

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Certiorari to Dorchester County

S.C. SUPREME COURT

Honorable Paul M. Burch, Circuit Court Judge

EDWARD BONILLA,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2024-000765

APPENDIX

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INDEX

TRIAL TRANSCRIPT DATED AUGUST 8, 2016 – AUGUST 11, 2016	1
STATE’S EXHIBIT #1 (REDACTED STATEMENT).....	731
STATE’S EXHIBIT #4 (KIK TEXT MESSAGES).....	733
COURT’S EXHIBIT #1 (STIPULATION).....	744
COURT’S EXHIBIT #3 (JURY NOTE)	745
COURT’S EXHIBIT #1 (UNREDACTED STATEMENT).....	746
NOTICE OF MOTION TO QUASH SUBPOENA.....	748
INDICTMENT.....	749
APPLICATION FOR POST-CONVICTION RELIEF	751
RETURN, PARTIAL MOTION TO DISMISS, AND MOTION FOR A MORE DEFINITE STATEMENT	766
FIRST AMENDED APPLICATION FOR POST-CONVICTION RELIEF	783
SECOND AMENDED APPLICATION FOR POST-CONVICTION RELIEF	786
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED FEBRUARY 5, 2024.....	789
FORM 4 AND ORDER OF DISMISSAL.....	855

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

FROM THE TRIAL DATED AUGUST 8, 2016 – AUGUST 11, 2016:
STATE’S EXHIBITS #68-77 (PHOTOGRAPHS), STATE’S EXHIBITS
#87-89 (PHOTOGRAPHS), AND STATE’S EXHIBIT #103 (PHOTOGRAPH).

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
COUNTY OF DORCHESTER) CASE NO.: 2015-GS-18-0606

STATE OF SOUTH CAROLINA,)
)
)
 v.) TRANSCRIPT OF RECORD
)
 EDWARD PRIMO BONILLA)
)
) **ORIGINAL**

Monday, August 8, 2016 - Thursday, August 11, 2016

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INDEX

Pretrial Motions	10

HEARING ON INFORMED CONSENT

<u>State's Witness: Mark Liendecker</u>	
Direct Examination by Ast. Sol. Sorenson	14
Cross Examination by Mr. Hilton	20
Examination by the Court	22
Cross Examination by Mr. Murphy	24
Further Examination by the Court	26
<u>Defense's Witness: Edward Bonilla</u>	
Direct Examination by Mr. Hilton	27
Cross Examination by Ast. Sol. Sorenson	33
Ruling on Informed Consent	38

JACKSON V DENNO HEARING

<u>State's Witness: David Harris</u>	
Direct Examination by Ast. Sol Sorenson	41
Cross Examination by Mr. Hilton	45
<u>State's Witness: Andy David Martin</u>	
Direct Examination by Ast. Sol. Sorenson	47
Cross Examination by Mr. Hilton	58
Pretrial Motions	65
Ruling on Pretrial Motions	89
Voir Dire	95
Jury Selection	120
**Strike sheet attached to end of transcript.	
Instructions by the Court	134
Opening Statements:	
By the Ast. Sol. Templeton	142
By the Mr. Hilton	145

STATE'S WITNESSES

<u>Witness: Brandy Chance</u>	
Direct Examination by Ast. Sol Sorenson	150
Cross Examination by Mr. Hilton	171

<u>Witness: Deputy Keith Galstar</u>	
Direct Examination by Ast. Sol. Templeton	173
<u>Witness: Detective David Harris</u>	
Direct Examination by Ast. Sol Templeton	177
Cross Examination by Mr. Hilton	181
<u>Witness: Lindsay Diaz</u>	
Direct Examination by Ast. Sol Sorenson	182
Cross Examination by Mr. Hilton	194
<u>Witness: John Rowland</u>	
Direct Examination by Ast. Sol Templeton	199
<u>Witness: Brett Corder</u>	
Direct Examination by Ast. Sol. Templeton	204
Cross Examination by Mr. Hilton	207
<u>Witness: Robert Cauble</u>	
Direct Examination by Ast. Sol Sorenson	209
Cross Examination by Mr. Hilton	234
<u>Witness: Blaine Locklair</u>	
Direct Examination by Ast. Sol Templeton	238
<u>Witness: Jasmine Tell</u>	
Direct Examination by Ast. Sol. Templeton	245
Cross Examination by Mr. Hilton	249
<u>Witness: Investigator Jeff Scott</u>	
Direct Examination by Ast. Sol Sorenson	257
Cross Examination by Mr. Hilton	342
<u>Witness: Bonnie Laidlaw</u>	
Direct Examination by Ast. Sol Templeton	360
<u>Witness: Alison Durr</u>	
Direct Examination by As. Sol. Sorenson	363
<u>Witness: Detective Adam Smith</u>	
Direct Examination by Ast. Sol Templeton	370
Cross Examination by Mr. Hilton	387
<u>Witness: Detective Bradley Mullis</u>	
Direct Examination by Ast. Sol. Sorenson	388
Voir Dire Examination by Mr. Hilton	391
Direct Examination Continued by Ast. Sol. Sorenson	394
Cross Examination by Mr. Hilton	412

Witness: Paul Meeh

Direct Examination by Ast. Sol Sorenson 415
Cross Examination by Mr. Hilton 432

Witness: Dr. Nicholas Batalis

Direct Examination by Ast. Sol. Sorenson 436
Cross Examination by Mr. Hilton 457

Witness: Detective Andy Martin

Direct Examination by As. Sol. Sorenson 463
Cross Examination by Mr. Hilton 506

Motion by Defense Regarding Media 497

Defendant's Fifth Amendment Rights 500

Examination of Mr. Edward Bonilla by Mr. Hilton 503

Defense's Motion for Directed Verdict 513

Court's Ruling on Defense Motion Regarding Media 517

DEFENSE WITNESSES

Witness: Anthony Navarro

Direct Examination by Mr. Hilton 520
Cross Examination by Ast. Sol Sorenson 530
Redirect Examination by Mr. Hilton 542

Witness: Edward Primo Bonilla

Direct Examination by Mr. Hilton 544
Cross Examination by Ast. Sol. Sorenson 590
Redirect Examination by Mr. Hilton 641

Closing Arguments:

By the Ast. Sol. Templeton 652
By Mr. Hilton 654
By the Ast. Sol. Sorenson 675

Jury Charge 705

Jury Verdict 718

Jury Polled 719

Statement by Denise Dover 722

Defendant's Statement 723

Sentence of the Court	726
Certificate of Reporter	730

STATE EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
1	Redacted Statement	467
2	Photograph	153
3	Photographs (2)	154
4	Kik Text Messages	157
5	Sunoco Video	201
6	Enterprise Records	206
7	Cauble Flooring Video	219
8, 9	Trident Tech Video	239
10-12	Photographs	212
13-17	Photographs	261
18	Photograph	210
19	Photograph	272
20	Photograph	185
21-24	Photographs	275
25	Photograph	283
26, 27	Photographs	275
28-77	Photographs	287
78-80	Photographs	315
81	CD (Not entered)	
82	Photograph (Not entered)	

83-89	Photographs	336
90	Verizon Disc	247
91	Cellbrite Data	372
92	Cell Phone	272
93	Verizon Form	249
94, 95	Swabs	285
96, 97	Swab	297
98	Swab	309
99	Cell Phone Report	379
100	Map	491
101	Electric Tape	446
102	Electric Tape	443
103	Photograph	474
104	SLED Form	477
105	Screenshot	485
106	Photograph	486
107	Cell Phone Data	373

DEFENSE EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
1	O-Tolidine Kit	345

COURT EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
1	Stipulation	321

2	CD of Photographs	368
3	Jury Question	728

PRETRIAL EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
State's 1 (State's 1 is also entered with the trial exhibits as State's 1)	Redacted Statement	52
Defendent's 1	Affidavit	67
Defendent's 2	Consent Order	80
Defendent's 3	Search Warrant	80
Court's 1	Statement	52

1 (The proceedings in the trial of this case began at
2 11:36 a.m. on Monday, August 8, 2016.)

3 THE COURT: Mr. Sorenson?

4 AST. SOL. SORENSON: Thank you. May it please the
5 Court, Your Honor? I guess at this time we call the case of
6 the State versus Edward Primo Bonilla. It's indictment
7 2015-GS-18-0606 charging him with one count of murder. He
8 is present in the courtroom with his lawyers, Russell Hilton
9 and Mandy Kimmons. We are prepared to go forward with -- I
10 believe there are some pretrial matters that we need to
11 address.

12 THE COURT: Let the record reflect that -- I don't
13 know; about an hour ago we had an in-chambers conference
14 that was attended by you and Mr. Templeton on behalf of the
15 State, Mr. Hilton and Kimmons on behalf of the defendant
16 wherein we generally discussed -- I think the question I
17 asked is what do we have for trial. And you told me a
18 little bit about the case in the presence of Mr. Hilton and
19 Ms. Kimmons. The two of you informed me that there were a
20 couple of pretrial matters including perhaps dealing with
21 the search warrant for two issues and the more important
22 issue was an alleged revelation by Mr. Bonilla's first
23 attorney to the authorities as to where the missing victim
24 in this case, her missing body, was located. Based on that
25 information, they were able to go to the area identified.

1 And after some time elapsed, they were able to locate the
2 victim's body. There is a motion that Mr. Chris Murphy, I
3 think who represents the former lawyer for Mr. Bonilla has
4 filed asking them to quash a -- strike that -- to quash a
5 subpoena and/or the testimony of Mr. -- what was the
6 lawyer's name?

7 AST. SOL. SORENSON: Leiendecker.

8 THE COURT: -- Leiendecker. And we had a little bit of
9 general discussions in chambers as to maybe that would be
10 done by way of a stipulation after a motion to exclude that
11 testimony. What was -- tell me exactly what it's on for me.

12 MR. HILTON: Well, this is new to all of us as far as
13 this Rule 1.6 motion. I couldn't find a lot of case law
14 discussion about it. However, I think the nature of the
15 hearing would be a hearing to determine the voluntariness of
16 the consent, the informed consent, required under Rule 1.6
17 that would've been given by Mr. Bonilla to Mr. Leiendecker.
18 And for the Court's edification, Mr. Leiendecker's chief
19 Public Defender in Dorchester County, he originally assumed
20 responsibility of this case. Because of this disclosure
21 that we're talking about, there arose a conflict. You met
22 with Mr. Sorenson; there was a realization that Mr.
23 Leiendecker may be called to testify. There was some
24 discussion with other attorneys and ethics -- experts
25 regarding that matter and the determination was made that

1 Mr. Leiendecker would then conflict out of the case. I was
2 then appointed to the case on an indigent defense contract
3 through South Carolina Commission of Indigent Defense.

4 THE COURT: So I guess what we need to do is take
5 testimony as to whether or not the revelation of this
6 information was done with or without informed consent being
7 given by Mr. Bonilla to Mr. Leiendecker to make the
8 revelation. Is that where we are?

9 MR. HILTON: I think so, Your Honor. I think it's akin
10 to a Jackson v. Denno Hearing in that this was a statement
11 given. Nobody is saying that Miranda needed to be given or
12 anything like that. But I think we just need to determine
13 whether informed consent was provided.

14 THE COURT: All right. I guess we'll call Mr.
15 Leiendecker first. Who wants to -- I guess since ---

16 AST. SOL. SORENSON: I guess that was my next question
17 is who's doing the questioning? I mean, I'll be glad --

18 THE COURT: Well, I think since you're the one who is
19 going to rely on the revelation that you probably need to
20 let me make a determination as to whether or not the
21 defendant gave Mr. Leiendecker the required consent under
22 Rule 407 South Carolina Rules of Criminal Responsibility
23 particularly Rules of Professional Responsibility 1.6 which
24 is entitled Confidentiality Of Information, which basically
25 says, 1.6(a), a lawyer shall not reveal information relating

1 to the representation of a client unless the client gives
2 informed consent or the disclosure is impliedly authorized
3 in order to carry out the representation or the disclosures
4 permitted by paragraph B. And I don't think any of
5 paragraph B is applicable. I read through those. So it's
6 just a question as to whether or not there was informed
7 consent given to make the representation that was made.

8 MR. HILTON: That's my understanding, Your Honor.

9 AST. SOL. SORENSON: May it please the Court? The
10 State calls Mark Leiendecker.

11 MR. MURPHY: Judge, can I just be -- before we swear
12 him in, I'm just trying to think. Because I thought we had
13 a stipulation.

14 THE COURT: Well, you will have -- I assume there will
15 be a stipulation in the event I find it to be conformed --
16 informed consent. If I find it not to be informed consent
17 there won't be any testimony.

18 MR. MURPHY: Okay. Just for -- would the defendant
19 have to testify prior to my client that of what he told Mr.
20 Leiendecker?

21 THE COURT: Do it however y'all want to. I'm not going
22 to tell y'all how to do it.

23 AST. SOL. SORENSON: And I don't know how. I mean,
24 obviously if it was as Mr. Hilton had kind of equated to a
25 Jackson v. Denno Hearing, we would have to put the cop up

1 first and then often times the defendant testifies after
2 that and says you know I didn't say that or he threatened me
3 or he promised me or whatever.

4 THE COURT: Well, I assume Mr. Leiendecker is going to
5 say he discussed it with his client and his client gave him
6 permission to make a representation.

7 MR. MURPHY: Yes, sir.

8 THE COURT: And that will be what I will make my
9 finding on unless the defendant wants to testify adverse to
10 that. And then I have to address the credibility of a
11 witness and make a determination as to whether it is or it
12 isn't.

13 AST. SOL. SORENSON: All right.

14 THE COURT: So that's the way we'll do it.

15 MR. MURPHY: Thank you.

16 THE COURT: Unless y'all want to do it another way,
17 I'll be glad to listen to your suggestion.

18 MR. MURPHY: Judge, I was under the impression we were
19 going to stipulate as to what ---

20 THE COURT: I think I got to make an initial
21 determination as to whether not it was a was not informed
22 consent given by the defendant.

23 MR. MURPHY: Okay. All right. Thank you, Judge.

24 THE COURT: Mr. Murphy, if you'd feel more comfortable
25 making your motion before that I'd be ---

1 MR. MURPHY: Judge, I mean my motion is based on -- I
2 mean . . .

3 THE COURT: Are you going to say he shouldn't have made
4 the representation?

5 MR. MURPHY: Well, no. I was going to -- I filed the
6 motion, Judge, based on this exact rule, 1.6. So I mean
7 we're going to have the hearing, we might as -- I just want
8 to put that on record. That was the basis for my motion.

9 THE COURT: And if I find it not to be informed consent
10 then we got another whole bridge that we have to cross.

11 MR. MURPHY: Yes, sir.

12 MARK ALLEN LEIENDECKER, after being duly sworn,
13 testified as follows:

14 AST. SOL. SORENSON: Thank you. May it please the
15 Court?

16 THE COURT: (Affirms.)

17 HEARING ON INFORMED CONSENT

18 DIRECT EXAMINATION

19 BY AST. SOL. SORENSON:

20 Q. Good morning, Mr. Leiendecker. If you would, please
21 tell the ---

22 THE COURT: Hold on one second. It's my understanding
23 if I find it to be informed consent then perhaps there's
24 going to be a stipulation, we could preclude Mr.
25 Leiendecker's testimony?

1 MR. MURPHY: That's exactly right.

2 THE COURT: Which would take care of your motion.

3 MR. MURPHY: Yes, sir.

4 MR. HILTON: Yes, sir.

5 THE COURT: Your motion Mr. Chris Murphy.

6 MR. MURPHY: Yes, sir.

7 THE COURT: All right. We're all on the same page.

8 AST. SOL. SORENSON: Yes, sir. Hopefully.

9 BY AST. SOL. SORENSON: (continuing)

10 Q. Mr. Leiendecker, if you would please tell the Court
11 where it is that you're employed.

12 A. I am the circuit defender for the First Judicial
13 Circuit and I have offices in Dorchester, Orangeburg, and
14 Calhoun Counties, but my primary office is in Summerville.

15 Q. And how long have you been employed as the Circuit
16 Public Defender for the First Judicial Circuit?

17 A. Since March 2008.

18 Q. Okay. And if you would, tell the Court how long have
19 you been practicing law.

20 A. Since 1983. I think that's 33 years at this point.

21 Q. And during your 33 years, have you been primarily a
22 criminal defense attorney?

23 A. The last 23 years, yes.

24 Q. And have actually had a portion of that time where you
25 were actually a either a municipal court judge or a

1 magistrate. Is that correct?

2 A. Yes. For three or four years I was part-time
3 magistrate in Dorchester County.

4 Q. And turn your attention to your representation in this
5 case if I could, Mr. Leiendecker. There came a time where
6 you were appointed to represent the defendant in this case,
7 Edward Bonilla?

8 A. Yes. I became assigned counsel to Edward soon after
9 his arrest on obstruction charges.

10 Q. And just so the Court has a little bit of the time
11 frame, this is an incident that allegedly occurred on April
12 the 4th of 2015. And he was initially charged with
13 obstruction of justice prior to being charged with
14 Ms. Ashley Pegram's murder. Is that correct?

15 A. That is correct.

16 Q. And I'll turn your attention specifically to May the
17 8th of 2015. At that point in time Mr. Bonilla had actually
18 been charged with murder. Is that correct?

19 A. Yes.

20 Q. And he was in custody, incarcerated at the Dorchester
21 County Detention Center?

22 A. Yes.

23 Q. And on May the 8th of 2015, did you have an occasion to
24 contact anybody in law enforcement with regards to this
25 case?

1 A. Yes.

2 Q. And who was that that you contacted if you recall?

3 A. Captain Tony Phinney at the Dorchester County Sheriff's
4 Office.

5 Q. And did you make arrangements then on May the 8th of
6 2015 to have your client Mr. Bonilla transported to the
7 Criminal Investigative Division in Summerville at the
8 Dorchester County Sheriff's Office?

9 A. Yes.

10 Q. And on May the 8th then, did you have occasion to meet
11 over there at the Sheriff's office investigative division
12 with your client?

13 A. Yes.

14 Q. Let me ask you this: Had you discussed with your
15 client prior to May the 8th of 2015 the fact that you were
16 going to have him brought over that day?

17 A. We had discussed the reason. I cannot be a hundred
18 percent certain that we had discussed May the 8th as the
19 day.

20 Q. Gotcha. Gotcha. But he would've been aware when he
21 was being transported over there what the -- reason for that
22 was?

23 A. I believe he should've been, yes.

24 Q. Okay. And when you got over to -- and just so the
25 Court understands, the CID, the Criminal Investigative

1 Division is located in a trailer behind the Sheriff's
2 office. Is that correct?

3 A. Yes.

4 Q. And were you given a space to meet with your client
5 then that afternoon prior to either you or he talking with
6 the Sheriff's office?

7 A. Yes. Were given a small conference room to meet in
8 privately.

9 Q. That would've been you and your client Mr. Bonilla?

10 A. Yes.

11 Q. Okay. And did you discuss with Mr. Bonilla then at
12 that point time what y'all were there for and what you
13 intended on disclosing to the Dorchester County Sheriff's
14 Office?

15 A. Edward and I did discuss that, yes.

16 Q. And did he give you his consent to disclose that to the
17 Dorchester County Sheriff's Office?

18 A. Ultimately, he did. And I think as a point of
19 clarification, I did not -- before Edward and I met that
20 day, I did not have the information I provided to the
21 Dorchester County Sheriff's Office.

22 Q. Y'all had discussed prior potentially you getting that
23 information from Mr. Bonilla though to disclose it?

24 A. Yes.

25 Q. Okay. So when you met him then on May the 8th was part

1 of that kind of verifying that he wanted you still to
2 disclose that and then him also then providing you with that
3 information to disclose?

4 A. It was verifying one, that Edward was actually able to
5 provide the information because the actual location was a
6 little undetermined.

7 Q. It wasn't a house, right? It was basically just an
8 area -- a wooded area? Is that correct?

9 A. Yes, sir. And then it ultimately you know that as a
10 matter if strategy that we would provide this information to
11 the Sheriff's office.

12 Q. And he ultimately and I believe you ultimately came out
13 and met with Captain Phinney. Is that correct?

14 A. Yes.

15 Q. Okay. And showed Mr. Phinney on I believe your iPad or
16 something like that basically an area that if they searched
17 they would likely find Ms. Pegram's remains?

18 A. Yes.

19 Q. And that information came from your client, Mr.
20 Bonilla?

21 A. Yes.

22 Q. And when you walked out of that office to go meet with
23 Captain Phinney and provide that information you had your
24 client's consent to do that at that point time?

25 A. Yes, I did.

1 Q. And your client did not meet with the Sheriff's office
2 that day. Is that correct?

3 A. He did not speak to anybody in the Sheriff's office
4 that I remember.

5 AST. SOL. SORENSON: Beg the Court's indulgence.

6 (Brief pause.) Thank you, Mr. Leiendecker. That's all the
7 questions I have.

8 THE COURT: Mr. Hilton, any questions?

9 MR. HILTON: Yes, I do, Your Honor.

10 CROSS EXAMINATION

11 BY MR. HILTON:

12 Q. Mr. Leiendecker, how long did y'all meet? You and Mr.
13 Bonilla, how long did you meet at the Sheriff's office?

14 A. Our meeting in the conference room, somewhere between
15 20 to 40 minutes.

16 Q. And was there discussions in any other location
17 presumably the jail prior to this meeting at the CID office?

18 A. Yes. There were -- there had been several conferences
19 between Edward and myself at the jail and/or in the
20 detention cells here at the courthouse before this May date.

21 Q. Did you talk to him about the benefits and the risk of
22 disclosing the location of the body?

23 A. Yes.

24 Q. All right.

25 A. I mean, we talked about the reasons that may be helpful

1 or beneficial to his defense.

2 Q. Did he agree with that? Disagree with that? Or
3 anything else?

4 A. He never disagreed. But Edward is a smart guy and he
5 always had a lot of questions when we met and talked about
6 stuff. And so I remember having you know more than one
7 occasion of discussion regarding this.

8 Q. All right. And did you talk about any reasonably
9 alternative measures that may have been available to him, if
10 there were any?

11 A. Mr. Hilton, I don't remember that. I remember that the
12 discussion of my strategy for the reason that it might be
13 beneficial to his case if that's what you're talking about.
14 And there was no reasonable alternative to that purpose.

15 Q. I understand. At the time you made the disclosure to I
16 presume it was Captain Phinney. Is that correct?

17 A. Yes.

18 Q. At the time you made the disclosure to Captain Phinney,
19 did you feel as though Mr. Bonilla was on board with this
20 disclosure and the reasons why it was beneficial to him?

21 A. Yes, sir. I did.

22 MR. HILTON: No further questions, Your Honor.

23 THE COURT: Redirect?

24 AST. SOL. SORENSON: I don't have anything further,
25 Your Honor.

1 THE COURT: I have a few.

2 EXAMINATION

3 BY THE COURT:

4 Q. What were those beneficial strategies that you
5 anticipated receiving if you made the disclosure?

6 A. Your Honor, the only reason or purpose for this
7 disclosure was so that an autopsy could be performed on the
8 body, and without the location of the body that would've
9 been impossible. Without going further into any legal
10 discussions or strategy, that was the purpose. Now, if Your
11 Honor wants further detail and you direct me to answer that,
12 I guess I would have to.

13 Q. Did you discuss with him the potential harm of
14 disclosing the location of the body? I.e. what he would be
15 faced with, charged with? What was he charged with at that
16 time?

17 A. At that point, Your Honor, he was already charged with
18 murder. And we did discuss how he had been charged with
19 murder without the victim's body having been found. And as
20 a Edward and I discussed, it related to evidentiary issues
21 provided in discovery from the Dorchester County Sheriff
22 and/or Solicitor's office that included DNA locations that
23 were solely under the control of Edward.

24 Q. So, specifically, what harmful consequences did you
25 discuss with him of the disclosure, if any?

1 A. The obvious fact that it would be difficult or
2 impossible for him to deny that he knew what happened to Ms.
3 Pegram following their separation on the night in question
4 when they had been together; that it would put him at the
5 scene of what was alleged to be a murder; and that it would
6 open up him even in a best case scenario to other charges
7 including possible charge of desecration of human remains.

8 Q. I guess from what I'm hearing you discussed with him
9 not only perhaps potential benefits from disclosure but also
10 the harmful benefits and it was a weighing of both of them
11 to see what his decision would be or make him -- let him
12 make the decision?

13 A. Yes, Your Honor.

14 Q. Balancing that.

15 A. Trying to fully inform him but giving him my best
16 advice concerning his case.

17 THE COURT: Anything else by the State?

18 AST. SOL. SORENSON: No, Your Honor.

19 THE COURT: By the defendant?

20 MR. HILTON: No, Your Honor.

21 THE COURT: Mr. Murphy?

22 MR. MURPHY: Judge, may I ask just a couple ---

23 THE COURT: And for the record, Mr. Chris Murphy is
24 here. He represents Mr. Leiendecker. He filed a motion
25 earlier last week by e-mail that I got.

1 MR. MURPHY: Yes, sir.

2 THE COURT: As part of the file. Mr. Murphy?

3 MR. MURPHY: Thank you, Judge.

4 CROSS-EXAMINATION

5 BY MR. MURPHY:

6 Q. Mr. Leiendecker, the purpose of the May 8th meeting at
7 the Sheriff's office was solely to discuss potentially with
8 the Sheriff's Department information that you had regarding
9 the location of Ms. Pegram's body, correct?

10 A. Yes.

11 Q. And prior to that -- I just want to make sure we're
12 clear -- you had discussions with your client Mr. Bonilla
13 about providing that information, correct?

14 A. We had discussions about that, yes. And we had further
15 discussions in the time that we were together ---

16 Q. At the Sheriff's office?

17 A. --- about the reasons for and the benefit to making
18 that disclosure.

19 Q. At any time on May 8th or prior to May 8th, did Mr.
20 Bonilla inform you that he objected to disclosure of this
21 meeting or that the disclosure of this information or have
22 any -- or withdraw his voluntariness of the disclosure of
23 the information? Did he ever object to you?

24 A. Edward was always engaged and smart about this. And so
25 he was hesitant about doing all things related to the case.

1 And when we met on the 8th, that day, that was a key factor
2 that needed to be discussed and considered. And I was
3 confident and felt firmly convinced that Edward not only was
4 giving me truthful information but that he understood that I
5 was going to reveal that to Captain Phinney, and that I had
6 his consent to do that.

7 Q. All right. So he wasn't coerced, threatened, or under
8 the influence of any alcohol, drugs, or anything prior to
9 giving you that consent?

10 A. No. There was no signs that he was impaired in any
11 way.

12 Q. And you have no -- in the time that you represented
13 him, you have no questions as to his ability, his mental
14 ability, to give you an informed consent regarding this
15 particular aspect during the defense of his trial, this
16 case?

17 A. No. In fact, I continued to represent Edward until the
18 first of this year when it became clear that there was
19 potential conflict problems and that there was no way for
20 the Solicitor's office and myself to resolve this fact
21 that's going on right now that I was a potential witness in
22 the case.

23 Q. And prior to your disclosure to Captain Phinney, he was
24 already facing a murder charge; he had already been charged
25 with that. And you as his attorney had already received

1 your initial discovery or evidence in the case?

2 A. Yes.

3 Q. And had gone over that fully with Mr. Bonilla?

4 A. Yes.

5 MR. MURPHY: Thank you. That's all I have, Your Honor.

6 FURTHER EXAMINATION

7 BY THE COURT:

8 Q. Do you believe that you advised him of all potential
9 adverse consequences of the disclosure?

10 A. I believe I did, Your Honor. But in 33 years of
11 practice, I'm not unaware of the fact that there are smarter
12 people out there than me and they may have thought of
13 something I haven't.

14 Q. Well, all the adverse consequences that you consider to
15 be relevant in this situation?

16 A. Adverse and beneficial consequences, yes, sir.

17 Q. And when you went in and made the disclosure, you had
18 full consent of the defendant at that time?

19 A. I would never have done it if I didn't believe that to
20 be the case, Your Honor.

21 THE COURT: All right. You may step down. Any
22 additional witnesses by the State?

23 AST. SOL. SORENSON: No, sir.

24 THE COURT: Mr. Bonilla, does he want to testify?
25 Should I advise him of his right to remain silent? Or

1 obviously ---

2 MR. HILTON: No. You certainly can. We've talked
3 about this. I mean, obviously, any testimony provided here
4 would just be for the purposes of this hearing. And so we
5 would call him as a witness if the Court would like.

6 THE COURT: All right. Mr. Bonilla, come forward for
7 me, please.

8 EDWARD PRIMO BOBBY JOHN BONILLA, after being duly
9 sworn, testified as follows:

10 MR. HILTON: May I please the Court, Your Honor?

11 THE COURT: (Affirms.)

12 DIRECT EXAMINATION

13 BY MR. HILTON:

14 Q. Thank you, Mr. Bonilla. When were you arrested on this
15 current charge of murder?

16 A. It was the night of April 15th.

17 Q. All right. 2015?

18 A. 2015.

19 Q. Okay. And do you recall having some conversations with
20 your previous attorney Mr. Leiendecker?

21 A. Yes, sir.

22 Q. And just to be clear, Mr. Leiendecker is the attorney
23 that just stepped off the witness stand. Is that correct?

24 A. Yes, sir.

25 Q. All right. And do you remember just a rough number of

1 the conversations that you had with Mr. Leiendecker either
2 in jail or on the phone?

3 A. Just basically I told him my story of what, you know,
4 what happened. That was in our first meeting. Our meeting
5 prior to that, we had our first meeting in the jail. And
6 that's when he, you know, he told me that he was going to
7 represent me; and basically told me the ramifications of
8 what was going on and the depth of it. And our next meeting
9 would've been at the jail house here.

10 Q. Here at the courthouse?

11 A. I believe so; yes, sir. And then we had another
12 meeting after I was charged with murder. And that's when I
13 told him, you know, basically everything that happened.

14 Q. Where was that meeting?

15 A. That was at the Annex.

16 Q. At the jail Annex?

17 A. Yes, sir.

18 Q. Okay.

19 A. And then our next meeting was when we were at the CID,
20 detectives unit trailer. And, you know, that's when I, you
21 know, disclosed the location of the body.

22 Q. All right. Let me ask you: Was there ever any
23 conversation via telephone over a secured line from the jail
24 with Mr. Leiendecker?

25 A. Yes, sir.

1 Q. And did that conversation, was it regarding the
2 disclosure of the body?

3 A. It was -- from what I remember from that phone call
4 conversation is I remember just giving my cell -- after I
5 disclosed to him, told him the story of everything that
6 happened, I really was not aware that he was actually going
7 to do go to the detectives and tell them, you know, I have
8 this information.

9 Q. All right. Well, pause a second because I want to
10 focus on that telephone conversation, okay. We're gonna get
11 to the other part.

12 A. Yes, sir.

13 Q. But tell me about the telephone conversation. What was
14 the discussion there regarding disclosure of the body?

15 A. Okay. I remember coming out of my cell and going up to
16 the front where the booking area is. Mr. Leiendecker made a
17 very -- to the CO's there, made it clear that he wanted a
18 private line; one that was not, you know, was not recorded,
19 and he wanted me to speak to him in privacy. So they took
20 me from the booking area to -- I would assume it was
21 someone's office. So I talked to him on that line. And
22 basically told me the detectives were on their way to come
23 pick me up to take me to the CID unit to disclose the
24 location of the body. During that conversation, I, you
25 know, I was kind of distraught, you know, a little confused

1 that this was already happening. Because, honestly, I
2 believe I did not give him permission to do this or was
3 under the impression that he was going to do this. It was
4 through that conversation that I found out that this was
5 happening. And, you know, that's when -- I can understand
6 through the conversation that we had that it was not
7 something that I really had knowledge that was going to
8 happen.

9 Q. And this is at the time they were getting ready to
10 transport you to the CID division?

11 A. Yes, sir. Because as soon as I got off the telephone,
12 they took me back to my cell and then they came right back
13 immediately to pick me up and drive me down to the CID unit.

14 Q. You remember who drove you down?

15 A. No, sir.

16 Q. Was it law enforcement or jail staff?

17 A. It was the CID detectives.

18 Q. So a detective of sort?

19 A. Yes; two of them.

20 Q. Okay. And did they take you down to the CID trailer?

21 A. Yes, sir.

22 Q. All right. And where did you go when you got there?

23 A. I believe it was the interview room. They have an
24 interviewing room and that's where I sat. Detective Martin
25 came to me, asked me if, you know, for something -- if I

1 needed to drink. He even offered me his sandwich. And that
2 was the end of our conversation. I told him I wasn't
3 hungry; he gave me something to drink.

4 Q. Was Mr. Leiendecker there at that time?

5 A. No, sir. It took him probably another 15 to 20 minutes
6 to get there.

7 Q. Okay. And when Mr. Leiendecker got there, did you meet
8 with him?

9 A. Yes, sir.

10 Q. And was it just the two of you?

11 A. Yes, sir.

12 Q. And without going into a bunch of detail, what was the
13 nature of the conversation? And let me be a little more
14 specific. Did you discuss the disclosure of the body?

15 A. We discussed about, you know, where the location may
16 have been. Like he said before, I, you know, I just -- I
17 really -- it took me some time to figure it out because I
18 knew the general area but I didn't know the specific place.
19 We had to actually use his iPad with a map to retrace my
20 steps to figure out exactly where it was.

21 Q. Did he discuss with you some potential benefits of
22 disclosing the body?

23 A. He did when I was on the telephone with him.

24 Q. Okay. Did he talk about the ramifications of
25 disclosing the body?

1 A. He just told me the benefits. You know, when I think
2 back, there were these benefits of what this was and, you
3 know, pretty much I don't want to say he backed me into a
4 corner to do this because I already felt as if this was
5 already in motion. And for him to go there and tell him
6 this and then me to say, "I didn't do this," or, you know,
7 it just didn't seem -- it just didn't seem like the right
8 thing that was going on, or ---

9 THE COURT: What was not the right thing?

10 THE WITNESS: For me just to back out and say, "I don't
11 know where the body is." If he's already gone to them and
12 told them, you know, "I do know where the location is," and,
13 you know, I felt like I had no choice to be honest, Your
14 Honor.

15 BY MR. HILTON: (continuing)

16 Q. Mr. Bonilla, at any point in time during the
17 conversation with you and Mr. Leiendecker, did you agree
18 with him that that was probably the best thing to do?

19 A. At first I did not. When we first started talking on
20 the phone -- because I even remember disclosing or telling
21 him, you know, when he was telling me this, I remember the
22 words. And my exact words that I told him is, "If I can't
23 make you believe what happened with this situation then how
24 am I going to be able to convince a jury." And he was just
25 -- I just felt like I was being backed into a corner because

1 I really did.

2 Q. And the question that I had for you was at any point in
3 time did you agree with him that it was the best course of
4 action?

5 A. If I did agree with it, I was not aware that that came
6 out of my mouth. Because like I said, I gave him the
7 information of what everything happened because at the time
8 he was my attorney. And, you know, just with you as well, I
9 told my story, said everything that happened. And then
10 after that, you know, it was probably maybe a week or so
11 after that meeting, that's when I was getting called
12 downstairs with the telephone conversation with him. And
13 that's when, you know, he basically told me that the
14 detectives were on their way to come get me.

15 MR. HILTON: All right. Please answer any questions
16 Mr. Sorenson may have.

17 THE WITNESS: Yes, sir.

18 CROSS EXAMINATION

19 BY AST. SOL. SORENSON:

20 Q. Just so I understand this, Mr. Bonilla, you were
21 arrested on April the 15th of 2015. Is that correct?

22 A. Yes, sir, for obstruction of justice.

23 Q. Okay. And sometime within a week or so after that you
24 were served with a murder warrant. Is that correct?

25 A. Yes, sir.

1 Q. And Ms. Pegram's body had not been found at that point
2 in time. Is that correct?

3 A. Yes, sir.

4 Q. And I believe it's your testimony that you met with Mr.
5 Leiendecker on a few occasions prior to May 8th. Is that
6 correct?

7 A. Yes, sir.

8 Q. And during that time discussed with him your story
9 about what had happened. Is that correct?

10 A. Yes, sir.

11 Q. All right. And did he then have discussions with you
12 about if you know where Ms. Pegram's body is, the benefits
13 of potentially revealing that to law enforcement?

14 A. When we were on the telephone before the detectives
15 came and got me, he told me what the benefits were if MUSC
16 were to do the autopsy as opposed to Newberry, I believe,
17 would be the other hospital.

18 Q. Okay. And did he discuss with you during that time
19 either on the phone or later when you met at CID with him
20 obviously the possible detriment to you providing that
21 information?

22 A. I don't believe so, sir. At that point, once I was
23 already in the CID unit and on my way there, I don't want to
24 say that I was already mindset that this is what I have to
25 do. I would say that's where I was at. So after he came

1 there, I was on board to do this. But prior to that, I was
2 kind of confused as why this was, you know, this process was
3 in motion.

4 THE COURT: Well, were you on board with it when he
5 went in and told the Sheriff's office?

6 THE WITNESS: Yes, sir. Because I was already, like I
7 told you, I already had this -- I already felt like I was
8 backed into a corner. Like I told you before that I just
9 felt like if he already went to them and told them this,
10 that it would just be bad for me to deny any of it after
11 he's already spoken to the detectives about this.

12 THE COURT: But he hadn't spoken to them at the time
13 when you said you were on board with it. Is that correct?

14 THE WITNESS: I would imagine he did talk to them ---

15 THE COURT: Well, you imagine. You don't know that for
16 sure.

17 THE WITNESS: Well, I mean, how would they have known
18 to come pick me up and come do this. You know, they picked
19 me up to disclose the location of the body.

20 BY AST. SOL. SORENSON: (continuing)

21 Q. Do you know for a fact whether Mr. Leiendecker had told
22 them prior to meeting with you over at CID that you were
23 going to provide this information or are you just assuming
24 that?

25 A. It would have to be an assumption; yes, sir.

1 Q. And Mr. Leiendecker, in your meetings with him, he
2 answered whatever questions you had?

3 A. I didn't have very many questions at that point.

4 Q. And nobody -- you were never made to talk to the
5 Sheriff's office. Is that correct?

6 A. No, sir.

7 Q. And it's your testimony, as Your Honor just asked you,
8 I mean, at the time that Mr. Leiendecker left you in that
9 office and went out to talk to Captain Phinney, that you
10 were on board at that point in time with him disclosing that
11 information?

12 A. Yes, sir.

13 Q. So he would have felt at that point in time that he had
14 your consent to do that. Is that correct?

15 A. I would say so. Yes, sir.

16 Q. Thank you.

17 THE COURT: Mr. Murphy, anything?

18 MR. MURPHY: Not at this time, Your Honor. Thank you.

19 THE COURT: Anything on redirect?

20 MR. HILTON: No redirect, Your Honor.

21 THE COURT: All right. You may step down.

22 THE WITNESS: Thank you, Your Honor.

23 THE COURT: Any additional witnesses by either State or
24 defense?

25 AST. SOL. SORENSON: No, Your Honor.

1 MR. HILTON: Nothing from defense.

2 THE COURT: All right. As I said as we got started in
3 this case, this hearing, our rules of professional
4 responsibility, or rules of professional conduct as they
5 call it, that governs the practice of law, Rule 1.6, these
6 are confidentiality of information as I already stated. It
7 says that a lawyer shall not reveal information relating to
8 the representation of a client unless the client gives
9 informed consent. And, obviously, the inquiry is is to
10 whether or not -- well, actually two things. One is did he
11 give consent, and was that consent informed? And as we
12 discussed in chambers earlier today, there's really not a
13 lot of case law that has addressed a similar factual
14 situation as we are faced here. I was given a case of
15 McClure versus Thompson out of the Ninth Circuit Court of
16 Appeals. That was out in Oregon wherein a disclosure was
17 made as to the location of several children involved in that
18 case. And that case went up to the Ninth Circuit. And it
19 gave somewhat of roadmap on how to analyze a question such
20 as this. And the roadmap given is what I would suspect
21 everybody would think the roadmap would be. First of all,
22 you have to determine whether or not was consent given; and
23 second, was consent informed.

24 In this particular case, we've had testimony of trial
25 counsel, at that time Mr. Leiendecker who is experienced in

1 this area, many years of practice. And he testified that
2 not only did the defendant give consent for him to make
3 disclosures to where the body was, that he prior to even
4 asking him to make the disclosure, went over with him all of
5 the benefits that perhaps could be conferred upon on the
6 disclose of where the body was as well as the potential
7 harm. And I think even the defendant says that once that
8 was given, he was on board with the decision when the lawyer
9 went into the Sheriff's -- before the Sheriff's
10 representatives and told them where the body was.

11 So I find based on the testimony given in this hearing,
12 number one, that the consent was given; number two, that it
13 was with information with full legal guidance with full
14 cautionary explanation as to the benefits that may have been
15 coming down from a disclosure, as well as all the potential
16 harmful consequences of disclosure, hence making the consent
17 informed. I further would comment that I find that the
18 testimony of Mr. Leiendecker was most credible and I find
19 that the testimony of the defendant was not as credible and
20 was somewhat based on assumptions and speculation. He was
21 consistent when he said he was on board ultimately when the
22 disclosure was made. Therefore, I find that the disclosure
23 of the whereabouts of the body by the lawyer based on what
24 the defendant told him is not a violation of Rule 1.6. And
25 I will allow that disclosure to be made in the trial of the

1 case. As we discussed in chambers, I think the cleanest way
2 to do that, certainly that's up to y'all, is by way of a
3 stipulation. If y'all can stipulate then it won't be
4 necessary to have Mr. Leiendecker testify. But I want y'all
5 to make that decision before we start the trial of the case.

6 Any additional pretrial motions that we need to resolve
7 before the jury comes in at two o'clock. My hope is to get
8 all of that out of the way, select and draw the jury at two,
9 begin opening statements and begin the trial of the case.
10 By the State?

11 MR. HILTON: Let me confer with Mr. Sorenson.

12 (Brief pause.)

13 AST. SOL. SORENSON: Your Honor, Mr. Hilton has
14 informed me he does have a few pretrial motions that we need
15 to address. There is an oral statement allegedly made by
16 his client, a written statement allegedly made by his
17 client. And then he has a couple of motions to suppress
18 evidence found in two search warrants that were executed by
19 the Sheriff's Department.

20 THE COURT: Does the State have any?

21 AST. SOL. SORENSON: We do not have any; no, sir.

22 THE COURT: All right, sir, proceed.

23 MR. HILTON: With regard to Jackson v. Denno motion, I
24 think it will be relatively short.

25 THE COURT: Two quick statements?

1 AST. SOL. SORENSON: Yes, sir.

2 THE COURT: All right. Let's do them quick, guys, and
3 be done. It required the Miranda rights of whether or not
4 they were voluntary?

5 MR. MURPHY: Judge, may we be excused?

6 THE COURT: Well, I don't know.

7 MR. MURPHY: Call the Court or . . .

8 THE COURT: You can be excused now. I'm not sure
9 whether they are going to do a stipulation or whether they
10 are going to call Mr. Leiendecker.

11 MR. MURPHY: If they don't stipulate, I assume that
12 we'll be back up here at some point during the trial.

13 THE COURT: And I'll give you ample opportunity to be
14 back.

15 MR. MURPHY: Thank you, Judge.

16 JACKSON V. DENNO HEARING

17 AST. SOL. SORENSON: The State calls David Harris.

18 DAVID HARRIS, after being duly sworn, testified as
19 follows:

20 THE COURT: Spell your last name for me, please.

21 THE WITNESS: H-a-r-r-i-s, sir.

22 THE COURT: H-a-r-r-i-s?

23 THE WITNESS: Yes, sir.

24 THE COURT: All right.

25 MR. HILTON: And, Your Honor, before we begin, it's my

1 understanding that there is a phrase in here about the
2 polygraph by the State -- oh, I'm sorry. This is Detective
3 Harris. I apologize, Your Honor.

4 THE COURT: And we did discuss some mention of that in
5 chambers and that was to be redacted. So that when we get
6 to it, just make sure that it is.

7 AST. SOL. SORENSON: I've shown Mr. Hilton what I'm
8 going to propose on that. But that's the next statement
9 with the next witness.

10 THE COURT: All right.

11 DIRECT EXAMINATION

12 BY AST. SOL. SORENSON:

13 Q. Detective Harris, if you would, tell the Court where it
14 is that you're employed.

15 A. Yes, sir. I'm employed with the Dorchester County
16 Sheriff's Office.

17 Q. Okay. And how long have you been with the Sheriff's
18 office?

19 A. Just about five years, sir.

20 Q. Okay. In what capacity are you employed there?

21 A. I'm an investigator, sir.

22 Q. Okay. And I'm going to turn your attention if I could
23 back to April of last year. Did you initially become
24 involved in the investigation that at the time was a missing
25 persons investigation related to a young lady by the name

1 Ashley Pegram?

2 A. Yes, sir.

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

4 AST. SOL. SORENSON: It's P-e-g-r-a-m, Pegram.

5 THE COURT: The first name is Ashley?

6 AST. SOL. SORENSON: Ashley, yes, sir.

7 Q. And specifically, Detective Harris, I believe a missing
8 persons report had been filed from over the weekend April
9 3rd through April 5th of 2015. Is that correct?

10 A. Yes, sir.

11 Q. Okay. And did you come into possession basically of
12 that missing persons report on the morning of April 6th?
13 That would be a Monday morning of 2015.

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

15 Q. Okay. And as a result, did you kind of do any follow
16 up on that missing persons report?

17 A. Yes, sir; I did. I returned telephone calls.

18 Q. Okay. And did you speak with the complainant in this
19 case which would be Ashley's sister Brandy?

20 A. Yes, sir; I did.

21 Q. Okay. And in looking at the report and talking to Mr.
22 Brandy Chance, Ashley's sister, did you have another person
23 of interest at that point in time that some information had
24 come forward about having been with the Ms. Pegram over the
25 weekend before she disappeared?

1 A. Yes, sir. Ms. Chance had told me that.

2 Q. Okay. And then in part of that information, did you
3 have a telephone number?

4 A. Yes, sir. I had a telephone number.

5 Q. Okay. And tell the Court what did you then do with
6 that information you had after speaking -- reviewing that
7 missing persons report and speaking with Mr. Brandy Chance?

8 A. Yes, sir. Later, I spoke with Mr. Edward Bonolly (ph).

9 THE COURT: You spoke with who?

10 THE WITNESS: Mr. Edward Bonolly.

11 AST. SOL. SORENSON: Bonilla?

12 THE WITNESS: I'm sorry. I said it wrong. Yes, sir.

13 THE COURT: B-o-n-i-l-l-a? Is that how you got it?

14 THE WITNESS: Yes, sir.

15 AST. SOL. SORENSON: Is that right? B-o-n-i-l-l-a,
16 Bonilla?

17 THE WITNESS: Yes, sir. Oh, I'm sorry. I thought I
18 said it that way. I'm sorry.

19 BY AST. SOL. SORENSON: (continuing)

20 Q. And what was that phone number that you had for Mr.
21 Bonilla?

22 A. I called him at 843-718-7711.

23 Q. And did you ultimately make contact with somebody that
24 after -- or late morning of April 6th of 2015?

25 A. Yes, sir; I did.

1 Q. Okay. And did that person identify themselves as being
2 Edward Bonilla?

3 A. Yes, sir.

4 Q. Okay. And at that point in time, did he provide you
5 with any information about Ms. Pegram?

6 A. Yes, sir; he did.

7 Q. Okay. And let me ask you: Did you threaten him at all
8 on the phone to get him to talk to you?

9 A. No, sir.

10 Q. Make him any promises?

11 A. No, sir.

12 Q. Coerce him in any way to get him to talk with you?

13 A. No, sir; I did not.

14 Q. Could he have hung up on you at any time that he wanted
15 to?

16 A. Yes, sir.

17 Q. Okay.

18

19 THE COURT: Did you identify yourself and who you work
20 for?

21 THE WITNESS: Yes, sir. I identified myself and
22 Dorchester County Sheriff's office.

23 Q. So he ultimately did provide you with some information.
24 Did you document what he told you in your report?

25 A. I did, sir.

1 Q. Okay. And ultimately when you were done talking with
2 him, did you hang up?

3 A. Did I? Yes, sir.

4 Q. Okay. And was that information then forwarded on to
5 another investigator who basically took over the kind of the
6 follow-up investigation?

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

8 Q. And yet again during the course of that conversation,
9 that phone conversation, was he freely and voluntarily
10 talking with you?

11 A. He did, sir.

12 AST. SOL. SORENSON: Your Honor, I believe that's, as
13 to this issue, all we have.

14 THE COURT: Cross examination?

15 CROSS EXAMINATION

16 BY MR. HILTON:

17 Q. Detective Harris?

18 A. Yes, sir.

19 Q. How did you know who you were talking to?

20 A. He identified himself, sir.

21 Q. So other than him telling you, you didn't lay eyes on
22 him? You didn't see him? None of that?

23 A. No, sir.

24 Q. Okay. So and this number was provided to you by the
25 victim's sister. Is that correct?

1 A. From the family; yes, sir.

2 Q. All right. And she could have given you any number and
3 you probably would have called it back in the course of your
4 investigation, correct?

5 A. Yes, sir. I would've called the number.

6 Q. All right. And if that person identified themselves as
7 Edward Bonilla, you wouldn't have any reason to believe any
8 different, correct?

9 A. If he identified himself, I would have no reason to
10 believe differently; yes, sir.

11 Q. Assuming that this was Edward Bonilla, the defendant,
12 on the other end of the phone, what did you tell him with
13 regard to why you were calling?

14 A. His family -- the victim's family was very worried
15 about -- the victim's sister and the daughter was, and I was
16 just trying to help them find her.

17 Q. Did you ever ask at any point in time to meet with him?

18 A. No, sir. I did not.

19 MR. HILTON: No further questions, Your Honor.

20 THE COURT: Redirect?

21 AST. SOL. SORENSON: I have nothing further.

22 THE COURT: All right. You may step down. Any
23 additional witnesses?

24 AST. SOL. SORENSON: Not on this statement.

25 THE COURT: Let's do both statements and then I'll hear

1 any arguments. Is that satisfactory, Mr. Hilton?

2 MR. HILTON: Absolutely.

3 AST. SOL. SORENSON: The State calls Detective Andy
4 Martin.

5 THE COURT: M-a-r-t-i-n?

6 AST. SOL. SORENSON: Yes, sir.

7 ANDY DAVID MARTIN, after being duly sworn, testified as
8 follows:

9 DIRECT EXAMINATION

10 BY AST. SOL. SORENSON:

11 Q. Good afternoon, Detective. If you would, please tell
12 the Court where it is that you're employed.

13 A. I work for the Dorchester County Sheriff's Office.

14 Q. And how long have you been with the Sheriff's Office?

15 A. Over ten years, sir.

16 Q. All right. And back in April of 2015 in what capacity
17 were you employed at that time, sir?

18 A. I was a detective.

19 Q. And did you ultimately become involved in the
20 investigation into the disappearance of Ashley Pegram?

21 A. Yes, sir.

22 Q. Okay. And do you remember when it was that you became
23 assigned and involved in this investigation?

24 A. Based on my investigative notes, I was assigned this
25 case on April 7th of 2015, sir.

1 Q. Okay. Detective Harris had just testified that that
2 Monday April 6th he had made some phone calls. So you
3 basically took over kind of after him. Is that correct?

4 A. That's correct, sir.

5 Q. Okay. And were you provided with the information that
6 Detective Harris had collected in this case?

7 A. Yes, sir.

8 Q. Okay. Also had the missing persons report that was
9 filed?

10 A. That's correct, sir.

11 Q. And in part of that initial investigation, was there
12 some information that was provided to you as far as some
13 messages on cell phone that were provided to you by the
14 victim's sister?

15 A. That is correct, sir.

16 Q. Okay. And did that ultimately, that information, give
17 you a possible person that you felt like you needed to talk
18 to?

19 A. Yes, sir.

20 Q. Okay. And who was that person?

21 A. Mr. Edward Bonilla.

22 Q. Okay. And actually in that text message thread, was
23 Mr. Bonilla's cell phone number in that text message thread
24 that you were provided?

25 A. Yes, sir; it was.

1 Q. Okay. And did you have an opportunity then also to
2 have reviewed Detective Harris's notes from talking with the
3 individual that he called at that phone number on the
4 previous day?

5 A. Yes, sir.

6 Q. Did you then have an opportunity, Detective, to follow
7 up with Edward Bonilla?

8 A. Yes, sir; I did.

9 Q. Okay. How did you initially do that?

10 A. I called him, sir.

11 Q. Same number that Detective Harris had called the day
12 before?

13 A. That is correct, sir.

14 Q. Okay. And did you speak with an individual when you
15 called that number?

16 A. Yes, sir; on April 7th.

17 Q. Okay. Did you talk him on the phone about what was
18 going on or do something else at that time?

19 A. I asked him to come in for an interview, sir.

20 Q. And he agreed to do that?

21 A. That is correct, sir.

22 Q. And did you threaten him to get him to come in to talk
23 with you?

24 A. No, sir.

25 Q. Promise him anything?

1 A. No, sir.

2 Q. And did he ultimately -- did you schedule a meeting at
3 that time?

4 A. Yes, sir.

5 Q. And when was that meeting scheduled for?

6 A. We had a meeting scheduled for April 8th at 1800 hours.

7 Q. So that would be six o'clock the following day now,
8 Wednesday, April 8th. Is that correct?

9 A. That is correct, sir.

10 Q. And did somebody show up to meet with you?

11 A. Yes, sir.

12 Q. Okay. And who was that that showed up to meet with
13 you?

14 A. Mr. Edward Bonilla.

15 Q. Okay. And did that appear to be the same person you
16 had spoken to on the phone as far as voice and all the day
17 before?

18 A. Yes, sir.

19 Q. And at that time -- let me ask you: When he came in,
20 where was it that you met with him?

21 A. He came to the door and we went to the interview room,
22 sir.

23 Q. That's over at CID?

24 A. Yes, sir.

25 Q. So it's the same room that Mr. Leiendecker spoke about

1 earlier?

2 A. Yes, sir.

3 Q. And was he by himself?

4 A. No, sir.

5 Q. Okay. Did you meet with him by himself though?

6 A. I did. Well, I met him by himself in the interview
7 room and then I spoke with him, his mother, and his
8 girlfriend in the parking lot at the end as we were all
9 leaving.

10 Q. Gotcha. Gotcha. All right. And did Mr. Bonilla
11 ultimately give you a statement then on April 8th of 2015?

12 A. That is correct, sir.

13 Q. And that kind of in a question and answer type format?

14 A. Yes, sir.

15 Q. Okay.

16 AST. SOL. SORENSON: Can I get this marked?

17 COURT REPORTER: Is going to be marked at State's or
18 Court's?

19 AST. SOL. SORENSON: Beg the Court's indulgence one
20 minute.

21 (Brief pause.)

22 THE COURT: Mark the original Court's exhibit, and then
23 the copy that's been redacted as State's One.

24 AST. SOL. SORENSON: State's One? Okay.

25 THE COURT: Any objection?

1 MR. HILTON: No. That should be fine.

2 (Whereupon, Court's Exhibit No. 1, Statement, was
3 marked for identification.)

4 (Whereupon, State's Exhibit No. 1, Redacted Statement,
5 was marked for identification.)

6 AST. SOL. SORENSON: May I approach the witness, Your
7 Honor?

8 THE COURT: You may.

9 BY AST. SOL. SORENSON: (continuing)

10 Q. Detective Martin, if I can show you what's been marked
11 initially as Court's Exhibit No. 1, ask you if you recognize
12 that document?

13 A. I do, sir.

14 Q. Okay. Is that the statement that you took from Mr.
15 Bonilla on April 8th of 2015?

16 A. It is, sir.

17 Q. Okay. And let me show what has been marked as State's
18 Exhibit No. 1 and ask if you recognize that document?

19 A. I do, sir.

20 Q. Is State's 1 a copy of Court's 1 with the only
21 difference being there's a question referencing polygraph
22 that's been redacted out?

23 A. That is correct, sir.

24 Q. Now in looking at this, Detective, there appears to be
25 two different colors of ink on this. Is that correct?

1 A. Yes, sir.

2 Q. Okay. And it's blue and green. Is that correct?

3 A. Yes, sir.

4 Q. All right. The blue ink, whose handwriting is the blue
5 ink?

6 A. That would be mine, sir.

7 Q. Okay. And the green ink, whose handwriting is the
8 green ink?

9 A. That would be Mr. Bonilla's.

10 Q. Okay. And during the course of you questioning him,
11 did you ask him whether he was taking any medication?

12 A. I did, sir.

13 Q. Whether he was under the influence or intoxicated in
14 any way?

15 A. Yes, sir.

16 Q. And did he indicate to you whether he was under the
17 influence or taking any medication?

18 A. He said that he was not on any medication; he was not
19 on any supplements; and he was not intoxicated.

20 Q. And how about under the influence of any
21 over-the-counter or controlled substances?

22 A. No as well.

23 Q. Okay. And let me ask you: In your observations of him
24 that afternoon or early evening, did he appear to be
25 understanding what was going on and not under the influence

1 of anything?

2 A. Yes, sir.

3 Q. And did he freely and voluntarily speak with you at
4 that point in time?

5 A. Yes, sir. This was a noncustodial interview.

6 THE COURT: Noncustodial what?

7 THE WITNESS: Interview.

8 THE COURT: Meaning what?

9 THE WITNESS: He was not under arrest. He drove
10 himself there and he drove himself away.

11 THE COURT: And could leave at any time he wanted to?

12 THE WITNESS: Yes, sir. He was actually sitting with
13 his back to the door no more than a foot away.

14 BY AST. SOL. SORENSON: (continuing)

15 Q. And at the time you were interviewing him on April 8th
16 of 2015, Ms. Pegram's body hadn't been found. Is that
17 correct?

18 A. Correct.

19 Q. Were you basically investigating a missing person at
20 the point in time?

21 A. I was looking for a missing person.

22 Q. Did you know that it was a homicide at that point in
23 time?

24 A. No, sir.

25 Q. And he ultimately gave you some information; questions

1 you had asked and answers that he provided on this form
2 relating to his dealings with Ms. Pegram on the evening of
3 April 3rd into the early morning hours of April 4th of 2015?

4 A. Yes, sir.

5 Q. And the last question that's on here is I believe is,
6 "Is this a true and honest statement given freely without
7 threat, promise, and not in custody?" And his answer was
8 yes. Is that correct?

9 A. Yes, sir.

10 Q. And then you indicated at that point in time that he --
11 when you were done taking the statement, he left?

12 A. Yes, sir. He went outside.

13 Q. He was not placed in handcuffs, arrested?

14 A. No, sir.

15 AST. SOL. SORENSON: Beg the Court's indulgence one
16 second. (Brief pause.) There's a couple of brief oral
17 statements too that I want to just briefly cover with the
18 same officer while I got him on the stand, Your Honor.

19 Q. Detective Martin, I want to fast-forward a week or so
20 to the evening of April 15th of 2015. And let me ask you:
21 Back on the written statement that Mr. Bonilla had given you
22 and also in your conversations with him, did he indicate to
23 you whether he was employed anywhere back in April of 2015?

24 A. On the interview sheet, he told me that he was
25 unemployed.

1 Q. And ultimately in the week or so after that, did you
2 learn some other information about where Mr. Bonilla was in
3 fact working during that time period?

4 A. Yes, sir.

5 Q. And that was at Cauble Flooring over on Rivers Drive or
6 Rivers Avenue. Is that correct?

7 A. Yes, sir.

8 Q. And did you have an opportunity then, I believe it was
9 on the evening of April 15th of 2015, to go out to the
10 defendant's job at Cauble Flooring?

11 A. I did, sir.

12 Q. And met with his boss? I believe it was a Rob Cauble.

13 A. Correct, sir.

14 THE COURT: Spell Cauble for me.

15 AST. SOL. SORENSON: C-a-u-b-l-e.

16 THE COURT: C-a-u-b-l-e?

17 AST. SOL. SORENSON: Yes, sir.

18 THE COURT: Flooring?

19 AST. SOL. SORENSON: Flooring. They put down hard wood
20 floors.

21 BY AST. SOL. SORENSON: (continuing)

22 Q. And your meeting, Mr. Cauble out there at his place of
23 business, did the defendant ultimately show up out there
24 that evening?

25 A. Yes, sir.

1 Q. Okay. And did you have an opportunity to question him
2 at all out there at his place of employment about the fact
3 that he had told you previously that he was not employed?

4 A. Yes, sir.

5 Q. Okay. And what was his initial response when you
6 brought to his attention the fact that you had told -- a
7 week or so ago that you were not employed?

8 A. He stated he had actually just started working for Mr.
9 Cauble on Tuesday, April 14th.

10 Q. And did Mr. Cauble, was he present and hear that
11 exchange of conversation between you and Mr. Bonilla?

12 A. He was standing right beside us.

13 Q. And at that point time -- was Mr. Bonilla in custody
14 yet at that point in time?

15 A. No, sir.

16 Q. In fact, he showed up out to where you were. Is that
17 correct?

18 A. Correct, sir.

19 Q. And did you threaten him at all to make that statement
20 or make him any promises or coerce him in anyway to make
21 that statement that he had just started working there a few
22 days before?

23 A. No, sir.

24 AST. SOL. SORENSON: That would be all I have, Your
25 Honor.

1 THE COURT: Cross?

2 MR. HILTON: Thank you.

3 CROSS EXAMINATION

4 BY MR. HILTON:

5 Q. Detective Martin, how long have you been a detective?

6 A. I was a detective five years. I just went back to
7 patrol on January, this year.

8 Q. So total, you've been a detective how long?

9 A. Six years.

10 Q. And in law enforcement how long?

11 A. Over ten.

12 Q. Going back to the statement that was given at the CID
13 office, and I think that has been -- that's the statement
14 given on April 8th, 2015. Are you familiar with the
15 statement I'm talking about? And I think you have it marked
16 as?

17 THE COURT: Marked S-1, C-1.

18 Q. State's Exhibit 1; yes, sir.

19 A. Yes, sir.

20 Q. Did you read Mr. Bonilla his Miranda rights during that
21 statement?

22 A. Probably not, sir.

23 Q. Okay. Is there any form, any indication that you
24 would've read him his Miranda ---

25 A. There is a Miranda form that we typically -- if a

1 person is in custody or he's a suspect, we will Mirandize
2 him?

3 Q. With regard to this case, do you have any form in your
4 case file indicating that you informed him of his Miranda
5 rights.

6 A. I do not, sir.

7 Q. Okay. Would that be indicative that you did not read
8 him his Miranda rights?

9 A. That would be correct, sir.

10 Q. All right. And you said he came on his own and he came
11 into the CID office. And you said he was accompanied by
12 some people. Who were those people?

13 A. His mother and his girlfriend.

14 Q. Okay. Were they allowed to come back with him?

15 A. No, sir.

16 Q. All right. And where were they told to go or sit or
17 what happened there?

18 A. I didn't tell them anything. They had a go run an
19 errand the best I believe because they left and came back.
20 And I want to say they went and got doughnuts because there
21 was a doughnut box in the dash.

22 Q. Did they ask to go back with him or anything of that
23 nature?

24 A. No, sir.

25 Q. All right. But they would not have been allowed to go

1 back with him, correct?

2 A. No, sir.

3 Q. Did they actually come into the CID office?

4 A. I don't recall them coming in, sir.

5 Q. How many of you -- and I say you. I mean how many law
6 enforcement officers were there at the time that Mr. Bonilla
7 was there?

8 A. At 1800 in the -- at 6:30 in the evening, probably just
9 two or three. That's past working hours, so there might not
10 have been anybody in there but just about two or three of
11 us.

12 Q. All right. But you were certainly there, correct?

13 A. Yes.

14 Q. All right. And then I think this is Brandon Berg.
15 He's now with crime scene unit.

16 A. He was there.

17 Q. He was present, correct?

18 A. Yes, sir.

19 Q. And he witnessed this statement?

20 A. That's correct, sir.

21 Q. And were there any other -- in addition to the two of
22 you, were there any other officers in that area?

23 A. Not that I recall.

24 Q. Okay. Did y'all have your weapons on you at the time?

25 A. I would assume that I did.

1 Q. When you took Mr. Bonilla into the interview room,
2 describe that room for the court?

3 A. It has a long table similar to long dinner table.
4 There were six chairs around it. It has a south facing door
5 when you come in.

6 Q. No Windows?

7 A. No windows. No --

8 Q. No drink machine?

9 A. No, sir.

10 Q. No clock?

11 A. (Nonverbal response.)

12 Q. No refrigerator?

13 A. (Nonverbal response.)

14 Q. No flowers?

15 A. (Nonverbal response.)

16 Q. No anything, right? Just a table and chairs?

17 A. Just a table and chairs, and a file cabinet off to
18 right-hand side with some paperwork in it.

19 Q. All right. And does the door lock?

20 A. I don't think so.

21 Q. So if it doesn't lock, I take it the door was not
22 locked when Mr. Bonilla was in there, correct?

23 A. The door was definitely not locked.

24 Q. Okay. And when you were actually going through writing
25 out this statement, is it my understanding -- is my

1 understanding correct that you would write the question
2 portion and then he would write out the answer portion?

3 A. That's correct.

4 Q. All right. And where were you and Deputy Berg at the
5 time? Were y'all in the room with him?

6 A. Oh, yes, sir.

7 Q. Okay. Was there any discussion that Mr. Bonilla had
8 with the two of you, either of the two of you, regarding if
9 he did not provide a written statement or what would happen
10 if he decided not to do anything? Any discussion of that
11 nature?

12 A. No, sir.

13 Q. Okay. When was he ultimately arrested? And that would
14 be on the first charge, which I believe was the obstruction
15 charge.

16 A. On April 15th.

17 MR. HILTON: No further questions, Your Honor.

18 THE COURT: You think he was arrested on 4/16?

19 THE WITNESS: No, sir. He was on 4/15.

20 THE COURT: 4/15?

21 THE WITNESS: Right.

22 THE COURT: Well, you had an oral conversation with him
23 on 4/18 at his place of business.

24 AST. SOL. SORENSON: No. The 4/15, that's my mistake.

25 I may have missaid that date. That happened on 4/15.

1 THE COURT: 4/15?

2 AST. SOL. SORENSON: Yes, sir.

3 THE COURT: I may have written it down wrong.

4 AST. SOL. SORENSON: I believe he was arrested
5 basically after that for obstruction of justice based on his
6 . . .

7 THE COURT: Arrested on 4/16, 15 obstruction of
8 justice?

9 AST. SOL. SORENSON: Right. Either late on April 15th
10 or early -- or into the morning of the 16th. I think he
11 was taken into custody probably that night of April the
12 15th.

13 THE COURT: Thank you. Anything else from this
14 witness?

15 AST. SOL. SORENSON: Not as to this issue; no, sir.

16 THE COURT: All right. You may step down. All right.
17 What else you got?

18 AST. SOL. SORENSON: I think as far as statements go,
19 that would be it on statements, Your Honor.

20 THE COURT: Mr. Hilton, any argument as to not allowing
21 his statements? And noncustodial; he hadn't been arrested .
22 . .

23 MR. HILTON: As to the first -- the first and third
24 statement to Detective Harris on the phone, obviously if
25 that statement can be authenticated, then we have no Jackson

1 v. Denno problems. With regard to the third statement
2 given.

3 THE COURT: Third being which one? That's the oral
4 statement?

5 MR. HILTON: The oral statement at Mr. Cauble's place
6 of business.

7 THE COURT: Just started working here?

8 MR. HILTON: Correct. We've got no argument with
9 regard to that.

10 THE COURT: About the 4/8/15 noncustodial interview?
11 He was asked to come in and he came in on his own.

12 MR. HILTON: Yes, sir. Briefly on that, Your Honor.
13 We would object to that statement and just say that it was
14 two officers there with their guns in a small room that the
15 reasonable person would have felt like they weren't able to
16 leave. The fact that he did leave is of no moment, just as
17 the fact they were arrested afterwards is no moment. And so
18 -- generally speaking. And so we would object to that
19 statement coming in.

20 THE COURT: Mr. Sorenson?

21 AST. SOL. SORENSON: The State's position, Your Honor,
22 that, I mean, he freely and voluntarily came down there. I
23 mean, I don't know how -- I mean, that's how every interview
24 is going to be. Under Mr. Hilton's arguments, I guess, I
25 mean, every . . .

1 THE COURT: Everyone taken into a police station would
2 have to be Mirandized.

3 AST. SOL. SORENSON: Correct.

4 THE COURT: Even if just asking questions about
5 somebody missing.

6 AST. SOL. SORENSON: Correct. I mean, I don't know if
7 you want to look at the statements, but . . .

8 THE COURT: I'll look at them before I make a ruling.
9 I'll make a rule before . . .

10 AST. SOL. SORENSON: May I approach?

11 THE COURT: All right. What else we got? We got a
12 motion to suppress the search -- what was it?

13 MR. HILTON: We do, Your Honor. There's several more
14 motions. I guess, the next one that flow logically would be
15 the motion to suppress any evidence obtained from the search
16 of a, I believe it was a 2006 Hyundai Sonata.

17 THE COURT: Motion to suppress evidence from the car.
18 Is that correct?

19 AST. SOL. SORENSON: Yes, sir.

20 THE COURT: I assume that was the defendant's vehicle?

21 AST. SOL. SORENSON: The defendant's mother's vehicle.
22 So the vehicle he was operating the night of the incident.

23 THE COURT: All right. Glad to hear from you.

24 MR. HILTON: Thank you, Your Honor. The basis of the
25 motion is going to be twofold. One, this Hyundai according

1 to the notes of -- and we can present testimony, obviously,
2 if we need to -- the notes from Detective Martin indicate
3 the Hyundai Sonata was recovered off of Cross County Road,
4 which is no question in Charleston County. The search
5 warrant that was issued was issued on April 15th by Judge
6 Katrina Patton here in Dorchester County. I have no
7 indication of any cosigning of the warrant, any other
8 warrant that was obtained, or any other information from a
9 Charleston County magistrate with jurisdiction to actually
10 issue that warrant.

11 THE COURT: So we've got a coroner that's located in
12 Charleston County, warrant signed in Dorchester County, and
13 your position is that the officials did not have
14 jurisdiction or -- incorrectly, not proper because it was
15 not signed in Charleston County where the car was located.

16 MR. HILTON: Yes, sir. And I think the warrant would
17 be insufficient pursuant to Section 17-13-140.

18 THE COURT: 17 what?

19 MR. HILTON: 13-140.

20 THE COURT: You got a copy of that section?

21 MR. HILTON: I don't know if I printed it out. We can
22 certainly get that. There are other issues with the warrant
23 as well, Your Honor.

24 THE COURT: That's number one. What's the other issue?

25 MR. HILTON: The other issue with the warrant is regard

1 to -- in regard to the affidavit. The affidavit is a
2 two-paragraph affidavit. The affidavit caption, Reason for
3 Applicant's ---

4 THE COURT: Do you have a copy of it so I can look at
5 it?

6 (Brief pause.)

7 MR. HILTON: We'll mark this as Defense Exhibit No. 1.

8 (Whereupon, Defendant's Exhibit Number 1, Affidavit,
9 was marked for identification.)

10 MR. HILTON: May it please the Court, Your Honor?

11 THE COURT: I'm sorry. I was try to get that code
12 section. (Brief pause.) All right. I found it. I got it.
13 That's the voluntary statements.

14 MR. HILTON: I'm sorry, Your Honor.

15 THE COURT: You were going to hand me a copy of the
16 affidavit.

17 MR. HILTON: Yes, sir. I think Ms. Westbury just
18 handed --

19 THE COURT: I don't have a clerk. Bear with me. I was
20 looking up the code section, looking at something else. All
21 right. I see the -- it says see affidavit.

22 MR. HILTON: And the affidavit is -- the portion -- the
23 pages aren't numbered but it's captioned, "Reason for
24 applicant's belief that the property or person sought is on
25 the subject premises."

1 THE COURT: All right.

2 MR. HILTON: In that affidavit, which was the
3 foundation provided to the magistrate for the issuance of
4 the search warrant, the first paragraph just gives kind of
5 some general background. He was the last person seen with
6 her; he picked her up; that sort of thing. None of which I
7 would submit to the Court gives rise to probable cause in
8 and of itself. The second paragraph is where it becomes
9 important. It says, "Defendants obtained video footage from
10 the Sunoco gas station located at 336 College Park Road,
11 Ladson, South Carolina, where Pegram was observed entering
12 into the vehicle to be searched at 1:12 a.m." That
13 statement is incorrect. There's a video from the Sunoco gas
14 station that indicates that she was observed entering into
15 the vehicle at 12:12 a.m. And it's extremely important.
16 That statement ---

17 THE COURT: All right. Time is incorrect?

18 MR. HILTON: The time is incorrect. And the time is
19 verified on the video of the Sunoco -- the surveillance
20 video as well as phone records that were provided by the
21 State of the defendant.

22 THE COURT: So instead of 1:12 a.m., it should be what?

23 MR. HILTON: 12:12 a.m.

24 THE COURT: So it's either incorrect or a scrivener's
25 error or ---

1 MR. HILTON: Yes, sir.

2 THE COURT: Or one or the other?

3 MR. HILTON: Well, I would submit to you it's incorrect
4 and I'll explain why. The next instance, "Detectives
5 obtained GPS locations from Mr. Bonilla's cell phone which
6 indicated he was not in the Winter Drive area of Summerville
7 at the time he stated he dropped off Ms. Pegram." That too
8 is not entirely correct. He was -- GPS records provided by
9 the State indicate that he was in that area as late as 1:10;
10 so about 50 minutes prior. Again, the time there is not
11 quite as important but the next sentence goes on to say,
12 "Records indicate the only time that he was in that area,
13 which is around 12:30 a.m., which is before Ms. Pegram was
14 observed at the Sunoco gas station." And then it goes on to
15 say he stopped cooperating with the investigation, that
16 Atkins (ph) believed something happened and were requesting
17 the search warrant.

18 The crux of the search warrant and the crux of probable
19 cause is Mr. Bonilla was seen at the gas station with Ms.
20 Pegram at a known time and that he -- and that he had given
21 a statement that he had previously dropped her off. That's
22 the crux of the affidavit. That is completely incorrect.
23 According to the time and according to the information that
24 law enforcement had at the time, and in fact, is referenced
25 in this affidavit, Mr. Bonilla was at the gas station with

1 her, and then went to her house, which is entirely
2 consistent with the statement that he gave them. And so the
3 argument, Your Honor, is that the affidavit is ineffective;
4 that the magistrate had incorrect information on which to
5 form the basis of probable cause. When you remove the
6 incorrect information, you don't have probable cause that
7 remains in this warrant. That would be the nature of the
8 motion, Your Honor.

9 THE COURT: Mr. Sorenson?

10 AST. SOL. SORENSON: Thank you. May it please the
11 Court, Your Honor.

12 THE COURT: Yes.

13 AST. SOL. SORENSON: I guess if I address kind of Mr.
14 Hilton's arguments kind of in order. The first one, just to
15 kind of clarify -- and I think we can probably agree to
16 these facts. And if not, then I can call Detective Martin
17 to testify if there's something that Mr. Hilton disagrees
18 with. As to the location of the vehicle, the Hyundai
19 Sonata, law enforcement was looking for that vehicle for a
20 significant period of time after this because it was the
21 vehicle that he had seen on video with the victim. The
22 defendant's mother gave them ultimately several inconsistent
23 stories as to where that vehicle was located. It was
24 ultimately found at an Enterprise rental car lot in
25 Charleston County within the City of North Charleston.

1 Detective Martin -- and all of this is going on basically
2 that same evening that he is out at the defendant's job
3 talking to the defendant's employer. The defendant -- and
4 ultimately searching two vans that are found out there. He
5 makes contact, Detective Martin does, with North Charleston
6 Police Department and basically gets permission to have that
7 vehicle towed from the Enterprise car lot. It is towed back
8 to the Dorchester County Sheriff's Office. And at that
9 point in time, they ultimately, later on that evening, go
10 and get a search warrant for not only that vehicle but also
11 one of the vans that is removed from the defendant's place
12 of employment. So that is why ---

13 THE COURT: So the van -- so the car is in Charleston
14 County. They tow it to Dorchester County, then get the
15 warrant, and then do the search?

16 AST. SOL. SORENSON: That would be correct. That would
17 be the sequence of events. And I think that is -- I don't
18 think that's in dispute, that sequence of events.

19 THE COURT: So his argument was, I assume since it was
20 in Charleston County, they were -- the warrant should have
21 come from Charleston County?

22 AST. SOL. SORENSON: I guess so. And then I can see
23 the flip side of that one. They tow it to Dorchester County
24 and they are serving a Charleston County warrant, well why
25 wouldn't you get a Dorchester County magistrate to sign?

1 THE COURT: But when the search was done and when the
2 search warrant was obtained, the car is in Dorchester
3 County?

4 AST. SOL. SORENSON: The car is in Dorchester County at
5 that point in time. It's been towed from an Enterprise car
6 lot in Charleston County to Dorchester County, basically
7 their garage behind the service entrance.

8 THE COURT: All right.

9 AST. SOL. SORENSON: Now as to the ---

10 THE COURT: Incorrect time.

11 AST. SOL. SORENSON: Correct. I would agree with
12 Mr. Hilton, that time is incorrect. We have a video, still
13 photographs that Detective Martin had printed out and
14 actually noted the time on it.

15 THE COURT: Which is 12:12 as opposed to 1:12?

16 AST. SOL. SORENSON: That would be correct.

17 THE COURT: Now, how does that -- if that's incorrect,
18 does that not invalidate warrant?

19 AST. SOL. SORENSON: The State's position would be that
20 if you just took out that -- basically, just took out that
21 part and also -- basically, Mr. Hilton, there were three,
22 basically three things that he referenced in here, two of
23 which that I kind of agree are incorrect. The other one I
24 don't agree with. That part I would agree, that time is
25 incorrect. It should be 12:12. And I quite frankly don't

1 see how that -- I think it is a scrivener's error that
2 unfortunately led to Detective Martin as he's continuing to
3 fill out his affidavit kind of leading to an incorrect
4 assertion after that. Because I would agree then that the
5 common glitches before Ms. Pegram was observed at the Sunoco
6 gas station that that is incorrect also.

7 THE COURT: Then why do we have probable cause?

8 AST. SOL. SORENSON: Because I think -- basically, when
9 you're looking at it there is evidence in this -- let's just
10 say you didn't have -- you didn't put anything about that
11 times in there. I mean, that's basically the detective
12 trying to kind of piece things together. I think the fact
13 that -- and it's asserted in here that on the night of the
14 incident, the defendant had the victim in that Hyundai
15 Sonata, they are seen on video with her getting into that
16 Hyundai Sonata.

17 THE COURT: At the Sunoco gas station?

18 AST. SOL. SORENSON: At the Sunoco gas station.

19 THE COURT: Not withstanding what time?

20 AST. SOL. SORENSON: Not withstanding what time? That
21 after the fact that his phone GPS coordinates put them back
22 over in the Summerville area, he has given inconsistent and
23 ultimately stopped cooperating as far as where he left her
24 and why he left here where he left her, that I think that
25 rises to a level of probable cause for them to search that

1 vehicle to see if there's evidence of something happening to
2 her in that vehicle? I'm not sure this whole -- I mean, the
3 fact ---

4 THE COURT: I was reading it, the totality of the
5 affidavit. Reading it altogether except for the scrivener's
6 error or the incorrect time assertion, notwithstanding that,
7 it gives you an overall feeling that something has happened,
8 probable cause.

9 AST. SOL. SORENSON: That something has happened and
10 that evidence of that may be found in that vehicle. And I
11 think that's, I mean, enough at that point in time. I mean,
12 I think just the mere fact that she is seen on video getting
13 into that vehicle at, whether it's 12:12 or 1:12 in the
14 morning, I don't really think matters a whole lot. But she
15 is seen on video getting back into that vehicle. He has
16 given some inconsistent and reasons that don't make sense.
17 I couldn't find her house when he had picked her up from the
18 house and then dropped her off in some general area that I
19 think that rises to the level of probable cause that the
20 evidence relating to her disappearance might be found in
21 that vehicle.

22 THE COURT: Plus the fact that the last known person to
23 see her was the defendant?

24 AST. SOL. SORENSON: And that is in here.

25 THE COURT: And she has not shown up since then.

1 AST. SOL. SORENSON: That is correct. I think all of
2 that -- I mean, no question about it. There is an improper
3 time that led to an incorrect statement being made a couple
4 of lines later. But if you just take that part out
5 entirely, I think the affidavit still survives on its own at
6 that point in time as it being probable cause to search.

7 THE COURT: Well, the affidavit says that according to
8 the defendant he picked the victim up at her residence in
9 the particular car that you asked to be searched, and you
10 gathered her car utilizing a GPS, and he's the last person
11 to see her. That pretty much gives you what you need, in
12 your opinion?

13 AST. SOL. SORENSON: That would be my opinion. That's
14 what we had and they have taken that affidavit to a
15 magistrate, I think probable cause would've been found. And
16 to be honest with you, I don't think a defense attorney
17 would probably be challenging that.

18 THE COURT: All right. Next motion. I'll rule on them
19 all at one time.

20 MR. HILTON: Can I respond to Mr. Sorenson's ---

21 THE COURT: I'm sorry. You certainly may. I
22 apologize.

23 MR. HILTON: Okay. With regard to the jurisdiction
24 issue, I didn't quite know that's how it progressed. I
25 thought they got the warrant, then went to Charleston

1 County, then brought it back. If you agreed with
2 Mr. Sorenson, and I don't disagree with him, if they went
3 and got the car and brought it back to Dorchester and then
4 obtained a warrant, I don't know how that is contemplated
5 under the Fourth Amendment or under 17-13-140 in any
6 respect. And you have to think about what happened.
7 Detective Martin calls up North Charleston and says, "North
8 Charleston officer, can we get permission from you to come
9 and seize this car that's located in your jurisdiction?"

10 THE COURT: Where was the car located?

11 MR. HILTON: In North Charleston's jurisdiction.

12 THE COURT: In a rental car area?

13 AST. SOL. SORENSON: In a Enterprise car lot.

14 MR. HILTON: It's his mother's -- it's defendant's
15 mother's car. She had rented another car and her car was on
16 this car lot. They knew it was Charleston County because
17 they called and -- well, they knew it was North Charleston.
18 They called the officer. And they go to North Charleston
19 based on Detective Dan Pritchard from North Charleston
20 saying, "Yeah, we got no problems with it. Go get the car."
21 The car was not the Sheriff's office car. They had no
22 consent. They had no authority whatsoever to go and pick up
23 this car.

24 THE COURT: Who owned the car?

25 MR. HILTON: The defendant's mother.

1 THE COURT: The defendant's mother who left it there
2 when she rented another car?

3 MR. HILTON: That's correct. So they go and they seize
4 this car, take it back to Dorchester whereby they then get a
5 warrant and, you know, apparently everything is fine. Your
6 Honor, the statute is very clear that a magistrate can only
7 issue a warrant within their territory of jurisdiction.

8 THE COURT: Well, that's true.

9 MR. HILTON: And if we don't have a warrant here, they
10 went and got this car prior to the warrant being issued,
11 they went and seized somebody else's car with absolutely no
12 authority whatsoever and brought it back to their
13 jurisdiction whereby they then got -- even if we assume a
14 valid warrant, you know, they searched it. I don't see how
15 this is permissible. I don't see how this is valid conduct,
16 constitutional conduct, or statutorily authorized conduct
17 from law enforcement. And we would ask that the information
18 seized from they Hyundai be suppressed on that basis.

19 THE COURT: Mr. Sorenson?

20 AST. SOL. SORENSON: Your Honor, give me ---

21 THE COURT: The statute says, "Any magistrate or a city
22 judge having the powers of the magistrate," so forth and so
23 on. Having jurisdiction over the area where the property
24 sought is located, they issue a search warrant to search for
25 and seize, stolen, so forth and so on. The properties are

1 listed in there as -- which means any property constituting
2 evidence of a crime. And then it goes on to say, "The
3 property described in this section or any part thereof may
4 be seized from any place where such property may be located
5 up on the person possession or control of any person who
6 shall be found to have such property in his possession or
7 under his control." So why is his argument not good?

8 AST. SOL. SORENSON: Because I think they have the
9 right to -- I mean, it's a vehicle that has been left. I
10 mean, basically ---

11 THE COURT: What gave him the right to take the vehicle
12 from the Enterprise lot and take it back to Dorchester and
13 then get your search warrant? Why not get the search
14 warrant before you seize the vehicle? Or do you have to
15 have a search warrant to get that vehicle to bring it back
16 without a search warrant?

17 AST. SOL. SORENSON: I don't think you have to have it
18 ---

19 THE COURT: Well, give me something other than Don
20 Sorenson on ---

21 AST. SOL. SORENSON: Yes, sir. I understand.

22 THE COURT: And I don't mean that ---

23 AST. SOL. SORENSON: My argument, and I got
24 Mr. Templeton doing some research as we're sitting here, but
25 the fact that it's a vehicle I think is a difference. I

1 mean, I know there's a lot of cases that vehicle exception
2 to a search warrant ---

3 THE COURT: Well, let's do this. Let me take that
4 under advisement and obviously rule on it sometime before we
5 get to that point in the trial. I invite both of you to get
6 me anything you want to on that. All right. You had
7 another argument on a search warrant?

8 MR. HILTON: With regard to the van, Your Honor -- let
9 me just regroup here.

10 THE COURT: All right, now. Help me with the van. The
11 van is what?

12 MR. HILTON: The van was a Ford Econoline van, license
13 tag P485688. It was owned by Robert Cauble. Mr. Bonilla
14 had this van at some point during work and this van is
15 alleged to have at some point in time had the body in it as
16 well. They went out to Mr. Cauble's location, which is 4221
17 Rivers Avenue in North Charleston on April 15, 2015 whereby
18 according to all the reports and so forth, they met with Mr.
19 Cauble. Detective Martin executed a consent form that he, I
20 guess, just adopted from North Charleston's jurisdiction and
21 Mr. Cauble signed that form. Let me see if I can talk the
22 Clerk into making me a copy of that.

23 THE COURT: Well, they wouldn't ask Mr. Cauble about
24 the van and he gave consent to conduct the search.

25 MR. HILTON: To some degree, Your Honor. (Brief pause.)

1 And we'll mark this as Defense Exhibit 2.

2 (Whereupon, Defendant's Exhibit No. 2, Consent Order,
3 was marked for identification.)

4 MR. HILTON: Your Honor, at that time they went through
5 several vans, but the one in question is this Ford
6 Econoline. I think it was Detective Jeff Scott with crime
7 scene and Detective Berg from crime scene who were there.
8 They opened up the van with Mr. Cauble's consent and inside
9 they saw what appeared to be blood. They did some swabs.
10 Swab number one tested negative; number two tested negative;
11 number three tested negative; and number four they found
12 what they believe to be blood, what presumptively tested for
13 blood using an O-Tolidine test. At that point in time, they
14 close up the van and stopped and said, "Let's go get a
15 search warrant." And they got a search warrant then; towed
16 Mr. Cauble's van back to Dorchester County where they
17 executed that search warrant. Again, this being a
18 Dorchester County search warrant, signed by Magistrate
19 Katrina Patton with no authority to issue a search warrant
20 in Charleston County. There is the consent, Your Honor. I
21 understand that. We'll mark the search warrant as Defense
22 3.

23 (Whereupon, Defendant's Exhibit No. 3, Search Warrant,
24 was marked for identification.)

25 MR. HILTON: There is consent. However, we think that

1 the actual seizure of the van exceeded the consent that they
2 had him sign. And if you look at the consent, it
3 specifically says conduct a complete search of my Ford Van
4 located at 4221 Rivers Avenue. So we got several things.
5 One, just a search, not a seizure. You've got the Ford van
6 and then they specifically say located at 4221 Rivers
7 Avenue. They go on to describe it as an Econoline and lists
8 the tag number. And then there's three checks. One of
9 which I think we'd all agree, the first one really had
10 nothing to do with it. They didn't seize any fluids or
11 anything from Mr. Cauble. The second one I don't think
12 applies. But the third one says, "The officers are
13 authorized by me to take from my premises/vehicle any
14 letters, papers, materials or other property of interest in
15 reference to this investigation which they may desire."

16 Our argument, Your Honor, would be that he consented to
17 the search of the vehicle. That search of the vehicle was
18 done. They closed up the van and they stopped. They didn't
19 have authority to then seize that van and take it at that
20 point in time; but they did. They did get a search warrant.
21 But again, we got a Dorchester County magistrate issuing a
22 search warrant for property that's located in Charleston
23 County. There's no cosigning on this warrant, no anything.
24 And they tow this van whereby they then process it pursuant
25 to the search warrant. And we would respectfully request

1 that the evidence seized from the van be suppressed on the
2 basis that it exceeded the scope of Mr. Cauble's consent.
3 He consented to a search of that van. He did not consent to
4 a seizure of that van. And I think it's specific in the
5 language they use in the form that he signed, Detective
6 Martin presented to him. And I think it's also -- I think
7 it's also implicit in the fact that they stopped and then
8 they went and got a search warrant. By stopping that search
9 -- one, the search is over. The search to which he
10 consented to is over.

11 THE COURT: It says I have been advised of my
12 constitutional right not to have search made or have my
13 property seized and then consented to it. And they seized
14 it.

15 MR. HILTON: Our position would be that the scope of
16 the consent was for the search only not the seizure of the
17 van.

18 THE COURT: All right. Mr. Sorenson? It says what it
19 says.

20 AST. SOL. SORENSON: It says what it says, which I
21 think gives them the right to -- I mean, it took them two
22 days to search his van. I suppose Mr. Hilton would rather
23 they just sat in Mr. Cauble's garage and done that for two
24 days. I mean, so I think this is significantly different
25 than the vehicle and the car.

1 THE COURT: All right. What else we got? Mr. Hilton?

2 MR. HILTON: Your Honor, we have a basic motion for
3 sequestration. We've got no problem with the lead
4 investigator, whoever Mr. Sorenson chooses. I presume it
5 will be Detective Martin. No problem with ---

6 THE COURT: The defendant?

7 MR. HILTON: --- the victims family. The only one that
8 may testify I think might be Brandy Chance. We've got no
9 problem with her being in here. Lynn Goette is on our list,
10 our witness list, that we've submitted to the clerk. I
11 don't know if you have a copy of it yet. She's a victim's
12 advocate with the solicitor's office. We've got no
13 objection to her being here. Other than that, we'd ask for
14 sequestration.

15 THE COURT: Mr. Sorenson?

16 AST. SOL. SORENSON: I have no objection to that as
17 long as it's --

18 THE COURT: What's good for the goose is good for the
19 gander?

20 AST. SOL. SORENSON: Correct.

21 THE COURT: Both of you, y'all talk with each other. I
22 don't want to have anybody in here that you're worried about
23 is going to listen to somebody else's testimony and be able
24 to answer theirs. So, other than what we normally allow.

25 MR. HILTON: Your Honor, the last motion we would have,

1 I believe it's the last motion, deals with photographs. And
2 this maybe one that we need to take a little time out, get
3 all of these photographs together and then come back before
4 the Court. We kind of breezed through a lot of these. I
5 didn't expect it to go this fast.

6 THE COURT: That sounds good. So the plan is we're
7 going to come back at two o'clock; the jury will be here. I
8 will qualify the jury then I will voir dire them for this
9 particular case. And then probably let them step out a few
10 minutes, I'll rule on the motions. And if we've got any
11 photographs that y'all are going to use on opening, we need
12 to talk about those. But then we'll save the rest of them
13 for after I send the jury home tonight. Fair enough?

14 MR. HILTON: Sounds good.

15 AST. SOL. SORENSON: Yes, sir.

16 THE COURT: All right. See you at two o'clock.

17 (The pretrial motions concluded at 1:14 p.m, and the
18 proceedings in the trial of the case is in recess until
19 2:00 p.m.)

20 - - - - -

21 (The proceedings in the trial of this matter resumed at
22 2:14 p.m.)

23 THE COURT: Bring the defendant in so we can rule on
24 these motions.

25 (The defendant enters the courtroom.)

1 THE COURT: All right. Mr. Sorenson, is there anything
2 else you would like to add to the arguments of the
3 suppression or the affidavit or any other matters that we
4 dealt with before lunch?

5 AST. SOL. SORENSON: Your Honor, may I wait for the
6 victim's family to come in for a second or -- they're going
7 to come in if that's okay with you.

8 We handed up a case, Your Honor, State versus Weaver.
9 That's 374 South Carolina 313. It's 2007 Supreme Court
10 case. It's our position, Your Honor, kind of addresses
11 specifically the issue about the vehicle being seized
12 initially in Charleston County then a search warrant
13 obtained in Dorchester County. Your Honor, in looking at
14 this our argument would be that it basically would fall
15 under the automobile exception to the search warrant
16 provisions and that, to be honest with you, law enforcement
17 I don't think had to get a search warrant. This case would
18 seem to suggest that they would be allowed to basically
19 seize and search the vehicle due to them having probable
20 cause. So if Your Honor finds that there was probable cause
21 to search the vehicle, which was kind of layed out -- that
22 was Mr. Hilton's other argument in dealing with the
23 affidavit. But finding they had that and then the mobility
24 of the vehicle that they could have at that point in time
25 seized the vehicle and searched it without a search warrant.

1 I don't think the fact that they waited; that they
2 impounded it -- and that's even addressed in this case
3 because this is a case where they seize the vehicle from a
4 private residence. The Court found that that was okay.
5 Impounded it. It makes references to their other cases
6 where they've waited up to -- there's a lower expectation of
7 privacy in the vehicle that they can even wait several days
8 to search the vehicle without a warrant. In weaver, they
9 had gotten a warrant and the issue became that there was an
10 issue with the return not being done. Where ultimately the
11 Court, I think, found that kind of wasn't a big deal. But
12 at the same time kind of ultimately ruled on the fact and
13 found with the State's argument that they didn't need to do
14 a search warrant anyway. So that's kind of ---

15 THE COURT: They didn't even consider the search
16 warrant after they realized it fell within the automobile
17 exception?

18 AST. SOL. SORENSON: Correct.

19 THE COURT: All right. Sir? Ma'am?

20 MR. HILTON: Your Honor, the warrant list -- the
21 exception to the warrant requirement for vehicle deals with
22 exigency. And there's been some case that talk about it.
23 And Weaver talks about it. But in Weaver you're dealing
24 with exigency. And I just don't think that the
25 Constitution -- and I don't think the case law allows for

1 law enforcement to just search or seize at will anything
2 that they want to seize as long as there is probable cause.
3 They can't come into your house. They can't go into other
4 places. And to go and get this vehicle and bring it back to
5 their jurisdiction, I just don't think that the warrantless
6 vehicle exception applies to this. I don't think the
7 vehicle exception applies. I think there was no, absolutely
8 no, exigent circumstances and no reason why law enforcement
9 couldn't go to that car, sit there, make sure that nobody
10 messed with it; make sure nobody drove away with it; go get
11 a properly executed warrant in Charleston County or
12 Dorchester County that was cosigned in Charleston County'
13 take that car back and search it at that point assuming that
14 the affidavit gives probable cause. I just don't think it
15 applies, Your Honor. We'd ask that it be suppressed.

16 THE COURT: Well, the case is cited. In the Weaver
17 case it says the automobile exception does not contain a
18 separate exigency requirement -- Dyson (ph).

19 MR. HILTON: Well, but that's been addressed somewhat
20 in other circumstances. You got State versus Brown, which
21 is a 2012 case we just found. And there is a headnote that
22 talks about the Supreme Court declaring -- the headnote says
23 please make search of vehicle, and this deals with an
24 incident to recent arrest, only if it's within the reaching
25 distance of the passenger compartment at the time of the

1 search; or it's reasonable to believe that the vehicle
2 contains evidence of the arrest. When these justifications
3 are absent, a search of the arrestee's vehicle will be
4 unreasonable unless police obtain a warrant or show that
5 another exception applies.

6 THE COURT: Well, they obtained a warrant in this one.

7 MR. HILTON: I'm sorry, Your Honor.

8 THE COURT: They obtained a warrant to search it once
9 they picked it up and brought it in.

10 MR. HILTON: I think they obtained an unlawful warrant.
11 They obtained a warrant in Dorchester. I don't see how they
12 can seize this vehicle without any authority whatsoever,
13 bring it back and then get the warrant in the county that
14 they lawfully brought it to.

15 THE COURT: Any reply?

16 AST. SOL. SORENSON: Just that this case says that not
17 only could they -- if there is probable cause, not only
18 could they seize that vehicle, they can search it without a
19 warrant. And it says even if you go -- a little farther I
20 was going to point out exactly what Your Honor read. But if
21 you go a little farther it even says that there is no answer
22 to say the police could have obtained a search warrant. The
23 relevant test is not whether it is reasonable to procure a
24 search warrant, but whether the search is reasonable. And
25 if there's probable cause -- I mean, this other case he's

1 talking about, I haven't seen it, but that's not the
2 automobile exception; that's search incident to arrest.
3 It's a whole different -- whole different exception to the
4 search warrant.

5 THE COURT: Well, they do treat automobiles
6 differently. And as exceptions to the automobile with not
7 having obtained a search warrant for the reasons you just
8 said set out in Weaver. All right. Anything else?

9 AST. SOL. SORENSON: No, sir.

10 MR. HILTON: No, sir.

11 THE COURT: All right. I'm going to allow all three
12 statements considering the totality of the circumstances. I
13 don't think any of them were custodial; he could have left
14 anytime he wanted to. They had been dealing with a missing
15 person. The report, I'm going to allow those in. I don't
16 think they violate any constitutional issues in the way they
17 were obtained, and I'm going to allow those.

18 As to the search warrants, I find that they are all
19 valid for the reasons we've already argued particularly when
20 were they -- took the car from Charleston County. I think
21 there is exceptions to the requirement of a warrant on an
22 automobile as outlined in the case of State versus Weaver
23 and the reasons set forth therein. I don't find that the
24 fact that they went and got the warrant in Dorchester County
25 violates any statutory requirements. The fact that the car

1 was in Dorchester County when they got the search warrant
2 before brought in Dorchester County. And further I find
3 from a reading of the affidavit in its entirety, the total
4 concept of the affidavit, which we earlier discussed about
5 she, the victim, being in the defendant's car, the last
6 person seen that she was with was the defendant, and the
7 scrivener's error concerning the time does not make it
8 defective. So I will respectfully deny your motion on those
9 grounds. That's where we are expect for the pictures that
10 y'all -- the photographs that y'all told me you had some
11 concern about. Were you able to look at those and get that
12 resolved? Or do you need to visit that?

13 MR. HILTON: I did ---

14 THE COURT: And also while in trying to answer that
15 question, let me -- what did you do about the stipulation
16 with the public defender? Did y'all work on that?

17 AST. SOL. SORENSON: Can I have two seconds to confer
18 with Mr. Hilton about that?

19 THE COURT: All right.

20 AST. SOL. SORENSON: I think we had pretty much come to
21 an agreement until I saw something that I just want to ask
22 him about. (Brief pause.) Yes, Your Honor, I believe have
23 reached an agreement as to that.

24 THE COURT: Okay. When the appropriate time comes, you
25 can read the stipulation into the record. And I'll just

1 tell the jury what a stipulation is.

2 MR. HILTON: And, Your Honor, if I may with regard to
3 the stipulation, and I think to preserve any appeal to the
4 extent that I can, that the stipulation with the State is
5 made after the ruling that there was informed consent given
6 by Mr. Bonilla.

7 THE COURT: And you're certainly not by making the
8 stipulation conceding that there was informed consent.
9 You're making the stipulation as a result of my ruling ---

10 MR. HILTON: That's correct.

11 THE COURT: -- and protected under your position that
12 it was not informed consent.

13 MR. HILTON: That's correct. We're not waiving any ---

14 THE COURT: I understand.

15 MR. HILTON: We're not waiving anything by stipulating
16 to this. I don't want the stipulation to override anything.
17 The stipulation is as a result of prior court hearings.

18 THE COURT: That is correct. And you're not changing
19 your position other than that I've ruled and that's the way
20 you want to present it now, in connection with my ruling but
21 not conceding your original argument.

22 MR. HILTON: Yes, sir, Your Honor.

23 THE COURT: You agree with that, right, Mr. Sorenson?

24 AST. SOL. SORENSON: Yes, sir.

25 THE COURT: And he's protected.

1 AST. SOL. SORENSON: Yes, sir.

2 THE COURT: Pictures? Photos?

3 AST. SOL. SORENSON: I have given him, him being
4 Mr. Hilton, a disc that I got with 70 photographs that deal
5 with the processing of the Hyundai Sonata and Ford van that
6 we would be seeking to ultimately introduce through the
7 crime scene person. I don't know if Mr. Hilton has had a
8 chance to go through them to see if he objects to any.

9 THE COURT: Well, are you going to use any of them in
10 opening?

11 AST. SOL. SORENSON: No, sir.

12 THE COURT: And probably won't get to the crime scene
13 today, will you?

14 AST. SOL. SORENSON: No. It would be probably tomorrow
15 afternoon would be my guess.

16 THE COURT: Well, just look at them over the evening.
17 Any photographs that you want to use in opening or since we
18 don't have that problem and -- you don't have any
19 photographs with early witnesses?

20 AST. SOL. SORENSON: No photographs. No, sir.

21 THE COURT: Okay. Well, y'all just -- that's the great
22 part about my job, y'all do it tonight and we'll deal with
23 it in the morning.

24 AST. SOL. SORENSON: Yes, sir.

25 THE COURT: And I've been in your shoes where I've had

1 to them late into the night.

2 AST. SOL. SORENSON: Yes, sir.

3 THE COURT: Don't think I'm picking on you.

4 AST. SOL. SORENSON: And if we get a chance, yeah, to
5 break today, just maybe a few minutes early, I can get all
6 of those marked also. That might help ---

7 THE COURT: We can go to five. That doesn't keep you
8 from staying here late tonight.

9 AST. SOL. SORENSON: Five is fine. I mean, as long as
10 we're not going to like six. We have -- we'll have our
11 first witness available if we get to that point.

12 THE COURT: I'll work with you.

13 AST. SOL. SORENSON: Thank you.

14 THE COURT: All right. Any word from downstairs?

15 THE CLERK: No, sir.

16 THE COURT: Ma'am?

17 THE CLERK: No, sir.

18 THE COURT: We have anything else we need to do before
19 the jury comes in?

20 AST. SOL. SORENSON: Not that I can think of, Your
21 Honor.

22 THE COURT: Mr. Sorensen, when I talk with the jury in
23 a little bit, can I tell them this is the only case we'll
24 have for them this week? Or should I -- if something
25 happens to this one, we got something else lined up? I'd

1 like to tell the jury about what they're looking during the
2 week.

3 AST. SOL. SORENSON: Let me find that out before you do
4 that. I know we did have something that was a potential
5 backup if this were to resolve itself.

6 THE COURT: I'll just tell the jurors this will
7 probably be the only one, but there may be a back up. The
8 ones aren't chosen will have to call back in probably.

9 AST. SOL. SORENSON: That's fine.

10 MR. HILTON: Your Honor, I previously submitted a
11 defendant's witness list with proposed voir dire. I gave it
12 to Mrs. Westbury. Now Becky is up here. I don't know if
13 you got a copy of that?

14 THE COURT: It's eight witnesses and two questions.

15 MR. HILTON: That's correct. And I have not received
16 any voir dire from the State.

17 THE COURT: They didn't hand any up. All they handed
18 was a witness list. But I'll do the normal voir dire.

19 MR. HILTON: Yes, sir.

20 THE COURT: Let you introduce yourselves, whether
21 they're represented or kind to y'all, or know anything about
22 the case.

23 MR. HILTON: And we have a few minutes before that
24 anyway. So we'll get . . .

25 THE COURT: Well, don't go crazy and pass up a hundred

1 more names.

2 AST. SOL. SORENSON: There has been a little bit of
3 media coverage.

4 THE COURT: I'm going to ask if they know about --
5 well, I'll ask if they heard anything, seen anything, formed
6 any opinions, any of that sort of thing. You'll like my
7 voir dire. It's not my first. Okay. Let's stand at ease
8 until we get the jury in. As soon as the jury comes in
9 we'll go through the qualifications and then the voir dire
10 for this first case. And ten and five; is that correct,
11 gentlemen?

12 AST. SOL. SORENSON: Yes, sir.

13 THE COURT: I know it is. I'll be back in my chambers
14 if anything comes up before the jury comes in. Y'all are
15 welcome to come back there and discuss it with me.

16 AST. SOL. SORENSON: Thank you.

17 (The proceedings in the trial of this case recessed at
18 2:30 p.m and resumed at 2:51 p.m.)

19 VOIR DIRE

20 THE COURT: Do I have any member of the jury panel who
21 is related by blood or marriage, or do you now or have you
22 in the past had a close personal or social relationship with
23 the defendant Mr. Bonilla? Mr. Bonilla, would you please
24 stand and face the jury panel.

25 (Defendant complies.)

1 THE COURT: Thank you. Just remain standing, ma'am.
2 You may be seated, sir. Please remain standing. The victim
3 in the case, her name is Ashley Pegram, P-e-g-r-a-m. The
4 same question dealing with the victim Ashley Pegram. Does
5 any member of the jury panel now, have you now or in the
6 past been related by blood or marriage, or do you now or
7 have you in the past had a close personal or social
8 relationship with Ms. Ashley Pegram? If so, please stand.

9 (Jurors stand.)

10 THE COURT: Yes, ma'am, in the pretty green
11 blouse/shirt. Your name and number?

12 PROSPECTIVE JUROR: My name is Amanda Pauls and my
13 number is 111. Should I explain ---

14 THE COURT: No, ma'am. Why don't you come up here and
15 explain it to me.

16 (Brief pause.)

17 THE BALIFF: Juror number 111.

18 PROSPECTIVE JUROR: In high school, Mr. Bonilla and I
19 went to the same high school together. We lived in the same
20 neighborhood -- with his younger brother ---

21 THE COURT: Okay. The fact that y'all went to high
22 school together and you hung out with his younger brother.

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Would that will keep you from being fair
25 and impartial in the trial of this case, being able to

1 decide this case based solely on what you hear in the
2 courtroom?

3 PROSPECTIVE JUROR: It's a possibility. I'm a little
4 anxious just right now.

5 THE COURT: Well, I can understand. And because of
6 that, since you just feel uncomfortable in serving -- you
7 feel threatened or scared?

8 PROSPECTIVE JUROR: Just uncomfortable.

9 THE COURT: Uncomfortable?

10 PROSPECTIVE JUROR: Yeah.

11 THE COURT: Okay. That's fair enough. I'm going to
12 excuse you from the trial of the case. Please go back and
13 have a seat.

14 PROSPECTIVE JUROR: Okay. Thank you.

15 THE CLERK: Set her aside?

16 THE COURT: Ma'am?

17 THE CLERK: We'll set her aside?

18 THE COURT: Yes, ma'am.

19 (Brief pause.)

20 THE BALIFF: Juror 104.

21 THE COURT: Thank you. How you doing?

22 PROSPECTIVE JUROR: I'm good. How are you? I knew the
23 victim.

24 THE COURT: How did you know her?

25 PROSPECTIVE JUROR: I dated her for a short period of

1 time.

2 THE COURT: Dated her for a short period of time. How
3 long ago?

4 PROSPECTIVE JUROR: I'd say it was probably a couple of
5 months before the incident happened.

6 THE COURT: Okay. All right. I'm going to find this,
7 it's my discretion, I'll excuse you from the trial of the
8 case. Just go back and have a seat us.

9 PROSPECTIVE JUROR: Yes, sir.

10 (Brief pause.)

11 THE COURT: Ladies and gentlemen, I'm going to ask the
12 same question I just asked. Are you related by blood or
13 marriage now or in the past, or do you have a close personal
14 or social relationship? This time it's going to be the
15 potential witnesses in the trial of the case. And don't get
16 intimidated when I list all of these witnesses. Sometimes
17 out of an abundance of caution, we list everyone who may be
18 a witness. Normally, they don't call all of these. So let
19 me go through them. I'll go through all the names and then
20 stand at the end if you would, please. Brandy Chance; she
21 is in back of the courtroom if you want to -- Ms. Chance,
22 thank you; you may have a seat. Lindsay Diaz, D-i-a-z; some
23 of them may not be in the courtroom. Bonnie Laidlaw,
24 L-a-i-d-l-a-w; Robert Cauble, C-a-u-b-l-e; Jasmine Wicevic
25 or Wicevic, W-i-c-e-v-i-c; Mark Leiendecker; Deputy Keith

1 Galstar, G-a-l-s-t-a-r; Detective David Harris, he's with
2 the Dorchester County Sheriff's office; Sergeant Kim Milks,
3 M-i-l-k-s, Berkeley County Sheriff's office; Investigator
4 Jeff Scott, Dorchester County Sheriff's office; Corporal
5 Bradley Mullis, Dorchester County Sheriff's Office; Corporal
6 Adam Smith, likewise, Dorchester County Sheriff's Office;
7 Deputy Andy Martin, also Sheriff's office; Captain Tony
8 Phinney, Sheriff's office; Investigator Brandon Berg,
9 Sheriff's Office; Investigator Derek Cheek with the
10 Solicitor's Office; Alice Durr, D-u-r-r, with the Coroner's
11 Office; John Rowland; Brett Corder; Blaine Locklair; Jasmine
12 Tell; Paul Meeh, M-e-e-h, he's with SLED; Courtney Thompson
13 with SLED; Megan Lucas -- Lukacs, L-u-k-a-c-s with SLED.
14 SLED is the South Carolina Law Enforcement Division. And
15 Dr. Nicholas Batalis, I think I'm pronouncing that
16 correctly, B-a-t-a-l-i-s. I suspect that's the pathologist
17 from MUSC.

18 AST. SOL. SORENSON: Yes, sir.

19 THE COURT: These may be redundant. Daniel and David
20 Bonilla, B-o-n-i-l-l-a; Denise Dover of Goose Creek; Andrea
21 Maldonado of Goose Creek; Frank Prio -- P-r-o-i-e-t-t-i.
22 I'm not sure how you -- he's a private investigator.

23 MR. HILTON: It's Proietti.

24 THE COURT: Proietti?

25 MR. HILTON: Yes, sir.

1 THE COURT: And I can't read your writing. Lynn who?

2 MR. HILTON: Lynn Goette with the Solicitor's Office.

3 THE COURT: Thank you. Any member of the jury panel
4 related by blood or marriage now or in the past, or do you
5 now or have you in the past had a close personal or social
6 relationship with any of the potential witnesses that I just
7 called out? If so, please stand.

8 (Jurors stand.)

9 THE COURT: Yes, ma'am. In the black and white striped
10 outfit. Your name and number?

11 PROSPECTIVE JUROR: My number, 127, and my name is
12 Jennifer Smart.

13 THE COURT: Yes, ma'am.

14 PROSPECTIVE JUROR: I don't know if this counts, but
15 I'm friends with Mark Leiendecker's daughter. So I didn't
16 know if that would ---

17 THE COURT: That's what we need to know. He is a
18 public defender here in the county. And he may or may not
19 testify. And my question is the fact that you know a
20 potential witness's daughter, would that in anyway preclude
21 or keep you from being able to try this case and make your
22 decision based solely on what you hear presented and the law
23 as given to you?

24 PROSPECTIVE JUROR: No, sir.

25 THE COURT: Thank you. You may be seated. Yes, ma'am;

1 name and number?

2 PROSPECTIVE JUROR: Number 10, Deborah Buck. I also
3 know Mark Leiendecker through a church function.

4 THE COURT: And it's not unusual to know potential
5 witnesses through the community and your involvement in the
6 community. And the fact that you know him, ma'am, would
7 that in anyway keep you from being a fair and impartial
8 juror of trying this case based solely on what is presented
9 and the law given to you?

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: Thank you. Anyone else?

12 (No response.)

13 THE COURT: All right. At this time, I'm going to ask
14 the lawyers to stand and identify themselves, and then I'll
15 ask you some basic questions about them.

16 AST. SOL. SORENSON: May it please the Court, Your
17 Honor?

18 THE COURT: Yes, sir.

19 AST. SOL. SORENSON: My name is Don Sorenson. I'm the
20 Senior Assistant Solicitor here in Dorchester County. With
21 me is Ryan Templeton. He's an Assistant Solicitor here at
22 Dorchester County. Do you want me to go through anybody
23 else in my office or . . .

24 MR. HILTON: And I'm Russell Hilton. I'm a private
25 practitioner in Summerville. This is Mandy Kimmons who is

1 also a private practitioner in Summerville, although our
2 offices are not together.

3 THE COURT: Ladies and gentlemen of the jury panel, do
4 I have anyone who now or in the past have had legal services
5 performed for you or members of your family by any of the
6 four lawyers in the courtroom? If so, please stand.

7 (No response.)

8 THE COURT: Ladies and gentlemen, do I have any member
9 of the jury panel who is related by blood or marriage now or
10 in the past, or do you have a close personal or social
11 relationship with any of the four lawyers? If so, please
12 stand.

13 (Jurors stand.)

14 THE COURT: Yes, sir; in the Gamecock color.

15 PROSPECTIVE JUROR: Yes, sir. Ms. Kimmons is my
16 brother-in-law's sister-in-law.

17 THE COURT: Your name and number, please?

18 PROSPECTIVE JUROR: David Crowell, 20.

19 THE COURT: Say that again.

20 PROSPECTIVE JUROR: David Crowell ---

21 THE COURT: No; the relationship.

22 PROSPECTIVE JUROR: Ms. Kimmons is my brother-in-law's
23 sister-in-law.

24 THE COURT: Okay. And the fact that you have that
25 relationship -- I guess that's a relationship -- would that

1 in anyway, sir, preclude or keep you from being a fair and
2 impartial juror in the trial of this case?

3 PROSPECTIVE JUROR: No, sir.

4 THE COURT: What number are you?

5 PROSPECTIVE JUROR: Twenty.

6 THE COURT: Thank you. You may be seated. Yes, ma'am;
7 again, your name and number?

8 PROSPECTIVE JUROR: Number 10, Deborah Buck. I
9 attended church with Mr. Sorensen and Bible study in his
10 home.

11 THE COURT: And the fact that you go to church and have
12 attended some Bible study in his home, ma'am, would that in
13 anyway keep you from being fair and impartial in the trial
14 of the case?

15 PROSPECTIVE JUROR: No, sir.

16 THE COURT: Thank you, ma'am. You may be seated. And
17 yes, ma'am, in the white blouse.

18 PROSPECTIVE JUROR: Nicole Miller, 97. Friends with
19 Ms. Kimmon's; our husbands work together at SCE&G.

20 THE COURT: Ma'am, say it a little louder.

21 PROSPECTIVE JUROR: Our husbands are coworkers at SCE&G
22 and we've become friends.

23 THE COURT: Okay. What number are you?

24 PROSPECTIVE JUROR: Ninety-seven.

25 THE COURT: And the fact your husband works at the same

1 place that her husband works at, as a result y'all have
2 become friends, would that in any way keep you from being
3 fair and impartial and listen to the evidence presented and
4 decide what the true facts are and apply that to the law and
5 be a good juror?

6 PROSPECTIVE JUROR: No, sir.

7 THE COURT: Thank you. You may be seated. Anyone
8 else?

9 (No response.)

10 THE COURT: The next question deals with do you know
11 anything about this case. It is alleged -- and these are
12 simply allegations, and in order to prove the case, the
13 State has to prove these allegations to you beyond a
14 reasonable doubt because the defendant is presumed to be
15 innocent. But it's alleged that in Dorchester County back
16 in May of 2015, May 4, 2015, that the defendant by means of
17 blunt force trauma caused the death of Ashley Pegram which
18 constitutes the offense of murder. There are allegations
19 that the two of them met on a social media site and went out
20 and she did not return home. And, obviously, that's -- I
21 think some of that has been in the news lately or was in the
22 news at the time it happened. I'm not going to say a whole
23 lot more about the facts in the case because that's
24 obviously for the lawyers to present to you, but that's what
25 this case is about. Question to you is this: Any member of

1 the jury panel know anything about these facts? Have you
2 read in the newspaper, heard on the radio or TV, or seen on
3 the TV or social media, anyone discuss it with you, know any
4 of the facts underlying this case? If so, please stand.

5 (Jurors stand.)

6 THE COURT: Yes ma'am. I'm going to ask you to step up
7 here if you would, please.

8 THE BALIFF: Juror number 39.

9 THE COURT: Hey, how are you?

10 PROSPECTIVE JUROR: I'm good. Yourself?

11 THE COURT: Glad you're here.

12 PROSPECTIVE JUROR: Thank you.

13 THE COURT: Tell me what you know.

14 PROSPECTIVE JUROR: (Non-audible response.)

15 THE COURT: A what?

16 PROSPECTIVE JUROR: Tango.

17 THE COURT: A what?

18 PROSPECTIVE JUROR: Tango, t-a-n-g-o ---

19 THE COURT: So you saw a little bit of it on the social
20 media or something?

21 PROSPECTIVE JUROR: No; I read it -- newspaper.

22 THE COURT: Well, it's not unusual to read about what
23 happened in the community. I do it all the time.

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: Have you formed any opinions in the case or

1 anything?

2 PROSPECTIVE JUROR: No, sir.

3 THE COURT: Are in a position to listen to all of the
4 evidence and disregard anything that you've read and make a
5 decision based on what's presented in the courtroom?

6 PROSPECTIVE JUROR: I can; yes, sir.

7 THE COURT: You can do that?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: All right. You may have a seat.

10 (Brief pause.)

11 THE CLERK: Are you going to do anything with her?

12 THE COURT: She's going to stay with us.

13 THE CLERK: Okay. Thank you.

14 THE COURT: I've confused the county a couple of times;
15 but this is not my confusion. The date I gave you was May
16 4, 2015. It's actually April 4, 2015. So does that change
17 anybody's opinion? April 4, 2015 here in Dorchester County.

18 (No response.)

19 THE COURT: Now, let me go into another area or another
20 topic. When we have a trial, whether it be in the civil
21 cases where somebody is accusing somebody of running a red
22 light or a lawyer committing malpractice or breach of
23 contract, or whether or not we are in the general sessions
24 or criminal arena that we are here in today, in all of the
25 trials that we do cross the state, there are two judges who

1 participate in the trial of the case. And let me explain
2 how that works. My position makes me in my position the
3 judge of the law. That means I tell and instruct you what
4 the law is and you are under an obligation to accept the law
5 as I give it to you. And if you come into the courtroom
6 with some preconceived idea about what it is or what it
7 should be and it does not agree with what I say, you have to
8 set aside your belief and accept the law as I give it to.
9 The law that I give you is what has been developed in the
10 State of South Carolina. It's developed in our codes and
11 our common law. So I instruct and tell you what the law is;
12 you have to accept that. I'm the judge of the law.

13 In addition to being the judge of the law, I have one
14 other responsibility as the judge of the law, is I have to
15 make sure that all of the evidence that is presented in the
16 trial of the case is done in accordance and in pursuant to
17 our rules of evidence and our rules of criminal procedure.
18 And it's not unusual for witness A to come up and be asked a
19 proper question that complies with the rules, and witness A
20 will say, you know, that happened on Tuesday. The next
21 witness comes up with the same correct question and pursuant
22 to the rules he'll answer it happened on Friday. And the
23 next witness will come up and say, oh, no, that happened
24 between Saturday and Sunday. The point I'm making is that
25 you'll have testimony that complies with the rules, you'll

1 have evidence that complies with the rules, that obviously
2 sometimes does not coincide with the other. You have
3 contradictory statements; you have testimony that's
4 different as night and day. And that's why we have the
5 other judge in the trial of the case and that is the judge
6 of the facts in the case. And that, ladies and gentleman,
7 is the most important judge in the trial. That will be the
8 twelve of you collectively acting as a judge. And it is
9 your duty to determine what the true facts are in the case.
10 Was it Monday? Was it Wednesday? Was it Saturday? Sunday?
11 You determine what the true fact is or true facts are. You
12 do that by using your common sense that you've used all of
13 your life. We deal with wives; we deal with husbands; we
14 deal with children; we deal with friends, relatives; people
15 that we work with, bosses; people that work for us. You
16 know how to judge somebody's credibility or believability.
17 And it is your duty to do that in the trial of this case and
18 judge what the true facts are. And when the 12 of you
19 decide what the true facts are, you take those true facts,
20 disregard the facts that you find not to be true, and you
21 apply the true facts to the law as I give it to you. And
22 once you make that application of the law to the true facts,
23 you'll be in a position to render a verdict. And the
24 verdict simply means to speak the truth. It's the Latin for
25 speak the truth. So that is your job as the judge of the

1 facts. Much, much, much more important than my little job
2 up here telling you what the law is. You've got the biggest
3 job in the courtroom.

4 So having said that, my question is this: Do I have
5 any member of the jury panel who is unable to perform this
6 civic duty of deciding and determining what the facts are,
7 the true facts are, judging the credibility of the witnesses
8 and applying it to the law as I give it to you? Now, that
9 may be some personal reason or religious belief or political
10 beliefs, any kind of belief. Does anybody -- and I'll
11 listen to you privately or whatever -- do I have anybody who
12 cannot perform that civic duty? I need to know now. I
13 don't need to know at the end of the case. It's the most
14 import civic duty people can do. And, you know, we live in
15 a country where if you're accused of something and you say
16 you didn't do it, we don't go before a dictator or a firing
17 squad or a governmental body; we go before citizens from the
18 community. And we ask those citizens to make that
19 determination. So if you don't think you can do it, I need
20 to know now. I'll step down. One at a time, let me know
21 why you don't think you can do this.

22 THE BALIFF: Juror number five.

23 THE COURT: Your name?

24 PROSPECTIVE JUROR: Scott Bazzle.

25 THE COURT: What's your situation?

1 PROSPECTIVE JUROR: I'm a Jehovah's Witness. Since
2 this is a murder case I'm a little hesitant to come up with
3 a verdict on the case ---

4 THE COURT: Why is murder any different than stealing?

5 PROSPECTIVE JUROR: I just ---

6 THE COURT: I mean, it's either they did it or they
7 didn't.

8 PROSPECTIVE JUROR: It could result in his life being
9 taken.

10 THE COURT: This us not a capital murder case.

11 PROSPECTIVE JUROR: It's not?

12 THE COURT: There's no way he can be sentenced to the
13 death penalty. And the sentencing is up to me, but I cannot
14 sentence him to death. I can sentence him to a period of
15 time of confinement. Does that make it any difference?

16 PROSPECTIVE JUROR: Still, I'm very hesitant to ---

17 THE COURT: What number are you? Number five?

18 PROSPECTIVE JUROR: Number five.

19 THE COURT: All right. Go back and have a seat.

20 PROSPECTIVE JUROR: Thank you.

21 THE COURT: Next?

22 THE BALIFF: Juror number 85.

23 THE COURT: Hey, how are you?

24 PROSPECTIVE JUROR: Good. How are you?

25 THE COURT: Tell me your name, please.

1 PROSPECTIVE JUROR: Anna Lapa.

2 THE COURT: Tell me what's going on, ma'am.

3 PROSPECTIVE JUROR: My religious belief.

4 THE COURT: Ma'am?

5 PROSPECTIVE JUROR: Religious belief.

6 THE COURT: What type of religion are you?

7 PROSPECTIVE JUROR: Catholic.

8 THE COURT: Catholic?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Ma'am, I've had a thousand Catholics on
11 trials before.

12 PROSPECTIVE JUROR: I believe that I shouldn't be
13 judging him.

14 THE COURT: Well, you're not judging. You're just
15 simply asking -- to decide what the true facts are. Just
16 telling the truth. You don't think you can do that?

17 PROSPECTIVE JUROR: No; not in good faith.

18 THE COURT: Thank you, ma'am. What number are you?

19 PROSPECTIVE JUROR: Eighty-five.

20 THE COURT: Eighty-five. Thank you.

21 THE BALIFF: Juror number 153. I'm sorry, 133.

22 THE COURT: Yes, ma'am. Your name?

23 PROSPECTIVE JUROR: Theta Smith.

24 THE COURT: Yes, ma'am. Ms. Smith, what's the problem?

25 PROSPECTIVE JUROR: I'm an ordained minister. And I

1 preach the gospel.

2 THE COURT: Ma'am?

3 PROSPECTIVE JUROR: And I don't know if that's going to
4 be a conflict.

5 THE COURT: Why is that a conflict?

6 PROSPECTIVE JUROR: Well, I mean, I live by the good
7 book.

8 THE COURT: Well, I we all live -- all of us in
9 courtroom go by the good book. All I'm asking is that you
10 just sit and listen to the evidence and determine what the
11 true facts are and apply it to the law as I give it to you.
12 And if you all determine the State has proven his guilt
13 beyond a reasonable doubt, you would find him guilty. You
14 don't have to sentence him. You don't have to punish him.
15 You don't do anything. That's all my responsibility. You
16 don't think you can do that?

17 PROSPECTIVE JUROR: No, sir.

18 THE COURT: Thank you. What number are you?

19 PROSPECTIVE JUROR: 133.

20 THE COURT: 133. Don't leave, now. These people who
21 I'm excusing are going to have to go do something else.

22 THE BALIFF: Juror number 84.

23 THE COURT: Yes, sir; your name?

24 PROSPECTIVE JUROR: Stephen Lambert

25 THE COURT: What's the problem?

1 PROSPECTIVE JUROR: I'm in the medical field; an ER.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR: Usually ---

4 THE COURT: Come on, man. You can't listen and tell
5 who is telling the truth?

6 PROSPECTIVE JUROR: I can.

7 THE COURT: You can?

8 PROSPECTIVE JUROR: I can. Absolutely.

9 THE COURT: He stays with us. Trained to believe a
10 police officer.

11 THE BALIFF: Ninety-seven.

12 THE COURT: Yes, ma'am.

13 PROSPECTIVE JUROR: Nicole. I feel like I'd definitely
14 would be -- I think I'll definitely do whatever I can, but I
15 just feel like it's a conflict of interest, the nature of
16 it.

17 THE COURT: I have to determine the conflict of
18 interest.

19 PROSPECTIVE JUROR: Okay. I just wanted to make sure.

20 THE COURT: It's not a conflict of interest. If you
21 don't think you can do your job, you tell me, because of
22 y'all's relationship.

23 PROSPECTIVE JUROR: No, I definitely think I can do my
24 job. I just didn't know because of the nature of his charge
25 and I just wanted to make it wasn't a conflict.

1 THE COURT: Well, it's not a conflict.

2 PROSPECTIVE JUROR: Okay.

3 THE COURT: I promise you. All we ask you to do is
4 your job; she'll do her job; I'll do my job; Mr. Sorenson
5 will do his job. And your job is to listen to the evidence
6 and decide what evidence you deem to be the truth and apply
7 it to law. Are you able to do that?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Thank you.

10 MR. HILTON: Judge, with regard to number 84, I just
11 didn't hear the last . . .

12 THE COURT: Who was 84? I don't know which one he was.

13 AST. SOL. SORENSON: I'm trained to ---

14 THE COURT: That's the guy who said he's a paramedic or
15 worked in the ER. He's trained to believe a police officer.

16 MR. HILTON: I thought that's what he said.

17 THE COURT: I'm trained to believe a lawyer . . .

18 MR. HILTON: All right. Thank you.

19 (Brief pause.)

20 THE COURT: Do I have any member the jury panel, you or
21 your immediate family, have ever been the victim of a
22 violent crime such as a armed robbery, assault and battery,
23 murder. Any type of violent crime, you or your family?

24 (Jurors stand.)

25 THE COURT: Yes, sir. Your name and number, please?

1 You can tell me right there.

2 PROSPECTIVE JUROR: Frank Simmons, juror number 124.

3 THE COURT: Mr. Simmons, the fact that you've
4 experienced that unpleasantry, would you be able to set that
5 aside and try this case based solely on what's presented in
6 the courtroom?

7 PROSPECTIVE JUROR: Yes, I would.

8 THE COURT: Thank you very much. Any member of the
9 jury panel, you or your immediate family, now or in the
10 past, been employed by law enforcement? Whether a police
11 officer, highway patrolman, SLED, please stand.

12 (Jurors stand.)

13 THE COURT: All right. Please remain standing. Ma'am,
14 in the blue on the front row.

15 PROSPECTIVE JUROR: Number 125, Marlene Simpson. My
16 husband works for Transport Police.

17 THE COURT: Transport Police; that's a state arm of the
18 Department of Transportation, is it not? Highway
19 department?

20 PROSPECTIVE JUROR: Right.

21 THE COURT: And the fact that your husband works for
22 that transport division, would that in any way, ma'am, keep
23 you from being fair and impartial in the trial of the case?

24 PROSPECTIVE JUROR: No.

25 THE COURT: Thank you. You may be seated. Ma'am, in

1 the blue. Yes, ma'am; you.

2 PROSPECTIVE JUROR: I'm a widow, but my husband was a
3 lieutenant in the sheriff's office in New York.

4 THE COURT: And your name and number again, please,
5 ma'am?

6 PROSPECTIVE JUROR: Jean Smith, 130.

7 THE COURT: And the fact that you're late husband was
8 in law enforcement in New York, would that in any way,
9 ma'am, keep or preclude you from being a fair and impartial
10 juror?

11 PROSPECTIVE JUROR: No, sir.

12 THE COURT: Thank you. You may be seated. And ma'am,
13 next to her, your name and number, please?

14 PROSPECTIVE JUROR: Angela Kujath, number 80.

15 THE COURT: Situation?

16 PROSPECTIVE JUROR: My brother is a police officer.

17 THE COURT: Where?

18 PROSPECTIVE JUROR: Wisconsin.

19 THE COURT: Ma'am?

20 PROSPECTIVE JUROR: Wisconsin.

21 THE COURT: Wisconsin; that's a long way from
22 Dorchester County. The fact that your brother is a police
23 officer in Wisconsin, ma'am, would that in any way keep you
24 from being fair and impartial in the trial of the case?

25 PROSPECTIVE JUROR: No, sir.

1 THE COURT: Thank you. You may be seated. My friend,
2 number 68. Your name and number again, please? Aren't you
3 68?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Well, I thought you were. What's your
6 number?

7 PROSPECTIVE JUROR: Ten.

8 THE COURT: Ten.

9 PROSPECTIVE JUROR: Yes. Deborah Buck; my son works
10 for the Dorchester County Sheriff's Department.

11 THE COURT: All right. Your son works for the
12 Dorchester County Sheriff's Department. I'm going to excuse
13 you from the trial of the case because that is the
14 investigating agency and that's just too close, okay?

15 PROSPECTIVE JUROR: Okay.

16 THE COURT: Yes, sir; in the white shirt?

17 PROSPECTIVE JUROR: Brandon Thomas; 141. My brother is
18 a Charleston County Sheriff's deputy.

19 THE COURT: Mr. Sorenson, we got Charleston County in
20 there? We got Berkeley and Dorchester. All right. Mr.
21 Sorenson, do you have anybody from Charleston County?

22 AST. SOL. SORENSON: We have somebody with the City of
23 Charleston but not Charleston County.

24 THE COURT: The fact that your brother is a deputy with
25 the Charleston County Sheriff's office, would that in any

1 way preclude, sir, or keep you from being fair and impartial
2 juror?

3 PROSPECTIVE JUROR: No, sir.

4 THE COURT: Thank you. You may be seated. And last
5 but not least, sir, your name and number?

6 PROSPECTIVE JUROR: Ramon Healy, number 61. I was a
7 military policeman in the 80's.

8 THE COURT: You were a military policeman in the 80s?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: And that fact that that was your position
11 in the military, would that in any way preclude or keep you
12 from being a fair and impartial juror?

13 PROSPECTIVE JUROR: No, sir.

14 THE COURT: Thank you. You may be seated. Ladies and
15 gentlemen, that concludes all of the questions that I ask
16 during what we call voir dire. Mr. Sorenson, does the State
17 have any addition questions?

18 AST. SOL. SORENSON: Not from the State, Your Honor.

19 THE COURT: How about the defendant?

20 MR. HILTON: None from the defendant.

21 THE CLERK: What's the strikes?

22 THE COURT: Ten and five.

23 THE CLERK: And then the alternates?

24 THE COURT: Three between them. Can you figure that
25 out? That's 12, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.

1 Is that what y'all got?

2 THE CLERK: We got 39.

3 THE COURT: That's close enough.

4 THE CLERK: I'll have them put 45 on the list just in
5 case.

6 THE COURT: Forty-five is fine. We're just doing some
7 math because we've got to have 12 jurors and three
8 alternates. The State has five strikes and the defendant
9 has ten, so you have to have 12 plus 15 and then you have to
10 have three, six, nine, plus three. So you were right. I
11 left off the other three.

12 THE CLERK: We just do math a little different.

13 THE COURT: I know you do. Y'all probably went to
14 Clemson.

15 Now, here's the way we'll do it -- we can just pull
16 out the 45. We are going to now randomly select -- make a
17 random selection. And we'll start with that random
18 selection at the top and go down. As your name is called,
19 if your name is called, if you would please come forward and
20 stand right between the two desks right here, or as the
21 Clerk instructs you. And as I said, the State has five
22 strikes; the defendant has ten. Strikes are set by the
23 legislature according to the type of offense involved. And
24 lawyers can strike you for most any reason or no reason at
25 all within certain bounds that they are cognizant of which

1 has been set out by both US Supreme Court and the State
2 Supreme Court. So don't get offended if you are struck.
3 And we will go through that exercise until we get the 12
4 jurors and three alternates. If we were trying a civil
5 case, such as a wreck case and the legal malpractice or
6 whatever, at this point in time I would get a sheet of paper
7 with 20 names on it. The plaintiff, the party suing, would
8 have four strikes; the defendant would have four. So 20
9 less eight would give me my 12. We do it a little different
10 in criminal court. So this will take us about 15 minutes.
11 Everybody okay?

12 (No response.)

13 THE CLERK: I'm ready whenever you are.

14 THE COURT: I am ready. If your name is called, please
15 come forward.

16 THE CLERK: As I call your name, please come forward
17 and turn around and stand right here in front. Juror number
18 22, Lynleta Dantzler. What says the State?

19 AST. SOL. SORENSON: Please present Ms. Dantzler.

20 THE CLERK: The defense?

21 MR. HILTON: Please seat the juror.

22 THE CLERK: Have a seat in the jury box to your left.
23 And please bring your personal belongings when you come.
24 Did you leave anything?

25 JUROR: Yes.

1 THE COURT: Bring your purse or any book you're reading
2 or book sack or . . .

3 THE CLERK: Don't say anything else. Security don't
4 let them in with much.

5 THE COURT: I was told by the Clerk not to say anything
6 else because security doesn't let them in with much. Boy,
7 she runs a tough courtroom. All right. We have to have a
8 little levity every now and then. So y'all please . . .

9 THE CLERK: All right. Juror number 50, Joseph Gibson.
10 What says the State?

11 AST. SOL. SORENSON: Please present Mr. Gibson.

12 THE CLERK: The defense?

13 MR. HILTON: Please present the juror.

14 THE CLERK: Have a seat in the jury box. Juror number
15 109, Jose [sic] Passmore.

16 PROSPECTIVE JUROR: It's Joshua.

17 THE CLERK: Joshua. Excuse me. What says the State?

18 AST. SOL. SORENSON: Please present Mr. Passmore.

19 THE CLERK: The defense?

20 MR. HILTON: Place seat the juror. eight.

21 THE CLERK: Have a seat in the jury box. Juror number
22 132, Robert Smith. What says the State?

23 AST. SOL. SORENSON: Please present Mr. Smith.

24 THE CLERK: The defense?

25 MR. HILTON: Please excuse the juror.

1 THE CLERK: Have a seat back in the audience. Juror
2 number 137, Charlotte Perez. What says the State?

3 AST. SOL. SORENSON: Please present Ms. Perez.

4 MR. HILTON: Please seat the juror.

5 THE CLERK: Have seat in the jury box. Juror number
6 136, Carol Sobieski. What says the State?

7 AST. SOL. SORENSON: Please present Ms. Sobieski.

8 MR. HILTON: Please excuse the juror.

9 THE CLERK: Have a seat back in the audience. Juror
10 number 9, Victoria Brown. What says the State?

11 AST. SOL. SORENSON: Please excuse Ms. Brown.

12 THE CLERK: Have a seat back in the audience. Juror
13 number 142, Clarita Thomison. What says the State?

14 AST. SOL. SORENSON: Please present Ms. Thomison.

15 MR. HILTON: Please excuse the juror.

16 THE CLERK: Have a seat back in the audience. Juror
17 number 16, Trevor Chism. What says the State?

18 AST. SOL. SORENSON: Please present Mr. Chism.

19 MR. HILTON: Please seat the juror.

20 THE CLERK: Have a seat in the jury box. Juror number
21 20, David Crowell, Jr. What says the State?

22 AST. SOL. SORENSON: Please present Mr. Crowell.

23 MR. HILTON: Please seat the juror.

24 THE CLERK: Have a seat in the jury box. Juror number
25 124, Frank Simmons. What says the State?

1 AST. SOL. SORENSON: Please present Mr. Simmons.

2 MR. HILTON: Please excuse the juror.

3 THE CLERK: Have a seat back in the audience. Juror
4 number 53, Kimberly Griffith [sic]. What says the State?

5 AST. SOL. SORENSON: Please present Ms. Griffin.

6 MR. HILTON: Please seat the juror.

7 THE CLERK: Have a seat in the jury box. Juror number
8 107, Jennifer Osborne. What says the State?

9 AST. SOL. SORENSON: Please present Ms. Osborne.

10 MR. HILTON: Please excuse the juror.

11 THE CLERK: Have a seat back in the audience. Juror
12 number 82, Angela Kyle. What says the State?

13 AST. SOL. SORENSON: Please present Ms. Kyle.

14 MR. HILTON: Please seat the juror.

15 THE CLERK: Have a seat in the jury box. Number 80
16 Angela Kujath. What says the State?

17 AST. SOL. SORENSON: Please present Ms. Kujath.

18 MR. HILTON: Please excuse the juror.

19 THE CLERK: Have a seat back in the audience. Juror
20 number 84, Stephen Lambert. Was says the State?

21 AST. SOL. SORENSON: Please present Mr. Lambert.

22 THE CLERK: The defense?

23 MR. HILTON: At this time we time we challenge for
24 cause.

25 THE COURT: All right. I'm going to grant that

1 challenge and we'll put that on the record at the conclusion
2 of the strike. Go ahead. You can go back and sit down.

3 THE CLERK: Juror 161, Donna Brooks. What says the
4 State?

5 AST. SOL. SORENSON: Please present Ms. Brooks.

6 MR. HILTON: Please seat the juror.

7 THE CLERK: Have a seat in the jury box. Juror number
8 144, Catherine Threadgill. What says the State?

9 AST. SOL. SORENSON: Please present Ms. Threadgill.

10 THE CLERK: The defense?

11 MR. HILTON: Please seat the juror.

12 THE CLERK: Have a seat in the jury box. Juror number
13 39, Angelica Ferguson. What says the State?

14 AST. SOL. SORENSON: Please present Ms. Ferguson.

15 THE CLERK: The defense?

16 MR. HILTON: Please seat the juror.

17 THE CLERK: Have a seat in the jury box. Juror number
18 70, Dewey Jackson. What says the State?

19 AST. SOL. SORENSON: Please present Mr. Jackson.

20 THE CLERK: The defense?

21 MR. HILTON: Please excuse the juror.

22 THE CLERK: Have a seat back in the audience. Juror
23 number 108, Mildred Palm. What says the State?

24 AST. SOL. SORENSON: Please present Ms. Palm.

25 THE CLERK: The defense?

1 MR. HILTON: Please excuse the juror.

2 THE CLERK: Have a seat back in the audience. Juror
3 number 59, Quonset Harrison. What says the State?

4 AST. SOL. SORENSON: Please present Mr. Harrison.

5 MR. HILTON: Please seat the juror.

6 THE CLERK: Have a seat in the jury box. That's 12.

7 THE COURT: We'll do three alternates. One strike for
8 the State, two for the defendant.

9 THE CLERK: Juror number 139, Mark Stone. What says
10 the State?

11 AST. SOL. SORENSON: Please present Mr. Stone.

12 THE CLERK: The defense?

13 MR. HILTON: Please excuse this juror.

14 THE CLERK: Have a seat back in the audience. Juror
15 number 3, Rieko Barreto. What says the State?

16 AST. SOL. SORENSON: Please present Mr. Barreto.

17 THE CLERK: The defense?

18 MR. HILTON: Please seat the juror.

19 THE CLERK: Have a seat in the jury box.

20 THE COURT: That's one; two again.

21 THE CLERK: Juror number 113, Timothy Pitts. What says
22 the State?

23 AST. SOL. SORENSON: Please present Mr. Pitts.

24 MR. HILTON: Please seat the juror.

25 THE CLERK: Have a seat in the jury box. Juror number

1 79, John Kolker. What says the State?

2 AST. SOL. SORENSON: Please present Mr. Kolker.

3 MR. HILTON: Please excuse the juror.

4 THE CLERK: Have a seat back in the audience. Juror
5 number 160, Rachel Young. What says the State?

6 AST. SOL. SORENSON: Please present Ms. Young.

7 THE CLERK: The defense?

8 MR. HILTON: Please seat the juror.

9 THE CLERK: Have a seat in the jury box. Thank you,
10 sir.

11 THE COURT: Any motions by the State in connection with
12 the selection of the jury?

13 AST. SOL. SORENSON: No, sir.

14 THE COURT: By the defendant?

15 MR. HILTON: None, Your Honor.

16 (The jury was impaneled at 4:23 p.m.)

17 THE COURT: Ladies and gentlemen, those of you who were
18 not selected, as I said, release you for the balance of the
19 day, which is not a whole lot. But anyway, and I would ask
20 that you call back after six o'clock tomorrow with
21 instructions as to what -- the numbers are on that piece of
22 paper the Clerk is holding up.

23 THE CLERK: And he has some in the back.

24 THE COURT: And we have some in the back if you do not
25 have one. So please call back after six to receive whatever

1 instructions; that would be after six tomorrow. Having said
2 that, if I don't see you again, I thank you for your
3 willingness to perform your civic duty. Obviously, we
4 cannot run our courtroom system without jurors ready,
5 willing, and able to serve. I know it's an inconvenience,
6 but it's still the best legal system in the world. If you
7 think about it and take some time to think about what it
8 really means. So, thank you. I'm going to excuse you now
9 and maybe see you the rest of the week; but I don't. I
10 doubt it. But we'll see. Thank you. Everybody else remain
11 seated except for my jurors leaving.

12 (The remaining jury panel is excused at 4:24 p.m. and
13 exits the courtroom)

14 THE COURT: Gentlemen, let me see y'all over here at
15 the sidebar.

16 (A bench conference is held off the record and out of
17 the hearing of the jury panel.)

18 THE COURT: Ladies and gentlemen of the jury panel,
19 this is an awful time to get the jury selected at a quarter
20 to five in the afternoon. I'm going to let y'all make a
21 decision. What we do in the trial of the case, it starts
22 off with some opening statements by the State and by the
23 defendant. But before they make their opening statement,
24 I'll make my little opening spiel. So, obviously, I would
25 let you go stretch your legs, go to the bathroom. It would

1 probably take us 15 minutes, so that puts us at a about 20
2 minutes to five. I suspect that my opening remarks and
3 their opening remarks, conservatively speaking, would
4 probably put us to about 5:30. I can right now or we can
5 start in the morning at -- 9:30 suit everybody?

6 JUROR: I have a class for a job I have to go to at
7 eight and it's a six-hour class.

8 THE COURT: Why didn't you tell me that? I mean,
9 you're stuck now. That's why asked anybody tell me
10 about any . . .

11 JUROR: I'll have to call the manager.

12 THE COURT: What is your class?

13 JUROR: It's at Trident Hospital.

14 THE COURT: Let me just talk to you by yourself
15 afterwards. Y'all want to start this afternoon or come in
16 tomorrow morning at 9:30? I'll do whatever y'all want to
17 do.

18 (Jurors respond morning.)

19 THE COURT: Morning? Okay. What I'd like to do now is
20 start right on time. So please don't be late. I don't get
21 mad about anything except tardiness, maybe a few other
22 things. What do y'all do about coffee and all that for them
23 in the morning?

24 THE CLERK: If you would like that we can have it for
25 them.

1 THE COURT: What else?

2 THE CLERK: Biscuits.

3 THE COURT: All right. Anybody want some
4 sausage biscuits or ham biscuits or diet biscuits? Grapes
5 or bananas? All right. I'll have some hot coffee and some
6 sausage and ham biscuits for you. But if you're going to
7 take any of that, you have to be here before 9:30. I can't
8 let you bring it in the courtroom. We'll start right at
9 9:30; probably go close to 12:30, one, see where we are;
10 take an hour an hour and 15 minutes. We'll just see how we
11 run and go to about five o'clock tomorrow afternoon. And
12 then we'll see where we are to get on track. I will swear
13 you in in the morning before we start.

14 I will ask you please tonight, don't discuss the case
15 with anybody; don't let anybody discuss it with you. Please
16 don't go look up on the Internet or the computer anything
17 about this particular case. I saw something as I was
18 sitting back there waiting for the jury, roll call and all
19 today, I think I saw something on Live 5 News, it was a
20 little article about the case being tried. You know court
21 reporting -- I mean, newspaper reporters and TV people
22 obviously have the right to come in and listen to
23 everything, do their reporting. But we try this case based
24 solely on what is presented. So please wait until after
25 it's all over said and done to go to the Internet if you're

1 going to do it at all. There may be something on TV
2 tonight. I don't know. But if it comes on, let's try to
3 hear it in the courtroom. Disregard anything on TV. And
4 I'm not sure if it's going to be on the news, papers or not.
5 Anyway, the point I'm making is you'll hear all, you'll be
6 making the decision. You'll know more about it than anybody
7 around. So don't try to look at the news until it's all
8 said and done. I look forward to working with you. I think
9 you'll find it to be an interesting civic duty. Obviously,
10 a tremendous responsibility to serve on a jury. But it's
11 better than doing it like they do in other countries where
12 they just let the dictator do it or whoever. Y'all will be
13 making the decisions. So I look forward to working with
14 you. I will see you bright and early in the morning at 9:30
15 if you want your coffee -- have a seat please. Thank you.
16 So I'm going to excuse you now for the balance and the
17 Bailiffs will show you how to get back up here in the
18 morning and ramble back through the back halls. Y'all feel
19 free to pass on through. You want to ask me something?

20 JUROR: I didn't think about it until you mentioned
21 channel 5, but my daughter is assistant producer with
22 channel 5. I don't plan to discuss anything with her but I
23 just thought you should know that.

24 THE COURT: I think that's great. I know you're proud
25 of her. Just don't talk to her about it until it's over.

1 All right. I'll see you -- if you don't mind just staying
2 one second. Y'all are free to go.

3 (The jury is excused for the day and exits the
4 courtroom at 4:30 p.m.)

5 THE COURT: Anything from the State before we break for
6 the evening?

7 AST. SOL. SORENSON: No, sir.

8 THE COURT: The defendant?

9 AST. SOL. SORENSON: Actually, we do briefly have one
10 brief thing, Your Honor, that we kind of brought to Your
11 Honor's attention up on the sidebar. The indictment, the
12 month needs to be amended. It should be April not May.

13 THE COURT: All right. I am going on the record amend
14 the indictment simply to correct a scrivener's error from
15 May to April. Any objection by either side?

16 MR. HILTON: We have no objection, Your Honor. It's
17 from May to April?

18 THE COURT: From May to April.

19 MR. HILTON: To April.

20 THE COURT: Also, the court excused juror numbers 84,
21 16 on the strike list, Stephen P Lambert. When he came
22 forward, he was rather flippant in his response to me. He
23 said that he was an EMT working in emergency room -- worked
24 in the medical field. What did he say? Said he was a
25 paramedic; worked on an ambulance.

1 AST. SOL. SORENSON: I though he was in the emergency
2 department or something like that.

3 THE COURT: Anyway, he said that he had been trained to
4 believe police officers over everybody else and you moved
5 for cause to strike and I granted it. That was the reason
6 for that. Obviously, we have to have people that can listen
7 to everybody and decide the credibility based on not what
8 they've been taught in a job. So we did that.

9 Anything else? Y'all told me that you were going to
10 get together between now and when you go home to try to get
11 all of the exhibits marked and go through the photographs to
12 see if you can reach some agreement on those. If not,
13 before they're presented or attempted to be presented, we'll
14 have a in-camera review of those to consider any 403
15 objections, prejudicial versus probative or cumulative, with
16 anything that you may have on that. So is there anything
17 else I can do to help? I would ask that you please in
18 addition to the photographs, go ahead if you can mark as
19 many exhibits as you can so we can move right through that.

20 AST. SOL. SORENSON: Yes, sir. Madam Court Reporter
21 has given me a stack of exhibits. So I will get them -- I
22 should be able to use what she gave me tonight and may have
23 a couple more for her in the morning.

24 THE COURT: And for the victims family, tomorrow
25 obviously, I hate to make you sit in the back of the

1 courtroom. But when the jury comes, we have to reserve the
2 front for the jury. Obviously, when you come in tomorrow,
3 come to where you were all morning. Anything else by State
4 or the defense?

5 AST. SOL. SORENSON: No, sir.

6 MR. HILTON: Nothing, Your Honor.

7 THE COURT: Okay. Well, I appreciate everyone's
8 patience today, your professionalism. And I look forward to
9 working with you tomorrow. We'll start at 9:30; normally go
10 up until about a quarter to one; take about an hour and 15
11 minutes; start back around two-ish; five-ish unless we're
12 right in the middle of something, we'll adjust accordingly.

13 AST. SOL. SORENSON: Yes, sir.

14 THE COURT: I'll be in chambers for a few minutes if
15 y'all need to discuss anything in private with me. I'll be
16 headed back to Bamberg and will see y'all bright and early
17 in the morning.

18 AST. SOL. SORENSON: Yes, sir. Thank you.

19 THE COURT: Everyone is excused.

20 (The proceedings in the trial of this case adjourned
21 for the day at 4:35 p.m. and will resume Tuesday,
22 August 9, 2016 at 9:30 a.m.)

23 - - - - -

24 (The proceedings in the trial of this case resumed on
25 August 9, 2016 at 9:30 a.m.)

1 THE COURT: Good morning. Please be seated. Thank
2 you. State ready to proceed?

3 AST. SOL. SORENSON: If I can have just one second.
4 Mr. Templeton is just right outside. So he'll be entering
5 in a second.

6 THE COURT: Defense ready to proceed?

7 MR. HILTON: We're ready, Your Honor.

8 THE COURT: Bring the jury in for me, please.

9 (The jury enters the courtroom at 9:31 a.m.)

10 THE COURT: Good morning. How was the sausage biscuit?

11 JUROR: Very good. Thank you.

12 THE COURT: Thank the Clerk. They're the ones that fed
13 you. Okay. The first thing we have to do to this morning
14 to get started is please stand and raise your right hand and
15 the Clerk will administer an oath.

16 (The jury panel is sworn.)

17 THE COURT: Ladies and gentlemen of the jury panel,
18 here's the means of which we are going to proceed this
19 morning. I'm going to give you a few opening remarks. And
20 once I conclude my remarks, then the Solicitor will make an
21 opening statement on behalf of the State followed by an
22 opening statement by the defendant. Once the opening
23 statements are concluded, because the State has the burden
24 of proving the case, they will present their case first.
25 They will call their witnesses and we'll go through the

1 various testimony and exhibits that they will introduce, if
2 any. And once they have completed their case then the
3 defendant has the right -- he doesn't have to -- had the
4 right to put up his side of the story or his defense. And
5 then once that is completed, the State may if they deem
6 necessary put up reply testimony. And once that reply
7 testimony is up, that will conclude all of the evidence that
8 you will hear. And once we have all of the evidence then
9 the final stages of the trial is that the defense as well as
10 the State will make their final closing arguments. And then
11 I will instruct or charge you on the law; tell you what the
12 law is in this particular case. And once we do that then
13 you will be in a position to start your deliberations.

14 Now, let me remind you again, ladies and gentlemen, the
15 fact that the defendant in this case has been charged and
16 arrested and indicted for the offense of murder, that is not
17 evidence in the case. That is simply the legal document by
18 the way this case comes into the courtroom. He has pled not
19 guilty to this charge. By pleading not guilty, he has the
20 constitutional presumption of innocence, and he remains in
21 innocent unless the State is able to prove his guilt to you
22 beyond a reasonable doubt. Now, there are two types of
23 burdens of proof in trials in our state. I mentioned to you
24 yesterday there are two kinds of cases; there are civil
25 cases and there are criminal cases. If we were here this

1 morning trying a civil case -- somebody ran into you at the
2 stop sign or you go to a doctors office and he doesn't
3 provide care that meets the standard of care or someone
4 breaches a contract, you would be suing that person for
5 monetary damages. That's a civil case. In A civil case,
6 the parties come into the courtroom on equal footing. And
7 for the plaintiff, the person bringing the case, for him or
8 her to prevail they have to prove their case by what we call
9 the preponderance or greater weight of the evidence. And we
10 illustrate that by scales of justice so to speak. They come
11 in on equal footing. For the plaintiff to prove his case by
12 the preponderance or greater weight of the evidence, they
13 have to move the scales of evidence ever so slightly in
14 their favor. If they're able to do that then they are
15 entitled to a verdict. If after all the testimony the
16 scales remain the same, or they tip in favor of the
17 defendant, then he would not be entitled to a verdict.
18 That's the burden of proof in a civil case.

19 In A criminal case, the burden of proof is greater.
20 Because the defendant is presumed to be innocent, he comes
21 into the courtroom with the scales tipped in his favor. And
22 for the defendant to be found guilty, the State has to prove
23 to you his guilt beyond a reasonable doubt. So the burden
24 of proof in a criminal case is much greater than a civil
25 case. So that's the burden of proof. The State has that

1 burden of proof. And they do that by calling their
2 witnesses and presenting the evidence.

3 Now, as I told you yesterday when we selected the jury,
4 we have two separate functions to perform. My job is to
5 tell you and instruct you what the law is. My job is to
6 make sure the lawyers ask questions within the rules. If
7 those questions are asked within the rules and the witness
8 testifies in response to those questions or a document is
9 introduced into evidence as an exhibit, that has been
10 introduced into the trial of the case. And it's not unusual
11 for the introduction of testimony or exhibits to not
12 coincide with one each other. It may be A; it may be D; it
13 may be Q; it may be R, S, whatever. But it's still admitted
14 into the trial of the case because it's a proper question.
15 That's where your job comes in. You are the judges of the
16 facts as I told you yesterday. You judge the credibility or
17 the believability of the witnesses who testify. And you
18 determine what the true facts are. And when you make that
19 determination as the judges of the facts and you will apply
20 those true facts to the law as I charge or give it to you.
21 And that's how the system works. And you'll be in a
22 position to render a verdict. As I told you yesterday, it's
23 the Latin word meaning speak the truth.

24 Now, I mentioned this yesterday as well. Please don't
25 leave your common sense at the door. You all have dealt

1 with family members, husbands, wives, friends, children,
2 coworkers, et cetera. You know how to judge the credibility
3 and believability of a witness. So use that common sense in
4 making that judgment here the courtroom today in deciding
5 what the true facts are. As we go through the trial of the
6 case, I try to run an efficient courtroom. I try to start on
7 time. I try to make the lawyers, one, one witness after the
8 next so we don't sit back there twiddling our thumbs and
9 waiting on anybody. I try to be efficient and make it move
10 smoothly. However, I'm not trying to run a race. So if at
11 any time during the trial of the case you become
12 uncomfortable, you need to use the restroom, you need a
13 break or a glass of water or coke perhaps, you just get
14 tired of listening to me, you get hot or you get cold,
15 please raise your hand and let me know if you need a break
16 or if you need something that we need to address. I will
17 ask that when we take our first break to please select a
18 foreperson among the 12 regular jurors. A spokesperson is
19 simply someone who lets me know if there is any problems
20 going on in the jury room; lets me know of any concerns that
21 you may have. They're the person who leads up the
22 deliberation and will ultimately sign the verdict form. But
23 it's just simply one other member of the jury but he or she
24 is the one who sort of keeps me apprised of anything that we
25 need and bring to my attention.

1 I will tell you each time we take a break, please do
2 not start any deliberations or discussions of the case. You
3 can talk about anything you want to in the jury room, but it
4 is improper to start talking about the case until all of the
5 evidence has been presented and the lawyers have made their
6 arguments and I've charged you on the law. So that's one of
7 the main rules, do not start any deliberations before we
8 start. I will also tell you at any breaks we take away from
9 the courthouse, please do not go to any news sites; please
10 do not do any Internet research so to speak. We want to try
11 this case based solely on what is presented here in the
12 courtroom and not influenced by any outside forces or facts
13 or information that's not admissible in the trial. If I
14 find out that has happened, I have to declare a mistrial.
15 And I have to deal with the jurors who do not comply with
16 that mandate.

17 In just a few seconds the lawyers will start the trial
18 of the case by their opening statements. Please bear in
19 mind that the opening statement by the defendant and by the
20 State is not evidence in the trial of the case. It is
21 simply what they believe will be what position they want to
22 take, what they want to show you, what they want to prove to
23 you as sort of a roadmap that they'll give you of their
24 case. It's an outline of their case, what they intend to
25 show, what the important facts are and for what you to look

1 at. But that is not evidence in the case. You will make
2 your decision based on testimony from the witness stand
3 and/or exhibits and/or stipulations; and there are other
4 ways of introducing evidence. So I ask that you pay close
5 attention to the lawyers. And we'll get started right now
6 in just a second. This will be about a -- I know it will be
7 all day today and probably all day tomorrow. It may
8 possibly go into Thursday. We'll move it as efficiently as
9 we can, but so everybody will have an opportunity to be as
10 thorough as they need to. You may take notes. Do you want
11 to take notes? I can give you notepads if you would like.

12 (Jurors affirm)

13 THE COURT: All right. Mr. Bailiff, if you would get
14 us some notepads, please, sir. Please, ma'am?

15 THE BALIFF: Yes, sir.

16 THE COURT: The rule on the notes is this; it's very
17 simple. When they hand out notepads -- they'll give you a
18 notepad, ma'am. Put your name on it at the top so when you
19 come back in you don't get her notepad and she doesn't get
20 yours. I remember when I was in school and I took horrible
21 notes. I had to rely on somebody else's notes. But just
22 bear in mind that the notes are just something to sort of
23 refresh your memory. They can be used in a proper way. But
24 respect everybody else's position on things when they take
25 their notes because somebody may take better notes than

1 others. But we'll see. But I will give you those pads.
2 When we take a break, just take your notebook, turn it over
3 and put it in your chair. When we come back out, you'll be
4 given your notebook back. If we leave the courtroom or
5 courthouse at lunch or tonight, we collect the notepads,
6 nobody looks at them; they are put in a secure place; and
7 tomorrow morning they'll be handed back out to you. And
8 then of course at the conclusion of the trial, those notes
9 will be gathered and they will be destroyed. I won't even
10 look at them. So they are your own personal notes. So feel
11 free to -- they won't be viewed by anybody. Let's just wait
12 one second until we get all the notebooks out here and then
13 we'll have our opening statement by the State and the
14 defendant.

15 As I told you yesterday, I suspect we'll try to run
16 until about 12:30, a quarter to one; probably take an hour,
17 an hour and 15 minute lunch break. I'll just ask y'all
18 about how much time you need. I'm not real familiar with
19 downtown St. George and where all you can eat. And then as
20 we move a little further into the trial, if we get in to
21 deliberate it, we'll bring lunch in and so you don't have to
22 be disturbed by that.

23 Maybe they're going to the Dollar General to buy the
24 notepads. I don't know. You know how patient I am. As
25 soon as they come in with the notes, counsel, we'll get

1 started.

2 (Brief pause.)

3 OPENING STATEMENTS

4 THE COURT: Mr. Sorenson, y'all may make your opening
5 statement.

6 AST. SOL. SORENSON: Thank you.

7 AST. SOL. TEMPLETON: May it please the Court?

8 THE COURT: Yes, sir.

9 AST. SOL. TEMPLETON: Ladies and gentlemen, you're here
10 today for the case of the State of South Carolina versus
11 Edward Bonilla in a case of murder. You're here today
12 because on April 4, 2015, the defendant, Edward Bonilla took
13 the life of Ashley Pegram. Everybody kind of knows what
14 murder is. The law defines murder as the taking of a life
15 with malice aforethought. Malice meaning hostility, ill
16 will; aforethought meaning in the mind of the defendant,
17 just before and at the time of the killing. Just as talked
18 about the burden of proof in this case, it's beyond a
19 reasonable doubt. Everybody's heard of reasonable doubt.
20 The burden of every criminal case across this country. But
21 I want to tell you what that really means. Beyond a
22 reasonable doubt simply means the State must provide
23 sufficient evidence to make sure that each and every one of
24 you are firmly convinced of the defendant's guilt.

25 So I want to take you to early April 2015. At that

1 point, Edward Bonilla and Ashley Pegram had met on a social
2 media site; a dating site basically. They started
3 communicating on an application called Kik. It's
4 application that you can send text messages back and forth
5 to each other basically. After they met, they decided they
6 were going to meet up in person finally on April the 3rd,
7 2015. Edward was going to come pick Ashley up at her
8 mother's home. They were going to go to a bonfire at a
9 family member of the defendant's home. They were going to
10 hang out. That's what happened. About nine o'clock on
11 April the 3rd, the defendant came by and picked up Ashley.
12 He took her to the bonfire over on Crowfield Plantation, and
13 they hung out with the defendant's family. They had some
14 drinks and they just spent the time together.

15 Around midnight or just before midnight, they left that
16 bonfire; just the two of them together. A few minutes
17 later, we can see them at the Sunoco gas station on College
18 Park Road. We see them on video. Ashley gets out of that
19 vehicle; goes into the gas station presumably to go to the
20 restroom; comes back out and gets back in that car and
21 leaves with the defendant. At that point, that's the last
22 time anyone other than the defendant sees Ashley Pegram
23 alive. Based on cell phone data, we know that the defendant
24 went back to the Summerville area near where Ashley Pegram
25 lived. Drove around for a period of time and then went

1 home to Hanahan. This is about one o'clock in the morning.
2 And then what happens is we see at about 2:30 he switched
3 the vehicles at this point. During the beginning of the
4 night, he was in his mother's Hyundai Sonata. At this point
5 at about 2:30 in the morning, he has left his home in
6 Hanahan in a work van that he has access to through his
7 employer. He leaves; we see him on video leaving, going
8 past Trident Technical college. We see him on video leave,
9 and within about 15 minutes he is coming straight back to
10 his house, somewhere around 2:15 to 2:30. Around 4:50, he
11 sends a text message to his boss saying he is not going to
12 be at work the next day; that he's sick. Less than a
13 half-hour later, he's seen yet again leaving in that same
14 work van going past Trident. And based on cell phone data,
15 we can tell that he goes up to the Harleyville area,
16 Dorchester County, ultimately where Ashley Pegram's body is
17 found. He then goes home; goes back to his normal life.

18 Within a few days, the police have spoken to
19 Mr. Bonilla. And they ultimately find both the work van and
20 that Hyundai Sonata. In the trunk of that Hyundai Sonata,
21 they find blood matching Ashley Pegram. In the back of that
22 work van, they find blood matching Ashley Pegram, as well as
23 on the ceiling of that van. Over the next few days, the
24 investigation continues and ultimately Mr. Bonilla discloses
25 the location of Ashley Pegram's body through her [sic]

1 previous attorney. She discloses a triangular-shaped area,
2 wooded area in the Harleyville area of Dorchester County.
3 After the use of cadaver dogs, they were ultimately able to
4 find Ms. Pegram's body. When her body is finally found, she
5 naked from the waist down; her shirt and bra are pulled up
6 near her throat; there's electrical tape about her wrists
7 and electrical tape wrapped around her throat.

8 Ladies and gentlemen, when you have seen all of the
9 evidence in this case, when you've heard all of the
10 testimony in this case, the State believes that you will be
11 firmly convinced of the defendant's guilt. At that time, I
12 we will ask for you to return a verdict of guilty. Thank
13 you.

14 THE COURT: Everybody okay?

15 (No response.)

16 THE COURT: Mr. Hilton?

17 MR. HILTON: Thank you. We get up in the morning, go
18 look at Facebook; we pull up the newspaper, Internet,
19 whatever, and we read articles in the newspaper. And we
20 say, oh, look at there, they got that group of guys that was
21 committing those burglaries over in Goose Creek; look at
22 there, they charged that guy with murder. And in our minds,
23 we convicted that person by the information that is in that
24 newspaper article. And all of us do it. I do it myself.
25 And it's a subconscious thing that we do when we an article,

1 when we hear that police have caught somebody, in the back
2 of our minds, we say I'm glad they got that guy; I'm glad
3 they got that guy. You know how they get those press
4 releases and news articles? The Sheriff's Office sends them
5 out. The Sheriff's Office sends out a letter or sends over
6 an e-mail and it says, hey, we've made some arrests in this
7 case. Or they send a fax over to the newspaper, hey, you
8 might want to print that we've made some arrests in that
9 case. And that's how they get that information. And based
10 on that, subconsciously, we conclude that that person is
11 guilty of whatever they're charged with. Thank goodness
12 that our court system, and this court system in Dorchester
13 County, doesn't work that way. The prosecutor told you, the
14 judge told you yesterday, that when a defendant comes in
15 here, the State -- and this is the State. Mr. Sorenson is
16 one of the assistant solicitors; Mr. Templeton is one of the
17 assistant solicitors. And they have to come and prove each
18 and every element of the indictment to you. And they've
19 alleged in this case that on April 4th the defendant, Mr.
20 Bonilla, with malice aforethought killed one Ashley Pegram
21 by means of blunt force trauma. That's with the indictment
22 alleges and that's what they're going to have to prove
23 beyond all reasonable doubt.

24 Now, Judge Early told you yesterday that in talking to
25 the jury panel as a whole, he said, you know, we're not just

1 haled in front of some governmental body; we're not just
2 called in front of some committee whereby they assess a
3 penalty, you know. Mr. Sorenson, Mr. Templeton, can't just
4 publish this indictment and then call him up in front of the
5 court whereby he's sentenced for whatever crime they allege.
6 It's you as jurors who decide whether or not the evidence,
7 after hearing all of the evidence that is presented, whether
8 or not he's guilty of the crime they've charged him with.
9 Thank goodness that our system doesn't work by just calling
10 somebody in front of the court or by just publishing an
11 article in the newspaper and we convict the person based on
12 that. We've all been in situations where things aren't what
13 they look like at first glance. I guy comes home with
14 lipstick on his cheek; wife looks at him and says, oh my
15 gosh. She jumps the gun and accuses him of bad stuff. She
16 hasn't had a chance to know yet that he ran into Aunt Betty
17 in the grocery store. Come home, your furniture is turned
18 over, things are all out of place. Burglary? Or did the
19 dogs chase each other around the house? Walk in from a long
20 day at work, your spouse is cooking in the kitchen, there's
21 pots and pans and the smell of blueberry muffins is all over
22 the place. Did she cook blueberry muffins or did he cook
23 blueberry muffins? Or is it a new candle somebody lit up?
24 Things aren't always what they seem. And I'll tell you,
25 ladies and gentlemen, you are going to hear a lot of

1 evidence in the case. And what Mr. Templeton told you about
2 some of the evidence that you'll hear, that's accurate.
3 That stuff is accurate. But I want to tell you that
4 sometimes the evidence just doesn't equate to the theory
5 that they have presented. And you've got ask yourself, "Is
6 that what really happened? Or did law enforcement, did the
7 solicitors office, did the State, jump to conclusions and
8 say, wait a minute, this is what we see; this is what
9 happened?" You have got to ask yourself, "Is this what
10 really happened in this case?" And that's why we're here.
11 That's why we're here.

12 You know, there were a few moments yesterday during the
13 jury selection and all we were able to chuckle a little bit.
14 Somebody would say something, whatever, and we all got a
15 little laugh. And even Judge Early said, you know,
16 sometimes we need a little humor. And that's absolutely
17 true. But I submit to you that this case is extremely
18 serious. It's very, very serious for several people. One,
19 for Ashley Pegram and her family and her sister, Brandy
20 Chance; it's very important to them. But this case is also
21 very important to Mr. Bonilla. This is his opportunity for
22 the State to prove him guilty on this case; and if that
23 happens, it happens. And if it doesn't happen, it doesn't
24 happen. And that's why we're here. If at any time during
25 the course of this trial I say something that you might

1 conceive as being degrading to Ashley Pegram or any of her
2 family, I can promise you that's not how it was intended.
3 That's not what this case is about. It's about the facts.
4 But just as this case is important for their family, for
5 Ashley Pegram, it is very important for Mr. Bonilla. And on
6 behalf of Mr. Bonilla, Ms. Kimmons and I want to thank you
7 for coming in and serving.

8 You know, we had jury selection yesterday and you were
9 chosen. Some jurors were chosen and some weren't. And you
10 were chosen because I thought, we thought, as the defense,
11 that you would be the type of jurors you don't just read
12 something in the paper and you say, hmm, I'm glad you got
13 him. We chose you because we thought you would be they type
14 of jurors to be able to set that aside and look at
15 everything. And at the end of the case after you have heard
16 all of the evidence, then you discuss it and make a
17 decision. Not before; not preconceived ideas; and go into
18 it with an open mind. That's what we're asking you for.
19 And we thank you for your service.

20 THE COURT: You may call you first witness.

21 AST. SOL. SORENSON: Thank you. May it please the
22 Court, Your Honor?

23 THE COURT: Yes, sir.

24 AST. SOL. SORENSON: The State calls Brandy Chance.

25 THE COURT: Come around, please.

1 **BRANDY CHANCE**, after being duly sworn, testified as
2 follows:

3 DIRECT EXAMINATION

4 BY AST. SOL. SORENSON:

5 Q. Good morning, Brandy?

6 A. Good morning.

7 Q. You need to make sure to speak up for us.

8 THE COURT: Speak up for us.

9 Q. Speak up nice and loud for us, okay. If you would,
10 Brandy, tell the jury how it is that you're related to
11 Ashley Pegram.

12 A. She's my sister.

13 Q. And back in April of last year, 2015, the time of her
14 death, how old was Ashley?

15 A. Twenty-eight.

16 Q. And where, during that time, was she living at?

17 A. With our mom.

18 Q. And do you remember what the address was that she was
19 living at?

20 A. [REDACTED] Drive in Summerville.

21 Q. And what is your and Ashley's mother's name?

22 A. Rana Chance.

23 Q. And that's R-a-n-a? Is that correct?

24 A. Yes, sir.

25 Q. And how about y'all's father? What's your father's

1 name?

2 A. Jimmy Chance.

3 Q. Now let me ask you this: Back in April of 2015 when
4 Ashley was living, so she was living with your parents at
5 that time?

6 A. Yes, sir.

7 Q. Okay. And does Ashley have any children?

8 A. Yes, sir.

9 Q. How many children does Ashley have?

10 A. Three.

11 Q. Were they all living there also at the time?

12 A. Yes, sir.

13 Q. And during that time period, Brandy, did Ashley have a
14 cell phone that was her cell phone?

15 A. No, sir.

16 Q. Did she have a phone that she would use though?

17 A. Yes, sir.

18 Q. And whose phone was that that she was using?

19 A. My mom's.

20 Q. And let me ask you this: 843-817-3321, was that the
21 phone that Ashley was using back during that time period?

22 A. Yes, sir.

23 Q. While I'm asking -- about a couple of other phone
24 numbers just while I'm at this point. Back in April of 2015
25 was your cell phone number 843-597-6269?

1 A. Yes, sir.

2 Q. Okay. And you had said a moment ago that Ashley had
3 three children. One of them a teenage daughter?

4 A. Yes, sir.

5 Q. Okay. And her name is Haley?

6 A. Yes, sir.

7 Q. Did Haley have a cell phone?

8 A. Yes, sir.

9 Q. And was Haley's cell phone 843-801-3365?

10 A. Yes, sir.

11 Q. All right. Now let me ask you this: How often back
12 in, you know, the early part of 2015, how often did you talk
13 with your sister or see your sister?

14 A. Every day, every other day.

15 Q. Okay. Were you living here in Summerville or in
16 Summerville also?

17 A. Yes, sir.

18 Q. And back during that time frame the early part of 2015
19 into April of 2015, were you aware of whether your sister
20 during that time period was using any dating sites online?

21 A. Yes, sir.

22 Q. And specifically, on the evening of Friday April 3rd of
23 2015, did you know that your sister was going out on a date
24 that night with somebody that she had met online?

25 A. No, sir.

1 Q. Did you become aware of that fact after the fact?

2 A. Yes, sir.

3 Q. And that night if Friday April 3rd of 2015, were you
4 over at your mom's house that night when your sister went
5 out?

6 A. No, sir.

7 Q. Now, I want to show you a couple of pictures if I
8 could. Okay, Brandy?

9 AST. SOL. SORENSON: May I approach the witness, Your
10 Honor?

11 THE COURT: You may.

12 Q. Brandy, if I could show you States Exhibit No. 2. Who
13 is that in States Exhibit No. 2?

14 A. That's my little sister.

15 Q. Is that what she looked like?

16 A. Yes, sir.

17 AST. SOL. SORENSON: At this time we'd offer States
18 Exhibit No. 2 into evidence?

19 THE COURT: Any objection?

20 MR. HILTON: No objection.

21 (Whereupon, State's Exhibit No. 2, a Photograph, was
22 received into evidence.)

23 AST. SOL. SORENSON: Publish it, Your Honor?

24 THE COURT: (Affirms.)

25 Q. And State's Exhibit No. 3, have you had a chance to see

1 these two photos?

2 A. Yes, sir.

3 Q. And who is that depicted in those photos?

4 A. That's my sister.

5 Q. Again, what she looked like back in April of 2015?

6 A. Yes, sir.

7 AST. SOL. SORENSON: This time we'd offer the two
8 photographs, States Exhibit No. 3 into evidence.

9 MR. HILTON: Without objection.

10 (Whereupon, State's Exhibit No. 3, 2 Photographs, was
11 received into evidence.)

12 AST. SOL. SORENSON: Permission to publish those, Your
13 Honor?

14 THE COURT: Yes.

15 Q. That's your sister walking in what appears to be a
16 convenience store door. Is that correct?

17 A. Yes, sir.

18 Q. And this is kind of a close-up of her also?

19 A. Uh-huh.

20 Q. Now, I had asked you this a few moments ago, Brandy.
21 Did you become aware at some point in time that your sister
22 had gone out with somebody that Friday night?

23 A. Yes, sir.

24 Q. When was that that you learned about that?

25 A. It was the following day.

1 Q. So it would be Saturday, the 4th?

2 A. Uh-huh.

3 Q. Okay. To your knowledge, did she come home that Friday
4 night or that Saturday morning?

5 A. No, sir.

6 Q. And who ultimately contacted you about your sister then
7 on Saturday, April 4th?

8 A. My mom.

9 Q. And had you heard from your sister Ashley anytime early
10 morning hours of Friday or evening of Friday the 3rd into
11 the early morning hours of Saturday, April 4th?

12 A. No, sir.

13 Q. Now let me ask you this: Did you know who she was
14 going out with that night?

15 A. No, sir.

16 Q. Okay. Did your mom know and tell you or anything of
17 that nature?

18 A. No, sir.

19 Q. Now, what did you end up then doing, Brandy, on that
20 Saturday, April 4th?

21 A. I went to mom's house.

22 Q. Okay. And had anybody heard from Ashley up until the
23 time that you went over there on Saturday?

24 A. No, sir.

25 Q. And what did you do then when you got over to your

1 mom's house?

2 A. I just went through the phone trying to figure out who
3 she may have went out with.

4 Q. And you testified earlier that that 817-3321 number
5 that your sister used that phone?

6 A. Yes.

7 Q. But it was your mom's phone?

8 A. Yes, sir.

9 Q. Okay. When you got to the house then on Saturday,
10 April 4th, was that phone at the house?

11 A. Yes, sir.

12 Q. So you had a chance to kind of go through it at that
13 point in time?

14 A. Yes, sir.

15 Q. Okay. And looking through the phone, did you come
16 across anything that appeared to kind of relate to what your
17 sister may have done that night before?

18 A. Yes, sir.

19 Q. Okay. And tell the jury what it was -- where you found
20 that on the phone.

21 A. I found some things on Meet Me and also ---

22 (Brief interruption.)

23 Q. All right. Go ahead. So you had found some stuff on?

24 A. Meet Me Kik.

25 Q. Okay. And are those, I guess, social media type apps

1 that were on the phone?

2 A. Yes, sir.

3 Q. All right. And specifically, did you ultimately take
4 some screenshots of some of the messages that were on the
5 Kid app?

6 A. Yes, sir.

7 Q. And provide them to law enforcement later one?

8 A. Yes, sir.

9 AST. SOL. SORENSON: If I can show her what's been
10 marked as States Exhibit No. 4. May I approach, Your Honor?

11 THE COURT: You may.

12 Q. I'll show you that. If you'll flip through that real
13 quick and make sure you recognize it at all.

14 A. (Witness complies.) Yes, sir. I recognize it.

15 Q. And are those the messages that were on the phone that
16 you saw?

17 A. Yes, sir.

18 Q. Okay. And these screenshots that were taken, you were
19 actually the one who took those and then provided them to
20 law enforcement?

21 A. Yes, sir.

22 AST. SOL. SORENSON: At this time, I'd offer State's
23 Exhibit No. 4 into evidence.

24 MR. HILTON: Without objection.

25 (Whereupon, State's Exhibit No. 4, Kik Text Messages,

1 was received into evidence.)

2 AST. SOL. SORENSON: Your Honor, if I could, I'm going
3 to attempt to publish them on the TV I hope.

4 Q. You can see that in front of you also, Brandy?

5 A. Yes, sir.

6 Q. Okay. That part where it says, "E-Money Bon" (ph),
7 what was that on the app? What did that indicate?

8 A. That was his name.

9 Q. So that was the, I guess, the Kik ---

10 A. Yeah, his Kik ID.

11 Q. His Kik ID. That's what I was coming -- of the person
12 that was corresponding with your sister on that phone that
13 evening?

14 A. Yes, sir.

15 Q. Okay. And what time -- do you see what time those
16 messages start in April 3rd?

17 A. 8:04 p.m.

18 Q. And over the next, kind of, eight and a half pages or
19 so, is that kind of a conversation back-and-forth between
20 E-Money Bon and your sister?

21 A. Yes, sir.

22 Q. And looking at it then the column on the left that's in
23 white, who is that? Is that his messaging or your sister's
24 messaging?

25 A. The white stuff is from E-Money Bon.

1 Q. Then the grayish-blue on the right would be your ---

2 A. That's her, Ashley.

3 Q. --- sister's response?

4 AST. SOL. SORENSON: Can I just kind of go through that
5 and kind of publish it, I guess?

6 THE COURT: Go ahead.

7 Q. So the initial -- the first question on there is from
8 him saying, "What are you up to?" Is that correct?

9 A. Yes, sir.

10 Q. Okay. And here response is, "Bored. You?"

11 A. Yes, sir.

12 Q. And then some question marks?

13 A. Yes, sir.

14 Q. And the he responds after that, "Just got off work.

15 Relaxing, trying to find something to do tonight. Brother
16 is having a bonfire at his house tonight. About to get some
17 really tank bud." And your sister's response is, "Let's
18 hang out."

19 A. Yes, sir.

20 Q. Okay. And he says, "Okay. Do you want to meet me
21 somewhere?" And she asked about whether he had something to
22 drink.

23 A. Yes, sir.

24 Q. Some of this on the page is kind of overlapping. Is
25 that correct? Not yet. And then her response is, "I don't

1 have a car." His response, "We could pick something up.

2 I'm pretty sure there will liquor at by brother's house. I

3 have a car. I can pick you up." And her response is,

4 "Where do you stay at," to him. Is that correct?

5 A. Yes, sir.

6 Q. And his response back, "I live in Hanahan behind

7 Trident Tech."

8 A. Yes, sir.

9 Q. And then she says, "Can you pick me up some beer on the
10 way to get me. Need one bad." And he responds, "What

11 kind?" She's says, "Bud Light," and then asks if there are
12 a lot of people at your brother's house. Is that right?

13 A. Yes, sir.

14 Q. His response is, "I'm not sure yet, but I know it's him
15 and his wife will be there." And she says, "Oh, that's all

16 right. Plus, he's got my bud so I gotta go --," I guess see
17 him. "Were you at now?" He says, "I'm at home." And she

18 says, "And that is?" And he responds back, "Hanahan behind
19 Trident Tech." And she goes, "Duh, Ashley," and "LOL"

20 because she had asked that question already. Is that right?

21 A. Yes.

22 Q. "And how long does it take you to get to Summerville,"

23 she asks him. He says, "15 minutes. What part I grow -- 15
24 minute. What part I grow up in Summerville"? "I went to

25 Fort Dorchester High." She asks if you where Austin Middle

1 School is. Austin Middle; that's right?

2 A. Yes, sir.

3 Q. And did your parents and Ashley live in the vicinity of
4 Austin Middle school in Summerville?

5 A. Close, yes.

6 Q. And he says, "Yes." Says it will take 20 minutes. She
7 asks him, "Do you drink e just smoke." Or just smoke I
8 guess is what she mean to say, right?

9 A. Yes, sir.

10 Q. He says, "No, I just smoke." She says, "Oh, well, can
11 you pick me up at 12 pack for me." Is that correct?

12 A. Yes, sir.

13 THE COURT: Mr. Sorenson, any way to identify what's
14 that on the far left in that little circle.

15 AST. SOL. SORENSON: It's a picture, Your Honor. You
16 can see it little bit better. I'm not sure if we can blow
17 it up. A picture that's associated with his ID.

18 THE COURT: Okay. Thank you.

19 Q. And your sister responds back, "I don't smoke too often
20 just sometimes." And his response back was, "Yes on the 12
21 pack. If you smoke, it does not make a difference to me."
22 She says all right and then asks him if he's coming. He
23 says, "Yes. Getting in the car now." She responds back,
24 "K." Is that right?

25 A. Yes, sir.

1 Q. All right. And then he makes a response, "So are we
2 going to do the testing game still. You can call me," and
3 then provides a number, 843-718-7711. "It would be nice to
4 really know --," that's the same message, right?

5 A. Yes, sir.

6 Q. "It would be nice to really know you're a woman and not
7 some creeper dude." And your sister's response back was,
8 "I'm not. Take my word for it." And then asks, "Did you
9 leave already or not?" And his response is yes. And now is
10 showing the time, it's now about 8:50 that evening. Is that
11 correct?

12 A. Yes, sir.

13 Q. And he says, "I'm on I-26 getting off the Summerville
14 exit." Asks if she wanted a 12 of Bud Light. She says,
15 "Yes, please." Is that correct?

16 A. Yes, sir.

17 Q. A bunch of that kind of overlaps. He says, "K. I'm
18 about to be at Alston." And that's at 9:08. Is that
19 correct?

20 A. Yes, sir.

21 Q. And she asks if he has GBS. I suppose it was supposed
22 to be GPS, right?

23 A. Yes, sir.

24 Q. And then he says yes. And then she provides that [REDACTED]
25 [REDACTED] Drive and that's the address that your sister was

1 living at, correct?

2 A. Yes, sir.

3 Q. And says it's about five minutes from there and that
4 being Austin Middle School. Is that right?

5 A. Yes, sir.

6 Q. That about right? And he says, "Okay. Got it. GPS
7 five minutes." And then says, "I'm here." And her response
8 is, "In the driveway." And he says, "Yeb," and then
9 corrects that to yes. Is that correct?

10 A. Yes, sir.

11 Q. All right. And I'm gonna stop right there. So you
12 observed that kind of stream of texts on there?

13 A. Yes, sir.

14 Q. Okay. And let me ask you after -- and I'm going to go
15 down in a minute -- but after that, your sister is asking
16 him if he's in the driveway and her saying yes. Is there
17 any other time that your sister ever communicates with him
18 on that phone after that?

19 A. No, sir.

20 Q. Okay. Now is there another message after that from him
21 later on?

22 A. Yes, sir.

23 Q. Okay.

24 AST. SOL. SORENSON: If you could, kind of scroll that
25 up. Actually, go back, Ryan, to the top. I think the time

1 is at the bottom of the page before. All right.

2 Q. Now on April the 4th now of 2015, so 3:29 in the
3 morning, so that's six and half hours later or so. Is that
4 about right?

5 A. Yes, sir.

6 Q. From those last messages. That's a message from him
7 to, purportedly to, your sister. Is that correct?

8 A. Yes, sir.

9 AST. SOL. SORENSON: Okay. Now you can -- the whole
10 message up there at the top.

11 Q. He at that point says, "Hello. You still awake? Just
12 making sure you made it home. Sorry I left at the gas
13 station but you were too drunk to handle." Is that his
14 response or his comment supposedly to your sister at 3:30
15 the morning?

16 A. Yes, sir.

17 AST. SOL. SORENSON: You can just kind of take that
18 off. We'll get those other messages in a minute.

19 Q. Brandy, after you had a chance to kind of look at all
20 of that on your phone, what did -- and who else was over at
21 your mom's house when you went over there that night, first
22 of all?

23 A. Just me, mom, Haley, my dad.

24 Q. And when you had a chance to kind of go through -- and
25 had you mom had -- had your mom been able to go through that

1 phone and kind of figure all that stuff out before hand?

2 A. She went through it but she couldn't figure it out.
3 She didn't know about it.

4 Q. So when you had a chance to kind of see all that, what
5 did y'all then begin doing after reading it and kind of
6 going through that kind of message thread between the two of
7 them?

8 A. I saw that he provided his phone number. So I started
9 to try to call him off of my cell phone. I tried to call
10 him off of my mom's cell phone and Haley's cell phone.

11 Q. So you called him from the number that you provided us
12 earlier as your number.

13 A. Yes, sir.

14 Q. Called him back from that phone that your sister was
15 using the night before?

16 A. Yes, sir.

17 Q. And also from Haley's phone?

18 A. Yes, sir.

19 Q. Okay. And the number y'all were calling is that number
20 that's on there the 843-718-7711 number that he had
21 provided?

22 A. Yes, sir.

23 Q. And in addition to attempting to call him, did you
24 attempt to do anything else? Did you start messaging him or
25 anything?

1 A. I may have sent him text messages.

2 Q. Okay. Let me ask you on the -- I'm going to show you
3 on State's Exhibit No. 4 ---

4 A. Oh, on there, yes.

5 Q. Okay. So through this app ---

6 A. On Kik, yes.

7 Q. Through this app did you try to start messaging him
8 also?

9 A. Yes. Yes.

10 Q. Okay. And let me ask you this: Did he ever in these
11 next couple of pages of you sending him messages, did he
12 ever respond to you on here?

13 A. No, sir.

14 Q. And they start, I believe, at 9:46 that evening, that
15 Saturday evening?

16 A. Yes, sir.

17 Q. And then looking -- I mean, looking through this, I
18 mean, you were getting kind of aggravated. Is that an
19 understatement at that point in time?

20 A. Yes. I was getting aggravated, yes.

21 Q. Because he wasn't responding?

22 A. Yes.

23 Q. And then at that point in time, you just know your
24 sister is missing. Is that right?

25 A. Yes, sir.

1 Q. And at some point in time, and you had testified a few
2 moments ago, Brandy, that y'all were attempting to call him
3 from multiple phones?

4 A. Yes, sir.

5 Q. At some point in time, did he end up answering?

6 A. He ended up calling back on Haley's phone, and Haley
7 handed the phone to me.

8 THE COURT: Excuse me?

9 A. He ended up calling back -- Haley, her daughter's
10 phone, and Haley handed the phone to me.

11 Q. Okay. So did Haley talk to him at all or was it you
12 that talked to him?

13 A. No, Haley didn't talk to him.

14 Q. Okay. So you just get the phone handed to you and the
15 person that y'all have been trying to reach is now on the
16 phone?

17 A. Yes, sir.

18 Q. Okay. And did you at that point in time ask him about
19 your sister?

20 A. Yes, sir.

21 Q. Okay. And what do you recall him saying that night
22 about, you know, what he did with your sister or where he
23 left your sister?

24 A. He said he left her in front of Summerville Mobile Home
25 Park on Old Dairy Road.

1 Q. Did he indicate to you that he had any idea where your
2 sister was at that point in time that Saturday night?

3 A. No, sir.

4 Q. And during the course of kind of talking to him -- let
5 me ask you: You ended up talking to him between text
6 messages and also on the phone several times that night and
7 into the next couple days?

8 A. Yes, sir.

9 Q. And did he ultimately end up providing you and all that
10 his name?

11 A. Yes, sir.

12 Q. What was the name that the person indicated was that
13 you were talking to?

14 A. Edward Bonilla.

15 Q. And did you know Mr. Bonilla?

16 A. No, sir.

17 Q. Ever seen him before?

18 A. No, sir.

19 Q. At some point in time that Saturday night was the
20 Dorchester County Sheriff's office called also?

21 A. Yes, sir.

22 Q. Did y'all end up filing a missing persons report?

23 A. Yes, sir.

24 Q. And did you provide to them that night with some of
25 this information that you had discovered on the phone and

1 what the person had actually told you when you called?

2 A. Yes, sir.

3 Q. Or when you talked to him on the phone.

4 A. Uh-huh.

5 Q. And did you give them at that time a description of
6 your sister also?

7 A. Yes, sir.

8 MR. HILTON: Judge, I don't mind a little leading, but
9 . . .

10 THE COURT: Try not to lead.

11 Q. Did you give them a description of your sister?

12 A. Yes, sir.

13 Q. Okay. And what was that description that you gave?

14 A. Brown hair, brown eyes, 5'1, 140 pounds.

15 Q. Now, I had asked you this a few minutes ago, but I want
16 to kind of follow up little bit with this. Over the next,
17 you know, later that evening, into the next couple of days,
18 did you have further conversation with this person that
19 identified himself as being Edward Bonilla?

20 A. Yes, sir.

21 Q. And did you at any point in time ask him about that
22 last message on here where he indicated that he had left her
23 at a gas station?

24 A. Yes, sir.

25 Q. Was that what he told you when you actually spoke to

1 him that night on the phone?

2 A. He told me that he left her in front of the Summerville
3 Mobile Home Park on Old Dairy Road.

4 Q. And did you ultimately end up asking him about why he
5 had said he left her at a gas station and why he left her
6 where he's now saying he left her?

7 A. Yes. I asked him why did he say on Kik that he left
8 her at a gas station. And he said -- and I said have you
9 really left her in the front of the mobile home park. And
10 he said because he wasn't a familiar with the area.

11 Q. Let me ask you this: Brandy, as a result of him giving
12 you that information about leaving her front of the
13 Summerville Mobile Home Park, did you and your family
14 members do anything as a result of having that information?

15 A. We walked up and down the road thinking maybe she could
16 have gotten hit by a car or maybe a trucker would have
17 picked or something.

18 Q. Ever find in that area of Summerville Mobile Home Park
19 anything related to your sister's disappearance?

20 A. No, sir.

21 Q. And I notice in the these pictures your sister wore
22 glasses. Is that right?

23 A. Yes, sir.

24 Q. Okay. And she would pretty much wear them all the time
25 when she was out and about?

1 A. Yes, sir.

2 AST. SOL. SORENSON: Beg the Court's indulgence. One
3 second, Your Honor. (Brief pause.) Thank you, Brandy.
4 Please answer any questions Mr. Hilton has.

5 THE COURT: Any cross?

6 CROSS EXAMINATION

7 BY MR. HILTON:

8 Q. Brandy, were do you live? And you don't have to give
9 an address, just generally.

10 A. Summerville.

11 Q. You didn't live with Ashley and the parents?

12 A. No, sir.

13 Q. All right. How long had she lived there?

14 A. Since we were little, we lived there. Since we're in
15 middle -- sixth grade.

16 Q. Is that the house that y'all essentially grew up in?

17 A. Yes, sir.

18 Q. So from sixth grade on, she lived at that residence
19 that I think was ---

20 A. Back-and-forth.

21 Q. [REDACTED]?

22 A. Yes, sir.

23 Q. Okay. You say back-and-forth. What do you mean be
24 that?

25 A. She lived at different addresses and came back.

1 Q. Predominately [REDACTED] was her home?

2 A. Yes, sir.

3 Q. Okay. And there were some discussion in State's
4 Exhibit No. 4, the screenshots about Ashley. And if you
5 look at those, she was the one who actually asked him to
6 hang out, correct?

7 A. Yes, sir.

8 Q. Okay. And she asked him for a 12-pack; to pick up a
9 12-pack?

10 A. Yes, sir.

11 Q. All right. Had you ever been around Ashley when she
12 was drinking before?

13 A. Yes, sir.

14 Q. How did she act?

15 A. She didn't always act a certain way. Sometimes she
16 would be calm and sometimes she would get a little unruly.

17 Q. Okay. And what you mean by unruly?

18 A. She would just -- I guess, get angry sometimes.

19 Q. All right. And you described that at some point as
20 appearing as bipolar, correct?

21 A. Yes, sir.

22 Q. And was she diagnosed bipolar disorder?

23 A. I'm not sure.

24 Q. All right. But the alcohol would make her seem to be
25 bipolar from time to time?

1 A. Yes, sir.

2 Q. All right.

3 MR. HILTON: No further questions, Your Honor.

4 THE COURT: Redirect?

5 AST. SOL. SORENSON: No, Your Honor.

6 THE COURT: Ms. Chance, you may step down. Thank you.

7 Next witness, please.

8 AST. SOL. TEMPLETON: The State calls Officer Keith
9 Galstar.

10 KEITH ALLAN GALSTAR, after being duly sworn, testified
11 as follows:

12 DIRECT EXAMINATION

13 BY AST. SOL. TEMPLETON:

14 Q. Officer Galstar, were are you employed?

15 A. I'm currently employed with the Charleston City Police
16 Department.

17 Q. Okay. And how long have you been with the City of
18 Charleston?

19 A. Almost a year.

20 Q. Almost a year. Where were you employed just prior to
21 being employed with the City of Charleston?

22 A. Prior to that I was with the Dorchester County
23 Sheriff's Department.

24 Q. Okay. So on April 4, 2015, were you employed with the
25 Dorchester Sheriff's Department?

1 A. I was.

2 Q. And what was your position with Sheriff's Department?

3 A. I was a deputy sheriff.

4 Q. Okay. And were you just on a road team or . . .

5 A. I was on patrol.

6 Q. Oh, patrol. Okay. Do you remember being dispatched to
7 a [REDACTED] drive back in April of 2015?

8 A. I do. I was responding there for a missing person
9 report.

10 Q. Okay. And when you arrived at that address, who was
11 there?

12 A. When I got there, the complainant was a Ms. Chase. And
13 I believe her mother and the daughter of a Ms. Pegram.

14 Q. Okay. And when you got there, what was the basis of
15 the call?

16 A. It was for a missing person report.

17 Q. Okay.

18 A. And Ms. Chase wanted to report that her sister went
19 missing.

20 Q. Okay. And I'm going to show a report just to refresh
21 your memory. Is her name Brandy Chase or is it -- do you
22 have your report with you?

23 A. I have it right here, yes. It was Ms. Chance.

24 Q. Chance, okay. I just wanted to clarify that for the
25 record. When you arrived, basically did Ms. Chance provide

1 you with any information at that point?

2 A. She had. She had stated that her sister Ms. Pegram had
3 gone missing on the prior day. It was a Friday I believe.
4 She had gone out on a date with an individual that she met
5 on a website. I believe it was called Kik. That this
6 person had correspondence with Ms. Pegram over a cell phone
7 which she shared with her sister.

8 Q. Okay. And did she show you that cell phone?

9 A. She did.

10 Q. Okay. I'm going to show you what's been marked as
11 State's Exhibit No. 4. See if you recognize those messages.

12 A. (Witness complies.)

13 THE COURT: Actually, that's in evidence.

14 AST. SOL. TEMPLETON: It is.

15 Q. Are those the messages that she showed you that day?

16 A. Yes, I believe so. They are.

17 Q. Okay. Thank you. Did she provide you with a -- when
18 she showed you those records, was there a name attached to
19 that phone number -- or the Kik app?

20 A. Yes. When she showed me the text messages, the
21 correspondence between her sister and this individual, there
22 was a name by -- it was associated with the account --
23 called E-Money Bon.

24 Q. Okay. And was there a photo attached to that?

25 A. There was a photo and a phone number.

1 Q. Okay. And what would be your description of that
2 photo?

3 A. A white male, olive complected, slender, average
4 height, short black hair.

5 Q. Okay. And do you remember the phone number that was
6 attached to that account?

7 A. I do not, but I wrote it on the report.

8 Q. Okay. If you were to see your report, would you be
9 able to remember that a number?

10 A. --- refer back to that.

11 Q. Okay.

12 A. The phone number that was associated with the E-Money
13 Bon account was 843-718-7711.

14 Q. Okay. And did it indicate a place where he lived based
15 on the account?

16 A. According to the account or the text messages that were
17 going back, he had indicated that he lived in Hanahan, South
18 Carolina.

19 Q. Okay.

20 AST. SOL. TEMPLETON: I beg the Court's indulgence.

21 Q. Once you took this report, what happened to that
22 report?

23 A. The report was forwarded to my sergeant for approval
24 and from there it went to investigations.

25 Q. Okay. So once this report was ordered in

1 investigations, you didn't have anything else to do with the
2 case post then?

3 A. No, sir.

4 Q. And the detectives would take it over from there?

5 A. That is correct.

6 AST. SOL. TEMPLETON: Okay. Thank you.

7 THE COURT: Cross?

8 MR. HILTON: No questions, Your Honor.

9 THE COURT: All right. You may step down. May he be
10 released from his subpoena?

11 AST. SOL. TEMPLETON: No objection from the State.

12 THE COURT: Mr. Hilton?

13 MR. HILTON: No objection.

14 THE COURT: Next witness, please.

15 AST. SOL. TEMPLETON: Detective David Harris.

16 DAVID HARRIS, after being duly sworn, testified as
17 follows:

18 DIRECT EXAMINATION

19 BY AST. SOL. TEMPLETON:

20 Q. Mr. Harris, where are you employed?

21 A. I work for the Dorchester County Sheriff, sir.

22 Q. Okay. And how long have you been employed there?

23 A. About five years.

24 Q. Okay. Were you employed by any other law enforcement
25 agency before that?

1 A. Yes, sir. I'm returning from Charleston County.

2 Q. Okay. What are your duties with the Dorchester County
3 Sheriff's Department?

4 A. I'm an investigator with the Dorchester County Sheriff,
5 sir.

6 Q. Okay. And do you recall making some phone calls as it
7 related to this case?

8 A. Yes, sir; I do.

9 Q. Okay. And do you remember who the first person you
10 spoke to in relationship to this case was?

11 A. Yes, sir; I do. I first spoke with Ms. Brandy Chance.

12 Q. Okay. And what was that phone call in reference to?

13 A. Her missing sister, Ms. Pegram.

14 Q. And had you received a phone call or did you receive
15 the missing person report?

16 A. I was returning her phone call, sir.

17 Q. Okay. She had called into the investigative division?

18 A. Yes, sir.

19 Q. Okay. Did she provide you with a phone number?

20 A. Yes, sir; she did.

21 Q. Okay. And what was that phone number that she provided
22 you with?

23 A. She provided me the phone number for Mr. Edward
24 Bonilla.

25 Q. Okay. Did you make a phone call to his number?

1 A. Yes, sir; I did.

2 Q. Okay. And what number did you call?

3 A. Sir, I called 843-718-7711.

4 Q. Okay. And subsequent to that call, did you end up
5 speaking to who you believed to be Edward Bonilla?

6 A. Yes, sir; I did.

7 Q. Okay. And did you identify yourself?

8 A. I identified myself and the Dorchester County Sheriff,
9 sir.

10 Q. Okay. And what questions did you ask him to begin
11 with?

12 A. Really, just advising I was looking for a missing
13 person. I hoped he could help with that.

14 Q. Okay. What did he inform you on how -- did he inform
15 you whether he and Ms. Pegram had gone out the night before?

16 A. Yes, sir; he did.

17 Q. Okay. And how did he say that they had met?

18 A. He said they had met on a site called Kik.

19 Q. Okay. And did he tell you what time he had picked her
20 up?

21 A. Yes, sir. He told me he picked her up at 9:30 p.m.

22 Q. Okay. In your report, you out 9:30 a.m. Is that just
23 a scrivener's mistake?

24 A. Yes, sir; it is.

25 Q. Okay. I just wanted to make sure.

1 A. Thank you.

2 Q. And where did he tell you that he took Ms. Pegram that
3 night?

4 A. He took her over to his brother's in Crowfield
5 Plantation. They were going to have a bonfire.

6 Q. Okay. And then ultimately, did he tell you where he
7 left Ms. Pegram?

8 A. Yes, sir. Ultimately, he advised me that he left her
9 -- he thought it was between -- it was on Highway 78 between
10 Robin Wood or Robin Street. He wasn't sure which.

11 Q. Okay. So near Robin Wood or Robin Street on Highway
12 78?

13 A. Yes, sir.

14 Q. And did he tell you basically how she had gotten out of
15 the car?

16 A. Yes, sir. He said she got out of the car. And this
17 was the second time to want to go to the bathroom. So when
18 she got out of the car, he locked the doors.

19 Q. Okay. And then he just drove off and left her there?

20 A. Yes, sir.

21 Q. Okay. Did he tell you about going to a gas station
22 that night with her as well?

23 A. Yes, sir; he did. He advised me that they stopped at a
24 Sunoco station on College Park.

25 Q. Okay. Did he tell you how long they drove up and down

1 Highway 78 that night?

2 A. Yes, sir. He advised me that they drove up and down
3 Highway 78 for about 30 minutes.

4 Q. Okay. And approximately what time did he tell you he
5 ultimately left her on the side of the road?

6 A. It was after 2:00 a.m.

7 THE COURT: After when?

8 THE WITNESS: After 2:00 a.m., sir.

9 AST. SOL. TEMPLETON: Beg the Court's indulgence.

10 Q. Okay. Did he inform you why they had left the bonfire
11 that night?

12 A. He advised me that she had been drinking and was being
13 very combative.

14 Q. Okay. And at that point, they left?

15 A. Yes, sir.

16 AST. SOL. TEMPLETON: That would be all the questions
17 from the State.

18 THE COURT: Cross?

19 CROSS EXAMINATION

20 BY MR. HILTON:

21 Q. You said that he dropped her off after 2:00 a.m. Is
22 that what your statement -- is that what your report says?

23 A. Yes, sir. He says about 2:00 a.m. by now.

24 Q. All right. And I asked you -- the question was after.
25 But in fact it was about 2:00 a.m.

1 A. Yes.

2 Q. It wasn't after 2:00 a.m., correct?

3 A. Yes, sir.

4 Q. So about 2:00 a.m. could have been before 2:00 a.m. as
5 well, correct?

6 A. Yes, sir.

7 MR. HILTON: All right. No further questions.

8 THE COURT: Redirect?

9 AST. SOL. TEMPLETON: None, Your Honor.

10 THE COURT: You may step down. Next witness.

11 AST. SOL. SORENSON: The State calls Lindsay Diaz.

12 LINDSAY DIAZ, after being duly sworn, testified as
13 follows:

14 DIRECT EXAMINATION

15 BY AST. SOL. SORENSON:

16 Q. Good morning, Ms. Diaz.

17 A. Good morning.

18 Q. If you would, you need keep your voice up nice and loud
19 for us, okay. Back in April of 2015, where were you living
20 at that time?

21 A. On Crowfield on -- Street.

22 THE COURT: Speak up, please, ma'am.

23 A. Crowfield. Neighborhood off on Huxley street.

24 Q. Okay. Was your address [REDACTED] Street?

25 A. Yes, sir.

1 Q. And what county is that an?

2 A. Berkeley.

3 Q. And who were you living at [REDACTED] Street -- who
4 were you living with at that time?

5 A. At that time, it was my boyfriend, Anthony Navarro, and
6 my children.

7 Q. And Anthony Navarro -- let me ask you this: The
8 defendant Edward Bonilla, do you know Mr. Bonilla?

9 A. I do, yes.

10 Q. And how were your boyfriend Anthony Navarro and Edward
11 Bonilla -- are they related?

12 A. Correct. They are brothers.

13 Q. They're brothers. Okay. And let me ask you this:
14 Back in April of 2015, were you familiar with your
15 boyfriend's cell phone number back then?

16 A. Yes, sir.

17 Q. Okay. And was his cell phone number 843-870-2749?

18 A. Yes, sir.

19 Q. Now back during that time period in of April of 2015,
20 where was Anthony Navarro -- where was he working at at that
21 time?

22 A. A flooring company named RW Cauble.

23 Q. Okay. How long had Anthony worked at RW Cauble
24 Flooring?

25 A. It was about 15 or so years. He's been there a while.

1 Q. And how about the defendant, Edward Bonilla, do you
2 know where he was working in April of 2015?

3 A. Yes, sir. It was with the same company, RW Cauble.

4 Q. He was working with his brother there?

5 A. Correct.

6 Q. Now had he been working there as long as Anthony had?

7 A. No, sir. He had just recently started. I believe it
8 had been under a year.

9 Q. Okay. Let me ask you this: Back in April of 2015, do
10 not know whether during that time period Edward Bonilla had
11 a girlfriend?

12 A. Yes, I do believe he did.

13 Q. Do you know what her name was?

14 A. Jasmine.

15 Q. Okay. How about the defendant's mother? Did you know
16 her?

17 A. Yes, sir.

18 Q. Okay. And would that had been Anthony's mother also?

19 A. Correct; Yes, sir.

20 Q. Okay. And what is her name?

21 A. Denise Dover.

22 Q. Okay. Is that Ms. ---

23 THE COURT: Repeat that.

24 THE WITNESS: Denise Dover.

25 Q. Is that Ms. Dover seated in the front row, second end

1 from the isle?

2 A. Yes, sir.

3 Q. And back during that time, did you know her cell phone
4 number also?

5 A. Yes, sir.

6 Q. Okay. And was that 843-371-6908?

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

8 Q. And what kind of vehicle did Ms. Dover have?

9 A. It was a gray Hyundai Sonata.

10 Q. Let me show you States Exhibit No. 20, Ms. Diaz.

11 AST. SOL. SORENSON: May I approach the witness, Your
12 Honor.

13 THE COURT: (Affirms.)

14 Q. Does that appear to be Ms. Dover's vehicle that she had
15 back in April of 2015?

16 A. Yes, sir.

17 AST. SOL. SORENSON: At this time we'd offer State's 20
18 into evidence.

19 THE COURT: Any objection?

20 MR. HILTON: No objection.

21 (Whereupon, State's Exhibit No. 20, Photograph, was
22 received into evidence.)

23 AST. SOL. SORENSON: May I publish it to the jury?

24 THE COURT: You may.

25 Q. I want to turn your attention if I could, Ms. Diaz,

1 back to the evening of Friday, April 3rd of 2015. Do you
2 call that evening, ma'am?

3 A. Yes, sir.

4 Q. Okay. And were y'all doing anything, anything special,
5 at your house in Crowfield Plantation that evening?

6 A. Just having a little cookout and bonfire.

7 Q. Okay. And let me ask you this: Was the defendant,
8 Mr. Edward Bonilla, was he invited to that? That cookout
9 and bonfire.

10 A. Yes, sir.

11 Q. Okay. And did he ultimately end up coming that night
12 to that bonfire?

13 A. Correct. Yes, sir.

14 Q. Okay. And how did he get to your house that evening?

15 A. The same Hyundai Sonata that his mother owned.

16 Q. Okay. So State's Exhibit No. 20?

17 A. Yes, sir.

18 Q. Okay. And was anybody with him when he showed up that
19 evening?

20 A. Yes, sir; Ashley was.

21 Q. And let me ask you: You said Ashley. Have you ever
22 seen her before?

23 A. No, sir. That was the first time.

24 Q. And describe that person that came with him.

25 A. Ashley was maybe a little over 5 feet, brown

1 shoulder-length hair, give or take a few inches. And she
2 did occasionally wear glasses.

3 Q. I'm showing you States Exhibit No. 3.

4 AST. SOL. SORENSON: May I approach?

5 THE COURT: Yes, sir.

6 Q. Is that the girl that came with Mr. Bonilla that night
7 to your home?

8 A. Yes, sir.

9 Q. And you said you had never met her before?

10 A. Correct.

11 Q. You called her Ashley. At some point in time, were you
12 introduced to her that evening?

13 A. Yes, sir.

14 Q. Do you know about what time it was that they arrived at
15 your house?

16 A. I want to say it was between 9 and 9:30.

17 Q. Describe if you would, Ms. Diaz, kind of -- well, first
18 of all, how long do you think she was here there at your
19 house that evening?

20 A. It was just a few hours.

21 Q. Do you know about what time she left?

22 A. Yes, sir. It was around 11:45, twelve o'clock,
23 midnight.

24 Q. Okay. All right. And during that couple of hours then
25 from 9:30 or so until 11:45 or so, tell the jury what was

1 going on at your house during that time period.

2 A. We was just, you know, kind of having a cookout,
3 bonfire, doing burgers. We also had a ping-pong table in
4 the garage. So some of us played ping-pong. Ashley and I
5 did. She wanted to try it, so I did play with her while
6 others were in the backyard around the fire. Nothing out of
7 the ordinary.

8 Q. And now Ashley, was she drinking while she was at your
9 house?

10 A. Yes, sir.

11 Q. Okay. And what was she drinking? Do you remember?

12 A. I believe it was Bud Light. But just six of the cans.
13 She didn't bring all of them.

14 Q. But how many Bud Lights do you think she had while she
15 was at your house?

16 A. Maybe 4 or 5.

17 Q. And during this, as kind of the evening progressed, did
18 she appear to be a little bit under the influence from
19 having been drinking that time period or . . .

20 A. I mean, knowing from some people drinking alcohol,
21 could have been. But I don't know the normal to say that
22 she was indifferent.

23 Q. Was she ever falling down drunk?

24 A. No, sir. Not at all.

25 Q. Let me ask you. You said you had played ping-pong with

1 her. Was she having difficulty figuring out how to play
2 ping-pong?

3 A. No. No. She just never played before. So for
4 anybody, you know, it could be kind of a challenge the first
5 time. But other than that, she was coherent to understand.

6 Q. Okay. And let me ask you: Where was Mr. Bonilla at
7 during this whole time? Was he hanging out with Mr. Pegram
8 or was he . . .

9 A. Ashley and I were in the garage which is where the
10 ping-pong table is or was. And then everyone else was out
11 by the back bonfire in the backyard.

12 Q. Did you observe the two of them interacting very much
13 that evening?

14 A. No, sir. Not a whole bunch.

15 Q. Do you know whether he, being Mr. Bonilla was at your
16 house the entire time that evening?

17 A. I never saw him leave. But then again, you know,
18 others were out back more often than myself.

19 Q. He could have left, but you're just not aware of it?

20 A. Correct.

21 Q. And let me ask you this: In your interactions with
22 Ashley up until the time that she left, would you ever
23 describe her as being combative?

24 A. No, sir. Not at all.

25 Q. And you testified earlier that they left somewhere

1 around 11:45 to twelve o'clock. Is that correct?

2 A. Correct.

3 Q. All right. And did she -- did Ashley and the
4 defendant, did they leave together?

5 A. Yes, sir.

6 Q. In the same Hyundai Sonata?

7 A. Yes, sir.

8 Q. And tell the jury when they got ready to leave, whose
9 idea was it for them to leave out of the two of them?

10 A. It was Edward's idea to go.

11 Q. And what was Ashley's initial response to that?

12 A. She didn't necessarily want to leave at that time. She
13 wanted to stay and just, you know, have fun.

14 Q. And tell the jury, did anything happen that you thought
15 was kind of unusual with regards to the drinks she had when
16 they got ready to leave.

17 A. There was a situation where she had -- again, these
18 were glass beer bottles she was drinking from. And she did
19 have that. And Edward was ready to go. She was still
20 drinking her beer. And I said it's probably not a good
21 idea. You know, pour it out or put it in a Solo cup. But,
22 you know, he said it's fine; let's just go. So the drink
23 never got poured out. She did end up taking the bottle, the
24 glass bottle, in the car with her along with the remaining
25 beer that was left in the case. But never, you know, poured

1 out the beer or even exchanged it.

2 Q. Let me ask you this: Are you familiar the Sunoco gas
3 station at College Park and I 26?

4 A. Yes.

5 Q. And about how far is that from where you were living at
6 the time in Crowfield plantation?

7 A. Probably like a mile.

8 Q. Now, did you ever see Ashley again after she left that
9 night with the defendant, Mr. Bonilla?

10 A. No, sir.

11 Q. Let me just ask you this: Over the next couple of
12 days, did you start have some concerns about whether the
13 defendant may have done something to harm Ms. Pegram?

14 A. Correct, yeah.

15 Q. As a result of that, did you start checking the news
16 and things of that nature to see if there was anything
17 regarding her on the news?

18 A. Yes, sir.

19 Q. Did you ever see anything on the news?

20 A. No.

21 Q. Ultimately, at some ---

22 THE COURT: What was that?

23 THE WITNESS: No, sir.

24 Q. Ultimately, Ms. Diaz, did you end up contacting
25 somebody with regards to Ashley?

1 A. Yes, sir.

2 Q. Okay. And who was that that you initially contacted?

3 A. I have a friend that's a police officer in Monks
4 Corner. And I pretty much told him that I needed ---

5 MR. HILTON: Objection. Objection.

6 THE COURT: Hold on. Objection is what?

7 MR. HILTON: Hearsay.

8 THE COURT: No. She was saying she contacted a police
9 officer in Monks Corner and she said -- is that what you
10 said?

11 THE WITNESS: Yes.

12 THE COURT: That's not hearsay. Overruled.

13 AST. SOL. SORENSON: Thank you.

14 Q. You can't say what he said. What was the reason you
15 contacted? What did you say to him?

16 A. He just said ---

17 THE COURT: Not what he said.

18 AST. SOL. SORENSON: Can't say what --

19 THE WITNESS: Not what he told me?

20 THE COURT: Why did you contact him first?

21 A. Oh, okay. I contacted him because of my concern for,
22 number one, hearing, you know, that ---

23 AST. SOL. SORENSON: I'm going to move on because I
24 think we're going to get into something she's probably not
25 allowed to talk about. I'm going to move along.

1 THE COURT: And ladies and gentlemen of the jury,
2 nobody's trying to hide anything. It's just that the rules
3 don't permit the witnesses to testify about what somebody
4 told her. That somebody is not -- that's hearsay. That's
5 just a rule of evidence. Nobody's trying to hide anything.

6 AST. SOL. SORENSON: Thank you, Your Honor.

7 AST. SOL. SORENSON: (continuing)

8 Q. All right. You testified a moment ago you had some
9 concerns about the defendant possibly having done something
10 to harm Ashley?

11 A. Correct.

12 Q. Okay. And you contacted a police officer friend of
13 yours?

14 A. Yes, sir.

15 Q. Okay. Did he ultimately assist you in getting in
16 contact and meeting up with Detective Andy Martin with the
17 Dorchester County Sheriff's office?

18 A. Yes, sir. The same day.

19 Q. And did you ultimately then provide Detective Martin
20 with information about basically what had happened that
21 night?

22 A. Yes, sir.

23 Q. Okay. And your concerns that you had?

24 A. Yes, sir.

25 AST. SOL. SORENSON: Beg the Court's indulgence. Thank

1 you, Ms. Diaz. Please answer any questions that Mr. Hilton
2 might have.

3 THE COURT: Mr. Hilton?

4 CROSS EXAMINATION

5 BY MR. HILTON:

6 Q. Ms. Diaz, you recently had a breakup with Mr. Bonilla's
7 brother, correct?

8 A. Uh-huh.

9 Q. When was that?

10 A. It's been a couple of months.

11 Q. When did you move out of his house?

12 A. I've been out of his house for several weeks now.

13 Q. All right.

14 A. A month.

15 Q. After all this came up?

16 A. No. We were done together after this happened.

17 Q. All right. Let me ask you a couple of questions. You
18 testified about Ashley being at the party and you testified
19 about her playing ping-pong. She initially asked to play
20 ping-pong with you? Or how did that interaction take place?

21 A. Yes. Because I was playing ping-pong with other people
22 that were there and she asked if could she try it, can she
23 play. The others, family members of Edward and Anthony,
24 weren't so receptive to it. As it being my house, I'm
25 welcoming and offered the, you know, to play with her.

1 Q. Why didn't they want her to play ping-pong?

2 A. It's not they didn't want her to play. Nobody wanted
3 to play ping-pong with her or take an effort. They wanted
4 to go out back.

5 Q. Okay. So what did it matter then if she wanted to play
6 ping-pong with you, why was there an objection to it?

7 A. I'm not sure what you're asking me.

8 Q. You just said they had a problem with her playing
9 ping-pong, correct? If they were going out back, what did
10 it mater to them?

11 A. They went out back to avoid the situation of playing
12 ping-pong.

13 Q. All right. Ultimately, Ashley ended up playing
14 ping-pong with you, correct?

15 A. Yeah. I mean, for a brief minute.

16 Q. All right. And she started out by trying to play
17 ping-pong with a beer in her hand, correct?

18 A. Yes. She had -- holding her beer and a paddle in the
19 other hand.

20 Q. All right. And you had to tell her to put her beer
21 down?

22 A. I mean, I said -- made a suggestion. She's an adult.
23 But for somebody who has never played ping-pong, it might be
24 easier to have free hands and one with a paddle versus
25 somebody whose been playing for years.

1 Q. And then she ended up just trying to play with her
2 hands, correct?

3 A. Yeah.

4 Q. Okay. Was she drinking all during this time?

5 A. During our whole ping-pong game?

6 Q. Correct.

7 A. No. I mean, she sipped on it here and there. But she
8 wasn't, you know, gulping the beer as we played.

9 Q. You said Ashley Pegram appeared to be intoxicated. And
10 I think your statement was a little bit under the influence.
11 Is that correct?

12 A. (Nonverbal response.)

13 Q. And when she tried to play ping-pong with you, she
14 tried to play initially with a beer in her hand, correct?

15 A. Yeah.

16 Q. That didn't work. So you said put the beer down and
17 then she tried to play with her hands, correct?

18 A. Yeah.

19 Q. And then at the point, you realized there would be no
20 ping-pong game with her, correct?

21 A. I mean, I still -- we still engaged in conversation and
22 tried to do it. But at that point it was Edward that came
23 in and said it's time to go.

24 Q. Okay.

25 MR. HILTON: Just a moment, Your Honor.

1 Q. You ended up and Mr. Sorenson asked you about you
2 talking to Detective Martin, correct?

3 A. Uh-huh.

4 Q. And do you remember Ashley when she arrived at the
5 party, did she seem intoxicated at the time?

6 A. Again, I don't know Ashley's normal. This is the first
7 night that I had met her. So, you know, on a level of
8 seeing other people under the influence and having worked in
9 the medical field, she wasn't inebriated to the point where
10 she was uncoordinated and unable to handle herself.

11 Q. All right. But you told Detective Martin that she
12 seemed intoxicated upon arrival, correct?

13 A. Yeah. Well, intoxicated is not -- I mean, you can have
14 alcohol but you're not falling over, stumbling, and what not
15 of that sorts, so . . .

16 Q. How about talking to herself? Did you witness that?

17 A. Again, I mean, she -- I don't know her normal. So if
18 she was speaking to herself out loud or what, I don't know.
19 But if she was speaking to herself, I can't say, you know,
20 she wasn't praying out loud or something of that sort.

21 Q. But you found it important enough to tell Detective
22 Martin that you saw her talking to herself at this party,
23 correct?

24 A. Well, we were going over the events for that evening.
25 Then I was making sure not to leave anything out or create

1 and fabricate some story. So I did let him know everything.
2 But that doesn't -- intoxicated isn't my statement for
3 saying she was inebriated and drunk. She was able to walk,
4 talk, and hold a conversation.

5 Q. Do you agree that on April 16, 2015, you told Detective
6 Martin Ashley did seem intoxicated upon arrival at the time.
7 I did see Ashley talking to herself. And at times I did see
8 Ashley talking to herself. Did you tell ---

9 A. Yeah. That's in my statement.

10 Q. Thank you.

11 MR. HILTON: No further the questions.

12 THE COURT: Redirect?

13 AST. SOL. SORENSON: Nothing, Your Honor.

14 THE COURT: Ma'am, you may step down. May she be
15 released from her subpoena?

16 AST. SOL. SORENSON: No objection.

17 THE COURT: Any objection, Mr. Hilton?

18 MR. HILTON: No objection.

19 THE COURT: All right. Ma'am, you're welcome to stay
20 or you're welcome to go. All right. Do we want to do one
21 more or you want to take a break?

22 (No response.)

23 THE COURT: Next witness, please.

24 AST. SOL. TEMPLETON: The state calls John Rowland.

25 THE COURT: I'm sorry; who did you call?

1 AST. SOL. TEMPLETON: John Rowland.

2 JOHN C. ROWLAND, after being duly sworn, testified as
3 follows:

4 DIRECT EXAMINATION

5 BY AST. SOL. TEMPLETON:

6 Q. Mr. Rowland, where are you employed?

7 A. At Sunoco.

8 Q. Okay. And where is your primary place -- where do you
9 actually work out of?

10 A. Yeah. It's out at Newtown Square, Pennsylvania?

11 Q. Okay. And what is your position at Sunoco?

12 A. I'm an investigator.

13 Q. Okay. And as part of your duties, do you provide
14 surveillance information from stores to law enforcement at
15 times?

16 A. Yes, I do.

17 Q. Okay. As part of that position, was video provided to
18 law enforcement by Sunoco?

19 A. It was.

20 Q. In this case?

21 A. It was.

22 Q. At the request of a subpoena?

23 A. It was.

24 Q. Okay. I'm going to show you State's Exhibit No. 5.

25 AST. SOL. TEMPLETON: May I approach, Your Honor?

1 THE COURT: You may.

2 Q. Do know what State's Exhibit No. 5 is?

3 A. I do.

4 Q. Okay. How do you know what that particular disc has on
5 it?

6 A. I reviewed the video on that disc and confirmed that
7 date -- with the rest of the Sunoco gas stations down here
8 in South Carolina. Those are my initials and date on that
9 disc.

10 Q. Okay. And did you initial that and date it today?

11 A. I did.

12 Q. Okay. Is the information on this disc, the video on
13 this disc, held by Sunoco for a period of time?

14 A. It is.

15 Q. And how long is that?

16 A. All of our DVR's, company-wide, are a minimum of 30
17 days. But when we've got a request from law enforcement, we
18 extract that data and hold it until -- we still have that
19 data actually for several years or until the case is
20 completed.

21 Q. Okay. And is that the regular practice of Sunoco to
22 keep those -- keep that electronic information?

23 A. It is.

24 Q. Okay.

25 AST. SOL. TEMPLETON: Your Honor, at this time the

1 State would offer States Exhibit No. 5 into evidence.

2 MR. HILTON: Without objection.

3 (Whereupon, State's Exhibit No. 5, Sunoco Video, was
4 received into evidence.)

5 AST. SOL. TEMPLETON: And we'd like to publish.

6 (Brief pause.)

7 AST. SOL. TEMPLETON: We're going to queue up to the
8 time frame that we want to show you. It will be just a
9 moment.

10 THE WITNESS: Okay.

11 (Brief pause.)

12 AST. SOL. TEMPLETON: Beg the Court's indulgence, Your
13 Honor.

14 (A video is played in the presence of the jury at 11:02
15 a.m.)

16 Q. Okay. And would this be the store that's showing on
17 the video now that you provided information for?

18 A. It is.

19 Q. Okay. And we're going to watch a period of time on
20 this video until Ms. Pegram enters the frame.

21 (Video continues.)

22 Q. We're going to pause it at this point. Based on the
23 information provided, can you tell the time stamp of that?
24 I need to minimize it so that you can see that. Can you
25 tell what time it is there?

1 A. I can. It's April 4th at 12:04 a.m.

2 Q. Okay. And I'm going to go ahead and maximize that
3 again and continue playing.

4 (Video continues.)

5 Q. And at this point, does it depict someone entering the
6 store?

7 A. It does.

8 (Video continues.)

9 Q. At this point, does is it depict someone getting out of
10 that vehicle on bottom right-hand corner?

11 A. It does.

12 Q. And getting back into the vehicle?

13 A. It does.

14 (Video continues.)

15 Q. Okay. And you see again someone leaving the store?

16 A. I do.

17 Q. Okay. We're gonna pause at that point and show you the
18 time stamp. What time is that?

19 A. April 4th; I would say 12:11 a.m.

20 Q. Okay. And we're gonna continue to play it.

21 (Video continues.)

22 Q. And does that person go back to the same vehicle she
23 got out of?

24 A. She did.

25 Q. Okay.

1 (Video continues.)

2 Q. All right. We're gonna pause it one last time. Tell
3 me what time she is leaving. And that is what time?

4 A. 12:12 a.m.

5 Q. Okay.

6 AST. SOL. TEMPLETON: That's all the questions we have,
7 Your Honor.

8 THE COURT: Any on cross?

9 MR. HILTON: Nothing, Your Honor.

10 THE COURT: You may step down and you are released from
11 your subpoena.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: Ladies and gentleman of the jury panel,
14 we're going to take about 10 or 15 minute break; stretch
15 your legs. If you would, please, appoint or select a
16 foreperson for me. Everybody else remained seated. Don't
17 discuss the case and don't deliberate. Leave your pads in
18 your chair.

19 (The jury exits the courtroom at 11:15 a.m.)

20 THE COURT: All right. We'll stand at ease for about
21 15 minutes.

22 (A brief recess was taken at 11:15 a.m. The proceeding
23 resumed at 11:38 p.m.)

24 THE COURT: Thank you. Please be seated. Anything
25 from the State before we proceed?

1 Q. Mr. Corder, where are you employed?

2 A. Enterprise Rent-A-Car.

3 Q. Okay. And how long have you been employed by
4 Enterprise?

5 A. Over 15 years.

6 Q. Okay. What is your job title?

7 A. I'm the area rental manager.

8 Q. Okay. And what your basic duties as the rental
9 manager?

10 A. I oversee all of the hiring, employment and the rental
11 records. Like, renting to the right customers -- those kind
12 of things; appropriate customers that match their driver's
13 licenses.

14 Q. Okay. In this case, were you asked to provide
15 documentation regarding the rental of a vehicle to a Denise
16 Dover?

17 A. I was.

18 Q. Okay. I'm going to show you what's marked as State's
19 Exhibit No. 6. See if you recognize that document.

20 A. This is a rental contract that we would've have written
21 to ---

22 MR. HILTON: I'm going to object, Your Honor. I just
23 want to take a look at it first.

24 AST. SOL. TEMPLETON: Oh, I'm sorry.

25 (Brief pause.)

1 Q. All right. I'm going to ask that same question again.

2 A. And this is just a standard rental contract that we
3 would have rented to Denise Dover on April 4th, 2015.

4 Q. Okay.

5 THE COURT: What number is that?

6 AST. SOL. TEMPLETON: That is State's Exhibit No. 6,
7 Your Honor. Let me make sure. Six, Your Honor.

8 Q. Would this document be kept in ordinary course of
9 business by Enterprise?

10 A. Yes, it would.

11 Q. And this would be the type of record that you would
12 always keep for at least a period of time?

13 A. Yes.

14 AST. SOL. TEMPLETON: Your Honor, at this time, the
15 State would offer State's Exhibit No. 6 into evidence.

16 MR. HILTON: No objection.

17 (Whereupon, State's Exhibit No. 6, Rental Contract,
18 was received into evidence.)

19 Q. I'm going to show you State's Exhibit No. 6 one more
20 time. And can you tell us what kind of vehicle was rented?

21 A. Yeah. It was a silver Chevy Cruz.

22 Q. Okay. And on what date and time was it rented?

23 A. April 4, 2015, 11:01 a.m.

24 Q. Okay. And do you know who that was rented by?

25 A. Denise Dover.

1 Q. Okay. And would it be your policy at Enterprise to
2 make sure that the person on the rental contract was the
3 person signing for that vehicle?

4 A. Absolutely.

5 Q. Okay. Just a moment.

6 AST. SOL. TEMPLETON: No further questions, Your Honor.

7 CROSS EXAMINATION

8 BY MR. HILTON:

9 Q. Edward Bonilla didn't rent any cars, correct?

10 A. I didn't hear you. I'm sorry.

11 Q. Mr. Edward Bonilla didn't rent any cars, correct?

12 According to that contract.

13 A. Oh, I was gong to say -- according to this, no.

14 Q. All right. It was Denise Dover who rented it?

15 A. Correct.

16 MR. HILTON: All right. No further questions.

17 AST. SOL. TEMPLETON: No redirect.

18 THE COURT: You may leave. Excused from his subpoena?

19 AST. SOL. TEMPLETON: Yes, Your Honor.

20 MR. HILTON: Yes.

21 THE COURT: You're released from your subpoena. Thank
22 you for coming, Mr. Corder.

23 AST. SOL. SORENSON: The state calls Robert Cauble.

24 DIRECT EXAMINATION

25 BY AST. SOL. SORENSON:

1 Q. Good morning, Mr. Cauble.

2 A. Good morning.

3 Q. If you would, please tell the jury where it is that
4 you're employed.

5 A. RW Cauble and Company Hardwood Floors.

6 Q. Okay. And you're the owner of that business?

7 A. I am.

8 Q. Okay. And how long have you been doing that, sir?

9 A. About 18 years.

10 Q. Okay. And where's your business located at?

11 A. 4221 Rivers Avenue.

12 Q. That's in North Charleston, I guess?

13 A. Yes.

14 Q. And let me ask you this: Are you familiar with the
15 defendant in this case, Edward Bonilla?

16 A. I am.

17 Q. Okay. How do you know Mr. Bonilla?

18 A. I was his employer.

19 Q. Okay. And back in April of last year, 2015, about how
20 long had Mr. Bonilla been working for you?

21 A. About a year.

22 Q. And what did he do for you?

23 A. Hardwood flooring work.

24 Q. And how about his brother, Anthony Navarro? Did you
25 know Mr. Navarro?

1 A. I do.

2 Q. Okay. And how do you know Mr. Navarro?

3 A. He works for me.

4 Q. Okay. He currently still works for you. Is that
5 correct?

6 A. He does.

7 Q. All right. And how long has Mr. Navarro worked for
8 you?

9 A. About 15 years.

10 Q. It's a lot longer than Mr. Bonilla. Is that correct?

11 A. Yes, sir.

12 Q. Okay. And back in kind of the early part of 2015, did
13 Mr. Bonilla and his brother Anthony, did they typically work
14 together the two of them?

15 A. A lot of times; yes, sir.

16 Q. And let me ask you this: Back in the beginning of
17 April of 2015, what was your policy at that point in time
18 regarding employees taking their work vans home at night?

19 A. I was somewhat flexible about it. We work late hours;
20 we have to get things done. You know, if we finish at four,
21 that's great. If we finish at eight, that's what it takes.
22 So if my guys are finishing late, instead of coming back to
23 the office to drop their van off, they'll take it home.

24 Q. Okay. And back during that time period, the early part
25 of April of 2015, was there a particular van at your

1 business that Anthony and the defendant Edward Bonilla were
2 typically using as their work van during that time period?

3 A. Yes. I mean, I had kind of a spare floater van. But
4 for the most part, they were working out of a particular
5 van.

6 Q. Okay. Was that a Chevrolet GMC van?

7 A. Yes, sir.

8 Q. Okay. And I would like to show you State's Exhibit No.
9 18.

10 AST. SOL. SORENSON: May I approach the witness, Your
11 Honor?

12 THE COURT: You may.

13 Q. Show you, Mr. Cauble, State's Exhibit No. 18. Which
14 work van was that?

15 A. That's the Chevrolet van.

16 Q. Is that the van that they were typically using back
17 during that time period?

18 A. Yes, sir.

19 AST. SOL. SORENSON: Your Honor, at this time I'd offer
20 State's 18 into evidence.

21 MR. HILTON: No objection.

22 (Whereupon, State's Exhibit No. 18, Photograph, was
23 received into evidence.)

24 Q. At that's got here, obviously, just the back of the
25 van. Is that correct?

1 A. Yes, sir.

2 Q. With your business on it and all that, right?

3 A. Yes, sir.

4 Q. Now, let me ask you back during that time period, you
5 also indicated that you have kind of a floater van also
6 that, I guess, if you're having trouble with one of your
7 vehicles they could be used and so forth. Is that correct?

8 A. Yes, sir.

9 Q. And what type of vehicle was that?

10 A. A Ford Econoline.

11 Q. A Ford. Showing you State's Exhibits 10, 11, and 12.

12 AST. SOL. SORENSON: May I approach, Your Honor?

13 THE COURT: You may. What's the numbers?

14 AST. SOL. SORENSON: It's 10, 11, and 12.

15 Q. Is that the Ford?

16 A. Yes, sir. That's it.

17 Q. That's the Ford van?

18 A. Yes, sir.

19 Q. From the back and then showing both sides of it?

20 A. (Nonverbal response.)

21 Q. And that was -- so back during that time period, the
22 early part of April of 2015, basically your kind of floater
23 extra van?

24 A. Yes, sir.

25 AST. SOL. SORENSON: All right. At this time, we would

1 offer 10, 11, and 12 into evidence.

2 MR. HILTON: Without objection.

3 (Whereupon, State's Exhibits No. 10, 11, and 12,
4 Photographs, were received into evidence.)

5 Q. Mr. Cauble, how many, especially back -- now maybe it's
6 changed -- but back in -- mainly focusing on back into the
7 early part of April of 2015. How many days a week were your
8 employees working back then?

9 A. Six.

10 Q. So they would be off on Sundays? You were closed?

11 A. Yes.

12 Q. Okay. And, if you would, tell the jury what back
13 during that time period, what was your cell phone number?

14 A. 843-224-8020.

15 THE COURT: 8020?

16 THE WITNESS: Yes, sir.

17 Q. 224-8020?

18 A. Yes, sir.

19 Q. Okay. And would all of your employees have that number
20 if they needed to get in touch you?

21 A. Yes, sir.

22 Q. And do you recall on Saturday, April the 4th of 2015,
23 receiving a text that morning from the defendant, Edward
24 Bonilla, about whether he'd be coming into work that day?
25 That Saturday, April the 4th.

1 A. I got a text from him saying that he was not coming.

2 Q. Okay. Did he indicate why he was not coming into work
3 that you recall?

4 A. He wasn't feeling well.

5 Q. And that text, I believe, is about 4:50 or so in the
6 morning?

7 A. Yes, sir.

8 Q. And did you end up responding to him at some point in
9 time I guess when you got up and saw that text?

10 A. Yes, sir.

11 Q. So that would've been for Saturday, April the 4th.
12 Sunday, April the 5th, you would not have worked, right? So
13 he wouldn't have been scheduled to work either, right?

14 A. That's correct.

15 Q. Okay. How about on Monday, April the 6th? Did you get
16 a text from him that morning about 6:38 or so?

17 A. I did.

18 Q. Did he come in to work on Monday, April the 6th?

19 A. He was sick on Monday.

20 Q. I believe he said he was still under the weather?

21 A. Yes, sir.

22 Q. Now, Mr. Cauble, if I could, I want to kind of fast
23 forward you then a couple of weeks to April the 15th. Let
24 me ask you: Do you recall in that couple of week period of
25 time, do you have any recollection of whether Mr. Bonilla

1 was taking a work van at home at all during that period?

2 A. No; I don't believe he did.

3 Q. Okay. Specifically, on April the 15th of 2015, did you
4 get contacted by somebody that evening kind of as you had
5 gotten off of work?

6 A. I did.

7 Q. And do you remember who that was that contacted you?

8 A. Detective Martin.

9 Q. And what was the purpose of Detective Martin contacting
10 you? Was it during working hours or after working hours?

11 A. If I recall, it was about 7:00, 7:30 in the evening.

12 Q. And did he have a question about a particular employee
13 of yours?

14 A. Yes, sir. He asked if Edward Bonilla was employed by
15 me.

16 Q. Did you indicate whether he was or wasn't?

17 A. I did.

18 Q. Okay. And was he? He was employed at that time.

19 A. He was employed. And I said he was. And he asked me
20 if he had access to any of my vans and I said yes.

21 Q. Okay. And where were you at, if you recall, when you
22 got that initial call from Detective Martin?

23 A. On the north area bridge and Cosgrove Avenue.

24 Q. And what did Detective Martin ask you to do or what did
25 you do at the time?

1 A. He asked me if Edward had access to any of my vans and
2 I said he did. And he asked me where the van -- vans would
3 be at this time; and I said they were in my parking lot
4 locked up. He said he needed to meet me to take a look at
5 them. And I told him that wasn't convenient for me, I'm on
6 my way home. And he said it's about a missing person. And
7 I told him I would turn around and meet him.

8 Q. Okay. So did you go back to your job on Rivers Avenue
9 and meet with Detective Martin?

10 A. I did.

11 Q. Okay. Let me ask you: During the course if you were
12 responding back to your business, did you hear from anybody
13 else?

14 A. Yes. Coincidentally, moments after that, Edward called
15 me; asked me if I was still at the office. And I told him I
16 was on my way home. He said he left his cell phone in the
17 van and needed to get back and get it. And I told him I
18 happen to be turning around, heading back that way. So
19 Edward came back.

20 Q. Okay. Did you tell him at that point in time why you
21 were going back to the office?

22 A. No, sir.

23 Q. Okay. Now, did you get back to the office before
24 anybody else got there?

25 A. I did.

1 Q. Before Detective Martin?

2 A. I did.

3 Q. Before Mr. Bonilla?

4 A. I did.

5 Q. Okay. And you already testified Detective Martin had
6 asked you about him taking a vehicle. Did he give you the
7 dates that he was looking at also?

8 A. Yes.

9 Q. Okay. Was that the evening of April 3rd, April 4th?
10 That time frame?

11 A. Uh-huh.

12 Q. Okay. What did you -- I'm sorry.

13 A. Well, I was going to say, I wasn't aware that he had
14 taken the van at that time.

15 Q. Okay. That was going to be my next question. So
16 initially, at that point in time, did you have any knowledge
17 of whether Mr. Bonilla had taken a work van home the night
18 of April the 3rd of 2015?

19 A. No, sir. I didn't know that.

20 Q. Okay. What did you do then when you got back to your
21 office?

22 A. I pulled up my security footage on cameras for that
23 date.

24 Q. Okay. And did that ultimately ---

25 THE COURT: Which date? April 3rd?

1 THE WITNESS: Yes, sir.

2 Q. And looking at the security footage from your business
3 on April the 3rd, did that show some people at the end of
4 the day, workday, basically?

5 A. Yes, sir.

6 Q. And who was it that was on that video at the end of the
7 workday?

8 A. Edward and his brother, Anthony.

9 Q. Okay. And at 6:55 that evening, did it show either one
10 of them taking the work van home?

11 A. They both took the work van home; took a separate van
12 each.

13 Q. Let me ask you this: When they got back to the
14 business that evening, were they in separate vans or in the
15 same van?

16 A. Same van.

17 Q. So they both show up. And do you remember what van
18 they showed up in?

19 A. The GMC.

20 Q. That would be this one right here, State's 20 -- I'm
21 sorry, State's 18?

22 A. Yes, sir.

23 Q. Okay. And who took this van home? The GMC.

24 A. Anthony.

25 Q. Anthony did?

1 A. Uh-huh.

2 Q. Okay. And then the defendant, Edward Bonilla, which
3 van did he take home?

4 A. Ford Econoline.

5 Q. And that would be State's Exhibit No. 10?

6 A. Yes, sir.

7 Q. Had they used that van at all to work that day?

8 A. No, sir.

9 Q. Let me show you --

10 AST. SOL. SORENSON: May I approach the witness, Your
11 Honor?

12 THE COURT: You may.

13 Q. -- State's Exhibit No. 7. Have you had an opportunity
14 to view this DVD?

15 A. Yes, sir.

16 Q. Does that show the security footage from your office
17 which you just described those vans being taken?

18 A. Yes, sir.

19 Q. And then does it also show on that the Ford Van is
20 returned the following day?

21 A. Yes, sir.

22 AST. SOL. SORENSON: Your Honor, at this time we would
23 offer State's No. 7 into evidence.

24 THE COURT: Objection?

25 MR. HILTON: No objection.

1 (Whereupon, State's Exhibit No. 7, Cauble Flooring
2 Video, was received into evidence.)

3 AST. SOL. SORENSON: Permission to publish, Your Honor?

4 THE COURT: Yes, sir.

5 (The video began playing at 11:56 a.m.)

6 Q. All right. If you would, Mr. Cauble, would you please
7 tell the jury kind of what they're seeing right there.

8 A. The white building on the left is my building. That's
9 the intersection of Rivers Avenue and Beaufort Avenue. I'm
10 on the left corner.

11 Q. Use your finger and actually touch the screen; just
12 kind of put a little X where your -- so that will be your
13 business right there. And where that car, you see in the
14 background there driving, that's Rivers Avenue?

15 A. It is.

16 Q. Okay. And what's that? Beaufort you said?

17 A. This is Beaufort coming to us.

18 Q. Okay. And across Beaufort then there's kind of a brick
19 building on the corner. What is that brick building?

20 A. That used to be Bank of -- I mean Bank of America. It
21 used to.

22 Q. Is it closed? There's nothing in there right now?

23 A. That's correct.

24 Q. Okay. And I see, you know, there's a white vehicle
25 kind of that you can see just the very front of over on the

1 right-hand side of the picture?

2 A. Yes, sir.

3 Q. What vehicle is that?

4 A. That's the Ford Econoline.

5 Q. Okay. Is that where you -- you just basically use one
6 of those old parking spaces over there?

7 A. Yes, sir.

8 Q. Okay.

9 (Video continues.)

10 Q. What vehicle is that that's pulling -- basically
11 pulling up to your job there?

12 A. GMC.

13 THE COURT: What day is this now?

14 AST. SOL. SORENSON: This is April the 3rd; Friday,
15 April the 3rd.

16 Q. All right. Who is that that got out of the passenger's
17 side there?

18 A. That's Edward.

19 Q. That's -- the defendant?

20 A. Yes, sir.

21 Q. Okay. All right. And who is that now that just got
22 out of the driver's?

23 A. That's his brother Anthony.

24 Q. Okay. I believe they goth go inside. Is that right?
25 For a couple of minutes.

1 A. Yes, sir; to pick up their check.

2 (Brief pause.)

3 Q. That's the defendant that is walking across the street
4 right there? Is that correct?

5 A. Yes, sir.

6 (Video continues.)

7 Q. That would be Anthony leaving in the Chevy GMC van?

8 A. Yes, sir.

9 Q. That would be the Ford van that is now backing out?

10 A. Yes, sir.

11 Q. You see him leaving there.

12 AST. SOL. SORENSON: Stop it right there, Ryan.

13 Q. Just so the jury can see, the times up here, is that
14 correct? It says April the 3rd, 2015, across the top?

15 A. Yes, sir.

16 Q. That's 6:56 p.m. when that happens?

17 A. Yes, sir.

18 Q. Now, ultimately -- so you had a chance to observe that
19 kind of waiting for Detective Martin to meet you out at your
20 business?

21 A. I did.

22 Q. Okay. And did you provide him with that information
23 then when he got there, Detective Martin?

24 A. I did.

25 Q. And did Mr. Bonilla ultimately show up out there also?

1 A. He did.

2 Q. Okay. And did he ask you anything when he got there?
3 I mean, when there were police officers out there at your
4 business.

5 A. I was asking most of the questions.

6 Q. Okay. And did Mr. Bonilla say anything about what was
7 going on out there?

8 A. Yeah. Right after I look at the footage, I was done.
9 And I had called Detective Martin and informed him that
10 Edward was coming to get his phone. And Detective Martin
11 told me to make sure he didn't go any where close to the
12 van. And I told him, you know, this is kind of confusing.
13 I think at that point, Detective Martin asked North
14 Charleston, the police department, to show up. So they
15 showed up. And, of course, moments after I walked out of my
16 office door, they secured my parking lot in the rear area.
17 I was standing outside of the gate when Edward -- he came --
18 the route he came, he would not have seen the policemen
19 there until he came around the corner. And then he got out
20 and I asked him what was going on, that the police had
21 called me wanting to see the van and all of this. So then
22 he said that he had gone out with a girl and she had not
23 returned home and there was a big mistake. And it wasn't
24 long after that that the police separated us.

25 Q. Did you have an opportunity to hear Detective Martin

1 asking Mr. Bonilla anything about his employment?

2 A. Yes, sir. That was the first thing Detective Martin
3 said when he got out of the car.

4 Q. Okay. And what was the question that he asked
5 Mr. Bonilla?

6 A. He said you lied to me ---

7 MR. HILTON: I'm going to object; hearsay.

8 THE COURT: What's the objection?

9 MR. HILTON: I'm going to object. This is what the
10 officer is saying to the defendant.

11 THE COURT: The officer is here to testify.

12 AST. SOL. SORENSON: He is. But it's not -- I mean, he
13 is gonna have overheard it. It's not offered for the truth
14 of what but for the response that he gives.

15 THE COURT: Overruled.

16 Q. Go again. What did Detective Martin ask him?

17 A. He got out of the car, he said, "You lied to me. You
18 told me you didn't have a job."

19 Q. Okay. What was Mr. Bonilla's response to Detective
20 Martin confronting him about that?

21 A. He said that he had just started a week ago.

22 Q. Let me ask you this: Was that true?

23 A. It was not true, no. I stated it wasn't true and he
24 needed to tell the truth. And then that was when we got
25 separated.

1 Q. Okay. Let me ask you: Did you tell Detective Martin
2 about the defendant, Mr. Bonilla, having taken the Ford van?

3 A. Well, the question was asked of me at the time, what
4 van does he normally work out of. And I told Detective
5 Martin that he normally works out of GMC Van. But I had
6 just realized that he had taken another van unbeknownst to
7 me. And so that became the van of interest.

8 Q. Okay. Did Mr. Bonilla overhear you telling Detective
9 Martin that? About him taking the Ford van.

10 A. No, sir.

11 Q. Now, did you observe -- did the Sheriff's Office
12 ultimately go get -- let me ask you this: On April the 15th
13 when y'all got back out there, where was the Ford van
14 located at?

15 A. It was in the rear parking lot blocked in by another
16 van.

17 Q. So it wasn't out, basically, on the side street where
18 it was back a couple of weeks earlier?

19 A. No, sir.

20 Q. Okay. And did Mr. Bonilla see the Sheriff's Office go
21 get that Ford van?

22 A. He did.

23 Q. And describe for the jury, if you would, what was his
24 reaction when they went and got that Ford van?

25 A. I don't how to describe it. I guess, it was a

1 noticeable change in his demeanor, I guess.

2 Q. Upset? Shaking? Concerned?

3 A. I would guess shaken, maybe.

4 Q. Did you ultimately, that evening out there, give the
5 Dorchester County Sheriff's Office consent to search not
6 only that Ford van but also the Chevy -- basically these two
7 vans, the Ford and the Chevy?

8 A. I did.

9 Q. And, in fact, they ended up towing away your Ford van.
10 Is that correct?

11 A. That's correct.

12 Q. They still have it in fact, don't they?

13 A. They do.

14 Q. Just kind of briefly just as to specifically the Ford
15 van, so your business, I mean, you install hardwood floors
16 and things of that nature?

17 A. Install and refinish them.

18 Q. Okay. And, ultimately, the jury gets to see pictures
19 of the inside of that van. Do you use stains and things of
20 that nature as a part of your job?

21 A. I do.

22 Q. Okay. And inside of that van, was there a lot of stain
23 all over it?

24 A. Yes, sir.

25 Q. And what color is that stain that you use that kind of

1 run the gamut?

2 A. We use every color of stains. It has a lot of stuff
3 inside.

4 Q. Some of it could be a reddish hue or a brownish hue.
5 Is that correct?

6 A. Yes, sir. Just like this.

7 Q. Let me --

8 AST. SOL. SORENSON: Beg the Court's indulgence one
9 moment.

10 Q. Let me show you State's Exhibit No. 55.

11 THE COURT: 55?

12 AST. SOL. SORENSON: 55; yes, sir.

13 Q. Just ask you, do you have any reason to use Astroglide?

14 MR. HILTON: Objection, Your Honor. Objection. We've
15 got a matter to take up outside the presence of the jury.

16 THE COURT: Let me see. Madam Forelady, ladies and
17 gentlemen, y'all step back to your jury room just a second.
18 I got to take up a matter outside the presence of a jury to
19 see if it's admissible or not.

20 (The jury exits the courtroom at 12:10 p.m.)

21 THE COURT: All right. Mr. Sorensen, would you please
22 restate the question, please.

23 AST. SOL. SORENSON: Yes, sir. I showed him State's
24 Exhibit No. 55.

25 THE COURT: 55; you asked him what?

1 AST. SOL. SORENSON: Asked him if during the course of
2 your business if there's any reason for you to use
3 Astroglide during anything that you do as part your
4 business.

5 THE COURT: You used a picture to introduce it or are
6 you just ---

7 AST. SOL. SORENSON: I'm assuming -- I was going to ask
8 him that in State's Exhibit No. 55; that bottle, is that
9 something that is used in any kind of installation for your
10 job.

11 THE COURT: All right. What's the objection?

12 MR. HILTON: The objection is the State is obviously
13 trying to imply that this Astroglide is somehow part of this
14 crime. There's absolutely no evidence of any kind of sexual
15 misconduct. There is absolutely no allegations; he's not
16 charged with that. It's not part of the indictment; none of
17 it. And to put a bottle of Astroglide into evidence via a
18 picture or to somehow ask Mr. Cauble about this Astroglide
19 that has nothing to do with this crime is only to try to
20 suggest that he somehow had sexual relations with Ms.
21 Pegram. And there's no other evidence.

22 AST. SOL. SORENSON: It's gonna ultimately be my
23 argument that's exactly what he attempted to do with her and
24 that's why he killed her. I mean, and I think there is
25 going to be other circumstantial evidence that's gonna

1 suggest that.

2 THE COURT: Well, you're simply going to ask him is
3 Astroglide, whatever it is, is that used in his business;
4 something that would normally be found in his van.

5 AST. SOL. SORENSON: He's going to say no and I was
6 going to shown him the picture just to make sure we
7 understood what -- I mean, I wasn't going to put that
8 picture in through him. I'll wait to put it in through the
9 crime scene person if it's admissible.

10 THE COURT: All right. I'm going overrule then. Bring
11 the jury back in. I find it to be relevant. I assume
12 you're going to tie it all in somewhere down the road. Is
13 that correct?

14 AST. SOL. SORENSON: I'm going to hopefully try to.
15 That's my attention.

16 MR. HILTON: May I just state something on the record
17 before the jury comes in?

18 THE COURT: Yes, sir.

19 MR. HILTON: I just want to say that there is
20 absolutely nothing in the discovery whatsoever other than
21 what's been marked as for identification as State's Exhibit
22 55 that would be any indication of any kind of sexual
23 activity whatsoever.

24 THE COURT: Well, that may be an indication of it.
25 Overruled.

1 AST. SOL. SORENSON: I disagree with that. Thank you,
2 Your Honor.

3 THE COURT: Bring the jury in, please.

4 (The jury enters the courtroom at 12:13 a.m.)

5 THE COURT: You may proceed.

6 AST. SOL. SORENSON: Thank you, Your Honor.

7 BY AST. SOL. SORENSON: (continuing)

8 Q. Mr. Cauble, I was asking you about State's Exhibit No.
9 55 which was just marked for identification at this time. I
10 guess my initial question was do you have any need in your
11 day-to-day operations installing or finishing hardwood
12 flooring to you use Astroglide, which is kind of a personal
13 lubricant? Is that something that used in your day-to-day
14 activity?

15 A. No, sir.

16 Q. Okay. And showing State's Exhibit No. 55, that bottle,
17 is that something that would be standard as the equipment
18 that's in your vans?

19 A. No, sir.

20 Q. Now, also as part of your kind of reviewing your
21 security footage, did you also have an opportunity to look
22 and see when that Ford van that Mr. Bonilla took Friday
23 after work, April the 3rd, when that vehicle was returned?

24 A. I did.

25 Q. Okay. And let me ask you: Did you happen to notice

1 the van missing on Saturday April the 4th that you call?

2 A. I did not notice it. No, sir.

3 Q. Okay. All right. Is that video that shows that van
4 being returned on Saturday April the 4th, is that basically
5 on that same DVD that we were just watching just another
6 file?

7 A. Yes, sir.

8 AST. SOL. SORENSON: Your Honor, at this time, we'd
9 publish that portion of the DVD.

10 (Video continues.)

11 Q. So this is now Saturday, April the 4th of 2015. What
12 time is the video rolling right now?

13 A. 10:55.

14 Q. Okay. And that's p.m? Is that right?

15 A. Yes, sir.

16 THE COURT: 10:55 at night did he say?

17 THE WITNESS: Yes, sir.

18 Q. And that's basically the same camera angle showing that
19 Beaufort Street that runs into Rivers?

20 A. Yes, sir.

21 (Brief pause.)

22 Q. What vehicle is that now that's pulling in at 10 ---

23 A. That's the Ford Econoline.

24 Q. Okay. And does it end up -- does it end up parked in
25 the same place that it was ---

1 A. Yes, sir.

2 Q. --- that it was parked when it was taken the day
3 before?

4 A. Yes, sir.

5 Q. Okay. And let me just ask you -- and you've had a
6 chance to review this. Is that correct?

7 A. Yes, sir.

8 Q. Do you ever see who's driving it? Are you ever able to
9 see?

10 A. No, sir.

11 Q. Okay. I notice there's another vehicle kind of pulling
12 in behind it. Is that vehicle also pull in with the van?

13 A. Seems to be; yes, sir.

14 Q. All right. At any point in time does the driver side
15 door of that van open that you see?

16 A. No, sir.

17 Q. I assume there are rear doors?

18 A. Yes, sir; inside.

19 Q. Passenger-side door also? Like double-door -- or side
20 of the van door, right?

21 A. That's correct.

22 Q. And obviously a passage, front passenger, door too,
23 right?

24 A. That's correct.

25 Q. And that small car, that car sits there for a period of

1 time?

2 A. Yes, sir.

3 Q. And are you ever able to see who is driving that
4 vehicle?

5 A. No, sir.

6 Q. And he just pulled in. Where did that vehicle just
7 pull in to?

8 A. Behind the bank.

9 Q. So kind either the side or the back of where the van
10 was?

11 A. Yes, sir.

12 Q. Do you have any security footage that would show that
13 area on your business?

14 A. No, sir.

15 Q. Are you employees aware of this -- are your employees
16 aware of where your security cameras are?

17 A. Yes, sir.

18 Q. Are they visible?

19 A. Yes, sir.

20 Q. That's the end of you seeing it from that camera. Is
21 that correct? That small silver car.

22 A. Yes, sir.

23 Q. Okay. Where does that -- if you come the direction
24 that car went in the video, where is that going to?

25 A. That's going down Beaufort Avenue towards Meeting

1 Street.

2 Q. Okay. When you hit Meeting Street, can you take a
3 right and that take you back out to Rivers?

4 A. Yes, sir.

5 Q. Okay. And is there a security camera that shows kind
6 of farther down Beaufort?

7 A. Yes, sir.

8 Q. Does that actually show that small silver car on that
9 video?

10 A. It does.

11 AST. SOL. SORENSON: Pause that real quick, Ryan.

12 Q. And where this is located at, so that's basically
13 behind your business. Is that correct?

14 A. Yes, sir.

15 Q. Okay. Is that the lot that you were talking about
16 earlier that the vans were locked up in when the Sheriff's
17 Office came out on April 15th?

18 A. Yes, sir.

19 Q. And we're now at 11:00 p.m. basically? Is that
20 correct?

21 A. Yes, sir.

22 Q. On Saturday, April the 4th?

23 A. Yes, sir.

24 (Video continues.)

25 Q. Does that appear to be the same vehicle that had

1 basically pulled in with the Ford van and then pulled behind
2 the Ford van?

3 A. Yes, sir.

4 Q. Okay.

5 A. That's the intersection of Beaufort and Meeting Street
6 Road.

7 Q. Pretty much right at the end of that video -- at the
8 end of the range of the camera, I guess?

9 A. Yes, sir.

10 Q. Okay. And is there any other cameras that you have
11 behind there that would show kind of where the vehicle went
12 or anything from there?

13 A. I have other cameras but it doesn't have that vantage
14 point.

15 Q. Nothing to show us. Okay.

16 AST. SOL. SORENSON: Beg the Court's indulgence. I
17 think that may be all I have. Thank you, Mr. Cauble.
18 That's all I have. Would you please answer any questions
19 Mr. Hilton has.

20 THE COURT: Mr. Hilton?

21 MR. HILTON: Thank you.

22 CROSS EXAMINATION

23 BY MR. HILTON:

24 Q. Mr. Cauble, you said in the video shows that on April
25 3rd Anthony and Edward come; they drive up and then they go

1 inside and then Edward takes what you call the -- I think
2 this floating van, correct?

3 A. Yes, sir.

4 Q. And he was actually scheduled to work on Saturday,
5 correct? Edward, that is.

6 A. That is correct.

7 Q. All right. And so being scheduled to work on Saturday,
8 do you remember, do you know, what Anthony would've had
9 going on that Saturday?

10 A. I don't recall at this time.

11 Q. Would it be uncommon for them to go to different jobs
12 or do different things?

13 A. No, sir; not uncommon.

14 Q. All right. And tell us about Anthony. I mean, what
15 job does he have with the company?

16 A. He sands and refinishes floors.

17 Q. And he's been with you for 15 years, right?

18 A. Yes, sir.

19 Q. And I don't know the terminology you use in your
20 business, but, I mean, is he considered like a foreman or a
21 kind of a job supervisor?

22 A. I put a lot of trust in him, yes.

23 Q. All right. You give him a lot of leeway with what goes
24 on as well, right?

25 A. I do.

1 Q. And so if Anthony would have said, Edward, no problem
2 taking that van; we're going different ways the next day;
3 just take it home with you tonight so you can be on your way
4 in the morning. That would've been no issue, correct?

5 A. That's correct.

6 Q. And he actually did not come in to work that next
7 Saturday or that following day, the Saturday, April 4th,
8 correct?

9 A. That's correct.

10 Q. And that was when he sent you the text and said, not
11 feeling well or under the weather, whatever, I'm not going
12 to be able to make it?

13 A. That's correct.

14 Q. All right. And it was later that Saturday afternoon
15 about 10:56 I think the time was that Edward, presumably
16 Edward, somebody brought that van back to your business?

17 A. Yes, sir.

18 Q. All right. Parked it back in the same location and
19 that was that?

20 A. Yes, sir.

21 Q. All right. The Sheriff's Office came out on I think it
22 was April 15th; somewhere around there?

23 A. Yes, sir.

24 Q. What would that floating van, what purpose would it
25 have served from April 5th to the 15th? Let me get the

1 dates right.

2 A. It was -- it didn't get used during that period.

3 Q. At all?

4 A. No, sir.

5 Q. Do you know that?

6 A. Pretty sure.

7 Q. All right. And how many employees do you have?

8 A. Seven.

9 Q. And do they all have a van? Or do they ride together?
10 Or how does that work?

11 A. I have four vans. So I have essentially three crews.
12 So three vans stay on the road at all times. It's two
13 people per van.

14 Q. Well, that's six. Where's the seven?

15 A. In the office working.

16 Q. In the office working?

17 A. Yes, sir.

18 Q. All right.

19 MR. HILTON: No further questions.

20 THE COURT: Redirect?

21 AST. SOL. SORENSON: Nothing, Your Honor.

22 THE COURT: Thank you, sir, for coming. I will release
23 you from your subpoena. You're welcome to stay; you're
24 welcome to go.

25 THE WITNESS: Thank you.

1 THE COURT: Next witness, please.

2 AST. SOL. TEMPLETON: The State calls Blaine Locklair.

3 VIRGIL BLAINE LOCKLAIR, after being duly sworn,
4 testified as follows:

5 DIRECT EXAMINATION

6 BY AST. SOL. TEMPLETON:

7 Q. Mr. Locklair, where are you employed?

8 A. I'm employed as a police lieutenant with the Trident
9 Technical College, Department of Public Safety.

10 Q. Okay. And how long have you been employed there?

11 A. A little over 9 years total.

12 Q. Okay. And as a lieutenant over Public Safety at
13 Trident, do you provide video surveillance to other law
14 enforcement agencies at times?

15 A. If requested, yes.

16 Q. Okay. And did you provide some surveillance videos in
17 this particular case?

18 A. Yes, I did.

19 Q. Okay. And who did you provide those to?

20 A. I provided them to Detective Andy Martin from the
21 Dorchester County Sheriff's Office.

22 Q. Okay. And are these videos something that's kept by
23 Trident Technical College for a period of time?

24 A. Typically, no. They stay on the server for 30 days
25 unless they are preserved off of the server onto, for

1 example, a digital disc; compact disc, DVD, something like
2 that.

3 Q. Okay. And were these kept -- during that 30-day
4 period, though, it would be normal to keep them for that
5 30-day period?

6 A. Correct.

7 Q. Okay. And that would be in the ordinary course of
8 business at Trident Technical College?

9 A. That is right. Correct.

10 Q. I'm going to show you what's marked as State's Exhibit
11 No. 8 and State's Exhibit No. 9. See if you recognize
12 those.

13 A. Yes, sir; I do.

14 Q. Okay. And how do you recognize those?

15 A. I put my initials and the date on them today.

16 Q. Okay. So you viewed those today and put your initials
17 and date on them today?

18 A. Yes; that's correct.

19 AST. SOL. TEMPLETON: Your Honor, at this time the
20 State would offer State's Exhibit No. 8 and 9 into evidence.

21 MR. HILTON: Just one moment, Your Honor. (Brief
22 pause.) No objection, Your Honor.

23 (Whereupon, State's Exhibits No. 8 and 9, Trident
24 Videos, were received into evidence.)

25 AST. SOL. TEMPLETON: All right. At this time, the

1 State would like to publish State's Exhibit No. 8.

2 Q. Before we start playing the video, can you tell us
3 where at Trident are the video cameras that these videos
4 come from.

5 A. Sure. The video cameras are attached to building 970.
6 It's the Nursing and Sciences Building. It's positioned on
7 campus very close to the intersection of Maybelline Road
8 where it branches off to Maybelline Road on the left and
9 then also goes to Railroad Avenue on the right-hand side;
10 right next to the railroad tracks at the back, the back of
11 the campus.

12 Q. Okay. So the back of the campus would be going towards
13 Railroad Drive. And then where be the front -- where would
14 the front of Maybelline Road go towards?

15 A. It connects to Rivers Avenue.

16 Q. Okay. And this is the first clip. Can you tell us
17 that date and time this is at? It's fairly small, so I
18 understand.

19 (Video is played at 12:28 p.m.)

20 A. No problem. It's April 4th, 2015, at 2:35 in the
21 morning.

22 Q. Okay. And we'll go ahead and play that clip. And do
23 you see a van going by in that vehicle?

24 A. I do.

25 Q. Okay.

1 AST. SOL. SORENSON: All right. And pause it right
2 there for a second.

3 Q. The direction that van was coming from, where would
4 that be?

5 A. From what I see in the video, it looks like it would've
6 been coming from where the railroad tracks are in the
7 direction of Rivers Avenue on Maybelline Road.

8 Q. Okay. So this would along Maybelline Road coming from
9 the railroad tracks towards Rivers Avenue?

10 A. Yes, sir; that's correct.

11 Q. Okay. I'm we'll go ahead and continue playing. The
12 next clip will automatically play; it should. Okay. And
13 we'll go ahead and pause it right here. Would this be
14 approximately the same time as that last video?

15 A. Yes, sir; that's correct.

16 Q. Okay. And again, would this be going towards Rivers
17 Avenue?

18 A. Yes, sir; that's correct. It's towards Rivers Avenue.

19 Q. Okay.

20 A. On Maybelline Road.

21 Q. Okay. And we'll go ahead and play that clip through.

22 AST. SOL. TEMPLETON: All right. And you want to pause
23 this one.

24 Q. All right. Now the direction that this van is
25 traveling now, where is it coming and where is it going to?

1 A. It is coming in the direction from the Rivers Avenue
2 side of Maybelline Road toward the railroad tracks on
3 Maybelline Road.

4 Q. Okay. And what time would this be?

5 A. It is April 4th of 2016.

6 Q. Sixteen or 15?

7 A. I'm sorry; 2015. Thank you.

8 Q. Okay.

9 A. At 2:42 a.m.

10 Q. Okay. So about seven minutes after the last video?

11 A. Yes, sir; that's correct.

12 Q. All right. We'll go ahead and play this one through.
13 We'll, again, pause it. Where would the direction of that
14 van be going now?

15 A. I'm sorry. Could you play it again, please.

16 Q. Yeah.

17 AST. SOL. TEMPLETON: You can rewind it. (Brief
18 pause.) Just in the top corner there.

19 Q. What direction would that be going?

20 A. The same direction.

21 Q. Okay. And it was approximately at the same time?

22 A. Approximately.

23 Q. Okay. At this time, I'm going to publish State's
24 Exhibit No. 9. (Brief pause.) All right. At approximately
25 what time is this particular recording?

1 THE COURT: Well, what date first of all?

2 Q. All right. What date and time? Yes, sir.

3 A. That is April 4th, 2015, at about 5:12 a.m.

4 Q. Is 5:12 or 6:12?

5 A. I don't know. It's awfully -- it's small but I think
6 it's ---

7 Q. Let me see if I can blow up a little.

8 A. That would help. Thank you.

9 Q. Does that make it any easier to see?

10 A. (No response.)

11 Q. I'm going to actually bring the laptop up here so you
12 can see it.

13 A. Okay, perfect. Thank you. I want to make sure I get
14 it right, of course.

15 Q. It is very small in that upper corner. I'll show it to
16 you here.

17 THE COURT: Can you make it any bigger?

18 AST. SOL. TEMPLETON: I think that's the biggest it
19 will get.

20 A. Okay. So it is 6:12.

21 Q. Okay. You would agree that it was 6:12 not ---

22 A. 6:12.

23 Q. Okay.

24 THE COURT: A.m., right?

25 THE WITNESS: A.m. Yes, Your Honor.

1 Q. All right. We're going to plug that back in so we can
2 play that clip for us now. All right. We're going to go
3 ahead and play it here. Let's pause it right here. What
4 direction would that van be going?

5 (Video played at 12:34 p.m.)

6 A. It's going from the direction where the railroad tracks
7 meet Maybelline Road in the direction of where it intersects
8 with Rivers Avenue.

9 Q. And this, again, would be around 6:12 a.m.?

10 A. That's correct.

11 Q. On the 4th?

12 A. Yes, sir.

13 Q. Okay. We'll go ahead and continue playing it. And
14 we'll pause it right here. And, again, would that van still
15 be traveling the same direction?

16 A. Yes, sir. Where Maybelline meets with the railroad
17 tracks toward Rivers Avenue.

18 Q. And would this, again, be around 6:12 a.m. on April the
19 4th, 2015?

20 A. Yes, sir; that's correct.

21 Q. Okay.

22 AST. SOL. TEMPLETON: That's all the questions I have,
23 Your Honor.

24 THE COURT: Cross?

25 MR. HILTON: No questions, Your Honor.

1 THE COURT: All right. Mr. Locklair, you may step
2 down. You're released from your subpoena. You're welcome
3 to stay or go.

4 THE WITNESS: Thank you.

5 THE COURT: All right. You got a 15-minute witness?
6 Or a five-minute or a ten-minute?

7 AST. SOL. TEMPLETON: Probably pretty close to 15
8 minutes, Your Honor.

9 THE COURT: All right. Call him; her/him.

10 AST. SOL. TEMPLETON: Jasmine Tell.

11 THE COURT: You said Jasmine Tell?

12 AST. SOL. TEMPLETON: Yes, sir.

13 JASMINE TELL, after being duly sworn, testified as
14 follows:

15 DIRECT EXAMINATION

16 AST. SOL. TEMPLETON:

17 Q. Ms. Tell, where are you employed?

18 A. Verizon Wireless.

19 Q. Okay. How long have you been employed with Verizon
20 Wireless?

21 A. Fourteen years.

22 Q. Okay. And where do you work from for Verizon?

23 A. In Atlanta, Georgia.

24 Q. Okay. And what is your job title?

25 A. I'm a record custodian.

1 Q. Okay. What are your basic duties as a record
2 custodian?

3 A. I assist with maintaining our call records, text
4 messaging, or things associated with the wireless phone
5 number that we might have.

6 Q. Okay. And did you respond to subpoena in this case for
7 -- or did Verizon -- did Verizon respond to a subpoena in
8 this case for phone records for a particular cell phone
9 number?

10 A. Yes.

11 Q. Okay. Do you know what that phone number was?

12 A. Not off the top of my head.

13 Q. Okay. I'm going to show you what's marked as State's
14 Exhibit No. 90.

15 THE COURT: Nine zero?

16 AST. SOL. TEMPLETON: Nine zero; yes, Your Honor.

17 Q. See if you recognize that information.

18 A. Yes.

19 Q. Okay. And how do you recognize that?

20 A. This is a disc provided by Verizon Wireless that has
21 records that were requested by court.

22 Q. Okay. And did you review those records today?

23 A. Yes.

24 Q. Okay. And did you initial and date them today?

25 A. Yes, I did.

1 Q. So do you know those to be the records that were
2 provided pursuant to that subpoena?

3 A. Yes.

4 Q. Okay. Are these records kept in the ordinary course of
5 business by Verizon Wireless?

6 A. Yes, they are.

7 Q. Okay. Is it a regular practice of Verizon to keep
8 records of this kind?

9 A. Yes.

10 Q. Okay.

11 AST. SOL. TEMPLETON: At this time, State would offer
12 State's Exhibit No. 90 into evidence.

13 MR. HILTON: Just a moment, Your Honor. (Brief pause.)
14 No objection.

15 (Whereupon, State's Exhibit No. 90, Verizon Disc, was
16 received into evidence.)

17 Q. All right. Now I'm going to show you State's Exhibit
18 No. 93. This is actually contained in Exhibit No. 90 but
19 I'm going to show it to you as a separate exhibit, Exhibit
20 No. 93. Do you recognize that?

21 A. Yes, I do.

22 Q. Was that provided when all of the raw data was provided
23 by Verizon?

24 A. Yes.

25 Q. Okay. And what is that, basically?

1 A. This is an explanation form. It helps understand what
2 the columns are on the records.

3 Q. Okay. Is that for RTT data?

4 A. Yes.

5 Q. And do you know what RTT stand for?

6 A. Real Time Tool.

7 Q. Okay. Those different columns, is there one for date?

8 A. Yes.

9 Q. And would that just be the date that that particular
10 set of data was created?

11 A. Yes.

12 Q. Okay. And does that also provide longitude and
13 latitude?

14 A. Yes.

15 Q. Okay. And that would just be the approximate longitude
16 and latitude when that data was created?

17 A. Yes.

18 Q. Okay. And does it assign a confidence level to that
19 latitude and longitude?

20 A. Yes.

21 Q. And what are the possible confidences that it provides?

22 A. High, medium, low, and no data.

23 Q. So it would either be high confidence, medium
24 confidence, low confidence, or that data was not provided
25 with that particular set?

1 A. Correct.

2 Q. Okay.

3 AST. SOL. TEMPLETON: The State would offer Exhibit No.
4 93 into evidence.

5 MR. HILTON: No objections.

6 (Whereupon, State's Exhibit No. 93, Verizon Form, was
7 received into evidence.)

8 AST. SOL. TEMPLETON: Beg the Court's indulgence. That
9 would be all the questions I have for you.

10 THE COURT: Cross?

11 MR. HILTON: Just briefly.

12 CROSS EXAMINATION

13 BY MR. HILTON:

14 Q. And it's Ms. Tell, correct?

15 A. Yes.

16 Q. Ms. Tell, would those records, and especially the GPS
17 location, you said it was an approximate location, correct?

18 A. Yes.

19 Q. So it's not that whenever the phone makes any contact
20 with the tower that it gives you a pinpoint location of that
21 phone. Is that what you mean by approximate location?

22 A. Well, it gives us the latitude and longitude and then
23 the high, medium, and low, or no data, confidence levels;
24 would help you understand how confident we are that that
25 latitude and longitude are accurate.

1 Q. Right. And when you say approximate, you're not giving
2 a pinpoint accuracy of the location of where that call
3 originates of data is transferred, correct?

4 A. Correct.

5 Q. All right. And it's an approximated distance. And do
6 you have any idea, and you may not have any idea, what like
7 a low confidence or a medium confidence or high confidence,
8 how far of a range we're talking about?

9 A. No. The math associated with that is outside of my
10 scope. So I don't have that information.

11 Q. I understand. I understand. But you are confident by
12 saying it's just an approximate area; it's not a pinpoint
13 location?

14 A. Yes.

15 MR. HILTON: No further questions.

16 AST. SOL. TEMPLETON: No redirect.

17 THE COURT: Thank you very much. You want to go back
18 to Atlanta?

19 THE WITNESS: Yes, I do.

20 THE COURT: You may.

21 THE WITNESS: Thank you.

22 THE COURT: Be careful. You got a five-minute witness?

23 AST. SOL. SORENSON: I don't think so, Your Honor. I
24 think our next one is going to be a little longer. Can we
25 approach?

1 (A bench conference was held off the record and out of
2 the hearing of the jury panel.)

3 THE COURT: Madam Forelady, ladies and gentlemen, an
4 hour and 20 minutes good for lunch? Is that too quick? Too
5 little? Too -- All right. I've got some stuff that I have
6 to do outside of your presence, which is going to take us
7 about 15 or 20 minutes. You can be eating lunch while we're
8 doing that. And then I have another hearing at 1:30; it
9 will take about ten minutes. So that will work out well.
10 We'll start back at two o'clock and go to around five this
11 afternoon. We'll see how we're moving at that time. If you
12 would, please leave your notes in your chair. We'll collect
13 those over the lunch hour. Please do not discuss the case
14 with anyone. Do not let anyone discuss it with you. Please
15 do not do any independent investigation or research. Thank
16 you. Everyone else remained seated, please.

17 (The jury exits the courtroom at 12:43 p.m.)

18 THE COURT: Madam Clerk, what is your protocol on the
19 notes?

20 THE CLERK: We can lock them up. We've got a security
21 area where we put the evidence.

22 THE COURT: If you'll make sure you do that.

23 THE CLERK: Yes, sir.

24 THE COURT: Is there anything for the record before we
25 break for lunch by the State?

1 AST. SOL. SORENSON: No, sir. As I informed Your Honor
2 up at the sidebar, our next witness that we intend to call
3 is the crime scene person, Jeff Scott. And I believe
4 Mr. Hilton has brought up that he does have an objection to
5 some of the photographs.

6 THE COURT: To some of the photos that we discussed in
7 chambers?

8 AST. SOL. SORENSON: Yes, sir. So I think we need to
9 probably address that before so we're not sending the jury
10 out in the middle of his testimony would be my . . .

11 THE COURT: All right. Let me ask y'all how -- well,
12 first of all, anything by the defendant before we break for
13 lunch? Other than that.

14 MR. HILTON: As long as we get to that motion, no. We
15 can do that after lunch.

16 THE COURT: We're gonna get to that motion. How many
17 times do I have to tell you? Gracious.

18 MR. HILTON: I was under the impression we were doing
19 that now. But I misunderstood.

20 THE COURT: I'm not fussing. Y'all heard me fuss yet?
21 All right. I have a 1:30 quick hearing, ten minutes at the
22 most. Do y'all want to do your motion at 1:15 or 1:40?

23 AST. SOL. SORENSON: I'll leave that up to Mr. Hilton.
24 I'm good either way.

25 MR. HILTON: Why don't we just do 1:40 and then we go

1 into the trial after that.

2 THE COURT: All right. Y'all be here at 1:30 because
3 my hearing probably won't take that long. We're going to
4 stand at ease until 1:30. (Brief pause.) All right. We'll
5 stand at ease until 1:30. We'll start the trial in the case
6 at two o'clock.

7 AST. SOL. SORENSON: Yes, sir. Thank you.

8 (A recess was taken at 12:45 p.m.)

9 (The proceedings in the trial of this case resumed at
10 1:41 p.m.)

11 THE COURT: Mr. Sorenson, if you will tell what photos
12 are in. Question are the ones that we have objection to
13 perhaps? Mr. Hilton is the better ---

14 AST. SOL. SORENSON: I think probably Mr. Hilton would
15 be better to do that. I mean, these are photos that I've
16 marked, Your Honor, that are ultimately run from number 10
17 through 89. I think there are a couple -- a couple of
18 things that are not photos in the higher -- in the mid-80s.

19 THE COURT: Mr. Hilton, what are the ones that you
20 object to?

21 MR. HILTON: Your Honor, I don't have the individual
22 numbers written down. Let me just -- it's a general
23 objection. And what -- throughout these pictures, there are
24 pictures of blood swabs, blood -- just pictures of blood ---

25 THE COURT: Show me the one that you're talking about.

1 MR. HILTON: For example, this is State's Exhibit 13.
2 And let me give you one more.

3 THE COURT: What's your objection to this?

4 MR. HILTON: Here's another one, State's Exhibit 59.

5 THE COURT: You have a list of the ones you're
6 objecting to?

7 MR. HILTON: I don't have a general list. It's so many
8 pictures. And the issue is that I presume Jeff Scott, the
9 crime scene detective, is going to get up here and testify
10 that this was the van, this was swabs taken from -- these
11 were swabs taken from the van. And that certain of these
12 swabs are going to test positive for blood. And he's saying
13 that some of them don't test positive for blood. And the
14 issue is he's giving his opinion testimony, would be giving
15 his opinion testimony, based on an experiment essentially
16 that he's done from a field test in the van. And I don't
17 think that in this particular case where you have got
18 another substance that looks strikingly like blood that he
19 can get up and testify, in his opinion, based on some field
20 test that this is blood, this is not blood, this is blood,
21 this is not blood. And then presumably say it's Ashley
22 Pegram blood. I think that's more prejudicial than
23 probative.

24 THE COURT: Well, I doubt he's gonna say it's Ashley
25 Pegram's blood. He's not qualified to do that.

1 MR. HILTON: Well, that's certainly going to be the
2 inference of his testimony. And I agree, they're going to
3 have to connect that through the DNA, but that will
4 ultimately be proved. And, ultimately, they're going to say
5 that all of this blood is Ashley Pegram's when the only
6 thing we have is some field test. And I don't think that
7 he's -- that Detective Scott, without an evidentiary hearing
8 on the scientific reliability of his evidence, is going to
9 be able to say with any degree of scientific certainty that
10 this is even blood.

11 THE COURT: I don't know what he's going to say.

12 MR. HILTON: Well, that would be our objection, Your
13 Honor.

14 THE COURT: You're objecting to the pictures, the
15 photographs?

16 MR. HILTON: Yes, sir.

17 THE COURT: I'm going to reserve ruling on them until I
18 hear what he says. He can -- I mean, I assume he's the
19 crime scene guy, an expert; the crime scene man. He's gonna
20 say these photographs accurately depict what was shown at
21 the crime scene. I don't know whether he'll be qualified to
22 give opinions or not. Is he, Mr. Sorenson?

23 AST. SOL. SORENSON: Well, I mean, I think I'm going to
24 ask him questions about them. I mean, they used a field
25 test, and we provided information about that to Mr. Hilton,

1 that is I think standard in the field of crime scene
2 processing to basically do a presumptive test whether
3 something is blood or not. And at that point in time that
4 he collected basically those items and sent several of those
5 swabs off to the state law enforcement division for further
6 testing. I mean, that's . . .

7 THE COURT: I can't rule until I hear from him. But as
8 far as ruling the pictures out -- the photos for now, I'm
9 not. You can make your objections during the trial.

10 MR. HILTON: Thank you, Your Honor.

11 (A brief recess was taken at 1:46 p.m.)

12 (The proceedings in the trial of this matter resumed at
13 2:00 p.m.)

14 THE COURT: State ready to proceed?

15 AST. SOL. SORENSON: Yes, Your Honor.

16 THE COURT: Defense?

17 MR. HILTON: Defense is ready.

18 THE COURT: Bring the jury in, please.

19 (The jury enters the courtroom at 2:01 p.m.)

20 THE COURT: Everybody got the right pads? Make sure
21 you got the right ones. Okay. I hope you had a pleasant
22 lunch. You may call your next witness.

23 AST. SOL. SORENSON: Thank you. May it please the
24 Court? State calls Investigator Jeff Scott.

25 JEFF SCOTT, after being duly sworn, testified as

1 follows:

2 AST. SOL. SORENSON: May it please the Court?

3 THE COURT: (Affirms.)

4 DIRECT EXAMINATION

5 BY AST. SOL. SORENSON:

6 Q. Good afternoon, Investigator Scott.

7 A. Good afternoon.

8 Q. Will you please tell the jury where it is that you're
9 employed.

10 A. Certainly. I'm employed with Dorchester County
11 Sheriff's Office. I'm a deputy currently assigned to the
12 criminal investigation division.

13 Q. Okay. And how long have you been, first of all,
14 employed with the Sheriff's Office?

15 A. I started employment in Dorchester County in February
16 of 2013 at which time I was assigned to the criminal
17 investigation division. I stayed there from February of
18 2013 to October of 2014 at which time I was reassigned to
19 the now crime scene division.

20 Q. Okay. Is that where you are currently employed at this
21 time, the crime scene division?

22 A. That is correct.

23 Q. Okay. And prior to your employment with the Dorchester
24 County Sheriff's Office, where were you employed prior to
25 that?

1 A. Prior to Dorchester County, I was with Colleton County
2 Sheriff's Office. I started my tour with Colleton County in
3 2003 where I worked the road patrol from August 8, 2003 to
4 February -- or excuse me -- November 14th of 2006 at which
5 time I was assigned to the criminal investigation division
6 there.

7 Q. Okay. And did you have any crime scene experience with
8 Colleton County?

9 A. Yes, sir. That is correct.

10 Q. Okay. And how much of that was in crime scene in
11 Colleton County then?

12 A. Colleton County is different from Dorchester County.
13 Dorchester County, we have a criminal investigation division
14 which is made up of investigators, and we have a criminal
15 crime scene division which is made up of crime scene
16 investigators. In Colleton County, we were both; we were
17 crime scene techs and we were detectives. So we actually
18 did both. So when I started my tour in November of 2006 up
19 until I left in February of 2013, I worked on numerous crime
20 scenes as an investigator, as a crime tech.

21 Q. And if you would, just briefly, tell the jury a little
22 bit of your training that you've had with regards to
23 processing crime scenes.

24 A. I've had, again, numerous on-the-job training. But
25 I've also had several other classes to include -- I have had

1 basic crime scene classes at the Academy of -- the Criminal
2 Justice Academy; I've had blood stain pattern analysis
3 class; I've had to death and homicide investigation classes;
4 I've taken burglary classes, photography classes, interview
5 interrogation classes; a little bit of everything.

6 Q. And you said then that's something now that you're
7 doing. Basically, your day-to-day job is responding and
8 processing crime scenes. Is that correct?

9 A. That's correct.

10 Q. All right. And I want to turn your attention if I
11 could, Investigator Scott, back to April of last year, 2015.
12 Did you become at some point in time involved in this matter
13 that we're here for today?

14 A. That's correct.

15 Q. Okay. And tell the jury how and when you first became
16 involved in this case.

17 A. Certainly. April 15, 2015, I was contacted by
18 Detective Andy Martin with the criminal investigation
19 division in reference to a missing persons case. Detective
20 Martin advised me that he had located a potential vehicle
21 that he wanted me to come out and take a look at. It was
22 located at Cauble Flooring, which was located in North
23 Charleston. I responded along with another crime scene tech
24 to Cauble Flooring at which time I was made aware of two
25 potential vehicles that we had consent to search that he

1 wanted us to check out.

2 Q. All right. And describe what those two vehicles were
3 that you ultimately ended up looking at there that afternoon
4 or evening.

5 A. Both of them were work vans with Cauble Flooring on the
6 side. One was a Chevy work van and the other was a Ford
7 work van, both white in color.

8 Q. Okay. And showing you State's Exhibit 10 through 17.
9 (Brief pause.) Let me show you, if I could, State's
10 Exhibits 10 --

11 AST. SOL. SORENSON: May I approach the witness, Your
12 Honor?

13 THE COURT: (Affirms.)

14 Q. State's 10 through 17 and ask you if you recognize
15 those photographs. I think the first couple of them are
16 already into evidence.

17 A. Certainly. Just give me one moment.

18 (Witness reviews photographs.)

19 Q. Do you recognize the photographs, Investigator?

20 A. I do.

21 Q. All right. First of all, what vehicle are those
22 photographs depicting?

23 A. State's Exhibit 10 through 17 are photographs that
24 depict the Ford work van that was located at Cauble Flooring
25 in North Charleston.

1 Q. Okay. And some of those pictures also depict the
2 processing you did of that van out there at Cauble Flooring
3 on Rivers Avenue that evening?

4 A. That is correct.

5 AST. SOL. SORENSON: Your Honor, at this time, we would
6 offer State's 10 through 17 into evidence.

7 THE COURT: Any objection?

8 MR. HILTON: Just one second, Your Honor. (Brief
9 pause.) We have an objection with regard to State's Exhibit
10 17.

11 THE COURT: And the objection is?

12 MR. HILTON: That would be the previous objection we
13 made that it -- offering a scientific test without proper
14 foundation.

15 THE COURT: He hasn't done anything. He hasn't offered
16 anything, a scientific test or anything else. Overruled.
17 You've asked if you recognize that and that's -- the
18 processing, right?

19 AST. SOL. SORENSON: Yes, sir. And I'm going to ask
20 him what that picture depicts.

21 THE COURT: Pictures are in. Overrule the objection;
22 overruled.

23 (Whereupon, State's Exhibit No. 13-17, Photographs,
24 were received into evidence.)

25 AST. SOL. SORENSON: I got them on my computer. Can I

1 publish them -- I'm going to publish them on the screen if
2 that's okay, Your Honor.

3 Q. I'm gonna show you -- if you would, on State's Exhibit
4 No. 10, what is State's Exhibit No. 10?

5 A. State's Exhibit No. 10 is a Ford work van. You can see
6 in the photographs it's RW Cauble and Company Hardwood
7 Flooring. It depicts a work van with the tag number P485688
8 on the rear.

9 Q. Okay. And where is that photograph taken?

10 A. This photograph was actually taken inside a of work bay
11 at Cauble Flooring.

12 Q. And how about --

13 AST. SOL. SORENSON: Go to 11, Ryan, if you would.

14 Q. It's that same vehicle just the passenger side?

15 A. That's correct. That is the same vehicle, passenger
16 side.

17 Q. And State's 12, same vehicle?

18 A. That is correct. Same vehicle, driver side.

19 Q. Okay. Now explain to the jury what you then did kind
20 of as far as processing that vehicle.

21 A. Okay. Basically, what we do with any crime scene
22 processing is we start by photographing the scene as it is
23 when we find it. This van -- these pictures depict the van
24 exactly how it was when we found it. As far as you can see
25 this is the side and the two previous pictures were the rear

1 and the passenger side. The processing -- once the
2 photographs, exterior and interior photographs, have taken
3 then we move to trying to identify pieces of evidence. That
4 can be something as DNA, anything along those lines; trace
5 evidence, DNA, hairs, fibers; anything that can be
6 associated with the crime at hand.

7 Q. Okay. And describe for the jury ultimately -- and I'm
8 gonna ultimately get to some of these other photographs
9 later on. But did you have an opportunity out there at
10 Cauble Flooring to open the van up and look inside?

11 A. That is correct.

12 Q. And describe for the jury just kind of what the overall
13 when you looked inside what you observed.

14 A. This particular van when we opened up the -- we started
15 at the passenger side, double doors, located behind the
16 passenger side front door. We opened up the doors;
17 immediately we observed cans, different kinds, various cans
18 with ---

19 THE COURT: Various kinds of what?

20 THE WITNESS: Cans; like paint cans.

21 THE COURT: C-a-n-s?

22 THE WITNESS: Yes, sir.

23 A. Like polyurethane cans, things of that nature. There
24 were some paint thinner jugs in there. Some plastic jugs,
25 some hardwood floorings, some sand discs, extension cords,

1 pieces of hardwood flooring. There was a metal rack in the
2 van as well. And they were just knew numerous reddish
3 colored stains located throughout the van.

4 Q. Did you have an opportunity -- Let me ask you, do you
5 have anything at your disposal that you use kind of on a
6 day-to-day basis in processing crime scenes that is used to
7 test, if you have a stain at a crime scene, to see whether
8 it's blood or not?

9 A. Yes, sir; we do.

10 Q. Okay. Is that something that's used basically
11 throughout the forensic science field?

12 A. Yes, sir; it is.

13 Q. Okay. What's the name of that test that you typically
14 use when you're processing a crime scene? If you come
15 across a stain and you're not sure if it's blood or not.

16 A. If we come across a suspected stain, we use what is
17 called an O-Tolidine.

18 THE COURT: Spell that.

19 A. I'll spell that. It's O-T-o-l-i-d-i-n-e. It's
20 O-Tolidine. It's a blood reagent kit that is used to
21 identify suspected stains and to give a presumptive positive
22 and/or a negative.

23 Q. Okay. And then ultimately then if you found a stain
24 that tested positive, that stain can be sent off to the
25 State Law Enforcement Division for further kind of DNA

1 testing or something of that nature. Is that correct?

2 A. That is correct.

3 Q. Okay. Did you have an opportunity -- you testified a
4 moment ago when you first opened that door there appeared to
5 be numerous stains that were inside that vehicle? Isn't
6 that correct?

7 A. That's correct.

8 Q. And, ultimately, did a lot of that end up appearing to
9 be, upon further examination of it, to be stains from --
10 hardwood floor stains and things of that nature?

11 A. The stains in there appeared to be -- I'm not hardwood
12 floor expert -- but they did appear to be something that you
13 would use in the construction industry.

14 Q. Okay. Did you have an opportunity out there at the
15 scene before you ultimately did anything else with that van
16 to perform that O-Tolidine test on any of those stains to
17 see if any of them reacted positive for human blood?

18 A. Yes, sir; we did.

19 Q. Okay. And how many different stains did you attempt to
20 test out there that evening out there at Cauble Flooring?

21 A. We tested a total of four stains, suspected stains.

22 Q. Okay. And if you would, describe for the jury this
23 O-Tolidine test, how it works.

24 A. Okay. The O-Tolidine reagent kit, it reacts with irons
25 located in your blood, particularly in the hemoglobin

1 molecule. What you do with the O-Tolidine kit is it comes
2 with a standard sample. It's basically just a piece of
3 paper that's soaked in, I believe -- I'm not sure exactly
4 what animal blood they use. You would tear off a piece of
5 it; you'd verify that your kit is working properly. How you
6 test the kit is -- or how you use the kit is you soak a
7 cotton swab applicator or one of the pre-swatches that they
8 include in the kit. Once you have moistened the swab or
9 swatch, you take a sample of the suspected stain. You then
10 add the O-Tolidine solution, which comes in a vial along
11 with the distilled water, the sterile water that you use and
12 collect and moistened the swab to collect the stain. Once
13 you've applied the O-Tolidine solution, you then apply the
14 third solution included in the kit, which is hydrogen
15 peroxide. And if you get a reaction, it will immediately
16 turn a deep, dark bluish color on either the swab or the
17 swatch, whichever you use.

18 Q. And if it turns that deep blue color then it's
19 indicating that there's blood present?

20 A. It is a presumptive positive that the hemoglobins are
21 present.

22 Q. I'm showing you State's Exhibit No. 13, is that --
23 first of all, what's, kind of to the left of State's 13,
24 what is that that they're seeing?

25 A. This was a suspected stain located inside the interior

1 of the Ford van.

2 Q. Okay. And you put a marker on it, I guess, next to it.
3 That scale tape; is that your scale tape?

4 A. That is correct. That is my scale tape that we used to
5 photograph the stains.

6 Q. That would be your marker number 1. Is that correct?

7 A. That is correct.

8 Q. Okay. What is depicted -- is that a hand holding --
9 holding something on the right of the picture?

10 A. That is correct. That is a hand with a glove on it
11 holding a cotton tip applicator.

12 Q. Okay. What is that showing then in State's Exhibit 13?

13 A. Again, the O-Tolidine kit was used in State's Exhibit
14 13 to test this particular stain, unknown suspected stain.
15 As you can tell by the cotton tip applicator, it is not a
16 deep, dark bluish color. It's actually more of a dingy,
17 yellow color, which would indicate this test, the particular
18 stain, this particular test, was a negative.

19 Q. So that was not blood?

20 A. That was not blood.

21 Q. Okay. Now, ultimately, did you move on, State's
22 Exhibit No. 14, and find another stain in the vehicle to
23 test out there that evening?

24 A. That is correct; we did.

25 Q. Now, do you mark it 2 in State's Exhibit 14?

1 A. That is correct.

2 Q. What was the results of that reddish stain that was
3 found inside the van?

4 A. Again, you'll notice that this particular photograph
5 depicts a negative of a suspected stain, which was marker
6 number 2.

7 Q. Okay. And did you move on and test another stain?

8 A. Yes, sir; we did.

9 Q. Okay. I'm showing you State's Exhibit No. 15. And
10 this one is not the clearest picture in the world.

11 A. I do apologize for that.

12 Q. Does that also show . . .

13 A. That is correct. This particular photograph, again,
14 marker tape. Again, I apologize for the clarity of the
15 photograph.

16 THE COURT: What marker number is it?

17 THE WITNESS: It is marker number 3.

18 THE COURT: Three?

19 THE WITNESS: Yes, sir.

20 A. Marker number 3, which is a suspected stain located in
21 the interior of the vehicle. This too was a negative.

22 Q. And then ultimately -- let me show you State's Exhibit
23 No. 16. Is that another -- your marker 4 now?

24 A. That is correct.

25 Q. Okay. Where is that stain located at within the

1 vehicle?

2 A. This stain is located on the floor of the rear of the
3 vehicle interior on -- would be closer to the passenger
4 side, I believe.

5 Q. Okay. I'm showing you State's Exhibit No. 17. And is
6 that, yet again, showing that same test? That O-Tolidine
7 test that you performed on State's Exhibit -- marker number
8 4?

9 A. That is correct.

10 Q. And explain what were the results of that?

11 A. As you can see, marker number 4 was a suspected stain
12 located on the floor of the van. It too was treated or
13 tested using the O-Tolidine solution, the O-Tolidine test
14 kit. As you can tell by looking at the swab in this
15 photograph, you have that deep, dark bluish color, which
16 would indicate a presumptive positive of blood present.

17 Q. Okay. So at that point in time, you found what appears
18 to be and has tested presumptive positive for blood within
19 that Ford van?

20 A. That is correct.

21 Q. What did you then do at that point in time? Did you
22 continue processing that Ford van out there at Cauble
23 Flooring that evening?

24 A. No, sir. We were made aware by the investigators that
25 because we had presumptive positive blood present that we

1 were going to secure the vehicle and transport it back to
2 Dorchester County where we could then continue processing it
3 further.

4 Q. Okay.

5 A. Under more controlled conditions.

6 Q. Okay. And was that Ford van ultimately towed back to
7 the Sheriff's Office?

8 A. Yes, sir; it was.

9 Q. Was it secured from Cauble Flooring to the Sheriff's
10 Office?

11 A. Yes, sir. I actually followed the County wrecker from
12 Cauble Flooring all the way to Dorchester County Sheriff's
13 Office and secured the van in our garage.

14 Q. Okay. When you get back, that vehicle was ultimately
15 processed further the following day?

16 A. That is correct.

17 Q. Okay. Now, you indicated there was a second vehicle
18 out there also? Is that correct?

19 A. That is correct.

20 Q. I'm showing you State's Exhibit No. 18, which I believe
21 is in evidence already. Is that the other vehicle that you
22 processed?

23 A. May I?

24 Q. Yes, sir.

25 A. That is correct.

1 Q. And that would be the Chevy GMC van. Is that correct?
2 That would be State's Exhibit 18.

3 A. That is correct.

4 Q. Okay. And let me ask you: Did you have a chance to
5 look inside that vehicle?

6 A. Yes, sir; I did.

7 Q. Okay. Did there appear to be any items or spots in
8 there that appeared to you to possibly be blood? In that
9 vehicle.

10 A. None were located within this particular vehicle.

11 Q. Let me ask you: Did you actually -- were there any
12 items that were removed from that vehicle, however?

13 A. Yes, sir. We did remove of a cell phone from the
14 center console of this vehicle.

15 THE COURT: You said cell phone?

16 THE WITNESS: Yes, sir.

17 AST. SOL. SORENSON: May I approach the witness, Your
18 Honor?

19 THE COURT: You may.

20 Q. I'm showing you State's Exhibit No. 19. Is that photo
21 depict where that cell phone was located at?

22 A. Yes, sir; it does.

23 Q. I'm showing you State's Exhibit No. 92. Is that the
24 cell phone that was collected from that Chevy can?

25 A. Yes, sir; it is.

1 AST. SOL. SORENSON: Your Honor, at this time we would
2 offer State's 19 and 92 into evidence.

3 THE COURT: Any objections?

4 MR. HILTON: No objection.

5 (Whereupon, State's Exhibit No. 19, a Photograph, and
6 State's Exhibit No. 92, a Cell Phone, were received
7 into evidence.)

8 AST. SOL. SORENSON: If you could put 19 up there,
9 Ryan.

10 Q. Where is that -- and that's the cell phone that's
11 located there?

12 A. That is correct.

13 Q. And where is that located at within the vehicle?

14 A. That is located in the, I guess, what would be
15 considered the center console area of the Chevrolet work
16 van.

17 Q. Did you have an opportunity -- now, let me ask you:
18 Was that van, that Chevy van, towed back to the Dorchester
19 County impound lot?

20 A. No, sir; it was no.

21 Q. And did you have an opportunity that same evening to
22 respond back to criminal investigative division?

23 A. I did.

24 Q. Let me ask you: Did you have an opportunity then back
25 at the Sheriff's Office Investigative Division the evening

1 of the 15th, of April 15th, of last year, have an
2 opportunity to meet with the victim in this case Ashley
3 Pegram's mother, Ms. Rana Chance?

4 A. I did.

5 Q. And what was the purpose of you meeting with her back
6 at your office?

7 A. I was contacted by Detective Martin and asked if I
8 would respond to CID office, Criminal Investigation
9 Division, their main office. The reason for this is to
10 obtain what we call buccal swabs, which are simply a cotton
11 tip applicator that you run around the inside of the mouth.
12 To meet with the mother, Ms. Chance, to obtain the buccal
13 swabs. I was also advised that Ms. Chance had some items
14 belonging to Ms. Pegram that she wished to have turned over
15 to us that may -- could potentially and may have some of her
16 DNA on it.

17 Q. And at this point in time on that evening of April
18 15th, her body had not been located at that point in time.
19 Is that correct?

20 A. That is correct.

21 Q. Okay. All right. And ultimately, did you collect
22 those buccal swabs from Ms. Chance?

23 A. Yes, sir; I did.

24 Q. Okay. Now, the following day the, April the 16th of
25 2015, did you have an occasion then that day to do some

1 further processing of vehicles in this case?

2 A. That is correct. I did.

3 Q. Okay. And initially, did you become aware of another
4 vehicle that had been brought in sometime in the evening of
5 April 15th of 2015 to the Sheriff's Office?

6 A. Yes, sir. I actually was contacted again this time by
7 lieutenant -- Criminal Investigation Division made aware
8 there was a Hyundai Sonata being brought into our office and
9 it would be secured in our garage area.

10 Q. Okay. Let me show you if I could State's Exhibits 20
11 through 27. Twenty is already in evidence. But the 21
12 through 27, does those depict that Hyundai Sonata and the
13 processing that you did on it on April 16th of 2015?

14 MR. HILTON: Your Honor, I just want to object to
15 preserve any previous motions. Talking about the Sonata at
16 this point. There was an objection earlier and I just want
17 to preserve that for the record.

18 THE COURT: It's preserved. You're protected and
19 preserved.

20 Q. Do those accurately depict that Hyundai Sonata and the
21 processing that you did on it on April 16th of 2015?

22 A. Beg the Court's indulgence. (Brief pause.) Yes, sir;
23 they do.

24 AST. SOL. SORENSON: Your Honor, at this time, we'd
25 offer State's 21 through 27 into evidence.

1 THE COURT: Any objection other than the one you've
2 already made on the -- yesterday's objections.

3 MR. HILTON: Your Honor, specifically with regard to
4 all of the exhibits except State's 25 that would be subject
5 to the previous objection that I made.

6 THE COURT: State's 25?

7 MR. HILTON: With regard to State's 25, I would object
8 to that one on a similar basis.

9 THE COURT: Well, what is the basis?

10 MR. HILTON: It would be the basis of introduction of
11 essentially a scientific test without any sort of hearing on
12 whether it was proper or not. It's a different kind of test
13 than what we were talking about previously.

14 THE COURT: I haven't heard anything. I don't know.

15 MR. HILTON: Well, that's why I'm objecting to it.

16 THE COURT: Everything except 25; we'll do 25 separate.

17 AST. SOL. SORENSON: Okay. Yes Sir. When I get to
18 that one, I'll lay the foundation for that.

19 THE COURT: Thank you.

20 (Whereupon, State's Exhibit No. 21-24 and 26-27,
21 Photographs, were received into evidence.)

22 (Brief interruption.)

23 AST. SOL. SORENSON: (continuing)

24 Q. Investigator, let me show you State's Exhibit No. 20.
25 What is State's Exhibit No. 20?

1 A. State's 20 is a Hyundai Sonata, South Carolina tag on
2 it, JGN352.

3 Q. Okay. Is that the vehicle that you processed on the
4 morning of April 16th of 2015?

5 A. Yes, sir; it is.

6 Q. Okay. And State's Exhibit 21?

7 A. This is the same vehicle, the Hyundai Sonata. This is
8 a view from the passenger side front door.

9 Q. And State's Exhibit number -- let me ask you before I
10 go to 22: Did you have a chance to search the interior that
11 vehicle as far as, you know, the passenger compartment of
12 that Hyundai Sonata?

13 A. Yes, sir; we did.

14 Q. Okay. Did you find any apparent blood stains or
15 evidentiary items inside the passenger ---

16 A. No evidentiary items were collected from the front
17 vehicle.

18 Q. But you had an opportunity to then look and search the
19 trunk of that Hyundai Sonata?

20 A. Yes, sir; we did.

21 Q. Okay. I'm showing you State's Exhibit No. 22. What is
22 State's Exhibit No. 22 show?

23 A. State's Exhibit 22 is the trunk of the Hyundai Sonata.
24 You'll notice that ours in yellow what we call photo
25 placards with some numbers on them, each one of those

1 numbers actually depicts a possible piece of evidence
2 located in the rear of this vehicle.

3 Q. That's kind of an overall view of the things that you
4 marked?

5 A. Yes, sir; it is.

6 Q. Potentially having some value inside that trunk?

7 A. That is correct.

8 Q. And then moving on to State's Exhibit No. -- I guess,
9 first of all, the next picture I think depicts marker 4 kind
10 of at the top. So still got that one. Just so the jury can
11 see where four is oriented in the ---

12 A. Right.

13 Q. Basically, the trunk if it's closed would be at the
14 bottom of the trunk area?

15 A. That is correct.

16 Q. Okay.

17 AST. SOL. SORENSON: If you move on to 23, Ryan.

18 THE COURT: Twenty what?

19 AST. SOL. SORENSON: Three.

20 Q. And does that show that area?

21 A. That is correct.

22 Q. Okay. And tell the jury what you observed in that area
23 and what you ultimately did.

24 A. In this particular photograph, you'll notice there's a
25 scale tape with a marker on it, B. As well as you'll notice

1 the yellow placard, photo placard, with the number 4 on it.
2 You'll notice in the middle the photograph on the trunk
3 right there is reddish in color stain. You'll also notice
4 that there is swab being held with a photograph taken of it.
5 And I'm not sure if y'all can see it. From this angle, it's
6 hard for me to see. But you'll notice on that swab, you'll
7 notice that there's a bluish color which is presumptive
8 positive using the same reagent, the O-Tolidine test kit.
9 And it's presumptive positive for blood.

10 Q. Okay. And was that swab then collected?

11 A. We did collect the swab; correct.

12 Q. Okay. And then moving on to State's Exhibit No. 24.

13 A. You're looking from this picture State's 24, you'll
14 notice again there's a scale tape marker with the letter A
15 on it. Just to orient you for State's 24, you're facing the
16 trunk. This is going to be the right seal -- seal on the
17 right side of the trunk facing the trunk. What you'll
18 notice in this photograph is you'll notice there is a
19 reddish in color stain located on the rubber seal. And
20 you'll also notice there is a swab with a bluish color on it
21 which is a presumptive positive for blood.

22 Q. Let me jump if I could to 26. All right. And does
23 that show kind of same area? Can you kind of zoom in to
24 show if that's marker A there. That the same area?

25 A. That is correct. That is the same area.

1 Q. Okay. And that swab ultimately was collected at
2 placard number 5. Is that correct?

3 A. There was a swab taken from placard number 5, correct.

4 Q. Okay. All right. And let me ask you: So that tested
5 positive for the presence of blood using that O-Tolidine
6 test. Is that correct?

7 A. Presumptive positive; that is correct.

8 Q. And now did you do any further testing on that spot,
9 that marker five/A, I guess?

10 A. We did do further testing. That is correct.

11 Q. And what is the other test that you have at your
12 disposal in kind of looking at a crime scene and trying to
13 determine whether something is blood or not?

14 A. As I stated earlier, we use the O-Tolidine test kit
15 which test for the presence of iron located in the
16 hemoglobin molecule or blood. We also use a presumptive
17 test that is called a hexagon OBTI.

18 THE COURT: Spell that for me.

19 THE WITNESS: H-e-x ---

20 THE COURT: H-e-x.

21 THE WITNESS: Yes, sir. A-g-o-n; and then the letters
22 OBTI. It's a hexagon OBTI; it's a blood test reagent kit.

23 Q. And was that done on that spot, that 5/A area?

24 A. Yes, sir.

25 Q. And explain for the jury how that test works.

1 A. Unlike the O-Tolidine test kit, the hexagon test is
2 more target specific. It's a ---

3 THE COURT: It's a more what specific?

4 THE WITNESS: It's target specific. It's a little --
5 it's a more detailed test for blood.

6 A. What we do is you would moisten the applicator. You
7 place it -- without having one, the best way to explain is
8 if anyone has ever seen a home pregnancy test. Basically,
9 you put a small amount of the suspected stain in the little
10 dropper area. You then treat it with the hexagon solution.
11 If blood is present, you'll have two pink lines that will
12 come up; one is a control and one is the test. If you have
13 both pink lines, you have a presumptive positive test. If
14 you do not, if all you have is the control, then you do not
15 have a presumptive positive test.

16 Q. Okay. And you did that test on marker five?

17 A. That is correct.

18 Q. Okay. And let me ask you: Did you do that test on all
19 the others -- in the other spot also in the vehicle?

20 A. No, sir; We did not.

21 Q. Okay. And what is the part of the reason that test was
22 just done in one spot?

23 A. Hexagon test, reagent tests, are far and above way more
24 expensive than using the O-Tolidine solution. The
25 O-Tolidine solution we use on suspected stains. We use the

1 hexagon test as more of a two-prong test just to verify what
2 we already learned from using the O-Tolidine, which is
3 presumptive blood present.

4 Q. In State's 25, the other photograph that is not in yet,
5 does that depict the results of that hexagon test on that
6 stain?

7 A. Yes, sir; it does.

8 AST. SOL. SORENSON: All right. At this time, we'd
9 offer State's 25 into evidence.

10 MR. HILTON: We object from the basis of no foundation,
11 State versus Council.

12 (A bench conference is held off the record and out of
13 the hearing of the jury panel.)

14 AST. SOL. SORENSON: (continuing)

15 Q. I apologize, Jeff. A couple of questions I did not ask
16 you about on the hexagon test. You testified on the
17 O-Tolidine test that is commonly used throughout forensic
18 science and crime scene investigative agencies across the
19 country. Is that correct?

20 A. That is correct.

21 Q. Okay. The hexagon test, is that a similar situation?

22 A. Yes, sir; that is correct.

23 Q. Okay. And that's something you've been trained to use
24 as part of your training at the Sheriff's Office?

25 A. Yes, sir.

1 Q. Used by other law enforcement agencies around the
2 country?

3 A. Yes, sir; that is correct.

4 Q. And so I understand, it's more precise than the
5 O-Tolidine test?

6 A. Yes, sir; it is.

7 Q. Okay. Does it actually show you the presence of human
8 blood or I think it lists a couple of other possible animals
9 that it could test positive for also?

10 A. Yes, sir; that is correct.

11 Q. Like a rabbit and a weasel and something else?

12 A. Actually, I have it here. I can tell you exactly which
13 it does test positive for if you like.

14 Q. There would be fine.

15 A. Okay. The hexagon test, again, it tests for the irons
16 in blood in the hemoglobin molecule. You can also get a
17 presumptive positive for certain types of primates. You
18 know, gorillas, things of that nature. You can also get a
19 false positive on badgers, weasels, and rabbit.

20 AST. SOL. SORENSON: At this time, Your Honor, I'd
21 offer State's 25 ---

22 THE COURT: Yeah. Anything else to your objection?

23 MR. HILTON: I think it's improper opinion testimony
24 based on lack of foundation of State versus Council and I
25 believe the rule is 703, although I could be wrong on that.

1 THE COURT: Overruled.

2 (Whereupon, State's Exhibit No. 25, Photograph, was
3 received into evidence.)

4 AST. SOL. SORENSON: Pull up State's 25.

5 Q. All right. I'll show the jury now State's Exhibit No.
6 25 what that pictures is depicting.

7 A. The overall picture, again, you'll notice that the
8 scale tape at the top with the letter A on it, also at the
9 bottom you'll notice what I previously testified to as being
10 the hexagon OBTI test. Could we pull -- a little bit.
11 Again, you'll notice at the bottom test, that's where the
12 sample will go. You put the suspected stain in that little
13 dish right there and then you go treat it with the hexagon
14 solution. You're always going to get a C. The C is the
15 control. All right. If you have a T as well as the C, then
16 you have presumptive positive for blood present. If you do
17 not have both of those two pink lines that you see depicted
18 in this photograph, you do not have presumptive blood.

19 Q. And ultimately, that swab then -- I think I asked you
20 this -- but at that marker 5, that was collected?

21 A. That is correct.

22 Q. Okay. And then lastly, State's Exhibit 27. Do you
23 know where that is or do you need to go back to 20 ---

24 A. No. No, sir. I'm familiar with this particular area.

25 Q. Where's that located in ---

1 A. If you'll notice on the right-hand side, again, you'll
2 see the yellow placard with the number 7 on it. You'll
3 notice that there is a scale tape with the number 7 as well
4 as this cotton tip applicator. That black bar that's
5 located in the little scale tape is actually the shot for
6 the trunk deck located on the right side if you're facing
7 the trunk. This will orientate you. If you pop your trunk
8 open, put your groceries in the right side, that's the shot.
9 That suspected stain is located just to the left of that.
10 And you'll notice that the swap is that blue color which
11 would indicate a presumptive positive for blood using the
12 O-Tolidine test kit.

13 AST. SOL. SORENSON: May I approach the witness, Your
14 Honor?

15 THE COURT: You may.

16 Q. Let me show you State's Exhibit 45 -- I'm sorry, 94 and
17 95. Ask you if you recognize those items.

18 A. Beg the Court's indulgence. (Brief pause.) May I open
19 them?

20 Q. If you need to verify what's in them, yes, sir.

21 A. First, before I open it, you'll notice that my initials
22 and the date, April 19th, are located on the back of it
23 before I open it. I just want to tell the jury those are my
24 initials. Again, my initials on the back. This would be
25 94. Yes, sir; I am familiar with these items.

1 Q. Are those the swabs that you collected from placards 5
2 and 7 within the Hyundai Sonata trunk?

3 A. That is correct.

4 Q. Okay. Let me ask you this question, and I'm gonna get
5 into a lot of other kind of swabs that were collected. But
6 was every swab that was collected sent out to the State Law
7 Enforcement Division for further DNA testing?

8 A. No, sir; not every swab.

9 Q. Okay. Ultimately, were there selected swabs from both
10 the Hyundai Sonata and the Ford van that were sent out to
11 SLED for further testing?

12 A. That is correct.

13 Q. Okay. Were those two swabs then from markers 5 and 7
14 sent out to SLED?

15 A. Yes, sir; they were.

16 AST. SOL. SORENSON: Your Honor, I guess we'd offer
17 State's 94 and 95 into evidence.

18 THE COURT: Any objection being these swab -- the swabs
19 that were sent?

20 MR. HILTON: No objection to just the swab.

21 (Whereupon, State's Exhibits No. 94 and 95, Swabs,
22 were received into evidence.)

23 Q. And just so -- I just want to make sure we're kind of
24 clear. So on 90 -- just looking at 94, that's your
25 handwriting on the envelope?

1 A. Ninety-four, that is not my handwriting on the
2 envelope. With the sheer amount of evidence, we actually
3 have three techs working on this. Some were writing; some
4 were sealing. I can testify the initials on the back of
5 that envelope are my initials and that is my handwriting.
6 The front, I can't testify to whichever crime scene tech
7 that would be.

8 Q. And does that corroborate as far as where that was
9 collected from? So when it went out to SLED, there would be
10 some notation as to where this State's 94 was collected from?

11 A. That is correct.

12 Q. And that is accurate. So this was two swabs from
13 placard number five, red stain collected 4/16/15 in the
14 trunk area, and placard number five by you?

15 A. That is correct.

16 Q. Is that correct?

17 A. That is correct.

18 Q. And this one, the same thing except it obviously
19 references placard 7. Is that correct?

20 A. Yes, sir; that's correct.

21 Q. Now, did you have an opportunity then to move on to
22 further looking at the van?

23 A. Yes, sir; I did.

24 Q. I'm going to show you a stack of photographs. It's
25 State's Exhibits 28 through 77.

Direct Examination of Jeff Scott by Ast. Sol. Sorenson

1 AST. SOL. SORENSON: My I approach?

2 THE COURT: (Affirms.)

3 A. Court's indulgence. (Brief pause.) Yes, sir; I'm
4 familiar with these photographs.

5 Q. And does State's 28-77 fairly and accurately depict the
6 inside of that Ford van and how you went about processing it
7 including testing various stains in there using the
8 O-Tolidine test that you talked about earlier?

9 A. Yes, sir; that's correct.

10 AST. SOL. SORENSON: At this time, we'd offer State's
11 28 through 77 into evidence?

12 MR. HILTON: Subject to the same objection regarding
13 the O-Tolidine test.

14 THE COURT: Overruled.

15 (Whereupon, State's Exhibits No. 28-77, Photographs,
16 were received into evidence.)

17 Q. State's Exhibit No. 28, what does that depict?

18 A. Twenty-eight is a Ford van located at the Dorchester
19 County Crime Scene garage area.

20 Q. Does that -- show you State's Exhibit No. 10. Is that
21 the same van that you processed the night before out at
22 Cauble Flooring?

23 A. That is correct.

24 AST. SOL. SORENSON: Okay. And you can go on to 29 --
25 I'm sorry, 29.

1 Q. Describe for the jury, if you would, kind of -- first
2 of all, where is that looking at from? Kind of what doors
3 in the van?

4 A. You're actually looking if you were standing at the
5 rear of the van, the double door is open, this is what you
6 would see with the double doors open on the van.

7 Q. Okay. That shows kind of the, I guess, the center over
8 to the right side of the van basically?

9 A. Yes, sir; that's correct.

10 Q. All right.

11 AST. SOL. SORENSON: Then go on to the next one,
12 please.

13 Q. What is that one depicting?

14 THE COURT: That's number 30?

15 AST. SOL. SORENSON: Yes, sir.

16 A. This is, again, you're looking at the rear of the van,
17 looking from the back of the van to the front of the van.
18 This is the other side which would be the driver side area
19 from the back to the front.

20 Q. And that was basically the scene that you encountered
21 that morning when you opened up the back of that van?

22 A. Exactly. This is the scene as we encountered prior to
23 beginning the processing. It's a true and accurate
24 representation of the van as it was.

25 Q. Okay. And explain to the jury then how did you go

1 about that day basically going through and searching and
2 processing the back of that Ford van for any potential
3 evidence.

4 A. What we did on this particular case as you can tell
5 looking at the photograph, there is just the sheer amount of
6 items located in the rear of the van. So what we did is
7 basically everything that we could remove from the rear of
8 the van and test prior to entering the van, we actually did
9 it. Such as flooring, the cardboard, the bucket located on
10 the right there; things of that nature. Basically,
11 everything that we can reach in, pull out, we would and we
12 did and tested it prior to actually entering the van.

13 Q. Okay. The first -- I think the next series of
14 photographs, I'm showing you State's Exhibits 31 through 35.
15 What items do those depict inside? Inside the van.

16 A. Thirty-one through 35, if you're looking this photo --
17 if you're looking at this, you'll actually see in just a
18 second, there's the hardwood flooring.

19 Q. That's all those pieces of boards that are lying in the
20 middle of the van?

21 A. That is correct.

22 Q. Okay. And were are potential stains on those pieces of
23 hardware flooring when you started pulling them out?

24 A. Yes, sir. Several stains were identified and, again,
25 tested using the O-Tolidine test kits.

1 Q. Okay. And did you have an opportunity then to document
2 and photograph any of the positive O-Tolidine tests?

3 A. Yes, sir; we did.

4 Q. Okay. Is that what we're getting ready to see over the
5 next handful of pictures?

6 A. Yes, sir; that is correct.

7 Q. Okay. Showing you State's Exhibit No. 31.

8 A. Again, State's 31, you'll notice that this is a piece
9 of hardwood flooring with the cotton tip applicator, again,
10 and notice it to be dark bluish color which would indicate a
11 presumptive positive for blood.

12 Q. State's Exhibit No. 32?

13 A. Again, 32, you'll notice the piece of scale tape with a
14 swab. Pull in on the swap a little bit. You'll there's a
15 stain in the ridge in one of the pieces of hardware flooring
16 with the cotton tip applicator showing -- depicting that
17 deep, dark, kind of, bluish color; would indicate
18 presumptive positive for blood.

19 Q. Okay. Thirty-three?

20 A. Thirty-three, you'll actually notice there are two
21 pieces of scale tape. They're both marking suspected
22 stains, reddish, kind of reddish-brown stains, both of them.
23 You'll notice the cotton tip applicator in the middle which
24 would indicate presumptive positive using the blood reagent
25 kit.

1 Q. Thirty-four?

2 A. Again, you'll notice the scale tape, cotton tip
3 applicator. You have that bluish color on the swab which
4 would indicate presumptive positive for blood.

5 Q. And 35?

6 A. Thirty-five, again, you'll notice a piece of scale
7 tape. That's actually on the underside of one of the pieces
8 of hardware flooring. And you'll notice the cotton tip
9 applicator swab which would indicate presumptive positive
10 for blood.

11 Q. Thirty-six?

12 A. I apologize for this photograph being a little blurry.
13 Thirty-six is a roll -- it's a big extension cord,
14 basically. It's the extension cord that was located on the
15 floor of the van that you observed earlier. That was a
16 suspected stain. You'll notice the small amount of deep,
17 kind of bluish color which would indicate presumptive
18 positive for blood.

19 Q. All right. Thirty-seven?

20 A. Again, this is a plastic bag with an unknown stain on
21 it. You'll notice the applicator, that deep kind of dark
22 blue that would indicate presumptive positive for blood.

23 Q. And that's a plastic bag, I guess, that was in the back
24 of the van.

25 A. That is correct.

1 Q. And then move on to 38. State's 38, what is that now
2 showing?

3 A. You'll notice in State's 38 something that you didn't
4 notice in the first one when you first started with the
5 overall picture of the rear of the van. As I stated
6 earlier, we pulled out everything that we could reach from
7 the rear of the van and tested it individually. So what
8 you're looking at is the floor of the van from the rear of
9 the van to the front driver's compartment minus the
10 flooring, extension cord, the pieces of items that were
11 located in the rear of the van that we could physically pull
12 out from the rear of the vehicle.

13 Q. Okay. And did you ultimately after you kind of removed
14 those items from that rear of the van, did you find any
15 potential stains on the floor of the van that you tested
16 there?

17 A. Yes, sir; that is correct.

18 Q. Okay. See if you can zoom in kind of dead center
19 there. Is that one of the spots right there?

20 A. That is correct.

21 Q. Okay. Moving onto State's Exhibit No. 39, that
22 basically a closeup now of what was depicted in the middle
23 of State's 38, in the middle of that van floor?

24 A. Yes, sir; that is correct.

25 Q. State's Exhibit No. 40, is that the same stain?

1 A. Yes, sir; that is correct. That's the same stain.
2 You'll notice the cotton tip applicator with the bluish
3 color that would indicate presumptive positive for blood.

4 Q. And I guess after it tested positive for blood, you
5 then -- I noticed on the one before that that had the five
6 written in, did you then put the marker 5 down -- I mean,
7 write number five in?

8 A. Yes, sir; that is correct.

9 Q. So that would have been marker 5 inside the van?

10 A. That is correct.

11 Q. One through four were the markers we've already talked
12 about from the night before out there. Is that correct?

13 A. Yes, sir; that is correct.

14 Q. All right. Move on to State's 41. Kind of zoom in, if
15 you would. A couple of potential stains that are found on
16 it also?

17 A. Yes, sir; that is correct.

18 Q. And that's marker and what right there?

19 A. That would be marker number 6.

20 Q. And move on to -- did you have a chance to test that
21 with the O-Tolidine?

22 A. Yes, sir. Again, apologize for the blurriness of the
23 photograph. But that is the bluish stain, the cotton tip
24 applicator which would indicate presumptive positive for
25 blood.

1 THE COURT: And that's 42?

2 AST. SOL. SORENSON: That's 42; yes, sir. I'm sorry.

3 Q. All right. And then moving on to State's Exhibit No.
4 43. That, I believe, shows marker 4. So that would be the
5 mark from the night before?

6 AST. SOL. SORENSON: Go down a bit, Ryan.

7 THE WITNESS: Would you pan back up just a little bit.

8 A. Yes, sir; that is correct. That's the marker from the
9 night before. How I know this is you'll notice that there
10 is a number four on there which is what we had written on
11 piece of scale tape from the night before.

12 Q. And then above that, kind of to the right of the end of
13 that board is marker?

14 A. That would be number 7.

15 Q. And then moving on to State's Exhibit 44. That shows
16 the O-Tolidine test for marker 7?

17 A. That is correct.

18 Q. Okay. And that's also positive?

19 A. Yes, sir. Again, you'll notice the deep dark bluish
20 color which would indicate presumptive positive for blood.

21 Q. Then moving on to 45. Again, showing that area?

22 A. That is correct.

23 Q. Moving, kind of, forward in the van at this point in
24 time. Is that correct?

25 A. Yes, sir; we are.

1 Q. Okay. And show 46, please. And tell the jury where
2 State's 46 is located at.

3 A. State's 46, if you were inside the van, if you notice
4 at the top right corner of the photograph it looks like
5 there's a seat. That's actually the driver seat of the van.
6 What you're looking at is the format from the front to the
7 rear. This is immediately behind the driver seat on the
8 inside of that van.

9 Q. And if you can kind of scroll up to the far left of the
10 picture there. Right there. What marker is that kind of to
11 the left of the photograph?

12 A. You have two -- actually two markers located within
13 this photograph. The one on the far left is marker number
14 9.

15 Q. Okay. And the other one is marker?

16 A. The other one is marker number 10.

17 Q. Okay. And moving on to 47?

18 A. Forty-seven is a close up of number 9, the marker.
19 You'll notice the cotton tip applicator with the bluish kind
20 of -- deep, dark kind of bluish stain which would indicate
21 presumptive positive for blood.

22 Q. Okay. And while we're on marker 9, the swabs that were
23 taken, did you ultimately take multiple swabs from that
24 stain?

25 A. Yes, sir; we did.

1 Q. Okay. And were those swabs some of the swabs that were
2 sent at the State Law Enforcement Division for further
3 analysis?

4 A. Yes, sir; they were.

5 Q. Okay. And we'll show you State's Exhibits --

6 AST. SOL. SORENSON: May I approach?

7 THE COURT: (Affirms.)

8 Q. -- State's Exhibits 96 and 97?

9 A. Just before we open, you'll actually notice they don't
10 have my initials. They were actually taken with Mullis's
11 initials who works in the crime scene unit. Again, as I
12 stated earlier, the sheer amount of evidence we were
13 handling actually -- we all kind of teamed up and worked
14 this case. The front of the envelope, however, that is my
15 handwriting on the front of the envelope. So State's 97 --
16 on the back of this one you'll notice the initials of
17 Detective Brandenburg, another crime scene detective in our
18 unit. Those are his initials. And his date on the front,
19 that is my handwriting on the front of this that's 96. I am
20 familiar with these.

21 Q. And those swabs that were all taken from that marker
22 number 9 inside the van?

23 A. Yes, sir. Ninety-six and 97 were two individual swabs
24 taken from marker number 9 located inside of the van.

25 AST. SOL. SORENSON: At this time, we'd offer 96 and 97

1 into evidence.

2 THE COURT: Any objection?

3 MR. HILTON: Just as to the swab; without objection.

4 (Whereupon, State's Exhibits No. 96 and 97, Swabs,
5 were received into evidence.)

6 Q. The picture we looked at moment ago that had nine and
7 ten, we can kind of move on now to State's Exhibit No. 48.
8 Does that show marker ten up close?

9 A. Yes, sir; it does.

10 Q. Okay. And what was the results of that?

11 A. Again, you'll notice the swab a bluish color which
12 would indicate a presumptive positive for blood.

13 Q. All right. And let me show you State's Exhibit 49.
14 And that's another one that needs to be turned, I think.
15 Where is that showing inside of the van?

16 A. Forty-nine is a photograph that was taken from the
17 passenger side double doors. If you're looking in -- the
18 seat on the left is the driver seat and that would be
19 passenger seat on the right with the metal grating behind
20 the driver seat.

21 Q. Okay. Let ask you: That metal grate, was that removed
22 from the van?

23 A. Yes, sir, that was.

24 Q. Because I noticed it wasn't in the pictures that we had
25 just looked at. That would be basically where stains nine

1 and ten where? Up in that vicinity of that metal grate. Is
2 that correct?

3 A. That is correct.

4 Q. All right. And let me ask you, I see a handful of cans
5 and jugs and things of that nature. Were those items all
6 looked at also?

7 A. Yes, sir. This photograph you'll notice cans, some
8 plastic jugs, some boxes, things of that nature. Some
9 flooring -- and things of that nature. And they were all
10 pulled out again as everything else was and gone through
11 individually and inspected.

12 Q. Let me show you State's 50. I know it's probably just
13 a little bit of an up close to those items. Is that
14 correct?

15 A. This photograph was taken from inside the van. But it
16 is an up close and accurate representation of the items as
17 they were located.

18 Q. Like, on the left of that picture there's a bucket
19 that's got a bunch of -- I mean, is that stain or some sort
20 of stain or something that's inside that bucket on the
21 left-hand side there?

22 A. I have no idea what's inside that bucket. But it did
23 not test positive for blood.

24 Q. Otherwise, everything in there -- that was basically
25 the condition that you found it when you opened and looked

1 in the van?

2 A. This is an accurate representation of how we found the
3 van prior to removing the items, correct.

4 Q. Okay. All right. And then moving on the State's 51.
5 Is that the, I guess, the white jug that was just depicted
6 in State's 50?

7 A. That is correct.

8 Q. What were the results of testing this stain on that
9 white jug?

10 A. Again, you'll notice the cotton tip applicator swab
11 with the bluish, dark bluish, color which would indicate a
12 presumptive positive for blood present.

13 Q. State's Exhibit 52?

14 A. State's Exhibit 52 was a can located in the rear of the
15 vehicle. You can see in the picture the cotton tip
16 applicator with that deep dark color, bluish color, which
17 would indicate presumptive positive for blood.

18 Q. And did that can have a handle?

19 A. That can did not have a handle.

20 Q. Okay. What condition was that can in?

21 A. It was pretty mangled. It was, as you can see just
22 from this photograph, this particular side right here it's a
23 fairly large dent down near the bottom where you go into the
24 white label is located.

25 Q. I'm showing you State's Exhibit 53.

1 A. State's Exhibit 53, that would be a roll. That's
2 actually plastic off of a roll right here. You'll notice on
3 the left, bottom left, corner. And in the middle, it's a
4 cardboard box the roll of this plastic in that box. On the
5 right, you'll see a metal can; it's some type of sealant
6 located in that picture.

7 Q. Okay. I'm showing you State's 54.

8 A. Again, I apologize for clarity. State's 54 is --
9 again, it's a cotton tip applicator; a deep, dark bluish
10 color which would indicate presumptive positive for blood
11 present.

12 Q. Okay. State's Exhibit 55?

13 A. State's Exhibit 55, you'll notice from previous
14 photographs the bucket in the top right corner with an
15 unknown stain. You'll also notice the metal tin. What
16 you'll notice right here in the middle is a tube of
17 Astroglide.

18 Q. Do you know what that is? I mean, what Astroglide --
19 what it says it is?

20 A. From reading the label of Astroglide, it's a lubricant,
21 I guess. It's a personal lubricant.

22 Q. Then State's Exhibit 56?

23 A. State's 56 orientates you where this photograph as if
24 you were standing outside of the passenger side where the
25 double doors open. This is the passenger side of the van

1 where the double doors open. But this photograph was taken
2 from the interior of the van, straight down on that step
3 down to get out of the van. And you'll notice the can
4 located in the bottom as well as a black jug to the left.
5 And it appears to be some type of handle in the center of
6 the photograph.

7 Q. That handle, would that be the same type of handle that
8 would go to the can that was dented that was missing a
9 handle that you showed earlier?

10 A. It appeared to be, correct.

11 Q. All right. Showing you State's Exhibit 57.

12 A. Again, State's 57, this would be the handle that was
13 located. You'll notice the cotton tip applicator and --
14 cotton tip applicator, however slight, you do have that
15 deep, dark bluish color stain which would indicate a
16 presumptive positive of blood present. Also, at the top
17 you'll see some more of that bluish color as well.

18 Q. And that swab that was done there, was that swab done
19 of the handle or of the stain under the handle on the van
20 floor?

21 A. This particular swab was of a spot that was located on
22 handle.

23 Q. Fifty-eight?

24 A. Fifty-eight is a plastic cap. It was sitting on top of
25 this metal can. You'll notice, again, the cotton tip

1 applicator with the deep, dark bluish color which would
2 indicate presumptive positive for blood present.

3 Q. And 59?

4 A. Fifty-nine, again, this is some type of can. Without
5 seeing it I can't tell exactly what it was. But it's a can
6 located in the rear of the van. This is a cotton tip
7 applicator taken from a suspected stain which notice the
8 deep, dark bluish color which would indicate presumptive
9 positive for blood present.

10 Q. Sixty?

11 A. To orientate you from earlier, you'll see the sticker
12 number nine on the corner right there on the floor, this
13 would be that metal rack that is located directly behind the
14 driver seat. And if you could, pull in on that swab. And,
15 again, you'll notice a swab taken, cotton tip applicator
16 swab with a deep, dark kind of bluish color on it which
17 would indicate a presumptive positive for blood present.

18 Q. State's 61?

19 A. State's 61, this is 3M hook disc box. If you'll pull
20 in on the swab. You'll notice a suspected stain; again,
21 cotton tip applicator swab with that deep, dark bluish color
22 which would indicate blood -- presumptive positive for blood
23 present.

24 Q. Moving on to 62?

25 A. All right. Just to orientate you, 62 is stain located

1 -- if you're sitting in the driver seat of the van and you
2 look immediately to your right and down at the floor, this
3 would be between the driver and the passenger seat, closer
4 to the driver seat. It's a stain that is located on the
5 whatever kind of fabric mat that is, just to the side of the
6 driver seat.

7 Q. Okay. Let me ask you: Did that test positive with the
8 O-Tolidine?

9 A. Yes, sir; it did.

10 Q. I couldn't find a picture showing the test. So that's
11 why -- there isn't one?

12 A. No, sir. But it did test positive presumptive for
13 blood.

14 Q. All right. And then moving on to State's 63. Where is
15 that located in the van?

16 A. This would be, again, from the driver's seat and the
17 passenger seat, that front. If anyone is familiar with the
18 van, it's kind of the front, what would be the center
19 console area. This is located -- this is a photograph
20 looking down into the compartment from the interior of the
21 van. The passenger seat in the bottom right corner is what
22 you see. The driver seat would be in the left.

23 Q. Okay. And that item that's in that kind of middle dish
24 there, what is that item?

25 A. That is a Garmin GPS unit.

1 Q. Okay. Was that collected to be checked to see if it
2 had any evidentiary value to it?

3 A. That is correct.

4 Q. Okay. All right. We're moving onto State's 64.

5 A. State's 64, this would be the driver seat. This would
6 be the right side of the driver seat. Pull in on that a
7 little bit. You'll actually see marker number 12. Marker
8 number 12 is a reddish stain located on the side of that
9 seat.

10 Q. Showing you State's Exhibit 65?

11 A. Sixty-five is that same stain. If you pull in kind of
12 tight, I know it's kind of hard to see. But at the top of
13 that swab and at the bottom front, you'll actually see that
14 kind of bluish, dark bluish kind of color that we've been
15 talking which would indicate presumptive positive for blood
16 present.

17 Q. And that's a little fainter, I guess, in some of the
18 other results you got?

19 A. That is correct.

20 Q. State's Exhibit 66 is from a jug, I guess. That was in
21 one of the other pictures?

22 A. That is correct. And you'll notice in State's 66 is a
23 black DuraSeal jug. You'll notice the cotton tip applicator
24 with suspected stain, that deep dark bluish kind of color,
25 which would indicate presumptive positive for blood present.

1 Q. And then State's Exhibit No. 67 I believe is your
2 marker 13.

3 A. Sixty-seven, which is marker number 13, you'll notice
4 there's a lot of stain here in this particular photograph.
5 If you pull in on the swab, you'll notice it's a faint hint
6 of that deep, dark kind of bluish color which would indicate
7 a presumptive positive for blood present.

8 Q. Are saying that that whole stain is blood or is there
9 kind of a combination a little bit of blood potentially
10 mixed in with some other flooring stain or something of that
11 nature?

12 A. All I can tell you from this particular photograph is,
13 if you'll notice the swab, it's not that very pronounced
14 deep, dark bluish color that you would get from some of the
15 other suspected stains.

16 Q. Okay. All right. Moving on to State's Exhibit No. 68.
17 Let me ask you this: Did there come a time -- how long did
18 it take you to process this van? Did you finish it all that
19 Saturday or that April the 16th?

20 A. No. This was over a period of tow days.

21 Q. And at some point in time then explain for the jury
22 what the yellow marking tape is that is going to be in the
23 next handful of pictures they see.

24 A. Okay. What you're looking at here is what we use
25 whenever we need to mark large areas. Basically, this is a

1 scaled-up version of the small white markers that you've
2 been looking for the last 20 minutes with the numbers on
3 them. Those are what we've used to indicate -- to mark
4 smaller pieces of, potential pieces of items. If you have a
5 larger area, we would generally do something like this to
6 kind of put the whole area at a scale.

7 Q. And, ultimately, that scale done up -- and where is
8 that located in the van that we're looking at?

9 A. That is the rear passenger-side wheel well and wall of
10 the front area of the van.

11 Q. Okay. And is that scaling -- did y'all ultimately end
12 up doing that scaling from the tire well all the way up on
13 to the ceiling of the van right above that?

14 A. That is correct.

15 Q. And showing you, if you'd kind of zoom in on State's
16 Exhibit No. 68, some of the markers that a present in
17 State's 68. That's one right there; it's marker 17, 15.
18 Ultimately, does that picture depict several of the markers
19 that are things that you marked and swabbed within that
20 field of vision there?

21 A. That is correct.

22 Q. Okay. And those markers that are depicted there -- I
23 believe we had left off with 13, so I think 14 is in there
24 somewhere. Did those -- were those tested using the
25 O-Tolidine test also?

1 A. Yes, sir; that is correct.

2 Q. Okay. And they tested positive?

3 A. Yes, sir; they did.

4 Q. Move on to State's Exhibit No. 69. Does that show
5 further kind of staining within the walls of that van
6 leading up to, I guess, the ceiling kind of at the top of
7 the picture?

8 A. That is correct. To orientate you a little bit, as the
9 prosecutor said, this is actually looking at the wall, same
10 side of the other wall flowing up to the ceiling of the van.
11 And you'll notice there are several markers as well as
12 suspected stains located within this photograph.

13 AST. SOL. SORENSON: Ryan, if you zoom in on kind of --
14 yeah, that one right there.

15 Q. So that is your marker 18?

16 A. This is 18; correct.

17 Q. Eighteen. Okay. And it's got, I noticed, one of the
18 stains circled. Why is that one circled?

19 A. You can tell looking at this photograph, again, I go
20 back to what I said earlier. The reason we use the yellow
21 scale tape is because we're scaling up a larger area.
22 Instead of scaling at each individual stains located within
23 this area. The reason for the circles is those areas were
24 actually -- swabs were collected from those particular
25 areas.

1 Q. Collected a swab at 18. That tested positive using the
2 O-Tolidin?

3 A. That is correct.

4 Q. Okay. That is showing 19?

5 A. That is correct.

6 Q. Okay. I guess, just kind of keep going up. Twenty?

7 A. Correct.

8 Q. And then ultimately a large pattern up there at 21. Is
9 that correct?

10 A. Yes, sir; that's 21. Again, you'll notice within
11 there's just one spot circled instead of the whole which
12 would indicate where we put the swab from instead of taking
13 one from the entire area. We picked a random spot to swab.

14 Q. Showing you State's Exhibit No. 98.

15 AST. SOL. SORENSON: May I approach?

16 THE COURT: (Affirms.)

17 Q. Detective, I'm showing you State's 98 and ask you do
18 you recognize that item?

19 A. Again, state's 98 you'll notice there's an envelope
20 with Detective Burke's initials on the back on this field.
21 This is combination of his handwriting and my handwriting on
22 the front. It looks like I filled out -- or he filled out
23 where the swab is from the date and my name. And I put
24 where it was collected from and -- our case number. (Brief
25 pause.) Yes, I'm familiar with this.

Direct Examination of Jeff Scott by Ast. Sol. Sorenson

1 Q. And State's Exhibit No. 98, you had indicated that was
2 a swab that was collected from that marker 21 that's
3 depicted in the picture that's up there right now, State's
4 Exhibit 69?

5 A. That is correct.

6 Q. Okay. And that was sent out to State Law Enforcement
7 Division for further DNA testing?

8 A. Yes, sir; that is correct.

9 AST. SOL. SORENSON: Your Honor, at this time, we'd
10 offer State's 98 into evidence.

11 THE COURT: Any objection?

12 MR. HILTON: No objection but just for purposes of the
13 swab.

14 (Whereupon, State's Exhibit No. 98, Swab, was received
15 into evidence.)

16 Q. Let me move on to 70. That's, I guess, just showing
17 kind of the left side of the area that you all taped off and
18 kind of scaled off. Is that correct?

19 A. That is correct.

20 Q. And then going -- I think these next couple show kind
21 of some of these spots. A little closer up. 71?

22 A. Orientate you again, passenger side of the van, you'll
23 notice the yellow scale tape. This is a photograph shooting
24 down on what was marked as spot number 14 which is a
25 suspected stain.

1 Q. Okay. All right. And all of these -- let me ask you:
2 All of these that are circled, were they all tested using
3 the O-Tolidine test?

4 A. Yes, sir; they were.

5 Q. They were all positive or negative?

6 A. They, again, tested presumptive positive for blood
7 present.

8 Q. Okay. Moving onto 72.

9 A. Once again, orientate you. You'll actually see it
10 shows the back of the van this way. It's the passenger-side
11 wheel well; this would be marker number 15 which is a
12 suspected pattern stain in this area.

13 Q. Seventy-three? It's your marker 16.

14 A. Once again, you're now moving up the wall. Marker
15 number 16, you'll notice the -- there's a suspected stain
16 that was circled.

17 Q. Seventy-four? And again, moving further up, once again
18 you'll notice several suspected stains with one being
19 circled. This would being marker number 18, back of the van
20 looking to the right.

21 THE COURT: Eighteen?

22 AST. SOL. SORENSON: Marker 18.

23 THE WITNESS: Marker 18.

24 Q. State's 75?

25 A. State's 75, again, rear of the van to the right. This

1 was moving up further, you'll notice several suspected
2 stains with a couple of them circled. This is marker 19.

3 Q. Okay. And then State's 76?

4 A. Again 76, I believe you're actually on the ceiling of
5 the van now. I apologize for the marker being flipped.
6 You'll notice several suspected stains with one being
7 circled and scaled. That is marker number 20.

8 Q. Okay. And then, lastly, I believe is 77?

9 A. Seventy-seven, you are now looking at if you were
10 viewing down in back of the van looking straight up onto the
11 ceiling, and again, you'll notice a suspected pattern of
12 stain to the top right with a marker, I believe that's
13 number 21 at the top right, and that's 22 down at the bottom
14 with one of them -- or excuse me, two of them being circled.
15 Just random stains within the pattern being circled.

16 Q. Let me ask you: After you had an opportunity to finish
17 up with, and I believe that concluded the swabs and all that
18 you took from the Ford van and the items that you processed
19 from the Ford van?

20 A. Correct.

21 Q. Is that correct?

22 A. That is correct.

23 Q. All right. Did you have an occasion then to go back
24 and do any additional testing or looking at the Sonata?

25 A. Yes, sir; we did.

1 Q. Okay. I'm showing you State's Exhibits 78, 79 and 80?
2 Do you recognize those photos?

3 A. Yes, I'm familiar with these.

4 Q. Okay. Let me ask you: Is there another test that
5 you're able to kind of do that y'all have access to that's
6 used withing the forensic community to looking for?

7 A. Yes, sir. This is another test that we use, a blood
8 reagent test. It would be the third blood reagent test
9 used.

10 Q. And what is that test called?

11 A. This is -- it's LCV. It's Leucocrystal Violet.

12 THE COURT: Do it again? L?

13 THE WITNESS: LCV.

14 THE COURT: V, as in Victor?

15 THE WITNESS: Yes, sir. Leman, Charlie, Victor.

16 Q. And that stands for?

17 A. Leucocrystal Violet.

18 Q. I think you have to spell that.

19 THE COURT: Spell what?

20 THE WITNESS: Leucocrystal Violet.

21 THE COURT: Spell "leuco."

22 THE WITNESS: Hold on one second. I should have it
23 somewhere in here. (Brief pause.) I do apologize. I
24 usually just abbreviate LCV in my notes. I've done it for
25 so long that I don't actually have a correct spelling of

1 Leucocrystal Violet in my notes. I do apologize for that.

2 THE COURT: Leuco, like L-u-c-c-o?

3 THE WITNESS: Something along those lines; yes, sir.

4 THE COURT: Don't trust my spelling.

5 THE WITNESS: If you put in LCV, blood reagent, in
6 Google search, it will pop up the correct spelling. It
7 should pop up the correct spelling of it.

8 THE COURT: Thank you.

9 THE WITNESS: Yes, sir.

10 AST. SOL. SORENSON: (continuing)

11 Q. And LCV, is that a test that has been around for a long
12 time?

13 A. It's been around as long as I've been in law
14 enforcement.

15 Q. And describe for the jury just what that is. I mean,
16 how do you use it? What does it show you?

17 A. Okay. LCV is a liquid. And it comes in spray form.
18 You have to mix stuff; I think it's tablet with a solution
19 until it dissolves. And you spray it on a suspected stain.
20 What we generally use LCV for is if we have a suspected
21 stain, i.e. blood present, and you're trying to develop a
22 pattern or you're trying to develop the overall stain to
23 show what exactly is blood and what isn't blood, presumptive
24 blood, LCV reacts again with the iron, the hemoglobin. The
25 hemoglobins -- the iron in the hemoglobins in the blood

1 molecule and it turns it like a purple color. That's why
2 they call it Leucocrystal Violet. You think of violet being
3 the color violet. That's the color that it turns out when
4 you treat a suspected stain. If anyone has ever watched
5 CSI, you probably know what I'm talking about already.

6 Q. Okay. And did you attempt to do that then with the
7 trunk area of that vehicle to see if you could develop any
8 further kind of pattern or stains in the trunk of the
9 Sonata?

10 A. That is correct; yes, sir.

11 Q. Okay. And do those State's Exhibits 78 through 80
12 depict that?

13 MR. HILTON: Objection, Your Honor. I don't believe
14 they're in evidence yet. We would object to those being ---

15 AST. SOL. SORENSON: I'm asking if they depict that.
16 And then we're going to offer them into evidence and he said
17 yes.

18 MR. HILTON: As long as you're not showing them on the
19 screen.

20 AST. SOL. SORENSON: Okay. Oh, yeah. No, they're not
21 going up on the screen yet.

22 A. Yes, sir. That is a true and accurate representation of
23 the LCV being treated on one of them.

24 AST. SOL. SORENSON: Okay. Your Honor, at this time,
25 we'd offer State's 78 through 80 into evidence.

1 MR. HILTON: With objection, Your Honor. Don't think
2 the proper foundation has been . . .

3 THE COURT: Overruled.

4 (Whereupon, State's Exhibit No. 78-80, Photographs,
5 were received into evidence.)

6 AST. SOL. SORENSON: Thank you, Your Honor. Can you
7 pull up 78.

8 Q. All right. And tell the jury kind of what they're
9 seeing here.

10 A. May I approach the monitor?

11 Q. You may.

12 AST. SOL. SORENSON: Can he step down, Your Honor? And
13 you can also, if you need to, you can either do that or you
14 ---

15 THE WITNESS: Well, I can see it on here. But I want
16 to actually, I want to point out ---

17 THE COURT: Okay. You can also circle stuff on there
18 if you need to. I don't know if that -- whatever is easier
19 for you, if it's okay.

20 THE WITNESS: Way over my head. May I approach?

21 AST. SOL. SORENSON: Can he step down, Your Honor.

22 THE COURT: Yes, or you can put your finger on there
23 and do what you want to do.

24 THE WITNESS: You can actually do it with your finger?

25 AST. SOL. SORENSON: Yeah. Do that and just see what

1 it looks like. See what it looks like and then see if that
2 works.

3 THE WITNESS: We're gonna give it a try.

4 A. You'll notice in this photograph right here -- I drew
5 that on top of someone. Again, I do apologize for that.
6 You'll notice -- if you can roll in on that, please. How do
7 you make that go away now?

8 THE COURT: Does the red go away?

9 AST. SOL. SORENSON: Ms. Tonda is going to do that.

10 A. We'll try this again. Again, you'll notice in this
11 general vicinity right here, you see that, particularly when
12 you're right in here, kind of that purplish kind of what I
13 just -- spotted violet color if you think of Leucocrystal
14 Violet. That's what you think of. If you'll notice it,
15 you're kind of going up. It looks -- you can almost see a
16 trail of it going kind of up and to the right. Can everyone
17 see that? So when you treat it with LCV you notice that
18 above and below the suspected stained pattern, it is wet.
19 This whole area is wet. We sprayed this entire area, and
20 the only thing that fluoresced, basically, was what you see
21 in the purplish color right there in the center of the
22 screen that I have circled.

23 Q. And that indicates the presence of blood, basically ---

24 A. Yeah. It's a presumptive positive for blood present,
25 correct.

1 Q. All right. Move on to State's 79. Is that another
2 area of the trunk?

3 A. That is correct. Again, you'll notice on the bottom,
4 the bottom left, you'll see the shock absorber going up to
5 the trunk. And if you flip the trunk open, this is going to
6 be on the right, the right side of the trunk. And you'll
7 notice this particular stain starts right in there and it
8 goes all the way up to the top -- right across on the other
9 side. Can I delete that, please? All right. Let's try
10 this again. Go across, up and there we go. So you'll
11 notice at the top of my circle -- the far right-hand of my
12 circle, you'll notice that violet, that purplish color. And
13 if you look, you'll notice in that area, see how it's that
14 purplish color. If you could, could you just follow that
15 along. And you'll notice however faint, it is indicated
16 there the presumptive positive for blood present. However
17 faint, you still see that purplish color going up to right
18 past what would be marker number seven. And it ends in just
19 in that general vicinity right there.

20 Q. All right. And lastly, number 80?

21 A. Number 80, looking at trunk with it open. That's going
22 to be the top of the trunk with the latch with the trunk
23 open. And you'll see the scale tape, there's number B. If
24 you could, pull in right on that ridge. Right there in the
25 center. Hold it right there. You'll notice, again,

1 everything around is wet. But you don't really see
2 anything, that purplish color. But if pull in kind of tight
3 right below marker B, you'll actually start to see, again,
4 however faint, you do see -- if you could, just follow that
5 to the right. Right there. However faint, the does
6 indicate presumptive positive for blood present. It's just
7 not what would be a large amount; that would be more of a
8 smaller amount of presumptive blood.

9 Q. All right. And did that kind of conclude your testing
10 of those two vehicles on April 16th and 17th of last year?

11 A. Yes, sir; that is correct.

12 Q. All right. And let me ask you: I believe in looking
13 at my notes, on April 23rd did you have an occasion to
14 respond out to Ashley Pegram's residence at [REDACTED]
15 Drive?

16 A. Yes, sir; I did.

17 Q. And that's located here in Dorchester County?

18 A. That is correct.

19 Q. And did you collect some items, some clothing items, of
20 Ms. Pegram at that point in time? Were they handed over to
21 you?

22 A. Yes, sir. I collected -- would you like me to . . .

23 Q. Well, did you collect some underwear of hers?

24 A. I did collect some underwear. That is correct.

25 Q. All right. And was that underwear ultimately sent out

1 to State Law Enforcement Division?

2 A. Yes, sir; it was.

3 Q. Okay. At that point in time, still on April 23rd, her
4 body had not been found. Is that correct?

5 A. That is correct.

6 Q. And so y'all were attempting to find something where
7 you could develop a DNA profile of hers to compare to the
8 evidence that you collected from the van and the vehicle?

9 A. That is correct.

10 Q. And you testified earlier that you had taken some
11 buccal, those cheek swabs, from Ashley's mother?

12 A. Ms. Rana; that is correct.

13 Q. Okay. Did you also have an opportunity then on April
14 23rd to do the same thing with the father, Jimmy Chance?

15 A. Yes, sir; I did.

16 Q. And were those also sent out to State Law Enforcement
17 Division, those Mom's and Dad's buccal swabs?

18 A. Yes, sir; they were.

19 AST. SOL. SORENSON: Beg the Court's indulgence one
20 moment. (Brief pause.) Your Honor, may we approach real
21 quickly?

22 THE COURT: (Affirms.)

23 (Whereupon, a bench conference is held off the record
24 and out of the hearing of the jury panel.)

25 THE COURT: Madam Forelady, y'all okay for about

1 another 15 minutes?

2 FOREPERSON: Yes.

3 THE COURT: Don't get uncomfortable. All right. What
4 we're going to do now is as I've told you, you are the
5 judges of the facts; you're the fact finders in the case.
6 There are certain situations where the facts are not in
7 controversy and they're not disputed. And when we have an
8 undisputed fact, the lawyers representing each side, they
9 will agree to a stipulation of facts. Which means that
10 these facts are true; no one can contest them. And you're
11 to take them as a true evidence in the case. So at this
12 time to make things flow smoothly, Mr. Hilton, Mr. Sorenson
13 have reached a stipulation that Mr. Sorenson will now read
14 to you. So accept the stipulation as uncontested facts.
15 Mr. Sorenson.

16 AST. SOL. SORENSON: Thank you. May it please the
17 Court. Your Honor?

18 THE COURT: (Affirms.)

19 AST. SOL. SORENSON: The stipulation is that attorney
20 Mark Leiendecker is the Chief Public Defender in Dorchester
21 County. Originally, Mr. Leiendecker was appointed to
22 represent Mr. Bonilla in this case. On May the 8th of 2015,
23 attorney Mark Leiendecker contacted Captain Tony Phinney and
24 informed Captain Phinney that his client may have
25 information about the location of the remains of Ashley

1 Pegram. The defendant was transported to the Criminal
2 Investigations Office so that he could meet with Mr.
3 Leiendecker. After Mr. Leiendecker and Mr. Bonilla met for
4 approximately 20 minutes, Mr. Leiendecker met with Captain
5 Phinney with an electronic notebook displaying a map. Mr.
6 Leiendecker gave a general location of where they would
7 discover the body of Ashley Pegram near Brown Town Road and
8 Seven Mile Road in Harleyville, South Carolina. This
9 disclosure was made by Mr. Leiendecker with the consent of
10 Mr. Bonilla.

11 THE COURT: Madam Forelady, ladies and gentlemen of the
12 jury, that is an uncontested fact in this case. So accept
13 that as true facts in the case.

14 AST. SOL. SORENSON: Should I mark this as a Court's
15 Exhibit?

16 THE COURT: Let's mark that as a Court Exhibit, I
17 think. Any objection?

18 (No verbal response.)

19 (Whereupon, Court's Exhibit No. 1, Stipulation, was
20 marked for identification.)

21 THE COURT: We'll go about 15 more minutes and then
22 we'll take an afternoon break and come back. Fair enough?
23 Everybody good?

24 (No verbal response.)

25 AST. SOL. SORENSON: (continuing)

1 Q. And Detective -- Investigator Scott, did you -- that
2 information that was just read in that stipulation, did you
3 become aware that? That all occurring on May the 8th of
4 2015?

5 A. Yes, sir; I did.

6 Q. Okay. And I believe what was a Friday afternoon?

7 A. Yes, sir; it was.

8 Q. And what was done then that afternoon after that
9 information was disclosed to the Dorchester County Sheriff's
10 Office?

11 A. Myself along with other units, other officers within
12 the unit of the Dorchester County Crime Scene Division as
13 well as the Dorchester County Criminal Investigation
14 Division responded to the area indicated off of Brown Town
15 Road, Seven Mile Road here in Dorchester County. We then
16 conducted what would be considered, I guess for lack of a
17 better word, a foot search. We basically walked an area
18 that was indicated to us that the remains may be found or
19 could be found. This on the 8th, which was Friday
20 afternoon, yielded negative results.

21 Q. Okay. And that area that you were searching, is that
22 out in that Brown Town, Seven Mile Road area in Harleyville,
23 South Carolina?

24 A. That is correct.

25 Q. Okay. And that's in Dorchester County also?

1 A. That is correct.

2 Q. All right. So that Friday afternoon you said yielded
3 negative results at that point in time?

4 A. That is correct.

5 Q. And was the decision made to do something further that
6 following morning, Saturday, May the 9th of 2015?

7 A. Yes, sir; it was.

8 Q. Okay. And what was that? That was decided to be done
9 that following morning.

10 A. It was decided that we would reconvene early Saturday
11 morning. This time with the help of an outside agency that
12 was responsible for training cadaver dogs. And basically
13 use a cadaver dog to search the same area.

14 Q. And were you involved in that further search then that
15 following Saturday morning with that cadaver dogs? I think
16 it was multiple dogs that came out. Is that correct?

17 A. Yes, sir. They were two canines used.

18 Q. Okay.

19 A. And yes, I was.

20 Q. Okay. And ultimately that morning of May the 9th of
21 2015, was anything located out there in that area that you
22 were searching?

23 A. Yes, sir; there was.

24 Q. Okay. And what was located that morning?

25 A. Located in the morning of the 9th were the remains of a

1 female. And basically buried; remains of a female.

2 Q. And were you present when those remains were found and
3 ultimately was removed from the ground out there that day?

4 A. I was.

5 Q. Okay. Did you document, in fact, that whole procedure
6 going on by way of multiple photographs?

7 A. Yes, sir; I did.

8 Q. And describe for the jury, if you would, what was the
9 condition? You said it was a female's body that was
10 located.

11 THE COURT: All right. Do you want to talk with him to
12 see if they want to stay or . . .

13 AST. SOL. SORENSON: Beg the Court's indulgence one
14 moment.

15 (Brief pause.)

16 AST. SOL. SORENSON: They kind of know what's coming.
17 I think everybody is all right.

18 Q. If you would -- describe for the jury if you would,
19 what was the condition of that body that was found out
20 there?

21 A. As I stated, the body of a female was located in that
22 particular area. It was a fairly decomposed body that was
23 covered in dirt, which at that point was basically mud.
24 There were some clothing present, some other items that were
25 present. And, I guess, for lack of a better word, in the

1 grave area what would be the location where Ms. Pegram was
2 recovered; that was where she was buried. It was kind of
3 difficult to tell what exactly was on her because of the
4 condition of the body. Once she was removed, they we were
5 able to wipe off some of the dirt; some of the mud. And we
6 were able to identify some of what the items were that we
7 located while she was in the ground.

8 Q. Okay. Let me ask you about a couple of things before I
9 show you some photographs of the area where she was found.
10 How deep was she buried in the ground?

11 A. Not very deep. If I had to guess, probably less than
12 two and a half feet.

13 Q. And you had indicated that some clothing was found on
14 her?

15 A. Yes, sir.

16 Q. Were you able to see once you got her out and kind of
17 clean some of the mud off, what clothing items were on her
18 that her at that location?

19 A. I believe there was a shirt that was located as well
20 as, I think it was a red bra I want to say.

21 Q. Okay.

22 A. It was a bra that was located as well.

23 Q. Where were they? Were they on her body or with her
24 body?

25 A. They were with her body.

1 Q. And how about from the waist down? Any clothing on her
2 from the waist down?

3 A. The female was nude from the waist down.

4 Q. And did there appear to be any items around either her
5 wrist or her neck area that were noted?

6 A. Yes, sir.

7 Q. Okay. And let me ask you: Were you involved in
8 removing those items to determine exactly what they were?

9 A. I was not. The body was then sent off. It was taken
10 into possession by the coroner. It was sent for an autopsy
11 at the Medical University of South Carolina located in
12 Charleston.

13 Q. So the pathologist would be better able to testify
14 about what it was that was around her throat or wrist areas.
15 Is that correct?

16 A. That is correct.

17 Q. And let me ask you: After she was -- after the
18 female's body was removed from the ground, did you have a
19 chance to kind of -- were you involved at all in searching
20 kind of underneath it for any other evidentiary items?

21 A. Yes, sir; I was.

22 Q. Any other items found kind of in sifting and looking
23 underneath her body?

24 A. No, sir.

25 Q. Let me ask you: Any other items that were found out in

1 the vicinity with her in the vicinity that she was located?

2 A. Yes, sir, there was.

3 Q. And what was that?

4 A. Located in the vicinity in the wooded area near where
5 the female was buried was kind of, like a camo canvas bag.

6 It was kind of crumbly; like a vinyl type of material, I
7 guess. Looked like it had been there a while. I'm not sure
8 exactly how long -- it was already, like, starting to break
9 down. And located within the grave or the burial site of
10 the female was a pair of glasses.

11 Q. And those were collected?

12 A. Yes, sir, they were.

13 Q. Did they appear to be -- you've seen the photographs of
14 Ms. Pegram, the missing persons report and things of that
15 nature?

16 A. Up to that point, I had not seen a photograph of Ms.
17 Pegram up to that point.

18 Q. Did you have a chance, though, to look at it afterwards
19 and look at those glasses and see if they appeared to be?

20 A. Yes, sir; I have.

21 Q. Okay. They appear to be the same glasses?

22 A. I can't testify that they are the same. But they
23 appear to be similar in shape.

24 Q. Shape and color?

25 A. That is correct.

1 Q. And the black bag that you had testified about, did you
2 end up documenting, photographing, and collecting that?

3 A. Yes, sir; we did.

4 Q. Did it appear to, in looking at it, to be anything of
5 potentially evidentiary value to this case, or was it just,
6 kind of, an artifact that was found out there?

7 A. It had evidentiary value.

8 Q. Okay.

9 AST. SOL. SORENSON: May I approach the witness, Your
10 Honor?

11 THE COURT: You may.

12 Q. I'm showing you State's Exhibits 83 through 89. See if
13 you recognize those.

14 A. Court's indulgence. (Brief pause.)

15 THE COURT: All right. Hold on one second. For the
16 victim's family, you're welcome to step out of the courtroom
17 now. Sometimes these photographs are tough to look at.
18 Everybody okay?

19 (No verbal response.)

20 (Brief pause.)

21 A. I am familiar with these photographs.

22 Q. And those are photographs that you took kind of
23 depicting the area where the body was located and also some
24 of them after -- I guess, some of that area started being
25 excavated? Is that correct?

Direct Examination of Jeff Scott by Ast. Sol. Sorenson

1 A. Yes, sir; that is correct.

2 AST. SOL. SORENSON: Your Honor, at this time, we'd
3 offer State's 83 through 89 into evidence.

4 THE COURT: Objection?

5 MR. HILTON: Your Honor, we do have an objection as to
6 State's Exhibit 89. Not objection to the others.

7 THE COURT: Let me see 89.

8 MR. HILTON: The basis would be under Rule 403.

9 THE COURT: Let me see the other ones.

10 AST. SOL. SORENSON: May I approach?

11 THE COURT: You may. (Brief pause.) All right. Madam
12 Forelady, ladies and gentlemen, let's take about a 15 minute
13 afternoon break. And we'll come back and go to about five;
14 or before or a little after depending on where we are.
15 Please don't discuss the case. Don't deliberate. Leave
16 your notepads in the desk -- I mean, on the chair.
17 Everybody else remained seated.

18 (The jury exits the courtroom at 3:43 p.m.)

19 THE COURT: All right. We're going to take a 15-minute
20 break. Mr. Sorenson, Mr. Hilton, there was a recent case
21 dealing with autopsy photographs, some type of dog bites or
22 something, just recently in the last two years, three years.
23 I don't have a law clerk. I can't use Westlaw.

24 AST. SOL. SORENSON: I think most of them deal with, I
25 mean, if the witness can relay the reason why it's

1 probative. I mean, I've had -- we've got pictures a whole
2 lot more graphic than that.

3 THE COURT: I just want to see the case.

4 AST. SOL. SORENSON: Yes, sir.

5 THE COURT: Look at it while we take a break.

6 AST. SOL. SORENSON: Okay. Yes, sir.

7 THE COURT: And then we'll come back in and I'll let
8 you put your objection on the record and I'll rule for it.
9 Mr. Templeton, find me that case and bring it back there,
10 sir.

11 AST. SOL. TEMPLETON: Yes, sir.

12 THE COURT: All right. We're going to stand at ease
13 for about 15 minutes and we'll come back and finish up that.
14 Sir, you're in the middle of your testimony. Obviously,
15 you're welcome to go to the restroom, whatever, but don't
16 discuss it with anyone.

17 THE WITNESS: Yes, sir.

18 THE COURT: Thank you.

19 AST. SOL. SORENSON: Thank you.

20 (A brief recess was taken at 3:44 p.m. and the
21 proceedings in the trial of this case resumed at 4:00
22 p.m.)

23 THE COURT: Let the record reflect everyone is present
24 including the defendant. The solicitor is speaking with the
25 officer who investigated the crime scene and then subsequent

1 scene where the victim's body was located. He has attempted
2 to introduce several photographs: one, two, three, four,
3 five, six. So, generally, the location of the buried body.
4 Of the body itself, there is only one photograph showing the
5 victim's body in the shallow grave that is Exhibit No. 89.
6 Mr. Hilton, what is your objection?

7 MR. HILTON: My objection, Your Honor, would be State's
8 89 shows the body, but it doesn't show anything above the
9 probative value. Detective Scott has testified that the
10 body was found in a shallow grave, facedown. Other than
11 being overly prejudicial, I don't think that this photograph
12 depicts anything which would assist the jury in making their
13 determination as to guilt or innocence. Based on that, we
14 would ask that picture be excluded. The cases that we
15 talked about, cases that you suggested, we did find that
16 one. I can't recall, Collins? State versus Collins was the
17 name of it. In State versus Collins, and I believe in State
18 versus Gray, which was a 2014 case that came out, both of
19 those cases deal with photographs; and I believe they both
20 dealt with autopsy photographs.

21 THE COURT: They did.

22 MR. HILTON: And in those cases, the issue was that
23 those photos had particular bearing on the testimony, and
24 those photographs were used by the pathologist to help
25 explain certain injuries that were so unique that couldn't

1 be testified to. I think in the Collins case, the injury --
2 it said in the case, the injuries were so unique that it
3 would help the pathologist testify in showing those
4 injuries.

5 THE COURT: That was the dog mauling case with a child.

6 MR. HILTON: Yes, sir, Your Honor. And here we have an
7 unfortunate circumstance ---

8 THE COURT: But they were admitted in the trial of the
9 case and the Supreme Court said they were proper. And I
10 viewed those photographs and they were tough.

11 MR. HILTON: I understand. I think in this scenario,
12 we're dealing with a situation that can easily be testified
13 to and the point be conveyed without this photograph being
14 introduced.

15 THE COURT: Mr. Solicitor?

16 AST. SOL. SORENSON: Thank you. May it please the
17 Court, Your Honor? It's the State's position that this one
18 photograph is probative; it corroborates Detective Scott's
19 testimony about how the body was found, where it was found,
20 how deep in the ground it was found. I picked one
21 photograph out of literally probably a couple of dozen
22 photographs. I'm not offering the rest of them. There are
23 some that are a whole lot more graphic than the one that I'm
24 seeking to introduce. But I do think it is -- it's
25 basically the position of -- the State's position as this

1 defendant left her on the morning of April the 4th of 2015.
2 I mean, it's corroborative of the testimony of this witness
3 and other witnesses that are going to testify.

4 THE COURT: All right. Obviously, in order to make a
5 decision as to whether not it is admissible or not
6 admissible, I found guidance in the case of the State versus
7 Henry Gray, 2014 case, which along with the State versus
8 Collins that reversed the Court of Appeals. Obviously, we
9 all know that it's elementary to make a 403 -- Rule 403
10 analysis as to whether or not the probative value outweighs
11 the unfair prejudicial value. All of these cases mostly
12 dealt with a number of photographs, a number of autopsy
13 photographs. Here, the Solicitor is choosing only to admit
14 one, which is an accurate depiction of how the victim was
15 found when she was located. It corroborates his physical
16 description and the Solicitor is using discretion to use
17 only one of these photographs. So, we get a definition of
18 probative value in the State versus Gray case. Probative
19 value is the measure of the importance of that tendency to
20 the outcome of a case; it is the weight that a piece of
21 relevant evidence will carry in helping the trier of fact
22 decide the issues. The more essential the evidence, the
23 greater its probative value. Thus, the Court analyzing
24 probative value considers the importance of the evidence and
25 the significance of the issues to which the evidence

1 relates. On the other side of that coin, they tell us what
2 unfair prejudice is and states that the probative value of
3 photos must be balanced against the danger of unfair
4 prejudice. Prejudice that is unfair is distinguished from
5 the legitimate impact all evidence has on the outcome of a
6 case. Unfair prejudice does not mean the damage to a
7 defendant's case that result from the legitimate probative
8 force of the evidence; rather it refers to evidence that
9 tends to suggest decision on an improper basis, i.e.,
10 motion.

11 And we all refer to, unfortunately, is the dog mauling
12 case. Justice Beatty, who writes that main decision in that
13 case, talks about even the most gruesome photographs may be
14 admissible if they tend to shed light on any issue to
15 corroborate testimony or if they are essential in proving a
16 necessary element of a case, are useful to enable a witness
17 to testify more effectively, or enable the jury to better
18 understand the testimony. Numerous jurisdictions have found
19 the photos are not inadmissible merely because they are
20 gruesome, especially with the photos simply mirror the
21 unfortunate reality of a case. Well, the unfortunate
22 reality in this case is this young lady in answering a
23 social media inquiry ends up somewhere along the line in a
24 shallow grave, dead. And it's obviously the decision of the
25 jury; the jurors' responsibility to determine who is

Direct Examination of Jeff Scott by Ast. Sol. Sorenson

1 responsible for that death. And in showing this one
2 photograph out of many, I think it is probative value
3 outweighs the prejudicial effect. It corroborates the crime
4 scene investigator's testimony. It is only one photograph
5 and rule that the prejudicial value outweighs -- the
6 probative value outweighs the prejudicial value, and I will
7 admit the photograph. Just the one, though.

8 AST. SOL. SORENSON: Yes, sir.

9 THE COURT: All right. Bring the jury back in. Mr.
10 Sorenson, for the record, how many photographs of that scene
11 for the grave itself did you have?

12 AST. SOL. SORENSON: Do I have overall?

13 THE COURT: Guess or you can tell me later. Just
14 supplement for the record, just let me know. Not now; not
15 in the presence of the jury. And it may be helpful to --
16 I'll make a court exhibit of all the ones that you had that
17 you're not introducing.

18 AST. SOL. SORENSON: Okay. I can do that. I got it on
19 disc, so I can just make that.

20 (The jury enters the courtroom at 4:08 p.m.)

21 THE COURT: Everybody okay? We're going to try to go
22 five. Does that create an imposition on anybody?

23 (No verbal response.)

24 THE COURT: Everybody got their pads?

25 (Jury panel affirms.)

1 THE COURT: Okay. Mr. Sorenson, you may continue.

2 AST. SOL. SORENSON: (continuing)

3 Q. Detective, I think where we had left off was I had
4 offered State's No. ---

5 THE COURT: 83 through 89.

6 AST. SOL. SORENSON: --- 83 through 89. So we
7 basically reoffer State's 89 at this point in time, Your
8 Honor. That was the one there was an objection to.

9 THE COURT: Well, there was an objection made to 89 and
10 I have overruled the objection.

11 AST. SOL. SORENSON: Okay. Thank you.

12 (Whereupon, State's Exhibit No. 83-89, Photographs,
13 were received into evidence.)

14 THE COURT: We did that ---

15 AST. SOL. SORENSON: Yes, sir. Thank you. Permission
16 to publish these photographs then, Your Honor?

17 THE COURT: Yes, sir.

18 AST. SOL. SORENSON: (continuing)

19 Q. I'm showing you first State's Exhibit No. 83. Tell the
20 jury what State's Exhibit No. 83 is if you would.

21 A. What you're looking at here is State's Exhibit No. 83.
22 It is the area off of Brown Town road and Seven Mile Road;
23 it's a wooded area. You'll notice that there is a yellow
24 ribbon tied around a singular tree. And you also notice
25 that there are some tree branches that are down with a

1 yellow flag. And the yellow, it's really difficult to see
2 kind of in the middle to the top of that stack of branches
3 is a yellow photo placard, I believe. This particular area
4 is where we observed there to be -- the body was located.
5 And this is where we started our excavation. This is the
6 photograph; it is a true, accurate representation minus the
7 flags and the ribbon that I put there to mark the particular
8 area.

9 Q. And how far do you think that would be from where --
10 let's say if you drove, how close could you get a vehicle up
11 to where her body was found? You see -- how close?

12 A. Again, this is gonna be an approximate guess. From
13 where the body was located to the nearest field, which is
14 where you could drive in, or road for that matter, would be
15 approximate 150 yards, maybe; 200 yards maybe. I would say
16 between 150 and 200 yards.

17 Q. Okay.

18 A. Again, that's approximate.

19 Q. Okay. So a football field to two football fields away,
20 basically, is as close as you could drive a vehicle to where
21 she was found?

22 A. That is correct.

23 Q. Okay. Eighty-four?

24 A. Eighty-four, again, this is just a different angle.
25 You'll notice the ribbon on the tree is a little closer.

1 You'll notice the photo placards and the yellow flag. I
2 believe the photo placard that you're looking at the bottom
3 of the photograph is actually going to be that canvas bag
4 that we talked; it had not evidentiary value, that black
5 camo, whatever type of material it was. If you want to look
6 at -- can I?

7 Q. Yes, sir.

8 A. If you want to look at this particular area right here,
9 that particular area right there you can tell it's kind of
10 dark and the vegetation is kind of, I would say for lack of
11 a better word, gone from that particular area. This is
12 going to be a cavity that was created in the ground which
13 would appear to be at the time human remains protruding
14 from, which led us to further dig in this particular area
15 right here.

16 Q. Okay. State's 85?

17 A. Eighty-five is just a close up of what I've just
18 discussed, which is photo placard number 2 marking that
19 black canvas bag. We use -- you can see the flag. Because
20 the vegetation was kind of high, so it was kind of hard to
21 get a good photograph from far-off. So we used the photo
22 placard as well as a marking flag.

23 Q. State's 86, which is a close up of that bag and the
24 condition that that bag was in?

25 A. That is correct.

1 Q. All right. Eighty-seven?

2 A. Eighty-seven, is again is going to be that cavity that
3 we just discussed; the cavity in the ground. Once all the
4 branches had been removed from that area, we took a
5 photograph prior to starting the excavation of the remains.
6 What you can see -- can we pull in a little bit? What you
7 see right here, and it's kind of hard to really see, but
8 what you see directly below that pin, which is right here,
9 are the human remains that I just spoke about. That is
10 going to be the human remains protruding from the ground in
11 that red circle there.

12 Q. Is that kind of how -- at that point in time, is that
13 just -- those branches that were there earlier, they were
14 there when you got there? They were over that area, those
15 branches that were laying over that ---

16 A. Yes, sir. The branches -- this is after once the
17 branches had been removed from that particular area.

18 Q. And no further excavation had started yet at this point
19 in time. Is that correct?

20 A. This simply is just the removal of any kind of
21 vegetation that was in the area prior to starting the
22 excavation. So just the branches, any kind of limbs,
23 debris, things of that nature. And this is a true, accurate
24 representation prior to the excavation.

25 Q. All right. This number 88. And that is, I assume,

1 after the excavation has begun with people out there?

2 A. Yes; that is correct. I'm not sure exactly how far in
3 the process, the excavation process. What you're looking at
4 here is -- obviously, you have the red bucket right there.
5 Down here in the bottom is a, this black square in the
6 bottom left, is a sifter. Up at the top, you see the two
7 white bags? The coroner's office probably can tell you more
8 about that. But those two white bags is what we were
9 putting the earth, basically, as we were removing -- as the
10 dirt was being removed, it was being placed on those two
11 bags for further processing at a different area later to
12 have a controlled environment. And what you see here, in
13 this area right here, that would be the remains for the
14 female. This area right here -- it's a little lower than
15 that. Can we reset that, please.

16 (Clerk complies.)

17 A. Thank you. Right here, again, in the previous
18 photographs, that's the area that is protruding from the
19 ground prior to us starting the excavation and looking for
20 the remains.

21 Q. And then lastly, State's 89? Does that ultimately show
22 kind of one shoe lace, uncovered, and kind of how far in the
23 ground she was located?

24 A. That is correct. Eighty-nine is a true and accurate
25 representation. Again, I'm not sure how far in the

1 excavation processes this was. But you'll notice right
2 here, again, as stated in previous photographs, that would
3 be the area that was protruding from the ground that you
4 observed in the first photograph prior to excavating the
5 remains. That was the area that was protruding the ground.
6 Can you wipe that now? Thank you. You'll notice right
7 above that, it looks like a yellow bag, I guess. Generally,
8 any time we recover a body, we tend to bag the hands for
9 preservation so they can -- if there's any kind of trace
10 evidence or anything that had evidentiary value, it can be
11 discovered later at an autopsy. Just to kind of orientate
12 what you're looking at here, this area down here is the
13 feet; this area up here being the head. And this particular
14 female is actually lying face down in this particular grave.
15 That right there is going to be the bra that I stated
16 earlier in my testimony. And that's gonna be -- that's one
17 arm. And the other one is, it's kind of hard to see, but
18 the other one is kind of in this general vicinity right
19 here. It's really kind of difficult to see. And we have
20 the legs right in this general area right here.

21 Q. So both of her arms are located basically behind her
22 back?

23 A. Correct.

24 Q. Is that correct?

25 A. That's correct.

1 Q. And the circle, the left circle, is where -- basically
2 so the bra was not across where it should be across her
3 chest area. Is that correct?

4 A. That is correct.

5 Q. And as you had indicated earlier, from the waist down,
6 no clothing found on the body?

7 A. That is correct.

8 AST. SOL. SORENSON: Thank you, Detective Scott. That
9 would be all the State would have.

10 THE COURT: Mr. Hilton?

11 CROSS EXAMINATION

12 BY MR. HILTON:

13 Q. Detective Scott, I just want to kind of go back through
14 some things and talk about several issues. One of the first
15 things you talked about was the processing of a van. So
16 let's go back and talk about that processing of the van.
17 And bear with me; I'm going to be digging through
18 photographs. What we talked -- and you testified as to
19 finding the van out at Mr. Cauble's place. I think it was
20 on April 15th. Is that correct?

21 A. I didn't locate the van. But I was called to the van
22 at Mr. Cauble's, correct. That is correct. April 15th.

23 Q. You did respond out to Mr. Cauble's place, right?

24 A. That is correct.

25 Q. All right. And y'all went inside the van. And you

1 said when you opened the doors, you opened it up and you
2 could see red stains throughout, correct?

3 A. That is correct.

4 Q. All right. And all of those stains are not blood,
5 correct?

6 A. That is correct.

7 Q. All right. Some of those stains are flooring stain.
8 We're just going to call it stain for short, okay? Is that
9 okay with you?

10 A. Again, I don't know what the exact stain was, but it
11 was not -- again, it was not blood. We'll call, for this
12 purpose, we'll call it flooring stain.

13 Q. All right. Any you tested several samples. And the
14 first three swabs that y'all swabbed, you say are not blood,
15 correct?

16 A. It was a negative, correct.

17 Q. All right. And this O-Tolidine test that you use, how
18 familiar with the test are you?

19 A. I'm pretty familiar with it. I've used it a number of
20 times prior to this particular call. And I've used it a
21 number times after this particular incident.

22 Q. Do you know what the O stands for?

23 A. Again, I don't know the name means, the O-Tolidine, but
24 I know how it works.

25 Q. And how it works -- and there is some instructions to

1 that test in it?

2 A. Yes, sir; there is.

3 COURT REPORTER: Are you going to mark this as four?

4 MR. HILTON: No.

5 COURT REPORTER: From the motions, I guess is what I'm
6 saying?

7 MR. HILTON: Did you want to start over, or how do you
8 want to mark these? Number 1?

9 THE COURT: It's your exhibit.

10 MR. HILTON: Mark it as number one. We've already got
11 several from the motion hearings.

12 THE COURT: This would be number 1 for trial.

13 MR. HILTON: Okay.

14 THE COURT: I want to see y'all at a sidebar.

15 (A bench conference is held off the record and out of
16 the hearing of the jury panel.)

17 MR. HILTON: (continuing)

18 Q. Detective Scott, let me show what's been marked for
19 identification as Defense Exhibit No. 1. Do you recognize
20 that?

21 A. Yes, sir; I do.

22 Q. All right. What is that item?

23 A. This is a photograph or a copy of the instructions
24 located within the lid of the O-Tolidine test kit.

25 Q. And, in fact, did you provide that copy to the

1 Solicitor's office?

2 A. Yes, sir; I did.

3 MR. HILTON: Your Honor, at this time we'd offer
4 Defense Exhibit No. 1 into evidence.

5 AST. SOL. SORENSON: No objection.

6 (Whereupon, Defendant's Exhibit No. 1, O-Tolidine
7 Document, was received into evidence.)

8 Q. With regard to that testing, you say you swabbed what's
9 been marked as a State's Exhibit 13, a photograph of this
10 area. And based on your testing, that was not blood,
11 correct?

12 A. Based on the testing, this was a negative for
13 presumptive positive human blood.

14 Q. Let me show you State's Exhibit 51. That item was
15 swabbed as well?

16 A. Yes, sir; that item was swabbed as well.

17 Q. And would you say that's positive or negative?

18 A. Given the state of the photograph, that is a positive,
19 presumptive positive for blood present. It's a terrible
20 photograph but that was a presumptive positive.

21 Q. And State's Exhibit 65. Do you recognize that?

22 A. I do.

23 Q. And that was a swab -- I think the swab was number --
24 let's see, it's 12?

25 A. Twelve.

1 THE COURT: Marker 12.

2 Q. And is that -- would you say that's a positive test or
3 a negative test?

4 A. Can you pull in on the applicator, please. Again,
5 that's kind of a terrible photograph. But at the base of
6 the swab you can see -- obviously, you see kind of a yellow
7 strip through the middle. You go the red on outside at the
8 very base of it, that color, that blue, dark blue -- bluish
9 dark, purplish, bluish we were talking about, is at that
10 spot. However faint, that is a presumptive positive for
11 blood.

12 Q. All right. And State's No. 67, you said that was
13 positive too, correct?

14 A. Can you pull it back some? Yes, sir. That is also a
15 presumptive positive. However faint, that is a presumptive
16 positive for blood present.

17 Q. And you say however faint, but that's important on
18 those instructions, isn't it?

19 A. I believe so, yes.

20 Q. Go over again how you conduct this test.

21 A. Again, the test was conducted by taking these
22 particular samples using a cotton tip applicator. And what
23 we do is we moisten the cotton tip applicator with the
24 sterile water. We then take a small sample of the suspected
25 stain and then we treat it with the O-Tolidine solution,

1 which is already in the kit; it's premixed already in the
2 kit. Once we treat it with the O-Tolidine solution, we then
3 treat it again with the third solution, which is just
4 hydrogen peroxide. And then a reaction occurs which causes
5 that to be kind of blue color that we're talking about.

6 Q. How quick does this reaction occur?

7 A. Immediately.

8 Q. And according to the instructions in this Defense
9 Exhibit 1, let's see, number four, it says, "Blood is
10 indicated if a deep blue color is observed within several
11 seconds," correct?

12 A. That is correct. That's what that says.

13 Q. And then the last sentence, it says, "pale color
14 development should be disregarded," correct?

15 A. That is correct, if you do not have that deep blue
16 color.

17 Q. Would you agree with me samples such as the sample
18 taken in what's been marked as State's Exhibit 65 and what's
19 been marked as State's Exhibit 67, do not contain that deep
20 blue color?

21 A. If you can pull in on the top one first and again we'll
22 . . . (Brief pause.) All right. We'll talk about State's
23 65, which is the seat. We'll talk about that one first.
24 This is a presumptive positive for blood present. That
25 doesn't necessarily mean that entire stain is blood. That

1 just means that something located in that particular area
2 was presumptive positive for blood. Again, the quality of
3 the photograph is not great. But you can see a faint hint
4 of the deep blue. Again, that could be something, just a
5 very miniscule amount, of presumptive blood located within
6 that particular stain. Doesn't necessarily mean the entire
7 stain was blood. That just means that there is blood
8 present within that particular area. Again that's 65 that's
9 the seat. State's 67 ---

10 Q. I can actually put it back on the board again.

11 A. Okay. Awesome. Thank you. Again, it's a poor quality
12 photograph. This stain, the cotton tip applicator that you
13 see here, again, this is a presumptive positive for blood.
14 Again, as I just stated, that doesn't mean that that entire
15 stain is blood. That just means that there is a miniscule
16 amount of blood. You've noticed it in some of the other
17 swabs. You had that real pronounced, that real deep blue,
18 that real in your face kind of positive. You're not going
19 to have that if it's not -- it this entire stain was blood,
20 that thing would be glowing blue. But that just means that
21 there is miniscule amount of a presumptive positive located
22 within this particular stain.

23 Q. So your testimony, Detective Scott, is that the end of
24 that applicator is that deep blue color?

25 A. And, again, poor quality. The photograph isn't the

1 best quality, and the fact that we're looking at it through
2 a viewfinder. If we had this on a computer on a disc, we
3 could zoom in, you'd see it. But right in this area, right
4 here, I don't if y'all can see that, but there, again,
5 however slight, it there is a miniscule ---

6 Q. I'm sorry.

7 A. That's all right. However slight, there is a miniscule
8 amount of presumptive blood located on this cotton tip
9 applicator.

10 Q. So the sentence of pale color development should be
11 disregarded. It's really of no moment, correct?

12 A. If you had a negative and there wasn't a hint of that
13 deep blue like that, then yes, it should be discarded.

14 Q. Detective Scott, let me be clear now. I'm not
15 contesting that there was blood in this van, okay. But
16 would you agree me that everything in this van that was
17 tested was not necessarily blood?

18 A. Oh, absolutely.

19 Q. With regard to -- I think it was swabs that had been
20 indicated on your placards in the picture from 14 on -- are
21 those the swabs that deal with kind of this pattern on the
22 ceiling?

23 A. That is correct.

24 Q. All right. And ---

25 A. --- ceiling.

1 Q. And you actually prepared a report in this case as
2 well, correct?

3 A. Correct.

4 Q. And your report would document the processing of that
5 van and the swabbing of all this stuff, correct?

6 A. That is correct.

7 Q. All right. And you actually said in your report that
8 number 19 did not test positive, correct?

9 A. That is correct.

10 Q. All right. So number 19 -- let me find the picture.

11 THE COURT: Nineteen was from the other car?

12 MR. HILTON: No, sir. It's not State's Exhibit 19;
13 it's placard number 19.

14 THE COURT: Let's talk about exhibits ---

15 MR. HILTON: I'm sorry.

16 THE COURT: Nineteen is State's Exhibit 19 is from the
17 second vehicle.

18 MR. HILTON: That may be true.

19 THE COURT: That is true.

20 MR. HILTON: Yes, sir, Your Honor. I'm not disagreeing
21 with you.

22 THE COURT: So what are you asking a question on?

23 MR. HILTON: With regard to State's Exhibit 75.

24 THE COURT: Seventy-five, all right. Hold on.

25 MR. HILTON: (continuing)

1 Q. And, Detective Scott, that is your swab number 19,
2 correct?

3 A. That is correct.

4 Q. All right. According to your report, that did not test
5 positive for blood, correct?

6 A. Now, when you say according to my report, you are
7 referring to the graph that's in my report? The actual --
8 the columns that have the scale number as well as the blood
9 results?

10 THE COURT: Well, let him show it to you.

11 A. Yes, if you would please.

12 Q. Just to refresh your memory, Detective Scott, take a
13 look at that.

14 A. I have that. Specifically, which part are you
15 referring to? Are you referring to this?

16 Q. Yes, sir.

17 A. The graph?

18 Q. The spreadsheet you have there where it says scale
19 numbers and result of positive -- result of blood test.

20 A. Okay. You're referring about the absence of number 19?

21 Q. Correct.

22 A. Is that what you're referring to? Human error. I
23 mean, simply put, the absence of number 19 being on this
24 graph right here was just the sheer amount of evidence that
25 we had to go through in this case. But I do remember taking

1 a sample from 19 and I do remember it being presumptive for
2 blood. Because that is part, again, the stain that starts
3 on the wall, goes to the ceiling. The only thing I have to
4 say is that's human error. We're human; we error. That was
5 off this ---

6 THE COURT: Human error. To do what?

7 THE WITNESS: That was left off of my report.

8 BY THE COURT: Okay.

9 Q. Did you take a photograph of it?

10 A. Yes, sir. The photograph is right there.

11 Q. Did you take a photograph of the swab, the O-Tolidine
12 test?

13 A. No, sir.

14 Q. And, in fact, you didn't take any photographs of any
15 swab in this spatter pattern, did you?

16 A. Fourteen through 19, we -- no, sir. We did not.

17 Q. And actually from 14 to 22?

18 A. Twenty-two, correct.

19 THE COURT: Gentlemen, let's get on the same page now.
20 Fourteen is the marker number, right? Not the exhibit
21 number, correct?

22 MR. HILTON: Yes, sir. And just so everybody is clear,
23 if I just call it a number, I'm referring to his placard
24 number within the pictures. If it's an exhibit, I will make
25 sure to state State's Exhibit or Defense Exhibit.

1 THE COURT: If people read it in the future, I don't
2 want them to be confused.

3 MR. HILTON: Yes, sir. I understand. I'll try to ---

4 THE COURT: You understand what I'm saying?

5 MR. HILTON: I'll try to be clear.

6 Q. But with regard to your scaled numbers ---

7 A. Correct.

8 Q. --- you didn't take any photographs of any of the swabs
9 that you did on those scale numbers from 14 to 22. Is that
10 correct?

11 A. No photographs were taken of the O-Tolidine kit. That
12 is correct. But as stated earlier, one of the random
13 samples were in fact sent to SLED for analysis.

14 Q. And that's true. That's true. But you want this jury
15 to believe that all of this pattern is blood, correct?

16 A. It was tested and it tested presumptive positive
17 irregardless of the absence of the photographs of the swabs.
18 It was tested and it was presumptive positive for blood
19 present.

20 Q. Detective Scott, do you got photographs like swab on
21 placard number 13 and State's Exhibit 67?

22 A. That's correct.

23 Q. Took a photograph of that; you're telling us that's
24 blood. Right?

25 A. That is correct.

1 Q. And you've got all of the slots number 19 is not any
2 report, correct?

3 A. That is correct.

4 Q. All right. And you've got all of these swabs. Number
5 19 is not in your report, correct?

6 A. That is correct.

7 Q. And that report would have been made at the time you
8 did -- around the time you processed this van, correct?

9 A. That is correct.

10 Q. Based on notes that you made at the time?

11 A. That is correct.

12 Q. And number 19 is not in here, is it?

13 A. No, sir; it's not.

14 Q. You said -- just a minute ago, you said y'all only --
15 or y'all sent some items SLED. What items did you send to
16 SLED?

17 A. The items that we sent were, I believe, two swabs from
18 the Hyundai Sonata as well as two swabs from the Ford van.
19 We also sent out, I believe it was, the toothbrushes, and I
20 believe the underwear recovered from Ms. Pegram's bedroom.

21 Q. And you could have sent many items, could you not?

22 A. Yes, sir.

23 Q. All right. And of all the items you send, you send to
24 places in that van, correct?

25 A. Two? Yes, sir. The random examples collected.

1 Q. All right. And in that van, you he send two swabs of
2 number nine, correct?

3 A. That is correct.

4 Q. And number nine is what is your placard number that is
5 photograph in State's Exhibit 47, correct?

6 A. That is correct.

7 MR. HILTON: Just a moment, Your Honor.

8 Q. Let me show you State's Exhibit 50. That bucket, was
9 that tested?

10 A. Yes, sir.

11 Q. Do you have a photograph of the test for that?

12 A. No, sir, because that was negative.

13 Q. You photographed some things that tested negative,
14 correct?

15 A. If you look the day before, the photographs that were
16 taken of the negative test were the photographs taken of
17 marker numbers 1 through 3 inside the van. We took
18 photographs of those. When we got to number 4, we took a
19 photograph of that, which was a presumptive positive. It was
20 deemed on the day that we started the initial processing of
21 the vehicle that not everything single photograph, not every
22 single placard or swab needed to be photographed. We were
23 trying to basically -- this was an excessive processing.

24 Q. Detective Scott, let me stop you because I think you're
25 getting away from the question.

1 THE COURT: Wait a minute. Let him finish his answer.

2 A. Basically, the short version is, no. We did not take
3 photographs of every single swab located within the van.

4 Again, the stains that you locate that you can observe is in
5 our placard and our marker number 1 through 3 does resemble
6 the stains located within the van. The photographs taken of
7 the presumptive positives obviously do not resemble those
8 stains and they were presumptive positive which is why we
9 took photographs of them. There really was no need to take
10 a photograph of every single swab out of the probably
11 literally hundreds of swabs taken from this van of suspected
12 stains such as this bucket which are negative.

13 Q. So let me get this straight. You take -- the first
14 three swabs are negative. And you take pictures of those
15 negative swabs.

16 A. Correct.

17 Q. And every swab thereafter from 4 to 22 test positive
18 according to your testimony, not according to your report,
19 correct?

20 A. Presumptive? No. According to my report, presumptive
21 positive and according to testimony with the exception of
22 number 19, which is not on my report but it was presumptive
23 positive for blood.

24 Q. So some of the stuff that tested presumptive, you took
25 pictures of O-Tolidine swabs on that?

1 A. That is correct.

2 Q. All right. The stuff that tested negative, like this
3 bucket of what appears to be blood or stain or something,
4 there is no picture on your O-Tolidine test for that,
5 correct?

6 A. That's correct.

7 Q. And there is no picture of any of the O-Tolidine test
8 of that pattern on the ceiling, correct?

9 A. That is correct.

10 Q. All right. With regard to the bucket.

11 THE COURT: Which bucket?

12 Q. That's shown in State's Exhibit 52, paint can or
13 urethane can, or whatever that is, what about that?

14 THE COURT: Wait a minute. What about that? Is that a
15 question? Ask the question, please.

16 Q. Detective Scott, did you test this with your
17 O-Tolidine?

18 A. Yes, sir.

19 Q. And it tested positive for blood, correct?

20 A. Presumptive positive for blood present, correct.

21 Q. All right. And you said the can was all bent up,
22 correct?

23 A. That is correct.

24 Q. Other than that, can you tell anything about that can
25 other than it may have had blood on it and that it was bent?

1 A. I'm not sure exactly what you're trying to ask. Other
2 than the fact that it was presumptive positive from the
3 stains that were located on the can that is bent, and it's a
4 polyurethane can, no; no, sir.

5 Q. Were any swabs taken from that can and sent to SLED for
6 testing?

7 A. There were swabs taken but they were not sent to SLED.

8 Q. With regard to the Hyundai that was processed -- let me
9 show you State's Exhibit 78. Y'all processed the entire
10 trunk area, correct?

11 A. That is correct.

12 Q. All right. And, again, it tested presumptive for blood
13 in several areas, correct?

14 A. That is correct.

15 Q. How many swabs were sent to SLED regarding the trunk of
16 the car?

17 A. Again, two random locations were sent to SLED.

18 Q. How many were tested?

19 A. Each placard? Are you referring to the O-Tolidine?

20 Q. How many of the swabs that were sent to SLED were
21 tested?

22 A. To my knowledge, all of them that we sent to SLED were
23 tested.

24 Q. And that was two you said?

25 A. It was two random locations. I'm not sure if it was

1 two or four swabs. We took two swabs from one location or
2 one swab from another.

3 Q. And regarding the location of Ms. Pegram's body when
4 y'all found that out at the Brown Town Road area, Mr.
5 Bonilla actually gave you the information for that, correct?

6 A. I can't testify to that. I did not receive that
7 information directly from Bonilla. All I can tell you is I
8 was made aware by Detective Martin that this was an area
9 that we were looking at; an area of interest.

10 Q. Well, you testified with Mr. Sorenson, and there was a
11 stipulation in fact read into the record, that Mr. Bonilla
12 gave that information. Is that your understanding as your
13 involvement as a detective in the case?

14 A. Again, to my understanding, yes. But to my direct
15 knowledge and to my direct contact, no.

16 Q. All right. And based on that information, y'all in
17 fact did find the body of Ms. Pegram, correct?

18 A. That is correct.

19 MR. HILTON: Just one moment, Your Honor. (Brief
20 pause.) No further questions, Your Honor.

21 THE COURT: Redirect?

22 AST. SOL. SORENSON: No, Your Honor.

23 THE COURT: You may step down. Thank you. Next
24 witness, please.

25 AST. SOL. TEMPLETON: The State calls Bonnie Laidlaw.

1 BONNIE LAIDLAW, after being duly sworn, testified as
2 follows:

3 DIRECT EXAMINATION

4 BY AST. SOL. TEMPLETON:

5 Q. Good afternoon, Ms. Laidlaw.

6 A. Good afternoon.

7 Q. How did you get involved in this case?

8 A. We were requested to assist the Dorchester County
9 Sheriff's Office and ---

10 THE COURT: Ms. Laidlaw, can you speak a little more
11 into that mic so my last juror down there can you hear you,
12 please, ma'am.

13 A. Okay. We were requested to assist the Dorchester
14 County Sheriff's Office in locating a missing person.

15 Q. Okay. And what organization were you working with at
16 that time?

17 A. I was with the South Carolina Search Dogs. It's a
18 volunteer search and recovery unit.

19 Q. Okay. And did you have a canine that you worked with
20 that day?

21 A. I did.

22 Q. And who was that?

23 A. That was Dan.

24 Q. Okay. And what kind of dog is Dan?

25 A. He's a labrador retriever.

1 Q. Okay. Is he trained as a cadaver dog?

2 A. He is trained and certified.

3 Q. Okay. At the time that you went out to -- did you go
4 to the Harleyville area for this case?

5 A. Yes, we did.

6 Q. Okay. And based on your search, ultimately, did Dan
7 find something?

8 A. He did.

9 Q. Okay. When Dan found -- what did he find?

10 A. He found buried remains.

11 Q. Okay. And when he found that, what happened next? Did
12 you stay on site or did you leave at that point?

13 A. We stayed until the deputies came because you don't
14 leave something you have found.

15 Q. Okay. Was there a deputy with you as you were
16 tracking?

17 A. Yes, sir.

18 Q. Okay. And both of you stayed there until other
19 deputies arrived?

20 A. Yes.

21 Q. Okay. And based on -- you did a report in this case?

22 A. I did.

23 Q. Okay. Do you have the GPS coordinates of where Dan
24 ultimately found human remains?

25 A. Yes.

1 Q. Okay. Can you provide those to me? Do you remember
2 them or do you need to refer to your report?

3 A. I do.

4 Q. Okay. (Brief pause.) I can show you a copy of it if
5 that makes it easier.

6 A. Oh, good.

7 Q. Is that your report?

8 A. Yes, it is.

9 Q. Okay.

10 A. The coordinates were north 33 ---

11 THE COURT: Hold on. North 33.

12 A. 14 59.4; and west 80 27 37.5.

13 Q. Approximately what time did you get out there that day?
14 Do you remember?

15 A. We began -- well, got out there about 8:00, 8:15, and
16 began searching at 8:45.

17 THE COURT: That's 8:15 a.m?

18 THE WITNESS: Yes, sir.

19 Q. Do you know approximately what time Dan ultimately
20 found the remains?

21 A. Approximately 9:30, maybe.

22 Q. Okay. And what was the date of that? Do you remember?

23 A. It was May 9, 2015.

24 Q. 2015. Okay.

25 AST. SOL. TEMPLETON: That's all the questions I would

Direct Examination of Alice Durr by Ast. Sol. Sorenson

1 have, Your Honor.

2 THE COURT: Cross?

3 MR. HILTON: No cross examination.

4 THE COURT: Ms. Laidlaw, thank you for coming. Next
5 witness.

6 AST. SOL. SORENSON: The State calls Alice Durr.

7 ALICE DURR, after being duly sworn, testified as
8 follows:

9 AST. SOL. SORENSON: Thank you. May it please the
10 Court, Your Honor?

11 THE COURT: (Affirms.)

12 DIRECT EXAMINATION

13 BY AST. SOL. SORENSON:

14 Q. Ms. Durr, if you would please, tell the jury where it
15 is that you're employed.

16 A. Dorchester County Coroner's Office.

17 Q. And what are your current duties with the Dorchester
18 County Coroner's Office?

19 A. I'm the Coroner.

20 Q. Okay. And how long, first of all, have you been
21 employed with the Dorchester County Coroner's Office?

22 A. I started in 1999.

23 Q. And you were recently promoted, basically, as the
24 interim coroner. Is that correct?

25 A. I was appointed coroner.

1 Q. Okay. And when did that occur?

2 A. February.

3 Q. February of this year?

4 A. Uh-huh.

5 Q. Okay. And back in May of last year, May of 2015, you
6 were employed at that time as the deputy coroner? Is that
7 correct?

8 A. Chief deputy.

9 Q. Chief deputy coroner. All right. And briefly just for
10 those who may not know, what's the coroner office's role?

11 A. We determine the cause and manner of death.

12 Q. You coordinate typically with a pathologist in making
13 that determination?

14 A. Yes, sir.

15 Q. And ultimately the coroner is who signs off on the
16 death certificate. Is that correct?

17 A. Yes, sir.

18 Q. Okay. And in this case, what I want to ask you about
19 is, did you have an occasion back in May of 2015 to become
20 involved with the remains of Ashley Pegram were located?

21 A. Yes.

22 Q. Okay. And did you respond actually out there to the
23 area where her body was located?

24 A. Yes, sir.

25 Q. And ultimately, did you have an occasion, ma'am, after

Direct Examination of Alice Durr by Ast. Sol. Sorenson

1 the autopsy was performed at MUSC to respond over to another
2 location to obtain any items from the body that was
3 recovered?

4 A. Yes. We recovered some items for DNA.

5 Q. Okay. And were those items that you collected, if you
6 recall?

7 A. Teeth, fingertips, femur.

8 THE COURT: Ma'am, please speak up.

9 A. Teeth, fingertips ---

10 THE COURT: Teeth, fingertips, and what else?

11 AST. SOL. SORENSON: Teeth.

12 THE WITNESS: Teeth, fingertips, femur.

13 Q. So multiple bones and some teeth from the body. Is
14 that correct?

15 A. Yes.

16 Q. Okay. And ultimately -- and they were collected for
17 what purpose?

18 A. DNA.

19 Q. To attempt to develop a DNA profile from the body that
20 was recovered? Is that correct?

21 A. Yes, sir.

22 Q. And ultimately, those teeth that were collected from
23 Ms. Pegram's body, were they taken out to the State Law
24 Enforcement Division?

25 A. Yes, sir.

1 Q. Okay. And were you the one that took them out there?

2 A. Yes, sir.

3 Q. And I believe that was on May 28th of 2015. Is that
4 right?

5 A. Yes, sir.

6 Q. Okay. Were they secured kind of in between?

7 A. Yes, sir.

8 Q. Okay.

9 AST. SOL. SORENSON: I believe that's all I have, Your
10 Honor. Thank you.

11 THE COURT: Cross?

12 MR. HILTON: No cross examination.

13 THE COURT: All right. You may step down. Next
14 witness, please.

15 AST. SOL. SORENSON: May we approach, Your Honor?

16 THE COURT: Yes, sir.

17 (A bench conference is held off the record and out of
18 the hearing of the jury panel.)

19 THE COURT: You go the phone records people here?

20 AST. SOL. SORENSON: We do; yes, sir.

21 THE COURT: All right. Your choice, we can keep
22 plowing until about six, or we can stop as I told you around
23 five.

24 (Jurors indicate that they would like to stop.)

25 THE COURT: All right. 9:30 again in the morning.

1 (Brief pause.) All right. Seriously, let's start at 9:30
2 in the morning. I once again ask you -- we've got several,
3 I guess, TV stations or whatever. Please don't try to look
4 at anything tonight on the news. You know what's going on.
5 You don't need to be -- don't do any independent research.
6 Don't discuss the case with anyone; don't let anybody
7 discuss it with you. Do not start deliberations. But have
8 a very pleasant evening. I'll see you bright and early at
9 9:30. Best guesstimate is that we will finish the testimony
10 tomorrow. And depending on when we finish is what we will
11 do after that. If we finish tomorrow, and if we don't go
12 any further tomorrow, then Thursday would arguments and
13 charge and y'all will start deliberating. That's sort of
14 where we are right now. We're moving along, I think, very
15 efficiently. And y'all are wonderful; you've paid great
16 attention. And I will see you in the morning at 9:30. So
17 if you want your fruit, be here early. Leave your pads in
18 your chair. Everybody else remain seated, please.

19 (The jury exits the courtroom at 4:58 p.m. and is
20 excused for the day.)

21 THE COURT: For the record, that juror whispered in my
22 ear if we go into Thursday, she would like maybe to start at
23 ten because of some work issue that she has. So I told her
24 we'd work with her. All right. Anything from the State
25 before we break for the evening? You were going to put in

1 as a Court's exhibit additional photographs of the gravesite
2 that you decided not to -- and let's mark that Court's
3 Exhibit 1. How many were there, Mr. Sorenson?

4 AST. SOL. SORENSON: Yes, sir. This disc has probably
5 a couple hundred photographs. Basically, the entire -- them
6 out there. Mr. Templeton has gone back through and there
7 are approximately 45 photographs on here that depict where
8 the body is depicted in those photographs.

9 THE COURT: So you chose one out of the 45?

10 AST. SOL. SORENSON: Yes, sir.

11 THE COURT: I'm gonna put that as part as a Court's
12 exhibit, please. Anything else by the State?

13 AST. SOL. SORENSON: No, sir.

14 THE COURT: By the defendant?

15 MR. HILTON: Nothing, Your Honor.

16 THE COURT: All right. Everyone, let's have a pleasant
17 evening. The jury will be ready to go at 9:30. Y'all
18 please be here at 9:10, 9:15 so we can discuss anything we
19 may need to do tomorrow.

20 AST. SOL. SORENSON: Yes, sir.

21 THE COURT: All right. Thank you. And thank everyone
22 for their hard work today.

23 (Whereupon, Court's Exhibit No. 2, CD of Photographs,
24 was marked for identification.)

25 (At 5:02 p.m. the proceedings in the trial of this

1 matter adjourned for the day and will resume tomorrow,
2 August 10, 2016, at 9:30 a.m.)

3 - - - - -

4 (The proceedings in the trial of this case resumed on
5 Wednesday, August 10, 2016, at 9:32 a.m.)

6 THE COURT: Anything from the State before we proceed
7 this morning?

8 AST. SOL. SORENSON: I don't believe so, Your Honor.

9 THE COURT: Mr. Hilton?

10 MR. HILTON: Nothing, Your Honor.

11 THE COURT: All right. I told you that we were going
12 to start right at 9:30; it is 9:30. However, I am one juror
13 short. They're bringing up the whole panel now, and as soon
14 as we get word on that one juror, I will be back out. That
15 precludes us from starting on time. Assuming we can get
16 that situation under control, we'll start. So please just
17 stand at ease until we find out. We made a call so we
18 should know something shortly. Thank you.

19 AST. SOL. SORENSON: Thank you, Your Honor.

20 (A brief recess was taken at 9:33 a.m. The proceedings
21 resumed at 9:38 a.m.)

22 THE COURT: The State ready?

23 AST. SOL. SORENSON: Yes, Your Honor.

24 THE COURT: The defense?

25 MR. HILTON: The defense is ready.

1 (The jury enters the courtroom at 9:39 a.m.)

2 THE COURT: Good morning, ladies and gentleman. I hope
3 everyone had a pleasant evening and enjoyed your fruit.
4 Sorry they don't have doughnuts in St. George. All right.
5 We're going to start right back in the trial of the case
6 this morning. And I'll keep you posted as we move along
7 today. You may call your next witness.

8 AST. SOL. TEMPLETON: The State calls Detective Adam
9 Smith.

10 ADAM MICHAEL SMITH, after being duly sworn, testified
11 as follows:

12 DIRECT EXAMINATION

13 BY AST. SOL. TEMPLETON:

14 Q. Detective Smith, where are you employed?

15 A. Early with the Dorchester County Sheriff's Office.

16 Q. And what is your position with the Sheriff's
17 Department?

18 A. I'm an investigator with the Criminal Investigations
19 Division.

20 Q. Did you have a chance to participate in this particular
21 investigation?

22 A. I did.

23 Q. Okay. And what basic duties did you take in this
24 investigation?

25 A. Basically, with this investigation I assisted with some

1 of the other activities that were going on through the
2 course of the investigation. But mainly, I was in charge of
3 the cell phone data that was obtained during the course of
4 the investigation.

5 Q. Okay. During this investigation, did you have a chance
6 to see State's Exhibit 92? And I'll show that to you for --
7 which is already in evidence.

8 A. Yes, I did.

9 Q. And what did you do with that cell phone?

10 A. That cell phone, a search warrant was obtained to
11 extract the data from the cellular phone. And to do that,
12 we have a device that is Cellbrite, a universal forensic
13 extraction device. And what that does is basically you hook
14 the target phone up to one side and you can select which
15 data that you want the device to extract from the phone.
16 And then it inputs it into a source, which would be any kind
17 of removable media or computer.

18 Q. So would that create an electronic report?

19 A. Yes, it would. Basically, I would select everything
20 that was pursuant to the warrant in the case. And then from
21 there, the Cellbrite would extract the data; and then,
22 basically, it takes it and then puts it into a readable
23 report that you can review.

24 Q. Okay. I'm going to show you State's Exhibit No. 91.
25 You can review that. Is that the report that was extracted

1 from the target cell phone?

2 A. Yes, it is.

3 Q. Does that provide you the phone number attached to
4 that?

5 A. Yes, it does.

6 Q. And what is that number?

7 A. Area code 843-718-7711.

8 Q. Okay. Did you have a chance to go through the Verizon
9 records that are already in evidence in Exhibit No. 90?
10 I'll show you that too. Do you recognize that?

11 THE COURT: Ninety-one? Ninety-one is not in evidence,
12 is it?

13 AST. SOL. TEMPLETON: I have not entered 91 yet.

14 THE COURT: Go ahead and answer the question.

15 A. Yes, I did.

16 Q. Okay. I'll take that back.

17 AST. SOL. TEMPLETON: Your Honor, at this time, I would
18 offer State's Exhibit No. 91 into evidence. That's the
19 Cellbrite data.

20 THE COURT: That's the cell phone data out of 843-7 ---

21 AST. SOL. TEMPLETON: --- 18.

22 THE COURT: 718; 7711. Any objections?

23 MR. HILTON: No objection.

24 (Whereupon, State's Exhibit No. 91, Cellbrite Data,
25 was received into evidence.)

Direct Examination of Adam Smith by Ast. Sol. Templeton

1 Q. Did you have the chance to compare the text messaging
2 records between the Cellbrite data and the Verizon data?

3 A. Yes, I did.

4 Q. I'm going to show you three printouts from the Verizon
5 data that's already in evidence. And I'm going to ask you
6 are these particular messages still in the Cellbrite data?

7 THE COURT: Now, you handed him what? Part of
8 Exhibit 90?

9 AST. SOL. TEMPLETON: It might be easier if we just
10 mark these separately.

11 THE COURT: I think so.

12 AST. SOL. TEMPLETON: And then show them.

13 THE COURT: That's three pages from 90?

14 AST. SOL. TEMPLETON: It's actually going to be four
15 pages from 90.

16 THE COURT: And the description of it is what?

17 AST. SOL. TEMPLETON: Cell phone data.

18 THE COURT: All right. I assume there's no objection
19 because that's just part of 90 but we're doing it separate
20 for the transcript purposes.

21 MR. HILTON: No objection.

22 (Whereupon, State's Exhibit No. 107, Cell Phone Data,
23 was received into evidence.)

24 THE COURT: All right. 107 is 4 pages of 90.

25 Q. I'm going to show you that data. Did you have a chance

1 to compare the Verizon data to the data in Cellbrite?

2 A. Yes, I did.

3 Q. Okay. And were there some messages that were on the
4 Verizon data and not in the Cellbrite?

5 A. Yes, there were.

6 Q. Okay. Can you tell me is there a message on April the
7 4th at about 4:53 in the Verizon data?

8 A. Yes, there is.

9 Q. Okay. And what is that message?

10 A. Would you like for me to read the contents of it?

11 Q. Yeah, if you would read the contents of that message.

12 A. Okay. The message is, "Hey, it's Edward. I'm not
13 going to make it into work today. I'm not feeling well at
14 all. I've been up most of the night throwing up."

15 Q. Okay. Approximately what time is that?

16 A. That is approximately 4:53 a.m. on April 4, 2015.

17 Q. Okay. On April the 6th, is there another message in
18 Verizon data that is not in the Cellbrite data?

19 A. That is correct.

20 Q. And what is that message?

21 A. The message states, "Still under the weather. Will be
22 back to work tomorrow."

23 Q. Okay. And what time was that sent?

24 A. Approximately 6:38 a.m. on April 6, 2015.

25 Q. Okay. And can you tell me the number that that was

1 sent to?

2 A. The destination number for those two text messages were
3 843-224-8020.

4 Q. Let me get that data back from you real quick. Next,
5 is there an additional message on April 3rd that's
6 different?

7 A. Yes, there is.

8 Q. Okay. And what is that message?

9 A. The message text is, "Got some fire on the way. It's
10 called blue dream."

11 Q. And is that an incoming message to the phone?

12 A. Yes, it is.

13 THE COURT: Got some what now?

14 THE WITNESS: Got some, "Fire on the way. It's called
15 blue dream." And blue dream is in quotes.

16 Q. As a law enforcement officer, do you know what blue
17 dream is?

18 A. To my knowledge, it's a slang term for marijuana.

19 Q. Okay. Next, I want to take ---

20 THE COURT: Hold on one second. That was on 4/3 at
21 what time?

22 AST. SOL. TEMPLETON: 6:38.

23 THE COURT: No. That was 4/6 was 6:38. Same time?

24 AST. SOL. TEMPLETON: At 7:37 in the evening.

25 THE COURT: 4/3 record, "Got some fire on the way."

1 What time was that?

2 THE WITNESS: 7:40 -- or excuse me, 7:37 p.m.

3 THE COURT: P.m.?

4 THE WITNESS: On the 3rd; yes, sir.

5 THE COURT: All right.

6 Q. All right. At this time I'm going to show you State's
7 Exhibit No. 99. The last text message that we were just
8 talking about, that's an incoming text you said?

9 A. Referring to the one on the 3rd?

10 Q. About the blue dream, yes.

11 A. Yes, that's an incoming text message.

12 Q. And what is the phone number that that's coming from?

13 A. It is 843-870-2749.

14 Q. Okay. Now I'm going to show you State's Exhibit No.
15 99. Do you recognize that?

16 A. Yes, I do.

17 Q. And how do you recognize that?

18 A. This is a disc that contains data that I did during the
19 course of the cell phone investigation from the records that
20 I obtained from Verizon Wireless.

21 Q. Okay. And how do you know that's what's on that disc?

22 A. I initialed it and I dated it for August 9, 2016.

23 Q. Okay. Contained on that data, is there a full set of
24 the Verizon data?

25 A. Yes; that's correct. Once we obtain the data from

1 Verizon, Verizon sends us -- there's a lot of data that's
2 included. It's included text messages, the call detail
3 records, which would be your call tolls, anything incoming
4 outgoing calls that were made. And that call detail record
5 would also include the cell tower that you connected to at
6 the time of the call, the duration of the call, the date of
7 the call. Also contained on it, Verizon has a proprietary
8 type format which is called either RTT, which is Real Time
9 Tool, or it's called EVDO. And that's Verizon's estimate of
10 where a phone is located at any given point based on
11 mathematics that they have based on when you connect to the
12 tower. And they provide that data, which gives us a GPS
13 coordinate for what Verizon says is an approximate location
14 of where that phone is located at that specific date and
15 time.

16 Q. And does it assign a confidence level to those
17 locations?

18 A. It does.

19 Q. Okay. And do you know what confidences it assigns to
20 that particular data?

21 A. According to the Verizon records and disclaimer they
22 have, they assign either a high, medium, or low confidence
23 based on the connection strength and some other factors that
24 they have.

25 Q. Okay. Did you take that data and plot it on basically

1 a map?

2 A. I did.

3 Q. Okay. And did you then put that into basically a
4 readable form for us?

5 A. Yes.

6 Q. And how did you do that?

7 A. Back in 2014, I went through National White Collar
8 Crime Center, basic cell phone investigations. Basically,
9 they're an entity that is funded by the Department of
10 Justice. They provide training to law enforcement and is
11 specific to technology and white-collar type crimes. I went
12 through the course there. During the course of that
13 training, they provide you with a proprietary software that
14 is called PerpHound (ph). And basically, what it does is it
15 takes a Microsoft Excel file that you would obtain from any
16 kind of cell phone provider, and it take that data and then
17 change it -- or not, excuse me, change it, but they can
18 transform that data into a readable file that is imported
19 into Google Earth. And everybody's used Google Earth where
20 you can actually see where on a map, the actual location is.

21 Q. Okay. And then from there, did you put that into a
22 presentation, basically?

23 A. Yes.

24 Q. Okay.

25 A. During the course of the investigation, they gave you

1 specific times that they were looking for which were
2 important to this investigation. So what I did using
3 Microsoft Excel, I took the original Verizon records. I
4 made a working copy of that. The original data was kept on
5 a separate disk. I just had a copy so it wasn't affecting
6 the original data. From there, I used the filter function
7 in Microsoft Excel to filter out the dates and times that
8 were pertinent to this case. And from there, I imported it
9 into the PerpHound software. And then that was, in turn,
10 created a Google Earth file, which could put the actual GPS
11 coordinates of the phone on the map.

12 Q. Okay. Let me get State's Exhibit No. 99 back.

13 AST. SOL. TEMPLETON: Your Honor, at this time, we
14 would offer State's Exhibit No. 99 into evidence.

15 MR. HILTON: No objection.

16 (Whereupon, State's Exhibit No. 99, Cell Phone Report,
17 was received into evidence.)

18 AST. SOL. TEMPLETON: And we would like to publish.

19 Q. Detective, I'm going to give you a mouse so that you
20 can manipulate software as we're going through the
21 questioning. (Brief pause.) Detective Smith, did I give
22 you -- or ask you to put together certain periods of time of
23 this data?

24 A. Yes, you did.

25 Q. Okay. And did you end up plotting those particular

1 times on individual slides, basically?

2 A. Yes, I did. Basically, all these were obtained from
3 the copy of the Verizon records that I had for the target
4 phone number in question. And these specifically were
5 filtered out to be only the high confidence points that
6 Verizon provided as the approximate location of the cell
7 phone that Verizon estimates.

8 Q. Okay. So on April 3rd around 6:55, can you tell the
9 jury approximately around the area that he was?

10 A. During this time frame, about 6:55 p.m. on April 3rd,
11 the cellular phone is in the vicinity of 4221 Rivers Avenue,
12 which is RW Cauble. And that's in North Charleston.

13 Q. All right. And the next period of time that I asked
14 you about was 9:13 on that date?

15 THE COURT: Well, before you go now -- go back to the
16 other one. Help me understand it. The top one says 18 5
17 625 -- what does that mean?

18 THE WITNESS: Yes, sir. Each of these pushpins is a
19 point of data that Verizon provided as a period of time.
20 And each one of those pushpins contains a GPS coordinate as
21 provided by Verizon. So from Verizon, there's an Excel
22 file, which is a spreadsheet, and it has a date, a time, and
23 it has a bunch of other data that Verizon provides. And it
24 also provides a latitude and longitude for the phone of what
25 they estimate the phone to be at.

1 THE COURT: Was that for a phone call or was that just
2 where the phone just happens to be sitting like my phone
3 sitting here?

4 THE WITNESS: According to Verizon, with the RTT data
5 and EVDO data, this is any time that your phone would
6 connect to a tower for any kind of purposes.

7 AST. SOL. TEMPLETON: (continuing)

8 Q. So it would be updates or?

9 A. According to them, it's not just -- it's not like a
10 call detail record where you only have a cell tower for
11 phone calls. This is any kind of calls, text messages,
12 e-mails, any time your phone is checking for additional data
13 from the tower, downloading movies, streaming movies, it
14 would create a registry in there.

15 Q. So are cell phones basically hitting those towers all
16 the time?

17 A. Constantly.

18 Q. Okay. And is Verizon, then, just recording as it goes
19 every time it hits a tower basically?

20 A. Yes; that's correct.

21 Q. Okay. You explained these yellow dots. Those are the
22 individual data points?

23 A. This would be -- each one of these pushpins would be
24 basically one line of data in the call detail records. So
25 that corresponds with one line of data: date, time,

1 latitude, and longitude. And those times are in military
2 times. So those would be around 6:51, 6:53 p.m.

3 Q. Okay. And the blue dot in the middle, what is that?

4 A. That is a reference point of 4221 Rivers Avenue, which
5 is the business of RW Cauble.

6 Q. Okay. Did I then give you another time of around 9:15
7 on April the 3rd?

8 A. Yes, sir.

9 Q. And where is he during that time period?

10 A. During the time frame, approximately 9:13 p.m. to
11 9:23 p.m. on April 3rd of 2015, he's in the approximate area
12 of [REDACTED] Drive in Summerville, South Carolina.

13 Q. And based on your investigation, do you know what [REDACTED]
14 [REDACTED] Drive is?

15 A. [REDACTED] Drive is the residence of the victim in
16 this case, Ashley Pegram.

17 Q. What's the next place that I asked you to plot?

18 A. That was on April 3, 2015, at approximately 9:30 p.m.
19 until approximately 12:00 a.m. on April 4th.

20 Q. Okay. And where is that?

21 A. During the course of this time, there is some, for the
22 purposes of having to condense it to the slide, there's
23 other data that's actually around it as well. But for the
24 purposes of this one, the data is around [REDACTED] Street
25 in Goose Creek, South Carolina, which is Crowfield

1 Plantation.

2 Q. Okay. And based on your investigation, do you know
3 what [REDACTED] Street is?

4 A. That was the Diaz residence.

5 Q. Okay. Was that the location of the bonfire?

6 A. Yes, it was.

7 Q. Okay. What was the next location that I asked you to
8 plot?

9 A. It was on April 4th at approximately 12:16 a.m. And
10 the phone was located in the vicinity of 336 College Park
11 Road, Ladson, South Carolina?

12 Q. Okay. Would that be the next day just barely into the
13 next morning, basically?

14 A. Yes; that's correct.

15 Q. Okay. From there, what would be the next location that
16 you were able to find this phone?

17 A. The next point was on April 4th, 2015, between
18 approximately 12:30 a.m. and 1:02 a.m. And the defendant's
19 cellular phone was in the approximate area of [REDACTED]
20 [REDACTED] Drive, Summerville, South Carolina.

21 Q. And, again, as you testified earlier, that would be
22 near the victim's residence?

23 A. That's correct; yes.

24 Q. Okay. What is the next location that I asked you to
25 plot?

1 A. This was actually one of the text messages that we
2 referenced from the Verizon text message records, which was
3 on April 4, 2015, approximately at 4:53 a.m. And this was
4 outgoing text message that was sent from the target number,
5 the defendant's phone, to his employer. And -- I'm sorry.

6 Q. Go ahead.

7 A. The map to the right of that just correlates timewise
8 with the time the text message was sent. And it just shows
9 that he was -- at the time the message was sent, the phone
10 was in the approximate area of the defendant's residence.

11 Q. Okay. If you would, what does that text message say?

12 A. This text message was, "Hey, it's Edward. I'm not
13 gonna make it in to work today. I'm not feeling well at
14 all. I've been up most of the night throwing up." And this
15 was originating from the defendant's phone and went to the
16 target number of 843-224-8020.

17 Q. Okay. What is the next location that you see?

18 A. The next location was on April 4, 2015, between
19 approximate 6:42 a.m. and 7:12 a.m. The defendant's
20 cellular phone is pinging in the general facility of
21 Harleyville, South Carolina, specifically in the area Brown
22 Town Road.

23 Q. You have a blue dot on there. What is that?

24 A. The blue dot is the approximate location of where the
25 victim's body was located in Harleyville in correlation to

1 the points on the map.

2 Q. In relation to the message just before this one, what's
3 the time period between him sending that text message and
4 him being in the Harleyville area?

5 A. The text message was about 4:53 a.m. on the 4th. And
6 like I said, there's actually more data as well around this,
7 but this was narrowed down to the actual location. And this
8 was 6:42 a.m. So less than two hours.

9 Q. Less than a two-hour period. Okay. And what was the
10 last location that I asked you to plot?

11 A. The last location was on April 4th, 2015, at
12 approximately 10:58 p.m. The defendant's cellular phone was
13 in the approximate area 4221 Rivers Avenue in North
14 Charleston. And that is the business of RW Cauble.

15 Q. That's back at his place of employment?

16 A. That's back at the business, correct.

17 AST. SOL. TEMPLETON: Beg the Court's indulgence.

18 (Brief pause.)

19 Q. Does the Cellbrite data that you retrieve also give
20 names associated with phone numbers? Does it give you
21 contacts basically?

22 A. It does. We can -- contacts is one of the points that
23 we can select identified during the course of the
24 extraction.

25 Q. Is one of those contacts for an Anthony Navarro?

1 A. Give me one second to reference the contacts portion.

2 (Brief pause.)

3 Q. And I may be able to direct you. Maybe under family?

4 A. Family, Anthony.

5 Q. And what is the numbers associated with that?

6 A. 1-843-870-2749.

7 Q. Does that correspond with the message about the
8 marijuana?

9 A. Yes, it does.

10 Q. Okay. And then two pages after Mr. Navarro's number of
11 the Cellbrite, is there one for his employer?

12 A. Yes, there is.

13 AST. SOL. TEMPLETON: Beg the Court's indulgence.

14 Q. What is that number?

15 A. This is for Cauble RW. And that is the area code of
16 843-224-8020.

17 THE COURT: 8020?

18 THE WITNESS: Yes, sir.

19 Q. Does that correspond with both of the messages relating
20 to not being at work?

21 A. Yes, it does.

22 AST. SOL. TEMPLETON: That's all the questions I have.
23 If you would answer any that Mr. Hilton may have.

24 THE WITNESS: Yes, sir.

25 CROSS EXAMINATION

1 BY MR. HILTON:

2 Q. Detective Smith, how are you today?

3 A. I'm doing well.

4 Q. The phone records that you have, we've seen maybe, I
5 don't know, what would you say? Fifty pinpoints on your
6 presentation?

7 A. Approximately.

8 Q. I mean, just a rough estimate.

9 A. Fifty.

10 Q. How many pinpoints did you get overall? Do you
11 remember how many records there were?

12 A. I remember the specific amount of days that we
13 requested. But there was multiple entries of data from
14 Verizon Wireless.

15 Q. It was thousands of records, correct?

16 A. Correct.

17 Q. And over the course of those two days, you can kind of
18 plot his whereabouts based on his phone records, correct?

19 A. Approximately, yes.

20 Q. And we've only seen as small snapshot of it, correct?

21 A. Yes.

22 MR. HILTON: No further questions.

23 AST. SOL. TEMPLETON: No redirect.

24 THE COURT: You may step down. Next witness, please.

25 AST. SOL. SORENSON: The State calls Sergeant Brad

1 Mullis.

2 BRADLEY DUSTIN MULLIS, after being duly sworn,
3 testified as follows:

4 DIRECT EXAMINATION

5 BY AST. SOL. SORENSON:

6 Q. Good morning, Sergeant Mullis.

7 A. Good morning.

8 Q. If you would, please tell us where you're employed.

9 A. I'm currently employed for Dorchester County Sheriff's
10 Office.

11 Q. And how long have you been employed with Dorchester
12 County?

13 A. I've been employed with Dorchester County Sheriff's
14 Office for the last eight years. In the last four years, in
15 the Dorchester County Crime Scene.

16 Q. Okay. And you're currently the Sergeant over that
17 division?

18 A. I am.

19 Q. And prior to that, did you have a little bit of prior
20 law enforcement experience also prior to coming to
21 Dorchester County?

22 A. I did. I had a total of eight years -- correction, I
23 have a total of 12 years in law enforcement.

24 Q. And you said that the last four of it has been spent in
25 the crime scene unit? Is that correct?

1 A. That's correct.

2 Q. And tell the jury, just initially kind of a little bit
3 of what training you've had with regards to becoming a crime
4 scene investigator.

5 A. Okay. I have obtained my associates in criminal
6 justice. And I've also obtained over 500 hours in the areas
7 of -- in the forensic discipline and latent forensic
8 examination and bloodstain pattern analysis and crime scene
9 processing.

10 Q. And specifically, I want to ask you a little bit about
11 your training in the area bloodstain pattern analysis. Can
12 you tell the jury just what specific training you've had in
13 that field?

14 A. My first training was in 2012 at the South Carolina
15 Criminal Justice Academy. I attended a 40-hour course. It
16 was a crime scene course. Although it was a 40-hour course,
17 approximately five hours was spent on bloodstain pattern
18 analysis. It was the first time I had the opportunity to
19 look at bloodstain pattern and analyze it and determine what
20 actually happened.

21 Q. Okay. And you had further training after that,
22 initial, in that field?

23 A. I did. I also attended a 40-hour course in Miami,
24 Florida taught by a well-known expert in the field, Toby
25 Wilson. It was also a 40-hour course and it was a more

1 extensive bloodstain pattern analysis course where we did
2 practical exercises using real blood. In that course, I had
3 the opportunity to evaluate over 80 bloodstain pattern
4 analysis.

5 Q. And as far as bloodstain pattern analysis, what sort of
6 things are you taught in that training to be able to
7 identify when you come upon bloodstains at a crime scene?

8 A. First, when you see a potential stain, you first have
9 to decide whether it is actually blood. Once you use some
10 type of presumptive test kit to determine that it's actually
11 blood, you look at the individual stains inside the pattern
12 area. These stains can arrange from a nonlinear pattern to
13 a linear pattern. Inside the individual blood droplets,
14 they can be a very round circular shape or an elliptical
15 shape. In the courses that I've taken and the practical
16 exercise that I've done, we actually had the opportunity to
17 use blood to drop from waist high that I've actually brought
18 here today to help further explain the course of blood
19 droplets.

20 Q. And, ultimately, are you able to, in that field, to
21 make determinations on possible positions people were in
22 when bloodletting occurred?

23 A. That's correct.

24 Q. Can you determine kind of directions of whether it
25 could be stap wound or a gunshot or things of that nature?

1 A. That's correct.

2 Q. And that 40-hour course that you took, when was that,
3 sir?

4 A. The 40-hour course was taken in, I believe it was
5 December of 2012.

6 Q. All right. And in the three and a half years since
7 then, have you had an opportunity kind of in your work as a
8 crime scene investigator with Dorchester County to basically
9 put what you learned in those classes to practical use in
10 your day-to-day processing of crime scenes?

11 A. I have. I've used it on several occasions to which
12 I've made an analysis in criminal cases.

13 AST. SOL. SORENSON: Your Honor, at this time, we'd
14 offer Sergeant Mullis as an expert in the field of
15 bloodstain pattern analysis.

16 THE COURT: Any cross-examination on his
17 qualifications?

18 MR. HILTON: Briefly, Your Honor.

19 VOIR DIRE EXAMINATION

20 BY MR. HILTON:

21 Q. Detective Mullis, how many times have you been
22 qualified in Circuit Court as an expert on bloodstain
23 pattern analysis?

24 A. I never have. This would be the first time.

25 Q. All right. Ever been qualified in Family Court or any

1 other court?

2 A. No, sir.

3 Q. All right. The extent of your training on this is
4 essentially 45 hours worth of training. Is that a summary
5 of it?

6 A. It's approximately 50 hours. I've also taken violent
7 crime scene reconstruction. I want to say it was last year.
8 In that course, we spent an additional five hours refreshing
9 doing, observing bloodstains and their reaction of hitting
10 surfaces.

11 Q. The test and experimentation that you've done, that's
12 been in connection with these classes?

13 A. That's correct.

14 Q. All right. Have you ever taught any classes or
15 anything on the subject?

16 A. I have not.

17 Q. Read any treavices (ph) on the subject?

18 A. I have.

19 Q. What treavices?

20 A. One of the books issued in one of the class is a
21 bloodstain pattern analysis, third edition. It's written by
22 Tom Bevel and Ross Gardner who are both well-known experts
23 in the field of blood spatter analysis.

24 Q. And that, too, was in connection with one of the
25 classes that you took?

1 A. That's right. Yes, sir.

2 Q. Okay. So that was included within that 50 hours of
3 training?

4 A. No, sir. After the class, the book was issued. And I
5 took the opportunity to read the book on my own time.

6 MR. HILTON: All right. No further questions on his
7 qualifications, Your Honor. No objection to him being
8 qualified as a bloodstain pattern analysis.

9 THE COURT: You said no objection?

10 MR. HILTON: No objection.

11 THE COURT: Thank you. All right. I find that based
12 on his training and on-the-job training as well as his
13 classes, that he'll be allowed to give opinions in the field
14 of blood stain pattern analysis. Madam Forelady, ladies and
15 gentlemen of the jury, normally our rules of evidence do not
16 allow a witness to give opinion testimony. You can only
17 testify about what you see or observe or know first-hand.
18 There's an exception to that rule based on people who have
19 training and experience, have gained knowledge in a field
20 that's not normally known by an ordinary citizen, an
21 ordinary person such as bloodstain pattern analysis. So
22 he'll be allowed to give opinion testimony. And I will tell
23 you at the conclusion of the trial how you deal with someone
24 that I've qualified as an expert. Thank you. You may
25 continue.

1 AST. SOL. SORENSON: Thank you. Beg the Court's
2 indulgence once second?

3 THE COURT: Yes, sir.

4 DIRECT EXAMINATION CONTINUED

5 BY AST. SOL. SORENSON:

6 Q. Sergeant Mullis, you had made reference during the
7 course of my early questioning with you that you had brought
8 with you or at least provided me with some documents for
9 court to kind of demonstrate to the jury what you're talking
10 about as far as looking at blood droplets being able to tell
11 the direction and stuff of that nature. Is that correct?

12 A. That's correct.

13 Q. And showing you --

14 AST. SOL. SORENSON: May I approach the witness, Your
15 Honor?

16 THE COURT: Sure.

17 Q. Are these the four documents that you provided to me?

18 A. Yes, sir; it is.

19 Q. Okay. And will those with aid kind of you showing the
20 jury what you're talking about?

21 A. Yes.

22 AST. SOL. SORENSON: Hold on one second. Your Honor,
23 at this time, I'm not really looking to offer them into
24 evidence. They're really just from demonstrative purposes.
25 So I don't know if we need to mark them as anything or . . .

1 THE COURT: Well, if they're for demonstrative
2 purposes, obviously, they don't go to the jury and they
3 don't become part of the transcript. You can certainly use
4 them to explain his testimony without having them being
5 introduced in the trial of the case.

6 AST. SOL. SORENSON: All right. May I?

7 THE COURT: Any objection to that?

8 MR. HILTON: There's no objection to that.

9 AST. SOL. SORENSON: May I have -- may I have Sergeant
10 Mullis step down in front of the jury?

11 THE COURT: Certainly.

12 Q. Now, Sergeant, you had talked about earlier that one of
13 things that you're able to tell is, you know, the direction
14 of blood spatter in a crime scene. Is that correct? The
15 direction it came from?

16 A. That's correct.

17 Q. Okay. And tell the jury kind of what training or how
18 you went about training and learning about how to do that, I
19 guess, initially.

20 A. Initially, to understand what and how it falls, you
21 have to understand the make of blood. Blood is
22 approximately 45 percent solids, and another 55 percent
23 liquid plasma. And it carries a surface tension that when
24 it falls in free air, it wants to pull together and wants to
25 stay together. And I when I describe the surface tension on

1 it, the best way I can put it is if you see jello, and you
2 touch jello, jello wants to go back into its shape. Well,
3 blood when it falls in the free air, it wants to pull back
4 into its free shape. And it's a -- it's a circular type
5 pattern. Although, when it first releases in air with some
6 type of force, and in this case, if we're just dropping it
7 would be gravity that's acting on it. It will change in
8 shape slightly, but it will eventually go to a circular type
9 shape. Once it hits the surface, it will create a
10 distinctive and reproducible pattern.

11 Q. Okay. And you had indicated that part of your training
12 you had actually took actual blood and did various tests
13 with that.

14 A. That's correct.

15 Q. To determine, I guess, how a blood spatter would look
16 dropped at different angles. Is that correct?

17 A. That's correct.

18 Q. Okay. And is that what has been replicated with these
19 four exhibits?

20 A. It is.

21 Q. Okay. I'll let you kind of go through and kind of hold
22 them up. Explain to the jury what they're showing.

23 A. Ladies and gentlemen, this is a 90-degree droplet from
24 about waist high directly on the floor. It's 90 degrees,
25 and it's dropped from a small droplet and that's all it is.

1 As I explained, it created a circular shape and that's what
2 you appear to see. And this would be reproductive whether
3 it's straight on the floor or whether it's on the wall.
4 Now, if it's on the wall, some type of force is going to
5 have to force that blood directly to it. But it's still
6 gonna react in that circular form when it hits the wall at
7 90 degrees. As the angle gets greater -- I'm sorry, angle.
8 As the angle becomes greater, you start seeing a more
9 elliptical shape. And the greater the angle, the more of
10 the direction that can be seen.

11 MR. HILTON: Can we ask that it be put on the screen
12 just so everybody can see.

13 THE COURT: Can you put on the screen?

14 AST. SOL. SORENSON: Yeah, I think I can do that.

15 THE COURT: That might work better so I can see,
16 everybody else can see.

17 AST. SOL. SORENSON: Yes, sir. You want me to go back
18 to the first one, Judge?

19 THE COURT: Yes, get on that one. That was a straight
20 drop down, correct?

21 AST. SOL. SORENSON: Yes, sir. It would be a 90-degree
22 angle. At the top there, it says angle of impact, 90
23 degrees.

24 THE COURT: All right. And the next one is 50 degrees.
25 Is that correct?

1 AST. SOL. SORENSON: And the next one would be 50
2 degrees; yes, sir.

3 A. As the angle increases, you start to see a more
4 elliptical shape. It starts to -- when I explain
5 elliptical, and then you can start seeing some scalloping in
6 the actual blood droplet. And this will also create -- this
7 individual pattern -- and it's reproduced three individual
8 times. It's slightly different areas and it still looks the
9 same. This was -- to create the 50-degree angle, a block of
10 wood was created and it was cut at 50 degrees. And it's
11 situated on the floor. And I still use the droplet of blood
12 from about waist high . . .

13 Q. The next one, I think, shows if you change the angle of
14 impact to 20 degrees. Is that correct?

15 A. That's correct. Like I said, as the angle increases,
16 you start seeing a more elliptical shape and your starting
17 getting a tilt. Now, the tilt and the elliptical shape help
18 determine directionality. AS the blood droplet hits, the
19 tail keeps moving and you can tell that the blood droplet
20 actually came from this direction. And in impact pattern
21 stains, you are able to measure the width and the length
22 when you use a scientific calculator to get the impact of
23 angle -- in impact stains, you can do a three-dimensional
24 reconstruction of that blood droplet.

25 Q. So that's showing that blood dropped at a and hit at a

1 20-degree angle. And that's, yet again, by cutting a piece
2 of wood the bigger to put near your surface at 20 degrees
3 from where you're dropping it waist high?

4 A. That's correct.

5 Q. And that is showing the direction of travel, the
6 directionality, would be from top to bottom on that diagram?

7 A. Yes, sir.

8 Q. And as you go from 20 degrees, I think in the last one
9 you had, it would then be an angle of ten degrees. Is that
10 correct?

11 A. That's correct. And as you can picture this being ten
12 degrees from me holding it waist high, talking with the
13 paper situated very close to just straight up. And as the
14 blood droplet falls, it creates the elliptical shape and the
15 tail, which determines directionality. It's very important
16 that you understand directionality in different stains as it
17 helps determine what type of pattern it is. To determine
18 the pattern, we use a systematic approach in the areas.
19 Once you determine that it is actually blood, that you
20 determine that you do have an actual pattern, you have to
21 determine whether it's a linear or nonlinear type pattern.
22 Impact type patterns are nonlinear; they're just kind of
23 faded out. A linear pattern, such as a cast off pattern, is
24 a pattern in which blood is thrown from the object to create
25 a linear style pattern and the blood flows. And it could be

1 different shapes because there's different force throughout
2 the throw.

3 Q. Okay. And by cast off, you mean, let's just say I have
4 a stick that has blood on it. I hit somebody and it now has
5 blood on it. When I swing that stick, blood is gonna cast
6 off of that stick?

7 A. That's correct.

8 Q. And if I swing back to swing again, blood, if there's
9 still blood on that stick, it's gonna be, yet again, cast
10 off now in a different direction?

11 MR. HILTON: I'm gonna object and just ask if Mr.
12 Mullis can testify.

13 THE COURT: You know the rule under direct examination.
14 No leading the witness.

15 AST. SOL. SORENSON: Yes, sir.

16 THE COURT: We've been very lenient so far. But it's
17 subjective, so you have to follow the rules.

18 AST. SOL. SORENSON: Yes, sir, Your Honor.

19 Q. I guess just explain just so the jury understands what
20 you're talking about by cast off.

21 A. A cast off pattern can be -- and I've performed several
22 of these type of patterns with myself with real blood. It
23 can be used -- you can create these patterns with weapons,
24 knives, hammers, bats, my own hand; anything that I can
25 swing in motion. And as long as there is blood flowing or

1 if I have blood on the actual item, it will create this
2 pattern and it will do it over and over again as long as I
3 have enough -- to keep doing it.

4 Q. And by talking about the directionality, if you swing
5 forward, swing back, is that going to show ---

6 A. Any cast off pattern directionalized can be seen and
7 you can place the individual that was doing the swinging in
8 a certain position. So I'm saying, using this droplet on
9 the wall, if I'm swinging in a downward motion, I'm going to
10 create this type of blood stain pattern that's gonna show
11 that my swing is coming down creating the pattern. And if I
12 come back up, the pattern would be twisted and you would get
13 the pattern coming back up.

14 Q. Thank you, Sergeant. You can have a seat. Sergeant
15 Mullis, have you had an opportunity in this specific case to
16 respond out and assist in the processing of the vehicles
17 that the jury heard from Detective Scott yesterday were
18 processed?

19 A. I did. I had an opportunity to assist on the search
20 warrant. I believe it was a Hyundai Sonata and a Ford van.

21 Q. And specifically, what I'll ask you about is some
22 questions about the Ford van. Were you present during the
23 entire processing of that van?

24 A. Detective Scott was the lead investigator and I was
25 there to assist him as a second pair of hands in the

1 processing of the vehicle, whatever he may need. And during
2 that process, I had discovered some linear patterns of
3 inside the van.

4 Q. Okay. And ultimately, let me show you -- already in
5 evidence, it's State's Exhibit 68 through 77.

6 AST. SOL. SORENSON: May I approach, Your Honor?

7 THE COURT: 68 through 77?

8 AST. SOL. SORENSON: Yes, sir.

9 THE COURT: You may.

10 Q. Do you recognize those photographs, Sergeant?

11 A. (Witness reviews photographs.) I do; yes, sir.

12 Q. And are those are photographs of the inside of the van?

13 A. That is correct. These are photographs taken of the
14 passenger rear side of the van and the roof area of the van.

15 Q. I'm showing you, this is -- that, I believe is State's
16 Exhibit No. 68. That yellow measuring tape that is on
17 there, who put that on there and what was the purpose of the
18 putting that yellow scale tape on the side of the ceiling of
19 that van?

20 A. In this picture, you'll see the yellow scale tape. And
21 each tape mark is an inch. And it's to provide the scale
22 inside the van. This type of method was coined by Toby
23 Wilson, Miami-Dade Police Department. It's called road
24 mapping. It's in order to take an overall photo of your
25 blood stain pattern to see the overall aspect of it.

1 Q. And you had indicated a few moments ago, Sergeant, that
2 in your kind of looking at the van that you observed, some
3 blood stain patterns in there that you were able to further
4 evaluate.

5 A. I did. In this particular picture, you can see some
6 smaller bloodstains in there. You will see that some of
7 them are circled with the scale tape by them. These, if
8 they were stains that were circled, were ones that first
9 were used O-Tolidine to make sure it was a presumptive test
10 for blood. And they were also stains that we actually took
11 swabs of later to send to another agency to help out.

12 Q. And ultimately, in those pictures that I've handed you,
13 I believe those contained your markers 14 through 22. Is
14 that accurate?

15 A. In the pictures, yes, sir. Not that one.

16 Q. Right, not just that one, but in the pictures I've
17 handed you up there. Is that correct?

18 A. Yes, sir.

19 Q. Okay. Were you present when that O-Tolidine test was
20 done on each of those markers that are circled 14 through
21 22?

22 A. I was.

23 Q. And what were the results of those presumptive tests
24 for blood on each of those 14, 15, 16, 17, 18, 19, 20, 21
25 and 22?

1 MR. HILTON: I'm going to object; same objection as
2 before.

3 THE COURT: Well, he hadn't layed any foundation about
4 him doing the analysis on the presumptive test. All you got
5 is these are blood patterns stain expert analysis.

6 AST. SOL. SORENSON: I mean, I can go through the same,
7 I mean.

8 THE COURT: Has he ever done one? Did he do it or did
9 he just observe it, or what? I'm going to sustain the
10 objection on that.

11 AST. SOL. SORENSON: Okay. Well, let me -- can I
12 follow up a little bit on it, Your Honor?

13 Q. You said you had been doing crime scene and now the
14 sergeant over that unit. Is that correct?

15 A. Yes, sir.

16 Q. You've been there for four years in the crime scene
17 unit at Dorchester County?

18 A. Yes, sir.

19 Q. The O-Tolidine test, is that a test that you frequently
20 uses as a part of your day-to-day duties in the Sheriff's
21 Office?

22 A. That's correct.

23 Q. And is that test a test that is used throughout the
24 forensic science field throughout the country to test for
25 presence of blood?

Direct Examination of Bradley Mullis by Ast. Sol. Sorenson

1 A. That's correct.

2 AST. SOL. SORENSON: Your Honor, I would ask the same

3 ---

4 THE COURT: I will overrule the objection. You may
5 move forward.

6 AST. SOL. SORENSON: Thank you, Your Honor.

7 Q. And specifically, really the main reason I want to ask
8 you about this, so were you present when that test was done
9 on each of those spots?

10 A. Detective Scott and I were both inside the van. We
11 needed more than two hands to do this. One of us was
12 holding the kit, the other was taking swabs; and it was done
13 together.

14 Q. And ultimately, did you note in your report the results
15 of each of those spots, 14 through 22, those results?

16 A. Stains 14 through 22 tested presumptive positive for
17 blood.

18 Q. And that would include the stain at marker number 19?

19 A. Yes, sir; that's correct.

20 Q. Okay. All right. Now, tell the jury -- and I'm gonna,
21 if it's okay, I'm gonna hand you my mouse. And hopefully,
22 you can then kind of scroll through these photographs if you
23 need to.

24 AST. SOL. SORENSON: May I approach?

25 THE COURT: You may.

1 Q. Tell the jury now, so you had an opportunity to
2 evaluate the stains actually out there on the van during the
3 processing of that Ford van. Is that correct?

4 A. That's correct.

5 Q. And had an opportunity to review the photographs after
6 the fact. Is that correct also?

7 A. That's correct.

8 Q. Okay. And tell the jury kind of, as far as looking at
9 it from a bloodstain pattern analysis standpoint, what were
10 you able to tell about the bloodstains basically depicted in
11 State's -- in markers 14 through 22.

12 A. In the picture shown here, this is State's Exhibit 68,
13 like I said, it is marked with scale tape individual
14 droplets. The only reason -- if you see that they're
15 circled, it is to depict in the photograph those are the
16 stains that were actually -- there are stains all around it.
17 Those stains that are circled are the ones that were tested
18 presumptive positive for blood using the O-Tolidine. And
19 they were also the stains that were subsequently swabbed to
20 send to another party for further testing.

21 THE COURT: Hold on a second.

22 AST. SOL. SORENSON: Your Honor, I know my eyes are so
23 bad from here. Can I have permission to put the four TVs up
24 in front of the jury?

25 THE COURT: I would think as much as the County paid

1 for those things -- but, ladies and gentlemen of the jury,
2 this is neat technology. Not many courtrooms has all this,
3 so commend your County Counsel for it. Everybody see? You
4 got your choice of four there, one there. Sort of like
5 fixing to watch NFL football, I guess.

6 AST. SOL. SORENSON: (continuing)

7 Q. And Sergeant, if you need to at any point in time,
8 you've got the mouse. So you can zoom in on that also if you
9 need to.

10 A. As I was explaining with the yellow scale tape, in each
11 tick mark as you see between here and 11 and 5, that is 1
12 inch. So if you were to count the tick marks, I believe
13 this was over 3 feet apart. And this type of technique is
14 called road mapping and that was coined by Toby Wilson who
15 is a well-known expert in the field. And he teaches this
16 method to different students around the world. And the
17 purpose of this is you see in an overall photograph and you
18 can see individual stains. And then we later would go
19 through and take additional photographs of the individual
20 stains. (Brief pause.)

21 This would be State's Exhibit 69. And this a picture
22 that would be just a little bit higher than the previous
23 picture. And this is showing still the passenger side of
24 the van and this is the roof of the van. And if you follow
25 the mouse, that is the backside of the van where the double

1 door in the backside of the van would be. In this picture
2 you also see the scale tape. And as you get to the roof of
3 the van you start seeing a more linear style type pattern.
4 It's important that this is how I came to my analysis.
5 First, when you discover the type of pattern -- and we
6 already did a presumptive test and discovered that it was
7 presumptive positive for blood. I had to further look at
8 the pattern to determine whether it fell into ones that I
9 decided was a linear pattern. It can be one of three
10 patterns. It could be a spurt pattern which would be
11 created by an individual that was cut and a main artery was
12 hit and it was forcefully pumped out of the body by the
13 heart. Or it could be a drip pattern which is just a, as we
14 showed you, the small circular drops. And most of the times
15 those are going to be on the floor. Or it could be a cast
16 off pattern.

17 I could immediately eliminate the drip pattern because
18 there was not sign of the van had been on its side or upside
19 down. I could also eliminate the spurt pattern because
20 there's just not enough volume of blood. My final
21 determination is it was a cast off pattern. And there's
22 multiple cast off patterns. I'm unable to determine how may
23 times the swing occurred that projected the blood onto the
24 roof inside of the van. But I am able to determine there is
25 multiple patterns by the different linear lines. And if you

1 look at the shape as I explained before, this stain is
2 coming down in a linear line. And if you see these, these
3 are going up. This is a repeated motion. This is after the
4 donor had put blood on the item and the item was swung. The
5 item also came back up and still had blood on it. And then
6 it was created again.

7 I think there are some additional photographs. This
8 would be State's Exhibit 70. These are the still part of
9 the linear pattern where it's coming from the back of the
10 van from the roof and going towards that passenger side in
11 front. The next picture showing is the State's Exhibit 71.
12 This shows that the passenger rear wheel well. I want to
13 pay particular attention to some of these blood droplets.
14 Some of them don't really show a directionality. And it can
15 be consistent with some type of impact pattern. But since
16 we already have a cast off pattern, there's another pattern
17 called cessation cast off. That's when cast off pattern is
18 in motion and when it comes to a rapid acceleration or hits
19 something, the blood that is on the item is forced off the
20 item, and you would get smaller droplets on the wheel well
21 that you see here. Sometimes they could be confused with
22 different types of patterns. But we have a cast off pattern
23 here.

24 Again, some of these additional pictures are consistent
25 with road mapping. It's just showing you -- the first

1 picture was the overall picture of the whole pattern. And
2 some of these are just showing the individual stains. So
3 you can zoom in and see the directionality. In this
4 picture, this was above the wheel well. These linear lines
5 and the patterns are actually from a cast off pattern and
6 it's from a motion coming down. Again, this is part of the
7 cast on and then showing directionality coming down.

8 THE COURT: What exhibit number is that?

9 A. This picture is Exhibit No. 73. State's Exhibit No. 74
10 is a picture showing further support of the cast off pattern
11 and directionality. State's Exhibit 75 is also a photograph
12 that's also supporting the cast off pattern. And in this
13 cast off pattern, it specifically shows different
14 directionality. Here it's circled, number 19, is part of
15 the cast off pattern that is coming down. And if you see
16 just the right of it, you have linear patterns of cast off
17 pattern going back up for a repeated action. State's
18 Exhibit 73, you have multiple linear lines of cast off
19 pattern which supports a repeated action and multiple
20 swings. And the last picture is State's Exhibit 77, this is
21 the roof of the van. As I explained to you before how blood
22 reacts at a more 90-degree angle, we can see, and I'll zoom
23 in, you get the more circular type patterns. This is
24 because the item is at a 90-degree tilt up. This is when it
25 comes to the top -- and they're also larger because it's

1 slowing down, coming in for another swing. And that's why
2 you got that. And as they come back down, they create that
3 elliptical style pattern with the tail. That's the last
4 picture.

5 Q. So on that one, on State's Exhibit 77, are you able to
6 tell anything about the position where the individual that
7 would have been doing this swinging causing the cast off
8 would have been located in relation to that stain on the
9 ceiling of the van?

10 A. This particular cast off pattern could have created two
11 different ways. One, the donor itself was standing or in a
12 position facing the passenger side of the van and was
13 bleeding and swinging themselves; or the donor was further
14 on the passenger side of the van, laying more down closer to
15 the bottom and something was over top of them swinging at
16 them. And the donor's blood was transferred to the object
17 by swinging.

18 Q. You testified that based on your review of these
19 photographs and the scene inside the van, you're unable to
20 tell how many times a person may have swung a weapon or
21 their fist or whatever it was. Is that correct?

22 A. I could tell that it is definitely multiple swings.
23 However, in the cast off pattern, I have personally never
24 reconstructed that part of it. So I feel uncomfortable with
25 going further with that.

1 AST. SOL. SORENSON: Beg the Court's indulgence.

2 Q. You used a term several times, the donor. Explain to
3 the jury what you mean by the term the donor.

4 A. The donor is the person that provided the blood that
5 created the pattern.

6 Q. So if somebody was being assaulted, it would be the
7 victim of the assault?

8 A. That's correct.

9 Q. It would be the donor of the blood that -- the pattern.

10 A. The individual that was beaten.

11 AST. SOL. SORENSON: Thank you, Sergeant. Please
12 answer any questions Mr. Hilton might have.

13 THE COURT: Mr. Hilton, any questions?

14 CROSS EXAMINATION

15 BY MR. HILTON:

16 Q. Sergeant Mullis, just a few questions for you. You
17 said many things can create a blood spattered pattern,
18 correct?

19 A. That's correct.

20 Q. And it doesn't have to be a so called murder weapon,
21 correct?

22 A. It does not. It could be anything.

23 Q. A hand throwing an object with blood on it or slinging
24 an object with blood on it. All of those could cause blood
25 stain -- blood spatter patterns, correct?

1 A. I'm not sure if I understand your question. In this
2 particular pattern, the only way it could be created is
3 swinging; a swinging motion.

4 Q. I understand and that wasn't the point. It can come
5 off of any item. It doesn't have to be a murder weapon,
6 right?

7 A. That is correct.

8 Q. All right. And, in fact, I think you testified it
9 could come from a hand. If somebody had blood on their hand
10 and slung their hand, it could come off their hand?

11 A. That is correct.

12 Q. And you testified at the end that the donor, and Mr.
13 Sorenson went through that term with you, would've been in
14 one or two positions. But that's not necessarily true, and
15 let me explain. It could be that the blood came from some
16 other location or some other source that was brought to that
17 location, correct?

18 A. No.

19 Q. Why? Why is that?

20 A. In this case, it had to be swung. It had to transfer
21 to the item and it had to swing. In order to be a repeated
22 action, the blood had to continue to transfer to the item.
23 So it had to -- the swing had to occur, blood had to
24 transfer to the item. The pattern was created. The pattern
25 was created again. Blood had to transfer again or continue

1 flowing to keep the pattern to do multiple . . .

2 Q. And if that blood was in some other vessel as opposed
3 to a body, would that work as well, such as a bucket with a
4 paintbrush?

5 A. If you were purposely trying to create the pattern, you
6 could. You could create this pattern.

7 Q. All right. Your testimony was that the donor, the
8 victim, would have to be there under that pattern. But
9 that's not necessarily true, is it? There are other ways.

10 A. For this particular pattern to have formed, which I
11 testified to, unless I was purposely trying to experiment,
12 then I could bring some other type of blood to create the
13 pattern, like in my practical examinations in class.

14 Q. And this is based on a 40-hour class you took?

15 A. That's correct.

16 Q. All right. And a book you read?

17 A. That's correct.

18 MR. HILTON: No further questions.

19 THE COURT: Redirect?

20 AST. SOL. SORENSON: No, Your Honor.

21 THE COURT: All right. You may step down.

22 THE WITNESS: Thank you.

23 THE COURT: Everybody okay? Next witness.

24 AST. SOL. SORENSON: State calls Paul Meeh.

25 THE COURT: Who's next?

Direct Examination of Paul Meeh by Ast. Sol. Sorenson

1 AST. SOL. SORENSON: Paul Meeh, M-e-e-h.

2 PAUL FRANKLIN MEEH, after being duly sworn, testified
3 as follows:

4 DIRECT EXAMINATION

5 BY AST. SOL. SORENSON:

6 Q. Good morning, Agent Meeh. How are you?

7 A. Good morning. I'm well. Thank you.

8 Q. If you would, tell the jury where it is that you're
9 employed.

10 A. I work at SLED in Columbia.

11 Q. Okay. And what you do at SLED?

12 A. I'm a forensic scientist in the DNA department there.

13 Q. Okay. If you would, tell us a little bit about your, I
14 guess first, your educational background.

15 A. I got my bachelor's in biology in 2001 from the
16 University of South Carolina. I got my master's in 2003
17 from the University of South Carolina. That was in
18 biomedical science.

19 Q. Okay. After finishing up your master's, did you go to
20 work for SLED at that point in time?

21 A. I did. I was hired. I did three years of PhD work. I
22 was hired away from the PhD work. I never completed that
23 because SLED offered me a job. And I did one and a half
24 years of training inside of SLED in serology and DNA
25 analysis.

1 Q. Okay. And when did that training occur? That one and
2 a half years of training.

3 A. My hire was 2008. And so the year and a half would
4 have taken place after that.

5 Q. So since 2009 or so you've been on your own right as a
6 DNA analysis out at Sate Law Enforcement Division?

7 A. Correct; yes.

8 Q. And tell the jury what do you typically do in the DNA
9 department?

10 A. Well, I have two jobs. I do serology, which is the
11 identification of body fluids. And I do DNA analysis, which
12 is to decide to whom those body fluids belong.

13 Q. Okay. And is that something you've been on your own
14 doing that analysis now for the last six or seven years?

15 A. Correct.

16 Q. And have you had an opportunity over the last six or
17 seven years to come testify in court about your findings
18 either with regards to serology and/or DNA analysis?

19 A. Yes, sir. I've done it many times.

20 Q. Okay. Approximately, how many times have you been
21 qualified as an expert in the field of DNA analysis?

22 A. In DNA analysis, I would say approximately 25 times,
23 maybe 30.

24 AST. SOL. SORENSON: Your Honor, at this time, we'd
25 offer Agent Meeh as an expert in the field of DNA analysis.

1 MR. HILTON: No voir dire; no objections.

2 THE COURT: I'll qualify him as an expert in DNA and
3 he'll be allowed to give opinions today. You may continue.

4 AST. SOL. SORENSON: Thank you.

5 Q. Now, if you would, Agent Meeh, just tell the jury just
6 kind of a little bit about kind of what DNA is and kind of
7 what your capabilities are.

8 A. That's no problem. DNA is in every cell of your body
9 except for your red blood cells. And it's a mixture of your
10 father and your mother. You get one copy from your father
11 and one copy from your mother. The thing about it is that
12 no one besides identical twins has identical DNA. So I can
13 make a very good -- I can tell very well, very strongly, if
14 that DNA belongs to you if I get some of your body fluids.
15 If I get some of your blood, I can match it to you and no
16 one else based on that.

17 Q. So do you have the capability if, let's say, law
18 enforcement agency recovers blood or semen or saliva at a
19 crime scene to attempt to compare that item to either a
20 suspect or a victim in the case if you had a known DNA
21 profile from that suspect and/or that victim?

22 A. Correct.

23 Q. Okay. And tell the jury just kind of briefly -- don't
24 want to get into a super long scientific explanation -- but
25 just briefly how that is done.

1 A. It's no problem. So we usually handle the unknowns
2 first. Because the known standards can contaminate the
3 unknowns very easily. A known stand would be a swab from
4 your cheek or some blood from you from the hospital or
5 something. And we get a lot of DNA from that, and it's very
6 easy to get DNA from that. The unknowns are something like
7 touch or blood from a crime scene or semen from a rape
8 scene. So we handle those unknowns first. And we isolate
9 any DNA that we can from those and amplify it and measure
10 that first. Then we measure the knowns to compare against
11 that. And the second part of my job is to statistically
12 attempt to see how much weight I can put on that match
13 because it's not always perfect. This is biology, not
14 chemistry. And so sometimes the biology doesn't work
15 perfectly and we won't get a perfect match between two
16 samples. But we can still say I can give it this much
17 weight if that make sense.

18 Q. And tell the jury now, you had touched on briefly a few
19 moments ago that you get your DNA -- you get part of it from
20 your mother, part of it from your father. Is that correct?

21 A. Correct.

22 Q. Have you had situations before where evidence is found
23 at a crime scene but, let's say, in this case, where
24 initially the victim wasn't found. So we didn't have a
25 known standard for the victim.

1 A. Yes.

2 Q. Is there a means to take a DNA standard from a person's
3 mother and a person's father and compare that the then to
4 your blood, let's say, from a crime scene and make any kind
5 of analysis to that?

6 A. Yes, you can. And that's exactly what happened in this
7 case. As I guess the jury will get my report later on.

8 Q. Yes, sir.

9 A. You'll see that here are two reports. Initially, we
10 did not have remains for the victim in this case, so I had
11 nothing to compare. So what we do under those
12 circumstances, it's called an alternate known standard. And
13 it's just something that you've handled in your everyday
14 life. In this case, it was some underwear from her room or
15 toothbrushes; there were two toothbrushes. The key to that
16 is that the alternate known standard has to work and it
17 can't be a mixture. I can't have two people on that. And
18 in order to compare it, it's got to be just one DNA profile.
19 And not only that, but the transient property, it has to
20 belong or I have to be able to get a good statistical weight
21 that has to be from those parents as well. And then I can
22 begin comparing evidentiary samples down the line from that.
23 In this case, that's what happened. The parents samples
24 matched her underwear that was an alternate known standard
25 for the victim to a very high degree. We had a very good

1 statistical correlation for that. And then I was able to
2 compare those underwear onto other evidentiary samples that
3 are in the case.

4 Q. Okay. All right. So let's specifically now turn, I
5 guess, to this case. So you just kind of briefly touched on
6 this. You received several items there were potentially
7 attributed as being the victims in this case; underwear,
8 toothbrushes, personal items that, I guess, you're hoping to
9 get a single unique DNA profile from. Is that correct?

10 A. Yes, sir.

11 Q. All right. And specifically, I believe it was -- item
12 ten was a pair of underwear. Is that correct?

13 A. Yes, sir.

14 Q. All right. And how do you then go about trying to get
15 a DNA profile from item ten? Is something done with that
16 time initially?

17 A. It is. It's processed down. We have an evidence
18 processing section that's located in our basement that feeds
19 samples up to us; some scientists stuck in a lab. I don't
20 usually handle -- I mean, I can handle things like the
21 underwear and all those. But just for throughput, just like
22 a factory, we have a larger section that handles that. So
23 item ten would be the underwear. Item 10.1 would be a
24 cutting that came to me to process. What I do from that is
25 isolate DNA obviously, amplify it, look at it on our

1 machines and get a profile from it. And then I compared it
2 to the parents profiles.

3 Q. Just so we're clear, in that cutting that was made from
4 item ten, that was done by Courtney Thompson in the evidence
5 processing unit? Is that correct?

6 A. Correct; yes, sir.

7 Q. So that item 10.1 then, that cutting from a pair of
8 underwear, were you able to get a single DNA profile from
9 that underwear?

10 A. Yes, sir.

11 Q. Okay. And then did you also receive in this case
12 buccal swaps or cheek swabs from the victim's mother, Ms.
13 Rana Chance, and her father, Mr. Jimmy Chance?

14 A. Yes, sir; I did.

15 Q. And were you able to develop DNA profiles from those
16 buccal or cheek swabs?

17 A. I did. I got complete profiles from all three of those
18 samples.

19 Q. Okay. And as a result of that, what were your results
20 comparing then that profile from that pair of underwear to
21 mom and dad of Ashley Pegram?

22 A. Well, it matched, in plain terms. But I can give you
23 the exact results from my report.

24 Q. If you could, yes, sir.

25 A. The DNA profile developed from item 10.1 is consistent

1 with belonging from an offspring of Rana Chance and Jimmy
2 chance. Given the genetic evidence is approximately
3 150 billion times more likely that Rana Chance and Jimmy
4 Chance are the biological parents of the DNA contributor to
5 item 10.1 as opposed to a random man and a woman from the
6 population unrelated to Rana Chance and Jimmy chance.

7 Q. Based on that statistical number, are you able to give
8 an opinion as to whether that DNA profile belonged basically
9 to their offspring?

10 A. Yes. In my opinion, that's absolute identity. I mean,
11 that's a really large number.

12 Q. So now your initial kind of analysis, did you then take
13 that cutting, that 10.1, from the underwear and kind of
14 basically use that now as a DNA profile for the victim in
15 this case, Ashley Pegram?

16 A. I did. So then we sort of moved on and used the
17 assumption that the item 10.1 was giving us a good DNA
18 profile from Ashley Pegram. To put that in perspective to
19 -- we changed wording on these reports a little bit. We now
20 have an option of saying that the following results are
21 based on the assumption that the DNA profile from item 10.1
22 is from Ashley Pegram. That could've happened in this case.
23 This case just happened earlier then we made that change. I
24 don't know if that puts that into clearer perspective.

25 Q. All right. And ultimately, then, did you have some

Direct Examination of Paul Meeh by Ast. Sol. Sorenson

1 items then that were initially submitted back in April of
2 2015 that were recovered from a couple of vehicles in this
3 case? The swabs.

4 A. Yes, sir.

5 Q. And specifically, I believe it was five swabs that were
6 submitted for your analysis and ultimately comparison to
7 that cutting 10.1?

8 A. Correct.

9 Q. I'm showing you State's Exhibits -- it looks like 94
10 through 98.

11 AST. SOL. SORENSON: My I approach the witness, Your
12 Honor?

13 THE COURT: Yes.

14 Q. These are already in evidence. But I'm going to ask
15 you do you recognize those items?

16 A. You can see my initials on the back. So this would be
17 item number three and stuff like PFM on the back. Yes, I
18 worked these.

19 Q. Okay. Were you able to then attempt to develop a DNA
20 profile from those five swabs there were submitted to you?

21 A. I was able to attempt. So the first thing I did was to
22 attempt to see if there was blood there, human blood. I
23 tested it. And the cards came back for human blood. What's
24 interesting about our test is that it's human specific.
25 It's not just a light or it's not just a peroxide-based test

1 that you may have heard of, phenolphthalein. This test is a
2 card that is specific to humans. It won't react against --
3 chloric or anything like that. And it did; it was positive
4 for human blood. The only thing that can cross react with
5 it would be ferret blood, which ferret blood is somewhat
6 rare. So then I attempted to isolate DNA from that blood
7 and did. I got good amounts of DNA from four of the five
8 samples. Item three did not generate a DNA profile.

9 Q. Okay. Let me just back you up one second. So your
10 items 3, 4, 5 and 6, which is State's 94 through 98, those
11 five items all tested initially positive for human blood, or
12 ferret blood, I guess, so to speak, right?

13 A. Well, the cross reactivity -- it's actually specific
14 for human blood. It just sometimes they have trouble cross
15 reacting with ferret blood. So, yes, in this case, I would
16 say that it tested positive for human blood.

17 Q. And you attempted then to develop a DNA profile from
18 each of those items?

19 A. Yes, sir.

20 Q. Okay. So your item three, what were the results of
21 your attempting to develop a DNA profile from your item
22 three?

23 THE COURT: And item three would be Exhibit what?

24 AST. SOL. SORENSON: That would be Exhibit 94.

25 THE COURT: Ninety-four?

1 AST. SOL. SORENSON: Yes, sir.

2 A. My results for item three -- my result for item three
3 was a partial DNA profile. It was insufficient for
4 interpretation. That just means that sometimes, I mean,
5 based on what the stuff lands on, so it probably was human
6 blood; a very good chance of that. But that landed on
7 something that degraded the DNA; in heat/cold, something
8 like that.

9 Q. And that would be the swabs that were from the trunk
10 area at placard 5. Is that correct?

11 A. My description is placard 5, correct.

12 Q. All right. So you know you're not able to basically
13 identify anything that you can compare to the victim's
14 standard. Is that correct?

15 A. That's correct.

16 Q. Okay. And then moving onto your item four, which would
17 be State's Exhibit No. 95, and where is that item indicated
18 that it was collected from?

19 A. From placard 7 is the description that was given to me.

20 Q. The trunk area -- on the envelope. Is that correct?

21 A. Yes, sir.

22 Q. Okay. And how about from State's Exhibit No. 95, your
23 item four, were you able to develop a DNA profile from that
24 item?

25 A. I was. And I have a full result if you would like to

1 read or I can give you my opinion whether it matched.

2 Q. What opinion did you ultimately come to as to that swab
3 from marker seven in the trunk?

4 A. The DNA profile developed from item four, which is from
5 marker 7, matched the DNA profile of Ashley Pegram.

6 Q. Were you able to development kind of a statistic as to
7 that?

8 A. Yes, sir. It's one in 10 trillion.

9 Q. And based on the population of the world, are you able
10 to give an opinion as to whether that's her blood that was
11 found in the trunk of that vehicle at that marker?

12 A. It's my opinion that there is no doubt that that is her
13 blood. The population of the world is only 7 billion, which
14 is a much smaller number than 10 trillion.

15 Q. Now moving onto your item number five, which would be
16 State's Exhibit ---

17 THE COURT: Mr. Sorenson, just for clarification.

18 AST. SOL. SORENSON: Yes, sir.

19 THE COURT: That placard 7, which is Exhibit 95, is
20 number four that was located in the trunk of?

21 AST. SOL. SORENSON: Trunk of the Sonata.

22 THE COURT: Thank you.

23 Q. And then moving on to your item five, Agent Meeh, which
24 is State's Exhibit No. 97, which is a swab from marker 9 on
25 the floor of the van. Is that correct? That's what it was

1 listed as?

2 A. Yes, sir.

3 Q. Were you able to develop a DNA profile from that item?

4 A. Yes. Items five and six gave pretty much the same DNA
5 profile, which I think the full DNA profile in this case or
6 absolutely full in perfect DNA profile. And the DNA profile
7 developed from item five also matched the victim, Ashley
8 Pegram. And the statistic for that was one in 510
9 quadrillion.

10 Q. So that's a significantly larger number than the other
11 number you just gave, the ten trillion, correct?

12 A. It's an incomprehensibly large number. It's huge.

13 Q. So once again, your opinion that that's her blood then
14 that is found on the floor of that van in marker 9?

15 A. Yes, sir.

16 Q. And you indicated that your item number six you had,
17 basically, the same results from that. Is that correct?

18 A. Yes, sir.

19 Q. And that would be State's Exhibit No. 98, which would
20 be from swab 21 at the ceiling of the van?

21 A. Yes, sir.

22 Q. So your results, yet again, on that one?

23 A. The results, in my opinion, that the blood matched the
24 victim, Ashley Pegram with a statistic of one in 510
25 quadrillion.

1 THE COURT: 510 -- the same thing?

2 THE WITNESS: Yes, sir.

3 Q. And I think you had indicated, you basically got a full
4 DNA profile from those last two swabs you discussed?

5 A. Yes, sir. Those gave the best results out of any of
6 them.

7 Q. And then lastly, as far as evidence that was submitted
8 from the two vehicles, your item seven, which is State's 96,
9 which is also another swab from the area of marker 9 in the
10 van. Is that correct?

11 A. Correct.

12 Q. And what were the results? Were you able to develop a
13 DNA profile from that item?

14 A. Yes. The DNA profile from marker 7 also matched the
15 victim, Ashley Pegram. And the statistic was one in
16 47 quadrillion.

17 Q. Yet again, you have an opinion as to whether that would
18 be the victim's blood?

19 A. In my opinion, that is the victim's blood.

20 Q. Explain why that -- I mean, 47 quadrillion is still a
21 huge number.

22 A. A massive number.

23 Q. Why is that number different than the two prior
24 numbers? The 510 quadrillion.

25 A. So the 510 quadrillion, that's an example where the

1 biology of this system, the system that I'm using, called
2 Identifiler Plus, works all the way across. So we test many
3 areas of the genome. I'd say sixteen areas of the genome.
4 And if they all match, we get a larger number. But it's
5 biology; it doesn't always work. So it's not always perfect
6 when sometimes you're isolating the blood or isolating the
7 DNA from the blood or trying to compare it. Sometimes you
8 just get failures at those positions and it's not exactly a
9 failure to where it doesn't match. It's still matches. But
10 you're not confident in the result and so you don't use that
11 position to compare. For example, the next one, let's say
12 item seven, we just didn't compare quite as many locations,
13 so we only get 47 quadrillion as opposed to the 540 -- 510
14 quadrillion. And then the last one, your item four, is only
15 10 trillion. That's still a massive number. But it's just
16 not nearly as good as 47 quadrillion, which isn't nearly as
17 good as 510 quadrillion. That's why we test so many spots,
18 so we can fall back and say we're really confident still
19 that this is a match, which nobody else on earth that this
20 could be.

21 Q. All right. And then ultimately, Agent Meeh, did you
22 have an opportunity to have some other items, kind of after
23 Ms. Pegram's body was found, sent out to you to kind of use
24 now as a known -- or attempt to use as a known DNA standard
25 as opposed to the underwear where you were kind of basing

1 that on her parents?

2 A. Yes, sir; I was.

3 Q. Okay. And I think that was your item 13?

4 A. Yes, sir.

5 Q. Okay. What were those items? What was it that you ---

6 A. It was molars; teeth from the remains of Ashley Pegram.

7 Q. Okay. And explain to the jury, I assume you were able
8 to get DNA from teeth?

9 A. Yes, I am. The DNA I did get from these teeth was a
10 little bit degraded. But I guess that heat cycling and
11 non-temperature control will do that. But I was able to
12 compare it to all the items in the case.

13 Q. Okay. And able to develop at least some sort of DNA
14 profile from those molars?

15 A. I did. I got a full DNA profile, but it's in a
16 different technology. The technology is called MiniFiler.
17 It measures fewer locations, but the primers are closer
18 together, I didn't explain it, primers before. But what it
19 does is it allows us to work with degraded DNA in a better
20 way. And we don't measure as many spots, but it's more
21 sensitive and it just works better on degraded samples.

22 Q. Okay. And were you able to then -- let me, I guess,
23 initially ask you, the DNA profile that you developed from
24 those molars, were you able to compare it to the DNA profile
25 that you developed from the cutting from the underwear,

1 10.1?

2 A. I was. I didn't in this case. And I didn't do a
3 statistical analysis of that because I was doing the molars.
4 Once her body is identified, I was doing molars to evidence.
5 But without a statistical analysis, I can say that it
6 positively matches it; it definitely matches the 10.1.

7 Q. Okay. But now as far as from a statistical standpoint,
8 have an opportunity to then also compare the DNA from the
9 molars to those five items up there?

10 A. Yes, sir; I was. So I initially -- the best comparison
11 I got was items 5, 6 and 7. I was able to compare at each
12 of those locations from the MiniFiler profile to the
13 profiles developed from 5, 6, and 7. And they did match the
14 DNA profile of Ashley Pegram. And the statistic was one and
15 28 billion.

16 THE COURT: 28 billion?

17 THE WITNESS: Yes, sir.

18 Q. And 5, 6, and 7 would be the three swabs from the van?

19 A. Yes, sir.

20 Q. Is that correct?

21 A. Yes, sir.

22 Q. Once again, 28 billion maybe not quite as bit because,
23 as you indicated, not as many sites you were looking at it.
24 Is that correct? But still four times the population of the
25 earth.

1 A. Yeah. You would have you go through four earths of
2 everyone and that's including males. And this DNA profile
3 isn't males. So you could theoretically eliminate those.
4 So you'd have to go through eight earths of females if you
5 look at it that way. And you might get this DNA profile
6 again if you do.

7 Q. Now, how about -- and you indicated already that your
8 item three from placard 5 in the trunk, you were not able to
9 get a DNA profile from. How about from placard 7, so your
10 item four?

11 A. Item four, I wasn't able to compare all the way across.
12 But it also matched the DNA profile of the victim, Ashley
13 Pegram. And the statistic on that was one and 330,000.

14 AST. SOL. SORENSON: Beg the Court's indulgence. I
15 think that may be all I have. Thank you, Agent. Please
16 answer any questions Mr. Hilton has.

17 THE WITNESS: Yes, sir.

18 THE COURT: Cross?

19 CROSS EXAMINATION

20 BY MR. HILTON:

21 Q. How are you doing, Agent Meeh?

22 A. I'm all right. How are you?

23 Q. You said during your testimony it's pretty easy to
24 cross-contaminate DNA?

25 A. Yes, sir.

1 Q. And y'all take precautions within the lab to prevent
2 cross-contamination?

3 A. Yes, sir.

4 Q. And you don't have any control whatsoever over how that
5 evidence is processed originally, do you?

6 A. No, sir.

7 Q. They give it to you in an envelope. I think you got
8 the envelopes up there. And whatever is in there, you
9 depend on law enforcement to put in those envelopes,
10 correct?

11 A. Yes, sir.

12 Q. And they label them however they label them and they
13 submit them to you. And their labeling really is of no
14 moment to you, correct?

15 A. Yes, sir.

16 Q. Yes, sir, it is? Or it isn't?

17 A. Oh, I'm sorry. No, it's of no concern to me. I just
18 identify what's on the swab and to whom it belongs.

19 Q. All right. And in this case, they actually sent two
20 swabs labeled -- let me read exactly how it's labeled. It
21 was actually your item number seven and item number five.
22 Both of those are labeled as swab from stain number 9 from
23 floor of van, correct?

24 A. Yes, sir.

25 Q. All right. Any reason for that? Why they sent two

1 swabs of essentially the same thing?

2 A. I can't -- not that I would know of. I mean, I can
3 imagine if it were multi-load, that perhaps they thought
4 that some of the victim's blood and some of the subjects
5 blood, if there some sort of fight, could have mixed there.
6 I mean, I can imagine reasons. But in this particular
7 example, I don't know why.

8 Q. And that's of no moment to your analysis, correct?

9 A. Correct.

10 Q. All right. And Agent Meeh, from a DNA analysis, you
11 can't tell us what happened either, can you?

12 A. No, sir.

13 Q. No idea as to how the death occurred or who did it or
14 anything, correct?

15 A. No, sir.

16 MR. HILTON: Thank you. No further questions.

17 THE COURT: All right. You may step down. We're going
18 to take a short morning break. In about 15 minutes, we'll
19 come back. Everybody else remain seated. Don't discuss the
20 case. Don't deliberate. Leave your notes in your chair.

21 (The jury exits the courtroom at 11:09 a.m.)

22 THE COURT: Mr. Sorenson, anything from the State
23 before we break?

24 AST. SOL. SORENSON: No, sir.

25 THE COURT: By the defendant?

Cross Examination of Paul Meeh by Mr. Hilton

1 MR. HILTON: No.

2 THE COURT: All right. Let me see y'all briefly up
3 here for second. And we'll take about a 15 minute break.

4 (A brief recess was taken at 11:09 a.m. The proceedings
5 resumed at 11:38 a.m.)

6 THE COURT: Anything for the record by the State before
7 we start back?

8 AST. SOL. SORENSON: No, sir.

9 THE COURT: Mr. Hilton, walk up here, please, and
10 Mr. Sorenson.

11 (Whereupon, a bench conference is held off the record.)

12 THE COURT: Ms. Lindsay Diaz, you still in the
13 courtroom?

14 MS. DIAZ: Yes, sir.

15 THE COURT: All right. Ma'am, you are under order by
16 the Court not to leave the courtroom.

17 MS. DIAZ: Okay.

18 THE COURT: Thank you. Ma'am?

19 MS. DIAZ: Even if I have to use the restroom?

20 THE COURT: We'll have someone go with you.

21 MS. DIAZ: Okay. That's fair. Thank you.

22 THE COURT: Thank you. All right. Bring the jury in,
23 please.

24 (The jury enters the courtroom at 11:41 a.m.)

25 THE COURT: Mr. Sorenson, you may call your next

1 witness.

2 AST. SOL. SORENSON: Thank you, Your Honor. May it
3 please the Court? State calls Dr. Nicholas Batalis.

4 NICHOLAS BATALIS, after being duly sworn, testified as
5 follows:

6 DIRECT EXAMINATION

7 BY AST. SOL. SORENSON:

8 Q. Good morning, Dr. Batalis.

9 A. Good morning.

10 Q. If you would please, tell the jury where it is that
11 you're employed.

12 A. I'm employed at the Medical University of South
13 Carolina down in Charleston.

14 Q. And Dr. Batalis, what do you do -- and that's more
15 commonly known as MUSC?

16 A. Yes, it is.

17 Q. What do you do at MUSC?

18 A. I'm employed there as an associate professor in the
19 pathology department with my main role being a forensic
20 pathologist.

21 Q. And if you would, just briefly, tell the jury a little
22 about your educational background first.

23 A. Sure. I graduated -- I received my undergraduate from
24 Butler University in Indianapolis, Indiana. Then went on to
25 complete medical school at Indiana University School of

1 Medicine. After graduating medical school, I then moved
2 down to Charleston to MUSC to complete a four-year residency
3 training in general pathology. Pathology is a field
4 medicine that deals with the diagnosis of disease.
5 Pathologists, a general pathologist, would be the one that
6 the surgeon would take a biopsy, would take a tumor out, the
7 pathologist would be the one to let the surgeon know whether
8 it was cancer or not cancer.

9 A pathologist also oversees the clinical laboratory.
10 So if you have any blood drawn, the pathologist would be the
11 one overseeing that lab and helping your physician interpret
12 those values. After completing that four-year residency
13 training in general pathology, I passed an examination to
14 become board-certified in anatomic and clinical, or general
15 pathology. Following that, I went to Dallas, Texas, to the
16 Dallas County Medical Examiner's Office to complete a
17 one-year fellowship or specialty training in forensic
18 pathology. Forensic pathology is a subset of pathology that
19 really deals with the legal aspects of medicine,
20 predominately performing autopsies to determine the cause
21 and manner of death. Again, after completing that one-year
22 subspecialty training, I passed another examination to
23 become board certified in forensic pathology and then came
24 to take my current employment at MUSC.

25 Q. So that one-year fellowship in forensic pathology that

1 you conducted down in Dallas, when was that?

2 A. That was 2007 to 2008.

3 Q. And you become board-certified then in forensic
4 pathology after that?

5 A. Correct.

6 Q. And you've been employed at MUSC as a forensic
7 pathologist since that time?

8 A. Yes; for just over eight years.

9 Q. Okay. And during the course of those eight years, what
10 is your primary duty now at MUSC?

11 A. Primary duty as being a forensic pathologist, really
12 kind of split, but one of the primary duties is performing
13 autopsies. When I'm not doing that, I'm heavily involved in
14 education of our trainees and medical students.

15 Q. And how many -- over the last eight years or so, how
16 may autopsies do you think you've performed while employed
17 at MUSC?

18 A. Somewhere between 1500 and 2,000 autopsies during that
19 time frame.

20 Q. You've had an opportunity to come testify in court
21 before, Dr. Batalis?

22 A. Yes. I've been qualified as an expert in the South
23 Carolina probably somewhere around 50 times; once in Texas
24 and a couple of times in North Carolina.

25 AST. SOL. SORENSON: Your Honor, at this time, we'd

Direct Examination of Dr. Batalis by Ast. Sol. Sorenson

1 offer Dr. Batalis as an expert in the field forensic
2 pathology.

3 THE COURT: Any cross-examination as to his
4 qualifications?

5 MR. HILTON: No voir dire; no objection.

6 THE COURT: I'll find he's qualified to render opinions
7 in the field of forensic pathology.

8 Q. And Dr. Batalis, if you would, I guess I want to first
9 start off by getting you to just kind of briefly explain to
10 the jury what an autopsy typically consists of and what is
11 the purpose of an autopsy being performed.

12 A. Sure. So we approach all autopsies essentially the
13 same way. When we first receive notice from a coroner, so
14 we serve several different counties throughout the state.
15 So we receive notice that a request for an autopsy to be
16 performed. We take down some brief history. We then
17 receive the body in our facility. We bring it in to our
18 examination room. The first thing we'll do is take what we
19 call our as is photographs; before we've done any
20 manipulations of the body, we'll take full-body photographs
21 to show how the body was when we received it. We'll then go
22 through and make any notations if there's any medical
23 devices, if there's any clothing; kind of the general state
24 the state of the body. Then we'll proceed to clean the body
25 and then take another set of photographs once the body is

1 nude and cleaned up. At that point, we then will proceed
2 with that we call our external examination.

3 The external examination is basically a detailed
4 examination from head to toe. Some of the basic stuff we're
5 looking at is identifying stuff. So eye color, hair color,
6 tattoos, how tall the person is, how much they weigh, stuff
7 like that. We also look for any evidence of injury, any
8 evidence of natural disease; anything that could clue you
9 in -- or clue you in to why the person may have died. After
10 that point, we complete our external exam, we then move onto
11 the internal exam. At this point, we make surgical type
12 incisions to expose internal body cavities. And the we'll
13 examine the organs one by one, sectioning them and examining
14 them to look for any evidence of trauma or any evidence of
15 natural disease.

16 At the completion of the autopsy -- through the course
17 of the autopsy, we will take samples to send for toxicology
18 testing. At the completion of the autopsy, we then send
19 those to a national laboratory and they kind of put
20 everything together and come up with a report.

21 Q. Okay. And specifically, if I could turn your attention
22 to the matter that we're here for today. Did you, I guess,
23 around May the 10th of last year, 2015, perform an autopsy
24 on the victim in this case, Ashley Pegram?

25 A. Yes, I did.

1 Q. Okay. And that was authorized by who?

2 A. The Dorchester County Coroner's Office contacted us
3 about this case. And in this case, it was the Deputy
4 Coroner, Ms. Alice Durr.

5 Q. And if you would, I guess, describe for the jury then
6 kind of as you said your initial kind of looking at the body
7 and your general kind of overall initial observations, if
8 you would describe those to the jury.

9 A. Sure. Probably the most striking findings initially in
10 this case, the initial external examination, was the
11 extensive decomposition that had occurred. It was clear
12 that the body -- the body of the decedent had been dead for
13 a fairly extended period of time. In addition, there was
14 numerous -- there was abundant dirt and debris covering much
15 of the body. So that was kind of the initial -- the most
16 striking features initially.

17 Q. Okay. And the condition of her body, would that be
18 consistent or inconsistent with a body that had been buried
19 in the ground for approximately five weeks or so?

20 A. It would be consistent with that time frame.

21 Q. Okay. And then you had indicated that part of that
22 initial kind of general examination is that you note
23 clothing that is present on the body?

24 A. Yes.

25 Q. In this case, what clothing did you note that was

1 present with Ms. Pegram?

2 A. In this case, there were just a couple fragments of
3 closing that were on the body. Around the upper chest area,
4 there was a red bra that appeared to have been previously
5 torn near the front of it. Additionally, kind of pulled up
6 around the head was a black elastic tank top. And then on
7 the right arm, there was a sleeve, an elastic sleeve that
8 was on the right arm. Those are the three clothing items.
9 And then kind of entangled in her hair were a pair of
10 rectangular eyeglasses.

11 Q. No other clothing found on her?

12 A. No.

13 Q. Basically, nude from the waist down? Midsection down?

14 A. Yes. Yeah, nude further from the abdomen down.

15 Q. And did you observe -- before you started looking at
16 any signs of injury that you could note to her in that
17 external examination, did you notice any other items that
18 were present besides clothing with her body when she
19 presented?

20 A. Yes. As we started to remove the clothing and examine
21 the body in greater detail, there were two other items that
22 were on the body that were out of the ordinary. One was
23 around the right wrist. There was some black electrical
24 tape that was wrapped around the wrist. And that was kind
25 of adherent to that cloth sleeve that I mentioned

Direct Examination of Dr. Batalis by Ast. Sol. Sorenson

1 previously.

2 Q. Let me stop you right there. Let me show you what's
3 been marked --

4 AST. SOL. SORENSON: May I approach the witness, Your
5 Honor?

6 THE COURT: You may.

7 Q. Show you what's been marked as State's Exhibit No. 102
8 and ask you if you recognize that item?

9 A. Yes, I do.

10 Q. Okay. And what is that item?

11 A. This is the bottom portion of the packet has the
12 electrical tape that I removed from the right wrist. The
13 top portion of the packet is the bag that I placed the tape
14 in with a sticker that has identifying information for this
15 particular case.

16 AST. SOL. SORENSON: Your Honor, at this time, we'd
17 offer State's 102 into evidence?

18 THE COURT: Any objection?

19 MR. HILTON: No objection.

20 (Whereupon, State's Exhibit No. 102, Electric Tape,
21 was received into evidence.)

22 Q. And Dr. Batalis, you had indicated that this was
23 secured around her right wrist?

24 A. Yes.

25 Q. Is that correct? Describe for the jury, in looking at

1 it, does it appear -- well, I guess let me rephrase that.

2 It was not wrapped around her left wrist?

3 A. It was not when I received it.

4 Q. Describe how the condition of this tape, however, how
5 many loops of tape does it appear to be in State's Exhibit
6 No. 102?

7 A. There appear to be two loops. One which was wrapped
8 around the right wrist as I described. And the other one
9 which was ---

10 MR. HILTON: I'm gonna object, Your Honor. I think ---

11 THE COURT: Hold on. Wait a minute. What's your
12 objection?

13 MR. HILTON: I'm gonna object this is outside of his
14 area of expertise.

15 THE COURT: He's testifying how he found it.

16 MR. HILTON: No. He's testifying as to what happened
17 with it.

18 THE COURT: Tell the jury how you found it on her
19 wrist, please. And the question was how many times was it
20 wrapped?

21 AST. SOL. SORENSON: No. How many different loops are
22 there in this package of tape.

23 THE COURT: Overruled. You may answer.

24 A. So again, there is the one loop that was around the
25 wrist where I pulled it off. Extending out from that, there

1 appears to be a second loop.

2 Q. And this appears to be what substance? I mean, that
3 you can tell.

4 A. To me, it appeared to be black electrical tape.

5 Q. And you've indicated that on her right wrist she still
6 had like a black sleeve on her right wrist. Is that
7 correct? I think you said that's what tape was basically
8 adhered to was that black sleeve that was around her wrist.

9 A. It was some sort of cloth. I can't testify to the
10 color of it at this point; but yes.

11 Q. And how about tell the jury, what was the condition of
12 Ms. Pegram's left wrist?

13 A. As I mentioned previously, there were extensive
14 decomposition changes across the entire body. But a couple
15 of areas of the body had really more extensive loss where
16 the tissue was really missing down to the bone. One of
17 those areas was on the left palm and left wrist.

18 Q. All right. Now, you had indicated -- I kind of cut you
19 off -- was there any other items that were discovered with
20 the body besides State's 102?

21 A. Yes. After we removed the tape from the right wrist,
22 as we started kind of pulling back the hair to examine the
23 body, we saw several loops of black material that were
24 fairly snugly around the neck. Upon closer examination,
25 this appeared to be the same type of black electrical tape

1 fairly tightly around with numerous concentric loops. They
2 were kind of on top of each other around the neck.

3 AST. SOL. SORENSON: May I approach, Your Honor?

4 THE COURT: You may.

5 Q. I'm showing you State's Exhibit No. 101. Do you
6 recognize that item, sir?

7 A. Yes, I do.

8 Q. What is State's 101?

9 A. This is the tape that was wrapped around the neck of
10 the decedent when I examined the body. To remove the tape,
11 I then made a cut through it and then I placed tape around
12 both sides to show that I made the cut. And I initialed and
13 dated it in both areas.

14 Q. The white area of the tape that you put basically to
15 just show the two ends where you dated and initialed it?

16 A. Correct.

17 AST. SOL. SORENSON: Your Honor, at this time, we'd
18 offer State's 101 into evidence.

19 THE COURT: Any objection to 101?

20 MR. HILTON: No objection.

21 (Whereupon, State's Exhibit No. 101, Electrical Tape,
22 was received into evidence.)

23 Q. And again, Dr. Batalis, you testified that this
24 appeared to be multiple loops of tape that were wrapped
25 around her neck?

1 A. Yes.

2 Q. Any other items, Dr. Batalis, that were recovered off
3 of her body? You testified that her glasses, I think, were
4 wrapped kind of in her hair. Is that correct?

5 A. That's correct regarding the glasses. Correct; no
6 other items were identified or recovered from the body.

7 Q. Okay. Now if you would, kind of go in and describe for
8 the jury what in your overall exterior examination of Ms.
9 Pegram, what evidence of injury were you able to note to
10 her?

11 A. Sure. So in examining the body, you know, we mentioned
12 decomposition a couple of times. And it's very important in
13 this case because the body decomposes, it breaks down, you
14 kind of lose the very fine details that would be present if
15 we examined the body the day of the death or within a short
16 time after that. One such example is on the left side of
17 the head. There was a circular skin defect. Because of
18 this, we did a head X-ray to see if there was a bullet in
19 the head; to see if anything got into the head. And we did
20 not find that. We did have a circular defect on the scalp
21 that would be suspicious for injury. Because of the
22 extensive decomposition, there was not a lot of bleeding
23 from that area, which is usually a clue to us that that's a
24 definitive injury versus something that could have happened
25 after the fact. But it was definitely suspicious for an

1 injury on the left side of the head. The other thing we saw
2 around the neck where the tape had been wrapped around,
3 there is some indentations in the skin around the neck. So
4 again, that said to me that, again, the tape had been, you
5 know, fairly snugly, tight enough to kind of form a slight
6 furrow for again where the material had dug into the neck.
7 Those were kind of the areas that most indicated injury on
8 the outside of the body, again, given the decomposition.

9 The other area that was somewhat suspicious, there was
10 a large amount of decomposition in the area of the buttocks
11 and the pelvic area. As I mentioned before, another area
12 was around the left wrist where it was really down to bone.
13 There was also the same case in the area of the pelvis. So
14 essentially, the buttocks, the vagina, all of that, that
15 tissue was missing and the internal organs from the area was
16 missing as well. So while I can't say that there was no
17 injury left at that point when examining the body, the fact
18 that there was such a big defect in that area would suggest
19 that it could have been a spot of injury. As bodies
20 decompose, scavengers will come along, whether it's animals
21 or insects, and they tend to be attracted to open areas, if
22 there's any body fluids or blood, they will tend to be
23 attracted to those areas. So, again, I can't say there's a
24 definitive injury there, but it was suspicious for injury.
25 Q. Okay. And that area was consistent though with some

1 sort of animal activity possibly on her body?

2 A. Yes.

3 Q. And let me ask you this: Part of, typically, when
4 you're doing, let's say an autopsy on a victim, are you able
5 to kind of perform a sexual assault protocol on a victim
6 potentially to see if there was any sort of sexual assault
7 typically when you're performing an autopsy?

8 A. Yes. Depending on the case, if there is a suspicion,
9 that is something that we will sometimes do. We will
10 collect a sexual assault kit as they would do in the
11 emergency department if there is a suspicion of rape.

12 Q. In this case, is that something you were able to do on
13 Ms. Pegram's body?

14 A. It was not possible to do in this case because all of
15 the tissue, the anus, the vagina, all of that tissue around
16 there was absent. So there was nothing that we could
17 collect from it at that point.

18 Q. So as far as then the general kind of overall
19 examination of Ms. Pegram's body, is that basically the only
20 injury you were able to note is what you just talked about?

21 A. Correct.

22 Q. Okay. And does that mean that she wasn't assaulted
23 further than that?

24 A. No. Again, the decomposition in this case kind of
25 somewhat hinders the ability to diagnose certain injuries.

1 Because again, there were -- I mentioned the circular defect
2 in the head. There was also some tissue loss around the
3 mouth area. There was a defect in the left arm. So other
4 areas where decomposition had set in, but it's impossible to
5 tell. There could've been additional injuries that the
6 process had somewhat hindered.

7 Q. Okay. Now, were you able to then kind of move on to
8 kind of an external examination of Ms. Pegram?

9 A. You mean internal?

10 Q. Internal. I'm sorry. Yes, sir.

11 A. Yes. That was the next part; we moved to the internal
12 exam.

13 Q. And tell the jury what, if any, findings you were able
14 to note during your internal examination.

15 A. So as far as injuries go, again, somewhat hindered by
16 the decomposition process. But a couple of areas that were
17 suspicious for injury. First, in the neck area. So again,
18 on the outside of the skin, we saw some grooving in the skin
19 from where the tape was wrapped around. As we then exposed
20 the skin of the neck, you have several muscles. I lifted
21 those muscles off one by one; did not see any bleeding in
22 the tissue at that time. Which again, given decomposition,
23 it's not surprising. But as we got to the bottom of the
24 neck, the thyroid cartilage, which for males is basically
25 where the Adam's apple sticks out is they thyroid cartilage.

1 So it's the kind of bone-like material that surrounds your
2 windpipe. There were fractures on both sides of that
3 thyroid cartilage. And that is an injury that we will see
4 somewhat commonly in manual strangulation or if there was
5 some sort of severe blunt force trauma to the neck. So if
6 there was, you know, a hard impact to the neck, you could
7 get that fracture. To qualify that, there was no bleeding
8 in the tissues around there to definitively say that this
9 happened while she was alive. But again, at this point,
10 when I examined the body, there was no blood anywhere.

11 Q. All right. And then how about anywhere else in your
12 internal examination that you were able to note any either
13 evidence of injury or things that raised concerns to you?

14 A. Yes. So the other area that was, again, suspicious for
15 injuries was in the scalp. So as I mentioned before, on the
16 outside of the scalp, we saw kind of a circular defect. As
17 part of the autopsy, we make an incision through the scalp
18 and fold basically the scalp forward and backward to expose
19 the skull. When we did that; we could see that there was no
20 circular defect in the skull. So again, we knew there was
21 not a gunshot that had gone through the skull. What we did
22 see, though, as we folded back the scalp, there was some
23 kind of faint bluish purple areas of discoloration. Some in
24 the -- would be where the front of the forehead was; one on
25 the left side of the head that closely approximated or

1 underlined where we saw the skin defect; and then on the
2 back of the head as well. Again, with decomposition, you
3 can get slight color variations in the tissue. But these
4 areas seemed to be more focal and suggested to me that they
5 were possible and probable impact site from blunt force
6 trauma.

7 Q. All right. Any other evidence of injury that you
8 noted, Dr. Batalis, in your examination of Mr. Pegram?

9 A. No.

10 Q. Now you had indicated that you also as part of the
11 autopsy procedure is that you will take toxicology samples
12 and send them off?

13 A. Yes. That's true.

14 Q. And was that done in this case?

15 A. Yes.

16 Q. Okay. Did those results ultimately go into helping you
17 reach an opinion as to cause or manner of death?

18 A. They can; yes.

19 Q. And what were the results of Ms. Pegram's toxicology
20 testing?

21 A. Sure. Before I get into the results of this particular
22 case, just to explain toxicology testing. Generally, the
23 best material to send for toxicology testing is going to be
24 peripheral blood. That's going to be -- the decedent, the
25 values that you seen in the blood are really going to say

1 that's what was happening when they were alive. So, you
2 know, if we had a blood sample and we see a certain blood
3 alcohol level, we feel pretty confident they died within a
4 day or two; we feel pretty confident and we have data to
5 show that that shows exactly where they were when they died.
6 At this point, though again, we're roughly five weeks after
7 death. There was no blood left at this point. We're kind
8 of left with just submitting anything we can from the body
9 that will show what was present at that time. So again, not
10 ideal testing circumstances. But what we sent here was some
11 fluid that had collected in the chest cavity. And that
12 fluid ended up being positive for a relatively low
13 concentration of alcohol and cyclobenzaprine, which is a
14 muscle relaxer also known as Flexeril.

15 Q. All right. And the alcohol, as you indicated, you
16 know, if you were dealing with, let's say you had a gunshot
17 victim, the police responded; they found. So you're doing
18 the autopsy the following morning. You can draw blood and
19 send that off and basically get a pretty good idea what his
20 blood-alcohol level was at the time he died, if he was
21 intoxicated or such. Is that correct?

22 A. Correct.

23 Q. Okay. In this case with Ms. Pegram, are you able to
24 make that same determination with results of the toxicology
25 report on her? You indicated she was positive for ethanol.

1 Were you able to tell kind of her intoxication level at the
2 time of her death?

3 A. With regard to the ethanol, no. So A couple of things
4 that happen with ethanol alcohol. As a person, after they
5 died, alcohol is actually something your body can produce.
6 As bacteria kind of start to break down the body, and you
7 know, not talking the next day; over several days to weeks,
8 you can actually produce alcohol postmortem. So at this low
9 of a concentration, it's possible that she could have died
10 with no alcohol in her system that will be detected after
11 she died was purely from the decomposition process. On the
12 flip side of things, the other thing that could happen too,
13 you could have a higher level of alcohol, but over an
14 extended time frame, the alcohol will get broken down like
15 the rest of the tissues in the body. So the alcohol level
16 really doesn't tell you much, especially when it's very low
17 like this as far as the intoxication.

18 Q. How about -- the other positive result was for the
19 cyclobenzaprine. Is that correct? Is that something that
20 your body produces on its own in the decomposition process?

21 A. No. So the cyclobenzaprine, the Flexeril, would not be
22 part of decomposition. We did get a value from the
23 laboratory. But in this case, the value really doesn't mean
24 much. Because, again, we're not dealing with blood; we're
25 dealing with chest fluid. What we do know is that it was in

1 her system when she died. Again, that would not be an
2 artifact produced by decomposition.

3 Q. You indicated earlier that cyclobenzaprine is more
4 typically known by the drug named Flexeril. Is that
5 correct?

6 A. Yes.

7 Q. Okay. What is Flexeril?

8 A. Flexeril is what is commonly used as a muscle relaxer.

9 Q. Are you aware of what effects mixing Flexeril and
10 alcohol might have on a person?

11 A. Alcohol and cyclobenzaprine, or Flexeril, are both
12 known to be depressants. So depressant, making you kind of
13 down and drowsy as opposed to kind of getting you hyped up.
14 So combining two depressants, whether it's alcohol or
15 Flexeril or otherwise, can potentiate or exacerbate that
16 effect. So making you more drowsy than you may have been if
17 you were just having a couple of drinks or if you had just
18 taken the Flexeril.

19 Q. And it's a muscle relaxers is what you indicated?

20 A. Correct.

21 Q. And something that would be prescribed by a doctor, I
22 guess?

23 A. It is a prescription drug, yes.

24 Q. And Doctor, Dr. Batalis, ultimately, were you able to
25 in this case come to an opinion within a reasonable degree

1 of medical certainty as to the cause of death for Ashley
2 Pegram.

3 A. Yes, I was.

4 Q. And what was that determination that you made?

5 A. The determination for cause of death in this case was
6 homicidal violence.

7 THE COURT: What?

8 THE WITNESS: Homicidal violence.

9 Q. And describe what that term, your use of that term in
10 this case, means?

11 A. This is a term that is really reserved for special
12 situations. And typically a cause of death would be heart
13 attack, stab wound of the chest, a gunshot wound of the
14 head, something that is very specific. We know, you know,
15 this is exactly what led to the death. Homicidal violence
16 is a term that is used when, again, it's without doubt that
17 the death resulted as a result of violence against that
18 individual. But because of some other process, you're not
19 able to determine specifically what that was. In this case,
20 it's a term I don't use on all that many occasions, but the
21 times I have used tend to be such as this one where you have
22 extensive decomposition that hinders the evaluation at the
23 same time you have evidence that there are some injuries
24 present, whether it's physical injuries or it's a condition
25 in which the body was found, the electrical tape. Those

Cross Examination of Dr. Batalis by Mr. Hilton

1 things all kind of coming together to form that opinion it
2 is a homicidal violence. But again, I don't have a specific
3 stab wound; I don't have a specific gunshot wound to depend
4 on. In this case, there are suspicions of asphyxia, of
5 strangulation around the neck with the fracture, the tape
6 being wrapped around; also with the blunt force injuries,
7 the apparent bleeding into the scalp and the scalp defect.
8 So I suspect that those things kind of came together. But
9 not being able to get down to the details because of the
10 decomposition, I just leave it a little more general with
11 homicidal violence.

12 AST. SOL. SORENSON: Thank you, Dr. Batalis. Please
13 answer any questions Mr. Hilton has.

14 CROSS EXAMINATION

15 BY MR. HILTON:

16 Q. Good afternoon, Dr. Batalis. How are you?

17 A. Good afternoon.

18 Q. You didn't report -- and you testified today about some
19 of the injuries that Ms. Pegram had. Tell us about those
20 injuries to the head again, and tell us if those injuries
21 were even likely to cause death.

22 A. So given the injuries that we saw on the head,
23 excluding the neck, just the head at this point, we had the
24 circular scalp defect on the left side and then some areas
25 of probable bruising in the scalp underneath the head. So

1 those would indicate there was severe enough trauma that it
2 did cause bleeding into the scalp. The trauma was not
3 severe enough; we did not see a skull fracture. There was
4 no bleeding around the brain. So the head trauma itself --
5 it would be unlikely that just the head trauma itself would
6 have resulted in her death without the skull fracture
7 without the bleeding around the brain.

8 Q. Did you see any other broken bones or any other --
9 other than the neck. We'll talk about that. But other than
10 that section, was there any broken bones whatsoever in her
11 body?

12 A. Not that I saw.

13 Q. Any other sign of beating with any kind of object or
14 anything?

15 A. Not other than what I've describe previously.

16 Q. All right. And those injuries -- and blunt force
17 trauma is a general term, correct?

18 A. Correct.

19 Q. It doesn't necessarily mean that somebody took a object
20 and beat somebody in the head with it, correct?

21 A. So, yeah. Blunt force trauma, the way you described it
22 with taking an object and beating them would be one thing.
23 Essentially, it's like what it sounds. It's when somebody
24 is struck with or strikes an object that does not have a
25 sharp aspect to it. So blunt force trauma could be a head

1 hitting the ground; it could be a fist hitting the head; it
2 could be a board hitting the head; it could be the head
3 hitting against a car. There are several ways in which it
4 could occur.

5 Q. It's not limited to an object striking somebody in the
6 head?

7 A. Correct.

8 Q. And -- just a moment. You testified that there was
9 severe decomposition around the pelvic region of Ms. Pegram,
10 correct?

11 A. Correct.

12 Q. All right. And I think you indicated that would be
13 indicative of animal activity?

14 A. Correct.

15 Q. All right. Would her body -- and you may not have
16 known this -- but as an expert, if her body was exposed in
17 that area, would it be more likely that animals would
18 penetrate that area first?

19 A. Yes. As I mentioned previously, animals will be drawn
20 by a couple of things. One would be fluids and blood that
21 are exposed, but also just as something is exposed
22 whatsoever. So if she was buried facedown with the buttocks
23 in pubic area exposed, they would be attracted to that
24 opening because it's available as compared to something that
25 was facing the dirt.

1 Q. And let's go back over the neck injury. What exactly
2 is thyroid cartilage? Because that was a new term for me.
3 Explain exactly what that is.

4 A. So cartilage is, you know, basically kind of bone-like
5 material. And the thyroid cartilage is for men, they have
6 Adam's apple; that's basically your thyroid cartilage. It's
7 basically what provides the structure for your larynx or
8 your windpipe that is into your mouth down to your lungs.

9 Q. And is your testimony that force to the neck could
10 cause that type of injury?

11 A. Correct.

12 Q. And would that type of injury cause death?

13 A. It could.

14 Q. In what way?

15 A. If there's enough force applied to the neck to fracture
16 the cartilage, it means there's an extreme amount of
17 pressure which would result -- could result in death due to
18 -- if it's enough pressure to fracture the cartilage, then
19 there's enough pressure to block the blood vessels and cause
20 asphyxia from that component. If there is enough pressure
21 to fracture the cartilage, it could be enough just to
22 collapse the windpipe by itself.

23 Q. Was there anyway for you to determine what order of
24 events occurred? In other words, did the neck injury occur
25 before the head or the head before the neck, or was there

1 any way to tell?

2 A. No. I could not tell that.

3 Q. Now, with regard to the toxicology, you said that she
4 tested positive for -- and this may not be your word -- but
5 it was a small amount of alcohol, correct? Of ethanol?

6 A. Correct.

7 Q. And you discussed that and you said that the body
8 actually produces ethanol as it decomposes, correct?

9 A. Correct.

10 Q. And there were five weeks that decomposition in between
11 the time when Ms. Pegram went missing and believed to be the
12 time of her death, and the time you received the body. Is
13 that correct?

14 A. Correct; approximately five weeks.

15 Q. Would you be able to tell to any degree of medical
16 certainty what her alcohol level was at the time of her
17 death?

18 A. No.

19 Q. And that would be true if she were extremely
20 intoxicated, that ethanol would evaporate out, correct?

21 A. Not necessarily evaporate, but it could be broken down.

22 Q. So evaporate may not be the correct term. But it would
23 break down within the body and then not exist anymore. Is
24 that correct?

25 A. It could.

1 Q. Could or does?

2 A. It could. With decomposition, there's not a real
3 specific template. You can have two individuals that both
4 took the same amount over a period of time, just different
5 things happen with different individuals. So there is not
6 absolutes when it comes to interpreting the decomposition
7 process.

8 Q. And with regard to the Flexeril, I think it was the
9 cyclobenzaprine. Is that correct?

10 A. Correct.

11 Q. With regard to that, no way to tell exactly when she
12 took that, is there?

13 A. We can safely say it was within a couple of days before
14 she died. That's really about the extent that we could get
15 from that standpoint.

16 MR. HILTON: No further questions, Your Honor.

17 THE COURT: Redirect?

18 AST. SOL. SORENSON: No, Your Honor.

19 THE COURT: You're excused. Released from the
20 subpoena?

21 AST. SOL. SORENSON: No objection from the State, Your
22 Honor.

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: Next witness.

25 AST. SOL. SORENSON: The State calls Detective Andy

Direct Examination of Andy Martin by Ast. Sol. Sorenson

1 Martin.

2 ANDY DAVID MARTIN, after being duly sworn, testified as
3 follows:

4 DIRECT EXAMINATION

5 BY AST. SOL. SORENSON:

6 Q. Good afternoon, Detective Martin.

7 A. Good afternoon, sir.

8 Q. If you would, please tell the jury where it is that
9 you're employed.

10 A. I work for Dorchester County Sheriff's Office.

11 Q. And what your current duties with the Sheriff's office?

12 A. I'm currently the patrol supervisor, team three night
13 patrol.

14 Q. Okay. And first of all, how long have you been
15 employed other Dorchester County?

16 A. I've been with Dorchester County for ten years.

17 Q. And back in 2015, specifically April of 2015, in what
18 capacity were you employed at that time?

19 A. I was the detective assigned to the criminal
20 investigations division.

21 Q. If you would, tell the jury, you ultimately become
22 involved in the investigation into the disappearance of
23 28-year-old Ashley Pegram?

24 A. I did, sir.

25 Q. Okay. Tell the jury when it was that you became

1 involved in this investigation.

2 A. I was assigned a missing persons case on April 7th of
3 2015.

4 Q. That would be Tuesday, the Tuesday after she went
5 missing. Is that correct?

6 A. I'm not sure; the date was April 7th.

7 Q. Now at that point in time, did you have access to some
8 documents that had already been generated by other officers
9 within the Sheriff's office?

10 A. I do so. I had access to the original report by Deputy
11 Galstar. And then I also had the notes taken by Detective
12 Harris.

13 Q. And that was from a phone call that he had placed to
14 the defendant the day before on April the 6th. Is that
15 correct?

16 A. That is correct, sir.

17 Q. Okay. And in the course of that information that you
18 had been provided, was there a phone number for Mr. Bonilla
19 in that information that you were provided from Deputy
20 Galstar and Detective Harris?

21 A. That is correct, sir. I was provided 843-718-7711.

22 Q. As a result of having that information, what, if
23 anything, was done with that phone number?

24 A. Well, I made contact with Mr. Bonilla.

25 Q. And did you ultimately make arrangements to see of

Direct Examination of Andy Martin by Ast. Sol. Sorenson

1 Mr. Bonilla would come in and meet with you?

2 A. Yes, sir. On the same date which I was assigned this
3 missing persons case on April 7th, 2015. I made telephone
4 contact with Mr. Edward Bonilla and scheduled an interview
5 for the following day, April 8th, 2015, scheduled at 1800
6 hours.

7 Q. All right. And let me ask you this also: In the
8 information that you were provided from, specifically I
9 believe, from Detective Harris's phone call with
10 Mr. Bonilla, had Mr. Bonilla given Detective Harris any
11 information about a business that he may have stopped at
12 with the victim on the evening that she went missing?

13 A. That is correct, sir. According to Detective Harris's
14 notes, Mr. Bonilla stated that they stopped Sunoco on
15 College Park at approximately 12:15 a.m.

16 Q. And did you do anything with that information prior to
17 meeting with Mr. Bonilla?

18 A. Yes, sir. On April 8th, 2015, I requested video from
19 Sunoco located on College Park, store number 336.

20 Q. And is that State's Exhibit No. 5 that the jury watched
21 the other day when the records custodian testified?

22 A. It is, sir.

23 Q. Now, you indicated that you had made contact with
24 Mr. Bonilla and you had scheduled an appointment for him to
25 come in and meet with you?

1 A. Yes, sir.

2 Q. Okay. And when was that scheduled for?

3 A. We schedule that appointment for April 8, 2015.

4 Q. And did Mr. Bonilla come meet with you?

5 A. He did, sir.

6 Q. Okay. Where did that meeting occur?

7 A. We met at the criminal investigations office in
8 Dorchester County.

9 Q. And did he come there freely and voluntarily?

10 A. Absolutely, sir. He arrived in a motor vehicle with
11 his mother and his girlfriend.

12 Q. And did you have an opportunity then to speak with him
13 about this investigation?

14 A. Yes, sir. We went inside and went into the interview
15 room.

16 Q. Was his mother or girlfriend present during this?

17 A. Not in the interview room. They were out in the
18 parking lot and they left and ran an errand and came back.

19 Q. And ultimately, did Mr. Bonilla give you a written
20 statement that evening about the events of April the 3rd,
21 that evening of Friday, April the 3rd, into the morning of
22 Saturday, April the 4th?

23 A. That is correct, sir.

24 AST. SOL. SORENSON: May I approach the witness, Your
25 Honor?

1 THE COURT: Yes, sir.

2 Q. Show you State's Exhibit No. 1 and ask if you recognize
3 that document.

4 A. Yes, sir. This is my interview with Mr. Bonilla.

5 AST. SOL. SORENSON: Beg the Court's indulgence one
6 second. Just want to make sure we don't have duplicates.

7 Q. This State's Exhibit No. 1, is that the statement that
8 you took from Mr. Bonilla then on the evening of April the
9 8th of 2015?

10 A. Yes, sir.

11 AST. SOL. SORENSON: Your Honor, at this time we would
12 offer State's No. 1 into evidence.

13 MR. HILTON: Subject to previous Jackson v. Denno.

14 THE COURT: Admitted.

15 AST. SOL. SORENSON: Thank you, Your Honor.

16 (Whereupon, State's Exhibit No. 1, Redacted Statement,
17 was received into evidence.)

18 Q. And Detective Martin -- (Brief pause.) Now that
19 State's Exhibit No. 1, what kind of form is that on?

20 A. This is on a standard Dorchester County voluntary
21 statement form. The top is for biographical information
22 concerning the person you are speaking to, the location
23 which are conducted the interview, and the time the
24 interview is being taken.

25 Q. And ultimately, that is a two-page document. Is that

1 correct?

2 A. Well, this one is because it went into a continuum.

3 Q. Gotcha. So the second page, you can use it there. And
4 if it went on to the third page, you would attach a third
5 page. Is that correct?

6 A. That is correct.

7 Q. All right. And I noticed in looking at that, there is
8 basically two different color inks on that paperwork. Is
9 that correct.

10 A. Yes.

11 Q. Okay. Blue ink and green ink?

12 A. Yes. Typically, it's quite common for detectives to
13 use two different color inks when they're interviewing
14 someone. The one ink, the blue ink, shows my question in my
15 handwriting; and the green ink or whatever other color you
16 use is being provided by the person you're interviewing to
17 show their handwriting and their actual statement.

18 AST. SOL. SORENSON: Your Honor, may I publish this to
19 the jury?

20 THE COURT: (Affirms.)

21 Q. And Detective Martin, so the top part of State's
22 Exhibit No. 1, I guess that's just kind of an initial bunch
23 of questions about the person that you're interviewing. Is
24 that correct? I mean, their name, where they live, driver's
25 license data, date of birth, things of that nature. Is that

Direct Examination of Andy Martin by Ast. Sol. Sorenson

1 correct?

2 A. That is correct, sir.

3 Q. And all that appears -- and it's probably not as
4 noticeable on the blow up as it is on the actual document --
5 but all of that is in blue ink. That's all your
6 handwriting?

7 A. That is correct, sir.

8 Q. Where are you getting that information from? The name,
9 date of birth, things of that nature? Whose ---

10 A. Directly from Mr. Bonilla, sir.

11 Q. So obviously, his name, Edward Primo Bonilla, got age,
12 date of birth. Is that correct?

13 A. That's correct, sir.

14 Q. Okay. And did he indicate to you where he was residing
15 back in April of 2015?

16 A. They provided [REDACTED], the apartment, 57
17 Charlie.

18 Q. Where is that? Are you familiar with where that
19 apartment complex is located?

20 A. It is the Lakewood Lodge at [REDACTED] Road; it's
21 in Hanahan, South Carolina. It's right directly behind and
22 off to the left of behind Trident Tech.

23 Q. So if I turned off of Rivers Avenue on to Maybelline, I
24 would drive beside Trident Tech? And would ultimately, kind
25 of, take a left and end up back near his apartment complex?

1 A. That's correct, sir.

2 Q. And he provided his phone number?

3 A. Yes, sir.

4 Q. Same number that you had contacted him on?

5 A. Yes, sir.

6 Q. Okay. Did he indicate to you back on April the 8th
7 when you're interviewing him, where he was employed?

8 A. He stated that he had an ankle injury and that
9 prevented him from being employed. He told me he was
10 unemployed.

11 Q. And obviously you got the driver's license number. And
12 then at that point in time, did you start basically going
13 through a question and answer with Mr. Bonilla?

14 A. Yes, sir.

15 Q. And so the Q's are in blue, so that's your handwriting
16 and your question?

17 A. Yes. That is my question, his answer.

18 Q. Okay. And the green answers are his writing?

19 A. Yes, sir.

20 Q. If you would, just kind of go through that for the
21 jury?

22 A. You know, you start out, want to make sure that you
23 understand what we're talking about. Are you on any
24 medications? He said no. Are you taking any supplements?
25 He said no. Are you intoxicated? He said no. Are you

1 under the influence of any over-the-counter or controlled
2 substance? He said no. How did you meet Ashley? On a
3 website called meet -- meetme.com around March 15, 2015.
4 When did you first actually meet Ashley? April 3rd, 2015.
5 What were you driving? A 2006 Hyundai Sonata green in
6 color, or green. Where did you go? My brother's house,
7 Crowfield Plantation. His brother Anthony Navarro.

8 Q. All right. Down at the bottom, and ultimately -- he
9 ultimately signed that page also, the date, time, signed and
10 witnessed. Is that correct?

11 A. That is correct. It was signed. It was actually
12 signed at the conclusion of page two.

13 Q. Gotcha.

14 A. Continue, sir.

15 Q. Yes, sir. Yes, sir. I'm sorry.

16 A. What happened after you left the bonfire? College Park
17 Road around 12:45; turned around to get back to Sunoco gas
18 station; left Sunoco to take Ashley home; drove up and down
19 78 and the road Robinwin (ph) and Austin Middle School on
20 Maple Road; she asked to use the restroom; I pulled over by
21 Summerville sign; she got out of vehicle; I locked the door,
22 drove off. I asked him, "Did you harm Ashley?" He said no.
23 Did you injure Ashley? No. Did you kill Ashley? No. This
24 is a true and accurate -- this is a true and honest
25 statement given freely without threat, promise and not in

1 custody. He said yes.

2 Q. And ultimately as indicated before, he signed both of
3 those pages and you witnessed him?

4 A. Yes, sir.

5 Q. Now, during the course of talking to him, has he
6 indicated in there he had told you an area that he had
7 dropped Ms. Pegram off, I guess, in the early morning hours
8 then of April the 4th. Is that correct?

9 A. That is correct, sir.

10 Q. Okay. Did you have an opportunity -- that area he's
11 talking about, where is that in relation to the Sheriff's
12 office where you were meeting with Mr. Bonilla?

13 A. If you come out of the Sheriff's Office on 212 Deming
14 Way, turn left on 78, Maple is maybe three-quarters of a
15 mile, maybe a mile.

16 Q. It's pretty close proximity to where you were talking
17 with him and taking this statement?

18 A. Yes, sir.

19 Q. Did you have an opportunity then to do anything with
20 him as a result of him providing you this information?

21 A. Yes, sir. I actually asked him if he would show me
22 where he dropped her off. He got into my vehicle and we
23 drove down -- may I read directly from my notes?

24 Q. It helps refresh your memory, yes, sir.

25 A. Let's see. He stated that Ashley had to pee again. He

1 pulled over and when she got out of the car, he said she
2 kicked the side of the car and he drove off. He showed me
3 where he dropped Ashley off at the corner of Maple and
4 Winter drive. This location is the entrance of a trailer
5 park.

6 Q. And that area there, that entrance, that's the
7 Summerville Mobile Home Park. Is that right?

8 A. Yes, sir.

9 Q. Is that area located in Dorchester County?

10 A. It is, sir.

11 Q. And he had also indicated during the course of showing
12 you that, that she had kicked his car?

13 A. He did, sir.

14 Q. Let me ask you: The car that he indicated that he was
15 driving, that green Hyundai Sonata, is that the car that he
16 showed up at the Sheriff's Office that afternoon or that
17 evening on April the 8th with?

18 A. Yes, sir.

19 Q. Okay. And did you have an opportunity to have him show
20 you anything on the vehicle then that afternoon?

21 A. He did. He told me that she kicked his car. And he
22 showed me the front right quarter panel of the vehicle in
23 which I observed a shoe print. I took -- since I had the
24 vehicle there, I went ahead and photographed what I was
25 looking at at that time. And I used an ink pen for scale.

1 Q. Let me show you State's Exhibit number 103.

2 AST. SOL. SORENSON: May I approach, Your Honor?

3 THE COURT: You may.

4 Q. Is that one of the photographs you took, that image?

5 A. That is, sir.

6 Q. That's your handwriting on the top of that photograph?

7 A. That is, sir.

8 AST. SOL. SORENSON: Your Honor, at this time we offer
9 State's 103 into evidence?

10 THE COURT: Any objection?

11 MR. HILTON: Without objection.

12 (Whereupon, State's Exhibit No. 103, Photograph, was
13 received into evidence.)

14 Q. And that, as you indicated, is the right front quarter
15 panel. So that would be the passenger side of the vehicle,
16 kind of front area of the vehicle?

17 A. Yes, sir.

18 Q. What is that right there?

19 A. That's a tire.

20 Q. Which side would be this tire?

21 A. Front right.

22 Q. And did that appear to be consistent with shoe print on
23 the side of that vehicle?

24 A. It was consistent with the sole of a shoe on the
25 vehicle.

1 Q. By sole, what part of the vehicle -- what part of the
2 shoe are you talking about?

3 A. The bottom part.

4 Q. (Indicating.)

5 A. Yes, sir.

6 Q. Now, did you ultimately, kind of during the course of
7 this investigation as it was progressing, have an
8 opportunity in meeting with the victim's sister, Ms. Brandy
9 Chance, have an opportunity to obtain State's Exhibit No. 4,
10 the text messages or the messages that she had screenshotted
11 off of the phone that Ashley would have been using?

12 A. Yes, sir. She provided that to me.

13 Q. And how about -- you at that point in time as of April
14 the 8th, you had Mr. Bonilla's, the cell phone number that
15 he was using. Is that correct at that point in time?

16 A. That is correct, sir.

17 Q. Did y'all do anything with the result -- with that cell
18 phone number?

19 A. Yes, sir. Detective Adams Smith faxed a preservation
20 letter to the cell phone partnership, Verizon for the phone
21 number 843-718-7711.

22 Q. And y'all ultimately as part of the investigation got
23 those? Those are the cell phone records that we got from
24 Verizon, State's Exhibit No. 90?

25 A. That's correct. I obtained a search warrant and they

1 sent that information.

2 Q. Let me ask you: So on the evening of April the 8th of
3 2015, Mr. Bonilla had taken you out to that area of Maple
4 Street and Winter near Summerville Mobile Home Park. Did
5 you have an opportunity in the next days after that to go
6 out and do anything with regards to that area?

7 A. Yes, sir. This is still a missing person investigation
8 at this point. So the criminal investigations division,
9 local civilians, we would walk that area of Maple. We went
10 all the way around Old Dairy. We did a complete search of
11 that area near the road because at one time it was feared
12 she may have been hit by a car and she could have been
13 located in a ditch so we searched it.

14 Q. Did you find anything that related to Ms. Pegram in any
15 of that search that was done?

16 A. Nothing.

17 Q. Now, let me ask you: Also, at that point in time, knew
18 from what Mr. Bonilla had told you about the Hyundai Sonata
19 being the vehicle that he was driving that night. Is that
20 correct?

21 A. Say it again, sir.

22 Q. From the information that Mr. Bonilla had given you
23 that he was driving that green Hyundai Sonata the night that
24 Ms. Pegram went missing. Is that correct?

25 A. That's correct, sir.

Direct Examination of Andy Martin by Ast. Sol. Sorenson

1 Q. Did you make any request with regards to license tag on
2 that Hyundai Sonata?

3 A. Yes, sir. I made contact with SLED and requested any
4 information from area LPR, it's our license plate readers.
5 And they provided information.

6 Q. Were you able to get some information back about the
7 license tag on that Hyundai Sonata being picked up by a
8 license plate reader sometime during the relevant time
9 period?

10 A. Yes, sir.

11 Q. Let me show you State's Exhibit No. 104.

12 AST. SOL. SORENSON: May I approach, Your Honor?

13 THE COURT: Go ahead.

14 Q. Is that the ---

15 THE COURT: 104?

16 AST. SOL. SORENSON: 104, yes, sir.

17 Q. And is that the document that you were provided by
18 State Law Enforcement Division?

19 A. It is.

20 AST. SOL. SORENSON: Your Honor, at this time, we'd
21 offer State's 104 into evidence.

22 THE COURT: Any objection?

23 MR. HILTON: Without objection.

24 (Whereupon, State's Exhibit No. 104, SLED Form, was
25 received into evidence.)

1 Q. First of all, what was the license tag on that Hyundai
2 Sonata? Or at least that was picked up by the license plate
3 reader.

4 A. The license plate on that vehicle is Juliet golf
5 November 352.

6 AST. SOL. SORENSON: May I approach the witness, Your
7 Honor?

8 BY THE COURT: You may.

9 Q. I'm showing you State's Exhibit No. 20. Is that the
10 license tag on the Hyundai Sonata, that photograph that's in
11 evidence.

12 A. That is, sir.

13 Q. And where was that licensed tag picked up by a license
14 plate reader?

15 A. This vehicle, the license plate reader actually takes a
16 physical image of the vehicle as it's passing showing the
17 license plate. And that vehicle was at the intersection of
18 Ashley Phosphate and Rivers Avenue when that photograph was
19 taken.

20 Q. Okay. When and where was that? I'm sorry, when was
21 that?

22 A. It was on April 4th, 2015 at 012153.

23 THE COURT: What time?

24 THE WITNESS: 012153.

25 Q. So 1:21 in the morning?

Direct Examination of Andy Martin by Ast. Sol. Sorenson

1 A. That is correct, sir.

2 Q. And that would be about -- how much time after that
3 vehicle and Ms. Pegram were seen on the Sunoco video?

4 A. An hour and 15 minutes.

5 Q. The day has kind of progressed in your investigation,
6 Detective Martin, leading up to, I guess, you know, April
7 the 15th specifically, at 2015. Had y'all, in those interim
8 days there, received anymore information about what may have
9 happened to Ms. Pegram or where her body might have been?

10 A. Going up to April 15th, we're still searching. SLED
11 provided missing person photos, posters, for us to
12 disseminate. We're searching areas around the apartment
13 complex in Hanahan. We had DNR fly over bodies of water to
14 see if she may have drowned somewhere. We're still doing
15 that.

16 Q. Now up to -- let me ask you: Up through April the 15th
17 of 2015, were you still under the belief at that point in
18 time that Mr. Bonilla was unemployed?

19 A. I was.

20 Q. Now did you receive some information on that day, April
21 the 15th, about his employment situation?

22 A. I did. I received a phone call; a message that I need
23 to make contact with someone who had information that would
24 like to speak with me.

25 Q. Did you ultimately end up speaking to somebody about

1 Mr. Bonilla?

2 A. I did, sir.

3 Q. Who was that that you spoke with?

4 A. I spoke with Ms. Lindsay Diaz.

5 Q. And as a result of that, did you ultimately learn
6 information about where Mr. Bonilla was employed?

7 A. Yes. During the telephone conversation, she mentioned
8 that Mr. Bonilla worked for Cauble Flooring off Rivers
9 Avenue.

10 Q. And what did you then to do with that information?

11 A. I called Mr. Robert Cauble at Cauble Flooring on Rivers
12 Avenue.

13 Q. And did you explain to him what was going on?

14 A. I told him I was the detective involved in a missing
15 person. Wanted to know if Mr. Bonilla worked for him. He
16 confirmed that he did. And I asked him does he have access
17 to a vehicle or a take-home vehicle. And he confirmed that
18 he did.

19 Q. And as a result of that, did you make arrangements to
20 meet with Mr. Cauble?

21 A. I did. I asked him to meet me back at his office. He
22 turned around, drove back, met me there, and provided
23 access.

24 Q. And during the course of that, did you become aware of
25 the State's Exhibit No. 7, the video showing the defendant

1 taking that Ford van that Friday evening after work?

2 A. Yes.

3 Q. Now, while you were out there at Cauble Flooring on
4 Rivers Avenue, did anybody else show up out there?

5 A. Absolutely. When I spoke to Mr. Cauble, he told me
6 that Mr. Bonilla had also spoke to him and asked to have
7 access to the van. I told him not to let anyone go near
8 that vehicle. And I contacted North Charleston; asked them
9 if they would roll in on it and secure the scene until I
10 could get there. So they did. North Charleston rolled up;
11 they secured the area; secured vehicles; and it was secure.

12 Q. Okay. Did Mr. Bonilla show up out there at Cauble
13 Flooring?

14 A. Yes, sir. I had not called him to show, but he did
15 show up while I was there.

16 Q. Okay. And did you have an opportunity to ask him
17 anything out there?

18 A. I did.

19 Q. And what was that that you asked Mr. Bonilla about?

20 A. I asked him why. I just told him, I said, "You lied to
21 me." Because he told me previously he was unemployed. And
22 I spent several days wasted looking, you know, walking up
23 and down roads.

24 Q. What was his response to that?

25 A. Well, he said he just got the job. He said -- he said

1 he just started working for Mr. Cauble on Tuesday the 14th.

2 Q. And was Mr. Cauble standing there when this
3 conversation between you and the defendant, Edward Bonilla,
4 was going on?

5 A. He was standing to my right.

6 Q. Okay. Did he overhear this conversation?

7 A. He did.

8 Q. And did he say anything as a result of Mr. Bonilla's
9 claim that he had just started working there on Tuesday the
10 14th?

11 A. I asked Mr. Cauble if that was true. Mr. Cauble stated
12 that it was not true and Edward had been working with him
13 for about eight months.

14 Q. Now ultimately -- and we've heard testimony about it
15 already, but ultimately, were you present out there when
16 there was some presumptive blood found in the Ford van?

17 A. Yes.

18 Q. And was that van ultimately towed back to the Sheriff's
19 office?

20 A. It was.

21 Q. Now how about -- and were there any other vehicles that
22 were located that evening?

23 A. Yes. We were also able to locate the Hyundai Sonata.

24 Q. That's the same Sonata that you had photographed back
25 on April the 8th. Is that correct?

1 A. That's correct, sir.

2 Q. Had you been looking for it again kind of after that?
3 After April the 8th.

4 A. Yes, sir.

5 Q. Had you been able to find it between April the 8th and
6 April the 15th?

7 A. Yes, sir.

8 Q. And you were aware of where that vehicle was located
9 at?

10 A. That night I located that vehicle off of Cross County
11 Road off Ashley Phosphate in the front area at Enterprise
12 parking.

13 Q. Enterprise car lot?

14 A. That is correct.

15 Q. Okay. And let me ask you while we're kind of talking
16 about Enterprise records. During the course of your
17 investigation, did you obtain some records pertaining to the
18 defendant's mother, Ms. Denise Dover, renting a gray Chevy
19 Cruz on the morning of Saturday, April 4th at 11:00 a.m.
20 from Enterprise Rental?

21 A. I did.

22 Q. And that's the record, State's Exhibit No. 6 that's in
23 evidence. Is that correct?

24 A. That's correct.

25 Q. Let me ask you: You've had a chance multiple occasions

1 to watch State's Exhibit No. 7. Is that correct? The
2 Cauble Flooring video?

3 A. Several times.

4 Q. Of the van being taken and also the van being returned
5 the following night, Saturday, April 4th?

6 A. Yes.

7 Q. 10:58. And let me show you State's Exhibit No. 105.

8 AST. SOL. SORENSON: May I approach the witness, Your
9 Honor.

10 THE COURT: (Affirms.)

11 Q. State's Exhibit No. 105, Detective Martin, what is
12 that? What is that from, first of all, I guess?

13 A. This is an image.

14 Q. Don't show it to the jury.

15 A. This is an image of a compact car.

16 Q. Where's it from?

17 A. It is directly in front of Cauble Flooring?

18 THE COURT: What exhibit is it from?

19 THE WITNESS: Oh, I'm sorry.

20 Q. Let me rephrase my question. Is it from ---

21 A. It is State's Exhibit 105 from that video.

22 THE COURT: That video is what?

23 AST. SOL. SORENSON: State's Exhibit No. 7.

24 Q. That's a still photo that is printed off of State's
25 Exhibit No. 7?

Direct Examination of Andy Martin by Ast. Sol. Sorenson

1 A. That is correct, sir. I apologize.

2 Q. Sorry. That was my inartful question.

3 AST. SOL. SORENSON: Your Honor, at this time, we'd
4 offer State's Exhibit No. 105 into evidence.

5 MR. HILTON: No objection.

6 THE COURT: Without objection.

7 (Whereupon, State's Exhibit No. 105, Screenshot, was
8 received into evidence.)

9 Q. Now, are you familiar with what a silver Chevy Cruz
10 looks like?

11 A. Yes, sir.

12 Q. And you've had an opportunity, as I think I've already
13 asked you, to review that video, to view that still
14 photograph. Is that correct?

15 A. Yes, sir.

16 Q. Is this photograph that is depicted on that evening of
17 April the 4th of 2015, consistent or inconsistent with a
18 silver Chevy Cruz?

19 A. It is consistent.

20 Q. And in no place on that video were you ever able to see
21 the license plate. Is that correct? Of the vehicle that
22 pulled up or even when it's leaving.

23 A. No, sir.

24 Q. Let me ask you: Detective Martin, did you become aware
25 the fact that Mr. Bonilla's cell phone was recovered in the

1 Chevy van? Not the van that was towed but the other van
2 that was found out at Cauble Flooring on the 15th.

3 A. Yes, sir.

4 Q. And was taken into evidence?

5 A. Yes, sir.

6 Q. Did you have an opportunity after a search warrant was
7 obtained just to go through that phone looking for anything?

8 A. I did, sir.

9 Q. And what was it that you were looking for when you went
10 through that phone?

11 A. I was looking to see if inside that phone's navigation
12 system if Ashley's home address had ever been searched.

13 Q. I'm showing you State's Exhibit No. 106.

14 AST. SOL. SORENSON: My I approach the witness, Your
15 Honor?

16 THE COURT: Yes, sir.

17 Q. 106, is that a photograph depicting your search of that
18 cell phone?

19 A. It is, sir.

20 Q. That would be, that cell phone, State's Exhibit 92.

21 AST. SOL. SORENSON: At this time, we'd offer State's
22 106 into evidence?

23 THE COURT: Any objection?

24 MR. HILTON: Without objection.

25 (Whereupon, State's Exhibit No. 106, Photograph, was

1 received into evidence.)

2 Q. And let me ask you: You were familiar at that point in
3 time with the text chat allegedly between Mr. Bonilla and
4 Ms. Pegram the evening of Friday, April the 3rd?

5 A. Yes, sir.

6 Q. Are you familiar with it here where it references
7 him -- Ms. Pegram giving him her address of him saying he'd
8 put it in his GPS?

9 A. Yes, sir.

10 Q. Okay. Does State's 106 show that address?

11 A. [REDACTED] Drive.

12 Q. And that would be victim Ms. Pegram's address?

13 A. That is where she resided.

14 Q. And the jury had also heard testimony about a GPS
15 device that was found in kind of in the console area of the
16 Ford van. Do you recall that?

17 A. Yes, sir.

18 Q. Did you have opportunity also to look through that
19 device and see if there was any relevant search parameters
20 put in that Garmin GPS?

21 A. I didn't find anything.

22 Q. Now ultimately, Mr. Bonilla was arrested the evening of
23 April the 15th of 2015?

24 A. That's correct, sir.

25 Q. Okay. And at that point in time, what was he charged

1 with when he was first taken into custody?

2 A. He was arrested for obstruction of justice.

3 Q. And I asked you this earlier on the statement you gave.

4 But you had gotten his address when you talked about it
5 being that mobile -- apartment complex back behind Trident
6 Tech?

7 A. Yes, sir.

8 Q. Have you had a chance to watch and view the videos
9 contained in State's Exhibits 8 and 9 that were obtained
10 from Trident Technical College?

11 A. I did, sir.

12 Q. And do you recall seeing testimony when the jury saw
13 what appears to be a Cauble van at 2:35 traveling beside
14 Trident Tech. Do you recall that?

15 A. I do, sir.

16 Q. And what direction was that if I was -- in relation to
17 the defendant's apartment, would that would have been coming
18 from or going to the defendant's apartment?

19 A. Leaving from, coming over the railroad track, and
20 passing Trident Technical and going up to Rivers. If you
21 can imagine, this is the road he's on, this is Rivers, his
22 apartment complex is over here to the left of the railroad
23 track.

24 Q. And then at 2:42, the vehicles is going in the other
25 direction? So it would be going?

1 A. Returning back in the direction of his apartment.

2 Q. And then at 6:12 a.m., I believe, is the other State's
3 Exhibit No. 9. I believe that was -- saw the vehicle once
4 again traveling. And what direction was it going then at
5 6:12 in the morning on Saturday, April 4th?

6 A. Back towards Rivers.

7 Q. Were you aware as the kind of lead detective in this
8 case that several of the swabs that were collected from the
9 Sonata and the Ford van were sent out to State Law
10 Enforcement Division?

11 A. Yes, sir; I was.

12 Q. And did you become aware of, I guess, in late April of
13 2015, that there -- what Agent Meeh testified about today,
14 whether there was a match with the victim?

15 A. April 29th.

16 Q. And ultimately after that, was the defendant, was he
17 charged with murder shortly after that? Somewhere around, I
18 think it was, May the 4th. Does that sound about right?

19 A. May 5th.

20 Q. May the 5th. I'm almost done, Detective. Now were you
21 present -- you were in here when I read the stipulation
22 between the parties earlier about Mr. Leiendecker's
23 disclosure to Captain Phinney. Is that correct?

24 A. That's correct.

25 Q. And Captain Phinney, he's a captain over investigations

1 at the Sheriff's Office?

2 A. He is.

3 Q. Okay. And were you there that day when all that was
4 taking place?

5 A. I was.

6 Q. So you were aware that the body that's been identified
7 as Ms. Pegram's now was ultimately found that next morning?

8 A. Yes, sir.

9 Q. Were you out there when all that was done?

10 A. Yes, sir.

11 Q. And the last thing to just to kind of tie some of this
12 altogether, Detective, I want to show you what's been marked
13 as State's No. 100.

14 THE COURT: One zero zero?

15 AST. SOL. SORENSON: One zero zero. Yes, sir.

16 Q. Detective Martin, do you recognize this map that's
17 contained in State's Exhibit 100?

18 A. I do, sir.

19 Q. Does that kind of layout all the, basically, kind of
20 all of the areas we've just been talking and how they relate
21 to each other?

22 A. It does, sir.

23 Q. Does that aid you in kind of explaining to the jury
24 kind of where the victim's address is, where the body was
25 found, things of that nature?

Direct Examination of Andy Martin by Ast. Sol. Sorenson

1 A. Yes, sir.

2 AST. SOL. SORENSON: Your Honor, at this time we offer
3 State's No. 100 into evidence.

4 MR. HILTON: Without objection.

5 (Whereupon, State's Exhibit No. 100, Map, was received
6 into evidence.)

7 AST. SOL. SORENSON: Can I have him step down, Your
8 Honor?

9 THE COURT: (Affirms.) How much longer you got?

10 AST. SOL. SORENSON: Probably four questions dealing
11 with this map and I'll be done.

12 THE WITNESS: May I step down?

13 THE COURT: Sure.

14 Q. And Detective Martin, on State's Exhibit No. 100, and
15 obviously -- to kind of point things out. If you would,
16 just kind of go through and I guess just kind of point out
17 each of the -- symbol. There's a legend up at top. Just
18 kind of point what each of these locations are that are on
19 this map.

20 A. [REDACTED], was the first real reference point I had
21 where Ashley went that night after she left her house from
22 [REDACTED] ---

23 Q. And that is [REDACTED] is whose residence?

24 A. [REDACTED] is his brother's residence.

25 Q. And Ms. Diaz also?

1 A. And Ms. Diaz. They live there at [REDACTED]. So Ashley
2 left her house at [REDACTED]. She traveled to Huxley
3 for a bonfire and get together. They left there. We got
4 them on video at the Sunoco gas station on College Park.
5 The next time we have them is ---

6 Q. The night ---

7 THE COURT: Hold on one second. One second.

8 (Brief interruption.)

9 Q. And I'm more just wanting you just to kind of
10 illustrate what these areas are on here.

11 A. Okay. I'll start from bottom to top.

12 Q. Thank you.

13 A. 4221 Rivers Avenue is where Mr. Bonilla worked. [REDACTED]
14 [REDACTED] is the apartment complex where Mr. Bonilla lived.
15 336 College Park is the location of the Sunoco gas station,
16 the last place that we have video of Ashley alive. [REDACTED]
17 [REDACTED] is where his brother and Ms. Diaz lived and where
18 they went to the bonfire. [REDACTED] is the home of
19 Ashley Pegram. Latitude and longitude off of Brown Town
20 Road in Harleyville, South Carolina; that is where we
21 recovered the body of Ashley.

22 Q. And that area up here is in which County?

23 A. That is Dorchester County, sir.

24 Q. And you already testified that she resided in
25 Dorchester County, correct.

1 A. That's correct, sir.

2 Q. The area right around -- and let me ask you this: The
3 area that Mr. Bonilla had taken you to out near Summerville
4 Mobile Home Park, is that also in the general vicinity of
5 the victim's address?

6 A. General; yes, sir.

7 Q. And let me ask you: Did you have an opportunity to see
8 how long it would take you to drive from that Sunoco gas
9 station back to the vicinity of the victim's address and
10 then ultimately back to the defendant's residence at twelve
11 o'clock or so in the morning?

12 A. I went to the Sunoco gas station on College Park. It
13 was actually, I think, 2355 or 2350 at night; almost
14 midnight. I drove from the Sunoco gas station on College
15 Park all the way to past the Sheriff's Office at 212 Deming
16 Way. I turned around at the Sheriff's Office, came back
17 down the interstate on 26, got off at Ashley Phosphate,
18 turned right on Rivers, and turned around at the first
19 turnaround near Trident Tech. And I did it in 32 minutes.

20 Q. All right. You said you went and you kind of used the
21 Sheriff's Office as the point in between. Is the Sheriff's
22 Office, yet again, in the general facility vicinity not only
23 where the victim resided but also where Mr. Bonilla told you
24 that he had let Ms. Pegram out of the vehicle?

25 A. It's actually past it.

1 Q. It's actually a little further?

2 A. Yes, sir.

3 Q. Did that whole round trip, so to speak, took you 32
4 minutes?

5 A. It took me 32 minutes, sir.

6 AST. SOL. SORENSON: Beg the Court's indulgence.

7 (Brief pause.) That would be all I have, Your Honor. Thank
8 you.

9 THE COURT: Mr. Hilton, how long you going to be? You
10 think? Just a guestimate.

11 MR. HILTON: Fifteen minutes or so.

12 THE COURT: All right. We're going to break now for
13 lunch. You're right in the middle of the testimony, so
14 please don't discuss it with anyone while we break for
15 lunch. I've ordered pizzas; they are in there. Obviously,
16 I don't want you to gobble them down and come right back out
17 here. I've got to let my court personnel have a little
18 break and everyone else. So let's plan to start right at
19 two o'clock. So if you get threw eating and you want to go
20 out and get some fresh air, take a smoke, you're welcome to
21 do that. Don't discuss the case. Don't deliberate. Don't
22 talk to anyone about it. We'll start right back at two
23 o'clock. Everyone else remain seated, please.

24 (The jury exits the courtroom at 12:58 p.m.)

25 THE COURT: All right. Gentlemen, I know the defendant

1 has a motion he wants to make outside the presence of the
2 jury and the TV cameras. So why don't we plan to do that
3 about 1:30. That's about 35 minutes from here. I think
4 they got y'all's lunch back there to. And then we'll come
5 back and finish your cross examination of the detective.
6 How many more witnesses do you have?

7 AST. SOL. SORENSON: I believe we're going to rest at
8 that point in time, Your Honor.

9 THE COURT: And then what I will do at 1:30, also go
10 over Fifth Amendment rights if he's gonna testify. Ms.
11 Diaz, I want you to come over and sit right over here,
12 please, ma'am, behind the bailiff. When we break for lunch
13 in just a few seconds, I will be in my chambers. I'll see
14 y'all back out here at 1:30. TV cameras will not be allowed
15 -- I will not be able to let you come back in at 1:30.
16 We've got to do some stuff that's, in my discretion, should
17 not be on the cameras. The trial will start back at two
18 o'clock. Obviously, you're welcome back in at two o'clock.
19 We will adjourn for lunch right now. Thank you. Ms. Diaz,
20 if you'll come over here.

21 (Recessed for lunch at 12:59 p.m. The proceedings
22 resumed at 1:34 p.m.)

23 THE COURT: Go ahead.

24 MR. HILTON: I just want to say that we were provided
25 some information where Ms. Lindsay Diaz, who was a State's

1 witness at the beginning of the case on Tuesday when she
2 testified, she has been contacting the defendant's brother,
3 Anthony Navarro, who is expected to be a defense witness in
4 the case, giving him some essentially false information
5 saying that the defense attorneys were trying to bring him
6 into this case and make it look like he did it. As a result
7 of that, the defense brought that to the Court's attention
8 and the Court has since assigned or instructed the Sheriff's
9 Office to investigate. We'll turn over those text messages
10 that were provided to us to the investigator.

11 THE COURT: Mr. Sorenson, anything you want add?

12 AST. SOL. SORENSON: I have nothing to add.

13 THE COURT: That's your understanding, is it not?

14 AST. SOL. SORENSON: That's what I've been told. I
15 have no first-hand knowledge of ---

16 THE COURT: I mean, that's your understanding of what
17 was told to me and my reaction was I did not want to get
18 involved with it. I thought it was something that the
19 Sheriff's or law enforcement should investigate. And
20 whatever happens, happens.

21 AST. SOL. SORENSON: Yes, sir.

22 THE COURT: Will your witness be here, Mr. Hilton?

23 MR. HILTON: He's present now.

24 THE COURT: Well, Ms. Diaz, the deputies are coming.
25 They have a copy of your text messages and they will

1 investigate it.

2 MS. DIAZ: Okay.

3 THE COURT: That's what this is all about.

4 MS. DIAZ: So I just sit here?

5 THE COURT: Yes, ma'am. They're on the way. Now, you
6 have another motion. Is that correct?

7 MR. HILTON: I do, Your Honor. We have a motion to
8 Rule 605 of the South Carolina Appellate Court Rules. And
9 the rule deals with media broadcast. And specifically
10 605(f)13 says, "The presiding judge may refuse, limit, or
11 terminate media coverage of an entire case, portions
12 thereof, or testimony of a particular witness -- or
13 particular witnesses as may be required in the interest of
14 justice." In this particular case, Your Honor, it's
15 expected that the defendant, Mr. Edward Bonilla, will be
16 offering testimony on his behalf.

17 In my discussion with Mr. Bonilla, he has been
18 forthcoming with me, but that's a process. And it is not
19 something that he is -- it's almost like he's shy a little
20 bit. And I understand that. And that was verified again
21 when Ms. Kimmons was introduced to him a week or so ago when
22 we met with him at the jail and went over his case again.
23 He's a little hesitant. He's a little -- the best way to
24 put it is shy or embarrassed, if you will; and rightfully
25 so. I mean, this is a major case. These are serious,

1 series allegations. And I believe in my meetings with him
2 and my seeing him interact with Ms. Kimmons, that this trial
3 alone will be stressful enough for him to be able to testify
4 on his behalf effectively.

5 I think with the added benefit of two cameras facing
6 him to record this in time immemorial, I think that that
7 would unconstitutionally thwart his ability to be able to
8 effectively testify. The Court has the ability to prevent
9 cameras in the courtroom. We're not asking that the media
10 be prohibited. It is an open courtroom. All we're asking
11 is that it not be video recorded. And we would respectfully
12 make that request under that rule, Rule 605.

13 THE COURT: Mr. Sorenson?

14 AST. SOL. SORENSON: I'm not really sure I have a
15 concern either way, Your Honor. I mean, I don't necessarily
16 think what Mr. Hilton has put out there is a basis for
17 excluding cameras. But, I mean, at the same time, I'll
18 leave that in Your Honor's discretion. I honestly don't
19 have an opinion one way or the other. Other than just I
20 don't think that is a basis for excluding them.

21 THE COURT: Well, the rule is that I may refuse or
22 limit any portions thereof media coverage in the interest of
23 justice. Because the defendant is shy and hesitant, and
24 obviously any murder cases is a major case, I don't see
25 where the interest of justice is being served by terminating

1 the media who have been in here for the entire case and have
2 performed professionally. I don't think I'm going to
3 preclude them from continuing coverage in the case while he
4 testifies. I mean, they listened; they had cameras in here
5 from the whole entire trial. And I think that is the
6 purpose of the rule is to make it transparent. This case
7 has generated a lot of public interest, obviously, being a
8 social media type case showing what can happen if someone --
9 or possible results of using social media and going out with
10 people you don't know or have not met before. I mean, I
11 just don't think the reasons you've given me will
12 necessitate under the interests of justice for me precluding
13 them from being in here. But I will take it under
14 advisement. And when he gets ready to testify, I'll make
15 the decision.

16 MR. HILTON: Thank you, Your Honor.

17 THE COURT: All right. As I understand, we are down to
18 the cross examination of the State's last witness at which
19 time you will rest?

20 AST. SOL. SORENSON: Yes, sir.

21 THE COURT: Mr. Bonilla, if you will please stand for
22 me. Raise your right hand.

23 (Whereupon, the defendant, Edward Primo Bonilla, is
24 duly sworn.)

25 THE COURT: Mr. Bonilla, you may be seated. Let me ask

1 you a couple of questions and make sure you understand my
2 questions. And in just a few minutes, when we come back,
3 when the jury comes back, your lawyer will have the
4 opportunity to cross examine the last witness who I
5 understand is the last witness for the State. And if that's
6 the case, the State will then rest. That means they've
7 presented all the testimony they want to present. And the
8 next stage of the trial is that you have the opportunity to
9 present your side of the case, your defense, to tell what
10 you want to say to the jury. Now, if you choose to do that,
11 and you have every right to do that, you you'll be subjected
12 to the same rules that every other witnesses is subjected
13 to. That is you will be able to be cross examined on all
14 relevant issues involved in the case by the Solicitor's
15 office.

16 Mr. Sorenson, does he have a record that may have any
17 impeachment situations?

18 AST. SOL. SORENSON: No, your Honor.

19 THE COURT: So, you've heard, you know, throughout the
20 trial how your lawyer has been able to cross examine the
21 witnesses for the State. The State will have a like; will
22 have the same right to cross examine you and ask you
23 whatever questions they deem necessary in the case. So do
24 you understand that?

25 THE DEFENDANT: Yes, Your Honor; I do.