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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Dorchester County
Honorable Maite Murphy, Circuit Court Judge
Honorable Diane Schafer Goodstein, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTHONY NICHOLAS ARGOE,

APPELLANT

APPELLATE CASE NO. 2023-000223

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STATE OF SOUTH CAROLINA	)	THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF DORCHESTER	)	FIRST JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA	)	NO. 2019-GS-18-01519
	)	
VS.	)	<u>TRANSCRIPT OF RECORD</u>
	)	
ANTHONY NICHOLAS ARGOE	)	Motion to Relieve

B E F O R E:

The Honorable Diane Schafer Goodstein, Judge
Saint George, South Carolina

DATE: Monday, July 25, 2022

11:56 a.m.

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Reported by: Cathy J. Provost, RMR, Official Court Reporter

-- P R O C E E D I N G S --

ATTORNEY RIVERS: Defendant Anthony Argoe.

CLERK OF COURT: Mr. Argoe, if you'll please raise your right hand, and state your full name for the record.

THE DEFENDANT: Anthony Nicholas Argoe.

ANTHONY N. ARGOE, DEFENDANT, SWORN IN

ATTORNEY RIVERS: May it please the Court, Judge.

THE COURT: Just a second. Just a second. Yes, sir.

ATTORNEY RIVERS: Yes, Judge. Before you is defendant Anthony Argoe, who is represented by Mr. Chisholm, and he is present under motion to relieve Mr. Chisholm as counsel. And, Judge, I will say Mr. Argoe is charged with murder, as well as possession of a weapon during a violent crime.

This is Mr. Osborne's case. He's asked me to stand in for him. And the only thing that Mr. Osborne has asked me to indicate to the Court is that this case is being scheduled for trial in December, and that he would object to Mr. Chisholm being relieved on those grounds.

THE COURT: Thank you. All right. Anything else from the solicitor for this morning?

ATTORNEY RIVERS: I don't believe so, Judge.

THE COURT: And not for this afternoon, correct?

ATTORNEY RIVERS: Not this afternoon, Judge.

THE COURT: Until Wednesday morning?

ATTORNEY RIVERS: Correct.

1 THE COURT: Very well. As you know, this is a matter that I
2 must hear outside the presence of the solicitor's office so that
3 this gentleman's attorney-client privilege will be protected, so
4 goodbye.

5 (Solicitor's office and their staff leave the courtroom.)

6 ATTORNEY CHISHOLM: Judge, I was curious. If they can
7 object to the defendant's motion, does that mean they can join in
8 the motion?

9 THE COURT: I think that's a matter between you and your
10 client. I think what he's trying to express -- Mr. Osborne -- is
11 that he wants the matter to go forward.

12 ATTORNEY CHISHOLM: Yes, I understand. Just never heard it.

13 THE COURT: All right. Now, the people who are present in
14 the courtroom; of course Mr. Argoe is present in the courtroom,
15 the defendant; his attorney, Mr. Chisholm; the folks from the
16 clerk's office; our esteemed court reporter; and we have our
17 bailiffs who are present; we have security present which is
18 normally customary; and we have the intern who is present from
19 the public defender's office. And I think that rounds out who is
20 in the courtroom.

21 Everyone now is under an order by the Court not to discuss
22 the matters that we are about to talk about. That doesn't, in
23 any way, restrict you, of course, Mr. Chisholm, from talking to
24 Mr. Argoe about it --

25 ATTORNEY CHISHOLM: Yes, ma'am.

1 THE COURT: -- but everyone else, do not discuss these
2 matters outside of court.

3 And the purpose, Mr. Argoe, for your informational purposes,
4 is simply to preserve your attorney-client privilege. All right.

5 And this has been brought by your client and not by you, Mr.
6 Chisholm?

7 ATTORNEY CHISHOLM: Yes, Your Honor.

8 THE COURT: Okay. Very well. Yes, sir. I'm listening to
9 you.

10 THE DEFENDANT: Okay. It's just that I just don't feel like
11 he spent a submissive [sic] amount of time with me going over the
12 case for trial.

13 THE COURT: Okay.

14 THE DEFENDANT: And when I ask for something, I don't get
15 it --

16 THE COURT: Uh-huh.

17 THE DEFENDANT: -- or when I do get something, it has
18 nothing to do with anything --

19 THE COURT: Uh-huh. Okay.

20 THE DEFENDANT: -- and I feel that I'm not being represented
21 to the best of my ability.

22 THE COURT: Okay. All right. Can you give me some
23 examples? How many times, approximately, have you met with
24 Mr. Chisholm?

25 THE DEFENDANT: Less than eight.

1 THE COURT: Okay. How many less than eight? A lot less
2 than eight? A little less than eight?

3 THE DEFENDANT: A little less than eight.

4 THE COURT: All right. And what things have you asked him
5 to do that he hadn't done?

6 THE DEFENDANT: I asked for information, and it wasn't given
7 to me.

8 THE COURT: Okay. Like what?

9 THE DEFENDANT: Bank records, text messages, things of that
10 nature.

11 THE COURT: And bank records and text messages of who?

12 THE DEFENDANT: Myself and the deceased.

13 THE COURT: Okay. All right. And anything else? You said
14 there were some things that he had shown you that didn't have
15 anything to do with anything. Like what?

16 THE DEFENDANT: Pictures off of cellphones from --

17 THE COURT: Pictures of what?

18 THE DEFENDANT: Pictures off of cellphones from 2014,
19 vacation, and stuff like that there. I mean, it has nothing to
20 do with the case.

21 THE COURT: Has nothing to do with the case?

22 THE DEFENDANT: Nothing the all.

23 THE COURT: All right. Anything else?

24 THE DEFENDANT: I've got a list, you know, of things that
25 just, it's not adding up, you know.

1 THE COURT: Uh-huh.

2 THE DEFENDANT: When I ask for something -- I've asked to
3 see bodycam footage of the apartment where the crime was
4 committed. I haven't got that.

5 THE COURT: Okay. Anything else?

6 THE DEFENDANT: No. That's about it right there.

7 THE COURT: Yes, Mr. Chisholm.

8 ATTORNEY CHISHOLM: Thank you, Your Honor. May it please
9 the Court.

10 THE COURT: Uh-huh.

11 ATTORNEY CHISHOLM: The text messages, I believe we have.
12 The pictures he's talking about, those are pictures that were
13 taken off the phone records that we received in discovery, so I
14 believe that's what he's talking about, pictures in discovery
15 that were on the phone from years ago. But I believe we have all
16 the text messages that are going to be available. They did a
17 forensic examination of the phones that they took into evidence.

18 As to the bank records, basically what I discussed with
19 Mr. Argoe is I haven't subpoenaed them because, based on his
20 reasoning for wanting the records, I didn't see how they were
21 going to be relevant in the trial, something that would
22 admissible based on relevance.

23 As for the footage, the bodycam footage, he is correct in
24 that. We've been on the, I guess, COVID restrictions for the
25 visitation. It's been almost exclusively over Home Wave, like a

1 Zoom-type service.

2 What I'm going to try to do -- and sounds like we're
3 probably going to have a little bit of time to do so with the
4 schedule for this case. Looks like it's going to be going
5 forward in December -- is either myself or my investigator, have
6 them go over, see if we can coordinate with the jail, because
7 we'll have to -- you know, I can't send a disk to him. I can't
8 do that. So somebody will have to go over there with a laptop
9 and figure out a time to play them for him, which is something we
10 can do prior to trial.

11 THE COURT: Sure. Okay. Is that right, you met with him --

12 ATTORNEY CHISHOLM: I wish I had my -- he's got a banker's
13 box full of stuff.

14 THE COURT: Okay.

15 ATTORNEY CHISHOLM: I should have brought my defender data
16 notes to show how many times we've met. I would be surprised if
17 it's less than 10 --

18 THE COURT: Okay.

19 ATTORNEY CHISHOLM: -- but don't quote me on that. But it's
20 been multiple times over the past --

21 THE COURT: Okay, I gotcha. Okay. Very well. Very well.
22 You know, Mr. Argoe, what our law says is that you certainly are
23 appointed -- you're entitled to appointed counsel if you are
24 indigent. You're in the jail. You're not working. So the
25 determination that you are someone who is indigent is probably

1 pretty correct, but you're not entitled to the appointment of any
2 particular attorney. You are entitled, of course, to appointment
3 of competent counsel.

4 And when you talk about Mr. Chisholm may have gone over some
5 images or some information with you that had, in your opinion,
6 had absolutely nothing to do with anything -- and you very well
7 may be correct -- but you have to keep in mind that Mr. Chisholm
8 has an obligation to go over with you the discovery that is
9 provided to him from the State, whether it has anything do with
10 anything or not, and so you have to take that into consideration.

11 With regards to the number of times that he has met with
12 you, the case -- we are now -- today is July the 25th. The case
13 is going to trial in December. He's met with, you say, in the
14 neighborhood of eight times; he says around 10 times. That's not
15 that far off. And obviously it will be many more times between
16 now and December as trial preparation certainly, obviously, will
17 get much more active.

18 He is obtaining the text messages, or has obtained the text
19 messages, that are available, he tells me, and his investigator
20 is working to get the bodycams. He's working to get the
21 bodycams, and when they are obtained it's going to be a little
22 more cumbersome because of the requirements of the jail,
23 understanding COVID. And COVID's fixing to take off again, so it
24 may be delayed even more than we sort of anticipate at this
25 point, but it could because it's -- the new variant is most

1 infectious, and there's some indication that COVID will make us
2 become more restrictive, in the short term hopefully.

3 But all that being as it is, what I'm hearing from
4 Mr. Chisholm, I would not be inclined to relieve him from
5 representing you. I know him to be very competent. He has an
6 investigator who's working on your case with him. He's met with
7 you many times. He will meet with you many more times. He is
8 certainly proceeding to get the bodycam footage, has received the
9 text messages, which are available.

10 And there's nothing that I'm told, at this point, that I
11 have concerns about. And I'm happy to hear any other concerns
12 that you have at this point, but from what I've heard up to this
13 point I have no concerns about him continuing to represent you.

14 THE DEFENDANT: I guess that would be all, Your Honor. I
15 appreciate it. I do.

16 THE COURT: Well, let me just tell you that -- just share
17 with you that your feelings at this point are not atypical, and I
18 am certainly not marginalizing them, and I don't want you to hear
19 that I am this for this reason. You've got one case. You've got
20 one life. And I get it.

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: I do want you to know this, and this is based on
23 my experience. This is anecdotal. That's all it is. I want you
24 to keep in mind a couple of things. Number one, I am so
25 delighted that you're engaged in your own representation. That's

1 important. Stay there. I want you to know that Mr. Chisholm is
2 very competent. I want you to know that between now and December
3 you'll probably be kind've sick of seeing him. I want you to
4 keep in mind also that defense counsel is charged with the
5 responsibility to weigh your situation, but a lot of people,
6 understandably, you know, they get sick of hearing negatives.
7 They get sick of hearing -- they just get sick of it. It's human
8 nature.

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: And what they want to hear is they want to hear,
11 Wait a minute, I want to hear that you're going to fight and
12 we're going to win this thing. That's what I want to hear. He
13 has an obligation to give you the downside. That does not
14 mean -- that does not mean that he will not do a very good job
15 for you.

16 And let me share this with you: To a person that I have
17 heard these types of motions, to include right before trial, and
18 we sort of go through it as we're going through it, and then the
19 trial begins, the looks on those folks' faces to a person is -- I
20 don't know how to describe it, because what ended up happening is
21 that they inevitably look at the lawyer like, Whoa, that's what
22 I've been wanting. You know what I mean? There it is. And so
23 what I would share with you is that it's very difficult for a
24 criminal defense lawyer to do what they have to do under their
25 obligation, and that is to tell you what is tough for your

1 case -- what is positive for your case, but what is tough for
2 your case. That's hard.

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: And inevitably when they see their lawyers like,
5 Whoa, you are fighting; Whoa, where'd that come from? You're
6 fighting for me, there's this change that I've see on folks'
7 faces to a person.

8 So what I wanted to share with you is, as you go through
9 this process be mindful that the fact that your lawyer has an
10 obligation to give you the yuck news, the main -- do not think
11 when it's time for trial that he will not be your advocate.
12 Don't confuse the two. It's just that you have to know. You
13 have to know everything. You have to, because you have to make
14 incredibly important decisions. And if you're just getting rosy,
15 rosy, rosy news all the time and nobody's giving you the
16 downside, you cannot make an informed decision, so just remember
17 that. And that's just anecdotal from having watched Mr. Chisholm
18 try a bunch of cases.

19 THE DEFENDANT: I appreciate you telling me that.

20 THE COURT: And having said that, do not stop being an
21 advocate for your own case, right.

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: And continue to have a dialogue. That's so
24 important. Understand that Mr. Chisholm can do a whole lot real
25 fast. One of the things that I have always found fascinating is

1 that, yes, there are private lawyers in the community that do a
2 fantastic job, but people forget about the public defenders.
3 They do it every single day.

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: It's like, Which heart surgeon do you want? You
6 know what I mean? So I'll suggest; be your advocate, be
7 concerned, do what you're doing, don't apologize for it. Be
8 balanced, though, and be sure you're listening to him. What
9 worries people is that, Is he on the side of the solicitor's
10 office? Do not confuse his oath of civility, which means lawyers
11 got to be civil to one another or they can lose their license.
12 Do not confuse that with the ability to take them to task. Okay.

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Okay.

15 THE DEFENDANT: Thank you so much.

16 THE COURT: Thank you, sir.

17 THE DEFENDANT: I appreciate that.

18 ATTORNEY CHISHOLM: Thank you, Your Honor.

19 THE DEFENDANT: Thank you.

20 THE COURT: Just do a little order for me, Mr. Chisholm,
21 when you get a minute. And if you'll pass that along, please, to
22 Mr. Rivers or Mr. Osborne that I've denied the motion.

23 ATTORNEY CHISHOLM: Do you want me to do it now and get it
24 to you, or do you want me to email it to you, or how do you want
25 me to do it?

1 THE COURT: I'm going to be back Wednesday.

2 ATTORNEY CHISHOLM: I guess there's no huge rush on this
3 one. Okay.

4 (End of Transcript of Record.)
5

6 CERTIFICATE OF REPORTER

7 I, Cathy J. Provost, Official Court Reporter for the
8 Fourteenth Judicial Circuit of the State of South Carolina, do
9 hereby certify that the foregoing is a true, accurate and
10 complete Transcript of Record of the proceedings had and evidence
11 introduced in the trial/proceedings of the captioned case in the
12 Court of General Sessions for Dorchester County, South Carolina,
13 on the 25th day of July, 2022.

14 I do further certify that I am neither of kin, counsel, nor
15 interest to any party hereto.

16 Date: March 6, 2023
17

18 \s\ Cathy J. Provost
19 Cathy J. Provost, RMR
20 Official Circuit Reporter
21
22
23
24
25

State of South Carolina	)	Court of General Sessions
	)	First Judicial Circuit
County of Dorchester	)	Case No. 2019-GS-18-01519
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
Anthony Nicholas Argoe,	)	
	)	
Defendant.	)	
	)	

September 16, 2022
St. George, South Carolina

B E F O R E:

The Honorable Maite Murphy, Judge

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

David Osborne, Esquire
Attorney for the Plaintiff/State

Ash Chisholm, Esquire
Attorney for the Defendant

Proceedings taken down electronically

Transcribed by:
Krystal J. Smith
Official Circuit Court Reporter III

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I N D E X

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>

(No Exhibits Entered)

COURT REPORTER LEGEND

dashes -- intentional or purposeful interruption

or change in thought

ellipses . . . trailing off

[*ph*] phonetically written

[*sic*] written as said

[*inaudible*] unable to hear or understand due to audio

Quality and/or volume

1 SEPTEMBER 16, 2022

2 (WHEREUPON, the proceedings began at 11:24 a.m.)

3 (WHEREUPON, the defendant was sworn by the clerk.)

4 MR. CHISHOLM: Your Honor, before we get started, this is
5 going to be a motion for Mr. Argoe to represent himself or a
6 relieve counsel kind of situation. I would request that the
7 court be cleared except for, you know, essential personnel and
8 members of my office. I understand we'll probably be
9 basically going through the *Faretta* issues, but there's always
10 a concern that it goes into other areas that, you know,
11 obviously, I would like to keep confidential.

12 THE COURT: Yes, sir. We can do that.

13 If everyone not related to this particular case please
14 clear the courtroom.

15 MR. OSBORNE: The only thing I would like to say for the
16 Court's information, we have extended a plea offer to him.
17 I'm going to keep that open for now. Clearly, [inaudible] of
18 course, depending on how this goes, but we do have him
19 scheduled for trial on December 6th.

20 MR. CHISHOLM: 12th.

21 MR. OSBORNE: 12th.

22 THE COURT: Okay.

23 MR. OSBORNE: We're working on forensic [inaudible.]

24 (WHEREUPON, there was a pause in the proceedings, after
25 which the proceedings resumed as follows.)

1 MR. CHISHOLM: Your Honor, I guess just procedurally I
2 can give you a little bit of background.

3 THE COURT: Yes, sir.

4 MR. CHISHOLM: We actually came before Judge Goodstein.
5 I believe it was on July 25th with a motion to relieve
6 counsel. That motion was denied. During that hearing, we
7 never got into the part about whether he would represent
8 himself, whether he would like to do that.

9 Subsequent to that meeting, I did meet with Mr. Argoe,
10 and he basically told me that's what he would like to do. So
11 I kind of explained broadly *Faretta* and things of that nature,
12 and that's why we're here today.

13 THE COURT: And tell me what he's charged with?

14 MR. CHISHOLM: He's charged with murder, Your Honor.

15 THE COURT: And what was the plea offer?

16 MR. CHISHOLM: The plea offer? I believe it was 15. It
17 might have been a range of 15 to 30, Your Honor, off memory.

18 THE COURT: Good morning, Mr. Argoe.

19 THE DEFENDANT: Good morning.

20 THE COURT: Has he been sworn in, Madam Clerk?

21 THE CLERK: Yes.

22 THE COURT: All right. So, Mr. Argoe, Mr. Chisholm tells
23 me that you wish to represent yourself.

24 THE DEFENDANT: I do.

25 THE COURT: And can you tell me why that is?

1 THE DEFENDANT: I just don't think he's doing right by
2 me. So I'd rather represent myself.

3 THE COURT: Do you -- how far did you go in school?

4 THE DEFENDANT: I've got some college.

5 THE COURT: What type of work do you do?

6 THE DEFENDANT: I'm a welder.

7 THE COURT: And have you ever studied the law?

8 THE DEFENDANT: Some, yes.

9 THE COURT: Can you tell me where?

10 THE DEFENDANT: At home, Internet.

11 THE COURT: And I mean, what type of materials have you
12 used to study the law?

13 THE DEFENDANT: Just off the Internet.

14 THE COURT: Are you familiar with the rules of evidence?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: And what's, say, a 403 objection?

17 THE DEFENDANT: I've got it all in my cell over there.

18 THE COURT: All right, sir, and can you tell me what a
19 hearsay is?

20 THE DEFENDANT: It's irrelevant.

21 THE COURT: All right, sir. You understand that you're
22 looking at a murder charge where you're looking at a potential
23 life sentence? Do you understand that?

24 THE DEFENDANT: I do.

25 THE COURT: And you understand that if you are to

1 represent yourself that you would be held to the exact same
2 standards as if you were an attorney? You can't tell me right
3 now what hearsay is or what a 403 objection is, and those are
4 very basic tenets of the law and the rules of evidence.

5 I would be extremely concerned for your success as far as
6 representing yourself in going forward with a murder case.
7 Mr. Chisholm is an excellent attorney. He's tried many cases.

8 THE DEFENDANT: He's withheld -- I'm sorry. He's
9 withheld evidence from me on more than one occasion.

10 THE COURT: And tell me why -- why you think that?

11 THE DEFENDANT: It's a fact. Either him or the DA
12 withheld the evidence, one or the other.

13 THE COURT: Well, Mr. Chisholm is assigned to represent
14 you, and certainly he's an officer of the -- of the Court.
15 And as an officer of the Court, he will turn whatever evidence
16 he has to you in part of the discovery process. I have seen
17 him on many occasions make motions before the Court that he
18 doesn't have certain evidence that the State may or may not
19 have, and he's a zealous advocate for his clients.

20 So, Mr. Chisholm, any remarks regarding his claim?

21 MR. CHISHOLM: No, Your Honor. Well, I don't know if he
22 wants to get into specifics, but I mean, there are some things
23 that came up late again. But it's --

24 THE DEFENDANT: That, and the fact that the officer was
25 released from work. He was fired from work, but I mean,

1 nothing unusual about that. But again, I didn't find out
2 about it until -- until March.

3 The other failure was an inmate testi -- wrote a
4 statement saying that I confessed to him. That was on March
5 the 5th. I didn't get the letter until July or August, in
6 fact.

7 MR. CHISHOLM: Well, regarding that, the letter from the
8 jailhouse informant, we turned it over pretty much as soon as
9 we got it. We didn't get it, obviously, the day it was made
10 or anything like that. When the prosecution turned it over to
11 us, that's when he got a copy. And so he's right he didn't
12 get it right when the statement was made, but that's because
13 we didn't have it or didn't really know about it for certain
14 until we got it.

15 You know, he's referencing Detective Rawlings, who was
16 released from Summerville Municipal Court and has some pending
17 charges somewhere. So we have discussed that as well, Your
18 Honor.

19 THE DEFENDANT: We didn't discuss that. You didn't tell
20 me nothing until almost a year later.

21 THE COURT: It appears that when Mr. Chisholm receives
22 the information, he has conveyed it to you. You understand
23 that you're facing a trial on December the 12th.

24 And Mr. Chisholm has -- how long have you represented
25 him?

1 MR. CHISHOLM: I'd have to go back through because it's a
2 little bit more complicated than that. He was initially
3 represented by Ms. Hubert with our office. When she left and
4 went into private practice, I took the case over. I don't
5 know that I've got this. I've got, you know, a banker's box
6 or two full of stuff for him. I didn't bring it all; so I
7 don't know if I've got on here when it was actually
8 transferred to me.

9 THE COURT: But based upon your experience in
10 representing him, would you be sufficiently prepared for
11 trial?

12 MR. CHISHOLM: Yes, ma'am.

13 THE COURT: All right. So, Mr. Argoe, he tells me he's
14 prepared for trial. I've witnessed him trying cases. He's an
15 excellent attorney.

16 If you want to hire your own attorney, you can do so, but
17 I mean -- and you tell me you've researched the law on the
18 Internet, but that certainly is not anything comparable to a
19 law degree and practicing law. As far as representing
20 yourself, I don't think that would be a wise choice for you.

21 These are -- do you have the funds to hire private
22 counsel to be ready for trial in December? I mean, you're
23 looking at a potential life sentence. Do you understand that?

24 THE DEFENDANT: I understand that. If I hire an
25 attorney, there might not be time for him to get acclimated

1 with the -- with the case.

2 THE COURT: No, sir. That's not going to happen. Your
3 case is already scheduled for trial December the 12th. So if
4 you hire an attorney, they're going to have to be ready by
5 then or you can stay with Mr. Chisholm.

6 THE DEFENDANT: Well, I'll look into it then.

7 THE COURT: All right, sir. If you are able to hire an
8 attorney, make sure that they contact the Court and that they
9 absolutely know that they're ready for trial December the
10 12th.

11 Otherwise, your motion to relieve Mr. Chisholm is denied.
12 I don't -- I believe that you need representation in this
13 matter. In looking out for your interest as far as properly
14 preparing and being able to defend yourself, I do believe that
15 you need representation in this matter. If you can hire
16 somebody, you're certainly free and able to do so. All right,
17 sir?

18 MR. CHISHOLM: Thank you, Your Honor.

19 MR. OSBORNE: Thank you, Your Honor.

20 (WHEREUPON, the proceedings ended at 11:34 a.m.)

21

22 --- END REQUESTED TRANSCRIPT ---

23

24

25

State of South Carolina	)	
	)	Certificate
County of Florence	)	

I, the undersigned, Krystal J. Smith, Notary Public and Official Circuit Court Reporter III for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 10, constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of General Sessions for Dorchester County, South Carolina, on the 16th day of September, 2022, to the best of my ability based upon the audio and notes provided.

I do further certify that I am neither of kin, counsel,
nor interest to any party hereto.

S/Krystal J. Smith

Court Reporter

Florence, South Carolina

April 28, 2023

State of South Carolina	)	
	)	In the Circuit Court
County of Dorchester	)	
	)	
The State of South Carolina)	)	
	)	2019-GS-18-01519
Plaintiff,	)	
	)	
versus	)	
	)	
Anthony Nicholas Argoe,	)	
	)	
Defendant.	)	
_____	)	

Dorchester County Courthouse
January 19, 2023

TRANSCRIPT OF HEARING

B E F O R E

The Honorable Diane Schafer Goodstein

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

David L. Osborne, Esquire
Attorney for Plaintiff

Ash Chisolm, Esquire
Attorney for Defendant

FOR COPIES CONTACT: Melissa R. Singletary
Certified Verbatim Court Reporter
msingletary@sccourts.org

I N D E XWITNESS (ES)PAGE

Certificate of Service

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E X H I B I T S

(There were no exhibits marked during this hearing)

State of South Carolina vs Anthony Nicholas Argoe

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1 THE COURT: All right. Tell me what we are doing?

2 MR. CHILSOLM: Judge, this is a motion of Anthony
3 Argoe to represent himself.

4 THE COURT: Okay.

5 DEPUTY CLERK: Mr. Argoe, if you will please raise
6 your right hand and state your full name for the record.

7 MR. ARGOE: Anthony Nicholas Argoe.

8 DEPUTY CLERK: Do you solemnly swear are affirm to
9 tell the truth, the whole truth and nothing but the truth
10 so help you God?

11 MR. ARGOE: I do.

12 DEPUTY CLERK: Thank you.

13 THE COURT: All right. Mr. Argoe, do you wish to
14 represent yourself?

15 MR. ARGOE: Yes, ma'am.

16 MR. CHISOLM: Your Honor.

17 THE COURT: Yes.

18 MR. CHISOLM: I'm sorry. Is there anyway we could
19 have the courtroom cleared from the prosecutor?

20 THE COURT: You are concerned that there may be
21 some attorney/client information?

22 MR. CHISOLM: Yes, ma'am.

23 THE COURT: All right. On behalf of the State,
24 obviously, I've got to protect this gentlemen's
25 attorney/client privilege and it would be my intention

State of South Carolina vs Anthony Nicholas Argoe

4

1 obviously to do nothing more than address the Faretta
2 standards and should anything else occur I will certainly
3 notify the state and you all can come back in, okay?

4 MR. CHILSOLM: Thank you, Judge.

5 THE COURT: Thank you.

6 **(Prosecutors exit the courtroom)**

7 Mr. CHISOLM: Your Honor, Mr. Adams will be --
8 there he is. He has joined us. He's on the case with me.

9 THE COURT: All right. Now, because I have been
10 notified by counsel that there is a likelihood that there
11 may be attorney/client information, which would be
12 disclosed and Mr. Argoe's attorney/client privilege must be
13 protected, what we will do is I'm going to go around the
14 courtroom and ask you to identify yourself so that the
15 record is clear who is in the courtroom. Yes ma'am.

16 Irene Clark, bailiff, Melissa Singletary, court
17 reporter.

18 THE COURT: Ash Chisholm.

19 PRESENT IN THE COURTROOM: Deputy Keith Barron.
20 James Adams with the public defender. Sergeant Smith with
21 Dorchester County Sheriff Office. Tonda Westbury, Clerk.
22 Amy Saukas, law clerk.

23 THE COURT: All right.

24 SERGEANT SMITH: Mr. Ken Bailey, bailiff.

25 THE COURT: I'm so sorry, I didn't see him. To

State of South Carolina vs Anthony Nicholas Argoe

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1 each and every one of you, you are under a obligation not
2 to disclose what is disclosed in this hearing. This
3 hearing will be sealed. It can be unsealed by Order of the
4 court but everyone here is under an order not to disclose
5 what is discussed in this hearing and the reason, of
6 course, for that is to protect Mr. Argoe's attorney/client
7 privilege.

8 All right. Now, tell me what he's charged with.
9 I know nothing about this matter.

10 MR. CHISHOLM: Your Honor, he is currently charged
11 with Murder. He was also charged with possession of a
12 weapon during the commission of a violent crime. That
13 charge is being or is in the process of being nolle prosequere.
14 I don't believe the State will be going forward on that one
15 so I think we will just have the Murder. If I could I can
16 give you a little bit of the procedural history.

17 THE COURT: That would be great.

18 MR. CHISHOLM: It's a little bit unique. Mr.
19 Argoe -- we were actually before Your Honor back on, I
20 think it was July 25, 2022, on a motion to relieve counsel.
21 That motion -- he was denied. He was, of course, told that
22 he could hire a private attorney. We did not really in
23 that hearing get into self representation. We did not
24 raise the issue at that point so it wasn't addressed.
25 Subsequent to that hearing in September, Judge Murphy heard

State of South Carolina vs Anthony Nicholas Argoe

6

1 Mr. Argoe's motion to represent himself. So, I wanted to
2 point that out because it was heard previously and I can
3 kind of relay my conversation with Mr. Argoe while we are
4 back here today.

5 THE COURT: Okay.

6 MR. CHISOLM: If that helps. Basically my
7 conversations with Mr. Argoe, during that hearing with
8 Judge Murphy she went through, you know, the Faretta
9 warnings, the risks that are associated with trial and
10 things of that nature. But, basically, the way we ended it
11 and I didn't get a written Order or anything on that but
12 she asked him, you know, what Rule 403 is. You know what
13 hearsay is. And he wasn't able to answer at the time. I
14 believe he told, Your Honor, that he had most of his
15 resources back at the jail because a lot of times we get
16 these things kind of put on last minute and they are not
17 noticed to bring all their stuff but basically his position
18 was that he feels that he is competent to represent
19 himself. That he would like to have it reheard in full and
20 I don't know if I'm allowed to do this. I explained to Mr.
21 Argoe this is typically a hearing with, you know, the judge
22 and the defendant to go through. It's more of a
23 conversation between those two parties as opposed to mine,
24 but he did express some irritation, I guess, that I didn't
25 say my thoughts at the previous hearing as far as, you

State of South Carolina vs Anthony Nicholas Argoe

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1 know, if I had concerns about his competency and things
2 like that so I told him if, Your Honor, would allow me I
3 could briefly tell you or if it's not part of this hearing
4 I told him that you would tell him that as well.

5 THE COURT: So, what was the determination by
6 Judge Murphy, did she rule?

7 MR. CHISHOLM: She did. She denied him the right
8 to represent himself. She found I guess, I guess it's a
9 finding that he isn't competent to represent himself. But
10 it seemed like -- his concern -- and it did seem like it
11 was based on can you tell me what hearsay is and can you
12 explain that to me and Rule 403 and, you know, what he told
13 me he said you could probably ask lawyers and they might
14 not be able to answer that, so. That's basically the gist.

15 THE COURT: Was there a motion raised -- was there
16 a motion to reconsider raised?

17 MR. CHISHOLM: No, Your Honor, there was not.

18 THE COURT: Let me ask you this question? Why is
19 it then Judge Murphy's determination under Faretta, why
20 isn't that the law of the case?

21 MR. CHISHOLM: I understand and that's what I
22 discussed with Mr. Argoe is that, you know, I think to
23 probably preserve it I would have had to renew this motion
24 prior to trial at some point, which is why I was bringing
25 it up to Your Honor because you are scheduled to hear the

State of South Carolina vs Anthony Nicholas Argoe

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1 case February 6. But, this was something that came up
2 fairly recently that he wanted to renew his motion so I
3 guess I could do it as a motion to reconsider with Judge
4 Murphy but with the timing and the way everything is going
5 up I didn't know if I could bring it up before Your Honor,
6 since you will be hearing it.

7 THE COURT: I understand. Let me, y'all just
8 sort of have a sip of water perhaps and let me just check
9 real quick. I don't want to -- there are a couple of
10 issues that are raised. Obviously it is a little difficult
11 in that we do not have a written Order.

12 MR. CHISOLM: Yes, ma'am.

13 THE COURT: But you have certainly represented
14 that you were present, there was a hearing and Mr. Argoe's
15 motion to represent himself under Faretta was denied but
16 bare with me just a minute and let me take a look.

17 MR. CHISOLM: Yes, ma'am.

18 (Off the record)

19 THE COURT: It is South Carolina Rules of Criminal
20 Procedure. Rule 4(b). Subsequent applications for Order
21 after refusal. If any motion be made to any judge and be
22 denied in whole or in part or granted conditionally no
23 subsequent motion upon the same set of facts shall be made
24 to any other judge in that motion. If upon such subsequent
25 motion any order be made it shall be void. So,

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1 irrespective of whether I granted it or denied it in that
2 there has already been a motion made for self
3 representation before Judge Murphy if I was to grant or
4 deny, it would be a void Order under Rule 4(b). There's
5 another rule which is, of course, disability of a judge but
6 she's still here. So, I think that the motion to reconsider
7 her Order would have to be made to Judge Murphy since she
8 heard the motion to self represent and that motion was
9 denied.

10 What I will do is that I will seek to schedule
11 that motion, I guess it needs to be made. I don't know who
12 is going to draft it but it needs to be made. As I
13 understand it this matter is on for trial February 6. So, I
14 will endeavor to get this motion heard next week. I don't
15 know if she's going to be in the circuit but suffice it to
16 say when I'm in chambers I will endeavor to find out when
17 she will next be in the circuit and if she's in common
18 pleas I will get a term appointed for general sessions so
19 that she can hear that motion. Try to figure out where you
20 are going to be.

21 MR. CHISOLM: Yes, Your Honor.

22 THE COURT: I think I know where you are.

23 MR. ARGOE: You know where I am, ma'am.

24 THE COURT: All right.

25 MR. ARGOE: I sure appreciate it.

State of South Carolina vs Anthony Nicholas Argoe

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1 THE COURT: I will be doing that right now.

2 MR. ARGOE: Thank you very much.

3 MR. CHISOLM: Thank you, Judge.

4 THE COURT: Thank you. So sorry we couldn't go
5 forward but if it's been heard, you're not interested in
6 having a void Order that's not very helpful. Let's let the
7 solicitor come back in so I can tell them procedurally
8 that's where we will be.

9 (Everyone in the courtroom)

10 THE COURT: Next week, you are?

11 MR. OSBORNE: We are not in session so I will be
12 available whenever I need to be.

13 THE COURT: She's likewise. So we will reach out
14 to her law clerk now and tell her we need her to hear a
15 motion to reconsider. So, it appears that Judge Murphy has
16 heard the Faretta motion regarding Mr. Argoe and has made a
17 determination under Rule 4(b) of the South Carolina Rules
18 of Criminal Procedure. If I was to issue a decision today,
19 it would be void because the matter must be raised to Judge
20 Murphy because it was a motion that was raised and denied.
21 And under Rule 4(b) of the South Carolina Rules of Criminal
22 Procedure the motion must be made to her.

23 Now, Orangeburg has common pleas next week. I
24 know you are doing other things but I think -- I'm going to
25 try to get it scheduled next week.

State of South Carolina vs Anthony Nicholas Argoe

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1 MR. CHISOLM: That sounds good, Judge.

2 THE COURT: We are communicating with her as I sit
3 here and my law clerk sits here. Okay. Any day of the
4 week would be particularly bad for anybody. No. I'm in
5 Orangeburg but I'm in common pleas.

6 MR. CHISOLM: I can shift whatever is needed to
7 make it.

8 MR. OSBORNE: I think I might want to go, Judge.
9 The only thing I can't do is I cannot do Monday or
10 Thursday. Sorry.

11 THE COURT: That is okay. That will be fine. Not
12 Monday, not Thursday so Tuesday, Wednesday or Friday. Got
13 it. Got it, got it. Mr. Argoe, I wish I could tell you now
14 but I am going to have to reach out and get a date and I
15 will communicate that to Ash and he will absolutely
16 communicate that to you.

17 MR. ARGOE: Thank you, Your Honor. I appreciate
18 that.

19 THE COURT: Just be mindful that when you return,
20 whatever your materials or whatever you want to bring with
21 you get it, okay.

22 MR. ARGOE: I will have it ready. Thank you.

23 MR. CHISOLM: Thank you.

24 MR. OSBORNE: Thank you, Judge.

25 (End of Hearing)

State of South Carolina vs Anthony Nicholas Argoe

12

1 STATE OF SOUTH CAROLINA)

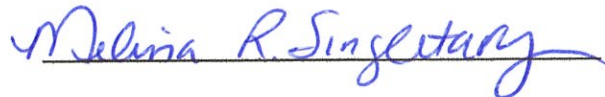
2) CERTIFICATE

3 COUNTY OF BERKELEY)

4
5 Be it known that I, the undersigned Melissa R.
6 Singletary, Certified Verbatim Reporter, for the State of
7 South Carolina, do hereby certify that the foregoing
8 transcript represents a true, accurate and complete
9 transcript of record of the testimony and evidence
10 introduced in during this testimony of the captioned case,
11 before the Circuit Court for Dorchester County, South
12 Carolina, so given on January 19, 2023, to the best of my
13 skill and ability;

14 That I am not related to nor an employee of any of the
15 parties hereto, nor a relative or employee of any attorney
16 or counsel employed by the parties hereto, nor interested
17 in the outcome of this action.

18 IN WITNESS WHEREOF I have here unto set my hand this
19 14th day of May, 2023.

20 *Melissa R. Singletary*21 

22 Melissa R. Singletary, CVR

23
24
25

1 State of South Carolina) In the Court Of General Sessions
2 County of Dorchester) Indictment No.: 2019-GS-18-01519
3 State of South Carolina,)
4 Plaintiff,)
5 vs.) Transcript of Proceedings
6 Anthony Nicholas Argoe,)
7 Defendant.)
8 _____)

ORIGINAL

9 February 3rd, 2023

10 St. George, South Carolina

11
12 BEFORE:

13 The Honorable Diane S. Goodstein, Judge.
14

15 APPEARANCES:

16
17 David L. Osborne, Assistant State Solicitor
18 Attorney for the State/Plaintiff

19 Ash Chisholm, Assistant Public Defender
20 James Adams, Assistant Public Defender
21 Attorneys for the Defendant

22 ALSO PRESENT:

23 Anthony Nicholas Argoe
24
25

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MOTION

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4

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Certificate of Reporter

19

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EXHIBITS

9

10

NO. DESCRIPTION

ID EVDS.

11

NONE

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1 Thereupon, the following proceedings were had,

2 THE COURT: All right. We are on the record in the
3 case -- I'll get you guys to give me the numbers
4 whoever's got the numbers of the indictment or
5 indictments. This is the matter involving Mr. Argoe. We
6 are scheduled to proceed to trial on Monday morning and I
7 received a, just a very brief call and spoke with the
8 attorneys and then came on and so that we could have an
9 opportunity to see what the problem is so that we can
10 proceed to trial on Monday hopefully. All right. The
11 numbers?

12 MR. OSBORNE: Yes, Your Honor. The indictment
13 number for the murder is 2019-GS-18-1519.

14 THE COURT: Thank you. All right. Yes, sir.
15 Mr. Chisholm.

16 MR. CHISHOLM: Thank you, Your Honor. May it please
17 the Court.

18 THE COURT: Yes sir.

19 MR. CHISHOLM: And before we get started, I just
20 wanted to mention one thing.

21 THE COURT: Sure.

22 MR. CHISHOLM: In our previous discussion, and I
23 have shared this with Solicitor Osborne, there was
24 mention about timing wise of the trial and everything
25 like that. There was mention about a potential witness

1 and release dates from prison and concerns that that's
2 gonna be coming up pretty soon. Basically I was able to
3 look into it and what I can tell, that witness would not
4 be released until December of 2025. So, I just wanted to
5 put that out there.

6 THE COURT: All right.

7 MR. CHISHOLM: And, Your Honor, as to my motion, if
8 I could, if I could have courtroom cleared?

9 THE COURT: Without a doubt. It's a motion to be
10 relieved; is that correct?

11 MR. CHISHOLM: Yes, ma'am.

12 THE COURT: All right. Thank you, gentlemen.

13 MR. OSBORNE: Your Honor, can I just clarify one
14 thing about the release date situation?

15 THE COURT: Sure.

16 MR. OSBORNE: When I was talking to Mr. Hines about
17 the release date, just for the record, and we'll clarify
18 this if we have the trial whenever we have the trial for
19 the deal issue, the reveal the deal motion, when we spoke
20 to Mr. Gilliam, Terry Gilliam, Terry is a jailhouse
21 informant, Terry said that when he and the defendant were
22 in the Dorchester County Detention Center together, they
23 had a conversation on March the 5th, I can't recall the
24 year right now. I think it was 2021, but either way,
25 during that conversation the defendant admitted to him

1 that he had killed his wife and there were some other
2 comments there, but that was the gist of it.

3 When we went to meet with Terry I guess about a
4 month ago, Terry had indicated to us, and I think the
5 conversation literally went, and correct me if I'm wrong,
6 Mr. Hines, but I think it went something like, I'm about
7 to get released. I don't know what I can get out of
8 this. And then I said, well, I can tell you what I can
9 tell you is that I'm not promising you anything. The way
10 this works is that if you're willing to cooperate, your
11 attorney, who is Chris Murphy, can file a motion to
12 reconsider, it goes in front of a Judge and it's up to
13 the Judge.

14 I said, I'm not making any promises. I can't do
15 anything for you. And I said, but just out of curiosity,
16 when do you think you're getting released? And he said
17 June of this year of 2023. And so that's what I was
18 going off of when I made that comment what he said. I
19 haven't even looked into it.

20 THE COURT: Okay. Got it.

21 MR. OSBORNE: Thank you, Judge.

22 THE COURT: Thank you. Thank you so much. And just
23 as I proceed, is the State going to be ready Monday
24 morning?

25 MR. OSBORNE: Oh, yes, ma'am. Definitely.

1 THE COURT: Very well.

2 MR. OSBORNE: Definitely.

3 THE COURT: Thank you.

4 (Whereupon, Mr. Osborne exited the courtroom.)

5 THE COURT: All right. Here's what I'm going to do.
6 I'm gonna ask everyone who is in the courtroom to please
7 identify who you are and about your presence here and the
8 reason that I'm identifying everyone who is here is
9 because I will endeavor to have this matter obviously in
10 camera and ex parte but on the record so that we can
11 preserve the attorney/client privilege so I'm already on
12 the record. Kim, if you would start for me.

13 MS. LING: I'm Kim Ling with the Clerk of Court's
14 Office.

15 THE COURT: Thank you.

16 SERGEANT SMITH: I'm Sergeant Smith with the
17 Dorchester County Sheriff's Office.

18 THE COURT: Thank you.

19 MS. CLAY: I'm Destiny Clay with the Dorchester
20 County Detention Center.

21 MR. SHINDLER: I'm PFC Steve Shindler, transfer
22 officer with the Dorchester County Detention Center.

23 THE COURT: Okay.

24 MS. SOKIS: Amy Saukas, law clerk.

25 THE COURT: Okay. Yes.

1 MR. TISDALE: John Tisdale, Public Defender's
2 Office.

3 THE COURT: Mr. Tisdale, what is your position with
4 the PD?

5 MR. TISDALE: Investigator.

6 THE COURT: Investigator. All right. Okay.

7 MS. PEARSON: Emily Pearson, investigator with the
8 Public Defender's Office.

9 MR. BRANDON: Corporal Brandon Martin, Dorchester
10 County Sheriff's Office.

11 MR. LeBLANC: Steve LeBlanc, circuit court reporter.

12 THE COURT: Thank you. All right. For everyone who
13 has just identified themselves, you are under an order
14 not to discuss what is discussed here in this hearing.
15 The reason for that is so that we can protect the
16 attorney/client privilege of the defendant in this case.
17 Obviously Mr. Chisholm is present and Mr. Adams with the
18 Public Defender's Office. They are both present as they
19 are representing Mr. Argoe. All right. Yes, sir.

20 MR. CHISHOLM: Thank you, Your Honor.

21 THE COURT: Yes.

22 MR. CHISHOLM: And, yes, I would be asking to be
23 relieved as counsel. As I told you before, this is the
24 first time I've ever actually done this in, I guess,
25 nearly 15 years. Basically my relationship with Mr.

1 Argoe has degraded into pretty much open hostility at
2 this point. I've represented him. He was initially
3 represented by Michelle Hubrich in our office. When she
4 left the office, I inherited the case from her in 2021
5 and, you know, I've met with him for a long time now and
6 our relationship has degraded pretty severely.

7 He previously filed a motion to have me relieved as
8 counsel and I believe that was in July of last year with
9 Your Honor which was denied. Subsequent to that he in
10 September, September 16th of last year, he went before
11 Judge Murphy and made a motion to represent himself.
12 That motion was denied at that time, and I did not
13 interject in that motion because generally in these kind
14 of things I remain neutral. I don't take a position one
15 way or another. I would say at this point our
16 circumstances have changed.

17 I guess, I don't know if I could, but if I would
18 join him in that motion or if it's just a motion on my
19 own to be relieved. Basically what has happened is
20 again, it has devolved into outright hostility for the
21 most part when we have meetings culminating in this
22 morning when I met with him, I was trying to talk to him
23 about basic trial procedure, jury selection, what that
24 means, how it operates, the order of operations as far as
25 opening arguments, witnesses being called, all that kind

1 of thing, and there was a lot of back and forth and I
2 could sense some anger there.

3 Our conversation ended with, I forgot what we were
4 even talking about at that time, but what I definitely
5 perceived to be a threat. Mr. Argoe told me, make sure
6 you sit close by me. I'll see you Monday. And it wasn't
7 said in a tone or in a way that would indicate he wanted
8 to have me close by so that I could show him exhibits or
9 anything like that. The reason I've got Mr. Adams as
10 well as my investigators here is they were present. I
11 don't know if it's appropriate to have questions about
12 these kind of things or if he disputes it, but basically
13 it's gotten to the point where we can't work together.
14 He wants me relieved. He wants to represent himself and
15 now it's gotten to the point where I feel like I'm being
16 actually threatened.

17 THE COURT: All right. Thank you. Thank you.

18 DEPUTY SMITH: Come up here if you want to talk to
19 the Judge.

20 Thereupon,

21 ANTHONY NICHOLAS ARGOE
22 after having been first duly sworn, testified as follows,

23 THE CLERK: Please state your full name for the
24 record.

25 MS. ARGOE: Anthony Nicholas Argoe, Senior.

1 THE COURT: Yes, sir.

2 MR. ARGOE: Yes, ma'am. On that comment, Your
3 Honor, I did say that, but I was also, before he hung up
4 on me, I was saying sit close to me in case I have a
5 question for you, but he had already hung up, Your
6 Honor.

7 THE COURT: Uh-huh. Okay. I think what you are
8 telling me is that --

9 MR. ARGOE: I did not threaten him. No. That is
10 what I'm trying to say.

11 THE COURT: Okay. Well, let me ask you this
12 question.

13 MR. ARGOE: Okay.

14 THE COURT: How do you feel about the fact that your
15 lawyer who is a very seasoned defense lawyer, dealt with
16 all kinds of folks, is concerned about that? How does
17 that - how do you feel about that?

18 MR. ARGOE: Your Honor, for the longest we haven't -
19 the communication is just nil anymore, it's null and I
20 have put in motions and asked for things and I shouldn't
21 have to, Your Honor. He's my attorney. He should be
22 happy to get me this stuff, but as far as it hasn't come
23 to threatening. There's been some, I have made some name
24 calls before.

25 THE COURT: You called him names?

1 MR. ARGOE: Yes. I did.

2 THE COURT: What did you call him?

3 MR. ARGOE: I called him a clown.

4 THE COURT: Why?

5 MR. ARGOE: I was upset.

6 THE COURT: You understand he's not a clown?

7 MR. ARGOE: I do. He's a very intelligent person,
8 Your Honor.

9 THE COURT: Yes. He is.

10 MR. ARGOE: He is. And I don't have a problem with
11 him as attorney per se as far as --

12 THE COURT: That's not why we are here. He has a
13 problem with you. That's why we are here. We are not
14 here because of your feeling about him. We are here
15 because of his feeling about you.

16 MR. ARGOE: I understand that.

17 THE COURT: Do you understand he's been a Public
18 Defender for 15 years? Do you understand that?

19 MR. ARGOE: I do.

20 THE COURT: Uh-huh. And he's used to dealing with
21 all kinds of people, all kinds of things for a very long
22 time and this is the first time he's ever felt compelled
23 to make such a motion about that regarding an individual.
24 And do you have any concern that whatever, whatever it
25 was that you said and whatever was your intention, are

1 you concerned that he would have perceived that from you
2 whether you intended it or not?

3 MR. ARGOE: I don't believe that, Your Honor.

4 THE COURT: You don't believe what?

5 MR. ARGOE: That -- Well, I can't say how he
6 perceives something. That's him.

7 THE COURT: I know. He already said it.

8 MR. ARGOE: Right.

9 THE COURT: He said he perceived it. I said are you
10 concerned that you have had a communication with someone
11 who ought to be so important to you as your lawyer who
12 stands between you and some pretty substantial
13 consequences and are you concerned that out of a
14 communication that was had with you that he's come away
15 feeling that?

16 MR. ARGOE: I'm sorry he feels like that, Your
17 Honor, but I definitely did not threaten him in any way
18 and if he took it that way, I am sorry.

19 THE COURT: All right. Anything else you want to
20 tell me?

21 MR. ARGOE: No, ma'am. That's it.

22 THE COURT: Okay. Thank you, sir. Mr. Adams.

23 MR. ADAMS: Yes, ma'am.

24 THE COURT: How long have you been working with
25 Mr. Chisholm with Mr. Argoe?

1 MR. ADAMS: I believe I came onto this case, Judge,
2 in November.

3 THE COURT: Okay. And how familiar are you with the
4 facts, the defense, et cetera?

5 MR. ADAMS: The honest truth is I've read the case
6 file, I've been in five meetings and outside of that I
7 was gonna sit second chair and help Mr. Argoe with
8 anything he needed as far as notes and anything at all
9 regarding getting help, you know, not interrupting
10 Mr. Chisholm during the trial.

11 THE COURT: Very good. Do you feel as though you
12 can serve in that capacity for Mr. Chisholm?

13 MR. ADAMS: Your Honor, to be quite honest with you,
14 I would have two days to prep.

15 THE COURT: No. No. No. Do you believe that you
16 can continue in that capacity?

17 MR. ADAMS: Oh --

18 THE COURT: Meaning do you believe that you could --
19 In other words, obviously if Mr. Chisholm remains on this
20 file, he needs to be able to try this case. He doesn't
21 need to be concerned about interactions with Mr. Argoe.
22 Having said that, Mr. Argoe obviously needs to continue
23 to be able to communicate. Obviously you and
24 Mr. Chisholm can communicate and, you know, and I know
25 that you all probably can communicate with a word or two

1 just because you all have worked together for a very long
2 time.

3 MR. ADAMS: Yes, ma'am.

4 THE COURT: And so as I try to figure out where we
5 are, do you believe you would be able to do that?

6 MR. ADAMS: Yes, ma'am.

7 THE COURT: Okay. Mr. Chisholm, let me tell you
8 what I know. I know that you are the consummate
9 professional. I know that you are neither shy nor
10 retiring, nor are you scared meaning you have dealt with
11 all kinds of people. You have always been professional
12 and you have always been an absolute honor to your oath
13 as a lawyer your entire -- We've been around each other a
14 lot throughout your career.

15 MR. CHISHOLM: Yes, ma'am.

16 THE COURT: And I need to tell you that I take to
17 heart your feeling. I truly do. And my question to you
18 is this: So I don't, and I say that to you because I
19 don't want you to think that I am minimizing your
20 reaction because I am not. I know that you've never made
21 a motion like this.

22 MR. CHISHOLM: Yes, ma'am.

23 THE COURT: It is -- So I ask you this: Do you --
24 Let me tell you what I know and then I'm gonna ask you a
25 question. What I know is, is that even given where we

1 are today if you were to try this case, the fact that
2 you've had that very unpleasant interaction with this
3 gentleman would not affect how you try this case. That I
4 know. You're the consummate professional. However, you
5 are the consummate professional and I must ask you if you
6 have Mr. Adams to rely on to provide the communication
7 between you and Mr. Argoe and to assist in that regard,
8 are you able, based on your belief, to defend Mr. Argoe
9 as you believe appropriate?

10 MR. CHISHOLM: Let's put it this way: If ordered to
11 try the case, I could certainly try the case. Mr. Adams
12 can, you know, have communications. I don't think that
13 will be a problem, but I do have, you know, remaining
14 concerns about our relationship overall and, you know,
15 after hearing what Mr. Argoe said, he didn't intend to
16 relay a threat, that's certainly not my recollection of
17 how that went down.

18 THE COURT: I understand.

19 MR. CHISHOLM: I would have concerns about placement
20 if I were to try the case, where Mr. Argoe was sitting.
21 I don't want to put him at a disadvantage and go into too
22 much detail here or anything like that. I'm not trying
23 to prejudice him in the Court's eyes or anything.

24 THE COURT: I understand.

25 MR. CHISHOLM: But you know what my concern is.

1 THE COURT: Well, I'm going to ask you to attempt.
2 I'm going to ask you to try this case.

3 MR. CHISHOLM: Yes, ma'am. I understand.

4 THE COURT: And I'm going to ask Mr. Adams to
5 provide all of the buffer that you can.

6 MR. ADAMS: Absolutely.

7 THE COURT: I am going to ask that Deputy Smith
8 dress throughout this trial in plain clothes and position
9 yourself appropriately, physically appropriately so that
10 you are within arms reach. Do you understand?

11 DEPUTY SMITH: Yes, Your Honor.

12 THE COURT: And that you supervise the search of Mr.
13 Argoe before coming into the courtroom, okay? And I may
14 make some additional changes, but I'll do those as I see
15 fit with the understanding of the situation.

16 DEPUTY SMITH: Yes, Your Honor.

17 THE COURT: All right?

18 DEPUTY SMITH: Yes, Your Honor.

19 THE COURT: All right. Thank you.

20 MR. CHISHOLM: Thank you, Your Honor.

21 THE COURT: I'm gonna bring them back in so that we
22 can just let them know where we are. All right. Yeah.

23 (Whereupon, Mr. Osborne entered the courtroom.)

24 THE COURT: All right. I think we have resolved the
25 issue. We will be continuing to go forward on Monday.

1 Now, in terms of pretrial motions, approximately how long
2 will you all need to do pretrial matters?

3 MR. OSBORNE: I think we can get done in less than
4 two hours.

5 MR. CHISHOLM: The longest thing by far will be the
6 State's brief, I think, on hearsay, you know. They've
7 got some exhibits they want to get in, arguing whether or
8 not it's hearsay or falls under an exception. I think
9 that will probably take the most amount of time. The
10 other ones we've discussed and I think a lot of them we
11 can probably agree to.

12 THE COURT: Okay. That sounds fine.

13 MR. CHISHOLM: I don't know how long it will take
14 still but...

15 THE COURT: Okay. So I think what I -- And how long
16 do you think it will take to try the case, how many days
17 if we started Tuesday morning?

18 MR. OSBORNE: I'm hoping that we will be resting
19 Thursday morning.

20 THE COURT: Okay. We may or may not go into next
21 week, but that sounds perfect. All right. And that's
22 going to conclude what I need to have from you all. I am
23 going to discuss just some staging issues so I'm gonna
24 ask you all just to stay a couple of moments. It won't
25 take us very long at all. But that will conclude, and

1 you all may go back to the jail. And thank you, Mr.
2 Argoe. I'll see you Monday morning.

3 MR. ARGOE: Thank you, Judge.

4 THE COURT: All right. We'll walk back here. Seal
5 it.

6 WHEREUPON, THE HEARING WAS CONCLUDED.

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1 CERTIFICATE OF REPORTER

2 (STATE OF SOUTH CAROLINA)

3 (COUNTY OF LEXINGTON)

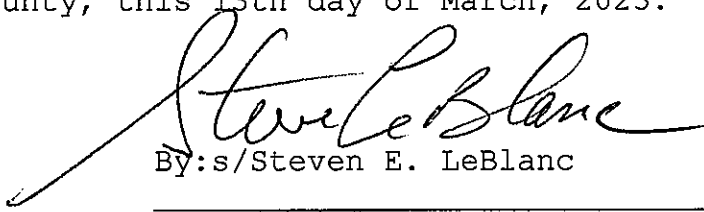
4

5 I, THE UNDERSIGNED, Steven E. LeBlanc, Sr., R.P.R.,
6 and Official Circuit Court Reporter for the Eleventh Judicial
7 Circuit in and for the State of South Carolina, do hereby
8 certify that I reported the proceedings in the before
9 captioned case in the Court of General Sessions in and for the
10 State of South Carolina on the 3rd day of February, 2023.

11 I FURTHER CERTIFY that the forgoing 18 pages
12 constitute a true and accurate record of said proceedings.

13 I FURTHER CERTIFY that I am neither related, counsel
14 to, nor of interest to any party hereto.

15 IN WITNESS WHEREOF, I have hereunto set my hand at
16 Lexington County, this 13th day of March, 2023.

17 
18 By:s/Steven E. LeBlanc

19

Steven E. LeBlanc, Sr., R.P.R.
20 Eleventh Circuit Court Reporter
21 State of South Carolina.
22
23
24
25

STATE OF SOUTH CAROLINA	)	THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF DORCHESTER	)	FIRST JUDICIAL CIRCUIT
THE STATE OF SOUTH CAROLINA	)	NO. 2019-GS-18-01519
	)	
VS.	)	<u>TRANSCRIPT OF RECORD</u>
ANTHONY NICHOLAS ARGOE	)	Day I of IV, Pages 1 - 161
_____	)	Jury Selection, Pretrial and Jury Trial

B E F O R E:

The Honorable Diane Schafer Goodstein, Judge; and a jury
Saint George, South Carolina

DATE: Monday, February 6, 2023
10:00 a.m.

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

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Reported by: Cathy J. Provost, RMR, Official Court Reporter

1 And I think we are the only state in the country that calls the
2 prosecuting attorneys solicitors, so please keep that in mind as
3 well.

4 And with that in mind, ladies and gentlemen, I am going to
5 call on the solicitor's office -- I see Solicitor Osborne is
6 moving. He is going to call our first case for trial this week.

7 ATTORNEY OSBORNE: Thank you, Your Honor. May it please the
8 Court?

9 THE COURT: Yes, sir.

10 ATTORNEY OSBORNE: This case is The State versus Anthony
11 Argoe. Mr. Argoe's been charged with murder. The indictment
12 number is 2019-GS-18-1519.

13 THE COURT: Thank you. Thank you, solicitor. Now, ladies
14 and gentlemen, the solicitor has called to my attention an
15 indictment. An indictment. So now I want to tell you what an
16 indictment is and what it is not.

17 What it is, it's like two pieces of paper. Two pieces of
18 paper. It is a notice document. It is a document that notifies
19 a citizen that the State maintains that the citizen has violated
20 one of the criminal laws of the state of South Carolina.

21 Now, I want to hasten and tell you that, to each and every
22 allegation of this indictment, the defendant, Mr. Argoe, has pled
23 not guilty, and by pleading not guilty -- the defendant has,
24 again, pled not guilty -- and that places the burden on the
25 State, the burden on the State, to prove guilt beyond a

1 reasonable doubt.

2 Now, those of you that serve on our jury, it will be your
3 duty to make the findings of fact, take the law as I give it to
4 you, and render your verdict, and that verdict will be whether or
5 not the State has met that burden. So that tells you a little
6 bit about what an indictment is.

7 And let me tell you what it is not. It is not evidence, and
8 it is not evidence of any of the allegations that it contains.
9 This is a notice document.

10 Now, ladies and gentlemen, in a moment I am going to be
11 reading to you parts of the indictment. And the reason I'm going
12 to be doing that is to find out whether or not any of you know or
13 think you may know, or have you heard or think you may have
14 heard, anything about these allegations. And I'm going to do
15 that now.

16 My question on the other side of reading to you some of the
17 allegations in the indictment, the question's going to be, Have
18 you heard or think you may have heard, or do you know or think
19 you may know, anything about these allegations? And that's going
20 to be the question.

21 Ladies and gentlemen, Indictment 2019-GS-18-1519 alleges
22 that in Dorchester County, on or about June the 14th, 2019, with
23 malice aforethought the defendant, Anthony Nicholas Argoe, did
24 kill one Linda Argoe by stabbing the victim. The victim did die
25 as a proximate result thereof, this offense being in violation of

1 the common law and Section 16-3-10 of the South Carolina Code of
2 Laws, as amended.

3 Now, ladies and gentlemen, this is an indictment for murder.
4 And let me hasten to tell you that to these allegations the
5 defendant, Mr. Argoe, has pled not guilty.

6 Now, ladies and gentlemen, do you know or think you may
7 know, have you heard or think you may have heard, anything about
8 these allegations? If so, please stand at this time.

9 (No response.)

10 THE COURT: And I find no one standing. Now, ladies and
11 gentlemen, please allow me to introduce you to Solicitor Osborne.
12 He's going to stand. Also present is Solicitor Hinds. And one
13 of you will introduce the members of your office.

14 ATTORNEY OSBORNE: Hello. My name is David Osborne. I am a
15 senior litigator here in the First Circuit. This is Mark Hinds.
16 He's an assistant solicitor. My home office is right here in
17 Saint George. However, I do prosecute cases in Calhoun and
18 Orangeburg County. Mr. Hinds' home office is in Orangeburg
19 County.

20 Seated next to him is Detective/Sergeant Arnold Scarborough.
21 He's with the Summerville Police Department. And this is Kerri
22 Huff. She's my legal assistant. She's going to be helping out
23 with jury selection. And seated in the other chair, who's not in
24 here right now, is my -- oh, he's back. That's Investigator Ray
25 Haupt. He's my investigator. He's going to be help rallying in

1 witnesses as the trial goes along.

2 THE COURT: All right. And the lawyers in the office are?

3 ATTORNEY OSBORNE: In our office we have -- in the
4 Dorchester office, we have Baker Allen; Jillian Frederick; John
5 Rivers; Michael Spears; Emily Gates, our juvenile prosecutor is,
6 Emily Gates; and Kelly LaPlante is the first assistant solicitor.

7 THE COURT: Yes?

8 ATTORNEY OSBORNE: Elliott, Shannon Elliott, is my fiancée.

9 THE COURT: Like, you know, very soon. Oh, I can see him
10 turning red from here.

11 ATTORNEY OSBORNE: I am red.

12 THE COURT: Yes. And, of course, the elected solicitor,
13 Solicitor Pascoe, David Pascoe. All right. Ladies and
14 gentlemen, are you related by blood, or marriage, or acquainted
15 with any of the folks that Solicitor Osborne just mentioned? If
16 so, please stand.

17 (Jurors stand.)

18 THE COURT: All right. And now let me tell you, I need you
19 to answer just the question that I'm asking. Okay. I don't need
20 any explanation. All right. First of all, your number?

21 JUROR NO. 253: 253.

22 THE COURT: Who do you know?

23 JUROR NO. 253: Kelly LaPlante.

24 THE COURT: All right. And would you describe -- do you
25 visit in each other's homes?

1 JUROR NO. 253: Not recently, but I have many times in the
2 past.

3 THE COURT: In the past. She is not going to be involved in
4 this case --

5 JUROR NO. 253: Okay.

6 THE COURT: -- is my understanding. Correct?

7 ATTORNEY OSBORNE: That is correct. Yes, ma'am.

8 THE COURT: So I share that with you. As a result of the
9 fact that she works in the solicitor's office, might that/could
10 that, in any regard, interfere with, positively or negatively,
11 interfere in any regard with your ability to listen to the
12 evidence, make up your mind based solely on what you hear in
13 court while court is in session, being completely unaffected by
14 that relationship?

15 JUROR NO. 253: As long as she's not in the court, I believe
16 so.

17 THE COURT: All right. In other words, can you make up your
18 mind based on what you hear in court while court is in session?

19 JUROR NO. 253: Yes.

20 THE COURT: Very well. Thank you. Please stay with us.
21 Yes, ma'am. Your number?

22 JUROR NO. 204: 204.

23 THE COURT: Tell me who you know?

24 JUROR NO. 204: Ms. Huff. Ms. Huff.

25 THE COURT: All right, Ms. Huff. All right. Ms. Huff is --

1 she participates, of course, in proceedings when the solicitor is
2 present, and because her role as administrator extraordinaire,
3 probably she would say, she may be in the courtroom, she may not.
4 But presume, for the purposes of my question, that she will be.
5 Do you visit in each other's homes?

6 JUROR NO. 204: No.

7 THE COURT: Would the fact that she works for the
8 solicitor's office and may be present in the courtroom have an
9 affect on your ability to be completely fair and impartial to the
10 State, as well as to Mr. Argoe?

11 JUROR NO. 204: No.

12 THE COURT: All right. Can you set that relationship
13 completely aside and make up your mind based on what you hear in
14 court while court is in session, being completely unaffected by
15 that relationship?

16 JUROR NO. 204: Yes.

17 THE COURT: Please stay with us. Yes, ma'am. Your number?

18 JUROR NO. 187: 187.

19 THE COURT: Who do you know?

20 JUROR NO. 187: Kerri.

21 THE COURT: All right. And do you visit in each other's
22 homes?

23 JUROR NO. 187: No, ma'am.

24 THE COURT: No?

25 JUROR NO. 187: No.

1 THE COURT: And she very well may be in the courtroom. And
2 my question is: If she is present in the courtroom, would that
3 have an affect, positively or negatively, on your ability to be
4 completely fair and impartial, both to the State, as well as to
5 Mr. Argoe?

6 JUROR NO. 187: No, ma'am. No, ma'am.

7 THE COURT: Can you set that relationship completely aside
8 and make up your mind based upon what you hear in court while
9 court is in session?

10 JUROR NO. 187: Yes, ma'am.

11 THE COURT: Very well. Please stay with us. Now, ladies
12 and gentlemen, please let me introduce you to Mr. Anthony
13 Nicholas Argoe. And Mr. Argoe can remain seated, or he can
14 stand. There he is. And Mr. Argoe is the gentleman to your left
15 on the end, to my right on the end. Ladies and gentlemen, are
16 you related by blood, or marriage, or acquainted with Mr. Anthony
17 Nicholas Argoe? If so, please stand at this time.

18 (No response.)

19 THE COURT: And I find no one standing. Now, ladies and
20 gentlemen, please allow me to introduce you to Mr. Ashley
21 Chisholm and Mr. Jim Adams. And they're going to introduce the
22 lawyers in their office.

23 ATTORNEY CHISHOLM: Good afternoon. My name is Ash
24 Chisholm. I'm a public defender here in Dorchester County. This
25 is Jim Adams sitting beside me. Our chief public defender is

1 Mark Leiendecker. Other attorneys in our office, Mary Lematty;
2 Pierce Wehman; Julie Stewart; Marianella Namlick; our contract
3 attorneys are Gina McElhaney and John Loy.

4 THE COURT: Thank you so much, Mr. Chisholm. Ladies and
5 gentlemen, are you related by blood, marriage, or acquainted
6 with, or have you or any member of your immediate family ever
7 been represented by Mr. Chisholm, Mr. Adams, or any of the
8 attorneys in their office? If so, please stand at this time.

9 (Jurors stand.)

10 THE COURT: I'm going to start over here. Your number?

11 JUROR NO. 83: Eighty-three.

12 THE COURT: Tell me who you know?

13 JUROR NO. 83: Ms. McElhaney.

14 THE COURT: All right. And is that relationship one that is
15 personal or professional?

16 JUROR NO. 83: Professional.

17 THE COURT: All right. For your informational purposes, she
18 is not going to be involved in this trial. Okay. Now, as a
19 result of your relationship with Ms. McElhaney, could that/might
20 that relationship interfere in any regard, positively or
21 negatively, with your ability to be completely fair and impartial
22 to the State, as well as to Mr. Argoe?

23 JUROR NO. 83: No, ma'am.

24 THE COURT: Could you set that relationship completely aside
25 and make up your mind based upon what you hear in court while

1 That is perfectly fine. When you're ready to come back in, come
2 back in. I'm looking for nods. Everybody got that? Okay.
3 Good. Good. And what that does is that gives you the ability to
4 do that what you might need to do, but we keep order for the
5 jury, because they've got do their work free of emotion. All
6 right.

7 And, so y'all want to take five minutes?

8 ATTORNEY CHISHOLM: Yes, ma'am.

9 THE COURT: All right. Five minutes. I'm going to stay
10 right here. Y'all go do whatever it is you'd like to do in five
11 minutes. And then we will invite our jury out.

12 Now, everyone who is present in the courtroom -- and I see
13 that we have some family members -- Mr. Osborne is going to
14 escort you out because there's a matter I've got to hear outside
15 of everyone's presence. Thank you. All right. Thank you.

16 And as soon as the alleged victim's folks are out, we have a
17 young lawyer who is getting his 403. I'm going to ask you to
18 step out just for the moment, just for the moment, while I do
19 that.

20 (Court Security Deputy clears the courtroom with the
21 exception of the Court, the defendant, Attorney Chisholm,
22 Attorney Adams, and Court personnel.)

23 IN CAMERA MOTION

24 (SEALED)

25 THE COURT: And everyone else who's present in the courtroom

1 are court personnel, security, and, of course, my law clerk, and
2 our court reporter. Everyone is under an order not to discuss
3 what occurs in this hearing. Okay.

4 Yes, sir. Mr. Chisholm, there's a motion?

5 ATTORNEY CHISHOLM: Yes, Your Honor. I guess the best way
6 to phrase it would be, it's a motion on the part of the defendant
7 to have me relieved as counsel.

8 THE COURT: Okay.

9 ATTORNEY CHISHOLM: I believe that's what it is.

10 THE COURT: All right. And you can just stand where you
11 are. He doesn't have to approach. All right. And, Mr. Argoe,
12 very briefly. Obviously I've already heard this. I've heard
13 your concerns a number of times. This is -- jury's been
14 selected. We're about to begin the trial. But I will hear you
15 briefly, sir.

16 MR. ARGOE: Thank you very much, Your Honor. This is -- it
17 goes with what happened Friday in here with the problem with
18 Mr. Chisholm and myself. But on the 10th of January I had filed
19 a motion with the Clerk of Court, even though I know Ms. Cheryl,
20 she told me that I had to file a motion through my attorney. I
21 didn't know that at the time. But I did file this motion. I let
22 Ash know when it came back, but I filed a motion, and the motion
23 was that I was threatened by Ash Chisholm. And that was on the
24 10th of January, before all this happened Friday. And my thing
25 is, I feel like I have been ostracized by a Lex Luthor [ph] when

1 he stated that, and when I filed the motion on the 10th, it was
2 swept under the rug. Nobody had said anything. I even asked him
3 to bring me in front of you last week. He said he was not going
4 to do it; that I'd see you today and he would not do it.

5 THE COURT: I saw you Friday.

6 MR. ARGOE: I didn't have it Friday because I didn't have my
7 paperwork with me Friday.

8 THE COURT: I saw you Friday. Why didn't you say something
9 about it Friday?

10 MR. ARGOE: That's what I'm saying. I just didn't want to
11 say something. I wanted my paperwork so it would be seen.

12 THE COURT: You knew that Friday was the last day before
13 trial. Why didn't you say something on Friday?

14 MR. ARGOE: We came in here because of something he said.
15 They brought me from the jail.

16 THE COURT: Yes. Right. So why didn't you say something on
17 Friday if you were concerned about that, sir? You were, I
18 thought you were very gracious, and you apologized for your
19 conduct. Yes?

20 MR. ARGOE: I appreciate that, and I meant what I said. I
21 apologize.

22 THE COURT: Okay. Okay.

23 MR. ARGOE: But it doesn't change anything on this.

24 THE COURT: I understand. Anything else, sir?

25 MR. ARGOE: That and the fact I'm sitting here, I don't have

1 any clue of what's going on because he hasn't explained anything,
2 he hasn't shown me anything. Because on Friday he stated that
3 it's been months. Our communication is, you know, broken down.
4 And I've stated the same thing, it was broken down. You know.

5 THE COURT: Yes, sir. He didn't say months.

6 MR. ARGOE: He did.

7 THE COURT: He didn't say that your communication was
8 irretrievably broken. It was very recent. It was since the last
9 time you were in court, which I don't remember when that was but
10 it wasn't very long ago. Yes, sir. Anything else?

11 MR. ARGOE: And it was for the same thing. Yes, ma'am.

12 THE COURT: Yes. Anything else, sir?

13 MR. ARGOE: No.

14 THE COURT: Very well. Thank you, sir. Mr. Chisholm,
15 between and you Mr. Adams, have you all communicated to Mr. Argoe
16 regarding both the discovery, as well as those things that you
17 would communicate to your client prior to trial between the two
18 of you?

19 ATTORNEY CHISHOLM: Yes, Your Honor, I have.

20 THE COURT: Very well. Thank you. All right. Motion is
21 denied. Anything further?

22 ATTORNEY CHISHOLM: No, Your Honor.

23 THE COURT: Very well. All right.

24 COURT SECURITY DEPUTY: Want me to bring everybody back in?

25 THE COURT: Yes, please.

1 (Court Security Deputy permits people in the courtroom.)

2 THE COURT: Counsel, let me see you very, very quickly.

3 (Off-the-record discussion at sidebar.)

4 THE COURT: Anything before we bring the jury out from the
5 State?

6 ATTORNEY OSBORNE: No, Your Honor.

7 THE COURT: All right. From the defense?

8 ATTORNEY CHISHOLM: No, Your Honor.

9 THE COURT: All right. Let's have the jury.

10 (Jury seated in the courtroom at 3:54 p.m.)

11 THE COURT: Now, please stand and raise your right hand, and
12 be sworn in as a jury in this case.

13 JURY SWORN

14 (Clerk of Court administers oath to the jurors.)

15 CLERK OF COURT: If you accept this oath, please say I do
16 and be seated.

17 (Jurors respond.)

18 COURT'S OPENING INSTRUCTIONS

19 THE COURT: Ladies and gentlemen, there are legal pads in
20 your seats, and pencils. There is an ongoing debate about taking
21 notes, and I'll start there with my preliminary instructions to
22 you. I have provided a legal pad for you, and a pencil. This is
23 your legal pad and your pencil. And so here's what I'm going to
24 ask you to do. On that top sheet, put either your name or your
25 number, or both, whatever suits you. Write your name so everyone

1 right hand, and state your full name for the record.

2 THE WITNESS: Lorrie L. Wright.

3 LORRIE L. WRIGHT,

4 having first been duly sworn, is examined and testifies as
5 follows:

6 THE COURT: Your witness.

7 ATTORNEY OSBORNE: Thank you, Your Honor.

8 **DIRECT EXAMINATION**

9 BY ATTORNEY OSBORNE:

10 Q All right, Ms. Wright. We're going to just take a moment to
11 introduce you to the jury, okay.

12 A Okay.

13 Q And thanks, by the way, for coming in this afternoon.

14 A Sure.

15 Q I know you're leaving town tomorrow. Where are you
16 originally from?

17 A Originally from Chattanooga, Tennessee.

18 Q Okay. And where do you live now?

19 A I live in Brunswick, Georgia, South Georgia.

20 Q Okay. Where are you employed?

21 A With Burlington Capital Properties.

22 Q And what's your occupation?

23 A I'm the regional district manager now.

24 Q Okay. Where were you employed back on June the 14th of
25 2019?

1 A Westbury Mews Apartments. I was the property manager.

2 Q Okay. And where is Westbury Mews Apartment complex?

3 A It's on Old Trolley Road in Summerville.

4 Q Is that in the county of Dorchester?

5 A Yes, it is.

6 Q And what were your duties as the property manager at
7 Westbury Mews?

8 A Basically I oversaw the total operations of the property and
9 collected rent. Basically anything the owner needed us to do.

10 Q Okay. So I suppose you were living in South Carolina at
11 that time?

12 A I was. I was actually living at Westbury.

13 Q Okay. How long were you actually living in Westbury?

14 A I lived there three years.

15 Q And I guess just for the jury's edification, about how many
16 people, or how many residents, resided in Westbury?

17 A There's 132 apartments, so an average of 2 to 3 people per
18 apartment. It's kind of hard to say, but I would say maybe 260
19 to 300.

20 Q Okay. Is it fair to say that you were familiar then with
21 what the residents' apartment keys looked like --

22 A Yes.

23 Q -- and maybe mailbox keys and whatnot?

24 A Yes.

25 ATTORNEY OSBORNE: Your Honor, may I approach the witness?

1 THE COURT: You may.

2 (State's Exhibit 58A is identified.)

3 BY ATTORNEY OSBORNE:

4 Q I'm showing you what's already been premarked as State's 50A
5 [sic] as in Adam. Can you take a look at that and tell me if you
6 recognize this.

7 A Yeah. We had Kwikset locks, so this is a Kwikset key, and
8 it looks/appears to be one of our mailbox keys.

9 ATTORNEY OSBORNE: Your Honor, at this time we would seek to
10 admit State's 58A under Rule 104(b).

11 THE COURT: Any objection?

12 ATTORNEY CHISHOLM: No, Your Honor.

13 THE COURT: So admitted.

14 (State's Exhibit 58A is admitted into the record.)

15 ATTORNEY OSBORNE: Beg the Court's indulgence.

16 THE COURT: All right.

17 BY ATTORNEY OSBORNE:

18 Q So just so we know what you were all -- I didn't know they
19 did that. Just so we all can be tracking off the same sheet of
20 music, can you point to -- and you may need to get down. Can you
21 point to what keys you --

22 THE COURT: She can do it on the monitor. She should be
23 able to.

24 ATTORNEY OSBORNE: Oh, they're touchscreens?

25 THE COURT: Yes.

1 THE WITNESS: Okay. This was the door key.

2 BY ATTORNEY OSBORNE:

3 Q Can you touch it? Does it -

4 A I'm touching it.

5 Q Oh, okay.

6 THE COURT: Isn't it a little hand?

7 ATTORNEY OSBORNE: I have no idea.

8 THE WITNESS: And the smaller, gold key behind it is the
9 mailbox key.

10 BY ATTORNEY OSBORNE:

11 Q Okay. All right. So specifically in June of 2019, did you
12 know two Westbury Mews residents, Linda and Anthony Argoe?

13 A Yes, I did.

14 Q And about how long did they live there?

15 A I'm not real sure. Maybe a little over a year.

16 Q Okay. Do you remember ever having conversations with
17 Anthony Argoe?

18 A I do.

19 Q And do you see the defendant in this case?

20 A I do.

21 Q Do you recognize him?

22 A Yes.

23 Q And who is that?

24 A Anthony Argoe.

25 Q Okay. And do you remember having any conversations with him

1 concerning specifically his wife, Linda?

2 A Some. Yes, I do.

3 Q And what did he say about his wife?

4 ATTORNEY CHISHOLM: Your Honor, just ask the Court to note
5 my previous objection.

6 THE COURT: Very well. Overruled.

7 THE WITNESS: They were having trouble paying rent, or
8 Mr. Argoe was, and he would come in and talk to Linda about --
9 that she spent his money, he didn't know what he was going to do
10 with her, and he couldn't pay his rent.

11 Q Did he say anything about them arguing at all?

12 A Yes.

13 Q Did he say anything about his feelings about his wife?

14 A Just he couldn't stand her.

15 Q Couldn't stand her?

16 A Uh-huh.

17 Q Well, kind of moving ahead a little bit just so we can get a
18 timeframe. There was a time in which you evicted them from the
19 apartments?

20 A Yes.

21 Q And I'm not asking for specific dates, but just estimations,
22 as to when they were evicted that the defendant would come in and
23 say he couldn't stand his wife?

24 A I'm going to say the eviction took approximately -- we let
25 it go a month, so it was probably two months.

1 Q So putting that together, is it fair to say that about two
2 months prior to being evicted is when he would come -- when he
3 first came into the office, or did it happen before that?

4 A He came into the office a lot because rent was late, and he
5 would pretty much say the same thing every month.

6 Q About his wife?

7 A Yes, and that he couldn't pay his rent.

8 Q Okay.

9 A He always promised to pay, and he usually did up until the
10 last time.

11 Q And I'm going to get into that, why you were only having
12 that conversation with the defendant.

13 ATTORNEY OSBORNE: Your Honor, may I approach?

14 THE COURT: Yes.

15 (State's Exhibit 61 is identified.)

16 BY ATTORNEY OSBORNE:

17 Q Again, I'm showing you State's 61. Can you take a look at
18 that and tell me if you recognize that?

19 A Just money orders for rent, or receipts.

20 Q Okay. And are these the type of receipts that y'all
21 generally hand out?

22 A Those are attached to the money orders. We would tear those
23 off and give them back.

24 ATTORNEY OSBORNE: Your Honor, at this time, subject to
25 104(b), State seeks to admit 61 into evidence.

1 THE COURT: Any objection?

2 ATTORNEY CHISHOLM: I'd just ask the Court to note my
3 previous objection.

4 THE COURT: Yes, sir. Overruled.

5 (State's Exhibit 61 is admitted into the record.)

6 BY ATTORNEY OSBORNE:

7 Q All right. I'm going to kind of zoom in a little bit here.
8 And we'll go down the left side, and then we'll go down the right
9 side next. So what is the date on the first money order?

10 A February 19, 2019.

11 Q And the amount's what?

12 A \$380.89.

13 Q Okay. And what was -- do you remember what the rent was at
14 the Argos', or about?

15 A I'm not positive. Rent skyrocketed since then. Maybe
16 around 875 to 900.

17 Q Okay. And here we have, looks like, February 23rd?

18 A Uh-huh.

19 Q And what's the amount on this one?

20 A \$420.89.

21 Q All right. And now we have another one February 28th?

22 A 230 even.

23 Q Was it common for residents to break down their payments
24 into multiple payments for rent?

25 A Paying with money orders, it was.

1 Q No. What I mean is, was it common for them to, I guess,
2 make installments to pay them?

3 A Partial payments? It wasn't uncommon. We would work with
4 people under certain situations if we knew they were having a
5 hard time.

6 Q Okay. So this might be indicative of working with someone
7 to make their payment?

8 A Yes.

9 Q So that was February. Now we have March 14th. What's the
10 amount here?

11 A 500.

12 Q And again on March the 14th, the amount?

13 A 500.

14 Q And again on March 14th, the amount?

15 A Fifty.

16 Q Okay. Do we see any payment receipts in here for April, or
17 does it end in March?

18 A It ends in March.

19 Q You had mentioned that the defendant would come into the
20 office and talk about, you know, the rent being behind and ask
21 for extensions and whatnot. Did he ever give any particular
22 excuses for being late, or can you remember?

23 A He really didn't have any excuses.

24 Q Okay. Now, ultimately what did you do as the property
25 manager in regards to the defendant's lease?

1 A We filed for eviction.

2 Q Okay.

3 ATTORNEY OSBORNE: Your Honor, may I approach?

4 THE COURT: You may.

5 (State's Exhibits 63A and 63B are identified.)

6 BY ATTORNEY OSBORNE:

7 Q I'm showing you State's 63A and 63B. Can you take a look at
8 those and tell me if you recognize them?

9 A Yes, I do.

10 Q And what are they?

11 A It's where we filed the eviction.

12 Q Okay. And for the defendant in this case?

13 A Yes, Anthony Argoe.

14 ATTORNEY OSBORNE: Your Honor, at this time State seeks to
15 admit, again subject to 401(b), State's 63A and 63B.

16 THE COURT: Any objection?

17 ATTORNEY CHISHOLM: No, Your Honor.

18 THE COURT: Very well. They're in.

19 (State's Exhibits 63A and 63B are admitted into the record.)

20 BY ATTORNEY OSBORNE:

21 Q All right. Again showing 63A. I want to draw your
22 attention to -- well, I guess for those who -- this is an
23 eviction notice that we're looking at here --

24 A Yes.

25 Q -- the front page of it?

1 A Yes.

2 Q Okay. And I'm just going to flip. 63B, is this the back of
3 it?

4 A I believe that's what -- yes. That's what the people at the
5 courthouse filled out.

6 Q Okay. All right. So let's go back to 63A. Now, I notice
7 that it says State of South Carolina, County of Dorchester,
8 Westbury Mews Apartments versus Anthony Argoe.

9 A Uh-huh.

10 Q I'm sorry. You're going to have to -- she's typing out
11 every word that you say, so you have to say yes or no.

12 A Yes.

13 Q Why is Linda not listed on the eviction notice?

14 A Anthony was the only leaseholder. When there was an
15 occupant -- so the occupants were not technically -- they didn't
16 pay rent.

17 Q Okay.

18 A They just lived in the apartment.

19 Q But he's the leaseholder?

20 A Correct.

21 Q All right. Now, this amount that's on here, \$2,120, I mean,
22 based on what you had said earlier, I guess I can assume that's
23 not one month's rent?

24 A That had to have been two months plus late fees.

25 Q Two months plus late fees?

1 A Yes.

2 Q And what is the date that this eviction notice is being
3 taken out by you?

4 A November 6, 2019.

5 Q Well, this is what fancy lawyers do. The 11th day of the
6 6th month --

7 A Okay, of June, 2019.

8 Q For some reason we just don't want to do it right.

9 A Gotcha.

10 ATTORNEY OSBORNE: Beg the Court's indulgence.

11 THE COURT: All right.

12 ATTORNEY OSBORNE: Your Honor, may we approach quickly?

13 THE COURT: You may.

14 (Off-the-record discussion at sidebar.)

15 ATTORNEY OSBORNE: Your Honor, may I approach?

16 THE COURT: You may.

17 (State's Exhibit 48A is identified.)

18 BY ATTORNEY OSBORNE:

19 Q All right. I'm showing you State's 48A as an Adam. Can you
20 take a look at this and tell me if you recognize this?

21 A Yes. This was a Facebook message between Linda and myself.

22 Q Between Linda, the victim, and yourself?

23 A Yes.

24 ATTORNEY OSBORNE: All right. Your Honor, at this time
25 State seeks to move 48A into evidence.

1 THE COURT: All right. Any objection?

2 ATTORNEY CHISHOLM: Just my previous objections, Your Honor.

3 THE COURT: All right. Very well.

4 (State's Exhibit 48A is admitted into the record.)

5 BY ATTORNEY OSBORNE:

6 Q So you had mentioned before these were Facebook
7 communications between and you Linda Argoe, Linda Shuler Argoe?

8 A Yes.

9 Q All right. And so I'm going to kind of ask you oddly to
10 just sort of -- we're going to go through this and ask you to
11 kind of -- can you see it on okay?

12 A I can.

13 Q All right. So on June the 7th here of 2019 it looks like
14 you missed a --

15 A Yes.

16 Q Okay. So, you missed a call from Linda?

17 A Correct.

18 Q Again, same? You missed a second call, same day?

19 A Yes.

20 Q And then we have, on June the 7th, Linda sending you a
21 message, "Lorrie, please call me."?

22 A Yes.

23 Q Now, on June the 8th, Linda is the author; is that correct?

24 A Yes.

25 Q And what does she say down here? If you can see that okay.

1 A Yes.

2 Q There we go.

3 A "Did he pay May rent or not? I've got to worry about a
4 place to live. I need to know."

5 Q And what is your response?

6 A "He is the leaseholder." He spoke to me yesterday. "He
7 spoke to me about this yesterday."

8 Q And, you know, you may not remember a specific date, but do
9 you remember talking to the defendant about rent and things of
10 that nature?

11 A I do. I didn't talk to her much about the rent because I
12 technically am only supposed to talk to the leaseholder, but at
13 this point I knew it was going to eviction and I felt she
14 deserved to know.

15 Q Okay. But the rules at Westbury are clear, you, as the
16 property manager, can only speak to the leaseholder?

17 A Correct.

18 Q And what does Linda respond to that?

19 A "Is May rent paid? Please answer that."

20 Q Okay. And then your answer?

21 A "May is not paid. I am filing for eviction Tuesday."

22 Q And so I'm going to kind of put it together here. When we
23 went back and we looked at that eviction notice, May's rent was
24 not paid but you said that number actually represented two
25 payments that weren't paid?

1 A If we filed in June, we counted June's rent with that.

2 Q Okay. We didn't see a May voucher in there, did we?

3 A No.

4 Q Okay. And what's her response?

5 A "It's okay. I'm leaving."

6 ATTORNEY OSBORNE: No further questions, Your Honor.

7 THE COURT: Cross-examination?

8 ATTORNEY CHISHOLM: Thank you, Your Honor. May it please
9 the Court.

10 THE COURT: Yes.

11 **CROSS-EXAMINATION**

12 BY ATTORNEY CHISHOLM:

13 Q Good afternoon.

14 A Hi.

15 Q Did you say you're currently working as a property manager
16 as well?

17 A I'm a district manager now.

18 Q District manager. In Georgia?

19 A I'm spread out.

20 Q Well, I guess that's the whole district. That makes sense.

21 Okay. I just have a few questions for you, not too many. He was
22 showing you, he being Mr. Osborne, was showing you the eviction
23 notice with the \$2,000. You said that would be two months' rent?

24 A I believe it was two months. Yes.

25 Q And next time you file eviction, if you file it in June,

1 that would be June in the presiding month?

2 A Correct.

3 Q May and June --

4 A Correct.

5 Q -- those are the months that would be behind? The money
6 orders he showed you, those aren't your documents, correct?

7 A They're not.

8 Q So as far as payment history, that wouldn't be anything of
9 your record of their payments or anything like that; is that
10 right?

11 A It would be recorded in the system, but when we sold the
12 property we lost all of that.

13 Q I gotcha. So his actual payment history, what he paid, what
14 days he paid, and all that kind of stuff kind of went up in smoke
15 when it was sold?

16 A It stayed with the new owners.

17 Q I gotcha. So when he's talking about these money orders,
18 they're not yours, but that's about all you can say to it; is
19 that right?

20 A Correct.

21 Q Okay. And the messages, it looks like you told Mrs. Argoe
22 about the eviction about a week before; is that correct?

23 A Correct.

24 Q Okay. And she told you "It's okay. I'm moving."?

25 A Yes.

1 Q Okay. And property manager, is this a pretty big apartment
2 complex?

3 A It's 132 units.

4 Q 132. Had you done that at different apartments before?

5 A I've done it for 30 years.

6 Q Thirty years?

7 A Uh-huh.

8 Q So you've probably seen some things?

9 A I have.

10 Q Have you done a few evictions over those 30 years?

11 A Quite a few.

12 Q For various reasons, I'm assuming?

13 A Yes.

14 Q And when you are the manager of a property like this I guess
15 you probably get involved in a lot more drama than you would like
16 to --

17 A Sometimes.

18 Q -- with the residents; is that right?

19 A Yes.

20 Q And would you agree with me, it's not uncommon for people to
21 get in arguments, get into fights, and drag you into this kind of
22 stuff, I would imagine; is that right?

23 A Not usually in my office. No.

24 Q But as far as people arguing out at the apartment complex, I
25 imagine that's probably no new thing?

1 A Sure. Yeah.

2 ATTORNEY CHISHOLM: Okay. If I can have one moment?

3 THE COURT: All right.

4 ATTORNEY OSBORNE: Just two questions.

5 THE COURT: Hold on one second.

6 ATTORNEY OSBORNE: I'm sorry.

7 BY ATTORNEY CHISHOLM:

8 Q Sorry, I did have one more question. When it comes to
9 money-order payments, you said you did that on occasion, I guess?

10 A We accepted money orders.

11 Q Did they come in -- were there certain increments, or could,
12 like, somebody pay like 1,500, or are you aware of a cap where
13 they had to do multiples?

14 A It depends on where they got the money orders. Those money
15 orders looked like they came in increments of 500, no more than
16 500.

17 ATTORNEY CHISHOLM: Okay. Thank you very much. I have no
18 further questions.

19 THE COURT: All right. Redirect?

20 **REDIRECT EXAMINATION**

21 BY ATTORNEY OSBORNE:

22 Q If a leaseholder signed a lease in the middle of the month,
23 would that be when payment was due, in the middle of the month?

24 A No. Rent was always due on the 1st.

25 Q Always due on the 1st?

1 A Yes.

2 Q Mr. Chisholm had asked you a question about communication
3 with them, and communication that you had with Ms. Argoe on June
4 the 8th. That wasn't the last communication that you had with
5 her, was it?

6 A I'm not sure.

7 Q All right.

8 ATTORNEY OSBORNE: May I approach, Your Honor?

9 THE COURT: You may.

10 (State's Exhibit 48B is identified.)

11 BY ATTORNEY OSBORNE:

12 Q All right. I'm going to show you, for ID purposes only,
13 State's 48B. Can you take a look at that and tell me if you
14 recognize that?

15 A Yes.

16 Q All right. I'm going to kind of stand over your shoulder
17 here for one second. The first communication is from you; is
18 that correct?

19 A Yes.

20 Q And what is the date of that?

21 A June 13th.

22 Q All right. And she responds on?

23 A June 13th.

24 Q Okay. And then you replied back on?

25 A June 13th.

1 Q And she responds?

2 A June 13th.

3 Q And then her last communication is what?

4 A June 14th.

5 Q 2019?

6 A Yes.

7 Q And can you read all these numbers right here by the UTC?

8 A The 18: --

9 Q Yes.

10 A -- 26:41.

11 Q 18:26 and 41 minutes, and it says UTC?

12 A Uh-huh.

13 Q Okay. All right.

14 ATTORNEY OSBORNE: No further questions.

15 THE COURT: And recross?

16 **RECROSS-EXAMINATION**

17 BY ATTORNEY CHISHOLM:

18 Q One question. You testified that the leaseholder, you're
19 only supposed to talk to them and not the occupants; is that
20 right?

21 A About the lease and the rental, yes.

22 Q Can you accept payments by an occupant? If an occupant came
23 by and, you know, they're living with their husband or whatever,
24 and they said, Here, I've got a payment, I mean, you can accept
25 the payment?

1 A Sure. They can accept it on behalf of the leaseholder --
2 or, we can.

3 Q Okay. Thank you.

4 THE COURT: Is this witness free to leave, and is there any
5 objection?

6 ATTORNEY OSBORNE: No objection.

7 ATTORNEY CHISHOLM: No, Your Honor.

8 THE COURT: Very well. Thank you.

9 THE WITNESS: Thank you.

10 THE COURT: All right. And one. That's right. All right.
11 Call your next witness.

12 ATTORNEY OSBORNE: State calls Amy Ricker.

13 CLERK OF COURT: Ms. Ricker, if you'd please raise your
14 right hand, and state your full name for the record.

15 THE WITNESS: Amy Suzanne Ricker.

16 AMY S. RICKER,
17 having first been duly sworn, is examined and testifies as
18 follows:

19 THE COURT: All right. And your witness.

20 ATTORNEY OSBORNE: Thank you, Your Honor.

21 **DIRECT EXAMINATION**

22 BY ATTORNEY OSBORNE:

23 Q Ms. Ricker, again, thank you for coming in this afternoon.
24 I know you have a busy work schedule ahead of you starting
25 tomorrow, right?

1 A Yes.

2 Q Are you working like 24-hour shifts or something?

3 A I have two 12s and a 24.

4 Q Well, thanks so much for coming in this afternoon.

5 A Absolutely.

6 Q We're just going to go quickly through your background, and
7 then we'll get into why I asked you to come in here. Where are
8 you from?

9 A Charleston.

10 Q And what's your educational background?

11 A I have a Master's in Science, and a post-Master's
12 certificate in family nurse practitioner.

13 Q And where do you currently work?

14 A Trident Hospital.

15 Q For how long?

16 A I've have actually been there 21 years. I've been in my
17 current position as a nurse practitioner for five and a half.

18 Q Were you working in that position as a nurse practitioner at
19 Trident Hospital on the evening, going into the night, of
20 June 14th, 2019?

21 A Yes, sir. I was the nurse practitioner from the trauma
22 services assigned to the ER.

23 Q All right. And as a nurse practitioner, specifically on
24 that evening as a trauma nurse practitioner in the ER, what are
25 some of your duties and responsibilities in that position?

1 A In the ER, for that position I am responsible for triages,
2 assessing patients, medical imaging, admission and discharge for
3 that shift.

4 Q So admission and discharge?

5 A Uh-huh.

6 THE COURT: And that's a yes?

7 THE WITNESS: Yes, ma'am.

8 THE COURT: Thank you.

9 THE WITNESS: I'm sorry.

10 BY ATTORNEY OSBORNE:

11 Q Now, in preparation for a trial, have you been provided some
12 medical records for a patient by the name of Anthony Argoe, the
13 defendant in this case?

14 A Yes.

15 Q Did you have a chance to review those?

16 A I did.

17 Q Now, you know -- and I guess this might be a fair question
18 to ask at this moment. How many patients over the past five
19 years, as you worked as a nurse practitioner, would you say that
20 you've been directly, and even indirectly, involved in treating?

21 A Thousands.

22 Q Thousands. Do you have any independent recollection of
23 treating or, you know, I guess being involved in the treatment
24 of, the defendant on that specific date three years ago?

25 A No, sir.

1 Q But did you have a chance to review the medical records?

2 A I did.

3 Q And are these the type of medical records that you review on
4 a daily basis in your profession?

5 A Yes.

6 Q After reviewing those medical records, did you see any
7 notations where you actually did have at least some interaction
8 with the defendant on that day?

9 A I did.

10 Q All right. After reviewing those medical records, about
11 what time did the defendant arrive at Trident on June the 14th of
12 2019?

13 A I received him that evening in the trauma bay from the EMS
14 crew at 6:25.

15 Q 6:25. And that was the EMS unit that brought him?

16 A Yes, sir.

17 Q All right. When he arrived did you, as the nurse
18 practitioner in the trauma unit in the ER, assess him?

19 A I did. He was quickly assessed, bloodwork was drawn, and
20 then I escorted him to radiology that evening for medical
21 imaging.

22 Q And why was that?

23 A We escort all of our trauma patients for medical imaging to
24 ensure that they're safe and stable.

25 Q And you said they did X-rays. Did the X-rays show any

1 injuries or trauma to him?

2 A No injury.

3 Q Okay. So all negative for trauma?

4 A All negative. We would have signed off at that time.

5 Q I'm sorry. Say that one more time.

6 A We would have handed him back to the ER, signed off from the
7 trauma service because he had no injuries.

8 Q I see. So y'all aren't needed?

9 A Correct.

10 Q After reviewing the records, did you see where toxicology
11 was run on the defendant's blood?

12 A Yes, sir.

13 Q And what did that come back as?

14 A He had an elevated blood alcohol of 156.

15 Q And just for, I don't know, I guess as a baseline, maybe,
16 what would a normal blood-alcohol level be for an individual?

17 A Less than 10.

18 Q Less than 10?

19 A Yes, sir.

20 Q And he was at 156?

21 A Yes, sir.

22 Q And you said the blood was drawn at 6:30?

23 A Yes, sir.

24 ATTORNEY OSBORNE: Okay. No further questions.

25 THE COURT: Cross-examination?

1 ATTORNEY CHISHOLM: Thank you, Your Honor.

2 **CROSS-EXAMINATION**

3 BY ATTORNEY CHISHOLM:

4 Q Ms. Ricker, --

5 A Yes.

6 Q -- good afternoon. Solicitor asked you what a typical, I
7 guess, blood-alcohol level would be, and you said it was under
8 10; is that right?

9 A Yes, sir, less than 10.

10 Q That's somebody that hasn't had a drink?

11 A Correct.

12 Q Do you have a correlation available, if I've had five beers,
13 how much that works out to?

14 A I don't. Everybody metabolizes alcohol differently.

15 Q Okay. I gotcha.

16 A It just depends how much you normally drink.

17 Q Well, let's put it this way. Would this level, 156, I think
18 you said, does that typically require hospitalization, that
19 level?

20 A Not all the time. For some patients, yes. For other
21 patients, they're held in the ER until sober and deemed safe to
22 be released.

23 Q And I think your notes indicate that he was screened for
24 injuries; is that right?

25 A Yes, sir.

1 Q And he was run through an X-ray, and there were no injuries
2 observed on the X-ray, no broken bones, anything like that,
3 correct?

4 A Correct. He was X-rayed, and CAT scanned as well.

5 Q But when we talk about injuries, you are aware -- and you
6 may not be. It's been a long time know.

7 A It has been.

8 Q Do you remember the injuries that you did notate on,
9 abrasions?

10 A Off the top of my head, no, sir.

11 Q Would it help you if I were to show -- these notes
12 reflect --

13 A Sure.

14 Q -- refresh your recollection?

15 A Yes, sir. So in my notes here that I have in front of me, I
16 noted that he had abrasions; looks like one to the back of his
17 left arm; one to his left, lower abdomen; one to his left knee;
18 and some abrasions, it looked like, to the top of both feet based
19 on my markings on this chart here.

20 Q So abdomen, elbow, left knee, and both feet; is that
21 correct?

22 A Yes, sir.

23 ATTORNEY CHISHOLM: May I approach, Your Honor?

24 THE COURT: You may.

25

DIRECT EXAMINATION

BY ATTORNEY HINDS:

Q Good morning. Corporal Scarborough, where are you currently employed?

A Summerville Police Department.

Q And how long have you been with Summerville?

A Since 2017.

Q Is that about five years?

A Yes.

Q And what has been some of your various assignments while you've been with Summerville PD?

A I've worked in the patrol division and in the investigation division.

Q As it relates to that capacity, have you had any specialized training, anything in that regard?

A Yes, sir. I've had crime-scene processing, and blood spatter recognition, documentation, homicide investigation courses.

Q And what was your assignment with Summerville PD back in June of 2019?

A I was a corporal on Team 4 in the patrol division.

Q As it relates to this case, were you working the night of June 14th, 2019?

A Yes, sir.

Q And how did you become involved in this case?

1 A There was a call for a welfare check at Westbury Mews.
2 Officer Wright was actually dispatched first, and I responded as
3 the secondary unit.

4 Q Westbury Mews, is that within of Summerville?

5 A Yes, sir.

6 Q City of in Summerville?

7 A It is.

8 Q Is that within Dorchester County?

9 A Yes.

10 Q Now, was that the first welfare check that was called in at
11 that apartment complex that you responded to?

12 A That is the first one I responded to. Yes, sir.

13 Q Was there another welfare check possibly?

14 A Yes, sir. About an hour before there was another one.

15 Q And did you respond to that call?

16 A No, sir, I did not respond to that one.

17 Q All right.

18 ATTORNEY HINDS: , Judge?

19 THE COURT: Uh-huh.

20 ATTORNEY OSBORNE: May I approach, Judge?

21 THE COURT: You may.

22 (State's Exhibit 54 is identified.)

23 BY ATTORNEY HINDS:

24 Q Sergeant, I'm showing you what's been marked for ID as
25 State's 54. What is that?

1 A It's a CAD report.

2 Q Do you recognize it?

3 A Yes, sir.

4 Q And does that CAD relate to this case?

5 A Yes, sir. It's a CAD report from the welfare check at
6 Westbury Mews.

7 Q When reviewing that CAD, does it list the time of the first
8 911 call?

9 A Yes, sir. Looks like the call came in about 20:58, which
10 would be 8:58 in the evening.

11 Q And as it relates to that first call, did officers make
12 contact with anyone at that residence?

13 A On the first call?

14 Q On the first. Yes, sir.

15 A No, sir, they did not.

16 Q And about what time did the units first finish clearing up
17 from the response for that call?

18 A Around 21:22 hours, which would be 9:22 p.m.

19 Q Then as it relates to the next call, what time was that call
20 made?

21 A The call was reopened at 22:02, which would be 10:02 p.m, so
22 that would be -- they reopened this, so that would be around when
23 the call came in, the same time.

24 Q And what time did you and Officer Wright arrive at the
25 apartment?

1 A At 22:14, 10:14 p.m.

2 Q And were there any specific comments as far as for the
3 reason for going back out to the residence?

4 ATTORNEY CHISHOLM: Your Honor, may we approach?

5 THE COURT: Yes.

6 (Off-the-record discussion at sidebar.)

7 BY ATTORNEY HINDS:

8 Q Sergeant Scarborough, did you respond to that call because
9 someone wanted you to go make a welfare check and check on --

10 A Yes, sir.

11 Q -- someone? All right. And what time did you first arrive
12 at the apartment?

13 A At 22:14.

14 Q And can you tell this jury what you saw or observed when you
15 arrived at that apartment?

16 A Yes. It's a ground-floor apartment. And when we approached
17 it, there was a cardboard box that was broken down -- it hadn't
18 been put together. I think it said Home Depo on it -- by the
19 front door. We knocked on the door and did not receive an
20 answer.

21 Q What did you do then?

22 A I went around to the backside of the apartment. Officer
23 Wright stayed at the front door. On the back of the apartment
24 is, like, a screened-in porch area with a sliding glass door, so
25 I went back there to look in and see if I could see anybody, make

1 contact with anyone.

2 Q What did you see when you looked in that screened-in porch?

3 A On the sliding glass door, it has like slat blinds, so the
4 blinds were pulled, but they were partially opened where you
5 could see into the apartment somewhatly [sic]. I could see
6 someone's legs. It looks like they were laying on the floor.

7 If you positioned a little bit more to the left, you could
8 see further in to the right side, and I could see the upper body
9 of a person as they were laying facedown, and their face was kind
10 of against the front edge of the couch and their arms was above
11 their head, and their head was turned slightly to the left.

12 Q What happened next? What did you do?

13 A I looked to see if I could see if they were moving or
14 breathing. I couldn't see any movement, so I told Officer Wright
15 to bang on the door as hard as he could to see if it would
16 startle them or awaken them, and it did not.

17 Q What all did you do next?

18 A Went back around where Officer Wright was at and
19 communicated with radio dispatch that we were going to force
20 entry. And Officer Wright kicked the door in, and we went
21 inside.

22 ATTORNEY HINDS: Beg a moment, Judge. May I approach,
23 Judge?

24 THE COURT: You may.

25 (State's Exhibits 1, 2, 3, 4, and 5 are identified.)

1 BY ATTORNEY HINDS:

2 Q Officer Scarborough, I'm showing you what's been marked as
3 State's 1 through 5. Take a look at those and tell me what they
4 are if you recognize them?

5 A Yes, sir, I recognize them. They're pictures of the
6 Westbury Mews Apartment.

7 Q Do those pictures accurately reflect that apartment that
8 night, June 14th, 2019?

9 A Yes, sir, they do.

10 ATTORNEY HINDS: Your Honor, at this time we'd seek to move
11 State's 1 through 5 into evidence.

12 THE COURT: Any objection?

13 ATTORNEY CHISHOLM: No, Your Honor.

14 (State's Exhibits 1, 2, 3, 4, and 5 are admitted into the
15 record.)

16 BY ATTORNEY HINDS:

17 Q All right. Now, officer Scarborough, would you take a look
18 at the picture -- I believe that would be State's 1 -- or,
19 State's 3. That would be the front door.

20 A Yes, sir, State's 3.

21 ATTORNEY HINDS: We move to publish, Judge.

22 THE COURT: Yes.

23 BY ATTORNEY HINDS:

24 Q We can start there. What is that right there?

25 A That's the front entrance into Westbury Mews Apartments.

1 Q All right. I'm now showing you State's 2.

2 A Yes, sir. That's the 100 building at Westbury Mews.

3 Q And I'm going to show you State's 3.

4 A That's Apartment B, the front door for Apartment B.

5 Q And can you tell the jury, what is that object or thing
6 right there to the right of the door?

7 A That's the cardboard boxes I was talking about, the Home
8 Depo boxes, that were broken down. They hadn't been put
9 together. They didn't look like they had ever been used.

10 Q And were any of those boxes, or similar boxes, within the
11 interior of the apartment?

12 A Yes, sir.

13 Q All right. I'm showing you what's been entered as State's
14 4. What is that?

15 A That's the 100 Building. The back porch area to the right
16 of that column is Apartment B, the porch for Apartment B.

17 Q I'm showing you what's been entered as State's 5.

18 A That's just a straight-on picture of Apartment B's porch
19 area.

20 Q And is that the door and the screened-in porch through which
21 you first saw the victim lying?

22 A Yes, sir.

23 Q Did you see any other entrances to that apartment other than
24 the front door and that sliding-glass door?

25 A No, sir.

1 Q Did you notice any damage to that screened-in porch?

2 A No, sir.

3 Q And after you all observed someone lying there, what
4 happened next? Were you able to force entry into that apartment?

5 A Yes, sir. Officer Wright kicked the front door open, and we
6 went inside. There was a female laying on the floor. When you
7 go through front door, the living room area's on the right-hand
8 side, and when you go into the living room area the couch is
9 towards the left, and she was laying on the floor right there
10 against the couch.

11 Q And can you tell the jury anything in reference to the
12 victim's body, anything in particular?

13 A She was cold to the touch.

14 Q Were y'all able to secure that scene?

15 A Yes, sir.

16 Q And did you have the opportunity to call EMS?

17 A Yes, sir.

18 Q And after EMS arrived, what did you all do next?

19 A We backed out of the apartment and notified CID, the
20 investigative -- and crime scene.

21 Q Did y'all have an opportunity to obtain a search warrant for
22 the apartment?

23 A Yes, sir.

24 Q And before you and the rest of your officers left the scene
25 that night, did you have a person of interest in this

1 investigation?

2 A Yes, sir.

3 Q Who was that?

4 A Anthony Argoe.

5 Q And were you able to find out about the defendant's
6 whereabouts that night?

7 A Yes, sir.

8 Q Going into that next morning as well?

9 A Yes, sir.

10 Q And where were his whereabouts?

11 A He was at Trident Hospital.

12 Q Do you have any information as far as how he was admitted to
13 Trident Hospital?

14 ATTORNEY CHISHOLM: Objection, Your Honor. It calls for
15 hearsay.

16 THE COURT: It is hearsay. Does it meet an exception?
17 Because it would be being admitted for the truth of the matter
18 asserted.

19 ATTORNEY HINDS: I'll just withdraw that.

20 THE COURT: All right.

21 BY ATTORNEY HINDS:

22 Q All right. Officer, I'm going to show you --

23 ATTORNEY HINDS: If I may approach.

24 THE COURT: You may.

25

1 ATTORNEY HINDS: May I approach?

2 THE COURT: You may.

3 (State's Exhibit 55 is identified.)

4 BY ATTORNEY HINDS:

5 Q Officer, I'm showing you what's been marked for ID as
6 State's 55. Do you recognize that when you get a chance to look
7 at it?

8 A Yes, I do.

9 Q What is that?

10 A It's a CAD report for EMS.

11 Q And reviewing that CAD report, can you tell what time that
12 call was received if there was a call made?

13 A Yes, sir. It's 17:56, which is 5:56 p.m.

14 ATTORNEY HINDS: Beg a moment. No further questions. Thank
15 you.

16 THE COURT: Cross-examination?

17 ATTORNEY CHISHOLM: Thank you, Your Honor. May it please
18 the Court.

19 THE COURT: Yes.

20 **CROSS-EXAMINATION**

21 BY ATTORNEY CHISHOLM:

22 Q Good morning.

23 A Good morning.

24 Q So I believe you just testified you have been with the force
25 since 2017; is that right?

1 A Yes, sir.

2 Q And this incident was in 2019, so you had been working for
3 about two years with Summerville; is that right?

4 A Yes, sir.

5 Q Were you in law enforcement in any other capacity for any
6 other agencies, anything like that, previous to 2017?

7 A Yes, sir.

8 Q Okay. Where did you work before that?

9 A I started in 2001 at a sheriff's department in Tennessee. I
10 worked -- then I went to the sheriff's department in Georgia from
11 2004 until '08, December of '08. And then I went to Moncks
12 Corner. I started there in January of '09 until the end of
13 December of '16.

14 Q Gotcha. In 2019, I think you said you worked in a couple
15 different capacities with Summerville; as a patrol officer --
16 you're investigator right now; is that correct?

17 A Yes, sir.

18 Q What were you doing back in 2019?

19 A I was a patrol officer, on the road.

20 Q Typically when you have a welfare check, something like
21 that, they send somebody that's on patrol to do that kind of
22 thing?

23 A Yes, sir.

24 Q So in this case, at that point you wouldn't have been the
25 lead investigator on this case; is that correct?

1 A No, sir.

2 Q I guess you're the initial responding officer in the case?

3 A Yes, sir.

4 Q When it comes to looking for evidence, collection of
5 evidence, all that kind of stuff, as a patrol officer back in
6 2019, would you have been in charge of all that?

7 A No, sir.

8 Q Would that come down to the lead investigator on the case?

9 A As far as the evidence, it would be the crime-scene
10 personnel. They're the ones that collect the evidence and that
11 sort of thing.

12 Q They figure out what might be a good piece of evidence to
13 collect and how to collect it, all that kind of stuff; is that
14 right?

15 A It's their job to collect the evidence. Whatever criteria
16 they use, I don't know.

17 Q Yes, sir. And if you were on a case as an investigator, for
18 example, you had crime scene come out, and you said, Hey, I think
19 that's important, you guys take a look at that, I'm assuming they
20 would do that, right?

21 A Yes, sir.

22 Q But at this point, back in 2019, that wasn't your role? You
23 weren't looking for evidence, looking to see what should be
24 collected, or anything; is that correct?

25 A Correct.

1 Q And I think you just testified -- I showed you some of the
2 pictures of this apartment -- that there's a screened-in porch on
3 the back?

4 A Uh-huh.

5 Q There's no door or access out there; is that correct?

6 A That's correct.

7 Q The screen hadn't been cut or anything like that?

8 A No, sir.

9 Q So basically we've got one way in, one way out, through he
10 front door?

11 A Yes, sir.

12 Q After you observed the body in the apartment, you guys
13 kicked the door in; is that correct?

14 A Correct.

15 Q And you were able to look at the door afterwards, I'm
16 assuming; is that correct?

17 A Yes, sir.

18 Q And was the deadbolt engaged at that point?

19 A No, sir.

20 Q So it looks like the door, if it was locked, it was locked
21 basically just on the handle and not on the deadbolt; is that
22 correct?

23 A Correct.

24 Q And while you're out there, was part of your duty -- were
25 you to talk to neighbors, look for witnesses, that kind of thing?

1 A Yes, sir.

2 Q And were you able to talk to any witnesses that had any kind
3 of information? You didn't have any witnesses that said, Yeah, I
4 heard arguing down there, or anything like that that night; is
5 that correct?

6 A That's correct.

7 Q No witnesses provided any helpful information into the
8 investigation?

9 A Not that I spoke with.

10 Q When you go out for a welfare check, I guess it depends on
11 the basis of the call, but I guess -- actually, I'll withdraw
12 that.

13 ATTORNEY CHISHOLM: If I can have one moment?

14 THE COURT: Yes.

15 BY ATTORNEY CHISHOLM:

16 Q One last question. While you were out here on the scene,
17 were you involved in touching the body, anything like that, any
18 of the evidence, or were you just documenting things, basically
19 taking pictures, that kind of stuff?

20 A I'm not sure I quite understand.

21 Q I understand. When you went into the apartment --

22 A You.

23 Q -- were you one of the people that would have been involved
24 in actually touching the body?

25 A I didn't personally touch her.

1 Q Yes, sir.

2 A Officer Wright. We assess the person that we found, see the
3 condition they're in, if they're alive or not. And that requires
4 checking for a pulse and that sort of thing, but we don't
5 manipulate, move the body around.

6 Q Oh, no, I understand that. As far as checking. That's what
7 I meant.

8 A Yes, sir, we do.

9 Q Would that be more of a crime-scene task?

10 A As far as?

11 Q Crime-scene unit, would they be in charge of that kind of
12 thing as well?

13 A You mean moving the body, or?

14 Q Yeah, checking the body, looking for blood evidence, all
15 that kind of stuff?

16 A They would be, but after the coroner arrives. We don't move
17 the body until the coroner gets there, and then it would be kind
18 of in unison with them. But, yes, sir, they would be in charge
19 of collecting anything of evidentiary value.

20 Q And back in 2019, could you tell me who the -- I think you
21 might have had multiple crime scene -- is it crime-scene
22 technicians? Investigators? What is the proper title? I always
23 get those confused.

24 A They're detectives in the crime-scene unit, so it depends.
25 Sometimes they call them detectives. Sometimes we call them

1 crime-scene officers, or personnel.

2 Q Okay. I'll try to keep it consistent. So initially you had
3 multiple crime-scene officers out there; do you recollect that?

4 A Yes, sir.

5 Q Who was the head of the crime-scene unit out there that
6 night?

7 A Sergeant Wade Rollings was out there. Matt Brooks was out
8 there. I'm not sure who was in charge per se. Captain Gebhardt
9 was over the detectives division, which includes crime scene, so
10 technically he would be in charge of that.

11 Q So Wade Rollings and Matthew Brooks, I believe you said?

12 A Yes, sir. That was the crime-scene techs that were there.
13 Yes, sir.

14 Q Thank you.

15 ATTORNEY CHISHOLM: I have no further question.

16 THE COURT: Redirect?

17 ATTORNEY HINDS: Briefly, Judge.

18 **REDIRECT EXAMINATION**

19 BY ATTORNEY HINDS:

20 Q Officer Scarborough, when Officer Wright touched the
21 victim's body, were you right there in that vicinity?

22 A Yes, sir, I was.

23 Q And what did Officer Wright say to you that?

24 A That she was --

25 ATTORNEY CHISHOLM: Objection. Hearsay.

1 ATTORNEY HINDS: Present sense impression. Officer Wright's
2 present sense impression.

3 ATTORNEY CHISHOLM: May we approach?

4 THE COURT: Yes.

5 (Off-the-record discussion at sidebar.)

6 THE COURT: You may proceed.

7 BY ATTORNEY HINDS:

8 Q Officer Scarborough, what did Officer Wright say to you when
9 he touched the victim's body?

10 A That she was cold, cold to the touch.

11 ATTORNEY HINDS: Thank you, Judge. No further questions.

12 THE COURT: Further recross?

13 ATTORNEY CHISHOLM: No, Your Honor.

14 THE COURT: Very well. Call your next witness, please.

15 ATTORNEY OSBORNE: State calls Amy Williams.

16 CLERK OF COURT: Ms. Williams, will you please raise your
17 right hand, and state your full name for the record.

18 THE WITNESS: Amy Michelle Williams.

19 AMY M. WILLIAMS,

20 having first been duly sworn, is examined and testifies as
21 follows:

22 THE COURT: And if you'd be seated. And Ms. Catherine's
23 going to come. She's coming behind you with some water. She's
24 got that box of tissues right there for you, too.

25 THE WITNESS: All right. Thank you.

1 THE COURT: If you need to take a break, let us know. Okay.
2 All right. Your witness.

3 ATTORNEY OSBORNE: Thank you, Judge.

4 **DIRECT EXAMINATION**

5 BY ATTORNEY OSBORNE:

6 Q Good morning, Ms. Williams.

7 A Good morning.

8 Q All right. I'm just going to ask you a couple of background
9 questions, get you used to talking and get the jury used to
10 hearing from you, okay.

11 A Okay.

12 Q How old are you? Well, where are you from?

13 A North, South Carolina.

14 Q North, South Carolina?

15 A Yeah. Right out of Orangeburg, South Carolina.

16 Q And where did you go to high school?

17 A North High School right there in North, South Carolina.

18 Q Got any siblings?

19 A One, a brother, Zachary.

20 Q Zachary?

21 A Yeah. He's my half-brother. Yeah.

22 Q What kind of work do you do?

23 A I'm a stay-at-home mom.

24 Q And any children?

25 A I do. I have three.

1 Q And who are they?

2 A Patrick, Makaylyn and Nevaeh. I have a boy and two little
3 girls.

4 Q Okay. All right. Who is Linda Argoe to you?

5 A She's my mother. My best friend.

6 Q Now -- well, you kind of already answered that question, but
7 I know she's your mom but, you know, some people are closer to
8 their mom than others. You were close to Linda?

9 A Very much so.

10 Q How often did you talk to your mom?

11 A Every day.

12 Q Is the defendant your dad --

13 A No.

14 Q Biological --

15 A No, uh-uh.

16 Q How long had your mom and the defendant been together?

17 A On and off between eight to ten years.

18 Q And did your mom work? Did she have a job?

19 A She did. She worked at Palmetto Primary Care Physicians in
20 Summerville, South Carolina.

21 Q Was she an officer manager?

22 A She was a receptionist. She answered and made the
23 appointments for the patients.

24 Q And how long did she work there?

25 A Going on three years.

1 Q Was it a full-time job?

2 A It was.

3 Q Do you have personal knowledge to know if the defendant had
4 a job?

5 A He did, but he didn't keep them long. He quit. He --

6 Q Okay.

7 A Okay.

8 Q Where did your mom live?

9 A She lived at Westbury Mews Apartments.

10 Q And who did you she live with?

11 A Anthony Argoe.

12 Q Anyone else?

13 A No.

14 Q When did your mom and the defendant move into that apartment
15 complex?

16 A Probably within that year, cause they didn't stay nowhere
17 longer than a year.

18 Q Did she have a dog?

19 A She did.

20 Q And what was her dog's name?

21 A Braly.

22 Q Would you describe Braly as being a friendly dog?

23 A Oh, yeah.

24 Q Did your mom have many friends?

25 A She had a lot of friends before she met Anthony Argoe.

1 Q Did she have any enemies?

2 A No.

3 ATTORNEY CHISHOLM: Objection, Your Honor. Can we approach?

4 THE COURT: Yes.

5 (Off-the-record discussion at sidebar.)

6 BY ATTORNEY OSBORNE:

7 Q Okay. You're not going to be able to get into anything
8 specifically that your mom said --

9 A That's fine.

10 Q -- okay, but is it fair to say that she was moving in -- or,
11 that she was going to be leaving and moving in with you --

12 A Yes, sir.

13 Q -- and your family?

14 A Yes, sir.

15 Q And you were good with her moving in?

16 A Yes, sir.

17 Q About when was it that you first learned or first agreed to
18 allow your mom to move in in reference to when she was murdered?
19 Was it like a month before? Just a couple weeks?

20 A No. It was about two weeks before she was murdered.

21 Q Were you going to be the one who was going to help her move,
22 or was she planning on moving --

23 A Me and a friend.

24 Q You and a friend?

25 A Me and a girlfriend. Yes, me and a friend, and a U-Haul

1 company. We had to get a U-Haul truck.

2 Q Okay. Now, the defendant wasn't moving in with your family,
3 right?

4 A No. No, sir.

5 Q Just your mom?

6 A Just my mom, yes.

7 Q All right. So let's get into the day of the incident, okay,
8 the day of the murder. Did you talk to your mom at all that day?

9 A I did. It was around lunchtime. I talked to her twice.

10 Q And what was the -- was the nature of that conversation, I
11 suppose, just planning with moving and whatnot?

12 A Just planning who was helping and what time we were gonna be
13 there.

14 Q So you're all women?

15 A Oh, yeah.

16 Q So y'all were trying to figure out how you were going to
17 carry all this?

18 A Oh, yeah, but we were used to that.

19 Q On the night of the murder, later on that day, did you call
20 911?

21 A I sure did.

22 Q And why was it that you called 911?

23 A Why was it? I had a gut feeling. I had that gut feeling.

24 Q And was that because you hadn't heard from your mom?

25 A Yeah. And that's the first time I ever done that.

1 ATTORNEY OSBORNE: Your Honor, may I approach?

2 THE COURT: Yes.

3 (State's Exhibit 53 is identified.)

4 BY ATTORNEY OSBORNE:

5 Q I'm showing you what's been marked as State's Exhibit
6 No. 53. Can you take a look at that and tell me if you recognize
7 it?

8 A Yes, sir.

9 Q And what is that?

10 A That's the 911 call. And I initialed it.

11 Q These are your initials?

12 A Yes, sir.

13 ATTORNEY OSBORNE: Your Honor, at this time the State seeks
14 to admit 53 interest evidence.

15 THE COURT: All right. Any objection?

16 ATTORNEY CHISHOLM: None, Your Honor.

17 THE COURT: Very well.

18 (State's Exhibit 53 is admitted into the record.)

19 (States Exhibit 53 (audio) is published.)

20 BY ATTORNEY OSBORNE:

21 Q All right. Ms. Williams, I'm going to just go ahead and ask
22 you some questions, and we'll go -- did you have the occasion to
23 call back?

24 A Uh-huh. I did exactly one hour later.

25 Q Before we play the second clip, I'll just go ahead and ask

1 you the rest of the questions, okay. Did you hear anything back
2 from the Summerville Police Department after that first call?

3 A No, sir, I didn't.

4 Q And then you said that you had elected to call back?

5 A I did.

6 Q About an hour later, I guess?

7 A An hour later.

8 Q At some point did you start to head down towards
9 Summerville?

10 A Yes, sir. It was about -- well, it was about 10 minutes
11 after I made that 911 call.

12 Q The second one?

13 A Yes, sir. I got my clothes on and I came on. Yes.

14 Q And that was before you heard anything from them?

15 A Yes, sir. All the way from Swansea, straight to
16 Summerville.

17 Q When you arrived at your mom's house did the police talk to
18 you and tell you what happened?

19 A It was covered with the [inaudible]. Yes, sir.

20 Q I want to cover this part, and we'll double back. Did you
21 have the occasion, after your mom was murdered, to take
22 possession of her 2015 Volkswagen Jetta?

23 A Yes, sir, I did.

24 Q And did you ever get the key to the Jetta?

25 A I did get the key.

1 Q And where was the key located?

2 A It was in her purse up under her bed.

3 Q In the apartment?

4 A Yes, sir.

5 Q And with that key to the car, were the apartment keys also
6 with that key?

7 A Yes, sir.

8 Q And did you find anything interesting inside your mom's
9 trunk of her car?

10 A Oh, yeah. Two handguns, all of her jewelry, and her
11 personal possessions, clothes. Just -- she basically lived out
12 of her car. She had to.

13 Q Okay.

14 ATTORNEY OSBORNE: Beg the Court's indulgence.

15 THE COURT: All right.

16 (States Exhibit 53 (audio) is published.)

17 ATTORNEY OSBORNE: No further questions.

18 THE COURT: All right. Do you need to take a little break?
19 You do. All right. We'll take our morning break. Stay right
20 there for me.

21 THE WITNESS: Okay.

22 THE COURT: Ladies and gentlemen, we'll take our morning
23 break. Do not discuss this matter or allow anyone to discuss it
24 with you. We'll take about 15 minutes. Oh, and leave your
25 notepads in your seats.

1 THE COURT: Yeah. You'll have to leave us. But here's
2 what we -- since the jury is going to be back, we need to swear
3 you in again. And the jury hadn't been present, and so the State
4 will now make its presentation. So if you'll just step back
5 down, and then you'll be called back to the stand, and you'll
6 stand to be sworn in.

7 THE WITNESS: Do I leave?

8 THE COURT: Just where -- follow our bailiff.

9 THE WITNESS: All right.

10 THE COURT: Right there's fine. Oh, I'm sorry. Yes -- no,
11 you're exactly right. Ms. Williams has got cross-examination, so
12 all the way out of the courtroom, please.

13 Come on, Ms. Williams. And we are at cross-examination.

14 (Jury seated in the courtroom at 11:26 a.m.)

15 THE COURT: All right. Everybody's got -- you got your
16 notepad? Yes. Okay. Great. Great. Great. All right. Ladies
17 and gentlemen, we will continue with the State's case and the
18 cross-examination of Ms. Williams. Mr. Chisholm.

19 ATTORNEY CHISHOLM: Thank you, Your Honor. May it please
20 the Court.

21 THE COURT: Yes, sir.

22 **CROSS-EXAMINATION**

23 (of Amy M. Williams)

24 BY ATTORNEY CHISHOLM:

25 Q Good morning.

1 A Good morning.

2 Q I know this is a tough circumstance.

3 A Yes, sir.

4 Q I'm going to be pretty brief, okay.

5 A Okay.

6 Q You testified Mr. Argoe is not your father --

7 A No, sir.

8 Q -- and you believe he had been together with your mother, I
9 think you said, eight to ten years, something like that?

10 A Yes, sir. Yes, sir.

11 Q And that they got married somewhere in the neighborhood of
12 2012; is that about right?

13 A Yes. That's right.

14 Q And are you aware of her having a tattoo?

15 A Yes, sir.

16 Q 1976 Tony, I think something like that?

17 A Yes, sir. It was on her -- the inside of her wrist, I
18 think.

19 Q Is that a commemorative tattoo of sorts that they had, I
20 guess?

21 A Yeah. They got each other's name, or something on them.
22 Yes. But that was her high-school sweetheart.

23 Q Yes, ma'am, I understand. So they got married in 2012. And
24 there was some testimony about a 2015 Jetta.

25 A Yes, sir.

1 Q That was her vehicle?

2 A It was in my stepfather's name, my stepfather before Anthony
3 Argoe.

4 Q That's what I'm trying to figure out. So he gave her this
5 vehicle while she was married to Mr. Argoe; is that right?

6 A He sure did. Mr. Argoe wouldn't sign for a car for --

7 Q Ma'am, we don't need to get into all that.

8 A Okay.

9 Q But, so her, I guess, ex-husband gave her the car while she
10 was married to Mr. Argoe?

11 A Yes, sir.

12 Q And I think you said that you had first spoken to your
13 mother about moving about two weeks before; is that right?

14 A Yes, sir.

15 Q And the last questions I think I'm going to have are related
16 to the car, what you found in the car, that kind of thing. You
17 said you found her keys in her purse under her bed; is that
18 right?

19 A Yes, sir.

20 Q And I'm just trying to envision. Did you, like, go on the
21 scene while the police were there?

22 A No. They let me in to move all her stuff out of her
23 apartment so it wouldn't get thrown out.

24 Q So this was after they had done all their stuff?

25 A Yes. This was after they arrested him. It was after they

1 moved him -- I mean, you know, everything. It was before the two
2 -- they give me, what was it, two weeks to get the stuff out of
3 the apartment. But, I mean, if I wouldn't, it would have been
4 thrown out on the street. So, yeah, the apartment manager let us
5 do that, and I returned the keys to the front office.

6 Q Do you know how many days, roughly, it was? Was it like a
7 week later?

8 A I think it was two weeks later.

9 Q About two weeks later?

10 A Yeah.

11 Q And the purse was still there under the bed?

12 A Yes, sir. Stuff under her bed. Yes, sir.

13 Q And all the other belongings were still in there as well?

14 A Yes, sir.

15 ATTORNEY CHISHOLM: Okay. If I can have one moment. Thank
16 you, Ms. Williams.

17 THE COURT: Hold on one second. All right. Redirect?

18 ATTORNEY OSBORNE: None, Your Honor.

19 THE COURT: Okay. All right. Call your next witness.

20 ATTORNEY OSBORNE: State calls Makaylyn Sturkie.

21 CLERK OF COURT: Please raise your right hand, and state
22 your full name for the record.

23 THE WITNESS: Makaylyn Sturkie.

24 MAKAYLYN F. M. STURKIE,
25 having first been duly sworn, is examined and testifies as

1 person or was it two people arguing, or quarreling?

2 A It was two people.

3 Q And did you recognize their voices?

4 A I did.

5 Q And who were they?

6 A His wife and him.

7 Q And when you say "him", you mean the defendant in this case?

8 A Yes.

9 Q Can you just, for the record, identify him, point him out,
10 and describe what he's wearing?

11 A He's right there with a blue shirt on and a blue suit.

12 Q Okay. All right. So the point of reference being, the
13 night of the murder, when was it, going backwards, that you first
14 heard the quarreling between the Argoes?

15 A I want to say couple months.

16 Q A couple months?

17 A A couple months.

18 Q And in reference to when they were quarreling, did you ever
19 hear anything specific that was being said? In particular, I
20 guess, with Linda.

21 A One time I was out on my screen porch, and apparently they
22 had their sliding glass door open, and I heard, Get a job.
23 That's what I heard.

24 Q Get a job?

25 A I remember it clear as day.

1 Q And did that come from the defendant's voice or Linda's
2 voice?

3 A Linda.

4 Q Linda?

5 A Yep.

6 Q All right. So I know we had talked about the police had
7 spoke -- spoken to you the night of the murder, going into the
8 early morning hours. But let's back it up to the day before.
9 The day before, or during the day, did you ever have any
10 interactions with the defendant?

11 A Like I said, it's like every now and then. That's all I can
12 remember. Every now and then I would see him, like, through the
13 week, through the day, with his dog.

14 Q Okay. And I realize that -- and look, I get it, I'm asking
15 you to go back to a specific day three years ago. That's tough.
16 But on that day specifically do you remember having any
17 interaction with him? And, you know, don't let me or
18 Mr. Chisholm put any words in your mouth. Do you remember
19 interacting with him at all and, if so, what do you remember?

20 A Are you talking about that day?

21 Q That day.

22 A Yes. I got home around 1:15, and I went to my apartment.
23 Same routine; changed my clothes, get something to drink, and
24 then I walk over there to the Speedway to get lottery tickets.

25 Q Okay. And is on the way to Speedway, is that when you had

1 an interaction with him or saw the defendant?

2 A That's when I seen him.

3 Q And do you remember what he was doing?

4 A He was standing there.

5 Q And where was he standing?

6 A He was off to my right a little bit by a bridge. There's a
7 little, wooden bridge that goes over where all the water goes to
8 from the land right there, that lot.

9 Q Just standing there?

10 A He was just standing there.

11 Q Did you have any interaction with him or say anything to
12 him?

13 A I said, How ya doing"

14 Q And what --

15 A And he said, Well, everything's going to be okay. And he
16 mumbled something else, and I didn't get it, and I kept walking.

17 Q Gotcha. You went into the Speedway then?

18 A Yes.

19 ATTORNEY OSBORNE: Your Honor, may I approach?

20 THE COURT: You may.

21 (State's Exhibit 52 is identified.)

22 BY ATTORNEY OSBORNE:

23 Q I'm showing you what's been marked as State's Exhibit 52.
24 Can you take a look at and ask tell me if you recognize that?

25 A I do.

1 Q And what is that?

2 A It was -- she was showing me pictures or something. I don't
3 know what you call that.

4 Q Fair.

5 A A CD. I don't --

6 Q Did this have clips from the Speedway surveillance?

7 A Yes.

8 Q Did you see yourself on those clips?

9 A Yes.

10 ATTORNEY OSBORNE: Your Honor, at this time State seeks to
11 admit 52 into evidence.

12 THE COURT: Any objection?

13 ATTORNEY CHISHOLM: No, Your Honor.

14 (State's Exhibit 52 is admitted into the record.)

15 THE COURT: All right. You might want to pull up your
16 monitor. There you go.

17 BY ATTORNEY OSBORNE:

18 Q All right. From State's 52, I'm going start off by showing
19 you clip no. 3. Can you see that okay, Mr. Hogue?

20 A Sure.

21 Q Do you recognize that individual right there, I guess, in
22 the striped shirt?

23 A Yes.

24 Q And who is that?

25 A The defendant.

1 Q Okay. Can you see that date and time down there at the
2 bottom?

3 A I can't see it.

4 Q Okay. Let me see how good my tech skills are here. Does
5 that help?

6 A 6/14/19. 6/14/19?

7 Q Yep. Can you see the time?

8 A 11:01.

9 Q Okay. Thank you. All right. Show you one other clip.

10 ATTORNEY OSBORNE: Beg the Court's indulgence.

11 THE COURT: All right.

12 BY ATTORNEY OSBORNE:

13 Q All right. Same Exhibit 52. Now I'm showing you clip
14 no. 5. You recognize that guy?

15 A Oh, yeah. I don't know where that shirt went, but ...

16 Q Is that you?

17 A Yep.

18 Q All right. Let me see if I can get you back down to the
19 end. Okay. And can you see the date and time there?

20 A Yeah. 6/14/19, 1:55.

21 Q Okay. And so would this -- I'm assuming, putting your
22 testimony together earlier with this, you would have had the
23 interaction with the defendant just prior to this, is that about
24 right, or could it have been just after, maybe?

25 A No. It was before I came in there --

1 Q Okay.

2 A -- to the Speedway. It was a few minutes before I came in
3 there.

4 Q A few minutes, so right around this timeframe then?

5 A Yeah.

6 Q All right.

7 ATTORNEY OSBORNE: No further question.

8 THE COURT: Cross-examination?

9 ATTORNEY CHISHOLM: Thank you, Your Honor.

10 **CROSS-EXAMINATION**

11 BY ATTORNEY CHISHOLM:

12 Q All right, Mr. Hogue. We had a chance to previously discuss
13 some of these things, so I just want to be sure we got some
14 clarity here, okay. You lived at these apartments for about two
15 years; is that right?

16 A Yes.

17 Q And you were on the third floor, there was another tenant in
18 between, and then the Argos lived below; is that correct?

19 A Yes.

20 Q Okay. And you said basically you had a routine; that you'd
21 come home every day, you'd get a drink, and then you'd to the
22 Speedway?

23 A Yes.

24 Q And you said you had seen Mr. Argoe kind of making that same
25 circuit, I guess, right?

1 A Yes.

2 Q And you would go to the store, get lottery tickets,
3 sometimes get beer, that kind of thing?

4 A Yep.

5 Q And you said when you come home -- sounded like you're a
6 pretty -- creature of habit. You come home, you change out of
7 your uniform, and you get a drink. What kind of drink do you
8 typically get?

9 A I mean, I wouldn't do a drink every time. I mean, I'd get a
10 soda, glass of tea, something like that.

11 Q Not alcohol?

12 A No.

13 Q Okay. Fair enough. And you said that you had heard what
14 you believe to be the Argoes quarreling, I think you said; is
15 that correct?

16 A (Nods head.)

17 Q And I've been able to ask you previously, you know --

18 THE COURT: Can you answer with your voice rather than with
19 a nod of your head?

20 THE WITNESS: Okay. Okay.

21 THE COURT: And let me tell you why. Our court reporter has
22 to interpret a nod of the head. I don't want anybody
23 interpreting your answers. I want them to be --

24 THE WITNESS: I gotcha.

25 THE COURT: Thank you so much.

1 BY ATTORNEY CHISHOLM:

2 Q And the solicitor asked you about if you ever heard arguing
3 coming from down below; is that correct?

4 A Yes.

5 Q And again, you're on the third floor, the Argoes are on the
6 bottom floor, and there's someone in between; is that correct?

7 A Yes.

8 Q And I think you said your interactions with Mr. and
9 Mrs. Argoe was limited to, How ya doing, in passing kind of
10 stuff; is that right?

11 A Yes.

12 Q It wasn't like you guys hung out together, had
13 conversations, or --

14 A No. I mean, a conversation would go like, How are you
15 doing?, and either he or she would say, I'm having a nice day, or
16 whatever.

17 Q I gotcha.

18 A Whatever.

19 Q And I know some of this is difficult, because we're talking
20 about 2019 and beyond for some of this --

21 A Yep.

22 Q -- so I understand your memory's not going to be perfect on
23 some of this. I understand that. But, you know, you may recall
24 I asked you previously, you know, if you heard someone, it
25 sounded like quarreling coming from below, if you'd be able to

1 make out for certain whether it was the Argoes or, like, for
2 example, if they had friends over, if you could make out whose
3 voices it was, if you knew them to that extent, and I think you
4 told me you wouldn't be able to say it was the Argoes versus
5 their friends; is that correct?

6 A Not from a complete crowd, if they had friends over at their
7 apartment. No, probably not.

8 Q Okay. And you being two floors away, it's hard to -- you
9 can't see what's going on down there?

10 A Right.

11 Q So I'm assuming a lot of this assumption is, you think you
12 hear an argument coming from down below, and you're assuming it's
13 coming from the bottom floor; is that right?

14 A Yes.

15 Q And, therefore, if you think it's coming from the bottom
16 floor, you assume it's the Argoes; is that right?

17 A Yes.

18 Q And that makes sense. And you said on the day that you saw
19 Mr. Argoe that you did your normal routine. You came home about
20 1:00, something like that?

21 A 1:15.

22 Q 1:15?

23 A Somewhere around there.

24 Q Changed out, got your drink, and then you went to the store.
25 And you said that you saw Mr. Argoe out there that day just kind

1 of standing around; is that right?

2 A Yes.

3 Q And do you guys -- I mean, you're neighbors. You probably
4 kind of take the same path to the store; is that right?

5 A Absolutely.

6 Q And it's not unusual for you to see him on that path, I'm
7 guessing?

8 A Yep.

9 Q You guys passed each other quite a bit to and from?

10 A Yep.

11 Q And I think you told me on this day that he didn't appear to
12 be drunk. He wasn't rattled. He seemed just calm. You asked
13 him, How you doing? He said, Everything's going to be okay.

14 A He was just standing there.

15 Q When's the last time you remember hearing what you thought,
16 you know, quarreling or whatever the case may be? When's the
17 last time you remember hearing that?

18 A I can't answer a specific when --

19 Q Sure.

20 A -- but it could have been that week, you know, because it
21 was every now and then. I wasn't sitting there listening for it.

22 Q I gotcha.

23 A It would just pop up.

24 Q Could have been that week. Could have been longer. You
25 can't remember.

1 A I can't remember.

2 Q I understand. But if you would have heard them arguing that
3 day, of course you would have told the police, that kind of
4 thing, right?

5 A Right.

6 Q You said, I think, the officers came and spoke to you at
7 2:00 or 3:00 that morning.

8 A Yes.

9 Q Did you see Mrs. Argoe that day at 2:00? Do you remember
10 telling one of the officers that?

11 A You know, I believe I did see her going into her apartment.

12 Q Okay. Did you notice anything --

13 A And I said, How ya doing? She goes, How ya doing?, --

14 Q I gotcha.

15 A -- when I was going up the stairs.

16 Q I gotcha. Nothing seemed to be out of place at that point?

17 A No. She was just going into her apartment.

18 ATTORNEY CHISHOLM: If I can have one moment, Your Honor?

19 THE COURT: All right.

20 ATTORNEY CHISHOLM: Thank you. No further questions, sir.

21 THE COURT: All right. Redirect?

22 **REDIRECT EXAMINATION**

23 BY ATTORNEY OSBORNE:

24 Q So Mr. Chisholm asked you about seeing Linda go into the
25 apartment around 2:00. And you said that would have been around

1 2:00 p.m?

2 A I'm picturing I seen her when I was walking back from that
3 Speedway.

4 Q And that's putting it all together. That certainly seems
5 like what you did see. You would have -- if I'm -- stop me where
6 I'm wrong and please correct me. Going to the Speedway. You
7 then see the defendant standing there, just standing?

8 A Yes.

9 Q And then you asked him, You're good?, whatever, and then he
10 said, Everything is going to be okay.

11 A Yes.

12 Q And then you went into the Speedway, and we saw you on the
13 video?

14 A Yes.

15 Q And then you come back --

16 A Yes.

17 Q -- and then you see Linda going into the apartment?

18 A Go into her apartment.

19 Q Now, you said every now and then that you heard arguing
20 coming from the downstairs apartment. The arguing that you heard
21 going on over this two-month period every now and then, was it
22 the same voices that were arguing every time?

23 A Yes.

24 Q Okay. All right.

25 ATTORNEY OSBORNE: No further questions.

DIRECT EXAMINATION

BY ATTORNEY HINDS:

Q Good afternoon, Ms. Massenburg. Could you just give us a little background? Are you married?

A Yes. I've been married 43 years, and I have three children and five grandchildren.

Q And are you employed?

A I worked at Saint Paul's Christian Learning Center. I've been there for 23 years.

Q And where do you live, just generally?

A I live near the town of Summerville.

Q Are you familiar at all with the victim in this case, Linda Argoe?

A No.

Q How about the defendant in this case, have you ever had any interaction with him?

A No, sir.

Q Okay. I want to bring you to one day in particular, June 14th, 2019. Do you remember that day?

A Yes, I do.

Q Do you remember on that day having any interaction --

A Yes, I do.

Q -- with the defendant?

A Yes, sir.

Q Could you walk us through that day?

1 A My grandchildren from Virginia were -- and my son and his
2 wife were -- staying at Folly Beach, and we had stayed the week
3 with them. And on the way back -- well, when we were ready to go
4 we took the two grandchildren with us, and had them in the car
5 and were headed back to Summerville to spend the weekend with
6 them, and we were on Trolley Road. We stopped and got them
7 dinner, early dinner. And we were heading down Trolley Road
8 towards Berlin G. Parkway --

9 Q And what happened? Let me stop you. What happened?

10 A We saw -- or, I saw -- my husband was driving -- I saw a man
11 lying down at the entrance to the Scots Kirk Church, and I asked
12 my husband to turn around.

13 Q And we can just keep to what you saw and observed now.

14 A Okay.

15 Q When you saw this man lying there, what did you do?

16 A I immediately thought there's something wrong with him; we
17 need to help him. We pulled over, and my husband kind of stayed
18 near the truck so that he could be with the grandkids. And I got
19 out and immediately just said, you know, the normal protocol for
20 assisting, you know, checked his pulse and he had a pulse, and
21 tried to arouse him and ask was he okay. And then right about
22 that time, an off-duty paramedic stopped by.

23 Q Okay. Let me stop you right there. Could you describe the
24 state of that man you saw lying on the ground?

25 A I assumed he was unconscious. He was nonresponsive.

1 Q How about the state of his clothing? Was there anything --

2 A There were blood spatters on his clothing, which led us to
3 believe that he had injuries on his body.

4 Q And, Ms. Massenburg, did you observe any injuries on his
5 body?

6 A No, I did not.

7 Q At any point in time while you were stopped there did he say
8 anything to you? Was he at all responsive?

9 A No, sir.

10 Q And after you saw him and saw that he had a pulse, what did
11 you do next?

12 A I pretty much -- well, I called 911 right away. The
13 off-duty paramedic that stopped by -- I can't remember what side
14 he was on, but she flipped him over so that we could look over
15 his body and make sure there were no injuries. And I waited for
16 a little while. And after I knew that help was there, the
17 ambulance got there, we went back and were with the kids in the
18 car, and left.

19 Q And let me unpack that a little bit.

20 A Okay.

21 Q While you were there with EMS, did y'all find anything that
22 would identify that man?

23 A Yes. We found his wallet, and it was -- Anthony Argoe was
24 on the driver's license.

25 Q Okay. Do you see the man that you stopped and helped in the

1 courtroom today?

2 A Yes.

3 Q Could you point him out for the jury?

4 A He's right over there.

5 Q What is he wearing?

6 A A black shirt and black jacket.

7 Q And while you all were stopped, how long did it take EMS to
8 arrive on the scene?

9 A Maybe 10 minutes, at the most.

10 Q And while you were there and getting ready to leave, did you
11 see EMS -- you know, what was their state with him? Did they
12 have him on a gurney, or --

13 A I do remember a gurney. Yes, sir.

14 Q And do you remember about what time EMS would have taken
15 him?

16 A It was late afternoon, maybe 4:00, maybe 4:30. I don't have
17 a specific time.

18 Q If I were to tell you 6:00 to 6:30, would you be surprised?

19 A No, because it was, you know, two-and-a-half years ago, and
20 I just know -- I know for sure we had stopped at Arby's to get
21 the kids dinner, and they always eat dinner between 5:00 and
22 6:00.

23 Q Is it fair to say that when you left you believed that he
24 was in the care and custody of EMS?

25 A Yes.

1 ATTORNEY HINDS: Beg a moment, Judge.

2 THE COURT: Yes.

3 ATTORNEY OSBORNE: No further questions. Thank you,
4 Ms. Massenburg.

5 THE COURT: Cross-examination?

6 ATTORNEY CHISHOLM: Thank you, Your Honor.

7 **CROSS-EXAMINATION**

8 BY ATTORNEY CHISHOLM:

9 Q Just very briefly, Ms. Massenburg. You said you checked him
10 for injuries and you didn't notice any?

11 A No, sir.

12 Q Would you be surprised to find out if injuries were
13 discovered on him at the hospital, to his elbow, to his feet, to,
14 I think, a knee, to his has abdomen, that would surprise you?

15 A I did not undress him or anything. I know -- I know he
16 could have had, from the fall -- it was brand-new paved concrete.
17 He could have scraped himself after the fall -- as he fell. But
18 there were no -- there were no open gashes or anything like that.

19 Q That's what I wanted to clear up. So is it your
20 testimony -- you're not saying there were no injuries on him.
21 You're just saying that when you looked at him, he didn't have a
22 gash in his forehead that was readily apparent?

23 A Right. That's correct.

24 ATTORNEY CHISHOLM: Thank you. No further questions.

25 THE COURT: All right. Redirect?

1 ATTORNEY HINDS: None, Judge.

2 THE COURT: All right. Is this witness free to leave, and
3 any objection?

4 ATTORNEY CHISHOLM: No, Your Honor.

5 ATTORNEY HINDS: She's free to go.

6 THE COURT: Thank you. You're free to leave. Call your
7 next witness.

8 ATTORNEY HINDS: State calls Deborah Parker.

9 CLERK OF COURT: Ms. Parker, if you'd please raise your
10 right hand, and state your full name for the record.

11 THE WITNESS: Deborah Kay Parker.

12 DEBORAH K. PARKER,
13 having first been duly sworn, is examined and testifies as
14 follows:

15 THE COURT: All right. Your witness.

16 **DIRECT EXAMINATION**

17 BY ATTORNEY HINDS:

18 Q Good afternoon, Ms. Parker.

19 A Good afternoon.

20 Q Where are you currently employed?

21 A South Carolina Federal Credit Union.

22 Q How long have you been there?

23 A Three years.

24 Q What did you do before you were with FC?

25 A I was general manager of Hess. And then there was a merger,

1 and Speedway bought us out.

2 Q What specific Speedway gas station were you the manager for?

3 A 1401 Trolley Road.

4 Q Is that in Summerville?

5 A Summerville, South Carolina.

6 Q And were you employed in that capacity as manager on

7 June 14th of 2019?

8 A Yes.

9 Q And as manager, do you have access to the surveillance video
10 system?

11 A Yes.

12 Q Well, let me back up. Does that gas station have a
13 surveillance video system?

14 A Yes.

15 Q And as part of your duties as manager, when asked or
16 instructed by law enforcement, would you go retrieve the video
17 footage from that system?

18 A Yes, I would.

19 Q Have you ever had the opportunity to do that previously as a
20 manager?

21 A Yes.

22 Q And throughout your time in doing so, when you would pull
23 the footage, would the video timestamps be accurate?

24 A Yes. It was actually realtime, because our corporate could
25 dial in at any time and watch us.

1 Q Thank you.

2 ATTORNEY HINDS: Beg a moment, Judge?

3 THE COURT: All right.

4 ATTORNEY HINDS: May I approach?

5 THE COURT: You may.

6 (State's Exhibit 51 is identified.)

7 BY ATTORNEY HINDS:

8 Q Ms. Parker, I'm showing you what's been marked only for
9 identification as State's 51. Do you recognize that?

10 A Yes.

11 Q What is that?

12 A It's the copy of video that I burned a video for y'all.

13 Q Okay. I'm going to show you what's already entered into
14 evidence as State's 51. Recognize that?

15 A I do.

16 Q What is that?

17 A That is a DVD of video that was requested by y'all.

18 Q Okay. I'm going to show you -- I'm showing you some clips
19 from State's 52.

20 THE COURT: You have a monitor. That is yours. Actually,
21 the monitor might be a little bit easier with the glare.

22 THE WITNESS: Okay.

23 BY ATTORNEY HINDS:

24 Q All right. Ms. Parker, what are we looking at here?

25 A This is the side of the store, looking out to the parking

1 lot. And that's the storage shed that you see off to the right.

2 Q Do you see anybody in that video?

3 A I do, to the left.

4 Q Where would he be walking? In relation to your store. I'm
5 sorry.

6 A Well, he's walking past the storage and the restrooms, so it
7 looks like he's walking towards Beverly Drive.

8 Q Does it look like he's carrying anything?

9 A Uhm, might have to back that up. I don't think so, but I'm
10 going to have to look at it again. No.

11 Q Do you recognize that man as a regular customer?

12 A Yes.

13 Q Do you know his name?

14 A I never knew his name.

15 Q I'm sorry. Go ahead. Did you know anything about him?

16 A I just knew he came in once or twice daily.

17 Q I'm going to show you clip 2 from State's 52. What are with
18 looking at here? Is that the same camera?

19 A Yeah. Looks like he's walking back from possibly the gas
20 station across from Beverly Drive, back into our parking lot.

21 Q And in this video does it appear to be -- does he appear to
22 be carrying anything?

23 A It looks like he is.

24 Q Any guess as to what he would be carrying?

25 ATTORNEY CHISHOLM: Objection, Your Honor. Speculation.

1 THE COURT: If you know.

2 THE WITNESS: It looked to possibly be a 12-pack of beer.

3 BY ATTORNEY HINDS:

4 Q All right. I'm going to show you clip 3. And tell us, what
5 view is this?

6 A It's one of the bird's-eye view of our cashier area.

7 Q Do you recognize that man?

8 A I do.

9 Q And could you stop for a second. Could you -- and it may be
10 hard to manipulate this. Could you tell us the timestamp on that
11 video? We can zoom in for you. I know it's hard to see.

12 A Yeah. Looks like 11:01. Yeah, 11:01 a.m.

13 Q And what's the date on that?

14 A June 14th, 2019.

15 Q Does that man appear to be buying anything from your store
16 at that point?

17 A He looks like he's buying something. I'm not sure what.
18 I'd have to look at it closely.

19 Q I'm going to show you clip 4.

20 A Okay.

21 Q Can you identify what's in that man's hand right now, as to
22 the video?

23 A It looks like Busch beer to me.

24 Q Thank you. Now I'm showing you clip 4. Same thing. Is
25 that someone you recognize?

1 A Yeah. That's him with his dog.

2 Q Was it commonplace for him to bring his dog into your store?

3 A It was.

4 Q And what does he appear to be buying right there?

5 A It looks like a 24-ounce beer.

6 Q And can you tell me again the timestamp on this video once
7 we zoom in for you?

8 A 1:45 p.m.

9 Q I'll show you clip 5. And it looks like -- does it appear
10 he looks like he bought some alcohol as you testified to earlier?

11 A Yes.

12 Q Now, this is your surveillance system, right?

13 A Yes.

14 Q Would that be the point of sale as to what's happening
15 realtime in the video?

16 A Yes.

17 Q Okay. And if you're able, can you read from that point of
18 sale receipt what was just purchased?

19 A One Icehouse 24-ounce can for a \$1.99, plus tax.

20 Q All right. Thank you. I'll show you clip 5. Do you
21 recognize that man?

22 A I do.

23 Q Do you know his name?

24 A I know his first name. His first name's Derek. He was a
25 regular. Livid behind -- in the apartments behind the store.

1 Q Did he live in Westbury Mews?

2 A Yes.

3 ATTORNEY HINDS: Beg a moment.

4 BY ATTORNEY HINDS:

5 Q And how often would he come into your store? One to two
6 times a day; would that be fair?

7 A Derek?

8 Q Yes.

9 A Yes.

10 Q And how about Mr. -- how about the defendant, how often
11 would he come into your store?

12 A He came in often. Maybe one to two times a day.

13 Q And what would he buy when he did so?

14 A Might be beer. Might be lottery.

15 ATTORNEY HINDS: Beg a moment, Judge.

16 THE COURT: All right.

17 ATTORNEY HINDS: No further questions.

18 THE COURT: All right. Cross-examination?

19 ATTORNEY CHISHOLM: Thank you, Your Honor.

20 **CROSS-EXAMINATION**

21 BY ATTORNEY CHISHOLM:

22 Q Good afternoon, Ms. Parker.

23 A Hi.

24 Q All right. So obviously we were just talking about the guy
25 you know as Derek, and Mr. Argoe. You said they both came in

1 maybe once or twice a day.

2 A Yes.

3 Q Did they both buy lottery tickets and beer?

4 A Yes.

5 Q They were pretty routine? That's when they would come in,
6 and that's what they would get?

7 A Yes.

8 Q And the State, the solicitor, was asking you, Take a look at
9 this. Can you tell what he's carrying? And you got a better, I
10 guess, angle inside store. You said it looked like a box of
11 Busch beer?

12 A Yes.

13 Q Seems like a commonsense answer, probably, but you don't
14 know if this was a full box of beer; if it's beer; you don't know
15 if it's half full; you don't know if there's one in there? You
16 wouldn't have any way of knowing that; is that right?

17 A Correct.

18 Q And the box of beer, the Icehouse that's on the screen,
19 obviously you wouldn't have any way of knowing who it was being
20 purchased for or anything like that, right?

21 A I wouldn't have any way of knowing who he's purchasing it
22 for.

23 Q Yes, ma'am. Thank you.

24 ATTORNEY CHISHOLM: If I can have one moment.

25 THE COURT: Okay. Yes.

1 ATTORNEY CHISHOLM: Thank you, Ms. Parker. I have no
2 further questions.

3 THE WITNESS: Okay.

4 THE COURT: All right. Yes?

5 ATTORNEY HINDS: No redirect.

6 THE COURT: Very well.

7 THE WITNESS: Thank you.

8 THE COURT: Is this witness free to leave? Is there any
9 objection?

10 ATTORNEY HINDS: She's free to leave.

11 THE COURT: All right. You are free to go.

12 THE WITNESS: Thank you.

13 THE COURT: Call your next witness, please.

14 ATTORNEY OSBORNE: State calls Lieutenant Chris Hirsch.

15 CLERK OF COURT: Lieutenant Hirsch, if you'd please raise
16 your right hand, and state your full name for the record.

17 THE WITNESS: Chris Hirsch. Christopher Hirsch.

18 CHRISTOPHER HIRSCH,
19 having first been duly sworn, is examined and testifies as
20 follows:

21 **DIRECT EXAMINATION**

22 BY ATTORNEY OSBORNE:

23 Q Is it still lieutenant?

24 A Recently captain.

25 Q Okay, I thought so. Congratulations.

1 A I appreciate it.

2 Q All right, captain. Where do you currently work?

3 A I work at the Summerville Police Department.

4 Q And how long have you been with Summerville Police
5 Department?

6 A Eleven years come February 20th this year.

7 Q And what had been some of your various assignments while
8 with Summerville?

9 A So I started off on patrol. I was on patrol for two years.
10 I moved over to the detective division -- that was in 2015. And
11 I kind of worked my way up through the ranks through the
12 detective division. I've been either a detective or some sort of
13 supervisor since then.

14 Q Okay. Well, let me just ask you just some overall questions
15 about investigative work and how cases are assigned and things of
16 that nature, okay.

17 A Sure.

18 Q Typically speaking, when there is a major investigation,
19 let's say, for, like, a murder, okay, and an arrest isn't made
20 that night, is the case then assigned to a case agent or a
21 detective?

22 A Yes, it is.

23 Q And I think it's pretty true for all cases, I guess, as the
24 days go along is it fair to say -- and you correct me if I'm
25 wrong -- but in the beginning it's sort of like an all hands on

1 deck?

2 A It is, especially for Summerville Police Department.

3 Q And as the days go along, if the case becomes unsolved or it
4 goes cold it sort of funnels into, like, one guy's case?

5 A That's correct.

6 Q And that's generally the case agent?

7 A Yes, sir.

8 Q Now, your involvement in this case, is it fair to say, was
9 kind of limited?

10 A Yes. This one was very limited.

11 Q All right. On June the 16th of 2019 did you have the
12 occasion to collect some evidence in this case?

13 A I did.

14 ATTORNEY OSBORNE: Beg the Court's indulgence.

15 THE COURT: All right.

16 BY ATTORNEY OSBORNE:

17 Q And, well, how did that come about? Where did you go to
18 collect that evidence?

19 A So I went to MUSC. That's where the autopsy was conducted
20 on the victim.

21 ATTORNEY OSBORNE: Not sure where my investigator went,
22 Judge. He took off on me. Beg the Court's indulgence.

23 THE COURT: Sure. Sure. There he is. You are needed.

24 BY ATTORNEY OSBORNE:

25 Q What evidence did you collect from the autopsy?

1 A So at the autopsy I collected a photo disk which would have
2 been photos of the victim, some clothing that belonged to the
3 victim, and also a very large knife.

4 Q Along with a knife?

5 A Yes, sir.

6 ATTORNEY OSBORNE: Your Honor, may I approach?

7 THE COURT: You may.

8 (State's Exhibit 82 is identified.)

9 BY ATTORNEY OSBORNE:

10 Q I'm showing you what's been marked as State's Exhibit
11 No. 82. Can you take a look at that and tell me if you recognize
12 that?

13 A I do.

14 Q And what is that?

15 A That was the knife that was pulled out of the victim during
16 the autopsy from the doctor.

17 ATTORNEY OSBORNE: Your Honor, while we're getting our hands
18 on that knife, in the meantime the State would seek to admit
19 State's 82 into evidence.

20 THE COURT: And that is the photograph?

21 ATTORNEY OSBORNE: That is the photograph.

22 THE COURT: Any objection?

23 ATTORNEY CHISHOLM: No, Your Honor.

24 THE COURT: Very well.

25 (State's Exhibit 82 is admitted into the record.)

1 BY ATTORNEY OSBORNE:

2 Q All right. Does this look like the weapon that you took
3 from the autopsy?

4 A It does.

5 Q And while we're sitting here looking at this, can you tell
6 the jury how long the blade is on this knife?

7 A So the blade on that knife is approximately 12 inches long.

8 Q And the knife itself?

9 A The entire knife is one foot seven inches long.

10 Q And what did you do with the knife once you got it?

11 A So once I gathered that from MUSC, it was wrapped and I
12 immediately brought it back to the Summerville Police Department.

13 Q Brought it back to the Summerville Police Department?

14 A Yes, sir.

15 ATTORNEY OSBORNE: Okay. No further questions.

16 THE COURT: All right. Cross-examination?

17 ATTORNEY CHISHOLM: Thank you, Your Honor.

18 **CROSS-EXAMINATION**

19 BY ATTORNEY CHISHOLM:

20 Q Captain --

21 A How are you?

22 Q -- it's nice to see you.

23 A You sir.

24 Q And you've been with the department for 11 years; is that
25 what you said?

1 A Yes, sir. That's correct.

2 Q So that's been a while. And you were the case agent on this
3 case, is that right?

4 A I was not.

5 Q You were not the case agent?

6 A No, sir.

7 Q Looking through the notes, it looked like you were contacted
8 and asked to go through the other detectives' notes; is that
9 right?

10 A I read some arrest warrants. Yes, sir.

11 Q You reviewed their paperwork, basically?

12 A Yes, sir.

13 Q And did you have rank over most of these guys that were
14 involved, I guess?

15 A I did. Yes, sir.

16 Q Were you actually involved on scene as far as evidence
17 collection, anything like that?

18 A No. I wasn't called to the scene. I came in the previous
19 day, the previous morning.

20 Q The day after?

21 A Yes. Yeah. The day after this happened I came in.

22 Q I gotcha. And you secured this evidence that we've heard
23 about. And it also says, I think, in your notes, that you
24 contacted Wade Rollings to notify him of the evidence you secured
25 in the locker; is that right?

1 A That's correct.

2 Q And can you tell me why you did that?

3 A That's just normal protocol, especially in a big case. So
4 when we secure the evidence into a locker, I wanted to make sure
5 that the evidence custodian knew that this evidence was there.

6 Q Which kind of goes into my next question. So Wade Rollings
7 would be the evidence custodian?

8 A He was at the time. Yes, sir.

9 Q And he would have been -- I asked the previous witness about
10 this, would you call him -- a crime-scene officer; is that fair
11 to say?

12 A Yeah, crime-scene investigator.

13 Q And at the time there was a couple different crime-scene
14 officers?

15 A I believe there were two.

16 Q And was Wade Rollings the senior officer at that point?

17 A He would have been.

18 Q Do you know how long he would have been with the department
19 at that point in 2019?

20 A I don't.

21 Q If you don't, I understand. It had been a while?

22 A Yeah. If I was there -- he was there before me, so he was
23 there longer than I was at that time. Ten years, maybe. That's
24 a guess.

25 Q And since he was the head guy, you notify him if things

1 happen with the evidence?

2 A Yes, sir.

3 ATTORNEY CHISHOLM: If I can have one moment.

4 THE COURT: All right.

5 ATTORNEY CHISHOLM: Thank you. I have no further questions.

6 THE COURT: Redirect?

7 **REDIRECT EXAMINATION**

8 BY ATTORNEY OSBORNE:

9 Q Let's go ahead and rip that band-aid. What happened to Wade
10 Rollings?

11 A He was arrested and terminated by the Summerville Police
12 Department.

13 Q For theft?

14 A For theft --

15 Q For stealing?

16 A -- of evidence. Yes, sir.

17 Q He's a thief?

18 A Absolutely, in my opinion.

19 Q I don't think you're alone.

20 ATTORNEY OSBORNE: No further question.

21 THE COURT: All right. Any recross?

22 ATTORNEY CHISHOLM: Yes, ma'am.

23 **RECROSS-EXAMINATION**

24 BY ATTORNEY CHISHOLM:

25 Q Go ahead and touch on this. So the evidence custodian, the

1 head crime-scene officer at the time back in 2019, he was
2 criminally charged based on his behavior in office?

3 A Yes, sir. That's correct.

4 Q Charged with grand larceny and misconduct in office; is that
5 correct?

6 A It is.

7 Q And he was relieved from his duties entirely?

8 A Yes.

9 Q And I'm guessing this was probably a pretty big deal over at
10 the Summerville Police Department; was it not?

11 A It was a big deal. Yes, sir.

12 Q And it probably caused audits throughout the department; did
13 it not?

14 A Several audits. Yes.

15 Q And I'm assuming you're aware that Wade Rollings was
16 involved with, touched, handled most of the evidence in this
17 case?

18 ATTORNEY OSBORNE: Objection, Your Honor. That goes beyond
19 the scope of my question.

20 THE COURT: Overruled. You may proceed.

21 THE WITNESS: Can you restate the question? I'm sorry.

22 BY ATTORNEY CHISHOLM:

23 Q Sure. Were you aware that Detective -- I guess then it was
24 Detective -- Rollings, he had access to most of the evidence in
25 this case? He had handled most of the evidence in this case?

1 A Yes, sir, he did.

2 Q And when you have somebody that's the evidence custodian,
3 there are times that they have exclusive access to the evidence
4 room; is that correct?

5 ATTORNEY OSBORNE: Your Honor, again, beyond the scope of my
6 one question.

7 ATTORNEY CHISHOLM: Your Honor, I can ask it later.

8 THE COURT: All right. Very well.

9 ATTORNEY CHISHOLM: Thank you.

10 THE COURT: All right. Is this witness free to leave, and
11 is there any objection?

12 ATTORNEY OSBORNE: The only thing I would ask, Your Honor,
13 is now we have the knife, so I would ask if we could just have
14 him identify this for the record.

15 THE COURT: Any objection?

16 ATTORNEY CHISHOLM: No objection.

17 THE COURT: Very well.

18 ATTORNEY OSBORNE: Approach?

19 THE COURT: You may.

20 (State's Exhibit 71 is identified.)

21 **REDIRECT EXAMINATION**

22 BY ATTORNEY OSBORNE:

23 Q I'm showing you what's been marked as State's Exhibit 71.
24 Can you take a look at that and tell me if you recognize that?

25 A It's wrapped in plastic.

1 Q If you need scissors or you need to get a knife --

2 A If I can have a knife to open this.

3 THE COURT: If you need, to, yes.

4 THE WITNESS: Yes, sir. This is the same knife that I
5 identified in the picture earlier.

6 ATTORNEY OSBORNE: Okay. Thank you. Your Honor, at this
7 time, if I hadn't already said it, State seeks to enter 71 into
8 evidence.

9 ATTORNEY CHISHOLM: No objection.

10 THE COURT: Very well. Thank you.

11 (State's Exhibit 71 is admitted into the record.)

12 ATTORNEY OSBORNE: May we approach?

13 THE COURT: You may.

14 (Off-the-record discussion at sidebar.)

15 THE COURT: Ladies and gentlemen, this actually is -- and
16 you're free to go. I'm sorry.

17 THE WITNESS: Perfect. Okay. I wanted to make sure.

18 THE COURT: Ladies and gentlemen, we're going to take our
19 lunch. We're just at a good stopping place to do that, to take
20 lunch. So please remember, during our lunch break do not discuss
21 this matter or allow anyone to discuss it with you. And
22 remember, if anybody tries to interact with you about this case,
23 get their name; if not, a description and report it to me upon
24 your return. And remember, of course, if you see anyone that has
25 anything to do with this case and they don't even say hello, they

DIRECT EXAMINATION

BY ATTORNEY OSBORNE:

Q Good afternoon, Detective Brooks.

A Good afternoon.

Q And where do you currently work?

A I currently work for the Summerville Police Department.

Q And how long have you been with Summerville?

A I've been with Summerville Police Department for over eight years now.

Q Okay. Any prior law-enforcement experience?

A Yes. I worked for the city of North Myrtle Beach for a year, and I did eight years as a volunteer police officer in New Jersey.

Q With Summerville, what have been some of your various assignments?

A I've been on the patrol team. While there, I did bike patrol. I was FTO. And most recently I have been assigned to the crime-scene unit.

Q And I guess I kind of said it, but what is your current rank there in the crime-scene unit?

A I am currently detective with the crime-scene unit.

Q And as a crime-scene detective, what are your responsibilities?

A Responsibilities as a crime-scene detective are documenting, preserving, and collecting of evidence, as well as, with

1 Summerville, we also do double duties, and we are evidence
2 custodians.

3 Q Any inhouse training that assisted you with your position?
4 Or training in general, I guess.

5 A Yes. I had inhouse training for photographing and
6 collection of evidence. I've also attended the academy's
7 crime-scene class, taken blood-spatter analysis classes, as well
8 as the academy's fingerprint recognition/identification courses.

9 Q All right. Let's go back to the night of June the 14th,
10 2019, going into the early morning hours of June the 15th, 2019.
11 Were you working that night?

12 A I was not.

13 Q How is it that you became involved in this investigation?

14 A I was called out to assist with units on scene for a
15 homicide investigation.

16 Q When you were called out to assist, where is the first place
17 that you responded?

18 A The first place I responded was to the incident location,
19 the apartment complex.

20 Q When you arrived on scene, what did you do?

21 A Upon my arrival, I was advised that a search warrant was
22 being obtained for the residence, so I photographed the exterior
23 and the common areas.

24 Q All right. Now, we might use this term a little bit, so
25 let's go ahead and, I guess, define it. When we say -- when we

1 use the term in police work "processing a crime scene," what does
2 that mean when you process a scene?

3 A Processing is the documentation, collection, and
4 identification where evidence was located, as well as
5 additionally sometimes other items such as fingerprint
6 documentation or collection.

7 Q And just generally speaking -- so that's what it means --
8 how do you go about processing a scene? I know it might depend
9 on the type of scene, but just generally speaking.

10 A Generally speaking, the first thing I do is I photograph the
11 scene upon my arrival to document the condition as everything is
12 at my arrival.

13 (State's Exhibits 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17,
14 18, 18A, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,
15 33, 34, 35, and 36 are identified.)

16 BY ATTORNEY OSBORNE:

17 Q I think it might be just easier to kind of get right into
18 it. All right. We already have 1 through 5 marked and admitted,
19 so I'm going to show you now State's 6 through 36. Can you take
20 a look at those and just kind of flip through them and tell me if
21 you recognize them?

22 A Yes. These appear to be the photographs I took out at the
23 scene.

24 ATTORNEY OSBORNE: All right. Your Honor, at this time the
25 State seeks to admit 6 through 36.

1 THE COURT: Any objection?

2 ATTORNEY CHISHOLM: Your Honor, if I could just have one
3 moment.

4 THE COURT: Certainly.

5 ATTORNEY CHISHOLM: No objection, Your Honor.

6 THE COURT: All right. State's 6 through 36 are admitted.
7 They are photographs. Without objection.

8 (State's Exhibits 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17,
9 18, 18A, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,
10 33, 34, 35, and 36 are admitted into the record.)

11 BY ATTORNEY OSBORNE:

12 Q All right. We heard testimony about the first five already,
13 but we'll just roll through it and kind of -- you're the
14 photographer here?

15 A Yes. That's the photograph I took in front of the apartment
16 complex, at the entrance.

17 Q Okay. And that's State's 1. So now moving to State's 2.
18 What are we looking at?

19 A That is the apartment building, Building 100.

20 Q Three?

21 A That is the incident location. That is the decedent and the
22 suspect's residence.

23 Q Four?

24 A That is an additional photograph of the 100 Building.

25 Q Okay. Five?

1 A That is the backside of the 100 Building. That is the
2 screened-in porch of Apartment B.

3 Q All right. Did you see any signs that the exterior
4 screened-in door here had been tampered, compromised, cut in any
5 way?

6 A No, I did not.

7 Q Did you find any evidence that these windows had been opened
8 or unsecured, or anything like that?

9 A I did not.

10 Q So showing you State's 6. This looks like the front door, I
11 guess?

12 A Yes. That's the doorway to Apartment B.

13 Q And through the investigation, showing you -- well, we'll go
14 back to 6. Were you all able to determine -- we're going to see
15 some damage on the front door -- how that occurred?

16 A Yes. That was from when patrol arrived on the scene and
17 forced entry.

18 Q Okay. State's 7?

19 A That is a photograph of the door frame.

20 Q Eight?

21 A That is a photograph of the door itself.

22 Q Okay, showing the damage from the forced entry?

23 A Correct.

24 Q All right. Does the deadbolt look to be engaged?

25 A It does not.

1 Q Through your experience as a crime-scene investigator --
2 have you ever responded to the scene of a burglary before?

3 A Yes, many.

4 Q Through your experience in investigating crime scenes -- and
5 you say many -- what are some of the typical things that you see
6 when you're investigating or processing the scene of a burglary?

7 A Normally I see some type of forced entry or damage to some
8 point of access to the residence. I'll see the residence
9 interior to be thrown apart, some type of signs that somebody was
10 searching for items to steal or things were out of place or moved
11 and items were missing.

12 Q Did you see any of that with this crime scene?

13 A I did not.

14 Q All right. State's 9?

15 A That is the victim in the living room.

16 Q Later when you were closer to the victim, did you notice
17 anything about her body?

18 A I did. When I was closer up, I observed what appeared to be
19 a knife handle in her neck, or to the side of her neck, on the
20 right side.

21 Q And all you could see was the handle?

22 A All I could see was the handle.

23 Q Ten?

24 A Further photographs of the living room and decedent.

25 Q Eleven?

1 A That was a blanket on the seat in the living room.

2 Q Thirteen?

3 A That is a photograph leading into the kitchen.

4 Q And 14?

5 A That is a photograph inside the kitchen that is in the
6 freezer.

7 Q And did you make note of, I guess, the status of the liquid,
8 or the beer can, here?

9 A Yes. The can was cold to the touch, and it was partially
10 frozen. When poured out, it was slushy on the inside but not
11 completely frozen over.

12 Q And what time was it that you made that notation?

13 A I believe that was 1:45 in the morning.

14 Q Speaking of, I guess, the temperatures, what was the ambient
15 temperature inside the apartment? Did you note that at all or
16 document it in any way?

17 A I did. I believe it was 69 degrees. If you'd give me one
18 second just to confirm that.

19 Q Okay.

20 A Yes, 69 degrees.

21 Q Sixty-nine?

22 A Yes, sir.

23 Q How did you get that?

24 A There was a thermostat on the wall inside the residence.

25 Q Fifteen?

1 A That is a photograph inside the living room.

2 Q All right. Sixteen, where are we at now?

3 A This is a back bedroom.

4 Q Would this be off to the right, I guess?

5 A Yes. This is the back, right corner of the apartment.

6 Q Seventeen?

7 A That is a photograph of the bed inside the room.

8 Q And I guess this right here, you were talking, I don't know
9 if you used this term, but ransacked or rummaged through. Is
10 this sort like an example of there not being evidence of that?

11 A That would be correct. Everything was neatly placed on the
12 bed.

13 Q But did you notice anything about, like, the apartment in
14 general from looking at it? Did it seem like the residents might
15 be in the process of doing something?

16 A Yes. It appeared that they were in the process of moving.
17 Inside the living room I observed packing, or moving, boxes that
18 were neatly stacked with items inside.

19 Q All right. I'm showing you 18?

20 A That is in the bedroom. That is the closet there.

21 Q All right. Now I'm showing you 18A?

22 A That is a wallet that was located inside the stand next to
23 the bed.

24 Q Did the wallet appear to be in order?

25 A It did. It did not appear that it had been ransacked or

1 rummaged through.

2 Q Do you remember the name, any ID, identification, or name in
3 the wallet?

4 A Yes. I remember that it had the defendant's name on one
5 card, the victim's name on another card, as well as, I believe,
6 Joan Argoe was on a third card inside the wallet.

7 Q Nineteen?

8 A That is a photograph of the bedroom. That is the window in
9 the back corner.

10 Q And I guess maybe I want to go back to 18, 18A, one quick
11 second. Your observations and notations here in photographing
12 that, was this consistent with a scene of a burglary?

13 A No. Again, it was neatly in the drawer and, again, it
14 didn't appear rummaged through.

15 Q We covered 19. So now I'm showing you State's 20?

16 A That is in the bedroom, on the right side.

17 Q Twenty-one?

18 A That is the bedroom, again, right side, showing the floor.

19 Q Twenty-two?

20 A That is the bathroom in the back of the apartment.

21 Q I guess we're outside. Twenty-three?

22 A Yes. This is the sliding-glass door leading to that back
23 patio that was in the earlier photo.

24 Q And 24?

25 A That is the back patio.

1 Q Looks like a phone here on the windowsill?

2 A Yes, sir. That was a phone, believed to be the victim's
3 phone, on the ledge.

4 Q And did you collect that?

5 A That was collected. Yes.

6 Q Twenty-five?

7 A That is a cup and table that was outside on the patio
8 section.

9 Q Twenty-six?

10 A That is a can that was in the corner, and there are various
11 scratch-off tickets that were in there, as well as empty bottles.
12 I believe there was beer, as well as other, bottles in there.

13 Q Twenty-seven?

14 A That is spatter, and the decedent's right foot.

15 Q Twenty-eight?

16 A Further documentation of spatter that is on the blind to the
17 right of the decedent.

18 Q Twenty-nine?

19 A That is observed spatter on the couch.

20 Q Thirty?

21 A That is spatter that was observed on the chair that was
22 holding the blanket.

23 Q Thirty-one?

24 A Additional photographs of spatter.

25 Q Thirty-two?

1 A Additional photographs of the spatter on the couch.

2 Q Thirty-three?

3 A Additional photographs of the blood once the decedent was
4 moved.

5 Q Thirty-four?

6 A That is a photograph of the back of the chair -- or,
7 sorry -- the couch that had damage to it, as well as spatter.

8 Q Okay.

9 ATTORNEY OSBORNE: Beg the Court's indulgence.

10 BY ATTORNEY OSBORNE:

11 Q Now we're on 34. Tell me again what we're looking at here?

12 A That is the couch, backside of it. You can see damage on
13 the backside, as well as spatter on the bottom.

14 Q All right. Did you make any notations of this right here?

15 A Yes.

16 Q And what did that appear to be?

17 A That appeared to be a cutting inside the back of the couch.

18 Q Thirty-five?

19 A That was additional spatter next to the vase to the right of
20 the decedent.

21 Q All right. And 36?

22 A Additional blood spatter. And that was to the left of the
23 decedent.

24 Q All right. Was there anything in particular about this
25 particular photograph and documentation here that caught your

1 eye?

2 A Yes. That appeared consistent with a transfer pattern,
3 possibly a foot or a hand impression.

4 Q Now, did you collect any, or take any samples, I guess, of
5 the blood that was on the scene here?

6 A Yes. I collected two DNA swabs from the scene.

7 Q And when you say DNA swabs, I mean, just for the jury's
8 edification, what does that look like?

9 A What it is is we get sealed packages that contain one DNA
10 swab, or one type of cotton swab, inside of it. Usually what we
11 will do is change gloves before and after collection as to not
12 cross-contaminate any of the DNA. We will then open the package,
13 remove the cotton swab out of it, and go directly into our area
14 of interest. In this case, it was blood, so I went down into it,
15 swirled, and straight back up out of it, and it was repackaged
16 then, and sealed away.

17 ATTORNEY OSBORNE: Your Honor, may I approach?

18 THE COURT: You may.

19 (State's Exhibit 57 is identified.)

20 BY ATTORNEY OSBORNE:

21 Q I'm showing you State's 57. Can you a look at that and tell
22 me if you recognize it?

23 A Yes. This was the cellphone. This was the cellphone
24 recovered from the back porch.

25 Q From the back porch, you said?

1 A Yes.

2 Q Okay.

3 ATTORNEY OSBORNE: Your Honor, at this time State seeks to
4 admit 57 into evidence.

5 ATTORNEY CHISHOLM: No objection, Your Honor.

6 THE COURT: Okay.

7 BY ATTORNEY OSBORNE:

8 Q Before we leave the apartment, did you have another
9 crime-scene technician assisting you on that day?

10 A I did. I was actually the assisting party to Sergeant, at
11 the time, Wade Rollings.

12 Q But you all were processing it together?

13 A Yes.

14 Q All right. After you finished with that crime scene did you
15 have the occasion to locate, or relocate, to another incident
16 location?

17 A I did. After transporting the evidence to the Summerville
18 Police Department for storage, it was discovered that the suspect
19 in this case was at Trident Medical Center, and I responded out
20 there with other units.

21 ATTORNEY OSBORNE: Your Honor, may I approach?

22 THE COURT: You may.

23 (State's Exhibits 37, 38, 39, 40, 41, 42, and 43 are
24 identified.)

25

1 BY ATTORNEY OSBORNE:

2 Q Showing you 37, State's 37, through 43. Can you take a look
3 at those and tell me if you recognize those?

4 A Yes. These would be the photographs I took out at Trident
5 Medical Center.

6 Q You took those photographs? You were there?

7 A Yes, sir, I was there, and took these photographs.

8 ATTORNEY OSBORNE: Your Honor, at this time State seeks to
9 admit 37 through 43 into evidence.

10 ATTORNEY CHISHOLM: Without objection.

11 THE COURT: Very well. So 37 through 43 into evidence,
12 without objection.

13 (State's Exhibits 37, 38, 39, 40, 41, 42, and 43 are
14 admitted into the record.)

15 BY ATTORNEY OSBORNE:

16 Q What are we looking at in State's 37?

17 A That was the decedent [sic] at the hospital, and medical
18 staff was holding up the cut shirt that was with his property.

19 Q And you said cut shirt. So, is it typical for EMS or
20 responders to cut clothing to render medical assistance?

21 A Yes. I've seen that usually when they're going to put
22 medical leads on the party.

23 Q Like what we have here?

24 A Yes, sir.

25 Q Thirty-eight?

1 A An additional photograph of the suspect in the case.

2 Q All right. I want to point out a couple things right here,
3 and maybe in another photograph later. What do you see right
4 here on his stomach?

5 A I saw scratches to the stomach.

6 Q Abrasions, maybe?

7 A Yes, sir.

8 Q And now going in over here, what do you see over here in
9 State's 38?

10 A That was property collected from the suspect at the
11 hospital; his wallet, watch, cards, including his ID, medical
12 cards, and his clothing. You could see the shirt that was held
13 up by the medical staff at the top, and his jeans and shorts are
14 underneath that, and his shoes were in there, I believe, as well.

15 Q And so when y'all got here this is the way it was appearing?

16 A Yes, sir.

17 Q All right. Thirty-nine? Well, here's a close-up.

18 A Further photograph of his abdomen.

19 Q What were you doing here?

20 A I was further documenting the injury that I observed to the
21 abdomen.

22 Q Forty?

23 A That is the suspect's arm, documenting the injury above the
24 cuff.

25 Q Okay. And up here, can you make this out at all?

1 A Yes. That was a tattoo that said "Linda 1976."

2 Q And next to the tattoo, what do we have over here?

3 A An injury.

4 Q Another abrasion?

5 A Yes, sir.

6 Q All right. Forty-one? That's the same?

7 A An additional photograph of the injury on the arm.

8 Q And 42?

9 A A photograph of his hand. And in there I observed
10 scratching, as well as dirt, on the hand.

11 Q Okay. And 43?

12 A Further documentation of the hand.

13 (State's Exhibits 58, 59, and 60 are identified.)

14 BY ATTORNEY OSBORNE:

15 Q I'm going to do them all at one time. I'm going show you
16 State's -- all right. I'm going to show you State's 58, 59, and
17 60. Fifty-nine is just going to be for ID purposes. Can you go
18 through each one, recall out the number so we know what you're
19 looking at -- if you recognize it.

20 A State's 58 are items that were recovered with the suspect's
21 property; his glasses, keys, and scratch-off tickets. I believe
22 his -- do you have gloves, by chance? Thank you. It also
23 contains the ID insurance card and medicare card that were
24 observed on the counter in the earlier photograph at the
25 hospital.

1 State's 59 is the wallet that was observed on the counter,
2 as well as the contents from the wallet.

3 State's 60 is a money order receipt for rent, eviction
4 notice, and pawn receipt recovered from the wallet.

5 ATTORNEY OSBORNE: Your Honor, at this time -- to keep the
6 record clean, let's just leave that for ID for now. May I
7 approach, Judge?

8 THE COURT: You may.

9 (State's Exhibits 62A and 62B are identified.)

10 BY ATTORNEY OSBORNE:

11 Q I'm showing you what's already been marked and admitted as
12 58A and 61, but I also want you to look at 62A, 62B. And I think
13 63A and 63B have already been marked and admitted. But if you
14 could, for the record, tell us if you recognize each one of those
15 photographs?

16 A Yes, sir.

17 Q And just kind of go through them.

18 A Okay. 58A are a further photograph of the keys that were
19 recovered with the suspect's property.

20 Sixty-one are the money order receipts that were recovered
21 from the wallet.

22 62A --

23 ATTORNEY CHISHOLM: Your Honor, I have an objection. If we
24 could approach.

25 THE COURT: Sure.

1 record.)

2 BY ATTORNEY OSBORNE:

3 Q I'm going to start by showing you 58A. Can you recognize
4 that and tell me what is it?

5 A Yes. Those are the keys that were recovered inside the
6 suspect's property from the hospital.

7 Q And 61?

8 A Those are the money-order paystubs that were in the
9 suspect's wallet.

10 Q And 62A?

11 A A receipt from a pawn shop, again, located in the suspect's
12 wallet.

13 Q All right. And what is the date of the pawn that was made?

14 A The date is 5/11/2019.

15 Q All right. The name of the person that pawned it?

16 A Anthony Nicholas Argoe.

17 Q Okay. And what was pawned?

18 A A Figaro bracelet, 10 carat.

19 Q And how much was received?

20 A \$150.

21 Q Okay. And I understand that, you know, this receipt here --
22 and it looks like it's to the Money Man --

23 A Yes, sir.

24 Q -- shows the defendant pawned off a bracelet, a Figaro
25 10-carat bracelet for 150 bucks on May the 11th?

1 A Yes, sir.

2 Q But I just want to be abundantly clear there's absolutely no
3 evidence that this bracelet was stolen from anyone?

4 A None.

5 Q That could be a men's bracelet? It doesn't mean that it's
6 Linda's bracelet?

7 A Correct.

8 Q And what are we looking at here in 62B?

9 A That is, I believe, the second page of the pawn receipt.

10 ATTORNEY OSBORNE: Beg the Court's indulgence.

11 THE COURT: Uh-huh.

12 BY ATTORNEY OSBORNE:

13 Q Two more. All right. What are we looking at here in 63A?

14 A That was an eviction notice that was also located inside the
15 suspect's wallet.

16 Q Okay. And 63B?

17 A The rule to vacate, again located inside the suspect's
18 wallet.

19 Q Okay. You had mentioned that there was some property, some
20 clothing specifically, at the hospital. You had the occasion to
21 collect that clothing?

22 A I did not collect it. It was transported to the Summerville
23 Police Department by former-Sergeant Wade Rollings.

24 Q Were you there when it was packaged?

25 A I was there when it was packaged at the Summerville Police

1 Department.

2 (State's Exhibits 65, 67, 68, 69, and 77 are identified.)

3 BY ATTORNEY OSBORNE:

4 Q All right. I'm showing you State's 65, as well as 67, 68,
5 and 69. I'll stop there. Same deal. Can you go through those,
6 give me the number, and tell me if you recognize them?

7 A Yes, sir. State's 68 is the suspect's right, tan sandal.
8 State's 69 is the suspect's left, tan sandal. State's 67 is the
9 suspect's shirt. And State's 65 is the suspect's jean shorts.

10 Q Okay. And let's go ahead and do this last one. Showing you
11 state's 77. Can you take a look at that and tell me if you
12 recognize that?

13 A State's 77 is the cellphone that was recovered with his
14 property turned over by the hospital.

15 Q Okay. So you were at the hospital originally?

16 A When the photographs were taken, yes, sir.

17 Q And you saw all these items at the hospital?

18 A With the absence of the cellphone. I saw the clothing in
19 the bag.

20 Q And the wallet and the other things, you saw that as well?

21 A I did.

22 (State's Exhibit 64 is identified.)

23 BY ATTORNEY OSBORNE:

24 Q Okay. Let's do this one, too. Showing you State's 64?

25 A State's 64 is the watch that was on the table next to the

1 clothing at the hospital.

2 Q Okay. So you were at the hospital. These items are at the
3 hospital. Wade Rollings takes them from the hospital to the
4 Summerville Police Department?

5 A Yes, sir. That's correct.

6 Q And you weren't in the car with him?

7 A I was not.

8 Q But you were at Summerville when those items were packaged?

9 A I was.

10 ATTORNEY OSBORNE: So, Your Honor, at this time State seeks
11 to admit 64, 65, 67, 68, 69, and 77 into evidence.

12 THE COURT: And have you seen all those items, Mr. Chisholm;
13 Mr. Adams?

14 ATTORNEY CHISHOLM: I have, Your Honor. I've seen the
15 items.

16 THE COURT: Any objection?

17 ATTORNEY CHISHOLM: I would object. May we approach?

18 THE COURT: Yeah.

19 (Off-the-record discussion at sidebar.)

20 ATTORNEY OSBORNE: Your Honor, I'll just mark these for ID
21 purposes only at this time.

22 THE COURT: All right.

23 BY ATTORNEY OSBORNE:

24 Q Okay. Before we move on to what you did next I want to, I
25 guess, just sit here for a second, and let's talk about Wade

1 Rollings. Okay. Wade Rollings was a crime-scene investigator
2 with the Summerville Police Department; is that right?

3 A That is correct.

4 Q All right. And no longer employed?

5 A That is also correct.

6 Q What happened with him?

7 A He was charged with stealing from the department.

8 Q What? Stealing what?

9 A Money and guns.

10 Q Okay. And those charges are still pending, I believe?

11 A They are.

12 Q And just, you know, to be, I guess, fair, you didn't
13 investigate that crime or anything, did you?

14 A No. I was not the investigating officer on that case.

15 Q But you know, generally speaking, the allegations?

16 A I do.

17 Q Was Rollings ever accused of tampering, altering, or
18 damaging evidence?

19 A No.

20 Q A thief?

21 A Yes, sir.

22 Q When you were processing the crime scene -- and you said
23 Mr. Rollings was there with you?

24 A Yes, sir.

25 Q Did you ever see him -- and I don't -- I'm not trying to be

1 flippant or graphic, but did you ever see him collecting the
2 victim's blood in any containers or anything like that?

3 A No, sir. The only collection of the blood was me collecting
4 the two DNA swabs from the scene.

5 Q Was from you?

6 A Yes, sir.

7 Q And those were swabs?

8 A Those were swabs.

9 Q Now, in reference to the autopsy, so when the -- through
10 your experience and training, and I think even in this case, was
11 the victim's blood taken to SLED for a standard?

12 A Yes, it was.

13 Q And that was recovered from where?

14 A That was recovered from the autopsy.

15 Q All right. Now, you don't actually -- as a crime-scene
16 investigator, have you ever, like, collected the victim's blood
17 from the autopsy, like taken it yourself personally?

18 A No, sir. That would be the pathologist.

19 Q But are you familiar with the manner in which they collect
20 it? Have you ever seen that before?

21 A Yes, sir.

22 Q Can you describe to the jury what that looks like?

23 A What it is is they take a, almost, cheesecloth, or
24 gauze-type fabric, and they touch it to the decedent in this
25 case, collecting a small sampling of their blood, which is used

1 as a known standard.

2 Q They touch it?

3 A Yes, sir, they touch it to the decedent to collect that.

4 Q And you've seen this before, these cheesecloths saturated in
5 blood, I guess?

6 A Yes, sir.

7 Q Let me ask you, if you were to take that cheesecloth -- I'm
8 not trying to, I guess, beat a dead horse -- but if you were to
9 squeeze it, how much blood do you think you could get out of it?

10 A Maybe a drop.

11 Q Maybe a drop. Have you ever been accused of stealing,
12 theft, anything like that?

13 A I was accused and cleared through an investigation.

14 Q Who accused you?

15 A Wade Rollings.

16 Q Okay. That makes sense. All right. So in reference to
17 this investigation, what's the next thing that you did?

18 A After clearing from the hospital, I returned to the incident
19 location to check for further evidence in the surrounding area
20 because the suspect had been located in an adjacent parking lot,
21 the church next to the apartment complex.

22 ATTORNEY OSBORNE: Your Honor, may I approach?

23 THE COURT: You may.

24 (State's Exhibit 44, 45, 46, and 47 are identified.)

25

1 BY ATTORNEY OSBORNE:

2 Q I'm showing you State's 44 through 47. Can you take a look
3 at that and tell me if you recognize it?

4 A I do. These are photographs I took when I returned to the
5 scene.

6 Q Okay.

7 ATTORNEY OSBORNE: Your Honor, at this time, State seeks to
8 admit 44 through 47 into evidence.

9 THE COURT: Any objection?

10 ATTORNEY CHISHOLM: No, Your Honor.

11 THE COURT: Very well. Exhibits 44 through 47 are in
12 evidence, without objection.

13 (State's Exhibits 44, 45, 46, and 47 are admitted into the
14 record.)

15 BY ATTORNEY OSBORNE:

16 Q How did you learn that Wade accused you of stealing the guns
17 and the money?

18 A That was through the course of the investigation the
19 department completed.

20 Q When they brought you in to talked to you?

21 A Yes, sir.

22 Q IA?

23 A Yes, sir.

24 Q I guess that was basically, I didn't take it, he did?

25 A Yes, sir.

1 Q Who got charged?

2 A Wade Rollings.

3 Q All right. Looking at State's 44, what are we looking at
4 here?

5 A This is in the woodline between the apartment complex and
6 the church, the adjacent parking lot, and that is folded-up
7 lottery tickets that were actually located on the ground.

8 Q And 45?

9 A That is a sign of the church, the adjacent parking lot next
10 to the apartment complex.

11 Q Forty-six?

12 A A photograph of the driveway leading into the parking lot.

13 Q And 47?

14 A That was believed to be vomit and some blood located in the
15 parking lot, or the driveway of the adjacent parking lot.

16 Q And I might have talked over you a little bit. This is the
17 area in which the defendant was found prior to EMS picking him
18 up?

19 A I believe so.

20 (State's Exhibits 56 and 70 are identified.)

21 BY ATTORNEY OSBORNE:

22 Q I'm doing a little bit of yo-yoing here, but I want to try
23 to get it in one trip. Showing you State's 56 and State's 70.

24 Can you tell me if you recognize these and, if so, what are they?

25 A State's 70 is the lottery tickets that I recovered from the

1 woodline. State's 56 is an overhead photograph of the apartment
2 complex and the adjacent parking lot.

3 ATTORNEY OSBORNE: Your Honor, at this time, State seeks to
4 admit 56 and 70 into evidence.

5 ATTORNEY CHISHOLM: No objection, Your Honor.

6 THE COURT: Very well. So entered, 56 and 70.

7 (State's Exhibit 56 and 70 are admitted into the record.)

8 BY ATTORNEY OSBORNE:

9 Q All right. I'm showing you 56. Let's get some points.

10 Well, first of all, you said this was a Google overhead?

11 A Yes, sir.

12 Q All right. So let's get some points of interest. And I've
13 been told that's a touchscreen, and I can see it looks like you
14 can feel it, or touch there. So that lottery ticket in the area
15 in which you recovered that, can you put X where that is?

16 A Yes. It was approximately ...

17 Q No touching?

18 A No, sir. If you want, I can ...

19 THE COURT: See if -- you've got that. Push the little
20 marker thing on it.

21 BY ATTORNEY OSBORNE:

22 Q See the arrow on the top right. That should hit a dropdown.

23 A No, sir.

24 THE COURT: Well, then we'll just have to deal it the
25 old-fashioned way.

1 ATTORNEY OSBORNE: I don't think we turned these on since
2 COVID, have we?

3 THE WITNESS: Your Honor, if I may use the screen here?
4 Thank you.

5 BY ATTORNEY OSBORNE:

6 Q All right. So let's start -- let's point out first the
7 location in which you recovered the lottery tickets?

8 A Yes, sir. The location I recovered was approximately in
9 this area.

10 Q Okay. And where was the, what you thought to be, vomit and
11 whatnot?

12 A Vomit was approximately in this area.

13 Q And now let's double-back to Westbury Mews. The specific
14 apartment of the crime scene, where was that?

15 A That was this building here. And it was located on the
16 backside of that complex.

17 Q Okay. And can you see right up here what that is, if you
18 can see my ...

19 A Yes, sir.

20 Q What is that?

21 A That appears to be Exxon gas station.

22 Q Are you familiar with this Exxon at all? Have you ever
23 responded out there?

24 A I have never responded, but I've driven past it.

25 Q Are you familiar with the storage facility over here?

1 A I am not.

2 Q Okay. And what is this up here?

3 A That is Sonny's, another gas station that was next to it.

4 Q All right. That's it. Thank you. All right. On May the
5 23rd of 2022 did you have the occasion to collect the defendant's
6 buccal swab?

7 A I did.

8 Q And can you just explain to the jury, what is a buccal swab?

9 A Buccal swab are cheek swabs that are collected and used for
10 known standards. They're taken from the inside of the mouth.

11 Q And did you collect that from the defendant in this case?

12 A I did.

13 ATTORNEY OSBORNE: Your Honor, may I approach?

14 THE COURT: You may.

15 (State's Exhibit 73 is identified.)

16 BY ATTORNEY OSBORNE:

17 Q I'm showing you State's 73. Can you take a look at that and
18 tell me if you recognize that?

19 A I do. State's 73 are the buccal swabs that I collected from
20 the suspect in this case.

21 Q And where did you meet him to collect those?

22 A I met him at the Dorchester County Detention Center.

23 ATTORNEY OSBORNE: Your Honor, at this time, State seeks to
24 admit 73 into evidence.

25 THE COURT: Now, may I ask a question? What was the date

1 that you gave?

2 ATTORNEY OSBORNE: May the 23rd of 2022.

3 THE COURT: Okay. Thank you.

4 ATTORNEY CHISHOLM: No objection.

5 THE COURT: Very well.

6 (State's Exhibit 73 is admitted into the record.)

7 BY ATTORNEY OSBORNE:

8 Q All right. So as part of your duties as a crime-scene
9 investigator do you sometimes transport items to SLED to be
10 analyzed?

11 A I do.

12 Q And did you have the occasion to do that in this case?

13 A I did.

14 Q On June the 18th did you have the occasion -- of 2019 -- did
15 you have the occasion to transport some items to SLED?

16 A I did.

17 (State's Exhibit 74 is identified.)

18 BY ATTORNEY OSBORNE:

19 Q All right. I'm showing you State's -- for ID purposes
20 now -- State's 67 of and 74. Can you take a look at those and
21 tell me if you recognize them?

22 A State's 74 is the blood spot for the decedent, and State's
23 67 is the suspect's shirt.

24 Q Okay. Blood standard from the victim, that's what you were
25 talking about before with the cheesecloth?

1 A Yes. The blood spot is the known standard for the decedent.

2 Q And the defendant's shirt?

3 A Correct.

4 Q And when you go up there I guess you make requests as to
5 what you would like it to be analyzed for?

6 A I do.

7 Q And what were you looking for in this case?

8 A We were looking for them to compare the blood that was
9 suspected to be on the shirt against the known standard for the
10 decedent in the case.

11 Q And were there additional evidence or additional items that
12 were submitted to SLED later on?

13 A There were.

14 Q And is that common?

15 A Yes.

16 Q And so I guess just explain to the jury why is it that you
17 didn't submit all the evidence in this case at one time?

18 A SLED has a limit as to how many items for DNA processing
19 they can handle at one time, and it's a limit of five which
20 limits how many I can bring up for each visit.

21 Q And you can only bring five?

22 A Yes, sir.

23 Q And for the first trip, I guess, these are two of the five?

24 A Correct.

25 Q Okay. The buccal swab that you had taken, State's 73, was

1 that transported by someone else?

2 A I believe it was.

3 Q No. Take one more look. And feel free to look at those.
4 Do you still have 73 up there?

5 A Seventy-four and 67.

6 Q Okay. Here it is. Go back and look at June the 19th of
7 2022 and take a look at State's 73 and tell me if you handled
8 that transport. I know it's Stephen Platt. Where does Steven
9 Platt work?

10 A Stephen Platt works with me in the crime-scene unit at
11 Summerville Police Department.

12 Q I realize he took a bunch of stuff, too, but in particular
13 to that one item right there, on June the 19th of 2022 did you
14 have the occasion to take that one item up?

15 A Yes.

16 ATTORNEY OSBORNE: No further questions.

17 THE COURT: Cross-examination?

18 ATTORNEY CHISHOLM: Thank you, Your Honor.

19 **CROSS-EXAMINATION**

20 BY ATTORNEY CHISHOLM:

21 Q Good afternoon.

22 A Good afternoon.

23 Q We're kind of running out of space up here. All right. So
24 what exactly were you accused of by Wade Rollings?

25 A He accused me of stealing the items that he was, in fact,

1 taking.

2 Q This was guns and money?

3 A Yes, sir.

4 Q Do you remember how many guns; how much money?

5 A Off the top of my head, I don't remember.

6 Q You don't remember if it's thousands of dollars versus ten
7 dollars, or?

8 A I believe it was over a thousand dollars, and it was
9 multiple guns.

10 Q You said that -- looking through my notes here -- you've
11 served a couple different roles with Summerville Police
12 Department. And I think you said basically in 2019 you would
13 have been there, what, four or five years?

14 A About, yes.

15 Q And you've been a patrol officer?

16 A Yes, sir.

17 Q Bike officer. I'm not sure if that's the same thing or not.

18 A It's part of the patrol team. Bike was just, I would
19 actually spend an hour of my shift on bike patrol out on a
20 standard pedal bike so that I can interact more with the
21 community.

22 Q I gotcha. And at that point was Wade Rollings, I guess,
23 your superior officer? Let's put it that way.

24 A Yes, sir.

25 Q How long had you been working in crime scene at that point?

1 A At the time of the incident I believe it was about two years
2 that I had been in the crime-scene unit.

3 Q Did you train under Wade Rollings?

4 A I did.

5 Q So when it came to matters of somebody needs to exercise
6 discretion what to do, what not to do, I guess you deferred to
7 him to some degree?

8 A I would.

9 Q Okay. And you weren't one of the initial responding
10 officers in this case; you were called out. Is that correct?

11 A That is correct.

12 Q Did you arrive before Wade Rollings or after?

13 A I cannot remember. I remember speaking with him on scene
14 about the search warrant, but I don't remember who arrived first.

15 Q Gotcha. Stumbled over this the entire trial, but
16 crime-scene officers, I'll stick with that -- I mean, it's a
17 pretty important job, right?

18 A Yes, sir.

19 Q And I think you said one of the main goals is, correct me,
20 to document, collect, and was it process evidence?

21 A Preserve evidence.

22 Q Preserve evidence?

23 A Yes, sir.

24 Q And evidence in any case, regardless of what type it is, you
25 know, whether it's, you know, a fingerprint, or DNA, blood, I

1 mean, it's pretty paramount to the case, right?

2 A Yes, sir.

3 Q And that's why you have a lot of safety mechanisms in place,
4 I'm guessing, to make sure that there's not an opportunity for
5 somebody to mishandle evidence or cross-contaminate evidence,
6 things like that; is that right?

7 A Yes, sir.

8 Q And you had to get some kind of special training to work in
9 crime scene; is that correct?

10 A Inhouse and, as well, went to the academy's crime-scene
11 class.

12 Q So if I'm a rookie police officer I can't just go in the
13 evidence room and start messing with stuff?

14 A No, sir. It's controlled access.

15 Q And if I'm a rookie police officer and I happen to be the
16 initial responding officer, people probably wouldn't be happy if
17 I'm the one that's going around trying to get fingerprints and
18 trying to get blood evidence, right?

19 A If crime scene's responding, yes. You're not supposed to
20 touch anything.

21 Q So you guys, to a large degree, if you're called out, it's
22 kind of your show as far as what to document and what to collect,
23 right?

24 A Yes, sir.

25 Q But you can work in conjunction with the lead investigator,

1 whoever's on the scene, if they want you to try to collect
2 certain piece of evidence. You can do that, I'm guessing, right?

3 A Yes, sir. We work in conjunction with CID, or
4 criminal-investigation division.

5 Q And in a case like this obviously blood evidence can be
6 critical?

7 A Yes, sir.

8 Q And you want to see not only, you know, if the blood belongs
9 to the victim in the case, but you want to see if it possibly
10 belongs to an attacker; is that right?

11 A Yes, sir.

12 Q And of course you can do this with the naked eye. You know,
13 I see blood there, I don't see blood there. But you also have
14 devices, electronic devices, available, UV lights, or I'm not
15 exactly sure what the technology is, where you can go out there
16 and, I don't know if it's a blue light or what, that illuminates
17 blood that you can't see?

18 A Yes, sir. They're called alternate light sources.

19 Q And I think hunters can actually use them now to track game;
20 is that correct?

21 A I'm not sure. I'm not a hunter.

22 Q Fair enough. Did anyone in this case ever do that to this
23 department?

24 A No.

25 Q Would that have been the lead investigator's decision to

1 make, or would that have been yours, or would it have been Wade
2 Rollings since he was over you at the time?

3 A That would be Wade Rollings as the lead crime-scene
4 investigator.

5 Q Because if that device had come out, you can go through
6 pretty much every room in the apartment; is that right?

7 A We can.

8 Q You can go on the porch, you can go outside the apartment to
9 see if there's a trail, all that kind of stuff, right?

10 A Yes, sir.

11 Q But for whatever reason, he decided not to do that in this
12 case; is that right?

13 A That is correct.

14 Q And you guys arrived, I think you said, as a search warrant
15 was being obtained; is that right?

16 A Yes, sir. One was not on scene at the time of the initial
17 arrival.

18 Q And when you get a search warrant for an apartment such as
19 this, it gives you pretty wide leeway to search wherever and
20 whatever you want in there; is that correct?

21 A It's within the scope of the search warrant.

22 Q But if it says you have permission to search this apartment,
23 you're not limited. If you go in there, I mean, you can look in
24 dressers?

25 A You can.

1 Q You can look under the couch?

2 A You can.

3 Q You can look in the refrigerator?

4 A You can.

5 Q Washer/dryer?

6 A Yes, sir.

7 Q All that kind of stuff is -- you know, that's permitted,
8 correct?

9 A Yes, sir.

10 Q And if you have a scene like this where it's kind of an
11 ongoing investigation in an apartment complex, more curiosity
12 than anything, is there a mechanism in place where you can put a
13 hold on the crime scene and say, Hey, we're not done looking at
14 everything; don't start moving people in and cleaning it out. Is
15 there a way to do that?

16 A Yes, sir.

17 Q How long does that last if you choose to do that?

18 A Until we vacate the premises.

19 Q And do you recall in this case how long the crime scene was
20 held active?

21 A I do not remember.

22 Q Would that have been your call or would it be Wade Rollings?

23 A It would have been Wade Rollings and the lead investigator.

24 Q Okay. And you're not sure if the scene was closed down that
25 night you went out there versus two days later? You don't know?

1 A I do remember that after we had completed the search out
2 there that Lieutenant Driscoll stood by and waited for
3 maintenance to come secure the door because of the damage.

4 Q Okay. And some of this stuff might be repetitive because
5 you were asked a bunch of questions -- and I'm trying to keep
6 track of it, but bear with me.

7 You showed up again after initial entry had been made but
8 before it was searched you, correct?

9 A Correct.

10 Q And you took lots of photographs?

11 A Yes, sir.

12 Q And you noted that there was damage on the door; is that
13 correct?

14 A That is correct.

15 Q And it looked like the deadbolt had not been engaged?

16 A Correct.

17 Q And when you guys -- well, not you, but the initial
18 responding officers that kicked the door in, so the deadbolt at
19 that point wasn't engaged; is that correct?

20 A I believe so.

21 Q And the solicitor was asking you, you know, about burglaries
22 and he was saying, you know, usually with burglaries you've got
23 signs of forced entry; is that correct?

24 A Yes, sir.

25 Q Forced entry means somebody has to kick the door in to get

1 into the house?

2 A Or being break a window. Other signs of forced entry are
3 tool marking or damage to doorframes/windows.

4 Q Do you typically see signs of forced entry when the door is
5 locked?

6 A Yes. When the door is locked normally would see some signs
7 of forced entry.

8 Q So if the door is unlocked somebody can simply just open the
9 door and walk in?

10 A Yes, sir. That's correct.

11 Q So in that scenario you wouldn't expect to see signs of
12 forced entry?

13 A No, sir.

14 Q There was a search warrant obtained for the apartment. Now,
15 are you involves in obtaining search warrants for apartments,
16 things like that, or is that investigators?

17 A That's -- investigations handles that. We wait on scene to
18 actually do the execution and documentation of the scene.

19 Q So, like, if you're out at the scene and you say, Huh, maybe
20 I ought to look in this guy or this gal's car, you would have to
21 tell the investigators and then they would have to go get the
22 search warrant, and then you could search it; is that right?

23 A Yes, sir.

24 Q So do you recall if you talked about getting a search
25 warrant for vehicles with anyone out there?

1 A I don't recall speaking to anybody about that.

2 Q And I know I'm jumping around, so please bear with me, but
3 the solicitor showed you a picture of keys.

4 A Yes, sir.

5 Q Do you recall that? Did you take that picture?

6 A I did.

7 Q Where did you take that picture?

8 A Summerville Police Department.

9 Q Summerville Police Department. Okay. So back to this door.
10 No signs of forced entry. Say it's unlocked and somebody walks
11 in, right.

12 A You.

13 Q They commit the crime. When they leave -- I think the
14 solicitor asked you -- there's no signs of another exit.
15 Screen's not cut. There's not another way out. One way in, one
16 way out. Correct?

17 A Yes, sir.

18 Q Presumably the person that left could have opened the door
19 to leave, right?

20 A Yes, sir.

21 Q And if they did there's a potential that you would have
22 forensic evidence left behind; fingerprints, DNA, all that kind
23 of stuff; is that right?

24 A Potentially.

25 Q And that's something that's pretty routine, you guys look

1 for; is that right?

2 A Usually.

3 Q Like, say you've got a convenience store robbery and the
4 person does the robbery and then goes out the door, you guys
5 oftentimes, in my experience, it seems you go fingerprint the
6 door, right?

7 A Yes, sir.

8 Q Try to get prints?

9 A Yes, sir.

10 Q Are you aware of anyone doing that in this case?

11 A I am not.

12 Q Would that have been your decision or would that be Wade
13 Rollings'?

14 A That would have been Wade Rollings' decision.

15 Q Do you remember any conversations about why that wasn't
16 done? Can you explain why? I mean, that seems to be fairly
17 obvious, you know, a thing you want to do when you're
18 investigating, check the door to see who came in and who left.
19 Do you know why that wasn't done?

20 A No, sir. You'd have to ask him.

21 Q Okay. Cause if you did process it, there's the potential
22 again for fingerprints, there might be blood on it, DNA material,
23 all that stuff, right?

24 A Potentially.

25 Q And that could point you in the right direction, right?

1 A Potentially.

2 Q Okay. And you've answered a lot of these questions I had
3 for you so I'm going to try to skip through here as best I can.
4 Let's talk about the evidence room in Summerville police. It's
5 actually in the police department; is that right?

6 A It is. Yes.

7 Q And it's a secured facility?

8 A It is. Yes, sir.

9 Q The police department itself is secured, correct?

10 A Yes, sir.

11 Q I can't just walk in; I need to be invited or escorted in?

12 A That is correct.

13 Q And then even within the police department, is it also
14 secured within?

15 A Yes, sir.

16 Q The evidence room locker, is it also --

17 A Yes, sir.

18 Q And obviously, just random civilian, I can't wander in
19 there?

20 A No, sir.

21 Q And other officers like, say, go back to the rookie cop, you
22 know, and he's walking through the police department. Can he
23 just walk in the evidence room and, you know, say hello, start
24 messing with stuff, or does he have to log in, does he have to be
25 let in by one of custodians?

1 A He has to be let in and logged in.

2 Q Okay. So everybody that comes in and out gets logged; is
3 that right?

4 A Yes, sir.

5 Q And do you then log yourselves in and out when you are an
6 evidence custodian?

7 A We have an electronic scanner that actually reads our key
8 cards, so every time we enter the evidence area it logs us in
9 electronically.

10 Q Can you tell the jury why it might be important to have it
11 secured like that?

12 A It's important to have that secured so that we can document
13 who enters and exists the room so that all the evidence is,
14 again, in a safe, secure location; nobody can just wander in and
15 tamper with anything.

16 Q So it's to maintain the integrity --

17 A Yes, sir.

18 Q -- of the evidence? All right. You don't want bad actors
19 to be able to come in and not have any documentation of it?

20 A Yes, sir.

21 Q But it complicates things a little bit if the bad actor is
22 one of the custodians, the head guy of the unit; does it not?

23 A Yes, sir.

24 Q Okay. The solicitor asked you, Are you aware of Wade
25 Rollings tampering with evidence or mishandling evidence. Do you

1 recall that?

2 A Yes, sir.

3 Q And you said you were not.

4 A Yes, sir.

5 Q Before you were accused of stealing these guns and this
6 money were you aware of him stealing?

7 A No, sir, I was not.

8 Q So that one was new to you, as well, I guess, at that point?

9 A Yes, sir.

10 Q And after he was caught and arrested and charged with all
11 this did you guys have to do some pretty serious audits?

12 A Yes, sir. We completed a complete audit of the evidence
13 room, and we had SLED come in and do a separate audit confirming
14 that all the evidence was accounted for and present.

15 Q I know a lot of items of evidence you guys get in and you
16 package it, you seal it, and then it gets sent, for process,
17 whatever the case may be, but, like, let's say I'm a bad actor
18 and I get a sock and I put it in a manila envelope and seal it,
19 if I was a bad actor could I not simply open that same envelope,
20 take the sock out and do whatever, and then put it in another
21 envelope?

22 A Yes, sir. That's possible.

23 Q Okay. Were there cameras in the evidence room in 2019?

24 A No, sir. They were installed after the incident with Wade
25 Rollings.

1 Q So because of everything with him we now have cameras in
2 there?

3 A Yes, sir.

4 Q Okay. And when it comes to auditing and trying to figure
5 out, you know, this guy obviously was a pretty big problem, had a
6 pretty big impact on the department after he left, when you audit
7 something like this, if you've got a case where, say, somebody
8 steals \$100, I would imagine when you audit it you can say, Okay,
9 here's the case; here's the case number; \$100 was taken into
10 evidence. You can go back, you can pull that case, and then you
11 can say, Well, here's the \$100, everything's good; or you can
12 say, Wow, we're missing money, that's a problem. That's part of
13 the audit, right?

14 A Yes, sir.

15 Q But when it comes to, say, tampering with evidence that
16 would be much harder to discover, would it not?

17 A Potentially.

18 Q And not only tampering. I mean, I'm not here to -- I know
19 I'm talking about him an awful lot, but I'm not here to
20 villainize Wade Rollings. But what about mishandled evidence?
21 It's kind of a similar thing. If somebody has ways they're
22 supposed to do things with evidence and they don't do it, that's
23 a whole lot harder to catch sometimes; is it not?

24 A It is.

25 Q It's not as easy saying, Well, here's the money missing;

1 therefore, we know this case was tampered with. You may never
2 know?

3 A Potentially.

4 Q And I'm jumping around again. The solicitor asked you about
5 a beer can that was in the freezer. You remember that?

6 A Yes.

7 Q Busch, Busch Light, something like that --

8 A Yes, sir.

9 Q -- slushy material in it. Did you guys ever fingerprint
10 that?

11 A No, we did not.

12 Q Did you ever try to get DNA off of it or anything like that?

13 A No, sir, we did not.

14 Q So don't you have any way to know who put it in there or
15 anything like that?

16 A No, sir.

17 Q And I'm going to go out on a limb here. Would that have
18 been a Wade Rollings' call to do that?

19 A Yes, sir.

20 Q And do you know why he wouldn't have done that?

21 A No, sir.

22 Q Would you agree with me it would probably be best practice
23 to do that?

24 A Yes, sir.

25 ATTORNEY CHISHOLM: May I approach the witness, Your Honor?

1 THE COURT: You may.

2 BY ATTORNEY CHISHOLM:

3 Q I'm going to show you what's been marked as State's 37.

4 A Yes, sir.

5 Q And if you could, could you take a look at -- I believe it's
6 Mr. -- it is a picture of Mr. Argoe in the hospital. Can you
7 take a look at his left elbow. Do you see anything on his elbow?

8 A bandage, perhaps?

9 A Yes.

10 Q So while he was in there he had ongoing injuries; is that
11 fair to say?

12 A Yes, sir.

13 Q Bandage. Probably bleeding, I'm assuming?

14 A Yes, sir.

15 Q Okay. Your report indicates that you looked in the sink in
16 the bathroom as well as the bathtub, and I think your notes
17 indicate that they were dry; there was no signs of water, or
18 blood, or anything along those lines; is that right?

19 A Yes, sir.

20 Q And correct me if I'm wrong, but I'm assuming you would look
21 in those areas and all the sinks and the tubs to make sure
22 somebody didn't get in there and wash blood off of them. Is that
23 what you're looking at in this case?

24 A Yes, sir.

25 Q And you found no indication that that had happened; is that

1 right?

2 A None.

3 Q And did you notice blood on Mr. Argoe's feet at the
4 hospital, by chance?

5 A I did not.

6 Q And when you looked around the area where Mrs. Argoe was
7 found was there any sign that that area had been mopped up,
8 cleaned in any way?

9 A Not that I saw.

10 Q The solicitor asked you about what may or may not be a
11 transfer, or maybe it's -- I think you said it looks like a
12 footprint or a handprint, or something like that.

13 A Yes, sir.

14 Q Did you find any footprint trails leading away from the
15 scene?

16 A No, sir.

17 Q And you didn't find any blood in the bedroom; is that right?

18 A That is correct.

19 Q Or in the kitchen?

20 A No, sir.

21 Q Or in the bathrooms?

22 A No, sir.

23 Q Or really, I guess, any other areas other than right there
24 in that living room area; is that right?

25 A Yes, sir.

1 Q And you observed injuries on Mr. Argoe at the hospital,
2 right?

3 A Yes, sir.

4 Q And you collected some blood out in the church parking lot?

5 A Yes, sir.

6 Q And paperwork that was found in the area of the church, is
7 there some indication of some kind of staining on it?

8 A There was a reddish staining to the lottery tickets.

9 Q And do you know if that was submitted for blood or DNA? Did
10 anybody take a swab off of that?

11 A I don't believe that was submitted, sir.

12 Q Do you know why nobody swabbed it?

13 A No, sir.

14 Q That would have been, I'm guessing, Wade Rollings?

15 A Yes, sir.

16 Q So obviously Mr. Argoe is bleeding in some degree out here
17 on this scene of the church, but you can't look at these injuries
18 yourself and timestamp them, I'm guessing? You can't say this is
19 an hour old, or ten hours old, or a day old?

20 A No, sir.

21 Q And I think you may have even noted, but some of these
22 injuries look to be more fresh, I guess, the scraped hand with
23 the dirt on it?

24 A Yes, sir.

25 Q And I can't remember if this was your report or not, maybe

1 looked like as a result of falling, that kind of thing?

2 A Potential.

3 Q And, to your knowledge, is it accurate to say that no blood
4 belonging to Mr. Argoe was found in that apartment anywhere?

5 A I do not recall off the top of head.

6 Q So let's talk about Mr. Argoe's belongings at the hospital.
7 This stuff was initially bagged by hospital staff, I believe?

8 A Yes, sir.

9 Q And Wade Rollings actually is the person, I think along with
10 another, that got the search warrant to seize these items,
11 correct?

12 A Yes.

13 Q And I think you testified you saw the bag that the hospital
14 had put things in?

15 A Yes, sir.

16 Q Now, can you speak personally to what all was in the bag?
17 Did you just see a bag with some belongings in it, or did you go
18 through it yourself?

19 A I saw a bag with belongings in it. I didn't itemize it at
20 the hospital.

21 Q And I think you might have even mentioned No. 77, the
22 cellphone, you said you didn't remember that from the hospital at
23 all?

24 A Yes, sir. I don't recall seeing that at the hospital.

25 Q And is it your understanding that Wade Rollings collected

1 that bag from the hospital staff?

2 A Yes, sir.

3 Q And then he repackaged it; is that correct?

4 A He repackaged that at Summerville Police Department in my
5 presence.

6 Q Back at the police department. Now, when you guys were in
7 there, were you a custodian as well? Is that how that works?

8 A Yes, sir.

9 Q And I know that this place is pretty locked down. You know,
10 you've got electronics to get in and out and everybody else has
11 to be logged in and out, but as a custodian are you, at times,
12 allowed to be in the room by yourself?

13 A Yes, sir.

14 Q Was there only two of you?

15 A Yes, sir.

16 Q So did you guys do, like, 12-hours shifts? Is that how it
17 worked?

18 A What it was was we worked regular office hours Monday to
19 Friday from approximately 8:30 to 5:00; I believe his hours were
20 from 8:00 to 4:30. And then we had on-call hours, which were off
21 hours, so we'd go week by week, and we'd go Monday morning,
22 6:00 a.m., until the following Monday.

23 Q Gotcha. So obviously with that being the schedule, there's
24 going to be times when Mr. Rollings would have been in there by
25 himself; is that right?

1 A Yes, sir.

2 Q And I notice in reading through your notes it looks like --
3 you're talking about collecting the blood evidence and the
4 blanket, for example. It says Mr. Rollings and I collected this;
5 Mr. Rollings and I collected that. Do you have an independent
6 recollection -- if that's what your notes say, do you have an
7 independent recollection of which ones you did and which ones he
8 did?

9 A It was, he assisted with it. What we would do is, one of us
10 would hold the bag; one us would pick up the item, so that the
11 item wasn't touching any other surface.

12 Q I gotcha. Okay. So I'd like to talk about some of these
13 items that were put into the evidence room. Obviously you've
14 got -- the knife ends up in there?

15 A Yes, sir.

16 Q We've got blood samples from Mrs. Argoe in there?

17 A Yes, sir.

18 Q We've got Mr. Argoe's clothes ending up in there?

19 A Yes, sir.

20 Q And that blanket with the blood on it ends up in there; is
21 that right?

22 A Yes, sir.

23 Q Do you remember if you collected that, or was that
24 Mr. Rollings?

25 A I believe it was both of us had collected it from the scene.

1 Like I said, one of us held the bag; the other packaged it.

2 Q And when you've got an item like this, like a blanket that
3 appears to have blood on it, you don't just throw that on the
4 shelf. You have something that's called, is it a dry chamber; is
5 that right?

6 A Yes, sir.

7 Q Can you please tell the ladies and gentlemen of the jury
8 what a dry chamber is?

9 A The Summerville Police Department uses an airflow dry
10 chamber. It's not a heated one. And what it uses is a
11 continuous airflow over the surface to preserve DNA and not
12 destroy it by heating it.

13 Q So if you've got an item with blood, or whatever the case
14 may be, on it, you put it in the dry chamber to preserve it?

15 A Yes, if it's wet still.

16 Q And after you take that item out is there anything you need
17 to do afterwards to that unit?

18 A Yes. We need to decontaminate it.

19 Q How do you do that?

20 A We use cleaning solvents on the inside, Lysol or a bleach
21 solvent to wipe down the inside, and we go over everything on the
22 inside to make sure that there is no chance of DNA being left
23 from one incident to another.

24 Q So it's basically to prevent cross-contamination and things
25 of that nature?

1 A Yes, sir.

2 Q If I put a bloody dry blanket in the chamber and pull it
3 out, and then I put a towel in afterwards, you clean it to
4 prevent the transfer from one item to another; is that correct?

5 A Yes, sir.

6 Q And looking through the notes, it appears that Mr. Rollings
7 was the person that put the blanket into the dry chamber; was he
8 not?

9 A I believe so.

10 Q And he cleaned it?

11 A I believe so.

12 Q Supposedly?

13 A Yes. You'd have to ask him.

14 Q And then after that it appears Mr. Argoe's clothes were
15 placed in the same chamber; is that correct?

16 A I believe so.

17 Q And that would have been something he's doing on his own; is
18 that right?

19 A I believe it's something -- sometimes we'll both assist. I
20 don't recall if I assisted him on the sanitizing.

21 Q So it's kind of on the honor system, I guess, that he did
22 things correctly at this point?

23 A Yes, sir.

24 Q Okay. Did you try to get fingerprints off of this knife
25 that's in evidence?

1 A Yes, sir.

2 Q Were you successful?

3 A No, sir.

4 Q Now, when you've got an apartment like this where -- who all
5 was searching this place? Was it just you and Mr. Rollings, or
6 were there other officers on the scene involved as well?

7 A There were other detectives on the scene as well.

8 Q And they were searching, actively searching, along with you,
9 or how does that work? How do you figure out who's searching
10 where?

11 A What it is, is when crime scene arrives on the scene, like I
12 said, we want to preserve and document the scene upon our
13 arrival, so we'll take what are called overall photographs.
14 We'll go through an area and we'll document where everything is
15 as it was when we arrived. And after we complete an area, we
16 photograph it, and then we'll begin searching. And if it's an
17 area we need assistance with, other detectives will jump in.

18 Q Is there a way that you keep track of what room's been
19 searched, which one hasn't, that kind of thing?

20 A Yes, sir. We talk on the scene.

21 Q You talk on scene, okay. Do you remember who searched the
22 bedroom in this case?

23 A I believe that was Detective Honan.

24 Q Detective Honan, okay. Are you aware of the victim's purse
25 being found under a bed in that room?

1 A I do not recall.

2 Q If you were aware of that I'm assuming that would be in your
3 notes, correct?

4 A Yes, sir.

5 Q That would be something potentially of pretty high value for
6 the investigation?

7 A Yes, sir.

8 Q So would it surprise you if you were to hear that a purse
9 was found under a bed in the bedroom?

10 A Again, I don't recall that.

11 Q And you think that was Detective Honan?

12 A I believe so.

13 Q What about the other -- like a washer and dryer? I mean, do
14 you know who would have searched that kind of stuff?

15 A No, sir.

16 Q Or under the couch, or?

17 A No, sir. I was, again, photographing and collecting DNA
18 swabs.

19 Q So there's no real record of who searched what unless it's
20 in the narrative; is that right?

21 A Correct, sir.

22 Q So if an area gets missed, like, say there's a closet with,
23 you know, depending on the case, a bag of money in it that's
24 important to the case, if it's not in anybody's report that could
25 just be missed? There's not like a mechanism to make sure

1 everything gets searched?

2 A Correct.

3 Q Okay. Mrs. Argoe, when the body ultimately, I guess, was
4 collected -- I don't know the appropriate way to phrase that --
5 were you involved in that?

6 A No. I stood by while they moved her.

7 Q Can you tell me who it was that moved her?

8 A Hold on a second. Yes. That was, at the time, Deputy
9 Coroner Melissa Clark, as well as, at the time, PFC Adam Wright.

10 Q And I don't know if you've got any of your materials with
11 you, but I noticed -- are you familiar with the Summerville
12 Police Department Master Evidence Property Table?

13 A Off the top of my head.

14 Q The printouts?

15 A The listings that we get from our system?

16 Q Yes, sir.

17 A Yes, sir.

18 Q You've probably seen a bunch of them over the years, I'm
19 guessing?

20 A Yes, sir.

21 Q There was a peculiar entry that I was going to ask you about
22 related to this bloody blanket.

23 A Yes, sir.

24 Q Says in the comment section, Not previously entered.

25 A Yes, sir.

1 Q Located during inventory January 20th, 2021, in evidence
2 box, entered by Detective Brooks. Can you tell me what that
3 means?

4 A What it means is that it was a clerical error, and the item
5 did not have a property field that was entered into the Spillman
6 reporting system. And while the item was collected from the
7 scene, it wasn't properly entered into the computer system.

8 Q Who was supposed to have entered it into the computer
9 system?

10 A Sergeant Rollings.

11 Q So this was something discovered during the audit, maybe?

12 A Yes, sir.

13 Q After he got fired?

14 A Yes, sir.

15 Q When it comes to looking for other leads, other suspects,
16 you know, you know, what strings can we pull here to do a full
17 investigation, that's not really your purview, is it?

18 A No, sir. We handle just the evidence.

19 Q I gotcha. That's more of the lead investigator or the
20 detectives on the case --

21 A Yes, sir.

22 Q -- to make sure they're covering all their bases and
23 everything's done appropriately. This key that we were talking
24 about before, would you be surprised that it's not notated
25 anywhere in the report?

1 A Yes, a little.

2 Q Would you be surprised if it's not on the search warrant
3 return that the keys were at the hospital?

4 A A little.

5 Q Would you like to see the search-warrant return?

6 A I can see it but, again, I wasn't present for it.

7 ATTORNEY OSBORNE: Your Honor, my only objection to this --
8 and I just want to be abundantly clear. If he's going to have
9 this witness look at something that he's never seen before and
10 then read off of it, I have no objection to that. I'd just ask
11 him to move it into evidence.

12 THE COURT: As you know, you can't publish an exhibit that's
13 not in evidence, but you can show him the Manhattan phone book to
14 refresh a recollection.

15 ATTORNEY OSBORNE: And I think the witness already said he's
16 never seen it before.

17 THE COURT: Well, there's certainly a proper way to do that.

18 ATTORNEY CHISHOLM: I'll just go back to where I was before.

19 BY ATTORNEY CHISHOLM:

20 Q Do you have your narratives available?

21 A Yes, sir, I do.

22 Q Can you look through it and see -- or if you need to, see --
23 if you see any reference to keys in your narrative at all?

24 A I don't see any notation of it in my initial narrative.

25 Q Would that be unusual for you not to notate something like

1 that?

2 A Yes, sir. If I collect something, I make note of it.

3 Q Okay. I think you might have already testified to this. I
4 just want to make sure I have it straight. The solicitor was
5 asking you about different items at the hospital and he asked you
6 about item 77, the cellphone. You said you didn't have
7 recollection of that at the hospital; is that correct?

8 A That is correct.

9 Q And he asked you about a buccal swab that you got from
10 Mr. Argoe.

11 A Yes, sir.

12 Q And that was in 2022; is that right?

13 A Yes, sir.

14 Q That wasn't the first time he was buccal swabbed, was it?

15 A No, sir.

16 ATTORNEY OSBORNE: Judge, I have no problem going down this
17 line of questioning, but it's going to open up a big door. You
18 want to approach?

19 THE COURT: Why not? I have a better idea. Let's take our
20 afternoon break. Please leave your notepads in your seats. Do
21 not discuss this matter or allow anyone to discuss it with you.

22 (Jury escorted out of the courtroom at 3:47 p.m.)

23 (Court recessed at 3:49 p.m. and reconvened at 4:05 p.m.)

24 (Jury seated in the courtroom at 4:09 p.m.)

25 THE COURT: Continue with Mr. Chisholm.

1 BY ATTORNEY CHISHOLM:

2 Q I asked you about, you obtained buccal swabs from Mr. Argoe
3 in 2022?

4 A Yes, sir.

5 Q Buccal swabs had previously been obtained from Mr. Argoe by
6 Wade Rollings; is that correct?

7 A That is correct, sir.

8 Q And this is an assumption, so please correct me. I've been
9 wrong before. Was this basically done, as your understanding, to
10 kind of clean up the chain so you can kind of take the stink of
11 Wade Rollings out of the case to some degree?

12 A I'm not sure why I was asked to redo it. I'm not sure if
13 that was the cause.

14 Q I gotcha. But this is something that can be redone as
15 opposed to when evidence was initially collected and handled --

16 A Yes, sir.

17 Q -- where we can't do something about that stuff at that
18 point?

19 A Yes, sir. Once it's submitted, it's submitted.

20 ATTORNEY CHISHOLM: Thank you. I have no further questions.

21 THE COURT: All right. Redirect?

22 **REDIRECT EXAMINATION**

23 BY ATTORNEY OSBORNE:

24 Q Just kind of go backwards a little bit. You said you're not
25 sure why you were asked to take the defendant's buccal swab

1 again, but who asked you to take the defendant's buccal swab
2 again? You can go ahead and say it. I asked you; didn't I.

3 A Yes, sir, I believe so.

4 Q All right. And let's talk about best practices. I know
5 it's always a weird question. All right. Showing you State's
6 14. Mr. Chisholm said -- I believe he asked you something along
7 the lines of, Did you fingerprint or DNA the can of Busch beer
8 that was in there?

9 A I did not.

10 Q And then he said, But that would have been best practices
11 had you did that, right?

12 A Yes, sir.

13 Q By that logic, it would also have been best practices to, I
14 don't know, whoever put it there probably opened up the
15 refrigerator door, right?

16 A Yes, sir.

17 Q Did you DNA/fingerprint the refrigerator door?

18 A No, sir.

19 Q And I suppose while they were putting it down they could
20 have glanced their hand up against those French fries sitting
21 right next to the beer, right?

22 A Yes, sir.

23 Q Best practices might have been to touch DNA swab those
24 French fries right there, right?

25 A It's possible.

1 Q And I suppose that whoever went inside that place might have
2 turned on the light switch?

3 A Possible.

4 Q Did you DNA every light switch, or whatever?

5 A No.

6 Q Is there a difference between best practices and what's
7 feasible?

8 A Yes, sir. It's whatever resources we have at the time
9 available.

10 Q And I suppose, though, in all fairness, I mean, the doorknob
11 is something. You could have DNA or fingerprinted the doorknob,
12 right?

13 A Yes, sir.

14 Q Inside and out, right?

15 A Yes, sir.

16 Q Let's talk about something that was swabbed, though. Did
17 you swab the murder weapon?

18 A Yes, sir, I did.

19 Q And did you swab the handle to the murder weapon?

20 A Yes, sir. I swabbed the spine of the knife.

21 Q I believe that was also processed again at SLED?

22 A Yes, sir.

23 Q I'm not going to rehash this. There was talk about the
24 victim's purse being found in the bedroom. Were there a lot of
25 items that were found in this house?

1 A Yes, sir.

2 Q Was every single item itemized?

3 A No, sir.

4 Q Just a little housekeeping. When you arrived on scene is it
5 fair to say that you didn't walk into the apartment right away?

6 A That is correct.

7 Q And you had to wait?

8 A Yes, sir.

9 Q What were you waiting on again, just to clarify?

10 A A search warrant for the residence.

11 Q Okay. And who else waited with you?

12 A That would have been Wade Rollings.

13 Q So when Wade entered the apartment you entered at the same
14 time?

15 A Yes, sir.

16 Q Alternate light source. I don't know that I asked you this.
17 I thought I did. By your naked eye, where was all of the blood
18 in the apartment located?

19 A In the living room.

20 Q Okay. By the victim?

21 A Yes, sir, in proximity to the victim.

22 Q All right. And if you had used this alternate light source
23 I suppose that, you know, it's possible that it might have
24 illuminated a blood trail, or maybe invisible blood, or latent
25 blood, in other locations; is that fair to say?

1 A Yes, among other things.

2 Q And I believe Mr. Chisholm asked this. I know the sinks
3 were dry, but if there had been a cleanup in a sink some other
4 time earlier in the day and you had used this alternative light
5 source, is it possible that that might have detected signs of a
6 cleanup?

7 A Potentially.

8 Q Potentially?

9 A Yes, sir.

10 Q But it wasn't done?

11 A No, sir.

12 Q There was some question about the victim's blood. We saw a
13 blanket?

14 A Yes, sir.

15 Q There was blood on that?

16 A Yes, sir.

17 Q We saw the picture of that. There was the victim's blood
18 swab, what you talked about?

19 A Yes, sir.

20 Q And there were swabs that you took from the crime scene?

21 A Yes, sir.

22 Q Now, you know, you had said that there was a question about
23 whether you itemized the keys that were on the defendant's
24 property, and you said you had not?

25 A That is correct.

1 Q But, I mean, you tell me if I'm, you know, wrong here, but
2 wasn't it itemized as defendant's property?

3 A It was generalized under that property listing.

4 Q Okay. I'm going to show you what you've already identified
5 as State's Exhibit 59. It's not been marked into evidence but
6 you marked it as identification. When you opened that up -- what
7 is that again?

8 A That is the wallet and contents observed at the hospital.

9 Q Did you itemize every single piece of paper that is in that
10 thick wallet?

11 A No, sir, I did not.

12 Q I mean, I guess it's best practices if you would have taken
13 the time to itemize every single piece of paper that's in that
14 wallet, correct?

15 A Yes, sir.

16 Q You just listed it as defendant's property?

17 A Yes, sir.

18 Q Okay. Located in there was, and you've already identified
19 this, a money order, correct?

20 A Yes, sir.

21 Q An eviction notice?

22 A Yes, sir.

23 Q And a pawn receipt?

24 A Yes, sir.

25 Q Okay. But they were in there --

1 A Yes, sir.

2 Q -- along with the keys?

3 A Yes, sir.

4 Q And lastly, you know, a lot of talk about Wade Rollings.

5 I'll just finish this up on one thing. At the Summerville Police
6 Department, do you get -- is there some sort of incentive,
7 whether it be, you know, financial, maybe some sort of award, or
8 promotion, you know, for really processing evidence well? Do you
9 get promoted for that?

10 A No, sir.

11 Q Do you get promoted when people are arrested and charged for
12 murder?

13 A No, sir.

14 Q Or found guilty?

15 A No, sir.

16 Q Is there any motive or incentive that you know of as a
17 crime-scene investigator that you get, well, at the end of this
18 trial?

19 A No, sir.

20 Q And the motive for him was greed?

21 A Yes, sir.

22 ATTORNEY OSBORNE: No further questions.

23 THE COURT: Recross?

24 ATTORNEY CHISHOLM: Really quick.

25 THE COURT: All right.

RECROSS-EXAMINATION

BY ATTORNEY CHISHOLM:

Q Solicitor asked you if his motive was greed.

A Yes, sir.

Q That's the only motive that you were able to find out about because if he was mishandling evidence, I think you'd agree with me, that would be a lot harder to find, wouldn't it?

A Yes, sir.

ATTORNEY CHISHOLM: Thank you.

THE COURT: All right. Is this witness free to go, and is there any objection?

ATTORNEY OSBORNE: None from the State.

THE COURT: All right. Very well. Any objection?

ATTORNEY CHISHOLM: No, Your Honor.

THE COURT: Thank you, sir. Next witness, please, sir.

THE WITNESS: Thank you.

ATTORNEY HINDS: State calls Rachel Nguyen.

CLERK OF COURT: Ms. Nguyen, if you'll please raise your right hand, and state your full name for the record.

THE WITNESS: Rachel Nguyen.

RACHEL NGUYEN,

having first been duly sworn, is examined and testifies as follows:

THE COURT: Your witness.

DIRECT EXAMINATION

BY ATTORNEY HINDS:

Q Good afternoon, Ms. Nguyen.

A Good afternoon.

Q Where are you employed?

A I am currently employed at the South Carolina Law Enforcement Division, most commonly known as SLED.

Q And what's your position at SLED?

A I am a forensic scientist within the DNA casework department at the SLED forensic laboratory.

Q How long have you been there?

A I've been at SLED for approximately eight-and-a-half years.

Q And could you tell the jury, just what's your educational background?

A I have two of Bachelor of Science Degrees from the University of New Haven; one in forensic science, and one in biology.

Q And what are the some of the duties of a forensic scientist in the DNA casework department?

A Some of my daily duties include, I do direct to DNA casework when a DNA analysis requests it. Direct to DNA is the beginning portion of the DNA analysis process, to include DNA extraction, as well as DNA quantitation; extraction meaning to separate any possible DNA from a swab or a cutting from clothing; and the quantitation would be to see how much, if any, DNA is present in

1 a sample.

2 I also do serology analysis and evidences processing.
3 Serology analysis is body-fluid identification. The three body
4 fluids that we look for at SLED's serology section are blood,
5 semen, and saliva.

6 Evidence processing would include collecting either touch
7 DNA or ownership DNA from items of evidence. Touch DNA would be
8 possibly trying to collect DNA from an item that someone had
9 handled; and ownership DNA would be trying to collect DNA from an
10 article of clothing to see who the primary wearer is.

11 I also issue reports, when applicable, of any of my
12 findings. I am able to technically and administratively review
13 reports of other serologists. And then I also provide courtroom
14 testimony, when required.

15 ATTORNEY HINDS: Beg a moment, Judge.

16 THE COURT: All right.

17 ATTORNEY HINDS: May I approach?

18 THE COURT: You may.

19 (State's Exhibit 65A and 71A is identified.)

20 BY ATTORNEY HINDS:

21 Q Ms. Nguyen, I'm showing you what's been marked for ID as
22 State's 67, State's 65A, 69A, 69B, and I believe 71. Did you
23 have an opportunity to come in contact with those?

24 A Yes. So I recognize these items because they have our
25 unique SLED case number, as well as, in this case, a container

1 number. A container means that there's several items within the
2 evidence pouch. And here is my initial and date of where I
3 sealed it after I opened this container of items. Each envelope
4 has my initials, as well as the date that I opened them. And
5 then, for instance, one -- also matches the case number I have
6 here. And my initials and date from when I resealed this pouch,
7 as well as you can see the case number, the item number, my
8 initials, and the date that I repackaged this item.

9 Q And when you received those items were they, in fact,
10 packaged correctly?

11 A Yes. So upon receiving items of evidence I do look to
12 examine them to ensure that they're in a sealed state. If they
13 happen to not be, I would have documented it in several places
14 within the case file.

15 Q And can you tell from your notes, from whom did you receive
16 those items?

17 A So for this one, which is State's Exhibit 67, it is SLED
18 item no. 8, and I received this from Bethany Davidson, who is a
19 forensic technician within our evidence control department. I
20 received it on June 21st of 2019 at 8:42.

21 And then this is identified as SLED container B. I received
22 this from Bailey Haynes, which is also an evidence technician
23 within our evidence control department, and I received this item
24 of evidence on August 18th of 2022 at 9:12.

25 ATTORNEY HINDS: Beg a moment.

1 BY ATTORNEY HINDS:

2 Q And do you see the State's exhibits numbers on those?

3 A Oh, I'm sorry. For SLED container B, it's State's Exhibit
4 65A, 69A, 69B, and 71A.

5 Q And as for the other container?

6 A The first one I mentioned is State's Exhibit 67.

7 Q Thank you. And while all these items were in your
8 possession, what did you do with them?

9 A So I'm going to start with State's Exhibit 67, which is SLED
10 item 8, and it is described as the suspect's shirt wrapped in
11 butcher paper. This item of evidence came in with a blood
12 request. So we use a presumptive test for blood. Presumptive
13 meaning to indicate the possible presence of. I processed this
14 shirt and located a stain on the front, bottom left of the shirt,
15 which was positive for my presumptive test of blood, and I
16 removed that cutting from the shirt and identified it as SLED's
17 item 8.1. I then forwarded that cutting to the DNA section for
18 further analysis.

19 So then this other package, with State's Exhibit 65A, 69A,
20 69B, and 71A, had already been processed, gone through evidence
21 processing through another serologist, so my involvement was, as
22 I mentioned before, the direct to DNA analysis, as requested by a
23 DNA analyst. So I did the extraction and quantitation of the
24 items found in this pouch, which, let's see, include item, SLED
25 item, 4.1, which is swabs from handle of knife, attempting to

1 avoid areas of staining; SLED item 6.1, which is a cutting from
2 the interior side of strap of tan sandal, left; SLED item 6.2,
3 which is swabs from footbed and strap of tan sandal, left; and
4 SLED item 7.1, a cutting from exterior front, right leg of jean
5 shorts.

6 Q And after you concluded all this quantitative analysis for
7 prepping, what did you do with the items?

8 A So after I finished with the DNA extraction and DNA
9 quantitation, the DNA analyst who assigned me these items of
10 evidence to perform analysis on, I will transfer the samples to
11 them, as well as electronically transfer the evidence pouches
12 that pertain to those sample to that individual.

13 Let's see. And then after I processed the shirt, it looks
14 like I transferred the evidence, the shirt itself, to the
15 evidence control department to return it to the agency. That was
16 handed to Bethany Davidson, once again, of the evidence control
17 department. And then the cutting was also returned to the
18 evidence control department, again, Bethany Davidson. However,
19 that would have been put on a DNA intake shelf to later be
20 processed by the DNA department.

21 ATTORNEY HINDS: May I approach again, Judge?

22 THE COURT: You may.

23 BY ATTORNEY HINDS:

24 Q Ms. Nguyen, I'm also going to show you what's been marked as
25 identification as State's 73. Do you recognize that item?

1 A I do. So as State's 73 I recognize as SLED container C.
2 Once again, it has my initials and date that I resealed the
3 packaging, as well as the envelope inside is labeled with the
4 unique case number, item number, as well as my date and the
5 initials from when I opened it.

6 Q And can you tell the jury, while State's 73 was in your
7 possession, what, if anything, did you do with it?

8 A So State's 73 correlates to items 8 and 9 from SLED, which
9 are the buccal swabs from Anthony Argoe. I cut a portion of the
10 swabs for DNA analysis, and then I performed the extraction and
11 quantitation of that sample.

12 Q And after you got done performing that quantitative sample,
13 what did you do with that item, 73?

14 A So once again, I would specifically hand the samples to the
15 DNA analyst, as well as electronically transfer using this bar
16 code on the outside of the pouch to the analyst so that they
17 would have the evidence, as well as the samples that I had
18 partially analyzed.

19 Q Thank you, Ms. Nguyen.

20 ATTORNEY HINDS: I have no further questions.

21 THE COURT: Cross-examination?

22 ATTORNEY CHISHOLM: Yes. Thank you.

23 **CROSS-EXAMINATION**

24 BY ATTORNEY CHISHOLM:

25 Q Good afternoon.

1 A Good afternoon.

2 Q Sounds like you wear a lot of hats at SLED. You do a lot of
3 different things.

4 A I do.

5 Q And I just want to get a couple things cleared up. You're
6 talking about presumptive positive testing for blood; is that
7 right?

8 A Yes.

9 Q So if you have a presumptive test for blood, do you also
10 have some kind of test that confirms that it's, indeed, blood and
11 tie it to a person and that kind of thing?

12 A So we have a presumptive test, as I mentioned, to indicate
13 the possible presence of blood. We also have a confirmatory test
14 for blood but it does not identify an individual. The
15 confirmatory test identifies that the blood comes from humans,
16 higher primates, or ferrets.

17 Q So with a presumptive positive test for blood, can you tell
18 if it's from a human or another animal?

19 A The presumptive test is not identifying the source. It is
20 just interacting with components of the blood to indicate the
21 possible presence of blood.

22 Q You're looking for things like iron and things of that
23 nature, I guess?

24 A So it's interacting with the hemoglobin within the blood.
25 And, yes, and the iron component is within the hemoglobin.

1 Q And for confirmation testing, would you do that, as well, if
2 requested, or would that be a different person altogether?

3 A So I would be responsible for confirmation testing. I don't
4 typically do confirmation testing on larger items of evidence.
5 We're pretty much using our presumptive tests to narrow down
6 areas of interest to make them smaller to analyze.

7 Q So that's something that would have had to have been
8 specially requested; is that right?

9 A Yes, it can be requested. The only other time that we do
10 use a confirmatory test without a request would be if an item of
11 evidence is submitted to our lab that's already been screened
12 with another presumptive blood test.

13 Q And with presumptive blood tests, or just blood evidence in
14 general, with your analysis can you tell how old presumptive
15 positive blood on a fabric or, you know, whatever the case may
16 be, how old it is, how long it's been on there?

17 A A presumptive test does not age the stain.

18 Q So if there's a stain on, like, a shirt, you can't say if
19 it's been there for, you know, a day versus a month?

20 A It, once again, does not age a stain. However, our
21 presumptive test is very sensitive, so it can detect potential
22 blood at very low levels.

23 Q And I guess the presence of blood would remain on an item if
24 it's stored in the way like law enforcement does, more than --
25 like if I had a shirt in my driveway that got rained on for six

1 weeks, probably the blood wouldn't stay on it easily; is that
2 right?

3 A There are so many factors that are determined in that.
4 However, I can say that our presumptive blood test does detect
5 blood in a dilution up to 1 2/10ths of a 7th power. I know
6 that's very mathematical, but to more specifically put in real
7 terms, if there is one drop of blood per, I believe it's,
8 10 million drops of blood, it can be detected in that type of
9 dilution. I know 10 million drops of water is also very wild,
10 and so more realistic terms I believe that's approximately 105
11 gallons that it could be detected in.

12 Q And I get this wrong every time. The cuttings, are they
13 called swatches, or something like that, as well?

14 A We refer to anything that is cut from an item of evidence,
15 whether it be like a bedsheet or a shirt, as a cutting. We don't
16 typically use the term "swatch".

17 Q It might just be me then. So these cuttings, do you do the
18 cuttings yourself, like is a shirt sent to you and then you do
19 the cutting, or does someone else cut it and their cutting gets
20 sent to you?

21 A So we receive evidence in both ways. Specifically for the
22 shirt that I performed analysis on, I received the shirt as a
23 whole and then I remove the stain from the shirt. I did mention
24 that I did the direct to DNA analysis on several cuttings or
25 swabs.

1 You would have to ask the serologist who did the evidence
2 processing on that item, but typically if I have an item that's
3 referred to as a cutting with a location, it indicates that they
4 would have also removed that from a primary source.

5 Q And let's say shirt, shorts, whatever the case may be -- say
6 you get a towel that's got blood evidence on it, if there's a
7 decent amount on there do you do cuttings from multiple locations
8 to account for multiple contributors, that kind of thing?

9 A So currently, yes, we test all staining, and all staining
10 will be forwarded. The only exception would be, say, if a shirt
11 is submitted from a gunshot victim and the entire shirt is
12 saturated. So we would cut a portion of that entire large
13 saturation to forward instead of essentially forwarding the
14 entire shirt for DNA analysis.

15 Q So make sure I've got this straight. So in this case the
16 cutting from, say the shorts, for example, you would cut the
17 entire portion that has a presumptive positive blood test; is
18 that right?

19 A Yes. So if I'm following you correctly, we test the entire
20 stain. As I did not do the shorts, I cannot exactly tell you how
21 large it was. But then we would, yes, forward the entire stain.

22 Q Gotcha. I misunderstood you. That wasn't you; that was me.
23 The sandals, were the cuttings passed on to you, or did you
24 actually take the cuttings?

25 A I did not take the cuttings from the sandals. I did not do

1 any processing with the sandals. I just did the direct to DNA
2 analysis.

3 Q One last thing. There's a note -- hopefully you have your
4 narrative. If not, I can try to find my copy -- but there was a
5 narrative blurb that said that items 8 and 9 were buccal swabs
6 that were submitted in the same envelope, but one of the items
7 was marked as not submitted. Does that ring a bell at all?

8 A Yes. I do know what you're talking about. Let me just pull
9 it up. So the buccal swabs were found in one envelope. However,
10 they were assigned two item numbers. So I had consulted the DNA
11 analyst, who is Samuel Stewart, on how I should proceed with it.
12 He said to combine them as one sample as buccal swabs are
13 scrapings from your mouth, so they are coming from one source. I
14 misunderstood him and reported it under 8, and then scanned item
15 9 to not submit it. However, I see in the documentation then
16 that he then brought item 9 back to track the chain of custody as
17 item 8.

18 ATTORNEY CHISHOLM: If I can have one moment.

19 THE COURT: Yes, sir.

20 ATTORNEY CHISHOLM: Thank you. I have no further questions.

21 THE COURT: All right. Redirect?

22 ATTORNEY HINDS: Just briefly, Your Honor. Actually, if I
23 may approach, just to make sure. No further question, Judge.
24 Thank you.

25 THE COURT: All right. Very well. And is this witness free

1 to leave, and is there any objection? Thank you. You're free to
2 leave.

3 THE WITNESS: Thank you.

4 THE COURT: Call your next witness, please.

5 ATTORNEY OSBORNE: State calls Courtney Thompson.

6 CLERK OF COURT: If you'd please raise your right hand, and
7 state your full name for the record.

8 THE WITNESS: Courtney Thompson.

9 COURTNEY THOMPSON,

10 having first been duly sworn, is examined and testifies as
11 follows:

12 THE COURT: Your witness.

13 **DIRECT EXAMINATION**

14 BY ATTORNEY OSBORNE:

15 Q Good afternoon, Ms. Thompson. Where are you currently
16 employed?

17 A I'm employed with the South Carolina Law Enforcement
18 Division, also referred to as SLED.

19 Q And how long have you been there?

20 A I have been with SLED for a little over 10 years now.

21 Q And what do you do at SLED?

22 A I am a forensic scientist in the DNA casework department.

23 Q All right. And what exactly do you do there?

24 A My current duties as a forensic scientist include examining
25 items of evidence for potential DNA. This could be in the form

1 of bodily fluids such as blood, semen, or saliva. This is
2 because those are very good body fluids for DNA analysis.

3 And I can also attempt to collect DNA left behind from
4 someone who has touched, or worn an item, or possibly has left
5 hair behind on a particular item.

6 After I perform screening tests on various items of
7 evidence, I can prepare the samples for DNA analysis, which just
8 means that I take a smaller piece of the original sample and put
9 it into, like, a smaller tube for DNA analysis.

10 And then I'm also competent in performing some of the DNA
11 lab work process that goes into the part of DNA analysis, that
12 kind of work, to develop a potential DNA profile. I can do some
13 of that, and I'm currently trained training to finish the rest of
14 it.

15 Q And prior to beginning this DNA position were you in
16 serology?

17 A Yes. I was a forensic serologist for several years before
18 moving to an analyst position, and I still continue with those
19 duties at this time and have not fully transitioned out of them.

20 Q And what is your educational background?

21 A I have a Bachelor's in forensic science and biology from
22 Southern Wesleyan University.

23 Q And I think we're mostly going to be talking about your
24 duties as a serologist, forensic serologist, as it relates to
25 this case. And why don't we, as we go through some of the

1 evidence, I think kind maybe it will piggyback off that. I want
2 to start by showing you --

3 ATTORNEY OSBORNE: Your Honor, may I approach?

4 THE COURT: You may.

5 BY ATTORNEY OSBORNE:

6 Q -- State's Exhibit 71. And let's just go ahead and show you
7 71A. So we'll start with these two, 71 and 71A. Can you take a
8 look at these two items and tell me if you recognize them?

9 A Yes. I recognize this one that's marked State's Exhibit
10 71A. I know it because it contains the correct SLED lab number
11 that is generated whenever a case comes into the agency. And
12 then my initials and the date are at the top of this seal and I
13 recognize my initials and date on the seals on the back of the
14 envelopes that are contained in here as well.

15 I recognize this item to be SLED's item no. 4, which was a
16 knife. It has the correct SLED lab number and the item number
17 that corresponds to this item, as well as my initials and the
18 date that I worked on this particular item.

19 Q Okay. In reference to 71, SLED item 4 which has already
20 been identified as a knife, when was it that you came into
21 possession of this item and, when you say worked on it, what did
22 you do with this item?

23 A So I came into possession of this item on August 4th of
24 2021. I received this item from an evidence control technician
25 who gave it to me after she removed it from the secure location

1 within evidence control.

2 And then I worked on this item by essentially looking at the
3 item, doing a visual exam. And the request that was placed on
4 this item from the agency that brought it in, it was for DNA
5 touch, which is typically looking to collect DNA from someone
6 that's handled a particular item and they may have left some DNA
7 behind as a result of that. I can't tell how much is there, but
8 I can attempt to remove any.

9 And the DNA analyst would then work to tell if there is a
10 person there or not.

11 Q And is that what you created there with 71A, SLED item 4.1?

12 A Yes. That's correct. SLED item 4.1 is a pair of swabs from
13 the handle of the knife. And I did place it into this pouch
14 after it was done, after I was completed with it.

15 Q And when we say swabs, I mean, did you literally take a
16 Q-tip, or what's the process of how you do that?

17 A So the swabs are sterile, as they have been properly
18 decontaminated, and they stay sterile in a package. And then for
19 this particular item, because of the type of texture of the
20 exterior, it's actually two swabs that are used; one is wet, and
21 one is in sterile water, the other one is left dry. And then the
22 area of interest is swabbed first with a wet swab, and then
23 followed by a dry swab, and this is because scientifically it's
24 just one of the better ways that we know to collect potential
25 touch DNA that may be left behind. And then those swabs are left

1 to dry prior to packaging so that they won't mold or anything
2 like that. And when they're all dried, I put them inside of one
3 of these orangish envelopes with all of the correct information
4 about where it came from essentially, and then seal it up with my
5 initials and the date on the back.

6 Q I'm show you some pictures in a minute and you can maybe
7 point out where exactly you swabbed on the knife. Okay. You
8 said that you received that from an evidence technician. Was
9 that Vera Martinez, or who was that?

10 A Yes. I received the item -- I received item 4, the knife,
11 from Vera Martinez on August 4th of 2021.

12 Q Okay. And I think you came into possession of some other
13 items on that day.

14 ATTORNEY OSBORNE: Your Honor, may I approach?

15 THE COURT: You may.

16 BY ATTORNEY OSBORNE:

17 Q I'm going show you State's 68 and 69. And can you tell me
18 if you recognize those?

19 A I recognize this item, which is State's Exhibit 68. It is
20 labeled as the SLED item no. 5. And I can see some of the
21 exterior packaging from the inside of this as well. That would
22 have been my initials and the date on that item, so I can see all
23 that through the packaging.

24 And then SLED item -- I'm sorry, State Exhibit 69 is SLED
25 item no. 6, which I can case also -- I'm trying to see if I can

1 identify anything further with it, but -- Oh, here is my initials
2 and the date on the other packaging as well, so I can confirm
3 those are the correct items that I worked on.

4 Q Got those from Vera Martinez as well?

5 A Yes. I received those from Vera Martinez at the same time
6 as SLED item 4, which was August 4th of 2021.

7 Q Now I'm showing you what's been marked as State's 69A and B.
8 And I am interested in your item SLED item nos. 6.1 and 6.2. And
9 tell me if you recognize State's 69A and B?

10 A Yes, I do. These items correspond to SLED item 6.1, which
11 is a cutting from the interior side of the strap of the left
12 sandal, and then 6.2, which is swabs from the footbed and strap
13 of the left sandal.

14 Q Okay. And did you actually take these cuttings yourself,
15 and these swabs?

16 A Yes, I did.

17 Q And just to come back, State's 69A is the cuttings from the
18 left sandal, which is your SLED item 6.1; is that correct?

19 A Yes. I have SLED item 6.1.

20 Q And State's 69B is your SLED item 6.2, which are swabs from
21 the footbed of the strap of the left sandal?

22 A Yes.

23 Q And these have already been identified previously as
24 property taken from the defendant. And I believe you testified
25 you already got that? You got from Vera Martinez?

1 A I received, yes, SLED items 5 and 6 from Vera Martinez, and
2 items 6.1 and 6.2 are ones that I created, so the chain of
3 custody for those items begins with me.

4 ATTORNEY OSBORNE: All right. Your Honor, may I approach?

5 THE COURT: You may.

6 BY ATTORNEY OSBORNE:

7 Q Showing you State's 65, which has been identified as
8 belonging to defendant -- or, defendant's shorts. Can you tell
9 me if you recognize that item?

10 A Yes. This corresponds to SLED's item no. 7, a pair of jean
11 shorts. I can correlate the right SLED lab number, item number,
12 and then my initials, and the date that I resealed the packaging
13 is visible on the exterior.

14 Q Okay. And you came into possession of that item, as well,
15 on August the 4th from Vera Martinez?

16 A Yes, I did.

17 Q Okay. And what did you do with that item when you came into
18 possession of it?

19 A Item 7, the jean shorts, the request for this pair of shorts
20 was an examination for possible bloodstain. And during my
21 examination I was able to remove a cutting from the exterior,
22 front, right leg of the shorts. That tested presumptively
23 positive for the presence of blood.

24 Q Okay. And now I'm showing you State's 65A, which I believe
25 is going to correspond to 7.1 for SLED. Can you tell me if you

1 recognize that?

2 A Yes. I do recognize that as the cutting that I removed from
3 the shorts.

4 Q Okay. And so all the cuttings and the swabs and whatnot,
5 what did you do with those items after you got through with them?
6 Or after you created them, I guess.

7 A After I created them, like I said previously, they would
8 have been packaged in their individual envelopes, and then I did
9 prepare these items for DNA analysis, which just means that
10 whether it was a swab or a cutting, I took a small portion off of
11 that swab or that cutting, and placed it into a sterile tube,
12 closed the tube, and then labeled it with the correct SLED number
13 and item number so that another DNA analyst, or DNA personnel,
14 would be able to use it when moving on into the other laboratory
15 processes.

16 Q And did you actually deliver it yourself to the SLED DNA
17 analyst, or did you put it in the -- I guess, to be transferred
18 to them?

19 A It was transferred to a secure location within the DNA
20 department. In the chain of custody, it's called prepped for
21 DNA. This area is located within the DNA lab, and only DNA
22 personnel and our upper administration would have access to
23 something like this, and so it waited there until it was
24 transferred by another individual at a later time.

25 (State's Exhibits 66, 69C, 69D, 69E, and 72 are identified.)

1 BY ATTORNEY OSBORNE:

2 Q Now I'm going to show you 66, 69C as in Charley, 69D as in
3 David, 69E as in Edward, and 72. Can you take a look at these
4 photographs and tell me if they look like the items that you
5 processed that are in these bags?

6 A Yes. These all appear to be items that were in my custody
7 for processing.

8 ATTORNEY OSBORNE: Your Honor, at this time State seeks to
9 admit -- all right go in order -- 66, 69C as in Charles, 69D as
10 in David, 69E as in Edward, and 72 into evidence.

11 ATTORNEY CHISHOLM: No objection, Your Honor.

12 THE COURT: Very well. So admitted.

13 (State's Exhibits 66, 69C, 69D, 69E, and 72 are admitted
14 into the record.)

15 BY ATTORNEY OSBORNE:

16 Q We're just going to go through it quickly, and then you can
17 kind of explain to the jury where you swabbed, and the cuttings,
18 and where they came from. All right. So we're going to start
19 with 66. Okay. So do you mind explaining to the jury, are these
20 notations that are on these shorts right here, did you do that?

21 A Yes, I did make those.

22 Q Can you explain to the jury what they are, or what it means?

23 A Sure. So the writing on the top back there of the waistband
24 simply contains the SLED lab number, the item number, and my
25 initials since I'm the person who came into contact with this

1 item.

2 And then below, on the leg of the shorts, specifically on
3 the right leg, you can see that there is a long, a long, tear on
4 the shorts but the areas that were actually cut is right where
5 the 7.1 was written, and then the notation below that is a plus
6 sign written with PHEN below it.

7 That is an indication that my test that I do for screening
8 for blood was a positive result and while it does not confirm
9 blood, it indicates that blood might be present and needs further
10 analysis in order to kind of like figure out more about this
11 potential -- potential body fluid.

12 And then the other stain that is circled and then labeled
13 with another positive PHEN, that just indicates that some other
14 areas that were positive were located around the area that I took
15 in the event that basically further processing needed to happen
16 at a later day and time.

17 Q So if I'm hearing all this correctly -- well, you know
18 what -- let's just show you.

19 ATTORNEY OSBORNE: Can I approach again, Your Honor?

20 THE COURT: Yes.

21 (State's Exhibit 66A is identified.)

22 BY ATTORNEY OSBORNE:

23 Q All right. So I'm showing you State's 66A. I should have
24 showed you that one. Do you recognize that?

25 A Yes. This is a cutting from the pair of shorts.

1 ATTORNEY OSBORNE: Your Honor, at this time State seeks to
2 admit 66A into evidence.

3 ATTORNEY CHISHOLM: No objection, Your Honor.

4 THE COURT: Very well.

5 (State's Exhibit 66A is admitted into the record.)

6 BY ATTORNEY OSBORNE:

7 Q All right. So when you came into possession of it, am I
8 hearing this right, first thing you want to do is you want to
9 test to see whether any of these marks, or whatever we want to
10 call them, all over these shorts came back as blood?

11 A Yes. Since the request placed on this item was for
12 potential blood, that was what the examination was for. And I
13 selected that stain based on just my experience with the amount
14 of blood that may have been there, I thought that it would be the
15 appropriate one to take for further analysis.

16 Q And now I'm showing you State's 66A. Is that the cutting of
17 the blood that you took out?

18 A Yes. That's correct. That is the stain that I took. And
19 then the small, kind of square, notch that's taken out near the
20 top part, that's the part that I actually took out for DNA
21 analysis, because so little is needed, that entire cutting is not
22 necessary for DNA, but I was still looking for a spot that would
23 easily be able to be forwarded on for DNA analysis.

24 Q I see. So while it's certainly possible you could test here
25 where my hand is, my computer hand, at that spot -- you could

1 test all around that; is that correct?

2 A Uh-huh. That's correct.

3 Q Potentially 100 times in just that one spot?

4 A Potentially. There's very little that is needed now for
5 DNA, as it is very sensitive, so while a larger cutting is taken
6 in order to preserve that original sample that I collected off of
7 the item, the actual part that goes forward for DNA analysis is
8 usually relatively small compared to the original cuttings that
9 I've done.

10 Q And then doubling back -- and I guess by that same logic, I
11 mean, it's potentially possible that you could have submitted all
12 of these spots for DNA analysis; is that correct?

13 A That's correct. I could have continued testing and selected
14 more than one spot, or all of them, for DNA analysis.

15 Q But generally speaking you just go with the most, I guess,
16 the largest contribution?

17 A In this particular instance, yes. I selected that stain
18 because, from the information that I had available to me at the
19 time, the status of who would have been bleeding in that
20 particular incident was relayed to me as being just a one type of
21 bleeder situation and so, therefore, typically if we don't
22 know -- if we don't know how many bleeders are present we may
23 take multiple cuttings because we don't know who is in which
24 spot, but in this instance, based on the information I had, there
25 was only one person who was bleeding, and so typically less

1 cuttings are necessary for that type of instance.

2 Q But, I mean, you could have, right?

3 A Yeah, uh-huh. Yeah, I could have.

4 Q Showing you now 69C. What are we looking at here?

5 A This is SLED item 6, which is a left, tan sandal/flip-flop.

6 Q Now, did you test these -- what are these -- I guess, what
7 are these arrows right here?

8 A Those arrows indicate the areas that I collected, a swab
9 from the footbed and strap area, and the arrows just kind of
10 indicate that I did swab this part of the footbed when I was
11 collecting that swab.

12 Q And did you detect any presence of blood on either one of
13 these two swabs?

14 A Yes. The swab from the footbed and strap of tan sandal, so
15 that would be SLED item 6.2, it was presumptively positive for
16 the presence of blood.

17 Q And now this is the left sandal, 69D. What are we looking
18 at here?

19 A That is the same sandal, just another viewpoint of it. And
20 you can see that my labeling is a little bit more visible, so
21 you'll see the positive PHEN again to indicate that that's what
22 test I performed, and that it was positive, and that also it was
23 the SLED item, now, 6.2, the swab that came from that area, or
24 6.2.

25 Q And now we're moving into 69E?

1 A Yes. This is SLED item 6.1, which is a cutting from the
2 interior side of the strap of the left sandal. So again, it has
3 the 6.1 by it to indicate the item that it became, that cutting
4 became, and then the positive result next to it.

5 Q Just to, I guess, hammer that point down, all you can say
6 from these items right here, the presumptive positives from the
7 swabs that you collected is that they're presumptive positive for
8 blood, but you can't say whose blood it is or anything like that?

9 A That's correct. This test doesn't give me any identifying
10 information about an individual. All it can say is that this is
11 possibly blood, and it needs further analysis, essentially. It's
12 a screening tool to assist us with looking for bodily fluids such
13 as blood.

14 Q But the DNA analyst can analyze that blood?

15 A That's correct. It would move on to a DNA analyst who would
16 then potentially be able to develop a DNA profile to attribute
17 that state [ph] to.

18 Q And now lastly, State's 72. And did you take swabs from
19 this item, the knife?

20 A Yes, I did take swabs from this knife. It is from the
21 handle area. And I attempted to avoid any areas of potential
22 blood staining.

23 Q And what are you trying to, I guess, collect here?

24 A So the request for this item was for touch DNA, so
25 essentially whoever would have handled this knife, particularly

1 on the handle part where you would hold it, would be the area of
2 interest, and so that is where I did my best to collect touch DNA
3 from.

4 Q The handle?

5 A Yes, the handle.

6 ATTORNEY OSBORNE: All right. No further question.

7 THE COURT: Cross-examination?

8 ATTORNEY CHISHOLM: Thank you, Your Honor.

9 **CROSS-EXAMINATION**

10 BY ATTORNEY CHISHOLM:

11 Q Good afternoon.

12 A Good afternoon.

13 Q I think I asked our last witness all the questions I should
14 have been asking you. Sounds like you did the cuttings, I guess
15 they're called, in this case?

16 A Yes. I performed evidence processing, and I removed
17 cuttings from item 6, the left sandal, and from item 7, the jean
18 shorts.

19 Q Gotcha. And I think you touched on this. These are
20 presumptive positive tests for blood. They're not confirmation,
21 you know, proof-positive it's blood. It's just there's
22 consistent characteristics, basically; is that fair?

23 A Yes. The reason why it's presumptive in nature is that it
24 is very sensitive but it's not necessarily specific enough that
25 we can confirm blood, as there is potential for it to react

1 positively to nonblood-related things.

2 And so that's why we mention it is presumptive only in
3 nature, it does not confirm blood, but it is a screening tool we
4 use in order to find or eliminate potential areas of interest for
5 blood.

6 Q And whatever it is you test, you can't timestamp it based on
7 the presumptive positive blood sample, correct?

8 A That's correct. This test cannot tell me at what point any
9 of the staining I look at was deposited on the item.

10 Q When it comes to -- if I get this right -- State's 65, I
11 think it is, the jean shorts; is that correct? And you've got a
12 different number altogether. I'm sorry I don't have that.

13 A Yes. So the jean shorts is SLED item no. 7, if that's what
14 you're referring to for me.

15 Q Yes, ma'am. And I don't have the picture, but I think
16 you've probably got it in mind at this point, the picture of the
17 jean shorts with the tear in it. Was the tear already there, or
18 is that something that you did as part of the testing?

19 A The tear was already present. The only alteration I made to
20 the item was that singular piece of cutting that you saw from
21 that other photo. We do our best to not do any type of
22 alterations that are not required on any types of items, so it
23 was discovered that way. And I put on my notes for this
24 particular item that actually each leg of the shorts had a cut,
25 or a tear, a cut of some sort, of each side.

1 Q I gotcha. And one of things you testified, was kind of
2 speaking in more layman terms that I can understand, you said
3 this was reported as possibly one bleeder; is that right?

4 A That was the information I received at the time that the
5 evidence was submitted to me.

6 Q And it looks like you did, if I remember correctly, two
7 different spots you did presumptive testing for; is that correct?

8 A That's correct.

9 Q And then one, you actually took the cutting?

10 A That's correct.

11 Q So in a scenario where there's possibly two people bleeding,
12 if it's set up like that would you then test the other spots on
13 the item?

14 A When more bleeders are a potential possibility, typically
15 more cuttings will be taken as the blood cannot tell me, again,
16 who left that specific stain.

17 Q Okay. And one of my questions -- you had one of these
18 items, I think it's 6.2 by SLED.

19 A 6.2 from my item is the swabs from the footbed and the strap
20 of the left sandal.

21 Q It might be 69B State's, I think, is what it is. I notice
22 on some of them, like, you have cutting from the left sandal, and
23 then this one it's kind of compound, it's footbed and strap.

24 A Uh-huh.

25 Q Is that like one swab done, like swabbed in both spots, or

1 is that two different swabs?

2 A It is one set of swabs that were done on both of those
3 areas, which is still -- because it's all on one item, and a shoe
4 of that type is -- they're all relatively close in nature. So,
5 yes, they are usually combined when they are close in nature.

6 If it were a different item where maybe the spots were very
7 far apart, those would have probably been something separate, but
8 because it was one item and it was very short-circuit area to
9 cover, they were done on one set of swabs.

10 Q And the subsequent testing that went on, would I have to
11 probably direct my questions to that scientist as far as if they
12 combined the swabs for their test or if they did them separately?

13 A You would have to direct, yes, your questions to, it would
14 be, DNA analyst Samuel Stewart.

15 Q Yes, ma'am. If you have your narrative available, I just
16 have one question.

17 A Uh-huh.

18 Q And I'm assuming this is clerical. But looking at the SLED
19 narratives, it looks like there was some kind of a mishap
20 involving item 6 and 6.2. Do you have that available?

21 A I do.

22 Q Can you tell me what that was?

23 A Absolutely. So the evidence system/tracking system that is
24 used at SLED helps maintain the appropriate chain of custody
25 while the item moves throughout the laboratory. In this

1 particular instance, usually when I create swabs or cuttings,
2 they go into a new container where they travel separately from
3 the original item that I worked on.

4 In this case I created SLED container B, and the swabs from
5 the knife, the cutting, and the swabs from the sandal, and then
6 the cutting from the jean shorts were all in this container. I
7 transferred that container to the location I stated previously
8 called prepped for DNA.

9 There was some sort of computer error that occurred where
10 physically items 6.2 was still located in prepped for DNA, but
11 electronically it had moved out of the container and had, for
12 some reason, the chain of custody, it decided to follow the
13 sandal instead of the container it was now in. This does not
14 occur frequently, but essentially when I returned this evidence
15 to the evidence control technician I realized that that subitem
16 was not -- it was not with me when I was returning it; it was
17 still located in the secure location I left it.

18 And so in order to remedy that I had to electronically take
19 item 6.2 back into my custody and move it back into the container
20 it belongs in, but physically it stayed there in one spot the
21 entire time. And so it remained secure. It never left the area
22 it was supposed to be in. It was just an electronic error that
23 happened, and that's why it's documented in my narrative part of
24 my evidence system so that when it comes into question later it's
25 easy to explain what happened with it.

1 Q Okay. You're a serologist; is that, or you were a
2 serologist back then; is that right?

3 A Yes. I was a forensic serologist for many years, and then I
4 transitioned into a DNA analyst position, like, about a year and
5 a half ago.

6 Q So when it comes to presumptive blood, and saliva, semen,
7 all that stuff you're talking about, you guys, the serology
8 people, are the experts in that field; that's your forte; is that
9 correct?

10 A That's correct. Body fluid identification is the primary
11 job of a forensic serologist.

12 Q Thank you very much.

13 ATTORNEY CHISHOLM: I have no further question.

14 THE COURT: All right. Redirect?

15 ATTORNEY OSBORNE: Just briefly.

16 **REDIRECT EXAMINATION**

17 BY ATTORNEY OSBORNE:

18 Q So going back to 69D as in David, is this right here, I
19 think, is denoting 6.2, which are the swabs?

20 A Yes. That's correct. It is 6.2.

21 Q And does this mean that there was one swab over here off to
22 the right and then another swab down here at the bottom?

23 A No. It means that the set of swabs -- so it would have been
24 a wet swab and a dry swab -- the entire footbed was swabbed with
25 the wet swab, and then followed with a dry swab. And then the

1 part of the strap I also did was wet swabbed, and then followed
2 with that same dry swab. So there's only two swabs, and they
3 cover the area that is denoted in the description of my item and
4 on the item itself.

5 Q And you said two swabs are 6.2?

6 A Yes. That is correct.

7 Q And, you know, just for clarification regarding the, I guess
8 the, computer error regarding the chain, I understand that, you
9 know, at a certain point 6.2 may have, you know, traveled in a
10 container and may not have traveled in a container, but was 6.2
11 properly packaged?

12 A Yes. The packaging that was shown to me earlier, that's
13 exactly how it would have been. It would have been inside of an
14 envelope that was sealed with my initials and the date, and then
15 further into an exterior packaging, which is a pouch, that I
16 would have also sealed, with my initials and the date on it. And
17 it was not opened at all during that time. It was not opened
18 until it went to the next person who was performing analysis on
19 it.

20 Q Which, in this case, would have been the DNA analyst?

21 A That's correct.

22 Q So was there any chance of cross-contamination based on a
23 clerical or computer error?

24 A No. There's not going to be any type of contamination that
25 occurred. Like I said, it's simply a computer-system error. It

1 has nothing do with the physical security of the item itself.

2 Q I just want to go back to show you 66. You had mentioned
3 that when you came into possession of it there were two -- or,
4 the shorts were cut along the sides in two different locations.
5 Can you just show the jury where those cuts were?

6 A Yes. So the cut on the right leg is on the side where I
7 took the cuttings from, and so it's right there on the front.
8 And then on the other leg, it's hard to tell in this photo but
9 it's near the side where the pocket is. It's kind of down on the
10 side part where that front pocket is kind of open and exposed --
11 front and back pocket, I think. That's where the other cut was.

12 Q So this cut right here where my mouse is going, on the right
13 leg, that cut?

14 A Yes.

15 Q All the way from the top, all the way to the bottom?

16 A That's correct.

17 Q And then on the left hip, was it all the way on the top, all
18 the way down to the bottom?

19 A Yes. From what I recall, yes, it was a full cut.

20 Q So you literally had to piece these two pieces of cloth
21 together, I guess, to make them shorts?

22 A Yes. And that's not uncommon.

23 Q Not uncommon?

24 A No. We see items that have been altered like this before,
25 so it's not uncommon for us to have to piece together an item.

1 Q Okay. Okay. That makes sense.

2 ATTORNEY OSBORNE: No further question.

3 THE COURT: All right. Recross?

4 ATTORNEY CHISHOLM: Very briefly.

5 **RECROSS-EXAMINATION**

6 BY ATTORNEY MEYERS:

7 Q Make sure I got this straight. So with the sandals, it's
8 got arrows pointing to where you do presumptive positive tests,
9 but as far as the actual swabs I think your testimony was you do
10 a wet swab on the entire footbed, for example?

11 A Yes.

12 ATTORNEY CHISHOLM: Thank you very much.

13 THE COURT: All right. Is this witness free to leave, and
14 is there any objection?

15 ATTORNEY OSBORNE: None from the State.

16 ATTORNEY CHISHOLM: No, Your Honor.

17 THE COURT: Very well. Thank you. You're free to go. All
18 right. Let me talk to the two of you.

19 (Off-the-record discussion at sidebar.)

20 THE COURT: Ladies and gentlemen, that will conclude the
21 work that we're going to do today. I think I made
22 representations about biscuits, but they were sweet rolls?

23 JUROR: No, they were biscuits.

24 THE COURT: Ladies and gentlemen, the same admonitions as
25 last night, but here's your -- here's what's going to happen.

1 under 403. And again, given the constraints that the State's
2 already put the testimony on for, it's admissible. I note your
3 exception.

4 ATTORNEY CHISHOLM: Thank you.

5 THE COURT: Anything else before we bring the jury out?

6 ATTORNEY OSBORNE: No, Your Honor.

7 THE COURT: Bring the jury.

8 (Jury seated in the courtroom at 10:06 a.m.)

9 THE COURT: Good morning. Good morning. I so hope that you
10 all had a very pleasant evening. At this time we will continue
11 with the State's case and the presentation of our next witness.
12 Solicitor.

13 ATTORNEY OSBORNE: Thank you, Your Honor. State calls Barry
14 Zeruth.

15 THE COURT: Yes, sir. If you'll come along, please, and be
16 sworn.

17 CLERK OF COURT: Mr. Zeruth, if you'll please raise your
18 right hand, and state your full name for the record.

19 THE WITNESS: Barry Lee Zeruth.

20 BARRY L. ZERUTH,

21 having first been duly sworn, is examined and testifies as
22 follows:

23 **DIRECT EXAMINATION**

24 BY ATTORNEY OSBORNE:

25 Q Good morning, Mr. Zeruth.

1 A Good morning.

2 Q We're just going to take a second to talk about your
3 background a little bit, and then we'll get into why I asked you
4 to come here. And thanks for coming here, by the way.

5 A You're welcome.

6 Q Where are you from?

7 A Originally?

8 Q Yes, sir.

9 A Family's from Pennsylvania.

10 Q And what kind of -- well, where are you currently employed?

11 A I work at KION right now right off of 78. We build
12 forklifts.

13 Q You said you build forklifts?

14 A Yes, sir.

15 Q What's your position there?

16 A Supervisor. I run two departments.

17 Q Two departments. What other type of employment have you had
18 in the past?

19 A Welding, steel fabrication, crane rentals, stuff from the
20 steel industry, and plant maintenance.

21 Q And do you do any reserve work?

22 A I do for Berkeley County.

23 Q Sheriff's Office?

24 A Yes, sir.

25 Q Prior to working with KION -- well, and I guess part of the

1 reason why we asked you to come here today -- where did you work?

2 A Limehouse & Sons.

3 Q How long did you work there?

4 A Seventeen years.

5 Q What did you do there? What was your position?

6 A I was a supervisor there. Among HR, supervisor, I had,
7 like, five hats, but my biggest job was supervisor over the shop
8 production.

9 Q Okay. So what type of work did y'all do at Limehouse &
10 Sons?

11 A We did steel fabrication, welding at the -- or, repairs at
12 the facility. And then out in the field we would do installs and
13 maintenance, stuff like that.

14 Q All right. In your position with Limehouse & Sons did you
15 have the occasion to come in contact with the defendant in this
16 case, Anthony Argoe?

17 A I did.

18 Q And do you recognize him in the courtroom?

19 A I do.

20 Q Can you describe what he's wearing?

21 A He's wearing a dark blue jacket, a light blue shirt,
22 drinking water right now.

23 Q Okay. And, I guess, in what position were y'all -- did you
24 come into contact with each other?

25 A It was professional. I hired him, so he worked under me in

1 the shop.

2 Q So you were his supervisor?

3 A Yes.

4 Q And how long was the defendant employed at Limehouse?

5 A Approximately five months.

6 Q And about when was his employment terminated?

7 A May of ...

8 Q 2019?

9 A Yes.

10 Q So he would have started around January of 2019, I guess?

11 A Yes.

12 Q And when you say May, do you remember if it was at the
13 beginning or the middle?

14 A That part, I can't remember. I think it was towards the
15 middle.

16 Q Now I want to ask you a little bit about his work
17 performance. When he started working at Limehouse in January how
18 would you describe him as an employee?

19 A He was an ideal employee.

20 Q Ideal?

21 A Yes. He was a good employee.

22 Q Okay. Showed up for work on time?

23 A He did.

24 Q Put in full days of work?

25 A He did.

1 Q Forty hours a week?

2 A Absolutely.

3 Q And did that start to charge?

4 A It did.

5 Q And when was that?

6 A I would have to say it was probably towards the end of
7 February, and then gradually declined from then.

8 Q And when you say declined, in what fashion? Was it his
9 performance, or just showing up?

10 A Mostly just showing up or staying at work.

11 Q Okay. And did that gradually get worse, I guess --

12 A It did, yes.

13 Q -- leading up into his termination? Okay. Around the time
14 that the performance started to decline, did the defendant ever
15 talk to you about his wife?

16 A He did.

17 Q And what did he say?

18 A He would tell me --

19 ATTORNEY CHISHOLM: Objection. My previous objection --

20 THE COURT: Yes. Overruled.

21 BY ATTORNEY OSBORNE:

22 Q Go ahead.

23 A He would tell me certain things like, uhm, if he was, you
24 know, voluntarily left early, he'd tell me the next day, you know
25 The wife was pissed. She thought I was, you know, laying around

1 the house all day long, or on another occasion was, My wife was
2 pissed at me again because she thinks I was just drinking all day
3 long and didn't come to work. There was only just a small
4 handful of occasions that he mentioned his wife and her feelings
5 about him not being at work.

6 Q Handful of occasions?

7 A Yes. It wasn't many.

8 Q And about what month do you guess those conversations
9 occurred?

10 A That was around in April.

11 Q Did you ever learn the name of his wife, or the identity?

12 A I did.

13 Q And what was her name?

14 A Her name was Linda.

15 Q How did you come to learn her name?

16 A She had called the office asking for me, knowing that I was
17 his supervisor.

18 Q And what was she asking when you spoke to her?

19 A She would ask questions like, Was he working today?, or, Did
20 he get sent home early?, or, you know, When I came home from work
21 he was already just at home watching TV, laying around watching
22 TV.

23 Q So when you said she would call -- so I assume this happened
24 more than one occasion?

25 A It did.

1 Q And when was she calling, or when did she first start
2 calling?

3 A Well, I think she called two or three times, but they were
4 all in April.

5 Q In April as well, okay. Now, you know, I couch it as
6 termination, but in the middle of May he resigned, correct?

7 A He did.

8 Q Would you have maintained or kept his employment?

9 A I would not. No.

10 Q Did y'all have plans to terminate him?

11 A Yes, we did.

12 Q Why didn't you terminate him prior to him resigning, I
13 guess?

14 A Basically give him an opportunity. And then he finally came
15 up to me and said that he had to leave for medical reasons.

16 Q Okay.

17 ATTORNEY OSBORNE: No further question.

18 THE COURT: All right. Cross-examination?

19 ATTORNEY CHISHOLM: Thank you, Your Honor.

20 **CROSS-EXAMINATION**

21 BY ATTORNEY CHISHOLM:

22 Q So you're not at Limehouse any longer, you said. Where are
23 you now?

24 A KION.

25 Q KION. But you were Mr. Argoe's employer, I guess, from

1 January to May of 2019?

2 A Yes.

3 Q And as we noted, that's a pretty long time ago --

4 A Yes, sir.

5 Q -- so some of this may not be fresh in your head. Okay. So
6 back then I guess Mr. Argoe would have been in his later 50s,
7 something along those lines?

8 A I have no idea.

9 Q Well, this was, I guess, four years ago. And I never worked
10 in this field. I'm not very handy. I don't think I could make
11 it. Is it typical to have older people in the kind of roles he
12 was, building fabrication --

13 A Absolutely.

14 Q -- or younger? How does that typically work?

15 A No. We've had people older than he working for us, doing
16 the same type of work. And even today you walk in there, there's
17 fellows in there in their 60s still doing it.

18 Q Been doing it for 30 years, 40 years?

19 A Yes, sir.

20 Q I gotcha. And part of what I'm going on is, you spoke with
21 law enforcement, I guess, previously, or the prosecutor's office;
22 is that right?

23 A Yes.

24 Q So correct me if needed on some of this but, you know,
25 they're asking, you know, at first you said his attendance was

1 good and then it became more sporadic; is that right?

2 A Well, there was a decline in his attendance.

3 Q So it wasn't a job where he was, you know, 8 hours day, 40
4 hours a week, and eventually it became he would have days with a
5 couple hours here, a couple hours there, that kind of thing?

6 A Right.

7 Q And part of the reason for that, as I understand it, is
8 whatever job or role he was doing that day, if he was to show up,
9 that there might not be work in the field that he was typically
10 working in; is that right?

11 A Yes. Yes. Well, you say the field, but, I mean, everyone
12 did the same type of work.

13 Q But would he be offered -- or would you say, We don't have
14 that kind of work for today, if you want to stick around, we can
15 find someone else for you to do, or they would have the option to
16 leave. Is that right?

17 A Right. I mean, we have told straight-up and told him we can
18 find you something to do. He pretty much knew that. And all the
19 employees did. We wasn't sending anyone home because of lack of
20 work.

21 Q Right. But I guess what I'm getting at is this: If
22 somebody works, like if he was working a partial day, that
23 doesn't mean he just skipped out, didn't say anything, and took
24 off? It could have been an understanding that he could
25 voluntarily leave that day if he needed to or wanted to?

1 A Right.

2 Q And some of the times, I think you noted in one of your
3 previous conversations, that if somebody misses like a block of
4 days in a row, that that's not typical for leave; usually that's
5 sick leave and things of that nature; is that right?

6 A They would have to let us know what's going on, contact the
7 office or me and let us know, hey, we're sick or whatever, you
8 know. You just don't lay out that long.

9 Q So if somebody left for a week and didn't say they were sick
10 or have any kind of documentation they'd probably be terminated?

11 A Depends on the circumstance.

12 Q I gotcha. And this being 2019, I don't know how much of a
13 recollection you have, obviously Mr. Argoe, when he met with you
14 and said he needed to resign, he said it was based on medical
15 reasons; is that correct?

16 A He did.

17 Q Do you recall him having medical issues prior to that?

18 A I don't -- if he did, I don't remember what they were.

19 Q Okay. Would it help you if I showed you what was provided
20 in his employment packet?

21 A Sure.

22 ATTORNEY CHISHOLM: May I approach the witness?

23 THE COURT: You may.

24 BY ATTORNEY CHISHOLM:

25 Q Mr. Zeruth, I don't need to go into great detail, but if you

1 could take a look and see if you can find there were some
2 doctors' notes in that file?

3 A There is doctors' notes in here.

4 Q For Mr. Argoe, correct?

5 A Right.

6 ATTORNEY CHISHOLM: May I approach, Your Honor?

7 THE COURT: You may.

8 BY ATTORNEY CHISHOLM:

9 Q Thank you. And again, I know going back to 2019 I wouldn't
10 have a photographic memory on what exactly was going on. You
11 probably had several employees then and since then, and now
12 you're in a different business altogether; is that right?

13 A Right.

14 Q And I believe you previously were able to tell law
15 enforcement that he wasn't fired; he resigned. Now, if the
16 employment issued continued the way it was he was going to be
17 terminated?

18 A Yes.

19 Q But I think you've also said that you didn't have issues
20 with him cussing people out, being belligerent, being violent on
21 the job, or anything like that; is that right?

22 A I didn't say that he was.

23 Q Yeah, you said you didn't have issues?

24 A Right. Right.

25 Q Well, let me rephrase that now, because I confused myself.

1 You didn't report any issues with him being belligerent, being
2 angry, cussing people out at work?

3 A Not that I remember. No.

4 Q And you said that he would come to you and say, you know, My
5 wife thinks I'm just -- like I guess these partial days, She
6 thinks I'm just laid up at the house drinking beer, you know,
7 she's mad at me because she thinks I'm not working?

8 A When you say partial days, there was days that he didn't
9 show up.

10 Q Or were days that --

11 A Just like you said, you know, seven days in a row, or
12 whatever.

13 Q Yes, sir. But the days he wasn't there, She would think I'm
14 just laid up at the house, just drinking?

15 A Yes.

16 Q Would he say that in a way that he's disagreeing with that
17 statement? Is that the perception you got; she thinks I'm doing
18 this but that's not the case?

19 A I don't know why he said that. I don't know if he decided
20 to confide in me. I have no idea. I didn't ask him why. I
21 mean, I was one of those guys that you can approach and talk to
22 and I was his supervisor, so I don't know why he told me what he
23 told me, but he just let me know that she wasn't happy with
24 what's going on.

25 Q Let's put it in way: I guess it would be unusual for him to

1 come to you, his employer, and say, Hey, that day I told you I
2 was sick, I just laid on the couch all day and drank beer, that
3 would probably be unusual, wouldn't it?

4 A That would, yes.

5 ATTORNEY CHISHOLM: Thank you. I have no further questions.

6 THE COURT: All right. Redirect?

7 **REDIRECT EXAMINATION**

8 BY ATTORNEY OSBORNE:

9 Q So I understand the defendant didn't say he was doing that
10 but he said his wife said he was doing that; is that right?

11 A His wife -- can you reword that?

12 Q Yeah. The defendant didn't tell you, Hey, look, I'm sitting
13 around drinking all day. That's why I'm not slowing up to work.
14 But he did say --

15 A His wife.

16 Q -- his wife was saying that?

17 A Yes.

18 Q I gotcha.

19 ATTORNEY OSBORNE: May I approach?

20 THE COURT: You may.

21 (State's Exhibit 85 is identified.)

22 BY ATTORNEY OSBORNE:

23 Q Okay. I'm showing, I think, what Mr. Chisholm was referring
24 to, and I marked it as, State's Exhibit No. 85. Can you take a
25 look at that for a second. And let me ask you this: In your

1 role as a supervisor did you become aware or have you ever
2 reviewed employment records and whatnot?

3 A Excuse me. I was reading this. I'm sorry.

4 Q No, no. In your role as a supervisor did you become
5 familiar or did you ever have the occasion to review employment
6 records of some of your employers [sic] --

7 A Yes.

8 Q -- and doctors' notes and things of that nature, were they
9 typically kept in employment records?

10 A Yes.

11 Q Do you recognize this item that I just sent to you?

12 A Yes.

13 Q Can you tell me if that's the type of information that's
14 typically kept in employment records?

15 A Something like this would, yes.

16 Q Okay.

17 A If it came from a doctor's office, yes, it would be placed
18 in the employment record.

19 Q And I think Mr. Chisholm told you that we had been provided
20 with employment records from Limehouse & Sons?

21 A Right.

22 Q Okay.

23 ATTORNEY OSBORNE: Your Honor, at this time the State seeks
24 to admit --

25

1 BY ATTORNEY OSBORNE:

2 Q Well, let me ask you this: Was that the same document that
3 Mr. Chisholm just showed you?

4 A I don't know.

5 Q And look on the back.

6 A Yeah, it looks like it.

7 ATTORNEY OSBORNE: Your Honor, at this time the State seeks
8 to admit 85 into evidence.

9 ATTORNEY CHISHOLM: No objection.

10 THE COURT: Very well. Eighty-five is in evidence, without
11 objection.

12 (State's Exhibit 85 is admitted into the record.)

13 ATTORNEY OSBORNE: I can just show it to the jury.

14 THE COURT: Go ahead over there, because it needs to be
15 working today.

16 ATTORNEY OSBORNE: Okay.

17 THE COURT: And, Mr. Osborne, I know it's difficult but I'm
18 going to let Kim come on over, because we're early in the day and
19 I am concerned that it will be needed today and we do not have
20 it. And if she just needs to, I don't know, throw it on the
21 floor and turn it off and turn it on.

22 (Off-the-record discussion at sidebar.)

23 THE COURT: We have called in reinforcement. If you want to
24 did it the old-fashioned way, go right ahead. And hopefully we
25 can get somebody to come up and help us with the Elmo. Maybe

1 send the Cookie Monster or someone.

2 BY ATTORNEY OSBORNE:

3 Q Now directing your attention to State's 85, can you tell me
4 the date here that my curser's on?

5 A 2/12 of '19.

6 Q And it says Anthony Argoe may return to work on?

7 A 2/13 of '19.

8 Q Okay. And it looks like we were a doctor down here signing
9 that. And the next one from Roper, Was seen in our office -- on
10 what date?

11 A Same, 2/12 of '19.

12 Q And then it looks like Dr. Patrick Murray says he may return
13 to work full duty with no restrictions; is that correct?

14 A Correct.

15 ATTORNEY OSBORNE: No further questions, Your Honor.

16 THE COURT: Recross?

17 ATTORNEY CHISHOLM: Yes, ma'am.

18 **RECROSS-EXAMINATION**

19 BY ATTORNEY CHISHOLM:

20 Q So what the solicitor was just showing you, I think you said
21 enough time passage has gone by that you don't remember what
22 medical conditions Mr. Argoe had going on; is that correct?

23 A That's correct.

24 Q You wouldn't know, for example, if he was seeing multiple
25 doctors for different reasons?

1 A That, I didn't know.

2 Q You wouldn't know if he's seeking second opinions? You
3 wouldn't have any independent recollection of what was going on
4 at that time?

5 A No.

6 Q And I showed you a couple different medical excuses; is that
7 right?

8 A Right.

9 Q And we don't even know if that's the complete medical file
10 for him; do we?

11 A That, I can't answer.

12 Q Okay. Thank you.

13 ATTORNEY CHISHOLM: I have no further question.

14 THE COURT: All right. Very well. Is this witness free to
15 leave, and is there any objection?

16 ATTORNEY OSBORNE: None from the State.

17 ATTORNEY CHISHOLM: No, Your Honor.

18 THE COURT: Very well. Thank you, sir. You are free to go.

19 THE WITNESS: Thank you.

20 THE COURT: Call your next witness, please, sir.

21 ATTORNEY HINDS: State calls Stephen Platt.

22 CLERK OF COURT: Mr. Platt, if you'd please raise your right
23 hand, and state your full name for the record.

24 THE WITNESS: Stephen Richard Platt.

25 STEPHEN R. PLATT,

1 having first been duly sworn, is examined and testifies as
2 follows:

3 THE COURT: Your witness.

4 **DIRECT EXAMINATION**

5 BY ATTORNEY HINDS:

6 Q Good morning, Mr. Platt.

7 A Good morning.

8 Q Where are you currently employed?

9 A Summerville Police Department.

10 Q And how long have you been there?

11 A Since November of 2015.

12 Q What is your role another Summerville Police Department?

13 A I'm assigned to the crime-scene investigation unit.

14 Q And what's your rank?

15 A Detective.

16 Q And what are some of the duties as a detective with
17 Summerville Police Department?

18 A Some of my duties for crime scene is I respond to active
19 scenes, I collect and preserve evidence.

20 Q And are some of those duties included that you may have
21 opportunity to take some items collected up to the South Carolina
22 Law Enforcement Division?

23 A Yes, sir.

24 Q Did you have occasion to do that on May 14th of '21 in this
25 case?

1 A Yes, sir.

2 Q And also on September 29th of 2020?

3 A I don't recall that date.

4 Q All right.

5 ATTORNEY HINDS: May I approach, Judge?

6 THE COURT: You may.

7 BY ATTORNEY HINDS:

8 Q Mr. Platt, I'm showing you what's been marked as ID State's
9 65, 68, 69 and 71.

10 A Yes, sir.

11 Q Would you take a look at those items? If they don't fall
12 off. Sorry about that.

13 A That's all right. My fault.

14 Q Do you recognize those items?

15 A Yes, sir.

16 Q What are they?

17 A They're items that I took to SLED on May -- whatever the
18 date.

19 Q When you received these items, were they packaged correctly?

20 A Yes, sir. They were packaged the way you see them, minus
21 the SLED sticker. Yes, sir.

22 Q If they weren't packaged, what you would have done?

23 A I would have repackaged them correctly.

24 Q And when you arrived at SLED who did you give those items
25 to, or what did you do with them, rather?

1 A If I remember correctly, at that time we were going through
2 the back of SLED because of COVID, and I put them into an
3 evidence locker. I don't believe I put the knife box in the
4 evidence locker because it might have been too big so, if I
5 remember right, I think I gave that to the evidence clerk and she
6 took care of it.

7 ATTORNEY HINDS: May I approach, Judge?

8 THE COURT: You may.

9 BY ATTORNEY HINDS:

10 Q I'm also going to show you what's been marked as State's 75
11 and 76. Would you take a look at that and see if you recognize
12 those items?

13 A Yes, sir.

14 Q What are they?

15 A Nail scrapings that I packaged.

16 Q Did you have an opportunity to package those items?

17 A Yes, sir.

18 Q And did you also take those up to SLED?

19 A No, sir, I did not.

20 Q But when you received those items were they packaged
21 correctly?

22 A Well, I didn't take them to SLED, so ...

23 Q But you had the opportunity to seal them?

24 A Yes, sir.

25 ATTORNEY OSBORNE: No further question, Judge. Thank you.

1 THE COURT: Very well. Cross-examination?

2 ATTORNEY CHISHOLM: One moment, Your honor?

3 THE COURT: Sure.

4 ATTORNEY CHISHOLM: Thank you. I have no questions.

5 THE COURT: Thank you. You are free to go. Thank you, sir.

6 THE WITNESS: Thank you.

7 THE COURT: Call your next witness.

8 ATTORNEY HINDS: One moment, Judge.

9 THE COURT: Sure.

10 ATTORNEY HINDS: State calls Julie Begemen.

11 THE COURT: Yes, ma'am. If you'd come along, please, and be
12 sworn.

13 CLERK OF COURT: Ms. Begemen, if you'd please raise your
14 right hand, and state your full name for the record.

15 THE WITNESS: Julie Begemen.

16 JULIE BEGEMEN,

17 having first been duly sworn, is examined and testifies as
18 follows:

19 **DIRECT EXAMINATION**

20 BY ATTORNEY HINDS:

21 Q Good morning, Ms. Begemen.

22 A Good morning.

23 Q Where are you currently employed?

24 A The South Carolina Law Enforcement Division.

25 Q And how long have you been there?

1 A About four-and-a-half years.

2 Q What's your position at SLED?

3 A I am a technician in the DNA casework department.

4 Q And could you tell this jury just what are some of the
5 duties of that position?

6 A My duties include general maintenance, quality control, and
7 I assist the analysts with returning evidence and things like
8 that whenever they need them.

9 Q As it relates to this case, did you have the opportunity
10 come into contact with some pieces of evidence?

11 A I did.

12 ATTORNEY HINDS: Beg a moment, Judge?

13 THE COURT: Sure.

14 ATTORNEY HINDS: May I approach?

15 THE COURT: You may.

16 BY ATTORNEY HINDS:

17 Q Ms. Begemen, I'm going to show you what's been marked for
18 identification as State's 65A, 69A, 69B, 71A, 71, 75, and 76. I
19 apologize, I know that's a lot. Do you recognize those items?

20 A I do.

21 Q Did you have an opportunity to come in contact with those
22 items?

23 A Yes.

24 Q And do you see or remember the date in which you came in
25 contact?

1 A I took them into my custody on September 15th, 2021.

2 Q And from whom did you receive these items?

3 A I removed these items from a storage location in the lab.

4 THE COURT: Speak a little bit louder, please. You can pull
5 that microphone closer to you, too.

6 BY ATTORNEY HINDS:

7 Q And when you received these items, were they packaged
8 correctly?

9 A Yes. They were seal and packaged.

10 Q And while these items were in your possession, what did you
11 do with them?

12 A I checked that they were sealed, and I took them downstairs
13 to the control department.

14 Q Did you give them to anyone in particular in the evidence
15 control department?

16 A Yes. I transferred them to Madison Willis.

17 ATTORNEY HINDS: One moment, Judge.

18 THE COURT: All right.

19 ATTORNEY HINDS: No further questions. Thank you,
20 Ms. Begemen.

21 THE COURT: All right. Cross-examination?

22 ATTORNEY CHISHOLM: Thank you, Your Honor.

23 **CROSS-EXAMINATION**

24 BY ATTORNEY CHISHOLM:

25 Q So, Ms. Begemen; is that correct?

1 A Correct.

2 Q You're essentially a chain-of-custody witness; is that
3 right?

4 A Yes.

5 Q You're here to account for, this item was picked up from
6 here or from this person, and placed here, and given to this
7 person?

8 A Correct.

9 Q Just to account for where the evidence is as it goes along
10 the path, from initial collection to testing and back, and that
11 kind of thing, right?

12 A Yes.

13 Q Solicitor asked you, and I guess this is a question for all
14 chain witnesses, was everything packaged appropriately when you
15 got it; is that correct?

16 A Correct.

17 Q But, with you -- you're up in Columbia, I'm guessing, SLED?

18 A Yes.

19 Q When everything's initially collected evidence-wise, when
20 it's at the Summerville Police Department, when it's being
21 handled there, all that kind of stuff, up until the moment that
22 it's sealed by somebody, you have no idea what happened to it; is
23 that right?

24 A I do not know the condition of it before it was in my
25 custody.

Q And you can't look at the packaging, you get and say, Oh, somebody did something wrong with this? You wouldn't know?

A If there are seals that aren't signed or if it's ripped I would notice something, but I cannot speak for before it was in my custody. No.

ATTORNEY CHISHOLM: Thank you. I have no further questions.

THE COURT: Redirect?

ATTORNEY HINDS: No further questions.

THE COURT: All right. Is this witness free to leave, and is there any objection?

ATTORNEY CHISHOLM: No, Your Honor.

THE COURT: Very well. Thank you. Call your next witness, please.

ATTORNEY OSBORNE: State calls Madison Willis.

CLERK OF COURT: Ms. Willis, if you'd please raise your right hand, and state your full name for the record.

THE WITNESS: Madison Willis.

MADISON WILLIS,
having first been duly sworn, is examined and testifies as follows:

THE COURT: Your witness.

DIRECT EXAMINATION

BY ATTORNEY OSBORNE:

Q Thanks for coming in, Ms. Willis. Good morning.

A Good morning.

1 Q What is your educational background?

2 A I've got a Bachelor's degree in biology.

3 Q And where are currently employed?

4 A I'm currently employed at SLED, which is also known as the
5 South Carolina Law Enforcement Division.

6 Q And how long have you been there?

7 A I've been there for almost two years now.

8 Q And what do you do at SLED?

9 A I am currently a forensic scientist in the drug analysis
10 department, but I was formerly a forensic technician in the
11 evidence control department.

12 Q Okay, evidence control?

13 A Yeah.

14 Q Fun stuff, right?

15 A Yes.

16 Q All right. So what was some of your duties, or what were
17 your duties, as a forensic technician in evidence control?

18 A As a forensic technician in evidence control, I assisted
19 outside agencies, or agencies throughout South Carolina, when
20 submitting evidence to SLED for forensic testing. I assisted
21 them with packaging or just simply the evidence, in general, that
22 needed to go to the laboratory.

23 Q And did you have the occasion to assist with some evidence
24 submitted by the Summerville Police Department? I think your
25 SLED lab number was 20-16657?

1 A Yes.

2 Q On September the 2nd of 2021, did you have the occasion to
3 come in to possession of some evidence that under lab number?

4 A Let me refer to the chain of custody real quick. Yes, I
5 did.

6 Q And who was it that submitted that evidence from
7 Summerville?

8 A It looks like it was originally submitted by Stephen Platt
9 of Summerville PD, and then it was resubmitted by Matthew Brooks
10 for Summerville PD.

11 Q On that particular date, was that Stephen Platt --

12 A Yes.

13 Q -- September the 2nd, 2021?

14 A Yes.

15 Q All right.

16 ATTORNEY OSBORNE: Your Honor, may I approach?

17 THE COURT: You may.

18 BY ATTORNEY OSBORNE:

19 Q I'm showing you State's 65, 68, and 69. And tell me if you
20 recognize these items?

21 A Yes, I do.

22 Q And if you could, just go through the exhibit number and
23 then identify it to your corresponding SLED number?

24 A So State's Exhibit No. 65 is item no. 7 from the SLED lab
25 no. L21-6657.

1 Q Okay.

2 A State's Exhibit 69 is L21-6657, and it's SLED lab number
3 no. 6.

4 And then State's Exhibit 68 is L21-6657, SLED lab no. 5.

5 Q Okay. And you had mentioned that Stephen Platt submitted
6 those. Did you receive them from evidence control or did
7 someone, you know, give them to you?

8 A I received these from evidence control, I do believe. Let
9 me refer to the chain of custody real quick. Item no. 5, I
10 received from evidence control.

11 Q And item no. 5, I believe you identified as State's 68?

12 A Yes. , Sorry. State's Exhibit 68, I received from evidence
13 control. State's Exhibit 69, which is item no. 6 for us, I
14 received from evidence control as well.

15 Q Okay.

16 A And then State's Exhibit 65. State's Exhibit 65, I received
17 from somebody else within SLED.

18 Q And who was that?

19 A It was forensic technician Julie Begemen.

20 Q Okay. And just for the record, State's Exhibit 65 has
21 already been previously identified as the defendant's shorts, and
22 that's your SLED item no. 7?

23 A Yes.

24 Q In regards to these three items, what did you do with them
25 after that?

1 A Let me start back over at no. 5. State's Exhibit 68, I
2 received off the agency return shelf and placed it onto what is
3 called a dropbox return shelf, and then I returned it to the
4 agency.

5 State's Exhibit 69, I received off the agency return shelf,
6 placed onto a dropbox return shelf, and returned it to the
7 agency.

8 And then State's Exhibit 65, I received from Julie Begemen,
9 who is a forensic technician, and I placed it onto a DNA intake
10 shelf, and then returned it to the agency.

11 Q Okay. And then when you say returned to the agency,
12 obviously that would have been after whatever analyses were done
13 on these items?

14 A Yes, sir.

15 Q All right. Just have one little, one last bit here. Now
16 I'm going to show you State's 65A, 69A, 69, and 69B. Can you a
17 take a look at those three items and tell me if you recognize
18 those? And while you're going through, it's probably easiest
19 just to say if you recognize them, when you got them, and who you
20 got them from.

21 A I do recognize them. It's under SLED lab no. L20-16657, and
22 this is container no. B. And then let me start on the chain of
23 custody for container B. So I received container B from Julia
24 Begemen on 9/16 of 2021.

25 Q Okay.

1 A And those are all the items in container B, which is State's
2 Exhibit 65A, 69A, 69B, and 71A.

3 Q So that goes for all of them?

4 A Yes.

5 Q What did you do with all those items after you got through
6 with them?

7 A I placed them all onto the DNA intake shelf.

8 Q And I think 74A is also in that bag; am I correct? Well,
9 let me help you out. 74A would be 4.1. Oh, no. Wait a minute.
10 No, never mind. I have that in another bag.

11 A Okay.

12 Q All right. Sorry, I kind of fooled you a little bit. I
13 have one last item to show you.

14 A Okay.

15 Q I'm showing you now State's 71. And I think -- can you tell
16 me when you came into possession of that item?

17 A I came into possession of L20-11657, no. 4, which is State's
18 Exhibit 71. I received this item from Samuel Stewart on
19 11/21/2022.

20 Q And did you also come into contact with State's 71A, which
21 should be 4.1?

22 A Yes. If I may just refer to the chain of custody real quick
23 for it. Yes. I came into contact with 4.1 on 9/16/2021 from
24 Julie Begemen.

25 Q Okay. In reference to everything that I just showed you,

1 when you came into custody of these items, were they all packaged
2 correctly by SLED protocols and whatnot?

3 A Yes.

4 Q And if they had not been packaged correctly would you have
5 made a note of that?

6 A Absolutely.

7 Q Did you make any note in this case?

8 A No.

9 Q And in all fairness, you have no independent knowledge of
10 how it was packaged or whether it was -- whether it had been
11 manipulated in any way prior to being packaged?

12 A Correct.

13 Q Okay, because you weren't there?

14 A Right.

15 ATTORNEY OSBORNE: All right. No further questions.

16 THE COURT: Cross-examination?

17 ATTORNEY CHISHOLM: None, Your Honor.

18 THE COURT: Very well. Is this witness free to leave, and
19 is there any objection?

20 ATTORNEY CHISHOLM: None, Your Honor.

21 ATTORNEY OSBORNE: No, Your Honor.

22 THE COURT: Thank you. You are free to go.

23 THE WITNESS: Thank you.

24 ATTORNEY HINDS: State calls Rachel Johnson.

25 THE COURT: Good morning. Would you come along, please, and

1 be sworn.

2 CLERK OF COURT: Ms. Johnson, if you'd please raise your
3 right hand, and state your full name for the record.

4 THE WITNESS: Rachel Noelle Johnson.

5 RACHEL N. JOHNSON,

6 having first been duly sworn, is examined and testifies as
7 follows:

8 **DIRECT EXAMINATION**

9 BY ATTORNEY HINDS:

10 Q Good morning, Ms. Johnson. Could you tell us, what's your
11 educational background?

12 A I graduated from the University of South Carolina with a
13 Bachelor's in experimental psychology and criminal justice.

14 Q And where are you employed?

15 A I am employed at South Carolina Law Enforcement Division,
16 also known as SLED.

17 Q And what do you do with SLED?

18 A I am a forensic technician in the evidence control
19 department.

20 Q And how long have you been there?

21 A I have been employed there since June of 2022.

22 Q And what are some of the duties of a forensic technician?

23 A I am responsible for the intake of evidence from various
24 agencies across the state of South Carolina, and then I
25 distribute that evidence within the forensic laboratory.

1 Q Did you have occasion to come into contact with some
2 physical pieces of evidence submitted in this case by the
3 Summerville Police Department?

4 A Yes, sir.

5 ATTORNEY HINDS: May I approach, Judge?

6 THE COURT: Yes.

7 BY ATTORNEY HINDS:

8 Q Ms. Johnson, I'm going show you some items of evidence. I
9 apologize in advance for the nature of these. Could you just
10 take a look at these items. These are State's 65, 68, 69, 65A,
11 69A, 69B, 71, and 71A. Can you just go through those items, see
12 if you recognize them and, if you do, tell us what they are?

13 A I recognize the SLED unique bar code label, as well as the
14 SLED packaging.

15 Q And could you just tell us what that lab number is?

16 A It is L20-16657.

17 Q And did you have the opportunity come in contact with these
18 items?

19 A Can I refer to what I brought with me?

20 Q Absolutely. Yes, ma'am.

21 A I did not come into contact with any of these items from the
22 evidence, but I did come in contact with other items from this
23 case.

24 ATTORNEY HINDS: One moment, Judge.

25 THE COURT: Okay.

1 BY ATTORNEY HINDS:

2 Q When referring to your chain, what items did you come in
3 contact with this case?

4 A Item 1.

5 Q And that would be SLED item 1?

6 A Yes. All the items that I refer to will be SLED items.

7 Q Got it.

8 A Item 1.1, item 1.2, item 2, item 3, item 4.1, item 6.1, item
9 6.2, item 7.1. And those are all the items.

10 Q Okay. Ms. Johnson, I'm going to show you what's been marked
11 as State's 75 and 76. And, also, as it relates to some of these
12 other items, could you see if there's any SLED lab item number
13 also indicated on these items?

14 A I'm sorry. Can you repeat that?

15 Q So could you tell the jury if there's any SLED item numbers
16 located on these, these pieces of evidence, that I've handed you?

17 A All of them are the yellow stickers, so it would be the lab
18 number, followed by the item number.

19 Q And could you tell the jury if, on that sticker, there's any
20 SLED item numbers?

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

22 Q Are there any SLED item numbers on that yellow sticker?

23 A Yes. The hashtag, and followed by a number, is the SLED
24 item number.

25 Q Could you take a look at State's Exhibit No. 75 that I just

1 handed you? Should be right there on the top.

2 A Which SLED item is that?

3 Q Can you just take a look at this, these two items right now,
4 State's 75 and 76?

5 A Okay.

6 Q And could you tell the jury if there's any SLED item number
7 on those yellow stickers on those pieces of evidence?

8 A Yes. For 75, the item number is 1; and for 76, the item
9 is -- it's a container, so it's container A.

10 Q And did you have opportunity to come in contact with SLED
11 item no. 1 in this case?

12 A Yes, sir.

13 Q Okay. All right. Got it. And how about SLED item no. 2?

14 A Yes, sir.

15 Q And do those pieces of evidence I just handed you have SLED
16 item no. 2 on that yellow sticker? You might have to manipulate
17 them a little bit.

18 ATTORNEY HINDS: May I approach, Judge?

19 THE COURT: Yes.

20 BY ATTORNEY HINDS:

21 Q That's all right. Ms. Johnson, let me talk to you. Do you
22 see any piece of evidence that I handed you as SLED item no. 4?

23 A Yes.

24 Q And did you have an opportunity to come in contact with that
25 piece of evidence? And you can refer to your chain, if need be.

1 A I did not come into contact with item 4, but I did with item
2 4.1.

3 Q All right. And could you look at a piece of evidence
4 labeled State's 71A that I handed you? Is there a SLED item
5 number on that package?

6 A Yes. It's a container, so the SLED item number would be
7 container B.

8 Q All right. Did you have opportunity to come in contact
9 with it?

10 A Yes, sir.

11 Q All right. And State's Exhibit 69A, 69B, 65A, are those
12 also labeled in that same container number?

13 A Yes, sir.

14 Q Did you have opportunity to come in contact with those
15 pieces of items? Those pieces of evidence, rather.

16 A Yes, sir.

17 Q And when you came in contact with those pieces of evidence
18 were they packaged correctly?

19 A Yes, sir.

20 Q And what did you do with those items whenever they were in
21 your possession?

22 A I prepared these items for transfer for the laboratory.

23 Q And did you notice any issues with the packaging?

24 A No, sir.

25 Q And if you did notice, what would you have done?

1 A I would notify my supervisor, bring the packages up to
2 laboratory policy, and then once that's done, I make notations
3 within the internal case file.

4 Q All right. Ms. Johnson, I'm going to refer you back to
5 State's Exhibit 75 and 76. Okay. I should have just handed you
6 them my second trip. I just want to make sure we're clear.
7 What's the item number or container number from SLED on those two
8 pieces of items of evidence?

9 A For State's 75, the SLED number would be L20-16657, item 1.

10 Q And then State's 76?

11 A And then for 76, the SLED number would be L20-16657,
12 container A.

13 Q And are those packages labeled as to their contents?

14 A Can you repeat that?

15 Q Are they labeled as to their contents, what they might
16 contain, those packages?

17 A I mean, it's visible within the packaging to see what's
18 supposed to be inside in the pouch.

19 Q And as I understand your testimony, you came in contact with
20 those two pieces of evidence, right?

21 A Yes, sir.

22 Q Okay. All right. Got it. Could you tell this jury, when
23 you came in contact with them and after you finished preparing
24 them, what did you do with those items?

25 A Put them back on our DNA intake shelf.

1 ATTORNEY HINDS: One moment, Judge.

2 THE COURT: All right.

3 BY ATTORNEY HINDS:

4 Q Ms. Johnson, I want to refer you to one piece of evidence
5 that I handed you, State's 65A. Could you just manipulate those
6 items however you need to to get to that one piece of evidence.
7 Got it. Okay.

8 Did you come into contact with that piece of evidence as it
9 relates to this case. And you can refer to your chain, if need
10 be. And that would be SLED item 7.1, for your reference.

11 A Yes, sir, I did come in contact with that.

12 Q All right. And from whom did you receive that piece of
13 evidence from?

14 A I received it from the intake shelf.

15 Q And while that piece of evidence was in your possession what
16 did you do with it?

17 A I prepared it for transfer for the laboratory.

18 Q And after you finished prep, with whom or -- What did you do
19 with it, rather?

20 A It was placed back on the intake shelf.

21 Q And do you know the date in which you did that was? On
22 which you did that. Excuse me.

23 A August 1st, 2022.

24 Q All right, Ms. Johnson. One last piece. Can I refer to you
25 SLED item 4.1. That will be State's Exhibit 74A. Can you refer

1 to your chain and see if you also came in contact with that piece
2 of evidence?

3 A Item 4.1, is that what you said?

4 Q Yes, 4.1.

5 A I did come in contact with that.

6 Q On what day did you come in contact with it?

7 A August 1st, 2022.

8 Q Did you also prep that for testing, or what did you do with
9 that item?

10 A I also prepared it for transfer for the laboratory.

11 Q And was it packaged incorrectly when you were in possession
12 of it?

13 A Yes, sir.

14 Q It was packaged correctly, rather; is that correct?

15 A (Nods head.)

16 Q All right. And then?

17 THE COURT: Ma'am, I need you to answer, please, with your
18 voice.

19 THE WITNESS: Yes, ma'am. Okay. I'm sorry.

20 THE COURT: That's all right. She was nodding. Can you ask
21 the question again, please.

22 BY ATTORNEY HINDS:

23 Q So that item, when it was in your possession, packaged
24 correctly?

25 A Yes, sir.

1 Q And when you got done, what did you do with that item?

2 A Once I finished preparing it for transfer, I placed it back
3 on the intake shelf.

4 ATTORNEY HINDS: One moment, Judge. No further questions.
5 Thank you, Your Honor. Thank you, Ms. Johnson.

6 THE COURT: Cross-examination?

7 ATTORNEY CHISHOLM: None, Your Honor. Thank you.

8 THE COURT: All right. Very well. Thank you. Any
9 objection to this witness taking her leave? Thank you. You are
10 free to go.

11 THE WITNESS: Thank you.

12 THE COURT: All right. Call your next witness. Uh, we're
13 going to take our morning break. Ladies and gentlemen, I'm going
14 to ask you to please step to your jury room. Leave your
15 notebooks in your seats, and please do not discuss this matter or
16 allow anyone to discuss it with you.

17 (Jury escorted out of the courtroom at 11:05 a.m.)

18 THE COURT: All right. Anything from the State or from the
19 defense before we take our break?

20 ATTORNEY OSBORNE: No, Your Honor.

21 ATTORNEY CHISHOLM: No, Your Honor.

22 THE COURT: We'll take about 15.

23 (Court recessed at 11:05 a.m. and reconvened at 11:35 a.m.,
24 without the jury present.)
25

1 clean. I don't think that's going to take all that long.

2 Ideally, we would hope that maybe we can take an early break, and
3 get started with tomorrow with our next four.

4 (Off-the-record discussion at sidebar.)

5 THE COURT: Let's have the jury, please, ma'am.

6 (Jury seated in the courtroom at 11:40 a.m.)

7 THE COURT: All right. Ladies and gentlemen, at this time
8 we will continue with the State's case. If you'd please call
9 your next witness.

10 ATTORNEY OSBORNE: State calls Bailey Haynes.

11 CLERK OF COURT: Ms. Haynes, if you'd please raise your
12 right hand, and state your full name for the record.

13 THE WITNESS: Bailey Haynes.

14 BAILEY HAYNES,

15 having first been duly sworn, is examined and testifies as
16 follows:

17 THE COURT: Your witness.

18 **DIRECT EXAMINATION**

19 BY ATTORNEY OSBORNE:

20 Q Good afternoon, Ms. Haynes.

21 A Hello.

22 Q Thanks for coming in. Where do you work?

23 A I work at the South Carolina Law Enforcement Division,
24 otherwise known as SLED.

25 Q And how long have you been with SLED?

1 A I've been at SLED since June of 2020.

2 Q All right. And what is your position there?

3 A I am a forensic technician for the evidence control
4 department.

5 Q And we've already heard plenty of times what duties that
6 entails working there, so I'll just skip ahead. On May the 14th
7 of 2021 did you have the occasion to come into contact with any
8 items submitted by the Summerville Police Department to be tested
9 for DNA?

10 A Can I refer to my notes?

11 Q Yes, ma'am. And it's going to be under your SLED item no.
12 L20-16657.

13 A Yes, sir.

14 Q Okay. And, well, here, I'll just go ahead and show you the
15 items.

16 ATTORNEY OSBORNE: Your Honor, may I approach?

17 THE COURT: You may.

18 BY ATTORNEY OSBORNE:

19 Q I'm showing you 65, 68 and 69, corresponding to your SLED
20 item nos. 5, 6 and 7. Do you recognize those?

21 A Yes, sir.

22 Q And are those the items that you came into contact with on
23 May the 14th?

24 A Yes, sir.

25 Q And who had them before you?

1 A Stephen Platt submitted them to our secured locker area, and
2 I retrieved them from that secured locker area.

3 Q And what did you do with them while they were in your
4 custody or control?

5 A I logged them in and created a unique SLED bar code label
6 for them.

7 Q And what did you do with them then?

8 A Can I refer to my notes?

9 Q Yes, ma'am.

10 A Thank you. I placed them on an intake shelf in our evidence
11 room.

12 Q And who ended up coming into possession of those items after
13 that?

14 A According to the chain of custody, Vera Martinez took them
15 from the intake shelf and transferred them to a DNA analyst.

16 Q And it went from Vera directly to the DNA analyst, or was
17 there more chains? Or more steps, I guess I should say.

18 A Can I refer to my chain?

19 Q Yes, ma'am.

20 A For items 5, 6, and 7, it went directly to Courtney from
21 Vera.

22 Q Courtney Thompson?

23 A Yes, sir.

24 Q Now I want to show you --

25 ATTORNEY OSBORNE: May I approach again, Your Honor?

1 THE COURT: You may.

2 BY ATTORNEY OSBORNE:

3 Q -- State's 65A, which is going to correspond to SLED 7.1,
4 and State's 69A, which is going to be 6.1. So 7.1 and 6.1, do
5 you recognize that?

6 A Yes, sir.

7 Q And when was it that you came into possession of those
8 items?

9 A I came into possession of these on August 18th, 2022.

10 Q And who had them before you?

11 A They were on an intake shelf in our evidence room.

12 Q And do you have on your chain who put them on the intake
13 shelf?

14 A Yes. According to the chain, Rachel Noelle Johnson put them
15 on the intake shelf.

16 Q While in your custody and control, what did you do with the
17 item?

18 A I transferred them to Rachel Nguyen for DNA analysis.

19 Q Also in that bag there I want to put your attention to 4.1,
20 SLED item 4.1, which is going to be State's Exhibit 71A. Do you
21 recognize that item?

22 A Yes, sir.

23 Q And did you come into contact with that item?

24 A Yes, sir.

25 Q When was that?

1 A August 18th of 2022.

2 Q And where did you get it from?

3 A I received it from an intake shelf in our evidence room.

4 Q And do you know who was in possession or who put it in the
5 intake shelf?

6 A Rachel Noelle Johnson put it on the intake shelf on
7 August 1st, 2022.

8 Q What did you do with it while it was in your possession?

9 A I transferred it to Rachel Nguyen for DNA analysis.

10 Q And I think this is the last one. I'm showing you now your
11 SLED item no. 9 and State's 73. Do you recognize that item?

12 A Yes, sir.

13 Q And did you come into contact with that item?

14 A Yes, sir.

15 Q When was that?

16 A August 18th of 2022.

17 Q And where did you get it from?

18 A I received it from an intake shelf in our evidence room.

19 Q Who put it on the intake shelf?

20 A According to the chain of custody, Captain Wendy Bell put it
21 on the intake shelf.

22 Q And when you got it did you put it back on the intake shelf?

23 A No, sir.

24 Q What did you do with it?

25 A I transferred it to Rachel Nguyen for DNA analysis.

1 Q Okay. Got one other item. This is going to be on a
2 separate SLED chain. Do you have the chain for 19-11250?

3 A No, sir.

4 Q Okay.

5 ATTORNEY OSBORNE: No further question.

6 THE COURT: Cross-examination?

7 ATTORNEY CHISHOLM: None, Your Honor.

8 THE COURT: And is this witness free to leave, and is there
9 any objection?

10 ATTORNEY OSBORNE: None from the State.

11 ATTORNEY CHISHOLM: No, Your Honor.

12 THE COURT: Very well. I understand that you wish to
13 remain. And that's certainly fine.

14 THE WITNESS: Thank you, ma'am.

15 THE COURT: All right. Call your next witness, please.

16 ATTORNEY HINDS: State calls Hannah Jefferson.

17 CLERK OF COURT: Ms. Jefferson, if you'd please raise your
18 right hand, and state you full name for the record.

19 THE WITNESS: Hannah Jefferson.

20 HANNAH JEFFERSON,

21 having first been duly sworn, is examined and testifies as
22 follows:

23 THE COURT: Good morning.

24 THE WITNESS: Good morning.

25 THE COURT: Your witness.

DIRECT EXAMINATION

BY ATTORNEY HINDS:

Q Good morning, Ms. Jefferson.

A Good morning.

Q Where are you employed?

A I work at South Carolina Law Enforcement Division, also known as SLED.

Q Can you give us a little bit of your educational background?

A I have a Bachelor's degree in criminal justice from the University of South Carolina.

Q And how long have you been with SLED?

A Since May of 2021.

Q And what's your position there?

A I am a forensic technician in the evidence control.

Q Just what are some of your duties as a forensic technician?

A I assist outside agencies with the log-in process, and I distribute evidence for anyone in the forensics lab.

Q And on June 16th of 2022 did you have opportunity to come into contact with some pieces of evidence submitted by Summerville Police Department for this case?

A Yes, I did.

Q I'm going to show you what's been marked as State's 65, 68, 69, and 73. These would be corresponding item nos. 5, 6, 7, 8, and 9, and this would be under lab no. L20-15567, for your reference.

1 ATTORNEY HINDS: May I approach, Judge?

2 THE COURT: You may.

3 BY ATTORNEY HINDS:

4 Q Can you just take a look at those items and see if you
5 recognize them and, if you do, can you tell us what they are?

6 A I do.

7 Q Are those the items that you came in contact with on
8 June 16th of 2022?

9 A Yes, sir.

10 Q And when you received these items, were they packaged
11 correctly?

12 A Yes, sir.

13 Q And while they're in your custody and control what did you
14 do with those items?

15 A I logged them in and then I put them on an intake shelf.

16 Q And you can refer to your chain. Who from SLED, if anyone,
17 took those items from that intake shelf?

18 A Captain Wendy Bell.

19 ATTORNEY HINDS: No further questions, Judge.

20 THE COURT: All right. Cross-examination?

21 ATTORNEY CHISHOLM: None, Your Honor.

22 THE COURT: All right. Is this witness free to leave, and
23 is there any objection?

24 ATTORNEY CHISHOLM: No, Your Honor.

25 THE COURT: Very well. Thank you. You're free to go.

1 THE WITNESS: Thank you.

2 THE COURT: Call your next witness, please.

3 ATTORNEY OSBORNE: State calls Captain Wendy Bell.

4 CLERK OF COURT: Captain Bell, if you'll please raise your
5 right, and state your full name for the record.

6 THE WITNESS: Wendy Cannon Bell.

7 WENDY C. BELL,

8 having first been duly sworn, is examined and testifies as
9 follows:

10 THE COURT: Good morning.

11 THE WITNESS: Good morning.

12 THE COURT: Your witness.

13 **DIRECT EXAMINATION**

14 BY ATTORNEY HINDS:

15 Q Good morning, Captain Bell.

16 A Good morning.

17 Q Where are you employed?

18 A I work for the South Carolina Law Enforcement Division, or
19 SLED.

20 Q What is your position there?

21 A I am currently the captain of forensic operations, so I
22 supervise the trace, drugs, tox [ph], implied consent, and
23 questioned documents department.

24 Q And what's a little bit of your educational background?

25 A I have a Bachelor of Science from Furman University, and a

1 Ph.D. in analytical chemistry from the University of South
2 Carolina.

3 Q And how long have you been employed with SLED?

4 A In 8 days it will be 25 years, so 24 years, 11 months ago.

5 Q And what are some of your duties as a captain in forensic
6 operations?

7 A Typically, day to day I do a lot of policy review. I
8 approve their protocols. I approve employee reviews and that
9 sort of thing. And I write grants.

10 I'm not in the lab anymore. I started as a toxicologist,
11 and I supervised that, and drug chemistry, and so now I'm more of
12 an administrator, but I'm a jack of all trades in that role, so
13 that's how I got involved in this particular case. We were
14 getting ready to prepare for our move to our new laboratory, so I
15 was assisting our evidence control department with preparing some
16 of the evidence for the move.

17 Q And on July 14th of 2022 did you have opportunity to come
18 into contact with some items of evidence submitted by Summerville
19 Police as it relates to this case?

20 A Can I review my chain --

21 Q Yes, ma'am.

22 A -- just to make sure that date's right?

23 Q Yes, ma'am.

24 A Yes. It was July 14th, 2022.

25 ATTORNEY HINDS: Okay. May I approach, Judge?

1 THE COURT: Yes.

2 BY ATTORNEY HINDS:

3 Q Captain Bell, I'm going to show you what's been marked as
4 State's 69, 68, and 73. These are going to correspond to lab
5 no. 20-16657.

6 A Okay.

7 Q Would you just look through those and tell me if you
8 recognize them?

9 A Yes. Based on my chain of custody records, these are the
10 items that I moved.

11 Q And after you moved them, can you tell from your chain who
12 came in contact with them?

13 A Sure. So after me, they were placed back onto the intake
14 shelf, and it looks like Bailey Haynes was the next technician
15 that touched those.

16 Q And while you were in custody and control of these items
17 were they packaged correctly?

18 A They were. We always check the seals to make sure nothing
19 could fall out and that everything looks intact.

20 ATTORNEY HINDS: No further questions.

21 THE COURT: Cross-examination?

22 ATTORNEY CHISHOLM: None, Your Honor.

23 THE COURT: All right. And is this witness free to leave,
24 and is there any objection?

25 ATTORNEY CHISHOLM: No, Your Honor.

1 THE COURT: Thank you. Call your next witness, please.

2 ATTORNEY HINDS: State calls Bethany Davidson.

3 CLERK OF COURT: Ms. Davidson, if you'd please raise your
4 right hand, and state your full name for the record.

5 THE WITNESS: Bethany Davidson.

6 THE COURT: Good morning.

7 THE WITNESS: Good morning.

8 THE COURT: Your witness.

9 **DIRECT EXAMINATION**

10 BY ATTORNEY HINDS:

11 Q Good morning, Ms. Davidson.

12 A Good morning.

13 Q Could you tell us where you're employed?

14 A I currently work for the South Carolina Law Enforcement
15 Division, also known as SLED.

16 Q And what are your duties in SLED?

17 A I am currently the coordinator for our training unit, but
18 previously I was a forensic technician in our evidence control
19 department for the forensic laboratory.

20 Q And what are some of the duties of that position?

21 A As a forensic technician, we would take in all the incoming
22 evidence to our lab; we would also transfer that evidence
23 throughout our laboratory to our analysts; and then we would
24 return that evidence to the agency who submitted that evidence.

25 Q And as it relates to this case did you have opportunity to

1 come into contact with some items of evidence submitted by
2 Summerville PD?

3 A Yes, sir, I did.

4 ATTORNEY HINDS: May I approach, Judge?

5 THE COURT: You may.

6 (State's Exhibit 67A is identified.)

7 BY ATTORNEY HINDS:

8 Q I'm going to show you what's been marked as State's 67 and
9 67A. These would be corresponding to lab nos. L20-19-11250. Do
10 you recognize those items?

11 A Yes, sir, I do.

12 Q And are those the items in with which you came in contact
13 with?

14 A Yes, sir, I did.

15 Q And while these items were in your possession, first, were
16 they packaged correctly?

17 A Yes, sir.

18 Q And what did you do with them while they were in your
19 possession?

20 A I would have retrieved item no. 8 from our evidence intake
21 shelf, and then transferred it to Forensic Technician Rachel.

22 Q And feel free to look at your chain. Can you tell who had
23 those items or came in contact with items before you?

24 A Item no. 8, before me, forensic technician Jackie Davis
25 would have retrieved the items from our evidence submission

1 locker and logged that evidence in.

2 Q And also for 8.1 and 8, can you refer to the chain and tell
3 us who, before Jackie Davis, had contact with these items?

4 A For 8.1, it is as subitem of item no. 8, so Forensic
5 Technician Rachel is actually the one who would have generated
6 8.1, and then I would have retrieved that evidence back from
7 Rachel and transferred it to our secured evidence room on the DNA
8 intake shelf.

9 ATTORNEY HINDS: May I approach, Judge?

10 THE COURT: You may.

11 BY ATTORNEY HINDS:

12 Q I'm going to show you what's been marked State's 74, also
13 within that same lab number. Can you say if you recognize that
14 item?

15 A Yes, sir, I do.

16 Q And can you refer to your chain and tell us when, if you
17 came in contact with it, and also who had it before you?

18 A For item no. 2, it looks like, according to our chain of
19 custody, I would have retrieved that off of our agency return
20 shelf in our secured evidence room, and then I returned it to the
21 submitting agency.

22 ATTORNEY HINDS: Beg a moment, Judge?

23 THE COURT: Okay.

24 ATTORNEY HINDS: No further questions.

25 THE COURT: Cross-examination?

1 ATTORNEY CHISHOLM: Yes, Your Honor. Thank you.

2 **CROSS-EXAMINATION**

3 BY ATTORNEY CHISHOLM:

4 Q Just a couple questions. Items 8 and 8.1, I might have
5 misheard you -- I just want to make sure I'm on the same page --
6 you got these items from intake; is that right?

7 A Items no. 8, I would have retrieved from our secured
8 evidence room from the EP intake shelf and transferred to it
9 Forensic Technician Rachel. Items 8.1, I would have retrieved
10 from Forensic Technician Rachel, and then I transferred it to the
11 DNA intake shelf.

12 Q Okay. And I guess it would be item 8 then. Can you tell me
13 who put that in intake?

14 A Item no. 8, according to our chain of custody, was logged in
15 by Forensic Technician Jackie Davis who, at the time, also worked
16 in evidence control with me.

17 Q All right.

18 ATTORNEY CHISHOLM: May I have one moment?

19 THE COURT: Yes.

20 ATTORNEY CHISHOLM: Thank you. I have no further questions.

21 THE COURT: All right. Redirect?

22 ATTORNEY HINDS: No further questions, Judge.

23 THE COURT: Very well. Is this witness free to leave, and
24 is there any objection? Nope? Nope?

25 ATTORNEY CHISHOLM: No objection.

1 (Jury responds.)

2 THE COURT: We are now going to be continuing with the
3 State's case. Please call your next witness.

4 ATTORNEY OSBORNE: State calls Terry Gilliam.

5 THE COURT: Mr. Gilliam, if you would stand as best you can,
6 and raise your right hand. And, thank you.

7 CLERK OF COURT: Mr. Gilliam, state your full name for the
8 record.

9 THE WITNESS: Terry Andrew Gilliam.

10 TERRY A. GILLIAM,
11 having first been duly sworn, is examined and testifies as
12 follows:

13 THE COURT: All right. Your witness.

14 ATTORNEY OSBORNE: Thank you, Your Honor.

15 **DIRECT EXAMINATION**

16 BY ATTORNEY OSBORNE:

17 Q All right, Mr. Gilliam. I want to start by introducing you
18 to the jury a little bit, and then we'll get on to why you're
19 here today. How old are you?

20 A Forty-six.

21 Q And where are you from?

22 A Dorchester.

23 Q Okay. Were you born and raised in Dorchester?

24 A I was born in Charleston, and I've been in Dorchester maybe,
25 like, 29, 30 years.

1 Q Okay. I know you're kind of a soft-spoken guy. Could you
2 just, I guess, speak louder than you normally would.

3 A Twenty-nine, 30 years.

4 Q Okay. Did you ever graduate, get your high-school diploma?

5 A Yes. I went to Harleyville-Ridgeville. I ran track, played
6 football, and, yes, I did graduate. I got my high-school
7 diploma.

8 Q Do you have any children?

9 A Four.

10 Q All right. So let's get this out of the way. I can tell
11 from your attire that you're an SCDC inmate?

12 A Yes, sir.

13 Q And where are you doing your time?

14 A Ridgeland.

15 Q Ridgeland?

16 A Ridgeland.

17 Q Is that in Ridgeland?

18 A No. That's Jasper County, the last county in South Carolina
19 right before Georgia, right by Savannah.

20 Q What's your charge? What did you plead to or convicted of?

21 A I pled to manslaughter.

22 Q Manslaughter?

23 A Yes.

24 Q And that was originally murder?

25 A Yeah.

1 Q And then you pled to manslaughter?

2 A Yeah. I took a plea of 10 years - 85 percent.

3 Q So you were sentenced to 10 years --

4 A And 85 percent.

5 Q -- and because it's violent, it's 85 percent?

6 A 85 percent. Yes, sir.

7 Q All right. So before we get into your testimony, have I or
8 anyone from the solicitor's office made any promises to you in
9 exchange for your testimony?

10 A Not at all.

11 Q All right. But it is fair to say, is it not, that you are
12 hoping that this is going to somehow benefit you?

13 A Hopefully, yes.

14 Q And I believe your attorney, Chris Murphy, is in the
15 courtroom here today --

16 A Yes, sir, he is.

17 Q -- correct? After your testimony here today, your attorney
18 could file a motion to reconsider your sentence. Is that what
19 you understand?

20 A He could.

21 Q And you're kind of hoping he will, right?

22 A Hope so.

23 Q And if that plays out, that motion is then heard in front of
24 a judge, correct?

25 A Yes.

1 Q And whose decision is it if your sentence is reduced at all?
2 Is that up to the judge?

3 A Yes, the judge.

4 Q Okay. All right. Prior to pleading and going to the
5 detention center -- or, going to SCDC, what detention center were
6 you being housed in?

7 A I was in Dorchester County from Two Thousand -- June 28,
8 2017, until -- five years I've been there since 2017, before I
9 went to -- I just got to Ridgeland June 6 of last year.

10 Q While you were at the detention center, did you have any
11 custodial duties?

12 A Yes. I was a dorm cleaner and a barber.

13 Q Dorm cleaner and a barber?

14 A Yes, sir.

15 Q Okay. As a barber and a dorm cleaner, were you able to move
16 to various locations within the jail and interact with other
17 inmates?

18 A Out of the seven dorms there, I could go to, like, four of
19 them --

20 Q Four of them?

21 A -- and cut hair, yeah, for them every month.

22 Q And that's a two-story, I guess, structure, the detention
23 center?

24 A Yeah. But it's just a long hallway with seven dorms. And,
25 you know, they got different custody levels where you're housed

1 at --

2 Q I'm sorry. I didn't mean to interrupt. Go ahead.

3 A The only one I couldn't go in is maybe, like, the child
4 support people and the state inmates. But everybody else, I
5 would cut them.

6 Q And as a barber and a custodian, did you have access to both
7 floors?

8 A Yeah. Yeah, I can pretty much do what I want. I never got
9 written up. Never got written up while I was there.

10 Q Do you recognize that guy over there, the defendant, Anthony
11 Argoe?

12 A Yeah. I know him.

13 Q You know him?

14 A Yes.

15 Q Can you just identify or, I guess, describe what he's
16 wearing and point him out for the jury and the record?

17 A In the suit over there, with the glasses on, to the right.

18 Q Okay. And you said you know him. Did you interact -- you
19 didn't know him before?

20 A No. We met in the jail.

21 Q Did you interact with him there at the detention center?

22 A Mostly everybody. You know barber men. You know, people
23 interact with barbers all the time. Yes.

24 Q Okay. So is it fair to say you spoke with him -- would you
25 say you spoke with him frequently or infrequently?

1 A Frequently.

2 Q Frequently?

3 A Frequently, yeah.

4 Q All right. During your interactions with the defendant, did
5 he ever talk about the investigation conducted by law
6 enforcement, and law enforcement, I guess, in general?

7 A Yeah. He said they were very unprofessional, and --
8 unprofessional. They didn't know what they was doing.

9 Q Did he mention to you anything about any evidence that had
10 been, I guess --

11 A Yeah. He said the phone they had, they wiped it clean,
12 swiped it.

13 Q Okay. And I suppose if he's talking about how they were
14 unprofessional, that was in reference to the phone being wiped
15 and cleaned?

16 A Right.

17 Q Did he say anything about, I guess, the facts of his charge?

18 A I mean, be a little more specific.

19 Q Okay. Did he say -- did he say anything that he did? Did
20 he make any comments to you about something -- or, what he did as
21 to why he was there?

22 A Oh, you mean in reference to stabbing his wife and killing
23 her?

24 Q Yeah. That's what I'm looking --

25 A Yeah. He said he stabbed her. That's how he killed her.

1 Q Did he say why?

2 A They was arguing, and she was always a nagging bitch, and
3 she wouldn't shut up, so he shut her up.

4 Q So he shut her up?

5 A Yep. That's what he said.

6 Q All right. So I just want to -- did he ever say
7 specifically what -- like, give details as to what she was
8 nagging him about?

9 A I can't even recollect that. No. I don't know what all
10 they talked about, but it was a lot of arguments from what he was
11 telling me.

12 Q Did he ever say that -- did he ever describe the knife that
13 he used? Did he ever say, like, it was a really big knife?

14 A No.

15 Q Did he ever say that, you know, after the incident, you
16 know, his shirt -- maybe his shirt, was really bloody, so he had
17 --

18 ATTORNEY CHISHOLM: Objection, Your Honor. This is getting
19 getting into leading.

20 THE WITNESS: No.

21 THE COURT: Yes. Hold on a second. Don't lead him.

22 ATTORNEY OSBORNE: Okay.

23 BY ATTORNEY OSBORNE:

24 Q Did he or did he not ever say anything about the shirt?

25 A No.

1 Q Did he or did he not ever say anything about, you know, how
2 he was drunk that day, plastered, anything like that?

3 A No. I don't recollect him telling me nothing like that.

4 Q All right. So once you had that interaction with the
5 defendant, what did you do then?

6 A I called Murphy Law Firm and I asked to speak to Christopher
7 Murphy, my lawyer. I think that was March the 5th, I think, if
8 I'm correct. Right, March the 5th.

9 Q Did you end up writing him a letter --

10 A Yes.

11 Q -- as well?

12 A Yes.

13 ATTORNEY OSBORNE: Your Honor, may I approach?

14 THE COURT: Yes.

15 (State's Exhibit 84 is identified.)

16 BY ATTORNEY OSBORNE:

17 Q I'm going to show you State's 84. And this is just for ID
18 purposes only. Can you take a look at that and tell me if you
19 recognize that?

20 A Yes. That's what I wrote.

21 Q Okay. And I think you already said this, but on the back
22 page of it does it give the date that you wrote it, or the
23 interaction with the defendant?

24 A March the 5th, yeah.

25 Q What year?

1 A 2022.

2 Q And just one last question in reference to you coming here
3 today. Are informants well-received at the detention center if
4 word gets back?

5 A Uhm. Well, from what I've seen of, they have the gangs,
6 like, when they descend upon people who snitch, like Bloods and
7 G's and Crips, do, like, they say they put you on a plate and
8 just, somebody wanna do something to you, they can.

9 Q Not good?

10 A No. No. No.

11 ATTORNEY OSBORNE: No further questions.

12 THE COURT: Cross-examination?

13 ATTORNEY CHISHOLM: Thank you, Your Honor.

14 **CROSS-EXAMINATION**

15 BY ATTORNEY CHISHOLM:

16 Q Good morning.

17 A Good morning.

18 Q So obviously you know you're under oath and you have sworn
19 to tell the truth. You understand the importance to tell the
20 truth; is that right?

21 A Yes.

22 Q Would you say you're an honest guy?

23 A Of course.

24 Q On a scale of 1 to 10, how would you rate yourself?

25 A Ten.

1 ATTORNEY OSBORNE: Thank you, Judge.

2 **DIRECT EXAMINATION**

3 BY ATTORNEY OSBORNE:

4 Q Before we get into your background and all that, I want to
5 piggyback off what just happened. When was the first time that
6 you became aware of a letter from Terry Gilliam indicating that
7 the defendant confessed to him? Was it before or after he pled?

8 A It was after.

9 Q Had you even heard the name Terry Gilliam in reference to
10 Anthony Argoe prior to Terry Gilliam pleading?

11 A I had not. I had never even touched the case file.

12 Q All right. Investigator Haupt, let's start, or I guess
13 next, cover your background. Where did you begin your career in
14 law enforcement?

15 A I began my law enforcement career at the Mount Pleasant
16 Police Department in 2003.

17 Q How long were you with Mount Pleasant Police Department?

18 A Eleven years.

19 Q What assignments did you hold while you were with Mount
20 Pleasant?

21 A So I had various duties. Obviously I was a police officer
22 so patrolman at one point. Then about a year after I started
23 there I went into crime scene as a crime-scene investigator and
24 evidence technician. And in the middle of that, for the next 10
25 years, I was a detective as well. I had dual duties. So I would

1 handle crime scenes as they came in, and then I would go ahead
2 and be the case agent on them as well.

3 Q And after you left Mount Pleasant where did you go?

4 A So I left Mount Pleasant in 2014. I then went to the 9th
5 Circuit Solicitor's Office as a special investigator.

6 Q And the 9th Circuit, for those who don't know, is Charleston
7 and Berkeley County?

8 A That's correct.

9 Q And what was your position there?

10 A So I started as a special investigator. I was one of 12
11 total investigators there for that office. And I eventually
12 became the chief investigator, and I was assigned directly to
13 Solicitor Scarlett Wilson and Chief Deputy Solicitor Bruce
14 DuRant.

15 Q And how many investigators were under your command while you
16 were there?

17 A There were 11.

18 Q After you left there where did you go?

19 A So I was contacted directly by Solicitor Pascoe in 2021,
20 September of 2021, and he asked if I would be willing to come be
21 a part of the senior litigation team which handled, or handles,
22 the most complex cases throughout the First Circuit, so it's
23 Dorchester, Orangeburg and Calhoun Counties. So I did, and I've
24 been here ever since.

25 Q All right. So as an investigator working with the

1 solicitor's office, just sort of tell the jury, explain to the
2 jury, what are some of your duties and responsibilities?

3 A So whenever a case is referred to me, normally from
4 yourself, I take the case. I go ahead and see what we have.
5 I'll read through the reports, look through what is in that case
6 file and see if there's anything that the police department may
7 not have provided. Then contact the department, ask them for
8 everything in their case file. And when I mean everything, it's
9 everything that happens. It's going to be reports, it's going to
10 be phone records, call-detail records, videos, in-car body camera
11 videos, photographs, all the different kinds of reports, logs,
12 things like that. And then once I compile all that, make a list
13 of it, then I just start analyzing everything.

14 Q Did you do that in this case?

15 A I did.

16 Q I'm going to show you what's been already marked and
17 admitted as State's 56, the Google overhead. And you may need to
18 step down, but I just want to put some points of interest on
19 here. Can you tell me where -- well, first let me ask you, just
20 to lay a foundation, did you ever go out to the crime scene?

21 A I did.

22 Q And obviously this would have been years later, I suppose?

23 A Yes.

24 Q All right. So you became familiar, I guess, with this area?

25 A I did.

1 Q All right. Just to kind of give us a point of reference,
2 where is Trolley Road?

3 A So Trolley Road's right here.

4 Q And Dorchester Road would be where?

5 A Dorchester would be down this way.

6 Q Okay. All right. Where is the Westbury Mews Apartment
7 complex?

8 A So it starts here, and it just encompasses this area right
9 there.

10 Q And where specifically was Linda's apartment at 100, or
11 Building 100?

12 A So Building 100 is this building -- you would think it's
13 this one. That's Building 200 -- but it's this building, and
14 it's right here in this corner.

15 Q And Scots Kirk Presbyterian Church?

16 A That's right here. Well, that's their parking lot/driveway.
17 This is the actual church.

18 Q And then that driveway is the one leading up to it?

19 A Correct, from Trolley Road, and it kind of goes around.

20 Q And the Speedway to which we've seen some of the
21 surveillance footage already?

22 A I know it says Exxon. Back in 2019 it was a Speedway. If
23 you pull it up on Google Maps and you can change the date back to
24 2019, you can see Speedway. But this is the Speedway right here.

25 Q All right. And I know this is going to get a little bit

1 blurry, but we heard Mr. Hogue testify that -- yesterday, I
2 think -- when he left the apartment complex he walked down a path
3 and then saw the defendant standing by a bridge.

4 A Correct.

5 Q Did you see that when you were out there?

6 A I did.

7 Q Okay. Can you point out that path and bridge? That's kind
8 of blurry.

9 A So this is going to be the clubhouse. And if you just take
10 the Westbury Mews, drive right on by Exxon's right here. This is
11 the path, and there's a little bridge right here. You can't see
12 it in this photograph, but it's right here.

13 Q Okay. Thank you.

14 A You're welcome.

15 Q I do want to show you this real quick. I'm going to show
16 you what's been marked and admitted already as State's 82. Did
17 you do this, measurements and whatnot?

18 A Yes, I did.

19 Q And what is the measurement of the blade on the knife?

20 A So the blade is roughly 13 inches.

21 Q And the knife itself?

22 A Oh. The whole knife, including the handle, is roughly
23 19-and-a-half inches.

24 Q Okay. So what, if anything, can you tell us about this
25 knife?

1 A So it's a little hard to see in the photograph. Maybe
2 you'll see it right there. Okay. So it's a Victorinox RH
3 Forschner knife. When you Google it, search it on the internet,
4 it comes back to a Swedish-made knife, predominantly used for
5 cutting large cuts of meat.

6 Q Can you buy that on Amazon?

7 A I don't know if you can buy that particular one on Amazon.
8 There are Victorinox Forschner knives, they have multiple. But
9 there are multiple websites out there where you can actually
10 purchase the knife.

11 Q Did you have the occasion to photograph -- actually, I think
12 we've already got that. Okay. I do want to show you this. All
13 right. I'm showing you what was marked and admitted as State's
14 48A as in Adam. We've already heard testimony from Lorrie
15 Wright, the property manager, that she was communicating with
16 Linda Argoe. Now we see one last time here from a Facebook
17 message from Linda. And what is that time?

18 A So it's 6/14/2019 at 18:26:41 UTC. So that's in the 24-hour
19 scale, so if you backed it up to the 12-hour scale it's going to
20 be 6:26. But to go from UTC to Eastern Standard Time, you
21 subtract 4, and so it will be 2:26:41 p.m.

22 Q So 2:26 p.m?

23 A Yes.

24 Q Just last couple bit of housekeeping matters. And I think
25 Mr. Chisholm elicited this testimony. You did have the occasion

1 to speak to Terry Gilliam, the inmate that we heard testify?

2 A I did. I did, yes.

3 Q And after that conversation what were you interested in
4 finding out?

5 A So I wanted see if I can corroborate anything of what
6 Mr. Gilliam told us, so I wanted to find out, the main thing,
7 where he was lodged at the Dorchester County Detention Center
8 back on March 5th, 2022, and if he was lodged in the same area as
9 Mr. Anthony Argoe.

10 Q Okay.

11 ATTORNEY OSBORNE: Your Honor, may I approach?

12 THE COURT: You may.

13 (State's Exhibit 83 is identified.)

14 BY ATTORNEY OSBORNE:

15 Q For ID purposes only, can you tell us what State's 83 is,
16 and after -- well, first, do you recognize it?

17 A I do.

18 Q What is it?

19 A So these are the logs that I received from the Dorchester
20 County Detention Center, and it's the headcount logs. So on one
21 side it will show you the different cellblocks and then their
22 actual cells where they're at, and then it will have their name
23 and who the occupants are of those cells.

24 Q Okay. And I think Mr. Gilliam testified on March the 5th of
25 2022 is when he had that particular conversation, after which he

1 wrote the letter to his lawyer. On March 5th of 2022 does it
2 show that these two, the defendant and Terry Gilliam, would have
3 been in the same dorm, like he said?

4 A Yes, it does.

5 Q And what dorm was that?

6 A So it shows Anthony Nicholas Argoe, F-104, which would be
7 the F dorm, cell 104; and then Terry Andrew Gilliam, F-205, which
8 is, again, is F dorm, just 205, second floor. And then Mr. Argoe
9 would have been on the first floor.

10 Q And the last thing that I think Mr. Gilliam testified, that
11 prior to Mr. Chisholm representing him a Michelle was his
12 attorney. Did you check that and make sure that was the case?

13 A I did. I checked through our file, and Mr. Argoe was
14 represented by Michelle Hubrich first, and then now represented
15 by Mr. Chisholm.

16 Q Michelle Hubrich?

17 A Yes.

18 Q Do you know that Michelle's been married? I think a couple
19 times.

20 A I do not.

21 Q Okay. No further question.

22 THE COURT: Cross-examination?

23 ATTORNEY CHISHOLM: Yes. Thank you, Your Honor.
24
25

CROSS-EXAMINATION

BY ATTORNEY CHISHOLM:

Q Hi, Mr. Haupt. Let's talk about this letter from Mr. Gilliam. So I think your testimony was this letter was presented to you after Mr. Gilliam pled?

A Yes. I wasn't even aware of when Mr. Gilliam pled.

Q So at that time his pending criminal matters in Dorchester County were over?

A As far as I know, yes.

Q Was this letter simply sent to you like an FYI, Here, you guys might want to know this, by Mr. Murphy, or did Mr. Murphy meet with you with Mr. Gilliam in subsequent meetings?

A No. I received it directly from Mr. Osborne.

Q And have you met with Mr. Gilliam since then?

A I did, yes.

Q And was Mr. Murphy present for some of those meetings?

A He was not.

Q Was he present today?

A He was not.

Q In the courtroom?

A Oh, he was in the courtroom.

Q And you're unaware of meetings between Mr. Gilliam, the prosecutor's office, and Mr. Murphy?

A So I was never in a meeting with Mr. Murphy and Solicitor Osborne and Mr. Gilliam. I met with Mr. Gilliam personally at

1 the Ridgeland Correctional Institute on November 22nd, 2022.

2 Q Let me rephrase. Are you aware of Mr. Gilliam, Mr. Murphy,
3 meeting with others from the prosecutor's office you might not
4 have been included with?

5 A I am not. That's what I testified to.

6 Q And so, to your knowledge, at the time this letter was
7 presented Mr. Murphy's representation was over; is that right?

8 A I can't speak if he was representing him or not. That's who
9 the letter came from to our office.

10 Q Okay. Thank you.

11 THE COURT: Is that all?

12 ATTORNEY CHISHOLM: Yes, Your Honor.

13 THE COURT: All right. Redirect?

14 **REDIRECT EXAMINATION**

15 BY ATTORNEY OSBORNE:

16 Q How many years have you been my investigator?

17 A Your investigator?

18 Q Yes.

19 A Nine years.

20 Q And how many --

21 A Well, take a way a couple of years when I was Solicitor
22 Wilson's investigator --

23 Q Okay.

24 A -- so six-and-a-half years.

25 Q And have I ever met with an inmate without you?

1 A No.

2 Q And how many times did we meet with Mr. Gilliam?

3 A Twice.

4 Q Once at the detention center?

5 A Yes.

6 Q And once this morning?

7 A That's correct.

8 Q And during both of those interviews was Mr. Murphy there
9 with us or were we just with him?

10 A He was not.

11 Q Okay.

12 ATTORNEY OSBORNE: No further questions.

13 THE COURT: Recross?

14 ATTORNEY CHISHOLM: No, Your Honor.

15 THE COURT: All right. We're going to take our morning
16 break, ladies and gentlemen. Please remember, do not discuss
17 this matter or allow anyone to discuss it with you. Please leave
18 your notepads in your seats. And let's take about 15 minutes.

19 (Jury escorted out of the courtroom at 11:10 a.m.)

20 THE COURT: All right. Anything before we take our break?
21 From the State?

22 ATTORNEY OSBORNE: No, Judge.

23 THE COURT: The defense?

24 ATTORNEY CHISHOLM: No, Your Honor.

25 THE COURT: Very well.

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1 (Court recessed at 11:10 a.m. and reconvened at 11:39 a.m.,
2 without the jury being present.)

3 THE COURT: Anything before we bring the jury out? From the
4 State?

5 ATTORNEY OSBORNE: No, Your Honor.

6 THE COURT: From the defense?

7 ATTORNEY CHISHOLM: No, Your Honor.

8 THE COURT SECURITY DEPUTY: Don't bring the jury out yet.

9 THE COURT: Hold on. Hold on. I'm sorry. Hold on.

10 (Defendant seated in the courtroom.)

11 (Jury seated in the courtroom at 11:40 a.m.)

12 THE COURT: All right. Call your next witness, please.

13 ATTORNEY OSBORNE: State calls Agent Samuel Stewart.

14 CLERK OF COURT: Agent Stewart, if you'll please raise your
15 right hand, and state your full name for the record.

16 THE WITNESS: Samuel Adam [ph] Stewart.

17 SAMUEL A. STEWART,

18 having first been duly sworn, is examined and testifies as
19 follows:

20 THE COURT: Your witness.

21 **DIRECT EXAMINATION**

22 BY ATTORNEY OSBORNE:

23 Q Good morning, Agent Stewart.

24 A Good morning.

25

1 Q Where are you currently employed?

2 A I work for the South Carolina Law Enforcement Division,
3 commonly known as SLED.

4 Q All right. And how long have you been with SLED?

5 A Eleven years.

6 Q What is your position there?

7 A I'm a forensic scientist assigned to the DNA Casework
8 Department, also known as a DNA analyst.

9 Q And, I guess, what specifically is your job as a DNA
10 forensic scientist at SLED?

11 A As a DNA analyst I'm responsible for processing any known
12 standards and any kind of biological evidence in a criminal
13 investigation for DNA. My purpose is to try to determine if
14 those, the DNA profiles from those known standards, which would
15 come from individuals involved in that case, if their DNA profile
16 can be included or excluded as a contributor to the DNA profile
17 from the evidence.

18 I'm also responsible for reviewing the work of my peers,
19 eight hours of continuing education every year, testifying in
20 court if my case has to go to trial, and completing any other
21 miscellaneous tasks that may come up in the DNA Casework
22 Department.

23 Q What is your educational background?

24 A I received my Bachelor's in Science in Biology from Francis
25 Marion University. Then I received inhouse SLED training under

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1 another court-qualified analyst for over a year and a half after
2 successfully completing hours of training, practice samples, a
3 written exam, an oral exam, a competency test, and a mock trial
4 before I was deemed competent as DNA analyst.

5 Q Have you had additional training specifically as it relates
6 to the field of DNA analysis?

7 A Yes. Every year since I've been signed off as a DNA
8 analyst, eight hours of continuing education every year, as well
9 as -- excuse me -- including required readings.

10 Q Throughout your career how many times do you estimate that
11 you tested DNA samples?

12 A Oh, gosh. I would say at least a thousand. A thousand at
13 this point.

14 Q Have you ever been qualified as an expert in the field of
15 DNA analysis before?

16 A Yes, I have.

17 Q How many times?

18 A Approximately 44.

19 Q In what courts?

20 A General Session Courts in the state of South Carolina.

21 Q All right.

22 ATTORNEY OSBORNE: Your Honor, at this time the State offers
23 Agent Stewart as an expert in the field of DNA analysis.

24 THE COURT: Any voir dire?

25 ATTORNEY CHISHOLM: No, Your Honor.

1 THE COURT: Any objection?

2 ATTORNEY CHISHOLM: None.

3 THE COURT: Very well. He's so qualified. You may proceed.

4 BY ATTORNEY OSBORNE:

5 Q Let's, I guess, just briefly explain as much as possible in
6 layman terms, what is DNA?

7 A DNA, it stands for deoxyribonucleic acid. It is the genetic
8 material that is found in every individual. It's responsible for
9 certain traits such as our eye and our hair color. As DNA
10 analysts, we look at certain types, or what are known as
11 chromosomes, where the DNA is found. You have, in DNA, most of
12 those chromosomes are found in various places around your body,
13 and we try to target certain locations on those chromosomes known
14 as STRs. Those STRs stands for short tandem repeat. And to
15 compile, or make up a DNA profile, we look at 21 of those STR
16 locations that are found in those chromosomes to develop what is
17 known as a DNA profile.

18 Then we can use that DNA profile to identify one individual
19 from another, excluding identical siblings.

20 Q You said you look at 21 of the STR locations?

21 A That's correct, that are found in our various chromosomes.

22 Q How many STR locations are there in a human?

23 A It could be thousands, but for our purposes we only look at
24 21 of them.

25 Q How do you go about collecting DNA and developing a DNA

1 profile?

2 A So we have four steps that we follow to develop a DNA
3 profile. Normally we will get a DNA on a sterile swab, maybe
4 something that was swabbed from the crime scene, a door knob, any
5 kind of -- anything where you can have biological evidence such
6 as blood, semen, or saliva, or it could be a cutting from that
7 item; could be a cutting from a piece of clothing, or maybe a
8 cutting from a carpet. Anything that may contain biological
9 evidence, we can get the DNA submitted to us in that form.

10 My first step is to try to extract that DNA from either that
11 cutting or from that swab. So I take a cutting, or I cut the
12 swab or I cut that piece of cutting, and I put it in a stable
13 solution to let it soak and try to essentially extract the DNA
14 from that, or any kind of potential DNA that's there.

15 Once I go through that extraction process, the next step is
16 to quantify the DNA. This is my step to try to determine how
17 much DNA I actually have. In order for me to develop a viable
18 profile downstream, I need to target a certain amount of DNA.
19 Too little or not enough DNA, or too much DNA, I won't be able to
20 develop a viable profile.

21 But once I determine how much DNA I have, the next step is
22 to amplify that DNA. So essentially I'm making many, many more
23 copies of that DNA. This is also to ensure that our positives
24 are viable DNA profiles developed.

25 And then my next is final step is separation. This is where

1 we separate that DNA into those 21 different STR locations that I
2 stated before, hoping to get a full DNA profile to be able to be
3 used for comparison purposes.

4 Q And that leads me right into the next question. When you
5 compare, you mentioned before that you're getting that DNA
6 profile from an unknown standard, I suppose, in this case and
7 then you're comparing it to known standards. How do you go about
8 quantifying whether -- or, quantifying the two when you compare
9 them?

10 A So it comes in labeled, so we would know if it's either
11 evidence or it's coming in as a known standard. Usually the
12 known standards come in associated with an individual's name.
13 And we usually get that form -- we get that in the form of a
14 buccal swab, which is a sterile swab that we use to collect the
15 cheek cells that are inside of your mouth. That's the most --
16 the less invasive way. We can also get it from an individual's
17 blood or their hair. But normally it comes in the form of buccal
18 swab, and that's that known standard that I can then use for
19 comparison purpose to that DNA profile from the evidence.

20 Q And do you use any statistical software to help you to
21 compare the known standards to the unknown standards?

22 A Yes. We use a software known as STRmix. STRmix is a
23 software tool that we can use to aid in the interpretation of our
24 DNA profile.

25 It also -- STRmix can assign statistical weight when I make

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1 my comparison from my known standard to that DNA profile from the
2 evidence. That statistical weight comes in the form of a
3 likelihood ratio, which you'll hear me mention in my report. And
4 essentially what a likelihood ratio is is a mathematical equation
5 that is used to give context of weight to two different
6 hypotheses to a scenario.

7 So if I can break that down and give an example, let's say
8 a possible scenario is a missing cookie around a three-year-old
9 child. Is it more likely that that three-year-old ate that
10 cookie or is it more likely that the cookie just magically
11 disappeared? And knowing all three-year-olds, the three-year-old
12 ate that cookie.

13 But essentially that's what we do with DNA. Given the DNA
14 profile from the evidence, is it more likely that a known
15 individual contributed DNA to that item, or given the same DNA
16 profile is it more likely that it's an unknown, unrelated person
17 that contributed DNA.

18 Q Okay. All right. So let's talk about this case a little
19 bit. Is it fair to say in this case that SLED received some
20 known standards and some evidence in a batch, and then later on
21 received another batch of evidence to be compared?

22 A Yes. That is correct. If I may say, the first one came
23 in -- we give everything that comes to SLED in unique SLED
24 numbers, so that first batch came in as L19-11250, and the second
25 batch came in as L20-16657. That's just how we make sure that

1 each case is identifiable.

2 Q And on that first batch -- and is it correct that on that
3 first batch you received the first buccal swab from the defendant
4 in this case, Anthony Argoe?

5 A That is correct.

6 Q And also included in that first batch -- and you have your
7 report in front of you?

8 A I do.

9 Q Did you receive item 8.1, which I think is listed as a
10 cutting from the front, bottom, left shirt, suspect's shirt?

11 A That is correct.

12 Q And when that was analyzed the DNA profile coming back from
13 that came back to Anthony Argoe?

14 A That is correct. When I state that the DNA profile
15 developed is attributable to Anthony Argoe -- and essentially
16 what that statement means is that it was a single-source profile
17 and it came back to essentially being consistent with the DNA
18 profile of Anthony Argoe, so I found no foreign DNA on that item.

19 Q We're just going to talk about that. And I realize there
20 was other evidence on that first batch, but who was the analyst
21 that analyzed that first batch?

22 A From this first batch of evidence, it was the Forensic
23 Scientist Ryan DeWane.

24 Q And you were the verifier of that report, or of those
25 results, I guess?

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1 A That is correct. I was the technical reviewer. Anything
2 that -- any kind of report or any kind of -- any kind of
3 interpretation that we do, it goes through a review process. It
4 will go through the two-step review process; technical review and
5 administrative review. This is to ensure that the validity of
6 the work that we're putting out is solid.

7 And so in this case, yes, I was Forensic Scientist Ryan
8 Dwayne's technical reviewer.

9 Q And just, I guess, I mean, for my edification, but I guess
10 when you're a technical reviewer, you never really touch the
11 evidence; you just review Ms. DeWane's results; is that correct?

12 A That's correct.

13 Q And Ms. DeWane, where is she know?

14 A I believe she's in Washington state.

15 Q She doesn't respond very well to texts? Is that fair to
16 say?

17 A Most don't when they leave.

18 Q All right. Let's get into this case, or to the second
19 batch. Now, the second batch of evidence, you actually did
20 touch, right?

21 A Yes, I worked this evidence.

22 Q You're the guy, okay. So this second lab number's
23 L20-16657?

24 A That is correct.

25 Q All right. Now, you mentioned you had some known standards

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1 in this case; is that correct?

2 A That is correct.

3 ATTORNEY OSBORNE: Your Honor, may I approach?

4 THE COURT: You may.

5 BY ATTORNEY OSBORNE:

6 Q I'm showing you State's 73 and 74. Can you take a look at
7 these two items and tell me if you recognize them?

8 A Yes, I do. So this item, State's 73 exhibit, is a known
9 standard from Mr. Anthony Argoe. I can tell because it has the
10 unique SLED number on there, as well as my initials and date when
11 I entered and exited the istheo [ph] pouch. And this one was
12 done by Forensic Scientist Ryan DeWane but I can see that it
13 still has that unique SLED number that came with the first batch.
14 So I do recognize both these items.

15 ATTORNEY OSBORNE: Your Honor, at this time State seeks to
16 admit 73 and 74 into evidence.

17 THE COURT: Any objection?

18 ATTORNEY CHISHOLM: No objection.

19 THE COURT: Very well. So entered.

20 (State's Exhibits 73 and 74 are admitted into the record.)

21 BY ATTORNEY OSBORNE:

22 Q So what we're looking at here is known standards, correct?

23 A That is correct.

24 Q And so you're comparing these to any samples or evidence
25 that might have been collected to the crime scene?

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1 A That is correct.

2 (State's Exhibits 69A and 69B are identified.)

3 BY ATTORNEY OSBORNE:

4 Q So let's get into some of that evidence. All right. I'm
5 going start by showing you 71A, 69A and B, and 65A. And I
6 believe that 71A is going to correspond to your SLED 4.1, 69A is
7 going to correspond to SLED 6.1, 69B to SLED 6.2, and 65A to SLED
8 7.1. Do you recognize those items?

9 A Yes, I do.

10 Q When was it that you came into possession of those items?
11 And if you need to refer to the chain, that's fine.

12 A These items came into my custody on August 26, 2022.

13 Q And Rachel Nguyen, is she the technician that gave it to
14 you?

15 A That is correct. She did the initial steps of extraction
16 and quantitation for these items.

17 Q When you received these items did they appear to be, I
18 guess, packaged correctly?

19 A Yes, they did.

20 Q Damaged, altered, tampered in any way?

21 A No, they were not.

22 ATTORNEY OSBORNE: All right. Your Honor, at this time
23 State seeks to admit into evidence 65A, 69A and B, and 71A.

24 THE COURT: I think it's just 71, isn't it, or is it 71A?

25 ATTORNEY OSBORNE: It's 71A.

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1 THE COURT: Oh, I do see -- I'm so sorry, I do see 71A. Any
2 objection?

3 ATTORNEY CHISHOLM: Your Honor, I do not have an objection
4 to State's 71, but I would ask the Court to note my previous
5 objections to 69A and B, and 65A.

6 THE COURT: Very well. Over the objection of the defense,
7 these exhibits are admitted into evidence.

8 (State's Exhibits 65A, 69A, 69B, and 71A are admitted into
9 the record.)

10 BY ATTORNEY OSBORNE:

11 Q Agent Stewart, once you came into possession of those items
12 what did you do with them?

13 A I did the amplification and separation portions of those
14 items since Forensic Scientist Rachel Nguyen, she took care of
15 the extraction and the quantitation portion of those items for
16 developing a DNA profile.

17 ATTORNEY OSBORNE: And lastly -- may I approach, Your Honor?

18 THE COURT: You may.

19 (State's Exhibit 81 is identified.)

20 BY ATTORNEY OSBORNE:

21 Q I'm showing you State's 81. Can you take a look at that and
22 tell me if you recognize that?

23 A Yes, I do.

24 Q And what is it?

25 A These are my extracts, the extracts that I developed --

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1 Rachel Nguyen was able to develop. These are what I actually
2 used to develop the DNA profiles from. So this is considered our
3 work product. And so what we do is, we package it up, and since
4 we don't have enough storage to keep all of the evidence for the
5 state of South Carolina we send the work product back, along with
6 the evidence that is there, so they keep it. They keep it
7 housed. And so if anything needs to be reinterpreted on any kind
8 of evidence needs to be re-ran, they can send these extracts back
9 to us and we take from it there and we develop the DNA profiles
10 if necessary.

11 ATTORNEY OSBORNE: Your Honor, at this time State seeks to
12 admit 81 into evidence.

13 THE COURT: Any objection?

14 ATTORNEY CHISHOLM: One moment, Your Honor.

15 THE COURT: Sure.

16 ATTORNEY CHISHOLM: No objection, Your Honor.

17 THE COURT: Very well. Eighty-one's in evidence, without
18 objection.

19 (State's Exhibit 81 is admitted into the record.)

20 ATTORNEY OSBORNE: Beg the Court's indulgence.

21 THE COURT: Okay.

22 BY ATTORNEY OSBORNE:

23 Q Okay. So let's go through some of your findings. And I'm
24 going to kind of go a little bit in order. I want to start by
25 talking about SLED item 4.1, which was identified and marked and

1 admitted as State's 74A as in Adam. I think it's being labeled
2 as swabs from the handle of the knife.

3 A That is correct.

4 Q After your analysis and your comparisons to the known
5 samples of Linda Argoe and Anthony Argoe to the swabs from that
6 handle of the knife, what were your findings?

7 A So this would be broken up into two propositions. The first
8 proposition I'll be comparing Linda Argoe to this item, and then
9 the second proposition I'll be comparing Anthony Argoe.

10 So DNA profiles for comparison were developed. Likelihood
11 ratios for this profile were calculated using STRmix. And the
12 DNA profile is approximately 3.8 octillion times more likely if
13 Linda Argoe and an unidentified, unrelated individual contributed
14 to the mixture than if two unidentified, unrelated individuals
15 contributed to this mixture. I'm sorry, I forgot to mention that
16 this item was a mixture of two individuals, and so essentially
17 what that means is that I have two individuals contributing their
18 DNA to this item.

19 Q Okay. Only two individuals?

20 A That is correct.

21 Q And let me just -- let me stop you right there because I
22 know there are three proposition sets, correct?

23 A That's correct.

24 Q And you had talked about this before. You kind of develop a
25 hypothesis, and then you say, Okay, what are the chances of that;

1 is that right?

2 A The likelihood. That's correct.

3 Q And so your first hypothesis, you only have two individuals
4 that contributed to the handle of the knife, their DNA, so your
5 first thing was, your first hypothesis, or I guess was, Well,
6 let's just see if it's likely that Linda contributed as well as
7 somebody, an unknown?

8 A That is correct. If Linda Argoe and an unidentified,
9 unrelated individual contributed to the mixture. And then my
10 second hypothesis is whether or not it's two unidentified,
11 unrelated individuals contributed to the mixture.

12 Q And what was that? Well, your second one is Anthony and an
13 unidentified, correct?

14 A That is correct.

15 Q And what is that?

16 A The DNA profile is approximately 45 times more likely if
17 Anthony Argoe and an unidentified, unrelated individual
18 contributed to the mixture than if two unidentified, unrelated
19 individuals contributed to the mixture.

20 Q Okay. So, you know -- and I'm going to go layman terms, and
21 I know you're not going to like this. The proposition no. 1 is
22 Linda contributed to it, as well as Anthony -- or, an unknown.
23 And that's a really high number, 3.8 octillion.

24 A Right. We don't use numbers. Sometimes we put it into
25 context, so we do have a verbal scale. So Linda would be

1 considered, hers would be considered, a very strong support as
2 inclusion. That would be found on page 8.

3 Q And now in regards to the second set, what does your verbal
4 scale say in reference to the proposition that Anthony
5 contributed to it as well as an unknown?

6 A That would be considered weak support.

7 Q Okay. And as far as proposition set no. 3, what do you have
8 there?

9 A Yes. Proposition set 3 is me comparing Linda Argoe and
10 Anthony Argoe to that profile. This is essentially to see if
11 that makes sense if both of these contributors can be
12 contributors to this mixture.

13 So the DNA profile is approximately 5.2 octillion times more
14 likely if Linda Argoe and Anthony Argoe contributed to the
15 mixture than if two unidentified, unrelated individuals
16 contributed to the mixture.

17 But I have to read -- I have a disparity statement because
18 separately Linda was considered very strong support and Anthony
19 was considered very weak support, so together this number seemed
20 very bolstered, the 5.2 octillion. So because of this disparity
21 we would like for you to, if you're just trying to determine if
22 Anthony Argoe is a contributor to this mixture, we rather you put
23 more weight on my proposition set 2, which just compares him,
24 versus this proposition set because it's so much higher, and
25 that's because Linda was also a very strong contributor. So

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1 that's -- we just want to make sure it doesn't come up unbiased
2 with this higher number with both of them when, by himself, he
3 was a very weak support contributor, as we would say.

4 Q So when looking at that knife and we're looking at the
5 various proposition sets and whatnot, are you able to give, like,
6 any sort of value as to what the profile, the DNA profile that
7 you developed there? Was Linda a high contributor to the
8 profile?

9 A Yes. Her and another unidentified, unrelated individual
10 were considered very, very strong support, very high likelihood
11 that she was a contributor.

12 Q Okay. Now let's go into SLED item no. 5, which is a right,
13 tan sandal. Was that tested for blood?

14 A Yes, it was.

15 Q And what were the results of that?

16 A Presumptive testing for blood was negative.

17 Q Now, were you asked to -- what does ownership mean?

18 A So ownership is a request that agencies can make when they
19 submit items of evidence for us. Essentially ownership is trying
20 to determine if that individual came in contact or has strong
21 contact with this or may have even worn this item of clothing.
22 So usually ownership will come from shoes, or a shirt, or pants,
23 just trying to see whether or not the individual did come in
24 contact -- or, did come in contact with that item.

25 Q Are you generally worried about identifying ownership when

1 you, I guess, take shoes off a person's foot?

2 A No, not necessarily. No.

3 Q So let's talk about SLED item 6.1, which are cuttings from
4 the interior strap of the left sandal. Can you tell us how many
5 people contributed to that mixture?

6 A There was also testing for blood on this one, as well, and
7 so presumptive testing for blood was positive. A DNA profile for
8 comparison was developed. Linda Argoe is excluded as a
9 contributor. The likelihood ratios for this profile were
10 calculated using STRmix, and this profile was interpreted as
11 single source, meaning they only found one individual
12 contributing DNA to this item.

13 And the DNA profile is approximately 580 sextillion times
14 more likely if Anthony Argoe contributed to the profile than if
15 an unidentified, unrelated individual contributed to the profile.

16 Q Okay. 6.1, a sample taken from the sandal, and it came back
17 with a single source, positive for blood, basically matching
18 Anthony Argoe?

19 A I'm saying that the profile developed is 580 sextillion
20 times more likely to be him than another person.

21 Q I almost got you there because I know you don't using
22 matching.

23 A No.

24 Q It's a very high number?

25 A It's a very strong support for Anthony Argoe contributing to

1 that DNA profile.

2 Q So now let's get into 6.2. On 6.2, which is a swab from the
3 bed strap of the tan sandal -- again we're talking about the
4 left -- did that come back presumptive positive for blood as
5 well?

6 A Yes, it did.

7 Q And tell us about your -- well, how many people contributed
8 to this?

9 A I'm going to interpret this mixture as a three-person
10 mixture, so I'm saying three individuals contributed their DNA to
11 this item.

12 Q And so now we're going back into -- with three people,
13 you're going to have three proposition sets; is that correct?

14 A That is correct.

15 Q So let's go through proposition set no. 1.

16 A The DNA profile interpreted the mixture originating from
17 three individuals. This first one I'm comparing Linda Argoe to
18 this profile, and the DNA profile is 250 trillion times more
19 likely if Linda Argoe and two unidentified, unrelated individuals
20 contributed to the mixture than if three unidentified, unrelated
21 individuals contributed to the mixture.

22 Q Okay. Proposition set no. 2?

23 A Once again, the DNA profile is interpreted as a mixture
24 originating from three individuals, and the DNA profile is
25 approximately 34 quintillion times more likely if Anthony Argoe

1 and two unidentified, unrelated individuals contributed to the
2 mixture than if three unidentified, unrelated individuals
3 contributed to the mixture.

4 Q And proposition set no. 3?

5 A This one I'm comparing Linda Argoe and Anthony Argoe, and an
6 unidentified, unrelated individual. In this profile, the results
7 of the DNA profile is approximately 10 undecillion times more
8 likely if Linda Argoe, Anthony Argoe, and an unidentified,
9 unrelated individual contributed to the mixture than if three
10 unidentified, unrelated individuals contributed to the mixture.

11 Q All three of those are really big numbers. Which is the
12 biggest?

13 A The biggest one would be from proposition set 3 when it has
14 Linda Argoe and Anthony argue being compared to the mixture.

15 Q So a sample that was taken from the sandal, which tested
16 positive for blood, came back are 10 undecillion times --

17 A That is correct.

18 Q -- more likely if it was Linda and Anthony contributing?

19 A That is correct.

20 Q And last, let's get into the jean shorts. 7.1, which is
21 labeled as the cutting from the exterior, front, right leg of the
22 jean shorts, did that come back presumptive positive for blood?

23 A Yes, it did.

24 Q And was this also a three-source contributor or two-source
25 contributor?

1 A This was a single source, meaning only one individual
2 contributed their DNA.

3 Q Blood, one contributor?

4 A That is correct.

5 Q And what do your numbers tell you here?

6 A Anthony Argoe is excluded as a contributor. The DNA profile
7 was interpreted as single source, and the DNA profile is
8 approximately 8.2 octillion times more likely if Linda Argoe
9 contributed to the profile than if an unidentified, unrelated
10 individual contributed to the profile.

11 Q 8.2 octillion?

12 A That is correct.

13 ATTORNEY OSBORNE: Okay. No further question.

14 THE COURT: All right. Yes, sir. Cross-examination?

15 ATTORNEY CHISHOLM: Thank you, Your Honor. May it please
16 the Court.

17 THE COURT: Yes.

18 **CROSS-EXAMINATION**

19 BY ATTORNEY CHISHOLM:

20 Q Good afternoon.

21 A Good afternoon.

22 Q And, yeah, there's a lot of buzz words that I know you guys
23 at SLED hate when we do this, like "match." You don't ever say
24 match DNA in a case, do you?

25 A We do not.

Q We're talking about likelihood ratios; this is more likely than that, that kind of thing, but I'm assuming you'll never testify, Yes, this is a DNA match?

A I do not.

Q And DNA technology -- I know people have been working with DNA for a long time, but it evolves over time, does it not, what you can test for and how you test for DNA and that kind of thing?

A Yes, it has changed.

Q For example, these -- is it called STR mixtures? Is that what it's called?

A Where the location is the STRs. That's correct.

Q And you're going to have to bear with me. I'm probably going to get a lot of the words wrong here. But basically, if we go back 15 years ago and you get a DNA sample that's got multiple contributors were you able to do the same kind of testing back then that you can do now to try to separate who the contributors were?

A No, we could not.

Q This is a relatively -- I guess to the discovery of DNA, this is newer technology; is that right?

A I can say this was relatively new. Yeah, I can say that.

Q And as things go on, I assume it's like everything else, things get improved as it goes down the road; is that right?

A Yes. That is the hope. Yes.

Q Well, I'm going to ask you a bunch of questions and I hope I

1 can make them make sense, so bear with me, okay.

2 All right. First I'd like to talk about the swabs from the
3 handle of the knife in this case. And you said there was three
4 proposition sets, the first being that the contributor to the DNA
5 material on that handle was Linda Argoe and an unknown person,
6 correct?

7 A That's what I was comparing. That's correct.

8 Q And the second proposition set would say that it was Anthony
9 Argoe and an unknown person that contributed to the DNA on that
10 knife; is that correct?

11 A That is correct.

12 Q And then you've got the third proposition set where you
13 weigh both of them against two unknown people; is that correct?

14 A That is correct.

15 Q And when you first got up to testify you basically said,
16 sounded like you're saying we're looking at two proposition sets
17 here, really?

18 A That is correct.

19 Q The third proposition set, is it because you have a really,
20 really high likelihood ratio for Linda being a contributor
21 compared to a really low likelihood ratio for Mr. Argoe? Is that
22 what causes that discrepancy?

23 A You mean for proposition set 3?

24 Q Yes, sir.

25 A Yes, that is correct.

1 Q That's the cause for concern. So would it be better for us
2 to look at proposition set 1 versus proposition set 2 then in
3 that scenario?

4 A Well, if we're just looking at Anthony Argoe as a
5 contributor it would be best to put more weight, or emphasis, on
6 just proposition set 2 which is just comparing him versus
7 proposition set 3 which has both him and Linda being compared to
8 that profile. That's just to not have any unbiased appearance
9 upon the interpretation of the information.

10 Q Sure. No, I understand. So if we look at the likelihood
11 ratios from those two proposition sets -- I think I've got it
12 here somewhere -- hers was -- the first proposition set that
13 Linda and an unknown person contributed to the DNA on this knife
14 handle, likelihood ratio is 3.8 octillion?

15 A That is correct.

16 Q And for the other proposition set, again, that it was
17 Anthony Argoe's DNA with an unknown person contributing to this
18 mixture was 45?

19 A That is correct.

20 Q It's not 45 billion or anything like that; that's just plain
21 45, right?

22 A That is correct.

23 Q And you referenced your -- is it a verbal scale? Is that
24 what it was?

25 A That is correct.

1 Q And it looks like the numbers -- could it essentially go
2 from one to infinity, these likelihood ratios?

3 A Yeah. I mean, it can get pretty high depending upon the
4 profile that's developed.

5 Q Now, correct me if I'm wrong here, but anything from 2 to 99
6 would be weak support?

7 A That is correct.

8 Q And that's where Mr. Argoe comes in?

9 A For this profile, that's correct.

10 Q To get very strong support you have to have over a million;
11 is that correct?

12 A For a likelihood, that is correct.

13 Q So we've got a pretty extreme discrepancy in these
14 likelihood ratios?

15 A For this profile comparing Linda and Anthony Argoe, that is
16 correct.

17 Q And, you know, how do we get to the 45? I have some
18 questions about that. This is a mixture; is that right?

19 A That is correct.

20 Q And did you have a -- is it fair to say you had a major
21 contributor and a minor contributor?

22 A We don't call it major/minor. Essentially we say it's one
23 contributor -- a no. 1 contributor and, in this case, a no. 2
24 contributor. And it's not always even as far as how much an
25 individual is contributing the information to a DNA profile.

1 Somebody could be contributing significantly more, and somebody
2 can be contributing significantly less, but we don't refer to
3 major/minor.

4 Q But is it fair to say you have a partial DNA profile in here
5 as opposed to a complete?

6 A For Mr. Anthony -- or, for that second contributor?

7 Q Yes, sir.

8 A I would say it's partial, yes. So a partial means that I
9 don't have full representation for that second contributor at all
10 locations that we tested.

11 Q And you said you test 21 STRs; is that correct?

12 A That is correct, to make up the full DNA profile that we use
13 for comparison purposes.

14 Q Can you tell me how many -- if you don't have the full 21,
15 can you tell me how many you had in this one?

16 A Oh, for that second contributor?

17 Q Yes.

18 A So I can't say exactly because sometimes individuals have
19 the same DNA type, so there can be some sharing that takes place
20 sometimes, but I can approximate to maybe four or five of those
21 DNA types out of the several locations that were typed for that
22 second contributor. I can't say exactly, but approximately,
23 maybe, four or five.

24 Q Out of the 21?

25 A That is correct.

1 Q So you're trying to look at one profile versus the partial
2 profile that you have, right?

3 A For that second contributor, that is correct.

4 Q Would it be possible that if you were to test everyone in
5 the courtroom you could also have some that match the four or
6 five locations?

7 A I can't say that without the DNA profile from that known
8 individual for comparison.

9 Q But, I mean, it would be possible, correct?

10 A I still need to do the comparison. I can't say if it's
11 possible or not.

12 Q Okay. So let's move on to item 5, the right, tan sandal.
13 There was no presumptive blood test for blood on that one, is
14 that correct, the right sandal?

15 A Item 5, yes. The presumptive testing for blood was
16 negative.

17 Q So then we can move on to item 6.1. And that's the interior
18 strap of the left sandal; is that correct?

19 A That is correct.

20 Q And that was a presumptive test for blood on that; is that
21 right?

22 A That is correct.

23 Q Presumptive positive test for blood?

24 A Yes.

25 Q And what -- the analysis on that shows that Linda Argoe was

1 excluded as the contributor?

2 A Yes. That is correct.

3 Q So you have what tested presumptive for blood on that left
4 sandal but you can say it's not her DNA on that profile; is that
5 correct?

6 A I can say it's not her DNA. That is correct.

7 Q And, in fact, it comes back to Mr. Argoe, I believe; is that
8 right?

9 A The likelihood is 580 sextillion to be more likely to be
10 Anthony Argoe than an unidentified, unrelated individual.

11 Q And then we move to item 6.2, and it's a swab from a
12 different location of the same sandal, is that correct, left
13 sandal?

14 A That's my understanding. Yes.

15 Q And you also did presumptive positive test for blood?

16 A That is correct.

17 Q And I think I've already asked the serologist about this,
18 but a preemptive positive test for blood doesn't definitively say
19 that what you're looking at is blood; is that correct?

20 A That is correct. We do a presumptive test to try to
21 preserve as much of the evidence as possible, so we don't perform
22 a confirmatory test. It's just in an effort to try to conserve
23 evidence as much as possible.

24 Q So I'm trying to think of a good hypothetical. If I sneezed
25 on this table, for example, and then if there's whatever

1 substance that could also test presumptive positive for blood
2 that's not blood in the same location, a swab that's taken from
3 where I sneezed, where that drop is on the table, would it be
4 possible you could test that and get the DNA from my saliva, or
5 from my sneezing?

6 A Yes, that is possible.

7 Q So back to item 6.2, this DNA analysis was done with three
8 proposition sets; is that right?

9 A Item 6.2?

10 Q Yes, sir.

11 A That is correct.

12 Q And this is, again, that same left sandal, just tested in a
13 different spot, right?

14 A I believe, yes. I never saw the sandal. I just know that
15 this is where they said they tested it from.

16 Q You get very small samples? You don't know what everything
17 looked like originally; is that right?

18 A Usually I don't get the actual item. I usually only get a
19 swab or a cutting from the item.

20 Q Okay. So, again, I think this one had three proposition
21 sets and they were all pretty high probabilities; is that right?

22 A Yes, that is correct. Every one was a very strong support.

23 Q And the three were -- let me see. You tested it as a mix of
24 three individuals' DNA material on that sandal; is that right?

25 A I determined to be a mixture of three. That is correct.

1 Q So you got one proposition set that's it's Linda and two
2 unknown people?

3 A That is correct.

4 Q And you get a pretty high likelihood ratio?

5 A Yes. That is correct.

6 Q And then on proposition set 2 you tested as Anthony Argoe,
7 his DNA on the sandal, with two unknown people?

8 A That's correct.

9 Q And you also get a pretty high ratio. And then you test it
10 with Linda, Anthony, and an unknown person's DNA on there, and
11 that also comes back with a high likelihood ratio; is that
12 correct?

13 A That is correct.

14 Q And the third proposition set, I think the solicitor asked
15 you, has the highest likelihood ratio, but would you say there's
16 strong support for each of those proposition sets then?

17 A Yes. Each one I would consider to be very strong important.

18 Q Okay. And the jean shorts were tested for blood; is that
19 correct?

20 A Yes. That is correct.

21 Q And again, this comes back to a presumptive positive test
22 for blood, right?

23 A That is correct.

24 Q There was no confirmation testing or anything like that?

25 A No, there was not.

1 Q And the DNA material came back as a high likelihood that
2 Linda Argoe was the contributor; is that correct?

3 A Yes. That's correct.

4 Q So basically is it fair to say what you can tell from that
5 is the small cutting that you tested, her DNA material is on it,
6 but as far as saying definitively whether it's from blood,
7 saliva, or something else, you wouldn't be able to say, would
8 you?

9 A That is correct. Essentially we test the item, and we can
10 do a testing for saliva, or blood in this case, and then I can
11 develop a DNA profile from that item and state whose DNA is most
12 likely to be there. That is correct.

13 Q And DNA material can be left in various ways on a surface;
14 is that right?

15 A Yes. Blood, semen, saliva, those bodily fluids. Also skin
16 cells, as well, we can also build up a DNA profile from.

17 Q And, you know, if I was to do that with my hand, it can
18 leave skin cells, for example; is that right?

19 A That is correct.

20 Q And so for all the things that DNA can tell us, there's a
21 couple that it can't answer, I don't think. Tell me if I'm wrong
22 here, but your analysis, it can't tell us when DNA would have
23 been placed on the surface; is that correct?

24 A That is correct.

25 Q We can't timestamp it and say this was put on here an hour

1 ago or a month ago, right?

2 A That is correct.

3 Q And, for example -- I hate to keep using the sneeze
4 reference but it's the one that pops in my head -- if I was to
5 sneeze on the mirror in my bathroom and you came back six months
6 later, would it be possible you could find my DNA on that mirror
7 still?

8 A Yes, that's possible.

9 Q And the other big one is, the question everybody usually
10 wants to answer, it can't tell you -- you can't tell how DNA got
11 on the surface; is that right?

12 A That is correct.

13 Q And again, I think you said you usually get a, you know, a
14 swab or a cutting. You don't even get the main product it was
15 from; is that right?

16 A Not me, essentially. Usually one of our technicians or the
17 serologist, they will get it, but me, as the analyst, usually I
18 don't get the main item.

19 Q And you would have no knowledge if any kind of evidence
20 submitted was handled appropriately before you got it or anything
21 like that; is that right?

22 A Outside of SLED. Within SLED confines, I'm pretty -- I'm
23 very confident that it was handled properly. But before or after
24 it leaves the SLED building, I can't confirm anything.

25 Q Before it gets to SLED, you mean?

1 A That's correct.

2 Q Okay. And just for sake of argument, if you had a bad actor
3 that wanted to plant DNA evidence or that unintentionally
4 transferred DNA evidence to an item, you wouldn't be able to tell
5 that from the tests you do, would you?

6 A No, I would not.

7 Q You test what you get, data in/data out kind of thing?

8 A I test the evidence that's submitted, and I give my results
9 based on the interpretations that I'm able to make off of those
10 profiles.

11 ATTORNEY CHISHOLM: Could I have one moment?

12 THE COURT: Yes.

13 ATTORNEY CHISHOLM: Thank you. I have no further question.

14 THE COURT: All right. Redirect?

15 **REDIRECT EXAMINATION**

16 BY ATTORNEY OSBORNE:

17 Q Mr. Chisholm asked you about State's 74A, which is 4.1, the
18 swabs from the handle of the knife, and you said that the unknown
19 contributor had 4 or 5 locations out of 21 on the STR?

20 A That's approximate for that minor contributor. I just know
21 that I didn't have a full profile for that minor contributor.

22 Q And that's what I was getting to. You're calling that a
23 minor contributor then?

24 A Essentially it's know as a second contributor. Yes.

25 Q So in reference to minor and major contributors, typically

1 speaking -- and I know that it kind of varies based on climate
2 and whatnot and the weather, but typically speaking -- do you
3 find that you have a better shot of getting full profiles from
4 evidence in which blood is present as opposed to contact or touch
5 DNA?

6 A Yes. Bodily fluid does give us a better opportunity, or
7 chance, to get a DNA profile versus touch, essentially a touched
8 item. Yes.

9 Q And let's talk about touch for a second. It is possible to
10 get touch -- full profiles of touch DNA whenever you touch
11 various items if you were to swab it; is that correct?

12 A It is possible. It just depends on how much skin cells the
13 individual may have left when he touched it.

14 Q But blood, bodily fluids, I think as you said it, you have a
15 much greater chance of getting full profiles?

16 A It is more likely to get a better profile from blood than
17 from a touch sample. That's correct. It just depends upon the
18 amount of skin cells that are left.

19 Q And so if you're like -- I suppose, I guess even if you're
20 gloved up, maybe, and you're exerting force, it is possible to
21 transfer touch DNA in small amounts onto items; is that correct?

22 A It is possible. It just depends upon that individual. If I
23 can explain, some individuals are heavy shedders and some people
24 are light shedders, and it's not really consistent from day to
25 day. An individual can be a heavy shedder one day and a light

1 shedder the next. It just depends upon their daily routine and
2 cleanliness habits, and it's not really something that we can't
3 quantify. We've tried to do it. We've done studies to try to
4 determine if a person's who's a heavy shedder, will they always
5 be a heavy shedder, and it just varies too much from day to day.
6 So it just depends both upon that person's, like I said, daily
7 routine and whether or note they're a heavy shedder or maybe a
8 light shedder that day.

9 Q Gotcha. Now let's go to 6.2. This was the swab from the
10 footbed of the left sandal. I think Mr. Chisholm was asking you
11 about this one as well. So in reference to this one you said
12 that we have three profiles; is that correct?

13 A It's a mixture of three individuals. That is correct.

14 Q Okay. So in reference to the three profiles, are they all
15 contributing to the same, I guess, percentage of their DNA to
16 that profile with three individuals or were two higher
17 contributors to those profiles? And I guess what I'm getting
18 at --

19 A You're essentially asking how much did each individual
20 possibly contribute to that item?

21 Q Yes, sir. And was there disparity with one of the
22 contributors in particular?

23 A So with STRmix we're able to break down, I guess we call it,
24 mixture proportion for each of the number of contributors that
25 are present there, so for 6.2, essentially that no. 1 contributor

1 would be considered 81 percent of the contributor to that
2 mixture. That second contributor, they would be considered a
3 14 percent contributor. That means they contributed
4 approximately 14 percent of that DNA to that mixture. And then
5 the third contributor, they would be considered a 5 percent
6 contributor.

7 These are just all approximations done by STRmix, but
8 essentially it's a kind of a breakdown of how much they think
9 each individual is contributing their DNA to that item.

10 Q And in that regard, so proposition set no. 1 is that it is
11 Linda Argoe and two unidentified individuals, and that's a pretty
12 high number --

13 A That's correct.

14 Q -- 250 trillion? Proposition set no. 2 was defendant and
15 two unidentified individuals; is that correct?

16 A That is correct.

17 Q And that was also a high number. Was that number higher or
18 lower than the first one?

19 A It was probably higher. It was 34 quintillion times more
20 likely versus in proposition set 2 it was 250 trillion times more
21 likely.

22 Q And when we combine the two high numbers, Linda and Anthony
23 together, to an unknown, we come up with the highest number; is
24 that correct?

25 A That is correct.

1 Q But are you able to say that based -- well, let me put it
2 this way: Are you able to say that when you calculate those
3 numbers and you put them together, that it could inflate that
4 unknown, that 5 percent?

5 A I'm sorry. I'm not exactly sure what you mean by inflate,
6 the 5 percent contributor.

7 Q Right. So I guess what I'm saying is by this are you able
8 to tell -- when you look at those numbers, in your expert
9 opinion, you are able to identify whether it was Anthony Argoe
10 who contributed 81 percent, Linda Argoe who contributed
11 14 percent, and the unknown who contributed 5, or is that kind
12 of -- I'm bringing you off the tracks a little bit.

13 A Well, I can say that as far as the 81 percent contributor,
14 the no. 1 contributor, I'm saying that it's likely that Anthony
15 Argoe is that first contributor, the no. 1 contributor, and then
16 Linda Argoe should be considered the no. 2 contributor with the
17 14 percent, but I can't say anything as far as to the 5 percent
18 contributor just because I don't have a standard for comparison
19 about that 5 percent. I would need another standard to try to
20 see if that person would be included in that 5 percent or just
21 excluded.

22 Q Because that's an unknown?

23 A That is correct.

24 Q And in reference to 7.1, the cuttings from the jeans,
25 Mr. Chisholm asked you about that. Again, that's a single

source, and that's blood?

A We did test for blood on it. It was positive, and the DNA profile developed a single source. And I'm saying it's 8.2 octillion times more likely to be Linda Argoe than an unidentified, unrelated individual.

Q And there's no other profiles on that but her?

A There's no other profiles.

ATTORNEY OSBORNE: Okay. No further question.

THE COURT: All right. Recross?

ATTORNEY CHISHOLM: Very briefly.

RECROSS-EXAMINATION

BY ATTORNEY CHISHOLM:

Q Item 7.1, the cutting from the shorts, the solicitor just asked you -- and that was blood on there -- it's a distinction but I don't think it's a minor one -- there was a presumptive positive test for blood on there; is that correct?

A That is correct.

Q There was no confirmatory test for blood on that item; is that correct?

A We do not do confirmatory tests.

ATTORNEY CHISHOLM: Thank you.

THE COURT: All right. Is this witness free to leave, and is there any objection?

ATTORNEY OSBORNE: None from the State.

ATTORNEY CHISHOLM: No, Your Honor.

1 THE COURT: Thank you, sir. You're free to go.

2 THE WITNESS: Thank you very much.

3 THE COURT: Call your next witness, please.

4 ATTORNEY OSBORNE: State calls Dr. Thomas Beaver.

5 CLERK OF COURT: Doctor, if you'll please raise your right
6 hand, and state your full name for the record.

7 THE WITNESS: Yes. My name is Thomas Richard Beaver.

8 DR. THOMAS RICHARD BEAVER,

9 having first been duly sworn, is examined and testifies as
10 follows:

11 THE COURT: Your witness.

12 ATTORNEY OSBORNE: Thank you, Judge.

13 **DIRECT EXAMINATION**

14 BY ATTORNEY OSBORNE:

15 Q Dr. Beaver, where are you currently employed?

16 A I'm currently employed at MUSC, Medical University of South
17 Carolina.

18 Q In what capacity?

19 A I am a clinical associate professor in the Department of
20 Pathology and Laboratory Medicine.

21 Q And how long have you been doing that?

22 A I have been there since June of 2018.

23 Q What is your educational background?

24 A I have an undergraduate degree from the University of
25 California. I have a medical degree from St. George's University

1 School of Medicine. I completed the five-year residency training
2 program in anatomic and clinical pathology at the University of
3 Colorado. And I completed a fellowship in forensic pathology at
4 the Denver County Coroner's Office. I have taken the certifying
5 examinations given by the American Board of Pathology in anatomic
6 pathology, clinical pathology, and forensic pathology, passing
7 all of those exams on the first attempt.

8 Q And what does the area of pathology consist of?

9 A Pathology is broadly defined as the study of human disease.

10 Q All right. And now, I guess what we're talking about today,
11 what does forensic pathology mean?

12 A Forensic pathology is the study of cause and manner of
13 death. It takes the science of medicine and it applies it to
14 determining the cause and manner of death.

15 Q And how do you go about doing that? What do you do in your
16 daily routines?

17 A Primary tool is the autopsy examination.

18 Q All right. And how many autopsies would you estimate that
19 you have performed?

20 A Probably a little more than 10,000.

21 Q Have you ever been qualified as an expert in the court, or
22 in a court before, in the field of forensic pathology?

23 A Yes, sir.

24 Q And how many times?

25 A Many times.

1 Q And have you ever failed to qualify?

2 A Never once.

3 ATTORNEY OSBORNE: Your Honor, at this time the State moves
4 to qualify Dr. Beaver as an expert in the field of forensic
5 pathology.

6 THE COURT: Any voir dire, and any objection?

7 ATTORNEY CHISHOLM: None, Your Honor.

8 THE COURT: Very well. You may proceed. So qualified.

9 BY ATTORNEY OSBORNE:

10 Q Dr. Beaver, did you have the occasion to perform an autopsy
11 on the victim in this case, Linda Argoe?

12 A Yes, sir, I did.

13 Q And as part of your documentation of the findings did you
14 prepare a sketch notating Ms. Argoe's injuries?

15 A Yes, sir. When I first see the body, I prepare the sketch
16 while I'm standing next to it.

17 Q And would, I guess, presenting that sketch to the jury and
18 going through your findings assist you in describing those
19 injuries?

20 A Yes, sir.

21 ATTORNEY OSBORNE: Your Honor, may I approach?

22 THE COURT: You may.

23 (State's Exhibit 78 is identified.)

24 BY ATTORNEY OSBORNE:

25 Q I'm showing you State's Exhibit No. 78. Can you take a look

1 at that and tell me if you recognize it?

2 A Yes, sir, I recognize this.

3 Q And what is that?

4 A This is a sketch I prepared at the time of the autopsy.

5 ATTORNEY OSBORNE: Your Honor, at this time State seeks to
6 admit 78 into evidence.

7 THE COURT: Any objection?

8 ATTORNEY CHISHOLM: No objection, Your Honor.

9 THE COURT: All right. Very well.

10 (State's Exhibit 78 is admitted into the record.)

11 BY ATTORNEY OSBORNE:

12 Q So I guess just sort of tell the jury what we're looking at
13 here.

14 A So this is a place where I make my notes while I'm examining
15 the body. It's half of the notes that I make. The other half
16 are organ weights and things on a different sheet of paper. So
17 this is the external part of the examination.

18 It has a number of demographic things, or parameters, up at
19 the top. There's the weight and the length. There's my
20 evaluation of the rigor and livor and things like that, port
21 mortem things. And then it has a figure, a silhouette. And I
22 draw on the silhouette the injuries that I see and observe. Not
23 all injuries get on the silhouette but I try to get the ones I
24 think are significant, and I also try to mark any scars or
25 tattoos that might be on the body. These are notes that I don't

1 really intend to see in court but when it happens it happens.

2 So this is the drawing I did. You'll see like a right and
3 left on the backside, because I frequently get that mixed up when
4 I turn the body up and I'm looking at the right or the left
5 because now the right/left is the opposite of the front. So all
6 of that aside, you can see that I marked some scars on here.
7 I've marked a number of injuries, especially in the shoulder
8 area.

9 I also -- we take photographs every step of the way, and in
10 the photographs I have designated some of these wounds with
11 letters, like B and D and E and F, and those are so that if we
12 were to look at the photo and talk about a wound, a certain
13 wound, we could all talk about it with the letter B, or the
14 letter F, or the letter D. And then you'll notice in the, what's
15 her, right clavicular area -- and the clavicle is the big
16 bone-like, kind of, shoulder bone -- you'll see a line and then a
17 word that says knife, and that's where the knife was sticking out
18 of her.

19 Q And if you could -- and so you've denoted each of the stab
20 wounds and -- what do you call it -- incised wounds?

21 A Incised wounds. So in forensic pathology we classify the
22 wounds by their size. An incised wound is more like a cut, it's
23 long but it's not very deep; and a stab wound is deeper than it
24 is long. And those are our two classifications, so it's either
25 classified as a stab wound or an incised wound.

1 So here there are a number of incised wounds to the left
2 hand and arm, and there is even one on the palm of the left hand,
3 and those, I would characterize, as defensive-type injuries.

4 Q Okay. And if you could, so when you're putting the letters
5 denoting the wounds they're not actually like in any sort of --
6 you don't have any way of knowing whether they were sequentially
7 caused in that manner; it's just a way of denoting the wounds?

8 A Yes. It's just so that if we were to look at the photos,
9 for instance, and be talking about a specific wound, we could
10 talk about -- you could ask me, Well, what about wound B?, and
11 then I would describe wound B to you. It's in the report as
12 well. I break them down in the report.

13 Q About/approximately how many wounds, whether they be incised
14 wounds or stab wounds, were inflicted to Ms. Argoe?

15 A I documented a total of 14 wounds.

16 Q And it looks like, I guess, most of them are concentrated on
17 the upper part of her body, they're concentrated to the right
18 side of her body?

19 A Yes. So you can see that I've drawn some big circular
20 arrows going to the other side of her body. That's because when
21 I started to draw this I made the marks on the silhouette on the
22 left side, and they are all on the right side, so I realized the
23 mistake. I drew those big arrows saying, okay, these all belong
24 over here.

25 But they're basically the same pattern. I am not an artist.

1 My wife tells me my artistic skills ceased to improve after first
2 grade, so -- but I try to make them look like what I saw, and
3 that's where they are at.

4 Q Okay. And so it looks like we have some on the left side of
5 her body, also, and on the left side of her stomach, and then we
6 have several that would have been on her right side of her
7 clavicle?

8 A Yes. Yes. So C, D, I believe it's E, and F, all those
9 wounds are on the right side where the knife is. The wounds that
10 you see on the left arm, like on the palm and the forearm, those
11 are on the left arm. So there are more defensive injuries and
12 more injuries on the left arm than the right arm. She has some
13 injuries on the right side but most of them are on the left as
14 far as the arm goes.

15 As far as the other wounds go, they're mostly centered
16 around where the knife is in the left shoulder area. I mean --
17 excuse me -- the right shoulder area.

18 Q Okay. Does she also have wounds to her face?

19 A Yes. So she has several small -- actually, one of them's
20 pretty big, it's almost maybe five inches long -- incised wounds
21 on her face. The longest one runs along the angle of the jaw, so
22 you can't really see it on the diagram because it runs right
23 along where the silhouette shows the angle of the jaw.

24 Q And, you know, excluding the last wound with the knife, do
25 you have any expert opinion as to if she had been stabbed 13

1 times and not that last blow, 13 or 14 and not the last one,
2 would she have survived?

3 A I think so. That was the kind of remarkable thing to me
4 about the whole case, was given the size of the weapon and the
5 number of wounds, none of the other wounds, even though they
6 probed to three or four inches deep, none of them hit any major
7 internal organ or major neurovascular structure, so with some
8 prompt medical care she would have survived until the last one.
9 And that knife is in the lung, and it cuts through the major
10 artery and vein supplying the right lung, and fills her chest
11 with blood.

12 ATTORNEY OSBORNE: Your Honor, may I approach?

13 THE COURT: You may.

14 (State's Exhibits 79 and 80 are identified.)

15 BY ATTORNEY OSBORNE:

16 Q I'm showing you now what's been marked as State's 79 and 80.

17 THE COURT: Are those in?

18 ATTORNEY OSBORNE: No.

19 THE COURT: Not yet. Just showing them to him.

20 THE WITNESS: I know what these are. I took those.

21 BY ATTORNEY OSBORNE:

22 Q And what are they?

23 A Those are X-rays. When there is a foreign object associated
24 with the body in the case of gunshot wounds, stab wounds, we take
25 X-rays in case there is some metallic object that we either need

1 to recover or need to show its location. So that's why we take
2 the X-rays. And I took two X-rays there; one of the overall
3 chest, and then one more of the neck area.

4 ATTORNEY OSBORNE: Your Honor, at this time State seeks to
5 admit 79 and 80 into evidence.

6 THE COURT: Any objection?

7 ATTORNEY CHISHOLM: No, Your Honor.

8 THE COURT: Very well. They're admitted.

9 (State's Exhibits 79 and 80 are admitted into the record.)

10 BY ATTORNEY OSBORNE:

11 Q Before I show that to the jury, just to complete this, I
12 guess, I'm going to show you State's 71, and ask if you recognize
13 this item?

14 A I can't -- it's wrapped in paper, so I can't really see
15 what's in here, but do you want me to take it apart?

16 Q If you need to just to make sure.

17 A I'm gonna say that -- yeah, I'll take it apart.

18 THE COURT: Counsel -- before you begin, doctor, counsel,
19 let me see you.

20 (Off-the-record discussion at sidebar.)

21 THE COURT: Ladies and gentlemen -- one second, doctor.
22 Ladies and gentlemen, I'm going to ask you to please step to your
23 jury room. Do not discuss this matter or allow anyone to discuss
24 it with you. We will be with you shortly, I believe.

25 (Jury escorted out of the courtroom at 12:46 p.m.)

1 THE COURT: All right. Doctor, you may proceed. Just for
2 our record, I sent the jury out so that the doctor could take out
3 the knife not in front of the jury until he's had a chance to
4 look at it and identify it.

5 THE WITNESS: Thank you so much. Thank you. I'm so sorry
6 about that. This caught me totally off. I wasn't expecting to
7 unwrap this. I'm not sure how to get this tape off.

8 THE COURT: How about scissors?

9 THE WITNESS: I have no way to open this. I thought I could
10 push this, but they're in there. Yes. I think this is the
11 knife. This is it.

12 ATTORNEY OSBORNE: Okay. Thank you. Thank you, doctor.

13 THE COURT: All right. Anything further so that we can
14 bring the jury back in?

15 ATTORNEY CHISHOLM: No, Your Honor.

16 THE COURT: All right. Very well. Let's have the jury
17 back, please.

18 (Jury seated in the courtroom at 12:50 p.m.)

19 THE COURT: Very well. All right. You may proceed.

20 ATTORNEY OSBORNE: Thank you, Your Honor.

21 BY ATTORNEY OSBORNE:

22 Q So, Dr. Beaver, was that the knife?

23 A Yes, sir. Absolutely.

24 Q I'm not trying to get gruesome, I guess, but how was it
25 removed?

1 A So I made a strong effort to try to preserve any evidence
2 that might be on the knife such as blood or fingerprints, so we
3 covered it. And then I simply pulled it out.

4 Q Was it hard to get out?

5 A I don't think it was very difficult to get out. No.

6 Q All right.

7 THE COURT: Anything further?

8 ATTORNEY OSBORNE: Yes, ma'am. I have a couple.

9 THE COURT: Okay. All right.

10 BY ATTORNEY OSBORNE:

11 Q Now I'm showing you State's 79. And what are we looking at
12 here?

13 A So we're looking at an X-ray, and this is an X-ray of the
14 chest. It's taken as a straight-on view, so we're looking
15 straight on at the chest. Towards the top of the screen is the
16 head, and you can see a few of the cervical vertebrae in the
17 middle, and then towards the bottom of the screen would be the
18 abdomen, the feet. But what we're seeing really is just the
19 chest area.

20 So there's a lot of curved lines going from right to left,
21 and those are the ribs. In the center of the screen, or the
22 center of the X-ray, is kind of a whitish area, and that's where
23 the heart is sitting. And then there is a very dense line coming
24 down through the right chest, and that line is the blade of the
25 knife. If you look to the far, I guess it would our left but her

1 right, you can see an R, and that R is where we put 4 to say that
2 this is the right side of the body. And you would know it was
3 the right side anyway because of the cardiac silhouette which is
4 more on the left side.

5 So the knife goes in the right lung, and it cuts through the
6 structures that -- the large blood vessels that supply the lung.
7 And you can see some -- that the lung is collapsed, and there's
8 hemorrhage there. But basically we're seeing the extent of the
9 knife blade through the chest cavity.

10 Q All right. Showing you State's 80?

11 A So we actually couldn't get the whole knife in one frame, so
12 I moved the X-ray, the receiver plate, up so we could get the
13 rest of the knife.

14 And so you can see now, much more clearly you can see the
15 skull at the top of the screen, and you can see the right
16 shoulder going off to our left of the screen, and then you can
17 see the actual handle of the knife and most of the blade, but we
18 couldn't get it all in one picture.

19 Q Okay. And is this -- this faint line up here, is this --
20 does that denote her, I guess her, shoulder?

21 A Yes, sir. That's -- so soft tissue has, is less dense than
22 bone, and so the less soft tissue there is the more X-rays goes
23 through; the more X-rays go through, the darker it gets. So,
24 yes, that's soft tissue up there.

25 Q The last question, Dr. Beaver: Were you able to determine a

1 manner and cause of death to Linda Argoe in your expert opinion?

2 A Yes, sir. I made the cause of death stab wound to the chest
3 and the manner of death homicide.

4 ATTORNEY OSBORNE: No further questions, Your Honor.

5 THE COURT: Cross-examination?

6 ATTORNEY CHISHOLM: None, Your Honor.

7 THE COURT: Very well. Is this witness free to leave, and
8 is there any objection?

9 ATTORNEY OSBORNE: None from the State.

10 THE COURT: Thank you, sir. Counsel, let me see you for
11 just a second for scheduling purposes.

12 (Off-the-record discussion at sidebar.)

13 THE COURT: Call your next witness, please.

14 ATTORNEY OSBORNE: Your Honor, the State rests.

15 THE COURT: All right. Ladies and gentlemen, you have now
16 heard the witnesses and received the evidence which you will from
17 the State in the State's case in chief. That signifies to me
18 that there are matters that I must take up outside of your
19 presence.

20 Now it's lunchtime so, ladies and gentlemen, I am going to
21 send you to lunch. I'm going to ask that you please be mindful
22 and do not discuss this matter or allow anyone to discuss it with
23 you, and do not do any sort of research about this matter. No
24 Columbo. And please leave your notepads in your seats. Remember
25 the admonition with regards to the cellphone. And, ladies and

1 THE COURT: Anything from the defense?

2 ATTORNEY CHISHOLM: No, Your Honor.

3 THE COURT: Very well. Please let us have the jury.

4 (Jury seated in the courtroom at 5:52 p.m.)

5 VERDICT

6 THE COURT: All right. It is myself understanding that the
7 jury has reached its verdict; is that correct?

8 THE FOREPERSON: Yes, ma'am.

9 THE COURT: Hand it, please, to Amanda. Thank you, Amanda.
10 Thank you. All right. I find that the verdict is in appropriate
11 form. Ms. Kim, if you would please publish it.

12 CLERK OF COURT: The State of South Carolina, County of
13 Dorchester. On Indictment No. 2019-GS-18-01519, as the
14 indictment for murder, we, the jury, unanimous find the
15 defendant, Anthony Argoe, guilty.

16 THE COURT: Dated and signed?

17 CLERK OF COURT: February 9th, 2023.

18 THE COURT: And signed by? The presiding juror?

19 CLERK OF COURT: Katelyn Chambers Barnett.

20 THE COURT: All right. Ladies and gentlemen, if this was
21 your verdict in your jury room and continues to be your verdict
22 here in the courtroom, if you would indicate by raising your
23 right hand.

24 (Jurors respond.)

25 THE COURT: Very well. I find that all of our jurors had

1 their right hands raised. Anything from the State?

2 ATTORNEY OSBORNE: No, Your Honor.

3 THE COURT: All right. And anything from the defense before
4 we dismiss the jury?

5 ATTORNEY CHISHOLM: No, Your Honor.

6 THE COURT: Very well. Ladies and gentlemen, I want to
7 thank you for your service on this jury, and I want to thank you
8 for your service on this jury panel. That should signify to you
9 that this will conclude your service for this week. And I do
10 need to give you some instruction. You now are at liberty to
11 talk about this matter, if you wish. Unlike your instructions,
12 when you go home this evening, whoever is curious about what you
13 have been up to these last four days, you certainly can discuss
14 it, if you wish.

15 And let me tell you that the practice of law is an art and
16 not a science, and it may be that these attorneys, as they work
17 to get better at what they do, they may contact you, which is
18 perfectly fine, to say, Do you mind talking to me about my
19 presentation and what can I do better? If you are comfortable
20 talking with them, that is perfectly fine. If you are not, just
21 say, You know, I really don't want to talk to you, and these
22 lawyers are absolutely not going to persist.

23 However, it has always been my policy to tell jury panels
24 that should anyone want to talk to you about the case, the trial,
25 and you said, I don't want to talk about it and that person

1 should persist, you just reach out to the Clerk of Courts. She
2 will reach out to me, and I will certainly intercede on your
3 behalf. I just hope it's not your significant other.

4 Now, remember, remember, you are now not at liberty, you are
5 not at liberty, to serve on a jury in a court of record; that
6 means Common Pleas and General Sessions. You're not at liberty
7 to serve for the balance of 2023 -- ooh, I feel your pain.
8 There's hope for you, though, in magistrate's court and multiple
9 court, but not in -- and you'd be surprised, sometimes jurors
10 will get another summons at some point during the year. If you
11 do, just call the clerk's office. You don't need to come to
12 Saint George if that should happen, particularly for 2023.

13 Now, remember the exemptions. You now have an exemption,
14 should you choose to exercise that exemption for your jury
15 service in 2024 and 2025. Of course we want you to serve, we
16 urge you to serve but, as you are well aware, you have earned
17 that exemption should you wish to exercise it.

18 Those of you that are dashing off to work tomorrow morning
19 and you need something for your employer, we will be happy to get
20 that for you. Amanda's got them for you, and she'll be happy to
21 give that to you.

22 I used to tell jurors that the check was in the mail and my
23 dear friend, who's the Clerk of Courts, said, You can't tell them
24 that; the check's not in the mail; you can't tell them that. I'm
25 like, Well, okay, I thought maybe it would be. It is not. The

1 check is not in the mail, but it will be shortly. But our trip
2 to Tahiti, those of you that live, like, in Summerville and
3 Ladsen, gonna get you to Jedburg. It is a very small token of
4 all that you have given to us, and that is, of course, of course,
5 your dear and precious time. And I can assure you, for every
6 single, solitary tick of the clock, each and every one of us are
7 very, very grateful for your time.

8 Now, I don't mind sharing with you that the way that I am
9 going to be proceeding, just so you know, is that I will be
10 proceeding into the sentencing phase of this matter this evening.
11 If you wish to remain, sometimes jurors want to know if it's
12 acceptable. It certainly is, if you wish. Or you certainly, at
13 this time, if you wish, you are free to go, with our gratitude.

14 Now -- and Amanda, we will going to get a box. Amanda, and
15 Ms. Leoli, and Ms. Catherine have told me we have to get a box, a
16 little box, for suggestion or comments, so if you have any
17 suggestion or comments, for goodness sake, don't keep it to
18 yourself. Leave us a little piece of paper. I'm getting a box,
19 so I'm hoping to have that in a couple of weeks.

20 Oh. And with regards to your juror notes, if you want to
21 take them with you that is perfectly fine. Otherwise, they are
22 probably already being brought to my chambers. But if you want
23 yours, you absolutely can have them. They'll be brought in my
24 chambers. Then as soon as I finish my work in the courtroom, I
25 will be going to chambers, and I have a little, what is that, a

1 little shredding machine, so I'll be [sound], [sound], [sound],
2 so just know that your notes will certainly be secure. And thank
3 you all so very much.

4 So if you wish to -- if you wish to remain, stay right where
5 you are. Those of you that wish to leave, you certainly may do
6 that now.

7 (Jury is dismissed, as they wish.)

8 THE COURT: Very well. All right.

9 SENTENCING

10 ATTORNEY OSBORNE: May I approach, Judge?

11 THE COURT: Yes, sir.

12 ATTORNEY OSBORNE: This is something that I need to be
13 telling you here in a second, and I forgot the other thing.

14 THE COURT: All right. And what, if any, record does
15 Mr. Argoe have, and would the victim's family, would Ms. Argoe's
16 family, like to speak?

17 ATTORNEY OSBORNE: No, ma'am. I have spoken to the victim
18 -- the victim's family have been here the entire time --

19 THE COURT: Yes, I know. I know.

20 ATTORNEY OSBORNE: -- and I've been talking to them the
21 entire time. It's obviously been tough for them, and they
22 understand the sentence. And, no, they don't wish to address the
23 Court.

24 As far as his criminal history, it goes back a minute, so
25 some of this is kind of weird, but in 1980 he has a criminal

1 sexual conduct in the first degree. It is an arrest, and it says
2 Information held, so in all fairness I don't know exactly what
3 that entails. In '81, he has an armed robbery. He got a
4 Youthful Offender Act sentence for that. In Georgia, in 1985 he
5 has a B&E to a motor vehicle. That was dismissed. In Georgia,
6 in '86 he has a DUI that was dismissed. In '88, a theft that was
7 dismissed. In 1999, a willful obstruction of law enforcement, he
8 received a fine for that. And this one, Georgia -- it's so hard
9 the way they publish it, but -- in 2000 he has a burglary, a
10 possession with intent to distribute, an aggravated assault, an
11 obstruction of law enforcement. It appears as though he was
12 convicted of at least something from that because I see paroled
13 next to it. And the last, in 2011 he has a conviction for
14 assault on police.

15 THE COURT: All right. Anything further from the State?

16 ATTORNEY OSBORNE: No, Your Honor.

17 THE COURT: Yes. Mr. Chisholm?

18 ATTORNEY CHISHOLM: Thank you, Your Honor. May it please
19 the Court.

20 THE COURT: Yes, sir.

21 ATTORNEY CHISHOLM: Obviously the jury has rendered their
22 verdict so I won't talk about the evidence or any of that kind of
23 stuff.

24 What I will tell you about Mr. Argoe is he's 61 years old;
25 he has had two open-heart surgeries; he has stints. He is in

1 pretty poor health, which is one of the considerations of why
2 we're here. But we would ask for any consideration that you can
3 show him.

4 THE COURT: Thank you so much, Mr. Chisholm.

5 SENTENCE OF THE COURT

6 THE COURT: All right. Mr. Argoe, I have considered your
7 record and I have considered the jury's verdict, so I have also
8 been privy, as I have listened these last four days, to your
9 conduct. And based upon all of these matters, I am going to
10 commit you to the State Department of Corrections for the balance
11 of your life.

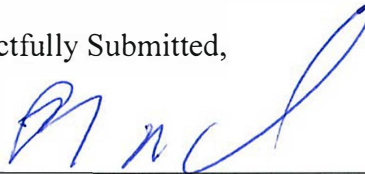
12 That will conclude these matters.

13 (End of Transcript of Record, Volume IV of IV.)
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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

RECEIVED

Jan 29 2025

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 29th day of January, 2025.

RECEIVED

Jan 29 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dorchester County

Honorable Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTHONY NICHOLAS ARGOE,

APPELLANT

APPELLATE CASE NO. 2023-000223

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon J. Anthony Mabry, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 29th day of January, 2025.



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: amabry@scag.gov
Cc: [Dudek, Robert](#); DDALESSIO@SCAG.GOV
Subject: 2023-000223 The State v. Anthony Nicholas Argoe
Date: Wednesday, January 29, 2025 11:00:00 AM
Attachments: [2023-000223 The State v. Anthony Nicholas Argoe Record on Appeal.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Record on Appeal which will be filed today, January 29, 2025, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

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