't live in my household. I know you know me enough that I would not do what she is telling you. My daughter Angel told me that I needed to fight for my job because I didn't do anything wrong. I love my job there and I know I can go somewhere else but I feel like family with you guys and you understand my disability stuff. Please reconsider and talk to my son. I'm sorry for bothering you but this has me really upset. Source Extraction: Logical	963
173	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/10/2018 22:35:51(UTC-5)		Read	I offered Source Extraction: Logical	
174	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/10/2018 22:35:45(UTC-5)		Read	Ok Source Extraction: Logical	
175	Sent	To: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Outgoing	03/10/2018 22:35:34(UTC-5)		Sent	Im goof Source Extraction: Logical	
176	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/10/2018 22:29:53(UTC-5)		Read	Why Source Extraction: Logical	
177	Sent	To: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Outgoing	03/10/2018 22:29:35(UTC-5)		Sent	No im good on angels Source Extraction: Logical	
178	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/10/2018 22:28:44(UTC-5)		Read	Angel is at work Source Extraction: Logical	
179	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/10/2018 22:27:29(UTC-5)		Read	Record her it shows what your dealing with you can play for judge to evict Source Extraction: Logical	
180	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/10/2018 22:26:49(UTC-5)		Read	You can go down to Angels have some peace and quiet Source Extraction: Logical	
181	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/10/2018 22:26:19(UTC-5)		Read	You can come over here if you want and watch tv or sleep Source Extraction: Logical	
182	Sent	To: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Outgoing	03/10/2018 22:21:38(UTC-5)		Sent	She still hasnt shut up Source Extraction: Logical	

180	Sent	To +186 [REDACTED] 703 Ailene *	03/10/2018 20:59:32(UTC-5)		Sent	What you doing Source Extraction: Logical	
184	Inbox	From +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:47:59(UTC-5)		Read	These are the laws of IRS if their is a dispute Source Extraction: Logical	✓
185	Inbox	From +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:46:16(UTC-5)		Read	It's really not Adam if you live together and child was supported over half the year by you and your AGI is higher you are suppose to claim her Source Extraction: Logical	✓
186	Sent	To +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:43:23(UTC-5)		Sent	See i told you this will end up bad Source Extraction: Logical	✓
187	Inbox	From +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:42:53(UTC-5)		Read	Well ask her is that what she wants is you in trouble for a agreement y'all made Source Extraction: Logical	✓
188	Inbox	From +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:41:48(UTC-5)		Read	She owes you months of half the bills Adam that's why you put minus what you owe. To cover your ass just in case she went crazy agoin Source Extraction: Logical	✓
189	Inbox	From +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:39:36(UTC-5)		Read	No she did it and now trying to change it that's what happened right Source Extraction: Logical	✓
190	Sent	To +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:38:50(UTC-5)		Sent	Exactly me im the one in trouble Source Extraction: Logical	✓
191	Inbox	From +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:38:19(UTC-5)		Read	My name isn't on that return no where Source Extraction: Logical	✓
192	Inbox	From +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:37:41(UTC-5)		Read	She put it into your bank account Source Extraction: Logical	✓
193	Sent	To +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:36:58(UTC-5)		Sent	Ok Source Extraction: Logical	
194	Inbox	From +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:36:43(UTC-5)		Read	I'm done with it if the IRS calls me I will tell them I helped her do them that's it. She made a agreement with you and she took and cashed the check. I'm going to tell my work that you are going to get a copy of her return that SHE filed Source Extraction: Logical	✓
195	Inbox	From +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:33:36(UTC-5)		Read	That's what her mother sent me back in oct Source Extraction: Logical	
196	Sent	To +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:31:13(UTC-5)		Sent	And you better not text or talk to her Source Extraction: Logical	✓
197	Sent	To +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:30:49(UTC-5)		Sent	Guess what no Source Extraction: Logical	
198	Inbox	From +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:28:18(UTC-5)		Read	When she gets pissed at yall she will be sucking back up to us Source Extraction: Logical	
199	Sent	To +186 [REDACTED] 6564 Mamas old Cell *	03/10/2018 20:27:53(UTC-5)		Sent	Yep its ok just make her leave Source Extraction: Logical	✓

200	Inbox	From: +186-6564 Mamas old Cell * Direction: Incoming	03/10/2018 20:27:35(UTC-5)		Read	Of course her mom was right Source Extraction: Logical	965
201	Inbox	From: +186-6564 Mamas old Cell * Direction: Incoming	03/10/2018 20:27:13(UTC-5)		Read	Ok Source Extraction: Logical	
202	Inbox	From: +186-6564 Mamas old Cell * Direction: Incoming	03/10/2018 20:27:06(UTC-5)		Read	Well I guess that's what you should tell her. Source Extraction: Logical	✓
203	Sent	To: +186-6564 Mamas old Cell * Direction: Outgoing	03/10/2018 20:27:05(UTC-5)		Sent	She on phone with her mama Source Extraction: Logical	✓
204	Sent	To: +186-6564 Mamas old Cell * Direction: Outgoing	03/10/2018 20:24:33(UTC-5)		Sent	Awhile back Source Extraction: Logical	✓
205	Inbox	From: +186-6564 Mamas old Cell * Direction: Incoming	03/10/2018 20:21:27(UTC-5)		Read	She could put all this to a end if She really loved you by telling Liberty tax, I only helped her do her taxes. Source Extraction: Logical	✓
206	Inbox	From: +186-6564 Mamas old Cell * Direction: Incoming	03/10/2018 20:19:51(UTC-5)		Read	What DSS call? Source Extraction: Logical	✓
207	Sent	To: +186-6564 Mamas old Cell * Direction: Outgoing	03/10/2018 20:18:47(UTC-5)		Sent	Just be ready im Sure she did the dss call so dont think she want do the irs Source Extraction: Logical	✓
208	Sent	To: +186-4397 Meineke Jeff From* Direction: Outgoing	03/10/2018 20:15:28(UTC-5)		Sent	Ty have a goodnight man Source Extraction: Logical	
209	Sent	To: +186-6564 Mamas old Cell * Direction: Outgoing	03/10/2018 20:14:00(UTC-5)		Sent	Im sure shes gonna call her mama over here and bullshit and cops and its just gonna be hell and you tell that lower he keeps on ima take his ass to court Source Extraction: Logical	✓
210	Inbox	From: +186-4397 Meineke Jeff From* Direction: Incoming	03/10/2018 18:46:53(UTC-5)	+19703769 769	Read	FYI... I appreciate the help this week... Gave ya 5 hours for front help... So you have 35.54... have a good night and Sunday... Fix ya clock (daylight savings time) Source Extraction: Logical	
211	Inbox	From: +186-6564 Mamas old Cell * Direction: Incoming	03/10/2018 17:25:21(UTC-5)		Read	When are you getting home Source Extraction: Logical	
212	Inbox	From: +186-2831 Tabatha Direction: Incoming	03/10/2018 16:33:06(UTC-5)	+19703769 769	Read	And corn Source Extraction: Logical	
213	Inbox	From: +186-2831 Tabatha Direction: Incoming	03/10/2018 16:32:48(UTC-5)	+19703769 769	Read	Your dinner is being cooked now hope bbq pork chops, rice, and mashed potatoes are okay with you Source Extraction: Logical	✓
214	Sent	To: +186-2831 Tabatha * Direction: Outgoing	03/10/2018 16:12:01(UTC-5)		Sent	If it came down to it was what i was refeering to if ypu wanna go im not stoping you it seems like you want that anyways Source Extraction: Logical	✓
215	Inbox	From: +186-2831 Tabatha * Direction: Incoming	03/10/2018 16:11:15(UTC-5)	+19703769 769	Read	And since it's thrown in my face that I don't pay nothing here every little bit I have left out of my money will come to you until whatever is decided Source Extraction: Logical	✓
216	Inbox	From: +186-2831 Tabatha Direction: Incoming	03/10/2018 16:09:55(UTC-5)	+19703769 769	Read	I haven't said one word to you about leaving. You've thrown it up to me for 2 days now hollering and screaming. Again I'm not fighting or arguing with you I'll talk to you but if it comes to one of those two you can count me as a brick wall Source Extraction: Logical	✓

21	Inbox	From: +186 [REDACTED] 2831 Tabatha Direction: Incoming	03/10/2018 16:01:04(UTC-5)	+19703769 769	Read	You've screamed for me to leave and that you will make me leave. I Didn't do it to you... You never leave is what you told me but you've screamed and screamed for Me to leave I tell you no and you're response is you will make me. Source Extraction: Logical	✓
218	Sent	To: +186 [REDACTED] 2831 Tabatha Direction: Outgoing	03/10/2018 15:50:42(UTC-5)		Sent	If you can throw me away like that then you don't care about me aint that what you just sent me Source Extraction: Logical	✓
219	Sent	To: +186 [REDACTED] 2831 Tabatha Direction: Outgoing	03/10/2018 15:49:41(UTC-5)		Sent	Ok Source Extraction: Logical	
220	Sent	To: +186 [REDACTED] 2831 Tabatha Direction: Outgoing	03/10/2018 15:48:49(UTC-5)		Sent	Ok so you do wanna go Source Extraction: Logical	✓
221	Sent	To: +186 [REDACTED] 2831 Tabatha Direction: Outgoing	03/10/2018 15:30:37(UTC-5)		Sent	And ima tell you one more time lee isnt in anderson he moved to newberry 2 hours away Source Extraction: Logical	
222	Sent	To: +186 [REDACTED] 2831 Tabatha Direction: Outgoing	03/10/2018 15:29:06(UTC-5)		Sent	If you cared you would be trying to fix tge problems not make it worse and post shit on facebook Source Extraction: Logical	✓
223	Sent	To: +186 [REDACTED] 2831 Tabatha Direction: Outgoing	03/10/2018 15:27:45(UTC-5)		Sent	Tabatha i done told im thankful for everything you do never once have i said i wasnt thankful and tabatha have you even tried to fix what you have caused Source Extraction: Logical	✓
224	Inbox	From: +186 [REDACTED] 2831 Tabatha Direction: Incoming	03/10/2018 15:26:29(UTC-5)	+19703769 769	Read	Adam you have screamed at me for 2 days and told me to leave and that you don't give a shit. I'm not going to fight and argue anymore. You want Me gone then give me two weeks to pack my stuff and find a place to go so this doesn't effect my job since you don't care Source Extraction: Logical	✓
225	Sent	To: +186 [REDACTED] 2831 Tabatha Direction: Outgoing	03/10/2018 15:18:51(UTC-5)		Sent	No tabatha it seems this is what you wanted like i said it all leads down to it and then you put our business on facebook wtf Source Extraction: Logical	✓
226	Inbox	From: +186 [REDACTED] 2831 Tabatha Direction: Incoming	03/10/2018 15:16:07(UTC-5)	+19703769 769	Read	Wtf my supposedly finance hides shit Behind my back and wants to kick the mother of his child out? You left me this morning and didn't say anything but bye. Here I am buying grocery and cleaning stuff hoping you'd appreciate it but nah. And today I'm cleaning the house for you and you don't appreciate it Source Extraction: Logical	✓
227	Sent	To: +186 [REDACTED] 831 Tabatha Direction: Outgoing	03/10/2018 14:55:36(UTC-5)		Sent	This is all you wanted from the beginning Source Extraction: Logical	✓
228	Inbox	From: +186 [REDACTED] 2831 Tabatha Direction: Incoming	03/10/2018 14:51:27(UTC-5)	+19703769 769	Read	Wrong but you believe everyone else so thank you for showing me exactly what I knew was going to happen Source Extraction: Logical	✓
229	Inbox	From: +186 [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/10/2018 08:56:47(UTC-5)		Read	Let me know when your home so we can come over there to talk to her, but she is NOT going to hollar and scream at me. Source Extraction: Logical	
230	Inbox	From: +186 [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/10/2018 08:43:31(UTC-5)		Read	Ok Source Extraction: Logical	
231	Sent	To: +186 [REDACTED] 564 Mamas old Cell * Direction: Outgoing	03/10/2018 08:43:31(UTC-5)		Sent	But Source Extraction: Logical	

232	Sent	To +186 [REDACTED] 564 Mamas old Cell * Direction: Outgoing	03/10/2018 08:43:24(UTC-5)			Sent	Ima deal with what i can bet im working first Source Extraction: Logical	967 ✓
233	Sent	To +186 [REDACTED] 564 Mamas old Cell * Direction: Outgoing	03/10/2018 08:43:02(UTC-5)			Sent	I havent spoke since yesterday she went to bed and i passed out on Couch Source Extraction: Logical	
234	Inbox	From +186 [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/10/2018 08:42:03(UTC-5)			Read	Is she going to fix it with my work? Source Extraction: Logical	✓
235	Sent	To +186 [REDACTED] 564 Mamas old Cell * Direction: Outgoing	03/10/2018 08:41:11(UTC-5)			Sent	I dont know yet i have got to work first Source Extraction: Logical	✓
236	Inbox	From +186 [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/10/2018 08:40:32(UTC-5)			Read	What are your plans for dealing with this Source Extraction: Logical	✓
237	Sent	To +186 [REDACTED] 4397 Meineke Jeff From*	03/10/2018 08:00:58(UTC-5)			Sent	Lol ok Source Extraction: Logical	
238	Sent	To +186 [REDACTED] 4397 Meineke Jeff From*	03/10/2018 07:59:40(UTC-5)			Sent	Under what Source Extraction: Logical	
239	Inbox	From +186 [REDACTED] 4397 Meineke Jeff From*	03/10/2018 07:55:17(UTC-5)		+19703769 769	Read	In safe, sorry Source Extraction: Logical	
240	Inbox	From +186 [REDACTED] 4397 Meineke Jeff From*	03/10/2018 07:51:52(UTC-5)		+19703769 769	Read	Yep under drawer Source Extraction: Logical	
241	Sent	To 86 [REDACTED] 397 Meineke Jeff From*	03/10/2018 07:44:31(UTC-5)			Sent	Did troy ever come by Source Extraction: Logical	
242	Inbox	From +186 [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/10/2018 06:06:30(UTC-5)		+14047259 875	Read	Thanks for having my back when I needed you most Source Extraction: Logical	✓
243	Inbox	From +186 [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/09/2018 20:01:50(UTC-5)			Read	She fella to realize all your money goes into that roof that is over her head, she isn't paying for it, she has to pay for her mothers Source Extraction: Logical	✓
244	Inbox	From +186 [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/09/2018 20:00:42(UTC-5)			Read	She needs to tell them I only helped her and She was mad about State taking her money Source Extraction: Logical	✓
245	Inbox	From +186 [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/09/2018 20:00:00(UTC-5)			Read	She fixes it with my work or leaves Source Extraction: Logical	✓
246	Sent	To +186 [REDACTED] 564 Mamas old Cell * Direction: Outgoing	03/09/2018 19:37:46(UTC-5)			Sent	I aint said a word to her Source Extraction: Logical	✓
247	Sent	To +18 [REDACTED] 564 Mamas old Cell * Direction: Outgoing	03/09/2018 19:37:37(UTC-5)			Sent	Yep Source Extraction: Logical	✓
248	Inbox	From +186 [REDACTED] 564 Mamas old Cell * Direction: Incoming	03/09/2018 19:29:55(UTC-5)			Read	Is she back with your child Source Extraction: Logical	✓
249	Sent	To +186 [REDACTED] 564 Mamas old Cell * Direction: Outgoing	03/09/2018 19:29:34(UTC-5)			Sent	No im not i didnt do anything Source Extraction: Logical	✓

250	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 19:29:26(UTC-5)		Read	That's what I use to take my grands on trips Source Extraction: Logical	
251	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 19:29:01(UTC-5)		Read	I lost my bonus Adam are you going to pay it for her Source Extraction: Logical	✓
252	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 19:26:39(UTC-5)		Read	She needs to fix my job or I will call IRS on her and claiming Bentley when she was not living there she was living with you. 2 can play her backstabbing games! Source Extraction: Logical	✓
253	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 19:13:03(UTC-5)		Read	Go ahead Source Extraction: Logical	✓
254	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 19:12:24(UTC-5)		Read	So you would get \$1496 Fed and \$645 state so that's \$2000 now instead of \$1000, what do you think would that help you Source Extraction: Logical	✓
255	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 19:12:07(UTC-5)		Read	Ok so it will give you a extra \$126 on State and extra \$1000 and Adam can still have same amount as he was getting if we do this way Source Extraction: Logical	✓
256	Sent	To: [REDACTED] 2831 +186 [REDACTED] 2831 Tabatha * Direction: Outgoing	03/09/2018 18:56:30(UTC-5)		Sent	K Source Extraction: Logical	
257	Sent	To: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Outgoing	03/09/2018 18:56:23(UTC-5)		Sent	I will text you later ok Source Extraction: Logical	
258	Inbox	From: [REDACTED] 2831 +186 [REDACTED] 2831 Tabatha * Direction: Incoming	03/09/2018 18:56:13(UTC-5)	+19703769 769	Read	K Source Extraction: Logical	
259	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 18:55:22(UTC-5)		Read	Do not show her that whole message Source Extraction: Logical	✓
260	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 18:54:38(UTC-5)		Read	Proof that I told her I wasn't doing at Liberty Tax, NOW who is the liar? Source Extraction: Logical	✓
261	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 18:53:54(UTC-5)		Read	If we put Faylynn on there it goes into account if we don't then I will tell irs to send check, I'm not doing yours through Liberty Tax, you can't afford fees Source Extraction: Logical	✓
262	Inbox	From: [REDACTED] 2831 +186 [REDACTED] 2831 Tabatha * Direction: Incoming	03/09/2018 18:44:24(UTC-5)	+19703769 769	Read	I'm headed back there Source Extraction: Logical	✓
263	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 18:22:29(UTC-5)		Read	Becki (Liberty Tax) Mobile (864) 607-4855 Source Extraction: Logical	✓
264	Inbox	From: [REDACTED] 6564 +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 18:14:26(UTC-5)		Read	Tabatha thinks it's because I did something wrong but it's not, it's because she told them I filed her taxes using another company software Source Extraction: Logical	✓
265	Inbox	From: [REDACTED] 2831 +186 [REDACTED] 2831 Tabatha * Direction: Incoming	03/09/2018 16:56:37(UTC-5)	+19703769 769	Read	It's fine Source Extraction: Logical	✓
266	Inbox	From: [REDACTED] 2831 +186 [REDACTED] 2831 Tabatha * Direction: Incoming	03/09/2018 16:56:18(UTC-5)	+19703769 769	Read	If you can throw me away like that then you don't care about me Source Extraction: Logical	✓

267	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 16:31:42(UTC-5)			Read	He said you have to come tell them to leave your house Source Extraction: Logical	969 ✓
268	Sent	To: +186 [REDACTED] 6564 Mamas old Cell * Direction: Outgoing	03/09/2018 16:25:36(UTC-5)			Sent	The cop made him leave Source Extraction: Logical	✓
269	Inbox	From: +186 [REDACTED] 831 Tabatha Direction: Incoming	03/09/2018 16:24:29(UTC-5)		+19703769 769	Read	Why you not answering me Source Extraction: Logical	✓
270	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 16:21:30(UTC-5)			Read	You are the one that has to make her leave Source Extraction: Logical	✓
271	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 16:20:57(UTC-5)			Read	The police let them in your house your dad fought for you but he told him only you can stop them. Your dad has been cussed at collared at and all not doing it, you have to go get [REDACTED] and bring her to us. He told dad to leave Source Extraction: Logical	✓
272	Sent	To: +186 [REDACTED] 2831 Tabatha Direction: Outgoing	03/09/2018 15:00:19(UTC-5)			Sent	I dont know why your not answering me Source Extraction: Logical	✓
273	Sent	To: +186 [REDACTED] 2831 Tabatha * Direction: Outgoing	03/09/2018 14:55:33(UTC-5)			Sent	Why you keep hanging up on me Source Extraction: Logical	✓
274	Sent	To: +186 [REDACTED] 2831 Tabatha * Direction: Outgoing	03/09/2018 14:54:15(UTC-5)			Sent	Call me now Source Extraction: Logical	✓
275	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 13:56:51(UTC-5)			Read	She had her Mom calling over here yelling and hollering at your dad you know that he cannot take that. Yes you are in it because you are the one that got the money. So I guess you be a man and stand up because she is the one that agreed to it Source Extraction: Logical	✓
276	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 13:55:34(UTC-5)			Read	You need to call me Source Extraction: Logical	✓
277	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 13:12:23(UTC-5)			Read	Ok so it will give you a extra \$126 on State and extra \$1000 and Adam can still have same amount as he was getting if we do this way Source Extraction: Logical	✓
278	Inbox	From: +186 [REDACTED] 2831 Tabatha Direction: Incoming	03/09/2018 12:46:24(UTC-5)		+19703769 769	Read	Answer the God damn phone Source Extraction: Logical	✓
279	Inbox	From: +186 [REDACTED] 6564 Mamas old Cell * Direction: Incoming	03/09/2018 12:35:35(UTC-5)			Read	Tabatha is pissing me off Adam Source Extraction: Logical	✓
280	Sent	To: +186 [REDACTED] 2831 Tabatha Direction: Outgoing	03/09/2018 11:31:34(UTC-5)			Sent	Wrong Source Extraction: Logical	
281	Inbox	From: +186 [REDACTED] 2831 Tabatha * Direction: Incoming	03/09/2018 11:27:53(UTC-5)		+19703769 769	Read	How am I wrong Source Extraction: Logical	
282	Sent	To: +186 [REDACTED] 2831 Tabatha Direction: Outgoing	03/09/2018 11:25:10(UTC-5)			Sent	Sometimes Source Extraction: Logical	
283	Sent	To: +186 [REDACTED] 2831 Tabatha Direction: Outgoing	03/09/2018 11:23:57(UTC-5)			Sent	Shit i think i can do it prrrty good Source Extraction: Logical	

6-8-18

12:47 AM

23 APR 17 AM 11:05:55
Henderson, SC COC, CP/66

Adam,

They kept saying that they weren't gonna stop unless I wrote what they wanted to. I'm truly sorry bruh. I'd do anything to switch spots with you because I don't feel right being free. You know my birthday is coming up right? I keep hearing she had a boyfriend. Honestly I don't know what or how to feel. I feel like it's my fault your in there. I feel lost and confused without you. I'm trying to get you out. tbh I haven't called my bondsman in like 3 weeks so there might be a warrant for me. I just want you home so I can have my brother back. Nobody will talk to me anymore. I try to talk to our families but it's like they disowned me so I started doing my own thing. I come home and take a shower and leave because I can't be stuck in the house or ~~that~~ you wouldn't get to write me because since I've known you I've never had to go without seeing you. I understand if you were upset with me and I couldn't blame you. My mind has been running wild and I can't even smile anymore. I miss you bro!!!! Just remember it cost to be the boss, but I'll never give up on you. I'm always your brother. Your stuck with me now, I can't even have speakers thumping anymore, I've become more antisocial since you got locked up. I don't ever wanna talk to anymore. everyone asks if I'm in pain because it looks like I'm not but Deep Down I'm about ready to explode. I can't keep a relationship anymore. I've cut off all the girls I was fucking with.

when you get out we need to just relax on everything we were doing. but until that happens I'm gonna grind. these other niggas should have stayed on the porch because they aren't as hungry as I am right now. Even though I shouldn't be showing my face around I still am because all this is is a setback but when you get out we will rise to the top of Mount Profection. I made a promise to you and now I can't keep it and that upsets me more than anything. Don't worry we are still family. I've told you I'd take care of them and that's what I intend to do. ~~Our~~ mom's and dad's won't ever have to ever ask for anything. Right now we are both in bad times in our life but we got through everything before this. I know you loved her. ~~we will~~

~~we will~~ we will get through this one way or another. I'll stand by your side as long as you let me. I'm sorry I got scared when they kept saying they were gonna ruin my life if I didn't say what they wanted. I regret it everyday I wake up and I can't call you. It gets thrown up in my face everyday. I feel like it's my fault your in there. well that's how everyone else feels. I can't and won't talk to anyone and everyone is worried one day I'm gonna end up flipping because your not here. I look out the window Hoping your gonna show up but I find myself sitting there waiting everyday and everytime I hear a loud car I smile hoping it's you but it's not.

P.S. I'm
truly sorry
I'm the
reason your
still laced
up. 2 of 2

I love you Bruh... ~~from~~ Kenyon

Adam
lawless



DOCKET NO. 2018-GS-04- 02885

WITNESSES

Sled

Drew S Ledbetter

The State of South Carolina

County of Anderson

ARREST WARRANT NUMBER

2018A0410100476

COURT OF GENERAL SESSIONS

OCT 23 2018, TERM

ACTION OF GRAND JURY

TRUE BILL

Foreperson on

Date:

OCT 23 2018

William Garrick

Foreperson

THE STATE

VS.

ADAM DON LAWLESS

VERDICT

INDICTMENT FOR

MURDER

SC Code: § 16-03-0010
CDR Code: 0116

Foreperson of Grand Jury

Date:

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

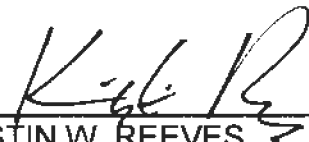
INDICTMENT

At a Court of General Sessions, convened on OCT 23 2018, the
Grand Jurors of Anderson County present upon their oath:

MURDER

That Adam Don Lawless did in Anderson County, on or about March 11, 2018 and March 12, 2018, unlawfully and with malice aforethought, either express or implied, kill Tabatha Duncan by means of stabbing the victim with a knife, and that Tabatha Duncan died as a proximate result thereof. All in violation of §16-3-10, *South Carolina Code of Laws* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



KRISTIN W. REEVES
SR. ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,
PLAINTIFF,

MOTION FOR NEW TRIAL ON AFTER
DISCOVERED EVIDENCE

-v-

INDICTMENT NO.: 2018GS0402885

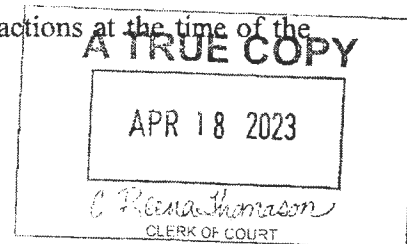
ADAM DON LAWLESS,
DEFENDANT.

TO: THE HONORABLE R. SCOTT SPROUSE, AND ANDERSON COUNTY SOLICITOR
DAVID R. WAGNER, TENTH JUDICIAL CIRCUIT AND KRISTIN W. REEVES, ASSISTANT
SOLICITOR:

PLEASE TAKE NOTICE that the Defendant, Adam Lawless, by and through his undersigned attorney, will move before the presiding Judge of the Tenth Judicial Circuit in the Court of General Sessions, within ten (10) days after service thereof, or as soon as this motion can be heard, for the purpose of requesting that a new trial be granted from a jury verdict on April 14, 2023 based on after discovered evidence.

The Defendant's jury trial began on April 10, 2023, and the jury found Defendant guilty of murder on April 14, 2023, at or about 2:40 pm. At or about 3:50 pm, the Defendant's parents James and Donna Lawless, were in the undersigned's parking lot having a discussion. After several minutes, James and Donna Lawless came into the undersigned's office and proceeded to have a private conversation with the undersigned. For more detail, please see the affidavit attached hereto and incorporated herein by reference. In summary, James Lawless admitted, in front of undersigned and Donna Lawless, that he was the person who murdered Tabatha Duncan and said that Adam Lawless was innocent.

Donna Lawless stated that she did not know of her husband's actions at the time of the



murder. Sometime later, she confronted James Lawless and he told her that he had murdered Tabatha. Donna Lawless said she had not told anyone what she learned from her husband.

The undersigned advised both James and Donna Lawless that they needed to engage separate counsel, to report the facts described to undersigned to law enforcement. At the time of the discussion on Friday, April 14, 2023, James Lawless advised he was willing to speak with his own counsel and confess to the authorities what he had told undersigned.

On or about April 14, 2023 at 9:20 pm the undersigned received an email from Donna Lawless that stated the following:

"Please take care of Adam, I never would have thought helping someone with their taxes would cause all of this. I feel so responsible for everything. Adam is a good man and did not do this.

Please for me make sure he gets released no matter what. Make sure you tell him how proud I am he is my son and I love him with all my heart.

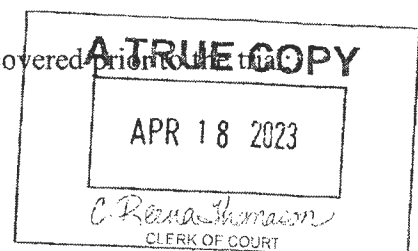
*Love Always,
Donna.*

*Love,
Donna."*

The undersigned received notification at 7:27 pm on Saturday, April 15, 2023, that Donna Lawless had been hospitalized and intubated, from an apparent drug overdose. She is currently in ICU at an Anderson Area hospital and undergoing tests.

Pursuant to South Carolina Law, in order for Defendant to prevail in this new trial motion, he must show the after-discovered evidence:

- (1) is such that it would probably change the result if a new trial were granted;
- (2) has been discovered since the trial;
- (3) could not in the exercise of due diligence have been discovered prior to the trial.



(4) is material; and

(5) is not merely cumulative or impeaching.

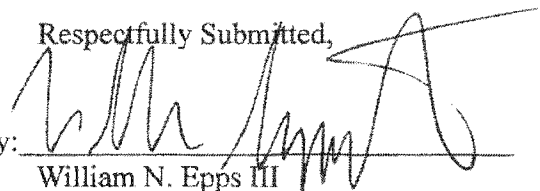
State v. Prince, 316 S.C. 57, 447 S.E.2d 177 (1993). *See State v. Spann*, 334 S.C. 618, 619–20, 513 S.E.2d 98, 99 (1999).

In the case at bar, James Lawless admitted to murdering Tabatha Duncan the morning of March 12, 2018, after the Defendant left [REDACTED] Street, Iva, SC, to spend his day working at Meineke. If this evidence is offered at trial, it would most certainly change the result if a new trial were granted. This evidence was discovered after the jury verdict on April 14, 2023, and could not, in the exercise of due diligence, on the part of the Defendant, have been discovered prior to the trial because both James and Donna Lawless kept silent and/or lied about what they did or knew about the actual events on March 12, 2018. The evidence is material in that James Lawless does admit to the murder of Tabatha Duncan and this new information is not cumulative or impeaching. In fact, James Lawless' admission is consistent with the known facts of the crime.

The undersigned does hereby certify that he has discussed and reviewed this motion with the Defendant prior to the filing of the motion, and this motion is being filed to protect the rights and interests of the Defendant.

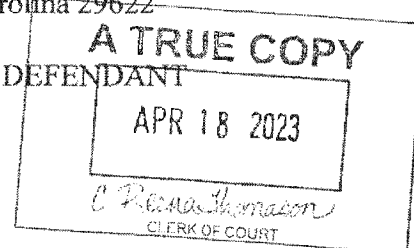
This Motion is based upon the applicable law and Statutes of the State of South Carolina.

Respectfully Submitted,

By: 

William N. Epps III
Post Office Box 2167
Anderson, South Carolina 29622
(864) 224-2111
ATTORNEYS FOR DEFENDANT

April 18, 2023
Anderson, South Carolina



STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE COURT OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA,

PLAINTIFF,

AFFIDAVIT OF WILLIAM N. EPPS, III

-v-

INDICTMENT NO.: 2018GS0402885

ADAM DON LAWLESS,

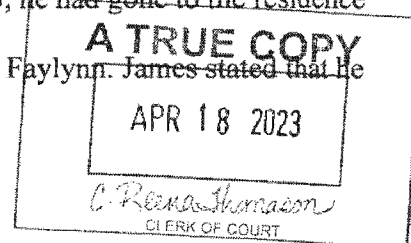
DEFENDANT.

PERSONALLY appeared before me, William, N. Epps, III, who being duly sworn states as follows:

My name is William N. Epps, III. I am an attorney licensed to practice law in the State of South Carolina. I represent the above named Defendant, Adam Don Lawless, in regards to Indictment No. 2018GS0402885. The Defendant's jury trial began on Monday, April 10, 2023, and the jury found the Defendant guilty of murder on Friday, April 14, 2023 at or about 2:40 p.m.

Following the conclusion of the trial, I returned to my office located at 230 W. Whitner Street in Anderson, SC. Upon my return, at or about 3:50 pm, the Defendant's parents, James and Donna Lawless, were in my parking lot having a discussion. After several minutes passed, James and Donna Lawless entered my office building and continued to have a discussion at the back door. Shortly thereafter, James and Donna entered my office and I shut my door for privacy. While in my office, Donna looked at James and stated "Are you going to tell him?" James then proceeded to tell me that he is the one who murdered Tabatha Duncan, not the Defendant.

James explained that on the morning of March 12, 2018, ~~he had gone to the residence~~ located at [REDACTED] St., Iva, SC to check on the minor child Faylynn. James stated that he

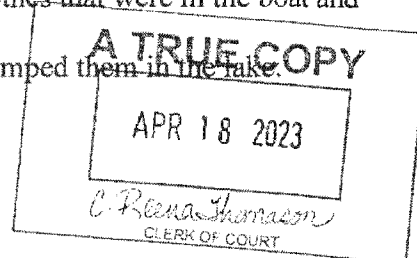


was able to gain entry into the home, as Tabatha had left her keys in the door. He then proceeded to the minor child's bedroom. Once he entered the bedroom an argument ensued between him and Tabatha that led to an altercation.

James Lawless further provided in detail that the altercation moved from the minor child's bedroom into the kitchen wherein Tabatha obtained a knife. While James attempted to remove the knife from Tabatha's possession, the knife cut her. James said after this his recollection of events does get hazy as he believes that he blacked out. James explained that when he came to, he saw Tabatha on the mudroom floor, covered in blood. James stated that there was a speaker missed by SLED that was covered in blood. He said that this speaker was used during the attack. James then stated that once he realized what happened, he attempted to clean the scene, to include putting Tabatha's keys in the sink and covering them in hand sanitizer. Prior to exiting the residence out of the backdoor, he did give the minor child FL who was still in the bedroom, a sippy cup then shut the door. He then proceeded home to Drive in Iva, SC.

James arrived home through the secondary driveway located at the back side of the residence. Prior to entering his home, he got into the hot tub and cleaned his body. He then placed his bloody clothes, Tabatha's cell phone and other items into the boat located on the property.

James admitted that it was in fact his red two door chevrolet cavalier that Thomas Brooks testified that he saw parked at the car wash across the street and it was James who was seen walking from the direction of St., get into the cavalier and drive away. James further admitted that after the incident, he burned the bloody clothes that were in the boat and took the cell phone and other items to Lake Russell where he dumped them in the lake.



Donna Lawless was present during this admission. When asked if she was aware of what occurred, Donna explained that subsequent to March 12, 2018, on a few occasions while James was sleeping, he talked in his sleep and made disturbing comments. She finally confronted him regarding some of those comments and James told her what he had done. Donna did state that "If SLED would have searched their home on March 12, 2018; they would have found the bloody clothes and Tabatha's items in the boat."

James and Donna both explained that they believed it would not be possible for their son, Adam Lawless, to be found guilty of a crime that he did not commit. They further explained that at the time, James was the only member of the household who had any income. That once Adam was released on bond, the only way to afford his ankle monitor and legal fees, was with the money that James brought into the household.

I did advise both parties, particularly James, that they needed to engage separate counsel, to report the facts described to me to law enforcement. At the time of the discussion on Friday, April 14, 2023, James advised he was willing to speak with his own counsel and confess to the authorities what he had told me.

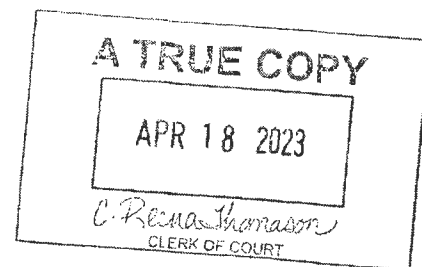
On or about April 14, 2023 at 9:20 pm I received an email from Donna Lawless that stated the following:

"Please take care of Adam, I never would have thought helping someone with their taxes would cause all of this. I feel so responsible for everything. Adam is a good man and did not do this.

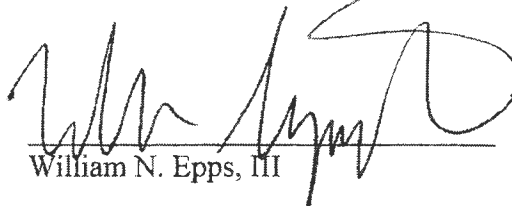
Please for me make sure he gets released no matter what. Make sure you tell him how proud I am he is my son and I love him with all my heart.

*Love Always,
Donna.*

*Love,
Donna."*

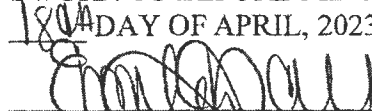


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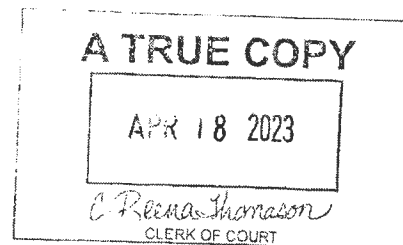

 William N. Epps, III

SWORN TO BEFORE ME ON THIS

18th DAY OF APRIL, 2023


 NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 5/17/23



RECEIVED**May 03 2023****SC Court of Appeals**

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
COURT OF GENERAL SESSIONS

R. Scott Sprouse, Circuit Court Judge

Case No.: 2018GS0402885

The State.....Respondent

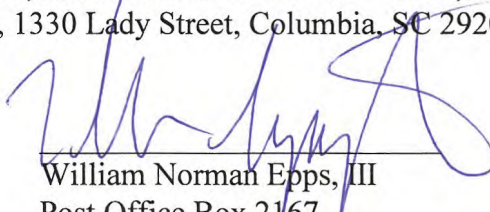
v.

Adam Don Lawless.....Appellant

PROOF OF SERVICE

I certify that I have served the Motion to Stay and/or Remand, on David Wagner, Solicitor for the State of South Carolina, Kristin Reeves, Assistant Solicitor for the State of South Carolina and Della White, with the South Carolina Commission on Indigent Defense, by depositing a copy of it in the United States Mail, with postage prepaid, on May 2, 2023, addressed to David Wagner, Solicitor and Kristin Reeves, Assistant Solicitor for the State of South Carolina, at Post Office Box 8002, Anderson, South Carolina and Della White, with the South Carolina Commission on Indigent Defense, 1330 Lady Street, Columbia, SC 29201.

May 2, 2023



William Norman Epps, III

Post Office Box 2167

Anderson, South Carolina 29622

(864) 224-2111

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

THE STATE OF SOUTH CAROLINA,

Plaintiff,

-vs-

ADAM DON LAWLESS,

Defendant.

IN THE COURT OF GENERAL SESSIONS

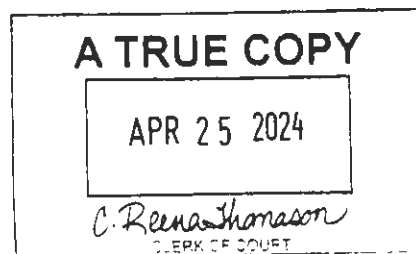
AMENDED MOTION FOR NEW TRIAL
ON AFTER DISCOVERED EVIDENCE

INDICTMENT NO.: 2018GS0402885

TO: THE HONORABLE R. SCOTT SPROUSE, AND ANDERSON COUNTY SOLICITOR
DAVID R. WAGNER, TENTH JUDICIAL CIRCUIT AND KRISTIN W. REEVES, ASSISTANT
SOLICITOR:

PLEASE TAKE NOTICE that the Defendant, Adam Lawless, by and through his undersigned attorney, will move before the presiding Judge of the Tenth Judicial Circuit in the Court of General Sessions, within ten (10) days after service thereof, or as soon as this motion can be heard, for the purpose of requesting that a new trial be granted from a jury verdict on April 14, 2023 based on after discovered evidence.

The Defendant's jury trial began on April 10, 2023 and the jury found Defendant guilty of murder on April 14, 2023 at or about 2:40 pm. At or about 3:50 pm, the Defendant's parents James and Donna Lawless were in the undersigned's backing parking lot having a discussion. After several minutes, James and Donna Lawless came into the undersigned's office and the door was shut. That pursuant to the affidavit that is attached hereto and incorporated herein by reference, James Lawless did admit to the undersigned that he was the one that murdered Tabatha Duncan, that it was his Red Chevrolet Cavalier at the carwash across the street and that he was the individual seen by Thomas Brooks around 9:30 am or 10:00 am, leaving from the direction of the Defendant's residence and



getting into the vehicle and driving away. James Lawless then admitted that he entered his residence at [REDACTED] Drive, Iva, SC from the back drive way entrance and cleaned up in the hot tub. He then placed his bloody clothes in his boat located on his property. James Lawless did admit to subsequently burning his clothes and dumping Tabatha Duncan's cell phone and other items in Lake Russell. Donna Lawless was present with the undersigned and James Lawless, when he made his admission. Donna admitted that James had subsequent to March 12, 2018, did tell her about what he did, however, she did not tell anyone about what James had said to her.

On or about April 14, 2023 at 9:20 pm the undersigned received an email from Donna Lawless that stated the following:

"Please take care of Adam, I never would have thought helping someone with their taxes would cause all of this. I feel so responsible for everything. Adam is a good man and did not do this.

Please for me make sure he gets released no matter what. Make sure you tell him how proud I am he is my son and I love him with all my heart.

Love Always,
Donna.
Love,
Donna."

The undersigned received notification at 7:27 pm on Saturday, April 15, 2023 that Donna was in the hospital and intubated. She is currently in ICU at an Anderson Area hospital and undergoing tests.

In order to prevail in this new trial motion, appellant must show the after-discovered evidence:

- (1) is such that it would probably change the result if a new trial were granted;
- (2) has been discovered since the trial;
- (3) could not in the exercise of due diligence have been discovered prior to the trial;

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C. Reena Thomason
CLERK OF COURT

(4) is material; and

(5) is not merely cumulative or impeaching.

State v. Prince, 316 S.C. 57, 447 S.E.2d 177 (1993). *See State v. Spann*, 334 S.C. 618, 619–20, 513 S.E.2d 98, 99 (1999).

Here, James Lawless admitted to murdering Tabatha Duncan the morning of March 12, 2018 after the Defendant left [REDACTED] Street, Iva, SC at or about 6:47 am and was at work at Meinke in Anderson, SC from 7:21 am until on or about 2:00 pm on video. This would certainly change the result if a new trial were granted. This evidence was discovered after the jury verdict on April 14, 2023 and could not in the exercise of due diligence been discovered prior to the trial because both James and Donna Lawless kept silent and/or lied about what they did on March 12, 2018 or their knowledge about what happened on March 12, 2018. The evidence is material in that James Lawless does admit to the murder of Tabatha Duncan and it is not cumulative or impeaching.

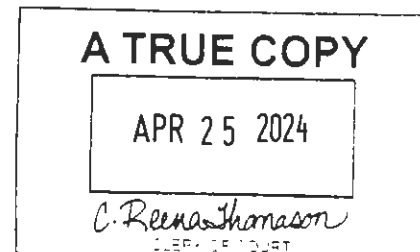
In addition, attached hereto and incorporated herein by reference is the affidavit of James Michael Atkins, Juror #5 and Foreman, who attests in part:

After each the prosecution and the defense settled, it really shocked me and the other juror's that the defense did not call any one to the stand for questions. I as a juror would have like to have seen Adam, the Coroner and Adam's parents called to the stand which could have provided a time of death as well more questions asked about the parent's involvement in the case. During deliberations this was something every juror would have like to have seen and, in my opinion, could have affected the way the verdict could have gone.

If we would have heard the evidence proving that the friend in face did lie in his testimony, evidence as to the actual time of death and if the defense could have provided testimony providing more clarification into these it may have made a difference in the verdict given by myself as a juror.

Our Supreme Court has held:

Ordinarily, juror testimony concerning juror misconduct is not admissible unless the



allegations of misconduct pertain to external influences. *Shumpert v. State*, 378 S.C. 62, 66, 661 S.E.2d 369, 371 (2008) ("For a considerable period of history, the rule in South Carolina was that a juror's testimony was not admissible to prove either a juror's own misconduct or the misconduct of fellow jurors."). Rule 606, SCRE, also favors exclusion over inclusion of juror testimony pertaining to internal misconduct. However, a well-recognized exception exists where the misconduct affects the fundamental fairness of the trial. *State v. Hunter*, 320 S.C. 85, 88, 463 S.E.2d 314, 316 (1995) ("Normally, juror testimony involving internal misconduct is competent only when necessary to ensure due process, i.e. fundamental fairness."). See *Ethier v. Fairfield Mem'l Hosp.*, 429 S.C. 649, 654–55, 842 S.E.2d 355, 358 (2020).

Here it is clear that the Defendant not taking the stand or providing a defense was taken into consideration and discussed in deliberations. The above statement from the jury foreman provide a concrete and factually specific allegations about the jury's consideration of the Defendant's failure to testify which raise significant questions of the fundamental fairness of this trial. Not only was this deliberation in violation of the jury charge instruction given by the trial court but in violation of the Constitution of South Carolina and the United States Constitution. That further, the Defendant was prejudiced in that these deliberations affected the verdict and effectively shifted the burden to the Defendant to prove his innocence or provide evidence to clarify a time of death as well more questions asked about the parent's involvement in the case. Therefore, a new trial is warranted.

The undersigned does hereby certify that he has discussed and reviewed this motion with the Defendant prior to the filing of the motion and this motion is being filed to protect the rights and interests of the Defendant. The undersigned understands that he is now a witness in this case and intends on having independent counsel at any hearing on this motion.

This Motion is based upon the applicable law and Statutes of the State of South Carolina.

Respectfully Submitted,

By:

William N. Epps III
 Post Office Box 2167

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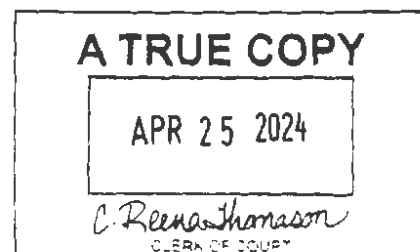
APR 25 2024

C. Deena Thomson
 CLERK OF COURT

May 12, 2023
Anderson, South Carolina

Anderson, South Carolina 29622
(864)224-2111
ATTORNEYS FOR DEFENDANT

2023 MAY 12 PM 4:46:53
Anderson, SC, USA, CT, 29622



STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE COURT OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA,

PLAINTIFF,

AFFIDAVIT OF WILLIAM N. EPPS, III

-v-

INDICTMENT NO.: 2018GS0402885

ADAM DON LAWLESS,

DEFENDANT.

PERSONALLY appeared before me, William, N. Epps, III, who being duly sworn states as follows:

My name is William N. Epps, III. I am an attorney licensed to practice law in the State of South Carolina. I represent the above named Defendant, Adam Don Lawless, in regards to Indictment No. 2018GS0402885. The Defendant's jury trial began on Monday, April 10, 2023, and the jury found the Defendant guilty of murder on Friday, April 14, 2023 at or about 2:40 p.m.

Following the conclusion of the trial, I returned to my office located at 230 W. Whitner Street in Anderson, SC. Upon my return, at or about 3:50 pm, the Defendant's parents, James and Donna Lawless, were in my parking lot having a discussion. After several minutes passed, James and Donna Lawless entered my office building and continued to have a discussion at the back door. Shortly thereafter, James and Donna entered my office and I shut my door for privacy. While in my office, Donna looked at James and stated "Are you going to tell him?" James then proceeded to tell me that he is the one who murdered Tabatha Duncan, not the Defendant.

James explained that on the morning of March 12, 2018, he had gone to the residence located at [REDACTED] St., Iva, SC to check on the minor child [REDACTED] James stated that he

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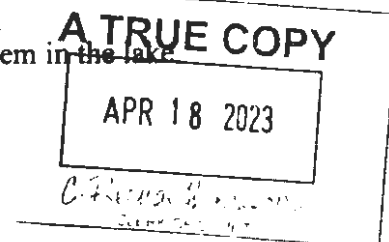
C. R. Epps, III
CLERK OF COURT

was able to gain entry into the home, as Tabatha had left her keys in the door. He then proceeded to the minor child's bedroom. Once he entered the bedroom an argument ensued between him and Tabatha that led to an altercation.

James Lawless further provided in detail that the altercation moved from the minor child's bedroom into the kitchen wherein Tabatha obtained a knife. While James attempted to remove the knife from Tabatha's possession, the knife cut her. James said after this his recollection of events does get hazy as he believes that he blacked out. James explained that when he came to, he saw Tabatha on the mudroom floor, covered in blood. James stated that there was a speaker missed by SLED that was covered in blood. He said that this speaker was used during the attack. James then stated that once he realized what happened, he attempted to clean the scene, to include putting Tabatha's keys in the sink and covering them in hand sanitizer. Prior to exiting the residence out of the backdoor, he did give the minor child FL [REDACTED] who was still in the bedroom, a sippy cup then shut the door. He then proceeded home to [REDACTED] Drive in Iva, SC.

James arrived home through the secondary driveway located at the back side of the residence. Prior to entering his home, he got into the hot tub and cleaned his body. He then placed his bloody clothes, Tabatha's cell phone and other items into the boat located on the property.

James admitted that it was in fact his red two door chevrolet cavalier that Thomas Brooks testified that he saw parked at the car wash across the street and it was James who was seen walking from the direction of [REDACTED] St., get into the cavalier and drive away. James further admitted that after the incident, he burned the bloody clothes that were in the boat and took the cell phone and other items to Lake Russell where he dumped them in the lake.



Donna Lawless was present during this admission. When asked if she was aware of what occurred, Donna explained that subsequent to March 12, 2018, on a few occasions while James was sleeping, he talked in his sleep and made disturbing comments. She finally confronted him regarding some of those comments and James told her what he had done. Donna did state that "If SLED would have searched their home on March 12, 2018; they would have found the bloody clothes and Tabatha's items in the boat."

James and Donna both explained that they believed it would not be possible for their son, Adam Lawless, to be found guilty of a crime that he did not commit. They further explained that at the time, James was the only member of the household who had any income. That once Adam was released on bond, the only way to afford his ankle monitor and legal fees, was with the money that James brought into the household.

I did advise both parties, particularly James, that they needed to engage separate counsel, to report the facts described to me to law enforcement. At the time of the discussion on Friday, April 14, 2023, James advised he was willing to speak with his own counsel and confess to the authorities what he had told me.

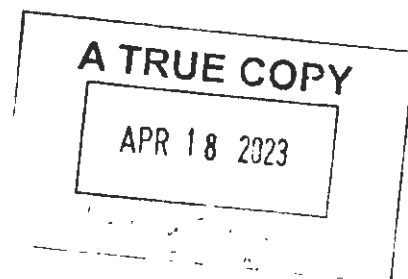
On or about April 14, 2023 at 9:20 pm I received an email from Donna Lawless that stated the following:

"Please take care of Adam, I never would have thought helping someone with their taxes would cause all of this. I feel so responsible for everything. Adam is a good man and did not do this.

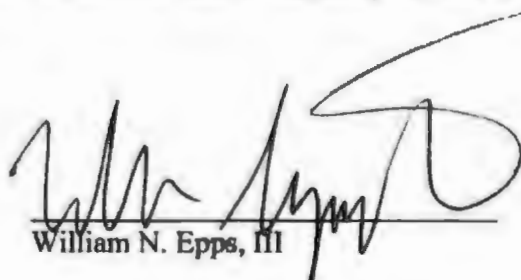
Please for me make sure he gets released no matter what. Make sure you tell him how proud I am he is my son and I love him with all my heart.

*Love Always,
Donna.*

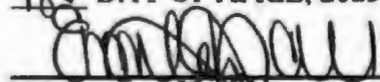
*Love,
Donna."*

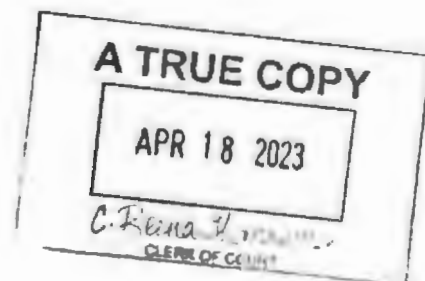


I received notification at 7:27 pm on Saturday, April 15, 2023, that Donna Lawless had been hospitalized and intubated, from a possible overdose. She is currently in ICU at an Anderson Area hospital and undergoing tests.


 William N. Epps, III

SWORN TO BEFORE ME ON THIS
 18th DAY OF APRIL, 2023


 NOTARY PUBLIC FOR SOUTH CAROLINA
 My Commission Expires: 5/24/23



To Whom it may concern,

I am writing this with intention to provide a perspective into my experience as a Juror in the case of, State vs Adam Lawless for the week of April 15,2023.

I would describe my overall experience as a juror and foreman serving for the trial as a very eye-opening experience into which I got an opportunity to see how our judicial system works. It was also a unique experience in seeing how both the prosecution and defense of a trial is conducted with each witness called to the stand as well as how the evidence was presented. My verdict as a juror in the trial was Guilty of Murder and I am going to describe to the best of my ability how and why this decision was made.

During the trial opening statements from both the prosecution and defense was made to start the trial. I believe both sides did a great job presenting during this part of the trial, to give us jurors an overlook of why the charges were being presented. Once this was complete the prosecution began calling people to the stand for questioning. I believe the prosecution during the trial did a great job of calling each witness in an order as to put together case for the charges of murder. During the interview of each witness the testimony of the friend staying at the house the day the murder occurred did describe seeing the victim laying in the laundry/mud room floor. The friends statement also described hearing screams from the victim while he was outside due to the victim and Adam fighting. Granted the friend had previously lied several times during statements and interviews and tried to retract his statement about seeing this I looked at it as credible evidence and a big decision for my verdict. I do not believe the defense did a good job, other than showing he had lied in the past to not make this credible evidence. The testimony that was given and shown showing that during the day multiple people had tried to contact the victim from calling to beating on the door. During that time no one could hear any signs of a child being in the house alone. During the time frame of Adam going to work and the time the body was found the child would have been crying and screaming in the house with no one there to take care of her. The testimony given as to when the victim's sister arrived at the house and seen Adams mother holding the baby, with no signs of dirty clothes just wet from the rain and then leaving right after the sister arrived made me curious. With later testimony given by the Anderson County deputy that went to check on the child and testimony of the paramedic that went to check on the child showed no distress to the child as well Adams mother could not produce the clothes the baby was wearing that were soiled as she described. With this testimony given this put into question that the child was not in the house during the day and was picked up shortly that morning after Adam went to work by the mother. That is why she was not crying when attempts were made to contact the victim. During the testimony of the of the evidence collected within the house, the knife found above the victim's body and hand, had only one set of DNA found on it and was consistent with the father of Adam Lawless. This brought into question of how his was the only one found on the knife and did not live at the residence to have opportunity to leave the DNA from a casual day to day activity. With the testimony and evidence that was presented, showed that the mother and father had been in the house before the victim's body was reported.

After each the prosecution and the defense settled, it really shocked me and the other juror's that the defense did not call any one to the stand for questions. I as a juror would have like to have seen Adam, the Coroner and Adam's parents called to the stand which could have provided a time of death as well more questions asked about the parent's involvement in the case. During deliberations this was

something every juror would have like to have seen and, in my opinion, could have affected the way the verdict could have gone.

If we would have heard the evidence proving that the friend in fact did lie in his testimony, evidence as to the actual time of death and if the defense could have provided testimony providing more clarification into these it may have made a difference in the verdict given by myself as a juror. During closing arguments, the prosecution did a great job of summing up her case and giving a timeline in putting together an order of the testimony and evidence shown in her case. The defense did not do a great job during his closing arguments in describing how the prosecutions closing arguments were false. One of the first things presented by the defense during closing arguments was that the prosecution was lying but did not really emphasize how with the testimony and evidence provided during the trial.

At the start and end of the trial the law was stated and was very clear that the defendant is innocent and was the prosecutions job to prove guilt. With the evidence and testimony given during the trial I believe the prosecution was able to put together a good case given us the ability to find the defendant guilty of murder.

5/11/2023

James Michael Atkins,

Juror#5 Foreman

James M. Atkins
5/11/2023

Sworn before me on this
11 day of May, 2023

[Signature]
 Notary Exp. 3-10-2025

MAY 19 PM 2:28:39
 Anderson Co. SC CUC, CP/6S

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF ANDERSON) Indictment No.: 2018-GS-04-02885
 The State,)
)
 -VS-) ORDER
)
 Adam D. Lawless,)
)
 Defendant.)

RECEIVED

May 22 2023

SC Court of Appeals

PRESIDING JUDGE: R. SCOTT SPROUSE
 DATE OF HEARING: MAY 15, 2023
 SOLICITOR: KRISTIN W. REEVES
 DEFENDANT'S ATTORNEY: NANCY JO THOMASON
 COURT REPORTER: LISA SCOTT

A TRUE COPY

MAY 19 2023

C. Reena Thomason
 CLERK OF COURT

This matter is before the Court pursuant to the Defendant's Motion for a New Trial under Rule 29 of the South Carolina Rules of Criminal Procedure. Nancy Jo Thomason represented the Defendant at the motions hearing due to his previous attorney becoming a witness in the post-trial events. The basis of the Defendant's motion is twofold:

1. The issuance of a post-trial statement made by the Defendant's father to defense counsel in which he alleges that he was the person who actually committed the murder; and
2. The submission of an affidavit to defense counsel from the jury foreman in which he asserts that he would have liked to have heard testimony from the Defendant and witnesses on behalf of the Defendant.

The State opposes the motion, arguing that the post-trial statement is not credible and that the juror statement does not directly assert that the Court's instructions on the law were disregarded. The Court heard arguments from counsel and allowed the parties time to submit caselaw for consideration.

FINDINGS OF FACT

This Court has jurisdiction over the parties and subject matter. Venue is proper.

This case was tried in General Sessions Court in Anderson County on April 10-14, 2023. The jury found the Defendant guilty of murder, with a thirty (30) year sentence resulting.

DEFENDANT'S MOTION FOR A NEW TRIAL ON AFTER-DISCOVERED EVIDENCE

RSS

The case surrounds the stabbing death of Tabatha Duncan, who was the estranged girlfriend of the Defendant. Subsequent to the trial, the Defendant's parents came to the office of defense counsel, Norman Epps. The Defendant's father, James Lawless, told Epps that he was actually the person who committed the murder.

Epps submitted an affidavit to the Court on April 18, 2023. In that affidavit, Epps stated that the Defendant's parents were in the parking lot of his office when he returned from the courthouse after the April 14 verdict. They came into the office and spoke with Epps, where James Lawless informed him that it was he who entered [REDACTED] Street on the morning of March 12, 2018. Epps alleges that Lawless told him that an argument ensued between Lawless and the victim, resulting in the victim obtaining a knife. A struggle over the knife allegedly resulted in the victim being cut. Epps then alleges that Lawless said that he "blacked out" and "when he came to, he saw Tabatha on the mudroom floor, covered in blood." Lawless then allegedly outlined the steps he took to clean up the residence and dispose of his bloody clothes and the victim's cell phone. The Defendant asserts that this statement to Epps constitutes after-discovered evidence that warrants a new trial being granted. The State opposes this motion, challenging the credibility and effect of the statement.

The standard that the Court must apply to grant a new trial is outlined in *State v. Spann*, 334 S.C. 618, 513 S.E.2d 98 (1999):

"In order to prevail on a motion for new trial based on after-discovered evidence, movant must show that evidence: (1) is such that it would probably change the result if a new trial were granted; (2) has been discovered since the trial; (3) could not in the exercise of due diligence have been discovered prior to trial; (4) is material; and (5) is not merely cumulative or impeaching."

The Court concludes that prong (2) of the *Spann* test is met, as this issue arose post-trial. An in-depth analysis is required on the other prongs of the *Spann* test. A review of the evidence presented at trial shows that the victim was killed by stabbing. A bloody knife was found near her body in the laundry room, often referred to during the trial as "the mudroom." There was significant testimony regarding the tumultuous relationship between the Defendant and the victim. The two had a child in common and were involved in Family Court litigation. The attorney representing the victim in Family Court was called as a witness. The State argued to the jury that the evidence in the case showed that Duncan was killed sometime in the evening/early morning hours of March 11-12, 2018 at [REDACTED] Street, Iva, South Carolina. Testimony from Aaron Kenyon, a friend of the Defendant who was staying at the Defendant's home that night, placed the timing of the incident in the evening of March 11, while testimony of Jeremy Gunnels, an ex-boyfriend of the victim, showed that he and the victim were exchanging sexually explicit messages via social media as late as 1:00 am on March 12. This discrepancy in the times was vigorously attacked by defense counsel at trial. Defense counsel cross examined Kenyon on inconsistent statements that he gave to law enforcement at various times.

The victim's body was found during the afternoon of March 12, 2018. The pathologist who conducted the autopsy was unable to give a time of death. The evidence showed that the

Defendant left shortly before 7 am on the morning of March 12, 2018 and was at work at Meineke Car Care on Clemson Boulevard until being called back to his residence in the afternoon once the victim's body was found.

The activities of the Defendant's parents both before and immediately after the murder were at issue in the case. The State had James and Donna Lawless both listed as witnesses. Both were sequestered during the testimony along with the other witnesses. The State presented evidence that the victim had a dispute with Donna over the preparation of the victim's tax returns that led to Donna being terminated from her employment. The State presented evidence that James Lawless was present at [REDACTED] Street when the victim's body was located. A body camera video was put into evidence that showed James Lawless on the front porch acting in an unresponsive manner. He allegedly was having some sort of seizure, although an examination by EMS personnel revealed no diagnosable condition. He was not transported to the hospital.

The State also presented evidence that James and Donna Lawless traveled to Hartwell, Georgia on the morning of March 12 in order to go to Walmart. There also was testimony surrounding a red Chevrolet Cavalier resembling the one belonging to James Lawless parked in an odd way at a car wash near [REDACTED] Street, with an unidentified individual wearing a "hoodie" walking to the car and then driving it away. James Lawless's DNA was on the bloody knife found near the victim's body.

The State focused heavily on the activities of James and Donna Lawless in its closing argument, painting a picture of them attempting to cover up the crime that the Defendant had committed. The defense closing argument centered around time gaps in the State's case, failures of the State to investigate various things, and the credibility of Aaron Kenyon.

The Court concludes that the alleged confession of James Lawless, if credible, is material evidence, since significant evidence regarding his actions was presented. Accordingly, prong (4) of the *Spann* test is met.

However, the Court is unable to conclude that the newly-discovered evidence probably would have changed the result, especially in light of the State's theory of the case. The State's theory had James Lawless heavily involved in what was essentially a cover-up and obfuscation of evidence in the aftermath of the murder. It is very possible that this "confession" could have been seen as just another act in the efforts of James and Donna Lawless to protect the Defendant. In any event, before the Court could conclude that the evidence would have changed the outcome, there must be no doubt as to the credibility of the evidence. The Court finds that Epps is accurately relaying what James Lawless told him on April 14, 2023. This does not mean that the Court finds the statement credible. James Lawless was heavily involved in this case from its outset. The affidavit itself shows that James and Donna Lawless assisted their son during the pendency of the case. They were on a first name basis with Epps. The Court notes that Donna Lawless allegedly had some kind of overdose of some kind that required her hospitalization. She sent a personalized email to Epps on the evening of April 14, 2023. Donna apparently alleged that she had been aware for some time that her husband had been the one that had actually

committed the crime. Had this been asserted at trial, the State undoubtedly would have attacked the credibility of the confession itself.

The Court also notes that James Lawless did not give a statement to law enforcement, although it does not appear that any officers went to his residence to talk to him. Regardless, there is no independent statement by James Lawless, no video recording, or any other evidence of his confession. Additionally, it was called to the Court's attention that James Lawless has retained counsel. No lawyer appeared at the hearing on behalf of James Lawless nor has any lawyer contacted the prosecution on his behalf. The actions of James Lawless do not appear to be the actions of someone who is attempting to correct the record for a wrongfully-convicted person and take responsibility for a crime that he himself actually committed. On the contrary, the actions of James Lawless appear to be contrived for the purpose of giving the Defendant grounds to seek a new trial. The statement was done in a manner which could easily be denied by James Lawless should law enforcement attempt to prosecute him or if Epps were called as a witness in a retrial of the Defendant. It would essentially be his word against that of Epps. The statement also appears to be carefully crafted to avoid details that could be investigated for corroboration. The Court does not find the statement credible and accordingly, the Defendant's Motion for New Trial on the grounds of newly discovered evidence is DENIED.

DEFENDANT'S MOTION FOR A NEW TRIAL ON JUROR MISCONDUCT

The Defendant did not testify nor did he present any witnesses. The Court gave a jury charge regarding the Defendant's right to remain silent and the prohibition of any consideration during jury deliberations of the exercise of that right. Neither party took exception to the charge given by the Court on this issue. Subsequent to the trial, the foreman of the jury gave an affidavit to defense counsel discussing the case. He made the following statement which is the basis for this motion:

"After the prosecution and the defense settled, it really shocked me and the other juror's that the defense did not call any one to the stand for questions. I as a juror would have like to have seen Adam, the Coroner and Adam's parents called to the stand which could have provided a time of death as well more questions asked about the parent's involvement in the case. During deliberations this was something every juror would have like to have seen and, in my opinion, could have affected the way the verdict could have gone.

If we would have heard the evidence proving that the friend did lie in his testimony, evidence as to the actual time of death and if the defense could have provided testimony providing more clarification into these it may have made a difference in the verdict given by myself as a juror..."

Juror testimony regarding misconduct ordinarily is inadmissible. Rule 606(b) provides

"...(b) **Inquiry Into Validity of Verdict or Indictment.** Upon an inquiry into the validity of a verdict or indictment, a juror may not testify as to any matter or statement occurring during the course of the jury's deliberations or to the effect of anything upon

that or any other juror's mind or emotions as influencing the juror to assent to or dissent from the verdict or indictment or concerning the juror's mental processes in connection therewith, except that a juror may testify on the question whether extraneous prejudicial information was improperly brought to the jury's attention or whether any outside influence was improperly brought to bear upon any juror. Nor may a juror's affidavit or evidence of any statement by the juror concerning a matter about which the juror would be precluded from testifying be received for these purposes."

An exception to this rule comes in cases where the misconduct affects the fundamental fairness of the trial. State v. Hunter, 320 S.C. 85, 88, 463 S.E.2d 314, 316 (1995). The Court considered the affidavit, along with copies of the returned juror surveys that the Solicitor sent out post trial because the Court concluded fundamental fairness could be at issue due to the allegations. Neither side objected to the Court's consideration of these documents. The Court declined to call the jury back in and take testimony from the jurors.

The Court must determine if there was misconduct and if so, whether it prejudiced the Defendant. The parties cite two major cases which address this issue. The first is State v. Zeigler, 364 S.C. 94, 610 S.E.2d 859 (2005). Zeigler held that a defendant seeking a new trial "is required to prove both the alleged misconduct and the resulting prejudice." If the Court determines that there was no misconduct, the analysis stops. Zeigler emphasizes that the focus of the inquiry is on "extraneous information and influence" or "external influence." The test is defined as "where jurors receive information from deliberations from some outside source." Ordinarily, courts will not invade the "privacy of the jury room to scrutinize how jurors reached their verdict."

The case of Ethier v. Fairfield Memorial Hospital, 429 S.C. 649, 842 S.E.2d 355 (2020) had premature deliberations of a jury as a primary issue, along with improper advocacy by a particular juror. This issue was of sufficient importance for the South Carolina Supreme Court to reverse the case and remand it for a new trial. In that case, clear misconduct was found, as egregious conduct by a particular juror during the course of the trial undoubtedly influenced the outcome. However, the burden on the party seeking a new trial for juror misconduct was not lessened to a great degree, with the Court stating explicitly that "while the burden to demonstrate prejudice is high, when evidence strongly supports the fact that votes were changed as a result of a juror's impermissible conduct, we cannot countenance such a tainted verdict." The two situations addressed in these cases----external sources and premature deliberations accompanied by outright advocacy by a juror---are not in issue in this case. The issue is whether the juror's desire to have more information is misconduct.

The Court must consider the affidavit presented in this case as a whole and place the quoted sections in context with the remainder. James Michael Adkins, who served as foreman of the jury, begins with a general statement of how the experience of being a juror was "very eye-opening" and how it allowed him to see "how our judicial system works." He goes on to explain why "my verdict as a juror" was reached.

He compliments the opening statements made by the attorneys, along with the way the prosecution called the witnesses. The first comment on the facts regards the testimony of Aaron Kenyon:

"...the testimony of the friend staying at the house the day the murder occurred did describe seeing the victim laying in the laundry/mud room floor. The friends statement also described hearing screams from the victim while he was outside due to the victim and Adam fighting. Granted the friend had previously lied several times during statements and interviews and tried to retract his statement about seeing this. I looked at it as credible evidence and a big decision for my verdict. I do not believe the defense did a good job, other than showing he had lied in the past to not make this credible evidence."

Adkins goes on to discuss the lack of evidence of any child being in residence during the period of time during the day when different people were trying to locate the victim. He stated that that "during that time no one could hear any signs of a child being the house alone. During the time frame of Adam going to work and the time the body was found the child would have been crying and screaming in the house with no one there to take care of her..." He then discusses how he did not believe that the child was in the residence.

The affidavit also addresses the issue of James Lawless. Adkins discusses how the DNA of James Lawless was found on the knife, as discussed above. It is clear from the affidavit that this juror accepted the State's argument of the heavy involvement of the Defendant's parents in the time after the murder. He states "...with the testimony and evidence that was presented, showed that the mother and father had been in the house before the victim's body was reported."

These are the factual issues which this juror used as a basis for his decision. All of these evidentiary issues were discussed in closing arguments. The controversial comments of this juror which form the basis for this motion surround defense strategy and tactics. It appears to the Court that the comments are directed at the Defendant's attorney's trial strategy rather than specifically at the Defendant's failure to testify. The statement expresses that he "would have liked" for Adam and other witnesses to be "called to the stand." The focus is on what witnesses the defense attorney did not call rather than on the Defendant exercising his Fifth Amendment right to remain silent. He does use the phrase "during deliberations" when discussing what the jury would have liked to have seen. He also said it "could have affected the way the verdict could have gone." These statements are concerning, but do not rise to the level of the Court finding misconduct when considered in light of the statements in the next paragraph, where he explains how the prosecutor did a good job and the defense attorney did not. He concludes his affidavit by reiterating how the "defendant is innocent and was the prosecutions job to prove guilt. With the evidence and testimony given during the trial I believe the prosecution was able to put together a good case given us the ability to find the defendant guilty of murder." This leads the Court to conclude that no improper burden shifting took place.

There was no evidence of juror misconduct in the two returned post-trial juror surveys that the State provided to the Court.

Accordingly, the Court finds that the actions of the jury do not constitute misconduct and the Defendant's Motion for a New Trial on the grounds of juror misconduct is DENIED.

WHEREFORE IT IS ORDERED, that

1. The Defendant's Motion for a New Trial on the grounds of after-discovered evidence is DENIED; and
2. The Defendant's Motion for a New Trial on the grounds of juror misconduct is DENIED.

AND IT IS SO ORDERED!

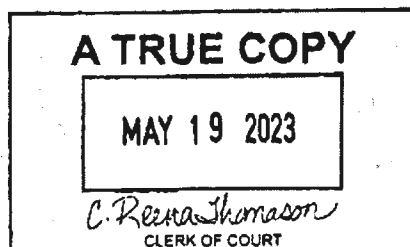
May 19, 2023

Anderson, South Carolina



R. Scott Sprouse, Judge

Tenth Judicial Circuit



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Anderson, SC CLC, CP/GS

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Deputy Chief Attorney for Capital Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 2nd day of January, 2025.

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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE 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

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Kaylee Kemp, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 2nd day of January, 2025.



David Alexander
Deputy Chief Attorney for Capital Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT