

VOLUME II OF III

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Certiorari to Saluda County

S.C. SUPREME COURT

Honorable J. Cordell Maddox, Circuit Court Judge

ABIN LOWMAN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-001761

APPENDIX

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- 1 A. Yes, sir.
- 2 Q. So you pulled him over. Did you ever check his
3 tint?
- 4 A. No, sir.
- 5 Q. So there are machines which measure how much tint
6 you can have on your vehicle?
- 7 A. Yes, sir.
- 8 Q. Could you tell if the tint that was on his car was
9 the same tint that was originally placed on the car when it
10 was purchased?
- 11 A. What do you mean purchased? Like from the factory
12 purchased?
- 13 Q. Whenever. Yeah. In 2003?
- 14 A. No, sir.
- 15 Q. It was not?
- 16 A. Sir?
- 17 Q. It was not or you couldn't tell or you don't know?
- 18 A. I'm unsure if that's the tint that came on the
19 vehicle in 2003.
- 20 Q. I got you. So regardless, if this car is riding
21 down the road today, then it might be in violation of the tint
22 violation laws today if it's no longer owned by Ms. Lowman and
23 you would need to pull that car over, too, wouldn't you?
- 24 A. Yes, sir.
- 25 Q. Did you know that the car had been sold to somebody

- 1 else, this particular car?
- 2 A. What do you mean sold to somebody else?
- 3 Q. That Ms. Lowman still doesn't own this car. You
- 4 didn't know that obviously?
- 5 A. Right.
- 6 Q. Okay. Now when you pull him over and he gets out,
- 7 you tell him let me see your hands and then you ask him to go
- 8 back into his car.
- 9 A. Yes, sir.
- 10 Q. And sit back down.
- 11 A. Yes, sir.
- 12 Q. I've always been curious about this. When I first
- 13 started driving, people used to get out all the time and talk
- 14 to the police officer. Why do they tell you to go back into
- 15 your car now?
- 16 A. They just do. That's the way I was taught so that's
- 17 what I did.
- 18 Q. Well, if there was a gun or something in the car or
- 19 a weapon, that would put him in contact with it, wouldn't
- 20 it?
- 21 A. That's the way I was taught.
- 22 Q. Okay. Just curious. So when you put him back in
- 23 the car, then you stand there and talk to him about his
- 24 identification information, right?
- 25 A. Yes, sir.

1 Q. Then you get him out after you determine that his
2 license is suspended because he hadn't paid a traffic
3 ticket?

4 A. Yes, sir.

5 Q. At this time you have already got at least two
6 police officers there including your corporal. And when you
7 pulled up, could you tell that the window was down on the
8 passenger side at that time?

9 A. No, sir. Not until I actually made contact with the
10 vehicle.

11 Q. Tell me when you realized that the passenger window
12 was down?

13 A. Probably after I started talking to him.

14 Q. And you could see the window was down?

15 A. Yes, sir.

16 Q. You don't know when the window was put down, do
17 you?

18 A. No, sir.

19 Q. Was it automatic windows?

20 A. Yes, sir.

21 Q. And you were able -- When you were behind him in the
22 car, you didn't see him make any kind of movements or any type
23 of actions inside the car that appeared to be any different
24 from him just driving the car, did you?

25 A. I don't know. I couldn't see inside the vehicle to

1 tell if he was moving around or anything.

2 Q. And you didn't see anything unusual about the car in
3 terms of he wasn't throwing up dirt or anything flying off the
4 car or anything like that, was he?

5 A. No, sir. Not at the time.

6 Q. Well, at any time?

7 A. No, sir.

8 Q. So you got him out. And I want to ask you about the
9 exact location that you got him. You say it's on Calhoun
10 Extension?

11 A. Yes, sir.

12 Q. If I could ask you to step down here and educate me
13 some. Now, that big "X" right there, is that where his car
14 was pulled over?

15 A. Yes, sir.

16 Q. Where was your car?

17 A. Right behind it. Right here.

18 Q. And where was Dublin's car? Is it Dublin like
19 Ireland?

20 A. I believe so.

21 Q. Okay. Where was her car?

22 A. Right at the time of the stop she was not there but
23 my corporal was. He was parked right here, this little open
24 area pulled off the road.

25 Q. Okay. So you get him out. After you find out that

1 he hadn't paid tickets you arrest him and then you put him
2 into your patrol car?

3 A. Yes, sir.

4 Q. Now, who is the actual person who goes inside the
5 trunk to search the trunk?

6 A. Andrea Dublin and Tony Mosley.

7 Q. When I say who, I mean are you sure there was more
8 than one that actually searched the trunk?

9 A. Yes, sir. They split the trunk in half and they did
10 one half, the other person did the other. That's what we
11 always do.

12 Q. Is there an apartment complex near here?

13 A. Not in this area.

14 Q. How close is Johnston Elementary School from here?

15 A. Maybe a mile, maybe.

16 Q. What about the police department? How close are you
17 to the police department?

18 A. Very close.

19 Q. Very close?

20 A. Probably quarter of a mile.

21 Q. Right over here, right?

22 A. Right. The police department is back this way.

23 Q. Okay. And you don't know if there is like an
24 apartment housing?

25 A. I believe there's houses up here they use as an

1 apartment building. Whoever owns the houses rents out the
2 rooms, but other than that there's apartments on the other
3 side of town and there's apartments on this side of town.

4 Q. Okay. Now, is this map, I realize this is an aerial
5 map.

6 A. Yes, sir.

7 Q. Do you know if there are more, I don't want to use
8 the word accurate, but do you know if there are other
9 photographs that were taken that night that show the area more
10 close in time to when you actually pulled him over?

11 A. No, sir. I'm unaware.

12 Q. Okay. Thank you. Have a seat.

13 A. (Witness complies.)

14 Q. This is March. It was early spring, right?

15 A. Yes, sir.

16 Q. Not a lot of trees blooming on March the 8th, are
17 there?

18 A. No, sir.

19 Q. Now, you provided an incident report. I don't want
20 to introduce a bunch of hearsay but you did an incident report
21 on this, didn't you?

22 A. Correct.

23 Q. Could I ask you to review something that would have
24 been your incident report and ask you if you're certain that
25 it wasn't just one officer that went through the trunk?

1 A. Yes, sir.

2 Q. (Proffering.) Okay.

3 A. (Witness reading report.)

4 Q. Could it have been possible that there was really

5 only one officer that went through the trunk?

6 A. Through the trunk or the vehicle itself?

7 Q. The trunk. I'm only asking about the trunk.

8 A. I'm not sure. That's a year and a half ago.

9 Q. Having read that incident report, does it refresh

10 your memory any?

11 A. A little bit.

12 Q. A little bit?

13 A. Yes, sir.

14 Q. Okay.

15 MR. HUBBARD: I don't have any objection if he wants

16 to put it in.

17 MR. WILLIAMS: I just wanted it to refresh his

18 memory.

19 BY MR. WILLIAMS:

20 Q. So you don't remember now?

21 A. About searching the trunk?

22 Q. Right.

23 A. I know somebody searched the trunk.

24 Q. You used the word bodies, not body though. Somebody

25 searched the trunk, right?

1 A. Yes, sir. We were all present during the search.

2 Q. Who was watching Mr. Lowman in the car when this was
3 going on?

4 A. Nobody.

5 Q. Okay. Did you do anything else on the scene after
6 the two individuals who were there and you searched, well,
7 after you searched the vehicle and they searched the vehicle
8 and everybody searched the vehicle, did you do anything else
9 besides search the vehicle?

10 A. After searching the vehicle, I transported
11 Mr. Lowman to the jail in Edgefield.

12 Q. So you didn't do any search surrounding the car?

13 A. No, sir.

14 MR. WILLIAMS: That's all the questions I have.

15 MR. HUBBARD: No further questions.

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

17 MR. HUBBARD: The State calls James Mosley.

18 Thereupon,

19 JAMES MOSLEY

20 after having been first duly sworn, testified as follows,

21 DIRECT EXAMINATION

22 BY MR. HUBBARD:

23 Q. Officer, please where are you currently working?

24 A. Simpsonville Police Department.

25 Q. Up in Greenville County?

JAMES MOSLEY - DIRECT BY MR. HUBBARD

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- 1 A. Yes, sir.
- 2 Q. Back in last March where were you working?
- 3 A. Johnston Police Department.
- 4 Q. Were you working the early morning hours of March
- 5 8th, 2017?
- 6 A. I was.
- 7 Q. What was your rank at that time?
- 8 A. Corporal.
- 9 Q. Do you recall working with several other officers
- 10 that night?
- 11 A. Yes, sir.
- 12 Q. Who were you working with that night?
- 13 A. Patrolman Harding and Patrolman Dublin.
- 14 Q. What was your role in working with them?
- 15 A. Training, supervising.
- 16 Q. Now, that night or early morning hours do you recall
- 17 if you ever had an encounter with somebody working for a repo
- 18 company?
- 19 A. Yes.
- 20 Q. Based on that did you have -- Let me ask you this:
- 21 As a supervisor with officers out on the road is it your
- 22 policy in law enforcement to assist companies repossessing
- 23 vehicles or did y'all - or is that just a private business?
- 24 A. They normally get in contact with us once they come
- 25 into town and say, hey, I'm here on business. They give us a

- 1 heads up but we don't go to them.
- 2 Q. Okay. So is it more just to let y'all know what's
3 going on?
- 4 A. Yes, sir.
- 5 Q. Did that happen that night?
- 6 A. Yes, sir.
- 7 Q. Were y'all apprised whether this was a no payments
8 or no insurance or some other reason?
- 9 A. Ask that again.
- 10 Q. Were y'all apprised whether this is a no payment
11 issue or a no insurance issue or some other reason?
- 12 A. We were informed about the insurance.
- 13 Q.. Now, if there is no payment, do y'all have any
14 interest in that at all?
- 15 A. No.
- 16 Q. No insurance, is that of interest to you?
- 17 A. That's an interest.
- 18 Q. Okay. But again, were y'all asked to do someone
19 else's work?
- 20 A. We weren't asked to do anybody else's work.
- 21 Q. At some point -- Let me ask you this: The vehicle
22 that y'all were apprised of, were y'all given a description of
23 a vehicle?
- 24 A. We were given a description.
- 25 Q. Can you tell us what that was that you were on alert

JAMES MOSLEY - DIRECT BY MR. HUBBARD

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1 for?

2 A. A 2003 Mercury Grand Marquis.

3 Q. Okay. At some point during those early hours were
4 you aware if that vehicle was stopped?

5 A. During a traffic stop.

6 Q. Yes. That y'all stopped it?

7 A. Yes. We stopped it during a traffic stop.

8 Q. Were you aware of which officer made that stop?

9 A. Officer Harding.

10 Q. The man who just testified?

11 A. Yes, sir.

12 Q. Who backed him up on that stop?

13 A. I backed him up.

14 Q. Okay. I'm going to show you State's 67. Highway
15 23. What road is this right here, do you recall?

16 A. That would be McQueen.

17 Q. And then this road on the other side of the tracks
18 from 23 is what?

19 A. That would be Calhoun Extension.

20 Q. You see an "X" right there?

21 A. Yes.

22 Q. Based on your memory of this stop does that
23 accurately reflect where the stop occurred?

24 A. Yes. It does.

25 Q. Where were you positioned, if you can show us, when

1 this occurred?

2 A. I was positioned right here in this space here where
3 I could see the traffic stop.

4 Q. Do you recall about what time this stop occurred?

5 A. Approximately 1:30 in the morning.

6 Q. Was the driver of that vehicle identified?

7 A. Yes. He was.

8 Q. Do you recall who that driver was?

9 A. Yes. I do recall.

10 Q. Who is that?

11 A. The gentleman sitting right here.

12 Q. His name is?

13 A. Abin Lee Lowman.

14 MR. HUBBARD: Thank you. Let the record reflect,
15 Your Honor, obviously he's pointed to the defense table.

16 THE COURT: Yes. So reflected.

17 BY MR. HUBBARD:

18 Q. Was Mr. Lowman arrested that night?

19 A. He was.

20 Q. What was he charged with?

21 A. He was charged with driving under suspension.

22 Q. Once he's arrested, what do you or one of these
23 officers do with Mr. Lowman?

24 A. He was arrested and placed in another vehicle.

25 Q. Do you remember whose vehicle he was put in?

- 1 A. He was placed in Dublin's vehicle.
- 2 Q. Dublin's vehicle?
- 3 A. Yes, sir.
- 4 Q. Let me ask you this: Who ends up transporting him
- 5 that night to the jail?
- 6 A. Officer Harding.
- 7 Q. Now, do y'all conduct a search of the vehicle?
- 8 A. Yes, sir.
- 9 Q. When you arrest somebody on a public road, did
- 10 Johnston have a policy on conducting inventory searches?
- 11 A. Yes, sir.
- 12 Q. What was the purpose of going through a vehicle in
- 13 this instance?
- 14 A. Well, the purpose of going through the vehicle is to
- 15 collect valuables, if there are any, and also to see if there
- 16 are some things that need to be maintained for the person.
- 17 Q. Would this be for liability reasons?
- 18 A. Yes, sir. For liability reasons.
- 19 Q. Y'all made the stop, not Hook and Book or some other
- 20 repo company?
- 21 A. We made the stop.
- 22 Q. Based on your policy who would that make responsible
- 23 if something gets stolen or broken?
- 24 A. We would be responsible.
- 25 Q. Now, who conducted -- You've got three officers

1 there, yourself included. Do you remember going through the
2 car?

3 A. Yes, sir.

4 Q. Describe how y'all search the passenger and the
5 driving compartment of the vehicle. How does that go when
6 y'all are doing it? Is there a method that y'all use?

7 A. We don't have a set method but I did assist in the
8 systematic search. I started on the driver's side. Dublin
9 was on the passenger side. We went from front to back, front
10 compartment of the vehicle to the rear compartment of the
11 vehicle. We searched the vehicle. We switched roles. I went
12 to the front side of the passenger. She came to the front
13 side of the driver and we did another systematic search to
14 cover each other to make sure we don't miss anything.

15 Q. Did y'all find any valuables or anything that y'all
16 needed to secure for the owner so it wouldn't get stolen or
17 broken?

18 A. No, sir.

19 Q. After y'all did the driving and passenger
20 compartments, did y'all ever look in the trunk?

21 A. Yes, sir. We did.

22 Q. Who was involved in that?

23 A. Myself and Dublin.

24 Q. Again, is Officer Harding still present?

25 A. He is.

JAMES MOSLEY - DIRECT BY MR. HUBBARD

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- 1 Q. What, if anything, is found in the trunk?
- 2 A. We found bullets in the trunk.
- 3 Q. Did you seize those?
- 4 A. Yes. I did.
- 5 Q. Who took possession of them? Out of the officers
- 6 who took possession?
- 7 A. I took possession.
- 8 Q. I want to show you State's ID 72 and see if you
- 9 recognize what I have here?
- 10 A. Yes, sir.
- 11 Q. What is that?
- 12 A. It's a black box, has yellow and red writing on it.
- 13 It contains bullets on the inside.
- 14 Q. If you would, see if you recognize if it's the same
- 15 one that you had that night. Would you open it up to see if
- 16 it's what you had?
- 17 A. (Witness complies.) (Witness nodding head.)
- 18 Q. Now, that night -- Let me ask you this: When you
- 19 found a box of bullets, how many bullets did you find in the
- 20 box that night?
- 21 A. 13.
- 22 Q. How many do you see in front of you?
- 23 A. 13.
- 24 Q. And the box originally carried how many?
- 25 A. A total of 50.

1 Q. All right. Now, I notice this box is in a bag. Who
2 put that box in the bag?

3 A. I put the box in the bag.

4 Q. Who filled out -- I see this bag says evidence.
5 When did you do that?

6 A. I filled out the evidence bag on the side of the
7 road at the traffic stop.

8 Q. This writing on this bag, whose writing is that?

9 A. That's my writing.

10 Q. Who took possession of those bullets that night?

11 A. I took possession.

12 Q. Now, I do want to ask you, on the writing it
13 mentions the name Dublin. Why is that?

14 A. Dublin was the one that found the bullets. I placed
15 her name because she retrieved the bullets from the vehicle.
16 I placed her name as receiving the bullets from the subject as
17 far as the custody, the chain of custody. It went from the
18 subject to Dublin.

19 Q. Okay.

20 A. And then once we place evidence in our evidence
21 locker, it goes from Dublin to evidence.

22 Q. Okay. So because you had her as the seizing
23 officer?

24 A. Yes, sir.

25 Q. Now, you're the one that placed it in the bag?

JAMES MOSLEY - DIRECT BY MR. HUBBARD

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1 A. Yes, sir.

2 Q. And you're the one that kept it. Who actually
3 turned that bag into evidence?

4 A. I did.

5 MR. HUBBARD: Your Honor, I offer that bag and those
6 bullets in evidence at this time.

7 MR. WILLIAMS: Same objection to chain of custody,
8 Your Honor. It has not been established appropriately to
9 introduce it into evidence.

10 MR. HUBBARD: Your Honor --

11 THE COURT: I think under State v. Valentine the
12 chain can be filled in in small gaps. He's present when
13 the bullets are seized from the trunk. The chain is not
14 complete but it's a short step between Dublin and him so
15 I'm going to allow it subject to your objection.

16 MR. HUBBARD: Thank you, Your Honor. Your Honor,
17 this is State's 72 at this time. Permission to show the
18 jury.

19 THE COURT: Sure.

20 BY MR. HUBBARD:

21 Q. Officer Mosley, if you would, looking at State's 72
22 what caliber are those bullets?

23 A. Nine millimeter.

24 Q. As an officer, a nine millimeter, would that be for
25 a revolver or a semi-auto? If you need to look at them again.

1 A. (Witness shaking head.) Could be for both.

2 Q. Okay. Put them back. You can put them back. So
3 there's a nine millimeter revolver?

4 A. No.

5 Q. Okay. So that's what I'm asking you. What are they
6 designed for, a revolver or a semi-auto?

7 A. Semi-auto.

8 Q. Okay. There we go. I'm just making sure I didn't
9 know about a gun out there I didn't know about. All right.
10 You worked in Johnston how long?

11 A. Over five years.

12 Q. Does the Town of Johnston pretty much shut down at
13 a certain hour?

14 A. Yes. It does.

15 Q. About what time are most or all the business
16 closed?

17 A. I would say at the latest a business would stay open
18 in Johnston 11:00 p.m. at the latest they are closed.

19 Q. Would that include some gas stations as well that
20 are downtown?

21 A. Yes.

22 Q. Do you know of any 24 hour gas stations in Johnston
23 when you were working there right downtown?

24 A. Never.

25 Q. I'm going show you State's number 3. Just to orient

JAMES MOSLEY - CROSS BY MR. WILLIAMS

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1 you. Highway 23, Highway 121, Tidwell Jewelers. You see
2 where this "X" is, that red "X"?

3 A. Yes.

4 Q. Is there a gas station back there?

5 A. The gas station it here.

6 Q. Right here?

7 A. Yes. That's the gas station.

8 Q. Would that gas station have been open or closed
9 after eleven?

10 A. Closed.

11 Q. Officer Mosley, when y'all made this arrest, did
12 y'all have any information of anything that had transpired in
13 Saluda, a burglary or a house breaking?

14 A. No.

15 Q. Would this stop have been conducted differently if
16 you did?

17 A. Yes.

18 MR. HUBBARD: That's all the questions I have at
19 this time, Your Honor.

20 THE COURT: Cross.

21 MR. WILLIAMS: May it please the Court.

22 THE COURT: Yes, sir.

23 CROSS EXAMINATION

24 BY MR. WILLIAMS:

25 Q. Officer, I live in the big town of Batesburg. I

1 know you live in Simpsonville which is a lot bigger than
2 Batesburg but you used to work in Johnston. Are you familiar
3 with some convenience stores or gas stations which will allow
4 you to get gas by using your card whether or not they're open
5 or not?

6 A. Yes.

7 Q. Now, we were talking about that you were in the
8 courtroom when I was talking to your officer a little bit
9 earlier on. What vehicle did you drive back on March 8th?

10 A. Ford Interceptor unmarked.

11 Q. Did you possess in that unmarked car a video camera
12 that would allow you to record improper driving in the City of
13 Johnston?

14 A. Which would allow me to record improper driving?

15 Q. Yeah. I was being nice about it. Did you have a
16 video machine for like DUI stops and stuff like that in your
17 car?

18 A. Yes, sir.

19 Q. Okay. Thank you. So the vehicle that you were
20 driving that night had video taping equipment?

21 A. Yes, sir. It did.

22 Q. On that equipment was that always blue light
23 operated or could you turn it on any time you wanted to?

24 A. You could do it either way. It would illuminate.
25 The video starts once you turn the lights on or I could

1 manually start it.

2 Q. Got you. Now, you were describing this evidence bag
3 and you were explaining that it lists Dublin as the person
4 that received it from the subject and then it went from Dublin
5 into evidence and then it went from evidence to Lieutenant
6 Herlong and then from Lieutenant Herlong obviously it's been
7 checked out to Investigator Byrd. Your name does not appear
8 anywhere on this chain of custody evidence log, does it?

9 A. No, sir.

10 Q. Well, you've been in law enforcement a real long
11 time. You're no rookie. I know that. If you had custody or
12 if you had taken possession of a piece of evidence, why would
13 your name not be recorded on a chain of custody information
14 form?

15 A. Are you asking in reference to this?

16 Q. I am specifically asking in reference to this but as
17 a general rule if you had your hands on custody, wouldn't you
18 be part of that chain? Wouldn't you have your name in that
19 chain?

20 A. I filled that form out on the scene. Dublin was
21 there. I was training her on how to fill it out. That's why
22 it's in that order.

23 Q. But it's not the correct way to do it if you're
24 seizing evidence, is it? If you're in possession of a piece
25 of evidence at any point in time, isn't your name supposed to

1 be on that chain of custody?

2 A. Well, Dublin found it and I was instructing her on
3 how to fill it out. That's why her name is on the form.

4 Q. All right. Now, let me ask you about the nine
5 millimeter items that are in here. You said there are 13 out
6 of how many? You want to see them? I don't want to cheat on
7 the box depending on how many there are. 13 out of how many
8 would have been in the box originally at some point in time?

9 A. 50.

10 Q. Okay. When you're instructing Dublin on what to do
11 with the evidence, did you instruct her as to whether or not
12 to use gloves unlike I just did to see if anybody had touched
13 this box or had had it in their possession. if there was an
14 issue as to who may or may not have touched the box before?

15 A. During the search, we weren't talking about gloves
16 or having gloves on. We were just conducting a search.

17 Q. So when you do searches of a trunk on a vehicle like
18 that, you don't normally wear gloves?

19 A. Depending on the circumstances.

20 Q. Okay. What else did you find in the trunk of the
21 car?

22 A. There were a lot of miscellaneous things. I can't
23 remember. I just do remember that Dublin found those nine
24 millimeter --

25 Q. Do you -- I cut you off. My wife complains about me

1 doing it too. I didn't mean to cut you off. You were going
2 to say something else.

3 A. I don't remember everything that was in the trunk.
4 Just miscellaneous stuff but I do remember Dublin coming in
5 contact with the bullets.

6 Q. Do you remember anything that was in the trunk of
7 that car?

8 A. It's been so long. I don't.

9 Q. So you don't remember anything that was in the trunk
10 of that car?

11 A. I mean, it was in disarray so I don't.

12 Q. Well, you have already said that part of the policy
13 of the Town of Johnston is to, when you do an inventory search
14 is to make a list of items so that you know that the property,
15 the valuables are protected. Does Johnston have an inventory
16 sheet which it fills out as to items which are in anything
17 that is seized?

18 A. Ask that question again, sir.

19 Q. Does Johnston have an inventory form which is
20 pre-produced for the Town of Johnston which lists items that
21 were found on an inventory search of their vehicle?

22 A. Since I have been there I have never seen a list. I
23 have never seen a form like that.

24 Q. Okay. You have one in Simpsonville?

25 A. No.

1 Q. So as far as you know there was no list that would
2 have listed what was in the trunk when you went through it or
3 in the car when you went through it, no inventory list?

4 A. No. We didn't have a form.

5 Q. Do you know whether or not the policy and procedure
6 manual for the Town of Johnston includes that as one of their
7 requirements that they use?

8 A. When we inventory the vehicle, we are looking for
9 things that need to be with the owner if it's of any value.

10 Q. Have you ever read the policy and procedural
11 inventory procedures for the Town of Johnston dictating what
12 they do when they do an inventory search?

13 A. I have read it.

14 Q. Do you have a copy of it?

15 A. I have a copy here.

16 Q. Would you review that and tell me if it says
17 anything about performing an inventory list when you do a
18 inventory check?

19 A. I'm sorry. This is an impound and tow policy.

20 Q. Okay. So are you saying that that is not the policy
21 which you operate under when you do an inventory search for
22 the Town of Johnston?

23 A. Excuse me?

24 Q. Are you saying that you don't use that document when
25 you develop what your procedures are for an inventory

1 search?

2 A. I mean, we don't keep this on us during a traffic
3 stop. This impound sheet is the policy in the office.

4 Q. Are you saying that it does not provide for having
5 an inventory list of items that are seized or found in an
6 inventory search?

7 A. This policy is basically giving instructions on
8 officers towing a vehicle. It gives instructions on motor
9 vehicle subject to impoundment. May not be impounded if --

10 Q. Have you ever seen that before?

11 A. I've read this before. It's been -- I've read this
12 policy before.

13 Q. Okay. So did you see anything about an inventory
14 sheet?

15 A. If I can go through it and read the whole thing if
16 it's in here.

17 Q. Would it be safe to say that you have never operated
18 under the procedure that you give an inventory list of items
19 that are seized when you tow a vehicle, that you don't give
20 out an inventory sheet?

21 A. We don't give out inventory sheets.

22 Q. To give to the owner or somebody who's been arrested
23 what his items were that were seized inside the car?

24 A. We don't give out inventory sheets.

25 Q. Did you take any pictures of the items that were in

1 the car that night?

2 A. I did not take any pictures.

3 Q. And what type of attire did Abin Lowman, we'll call
4 him Lee, what type of clothing did Lee Lowman have on?

5 A. Regular street clothing.

6 Q. Did he not have a uniform on, a work uniform that
7 night?

8 A. I'm unsure.

9 Q. Where did you take him? Where was he taken? You
10 didn't take him anywhere. Where was he taken?

11 A. Edgefield County Detention Center.

12 Q. All right. And when he's taken to the Edgefield
13 County Detention Center, is he photographed and booked at that
14 particular location?

15 A. They book -- When they take someone, they do
16 photograph them. They do booking.

17 Q. You don't remember anything about the color of his
18 clothing that he had on that night?

19 A. I don't remember the color of his clothing.

20 Q. He didn't have a mask or a hat on, did he?

21 A. I saw him. We didn't take him with his face
22 covered.

23 Q. He looked just like he does right now?

24 A. Yes.

25 MR. WILLIAMS: That's all the questions I have, Your

1 Honor.

2 MR. HUBBARD: No follow up. I ask he be excused.

3 THE COURT: You are excused. Thank you. Good time
4 for a lunch break?

5 MR. HUBBARD: Yes, sir.

6 THE COURT: All right. All right, folks, we're
7 gonna break for lunch. Step into the jury room. Go to
8 lunch. I would like you back in the jury room by 2:15.
9 I've got one other thing to deal with before I can go to
10 lunch. 2:15 a good lunch time before I get to y'all.
11 Don't discuss the case. See you in a little bit.

12 (Whereupon the jury was released for lunch recess at
13 12:40 p.m.)

14 (Lunch recess.)

15 BAILIFF: All rise.

16 THE COURT: Thank you. Please be seated.

17 MR. WILLIAMS: The Solicitor and I have talked.

18 These are charges that is for the next witness that could
19 be used against him in terms of his credibility. That
20 would be a strong armed robbery, a burglary second and a
21 assault with intent to commit a criminal sexual conduct
22 first degree.

23 THE COURT: Okay. Those are convictions?

24 MR. WILLIAMS: Those are convictions.

25 THE COURT: And he agrees you can use those?

1 MR. WILLIAMS: He does agree.

2 MR. HUBBARD: Under the law I think that's --

3 THE COURT: Those are pretty clear.

4 MR. HUBBARD: Whether he should or not, I concede to
5 the Court's discretion.

6 THE COURT: All right. Bring the jury in please.

7 (Whereupon, the jury entered the courtroom at 2:15
8 p.m.)

9 THE COURT: All right. Solicitor, call your next
10 witness.

11 MR. HUBBARD: The State calls Steve Brown.
12 Thereupon,

13 STEVEN BROWN
14 after having been first duly sworn, testified as follows,

15 DIRECT EXAMINATION

16 BY MR. HUBBARD:

17 Q. Mr. Brown, if you would, state your name for the
18 record.

19 A. Steven Brown.

20 Q. Mr. Brown, the weekend of March 11th, March 12th, do
21 you remember being with your cousin Nikki?

22 A. Yes, sir. Yes, sir.

23 COURT REPORTER: Please speak into the microphone,
24 sir.

25 THE COURT: This gentleman right here has to hear

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1 everything that you say and so do I and most importantly
2 those 14 jurors there so answer the Solicitor loudly,
3 okay?

4 BY MR. HUBBARD:

5 Q. Where were y'all, in a car or at your house?

6 A. Vehicle.

7 Q. A vehicle?

8 A. Yes, sir.

9 Q. Okay. Now, who else was in the vehicle? You, Nikki
10 and who?

11 A. My cousin.

12 Q. Okay. How old is she?

13 A. Like seven.

14 Q. Okay. So a small child?

15 A. (Witness nodding head.)

16 Q. Okay. While y'all were together, do you remember at
17 some point y'all got stopped by a railroad?

18 A. Yes, sir.

19 Q. A train?

20 A. (Witness nodding head.) Yes, sir.

21 Q. While you were stopped, do you remember seeing
22 anything while you were waiting there?

23 A. I didn't. I didn't see nothing. My cousin, she,
24 she had seen something, some keys or whatever. I didn't. I
25 didn't see them. She seen them first.

1 Q. Okay. And then once she pointed them out, is that
2 when you saw them?

3 A. Yeah. When she pointed them out.

4 Q. Okay. Did she get out or somebody get out of the
5 car and get the keys?

6 A. Yeah. My daughter got them. She told her to get
7 them because -- You know what I'm saying? -- she felt like
8 they were some car keys or something like that.

9 Q. Okay. And then they were in the car at that point?
10 She put them in her car?

11 A. Yes, sir.

12 Q. On March the 15th were you back in your cousin's
13 car?

14 A. Yeah. I was back in there.

15 Q. And do you remember seeing whether you saw those
16 keys again and still in the vehicle?

17 A. I mean, she, she still had them in there -- You know
18 what I'm saying? -- in her purse basically.

19 Q. Okay. And what did you say y'all needed to do with
20 those keys?

21 A. You know, I told her, you know, she said she was
22 gonna turn them into the police because, you know, we thought
23 they was some car keys. You know what I'm saying? It's just
24 that.

25 Q. So where did y'all go?

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1 A. I mean, she took them to the, uhm, to, uhm, to the
2 police station in Johnston.

3 Q. Do you remember handing them over to law
4 enforcement?

5 A. Yeah. I gave them to them.

6 Q. Okay. I'm gonna show you what's been marked as
7 State's Exhibit 40, these keys. Are these the keys you turned
8 over to law enforcement?

9 A. Yeah.

10 Q. What's that?

11 A. Yeah.

12 Q. Okay. I want to show you a photograph. Looking at
13 this photograph before we actually talk about it for the jury
14 is that where you were stopped with your cousin where you saw
15 the keys where the keys were collected?

16 A. That's where she saw them at. I ain't -- She saw
17 them. I ain't --

18 MR. HUBBARD: I'm offering this into evidence at
19 this time.

20 MR. WILLIAMS: Without objection, Your Honor.

21 THE COURT: 73 without objection.

22 BY MR. HUBBARD:

23 Q. Now, Steve, will you point out whereabouts you saw
24 those keys?

25 A. She seen them. I didn't see them. She seen them

1 over there.

2 Q. Okay. Once she got out and got them, where did she
3 go get them? You saw that, right?

4 A. She got out and went over there somewhere in that
5 area there and got them.

6 Q. Okay. And you saw that?

7 A. I saw her get out of the car and go over there and
8 get them.

9 Q. I want to borrow you for just a second. Step down
10 so this jury can see, all right?

11 A. (Witness complies.)

12 Q. Come on. Whereabouts did she get out and pick up
13 those keys?

14 A. Over there in that area right there.

15 Q. Right in this area?

16 A. Right over there.

17 Q. Okay. On this side of the tracks?

18 A. Yes, sir.

19 Q. Okay. All right. Very good.

20 A. Now, uhm --

21 Q. Hang on. You can only respond to questions, okay?

22 A. Okay.

23 Q. Only questions. And this is McQueen and Calhoun?

24 MR. WILLIAMS: Objection to the --

25 MR. HUBBARD: That's a question.

1 MR. WILLIAMS: Okay.

2 THE COURT: He didn't answer.

3 MR. HUBBARD: That's fine. That's fine.

4 THE COURT: You want to ask him again?

5 MR. HUBBARD: No, sir. That's all I have got.

6 CROSS EXAMINATION

7 BY MR. WILLIAMS:

8 Q. Mr. Brown, so that I understand, I guess what you
9 actually observed and saw and stuff, did you ever see -- Let
10 me see where that is at. Did you ever see these keys on the
11 ground?

12 A. Hey, I want to make a statement, man. I'm saying
13 I'm totally uncomfortable with this whole process.

14 THE COURT: You've just got to answer his questions,
15 sir.

16 THE WITNESS: I'm just -- I'm -- I'm -- I'm
17 uncomfortable with doing this, man, because --

18 THE COURT: Everybody is uncomfortable. Hey, look,
19 everybody has been up here.

20 THE WITNESS: I understand that. I understand that.
21 But I just don't like the way the process going. It
22 making me seem like I'm telling something to somebody and
23 I'm not because I don't know nothing about none of this,
24 man.

25 THE COURT: All right. You need to hush. Just

1 answer the question.

2 THE WITNESS: I'm not being disrespectful.

3 THE COURT: I'm saying you're being disrespectful.

4 Just answer his questions and you can be on your way.

5 Ask your question again.

6 THE WITNESS: I just don't -- I'm only -- You know
7 what I'm saying? If I have to like, you know, somebody
8 have to be, have to be held accountable for not
9 responding, then it is. But I'm not - I'm not - I'm
10 uncomfortable, man. I can't go through with this right
11 here. I don't feel comfortable doing it.

12 THE COURT: Ask your question again.

13 BY MR. WILLIAMS:

14 Q. Did you see, did you see these keys on the ground?

15 THE WITNESS: Do I have to answer the question?

16 THE COURT: Yeah.

17 THE WITNESS: I mean, I - I don't - I don't - I
18 don't want to go through with this. I just can't go
19 through with it. I can't. No.

20 BY MR. WILLIAMS:

21 Q. Let me ask you, do you know how, how the police got
22 these keys?

23 A. I don't know what to say.

24 THE COURT: All right. Y'all step into the jury
25 room real quick. I have to put something on the record.

1 (Whereupon, the jury entered the jury room at 2:25
2 p.m.)

3 THE COURT: All right. Look, you have not been
4 accused of anything. Nobody has done anything other than
5 ask you about these keys. They were seen by, I guess, a
6 cousin of yours when y'all were stopped there waiting on
7 a train to pass. Your niece went out and picked them up.
8 That's been your testimony thus far. The only question
9 Mr. Williams asked you is did you see the keys on the
10 ground before they were picked up.

11 THE WITNESS: Before they was picked up I didn't.
12 You know what I'm saying? I didn't see them before they
13 was picked up.

14 THE COURT: Okay. That's what he's asking you. Do
15 you have any other questions to ask?

16 MR. WILLIAMS: Just a couple more but nothing
17 drastic.

18 THE COURT: Okay.

19 THE WITNESS: I'm just saying, right, you know, it
20 ain't like -- You know what I'm saying? -- I'm not having
21 no threats or nothing like that. It's just that I am --
22 I just don't do stuff like this. I felt like all I had
23 to say is we found some keys and we were being good
24 samaritans by turning them in but the questioning process
25 is making it seem like I'm going to testify against

1 somebody and I'm not going to, period.

2 THE COURT: I understand all of that. I think
3 you're making more of it than you need because the first
4 lawyer asked you questions. Said did you find them near
5 the railroad crossing when y'all were stopped? Yes, more
6 or less. And then the other attorney is asking you did
7 you see them on the ground before they were picked them
8 up? You kind of indicated no.

9 THE WITNESS: I explained but I explained to the
10 first guy -- You know what I'm saying? -- that, you know,
11 we found the keys.

12 THE COURT: Right.

13 THE WITNESS: But before the keys was picked up, I
14 couldn't say that I positively seen those keys before my
15 cousin seen them. I can't say that because I'd be lying
16 and I just swore on the Bible to tell the truth.

17 THE COURT: All right. That's fine. And if that's
18 your story, that's the answer. That's fine. You're not
19 being accused of anything other than the order of things
20 that happened.

21 THE WITNESS: Can I go?

22 THE COURT: No. No. You have to finish answering
23 his questions. He's got a couple more and then I'm gonna
24 let you go. Now, if you don't answer his questions, then
25 you and I are gonna talk a little further. But you have

1 got to answer his questions, okay? Fair enough?

2 THE WITNESS: Can I just say, can I just plead the
3 Fifth throughout the entire process because that's all I
4 have like because like I said --

5 MR. WILLIAMS: I'm okay with that, Your Honor, if he
6 does that.

7 THE WITNESS: -- he's making me sit here and making
8 it seem like I'm testifying like I know something about
9 this. I don't know nothing about the situation. I've
10 got a baby that's fixing to be delivered and I don't need
11 to be in this courtroom sitting up here about this
12 situation. You know what I'm saying? I wrote a
13 statement when the keys was turned over to the officer
14 and I specifically stated I'm not snitching on nobody.
15 I'm not testifying. I don't know nothing about no keys.
16 I'm just being a good samaritan and from my understanding
17 it was just gonna be that and now I'm up here in the
18 courtroom about the same situation and it's stressing me
19 out. I need to be with my girlfriend. I don't need to
20 be up in here.

21 THE COURT: I know. Okay. Here's the thing is they
22 get the right to ask you a couple of questions because
23 your statement as nice as that is --

24 THE WITNESS: I understand that.

25 THE COURT: -- nobody can question the statement and

1 say were the keys on the ground and where they were.

2 Now, you've answered that.

3 THE WITNESS: I mean, they got a statement that I
4 wrote.

5 THE COURT: I know. But it's a statement.

6 THE WITNESS: Can I read that out?

7 THE COURT: No, because you can't question the
8 statement. They can't question the statement.

9 THE WITNESS: I understand. I'm just - I'm - I'm
10 uncomfortable.

11 THE COURT: I know.

12 THE WITNESS: I'm totally uncomfortable and it's
13 like I understand exactly what you're saying. I respect
14 what you're saying but at the end of the day I'm not with
15 this box stuff. I'm uncomfortable. This is not my
16 character. You know what I'm saying? And to be honest
17 with you I got other bigger and better things that I
18 could be doing than to be sitting up here in court saying
19 things going on about some keys, but I get that.

20 THE COURT: If you would just hush and answer the
21 questions, you could have been out of here ten minutes
22 ago, okay?

23 THE WITNESS: I mean, I'm trying to figure out why
24 did I have to be here from the beginning? I mean, I
25 don't know nothing about nothing so why did I have to be

1 called --

2 THE COURT: All they're doing is asking you did
3 y'all pick the keys up. You said your little girl did.

4 THE WITNESS: And that's what I, that's what I
5 explained. And I felt like it was just going to be that.
6 You know what I'm saying? But I'm still sitting up here
7 being asked different questions and I'm telling you I'm
8 just uncomfortable.

9 THE COURT: All right. If you would just hush and
10 answer the questions, they're going to be through
11 with you (indicating) that quick, okay? Just answer the
12 questions and you'll be out of here, all right? You
13 ready to go, Mr. Williams?

14 MR. WILLIAMS: Yes, sir.

15 THE COURT: Bring the jury in please.

16 (Whereupon, the jury entered the courtroom at 2:35
17 p.m.)

18 THE COURT: All right. We had an in camera hearing.
19 Mr. Brown is expecting a baby any minute. He's a little
20 bit nervous. I told him if he answers the questions, he
21 will be on his way. Mr. Williams, ask your next
22 question.

23 BY MR. WILLIAMS:

24 Q. All right. Mr. Brown, the question I was asking you
25 was did you, individually you, see these keys on the ground

1 anywhere near a railroad track?

2 A. I'm gonna say for the last time I did not see no
3 keys. My cousin seen them first. I didn't see no keys, man,
4 so, I mean, I'm just, I'm done with this, man. I'm done with
5 this.

6 Q. Okay. So you didn't see any keys?

7 A. She seen them first.

8 Q. All right. Now who is --

9 A. My cousin got out and got the keys. But can I sit
10 here and say that I actually seen the keys all day, I'd be
11 sitting here lying.

12 Q. Okay. That's good.

13 A. And I just swore on the Bible, man. I'm not gonna
14 lie, man.

15 Q. Good.

16 A. Bottom line.

17 THE COURT: Good. Okay.

18 BY MR. WILLIAMS:

19 Q. So let me ask you this question. What is your
20 cousin's name?

21 A. Nikki.

22 Q. Nikki?

23 A. Mason.

24 Q. And how old is Nikki?

25 A. Well, she, uhm, she like 32.

- 1 Q. Is she in the courtroom now?
- 2 A. No, sir.
- 3 Q. But this is a cousin of yours and she had --
- 4 A. Her daughter which was --
- 5 Q. Her daughter?
- 6 A. She was 8-years-old. She got out and got the keys.
- 7 Like I said, we were just being good samaritans. We felt like
- 8 somebody had lost their keys or whatever so we was just -- You
- 9 know what I'm saying? -- trying to turn them back in to the
- 10 officer now. You know what I'm saying? With the extra stuff
- 11 with me sitting up here -- You know what I'm saying? -- and
- 12 just pointing and "X" check mark, I'm not with that, man. I'm
- 13 not with that.
- 14 Q. Let me ask you one little question.
- 15 A. That's the bottom line.
- 16 Q. Do you know Jerry Kirk?
- 17 A. Do I know him?
- 18 Q. Uh-huh.
- 19 A. I -- Yep.
- 20 Q. And does he have any relationship to you or Nikki?
- 21 A. (Witness shaking head.)
- 22 Q. Not a cousin?
- 23 A. (Witness shaking head.) Now, this the thing right
- 24 here, man. Now -- You know what I'm saying? -- I'm sitting
- 25 up here. She's sworn me on the Bible so now I got to be

1 honest, right?

2 THE COURT: He asked you if you were kin to him.

3 BY THE WITNESS:

4 A. Now, I'm asking you a question. By me telling the
5 truth am I gonna be like telling a lie telling the truth?

6 THE COURT: No.

7 BY THE WITNESS:

8 A. Am I gonna be telling a lie telling the truth?
9 Yeah, I'm related to him. I'm going to tell the truth. You
10 said tell the truth, right?

11 THE COURT: That's fine.

12 BY THE WITNESS:

13 A. That's what I was saying. All the extra questions,
14 I don't want to go through that, man. Because now it seem
15 like I'm participating in the trial and I'm not participating
16 in it. Once again, I was being a good samaritan because I
17 felt like someone lost their car keys and we was trying to
18 turn them back in. That's just the bottom line. All the
19 extra stuff I don't want to partake in that. I'm a family
20 man. You know what I'm saying? I got bigger and better
21 responsibilities than sitting up here today.

22 BY MR. WILLIAMS:

23 Q. Okay. One last thing. One last thing. It's not
24 really a question. It's one question but it just kind of
25 rounds out the picture. Are you the same person that was

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1 convicted of a burglary second, common law robbery, and an
2 assault with intent to commit criminal sexual conduct first
3 degree?

4 A. Yes, sir. Yes, sir. Yes, sir. Yes, sir.

5 MR. WILLIAMS: That's all.

6 THE COURT: Good Enough. Any redirect?

7 MR. HUBBARD: No redirect.

8 THE COURT: You're free to go, Mr. Brown. Good luck
9 with the baby. Call your next witness.

10 MS. FULLER: Thank you, Your Honor. The State calls
11 Lieutenant Josh Price.

12 Thereupon,

13 JOSHUA PRICE

14 after having been first duly sworn, testified as follows,

15 DIRECT EXAMINATION

16 BY MS. FULLER:

17 Q. Good afternoon, Lieutenant Price. How is it
18 going?

19 A. Good.

20 Q. Where are you currently employed?

21 A. The Saluda County Sheriff's Office.

22 Q. How long have you been employed there?

23 A. Seven years.

24 Q. Have you spent your entire law enforcement career at
25 Saluda County Sheriff's Office?

1 A. I have.

2 Q. What is your current position?

3 A. I'm a lieutenant assigned to investigations at the
4 Sheriff's Office.

5 Q. And as a lieutenant what are your job
6 responsibilities?

7 A. Uhm, to investigate criminal activity within Saluda
8 County.

9 Q. What type of crimes do you investigate?

10 A. Saluda County's investigative division is general
11 investigators so I have investigated everything from petty
12 shoplifting to homicide.

13 Q. I want to speak to you specifically about why we are
14 all here, March 8th, 2017. Were you working that day?

15 A. Not -- Well, I was notified of this incident at the
16 Tidwell residence. I was asleep. I was contacted by our
17 communications center and was told that investigators were
18 being requested to be sent to the Tidwell residence in
19 reference to a home invasion.

20 Q. To be clear, you were off duty and then you were
21 called in?

22 A. I was.

23 Q. Where is the Tidwell residence located?

24 A. 106 Birdie Court in Saluda County.

25 Q. Did you indeed respond to the scene?

1 A. I did.

2 Q. You mentioned there was a home invasion. Was that
3 the nature of the call that you responded to?

4 A. Yes, ma'am.

5 Q. Can you describe the scene when you arrived?

6 A. It was still dark when I arrived on scene. The
7 patrol officers who initially responded at that time were
8 marking off the residence with crime scene tape. Nobody was
9 going in or out of the residence at that time. The Tidwells
10 were both outside of their home at which time shortly after my
11 arrival I spoke with Ms. Lynda Tidwell and I did a brief
12 interview with her inside of my vehicle.

13 Q. Can you describe her demeanor when you were speaking
14 with her?

15 A. She was very upset. She had been through a very
16 traumatic thing. She was very visibly shaken and emotional.

17 Q. After that point, after you gathered, I guess, basic
18 information of what occurred, what's the next thing you did or
19 you recall doing?

20 A. Uhm, after that, after speaking with Ms. Tidwell, I
21 knew that South Carolina Law Enforcement Division's crime
22 scene unit was responding to their house to go over the home
23 for crime scene purposes at which time the sun started coming
24 up and I began doing a search of the outer perimeter of the
25 residence.

1 Q. You said the sun was starting to come up. Jumping
2 ahead, but how long were you guys working this crime scene?

3 A. The actual, you know, from start to finish would
4 have been from the early morning hours until later in the
5 afternoon 4:30, 5:00.

6 Q. So while you are there it started to become a little
7 daylight and where did it take you next? What's the next
8 thing that you did?

9 A. I started doing a, just basically doing parallel
10 searches through the yard. I was looking for any type of
11 disturbance impressions, any evidence that could be outside
12 the residence because at that time we couldn't go inside the
13 residence.

14 Q. I'm gonna stop you there. Why couldn't you go
15 inside the residence?

16 A. Because it was secured waiting for SLED's arrival
17 for crime scene. No one was going in or out.

18 Q. So you basically were working the outer perimeter?

19 A. I was.

20 Q. Take me from there. Where did you go from there or
21 describe to the jury how did you work the outer perimeter?

22 A. Well, when I started doing my search, I started
23 doing a parallel search in the front yard and then in the
24 backyard and kind of the side yard. We were trying to be
25 careful with out patrol vehicles as different units arrived to

1 make sure they didn't mark the grass area. The Tidwells have
2 a paved asphalt driveway so we were trying to make sure that
3 at the same time of doing a search that no one could be
4 disrupting the possible crime scene for tire impressions, foot
5 wear impressions, things of that nature.

6 Once those areas were searched, when the sun come up
7 and we could see, I started doing a search around the house,
8 kind of parallel, kind of a grid search. Then I started doing
9 what we call a spiral outer search where I started at the
10 residence and started doing a search in a circular pattern.
11 That search lead me across the fairway. They talked about the
12 fairway throughout the day which is right by the Tidwell home.
13 There's a path, a road. It is Fairway Trace. It interacts
14 with that fairway, comes out on a golf cart path and I went up
15 it walking and at which time I located two what appeared to be
16 foot impressions on that dirt portion of the fairway or the
17 road and it was a dirt/sand type of surface.

18 I couldn't see any detail with the foot wear
19 impressions. The ground was saturated and it was, as I have
20 explained it, they were almost disappearing as I saw them.
21 The ground was drying up and there was no detail in the
22 impressions that appeared to be from a shoe or boot. I went
23 on up the road and at a certain point that road turns into an
24 asphalt road and on the, as I was walking away from the
25 Tidwell home it would have been on my right side that I saw a

1 rectangular area that was, like I said, the ground was
2 saturated and on this rectangle area about the size of a car
3 you could see where it appeared to me a vehicle had been
4 parked for some time. That ground was dry there and you could
5 see impressions, four impressions in that area that what
6 appeared to be from a tire. There was no detail in that such
7 as you couldn't see like a tread pattern but you could
8 definitely see where four tires had been sitting in that
9 area.

10 Q. Please step down. I want to ask you a few follow up
11 questions because you did review quite a bit.

12 A. (Witness complies.)

13 Q. I want to first ask you, do you recognize this?

14 A. I do.

15 Q. And this is State's Exhibit 1. What do you
16 recognize this as?

17 A. This is the Tidwell residence, Persimmon Hill Golf
18 Course.

19 Q. Go ahead and take a moment to orient yourself. I
20 want you to kind of explain to the jury from the Tidwell
21 residence where your outer perimeter search took you so they
22 have a full understanding.

23 A. Okay. This would be the Tidwell residence here. As
24 I said, I did some searches in the front yard, the backyard,
25 down to the area of the pond, and then I started expanding.

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1 Once I expanded out; I got to this area and started doing a
2 search of this road. This is Fairview Trace. This portion
3 here of Fairview Trace to about right here is paved asphalt,
4 then it becomes dirt and you can see in the picture how the
5 trail or the road is big enough for vehicles to go down, wends
6 out and then comes out right here below the Tidwell residence
7 at the maintenance shop.

8 Q. Where you are pointing, is that on the golf course?
9 Does it come out onto the golf course?

10 A. It does right here.

11 Q. Again, can you point out where is the paved portion
12 of the road?

13 A. The paved portion is essentially this area right
14 here.

15 Q. Now, you have mentioned you followed some
16 impressions and you noticed a area that appears that a vehicle
17 may have been parked there?

18 A. Mm-hmm.

19 Q. Can you tell the jury whether or not that was on the
20 unpaved portion or the paved portion?

21 A. It was essentially right at the area where the paved
22 met the unpaved.

23 Q. Can you point to it on here?

24 A. Generally right here. It would have been, if you
25 are walking up this path, the vehicle had been parked right

1 here on the right side of the road.

2 Q. So if you say on the right side, on the right side
3 of the image that we are looking at right here?

4 A. On the right side of this image. This is the
5 roadway. It was parked on the right side.

6 Q. You mentioned that there were some tire impressions.
7 Based on what you saw was it enough for any type of
8 comparison?

9 A. No. It was not.

10 Q. Can you tell whether or not it was a small compact
11 type vehicle or a larger body type vehicle in that area of the
12 space that you saw that wasn't saturated?

13 A. It was a larger car. Not a SUV but, you know, a
14 car.

15 Q. While you're standing there I'm going to show you a
16 photograph that has not been marked yet. I'll ask you while
17 you're up here because I want you to look at the exhibit as
18 well, 1. Do you recognize that?

19 A. Yes.

20 Q. What do you recognize this to be?

21 A. That is the area I located on Fairview Trace and I
22 took this photograph.

23 Q. And it's a fair and accurate representation of how
24 it appeared on this day?

25 A. Yes.

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1 Q. And this would be in the morning hours of March 8th,
2 2017?

3 A. Yes, ma'am.

4 MS. FULLER: At this time, Your Honor, the State
5 seeks to move State's Exhibit 74 into evidence.

6 MR. WILLIAMS: Without objection.

7 THE COURT: State's 74 without objection.

8 BY MS. FULLER:

9 Q. Go ahead and explain to the jury what they are
10 looking at in this photograph.

11 A. As I was explaining to you, I said a moment ago the
12 dirt portion of the road is, I'm probably close to standing on
13 it when I took this photograph but it becomes dirt right here.
14 If it was a full size picture, somewhere in this area. But as
15 you can see it's rectangular area like a vehicle is there and
16 you can see in certain areas where the ground is disturbed
17 like a tire had set there and the ground around it was, you
18 can see the leaves are saturated. They're wet and this area
19 was dry.

20 Q. Can you also point out to the jury which direction
21 are we looking at? What is in this direction?

22 A. Can I --

23 Q. Yes. We're now looking at State's Exhibit 1.

24 A. Again, this area right here, we're still looking the
25 same way walking away from the Tidwell residence here. This

1 is right here and I'm facing this way to Persimmon Drive.

2 Q. And what is over here? Is that the airport?

3 A. This is the airport.

4 Q. This would be on the right side of the road facing
5 the airport?

6 A. And that's part of, you can actually see part of the
7 airport complex.

8 Q. Thank you, lieutenant. Please take your seat.

9 A. (Witness complies.)

10 Q. You mentioned there was some shoe or boot
11 impressions, I believe. Was that also in this area?

12 A. Yes, ma'am. It was still on the dirt portion before
13 I arrived at that area and located that scene.

14 Q. Could you tell whether or not there was enough for
15 even a collection or a comparison?

16 A. There was not. As I said, they were almost
17 disappearing as the ground dried out.

18 Q. From that point where did your investigation take
19 you next?

20 A. Uhm, from there I obtained information about a
21 suspect vehicle being a Mercury Grand Marquis. I had obtained
22 a photograph of that vehicle.

23 Q. I will show you that. I'll show you State's Exhibit
24 69 and ask you if you recognize this?

25 A. I do.

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1 Q. Did you take this photograph?

2 A. I believe Investigator Jimmie Smith of the Edgefield
3 County Sheriff's Office took that photograph, however I was
4 present with him when it was taken.

5 Q. This is the same vehicle that you were referring
6 to?

7 A. Yes, ma'am.

8 Q. So from that point you received the information and
9 what kind of vehicle is that?

10 A. Mercury Grand Marquis.

11 Q. Once you received that information, what, if
12 anything, did you do next?

13 A. From there again through the investigation suspects
14 were - we were developing suspects. From there we had
15 obtained information from the Johnston Police Department that
16 a vehicle matching this description with one suspect being
17 Abin Lowman had been arrested on a traffic stop in the city
18 limits of Johnston in the early morning hours.

19 Q. That would be on March 8th?

20 A. Yes, ma'am.

21 Q. So once you received that information, what did you
22 do, if anything?

23 A. I went to the Johnston Police Department and I met
24 with Chief Lamar Robinson.

25 Q. And from there?

1 A. From there I received information that the vehicle
2 in their police report had been towed to Hook and Book
3 Recovery after the arrest and from there I went to Hook and
4 Book Recovery.

5 Q. What was your sole purpose of going to Hook and Book
6 Recovery that day?

7 A. To locate that vehicle.

8 Q. Can you tell whether or not when you arrived the
9 vehicle was secured?

10 A. It was secured inside the impound lot.

11 Q. What was it secured by?

12 A. A chain link fence, barbwire and the owner also
13 stated he had security cameras at his property.

14 Q. So once you were there, what, if anything, did you
15 do with the vehicle?

16 A. Once we were there and obtained information that the
17 vehicle was there, we knew by the police report that the tag,
18 the VIN, that that was the vehicle that had been towed from
19 Johnston. I spoke with the owner Mr. Rutland. At that time I
20 gathered information about the GPS tracker being on the
21 vehicle.

22 Q. Let me make sure I clear up one thing from you.
23 When you said that you confirmed that the vehicle was the same
24 one stopped in Johnston, how exactly did you do that? Did you
25 actually take the Johnston police report?

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1 A. I did.

2 Q. What information, if any, did it contain that
3 allowed you to verify that that was the right vehicle?

4 A. I believe it had the license plate and also the VIN
5 number in the incident report.

6 Q. So from there what was the next step?

7 A. From there when I arrived there Russ Padgett or
8 Agent Padgett and Agent Clint Busbee also went there. They
9 left. I stayed with the vehicle. It was a vehicle of
10 interest. Our goal was to obtain a lawful search warrant for
11 that vehicle. Once we found it, they left Hook and Book. I
12 stayed with that vehicle to keep a law enforcement presence
13 with that vehicle until a search warrant was obtained.

14 Q. Let me ask you this: Where is Hook and Book
15 located, in what county?

16 A. It's in Edgefield County.

17 Q. So were you able to actually obtain - did you
18 actually obtain the search warrant for this vehicle?

19 A. I did not. The Edgefield County Sheriff's Office
20 obtained the search warrant for that vehicle.

21 Q. And the search warrant was obtained on March 18th,
22 2017?

23 A. It was.

24 Q. Were you present and help execute the search
25 warrant?

1 A. I was.

2 Q. During that search warrant, can you tell me what, if
3 anything, of interest as it relates to the case did you find
4 in the vehicle?

5 A. On the initial search warrant we found a nine
6 millimeter shell casing inside the front area, front passenger
7 seat floor board of the vehicle. We located multiple cell
8 phones that were inside the vehicle. I located a, I believe
9 it was a South Carolina identification card belonging to Abin
10 Lee Lowman and also a Maryland identification card belonging
11 to Robert Goodwin.

12 Q. Now, you've mentioned GPS. Were you able to verify
13 that GPS was actually attached to the car?

14 A. I was.

15 Q. You mentioned that earlier. I just wanted to
16 confirm.

17 A. Also in the search warrant the actual GPS unit was
18 taken.

19 Q. So you actually were able to be present and you took
20 possession of that GPS unit?

21 A. Yes. Along with a walkie-talkie hand held radio
22 that was found in the front seat of the vehicle.

23 Q. Can you tell me whether or not there were any
24 clothing items recovered during that first search warrant?

25 A. It was recovered a dark color jacket with the name

1 Lowman imprinted on the jacket kind of like a work style
2 jacket with, you know, a name plate and a dark in color
3 shirt.

4 Q. And then just to be sure, to be clear, the vehicle
5 was secured when you searched that vehicle at that time?

6 A. Yes, ma'am.

7 Q. You mentioned that you retrieved a driver's license
8 belonging to a Robert Goodwin. Why was that important to take
9 out of the vehicle at that time?

10 A. Well, at that time as the investigation was going on
11 before my arrival at Hook and Book we had developed multiple
12 suspects and he was known to have been with Abin Lowman the
13 week prior.

14 Q. Then you mentioned cell phones. What was the
15 importance of taking cell phones out of the vehicle?

16 A. Cell phone is pretty common for law enforcement to
17 take a cell phone. It's a modern diary. Everything we do is
18 placed in our cell phones so we use that to gather evidence.

19 Q. You also mentioned collecting a nine millimeter
20 spent casing. What, if any, value did you gain from
21 collecting that?

22 A. Well, we knew that from obtaining the statement from
23 the Tidwells that they had been met with gun point during the
24 home invasion. We gathered that shell casing for possible
25 comparison to anything in the future as part of that

1 investigation.

2 Q. Let me ask you this: Did you have any other
3 occasion to interact with that vehicle?

4 A. I did.

5 Q. When was that?

6 A. I do not know the exact date off the top of my head.
7 It was several weeks later.

8 Q. I'm going to hand you a copy of your report. Okay.
9 I'm going to hand you copy of both search warrants and see if
10 that will assist you in your testimony. So the first search
11 warrant you said was on March 8th and the second search
12 warrant?

13 A. The second search warrant was on March 23rd, 2017.

14 Q. On March 23rd what reason did you have to search the
15 vehicle again?

16 A. A co-defendant had been arrested.

17 Q. Who was that co-defendant?

18 A. James Christopher Wilson. Christopher James
19 Wilson.

20 Q. James Wilson.

21 A. Okay.

22 Q. And go ahead. You were beginning to explain what
23 was the need for the second search warrant?

24 A. We obtained information from him because his
25 driver's license was, in fact, in the vehicle.

1 Q. During the second search warrant were you present
2 for the execution of that search warrant?

3 A. I was.

4 Q. You mentioned his driver's license. Can you tell me
5 whether or not you found his driver's license in the vehicle
6 during that second search warrant?

7 A. We did.

8 Q. What, if anything, else of value to this case did
9 you locate during that second search warrant?

10 A. During the second search warrant I obtained six
11 white, all white gloves with green trim.

12 Q. Let me ask you this: At this point in the
13 investigation, why were those white gloves important?

14 A. I knew they were the same type of gloves located in
15 the Waffle House along with the money clip.

16 Q. Was there one other item of interest as it relates
17 to this case that was recovered during that search warrant?

18 A. There was a white color box that had the, that was
19 CZ99 was written on that box.

20 Q. By this point in the investigation this is March
21 23rd, why was collecting that box relevant, if any?

22 A. I believe it to be associated with a gun.

23 Q. That would be the gun that was used in this case?

24 A. Yes. The one that's been introduced earlier
25 today.

1 Q. I'm going to show you these items. Do you have a
2 knife?

3 A. Yes, ma'am. I do.

4 Q. Here you go. I'm gonna ask you do you recognize
5 this?

6 A. I do.

7 Q. How do you recognize that?

8 A. This was collected on the date of the first search
9 warrant. It has a chain of custody on the bag. It goes from
10 Jimmie Smith who executed the first search warrant to me, from
11 me to evidence storage at the Sheriff's Office.

12 Q. So you recognize your name and the date as well?

13 A. I do. The date that I obtained it was March the
14 8th, 2017.

15 MS. FULLER: Permission to open this bag at this
16 time, Your Honor.

17 THE COURT: Absolutely.

18 BY MS. FULLER:

19 Q. Now, we mentioned some items. Do you see a
20 walkie-talkie in there?

21 A. Yes, ma'am.

22 Q. And what, if any, value did you gain from collecting
23 the walkie-talkie in your investigation?

24 A. The co-defendants gave statements that they used a
25 walkie-talkie system to communicate.

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1 MR. WILLIAMS: Your Honor, a small objection. Is
2 this in evidence yet?

3 THE COURT: No. She just opened it.

4 MR. WILLIAMS: Okay. I didn't know if it was going
5 to be published right now or not.

6 MS. FULLER: I'm just taking a few items out. I'll
7 lay the proper foundation.

8 BY MS. FULLER:

9 Q. Remove the walkie-talkie from that bag please.

10 A. (Witness complies.)

11 Q. Also in that bag --

12 A. This is the South Carolina identification card
13 belonging to Abin Lee Lowman and it has his ID number and his
14 date of birth as May 14th, 1978.

15 MR. WILLIAMS: Your Honor, I would note an objection
16 that indeed these items are currently being published
17 even though they haven't been placed into evidence.

18 MS. FULLER: We won't fully publish them. I
19 apologize for that, Your Honor. Just identifying certain
20 items.

21 THE COURT: I'll sustain that.

22 BY MS. FULLER:

23 Q. That's it. Do you recognize this bag that you just
24 took out of here?

25 A. I do.

1 Q. Go ahead and open this one for me please. Do you
2 see an ID card in that bag?

3 A. I do.

4 Q. Do you recognize it --

5 A. I do.

6 Q. -- without publishing it. Put that back.

7 A. (Witness complies.)

8 Q. Thank you. I'll show you several other items that
9 you just testified to collecting and being present for the
10 execution of the search warrant and ask you do you recognize
11 this?

12 A. Yes.

13 Q. And how do you recognize it?

14 A. These are items collected from that search
15 warrant.

16 Q. I'll ask you to open this top bag and remove the ID
17 that you located in there.

18 A. (Witness complies.)

19 Q. Do you recognize this?

20 A. I do.

21 Q. Was this the item that you were present while it was
22 collected?

23 A. Yes, ma'am.

24 Q. How about down here?

25 A. Those are the gloves, all white with green trim.

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- 1 Q. Do you recognize these --
- 2 A. Yes, ma'am.
- 3 Q. -- as items you collected?
- 4 A. Yes.
- 5 Q. And you know these items were secured in Saluda
- 6 County --
- 7 A. Yes, ma'am.
- 8 Q. -- in evidence?
- 9 A. Yes, ma'am.
- 10 Q. Do you recognize this item?
- 11 A. I do.
- 12 Q. Is this an item that you collected?
- 13 A. Yes.
- 14 Q. I'll show you this bag and ask you do you recognize
- 15 this?
- 16 A. I do.
- 17 Q. And this also, if you look in the bag, let me know
- 18 if these are items that you recognize you collected?
- 19 A. That's the jacket. Yes. I collected it.
- 20 Q. This is in the search warrant that we were just
- 21 talking about?
- 22 A. Yes.
- 23 Q. And you testified about cell phones. Do you
- 24 recognize this bag?
- 25 A. I do.

1 Q. And these are the items that you collected during
2 the execution of the search warrant?

3 A. Yes, ma'am.

4 Q. This particular cell phone, can you remove that?

5 A. (Witness complies.)

6 Q. Is this an item that you collected during the
7 execution of the search warrant?

8 A. Yes. It is.

9 Q. I'll show you this. Do you recognize this? You
10 mentioned a nine millimeter shell casing that was recovered.

11 A. I did. That was the nine millimeter shell casing
12 that I recovered.

13 Q. One more item. Do you recognize this?

14 A. I do.

15 Q. Was this collected during --

16 A. It was.

17 Q. -- the execution of the search warrant?

18 A. Yes, ma'am.

19 Q. What do you recognize this to be?

20 A. This is one pair of white gloves with green trim
21 located in the front of the car.

22 Q. So all of these items that were found, they were
23 recovered in that 2003 Mercury Grand Marquis?

24 A. Yes, ma'am.

25 Q. And you were present and assisted in the execution

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1 of the search warrant on March 8th and March 23rd?

2 A. Yes, ma'am.

3 Q. And in looking at all these items are these the
4 items that you collected on those days?

5 A. Yes, ma'am.

6 MS. FULLER: At this time, Your Honor, I will mark
7 these items individually but I would seek to move these
8 items into evidence through this officer.

9 THE COURT: She identified a lot. Would it be
10 easier to go through them one at a time, if you have an
11 objection to them?

12 MR. WILLIAMS: Yes.

13 THE COURT: Are there any that you are good with?

14 MR. WILLIAMS: Your Honor, there's a basic objection
15 of the chain.

16 THE COURT: We'll take that up right now. May be
17 easier.

18 MR. WILLIAMS: Yes, Your Honor.

19 THE COURT: Okay. Let me take a short break and go
20 through all this stuff and we'll streamline this so y'all
21 step in the jury room. Don't begin discussing the case.

22 (Whereupon, the jury entered the jury room at 3:15
23 p.m.)

24 THE COURT: Most of these items were obtained from
25 the car. There were two different search warrants. Most

1 of these items came from one of those two searches.

2 MR. WILLIAMS: True.

3 THE COURT: All right. Let me hear your basic
4 objection and then we'll take them individually after
5 that.

6 MR. WILLIAMS: It's my understanding that there were
7 two search warrants. They go in and search it one time,
8 they come back. There's a return. That's fine. And on
9 that return it lists items that were found as well as who
10 received them and who filled out the return. There's
11 also a second search and the same process is followed
12 meaning there's a return which is filled out and filed
13 with the magistrate, the individuals who have found those
14 items and I assume that there are separate maybe chain of
15 custody sheets with those items which have been turned
16 in.

17 Your Honor, I haven't seen the chain to follow it up
18 until it's actually received by the Saluda Sheriff's
19 Department. As a matter of fact, I have contradictory
20 information that indicates that maybe there is an Officer
21 Doran that actually turns the items over from himself to
22 Investigator Price. I'm just saying that the chain is
23 not clean, Your Honor. I don't know what they found,
24 when they found it. The chain is not clean.

25 MS. FULLER: Your Honor.

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1 THE COURT: Yes, ma'am.

2 MS. FULLER: Thank you, Your Honor. The search
3 warrants, I believe Investigator Price testified that he
4 was present. He sat on the car and he was there. Since
5 the car was located in Edgefield County, Edgefield County
6 officers came and he was present for the full execution
7 of the search warrant and once the items were taken out
8 of the car physically he was present and they were turned
9 over to the Saluda County custody which would be
10 Lieutenant Price. So all these items are non fungible.
11 I believe they all come in through this officer. I don't
12 think I need to lay a perfect chain and there's only one
13 person before him and he was present when that person was
14 executing the search warrant on the car.

15 MR. WILLIAMS: I haven't heard him testify to
16 finding those things, Doran, Your Honor, whoever he is,
17 Lieutenant Randy Doran.

18 THE COURT: He's an Edgefield guy?

19 MR. WILLIAMS: I don't know.

20 MS. FULLER: Your Honor, these are non fungible
21 items. He was present and he saw them. I don't even --
22 To me this is pretty basic but he was present when he saw
23 those items and he's identified each and every one of
24 them. I know it was tedious but there was a lot and he
25 identified each and every one of them on the record.

1 MR. WILLIAMS: Your Honor, I'm in agreement with the
2 Solicitor about one point, that is that fungible is
3 important when we talk about certain pieces of evidence,
4 I guess, because it wouldn't likely be destroyed. Still
5 case law says that you're supposed to complete the chain
6 as far as reasonably possible. It's not like you're
7 talking about spoilage or something like that I agree but
8 I think the defendant is entitled to say who found it,
9 where it went from there in the case, how many other
10 hands may even have touched it, but it's just not the
11 best chain. I don't know that he can then say who found
12 what, what hour or anything. If he even just went
13 through his chain of custody list if he had one on each
14 evidentiary I think it would help.

15 MS. FULLER: Your Honor, my position is it doesn't
16 matter. These items are physical items that are readily
17 identifiable. We're not talking about blood specimens
18 and DNA analysis. This is an ID card, a walkie-talkie,
19 coat, gloves, found in the car that he has testified that
20 he recognizes because he was present there during the
21 execution of the search warrant. The case law is well
22 established, and I know Mr. Williams knows that, so I
23 don't really see the issue here. It doesn't need to be a
24 perfect chain. There's only one person before him. He
25 did mention Jimmie Smith actually physically got that

1 first search warrant. He said Randy Doran got the second
2 one and he was present for both search warrants. I'm not
3 seeing the issue. I don't think it's that complicated.
4 And, Your Honor, I can cite a couple of cases for you.
5 State v. Hatcher, State v. Sweet and Brockmeyer which I
6 know Your Honor knows because we handled this case in
7 other trials that I have had in front of you.

8 THE COURT: Well, I think the problem that
9 Mr. Williams has is there was one search done, items were
10 found, then there was an interview with the co-defendants
11 who says, oh, there's some other stuff in there that
12 y'all haven't shown me and he was right so where it came
13 from in the car seems to be important when there's three
14 co-defendants and his client. That's what I think his
15 point is. I'm not sure but it's just a guess.

16 MR. WILLIAMS: Yes. Good guess, Your Honor.

17 MS. FULLER: So his challenge is the second search
18 warrant?

19 THE COURT: No. It's all of them. But let's take a
20 break. I'm really hot right now. Let's take a quick
21 break and then we'll talk, come back and put something on
22 the record.

23 MS. FULLER: Thank you, Your Honor.

24 (Short break.)

25 THE COURT: Okay. We're back on the record.

1 MS. FULLER: Your Honor, to make it easier and
2 compromise, I can go through with this officer since he
3 was present and help execute the search warrant where
4 each item, where it was found in the front seat, the back
5 seat or the trunk if that would get us through and over
6 this issue. I can do that now or in front of the jury.

7 THE COURT: I think that was one of the concerns
8 that Mr. Williams had among others. I'm not sure. Tell
9 me what other -- I understand the two officers, he stayed
10 with the car during the first search waiting on the
11 search warrant, was there when it was executed to
12 whatever extent his participation was maybe you can
13 provide further. The second one -- .

14 MR. WILLIAMS: Had to do with -- I'm not sure --

15 THE COURT: Had to do with the interview of Wilson
16 and whomever.

17 MR. WILLIAMS: Yeah. Some other officer found these
18 items and supposedly turned them over to him according to
19 the chain of custody information that I have.

20 THE COURT: Let's bring the jury back in and I think
21 we're getting --

22 MR. WILLIAMS: I'm really more concerned about where
23 you found this stuff.

24 THE COURT: That's kind of what I thought you were
25 saying. We kind of went through it in bulk and it's hard

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1 to follow them all in bulk. Let's go through them one at
2 a time and with a little more specificity and see if
3 sufficient foundation has been laid, all right?

4 MS. FULLER: Yes, Your Honor.

5 THE COURT: Let's bring the jury in. I don't want
6 to do it in camera and then come back and do it again.
7 I want to do it in one run, all right? Y'all ready for
8 the jury?

9 MR. HUBBARD: Yes, sir.

10 THE COURT: Bring them in please.

11 (Whereupon, the jury entered the courtroom at 3:30
12 p.m.)

13 THE COURT: All right. So the jury knows what we're
14 suggested doing, let's go through each item individually
15 and then lay the foundation.

16 MS. FULLER: Thank you, Your Honor.

17 BY MS. FULLER:

18 Q. Investigator Price, were you present during the
19 execution of these search warrants?

20 A. I was.

21 Q. On March 8th did you actively participate in
22 executing the search warrant?

23 A. Yes, ma'am.

24 Q. What does that actually mean?

25 A. On March 8th we were inside Edgefield County. My

1 jurisdiction ends at the Saluda County line so we call
2 Edgefield County to assist us in our investigation. Edgefield
3 County investigator James Smith obtained a lawful search
4 warrant signed by Edgefield County magistrate to do a lawful
5 search of the vehicle and once we obtained that search warrant
6 then Investigator Smith and myself along with other officers
7 from Edgefield County executed the search warrant to do a
8 search of the vehicle.

9 Q. Executed. What does that actually mean?

10 A. That means we went inside the vehicle. Until then I
11 had not opened any door or anything like that and searched for
12 anything. Executed means we went through and searched for
13 items.

14 Q. You said we. Does that mean you actively
15 participated in searching for items in the vehicle?

16 A. I did.

17 Q. So taking each item one at a time, first looking at
18 this item which is a walkie-talkie, do you recall where it was
19 located in the vehicle?

20 A. In the front seat passenger seat.

21 Q. Looking at this item which is Abin Lee Lowman's
22 identification card, where was this located in the vehicle?

23 A. Front seat area.

24 Q. Still dealing with the March 8th search warrant,
25 looking at this item, this is a Maryland identification card

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1 belonging to Robert Goodwin, Junior, where was this located in
2 the vehicle?

3 A. Front seat.

4 Q. Looking at this item, you testified to collecting
5 several cell phones, but this particular cell phone, do you
6 recall where this was located in the vehicle on March 8th of
7 2017?

8 A. I do. It was on the front seat.

9 Q. This item you identified as a nine millimeter shell
10 casing. On March 8th, 2017 where was this located inside the
11 vehicle?

12 A. Floor board of the front seat passenger side.

13 Q. Do you still have your gloves?

14 A. I don't. They get hot.

15 Q. I'll open up this bag. The long sleeve black in
16 color T-shirt, on March 8th, 2017 where was this shirt
17 located?

18 A. In the back seat of the vehicle, back seat area.

19 Q. This shirt?

20 A. Yes.

21 Q. This jacket, on March 8th, 2017 where was this
22 located inside the vehicle?

23 A. Same area, back floorboard.

24 Q. So regarding the first search warrant on March 8th,
25 2017, all these items were collected by yourself and Edgefield

1 County officers during the execution of the search warrant?

2 A. Yes, ma'am.

3 Q. Regarding the second search warrant on March 23rd,
4 2017, tell me this, when you went back to -- Where was that
5 search warrant executed?

6 A. At Hook and Book Recovery.

7 Q. Was the vehicle in the same location when you
8 executed that search warrant?

9 A. It was. It hadn't appeared to be moved.

10 Q. And the vehicle was still secured?

11 A. It was.

12 Q. I'm going to show you a Maryland identification card
13 for James Wilson. Do you recall where this item was recovered
14 in the vehicle?

15 A. In the trunk of the vehicle in a black duffel bag.

16 Q. Looking at this item, a set of white gloves, do you
17 recall where these were recovered in the vehicle?

18 A. I don't.

19 Q. They were recovered from the vehicle?

20 A. (Witness nodding head.)

21 Q. I'll ask you to open -- I'll ask you if you
22 recognize the tape seal on this item?

23 A. It's an evidence seal with my name on it, my
24 handwriting and the date of March 23rd.

25 Q. Go ahead and tell me, do you recall where those

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1 items were collected?

2 A. I do not off the top of my head. Those gloves were
3 scattered around the vehicle. There were a bunch of gloves
4 like that found in the vehicle.

5 Q. Scattered throughout the vehicle. And that was
6 collected on March 23rd, 2017?

7 A. Yes.

8 Q. Referring to the white box that you described, do
9 you recall where this was recovered in the vehicle?

10 A. In the trunk of the vehicle.

11 Q. And again, all these items are items that you
12 personally collected and participated in the execution of the
13 search warrants on March 8th of 2017 and March 23rd of 2017?

14 A. Yes, ma'am.

15 MS. FULLER: Your Honor, at this time the State
16 seeks to move all 10 of these items into evidence.

17 MR. WILLIAMS: Without objection.

18 THE COURT: After properly identified -- Did we
19 number them?

20 MS. FULLER: Not yet, Your Honor. With the Court's
21 indulgence actually --

22 THE COURT: I was saying, they will be numbered in a
23 minute and we'll make a record of the numbers
24 momentarily. We'll stand at ease until we get them
25 numbered.

1 MS. FULLER: Thank you, Your Honor.

2 (Whereupon, State's Exhibits #75 through #84 marked
3 for identification and admitted.)

4 MS. FULLER: Your Honor, the items are marked as 75
5 through 84. For the record, Robert Goodwin's ID is
6 State's Exhibit 75; Abin Lee Lowman's ID is State's
7 Exhibit 76; James Christopher Wilson's ID is State's
8 Exhibit 78; the walkie-talkie is State's Exhibit 77; the
9 nine millimeter shell casing is State's Exhibit 79; the
10 cell phone collected is State's Exhibit 80; the white box
11 recovered is State's Exhibit 81; the set of gloves,
12 several sets of gloves is State's Exhibit 82
13 collectively; another pair of gloves is State's Exhibit
14 83; and collectively the jacket and the black T-shirt is
15 marked in this bag as State's Exhibit 84.

16 THE COURT: All right. State's 75 through 84
17 admitted without objection. Identify on the record as to
18 what they are individually. All right. You may
19 continue.

20 MS. FULLER: Thank you, Your Honor.

21 BY MS. FULLER:

22 Q. Looking at State's Exhibit 75 and 78, throughout the
23 course of your investigation and collection of those items can
24 you explain why they became important?

25 A. Both the people that these items belong to were

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1 arrested in connection and charged with this crime.

2 Q. In looking at State's Exhibit 78, we're looking at a
3 Maryland identification card belonging to James Wilson?

4 A. Yes, ma'am.

5 Q. Keep your voice up.

6 A. Yes, ma'am.

7 Q. And State's Exhibit 75, are we looking at a Maryland
8 identification card belonging to Robert Goodwin?

9 A. Yes, ma'am.

10 Q. And you testified earlier looking at State's Exhibit
11 76, do you recognize this?

12 A. Yes, ma'am.

13 Q. And this is, we're looking at a South Carolina
14 identification card belonging to Abin Lee Lowman?

15 A. Yes, ma'am.

16 Q. And you said this was recovered in the front seat of
17 the vehicle?

18 A. Yes, ma'am.

19 Q. And the vehicle that we're talking about, we're
20 still talking about in State's Exhibit 69 that Mercury Grand
21 Marquis?

22 A. Yes, ma'am.

23 Q. And this photograph was taken at or near the time of
24 the search warrant?

25 A. Yes, ma'am.

1 Q. And so all of the items we just put into evidence
2 were recovered from this vehicle in your presence and you
3 helped execute?

4 A. Yes, ma'am.

5 Q. In referring to State's Exhibit 84 the black long
6 sleeved shirt and the jacket, what, if anything, of value did
7 you gain from that throughout the course of your
8 investigation?

9 A. The defendant was found on a Walmart surveillance
10 video wearing that jacket with the other three co-defendants.

11 Q. And that became relevant to the investigation?

12 A. Yes, ma'am.

13 MS. FULLER: Judge, I don't believe I have any
14 further questions at this time.

15 MR. WILLIAMS: May it please the Court.

16 THE COURT: Yes, sir.

17 CROSS EXAMINATION

18 BY MR. WILLIAMS:

19 Q. Officer Price, as I understand it you appeared on
20 scene on March the 8th and you along with other officers were
21 walking over the area and I guess looking, you've talked about
22 it, looking for the footprints, looking for the tire prints,
23 doing all of those things, correct?

24 A. Yes, sir.

25 Q. As a matter of fact, y'all went to the trouble of

1 like the neighbors, the neighbors who had showed up there,
2 y'all actually took pictures of the neighbors' shoes and then
3 you would mark whose shoes they were?

4 A. Yes, sir. I believe so.

5 Q. Right. So you were securing, you were interested in
6 securing any type of footprints that you could find out there;
7 is that correct?

8 A. Yes, sir.

9 Q. Now, let me ask you this: You were talking on your
10 direct testimony that you found some footprints?

11 A. Mm-hmm.

12 Q. Where were those footprints found?

13 A. On Fairview Trace dirt portion.

14 Q. You took pictures of those?

15 A. I did.

16 Q. And those indicated the size at least of the shoes
17 that were involved, didn't they?

18 A. It was close comparison. I used my radio as a
19 measuring device to kind of do the length but the impressions
20 were, as I said earlier, disappearing. I could see it with my
21 eyes but when I photographed, it didn't - it was - the
22 impressions were not as good. I could see with my eyes but
23 not with technology.

24 Q. Did you take those pictures and have they been
25 admitted into evidence yet?

1 A. Not to my knowledge.

2 Q. So those other pictures that you took are not in
3 evidence yet?

4 A. I don't think so.

5 Q. All right. But you possess those pictures that at
6 some point in time maybe the jury can look and see what they
7 can tell from it, right?

8 A. Yes, sir.

9 Q. Okay. So once we get those pictures in, then that
10 will also show the type of shoes that the alleged perpetrators
11 may or may not have had on because some of those shoes would
12 have maybe a little, I hate to go back to golf again, but you
13 have these new shoes that have a bunch of little cleats on
14 them and they leave these little impressions and then you've
15 got regular shoes that leave a heel and just a flat area, but
16 you can tell from looking at your pictures that what type of
17 shoe it is, can't you?

18 A. I could not.

19 Q. Do you have those pictures with you here?

20 A. I'm sure they're somewhere in this courthouse.

21 Q. Okay. But --

22 A. It's more of an outline. There's no detail as I
23 explained.

24 Q. How many footprints did you find?

25 A. I believe two.

1 Q. Just two?

2 A. I think so. And they were separated. They wasn't
3 -it wasn't (indicating.)

4 Q. So we're not doing any of this stuff where we go
5 forward and then back track so that no one will know which way
6 you're going? You couldn't tell any of that stuff?

7 A. They just appeared to be walking on that road that I
8 found --

9 Q. Two footprints?

10 A. -- two impressions that appeared to be of a shoe,
11 boot, footwear and leading away or walking, traveling in the
12 direction away from the fairway there.

13 Q. Were there two right feet or two left feet or was it
14 a right and a left?

15 A. I do not remember and I don't even know if I could
16 tell you that.

17 Q. Let's talk about the picture that you have placed
18 into evidence which is State's Exhibit number 74. Now, you
19 remember this picture and that is the picture which you said
20 appeared to be dry when everything else is wet and that you
21 could not tell anything about, you couldn't tell anything
22 about tire impressions; is that right?

23 A. That's correct.

24 Q. So you couldn't tell what type of tire was there.
25 Did you point that out to the guys from SLED with the

1 expertise that we have heard about?

2 A. I did and to my knowledge once SLED arrived on
3 scene, that scene had pretty much disappeared.

4 Q. So you're saying that the experts from SLED who were
5 out there who were to do the fingerprint, the DNA, the crime
6 scene analysis, the photography stuff, that you didn't show
7 the guys with the expertise this area here?

8 A. They were notified of that area.

9 Q. Who did you notify of that?

10 A. Anyone on scene. Captain Horne would have been
11 notified. He remained on scene that day and worked along with
12 SLED crime scene.

13 Q. Well, you came up with a diagnosis that this was a
14 big car and not a compact car from looking at the dry leaves,
15 right?

16 A. Yeah. And you could see the tire impressions where
17 the leaves were pressed down.

18 Q. Well, did you lay something down -- You just got
19 through mentioning that you had some sort of measuring thing
20 that you could measure the length of the footprints so it gave
21 you some idea as to how long the footprints were?

22 A. I used my radio.

23 Q. Your radio?

24 A. Mm-hmm.

25 Q. So when you put your radio down, that would show you

1 how long the footprints are?

2 A. Not really in the photographs. Again, it's
3 disappearing. It's drying up. Nature is, it's not, you know,
4 it's not an imprint in mud or anything. Nature is kind of
5 just regular dirt that's now dry.

6 Q. So is this a Kenwood radio?

7 A. Yes, sir.

8 Q. Okay. So you because you know how long your radio
9 is that kind of tells you how long the footprint is?

10 A. I couldn't tell you what the actual measurements of
11 my radio is but I know when I attempted to take that
12 photograph, that you could possibly, if you could determine
13 the length of that impression, then that would be something
14 that I could go back and get a measurement from.

15 Q. Did you ask Mr. Tidwell if he had a yardstick or had
16 some sort of measuring tape that you could use to stretch out
17 and show the distances of things?

18 A. I did not.

19 Q. Do you think Mr. Tidwell in that storage room might
20 have had some kind of, I don't know, some kind of little
21 measuring thing that he could stretch out and you could see
22 how long stuff is?

23 A. Well, at that particular time SLED crime scene had
24 arrived on scene and no one, not even Mr. Tidwell was allowed
25 back in his house.

1 Q. But you didn't show the SLED crime scene the dried
2 leaves?

3 A. No. I left. After finding that I made notification
4 to my supervisor and that that scene was there. I
5 photographed it and again before SLED arrived on scene I
6 believe that there was nothing there for them to do anything
7 with.

8 Q. When you went down to North Augusta and you looked
9 at that 2003 Grand Marquis and went through all the stuff that
10 was in that Grand Marquis, did you maybe take a ruler with you
11 or something that you could measure the axle bases, the length
12 of the car or how wide it was?

13 A. No. I didn't.

14 Q. You know what that would do though, don't you? It
15 would probably tell you how big the car was and if your theory
16 is that it's my client's car that is parked out there on the
17 dirt road and if that dry area is substantially less than the
18 Marquis, you could say maybe it was somebody else's car that
19 was parked back there?

20 A. Well, through the course of the investigation I had
21 information not only from the GPS tracker that that Grand
22 Marquis had been parked essentially in that same area but also
23 testimony from Mr. Rutland who showed me on a map that Grand
24 Marquis parked in that same general area where I located
25 that.

1 Q. So you basically had your mind made up that my
2 client over there and that Marquis were involved in this
3 break-in and you didn't do anything to either prove it or
4 dispel it by measuring the length there of the car?

5 A. I did not measure the length of the car.

6 Q. Okay. So when you did your first search which was
7 -- When was your first search, March what?

8 A. The 3rd. March 8th.

9 Q. When you went in there on March the 8th, you
10 actually took pictures of the inside of the vehicle, of the
11 Marquis, didn't you?

12 A. I believe Investigator Smith photographed it.

13 Q. So you actually possessed I guess pretty color
14 pictures that shows exactly how it looked when you opened up
15 the car and where everything was scattered on the top or in
16 the trunk or on the back seat or what have you, right?

17 A. It was photographed. Yes, sir.

18 Q. And you possess those things?

19 A. I don't possess them. They would be with the case
20 file I assume.

21 Q. All right. Now, again, that would assist, would it
22 not, in determining these various items that we have kind of
23 where it was found because when you first opened it up, you
24 take a picture, you can see where it is when you first opened
25 it up. You don't have to worry about memory about, well, I

1 think I found it over here. You got a picture showing it
2 right there on top?

3 A. Yes, sir.

4 Q. Let me ask you about the --

5 MR. WILLIAMS: May I approach the witness, Your
6 Honor.

7 THE COURT: You may.

8 BY MR. WILLIAMS:

9 Q. Let's talk about three items that you referenced
10 right here which appear to be a South Carolina identification
11 card, a Maryland identification card, and another Maryland
12 identification card. Where did you find the two Maryland
13 identification cards?

14 A. The one for Mr. Wilson was located in the trunk in a
15 black duffel bag.

16 Q. All right. So Mr. Wilson's ID was located in a
17 duffel bag which contained what inside the duffel bag?

18 A. It was a wallet that that ID was in, I believe a set
19 of electronic scales and a container of Cocoa butter.

20 Q. Okay. And it clearly, it clearly was a part and
21 parcel of one group of items that perhaps Mr. Wilson owned?
22 It was in one bag, right?

23 A. It was in a bag.

24 Q. With these items. Did you look in the wallet and
25 see if there was anything else in the wallet which was

1 identifiable to Mr. Wilson?

2 A. I don't recall if there was anything else
3 identifiable to Mr. Wilson.

4 Q. Well, was there anything in the wallet besides the
5 Maryland driver's license?

6 A. I believe possibly could have been a gas gift
7 certificate card.

8 Q. So tell me whose name was the gas certificate
9 card?

10 A. I don't recall it being a name.

11 Q. So what else was in the wallet besides Mr. Wilson's
12 identification card and the gas certificate?

13 A. I'm sorry. It was not a -- It was a Smart Trip
14 card. One Smart Trip card was the name on the card.

15 Q. Smart Trip card?

16 A. Yes, sir.

17 Q. Is that a credit card?

18 A. I don't know what kind of card it is.

19 Q. Whose name was on it?

20 A. There wasn't a name on it.

21 Q. Was it from Maryland?

22 A. I don't know.

23 Q. What else was in the wallet?

24 A. That's all that I can recall.

25 Q. You didn't find \$4000.00 in the wallet, did you?

1 A. No, sir.

2 Q. Okay. When you say that's all, you would have made
3 a list of what was in the wallet, wouldn't you?

4 A. I made a list of what I took if I took any items
5 that were in that wallet.

6 Q. You wouldn't have left them in the car?

7 A. No. I actually collected that, I believe, the
8 wallet and I have the wallet and the Smart Trip card and the
9 ID.

10 Q. Did you get that the first time around or did you
11 get that the second time around?

12 A. The second time around.

13 Q. So you didn't even take it the first time, right?

14 A. No, sir. I didn't find it the first time.

15 Q. You and a bunch of people went through the car and
16 you didn't find the identification card of one of the
17 defendants inside the car the first time you executed the
18 search warrant?

19 A. That's correct.

20 Q. How do you account for its re-appearance the second
21 time when you went through the car?

22 A. Well, once he was arrested, he gave an interview to
23 law enforcement and said --

24 Q. Told you where it was?

25 A. Yes.

1 Q. Well, I mean, when you went through it the first
2 time, wouldn't you have looked for the identification of
3 somebody else in a car?

4 A. I did. The trunk area, it was cluttered. They had
5 a ton of stuff in it, clothes, tools, car cleaning stuff and,
6 you know, just honestly it had a horrible smell the first time
7 we popped the trunk and I smelled some bad stuff, but it had a
8 bad odor from it and I think it kind of may have kept some of
9 the guys myself included, it was very smelly back there.

10 Q. So you really didn't do a very good search the first
11 time you went through the car?

12 A. Honestly, I could have done a better search no doubt
13 on that trunk area.

14 Q. Did you find the work clothes of Lee Lowman's
15 brother in the trunk of the car?

16 A. Uhm, I recall them being in the back seat.

17 Q. All right. That's Amick's. Did it have Amick's on
18 it? Did you find anything with Amick's on it, Amick's Poultry
19 on it?

20 A. Not that I can recall.

21 Q. Do you remember what you found in the car?

22 A. Yeah. I have got them on the returns. On the
23 second search warrant we took six white gloves with green
24 trim, one boot, one black watch, two black wallets, one box
25 with CZ9997169 written on it, one Smart Trip card, one black

1 bag containing digital scales and Heal Softens Cocoa Butter,
2 three pieces of paper with handwritten notes, one Maryland ID
3 belonging to James Wilson.

4 Q. So on the white gloves that you found in the car
5 which you thought was significant because there was a glove
6 which had been found at the Waffle House with the money clip
7 allegedly inside the trash can, are you saying that that
8 glove, that those -- Were there five gloves that you found?

9 A. Six gloves we found.

10 Q. Talking about six pairs or just six gloves?

11 A. Six white and green gloves. Six.

12 Q. Are they pairs? You follow what I'm saying? Are we
13 dealing with 12 or are we dealing with six?

14 A. We're dealing with six.

15 Q. So you had three pairs of gloves. You found one
16 glove, one glove has been found in a trash can at the Waffle
17 House?

18 A. Yes, sir.

19 Q. Did you find the other one?

20 A. The match to that glove? I don't know that we found
21 the brother or sister glove to it on the first search warrant.
22 That one glove, I don't know what happened with that.

23 Q. Let me ask you this: Did you look at the one glove
24 which was found in the Waffle House and you open it up and see
25 what kind it was? It probably had a make on it. And did you

1 confirm that it had the same make as the three pairs of gloves
2 that was found in the car?

3 A. As far as like a brand I did not. They were the
4 same color, same trim type glove, common glove.

5 Q. You ever been out to Amick's Poultry?

6 A. Yes, sir.

7 Q. Many a time?

8 A. Yes, sir.

9 Q. They got some cold air out there where people have
10 to deal with chickens?

11 A. Uhm, I assume. Yeah.

12 Q. You see a lot of people walking around Amick's
13 Poultry with white cotton gloves to keep their hands warm?

14 A. Yes, sir.

15 Q. It's a common glove at Amick's Poultry, isn't it?

16 A. Yes, sir. Or a glove consistent to that particular
17 style. It is.

18 Q. You didn't find any black gloves in that car, did
19 you?

20 A. No, sir.

21 Q. You knew that you were looking for black gloves from
22 the alleged perpetrators from the burglary, didn't you?

23 A. Uhm, I don't know at that time that's what I was
24 looking for.

25 Q. You didn't know what the Tidwells were saying about

1 the kind of gloves that the person had on?

2 A. I believe that Ms. Lynda Tidwell testified that one
3 person that she knew of had on a leather glove.

4 Q. Not a white glove?

5 A. I don't know. I think she said that she thought it
6 was a leather glove just listening to her testimony.

7 Q. You didn't find any leather gloves, did you?

8 A. I did not.

9 Q. Let me ask you about, let's talk about Abin Lowman's
10 identification card. You found that on the front seat of his
11 car, correct?

12 A. Yes, sir.

13 Q. And you noted that the expiration date was not until
14 2020, right, or did you notice that?

15 A. I hadn't --

16 MR. WILLIAMS: May I approach the witness?

17 THE COURT: You may.

18 BY MR. WILLIAMS:

19 Q. (Proffering.)

20 A. Yes, sir. I see that.

21 Q. Now, we already know that Abin was stopped on March
22 8th around or about 1:30 and that the officer checked his
23 identification card, charged him with driving under suspension
24 because he presented his identification card to him but that
25 he didn't have a driver's license. Did you call up the

1 officer and say, hey, Mr. Officer, the identification card
2 which I have found pursuant to a search warrant on the front
3 seat of the car, could this be the identification card that
4 the officer - that was shown to you by Abin Lee Lowman on the
5 night that he was stopped?

6 A. Can you repeat that question again?

7 Q. I'll simplify it.

8 A. Okay.

9 Q. This identification card that you found on the front
10 seat --

11 A. Yes, sir.

12 Q. -- do you think there's a possibility it might have
13 been the same identification card that Mr. Lowman had on him
14 when he was stopped on March the 8th at approximately what,
15 1:30?

16 A. Yes, sir. Possibility.

17 Q. Possibility the officer just left it on the front
18 seat?

19 A. Yes, sir.

20 Q. There's not two identification cards that have been
21 issued by the South Carolina Department of Transportation, are
22 there?

23 A. I no not know the answer to that.

24 Q. If you checked, wouldn't they let you know if there
25 had been a re-issuance of an identification card?

1 A. I'm sure that information would be available.

2 Q. Well, sure, because they check when you lose your
3 identification card and when you request a new identification
4 card, right? Because we have already found out about that
5 with Mr. Kirk, right?

6 A. Right.

7 Q. Okay. Now, looking at Mr. Goodwin's identification
8 card which is State's Exhibit number --

9 MR. WILLIAMS: I apologize, Your Honor. I should
10 have referenced that.

11 BY MR. WILLIAMS:

12 Q. When we were referring to as Mr. Lowman's
13 identification card, is was State's Exhibit number 76. When
14 we were referring to Mr. Wilson's identification card, it was
15 State's Exhibit number 78. Does that sound correct?

16 A. Yes, sir.

17 Q. All right. So in referring to Robert Goodwin's
18 identification card, State's Exhibit number 75, where did you
19 find that?

20 A. I recall finding it on the front seat along with the
21 cell phones.

22 Q. All right. And you understood that Mr. Goodwin was
23 the relative of Mr. Lowman?

24 A. I didn't know that at the time I found it but later
25 through the investigation.

1 Q. You have since learned that, haven't you?

2 A. Yes, sir.

3 Q. And I assume you have checked around with family
4 members to learn that perhaps Mr. Goodwin had been known to
5 drive that particular car also, right? That's his uncle,
6 right?

7 A. I have not heard that. Throughout the investigation
8 that's never been revealed to me at any time.

9 Q. Have you checked on that?

10 A. I personally have not. I have not spoken with
11 anyone in Mr. Lowman's family personally about this case.

12 Q. Now, the keys that are reflected on the front seat
13 of Mr. Lowman's car -- Did you take these pictures of Mr.
14 Lowman's car?

15 A. I did not.

16 Q. Did you not seize any keys from the vehicle or do
17 you know if the keys went with the car or anything about the
18 keys?

19 A. There was some keys taken from the vehicle.

20 Q. Okay. Why would keys be on the front seat of
21 Mr. Lowman's vehicle?

22 A. I - I don't know.

23 Q. What about all the envelopes and stuff in there.
24 Did you determine who actually received the mail, who it was
25 addressed to?

1 A. It was a name on some mail that we collected from
2 inside of the vehicle.

3 Q. All right. Was it all Mr. Abin Lowman's or was it
4 somebody else?

5 A. No. It was a piece of mail that had another
6 person's name on it. It wasn't his or his mother's or
7 co-defendants.

8 Q. So who was it?

9 A. I don't recall.

10 Q. Do you have that written down?

11 A. Should.

12 Q. Who is it?

13 A. I don't have the name of that person.

14 Q. How do you know it's somebody different from any of
15 the defendants then?

16 A. It was collected.

17 Q. Well, can we assume that maybe somebody else might
18 have been in that car besides either a defendant or Mrs.
19 Lowman?

20 MS. FULLER: Objection, Your Honor.

21 MR. WILLIAMS: Withdraw that, Your Honor.

22 THE COURT: All right. Withdrawn.

23 BY MR. WILLIAMS:

24 Q. Was it possible that somebody else had been in that

25 --

1 MS. FULLER: Objection, Your Honor.

2 THE COURT: What's the basis?

3 MS. FULLER: Speculation. Was it possible. Not
4 from this witness, Your Honor.

5 MR. WILLIAMS: I can withdraw that, Your Honor.
6 It's not that important.

7 THE COURT: Okay. Go ahead.

8 BY MR. WILLIAMS:

9 Q. So let's put it this way. You found other mail and
10 letters and stuff inside that car that did not belong to any
11 of these four people that you are talking about?

12 A. That is correct.

13 Q. And did you attempt to find these people to ask
14 these people why their mail was inside this Mercury Marquis?

15 A. I did not.

16 Q. Did anybody to your knowledge that works with
17 Saluda, Edgefield, I don't know, ATF, anybody?

18 A. I believe that that mail was out of state. I don't
19 think it was mail, from the address it was not, it wasn't like
20 Saluda County. I believe it had a Maryland address on that
21 mail.

22 Q. And what do you base that belief on?

23 A. A hunch at this point but I haven't looked at it.

24 Q. Well, can we say that we're not trying to work on
25 hunches here?

1 A. I understand. I don't recall at this time. I don't
2 have that information in front of me.

3 Q. All right. Well, let's go to something more direct
4 here. You have got a black jacket, no, a black sweater, sweat
5 shirt obviously?

6 A. Yes, sir.

7 Q. Did you perform or have any DNA testing done on this
8 --

9 A. No, sir.

10 Q. -- to determine whose it is?

11 A. No DNA was tested on any of that clothing.

12 Q. I'm going to guess that you didn't have to do
13 anything on this because this is Abin Lowman's jacket because
14 it's got Lowman on it, right?

15 A. Well, it has Lowman on it. Throughout the
16 investigation we found on a video that he was wearing that, a
17 jacket similar to that with the three co-defendants.

18 Q. All right. So we know that Mr. Lowman's jacket was
19 found in the car that was his mama's car?

20 A. Yes, sir.

21 Q. We just don't know everybody else's stuff that was
22 found in the car and who they were, right?

23 A. I don't understand your question.

24 Q. The question is easy. You found a bunch of mail and
25 a bunch of other stuff with other people's names on it, you

1 don't know who they were, where they were from or where it
2 came from?

3 A. It was three pieces of mail that were found. I do
4 not recall at this time if all three pieces of that mail was
5 addressed to the same person or multiple people.

6 Q. Did you take pictures of the second search that was
7 done?

8 A. Yes, sir. I didn't. Lieutenant Doran with
9 Edgefield County would have.

10 Q. Where are those pictures?

11 A. (Indicating.) I don't have them with me.

12 Q. Do you have them?

13 A. I believe we have them.

14 Q. Okay. I assume that nothing that you found -- You
15 didn't find \$4000.00 in the car, right?

16 A. No, sir.

17 Q. You didn't find over a \$100,000.00 worth of jewelry
18 in the car, did you?

19 A. No, sir.

20 Q. You didn't find anything that belonged to the
21 Tidwells' house inside the car, did you?

22 A. No, sir.

23 Q. And this was the car that Abin Lowman's mama owned
24 that he was stopped with on March the 8th and nothing was
25 found in that car that belonged to the Tidwells?

1 A. No, sir.

2 Q. Now, let me ask you one other question. You were
3 aware that the car was left unattended for a period of time
4 between the time at which it was actually hooked up by Hook
5 and Book and the time in which the police officer had left.
6 You knew that, right? That it was just left out there on the
7 road for about 30 minutes maybe? We don't really know.

8 A. No.

9 MS. FULLER: Objection, Your Honor.

10 THE COURT: On what basis?

11 MS. FULLER: Your Honor, there's no testimony about
12 that. I don't know if we got the question yet or
13 testimony that defense counsel is putting on the
14 record.

15 THE COURT: I'll let you have an opportunity for
16 redirect.

17 BY MR. WILLIAMS:

18 Q. Did you know that, that the car was left unattended
19 for a period of time?

20 A. No. Not at that time during the investigation.

21 Q. Did you take the trouble to go down to the detention
22 center where Abin Lowman was arrested and secure the clothes
23 that he had on the night that he was arrested?

24 A. I did not but it was done.

25 Q. It was done? So you possess those clothes?

JOSHUA PRICE - REDIRECT BY MS. FULLER

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1 A. I don't but the Sheriff's Office does.

2 Q. Do you know where they are?

3 A. In evidence.

4 Q. Do you know what color they are?

5 A. I don't. I don't. I haven't touched or manipulated
6 those items.

7 MR. WILLIAMS: I don't have any other questions,
8 Your Honor.

9 THE COURT: Redirect.

10 MS. FULLER: Yes, Your Honor.

11 REDIRECT EXAMINATION

12 BY MS. FULLER:

13 Q. Try to clear up a few things that defense counsel
14 covered with you, Lieutenant Price. Starting back at the
15 scene of the home invasion --

16 MS. FULLER: Permission to step down?

17 THE COURT: Sure.

18 BY THE WITNESS:

19 A. (Witness complies.)

20 BY MS. FULLER:

21 Q. Again, can you show this jury where Fairway Trace
22 is?

23 A. Again, this being the airport, this is Fairway Trace
24 and it leads to here.

25 Q. I'm sorry. Did I say Fairview or Fairway?

1 A. Fairway.

2 Q. Okay. And again, show the unpaved versus paved
3 area.

4 A. The paved portion stops somewhere right through
5 here. This is dirt.

6 Q. I'm not sure if defense counsel allowed you to go
7 into this fully so I'm gonna allow you an opportunity to make
8 it clear. You said once you got over there, you noted some
9 boot wear impressions, correct?

10 A. (Witness nodding head.)

11 Q. And about where did you notice them in this
12 aerial?

13 A. Uhm, it would have been generally in an area that
14 would cover roughly this right through here.

15 Q. And then just to be clear, describe the ground for
16 the jury.

17 A. It was saturated. Had been dew on the ground. All
18 the leaves were wet and that particular area where I found the
19 impression it appeared that a vehicle had been there. There
20 was impressions that go with being a vehicle in that area when
21 it was dry.

22 Q. You mentioned that in that area when you saw the
23 shoe impressions that you could see them with your eyes but
24 when you photographed them, you cannot see them with
25 technology; is that correct?

JOSHUA PRICE - REDIRECT BY MS. FULLER

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1 A. That's correct.

2 Q. Take your seat please.

3 A. (Witness complies.)

4 Q. I'm gonna show you these photographs. I'll ask you,
5 do you recognize these?

6 A. I do. Those are the photographs I took.

7 Q. What do you see?

8 A. I see my radio.

9 MR. WILLIAMS: Your Honor, I have no objection if
10 she's attempting to introduce those items.

11 MS. FULLER: I will, Your Honor. 85 and 86, Your
12 Honor, admitted for evidence.

13 THE COURT: 85 and 86 are admitted without
14 objection.

15 BY MS. FULLER:

16 Q. Lieutenant Price, will you step down again and
17 describe for the jury what exactly anything you see in this
18 photograph?

19 A. (Witness complies.) I see my radio.

20 Q. What else? Ground?

21 A. Yeah. Dirt.

22 Q. I was looking at State's Exhibit 86. And 85?

23 A. The same thing.

24 Q. Can you attempt to even point out the boot
25 impression that you saw?

1 A. I cannot. Again, as I placed what I could see with
2 my, with what God gave me, I could see that I believe that the
3 impression started at the base of the radio. That's where I
4 set my radio to try to make a measurement. Then when I tried
5 to take a photograph, I couldn't see anything.

6 Q. Could these be compared to anything?

7 A. No.

8 Q. A shoe?

9 A. I couldn't compare that to anything.

10 Q. Okay. Please take your seat.

11 A. (Witness complies.)

12 Q. Also, you were questioned about the dry area and you
13 began to indicate that you were able to speak with
14 Mr. Rutland?

15 A. Yes, ma'am.

16 Q. I want it to be clear. How were you able to verify
17 that that was through the investigation that that area where
18 you saw in State's Exhibit 74 that dry area was the same area
19 that Mr. Rutland was referring to?

20 A. Well, when I got to Hook and Book Recovery after
21 speaking with Mr. Rutland, we pulled up on a computer Google
22 maps and he told me, you know, he gave a statement about him
23 physically seeing, going to the golf course near the Tidwell
24 residence, going down Fairway Trace, seeing the vehicle,
25 approaching the vehicle and on Google maps I asked him to

JOSHUA PRICE - REDIRECT BY MS. FULLER

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1 point out roughly where that was and he pointed me to the same
2 area there.

3 Q. Even on the same, what is that, the right side of
4 the road if you're heading towards --

5 A. Yes, ma'am.

6 Q. There was a lot of business about the first search
7 warrant March 8th, 2017 and these ID cards. When you
8 performed the search on the car, did you know exactly what to
9 even look for or what you were looking for at that time?

10 A. We were just looking for any evidence that could be
11 related to the home invasion that occurred at the Tidwell
12 residence.

13 Q. So when you went back on March 23rd just to be
14 clear, what, if anything, had changed since March 8th? What
15 information had changed?

16 A. The information of a co-defendant had been arrested
17 and gave an interview to law enforcement and in that interview
18 he stated that my ID and wallet is in the trunk of the car and
19 we had that information from a co-defendant that his ID was
20 still in the vehicle from the night of the home invasion.

21 Q. Looking at State's Exhibit 33 which is already in
22 evidence, there's a description line; is that correct?

23 A. Mm-hmm.

24 Q. Can you read that description line for the jury?

25 A. Well, one pair of white gloves with green trim

1 located in the front of the car.

2 Q. So this pair of gloves as indicated on this bag and
3 I see that your name is on here as well was collected from the
4 front of Abin Lee Lowman's vehicle?

5 A. Yes, ma'am.

6 MS. FULLER: No further questions at this time.

7 MR. WILLIAMS: No questions on recross, Your Honor.

8 THE COURT: You may step down. All right. Let's
9 take a few minutes to see if we get another witness done.
10 Step in the jury room. Have you back in in a few
11 minutes. Don't discuss the case.

12 (Whereupon, the jury entered the jury room at 4:20
13 p.m.)

14 (Short break.)

15 THE COURT: Back on the record. Ready?

16 MR. HUBBARD: Yes, sir.

17 THE COURT: All right. Bring the jury in.

18 (Whereupon, the jury entered the courtroom at 4:35
19 p.m.)

20 THE COURT: Call your next witness.

21 MR. HUBBARD: The State calls Nick Sprouse.

22 Thereupon,

23 NICKLAUS SPROUSE

24 after having been first duly sworn, testified as follows,

25 DIRECT EXAMINATION

NICKLAUS SPROUSE - DIRECT BY MR. HUBBARD

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1 BY MR. HUBBARD:

2 Q. Agent Sprouse, please state your name and where you
3 work for the record?

4 A. I'm Nicklaus Sprouse. I'm a special agent for the
5 South Carolina Law Enforcement Division classified as a
6 forensic scientist for the SLED Forensic Science Laboratory.

7 Q. How long have you been with SLED?

8 A. Over two and a half years.

9 Q. Now, you mentioned a forensic science laboratory.
10 Are you what we often call CSI?

11 A. Yes.

12 Q. For those of us who watch TV.

13 A. Yes. That's right.

14 Q. How long have you been with SLED?

15 A. Over two and a half years with the crime scene
16 lab.

17 Q. Two and a half years?

18 A. Yes, sir.

19 Q. Were you in law enforcement before that?

20 A. Yes, sir. Prior to coming to SLED, I was a South
21 Carolina state trooper for over a decade.

22 Q. Now, as crime scene do you have several
23 specialties?

24 A. Yes, sir. Each agent within the crime scene unit
25 has different disciplines. My particular discipline

1 encompasses three disciplines. One is shooting incident
2 reconstruction, blood stain pattern analysis and crime scene
3 reconstruction.

4 Q. Were you called to assist Saluda County in a home
5 invasion here in Saluda back on March 8th of last year?

6 A. Yes, sir.

7 Q. Which one of your disciplines were you utilizing
8 when you came to assist law enforcement?

9 A. At that point in time you do not know. Typically it
10 can be doing a warrant. You first get the initial information
11 so you don't know exactly which discipline you're going to
12 use. At this point in time once we did our initial walk
13 through and gathered as much intelligence as we could prior to
14 entering the scene, the reconstruction portion comes more into
15 play. We were under the impression there was no acts of, no
16 blood latent incidents or anything. There was no BPA. No
17 shots fired from what we understood, so there was no shooting
18 incident reconstruction so at this point in time it was
19 piecing together what we had at the scene.

20 Q. You mentioned a walk through and gathering
21 information. Can you let the jury know when you come to a
22 crime scene, say a house in this situation, what do you do?
23 What is your procedure that you have been trained to do?

24 A. After we get the initial phone call, obviously we
25 meet on scene. At that time we typically go to whoever the

NICKLAUS SPROUSE - DIRECT BY MR. HUBBARD

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1 lead investigator be it one of our agents helping on a
2 particular scene or a county or local agency. At that point
3 in time before we even enter the scene we always check our
4 warrants, search warrants to make sure everything is valid
5 before we even enter the premises. But we also gather intel
6 from the officers on the scene, first arrival, the people that
7 are setting up the perimeter to let us know kind of give us a
8 guideline on what we are supposed to do or what we need to be
9 looking for, not necessarily be advised but they can't just
10 give us the scene and say have at it. So we have to have
11 information to know where our investigation or our initial
12 search needs to begin.

13 Q. Did you talk to law enforcement in this case?

14 A. Yes, sir. I did.

15 Q. Do you recall if you even talked to the victims in
16 this case?

17 A. I did not initially. I was actually shocked. It's
18 a rarity that we have victims at the scene. Typically we're
19 dealing with violent crime, murders, et cetera, so they were
20 actually on scene but I didn't speak with them initially. I
21 wanted to speak with Saluda County first to gather that
22 information.

23 Q. So based on your experience when you typically have
24 a home invasion and are victims there, the ones you're called
25 to it's typically the victims aren't with us anymore?

1 A. Yes, sir.

2 Q. So this case is unique?

3 A. It is unique to me. Yes, sir.

4 Q. After you did your information gathering, what did
5 you do as far as with the house? How did you go about looking
6 to see what you needed to do?

7 A. Our procedure, typically you always work from the
8 perimeter of the crime scene in. So we initially started
9 outside. Once we gathered information that there had been an
10 incident we located on the inside. We began to do a search of
11 the perimeter as far as the front yard, side yard, backyard,
12 pretty much all of the curtilage of the house that was the
13 incident location as we'll call it. We do a foot search on
14 that and SLED has procedures for crime scene on particular
15 ways that we search. We have patterns, line of patterns,
16 spiral patterns, grid patterns, such as that. So initially
17 before we even enter the residence, we are doing a sweep of
18 the outside to make sure that we don't find something outside
19 first prior to going inside.

20 Q. Okay. And at some point did you enter the house?

21 A. Yes, sir. Given that I had a partner with me we
22 were being very cautious about any kind of evidence that we
23 may disturb once we go in. The scene had been secured so in
24 order to preserve that evidence we tend to be very meticulous
25 when we go into a scene. In this particular scene we entered

NICKLAUS SPROUSE - DIRECT BY MR. HUBBARD

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1 through the front door. We opened the front door and used
2 oblique light and oblique light is a fancy word for flashlight
3 held at a particular angle so we can see any kind of footwear
4 impression on the floor that we're entering. The Tidwell home
5 had a particular hardwood floor surface which made it really
6 easy to see footwear impressions like carpet obviously so
7 getting down on my hands and knees at the front door threshold
8 we began looking for any kind of footwear impressions that
9 have value and that just simply means that it's not a smudge
10 or anything, but that we can actually see markers or
11 indications of that footwear or foot trail. So that was how
12 we entered the house initially which was very painstaking.

13 Q. Did you make your way through the entire house?

14 A. Yes, sir. We did.

15 Q. Now, while you're going through, what is your
16 partner doing?

17 A. During that time we are kind of formulating how we
18 want to go about the scene. What do we want to do first. My
19 partner is there to assist me with photographs at my
20 direction. So typically at any crime scene there's what we
21 consider overall photographs and that's gonna be your general
22 photographs that you're gonna take of the scene. Then you're
23 gonna come back and you're gonna narrow it down and start
24 focusing more on particular areas of interest or areas where
25 you have located evidence or items of evidence or of some sort

1 of interest.

2 So at that point in time we meticulously make our
3 way through the house. Once we have identified what we
4 believe are of value footwear impressions we would note where
5 it was so we wouldn't come back and disturb that. She's
6 taking pictures constantly the whole time and once we find
7 these items of evidence, we come back and do overall, midrange
8 and then we do close up so you can kind of put everything into
9 perspective once you go back through the pictures so you're
10 not just looking at footwear impressions on the floor.

11 Q. Do you do a diagram of the scene as well?

12 A. Yes, sir. I do.

13 Q. I'm gonna show you what's been marked as State's 5.
14 Are you the one that actually drew this diagram?

15 A. Yes, sir.

16 Q. Okay. So this is the Tidwell residence?

17 A. Yes, sir.

18 Q. Which door did you come in?

19 A. This door right here would be the front door.

20 Q. Now, as you went through this house and as you did
21 your investigation was there a time when you determined there
22 was a point of entry for this crime?

23 A. Yes, sir. We did. The house was pretty much
24 unremarkable. That's not a bad thing. It just means that it
25 was well kempt. It was in order. Here the fifth window from

1 the back door, this would be a back door entrance to the back
2 patio, porch area and the course is back this way. The fifth
3 window from that door you could see where the window had
4 busted wood and the locking mechanism was disturbed on it and
5 at that point in time it was determined that that would be the
6 point of entry for the home.

7 Q. Okay. I'm gonna show you some photographs that
8 already are in evidence. Do these show both interior and
9 exterior points of the window and points of entry you're
10 talking about?

11 A. Yes, sir.

12 Q. These were taken by your partner?

13 A. Yes, sir.

14 Q. At your direction?

15 A. Yes, sir.

16 Q. Again, we have seen these but State's 33 and 34, are
17 those pictures kind of framing the room showing where that
18 window would be?

19 A. Yes, sir. That was the view orienting themselves
20 with the room.

21 Q. So these two photos show the room but where you can
22 look through the room and see where the point of entry is; is
23 that correct?

24 A. Yes, sir.

25 Q. And your purpose in taking that again is to?

1 A. It's intended to put everything in perspective and
2 orient the viewer in order for you to be able to pretty much
3 like you would view a slide show and you can go back and walk
4 and say, hey, I'm here, I'm here, I'm here. This is where
5 that point is in relation to standing in the room.

6 Q. And 35, is that your close up from the inside?

7 A. Yes, sir.

8 Q. So looking at these in sequence you get closer and
9 closer?

10 A. Yes, sir. That's the intention.

11 Q. Then these two, State's 37 and 36, are these
12 exterior?

13 A. Yes, sir.

14 Q. And again, one is a little further away?

15 A. Yes, sir.

16 Q. Same purpose?

17 A. Same purpose.

18 Q. Did you determine if there were any other points of
19 entry or is that the only place that you found that appeared
20 anybody had come into that house?

21 A. That is the only point that was unnatural if that
22 makes any sense. It was anything other than a door. There
23 were other doors that were entrances to the home but that was
24 the disturbed area that was out of place.

25 Q. Now, did you also, once you're in the house, did

NICKLAUS SPROUSE - DIRECT BY MR. HUBBARD

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1 you, let's talk about making an attempt to collect
2 fingerprints. Did you do that?

3 A. Yes, sir. Once we identified that point of entry we
4 again used oblique lighting which is here again essentially
5 just using your flashlight at an angle and we were looking for
6 any kind of ridge detail. If you look at your finger,
7 everyone in here has ridge details on their fingers. So we're
8 looking for those points on your finger that would be on a
9 perfect surface such as glass which in this case was at a
10 window. We found nothing of value, nothing that even remotely
11 looked like a fingerprint.

12 Q. If someone is wearing gloves, would that interfere
13 obviously with leaving fingerprints?

14 A. Anything that was in between the ridge detail and
15 the target surface would interfere with leaving a latent
16 print.

17 Q. So in your investigation of this big house you found
18 no fingerprints that were, or any fingerprints for this
19 case?

20 A. Not in the areas of interest that we were looking
21 at. If we went over the entire house, I'm sure on the
22 refrigerator or something in the Tidwells' back bedroom or so
23 we may have found it but...

24 Q. Is it safe to say when you're in a home sometimes
25 you find homeowners' fingerprints?

1 A. All the time.

2 Q. So when you say areas of interest, explain that to
3 the jury.

4 A. Yes. Obviously we have talked about the point of
5 entry of the home. There was also some areas within the home
6 that had been disturbed. You could tell that somebody had
7 rummaged through it. In those areas, anything from a closet
8 door or perhaps a drawer or anything to that effect, we also
9 looked at that area, anywhere that we think that somebody
10 would have laid prints on it.

11 Q. In that master bedroom where things were kind of
12 skewed around, did you check for fingerprints in there as
13 well?

14 A. Yes, sir.

15 Q. No fingerprints?

16 A. No, sir.

17 Q. Let me ask you this: We have heard a lot about DNA
18 and we see it all the time on TV. Did you swab that house for
19 DNA?

20 A. No, sir.

21 Q. Can you tell the jury why you didn't do that?

22 A. Given the information that we had on scene that the
23 perpetrators in this particular situation were said to have
24 had gloves on, having gloves, here again, any time you have
25 gloves on, it is meant to hinder that. There will not be any

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1 ridge detail or fingerprints that will be on items. It also
2 blocks against DNA. Earlier when you saw the officer and
3 counsel up here and they were handling evidence, the first
4 thing they put on were gloves so they would not transfer DNA
5 or any kind of fingerprints onto that evidence. The same
6 common sense and logic applies when we are evaluating and
7 working a crime scene. If they have gloves on, nine times out
8 of ten you're not going to get any DNA and it would be highly
9 unlikely that we did given the fact that we didn't even find
10 fingerprints in any areas of interest, all the items of
11 interest that we found.

12 Q. Based on your training what is your understanding of
13 the effect of Clorox or bleach on DNA?

14 A. An outside agent other than what's in your system,
15 in your blood, is obviously going to degrade the blood. It's
16 obviously going to mix with your DNA and it's going to mess it
17 up for lack of a better phrase. It's going to destroy it.

18 Q. You said destroy?

19 A. Yes, sir.

20 Q. So basically if somebody goes in there and takes a
21 glove off and puts their hand down but then comes in and
22 sprays Clorox or bleach, you probably wouldn't expect to find
23 anything when you go to do a swab?

24 A. No, sir.

25 Q. Okay. Now, did you collect some physical evidence

1 from the scene as well?

2 A. Yes, sir.

3 Q. I want to show you two items that have been marked
4 for ID, 56 and 39. I'm going to show you 56 and 39. Do you
5 recognize what those objects are?

6 A. Yes. I recognize the items and the bag as well.

7 Q. Okay. Are those objects you collected?

8 A. No, sir. These two items were transferred to me on
9 the scene.

10 Q. Okay. What are these items?

11 A. These two items are black zip ties that had been
12 cut.

13 Q. Who did you receive them from?

14 A. Deputy Dale Hallman.

15 Q. Are you familiar with Dale Hallman?

16 A. Yes, sir. I know him.

17 Q. Are you aware of whether he's with us or not?

18 A. He is no longer with us.

19 Q. Deceased?

20 A. Yes, sir.

21 Q. Okay. So he gave these to you, you bagged them, you
22 collected them?

23 A. Yes, sir.

24 MR. HUBBARD: Your Honor, at this particular time I
25 offer these into evidence.

NICKLAUS SPROUSE - DIRECT BY MR. HUBBARD

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1 MR. WILLIAMS: Without objection, Your Honor.

2 THE COURT: Item 56 and 39, black zip ties admitted

3 without objection.

4 BY MR. HUBBARD:

5 Q. If you would, just open those up so the jury can see

6 what you collected.

7 A. Do you want me to take them out?

8 Q. Sure.

9 A. (Witness complies.) (Indicating.)

10 Q. The bag you just showed just now, who did the zip

11 tie come from on that one?

12 A. This particular bag states Mr. Danny.

13 Q. Okay. And then this one was?

14 A. Ms. Lynda.

15 Q. Okay. I want to show you State's 87 which has not

16 been placed into evidence yet and see if you recognize both

17 the bag and the items inside the bag.

18 A. Yes, sir. Do you want me to take it out?

19 Q. What is it?

20 A. That is a white zip tie that I personally collected

21 from inside the Tidwell residence.

22 MR. HUBBARD: Offer this into evidence.

23 MR. WILLIAMS: Without objection, Your Honor.

24 THE COURT: 87 is in without objection.

25 BY MR. HUBBARD:

1 Q. Now you can show it to the jury.

2 A. (Indicating.)

3 Q. Now, as to that item, do you recall where you found
4 this?

5 A. Yes, sir. I do.

6 Q. If I show you State's 5, can you point out for the
7 jury where you found that?

8 A. Yes, sir. (Indicating.) Just shy of the back door
9 lying on the floor.

10 Q. Okay. Now, you have talked about footwear. Inside
11 the house you took a number of photographs of footwear and you
12 said to document what you saw inside the house.

13 A. Yes, sir.

14 Q. Let me ask you, as far as what you saw inside were
15 you able to tell what type of footwear was used?

16 A. Yes, sir.

17 Q. What was that?

18 A. It was, the items that we found that we were able to
19 lift were that of a tennis shoe Nike brand.

20 Q. Any boot wear?

21 A. I do not believe we found any kind of boot wear or
22 lifted any boot wear whatsoever in the house.

23 Q. Outside the house were you able to find any
24 footprints?

25 A. We found footprints, boot prints, I'm sorry, on the

NICKLAUS SPROUSE - DIRECT BY MR. HUBBARD

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1 back right corner of the green golf cart that was under the
2 driveway but it looked like it had been stepped on at several
3 angles and it was considered to us of no value because there
4 was nothing that you could really do because it had been
5 smudged and it had been stepped in the same area several
6 times.

7 Q. So on the inside it was Nike wear?

8 A. Yes, sir.

9 Q. Outside you saw some what appeared to be boot wear
10 of some sort?

11 A. What looked to be consistent with boot type
12 prints.

13 Q. I want to ask you, too, I want to show you what's
14 been marked as State's 85 and 86, something you didn't
15 collect.

16 A. Yes, sir.

17 Q. An attempt was made at another location to take
18 photos of some type of boot wear impression. Do you see
19 anything there? May be a trick question.

20 A. No, sir. Not of anything that we would have lifted
21 or even attempted to lift.

22 Q. Nothing of value?

23 A. Nothing of value on there.

24 Q. So that's how you would rate this?

25 A. Yes, sir.

1 Q. Okay. So these items would not be of value. Now,
2 you would agree with me, say it's wet outside, visually you
3 might see something?

4 A. Yes, sir.

5 Q. But if an officer unlike yourself is just simply
6 trying to use a camera to document something, you would agree
7 you might end up with something like that?

8 A. Well, not only that but if the officer or whoever
9 the operator is of the camera is not up to speed on what white
10 flash or blow-outs are with the camera flash, at times we can
11 see evidence just as clear as I can see you but once that
12 flash hits, it can completely destroy the picture so what you
13 actually see may not show up on the camera so you have to know
14 the adjustments and the settings and the aperture that you
15 need to use in the proper lighting to do it.

16 Q. If an officer sees that it appears to be
17 disappearing because it's wet --

18 A. Yes, sir.

19 Q. -- and makes that attempt, that would explain why he
20 can't get a good photo?

21 A. It would be futile for even a crime scene
22 investigator.

23 MR. HUBBARD: I believe that's all I have for you at
24 this time. Please answer any questions of the defense.

25 THE WITNESS: Yes, sir.

NICKLAUS SPROUSE - CROSS BY MR. WILLIAMS

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1 CROSS EXAMINATION

2 BY MR. WILLIAMS:

3 Q. Is it Agent Sprouse?

4 A. Yes, sir.

5 Q. Agent Sprouse, how many other SLED forensic people
6 were involved -- You're a CSI guy?

7 A. Yes, sir.

8 Q. Crime scene?

9 A. Yes, sir.

10 Q. Was there any other SLED people out there on the
11 scene?

12 A. Yes, sir. My partner.

13 Q. That was the young lady that you talked about who
14 was taking pictures?

15 A. Yes, sir. Special agent Melinda Worth.

16 Q. Was there anybody else out there besides the two of
17 y'all?

18 A. As far as our crime scene?

19 Q. Correct.

20 A. No, sir. No, sir. It was just us two.

21 Q. Nobody else from SLED?

22 A. Yes. There were other people from SLED but not
23 crime scene wise.

24 Q. Who was out there from SLED besides the crime scene
25 people?

1 A. Special Agent Busbee.

2 Q. Okay.

3 A. And I don't recall that there was any other agent.

4 Q. Do you know what Busbee does?

5 A. Yes, sir. He's a midlands investigator.

6 Q. Okay. So he's just an -- I shouldn't say just an
7 investigator. He'll get mad. But that's what he does?

8 A. Yes, sir. That's what he does.

9 Q. Now, the pictures that you talked about that show
10 the impressions inside the house, you actually were able to
11 see those impressions very well, the Nike impressions, weren't
12 you?

13 A. Two fold. Two fold. Let me explain that. A, with
14 oblique lighting we can see it and we can see that it has
15 detail. Then we enhanced it with black powder and that way we
16 were able to see it clearly, place it on a gel lift. Before
17 we place it on a gel lift, obviously we scale it, we put the
18 photograph in raw which raw just means that it's gonna be a
19 one to one ratio meaning that it's gonna try to be as best to
20 scale as possible and we have to get it at a 90 degree angle
21 perfect which we used a tripod to make sure that we had 90
22 degree above the impression.

23 Q. When you lay a crime scene, is it customary to use
24 the A, B, C, D, little trifold little things with letters on
25 it to document where you find evidence?

1 A. Yes, sir. I would say that it is to that
2 discretion. I use letters for blood and some people use
3 letters for evidence but I use letters for blood and I use
4 numbers for hard evidence.

5 Q. The reason you do that is to document where you find
6 items, correct?

7 A. Yes, sir.

8 Q. Do you ever lay any items down to measure the size
9 of the item that you're trying to photograph such as on this
10 particular case where you were talking about your shoe prints.
11 You took a picture of it, you enhanced it so you could visibly
12 see it number 1?

13 A. Yes, sir.

14 Q. Do you ever do anything to mark the measurements or
15 the size of it?

16 A. Two fold. Yes, sir. We do. We have an L scale
17 that we use that is a hard scale. It's an L. Or we have
18 tape, scale tape that we use. But in this sense it's best to
19 use an L scale for footwear impressions because you need to
20 get that scale at a flat or almost on the same surface of
21 level with the particular imprint.

22 Q. It's kind of like when you go in a shoe store and
23 you put your foot up against that little slide thing and it
24 measures where the ball of your foot is and it measures where
25 your toe is and can tell you if your shoes are too tight or

1 your shoes are, maybe you need bigger shoes?

2 A. Correct.

3 Q. Same idea. You get a measurement?

4 A. Same concept.

5 Q. Same concept. So having done that, when you looked
6 at those Nike shoes that were inside the house, were you able
7 to check what Nike shoe they were?

8 A. With the scaling once we have it scaled, yes, sir.
9 We would. Did I look at it at that particular time? No. I
10 did not. But that's why I placed the scale there for later
11 analysis.

12 Q. Have you as of this date determined what size that
13 footprint of that Nike shoe was inside the Tidwell house?

14 A. I do believe my partner has and I haven't because
15 her discipline in crime scene is footwear, tire tread.

16 Q. Okay. So she's like a footwear/tire expert?

17 A. That's her.

18 Q. All right. So she will be able to tell us what size
19 footprint this Nike was that was inside the house?

20 A. You can almost, if you want to, you can really look
21 at the pictures and look at the scale and it would give you
22 the --

23 Q. Close proximity?

24 A. Yeah.

25 Q. Do you know if she did any tire print analysis?

1 A. No, sir. Tire tread. No, sir.

2 Q. Were you taken out to the scene where this dry patch
3 was that, I know you were in the courtroom --

4 A. No, sir. I was not taken to the scene.

5 Q. So you don't have any idea about how big this dry
6 patch was or anything about that?

7 A. No, sir.

8 Q. She wasn't taken out there to your knowledge?

9 A. No, sir. She was with me the entire time.

10 Q. So would I be safe in saying that number 1, you
11 didn't find any fingerprints?

12 A. No, sir. No, sir. We did not locate any.

13 Q. Number 2, the only thing that you found inside the
14 house was a Nike footprint or tennis shoe?

15 A. More than just one.

16 Q. Several?

17 A. Yes.

18 Q. Of the same kind?

19 A. Now, are we talking about all evidence that was
20 collected from the residence?

21 Q. Yes. We are.

22 A. All right. Yes, sir. We did get a number of
23 footwear impressions. We collected, as you seen here earlier,
24 the white zip tie and we collected a small note pad from the
25 half bath in the hallway.

1 Q. So how many different types of footprints did you
2 find inside the house that you were able to measure?

3 A. That were of value?

4 Q. Yes.

5 A. We found two shoes that were of value.

6 Q. Have you as of this date been able to measure or
7 determine, have you compared it to any other shoes?

8 A. We have not received a comparison.

9 Q. No one has given you anything to compare it with?

10 A. No, sir. We do not have a comparison.

11 Q. What about the note pad?

12 A. You want me to explain it?

13 Q. No. I shouldn't have given you a question like
14 that. A note pad was turned over to you which indicated that
15 someone had written on it; is that correct?

16 A. Correct.

17 Q. And were the impressions left on the note pad or was
18 there any penciling that may have been left on the note pad?

19 A. There was nothing that I recall that was actually on
20 that top piece of paper because the information that I
21 gathered directly from Mr. Tidwell was that it was used to
22 write on. So I'll say an assumption would be that if there
23 was nothing on that front page, that front page was taken
24 away.

25 Q. Did you get a special and kind of color it in to see

1 if you could see something?

2 A. No. We have a whole lot of experts --

3 Q. More sophisticated than that?

4 A. We have a whole lot of experts that do question
5 documents absolutely.

6 Q. Did anybody do any DNA testing of the paper to see
7 if anybody touched it or who touched it?

8 A. No, sir. No, sir.

9 Q. Did anybody do any testing to indicate any
10 handwriting analysis?

11 A. From what I recall so far there has not been any
12 samples given by any potential suspects to compare to.

13 Q. Does SLED possess the ability to take various
14 handwriting samples from anybody and compare it to what you
15 have just described and say whether or not that individual's
16 handwriting is similar to whatever percentage to the
17 handwriting, it may be a hundred percent, you possess that
18 ability, don't you?

19 A. We have the ability to within a decent sample to be
20 able to compare it with a subject sample and I could not quote
21 you the statistics because that a QD, that's a question
22 document department question but they have been known to match
23 handwriting samples with a particular subject.

24 Q. And you could either get handwriting samples from an
25 individual when he voluntarily gave you his sample or you

1 could secure it from documents that you know that the
2 individual would have signed?

3 A. Correct. You would have to know that the individual
4 did, in fact, create the handwriting that is the subject
5 sample.

6 Q. Would this be like a driver's license or
7 identification card?

8 A. I'm sorry.

9 Q. If you get a driver's license or an identification
10 card from any state to identify yourself or to drive a
11 vehicle, the individual who secures it has to sign their name
12 on that document, don't they?

13 A. Called the digital signature. Yes, sir.

14 Q. Could you compare that handwriting sample off of a
15 driver's license to an impression that was left on a pad that
16 was left in the house?

17 A. I would have to ask QD if you could. Given the fact
18 that it's an unnatural surface that you're writing on because
19 even on my driver's license it doesn't look like my signature
20 because it's really hard.

21 Q. So we would require somebody maybe specialized in
22 your area to tell us yes or no?

23 A. Yes, sir. Yes, sir. You would need to get
24 questioned documents someone to confirm that.

25 Q. But you certainly could get a person to give you a

NICKLAUS SPROUSE - CROSS BY MR. WILLIAMS

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1 sample of their handwriting sample to compare it?

2 A. If they were willing. Yes, sir. You should be able
3 to.

4 Q. Or any type of letter that they would have signed?

5 A. Anything that they are known for, in fact, to have
6 written or signed. Yes, sir.

7 Q. Okay. Now, did you do any testing on -- Well, you
8 had a bunch of items that you tested, didn't you? Or did you
9 not? Or do you not do testing? You're just CSI?

10 A. I was going to say, I collect it, it does go to
11 technicians that handle that work. The only thing that we had
12 tested was from a vehicle processing at a later date.

13 Q. Tell me about that vehicle processing. Would that
14 have been a white Denali?

15 A. Yes, sir.

16 Q. And you processed that white Denali?

17 A. Yes, sir.

18 Q. Would that white Denali have been Mrs. Tidwell's
19 vehicle which was stolen from her residence?

20 A. I believe it was the Tidwells'. I could not attest
21 to whether it was Mr. or Mrs. but yes, sir, from what we
22 understood.

23 Q. So in that I have insulted you by saying that you
24 would the tester, you were the collector of the evidence,
25 correct?

1 A. Yes, sir. Yes, sir.

2 Q. What did you collect from the Denali by way of
3 forensics that you have turned over to somebody else to
4 test?

5 A. The only thing that we collected was digital
6 photographs and DNA swabs.

7 Q. From what?

8 A. We did both, all four doors interior and exterior
9 handles and we also did the steering wheel and the gear
10 shifter.

11 Q. And so you were able to secure fingerprints and/or
12 DNA from those items?

13 A. DNA only. No fingerprints.

14 Q. You could not find the fingerprints or couldn't
15 determine that but you did determine DNA?

16 A. Well, the DNA, we took a swing at it because at this
17 point in time we knew that the subjects had taken the vehicle.
18 From what I recall it was recovered off of I-20 I believe. We
19 made sure that we asked that whoever towed the vehicle that
20 they use gloves. It was affirmed to us that whoever handled
21 the vehicle used gloves so at that point in time we knew that
22 this vehicle had been taken from that residence within that
23 day and we went ahead and assumed that they may have taken
24 gloves off at that point in time thinking that it was a clear
25 get away and we swabbed.

1 Q. Did you take a subject sample from Mr. and Mrs.
2 Tidwell to confirm that their DNA, if it appeared on the
3 Denali, would be something to - because obviously you have to
4 take the alleged owner of the vehicle's DNA away from that so
5 that you can compare it to foreign DNA if you will?

6 A. Right. Yes, sir.

7 Q. You did that?

8 A. We did not do it but from what I recall they have
9 given a sample but I believe that it was through the Sheriff's
10 Office. We did not do it on scene. No, sir.

11 Q. Do you know if the DNA which was secured from the
12 Denali was distinct and separate from the DNA of Mr. and Mrs.
13 Tidwell?

14 A. I have not looked at the DNA report.

15 Q. Someone will testify as to any differences? You
16 know that there is differences but you don't know who it is?

17 A. Yes, sir. I have not looked at the DNA report. We
18 have DNA analyst that goes in. They will testify what their
19 nomenclature and everything means in that report.

20 Q. All right. Let me ask you about referring to
21 State's Exhibit number 41. I'm looking for a money clip.
22 That's what I'm looking for. Do you recognize that money
23 clip?

24 A. I haven't seen it before in my life. This is the
25 first time I have seen it.

1 Q. Really?

2 A. Yes, sir.

3 Q. Okay. So it's safe to assume that you did no DNA on
4 it, no fingerprints, nothing on it?

5 A. No, sir. I have never seen this before in my
6 life.

7 Q. Anything else that you looked at that we haven't
8 talked about? What about, you hadn't done any fingerprint
9 analysis on anything that came from any other vehicle, have
10 you?

11 A. No, sir. Just the white Denali that you mentioned.
12 That's the only vehicle that I have processed.

13 Q. So you haven't analyzed a Mercury Marquis for who
14 may or may not have been driving it or handles on it or
15 anybody who might have touched the inside of the vehicle, none
16 of that?

17 A. No, sir. I have not processed any Marquis.

18 Q. You haven't done any DNA analysis on any of the
19 items here in the courtroom?

20 A. Are you talking about pursuant to the search
21 warrant, sir?

22 Q. Right.

23 A. No, sir.

24 MR. WILLIAMS: Thank you so much.

25 MR. HUBBARD: Brief follow up.

NICKLAUS SPROUSE - REDIRECT BY MR. HUBBARD

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1 REDIRECT EXAMINATION

2 BY MR. HUBBARD:

3 Q. On the footwear you said you only found two shoes of
4 value?

5 A. Mm-hmm.

6 Q. But you would agree that doesn't mean there might
7 not have been another set of shoes?

8 A. Oh, yes, sir. All we were looking for, there were
9 multiple partials but what we found of value that we would be
10 able to sufficiently to do anything forensically with was two
11 different types of shoes.

12 Q. Now, in order to complete the analysis you actually
13 need the pair of physical shoes to compare to the prints to
14 say did these shoes cause it, correct?

15 A. Yes, sir.

16 Q. If those shoes are never found, we just kind of stop
17 at that point, don't we?

18 A. The best we can do is get you a classification,
19 class where we can say this is a Nike Air Force One but we
20 can't go to specific individual because we don't have
21 anything.

22 Q. And if we don't have them, we stop?

23 A. Yes, sir.

24 Q. Okay. The handwriting on the note pad.

25 A. Yes, sir.

1 Q. SLED can do a lot of things. They can't always pull
2 off from a second or third sheet and see if somebody wrote.
3 Would you agree with that?

4 A. I would agree there are anomalies that we can't
5 do.

6 Q. But the best evidence is if you have somebody that
7 says I did the writing?

8 A. Correct.

9 Q. Okay. The Denali, you processed that?

10 A. Yes, sir.

11 Q. You did not process the car that this man was found
12 in?

13 A. I'm understanding the Mercury?

14 Q. Yes, sir.

15 A. No, sir.

16 Q. And if you have no information or if there is no
17 evidence that an individual has ever been in a vehicle, would
18 you expect to find his DNA?

19 A. Given that we don't know that he's ever been in
20 there, would we expect it? No, sir. We would not.

21 Q. That clip that he showed you that you have never
22 seen, you have no idea how many hands it's been through or
23 anything else?

24 A. No, sir. This is the first time I have laid eyes on
25 it.

1 Q. Let me ask you this: If somebody, an officer brings
2 you something like that and he's gotten it from, say, a lay
3 person and there's no indication that it was ever kept,
4 properly kept so it wasn't contaminated, would you even try to
5 get DNA off of something like that? Say it was in a public
6 trash can and handled by a private citizen and then passed to
7 an officer, would you even attempt to do that at that point?

8 A. It would be hard to say that you're not gonna get
9 multiple DNA profiles off of it which makes it hard to
10 determine one person so...

11 MR. HUBBARD: Okay. All right. I think that's all
12 I have got. Thank you so much.

13 MR. WILLIAMS: Just a question on recross.

14 RECROSS EXAMINATION

15 BY MR. WILLIAMS:

16 Q. Your an agent with SLED. We like to think as SLED
17 as being highly qualified, good law enforcement people. You
18 have a good reputation.

19 A. Yes, sir.

20 Q. So just because something is hard doesn't mean you
21 don't try to do it, does it?

22 A. Exactly.

23 Q. And if like on the money clip, if some officer had
24 gone to the trouble of taking the DNA sample of the person who
25 was turning it in, the reason you would do that would be to

1 exclude that person from the money clip. If you found DNA,
2 you would know that at least she had touched it but you have
3 DNA that matches with her touching it?

4 A. Are you saying taking a known sample compared to an
5 unknown sample?

6 Q. I am.

7 A. Yes, sir. You would.

8 Q. How long have you been in the courtroom, just
9 today?

10 A. Yes, sir. Just today.

11 Q. Okay. When you were asked about the footprints, if
12 you didn't have any shoes to compare it to -- Well, you're not
13 an investigating officer in charge of securing evidence.
14 You're there to analyze the evidence that's there, aren't you?

15 A. No. I do secure evidence.

16 Q. If it's there?

17 A. Yes, sir. If it's there.

18 Q. Who is in charge of getting evidence for you to look
19 at if it's not at the area that you are at?

20 A. I'm trying to follow what you're asking.

21 Q. If you had footprints, then hopefully some law
22 enforcement person would secure other boot wear to compare it
23 to?

24 A. Well, at our direction, my direction on the scene we
25 understood that there were friends and family that had been on

JAMES CLINTON BUSBEE - DIRECT BY MR. HUBBARD

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1 scene prior to us arriving. It was through my direction to
2 figure out who all had been there, get their shoes, take
3 pictures of their shoes and compare it visually off the stick
4 to what we had found there. That was what we secured because
5 that was here again common sense. If you knew folks had been
6 there and you had those folks, we're looking at their shoes
7 obviously.

8 Q. And that was what you were in control of?

9 A. Yes, sir. That's what I was in control of.

10 Q. If somebody else was trying to secure the
11 defendants, they could have secured their footwear and brought
12 it back to you for you to compare, couldn't they?

13 I can't attest what somebody else would do but...

14 MR. WILLIAMS: I got you. Thank you so much
15 again.

16 MR. HUBBARD: No further questions.

17 THE COURT: Thank you. You may step down. Call
18 your next witness.

19 MR. HUBBARD: The State calls Agent Clint Busbee.
20 Thereupon,

21 JAMES CLINTON BUSBEE

22 after having been first duly sworn, testified as follows,

23 DIRECT EXAMINATION

24 BY MR. HUBBARD:

25 Q. Agent Busbee, would you please state your name for

1 the record.

2 A. James Clinton Busbee.

3 Q. Where do you work?

4 A. I work with South Carolina Law Enforcement

5 Division.

6 Q. How long have you been with SLED?

7 A. September will be four years.

8 Q. Before SLED, where did you work?

9 A. I worked with the North Augusta Department of Public

10 Safety and the Georgetown County Sheriff's Office.

11 Q. How long have you been in law enforcement?

12 A. August will be 20 years.

13 Q. Now, at SLED what is your current possession?

14 A. I'm an investigator in the midlands region.

15 Q. Were you in that capacity back last March of last

16 year?

17 A. Yes. I was.

18 Q. Do you recall being called to assist Saluda County

19 Sheriff's Department in the Tidwell break-in?

20 A. Yes, sir. I was.

21 Q. Did you even go to the scene?

22 A. Yes, sir. I did.

23 Q. What day did you do that?

24 A. March the 8th. It was before Sunrise that morning I

25 arrived on scene.

JAMES CLINTON BUSBEE - DIRECT BY MR. HUBBARD

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1 Q. When you got there, were you briefed on all the
2 information they had at the time?

3 A. Yes, sir. I was.

4 Q. Did you assist and have you assisted throughout the
5 whole process of this case?

6 A. Yes. I assisted all day that day but I have not
7 been with the Saluda County Sheriff's Office working on the
8 case every single day.

9 Q. Just as needed?

10 A. Just as needed. Yes, sir.

11 Q. Now, you were aware of where the Mercury Grand Prix
12 was stopped in Johnston? Were you apprised of that that it
13 was stopped?

14 A. The Grand Marquis?

15 Q. Yes. I'm sorry. Grand Marquis. I know it's late
16 in the day.

17 A. Yes, sir. That morning the Saluda County Sheriff's
18 Office obtained that information. Obviously I was there with
19 them s I was made aware of it as well.

20 Q. Were you also aware that the victims' vehicle, the
21 Tidwells' vehicle was found in Aiken County?

22 A. Yes, sir. It was found near exit 22 right there at
23 I-20 and US1 also called Columbia Highway.

24 Q. Were you also apprised of an ID that was found on
25 the carport at the Tidwell residence?

- 1 A. Yes, sir. I was.
- 2 Q. Who was that individual?
- 3 A. The name on the identification was Jerry Kirk.
- 4 Q. I want to ask you, did you have an opportunity to
5 interview Mr. Kirk?
- 6 A. We did later. We did.
- 7 Q. You and who?
- 8 A. Russ Padgett. He was a lieutenant with the
9 Sheriff's Office in Saluda at the time. Now he works for
10 SLED.
- 11 Q. When you interviewed Mr. Kirk, was he arrested and
12 charged on this case?
- 13 A. Yes, sir. He was.
- 14 Q. Having been involved in this case, based on his
15 interview and everything you have done and seen since is there
16 any evidence whatsoever that Jerry Kirk had anything to do
17 with this case?
- 18 A. No, sir.
- 19 Q. To your knowledge what happened to that charge?
- 20 A. It was either dismissed of some sort. He was
21 released.
- 22 Q. Okay. Now, did you also have an opportunity to go
23 to the Waffle House in Aiken?
- 24 A. Yes, sir. I did.
- 25 Q. Did you have an opportunity to meet with the manager

1 or with store employees?

2 A. Yes, sir. I did.

3 Q. What was your purpose of going there?

4 A. During the day when we were, when I was assisting
5 Saluda County conducting the investigation, the Sheriff had
6 mentioned that the vehicle that was stolen from the Tidwell
7 residence was located near exit 22 in Aiken County. Earlier
8 that morning when that occurred, the Sheriff advised me that
9 the Aiken County Sheriff's Office responded or were trying to
10 locate the individual or the individuals that were in that
11 vehicle. So the Waffle House is right there at exhibit 22. I
12 checked with the Sheriff before we left that evening on March
13 the 8th. Since I live in Aiken, I wanted to make sure that
14 somebody had been by the Waffle House to follow up to see if
15 anybody, they were given some information that there were some
16 suspicious persons early that morning on the 8th there so I
17 made sure that that was followed up on. To the Sheriff's
18 knowledge he had not heard anything back from Sheriff Hunt in
19 Aiken. Being that I live in Aiken it's on my way home so
20 I went by the Waffle House to follow up on that.

21 Q. When you got there, at some point did the manager
22 come in and talk with you?

23 A. That night the manager was not there. There was two
24 employees there, a female employee and a male employee. The
25 female employee knew exactly what I was talking about. I told

1 her who I was, there was an incident in Saluda County and I
2 was there to follow-up on some information, that there was
3 some possibly suspicious persons there early that morning
4 around 3:00 or 4:00.

5 Q. I'll show you what's been marked as State's 61. Who
6 took that photograph?

7 A. I took that photograph.

8 Q. You took the photograph of what appears to be kind
9 of an off color white glove and a money clip?

10 A. Yes, sir.

11 Q. Where was this photograph taken, Agent Busbee?

12 A. That was actually in the manager's office. If I can
13 back up just a second on a question that you asked. The
14 manager was not present at that time when I was there but they
15 called her on the phone and I spoke with her on the phone and
16 she came in at 6:00 a.m. on March the 8th. When she came in,
17 one of the cooks told her about some suspicious persons that
18 were there. The Sheriff's Office had a lot of deputies in the
19 area trying to locate the persons from the Tidwells' vehicle
20 that was stolen and they had three individuals that came in
21 and --

22 MR. WILLIAMS: Your Honor, objection. A lot of this
23 might be hearsay. It appears it could be.

24 THE COURT: Just ask him what she told him. That's
25 what - he doesn't need to say. Ask your next question.

JAMES CLINTON BUSBEE - DIRECT BY MR. HUBBARD

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1 MR. HUBBARD: All right.

2 BY MR. HUBBARD:

3 Q. All right. Let's do this. So bottom line, were you
4 directed into the office because of things that had been
5 collected by either the manager or an employee?

6 A. The manager went into the bathroom where the
7 individuals had gone, looked around to see if any items were
8 discarded. She located the glove and the money clip in the
9 trash bin in the mens bathroom. I believe it was the mens
10 bathroom. And she placed them in her locked office.

11 Q. And then you took the pictures as they were
12 placed?

13 A. One of the employees, she instructed one of the
14 employees to unlock the office so I could look at the items
15 and possibly collect them if needed.

16 Q. And that's how we got exhibit 61?

17 A. And also when I took the photograph, I also sent it
18 to the Sheriff and Captain Toby Horne with the Sheriff's
19 Office.

20 Q. Okay. Now, that clip, this money clip, let me show
21 you what's been marked as State's 41. Does that look
22 familiar?

23 A. It does.

24 Q. Is this what you collected?

25 A. Yes, sir.

1 Q. Now, there's been talk about DNA and all. Did you
2 send this off to be analyzed?

3 A. Yeah. I took the glove and the money clip myself to
4 our lab in Columbia and turned it in to be analyzed.

5 Q. What were the results?

6 A. I believe it was negative on the DNA.

7 Q. So we did check and it was just negative?

8 A. Correct.

9 Q. I'm gonna show you a bag and see if you recognize
10 what's in it. It is not in evidence yet. Do you need some
11 gloves?

12 A. I might. I can only see a portion of it.

13 Q. Okay.

14 A. That looks like the glove I collected.

15 MR. HUBBARD: Your Honor, I offer this into
16 evidence.

17 MR. WILLIAMS: Without objection, Your Honor.

18 THE COURT: Without objection. 88?

19 MR. HUBBARD: That's right. 88.

20 THE COURT: 88 received in evidence.

21 MR. HUBBARD: All right. Agent Busbee, I believe
22 that's all I have for you at this time. Your Honor, he's
23 another one that I would like leave to recall at a later
24 time if I can.

25 THE COURT: All right.

JAMES CLINSTON BUSBEE - CROSS BY MR. WILLIAMS

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1 MR. HUBBARD: Thank you.

2 CROSS EXAMINATION

3 BY MR. WILLIAMS:

4 Q. Agent Busbee, you were asked about the clip. I'm
5 gonna ask you about the glove.

6 A. Okay.

7 Q. You obviously seized it. Did you take it down to
8 SLED to see if there was any DNA inside the glove?

9 A. I did. I turned the money clip and the glove into
10 our lab.

11 Q. Do you know what the results were on the analysis of
12 the glove?

13 A. From my understanding it was negative. I'm not
14 exactly sure about that but from what I have been told it was
15 negative.

16 Q. Is there someone in the courtroom who can tell us
17 the answer to that a hundred percent?

18 A. I'm sure the prosecution and the Sheriff's Office
19 could look at the lab and see the actual report.

20 Q. Good. Somebody can produce the information that
21 tells us that there was no DNA on that glove?

22 A. Yes, sir.

23 Q. Is there a size to the glove?

24 A. I'm not sure what the size is, sir, if there is
25 one.

1 Q. Did you do any testing on the glove at all or did
2 you just secure it?

3 A. I secured it and then turned it into our lab.

4 Q. Is there any other evidence that you have secured
5 that we haven't talked about yet?

6 A. Uhm, I believe that is all of the evidence that I
7 secured. Yes, sir.

8 Q. All right, sir. Jerry Kirk's identification card,
9 did you turn Jerry Kirk's identification card into any of your
10 people to check --

11 A. I did not. I never had possession of his --

12 Q. You never had possession of Jerry Kirk's?

13 A. -- driver's license or identification. I saw it and
14 I was told about it but I never turned it in.

15 Q. To your knowledge no one has ever tested that card
16 to see who had possession of that card?

17 A. I did no testing on Jerry Kirk's identification
18 card.

19 Q. And you don't know if anybody else did either?

20 A. I'm not aware of any other testing that was done on
21 Jerry Kirk's identification card.

22 MR. WILLIAMS: That's all the questions I have, Your
23 Honor.

24 MR. HUBBARD: No questions.

25 THE COURT: All right. You can step down. All

1 right.

2 MR. HUBBARD: Permission to recall at Your Honor's
3 discretion.

4 THE COURT: Yes. Subject to recall. Is this a good
5 stopping place? Is this a good time to close?

6 MR. HUBBARD: Yes, sir. Probably is.

7 THE COURT: Excellent. All right. Folks, we're
8 done for the day. Step into the jury room. Don't
9 discuss the case and enjoy your evening. Remember, it's
10 important, been here now three days, don't go looking for
11 someone on the Internet, Facebook, any of that stuff. I
12 am very much discouraging you from doing that and
13 encourage you to remember what I said. You will get
14 everything you need to decide the case here in the
15 courtroom. We're all here together. It's presented to
16 us. Please let me assure you that both sides will get a
17 fair trial by letting nothing else outside the courtroom
18 influence your decision. I should have emphasized that
19 last night and I didn't. But don't discuss the case.
20 Enjoy your evening. Try to stay cool. See you in the
21 morning. We'll start at 9:00 again, okay? Thank y'all.

22 (Whereupon, court was recessed for the day at 6:00
23 p.m.)

24

25

1 JUNE 21, 2018

2 THE COURT: Please be seated.

3 MR. HUBBARD: Your Honor, one of the witnesses we
4 planned to call today from the Knights Inn, a Mike Desai
5 is having to have emergency surgery. He's keeper of the
6 records. What they have identified as another keeper of
7 the records is a lady by the name of Dorcas Braxton, I
8 just wanted to apprise the Court, is the keeper of the
9 record role, not a fact witness, not an eyewitness to
10 anything, no statements.

11 THE COURT: And I did not advise the jury of
12 anyone's name during voir dire. I skipped over that
13 since it was an indefinite person. I didn't figure that
14 was an issue.

15 MR. HUBBARD: All right. Okay.

16 THE COURT: Any problem with that?

17 MR. WILLIAMS: No, sir.

18 THE COURT: All right.

19 MR. HUBBARD: Thank you.

20 THE COURT: Y'all ready?

21 MR. HUBBARD: Yes, sir.

22 MR. WILLIAMS: Yes, sir.

23 THE COURT: All right. Bring the jury in.

24 (Whereupon, the jury entered the courtroom at 9:02
25 a.m.)

TOBY HORNE - DIRECT BY MR. HUBBARD

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1 THE COURT: I hope everybody had a good evening.
2 We're ready to start. Call your next witness.

3 MR. HUBBARD: Thank you, Your Honor. The State
4 calls Captain Toby Horne.

5 Thereupon,

6 TOBY HORNE
7 after having been first duly sworn, testified as follows,

8 DIRECT EXAMINATION

9 BY MR. HUBBARD:

10 Q. Captain, would you state your name for the record
11 please.

12 A. Toby Horne.

13 Q. Where do you work?

14 A. Saluda County Sheriff's Office.

15 Q. How long have you been in law enforcement?

16 A. Right at 20 years.

17 Q. All here in Saluda?

18 A. All here in Saluda County.

19 Q. Back last year March 8th you were captain at that
20 time?

21 A. Yes, sir. I was.

22 Q. I take it you were involved in this case?

23 A. Yes, sir. From the very beginning.

24 Q. March 8th you were out at the Tidwells?

25 A. I was.

1 Q. Were you involved in the entire investigative
2 portion of this case?

3 A. Yes, sir. I directed guys to do several different
4 things throughout the investigation.

5 Q. Let me do this. I want to jump to where we are in
6 the case now. We have identified four folks, suspects, I want
7 to talk about probably the obvious but let this jury know when
8 each individual was apprehended. They were all apprehended?

9 A. Yes, sir.

10 Q. What we're gonna do is begin with the obvious.
11 State's 64, do you recognize this individual?

12 A. Yes, sir. Abin Lowman.

13 Q. When was Abin Lowman apprehended?

14 A. The morning of the incident.

15 Q. March 8th?

16 A. Yes, sir.

17 Q. Looking at State's 66, James Wilson, when was he
18 apprehended?

19 A. The first day after the incident March 11th.

20 Q. March 11th?

21 A. Yes, sir.

22 Q. Where was he apprehended?

23 A. Maryland.

24 Q. Did you ever recover shoes from him?

25 A. No, sir. I did not.

TOBY HORNE - DIRECT BY MR. HUBBARD

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1 Q. He had gotten away?

2 A. Yes, sir. He made it all the way back to
3 Maryland.

4 Q. Thank you. State's 65, Joshua Darien, when was he
5 apprehended?

6 A. I want to say it was March 21st.

7 Q. 24th?

8 A. 24th. Yes. Yes, sir. 24th.

9 Q. Where was he apprehended?

10 MR. WILLIAMS: Objection, leading, Your Honor.

11 THE COURT: Okay. Rephrase your question.

12 BY MR. HUBBARD:

13 Q. Where was he apprehended?

14 A. In Maryland.

15 Q. State's 63, Robert Goodwin?

16 A. Robert Goodwin was several months later. I want to
17 say July 10th in Maryland.

18 Q. In Maryland?

19 A. Yes, sir.

20 Q. Now, all these guys in Maryland. We have heard a
21 lot about shoes.

22 A. Yes, sir.

23 Q. Of course, Mr. Goodwin you say it was July 10th?

24 A. Yes, sir.

25 Q. Did we recover any shoes from these fellows?

- 1 A. No, sir. I did not.
- 2 Q. Did you have anything to turn over to SLED to look
3 at all those shoe prints?
- 4 A. No, sir.
- 5 Q. Nothing for comparison?
- 6 A. No. They made it back to Maryland and they had been
7 away from us for an extended period of time.
- 8 Q. Now, I want to shift our focus to Mr. Wilson. When
9 he was apprehended, and I think you said that was the 11th?
- 10 A. Yes, sir, that Saturday, March 11th.
- 11 Q. At some point did we bring him back down to South
12 Carolina?
- 13 A. Yes, sir. I sent Lieutenant Padgett from the
14 Sheriff's Office and Agent Busbee with SLED to Maryland to
15 pick him up and transport him back to Saluda.
- 16 Q. Russ Padgett and Clint Busbee?
- 17 A. That's correct.
- 18 Q. Can I ask you why you sent a SLED agent along with
19 your officer?
- 20 A. We're a small agency. Don't have a lot of people.
21 Sending him up there with him to assist him would be a help
22 and plus he has jurisdiction throughout the whole state.
- 23 Q. What day to your memory do you get him back down
24 here and you get to see him face-to-face?
- 25 A. I got to see him the 22nd but he was brought back on

TOBY HORNE - DIRECT BY MR. HUBBARD

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1 March 21st.

2 Q. Okay. The 22nd when you saw him, what, if anything,
3 did you do?

4 A. We sat down and talked to Mr. Darien at the Saluda
5 County Sheriff's Office.

6 Q. Talked to Wilson or Darien?

7 A. I mean Wilson.

8 Q. Okay. Who was with you when you interviewed him?

9 A. Myself and Lieutenant Padgett.

10 Q. Okay. At some point during the course of this
11 interview was the interview stopped?

12 A. Yes, sir.

13 Q. Who stopped that interview?

14 A. I did.

15 Q. Now, based on your conversation with him, what, if
16 for any reason, or what is your concern at that point?

17 A. During our conversation there was a mention of a
18 firearm that was left out in the public view so anybody could
19 have gotten it, a child or anyone so for public safety I
20 stopped the interview to go locate that gun.

21 Q. Where did you go?

22 A. Myself, Lieutenant Padgett and Mr. Wilson traveled
23 to Aiken County to right there at the Waffle House at the
24 Quality Inn which is right across from the Waffle House.

25 Q. So you actually packed up Mr. Wilson and took him

1 with you?

2 A. Yes, sir. He knew where the gun was. I didn't.

3 Q. Okay. You said you went I know to Aiken and you
4 mentioned Waffle House. Where exactly down there?

5 A. It's right past right up under I-20 on Highway 1,
6 turn left right there in front of the Waffle House, the
7 Quality Inn is on the right, Waffle House is on the left.

8 Q. Were you able to locate a pistol?

9 A. Yes, sir. As soon as when we pulled up, Mr. Wilson
10 pointed to a tree and it was sitting there.

11 Q. And you saw that pistol?

12 A. Lieutenant Padgett stayed in the car with Mr.
13 Wilson. I got out and walked over. It's not a tree. It's a
14 bush. I walked over to the bush and looked in and I found the
15 firearm.

16 Q. I show you what's been marked for ID as State's 38.
17 Do you recognize this as the pistol?

18 A. Yes, sir. That's the firearm.

19 Q. I notice there's some bullets in there, too. Were
20 those bullets loose like they are here?

21 A. No, sir.

22 Q. Where were those bullets?

23 A. They were in the magazine and in the handgun
24 itself.

25 Q. So when you found this pistol, it was loaded?

TOBY HORNE - DIRECT BY MR. HUBBARD

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1 A. It was loaded.

2 Q. Let me ask you, you're in Aiken County. Did you
3 collect that pistol at that time?

4 A. No, sir. I secured the scene and I contacted South
5 Carolina Law Enforcement Division, Agent Busbee and he come to
6 where I was located to recover the firearm from me.

7 Q. Let me ask you, did you stand right over the firearm
8 the whole time?

9 A. I stayed right in front of it in front of that
10 bush.

11 Q. You have a loaded pistol?

12 A. Yes, sir.

13 Q. Did he collect it?

14 A. Yes, sir.

15 Q. He boxed it?

16 A. Yes, sir.

17 Q. Who did he give it to?

18 A. Myself.

19 Q. Right there?

20 A. Right there on the scene.

21 MR. HUBBARD: Your Honor, I offer this into
22 evidence.

23 MR. WILLIAMS: Without objection, Your Honor.

24 THE COURT: That's?

25 MR. HUBBARD: State's 38, Your Honor.

1 THE COURT: State's 38 without objection.

2 MR. HUBBARD: With the Court's permission, may I
3 have him stand down?

4 THE COURT: Sure.

5 MR. HUBBARD: So the Court knows and the record is
6 clear, there's also a gun lock pursuant to court rules.

7 THE COURT: Yes. It appears to be secured and we
8 have the sheriff's assurance of that. All right. You
9 may proceed.

10 BY MR. HUBBARD:

11 Q. Please show the jury this weapon.

12 A. (Witness complies.)

13 Q. What caliber is this pistol?

14 A. It's a nine millimeter.

15 Q. What type of weapon is it?

16 A. Semi automatic.

17 Q. Does it have a brand?

18 A. It's Yugoslavian. It's made somewhere else. Not
19 made in the U.S. I'm not real good on where they're made
20 at.

21 Q. These bullets, what caliber?

22 A. Nine millimeter.

23 Q. And these were found in the weapon?

24 A. They were found in the magazine inside the weapon.

25 Q. And Mr. Wilson is the one that pointed that out?

TOBY HORNE - DIRECT BY MR. HUBBARD

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- 1 A. Yes, sir. He pointed it out in the bush.
- 2 Q. Thank you. Please take your seat.
- 3 A. (Witness complies.)
- 4 Q. Once you recovered this pistol, where did you go
- 5 next?
- 6 A. Uhm, myself and Lieutenant Padgett and Mr. Wilson
- 7 traveled to the location where Mr. Tidwell and Mrs. Tidwell's
- 8 vehicle had been abandoned on the other side of I-20 on Camp
- 9 Log Road.
- 10 Q. What was your purpose of going there?
- 11 A. Mr. Wilson - I wanted to orient myself and Mr.
- 12 Wilson also said there were some things thrown out there.
- 13 Q. What, if anything, did you find out in that area?
- 14 A. He pointed out a Clorox clean up bottle with some
- 15 rags.
- 16 Q. Did you photograph those items?
- 17 A. I photographed them.
- 18 Q. Did you collect them?
- 19 A. I had Lieutenant Padgett who was with me also bag
- 20 and collect them.
- 21 Q. I want to show you what's been marked as State's ID
- 22 49, 50, 51. Do you recognize these photographs?
- 23 A. Yes, sir.
- 24 Q. Who took those photographs?
- 25 A. I did.

1 MR. HUBBARD: Your Honor, I offer them into
2 evidence.

3 MR. WILLIAMS: Without objection, Your Honor.

4 THE COURT: Number 49, 50, 51 are in without
5 objection.

6 BY MR. HUBBARD:

7 Q. Let's start with the close up, 49. What's that a
8 picture of?

9 A. A Clorox clean up bottle and a rag similar to the
10 type the Tidwells, Lynda Tidwell described to us.

11 Q. These other two photos 50 and 51, what are these?

12 A. These are actually just a step back from it to show
13 where it is to kind of orient you to where it is. There's a
14 trailer park heading back out to the right and that's just
15 showing us where it's oriented at.

16 Q. So you have a distance, medium and then close
17 shot?

18 A. That's correct.

19 Q. Can I ask you this: As an investigator is there a
20 method when you take photos?

21 A. Yes, sir. You start out and work your way in,
22 narrow your way down to what you're looking at.

23 Q. Is that just to get --

24 A. To get the whole picture.

25 Q. Okay. After y'all finished looking around that area

TOBY HORNE - DIRECT BY MR. HUBBARD

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1 in Aiken, what did you do?

2 A. After we finished collecting these items here, the
3 Clorox, Mr. Wilson was talking to us and had told us --

4 MR. WILLIAMS: Objection to hearsay, Your Honor.

5 MR. HUBBARD: I'll rephrase it.

6 THE COURT: Rephrase it. Sustained as to hearsay.

7 BY MR. HUBBARD:

8 Q. Let me do this. I'll pick it up. I'll make it easy
9 for you.

10 A. All right.

11 Q. Did you come back to Saluda?

12 A. I did.

13 Q. Did you bring Mr. Wilson back?

14 A. He rode with me. Yes, sir.

15 Q. Did Russ come back with you?

16 A. Yes, sir.

17 Q. When I say Russ, this fellow here?

18 A. Lieutenant Padgett. Yes, sir.

19 Q. Where did y'all go?

20 A. We drove to the incident location, Mr. and
21 Mrs. Danny Tidwells' home and while we were there --

22 Q. Let me ask you this: Once you're back at their
23 residence, where was your focus that day when you got back?

24 A. On the ponds behind the residence. Through the
25 investigation we had learned that there was items thrown into

1 the pond.

2 Q. With that knowledge what did you do?

3 A. That evening after I finished up with Mr. Wilson, it
4 was kind of late, I contacted South Carolina Department of
5 Natural Resources dive team and I asked them to come back if
6 they would be interested in coming and assist us in the
7 recovery of items that were taken from the home.

8 Q. Did they come out?

9 A. Yes, sir. I actually had them come out two days
10 because we didn't recover everything on the first day. They
11 spent extensive amount of time on March 24th on the pond
12 directly behind Mr. Danny's house, then we came back also that
13 Monday the 27th.

14 Q. Okay. I want to show you some photographs for ID
15 89, 90, 91. Do you recognize those photographs?

16 A. I do.

17 Q. Who took those pictures?

18 A. I did.

19 Q. What are those pictures of?

20 A. The first one is a picture of a diver in the pond
21 behind Mr. and Mrs. Tidwells' home. He recovered this set of
22 keys and then stopped and I took a picture where he was at in
23 the pond as he come up with the keys. The second one is where
24 he come up with the phone that belonged to Mrs. Tidwell and
25 he's standing there where he recovered it in the pond. And

TOBY HORNE - DIRECT BY MR. HUBBARD

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1 the third one is the location where he found Mr. Danny's phone
2 in the pond.

3 MR. HUBBARD: Offer these into evidence, Your
4 Honor.

5 MR. WILLIAMS: Without objection, Your Honor.

6 MR. HUBBARD: 89, 90, 91.

7 THE COURT: 89, 90, 91 without objection.

8 BY MR. HUBBARD:

9 Q. Let me ask you this: On 89 you got a set of keys.
10 Is this on the same day as the phone?

11 A. Yes, sir.

12 Q. And Ms. Lynda's phone, which one is that?

13 A. I think it's like the turquoise is color phone,
14 bluish.

15 Q. Mr. Danny is the one silver and black?

16 A. Yes, sir.

17 Q. And there are other items found as well?

18 A. Yes, sir. There was other items found.

19 Q. Let me show you what's already in evidence. State's
20 25.

21 A. That's the keys that the diver found. I laid them
22 on the ground to take a picture of it.

23 Q. State's 28.

24 A. That's the Gerber tool that Mr. Danny had reported
25 was taken out of the home and I also took a picture of it

1 after it was taken out of the pond.

2 Q. This Taurus Judge pistol which is State's 27.

3 A. That was recovered at the bottom of the pond by the
4 South Carolina dive team.

5 Q. Key fob, two key fobs, State's 26.

6 A. That was also found in the pond.

7 Q. When you say pond, which pond was it?

8 A. The pond directly behind Mr. Danny and Ms. Lynda's
9 home. I wouldn't say not directly behind it. Kind of to the
10 left a little bit but it's behind the house.

11 Q. Again, you mentioned their cell phones. I'll show
12 you State's 29.

13 A. That's Lynda's phone..

14 Q. Okay. State's 30.

15 A. That's me and the phone.

16 Q. That's you holding it?

17 A. Yes.

18 Q. So that's the day you got it out of the water?

19 A. That's correct.

20 Q. There's one thing I neglected to do. But now that
21 we're back at the house. I want to show you what's already
22 been marked into evidence as State's 43 and 44 inside their
23 residence. What do we see here?

24 A. Pictures from the crime scene unit.

25 Q. Where?

TOBY HORNE - DIRECT BY MR. HUBBARD

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1 A. That is actually the top of the stairwell that goes
2 down into the basement.

3 Q. What are we looking at?

4 A. At the rags that was consistent with what we found
5 on the side of the road at Camp Log Road in Aiken County.

6 Q. I want to show you what's been marked as State's 79.
7 What is this, captain?

8 A. This is a shell casing that was removed from the
9 car, Mr. Abin Lowman's, by search warrant by Lieutenant Price.
10 We brought it back, too, and it was packaged at the Sheriff's
11 Office.

12 Q. Okay. Nine millimeter casing?

13 A. That's correct.

14 Q. And the pistol, State's 38.

15 A. Nine millimeter as well.

16 Q. Okay. Once you had -- And again, the pistol is
17 found where?

18 A. The pistol was found in the front of the Quality Inn
19 in Aiken County.

20 Q. And shown to you by whom?

21 A. By Mr. Christopher Wilson.

22 Q. The casing was found where?

23 A. The casing was found inside Mr. Abin Lowman's car in
24 Saluda.

25 Q. What is the casing?

- 1 A. The outer cartridge of ammo.
- 2 Q. What did you do with these two items?
- 3 A. Once we learned that we had both pieces into
4 evidence, I contacted, I called Alcohol, Tobacco and
5 Firearms.
- 6 Q. ATF?
- 7 A. ATF, yes, sir, and had them come to Saluda, meet
8 with me. I knew I had a spent cartilage along with a firearm
9 and had the firearm and the cartridge tested.
- 10 Q. Do you know what brand of ammo we're talking
11 about?
- 12 A. It's something Tulammo or Tulammo. It starts T-u
13 something. I can look on the end of the cartridge. I think
14 it's stamped on every piece.
- 15 Q. There you go.
- 16 A. Have to get glasses.
- 17 Q. You're not that old, are you, sir?
- 18 A. I'm headed that way. Tula or something like that.
19 T-u-l-a.
- 20 Q. All right. Those are the bullets with the gun?
- 21 A. That's correct.
- 22 Q. The casing, all of that goes to ATF?
- 23 A. Yes, sir.
- 24 Q. What agent?
- 25 A. Agent Matkins, ATF.

TOBY HORNE - DIRECT BY MR. HUBBARD

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- 1 Q. I want to show you what's already in evidence.
2 State's 72. A box of ammo. What brand of ammo are we looking
3 at?
4 A. Tulammo.
5 Q. Where was that found?
6 A. That was found by Johnston Police Department during
7 a traffic stop.
8 Q. Of?
9 A. Abin Lowman.
10 Q. So this was found in his car?
11 A. That's correct.
12 Q. The casing?
13 A. Was found in his car.
14 Q. The pistol?
15 A. Aiken County.
16 Q. I want you to look at one other item. State's 8, a
17 cell phone. Where was that found?
18 A. That was found pursuant to a search warrant in Abin
19 Lowman's vehicle.
20 Q. Were you able to find a number for that phone?
21 A. Yes, sir.
22 Q. How did you do that?
23 A. Picked up the phone and dialed 911 and walked in the
24 dispatch center and found the number.
25 Q. Let's walk through that. You got a phone so you

- 1 want to find the number you just dialed 911?
- 2 A. That's correct.
- 3 Q. And it goes to where?
- 4 A. Our dispatch.
- 5 Q. When it goes to dispatch, do they actually see the
- 6 phone number?
- 7 A. They actually see the phone number on the CAD.
- 8 Q. So you actually walked next door and got the phone
- 9 number?
- 10 A. That's correct.
- 11 Q. That number on the back of that phone, is that the
- 12 number?
- 13 A. Yes, sir. That's the number. I wrote it there.
- 14 Q. Read for the record what that number is.
- 15 A. 1-240-474-6655.
- 16 MR. HUBBARD: Thank you. Your Honor, I believe
- 17 that's all I have at this time but I would ask for leave
- 18 to recall should I need him again.
- 19 THE COURT: Okay. Cross.
- 20 MR. WILLIAMS: Yes. May it please the Court.
- 21 CROSS EXAMINATION
- 22 BY MR. WILLIAMS:
- 23 Q. Captain Horne --
- 24 A. Yes, sir.
- 25 Q. -- I'm gonna start you off with the phone.

TOBY HORNE - CROSS BY MR. WILLIAMS

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- 1 A. Okay.
- 2 Q. The area code that you had when you came up with
- 3 that phone number was 240; is that right?
- 4 A. What we come up with when we dialed it?
- 5 Q. Yes.
- 6 A. I think it's 240. If I can see it again, I can tell
- 7 you.
- 8 Q. Sure.
- 9 A. I think it's 240. I may be wrong.
- 10 Q. (Proffering.)
- 11 A. 1-240, yes, sir.
- 12 Q. Well, the 1 is not the area code?
- 13 A. No, sir.
- 14 Q. So it's 240, right?
- 15 A. That's correct.
- 16 Q. What is the area code for Saluda?
- 17 A. 864.
- 18 Q. What's the area code for Batesburg?
- 19 A. 803.
- 20 Q. Whose area code is 240?
- 21 A. I have no idea.
- 22 Q. Well, if you look in the phonebook, do you have a
- 23 phonebook? That's not being smart because now-a-days nobody
- 24 has a phonebook.
- 25 A. I do.

1 Q. Outstanding. Do you remember in the phonebook in
2 the front part of the phonebook there's normally in one of the
3 first two pages it lists the area codes for the various
4 locations in the United States and it has the area codes for
5 those areas?

6 A. I'm sure it does.

7 Q. All right. Did you attempt to determine what area a
8 240 area code was for?

9 A. No, sir. I didn't.

10 Q. Well, wouldn't that be important to you if that area
11 code was, I don't know, a Maryland area code?

12 A. No, sir. It wouldn't.

13 Q. Okay. So you did nothing in regards to determining
14 where this phone was purchased, where the phone number
15 originated from, who the service provider was?

16 A. I did not.

17 Q. Who did that?

18 A. I can't answer that. I don't know.

19 Q. Did you not turn this phone over to somebody dealing
20 with cell phones to search out perhaps when the cell phone was
21 used, who it might have called, who might have called it, who
22 had actually purchased the cell phone? You didn't turn it
23 over for any type of --

24 A. I think I turned that phone over to South Carolina
25 Law Enforcement Division.

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1 Q. So perhaps South Carolina Law Enforcement did all
2 this work?

3 A. That's correct.

4 Q. Okay. Well, I didn't want to put you on the spot if
5 somebody else did it.

6 A. I didn't do it.

7 Q. Okay. Do you remember turning it over to South
8 Carolina Law Enforcement or not?

9 A. I think I did. I'm pretty fuzzy.

10 Q. Okay.

11 A. I deal with a lot of phones. I deal with phones on
12 a daily basis.

13 Q. Okay. Where was that phone found?

14 A. In the front of Mr. Lowman's car.

15 Q. All right. Did you do any fingerprint analysis on
16 that phone?

17 A. I did not.

18 Q. Did you ask anybody with SLED to do any fingerprint
19 analysis on that phone?

20 A. I did not.

21 Q. Okay. Do you know whether or not they did
22 fingerprint analysis on the phone?

23 A. I do not.

24 Q. Well, you are the case manager of this file,
25 right?

1 A. That's correct.

2 Q. Which means that everybody, it's like being the
3 coach on the football team, everybody who works gives all the
4 information to you and then you impart that information to the
5 Solicitor, correct?

6 A. To an extent. Yes, sir.

7 Q. Okay. But you don't know what the deal is with
8 that?

9 A. With what?

10 Q. With whether or not it was fingerprinted? Whether
11 or not --

12 A. I have no report of any fingerprints being done on
13 the phone. No, sir.

14 Q. Wouldn't that be important? Obviously if you have a
15 cell phone which you're introducing into evidence in a trial
16 of this nature, wouldn't it be important to determine who
17 actually handled that phone?

18 A. Not really. Abin Lowman was arrested in that car
19 with that phone.

20 Q. But if there was more than one person who may have
21 been in that car who had used that car, wouldn't that be
22 important to you?

23 A. Not really. No, sir.

24 Q. Okay. Now, on State's Exhibit number 29 and on
25 State's Exhibit number 30 which are the cell phones which were

TOBY HORNE - CROSS BY MR. WILLIAMS

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1 found in the pond behind the Tindell home, right?

2 A. The Tidwell home.

3 Q. Tidwell home. I'm sorry. It appears that they are
4 in an otter box?

5 A. Yes, sir.

6 Q. What is an otter box?

7 A. Protective case.

8 Q. All right. Now, I happen to have an otter box also
9 because I drop stuff and it's a protective case.

10 MR. HUBBARD: Your Honor, is there a question?

11 MR. WILLIAMS: I'm getting to it.

12 THE COURT: Let's hope so.

13 MR. WILLIAMS: It's a long question.

14 BY THE WITNESS:

15 A. So I need to be listening.

16 BY MR. WILLIAMS:

17 Q. Yes, sir. It's complicated. When you got this cell
18 phone, that cell phone, when you got that cell phone out of
19 the pond, could you tell whether or not it was, that the
20 protection that was provided for the cell phone was such that
21 it would protect it so that you could, I don't know, take
22 fingerprints off of that phone because it's a protective
23 covering? Some things are waterproof.

24 A. Are you saying to take the case off the phone for
25 fingerprinting?

1 Q. Yes. That's exactly what I'm saying.

2 A. With all the water that was in the phone and the
3 screen and all that?

4 Q. Well, we haven't talked about that. When you pulled
5 it up, did you take the case off?

6 A. No, sir.

7 Q. Who did you turn the phone over to?

8 A. My evidence room.

9 Q. And I note that you show the otter box with the
10 phone in it, correct?

11 A. Mm-hmm.

12 Q. But you don't show the face of the cell phone.

13 A. Okay.

14 Q. Well, does the face of the cell phone have this
15 protective covering on it?

16 A. I can't tell you that.

17 Q. Okay.

18 A. I'm sure it probably does if it's an otter box.

19 Q. Now, so you got the two cell phones. You found some
20 keys. Uhm, you found the tool and you found nothing else in
21 the pond, right? Correct?

22 A. Found a gun.

23 Q. The gun. And which gun did you find in the pond?

24 A. Taurus Judge.

25 Q. So all of these items, the Taurus Judge, the tool,

TOBY HORNE - CROSS BY MR. WILLIAMS

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1 those are the only items that actually were owned by the
2 Tidwells, correct?

3 A. No.

4 Q. What else was owned by the Tidwells?

5 A. The key fobs.

6 Q. The key fobs. I'm sorry. Anything else?

7 A. We have all the pictures. I just pointed them
8 out.

9 Q. Okay. I'm just asking what your recall is.

10 A. I know we found the keys, the key fobs, the gun and
11 two cell phones and the Gerber tool.

12 Q. And that's it?

13 A. That I recall.

14 Q. Okay. And you were talking about what you had done
15 on this case. I think you've talked about that you went and
16 picked up Mr. Wilson; is that right? And then y'all went to a
17 motel area outside -- Am I wrong about that?

18 A. I didn't pick him up.

19 Q. You went with Mr. Wilson?

20 A. I carried him after the interview on the 22nd. Yes,
21 sir.

22 Q. He was in your car --

23 A. That's correct.

24 Q. -- and you got him out there. So the two of y'all
25 were together?

- 1 A. Yes, sir. Along with Lieutenant Padgett.
- 2 Q. Okay. At a motel. Where did you take him?
- 3 A. To the Quality Inn in Aiken.
- 4 Q. The Quality Inn which is a motel?
- 5 A. That's correct.
- 6 Q. When you got to the Quality Inn in Aiken, he pointed
- 7 at some area where a bush was?
- 8 A. He pointed at the bush.
- 9 Q. He pointed at the bush and then you found the weapon
- 10 that we've talked about, what you have talked about which is
- 11 in this box?
- 12 A. Yes, sir.
- 13 Q. Correct.
- 14 MR. WILLIAMS: It takes me a long time on Christmas
- 15 day, Your Honor.
- 16 BY MR. WILLIAMS:
- 17 Q. This?
- 18 A. Yeah.
- 19 Q. I'll point it out. You found this?
- 20 A. Yes, sir.
- 21 Q. And when you found this, obviously it's got on this,
- 22 I'm gonna hand it to you and just tell me what are the
- 23 markings on this particular pistol? What does it have on the
- 24 pistol?
- 25 A. Markings?

TOBY HORNE - CROSS BY MR. WILLIAMS

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- 1 Q. Yeah. Who's it made by?
- 2 A. It's Ceska Zastava.
- 3 Q. It's got a name on it, right?
- 4 A. Zastava. Yes, sir.
- 5 Q. Got a serial number on it?
- 6 A. It does.
- 7 Q. What's that serial number?
- 8 A. 101291.
- 9 Q. Okay. And does it say where it is made?
- 10 A. Made in Yugoslavia.
- 11 Q. All right. Did you - did you hand it to - did you
- 12 or did you hand it to ATF and ask them to check and see if
- 13 they could determine where that pistol was purchased?
- 14 A. After we had them in custody, yes. It was turned
- 15 over to ATF.
- 16 Q. And you asked them if they could determine where it
- 17 was purchased?
- 18 A. I'm pretty positive they did.
- 19 Q. Obviously what you're trying to determine is whether
- 20 or not it might have been purchased in Maryland, right?
- 21 A. Might have been.
- 22 Q. When you turned it over to ATF for them to check on
- 23 that, I assume you noted the discrepancy in the magazine from
- 24 the gun?
- 25 A. What discrepancy?

- 1 Q. Well, would you look on the magazine and tell me
2 where that was made?
- 3 A. Brazil.
- 4 Q. Okay. So unless it's like a Ford that's made in
5 Mexico, then you would expect maybe the magazine to be made in
6 Yugoslavia?
- 7 A. No.
- 8 Q. Now, you have the bullets which were found in the
9 gun, correct?
- 10 A. That's correct.
- 11 Q. And then you found a spent cartridge in the vehicle
12 which Lee Lowman was arrested in?
- 13 A. I did not find it.
- 14 Q. You had it?
- 15 A. Yes, sir.
- 16 Q. So you turned it over to ATF to see if it's the same
17 batch, same group that would have come from the gun that you
18 found, correct?
- 19 A. That's correct.
- 20 Q. And what you're really attempting to do is see if
21 that matches up with the box which is found in the trunk of
22 the car, right?
- 23 A. The what?
- 24 Q. Remember there was a box that was found --
- 25 A. That's correct.

TOBY HORNE - CROSS BY MR. WILLIAMS

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1 Q. -- in the trunk of the car with nine millimeter
2 bullets, right?

3 A. (Witness nodding head.)

4 Q. And what you're trying to do here is tie all of
5 these items together to see if the cartridge, to see if the
6 bullets fit with the gun?

7 A. Okay.

8 Q. Is that true or are you not trying to do that?

9 A. Yes. I am trying to match the cartridge from being
10 fired from that weapon.

11 Q. Did you ask ATF to do a rifling test on it to
12 determine if the spent cartilage actually came from that
13 pistol or not?

14 A. I asked them to test it to see if that cartridge was
15 fired from that weapon.

16 Q. Okay. So someone has done a report that will
17 indicate whether or not that cartridge was actually fired from
18 that pistol?

19 A. That's correct.

20 Q. Okay. With the bullets that were found in the trunk
21 of the car, did you turn those over to ATF?

22 A. The bullets that was found in the trunk of the car?

23 Q. Yeah. Lee Lowman's car where you found the
24 cartridges or the bullets?

25 A. I did not turn them over to ATF.

1 Q. Did anyone to your knowledge turn these bullets or
2 cartridges over to ATF?

3 A. No, sir. They did not.

4 Q. So they remained with you and was never sent to ATF
5 for them to examine those?

6 A. They were not.

7 Q. Well, ATF is the federal agency that specializes in
8 firearms, don't they?

9 A. They do.

10 Q. Okay. Did you ask that any fingerprint analysis be
11 done on the box which was found in the trunk of the car as
12 well as fingerprint analysis done on the gun as well as
13 fingerprint analysis done on the spent cartridge to indicate
14 which individuals had handled all of those items?

15 A. No, sir. At this point during the investigation I
16 already knew they all had handled the gun.

17 Q. They all had handled the gun?

18 A. That's correct.

19 Q. Are you basing that on what you were told or what
20 scientific evidence you had actually seen?

21 A. I was told that.

22 Q. Now, since you were at the Quality Inn which is in
23 Aiken where you located that pistol, did you inquire inside to
24 see if Mr. Wilson had stayed at the Quality Inn where the
25 pistol was found?

TOBY HORNE - CROSS BY MR. WILLIAMS

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1 A. I did not. I do think somebody did go in there, one
2 of the agents that was there when they came out to the scene.
3 I did not myself.

4 Q. Do you know who went in there and inquired?

5 A. I cannot tell you that.

6 Q. Did you ask him to inquire as to video footage to
7 see if perhaps the video footage at the Quality Inn would show
8 who actually put the pistol in the bush?

9 A. At this time I already had knowledge of who put the
10 pistol in the bush.

11 Q. Again, did you have any independent evidence or just
12 what somebody told you who may or may not have been involved
13 in the case to back that up to prove who was there?..

14 A. I mean, I don't - I never seen anybody that just
15 knows where a pistol is laying in a bush anywhere. This guy
16 told me.

17 Q. Well, the guy you were talking to was a suspect in
18 the case, right?

19 A. That's right.

20 Q. Some guy who is accused of committing a crime?

21 A. That's correct.

22 Q. And you're basing everything on what this guy is
23 telling you, right?

24 A. I'm corroborating everything he's telling me.

25 Q. So why didn't you corroborate that by going to the

1 Quality Inn and asking if they had videotape showing who put
2 the gun in the bush?

3 A. I told you at the time somebody else did.

4 Q. So somebody else is going to be able to testify
5 about the video?

6 A. I have no idea. That's what I'm testifying to. No,
7 sir.

8 Q. Now, the Clorox container that was found that
9 Mr. Wilson pointed out to you, did you secure that?

10 A. I did not.

11 Q. Did anyone secure that?

12 A. Lieutenant Padgett did.

13 Q. So you have possession of it?

14 A. It's in the custody of the Sheriff's Office. Yes,
15 sir.

16 Q. Which means that you're gonna have the expiration
17 date, you're gonna have the indication where it was sold from,
18 right?

19 A. Does Clorox expire?

20 Q. I don't know.

21 A. I don't know.

22 Q. Did you look at the bottle?

23 A. Lieutenant Padgett bagged it and put it into
24 evidence.

25 Q. Did you do any testing on the Clorox bottle?

TOBY HORNE - CROSS BY MR. WILLIAMS

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- 1 A. I did not.
- 2 Q. Do you know anything different about that Clorox
3 bottle from what's home in my house?
- 4 A. No, sir. I do not.
- 5 Q. Now, you were talking about shoes when all these
6 people came down here that there was no worry about testing of
7 the shoes. Didn't you say that? That you didn't test any
8 shoes because you picked them up on like March the 22nd? When
9 did you arrest Wilson? March the 22nd?
- 10 A. No. I didn't arrest Wilson.
- 11 Q. When did you see Mr. Wilson?
- 12 A. I seen him on the 22nd.
- 13 Q. 22nd. When did you see Mr. Darien?
- 14 A. Mr. Darien was, I spoke to him on the 25th.
- 15 Q. When did you visibly see him?
- 16 A. I do not remember when he was transported back to
17 South Carolina.
- 18 Q. You saw him at some point in time?
- 19 A. Yes, sir.
- 20 Q. And when did you see Mr. Goodwin?
- 21 A. I don't remember seeing him except for one day after
22 he was transported back.
- 23 Q. All three of these individuals have been arrested,
24 haven't they?
- 25 A. That's correct.

1 Q. When they were arrested, were they all barefoot?

2 A. No, sir. Not to my knowledge.

3 Q. Well --

4 A. I didn't arrest them.

5 Q. Okay. Did you check to see if the shoes that those
6 individuals had on when they were arrested would match up to
7 anything that came to the crime scene?

8 A. Sir, they were arrested in Maryland.

9 Q. Okay. Did you ask about the clothing they had on
10 when they were arrested?

11 A. No, sir. I did not.

12 MR. WILLIAMS: That's all I have, Your Honor.

13 MR. HUBBARD: A few follow up.

14 REDIRECT EXAMINATION

15 BY MR. HUBBARD:

16 Q. Captain, I want to show you, you mentioned a gun
17 box. There's two gun boxes in my hand here, exhibit 81,
18 State's 81. Where was this found?

19 A. That was found in Abin Lowman's car in the trunk.

20 Q. So this box -- Now, there's some numbers on it.
21 What is that?

22 A. CZ99.

23 Q. Okay. Now, let's look at the pistol that you found
24 in Aiken and see if you see that same number in there. Take a
25 look.

TOBY HORNE - REDIRECT BY MR. HUBBARD

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1 A. CZ99.

2 Q. Okay. So the pistol you recovered in Aiken matches
3 the box you found in Mr. Lowman's car?

4 A. Yes, sir. Well, the numbers do.

5 Q. The numbers do.

6 A. They're consistent.

7 Q. Now, you mentioned, you have talked about all this
8 came from an interview with Mr. Wilson, correct?

9 A. All of?

10 Q. The information about the gun?

11 A. The gun and all of that came from Mr. Wilson.

12 Q. You mentioned you also interviewed Mr. Darien?

13 A. I did along with the agents in Montgomery County,
14 Maryland and Alcohol, Tobacco and Firearms.

15 Q. Did you make any attempt to interview Mr. Goodwin?

16 A. I attempted to interview Mr. Goodwin but he
17 denied.

18 Q. Okay. Mr. Darien and Mr. Wilson, they made
19 statements?

20 A. They did.

21 Q. Okay. We will be hearing from them?

22 A. Yes, sir. You will.

23 MR. HUBBARD: Thank you. No further questions.

24 MR. WILLIAMS: One question on recross.

25 RE CROSS EXAMINATION

1 BY MR. WILLIAMS:

2 Q. And the box which you say was in the trunk of Lee's
3 car --

4 A. It was.

5 Q. -- and it has a number which identifies it to the
6 gun, right?

7 A. It has numbers consistent with what type firearm
8 that is. Yes, sir.

9 Q. Let me ask you if you will take this and tell me
10 what numbers you're looking at that identify it to the gun?

11 A. I say consistent. I didn't say identify it to the
12 gun. It's CZ99.

13 Q. CZ?

14 A. It's in the top corner.

15 Q. CZ99?

16 A. That's correct. That's consistent with the model
17 number that that gun is.

18 Q. And the numbers that are written here 97167, what is
19 that for?

20 A. I have no idea.

21 Q. Would you say that the numbers that are written on
22 the top hand corner of the box, the ink matches the numbers
23 that were written on the middle of the box?

24 A. That's correct.

25 Q. Does the box indicate a make and model?

TOBY HORNE - RECROSS BY MR. WILLIAMS

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1 A. I think the make is the, or the model number is the
2 CZ99.

3 Q. Is there anything about this box that indicates that
4 it was from like a gun store? From a Walmart?

5 A. On that box it also has some writing on it that says
6 15 round mag which would be consistent with magazine and then
7 new 15 round server so I don't know. It's consistent with
8 being from a gun store.

9 Q. And it's handwritten by an ink pen, isn't it?

10 A. That's correct.

11 Q. So there's nothing prefab about that box such as, I
12 don't know, a picture of a gun, who manufactures it, what have
13 you, is there?

14 A. No. It's CZ99. That's the only thing that's
15 consistent with that gun.

16 Q. Do you know who wrote that on the box?

17 A. No, sir. I don't.

18 Q. Am I correct in saying that you're saying that this
19 gun was in this box?

20 A. I didn't say this gun was in that box.

21 Q. Are you saying -- You're using those numbers to
22 match that up, right?

23 A. I said they're consistent.

24 Q. There wouldn't be a lot of room for packing in that
25 box, would there?

1 A. Probably put some in there. I could put some in
2 there I imagine.

3 Q. Did you do any fingerprint analysis on this box?

4 A. No, sir. I did not.

5 MR. WILLIAMS: That's all I have, Your Honor.

6 MR. HUBBARD: No questions.

7 THE COURT: Step down subject to recall the
8 captain.

9 MR. HUBBARD: May we have ten minutes? The next one
10 is gonna be a long one.

11 THE COURT: Let's take a few minutes break. The
12 next one is gonna be a little lengthy witness. Step to
13 the jury room. Don't discuss the case.

14 (Whereupon, the jury entered the jury room at 9:55
15 a.m.)

16 (Short break.)

17 BAILIFF: All rise. Court come to order please.

18 THE COURT: Y'all ready?

19 MR. WILLIAMS: Yes, Your Honor.

20 MS. FULLER: Yes, Your Honor.

21 THE COURT: All right. Bring them out.

22 (Whereupon, the jury entered the courtroom at 10:10
23 a.m.)

24 THE COURT: Call your next witness.

25 MS. FULLER: Thank you, Your Honor. The State calls

JAMES CHRISTOPHER WILSON - DIRECT BY MS. FULLER

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1 James Wilson.

2 Thereupon,

3 JAMES CHRISTOPHER WILSON

4 after having been first duly sworn, testified as follows,

5 MS. FULLER: Your Honor, permission to release one
6 of his wrists?

7 THE COURT: That's appropriate, as long as the
8 Sheriff is good with it, I'm good with it.

9 MS. FULLER: Thank you, Your Honor.

10 (Whereupon, one wrist of the witness was released
11 from the handcuff.)

12 DIRECT EXAMINATION

13 BY MS. FULLER:

14 Q. Please state your full name for the record.

15 A. James Christopher Wilson.

16 Q. Mr. Wilson, are you charged with armed robbery?

17 A. Yes.

18 Q. Are you charged with burglary in the first degree?

19 A. Yes.

20 Q. Are you charged with two counts of kidnapping the
21 Tidwells?

22 A. Yes.

23 Q. And are you charged with criminal conspiracy?

24 A. Yes.

25 Q. Are you being promised anything to be here today?

- 1 A. No, ma'am.
- 2 Q. Any promises of leniency?
- 3 A. No, ma'am.
- 4 Q. Any threats?
- 5 A. No, ma'am.
- 6 Q. We're just gonna jump right into it. Back on March
- 7 8th of 2017 did you along with three individuals break into
- 8 the home of Danny and Lynda Tidwell?
- 9 A. Yes, ma'am.
- 10 Q. Who did you commit these crimes with?
- 11 A. Abin Lee Lowman, Robert Goodwin, Joshua Darien and
- 12 myself.
- 13 Q. Showing you State's exhibit 64, who is this?
- 14 A. Abin Lee Lowman.
- 15 Q. The fellow sitting at the defense table, who is
- 16 that?
- 17 A. Abin Lee Lowman.
- 18 Q. I show you State's Exhibit 63. Who is this?
- 19 A. Robert Goodwin.
- 20 Q. Showing you State's Exhibit 65, who is this?
- 21 A. Joshua Darien.
- 22 Q. Showing you State's Exhibit 66, who is this?
- 23 A. Myself.
- 24 Q. You are wearing glasses in this photograph and
- 25 you're wearing glasses today, correct?

JAMES CHRISTOPHER WILSON - DIRECT BY MS. FULLER

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- 1 A. Yes, ma'am.
- 2 Q. Did you always wear glasses?
- 3 A. Yes, ma'am.
- 4 Q. Back on March 8th of 2017 were you wearing
- 5 glasses?
- 6 A. Yes, ma'am.
- 7 Q. Where are you from, Mr. Wilson?
- 8 A. Originally born or -- I was born in South America,
- 9 Guiana, South America and came to the United States when I was
- 10 nine.
- 11 Q. Where did you live in the United States?
- 12 A. Maryland.
- 13 Q. Is that where you've always lived?
- 14 A. Yes, ma'am.
- 15 Q. Have you ever lived in South Carolina?
- 16 A. No, ma'am.
- 17 Q. Before March of 2017, have you been to South
- 18 Carolina?
- 19 A. No, ma'am.
- 20 Q. Have you been to Saluda, South Carolina?
- 21 A. No, ma'am.
- 22 Q. Back in March of 2017 how old were you?
- 23 A. 22 years old.
- 24 Q. Joshua Darien, where is he from?
- 25 A. Originally from South Carolina but lives in

- 1 Maryland.
- 2 Q. How long had he lived in Maryland?
- 3 A. Since he was 15.
- 4 Q. How old was he back in March of 2017?
- 5 A. 18 years old.
- 6 Q. Robert Goodwin, is he also from Maryland?
- 7 A. Yes, ma'am.
- 8 Q. Abin Lee Lowman, where is he from?
- 9 A. South Carolina.
- 10 Q. Did you know Robert Goodwin from Maryland?
- 11 A. Yes, ma'am.
- 12 Q. How about Joshua Darien?
- 13 A. Yes, ma'am.
- 14 Q. Let's talk about Joshua. How long had you known
- 15 him?
- 16 A. From the time of the incident approximately about a
- 17 year.
- 18 Q. Were you guys friends?
- 19 A. Yeah. Yes, ma'am.
- 20 Q. Say your words loud for the record.
- 21 A. Yes, ma'am.
- 22 Q. What about Robert Goodwin?
- 23 A. Associates.
- 24 Q. How long had you known him?
- 25 A. Approximately a month.

1 Q. Before March of 2017?

2 A. Yeah.

3 Q. So that would be a little bit longer but back

4 then?

5 A. Yes, ma'am.

6 Q. And that's what you're referring to?

7 A. Yes, ma'am.

8 Q. Did you meet him in South Carolina or Maryland?

9 A. I met him in Maryland.

10 Q. Abin Lee Lowman, what did you call him?

11 A. Lee.

12 Q. Lee. How long had you known him prior to March of

13 2017?

14 A. Approximately one month. Month and a half.

15 Q. Who did you meet him through?

16 A. I met him through Robert Goodwin.

17 Q. Can you tell me whether or not there's any

18 relationship between Abin Lee Lowman or I'll call him Lee and

19 Robert Goodwin?

20 A. Lee is a nephew or uncle.

21 Q. So they were uncle/nephew relationship?

22 A. I believe so.

23 Q. Everyone knows why we're here so let's start with,

24 we'll start from the top. Tell me about this plan. How did

25 we even get here?

1 A. I met obviously Abin Lee Lowman through Robert
2 Goodwin. After a few times of encountering each other, he
3 asked me if I wanted to do a lick with him as we call it.

4 Q. A what?

5 A. A lick.

6 Q. What's a lick?

7 A. It's a robbery. And he told me that he knew some
8 people that had drugs, jewelry and money. He said it would be
9 something that I would be able to do and never look back
10 from.

11 Q. These people, did he tell you where these were?

12 A. Where?

13 Q. Where would this lick take place?

14 A. It would happen in South Carolina.

15 Q. You said he said you would never have to look back.

16 What did you take that to mean?

17 A. A substantial amount of money.

18 Q. How much money were you thinking?

19 MR. WILLIAMS: Objection. Speculation.

20 MS. FULLER: How much money was he thinking?

21 MR. WILLIAMS: Withdraw that objection then.

22 MS. FULLER: That was the question.

23 THE COURT: That was the question. He didn't hear
24 you. Okay. Now you can answer the question.

25 BY THE WITNESS:

JAMES CHRISTOPHER WILSON - DIRECT BY MS. FULLER

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1 A. It was anywhere from 300,000 to more.

2 BY MS. FULLER:

3 Q. Do you recall when he mentioned this plan to you?

4 A. The exact date I wouldn't know. It was about a week
5 prior, a week or so prior to me coming down to South Carolina
6 though.

7 Q. So a week or so prior. You've known him about a
8 month at this point. So he mentioned this plan to you. Did
9 he tell you when you were going to carry out this plan?

10 A. At that time he mentioned there was no set date.

11 Q. So describe the plan. Give me full details. How
12 were you supposed to carry this out?

13 A. The plan was to, uh, come to South Carolina. Uh,
14 Lowman would provide the, uh, the rental car and the guns.
15 Uh, we were to have money for hotel, food, and anything extra
16 and, uhm, he said he knew where they lived and, uhm, pretty
17 much all we had to do would be to go in there and pretty much
18 rob them, tie them up, lay them down. Uh, I was to get the
19 codes.

20 Q. Before we get there, we'll just stay in Maryland and
21 take it in order.

22 A. Oh, yeah.

23 Q. So in Maryland the plan was to come down here. How
24 were you supposed to come down here?

25 A. He would bring us down here.

1 Q. When you say bring you down here, how was he gonna
2 bring you down here?

3 A. Drive us.

4 Q. So the plan was, can you tell me whether or not the
5 plan was to go in with guns or not?

6 A. Yes. Guns were always in the plan.

7 Q. So the plan was to commit an armed robbery?

8 A. Yes, ma'am.

9 Q. What, if anything, were you supposed to prepare in
10 order to carry this out?

11 A. Uh, on our end we were just supposed to have the
12 funds.

13 Q. And then on his end?

14 A. He was gonna supply the guns and the rental car that
15 was supposed to be used.

16 Q. Can you tell me whether or not you guys planned to
17 go in with your faces covered?

18 A. Oh, yeah. Definitely.

19 Q. Dark clothes?

20 A. Definitely dark clothing, faces covered.

21 Q. And that was all discussed in Maryland?

22 A. Uh, yeah.

23 Q. Back in Maryland who was involved in this
24 discussion?

25 A. Just Mr. Lowman and myself.

1 Q. Now, we mentioned that you committed this with
2 Lowman, Goodwin, yourself and Darien. How did Joshua Darien
3 get involved?

4 A. Josh got involved with me by myself. I brought it
5 to Josh's attention about the opportunity so...

6 Q. And this was after speaking with Lowman?

7 A. After speaking with Lowman.

8 Q. Did you give him the full details of the plan?

9 A. I did.

10 Q. What did you tell him the plan was?

11 A. I told him that there was a substantial amount of
12 money involved and that, uh, it was pretty much a robbery that
13 we were gonna go to South Carolina and commit. It kind of
14 took three days to deliberate whether we wanted to do it or
15 not. Kind of weighed out the good and the bad. We went ahead
16 and decided that we were gonna go ahead and do it.

17 Q. And you said that there was a substantial amount of
18 money involved. Was the plan to go steal cash?

19 A. The plan was -- This is how it was explained to me.
20 It was explained to me that they were drug dealers that owned
21 a jewelry store that was a front for the drugs and there was
22 gonna be cash, drugs and jewelry involved all in one.

23 Q. Did he give you the names of the individuals who the
24 drug dealers were supposed to be?

25 A. At the time he just told me Tidwell. Tidwell

1 Jewelers. He didn't give me actual first names.

2 Q. So when you were in Maryland, you discussed the plan
3 that the Tidwells were drug dealers?

4 A. Yes.

5 Q. And he was going to bring you down here to rob some
6 drug dealers?

7 A. Yes, ma'am.

8 Q. You mentioned Goodwin is involved. Was he involved
9 in the initial plan in Maryland?

10 A. No, ma'am.

11 Q. We'll get to that a little later. You said that he
12 discussed this plan with you a week before you came down here.
13 When did you come down here?

14 A. Uh, I came down here on the 1st but we left Tuesday
15 night so it would be February 28th we left. We got here
16 Wednesday.

17 Q. So I notice you're looking down at what we have
18 marked as State's 92 which is a calendar to help refresh your
19 memory. So you indicated on the 1st?

20 A. Yes, ma'am.

21 Q. And who came down here with you?

22 A. Me, Josh, and Lee.

23 Q. Who was driving?

24 A. Mr. Lowman. Well, we all took turns driving.

25 Q. You said --

1 A. We all took turns driving. Mr. Lowman drove
2 first.

3 Q. Whose car was it?

4 A. Mr. Lowman's.

5 Q. And the week prior do you know whether or not he was
6 in Maryland the entire time for that week?

7 A. He was not. He came to Maryland on the 28th and we
8 left on the 28th, February 28th that is.

9 Q. Can you repeat that?

10 A. He came to Maryland on February 28th and we left on
11 February 28th.

12 Q. So on the same day that he came up there he said the
13 plan was a go? Or how did that happen that the same day he
14 came back you guys decided to leave?

15 A. We met him, me and, uh, Josh met him at the
16 McDonald's on Cassat Boulevard in Maryland and, uh, we
17 discussed the situation. We discussed that we thought about
18 it and that we would, we were willing to give it a go and he
19 said, well, you guys go ahead and packed and we leave
20 tonight.

21 Q. So you packed. What did you pack?

22 A. Uh, nothing but necessary stuff. Maybe I think a
23 change of clothes and that's it. Just some cash money.

24 Q. Did you pack a bag with you?

25 A. No. It wasn't a bag. It was like a throw over.

1 Q. What's a throw over? Like a duffel bag?

2 MR. WILLIAMS: Objection to leading.

3 THE COURT: I'm gonna allow that one.

4 BY THE WITNESS:

5 A. Uh, it's not a - smaller than a duffel bag.

6 BY MS. FULLER:

7 Q. Okay. But something you can put your items in?

8 A. Yes.

9 Q. And you said you had cash. Did you have your wallet
10 with you?

11 A. Yes, ma'am.

12 Q. And you got in his vehicle and you came down here?

13 A. Yes, ma'am.

14 Q. What happened when you came down here?

15 A. Uh, we got to South Carolina. Did a lot of going to
16 car lots. That's the first day. That's what we did almost
17 all day. We went to car lots and, uhm, that first day he took
18 us to a house that he believed was Mr. and Mrs. Tidwells'
19 house but it wasn't the right address.

20 Q. Where was this house located?

21 A. I believe in Johnston, South Carolina.

22 Q. You said this was on what day?

23 A. This was on March 1st.

24 Q. So as soon as you guys got down here you started
25 looking for them?

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1 A. Later on that day. Later on that night. Yes,
2 ma'am.

3 Q. How long were you planning to be in South
4 Carolina?

5 A. We were supposed to be here Wednesday, Thursday, do
6 the robbery on Friday and be back by Saturday.

7 Q. At what point did Goodwin get into the picture?

8 A. Uh, Goodwin got into the picture on Thursday
9 morning. Uh, Wednesday night we, uh, spent the night at the,
10 uh, Econo Lodge in Aiken and Goodwin got in the picture the
11 next morning. He was never originally, he was never supposed
12 to be part of the plan. The next morning he showed up with
13 Abin Lee Lowman and, uh, he came and that's Thursday, March
14 2nd.

15 Q. Thursday, March 2nd?

16 A. Yeah.

17 Q. So you said you're at the Econo Lodge in Aiken?

18 A. Yes, ma'am.

19 Q. So did Lee stay with you that night?

20 A. No. He did not.

21 Q. Just to be clear. At that point what did you guys
22 do?

23 A. Uh, we, uhm, did some car searching, riding around
24 car lots.

25 Q. What were you searching for cars for?

1 A. Uh, I believe Mr. Lowman said that he was looking
2 for a car for his mom.

3 Q. Okay.

4 A. And, uhm, later on when it got to be about 5:30 we
5 headed to Johnston, South Carolina. And there's a gas station
6 across the street from the Tidwell Jewelry Store.

7 Q. Let me show you an aerial. Looking at State's
8 Exhibit 3, I'll let you orient yourself. I'm not sure if you
9 recognize this, but do you recognize this aerial?

10 A. Yes, ma'am.

11 Q. And how do you recognize it?

12 A. Uh, that's the gas station. That's the parking lot
13 and that's Tidwell Jewelers.

14 Q. So for the jury you said you parked at a gas
15 station. Which gas station?

16 A. This gas station right here.

17 Q. And what was the purpose of parking at that gas
18 station?

19 A. From that gas station we could see clearly to the
20 Tidwell Jewelry Store with little or no obstruction in
21 between.

22 Q. While you were sitting there what were you guys
23 doing?

24 A. We were waiting for Mr. and Mrs. Tidwell to come out
25 of the store. They would close about 6:00 I believe.

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1 Q. And then they leave a short time later?

2 A. They leave about 6:30. They walk out to their car.
3 Their car is parked in the middle. From there we could, like
4 I said, the day before we went to the wrong address so we
5 didn't know where they lived at at that point.

6 Q. Let me stop you there. You're saying when Lee came
7 to Maryland, he didn't know --

8 A. He said he knew but the address that we went to the
9 first day was an incorrect address.

10 Q. I'm tracking. So at this point you're watching them
11 to do what?

12 A. To follow them to get the correct address.

13 Q. Take me through that first day. You're talking
14 about Thursday the 2nd. Do you follow them that day?

15 A. Yes, ma'am.

16 Q. What route do you take?

17 A. They come out of the store. They come over here,
18 make a left on this road. I'm not sure what road it is.

19 Q. You said you're not sure what road it is because you
20 have never been here before?

21 A. No. Never been. Make a left. They make a left.
22 We pulled out of the gas station and we followed them, stayed
23 about three cars behind them but on this day we were in an
24 Impala.

25 Q. An Impala. Is that what you guys drove down in?

1 A. Yes, ma'am.

2 Q. So on Thursday, March 2nd you follow them. Where
3 did that take you?

4 A. That took us to the golf course. I'm not sure of
5 the name of the road but it's a golf course on that road, we
6 drive down that about 15 minutes.

7 Q. Just to be clear, when you say that road, you're
8 talking about this road?

9 A. Yes, ma'am. Straight down there.

10 Q. Are you saying you could take this straight to the
11 golf course?

12 A. Straight to the golf course.

13 Q. Then what happens on that day?

14 A. Uhm, they take, they go into the golf course. We
15 assumed that where they went is where they lived but as we
16 turned around they were coming back out and then they drove to
17 the entrance of the golf course so we, we kind of figured
18 that's the general area of where they lived at but we didn't
19 know the exact house.

20 Q. I have a couple questions about this. Were all four
21 of you guys in the car at that time?

22 A. Yes, ma'am.

23 Q. Who was driving?

24 A. Lee.

25 Q. And Goodwin, he was in the car?

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1 A. Yes, ma'am.

2 Q. So is this when he became part of the plan?

3 A. Goodwin was the first one to address the fact that
4 the Tidwells came out of the jewelry store. See, I never knew
5 he was a part of the plan until that moment and I didn't know
6 he knew anything about it until that moment.

7 Q. When you saw him at the Econo Lodge in Aiken, what
8 were you thinking?

9 A. He was already down here so I wasn't really thinking
10 too much about it.

11 Q. Let me ask you this: The last time you saw Goodwin
12 was where, in Maryland?

13 A. In Maryland but I knew that he left Maryland and
14 came to South Carolina so I didn't know.

15 Q. So you said the first one to address him. I think
16 our lingo is a little different down here so I want to make
17 sure we understand what you're saying?

18 A. As the Tidwells walked out of the jewelry store,
19 Goodwin was the first one to identify them so the speak.

20 Q. You were pointing. You stopped kind of right there
21 in the middle. What were you stopping at?

22 A. The car.

23 Q. What kind of car was it?

24 A. A Yukon GMC.

25 Q. How do you know that?

1 A. It was at the house. I mean, that's the car we
2 followed. That's the car they entered into.

3 Q. And you stopped at that parking spot. Did you see
4 them in that parking spot?

5 A. That's the exact parking spot they were parked in
6 every day.

7 Q. And you said Goodwin pointed them out when they
8 walked out of the store?

9 A. Yes, ma'am.

10 Q. So another follow up question. You follow them in.
11 Now you see them. At this point are you still thinking
12 they're drug dealers?

13 A. Uhm, I always had my doubts to be honest with you
14 but greed and being naive led me on.

15 Q. So I'm gonna show you State's Exhibit 1. Do you
16 recognize this?

17 A. Yes, ma'am.

18 Q. How do you recognize it?

19 A. It's the golf course where Mr. and Mrs. Tidwell
20 resided.

21 Q. You described them turning in so I'm gonna ask you
22 to explain to the jury what you mean. What did you see? Can
23 you orient yourself?

24 A. I'm trying to.

25 Q. Okay.

1 A. As we came down this road they turned in right
2 here.

3 Q. Okay.

4 A. And they went to the back, all the way to the back.
5 The first day we didn't go back there though. We just
6 observed them turn that way.

7 Q. Okay. And then you said they came back out?

8 A. Yeah. We turned around further down this road
9 there, turned back around and as we were coming back because
10 we pretty much at this point we narrowed it down to that they
11 lived in this area they were pulling back out and, uhm, they
12 turned into this, to the actual golf course, the main entrance
13 and, uhm, we didn't really think much of it. We thought Mr.
14 Tidwell was going to play golf. The Masters was going on and
15 there was a lot of activity going on at the golf course so we
16 just kept going for the day.

17 Q. So that was it for following them on March 2nd,
18 Thursday, March 2nd?

19 A. That's right.

20 Q. Again, who was driving the car?

21 A. Abin Lee.

22 Q. Where did you go after that, do you recall?

23 A. Uh, after that the Impala was I believe actually his
24 nephew's car.

25 Q. Goodwin the nephew?

1 A. No. No. No. Another nephew. And he had the Grand
2 Marquis that I'm used to seeing Mr. Lowman in.

3 Q. So let me show you a photograph, State's Exhibit 69.
4 Do you recognize this?

5 A. Yes, ma'am.

6 Q. And what is this?

7 A. That's the Grand Marquis.

8 Q. And so you said, you can pick up from where you
9 were. You said you got into the Grand Marquis.

10 A. Yeah. We got into the Grand Marquis and spent the
11 night in Ridge Spring.

12 Q. Speak up into the mic so everyone can hear you. So
13 you said you spent the night in Ridge Spring?

14 A. Yes, ma'am.

15 Q. Did anything else happen that day? You just stayed
16 in the car?

17 A. Just stayed in the car the rest of that night,
18 Thursday.

19 Q. So then let's take us to Friday, March 3rd. That
20 morning are you still in Ridge Spring?

21 A. Yes, ma'am.

22 Q. What happens that morning?

23 A. Uh, we get pulled over.

24 Q. Who was driving?

25 A. Uh, Abin Lee.

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- 1 Q. Who was in the car?
- 2 A. Myself, Goodwin, Darien and Mr. Lowman.
- 3 Q. Did you encounter law enforcement?
- 4 A. Yes. I did.
- 5 Q. Did you provide your identification?
- 6 A. Yes. I did.
- 7 Q. Do you see the officer in the courtroom you gave
- 8 your identification to?
- 9 A. Yes. I do.
- 10 Q. Who was it?
- 11 A. Mr. -- I'm not sure of his last name.
- 12 Q. I'm showing you State's Exhibit 78. Do you
- 13 recognize this?
- 14 A. Yes, ma'am.
- 15 Q. What is this?
- 16 A. That's my ID.
- 17 Q. Is this what you showed him?
- 18 A. Yes, ma'am.
- 19 Q. And this is an ID and not a driver's license?
- 20 A. Yes, ma'am.
- 21 Q. When is the last time you saw this ID? When is the
- 22 last time you had it in your possession?
- 23 A. March 8th or March 7th.
- 24 Q. Where did you leave it?
- 25 A. I left it in Mr. Lowman's car.

1 Q. Did everyone give their ID that day?

2 A. Yes, ma'am.

3 Q. And you guys left? You guys were able to leave?

4 A. Yes, ma'am.

5 Q. Who drove away?

6 A. Joshua did.

7 Q. Why did Josh drive away?

8 A. Mr. Lowman's license was suspended I believe.

9 Q. So on this day, now we're on March 3rd, where do you

10 go?

11 A. We, uh, we go to - we go - we go back to Johnston, I

12 believe. I believe at the time Mr. Lowman goes in and buys a

13 ring.

14 Q. Okay. I'm gonna ask you to keep your voice up so

15 everyone hears you. So you go back to Johnston?

16 A. Yes, ma'am.

17 Q. You were pointing down here, that's why I'm picking

18 it up. Is this where you go back to?

19 A. Yes, ma'am.

20 Q. Where do you park?

21 A. We park in front of the library.

22 Q. I'm not sure where the library is. I'll ask you to

23 point it out for the jury.

24 A. (Witness complies.) We park on this side right

25 here.

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1 Q. And that's still across from Tidwell Jewelers?

2 A. Yeah. Tidwell Jewelers is right here.

3 Q. What, if anything, are you doing there on March 3rd?

4 A. Mr. Lowman went and bought a ring and Josh went in
5 there with him. I stayed in the car as well as Goodwin.

6 Q. Why did Josh go in?

7 A. I have no idea to be honest with you. Just being
8 curious.

9 Q. You say Lowman goes in?

10 A. Yes, ma'am.

11 Q. Do you remember how long they were inside the
12 store?

13 A. Approximately maybe 15, 20 minutes.

14 Q. And their only purpose was to go buy that ring that
15 day?

16 MR. WILLIAMS: Objection to leading.

17 THE COURT: Sustained.

18 BY MS. FULLER:

19 Q. What was the purpose?

20 A. The purpose was to, it was, one, to look around the
21 store. Two, to try to see if we could get a better
22 understanding of the exact location of the address.

23 Q. Do you know if that happened?

24 A. I believe it did.

25 Q. What did you guys find out?

1 A. Uh, we found out that they actually owned a house on
2 the golf course. We still did not know the exact address but
3 we were a hundred percent sure at this point that it was on
4 the golf course.

5 Q. So as to March 3rd, on Friday, March 3rd Lee and
6 Josh were able to come out of the store that day with
7 information on exactly what area the Tidwells reside?

8 A. Yes, ma'am.

9 Q. So what do you guys do now with that information?

10 A. We, uh, we -- Well, he bought a ring so now we know.
11 Now we just have to go figure out what house it is. So it was
12 Friday. Friday was supposed to be the deadline, or the
13 original deadline but it's now Friday and nothing has come
14 about so, uhm, we kind of figured we were going to delay for
15 the weekend and try the next weekend.

16 Q. So there was nothing going on on the weekend?

17 A. Uhm, we went to - we went to - we went and got a
18 hotel room in Aiken Knights Inn.

19 Q. And who got that hotel room?

20 A. Mr. Lowman did.

21 Q. What hotel was that?

22 A. Knights Inn. Three nights.

23 Q. For how long?

24 A. Three nights.

25 Q. So looking at this calendar Mr. Lowman got you guys

1 a hotel room for three nights so that would be March 3rd,
2 March 4th and March 5th?

3 A. Yes, ma'am.

4 Q. And who stayed there?

5 A. Myself, Lowman, Goodwin and Darien.

6 Q. Now this ring that he bought, what, if anything,
7 happened with this ring?

8 A. He went to visit his girlfriend and I believe he
9 gave it to her. She came back to the Knights Inn with us.

10 Q. She stayed there with you?

11 A. She did not stay that night. She ended up leaving
12 but she was there for --

13 Q. So you were able to meet acquaintances and family
14 members of?

15 A. One. That's it. That's the only one I met.

16 Q. Do you know where you met her?

17 A. Uh, I met her in Augusta.

18 Q. Do you remember who she is?

19 A. She's sitting right there in the courtroom in the
20 back.

21 Q. In this courtroom?

22 A. Yeah. Sitting right there.

23 Q. So you go to Augusta on the 3rd?

24 A. Yes, ma'am.

25 Q. And he gives her that ring?

1 A. I did not see him actually exchange but that was the
2 point of buying the ring so I believe he did.

3 Q. Do you remember what part of Augusta you went to?

4 A. Uhm, I'm not sure.

5 Q. Okay. So you're at the Knights Inn the 3rd and the
6 4th. What, if anything, did you do on the 4th?

7 A. Uhm, the 4th, it was, as a matter of fact, that
8 night, Friday night, again we followed, we went back to
9 Johnston and followed them again and, uhm, came up with the
10 same outcome. Could not find the location.

11 Q. Why was it the same outcome?

12 A. It's a lot of - it's not a lot of houses back there
13 but there's a broad range of houses. We did not want to
14 actually follow them straight to their house, not literally
15 follow behind them so every time they went into the golf
16 course we kind of fell back.

17 Q. Did they go in the same way each time?

18 A. Uh, after work they normally took the same route.

19 Q. And they turned into the second entrance and then
20 come out and go into the first entrance?

21 A. Yes, ma'am.

22 Q. On Sunday March 5th, what, if anything, did you guys
23 do?

24 A. Uhm, On Sunday -- Sunday, Sunday, Sunday...

25 Q. Let me ask you this: What, if anything, did you

1 guys to do prepare for this robbery?

2 A. Uhm, I believe that the gun was bought on the --

3 Q. You mentioned a gun. What kind of gun?

4 A. It's a nine millimeter.

5 Q. Where did you purchase -- Or, well, who purchased
6 that gun?

7 A. Mr. Lowman did.

8 Q. Where was it purchased?

9 A. It was purchased out of the classified ads in the
10 newspaper but we drove to, I believe, Spartanburg or
11 Greenville to buy it.

12 Q. Okay. So let's break that down. Where did he find
13 the gun?

14 A. In the classified ads in the newspaper. It's a
15 newspaper where they sell guns.

16 Q. How did he make contact with the seller?

17 A. Uh, I believe that his girl called them at first and
18 then he ended up calling them.

19 Q. And then from there was a plan developed to meet up
20 with the seller?

21 A. Yeah. We met up with them that night and we bought
22 the gun from him.

23 Q. You mentioned it was out of Spartanburg or
24 Greenville?

25 A. Yeah. It was about two hours away from --

1 Q. Two miles?

2 A. Two hours.

3 MR. WILLIAMS: Objection to the leading.

4 THE COURT: I don't think she was leading him but be

5 careful.

6 BY THE WITNESS:

7 A. It's about two hours away from Aiken where we were

8 at.

9 BY MS. FULLER:

10 Q. Do you know who he purchased this gun from?

11 A. I do not know the name of the guy.

12 Q. Do you remember what he looked like?

13 A. A white guy, kind of heavy set. He drove a white

14 pickup truck.

15 Q. He drove a what kind of pickup truck?

16 A. A white pickup truck. I'm not sure of the exact

17 kind.

18 Q. So you saw his vehicle. Can you tell me whether or

19 not you went into a store to purchase this?

20 A. No. It was in a parking lot.

21 Q. In a random parking lot?

22 A. It was like a mall parking lot or something.

23 Q. Did you interact with this guy?

24 A. No. I did not.

25 Q. He didn't speak to you guys?

1 A. No. He didn't speak to us. Only one person got out
2 of the car.

3 Q. And he didn't see you guys in the car?

4 A. The car has pretty dark tint so it would be hard to
5 see anybody else in there.

6 Q. Who else was with you guys when he purchased, when
7 Lee purchased, was it just you and him?

8 A. No. It was all of us going, Goodwin, Darien and
9 myself.

10 Q. I'm going to show you State's Exhibit 81. You
11 probably have not seen this but I'm gonna ask you if you
12 recognize this?

13 A. That's the box the gun was purchased in.

14 Q. How do you know this was the box the gun was
15 purchased in?

16 A. That's the box it came in. I was in the car that
17 night.

18 Q. Can you describe what the gun looked like?

19 A. It's, uhm, camouflaged color, nine millimeter.

20 Q. Do you remember what brand, what kind of gun?

21 A. It's a Zastava. It's not, not an American brand. I
22 believe it's a Zastava.

23 Q. Do you recognize this?

24 A. Yes, ma'am.

25 Q. What is this?

- 1 A. That's the gun.
- 2 Q. This is the gun that Lee purchased --
- 3 A. Yes, ma'am.
- 4 Q. -- in either Spartanburg or Greenville?
- 5 A. Yes, ma'am.
- 6 Q. Let's talk about the clip for the gun. Was this
- 7 purchased with the gun?
- 8 A. Yes, ma'am. It came with it.
- 9 Q. One came with it?
- 10 A. Two came with it, a 16 round clip and a 10 round
- 11 clip.
- 12 Q. We only have one. Where is the second one?
- 13 A. I dropped the second one.
- 14 Q. Where did you drop it?
- 15 A. In a field on the golf course.
- 16 Q. When did you do that?
- 17 A. Uhm, looking for the house. I believe I did that on
- 18 either, I believe it was the 4th. We were looking for the
- 19 house going through the neighborhood and I dropped it.
- 20 Q. So after you purchased the gun, you had the gun with
- 21 you when you went to the golf course?
- 22 A. Yes, ma'am.
- 23 Q. And if you don't remember exact dates, that's fine.
- 24 I just have the calendar there to assist you.
- 25 A. Okay.

1 Q. Did the gun come with ammunition?
2 A. No, ma'am.
3 Q. When did it get ammunition?
4 A. Uh, I believe it was purchased the next day.
5 Q. Who purchased the ammunition for the gun?
6 A. Mr. Lowman.
7 Q. Were you with him when he purchased it?
8 A. I was in the car with him. I did not go into the
9 store with him.
10 Q. Take me through that day. Where was the ammunition
11 purchased?
12 A. It was purchased in North Augusta.
13 Q. Where?
14 A. In Walmart, North Augusta.
15 Q. Did you see the ammunition?
16 A. Yes, ma'am.
17 Q. Can you tell me whether or not you went to more than
18 one Walmart?
19 A. We were to two Walmarts that day.
20 Q. Where is the first one?
21 A. Aiken.
22 Q. What did you guys go the first Walmart for?
23 A. The first Walmart we went there originally to get
24 the bullets from there but we all went to the store so instead
25 of getting bullets we just bought the walkie-talkies and some

1 dark wear, dark outfits to go into the house with.

2 Q. I saw your head nod down here. This is State's
3 Exhibit 77. Is this the walkie-talkie?

4 A. That's one of them.

5 Q. How many did you purchase?

6 A. It was four of them.

7 Q. Well, we only have one in evidence. What happened
8 to the other three?

9 A. Could not tell you.

10 Q. But you were present when this was purchased?

11 A. Yes, ma'am.

12 Q. This was at the Walmart in Aiken?

13 A. Yes, ma'am.

14 Q. And you said you purchased dark clothing?

15 A. Yes, ma'am.

16 Q. Why did you do that?

17 A. Robbery. To commit the robbery with.

18 Q. Did everyone purchase items that day?

19 A. Myself and Joshua did.

20 Q. I'm going to show you some photographs.

21 MS. FULLER: Without objection?

22 MR. WILLIAMS: If he identifies them.

23 BY MS. FULLER:

24 Q. Looking at State's 102, do you recognize this?

25 A. Yes, ma'am.

- 1 Q. Who is this?
- 2 A. Josh.
- 3 Q. Where is he?
- 4 A. I believe that's in Aiken.
- 5 Q. Aiken. What store?
- 6 A. Walmart.
- 7 Q. Looking at State's 103, who is this?
- 8 A. That's Goodwin.
- 9 Q. Where is he?
- 10 A. Aiken, Walmart.
- 11 Q. What date was this?
- 12 A. The 6th.
- 13 Q. So that's on Monday the 6th?
- 14 A. Yes, ma'am.
- 15 Q. Who is this?
- 16 A. That's Lowman.
- 17 Q. What is he wearing?
- 18 A. Work clothes.
- 19 Q. Was he going to work that day?
- 20 A. No, ma'am. He always wore work clothes.
- 21 Q. What do you mean he always wore work clothes?
- 22 A. Always wore work clothes. He always has on a work
- 23 jacket and overalls.
- 24 Q. Even when he comes to Maryland?
- 25 A. Yes, ma'am.

1 Q. This is State's 104. What day was this?

2 A. The 6th.

3 Q. Looking at State's 105, who is this?

4 A. Myself.

5 Q. You have a bag in your hand?

6 A. Yeah, containing the dark clothing.

7 Q. Looking at State's 106, what do you see here?

8 A. That's everybody. Lowman, Darien, Goodwin and

9 myself.

10 Q. Where are you guys?

11 A. In Walmart in Aiken.

12 MS. FULLER: At this time, Your Honor, the State

13 seeks to move State's Exhibits 102, 103, 104, 105, 106

14 into evidence.

15 MR. WILLIAMS: Without objection, Your Honor.

16 THE COURT: State's 102, 103, 104, 105, 106 without

17 objection.

18 BY MS. FULLER:

19 Q. I'm going to publish State's 102. Who did you say

20 this is?

21 A. Josh.

22 Q. At the Walmart in Aiken?

23 A. That's right.

24 Q. Publishing 103. Who did you say this was?

25 A. Goodwin.

1 Q. At the Walmart in Aiken?

2 A. Yes, ma'am.

3 Q. This is where you purchased the walkie-talkies?

4 A. Yes, ma'am.

5 Q. What was the purpose of the walkie-talkies?

6 A. Communication.

7 Q. What's wrong with cell phones?

8 A. The service in Saluda is pretty bad.

9 Q. Looking at 104.

10 A. Yes, ma'am. That's Lowman in the Walmart in

11 Aiken.

12 Q. And you identified what he was wearing?

13 A. His work clothes.

14 Q. And he didn't go to work this day?

15 A. No, ma'am.

16 Q. The times he came to Maryland was he going to

17 work?

18 A. No, ma'am.

19 Q. And you saw him in his work clothes?

20 A. Yes, ma'am.

21 Q. Is there an Amick's Farm in Maryland?

22 A. No. There is not.

23 Q. Looking at 105.

24 A. That's myself.

25 Q. 106.

1 A. That's all of us.

2 Q. When you say all of us, this is Lowman, Goodwin,
3 yourself and Darien?

4 A. Yes, ma'am.

5 Q. I'm going to show you a few more exhibits. You
6 mentioned you went to a second Walmart in North Augusta or in
7 Augusta. State's Exhibit 93, do you remember recognize
8 this?

9 A. That's Lowman.

10 Q. And where is he?

11 A. At Walmart, North Augusta.

12 Q. And where were you?

13 A. In the car.

14 Q. Looking at State's 94, who is this?

15 A. That's Josh.

16 Q. And where is he?

17 A. At Walmart in North Augusta.

18 Q. Now, you testified that that's where the ammunition
19 was purchased?

20 A. Yes, ma'am.

21 Q. Did Josh purchase the ammunition?

22 A. No. He did not.

23 MR. WILLIAMS: Objection to that, Your Honor.

24 Speculation.

25 MS. FULLER: That's not speculation.

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1 THE COURT: Reask the question. If he knows.

2 MS. FULLER: He answered. Do you want me to ask him
3 again?

4 THE COURT: Yes. I didn't hear his answer over the
5 objection. If he has knowledge and can answer the
6 question, then the objection will be overruled.

7 BY MS. FULLER:

8 Q. Did Josh purchase the ammunition?

9 A. No. He did not.

10 Q. Do you know what he was doing in Walmart?

11 A. No. I believe he bought some food.

12 MR. WILLIAMS: Objection. Speculation.

13 BY MS. FULLER:

14 Q. Did you see the food?

15 A. He came out with bags of it.

16 Q. Looking at 95.

17 A. That's Lowman.

18 Q. And this is in Walmart?

19 A. Yes, ma'am.

20 Q. 96?

21 A. That's Lowman.

22 Q. (Indicating.)

23 A. That's Lowman.

24 Q. That was 97. 98?

25 A. That's the car, the Grand Marquis.

1 Q. Who's driving?
2 A. Lee Lowman is driving.
3 Q. And where were you guys?
4 A. We were in the car.
5 Q. You're all in the car?
6 A. Yes, ma'am.
7 Q. 99?
8 A. That's the car again.
9 Q. 100?
10 A. Mr. Lowman.
11 Q. He has a bag in his hand. What's that?
12 A. That's the ammunition.
13 Q. Did you see it?
14 A. Yes, ma'am.
15 Q. 101?
16 A. Mr. Lowman again.
17 MS. FULLER: I would like to move these into
18 evidence.
19 MR. WILLIAMS: Your Honor, I'm going to object to
20 the following exhibits for lack of foundation. That's
21 95, 96, 97, 98, 99, 100 and 101.
22 THE COURT: Let me see them.
23 MS. FULLER: (Proffering.)
24 (Side bar off the record.)
25 BY MS. FULLER:

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- 1 Q. We'll take them one by one again. State's 93, where
2 is this photo taken?
- 3 A. At Walmart in North Augusta.
- 4 Q. What day?
- 5 A. On the 6th.
- 6 Q. And this is Lowman?
- 7 A. Yes.
- 8 Q. Looking at 94, who is this?
- 9 A. Josh.
- 10 Q. Day?
- 11 A. 6th.
- 12 Q. Walmart?
- 13 A. Walmart.
- 14 Q. Where?
- 15 A. North Augusta.
- 16 Q. 95?
- 17 A. Mr. Lowman.
- 18 Q. Where?
- 19 A. At the cash register at Walmart.
- 20 Q. What day?
- 21 A. The 6th. March 6th.
- 22 Q. Did you say North Augusta?
- 23 A. North Augusta.
- 24 Q. 96?
- 25 A. Mr. Lowman at the cash register.

1 Q. Where?

2 A. North Augusta.

3 Q. What day?

4 A. On the 6th.

5 Q. 97?

6 A. Mr. Lowman.

7 Q. Where?

8 A. North Augusta, Walmart, the 6th.

9 Q. I'm sorry. 2017, right?

10 A. Yes, ma'am.

11 Q. 98?

12 A. The car. Everybody in the car.

13 Q. Where?

14 A. Walmart, North Augusta, the 6th.

15 Q. You're picking up my rhythm.

16 A. Yeah.

17 Q. 99?

18 A. The car, Walmart, North Augusta, the 6th.

19 Q. March 6th?

20 A. Yeah. March 6th.

21 Q. Okay. 100?

22 A. Mr. Lowman coming out of the Walmart, North Augusta

23 on the 6th.

24 Q. What's he coming out with?

25 A. A bag which is the ammunition.

1 Q. And that's the bullets that were in the gun?

2 A. Yes, ma'am.

3 Q. 101?

4 A. Mr. Lowman, Walmart on the 6th, North Augusta.

5 MR. WILLIAMS: I have no objection to the
6 introduction of the items. I would move to strike one
7 statement that was made about fitting in the gun because
8 it wasn't a question I don't believe.

9 THE COURT: What statement?

10 MR. WILLIAMS: Move to strike the statement in the
11 gun because he was describing a bag and the purchase of
12 items.

13 THE COURT: Okay. I thought his answer -- I didn't
14 hear that statement but buying the ammo that's in the
15 bag. If he made a comment regarding the gun, that would
16 be stricken and disregard it. Otherwise 93, 94, 95, 96,
17 97, 98, 99, 100 and 101 are admitted.

18 MR. WILLIAMS: Thank you, Your Honor.

19 BY MS. FULLER:

20 Q. The ammunition that was purchased in Walmart at
21 North Augusta, can you tell me whether or not that's the same
22 ammunition that was in the gun, the Zastava?

23 A. It was.

24 MS. FULLER: Publishing the exhibits now, Your
25 Honor.

1 THE COURT: Certainly.

2 BY MS. FULLER:

3 Q. 93?

4 A. Mr. Lowman, Walmart, the 6th, North Augusta.

5 Q. (Indicating.)

6 A. Joshua, Walmart, March 6th, North Augusta.

7 Q. And that was 94. 95?

8 A. Lowman, Walmart, North Augusta on the 6th.

9 Q. 96?

10 A. Lowman, Walmart, North Augusta, March 6th.

11 Q. 97?

12 A. Lowman, North Augusta, Walmart on the 6th.

13 Q. What is he wearing?

14 A. Blue jeans, regular clothes. I never seen him wear

15 sneakers though, I don't think. He always wears boots and

16 regular coat.

17 Q. (Indicating.)

18 A. The car at Walmart on the 6th.

19 Q. And this is exhibit 98.

20 A. North Augusta.

21 Q. And that's the car all of you guys were in?

22 A. Yes, ma'am.

23 Q. 99?

24 A. The car, Walmart, North Augusta on the 6th.

25 Q. 100?

- 1 A. Mr. Lowman, Walmart, North Augusta on the 6th.
- 2 Q. What is he carrying?
- 3 A. A bag of bullets.
- 4 Q. And 101?
- 5 A. Mr. Lowman coming out of Walmart, North Augusta on
- 6 the 6th.
- 7 Q. This is the car?
- 8 A. Yes, ma'am.
- 9 Q. State's Exhibit 69, what is this?
- 10 A. Grand Marquis.
- 11 Q. And State's Exhibit 98?
- 12 A. Same car, Grand Marquis.
- 13 Q. And you testified that you were in this car on March
- 14 2nd?
- 15 A. Yes, ma'am.
- 16 Q. Now, we know it's not the same car you came down in.
- 17 Did you ever switch cars again?
- 18 A. No, ma'am.
- 19 Q. On the day of the home invasion can you tell me what
- 20 car you were driving?
- 21 A. The Grand Marquis.
- 22 Q. And on the day of the home invasion can you tell me
- 23 whether or not Lee Lowman was driving that car?
- 24 A. He was.
- 25 Q. Showing you State's Exhibit 31 and 32, let you

1 orient yourself and ask you do you recognize this?

2 A. Yes, ma'am.

3 Q. Where is it?

4 A. That's the entrance to the back of the golf course.

5 That's the white house there in the front.

6 Q. What, if anything, else do you see in this

7 photograph?

8 A. The Grand Marquis. I'm in it.

9 Q. You're in this car?

10 A. Yes, ma'am.

11 Q. How do you know?

12 A. Because I'm always in it. I'm always in the car.

13 Q. Did you ever have another car?

14 A. No, ma'am.

15 Q. Who else was in this car on this -- Let me ask you

16 this. Hold on. Do you see a date there?

17 A. Yes, ma'am.

18 Q. What day was this?

19 A. 3/7/2017.

20 Q. Who was in the car with you on this day at the golf

21 course on March 7th, 2017?

22 A. Lee Lowman, Goodwin, Darien and myself.

23 Q. After the ammunition was purchased, who put the

24 ammunition in the gun?

25 A. I loaded a clip and I believe Joshua loaded a

1 clip.

2 Q. Can you tell me whether or not the gun was fully
3 loaded?

4 A. Definitely it was.

5 Q. Can you tell me whether or not you tested the gun?

6 A. Yeah.

7 Q. Go ahead and tell the jury about that.

8 A. Uhm, I'm not sure on what road it was. It's a long
9 back street in Saluda. We were driving in the car with the
10 gun, open the window, fired it. I fired it twice. Josh fired
11 it. Goodwin fired it.

12 Q. Who was driving when you guys tested the gun?

13 A. Lowman.

14 Q. And in what car?

15 A. The Grand Marquis.

16 Q. Can you tell me whether or not you would be
17 surprised if we found a spent casing in the car?

18 A. I wouldn't.

19 Q. You testified earlier that you guys purchased nine
20 millimeter. You testified earlier that the gun was a nine
21 millimeter. I'm ask you do you recognize this box?

22 A. Yes, ma'am. That's the box of bullets.

23 Q. How do you know that this is the box of bullets?

24 A. That's the bullets bought at Walmart in North
25 Augusta.

1 Q. The box of bullets that who purchased?

2 A. Mr. Lowman purchased.

3 Q. Can you tell me whether or not you would you be
4 surprised if I told you we found that box of bullets in
5 Mr. Lowman's car?

6 A. I wouldn't be surprised.

7 Q. Do you remember when you last saw that box of
8 bullets?

9 A. Yeah.

10 Q. Do you remember when you last saw it?

11 A. Yes, ma'am. When I was in the car going to the
12 Tidwells.

13 Q. Let's now get to the day of the incident.

14 A. Yes, ma'am.

15 Q. It all started, we're on March 7th. Take me through
16 that day.

17 A. Uhm, that night, the whole plan was for me and Josh
18 to be in the house before Mr. and Mrs. Tidwell got there but
19 we still did not know exactly what house it is but now we know
20 it's one of the houses in the front of the golf course so we
21 found a road back over there.

22 Q. I'm gonna ask you to slow down so we can all hear
23 you and speak up a little bit. How did you narrow down the
24 house?

25 A. Because Mr. Tidwell goes to the front everyday so we

1 figured that he doesn't live in the back. He has to live in
2 the front. So we noticed three houses up there and we just
3 had to figure out which one it is. So around maybe 4:00 or
4 4:30, 5:00ish we go to the neighborhood and it's me, Goodwin,
5 Josh and Lowman and we got the walkie-talkies, we got the gun,
6 he drops us off right there and me and Josh make our way to
7 these three houses to figure out which one of the houses is
8 the Tidwells. Uh, it just so happens that the first house we
9 approach they had these big windows in the back.

10 Q. You said what kind of windows?

11 A. Big windows. Big windows. No curtains. You can
12 look into the house. When we looked into the house, it was a
13 Tidwell Jewelers jacket on one of the chairs at the dining set
14 that was back there.

15 Q. Who was with you when you noticed the jacket?

16 A. Josh and myself.

17 Q. Where was Goodwin?

18 A. They were in the car.

19 Q. I'm going to show you State's Exhibit 11. You said
20 you narrowed it down to three houses. Do you see them in this
21 exhibit?

22 A. Yes, ma'am.

23 Q. Which house did you determine was the Tidwells?

24 A. This one right here.

25 Q. You said that's the first house you went to?

1 A. Yes, ma'am.

2 Q. You mentioned windows.

3 A. The windows on the back.

4 Q. Did you guys walk from the front or the back?

5 A. We walked from the back. There's a path that you
6 use. It's a golf course path that has different pathways.

7 Q. Looking at State's Exhibit 1, what path did you
8 use?

9 A. It comes from right here and runs all the way down.
10 There's a path that comes around here. There's a regular golf
11 path that golfers use when they're golfing and leads straight
12 to Mr. and Mrs. Tidwells' house.

13 Q. Can you tell me whether or not you were in the
14 Mercury?

15 THE COURT: Hang on. Hang on, Ms. Radlein. He's
16 speaking softly. I can barely hear him. Mr. Williams
17 and Mr. Hubbard are not able to hear, so I'm concerned
18 that the jury can't hear him so come back over here in
19 front of me. You being in front of me doesn't bother me
20 a bit. The jury needs to see the exhibits more than I
21 do.

22 MS. FULLER: Thank you, Your Honor.

23 BY MS. FULLER:

24 Q. So go ahead and describe that path again.

25 A. There's a pathway that comes -- This is a regular

1 road right here. This is a regular street. This is an empty
2 lot back here. It's for sale with another house. If you take
3 that road, it leads straight down to this lot and that's where
4 we was. From that empty lot there's a pathway and it brings
5 you out onto another path. That's part of the golf course.
6 From that path you can go straight here. You will be able to
7 see the Tidwell house from right here.

8 Q. You started out up here?

9 A. Yes, ma'am.

10 Q. Can you tell me whether or not that portion was
11 paved or unpaved?

12 A. The beginning portion was paved and then it turned
13 into an unpaved road, like a dirt road.

14 Q. I'm going to show you another exhibit, State's 71.
15 Do you recognize this?

16 A. Yes, ma'am. That's the pathway.

17 Q. Can you point out the pathway?

18 A. It's right here (indicating.)

19 Q. And looking at State's 74, can you tell me whether
20 or not you recognize this?

21 A. That's the spot where we parked the car.

22 Q. How do you remember that that's the spot?

23 A. It's all the way down to the end of the, end of the
24 dirt road or whatever and the pathway is right behind it and
25 we turned the car around, parked it that way facing the other

1 way.

2 Q. Why did you turn it around? Or who was driving?

3 A. Lowman.

4 Q. Why did he turn it around facing the other way?

5 A. So he could leave out. Mr. Lowman was --

6 Q. Speak up.

7 A. While we were at the house, supposed to be at the

8 house, Mr. Lowman was supposed to go to the store.

9 Q. What store?

10 A. Tidwell Jewelers in Johnston and he was supposed to

11 go there to rob the store or whatever was in there.

12 Q. So you recall him turning the car around and facing

13 it out?

14 A. Yes, ma'am.

15 Q. And looking on State's Exhibit 1 can you point on

16 here what direction the car would have been facing?

17 A. Facing that way.

18 Q. So now you figure out what house it is?

19 A. Yes, ma'am.

20 Q. What happens next?

21 A. Uhm, Josh and I, we went to the --

22 Q. Josh and who?

23 A. Josh and I.

24 Q. Okay.

25 A. We went to the, uhm, to the shed looking for

1 something to get into the house with because we didn't have
2 any tool to get into the house. In the shed we located a bolt
3 cutter, a wooden bolt cutter with some writing on it that we
4 used that to pry the window open and, uhm, at that point we
5 tried to contact Lowman.

6 Q. I'm gonna stop you for a second.

7 A. All right.

8 Q. Looking at State's 23, do you recognize it?

9 A. That's the shed.

10 Q. This is what you're calling a shed?

11 A. Yes, ma'am.

12 Q. You mentioned a bolt cutter. Looking at State's 24

13 --

14 A. Bolt cutters right here.

15 Q. Let me ask you this: You're gonna commit a home
16 invasion. What else did you do to prepare?

17 A. Preparation was very limited.

18 Q. So before approaching the house, what was your game
19 plan to get in the home?

20 A. Uh, we were just gonna use something to get into the
21 window.

22 Q. And you mentioned that window. Looking at State's
23 Exhibit 36 and 37, do you recognize it?

24 A. Yes, ma'am. That's the window.

25 Q. That's the window that what?

1 A. That we broke into.

2 Q. Using what we see in State's 24?

3 A. Yeah. Yes, ma'am.

4 Q. Now, since we still see it in 24 how did it get back
5 here?

6 A. We placed it back there.

7 Q. Looking at State's 23, can you tell me whether or
8 not this door was open or closed?

9 A. It was closed.

10 Q. Was it locked or unlocked?

11 A. It was unlocked.

12 Q. So from there you were starting to say how you tried
13 to contact --

14 A. We tried to contact Lowman with the walkie-talkie
15 but the walkie-talkies, they were no good. There was no -
16 they wasn't working so --

17 Q. You're looking at State's 77?

18 A. Yes, ma'am. So I tried to call him but the phones
19 being messed up so, uh, we went back to where he was supposed
20 to be parked and, uhm, we got back there, he was not there so
21 at that point I'm calling trying to figure out where he is
22 and, uh, I actually got a hold of him and he told me that he
23 was following the Tidwells back from the jewelry store.

24 Q. So if he was the following them back, around what
25 time would you say this was?

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1 A. This would be around I want to say maybe like 6:15,
2 around there.

3 Q. So do the Tidwells eventually get home?

4 A. Yes. They do. But when they get home, it's too
5 late. Like they make it home before we linked back up, before
6 we got back together so by the time we got back to the house,
7 they were already there.

8 Q. So now the plan is different?

9 MR. WILLIAMS: Objection to leading.

10 BY MS. FULLER:

11 Q. So what happens next?

12 A. At that point the original plan kind of went out the
13 window. It's no element of surprise. We were supposed to be
14 in the house when they got home. So at that point we kind of
15 didn't know what to do. Uh, we just kind of figured, at one
16 point we kind of chop it off as a loss. Wasn't going to
17 happen. Then we just lounged around and decided, well, since
18 we came all this way, we might as well come up with another
19 plan and we did.

20 Q. So you said you were lounging around. Do you mean
21 you went back to Aiken?

22 A. No. No. We were still on the golf course. We were
23 still at the dirt road.

24 Q. And where is Goodwin and Lowman at this time?

25 A. They were there. They were there.

1 Q. So they made it back?

2 A. Yes, ma'am.

3 Q. So tell me about that. What's that conversation
4 like to devise another plan?

5 A. Uhm, I didn't want to go in there because I had
6 found some shotgun bullets and some .22 bullets in the shed so
7 at that point I'm kind of like, I know how it is down south.
8 I'm not from the south but I know that a lot of people down
9 south have guns so the element of surprise is not in our favor
10 because if we go in there, by law you can shoot. So I didn't
11 want to go in there. But that's what the plan turned out
12 being that we were gonna make our way in there through that
13 window.

14 Q. Now, looking at the window, is this how you left the
15 window?

16 A. No, ma'am. It was pulled back down. When it was
17 pulled back down, that fell back. We didn't leave it like
18 that. We left it back up, then we pulled it back down.

19 Q. So if someone were to come home, they wouldn't see
20 it like this?

21 A. No. They wouldn't see it like that.

22 Q. At this point are you still thinking they're drug
23 dealers?

24 A. Uhm, I had my doubts. I'm still thinking that but I
25 had my doubts.

1 Q. So what happens next?

2 A. Next it gets dark. Uhm, we're laying on the slope
3 trying to figure out what to do. Mr. and Mrs. Tidwell are in
4 the house obviously and it starts getting real late so they
5 start, Mr. Tidwell laid on the couch. Mrs. Tidwell, they were
6 watching TV, I believe, and then Mrs. Tidwell went to use the
7 bathroom and then Mr. Tidwell laid on the couch, fell asleep.

8 At that point Mr. Tidwell went to sleep, the TV went
9 off so we decided that we would make entry. The way we would
10 make entry would be going in there saying ATF, law
11 enforcement. Come out with your hands up. Try to avoid a
12 shoot out. So at that point we started looking around the
13 premises and as we're looking around the premises I opened the
14 car door to the car and, uhm, I found a .380 and the car keys.
15 I mean, not the car keys. The keys to the business in the
16 console but I did not know at that time that it was the keys
17 to the business and, uhm, we found two flashlights in the car
18 as well.

19 At that point I kind of, I told Josh I don't know
20 about this drug dealing stuff because I don't know no drug
21 dealers that leaves his stuff open especially if it's supposed
22 to be the car of Mr. Tidwell, that it was explained to me that
23 he was supposed to be a drug dealer. So people don't really
24 normally leave their stuff open like that. So I told Josh
25 that, but we still grabbed that stuff and go in the house and

1 whatever. So at that point Lowman and Goodwin, Goodwin was
2 not supposed to go in the house with us but we told Goodwin
3 that he had to come in the house with us because me and Josh
4 kind of felt uneasy with Mr. Lowman and Goodwin leaving us at
5 the house while he goes and do whatever he going to do at the
6 jewelry store.

7 Q. Why did you feel uneasy?

8 A. Like it all just wasn't coming together. It just
9 wasn't coming together for them. The only reason we kept on
10 going with this is because of the greed. The facts was in our
11 face but we were kind of naive to the facts. That money took
12 over our thinking. There was a lot of red flags. We just
13 overlooked them.

14 Q. To clarify some things, you mentioned a slope. In
15 looking at State's 10 do you see the area that you were
16 referring to in your testimony?

17 A. Yes, ma'am. This is the slope, that hill right
18 here.

19 Q. So this is what you're calling a slope?

20 A. Yes, ma'am.

21 Q. And what were you doing on the slope?

22 A. Laying there. The neighbors are up. We got the
23 neighbors up. Mr. and Mrs. Tidwell, they're watching TV. You
24 can see straight through that window, the back window right
25 there. You can see the light because they had the lights off

1 on the inside so you could see the TV flashing and whatnot and
2 we were laying there and that's when we came up with the back
3 up plan.

4 Q. You mentioned going into their car. What car was
5 it?

6 A. A GMC Yukon.

7 Q. And where was it parked?

8 A. It was parked in the carport.

9 Q. I'm going to show you State's 19 and ask you do you
10 recognize this?

11 A. Yes, ma'am. That's the car.

12 Q. This is the Tidwells' car?

13 A. Yes, ma'am.

14 Q. Looking at State's 7, do you recognize this?

15 A. Yes, ma'am. That's the carport.

16 Q. Where was the car parked?

17 A. On the left-hand side of that Blazer right next to
18 the door right there.

19 Q. (Indicating.) And you testified that you saw, you
20 got the gun out of the car --

21 A. Yes, ma'am.

22 Q. -- in the car door. Looking at State's 20, can you
23 describe where you found the gun and the flashlight?

24 A. Found it right here in the little whatever that's
25 called.

1 Q. Who was with you when you were going through the
2 car?

3 A. Lowman was there, Goodwin was there, and Joshua was
4 there. We were all looking around the premises.

5 Q. What were you wearing?

6 A. I was in some jeans. I had on some Jordans and I
7 had on a black T-shirt and my face was covered up. I had a
8 T-shirt wrapped around my face.

9 Q. What did you have on your face?

10 A. I had my T-shirt wrapped around.

11 Q. What about your glasses?

12 A. I was wearing glasses.

13 Q. What was Josh wearing?

14 A. Josh was wearing the same clothing as swell.

15 Q. And what kind of shoes was he wearing?

16 A. He had some Nikes on his feet.

17 Q. What about his face?

18 A. Face was covered up.

19 Q. What was Goodwin wearing?

20 A. Uh, Goodwin was wearing his hoodie and, uh, Nikes on
21 his feet, face covered up.

22 Q. You mentioned that Goodwin wasn't part of the
23 original plan to go into the store, into the house?

24 A. He wasn't.

25 Q. Was he prepared with gloves?

- 1 A. Uh, it was an extra set of gloves in Mr. Lowman's
2 car that he used.
- 3 Q. What kind of gloves were they?
- 4 A. Uh, white gloves with I guess you call it a mesh.
- 5 Q. I'm gonna show you State's 82. Do you recognize
6 these?
- 7 A. That's them.
- 8 Q. Have you seen these before?
- 9 A. Yes, ma'am.
- 10 Q. Where have you seen these before?
- 11 A. In Mr. Lowman's trunk.
- 12 Q. Do you know if anyone used these type of gloves in
13 Maryland?
- 14 A. No, ma'am.
- 15 Q. Is there a chicken farm, plant in Maryland?
- 16 A. There's no chicken farm in Maryland that I know
17 of.
- 18 Q. I'm gonna show you State's 88 that's been admitted
19 into evidence. This was recovered that night. Do you
20 recognize this?
- 21 A. Yes, ma'am.
- 22 Q. Who was wearing this glove?
- 23 A. Rob.
- 24 Q. When I say Rob, are you talking about Robert
25 Goodwin?

- 1 A. Robert Goodwin. Yes, ma'am.
- 2 Q. What kind of gloves were you wearing?
- 3 A. I had on black gloves that I purchased from
- 4 Walmart.
- 5 Q. What about Josh?
- 6 A. Black gloves purchased from Walmart.
- 7 Q. Can you tell me whether or not Lee was wearing Nikes
- 8 on his feet?
- 9 A. He wasn't.
- 10 Q. Jordans?
- 11 A. (Witness shaking head.)
- 12 Q. Can you tell me whether or not he was wearing
- 13 boots?
- 14 A. He had boots on. He always had boots on.
- 15 Q. You said he always had boots on?
- 16 A. Always had boots on.
- 17 Q. Even when he came to Maryland?
- 18 A. Always had boots on.
- 19 Q. I apologize. Now you're watching the Tidwells. You
- 20 said they -- Where were they watching TV?
- 21 A. In the living room.
- 22 Q. And you said they went to sleep. Did they go to
- 23 sleep in their living room?
- 24 A. No. They went to their master bedroom.
- 25 Q. And after they went to the master bedroom, I just

1 want to make sure it's clear, that's when you guys started
2 going through the carport?

3 A. Yes, ma'am.

4 Q. You said that this gun was purchased from a man in
5 Spartanburg or Greenville?

6 A. Yes, ma'am.

7 Q. What, if any, other guns besides the one you just
8 testified you got out of the Tidwells' vehicle did you have?

9 A. That's it.

10 Q. Not much preparation here?

11 A. At all.

12 Q. The plan you said now was ATF. Come out with your
13 hands up?

14 A. Yes, ma'am.

15 Q. Who came up with that?

16 A. Mr. Lowman and Mr. Goodwin, myself. I mean, it was
17 kind of like a group, joint.

18 Q. So ATF. But you guys thought they were drug
19 dealers?

20 A. I don't know what to say. Yeah.

21 Q. I was just curious.

22 A. It doesn't make sense I know.

23 Q. I was just curious. Take me through, now, when do
24 you guys go in the home?

25 THE COURT: This is a good time to take a break.

1 We've been going an hour and 15. Kind of change of
2 subjects. Let's take a break. Y'all step in the jury
3 room. Give you a break. We'll come back and finish this
4 testimony before lunch. Don't discuss the case.

5 (Whereupon, the jury entered the jury room at 10:00
6 a.m.)

7 (Short break.)

8 BAILIFF: Come to order.

9 THE COURT: Be seated please. Let's bring the jury
10 in.

11 (Whereupon, the jury entered the courtroom at 10:10
12 a.m.)

13 THE COURT: All right. Ms. Radlein.

14 MS. FULLER: Thank you, Your Honor.

15 BY MS. FULLER:

16 Q. I need you to speak up. Our accents are a little
17 different down here so I want to make sure we understand you
18 clearly, okay?

19 A. Okay.

20 Q. We left off about going into the house. When did
21 you guys make entry?

22 A. Uhm, I don't know the exact time.

23 Q. Go ahead and keep your voice up.

24 A. I do not know the exact time.

25 Q. Was it dark outside?

1 A. Yeah. It was definitely nighttime.

2 Q. And can you tell me whether or this was well after

3 they went to bed?

4 A. Yeah. It was after they went to bed.

5 Q. This was --

6 A. After they went to bed.

7 Q. Who went inside the home?

8 A. Myself, Goodwin and Darien.

9 Q. Where was Lee?

10 A. He was on the back porch.

11 Q. Looking at exhibit 8, can you identify the back

12 porch you're talking about?

13 A. Right here.

14 Q. Go ahead and speak into the mic.

15 A. Right here. It's the back porch. Like it's a

16 little sitting area in the back. You can go back there and

17 sit.

18 Q. And where did you guys go into the house?

19 A. That window there.

20 Q. Is the window on the back porch?

21 A. Yes, ma'am.

22 Q. I'll ask you this: What was your role going into

23 the home?

24 A. We were going into the house to get the information

25 from Mr. Tidwell for the jewelry store. I was supposed to get

1 the combination to the safe, the keys and the security code
2 for the establishment.

3 Q. What was Joshua's role in going into the home?

4 A. Joshua's role, he really didn't - he was just an
5 extra hand as far as like searching to find anything.

6 Q. What was Goodwin's role?

7 A. Same thing, searching, finding. You know, pretty
8 much that was it.

9 Q. What was Lee's role?

10 A. He was going to the jewelry store. The whole time
11 the plan was always to get him the information he needed to go
12 to the jewelry store. He said that that's where Mr. Tidwell
13 does his business transactions at as far as like drug buys and
14 jewelry store buys. People come in there and they look to
15 buy, act like they're buying jewelry and but they're buying
16 drugs. He said it was an old bank, had a bank vault in the
17 business and he was going to clean the bank vault out.

18 Q. Keep your voice up, okay?

19 A. Yes, ma'am.

20 Q. So when you say, when we talk about Lowman, we're
21 talking about Lee?

22 A. Yeah. Lee Lowman.

23 Q. You have now testified about two guns. Who had guns
24 going into the home?

25 A. Myself and Rob, Robert Goodwin.

- 1 Q. What gun did you have?
- 2 A. I had the Zastava.
- 3 Q. State's Exhibit 38?
- 4 A. Yes, ma'am.
- 5 Q. And you said Rob Goodwin?
- 6 A. Yes, ma'am.
- 7 Q. What gun did he have?
- 8 A. The .380.
- 9 Q. Where is that .380 now?
- 10 A. I'm not sure.
- 11 Q. Josh went into the home. What did he have?
- 12 A. Nothing.
- 13 Q. You mentioned some flashlights. What was the
- 14 purpose of the flashlights?
- 15 A. It was dark in the house. Didn't want to turn the
- 16 lights on so we felt the flashlights would be handy. Also,
- 17 when Mr. Tidwell came out, we used the flashlights to blind
- 18 his face so he wouldn't be able to really see who was
- 19 screaming ATF.
- 20 Q. Take me through it. You go into the back window
- 21 from the back porch?
- 22 A. Yes, ma'am.
- 23 Q. Who goes in first?
- 24 A. Rob goes in first. Robert Goodwin goes in first.
- 25 Q. Who goes in second?

1 A. Myself.

2 Q. Who goes in third?

3 A. Josh.

4 Q. And who stands by the window?

5 A. Lowman.

6 Q. Who yells ATF, come out with your hands up?

7 A. Goodwin does it. I think I do it, too.

8 Q. What happens next?

9 A. Mr. Tidwell comes out with his hands up. He asks us

10 who we are. We tell them again that we're ATF and ask him to

11 get on the ground. He did. And then Mrs. Tidwell came out

12 and she did the same thing.

13 Q. What happens next?

14 A. Next they were tied up with zip ties.

15 Q. Where were these zip ties before?

16 A. Robert Goodwin had them.

17 Q. Where did you get the zip ties from?

18 A. A hardware store in Saluda.

19 Q. Who purchased the zip ties?

20 A. Lowman did.

21 Q. Where do they get down on the ground?

22 A. They get down between the, there's an area between

23 the master bedroom and the bedrooms on the other side of the

24 house. It's like almost right in front of the main

25 entrance.

1 Q. Showing you State's 5, it's a floor plan of their
2 home. Does this assist you in describing where they laid
3 down?

4 A. Yes, ma'am.

5 Q. Where do they lay down?

6 A. Right here.

7 Q. I'm gonna ask you to show that to the jury. Where
8 do they lay down?

9 A. Come out the master bedroom and lay down right
10 here.

11 Q. Is that where they're also tied up?

12 A. Yes, ma'am.

13 Q. What happens next?

14 A. Next I asked Mr. Tidwell for the code, the security
15 codes and stuff and, uhm, he starts telling me it and then I
16 go and get a note pad and write it down. He also tells me
17 that the keys to the business is in the, uh, car but we had
18 already gotten that out of the car so that's when I realized
19 that was the keys to the establishment and, uhm, he tells me
20 about how to unlock the building from - how to unlock the
21 building from the security stuff.

22 Q. Now, just to be clear, when they're told to lay down
23 on the ground, what, if anything, is in their faces?

24 A. A gun.

25 Q. And what else? Flashlights?

1 A. Yeah, flashlights.

2 Q. When they come out of the room.

3 A. Yeah. Flashlights.

4 Q. When you start asking him for the codes and the keys

5 to the jewelry store, is he still laying down on the ground?

6 A. Yes, ma'am.

7 Q. In the living room?

8 A. It began in the living room and then we moved up to

9 the separate areas.

10 Q. Go ahead and tell me about that. So they're laying

11 down on the ground?

12 A. Yeah. Tied up. Mr. Tidwell is moved into the half

13 bath. Mrs. Tidwell is moyed. She was going to go to the

14 master bathroom but there was a phone in there so we brought

15 her back to the washroom and that's where we laid her down.

16 Q. You say "we." Who did that?

17 A. Myself and Josh. And I went back to Mr. Tidwell in

18 the half bath. I kept on asking him for the code and stuff,

19 put the gun to him and, uhm, he told me everything. He told

20 me everything about the code and he gave them to me, you know?

21 I went back to Mrs. Tidwell. No. At that point I went out

22 and I gave Lowman the, uh, keys, the combination to the safe

23 and I told him how to unlock the building and at that point I

24 see -- I don't know if you want me to go into that.

25 Q. Okay. Let's finish here for a second. This sounds

1 hard right now for you but I have to ask you some questions.
2 State's 38, this is the gun that you're carrying?

3 A. Yes, ma'am.

4 Q. When you're asking him for the codes, can you tell
5 me whether or not this is the gun you had in his face?

6 A. It is.

7 Q. I need you to keep your voice up, okay?

8 A. It is.

9 Q. And this would be in that half bathroom?

10 A. Yes, ma'am.

11 Q. You say you take Lowman some keys and the codes.
12 Did you tell him the codes or did you give him something?

13 A. No. It was written down like on a piece of paper, a
14 tablet.

15 Q. Who wrote the code information down?

16 A. I did.

17 Q. Where did you get the code information from?

18 A. Mr. Tidwell.

19 Q. And you wrote it while you were where?

20 A. In the bathroom.

21 Q. I'm going to ask you if you recognize State's
22 Exhibit 40?

23 A. That's the keys to the establishment.

24 Q. And who did you give these keys to?

25 A. Mr. Lowman.

1 Q. Where were you when you gave him these keys?

2 A. On the back porch.

3 Q. While Lowman is standing on the back porch, what, if
4 anything, happens next?

5 A. I see - I see headlights coming towards the, coming
6 down that dirt road where the car is parked. It's about like
7 1:00 in the morning at this point. I see headlights. I can
8 see the headlights through the woods coming down into where
9 the car is parked.

10 Q. Keep your voice up.

11 A. At first I didn't know who it was so I told Josh
12 that it's probably people that I'm thinking we'll wind up in a
13 shootout. As the car keeps coming down you could see it's a
14 truck. As it turns around you could see it's a tow truck. So
15 at that point we're trying to figure out why is there a tow
16 truck on the golf course at 1:30, 2:00 in the morning. The
17 only car that's sitting there is Lowman's car. So I pretty
18 much know that they're going to tow the car but I didn't
19 figure out that part, how they know the car was there and I
20 told him like, you better go get your car. He's just standing
21 there looking at me. They about to tow your car and he runs
22 off and gets in the car.

23 Q. Where were you standing to see, you said lights
24 first and then you see the truck?

25 A. On the back porch.

1 Q. And how do you know that the tow truck was coming
2 down the same path as where the car was?

3 A. It's the only road. It's the only road down
4 there.

5 Q. You said he leaves. Does he leave with the keys?

6 A. Yes. He leaves with the keys, combination to the
7 safe and I told him how to get in the building.

8 Q. So what happens after that?

9 A. After that I go back in the house and, uhm, just
10 searching through the house trying to find a safe, trying to
11 find cash, drugs, whatever is supposed to be there. Uhm, it
12 didn't take me long to recognize that I was on a search for
13 nothing, pretty much nothing in the house. I figured I was
14 kind of a little mean to Mr. Tidwell because I figured he was
15 kind of holding back information from me, thinking about who I
16 was. As I went to Mrs. Tidwell I kind of realized that the
17 whole thing wasn't what it was set up to be.

18 Q. Go ahead and describe to me your interaction with
19 Mr. Tidwell.

20 A. I had the gun in his face being kind of, I was
21 talking to him in a type of way just trying to see if he was
22 lying to me or not. Uh, that's pretty much it. I was kind of
23 rude to him. Not kind of. I was. I was. I was doing my
24 stuff.

25 Q. And tell me whether or not you recall seeing a gold

1 bracelet on Mr. Tidwell.

2 A. I do. I replaced it -- I mean, I took it from him.
3 I removed it from his hand.

4 Q. Now, Mrs. Tidwell, you described her earlier that
5 she was in what room?

6 A. She was in the washroom.

7 Q. That's on here?

8 A. Yes, ma'am.

9 Q. Did it have a washer and dryer in there?

10 A. Yes, ma'am.

11 Q. So like a laundry room?

12 A. Yes, ma'am.

13 Q. Can you point to it again? .

14 A. Right here.

15 Q. Can you describe for me your interaction with her?

16 A. Uhm, Mrs. Tidwell was kind of, she was, she was like
17 real emotional. She, uhm, she was going through it so I
18 pretty much trying to let her know that we weren't really
19 gonna hurt her. She was, she was real worried about her
20 husband and, uh, she had these earrings in her ears and, uh,
21 she had these earrings in her ears and I asked her about them
22 and, uhm, she told me, she told me what they were and stuff
23 and, uhm, we was supposed to take everything but I couldn't.
24 I couldn't take it from her so I told her she could keep her
25 earrings and, uh, she kept on asking me if we was gonna kill

1 her. I kept telling her no. We're not going to and she was
2 just, she was praying.

3 Q. She was what?

4 A. Praying. She was praying a lot. And she, she was
5 going through it and, uhm, pretty much like that's when I
6 really kind of, that's when it really hit me like this whole
7 thing was, I knew what it was at that point and I left out of
8 the room. I left her alone in there for a second. I came
9 back a little bit later. Josh had gave her a pillow. I gave
10 her - I took, her nightgown had slid up and I pulled the
11 nightgown down.

12 Q. You said she had on what?

13 A. A nightgown that had slid up and I pulled her
14 nightgown down and put a blanket over her and I just told her
15 that, she kept on asking if we was gonna kill her. I kept
16 telling her no. I told her -- She wouldn't look at me at
17 first so I asked her to look at me again. She did and I told
18 her that I wouldn't hurt her.

19 Q. After that what did you do?

20 A. I went out the back window where we came in and I
21 sit on the back porch. I took some binoculars out of the
22 house and went and sit on the back porch and, uh, I was, I
23 called Lowman and, uh, he didn't answer. I was just pretty
24 much, at that point I was upset because I knew, I knew it was
25 kind of - everything, whatever we were told that was supposed

1 to be in there, it was never in there to begin with. It was
2 never gonna be in there. It was nothing to be found in the
3 house and, uhm, at that point I just knew that I messed up big
4 time.

5 Q. You knew that you what?

6 A. Messed up big time. I'm sitting on the back porch
7 with the binoculars. I'm just thinking I just really messed
8 up. Rob and Josh is still in the house searching around and
9 stuff and I'm just on the back porch kind of.

10 Q. I'm gonna ask you about some things that went on in
11 the home. You have mentioned that Josh got Mrs. Tidwell a
12 pillow?

13 A. Yes.

14 Q. How was Josh treating Mr. and Mrs. Tidwell?

15 A. Josh was, when it comes down to it, everybody that
16 was in that house, Josh treated them the best out of
17 everybody.

18 Q. What was he doing?

19 A. Uhm, he gave Mr. Tidwell some water. Sat him up,
20 give him some water, gave him a pillow. Gave Mrs. Tidwell a
21 pillow. He was just - overall he was the nicest one to
22 them.

23 Q. What about Rob, Robert Goodwin?

24 A. Rob is, he's just cursing at them and he's doing
25 stuff in the house that we just don't understand like running

1 around with a flashlight and flashing it all over the place.
2 I mean, they got neighbors and stuff so we didn't want to be
3 seen in the house and he's just got a flashlight, went all
4 over so we're kind of arguing with him about the whole
5 scenario.

6 Q. You're kind of what?

7 A. Arguing with him about the whole scenario. Stop
8 doing this. Stop doing that. Why you doing this? Why you
9 doing that?

10 Q. Can you tell me whether or not you saw how Goodwin
11 treated Mr. Danny?

12 A. I cannot speak to how he treated Mr. Danny but I
13 know for a fact that he was standing over Mr. Tidwell asking
14 him if this is you. I heard, I didn't actually see but I
15 heard him saying, is this you, bitch? I don't know what he
16 was doing that for.

17 Q. And you heard Goodwin doing that?

18 A. Yes, ma'am.

19 Q. Let me talk to you about things in the home. Can
20 you tell me whether or not jewelry was found in the home?

21 A. Jewelry was found.

22 Q. What jewelry?

23 A. I believe it was two rings, a Rolex watch, a
24 bracelet. I'm not sure what else.

25 Q. Who took that jewelry?

1 A. Josh took the jewelry but it ended up in my
2 possession.

3 Q. At what point do you guys leave the residence?

4 A. Uhm, I get a call from Lowman and this is before,
5 I'm still sitting on the back porch. We're not leaving yet.
6 He tells me that there's a police officer sitting across the
7 street from the jewelry store so that's the reason he hasn't
8 been in there and, uh, at this point we already have went
9 through everything we went through, so I already knew what it
10 was but I didn't want to say anything to him in any type of
11 way.

12 Q. You said you knew what it was. What do you mean?

13 A. Yeah. As far as it being there was nothing in the
14 house but I didn't want him to know that I knew at the time.
15 I said all right and stuff. And approximately maybe about ten
16 minutes later he text me. It was like, I got pulled over.
17 When I seen that text, I knew it was time to go.

18 Q. Let me ask you this: When you were on the phone
19 with him, did he tell you where he was?

20 A. He was in Johnston. He was at the, not at the
21 jewelry store but he was somewhere where he could see that
22 there was a police officer sitting there at that same gas
23 station that we were at.

24 Q. And you were talking about Tidwell Jewelers?

25 A. Yes.

JAMES CHRISTOPHER WILSON - DIRECT BY MS. FULLER

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- 1 Q. And you say this text message --
- 2 A. Yes.
- 3 Q. -- came from Lee?
- 4 A. It came from Goodwin's phone but Lee used, was using
- 5 Goodwin's phone.
- 6 Q. It's been quite some time but do you know what phone
- 7 number he was using?
- 8 A. It's 240-474-6655.
- 9 Q. Did you have this phone number in your phone?
- 10 A. Yeah. I saved it.
- 11 Q. You mentioned though it was Goodwin's. Where is
- 12 240? What area code is that?
- 13 A. That's Maryland.
- 14 Q. And Goodwin lived in Maryland?
- 15 A. Yes, ma'am.
- 16 Q. Why was Lee, if you know, why was Lee using
- 17 Goodwin's phone?
- 18 A. I believe his phone was off. When I first met him,
- 19 he had his own phone but it was off for a little bit so he
- 20 started using Goodwin's.
- 21 Q. Let me ask you this: Can you tell whether or not it
- 22 was an iPhone or an Android?
- 23 A. It was an Android.
- 24 Q. How do you know?
- 25 A. I had an iPhone so anything iPhone would be blue.

1 His text messages were green.

2 Q. And back on March 1st when you guys came down here,
3 do you remember whether or not he had Goodwin's phone with
4 him?

5 A. He did.

6 Q. And when he left that day and left you guys there on
7 the 8th to go to the jewelry store that night, do you recall
8 if he had Goodwin's phone when he left?

9 A. He did. That's the only phone communication.

10 Q. You said that was the what?

11 A. That was the only phone communication with him.

12 Q. I'm gonna show you State's Exhibit 80. It has a
13 phone number written on the back and there was testimony that
14 was associated with that phone. Is that the phone number you
15 just described?

16 A. Yes, ma'am.

17 Q. Would you be surprised if I told you that this was
18 found in Lowman's car?

19 A. No, ma'am.

20 Q. Just to be clear, this entire time Goodwin is
21 with you?

22 A. Yes, ma'am.

23 Q. So you get this text message that he had been pulled
24 over. What was going through your mind at that point?

25 A. Uhm, I really thought he was lying. I didn't

1 believe him to be honest with you because I kind of figured
2 once I realized there was nothing in the house, I kind of
3 figured it was, he kind of used us to go and rob the jewelry
4 store so I'm thinking that he just robbed the jewelry store
5 and just left us. I didn't believe him at all but just to be
6 on the safe side I left. I left the house.

7 Q. How did you leave?

8 A. I took Mr. Tidwell's Yukon GMC truck.

9 Q. Is this the same one you testified earlier that you
10 got the gun out of?

11 A. Yes, ma'am.

12 Q. This one?

13 A. Yes, ma'am.

14 Q. Who was driving?

15 A. Myself.

16 Q. Who else was in the car?

17 A. Rob and Josh.

18 Q. You testified that it was parked. I apologize. I
19 was looking at State's Exhibit 19. You testified State's
20 Exhibit 7 that it was parked in the missing spot in the
21 carport?

22 A. Yes, ma'am.

23 Q. How did you get out of the carport?

24 A. I backed up. I backed up going towards, I was gonna
25 back all the way out the driveway because I didn't know about

1 the extra space right here. I didn't pay attention to it. I
2 was gonna back all the way out the drive but I realized I
3 wasn't gonna be able to back all the way out because I
4 couldn't see the pavement so I turned around on the grass,
5 went in between two trees, pulled back onto the driveway and
6 pulled out.

7 Q. When you say pulled in between two trees, can you
8 tell me whether or not the trees are in the grass?

9 A. In the grass towards the front of the house.

10 Q. So does that mean that the front of the vehicle
11 would have been shining into the front of the house?

12 A. Yes, ma'am.

13 Q. Can you tell me whether or not the headlights were
14 on when you were backing out?

15 A. They were.

16 Q. Where do you go from there?

17 A. Uhm, I pulled out. Mr. Lowman, he always told me
18 about the route to get back to where -- We were supposed to
19 meet up with him in Ridge Spring. So taking a right we would
20 get back to Aiken so, uh, I took the route that he explained
21 to me. As soon as I came out of the golf course I made a
22 right and made another right and by the street where the
23 airport is and I went all the way down, made a left by the
24 sharp turn, sharp right turn. I did some more. It's all back
25 roads. I think I stopped there, made a right and ended up

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1 back in Ridge Spring by Peach Field. That's where we were
2 supposed to originally meet up but I kind of passed that and
3 went to Aiken.

4 Q. Let me ask you this: Did you ever go by the Tidwell
5 Jewelry Store?

6 A. No. No. We never went back to Johnston. The way
7 we left out we went, took the back way to Ridge Spring into
8 Aiken.

9 Q. To be clear, you never went back into the town
10 limits of Johnston?

11 A. Never went back into Johnston.

12 Q. So you say you went back to Aiken and you're in
13 their car?

14 A. Yeah.

15 Q. Where do you go from there?

16 A. Once I got to Aiken, I knew it was only a matter of
17 time before Mr. and Mrs. Tidwell get up from where they are.
18 Uhm, the car is brand new. It's a newer Yukon so I know it
19 had OnStar on it so I knew we had limited time in the car. So
20 once we got back to Aiken, I figured it was time to get rid of
21 the car so I parked it in this like in the woods or
22 whatever.

23 Q. Looking at State's Exhibit -- I'll find it
24 eventually. But where the car was parked you said was in
25 Aiken?

- 1 A. Yes, ma'am.
- 2 Q. And do you recall anything about where you left
3 it?
- 4 A. Uhm, it was near a, it was like a electric, like a
5 electric box. There's a trailer park over there, too.
- 6 Q. I'm gonna show you State's Exhibit 57. Do you
7 recognize this?
- 8 A. Yeah. That's where we parked it.
- 9 Q. When you say "we", who was driving?
- 10 A. I parked it. That's where I parked it.
- 11 Q. State's Exhibit 57, this is where you left the
12 car?
- 13 A. Yes, ma'am.
- 14 Q. What, if anything, did you guys do with the car?
- 15 A. Uhm, the car was sprayed down with bleach and wiped
16 down.
- 17 Q. You mentioned bleach and wiped down. I'm gonna show
18 you State's Exhibit 49, 50 and 51 and ask you this: Where did
19 you get the bleach from?
- 20 A. I personally didn't have the bleach.
- 21 Q. Keep your voice up.
- 22 A. I personally didn't have the bleach.
- 23 Q. Do you know where it came from?
- 24 A. It came from the house.
- 25 Q. I'm gonna show you and see, do you recognize

1 these?

2 A. Yep.

3 Q. Do you know how they got there?

4 A. They were tossed.

5 Q. When were they tossed?

6 A. Right after being used on the vehicle.

7 Q. Can you tell me whether or not they were tossed by

8 where the vehicle was left?

9 A. Yes. On that road.

10 Q. There's also a microfiber rag in the image. Where

11 did that come from?

12 A. Came from the Tidwell house. It was the same rag

13 that we used on the entry way that we used to enter and leave

14 was also sprayed with bleach and wiped down.

15 Q. The entry way you're talking about is that window?

16 A. That window. Yes, ma'am.

17 Q. And you sprayed the entire window with bleach?

18 A. I personally didn't but I witnessed it sprayed with

19 bleach.

20 Q. Keep your voice up. You witnessed the bleach being

21 sprayed?

22 A. Yes, ma'am.

23 Q. So now you leave the vehicle. Where do you go from

24 there?

25 A. I walked, I walked down towards the Waffle House.

1 It's on, I'm not sure of the name of the highway but it's a
2 Waffle House, Quality Inn. There's a McDonald's across the
3 street and a gas station down there so I'm walking down. We
4 go to the Waffle House, enter the Waffle House. We decided we
5 were gonna get something to eat.

6 Q. Who were you with?

7 A. I'm with Josh. I'm with Rob.

8 Q. So you guys are there in the Waffle House?

9 A. Yeah. They go to the bathroom while I order food
10 and as they were in the bathroom I see a whole bunch of
11 undercover police cars kind of like swarming the area so that
12 leads me to believe that they were there for us but I'm not
13 sure of that and, uhm, they're just in the area and they just
14 took off towards where I left the car and I heard so at that
15 point I kind of figured like, all right, so they're here for
16 us. So I still had that gun on me. I still have that nine
17 millimeter on me. I ran outside and as I tossed the gun in
18 the bushes, as I'm tossing the gun in the bushes at the
19 Quality Inn, across the street is a police officer that's
20 pulling up and I think he seen me tossing the gun but I guess
21 he didn't but we made eye contact. We looked at each other.
22 And he pulls off and follows the rest of them. So I go back
23 into the Waffle House and I tell them it's time to go. We got
24 to go.

25 Q. Is your face still covered at this point?

1 A. No, ma'am.

2 Q. What about Josh?

3 A. No, ma'am.

4 Q. Goodwin?

5 A. No, ma'am.

6 Q. I'm gonna show you State's Exhibit 59 and 60. Do

7 you recognize this?

8 A. Yes, ma'am. That's Josh.

9 Q. Where are you guys?

10 A. At the Waffle House.

11 Q. Do you know around what time and what day this

12 was?

13 A. It was definitely the 8th. I'm not sure of the

14 time. But it was late in the morning or early in the morning

15 I guess you could say.

16 Q. And 60?

17 A. That's myself and Rob.

18 Q. Keep your voice up for me.

19 A. That's myself and Rob.

20 Q. So looking at 59 you identified Josh in this

21 picture?

22 A. Yes, ma'am.

23 Q. And looking at 60 you identified yourself and

24 Goodwin?

25 A. Yes, ma'am.

1 Q. So Goodwin is still with you?

2 A. Yes, ma'am.

3 Q. Let's finish out that night. What happens to the
4 gun you mentioned? This is the same one?

5 A. Yes, ma'am.

6 Q. Is this the one that you dropped in the bushes?

7 A. Yes, ma'am.

8 Q. Was it still loaded when you dropped it?

9 A. Yes, ma'am.

10 Q. So after that, you guys, you say you leave the
11 Waffle House and Aiken police is swarming the area?

12 A. Yes, ma'am.

13 Q. Is that safe to say?

14 A. Yes, ma'am.

15 Q. What do you do?

16 A. Go behind the Quality Inn and we just sat there for
17 a few minutes trying to figure out what to do next because we
18 don't have any car. We're thinking about getting a room at
19 the Quality Inn but my ID is in Mr. Lowman's car. Rob's ID is
20 in Mr. Lowman's car. The only person with ID is Josh and he's
21 not old enough to get a room so we're kind of just sitting
22 there trying to figure out what to do next and, uhm, Josh
23 tries to go get a room anyway even though he's too young. He
24 says he's going to try to work it out. So when he's doing
25 that we sees the, we sees the Aiken police talking to the cook

1 at the Waffle House and that's the end of the deal for us and
2 so we ran into the woods. As Aiken was pulling in in their
3 cars, they chased us for about two hours in the woods but they
4 gave up and we came out at the trailer park down the street a
5 nice little ways down the street. I called a cab and we got a
6 cab and went back to the Econo Lodge.

7 Q. And the Econo Lodge is where you first stayed when
8 you came down here?

9 A. Yes, ma'am.

10 Q. Do you eventually leave South Carolina?

11 A. Yes. I do.

12 Q. How do you get out of the State?

13 A. The same, on the 8th that same day, uhm, after
14 waking up after 12:00 we left the hotel. I called a cab to
15 Columbia, then I called Rob a cab to Ridge Spring. He didn't
16 want to go back to Maryland but I wasn't sure why. I also
17 thought maybe Mr. Lowman really didn't get pulled over because
18 of the fact that Rob didn't want to go back to Maryland with
19 us because we just did something crazy and you don't want to
20 leave the State. I go back to Columbia with Josh and, uh, we
21 get a bus ticket back to Maryland. That night we leave. We
22 get back to Maryland Thursday morning.

23 Q. You mentioned earlier some jewelry taken. When you
24 left that day, did you take jewelry with you back to
25 Maryland?

- 1 A. Yes, ma'am.
- 2 Q. So when you guys left the home, you left with
- 3 jewelry?
- 4 A. Yes, ma'am.
- 5 Q. Where is the jewelry now?
- 6 A. It's sold. It was sold.
- 7 Q. How much money did you get for the jewelry?
- 8 A. The jewelry, we couldn't get anything near as much
- 9 as it was worth because jewelry like that involves paperwork
- 10 so the most they would try to give up was \$5000.00 so we gave
- 11 it up just to give it up because we didn't want anything to do
- 12 with it.
- 13 Q. You eventually were arrested, right?
- 14 A. I was arrested the next day on the 11th.
- 15 Q. When you say the 11th, are you talking about March
- 16 11th?
- 17 A. Yeah. I was arrested two days after this
- 18 incident.
- 19 Q. And how were you arrested?
- 20 A. I was pulled over on the highway.
- 21 Q. In a random traffic stop?
- 22 A. I believe - I believe so.
- 23 Q. And you were eventually brought back to South
- 24 Carolina?
- 25 A. Yeah.

1 Q. Before we talk about being brought back here, I want
2 to go through a few things and it's gonna take us kind of
3 back.

4 A. Mm-hmm.

5 Q. Back at the house there was something left behind in
6 the carport. Looking at State's Exhibit 21 and 22, something
7 was found on the ground. Can you tell me what that was?

8 A. It was a ID.

9 Q. Who put that ID there?

10 A. Mr. Lowman.

11 Q. Do you recall where it was placed?

12 A. It was placed in the driver's side door of where the
13 Yukon was parked.

14 Q. Can you point to it roughly in this image?

15 A. Right about there.

16 Q. How do you know Lowman is the one that put it
17 there?

18 A. I watched him put it there.

19 Q. Where did this ID come from?

20 A. I'm not sure where it came from but Mr. Lowman had
21 it. It's a South Carolina ID of some other dude.

22 Q. Do you remember what it looks like?

23 A. An ID, a dude with dreads, expired in 2007.

24 Q. I was an expired ID with some guy with dreads. Do
25 you even know what that guy's name is?

- 1 A. No. I do not.
- 2 Q. Had you met that guy before?
- 3 A. Never met him before.
- 4 Q. Was he involved with the four of you guys in
5 committing this home invasion?
- 6 A. Was not involved at all.
- 7 Q. What was that purpose of putting the ID there on the
8 carport?
- 9 A. To mislead law enforcement. To mislead, send law
10 enforcement to him instead. While they were busy trying to
11 lock him up, figure out what the case was with him. As
12 opposed to all of us, try to figure out what was going on with
13 him.
- 14 Q. I'm gonna try to repeat that because it was kind of
15 muffled a little bit. Say it one more time.
- 16 A. It was to throw off law enforcement. It was to
17 throw them off, have them thinking it was him but he really
18 had nothing to do with this.
- 19 Q. Looking at State's 16, do you recognize this?
- 20 A. Yes, ma'am.
- 21 Q. And what is this?
- 22 A. That's where Mr. Tidwell was laid down.
- 23 Q. And that sheet in the image, how did that get
24 there?
- 25 A. That's the sheet I placed on him. That's the pillow

1 Josh gave him.

2 Q. You testified that she was, when she was in here,
3 she was asking about her husband?

4 A. Yes, ma'am.

5 Q. Do you remember what she was saying?

6 A. She was asking us not to hurt him. Uh, she was
7 telling us that he isn't who we think he is because what we
8 told her that, well, we told her that we think her husband is
9 a bad person.

10 Q. You told her that what?

11 A. We told her that we knew her husband was a bad
12 person and she told us, no, he's not.

13 Q. She told you what?

14 A. No. He's not. She pretty much thought we were
15 gonna really hurt him and I kept on telling her that, no,
16 we're not gonna hurt anybody.

17 Q. Now, while she was in here some earrings did come up
18 missing?

19 A. Yeah.

20 Q. What happened so those earrings?

21 A. I believe -- I don't want to draw an objection. I
22 mean, they ended up missing. Somebody took the earrings. I
23 don't know who took them.

24 Q. But you came to learn who took them?

25 A. Yes. I eventually learned who had them.

1 Q. And it was one of the three of you guys in the
2 home?

3 A. Yeah. That's who, that's who took it but it ended
4 up in an individual's hands that was not in the home.

5 Q. You said an individual's hands?

6 A. The individual's hands that was not in the home.

7 Q. And whose hands was that?

8 A. Mr. Lowman.

9 Q. So if they ended up in his hands, he would have
10 gotten them before he left the house?

11 A. Yes, ma'am.

12 Q. And where would they be?

13 A. The earrings? Where would they be now?

14 Q. Yes.

15 A. Uhm, it was -- I wouldn't know.

16 Q. But if we don't have them today, if we don't have
17 them today, where would they be?

18 MR. WILLIAMS: Objection, unless he knows, Your
19 Honor. Hearsay. Speculation.

20 THE COURT: I agree. If he knows, he can answer.

21 If he doesn't, he can say I don't know.

22 BY MS. FULLER:

23 Q. If you know, you can answer.

24 A. Somewhere in the Edgefield County jail.

25 Q. Looking at State's Exhibit 61, do you recognize

1 this?

2 A. Yes, ma'am.

3 Q. What is this?

4 A. That's the glove and money clip.

5 Q. What's significant about this money clip?

6 A. It was taken from the Tidwell house along with some

7 money.

8 Q. Do you remember how much money was in this money

9 clip?

10 A. I don't remember the exact amount.

11 Q. Who took the money clip?

12 A. Josh.

13 Q. But there was cash in the money clip?

14 A. There was cash.

15 Q. Where did this money clip end up?

16 A. In a trash can in Aiken in the Waffle House.

17 Q. And this glove?

18 A. Trash can in Aiken in Waffle House.

19 Q. Who had this glove?

20 A. Rob.

21 Q. Showing you State's Exhibit 75, who is this?

22 A. Rob Goodwin.

23 Q. Where did you say his ID last was?

24 A. Mr. Lowman's car.

25 Q. Now, I'm gonna show you State's Exhibit 76 and ask

1 you to hold it and tell me if you recognize it?

2 A. I do.

3 Q. How do you recognize it?

4 A. It's Mr. Lowman's ID. I took a picture of it when
5 we first got to South Carolina.

6 Q. Why did you take a picture of his ID when you first
7 got to South Carolina?

8 A. Because I always had my doubts about this whole
9 situation. Uhm, I kind of didn't really trust Mr. Lowman. I
10 was asking him the whole way, why, why pick me? Because he
11 know a lot of people so why did you pick me? And his best
12 answer was I looked out for him rather than some of his home
13 boys when he first got out of, I guess, prison. Something
14 about the whole situation didn't sit right with me so I took a
15 picture of his ID just in case anything foul happened.

16 Q. And about the ID, is there anything significant
17 about it that --

18 MR. WILLIAMS: Your Honor, I have a matter of law to
19 take up outside the presence of the jury.

20 THE COURT: Okay. Step back in the jury room. Have
21 you right back out here.

22 (Whereupon, the jury entered the jury room at 12:30
23 p.m.)

24 THE COURT: All right. Mr. Williams.

25 MR. WILLIAMS: Your Honor, I would move for a

1 mistrial. This witness on the stand has testified that
2 my client has been to prison, gotten out of prison.
3 Obviously he can't talk about prior criminal history of
4 my client whether or not he's been to prison or not been
5 to prison because my client's record hasn't been entered
6 into evidence.

7 THE COURT: Ms. Radlein.

8 MS. FULLER: Thank you, Your Honor. The standard
9 for mistrial, of course, is prejudice to the defendant
10 that would be cause. In this case one of the charges is
11 burglary in the first degree and it is gonna come out
12 that he has two prior burglaries. Of course, it was
13 never the State's intention -- The State definitely
14 intends to give the defendant a fair trial and never
15 intentionally elicit that he had gone to prison and I
16 don't think the witness intended to suggest anything in
17 that nature. At this point, Your Honor, I don't think
18 there's enough prejudice. I have tried to move on from
19 the issue so it's not highlighted as much. Later in the
20 trial the jury will learn about the two priors and take
21 from that whatever they may. I think we can minimize
22 this and not cause any prejudice to the defendant at this
23 stage in the trial.

24 THE COURT: All right. I think I heard the
25 statement because he said something didn't seem right.

1 Why did he want me to help him with this when he got out
2 of prison, something foul going on, something along those
3 lines was the substance of the testimony.

4 MS. FULLER: He said he looked out for him when he
5 got out more than his home boys did. That's what his
6 testimony was.

7 MR. WILLIAMS: I heard the word prison mentioned.

8 THE COURT: I did, too. I will -- As soon as he
9 said it I thought the same thing. The indictments have
10 already placed the jury on some record notice that
11 there's convictions involved in Mr. Lowman's past. Up to
12 this time nothing has been mentioned about incarceration,
13 jail, prison or anything. I think the substantive
14 testimony in whole thus far has been that of we were
15 planning to do something bad. That's been his testimony.
16 So Mr. Lowman's character has been placed in dispute so
17 to speak by the testimony that's been presented
18 properly.

19 MR. WILLIAMS: That's his opinion.

20 THE COURT: Right. The proper testimony has been
21 presented. I don't want to comment on the facts in front
22 of the jury but enough has been presented that the jury
23 is going to have questions about that, know his character
24 has not been placed in issue by Mr. Lowman but I think
25 either we move on or I will entertain a curative

1 instruction that they strike that comment and disregard
2 it. I'll do either one.

3 MR. WILLIAMS: I think I would be silly to ask you
4 to give a curative instruction.

5 THE COURT: So respectfully considering the totality
6 of the testimony presented thus far I don't find that the
7 comment made by Mr. Wilson was unduly prejudicial.
8 Certainly it contains some prejudice but it's not unduly
9 prejudicial considering the whole picture that has been
10 painted in the three days of trial so respectfully your
11 request for a mistrial is noted. The statement is of
12 record. I'm gonna respectfully deny and caution the
13 prosecutor and the prosecutrix in their mind flow because
14 that's the first thing Ms. Radlein said is that he didn't
15 intentionally do that and she did not nor did the
16 witness. He was answering the question in the banter of
17 questioning. So we'll attempt to minimize any further
18 comments to that extent. And, Mr. Williams, if you would
19 like the Court to instruct the witness to be careful
20 about making these comments further, I will be happy to
21 do that.

22 MR. WILLIAMS: Your Honor, your instruction, I think
23 he's quite intelligent. I'm sure he understands exactly
24 what you're saying.

25 THE COURT: All right.

1 THE WITNESS: Yes, sir.

2 THE COURT: Good enough.

3 MR. HUBBARD: Your Honor, for the record, as we have
4 prepped this case and talked to both this witness and the
5 other co-defendant who will testify, we have been very
6 careful about talking about this and I think they have
7 tried to be but as you know, Your Honor, it's his first
8 time in court.

9 THE COURT: Yeah. Okay. All right. It's 12:35.
10 Do y'all want to go about 15 more minutes, 15, 20 minutes
11 and then break for lunch?

12 MR. HUBBARD: We'll see how long she has, Judge.

13 MS. FULLER: Your Honor, since it's 12:35 I do have
14 a little more, I'm sorry, to get through and some more
15 stuff I have to get out, probably another 30 minutes, if
16 that's okay? Or we can break now and pick up after
17 lunch.

18 THE COURT: All right. Y'all want to break now and
19 come back at 2:00? An hour and 25 for lunch. I have a
20 plea unrelated to this case that one of the folks in the
21 back wanted to do and I think doing it just before we
22 resume after lunch break would be more appropriate.

23 MR. WILLIAMS: Whatever Your Honor wants to do. I'm
24 flexible. My time is your time.

25 THE COURT: All right. Let's do that. Let's break

1 now. We'll come back about 2:00. I'm gonna try to do
2 that plea at 1:50, thereabouts. That will give us a
3 lunch break. We'll leave everything as is. All right.
4 Bring me the jury back in and we'll tell them they're
5 going to lunch. They can leave their note pads in there.

6 (Whereupon, the jury entered the courtroom at 12:35
7 p.m.)

8 THE COURT: All right. Folks, we've -- That's good,
9 isn't it? I'll fill it back up. After lunch we'll fill
10 it back up. We'll break for lunch now. We're gonna
11 break and let y'all have a lunch break until 2:00. I've
12 got something to do just before 2:00. Ms. Radlein is not
13 done with her questioning. She has about 30 more minutes
14 of questioning. I don't want to go right to 1:00. I
15 want to break before 1:00. So we're gonna break now. I
16 want y'all back just before 2:00 and we'll continue on
17 then. Remember, don't discuss the case or don't let
18 anybody outside the courtroom influence you. Enjoy your
19 lunch. See you back shortly before 2:00. I'll have the
20 chocolate replaced. Lauren will be on that.

21 (Whereupon, the jury was released for lunch at 12:35
22 p.m.)

23 (Lunch recess.)

24 BAILIFF: All rise. Court is back in session.

25 THE COURT: Ready to continue?

1 MS. FULLER: The State is ready, Your Honor.

2 MR. WILLIAMS: Yes, Your Honor.

3 THE COURT: All right. Mr. Wilson, you're still
4 under oath. Bring the jury in.

5 (Whereupon, the jury entered the courtroom at 2:00
6 p.m.)

7 THE COURT: Ms. Radlein, you may continue.

8 MS. FULLER: Thank you, Your Honor.

9 BY MS. FULLER:

10 Q. Earlier you testified about taking a picture of the
11 defendant's identification. Looking at State's Exhibit 76, is
12 this the identification that you took a picture of?

13 A. Yes, ma'am.

14 Q. How did you know that's it?

15 A. Well, I took a picture of it.

16 Q. Did you hold it in your hand?

17 A. Yes. I did.

18 Q. I'm gonna show you what's been marked as State's
19 Exhibit 108. What did you use to take a picture of his ID?

20 A. My phone.

21 Q. I'm gonna ask you if you recognize this?

22 A. Yes. That's the picture I took in the car.

23 Q. You said the picture you took in the car?

24 A. Yeah.

25 Q. How did you know this is the picture you took in the

1 car?

2 A. I'm sitting there in my jeans and his ID was in the
3 middle console.

4 Q. And you pointed to the image and said my jeans. Are
5 you saying that you see jeans?

6 A. Jeans (indicating.)

7 MS. FULLER: At this time the State seeks to move
8 State's Exhibit 108 into evidence.

9 MR. WILLIAMS: Without objection, Your Honor.

10 THE COURT: 108 submitted without objection.

11 BY MS. FULLER:

12 Q. So this is the photograph of his identification that
13 you took?

14 A. Yes. That I took.

15 Q. When did you take this photo?

16 A. March 1st.

17 Q. And you remember that -- How do you remember that
18 that's when you took the photo?

19 A. I was sitting in that gas station when I was taking
20 the picture. He went inside. It was me and Josh were left in
21 the car. We discussed it. I said, well, in case anything
22 happens, I'll take a picture of his ID.

23 Q. Now, his identification here appears slightly
24 bent?

25 A. Yes, ma'am.

1 Q. Can you tell me whether or not you see that also in
2 this photograph?

3 A. It's bent.

4 Q. So would it have been bent when you took this
5 photograph?

6 A. Yes, ma'am.

7 Q. Is that also how you know this is the identification
8 you held in your hand?

9 A. Yes, ma'am.

10 Q. Can you tell me whether or not you took any photos
11 of relevance on your phone --

12 A. There was a --

13 Q. -- that are relevant to this case?

14 A. Uh, I don't believe so.

15 Q. I'm gonna show you this and ask you if you recognize
16 this? Kind of refresh your memory.

17 MR. WILLIAMS: Your Honor, I object to that. He
18 already said he didn't take any pictures.

19 MS. FULLER: I said I'm refreshing his memory.

20 THE COURT: I'm not sure I heard a question. Your
21 question you asked was what?

22 MS. FULLER: If he recalls if he took any photos of
23 relevance and he said he does not remember.

24 THE COURT: I thought you said relatives.

25 MS. FULLER: Then that's my fault.

1 THE COURT: Reask that question. Let's hear it
2 again.

3 MS. FULLER: I can move on from that.

4 THE COURT: Okay. If you want to.

5 BY MS. FULLER:

6 Q. I want to show you State's Exhibit 107. I'll ask
7 you do you recognize this?

8 A. Yes, ma'am.

9 Q. And how do you recognize this?

10 A. It's a picture I took.

11 Q. And what's it a picture of?

12 A. A Holy Bible and a gun.

13 Q. And what gun is that?

14 A. The gun that I used in the robbery.

15 Q. When did you take this photo?

16 A. Uh, I believe the night before the robbery.

17 MS. FULLER: At this time the State seeks to move
18 State's Exhibit 107 into evidence.

19 MR. WILLIAMS: Without objection, Your Honor.

20 THE COURT: 107 is in without objection.

21 MR. WILLIAMS: Yes, sir.

22 BY MS. FULLER:

23 Q. Can you tell me whether or not you were in a motel
24 room when you took this photograph?

25 A. I was.

1 Q. Were you in Aiken?

2 A. At the Econo Lodge.

3 MS. FULLER: I'm going to go ahead and have this
4 marked as State's Exhibit 109.

5 (Whereupon, State's Exhibit #109 marked for
6 identification.)

7 BY MS. FULLER:

8 Q. On State's Exhibit 109 I'm gonna ask you to open
9 that and ask you if you recognize it?

10 A. (Witness complies.) I do.

11 Q. How do you recognize it?

12 A. It's my phone.

13 MS. FULLER: At this time the State seeks to move
14 State's Exhibit 109 into evidence.

15 MR. WILLIAMS: If I could see that, Your Honor.

16 MS. FULLER: (Proffering.)

17 MR. WILLIAMS: No objection.

18 THE COURT: 109 is the iPhone?

19 MS. FULLER: Mr. Wilson's iPhone.

20 THE COURT: 109 admitted.

21 BY MS. FULLER:

22 Q. Would this be the phone that you used to take those
23 two photographs?

24 A. Yes, ma'am.

25 Q. Can you tell me whether or not you gave your phone

1 to law enforcement?

2 A. I did.

3 Q. Can you tell me whether or not you also gave them
4 the PIN to your phone?

5 A. I did.

6 Q. Let's talk about that. Do you recall on March 22nd
7 meeting with law enforcement?

8 A. I do.

9 Q. This would have been after you were arrested in
10 Maryland on March 11th?

11 A. Yes, ma'am.

12 Q. And you made it down to South Carolina?

13 A. Yes, ma'am.

14 Q. Can you tell me whether or not you shared with them
15 exactly what your role was in being involved in this home
16 invasion?

17 A. I did.

18 Q. And you shared with them much of the testimony that
19 you gave here today?

20 A. I did.

21 Q. Do you recall showing them where this gun was
22 located?

23 A. I do.

24 Q. Go ahead and tell me about that.

25 A. Uh, I was in the middle of saying what happened and,

1 uh, I told them that I threw the gun and we immediately cut it
2 short and they took me to show them where it was and I did.

3 Q. Where did you show them it was?

4 A. It was in the bushes at the Quality Inn in Aiken.

5 Q. And that would also be by the Waffle House?

6 A. Yes, ma'am. Right across the street.

7 Q. Can you tell me whether or not you also took them
8 back to the Tidwell residence?

9 A. I did.

10 Q. What, if anything, did you show them was there?

11 A. It was two iPhones, uhm, I believe another gun. I
12 believe two guns that was supposed to be in the pond right
13 behind their house.

14 Q. Let me show you this. You said the pond behind
15 their house. Can you tell me whether or not looking at
16 State's Exhibit 1 if you see that pond?

17 A. I do.

18 Q. And where is it?

19 A. This one right here.

20 Q. And when did those items end up in the pond?

21 A. Uh, that night. The night of the robbery.

22 Q. And who threw those items in the pond?

23 A. Josh.

24 Q. And where did these items originally come from?

25 A. The house. The Tidwell residence.

1 Q. The gun that you took from, that was taken from the
2 victims' car, where did that end up?

3 A. I do not know.

4 Q. You mentioned that there may have been two guns in
5 the pond but you kept yours. What's this other gun that
6 you're talking about?

7 A. Supposed to be a derringer one shot .22 and a
8 Judge.

9 Q. Okay. A Judge. We've heard some talk about the
10 Judge. The .22, where did that come from?

11 A. It was sitting on the nightstand.

12 Q. Whose nightstand?

13 A. I believe Mr. Tidwell's nightstand or it was in the
14 drawer. It was either on the nightstand or in the drawer.

15 Q. Would this be in the master bedroom?

16 A. Yes, ma'am. It's a little one shot.

17 Q. When you went to the Tidwells' house that day and
18 committed this home invasion, can you tell me whether or not
19 you were given any instructions on what to do if things went
20 bad?

21 MR. WILLIAMS: Objection. Calling for hearsay. I
22 don't know who it's coming from.

23 BY MS. FULLER:

24 Q. By your co-defendant?

25 THE COURT: Well, she can rephrase it. Rephrase

1 that question so it's --

2 BY MS. FULLER:

3 Q. I'll say it the same way and then add on by your
4 co-defendant?

5 A. Lowman told us specifically if anything went bad, to
6 go ahead and dispose of them.

7 Q. I need you to speak up and make that a clearer
8 statement?

9 A. He told us to go ahead and dispose of them.

10 Q. What does dispose of them mean?

11 A. Kill them.

12 Q. And who gave you those instructions?

13 A. Lowman.

14 Q. Lowman?

15 A. Abin Lee Lowman.

16 Q. So was the plan that day to dispose of or kill the
17 Tidwells?

18 A. Only if it went bad.

19 Q. Did things go bad?

20 A. It definitely did.

21 Q. Who made the decision not to kill them?

22 A. Kind of like a joint decision between me and Josh.
23 I mean, it was nothing, there was nothing there that we went
24 for. It was - it was completely - there was nothing there
25 that we went for so we knew that they weren't who they were

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1 made out to be so it wasn't gonna happen.

2 MS. FULLER: Nothing further at this time, Your
3 Honor.

4 MR. WILLIAMS: May it please the Court.

5 THE COURT: Yes, sir.

6 CROSS EXAMINATION

7 BY MR. WILLIAMS:

8 Q. You are James C. Wilson, aren't you?

9 A. I am.

10 Q. You don't have another identity or anything like
11 that?

12 A. I do not.

13 Q. Now, as I understand your testimony you said that
14 you felt bad about going in this house. You tried to comfort
15 Mrs. Tidwell. Tried to comfort Mr. Tidwell. All these things
16 true?

17 A. I never said I tried to comfort Mr. Tidwell.

18 Q. Just Mrs. Tidwell?

19 A. Yes, sir.

20 Q. But you felt bad about what you did?

21 A. Definitely did.

22 Q. And the person who told you to go ahead if things
23 went bad and kill these poor people was Mr. Lowman?

24 A. Yes.

25 Q. And we can all agree that Mr. Lowman didn't take

1 anything out of that house, did he?

2 A. He did not.

3 Q. Well, now, doesn't that contradict what you said
4 earlier when you said that he got some ring from the ears of
5 Ms. Tidwell and it is currently in the Edgefield Detention
6 Center?

7 A. I never said that he got them himself.

8 Q. Okay. So how did that happen?

9 A. That would be hearsay, sir.

10 Q. So you don't know how that happened but you know
11 that the ring which came from --

12 A. I never said it was a ring, sir.

13 Q. I'm sorry. The earrings. I'll put the ear on the
14 front of it. The earrings that came from poor Ms. Tisdale
15 (sic)?

16 A. Mrs. Tidwell.

17 Q. Tidwell. I'm sorry. I'm just old and a little
18 stupid. But they came from her and somehow they end up in
19 Edgefield Detention Center, right?

20 A. Mr. Lowman had them.

21 Q. Well, now, don't you think that somebody with the
22 Edgefield Detention Center, if he was checked into the
23 Edgefield Detention Center, they probably would have put that
24 information down and the head Solicitor over there Rick
25 Hubbard would go say let me just introduce, let me get that

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1 and introduce that if we have that?

2 MR. HUBBARD: Your Honor, I don't need to be a part
3 of a question. I'm not the investigator.

4 THE COURT: I don't want to create a witness issue
5 so rephrase your question.

6 BY MR. WILLIAMS:

7 Q. Don't you think if law enforcement had arrested
8 Mr. Lowman, placed him in the Edgefield Detention Center and
9 he had an item which was stolen from Ms. Tidwell, somebody
10 would have gotten it, would have taken a picture of it, would
11 have listed it?

12 A. I can't do their law enforcement job for them,
13 sir.

14 Q. You can't do their job for them?

15 A. I can't do law enforcement's job for them.

16 Q. So that's really a little closer to what I'm trying
17 to get to. So that's the James Wilson I want to talk to now.
18 I want to talk to the James Wilson that takes a picture of a
19 gun and puts it next to the Holy Bible before he goes off and
20 robs these two people. You did that?

21 A. I did.

22 Q. What was funny about that? What was humorous about
23 that?

24 A. I never said it was humorous.

25 Q. What was your point?

- 1 A. You wouldn't understand.
- 2 Q. Explain it to me.
- 3 A. It's unexplainable.
- 4 Q. Why did you do it?
- 5 A. It was a poor choice.
- 6 Q. Why did you do it?
- 7 A. It was a poor choice.
- 8 Q. Is there an underlying reason why you would not have
- 9 the high regard for having these two items together? Is there
- 10 a reason for that?
- 11 A. There's no reason for that.
- 12 Q. Where are you originally from?
- 13 A. South America.
- 14 Q. What country?
- 15 A. Guiana.
- 16 Q. And you're friends with who? Josh? Is that his
- 17 name?
- 18 A. Yes, sir.
- 19 Q. Where is he from?
- 20 A. From South Carolina.
- 21 Q. Where is he originally from?
- 22 A. South Carolina.
- 23 Q. Where are his parents from?
- 24 A. South Carolina.
- 25 Q. He's not from Guiana or anything like that?

- 1 A. No. He's not.
- 2 Q. So you're the only one from there?
- 3 A. I'm from there.
- 4 Q. But you and he are friends that met up in Maryland
- 5 and became good friends. Were you working up in Maryland?
- 6 A. I was at one point.
- 7 Q. At what point were you working up there?
- 8 A. I worked for UPS.
- 9 Q. UPS?
- 10 A. Yes.
- 11 Q. When were you working for UPS?
- 12 A. I cannot recall the exact dates.
- 13 Q. How old were you when you worked for UPS?
- 14 A. I believe 21.
- 15 Q. So you got a job working for UPS, some guy from
- 16 South Carolina says let's go down and have a lick on some
- 17 people that live down here in South Carolina?
- 18 A. When this situation happened I was 22. I was no
- 19 longer working at UPS.
- 20 Q. When did you quit working for UPS?
- 21 A. I don't know the exact date.
- 22 Q. What were you doing back when you were 22 and some
- 23 guy from South Carolina dangled some opportunity for you down
- 24 here in South Carolina?
- 25 A. Nothing.

1 Q. I'm sorry?

2 A. I was doing nothing.

3 Q. Doing nothing?

4 A. No.

5 Q. How were you getting by?

6 A. How was I getting by? I was doing nothing.

7 Q. Well, you can't get by doing nothing, can you?

8 A. I see a lot of people that get by doing nothing.

9 Q. Well, don't you think these two individuals over

10 here who go to work every day, I don't know, 6:00, come home

11 every night 9:00, they're doing something every day, aren't

12 they?

13 A. Yes, sir.

14 Q. And that's why they have something?

15 A. It is.

16 Q. But you came down here to steal money and jewelry

17 from them?

18 A. Made a bad choice. I had the wrong impression of

19 them first of all because of your client.

20 Q. Well, we don't need have to worry about it then if

21 it's just a bad choice, right?

22 A. I'm not worried about it.

23 Q. What did you tell law enforcement in regards to why

24 you came down here? Did you mention that Mr. Lowman was

25 trying to sell you a car?

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1 A. He was.

2 Q. He was?

3 A. He was.

4 Q. So when he was driving you around here in South
5 Carolina, he was showing you car lots?

6 A. That had nothing to do with the car that he was
7 trying to sell me. The car that he was trying to sell me is
8 currently sitting unable to move with transmission problems.

9 Q. Okay. So you actually came down here to buy a
10 car?

11 A. No. I did not come down here to buy a car.

12 Q. Okay.

13 A. That's just - that was - that was - there was talk
14 about a car but I did not come down here to buy a car. I came
15 down here strictly for the reason I'm sitting up here right
16 now in handcuffs.

17 Q. So even though y'all talked about him selling you a
18 car down here, the real reason you came down here was to
19 commit a lick?

20 A. A robbery.

21 Q. You called it a lick, didn't you?

22 A. That's the same thing as a robbery.

23 Q. I just want to deal with Mr. James C. Wilson when I
24 use that word lick.

25 A. James C. Wilson would call it a robbery also.

1 Q. Well, he doesn't do it when he communicates with law
2 enforcement. He calls it a lick, doesn't he? Doesn't he?

3 A. Yes, sir.

4 Q. All right. So you say that you are with Josh and
5 with Robert Goodwin who happens to be the uncle of Lee,
6 right?

7 A. Correct.

8 Q. And I think you said, correct me if I'm wrong, but
9 you came up, he came up on one day and y'all decided to come
10 back on the same day to come down to do the lick?

11 A. I did.

12 Q. Same day?

13 A. Same day.

14 Q. Didn't think about it very long, did you?

15 A. The opportunity was already presented to me about a
16 week before when I saw Mr. Lowman a week before. The day that
17 I told him that we agreed was the day that we left, not the
18 day that it was presented to me.

19 Q. So y'all did do some thinking about it?

20 A. We did.

21 Q. And it would be your understanding that my client
22 over here is the mental giant to master piece this heavy duty
23 burglary and break-in and everything, right?

24 A. He did.

25 Q. And he is so clever, so clever that he gets

1 somebody's ID with somebody else's name on it and he puts it
2 there on a carport so that law enforcement will how some say,
3 well, it must be somebody else?

4 A. Somebody from South Carolina. Somebody from
5 Charleston. A place that I have never been before.

6 Q. Well, wouldn't he have been smarter to steal
7 somebody else's ID from some other area than somebody who
8 might even know him maybe?

9 A. You would have to ask your client that, sir.

10 Q. Well, why would he pick somebody's ID who happened
11 to be the cousin who found the key that allegedly was used on
12 the car that drove away? Why would he do that?

13 A. I cannot answer that..

14 Q. Those circumstances are just remarkable, aren't
15 they?

16 A. I cannot answer that question.

17 Q. All right. Let me ask you these questions. You
18 weren't straight with the police when you were telling them
19 what went on originally, were you?

20 A. Yes. I was.

21 Q. You were? What did you tell them about the jewelry
22 and where from jewelry was located?

23 A. Oh, I didn't. Okay.

24 Q. What?

25 A. You're right.

- 1 Q. Okay.
- 2 A. I was not straight at first.
- 3 Q. Okay. And what did you tell them the first time?
- 4 A. I told them that the jewelry was left down here.
- 5 Q. Left where?
- 6 A. In South Carolina.
- 7 Q. Where?
- 8 A. In back of the Quality Inn.
- 9 Q. And then you changed it, didn't you?
- 10 A. I did.
- 11 Q. When did you change it?
- 12 A. I changed it -- I cannot remember the exact date.
- 13 Q. Was it the next day?
- 14 A. No. It was not.
- 15 Q. Was it the next week?
- 16 A. No. It was not.
- 17 Q. Was it the next month?
- 18 A. I cannot recall.
- 19 Q. And then where did you say it was?
- 20 A. It was sold in Maryland.
- 21 Q. Well, now, did the remorse that you had after doing
- 22 this robbery, is that what made you all of a sudden decide to
- 23 tell law enforcement really what happened to the jewelry?
- 24 A. The remorse was there from the beginning. You
- 25 cannot take the remorse away from me.

1 Q. Well, why did it take so long to kick in?

2 A. Me saying, me telling them about the jewelry had
3 nothing to do with remorse.

4 Q. Why did you tell them about the jewelry then?

5 A. I told them about the jewelry because it needed to
6 be done. It had nothing to do with taking nothing away from
7 the remorse I feel.

8 Q. Do you think it has anything to do with the charges
9 that you currently have pending against you?

10 A. No. It does not. My charges are the same. They
11 will be the same.

12 Q. What are your charges?

13 A. I cannot tell you offhand but it's the same charges
14 that I agreed to.

15 Q. You don't know what you're charged with?

16 A. First degree burglary, two counts of kidnapping,
17 armed robbery.

18 Q. Anything else?

19 A. I do not believe so. I'm not sure. I believe there
20 were eight warrants all together. I can't remember.

21 Q. Well, that's not eight so there's got to be some
22 more.

23 A. I cannot remember. That's what I'm saying. I think
24 criminal conspiracy.

25 Q. And what else?

- 1 A. Possession of a weapon during a violent crime.
- 2 Q. And what else?
- 3 A. Theft of an auto.
- 4 Q. What else?
- 5 A. Grand larceny. Well, that's grand larceny.
- 6 Q. That's a bunch. There's more though, isn't there?
- 7 Did you get charged impersonating an ATF officer?
- 8 A. Yes. I did.
- 9 Q. That's impersonating a police officer?
- 10 A. Impersonating a police officer.
- 11 Q. The essence of that charge is lying about being who
- 12 you are.
- 13 A. Correct.
- 14 Q. Just like you lied to the police officer about where
- 15 the jewelry was.
- 16 A. Correct.
- 17 Q. Now, what else did you not tell the police that was
- 18 accurate? We'll use the word accurate.
- 19 A. That's it.
- 20 Q. Well, how about telling them where the gun was
- 21 bought, the gun that was purchased? Did you originally tell
- 22 them that, did you tell them originally that the gun was
- 23 bought from some guy in Spartanburg/Greenville or did you tell
- 24 them it was something?
- 25 A. I told them Spartanburg or Greenville. I believe I

1 said it started with an "S".

2 Q. What now?

3 A. I believe I stated it started with an "S".

4 Q. We're breaking down now. So it started with an "S".

5 Anything else? Did you go through a litany with the police
6 officer about whether or not it was Swansea or Columbia or
7 what have you?

8 A. I'm not from South Carolina, sir. I'm not familiar
9 with around here.

10 Q. Did you know where the gun was purchased from?

11 A. I know it was two hours away in the upstate so it
12 could not have been Columbia.

13 Q. Did you tell the officer originally that the gun was
14 bought two hours away?

15 A. I told him it was bought in a big city with an "S".

16 Q. It was bought in a big city with an "S". Well, like
17 it could be Seneca, I guess, if you're from the upstate?

18 A. I'm not familiar with the upstate.

19 Q. You didn't know where you were, did you? Right?

20 A. (No response.)

21 Q. Let's talk about the Walmarts.

22 A. Okay.

23 Q. Did you originally say that you bought - that all
24 these things happened on one day? That you went to two
25 Walmarts in one day?

- 1 A. I did.
- 2 Q. So you didn't say you bought the bullets the next
- 3 day?
- 4 A. I may have my days confused.
- 5 Q. What else have you got confused?
- 6 A. Nothing else.
- 7 Q. Are you confused about Lee over there?
- 8 A. No. I'm not confused about your client.
- 9 Q. Well, let's talk about when you said that he always
- 10 has, he always has his work clothes on and has his work boots
- 11 on. Do you remember that?
- 12 A. I do.
- 13 Q. Let me show you what has been marked as State's
- 14 Exhibit 97 (proffering.) Do you remember talking to the
- 15 Solicitor about that particular photo or exhibit?
- 16 A. It was asked about from earlier.
- 17 Q. Where did you say it was taken?
- 18 A. It was taken in North Augusta.
- 19 Q. North Augusta. And who is that in that picture?
- 20 A. Abin Lee Lowman.
- 21 Q. What kind of shoes does he have on?
- 22 A. Boots.
- 23 Q. All right. And what kind of work outfit does he
- 24 have on?
- 25 A. He doesn't have a work outfit.

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1 Q. So he doesn't always have on a work outfit, right?

2 A. That same day, earlier that day he was in the
3 exhibit in the State's evidence wearing the work jacket.

4 Q. But he doesn't always wear it, right?

5 A. He must have took it off because he got hot.

6 Q. Well, now, look at State's Exhibit number 101 and
7 100. Again, he doesn't have his work outfit on there,
8 right?

9 A. That's the same exact picture walking out of the
10 same Walmart.

11 Q. As this one?

12 A. As that one.

13 Q. And that's your testimony that those are work
14 boots?

15 A. Yes, sir.

16 Q. Did you tell law enforcement that when he was buying
17 bullets, that you were in there, you and Josh were in there
18 looking at video games?

19 A. I do not recall.

20 Q. You don't recall?

21 A. No.

22 Q. What did you tell the Solicitor earlier about what
23 you were doing?

24 A. I was in the car.

25 Q. You were in the car?

1 A. He wanted to go buy something because he didn't want
2 anybody on camera with him.

3 Q. So what is it you don't recall? Are you saying that
4 you might have told the police officer that you and Josh were
5 in there looking at games and things like that?

6 A. I'm saying I might have got the two Walmarts
7 confused.

8 Q. What else do you have confused?

9 A. Nothing.

10 Q. Who is Jay Wilson?

11 A. Myself.

12 Q. Is there anybody else that is known as Jay Wilson
13 with a gmail address gmail.com? .

14 A. I wouldn't say so.

15 Q. I'm sorry?

16 A. No. I wouldn't know. I wouldn't know. I just know
17 myself.

18 Q. Well, let's talk about March the 3rd. You remember
19 March the 3rd of 2017, right?

20 A. Yes.

21 Q. That's the day when you and the other three guys
22 went to Tidwell Jewelers and Lee went in and bought a ring for
23 his fiancée, girlfriend, wife, whatever, best person and you
24 say Josh went in with him, right?

25 A. Yes, sir.

1 Q. All right. While he was in that store, who was on
2 the Internet on their cell phone looking up information about
3 Tidwell Jewelers?

4 A. Possibly myself.

5 Q. Possibly yourself. Well, now, why would you be on
6 your cell phone looking up information about Tidwell Jewelers
7 when your friend, we'll call him your friend, was simply in
8 there buying a ring for his girlfriend?

9 A. I was looking up information about Tidwell Jewelers
10 because we came down here to rob the Tidwells. It had nothing
11 to do with anybody being at the store. He went in the store
12 to try to find out information about where they lived.

13 Q. Is that the first time that you started getting on
14 your cell phone to look up information about Tidwell
15 Jewelers?

16 A. I believe so.

17 Q. So it just so happened that when you happened to
18 pull up in front of the jewelry store where he's going in to
19 buy a ring for his girlfriend, that's when you start looking
20 up information about Tidwell Jewelers, not before, but on
21 March the 3rd is when you started looking it up, true?

22 A. I did not know -- Yes. That's true.

23 Q. How many times did you go on your cell phone looking
24 up information about Tidwell Jewelers?

25 A. I cannot recall.

- 1 Q. Six?
- 2 A. I cannot recall.
- 3 Q. More than ten?
- 4 A. I cannot recall.
- 5 Q. Did you look up information about Danny Tidwell?
- 6 A. Yes.
- 7 Q. You did. On your cell phone you looked up and tried
- 8 to find out where he lived on your cell phone?
- 9 A. Yes.
- 10 Q. Well, now, if you're counting on Lee Lowman to tell
- 11 you where he lives, why are you on your cell phone looking up
- 12 information about Mr. Tidwell and about his jewelry store and
- 13 where he lives?
- 14 A. Because all four of us all together did not know
- 15 where he lived so we thought that would give us an idea.
- 16 Q. Give us?
- 17 A. Yes.
- 18 Q. Who had the cell phone?
- 19 A. Me.
- 20 Q. Who was looking it up?
- 21 A. Me. But I'm not by myself. I'm not alone.
- 22 Q. But Lee's lived down in Saluda a long time or in
- 23 this neck of the woods I should say a long time, right?
- 24 A. Right. So how would I know Mr. Tidwell's name is
- 25 Danny if I didn't even know his name?

1 Q. Because he told you that he was going to buy a ring
2 for his girlfriend.

3 A. But he never told me he was gonna buy a ring for his
4 girlfriend from Danny Tidwell.

5 Q. So when was the first time you started looking up
6 something about Danny Tidwell?

7 A. You just - you just - you just asked me that.

8 Q. March the 3rd, right?

9 A. Yes.

10 Q. When he goes to the jewelry store to buy a ring?

11 A. Buy a ring. I knew his name was Danny. I never met
12 the man before.

13 Q. Not on March the 1st, not on March the 2nd, right?.

14 A. Those days I'm counting on Mr. Lowman to know the
15 address. Like I said before in my testimony, he took me to a
16 house on March 1st that was supposed to be the address of the
17 Tidwells but it wasn't.

18 Q. Now, on that March 1st date are you saying he was
19 driving the Impala on that date?

20 A. Driving an Impala.

21 Q. Out of curiosity, why would you be riding around in
22 a Mercury Marquis that has GPS monitoring on it?

23 A. You got to ask your client that, sir. It's not my
24 car.

25 Q. And you weren't driving that car around?

1 A. I didn't know it had GPS monitoring. It was never
2 brought to my attention.

3 Q. Let's talk about March the 3rd. Now, March the 2nd
4 where did you stay that night?

5 A. March 2nd we spent the night in Ridge Spring.

6 Q. Where did you spend the night at?

7 A. Ridge Spring.

8 Q. Where?

9 A. At the apartment complex in Ridge Spring in the
10 car.

11 Q. At the apartment complex of who?

12 A. Uh, I'm not sure who was that.

13 Q. You're in Ridge Spring at an apartment complex and
14 you're spending the night in the car?

15 A. I'm in the car. Yes, sir.

16 Q. How did you decide to spend the night in a car in an
17 apartment complex in Ridge Spring?

18 A. It was not my decision. It was Mr. Lowman's
19 decision.

20 Q. Who was in the car with you?

21 A. Me, Josh, Rob and Mr. Lowman.

22 Q. He spent the night in the car with you?

23 A. He did.

24 Q. So all four of you guys are sleeping in the car,
25 right?

JAMES CHRISTOPHER WILSON - CROSS BY MR. WILLIAMS

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- 1 A. Yes, sir.
- 2 Q. And then the next day he goes to get a room at
3 where?
- 4 A. At the Knights Inn.
- 5 Q. Knights Inn?
- 6 A. Yeah.
- 7 Q. And he gets it for three nights?
- 8 A. He does.
- 9 Q. And how many people does he put down that are
10 staying there?
- 11 A. Uh, I'm not sure.
- 12 Q. You don't know?
- 13 A. I'm not sure how many people he put down staying
14 there.
- 15 Q. That's where you saw his girlfriend?
- 16 A. Yes.
- 17 Q. And who stayed in that room that night?
- 18 A. Myself, Mr. Lowman and Josh.
- 19 Q. Where did Mr. Goodwin and where did his girlfriend
20 stay?
- 21 A. Ended up taking her home that night.
- 22 Q. I'm sorry?
- 23 A. Ended up going home that night. He took her back to
24 Augusta.
- 25 Q. So he drove them back to Augusta?

1 A. Yeah, that night and came back to the hotel.

2 Q. So you and Josh and Robert Goodwin did not get in
3 that Marquis and leave them there while y'all drove around
4 that night?

5 A. Oh, we did earlier that day but we came back.

6 Q. Wait a minute. Let's slow down.

7 A. When we first got to the hotel, they wanted some
8 privacy so we left them in the room. That was before night
9 even fell. At 5:30 that afternoon we got back in the car and
10 we left her in the room and we went and followed Mr. and
11 Mrs. Tidwell, then we came back to the hotel after we were
12 finished and Mr. Abin Lee Lowman took his girlfriend, fiancée,
13 whatever you want to call her, he took her home.

14 Q. Let me slow you down. So didn't you just admit two
15 seconds ago that you and Josh and Robert Goodwin took the car
16 and left Abin Lowman with his girlfriend at the motel room
17 which he got for he and his girlfriend and y'all drove off
18 somewheres, correct?

19 A. We never left Aiken. We drove off in Aiken to drive
20 around before 5:30, before Mr. and Mrs. Tidwell closed their
21 store that night.

22 Q. And then you came back and followed Mr. and Mrs.
23 Tidwell around?

24 A. We went back to the hotel room. Abin Lee Lowman got
25 in the car, left his girlfriend in the hotel room, all four of

1 us collectively went back and followed Mr. and Mrs. Tidwell
2 that night, then we went back to the hotel room which me, Rob
3 and Josh, they did while Mr. Lowman took his girlfriend
4 home.

5 Q. Do they have cameras at that Royal Knights Hotel?

6 A. I cannot say that. I was not looking for cameras.

7 Q. Have you ever been to a motel that didn't have
8 cameras?

9 A. I can't tell you. I never paid attention to cameras
10 or that.

11 Q. So you come down here. You're supposed to have the
12 cash to buy the goods, right? And he's supposed to furnish
13 the car and he's supposed to find you a place to stay,
14 right?

15 A. We bought our own motel rooms.

16 Q. You bought your own motel rooms?

17 A. Yeah. We paid for our own rooms. We paid for our
18 own rooms regardless of who was paying that they were put
19 into, we paid for them.

20 Q. You even had the taxi cab driver's name, didn't you,
21 on one motel receipt?

22 A. Yes.

23 Q. So please tell the jury why in the world a taxi cab
24 person would give you his ID to register your room in?

25 A. He never gave me his ID. He bought the room on his

1 own because when we got into that cab, my ID was in Mr.
2 Lowman's car. Rob Goodwin's ID was in Lowman's car. Joshua
3 Darien was too young to get a room in his name.

4 Q. So you're telling me that after you did this
5 robbery, you called a taxi cab driver, right? To pick y'all
6 up; isn't that right?

7 A. From Aiken after we ditched the car.

8 Q. All right. Because you didn't need a car if you had
9 a car so you called the taxicab people to pick you up, right?

10 A. After we run from the police in Aiken.

11 Q. Okay. Well, if it helps you remember it, that's
12 fine. But you did that and when the taxicab guy got there,
13 you told him, look, we don't have an ID but would you please
14 give us a room or use your name to rent us a room at this --
15 Where did you stay?

16 A. We stayed at the Econo Lodge.

17 Q. Econo Lodge?

18 A. Yeah.

19 Q. When was this, March the 8th?

20 A. Yes, sir.

21 Q. What was the name of the taxicab guy that used his
22 ID to get you guys a room at the Econo Lodge?

23 A. I cannot recall his name.

24 Q. Did you have to pay him extra to use his ID?

25 A. He did not require.

- 1 Q. He did not require?
- 2 A. He felt bad for us because he thought we were
3 stranded.
- 4 Q. So none of these, none of these motel people require
5 you to actually show an ID, do they?
- 6 A. What do you mean?
- 7 Q. You didn't have to have the ID to show it to the
8 person who was giving you a room, the taxi guy, you didn't
9 have to have the ID? You could just say my name is John Smith
10 and then you could get the motel room, right?
- 11 A. No. You have to show ID.
- 12 Q. You don't have to show an ID?
- 13 A. You do have to show ID.
- 14 Q. So he came inside, showed his ID and got you a room
15 that night?
- 16 A. He did.
- 17 Q. And you didn't pay him for that?
- 18 A. I did not pay him for that. He thought we was
19 stranded.
- 20 Q. How much did you pay him to pick you up?
- 21 A. I do not recall.
- 22 Q. What was his name?
- 23 A. I do not recall.
- 24 Q. Did you see him again?
- 25 A. Never.

1 Q. Do you know if they keep records of pick ups and
2 stuff like that by taxi people?

3 A. I wouldn't know.

4 Q. How much did you pay him?

5 A. I do not recall.

6 Q. You don't remember anything about money about
7 that?

8 A. I don't remember how much the taxicab ride was.

9 Q. Okay. Well, let me ask you this: How much money
10 did you take from Mr. and Mrs. Tidwell?

11 A. I did not personally take their money.

12 Q. So you didn't take any jewelry from them? You
13 didn't take any money from them?

14 A. I admitted to taking jewelry.

15 Q. You did?

16 A. Yes. I did. I took the bracelet off of
17 Mr. Tidwell's hand. I just said that in my testimony
18 earlier.

19 Q. Didn't you tell law enforcement at some point
20 through these many times that you didn't take any jewelry?

21 A. No. I did not physically possess the jewelry when
22 we left the house. Physically I possessed the jewelry after
23 the robbery when we were on our way back to Maryland.

24 Q. Aren't you playing with words there?

25 A. No. I'm not.

1 Q. You're saying you didn't take it from the house?

2 A. I never said -- I did not -- I personally did not
3 have the jewelry in my possession when we left the house.

4 Q. Okay. You had no jewelry, right? When you left the
5 house, right?

6 A. Yes, sir.

7 Q. Correct me if I'm wrong.

8 A. Continue.

9 Q. You had no money when you left the house, right?

10 A. Continue.

11 Q. Well, is that true or not?

12 A. That is true.

13 Q. Who had the money and who had the jewelry?

14 A. Josh. Joshua.

15 Q. Now, this is the young guy, right?

16 A. This is the young guy.

17 Q. Your friend who you got into this?

18 A. Yes.

19 Q. And how much money did he have?

20 A. Uhm, I cannot say the exact amount. He did not give
21 me - he did not show me the exact amount. He just split it.
22 I got about \$700.00.

23 Q. You know it was 4000?

24 A. I did not know that. No.

25 Q. You didn't know the jewelry was over a hundred

- 1 thousand, did you?
- 2 A. No. I did not.
- 3 Q. So Josh is the master mind here, right?
- 4 A. No. Josh is not the master mind here.
- 5 Q. Who sold the jewelry?
- 6 A. I did.
- 7 Q. Who did you sell it to?
- 8 A. This lady in Maryland.
- 9 Q. What's her name?
- 10 A. I do not know her name.
- 11 Q. You don't know her name?
- 12 A. No. I don't.
- 13 Q. Didn't you tell law enforcement that you weren't
- 14 gonna give them their name because you didn't want to get her
- 15 in trouble?
- 16 A. No. I said I did not tell the truth at that time
- 17 because I did not want to implicate the lady. I didn't know
- 18 her name.
- 19 Q. Well, you didn't tell them you didn't know the name,
- 20 did you?
- 21 A. They didn't ask me if I knew her name.
- 22 Q. So now we've got to ask -- Law enforcement is not
- 23 asking you the correct questions, are they? Is that how this
- 24 works?
- 25 A. I cannot answer that.

- 1 Q. Let's talk about these walkie-talkies. You bought
2 four walkie-talkie, right? You bought them?
- 3 A. Correct. No. Not me individually.
- 4 Q. Okay. I don't want to trick you.
- 5 A. Me and Josh, we both collectively spent money on
6 that.
- 7 Q. So you and Josh bought four?
- 8 A. Right.
- 9 Q. Where did you buy them at?
- 10 A. Walmart.
- 11 Q. I can't hear you now.
- 12 A. Walmart.
- 13 Q. You bought them from Walmart?
- 14 A. Right.
- 15 Q. You didn't tell anyone at any point in time that Lee
16 bought these walkie-talkies and zip ties from Western Auto or
17 anything like that, right?
- 18 A. No.
- 19 Q. Who bought the zip ties?
- 20 A. Lee did.
- 21 Q. But you bought the walkie-talkies? Lee bought the
22 walkie-talkies?
- 23 A. No.
- 24 Q. Josh bought the walkie-talkies?
- 25 A. No. Me and Josh paid for them collectively.

1 Q. It's gonna be -- All right. Who physically hands
2 the money to the cashier?

3 A. I believe it was me.

4 Q. Okay. So you took Josh's money, you went to the
5 cashier, you gave them the money and then you took the
6 walkie-talkies away from the store?

7 A. That's correct.

8 Q. When did you do that?

9 A. Uh, it would have been that day or the 6th.

10 Q. On the 6th?

11 A. On the 6th when I bought the rest of my clothing.

12 Q. Is this picture State's Exhibit 105, is that you?

13 A. Yeah. That's me.

14 Q. So what's in this bag here are walkie-talkies?

15 A. Walkie-talkies with some dark clothing and some
16 gloves.

17 Q. All right. And is this Josh on page 102?

18 A. Yes.

19 Q. And what's in his bag?

20 A. Some dark clothing and some gloves.

21 Q. How do you know what Josh is putting in his bag?

22 A. Because we got our items from the same exact
23 aisle.

24 Q. But he gives you money and you combine your money
25 and you pay for stuff and you get a bag and then he gets other

1 money to pay for his clothes and gets another bag, right?

2 A. He bought his clothes himself. I bought my clothes
3 myself. But we both collectively put together our money for
4 the walkie-talkies. That's how that played out.

5 Q. Well, you and Josh have been together for at least
6 four and a half months over this last year, haven't you?

7 A. Uh, yes. We have.

8 Q. You have. Have y'all talked a lot?

9 A. Yeah. We talk a lot.

10 Q. Every day?

11 A. He's in the same pod as me.

12 Q. Same pod?

13 A. Yeah.

14 Q. For four and a half months. Okay. Well, when y'all
15 went to Mr. and Mrs. Tidwells' house and you said that all of
16 y'all were out there and Lee left -- Or how long did y'all
17 hang out there waiting on something to happen?

18 A. We stayed out there for quite a while. We were
19 there from the time they were home until the time we left.

20 Q. And the picture that showed the hill there, that's
21 where y'all were laying on the hill, right?

22 A. Laying on the hill.

23 Q. Is that right next to the par 3 green?

24 A. I don't know about golf courses, sir.

25 Q. Did you see something that looked green that had a

- 1 stick in it that had a flag on it?
- 2 A. There's a lot of those on a golf course.
- 3 Q. So how many people were laying on that hill?
- 4 A. Four.
- 5 Q. So you got four guys in the middle of Saluda County
- 6 on Persimmon Hill Golf Course laying on the side of a hill,
- 7 right?
- 8 A. Yes, sir.
- 9 Q. Nobody came up to you and said, hey, what are you
- 10 guys doing here?
- 11 A. It was nighttime.
- 12 Q. So it was nighttime the whole time?
- 13 A. No. It got dark.
- 14 Q. So when did you lay on the hill?
- 15 A. When it was dark.
- 16 Q. You waited until it was dark. So you sat in the car
- 17 until it turned dark?
- 18 A. Didn't stay in the car.
- 19 Q. So where did you stay?
- 20 A. On the pathway.
- 21 Q. Did you stand the whole time?
- 22 A. We were standing on the pathway trying to figure out
- 23 what to do next. When it got dark, we decided to go and lay
- 24 on the slope.
- 25 Q. And you laid down there and you watched Mr. Tidwell

1 lay down there on the couch and watch TV, Mrs. Tidwell went to
2 bed. You said Mrs. Tidwell went to bed first, didn't you?

3 A. She went into the bathroom.

4 Q. She went to the bathroom. Do you know when she went
5 to bed?

6 A. I do not know the exact time.

7 Q. Did you have binoculars with you?

8 A. No.

9 Q. Did you mean to have binoculars with you?

10 A. No.

11 Q. And did you see Mr. Tidwell get up after the TV went
12 off and go to bed?

13 A. No. I just saw the TV go off.

14 Q. So you're the one in charge of watching everything,
15 right?

16 A. No. We're collectively all right there on the hill
17 doing the same thing.

18 Q. You all were seeing the same thing, you all were
19 putting your money together?

20 A. This was a collective.

21 Q. It's collective.

22 A. This was a joint thing.

23 Q. Joint thing.

24 A. Yeah. It was not - it wasn't a one man thing.

25 Q. Then why is it that only three of you went in the

1 house?

2 A. Because Mr. Lowman had another objective. His
3 objective was to go to the store and canvass the store while
4 he sent me, Josh and Robert Goodwin into the house.

5 Q. So he didn't go in the house?

6 A. No. Mr. Lowman never went in the house.

7 Q. Never went in the house?

8 A. Mr. Lowman never entered the house.

9 Q. So if he never went in the house, how did he obtain
10 the earrings that ended up in the Edgefield Detention
11 Center?

12 A. Must have been passed to him.

13 Q. How?

14 A. I don't know how. That would be speculation, sir.
15 I can't say.

16 Q. But you left them in Ms. Tidwell's ears?

17 A. Yes.

18 Q. Let's talk about flashlights.

19 A. Okay.

20 Q. You didn't have any flashlights when you went there,
21 right?

22 A. No. We didn't.

23 Q. So if there were three flashlights being shown in
24 that night in that house, you don't know where that other
25 third flashlight came from, do you?

1 A. There was only two flashlights.

2 Q. There were only two flashlights so that there could
3 have only been two people holding a flashlight, right?

4 A. Correct.

5 Q. Okay. So having said that, objectively if you were
6 counting flashlights with one person holding each one, the
7 third person who would have been in there, if there was a
8 third person who was in there, would not have had a
9 flashlight?

10 A. He would not have.

11 Q. And who didn't have the flashlight?

12 A. Josh.

13 Q. All right. So you and Robert had the flashlight,
14 right?

15 A. Correct.

16 Q. All right. Now, who was in charge of Ms. Tidwell?

17 A. Nobody was specifically in charge of anybody.

18 Q. Josh wasn't in charge of her?

19 A. Josh wasn't in charge of anybody.

20 Q. You said he was the nice one, right?

21 A. He was the nice one.

22 Q. And you were the nice one?

23 A. I was not nice to Mr. Tidwell but I was showing
24 compassion to Mrs. Tidwell.

25 Q. This is not like the three bears story, is it? You

1 got one guy who's really mean, one guy who's kind of in
2 between, one guy who's really sweet?

3 A. I'm not familiar with the three bears story.

4 Q. So Robert, you call him Robert or Bob?

5 A. Call him Robert.

6 Q. Robert?

7 A. Robert.

8 Q. Rob?

9 A. Call him Rob.

10 Q. Rob. Uhm, he's the one who goes in first, right?

11 A. Correct.

12 Q. Now, who is the one who breaks the window so that
13 everybody can go in?

14 A. Josh.

15 Q. You're not the woman who -- You're not the man, not
16 the person -- I'm sorry. You're not the person who goes into
17 the storage room and gets the piece of equipment to break the
18 --

19 A. I am.

20 Q. You are?

21 A. I did.

22 Q. So you are the one who broke the window to go in?

23 A. I did not break the window. I went and got the bolt
24 cutters. I did not break the window.

25 Q. Who broke the lock so that you could go in?

1 A. Broke the locks where?

2 Q. In the window. How did y'all get in the house?

3 A. Josh broke the window.

4 Q. Josh did it?

5 A. Yeah.

6 Q. So let me get this straight. You don't actually

7 break it open so people can come into these peoples' house?

8 You don't actually take any money from the house? You don't

9 actually take any jewelry? You don't actually buy a gun? You

10 don't actually --

11 MS. FULLER: Objection, Your Honor.

12 BY MR. WILLIAMS:

13 Q. -- do anything, do you?

14 MS. FULLER: That was like five questions.

15 THE COURT: It was five.

16 BY THE WITNESS:

17 A. I'm actually guilty of everything I'm charged

18 with.

19 THE COURT: He can explain his answers.

20 BY MR. WILLIAMS:

21 Q. I'm sorry?

22 A. I said I'm actually guilty of everything I'm charged

23 with.

24 Q. But you didn't do any of those things, right?

25 A. (No response.)

- 1 Q. Right?
- 2 A. (No response.)
- 3 Q. You didn't break in, right?
- 4 A. (No response.)
- 5 Q. You didn't take any money, right? I can give them
- 6 to you one at a time. All you've got to do is say yes or no;
- 7 is that correct?
- 8 A. Correct.
- 9 Q. You didn't take the jewelry, correct?
- 10 A. Correct.
- 11 Q. But you did check out Mr. Tidwell on your cell
- 12 phone, correct?
- 13 A. Correct.
- 14 Q. When is it that you learned -- Did you make any text
- 15 back to anyone back in Maryland after you were on the run, on
- 16 the lam?
- 17 A. On the lam as far as going back home?
- 18 Q. After you had gotten away from the house after the
- 19 police had chased you for two hours in the woods, did you text
- 20 anybody?
- 21 A. Uh, I'm sure I did.
- 22 Q. You're sure you did?
- 23 A. Yeah. I'm sure I did.
- 24 Q. And who did you text?
- 25 A. I'm not sure.

1 Q. Well, now --

2 A. Probably only one person.

3 Q. Well, you were in trouble, right?

4 A. I was.

5 Q. You've got the police chasing you in the woods?

6 A. I was.

7 Q. Seems like the first person you text would be

8 somebody important in your life, right?

9 A. I would.

10 Q. I'm sorry?

11 A. I would.

12 Q. It was?

13 A. I said I would.

14 Q. And who was it?

15 A. Uh, I'm not sure.

16 Q. Now, you're certain that you were not the person to

17 take the earrings out of Mrs. Tidwell's ears?

18 A. I'm certain.

19 MR. WILLIAMS: Your Honor, that's all I have.

20 THE COURT: Redirect.

21 MS. FULLER: I don't have any redirect, Your

22 Honor.

23 THE COURT: All right. Mr. Wilson, you may step

24 down. I think this is a good time to take a break. We

25 have been going an hour. Y'all step in the jury room.

1 Don't discuss the case. If anybody wants to step outside
2 if you need to smoke, just tell the bailiffs. About 15
3 minutes.

4 (Whereupon, the jury entered the jury room at 3:00
5 p.m.)

6 (Short break.)

7 THE COURT: You ready?

8 MS. FULLER: Yes, Your Honor. The State's ready.

9 MR. WILLIAMS: Yes, Your honor.

10 THE COURT: Okay. Bring them in.

11 (Whereupon, the jury entered the courtroom at 3:15
12 p.m.)

13 THE COURT: Call your next witness.

14 MS. FULLER: Thank you, Your Honor. The State calls
15 Dorcas Braxton.

16 Thereupon,

17 DORCAS BRAXTON

18 after having been first duly sworn, testified as follows,

19 DIRECT EXAMINATION

20 BY MS. FULLER:

21 Q. Ms. Braxton, where are you employed?

22 A. Knights Inn, Aiken, South Carolina.

23 Q. Do you know what the address of that Knights Inn
24 is?

25 A. 1850 Richland Avenue, West Aiken, South Carolina.

DORCAS BRAXTON - DIRECT BY MS. FULLER

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1 Q. How long have you been employed there?

2 A. Ten plus years.

3 Q. As you said a manager?

4 A. General manager.

5 Q. As general manager. I want to ask you a few
6 questions. In the normal course of business is it customary
7 to keep records of people who rent rooms from you guys?

8 A. Yes, ma'am.

9 Q. And these records, is this something that you would
10 have access to in the normal course of business?

11 A. Yes.

12 Q. I want to show you a few documents. I want to ask
13 you if you recognize them?

14 A. Yes.

15 Q. How do you recognize this?

16 A. These are our guest folios.

17 Q. You say ours?

18 A. Yes. Knights Inn.

19 Q. And do you recognize this?

20 A. Yes. It's a registration card, Knights Inn
21 registration card for the guest.

22 Q. How do you recognize this?

23 A. This is the identification card. We always make
24 copies of it.

25 Q. These three items, are these the items that would be

1 kept at the Knights Inn on Richland Avenue?

2 A. Yes.

3 MS. FULLER: Your Honor, at this time the State
4 seeks to move what's marked as State's Exhibit 110, 111
5 and 112 into evidence.

6 MR. WILLIAMS: Your Honor, I think she's asking if I
7 have any objection. I do not have any objection.

8 THE COURT: State's 110, 111, 112, business records
9 of Knights Inn without objection.

10 BY MS. FULLER:

11 Q. Just so the record is clear, State's Exhibit 110,
12 what exactly is this?

13 A. This is a guest registration card.

14 Q. And 111, what is this?

15 A. Registration card folio.

16 Q. And 112?

17 A. This is the Yes, I do notification, a copy of it.

18 Q. Looking at State's Exhibit 110, can you tell me who
19 was registered to a room on this night at the Knights Inn?

20 A. It says Mr. Lowman. Lowman.

21 Q. And what date?

22 A. This is for March the 3rd, 2017. He departed on
23 March the 6th, 2017.

24 Q. Looking at State's Exhibit 111, can you explain to
25 the jury what information is completed on this document?

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1 A. Okay. The guest name, address, and his
2 arrival/departure date and room number and the guest signature
3 at the bottom.

4 Q. Let me ask you this: Who completes this top
5 portion?

6 A. The guest does.

7 Q. And the signature?

8 A. The guest.

9 Q. I notice here a DL number. What exactly is that?

10 A. That's the driver's license identification number.

11 Q. And who records that information?

12 A. Usually it's the clerk.

13 Q. And where would the clerk obtain that information
14 from?

15 A. From the copy of the ID and the copy of the --

16 Q. I'm gonna show you State's 112. I know these are
17 originals. Do you mind if I separate them?

18 A. No.

19 Q. And these are originals that you brought to court
20 here today?

21 A. Yes. They are.

22 Q. Now that they are separated, tell me what is the
23 purpose of photocopying the individual's ID?

24 A. We always have to make sure that it's the correct
25 individual, that no one else is using their ID.

1 Q. Let me ask you this: You have been working at the
2 Knights Inn for quite some time. Can you explain the process
3 when a person comes in and submits the ID to the clerk?

4 A. It's for verification.

5 Q. And does the clerk verify that the person handing
6 them the identification is the person standing in front of
7 them?

8 A. Yes. They do.

9 Q. Looking at State's Exhibit 111, do you see the ID
10 number on there?

11 A. Yes. I do.

12 Q. Can you read it for me?

13 A. Sure. It is ID number 007799444.

14 Q. And whose ID is this?

15 A. It says Abin Lee Lowman.

16 Q. Is there a date of birth on there?

17 A. There is. 5/14/1978.

18 Q. Can you tell if this is an identification card or a
19 driver's license?

20 A. At the top it says identification card.

21 Q. Looking at State's Exhibit 111 where the DL number
22 is recorded on there, can you tell me what number is recorded
23 on there?

24 A. Sure. 007799444.

25 Q. And this information would have been collected and

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1 recorded on March 3rd of 2017?

2 A. Yes.

3 Q. And these records would have been maintained by
4 you?

5 A. Yes.

6 Q. Included in this folio?

7 A. Yes.

8 MS. FULLER: That's all I have at this time, Your
9 Honor.

10 MR. WILLIAMS: May it please the Court.

11 THE COURT: Yes.

12 CROSS EXAMINATION

13 BY MR. WILLIAMS:

14 Q. Ms. Braxton, I'm Theo Williams. You are the general
15 manager for the Knights Inn; is that correct?

16 A. That's correct.

17 Q. And you have been there for over ten years?

18 A. Over ten years.

19 Q. I'm not going to ask how many. As your duty as
20 general manager how many Knights Inn are you over?

21 A. One.

22 Q. Okay. Y'all got more than one, don't you?

23 A. In Aiken we only have one.

24 Q. I got you. Because of where it's located, you're
25 over one Knights Inn. Like if you were in another city maybe

1 with two, would they have more than one general manager if you
2 had like two Knights Inn in one city?

3 A. No. They would probably have a different one but I
4 don't know.

5 Q. But you're different from a manager, right?

6 A. Yes.

7 Q. Because a manager would be in charge of the day to
8 day operations of the staff that work there at the Knights
9 Inn, right? Maybe I'm not being clear here. Probably not.
10 I want to know why they call you a general manager for the
11 Knights Inn?

12 A. Because I oversee the managers. I oversee every
13 employee there.

14 Q. Got you. So because you can't be but in one place
15 at one time. Is there always a manager on duty at the time
16 that the motel is being operated?

17 A. Yes.

18 Q. And how many managers are normally on duty during
19 that time period?

20 A. There's only one in the daytime, one in the
21 afternoon, one at night.

22 Q. All right. Now, are the managers the only ones that
23 can check somebody in?

24 A. No. It's not.

25 Q. So they have clerks?

DORCAS BRAXTON - CROSS BY MR. WILLIAMS

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1 A. They do.

2 Q. That operate during the day that check people in,
3 don't they?

4 A. Mm-hmm.

5 Q. Now, you're the keeper of all the personnel cards,
6 aren't you?

7 A. Yes.

8 Q. I understand your manager is not available today; is
9 that correct?

10 A. Exactly.

11 Q. But there are clerks that also work at that
12 location, correct?

13 A. Yes.

14 Q. And they would normally be the individuals with the
15 personal knowledge of what happens at a specific time during
16 that day; is that correct?

17 A. Yes.

18 Q. So are you capable of telling if you were asked and
19 had time to look it up, are you capable of telling us who
20 would have been the clerk who was available on March the 3rd
21 of 2017 at 1:00 in the afternoon? Is that 1:00 in the
22 afternoon?

23 A. I can't see it from here.

24 Q. I'm sorry.

25 THE COURT: You have to talk loud. My court

1 reporter has to hear you.

2 BY THE WITNESS:

3 A. I said I couldn't see him from that distance.

4 BY MR. WILLIAMS:

5 Q. When would the person have checked in on that date
6 or do you know?

7 A. I don't know.

8 Q. The item shows that there's a check-in time of 1:00
9 p.m. on State's Exhibit number 110?

10 A. Check-in time. Yes. You can check in any time
11 after 1:00 p.m.

12 Q. Any time after 1:00 p.m. you can check in?

13 A. Yes.

14 Q. So you possess the ability given sufficient time to
15 check payroll records and the personnel records to tell us who
16 was on duty at that time when Mr. Abin Lowman rented this room
17 for a guest for three nights?

18 A. Yes.

19 Q. And did anyone request that of you to you
20 knowledge?

21 A. No. Not that I know.

22 Q. What do you know about what happened on March 3rd --
23 Strike that. Do you have -- Were you working on March the 3rd
24 of 2017 after 1:00 at the Knights Inn?

25 A. No.

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1 Q. So you have no personal knowledge of anything that
2 happened that day?

3 A. No. I haven't.

4 Q. Now, clearly this shows that someone rented room
5 126; is that correct?

6 A. Yes.

7 Q. And is that a first level?

8 A. Yes. It is.

9 Q. And describe, if you will, when you come in and
10 register, I assume there's a lobby, correct?

11 A. Yes. There is.

12 Q. Do you have security cameras in case somebody tries
13 to rob you or something like that?

14 A. Yes. It is.

15 Q. How many cameras you got unless it's a trade
16 secret?

17 A. In the front there are three cameras.

18 Q. Okay. If someone had asked you to record, to bring
19 a copy of a tape of who checked in on such and such a time,
20 you could actually go back and check?

21 A. Yes. They could provide it for them.

22 Q. And what does it mean if you have a check in time
23 with one guest? What does that mean?

24 A. What now?

25 Q. Well, the receipt says, it has Abin Lowman's name on

1 it and then it says guest one. What does that mean?

2 A. That means it only has one guest.

3 MR. WILLIAMS: Thank you, ma'am.

4 THE COURT: Any redirect?

5 MS. FULLER: No, Your Honor.

6 THE COURT: All right. Ma'am, you're good to go.

7 MS. FULLER: Your Honor, request that she be
8 excused.

9 THE COURT: All right. She's got it.

10 MS. FULLER: Thank you. Your Honor, the State calls
11 Agent Tommy Hines.

12 Thereupon,

13 GEORGE THOMAS HINES .

14 after having been first duly sworn, testified as follows,

15 DIRECT EXAMINATION

16 BY MS. FULLER:

17 Q. Can you state your full name for the record.

18 A. George Thomas Hines.

19 Q. Where are you currently employed?

20 A. The South Carolina Law Enforcement division.

21 Q. How long have you been employed there?

22 A. Approximately 12 years.

23 Q. What is your current position?

24 A. I work in the fusion center on team three which is,
25 we basically are an intelligence gathering unit.

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1 Q. Can you break that down a little bit for the jury?

2 A. Basically what we do is we gather, analyze,
3 interpret intelligence as it relates to criminal
4 investigations through face to face contact with people
5 through resources like data basis, cell phone intelligence
6 such as downloading cell phones, cell phone records so we
7 cover a wide variety of intelligence.

8 Q. So to be clear, intelligence, what exactly does
9 intelligence include?

10 A. So intelligence can be any information that's gained
11 in reference to a criminal or fugitive investigation so it
12 could be any information about that individual, criminal
13 history, where they reside, where they have worked. It could
14 be cell phone information such as their call records, their
15 call locations. Intelligence is any kind of information
16 that's gained in a criminal investigation.

17 Q. What's your law enforcement education?

18 A. I have been through quite a bit of schools through
19 SLED, with the Criminal Justice Academy. I also have been
20 through several training classes outside of that that
21 encompass cell phone extraction, investigations,
22 interrogations, interviewing techniques as well as cell phone
23 data records and interpretation analysis.

24 Q. In general what is your law enforcement
25 experience?

1 A. So I have been an agent at SLED for about ten years.
2 I started my career at SLED. I started on the bomb squad for
3 two years and then I have been working in the position I am
4 for the last nine years.

5 Q. Have you testified in court before?

6 A. Yes, ma'am. I have.

7 Q. Have you been tendered as an expert before?

8 A. Yes, ma'am. I have.

9 Q. How many times have you been tendered as an expert
10 in court?

11 A. Four times.

12 Q. What were you tendered as an expert as?

13 A. Cell phone record analysis and interpretation.

14 MS. FULLER: At this time, Your Honor, the State
15 seeks to move Agent Tommy Hines as an expert in cell
16 phone records interpretation and analysis.

17 MR. WILLIAMS: Without objection, Your Honor.

18 THE COURT: Without objection. All right. What
19 that means is that Mr. Hines has training, experience,
20 education in cell phone record analysis or data analysis?

21 MS. FULLER: Cell phone records analysis and
22 interpretation.

23 THE COURT: Cell phone records analysis. He is able
24 because of expertise to offer opinions in that field not
25 just did you see it, what did you do. Interpreting,

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1 providing opinions to you which is a little bit different
2 than a lay witness who said I saw this. I did that. He
3 can give opinions also. Continue on.

4 MS. FULLER: Thank you, Your Honor. Permission to
5 approach the witness?

6 THE COURT: Yes, ma'am.

7 BY MS. FULLER:

8 Q. I'm gonna ask you, do you recognize State's Exhibit
9 109?

10 A. Yes, ma'am. This is the cell phone belonging to
11 James Christopher Wilson.

12 Q. How do you recognize it as that cell phone?

13 A. The IMEI which is a equipment identifier number
14 that's on the back of the cell phone. It is unique for each
15 individual device, and also my signature is on the chain of
16 custody here on the front.

17 Q. Can you tell me whether or not you had an
18 opportunity to perform an analysis on that cell phone?

19 A. I conducted a forensic extraction, data extraction
20 on the device.

21 Q. I want to show you, I have a couple of questions
22 from items that are in evidence from the cell phone. I'm
23 handing you exhibit 108. Can you tell whether or not you
24 recognize that image as being an image taken from that cell
25 phone?

1 A. Yes, ma'am. I do.

2 Q. Before we get there, can you go ahead and explain
3 briefly to the jury how you perform a cell phone extraction?

4 A. So I have a piece of equipment that is called
5 Cellebrite. Basically what it is is a small computer roughly
6 about this large in size (indicating.) What I do is I have
7 cables that I connect to a device and it depends on what kind
8 of device it is which cable I'll use. As you know, there's
9 many different types of devices that use different cables. So
10 I connect those to Cellebrite and then I connect the
11 Cellebrite to my computer.

12 There are several different options for downloading
13 information from cell phones. There are several different
14 types of extractions that can be conducted. The basic
15 extraction type is called a logical extraction. It just
16 extracts a minimal amount of data, just basically what
17 information is readily available on the phone. It doesn't go
18 do a very deep extraction.

19 The next type is called a file system extraction.
20 What a file system extraction does is basically what the name
21 says. It goes through all the files and extracts all the
22 files that are on the device.

23 And then the most extensive version of extraction is
24 called a physical extraction. That extracts basically
25 everything that's currently on the phone to include deleted

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1 content. Some of the other such as logical or file system can
2 also sometimes get deleted content.

3 Q. In this case what type of extraction did you
4 perform?

5 A. So I performed actually three different types of
6 extractions in this case for this device. So I did a file
7 system extraction and two different types of logical
8 extraction. Typically I always try to do a physical
9 extraction when possible. Some devices do not support a
10 physical extraction and iPhone's newer version, iPhone 4 do
11 not allow for physical extraction. So basically what I do is
12 I will conduct two different types of extractions and then I
13 can merge all that content together so that I gather as much
14 information as possible.

15 Q. And in this case were you able to successfully
16 remove some information from the phone?

17 A. Yes, ma'am. I was successfully able to extract
18 quite a bit of data off the phone.

19 Q. Looking at what I've just handed you, State's
20 Exhibit 108, can you tell me whether or not you were able to
21 extract this image from the phone?

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

23 Q. And were you able to generate a report that shows
24 that this item was removed from the phone?

25 A. Yes, ma'am. Once I conduct an extraction, I will

1 generate a report based off of that information using the
2 Cellebrite software.

3 Q. Looking at this document can you tell me whether or
4 not this image also comes with GPS location of where the
5 photograph was taken?

6 A. Yes, ma'am. That particular image also came with
7 Geolocation.

8 Q. Can you tell me where that Geolocation is?

9 A. It's approximately in the area of the 4400 block of
10 Jefferson Davis Highway in the Belvedere/Clearwater area of
11 Aiken County.

12 Q. And that would be Aiken County, South Carolina?

13 A. Yes, ma'am.

14 Q. What date was this photograph taken?

15 A. That was taken on March 1st, 2017.

16 Q. Looking at State's Exhibit 107, I'll ask you, were
17 you able to determine if this image - were you able to extract
18 this image from the cell phone?

19 A. Yes, ma'am.

20 Q. Can you tell me what date this image was taken?

21 A. That one was March 6th of 2017.

22 Q. Can you tell whether or not this image also had GPS
23 location?

24 A. Yes, ma'am. It also contained Geolocation.

25 Q. Where was the location?

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1 A. University Parkway and Ridgeland Avenue West in
2 Aiken County. More specifically in front of the Econo
3 Lodge.

4 Q. On your extraction can you tell me whether or not
5 you were able to determine if the phone ever connected to any
6 wireless networks?

7 A. Yes, ma'am. It actually connected to several
8 wireless networks.

9 Q. Can you tell me whether or not it ever connected to
10 a wireless network at the Knights Inn?

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

12 Q. What date did it connect to the wireless network at
13 Knights Inn?

14 A. On March 6th, 2017.

15 Q. Does that also give you a time frame?

16 A. Yes, ma'am.

17 Q. What's the time frame?

18 A. So there are two times. It has 10:41 a.m. and 12:03
19 p.m.

20 Q. I just have one more question for you. When you
21 extracted records, did it also extract call details?

22 A. Yes, ma'am. It also extracted call logs.

23 Q. In this particular case we have a phone number in
24 evidence on State's Exhibit 80. The number is 240-474-6655.
25 Were you able to determine if James Wilson's phone ever

1 connected?

2 MR. WILLIAMS: Objection to that, Your Honor. The
3 question that was asked did not include -- I don't think
4 he's testified that that particular number is James
5 Wilson's phone or anything regarding James Wilson's
6 phone. I don't think that this witness has testified to
7 that.

8 MS. FULLER: He testified that this phone is James
9 Wilson's phone.

10 THE COURT: No. James Wilson testified to that.

11 MS. FULLER: And then he also did, too.

12 THE COURT: All right. I didn't hear that.

13 MS. FULLER: He did.

14 THE COURT: Keep moving forward. I'm not commenting
15 on the facts. Y'all are presenting them. I didn't
16 listen to every single question but that's neither here
17 nor there.

18 BY MS. FULLER:

19 Q. Whose phone did you have information that this
20 was?

21 A. It was presented to me as James Wilson's phone.

22 Q. Were you able to extract call details as well?

23 A. Yes, ma'am. I was able to extract calls.

24 Q. There's a phone in evidence, State's Exhibit 80 that
25 has a phone number associated with it as 240-474-6655. Were

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1 you able to determine if any, are there any call details from
2 James Wilson's phone to this phone number?

3 A. Yes, ma'am. There are multiple calls between those
4 numbers.

5 Q. Referring to March 8th, do you have records in front
6 of you from March 8th?

7 A. Yes, ma'am.

8 Q. In the early morning hours can you tell me whether
9 or not there was a call connected from 240-474-6655 to James
10 Wilson's phone?

11 A. Yes, ma'am. There were multiple calls.

12 Q. Can you tell whether or not was there any seizure
13 time, meaning could you tell whether or not the calls actually
14 connected?

15 A. It looks like several of them that there was no
16 duration or very short duration but there was one call at 1:24
17 a.m. that had about a minute and a half duration.

18 Q. Does your records reveal whether or not that was an
19 incoming or outgoing call?

20 A. It was an incoming call.

21 Q. So the 240 number would have been calling James
22 Wilson's phone?

23 A. Yes, ma'am.

24 Q. Were you able to also retrieve text messages from
25 the phone?

1 A. Yes, ma'am.

2 Q. In the early morning hours of March 8th of 2017,
3 were you able to retrieve a text message from James Wilson's
4 phone that would have been coming from a 240 number?

5 A. Yes, ma'am.

6 Q. Were you able to retrieve -- What information, if
7 any, were you able to retrieve?

8 A. Basically all the Cellebrite was able to retrieve
9 was just the connection so it just showed the connection
10 details. It did not capture the content of that text
11 message.

12 Q. Can you explain how that happened?

13 A. There's a few possibilities for why that happened.
14 It could have been an error in the coding in the phone. It
15 could have been removed by the user. But more than likely it
16 was an error within the coding on the phone because that
17 happens with other occasions within the text message logs.

18 Q. Within other occasions in text message logs on this
19 iPhone?

20 A. Yes, ma'am.

21 Q. You said could have been removed by the user. What
22 does that mean?

23 A. There's a potential that the user may have been able
24 to remove it but that is unlikely.

25 MS. FULLER: Okay. I have no further questions at

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1 this time.

2 MR. WILLIAMS: May it please the Court.

3 THE COURT: Yes.

4 CROSS EXAMINATION

5 BY MR. WILLIAMS:

6 Q. Picking up on what you were just talking about, the
7 last question dealt with a call from a 240 number but I did
8 not hear the question related to 240-474-6655. Your statement
9 or your answer to that question was that, to the last question
10 was that you didn't get detail on it or something like that.
11 Did you have that from that number 240-474-6655?

12 A. Yes, sir.

13 Q. And when you said that there was a problem with the
14 coding in the phone, whose phone had the coding problem?

15 A. It would have been the phone I extracted so James
16 Wilson's phone.

17 Q. So James Wilson's phone could not receive the text
18 properly from whatever that phone call came from?

19 A. No, sir. That's not quite a thorough explanation of
20 it. It could be that between the software in Cellebrite and
21 the device itself. So it seems to have been received properly
22 because there was a connection log and it received the
23 connection so it shows that. What it doesn't show is the
24 content.

25 Q. Okay. All right. Cell phones are extremely

1 complicated now and unique now, aren't they, in this
2 society?

3 A. Yes, sir.

4 Q. Are you aware of an app which can be placed on a
5 phone and make it appear that another phone was called?

6 A. There's potential.

7 Q. And that exists in today's world. You have probably
8 seen it, haven't you?

9 A. Yes, sir.

10 Q. Tell the jury what you are talking about when you
11 say that.

12 A. So there are apps out there, they are called phone
13 spoofing apps. There's many, many, many of them that you can
14 have a number generated for you that you can use and basically
15 you're not using traditional cell phone coverage. You're
16 maybe using 4G or EVDO data network. So it doesn't use the
17 traditional cell phone network but it can generate numbers for
18 you.

19 Q. Such as if I had that app, I could call your cell
20 phone and make it appear that your wife is calling you and
21 telling you to come home?

22 A. Potentially.

23 Q. Now, you only dealt with James Wilson's cell phone;
24 is that correct?

25 A. I did have a few other phones in this case.

GEORGE THOMAS HINES - CROSS BY MR. WILLIAMS

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1 Q. How many other phones did you have that you dealt
2 with?

3 A. I had an additional five devices.

4 Q. What were those five phone numbers that you have?

5 A. I do not have the phone numbers for all those
6 phones. I just have the devices, the model and make.

7 Q. You had at least five other phones that you were
8 asked to perform an analysis on, correct?

9 A. Yes, sir.

10 Q. And on those phones were you asked to do the same
11 sort of work, that is determine what could be extracted from
12 those phones?

13 A. Yes, sir.

14 Q. Were you able to extract what came from those five
15 phones?

16 A. Only on two of them. So I had a blue studio selfie
17 2, an Apple Ipad mini, an Apple iPhone 6, a ZTPZ793C, a cool
18 pad 3622A and an HTCD100L.

19 Q. Let me stop you here. How many phones is that?

20 A. That was five.

21 Q. Okay. I'm sorry.

22 A. So out of those devices, the Apple Ipad mini, the
23 iPhone 6 and the cool pad all had passwords that I was not
24 able to bypass. They were code locked and set to disable the
25 device.

1 Q. So you were able to extract from two of the five
2 phones that you had?

3 A. Yes, sir.

4 MR. WILLIAMS: Thank you, sir.

5 THE COURT: Any redirect?

6 MS. FULLER: No redirect, Your Honor.

7 THE COURT: You may step down. Call your next
8 witness.

9 MS. FULLER: The State calls Jason Henson.
10 Thereupon,

11 JASON CARSON HENSON
12 after having been first duly sworn, testified as follows,

13 DIRECT EXAMINATION

14 BY MS. FULLER:

15 Q. Can you please state your name for the record.

16 A. Jason Carson Henson.

17 Q. Where are you currently employed?

18 A. Walmart in North Augusta.

19 Q. I'm gonna ask you to keep your voice up. You said
20 Walmart in North Augusta?

21 A. Yes, ma'am.

22 Q. How long have you been employed there?

23 A. I started there this year in March.

24 Q. How about your prior Walmart experience. How long
25 have you been employed with Walmart?

JASON CARSON HENSEN - DIRECT BY MS. FULLER

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1 A. I started in Walmart in April 2011. I left for
2 three months in 2013 and came back and been there since.

3 Q. Is it safe to say you're familiar with Walmart?

4 A. Yes, ma'am.

5 Q. What is your position in Walmart?

6 A. As a asset prevention associate. We catch
7 shoplifters, review cash shortages, compliance issues, stuff
8 like that.

9 Q. In that capacity do you have access to records at
10 Walmart as well surveillance footage?

11 A. Yes, ma'am.

12 Q. What do you use surveillance footage for?

13 A. To catch cash shortages or make videos of
14 shoplifting incidents in the store, accidents in the store.

15 Q. You mentioned cash shortages. Would this also give
16 you access to receipts and other things from the cash register
17 as well?

18 A. Yes, ma'am.

19 MS. FULLER: Your Honor, permission to approach the
20 witness.

21 THE COURT: Sure.

22 BY MS. FULLER:

23 Q. I'm gonna ask you if you recognize State's Exhibit
24 113?

25 A. Yes.

1 Q. How do you recognize it?

2 A. My initials are on it.

3 Q. What do you recognize that to be?

4 A. Video from the Walmart in North Augusta the store
5 I'm at.

6 MS. FULLER: At this time, Your Honor, the State
7 seeks to move into evidence State's Exhibit 113.

8 MR. WILLIAMS: Your Honor, I would object at this
9 time to the relevance of it. There's been no date as to
10 when it is or anything like that.

11 THE COURT: All right. Lay further foundation for
12 us.

13 BY MS. FULLER:

14 Q. Do you know what date is on -- Let me rephrase it.
15 On this video do you know whether or not this is Walmart at
16 North Augusta on March 6, 2017?

17 MR. WILLIAMS: Objection. Leading. Suggesting an
18 answer.

19 THE COURT: Hang on.

20 MS. FULLER: Whether or not?

21 BY THE WITNESS:

22 A. Yes.

23 THE COURT: Rephrase your question. Don't lead.

24 BY MS. FULLER:

25 Q. Do you know what date is recorded on this video?

JASON CARSON HENSEN - DIRECT BY MS. FULLER

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1 A. March 6th, 2017.

2 MS. FULLER: Your Honor, at this time the State
3 seeks to move State's Exhibit 113 into evidence.

4 MR. WILLIAMS: No objection, Your Honor.

5 THE COURT: State's 113 admitted without
6 objection.

7 BY MS. FULLER:

8 Q. I'm going to hand you a series of exhibits, 93, 94,
9 95, 96 and ask you do you recognize them?

10 A. Yes, ma'am. That's the grocery entry/exit at store
11 1270 in North Augusta.

12 THE COURT: You need to speak up a little louder
13 I'm having a hard time hearing you now.

14 THE WITNESS: I'm sorry.

15 THE COURT: That's all right.

16 BY THE WITNESS:

17 A. It's the grocery entry/exit of store 1270 in North
18 Augusta.

19 BY MS. FULLER:

20 Q. How do you know that just by looking at this
21 image?

22 A. The numbers on the bottom left corner has the store
23 number imprinted in it as well as I work there everyday.

24 Q. So store 1270 that you just mentioned, would that be
25 the North Augusta store?

- 1 A. That's right.
- 2 Q. Do all the stores have store numbers?
- 3 A. Yes.
- 4 Q. Can you tell me whether or not 94, 95 and 96 are
5 also from the North Augusta store?
- 6 A. Yes, ma'am.
- 7 Q. Can you tell me what date are on these images?
- 8 A. March 16th, 2017.
- 9 Q. March --
- 10 A. I'm sorry. March 6th, 2017.
- 11 Q. Would these images be from the video surveillance?
- 12 A. Yes.
- 13 Q. Looking at 98, 99, and 100, can you tell me what
14 store this is?
- 15 A. That would be the North Augusta store. My store.
- 16 Q. 1270 North Augusta and that would in exhibit 100 as
17 well as 99 and 98?
- 18 A. Yes.
- 19 Q. Are you familiar with other store numbers?
- 20 A. In South Carolina. Yes, ma'am.
- 21 Q. I want to show you these. I'm gonna ask you if you
22 can tell what store these images are from?
- 23 A. That would be store 4487 which is one of the Aiken
24 stores.
- 25 Q. We're looking at State's 102. Would that be the

1 same for 103?

2 A. Yes.

3 Q. 104?

4 A. Yes.

5 Q. And this is all the Aiken store?

6 A. Yes, ma'am.

7 Q. How are you familiar with the store number?

8 A. I have trained other AP associates for those stores

9 as well as working there in quite a few of them.

10 Q. When you say a APA, is that asset prevention

11 associate?

12 A. Yes.

13 Q. And looking at 105, is that the same?

14 A. Yes.

15 Q. And 106?

16 A. Yes.

17 Q. That's the Aiken Walmart store?

18 A. That's right.

19 MS. FULLER: Request to publish the video, Your

20 Honor.

21 THE COURT: Sure. How long is it?

22 MS. FULLER: Your Honor, the video is approximately

23 10 minutes long. I don't intend to play the whole thing.

24 We're just gonna start it and cut to where we need to.

25 THE COURT: Okay.

1 (Whereupon, State's Exhibit #113 is played for the
2 jury.)

3 BY MS. FULLER:

4 Q. While the video is playing, if you can help me, and
5 please keep your voice up, and describe to the jury what
6 exactly they're looking in this image?

7 A. This is the sporting goods department in North
8 Augusta. You have the two gun cases you see there in the
9 bottom half of the screen. The register for sporting goods is
10 on the right-hand side behind that gun case on the right.

11 Q. The individual moving round in the video, can you
12 tell what aisle he is in?

13 A. He's in the, that's the gun casing he's in front of
14 right now where the ammunition is kept.

15 Q. From there can you see what time is on the video?

16 A. 1:33 p.m. on March 6th, 2017.

17 Q. We're gonna jump ahead about two minutes. Can you
18 tell what time is on the video now?

19 A. It's 1:35 I believe it is. 1:35 or 1:36.

20 Q. Do you still see that same individual that you
21 indicated earlier?

22 A. Yes.

23 Q. Can you tell what he's still in front of?

24 A. The gun case where the ammunition is kept and
25 there's someone to his right which would be behind him.

JASON CARSON HENSEN - DIRECT BY MS. FULLER

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1 Q. And what is the individual doing now?

2 A. The one gentleman walked off and now there's the
3 other, the gentleman that was there first is still there
4 looking at ammunition.

5 Q. We are referring to the individual in the black long
6 sleeved T-shirt?

7 A. Yes.

8 Q. He's just been over. What is he looking at?

9 A. There's ammunition from top to bottom in that case,
10 different brands, different sizes, nine millimeter, rifle
11 ammunition, handgun ammunition.

12 Q. Can you tell me whether or not that area is
13 secured?

14 A. It is.

15 Q. The ammunition?

16 A. It is.

17 Q. What's it secured by?

18 A. A locking case where it only opens with a key.

19 Q. Who would have that key?

20 A. Sporting goods associate or management would have
21 the key to retrieve these sporting goods keys out of the
22 back.

23 Q. Can you tell what time is on the camera now?

24 A. 1:37.

25 Q. So several minutes have gone by?

1 A. Yes.

2 Q. We're gonna jump ahead another two minutes. Do you
3 still see that same individual in that same black long-sleeved
4 T-shirt?

5 A. Yes.

6 Q. What time is on the camera now?

7 A. 1:38, just changed to 1:39. That's the sporting
8 goods associate just walking up the aisle to the right
9 there.

10 Q. We're gonna jump ahead another two minutes. Can you
11 tell what time is on the camera now?

12 A. 1:40 p.m.

13 Q. Do you still see that same individual?

14 A. Yes, ma'am.

15 Q. What is he still standing in front of?

16 A. The gun case where the ammunition is kept.

17 Q. We'll jump ahead another two minutes. That
18 individual in the black long sleeved shirt, can you tell what
19 aisle he's in now?

20 A. Another aisle in sporting goods where flashlights
21 and camping gear is kept.

22 Q. Can you tell what, if anything, he's doing?

23 A. I think he asked the associate for some
24 assistance.

25 Q. What time is on the clock now?

JASON CARSON HENSEN - DIRECT BY MS. FULLER

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1 A. 1:42 p.m.

2 Q. We can jump ahead a minute or so. Can you describe
3 to the jury what's happening now and what time is on the
4 clock?

5 A. It's 1:43 p.m. and he is, I guess I'm going to say
6 he's about to get some ammunition because it looks like she's
7 opening the case.

8 Q. Can you tell what your associate is doing?

9 A. She's gonna bring up the ammunition for him.

10 Q. We'll pause it here and switch camera angles. Can
11 you tell me whether or not there's another camera over the
12 register?

13 A. Yes.

14 Q. So we'll pull up that angle. Can you tell what time
15 is on the clock now?

16 A. 1:44 p.m.

17 Q. Can you walk us through this entire process right
18 here and if you need me to pause it, let me know.

19 A. Okay. She's --

20 Q. Pause it please.

21 A. She's checking his ID because for all ammunition
22 sales, gun sales we have to check their ID to make sure
23 they're over age, the correct age to purchase which ammunition
24 I believe it's 18. To purchase a gun is 21.

25 Q. In this image can you tell whether or not the

1 associate is actually holding an ID in her hand?

2 A. Yes.

3 Q. We'll play it and just walk us through what's
4 happening.

5 A. She has to sign using her associate ID log. Once
6 she scans the ammunition, it's gonna prompt her to enter a
7 birth date which she'll have to get off the ID. As long as
8 everything is correct and it's the person on the ID that's
9 standing in front of her she gives it back to him and sells
10 him the ammunition.

11 Q. From this can you tell what type of ammunition that
12 is?

13 A. I cannot.

14 Q. But you can tell it's ammunition?

15 A. Yes.

16 Q. What is she doing now?

17 A. She gave him his receipt and his change and that's
18 the end of the transaction.

19 Q. We'll pause it there. What time is it?

20 A. It is 1:45 p.m.

21 (Whereupon, the playing of State's Exhibit #113 was
22 concluded.)

23 BY MS. FULLER:

24 Q. Looking at State's Exhibit 93 what do you recognize
25 this as?

JASON CARSON HENSEN - DIRECT BY MS. FULLER

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- 1 A. The entry, grocery entry/exit to store 1270.
- 2 Q. The individual in this image wearing the long
- 3 sleeved black T-shirt, what time is he entering the store?
- 4 A. 1:29 p.m.
- 5 Q. So is that approximately 15 or so minutes in the
- 6 store?
- 7 A. Yes, ma'am.
- 8 Q. And we just watched the video for approximately 10
- 9 minutes in the ammunition section?
- 10 A. Yes.
- 11 Q. Looking at State's Exhibit 95 and 96 are these still
- 12 shots of what we just watched?
- 13 A. Yes, ma'am.
- 14 Q. And is 95 the clerk holding that identification
- 15 card?
- 16 A. Yes.
- 17 Q. I'm going to hand you now State's Exhibit 114 and
- 18 I'm gonna ask you if you recognize it?
- 19 A. Yes, ma'am.
- 20 Q. What do you recognize this to be?
- 21 A. The receipt from that transaction on that day at
- 22 1:45 p.m.
- 23 Q. How do you know that this is the receipt for that
- 24 transaction?
- 25 A. The store number is at the top, the date and time is

1 at the bottom and whatever was purchased is in the center.

2 Q. And on this receipt what was purchased?

3 A. Ammunition for \$10.97.

4 MS. FULLER: At this time, Your Honor, the State
5 seeks to move State's Exhibit 114 into evidence.

6 MR. WILLIAMS: Your Honor, if I could see that?

7 THE COURT: Sure.

8 MS. FULLER: (Proffering.)

9 MR. WILLIAMS: Without objection, Your Honor.

10 THE COURT: 114 without objection received.

11 BY MS. FULLER:

12 Q. During the video, you testified that the clerk would
13 be entering a date of birth into the system?

14 A. Yes.

15 Q. Can you tell me whether or not you see the date of
16 birth on that receipt?

17 A. Yes, ma'am. May 14th, 1978.

18 Q. I'm gonna hand you State's Exhibit 76 and ask you
19 can you read the date of birth on ID?

20 A. May 14th, 1978.

21 MS. FULLER: Permission for the witness to step
22 down.

23 THE COURT: Sure.

24 BY MS. FULLER:

25 Q. Can you point out for the jury on this receipt where

JASON CARSON HENSEN - DIRECT BY MS. FULLER

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- 1 the date of birth is recorded?
- 2 A. Right here. Date of birth, January 14th, 1978.
- 3 Q. Thank you. Please take your seat.
- 4 A. (Witness complies.)
- 5 Q. Did you have an opportunity to determine what type
- 6 of ammunition was purchased in this case?
- 7 A. No, ma'am. Your PC just says ammunition when you
- 8 ring it up in the system like it does on the receipt. It
- 9 doesn't verify what brand or caliber.
- 10 Q. So I'm gonna show you this and ask you a question.
- 11 Do you know what type of ammunition this is?
- 12 A. Yes, ma'am.
- 13 Q. Do you know if Walmart sells this ammunition?
- 14 A. We do.
- 15 Q. What type of ammunition is this?
- 16 A. Tulammo ammunition for a nine millimeter.
- 17 Q. And the video we just watched and this receipt, does
- 18 it match up with the purchase?
- 19 A. Yes. Can I see that?
- 20 Q. (Proffering.)
- 21 A. The bar code on the back of that box matches the
- 22 numbers on the receipt.
- 23 Q. And where is the bar code on the receipt?
- 24 A. Right here.
- 25 MS. FULLER: Permission for the witness to step

1 down.

2 THE COURT: Sure.

3 BY MS. FULLER:

4 Q. Can you point out to the jury where the bar code is
5 recorded.

6 A. Right next to the description of what's been
7 purchased.

8 Q. Can you point out the bar code on the box of
9 ammunition?

10 A. The small numbers underneath the bar code on the
11 bottom right.

12 Q. Thank you. Please take your seat.

13 A. (Witness complies.)

14 Q. You said this is Tulammo?

15 A. Tulammo, yes.

16 MS. FULLER: No further questions at this time.

17 MR. WILLIAMS: Just a couple questions, Your Honor.

18 CROSS EXAMINATION

19 BY MR. WILLIAMS:

20 Q. Sir, when you originally looked at the receipt, you
21 indicated that there's no, there's nothing on the receipt to
22 indicate what type of ammunition is being purchased,
23 correct?

24 A. Correct.

25 Q. Then when you looked at the box, wherever it is,

JASON CARSON HENSON - CROSS BY MR. WILLIAMS

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1 when you looked at the box, you said that there's a bar code

2 --

3 A. Right.

4 Q. -- which is what everything has got nowadays --

5 A. Right.

6 Q. -- that matches up to the receipt where it says
7 what?

8 A. It's a UPC. That's how everything is sold in
9 Walmart. Everything has that number on it underneath the bar
10 code so that way when it scans, when it's scanned at the
11 register, it shows up on your receipt so they match.

12 Q. Can I ask you to step down a second?

13 A. Yes. (Witness complies.)

14 Q. This is the bar code on the box, right?

15 A. Correct.

16 Q. And these numbers here, 814950011531, those are the
17 numbers of the bar code?

18 A. Yeah.

19 Q. Now, if I look at the numbers down here, are those
20 numbers reflected here?

21 A. Yes.

22 Q. And when you say they are, show me where they are.

23 A. It starts with the 8 here and it ends with the 3
24 here. The 1 is not used. The zero at the beginning is always
25 taken off. Why I could not explain. That's just how it's

1 done in Walmart. When I enter cases in the system for
2 shoplifting, we always start out with zero zero, but when you
3 look at the receipt, one of the zeros just magically
4 disappears.

5 Q. Do me a favor. We have 814950011531, we have
6 several numbers that in a row?

7 A. Yes.

8 Q. I want to make sure we are saying the same thing.
9 Are you saying that some of the numbers here where it says
10 TC67141680066067646113, some of those numbers are part of this
11 number?

12 A. Which numbers did you just call out.

13 Q. These numbers. These numbers. Are those the
14 numbers you say match up.

15 THE COURT: You need to speak up a little bit so I
16 can hear you.

17 BY MR. WILLIAMS:

18 Q. Which numbers are you saying match up?

19 A. The numbers next to what the description of what's
20 being sold.

21 Q. So the 081495001153S shows up?

22 A. Yes.

23 Q. What you are saying is that actually there's two
24 different numbers reflected on the bar code versus what's
25 showing on the receipt?

1 A. Yes.

2 Q. Thank you. Please take your seat.

3 A. (Witness complies.)

4 Q. Now, is there anything on this that tells you --

5 Well, there's nothing here. It doesn't have an expiration

6 date or anything like that to tell you whether it's old or new

7 or when it was bought or anything like that, is there?

8 A. Correct.

9 Q. So we saw a lady on the video who assisted a
10 gentleman buying something and she works at the same store
11 that you work at, right?

12 A. Yes.

13 Q. Do you know who she is?

14 A. Her name is Ms. Mary.

15 Q. Ms. Mary. You recognize her?

16 A. Mm-hmm.

17 Q. And she was the individual who actually waited on
18 the person?

19 A. Yes.

20 Q. So she would be the person who actually sold the
21 item to whoever purchased it, right?

22 A. Correct.

23 Q. If she were here today, she could look at whoever
24 she sold it to and say I recognize this being the same guy,
25 this is exactly what I sold him, right?

1 A. I would say so. Yes.

2 MR. WILLIAMS: That's all the questions I have, Your
3 Honor.

4 THE COURT: Anything else?

5 MS. FULLER: No, Your Honor.

6 THE COURT: Mr. Henson, you're done and free to go.
7 It's a good time for a break. I think the last break was
8 a TV break and I didn't get to make it. Y'all step into
9 the jury room and we'll have you out here in a few
10 minutes. Don't discuss the case.

11 (Whereupon, the jury entered the jury room at 4:23
12 p.m.)

13 (Short break.)

14 BAILIFF: All rise. Court is back in session.

15 THE COURT: Be seated. Let's bring the jury in.

16 (Whereupon, the jury entered the courtroom at 4:40
17 p.m.)

18 THE COURT: All right. Call your next witness.

19 MR. HUBBARD: The State calls Agent Nicholas
20 Matkins.

21 Thereupon,

22 NICHOLAS MATKINS

23 after having been first duly sworn, testified as follows,

24 DIRECT EXAMINATION

25 BY MR. HUBBARD:

NICHOLAS MATKINS - DIRECT BY MR. HUBBARD

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1 Q. Agent Matkins, would you please state your name and
2 where you work.

3 A. My name is Nick Matkins. I'm employed with the
4 Bureau of Alcohol, Tobacco, Firearms and Explosives.

5 Q. How long have you been with what we call ATF?

6 A. Approximately three and a half years.

7 Q. Prior to that, where did you work?

8 A. I was employed by the State of North Carolina as a
9 prosecutor.

10 Q. State level?

11 A. Yes, sir.

12 Q. Just like me?

13 A. Yes, sir. I was an assistant not a The.

14 Q. How long were you a prosecutor?

15 A. Approximately ten years.

16 Q. Now, the last three years that you were a prosecutor
17 what was your status?

18 A. I was sworn in the Middle District of North Carolina
19 with the United States Attorney's Office as a Special
20 Assistant United States Attorney prosecuting federal cases.

21 Q. So you were a state prosecutor but you actually
22 worked for Federal Court with federal prosecutors?

23 A. Yes, sir.

24 Q. And federal agents?

25 A. Yes, sir.

1 Q. And then became an ATF agent?

2 A. Yes, sir.

3 Q. Which one do you enjoy most? You don't have to
4 answer that. I'll move on.

5 A. I enjoy both.

6 Q. Okay. Now, let me ask you this: Were you asked by
7 law authorities in this case for your assistance and the
8 assistance of your agency?

9 A. Yes, sir. In March of 2017.

10 Q. We have a board over here with several individuals,
11 co-defendants of the defendant. Do you recognize these
12 individuals?

13 A. Yes, sir.

14 Q. Let me ask you this: James Wilson, were you
15 involved in the interview with him?

16 A. Yes, sir. I spoke to Mr. Wilson on March the 22nd
17 of 2017.

18 Q. How about Joshua Darien?

19 A. Yes, sir. I was part of a conference call along
20 with Captain Horne when Mr. Darien was interviewed I believe
21 on March the 25th of 2017.

22 Q. Were you part of the attempt to talk to
23 Mr. Goodwin?

24 A. Yes, sir. I was.

25 Q. All right. And he declined?

1 A. That's correct.

2 Q. Now, I want to just get right to it. As an agent
3 with ATF obviously y'all deal with firearms among other
4 things?

5 A. Yes, sir.

6 Q. Are you familiar with the firearm in this case?

7 A. Yes, sir. I am.

8 Q. I'm gonna show you State's 38.

9 A. Yes, sir.

10 Q. This pistol. Were you asked to do anything in
11 particular with State's 38?

12 A. After the recovery of the firearm, I was asked to
13 assist in tracing the firearm where it came from and
14 ultimately who it was sold to.

15 Q. What, if anything, were you able to determine?

16 A. Uhm, the ATF has a branch which specifically traces
17 firearms. We will input information from the particular
18 firearm that we have, the make, model, serial number, caliber
19 and then we'll begin with the actual manufacturer of the
20 firearm, we'll go through and contact each licensed retailer,
21 distributor or wholesaler until it is actually traced to the
22 initial sale to just a normal citizen.

23 Q. So it's a comprehensive look back from when it
24 leaves the manufacturer, goes through various stores until it
25 hits the marketplace?

1 A. Yes, sir. And ultimately until it hits the
2 street.

3 Q. Were you able to determine when that weapon hit the
4 street?

5 A. Yes, sir. Ultimately it was shipped to All Star
6 Gold and Pawn which is a pawnshop located in Spartanburg,
7 South Carolina. It was shipped there on January 10th of 2017.
8 From there it was sold to an individual, retail sale, sold to
9 an individual on January 13th of 2017.

10 Q. Do you know who that individual is?

11 A. Yes, sir. I do. That would be Robert Adam
12 Jollie.

13 Q. Robert Adam Jollie?

14 A. Yes, sir.

15 Q. Let me ask you about Mr. Jollie. Do you have some
16 information on him?

17 A. Yes, sir.

18 Q. Is he a white male, a black male, or Hispanic?

19 A. Mr. Jollie is a white male.

20 Q. Do you have anything else about his description?

21 A. When he filled out the ATF Form 4473 which is the
22 form that's filled out any time you purchase a firearm from a
23 federally licensed firearm dealer, he listed his height as six
24 two, weight 300 pounds. It also included his driver's license
25 number so I was able to look him up through the South Carolina

NICHOLAS MATKINS - DIRECT BY MR. HUBBARD

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1 Department of Motor Vehicles.

2 Q. So he's a heavy set man?

3 A. He is a heavy set man.

4 Q. Do you know hair color, anything like that?

5 A. Bald or shaved head.

6 Q. Do you have any information about what type of
7 vehicle he drives?

8 A. Yes, sir. Mr. Jollie drives a Ford F150 white in
9 color confirmed through the North Carolina Department of Motor
10 Vehicles and I have also seen the vehicle.

11 Q. So an F150 is a pickup truck?

12 A. Yes, sir.

13 Q. Now, I want to ask you this: I'll show you State's
14 79 which is a casing. Were you asked to do anything with both
15 the casing and this pistol?

16 A. Yes, sir. I was asked to transport essentially just
17 deliver to the Greenville County Sheriff's Department,
18 Greenville County Department of Public Safety both the Zastava
19 firearm as well as the spent shell casing.

20 Q. Who asked you to do that?

21 A. The Saluda County Sheriff's Office.

22 Q. Who actually provided you both the pistol and that
23 casing?

24 A. On February the 14th of this year I went to the
25 Saluda County Sheriff's Department and picked up the firearm,

1 the associated ammunition and companion magazine as well as
2 the spent shell casing from Lieutenant Toby Horne with the
3 Sheriff's Department.

4 Q. Who did you deliver these items to?

5 A. That same day February 14th, 2018 I travelled to the
6 Greenville County Sheriff's Department and delivered these
7 items to custodian, property evidence custodian Witherspoon
8 with the Greenville County Sheriff's Office, all those items
9 that I mentioned, the pistol, the associated rounds of
10 ammunition within the pistol magazine and the spent shell
11 casing.

12 Q. So again the pistol including as you just mentioned
13 both the bullets and the magazine?

14 A. Yes, sir.

15 Q. Okay. And the purpose for delivering them to
16 Greenville County Sheriff's Department is for what type of
17 testing?

18 A. Comparison testing between the spent shell casing
19 and Zastava firearm.

20 Q. To see if this pistol fired this casing?

21 A. Correct.

22 Q. Okay. Are you aware where the pistol was found?

23 A. Yes, sir.

24 Q. Where was that?

25 A. As far as where it was recovered by the Saluda

NICHOLAS MATKINS - DIRECT BY MR. HUBBARD

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1 County Sheriff's Office?

2 Q. Yes. Correct.

3 A. Yes, sir. That was across the street from the
4 Waffle House in Aiken. I don't recall right off the address
5 but I actually was out with, the Sheriff's Department arrived
6 on the scene shortly after. They recovered it from a bush at
7 a hotel there in Aiken right across the street from the Waffle
8 House.

9 Q. And I don't know if you know this. Do you know
10 where the casing was recovered?

11 A. It's my understanding the casing was recovered from
12 the Mercury Grand Marquis vehicle pursuant to one of the
13 search warrants that executed on it.

14 Q. So the task that you were asked to assist with is
15 seeing if the casing found in the defendant's vehicle matches
16 the gun found down in Aiken?

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

18 Q. Now, I want to shift gears totally. I want to ask
19 you, there was some mention in this trial about a masked man
20 outside the store of Tidwell Jewelers on 3/7 of last year.
21 Did you have any role in looking that up and following up on
22 that?

23 A. Yes, sir. When I spoke to Mr. Tidwell pursuant to
24 this case, he did advise regarding a masked individual and
25 indicated that there was one around closing time in front of

1 his store. Following that I was able to identify that
2 individual based on Johnston city police office records that
3 it was an individual by the name of Rashad Lott. On April the
4 6th of 2017 I was able to speak with Mr. Lott. He is a
5 student at Benedict College in Columbia. He spoke with me. I
6 spoke with him regarding March the 7th and the incident when
7 he was out in front of Mr. Tidwell's jewelry store with the
8 mask on.

9 Q. Following that interview and based on that interview
10 and since that time have you found while working with the
11 Saluda Sheriff's Department and with SLED and with all the
12 other agencies that have touched this case, have you found
13 anything that would link Rashad Lott in any way with this
14 case?

15 A. No, sir.

16 Q. So basically he's clear?

17 A. As far as our investigation of him there was nothing
18 that led anywhere else to any involvement that he would have
19 had in the home invasion of the Tidwells.

20 MR. HUBBARD: Thank you. I believe that's all I
21 have at this time, Your Honor.

22 MR. WILLIAMS: May is please the Court.

23 THE COURT: Sure.

24 CROSS EXAMINATION

25 BY MR. WILLIAMS:

NICHOLAS MATKINS - CROSS BY MR. WILLIAMS

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1 Q. Just a couple questions. Your last name?

2 A. Matkins, M-a-t-k-i-n-s.

3 Q. Mr. Matkins or Agent Matkins, the Rashad Lott guy
4 who was going down Main Street in Johnston with a ski mask on
5 was a college student?

6 A. Yes, sir.

7 Q. From Benedict?

8 A. Yes, sir.

9 Q. How old was he?

10 A. I don't recall right off how old he is. He was
11 college age.

12 Q. Certainly old enough to know better?

13 A. Possibly old enough to know better.

14 Q. But you couldn't link him with the other
15 individuals?

16 A. No, sir. There was nothing else. Of course, in my
17 investigation and my understanding of Saluda County's
18 investigation there was nothing that linked him.

19 Q. The gentleman who had the white truck, did I
20 understand you to say he lived in North Carolina?

21 A. No, sir. He lives, he's from Spartanburg, South
22 Carolina.

23 Q. I thought I heard you say something about North
24 Carolina. That you checked it through North Carolina.

25 A. If I said North Carolina DMV, I apologize. I meant

1 South Carolina DMV. I was in North Carolina prior to this so
2 I apologize.

3 Q. That's okay. Have you met the guy?

4 A. Have I met him?

5 Q. Yes.

6 A. I have not spoken with Mr. Jollie. No, sir.

7 Q. Do you know where he lives?

8 A. Yes, sir.

9 MR. WILLIAMS: That's all the questions I have, Your
10 Honor.

11 THE COURT: Okay.

12 MR. HUBBARD: Nothing further.

13 THE COURT: All right. You may step down. We
14 talked about scheduling earlier. We still at that same
15 posture?

16 MR. HUBBARD: Yes, sir.

17 THE COURT: All right. This is the question I'll
18 ask because you've been hearing. The prosecutors and
19 defense attorney and the judge and all these jurors are
20 concerned are we gonna get done this week? So I had the
21 conversation last break. All right. What we got left?
22 I need a little something from y'all early. I asked the
23 lawyers what we got left? This witness. Co-defendant.
24 Someone else. Someone else. If we start at 8:30, can
25 y'all do that? Yes. I'll bring more candy.

1 Now, the reason that I'm asking or suggesting that
2 we start at 8:30 is the co-defendant like Mr. Wilson one
3 of the other guys, I don't know which one, doesn't
4 matter, his lawyer is not here. He wants to be here with
5 him when he testifies. He can be here first thing in the
6 morning so I can't start him today. That's why we're
7 done for the day. Can y'all be here at 8:30? We'll
8 start and get done. The State has told me that if their
9 testimony goes as expected, they should be done by 11:30,
10 12:00, then lunch break, Mr. Williams and his client
11 decide what they want to put up, if anything, and he only
12 had a few witnesses to put up anyway and then instruct
13 the jury and closing arguments, and y'all can deliberate
14 tomorrow afternoon. That's what we're looking at. That
15 will get us done tomorrow afternoon late. That will get
16 us home for the weekend. Can we do 8:30?

17 (Entire jury agrees.)

18 THE COURT: All right. We're done for the day.
19 Don't discuss the case. Here's the way it works. We get
20 the witnesses done, send y'all out to lunch, come back
21 and if Mr. Williams and Mr. Lowman sign anything up,
22 we'll do the instructions on the law and closing
23 arguments right after lunch. Otherwise there will be a
24 little bit of testimony after lunch and we'll do it mid
25 afternoon. Everybody good with that? Super. Don't

1 discuss the case. Remember we'll confine our decisions
2 and what we hear in here, leave your note pads in there.
3 See y'all early. Now, we're gonna be here early. We'll
4 be good. The courthouse opens at like 8:30. We'll be
5 here earlier than that. Ms. Coleman will get us in here.
6 We talked about what we had planned. See y'all in the
7 morning.

8 (Whereupon, court was recessed for the day at 5:15
9 p.m.)

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JOSHUA DARIEN - DIRECT BY MR. HUBBARD

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1 JUNE 22, 2018

2 BAILIFF: All rise.

3 THE COURT: Pleas be seated. Good to go?

4 MR. HUBBARD: Yes, Your Honor.

5 MR. WILLIAMS: Yes, Your Honor.

6 THE COURT: Let's bring them in.

7 (Whereupon, the jury entered the courtroom at 8:35
8 a.m.)

9 THE COURT: Call your witness.

10 MR. HUBBARD: Yes, Your Honor. The State calls
11 Joshua Darien.

12 Thereupon,

13 JOSHUA DARIEN

14 after having been first duly sworn, testified as follows,

15 DIRECT EXAMINATION

16 BY MR. HUBBARD:

17 Q. All right. Mr. Darien, I'm going to ask you to
18 state your name loud and clear for the court reporter and for
19 the jury.

20 A. Joshua Darien.

21 Q. You don't have to speak right up in it. It will
22 kind of pop. As long as you speak up, we'll hear you, all
23 right?

24 A. Yes, sir.

25 Q. Now, Joshua, do you mind if I call you Joshua?

- 1 A. Yes, sir. Yes, sir. That's fine.
- 2 Q. Okay. Just speak up. Right now as you sit in this
- 3 courtroom you've got a number of charges; is that correct?
- 4 A. Yes, sir.
- 5 Q. Have any promises or deals been made with you or
- 6 your attorney?
- 7 A. No, sir.
- 8 Q. You've got burg first?
- 9 A. Yes, sir.
- 10 Q. And you're gonna talk about your involvement,
- 11 correct?
- 12 A. Yes, sir.
- 13 Q. You're guilty of that charge?
- 14 A. Yes, sir.
- 15 Q. Armed robbery?
- 16 A. Yes, sir.
- 17 Q. Two counts of kidnapping?
- 18 A. Yes, sir.
- 19 Q. You're guilty of those charges?
- 20 A. Yes, sir.
- 21 Q. Criminal conspiracy?
- 22 A. Yes, sir.
- 23 Q. So as you sit here today you're acknowledging your
- 24 role, your guilt?
- 25 A. Yes, sir.

JOSHUA DARIEN - DIRECT BY MR. HUBBARD

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- 1 Q. No deals?
- 2 A. No, sir.
- 3 Q. Okay. Now, let's talk about you. Where were you
- 4 born?
- 5 A. In South Carolina.
- 6 Q. So you're originally from here?
- 7 A. Yes, sir.
- 8 Q. Now, at some point did you move from South
- 9 Carolina?
- 10 A. Yes, sir.
- 11 Q. Where did you move to?
- 12 A. Maryland.
- 13 Q. How long have you lived up in Maryland?
- 14 A. Four years.
- 15 Q. When you were in South Carolina, what part of South
- 16 Carolina did you live in?
- 17 A. Jasper County.
- 18 Q. During your time growing up in South Carolina have
- 19 you ever come to Saluda County?
- 20 A. No, sir.
- 21 Q. Have you ever come to Edgefield County?
- 22 A. No, sir.
- 23 Q. I'm gonna move the microphone just a little bit
- 24 closer to you and you just speak up.
- 25 A. All right.

- 1 Q. I want to make sure everybody hears what you have to
2 say, okay?
- 3 A. Yes, sir.
- 4 Q. So the last four years of your life you've lived
5 where?
- 6 A. In Silver Spring, Maryland.
- 7 Q. Silver Spring, Maryland?
- 8 A. Yes, sir.
- 9 Q. Mr. Lowman, Abin Lee Lowman, do you see him in the
10 courtroom?
- 11 A. Yes, sir.
- 12 Q. Where was the first time, the first place you met
13 him? Was it in South Carolina or Maryland?
- 14 A. Maryland.
- 15 Q. How long had you known Mr. Lowman before you got in
16 a car and came to South Carolina and committed these crimes?
- 17 A. Two weeks.
- 18 Q. Two weeks?
- 19 A. (Witness nodding head.)
- 20 Q. And you met him in Maryland not in South Carolina?
- 21 A. Yes, sir.
- 22 Q. How many occasions had you had to meet him?
- 23 A. A couple.
- 24 Q. A couple times?
- 25 A. (Witness nodding head.)

JOSHUA DARIEN - DIRECT BY MR. HUBBARD

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1 Q. When he was coming up to Maryland, do you recall
2 what he was driving at the time?

3 A. Yes, sir.

4 Q. What was he driving?

5 A. A Grand Marquis.

6 Q. I want to show you what's been marked as State's
7 Exhibit 69. Does this car look familiar?

8 A. Yes, sir. That's the Grand Marquis.

9 Q. So he was driving this car to Maryland. I want to
10 ask you about several folks here. You said Mr. Lowman you had
11 only met him a couple weeks before all this?

12 A. Yes, sir.

13 Q. What about James Wilson, how long had you known
14 him?

15 A. About a year.

16 Q. How would you describe your relationship with him?

17 A. Close friend.

18 Q. Close friend. Had y'all ever lived together?

19 A. Yes, sir.

20 Q. Was he living with you or you living with him?

21 A. He was living with me.

22 Q. Did he have a place to live before he lived
23 with you?

24 A. No, sir.

25 Q. You opened your door?

- 1 A. Yes, sir.
- 2 Q. What about Robert Goodwin, did you know him?
- 3 A. No, sir.
- 4 Q. Now, prior to all of this, had you ever seen him in
5 Maryland before?
- 6 A. Yes, sir.
- 7 Q. Did you know him to be from Maryland, South Carolina
8 or did you know where he was from?
- 9 A. I didn't know.
- 10 Q. But you had seen him in Maryland?
- 11 A. Yes, sir.
- 12 Q. No relationship with him?
- 13 A. No, sir.
- 14 Q. While you're in Maryland at some point do you
15 remember Mr. Wilson letting you in on a plan?
- 16 A. Yes, sir.
- 17 Q. Can you tell me what that plan was?
- 18 A. The plan was to rob some drug dealers.
- 19 Q. The plan was to rob some drug dealers?
- 20 A. Yes, sir.
- 21 Q. Where were these drug dealers supposed to be?
- 22 A. Located in South Carolina.
- 23 Q. What, if anything, did these drug dealers do for a
24 living besides selling drugs?
- 25 A. I vaguely remember him talking about they were

JOSHUA DARIEN - DIRECT BY MR. HUBBARD

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1 jewelry store owners.

2 Q. Okay. Do you even remember the names?

3 A. No, sir.

4 Q. So some jewelry store owners that were really in the
5 drug business?

6 A. Yes, sir.

7 Q. Do you remember about what kind of money or price
8 tag on this job what it might be?

9 A. \$250,000.00.

10 Q. So it was big money?

11 A. Yes, sir.

12 Q. Now, when Wilson was telling you this, where was all
13 this plan coming from?

14 A. Coming from Mr. Lowman.

15 MR. WILLIAMS: Objection. Hearsay.

16 MR. HUBBARD: No, sir. Co-conspirator. Part of the
17 plan.

18 THE COURT: Sustained. I mean, I'm sorry.

19 Overruled.

20 MR. HUBBARD: Thank you, Your Honor.

21 BY MR. HUBBARD:

22 Q. So you had known Mr. Wilson for about a year?

23 A. Yes, sir.

24 Q. Classified your relationship as good friends?

25 A. Yes, sir.

1 Q. Had you ever known him to be from South Carolina?
2 A. No, sir.
3 Q. To come from South Carolina?
4 A. No, sir.
5 Q. Do you know where he was originally from?
6 A. He was from South America.
7 Q. South America not South Carolina?
8 A. Yeah. South America.
9 Q. At some point when this plan is conveyed to you, do
10 y'all have to make a decision like this (indicating)?
11 A. Yes, sir.
12 Q. Or do you have time to think about it?
13 A. About two days.
14 Q. About two days. Okay. So y'all didn't have to make
15 a decision right there and get in the car?
16 A. No, sir.
17 Q. Did you think about it?
18 A. Yes, sir.
19 Q. The pros and cons?
20 A. Yes, sir.
21 Q. What did you decide?
22 A. I said, hey, they was drug dealers so, I mean,
23 there's no risk of police getting involved.
24 Q. Okay. Basically if it's drug dealers, if they got a
25 complaint, they're not gonna go to somebody with a badge?

1 A. No, sir.

2 Q. Did the fact that it was in South Carolina have any
3 bearing on your decision, too?

4 A. Yes, sir. Because I knew it was farther away from
5 home so I knew that the chance of getting away was very
6 high.

7 Q. Did you talk to anybody about it before you decided
8 to get in this thing?

9 A. No, sir.

10 Q. Did you talk to Mr. Wilson?

11 A. Yes, sir.

12 Q. You did talk to him?

13 A. Yes, sir.

14 Q. But not to anybody else?

15 A. No, sir.

16 Q. Okay. Did you know if Wilson was in?

17 A. Yes, sir.

18 Q. Who else at this point is part of the plan?

19 A. Just the three of us, Mr. Lowman, Mr. Wilson and
20 myself.

21 Q. Is Mr. Goodwin's name even in the mix?

22 A. No, sir.

23 Q. Do you recall at some point coming to South
24 Carolina?

25 A. Yes, sir.

- 1 Q. Do you remember what day? If you don't, that's
2 fine.
- 3 A. The 1st.
- 4 Q. The 1st of?
- 5 A. March.
- 6 Q. Of 2017?
- 7 A. 2017.
- 8 Q. Last year. Okay. And when we talk about dates, I'm
9 not going to be as interested in the dates as I am about
10 activities so just in case, if you don't know what date,
11 that's fine, okay?
- 12 A. Yes, sir.
- 13 Q. We'll still talk about the activity. But your
14 recollection is that y'all came down March 1st of 2017?
- 15 A. Yes, sir.
- 16 Q. Who is driving?
- 17 A. Mr. Lowman.
- 18 Q. Do you remember what he's driving at that point?
- 19 A. Chevy Impala.
- 20 Q. Who's in the car?
- 21 A. Mr. Wilson, Mr. Lowman and myself.
- 22 Q. Now, when y'all get down to South Carolina, do you
23 y'all stop along the way, sleep anywhere?
- 24 A. No, sir.
- 25 Q. Y'all just drive straight?

JOSHUA DARIEN - DIRECT BY MR. HUBBARD

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- 1 A. Drive straight.
- 2 Q. When you get to South Carolina, what, if anything,
- 3 do y'all start doing?
- 4 A. Looking for another car.
- 5 Q. Okay. Do y'all find one?
- 6 A. No, sir.
- 7 Q. What's the purpose of looking for a car as far as
- 8 your understanding at that time?
- 9 A. Just for a second motor vehicle.
- 10 Q. For this job?
- 11 A. Yes, sir.
- 12 Q. Did y'all find a car?
- 13 A. No, sir.
- 14 Q. Where did y'all stay that night?
- 15 A. We stayed in an Econo Lodge in Aiken.
- 16 Q. Econo Lodge?
- 17 A. Yes, sir.
- 18 Q. Who stayed there?
- 19 A. Mr. Wilson and myself.
- 20 Q. Mr. Lowman, he didn't stay there?
- 21 A. No, sir.
- 22 Q. Next morning, I guess it would be March 2nd?
- 23 A. Yes, sir.
- 24 Q. Do you see Mr. Lowman again?
- 25 A. Yes, sir.

- 1 Q. Morning, noon, late in the day?
- 2 A. Morning.
- 3 Q. Is anybody with him?
- 4 A. Mr. Goodwin.
- 5 Q. Okay. Robert Goodwin?
- 6 A. Yes, sir.
- 7 Q. Let me show you what's been marked State's 63. Are
- 8 we talking about this man?
- 9 A. Yes, sir.
- 10 Q. Now, on this date do you recall if y'all made any
- 11 attempt to go by the jewelry store?
- 12 A. I do not recall.
- 13 Q. You don't recall. Do you recall if there was any
- 14 attempt to find where the jewelry store owners lived?
- 15 A. I don't recall.
- 16 Q. Do you recall learning whether Mr. Goodwin, Robert
- 17 Goodwin, if he's in or not?
- 18 A. Yes, sir.
- 19 Q. How did you come to that conclusion?
- 20 A. Because he started talking about his role he was
- 21 going to play in the crime.
- 22 Q. So this was your first introduction to the fourth
- 23 person?
- 24 A. Yes, sir.
- 25 Q. So at this point just so I'm clear with you, you've

- 1 got four people. There's you; is that right?
- 2 A. Yes, sir.
- 3 Q. See your picture in State's 65. Who is this?
- 4 A. Mr. Wilson.
- 5 Q. State's 66?
- 6 A. Mr. Goodwin.
- 7 Q. State's 63. And, of course, who is this?
- 8 A. Mr. Lowman.
- 9 Q. State's 64. Do you see him in the courtroom?
- 10 A. Yes, sir.
- 11 Q. Where is Mr. Lowman?
- 12 A. Over there.
- 13 Q. So there's four of you?
- 14 A. Yes, sir.
- 15 Q. At any time was there a fifth or sixth person
- 16 involved in this?
- 17 A. No, sir.
- 18 Q. So from this point forward there's four of you?
- 19 A. Yes, sir.
- 20 Q. At any time does one of you drop out?
- 21 A. No, sir.
- 22 Q. Y'all were all in?
- 23 A. Yes, sir.
- 24 Q. That second night where did you sleep?
- 25 A. In the car.

- 1 Q. Do you remember where y'all were?
- 2 A. Ridge Spring Apartments.
- 3 Q. But you weren't in the apartments?
- 4 A. No, sir.
- 5 Q. What car were you sleeping in?
- 6 A. Grand Marquis.
- 7 Q. Do you remember at any time that following morning I
- 8 guess early hours of the 3rd or sometime on the 3rd talking to
- 9 some police officers?
- 10 A. Yes, sir.
- 11 Q. What, if anything, were they looking from you?
- 12 A. Driver's license.
- 13 Q. Did you have a license?
- 14 A. Yes, sir.
- 15 Q. Were they asking ID's or licenses from just you?
- 16 A. No. From all four of us.
- 17 Q. All four of you. Do you remember this officer right
- 18 here?
- 19 A. Yes, sir.
- 20 Q. Russ Padgett?
- 21 A. Yes, sir.
- 22 Q. Do you remember seeing him that day?
- 23 A. Yes, sir.
- 24 Q. So he was one of those officers?
- 25 A. Yes, sir.

JOSHUA DARIEN - DIRECT BY MR. HUBBARD

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- 1 Q. Was anybody arrested that day?
- 2 A. No, sir.
- 3 Q. Who ended up driving that car away?
- 4 A. Myself.
- 5 Q. When you drove it away, who all was in the car?
- 6 A. All four of us.
- 7 Q. Now, on that day, I guess we're still talking the
- 8 3rd, do you remember at any time going by Tidwell's Jewelry
- 9 Store?
- 10 A. Yes, sir.
- 11 Q. What was your purpose of going there?
- 12 A. So we could come up with a plan to follow them
- 13 home.
- 14 Q. Let me ask you, why did you need to follow them
- 15 home?
- 16 A. Because Mr. Goodwin - I mean, Mr. Lowman wasn't sure
- 17 of where the house was about.
- 18 Q. That day did y'all figure out where they lived?
- 19 A. No, sir.
- 20 Q. Did you actually follow them?
- 21 A. Yes, sir.
- 22 Q. Where did you follow them to to the best of your
- 23 memory?
- 24 A. To a golf course.
- 25 Q. Okay. Let me show you what's been marked as State's

1 1, a big aerial. Does this look familiar?

2 A. Yes, sir.

3 Q. All right. Do you see the clubhouse?

4 A. Yes, sir. It's right there.

5 Q. Down in the right-hand corner?

6 A. Yes, sir.

7 Q. Do you see this road down at the bottom?

8 A. Yes, sir.

9 Q. Road 121?

10 A. Yes, sir.

11 Q. Do you also see an airport?

12 A. Yes, sir. Here.

13 Q. All the way on the back side of the golf course?

14 A. Yes, sir.

15 Q. What road did y'all come down following that?

16 A. We came down 121.

17 Q. Okay. You will see there's two entrances. One at

18 the golf course and then one down on the far side of the

19 course. Which entrance do you recall going into?

20 A. The second entrance.

21 Q. Okay. And what, if anything, did y'all see down

22 here?

23 A. Houses.

24 Q. Do you remember a house right here where you see an

25 "X"?

- 1 A. Yes, sir.
- 2 Q. What color was that house?
- 3 A. White.
- 4 Q. When y'all went back that day, did y'all drive --
- 5 Where did y'all go? How far down that road?
- 6 A. We went all the way down the road to the end.
- 7 Q. Down to this area here?
- 8 A. It goes down farther. It was like a roundabout. We
- 9 turned around.
- 10 Q. Okay. At any point do you recall that day going
- 11 down another little road here?
- 12 A. Yes, sir.
- 13 Q. Did y'all explore that?
- 14 A. No, sir. Because there was no houses down that
- 15 way.
- 16 Q. So at that time you hadn't done that?
- 17 A. No, sir.
- 18 Q. So on this date y'all still didn't have a known
- 19 address?
- 20 A. No, sir.
- 21 Q. Now, did y'all have a plan -- Let me ask you this:
- 22 You've got four of you. Y'all are talking about breaking in a
- 23 home. Did y'all have any weapons?
- 24 A. No, sir.
- 25 Q. What, if anything, did you guys do to get a

- 1 weapon?
- 2 A. Mr. Lowman purchased a tell and sell ad.
- 3 Q. Tell and tell ad?
- 4 A. A tell and sell ad.
- 5 Q. A tell and sell ad. I'm getting old. My hearing is
- 6 going. All right. Is that like a little newspaper where you
- 7 sell things?
- 8 A. Yeah. Newspaper out of a gas station.
- 9 Q. Did he or y'all find something y'all wanted to
- 10 purchase?
- 11 A. Yes, sir.
- 12 Q. Where did y'all go to purchase a gun?
- 13 A. Spartanburg.
- 14 Q. Had you been to Spartanburg before?
- 15 A. No, sir.
- 16 Q. Being from South Carolina had you heard of
- 17 Spartanburg before?
- 18 A. Yes, sir.
- 19 Q. Who all went to Spartanburg?
- 20 A. All four of us.
- 21 Q. What car were you in?
- 22 A. Grand Marquis.
- 23 Q. Where in Spartanburg did y'all go to buy this gun?
- 24 A. I just know it was outside of a mall. I don't know
- 25 the exact location.

JOSHUA DARIEN - DIRECT BY MR. HUBBARD

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- 1 Q. It wasn't in a store?
- 2 A. No, sir.
- 3 Q. In a parking lot?
- 4 A. Yes, sir.
- 5 Q. Was it daylight or dark?
- 6 A. It was dark outside.
- 7 Q. Do you recall who got out of the car to make the
- 8 purchase?
- 9 A. Mr. Lowman.
- 10 Q. What did you do?
- 11 A. We proceeded to stay in the car.
- 12 Q. You and who?
- 13 A. Goodwin and Mr. Wilson.
- 14 Q. Those windows on that Marquis, how would you
- 15 describe them?
- 16 A. Very tinted.
- 17 Q. If you were sitting in there, could anybody see
- 18 you?
- 19 A. No, sir.
- 20 Q. But could you see out?
- 21 A. Yes, sir.
- 22 Q. Could you see Mr. Lowman buy this gun?
- 23 A. Yes, sir.
- 24 Q. Can you describe the guy he was buying it from?
- 25 A. Older white heavy set guy.

- 1 Q. All right. Do you remember what that guy might have
2 been driving?
- 3 A. A white pickup truck.
- 4 Q. Do you remember what the gun looked like?
- 5 A. I just knew like a brown tannish at the time.
- 6 Q. I want to show you what's been marked as State's 38.
- 7 A. That's the firearm.
- 8 Q. That's it?
- 9 A. Yes, sir.
- 10 Q. What caliber is this firearm?
- 11 A. Nine millimeter.
- 12 Q. Once y'all bought this pistol, this nine millimeter
13 pistol, what bullets did you have to shoot it with?
- 14 A. We didn't have no bullets at the time.
- 15 Q. So do y'all recall or do you recall at some point
16 going somewhere to get bullets?
- 17 A. Yes, sir.
- 18 Q. Do you remember what day that was?
- 19 A. Around the 6th.
- 20 Q. Where do y'all go?
- 21 A. To a Walmart.
- 22 Q. Which Walmart did you go to?
- 23 A. The first Walmart we proceeded to go to was the
24 Aiken Walmart.
- 25 Q. Did you buy anything there?

JOSHUA DARIEN - DIRECT BY MR. HUBBARD

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- 1 A. Yes, sir.
- 2 Q. Did you buy any bullets there?
- 3 A. No, sir.
- 4 Q. Do you know why you couldn't get bullets?
- 5 A. I can't remember.
- 6 Q. I want to show you some pictures that are in
7 evidence of that Aiken Walmart. State's 102. Who is that?
- 8 A. That's myself.
- 9 Q. This one is you. State's 103. Who is that?
- 10 A. Mr. Goodwin.
- 11 Q. State's 104?
- 12 A. Mr. Lowman.
- 13 Q. State's 105?
- 14 A. Mr. Wilson.
- 15 Q. And then State's 106?
- 16 A. All four of us.
- 17 Q. So you're all together?
- 18 A. Yes, sir.
- 19 Q. Now, you say you bought something. What did you
20 buy?
- 21 A. Walkie-talkies and some gloves.
- 22 Q. What were those gloves for?
- 23 A. For the crime.
- 24 Q. What were the walkie-talkies for?
- 25 A. For communication purposes.

- 1 Q. For the crime?
- 2 A. Yes, sir.
- 3 Q. Since you couldn't buy or didn't buy bullets there,
- 4 where did y'all go next?
- 5 A. To the North Augusta Walmart.
- 6 Q. You did that the same day?
- 7 A. Yes, sir.
- 8 Q. Who went into that Walmart?
- 9 A. Myself and Mr. Lowman.
- 10 Q. Who was going in to buy the bullets?
- 11 A. Mr. Lowman.
- 12 Q. Why did you go in?
- 13 A. To go to the McDonald's.
- 14 Q. State's 94, who is that walking in?
- 15 A. Myself.
- 16 Q. You never went back to the sports section to buy
- 17 bullets?
- 18 A. No, sir.
- 19 Q. You're going in there to get what?
- 20 A. McDonald's.
- 21 Q. Let me show you two other photos, 96 and 97. Who do
- 22 you see in these photos?
- 23 A. Mr. Lowman.
- 24 Q. And 96, is he at the cashier counter?
- 25 A. Yes, sir.

JOSHUA DARIEN - DIRECT BY MR. HUBBARD

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- 1 Q. Is that the day he bought the bullets?
- 2 A. Yes, sir.
- 3 Q. 97?
- 4 A. Yeah. That's him.
- 5 Q. Walking out?
- 6 A. Yes, sir.
- 7 Q. Okay. I'll show you what's been marked as State's
- 8 72. Do you recognize this box?
- 9 A. Yes, sir. It's the box of ammunition.
- 10 Q. Who bought this box?
- 11 A. Mr. Lowman.
- 12 Q. What caliber?
- 13 A. Nine millimeter.
- 14 Q. Now, looking inside this box you see there's a bunch
- 15 missing?
- 16 A. Yes, sir.
- 17 Q. Can you explain that?
- 18 A. We proceeded to fire the gun.
- 19 Q. Who is we?
- 20 A. All four of us.
- 21 Q. Where were y'all when y'all did that?
- 22 A. Driving down the road.
- 23 Q. Were y'all around houses?
- 24 A. No, sir.
- 25 Q. Who fired the gun?

- 1 A. All four of us.
- 2 Q. Was the car moving?
- 3 A. Yes, sir.
- 4 Q. You were just firing out the window?
- 5 A. Yes, sir.
- 6 Q. Now, when you fire this pistol, do you know what a
- 7 casing is?
- 8 A. Yes, sir.
- 9 Q. What is that?
- 10 A. That's the outside part of the bullet.
- 11 Q. When you fire this pistol, what jumps outside of the
- 12 pistol?
- 13 A. A casing.
- 14 Q. The bullet goes straight, the casing jumps out?
- 15 A. Yes, sir.
- 16 Q. Do you recall or do you know or would you be
- 17 surprised if there's casings in the car?
- 18 A. I wouldn't be surprised.
- 19 Q. Now, let's get back to looking for the house.
- 20 You've got a gun. You've got bullets. You're still looking
- 21 for the house?
- 22 A. Yes, sir.
- 23 Q. Do you recall making any other attempts to find that
- 24 house?
- 25 A. Yes, sir.

JOSHUA DARIEN - DIRECT BY MR. HUBBARD

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1 Q. How do y'all do that?

2 A. Proceed to follow them one more time.

3 Q. Did y'all determine which entrance you needed to go
4 in that time?

5 A. Yes, sir.

6 Q. Which entrance?

7 A. It was the second entrance. The first entrance was
8 the house but we proceeded to go around to the second entrance
9 to that back road area.

10 Q. So which entrance did you decide you needed to go in
11 to find the house?

12 A. The first entrance to find the house but the second
13 entrance we proceeded to go to.

14 Q. All right. Let's use this map now. Where is the
15 house and entrance?

16 A. Right there. The entrance is right there.

17 Q. All right. Now, you talk about a back road. What
18 road are we talking about?

19 A. The road goes along here and then right through
20 here.

21 Q. A little cut through?

22 A. Yes, sir.

23 Q. If you go all the way through there, can you walk
24 all the way through there?

25 A. Yes, sir.

- 1 Q. When you come to this area, how many houses do you
2 recall being there?
- 3 A. Three.
- 4 Q. At that time did y'all know which house would be the
5 house?
- 6 A. No, sir.
- 7 Q. Now, let me ask you this, too. Just on this map, I
8 won't bring it all the way back up, but that second entrance,
9 do you see that little "X" there?
- 10 A. Yes, sir.
- 11 Q. Do you remember what color that house was?
- 12 A. White.
- 13 Q. At some point did y'all think that might be the
14 house?
- 15 A. No, sir.
- 16 Q. Okay. That wasn't in your mind?
- 17 A. No, sir.
- 18 Q. Do you recall at some point -- And I don't care
19 about the date, okay? -- but actually whether any one of you
20 four went in Tidwell Jewelers?
- 21 A. Yes, sir.
- 22 Q. Who went in?
- 23 A. Me and Mr. Lowman.
- 24 Q. Why did you go in?
- 25 A. Just to look around in there.

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- 1 Q. Just curious?
- 2 A. Yes, sir.
- 3 Q. Okay. Why did Mr. Lowman go in there?
- 4 A. Proceeded to go in there and purchase something.
- 5 Q. Could you see who he was talking to?
- 6 A. Mr. Tidwell.
- 7 Q. Do you see Mr. Tidwell in the courtroom?
- 8 A. Yes, sir.
- 9 Q. Where is he?
- 10 A. Over there (indicating.)
- 11 Q. So at that point you knew who you would be
- 12 robbing?
- 13 A. Yes, sir.
- 14 Q. Did you see Mrs. Tidwell that day?
- 15 A. Yes, sir.
- 16 Q. So you knew their faces?
- 17 A. Yes, sir.
- 18 Q. All right. Now, let's talk about the plan. Your
- 19 understanding of what you are there for is for what?
- 20 A. For drugs.
- 21 Q. But you know he runs a jewelry store?
- 22 A. Yes, sir.
- 23 Q. The day y'all do this what day is that?
- 24 A. The robbery?
- 25 Q. Yeah. Or what day do y'all actually set up to do

1 this?

2 A. The 7th, the previous night to the 8th.

3 Q. Where do y'all go to do this set up?

4 A. Where the location is on the golf course.

5 Q. That little road we've been talking about?

6 A. Yes, sir.

7 Q. Okay. Who all is on that little road?

8 A. All four of us.

9 Q. What, if any, car is out there?

10 A. Just our car, the Grand Marquis.

11 Q. So what's the plan at that point? Is it daylight or

12 dark at this point?

13 A. It's daylight.

14 Q. What's the plan?

15 A. Me and Wilson was gonna go up there and pop the

16 window just to make an initial plan.

17 Q. Pop the window. Were y'all actually going to go

18 in?

19 A. No, sir.

20 Q. What was the plan then?

21 A. The plan was really to run up behind them, but we

22 wanted to have a second entrance in case they went up in the

23 house too quick.

24 Q. Say that again. I'm sorry. I kind of missed it.

25 A. We wanted to have a second plan so we popped the

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1 window because we didn't want them to go up in the house too
2 quick and for us to miss them.

3 Q. Okay. So was the plan -- What was the plan then, to
4 get them when they got home?

5 A. Yes, sir.

6 Q. Was anybody going to tell you when they were coming
7 home?

8 A. Yes, sir.

9 Q. How was that supposed to work?

10 A. Mr. Goodwin was supposed to be on the main highway
11 and he was supposed to tell us when they was coming home.

12 Q. And what was Mr. Lowman's role?

13 A. He was supposed to like watch out on the main
14 road.

15 Q. What were y'all using to communicate?

16 A. The walkie-talkies.

17 Q. Did those things work?

18 A. No, sir.

19 Q. Did the plan work out that way?

20 A. No, sir.

21 Q. I want to talk about the window. I'll just show it
22 to you real quick and see if this looks familiar. State's 36,
23 37. Is that the window you popped?

24 A. Yes, sir.

25 Q. And you've got the broken sash there. Did it look

1 like that when you initially popped it?

2 A. No, sir.

3 Q. What, if anything, did you use?

4 A. The hedge clippers.

5 Q. Where did you get those?

6 A. Out of the shed. It was in the carport.

7 Q. State's 23, do you see the shed?

8 A. Yes, sir.

9 Q. Looking at State's 24, what do you see?

10 A. The hedge clippers.

11 Q. Who used those?

12 A. Myself.

13 Q. Who put them back?

14 A. Myself.

15 Q. You pop the window. Where do you and Wilson go?

16 A. Go back into the wooded area where the road was.

17 Q. Is it still daylight?

18 A. Yes, sir.

19 Q. Do you see people playing golf?

20 A. Yes, sir.

21 Q. When y'all go back to the little cut through area,

22 is that where you said you went?

23 A. Yes, sir.

24 Q. Okay. When you go back there, at some point do

25 y'all meet up again?

- 1 A. Yes, sir.
- 2 Q. Who all is there?
- 3 A. All four of us.
- 4 Q. So what's the plan at this point?
- 5 A. The plan is just to wait for them to come home.
- 6 Q. At some point do you see them come home?
- 7 A. Yes, sir.
- 8 Q. What's the plan at that point?
- 9 A. We proceeded to hold back because there was people
- 10 still on the golf course that was like you could say like on
- 11 the hole that was right there.
- 12 Q. Right. All right. So how long do y'all stay
- 13 there?
- 14 A. We stayed there for about an hour waiting for
- 15 everything to clear out.
- 16 Q. So at some point the golfers are gone?
- 17 A. Yes, sir.
- 18 Q. Where do y'all move to at that point?
- 19 A. We move up the bank closer to the house.
- 20 Q. The bank. So it's like a hill?
- 21 A. Yes, sir.
- 22 Q. What do y'all do on the hill?
- 23 A. Proceed to lay down and just keep a lookout and
- 24 watch like the movement going on.
- 25 Q. Who all is with you when you do that?

- 1 A. All four of us.
- 2 Q. Including Mr. Lowman?
- 3 A. Yes, sir.
- 4 Q. By this point is it still daylight?
- 5 A. No, sir. It's not.
- 6 Q. When you look into the house, the Tidwell house,
- 7 now, let me ask you, when you were up at this window, how did
- 8 you figure out that's the house out of those three?
- 9 A. I seen a Tidwell's Jewelry jacket.
- 10 Q. So you knew that had to be him?
- 11 A. Yes, sir.
- 12 Q. Okay. So now you're all back on the hill. When
- 13 you're on that hill, are there lights on in the Tidwell
- 14 house?
- 15 A. Yes, sir.
- 16 Q. Do y'all go in when those lights are on?
- 17 A. No, sir.
- 18 Q. What do y'all do?
- 19 A. Proceed to wait until they go to sleep.
- 20 Q. Do y'all wait a while after the lights go off?
- 21 A. Yes, sir.
- 22 Q. Once those lights go off and you wait a while, what
- 23 do you do?
- 24 A. We proceeded to move up closer towards the house.
- 25 Q. Where do you go first?

- 1 A. Go to the white GMC in the carport area.
- 2 Q. Is that the car you had been seeing them drive?
- 3 A. Yes, sir.
- 4 Q. What do you do there?
- 5 A. We were looking in the car because we was gonna see
6 if we could find keys to the door.
- 7 Q. To avoid having to go in the window?
- 8 A. Yes, sir.
- 9 Q. Do you find them?
- 10 A. No, sir.
- 11 Q. Do you find if the door is open or not?
- 12 A. No, sir.
- 13 Q. The car door?
- 14 A. Oh, the car door. Yes.
- 15 Q. Okay. Do you go in the car?
- 16 A. Yes, sir.
- 17 Q. What do y'all find?
- 18 A. A handgun.
- 19 Q. Do you remember where it was?
- 20 A. It was like you could say in the bottom in the door
21 compartment.
- 22 Q. In the driver's door?
- 23 A. Yes, sir.
- 24 Q. Do you remember what kind of gun?
- 25 A. It was a Ruger.

1 Q. Do you remember what caliber?
2 A. No, sir.
3 Q. Do y'all take that?
4 A. Yes, sir.
5 Q. Now, who carries this nine millimeter?
6 A. Mr. Wilson.
7 Q. So James Wilson has State's 38?
8 A. Yes.
9 Q. Who carries the Ruger?
10 A. Mr. Goodwin.
11 Q. What gun do you have?
12 A. No gun.
13 Q. Do you remember anything about flashlights?
14 A. Yes, sir.
15 Q. Did you find some in the vehicle, too?
16 A. Yes, sir.
17 Q. Who takes those?
18 A. I don't recall.
19 Q. Did you have your own flashlight?
20 A. Yes, sir.
21 Q. So that one was yours?
22 A. Yes, sir.
23 Q. What was the plan when you go inside? Was it to
24 talk to them, put them in a corner or what?
25 A. Just go in there and yelling like we were police,

1 police. Get down. We were still under the conclusion they
2 was drug dealers.

3 Q. Okay. So what happened next? Tell me once you
4 y'all got this gun, you got some flashlights, what did y'all
5 do?

6 A. We go up to the window and we proceed to like rough
7 house it open because it still needed a little, like I didn't
8 finish popping it all the way with the hedge clippers so we
9 had to give it some muscle and pull it all the way up.

10 Q. All right. And did anybody come out of the house
11 when you did that?

12 A. No, sir.

13 Q. Did y'all go in?

14 A. Yes, sir.

15 Q. Who all went in the house?

16 A. Me, Mr. Wilson and Mr. Lowman. I mean
17 Mr. Goodwin.

18 Q. Okay. So there's you, James Wilson, Robert
19 Goodwin?

20 A. Yes, sir.

21 Q. Where was Mr. Lowman?

22 A. Mr. Lowman was right there on the back porch area.

23 Q. State's 5, does this look familiar, this little
24 drawing?

25 A. Yes, sir.

1 Q. This is the front of the house. This is the back of
2 the house. Which side did y'all come in on?
3 A. The back of the house.
4 Q. Where did Mr. Lowman stay?
5 A. He was on the back porch area like right around
6 here.
7 Q. Okay. Where did y'all come in through?
8 A. The window that was over there.
9 Q. So two of you have guns and you don't?
10 A. No, sir.
11 Q. What, if anything, was Mr. Lowman wanting from this
12 house?
13 A. You said what was he wanting from the house?
14 Q. Yes.
15 A. The drugs.
16 Q. Anything else he's asking you guys to get him?
17 A. The keys to the jewelry store and the alarm code and
18 safe code.
19 Q. All right. Who was to provide that to him?
20 A. Mr. Wilson.
21 Q. When y'all go in, what do y'all, what, if anything,
22 do y'all say?
23 A. ATF.
24 Q. Y'all say it loud or do you just say it like you
25 just said it?

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- 1 A. Loud. ATF.
- 2 Q. What happens at that point?
- 3 A. Mr. Tidwell proceeds to come out.
- 4 Q. Who else comes out?
- 5 A. Mrs. Tidwell proceeds to come out.
- 6 Q. What do y'all do with them?
- 7 A. They proceeded to go on the ground.
- 8 Q. Face down or face up?
- 9 A. Face down.
- 10 Q. What do y'all do with the Tidwells at that point?
- 11 A. They were separated.
- 12 Q. Do you remember, do y'all tie them up or do y'all
- 13 just separate them?
- 14 A. They was tied up.
- 15 Q. What did y'all use?
- 16 A. Zip ties.
- 17 Q. Where did those zip ties come from?
- 18 A. Auto Zone.
- 19 Q. Were those already provided or did y'all buy those,
- 20 too?
- 21 A. We bought those, too.
- 22 Q. Do you remember who bought those?
- 23 A. Mr. Lowman.
- 24 Q. Mr. Lowman. You say from where?
- 25 A. From Auto Zone or Advanced Auto.

- 1 Q. Do you remember what day y'all got those?
- 2 A. The same day, the 7th.
- 3 Q. When they're tied up, hands in front or hands in
- 4 back?
- 5 A. Hands in the back.
- 6 Q. You mentioned separating. Where did Mr. Danny
- 7 Tidwell, where did y'all put him?
- 8 A. In the bathroom.
- 9 Q. Did you do that?
- 10 A. No, sir.
- 11 Q. Ms. Lynda Tidwell, where was she taken?
- 12 A. Into the wash room.
- 13 Q. The wash room. Did you do that?
- 14 A. No, sir.
- 15 Q. What was your role?
- 16 A. Basically like be a scavenger over the house, look
- 17 around in the house trying to find the drugs.
- 18 Q. Were you going all through the house?
- 19 A. Yes, sir.
- 20 Q. At any time while you were there did you find any
- 21 drugs?
- 22 A. No, sir.
- 23 Q. At some point you talk about Mr. Lowman wanting code
- 24 and keys and combinations. Was that provided to him?
- 25 A. Yes, sir.

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- 1 Q. Who provided that to him?
- 2 A. Mr. Wilson.
- 3 Q. When Mr. Lowman had that, did he stay with y'all or
- 4 did he go?
- 5 A. He proceeded to leave.
- 6 Q. When you didn't find any drugs, what, if anything,
- 7 did you take?
- 8 A. Some jewelry.
- 9 Q. Where did you find it?
- 10 A. On the dresser.
- 11 Q. In what room?
- 12 A. The master bedroom.
- 13 Q. Now, while you're in that house and Mrs. Tidwell is
- 14 in that laundry room, what, if anything, do you do with her?
- 15 A. I proceed to check on her and make sure she was all
- 16 right.
- 17 Q. Did you do anything in particular for her?
- 18 A. Yes, sir.
- 19 Q. What did you do?
- 20 A. I proceeded to get her a blanket and pillow.
- 21 Q. I want to show you State's 16. Do you see the
- 22 laundry room?
- 23 A. Yes, sir.
- 24 Q. What else do you see?
- 25 A. The blanket and pillow on the floor.

- 1 Q. Who gave her that?
- 2 A. Me.
- 3 Q. What, if anything, did you do with Mr. Danny
- 4 Tidwell?
- 5 A. I proceeded to go in there and check on him and see
- 6 if he was all right.
- 7 Q. Did you give him anything?
- 8 A. A pillow.
- 9 Q. Let me show you State's 15. Is this that half
- 10 bath?
- 11 A. Yes, sir.
- 12 Q. That's where he was?
- 13 A. Yes, sir.
- 14 Q. Do you see -- What else do you see?
- 15 A. The pillow on the floor.
- 16 Q. You gave that to him?
- 17 A. Yes, sir.
- 18 Q. Did you do anything else for Mr. Tidwell?
- 19 A. Yes, sir. He told me he was thirsty so I proceeded
- 20 to go to the refrigerator and get him some water.
- 21 Q. Do you recall if you did anything else for him?
- 22 A. No, sir.
- 23 Q. What, if anything, when you're with him, is there
- 24 any inquiry about how his wife is?
- 25 A. Yes, sir. He was asking how was his wife is and

1 everything and if we're gonna kill them and stuff like that
2 and I told him no.

3 Q. At some point did you go back to Mrs. Tidwell?

4 A. Yes, sir.

5 Q. What, if anything, did she ask you about Mr.
6 Tidwell?

7 A. Asked me the same thing. Is he all right and are we
8 gonna kill them and stuff and I proceeded to tell her no,
9 we're not.

10 Q. With Wilson and Goodwin how were they behaving with
11 the Tidwells at that time?

12 A. Wilson I don't know about because that's when I
13 spent a lot of time in the master bedroom. But Goodwin, I
14 could see him. He was pretty like kind of rough on Mr.
15 Tidwell like yelling and stuff like that.

16 Q. What, if anything, did you say to him?

17 A. I told him - I brought him - I pulled him aside and
18 I said, man, you know, that's not necessary. You know, chill
19 out.

20 Q. At some point do y'all have contact from Mr.
21 Lowman?

22 A. Yes, sir.

23 Q. Do you remember who that came to?

24 A. Came to Wilson.

25 Q. As a result of that what did y'all understand his

1 situation was?

2 A. That he was pulled over in his car.

3 Q. So now he's out of the picture?

4 A. Yes, sir.

5 Q. What do you guys decide to do at that point?

6 A. To steal the car.

7 Q. Now, when y'all were getting ready to do that, you
8 said you took some jewelry?

9 A. Yes, sir.

10 Q. Did you still have it?

11 A. Yes, sir.

12 Q. Did you take it with you?

13 A. Yes, sir..

14 Q. Do you know what the other guys had?

15 A. No, sir.

16 Q. No drugs?

17 A. No, sir.

18 Q. Did it become clear to you at some point that there
19 never were drugs?

20 A. Yes, sir.

21 Q. At what point when you were in that house, these
22 folks down on the floor, did it become clear to you that there
23 was no drugs in this house?

24 A. Like I seen there was no evidence of no drugs, no
25 scales nowhere. Like I couldn't find nothing. Like it was

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1 just basically a clean house, drug free, no evidence of
2 anything.

3 Q. What did that tell you about what Mr. Lowman had
4 told you?

5 A. That he was lying about the plan.

6 Q. You began to question this now?

7 A. Yes, sir.

8 Q. All right. You find out he's out of the picture
9 now. You said something about taking their car. Which car do
10 y'all take?

11 A. The white GMC.

12 Q. Is that the same one the gun came out of?

13 A. Yes, sir.

14 Q. When y'all were getting in that white GMC, what, if
15 anything, did you notice right around that car?

16 A. I noticed -- I was looking around in the car first
17 as we was pulling away and I seen the OnStar system.

18 Q. Let me ask you this: First of all, let me show you
19 State's 19. Does that vehicle look familiar?

20 A. Yes, sir.

21 Q. What is that?

22 A. The white GMC.

23 Q. Who all gets into the white GMC?

24 A. Me, Mr. Goodwin and Mr. Wilson.

25 Q. Before you get in that white GMC, let me show you

- 1 State's 21 of the carport area. Do you remember anything on
2 the ground?
- 3 A. Yes, sir.
- 4 Q. What was on the ground?
- 5 A. ID.
- 6 Q. Who put that ID there?
- 7 A. Mr. Robert. Mr. Goodwin.
- 8 Q. Do you know where it came from?
- 9 A. Came from Mr. Lowman.
- 10 Q. You say it's an ID. Did you know who it was?
- 11 A. No, sir.
- 12 Q. Was it anybody that was involved in this?
- 13 A. No, sir.
- 14 Q. Do you know as part of the plan whether it was part
15 of the plan?
- 16 A. It was part of the plan. A diversion tactic.
- 17 Q. To divert who?
- 18 A. Law enforcement.
- 19 Q. Once y'all were in that white Yukon, where do y'all
20 go?
- 21 A. We proceed to go to Aiken.
- 22 Q. Had you been in Aiken before before you came back
23 down to South Carolina?
- 24 A. No, sir.
- 25 Q. While y'all were riding in this white Yukon, what,

1 if anything, is discussed? I think you mentioned it a little
2 bit earlier.

3 A. We was talking about the navigation system, the
4 OnStar. I was telling them because I had a car with OnStar
5 before and I was telling them they can track this car. We
6 need to hurry up and get out of here.

7 Q. Do y'all make it all the way to Aiken?

8 A. Yes, sir.

9 Q. What do y'all do when you get down to Aiken?

10 A. Proceed to ditch the car.

11 Q. Now, I want to ask you something about the car. Do
12 you remember at any time having some Clorox?

13 A. Yes, sir.

14 Q. Where did you get that?

15 A. From Mr. Goodwin. Mr. Goodwin came out of the house
16 with it.

17 Q. Did you ever use it in the house?

18 A. Yes, sir.

19 Q. What did you use it for?

20 A. To spray it on the window.

21 Q. Which window?

22 A. On the window that we proceeded to come in.

23 Q. What was your purpose to doing that?

24 A. To like wipe away the evidence, anything like
25 that.

- 1 Q. Did that spray bottle go with you guys?
- 2 A. Yes, sir.
- 3 Q. Who took possession of that bottle?
- 4 A. Myself.
- 5 Q. When y'all abandon this Yukon, what, if anything,
- 6 did you do with that spray bottle before y'all got out of the
- 7 truck?
- 8 A. I threw it out.
- 9 Q. Do you remember spraying it at all in the truck?
- 10 A. Yes, sir.
- 11 Q. Why did you do that?
- 12 A. Basically because I was sweating real bad.
- 13 Basically to clean up evidence..
- 14 Q. What kind of evidence were you thinking about?
- 15 A. DNA.
- 16 Q. So you know about DNA?
- 17 A. Yes, sir.
- 18 Q. How did you learn about DNA?
- 19 A. I watch a lot of crime shows.
- 20 Q. You know Clorox will wipe that away?
- 21 A. Yes, sir.
- 22 Q. When y'all get out of that Yukon, where do y'all
- 23 go?
- 24 A. Proceeding to walk. We went to the Huddle House -
- 25 the Waffle House.

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1 Q. You say the Huddle House. Waffle House, are they
2 very similar?

3 A. Yes, sir.

4 Q. Which one to your memory was it, Waffle House or
5 Huddle House?

6 A. Waffle House.

7 Q. When y'all get there, do y'all actually eat?

8 A. Yes, sir.

9 Q. What, if anything, happens while you're at the
10 Waffle House?

11 A. We seen a cop roll by real slow and suspicious
12 looking in so we were pretty much like, hey, man, it's pretty
13 much time to go. They may have found the car.

14 Q. Do you leave anything at the Waffle House?

15 A. Yes, sir.

16 Q. What do you leave?

17 A. I went into the bathroom area to use the bathroom
18 and I took like it was a money clip and I threw it in the
19 trash can.

20 Q. Did anybody else in your group throw anything
21 away?

22 A. Yes, sir.

23 Q. Who?

24 A. Mr. Goodwin.

25 Q. What did he throw away?

- 1 A. A glove.
- 2 Q. Do you remember what color it was?
- 3 A. White.
- 4 Q. Let me show you first of all a picture, State's 61.
5 Do those items look familiar?
- 6 A. Yes, sir.
- 7 Q. Those are the items y'all left at the Waffle
8 House?
- 9 A. Yes, sir.
- 10 Q. This money clip, I want to show you State's 41. Is
11 that the same money clip that we see in State's 61?
- 12 A. Yes, sir.
- 13 Q. This is the money clip you threw away?
- 14 A. Yes, sir.
- 15 Q. Now, when you took this money clip, was it empty
16 like this?
- 17 A. No, sir.
- 18 Q. What did it have?
- 19 A. Some cash in it.
- 20 Q. How much cash?
- 21 A. Around, it was over 2000. I know that it was over
22 \$2000.00. I'm not sure of the exact amount.
- 23 Q. Who took that money?
- 24 A. Myself.
- 25 Q. Did you keep that money?

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- 1 A. Yes, sir.
- 2 Q. Did you share that money?
- 3 A. No, sir.
- 4 Q. That was yours?
- 5 A. Yes, sir.
- 6 Q. I show you State's 88. Does this look like the same
- 7 glove in State's 61?
- 8 A. Yes, sir.
- 9 Q. Who had this glove?
- 10 A. Mr. Goodwin.
- 11 Q. Let me ask you about that. Y'all had gone to a
- 12 Walmart in Aiken. What did you buy?
- 13 A. Some gloves and walkie-talkies.
- 14 Q. When Mr. Wilson went in the house, did he have
- 15 gloves?
- 16 A. Yes, sir.
- 17 Q. Were they white gloves like that?
- 18 A. No, sir.
- 19 Q. Mr. Goodwin, what did he have?
- 20 A. He didn't have no gloves.
- 21 Q. So he got him a white glove?
- 22 A. Yes, sir.
- 23 Q. Was there a second glove?
- 24 A. I'm not sure about it.
- 25 Q. Okay. Now, you said you dropped stuff off in the

- 1 trash can in Waffle House. Why was that?
- 2 A. Just to discard it.
- 3 Q. You mentioned something about cops or seeing --
- 4 A. Yes, sir.
- 5 Q. What did you see?
- 6 A. Just seen Aiken County. I seen them roll by on the
- 7 highway on Route 1 in front of the Waffle House so we said,
- 8 man, it's time to go because they was kind of looking at us
- 9 like they was on their way towards the car.
- 10 Q. Where did y'all go?
- 11 A. We proceeded to walk behind the hotel that was right
- 12 there.
- 13 Q. Did you still have the jewelry with you?
- 14 A. Yes, sir.
- 15 Q. What was it in?
- 16 A. It was in just like in my pocket.
- 17 Q. Did you have anything to put it in?
- 18 A. Yes, sir. I found a little bag on the ground that I
- 19 proceeded put it in, tied it and put it behind the dumpster.
- 20 Q. So you didn't take the jewelry with you?
- 21 A. No, sir.
- 22 Q. At some point do you come back and get that
- 23 jewelry?
- 24 A. Yes, sir.
- 25 Q. We'll talk about that in just a minute. Once you

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1 put it behind the dumpster, where is that dumpster?

2 A. The dumpster is right behind - I don't know the name
3 of the hotel. There was a hotel right there.

4 Q. Okay. Now, that hotel, let me ask you, do y'all go
5 anywhere? Do y'all try to go into the hotel?

6 A. Yes, sir.

7 Q. Are y'all able to get a room?

8 A. No, sir.

9 Q. Why not?

10 A. Because I'm not old enough to get a room.

11 Q. What about the other two guys, they're old enough,
12 right?

13 A. Yeah. But they didn't have their ID's.

14 Q. Where were their ID's?

15 A. Left inside of the Grand Marquis.

16 Q. So who is with you at this point?

17 A. Just me, Mr. Goodwin and Wilson.

18 Q. And again, Mr. Lowman is out of the picture?

19 A. Yes, sir.

20 Q. All right. When y'all don't get a room, where do
21 y'all go?

22 A. Proceeded to go through the woods because when I was
23 around the front trying to like get a room, I seen the police
24 was over there at the Waffle House.

25 Q. Okay. How far through the woods do you go?

1 A. I can't remember how far we went through but we went
2 through a good distance.

3 Q. Were you afraid those law enforcement officers were
4 gonna catch you?

5 A. Yes, sir.

6 Q. At some point when y'all come out of the woods do
7 you know where you are?

8 A. Some type of RV park.

9 Q. When y'all get there, what do you do?

10 A. Proceeded to call a taxi.

11 Q. Do you get a cab?

12 A. Yes, sir.

13 Q. Where do you go?

14 A. To the Econo Lodge that we spent the first night.

15 Q. When you got to the Econo Lodge, had you already
16 paid for the room for that day?

17 A. No.

18 Q. Who paid for the room that day?

19 A. Taxi driver.

20 Q. Why is that?

21 A. Because he overheard us talking about we need to get
22 someone to get a room for us and he said he would do it for
23 us.

24 Q. Did y'all pay him back?

25 A. No, sir. We paid him for the taxi ride there.

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- 1 Q. The next day what do you do?
- 2 A. Proceed to call a taxi again.
- 3 Q. All right. Do all three of you get in it?
- 4 A. No, sir.
- 5 Q. Who gets in that cab?
- 6 A. Me and Mr. Wilson get in a second cab. Mr. Goodwin
- 7 he gets in the first cab.
- 8 Q. Where is he going?
- 9 A. Back to Ridge Spring Apartments.
- 10 Q. What was your plan eventually for you and Mr.
- 11 Wilson?
- 12 A. To go back to Maryland.
- 13 Q. Before y'all go back, you mentioned that dumpster.
- 14 Do y'all make your way back to that dumpster?
- 15 A. Yes, sir.
- 16 Q. What do you do when you're there?
- 17 A. Proceeded to go get the jewelry.
- 18 Q. From there where do y'all go?
- 19 A. Proceed to go to Columbia to the Greyhound
- 20 station.
- 21 Q. From Greyhound where do you go?
- 22 A. Back up to Washington, D.C.
- 23 Q. This jewelry, what, if anything, do you do with that
- 24 jewelry?
- 25 A. I gave it to Mr. Wilson. Mr. Wilson said he knows

- 1 somebody that can get rid of it.
- 2 Q. Get rid of it meaning what?
- 3 A. Sell it.
- 4 Q. Did you get some money from that?
- 5 A. No, sir.
- 6 Q. You don't recall getting any cash from that?
- 7 A. No, sir. Well, yeah. It was a small amount.
- 8 Q. Like about what?
- 9 A. About a thousand dollars.
- 10 Q. A thousand dollars is a small amount?
- 11 A. Yes, sir.
- 12 Q. Were y'all expecting to get a lot more from that
- 13 jewelry?
- 14 A. Yes, sir.
- 15 Q. And then you kept the money from the money clip?
- 16 A. Yes, sir.
- 17 Q. So about how much from the money slip?
- 18 A. I would say around 2500.
- 19 Q. So you ended up with about \$3500.00?
- 20 A. Yes, sir.
- 21 Q. Now, at some point do you get arrested up in
- 22 Maryland?
- 23 A. Yes, sir.
- 24 Q. Do you remember what day?
- 25 A. The 23rd.

JOSHUA DARIEN - DIRECT BY MR. HUBBARD

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- 1 Q. And you were arrested on these charges?
- 2 A. Yes, sir.
- 3 Q. And you're brought back here?
- 4 A. Yes, sir.
- 5 Q. Do you remember being interviewed?
- 6 A. Yes, sir.
- 7 Q. By both the State and Federal Government?
- 8 A. Yes, sir.
- 9 Q. Has the Federal Government also got some charges on
- 10 you?
- 11 A. Yes, sir.
- 12 Q. Are you cooperating on those charges?
- 13 A. Yes, sir.
- 14 Q. Are there any promises by the Federal Government on
- 15 what we're doing here today?
- 16 A. No, sir.
- 17 Q. And you know I'm the one in charge of your charges
- 18 here?
- 19 A. Yes, sir.
- 20 Q. What deals do you have with me?
- 21 A. None.
- 22 Q. I want to ask you about that Mercury Grand Marquis
- 23 again. When Mr. Lowman would pull somewhere and stop, would
- 24 he keep that car running?
- 25 A. Yes, sir.

1 Q. Do you recall at any time if the car would stop and
2 it wouldn't run?

3 A. Yes, sir.

4 Q. What would Mr. Lowman do?

5 A. He would have to get like a jack and jack the car up
6 and proceed to go under it and hot wire it.

7 Q. How many times during your time with him did he have
8 to do that?

9 A. Several. Several.

10 Q. Several. Is that basically hot wiring it?

11 A. Yes, sir.

12 Q. Let me ask you this, too. Before y'all left the
13 Tidwell residence and got out of there, do you recall
14 disposing of any property before y'all got in that Yukon and
15 fled?

16 A. Yes, sir.

17 Q. Where did y'all dispose of that property?

18 A. In the ponds.

19 Q. Behind the house?

20 A. Yes, sir.

21 Q. What did you do?

22 A. Proceeded to throw it into the pond.

23 Q. What items do you recall throwing in the pond?

24 A. It was a handgun. It was a small little handgun and
25 that's it.

- 1 Q. Let me ask you about that. That's what you threw?
- 2 A. Yes, sir.
- 3 Q. The small handgun, was that used in the robbery?
- 4 A. No, sir.
- 5 Q. Where was that taken from?
- 6 A. It was found in the house.
- 7 Q. Do you remember what room?
- 8 A. It was in the master bedroom.
- 9 Q. The other gun that you're talking about, what gun is
- 10 that?
- 11 A. The gun that was used in the crime? It was the
- 12 Ruger.
- 13 Q. The one that was found in the Yukon?
- 14 A. Yes, sir.
- 15 Q. Were you aware if any other items were thrown in the
- 16 pond at that time?
- 17 A. Yes, sir.
- 18 Q. So you weren't the only one throwing stuff?
- 19 A. No, sir.
- 20 Q. Do you remember what y'all did with the phones?
- 21 A. Threw them into the pond.
- 22 Q. What about the house phones, what did y'all do with
- 23 those?
- 24 A. The house phones? I didn't throw them into there.
- 25 I noticed them when I was still scavenging around the house.

1 I seen them inside of the toilet.

2 Q. Do you remember seeing anything in the showers?

3 A. Yes, sir.

4 Q. What did you see in the shower?

5 A. It was like a purse.

6 Q. Did anybody tell you the reason for throwing the
7 phones in the toilet and the purse in the shower?

8 A. Yeah. Robert, he said that he had touched it in
9 a way and he was like, you know, he was trying to throw it in
10 the shower to wash away anything, if anything was left on
11 it.

12 Q. Okay. One final thing. You've got all of these
13 charges on you today?

14 A. Yes, sir.

15 Q. And you're admitting your involvement. You
16 understand that?

17 A. Yes, sir.

18 Q. And again, I know we have harped on it --

19 A. Yes, sir.

20 Q. -- but have I made you any promises?

21 A. No, sir.

22 Q. Have I made you any deals?

23 A. No, sir.

24 Q. Here's what you're gonna need to do now. The
25 defense lawyer is gonna stand up and cross examine you.

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1 A. Yes, sir.

2 Q. Answer any questions he's got.

3 A. Yes, sir.

4 MR. HUBBARD: Thank you.

5 MR. WILLIAMS: May it please the Court.

6 THE COURT: Yes, sir.

7 CROSS EXAMINATION

8 BY MR. WILLIAMS:

9 Q. Let's see. Your name is Darien. What's your last
10 name?

11 A. Darien is my last name. Joshua is my first name.

12 Q. Joshua Darien. As I understand it you're actually
13 from South Carolina; is that right?

14 A. Yes, sir.

15 Q. What part of South Carolina did you say you were
16 from?

17 A. Jasper County.

18 Q. Jasper County. And you moved up to Maryland where
19 you meet up with Mr. Wilson, right?

20 A. Yes, sir.

21 Q. Now, is your family originally from Jasper County,
22 too?

23 A. My family is spread out, wide range of everywhere.

24 Q. Well, Mr. Wilson is from South America. What's the
25 name of that country he's from?

- 1 A. Guiana.
- 2 Q. Guiana?
- 3 A. Yeah. Guiana. Something like that.
- 4 Q. Are any of your relatives from Guiana or anything
- 5 like that?
- 6 A. No.
- 7 Q. Y'all share anything in common? You and Mr. Wilson,
- 8 y'all share anything in common?
- 9 A. As far as property wise? No.
- 10 Q. Anything?
- 11 A. No, sir.
- 12 Q. Y'all don't share any same interests or anything
- 13 like that?
- 14 A. Interest in certain activities, yeah.
- 15 Q. Like breaking into houses?
- 16 A. No. No.
- 17 Q. All right. Let me ask you this: For the last four
- 18 and a half months you have been incarcerated since what, March
- 19 of 2017?
- 20 A. Yes, sir.
- 21 Q. When were you arrested?
- 22 A. I was arrested up in Maryland.
- 23 Q. Yeah. When?
- 24 A. March 23rd.
- 25 Q. March 23rd of 2017. And you have been sitting up in

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- 1 Anderson City jail for, you and Mr. Wilson were in a pod for
2 like four and a half months, right?
- 3 A. Yes, sir.
- 4 Q. Y'all had contact with each other?
- 5 A. Variation.
- 6 Q. Talked all the time?
- 7 A. Not all the time.
- 8 Q. But you're in the same area? You weren't kept apart
9 or anything, were you?
- 10 A. We was kept apart for the first ten months.
- 11 Q. The first ten months?
- 12 A. Yes, sir.
- 13 Q. So then you were together for the last four and a
14 half months?
- 15 A. Yes, sir.
- 16 Q. So were you -- The first ten months were you in the
17 Anderson City jail?
- 18 A. No, sir.
- 19 Q. Where were you then?
- 20 A. Saluda County.
- 21 Q. You were in Saluda County?
- 22 A. Yes, sir.
- 23 Q. So when you were in Saluda County, they kept you
24 apart, but when you got back to Anderson, they let y'all stay
25 up there together for four and a half months?

- 1 A. Yes, sir.
- 2 Q. When were you arrested?
- 3 A. In Maryland.
- 4 Q. Yeah. When?
- 5 A. March 23rd.
- 6 Q. And after you were arrested, do you remember being
- 7 interviewed, or interrogated might be a better word? Was it
- 8 interrogated or interviewed? What would you call it?
- 9 A. Interviewed.
- 10 Q. You were interviewed?
- 11 A. Yes, sir.
- 12 Q. Do you remember how you were arrested?
- 13 A. Yes, sir.
- 14 Q. And your interview was actually in the hospital,
- 15 wasn't it?
- 16 A. Yes, sir.
- 17 Q. What was wrong with you that you were in the
- 18 hospital?
- 19 A. I received a head injury.
- 20 Q. What kind of head injury did you receive?
- 21 A. Would you specify head injury?
- 22 Q. Yeah. What was wrong with you? What happened to
- 23 your head?
- 24 A. I received a head injury. I broke my orbital
- 25 bone.

1 Q. Did this happen in an accident?

2 A. Yes, sir.

3 Q. What kind of accident did this happen in?

4 A. Received by law enforcement.

5 Q. So law enforcement helped you with that accident?

6 A. No, sir. They didn't help with it. They caused

7 it.

8 Q. They caused it?

9 A. Yes, sir.

10 Q. How did law enforcement cause these injuries to your

11 face?

12 A. Proceeded to hit me in the face.

13 Q. Fractured your orbital, right?

14 A. Yes, sir.

15 Q. I'm going to ask you to look at that picture and

16 tell me is that an accurate depiction of how you looked after

17 the police got through beating on you?

18 A. Yes, sir.

19 MR. WILLIAMS: Your Honor, I would move to introduce

20 this as Defense Exhibit number 1.

21 MR. HUBBARD: No objection.

22 THE COURT: Defense 1, admitted, no objection.

23 (Whereupon, Defense Exhibit #1 marked for

24 identification and entered.)

25 BY MR. WILLIAMS:

1 Q. Will you step down here and please show the jury how
2 you looked.

3 A. (Witness complies.)

4 Q. And your first interview was done from the bed with
5 the police officer talking to you?

6 A. Yes, sir. Several days after I first got these.

7 Q. And actually came to the hospital?

8 A. Yes, sir.

9 Q. So how many days were you in the hospital?

10 A. Seven.

11 Q. Seven days?

12 A. Yes, sir.

13 Q. You can have your seat?

14 A. (Witness complies.)

15 Q. Now, when you first started talking to the police
16 about what happened -- How many times have you talked to law
17 enforcement about what happened down here?

18 A. Are you talking about while I was in the hospital?

19 Q. I don't care. Let's start with that. How many
20 times in the hospital did you talk to law enforcement?

21 A. Just once.

22 Q. After you left the hospital, how many times did you
23 talk to law enforcement about what happened?

24 A. None until I proceeded to what you call being
25 interviewed for this, for the trial.

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1 Q. Right. So you weren't interviewed by law
2 enforcement in Maryland other than that one time?

3 A. No, sir.

4 Q. When you came down to South Carolina, how many times
5 have you been interviewed by law enforcement?

6 A. Just once.

7 Q. When you were interviewed by law enforcement, did
8 you tell them that you went to Spartanburg to pick up the
9 gun?

10 A. Yes, sir.

11 Q. You sure you didn't tell them you went to someplace
12 called Sumterville?

13 A. I don't recall.

14 Q. You don't deny that though, do you?

15 A. I don't recall.

16 Q. Now, when you were talking about how you got here,
17 you said that Mr. Lowman drove you down here in the Impala,
18 right?

19 A. Yes, sir.

20 Q. And then once you got down here, you actually drove
21 around and you followed the Tindalls in the Impala, didn't
22 you?

23 A. The Tidwells?

24 Q. Tidwells. I'm sorry.

25 A. No, sir.

- 1 Q. So you never followed them in the Impala?
- 2 A. No, sir.
- 3 Q. So when was the last time that you were in the
- 4 Impala?
- 5 A. It was around the second day.
- 6 Q. And you have talked about this and you were asked
- 7 several times about this white house which was over in
- 8 Persimmon Hill. When you drove over in Persimmon Hill, did
- 9 that strike you, did that white house just stand out to you as
- 10 being something that you should remember?
- 11 A. The white house?
- 12 Q. Yeah.
- 13 A. Yeah.
- 14 Q. Why did that strike you?
- 15 A. Because I saw the camera on it.
- 16 Q. You saw a camera on it?
- 17 A. A camera on the house.
- 18 Q. So you knew that you were being recorded when you
- 19 rode by there?
- 20 A. Yeah.
- 21 Q. But even though you were being recorded you didn't
- 22 worry about that?
- 23 A. No, sir.
- 24 Q. Did you know that you had GPS monitoring on the
- 25 Grand Marquis?

- 1 A. No, sir.
- 2 Q. Did you think it was unusual that Mr. Lowman had to
3 jump the car every time?
- 4 A. Yeah. He said he was having starter problems.
- 5 Q. Starter problems. You remember seeing a tow truck
6 out there, right?
- 7 A. Yes, sir.
- 8 Q. All right. What did you think they were doing out
9 there?
- 10 A. I didn't know what they was doing.
- 11 Q. Let's go to the night. Let's kind of cut to the
12 chase. You said you got out there and you watched a bunch of
13 people play that par 3. What did you have on?
- 14 A. A black jacket, some black sweat pants.
- 15 Q. All right. What else?
- 16 A. Some shoes.
- 17 Q. What color were the shoes?
- 18 A. Like multi colored shoes.
- 19 Q. Did you have a hat on or a ski mask?
- 20 A. A ski mask. Ski mask and I ripped my shirt and I
21 tied it up like a ski mask.
- 22 Q. Okay. So you didn't have a mask mask, right?
- 23 A. No. Not like an official mask.
- 24 Q. What did Mr. Wilson have on?
- 25 A. Same thing.

- 1 Q. So he didn't have a real mask?
- 2 A. It was like ripped like a ski mask.
- 3 Q. He had a ski mask?
- 4 A. It was like a ski mask. It was ripped like a ski
5 mask, his shirt.
- 6 Q. His shirt was made into a mask?
- 7 A. Yes, sir.
- 8 Q. How about when you were arrested, do you recall law
9 enforcement getting masks and gloves from your place?
- 10 A. From my house?
- 11 Q. Yeah.
- 12 A. I don't know.
- 13 Q. Let me ask you to look at that. Tell me, does that
14 look familiar to you?
- 15 A. Yes, sir.
- 16 Q. Now, what is that?
- 17 A. That's two different pairs of shoes, some gloves and
18 a mask.
- 19 Q. Whose gloves and mask is that?
- 20 A. The mask is actually Mr. Wilson's. The gloves,
21 those appear to be mine. The shoes, one pair is his and one
22 pair are mine.
- 23 Q. All right. When were those taken?
- 24 A. Those were never taken with us. The shoes was worn
25 by Mr. Wilson, but them other shoes, those wasn't worn.

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1 Q. When were those received by law indictment?
2 In Maryland?

3 A. Yeah. When they searched my house.

4 Q. They got them out of your house in Maryland?

5 A. Yes, sir.

6 Q. And it's your testimony that that's the ski mask?

7 A. Yeah. Like I said, like that's more like I would
8 say an official ski mask.

9 Q. Is that what Mr. Wilson had on when he went in the
10 house?

11 A. No, sir.

12 Q. Are you sure that's not your ski mask?

13 A. It's not my ski mask.

14 Q. Why was it at your house?

15 A. Mr. Wilson was staying at my house for a while so,
16 of course, he gonna have some stuff over there.

17 Q. So he normally has a ski mask at your house?

18 A. It's very cold up there in Maryland.

19 Q. So that black ski mask is what you wear when it's
20 really cold?

21 A. Yes, sir. It's like a style or trend you can say up
22 there.

23 Q. Say that again.

24 A. It's like a style or a trend. A lot of people wear
25 ski masks up there.

1 Q. And they cover your entire face?
2 A. Yes, sir.
3 Q. And black is normally a good color to get, too,
4 isn't it?
5 A. Yes, sir.
6 Q. Are these the same gloves that you wore when
7 you went inside the Tidwells' house?
8 A. No, sir.
9 Q. What happened to those black gloves?
10 A. I threw them out.
11 Q. I'm sorry?
12 A. I threw them out.
13 Q. Where did you throw them out at?
14 A. I can't remember where I threw them out at.
15 Q. You got a real good memory on a lot of stuff. You
16 sure you can't remember where you threw them out?
17 A. No, sir.
18 Q. What about, you said when you went in there, you had
19 a shirt, right? A shirt wrapped around your face?
20 A. Yes, sir.
21 Q. You didn't have a mask?
22 A. No. It was made into a mask.
23 Q. How do you make it into a mask?
24 A. Rip it. It's kind of hard to describe. It's easier
25 to show you than telling you.

- 1 Q. You have done it before a lot?
- 2 A. I just done it that one time that time.
- 3 Q. And you put it on your face and you go in and people
4 can't tell who you are?
- 5 A. No, sir.
- 6 Q. What did you do with that?
- 7 A. With the shirt?
- 8 Q. Yeah.
- 9 A. Kept it on.
- 10 Q. When did you get rid of it? Do you still got it?
- 11 A. No, sir.
- 12 Q. What happened to it?
- 13 A. Got rid of it.
- 14 Q. When did you get rid of it?
- 15 A. Along with the gloves.
- 16 Q. When did you get rid of the gloves?
- 17 A. After the crime.
- 18 Q. When after the crime did you get rid of them?
- 19 A. I don't recall exactly but I know I got rid of
20 them.
- 21 Q. Well, you didn't throw them down in the Tidwell
22 house, did you?
- 23 A. No, sir.
- 24 Q. Didn't leave them in the white car, did you?
- 25 A. No, sir.

1 Q. Didn't throw them out with the Clorox bottle, did
2 you?

3 A. No, sir.

4 Q. So you carried them back to Maryland with you?

5 A. No, sir.

6 Q. Well, you're pretty sure about when you didn't do
7 it. So what happened between the time in which you got out of
8 the vehicle and you went to the Waffle House and the time you
9 got the taxi cab guy to pay for your motel room? Did you
10 throw it out maybe in the motel room?

11 A. I know when I got to the Greyhound station I didn't
12 have them with me. I didn't have no gloves or I didn't have
13 that ripped shirt no more when I got to the Greyhound
14 station.

15 Q. So you just know what you didn't have?

16 A. Yes.

17 Q. Now, it's your testimony that when y'all went to
18 Waffle House, that you went in there and you dropped the money
19 clip in there because you were concerned somebody would catch
20 you with that money clip on you, right?

21 A. I just didn't want the money clip. I wasn't
22 concerned about anybody catching me with it.

23 Q. Why would you throw it away if you weren't concerned
24 about that?

25 A. I just didn't want the money clip no more. It was

- 1 kind of like poking at me in my pants.
- 2 Q. It was inconvenient; is that right?
- 3 A. Yeah.
- 4 Q. And you say you and Mr. Goodwin and Mr. Wilson went
- 5 inside the bathroom, right?
- 6 A. You said inside of what bathroom?
- 7 Q. The Waffle House bathroom?
- 8 A. Me and Goodwin, we went inside the bathroom.
- 9 Q. Y'all went in there together?
- 10 A. No. Not in there together.
- 11 Q. You went in there separately?
- 12 A. Yes, sir.
- 13 Q. So if we were looking at a surveillance camera, we
- 14 would be able to see the two of y'all going into the bathroom
- 15 on two separate occasions?
- 16 A. Separate. It's a one man bathroom.
- 17 Q. Right. And if they had a surveillance camera there
- 18 at the Waffle House, we would see each one of you going inside
- 19 that bathroom?
- 20 A. Me and Mr. Goodwin.
- 21 Q. Correct. All right. Now, did Mr. Goodwin tell you
- 22 that he only threw away one glove?
- 23 A. He said that he got rid of the glove that he had.
- 24 Q. Got rid of the glove that he had?
- 25 A. Yeah.

1 Q. Did it seem unusual that he only threw away one
2 glove?

3 A. He said glove. He didn't say pleural so I knew he
4 was talking about one glove.

5 Q. Did it seem unusual that he didn't throw away both
6 gloves?

7 A. I didn't say nothing about it. It wasn't very
8 important to me.

9 Q. But you didn't throw away your black leather gloves
10 then, right?

11 A. Not then. No.

12 Q. Now, do you remember you were talking about the
13 bullets and you said that Mr. Lowman bought the bullets,
14 right?

15 A. Yes, sir.

16 Q. And everybody was riding down the road firing the
17 bullets, right?

18 A. Yes, sir.

19 Q. How many times did you fire the gun?

20 A. Say around three or four.

21 Q. All right. Three or four. How many times did
22 Mr. Wilson fire the gun?

23 A. I don't recall.

24 Q. And how many times did Mr. Goodwin fire the gun?

25 A. I don't recall.

- 1 Q. How many times did Mr. Lowman fire the gun?
- 2 A. I don't recall.
- 3 Q. How it is that you remember the exact number of
- 4 times that you fired the gun but you don't remember how many
- 5 times anybody else fired the gun?
- 6 A. I mean, I fired the gun so I know how many times I
- 7 fired it but I knew it was passed to everybody to fire it.
- 8 Q. How many times did you load the clip?
- 9 A. Just once.
- 10 Q. So you only loaded the clip one time, right?
- 11 A. Yes. But we had two different clips.
- 12 Q. Did you use more than one clip?
- 13 A. No.
- 14 Q. So you had one clip that you used. You didn't use
- 15 more than one clip?
- 16 A. No, sir.
- 17 Q. How many bullet in that clip?
- 18 A. I don't remember.
- 19 Q. Well, let me ask you to look at this and tell me if
- 20 you recognize this as the clip that y'all were using in the
- 21 gun?
- 22 A. Yes, sir.
- 23 Q. What is distinguishing about this clip that tells
- 24 you that this was the one?
- 25 A. Because the other clip is much longer.

- 1 Q. So this is the shorter clip?
- 2 A. That's the shorter clip.
- 3 Q. This is the one that you were firing?
- 4 A. Yes, sir.
- 5 Q. So it's going to have fewer bullets in it,
- 6 correct?
- 7 A. Yes, sir.
- 8 Q. Do you know how many bullets fit this clip?
- 9 A. No, sir.
- 10 Q. Do you know how many bullets were in the box?
- 11 A. No, sir.
- 12 Q. Well, if the box says on it 50, you wouldn't dispute
- 13 that?
- 14 A. I don't pay attention to stuff like that.
- 15 Q. Now, who was driving the car?
- 16 A. At the time it was being fired?
- 17 Q. Yeah.
- 18 A. Mr. Lowman.
- 19 Q. So how is Mr. Lowman firing the gun?
- 20 A. One hand on the wheel and the other hand out the
- 21 window.
- 22 Q. Firing it underneath his arm?
- 23 A. Yeah.
- 24 Q. So he would be firing across traffic, wouldn't he?
- 25 A. Yeah.

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1 Q. Did y'all hit anything when y'all were firing that
2 gun?

3 A. It was in the woods. Shooting into a wooded area.

4 Q. So you weren't in a field area? You were in a
5 wooded area?

6 A. There were some trees and some fields. It was
7 mixed.

8 Q. So you got a little of both?

9 A. Yeah.

10 Q. How many times have you gone over your testimony?

11 A. How many times have I gone over my testimony?

12 Q. With the Solicitor or law enforcement?

13 A. Once. Twice. Once. Once.

14 Q. Once once?

15 A. Yeah.

16 Q. Just once?

17 A. Yeah.

18 Q. Do you remember your testimony to law enforcement
19 about riding around. Mr. Lowman was driving y'all around
20 going to car lots?

21 A. Yes, sir.

22 Q. Did you tell law enforcement that the reason he was
23 riding around looking at the car lots was because he was
24 trying to buy a car for his mother?

25 A. Yes, sir.

1 Q. Well, now, why would you say that Mr. Lowman was
2 trying to buy a car for his mother if you told the Solicitor
3 just now that you were riding around to the car lots to get a
4 second car for the robbery?

5 A. Because at first he was saying it was for his
6 mother. He said both of them. First he said it was for his
7 mother. Second he said he was trying to get it for the
8 robbery.

9 Q. So originally it was for his mother, but then he
10 decided it was going to be for --

11 A. The robbery.

12 Q. Well, now, you had two cars, right?

13 A. No. .

14 Q. Well, you had the Impala, didn't you?

15 A. No. The Impala was somebody else's car.

16 Q. That's the one that he drove up there in and picked
17 you up and drove you back in, right?

18 A. Yeah.

19 Q. Of course, you didn't drive it again once that
20 happened, right?

21 A. He had to trade up the Impala because the guy who
22 was driving the Impala, he kept complaining about the starter
23 issues saying it kept cutting off on him so we had to go trade
24 out cars with him.

25 Q. So the Impala had the same starter issues that the

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1 Marquis had?

2 A. No. The Grand Marquis had starter issues. He was
3 driving the Grand Marquis. The other guy. I don't know his
4 name. I don't recall what relation he was to Mr. Lowman but
5 he said he was some relation to him.

6 Q. So you didn't ride around in the Impala following
7 the Tidwells to the their house?

8 A. I don't recall. No.

9 Q. There's a big difference between I don't recall and
10 I didn't do it, isn't there?

11 A. I don't recall.

12 Q. Let me ask you this: The Grand Marquis, you and
13 Robert Goodwin and Mr. Wilson have driven that car without Mr.
14 Lowman being in the car, haven't you?

15 A. Yes, sir.

16 Q. How many times?

17 A. Just one time.

18 Q. Just the one time. And when was that?

19 A. I can't recall the date.

20 Q. And what did y'all go off and do?

21 A. We just basically wanted to get out of the hotel
22 room because he was saying, he went to go pick up his
23 girlfriend so he just wanted some time alone with his
24 girlfriend inside the hotel so we just drove around in
25 Aiken.

1 Q. Drove around in Aiken?

2 A. Yeah. We was looking for a person to get some
3 marijuana from.

4 Q. So you and Mr. Wilson and Mr. Goodwin was looking to
5 get some marijuana in Aiken?

6 A. Yeah. But we ain't never found none.

7 Q. How do you do that? How do you just go to Aiken and
8 say I'm gonna go find -- I mean, is there a store that you can
9 do that at?

10 A. No, sir.

11 Q. How do you do that?

12 A. Just somebody who looks the part.

13 Q. Say that again.

14 A. Somebody who looks the part.

15 Q. Somebody who looks the part?

16 A. Yeah.

17 Q. So y'all have the ability to go around and say that
18 guy's got marijuana. I'm gonna buy marijuana from him.

19 A. It's kind of like the same tactic that law
20 enforcement uses.

21 Q. Okay. How did you know how to pop that window?

22 A. How do I know how to pop the window?

23 Q. Right.

24 A. I just have a very creative mind.

25 Q. Had to do it a lot?

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1 A. No.

2 Q. Why were you chosen to be the one to pop the
3 window?

4 A. Because we didn't have nothing else to pop the
5 window with so I just said I'll find something probably in the
6 shed, some type of crowbar and I seen a hook, it was like a
7 hook that was on a clip so I said this would go under the
8 window and it fit perfect.

9 Q. Well, now, were you leading this situation? Were
10 you the leader here --

11 A. No.

12 Q. -- telling people where to go and what to do?

13 A. No.

14 Q. You had all the good ideas, right? How to get in,
15 right?

16 A. That's one of many.

17 Q. Okay. So who goes in first into this house?

18 A. You talking about like once the robbery was taking
19 place?

20 Q. Yeah.

21 A. Mr. Goodwin and Mr. Wilson because they proceeded
22 with the firearms.

23 Q. And they had the flashlights, right?

24 A. Yes, sir.

25 Q. You didn't have a flashlight?

- 1 A. Yeah. I had a flashlight, too.
- 2 Q. Where did your flashlight come from?
- 3 A. I already had it.
- 4 Q. You already had a flashlight?
- 5 A. Yeah. It was on my key chain. I had a little key
- 6 chain flashlight.
- 7 Q. So you come in with a key chain flashlight, right?
- 8 A. That I had.
- 9 Q. How bright was that?
- 10 A. It was bright. Not too bright.
- 11 Q. Bright but not too bright?
- 12 A. Yeah.
- 13 Q. Everything is just kind of in the middle, isn't
- 14 it?
- 15 A. Yeah.
- 16 Q. Good answer. So you come in and you yell ATF,
- 17 right?
- 18 A. All three of us do.
- 19 Q. Everybody is yelling. Where is Mr. Lowman when
- 20 y'all are doing that?
- 21 A. Right behind us.
- 22 Q. He's behind you. What does he have on?
- 23 A. He has on like this, it's like a - he said it was
- 24 like his work shirt, a work shirt and some pants.
- 25 Q. He said it's like his work shirt?

- 1 A. I'm saying he had like a work shirt on.
- 2 Q. Why did you say he said it's like his work shirt?
- 3 A. I meant to say he had it. He had it.
- 4 Q. But why did you use that phrase, he said it's like
- 5 his work shirt?
- 6 A. I messed up. Mispronunciated (sic) it.
- 7 Q. Well, you know, that sounds like somebody said --
- 8 MR. HUBBARD: Your Honor, that sounds like he's
- 9 testifying. He can ask a question.
- 10 THE COURT: Ask questions.
- 11 BY MR. WILLIAMS:
- 12 Q. So he has on a work shirt. What color is it?
- 13 A. It's like grayish, bluish.
- 14 Q. Grayish, bluish. Not gray, not blue, but grayish,
- 15 bluish. What color is his pants.
- 16 A. Just jeans.
- 17 Q. Just jeans. What color?
- 18 A. Blue jeans.
- 19 Q. Blue or black?
- 20 A. It's like a, say like a dark Navy bluish.
- 21 Q. Almost black, maybe blue. All right. What kind of
- 22 shoes does he have on?
- 23 A. I don't recall. I think it was -- Actually I do
- 24 recall. It was Timberland.
- 25 Q. Timberland?

- 1 A. Yes, sir. Timberland boots.
- 2 Q. So you know the model of it. What color were
- 3 they?
- 4 A. Tan.
- 5 Q. Tan?
- 6 A. Yeah.
- 7 Q. You looked at the pictures just a little while ago,
- 8 didn't you, of him in Walmart, didn't you?
- 9 A. Yeah.
- 10 Q. What color were the boots he had on there?
- 11 A. I don't remember what shoes he had on then. I just
- 12 know what shoes he had on that day.
- 13 Q. Were they tennis shoes or Timberland boots?
- 14 A. Timberland boots.
- 15 Q. They were Timberland boots?
- 16 A. Yeah.
- 17 Q. In the Walmart?
- 18 A. Yeah. No. When we did the crime.
- 19 Q. Let me ask you to look at State's Exhibit number 97.
- 20 Are those the Timberland boots that he had on?
- 21 A. Yeah. Actually those are the same ones.
- 22 Q. Those are the same ones. Real light color, right?
- 23 Same ones?
- 24 A. Yeah.
- 25 Q. Okay. Now, when you first had an interview with law

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1 enforcement about Walmart, did you indicate that you had gone
2 into McDonald's or something like that to get something to
3 eat?

4 A. That was the second Walmart.

5 Q. That's the second Walmart. What's at the second
6 Walmart?

7 A. McDonald's. It's inside of the Walmart.

8 Q. Is that where Mr. Lowman got the bullets?

9 A. Yes, sir.

10 Q. I'm sorry?

11 A. Yes, sir. That's where Mr. Lowman got the bullets
12 at, the second Walmart.

13 Q. So you went into Walmart into the McDonald's in the
14 Walmart?

15 A. Yes, sir.

16 Q. Got something to eat. So you weren't with Mr.
17 Lowman when he was buying this ammunition?

18 A. It's not in the picture. No.

19 Q. Because it's not in the picture, that means you're
20 not with him?

21 A. I'm inside of the Walmart inside of McDonald's and
22 McDonald's is in the front. The ammunition and everything is
23 I would think is in a different department.

24 Q. Do you know where they are?

25 A. No.

1 Q. All right. I think we're about through. Would it
2 surprise you to know that the jewelry was worth over
3 \$100,000.00?

4 A. It wouldn't surprise me.

5 Q. Were you with him when he cashed out the jewelry,
6 Mr. Wilson cashed out the jewelry?

7 A. No, sir.

8 Q. Do you know who he sold it to?

9 A. No, sir.

10 Q. What about the cash. You sure you only had \$2500.00
11 in cash?

12 A. I had 2500 plus the thousand dollars that he gave
13 me.

14 Q. He gave you a thousand?

15 A. Mr. Wilson.

16 Q. And he kept all the jewelry?

17 A. Yes, sir. I gave all the jewelry to him because he
18 said he knew a person.

19 Q. Tell me again what charges are pending against
20 you?

21 A. State and Federal?

22 Q. Yeah.

23 A. My Federal is possession of a firearm and
24 brandishing. It's called 924(c), firearm during a robbery and
25 impersonating law enforcement. That's the Federal. The State

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1 I got burglary first, armed robbery, two counts of kidnapping,
2 grand larceny, conspiracy, possession of a firearm during a
3 violent crime and impersonating law enforcement.

4 Q. And you haven't had any discussion with them about
5 downward departure on the Federal case, have you?

6 A. No, sir.

7 Q. You haven't heard that before?

8 A. No, sir.

9 Q. Tell me about the guy that the gun was bought from.
10 How tall did you tell law enforcement the guy was?

11 A. I know he was shorter than Lowman. I was in the car
12 so I can't get a direct height approximation.

13 Q. Did you tell them he was approximately five six?

14 A. Yeah. I said he was shorter than Mr. Lowman.

15 Q. Did you say he was five six?

16 A. I don't recall.

17 Q. And did you say that he was 50 to 60 years old?

18 A. I said he was older looking.

19 Q. Did you say he was 50 to 60 years old?

20 A. Yes.

21 MR. WILLIAMS: Thank you. That's all the questions
22 I have, Your Honor.

23 MR. HUBBARD: Quick follow up.

24 REDIRECT EXAMINATION

25 BY MR. HUBBARD:

1 Q. The charges that were mentioned, grand larceny, the
2 impersonating a police officer and possession of a firearm,
3 any deals on those?

4 A. No, sir.

5 Q. You got arrested in Maryland. South Carolina cops
6 arrested you or Maryland cops?

7 A. Maryland.

8 Q. How old were you at the time?

9 A. 18.

10 MR. HUBBARD: Thank you.

11 THE COURT: All right. You may step down. All
12 right. Ready for a break? Take about 15 minutes. If
13 you need to step outside, you may. Don't discuss the
14 case. We'll have you back in here in just a little
15 while.

16 (Whereupon, the jury entered the jury room at 10:00
17 a.m.)

18 (Short break.)

19 BAILIFF: Come to order.

20 THE COURT: Have a seat please.

21 MR. HUBBARD: Your Honor, there is one matter.
22 Apparently Mr. Darien has since entered into a plea
23 agreement with the feds with a downward departure. I'm
24 unaware how that will affect me, but we would like to
25 make that known to the jury.

1 THE COURT: Okay. Y'all didn't know about it?

2 MR. HUBBARD: I didn't. I knew that they were
3 entering into discussions to talk about pleading. I have
4 stayed out of that because I don't have any business in
5 that.

6 THE COURT: How do y'all want to present that?

7 MR. WILLIAMS: We just want -- You want to have him
8 admit -- He can just admit that on the stand, Your Honor,
9 or we can stipulate to it or his attorney is here who can
10 say that he's got a downward departure.

11 THE COURT: You've given me three choices. I can
12 put him on the stand, y'all can stipulate to it, or his
13 lawyer can get on the stand and say the same thing.

14 MR. HUBBARD: Why don't we just put him on the stand
15 since he's here, Judge.

16 THE COURT: Since the lawyer is here and he's kind
17 of reluctant, I would like to put him on the stand. All
18 right. Let's put him on the stand and we'll do it again
19 so bring me the jury please.

20 (Whereupon, the jury entered the courtroom at 10:20
21 a.m.)

22 THE COURT: All right. Folks, the lawyers brought
23 something to my attention and asked could they be allowed
24 to put on a few more facts from Mr. Joshua Darien so,
25 Solicitor, would you like to present that? Mr. Darien,

1 you're still under oath.

2 MR. HUBBARD: Thank you, Your Honor.

3 REDIRECT EXAMINATION CONTINUED

4 BY MR. HUBBARD:

5 Q. Mr. Darien, your lawyer that represents you on both
6 your State and Federal charges is present?

7 A. Yes, sir.

8 Q. Have you been informed that with the feds, the
9 Federal Government, you have entered into a plea agreement
10 with a downward departure?

11 A. Yes, sir. I remember it as, called it a proffer.

12 Q. As a proffer?

13 A. As a proffer.

14 Q. You understand with your State charges, you're in
15 State court today that that has no effect on what I do with
16 your charges. You understand that?

17 A. Yes, sir. It has no effect.

18 MR. HUBBARD: Okay. Thank you.

19 MR. WILLIAMS: Just one question.

20 RECROSS EXAMINATION

21 BY MR. WILLIAMS:

22 Q. But you understand that that downward departure was
23 based on your testimony and will cause a decrease in the
24 amount of time that you do in Federal Court on the Federal
25 charges?

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1 A. Yes, sir. In Federal Court.

2 Q. Right. And decrease the amount of time that you
3 will do in jail on the Federal charges?

4 A. Anything in the Federal system. Yes.

5 MR. WILLIAMS: That's all the questions I have, Your
6 Honor.

7 THE COURT: Okay. Thank you. Now you can step
8 down. All right. Ms. Fuller.

9 MS. FULLER: The State calls James Armstrong.
10 Thereupon,

11 JAMES WILLIAM ARMSTRONG
12 after having been first duly sworn, testified as follows,

13 DIRECT EXAMINATION

14 BY MS. FULLER:

15 Q. Please state your full name for the record.

16 A. James William Armstrong.

17 Q. And where are you currently employed?

18 A. I'm currently employed with Greenville County
19 Department of Public Safety, Forensic Division Crime
20 Laboratory.

21 Q. And what exactly do you do?

22 A. I'm employed as a criminalist. My main
23 responsibility is as a forensic drug chemist and a forensic
24 firearms examiner.

25 Q. How long have you been a criminalist?

1 A. I've been a criminalist now over 22 and a half
2 years.

3 Q. What is firearms identification?

4 A. It's the examination of fire evidence that includes
5 firearms, fire casings, fire bullet specimens, comparing those
6 to like items and to fire them myself to see if they were, in
7 fact, fired by one or multiple firearms.

8 Q. What exactly makes that identification possible?

9 A. That makes it possible because every firearm that's
10 made by a tool, those tools leave imperfections or various
11 striations like a fingerprint left behind on those items.
12 When the firearm is fired, those fingerprints would then be
13 impressed or striated onto the fire evidence and then they can
14 be gleaned back like matching a puzzle to a puzzle piece with
15 the firearm.

16 Q. Can you describe your education, specialized
17 training as it relates to firearms identification?

18 A. Yes. I have a Bachelor's of Science in chemistry
19 from Mercer College. I'm trained in the area of firearm
20 identification. Approximately two years doing apprenticeship
21 type training under the direction of a retired firearms
22 examiner from the Philadelphia PD. I have attended 14
23 different manufacturing facilities to see how firearms are
24 manufactured from raw material to the finished product. I
25 have attended four different ammunition manufacturing and

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1 assembly plants to see the same process. I have been through
2 five different armor schools to learn how to work on various
3 firearms and fix any problem that comes about. I have also
4 attended numerous schools sponsored by the Bureau of Alcohol,
5 Tobacco and Firearms and firearm identification and serial
6 number registration and I'm a member of the Association of
7 Firearm and Tool Mark Examiners. I have also testified in
8 Federal and State court at least 63 times as an expert in the
9 field of firearms identification.

10 MS. FULLER: Thank you. Your Honor, at this time
11 the State moves to declare James Armstrong as an expert
12 in the field of firearms identification.

13 MR. WILLIAMS: Without objection, Your Honor.

14 THE COURT: As I told you before, people with
15 expertise can offer opinions in that field because of
16 their special experience, training and education.

17 MS. FULLER: Thank you, Your Honor. Permission to
18 approach?

19 THE COURT: Yes.

20 BY MS. FULLER:

21 Q. State's exhibit 38 and 79, I'm gonna hand these to
22 you and let me know if you have had the opportunity to review
23 these items before and examined them?

24 A. Yes, ma'am. I have.

25 Q. How do you recognize them?

1 A. The exhibit 79 has my initials and the date where I
2 actually sealed the item back when I completed my analysis.
3 It also has my initials and the date on the inside bag which
4 is when I opened the container. State's Exhibit 38 has my
5 initials and the date where I actually cut the seal to open
6 the item and my initials and date are also on the evidence
7 sticker on the outside where I sealed the bag.

8 Q. Can you please describe in detail the examination
9 you completed on these two items?

10 A. Yes, ma'am. I took the State's Exhibit 38 which is
11 my item number 1. It was a Carina Zastava model CZ99
12 semiautomatic pistol with serial number T101291, the caliber
13 is nine millimeter Luger. It was made in Yugoslavia and
14 imported by Century Arms which is located in Vermont and also
15 was submitted with 15 caliber nine millimeter Luger cartridges
16 and then I took the pistol and went to a tank room, entered
17 factory live ammunition and did test fires to make sure the
18 gun was operable. And then I opened item number 2 which is
19 State's Exhibit 79 which is the fire cartridge case, caliber
20 nine millimeter Luger and then I sat down at a microscope, a
21 comparison microscope with the evidence which is my number 2
22 and compared it to the test fires I generated from my number 1
23 pistol.

24 Q. And what conclusions did you reach as a result of
25 your examination?

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1 A. That this fire cartridge case was fired in this
2 pistol.

3 Q. Can you also tell me what type of ammunition was
4 recovered with, that was in the item as well as the spent
5 casing?

6 A. Yes, ma'am. They were all manufactured by
7 Tulammo.

8 Q. Is that the nine millimeter?

9 A. Yes, ma'am.

10 Q. I'm gonna hand you State's Exhibit 72 and please
11 tell me whether or not they're consistent with the ammunition
12 in the bullet as well as the spent casing?

13 A. Yes, ma'am. They are.

14 Q. And they're all Tulammo?

15 A. Yes, ma'am.

16 MS. FULLER: No further questions at this time.

17 MR. WILLIAMS: Only one question.

18 CROSS EXAMINATION

19 BY MR. WILLIAMS:

20 Q. Did you use any of the bullets out of the box when
21 you did your test firing?

22 A. No, sir. I was not given any of these for the
23 examination.

24 MR. WILLIAMS: That's all the questions that I
25 have.

1 THE COURT: All right. You may step down. Call
2 your next witness.

3 MR. HUBBARD: The State calls Russ Padgett.
4 Thereupon,

5 WILLIAM RUSSELL PADGETT
6 after having been first duly sworn, testified as follows,

7 DIRECT EXAMINATION

8 BY MR. HUBBARD:

9 Q. Agent Padgett, if you would, please state your name
10 for the jury.

11 A. William Russell Padgett, Junior.

12 Q. Agent Padgett, where do you work?

13 A. South Carolina Law Enforcement Division.

14 Q. Back on May 8th of last year where were you
15 working?

16 A. May 8th I was working in --

17 Q. Not May 8th. March 8th.

18 A. March 8th I was working in the Sheriff's Office in
19 Saluda.

20 Q. It's been a long day and it's not lunch time yet.
21 On May 8th did you have an opportunity to interview Mr.
22 Lowman?

23 A. On March 8th. Yes, sir.

24 Q. March 8th. All right. March 8th. Who was with you
25 when you interviewed Mr. Abin Lee Lowman?

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1 A. Special Agent Clint Busbee with the South Carolina
2 Law Enforcement Division.

3 Q. Is he present in the courtroom?

4 A. He is.

5 Q. Right in the very back?

6 A. Yes, sir.

7 Q. Where did this interview take place with Mr. Lowman
8 on March 8th of last year?

9 A. At the Edgefield County Sheriff's Office.

10 Q. Was Mr. Lowman under arrest at that time?

11 A. Yes, sir. He was.

12 Q. Prior to talking with Mr. Lowman, what, if anything,
13 did you and/or Agent Busbee do?

14 A. Special Agent Busbee advised him of his Miranda
15 Rights. He was using a SLED Miranda Waiver Form.

16 Q. I want to show you what's been marked State's 4 and
17 see if you recognize that as the Miranda form that was used in
18 that interview?

19 A. Yes, sir.

20 Q. That one was used?

21 A. Yes, sir.

22 MR. HUBBARD: Your Honor, I offer this into evidence
23 at this time.

24 MR. WILLIAMS: Without objection, Your Honor.

25 THE COURT: Without objection, State's 4 entered

1 without objection.

2 BY MR. HUBBARD:

3 Q. Now, Agent Padgett, prior to interviewing him and
4 giving him those rights, did y'all make any promises with Mr.
5 Lowman to get him to talk to you?

6 A. No, sir.

7 Q. Any promises about what might happen on any charges
8 that might be forthcoming if he talked to you?

9 A. No, sir.

10 Q. Any threats or anything that might be viewed as
11 coercive to get him to talk to you? Something that if you
12 don't talk, this is gonna happen?

13 A. No, sir.

14 Q. Did Agent Busbee make any type of promises or
15 threats?

16 A. No, sir.

17 Q. Now, that Miranda Form, who fills out the top
18 portion of that?

19 A. The top portion is filled out where it says place,
20 date and time.

21 Q. And that's done by Agent Busbee?

22 A. Sometimes the agents do it. Sometimes we allow the
23 person we're interviewing to fill that part out.

24 Q. But it's filled out?

25 A. Yes, sir.

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1 Q. All right. Now, will you please explain to the jury
2 how those rights were presented to Mr. Lowman?

3 A. Agent Busbee read this form word-for-word to Mr.
4 Lowman and over here is where you can initial it as long as
5 you understand your rights and it says before we ask you any
6 questions, you must understand your rights. The first one is
7 you have the right to remain silent and is initialed by A.L.
8 which is Abin Lowman saying that he understood that.

9 Anything you say can be used in court as evidence
10 against you which is initialed A.L.

11 You are entitled to talk to a lawyer now and have
12 him present now or at any time during questioning. Also
13 initialed.

14 If you cannot afford an attorney, one will be
15 appointed for you without cost. That's also initialed.

16 If you decide to answer questions now without a
17 lawyer present, you still have the right to stop answering
18 questions at any time. You also have the right to stop
19 answering questions at any time until you talk to a lawyer.
20 That's also initialed.

21 And then there's two questions and it says do you
22 understand these rights? And he answered yes with his
23 initials beside his answer. And it says do you wish to talk
24 to us at this time? He answered yes with his initials. Up
25 under that it says I have read this statement of my rights and

1 I understand what my rights are. I am willing to talk now
2 without a lawyer present. I understand and know what I am
3 doing. No promises or threats have been made to me and no
4 pressure or coercion of any kind has been used against me and
5 it's signed by Abin L. Lowman.

6 Q. Let me ask you, as to this document, this Miranda
7 Form, these initials, who actually placed these initials
8 here?

9 A. Mr. Lowman.

10 Q. You had the two questions. Do you understand these
11 rights? Do you wish to talk to us at this time? There's
12 initials there but also the words yes. Who wrote that?

13 A. Mr. Lowman.

14 Q. And then the signature at the bottom as a witness
15 is?

16 A. Agent Busbee.

17 Q. Okay. While you're in the room with Mr. Lowman,
18 does he appear to be under the influence of any kind of drug
19 or alcohol?

20 A. No, sir. He appears coherent.

21 Q. Clear headed?

22 A. Yes, sir.

23 Q. Did he appear to you to understand what he was
24 doing?

25 A. Yes, sir.

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1 Q. All right. And he said he chose to make a
2 statement?

3 A. He did.

4 Q. What did Mr. Lowman tell you and Agent Busbee about
5 that night or early morning hours of March 8th, 2017?

6 A. He admitted to being at Persimmon Hill Golf Course
7 or near Persimmon Hill Golf Course shortly after midnight. He
8 advised us he was fishing in a pond. He advised that a repo
9 man showed up at the golf course. He had left his car running
10 because he was having issues with it. While he was fishing he
11 had left his car running. The repo man showed up and left.
12 He then ran back to his car and left. He was followed to
13 Johnston by the repo man. Then he went to Ridge Spring and
14 then back to Johnston where he was stopped and arrested on an
15 unrelated charge to this.

16 Q. Was he made aware of the fact that there was a GPS
17 tracker on his car prior to him getting into this statement or
18 during this statement at some point?

19 A. Yes. I advised him that there was a GPS tracker on
20 his car. When he was advised of that, he kind of dropped his
21 head and he said I'm gonna get a thousand years for this.

22 Q. Now, when you interview somebody, anyone, after you
23 do Miranda and you go through the form we just went through,
24 do you have a conversation with them before anything is put in
25 writing?

1 A. Yes. We interview them verbally before we finalize.
2 Once we finalize the statement, we will ask them to write it
3 down and they have the option to write it or not write it.

4 Q. Okay. Did he choose to talk anymore at this
5 point?

6 A. He did not.

7 Q. Did he choose to make a written statement?

8 A. He did not make a written statement. The only other
9 thing he advised of when I asked him where his fishing
10 equipment was since he was fishing, he said I could have
11 dropped it off somewhere.

12 Q. So he said that night after midnight he was at
13 Persimmon Hill Golf Course?

14 A. Yes, sir.

15 Q. Out on the golf course?

16 A. Yes, sir.

17 Q. Fishing?

18 A. Yes, sir.

19 Q. He mentions the repo man?

20 A. He did.

21 Q. And between leaving from the repo man and getting
22 stopped in Johnston he could have put his fishing equipment
23 somewhere?

24 A. Yes, sir. But he did not advise me where I could go
25 find it to corroborate his story.

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1 MR. HUBBARD: I believe that's all I have.

2 MR. WILLIAMS: Please the Court.

3 THE COURT: Yes, sir.

4 CROSS EXAMINATION

5 BY MR. WILLIAMS:

6 Q. Lieutenant Padgett, you were in a room with the SLED
7 officer. What room were you at?

8 A. It was at Edgefield Sheriff's Office/jail. I think
9 it's their squad room. I'm not sure.

10 Q. How long were you and this SLED officer inside this
11 room at Edgefield Detention Center?

12 A. From my recollection I believe it was about an hour.
13 I didn't document when we terminated the interview.

14 Q. So you and the SLED officer were in there
15 approximately one hour with my client and the statement you
16 just read was 30 seconds. What did y'all do for an hour?

17 A. Talked to Mr. Lowman.

18 Q. And did you tell Mr. Lowman anything about the
19 alleged break-in or anything like that at Persimmon Hill?

20 A. We did.

21 Q. So you told him essentially before he ever made a
22 statement --

23 A. What we were investigating. Yes, sir.

24 Q. And you told him where the alleged break-in was?

25 A. Yes, sir.

1 Q. And even after doing all of that he said that he was
2 there and he was fishing, right?

3 A. He admitted to being at the golf course before we
4 went into what had actually happened.

5 Q. How do you know when he says what -- You're
6 there for an hour. You don't have it recorded, do you?

7 A. No, sir. It's not recorded.

8 Q. And you don't have a written statement from him?

9 A. No, sir.

10 Q. And did he say near Persimmon Hill or did he say at
11 the golf course?

12 A. He said he was at the golf course fishing.

13 Q. All right. And did he say which pond he was in?

14 A. He did not. He also didn't tell me where his
15 fishing tackle was.

16 Q. Which room is this at the Edgefield Detention
17 Center?

18 A. I think it's the squad room.

19 Q. Did you check to see if they had this thing video
20 recorded?

21 A. No, sir.

22 Q. Well, most police officers - police locations have
23 video camera and recording equipment, don't they?

24 A. I have been to a lot that does not.

25 Q. All right. Wouldn't it be important if you had

1 actually gotten the recording showing what actually transpired
2 there?

3 A. That's --

4 Q. You didn't record it?

5 A. No, sir. I did not record it.

6 MR. WILLIAMS: That's all the questions I have.

7 MR. HUBBARD: No further questions.

8 THE COURT: You can step down.

9 MR. HUBBARD: Your Honor, we have a stipulation.
10 It's just a question of how we're gonna put it on the
11 record.

12 (Side bar off the record.)

13 THE COURT: Ladies and gentlemen, there's some
14 question of fact that y'all will not get the answer to
15 because they're in dispute, but then when the parties
16 agree, it's called stipulating. We agree to these facts,
17 okay? The Prosecutors and Mr. Williams and Lowman have
18 agreed to tell you that this fact is an agreed upon fact.
19 Mr. Abin Lee Lowman has two prior convictions for
20 burglary. He was convicted in Edgefield County of
21 burglary on March 17th of 1998 and on March 20th of the
22 year 2000. So he has two prior burglary convictions.
23 That's the stipulation and it's in the record.

24 MR. HUBBARD: Thank you, Your Honor. I would like
25 to offer that into evidence. That's marked as the next

1 exhibit 115.

2 THE COURT: That's State's Exhibit 115 admitted.

3 MR. HUBBARD: Your Honor, at this time the State
4 rests.

5 THE COURT: All right. Now, I need to put some
6 other things on the record. Y'all step in the jury room
7 and have a break. I'll have you back in here shortly and
8 let you now what we've got left to do.

9 (Whereupon, the jury entered the jury room at 12:05
10 p.m.)

11 THE COURT: All right. Mr. Williams.

12 MR. WILLIAMS: Yes, Your Honor. Your Honor, motions
13 made at the end of the State's case, Your Honor, we would
14 move to dismiss the indictments for which my client has
15 been charged with on the basis that the evidence as a
16 whole is insufficient as a matter of law for the jury to
17 return a verdict of guilty on the indictments that he
18 has. We would conclude that even though there would be a
19 changing standard based on if it's just the closing of
20 the State's case or the close of the defendant's case
21 because I would tell the Court at this time that the
22 defendant does not anticipate testifying or putting forth
23 any evidence in his case in chief.

24 THE COURT: Okay. And so I'm going take it first,
25 the close of the State's case. The State has presented

6 THE COURT: That will go to the jury. Now, Mr.
7 Williams, if you're telling me the defendant intends to
8 put up nothing, then likewise you've renewed your motion
9 and I've ruled consistently with my ruling at the close
0 of the State's case so we're clear on both.

12 THE COURT: All right.

15 THE COURT: Sure. You're not putting anything up?

17 THE COURT: Okay. Let me talk to you, Mr. Lowman,
18 real quick. Madam Clerk, will you place him under oath.

20 ABIN LEE LOWMAN

21 after having been first duly sworn, testified as follows,

22 THE COURT: Mr. Lowman, a couple questions for you.
23 You're under oath. You have been sitting through the
24 entire trial. I have observed you throughout the entire
25 trial. You have a right to present evidence, if you

1 like, and you have a right to testify, if you like. You
2 have a right to remain silent if you so choose. These
3 rights I'm explaining to you are yours. Mr. Williams is
4 your attorney. He can give you advice. He cannot tell
5 you how to exercise your rights. Do you understand that?

6 MR. LOWMAN: Yes, sir.

7 THE COURT: Now, have you had an opportunity to
8 discuss putting evidence in the trial or not with
9 Mr. Williams?

10 MR. LOWMAN: Yes, sir.

11 THE COURT: You have understood your conversations
12 with him?

13 MR. LOWMAN: Yes, sir.

14 THE COURT: And you've been considering this
15 decision not just this morning but over the last several
16 days?

17 MR. LOWMAN: Yes, sir.

18 THE COURT: Okay. So it's not like a last minute
19 decision for you. It's a decision you have been making
20 as you've been accumulating the State's case as they have
21 presented it, having your thoughts, reviewing them with
22 Mr. Williams, getting his advice over the course of the
23 trial?

24 MR. LOWMAN: Yes, sir.

25 THE COURT: Do you feel comfortable with your

1 decision?

2 MR. LOWMAN: Yes, sir.

3 THE COURT: Now, you have a right to testify. Same
4 right. But you don't want to testify?

5 MR. LOWMAN: No, sir.

6 THE COURT: You understand that if you don't
7 testify, the last thing I'm going to instruct the jury is
8 that they are not to discuss your exercising any of your
9 rights not to present testimony, not to present facts.
10 Exercising your right to remain silent is not to be
11 discussed during deliberations. They have got to decide
12 the case based upon what was stated and presented. Do
13 you understand that?

14 MR. LOWMAN: Yes, sir.

15 THE COURT: Have you had an opportunity to discuss
16 that fact with Mr. Williams?

17 MR. LOWMAN: Yes, sir.

18 THE COURT: And are you comfortable exercising your
19 right to remain silent?

20 MR. LOWMAN: Yes, sir.

21 THE COURT: Do you need any more time with him to
22 discuss any of these issues I have discussed with you?

23 MR. LOWMAN: No, sir.

24 THE COURT: All right. Feel good today?

25 MR. LOWMAN: Yes, sir.

1 THE COURT: Not sick?

2 MR. LOWMAN: No, sir.

3 THE COURT: Okay. All right. I think that's
4 sufficient.

5 MR. HUBBARD: Your Honor, I would put on the record
6 just so he knows and Your Honor knows his prior record
7 because I know that would also factor into his decision.
8 He's got a 2012 weapons charge with the Federal
9 Government. He's on probation right now with that. In
10 1997 he had a breaking into auto. 1998 one of the
11 burglaries Your Honor mentioned which we have as a
12 violent burg second. He has a grand larceny from 1998.
13 He has giving false information in 1999. The other
14 burglary Your Honor mentioned from 2000 which is a burg
15 second non violent. Then in 2004 he's got a distribution
16 of marijuana within proximity of a school. 2009 he has a
17 distribution of crack cocaine within proximity of a
18 school. In 2010 he has assault and battery of a high and
19 aggravated nature. If he were to take the stand, we
20 would ask to impeach him on all of those.

21 THE COURT: Okay. Mr. Williams, you have discussed
22 his prior record with your client and how the State could
23 utilize that to his detriment?

24 MR. WILLIAMS: I have. He's well aware of his prior
25 record and how it would, particularly in sentencing, how