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**Feb 26 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM FLORENCE COUNTY  
Court of General Sessions

The Honorable H. Steven DeBerry, Circuit Court Judge

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Appellate Case No. 2023-001182

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The State,

Respondent,

v.

Antonio Denon Brayboy,

Appellant.

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RECORD ON APPEAL  
(VOLUME II)

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1 adjourn for the day and then resume first thing in the  
2 morning.

3 Mr. White, call your next witness.

4 MR. WHITE: Thank you, sir. Judge, we'll call  
5 Derrick Jones to the stand.

6 THE CLERK: Sir, if you'll please step up there and  
7 place your left hand on the Bible and raise your right  
8 hand.

9 DERRICK JONES,  
10 after having been duly sworn, was examined and  
11 testified to as follows:

12 THE CLERK: Please be seated and then state your  
13 full name for the record.

14 THE WITNESS: Derrick Jones.

15 DIRECT EXAMINATION

16 BY MR. WHITE:

17 Q Mr. Jones, if you could, tell us where you're from.

18 A I'm from Mullins, South Carolina.

19 Q And how long have you lived there?

20 A My whole life.

21 Q And where do you work?

22 A Well, now I work for Reese Foods. I was working for  
23 BBCI.

24 Q And what is BBCI?

25 A It's a cable company.

1 Q Okay. What you guys do there?

2 A We, like, hang cameras and do data drops for  
3 computers and TV drops and stuff like that.

4 Q And who got you that job?

5 A Rashad.

6 Q Is that Rashad Jones?

7 A Yes, sir.

8 Q The victim in this case?

9 A Yes, sir.

10 Q And I know you're soft spoken, but if you could just  
11 talk into that microphone the best you can. All right?

12 A Yes, sir. Rashad Jones.

13 Q And he got you that job. How did you know him?

14 A That's my cousin.

15 Q Okay. And were y'all more than just cousins? Were  
16 y'all friends?

17 A Friends, brothers.

18 Q How long did y'all work together?

19 A When I got there, before all this happened, it was  
20 like three years. Four years for him.

21 Q Y'all worked Monday through Friday?

22 A Yes, sir. Even the weekends sometimes.

23 Q So y'all were working a lot?

24 A Yeah.

25 Q And what was y'all's typical schedule?

- 1     **A**     From 8:00 until whenever the job done.
- 2     **Q**     And you said he got you the job. Was he your boss?
- 3     **A**     Yes, sir.
- 4     **Q**     What was his title?
- 5     **A**     He was the lead.
- 6     **Q**     He was the lead?
- 7     **A**     Yes, sir.
- 8     **Q**     And you and some others worked under him?
- 9     **A**     Yes, sir.
- 10    **Q**     Was he a good boss?
- 11    **A**     Yes, sir, he was.
- 12    **Q**     You said he was a friend. Was he a good friend?
- 13    **A**     Yes, sir.
- 14    **Q**     Good cousin?
- 15    **A**     Good cousin.
- 16    **Q**     Good brother?
- 17    **A**     Yes, sir. We were very friendly all the time.
- 18    **Q**     And what do you mean by that?
- 19    **A**     Like, we always stuck together, like no matter what.
- 20    Like me and him can get mad; like, in five minutes, we'd
- 21    be back talking.
- 22    **Q**     And he had a young son; is that right?
- 23    **A**     Yes, sir.
- 24    **Q**     And what was his son's name?
- 25    **A**     Rameare.

1 Q Did he spend a lot of time with Rameare?

2 A Every day.

3 Q Did you see him a lot?

4 THE COURT: Mr. Jones, can you just try to speak up  
5 a little bit?

6 THE WITNESS: I'm sorry.

7 THE COURT: All right. Thank you, sir.

8 BY MR. WHITE:

9 Q I know, you're soft spoken.

10 A Yeah.

11 Q That's all right. We'll get through it.

12 Did he spend a lot of time with his family?

13 A Yes, sir, he did.

14 Q And did you spend a lot of time with him and his  
15 family?

16 A Yes, sir.

17 Q Did you spend a lot of time with him outside of  
18 work?

19 A Yes, sir, I did.

20 Q And it's my understanding that you had plans to meet  
21 up with him the night that this all occurred; is that  
22 right?

23 A Yes, sir.

24 Q What were y'all's plans?

25 A Well, just to hang out and drink beer. That's all

1 we did every day after work. We'd normally get together  
2 and talk about work and stuff like that.

3 Q Just normal stuff?

4 A Normal stuff.

5 Q And y'all had plans to get together. Did you hear  
6 from him that evening?

7 A He called me and said he was on the way to me.  
8 After that, he never came, never showed up. So I figured  
9 he fell asleep with his son or something.

10 Q Was it odd for him not to show up?

11 A It was kind of odd, but I didn't really pay it no  
12 mind because he normally be with his son.

13 Q And that next day, did you call around looking for  
14 him?

15 A Yes, sir, I did.

16 Q And were you able to reach him?

17 A No, sir.

18 Q Did you ultimately learn that he had been murdered?

19 A Yeah. Like later on that night, from me calling all  
20 that day, later on that night, I found out he was deceased  
21 and all that.

22 Q And how did that impact you?

23 A It hurted me real bad. It still hurt me today.  
24 That was my brother.

25 MR. WHITE: I beg the Court's indulgence one moment.

1 (Co-counsel confer off the record.)

2 BY MR. WHITE:

3 Q And back then -- take your time.

4 Back then, was your telephone number 331-6298?

5 A Yes, sir.

6 Q You talked to him -- would that have been around  
7 11:25 that night?

8 A That sounds about right.

9 Q Thank you, Mr. Jones. I don't have anything  
10 further. Please answer any questions the defense may  
11 have. Okay?

12 A All right.

13 Q Thank you.

14 MR. WILSON: Court's indulgence just one second,  
15 Judge.

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. WILSON:

19 Q Good afternoon. How are you doing, sir?

20 A All right. How are you?

21 Q I'm doing good. I don't have many questions. Okay?  
22 Just one or two, actually.

23 I have a question for you. Do you know why your  
24 brother would have been calling -- y'all are close;  
25 correct?

1       A       Yes, sir.

2       Q       Why would he have been calling an 866 number --  
3       874-2369 -- at 10:16 p.m.? Do you recognize that number  
4       at all?

5       A       No, I don't.

6               MR. WILSON: No further questions, Judge.

7               THE COURT: All right. Anything further from the  
8       State?

9               MR. WHITE: Beg the Court's indulgence one moment.  
10              (Co-counsel confer off the record.)

11              MR. WHITE: That's all I have, Judge.

12              Thank you, Mr. Jones.

13              THE COURT: Thank you, Mr. Jones. Appreciate you  
14       being here.

15              THE WITNESS: Yes, sir.

16              MR. WHITE: And I'll ask if Mr. Jones can be  
17       released from his subpoena.

18              MR. WILSON: Your Honor, without objection.

19              THE COURT: You're free to go. Thank you.

20              All right, ladies and gentlemen. Again, due to the  
21       scheduling of the witnesses, the next witness isn't  
22       available until tomorrow morning. We're going to go ahead  
23       and adjourn for the day. I ask that you be back at 9:15,  
24       and we'll promptly start again at 9:30 and work to resume  
25       this matter.

1 I appreciate everybody's attention, your time, your  
2 patience, your service. Please again remember don't  
3 discuss this matter until it's time, and I tell you that  
4 it's time to deliberate.

5 What I will ask you to do, when you come back in in  
6 the morning -- or you can do it this afternoon, but any  
7 time is fine. Now that you have spent some time with each  
8 other and maybe know a little bit about each other -- and  
9 maybe you don't -- if the 12 jurors would decide amongst  
10 yourselves who the best person to serve as the foreperson  
11 on the jury would be, and just let the Court know.

12 And, basically, what the foreperson of the jury does  
13 -- it doesn't have any more power than any other person of  
14 the jury or member of the jury, but the foreperson would  
15 be the person who, number one, would preside over the  
16 deliberations in this case, and then, number two, if  
17 there's any questions or communications that need to be  
18 made from the jury to the Court, then that person would  
19 initiate that question on behalf of the jury or  
20 notification or whatever it might be.

21 But, you know, I always find it best -- I could  
22 appoint somebody, but I don't know you individually, and  
23 sometimes after you spend a day or two together, you  
24 realize that one person may be better than somebody else  
25 or somebody shouldn't be the foreman for whatever reason

1 or not any reason at all. It doesn't make any difference.

2 But if y'all do that for us, let us know who that  
3 is, I'd appreciate it. Hope you have a good evening, and  
4 we'll see you back in the morning to resume this trial.  
5 Thank you so much.

6 (The jury exited the courtroom at 3:15 p.m.)

7 THE COURT: All right. Is there anything before we  
8 adjourn for the day?

9 MR. WHITE: No, sir, Judge.

10 MR. WILSON: Nothing from the defense, Your Honor.

11 THE COURT: All right. We'll see y'all in the  
12 morning.

13 MR. WILSON: Thank you, Judge.

14 THE COURT: All right. Thank you.

15 (The trial recessed at 3:15 p.m.)

16 \* \* \* \*

17 WEDNESDAY, JULY 19, 2023

18 (The trial resumed at 9:33 a.m.)

19 MOTIONS/MATTERS OF LAW

20 THE COURT: All right, sir. Are we all here and  
21 ready to go?

22 MR. WILSON: Ready to go, Your Honor. There is a  
23 matter of law. I don't know if the Court wants to take it  
24 up now, Judge, or wants to wait until they try to  
25 introduce their witnesses, but there's going to be a 901

1 and State v. Jones issue relating to the reliability of  
2 evidence that they're trying to present. There are  
3 serious problems with that evidence.

4 Again, I think that it would be appropriate for the  
5 Court to do an in cam depo interview of the witnesses  
6 before that evidence goes before the jury, Judge.

7 THE COURT: All right. What witness is it?

8 MR. WILSON: These are two witnesses that are coming  
9 from SLED. This is related to SLED putting in entry of  
10 what they believe to be his cell phone number into  
11 Spotlight. Spotlight is a third-party, fourth-party,  
12 fifth-party web site that you can go onto, I can go onto,  
13 and we can put in information and say, "Hey, give us  
14 information."

15 The problem that I have is they sent the actual  
16 number to SkipTheGames directly. SkipTheGames sends a  
17 message back to them saying, "Look, we don't have any sort  
18 of account for that particular number. This is what we do  
19 have." And then they give a list of numbers that are not  
20 connected to him at all, that they have not connected at  
21 all to him, and then now they want to offer that evidence  
22 into the record, not having a custodian from SkipTheGames,  
23 not having a custodian from Spotlight, and having someone  
24 from SLED to come in to say, "Hey, we did this search and  
25 now we want to offer all this evidence."

1           The problem with that is, it's a violation of State  
2 v. Jones and State v. Council. But even under Daubert,  
3 which I know South Carolina hasn't adopted, Daubert still  
4 was expanded to include soft scientific analysis, like  
5 tire analysis, people who were not experts in certain  
6 things.

7           If they don't offer them in as experts, they're  
8 still getting up, trying to testify about something they  
9 have no knowledge of. And then the factors that the Court  
10 says you have to go through, because the Court is the  
11 gatekeeper of this information, that the factors they've  
12 got to go through, they've got to have knowledge. They  
13 have peer publications. They've got to know that these  
14 things are reliable. And these web sites, Judge, anybody  
15 can go on there and get anything and keep any information.

16           THE COURT: All right. Well, I'm still a little bit  
17 in the dark as to what exactly the information is.

18           MR. WILSON: The information are web sites where  
19 they're alleging that he posted, basically, ads -- okay?  
20 -- for sexual women and sex things of that nature.

21           So, again, though, it's also rank hearsay, and  
22 that's the other argument I'm going to make, because,  
23 again, you got -- let's say the ad existed. The ad would  
24 be for another third-party website, which could be  
25 SkipTheGames or Uberhorny, then Spotlight would say, "Hey,

1     yeah, we believe that this might be something that's  
2     associated with this account."

3             And then you've got SLED coming in now, willing to  
4     testify about it on the record, without SkipTheGames,  
5     without Spotlight coming and saying, "We're the custodian,  
6     we can authenticate that this account belongs to this  
7     individual. This email is associated with this  
8     individual."

9             The emails that we know that they have also have not  
10    been linked to this individual at all. And so these web  
11    sites and these postings, anybody, again, can go and post.  
12    And so, if I have your number -- let's say I have your  
13    cell number two years ago and I put your cell number into  
14    Uberhorny or SkipTheGames, and if I develop an email  
15    address that says, you know, JuniorWilson.com, and then,  
16    later on, I get rid of that number and then I give you the  
17    number and they give you the number, then you're going to  
18    pop up in a search that could be unrelated, which is why  
19    it's so important to authenticate the information, Judge.

20            THE COURT: I understand.

21            MR. WILSON: Yes, sir.

22            THE COURT: I mean, what -- I guess one thing I'm  
23    confused about, you told me the numbers that they gave him  
24    weren't related to him.

25            MR. WILSON: That's correct. The numbers that

1 SkipTheGames came back -- there was an email chain that we  
2 were given in the discovery. Well, in that email chain,  
3 they asked SkipTheGames, SLED does, say, "Hey, you know,  
4 do you have any information related to his number," the  
5 one they have identified and Your Honor has let in, which  
6 I'm not contesting. All right?

7 The problem is, SkipTheGames says, "No, we don't  
8 have any information about that. But as related to the  
9 account, what we're going to do is give you what we do  
10 have." And then they gave him a series of telephone  
11 numbers -- okay? -- none of which have been identified to  
12 this particular defendant.

13 Also, an email address that's not been identified to  
14 this particular defendant, and they want to now offer that  
15 evidence, again, without producing anybody from Spotlight.  
16 They're not coming in to testify. No one also from  
17 SkipTheGames is coming to certify that these accounts,  
18 one, exist. As a matter of fact, what SkipTheGames said  
19 is, "Look, we don't know. We have free -- this is free.  
20 There's no billing information, so we don't know who this  
21 is. It could be anybody."

22 MR. WHITE: I think I can clear this up. We're not  
23 entering that into evidence.

24 So -- but we are intending -- and Mr. Wilson is  
25 right. So how this happened is they get a telephone

1 number, and law enforcement has this tool at their  
2 disposal at Spotlight. I mean, you have to -- it's a  
3 rigorous process. You have got to apply for it. You have  
4 to have someone who endorses you. You have to go through  
5 training in order to be able to certify -- and you also  
6 have to certify that you're a law enforcement officer and  
7 that sort of thing before you can get access to Spotlight.

8 And we have a SLED agent coming to testify all about  
9 Spotlight. He's going to explain it all to us. So they  
10 took that telephone number, that 704 number that we know  
11 belongs to the defendant, they typed that cell phone in,  
12 and it produced an ad on SkipTheGames. Now, that portion,  
13 I believe, is relevant and should come in, but what  
14 Ms. Wilson is referring to, I believe, is what they did is  
15 they wanted to try to see if there were any other  
16 associated accounts to this account. So they sent all the  
17 information that they could muster and sent it to  
18 SkipTheGames, and SkipTheGames sent back something they  
19 thought might be relevant. And it's a stack of documents  
20 that I provided to the defense, out of an abundance of  
21 caution, but I agree: There's no correlation there.

22 So we're just -- what we're looking at is that  
23 original ad, and that's all that we'll be entering into  
24 evidence and all that SLED and the sheriff's office will  
25 be testifying to. So not the ancillary ads that were sent

1 back from SkipTheGames. We will not be getting into that.

2 THE COURT: Mr. Wilson, what's your position on  
3 that?

4 MR. WILSON: My position, Judge, is this: If, let's  
5 say, there was someone from Spotlight, okay, who could  
6 come in and authenticate these records and say, "Hey,  
7 look, we know that this is absolutely, positively  
8 something that's given to him, not something that was  
9 created beforehand, not something that we just happen  
10 to..."

11 It's still a third-party web site. It's not owned  
12 by SLED. SLED didn't go in and create the web site. They  
13 don't work for Spotlight. They use it as a tool to try to  
14 find out that people are associated with different things.

15 Again, the records cannot be certified. You know,  
16 again, give an example: Counsel and I agree in this case,  
17 right, with the communications that, if the Court ruled  
18 the way that Your Honor ruled regarding the phone records,  
19 that we would accept the certificates of certification of  
20 authenticity. So Verizon, AT&T all saying this --  
21 certificate of authenticity, saying this is authentic,  
22 this is real information. That hasn't happened in this  
23 situation.

24 So Spotlight hasn't sent us anything. Spotlight  
25 won't certify anything. This is just a search engine,

1 which is completely unreliable when it comes down to  
2 whether or not that number, that account is truly  
3 associated.

4 And what really bothers me, Judge -- and I  
5 understand that this is not -- I'm not talking about the  
6 weight of the evidence or the credibility of it. It's  
7 whether or not it's authenticate or not. Because if  
8 SkipTheGames, who owns the web site, says that the number  
9 is not associated with an account, they're going to  
10 circumvent that and come in and say, "Look, he posted this  
11 ad, and we found it on Spotlight." It's not only just a  
12 violation of 901 -- and if I just make this very briefly,  
13 Judge; I'm not going to go into it too much unless the  
14 Court -- 901 is very, very particular. It says,  
15 "Testimony of Witness with Knowledge. Testimony that a  
16 matter is what it is claimed to be"; "Distinctive  
17 Characteristics and the Like. Appearance, contents,  
18 substance, internal patterns, or other distinctive  
19 characteristics, taken into conjunction with [all]  
20 circumstances."

21 It goes further, Judge, and says, "Process or  
22 System. Evidence describing a process or system used to  
23 produce a result and showing that the process or system  
24 produces an accurate result," so that you're not  
25 misleading the jury and that you're not letting

1 incompetent evidence in.

2 The concern is -- under 901 -- for the Court is, is  
3 that we don't want evidence coming to the jury that may  
4 not be reliable, which is one of the main reasons that  
5 polygraphs aren't allowed in, one of the main reasons that  
6 the Court says other evidence that might not be reliable.

7 Here, they can't come in and testify about how the  
8 records are kept at the actual Spotlight, how they  
9 actually get those things to your screen once you put the  
10 number in. They can't come in and testify about the  
11 processes, because they don't work for them. They're just  
12 using it to find things.

13 And I'm okay with SLED using it to find things.  
14 What I'm not okay with is them coming in and saying, "Hey,  
15 we used it; it's now third-party information from  
16 Spotlight, and it originated with SkipTheGames, who says  
17 we don't have a record for that number."

18 THE COURT: Is that the case? I mean, do you agree  
19 with all of that summarization, Mr. White?

20 MR. WHITE: No, not entirely. And I -- the agent  
21 can explain it better why that SkipTheGames came back and  
22 said that they didn't see that it was associated. He can  
23 fully vet --

24 THE COURT: Is he here?

25 MR. WHITE: Yeah, he's here. We can proffer him

1 right now.

2 THE COURT: Well, I guess we should do that.

3 Ms. Mary, if you'll just let the jury know we're  
4 taking up a matter of law. We'll have them out just as  
5 soon as we can.

6 (Pause in the proceedings.)

7 MR. WHITE: And, Judge, Investigator Roy is here to  
8 testify, and basically why it comes back by that time --

9 THE COURT: Is this the witness?

10 MR. WHITE: Yes, sir.

11 THE COURT: Sir, if you'll come.

12 MR. WHITE: And why it comes back at that time is  
13 because, by the time they send that information off to  
14 SkipTheGames, the account has been deleted from  
15 SkipTheGames. But Spotlight -- if he got on to Spotlight  
16 right now, it searches anything that's ever been posted.  
17 He could get on -- he could hook it up to some computers  
18 so everybody can see exactly how it works. He types in a  
19 number or anything associated. And if you type in that  
20 number today right now this second, that ad pops up. So  
21 that's essentially what we're doing, but I'm happy to  
22 proffer his testimony.

23 THE COURT: Is that what you're requesting, is to  
24 proffer testimony?

25 MR. WILSON: Yes, Your Honor, for Your Honor to

1 determine whether or not the evidence itself is going to  
2 be reliable and whether or not this particular witness can  
3 testify about Spotlight and their innning workings, the  
4 ratio of error, all the factors that the Court --

5 THE COURT: All right.

6 THE CLERK: Please place your hand on the Bible and  
7 raise your right hand.

8 JADE ROY,

9 after having been duly sworn, was examined and  
10 testified to as follows:

11 THE CLERK: Please be seated and state your full  
12 name for the record.

13 THE WITNESS: First name is Jade. Last name, Roy.

14 DIRECT EXAMINATION (PROFFERED)

15 BY MR. WHITE:

16 Q Agent Roy, where are you employed?

17 A South Carolina Law Enforcement Division.

18 Q And in what capacity are you employed?

19 A I serve as a supervise over our Human Trafficking  
20 and Immigration Enforcement Units.

21 Q And how long have you been employed in that  
22 capacity?

23 A Since 2016 at the State Law Enforcement Division.

24 Q And what is your background, your expertise, your  
25 training that led you to that particular role?

1       A       Sure. So I started policing in 2011 at Myrtle Beach  
2       Police Department where I moved into Criminal  
3       Investigations Division, serving as an investigator in the  
4       Crimes Against Persons unit working sex crimes, violent  
5       crimes, all crimes against persons.

6               Came to SLED in 2016, and our unit was stood up in  
7       2017 -- an A team where we stood up as a unit working  
8       crimes of exploitation and trafficking.

9       Q       And now in your role in SLED -- am I understanding  
10      that you're the head of that particular unit?

11      A       Yes, sir.

12      Q       And what do you guys do there?

13      A       Many different -- different things to include  
14      working exploitation and trafficking investigations with  
15      our law enforcement partners around the state, conducting  
16      commercial sex operations to combat sex trafficking around  
17      our state to include coming into contact with sex buyers  
18      as well as those that may be victims of trafficking, as  
19      well as conducting continued education training for our  
20      law enforcement partners around the state and a couple of  
21      different training scenarios, and then partnering with our  
22      state human trafficking task force multidisciplinary team  
23      partners.

24      Q       Now, I would imagine that, you know, as part of that  
25      -- a lot of that work is done on the internet; is that

1 right?

2 A Yes, sir.

3 Q And are you -- do you have tools at your disposal to  
4 look into various aspects of human trafficking?

5 A Yes, sir, we do.

6 Q And is one of those Spotlight?

7 A Yes.

8 Q Could you tell us, what is Spotlight?

9 A Spotlight is a search tool that was created by an  
10 organization called Thorn. Thorn was founded in 2012.  
11 They realized, in the process of the investigative process  
12 to investigate crimes of human trafficking and  
13 exploitation, that there was a missing link in order for  
14 law enforcement to glean information about commercial sex  
15 ads.

16 And so this tool was created and put into place in  
17 2014 by that organization. It is a search tool that law  
18 enforcement -- we have to be vetted. We have to certify  
19 that we're currently certified as law enforcement officers  
20 in any state or federal organization.

21 And then this tool basically takes -- you're able to  
22 put in different pieces of information to glean  
23 information from approximately nine different commercial  
24 sex advertisement sites that this particular search tool  
25 is pulling information from.

1 Q Is one of those SkipTheGames?

2 A Yes, sir.

3 Q Now, you mentioned briefly, you know, how one  
4 becomes kind of an agent of Spotlight. Do you have to  
5 apply?

6 A Yes, sir, you do. And you have to be -- your agency  
7 has to certify that you're an investigator in this  
8 capacity.

9 Q Okay. And do you have to go through a certain  
10 amount of training through Spotlight?

11 A In order to have access to it?

12 Q Yes, sir.

13 A Not in particular, no, sir.

14 Q How long have you been using Spotlight?

15 A Since approximately 2018 when I moved into or when  
16 we first stood up as a unit.

17 Q And how often do you use it?

18 A Every week.

19 Q And do you use it in the ordinary course of your  
20 investigations with the human trafficking division with  
21 SLED?

22 A Yes, sir.

23 Q And were you involved in this case in particular?

24 A To an extent, yes, sir.

25 Q Now, it's my understanding that typing in the

1 defendant's telephone number in its entirety produced an  
2 ad; is that correct?

3 A Yes, sir. It produced a result related to an ad  
4 from SkipTheGames in Florence, South Carolina.

5 Q And was that advertisement for sex?

6 A Yes, sir.

7 Q And was that advertisement dated sometime around the  
8 incident date, the murder date?

9 A I don't recall. I don't recall. I don't know when  
10 the murder actually occurred.

11 Q That's okay.

12 A I apologize.

13 Q I'll show you the ad and ask you if that refreshes  
14 your recollection.

15 Now, the murder occurred December 27th/28th of 2019.  
16 When did that ad first post?

17 A The first post of this ad is at 6:22 p.m., Eastern  
18 Standard Time, December 19th of 2019.

19 Q Is that roughly ten days prior to the murder?

20 A Yes, sir.

21 Q Okay. And that telephone number, if you type it in  
22 -- back then when y'all typed it in, it produced that ad;  
23 is that right?

24 A That's correct, yes, sir.

25 Q If you type that telephone number in today in

1 Spotlight, will it produce that ad?

2 A It should. It did last week, yes, sir.

3 Q Okay. And it's my understanding that, at some  
4 point, you then take some of the information that you  
5 receive and send it off to SkipTheGames. Tell us a little  
6 bit about how that works and what you were doing when you  
7 sent the email to SkipTheGames.

8 A Yes, sir. So SkipTheGames is a web site that exists  
9 that is based out of country, and so they have a law  
10 enforcement process to email to request information  
11 specifically to certain ads that may be -- may exist in  
12 their -- on their platform or, in this particular case, we  
13 sent an email to SkipTheGames requesting information as it  
14 would relate to this particular phone number, not the  
15 particular ad that we saw that was created.

16 Q Okay. And when they responded, it's my  
17 understanding that they responded that they didn't have  
18 any association. But that was sometime after your  
19 original ad was posted; is that right?

20 A Yes, sir. We sent the email for -- to SkipTheGames  
21 in January of 2020.

22 Q Okay. And when they sent that back, is it your  
23 understanding they didn't have any association because  
24 that ad had been deleted?

25 A To my recollection, yes, sir. They did not -- the

1 email response from the SkipTheGames platform stated that  
2 they did not recover any -- any ad associated with this  
3 phone number.

4 Q But you found, through Spotlight, an associated ad  
5 with that telephone number; is that right?

6 A Yes, sir.

7 Q And you can pull it up today just as you did -- or  
8 you pulled it up last week just as we did back in 2019?

9 A Yes, sir. You can pull up these search results. If  
10 we were to use the URL, I'm not sure that it would  
11 produce, as that site -- or, excuse me, as that ad has  
12 been taken down by the user of the account.

13 Q And, in fact, we did that last week, and we turned  
14 that particular search over to the defense in this case so  
15 it was fresh. Do you recall that?

16 A Yes, sir.

17 MR. WHITE: Okay. Judge, I beg the Court's  
18 indulgence one moment.

19 (Co-counsel confer off the record.)

20 BY MR. WHITE:

21 Q Now, Spotlight is not something the general public  
22 has access to; is that right?

23 A That's correct.

24 Q And it's really not anything that the general law  
25 enforcement community has access to; is that right?

1       A       That's correct.

2       Q       I mean, is it specific to those in human trafficking  
3       who apply -- have to be endorsed and that sort of thing  
4       before they get access -- granted access to Spotlight?

5       A       Yes, sir.

6       Q       And, again, you use Spotlight every week, every  
7       other day in the ordinary course of your investigations?

8       A       Yes, sir, we do.

9               MR. WHITE: That's all I have, Judge.

10          THE COURT: Mr. Wilson?

11          MR. WILSON: Your Honor, please the Court, judge.

12                       CROSS-EXAMINATION (PROFFERED)

13       BY MR. WILSON:

14       Q       Good morning, Agent --

15       A       Good morning, sir.

16       Q       -- Jade; correct?

17       A       Yes, sir.

18       Q       Good morning, sir.

19               Question: SkipTheGames is a third-party web site;  
20       correct?

21       A       Yes, sir.

22       Q       Does SLED have any sort of relationship with  
23       SkipTheGames where you guys are trained to understand the  
24       inner workings and have custody of their records?

25       A       Could you repeat the question?

1 Q Let me rephrase the question. Does State Law  
2 Enforcement Division have custody of the records at  
3 SkipTheGames? Are you currently in custody of all their  
4 records?

5 A No, sir.

6 Q Okay. Do you guys work in conjunction with them to  
7 maintain their records?

8 A No, sir.

9 Q Do you work in conjunction with them to delete  
10 accounts or to open accounts?

11 A No, sir.

12 Q Okay. All right. Now, let me ask you again:  
13 Spotlight -- you just testified under oath that there is  
14 no special training that goes into whether or not you go  
15 on there and put a number in there; right?

16 A Correct.

17 Q All right. All that's required is that you're law  
18 enforcement; right?

19 A (Witness nodding.)

20 Q And then you have to certify that you're law  
21 enforcement?

22 A Yes, sir.

23 Q And then you get to go and then you get to look up  
24 this stuff; correct?

25 A Yes, sir.

1 Q Okay. Now, if, right now, I show you the email  
2 chain for -- and I have the email chain here. You guys  
3 emailed SkipTheGames; correct?

4 A Yes, sir.

5 Q I apologize; I have to remove my glasses.

6 MR. WILSON: Your Honor, may I approach the witness?

7 THE COURT: Yes, sir.

8 BY MR. WILSON:

9 Q Do you recognize that email?

10 A Yes, sir.

11 Q Okay. And that's an email where you're requesting  
12 information, you know, from them because you have a  
13 working relationship; correct?

14 A We requested the information as the normal course of  
15 business in investigating crimes of exploitation or  
16 potential exploitation and trafficking.

17 Q Yes, sir. All right. In that email chain, they  
18 tell you, one, that they don't have any records related to  
19 the 704 number, which is the target number; correct?

20 A Yes, sir.

21 Q And then they tell you this is what we do have for  
22 you; right?

23 A That's correct.

24 Q All right. And then they go on and tell you that,  
25 if you want them to delete the account, that they will --

1 and delete the ad; right?

2 A The email response does state that the -- that they  
3 would, in fact, inactivate an account and delete the  
4 account associated with it, yes, sir.

5 Q And then they also said that, if you didn't want to  
6 do that, that they would hide the ad. Is that also  
7 correct?

8 A Yes, sir, to make any current and future ads  
9 invisible. And that is specific to different -- what  
10 appears to be a different phone number for potentially a  
11 different ad, not for the (704) 777-8982 number.

12 Q That's right. Because they said the only thing they  
13 found that was associated with it they wouldn't give you  
14 but gave the option to hide it. And y'all -- did y'all  
15 ever opt- -- did you ever exercise the option to hide or  
16 delete that account?

17 A No, sir.

18 Q Okay. All right. But you yourself can't go in and  
19 delete and add accounts for SkipTheGames?

20 A No, sir.

21 Q And you have no real knowledge of the inner workings  
22 of how they work as a -- and you don't work for them,  
23 basically?

24 A No, I do not.

25 Q Okay. All right. Now, getting back to Spotlight,

1 Spotlight, their records are not maintained by SLED;  
2 correct?

3 A Correct.

4 Q All right. They're a third-party web site?

5 A Yes, sir.

6 Q And they basically go in and collect information,  
7 which they say exists, from other web sites?

8 A Correct.

9 Q All right. Do you guys allow -- excuse me; I  
10 withdraw that.

11 Do they allow you guys at SLED to have full access  
12 to how they maintain their records, the ratio of  
13 actually -- you know, let me ask you this: What is the  
14 ratio of error that Spotlight and SkipTheGames works with?

15 A No idea.

16 Q Let me ask you this: How does SkipTheGames, in your  
17 opinion, identify their accounts?

18 A I don't know that I'd be able to answer that, sir.

19 Q All right. Let me ask you this: If you pooled  
20 together all these nine web sites that you say Spotlight  
21 basically pulls from, you don't know what the errors are  
22 that they can make, what the potential problems are that  
23 they have, whether or not the sites get hacked or not.  
24 You're not privy or involved in that element of it;  
25 correct?

1       A       No, sir.

2       Q       You guys are simply looking for -- and use it for  
3       human trafficking because it gives you information,  
4       possibly, about what you might be able to find?

5       A       That could relate to a potential crime, yes, sir.

6       Q       Okay.

7               MR. WILSON: Your Honor, I have no further  
8       questions, Judge.

9               THE COURT: All right.

10                       EXAMINATION (PROFFERED)

11       BY THE COURT:

12       Q       When you use Spotlight and you do a search and it  
13       returns what it finds, does that show the actual ad as it  
14       appeared on SkipTheGames?

15       A       It can, sir, if you ask it to pull it up in detail  
16       of what it states is posted or you can pull from the URL  
17       itself to open the ad.

18       Q       So what was done in this case? Were you able to  
19       open the ad or see the actual ad?

20       A       I don't recall, sir.

21               MR. WHITE: And that's because this is one-half of  
22       the equation, Judge. The other half of the equation is  
23       Angel Clark, who is outside, she can hook her computer up  
24       and pull it up right now. But I'll show -- this is  
25       State's Exhibit 98, Judge. This was pulled up, you know,

1 just last week or the week before and that -- and when you  
2 type in that 704 number, that's the ad that pulls up.

3 THE COURT: So this is the actual ad that we're  
4 talking about?

5 MR. WHITE: Yes, sir. Yes, sir.

6 THE COURT: Is that right?

7 MR. WILSON: I can't see it, but that looks similar  
8 to what I'm looking at, Judge, yes.

9 THE COURT: All right. State's 98.

10 And this ad was actually found or Spotlight aided in  
11 the detection of this ad? Is that what I understand?

12 MR. WHITE: The investigator used Spotlight search  
13 engine and typed in that 704 number and pulled up that ad.

14 BY THE COURT:

15 Q All right. Is there anything that says that this ad  
16 was on SkipTheGames?

17 A Yes, sir. In the URL box on the right-hand side,  
18 which, in that particular paper that you're holding, Your  
19 Honor, is cut off. But in that URL, it starts with the  
20 SkipTheGames URL and ID that would have been associated.

21 THE COURT: All right. And that's how the Florence  
22 County detective became aware of the ad?

23 MR. WHITE: That's correct. They have got the  
24 victim's -- search warrant for the victim's cell phone  
25 records. They saw the last number that was called. They

1 believed that the case was associated with a sex endeavor,  
2 and then they typed that number in.

3 THE COURT: Oh, I understand that. I'm trying to  
4 figure out how they got there.

5 MR. WHITE: So that's it. They went to Angel Clark  
6 and said, "This is the number we have got." She typed it  
7 into Spotlight, and this ad, Mr. John X, an advertisement  
8 for sex popped up dated December 19th, 2019, was when this  
9 was posted.

10 THE COURT: But as early as last week, you could  
11 still pull that up?

12 MR. WHITE: You can still pull that up. I'd venture  
13 to say -- you know, I don't want to promise anything, but,  
14 I mean, if she could do it last week -- we did this last  
15 week. I watched her do it. And she could get on the  
16 stand right now, and she's confident that, if she did it  
17 right now, she could do it again.

18 It's always going to pop up in Spotlight even if the  
19 record has been deleted, which is what happened here.  
20 When they send off the request to SkipTheGames, they send  
21 back no association because the post has been deleted.  
22 And they're talking about hiding or deleting the post  
23 because that's a common thing when they're dealing with  
24 law enforcement. They will say, "Hey, we'll take it down  
25 if you want us to."

1           THE COURT: So, Mr. Wilson, what's your argument  
2 against it? If any law enforcement officer were to make a  
3 Google search and something returned that was  
4 incriminating against some suspect --

5           MR. WILSON: Judge, this is not the situation. If  
6 this was a public domain, that would be one thing. They  
7 didn't find this on SkipTheGames. They pull it up on a  
8 third-party web site, and this was law enforcement action.

9           Any time a layperson, a citizen takes action,  
10 there's no protections. Okay? When police take actions,  
11 there are protections in place.

12           What the Court says is this evidence itself has to  
13 be competent evidence. Again, it has to be reliable, and  
14 they have to be able to talk about it. Again, the Court  
15 specifically in State v. Jones, specifically under the  
16 rule of 901, says that you have to go through the steps to  
17 determine whether or not it's reliable. Does it have peer  
18 reviews? Does it have, also, any publication where it  
19 talks about whether or not there is an error system, a  
20 determination of whether they can talk about the inner  
21 workings of how the records are kept. They can't do that.

22           I'm not arguing with the fact that the police can go  
23 on there and find it. That's not my argument. You can go  
24 on the internet and find anything. I could put in my  
25 number right now, which is a new number I got last year,

1 and it might come up on Spotlight from Ralph -- well, not  
2 Ralph, but let's say Tommy, from back in the day, loves  
3 socks for women.

4 THE COURT: No, I understand, but what I think -- I  
5 mean, what I feel like at this point makes this relevant  
6 and reliable is that it was close in time to this  
7 incident. It's the same county.

8 MR. WILSON: Judge, it can be 403, okay. It can be  
9 relevant. I'm not saying it's not relevant. That is not  
10 my argument. They still --

11 THE COURT: You're saying it's not reliable.

12 MR. WILSON: I'm saying that the evidence is not  
13 reliable because, again, you've got nobody from  
14 SkipTheGames who is asserting that he had an account with  
15 SkipTheGames. That's the first problem.

16 The second --

17 THE COURT: Well, the SkipTheGames part, I have a  
18 lot of problem with.

19 MR. WILSON: Yes, sir.

20 THE COURT: I mean, all of that's completely hearsay  
21 to start with.

22 MR. WILSON: It is. I agree with that.

23 THE COURT: And so, you know, I don't have any  
24 problem, you know, if you needed to come in or if you  
25 wanted to come in, you know, with an agent saying

1 SkipTheGames didn't confirm this, you know, but I mean --

2 MR. WILSON: Judge --

3 THE COURT: -- to get into the inner workings of  
4 SkipTheGames, I don't think anybody's -- you know, like  
5 you say, if they want to come here and call them as a  
6 witness or the State wants to call them as a witness and  
7 get into the inner workings of SkipTheGames, but...

8 MR. WILSON: Judge, but that's -- Judge, we don't  
9 have any obligation under the law to assist them with  
10 their case. The obligation --

11 THE COURT: I understand.

12 MR. WILSON: So that's their evidence. They're  
13 offering it. They're offering it for the truth of the  
14 matter.

15 And on top of that, Judge, they're going to refer to  
16 SkipTheGames saying this is on SkipTheGames. It's on the  
17 document. SkipTheGames is saying, "We don't have a record  
18 of this. It's not connected."

19 There's no one who can talk about how it is that  
20 Spotlight somehow now connects this number to this  
21 particular ad. Nobody.

22 And Mr. John X is -- he ain't claiming to be  
23 Mr. John X. There's nobody that says he's Mr. John X.  
24 Everybody is saying that he posted this ad. You've got  
25 them saying that, "Hey, he went to a third-party web

1 site." Not only is it rank hearsay, it's a 901 violation,  
2 and definitely a State v. Jones violation, clearly, Judge,  
3 because he can't -- that's why I asked him on the stand,  
4 "Do you have any sort of working relationship with the  
5 evidence maintained by Spotlight or by SkipTheGames?"  
6 Because, by association, those two things have to be  
7 certified. You cannot just come into court and say,  
8 "Well, we found this online and anybody can find it."  
9 That's not what happened here.

10 They got on Spotlight, which is a tool they use for  
11 human trafficking -- the police did -- and then now they  
12 want to offer it for the truth of the matter asserted.  
13 The problem that I have with that is -- I don't care about  
14 law enforcement searching for human trafficking; that's a  
15 good thing. The bad thing here is that he has a right to  
16 have reliable evidence put against him in trial. It's not  
17 reliable because it doesn't pass the test at all, Judge.

18 And, you know, obviously, I understand the Court is  
19 going to make a decision, but I want to put it on the  
20 record that, again, the Court and the Rule 901 or the  
21 evidence says that the witness must have knowledge that  
22 the thing is what it's claimed to be. That's the first  
23 thing.

24 They can't do that because they're not from  
25 SkipTheGames and they're not from Spotlight. They only

1 can look it up and then tell us what it might say. They  
2 can't tell us when and who sat down and created it. They  
3 can't do that.

4 "Distinctive Characteristics and the Like.  
5 Appearance, contents, substance, internal patterns, or  
6 other distinctive characteristics, taken in conjunction  
7 with the circumstances."

8 And the rule goes further; that the [as read]  
9 "Process or System. Evidence describing the process or  
10 system used to produce the result of showing that process  
11 or system produces an accurate result."

12 And the Court goes further and says, "A party must  
13 authenticate evidence to show that it is a party -- excuse  
14 me -- that the evidence is what it's claimed to be." And  
15 that is what we have here, Judge.

16 You have a case now where, again, State v. Council,  
17 they made very clear about how this evidence is to be  
18 handled. They call the courts the gatekeepers. And,  
19 again, the reason I have a problem with it -- I can deal  
20 with it. If the Court lets it in, I'm going to deal with  
21 it. But I tell you, it is a 901 violation because, again,  
22 they're not in the custody of anything that allows them to  
23 even know the ratio. Because if the Court goes to that  
24 analysis and says, Hey, if they can tell you what the  
25 error is, right, what the error ratio is what can happen

1 when you do this kind of thing, the methodology that they  
2 use -- there's no methodology here. They don't know how  
3 they collect this information.

4 They just go on and put it in there because they're  
5 normally trying to find children and stuff like that.  
6 That's what this is used for. I understand that. I know  
7 that. I have had other cases with it.

8 What they don't do is bring it into Court and say,  
9 Hey, we're going to go ahead now and use it against you  
10 because, again, it requires a particular knowledge of the  
11 people who maintain the records.

12 Now, if they had SkipTheGames and Spotlight here,  
13 you wouldn't hear a 901 argument from me, you wouldn't  
14 hear me saying State v. Council or State v. Jones. The  
15 evidence itself, in my opinion, Your Honor, is  
16 inadmissible based on the fact that they cannot describe  
17 their systems and how they're maintained, based on the  
18 rule.

19 THE COURT: Mr. White?

20 MR. WHITE: And, Judge, I think there's no -- I  
21 don't want to go into the scientific argument. There's no  
22 methodology here other than they are intimately familiar  
23 with how Spotlight works. They use it every day. He's  
24 been using it every day for five years. He knows exactly  
25 how to use it.

1           In realtime, you can get on there right now and type  
2           in (704) 777-8982, and it pops up with this ad. And there  
3           is information specific on the ad. It's the date that it  
4           was first posted; the time that it was posted; Eastern  
5           Standard Time; that it was posted in Florence, South  
6           Carolina; and it was posted by (704) 777-8982. And I  
7           think that, anything else, it goes to weight and not  
8           admissibility.

9           I don't think Agent Roy or Investigator Clark can  
10          testify that this definitively is an ad belonging to the  
11          defendant. They can just say that, when you type in this  
12          telephone number, this is the ad that pops up. And I  
13          think certainly they can testify to that. I think,  
14          respectfully, that Mr. Wilson is confusing the issue here.  
15          I think this -- it's just that simple.

16          MR. WILSON: Just briefly --

17          THE COURT: Sir?

18          MR. WILSON: It's not that simple because the number  
19          itself, Judge -- again, they don't know -- let's say that  
20          Spoti -- excuse me, what's it called? -- Spotlight  
21          develops a system whereby if, let's say, his number went  
22          on the web site. Okay? And then they collect it and it's  
23          associated with it, but not that he developed the actual  
24          ad itself or that if he contacted the person. They're not  
25          saying that. That's why, when they contacted SkipTheGames

1 and asked for that number, that it didn't come back with  
2 anything.

3 THE COURT: Well, what I understand him to testify  
4 to is that -- and correct me if I'm wrong -- but this is  
5 the search engine that they use, and when it produces a  
6 result, it doesn't produce the result that's altered by  
7 the search engine. It produces some result that it found  
8 out on the internet.

9 MR. WILSON: Judge, that's exactly -- that's exactly  
10 my point.

11 THE COURT: And that's all it is.

12 MR. WILSON: No.

13 THE COURT: And that's all it is. And it's close in  
14 time. It's got the exact same phone number as what's been  
15 proven -- or I assume will be proven to be your client's  
16 phone number, and it's ten days before this murder, and  
17 this murder has implications that it's sexually related.

18 So I don't understand --

19 MR. WILSON: I don't disagree --

20 THE COURT: -- how it's unreliable. Now, certainly,  
21 it can go to the weight of the evidence.

22 MR. WILSON: I don't disagree with any of the things  
23 you just said, but the reliability law is one of the laws  
24 that we have had in the justice system for years that it  
25 has to be reliable. Again, they cannot talk about the

1 things that I was just saying that the Court is saying  
2 they have got to be able to prove. That's why I asked  
3 them the question on the record.

4 THE COURT: I understand.

5 MR. WILSON: Again, the evidence itself is not  
6 reliable because we don't know the processes of how it is.  
7 I should be able to -- because of the confrontation  
8 clause, I should be able to get up there and ask them, you  
9 know, "What's the ratio for error in this?" He can't tell  
10 me that answer. He can't tell me how they maintain the  
11 records or even how the association was developed, as if I  
12 get on the phone right now and I say, "Hey, I want to see  
13 naked women. Can you get me that?" And I go on the web  
14 site, and then, two years from now, it says that Ralph  
15 Wilson's number looked up something for naked women. It  
16 may come back next to an ad that I may have looked for a  
17 woman.

18 And then it says that I may have posted that.  
19 That's not what's happening here.

20 THE COURT: I understand, Mr. Wilson. Certainly you  
21 can argue all those things to the jury and you can ask  
22 those questions to the witness, but I think the evidence  
23 is reliable, and I'm going to allow it in. And, you know,  
24 certainly, the record is protected for your appeal or  
25 anything that you need to do to protect the record. We'll

1 certainly make that available to you. Okay?

2 MR. WILSON: Thank you, Your Honor.

3 THE COURT: All right. Are we ready for the jury?

4 MR. WHITE: Yes, sir, Judge.

5 THE COURT: You can step down. Thank you, sir.

6 THE WITNESS: Yes, sir.

7 COURT REPORTER: Judge, he handed me this. I don't  
8 know what this is. This isn't an exhibit.

9 THE COURT: Did one of y'all -- I'm not sure what  
10 this is.

11 MS. ANDERSON: May I approach, Your Honor?

12 THE COURT: Sure.

13 (Ms. Anderson retrieved the documents.)

14 THE COURT: Are we ready?

15 MR. WHITE: Yes, sir, Judge.

16 MR. WILSON: Yes, Your Honor.

17 THE COURT: May we have the jury, please?

18 (The jury entered the courtroom at 10:17 a.m.)

19 THE COURT: All right. Thank you, ladies and  
20 gentlemen, for being back here on time this morning. I  
21 assure you, we have been here and we've been working on a  
22 matter of law. We have got it taken care of. At this  
23 point, we're ready for your service. I apologize for the  
24 delay, and we recognize Mr. White for -- call your next  
25 witness.

1           MR. WHITE: Thank you, Judge. At this time, the  
2 State would call Agent Preston Simpson.

3                       PRESTON SIMPSON,  
4           after having been duly sworn, was examined and  
5 testified to as follows:

6           THE CLERK: Please be seated and then state your  
7 full name for the record.

8           THE WITNESS: My name is Preston Simpson.

9                       DIRECT EXAMINATION

10          BY MR. WHITE:

11          Q       Agent Simpson, if you could, tell us where are you  
12 employed?

13          A       I'm employed at the State Law Enforcement Division,  
14 or also known as SLED.

15          Q       And in what capacity are you currently employed?

16          A       I work for our Fusion or kind of intelligence  
17 center. I'm assigned to the State Surveillance and  
18 Intelligence Unit there. We typically assist local  
19 agencies in locating fugitives, missing people, and do so  
20 a lot by looking at phone records, social media, things of  
21 that nature in order to assist the departments in locating  
22 people.

23          Q       I want to talk about your background and how that  
24 led you to be in that position at SLED, starting with your  
25 education, if you could.

1     **A**     I graduated from Presbyterian College in 2008 with a  
2     business degree. From there, I went and obtained a  
3     master's degree from Clemson University in construction  
4     science and management. I worked for several years in the  
5     construction field as -- I guess a project engineer would  
6     have been my title. I'm not an engineer by trade. That  
7     was just kind of my job title.

8             From there, I left and entered the law enforcement  
9     field with the Lancaster County Sheriff's Office in  
10    Lancaster, South Carolina. I was there working as a  
11    patrol officer then as an investigator.

12            In 2021, I got a job at SLED with the role that I'm  
13    in now.

14    **Q**     And do you have any certification or advanced  
15    training that assists you in your position?

16    **A**     As far as looking at cell phone records, I guess,  
17    specifically?

18    **Q**     Yes, sir.

19    **A**     I want to say it was in 2016 I attended the FBI CAS  
20    class. It's their basic class but it's the Cellular  
21    Analysis Survey team that the FBI does. They go around  
22    and teach a class regarding analysis of phone records and  
23    the location of cell -- or the approximate location of  
24    cell phones when we're looking at tower locations, where  
25    phone calls are made from or text messages are sent,

1 things of that nature.

2 And that was kind of the -- I guess the ground --  
3 you know, part for me to start to understand how phone --  
4 you know, how to look at phone records, analyze them, and  
5 all that.

6 Q And how long have you been in your current position?

7 A I have been there since 2021. I took a short break  
8 in the private sector and then returned.

9 Q And how often do you think you receive requests to  
10 analyze cellular data in your day-to-day at SLED?

11 A Daily. You know, people that we're looking for, a  
12 lot of times -- and I'd say generally most of the public  
13 has a cell phone, and you know, the records and the cell  
14 site locations assists you in understanding where people  
15 may be located if they're missing or wanted or whatever it  
16 may be.

17 Q And have you been qualified as an expert in the  
18 field of cellular analysis?

19 A I have.

20 MR. WHITE: Judge, at this time, I move Agent  
21 Simpson as an expert in the field of cellular analysis.

22 THE COURT: Any objection?

23 MR. WILSON: Your Honor, just briefly, Judge. I  
24 know that he's been qualified before. Obviously, he's  
25 worked for SLED for two years. We won't stipulate. I

1 would just put down, obviously, the factors from State v.  
2 Council and I would also put down the factors that South  
3 Carolina has adopted from the Daubert U.S. Supreme Court  
4 case in this matter related to his testimony as an expert,  
5 Your Honor.

6 THE COURT: All right. I find that, based on his  
7 skill, knowledge, education, expertise, and training that  
8 Agent Simpson is qualified as an expert in cellular  
9 analysis.

10 MR. WHITE: Thank you, Judge.

11 BY MR. WHITE:

12 Q Now, let's talk a little bit about what all that  
13 means. You mentioned that everybody has a cell phone in  
14 their pocket. What are the different ways that you can  
15 obtain information from a cell phone?

16 A So, one -- and I think what would -- going to get  
17 to, obviously, is people in touch in this case and the  
18 location of where these calls are made from. But, to  
19 start with, your cell phone itself -- and I'm saying the  
20 physical device and whether it be apps or databases --  
21 store locations in the physical device themselves. In  
22 order to obtain those, usually that's done through an  
23 extraction with some sort of software.

24 To my knowledge in this case, I have not reviewed  
25 any of that or known if that was done.

1           Another method in obtaining that is to figure out  
2 where phone calls are being placed, where they're being  
3 received, and typically, that's done through cell site  
4 analysis. What a cell site is, is when -- you know, we  
5 ride down the road, we see them all the time. They're on  
6 buildings, on the side of the highways, and generally,  
7 they're three-sided. And ultimately what we look for is,  
8 when a phone call is made, what direction of that antenna  
9 services that call, which gives you a general location of  
10 where that phone may be located.

11       Q     Now, if I'm understanding you correctly, just so the  
12 jury is clear, one way is, if you have got the actual cell  
13 phone in your possession; is that right?

14       A     That's correct. Some cell phones, depending on the  
15 extraction, will actually produce location information in  
16 the device itself.

17       Q     And then the other way and what we have here is when  
18 you have cell information -- cell site information and  
19 cellular records from the provider; is that correct?

20       A     That is correct. So the three main providers at  
21 this point -- and from time to time, we'll still see some  
22 Sprint records -- are AT&T, Verizon Wireless, or T-Mobile.  
23 So we're actually obtaining records from the actual  
24 company that provides you -- you know, just like you would  
25 have seen back in the day; right? You get your printout

1 and this is who I called on this date, but it also  
2 includes what we call cell site location information to  
3 give you a general idea of where that call was made or  
4 received.

5 Q And now, again, we're dealing here with that  
6 particular scenario where you received information from  
7 the provider; is that right?

8 A Yes, sir, that's correct.

9 Q Can you generally extract more information when you  
10 have possession of the cell phone?

11 A That's going to depend, and it depends on several  
12 factors. One would be what kind of phone you actually  
13 have. The second factor in that is what kind of  
14 extraction is actually conducted on the phone itself.

15 If you -- and I don't know if you want to get into  
16 cell phone forensics, but, ultimately, there's a full file  
17 system or a bit-for-bit. Everything that's on there would  
18 probably produce more local information than if you kind  
19 of did a surface extraction on the phone.

20 Q Now, how about content? Can you generally get more  
21 content, text messages, apps, that sort of thing if you  
22 have the phone rather than having the records?

23 A So, to answer that -- yes, to answer that question.  
24 That, again, also depends on the extraction. Sometimes if  
25 you get what I referred to a minute ago is this

1 bit-for-bit, you know, everything that's on the phone, you  
2 may get information that's stored in third-party apps, not  
3 just, you know, what you see on your text messages or, you  
4 know, whatever else may be produced on their search  
5 history and all that stuff.

6 With cell phone records, you know, you're not  
7 getting any content. You're not hearing conversations.  
8 You're just looking at data points and where phone calls  
9 are made from. Now, Verizon Wireless still does -- they  
10 provide a little bit of text message content that gets  
11 captured over their network. AT&T does very little from  
12 what I have seen; the time stamps are kind of funny to  
13 figure out if they're reliable. And I maybe heard about  
14 it but I have never seen, in my experience or any records  
15 I have looked at, any text message content from T-Mobile.

16 Q Now, in this particular case, again, you were asked  
17 to review cell records from the providers AT&T and  
18 Verizon; is that right?

19 A Yes, sir.

20 Q And are you under the understanding that those are  
21 the cell phone records and cell phone numbers related to  
22 the defendant and the victim in this case; is that  
23 correct?

24 A That was my understanding, yes, sir.

25 MR. WHITE: Judge, at this time, I would ask to move

1 State's Exhibit 105 and 106 into evidence. These are the  
2 phone records for each the defendant and the victim. They  
3 have been previously stipulated to, and I'd move them into  
4 evidence.

5 MR. WILSON: Subject to previous, Judge.

6 THE COURT: All right. 105 and 106?

7 MR. WHITE: Yes, sir, Judge.

8 THE COURT: All right. Into evidence.

9 (State's Exhibit Nos. 105 and 106 were marked for  
10 identification and received into evidence.)

11 BY MR. WHITE:

12 Q Now, Agent Preston, when you get those records --  
13 and you receive those from our office; is that right?

14 A That is correct.

15 Q And you were asked to do cell tower location  
16 information; is that right?

17 A That's correct.

18 Q And do you prepare a report?

19 A I did in this case.

20 Q And would that assist you in explaining it to the  
21 jury?

22 A Correct. It gives you a visualization of kind of  
23 when we refer to what a tower sector that receives a phone  
24 call, where that phone call is being processed. You know,  
25 that's what the, I guess, a mapping report does is it

1 gives you a physical representation of what we're looking  
2 at.

3 Q Okay. Very good. I'm going to show you what's been  
4 marked as State's Exhibit 107. If you could, tell me if  
5 you recognize this. I see you have a copy of it there.  
6 Just flip through that briefly and tell me if you  
7 recognize that as the report that you generated.

8 A Yes, sir. That looks like my report.

9 Q And, again, this is the report that you generated  
10 after reviewing the State's Evidence 105 and 106, which  
11 were the cell phone records pertaining of the defendant  
12 and the victim?

13 A That's correct.

14 MR. WHITE: Judge, I move State's Exhibit 107 into  
15 evidence.

16 MR. WILSON: Subject to previous, Judge.

17 THE COURT: All right. Thank you. 107 is into  
18 evidence.

19 (State's Exhibit No. 107 was marked for  
20 identification and received into evidence.)

21 MR. WHITE: And I'd ask for permission to publish to  
22 the jury, Judge.

23 THE COURT: Yes, sir.

24 BY MR. WHITE:

25 Q Now, Agent Simpson, I'm going to walk you through

1 this and just explain to the jury the best you can, but  
2 again, we're dealing -- just so it's clear -- with the  
3 cell phone records of the victim and the defendant and how  
4 they relate to another one; is that right?

5 A That is correct.

6 Q All right. We'll start with page 1 of State's  
7 Exhibit 107.

8 MR. WHITE: Can everybody see that okay?

9 BY MR. WHITE:

10 Q And this is just a cover page; is that right?

11 A That's correct. Somebody came up with this -- I  
12 guess the front of this report a while back, and I have  
13 used it since I have been there.

14 Q Very good.

15 Page 2, just explain a little bit on this particular  
16 slide if you don't mind, sir.

17 A If you want me to read it verbatim, I can, but I  
18 can also just kind of --

19 Q Yeah, you don't have to read it verbatim. Just tell  
20 us about background of cell site locator information and  
21 the methodology used.

22 A All right. So the background here is I was provided  
23 with the telephone numbers of (843) 289-9100, which was  
24 explained to me belonged -- or was the phone being  
25 utilized by Mr. Jones during this time frame. And then

1 the number of (704) 777-8982, which belonged to  
2 Mr. Brayboy.

3 And one thing to understand that, you know, phone  
4 records are not necessarily -- I mean, they're relevant,  
5 but you've got to put kind of context to them, time and  
6 location. So it was explained to me that this occurred  
7 December 28th of 2019.

8 So the methodology is, ultimately, you go through  
9 and obtain the records. You'll see some slides in here.  
10 We have software that assists us in mapping it better than  
11 me drawing it by hand and showing it up here.

12 The cell site locations that are used during this,  
13 they're also plotted on that map. And then, in conclusion  
14 with our time, you know, significant locations, I guess,  
15 where things happened, we, you know, draw that out or map  
16 it out in order to provide a presentation that kind of  
17 depicts where phone calls are being made or received  
18 during a given time period.

19 Q And, again, what we're dealing with here are cell  
20 phone pings; is that right?

21 A So cell phone pings are a very generalized term.  
22 You know, when I refer to as what a cell phone ping is, is  
23 some kind of GPS coordinate with a confidence factor. So  
24 it says, "Hey, maybe the phone is somewhere inside this  
25 area".

1           What we're going to look at here is actual  
2 communication with the tower and then the direction of  
3 which that call is being made.

4       Q     I'm going to show you page 3 of State's Exhibit 107.  
5 Is this an example of a tower?

6       A     That is. That's -- you know, I'd say a simple  
7 illustration of one, but they come in many different  
8 forms, but this is a good depiction of what a three-sided  
9 tower looks like. And you can see the long portion of the  
10 triangles, if you're looking at the very top one. That is  
11 ultimately how we determine which -- the cell phone  
12 company provides you with the direction of that antenna,  
13 which gives you an indication of where that call may be  
14 received or being placed.

15      Q     State's Exhibit 4 [sic], what are we looking at  
16 here?

17      A     So the companies ultimately want to be able to  
18 provide you with cell phone service so you can drive up  
19 and down the road to make and receive calls. So what this  
20 is showing is just three towers essentially grouped  
21 together. The white one or the one that has the white  
22 background there is just kind of signifying, hey, this is  
23 the one that's making or receiving the call here, but  
24 obviously, you can see that there's two other additional  
25 towers there.

1           And so we can somewhat infer, you know, where the  
2           approximate location is likely closer to or at least  
3           receiving a better signal from that tower versus these  
4           other two.

5           Q       State's Exhibit 5 [sic], I believe this is all  
6           irrelevant information as you kind of chart your path; is  
7           that right?

8           A       That's correct. So, as I mentioned, the -- it's my  
9           understanding that December 28th was the time frame of  
10          when the -- December 28, 2019, was when this murder  
11          investigation began. And then the incident location is  
12          2711 Pamplico Highway, Florence, South Carolina.

13          Generally, when I'm going through and asking is  
14          there any other significant locations that are important,  
15          on this one, I was just provided with the defendant's  
16          residence, which was 261 East Claff Circle in Lake City,  
17          and then the victim's residence, which was 4812 Michael  
18          Court in Mullins, South Carolina.

19          Q       And then the next slide, page 6 of the same exhibit,  
20          that's just the case background; is that right?

21          A       Sure, yeah. Just to generalize what, you know, this  
22          time frame and what was asked to go through in this case.

23          Q       And then State's Exhibit 107, page 7, is what you  
24          analyzed; is that right?

25          A       That's correct. There were call detail records that

1 were AT&T and then also call detail records that were  
2 provided by Verizon.

3 The middle, the distance to tower, those are  
4 additional -- I refer to them as specialized location  
5 records that the providers provide us, and it gives us a  
6 general idea of how far a phone may be from a certain  
7 sector on the tower. I also looked through those as well.

8 Q And we're going to go ahead and jump right into it  
9 and show you page 8. And this is the map overview that  
10 kind of encompasses all those locations that you referred  
11 to; is that right?

12 A Yes, sir.

13 Q And so, if I'm understanding you correctly, the  
14 victim lived in Mullins; is that right?

15 A That was my understanding, yes, sir.

16 Q And the defendant lives in Lake City?

17 A That was the address provided to me, yes, sir.

18 Q And the incident location is in Effingham in  
19 Florence; is that right?

20 A Correct. 20 -- yeah, 2711 Pamplico Highway.

21 Q Could you tell us exactly what we're looking at  
22 here, this map overview?

23 A So the -- this is kind of a good depiction of what  
24 the AT&T -- and AT&T towers are all the blue little  
25 dots -- of how many, you know, AT&T towers in that area.

1 It kind of goes back to my point of, you know, if you're  
2 an AT&T customer in this area, you know, AT&T wants to  
3 provide you service so you don't go to another service.

4 And then, secondly, the red -- all the red little  
5 dots are cell sites or cell towers in this area as well.

6 Then the red tab, I labeled it here as the crime  
7 scene. So, essentially, I went into our mapping software,  
8 typed in 2711 Pamplico Highway, and that's the location  
9 that it showed.

10 I did the same with the victim and Defendant's  
11 addresses and just picked a color. So orange is the  
12 victim's residence, and blue is the defendant's residence.

13 Q And to be clear, before we jump into the next slide,  
14 what we're dealing with here is that the two phones and  
15 the records that you analyzed, they are in communication  
16 with each other around the time of the murder; is that  
17 right?

18 A That is correct.

19 Q And they're communicating with each other and you're  
20 noting that, but you're also noting, when the  
21 communications happened, which tower they're located near;  
22 is that right?

23 A That is correct.

24 MR. WILSON: Objection, Judge. Speculation, Judge.  
25 He's asking is this around the time of the murder; right?

1 He has no clue what happened when the murder took place,  
2 Your Honor.

3 THE COURT: I understand. I think that's certainly  
4 something you can ask on cross-examination.

5 MR. WILSON: Overruled, Your Honor?

6 THE COURT: Yes, sir.

7 MR. WILSON: Thank you, Judge.

8 BY MR. WHITE:

9 Q Now, before we get into it, obviously, they're in  
10 contact with one another. Prior to that contact -- I want  
11 to say it's from the 27th on into the morning of the 28th.  
12 Prior to that, did you see any other contact between these  
13 two numbers in the cell phone records?

14 A Other than the 27th and the 28th? I didn't. And  
15 searched, you know, several different methods of doing so.  
16 This is just them communicating with -- via their AT&T --  
17 over the AT&T network or over the Verizon network.

18 Q And that brings up a good point. I mean, they  
19 definitely communicated during this time between their two  
20 phone numbers, but during this time, there could also be  
21 communication on other apps and stuff like that; is that  
22 right?

23 A Sure. Like I said, this is just the phone record as  
24 you pay Verizon and they're telling you who you're calling  
25 and all that. So, you know, whether it be some social

1 media or email or anything else, there's no -- that's not  
2 going to be reflected here or in those records.

3 Q Right. I'm following.

4 And you mentioned previously that you could get that  
5 information if you had the actual cell phone; is that  
6 right? Or you could possibly get it?

7 A Could. Or, you know, go to those providers  
8 themselves, whether -- you know, Facebook or Gmail or  
9 whatever it may be. They'll produce whatever records, if  
10 available, to show communication between -- or show  
11 communication in general. Whether it shows communication  
12 between them, that would be up to what's in the records.

13 Q Okay. Very good.

14 And I'm going to show you State's Exhibit 9 [sic].  
15 What are we looking at here?

16 MR. WHITE: Or not State's Exhibit 9. Excuse me,  
17 Judge. 107, page 9.

18 A So this is a call at 12:16 a.m. on the 28th from  
19 (704) 777-8982 to (843) 289-9100. There's an outgoing  
20 call from the number in blue, which was listed as the  
21 defendant, to the victim in this case.

22 And what I did is -- so the defendant's records are  
23 in blue, and then the victim's records are in red. And so  
24 here, 12:16, this is -- Verizon and AT&T provides you with  
25 the cell site location of where this call was made and/or

1 received, and what you get is the direction of where.

2 So it's shown here as, I guess, arms swinging open.  
3 So they're saying off this side of the sector is where  
4 that phone call was produced down there in Scranton, and  
5 then it was received up there in Florence by the victim,  
6 the one that's facing due south.

7 Q Okay. And at this time, just so I'm clear, the  
8 defendant calls the victim; is that right?

9 A That is correct.

10 Q And the defendant is in Lake City, and the victim is  
11 in Florence; is that right?

12 A To the -- I'm not sure -- I'm not super familiar  
13 with how far Lake City goes. To me, I would call it east  
14 of Scranton more so. And then the other one looks  
15 like it's -- the tower looks like it's in downtown  
16 Florence.

17 Q And I've got a little cheat sheet here, so I'm just  
18 going to check. That 12:16 phone call from the defendant  
19 to the victim lasts approximately 1 minute and 7 seconds;  
20 is that right?

21 A That's what's listed on the records is 1 minute and  
22 7 seconds.

23 Q And then I'm going to show you State's  
24 Exhibit 10 [sic]. Tell me what we're looking at here.

25 A So, at 12:24, this is an incoming call to the number

1 in blue or any 8982 or the defendant's records. And it's  
2 showing now it's using a tower that's a little north of  
3 the one that was just used in Scranton. So he received a  
4 call, AT&T says this is the tower that was used to receive  
5 that call.

6 And then, at 12:24, I provided what we refer to as  
7 RTT or the distance, the tower information for Mr. Jones,  
8 which here is the -- it's kind of a sector up there, I  
9 guess, off of -- I believe that's 76 or 501.

10 But it just gives you a generalized idea that, you  
11 know, it's kind of our experience that the phone may be  
12 along that arc. You know, we don't necessarily know  
13 where, but at this point, it's not near where the other  
14 phone is receiving a call.

15 Q And so, at this point, these are new phone calls  
16 made on both phones or, you know, cell site location  
17 information that's bounced off one of those towers; is  
18 that right?

19 A That's correct.

20 Q And they have moved from the last time, from the  
21 last slide?

22 A That is correct.

23 Q And they have moved towards one another; is that  
24 right?

25 A So, in the case of the 9100 or Mr. Jones's number,

1 it would be difficult to say whether that phone has moved.  
2 Where this distance to tower is, and also on the  
3 previously slide, are relatively close together.

4 But as far as Brayboy's phone, it's definitely moved  
5 to a tower north of there to receive that next phone call.  
6 And so, essentially, your phone is going to want the best  
7 signal. At that point, it's the tower north of where the  
8 last one was. So it would my opinion that the phone has  
9 moved -- traveled some -- you know, north or closer to  
10 that tower to get a better signal.

11 Q State's Exhibit 11 [sic], tell me what we're looking  
12 at here.

13 A So this is 12:28, and this is an additional  
14 communication between the victim -- the number listed for  
15 the victim and the number for the defendant in this case.

16 So this is an outgoing call from the 9100 number to  
17 the 8982 number at 12:28 a.m., and this is providing you  
18 with their approximate locations of where these phone  
19 calls were made and received from during that time period.

20 Q And this is -- you said this is the  
21 12:28-in-the-morning phone call?

22 A That's correct. That's 12:28.

23 Q And this is from the defendant -- or, excuse me,  
24 from the victim to the defendant; is that right?

25 A That's correct.

1 Q And could you tell me approximately how long that  
2 phone call lasted?

3 A I don't have the original records in front of me, so  
4 I don't want to tell you wrong here.

5 Q That's okay.

6 A I have it listed as -- and I think that's going to  
7 be a little bit of an error on my end with my copy.

8 Q Okay. Let me show you the original record; I  
9 believe we have it here.

10 Now, the phone records have already been moved into  
11 evidence. I want to show you State's Exhibit 109. Is  
12 this an excerpt from the original AT&T records?

13 A That is.

14 Q And that's State's Exhibit 109; correct?

15 A That is correct.

16 Q And is it a fair and accurate depiction of the  
17 extraction from these original records?

18 A Not a complete set but during this given time  
19 period.

20 MR. WHITE: Judge, at this time, I'd move State's  
21 Exhibit 109 into evidence.

22 MR. WILSON: Subject to previous, Your Honor.

23 THE COURT: All right. Thank you. 109 is in  
24 evidence.

25 (State's Exhibit No. 109 was marked for

1 identification and received into evidence.)

2 BY MR. WHITE:

3 Q And I have on my cheat sheet -- and you just correct  
4 me if I'm wrong, Agent Simpson -- I have that, at 12:28,  
5 phone call from the defendant lasted 53 minutes. Is that  
6 your understanding?

7 A That is correct. I see that now. So, yeah, that's  
8 the time that the phone call is saying it was on the AT&T  
9 network.

10 Q So from 12:28 in the morning around about the time  
11 of this incident, the defendant and the victim are talking  
12 for almost an hour; is that right?

13 A We don't know what they're -- if they're  
14 communicating. I'm saying this call is reported by AT&T  
15 as saying it was 53 minutes and 35 seconds.

16 Q Very good.

17 Now, I'll show you State's Exhibit 12 [sic].

18 MR. WHITE: I keep saying that, Judge. My  
19 apologies.

20 BY MR. WHITE:

21 Q State's Exhibit 107, page 12. What are we looking  
22 at here?

23 A So these are still kind of moving through the  
24 timeline starting at 12:16. These are three -- excuse me,  
25 four additional calls that occur on the defendant's

1 telephone number, the number ending in 8982. So you have  
2 two at 12:44, which are -- I guess the -- I'll list the  
3 azimuth here as 120 degrees at -- we're not, you know,  
4 familiar with that. It's kind of the azimuth on the  
5 bottom tower that faces southeast. And then it swaps over  
6 to 12:47, so only three minutes later, to a new sector on  
7 that same tower.

8 And then your next call is, I guess, approximately  
9 30 minutes later, if my math is correct there. But,  
10 anyway, at 1:21, which shows the phone now utilizing a  
11 tower that is in the Florence area.

12 Q And does this show movement by the defendant from --  
13 you know, you said he started in Scranton. Does it show  
14 movement from Scranton closer to the crime scene?

15 A That's correct. Looking at this slide 2, you can  
16 see the additional AT&T cell sites that are on there.  
17 Right? Those are all cell sites that can make and receive  
18 phone calls during the time period.

19 And you see that there's one between these two right  
20 here, especially between 12:47 and 1:21. So, to me, you  
21 wouldn't be -- it wouldn't make a lot of sense that that  
22 phone sat still during this time period if there's all  
23 these cell sites between them. You would think it would  
24 use the same cell site and sector over and over. There  
25 was no movement between 12:44 and 1:21.

1 Q So, in your opinion, during that time period, the  
2 phone is moving towards the crime scene?

3 A That's correct. AT&T would not have put all these  
4 towers in there. You know, they had these two towers --  
5 one in Florence and one down here -- to process these that  
6 they thought they could ultimately provide good service  
7 for all these people, you know, in that area. To me, the  
8 phone had to go find a better signal, and to me, that  
9 shows movement between the 12:44 and the 1:21 a.m.

10 Q Page 13, State's Exhibit 107. What are we looking  
11 at here?

12 A So this is -- so this is the -- a call from the  
13 victim to the number for the defendant at 1:26 a.m. And  
14 as you see here, these are the two cell sites that were  
15 utilized to conduct those transactions. The call that --  
16 or the initiating call is from the victim, so that's the  
17 Verizon cell site. At this point, that sector actually  
18 faces the crime scene. So it would be consistent with, if  
19 he was there at the crime scene and made a call, you know,  
20 it would be a likely scenario that that's the tower he  
21 used.

22 And the number for the defendant is received on the  
23 tower. It is facing away from the crime scene when he  
24 receives that call at 1:26 a.m.

25 Q So, at 1:26 a.m., when the victim calls the

1 defendant, they're in the area of the crime scene; is that  
2 right?

3 A They are in the area. To me, it's a likely scenario  
4 that the victim -- or more likely that he could have been  
5 at the crime scene at this given time, but as you see, the  
6 defendant in this case or the defendant's phone number in  
7 this case is facing away from the crime scene. So it  
8 would be -- to me, I'd have a hard time saying that it  
9 looks like he's at the crime scene at this 1:26 a.m. time  
10 period. I think you would see that sector facing the  
11 crime scene itself instead of facing away from it.

12 Q Does it appear as though he's traveling in that  
13 direction?

14 A So the tower -- the tower -- there's a tower between  
15 his last transaction and this one. So it looks like the  
16 phone has definitely moved closer to the crime scene. As  
17 far as travel during that time period, specifically at  
18 1:26, there's not enough data that I have to support  
19 movement that happened at 1:26, so to speak.

20 Q But you can say, from the last call to this call, it  
21 is closer to the crime scene?

22 A It is a tower closer to the crime scene.

23 And then I don't know if you want to do the  
24 estimated arc that I have here.

25 Q Sure, absolutely.

1     A     This is -- again, we call it the RTT or distance to  
2     tower. So, at 1:28, that tower that you see that has the  
3     arc that goes near the crime scene, it's estimating that's  
4     1.89 miles off that sector. At this point, this is -- it  
5     doesn't go, you know, completely over the red dot there,  
6     but it's a general consistent distance with the phone  
7     being in the vicinity of the crime scene during this time  
8     period.

9     Q     Okay. Page 14, tell me what we're looking at here.

10    A     All right. So after one-twenty -- 1:26 is the last  
11    time that we have a cell site location on an outgoing call  
12    at that point. So I started looking at this distance to  
13    tower to kind of give us an idea of how far and on what  
14    towers this phone was using.

15           And so, at 1:33 a.m., you can see it's 1.99 miles  
16    from that 310-degree azimuth, which is -- you know, puts  
17    it up there close to the crime scene at this point.  
18    There's some additional RTT records between this time  
19    period, and then you move up to the 1:48 a.m.

20           At this point, the phone remains at this .49 --  
21    well, it starts at 1:48, and it's .49 miles from that  
22    tower. And kind of notated this here, but essentially,  
23    the phone remains here. It remains at that -- Verizon,  
24    you know, continually says through December 30th at 1:06  
25    a.m., this that phone, plus or minus half a mile or so --

1 and there's a few additional ones that are a little  
2 further, but primarily .49 miles plus or minus, it remains  
3 at that distance to tower at multiple intervals over the  
4 next couple of days.

5 So what that tells me is that somewhere, you know,  
6 that estimated distance, that that phone just sat likely  
7 still for however many days, two days, day and a half.

8 Q And just so I'm clear -- you know, I know we're  
9 throwing a lot of information out, but at 1:26 a.m. is the  
10 last time on the victim's records that he places an  
11 outgoing call; is that right?

12 A That's correct. So everything after that is an  
13 incoming call or it's going to voicemail. So to look at  
14 it from user attribution or user input, we look at, hey,  
15 typically the person would make an outgoing call, let you  
16 know they're using their phone, but everything at that  
17 point starts -- everything to the phone is incoming and/or  
18 going to voicemail at that point.

19 Q So the victim, the last phone call he ever makes is  
20 to the defendant in this case --

21 A That's correct.

22 Q -- at 1:26 a.m. --

23 A That's correct.

24 Q -- lasting approximately a minute?

25 A On the AT- -- I'm not looking at the Verizon side.

1 On the AT&T side, it's listed as 57 seconds.

2 Q And then, after that call is made and the cell  
3 phones are moving towards each other, the last phone call  
4 is made, and then both cell phones move back south towards  
5 Lake City; is that right?

6 A Well, so we went through the 1:26 call to show  
7 where -- if you want to flip back to slide 13.

8 Q Yes, sir.

9 A At 1:26, that is the tower that the defendant -- the  
10 number listed for the defendant, received a phone call at  
11 1:26.

12 And the next time you have a cell site location that  
13 shows up in the records -- so either a text message and/or  
14 a phone call that produces a cell site location is at  
15 2:17 a.m.

16 And if you go to 15, that's a cell phone tower  
17 that's very near the listed address for the defendant in  
18 this case.

19 Q Okay.

20 A So --

21 Q I'm sorry. Go ahead.

22 A Yeah, so, to me, it looks like the phone has  
23 traveled from Florence back to Lake City between 1:26 and  
24 2:17 a.m.

25 Q So the defendant's phone travels up towards the

1 crime scene and then abruptly travels back down to Lake  
2 City; is that right?

3 A It does -- yeah, it travels up to Florence and then  
4 back. I don't know what we want to -- what kind of time  
5 frame we want to characterize it at, but it does travel up  
6 and then back.

7 Q And then the victim's phone travels down from  
8 Florence to the crime scene, but then it continues  
9 traveling south despite having the last call being made at  
10 1:26 at the crime scene?

11 A That's correct.

12 Q Now, you said earlier -- sometimes, the best thing  
13 to have is that cell phone in your hand so you can kind of  
14 delve into everything that's in the phone; is that right?

15 A That's right. People may be familiar with GPS.  
16 When we talk about phone records, we're not necessarily  
17 getting GPS coordinates other than the specific tower of  
18 where that phone call could have been made.

19 But, you know, as I mentioned earlier, there's  
20 typically three sectors to a tower. With the phone  
21 itself, it is possible that you actually get the GPS of  
22 the phone, which gives you a little more precise location  
23 of where it may be.

24 Q And you also get the other stuff off of the --  
25 actually having the phone, like, messages and that sort of

1 thing.

2 A That's correct.

3 Q Now, I know, you know, that you have spelled out  
4 exactly your findings in this case, but I'll ask you just  
5 kind of a hypothetical. If the defendant in this case  
6 would have left the crime scene with the victim's phone,  
7 would that be consistent with his path of travel back to  
8 Lake City?

9 A So -- I don't know, you know, his travel path, and I  
10 don't know the -- I'm not familiar with -- too familiar  
11 with Florence and from here, but looking at a map, it  
12 looks like he had to travel south out of Florence to get  
13 back to Lake City. I'm sure there's multiple ways to get  
14 there.

15 You have the distance to tower for the victim's  
16 phone at the crime scene that's consistent with that, and  
17 then it moves further south as if you were heading in the  
18 direction of Lake City.

19 Q So it would be consistent with the last place the  
20 phone, you know, pings is a direction of travel from the  
21 crime scene back to Lake City?

22 A That's correct.

23 Q I'm going to show you the last slide. And this is  
24 just kind of a summary of the contacts made between the  
25 defendant's phone and the victim's phone; is that right?

1       A       That is correct.

2       Q       And you have just gone over those; is that right?

3       A       The only one that we -- so I essentially covered the  
4       time frame of December 28th, the early morning hours. As  
5       far as the tower location, started that at that 12:16 a.m.  
6       phone call.

7               On December 27th, there are two additional  
8       communications, which is, I guess, leading up to midnight:  
9       One at 7:53 p.m., which is a text message initiated by the  
10      number listed for the victim to the defendant, and then,  
11      at 11:52 p.m., on the 27th, there is a voice call listed  
12      in the records from the defendant to the victim as well.

13      Q       And, again, you said before but prior to this, in  
14      the records that you have provided, there are no other  
15      contacts between these two numbers?

16      A       Not that I observed.

17      Q       Now, I'm going to ask you to identify, if you could,  
18      tell me -- show you State's Exhibit 108. Do you recognize  
19      that particular item?

20      A       I do. That's one of the -- the map overview slide  
21      out of my presentation.

22      Q       And it's just blown up in a big map; right?

23      A       Yes, sir.

24               MR. WHITE: I move State's Exhibit 108 into  
25      evidence.

1 THE COURT: Is there any objection to that?

2 MR. WILSON: Just subject to previous, Judge.

3 THE COURT: All right. 108 is in evidence.

4 (State's Exhibit No. 108 was marked for  
5 identification and received into evidence.)

6 BY MR. WHITE:

7 Q And Mr. -- or, excuse me, Agent Simpson, if I could,  
8 could I ask you to step down and show us -- I know we went  
9 over a lot of information, but if you could, on this big  
10 map, show the jury just kind of a brief summary of  
11 everything that you just went over? Would that be all  
12 right?

13 A That's fine.

14 Q Let me get it set up and then I'll ask you to come  
15 on down. That might help everybody get a good look at it.

16 Now, we looked at this map previously; is that  
17 right?

18 A That is correct. That is -- I believe it is slide 8  
19 of my -- the presentation I just went through, or map  
20 report.

21 Q Okay. Very good. If you can come on down here with  
22 me, that would be fantastic.

23 MR. WHITE: Everybody see this?

24 BY MR. WHITE:

25 Q Now, one more time, what are we looking at here?

1     A     All right. So this is the overview of kind of all  
2     the cell sites in this Florence to Marion, Mullins,  
3     Scranton, Lake City, all this area. So I just took a  
4     snippet of our map and turned on the Verizon tower, listed  
5     in red, and the AT&T towers. And then go through what --

6     Q     Yeah, what are we looking at in orange over there?

7     A     So this is the address that was provided to me from  
8     the victim's residence during, I guess, this relevant time  
9     period. The blue here is this 261 East Claff Circle,  
10    which was listed as the defendant's residence during this  
11    time period. And the red icon there is the crime scene or  
12    I believe it's 2711 Pamplico Highway.

13   Q     And so when the phone call started to take place  
14   between these two individuals and you -- if I'm misstating  
15   anything, you correct me. But the victim's phone is  
16   pinging in Florence during the first contact; is that  
17   right?

18   A     That is correct. So the victim's phone uses, I  
19   believe, what's going to be this tower up here in Florence  
20   during this time period. And then this phone call -- the  
21   number listed for the defendant to the victim, using this  
22   tower right here.

23   Q     And then, eventually, throughout these phone calls,  
24   they move towards one another. Can you show us the  
25   direction in which they kind of -- the phones and the --

1       A       So this was at -- you mean do them both or one --

2       Q       However you feel comfortable.

3       A       So the -- we'll say the victim's phone stays in the  
4       general Florence area. This was at 12:16, using the tower  
5       right around here. But then, at 12:24, we utilize this  
6       tower here. At 12:28, looks like this same tower is still  
7       being utilized here. And then we start getting kind of  
8       closer up to the Florence area.

9               So this tower, this side of the tower was used at  
10      12:44. This tower is used at 12:47. And then our next  
11      phone call is at 1:21, which uses a tower -- I'm not 100  
12      percent sure it's going to be this one because I don't  
13      have the same, I guess, zoom of what I'm looking at, but  
14      somewhere up here in this Florence area.

15      Q       And that's the cell tower servicing the crime scene?

16      A       That's correct. And something to -- I guess to note  
17      here is that we only have these cell site locations when  
18      phone calls are being made and/or received. It's not a  
19      step-by-step process of, you know, we know where this  
20      phone is at any given time. It's only when we're provided  
21      with a cell site location when a transaction happens on  
22      the network.

23      Q       And then, after that 1:26 call, the cell phones end  
24      up back south; is that right?

25      A       That's correct. So here's our crime scene. The

1 defendant's number uses this phone call at 1:26 up here,  
2 and then right below the crime scene is where the victim's  
3 phone uses a cell site there. This site is used at 1:33,  
4 provided us with that distance to the tower for somewhere  
5 right around here. And then at 1:48 -- at 3:27:51 here,  
6 this is where we have the zoomed-in version, but this is  
7 tower right here near -- somewhere near that intersection.

8 Q Okay. All right. Very good. Thank you, sir. If  
9 you can hop back up on that witness stand, if you don't  
10 mind.

11 All right. Now, is that screen working okay for you  
12 when I pop these on there?

13 A Should be, yes, sir.

14 Q I'm going to show you State's Exhibit 109. Now, we  
15 have covered that portion of it. I just want to ask you a  
16 few questions.

17 Now, the times that you have listed on there are not  
18 the times as they appear on the cell phone records; is  
19 that right?

20 A That's correct. So -- and that depends on the  
21 provider. So AT&T provides all of its records in UTC or  
22 Universal Time Code, which is like the time if you were at  
23 the prime meridian, so it's zero. So in order for us to  
24 figure out what time that AT&T is telling us this phone  
25 call was made, on Eastern Standard Time, we have to

1 subtract either four or five hours from that time,  
2 depending on whether we're in daylight savings time or out  
3 of daylight savings time. But once you do that, that  
4 converts you to the local time, which is what we all know  
5 to be Eastern Standard Time or the time we live in.

6 Q And you did that in this case? You converted it?

7 A That's correct. I think it's difficult to  
8 understand it if you don't convert it to, you know, the  
9 local time that you're looking at.

10 Q So these times are converted to the local time; is  
11 that right?

12 A That is correct.

13 Q And then I'll show you State's Exhibit 109. This is  
14 an excerpt from the AT&T records that contains the  
15 relevant dates. And you have previously reviewed this and  
16 it's been entered into evidence. And those times listed  
17 there, those are the UTC times; is that right?

18 A That is correct. So if you're looking at the --  
19 right below, I guess, the top long line, excuse me, at the  
20 top of the page, if I'm looking at the very first line  
21 item that says -- I believe that says 106 -- Item 106, and  
22 it has 12/28/19 and then it gives you the time. And right  
23 underneath that time, it's telling you that's provided in  
24 UTC. So the connection time is 04:11:57 UTC.

25 Q And I want to -- well, first let me ask you -- I

1 mean, there's lots of code on there that you know and  
2 you're familiar with and I'm not familiar with, and I'm  
3 sure the jury is not. But there's codes there on the side  
4 under the column, "Feature." What are those codes?

5 A It gives you some information about what happened  
6 with the call, like how the call was processed, all that,  
7 different things that may have happened during the call,  
8 whether it went over the 4G network, would it have gone to  
9 voicemail. You know, there's a lot of different codes  
10 that the network is ultimately doing, and all the  
11 engineering behind what's happening to make and receive  
12 phone calls and, you know, make cell phones work on the  
13 network.

14 Q I'm going to turn your attention to page 2 of  
15 State's Exhibit 109. It's listed as page 61 and 62  
16 respectively, but it's the second page of this particular  
17 exhibit. And I want to point your direction to the top of  
18 this page.

19 Now, you mentioned earlier when you -- and I'll kind  
20 of flash back real quick to your State's Exhibit 107, page  
21 16. That 1:26 a.m. call in UTC time, is that the same  
22 call listed on State's Exhibit 109 on the second column?  
23 The estimated time there is 57 seconds. That matches up  
24 to my records, but you tell me if I'm incorrect.

25 A Sorry. Which call is this again?

1 Q This is the -- if you'll look on -- I believe the  
2 1:26 a.m. call is the same call on that second row -- I  
3 shouldn't say "column" but the second row there, the  
4 second call from the top.

5 A Oh, I gotcha. Yes. I'm with you now. Correct.

6 Q Is that the same one?

7 A Yeah, that is. It's listed as, I guess, 06:26:50,  
8 the second line down.

9 Q And now, just five minutes before that, the  
10 defendant calls a number, and it lasts 37 minutes and 20  
11 seconds; is that right?

12 A That is what the AT&T network has reported.

13 Q Now, how can that be that that phone call comes in  
14 and lasts that long but the next call comes in five  
15 minutes later and it lasts approximately a minute? Do  
16 those codes that I just mentioned, did they tell you  
17 anything about those calls?

18 A Yeah, the feature there is listed as CMH and V  
19 Core (ph). When you obtain the -- and I say "typically."  
20 When AT&T provides you with records from the search run,  
21 they give you the key that explains what those codes are.  
22 And CMH is what they call is call hold.

23 Q So, essentially, the defendant makes this call at  
24 the top and then the victim calls in and he puts that  
25 original call on hold; is that right?

1       **A**       That's my understanding of how these -- the codes  
2       work and what AT&T is doing over the network so that you  
3       can put a call on hold. Just like somebody would call you  
4       while you're on the other line.

5       **Q**       Let me ask you this -- this is just kind of for my  
6       edification. I do this all the time. I'll be on the  
7       phone with somebody and then I'll get a call, and it looks  
8       so strange; I don't know how to answer or hold. It's all  
9       kinds of buttons on there.

10       Have you ever dealt with it where you answer it but  
11       then you forget to click back over to the other call? Has  
12       that ever happened?

13       **A**       Sure. And if you don't -- yeah, I mean, if you  
14       wouldn't, that phone call is -- the person on the other  
15       line is still waiting for you to return back to them. You  
16       know, we don't have to call them back every time somebody  
17       else calls and answers the phone. It's not like the phone  
18       call is disrupted, I guess you'd say.

19       **Q**       So the time on that particular call would continue  
20       on as long as that person wanted to wait?

21       **A**       I can't see a reason why it wouldn't, and if so, I  
22       don't think the AT&T network would reflect a phone call  
23       over -- you know, because they're using these as their  
24       billing records to reflect that the call was 37 minutes  
25       and 27 -- 20 seconds if not the -- it was on the network

1 for a reason there. And like I said, it looks like here  
2 it was placed on call hold.

3 Q And, again, the next call is at 1:26 a.m. call, and  
4 that's the last call that the victim makes, and it's to  
5 the defendant, lasting 57 seconds?

6 A That's correct.

7 Q And both -- at this point, both victim and the  
8 defendant are in the area servicing the crime scene; is  
9 that right?

10 A They're using the towers that I would believe would  
11 service the crime scene, but again, the defendant's phone  
12 record appears to be using a sector that is facing away  
13 from it while the victim is -- his antenna direction is  
14 facing towards the crime scene, which leads me further to  
15 think that he is closer to the crime scene or at least on  
16 that side of the sector that services the crime scene at  
17 the time.

18 MR. WHITE: Beg the Court's indulgence one moment,  
19 Judge, and Agent Simpson.

20 (Co-counsel confer off the record.)

21 BY MR. WHITE:

22 Q Agent Simpson, I think that's all I have for you.  
23 Thank you very much. Please answer any questions the  
24 defense may have. Okay?

25 A Yes, sir.

1 MR. WILSON: If it please the Court, Your Honor?

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. WILSON:

5 Q Good morning, Agent Simpson. How are you doing,  
6 sir?

7 A Good, sir.

8 Q Good to see you this morning.

9 A Thank you.

10 MR. WILSON: Your Honor, may I approach?

11 THE COURT: Yes, sir.

12 MR. WILSON: Court's indulgence, Your Honor.

13 (Pause in the proceedings.)

14 BY MR. WILSON:

15 Q This is what's been -- I thought it was marked as an  
16 exhibit. I guess the whole thing is marked as State's  
17 Exhibit 107.

18 A Yes, sir.

19 Q But this is one of the things that you produced from  
20 your cell tower information; correct?

21 A Yes, sir.

22 Q Okay. Before we get into that, I want you to tell  
23 the jury something about cell towers and the rate of error  
24 in what occurs when you're trying to receive information  
25 based off of information related to phone calls, Wi-Fi --

1 because that's how you receive those signals; correct?

2 A Yeah. Wi-Fi and cell work on two, I guess,  
3 different frequencies, if you will.

4 Q Yes, sir. So explain to the jury what sort of error  
5 can occur when you're having to try to make these  
6 analysis. Nothing in science is perfect, obviously. And  
7 so please tell the jury how mistakes can be made.

8 A I don't know what you mean by "mistakes." If we're  
9 referring -- and follow-up with me here in a second if I  
10 don't answer this appropriately -- is your phone is  
11 looking for the best signal that's going to provide it  
12 with service. Right?

13 As you see here, they're providing -- if we're just  
14 going to use one as an example, we'll use the victim's  
15 phone call down at the south phone call at the bottom.  
16 That is where Verizon processes this call for best signal  
17 at that given time.

18 That does face the -- what we end up knowing it to  
19 be the crime scene. And correct me if I'm wrong, if this  
20 is what you're getting at, can we say that this phone call  
21 was made 100 percent at the crime scene? We can't. We  
22 just know that the antenna faces the crime scene during  
23 that time period. And it is consistent with you being at  
24 the crime scene, making the phone call. Do we 100 percent  
25 know, if that's what you're asking? I don't think that's

1 a fair assessment to say that.

2 Q Absolutely. Thank you so much.

3 Now, what else can interfere with and change which  
4 tower picks up a -- and I'm going to go ahead and tell you  
5 where I'm going with this. Obviously, buildings, trees,  
6 lack of towers all can determine what the ping is;  
7 correct?

8 A So, again, it's going to use the -- whatever tower  
9 provides the best signal for the phone. Right? That's  
10 what your phone wants to do to produce a clean phone call.

11 Q Right?

12 A All those things that you mentioned, whether it be  
13 buildings, you know, terrain, you know, radio signals are  
14 going to travel, you know -- I don't know a good word --  
15 unobstructed in very rural areas, right, where, if you're  
16 in downtown with big cities and all that, you know, the RF  
17 is not going to travel as far. It's going to bounce off  
18 buildings, bricks, all that good stuff.

19 Q Very well. Now, in this particular slide, you say  
20 that you see the victim's cell phone pinging right near  
21 the crime scene; correct?

22 A So -- and I'm not involved with the word "ping" from  
23 what I do, but I'm going to say it because I think it's  
24 used pretty commonly. And you're referring to the  
25 distance to tower that places it near the crime scene?

1 Q That's correct.

2 A So, at this point -- so the way that they do this  
3 Verizon sends a signal to the phone. The phone sends a  
4 signal back to the tower. The network can -- when we do  
5 the calculation to figure out what that time is, and they  
6 estimate that, hey, off of this sector, it is estimated  
7 that that phone is 1.89 miles from that sector.

8 Q Okay. Very well.

9 A So it gives you a direction and then a distance from  
10 the tower.

11 Q Exactly. And so, in this slide, what you see is,  
12 from the phone that has been identified related to  
13 Mr. Brayboy, he is not facing the same direction as the  
14 victim, is he?

15 A During the -- and we're looking at two different  
16 things. During the phone call itself or during the --

17 Q On your slide. You just presented to the jury and  
18 testified under oath that he is facing away from the crime  
19 scene.

20 A Correct. When that phone call is received, the  
21 antenna is not facing the crime scene.

22 Q Okay. And that's at 1:26 a.m.; correct?

23 A Correct.

24 Q I have a question. I want to show you this. I just  
25 want to know if this is your work and if you recall this

1 document.

2 A I do not.

3 MR. WHITE: I haven't seen this document.

4 MR. WILSON: It was received from them. I'm not  
5 about to enter it, Judge.

6 THE COURT: He says he's not seen it, so...

7 (Mr. Wilson shows the document to Mr. White.)

8 MR. WHITE: I mean, I just don't know -- yeah, this  
9 is not his.

10 MR. WILSON: All right.

11 BY MR. WILSON:

12 Q All right. Question then, let me ask you this: You  
13 also received excerpts of phones, right, from AT&T?

14 A The phone records themselves?

15 Q Yes.

16 A That's correct.

17 Q All right. And counsel just went over that with  
18 you; right?

19 A That's correct.

20 Q Okay. All right. The last phone call -- there was  
21 a phone call that lasted, based on your records, between  
22 the number that Mr. Brayboy had and the number that the  
23 victim had, you said, under oath, for -- I think it was 53  
24 minutes; correct?

25 A 57 seconds.

1 Q I'm sorry, 57 seconds.

2 Now, at 1:21, in the records --

3 A Mm-hmm.

4 Q -- he ends his phone call with the victim; correct?

5 A The phone call is not placed until 1:26 from the  
6 victim to the number for the defendant.

7 Q What I'm asking is, is there a phone call between  
8 Mr. Brayboy and the victim that proceeds and goes up to  
9 1:21?

10 A That, I do not -- I haven't done the calculation or  
11 the duration. And I don't know what you're asking. At  
12 1:21 -- you're talking about this 37-minute phone call?

13 Q No, no. That phone call was made at 1:21; right?

14 A Correct.

15 Q Let me ask you this way: At 1:21, Mr. Brayboy makes  
16 a phone call; correct?

17 A He does.

18 Q All right. How long does that phone call last?

19 A 37 minutes and 20 seconds.

20 Q Now, Mr. Brayboy is on the phone with another caller  
21 during that time based on AT&T records; right?

22 A That would be the only way I would understand to  
23 explain that. It's a 37-minute duration. And then the  
24 next call is only five minutes later, but the call, it was  
25 listed for 37 minutes.

1 Q Absolutely. So during his phone call -- I apologize  
2 if I cut you off. I'm sorry.

3 A No, I was just making sure I said 37.  
4 Double-checking that was correct.

5 Q All right. So now I just want to -- go with me  
6 here. Just go with me here. At 1:26, he's facing away  
7 from the crime scene, and at that time, when he's facing  
8 away and the victim is still at the park, allegedly, or  
9 here in this area; right?

10 A Consistent with being there.

11 Q All right.

12 MR. WHITE: Judge, I want to object to the  
13 characterization. I just want to make sure we get -- it's  
14 not that he's facing away. It's that it's pinging off a  
15 tower.

16 THE COURT: Overruled.

17 MR. WILSON: Thank you, Your Honor.

18 BY MR. WILSON:

19 Q You testified earlier he was facing away, as an  
20 expert. That's what you said?

21 A The sector is facing away from the crime scene that  
22 receives that phone call.

23 Q And at 1:26, five minutes later, after Mr. Brayboy  
24 initiates the phone call which he's on for 37 minutes, at  
25 1:26, he places that call on hold to answer the other

1 phone call; correct?

2 A That's what it appears.

3 Q All right. Then that phone call ends after 57  
4 seconds?

5 A Correct.

6 Q And then Mr. Brayboy is still on the phone; right?

7 A It's a 37-minute phone call.

8 Q Okay. So if his phone call starts at -- and do the  
9 math here with me. If his phone call starts at 1:21 a.m.  
10 and it goes for 37 minutes at least, that would put him  
11 getting off the phone at 1:58 a.m. in the morning;  
12 correct?

13 A I didn't do the math myself, but if that's...

14 Q Okay. Let me have a paper with a pencil.

15 A I mean, I understand the point you're getting. The  
16 duration lasts well after 1:21 if it's 37 minutes.  
17 Whatever 1:21 -- or, yeah, 1:21 plus the 8-second seizure  
18 time plus 37 minutes. Whatever that gets you to is well  
19 past 1:26 a.m. Is that what you're getting at?

20 Q That's exactly what I'm getting at.

21 A Okay.

22 Q And what I'm saying is, is that call would have  
23 ended almost around 2:00 a.m.; is that right?

24 A That sounds good to me. I mean, I know it's well  
25 past that.

1 Q All right. At 2 a.m., do you recall where you have  
2 Mr. Brayboy pinging?

3 A At 2:17? 2:17 is the next tower location you have.

4 MR. WILSON: May I approach the witness, Judge?

5 THE COURT: Sure.

6 MR. WILSON: Thank you.

7 BY MR. WILSON:

8 Q Do you recognize this document?

9 A I do not.

10 Q You don't recognize this? You didn't produce this  
11 for CellHawk?

12 A I didn't. I don't -- we don't typically use  
13 CellHawk.

14 Q Okay. All right. Let me ask you this then: How  
15 far away is the tower in miles from where the park was  
16 where he's pinging at 1:26 to his home back in -- I think  
17 it's Florence or wherever he lives? How far away is that?

18 A The tower in Florence for the 1:26 or 1:21 phone  
19 call to Lake City?

20 Q That's right.

21 A I didn't measure the distance, but I mean -- I don't  
22 know how you want me to characterize that. It's a  
23 significant distance, I think. I mean, I say it's  
24 significant. It's not a -- I don't think it's a two-hour  
25 ride, but I don't think it's, like, three minutes down the

1 road either.

2 Q Right. So if I said to you it's about 25 or 30  
3 minutes on Google, does that sound about right?

4 A I have nothing to refute you on that. I mean,  
5 looking at the map, I can't see that as being a crazy  
6 estimation.

7 Q Now, earlier counsel said to you, "Hey, look, you  
8 know, this is the incident time of this murder." Right?  
9 Around 1:26. And you said yeah.

10 From the cell tower information, you don't know when  
11 this man died, do you?

12 A That's correct. You do know that he is found  
13 deceased. I think that's clear; right?

14 Q Absolutely.

15 A And his last outgoing call is at 1:26 a.m. You  
16 know, we're operating with Mr. Jones is in possession of  
17 his phone.

18 Q Absolutely.

19 A He made this last phone call. So the phone, pretty  
20 shortly after that, starts to move south within a short  
21 amount of time. But no, I don't know specifically what  
22 time he died.

23 Q All right. Let me ask you this, because Mr. White  
24 asked you a hypothetical: Hypothetically speaking, if  
25 Mr. Jones wanted to, he could travel to another

1 neighborhood, couldn't he?

2 A I mean, I think he's free to go wherever he would  
3 like.

4 Q What I'm saying to you is that you're not tracking  
5 his vehicle; correct?

6 A No, sir.

7 Q You're tracking his cell phone.

8 A We're not -- I mean, we're not actively tracking.  
9 We're just reviewing the data that is provided to us that  
10 gives you a location.

11 Q And what I'm asking you is this: You don't know if  
12 his car moved from where he was at Pamplico and if he  
13 moved with his cell phone or if he got in the car with  
14 somebody else, another individual, and his cell phone was  
15 moving; right?

16 A Sure. I mean, the tower locations that are provided  
17 are from the cell phone regardless of his mode of travel  
18 or not travel or how he got to wherever.

19 Q Okay. Now, I want to be clear for the record. At  
20 any time when you have your cell phone, you can't tell me  
21 that I'm in my car with my cell phone; right? You don't  
22 know how I'm moving with my cell phone on the cell phone  
23 towers.

24 A Not -- you're asking in general or in these records?

25 Q In these records, can you determine how he's moving

1 and who he's moving with?

2 A I cannot determine who he is moving with. Can you  
3 produce some sort of generalized direction of travel? I  
4 think you can. And that's what we have done with the  
5 distance tower records. You have the ones up there at the  
6 park. Very shortly after, you have the one at the  
7 intersection at -- I think it was Pamplico Highway and  
8 Highway 327, if I'm stating that correct, which shows  
9 movement of that phone south. And that's an example in  
10 this case.

11 Q And counsel asked you earlier, you know, they're  
12 traveling. Right? And you can say, "Yeah, I can say  
13 they're traveling."

14 A Correct.

15 Q So you could tell that, after 1:26, that cell phone  
16 somehow traveled somewhere else?

17 A That would be my opinion, that it traveled south.

18 Q Now, this is the thing that I find interesting about  
19 the State's presentation to the jury, you said in your  
20 statement that all these things are true. And I went  
21 through this stuff. They're pinging. I understand how it  
22 works.

23 What I'm not seeing on here is this: Counsel said  
24 to you, So you see Mr. Brayboy's cell phone and then  
25 Mr. Rashad Jones's cell phone pinging together all the

1 time on the way back down to my client going home.

2 There's no slide showing that, is there?

3 A There is not. Going back to that we have the  
4 records when transactions occur; right? So you have the  
5 transaction at -- I think, for Mr. Brayboy's phone at  
6 1:26, and the next one you have is at 2:17 a.m., you know,  
7 back in Lake City.

8 After that 1:28, Mr. Jones's phone also moves south,  
9 but that's what I can tell you. I can't, you know, expand  
10 on what exactly happened during the time period, just what  
11 the data kind of shows you.

12 Q And I understand that. And then you have, again,  
13 though, there is nothing that you have shown this jury  
14 from your extrapolation of that information which has  
15 those two cell phones every step of the way pinging  
16 together. You don't know where he went or who he was  
17 with, do you?

18 A Not every step of the way. Again, you know, we're  
19 provided with the data when transactions occur. If  
20 Mr. Brayboy in this case -- and there's some additional  
21 location records in these that, you know, I don't like to  
22 provide as reliable; right?

23 Q Absolutely.

24 A I don't think they're a good assessment. So that's  
25 why we go with the transactions. AT&T is telling you what

1 sector is being used and what direction that antenna is  
2 facing during that time period. But if there's no phone  
3 calls, it's hard to say, you know, one way or the other  
4 whether there's movement from tower to tower or not.

5 Q Very well.

6 Now, let me ask you this question: The only  
7 information you have to go on is what law enforcement or  
8 the State provides you; correct?

9 A That's correct.

10 Q All right. So if they don't get records for other  
11 people who may have been around Rashad Jones, you would  
12 never know to track their cell phones; right?

13 A The only two numbers I was provided with as far as  
14 this analysis was Mr. Jones's -- the number listed for  
15 Mr. Jones and the number listed for Mr. Brayboy.

16 Q Okay. Let me ask you this question about  
17 triangulation of cell phone tracking over a period of  
18 time. There is a method by which -- let's say I want to  
19 look into the week of a life of someone. Okay? I could  
20 then determine whether or not, by using their cell phone  
21 tracking, if they frequent a certain area.

22 A Sure.

23 Q But, here, you only have a glimpse of one day;  
24 correct?

25 A Well, I think we have multiple days' worth of

1 records, but I think the general idea of when this time --  
2 you know, when this crime occurred was kind of, you know,  
3 for me, compressed to looking at it in this moment in  
4 time.

5 Q Absolutely. And because --

6 A Or a couple of hours.

7 Q I apologize; I'm sorry. Go ahead. I'm sorry.

8 A I was saying, or the couple of hours that we're  
9 looking at here.

10 Q Yes, sir.

11 Because the State's, again, theory of the crime  
12 occurring is that it occurred at that point in time;  
13 right? Which is what you testified to earlier.

14 A Yeah, I mean, like I said, that last outgoing call  
15 was at 1:26. I have no idea when Mr. Jones was found or  
16 anything like that, but I assume it was sometime after  
17 1:26 a.m. on the 28th.

18 Q Now, just a few more questions. The 37-minute phone  
19 call, he makes right at 1:21; correct?

20 A (Witness nodding.)

21 Q So if Mr. Brayboy or, excuse me, Mr. Jones makes a  
22 call at 1:26 and my guy is moving away or at least  
23 directionally away from the crime scene, he's still alive  
24 at the time when he makes that phone call. He's got to  
25 be; right?

1     A     So -- and one thing to look at here is we're seeing  
2     the beginning of that phone call.

3     Q     Right.

4     A     We all know that here in a little while, I'm going  
5     to get in the car and I'm going to drive back to Columbia  
6     or drive back to wherever; right?

7     Q     Right.

8     A     And generally, I can make a phone call during that  
9     time period. You know what I'm saying? And I can stay on  
10    the phone with somebody during that whole time period.

11    Q     Yes.

12    A     It doesn't drop. I don't lose service and all that.

13           But what we're provided here is the initial tower  
14    that processes that phone call.

15    Q     Right. Exactly.

16    A     Not the additional towers that eventually you're  
17    going to get handed off to another one as you travel down  
18    the interstate and all the rest of it. But a lot of  
19    times, those additional towers are not reflected here.

20    Q     The tower doesn't have to reflect the actual phone  
21    records from AT&T, does it?

22    A     All right. Ask me that one -- say that one again.

23    Q     The phone records you have in front of you show a  
24    call made by Mr. Brayboy at 1:21 a.m. in the morning.

25    A     That is correct.

1 Q Okay.

2 A And provided with that cell site that initiated the  
3 call, whether it's a, in this case, an outgoing call.

4 Q Very well. All right. You know that, five minutes  
5 later, if a person -- let's say it is Mr. Jones --  
6 somebody calls Mr. Brayboy from his cell phone, initiates  
7 a phone call that lasts 57 seconds or 53 seconds, and then  
8 Mr. Brayboy continues on his call --

9 A Right.

10 Q -- there's no disputing that; correct?

11 A To me, there's no way to dispute that. The only  
12 thing that -- the difference between the two calls is just  
13 they were processed by two different cell sites.

14 Q Right. Right. But the information with the times  
15 is accurate.

16 A I don't know how you refute it. AT&T is the one  
17 providing me with the records, so...

18 Q Right. Exactly. And you're just reporting it, but  
19 you're also reporting the times for Mr. Jones; right?

20 A Right.

21 Q Right. And y'all used that in the slides.

22 A Yes, sir.

23 Q Okay. So the information from AT&T is probably  
24 accurate, wouldn't you imagine?

25 A Yes, sir.

1 Q Now, I want to show you another exhibit.

2 A This is basically showing the cell towers. Cell  
3 towers basically work by the number of cell towers in an  
4 area and then you can kind of determine exactly kind of  
5 where people are.

6 Q Yeah, that's a -- I think that's a fair point is,  
7 you know, going back to your -- you have all these towers  
8 but your phone wants to use the best signal; right?

9 A Yes, sir.

10 Q For example here, if we're in Lake City, it  
11 doesn't -- the tower in Florence would not provide that  
12 with the best signal, therefore, that's why it used the  
13 tower in Lake City.

14 MR. WILSON: Court's indulgence, Your Honor.

15 THE COURT: Yes, sir.

16 MR. WILSON: Just briefly. Actually, Your Honor, no  
17 further questions, Judge.

18 THE COURT: All right. Mr. White?

19 MR. WHITE: Thank you, Judge.

20 MR. WILSON: Sorry; I'm just separating my papers,  
21 Judge. My apologies.

22 THE COURT: Take your time. No problem.

23 REDIRECT EXAMINATION

24 BY MR. WHITE:

25 Q Just a few questions, Agent Simpson and we'll get

1 you back to Columbia or the Upstate or wherever you're  
2 headed.

3 Let's talk about that 37-minute phone call first.  
4 You testified to it, and I think opposing counsel failed  
5 to follow up with you on that critical detail.

6 That 1:21 phone call that lasts 37 minutes and 20  
7 seconds, you testified to the code of that call was that  
8 that call was placed on hold; is that right? And I have  
9 got it popped up there on the screen if you want to look  
10 at it.

11 A Oh, no, I was just going to confer with the records  
12 key that AT&T provides you for all those codes. And  
13 correct, it says call hold for the -- the code looks here  
14 to be CMH, and it's reflected there as CMH is call hold by  
15 AT&T.

16 Q It is at 1:21, he initiates a call that lasts  
17 37 minutes. That call is placed on hold so he can speak  
18 or answer the call initiated by the victim; is that right?

19 A That's correct.

20 Q And there's nothing to indicate that he ever speaks  
21 to anyone on that 1:21 call; right? I mean, there's no  
22 records to indicate that they're actually talking. It's  
23 just that the connection lasts that long.

24 A Correct. For every record, you look at, you know,  
25 the duration of the call regardless of what was -- whether

1 people are talking or not. We can call each other right  
2 now and sit on silence for minutes on end if you'd like.

3 Q And it happens a lot; right? Just like butt  
4 dialing.

5 A Sure.

6 Q You know, and calls last forever. My mom does that  
7 more often than I care to admit.

8 But, you know, if he forgot to click back over, that  
9 call could last as long as you'd like; right?

10 A That is possible. I would think that it -- at some  
11 point, I mean, the additional call at 1:26 ends after  
12 57 seconds. What happened as far as what he was doing on  
13 the phone or all the rest of it, at the end of it, that  
14 1:21 phone call stayed on the -- was up on the AT&T  
15 network as reported of 33 minutes or --

16 Q So it could have been an accident?

17 A I think I said the time wrong, but...

18 Q That's okay.

19 A I know we're talking about this long phone call.

20 Q Yes, sir.

21 And it could have been an accident, placed on hold  
22 and forgot to get back to the caller; right?

23 A Correct.

24 Q Or it could have been somebody looking for an alibi;  
25 is that right?

1       A       It's hard to say what -- like I said, we don't know  
2       what was being said. I have no idea what was going on  
3       during that call.

4               MR. WILSON: Your Honor -- Your Honor, objection.  
5       He's here to testify about cell phone records.

6               THE COURT: Sustained. The question calls for  
7       speculation. Please disregard that question.

8               Move on. Thank you.

9               MR. WHITE: Thank you, Judge.

10       BY MR. WHITE:

11       Q       Now, it is without dispute now -- defense counsel  
12       wanted to get you to say that what direction the defendant  
13       was facing, but you can't say which way he's facing when  
14       that last call around the incident location occurs; right?  
15       You can only say direction based on all the pings, you  
16       know, as they travel north, the direction of travel that  
17       that indicates; is that right?

18       A       That is correct. If we're looking at this -- that  
19       one call in a vacuum, you know, it faces away from the  
20       crime scene. If you're looking at the movement of the  
21       phone overall, I would agree that it appears to move from  
22       south to north and then return back south.

23       Q       So "his" being the defendant's --

24       A       That's correct, I'm sorry.

25       Q       No, that's okay. The defendant's cell phone travel

1 is consistent with moving towards the crime scene; is that  
2 correct?

3 A That is correct.

4 Q And then both he and the victim's cell phone then  
5 ends up back south; is that right?

6 A Correct. You have a much more -- kind of have more  
7 data points from the victim between that 1:33 a.m. to 1 --  
8 I believe it's 1:48 a.m. that shows the distance, the  
9 tower occurring with the Verizon phone. And then from the  
10 defendant's phone, it's the process of calling Florence,  
11 and then, at 1:26, the received phone call, and the next  
12 one you have is 2:17 where it's using a tower back in Lake  
13 City.

14 MR. WHITE: Beg the Court's indulgence for one  
15 moment.

16 BY MR. WHITE:

17 Q Agent Simpson, I'm going to cut you loose. I  
18 appreciate it. Okay? Thank you, sir.

19 THE COURT: Anything further?

20 MR. WILSON: Nothing further, Judge.

21 THE COURT: Thank you, sir, for being here. I  
22 appreciate it.

23 THE WITNESS: Yes, sir. Thank you.

24 THE COURT: Is there any objection to him being  
25 released from his subpoena?

1 MR. WILSON: None from the defendant, Your Honor.

2 MR. WHITE: None from the State, Judge.

3 THE COURT: All right, sir. You're free to go.

4 Thank you so much.

5 THE WITNESS: Thank you, sir.

6 THE COURT: All right, ladies and gentlemen. We're  
7 going to take a short break, and then we're going to  
8 return to hear the next witness before the lunch hour. If  
9 you will, please don't discuss this case. We'll have you  
10 right back out. Thank you so much for your attention.

11 (The jury exited the courtroom at 11:39 a.m.)

12 THE COURT: All right. Is there anything before we  
13 take a short break?

14 MR. WHITE: Judge, just from a scheduling  
15 standpoint, I have got two witnesses I'm just laying a  
16 foundation to move records in. I can knock those out real  
17 quick and send them on their way and then we can break for  
18 lunch, if that's amenable with the Court. I think anybody  
19 else I have will last longer than that.

20 MR. WILSON: I'm agreeable with whatever the  
21 Court's --

22 THE COURT: All right. We'll plan to do that then.  
23 We'll be at recess.

24 (A recess was taken from 11:41 a.m. to 11:56 a.m.)

25 THE COURT: Do we have everybody? Can we have the

1 jury?

2 (The jury entered the courtroom at 11:57 a.m.)

3 THE COURT: Mr. White, do you want to call your next  
4 witness?

5 MR. WHITE: Yes, sir, Judge. Thank you.

6 At this time, the State would call Sharon Keith.

7 THE CLERK: Ma'am, if you'll place your left hand on  
8 the Bible and raise your right hand.

9 SHARON KEITH,

10 after having been duly sworn, was examined and  
11 testified to as follows:

12 THE CLERK: Please be seated and then state your  
13 full name for the record.

14 THE WITNESS: My name is Sharon Keith, and I work  
15 with Pee Dee Auto Sales.

16 DIRECT EXAMINATION

17 BY MR. WHITE:

18 Q Ms. Keith, just a few questions for you, and we'll  
19 get you out of here.

20 How long have you worked for Pee Dee Auto Sales?

21 A For 11 years.

22 Q And in what capacity are you employed?

23 A I actually work the payment window. I do contracts,  
24 the GPS devices, the tracking for those.

25 Q Now, Pee Dee Auto Sales, what is that?

1     **A**     It's a buy here/pay here car lot.

2     **Q**     And when you say "GPS tracking," what does that  
3     mean? How does that associate to vehicles?

4     **A**     When customers buy cars with us, our management has  
5     them sign paperwork saying that they're allowing to have a  
6     GPS tracker on their vehicle. It does not cut the car  
7     off; it just tracks their movements in case we ever have  
8     to repo it, the vehicle is stolen, or anything happens  
9     with the vehicle, that we can go back and track it.

10    **Q**     And is that a common thing in your business?

11    **A**     It is.

12    **Q**     And back in 2019, did you have that same system in  
13    place?

14    **A**     Yes. Mr. Jones did have a GPS tracking device on  
15    his vehicle.

16    **Q**     And what company did you use?

17    **A**     We use Advantage. At the time, it was Stars, and  
18    then they switched over to Advantage.

19    **Q**     And is that information accessible by you?

20    **A**     Yes.

21    **Q**     And is it kept in the regular course of your  
22    business?

23    **A**     Yes.

24    **Q**     And are you able to pull it up at any time?

25    **A**     Yes.

1 Q In fact, did you do that for law enforcement in this  
2 particular case?

3 A I did.

4 Q I'm going to show you State's Exhibit 111. And if  
5 you can tell me if you recognize that document.

6 A This is the document that I had pulled for  
7 Investigator Kathleen Street.

8 Q And that was in connection with the --

9 A The Rashad Jones, yes, sir.

10 Q And those are the documents relating to his GPS  
11 coordinates on his vehicle; is that right?

12 A It is.

13 Q It tracks everywhere that he -- when the vehicle  
14 stops; is that correct?

15 A The vehicle stops for two to three minutes, it will  
16 track that stop.

17 MR. WHITE: Judge, at this time, I move State's  
18 Exhibit -- and I've already forgotten the number -- 111  
19 into evidence.

20 THE COURT: Any objections?

21 MR. WILSON: I just want to make sure that it's this  
22 document. I haven't seen it. I'm sorry.

23 MR. WHITE: Oh, my apologies.

24 MR. WILSON: No objection, Judge.

25 THE COURT: 111 is into evidence.

1 MR. WHITE: And, Judge, that's all I have for  
2 Ms. Keith. Thank you, Ms. Keith. And you have to answer  
3 any questions Defense may have, and then you'll be able to  
4 go. Thank you.

5 (State's Exhibit No. 111 was marked for  
6 identification and received into evidence.)

7 CROSS-EXAMINATION

8 BY MR. WILSON:

9 Q Good morning, ma'am. How are you doing?

10 A I'm good. How are you?

11 Q I'm doing well.

12 I just have a quick question. Now, you said that  
13 the vehicle tracks to locations; right?

14 A Yes.

15 Q All right. And so a vehicle that has a GPS tracking  
16 on it, when it says stopped, it registers that, what does  
17 that mean?

18 A It means the vehicle has stopped for more than two  
19 to three minutes for it to lock on to locate.

20 Q Okay. And so each time that happens, it registers  
21 that; correct?

22 A Yes.

23 Q Okay. My eyes are not good, so just give me one  
24 second. I'm sorry.

25 A You're good.

1 MR. WILSON: Can you read this?

2 I apologize, Jury. My eyes are not good. My  
3 apologies, Judge.

4 THE COURT: No problem.

5 BY MR. WILSON:

6 Q Right here in your records that's been marked  
7 State's Exhibit 111, there are two stops on here; correct?

8 A Yes.

9 Q All right. Tell the jury what time that first stop  
10 is on there.

11 A The first stop is actually at 1:33 on, basically,  
12 12/28 of '19.

13 Q And when is the next stop registered on that  
14 vehicle?

15 A It is registered at 9:01 on the same date.

16 Q Okay. All right. So you have a registered stop at  
17 1:33 a.m. where the vehicle stops at a location and then  
18 you have another stop?

19 A Yes.

20 Q What is the only thing that can cause someone to  
21 register a stop on the GPS tracking machine? What  
22 happens?

23 A Basically, for it to register, he would have to be  
24 sitting still for a certain amount of time.

25 Q And then move again?

1       **A**       Yes.

2       **Q**       Thank you so very much.

3       MR. WILSON: May I approach, Judge?

4       THE COURT: Yes, sir.

5       MR. WILSON: Your Honor, may I publish to the jury?

6       THE COURT: Sure.

7       MR. WILSON: And my eyes ain't no good. I'm going  
8 to try to point to this.

9       Judge, may I, please?

10      THE COURT: Sure.

11      MR. WILSON: Please point to it.

12      MS. ANDERSON: The first one?

13      MR. WILSON: Yeah.

14      BY MR. WILSON:

15      **Q**       So the first one that you're looking at -- you have  
16 to turn it around.

17      JURORS: 90 degrees.

18      MR. WILSON: 90 degrees. Is that good?

19      JURORS: Yes.

20      BY MR. WILSON:

21      **Q**       So the first one that you're looking at, that you're  
22 pointing at, is the 1:33 time; is that correct; ma'am?

23      **A**       Yes.

24      **Q**       And then next to that it says "stopped;" correct?

25      **A**       Yes.

1 Q All right. And then there is a 9:01 a.m. and  
2 35 seconds, if my eyes are right.

3 A Correct.

4 Q And that's also saying "stopped" as well?

5 A The vehicle is still sitting there in that time  
6 frame.

7 Q Okay. All right. And why would that register,  
8 though? What would make it hit?

9 A It only locates sometimes, but if it sits there for  
10 a certain amount of time, it will register it again that  
11 it's been at the same location. The only time you can  
12 actually watch it realtime is if you're actually staring  
13 at it and following it as it goes on the screen.

14 Q Very well.

15 Now, again, the next hit that it gives is on the  
16 29th; correct?

17 A Correct.

18 Q So it doesn't give any other hits until that time,  
19 and by then, we know that law enforcement has got the  
20 vehicle?

21 A Correct.

22 Q Thank you so much.

23 MR. WILSON: No further questions, Your Honor.  
24  
25

## REDIRECT EXAMINATION

BY MR. WHITE:

Q And just briefly, Ms. Keith. And we actually talked, me and you, didn't we?

A Yes, we did.

Q And we went through this in detail, and we actually talked to people at Advantage on the phone?

A Yes, we did. We spoke with Ms. Melissa.

Q And we made sure we got that 9 a.m. stop cleared up. And, essentially -- and you correct me if I'm wrong -- it doesn't mean the vehicle stopped or traveled?

A It just means it's still sitting there in the stationary position. Unless the power source from that vehicle has been disconnected, it will not stop reading. It will sit right there until the battery dies.

Q So between 1:33 and that time, it doesn't show that the car moved. In fact, it means the opposite. It means that it stayed still?

A It stayed still.

Q Okay. Thank you very much.

MR. WILSON: Just briefly, Judge.

## FURTHER RECROSS-EXAMINATION

BY MR. WILSON:

Q And can you tell the jury, then, why it is that there's no other activity that is reported. There's a

1 1:33 time frame in these records which says that he  
2 discontinued his power source to the vehicle.

3 A It just means he stopped. The power source is not  
4 disconnected.

5 Q But what I'm saying is this: Law enforcement then  
6 goes to the vehicle on the 29th. No other registration  
7 occurs for that vehicle after 9:01 a.m.

8 A So they move it.

9 Q They move it.

10 MR. WILSON: No further questions.

11 THE COURT: All right.

12 MR. WHITE: No, I don't have anything else. Just  
13 ask that she can be released from her subpoena.

14 Thank you, Ms. Keith.

15 MR. WILSON: No objection.

16 THE COURT: Thank you, ma'am, for being here, and  
17 you're free to go.

18 THE WITNESS: Thank you.

19 THE COURT: Mr. White? At this time, the State  
20 calls Joanne Joyner.

21 THE CLERK: Ma'am, if you'll please step up to the  
22 stand, and place your left hand on the Bible and raise  
23 your right hand.

24 JOANNE JOYNER,

25 after having been duly sworn, was examined and

1 testified to as follows:

2 THE CLERK: Please be seated and then state your  
3 full name for the record.

4 THE WITNESS: My name is Joanne Joyner.

5 DIRECT EXAMINATION

6 BY MR. WHITE:

7 Q Okay, Ms. Joyner. Just a few questions for you, and  
8 we'll get you out of here.

9 Ms. Joyner, where are you employed?

10 A Anderson Brothers Bank.

11 Q And in what office are you currently at?

12 A I'm at the main office in Mullins.

13 Q And back in 2019, did the victim in this case,  
14 Rashad, did he have an account with you guys?

15 A He did.

16 Q I'm going to show you what's been marked as State's  
17 Exhibit 110. Do you recognize this document?

18 A Yes, sir.

19 Q Is that the account history for Mr. Rashad Jones?

20 A Yes.

21 Q And is that the account history from Anderson  
22 Brothers Bank kept in your ordinary course of business?

23 A Yes, sir.

24 Q And is that the document that was turned over to law  
25 enforcement and then presented here today?

1       A       Yes, sir.

2               MR. WHITE: Judge, I move State's Exhibit 110 into  
3 evidence.

4               MR. WILSON: Your Honor, without objection.

5               THE COURT: All right. 110 is into evidence.

6               (State's Exhibit 110 was marked for identification  
7 and received into evidence.)

8 BY MR. WHITE:

9       Q       Ms. Joyner, that's all I have for you. But you do  
10 have to answer any questions the defense may have. Okay?

11              MR. WILSON: Your Honor, I have no questions.

12              THE COURT: Thank you, ma'am, for being here, and  
13 you're free to go.

14              THE WITNESS: Thank you.

15              MR. WHITE: Judge, I ask that she be released from  
16 her subpoena. And I think this might be an appropriate  
17 time to stop for lunch, if you're amenable.

18              MR. WILSON: No objection, Your Honor.

19              THE COURT: Thank you, ma'am. You're free to go.

20              All right. Ladies and gentlemen, as you've heard,  
21 we believe this is a good time to break for lunch. Our  
22 next witness is going to be lengthy, and we need to start  
23 that this afternoon.

24              We ask that you be back here at 1:45. We'll start  
25 the trial at that time or right soon after. We'll resume

1 the trial at that time.

2 So please don't discuss this matter with -- you  
3 know, don't discuss this matter whatsoever and we'll see  
4 you back after lunch. Thank you so much.

5 (The jury exited the courtroom at 12:09 p.m.)

6 THE COURT: All right. Anything before we break?

7 MR. WHITE: No, sir, Judge.

8 MR. WILSON: Nothing from the defense, Your Honor.

9 THE COURT: Thank you-all.

10 MR. WHITE: Thank you, Your Honor.

11 (A lunch recess was taken at 12:09 p.m. to  
12 1:49 p.m.)

13 THE COURT: Do we have everybody?

14 MR. WHITE: Yes, sir, Judge.

15 THE COURT: All right. Mr. Wilson, did you want to  
16 put something on the record?

17 MOTION/MATTER OF LAW

18 MR. WILSON: Your Honor, just one thing. We talked  
19 about it earlier in pretrial. I believe that the State is  
20 about to put up Ms. Cooper, and this was, again, my  
21 concern. The tenuous nature of the actual allegation --  
22 she says that she never saw a .45 and her statement to the  
23 police that she says he says he had one, but then it's  
24 with the baby daddy or the baby mama's baby daddy -- baby  
25 mama's stepdaddy. And, again, that information is so

1       tenuous, Judge, so loose.

2               Again, it's prejudicial to him, obviously, because  
3       of the caliber is a .45. She admits she saw him with a  
4       .38. She said all day long, "I saw it." She never saw  
5       the weapon, never saw him with a weapon, and didn't even  
6       know him at the time when this allegedly happened. So  
7       didn't meet him until months later.

8               So it's so tenuous, so unreliable, so prejudicial,  
9       and the probative value -- if she could come in and  
10      describe the weapon and say, "Yeah, hey, it's a silver  
11      handle, I saw it, he told me he had it back then," I  
12      wouldn't probably argue -- I probably would -- I probably  
13      wouldn't argue as much.

14              But this is a situation where she never even saw it.  
15      And she wants to now give testimony about a piece of  
16      evidence that not only goes to the truth of the matter  
17      asserted but it also goes to the heart of whether or not  
18      he possessed, at the time, a .45 caliber, and no one else  
19      has suggested that he's ever possessed, at the time of  
20      this crime, a .45 caliber.

21              THE COURT: All right. And I just assume that she  
22      gave a written statement? I mean, that's what --

23              MR. WILSON: She gave an oral statement.

24              THE COURT: She gave an oral statement?

25              MR. WILSON: Yes, sir.

1 THE COURT: All right. And you have been provided  
2 that?

3 MR. WILSON: Yes, Your Honor.

4 THE COURT: All right. And I haven't certainly  
5 heard it or seen it to that extent, but do I understand  
6 right that she's -- that she might testify or that she at  
7 least gave a statement that this defendant told her he had  
8 a .45 caliber gun?

9 MR. WILSON: That's right. She says that he said he  
10 had one, it wasn't with him, but that it's with the  
11 baby --

12 THE COURT: All right. Well, let me ask you this:  
13 She says he had one but it wasn't with him. I mean, does  
14 she base that knowledge on what he told her or is she  
15 making it up?

16 MR. WILSON: If you ask me, she's making it up,  
17 because they know -- they know the type of caliber. But  
18 that's not my issue, whether she's even credible. My  
19 issue is, is that she can't give a description. If she  
20 could give a description and give --

21 THE COURT: But what if she never saw it?

22 MR. WILSON: She didn't. She admits that.

23 THE COURT: So how would you expect her to give a  
24 description?

25 MR. WILSON: I agree. That's where it comes into

1 competent evidence, Judge, whether or not the evidence is  
2 competent from the actual witness, whether or not he  
3 actually told her that, obviously, is an issue of  
4 credibility for the jury.

5 But my concern is, is that, again, if she is saying,  
6 "I never saw it, never described it, couldn't tell you  
7 what it looked like, he never had it on him," and then,  
8 not only that, at the time of this conversation which she  
9 says happens in July of 2020, this is -- if my math is  
10 correct -- eight months, nine months after the alleged  
11 murder took place. She never even knew him. She said, "I  
12 thought that he had it since I have known him, but I never  
13 saw it."

14 So you're trying to relate back now to a time frame  
15 before she even knows him. Because she doesn't meet him,  
16 she says, until January. Then she doesn't really get to  
17 know him and they're dating, she says, in June and July.  
18 And then she says this conversation took place in July.  
19 And then she comes to the police in October, yes, he told  
20 me back then that, at least in July, he had access to a  
21 .45 caliber weapon that belonged to or was with the baby  
22 daddy -- the baby mama's stepdaddy.

23 That is so tenuous, Judge, I can't even begin to  
24 tell you how prejudicial it is, because again, the  
25 probative value makes no sense to me whatsoever. Her

1 saying that he had a .38 caliber, I got no problem with  
2 that. She saw it. She saw it. Even that is tenuous  
3 because she didn't know if he had it back in December.  
4 But the .45, this is almost pure unadulterated speculation  
5 on her part that the gun even existed.

6 THE COURT: But what her testimony is, I assume, is  
7 that he told her he had it.

8 MR. WILSON: That's right.

9 THE COURT: Okay. It seems to me like it's a  
10 credibility-of-the-witness issue.

11 But, Mr. White, is there anything you'd like to put  
12 on the record?

13 MR. WHITE: I just don't really think I understand.  
14 I mean, it's a statement by a party opponent. She's  
15 saying that he told her that he had access to the same  
16 caliber weapon that was used in the murder. I'm not aware  
17 of any reason why I couldn't elicit that testimony.

18 MR. WILSON: Judge, just briefly. I know Your Honor  
19 is going to make Your Honor's decision, and we'll stand  
20 with whatever the judge says; obviously, I will abide by  
21 that.

22 It would be different if this murder took place in  
23 July, August, September, October, or around that time.  
24 She never alleges that he had it at the time of the  
25 murder. She's saying that he has it seven months later.

1 There is nothing -- there's nothing relatable -- it's not  
2 relevant at that point in time.

3 THE COURT: But let me -- I mean, so I'm clear --

4 MR. WILSON: Yes, sir.

5 THE COURT: -- these aren't allegations that she's  
6 making, are they? I mean, what her testimony is based on  
7 is what the defendant told her.

8 MR. WILSON: What she says the defendant told her.

9 THE COURT: I understand.

10 MR. WILSON: Right. Again, she says she didn't know  
11 about a weapon until July.

12 THE COURT: Okay.

13 MR. WILSON: That's what she says. She never says,  
14 "He told me he shot him with a .45." That's not what she  
15 says.

16 THE COURT: Okay. Well, I can't find that there's  
17 anything improper about -- about the testimony from what I  
18 have heard thus far. So -- you know, certainly, if it  
19 gets into a situation where you need to object and we need  
20 to take it up outside the presence of the jury, we'll  
21 certainly do that.

22 MR. WILSON: Yes, Your Honor.

23 THE COURT: But, from what I understand, I haven't  
24 seen the statement, I haven't listened to the statement,  
25 but if it's, you know, what this defendant told her, then

1 I think it would be admissible.

2 Now, whether or not she's telling the truth,  
3 obviously, is not for this Court to decide, and that's a  
4 whole separate issue.

5 MR. WILSON: Yes, Your Honor.

6 THE COURT: All right. Anything further?

7 MR. WHITE: No, sir Judge.

8 THE COURT: All right. If we can have the jury,  
9 please.

10 (The jury entered the courtroom at 1:57 p.m.)

11 THE COURT: All right. Mr. White, call your next  
12 witness.

13 MR. WHITE: At this time, the State would call Allen  
14 Thomas.

15 THE CLERK: Step up to the stand, place your left  
16 hand on the Bible and raise your right hand.

17 ALLEN THOMAS,  
18 after having been duly sworn, was examined and  
19 testified to as follows:

20 THE CLERK: Please, be seated and then state your  
21 full name for the record.

22 DIRECT EXAMINATION

23 BY MR. WHITE:

24 Q Just state your full name so the court reporter can  
25 have it.

- 1     **A**     Allen Thomas.
- 2     **Q**     Mr. Thomas, I'm going to ask you a few questions.
- 3     All right?
- 4     **A**     Yes, sir.
- 5     **Q**     Starting first with, where are you from?
- 6     **A**     I'm from Darlington, South Carolina.
- 7     **Q**     And how long have you lived there?
- 8     **A**     I want to say 26 years.
- 9     **Q**     Is that where you reside currently?
- 10    **A**     Yes, sir.
- 11    **Q**     I know you're a soft-spoken guy, but if you can,
- 12    make sure that's up there. If you can just speak as
- 13    loudly as you need to. Make sure the jury hears you and
- 14    that the court reporter get it down. Okay?
- 15    **A**     Yes, sir.
- 16    **Q**     Now, do you know the victim in this case, Rashad
- 17    Jones?
- 18    **A**     Yes, sir.
- 19    **Q**     How did you know him?
- 20    **A**     He was my lead man at BBCI Communications.
- 21    **Q**     And y'all worked together?
- 22    **A**     Yes, sir.
- 23    **Q**     How long did y'all work together?
- 24    **A**     Five years.
- 25    **Q**     What did you do there at BBCI?

1     A     We was a telecommunication company, but we run  
2     cables.  We...

3           It was a telecommunication company.  We powered a  
4     lot of cables for internet, coax cables for television and  
5     fiberoptics.

6     Q     Did y'all do a lot of work in and around Florence?

7     A     Yes, sir.

8     Q     And what kind of things did y'all do around  
9     Florence?

10    A     We went into a lot of buildings.  On top of a lot of  
11    buildings.  We did a lot of work together.

12    Q     And you said he was your lead man.  What does that  
13    mean?

14    A     He was the guy that led the crew on the job.

15    Q     Does that mean he was your supervisor?

16    A     Yes, sir.

17    Q     And you worked for his team?

18    A     Yes, sir.

19    Q     And what kind of guy was he -- co-worker or  
20    supervisor was he?

21    A     He was the best co-worker or supervisor I ever had  
22    in my life.

23    Q     And were you guys close friends?

24    A     Yes, sir.

25    Q     And did he confide a lot to you?

1       A       Certain things.

2       Q       Let me ask you this:  Was certain things -- was he a  
3       secretive guy?

4       A       Yes, sir.

5       Q       Relationships that he had, was he kind of a  
6       secretive guy?

7       A       Yes, sir.

8       Q       How about his family life?  Would he tell you about  
9       his family life?

10      A       Oh, he loved his family.

11      Q       And he had a son.  Did he ever tell you about his  
12      son?

13      A       Yes, sir.

14      Q       And from all of your accounts, was he a good father?

15      A       Amazing father.

16      Q       What was his son's name?

17      A       Rameare.

18      Q       Did he talk about him a lot?

19      A       Every single day.

20      Q       But as far as his relationships were concerned, he  
21      was less than forthcoming?

22      A       Yes, sir.

23      Q       Even though y'all were close; right?

24      A       Yes, sir.

25      Q       Now, did he ever tell you that he would engage in

1 sex with women?

2 A Yeah, but he was very secretive about it. No names.

3 Q So he wouldn't tell you that he was seeing so-and-so  
4 and this was their name or anything like that?

5 A No, sir.

6 Q Would he ever -- and I know this is tough to talk  
7 about, but did he tell you that he would pay women for  
8 sex?

9 A A couple of times.

10 Q Did he admit that to you?

11 A Yes, sir.

12 Q But did he ever tell you that he may like men?

13 A No, sir.

14 Q He never admitted to you that he was a homosexual?

15 A No, sir.

16 Q Would that have altered your opinion of him?

17 A No, sir.

18 Q You guys were that close?

19 A He was my big brother.

20 Q And where are you working now?

21 A I'm a truck driver right now for Transco Lines out  
22 of Little Rock, Arkansas.

23 Q And, in fact, you had to kind of -- what do you call  
24 it? Dead eye? Deadhead to here last night?

25 A Yes, sir. The company I worked for, they gave me an

1 option. They told me I could take the truck, park it in  
2 Pennsylvania, and find my way here or -- that's basically  
3 what they told me to do, but I put my job on the line to  
4 be here for Rashad Jones.

5 Q Y'all were that close?

6 A Yes, sir.

7 Q Beg the Court's indulgence one moment. All right?

8 A Yes, sir.

9 (Co-counsel confer off the record.)

10 BY MR. WHITE:

11 Q Mr. Thomas, I appreciate you being here. Appreciate  
12 you coming down from Pennsylvania last night and driving  
13 all night.

14 A Yes, sir.

15 Q Now you have to answer any questions defense may  
16 have. Okay?

17 A Yes, sir.

18 MR. WILSON: Please the Court, Your Honor?

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. WILSON:

22 Q Good morning, Mr. Thomas. How are you doing, sir?

23 A Good afternoon, sir.

24 Q I just have a few questions for you.

25 When you talked with the police, they interviewed

1     you; correct?

2     A     Yes, sir.

3     Q     And you said that -- and I apologize to the Court  
4     and apologize to the jury, to the panel, but he said to  
5     you he was going to "fuck it up"? Did he say that to you?

6     A     No, sir.

7           MR. WILSON: Court's indulgence, Your Honor.

8           THE COURT: All right.

9     BY MR. WILSON:

10    Q     So you don't recall telling the police that, when he  
11    messed you -- that you got a message from Mr. Jones in  
12    Florence/Marion, and one of the messages said that he was  
13    going to "fuck it up"? You don't recall that?

14    A     No, sir.

15    Q     Did you talk to Detective Edwards at some point in  
16    time?

17    A     Yes, sir.

18    Q     You had a conversation with him about how he was  
19    about women? He asked you; correct?

20    A     Yes, sir.

21    Q     Okay. All right. Well, let me ask you this: Do  
22    you recall saying to Detective Edwards, who is now Chief  
23    Edwards, at the time that he sent you a picture of himself  
24    actually going to Marion?

25    A     No, sir.

1 Q You don't recall that either?

2 A No, sir.

3 Q All right. Do you recall also saying to him that  
4 Mr. Jones's girls is black. He did not like white women?

5 A Repeat that.

6 Q Do you recall saying to Detective Edwards in your  
7 interview that he likes black women, he doesn't like white  
8 women?

9 A Yes, sir.

10 Q Okay. All right. Do you also recall telling  
11 Detective Edwards, when he interviewed you, that he likes  
12 going and having sex with women for money?

13 A No, sir.

14 Q You just said under oath when Solicitor White asked  
15 you a question about him going to meet women and have sex  
16 for money. You just told this jury under oath earlier  
17 yes. You don't recall your statement five minutes ago to  
18 Solicitor White who asked you that question under oath?

19 A Yes, sir.

20 Q Okay. And didn't you tell this jury that he would  
21 tell you that he would go meet women for sex and pay them  
22 money?

23 A Yes, sir.

24 Q Okay. All right. Did you also tell him that he  
25 would tell you that he would give them 20 to 30 dollars

1 sometimes and meet up for oral sex?

2 A Once.

3 Q He told you that one time?

4 A One time.

5 Q Okay. Did you also tell Detective Edwards -- now  
6 Chief Edwards -- that he would meet these girls up  
7 sometimes and take them to the park?

8 A No, sir.

9 Q He never said that?

10 A No, sir.

11 MR. WILSON: Court's indulgence, Your Honor.

12 BY MR. WILSON:

13 Q You told Solicitor White under oath that he would  
14 normally not tell you names of females he was dealing  
15 with; right?

16 A Yes, sir.

17 Q And y'all would talk about that?

18 A Yes, sir.

19 Q And then you would also go and look up things,  
20 trying to find out who he's seeing?

21 A No, sir.

22 Q Never did that?

23 A No, sir.

24 MR. WILSON: Your Honor, no further questions of  
25 this witness.

1 THE COURT: Mr. White, is there anything further?

2 MR. WHITE: Yes, just briefly.

3 REDIRECT EXAMINATION

4 BY MR. WHITE:

5 Q Let me ask you, Mr. Thomas: Are you a little  
6 nervous to be testifying? Is this the first time you have  
7 ever testified in court?

8 A Yes, sir.

9 Q And I know you're nervous. I mean, it's tough.  
10 That was a long time when you gave that statement to  
11 Investigator Edwards; right?

12 A Yes, sir.

13 Q And you don't remember everything you said?

14 A No, sir.

15 Q Is everything you testified here the truth?

16 A Yes, sir.

17 Q Let me ask you this: Did Rashad Jones -- I mean,  
18 you spent, you know, most weeks with him for five years;  
19 is that right?

20 A Yes, sir.

21 Q Did he have any enemy in the world that you knew of?

22 A Nobody.

23 Q And when y'all would go on these job sites -- he was  
24 the supervisor; right?

25 A Yes.

1 Q Did he get along with everybody?

2 A Everybody. Everybody loved him.

3 Q And there's nobody that you know of that would want  
4 to hurt him?

5 A Not a soul.

6 Q Thank you, sir. Appreciate it.

7 THE COURT: Anything further?

8 MR. WILSON: Just one question.

9 RECROSS-EXAMINATION

10 BY MR. WILSON:

11 Q You weren't with him the night on the 28th, were  
12 you?

13 A No, sir.

14 MR. WILSON: No further questions, Judge.

15 THE COURT: Thank you, Mr. Thomas, for being here.  
16 Is there any objection to him being released from his  
17 subpoena?

18 MR. WHITE: No, sir, Judge.

19 MR. WILSON: None from the defense, Your Honor.

20 THE COURT: Sir, you're free to go or stay,  
21 whichever you choose. Okay? Thank you for being here.

22 Mr. White, call your next witness.

23 MR. WHITE: At this time, the State would call Jade  
24 Roy.

25 THE CLERK: Sir, if you'd please go up to the stand,

1 place your left hand on the Bible, and raise your right  
2 hand.

3 JADE ROY,

4 after having been duly sworn, was examined and  
5 testified to as follows:

6 THE CLERK: Please be seated and then state your  
7 full name for the record.

8 THE WITNESS: First name is Jade, J-a-d-e. Last  
9 name Roy, R-o-y.

10 DIRECT EXAMINATION

11 BY MR. WHITE:

12 Q And it's Agent Roy; is that right?

13 A Lieutenant.

14 Q Lieutenant Roy. I'm going to get it straight.

15 A That's all right.

16 Q Lieutenant Roy, where are you employed?

17 A South Carolina Law Enforcement Division.

18 Q And how long have you been employed there?

19 A Since 2016.

20 Q And what are you doing for SLED now?

21 A Supervising the Human Trafficking and Immigration  
22 Enforcement Units.

23 Q And what did you do prior to arriving at SLED?

24 A Before I arrived at SLED, I started my law  
25 enforcement career in 2011 at the Myrtle Beach Police

1 Department where I had the opportunity to work as a  
2 criminal investigator in the Crimes Against Persons or  
3 Crimes Against People Violent Crimes Section, commonly  
4 investigating crimes involving sexual assaults, homicides,  
5 stabbings, and other crimes of a violent nature against  
6 people.

7 Q Now, in your current capacity, are you head of that  
8 division?

9 A Yes, sir.

10 Q And what do you-all do there? I know you do a lot.  
11 But just in a brief synopsis, what do you do in that  
12 division?

13 A Sure. So our primary objective is to assist our law  
14 enforcement partners across the state of South Carolina  
15 with criminal investigations involving human trafficking  
16 or exploitation of human beings as well as the immigration  
17 enforcement side of the house.

18 And so we spend a lot of time investigating those  
19 cases as well as assisting with conducting commercial sex  
20 operations in our vice capacity or vice services capacity  
21 in an effort to come across potential victims of human  
22 trafficking or sex buyers that are attempting to purchase  
23 sex.

24 Q Now, when you're dealing with sex cases, is a lot of  
25 your investigation focused on the internet?

1       A       Yes, sir.

2       Q       And I want to ask you specifically about a tool that  
3       was used in this particular case: Spotlight. Can you  
4       tell the jury what is Spotlight and be as detailed as you  
5       can, because I know, to a layperson and to me as well, it  
6       can be a confusing thing.

7       A       Yes, sir. So, in 2012, an organization called Thorn  
8       was founded by a couple of different people out of  
9       California, and between 2012 and 2014, they formulated a  
10      search database that was created for law enforcement to  
11      use as a tool in an effort to combat sexual exploitation  
12      and trafficking.

13             And so this tool was created in an effort to -- to  
14      get access to this tool, there is a vetting process  
15      through this company where you have to identify yourself  
16      as a current law enforcement officer, you're required to  
17      provide them with a memo from supervision stating that you  
18      work in the field of exploitation and trafficking, and  
19      that your objective is to combat those crimes. And then,  
20      when you are able to gain access to this tool, there are  
21      tutorials and things like that that guide you through how  
22      to use their database.

23             And so what this database does is it searches  
24      approximately eight to nine different online sexual escort  
25      commercial sex web sites where folks are posting on those

1 web sites to seek someone, a customer, if you will, to pay  
2 for sexual activity that they would be seeking.

3 And so, from that web site, there are a number of  
4 different ways that you can enter information into that  
5 site, whether it be phone numbers, email addresses,  
6 pictures and things that -- such as that in an effort to  
7 glean information from different escort sites that may or  
8 may not prove to be related to the crimes that were  
9 committed while we work through gathering intelligence to  
10 work those investigations.

11 Q Now, is it essentially a search engine?

12 A Yes, sir.

13 Q And you can type in keywords or telephone numbers,  
14 that sort of thing?

15 A Yes, sir. You can type in telephone numbers, names,  
16 aliases, email addresses. You can attach a photo in an  
17 effort to gain information.

18 Q And if it's attached, it will pull up an ad  
19 associated with that telephone number or keyword or  
20 photograph; is that right?

21 A Yes, sir. It will pull up what it believes may be  
22 associated with what the information is that you provided  
23 to the search. And so if I provide an alias in that  
24 respect, it could come up with a number of different ads  
25 that may or may not be associated. If you provide a phone

1 number or an email address, then it's going to search  
2 through those sites and those advertisements that are  
3 posted to glean information from them that may or may not  
4 be directly related to an advertisement.

5 Q Now, do you know Investigator Angel Clark?

6 A Yes, sir.

7 Q And did you refer her -- or I think, when you're  
8 dealing with Spotlight, it's like an endorsement. Did you  
9 endorse her --

10 A Yes, sir.

11 Q -- for use of the Spotlight service?

12 A Yes. At the time, Detective -- or Investigator  
13 Clark was within the Special Victims Unit at Florence  
14 County Sheriff's Office and was commonly conducting  
15 exploitation and trafficking investigations alongside our  
16 unit, yes, sir.

17 Q And so she has access to that just as you do; is  
18 that right?

19 A Yes, sir.

20 Q But, you know, the general public doesn't have  
21 access to that search engine, do they?

22 A No.

23 Q And not even the general law enforcement community.  
24 It's just for a specific set of folks inside the law  
25 enforcement community; is that right?

1     **A**     That's correct. It's generally specific to the  
2     folks that are conducting these types of investigations,  
3     and from time to time, the provider, Thorn and Spotlight,  
4     come back to us to make sure that the folks that they have  
5     on record are the same folks that are still actively  
6     investigating these cases.

7     **Q**     And are you aware that Investigator Clark used  
8     Spotlight in this particular case?

9     **A**     Yes, sir.

10    **Q**     Are you aware that she took the defendant's  
11    telephone number and typed it into that search engine?

12    **A**     Yes, sir.

13    **Q**     Are you aware that she got a hit under that  
14    Spotlight?

15    **A**     Yes, sir. She vetted that information that I had  
16    given her originally to ensure that we were both looking  
17    at the same material that this phone one was able to  
18    provide.

19    **Q**     So she was doing the search and then contacting you  
20    to make sure she was looking at the right information; is  
21    that right?

22    **A**     As it happened, I conducted the initial search while  
23    she was still -- her access was still getting granted.  
24    And so the initial search of the phone numbers started  
25    with me.

1 MR. WHITE: Beg the Court's indulgence one moment.

2 (Co-counsel conferred off the record.)

3 BY MR. WHITE:

4 Q All right. That's all I have for you. Please  
5 answer any questions the defense may have. Okay?

6 A Yes, sir.

7 MR. WILSON: Please the Court, Your Honor?

8 THE COURT: Yes, sir.

9 CROSS-EXAMINATION

10 BY MR. WILSON:

11 Q Good afternoon, Lieutenant.

12 A Good afternoon, sir.

13 Q Good to speak to you again.

14 Something you said caught my attention. You said  
15 that, when you put stuff into Spotlight, it basically  
16 looks for what it believes might be there. Right?

17 A Yes, sir. The information that you provide to the  
18 platform, it will then provide you a set of what may be  
19 related to what it is that you're looking for.

20 Q Okay. And you also said it may or may not be  
21 directly related?

22 A Yes, sir.

23 Q And so, I want you to explain, when you say  
24 "association," when you go onto Spotlight to try to vet  
25 for human trafficking, for the sex sites that people go on

1 all the time now, what do you mean by "association"? How  
2 loose is that term when it comes down to what you're going  
3 to pull up, what you're going to find in relation to these  
4 telephone numbers or keywords?

5 A Sir, I believe the best way to describe that is, if  
6 a certain phone number or picture was used or email  
7 account was used, it's going to pull from these sites what  
8 may be directly associated. It may give us a definitive  
9 set of advertisements that were posted and were  
10 associated, or if we're putting in an alias or a picture,  
11 it could provide us with a number of different ads that  
12 may or may not be directly associated with the person or  
13 persons that we're investigating or looking for.

14 Q So potentially what can happen -- and I know,  
15 obviously -- let me ask you this: SLED does not maintain  
16 the records for Spotlight, the web site; correct?

17 A No, sir.

18 Q All right. SLED also has no control of how  
19 Spotlight connects its information -- I mean, I'm sorry --  
20 collects its information? I apologize.

21 A Could you repeat that?

22 Q SLED has no control over how Spotlight collects or  
23 gathers its information?

24 A That's correct.

25 Q Now, from my understandings, what you're telling me

1 is, is that you go onto Spotlight, and then you're looking  
2 for information associated with the telephone number  
3 pretty much?

4 A Yes, sir.

5 Q And that's what happened in this case; correct?

6 A That's correct.

7 Q All right. Now, you contacted SkipTheGames; right?

8 A We did, yes, sir.

9 Q All right. And you sent emails to them because they  
10 have a way for you guys to contact them to try to figure  
11 out if they have a known association for a telephone  
12 number; right?

13 A Yes, sir.

14 Q And do you have the email with you?

15 A No, sir.

16 Q Okay. All right. Well, let me ask you this  
17 question: When you emailed SkipTheGames, you know, which  
18 is where, again, this is all going, because the State's  
19 alleging that basically this Spotlight found an ad, right,  
20 associated with the number related to Mr. Antonio Brayboy;  
21 correct?

22 A Sir, I wouldn't be able to say if it was related or  
23 not. I know that there was a phone number that was  
24 associated with an ad that I have been led to believe was  
25 associated with the defendant, yes, sir.

1 Q And when you emailed SkipTheGames, though, they  
2 emailed you back and said what about his telephone number?

3 A That they didn't have anything on record at the  
4 time.

5 Q At the time, they had nothing on record?

6 A For the phone number, yes, sir.

7 Q Okay. All right. And so then they gave you, after  
8 that, a list of other numbers; correct? In the email  
9 chain.

10 A I don't recall there being a list of other numbers.  
11 I know that there was, I believe, one specific number that  
12 they listed.

13 Q Well, the number they listed in the email, did y'all  
14 ever connect that to Mr. Brayboy?

15 A I'm not sure, sir.

16 Q I mean, you're the --

17 A I didn't, no, sir.

18 Q You did not?

19 A No.

20 Q All right. Now, let me also ask you this: When  
21 records are kept by people or web sites like SkipTheGames,  
22 Spotlight, or whatever other web sites people are going on  
23 for information, SLED still has no sort of involvement  
24 with those web sites to control how information is kept,  
25 stored, or even gathered at any point in time; correct?

1       A       Correct.

2       Q       Okay. All right.

3               MR. WILSON: Court's indulgence, Your Honor.

4               THE COURT: All right.

5       BY MR. WILSON:

6       Q       Now, you never -- Spotlight, when y'all did this  
7       search together, you and the local police department,  
8       Spotlight also gave you another email address; correct?  
9       Or you don't know that?

10      A       There was a -- there was another email address, and  
11      I believe they, in that email chain, were associating that  
12      email address with another advertisement that we had  
13      submitted to them as a potential lead in this  
14      investigation.

15      Q       Did you ever -- I apologize for interrupting you,  
16      but did you connect that email address to this defendant?

17      A       Sir, I'm not even aware of the name of the  
18      defendant, so no, sir.

19      Q       His name is Antonio Brayboy. He's on trial today  
20      for murder and possession of a weapon during a violent  
21      offense -- or possession of a weapon with a violent --  
22      with a violent offense. He's on trial today, and that why  
23      you're here.

24               So I'm asking you to tell me, during your  
25      investigation, did you connect that to his name?

1       A     No, sir.

2       Q     Thank you. Thank you.

3           MR. WILSON: No further questions, Judge.

4           THE COURT: All right.

5                       REDIRECT EXAMINATION

6       BY MR. WHITE:

7       Q     But you did connect it to a cell phone number;  
8       correct?

9       A     To a cell phone number, yes, sir.

10      Q     And (704) 777 -- who we now know belongs to the  
11      defendant in this case.

12           And you talked about association. And when you're  
13      dealing with images, you said sometimes, you know, the  
14      association between one image and then it pulls up a page  
15      of another image, that might not be correlated; right?

16      A     Yes, sir. That information has got to be verified,  
17      as would a phone number.

18      Q     But now, here, the cell phone number that's entered  
19      and matches the cell phone number that's on the ad; is  
20      that right?

21      A     Yes, sir. The initial search provided us with an  
22      advertisement that was on SkipTheGames, a commonly known  
23      escort -- commercial sex escort web site.

24      Q     So when you type that -- and it's kind of like a  
25      Google search engine; right?

1     **A**     Yes, sir. It's literally a search bar at the top of  
2     this -- on this search page, enter the phone number that  
3     was provided to me by Detective or Investigator Clark,  
4     which immediately resulted in one search result, which was  
5     a result pulled from December of 2019 for Florence, South  
6     Carolina, displaying an image that was associated with a  
7     SkipTheGames URL, yes, sir.

8     **Q**     Now, that brings me to my next point, the URL. When  
9     you emailed SkipTheGames, they said that they didn't have  
10    that number associated with any of their ads; is that  
11    right?

12    **A**     Yes, sir. And they also state that, from time to  
13    time, users that use their platform will commonly either  
14    change their phone number, hide their phone number, or not  
15    provide a phone number to begin with. And so it's common  
16    in this line of work that we see, based on our years of  
17    experience working in this lane, that folks commonly  
18    change their phone numbers or use different platforms to  
19    communicate with their buyers of commercial sex.

20    **Q**     And when you say "different platforms," what might  
21    those be?

22    **A**     Whether it be social media or new phone  
23    applications, such as WeChat, or different types of  
24    numbers that you can associate with your cellular device.

25    **Q**     Now, you put in that 704 number that we know belongs

1 to the defendant, put that in the Spotlight search engine,  
2 and it pulls up an ad because one of the numbers in the ad  
3 or the number in the ad is his number; right? That's how  
4 you get the first ad?

5 A Yes, sir.

6 Q And then you send it off to SkipTheGames, and they  
7 say they don't have an ad associated with that number; is  
8 that right?

9 A Yes, sir. We sent them a request for information  
10 for any advertisements that would be associated with that  
11 particular phone number.

12 Q So -- and they said -- I think it's in their policy  
13 or what have you, that it could be because they delete the  
14 number, they change the number, and that might be why the  
15 ad doesn't pop up; is that right?

16 A Yes, sir.

17 Q But you still had the original URL from that first  
18 ad; is that right?

19 A Yes, sir. And in that moment when we were inserting  
20 the number, we get this URL pulled up, we were immediately  
21 able to put it into the search engine like you were  
22 describing, Google or Internet Explorer, and use that to  
23 pull up the advertisement that did, in fact, match the  
24 result provided to us through Spotlight.

25 Q So you took the -- and what is a URL?

1       A       It's the short acronym given to a web site that you  
2       may be entering into a search engine. So www dot whatever  
3       it might be -- in this case, SkipTheGames.eu.

4       Q       And so, even though, you know, months and months  
5       later, that number may have been deleted off the post --  
6       and that's why SkipTheGames can't find it -- you have the  
7       original URL, so you can put it in SkipTheGames and find  
8       that original post?

9       A       We did in that moment, yes, sir.

10      Q       Okay. And I'm going to show you --

11             MR. WHITE: If I can mark that. I am so sorry.  
12      Thank you.

13             (State's Exhibit No. 112, SkipTheGames Ad, was  
14      marked for identification.)

15      BY MR. WHITE:

16      Q       I'm going to show you what's been marked as State's  
17      Exhibit 112. Is this -- when you went to SkipTheGames and  
18      you had that original ad -- and I tell you what, before I  
19      confuse the jury, I'm going to ask you to look at this,  
20      and we'll just get right into it.

21             I'm going to show you State's Exhibit 98. Tell me  
22      if you recognize that particular item.

23      A       Yes, sir. This is the search page of what would be  
24      Spotlight with the (704) 777-8982 phone number entered in  
25      the search field that provided the search result of one

1 advertisement from one profile from a SkipTheGames  
2 advertisement post.

3 Q And is that the ad that you and Investigator Clark  
4 found when you typed that number in?

5 A Immediately when we entered that number, that is the  
6 advertisement -- this is the search result that popped up,  
7 yes, sir.

8 MR. WHITE: Judge, I move State's Exhibit 98 into  
9 evidence.

10 THE COURT: Any objection?

11 MR. WILSON: Previous to subject [sic], Judge.

12 THE COURT: All right. 98 is into evidence.

13 MR. WHITE: And permission to publish, Judge -- and  
14 Judge, I say 98, but it's actually -- we have them  
15 individually marked: 98, 99, 100, 101, 102, and 103. My  
16 apologies, Judge.

17 THE COURT: Same objection?

18 MR. WILSON: Yes, Your Honor.

19 THE COURT: All right.

20 (State's Exhibit Nos. 98 through 103 were received  
21 into evidence.)

22 BY MR. WHITE:

23 Q Now, is this -- this is Spotlight; correct?

24 A Yes, sir. This is showing the image from their  
25 search page, yes, sir.

1 Q And that is the defendant's telephone number that  
2 you typed into the search bar; is that right?

3 A Yes, sir.

4 Q And when you hit enter, this is the Mr. John X ad  
5 that comes up; is that right?

6 A Yes, sir.

7 Q And the jury will have this back there; they can  
8 take a look at it. But it's advertising for sex; is that  
9 correct?

10 A Yes, sir.

11 Q And then, on the right side over there, you see,  
12 under "tag ad," it has some information. It has first  
13 posted. When was this first posted?

14 A 6:22 p.m., December 19th of 2019.

15 Q And the murder occurred December 28th, 2019. Would  
16 that be roughly ten days prior to the murder?

17 A Yes, sir.

18 Q And does it also list a telephone number  
19 (704) 777-8982 on the right side?

20 A It does, yes, sir.

21 Q And a location. What was the location?

22 A Florence, South Carolina, it says, at home.

23 Q And now, I'm just going to kind of flip through  
24 here. This is associated information with the ad that  
25 pops up on Spotlight; is that right?

1     A     Yes, sir, that's correct.

2     Q     And, again, it lists the telephone number and it  
3     lists it as a valid number; is that right?

4     A     Yes, sir.

5     Q     This is all information. Again, it lists the  
6     telephone number there; is that right?

7     A     Yes, sir.

8     Q     And you can see -- is that the URL you're talking  
9     about at the top, the Florence SkipTheGames page?

10    A     Yes, sir. Just at the top is that URL address. It  
11    would continue with an ad ID, with the numbering,  
12    signifying that it's related to a specific ad.

13    Q     And this is a picture that's associated with that  
14    ad; is that right?

15    A     Yes, sir.

16    Q     Okay. So, again, I hate to keep going over it; I  
17    just want to make sure it's clear. That's the original  
18    ad. You type that number in. That's the ad that pops up.

19           And then, when you try to get the information from  
20    SkipTheGames, they say they don't have it associated and  
21    that might be because the number has been deleted, but you  
22    still have that same URL -- the URL is on the  
23    second-to-last page there.

24           And so you -- right after you get that back, you  
25    type the URL into the SkipTheGames and the ad -- that same

1 ad pops up not on Spotlight but on the SkipTheGames web  
2 site?

3 A Yes, sir. At the time we were conducting this  
4 search, it did, yes, sir.

5 Q And this was the web site on SkipTheGames.com?

6 A That is the advertisement that matched the search  
7 result from Spotlight, yes, sir.

8 MR. WHITE: Judge, at this time, I'd move State's  
9 Exhibit 112 into evidence.

10 MR. WILSON: Subject to previous.

11 THE COURT: All right. 112 is in.

12 (State's Exhibit No. 112 was received into  
13 evidence.)

14 MR. WHITE: Permission to publish, Judge.

15 BY MR. WHITE:

16 Q And I'm going to show you -- is that the ad -- this  
17 is the advertisement as it would show up on SkipTheGames;  
18 is that right?

19 A Yes, sir.

20 Q And, again, even though SkipTheGames is saying they  
21 now can't find it, you can find it because you had the  
22 original URL that was tied to this defendant's telephone  
23 number, that 704 number?

24 A Yes, sir.

25 Q And you put that connection together?

1       A       Yes.

2               MR. WHITE:  Beg the Court's indulgence one moment.

3               (Co-counsel conferring off the record.)

4       BY MR. WHITE:

5       Q       And you weren't the lead investigator on this.  I  
6       think you mentioned it previously.  You were just  
7       assisting Florence County Sheriff's Office; is that right?

8       A       That's correct.

9       Q       Okay.  Thank you, Lieutenant.  I appreciate it so  
10      much.  I think you might have to answer any questions  
11      Defense may have, but I appreciate you.

12      A       Yes, sir.

13               MR. WILSON:  Please the Court, Your Honor?

14               THE COURT:  Yes, sir.

15                               FURTHER RECROSS-EXAMINATION

16      BY MR. WILSON:

17      Q       You testified under oath just now that SkipTheGames  
18      told you that they were going to -- that phone numbers  
19      could be deleted and all this stuff.  That's what you just  
20      told the jury; right?  And that, if this phone number is  
21      deleted or changed, that, then, that could be the reason  
22      why the number is hidden; correct?

23      A       It could be the reason why they're not able to  
24      determine a result to provide us with information back.

25      Q       All right.  SkipTheGames told you that in an email?

1       A       No, sir. That's listed on their web site.

2       Q       Okay. So they didn't tell you that in the email?  
3       That's not what they said; right?

4       A       Correct.

5       Q       Okay. What they told you was, is that they would go  
6       in, if you guys asked them to, and they would delete the  
7       actual web site or hide it if you wanted it hidden;  
8       correct?

9       A       The -- specifically to this advertisement?

10      Q       Yes.

11      A       So, in particular, sir, when we request information  
12      from them, the information that you are saying -- they  
13      basically say for anything what we're investigating, if  
14      those sites or advertisements need to be made invisible or  
15      taken down, that they would cooperate with that, yes, sir.

16      Q       That's right. And that's what I'm asking you.  
17              I'm asking you, did you guys ask them to take it  
18      down or hide it?

19      A       No, sir.

20      Q       All right. So if you go online today, which is what  
21      the State is asking -- saying, obviously, if you guys  
22      didn't ask them to take it down, it's still going to be  
23      up; correct?

24      A       I'm not sure.

25      Q       Well, in the records they sent you, it was still

1 posting on the 23rd, 24th, 25th, 26th. Do you know that?

2 A No, sir, I'm not aware of that.

3 Q Let me ask you this then --

4 A The records they sent, sir, were in reference to a  
5 different advertisement.

6 Q I'm aware. I'm aware.

7 I have a question for you about that as well. Do  
8 you find it, in your business, strange that the original  
9 web site, SkipTheGames, which is where law enforcement  
10 locally, who has every reason in the world to want to find  
11 his number associated with a sex web site, that they can  
12 find the number and then tie it to this thing y'all found  
13 which says, "Hey, I want to have sex with women" -- which  
14 is what the thing says; right?

15 A It does say that the person that's posted this ad  
16 wants to engage in activity with women, yes, sir.

17 Q Okay. All right. But then SkipTheGames, who  
18 actually owns the web site, owns the company, controls the  
19 information, responds to SLED -- and everybody respects  
20 SLED because they know they can get a subpoena or they can  
21 also get in trouble for lying to law enforcement -- they  
22 didn't tell you they don't have anything related to this  
23 number. That's what they tell you; correct?

24 A That's correct.

25 Q Okay. But you give access now to Spotlight and to

1 local law enforcement, and they, all of a sudden, when  
2 SkipTheGames can't find it, we got a hit. That's what  
3 you're telling the jury?

4 A What I have said to the jury is that, when Florence  
5 County Sheriff's Office called with the phone number and  
6 requested that I enter that number through Spotlight to  
7 search for commercial sex advertisements that may be  
8 related to their case, I ran that phone number, and it  
9 produced a result depicting the advertisement that was  
10 previously shown to me.

11 Q Okay. All right. But SkipTheGames couldn't find  
12 it?

13 A Based on the request made by me with the phone  
14 number to them, they could not find any result, yes, sir.

15 Q Okay. All right. Since we're entering into --

16 MR. WILSON: Court's indulgence, Your Honor.

17 THE COURT: Yes, sir.

18 BY MR. WILSON:

19 Q This is what's been marked as State's Exhibit 98.  
20 Okay? And it's already in evidence. So based on that,  
21 and y'all say y'all did -- I apologize; Florence County  
22 did the search on Spotlight --

23 Let me ask you this: Was this the first time SLED  
24 gave Florence County access to Spotlight?

25 A They had previously seen my use of it, but during

1 that same time period was when Investigator Clark gained  
2 access to the platform.

3 Q And that was her first time getting access to the  
4 platform?

5 A As far as I would know, yes, sir.

6 Q Okay. All right. Now, as you read this, it says,  
7 "Hey, ladies. I'm here to offer you comfort that your  
8 man's not. If you're tired from work or keeping kids all  
9 day long, I'm here to help you unwind and loosen up those  
10 knots in your shoulders and back. Great with stroking and  
11 massages and fire" -- which looks like a tongue emoji --  
12 game." That's what it says; right?

13 A That is, yes, sir.

14 Q Is it advertising for sex with men?

15 A Not that I can see here, no, sir.

16 Q So this particular thing that y'all found, even  
17 though it wasn't with SkipTheGames, even the associated  
18 one you found is looking for women?

19 A I'm not sure about the associated one, sir.

20 Q You're not sure about the associated number? The  
21 target number is the associated number that I'm talking  
22 about.

23 A So I'm a bit confused. I'm sorry.

24 Q Let me rephrase. The 77 [sic] number, all right,  
25 that belongs to, according to the State, Antonio Brayboy,

1     which they put in evidence, okay, which you then gave  
2     access to Florence County for the first time to do their  
3     own searches, and they said they found this web site  
4     connected to him -- this particular ad, okay? You're  
5     saying to me that, in this, there's a possibility that  
6     somebody could interpret that he's looking for a man?

7     A     Based on this, no, sir. But I'm also stating that I  
8     conducted the initial searches. They then gained access  
9     to the web site and vetted the information or confirmed  
10    the information that I had already searched.

11   Q     Okay. So, originally, then, this search was done by  
12   you?

13   A     Yes, sir.

14   Q     Okay. And so you then came back and said, "Hey, we  
15   have got us a hit on this guy"?

16   A     No, sir. I provided them with the search result for  
17   the phone number that they provided me that they said was  
18   connected to a crime that occurred in Florence County.

19   Q     Meaning that you hit on this particular web site?

20   A     Yes.

21   Q     Okay. All right. And then, to double up on that,  
22   you gave access to Florence, and they said, "Hey, we found  
23   out the same thing about this guy"?

24   A     Yes, sir.

25   Q     Okay. Now, this is what's been marked as State's

1 Exhibit No. 101. It says no email address is found on  
2 file.

3 A Yes.

4 Q So if you're looking at your own Spotlight and then  
5 you found an email address that was associated with this  
6 defendant, then that would pop up; correct?

7 A If there was an email address associated with the  
8 advertisement from SkipTheGames, it would generally pop up  
9 in Spotlight, yes, sir.

10 Q Well, have you gone on SkipTheGames and worked on  
11 the web site to determine how it works and how you can  
12 only get an account?

13 A No, sir, I have never created an account on  
14 SkipTheGames.

15 Q I mean, not you personally. What I'm saying is, in  
16 your investigation. You guys investigate human  
17 trafficking crimes all the time.

18 A Yes, sir.

19 Q Okay. And so all these web sites, you all know how  
20 they work. I mean, that's part of what law enforcement  
21 does. I know that because I try a lot of these cases.  
22 CSC cases, human trafficking cases, I understand. So you  
23 want to know how they work, how you can get an account.

24 They told you guys that this was free billing;  
25 right? So there was no billing. It's a free web site.

1       A       Yes, sir, to my knowledge.

2       Q       But do you have to have an email account?

3       A       There has to be an email account that is associated  
4 with the creation of a profile under their -- on their web  
5 site, yes, sir.

6       Q       Thank you so much. Thank you.

7               Just one last question. When you pull up in your  
8 investigations -- and I know you do a lot of them -- when  
9 you pull up this type of information, when it comes down  
10 to these associations, can you put a fingerprint on these  
11 things that you find simply because you get a hit on  
12 either a number, a keyword, a name? Can you fingerprint  
13 as if you were working directly for SkipTheGames or  
14 working for another web site? It's not a fingerprint.  
15 It's simply an association; correct?

16      A       The advertisement -- I guess I'm confused a bit  
17 about the question.

18      Q       Let me rephrase the question. What I'm saying to  
19 you is this: Are you saying that this particular ad, with  
20 100 percent certainty, based on the entire conversation we  
21 just had with this jury, that this particular ad is  
22 absolutely, positively, no doubt in your mind, 100 percent  
23 certain, his ad?

24      A       I'm saying that the advertisement is associated with  
25 a phone number provided to me by the Florence County

1 Sheriff's Office that came back on SkipTheGames and  
2 through Spotlight.

3 Q And what I'm asking you is: Is that as good as a  
4 fingerprint, in your opinion, that this science -- the  
5 reliability of Spotlight, the reliability of the web sites  
6 that you guys work with, can you say for 100 percent that  
7 that belongs to him?

8 A No, sir. All that information has to be vetted  
9 through a criminal investigation.

10 Q Thank you so very much.

11 MR. WILSON: No further questions, Your Honor.

12 THE COURT: All right. Is there any objection to  
13 releasing this witness from his subpoena?

14 MR. WHITE: No, sir, Your Honor.

15 MR. WILSON: No objection, Your Honor.

16 THE COURT: All right. Thank you, Lieutenant.  
17 Appreciate you being here.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: All right. Ladies and gentlemen, we  
20 have been back about an hour. Is everybody okay to  
21 continue?

22 All right. Call your next witness.

23 MR. WHITE: Well, I was going to suggest a brief  
24 recess, if possible.

25 THE COURT: Do you have your next witness ready?

1 MR. WHITE: Well, because Investigator Jade -- I  
2 don't know that the next one is going to be necessary.

3 THE COURT: All right. Ladies and gentlemen, I tell  
4 you what we're going to do is take a short break, and  
5 we'll have you right back out as soon as we see exactly  
6 what we need to do to continue. Please don't discuss this  
7 case, and certainly we'll give you an opportunity to use  
8 the restroom, and then we'll be right back in the  
9 courtroom.

10 (The jury exited the courtroom at 2:44 p.m.)

11 THE COURT: Is there anything before we take a  
12 break?

13 MR. WHITE: No, sir, Judge. We'll be ready to go.  
14 Well, just for my scheduling standpoint, I think I have  
15 two more. The last one of the day could be lengthy, and  
16 then I have one more in the morning, and I'd be ready to  
17 argue and charge. I don't know what the defense is going  
18 to do. That might give us a chance to break somewhat  
19 early, depending on how -- that last witness may be  
20 lengthy, and advise the defendant of his rights and be  
21 rocking and rolling in the morning.

22 THE COURT: I tell you what: Do you have all your  
23 witnesses here today?

24 MR. WHITE: Yes, sir.

25 THE COURT: Well, we're going to go until the end of

1 the working hours and then we'll see where we are.

2 MR. WHITE: Okay. Sounds good.

3 (A recess was taken from 2:46 p.m. to 2:58 p.m.)

4 THE COURT: All right. Missing Mr. Wilson?

5 (Pause in the proceedings.)

6 THE COURT: All right.

7 MR. WILSON: Apologies, Judge.

8 THE COURT: No problem. Are we ready for the jury?

9 MR. WHITE: Yes, sir, Judge.

10 THE COURT: All right.

11 (The jury entered the courtroom at 3:00 p.m.)

12 THE COURT: Mr. White, want to call your next  
13 witness?

14 MR. WHITE: Yes, sir. Thank you, Judge. At this  
15 time, the State would call Investigator Angel Clark.

16 THE CLERK: Ma'am, if you'll please place your left  
17 hand on the Bible and raise your right hand.

18 ANGEL CLARK,

19 after having been duly sworn, was examined and  
20 testified to as follows:

21 THE CLERK: Please be seated and then state your  
22 full name for the record.

23 THE WITNESS: Angel Clark.

24 DIRECT EXAMINATION

25

1 BY MR. WHITE:

2 Q Investigator Clark, where are you employed?

3 A Florence County Sheriff's Office.

4 Q And how long have you been employed there?

5 A 13-1/2 years.

6 Q And in what capacity are you currently employed?

7 A Property Crimes Investigation.

8 Q And back in 2019, what was your role with the  
9 Sheriff's Office?

10 A Beginning in 2019, I was in Narcotics. Towards the  
11 end of 2019, I was investigating sex crimes.

12 Q And did that involve the use of Spotlight?

13 A Yes.

14 Q And we went into great detail with Lieutenant Jade  
15 Roy from SLED. Are you familiar with Lieutenant Roy?

16 A I am.

17 Q Is he the one who referred to the Spotlight app or  
18 the service?

19 A Yes. He referred me to Spotlight in January of  
20 2020 -- early January of 2020. He was -- you have to have  
21 a sponsor. And he was a referral.

22 Q And working in conjunction with him, did you enter  
23 the defendant Brayboy's telephone number into Spotlight  
24 and get an ad?

25 A I did.

1 Q And I'm going to show you State's Exhibit 102. Is  
2 that the first page of that ad?

3 A Yes. That's the first page of the ad.

4 Q And is this how it appeared on SkipTheGames?

5 A Yes.

6 Q Okay. Now, I want to ask you just briefly -- and  
7 then I think I'll be done, but have you ever -- in your  
8 connection with sex cases -- and Mr. Wilson asked Mr. --  
9 or Lieutenant Roy this question: Have you ever created a  
10 SkipTheGames account?

11 A Not in the sex cases, but while I was in Narcotics,  
12 I did. I worked with prostitutes a lot and I worked a lot  
13 of prostitution cases, so yes, I have created many.

14 Q Now, do you have to have an email to create an  
15 account?

16 A You have to have an email to create an account, yes.

17 Q But do you have to have an email to create an ad?

18 A You do not have to use your email address on the ad.  
19 The email address -- you have to have that to create --  
20 I'm sorry -- create the account on SkipTheGames, but the  
21 email is only used on the ad when you want to be  
22 contacted. You can be contacted by phone number or by  
23 email address or by both. You do not have to display --  
24 it will not display whichever one you don't want to use.

25 So you can use only a phone number, and the email

1 address will not be displayed.

2 Q So if you chose not to use an email address and when  
3 you pull up that ad, it will show no email address; is  
4 that correct?

5 A Correct.

6 MR. WHITE: Beg the Court's indulgence one moment.

7 (Co-counsel conferring off the record.)

8 BY MR. WHITE:

9 Q Okay. Investigator Clark, that's all the questions  
10 I have for you. Please answer any questions the defense  
11 may have.

12 A Okay.

13 MR. WILSON: Just briefly, Judge.

14 CROSS-EXAMINATION

15 BY MR. WILSON:

16 Q Good evening, Detective. How are you doing?

17 A Good.

18 Q Question: If you don't put an email address in  
19 there, you don't have an account?

20 A No. To create the account -- to create an account  
21 on Spotlight, you have to use an email. But to create an  
22 ad within -- I'm sorry, did I say Spotlight? I meant to  
23 say SkipTheGames.

24 To create an account with SkipTheGames, you have to  
25 use an email. But whenever you're creating your ad within

1 SkipTheGames, you do not have to use your email. That's  
2 an option.

3 Q Okay. So if I take my cell number and I create an  
4 ad on SkipTheGames --

5 A Mm-hmm.

6 Q -- that number is going to come back to SkipTheGames  
7 because that's how I got the ad on the account; right?

8 A The number is going to come back to SkipTheGames.

9 Q Right. SkipTheGames would have to register  
10 something. There's got to be a way for somebody to  
11 contact me.

12 A Right.

13 Q If I want to enter into sex services, right, there  
14 has to be some way for people to contact me. They can't  
15 simply just do it, you know, through air. It's got to be  
16 either via email or cell phone.

17 A Right. Through the phone number that's provided,  
18 yes.

19 It gives you two options. You can -- on  
20 SkipTheGames, it gives you an option: Call me or email  
21 me. If you hit "call me" and there's a phone number that  
22 they provided, you can call them on that phone number. If  
23 you hit "email" and there's an email that they provided,  
24 then you can email them.

25 Q All right. And so, in this matter, when

1 SkipTheGames, again, was contacted by law enforcement  
2 through SLED -- I know that, you know, obviously, you're  
3 working with SLED on this; correct?

4 A Right.

5 Q And he was kind of your mentor on this process with  
6 Spotlight.

7 A Yes, sir.

8 Q Let me ask you this: Was this your first time using  
9 Spotlight?

10 A Yes. I have used it quite a good bit after that,  
11 but yes, I created an account January 10th of 2020.

12 Q Okay. All right. And so, in this matter, when you  
13 got the information back -- Spotlight -- excuse me,  
14 SkipTheGames said, "We have nothing connected to that  
15 number." Correct?

16 A Correct.

17 Q All right. Then when you say that, "Okay, well, to  
18 create an account, you got to have an email address." So  
19 that means that the person, whoever posted this thing, may  
20 not have had an email address or may not have had an  
21 account with them; correct?

22 A Not necessarily an account. If that email address  
23 is not attached to the ad, then it's not going to display.

24 Q Okay.

25 A It is attached to the account that they created, not

1 the ad.

2 Q Let me ask you a question: Did you search for any  
3 email addresses that were associated with this particular  
4 defendant to determine if he had an email account with  
5 SkipTheGames?

6 A I was not aware of any email addresses to search  
7 for, sir.

8 Q Let me ask you this: In your line of work, how many  
9 people in America -- or, excuse me -- the world have email  
10 addresses?

11 A A lot.

12 Q A lot of people?

13 A Yes.

14 Q Which is one of the reasons that your job is so  
15 important that you also search for email addresses to get  
16 these hits; correct?

17 A Correct.

18 Q Okay. But you didn't find that in this situation,  
19 is what I'm asking?

20 A No. And in most situations, you won't because a  
21 phone number is more convenient. It's easier to get in  
22 touch with someone answering a phone call than waiting on  
23 an email to come through.

24 Q Well, tell the jury this: In your line of work --  
25 and I know you do this every day. In your line of work,

1 people who go on these web sites -- these UberHorny,  
2 fling.com, Tinder, they're trying to hide their real phone  
3 number; correct?

4 A In some cases, yes. Not every time.

5 Q What is the best way to hide your phone number? To  
6 develop what?

7 A Well, I mean, they have what they call burner phones  
8 or drop phones that they can use. They have apps that  
9 they can use. But, I mean, a lot of times, they use their  
10 own phone. I mean, I can't necessarily narrow it down to  
11 one. There's different ways that they can be contacted.

12 Q Do people use made-up email addresses?

13 A I'm sure. I mean, it's a possibility, yes.

14 Q Thank you, ma'am.

15 MR. WILSON: No further questions, Your Honor.

16 THE COURT: All right.

17 MR. WHITE: Nothing further, Judge.

18 THE COURT: All right. Thank you, Investigator  
19 Clark, for being here.

20 Is there any objection to releasing her from her  
21 subpoena?

22 MR. WHITE: None, Judge.

23 MR. WILSON: No objection, Your Honor.

24 THE COURT: You're free to go. Thank you, ma'am.

25 THE WITNESS: Thank you, sir.

1 MR. WILSON: At this time, I'd call Dr. Nicholas  
2 Batalis.

3 THE COURT: All right.

4 THE CLERK: Sir, if you'll place your left hand on  
5 the Bible and raise your right hand.

6 DR. NICHOLAS BATALIS  
7 after having been duly sworn, was examined and  
8 testified to as follows:

9 THE CLERK: Please be seated and then state your  
10 full name for the record.

11 THE WITNESS: My name is Nicholas Ike Batalis.

12 DIRECT EXAMINATION

13 BY MR. WHITE:

14 Q Dr. Batalis, where are you employed?

15 A I'm employed at the Medical University of South  
16 Carolina down in Charleston.

17 Q And what do you do for MUSC?

18 A I'm employed at MUSC as a professor in the  
19 Department of Pathology and Laboratory Medicine, and  
20 specifically, my role is as a forensic pathologist.

21 Q And how did you become a forensic pathologist?

22 A Sure. After obtaining my undergraduate degree at  
23 Butler University in Indianapolis, Indiana, I then went on  
24 to medical school at the Indiana University School of  
25 Medicine. After completing medical school at Indiana, I

1 then came down to Charleston to MUSC for training or  
2 residency training in general pathology. It's a four-year  
3 training program.

4 After that four-year training program in general  
5 pathology, I passed a national examination to become  
6 board-certified in general pathology. I then went on to a  
7 one-year fellowship or subspeciality training program  
8 specifically dealing with forensic pathology at the Dallas  
9 County Medical Examiner's Office in Dallas, Texas. Again,  
10 after that year, I passed another examination to become  
11 board-certified in forensic pathology. And, at that  
12 point, I then returned to MUSC and took my current  
13 position.

14 Q And during your career -- and that's a tough  
15 question -- about how many autopsies have you performed?

16 A I don't have an exact list, but at this point,  
17 probably somewhere between three and four thousand  
18 autopsies.

19 Q And during that time, have you been qualified as an  
20 expert in the field of forensic pathology?

21 A I have. Somewhere probably over a hundred times in  
22 South Carolina and I believe twice in North Carolina and  
23 twice in Texas.

24 MR. WHITE: Judge, at this time, I'd qualify  
25 Dr. Batalis as an expert in the field of forensic

1 pathology.

2 THE COURT: All right.

3 MR. WILSON: Judge, his resume and his work is, you  
4 know, perfection, so we, obviously, stipulate, Judge.

5 THE COURT: All right. Thank you. I'll find this  
6 witness is an expert in forensic pathology.

7 Thank you, sir.

8 BY MR. WHITE:

9 Q Dr. Batalis, how do bodies come to be in your  
10 possession? How do you receive bodies for autopsy at  
11 MUSC?

12 A So, at MUSC, our autopsy service provides --  
13 performs autopsies for our own hospital and then a number  
14 of counties across the State of South Carolina. So,  
15 typically what will happen, as in this case, one of the  
16 county coroners would call us up, inform us that they have  
17 a case they would like us to examine, give us a brief  
18 caption of the history. Then they would use their  
19 transporter to send the body to Charleston where we would  
20 then perform our examination.

21 Q And when you're performing your examination -- and  
22 what is an autopsy? What are you doing?

23 A Sure. Would you like me to explain kind of the  
24 different steps of an autopsy?

25 Q That would be excellent, yes, sir.

1     **A**     Sure. And we treat the vast majority of our  
2     autopsies essentially the same, just as you would go for  
3     your history and physical to your physician.

4             So the first thing we do after we bring the body in  
5     is we're going to take photographs of the body before we  
6     have done any manipulation, any cleaning or anything like  
7     that. We're then going to go through and document  
8     anything on the outside of the body, any clothing, any  
9     evidence, that sort of stuff. We would then remove all  
10    that.

11            We would then clean the body and take another set of  
12    photographs from head to toe to document the body once  
13    it's been cleaned. We then examine the body from head to  
14    toe, what we call an external examination. So this is  
15    looking for basic stuff like height and weight, hair  
16    color, skin color, tattoos. But then also any evidence of  
17    natural disease or injury that could explain the person's  
18    death.

19            If, during the course of that, we see anything that  
20    could be a traumatic injury, as in this case, we may order  
21    X-rays to help us in the examination.

22            After we completed that external examination, we  
23    then move to the internal exam. That's where we use  
24    surgical-type incisions to examine the internal organs of  
25    the body, again, one by one, looking for evidence of

1 disease or injury that could have led to the death.

2 At the completion of the autopsy, we then compile  
3 our findings into a report, and during most of the  
4 autopsies, we'll also collect blood and body fluids to  
5 send for toxicology testing.

6 Q And during that process, are you trying to determine  
7 manner and cause of death?

8 A Yes. That's the main goal of the autopsy. I mean,  
9 certainly, we're also there to collect evidence and that  
10 sort of thing, but the main goal of the autopsy would be  
11 to determine the cause of death or how the person died and  
12 the manner, which is basically what circumstances.

13 Q And did you have occasion to do all that and perform  
14 an autopsy on Mr. Rashad Jones?

15 A I did, on January 2nd of 2020.

16 Q And, if you could, tell us your findings.

17 A The major finding in the case of Mr. Jones was a  
18 single gunshot wound to the right side of the forehead  
19 just above and outside the right eye.

20 Q And did -- that's where the entrance wound was?

21 A Correct.

22 Q Was there an exit wound?

23 A There was not.

24 Q Did you recover a projectile?

25 A I did.

1 Q And where was the projectile located?

2 A The projectile was on the left side of the head. So  
3 after the bullet entered the right side of the forehead,  
4 the bullet went into the skull, crossed over both the  
5 right and left side of the brain, fractured the left side  
6 of the skull, and almost pushed through but then the  
7 bullet remained in the left side of the skull on the other  
8 side of the head there.

9 Q And were you able to extract that projectile?

10 A I was.

11 Q Did you then forward that projectile on to law  
12 enforcement?

13 A Yes. After recovering the bullet, I then cleaned  
14 it, I took a photograph of it, and then it was transferred  
15 to law enforcement after the autopsy.

16 Q Let me ask you about the presence of soot and  
17 stippling, but before I do that, could you tell us briefly  
18 what is soot and stippling?

19 A Sure. So when a gun is fired, obviously, a bullet  
20 comes out. We all know that. But there are a couple  
21 other things that can come out that can help us determine  
22 the range of fire, how far the gun was from the body when  
23 the gun was fired.

24 So one thing that comes out is soot, which is  
25 basically a burning cloud of smoke from the explosion of

1 the bullet being fired. It's going to vary based on the  
2 type of ammunition and the type of weapon, but that will  
3 go out to anywhere between six inches and a foot.

4 The other thing that will come out when that bullet  
5 is fired are pieces of gunpowder that are still on fire or  
6 unburned. Those will strike the skin and cause small  
7 scrapes, what we call stippling.

8 Since this is actually pieces of intact gunpowder,  
9 those can travel up to 2 to 4 feet, again, depending on  
10 the gun and ammunition. So if we have soot or stippling,  
11 we can certainly place a range on it, knowing that the gun  
12 was relatively close to the body.

13 If we don't have it, it means either the gun was  
14 further than 4 feet away or there could be something in  
15 between. So it can be 6 inches away, but if you had this  
16 box of gloves in between, all that soot and stippling  
17 would be caught up in that intermediary object.

18 Q And was there the presence of either soot or  
19 stippling on the entrance wound to Rashad Jones?

20 A Yes. There was a pretty dense amount of soot around  
21 the entrance wound. Could not clearly see stippling but  
22 likely it's because it was obscured by the soot in that  
23 area.

24 Q And based on that evidence and your expert opinion,  
25 do you have an opinion as to the distance the barrel of

1 the gun would have been away from the wound?

2 A Based on the presence of soot, it would have been  
3 within a foot. The barrel of the gun would have been  
4 within a foot of the body when it was fired.

5 Q And were there any defensive injuries that you noted  
6 to the defendant's or, excuse me, the victim's hands  
7 during autopsy?

8 A No. The only injury present in this case was the  
9 gunshot of the head.

10 Q So no injuries to the hands or the arms that you  
11 noted?

12 A No.

13 MR. WHITE: Beg the Court's indulgence.

14 (Co-counsel conferring off the record.)

15 BY MR. WHITE:

16 Q Dr. Batalis, that's all I have for you. Please  
17 answer any questions Defense may have. Thank you, sir.

18 A Sure.

19 MR. WILSON: Court's indulgence, Your Honor.

20 THE COURT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. WILSON:

23 Q Doctor, just briefly, I promise you.

24 A Sure.

25 Q When you do an autopsy like this or you're doing

1 pathology determining, can you tell me or tell the jury  
2 what trajectory the bullet was traveling?

3 A Yes. So based on the location of the entrance  
4 wound -- and if we have an exit wound, we'd be placing it  
5 towards that. In this case, we do not have an exit wound.

6 So comparing the placement of the bullet that we  
7 recovered and the location of the entrance wound, we can  
8 determine a pathway that would show the relationship of  
9 the barrel of the gun to the body when it was fired.

10 Q And did you have an expert opinion about whether  
11 that trajectory was going downward or upward?

12 A In this case, the pathway was predominantly from  
13 right to left going across the head, a little bit from  
14 front to back, so it did go a little bit to the back, and  
15 then very slightly downward. So, again, it's tough to  
16 tell. When you have an exit wound, it's a little easier  
17 because you can get an exact measurement, but the bullet  
18 appeared to be just a little bit lower than where the  
19 entrance wound was, so slightly downward.

20 Q And when you do this type of work, do you also take  
21 measurements of the body?

22 A Yes. We do take certain measurements.

23 Q Okay. And how long was this body? How tall was  
24 this man?

25 A I measured Mr. Jones as 73 inches in length, so

1 about 6 foot and 1 inch.

2 Q Okay. All right. And just briefly, the stippling  
3 and the soot that would come out of a weapon, you say that  
4 denotes that the person was within a foot -- the gun had  
5 to be within a foot or you believe, in your expert  
6 opinion, had to be within a foot range of actually firing  
7 the shot that killed him?

8 A Correct. The barrel of the gun would have been  
9 within a foot of the body, correct.

10 MR. WILSON: No further questions, Your Honor.

11 THE COURT: All right. Anything further?

12 REDIRECT EXAMINATION

13 BY MR. WHITE:

14 Q Just one last question that I forgot to ask you on  
15 direct. Dr. Batalis, what was the manner and cause of  
16 death in this particular case?

17 A The cause of the death in this case was a gunshot  
18 wound to the head, which would encompass skull fracture  
19 and traumatic injury to the brain, and the manner of death  
20 in this case would be homicide, as the death was directly  
21 due to another individual.

22 Q Thank you, Dr. Batalis.

23 MR. WHITE: That's all I have, Judge.

24 THE COURT: All right. Thank you.

25 Is there any objection to Dr. Batalis being released

1 from his subpoena?

2 MR. WHITE: No, sir, Judge.

3 MR. WILSON: No, objection, Your Honor.

4 THE COURT: Thank you, sir, for being here. You're  
5 free to go. Thank you.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Mr. White?

8 MR. WHITE: Thank you, Judge. At this time, the  
9 State calls Asia Cooper.

10 THE CLERK: Ma'am, if you'll please step up to the  
11 stand and place your left hand on the Bible and raise your  
12 right hand.

13 Right there. Place your left hand on the Bible and  
14 raise your right hand.

15 ASIA COOPER,

16 after having been duly sworn, was examined and  
17 testified to as follows:

18 THE CLERK: Please be seated, and then state your  
19 full name for the record.

20 THE WITNESS: My full name and what else?

21 THE COURT: That's all.

22 THE WITNESS: Oh, my name is Asia Cooper.

23 DIRECT EXAMINATION

24 BY MR. WHITE:

25 Q Thank you for being here, Ms. Cooper.

1     **A**     Mm-hmm.

2     **Q**     I'm just going to ask a few questions. All right?  
3             First, where do you live? Where are you from?

4     **A**     Myrtle Beach, South Carolina.

5     **Q**     And what do you do in Myrtle Beach? Do you work?

6     **A**     Yes. I'm a CNA.

7     **Q**     Okay. And do you have any side jobs or anything  
8             like that?

9     **A**     I do Uber and Door Dash on the side.

10    **Q**     And how long have you lived down there?

11    **A**     My whole life.

12    **Q**     Okay. And back in 2019, 2020, were you living in  
13             Myrtle Beach?

14    **A**     2020 -- no, 2019, I was in Florida -- Tampa,  
15             Florida. I moved back November 15th of 2019.

16    **Q**     And so, 2020, you were back at the beach; is that  
17             right?

18    **A**     Yes, sir.

19    **Q**     And do you know the defendant in this case, Antonio  
20             Brayboy?

21    **A**     I do.

22    **Q**     Do you know the victim in this case, Rashad Jones?

23    **A**     I do not.

24    **Q**     Do you know any member of his family?

25    **A**     No.

1 Q Do you know anybody associated with this case other  
2 than Antonio Brayboy?

3 A No, sir.

4 Q All right. I want to ask you: In 2020, did you  
5 come to be dating Antonio Brayboy?

6 A We were talking.

7 Q Okay. And how often would you guys, you know, see  
8 each other and date and that sort of thing?

9 A In January of 2020, we started talking for a couple  
10 of days and then we just stopped talking, up until June.  
11 And then June, I don't know, 15th or whatever, that's when  
12 we started back communicating.

13 Q Okay. And at some point -- and where was he living  
14 when y'all started talking in June?

15 A Lake City.

16 Q Okay. And shortly thereafter, did he move?

17 A He did. Really fast.

18 Q Where did he move to?

19 A He moved to somebody's house in Conway right off  
20 544.

21 Q And that was very shortly y'all rekindled?

22 A Very shortly, yes, sir.

23 Q Did you find that odd?

24 A I did.

25 Q Did he, at some point, confide certain information

1 to you?

2 A He did.

3 Q Okay. Did he confide to you information about a  
4 murder that he committed in Florence in December of 2019?

5 A He did. He would throw hints. Like, he would say,  
6 you know, "I can go to jail for a long time for something  
7 that I did."

8 Q And so he would hint at it for some time?

9 A Yes, sir.

10 Q And then, eventually, did he tell you --

11 A Yeah, he showed me the news article on his phone.  
12 And that's how -- I read it, and that's how I found out.

13 Q Okay. And then did he tell you --

14 A Yeah, he elaborated what happened.

15 Q And what did he say?

16 A He told me that he met the guy off of some little  
17 escort web site. And, at first, he portrayed himself as  
18 to be a woman.

19 Q And just stop you. When you say "he," let's -- just  
20 tell me who, because I want to make sure. Who portrayed  
21 himself as a woman?

22 A The victim who got killed.

23 Q Okay. I'm sorry. Go ahead.

24 A No, you're fine.

25 I forgot where I left off.

1 Q I apologize.

2 A No, you're fine.

3 He told me he met off of an escorting web site, like  
4 Back Page or whatnot. And the guy portrayed himself to be  
5 a woman. And he said he was at work that day when they  
6 were texting back and forth, and he asked him for a  
7 picture of a vagina. Well, he doesn't have one. So he  
8 told him that he was a man and proceeded to meet up later  
9 that night to do whatever they were supposed to do.

10 So when he met up with him -- they tried -- the guy  
11 tried to find an apartment complex or whatnot to meet at,  
12 to do whatever they were going to do, but it was too many  
13 lights, like, lit up for them to be secretive and discreet  
14 about it.

15 So that's where they went, to the recreational  
16 place, and they met there. He said he had a hoodie on,  
17 put his hands in his pocket, and he got in the car with  
18 the victim. And he said the victim was talking, and he  
19 reached over for some money, and that's when he pulled the  
20 trigger and shot him in the head.

21 So after he did that, he said he went to go grab the  
22 money, but the money had blood all over it. So he  
23 disposed of the money, got out, left -- took his phone  
24 before he got out the car, left, and he said he chucked it  
25 out the window before he got -- when he got down the

1 street.

2 Q Let me be clear: He said he meets him at the rec  
3 center?

4 A Mm-hmm.

5 Q He gets in the car, wearing a hoodie, hands in his  
6 pockets. The victim gets money out?

7 A Yeah.

8 Q While he's talking, he shoots him, takes his money,  
9 takes his phone, and leaves?

10 A Yes.

11 Q And then throws his phone out?

12 A Yes.

13 Q Is that right?

14 A That's what he told me.

15 Q And then, because the money was bloody, at some  
16 point, he discarded it?

17 A Right.

18 Q Okay. And did he tell you that he took anything  
19 else from out of the vehicle?

20 A No.

21 Q Now, let me ask you this: Do you recall, back in  
22 2020, giving a statement to Investigator Edwards? Do you  
23 remember that?

24 A Yes, I remember talking to him.

25 Q Okay. Do you recall, during that statement, that

1 you told him that the defendant also admitted to taking a  
2 shell casing with him when he went?

3 A Yes, he did.

4 Q And so you recall him saying that to you as well?

5 A Yes, sir.

6 Q Okay. Let me ask you this: During your time with  
7 Brayboy, did he express a dislike for homosexuals?

8 A He did.

9 Q Did he express that quite often?

10 A He did.

11 Q Would he use derogatory terms and slurs for  
12 homosexual men?

13 A Yes, yes.

14 Q Okay. And I'm aware of a story that you -- do you  
15 remember meeting with me and my investigator, Roxane?

16 A Mm-hmm.

17 Q And you told us a story about one particular  
18 incident where he became enraged about a homosexual man.  
19 Do you recall that?

20 A I do.

21 Q And what was that?

22 A At the gas station. He said he went up there to get  
23 gas, and he was sitting at the pump, and a homosexual man,  
24 he came up to him. And I don't know what he asked for,  
25 but he said he was wanting to kill him.

1 MR. WILSON: Objection, Your Honor. It's irrelevant  
2 to this matter, Judge.

3 MR. WHITE: It goes to motive and intent, Judge.  
4 Clearly.

5 MR. WILSON: Judge, she met him in July. How is  
6 that relatable? This happened in December.

7 THE COURT: If y'all approach just a moment.

8 BENCH CONFERENCE

9 (The following bench warrant was held outside the  
10 hearing of the jury and others:)

11 MR. WILSON: Judge, it's completely irrelevant. If  
12 she wants to get up there and say, yeah -- but she can't  
13 tell a story, that's she's trying to relate it back.  
14 They're trying to build malice aforethought, I understand  
15 that, but they can't give a story. It's completely  
16 against the rules.

17 MR. WHITE: It's a story the defendant told her.  
18 It's a statement by a party opponent that goes directly to  
19 motive and intent in the State's case.

20 THE COURT: All right. I'm going to keep the story  
21 out. It's admissible, and we're going to move on. Okay?

22 MR. WHITE: Say that one more time. I'm sorry.

23 THE COURT: We're just going to move on and going to  
24 keep out this interaction.

25 MR. WHITE: Okay.

1 [Open court resumes:]

2 BY MR. WHITE:

3 Q Ms. Cooper, during that time did he express, on  
4 numerous occasions, his disdain for homosexuals?

5 A He did.

6 MR. WHITE: Beg the Court's indulgence for one  
7 moment.

8 (Co-counsel conferred off the record.)

9 BY MR. WHITE:

10 Q Just a couple more questions; I want to make sure I  
11 didn't leave out anything.

12 A Okay. That's fine.

13 Q During that time, did he admit to you that he had  
14 access to guns?

15 A Yes.

16 Q Did he admit to you that he had access to a .45  
17 caliber weapon?

18 A Yes.

19 Q Okay. And during that time, obviously, you guys are  
20 dating so you're talking to him on the phone; right?

21 A Yes.

22 Q And if I read you a number, can you tell me if this  
23 is the number that you used to contact Antonio Brayboy.

24 A (No audible response.)

25 Q And I know -- you're probably not used to -- you

1 haven't testified before -- but you have to say yes or no  
2 for the record.

3 A Oh, okay.

4 Q I'll ask it one more time. If I read you a number,  
5 would you tell me whether or not it was Antonio Brayboy's  
6 number at that time?

7 A Yes.

8 Q Thank you, Ms. Cooper. I'm sorry.

9 It's (704) 777-8982.

10 A 704?

11 Q Yes, ma'am.

12 A Yes.

13 Q Do you recognize that as the number belonging to  
14 Brayboy?

15 A Only because of the 704. I can't remember the other  
16 last -- the other digits. But 704, yeah.

17 Q He had a 704 number at that time?

18 A Yes, sir.

19 MR. WHITE: Okay. Beg the Court's indulgence.

20 (Co-counsel conferring off the record.)

21 BY MR. WHITE:

22 Q Ms. Cooper, thank you so much. I appreciate you.

23 You do have to answer any questions Defense may have.

24 Okay?

25 A Okay.

1 MR. WILSON: Please the Court, Your Honor?

2 THE COURT: Yes, sir.

3 MR. WILSON: Thank you, Judge.

4 CROSS-EXAMINATION

5 BY MR. WILSON:

6 Q Good afternoon, Ms. Cooper. How are you doing,  
7 ma'am?

8 A I'm good. How are you?

9 Q Doing well.

10 I just have a few questions for you.

11 A Okay.

12 Q You had another boyfriend at the time when you made  
13 this allegation to the police department; correct?

14 A Right.

15 Q Your boyfriend was from Kingstree; right?

16 A Yes, sir.

17 Q What was his name?

18 A Rel Hannah. Terrell (ph) Hannah is his real name,  
19 but they call him Rel.

20 Q Rel?

21 A Yes, sir.

22 Q And he had also cousins and brothers -- he had  
23 family, right, in the area?

24 A Mm-hmm. Yes, sir.

25 Q He was originally from Kingstree?

1     A     Yes, sir.

2     Q     All right. But he also had connections to Lake  
3     City, didn't he? Family?

4     A     Yes.

5     Q     He did; right?

6     A     Did I? Say it again.

7     Q     No, did your boyfriend at the time have connections  
8     and family and friends in Lake City/Florence area?

9     A     I guess.

10    Q     I mean, you're in front of the jury. You dated him.  
11    Did he know people in Lake City and Florence?

12    A     Yeah, I would say so, because it's right by each  
13    other, yeah.

14    Q     Okay. All right. Very well.

15           So let me ask you this question: Your boyfriend at  
16    the time, for whatever reason, didn't like Mr. Brayboy,  
17    did he?

18    A     Not true. He didn't know him.

19    Q     He didn't know him at all?

20    A     He didn't know him.

21    Q     So you never told Keith Edwards, in the  
22    conversation, that your boyfriend knew this defendant?

23    A     He didn't know him.

24           MR. WHITE: I think we might need to approach real  
25    quick, Judge.

## 1 BENCH CONFERENCE

2 (The following bench warrant was held outside the  
3 hearing of the jury and others:)

4 MR. WHITE: It's getting close to --

5 MR. WILSON: I'm asking about what she knew. She  
6 told Detective Edwards that she knew that the boyfriend  
7 didn't like him. Now, the reasoning is he accused her of  
8 talking to him.

9 MR. WHITE: I mean, that's what I'm saying.

10 MR. WILSON: I didn't ask that question.

11 THE COURT: I mean, he hasn't got there yet.

12 [Open court resumes:]

13 BY MR. WILSON:

14 Q You had a conversation with Detective Edwards where  
15 you told him your boyfriend didn't like him. You don't  
16 remember that?

17 A I don't recall that at all.

18 Q Don't recall that at all.

19 Let me ask you this: Do you recall telling  
20 Detective Edwards -- and I quote -- he asked you a  
21 question: "Did he describe any details about the male  
22 victim?"

23 "No. I know because I looked him up. He's a  
24 heavysset dude with a bald head and a beard."

25 Do you recall saying that to him?

1     **A**     No.

2     **Q**     You don't recall telling Chief Edwards that?

3     **A**     No.

4     **Q**     Do you recall telling Chief Edwards, when they asked  
5     you if you did research on this case, that yes, you did  
6     research?

7     **A**     Did I do research?

8     **Q**     No, no. I'm asking if you recall Detective --  
9     telling Detective Edwards -- Chief Edwards --

10    **A**     Mm-hmm.

11    **Q**     -- that you did research in this matter about this  
12    boy when you were dating this other guy?

13    **A**     After the fact?

14    **Q**     At any time.

15    **A**     I don't remember. It was three years ago, but...

16    **Q**     All right. Well, let me ask you this.

17    **A**     Go ahead.

18    **Q**     Do you recall saying to Detective Edwards that, not  
19    only did he get in the car and take the phone, that he  
20    broke the phone? Do you recall telling Detective Edwards  
21    that?

22    **A**     I don't. I remember saying he threw it out the  
23    window, discarded of it. But as far as breaking it? No.

24    **Q**     You don't recall telling Detective Edwards -- and  
25    now Chief Edwards -- that he, quote, "got the phone and

1 then broke it and threw it in water and left it"?

2 A Threw it in water? Yes, I do remember saying that.  
3 But I don't remember saying the breaking part. I don't.  
4 I really don't.

5 Q I understand. All right. Let me ask you this:  
6 You-all met in January on a Facebook dating web site;  
7 correct?

8 A Correct.

9 Q And this is a place where you can go and you can  
10 swipe left or right?

11 A Mm-hmm.

12 Q And y'all had some communication?

13 A Right.

14 Q But you-all didn't really start dating?

15 A Casual dating, yeah. In January, we would, like,  
16 talk for a couple of days and then just stopped talking  
17 until June.

18 Q Okay. Stopped talking until June.

19 Now, at some point in June or July, y'all start  
20 talking again; right?

21 A Right.

22 Q Okay. And I apologize for the reference but I don't  
23 know her name. There was another young lady staying with  
24 you at the time, a light-skinned lady who was kind of a  
25 heavy-set lady?

1       A       Correct.

2       Q       Okay. And you would tell her to allow Mr. Brayboy  
3       to come over any time; is that correct?

4       A       Not correct. Never said that.

5       Q       You never told her to let him in any time when he  
6       comes over?

7       A       No.

8       Q       Well, did you tell Detective Edwards that he deleted  
9       you from his Snapchat?

10      A       He did.

11      Q       He deleted you?

12      A       Right.

13      Q       All right. Why would he delete you from his  
14      Snapchat if he was so enthralled and wanted you so bad?

15      A       You have to ask him. I don't know.

16      Q       Okay. All right. But then you started dating  
17      somebody else?

18      A       Right, I did.

19      Q       Okay. All right. Now, this .45 weapon that the  
20      State is asking you about --

21      A       Mm-hmm.

22      Q       -- tell this jury if you ever laid eyes on him ever  
23      having a .45 caliber weapon.

24      A       I have never laid eyes on him having it, but he's  
25      told me he has it. He had another gun, but he told me

1 about the .45.

2 Q Okay. All right. Did you ever see him with a .45?

3 A I haven't.

4 Q All right. But you saw him a .38 caliber; right?

5 A I have.

6 Q All right. And he had that with him all the time,  
7 didn't he?

8 A Always.

9 Q Always.

10 You even told Detective -- I'm sorry, Chief Edwards  
11 that he would put it in your glove compartment when he got  
12 in your car?

13 A Right.

14 Q Okay. So he carried it all the time, didn't he?

15 A Mm-hmm.

16 Q Okay. All right. Now, did you tell Detective  
17 Edwards also when he asked you, "Well, where did you see  
18 this .45 at?" and then you said to Detective Edwards, "I  
19 believe his baby mama's stepdaddy got the gun."

20 A Right.

21 Q Right?

22 A Right.

23 Q Okay. Did you ever go to the baby daddy and see if  
24 he had a .45?

25 A No, I never -- I never...

1 Q Now, you told Detective Edwards also in that same  
2 conversation -- let me back up.

3 Did you have any conversations with law enforcement  
4 or the prosecutor's office outside of being recorded?

5 A No.

6 Q Well, Solicitor White just said just now that y'all  
7 had a conversation. You did talk to him; right?

8 A Oh, recently, like two weeks ago.

9 Q Yeah. Y'all talked.

10 A Okay. Yeah.

11 Q Okay. And they prepared you to testify; right?

12 A Right.

13 Q All right. All right. To get you ready for the big  
14 day?

15 A Right.

16 Q Okay. And while you were dating this other guy, did  
17 y'all eventually break up, you and this guy?

18 A We did.

19 Q So y'all are no longer together anymore.

20 A No.

21 Q Okay. Now, you also -- during the conversation you  
22 had with Chief Edwards -- at the time, Detective Edwards  
23 -- who was investigating this case, lead investigator, he  
24 was asking you questions about, you know, details that he  
25 told you; right?

1       A       Mm-hmm.

2       Q       Did he ever tell the police ever that he told you he  
3       had on gloves, a mask, or anything like that?

4       A       No.

5       Q       Okay. All right. Do you recall ever telling  
6       Detective Eagles -- excuse me, Detective Edwards, that, at  
7       some point in time, he took the money out of the car;  
8       right?

9       A       Right.

10      Q       And you said -- your testimony is he says he burned  
11      it?

12      A       Right.

13      Q       And did Detective Edwards ever tell there was money  
14      found in that car?

15      A       No.

16      Q       Okay.

17              MR. WILSON: Court's indulgence, Your Honor.

18              THE COURT: Sure.

19      BY MR. WILSON:

20      Q       You said that, to Detective Edwards when he asked  
21      you about what they were doing, at the time, your  
22      testimony -- your testimony today is they were looking for  
23      somewhere that wasn't well lit; right?

24      A       Right.

25      Q       But, at the time, you said they were looking for a

1 place that they didn't have cameras.

2 A That too.

3 Q Okay. That too?

4 A Yes, sir.

5 Q All right. So all of that?

6 A Yes.

7 Q Okay. All right.

8 MR. WILSON: No further questions, Your Honor.

9 THE COURT: Mr. White, anything further?

10 MR. WHITE: Just briefly.

11 REDIRECT EXAMINATION

12 BY MR. WHITE:

13 Q Now, we did speak -- we actually met at a coffee  
14 shop?

15 A Right. I'm sorry.

16 Q No, that's okay.

17 Did I ask you to lie on the stand?

18 A No. No, I wouldn't do that. I promise you, I  
19 wouldn't.

20 Q In fact, I told you quite the opposite. I said just  
21 get up there and tell the truth; is that right?

22 A Right. Yes, sir.

23 Q When you say you did research, you're talking about  
24 you just, you know, pulled up an article to see if what he  
25 was saying was true?

1     A     Right.

2     Q     But you didn't have access to the case file.

3     A     No.

4     Q     You don't know what happened.

5     A     No, I don't know what happened. I'm just going off  
6     what he told me. Like, I would have known nothing about  
7     this case if it wasn't for him telling me.

8     Q     And you had very specific details that are  
9     consistent. They met on an escort web site. Is that what  
10    he told you?

11    A     Yes, sir.

12    Q     That they met up late?

13    A     That night, after he got off work --

14           MR. WILSON: Objection, Judge. He's leading.

15           THE COURT: Sustained.

16    BY MR. WHITE:

17    Q     Did he tell you that they met up after work that  
18    evening?

19    A     Mm-hmm.

20    Q     Did he tell you that he was wearing a hoodie?

21    A     Yes.

22    Q     Did he tell you he got in the vehicle?

23    A     Yes.

24    Q     Did he tell you he shot and killed the victim?

25    A     He told -- yes, yes.

1 Q Did he tell you he left the vehicle with the cash,  
2 the shell casing, and the cell phone?

3 A He did. Yeah, he left with all those, yes, sir.

4 Q And did he tell you, when he got back towards home,  
5 that he discarded the cell phone?

6 A Yes, sir.

7 Q And did he tell you, on numerous occasions, that he  
8 hated homosexual people?

9 A Yes, sir.

10 MR. WHITE: Judge, that's all I have.

11 MR. WILSON: Please the Court, Your Honor.

12 FURTHER RECROSS-EXAMINATION

13 BY MR. WILSON:

14 Q This is all new stuff. You didn't tell Detective  
15 Edwards that he was wearing a hoodie or anything like that  
16 beforehand. How would you even know that?

17 A He told me.

18 Q He told you that?

19 A Yes, sir.

20 Q So why is it, then, when Detective Edwards  
21 questioned you more contemporaneously, more closely to the  
22 time when you said he told you, that you didn't tell him  
23 that? But the prosecutor, who has that information now,  
24 you can tell the jury that?

25 A Right.

1 Q Okay.

2 MR. WILSON: No further questions.

3 THE COURT: All right. Is there any objection to  
4 this witness being released from her subpoena?

5 MR. WHITE: No, Judge.

6 MR. WILSON: No, Your Honor.

7 THE COURT: Ms. Cooper, thank you for being here.  
8 You're free to go.

9 THE WITNESS: All right. Thank you.

10 MR. WHITE: Judge, can we approach?

11 THE COURT: Sure.

12 BENCH CONFERENCE

13 (A bench conference was held off the record  
14 regarding scheduling and outside of the hearing of the  
15 jury and others.)

16 MR. WHITE: At this time, the State would call  
17 Investigator or former Investigator -- now Chief -- Alex  
18 Edwards.

19 THE COURT: All right.

20 ALEX EDWARDS,

21 after having been duly sworn, was examined and  
22 testified to as follows:

23 THE WITNESS: Alex Edwards.

24 DIRECT EXAMINATION

25

1 BY MR. WHITE:

2 Q Chief, where do you work?

3 A I'm employed with the Town of Hemingway.

4 Q And in what capacity?

5 A I'm the Chief of Police.

6 Q And back in 2019, where were you employed?

7 A The Florence County Sheriff's Office.

8 Q And what was your role then?

9 A I was criminal investigator over Property Crimes and  
10 Person-to-Person Crimes, as far as murders, robberies,  
11 kidnappings, homicides.

12 Q And back then, how long had you worked for the  
13 sheriff's office?

14 A Florence County, 4-1/2 years approximately.

15 Q And prior to that, where did you work?

16 A I worked at the Williamsburg County Sheriff's Office  
17 10-1/2 years.

18 Q Okay. All told, how much law enforcement experience  
19 do you have?

20 A A little over 16. About 16-1/2.

21 Q Now, this particular case, did you respond to the  
22 incident location on December 28th/29th of 2019?

23 A Yes, I did.

24 Q And how did you receive that call? How did the call  
25 come out?

1       A       I was the on-call investigator, and I was contacted  
2       with Corporal Meggs at the time on the patrol division in  
3       reference to an unresponsive male in a vehicle at  
4       Greenwood Athletic Park located in the Florence area of  
5       Florence County, that was unresponsive, with a gunshot  
6       wound to his head, and he needed Investigations to respond  
7       out to the scene.

8       Q       And did you arrive on the scene?

9       A       Yes, I did.

10      Q       I'm going to ask you to step down just a minute.  
11      Let me set this up. And I'm going to show you State's  
12      Exhibit 68 and get you to tell me a few things, if you  
13      don't mind, Chief.

14             MR. WHITE: If anyone can't see, just let me know.  
15      Okay?

16      BY MR. WHITE:

17      Q       Chief, if you'll come on down here. We're going to  
18      talk a little bit about the incident location.

19             Now, is that the Greenwood Athletic Park, Chief?

20      A       Yes, sir, it is.

21      Q       And, if you could, just kind of orient us. I know  
22      that that the officer oriented us to this map earlier in  
23      the week. If you could, tell us what we're looking at  
24      here.

25      A       Basically, this is the overlay of the park. Of

1 course, the ball fields that's over here and where people  
2 out there park.

3 Q And what highway is this?

4 A This is Pamplico Highway.

5 Q And when you come into the parking lot, where was  
6 the victim located inside the vehicle?

7 A Over here in this generalized area right here in the  
8 corner, in the far corner.

9 Q Now, back in 2019, was this area well lit?

10 A No, sir, it was not.

11 Q And were there lights in this general area?

12 A There were some lighting here, here, but it was  
13 spotty. But it wasn't over here in the corner. It was  
14 very dark and secluded over here.

15 Q And when you arrived on the date in question, it was  
16 dark when you arrived?

17 A Yes, sir.

18 Q Now, this general area, it was fairly close to where  
19 you were working at the time; is that right?

20 A Yes, sir.

21 Q Were you familiar with this area at the time?

22 A I've passed by it. At that point in time, I was  
23 assigned to the lower end of the county, which was  
24 Johnsonville and Pamplico area. But when we're on-call,  
25 you cover the whole area. So I was kind of familiar by

1 passing by because there's an elementary school that's  
2 right up the road, Greenwood Elementary School.

3 Q Okay. And is this area, did it receive somewhat  
4 frequent calls for service for suspicious vehicles and  
5 specifically for people having sex out there?

6 A Yes. It was one of the many complaints that the  
7 park received of people meeting in the area, as far as  
8 suspicious activity, sexual activity. Sometimes there  
9 might be some condom wrappers over here. Some people are  
10 known to travel this little back access road back here  
11 even further back to do certain business.

12 Q Thank you, Chief.

13 Now, this was December -- late December, almost  
14 January -- a few days after Christmas; is that right?

15 A Yes, sir.

16 Q Were you on-call that whole week?

17 A I was.

18 Q You drew the short straw?

19 A I did.

20 Q Being on-call on Christmas is never fun.

21 But during that time, what was the weather like?  
22 Specifically when you responded to the scene, what was the  
23 weather?

24 A It was cold. I had a skully (ph) and a jacket.  
25 Almost everybody had a jacket or some type of long

1 sleeves.

2 Q In fact, the victim in this case had a jacket; is  
3 that right?

4 A That's correct.

5 Q Thank you, Chief. You can have a seat.

6 Now, Chief, when you arrive on-scene, tell us just  
7 kind of briefly what you found, what you observed.

8 A When I got on-scene, of course we spoke with the  
9 patrol division in more detail as far as what we got on  
10 the phone and stated that they were -- let me look at my  
11 notes. We spoke with the Mitchells. We spoke with the  
12 husband and wife, asked them a few questions: Did they  
13 see anybody, you know, around the vehicle. Basically  
14 relay what patrol stated is they thought the individual in  
15 the vehicle was sleeping at that time, but it was just a  
16 feeling that Mr. Mitchell couldn't shake while he was  
17 flying his drone earlier. And he told his wife about it  
18 after they come back from the party, and then she said,  
19 "You know, if it's bothering you that bad, let's go around  
20 and see." And then they still saw the vehicle there that  
21 was odd.

22 Instead of approaching, they decided to call law  
23 enforcement to do a welfare check, which is not uncommon.  
24 Based on his information, he also said that people would  
25 hang out there after-hours, after, you know, no other

1 activity is going on at the park as well. So gathered  
2 that particular information.

3 Q And were you there when Investigator Clendenin with  
4 the Crime Scene arrived?

5 A Yes, Sergeant Clendenin, at the time, arrived and  
6 also Deputy Coroner Bo Myers also was called out to the  
7 scene as well.

8 Q And they're there to process the scene; is that  
9 right?

10 A That's correct.

11 Q And are they relaying what they found and do you  
12 have conversations about what the crime scene is telling  
13 them as they're walking through it?

14 A Yes, sir.

15 Q And were you aware that no shell casing was  
16 recovered?

17 A That's correct.

18 Q And were you aware that there was no cell phone  
19 present?

20 A That's correct. I found it odd, as we were  
21 basically processing the -- the vehicle was being  
22 processed and documentation of the crime scene, that there  
23 was an iPhone box that was in the rear of the truck area  
24 of the vehicle and noticed that iPhone box and I say,  
25 "Hmm, that was strange," as I was talking to Sergeant

1 Clendenin and Deputy Coroner Myers. But there was -- no,  
2 we didn't find the victim's cell phone, so that raised  
3 suspicion.

4 Q And did that pique your interest?

5 A It did.

6 Q Did you later talk to Rashad Jones's parents and  
7 learn that he was on his cell phone when he left that  
8 evening?

9 A Yes. Once Deputy Coroner Bo Myers was able to  
10 retrieve the wallet, pulled out the ID, found out that it  
11 was in Mullins, which is in Marion County, he had a  
12 contact, I believe, law enforcement or the coroner's  
13 office over in Mullins and then sent the deputy or the  
14 sheriff's office or a deputy coroner to go there to make  
15 contact at the residence where Mr. Jones resided at with  
16 his parents, to get in touch with him. And we was able to  
17 schedule a meeting later on that day to -- at the  
18 sheriff's office in Effingham.

19 Q And I'm going to ask you a real quick question, if I  
20 can dig through here and find those photographs before I  
21 get away from the crime scene. If I can't find a picture  
22 of it, I can just ask you about it.

23 Are you aware or were you aware that Investigator  
24 Clendenin found a wallet inside the vehicle?

25 A Yes.

1 Q Are you aware that he found a wallet in between the  
2 driver's side seat and center console?

3 A Yes.

4 Q And are you aware that that was a wallet belonging  
5 to the victim, Rashad Jones?

6 A Yes, sir.

7 Q I'm going to show you -- it's already moved into  
8 evidence. Do you recognize this picture, Exhibit 97 --  
9 State's Exhibit 97?

10 A Yes, sir, I do.

11 Q I'm going to put it. Now, this was wedged in down  
12 in between the driver's seat and the center console; is  
13 that right?

14 A Yes, sir.

15 Q And this was the contents: \$40 cash; is that right?

16 A Yes, sir.

17 Q Let me ask you this: Did you have an opportunity to  
18 see them unfold that wallet and take that cash out?

19 A Yes, sir.

20 Q Where was that cash? Was it just kind of readily  
21 available like when you open the wallet?

22 A No, sir. That \$40 was folded up -- those two 20s  
23 was folded up and stashed away in the wallet -- tucked  
24 away. So if you were to open the billfold up and to look  
25 in the main compartment area where money is stored, there

1 was none.

2 So upon the deputy coroner pulling out the ID and  
3 going through certain information in the wallet, that's  
4 when the \$40 was discovered.

5 Q Now, you mentioned that your investigation kind of  
6 turns to that cell phone because Mom and Dad say that he  
7 had it and it was unusual to you -- you have a lot of  
8 experience in law enforcement -- that cell phone was not  
9 with Rashad Jones. What do you do in terms of trying to  
10 locate that cell phone?

11 A Well, once I met with the Joneses -- and there was a  
12 lot of family that came to the sheriff's office that  
13 morning. At least it was between 20 people -- almost  
14 approximately. And I couldn't let all of them in the  
15 building because it was, I believe, Saturday morning.

16 So I took five of them in the building, and that's  
17 when I started asking questions as far as what's his phone  
18 number. They provided me Mr. Rashad Jones's phone number.  
19 I documented that.

20 I also took their phone numbers down as well. While  
21 I was speaking with him, talking with Mr. Allen, he stated  
22 that Mr. Jones was on the phone that night. He was at the  
23 residence. It was around -- maybe he left around 10 p.m.  
24 and he was putting his son to bed. His son didn't want to  
25 go to bed.

1           So after he finally got his son to sleep, he was  
2 talking to somebody on the phone, and he stated that he  
3 did have some strange feeling, you know, that particular  
4 night.

5           And then I asked him, "Did he tell you where he was  
6 going? Did he meet anybody new? Did he have any  
7 enemies?" The same -- we try to follow the same  
8 procedures as well as a missing persons case or a  
9 kidnapping or anything, trying to gather all the  
10 information we could to try to develop leads as far as  
11 what happened.

12           And they stated that he was private. He was a  
13 private person. They didn't know of anybody that would  
14 want to harm him other than his child's mother. There was  
15 some words that were exchanged in the past as far as them,  
16 as far as a threat being made with Ms. Fields.

17           At that point in time, that also was documented as  
18 well while we were at the sheriff's office.

19       Q     And did she ever arise as a suspect in this case?

20       A     No, because she was in shock herself. Me and  
21 Investigator Clark actually went out to her residence.  
22 She was calling him, but there was no response. And then,  
23 later on -- because she doesn't really have contact with  
24 the Joneses family like that. Some other underlying  
25 issues there since they have to try to co-parent and that

1 wasn't always a -- they didn't always get along.

2 So she was in shock. So we made contact with  
3 Ms. Fields' mother at the trailer park, and then that's  
4 when she came and we broke the news to her, and that's  
5 when I starting asking questions to her.

6 Q And did it appear to you that any acrimony, it was  
7 just your typical, you know, baby mother/baby father-type  
8 relationship?

9 A Yes, sir.

10 Q Okay. Now, I want to ask you: You had to speak to  
11 the family. So a lot of folks showed up. Did you share  
12 any details of this investigation with members of the  
13 family other than what was absolutely crucial?

14 A No, sir. I have learned, in my experience, even  
15 working property crimes, sometimes you tell some people  
16 your process of what you did during an investigation, and  
17 sometimes they would either hinder or interfere. And I  
18 believe the less information they know -- it has to be a  
19 need-to-know basis, because I have had a victim in my past  
20 messed up one of my cases, moving on some information I  
21 provided to him.

22 So from then on, from that experience, I give bear  
23 minimum as possible. Of course the coroner's office was  
24 in touch with them as far as the manner of -- the apparent  
25 manner of death of foul play due to the fact that a

1 gunshot wound to Mr. Jones.

2 Q In fact, a large portion of this investigation was  
3 not disclosed to the family until, you know, on Friday of  
4 last week by our office; is that right?

5 A Yeah, that's correct.

6 Q Just to prepare them for what was coming.

7 A That's correct.

8 Q So up until that time, you didn't disclose to them  
9 anything about the sex sites or the SkipTheGames or the  
10 potential that he may have been homosexual?

11 A That's correct.

12 Q Okay. And you didn't disclose anything about the  
13 crime scene and what the crime scene told you other than,  
14 obviously, you were looking for a cell phone?

15 A Yeah, as far as the phone was missing, that's pretty  
16 much pertinent information that I gave them. I didn't  
17 give much detail. And I spoke with his sister. She's in  
18 the courtroom now.

19 She called almost every day wanting an update until  
20 the case kind of went cold, until we made contact with  
21 Ms. Cooper. And then she would call weekly. And I had to  
22 tell her we were waiting on search warrants and stuff to  
23 come back, you know. And they have to come back in five  
24 or ten minutes and they'll send this stuff to the crime  
25 lab and it comes back instantly in 24 hours and sometimes

1 -- and how we work, it doesn't always work like that,  
2 especially for smaller agencies.

3 Q And you mentioned search warrants. Did you execute  
4 a search warrant on the victim's cell phone number?

5 A Yes, sir.

6 Q Had you received that information back?

7 A Yes, sir.

8 Q And did it indicate a telephone number as being the  
9 last phone number that the defendant or, excuse me, the  
10 victim dialed that morning -- that evening/into the  
11 morning?

12 A Yes, sir.

13 Q And what number was that?

14 A According to my records and return, it was a  
15 (704) 777-8982 number.

16 Q And did you next get a search warrant for -- and let  
17 me ask you this: Did it establish that there were  
18 significant contacts between that telephone number and the  
19 victim's number leading up to the murder?

20 A Yes.

21 Q And did the one in particular, was that the  
22 53-minute phone call from, I think, 12:30 on?

23 A Yes, sir.

24 Q Okay. And, later, did you get --

25 And did you also obtain the victim's bank records by

1 search warrant?

2 A Yes, I did.

3 Q And now that didn't really show you much, did it?

4 A No, sir, other than -- without me looking at it, I  
5 do recall a few transactions that he made, and there was  
6 an ATM withdrawal, I believe maybe approximately of \$180.

7 Q And that was the only thing that kind of stuck out  
8 to you and was of interest?

9 A Yes.

10 Q And that would have been on the last page on State's  
11 Exhibit 110. So I just want to put it up there for you to  
12 see, Chief.

13 And is that on 12/27/2019, he withdraws \$180 in  
14 Mullins from Anderson Brothers Bank?

15 A That's correct.

16 Q Now, the 27th, that would have been, I think, that  
17 Friday. So, you know, he would have had \$180 cash at some  
18 point during that day; is that right?

19 A Yes, sir.

20 Q Now, due to the fact that you have these contacts  
21 with the victim's phone, did you get a search warrant for  
22 that 704 number?

23 A Yes, sir.

24 Q And does that return results?

25 A Yes, sir, it does.

1 Q And, obviously, those results, from both the  
2 victim's phone and defendant's phone, were sent to SLED;  
3 is that right?

4 A Yes, sir.

5 Q But did you also get provider or subscriber  
6 information back?

7 A Yes, I did.

8 Q On the 704 number?

9 A That's correct.

10 Q And what was that subscriber information?

11 A That subscriber information came back to Antonio  
12 Brayboy from the Lake City area of Florence County.

13 Q And Ms. Cooper also identified that telephone number  
14 as being that 704 number that he was using at that time;  
15 is that right?

16 A Yes, sir. When I interviewed her, yes, sir.

17 Q And, also, when you take someone into custody and  
18 you issue a search warrant, there's certain paperwork that  
19 they have to fill out. Are you aware of that?

20 A Oh, yes, sir.

21 Q And one of those is a telephone number; is that  
22 right?

23 A Yes, sir.

24 Q Are you aware that he put that telephone number on  
25 his paperwork when he was arrested?

1       A       No, sir, I wasn't aware of that.

2       Q       Okay. Now, once you get the search warrants and the  
3       cell phone records for both the victim and the defendant,  
4       what, if anything, do you do next?

5       A       At that point in time, it is a very tedious process  
6       as far as backtracking. So what we have to do, within a  
7       48-hour, 24-hour time period, we have to retrace the  
8       deceased's last steps. So we have to find out who called,  
9       who contacted, who he came in contact with, where he  
10      travelled, any financial transactions. Because we didn't  
11      know if it was a robbery or somebody that knew him. But  
12      what stood out to me about the cell phone missing, I said,  
13      either it was a robbery or the person that committed the  
14      crime didn't want the cell phone linking them to the crime  
15      scene.

16             So that's when I enlisted the help of Investigator  
17      Clark to help me once we started getting internet  
18      information along with subscriber information in those  
19      records. And with her years of working on Vice and  
20      Narcotics -- and then we sometimes would work undercover  
21      as a john, during the prostitution stings and human  
22      trafficking, she would be one of the agents that set up  
23      the meets for the ad. So I thought she would be a key  
24      component to help me with my investigation.

25      Q       And was she able to help?

1       A       Yes, she was.

2       Q       And did you give her that 704 telephone number  
3 belonging to Antonio Brayboy?

4       A       Yes.

5       Q       Did she pull up an ad for sex on an escort web site  
6 called SkipTheGames?

7       A       Yes, sir.

8       Q       And did she use that tool Spotlight to do that?

9       A       Yes, sir.

10      Q       Okay. And did you then talk to the witnesses in the  
11 case? Did you talk to Allen Thomas?

12      A       I did.

13      Q       And did he indicate that sometimes the victim would  
14 pay for sex on these web sites?

15      A       Yes.

16      Q       And did Asia Cooper also say that the defendant told  
17 her that that's how they met, was on this web site?

18      A       Yes, sir.

19      Q       And when Asia Cooper came forward, at that time,  
20 did -- was any of the information, other than there was a  
21 missing cell phone, was any of that in the media?

22      A       No, sir. Major Nunn -- when she's still employed  
23 there at the sheriff's office, we provide generic details  
24 to go in the press release as far as what happened. And  
25 we use that as a filler to call Crimestoppers and members

1 of the public, if they have information, they can reach  
2 out to us to give us tips. Because, also, people in the  
3 community also see a heavy law enforcement presence,  
4 because even though that night -- we went back out there  
5 during that day also, is to canvass the area to see if  
6 there was any additional evidence that may have been  
7 missed because it was so dark.

8 Q Okay. And so all -- everything that Asia Cooper  
9 testified to, at the time that she gave you this statement  
10 -- and really up until, you know, very recently -- none of  
11 that information was available to anybody in the public;  
12 is that right?

13 MR. WILSON: Objection, Your Honor. There's no way  
14 we could know that. It's speculation completely. He  
15 wouldn't know what somebody would have known or even  
16 leaked information. He can't possibly know that.

17 THE COURT: I'm going to allow the question and  
18 allow the witness to answer the question if he knows, if  
19 he has personal knowledge.

20 BY MR. WHITE:

21 Q Do you know whether or not you told anybody about  
22 this investigation? You mentioned earlier that you're  
23 very tight-lipped about your investigation.

24 A Yes, sir. Other than me, Angel, and Lieutenant Roy  
25 with SLED, and also the coroner's office. But as far as

1 sharing it with family or friends or different members of  
2 the public, no, sir, not to my knowledge.

3 Q And none of that information was provided to the  
4 media?

5 A No, sir.

6 MR. WHITE: Okay. Beg the Court's indulgence one  
7 moment.

8 (Co-counsel conferring off the record.)

9 BY MR. WHITE:

10 Q Just a couple more questions, Chief. Now, you're  
11 aware that the cell phones and the -- I know Agent  
12 Pressley Simpson didn't like ping, but that's all I know  
13 it was, is pings. But you're aware that the pings of both  
14 the victim and the defendant come together, and then the  
15 phones, at some point, travel south back toward Lake City;  
16 is that right?

17 A Yes, sir.

18 Q Was it your working theory that the  
19 assailant/defendant took the phone, as you said earlier,  
20 because he didn't want any connection, and discarded it on  
21 the way back to Lake City?

22 A Yes, sir. We even tried to retrieve the phone in a  
23 generalized area where it last picked up at with the cell  
24 tower information, with article dogs with South Carolina  
25 DNR. Lieutenant Street spearheaded that effort, so she

1 contacted contact with DNR. They brought a few dogs out  
2 from Law Road to Pamplico Highway and the generalized  
3 area, but we were unsuccessful locating the phone. And  
4 plus, also, the signal -- the phone finally died as well.

5 Q Gotcha. Now, you were in here for pretty much the  
6 entirety of the trial; is that right?

7 A Yes, sir.

8 Q And you heard all the witnesses testify?

9 A Yes, sir.

10 Q And you yourself interviewed these witnesses back in  
11 2019/2020; is that right?

12 A Yes, sir.

13 Q And you heard their testimony?

14 A Yes.

15 Q And I know it was a long time -- it's hard for him  
16 to remember every single detail, but as far as the  
17 highlights, the big parts, what they testified to here in  
18 this courtroom this week, is it essentially what they told  
19 you back when they gave those statements?

20 MR. WILSON: Judge, Your Honor, objection. He's  
21 trying to use the witness to bolster the testimony of  
22 other witnesses.

23 THE COURT: Sustained.

24 BY MR. WHITE:

25 Q Chief, that's all I have for you. Please answer any

1 questions Defense may have. Thank you.

2 A Thank you.

3 THE COURT: Ladies and gentlemen, does anybody need  
4 a break before we do the cross-examination of this  
5 witness? All right. If you do, just let me know. Okay?

6 All right. Mr. Wilson?

7 MR. WILSON: If it please the Court, Judge?

8 CROSS-EXAMINATION

9 BY MR. WILSON:

10 Q Good afternoon, Chief.

11 A Good afternoon, sir.

12 Q All right. I want to go back and I want to start  
13 with Edwards' testimony. Okay?

14 You had a conversation with Edwards back in some  
15 time -- Allen Edwards; is that his name?

16 A Allen Thomas, Jr.?

17 Q Allen Thomas. I apologize. Allen Thomas. My  
18 apologies.

19 You talked to him at some point in time?

20 A Yes, sir, I did.

21 Q Okay. And y'all had an in-depth conversation;  
22 correct?

23 A Yes, sir.

24 Q Okay. Y'all met on January 8, 2020. Do you have  
25 your case notes?

1       A       Yes, sir, I have them here.

2       Q       I want you to read your entire case note of what  
3       Allen Thomas actually told you on that particular day.

4       A       Okay. "On January 8th, 2020, I, Investigator  
5       Edwards, met with co-worker, Allen Curtis Thomas, Jr., at  
6       the Florence County Sheriff's Office concerning an ongoing  
7       homicide investigation. This investigator conducted an  
8       in-person interview with Mr. Thomas concerning this  
9       investigation. Mr. Thomas stated he was very close with  
10      the deceased male victim, Rashad Maurice Jones, since his  
11      employment with BBCI located in Florence, South Carolina.

12             "Mr. Thomas then stated Mr. Jones, during the week  
13      of Christmas, met with a new girl in the Florence area.  
14      Mr. Thomas advised this investigator Mr. Jones would hang  
15      out at Greenwood Athletic Park with females in behind the  
16      ball field. Mr. Thomas stated Mr. Jones only dealt with  
17      black females between their 20s and 30s. Mr. Jones [sic]  
18      advised investigator Mr. Jones would pay females for oral  
19      sex between 20 or \$30 each encounter. Mr. Jones [sic]  
20      then went on to say Mr. Jones would never provide the name  
21      of the female he was dealing with. Mr. Jones [sic] went  
22      on to say he attempted several times to obtain the name,  
23      but Mr. Jones would not give any additional details  
24      because he would attempt to identify her on social media.

25             "Mr. Jones stated he, then, would drop the young

1 girl off at home after they finished hanging out.

2 Mr. Thomas went on to say he has a feeling Jones' baby  
3 mama has something to do with his murder because they did  
4 not get along." And then I have it down at the bottom,  
5 "See detailed recorded statement."

6 Q Very well.

7 And you did record the statement; correct?

8 A Yes, sir.

9 Q So he did, in fact, tell you that, as his friend,  
10 that he frequented this area at Greenwood Park to have sex  
11 with girls?

12 A Yes, sir.

13 Q Now, at the crime scene -- there's been a lot made  
14 of it, and I'm not going to go through all this; I know  
15 the jury's heard it. There was a condom wrapper found  
16 outside -- right outside his door.

17 A Yes, sir.

18 Q That condom wrapper, during your investigation, was  
19 the same type of condom that he had in his center console;  
20 correct?

21 A Yes, sir.

22 Q All right. Now, these financial records, when he  
23 pulls out \$180 on the 27th -- right?

24 A Yes, sir.

25 Q All right. You don't have any idea how he spent his

1 money, do you?

2 A No, sir.

3 Q All right. Did the family say that, well, you know,  
4 he kept it all and he had it that night when he was out  
5 there looking for girls?

6 A No, sir, not that I recall.

7 Q All right. Did you find or track that he had --  
8 that there was burnt money somewhere in the park?

9 A No, sir.

10 Q Did you find loose dollars floating from his car,  
11 you know, in the crime scene?

12 A No, sir.

13 Q And that money was pulled out on the 27th, based on  
14 the bank records; right?

15 A Yes, sir.

16 Q That was the day before the State's allegation is  
17 that when he actually passed away; correct?

18 A Yes, sir.

19 Q Okay. Now, I know doing this job for awhile, when  
20 you have family members who have loved ones and they're  
21 killed, they want answers. I know you have been in this  
22 business for a long time. And we have talked privately?

23 A Yes, sir.

24 Q Family members want to know what happens; right?

25 A Yes, sir.

1 Q The first thing they're going to ask you is, "Well,  
2 where is my son's phone?" They want to know that; right?  
3 They want to know if he got -- if he suffered at all.  
4 They're going to want to ask questions. And one of the  
5 main things -- even on the First 48 that we watch every  
6 day, one of the things the detectives do -- their hard job  
7 is to go to the families and tell them what happened.

8 In your line of work, multiple people get access to  
9 information related to a murder, and one of the reasons it  
10 happens is, is because you're also trying to get  
11 information; correct?

12 A Yes, sir.

13 Q You want to know about his whereabouts, his travels,  
14 what he does, how he spends his money, who he hangs out  
15 with, and to get that information, you sometimes got to  
16 share information?

17 A Yes, sir.

18 Q All right. During your conversations with the  
19 families, during the time that you have talked to them --  
20 withdraw that, Judge.

21 Let me ask you this question: Back in 2020 when you  
22 spoke with Asia Cooper, did she tell you anything in her  
23 record about a hoodie?

24 A No, sir, not that I can recall. Let me check my  
25 notes, but I don't believe so.

1 Q Please check your notes.

2 A (Reviewing document.) No, sir. I don't see  
3 anything about a hoodie.

4 Q Nothing about a hoodie.

5 Didn't she also tell you at the time about the cell  
6 phone that she says that he told her that he broke that  
7 phone and threw it in the water?

8 A I'm sorry; I'm just looking at my notes to make  
9 sure. (Reviewing document.)

10 Q Yes, sir. Please take your time. This is  
11 important.

12 A (Reviewing document.) No, sir. Not about breaking  
13 it or throwing it in the water, no, sir.

14 Q So, during your recorded conversation at 10:36 into  
15 the conversation, you don't recall asking her, "Okay, so  
16 he didn't say anything about touching him or anything?"

17 "Mm-mmm."

18 "Okay. What did he tell you happened after that?"

19 At 10:36, she says, "He said he took his phone out,  
20 turned flashlight on to look for a bullet, and then, also,  
21 he said he took his phone, he broke it, and threw it in  
22 the water."

23 She never told you that during that recorded  
24 conversation?

25 A Not -- no, sir, not about breaking a phone or

1       throwing it in the water, no.

2       Q       So you're saying you didn't put it in your notes?

3       A       No, sir. I just said he collected the male victim's  
4       older model Apple iPhone. I have that noted in here but  
5       not about breaking it or throwing it in the water.

6               MR. WILSON: Do we have his recorded statement in  
7       evidence? Did y'all put it in evidence?

8               MR. WHITE: (Nodding.)

9       BY MR. WILSON:

10      Q       Let me ask you another question: Did she tell you  
11      that she had a boyfriend at the time?

12      A       Yes.

13      Q       Okay. And that boyfriend became the subject of some  
14      conversation between you and her; correct?

15      A       Yes.

16      Q       During the conversation, did you get the sense that  
17      the boyfriend, for whatever reason, didn't like  
18      Mr. Brayboy?

19      A       Well, while we were talking with her, she stated  
20      that Mr. Brayboy would call her, like, numerous times  
21      while she was dating Terrell, "Rel" --

22               And he finally -- she would ignore his calls. So he  
23      finally asked -- Terrell finally asked her, he said,  
24      "Well, who is that?" She said, "Well, a guy I used to, you  
25      know, date."

1           -- in the course of the interview, and then that's  
2 when she broke down and, you know, told her [sic] who he  
3 was.

4       Q     So you remember that, but you don't remember her  
5 saying that he broke that cell phone?

6       A     I don't recall that, sir. I don't.

7       Q     Let me ask you this question then. My question  
8 still stands: Did the boyfriend, based on your  
9 investigation, like Mr. Brayboy?

10      A     No.

11      Q     As a matter of fact, he had personal reasons not to  
12 like him; correct?

13      A     Yeah, he was aggravated why he was calling Asia.

14      Q     Okay. All right. He was calling Asia, but she  
15 tells you in the same conversation, doesn't she, that  
16 Mr. Brayboy blocked her on Snapchat?

17      A     Yes.

18      Q     Do those two things make sense to you?

19      A     No, sir. I couldn't make heads or tails of it.

20      Q     Okay. All right. Do you recall asking her about  
21 this .45 caliber weapon?

22      A     Well, during the course of the interview, while we  
23 were sitting there -- once we set the pace for the  
24 interview of why we're there, I tend to always let the  
25 witness or victim or whoever talk --

1 Q I understand.

2 A -- and just ask some follow-up questions. So we  
3 just let her talk, as far as my notes and as far as what  
4 her statement gave. She provided that particular  
5 information, if my memory serves correct.

6 Q Did she ever tell you where she thought the .45 was?

7 A No. She did mention about it being in another  
8 location. Let me check my notes here.

9 Q Did she ever tell you that the .45 was with the baby  
10 mama's stepdaddy?

11 A Hold on. I'm almost right here next to where that  
12 part's at.

13 Q Okay.

14 A (Reviewing document.) I don't have it listed here  
15 in the notes about the .45, but I have it here about the  
16 .38 revolver.

17 Q So she never told you about a .45?

18 A In the notes that I have here, she -- that he showed  
19 her hollow point bullets. About shooting but not the  
20 caliber. No, it's not listed in here.

21 Q So that's not in your notes that she told you that?

22 A Yes.

23 Q Okay.

24 A Now, that could have been in the interview, but I  
25 don't have it notated here.

1 Q I have a question for you: Let's say she did tell  
2 you that the baby mama's daddy or stepdaddy had the gun.  
3 Why didn't y'all ever try to look for the weapon?

4 A The reason for that, due to the fact of the time  
5 that elapsed, from the time the homicide occurred and  
6 then, we did not decide to go try to see if we could  
7 retrieve the weapon because, in past experience, normally,  
8 weapons are discarded. Once they committed a murder -- on  
9 rare cases, a suspect will either pass it off or have it  
10 and they'll discard it somewhere. Sometimes we'll find  
11 them in the river. Sometimes we'll find them -- may show  
12 up in another state or they might be found in a wooded  
13 area by a hunter. But sometimes either they're destroyed  
14 or discarded somewhere that we can't get to it.

15 Q Well, let's be honest with the jury now. At the  
16 time, Mr. Brayboy had not been arrested at the time.  
17 Right?

18 A No, sir.

19 Q This is in October when she talks to you, of 2020;  
20 correct?

21 A Yes, sir.

22 Q Okay. He wasn't arrested then.

23 A No, sir.

24 Q Y'all got his phone records back in January; right?

25 A Yes, sir.

1 Q And y'all had all the information about the fact  
2 that his phone was pinging here, there, and everywhere,  
3 and y'all still didn't arrest him then, did you?

4 A No, sir.

5 Q Why not?

6 A At that point in time when we got the phone records,  
7 we were trying to seek out persons of interest or  
8 potential witnesses that could tell us what happened. So  
9 we didn't try to move to get an arrest warrant, you know,  
10 based upon that.

11 Q Y'all didn't get an arrest warrant because you  
12 didn't have what's called probable cause to arrest him; is  
13 that correct?

14 A Yes, sir. At that time, yes, sir.

15 Q Okay. All right. But then, when Mr. Cooper shows  
16 up with all her information, everything she knows, all  
17 this stuff you say that's not in the media, you can't look  
18 up, even though she said she researched him, could  
19 describe his bald head, all of a sudden now, tells the  
20 jury today that she knows about a hoodie that she didn't  
21 mention to you?

22 A That's correct.

23 Q And then y'all arrest him?

24 A Yes, sir, after we got -- obtained her statement.

25 Q Because you need probable cause, right, for an

1 arrest?

2 A Yes, sir.

3 Q And at the time when you did the search warrant,  
4 okay, you guys issued a search warrant for his records;  
5 right?

6 A Yes, sir.

7 Q Now, explain to the jury what a search warrant is  
8 and how it's supposed to be done.

9 A Basically, depending on the nature of what  
10 information and what we're trying to seek and researching  
11 for, under the rule of law and the Fourth Amendment, we  
12 have to be granted by a judge -- whether that's a  
13 magistrate or a circuit court judge that's sitting here in  
14 this courtroom -- we have to present a case for what we're  
15 seeking and what we're searching for and where and why.  
16 And, first of all, what crime is being committed or  
17 allegedly committed in order for us to gain records of  
18 people's personal information. Or it could be a cell  
19 phone, it could be a vehicle, it could be a residence, a  
20 house, personal records or anything of a private citizen.

21 Q And so, when you went to get your search warrant  
22 from Judge Wall -- who signed this search warrant; right?

23 A Yes, sir.

24 Q -- you had no idea who this man was, did you?

25 A That's correct.

1 Q Did you have any information at the time that he had  
2 done anything wrong or illegal?

3 A No, we had no information.

4 Q Another question for you: Is it illegal to make a  
5 phone call to somebody?

6 A No, sir, it's not.

7 Q Is it illegal for anyone in this room, whether it be  
8 me, Solicitor White, to call someone late at night?

9 A No, sir.

10 Q But y'all still went and got his phone records;  
11 right?

12 A Yes, sir.

13 Q And then you utilized that, and then you tracked him  
14 and said, "Well, he's got to be our guy." And then you  
15 didn't still have enough to arrest him until you get  
16 Ms. Cooper, who somehow then comes in and has some  
17 knowledge about some things.

18 I have a question for you: Let's say that I was  
19 correct about the interview and that she told you during  
20 the interview, "He told me he broke that phone." Okay?  
21 Let's say hypothetically that's correct.

22 A Okay.

23 Q If he had broke the phone, the phone wouldn't still  
24 be pinging, would it?

25 MR. WHITE: Judge, I think that calls for

1 speculation.

2 THE COURT: I'll allow the witness to answer the  
3 question.

4 Only if you know.

5 A Well, in reference to that depends if the phone is  
6 broken. It may emit a signal or it may not. It all  
7 depends on the level of damage. If it's disintegrated,  
8 no, it's not going to have any signal or whatever  
9 provided. Sometimes if the screen is cracked or ran over  
10 or whatever the case, it still may emit a signal to the  
11 cell tower.

12 BY MR. WILSON:

13 Q Question for you: If I take my phone -- and you  
14 have been doing investigations for a long time. If I take  
15 my personal cell phone to a scene right now, and I decide  
16 I'm going to kill Agent A, why would I take away Agent A's  
17 cell phone from the scene?

18 Earlier when you testified for Mr. White, Mr. White  
19 asked you about a question about the cell phone and said,  
20 "Well, what's the best way to get rid of the cell phone?"  
21 Who in the world would do a murder and then need to get  
22 rid of the cell phone? Why move it?

23 A Well, in my experience, sometimes when people make  
24 -- either make phone calls or contact each other on the  
25 phone, they'll either take the phone and either try to

1       discard it.

2               One time, I worked an armed robbery. The young lady  
3       set the gentlemen up -- an older man in the club up. They  
4       used him as a mark, and then she broke her cell phone when  
5       we got to the jail, trying to discard the information that  
6       was in it. But we were still able to get some information  
7       off of it, even though she broke it and didn't want to  
8       turn it over for a seach warrant.

9       Q       Very well. Let me ask you this question: Now, you  
10      know where the crime scene is; right?

11     A       Yes, sir.

12     Q       And the crime scene is up there somewhere near the  
13      park area; correct?

14     A       Yes, sir.

15     Q       All right. And then you also know where  
16      Mr. Brayboy's house is?

17     A       Yes, sir.

18     Q       Now, you were in here and you also have been  
19      involved in this investigation; right?

20     A       Yes, sir.

21     Q       And you police this area all the time?

22     A       Yes, sir. Occasionally, when I was tasked out.  
23      When you're on-call, like I said earlier, you catch it,  
24      you clean it. So you cover the whole county when you're  
25      on-call. If it's not your zone -- you may be in

1 Timmonsville, you might be in Lake City, you might be in  
2 East, West, or South Florence, whatever the terms may be.  
3 So that's how we get familiarized with the county, when  
4 you're on-call.

5 Q All right. Well, you remember the testimony of the  
6 expert who testified related to the phone signals and  
7 which way Mr. Brayboy's car was going at 1:26 a.m. and  
8 where the victim's car was at 1:26 a.m. You recall that;  
9 correct?

10 A Yes, sir.

11 Q Okay. Now, from that location to get back to his  
12 house, about how far is that, do you think?

13 A In my experience, that -- you're talking about as  
14 far as time or distance?

15 Q Either one. Either one.

16 A Going from the park back to Lake City, it may be 35  
17 minutes.

18 Q Okay. Very well.

19 So if, let's say, there's a phone call that comes in  
20 at 1:21 a.m., all right -- which you know about in your  
21 investigation; right?

22 A Yes, sir.

23 Q All right. And that phone call lasts for 37  
24 minutes; correct?

25 A Yes, sir.

1 Q That puts us at a time of 1:58 a.m.; correct?

2 A Yes, sir. Approximately, yes, sir.

3 Q It takes about 35 minutes or so to get back to where  
4 he lives; right?

5 A Yes, sir.

6 Q If you get a phone call intermediate at 1:26, that  
7 means that, I would suspect that you would assume or  
8 believe, that the other person who is calling him is going  
9 to be Mr. Rashad Jones because that's been what  
10 everybody's been saying; right?

11 A Yes, sir.

12 Q Well, Mr. Rashad Jones is still alive at 1:26;  
13 correct?

14 A We have reason to believe that at that time.

15 Q Do you think somebody else was out there? Because I  
16 believe so too. But if you tell me somebody else is out  
17 there -- I'll ask you.

18 A No, sir.

19 Q Okay. Well, then, if he is on his way home --  
20 because he has to be able to get there by 2:17 -- how in  
21 the world, if he's on the phone for 37 minutes, can he be  
22 doing a murder?

23 MR. WHITE: Judge, that would call for speculation.  
24 He has an opportunity to ask these questions of the agent  
25 who calculated all this, and now he's trying to get what

1 he couldn't get out of this agent from this officer.

2 [Mumbling from gallery.]

3 MR. WILSON: May I respond, Your Honor?

4 THE COURT: Quiet, please.

5 Yes, sir. I'm going to allow the question. It  
6 might be best that you rephrase the question, and if you  
7 need to make your objection again, make your objection  
8 again.

9 BY MR. WILSON:

10 Q This is my question. I'll rephrase the question.

11 If he's got a phone call that he begins to make --  
12 Mr. Brayboy makes at 1:21 a.m. -- okay? -- and he's on  
13 that phone call for the next 37 minutes, which puts us at  
14 1:58 a.m. at least -- right?

15 A Yes, sir. Approximately.

16 Q Okay. All right. And let's say he's on the phone.  
17 If he's on the phone for that much time and he takes an  
18 intermediate phone call from Mr. Brayboy at 1:26 -- excuse  
19 me, from Mr. Jones -- Mr. Jones is still alive at 1:26;  
20 correct?

21 A If the signal is outgoing, yes.

22 Q Yeah, if it's outgoing.

23 And it was an outgoing call from Mr. Jones to  
24 Mr. Brayboy. Mr. Brayboy continues this conversation  
25 until almost 2 a.m. So how is he committing the murder

1 and on the cell phone at the same time? is my question.

2 A Well, you can place somebody on hold.

3 Q So you're saying that he placed him on hold, went  
4 and committed the murder, got back in his car, and  
5 finished the conversation, and still made it home by 2:17?

6 A It's a possibility.

7 Q It's a possibility.

8 Let me ask you this: The condom wrapper -- because  
9 you investigated this case -- that was outside, and the  
10 condom, y'all didn't find Mr. Brayboy's DNA on that hair  
11 follicle, did you?

12 A That's correct.

13 Q Is it possible, in your opinion, that there were  
14 other people out there because of the mixtures of the DNA  
15 inside that car as well as a condom that was outside his  
16 vehicle, is it possible there were other people there with  
17 him?

18 MR. WHITE: Judge, objection. Calls for  
19 speculation. Let's just stick to the facts.

20 THE COURT: Overruled. I'm going to allow the  
21 question.

22 BY MR. WILSON:

23 Q Is it possible?

24 A It could -- it could be.

25 MR. WILSON: No further questions, Your Honor.

## REDIRECT EXAMINATION

BY MR. WHITE:

Q Now, that condom, it didn't have the victim's DNA on it either?

A That's correct.

Q And you testified that that's an area that's frequented out there, and that, when you would go out there, you'd see condoms laying around; is that right?

A Yes, sir. When we did a walkthrough during the daylight hours afterwards, we saw additional, you know, around that generalized area. Plus the sheriff's office also got complaints about vehicles being out there in the park after dark.

Q So when you were walking around that area, you saw other condoms?

A That's correct.

Q And, again, that condom didn't have the defendant or the victim's DNA on it; is that right?

A That's correct.

Q And I mean --

MR. WILSON: Objection, Your Honor. There is no evidence in the record that they were walking around -- that there's any other condoms that were photographed or looked at or taken into custody by SLED or CSI.

MR. WHITE: He doesn't have to testify --

1 MR. WILSON: Counsel, let me finish.

2 MR. WHITE: -- to what's contained --

3 THE COURT: Hang on.

4 MR. WILSON: And counsel knows that. That is trial  
5 by ambush. They're trying to say there are hundreds of  
6 other condoms in this area. They know that.

7 MR. WHITE: Whenever he's done grandstanding, I'll  
8 keep going.

9 MR. WILSON: Oh, wow.

10 THE COURT: All right. I'm going to sustain the  
11 objection. We're going to move on. Okay?

12 MR. WHITE: Thank you, Judge.

13 THE COURT: Ask another question. Thank you, sir.

14 BY MR. WHITE:

15 Q Now, as far as cell phone is concerned, it's not  
16 speculation that he was on hold. We had an expert that  
17 came in and said that's exactly what it was, that he  
18 placed that call on hold; isn't that right?

19 A Yes, sir.

20 Q I mean, that's exactly what the expert says, that a  
21 code on the cell phone records said that that call comes  
22 in and that the victim calls, and he places that other  
23 call on hold; is that right?

24 A Yes, sir.

25 MR. WHITE: Beg the Court's indulgence one moment.

1 (Co-counsel conferring off the record.)

2 BY MR. WHITE:

3 Q Now, you worked the lower end, and so you're  
4 familiar with that area. You said this was Christmas;  
5 right?

6 A Yes, sir. Around about that time, shortly after.

7 Q Shortly after Christmas on the weekend; is that  
8 right?

9 A Yes, sir.

10 Q And it's early morning hours?

11 A Yes, sir.

12 Q Dark outside?

13 A Yes, sir.

14 Q Cold outside?

15 A Yes, sir.

16 Q What was the traffic like on the roads?

17 A The traffic was light.

18 Q Okay. So very little traffic out there on the lower  
19 end of Florence County; right?

20 A That's correct.

21 Q And, you know, I think you could put it in Google  
22 Maps. It's 28 minutes from the crime scene to his house.  
23 Would you have any reason to dispute that?

24 A No, sir. It's around in that ballpark.

25 Q Okay. And that's if you drive the speed limit;

1 right?

2 A Yes, sir.

3 Q If you're flying, like if you just committed a  
4 murder, you might make it quicker than that; right?

5 A Yes, sir.

6 Q Okay. Now, this area of Effingham, you say, is not  
7 a lot of traffic?

8 A That's correct.

9 Q So -- and it's not a lot of traffic in the early  
10 morning hours?

11 A That's correct. Ever since they redid the road, it  
12 was a two-lane, and now it's a full four-lane highway now.

13 Q Okay. I mean, it's not like downtown Florence or  
14 even like downtown Columbia or New York. You know, if two  
15 people's phones are pinging in the same area, I mean, that  
16 sticks out to you; right?

17 A Yes, sir.

18 Q Okay. Because it's not like New York City where  
19 people all might be at the bar, you know, at 2:00 in the  
20 morning or in Effingham and they're pinging at the same  
21 area and they have been talking for an hour, you want to  
22 look at that number; right?

23 A Yes, sir.

24 MR. WHITE: Beg the Court's indulgence.

25 (Co-counsel conferring off the record.)