

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Richland County

Honorable Daniel McLeod Coble, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER ALEXANDER CRAVETS,

APPELLANT

APPELLATE CASE NO. 2024-001371

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
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STATE’S EXHIBIT #4 (CANARY VIDEO), STATE’S EXHIBIT #27 (REDACTED
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AND STATE’S EXHIBIT #31 (RING VIDEO).**

STATE OF SOUTH CAROLINA - COUNTY OF RICHLAND
FIFTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA	)
	) Docket No.
	) 2021-GS-40-01718
PLAINTIFF,	) 2021-GS-40-01719
	) 2021-GS-40-01720
V.	) 2021-GS-40-01721
	)
	)
CHRISTOPHER A. CRAVETS	)
	)
DEFENDANT.	) JURY TRIAL
	)
	)

August 12th through August 15th, 2024
Richland, South Carolina

B-E-F-O-R-E:

THE HONORABLE DANIEL M. COBLE

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J U R Y S E L E C T I O N

*** * ***

THE BAILIFF: All rise.

THE COURT: You may be seated.

Ladies and gentlemen, good morning again.

It's still morning. Thank you for your patience and service.

As we stated earlier, earlier today you were qualified to sit as jurors. You weren't exempted. You are here which we appreciate. The next point in time is now you're brought here for a specific case.

This a criminal case. This is the State of South Carolina vs. Christopher Cravets. I'm going to have the State, at this point, read the indictments.

MR. POTTS: Thank you, your Honor.

Indictment No. 2021-GS-40-1718 for murder:

The State alleges that Christopher Cravets committed this crime in Richland County on/or about November 25th, 2019, killed the victim, Delon Summerset, with malice aforethought, either expressed or implied by means of a gunshot and the victim did die as a proximate result thereof, all in violation of Section 16-3-10 South Carolina Code of Laws as amended.

Second Indictment 2021-GS-40-1719 for burglary in the first degree.

1 The State alleges that Christopher Cravets
2 did, in Richland County, on/or about November 25th,
3 2019, enter the dwelling located at [REDACTED] Clark Street
4 without consent and with the intent to commit a crime
5 therein; and when in effecting entry or while in the
6 dwelling or in the immediate flight, the defendant did
7 enter the dwelling during the hours of nighttime and/or
8 while armed with a deadly weapon; and/or caused physical
9 injury to a non-participate in the crime; and/or
10 threatened the use of a dangerous instrument; and/or
11 displayed what appeared to be a firearm, all in
12 violation of Section 16-11-0311(A) of the South Carolina
13 Code of Laws.

14 The third indictment alleges that Christopher
15 Alexander Cravets committed the crime of attempted armed
16 robbery. That's 2021-GS-40-1720. That states that
17 Christopher Alexander Cravets did, in Richland County,
18 on/or about November 25th, 2019, attempted armed robbery
19 by feloniously taking from the person or presence of
20 Delon Summerset by means of force or intimidation, goods
21 or monies of Delon Summerset such goods or monies being
22 described as marijuana and/or personal items with the
23 intent to deprive the owner permanently of such property
24 while armed with a pistol, dirk, slingshot, razor or
25 other deadly weapon; or while alleging, either by

1 actions or words, that he or she was armed while using
2 representation of a deadly weapon or any object which a
3 person present during the commission of the robbery
4 reasonably believed to be a deadly weapon. All of that
5 is a violation of 16-11-330(A) of the South Carolina
6 Code of Laws.

7 Finally, Indictment No. 2021-GS-40-1721. It's
8 an indictment for criminal conspiracy that charges
9 Christopher Alexander Cravets did, in Richland County,
10 on/or about November 25th, 2019, combined with Ralph
11 Pitts and/or other persons, for the purpose of
12 committing a criminal or unlawful object or an object
13 that is neither criminal nor unlawful through criminal
14 or unlawful means, to wit: Burglary and/or Robbery
15 and/or Murder. All of this is in violation of Section
16 16-17-410 of the South Carolina Code of Laws.

17 These are the indictments, your Honor.

18 THE COURT: Thank you, Mr. Potts.

19 Ladies and gentlemen, the indictment charges
20 the defendant with those charges which you just heard.
21 But I want to remind you that the fact that the
22 defendant was arrested, charged and indicted in this
23 case is not evidence in this case and cannot be
24 considered by you as evidence of guilt in this case; nor
25 does it create any presumption or inference of guilt.

1 mental evaluation, your Honor. As we were preparing for
2 trial this time, Mr. Hayes reached out to me and asked
3 us if we could put -- for another offer. I told him
4 that we would offer 40 years this time. It's my
5 understanding that the defendant has rejected that
6 offer.

7 MR. HAYES: That would be correct, your Honor.
8 We have rejected 40 years.

9 THE COURT: Okay.

10 MR. POTTS: Finally, your Honor, we kind of
11 did this backwards. We do have a motion to amend the
12 indictment, your Honor. In particular, that's
13 Indictment No. 2021-GS-40-1720 for one count of armed
14 robbery. The State intends to go forward on the lessor
15 included of attempted armed robbery.

16 And if I may approach, your Honor?

17 THE COURT: You may.

18 MR. POTTS: I have with me *State vs. Means*,
19 which delineates the test for whether the State can
20 amend the indictment. I've already given a copy to
21 Mr. Hayes.

22 Your Honor, I just want to draw your attention
23 to page 7 of that decision, your Honor. The second
24 column paragraph with the bracket of 15 and 16,
25 beginning.

1 THE COURT: Got it.

2 MR. POTTS: And the case just clears out a
3 very clear test for when the State can and cannot amend
4 an indictment. So if I can just read it, your Honor,
5 this line.

6 "When the State moves before trial to amend an
7 indictment previously issued or true billed by the grand
8 jury, the Court should first determine whether the
9 existing indictment was sufficient to place the
10 defendant on notice of a particular offense."

11 And it identifies the nature of that offense.

12 So your Honor, in this case, we have the armed
13 robbery indictment and pending his motion to quash, the
14 original indictment on its face, I know he has a motion
15 to quash. It doesn't appear to have an defects to it.

16 Once that is done, your Honor, second, "The
17 Court should determine whether the amended indictments
18 would be sufficient to place the defendant on notice for
19 a particular offense and if so, identify the nature of
20 that offense."

21 In this case adding the word "amend" -- sorry,
22 not "amended," attempted armed robbery for an armed
23 robbery. The State, once again, believes would -- it's
24 a clear charge and the charge happened with a long
25 historical background and would be sufficient.

1 And then finally, this is the crux, I think,
2 of the decision: "The Court should determine whether
3 the proposed amendment changes the nature of the offense
4 set forth in the original indictment."

5 And in this case, it does.

6 Then it says: "If it does, the motion to
7 amend should be denied unless the amended indictment
8 states a lesser included offense."

9 And in this case, your Honor, attempted armed
10 robbery is a lesser included offense of armed robbery,
11 from the Blockburger Test and from the Elements Test, as
12 this state has adopted. I think that if the charge of
13 armed robbery went to the jury and we did not
14 sufficiently prove the elements, your Honor, we'd simply
15 try attempted armed robbery.

16 So for that reason, your Honor, we wish to
17 amend the indictments to the attempted armed robbery. I
18 believe it simply stands scrutiny and appropriately in
19 the case law.

20 THE COURT: Thank you.

21 Yes, sir. Mr. Hayes?

22 MR. HAYES: Good afternoon, Judge. May it
23 please the Court?

24 THE COURT: Yes, sir.

25 MR. HAYES: Judge, as far as the amendment, I

1 don't have any real concern about that necessarily. My
2 concern is the inconsistencies inside the indictment
3 themselves. You have one, like if you look at the
4 murder indictment, Judge, and it says, "with malice
5 aforethought, either express or implied, by means of a
6 gunshot." Okay. That's the murder.

7 But when he get to the burglary, the burglary
8 indictment says we entered the dwelling armed with a
9 deadly weapon, with what appeared to be a firearm. So
10 we have a gunshot.

11 Then this burglary indictment says it appeared
12 to be a firearm. I'm not exactly sure it "appears" to
13 be a firearm, other than Mr. Summerset was shot. But to
14 say that it "appears" to be.

15 Then on the robbery indictment, it talks about
16 entering while armed with a pistol, dirk, slingshot,
17 metal knuckles, razor, or other deadly weapons.

18 Again, it's kind of like he has some deadly
19 weapon, what may appear to have been a gun because the
20 victim became deceased by a gunshot. It's sort of not
21 very uniform about what the theory is.

22 I understand what the theory is probably
23 because I understand what the evidence is and I've
24 received the discovery and have been through it. But to
25 put Mr. Cravets on notice of what that would be if you

1 MADAM CLERK: Please raise your right hand.

2

3 C H A U N C Y D U C K E T T, the Witness herein,
4 having been sworn by the Clerk of Court, was examined
5 and testified as follows:

6 MADAM CLERK: Please have a seat in the
7 witness stand and state your full name for the record.

8 MR. DUCKETT: Sergeant Chauncey Duckett.

9 MR. FOWLER: And, Your Honor, before I start
10 my questions, since there are three statements, do you
11 want me to go one at a time and we'll argue them or you
12 want to just do it all?

13 THE COURT: Just do it all. Just lay it all
14 out.

15 MR. FOWLER: Okay.

16

17 **JACKSON vs. DENNO HEARING**

18

19 **DIRECT EXAMINATION**

20 **BY MR. FOWLER:**

21 Q. Sergeant Duckett, where are you employed?

22 A. City of Columbia Police Department.

23 Q. And you were employed there in November of
24 2019?

25 A. Yes, sir.

1 Q. You were the lead investigator for State vs.
2 Christopher Cravets?

3 A. Yes, sir.

4 Q. Did you have an opportunity to interview
5 Mr. Cravets?

6 A. Yes, sir. I did.

7 Q. Do you recall what the first date was that you
8 interviewed him?

9 A. According to the statement, December 2nd.

10 Q. Of 2019?

11 A. 2019, correct.

12 Q. Where did that interview take place?

13 A. In Conyers, Georgia.

14 Q. Where specifically in Conyers, Georgia?

15 A. At their police department.

16 Q. And at that time was Mr. Cravets in custody?

17 A. He was.

18 Q. When you met with Mr. Cravets, did you read
19 him his Miranda Rights?

20 A. I did.

21 Q. How do you go about informing him of his
22 Miranda Rights?

23 A. I read them from the Advice of Rights form.

24 Q. I'm going to asking you if you recognize
25 State's 1?

1 A. Yes, sir.

2 Q. What is that?

3 A. That is the Advice of Rights form.

4 Q. How do you typically go through Miranda Rights
5 with the suspect?

6 A. I read it line by line and there's checkmarks
7 on the side of the Advice of Rights form. So as I read
8 each line, I check it off as we go down.

9 Q. And did he sign that Advice of Right
10 indicating he understood those rights?

11 A. Yes, sir. He did.

12 Q. Was there any indication during that interview
13 that he didn't understand his rights?

14 A. No, sir. There was not.

15 Q. Was that statement recorded entirely?

16 A. Yes. It was recorded, audio and video, I
17 believe.

18 Q. And you informed him, as part of the general
19 Miranda Rights, that he could stop that questioning at
20 any time?

21 A. Yes, sir.

22 Q. Did he ever indicate that he wanted to stop
23 during that interview?

24 A. No, sir.

25 Q. If he had indicated that he wanted to stop,

1 would you have stopped?

2 A. Immediately.

3 Q. Did you threaten him or promise him anything?

4 A. No, sir.

5 Q. And when you asked him your questions, were
6 his responses -- were his answers responsive to your
7 questions?

8 A. Yes, sir.

9 Q. He understood your questions?

10 A. I believe so.

11 Q. Did he appear to have any mental disorders?

12 A. No, sir.

13 Q. Did he appear to be under the influence of
14 anything at the time?

15 A. Not that I could tell.

16 Q. I'm going to show a portion of this but I
17 believe at the beginning of the interview, he indicated
18 he was cold.

19 Did you offer him a blanket?

20 A. I believe so. Yes, sir.

21 Q. Would you have let him go to bathroom if he
22 needed it?

23 A. Of course. Yes, sir.

24 Q. And I believe you uncuffed him and made him a
25 little bit more comfortable when you and Investigator

1 Hilton spoke to him?

2 A. Yes, sir.

3 Q. I'm going to show you what's been marked as
4 State's 27. Do you recognize that?

5 A. Yes, sir.

6 Q. What is that?

7 A. That should be the interview from Conyers,
8 Georgia.

9 MR. FOWLER: And Your Honor, just for the
10 record, this is the redacted Georgia interview. I'm
11 just going to play the first portion of it where he read
12 him his rights and everything for the Court.

13 THE COURT: Okay.

14 Q. (By Mr. Fowler) While this is pulling up, was
15 your entire interaction with Mr. Cravets recorded?

16 A. Yes, sir.

17 Q. Other than them bringing him to the holding
18 cell, was there any interaction with him before that?

19 A. No, sir.

20 Q. And afterwards?

21 A. No, sir.

22 Q. So everything you did is on this video?

23 A. Yes, sir.

24 (Whereupon, a video was played.)

25 Q. (By Mr. Fowler) So correct me if I'm wrong,

1 after that, he goes on to admit some level of
2 involvement in the murder of Delon Summerset?

3 A. Correct. He provided a statement for that.

4 Q. Going back to a couple of things. At the
5 beginning of that, you loosened the handcuffs for him to
6 make him more comfortable?

7 A. Yes, sir. I believe the way they had him
8 handcuffed, he was just sitting and looked awkward,
9 so --

10 Q. You told him he deserved to be treated with
11 respect and like a man?

12 A. Correct.

13 Q. Did you treat him with respect?

14 A. I believe so.

15 Q. I believe he asked if you were going to put
16 hands on him?

17 A. Yes. I remember something vaguely about that.

18 Q. Did you at any point in time ever put hands on
19 him?

20 A. No, sir.

21 Q. He indicated he was cold and we saw you put
22 the blanket on him?

23 A. Yes, sir.

24 Q. And just one more time. Your entire
25 interaction with Mr. Cravets in Conyers was recorded?

1 A. Yes, sir.

2 Q. So you concluded this interview. When's your
3 next interaction with Mr. Cravets?

4 A. It was on January 28th.

5 Q. What were you doing?

6 A. We were extraditing him from Georgia back to
7 South Carolina.

8 Q. Tell me about that car ride.

9 A. Myself and Investigator Wade, who deals with
10 the fugitive extraditions, went down to pick Mr. Cravets
11 up from the jail down there and transported him back.

12 On the ride back, Mr. Cravets sat in the front
13 seat. Investigator Wade was driving the vehicle and I
14 sat behind Mr. Cravets.

15 Q. Is that the typical way you transport a
16 suspect back from out of state?

17 A. Yes, sir. When we're not using a caged car,
18 that's correct.

19 Q. He was sitting in shotgun?

20 A. Yes, sir.

21 Q. Was there any conversation between any of the
22 three of you on the ride back?

23 A. There was but nothing dealing with the case or
24 anything. Just mere food or stopping -- I believe we
25 stopped to get him something to eat as well. But

1 nothing relevant as far as that. Mr. Cravets did make a
2 couple of statements when he was talking.

3 Q. Before we get to that, so you bought him food
4 on the ride back?

5 A. I can't remember if I paid for it or
6 Investigator Wade paid for it.

7 Q. But he was provided food?

8 A. Yes.

9 Q. And if he needed to stop for a bathroom break,
10 you would have stopped?

11 A. Yes, sir.

12 Q. You didn't ask him any question that intended
13 to incriminate him on that ride?

14 A. No, not at all.

15 Q. Tell us about the statement that he made.

16 A. While he was speaking, he just made something
17 -- a statement that was pretty profound to me, that's
18 why I notated it in my case notes.

19 He stated that he started shooting people at a
20 very young age. And the first time he smelled blood, it
21 got him high and he's been chasing that high ever since.

22 Q. Did you ask him anything that would have
23 prompted that response?

24 A. No, sir.

25 Q. So that was just kind of out-of-the-blue

1 statement he felt the need to make for himself?

2 A. Yes, sir.

3 Q. So after that, after he makes that statement,
4 does he in someway indicate to you that he wants to give
5 another recorded statement?

6 A. Yes. He mentioned that he wanted to clear up
7 some things.

8 Q. Did you ask him to give another statement?

9 A. No. I didn't ask him if he wanted to give
10 another statement. He just mentioned that he wanted to
11 clear up some things that he told me the first time that
12 we spoke on this interview.

13 Q. So of his own volition, he said he wanted to
14 talk to you again?

15 A. Yes.

16 Q. And did you, in fact, talk to him again?

17 A. I did.

18 Q. Can you tell me what date that occurred on?

19 A. The same day, January 28th.

20 Q. Do you recognize that document I just handed
21 you?

22 A. Yes, sir. It's another Advice of Rights form.

23 Q. And that would have been done prior to his
24 second statement?

25 A. Correct.

1 Q. And you read through that with him?

2 A. I did.

3 Q. And did you guys drive him straight to CPD
4 headquarters?

5 A. Yes, sir.

6 Q. And that was in accordance with his wishes, to
7 give another statement to you?

8 A. Correct.

9 Q. Was that statement recorded?

10 A. It was.

11 Q. I'm going show you what's been marked as
12 State's 28.

13 Do you recognize that?

14 A. Yes, sir. I have my initials on it.

15 Q. And what is that?

16 A. That should be the second recorded interview
17 with Mr. Cravets.

18 Q. And that was at CPD headquarters?

19 A. Yes, sir.

20 Q. And I know we've already went through this
21 with the Georgia statement, but you read him Miranda --

22 A. Yes, sir.

23 Q. -- at that time.

24 He signed that Advice of Rights form?

25 A. Yes, sir.

1 Q. Is that interaction recorded entirely?

2 A. Yes, sir.

3 Q. Did you threaten him or promise him at all
4 during the interview at CPD?

5 A. No, sir.

6 Q. Did you tell him if he wanted to stop, he
7 could stop?

8 A. Yes, sir.

9 Q. Did he ever indicate to you that he wanted to
10 stop?

11 A. No, sir.

12 Q. Would you have stopped if he wanted to stop?

13 A. Immediately.

14 Q. Did he appear to understand what was happening
15 at the CPD interview?

16 A. Yes, sir.

17 Q. And his answers to your questions, were they
18 responsive --

19 A. Yes, sir.

20 Q. -- to what you were asking.

21 Did he appear impaired in anyway?

22 A. No, sir.

23 Q. You would have offered him bathroom breaks if
24 he needed them?

25 A. Yes, sir.

1 Q. And I think, as we'll see in the beginning of
2 the video, you provided him food and some sort of
3 drinks?

4 A. Yes, sir.

5 MR. FOWLER: Your Honor, I'm going to play a
6 portion of the CPD interview.

7 (Whereupon, a video was played.)

8 Q. (By Mr. Fowler) So after that, does he go on
9 to further incriminate himself?

10 A. Yes, sir.

11 Q. Very briefly, I wanted to go back to the
12 Georgia interview. When you went in, he was asleep?

13 A. Yeah, I believe so. Yes, sir.

14 Q. So he wasn't in some heighten sense of
15 distress when you went into that interview room?

16 A. No. I do not believe so.

17 Q. And when you got here to the CPD interview,
18 you unshackled him make to make him more comfortable?

19 A. Yes, sir.

20 Q. Then cuffed him to the table. But is that
21 standard procedure for you guys?

22 A. Correct.

23 Q. I think we also saw that little point there
24 when you said you were going to come back to clear it
25 up.

1 At any point, did you feel like he was not
2 voluntarily giving these statements?

3 A. No, sir.

4 Q. This is exactly what he wanted to do?

5 A. Correct.

6 Q. I'm going to show you what's been marked as
7 State's 32, unredacted interview.

8 Are those your initials?

9 A. Yes, those are my initials.

10 MR. FOWLER: Your Honor, at this time, I would
11 move State's 1, State's 2, State's 27, State's 28, and
12 State's 32 into evidence.

13 THE COURT: Any objection?

14 MR HAYES: For the limited purpose of this
15 hearing.

16 THE COURT: They'll be as court exhibits only.

17 MR. HAYES: No objection, your Honor.

18 THE COURT: Those will be entered as court
19 exhibits. Procedurally, it will be made copies because
20 we don't want two stickers on them. So just make sure
21 we have those. And when you reintroduce those or
22 attempt to at trial, have a separate copy just marked
23 properly.

24 MR. FOWLER: Your Honor, I'll make copies of
25 all of this and I'll mark them as court exhibits in the

1 morning, if that's all right?

2 THE COURT: That's fine.

3 And Mr. Hayes can also, any court exhibits you
4 need to enter as well as the motions.

5 MR. HAYES: Yes, sir. I just have the one.

6 THE COURT: Perfect.

7 MR. FOWLER: And Your Honor, before I send
8 questioning over to Mr. Hayes, I have the email I sent
9 your law clerk with Mr. Hayes cc'd on it, regarding the
10 redactions and that I dropped the videos off, your
11 Honor. Do you want to make that a part of the record?

12 THE COURT: Not at this point.

13 MR. FOWLER: I have no further questions.

14 THE COURT: Mr. Hayes?

15 MR. HAYES: Thank you.

16

17 **CROSS-EXAMINATION**

18 **BY MR. HAYES:**

19 Q. Sergeant Duckett, what time did y'all make it
20 down to Conyers, Georgia?

21 A. The interview started at approximately 6:45.

22 Q. At 6:45 in the afternoon?

23 A. Yes, sir.

24 Q. And what had landed Mr. Cravets into custody
25 in Conyers, why was he being held there?

1 A. He was arrested.

2 Q. Do you know what he was arrested for?

3 A. The warrants that were issued for him.

4 Q. What warrants were those?

5 A. The warrants that we issued, the murder
6 warrants I believe.

7 Q. You already had the murder warrant before you
8 went to Conyers?

9 A. Yes, sir.

10 Q. And the murder warrant was based solely on the
11 DNA?

12 A. Amongst a few other things.

13 Q. What other things?

14 A. So it was his DNA being present and also the
15 witness statement from Ms. Homewood, who we showed her a
16 photo lineup of Mr. Cravets to see if he had ever had
17 been in her home. And she also denied knowing him or
18 that had ever been there, along with that.

19 Q. Would you agree with me, Ms. Homewood, she had
20 a job, right?

21 A. I agree.

22 Q. She wasn't in that residence all the time?

23 A. No, but she would know if there was blood in
24 her home on the door.

25 Q. So you had the existence of blood and Ms.

1 Homewood being unfamiliar with Mr. Cravets. That's the
2 basis for the arrest?

3 A. Along with our DNA initial notification of
4 Mr. Cravets, correct.

5 Q. You would agree with me, it's a case lead?

6 A. Yeah. It's a case lead.

7 Q. That's what the CODIS paperwork says, it's a
8 case lead?

9 A. Yes, sir.

10 Q. So you have a case lead, the homeowner being
11 unfamiliar with Mr. Cravets, you felt like that was
12 enough to get warrants?

13 A. Yes, sir.

14 Q. So you catch up with him -- what did you do,
15 you put the warrants in through NCIC?

16 A. Correct.

17 Q. And so do you have any idea what the event is
18 that lead Mr. Cravets, his path or law enforcement's
19 path to cross Mr. Cravets?

20 Was it a traffic stop. What happened? How
21 did Conyers put their hands on Mr. Cravets?

22 A. I don't know the exact details pertaining to
23 that because I was not there, no, sir.

24 Q. And did you ask him?

25 A. I'm sorry?

1 Q. Did you talk to anyone in Conyers who
2 ultimately arrested Mr. Cravets?

3 A. Yeah. Investigator Wade who is also involved
4 with the task force for apprehending Mr. Cravets.

5 Q. Investigator Wade, he worked for you; right?

6 A. Huh?

7 Q. He works for the city?

8 A. Are you finished?

9 Q. I'm asking you.

10 A. Okay.

11 Q. Investigator Wade works for the City of
12 Columbia?

13 A. Investigator Wade does.

14 Q. So you don't know what the facts and
15 circumstances are in Conyers, Georgia that lead to
16 Mr. Cravets becoming under arrest on your warrants?

17 A. Not particularly. I wouldn't be able to
18 accurately tell you exactly what happened on how he was
19 arrested because I was not there.

20 Q. You don't know if they were pulled over in a
21 traffic stop?

22 A. No, sir.

23 Q. You don't know if they went and executed a
24 search warrant at some house for some other unrelated
25 law enforcement reason and Mr. Cravets happened to be

1 there?

2 A. No, sir.

3 Q. You have no idea?

4 A. No, sir.

5 Q. At 6:45 in the afternoon; right?

6 A. Yes, sir.

7 Q. Mr. Cravets, it appears like he's kind of
8 asleep. Right, when you go into the room, he's
9 sleeping?

10 A. Right. Uh-huh.

11 Q. He did appear to be a bit out of it?

12 A. He appeared to be asleep.

13 Q. Because I think you even said, "We need you to
14 get your bearings."

15 A. No, I said -- I believe I said, "I'm going to
16 give you a few minutes to get your bearings together."

17 Yes, sir.

18 Q. Because it appeared liked he needed to get
19 bearings together before he was going to talk to you?

20 A. It seemed like he was just waking up.

21 Q. And you've had an opportunity to review the
22 video statement that Mr. Cravets gave you prior to
23 coming to court today; right?

24 A. Yes, sir.

25 Q. Wouldn't you agree with me that Mr. Cravets,

1 in his demeanor and his speech, are much different in
2 that first interview in Conyers, Georgia then they are
3 in the second interview that he gave in Columbia?

4 A. Yes, sir.

5 Q. And don't you agree with me then that it's
6 entirely possible that Mr. Cravets was under the
7 influence at the time he provided you that statement?

8 A. I would not.

9 Q. You have no idea what Mr. Cravets was doing
10 when Conyers, Georgia picked him up; right?

11 A. Correct.

12 Q. And you didn't know he was in Conyers,
13 Georgia; did you?

14 A. No, sir.

15 Q. He could have been anywhere for that matter?

16 A. Correct.

17 Q. So obviously something lead law enforcement
18 across Mr. Cravets path?

19 A. Correct.

20 Q. And you don't know what that was?

21 A. No, sir.

22 Q. It could have been drugs, couldn't it have?

23 A. Anything is possible, sir.

24 Q. But you don't know?

25 A. No, sir.

1 Q. In fact, whatever's happening in Mr. Cravets
2 mind, he thinks you're there to beat him up; right? He
3 thinks you're there to put hands on him; right?

4 A. I don't know what he thinks.

5 Q. Well, initially, doesn't he make some comment
6 that sort of supports that idea?

7 A. He makes some comment like that.

8 Q. Sounds like at the beginning of your
9 interview, would agree with me, that Mr. Cravets isn't
10 even fully aware of where he is at the time. He doesn't
11 even know he's in Conyers, Georgia?

12 A. I couldn't tell you where he was prior to
13 being transported to Conyers, Georgia Police Department.
14 So no, I couldn't answer that question, sir.

15 Q. At any time, either before the interview or
16 during the interview, before it concluded in Conyers,
17 Georgia, did you tell Mr. Cravets that you had warrants
18 for his arrest?

19 A. I don't recall exactly if I told him that or
20 not. No, sir.

21 Q. Did you ever tell him that he was free to
22 leave?

23 A. No. I never told him that he was free to
24 leave. I don't believe so.

25 Q. Did you ever tell him that he wasn't free to

1 leave?

2 A. I don't believe I said that either.

3 Q. So you didn't tell him either way?

4 A. All my interactions are captured with him on
5 body cam, on the video. So if that question is around,
6 we can watch to see if I said that or not.

7 Q. Your biggest concern was just trying to get
8 these Miranda Rights at the beginning and then whatever
9 happened after that would happen?

10 A. My biggest concern was questioning Mr. Cravets
11 about the incident to somewhat try to bring some closure
12 to the family of the victim. That's what my main
13 concern was. Not to say I wasn't concerned about
14 anything after that. But that's what my intention was,
15 to get a statement from Mr. Cravets.

16 Q. It's your position that you didn't use any
17 undue influence in trying to gain a statement to bring
18 closure from my client?

19 A. No, sir.

20 Q. You'd agree with me that you made a statement
21 like, "somebody's got to pay for this"?

22 A. I couldn't tell you if I said that word for
23 word. But like I said, my complete interaction with
24 Mr. Cravets is on the video if we would like to look to
25 see if I said that.

1 Q. So then at the end of the interview in
2 Conyers, you serve him with the warrants?

3 A. No, we don't serve him with any warrants.

4 Q. You leave?

5 A. Yes, sir.

6 Q. Had those warrants already been served?

7 A. No, sir.

8 Q. A moment ago, I thought I understood your
9 testimony to be that he was picked up on the warrants
10 that were issued by CPD in Conyers?

11 A. Correct.

12 Q. So the warrants had been served?

13 A. No, sir. The warrants weren't served on
14 Mr. Cravets until he got back to Columbia. So he was
15 being held on the warrants, but they weren't served
16 until he was back in the jurisdiction of the city of
17 Columbia.

18 Q. What is the date of your first interview with
19 Mr. Cravets?

20 A. December 27th.

21 Q. So he's held in Conyers, Georgia for 30 days?

22 A. Pending extradition.

23 Q. How did the extradition process come about,
24 tell me about that.

25 A. From what I understand, a governor's warrant

1 needed to be taken care of in order to get him back
2 here, if I remember correctly.

3 Q. So then you went down on the 28th of January
4 to serve the warrants?

5 A. No. We went down on the 28th of January to
6 extradite him back to the city of Columbia.

7 Q. And then you served him with the warrants. By
8 the time of the second interview -- so when you're
9 bringing him back, okay.

10 You're bringing him back, he still hasn't been
11 served the warrants?

12 A. No, sir.

13 Q. Does he know these warrants exist?

14 A. Yes, he knows what he's being held for and why
15 he's being extradited back to the city of Columbia.

16 Q. When did that conversation happen?

17 A. It either happened at the -- when we went to
18 pick him up, we advised him what he was being extradited
19 back to the city of Columbia -- well, to Richland County
20 but he also knew he was being held on those murders,
21 which is why we had to get the governor's warrant. It's
22 not a matter of whether or not he knew what he was being
23 held for. He knew why he was being held.

24 Q. And so how far of a drive? About a three-hour
25 drive, is that right, from Conyers to Columbia?

1 A. Roughly. Yes, sir.

2 Q. And y'all stopped for food. Do you remember
3 where you stopped for food?

4 A. No, sir. I don't remember exactly.

5 Q. I'm unfamiliar with Conyers and where it is.
6 Is it north of Atlanta, South of Atlanta?

7 A. I believe it's -- yes. It's north of Atlanta,
8 I believe.

9 Q. So are you going I-20 over to Atlanta and
10 going up around?

11 A. Yeah. If I remember correctly, sir. It's
12 some back roads to get to Conyers. It's a small town.

13 Q. Would y'all have gone up near Greenwood into
14 that way or would you have gone by interstate?

15 A. We went Interstate 20 initially, then we got
16 off the highway. I couldn't exactly tell you, I was
17 following the GPS.

18 Q. Right. You were going somewhere towards
19 Athens or something?

20 A. Like I said, I just followed the GPS, sir. I
21 couldn't tell you exactly.

22 Q. The reason I'm asking is because I'm trying to
23 understand at what point during this trip where you were
24 when he makes the statement about, "He started shooting
25 people at a young age"? "The blood got him high and

1 he's been chasing it ever since"?

2 A. Yeah, I could tell you exactly where we were
3 at. In the car, just driving.

4 Q. Were you in Georgia?

5 A. Either Georgia or South Carolina, sir.

6 Q. Well, those are the only two states you went
7 to?

8 A. Obviously. Yes, sir.

9 Q. Did he say something like that before or after
10 you gave him food?

11 A. This was before, I believe. This was three
12 years ago so I didn't notate exactly -- matter of fact,
13 it's five years ago -- going on five years so I didn't
14 notate exactly whether it was before or after.

15 I just remember the statement and I notated it
16 that day of what was said because it was so profound.
17 But I couldn't tell you exactly where we were, whether
18 we were in South Carolina or Georgia, whether it was
19 before I fed him or after.

20 Q. What time did you pick him up that morning?

21 A. It was approximately 1:00 p.m.

22 Q. 1:00?

23 A. Yes, sir.

24 Q. Which is obvious that maybe you get back to
25 Columbia around 5:00?

1 A. Whatever time that interview starts. I think
2 we had 18:09 on the Advice of Right form as the time
3 we're walking him into the interview room. So between
4 driving him down there and getting him out of the jail,
5 driving back, stopping to get him something to eat. I
6 think we all ate something in the car. Then driving him
7 back, put him approximately --

8 Q. And you get him in the interview room. The
9 third interview is at CPD headquarters?

10 A. It's actually the second interview.

11 Q. Well, the second interview, the third
12 statement for purposes of this hearing?

13 A. Yes, sir.

14 Q. And he stated he wanted to clear these things
15 up. At any point during the second interview, did you
16 ask him about the utterances he made allegedly during
17 this car ride?

18 A. No, sir.

19 Q. How long had you been an investigator at this
20 time Mr. Duckett?

21 A. Eight years.

22 Q. So you have someone who makes a statement that
23 they started shooting people at a young age, it got them
24 high and they've been chasing it ever since. They make
25 a statement so profound that it's worth noting and you

1 didn't ask him about what shootings he would have been
2 talking about?

3 A. Yeah. I didn't follow up with that at that
4 point. I didn't know if it was -- I didn't want to go
5 down that road with Mr. Cravets about what he said. He
6 mentioned it. I noted it. And we moved on to being
7 more specific about this specific crime.

8 Q. When you're riding in the back, there's not
9 another Advice of Right sheet that he signed before he
10 got in the car with you and Investigator Wade is there?

11 A. I didn't ask him any questions.

12 Q. But there's a conversation that just continues
13 -- the conversation continued basically from Conyers to
14 Columbia; right?

15 A. Yes. I wouldn't say it was a conversation.
16 But it was a mere discussion to keep from the
17 inappropriate -- I won't say "inappropriate," but the
18 uncomfortable silence of sitting in the car is what I
19 would say.

20 Q. So y'all are talking, everyone's talking?

21 A. Correct.

22 Q. Interacting?

23 A. We're talking. Yes, sir.

24 Q. But there's no Advice of Rights?

25 A. There was no questions asked.

1 Q. He's not free to leave?

2 A. He is under arrest.

3 Q. Y'all made the decision about where you're
4 going to eat then?

5 A. Excuse me?

6 Q. On the way home, the decision about where to
7 eat, would that have been yours?

8 A. If I remember correctly, it was Mr. Cravets'
9 decision on what he wanted to eat. We gave him a few
10 options.

11 Q. So you had to ask him that; right?

12 A. Uh-huh.

13 Q. Just a moment ago you said you didn't ask him
14 any questions?

15 A. Yeah. No questions pertaining to this case,
16 sir. The question about what he would like to eat isn't
17 relevant to whether or not an Advice of Rights form is
18 necessary.

19 Q. I understand.

20 A. I asked him, "did he want some water too" when
21 we got into the interview room prior to advising him of
22 his rights.

23 Q. What kind of car were y'all riding in?

24 A. Investigator Wade has a Dodge, at that time, a
25 Dodge Durango.

1 Q. A Dodge Durango?

2 A. I believe so. Yes, sir.

3 Q. The end of January was cold?

4 A. I don't remember the weather conditions, sir.

5 Q. You sat directly behind Mr. Cravets?

6 A. I did.

7 Q. And he's in handcuffs, I trust, behind -- are
8 they in front of him, behind him? Probably in front of
9 him, I guess?

10 A. Same way he was on the video when we got back
11 to the second interview, when you see the interaction.

12 MR. HAYES: Beg the Court's indulgence?

13 I don't have anything further, Judge.

14 THE COURT: Anything else from the State?

15 MR. FOWLER: Very briefly, your Honor.

16

17 **REDIRECT EXAMINATION**

18 **BY MR. FOWLER:**

19 Q. In Conyers, did he appear to be under the
20 influence of any kind of substance?

21 A. No, sir. Not to me.

22 Q. Mr. Hayes brings up a good point about the
23 time it took to Conyers, Georgia.

24 How long did you say it was?

25 A. I believe it was roughly give or take three

1 hours, three and a half, something like that.

2 Q. So even if he had been impaired prior to his
3 arrest, he would have had three and a half hours to dry
4 out before you got there to talk to him?

5 A. That would assume that I just, as soon as he
6 was arrested, I jumped in the car and drove immediately.
7 To go to Georgia, I had to get some approval and some
8 things had to happen prior to me being able to even
9 leave.

10 So at the time I was notified that he was
11 arrested, to the time I got there, should have been
12 close to four, five hours minimum.

13 Q. He asked if you were going to hit him in the
14 interview room and you assured him you weren't?

15 A. Yes, sir.

16 Q. And I think Mr. Hayes said you were concerned
17 with giving Miranda. You are concerned with giving
18 suspects Miranda Rights; correct?

19 A. It's appropriate. Yes, sir.

20 Q. And that is because you wanted to make sure
21 their rights are protected?

22 A. Correct.

23 Q. And regarding the smell of blood comment, you
24 indicated there was no Advice of Rights done because you
25 weren't asking any questions?

1 A. Correct.

2 Q. I think you've said when Mr. Hayes was
3 questioning you, you didn't follow up with any
4 questions?

5 A. Correct.

6 Q. Because you wanted to wait until it was going
7 to be recorded?

8 A. Correct.

9 MR. FOWLER: Nothing further, your Honor.

10 THE COURT: You may step down.

11 Arguments?

12 MR. HAYES: May it please the Court, your
13 Honor?

14 THE COURT: Yes, sir.

15 MR. HAYES: Your Honor, when we look at the
16 statement that is provided by Mr. Cravets in this case,
17 really the last one is necessitated by the first one.

18 The first one comes in a circumstance that
19 even law enforcement can't articulate. They really
20 don't know how law enforcement caught up to Mr. Cravets,
21 what the circumstances of that were. He could have been
22 riding around smoking methamphetamine in a car for all
23 they know. They have no idea.

24 I think that if you look at the video, it
25 speaks for itself. Mr. Cravets is out of it. It's 6:45

1 in the afternoon. It's a time when usual people are --
2 we don't look that out of it at 6:45 very often and they
3 went into the room -- and if you look at the video and
4 you watch it, Mr. Cravets is clearly having trouble with
5 his speech at the beginning. He's also having trouble
6 understanding what's going on. I think law enforcement
7 even recognized that. "Hey, we're going to give you
8 some time to get your bearings together."

9 He thought they were actually going to put
10 hands on him. He doesn't really know the fullest
11 extent, he reads him his rights even though they have
12 already gotten these warrants that's he's been picked up
13 on.

14 They don't tell him, "Hey, you're not free to
15 leave. We have a murder warrant for you."

16 He says, "We want to talk to you about this
17 Delon Summerset," and they seize on the opportunity
18 that's been presented. Mr. Cravets doesn't have his
19 wits about him. They put some influence on him.

20 If your Honor watches the video, there's
21 influence. "Hey, we've got to get this straight. We've
22 got to get answers, this family deserves that."

23 And they get Mr. Cravets feeling a certain way
24 and he makes some incriminating statements that later he
25 has to clear up because he wasn't in his right mind.

1 So if it weren't for the first statement, the
2 last statement would have never occurred.

3 In the middle, we have this undocumented.
4 When I say "undocumented," it's documented in
5 Investigator Duckett's notes. But it's not caught on
6 any kind of camera. It's not caught anywhere, anymore,
7 law enforcement officer -- I mean, I do a lot of DUI
8 work, I'm not trying compare it to that. But oftentimes
9 when we're transporting people or putting them in
10 vehicles as law enforcement officers, we're turning the
11 camera around on somebody and we're able to see what
12 that interaction looks like.

13 I understand Mr. Duckett said we weren't
14 asking him any questions and he wants to clarify and
15 say, "I wasn't asking him questions about the case." I
16 mean, they were certainly asking him questions, they
17 were having a conversation. We weren't there. We have
18 no idea what would have precipitated this alleged
19 comment that's made by my client about shooting people
20 at an early age and the smell of blood got him high and
21 he's been chasing it ever since.

22 The story goes back and it underscores some of
23 the things that I would say about the first, the first
24 statement if they want to believe that's true. And they
25 say, "my client's been chasing some kind of high."

1 Isn't it entirely plausible that he was high
2 out of his mind at the time of the first statement and
3 law enforcement should have known that? We can watch
4 the video and get that. And I submit to the Court that
5 it is that obvious.

6 But certainly, this excited utterance or
7 statement against interest or whatever it would be in
8 the car ride, it's totally prejudicial. It has 404(b)
9 problems everywhere. It sounds like he's done it before
10 and he's going to do it again.

11 Obviously, that's just there to inflame the
12 jury, it's far more prejudicial than probative about the
13 actual facts in this particular case.

14 And I think it's a totally inappropriate
15 statement to be introduced against my client for those
16 very reasons.

17 But if we don't have the first statement, then
18 we won't have the last one and the one in the middle is
19 totally inflammatory, way more prejudicial than
20 probative under 403 analysis and changes the 404
21 component to it.

22 It's really not relevant, it's not going to
23 make, "I started shooting people at a young age and been
24 chasing the high ever since."

25 Does that really help a jury determine whether

1 or not Mr. Cravets was involved in the alleged murder in
2 this case?

3 I mean, some kind of open-ended statement like
4 that. Is it really going to add any relevance to the
5 case, to the question before them, other than to try to
6 prejudice the jury against him? And I would say
7 rhetorically, the answer to that is no.

8 So we would respectfully move that all the
9 statements against my client be suppressed for the
10 argumentive reasons I've stated.

11 THE COURT: Okay. Thank you, Mr. Hayes.

12 MR. HAYES: Thank you.

13 MR. FOWLER: And your Honor, just before I get
14 to the issue of involuntariness. As I've stated at the
15 outset, I think that in regard to the second unrecorded
16 statement, at this juncture, all we're determining is
17 whether or not it was voluntarily given.

18 I would like to, if your Honor would allow it
19 to be heard on the specific arguments regarding its
20 admissibility after we determine its voluntariness.

21 I have some case law I think might support my
22 position for its admissibility.

23 What normal people are doing at 6:45 in the
24 afternoon is not the standard here for determining
25 whether or not these statement can be admitted into

1 evidence, whether or not they're voluntarily given.

2 Your Honor has been provided copies of the
3 video several weeks in advance. You've watched the
4 beginning interactions. Investigator Duckett reads
5 Miranda, provides Mr. Cravets a blanket. It's a
6 nonthreatening environment. Reassures Mr. Cravets
7 there's going to be no physical violence.

8 As Investigator Duckett testified, he does not
9 appear to be under the influence of anything.

10 I know that Mr. Hayes made a point to mention
11 that he didn't even know he was in Conyers. When he was
12 informed he was in Conyers, he said, "Oh, yeah. I know
13 Conyers, I've lived here before."

14 So he does appear to get his bearings about
15 him after he wakes up from his nap. As Investigator
16 Duckett said in his interview with Mr. Cravets, he's
17 going to allow him some time to get his bearings about
18 him. So there's no indications that his will was
19 overborne.

20 By all indications in the video, this was
21 voluntarily given and as you've heard Investigator
22 Duckett testify, on the ride back, on his own volition,
23 Mr. Cravets said that he wanted to clear up some things
24 in his statement. And I think very indicative in that
25 second recorded interview is the laughing and jovial

1 nature of their interactions at the beginning of that to
2 include that little point when Investigator Duckett
3 says, "I'll be back in one second to clear up what you
4 want. I'm going to go get you some water."

5 He brings Mr. Cravets some water. Reads him
6 his Miranda Rights again to ensure that all of his
7 rights are complied with.

8 Your Honor, I don't think these statements can
9 be seen any other way other than voluntarily given.

10 THE COURT: Okay. I'm curious how you plan on
11 getting that second statement?

12 MR. FOWLER: Well, your Honor, if now is the
13 appropriate time, I would conceded that the statement,
14 "He started shooting people at a very young age," is
15 probably 404(b) evidence. But the "smell of blood gave
16 him a high" and needing to feel it -- feel that high, I
17 think that is directly probative of his consciousness of
18 guilt.

19 Your Honor, I have some case law to back that
20 up, if I may?

21 THE COURT: Yes, please.

22 MR. FOWLER: Your Honor, the first case, *State*
23 *v Middleton* is a case from last year. The facts aren't
24 quite on point in this *Middleton* case but there is a
25 good recitation of the law we're looking at here and

1 that is, "As a general rule any guilty act, conduct or
2 statement on the part of the accused are admissible as
3 some consciousness of guilt."

4 The Court of Appeals clarified that "for such
5 an act by the defendant to be relevant as consciousness
6 of guilt, under Rule 401, there must be a nexus between
7 the conduct and the offense charged."

8 Obviously, there's a nexus here. He has given
9 a confession in Georgia. He knows he's under arrest for
10 murder. He's going back to Columbia to face those
11 murder charges. On the way back, he says that "He
12 enjoys the smell of blood."

13 Your Honor, I would also -- factually more
14 consistent with our case and also quoted in *Middleton* is
15 *State v. McDowell*. That's a 1976 case. I will hand
16 that up to your Honor.

17 And in this case, the defendant makes some
18 statements to a cellmate about whether or not the
19 cellmate has a good way to beat a polygraph test. And
20 the Court found those statements were properly admitted
21 as the consciousness of the defendant's guilt in regards
22 to beating a polygraph test.

23 And finally, your Honor, I would rely on *State*
24 *vs. White* which is a case from 2022.

25 Your Honor, in *State vs. White*, the defendant

1 shot the victim. The victim's car rolled to the local
2 magistrate's office and it was unclear at the outset of
3 that investigation what the cause of death of the victim
4 was. It was later determined that the victim died of a
5 gunshot wound.

6 But in talking with his girlfriend, Mr. White
7 is informed by the girlfriend wrongfully or the wrong
8 information that the victim's autopsy showed he died
9 from a car crash.

10 The victim then very excitedly proclaims,
11 "that's the best Christmas present ever," then goes on
12 to say, "the prosecution had nothing on him and they
13 were fucked all the way around."

14 The Court found that statement on a jail call
15 to be directly probative of the defendant's
16 consciousness of his guilt.

17 And your Honor, I think that this statement is
18 also probative of Mr. Cravets malice towards
19 Mr. Summerset. In his second recorded interview at CPD,
20 he states that it was an accident that he shot
21 Mr. Summerset.

22 So I think the getting "high from the smell of
23 blood" would go directly towards the malice that
24 Mr. Cravets had in his heart that day.

25 THE COURT: "There must be a nexus between the

1 conduct and the offense charged. We held there must be
2 an unmistakable nexus by clear and convincing evidence
3 linking the conduct to a guilty conscious derivative of
4 the offense for which the defendant is on trial."

5 Is he on trial for being a serial killer or
6 having some weird murder-type thing where he kills
7 people, then sniffs their blood? Or is this a standard
8 burglary, armed robbery gone wrong? Robbed a drug
9 dealer, some type of case like that and shot him?

10 Examples of consciousness of guilt:
11 Attempting suicide, threatening a victim, lying to the
12 police to conceal his identity, fleeing scene of arrest,
13 fleeing resident after investigator request the
14 defendant stay at or near by his home, fleeing from a
15 patrol car.

16 This is not 404(b). If it was 404(b), it
17 could come in. If there was something to say, I robbed
18 a guy one time in his house, just like this case and I
19 enjoyed it and I do it every other time, that would
20 probably work. Absence of mistake, common scheme or
21 plan.

22 This is just 404(a). This is character, this
23 character allegedly, that statement was made, is, "I
24 have a propensity to kill because it gets me high," and
25 that doesn't come in unless there's an exception under

1 404(b) .

2 The prior bad acts, guilty act of
3 consciousness of guilt is some act that they did. The
4 act of stating his character, I would say, is more an
5 inaction which in this case, *Middleton*, says it really
6 doesn't count. I think he's just referencing.

7 We don't want to try this case again. Okay?
8 That statement, I'll take that under advisement but I
9 think we don't want to try this case again. I think it
10 has issues. I will review the case law you sent up to
11 see if that's appropriate.

12 As to all the other Miranda issues and
13 voluntariness, I'll take that under advisement as well
14 before I make my decision.

15 Let's bring Duckett back up -- Sergeant
16 Duckett back up and ask him a few questions about the
17 search warrant.

18 And you're still under oath.

19 All I'm concerned about is, I think, there's a
20 legal question and factual questions. The legal
21 question Mr. Hayes has raised is bringing a search
22 warrant to a summary court judge with conclusionary
23 statements of law is not appropriate.

24 So that, you can save essentially for the
25 attorneys to argue.

1 Then there's the factual that did this mislead
2 the magistrate? On its face, it would not appear to.
3 It came back as confirmed to be Christopher Cravets
4 which I want the investigator to explain, what does
5 "confirmed" mean?

6 Does it mean, could get a buccal swab, which
7 is one way of confirming it? But then there's also
8 confirming in the sense of, we got at hit.

9 So just to clarify, what does that sentence
10 mean is essentially what I'm looking for?

11 MR. POTTS: Your Honor, do you mind if I deal
12 with those in reverse order?

13 THE COURT: However you'd like to.

14

15 **(Recall) DIRECT EXAMINATION**

16 **BY MR. POTTS:**

17 Q. Investigator Duckett, I'm going to hand up to
18 you State's Exhibit 40.

19 A. Yes, sir.

20 Q. Take a look at that for me. Do you recognize
21 that?

22 A. Yes, sir.

23 Q. What is State's 40?

24 A. This is a "HIT" notification.

25 Q. When you say, "HIT notification," who does it

1 come from?

2 A. From SLED.

3 Q. Is that what we often call "CODIS notes"?

4 A. Yes, sir.

5 Q. Can you explain the purpose of that letter you
6 received from SLED?

7 A. This is a notification that we get when we
8 have any kind of DNA run through the CODIS system that
9 comes back with a hit. This is the notification we get
10 with the information of the person who the hit
11 confirmation comes from.

12 Q. And is that the CODIS note you received in
13 this?

14 A. Yes, sir. It is.

15 Q. If you don't mind just reading the pertinent
16 part, which is the first paragraph of what that letter
17 received from SLED states.

18 A. "Upon search of the South Carolina State DNA
19 database, SDIS, a high-stringency match occurred between
20 the DNA profile entered into CODIS as 19-23093-28-2P, as
21 in "poppa" and in (99.) And the DNA profile contained
22 within the South Carolina State DNA database identified
23 as belonging to."

24 Q. So it called it a match?

25 A. Correct.

1 Q. I also want to draw your attention to the
2 language of the second sentence of the next paragraph.
3 Starts with "Analysis." Would you mind reading that one
4 out?

5 A. Yes, sir.

6 "Analysis in this case is not considered
7 complete until a DNA standard is obtained from
8 individual and submitted for comparison purposes."

9 Q. So in your search warrant, if you need to
10 refer to it, that's fine. You stated that the DNA
11 sample was analyzed and came back as confirmed to be
12 Christopher Cravets?

13 A. Correct.

14 Q. In their language, it was a "match." Correct?

15 A. Correct.

16 Q. That letter says that it needs something else
17 to be confirmed complete; correct?

18 A. Correct.

19 Q. And your search warrant says, "A known
20 standard is necessary to complete the confirmation of
21 the sample"?

22 A. Correct.

23 Q. It just about mirrors the language that SLED
24 gave you in that CODIS note, doesn't it?

25 A. Correct. Yes, sir.

1 MR. POTTS: At this time your Honor, I'd like
2 to offer into evidence as a pretrial exhibit, State's
3 Number 40.

4 THE COURT: Any objection?

5 MR. HAYES: No objection.

6 THE COURT: It will be Court's exhibit, next
7 available.

8 MR. POTTS: I apologize, your Honor.

9 Q. (By Mr. Potts) So Investigator Duckett, now I
10 want to switch gears with you. I want to take you back
11 to meeting with the magistrate. I believe it was on
12 January 30th of 2020.

13 A. Yes, sir.

14 Q. When you draft a search warrant and
15 particularly in this case, something like a buccal swab,
16 do you put your entire case file in the notes?

17 A. The pertinent information, I believe, I put in
18 there. Yes, sir.

19 Q. In this case, this has already happened. By
20 the time this happened, you've already talked to
21 Mr. Cravets twice and gotten the two statements;
22 correct?

23 A. Yes, sir.

24 Q. Did you meet with a recorder or a magistrate?

25 A. A municipal recorder.

1 Q. I apologize. I actually did not hear.

2 A. A municipal recorder, Ms. Angie Ladson, I
3 believe was the one that issued that.

4 Q. Now, when you met with that recorder, did you
5 just hand her the search warrant and stay silent?

6 A. No. I handed her the search warrant and gave
7 her a moment to read over it. And in this case
8 particularly, I just supplemented a little information
9 provided with what occurred.

10 Q. Do you recall the supplemental information you
11 gave her?

12 A. Yes, I just also advised her that he already
13 made two statements and confessed to what occurred as
14 well.

15 Q. And you said that you supplemented that
16 with -- I apologize.

17 A. Ms. Ladson.

18 Q. When you said, "he" gave you, you mean this
19 defendant in this case?

20 A. Correct.

21 Q. So the entire of probable cause you gave her
22 is not contained necessarily in the language of the
23 warrant but you did supplement with the relatively new
24 information of the two, of the new confessions?

25 A. Correct.

1 Q. Did you tell her that the initial DNA results
2 would have come back from SLED?

3 A. Yes. That's what's in there, the initial
4 results that was confirmed to be Mr. Christopher Cravets
5 or the language that it reads in there.

6 MR. POTTS: Beg the Court's indulgence, just
7 one second?

8 Mr. Duckett, I have no further questions.
9 Please answer any questions that Mr. Hayes has for you.

10 MR. DUCKETT: Yes, sir.

11 MR. HAYES: May it please the Court?

12 THE COURT: Yes, sir.

13

14 **CROSS-EXAMINATION**

15 **BY MR. HAYES:**

16 Q. Mr. Duckett, you testified earlier that this
17 case is five years old and you don't remember a lot of
18 things; right?

19 A. Minor in particulars, yes, sir.

20 Q. About interactions that you had with my
21 client, you don't remember the car ride, where you were?

22 A. No, sir. I don't believe.

23 Q. The only reason you remember this one
24 statement that he's alleged to have made about getting
25 high off of blood is because you notated it somewhere;

1 right?

2 A. That's not something you forget.

3 Q. But you remember it because you notated it,
4 you thought enough of it at the time, that it was
5 important enough to notate it?

6 A. I would remember that even if I didn't notate
7 it, sir.

8 Q. Because you would agree with me that nowhere
9 in any of your case notes or any of the documentation
10 that's been provided by the State in this case, is there
11 some documentation where you provided some kind of oral
12 supplement to the search warrant in this case, is there?

13 A. No, sir, There's not.

14 Q. But you distinctively remember telling the
15 investigator or the magistrate or the clerk -- who was
16 it you were speaking to?

17 A. Ms. Ladson.

18 Q. Ms. Ladson?

19 A. Uh-huh.

20 Q. Is she a magistrate?

21 A. Municipal recorder.

22 Q. A municipal recorder?

23 A. Uh-huh.

24 Q. For the city of Columbia?

25 A. Correct.

1 Q. She's the one that signed it?

2 A. Yes, sir.

3 Q. A municipal recorder, is she a judge?

4 A. Yes. I can't give you the exact -- that's
5 where we get our search warrants signed, through our
6 process. So yes, for the sake of the search warrant to
7 be signed.

8 Q. She's a municipal recorder.

9 Where do you go to have her sign those?

10 A. 811 Washington Street.

11 Q. Where was she at?

12 A. 811 Washington Street.

13 Q. Does he have an office there?

14 A. Yes.

15 Q. Does she have a staff that works for her?

16 A. Several of them down there that take care of
17 all the warrants, sir.

18 Q. If I'm taking this warrant to get it signed,
19 if I'm law enforcement, where do I go?

20 A. 811 Washington Street.

21 Q. I understand that. But 811 Washington Street,
22 you'd agree with me, has a variety of hallways and
23 different things. I mean, you're talking about the
24 courthouse side?

25 A. Correct.

1 Q. And it's down in the basement where the
2 cashiers window is?

3 A. It's behind there but yes, sir.

4 Q. When you say "down there," I can only assume
5 that's what you mean. I'm trying to verify that.

6 A. Yes, sir.

7 Q. How many other municipal recorders are back
8 there?

9 A. Currently or then?

10 Q. Then.

11 A. Four.

12 Q. They just have them rotating on-call?

13 A. I don't know their schedule.

14 Q. You just happened to run across Ms. Ladson on
15 this particular day?

16 A. I called the phone number to see who was down
17 there and she answered the phone and I went down and met
18 with her.

19 Q. Do you know what time she signed it?

20 A. Not exactly. No, sir.

21 Q. Do you have any idea of what else was going on
22 that day when you had her sign it?

23 A. Going on with who?

24 Q. With yourself.

25 A. Can you be more specific?

1 Q. What other cases were you working that day?

2 A. None.

3 Q. Was this the only warrant you took on that
4 day?

5 A. Correct.

6 Q. What about this oral testimony that you
7 remember so vividly? What makes it so vivid in your
8 mind that you know for sure you told her that he's
9 confessed twice?

10 A. Because I remembered.

11 Q. That's it?

12 A. Yeah, I remember what happened. Yes, sir.

13 Q. Did she ask you any questions?

14 A. Nothing additional.

15 Q. Why would it have been necessary to just offer
16 this without being responsive to a question?

17 A. At that time I felt it necessary to provide
18 her with a little additional information.

19 Q. Because you had the first statement way back
20 in December; right?

21 A. I did.

22 Q. You agree with me, you didn't articulate that
23 in the warrant, did you?

24 A. No, sir.

25 Q. And he'd just given you a statement two days

1 before you went the down with a warrant; right?

2 A. Correct.

3 Q. You would agree with me, you didn't type this
4 warrant up until probably the morning of the 30th;
5 right?

6 A. Possibly.

7 Q. Did you type the affidavit itself, did you
8 type out this warrant yourself or did you have somebody
9 else do it on your behalf?

10 A. It has my name on it.

11 Q. I understand you presented it. But did you
12 have somebody else help you --

13 A. No, sir.

14 Q. -- in drafting it?

15 A. No, sir.

16 Q. Do you recall when you drafted it?

17 A. Yes. It would have been after the second
18 interview.

19 Q. It was after the second interview?

20 A. Correct.

21 Q. And I understand this idea of confirmation and
22 it almost mirroring the language from the CODIS hit.

23 You'd agree with me, the CODIS hit says it's a
24 lead; right?

25 A. Yes, sir.

1 Q. It's not an actual confirmation, it's a case
2 lead?

3 A. It's a lead, yes, sir.

4 Q. The language that you put into that affidavit
5 itself isn't actually the language that was provided
6 from the CODIS hit?

7 A. The language that I put in the warrant is
8 accurately depicted on the information that we get. I
9 think -- I don't want to say that I'm trying to mislead
10 the judge in saying it's a confirmed hit. I think I was
11 pretty specific on saying that the information that we
12 got and the DNA went and was tested and it confirmed
13 this to be the person. We need a buccal swab from this
14 person to complete the confirmation.

15 Q. So the DNA was tested. I think the warrant
16 doesn't say who it was tested by.

17 A. The warrant?

18 Q. The search warrant for the buccal swab; right?

19 A. Uh-huh.

20 Q. It just says, in a conclusionary statement,
21 the DNA was tested; right?

22 A. Correct.

23 Q. It doesn't offer who tested it?

24 A. No. Not in that search warrant.

25 Q. It doesn't say that. It doesn't say -- other

1 than saying it in a conclusionary statement that it was
2 confirmed, it doesn't tell you what the result really
3 was; right?

4 A. I think it specifically says that it's
5 confirmed to be Christopher Cravets. That's what the
6 results were.

7 Q. Doesn't it says that it's a case lead and the
8 swab is necessary to confirm?

9 A. To complete the confirmation, correct.

10 MR. HAYES: Judge, if I may?

11 THE COURT: You may.

12 MR. HAYES: Thank you.

13 Q. (By Mr. Hayes) You'd agree with me that this
14 paragraph under Mr. Cravets, after they identify him, it
15 says, "This information is to be used as an
16 investigative lead and supports probable cause to obtain
17 a DNA standard from above individual. Analysis in this
18 case is not considered complete until a DNA standard is
19 obtained from the individual and submitted for
20 comparison purposes."

21 A. Correct.

22 Q. When you say conclusively in your search
23 warrant that the DNA found at the scene was confirmed to
24 be Mr. Cravets, that's not an entirely accurately said
25 statement?

1 A. I believe it is entirely and accurate said
2 statement. I think we're just a different self, whether
3 or not the word confirm is saying 100 percent confirmed
4 or not. We're saying that this is the information that
5 we have. It was confirmed to be this person. And we
6 need an additional buccal swab to complete the
7 confirmation.

8 Q. Would you agree with me that the idea of being
9 confirmed is that someone says they're confirming
10 something, they're telling you you're right. I confirm
11 that. You are right?

12 A. Correct. But what I'm saying is that the
13 statement specifically says an additional one is
14 necessary to complete the confirmation. It's mentioned
15 there. It's also mentioned in the search warrant.

16 MR. HAYES: I don't have anything further
17 Judge.

18 THE COURT: Thank you.

19 You may step down.

20 I'm going to take that under advisement.

21 Any additional arguments, Mr. Hayes?

22 MR. HAYES: Not at this time, your Honor. I
23 think my points and my arguments have been made for the
24 record.

25 THE COURT: I've got a copy here so I'm going

1 to make this search warrant a Court exhibit and I'm
2 going to make your proposed pretrial motions a Court
3 exhibit.

4 So I'll take care of that.

5 MR. HAYES: Judge, I think there's probably
6 another copy of that search warrant in that file.

7 THE COURT: Is this yours?

8 MR. HAYES: Yes, sir. I'm happy if I could
9 just get a copy of that.

10 MR. HAYES: Mr. Hayes, you can have my copy.

11 MR. HAYES: Thank you.

12 MR. FOWLER: Your Honor, I have copy of the
13 Court's --

14 THE COURT: We'll take care of that when we're
15 off the record so the court reporter is not inundated
16 with figuring all of that out.

17 So any other pretrial motions from the
18 defense?

19 MR. HAYES: Just to run down the list, not to
20 belabor the point, Judge.

21 We moved to quash indictment. We've done the
22 *Jackson v. Denno* hearing. We're going to try to
23 suppress the execution of the search warrant and any
24 evidence that is derived from the fruit of the poisonous
25 tree.

1 Ralph Pitt is not going to be an issue.

2 The 404(b) evidence, I think we've addressed.

3 And beyond that, after opening statement
4 tomorrow Judge, we would just respectfully request that
5 any government witness be required to sit outside the
6 courtroom.

7 THE COURT: If the State will -- since you
8 know who your witnesses are, Sergeant Duckett can stay,
9 the victims can stay. Is there going to be issues with
10 sequestration?

11 MR. POTTS: No, your Honor. I just want to
12 make it clear for the record that while she is not named
13 in the indictment, Ms. Homewood is the victim of the
14 burglary. She did reside at that [REDACTED] Clark Street so
15 we will be treating her as the victim for purposes of
16 sequestration and she will be here as the victim.

17 THE COURT: Okay. She will be considered a
18 victim under the Victim's Right Act.

19 MR. POTTS: Thank you.

20 THE COURT: What I'm going to do at this point
21 is play that unredacted video. Was it the first one
22 from Conyers?

23 MR. HAYES: Just the redacted version.

24 THE COURT: Redacted, excuse me, from Conyers.

25 MR. HAYES: If we can play it.

1 THE COURT: What I'm going to do is let y'all
2 start running that thing. We're going to adjourn court
3 but y'all are going to stay here in court and let him
4 review this video.

5 We aren't going go too far if we need to
6 finish another point.

7 MR. HAYES: We can run the one this afternoon.
8 It looks to me like it's an hour long. We got five or
9 ten minutes into it, I feel like, maybe not. Maybe 40,
10 45 minutes left on that one. And we'll cut it down and
11 in the morning I'll be here and if the courtroom will be
12 open at about 8:30, we can review the other one. I
13 think it's about 15 minutes in.

14 THE COURT: What we'll do is as soon as
15 Mr. Cravets gets here, we'll bring him up into the
16 courtroom, as long as the procedure works, get him up
17 here right away and start playing the rest of it. But
18 y'all start playing what you need to play, let him
19 review it and go to about 4:45 and we'll be done.

20 And make sure the court reporter, after we go
21 off the record, gets all of the exhibits and I'll have a
22 ruling for these motions first thing tomorrow morning.

23 Court is adjourned.

24 MR. POTTS: One last thing, your Honor. Do
25 you mind if we provide the exhibits tomorrow morning?

1 THE COURT: Tomorrow morning is fine. Just
2 make it before we go on the record.

3 MR. POTTS: Thank you, your Honor.

4 (Whereupon, Court was adjourned for the
5 day.)

6 * * *

7 (Court's Exhibit 1, Pretrial Motions, was
8 marked for Identification.)

9 (Court's Exhibit 2, Search warrant, was
10 marked for Identification.)

11 (Court's Exhibit 3, Advice of Rights
12 Conyers, GA., was marked for
13 Identification.)

14 (Court's Exhibit 4, Advice of Rights CPD,
15 was marked for Identification.)

16 (Court's Exhibit 5, Redacted Interview
17 Conyers, GA., was marked for
18 Identification.)

19 (Court's Exhibit 6, Redacted Interview
20 CPD, was marked for Identification.)

21 (Court's Exhibit 7, Copy of unredacted
22 videos, was marked for Identification.)

23 (Court's Exhibit 8, CODIS Letter from
24 SLED, was marked for Identification.)

25

* * *

THE BAILIFF: All rise. Come to order.

THE COURT: You may be seated.

Good morning. Back on the record of State vs. Christopher Cravets.

Anything from the State before I go over these motions?

MR. POTTS: Yes. Briefly, your Honor. I want to clear up the record from yesterday regarding the State's exhibits that we referenced and the ultimate number of court exhibits.

I talked with the court reporter and Mr. Hayes and so here are the numbers, your Honor.

State's 1 is now Court's 3.

State's 2 is Court's 4. Those are the two Advice of Rights in order.

State's 27 was a redacted Georgia video. It's Court's 5.

State's 28 is the redacted CPD video which is now Court's 6.

State's 32 was the unredacted videos, plural. It is now Court's 7.

And State's 40, which was the CODIS note, is now Court's 8.

THE COURT: Got it.

1 MR. POTTS: Just so the record is clear, when
2 we referenced those items earlier, they had the new
3 numbers today based on that.

4 Other than that your Honor, I did have one
5 preliminary thing but I've lost it in my head. As I
6 think about it, I'll bring it up.

7 Thank you, your Honor.

8 THE COURT: I took several motions under
9 advisement, which I'm ready to rule on at this point.

10 The first was the defenses motion to quash.
11 I'm denying the motion to quash the indictments based on
12 large part of the arguments from the Solicitor.

13 My view is that the indictment as a notice
14 document gives and follows procedural due process under
15 the State and Federal Constitution. It conforms with
16 the case law and puts them on proper notice of what the
17 charges are, what the allegations are which he is here
18 to defend in court.

19 In particular, the appearance of a firearm, I
20 believe satisfies the specificity requirement, as well
21 as the armed robbery which includes a plethora of
22 weapons, but it does include the allegations of this
23 charge and it conforms with the statute.

24 So I believe that it is in compliance with the
25 cases of *Means* and *Gentry*, as well as the State

1 Constitution so I'm denying the motion to quash.

2 I'm granting the motion to amend. I believe
3 that it falls within -- it's a lessor included so it's
4 well within the bounds to be appropriate, Get put in
5 notice of the same arguments and same elements so I'm
6 going to granting the motion to amend the indictment.

7 The second motion under advisement was the
8 *Jackson v. Denno* Hearing. There were three separate
9 statements. I'm denying the motion to suppress any of
10 the statements. I find that all of the statements were
11 voluntarily given and the first and second did comply
12 with Miranda.

13 The first statement, Miranda was given and was
14 properly given, witnessed, signed, verbally and written.
15 Initially, it was a voluntary statement while
16 Mr. Cravets was -- appeared to be sleepy, they did give
17 him a minute to collect himself.

18 I find the testimony of Sergeant Duckett
19 credible, that he did not appear to be under the
20 influence of any alcohol or drugs but they gave him a
21 minute to gather himself. I reviewed the video here in
22 court with everyone else. He appeared to understand
23 what was going on. He was given water to drink, the
24 opportunity for that. He wasn't threatened or coerced
25 and I believe it was voluntarily given.

1 As to the third statement, even more so, he
2 was given his Miranda Rights all on video, as well as he
3 was much more lucid, you could say. So even more so it
4 was voluntarily given, there was no doubt about that at
5 all. He understood what he was doing.

6 The testimony from Sergeant Duckett, I don't
7 believe this falls under Miranda because there was no
8 interrogation. He was in custody, but from the
9 testimony of Sergeant Duckett, there was a statement
10 given but it was voluntarily given from the defendant,
11 not under lines of questioning at all and it was a
12 voluntary statement at that.

13 However, that statement at this point, none of
14 it is coming in. It was pure character propensity
15 evidence. The prejudicial value substantially outweighs
16 the probative value. All I think of is, you can just
17 get that statement in and rest your case, therefore,
18 it's not coming in at this point.

19 However, if the door is open, it's a
20 possibility that it could come in but that would be
21 further argument down the road. So that statement is
22 out for those reasons.

23 The motion to suppress, fruit of the poisonous
24 tree suppressed, the search warrant and everything else
25 that came from it is denied.

1 After reviewing the search warrant and hearing
2 testimony from Sergeant Duckett, the one sentence in
3 there about the confirming -- it was confirmed to be the
4 defendant's DNA, I do not believe that was a legal
5 conclusory statement.

6 Rather, I believe it was just a factual
7 statement that gave probable cause to find the evidence
8 of a crime necessary.

9 And you read that in conjunction with the
10 first and second sentence, and it's clear that this is a
11 factual statement.

12 In addition, we heard from Sergeant Duckett
13 explaining what it meant. Legally, I do not believe it
14 was conclusory. I believe it was a factual statement.

15 Factually, I do not believe it was misleading.
16 I believe when you read those two sentences together in
17 conjunction with Sergeant Duckett's testimony, the word
18 "confirming" is synonymous with "hit."

19 And in the second sentence, it clarifies any
20 misconception we might have that it was completing the
21 confirmation. So that was the purpose of it.

22 So all of your objections and motions are
23 noted for the record as to my rulings as of this. You
24 can object, again, too, just for the record.

25 MR. HAYES: Yes, sir. And that is what I was

1 going to ask your Honor. I guess when they go to
2 introduce these things over previous objections --

3 THE COURT: Yes. We'll make sure those are
4 renewed at -- every time, before those witnesses testify
5 if that comes in. But we'll make sure to remind you of
6 that too in case it slips your mind.

7 MR. HAYES: Thank you, Judge.

8 THE COURT: I believe that covers all of the
9 previous motions. Make sure that any of your witnesses
10 are sequestered at the appropriate time. Make sure that
11 all your witness know we're not getting into prior
12 character evidence of the defendant, anything of that
13 nature. None of that statement about blood, just
14 forewarning about that.

15 So anything else from the State before we
16 bring the jury out and do open statements?

17 MR. HAYES: Your Honor, as far as scheduling
18 for today goes, we are planning on putting up a majority
19 of our case-in-chief today. We do have two experts who
20 we've asked to come tomorrow morning. If we do end up
21 finishing before the day is over, I just wanted to let
22 your Honor know that's why. And I've discussed that
23 with Mr. Hayes and I told him what our plan was.

24 And other than that, I think there's nothing
25 else from the State, your Honor. We're ready to go.

1 MR. HAYES: We're good.

2 THE COURT: Okay. Thank you.

3 MR. POTTS: Thank you, your Honor.

4 THE COURT: Let's bring the jury in.

5 (Jurors entered.)

6 THE BAILIFF: The jury is present, your Honor.

7 THE COURT: Thank you.

8 Good morning, ladies and gentlemen. Thank you
9 for being here. Thank you for your patience.

10 Before we get started today, we have to swear
11 you in one more time.

12 MADAM CLERK: Yes, sir, your Honor.

13 Ladies and gentlemen of the jury, please
14 remain seated. Please raise your right hand to be
15 sworn. After doing so please acknowledge by answering
16 "I do."

17 *Do you swear or affirm that you shall well and*
18 *truly try in true deliverance to make between the State*
19 *of South Carolina and the defendant at bar, whom you*
20 *shall have him charged on a true verdict give according*
21 *to the law and evidence, so help you God?*

22 ALL JURORS: (Collectively "I do").

23 THE COURT: Thank you, again, ladies and
24 gentlemen.

25 Before we get started, I'm going to go over

1
2 **OPENING STATEMENTS**

3 * * *

4 MR. FOWLER: It has happened to everyone. A
5 sound. A noise. A bump in the night. Something
6 startles us. Wakes us up from a deep sleep to a cold
7 panic. Fear sets in that someone's broken into our home
8 when we're at our most vulnerable in the middle of the
9 night. It's the worst nightmare. Sitting up in bed
10 panicked, trying to figure out how to react. Trying to
11 think straight. But for most of us, this turns out to
12 be an overreaction. The creaking of an old house. A
13 loud storm. A stray animal in the trash.

14 But for Angela Homewood and Delon Summerset,
15 this nightmare became a reality. Just after midnight on
16 November 25, 2019 at a home located at [REDACTED] Clark
17 Street -- it's off North Main, it's a short distance
18 from here -- Angela Homewood is awoken by the sound of
19 shattered glass.

20 When she emerges from her bedroom she sees a
21 dark shadowy figure in her living room. For her, that
22 worse nightmare becomes a reality.

23 Now, Angela is here. Angela is going to tell
24 you about that nightmare. She's here to tell you that
25 story. Delon Summerset is not here. He experienced the

1 worst ending to the worst nightmare. That night he fell
2 asleep on the couch next to a bag of potato chips.

3 A simple thing. It happens all the time. He
4 was awoken by the sound of intruders burglarizing his
5 home. He jumped off the couch to confront him. Delon
6 was shot seven times and died as a result.

7 As Delon and Angela slept, Christopher Cravets
8 and two other individuals shattered the window in the
9 rear of the home. They entered intending on robbing
10 Ms. Homewood and Mr. Summerset. As Christopher Cravets
11 entered the home, he cut his finger and he left his DNA
12 at the scene. He was arrested several days later in
13 Georgia.

14 Over the course of two recorded interviews,
15 you're going to hear Christopher Cravets describe that
16 nightmare. He's going to tell you about the nightmare
17 that he created at [REDACTED] Clark Street. He's going to
18 tell you about the plan to go in and steal from them.
19 He's going to tell you about the attempted armed
20 robbery. He's going to tell you about the first-degree
21 burglary, entering the home at night armed, harming
22 someone, intent to steal from them. And he's going to
23 tell you about the murder.

24 "Murder is the unlawful killing of another
25 with malice aforethought."

1 Malice, as you will hear throughout this
2 trial, ladies and gentlemen is a "complete and reckless
3 disregard for the value of human life. It is a wicked
4 heart fatally bent on wrongdoing."

5 As you will be instructed at the end of the
6 trial, it's a necessary element for murder.

7 I submit to you, ladies and gentlemen, this is
8 the definition of malice:

9 Christopher Cravets entered the home of a
10 couple that was peacefully sleeping intending to commit
11 a crime when he was confronted by Delon Summerset, who
12 was sleeping on his couch. With a complete disregard
13 for Delon's life, shot him not once, not twice, but
14 seven times. This malice is, ladies and gentlemen.

15 The facts of this case are the worst
16 nightmare. The facts of this case will prove to you
17 beyond a reasonable doubt that Christopher Cravets is
18 guilty. These facts, this nightmare, that bump in the
19 night, that wasn't just the creaking of an old home.
20 We'll firmly convince you that Christopher Cravets
21 created a living nightmare.

22 You will be firmly convinced that he is guilty
23 of conspiracy, attempted armed robbery, burglary in the
24 first degree and the murder of Delon Summerset.

25 Thank you.

1 THE COURT: Mr. Hayes?

2 MR. HAYES: May it please the Court?

3 THE COURT: Yes, sir.

4 MR. HAYES: Ladies and gentleman, we've all
5 done this as well. We've all sat at home and watched
6 the news, five o'clock news, six o'clock news, seven
7 o'clock news, whatever news you decide to watch,
8 especially if you watch local news. There's always
9 something coming on with the sheriff usually on TV and
10 he says, hey, we rounded up some guys today, they were
11 involved in a shootout somewhere and here they are.
12 They'll put their face on TV. And you're probably, when
13 you're watching the TV that night, you're probably
14 saying, wow, that's great. That's good. I'm glad that
15 they got that guy. I'm glad he's off the street.

16 You don't know anything about the case other
17 than what the sheriff just said and what the news has
18 presented. But probably in the back of your mind
19 somewhere, you're thinking about that and you're
20 prejudging the case and you're prejudging the people
21 that are accused.

22 You just took an oath in this case to keep an
23 open mind until deliberations begin and I ask you to do
24 that because what the government has told you, you'd
25 probably say oh, boy. Wow, a lot going on. Why are we

1 here?

2 Well, at this stage of the proceedings,
3 Mr. Cravets is presumed to be innocent. He sits before
4 you presumed an innocent man and the government has to
5 prove this case beyond a reasonable doubt. And I
6 understand all the evidence that they believe that
7 they're going to be able to present to you and what
8 they're going to show you. But I suggest to you that it
9 might not be everything that they say. You've got to
10 hold them accountable for what they're going to try to
11 do.

12 Because at the end of the day, they have the
13 burden in this case, they have to prove this case beyond
14 a reasonable doubt. Mr. Cravets doesn't have to prove
15 anything. He doesn't have to prove himself to be
16 innocent. The government has to prove beyond a
17 reasonable doubt that he's guilty.

18 So what's reasonable doubt? It's one that
19 might make you hesitate to act. It might make you
20 hesitate to act.

21 The Judge is going to instruct you on that at
22 the end of case when you go back to deliberations about
23 what a reasonable doubt is and how you meet that
24 standard.

25 So I'd ask you to keep an open mind. Note

1 that Mr. Cravets is presumed innocent. The government
2 has to prove this case beyond a reasonable doubt. And
3 without showing my hand too much here in opening
4 statement, I suggest to you, if you keep an open mind
5 and you wait until closing argument in this case, there
6 might just be one for you.

7 We appreciate your attention.

8 This is Mr. Cravets. This is my assistant
9 sitting next to me. Just so you know, she may be in and
10 out. But I couldn't do my job without her. So I'm very
11 grateful to her. But if you see her in and out, that's
12 who that person is. We will be the only three people at
13 out table. Okay?

14 Over here you have all the power in the State
15 of South Carolina sitting at this one. They've got to
16 bring this case to you and they've got to prove it
17 beyond a reasonable doubt. I'm asking you to keep an
18 open mind until closing argument where we're going to
19 ask you to find Mr. Cravets not guilty.

20 Thank you.

21 THE COURT: The State may call its first
22 witness.

23 MR. FOWLER: The State calls Ashley Hardesty.

24

25 A S H L E Y H A R D E S T Y, the Witness herein,

1 having been sworn by the Clerk of Court, was examined
2 and testified as follows:

3 MADAM CLERK: Please state your name for the
4 record and spell your last name.

5 THE WITNESS: My name is Ashley Hardesty,
6 H-a-r-d-e-s-t-y.

7 THE COURT: Ms. Hardesty, if you'll just make
8 sure to speak up so the last juror back there can hear
9 you as well as the court reporter at the same time.

10 Thank you.

11

12 **DIRECT EXAMINATION**

13 **BY MR. FOWLER:**

14 Q. Officer Hardesty, where are you currently
15 employed?

16 A. I'm currently employed with the City of
17 Greenville Police Department.

18 Q. In November of 2019, where were you employed?

19 A. I was with the City of Columbia Police
20 Department at that time.

21 Q. November 25th, 2019, did you have an
22 opportunity to respond to [REDACTED] Clark Street?

23 A. I did.

24 Q. How were you told to get out there?

25 A. We received a call through dispatch saying

1 there was a loud noise and glass breaking in the area
2 and possibly shots fired in the area of [REDACTED] block of
3 Clark Street.

4 Q. When you arrived, what did you do?

5 A. When we arrived to the scene, I was told to go
6 over there by my corporal who was flying down. When we
7 first got there, we spoke with an older female who said
8 she heard a commotion inside of her house and wanted to
9 check it out.

10 Q. This house, [REDACTED] Clark Street, is that located
11 in the city of Columbia?

12 A. It is.

13 Q. Whereabouts is that, just kind of generally?

14 A. It's near River Drive, they call it the
15 Earlewood neighborhood.

16 Q. Is that in Richland County?

17 A. It is.

18 Q. Did you enter the home?

19 A. Yes.

20 Q. What did you do once you entered the home?

21 A. When we entered the home, we started clearing
22 the rooms as we were going to ensure -- see what was
23 going on, see what the problems were inside, the
24 commotion she heard.

25 After we got to the living room area, we

1 observed signs that there may have been a crime
2 committed. We observed blood on the floor that led to a
3 trail into the back hallway.

4 In the back hallway, we observed a male who
5 appeared to be deceased laying on the ground with blood
6 around him and multiple shell casings around the area.

7 Q. What do you mean by "clearing the home"?

8 A. So we pull out our issued handguns and begin
9 clearing for any threats potentially that is inside the
10 home.

11 So we would go into each room, each closet,
12 anywhere a potential intruder could have been hiding
13 inside of the home, just to ensure and see what was
14 going on, not only for our safety but also for hers.

15 She stated something happened and she wasn't
16 sure, it could have potentially been a home invasion.

17 Q. I'm going show you what's been marked as
18 State's Exhibit 3.

19 Do you recognize this?

20 A. I do.

21 Q. What is it?

22 A. That is the disc with my body camera footage
23 on it.

24 Q. And did you initial it after you watched it?

25 A. I did.

1 Q. Can you describe for us just kind of briefly
2 what we're going to see on this.

3 A. On that body-camera footage, you'll see me
4 entering the home with my corporal. We'll begin
5 clearing the initial bedroom on the left and then we'll
6 making our way into the living room area.

7 And as you round the living room area, you'll
8 see a hallway. Down that hallway is where you'll
9 observe the victim's body laying on the ground.

10 Q. And this video that you've watched, is that a
11 fair and accurate representation of what you just
12 described?

13 A. Yes.

14 MR. FOWLER: Your Honor, at this time I'd move
15 to have State's 3 admitted into evidence.

16 THE COURT: Any objection?

17 MR. HAYES: May we approach on this?

18 THE COURT: Yes, briefly.

19 MR. HAYES: Thank you.

20 (Sidebar conference was held, not
21 reported.)

22 THE COURT: Any objections to the video?

23 MR. HAYES: Yes, sir. Defense objects to the
24 introduction of this video.

25 THE COURT: It's noted for the record.

1 Overruled.

2 MR. FOWLER: Your Honor, permission to
3 publish?

4 THE COURT: Granted.

5 (State's Exhibit 3, Body-camera footage,
6 Officer Ashley Hardesty, was entered into
7 evidence.)

8 THE COURT: If at some point if you cannot see
9 or hear the video or hear a witness, just raise your
10 hand and I'll notice it or the bailiff will notice it.
11 Thank you.

12 (Playing video.)

13 Q. (By Mr. Fowler) So after you finished clearing
14 the house, what did you do?

15 A. After we finished clearing the house, I went
16 outside. Due to the circumstances, we started trying to
17 call out more perimeters, get units set up in different
18 areas.

19 Q. And that was, in fact, the body of the
20 homeowner?

21 A. Yes.

22 Q. In the hallway?

23 A. Yes.

24 Q. Did you do anything else after that?

25 A. At the time I believe the female that you

1 observed on screen, due to us not knowing what happened
2 and the circumstances of it being called in, she was
3 detained and eventually taken to our headquarters for
4 follow-up questioning.

5 MR. FOWLER: No further questions, your Honor.

6
7 **CROSS-EXAMINATION**

8 **BY MR. HAYES:**

9 Q. Ms. Hardesty, you drafted a report in response
10 to this occurrence?

11 A. Yes.

12 Q. And as part of that, were you able to view
13 some video evidence that may have been available?

14 A. I don't recall if I was the one that viewed it
15 or if it was relayed to me by another officer on the
16 scene.

17 Q. Do you recall in your report saying that there
18 were three white males that entered the residence?

19 A. The report does say that, correct.

20 Q. So you say it's your belief in your report --
21 at the time of your reporting, what your responding to
22 was that the three men that entered the home were white?

23 A. That's what the report says, correct.

24 Q. Well, it doesn't just say it one time; right?
25 You would agree with me it says that there's three white

1 males but then it goes on to say one white male did
2 this?

3 A. Yes, that's correct.

4 Q. One white male did something else. And a
5 third while male did something else?

6 A. That's correct, yes.

7 Q. It was your understanding that maybe even one
8 of the white males had come out the front door?

9 A. That is what the report says, correct.

10 Q. And one of the white males had exited the home
11 in a manner towards maybe 309?

12 A. Yes, that's correct.

13 Q. And one white male is seen exiting maybe the
14 rear of [REDACTED], which is where this occurrence is?

15 A. That's correct.

16 MR. HAYES: No further questions.

17 THE COURT: Redirect?

18

19 **REDIRECT EXAMINATION**

20 **BY MR. FOWLER:**

21 Q. You are aware that there is Ring doorbell
22 footage in this case; correct?

23 A. Yes.

24 Q. But you, yourself, did not view it?

25 A. I don't recall reviewing it myself. I believe

1 another officer may have relayed it to me and had me put
2 that in the report.

3 MR. FOWLER: Nothing further, your Honor.

4 MR. HAYES: Just briefly, Judge.

5
6 **RECROSS-EXAMINATION**

7 **BY MR. HAYES:**

8 Q. I mean, somehow according to the report, these
9 guys, the perpetrators are white; right?

10 A. In the report it does state that, yes.

11 Q. And that information came from somewhere,
12 rather than you developing it yourself or another
13 officer gave it to you?

14 A. That's correct.

15 MR. HAYES: Thank you.

16 THE COURT: You may step down.

17 State may call its next witness.

18 MR. POTTS: The State would call Angela
19 Homewood.

20
21 A N G E L A H O M E W O O D, the Witness herein,
22 having been sworn by the Clerk of Court, was examined
23 and testified as follows:

24 MADAM CLERK: Please state your full name for
25 the record.

1 THE WITNESS: Angela Renee Homewood.

2 **DIRECT EXAMINATION**

3 **BY MR. POTTS:**

4 Q. Good morning, Ms. Homewood.

5 A. Good morning.

6 Q. Can you tell the jury a little bit about
7 yourself.

8 A. Currently I'm 44. I work at a vets office
9 that I used to work at many moons ago. I went back
10 about three years ago after needing I guess support and
11 somebody I knew, that I previously trusted.

12 I now live in West Columbia after buying a new
13 house after our house was sold. It went through probate
14 by Delon's parents.

15 THE COURT: Can you just speak up a little bit
16 louder?

17 THE WITNESS: Sorry.

18 THE COURT: You're fine.

19 MR. POTTS: Move the microphone a little bit
20 closer to you.

21 MR. HAYES: My trouble, Judge, is I can't see
22 the witness over the screen.

23 THE COURT: Let's move that out of the way.

24 Is that better?

25 MR. HAYES: Thank you.

1 THE COURT: Just make sure the court reporter
2 and the last juror and everyone can hear you. Okay?

3 THE WITNESS: Yes, sir.

4 Q. (By Mr. Potts) And I understand you're nervous
5 to be here today.

6 A. I am.

7 Q. I appreciate that but you do have to speak up.
8 Okay?

9 A. Uh-huh.

10 Q. So you now live in West Columbia?

11 A. I do, yes.

12 Q. You said what we're you doing as a job. You
13 said you were working with pets?

14 A. I work at a vets office. Yes.

15 Q. How long have you lived in the Columbia area?

16 A. My whole life. I was born and raised there.

17 Q. How did you meet Delon Summerset?

18 A. We went to high school together in Irmo. We
19 were friends ever since. We started dating in the
20 beginning of '08. Moved in together in 2018 and lived
21 together until --

22 Q. Until this happened in 2019?

23 A. Right.

24 Q. So you and Delon were very close?

25 A. We were, yes.

1 Q. Y'all lived together for almost a decade?

2 A. Yes.

3 Q. Had you lived in that house the entire time?

4 A. Yes. He bought the house in 2006. Had it
5 built in 2005.

6 Q. We're talking about the house at the [REDACTED]
7 Clark Street?

8 A. Correct. [REDACTED], yes.

9 Q. Do you know if that is Richland County?

10 A. It is, yes.

11 Q. What did Delon do for a living?

12 A. He worked at Palmetto Citizens, he was a
13 graphic designer.

14 Q. So, like, was Palmetto Citizens a bank?

15 A. Uh-huh. Federal Credit Union.

16 Q. Yes, I apologize. Federal Credit Union.

17 A. Yes.

18 Q. The people with the credit union would be very
19 upset if I called them a "bank."

20 A. They would.

21 Q. So what would a graphic designer do at a bank?
22 Does he create new logos for them?

23 A. Yeah. He did their website. Not logos but
24 different ads for different -- special events they were
25 running.

1 Q. Yeah, okay.

2 So whenever they had some new savings account
3 with X percentage --

4 A. Yes.

5 Q. -- he might design a little board or whatever?

6 A. He drew the piggies.

7 Q. The little piggies?

8 A. Yeah.

9 Q. The piggybanks, I guess?

10 A. Yeah.

11 Q. Now, that's not all Delon did for money.

12 A. No.

13 Q. Correct?

14 A. Correct.

15 Q. He had a side business; correct?

16 A. He did.

17 Q. And what was that side business?

18 A. Selling marijuana.

19 Q. How involved were you in that side business he
20 had?

21 A. I was not involved in the side business. I
22 partook personally, but was not at all involved in the
23 business. Didn't really even know much about it
24 before --

25 Q. Before this happened?

1 A. Right.

2 Q. You and Delon, while y'all lived together and
3 y'all were close, there were parts of his life you
4 didn't know much about; correct?

5 A. He was very compartmentalized. He -- I only
6 knew what he wanted me to know.

7 Q. And for instance, you didn't have the code to
8 get into his phone?

9 A. No.

10 Q. Or the iPad?

11 A. No. I still have an old iPad of his that I
12 haven't been able to get into.

13 Q. Like you said, he was very compartmentalized.
14 There were parts of his life that he shared with you and
15 then parts that you did not know much about?

16 A. Correct.

17 Q. But you were aware that he did sell marijuana?

18 A. I was, yes.

19 Q. In fact, he was arrested for it back in 2014?

20 A. Correct.

21 Q. Can you tell me about a man named Ralph Pitt.

22 A. Yes. Delon and Ralph met through Disc Golf.
23 Delon was an avid disc golf player since the late '90s
24 and that's how Delon met Ralph. And that's how I, in
25 turn, met Ralph.

1 I didn't play disc golf but just through their
2 friendship. I went to his wedding when he got married
3 and took care of his baby sometimes.

4 Q. At some point you knew them pretty well?

5 A. Yeah.

6 Q. But the last time you saw him was in 2014;
7 correct?

8 A. Correct. I considered Ralph a friend.

9 Q. And Ralph was somewhat involved with Delon's
10 side business?

11 A. Yes.

12 Q. Now, let's just stop with all that and go and
13 focus on November 25, 2019. Okay.

14 Just tell me a little about the day, what do
15 you remember about not that night yet, just kind of what
16 was happening that day?

17 A. So I have endometriosis, I don't know who all
18 is familiar with that. It's basically just a painful
19 period. I had just started. So I spent most of the day
20 just inside hanging out. I watched a movie on my
21 heating pad.

22 Q. Do you remember what movie you watched?

23 A. Yes. A girl who ran a marathon. Brittany
24 Runs a Marathon. It wasn't very good.

25 Q. Okay.

1 A. My friend Kelly had come over earlier that
2 day. We hung out in my backyard, had coffee, our
3 usually bit. Her dog came over and played with my dog.

4 Delon was gone most of the day. He was
5 helping a friend with some yard work. I went to bed
6 before he came home. I went to bed and I left our
7 bedroom door open. We live by ourselves. It was just
8 the two of us. So we normally didn't close the bedroom
9 door.

10 Q. Y'all don't have any kids or anything?

11 A. Right. No kids.

12 Q. So a little about your house. I'm going to
13 show you what's been marked as State's Exhibit Number 6.

14 MR. HAYES: No objection, Judge.

15 Q. (By Mr. Potts) Do you recognize that?

16 A. I do.

17 Q. What is it?

18 A. That was our home.

19 Q. Does this truly and accurately depict the
20 home?

21 A. It does.

22 MR. POTTS: At this time we'd offer into
23 evidence State's Number 6.

24 MR. HAYES: Without objection.

25 THE COURT: So entered.

1 (State's Exhibit 6, Photo off [REDACTED] Clark
2 Street, was entered into evidence.)

3 Q. (By Mr. Potts) I also want to show you what's
4 been marked as State's 5.

5 Can you tell me what that is?

6 A. The layout of our house.

7 Q. Now, it's not hundred percent to scale?

8 A. That looks pretty accurate. Well, fairly.

9 Q. So this fairly and accurately -- relatively
10 accurately depicts the diagram of your house?

11 A. Yes.

12 MR. POTTS: At this time your Honor, I'd like
13 to offer into evidence State's Number 5.

14 MR. HAYES: If I could briefly review it one
15 more second, Judge.

16 I do have an objection, Judge. I think it
17 contains information that is outside -- it's just the
18 scale of the home.

19 MR. HAYES: May we approach?

20 (Sidebar conference was held, not
21 reported.)

22 THE COURT: That objection is sustained at
23 this point.

24 Q. (By Mr. Potts) Just to be clear, State's 5 is
25 an accurate diagram of your home?

1 A. Yes.

2 Q. I guess let's talk about the layout of your
3 home a little bit.

4 A. Okay.

5 Q. You have the entrance way and I guess -- where
6 is the bedroom from, as we said on State's 6, that very
7 front door?

8 A. To the left.

9 Q. Why don't we do this.

10 MR. HAYES: Judge, I guess if he's going to
11 ask the witness to walkthrough the video --

12 MR. POTTS: No. I'm not going to do that.

13 MR. HAYES: I would renew my objection,
14 previous objection.

15 THE COURT: What's on the screen right now?

16 MR. POTTS: Your Honor, right now is State's
17 6.

18 THE COURT: Which is in evidence.

19 MR. POTTS: Which is in evidence.

20 THE COURT: Right.

21 Q. (By Mr. Potts) This is a big version of
22 State's 6. This is the front of your home. So when it
23 comes to your house, I guess, the door -- when you're
24 facing it, the door is more on the right-hand side than
25 the center?

1 A. Correct.

2 Q. Now this is the main entry way into the
3 building?

4 A. Yes.

5 Q. And y'all have a back door or anything?

6 A. Yes.

7 Q. Is there a side door?

8 A. No.

9 Q. So it's either the front or the back are the
10 two ways to get in?

11 A. Correct.

12 Q. I guess two doorways to get in?

13 A. Correct.

14 Q. You see this window right here on the
15 left-hand side of State's 6 (indicating)?

16 A. Yes.

17 Q. What room is that window?

18 A. That's the laundry room.

19 Q. Where would the bedroom be in relation to that
20 laundry room?

21 A. To the left of that.

22 Q. So just further over here (indicating)?

23 A. Correct.

24 Q. So when you are in the home, your bedroom is
25 somewhere, I guess off the photo but in this general

1 direction (indicating)?

2 A. Correct.

3 Q. Towards the front of the home?

4 A. Yes. It's the only bedroom in the front of
5 the house.

6 Q. As we go back further into the house, there
7 are other rooms?

8 A. Yes.

9 Q. On the left-hand side facing the house, in the
10 very back, the last room on the left-hand side, what is
11 that?

12 A. That was my office and what I called my cat's
13 retirement room, the litter box.

14 Q. Your cat's retirement room? You're going to
15 have to unpack that one for me. What does that mean?
16 I've never heard of a cat's retirement room.

17 A. He was a geriatric cat and he had basically
18 what we refer to as "sundowners." So at night, he would
19 walk around the house yelling loudly. So at night, that
20 is where he would sleep so we all slept.

21 Q. That was the cat's room?

22 A. It was my office but it had his litter box and
23 all of the things for my cat. Yeah. He was 19 at the
24 time.

25 Q. So you go to bed in the bedroom which you said

1 is at the front of the house?

2 A. Correct.

3 Q. Is Delon home when you get in there?

4 A. Delon was not home yet. I fell asleep
5 watching a movie just kind of in the bed. It was early.
6 It was before usual bedtime.

7 Q. You say you fell asleep watching a movie, was
8 it Brittany does --

9 A. It was after that one.

10 Q. So you're just watching another movie. You
11 still have the heating pad?

12 A. Yes, I was on my heating pad.

13 Q. So you're still in some amount of discomfort
14 at that point?

15 A. Yes.

16 Q. You fall asleep. What is the next thing you
17 remember?

18 A. A loud noise, the sound of glass breaking.

19 Q. Does that wake you up?

20 A. Yes.

21 Q. When you hear that glass break, is there any
22 other loud noise that occurs?

23 A. The alarm starts to go off.

24 Q. Tell me about this alarm.

25 A. It was our house alarm. I don't think I ever

1 heard it go off before. But I guess we had shatter
2 sensors in the alarm so because of the glass breaking,
3 it started to go off.

4 Q. And how loud is this alarm?

5 A. Very loud.

6 Q. When you say "very loud" --

7 A. It's about all you could hear is just the
8 alarm.

9 Q. So you hear this alarm start going off, what
10 is your first reaction?

11 A. I was confused by the sound of the glass and
12 by the sound of the alarm so I got up.

13 Q. Where did you go?

14 A. My bedroom door was closed. I walked out and
15 I actually go to try to disarm the alarm because I
16 didn't know what was going on and then saw a commotion.

17 Q. Let me back up a little bit. You said you had
18 to go open the door. But when you went to bed, the door
19 was open?

20 A. It was -- yes.

21 Q. Somebody closed the door on you?

22 A. So Delon had come in and to not disturb me
23 closed our bedroom door and Gerty was in there with me
24 too and she, at the time, was then out with him.

25 Q. Is Gerty the retired cat?

1 A. No, that's Dexter. Gerty's our dog.

2 Q. So you have both a dog and retirement cat?

3 A. Yes.

4 Q. Why is your first reaction to go disarm the
5 alarm?

6 A. Because I didn't think anything was happening.
7 I honestly thought that Delon had kicked over a crystal
8 bowl I had put down on the ground to make Dexter's water
9 taller.

10 Q. You thought that was the glass that you heard
11 breaking?

12 A. Right. Yes, because the glass breaks and then
13 I hear Delon scream. He screams. He says something.
14 So I thought -- my first split second was oh, he kicked
15 the bowl.

16 Q. As you go to go turn off the alarm, do you see
17 anything else?

18 A. I do, I see Delon struggling over our coffee
19 table with another figure.

20 Q. Did you get a good look at the figure?

21 A. Yes.

22 Q. What can you tell me about the figure?

23 A. Tall, slender.

24 Q. I see you're wearing glasses now. Were you
25 wearing glasses that night?

1 A. No. Well --

2 Q. Sorry.

3 A. No, not at the time. I had just gotten out of
4 bed. I was still --

5 Q. As Delon and this figure are -- what did you
6 say they were doing?

7 A. Fighting.

8 Q. They were fighting?

9 A. I see the back of Delon because our living
10 room, where I'm standing in the hallway -- it was dining
11 room, living room, kind of open concept. And so they
12 are just where -- closer to where my mom is, about what
13 the distance to me and my mom there (indicating.) But I
14 see the back of Delon, he's wearing his hoodie and I see
15 the other figure facing me.

16 So Delon's got his back to me and the other
17 figure is --

18 Q. Just for the record to be clear, you're
19 talking about from where you are on the witness stand to
20 the first row --

21 A. Yes.

22 Q. -- in the elevated area of the audience box?

23 A. Correct.

24 Q. I'm terrible at estimating distances so I'm
25 not going to do that. But that's a descent distance

1 away?

2 A. It might be a little closer, but yeah. A
3 decent distance.

4 Q. So what is the next event that occurs?

5 A. I get shot at.

6 Q. You see someone shoot at you?

7 A. Yes.

8 Q. What do you do then?

9 A. I duck and run.

10 Q. Why did you duck and run when someone shot at
11 you? I know it's dumb question but you've got to tell
12 me that.

13 A. I was scared. Frightened. Surprised. All of
14 the above. I was confused, honestly.

15 Q. Were you hit?

16 A. No.

17 Q. So once that shot occurs, where do you go?

18 A. I run to our bedroom.

19 Q. What do you do in the bedroom?

20 A. I lock myself in and frantically try to find a
21 place to hide.

22 Q. Trying to hide somewhere?

23 A. Uh-huh.

24 Q. Where did you try and hide?

25 A. A lot of places. I went to our closet. I

1 went to our bathroom.

2 Q. So you were just going from place to place to
3 place inside that bedroom trying to find somewhere you
4 can be safe?

5 A. I shoved his slippers underneath the bedroom
6 door, locked it. First, as I'm running back there
7 got -- the animals were right there with me, they were
8 scared because they saw the commotion and heard the
9 gunshot.

10 So we all ran in there and locked the door and
11 I just tried to hide. I didn't have my phone 'cause it
12 was charging in the living room.

13 Q. So you have one of those wireless charges?

14 A. Right.

15 Q. You left your phone in living room. So it was
16 not even near you?

17 A. Right.

18 Q. Did you find a good place to hide?

19 A. No, not really.

20 Q. What did you do?

21 A. I just kind of panicked. I was just -- I
22 didn't know what to do. My heart was up here. I
23 couldn't, you know --

24 Q. Yeah.

25 So when law enforcement arrived, how long you

1 think that took?

2 A. At least a couple of minutes.

3 Q. A couple minutes?

4 And do you hear anyone come to your door?

5 A. No.

6 Q. Do you hear anymore loud noises in the house?

7 A. No.

8 Q. Is the alarm still going off?

9 A. Yes.

10 Q. And then when law enforcement gets there, what
11 do you do?

12 A. I flag them down through my bedroom window.

13 Q. How did you do that?

14 A. They drove by and I pulled up my blinds and I
15 just, in the window, flagged them down.

16 Q. They stopped and met you?

17 A. They had the lights on the side of the police
18 cars. Those lights shined right on me and they stopped
19 and saw me. And then they came to my front door.

20 Q. I guess once you talked to law enforcement,
21 that portion is caught on that body-cam video we saw
22 earlier; correct? A portion of it?

23 A. I think so. I didn't see it.

24 Q. But you did talk to them briefly and kind of
25 let them know there might be somebody else still in the

1 house?

2 A. Yes. That I didn't know what -- yes.

3 Q. Can you tell me what a Canary video is?

4 A. It was just a little stand that was a video
5 footage separate from any type of thing tied into your
6 house. It was fairly old but we used at the front
7 entrance as a camera in the house because we only had
8 the -- the only other security camera was the Ring
9 doorbell and then the one built into the alarm panel.

10 Q. So you have three cameras at your house?

11 A. Correct.

12 Q. One is, I guess, a standalone called a Canary
13 Camera?

14 A. Right. Canary.

15 Q. And that's in the front entrance of the house
16 looking towards the room?

17 A. Right. Looking towards the -- looking at the
18 front door and bedroom, the hallway.

19 Q. And then y'all have a Ring camera at the
20 doorbell, I guess?

21 A. At the doorbell.

22 Q. And what's the third one you stated?

23 A. The one that's built into the alarm panel.

24 Q. So built into the alarm panel. Once again --
25 and area near the bedroom?

1 A. All in the front of the house only.

2 Q. So if things are happening in the back of the
3 house, none of cameras are going to catch any of it?

4 A. Right.

5 Q. I'm going to show you what's been marked as
6 State's Number 4.

7 Do you recognize that?

8 A. The Canary video, yes.

9 Q. I'm going to show you, there's a set of
10 letters right there.

11 A. Oh, yes. Yes, I do. Yes.

12 Q. Those are your initials?

13 A. Yes, they are.

14 Q. Have you had a chance to watch this?

15 A. I have, yes.

16 Q. Does it truly and accurately depict the Canary
17 video that night?

18 A. It does.

19 MR. POTTS: At this time, your Honor, I'd like
20 to offer into evidence State's Number 4.

21 MR. HAYES: Without objection.

22 THE COURT: So moved.

23 MR. POTTS: Permission to publish to the jury?

24 THE COURT: Granted.

25 (State's Exhibit 4, Canary Video, was

1 entered into evidence.)

2 Q. (By Mr. Potts) So I guess before I show the
3 video to the jury, this is going to capture mostly you
4 that night; correct?

5 A. Right.

6 Q. And it's pointing in the direction you're
7 coming from and doesn't point anywhere down further than
8 that?

9 A. It captures me coming out of my bedroom and
10 only into the front hallway in front of the alarm panel
11 basically.

12 Q. It is motion activated?

13 A. It is, yes.

14 Q. So if someone's not moving, nothings going to
15 be caught?

16 A. Correct. And we didn't pay for any type of
17 extra monthly plan. So it only did certain -- it only
18 captured certain things. It wasn't an all-the-time
19 record --

20 Q. Camera?

21 A. Right.

22 Q. So I pulled up State's Number 4. The
23 individual captured in this green box, is that you?

24 A. It is, yes.

25 Q. That would be the front door kind of center of

1 State's 4?

2 A. Correct.

3 Q. And then your bedroom is back in that
4 direction?

5 A. Correct.

6 Q. I'm going to hit play.

7 (Playing video.)

8 Q. (By Mr. Potts) That video right there captures
9 that first bit of time when you first exit your bedroom
10 and go to the alarm to disable it?

11 A. Correct.

12 Q. And then what was that loud noise you heard at
13 the end?

14 A. Gunshot.

15 Q. That was a shot fired at you?

16 A. Yes.

17 Q. Now, as part of the investigation, you gave a
18 statement to I guess Sergeant Duckett as part of this
19 whole thing; correct?

20 A. Yes.

21 Q. And later he came to you and showed you a
22 photo lineup, didn't he?

23 A. Yes.

24 Q. And he asked you if you recognize anybody and
25 if they had been allowed into your home?

1 A. Correct.

2 Q. And you did not? You were unable to recognize
3 about in those?

4 A. That's correct.

5 MR. POTTS: Beg the Court's indulgence one
6 second?

7 Q. (By Mr. Potts) I guess, Ms. Homewood, to
8 finish up with this, the man over here in the green
9 shirt, before this date on November 2019, had you ever
10 seen him in your home before?

11 A. No.

12 MR. POTTS: Thank you. No further questions.
13 Please answer any questions Mr. Hayes has for
14 you.

15

16 **CROSS-EXAMINATION**

17 **BY MR. HAYES:**

18 Q. Ms. Homewood, ma'am, did I understand your
19 testimony to be that during the time, you were working
20 for a vet; is that right?

21 A. During what time?

22 Q. You were working for a veterinarian.

23 A. No, currently I am.

24 Q. Currently you are?

25 Back in 2010, when you and Delon --

1 A. Delon.

2 Q. Delon, I'm sorry.

3 A. Thank you.

4 Q. You and Mr. Summerset --

5 A. Yes.

6 Q. -- when y'all were romantically involved;

7 right?

8 A. Yes.

9 Q. And y'all had decided to take up a residence
10 together?

11 A. Correct.

12 Q. He was working for the credit union?

13 A. Correct.

14 Q. What were you doing for a living?

15 A. I was at VCA Animal Specialty. It's a
16 surgical center.

17 Q. What was your responsibilities set there?

18 A. At work or at home?

19 Q. At the VCA.

20 A. I was a client care specialist.

21 Q. So what part of town was that in?

22 A. Irmo.

23 Q. And how long had you been working there?

24 A. Shortly. I had just recently started there.

25 Prior to that, I worked for a signage company Colite.

1 And it was during the big -- in 2008, I was laid off
2 with a severance package but was without -- I was
3 unemployed for a little while. Went back to school for
4 a little while. And then started working at VCA Animal
5 Specialty Center.

6 Q. So you did that some time in like 2010, right
7 around the time that you and Delon decided to reside
8 together -- Delon, excuse me?

9 A. Yes, sir, correct.

10 Q. I promise you. I'm not trying to be
11 disrespectful. I have nothing but respect. Okay?

12 All right. And I think it was your testimony
13 that Mr. Summerset had met Ralph Pitt at the disc golf
14 course?

15 A. Correct.

16 Q. And that was some time -- what year would you
17 say that was?

18 A. I don't know. I may have met Ralph around
19 2011, 2012.

20 Q. Okay.

21 A. I don't recall exactly.

22 Q. And y'all were close. I think you had
23 testified that you had gone to Ralph's wedding?

24 A. I did.

25 Q. And you had actually watched his kids?

1 A. He had one child, a baby. Yes, I babysat for
2 him before.

3 Q. Had come to the house there on Clark Street?

4 A. Correct.

5 Q. So Mr. Pitts had certainly been in your house
6 before?

7 A. Oh, yes, many times.

8 Q. Many times?

9 A. He knew the house well.

10 Q. Is it fair to assume that obviously
11 Mr. Summerset, he works for the credit union, he worked
12 a typical, basically, nine to five?

13 A. He did, yes.

14 Q. And I would think in fairness to you at the
15 VCA and these animal surgeries that were being
16 performed, you might have to get called out at odd
17 times?

18 A. No. I worked a regular, you know, hour job as
19 well.

20 Q. Nine to five?

21 A. Correct. Close to it.

22 Q. So if there was some kind of emergency on a
23 Friday night, that would really -- your responsibility
24 set wouldn't be to respond to that?

25 A. Not at all.

1 Q. What typically did you do with your weekends?

2 A. Not much. I was kind of a homebody. I did
3 chores, didn't work, you know. I don't know exactly
4 what you're asking.

5 Q. What would you do with your hobbies, what
6 would you like to do? I mean, your testimony so far
7 would be that you would go to work and you would come
8 home and those were the only things that you were
9 really --

10 A. I hung out with a close friend often. I would
11 ride bikes. I walked my dog everyday. Delon and I walk
12 our dog everyday. I don't really know exactly what
13 you're asking.

14 Q. Fair enough.

15 Would you agree with me that Mr. Summerset had
16 people over to the house. He had Ralph Pitt over to the
17 house?

18 A. We rarely had a lot of people at our house. I
19 was there much more so than he was. He spent a lot of
20 time at a friend's house that I wouldn't go to. Like I
21 said, I was more of a homebody.

22 Q. Would that be --

23 A. He was more social than I was.

24 Q. Would he be at the friend's house as part of
25 his marijuana business?

1 A. No, they were his friends.

2 Q. They were his friends?

3 A. Yes.

4 Q. So he didn't deal marijuana with his friends?

5 A. I don't know that.

6 Q. I guess you were shown a picture of my client,
7 Mr. Cravets at some point to ask if you recognized him
8 and you did not recognize him; right?

9 A. That's correct.

10 Q. It was your belief that he had never been to
11 your home before?

12 A. As far as I know.

13 Q. But you can't say with any kind of certainty
14 that he hadn't been to your home?

15 A. That's correct, of course.

16 Q. It was certainly a possibility that he had
17 been there some time previous?

18 A. Okay.

19 Q. You'd agree with me?

20 A. No. I don't agree with you. I'm saying that
21 I cannot with certainty tell you who has been in and out
22 of my house if I was not there to tell you otherwise.

23 Q. Sure.

24 And, ma'am, I'm not trying to give you a hard
25 time. I'm just trying to ask a straightforward

1 question. It's certainly possibly that my client had
2 been to your house before without you knowing about it.
3 You just didn't know about it?

4 A. Sure, that's possible.

5 Q. And you can't sit before this jury and in any
6 identify my client as someone having been involved in
7 what we're here to talk about in this trial?

8 A. Other than when I saw that he shot at me.

9 Q. You're saying that Mr. Cravets shot at you?

10 A. Yes, he did.

11 Q. So for the first time ever in this courtroom,
12 you're identifying Mr. Cravets as someone who was
13 involved in this?

14 A. Yes.

15 Q. You were asked by law enforcement immediately
16 following if you recognized the people that were
17 involved in this; right?

18 A. Ask the questions that you want me to answer.

19 Q. I am.

20 A. You don't seem to be.

21 THE COURT: Ma'am, you're asked a question and
22 you'll answer to the best of your ability.

23 THE WITNESS: Yes, sir.

24 Q. (By Mr. Hayes) Mr. Duckett, the investigator
25 brought you a photo lineup, right, and he asked you to

1 identify anybody you might recognize in that photo
2 lineup, didn't he?

3 A. Correct.

4 Q. And you were unable at that time to do that,
5 weren't you?

6 A. Correct. I identified by height and stature
7 and other things.

8 Q. So I want to be clear: How is it that you're
9 identifying my client here in the courtroom today then?
10 By height and stature?

11 A. Yes, sir.

12 Q. You would agree with me that the only thing
13 you've seen Mr. Cravets do during this trial --

14 MR. HAYES: I'm going to withdraw that
15 question, Judge.

16 THE COURT: Withdrawn.

17 Q. (By Mr. Hayes) I just want to be very clear
18 about this. You're identifying my client based on
19 height and stature alone?

20 A. May I explain?

21 THE COURT: You can answer the question.

22 Q. (By Mr. Hayes) I'm asking you a very
23 straightforward question.

24 A. No, sir.

25 Q. What are you relying on?

1 A. I am relying on, the night it happened, what I
2 thought when I saw what was happening.

3 Q. Okay. How long did this fight go on over the
4 coffee table?

5 A. Briefly. Until I was shot at. Until Delon,
6 you know, pushed his arm over just enough to where he
7 didn't --

8 Q. What was --

9 A. -- get his target.

10 Q. What was the person you saw wearing?

11 A. Gray. Delon was wearing a blue hoodie and the
12 other person was in gray.

13 Q. Did you tell law enforcement that?

14 A. I think so. I don't recall.

15 Q. Is this more new information here before this
16 jury this morning?

17 A. It's not new information. There is no new
18 information.

19 Q. No new information? You would agree with me
20 that you've identified Christopher Cravets as being
21 involved in this until just now? You would agree with
22 me about that, right, this is the first time you've ever
23 identified him, right here this morning in front of this
24 jury?

25 A. No. And I took that back, didn't I? It was a

1 misunderstanding, I guess, on your questioning.

2 Q. I don't really mean to beat a dead horse and
3 I'm not trying to give you a hard time but this is
4 important stuff. You'd agree with that?

5 A. Oh, very.

6 Q. It's your testimony?

7 A. I agree.

8 Q. You're sworn to tell the truth; right?

9 A. Yes.

10 Q. You took an oath this morning?

11 A. Yes. And I am telling the truth.

12 Q. Before today, you have never identified
13 Christopher Cravets?

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

15 Q. This is the first time ever?

16 A. Did you not just hear what I said?

17 Q. This is the first time; right?

18 A. Why are you going back?

19 Q. I'm not going back.

20 A. Yes, you are.

21 THE COURT: All right. He's going to ask a
22 question. You can answer and explain it to the best of
23 your ability.

24 THE WITNESS: Okay. My apologizes. This is a
25 lot for me.

1 Q. (By Mr. Hayes) This is the first time you ever
2 identified Mr. Cravets?

3 A. I did not identify him. I retook that
4 statement because I misunderstand what you were asking.

5 Q. So now you're not identifying Mr. Cravets?

6 A. I don't know what you want me to tell you. Do
7 you want me to tell you what I know?

8 Q. You could not identify --

9 MR. POTTS: Your Honor, may we approach real
10 quick?

11 THE WITNESS: I wear glasses.

12 THE COURT: Hold on. Hold on.

13 Yeah, approach.

14 (Sidebar conference was held, not
15 reported.)

16 THE COURT: All right. Ladies and gentlemen,
17 we're going to take a short recess for you to use the
18 restroom, have some water. We'll have you back out here
19 shortly.

20 (Jury exited.)

21 THE COURT: Put on the record, Mr. Potts, what
22 was discussed at the bench.

23 MR. POTTS: Yes, your Honor. I think part of
24 the confusion coming in is that this witness is a
25 victim. And by nature of her being the victim, we have

1 THE WITNESS: My apologies.

2 MR. HAYES: I'm going to try to limit this to
3 three or four questions, Judge. There may be some other
4 questions we've already heard. We deliver the answer,
5 I'm going to sit down.

6 THE COURT: Make it happen.

7 MR. POTTS: Thank you, your Honor.

8 THE COURT: Let's bring the jury back.

9 MR. POTTS: While we're waiting on the jury,
10 your Honor, maybe it better that I approach?

11 THE COURT: All right.

12 (Sidebar conference was held, not
13 reported.)

14 THE BAILIFF: The jury is seated, your Honor.

15 THE COURT: Thank you, ma'am.

16 Thank you, ladies and gentlemen.

17 The defense may continue.

18

19 **CROSS-EXAMINATION (Cont'd)**

20 **BY MR. HAYES:**

21 Q. Ms. Homewood, I'm going to try to narrow this
22 down and be very direct, okay, and we're not going to be
23 here for long. I'm just asking you these questions.

24 A. Thank you.

25 Q. You never saw Mr. Cravets' face inside your

1 home at [REDACTED] Clark Street on the night Mr. Summerset was
2 killed, did you?

3 A. Correct.

4 Q. And you rely on the height and stature for
5 your identification of him?

6 A. Correct.

7 Q. You were shown a photograph by law enforcement
8 of my client and were not able to pick him out following
9 this event; right?

10 A. Right. I didn't recognize anyone.

11 Q. And today, here in court, is the first time
12 you actually attempted to identify Mr. Cravets in this
13 case?

14 A. Correct. I didn't understand your question
15 correctly.

16 MR. HAYES: Thank you.

17 THE COURT: Redirect?

18 MR. POTTS: Just very briefly, your Honor.

19

20 **REDIRECT EXAMINATION**

21 **BY MR. POTTS:**

22 Q. Ms. Homewood, prior to all the proceedings
23 we're talking about involving this investigation, you
24 don't recall ever meeting the defendant; correct?

25 A. Right.

1 Q. You did have an opportunity to, outside the
2 jury's presence yesterday, observe him as we naturally
3 have him in this courtroom?

4 A. Correct.

5 Q. I guess let me ask you this: In fact, can you
6 take your glasses off for me for a second?

7 A. (Witness complied).

8 Q. How well can you see me at this distance?

9 A. Everything but the tail. I don't know what
10 color eyes you have.

11 Q. You haven't been paying attention to my eyes?

12 A. (No verbal response).

13 Q. Let me get back to where your mother is. The
14 details are hard for you to see at that point?

15 A. They are.

16 Q. In fact, you can't recall seeing details about
17 the face of the individual you saw shoot at you that
18 night; correct?

19 A. Correct.

20 Q. And you would say that having seen this
21 defendant since all this, his height and stature match
22 that individual?

23 A. That's right.

24 Q. Or are consistent with that individual, how
25 about that?

1 A. That's correct.

2 MR. POTTS: Thank you. No further questions.

3 **RECROSS-EXAMINATION**

4 **BY MR. HAYES:**

5 Q. Ms. Homewood, on the night in question, how
6 many individuals did you observe in your house? Outside
7 of Mr. Summerset?

8 A. Just one.

9 Q. Just one?

10 And most of that I think is captured -- would
11 you agree with me that, I think it's State's Exhibit 4,
12 is the Canary video?

13 Well, the Canary video, the video that we
14 played here where you're coming out of your bedroom,
15 right?

16 So it looks like you're awoken. You come out.
17 You're there for just a brief second. You're observing
18 Mr. Summerset in an altercation with someone; right?

19 A. Uh-huh.

20 Q. Is that right?

21 A. That's correct.

22 Q. It's over the coffee table, right, they're
23 fighting, actively fighting; right?

24 A. Uh-huh.

25 Q. Is that right?

1 A. That's right.

2 Q. And I'm sorry, I'm just prompting you for the
3 record. We have court reporter here and she is taking
4 down everything you say.

5 A. Right.

6 Q. So she can't take down "uh-huh" and "uh-uh" or
7 head nods. So I'm asking just for the sake of the
8 record.

9 That fight was rapidly evolving?

10 A. Correct.

11 Q. Mr. Summerset's back was to you during that
12 fight?

13 A. That's right.

14 Q. You basically stayed in that location on the
15 video. I mean, you came out of your room and you really
16 never left that particular place; right?

17 A. Right.

18 Q. You didn't your glasses on?

19 A. Right.

20 Q. And it was a matter of split seconds; is that
21 right?

22 A. That's correct.

23 Q. Of observing two men fighting; right?

24 A. And one shooting at me.

25 Q. Right.

1 A. Correct.

2 Q. But you didn't see his face?

3 A. No. I wouldn't have been able to see anyone's
4 face.

5 MR. HAYES: No other questions.

6 THE COURT: Thank you, ma'am. You may step
7 down.

8 All right. We're going to take a 15-minute
9 break. Use the restroom, have a snack. We'll have you
10 back out here in about 15 minutes.

11 (Jury exited.)

12 THE COURT: Just to make the record clear,
13 prior to the cross-examination resuming, we had a bench
14 conference where we had objections. We discussed most
15 of them on the record about how the witness would
16 testify regarding identification in court. My goal was
17 to avoid any discussion about prior court hearings.,
18 prior being in jail, bond settings, et cetera. So
19 that's what we tried to cater the testimony towards.

20 But the defense, they have their objections --
21 any and all objections I've noted were not on the record
22 because we were at the bench but they were noted for the
23 record previous to any of that testimony.

24 So is there any more clarification? I just
25 want to make it clear that any objection Mr. Hayes had

1 I've also just showed them to him right before we came
2 back.

3 Obviously, Judge, I trust they'll lay the
4 foundation. They will be admitted without objection if
5 they do that.

6 THE COURT: Okay.

7 MR. POTTS: As far as scheduling goes. We,
8 have several witnesses coming in at two o'clock. Then
9 Investigator Duckett will probably be it for the day.

10 THE COURT: Is Wise the last one for the
11 morning?

12 MR. POTTS: Unless he gets finished real
13 early, then we'll start with Investigator Duckett. I
14 anticipate he'll go until afternoon. And then we have
15 the rest coming at two o'clock.

16 THE COURT: All right. Let's bring the jury
17 in.

18 THE BAILIFF: The jury is seated, your Honor.

19 THE COURT: Thank you, ma'am.

20 The State may call their next witness.

21 MR. FOWLER: The State calls George Wise.

22

23 G E O R G E W I S E, the Witness herein, having been
24 sworn by the Clerk of Court, was examined and testified
25 as follows:

1 MADAM CLERK: Please have a seat in the
2 witness stand and state your full name for the record.

3 THE WITNESS: My name is George Calvin Wise.
4

5 **DIRECT EXAMINATION**

6 **BY MR. FOWLER:**

7 Q. Investigator Wise, where were you employed in
8 November 2019?

9 A. I was employed with the City of Columbia
10 Police Department as a crime scene investigator.

11 Q. Have you since retired from the City of
12 Columbia?

13 A. Yes, I have.

14 Q. What were your general duties as a CSI?

15 A. My job was to respond to several cases of
16 burglary, armed robbery. My job is to photograph the
17 scene and collect evidence from the scene and work
18 alongside investigators to work as a team and do other
19 things as far as like collecting other evidence for
20 investigations.

21 Q. And you said photographing the scene as well?

22 A. Yes.

23 Q. When you respond to a crime scene, you do
24 typically make a sketch of the crime scene?

25 A. Normally with a major crime like a murder.

1 Q. And so on November 25, 2019, did you have an
2 opportunity to respond to [REDACTED] Clark Street?

3 A. Yes, I did.

4 Q. And that being in Richland County?

5 A. Yes.

6 Q. I'm going to show you what's been marked as
7 State's Number 5.

8 Do you recognize that?

9 A. Yes. It's a diagram of the murder scene at
10 [REDACTED] Clark Street.

11 Q. And you did that diagram?

12 A. Yes.

13 Q. What's the information located on the
14 right-hand side of that drawing?

15 A. On the right-hand side is a ledger of -- when
16 I take photographs, I like to put markers out and mark
17 different items within the crime scene. And that's what
18 is on my ledger, showing what each marker is at the
19 crime scene.

20 MR. FOWLER: Your Honor, at this time I'd
21 moved to have State's 5 admitted into evidence.

22 MR. HAYES: Without objection.

23 THE COURT: So moved.

24 (State's Exhibit 5, Diagram sketch of
25 [REDACTED] Clark Street, was entered into

1 evidence.)

2 Q. (By Mr. Fowler) And I think you said part of
3 your duties were to collect evidence?

4 A. Yes.

5 Q. At this particular scene, did you collect some
6 shell casings?

7 A. Yes, I did.

8 Q. And I guess do you recognize State's Number
9 33?

10 A. Yes. It is shell casings and projectiles and
11 piece of projectiles that I collected from the murder
12 scene.

13 Q. And when you collect them, you put them into
14 that container there?

15 A. Yes.

16 Q. And marked it with your initials?

17 A. Yes.

18 Q. Could you explain to us exactly what's in that
19 bag and would you mind opening it for us, please?

20 A. Okay. What's inside this container is, like I
21 said, seven empty shell cases, two projectiles, and two
22 pieces of a projectiles is what I put into the envelop.

23 Now, as you can see, inside this envelop is
24 smaller envelops. What I do is, when I collect the
25 shell casings, whatever marker it is at -- like, let's

1 say, Marker No. One was a shell casing. I'll put it in
2 an individual envelop with the same Marker No. One.
3 That way when somebody asks, what is Marker No. One? I
4 can go to my envelop, look up Marker one and pull the
5 shell casing out.

6 Like this is Marker No. 6.

7 Again, like I said, Marker No. 6, I can
8 actually go and look at what Marker No. 6 was. It would
9 be a shell casing. And my eyes are not that good so I'm
10 not going to be able to look on the rim of it and tell
11 you. I'll have to look at my notes. But Marker No. 6
12 will be an empty shell casing of 9mm Hornady round.

13 Q. And you, again, collected all of these?

14 A. Yes.

15 MR. FOWLER: Your Honor, at this time I would
16 move to have State's 33 admitted into evidence.

17 MR. HAYES: Without objection.

18 THE COURT: So moved.

19 (State's Exhibit 33, Shell Casings, was
20 entered into evidence.)

21 Q. (By Mr. Fowler) What's a shell casing,
22 Investigator Wise?

23 A. A shell casing is like the housing of the
24 bullet. You have the bullet, the shell casing, and the
25 primer. And the shell casing is like a housing for the

1 bullet it sits in.

2 Q. And what, besides shell casing, what else is
3 in that bag that you collected from the scene?

4 A. Also, two projectiles and two pieces of
5 projectiles.

6 Q. How many shell casings did you collect from
7 the scene?

8 A. Seven.

9 Q. One, two, three, four, five, six, seven shell
10 casings, all 9mm?

11 A. If I may refer to my notes?

12 Yes.

13 Q. Can you explain to us what the difference I'm
14 seeing on these packages, pieces of projectiles and
15 projectiles themselves?

16 A. Projectile means the full piece of the metal
17 jacket. Like I said, you have metal and lead casing
18 part.

19 Q. Could you open that up so they can see it?

20 A. As you can see it's pretty much a fully intact
21 type bullet.

22 Q. And that would be what you referred to as a
23 "projectile"?

24 A. Yes.

25 Q. I'm going to show you what's been marked as

1 State's 7 through 26.

2 Do you recognize those?

3 A. Do you have this in order and everything?

4 Q. I'm sorry?

5 A. You don't have these in order, do you?

6 Q. They should be in numeric order.

7 A. Oh. Sir, these are photographs I've taken of
8 the crime scene.

9 Q. You took those?

10 A. Yes.

11 MR. FOWLER: Your Honor, at this time, I'd
12 move to have State's 7 through 26 admitted into
13 evidence.

14 MR. HAYES: Judge, I just want to make sure
15 they fairly and accurately depict the scene as
16 encountered by Mr. Wise.

17 THE COURT: Lay that foundation.

18 Q. (By Mr. Fowler) Do they fairly and accurately
19 depict the scene as you encountered it?

20 A. Yes.

21 MR. HAYES: Without objection.

22 THE COURT: All right. So moved.

23 MR. FOWLER: May I publish to the jury?

24 THE COURT: You may.

25 (State's Exhibit 7 through 26,

1 Photographs of the scene, was entered
2 into evidence.)

3 Q. (By Mr. Fowler) Actually, what I'll do is
4 leave these up here with you and let you describe what
5 it is and what we're looking at. So that's Number 6.

6 This is Number 7. What are we looking at
7 here?

8 A. Number 7 is the outside of the house. That is
9 the back bedroom, which was the entry point that was
10 made into the house.

11 Q. And I guess referring to your sketch -- that
12 picture that we're looking at here (indicating)?

13 A. Yes.

14 Q. What are we looking at in eight?

15 A. Again, it's a photograph of the entry point
16 with the busted out window.

17 Q. Number 9, same general area of the house?

18 A. Basically, yes. So the backside of the house,
19 the corner side.

20 Q. What is this?

21 A. That is the photograph of actual inside of the
22 bedroom where the broken window is at, the entry point.

23 Q. So now you're inside of the home?

24 A. Yes, inside.

25 Q. Same thing here, just further back?

1 A. Yes.

2 Q. What is this picture showing?

3 A. That is a picture of the front door. A lot of
4 the times when we take pictures of residence, we always
5 like to take pictures of the front door and show if
6 there's been any type of damage or forced entry.

7 Q. And in State's 12 that we're looking at here,
8 do you see any type of forced entry damage on that?

9 A. No, sir.

10 Q. State's 13?

11 A. That's kind of walking right inside. You're
12 looking at part of the dinning room area kind of off to
13 your right. And off to your left is a hallway and then
14 you'll see an entry to the kitchen.

15 Q. And just referring back to State's 5, you're
16 kind of in this general area?

17 A. Yes.

18 Q. Where are we at in State's 14?

19 A. We're now in the living room area, kind of
20 looking down a long hallway.

21 Q. State's 15, what is that depict?

22 A. That is a red stain in the hallway.

23 Q. State's 16, living room again?

24 A. Yes.

25 Q. State's 17, what are we looking at?

1 A. Now we're standing in the living room looking
2 down the hallway and like I said, I've got a full
3 picture now of where our victim is laying at.

4 Q. Where are we at in State's 18?

5 A. That is bedroom Number 3 where the broken
6 windows at.

7 Q. And State's 19, what are you showing here?

8 A. That is a picture, same thing from bedroom
9 Number 3 where the entry point was made at and the
10 victim was laying at. The photo was actually depicting
11 a red substance on the door.

12 MR. FOWLER: Your Honor, can I have him just
13 step off for the next couple of pictures?

14 THE COURT: You may.

15 Make sure, Mr. Wise, you're facing the court
16 reporter so she can hearing you as well as the jurors.
17 Just make sure to face her.

18 MR. WISE: Yes, sir.

19 Q. (By Mr. Fowler) State's 20, what is that?

20 A. Right here is a picture of the door and
21 bedroom Number 3. This picture right here is bedroom
22 Number 3. And what we're trying to do is depict a red
23 stain on the door leading into bedroom Number 3.

24 Q. And so again, just going back to State's 5,
25 bedroom Number 3 is here; correct? (Indicating.)

1 A. Correct.

2 Q. And is that where the window was broken?

3 A. Yes.

4 Q. State's 21?

5 A. Again, we're photographing another part of the
6 red stain. Same area from bedroom Number 3 doorway.

7 Q. And as you said earlier, collecting evidence
8 is part of your duties as a crime scene investigator?

9 A. Yes.

10 Q. I'm going to show you State's 35. Can you
11 explain to the jury what that is and how it relates to
12 those three photographs that we just saw?

13 A. In this envelope there is two DNA swabs. One
14 DNA swab would be depicting this picture here that was
15 collected from bedroom Number 3, the doorway. And like
16 I said, we took pictures of it and swabbed it for DNA.

17 Q. And there's a couple different stains on this
18 door. Did you swab all of the stains?

19 A. Yes.

20 Q. And that's what's located in State's 35?

21 A. Yes.

22 Q. And you collected it?

23 A. Yes.

24 MR. FOWLER: Your Honor, at this time I'd move
25 to have State's 35 admitted into evidence.

1 MR. HAYES: No objection, Judge.

2 THE COURT: So moved.

3 (State's Exhibit 35, DNA Swabs, was
4 entered into evidence.)

5 Q. (By Mr. Fowler) And just finishing up the
6 pictures, State's 22 is showing what?

7 A. That is a piece of projectile that was located
8 in, I believe, that's part of the bathroom.

9 Q. State's 23.

10 A. Empty shell casing that was found in the
11 bathroom.

12 Q. State's 24.

13 A. Looks like a piece of projectile that was
14 found in the carpet.

15 Q. And State's 25.

16 A. That picture there depicts what appears to be
17 a bullet hole.

18 Q. It appears to be a bullet hole going from
19 inside to outside?

20 A. At this point I cannot recall that, sir.

21 MR. FOWLER: Withdrawn, your Honor.

22 Q. (Mr. Fowler) And what is State's 26 showing?

23 A. It's showing you another picture of what would
24 be a bullet impact, we call it.

25 Q. And all of those pictures of the shell casings

1 and the projectiles are what we see here in front of the
2 jury?

3 A. Yes.

4 Q. You collected all of them?

5 A. Yes.

6 Q. After you photographed and documented the
7 whole scene and collected evidence, did you do anything
8 else?

9 A. No, sir. There was other evidence that the
10 investigators wanted me to collect from other rooms.

11 Q. Did you do that?

12 A. Yes.

13 Q. And after you did that, did you turn all of
14 that into evidence at the city of Columbia?

15 A. Yes. That was transported out to Bluff Road,
16 to your crime scene office.

17 MR. FOWLER: Your Honor, I have no further
18 questions.

19 THE COURT: Cross-examination?

20 MR. HAYES: May it please the Court?

21 THE COURT: Yes, sir.

22

23 **CROSS-EXAMINATION**

24 **BY MR. HAYES:**

25 Q. Mr. Wise, I see you brought some documents

1 with you to the stand today. Is that right?

2 A. Yes, sir.

3 Q. May I review it, please?

4 A. Yes, sir.

5 MR. HAYES: Beg the Court's indulgence?

6 THE COURT: Yes.

7 Q. (By Mr. Hayes) Thank you, sir.

8 Mr. Wise, I'm going to show you what's been
9 previously marked as State's Exhibit's 19, 20 and 21.
10 Maybe I could get some help. We're going to start with
11 Number 19.

12 Okay. Sir, and I have it up here.

13 It looks like 19 is a -- there's a red stain
14 on this bedroom door Number 3. Is that right?

15 A. Yes.

16 Q. Is State's Exhibit 20, which is the next
17 picture, a closer picture of the same blood stain or is
18 that a separate and distinct stain?

19 A. It should be the same stain, sir.

20 Q. It should be but you can't say with any
21 certainty, you don't know?

22 A. I would say it would be the same stain,
23 because it was taken in sequence and I don't have --

24 Q. You would agree with me the next picture in
25 the sequence is State's Exhibit 21. That is certainly a

1 different stain all together. Right?

2 A. That should be the stain above -- above this
3 stain that we took a picture of, yes, sir, from the same
4 door.

5 Q. You would agree with me, there's at least two
6 stains and maybe three stains. We can't say for sure
7 that 19 and 20 are the same stain based on what we're
8 looking at, can we?

9 A. That's correct.

10 Q. So there may be three stains. And you
11 collected the DNA from this door; right?

12 A. Yes.

13 Q. But you'd agree with me that the DNA you
14 collected, you only collected one swab from door Number
15 3; isn't that right?

16 A. Yes, but I swabbed that whole area.

17 Q. So you swabbed the whole area. So you swabbed
18 all three of these blood stains with the same swab?

19 A. Yes.

20 Q. Wouldn't you want to know each one of them
21 individually?

22 A. They're all in the same area.

23 Q. I understand that but they're three separate
24 and distinct stains; right?

25 A. Yes.

1 Q. You would agree with me they could have come
2 from three different places, couldn't they?

3 I mean, you don't know prior to your arrival
4 on the scene where they came from, do you?

5 A. No, I do not.

6 Q. So you would agree with me then, it's
7 plausible that these three stains could have come from
8 three different people?

9 A. That could be a possibility.

10 Q. You don't know that?

11 A. I do not know that. No, sir.

12 Q. But you swabbed them as if they were just one?

13 A. I did.

14 Q. You would agree with me that it would be a
15 better police practice, right, to have three individual
16 swabs for each one of those stains; right?

17 A. I would say based on a case-by case-basis if
18 you have a distance. But when you have a general area,
19 I would -- my course of action, I took and swabbed that
20 one whole area. My course of action, I took that
21 determination.

22 Q. It wouldn't surprise you to know though that a
23 new recruit down at the South Carolina Criminal Justice
24 Academy who's being trained to be a CSI investigator
25 would be trained to swab each one of those individually,

1 that wouldn't surprise you at all, would it?

2 A. No, it would not.

3 MR. HAYES: Beg the Court's indulgence?

4 Q. (By Mr. Hayes) Mr. Wise, I'm handing you what
5 has been previously marked as State's Exhibit 5.

6 You said you had found two projectiles in your
7 investigation, right, seven shell casings, two
8 projectiles, that's what my notes reflect your testimony
9 was?

10 A. If I might refer to my notes quickly please,
11 sir?

12 Actually, I'm showing one projectile and two
13 pieces of projectiles in my report.

14 Q. So you found one projectile and two pieces of
15 a projectile.

16 Where you found those pieces of evidence in
17 this case, is it depicted on this diagram?

18 A. Yes.

19 Q. Can you point us generally to the area we have
20 here for the jury on this big screen? So if you just
21 tell us bedroom 3 or bedroom 2, wherever it might be,
22 where could we find those?

23 A. Marker 1 projectile should be found around the
24 couch area.

25 Q. Around the couch area. So you found a bullet

1 in Marker No. 1.

2 A. Yes.

3 Q. Is that right?

4 A. Yes, sir.

5 Q. What about the other projectile or any other
6 related projectile you would have found?

7 A. Marker No. 7, which is a piece of a
8 projectile, which it looks like is showing around the
9 bathtub.

10 Q. So in the bathroom off the hallway?

11 A. Yes.

12 Q. Those are the only two projectiles you found?

13 A. On this ledger here, Marker No. 16 is showing
14 a projectile.

15 Q. Okay. It looks like 16 is back near bedroom 2
16 by the closet. Is that fair?

17 A. Yes.

18 Q. There was three projectiles?

19 A. Yes.

20 Q. They were all either near the couch or in the
21 back of the house?

22 A. That's correct.

23 Q. I know that you said when you collected this
24 evidence, you were very careful to make these markers;
25 right?

1 So you could go and say, these are the
2 evidence that I collected; right? So you could go back
3 to your evidence bag and pull it out and say this went
4 with Marker 1 and this went with Marker 2; right?

5 A. Yes.

6 Q. Is there any such markers for the bloodstain
7 that you swabbed on the door of bedroom door Number 3?

8 A. No, sir.

9 MR. HAYES: No further questions.

10 THE COURT: Redirect?

11
12 **REDIRECT EXAMINATION**

13 **BY MR. FOWLER:**

14 Q. This just depicts things you actually laid
15 down a marker for; correct?

16 A. Correct.

17 Q. And with regards to that swab, that was your
18 general practice, if stains were in a small area, to
19 just use one swab?

20 A. My course of action I took, yes, I did that.

21 Q. And kind of generally, if a lead investigator
22 wants a swab tested for DNA, what do they do with it?

23 A. They would take it to SLED.

24 Q. Are you generally aware that SLED can tell
25 about DNA -- mixtures of DNA from one swab?

1 A. Yes. From some of the trainings that I've had
2 in the past and speaking to lab personnel, they can
3 distinguish or separate DNA.

4 Q. Multiple individuals DNA from one swab?

5 A. From what I understand, what I've been told by
6 lab personnel, yes.

7 Q. Mr. Hayes brought up that there were seven
8 shell casings and only two projectiles; is that correct?

9 A. Yes.

10 Q. In your experience as a CSI investigator, have
11 you attended autopsies?

12 A. Yes.

13 Q. Is it possible for gunshot victims to still
14 have projectiles inside of their bodies?

15 A. Yes.

16 MR. FOWLER: No further questions.

17 THE COURT: Any recross?

18 MR. HAYES: Only on evidence collection,
19 Judge.

20

21 **RECROSS-EXAMINATION**

22 **BY MR. HAYES:**

23 Q. You didn't take any swab or any kind of
24 evidence away from the area of the broken window, did
25 you, that's captured here in State's Exhibit 7 and 8?

1 There wasn't any kind of evidence collected,
2 other than these photographs from around these windows,
3 was there?

4 A. I did do a fingerprint examination of the
5 broken window and I also did DNA swabs from the window
6 seal. Is that what you're asking?

7 Q. Where did you turn that evidence over to?

8 A. That was turned over to the evidence room.

9 Q. Did you run the fingerprint examination
10 yourself?

11 A. No. When I did the examination of
12 fingerprints and all, no fingerprints were found.

13 Q. There was no fingerprints?

14 A. No, sir. But it was dusted for fingerprints.

15 MR. HAYES: Okay. Thank you. Nothing
16 further, Judge.

17 THE COURT: Thank you, sir. You may step
18 down.

19 Ladies and gentlemen, we're going to break for
20 lunch. If you'll be back at 1:45.

21 While you are on lunch break do not discuss
22 the case, do not deliberate, do not do any independent
23 research. We'll see you back here at 1:45.

24 (Jury exited.)

25 THE COURT: While on lunch break, at some

1 next witness.

2 MR. POTTS: Thank you, your Honor. The State
3 calls Summer Bender.

4

5 S U M M E R B E N D E R, the Witness herein, having
6 been sworn by the Clerk of Court, was examined and
7 testified as follows:

8 MADAM CLERK: Please have a seat on the
9 witness stand and state your full name for the record.

10 THE WITNESS: My name is Summer
11 McClain-Bender.

12

13 **DIRECT EXAMINATION**

14 **BY MR. POTTS:**

15 Q. Good afternoon, Ms. Bender.

16 A. Hello.

17 Q. You can say "good afternoon" back.

18 A. Good afternoon.

19 Q. Ms. Bender, I'm just going to cut to the
20 chase. Where did you reside back on November 25th,
21 2019?

22 A. I lived on Clark Street. [REDACTED] Clark Street.

23 Q. Would that be just across the street from [REDACTED]
24 Clark Street?

25 A. Yes.

1 Q. Makes sense because of the numbers; right?

2 A. Yes.

3 Q. Now, is your house equipped or was it back
4 then equipped with any sort of cameras?

5 A. Yes.

6 Q. Tell me a little about the cameras you have.

7 A. I have a single Nest camera on my front porch.

8 Q. Where is that camera pointing?

9 A. It's pointing not directly out. It's on the
10 right side of my porch pointing up Clark Street. So not
11 directly across the street to [REDACTED] but angled up.

12 Q. Is [REDACTED] Clark Street captured in that footage?

13 A. Yes.

14 Q. Was that camera in working order back on this
15 incident date?

16 A. Yes.

17 Q. Do you basically just record automatically?

18 A. Yes.

19 Q. It's just recording all the time?

20 A. It keeps ten days worth of videos.

21 Q. Is this something where you decided which is
22 recording or you decide what's not recording?

23 A. No.

24 Q. It's just doing it's thing?

25 A. All the time.

1 Q. Did your camera capture anything from that
2 night?

3 A. Yes.

4 Q. I want to show you what's been marked as
5 State's Exhibit 31.

6 Do you recognize that?

7 A. Yes.

8 Q. What is that?

9 A. That's a DVD video of my doorbell or my
10 camera.

11 Q. Did you provide a copy of the camera footage
12 from that night to law enforcement?

13 A. Yes.

14 MR. POTTS: At this time your Honor, I'd like
15 to offer into evidence State's Number 31.

16 MR. HAYES: So long as it accurately depicts
17 the events therein, Judge.

18 Q. (By Mr. Potts) Does this truly and accurately
19 depict what you saw on the camera that night?

20 A. Yes.

21 THE COURT: So moved.

22 MR. POTTS: Thank you, your Honor.

23 (State's Exhibit 31, Ring Video, was
24 entered into evidence.)

25 Q. (By Mr. Potts) As far as that night goes, Ms.

1 Bender, did you see anything that happened that was
2 not -- other than what's on your camera?

3 A. No.

4 Q. Did you talk to law enforcement that night and
5 just tell them about the camera?

6 A. Yes.

7 Q. Did you have any further involvement in this
8 case?

9 A. No.

10 MR. POTTS: Thank you. No further questions.

11 THE COURT: Cross?

12

13 **CROSS-EXAMINATION**

14 **BY MR. HAYES:**

15 Q. Good afternoon, Ms. Bender.

16 A. Good afternoon.

17 Q. You provided law enforcement with a written
18 statement in this case; right?

19 A. Correct.

20 Q. And I think you told them you saw three men
21 enter in the back of the house?

22 A. On camera, that's what it shows.

23 Q. And two of them left sort of together?

24 A. Later, yes.

25 Q. And one ran out the front door?

1 A. Yes.

2 Q. After firing a single round?

3 A. That's what you hear and see on the camera.

4 Q. You see one person exit the front door?

5 A. Yes.

6 Q. And you're not able to identify any of the
7 three people captured on this camera, are you?

8 A. Correct. No, I'm not.

9 MR. HAYES: Is it State's 31, Carter?

10 MR. POTTS: Yes, sir.

11 MR. HAYES: Judge, I would like to play
12 State's 31 that's been introduced.

13 THE COURT: All right.

14 Q. (By Mr. Hayes) And Ms. Bender, I know you
15 identified it and said this is the video. I just want
16 you to watch the video and say that's it.

17 A. Sure.

18 Q. I think it's just a few minutes; right?

19 A. Yes, I mean, I don't remember exactly how long
20 it is.

21 MR. POTTS: State's 31 is about five minutes.

22 MR. HAYES: It's about five minutes, Judge.

23 THE COURT: Thank you.

24 (Playing video.)

25 Q. (By Mr. Hayes) Before we get too far in this

1 video, I'm going to stop it, Ms. Bender.

2 This is your front porch; correct?

3 A. Correct.

4 Q. Where is the house that Mr. Summerset is
5 residing in?

6 A. There's a little car right across the street
7 with the light on in the garage.

8 Q. This here is Mr. Summerset's home?

9 A. Yes.

10 (Playing video.)

11 Q. (By Mr. Hayes) Ms. Bender, were you able to
12 hear that?

13 A. No -- oh, you mean right now? Yes, I heard
14 that.

15 There's a part I didn't hear at the end before
16 the two come running out. You can usually hear that.

17 Q. But you were awoken to --

18 MR. HAYES: Just beg the Court's indulgence
19 briefly, Judge?

20 Q. (By Mr. Hayes) You woke up to the blue lights
21 being outside on Clark Street; right?

22 A. Correct.

23 Q. And you didn't wake up, you didn't hear the
24 glass shatter?

25 A. Correct.

1 Q. And you didn't hear the gunshots?

2 A. Correct.

3 Q. You saw blue lights and you decided if
4 something had happened, you were going to try to start
5 to preserve whatever this camera footage was; right?

6 A. I mean, that wasn't my first thought. My
7 first thought was just -- I looked outside and I saw
8 there was crime scene tape put up. So I realized
9 something serious had happened and not that it was just
10 cops going to someone's house.

11 Then I sat down and pulled up the camera
12 footage to see if there was anything on there. Then
13 when I realize that there was. I went outside and
14 notified the police.

15 Q. And you turned this tape over to them?

16 A. Yes.

17 MR. HAYES: Thank you. Nothing further,
18 Judge.

19 THE COURT: Any redirect?

20 MR. POTTS: Just one question, your Honor.

21

22 **REDIRECT EXAMINATION**

23 **BY MR. POTTS:**

24 Q. You said there was something you couldn't hear
25 this time.

1 What was that thing that you couldn't hear
2 this time?

3 A. So I didn't really hear the last shot that
4 happened. So a light flips on and usually hear one more
5 shot. Then you hear the door open and you hear someone
6 say something like "let's go," or something like that.

7 And then the two other people come running out
8 from behind the house.

9 MR. POTTS: Thank you. That's all I have for
10 you. Thank you, Ms. Bender.

11

12 **RECROSS-EXAMINATION**

13 **BY MR. HAYES:**

14 Q. Ms. Bender, you would agree with me that the
15 video at this point is the best evidence of all of that;
16 right?

17 A. Of what?

18 Q. Of what occurred?

19 A. Sure. Yes.

20 Q. Of whatever noises it captured?

21 A. From my camera, yes.

22 Q. And whatever was said. You didn't observe any
23 of that in realtime; right?

24 A. Correct.

25 Q. What you're offering here at the end of your

1 testimony is your own interpretation of this video?

2 A. Correct.

3 MR. HAYES: Thank you.

4 THE COURT: Thank you, ma'am. You may step
5 down.

6 The State calls Doris Yarborough.

7

8 D O R I S Y A R B O R O U G H, the Witness herein,
9 having been sworn by the Clerk of Court, was examined
10 and testified as follows:

11 MADAM CLERK: Please have a seat in the
12 witness stand and state your full name for the record.

13 THE WITNESS: My name is Doris Yarborough,
14 Y-A-R-B-O-R-O-U-G-H.

15

16 **DIRECT EXAMINATION**

17 **BY MR. FOWLER:**

18 Q. Good afternoon, Ms. Yarborough.

19 A. Good afternoon.

20 Q. Where were you employed in 2019?

21 A. I was employed by the South Carolina Law
22 Enforcement Decision commonly known as "SLED."

23 Q. What did you do at SLED?

24 A. I was a forensic technician in the evidence
25 control department.

1 Q. And what is a forensic technician in the
2 evidence control department do?

3 A. Any evidence that comes into the laboratory
4 for forensic analysis is brought into the evidence
5 control room and we log it in and place it in storage
6 for whatever analyst it needs to go to.

7 Q. And in regards to this case in particular, I'm
8 going to show you what has been admitted into evidence
9 as State's 35 but I believe it's SLED Item 28.

10 Do you recognize that?

11 A. I only recognize the packaging which would
12 have this little yellow label on it. The lab number is
13 electronically created once the evidence is submitted
14 the first time. Then it's got a container with a number
15 and container number.

16 Q. When evidence like that is brought in, what do
17 you do with it?

18 A. First of all, you want to make sure that the
19 submitting paperwork they bring, you want to match it to
20 their case number and make sure it's been sealed and
21 dated by the evidence submitter. And then once it's --
22 because it tells you what it is and then you put a label
23 on it.

24 Q. And you would have put the label on that
25 packaging?

1 A. I would have.

2 Q. When evidence comes to you, it's sealed?

3 A. Yes, sir.

4 Q. You guys don't accept it if it's not sealed?

5 A. No, sir.

6 Q. I'm going to show you what's been marked for
7 ID as State's 36 and ask if you recognize this?

8 A. Again, I could just recognize the packaging.
9 It was already initialed and dated and sealed by the
10 submitter. So I would have put this, again, yellow
11 label on the evidence and placed it on the shelf it
12 needed to go to for analysis.

13 Q. And what item number is that?

14 A. This is Item 30.

15 Q. Do you recognize this document?

16 A. This is what we call a chain of custody. Once
17 the evidence is logged in, it's created an electronic
18 chain. So every person, once it's logged in, gets that
19 unique lab number. Then each item number or container
20 number follows each person that's touch it.

21 For instance, I'm the one who logged it in, so
22 it was in my custody. Then I scanned it to a shelf,
23 which would have shown it was on a shelf to go to a
24 certain place to be analyzed. And then when the analyst
25 request the evidence, they'll send an email.

1 And one of us, whoever was able to take that
2 request, can pull that evidence and respond to the
3 person requesting it. Then they would transfer it.
4 Everything is done electronically. It's like the
5 grocery store. You scan it from you to the person who's
6 taking it next.

7 Q. Is the lab number denoted on that chain of
8 custody form the same lab number on this sticker here?

9 A. Yes. It's L19 -- L19 means lab and '19 is the
10 year it was brought in. And the lab number would have
11 been 23093 and that's the same as that.

12 Q. And can you tell us what Item 28 is labeled as
13 on that chain of custody form?

14 A. Item 28 says: "One sealed envelop containing
15 swabs described as from a red stain on bedroom door."

16 Q. And you were the person that took that in
17 according to that chain of custody form?

18 A. According to the chain of custody, yes.

19 Q. And I'm going to show you what has Item 28
20 listed on. Can you tell us just what that says on the
21 front of that swab?

22 A. It says, "Red stain bedroom Number 3 door."

23 MR. FOWLER: I have no further questions.

24 THE COURT: Cross-examination.

25

CROSS-EXAMINATION

BY MR. HAYES:

Q. Good afternoon, Ms. Yarborough.

A. Good afternoon.

Q. You received this swab from the City of Columbia Police Department?

A. That's correct.

Q. And do you know what happened to it after you received it?

A. I would have put it on this for DNA. So there's a special section in the evidence room that's marked DNA and each shelf is numbered. I would have scanned that shelf, scanned that item and put it on that shelf.

Q. And after it got to that shelf, do you have any idea what happened to it?

A. No, sir.

Q. So your job is to make sure you take it in and get it on the shelf?

A. Sure.

Q. Then the last time you saw it, it was doing fine right there?

A. As far as I know. Yes, sir.

Q. And that's all you're here to testify about?

A. That's it.

1 MR. HAYES: No further questions.

2 MR. FOWLER: Just one.

3 **REDIRECT EXAMINATION**

4 **BY MR. FOWLER:**

5 Q. And that was the same with Item 30 as well?

6 A. Yes, sir.

7 Q. The buccal swab?

8 A. Yes, sir.

9 THE COURT: Any further recross?

10 MR. HAYES: Yes, sir. I mean, based on the
11 new item. Let me just follow up on that.

12

13 **RECROSS-EXAMINATION**

14 **BY MR. HAYES:**

15 Q. Ma'am, if it's the same one like this yellow
16 tag here, is that something you would have been
17 responsible for creating?

18 A. Yes. It's electronically generated from the
19 computer. Once you put the container number, the item
20 number, when everything is submitted, those labels come
21 out and we put it on the appropriate items.

22 Q. So here I see on the swab anyway, is it just
23 one swab that went to that -- it's just the one
24 bedroom -- red stain bedroom Number 3?

25 A. That envelope had two in it, so then it became

1 a container.

2 Q. So if there's two in here now, would it come
3 just like this?

4 A. It would have been sealed.

5 Q. What does C --

6 A. Container Number C.

7 Q. And that's where they go for to await the DNA
8 lab to come get it?

9 A. You see the "DNA" under the little red
10 sticker, that's telling me it's going to go into the DNA
11 bin and that's where it's going for storage until it's
12 requested by the analyst.

13 Q. When you say, "red sticker" this (indicating)?

14 A. No. You see the little red square sticker. I
15 think it's the evidence -- yeah.

16 Q. This is a State's exhibit. Oh, it says "DNA."

17 A. Yes, sir.

18 Q. You would have printed that?

19 A. Yes, sir.

20 Q. That's your handwriting?

21 A. Yes, sir.

22 Q. So on this one, it looks like it was going to
23 be available for DNA testing.

24 And again, is that your writing on this --

25 A. Yes, sir.

1 Q. -- packaging?

2 A. Yes, sir.

3 Q. Why, ma'am, would this have gone to C, Number
4 C for testing and this one had gone to Number 30?

5 A. A buccal swab which is DNA from an individual
6 is packaged separately from other swabs that come from
7 the scene.

8 Q. If I were to go down into the SLED evidence
9 room to try to understand where I'm going to find
10 things, how close would these two things be maintain?

11 A. Probably in the same bin on the same shelf.

12 Q. So they're going to be in the same bin on the
13 same shelf but they're classified in different ways?

14 A. No, they're both going to DNA.

15 Q. But you'd agree with me that this one says
16 "Number 30" and this one says C, "Number C"?

17 A. Item No. 30 is that one, it's one item in that
18 package.

19 Q. Right.

20 A. And container C has two items. If you look at
21 your chain of custody, you can see what those two items
22 are in in container C.

23 Q. Right. But there's not any indication on the
24 outside of Item No. 30 knowing that it's going to
25 container C with the DNA; right?

1 A. They're separate items.

2 Q. So you would have received both of these
3 items. You would have put them into a container,
4 probably both in container C, it sounds like?

5 A. The two would have gone in -- all the evidence
6 that comes in is sealed, initialed and dated by the
7 submitter. I would have looked at their paperwork to
8 see what they're submitting. Then those two swabs are
9 in the same package and I think one of them maybe as
10 Item 28 or 29, I'm not sure. I don't have the chain of
11 custody in front of me.

12 Then that buccal swab would have been Item No.
13 30, which is placed in a package by itself.

14 Q. Do you know who submitted these items?

15 A. Not without looking at the chain of custody.

16 Q. Do you know if they were submitted together or
17 separately?

18 A. I believe they came in at the same time
19 because I'm the one who logged them in.

20 Q. And you designated them for DNA and the last
21 time you saw them, they were doing well right where
22 they're supposed to be?

23 A. Correct.

24 MR. HAYES: No further questions.

25 THE COURT: Thank you, ma'am. You may step

1 down.

2 Yes?

3 MR. POTTS: Your Honor, there was an issue on
4 recross that we'd like to briefly address in a brief
5 re-redirect.

6 THE COURT: Two questions.

7 MR. POTTS: Yes.

8

9 **RE-REDIRECT EXAMINATION**

10 **BY MR. FOWLER:**

11 Q. Ms. Yarborough, I'm going to show the chain of
12 custody form one more time, for Items 28 and 30 which is
13 two pages from that.

14 Can you tell us who it says the submitter is
15 for those two items?

16 A. Item 28 was C.P. Duckett out of the Columbia
17 Police Department, he placed it into evidence submission
18 lockers.

19 Q. On what date?

20 A. 12/6/19, I do believe.

21 Q. And could you tell us the same information for
22 Item 30?

23 A. Item 30 actually was submitted 2/5/20 and it
24 was submitted by Chauncey Duckett of the Columbia PD who
25 put it into evidence locker.

1 MR. FOWLER: No further questions, your Honor.

2 THE COURT: Anything you want to ask?

3 MR. HAYES: No, sir.

4 THE COURT: Thank you, ma'am. You may step
5 down.

6 The State may call its next witness.

7 MR. FOWLER: The State would call Laurie
8 Shacker.

9
10 L A U R I E S H A C K E R, the Witness herein, having
11 been sworn by the Clerk of Court, was examined and
12 testified as follows:

13 MADAM CLERK: Please have a seat in the
14 witness stand and state you full name for the record.

15 THE WITNESS: Laurie Shacker, S-H-A-C-K-E-R.
16

17 **DIRECT EXAMINATION**

18 **BY MR. FOWLER:**

19 Q. What do you do, Ms. Shacker?

20 A. Currently I am an administrative assistant for
21 a church.

22 Q. And in 2019, what were you doing?

23 A. In 2019 I was the evidence control supervisor
24 at the South Carolina Law Enforcement Division in the
25 forensic lab.

1 Q. What were your duties?

2 A. Just to oversee the operations of the evidence
3 control department on a daily basis.

4 Q. I'm going to show you what's been marked as
5 State's 35 and just ask you if you recognize that? And
6 I'll also hand you that.

7 A. Yes, I do.

8 Q. So you recognize -- it's marked as State's 35
9 for this trial but SLED Item 28?

10 A. Yes.

11 Q. What is SLED Item 28?

12 A. SLED Item 28 is one sealed envelop containing
13 a swab described as from "red stain on bedroom door."

14 Q. State's 35, there's some writing on the back
15 of that package. Can you tell us what is it?

16 A. Yes, two DNA swabs from the vehicle hood and
17 two DNA swabs from red stain on bedroom door, bedroom
18 Number 3.

19 Q. What would you have done with SLED Item 28,
20 State's 35?

21 A. I retrieved it from the evidence room at the
22 laboratory from the DNA intake shelf 76 and gave it to
23 Adrienne Hefney.

24 Q. And they would have been put on that DNA shelf
25 by the person that received it into evidence?

1 A. Yes, that's correct.

2 Q. And who does that chain of custody form
3 indicate took the evidence in?

4 A. Doris Yarborough.

5 Q. When you got it off the shelf, was it sealed?

6 A. Yes, it was.

7 MR. FOWLER: No further questions, your Honor.

8 THE COURT: Cross-examination?

9

10 **CROSS-EXAMINATION**

11 **BY MR. HAYES:**

12 Q. Ms. Shacker, when you go and grab these items
13 to be tested out of these bins that they're in, how many
14 items are in there?

15 A. Depending on the bin, there could be anywhere
16 from one, there could be several. Sometimes up to a
17 hundred. It depends on what bin, how large the bin is.

18 Q. Typically, out at the State Law Enforcement
19 Division, how many items are waiting to be tested in the
20 DNA bins?

21 A. Thousands.

22 Q. Thousands?

23 A. Thousands, yes.

24 Q. So you have one bin, one container and it's
25 going to be full of yellow envelopes like this?

1 A. Yes, envelopes or heat-sealed pouches, could
2 be larger envelopes.

3 Q. Is it like trying to go through the bargain
4 bin, the movie bargain bin at Walmart or is it more like
5 trying to find a book at a library?

6 A. I would say it's more like trying to find a
7 book at a library.

8 Q. Then trying to dig through a pile to find what
9 you're looking for at the bottom of the bin?

10 A. Because it's very well organized and in order
11 and labeled as to what bin it is. Then that matches
12 what's on the chain of custody. So yes, I would say
13 it's more like looking for a library book.

14 Q. So you have a thousand of these things in the
15 bin itself; right?

16 A. Yes.

17 Q. Is the bin like a garbage can? I'm trying to
18 picture what this bin looks like.

19 A. It's more like a storage bin that you would
20 think of. I think they were about 18-inches long and
21 about 12-inches wide. So you can file those envelopes
22 in there pretty easily.

23 Q. So it's like when you go to the dentist office
24 or something like that and you look down the files, you
25 could go in and say, here it is, this is the one, and

1 pull it straight off?

2 A. Similar to that, yes.

3 Q. In an ideal world, that's the way it's
4 supposed to work?

5 A. Yes.

6 Q. And it looks like it's been marked as State's
7 Exhibit 35. I think it might be the SLED Item 28. This
8 came with two different packages on the inside; is that
9 right?

10 A. What is described on the outside of that is --
11 like I read out is what -- I'm not sure if that's
12 actually what was in that container or not. I never
13 opened the container. But that's what it is listed as
14 on the outside of the container.

15 Q. So on this, it actually looks like they took
16 two DNA swabs from a bedroom door, is that right,
17 according to this packaging.

18 A. I would assume that's what that "two" refers
19 to. Yes.

20 Q. So if you open this item, you would expect to
21 find -- so if you open it up and you find two packages
22 like this inside of what's been marked as State's
23 Exhibit 35 and you open it up further, you would expect
24 to find two swabs in each one of these containers?

25 MR. FOWLER: Your Honor, I'm going to object.

1 This calls for speculation. She just took the evidence
2 in and moved it from a shelf to a tray.

3 MR. HAYES: Judge, she took the evidence in
4 and she's here to testify about --

5 THE COURT: She can testify to here -- lay a
6 foundation about her experience if that's something
7 she's familiar with and typically what she would do.

8 Q. (By Mr. Hayes) That's what the envelope
9 indicates to you, right, is that each one of those
10 packages would have two different swabs in them?

11 A. That is what's indicated on the outside of
12 that envelope. Yes.

13 Q. So you go and retrieve the package. Your job
14 is to make sure that it's sealed and untampered with?

15 A. Yes.

16 Q. Has there ever been an opportunity where the
17 tape was becoming loose or there was some kind of -- the
18 package had been compromised in some way?

19 A. You mean in my experience working at SLED?

20 Q. Yes, in this evidence room.

21 A. Yes. It has happened before.

22 Q. When that occurs, tell me what you do in
23 response to that?

24 A. Well, we would make a notation in the case
25 record, generally, sometimes on the chain of custody.

1 And then we would reseal to make sure that evidence is,
2 in fact, sealed if we've discovered that.

3 Q. Obviously, how many times do you go to the
4 evidence room to try to retrieve evidence for somebody
5 to test later in a day as you're working there in this
6 capacity?

7 A. Multiple times, it could be.

8 Q. You don't have any independent recollection
9 about the things that were being tested in the case that
10 we're here to talk about today?

11 A. No. Not independently, just based on the
12 chain of custody.

13 Q. The lack then of something that suggests that
14 the packaging wasn't sealed -- if the packaging had a
15 problem, you would have indicated that somewhere in your
16 chain of custody?

17 A. Yes.

18 Q. That is not present in this case?

19 A. No.

20 Q. And Ms. Hefney, she's the lady that tested the
21 items?

22 A. She's the analyst that I gave the evidence to,
23 yes.

24 Q. After you gave this evidence to Ms. Hefney,
25 did you touch these packages ever again?

1 A. No.

2 Q. So all you would have done is taken them from
3 the intake room where Ms. Yarborough received them and
4 delivered them to Ms. Hefney?

5 A. That's correct.

6 Q. And to the best of your recollection, there
7 wasn't any problem with that and these packages were
8 exactly the way they were supposed to be?

9 A. If there had been, there would be some
10 notation in the case record and there was not in this
11 case.

12 MR. HAYES: Thank you.

13 MR. FOWLER: No redirect, your Honor.

14 THE COURT: Thank you. You may step down.
15 The State may call its next witness.

16 MR. FOWLER: The State calls Vera Martinez.

17

18 V E R A M A R T I N E Z, the Witness herein, having
19 been sworn by the Clerk of Court, was examined and
20 testified as follows:

21 MADAM CLERK: Please have a seat in the
22 witness stand and state your full name for the record
23 and spell your last name.

24 THE WITNESS: Good afternoon. Last name is
25 Martinez, M-A-R-T-I-N-E-Z.

DIRECT EXAMINATION

BY MR. FOWLER:

Q. Ms. Martinez, where were you employed in 2019?

A. I worked for the South Carolina Law Enforcement Agency, which is SLED.

Q. What were your duties at SLED?

A. I was a forensic technician, I worked in the evidence unit.

Q. What were your duties as forensic technician?

A. We accepted and logged DNA evidence brought in by agencies for lab request.

Q. I'm going to show what's been marked for ID as State's 36 and I'm going to hand you this SLED chain of custody form.

Does the lab number on the chain of custody form match the lab number on the outside of the package?

THE COURT: Before you answer.

Yes, sir?

MR. HAYES: I have an objection on that. I think he can ask the question. If she needs to have the document to refresh her recollection, that's fine but I don't think we're to that point yet.

THE COURT: What's the document?

MR. FOWLER: The chain of custody I've shown the last two witnesses.

1 THE COURT: Ask her the question and see if
2 she needs to refresh her memory with it.

3 Q. (By Mr. Fowler) Do you remember taking in a
4 buccal swab in 2020?

5 A. I don't remember this specifically. We
6 handled hundreds of cases.

7 Q. Would that chain of custody form help refresh
8 your memory?

9 A. Yes, it would.

10 THE COURT: Granted.

11 Q. (By Mr. Fowler) So do those two case numbers
12 match?

13 A. Yes, sir, it does.

14 Q. So on the chain of custody form, what is SLED
15 Item 30 listed as?

16 A. It lists one heat-sealed pouch containing
17 buccal swab described as known standard collected from
18 Christopher Cravets.

19 Q. Is that item, Sled Item 30 under that case
20 number?

21 A. This is SLED Item No. 30 according to this.
22 Yes.

23 Q. That is a buccal swab from Christopher
24 Cravets?

25 A. That's what it states it is or is said to

1 contain. We didn't open packages.

2 Q. What would you have done with SLED Item 30?

3 A. When we receive it, we would log it into the
4 computer, and the computer would generate the yellow
5 label indicating the sequence of items that we got in.

6 Once it was logged in, it would be filed back
7 into a secured evidence locker.

8 Q. What would your involvement with that item
9 have been?

10 A. According to the chain, I took it off of a DNA
11 shelf and released it to a forensic scientist upon their
12 request.

13 Q. And who is that forensic scientist?

14 A. According to this form it was Adrienne Hefney.

15 Q. And who does that chain form indicate took the
16 item into SLED?

17 A. It looks like Doris Yarborough is the one that
18 logged it in initially.

19 Q. And you would have taken it off the shelf?

20 A. Yes. Normally, what would happen -- according
21 to this form, she logged it in and then put it on a
22 shelf that awaited for DNA request. Once we got the
23 request from the scientist, we would pull that item off
24 the shelf and release it to the scientist.

25 Q. And it would have been sealed at the time you

1 pulled it off the shelf?

2 A. Absolutely.

3 Q. And if there was anything wrong with it, you
4 would have notated that?

5 A. Absolutely.

6 MR. FOWLER: No further questions, your Honor.

7 THE COURT: Yes, sir.

8 MR. HAYES: Thank you, Judge.

9

10 **CROSS-EXAMINATION**

11 **BY MR. HAYES:**

12 Q. Ma'am, when you take the envelops out of the
13 evidence locker and release it to the scientist, tell
14 me, how does that happen? Do you physically put it in
15 the scientist's hands?

16 A. Yes.

17 Q. So they request the DNA testing, you go
18 retrieve the item from the evidence locker and take it
19 and physically put it in Ms. Hefney's hand?

20 A. Yes.

21 Q. What does Ms. Hefney do when she's done with
22 it?

23 A. I don't know what she does with it. My
24 involvement is to release the evidence to her upon her
25 request. And then she takes it and does what she does

1 with it, I'm not aware of what she does upstairs.

2 Q. Does this request then happen like fairly
3 simultaneously? She requests it from you and within a
4 matter of minutes, she's going to have it in her hands?

5 A. Yes.

6 Q. So it's not where there's a priority list and
7 you're putting it in a bin and she's doing it as she's
8 receiving it on some level? She's going to test it
9 right when she gets it?

10 A. I don't know what she does with it when she
11 gets it. They would send a request down by email and
12 let us know what they needed. We would respond, let
13 them know to come down. When they got down, we would
14 pull it off the shelf and I would release it to her.
15 That would be the extent of my involvement with it.

16 Q. You're in the evidence room then?

17 A. Uh-huh.

18 Q. When Ms. Hefney requests it, you go and pull
19 it, and then she comes to the window, you hand it
20 outside of the window to her?

21 A. Correct.

22 Q. And whatever happens after that, you can't
23 say?

24 A. No.

25 MR. HAYES: Thank you.

1 before we bring the jury out?

2 MR. POTTS: No, your Honor.

3 THE COURT: Anything from the defense?

4 MR. HAYES: No, sir.

5 THE COURT: So we'll bring the jury out and
6 we'll start -- we'll just go from there.

7 Let's bring the jury in.

8 (Court's Exhibit 11, Juror note, was
9 marked for identification.)

10 THE BAILIFF: The jury is seated, your Honor.

11 THE COURT: Thank you. Thank you Ladies and
12 gentleman.

13 The State may call its next witness.

14 MR. POTTS: Thank you, your Honor.

15 The State calls Sergeant Duckett.

16

17 C H A U N C E Y D U C K E T T, the Witness herein,
18 having been sworn by the Clerk of Court, was examined
19 and testified as follows:

20 MADAM CLERK: Please have a seat in the
21 witness stand and state your full name for the record.

22 THE WITNESS: Chauncey Duckett, D-U-C-K-E-T-T.

23

24 **DIRECT EXAMINATION**

25 **BY MR. POTTS:**

1 Q. Sergeant Duckett, where are you currently
2 employed?

3 A. City of Columbia Police Department.

4 Q. What is it that you do at the City of Columbia
5 Police Department?

6 A. Currently supervise a squad in the west region
7 of the Harbison area.

8 Q. So you're a supervisor now?

9 A. Yes.

10 Q. How long have you worked at CPD?

11 A. I'm going on 18 years.

12 Q. What kind of roles have you had there in the
13 past?

14 A. I've supervised recently in the special
15 victims unit and investigations. Prior to that I was an
16 investigator for about ten years. And prior to that, on
17 patrol.

18 Q. What does an investigator do?

19 A. We follow up on crimes.

20 Q. I guess would it be fair to say you're a
21 detective?

22 A. Yes.

23 Q. What was your role in this case?

24 A. I was the lead investigator on this case.

25 Q. What does "lead investigator" mean?

1 A. Essentially, it just means I'm the one
2 responsible for following up on all the evidence and
3 trying to come to a conclusion about what happened based
4 on what we find.

5 Q. Are you the only investigator working on the
6 case?

7 A. I'm the lead, but not the only one.

8 Q. So I guess other people determine things or
9 talk to people and then they would go to you and let you
10 know?

11 A. Correct.

12 Q. You're kind of the central clearinghouse, I
13 guess the director of the investigation?

14 A. For lack of a better term, yes, sir.

15 Q. How did you come to be involved in this case?

16 A. Yeah. I was the on-call investigator for this
17 evening. So when this incident occurred, I was the
18 person who was called to get started on it.

19 Q. On-call investigator. Y'all take turns?

20 A. Yes, sir.

21 Q. And I guess this was your lucky night?

22 A. This was mine.

23 Q. I guess just tell the jury a little bit about
24 what you do when you get on scene and kind of the
25 process you go through.

1 A. Specifically for this one?

2 Q. For this one in particular.

3 A. Once I arrived on scene, I just gathered all
4 of the information from the officers who initially
5 responded. So any observations or things that they may
6 have seen, we just collected information.

7 And then I do a walkthrough of the crime
8 scene, interior and exterior, to note anything I might
9 find important or might stand out. So that's the
10 initial thing we're going to do.

11 Q. So does that involve like talking to Officer
12 Hardesty, whom you saw earlier?

13 A. Correct.

14 Q. Did you have an opportunity to talk to -- I
15 guess did you end up talking to Ms. Bender or were you
16 just providing her details?

17 A. I spoke with Ms. Bender.

18 Q. Did you get the video from her?

19 A. I did.

20 Q. When you get there, I guess, how did the
21 process -- in this case, how did the process work?

22 So like you getting there, looking at the
23 scene and see what's going on, that and CSI coming in
24 and that stuff?

25 A. Once an investigator or CSI arrives on the

1 scene, we talk and communicate what we think is
2 important and come up with a game plan on things that
3 need to be collected.

4 Q. Hold on one second. There's some terrible
5 annoying noise. If you don't mind --

6 A. Moving a little closer?

7 Q. If you don't mind. Please continue. I
8 apologize.

9 A. So me and Investigator Wise communicated and
10 coordinated what we thought was important to be
11 collected. We do that to make sure we do our best that
12 nothing gets missed. So what he sees, what I see, come
13 together with a plan on what we think needs to be
14 collected.

15 Q. So in this case in particular, did you see
16 that red stain on the back bedroom door?

17 A. Not immediately initially because we had to
18 wait for the search warrant obviously before we started
19 going into detail of looking through the house.

20 Eventually, yes. We noticed that. And based
21 on where it was in proximity to the victim, we found
22 that a very important bloodstain -- red stain, excuse
23 me.

24 Q. Because at that point when you're on the
25 scene, you don't know whether it's blood or anything

1 else, do you?

2 A. Correct.

3 Q. Where was that -- I guess in your looking
4 through the house and going through everything, were you
5 able to determine what you thought to be the area of
6 entry?

7 A. Yes. We determined that the, I guess we're
8 calling it bedroom 3 in here, with the entry which was
9 the back bedroom if you walk down the hall to the right
10 and that is where the glass was broken.

11 Q. So that stain was in proximity to that
12 bedroom; correct?

13 A. Correct. The victim was in the hallway and
14 that's where he was found. The red stain was on the
15 interior door of the bedroom.

16 Q. Okay. So on the inside the bedroom, inside
17 the door kind of away, I guess --

18 A. The way you would close the door, it was on
19 the interior. So it was on the back of the door if the
20 door was closed, not the front.

21 Q. Are you just kind of assigning jobs at this
22 point, trying to figure out who can do what and what to
23 do next?

24 A. Essentially most of this stuff -- I'm pretty
25 selfish with a lot of things on these crimes. So most

1 of the things, I like to do myself aside from collection
2 of evidence which is Investigator Wise's job and what
3 he's there for.

4 Majority of the things, I try to have
5 firsthand knowledge of myself.

6 Q. Did you have an opportunity to view
7 Ms. Bender's video?

8 A. I did.

9 Q. How important was that video to the early
10 stages of this case?

11 A. It was extremely important. It gave us a
12 timeframe. It gave us the potential number of suspects
13 and it had audio to it as well.

14 Q. How many times do you think you'd watched this
15 video?

16 A. I couldn't tell you. A lot.

17 Q. Why would you watch that video a lot?

18 A. There's a lot going on in the video, even
19 though it's short. To keep myself focused when I'm
20 watching a video, I like to watch one specific person at
21 a time. So with this video, we have three suspects. So
22 I have to watch it at least three times just to watch
23 what they're doing each time.

24 Then obviously, just timing down what time
25 they disappeared off the video to when the glass was

1 broken and just different things that I notate. If any
2 characteristics of them are able to be seen.

3 So watching it multiple times to just try to
4 develop additional information to be able to follow up
5 on this incident.

6 Q. Would you mind just watching that video and
7 point out some of the things you see to the jury and
8 what you considered in your investigation to be some of
9 the key items?

10 A. No problem.

11 MR. POTTS: And Your Honor, may I ask
12 Investigator Duckett to step down?

13 THE COURT: Yes. Sergeant Duckett make sure
14 you stand on that other side facing the court reporter
15 so she can hear you and all the jurors can hear you.

16 SERGEANT DUCKETT: Yes, sir.

17 (Playing video.)

18 Q. (By Mr. Potts) Investigator Duckett, can you
19 see?

20 A. Yes, I can.

21 The first thing I found important was just
22 notating the direction of travel in which the suspects
23 appear to be coming from. So that was the first thing I
24 noted.

25 Q. So what is that direction?

1 A. They're coming up Clark Street from, I
2 believe, Northwood Street.

3 Q. So those people who are in the top right
4 quadrant of the video, are those the people we're
5 talking about?

6 A. Correct. And there should be one tagging
7 along just a little bit behind them.

8 Q. I think we heard testimony earlier that this
9 residence right here, that is the victim's residence?

10 A. Correct. So obviously the next thing I
11 notated was that two of the first suspects appear to
12 duck between both homes and then the third suspect comes
13 up and follows in back behind them.

14 Q. Now, the quality of the video at this
15 distance, how many -- what are you able to discern about
16 the nature of these suspects?

17 A. You couldn't tell -- I couldn't tell whether
18 they were black or white, any information based on the
19 quality of this video. We can just see that it's three
20 individuals who cut in between two houses and head to
21 the back of those two residences.

22 Q. Then in this video, there's a relatively large
23 gap between once they disappear and something happens
24 again; correct?

25 A. Correct.

1 Q. I'm going to scoot forward a little bit.

2 A. Yes, sir. Obviously, I noted the glass break
3 -- what appeared to be glass being broken at that time.

4 Obviously, I noted within ten seconds of the
5 glass being broken to what appears to be gunshots coming
6 from -- I would only be able to assume within one of
7 these two residences at that time.

8 Obviously, we knew which residence it was by
9 the time we'd seen this video and we knew where we were
10 at.

11 Q. And you're basing that fact based on your
12 training and experience?

13 A. Correct.

14 Q. So do you recall how many shots that were --
15 how many noises like that that were in that brief
16 moment?

17 A. To me it sounded like ten, that's what I heard
18 when I played it back. I notated in my case notes that
19 it appeared to be about ten, ten shots. You can hear
20 the audible alarm from within the residence as well.

21 Q. The alarm didn't just start until -- you
22 couldn't hear the alarm until after the gunshots;
23 correct?

24 A. Initially, I thought it was a smoke detector
25 that was going off from the gunshots. I didn't think it

1 was the home alarm because it didn't go off when I heard
2 glass break. And ten seconds later, the gunshots
3 started and then the alarm went off.

4 So I initially I thought it might be the smoke
5 detector that was going off, not the home alarm.

6 Q. The last noise we just heard, I'd say that
7 sounds similar to the other ten noises you heard
8 earlier?

9 A. It's similar. I couldn't tell you whether --
10 it could have been glass breaking on the way out. It
11 could have been the last shot fire. It was definitely
12 similar to --

13 Q. Another loud noise?

14 A. Yes, correct.

15 Q. What are we seeing there?

16 A. I see two suspects running down the street.
17 One was up on the sidewalk and one was more towards the
18 middle of the street.

19 Q. Thank you, sir. Have a seat.

20 So in the earlier stages of your investigation
21 because you watched this video I guess within the first
22 few hours --

23 A. Yes, sir, that's correct.

24 Q. -- you were able to determine that you're
25 looking for multiple suspects; correct?

1 A. Correct. Yes.

2 Q. Is that video consistent with them entering
3 that back bedroom?

4 A. Yes, sir, it is.

5 Q. So I guess with that kind of kernel, that
6 initial kernel of information that you have, what is the
7 next thing you're doing with that?

8 A. Because I worked that area for pretty much the
9 better part of my career, I was just familiar that there
10 are standalone cameras in the area. So I immediately
11 made contact with statewide security and started
12 requesting video from the area, and that was my initial
13 thing, to see if we can collect any video there.

14 Also, I canvassed the neighborhood. I believe
15 there was a house -- I can't tell you the exact address
16 without referring to my case notes -- as I walked down
17 the street that also had video. The house on the corner
18 of Northwood and Clark Street, we made contact there as
19 well.

20 Q. You go around trying to looking for more
21 video?

22 A. Correct.

23 Q. Was there any video that had a good depiction
24 of the suspects?

25 A. It was a video that had a better depiction

1 than that, but I wouldn't say it was something that was
2 good.

3 Q. Anything that was high quality enough to help
4 you make an identification?

5 A. No, sir. Not at all.

6 Q. As you're going through the video, what do you
7 see?

8 A. The additional video that I --

9 Q. Yes, sir.

10 A. Okay. So I capture -- I don't capture but I
11 observed a vehicle drive up Northwood Street and then it
12 turns around. You don't see it, obviously, on camera
13 but it comes back and three suspects exit the vehicle
14 and begin to walk up the street. The car then drives
15 down Northwood towards River Drive.

16 Q. So based on that, you knew there was actually
17 a fourth person involved as well?

18 A. Correct.

19 Q. Did you have some opportunity to speak to
20 Ms. Homewood?

21 A. Yes. I did speak to Ms. Homewood.

22 Q. Were you able to interview her?

23 A. Yeah, that was a little bit later. I know she
24 sat at the police department for a little while while we
25 were obviously still on scene collecting things and just

1 trying to get as much initial information as possible.

2 Q. So what did I skip over?

3 A. Just the mere fact that we were still
4 canvassing the area and attempting to collect video and
5 review video, things of that nature.

6 Q. When you say "canvassing," what is that?

7 A. Walking in the neighborhood, knocking on
8 doors, attempting to find witnesses who may have
9 observed something or additional video evidence.

10 Q. Were you able to find anything else
11 substantial?

12 A. Not at that time.

13 Q. So I guess the next step is to start talking
14 to witnesses?

15 A. Correct.

16 Q. And as you said you interviewed Ms. Homewood.
17 Did you interview any other witnesses at that point?

18 A. I believe Ms. Homewood was the only one that
19 we spoke to initially at that time.

20 Q. I guess at that point, besides the video from
21 Ms. Bender, would it be fair to say your next best lead
22 is the car involved?

23 A. Correct.

24 Q. What did you kind of do to try and figure out
25 the car? And to be clear, if you don't mind, you can

1 kind of gloss over it. I don't want you to get too
2 specific on that.

3 A. Okay. What happened was, once I reviewed the
4 video that was collected from the residence at the
5 intersection of Northwood and Clark Street, I just made
6 an observation of the vehicle that the trunk of the
7 vehicle appeared to be ajar which was just opened,
8 obviously, open a little bit. Like the truck was not
9 closed all the way.

10 I know from my training and experience of
11 working in the area that there is a license plate reader
12 at the intersection of River Drive and Main Street.
13 What I did at that time was request the information for
14 any vehicles that went through that intersection at the
15 time immediately after the incident. There was two
16 vehicles that went through the intersection, one trunk
17 was still ajar.

18 Q. I did skip over one thing.

19 When you interviewed Ms. Homewood, did she
20 mention a man named Ralph Pitt?

21 A. Initially, I do not think she mentioned
22 anything about Ralph Pitt initially.

23 Q. I apologize. So later did she?

24 A. Yes.

25 Q. Please continue with trying to find the

1 vehicle.

2 A. Correct. So the first vehicle, I run some
3 information on the vehicle. Without being specific, the
4 first vehicle was registered to someone out of Aiken,
5 South Carolina. A 60-year-old white male out of Aiken,
6 South Carolina, with no criminal history.

7 Q. What about the other vehicle?

8 A. The other vehicle that had the trunk ajar was
9 registered to a Brenda James Pitt.

10 Q. Were you able to determine if she was related
11 to anybody in particular?

12 A. Yes, through the course of the investigation,
13 I think we're later on into the next day, so we've
14 developed some information at this point about Mr. Ralph
15 Pitt.

16 Q. Through the course of your investigation, up
17 until, I want to say, December 19th, you were focused on
18 trying to identify the driver and taking further
19 evidence, processing evidence and get it to SLED;
20 correct?

21 A. Correct. Based on the information that
22 developed about Ralph Pitt and his connection with Mr.
23 Delon Summerset, that was just kind of the direction of
24 the investigation at that time. So we were actively
25 pursuing Mr. Pitt.

1 Q. You're doing search warrants for phone
2 records?

3 A. Correct.

4 Q. You're going to get video of the license plate
5 reader?

6 A. Correct.

7 Q. Sent the bullet fragments and shell casings to
8 SLED?

9 A. Yes, sir.

10 Q. I want to show you what's been marked as
11 State's Number 35.

12 A. Yes, sir.

13 Q. It's already in evidence. That is two swabs
14 that Investigator Wise got; correct?

15 A. Correct.

16 Q. Now, he turned them into evidence. What did
17 you do with them?

18 A. I took them from our property room to be
19 turned into SLED to be processed.

20 Q. When you picked them up from the property
21 room, were they sealed?

22 A. Correct. Yes, sir.

23 Q. Had they been tampered with in anyway?

24 A. No, sir.

25 Q. Were George Wise's initials on the seal?

1 A. Yes.

2 Q. Did he date the seal?

3 A. He did.

4 Q. And what did he date it?

5 A. 11/25/2019.

6 Q. I know you've taken items to SLED before?

7 A. Correct.

8 Q. Will SLED accept anything that's not sealed?

9 A. No. They will not accept any items that are
10 not sealed.

11 Q. In fact, they are very strict about that?

12 A. They're very particular about their evidence
13 intake procedure. There's a process for it.

14 Q. Tell me a little about how SLED accepts items
15 and I guess how many items you can send at a time to
16 SLED.

17 A. When it comes to -- they will take a lot of
18 evidence, as far as shell casings and things of that
19 nature. They will take an undetermined amount of that.
20 But as far as processing things for DNA, they're pretty
21 specific on the amount of items they will take at one
22 time.

23 Q. You have to pick and choose the items to send
24 to SLED?

25 A. Definitely. Obviously, you need to have a

1 working knowledge of your case and have some procedure
2 which you think is best when it comes to submitting
3 evidence. So obviously based on this case with the
4 information that we had and what was known about the
5 crime scene and how the incident unfolded, I sent a list
6 of what I thought was most important DNA samples to be
7 tested.

8 Q. Because there were more swabs than just the
9 reddish stains, the ones we've been talking about;
10 correct?

11 A. Correct.

12 Q. But these were the ones that you submitted to
13 SLED first, those two in that envelope; correct?

14 A. Correct.

15 Q. Now, as you are trying to follow-up leads and
16 doing all the side things we've been talking about, did
17 you ever hear back from SLED about those swabs?

18 A. Yes, I did.

19 Q. Did they tell you that there was a hit in a
20 DNA database that came back to the defendant, Mr.
21 Cravets?

22 A. Correct.

23 MR. HAYES: Judge, I would just ask Mr. Potts
24 to ask him --

25 THE COURT: Rephrase the question.

1 MR. POTTS: Do you want me to approach real
2 quick, your Honor?

3 THE COURT: Yes, you may.

4 (Sidebar conference was held, not
5 reported.)

6 Q. (By Mr. Potts) Just to reiterate. You were
7 contacted by SLED and they told you they had a hit in
8 the DNA database and it matched Christopher Cravets on
9 the swabs; correct?

10 A. That is correct.

11 Q. Did you know of Christopher Cravets at that
12 point?

13 A. I had no idea who Christopher Cravets was at
14 that point.

15 Q. When you say you had no idea who he was, did
16 his name pop up anywhere in your investigation?

17 A. No. There was no information about
18 Christopher Cravets at this point in this investigation.

19 Q. When that information came back, it was
20 totally different from --

21 A. What I was expecting.

22 Q. -- what you were expecting?

23 A. Uh-huh.

24 Q. Based on that information, what was your next
25 step?

1 A. Obviously doing a deep dive into who
2 Christopher Cravets was. What I mean by "deep dive" is
3 running background information to see if I can connect
4 him with the victim at all.

5 Q. Now, without getting specific, were you able
6 to connect him to Ralph Pitt at all?

7 A. Yes, I was.

8 Q. At any point after that, did you then meet
9 with any witnesses about him?

10 A. I did.

11 Q. What did you do?

12 A. I met with Ms. Homewood and my point in
13 meeting with Ms. Homewood was to show her a lineup and a
14 photo of Mr. Cravets to see if she could recognize him.
15 And if she could, to be able to explain to me if has or
16 has not been to her resident. Because I wanted to
17 eliminate the possibility of an explanation as to why
18 his DNA would be there.

19 Q. How else could DNA be there if not involved in
20 this incident?

21 A. He could have came to the house. It could
22 have been a possibility of him being over there at some
23 time. But the fact that it was a fresh red stain, which
24 his profile was developed from on the interior of the
25 bedroom door where the suspects came in, just based on

1 my experience that was --

2 Q. Without going into that, though, you did want
3 to make sure she did not know that he had been over
4 there and cut himself that she knew of?

5 A. Correct.

6 Q. Did she know him?

7 A. She did not.

8 Q. Armed with that information that he was not
9 someone that she knew had ever been in the house and the
10 DNA swab, what did you do?

11 A. So what I did was, like I said, I was doing
12 background information on Mr. Cravets. What I did was
13 develop a phone number for Mr. Cravets to see if we
14 could follow up with making contact with the him.

15 Q. Were you able to make contact with him?

16 A. I was not.

17 Q. Without giving the details of places you might
18 have checked or anything like that, were you able to
19 find him anywhere that you knew of?

20 A. Eventually.

21 Q. Before we get to that, did you try and find
22 people he might have known and talk to them?

23 A. Correct.

24 Q. Were you able to locate him that way?

25 A. No.

1 Q. With not being able to find him easily, what
2 did you do? Did you get some arrest warrants?

3 A. Yes, but I wanted to make sure I wasn't
4 missing anything prior to that. But eventually, yes, we
5 did obtain arrest warrants for Chris.

6 Q. And what was the next big step in this
7 investigation?

8 A. His arrest.

9 Q. Where was he arrested?

10 A. In Conyers, Georgia.

11 Q. Was that something you anticipated initially?

12 A. No, sir.

13 Q. What did you do when you heard he'd been
14 arrested Conyers, Georgia?

15 A. I had to go through a couple of filters to get
16 approval to head on down to Conyers, Georgia to spoke
17 with Mr. Cravets.

18 Q. Where is Conyers, roughly, in Georgia?

19 A. Yeah, I believe it's about maybe 30 minutes
20 north of Atlanta. It's about three-and-a-half-hours
21 roughly, approximately, a drive from here.

22 Q. You had a good drive over there?

23 A. I did.

24 Q. I guess tell the jury a little bit about if
25 you took anybody with you and what that process was like

1 going over there.

2 A. So once I got approval to be able to head to
3 Conyers to speak with Mr. Cravets, myself and
4 Investigator Hilton jumped in the car and took a
5 three-hour ride. I believe it was about 2:30, 3 o'clock
6 in the afternoon once we were notified of the arrest.
7 So took a three-hour ride down there to Conyers to
8 interview Mr. Cravets.

9 Q. So was he willing to talk with you?

10 A. He was.

11 Q. And I'm going to show you what's been marked
12 as State's Exhibit Number 1. Tell me what that is.

13 A. This is an Advice of Rights form.

14 Q. What is the use of an Advice of Rights form?

15 A. This is an Advice of Rights form that we use
16 to provide anyone their rights prior to speaking with
17 them. Which people commonly know as "Miranda Rights."

18 Q. Did you read him his Miranda Rights that day?

19 A. Yes, sir. I did. I read them from this
20 sheet.

21 MR. POTTS: At this point, your Honor, I'd
22 like to offer into evidence State's Number 1.

23 MR. HAYES: Subject to my previous objection,
24 Judge.

25 THE COURT: Noted for the record.

1 Overruled.

2 So admitted.

3 (State's Exhibit 1, Advice of Rights
4 Georgia, was entered into evidence.)

5 Q. (By Mr. Potts) Would you mind reading it for
6 the jury as you read it to him that day?

7 A. Yes, sir.

8 "Before we ask you any questions, you must
9 understand your rights. You have the right to remain
10 silent. Anything you say can be used against you in
11 court.

12 You have the right to talk to a lawyer for
13 advice before we ask you any questions and have them
14 with you during questioning.

15 If you cannot afford an lawyer, one will be
16 appointed for you before any questioning if you wish.

17 If you decide to answer questions now without
18 a lawyer present, you will still have a right to stop
19 answering at any time.

20 You also have the right to stop answering at
21 anytime until you talk to a lawyer."

22 Q. Now, in Conyers, Georgia, where were you
23 meeting with him?

24 A. At their police department.

25 Q. Was he handcuffed at the time?

1 A. He was.

2 Q. In fact, when you got to him, what state was
3 he in?

4 A. He appeared to be asleep.

5 Q. Conyers Police Department where you
6 interviewed him, is that equipped with any video
7 cameras?

8 A. It is, it's equipped with some video cameras.

9 Q. And you chuckled, tell me why you chuckled.

10 A. It's a little dated. It appears to be a
11 little dated.

12 Q. It's the not standards of Columbia Police
13 Department down in Conyers, Georgia?

14 A. It's just a little dated. Yes, sir.

15 Q. I'm going to show you what's been marked as
16 State's Number 27.

17 A. Yes, sir.

18 Q. Tell me what that is.

19 A. That is a disc depicting the interview with
20 Mr. Cravets from Conyers, Georgia.

21 Q. Now, have you ever seen this disc before?

22 A. I have.

23 Q. How do you know that?

24 A. That's my initials on it.

25 Q. The C.B.D.

1 A. C.B.D. yes, sir.

2 MR. POTTS: I'd like to offer into evidence
3 State's Number 27.

4 MR. HAYES: Subject to my previous objection,
5 Judge.

6 THE COURT: Noted for the record.

7 Overruled.

8 So admitted.

9 (State's Exhibit 27, Redacting interview
10 Georgia, was entered into evidence.)

11 Q. (By Mr. Potts) Investigator Duckett, so it's
12 you and Investigator Hilton down there talking to him.

13 A. Yes, sir.

14 Q. But you're doing most the questioning?

15 A. Yes, sir.

16 Q. Did you interact with this defendant at any
17 point prior to what's on this video?

18 A. No, sir. obviously, Mr. Cravets was arrested
19 prior to obviously me getting there. So he's put in an
20 interview room and the video was on and it depicts him
21 in there until I arrive.

22 Q. Did you at any point threaten him in anyway?

23 A. Absolutely not. No, sir.

24 Q. In fact, at one point he looks cold and you
25 offer him a blanket, don't you?

1 A. Yes, sir.

2 Q. You didn't make any threats?

3 A. No, sir.

4 Q. If he had asked you for water, would you have
5 given him some water?

6 A. Yes, sir.

7 Q. Did he at any point ask you to stop talking to
8 him?

9 A. No, sir.

10 MR. POTTS: At this time I'd liked to publish
11 State's Number 27 for the jury.

12 THE COURT: Granted.

13 Q. (By Mr. Potts) I guess before we get started
14 with this, it's about an hour long and a wide range of
15 topics; correct?

16 A. Yes, sir.

17 Q. Let me know if you can't hear anything.

18 (Playing video.)

19 Q. (By Mr. Potts) Investigator Duckett, what
20 house are you showing him at that point?

21 A. It's a photo of [REDACTED] Clark Street.

22 Q. Thank you.

23 (Playing video.)

24 Q. (By Mr. Potts) After that interview, Mr.
25 Duckett, for -- you need a moment to stretch or

1 something, I know it was a long thing?

2 A. No, I'm good.

3 Q. After that interview Investigator Duckett, did
4 you take him back to Columbia immediately?

5 A. No, sir.

6 Q. Why is that?

7 A. He was caught in another state so there's an
8 extradition procedure that has to happen.

9 Q. Okay. So you had to go through a legal
10 procedure to bring him back to Columbia --

11 A. Correct.

12 Q. -- before you could take him out of Conyers?

13 A. Correct.

14 Q. In the meantime, you go back and work on the
15 case?

16 A. I'm sorry? I couldn't hear.

17 Q. You go back to Columbia to continue to work on
18 the case?

19 A. Correct.

20 Q. What, if anything, did you do after that
21 statement in this case?

22 A. I tried to follow up on the names of the
23 individuals that he provided to -- see or the nicknames
24 that he provide to see if we could develop who the other
25 two suspects were.

1 Q. Were able to get anything?

2 A. Nothing pertinent.

3 Q. What about Ralph Pitt?

4 A. Yes. Ralph Pitt was arrested as well.

5 Q. I guess let me talk about this interview for a
6 little bit.

7 As you can see, it was taped. I guess y'all
8 kind of got a rapport going by the end?

9 A. I believe so.

10 Q. Would it be fair to say it started off a
11 little rough and then by the end y'all were having a
12 real conversation?

13 A. Correct.

14 Q. As you continue to work on the case, do you
15 ever have an opportunity to see him again?

16 A. Yes. Probably about 30 days later, we
17 extradited him back to Columbia.

18 Q. And how does that process work? Do you go get
19 him yourself?

20 A. Yes. Myself and Investigator Wade.

21 Q. Who is Investigator Wade?

22 A. He works for -- or at the time he was with the
23 U.S. Marshall Task Force for City of Columbia. He dealt
24 with all of our extraditions. Anyone who was caught
25 outside of our jurisdiction, he would schedule and make

1 arrangements to transport him back.

2 Q. Why did you go with Investigator Wade to do
3 this?

4 A. It takes two people to transport someone.

5 Q. And this was your case?

6 A. And yes, it's my case.

7 Q. During the course of your trip from Conyers,
8 Georgia back to Columbia, did he tell you that there
9 were some things he wanted to clear up about his
10 statement?

11 A. Correct. He did mention that he wanted to
12 clear up some things in reference to the first statement
13 that he provided.

14 Q. Did you interview him again there in Conyers?

15 A. No, sir. Not in Conyers.

16 Q. Did you wait until you came back to Columbia?

17 A. Yes.

18 Q. So when you brought him back to Columbia, what
19 was the process that lead to you interviewing him again?

20 A. We just brought him right back to Columbia
21 Police Department Headquarters, took him upstairs to the
22 interview room and advised him of his rights again and
23 took another statement.

24 Q. Let me go back a little bit. So this ride
25 from Conyers, are you all buying him lunch and stuff

1 like that?

2 A. Yes. We stopped and got Mr. Cravets some
3 food.

4 Q. And how are y'all doing this drive?

5 A. Investigator Wade is driving. Mr. Cravets is
6 sitting in the front seat, I'm sitting behind him.

7 Q. That's just the way y'all do it when you're
8 doing these?

9 A. Yeah, when we do an extradition, if you're not
10 using a caged vehicle, then that would be the proper way
11 to transport a suspect.

12 Q. Now I'm going to show you what's been marked
13 as State's Number 2. Tell me what that is.

14 A. Yes, that's another Advice of Rights form.

15 Q. Did you advise him of his rights again in
16 Columbia?

17 A. I did.

18 Q. What's the purpose of doing that, sir?

19 A. To provide him with his Miranda Rights before
20 asking him any questions.

21 Q. This interview is about 30 days after that
22 first interview?

23 A. Correct.

24 Q. And does it happen in Columbia Police
25 Department?

1 A. It does.

2 Q. And you've already read the first Advice of
3 Rights. Is this Advice of Rights identical to that
4 first one?

5 A. Exactly the same.

6 Q. I think the only major difference is that they
7 have the two different times and places written on them?

8 A. Correct.

9 Q. I forgot if I asked you. But is the interview
10 at Columbia police Department recorded?

11 A. Yes, it is recorded.

12 Q. I'm going to show you what's been marked as
13 State's Number 28.

14 A. Yes, sir.

15 Q. Do you recognize that?

16 A. I do.

17 Q. Is that a copy of the recording?

18 A. It is.

19 Q. And did you put your initials on that as well?

20 A. Those are my initials. Yes, sir.

21 Q. Does it truly and accurately represent the
22 conversation y'all had that day?

23 A. Yes, sir. It does.

24 MR. POTTS: At this time your Honor, I'd like
25 to offer into evidence State's Number 28.

1 MR. HAYES: Subject to previous objection,
2 Judge.

3 THE COURT: Objections are noted for the
4 record.

5 Overruled and so admitted.

6 And as to Number 2?

7 MR. POTTS: Your Honor, I'd like to offer
8 Number 2 as well.

9 Thank you.

10 MR. HAYES: Same objection, Judge.

11 THE COURT: Noted for the record.

12 Overruled and admitted.

13 (State's Exhibit 28, Redacted interview
14 CPD, was entered into evidence.)

15 (State's Exhibit 2, Advice of Rights CPD,
16 was entered into evidence.)

17 Q. (By Mr. Potts) Investigator, is this interview
18 a lot shorter than the other one?

19 A. I believe much shorter.

20 MR. POTTS: Your Honor, at this time I'd like
21 to publish it for the jury.

22 THE COURT: Let's save that for tomorrow
23 morning.

24 Ladies and gentleman, we're going to break for
25 the day. We're going to start back tomorrow at 9:00

1 a.m.

2 During the break, same rules as before. Do
3 not discuss the case. Do not deliberate. Do not do any
4 independent research. Do not do anything but enjoy your
5 time off. We'll see you back here again at 9:00 a.m.,
6 thank you for your service.

7 (Jury exited.)

8 THE COURT: Sergeant Duckett, you may step
9 down. Do not discuss your testimony with anybody over
10 the break, or over the course of the night. Do not
11 discuss your testimony at all. Okay?

12 THE WITNESS: Yes, sir.

13 THE COURT: Anything else from the State
14 before we adjourn?

15 MR. POTTS: No, your Honor. Just scheduling
16 as far as our witnesses tomorrow. Since we're going to
17 begin at 9:00 a.m., if he has an idea of how long
18 cross-examination might be. I'm not going to hold you
19 to it. Just so we can keep up with the schedule after
20 that. We can go off the record, your Honor.

21 MR. HAYES: However you want to do it, Judge.
22 I pull no punches. I try to be as straightforward as I
23 can. I guess it will just depend on -- to some degree,
24 it's not totally in my control. It depends on the
25 responses I get from Investigator Duckett. I'll

1 certainly try -- I mean, I'm going to make my points and
2 get out.

3 THE COURT: How long is that video?

4 MR. POTTS: 16 minutes, your Honor.

5 THE COURT: 16 minutes? And he'll probably
6 wrap up shortly after that.

7 MR. POTTS: I think I have a series of
8 questions after that but that would be the end of that.

9 THE COURT: I imagine you can probably just
10 shoot for an hour of cross-examination, let's assume.
11 Have your witnesses ready to go. And what I'm going to
12 do is and we're ordering -- and we'll go over his
13 rights, whether he's going to testify or you're going to
14 put up a case.

15 But we're ordering them lunch so that way
16 we're going to likely transition. They'll have a short
17 lunch. They'll be here. So that's what we'll likely do
18 depending on how everything finishes up.

19 Potentially opening statement before lunch,
20 probably not, probably right after lunch -- closing
21 arguments, jury charges, if everything works out that
22 way.

23 MR. POTTS: The only reason I'm concerned,
24 your Honor, is that I have the DNA analysis who is also
25 subpoenaed to be in Darlington tomorrow and they also

1 want her tomorrow morning. But our subpoena was there
2 first, so we've got first dibs.

3 THE COURT: We will take priority with
4 Darlington. We will work with her schedule.

5 Do they have a trial going on?

6 MR. POTTS: Yes, sir. When I told to them at
7 lunch today, they told me they could probably wait until
8 midmorning or late morning to call her.

9 THE COURT: We will work with her schedule as
10 best as we can so that will be good. And my law clerk
11 will email y'all the proposed jury charges. Just look
12 it over. I've kind of put them together some. So just
13 read through the attempted arm robbery charge.

14 Are you going to have an actual amended
15 indictment?

16 MR. POTTS: No, your Honor. The only
17 amendment is the -- I have what I amended it.

18 THE COURT: Just, procedurally, does -- I'm
19 not sending the indictment back or I could -- every
20 judge seems to be different with sending the indictments
21 back or not. I'm fine not sending the indictments back.
22 I will send the jury charges back. So y'all review and
23 double-check. If you need me to do anything with the
24 amended indictment procedurally, just let me know, we'll
25 do it.

1 But review those jury charges, specifically
2 the attempted armed robbery and we'll just figure it
3 out.

4 MR. POTTS: And your Honor, just for my
5 personal preference, which I know does not matter, your
6 preference is what controls. I always prefer the
7 verdict forms anyway. It just clears up confusion
8 rather the indictment themselves.

9 THE COURT: And we'll send you the verdict
10 form that we've drawn up so far.

11 Anything else before we adjourn from the
12 defense?

13 MR. HAYES: No, sir.

14 THE COURT: The State?

15 MR POTTS: We're great your Honor. Thank you.

16 THE COURT: And if y'all would just confirm
17 tonight the evidence is still hear so it doesn't get
18 misplaced.

19 All right. 9:00 a.m. court is adjourned.

20 (Whereupon, court was adjourned for the
21 day.)

22
23 * * *

24 THE BAILIFF: Come to order. All rise,
25 please.

1 THE COURT: Thank you. You may be seated.

2 Good morning.

3 Sergeant Duckett, you're back on the stand.

4 You're still under oath.

5 THE WITNESS: Yes, sir.

6 THE COURT: Anything from the State before we
7 resume direct examination?

8 MR. POTTS: Yes, your Honor. Just very
9 briefly. Yesterday, Mr. Hayes made an objection to my
10 question about Mr. Duckett about the DNA -- I said it
11 came from the DNA database. He objected to leading. I
12 requested a bench conference. I just wanted to put that
13 on the record that what we discussed was -- he discussed
14 it was leading.

15 I told him that I was just trying to avoid the
16 thing we talked about in pretrial and get into not
17 implicating him in prior bad acts. And I would do my
18 best to quit leading at that point. But just for that
19 one question, I thought it was important.

20 THE COURT: That was in accordance with that
21 case that specifically discusses using the term
22 "database."

23 MR. POTTS: Yes, your Honor.

24 THE COURT: And that's why I sustained --
25 well, first I sustained the objection as to generally

1 leading which we talked about. I overruled -- if I
2 didn't already, I will allow it in for that one
3 question, which you did repeat based on that argument.

4 MR. HAYES: Judge, just for clarity. He had
5 done that a couple of times as I let it go when we got
6 into some of critical parts of the evidence and that's
7 why at the time I objected. But I fully understand why
8 the Court overruled the objection. I wasn't trying to
9 give Mr. Potts a hard time. I just didn't want him to
10 testify --

11 MR. POTTS: I appreciate that.

12 THE COURT: And to be clear, to preserve the
13 record, the objection was noted and that objection will
14 also tie in to any, if necessary, your previous
15 objections to the search warrant.

16 MR. HAYES: Yes, sir.

17 THE COURT: So that objection is preserved for
18 the record. The search warrant before he testified to
19 the database, all that encompassed is preserved.

20 MR. HAYES: Judge, my only question is, is
21 there anything that we need to be doing now that this
22 courtroom is -- is there any direction that we need or
23 thing that we need to be aware of?

24 THE COURT: Nope. The Court Reporter is still
25 -- she's taking the record just as before. If she has

1 an issue, then we have an issue. That's where the
2 record will be. This will be preserved. I'm being
3 recorded.

4 If you need the technology, I don't think you
5 did. We are more than capable but I know we have the
6 big screen, which we appreciate the Solicitor's Office
7 always sharing with the defense, allowing them to use it
8 as necessary. That seems to be working best with all
9 the jurors. They don't seem to have a problem with it.

10 So, no, everything is remaining the same.

11 MR. HAYES: Okay. thank you.

12 MR. POTTS: And your Honor, just for
13 clarification. I believe State's 28 was entered -- I
14 think it was the last thing. It was admitted into
15 evidence. And I'll also don't want to go through it and
16 admit it again if I don't need to.

17 THE COURT: So I have 1 through 28 all being
18 admitted. I have 31, 33, 35, as being admitted. I
19 could have missed something. Was 30 the buccal swab?

20 MR. POTTS: Your Honor, the buccal swab is 36.

21 THE COURT: That's so far what I have
22 admitted.

23 MR. POTTS: And I think that matches -- I went
24 over it with the court reporter this morning and that
25 matched what we have.

1 THE COURT: We'll just confirm before you rest
2 or the case goes to the jury.

3 MR. POTTS: I just didn't want to show it to
4 the jury if I had forgotten.

5 THE COURT: You have your video ready to go,
6 the next interview?

7 MR. POTTS: Yes, your Honor. I'm just going
8 to clear up two things real quick and then play the
9 video.

10 THE COURT: Let's bring the jury in.

11 (Jury entered.)

12 THE BAILIFF: The jury is seated, Judge.

13 THE COURT: Thank you, ma'am.

14 Good morning, ladies and gentlemen. Thank you
15 for being here. Thank you for your patience. We're
16 going to be continuing with this trial.

17 The State may continue with their direct
18 examination.

19 MR. POTTS: Thank you, your Honor.

20

21 **DIRECT EXAMINATION (Cont')**

22 **BY MR. POTTS:**

23 Q. Investigator Duckett, just to recap briefly,
24 30 days after the first interview, you went back to
25 Conyers, Georgia; is that correct?

1 A. Yes, sir, that's correct.

2 Q. And what was the purpose of that?

3 A. To extradite Mr. Cravets back to Columbia.

4 Q. And that just means take him back.

5 A. Take him back, yes, sir.

6 Q. And while y'all were traveling from Conyers,
7 Georgia did he tell you he wanted to clarify his
8 statement?

9 A. He did.

10 Q. What did you do when you first got back to
11 Columbia?

12 A. When we got back to Columbia, I took him
13 upstairs into our interview room.

14 MR. POTTS: And as already been admitted as
15 State's Number 28, Your Honor, may I publish to the
16 jury?

17 THE COURT: You may.

18 Q. (By Mr. Potts) This would be that second
19 interview?

20 A. Correct.

21 (Playing video.)

22 Q. (By Mr. Potts) Investigator Duckett, I see
23 he's in some sort of leg contraption and arm
24 contraption.

25 A. Uh-huh.

1 Q. Is that just the normal extradition --

2 A. Correct.

3 Q. -- where you're taking somebody point from A
4 to point B?

5 A. Correct. He's shackled on his ankles and his
6 normal belly harness is what they call them.

7 Q. And at this point, it seems like y'all have
8 developed, kind of a rapport?

9 A. I believe so. Yes, sir.

10 (Playing video.)

11 Q. (By Mr. Potts) Investigator Duckett, over the
12 course of those two interviews and in your interactions
13 with the defendant, from the day you first met him in
14 Conyers, Georgia to the end of this time, did you ever
15 threaten him?

16 A. No, sir.

17 Q. Did you ever promise him anything?

18 A. No, sir.

19 Q. And did you ever hit him or hurt him?

20 A. No.

21 Q. Does the statement appear to be voluntarily
22 given to you?

23 A. Yes, sir.

24 Q. Once you had that second statement -- I guess,
25 let me go back a little bit. He said that he was there

1 that evening to steal some marijuana?

2 A. Correct.

3 Q. In the course of your investigation, were you
4 able to perform a search warrant at the victim's
5 residence?

6 A. We were.

7 Q. What did you find there?

8 A. We found some marijuana.

9 Q. How much marijuana are we talking about?

10 A. I couldn't give you an exact weight of it.
11 But it was a box that was packaged with individual, I
12 won't say shrink wrap, but vacuum-sealed bags.

13 Q. Would you call it a significant amount?

14 A. I would call it a significant amount.

15 Q. And I guess in that first interview he did
16 mention that Mr. Pitt drove a gold in color Hyundai?

17 A. That is correct.

18 Q. Hyundai. What kind of car did he drive, if
19 you remember?

20 A. Hyundai Sonata.

21 Q. Gold in color?

22 A. Gold in color.

23 Q. So once the statement is done and I guess at
24 that point, you take him to go get processed or what
25 happens next?

1 A. Yeah. The warrants are served on him at that
2 point and then he's transported to the jail.

3 Q. Did your involvement with him end there?

4 A. No, sir.

5 Q. And what else did you have to do?

6 A. I have to complete a search warrant to collect
7 his -- what's called a known standard DNA buccal swab
8 from him.

9 Q. Now, what's a buccal swab?

10 A. A buccal swab is just a fancy term of swabbing
11 a Q-tip in your mouth.

12 Q. Is it in the cheek area?

13 A. Cheek area.

14 Q. Is it very evasive?

15 A. Not at all.

16 Q. Were you able to get that search warrant?

17 A. I was.

18 Q. I'm going to show you what's been marked as
19 State Exhibit Number 36.

20 What is that?

21 A. This is the buccal swab that was collected
22 from Mr. Cravets.

23 Q. Did you take it personally?

24 A. I personally did.

25 Q. So you swabbed both his cheeks?

1 A. Correct.

2 MR. POTTS: At this time I want to offer into
3 evidence State's Number 36.

4 MR. HAYES: Subject to the defense's previous
5 objection.

6 THE COURT: Previous objections are noted for
7 the record. Overruled. So admitted.

8 (State's Exhibit 36, Buccal Swab, was
9 entered into evidence.)

10 Q. (By Mr. Potts) Once you got this buccal swab
11 and it's got this fancy yellow sticker on it, what did
12 you do with it?

13 A. I took it to SLED to get the fancy yellow
14 sticker put on it.

15 Q. And was it sealed when you gave it to SLED?

16 A. Yes, sir.

17 MR. POTTS: Beg the Court's indulgence?

18 Q. (By Mr. Potts) Investigator Duckett is the man
19 that told you he broke into Delon Summerset's home with
20 the intent to steal his marijuana and his money after
21 conspiring with Ralph Pitt and ended up shooting him, is
22 that man in the courtroom today?

23 A. Yes, sir, he is. Seated across with the light
24 blue button-up shirt.

25 Q. Is he wearing a jacket?

1 A. No, he's not.

2 Q. Is that man Christopher Cravets?

3 A. That is Christopher Cravets.

4 MR. POTTS: Let the record reflect he's
5 identified the defendant.

6 THE COURT: So reflected.

7 MR. POTTS: Investigator Duckett, please
8 answer any questions Mr. Hayes has for you.

9 THE WITNESS: Yes, sir.

10 MR. HAYES: Beg the Court's indulgence very
11 briefly?

12 THE COURT: Yes, sir.

13

14 **CROSS-EXAMINATION**

15 **BY MR. HAYES:**

16 Q. Good morning, Sergeant.

17 A. Good morning.

18 Q. I'm going to try to work off my notes. I
19 normally don't do that but you've been on the stand for
20 a while, going across two mornings for two days now. So
21 I'm going to try to work through this as efficiently as
22 I can.

23 You responded out to the scene at [REDACTED] Clark
24 Street on the morning of the 25th, November of 2019;
25 right?

1 A. Yes, sir.

2 Q. Then you said you started canvassing the area
3 for witnesses?

4 A. Yes, sir.

5 Q. You started knocking on the doors even?

6 A. Yes, sir.

7 Q. How many doors would you say you knocked on?

8 A. Approximately ten, just a rough estimate.

9 Q. And where would those doors have been?

10 A. On Clark Street and a couple on Northwood.

11 Q. Were people coming to the doors and responsive
12 to you at that time of day?

13 A. A couple did, not everyone. I left some
14 business cards in the doors as well.

15 Q. Right. Did anyone call you as a result of
16 those business cards?

17 A. No, sir.

18 Q. You didn't hear anything back?

19 A. No, sir.

20 Q. Because what time would you have been knocking
21 on these doors, two or three o'clock in the morning?

22 A. Significantly early in the morning. Yes, sir.

23 Q. In the video that you secured from Summer
24 Bender, you were able to view that that night?

25 A. Yes, sir.

1 Q. And it looked like there was a sensor light
2 that comes on right in front of Mr. Summerset's
3 residence; is that right?

4 A. I believe so.

5 Q. It looked like it was a motion light; is that
6 fair?

7 A. I would agree.

8 Q. And that motion light is actually in the front
9 part of the home; right?

10 A. It appears so.

11 Q. The subjects, actually when they were trying
12 to gain entry into the home, they walked right across
13 the front yard and activated that sensor light, didn't
14 they?

15 A. I wouldn't say it crossed the front yard or
16 just down the sidewalk.

17 Q. In any event, however they got there, right,
18 they activated the sensor light that was in front of Mr.
19 Summerset's home?

20 A. Correct.

21 Q. It actually illuminated them to some degree on
22 the video, didn't it?

23 A. I would agree.

24 Q. And you would agree with me that
25 Ms. Homewood's bedroom is in the front of the house,

1 isn't it?

2 A. Correct.

3 Q. That's where she said she was asleep?

4 A. Correct.

5 Q. And I think it was your testimony that when
6 you watched that video, you couldn't discern anything --
7 any individual characteristic about any of the three
8 individuals other than to say there were three
9 individuals?

10 A. Correct.

11 Q. I know there are different statements that you
12 made at different times in these interview that are on
13 camera.

14 In the course of your testimony, I think it
15 was your testimony or maybe the video speaks best for
16 itself, but in the video, you would agree with me that
17 the glass breaks and almost immediately you hear
18 gunshots ring out within ten seconds or less than that?

19 A. Yes, sir. I believe so.

20 Q. Is that fair?

21 And I think it was your testimony that you
22 heard, in your opinion, what you thought was ten shots?

23 A. I believe so.

24 Q. On this video, when you observed it, I think
25 that you said that you heard three different things kind

1 of distinctively happen. This is my understanding of
2 your testimony based on my notes.

3 But the first thing you heard was the glass
4 break; is that right?

5 A. Correct.

6 Q. Then you heard the shots ring out?

7 A. Correct.

8 Q. Then at some point after all that, there was
9 an alarm that came on?

10 A. Correct.

11 Q. But you don't hear the alarm until sometime
12 after the gunshots right out?

13 A. I believe so.

14 Q. During the course of your investigation, did
15 you ever come to find that there was some kind of glass
16 sensor that was on that back window that was going to
17 trigger the alarm?

18 A. No, sir. I didn't follow up on whether or not
19 that was an alarm feature that they had on that
20 particular window.

21 Q. We hear glass, gunshots and then the alarm.
22 You were in the courtroom when you heard the testimony
23 but I think --

24 MR. POTTS: Objection, your Honor.

25 THE COURT: What's the question going to be?

1 It's probably pending -- I mean, he didn't finish the
2 question.

3 MR. POTTS: I'll wait until --

4 Q. (By Mr. Hayes) Your understanding of
5 Ms. Homewood is that she woke up to the alarm?

6 A. Correct.

7 Q. And she got up to turn off the alarm?

8 A. Correct.

9 Q. In your conversations with Ms. Homewood that
10 night, you had a chance to talk to her about this;
11 right?

12 A. Yes, sir. I did.

13 Q. I think that you were asked by Mr. Potts about
14 whether or not Ralph Pitt came up in that initial
15 conversation with her. And I think your testimony was
16 that it did not.

17 Do you recall that?

18 A. That is what I said. Yes, sir.

19 Q. Do you have your case notes with you
20 Mr. Duckett?

21 A. I do. Yes, sir.

22 Q. I would direct you to the bottom of page 3 of
23 your case notes and ask you to review that to see if
24 that refreshes your recollection about whether or not
25 Mr. Pitt came up in this initial interview or not.

1 A. It does refresh my memory.

2 Q. Did Mr. Pitt, did his name come up in this
3 initial interview?

4 A. Yes, sir. It did.

5 Q. She talks about Mr. Pitt on the night in
6 question?

7 A. Yes, sir.

8 Q. While the other investigators are completing a
9 search warrant of the house?

10 A. Correct.

11 Q. And that search warrant uncovered large
12 quantities of marijuana; right?

13 A. Yes.

14 Q. And they were found in bedroom Number 3, were
15 they not?

16 A. I believe it was bedroom Number 2.

17 Q. Bedroom Number 2, is that the office?

18 A. It is an office.

19 Q. It's an office. Was anyone ever charged for
20 that marijuana?

21 A. No, sir.

22 Q. So at some point after this initial interview,
23 the DNA has been collected or the red stains have been
24 collected, and you're notified that Mr. Cravets may have
25 been there; right?

1 A. Correct.

2 Q. When you learned that, your testimony was that
3 you were surprised, that it was totally different than
4 you expected?

5 A. That is true.

6 Q. Were you expecting it to be some Caucasian
7 guys, some white guys?

8 A. No, sir.

9 Q. Were you expecting it to be females?

10 A. No, sir.

11 Q. Were you expecting it to be -- when you say it
12 wasn't at all what you expected, what did you expect?

13 A. I expected it to be Ralph Pitt.

14 Q. Because by that time you had developed Ralph
15 Pitt as a suspect in the case?

16 A. Yes, sir.

17 Q. Based on this investigative lead, that it
18 might be Christopher Cravets; right?

19 A. Yes, sir.

20 Q. And Ms. Homewood saying that she didn't know
21 who Christopher Cravets was?

22 A. Correct.

23 Q. You decided that was enough for an arrest
24 warrant to present to a judge?

25 A. There are some other things but amongst that.

1 MR. HAYES: Judge, may we approach briefly.

2 THE COURT: Approach.

3 MR. HAYES: Thank you.

4 (Sidebar conference was held, not
5 reported.)

6 Q. (By Mr. Hayes) Anyhow, at some point after you
7 received the notification that the red stain may belong
8 to Christopher Cravets, the arrest warrant was issued;
9 right?

10 A. Yes, sir.

11 Q. And you were notified that that arrest warrant
12 had been served in Conyers, Georgia?

13 A. Just for clarification, it wasn't served.

14 But Mr. Cravets was located in Conyers.

15 Q. He was located; right?

16 A. Correct.

17 Q. He was being held in Conyers, Georgia?

18 A. Yes, sir.

19 Q. Right. So you went down to talk to
20 Mr. Cravets?

21 A. I did.

22 Q. When you got there -- the video speaks for
23 itself -- but you'd agree with me that Mr. Cravets is
24 asleep?

25 A. Yes, sir.

1 Q. Right. And you have no idea where Mr. Cravets
2 had been that day prior to the moment that you walked
3 into the room?

4 A. That's correct.

5 Q. You have no idea what circumstances lead to
6 his encounter with law enforcement or where they
7 detained him?

8 A. Correct.

9 Q. You were just notified, "Hey, we have
10 Christopher Cravets down here in Conyers"?

11 And when you got there, they said, "He's in
12 that room."

13 A. Correct.

14 Q. And you have no idea what anything -- the
15 background of law enforcement and Christopher Cravets in
16 Conyers, Georgia on that day was prior to that morning?

17 A. Correct.

18 Q. And you still don't know?

19 A. Correct.

20 Q. You don't really care, do you?

21 A. That would be an unfair statement to say, I
22 didn't really care. I just had to focus on other
23 things, not how he was apprehended.

24 Q. It wasn't important to you, was it?

25 A. No, sir.

1 Q. Your focus was, I've got a guy that I want to
2 talk to and he's in this room and I need to go talk to
3 him?

4 A. Correct.

5 Q. You would agree with me that when he wakes up,
6 he really doesn't even know where he is, does he?

7 A. I couldn't answer that question.

8 Q. Would you agree with me that in the video he
9 says something like, "I'm in Conway, where is that?"
10 And you have to clarify that he's actually in Conyers,
11 Georgia?

12 A. I believe so. His next statement was, "oh, I
13 used to live here," or something like that.

14 Q. But in the moment that he wakes up and you're
15 in the room, he doesn't even know where he is?

16 A. I would agree.

17 Q. And then he almost immediately says, "I'm f'd
18 up," doesn't he?

19 A. I think he mentioned something like that.

20 Q. And not long after that, you start asking him
21 about Ralph; right?

22 A. After he was advised of his rights, that's
23 correct.

24 Q. We see Mr. Cravets on the video. We've seen
25 both videos; right? You've had a chance to watch them

1 here in the courtroom?

2 A. Yes, sir.

3 Q. You'd agree with me that the demeanor in the
4 videos are different. He has a different -- he looks
5 different on the first video than he does on the second
6 one, doesn't he?

7 A. I think the quality is also a little bit
8 telling on the videos.

9 Q. So you think the city of Columbia has better
10 video equipment than Conyers, Georgia? Is that what
11 your belief is?

12 A. I think that's pretty evident in the video,
13 sir.

14 Q. Okay. The reason that Chris Cravets looks bad
15 in the first video is the quality of the video in
16 Conyers?

17 A. I'm saying that I wouldn't compare the two
18 based on his appearance because you couldn't clearly
19 look at the video from Conyers to compare it is what I'm
20 saying.

21 Q. You'd agree with me his speech is a bit
22 slurred, is it not, in Conyers?

23 A. It appears that he's walking up and throughout
24 the video, as we continue to talk, his speech is
25 actually pretty clear in what he says.

1 Q. He was in that room in Conyers for a while,
2 wasn't he?

3 A. He was.

4 Q. Hours even?

5 A. He was.

6 Q. In Conyers, what Christopher Cravets tells you
7 is that Ralph Pitt is the one that kind of put this
8 thing in motion; right?

9 A. Yes, sir.

10 Q. And that Mr. Cravets was with -- he identifies
11 the two other people that he's with; right?

12 A. He provided their street name or nickname.
13 That's correct.

14 Q. Street name or nickname?

15 A. Uh-huh.

16 Q. And he's talk about what Ralph told him,
17 right? Maybe how to get in the house. Would you agree
18 with that?

19 A. Yes, sir.

20 Q. And what they were expected to find; right?

21 A. Correct.

22 Q. They were expected to find this quantity of
23 marijuana; is that right?

24 A. Right.

25 Q. That was actually there; right?

1 A. Right.

2 Q. What Christopher tells you is that they go
3 into the back window and the guy in front of him, he
4 identified as Two-Times; is that right?

5 A. That's correct.

6 Q. Two-Times went in first; right?

7 A. Right.

8 Q. And Two-Times is the one that ultimately
9 delivered the fatal shots to Mr. Summerset?

10 A. That's what he says.

11 Q. He says that Two-Times knocked the window out;
12 right? Initially, when the initial glass broke; right?

13 A. I believe he said Two-Times hit the window
14 first and a big chunk felt out and he knocked out the
15 rest around the edges. And he demonstrated that as
16 well.

17 Q. And you asked him what Two-Times used break
18 the window out. Christopher Cravets told you that he
19 used a nine or some kind of big gun; right?

20 A. I believe so.

21 Q. And the shell casings that you recovered at
22 the crime scene that night were 9mm shell casings,
23 weren't they?

24 A. I believe so. Yes, sir.

25 Q. In Conyers, Christopher says that as he's

1 coming through the window, that's when the shots ring
2 out. I mean, he's barely in the house at that time;
3 right?

4 A. I think he initially says that, but through
5 further questioning, he state's that he's in that room,
6 not barely in the house. He's in that room.

7 Q. The third guy, DayDay, right? He identifies
8 the third individual as someone named "DayDay"?

9 A. Correct.

10 Q. And DayDay, he gets spooked and he's gone;
11 right?

12 A. That's correct.

13 Q. He's the first one gone. Actually, you tell
14 Christopher in your interview with him you wished you
15 would have caught up to DayDay first because you knew he
16 was scared and he was going to provide information?

17 A. Correct.

18 Q. Have you ever caught up with DayDay?

19 A. I have not.

20 Q. DayDay's still on the streets?

21 A. DayDay is still on the streets.

22 Q. What about Two-Times, you ever catch up with
23 him?

24 A. No, sir.

25 Q. Two-Times still on the street?

1 A. Two-Times still on the streets.

2 Q. When you asked Christopher what kind of gun he
3 had at the time that he went into the location when
4 you're in Conyers, Georgia, he tells you he had a little
5 380, didn't he?

6 A. I believe he says that.

7 Q. And you would agree with me that there's not
8 any kind of 380 shell casing at the scene in this case?

9 A. Correct.

10 Q. I think as part of what you did too with him,
11 you told him he could stop answering questions any time
12 he wanted; right? He could do that under the Advice of
13 Rights?

14 A. Yes, sir.

15 Q. And at some point you're pressing him for the
16 names. You're like, "Tell me who theses guys are. You
17 have got to tell me their names."

18 And he looks at you and he says, "Do I have
19 to?"

20 Do you remember what you told him?

21 A. Of course.

22 Q. You told him, yes, he did have to?

23 A. At that time -- are you asking me a question?

24 Q. Yeah. Did he have to?

25 A. He could have stopped answering at any time if

1 he wished to.

2 Q. But you didn't tell him that. You didn't say,
3 "No, you don't have to." You told him, "Yes, you have
4 to."

5 A. I advised him of his rights before we started
6 talking. So he was aware that he could stop at any
7 time.

8 Q. You advised him of his rights at the beginning
9 of this when he didn't even know what planet he was on,
10 where he was?

11 A. I think that's a far stretch to say he didn't
12 know what planet.

13 Q. Okay. He didn't know what city he was in, did
14 he? He didn't know if he was in Conyers or Conway. He
15 didn't know what state he was in.

16 A. Is there a question?

17 Q. I'm just saying, that's when you advised
18 rights, the very beginning of that interaction?

19 A. Yes, sir.

20 Q. When he is just walking up, coming out of a
21 fog --

22 A. Uh-huh.

23 Q. -- you actually have to say, "I'll let you get
24 your bearings"?

25 A. Correct.

1 Q. Did you go get him a water so he'd sober up
2 some?

3 A. Sober up?

4 Q. Yeah.

5 A. From his sleep?

6 Q. Whatever state he was in.

7 A. I believe I asked him if he wanted something
8 or some water. I think the video is pretty evident of
9 what I said and did.

10 Q. When he says, "Do I have to," and you say,
11 yes, he is reluctant to give up any names, isn't he?

12 A. Yes, sir. He was reluctant.

13 Q. And ultimately he does give you the street
14 names of the people that he's with?

15 A. Correct.

16 Q. And he expresses concern about having done
17 that, doesn't he?

18 A. Correct.

19 Q. This is when I get scared, I'm worried about
20 my people; right? He gets concerned about having giving
21 up the people that he was with, doesn't he?

22 A. Yes, he may.

23 Q. In Conyers, he tells you the guys that he was
24 with were acquaintances or associates on some level of
25 Christopher Cravets; right? You go through this whole

1 dialogue with him about, if it weren't for you Chris,
2 these guys wouldn't know Ralph; right?

3 A. Correct.

4 Q. At some point -- I'm going to try to finish
5 the first interview first. Christopher tells you in
6 Conyers, Georgia that Ralph sells a lot of drugs; right?

7 A. Yes, sir.

8 Q. And expresses concern about being set up by
9 Ralph?

10 A. I think he mentioned something about, he
11 thought Ralph might have been the police or something
12 like that and was trying to set him up, if I remember
13 correctly.

14 Q. And at the end of the day, in this interview,
15 one of the things you talked to Christopher about and
16 you say, "You were just there for the robbery." That's
17 what he was there for?

18 A. Correct.

19 Q. And I think that what you said, you testified
20 that you tried following up on the names of Two-Times
21 and DayDay, but "nothing pertinent" is the quote that I
22 have in my notes here. That was your testimony. You
23 did your best to investigate these two guys but nothing
24 pertinent resolved; is that right?

25 A. I believe that is what I said. Yes, sir.

1 Q. Because in your second interview with Mr.
2 Cravets, you talk about, "Hey, we have your phone. We
3 have these others" -- let me check my notes to make sure
4 I'm saying it the right way -- "other avenues and if you
5 have communication with these guys, it will come out"?

6 A. Correct.

7 Q. Would you agree with me that you were able to
8 establish some communications with Mr. Cravets and
9 Two-Times and DayDay?

10 A. Correct.

11 Q. You have phone records; right?

12 A. Right.

13 Q. You have Facebook?

14 A. Correct.

15 Q. It appeared like there were some
16 communications to you; right?

17 A. Yes, sir.

18 Q. In fact, you developed a full government name
19 for Two-Times?

20 A. Yes, sir.

21 Q. Did you ever develop one for DayDay?

22 A. I believe so as well.

23 Q. So you have the names of two suspects and that
24 wasn't pertinent?

25 A. Excuse me?

1 Q. Have you ever gone to talk to either one of
2 these guys?

3 A. I've made several attempts to locate and talk
4 to both of those guys.

5 Q. But you've never been able to do so?

6 A. No, sir.

7 Q. But your testimony earlier was that you tried
8 to follow up on the names Mr. Cravets gave you. And
9 before this jury, you said that "nothing pertinent" came
10 about?

11 A. At the time.

12 Q. Right?

13 A. At that time. By the time we got to the
14 second interview, of course, additional information has
15 developed, but at that time when the names were given,
16 there was no pertinent information at that time.

17 So as the investigation continued, I followed
18 up on the information and developed those names, yes,
19 sir.

20 Q. So you leave Conyers and 30 days later you go
21 back and you get Mr. Cravets and bring him to Columbia?

22 A. Yes, sir.

23 Q. Where we have the good video equipment; right?

24 A. Yes, sir. That is correct.

25 Q. In that interview he basically says, "the

1 other person didn't do it, I did it. I just didn't mean
2 to."

3 He just wanted to clear his conscious; is that
4 right?

5 A. Correct.

6 Q. His demeanor is much different in the second
7 interview, is it not?

8 A. Yes, sir.

9 Q. His voice is not as slurred, would you agree
10 with that?

11 A. I would agree that it appeared that
12 Mr. Cravets was more comfortable and I would like to
13 attribute that to the rapport that we developed.

14 Q. And he also told you in this interview the two
15 guys that were there, DayDay and Two-Times, were hired
16 by Ralph?

17 A. He does mention that.

18 Q. In the first interview, he says, "the two guys
19 that were with me, I knew them and they wouldn't know
20 Ralph but for me."

21 In the second interview he says Ralph hired
22 them; right?

23 A. Right.

24 Q. Conflicting statements?

25 A. Correct.

1 MR. HAYES: Beg the Court's indulgence?

2 Q. (By Mr. Hayes) You would agree on the night in
3 question when you talked to Ms. Homewood, she said that
4 she saw someone fighting with Delon; right?

5 A. I believe that was her testimony as well.

6 Q. But she didn't have her glasses on and was
7 unable to completely tell what the commotion was?

8 A. Correct.

9 Q. She told you on the night of the occurrence
10 that she didn't have any idea about this marijuana or
11 that Mr. Summerset was involved in it?

12 MR. POTTS: Objection, your Honor. Hearsay.

13 THE COURT: Sustained.

14 Q. (By Mr. Hayes) Let me ask you this way,
15 Mr. Duckett. Once they found the marijuana in the
16 house, did you want to investigate that?

17 A. Based on the information that I received
18 throughout this investigation, it was believed that the
19 marijuana belonged to the decedent. So I don't know how
20 you would arrest him.

21 Q. Well, did you want to know whether or not Ms.
22 Homewood knew about it?

23 A. That was not -- that was not my concern. I
24 think the death of Mr. Summerset was more important than
25 marijuana.

1 Q. Are you saying you didn't even ask her about
2 it?

3 A. I don't believe I ever followed up with her
4 about the marijuana, because like I said, through my
5 investigation, I determined that Mr. Summerset was the
6 sole person responsible for the marijuana.

7 Q. Sir, I direct you to page 4 of your case
8 notes, probably five lines down.

9 A. Correct.

10 Q. Did you actually investigate the marijuana?

11 A. I asked her about it initially and that was
12 it. I mean, I didn't follow up with the marijuana, sir,
13 if that's what you're asking me aside from the initial
14 interview I had with her.

15 Q. All right. Well, did your investigation reveal
16 whether or not Ms. Homewood was aware of Mr. Summerset's
17 marijuana business?

18 A. Yes.

19 Q. Was she aware?

20 A. She knew about it. Yes, sir.

21 Q. She did.

22 A. I believe she testified about that as well,
23 sir.

24 Q. Is that what is reflected in your notes on
25 page 4?

1 A. On page 4, which was the night of the incident
2 on my case notes. No, of course, she did not mention
3 having any knowledge of it initially when I talked to
4 her at 4:30 in the morning after her boyfriend was just
5 killed.

6 Q. Right. So your investigation revealed that
7 she had no knowledge of any of that?

8 A. On day 1, correct, sir. My investigation
9 revealed that her initial response was that she was
10 unaware of the marijuana.

11 Q. Mr. Duckett, did you seize the car that was
12 driven by Ralph Pitt?

13 A. Yes, sir.

14 Q. And you had it processed for evidence?

15 A. Yes, sir.

16 MR. HAYES: Beg the Court's indulgence?

17 No further questions, Judge.

18 THE COURT: Redirect?

19 MR. POTTS: Very briefly, your Honor.

20

21 **REDIRECT EXAMINATION**

22 **BY MR. POTTS:**

23 Q. Investigator Duckett, when you met the
24 defendant in Conyers, Georgia, did he appear to be under
25 the influence to you?

1 A. No, sir.

2 Q. Did he answer your questions appropriately and
3 with responses that make sense?

4 A. Yes, sir.

5 Q. Did he appear sick?

6 A. No, sir.

7 Q. He had a bad cough though, didn't he?

8 A. He did.

9 Q. He's a mumblor it seems like?

10 A. He is.

11 Q. I guess at that point he had already been
12 informed that there were warrants for him for murder?

13 A. Correct.

14 MR. POTTS: Thank you. No further questions.

15 THE COURT: Any recross?

16

17 **RECROSS-EXAMINATION**

18 **BY MR. HAYES:**

19 Q. Sergeant Duckett, you're not a doctor, are
20 you?

21 A. No, sir. I'm not a doctor.

22 Q. Did you ask him if he was sick?

23 A. No, sir. I did not ask him if he was sick.

24 Q. Did you ask about his cough?

25 A. No, sir. I did not.

1 Q. Did you ever tell him, "Hey, if you don't
2 understand my question, ask me to rephrase it"?

3 A. Not in those words. No, sir.

4 Q. So when he provided answers, you just assumed
5 that he understood?

6 A. As any common person, if I ask a question and
7 you answer it with relevant information, I would assume
8 you understood the question.

9 Q. And you believed that he was providing
10 insightful information during this interview; right?

11 A. I do.

12 MR. HAYES: Thank you.

13 THE COURT: Thank you, sergeant. You may step
14 down.

15 Ladies and gentlemen, we're going to take a
16 short mid-morning break, use the restroom, get some
17 water. Do not discuss the case. Do not deliberate.
18 We'll have you back out here shortly.

19 Remain seated while the jury leaves.

20 (Jury exited.)

21 THE COURT: Okay, we'll take a 15-minute
22 break.

23 (Whereupon, a recess was taken.)

24

25

* * *

1 THE BAILIFF: All rise.

2 THE COURT: You may be seated.

3 Anything from the State before we bring the
4 jury out?

5 MR. POTTS: Your Honor, just for scheduling.
6 We're going to call the DNA expert next, then Dr. Durso
7 and that's all we have for today.

8 THE COURT: Okay. Defense ready for the jury?

9 MR. HAYES: Yes, sir.

10 THE COURT: Let's bring the jury.

11 (Jury entered.)

12 THE BAILIFF: The jury is seated, your Honor.

13 THE COURT: Thank you, ma'am.

14 Thank you ladies and gentlemen.

15 The State can call its next witness.

16 MR. FOWLER: Thank you, your Honor. The State
17 calls Adrienne Hefney.

18

19 A D R I E N N E H E F N E Y, the Witness herein,
20 having been sworn by the Clerk of Court, was examined
21 and testified as follows:

22 MADAM CLERK: Please have a seat in the
23 witness stand and state your full name for the record.

24 THE WITNESS: Adrienne Hefney.

25

DIRECT EXAMINATION**BY MR. FOWLER:**

Q. Ms. Hefney, where are you employed?

A. With the South Carolina Law Enforcement Division, more commonly known as "SLED."

Q. So I guess it's Agent Hefney now?

A. Yes.

Q. Agent Hefney, what do you do at SLED?

A. I'm a senior forensic DNA analyst.

Q. And can you explain to us what that job is and what your duties are.

A. Sure.

What I do is I analyze evidence brought into SLED by local submitting agencies and I analyze them for any biological evidence that may have been left behind in a crime scene and make comparisons to known standards, which would be either blood from your vein, either the suspect or people involved in the case or a buccal swab which is a swab from the inside of your cheek.

Q. So this is comparing DNA found at the scene with DNA from -- we know where it came from?

A. Yes, sir.

Q. How many times, just a guesstimate, how many times would you say you conducted a DNA analysis?

1 A. I would say thousands of times at this point.

2 Q. How long have you been doing this?

3 A. I've been doing this, I've been at SLED since
4 November of 1997. I've been a DNA analyst since March
5 of 1999.

6 Q. And these analyses that you do, are they
7 peer-reviewed?

8 A. They are. Any time we do a report, we review
9 it once and then it would go to a peer review and then
10 it goes to an administrator for review before it's
11 released.

12 Q. Have you been qualified as an expert in the
13 field of DNA analysis?

14 A. I have.

15 Q. Approximately, how many times?

16 A. It's over 100. Around 104, 105 at this point.

17 Q. Could you tell us just generally about the
18 methodology used when examining DNA.

19 A. Sure.

20 What we use is a method known as PCR. That's
21 where you can theoretically have a pinhead sized stain
22 that was left behind at the scene and you're able to
23 develop a DNA profile from it.

24 When I first started at SLED, we used a
25 process known as RFLP which you had to have almost a

1 quarter size stain to be able to get a DNA profile from
2 him. So as technology has progressed, we've gone from a
3 quarter-sized stain to a pinhead sized stain, and we're
4 able to do it.

5 Once we extract the DNA from the swab or the
6 cutting, whatever you have and get the DNA profile,
7 we'll make a visual comparison to any known standards
8 that we have. Then we'll also use what's known as
9 STRmix.

10 And STRmix is a computer program that we use.
11 If it's not a single source or a mixture, which means
12 several people are contributing to that DNA profile,
13 then it is able to, one, deconvolute the mixture. So
14 separated it into what it sees as to components of the
15 mixture of the DNA profiles that are contributing to it.
16 And it will also give a statistic known as a likelihood
17 ratio.

18 Every time we do a comparison. We'll support
19 it with a statistic and that statistic in this case is a
20 likelihood ratio.

21 And what that mean is kind of like you're
22 comparing two competing scenarios. Which one makes the
23 most sense? Which one is more likely to have happened?
24 And I like to use the example of a likelihood ratio if
25 you think of a plate of cookies.

1 Say I bake a platter of cookies and I put it
2 on the counter and have two kids in the house. One is
3 about five years old, walking, climbing up on everything
4 and the one is a baby who is not quite walking, who is
5 just crawling around. I leave the room and come back
6 and the plate of cookies is gone. Who's more likely to
7 have eating that plate cookies, given I put it there and
8 now it's gone? The child that can walk and talk or
9 climb or the baby that can only crawl?

10 That's an easy way to think of what likelihood
11 ratios are.

12 Q. And I'm going to delve a little more into this
13 in a second with you.

14 You report that with a number associated with
15 that likelihood?

16 A. We do. We report it with a number and we also
17 have a chart that we include on all of our reports and
18 give a word such as "strong," "weak," a support of that
19 number.

20 Q. So these methods that you use, are these sort
21 of prolific in law enforcement and in the DNA analysis
22 community?

23 A. Yes, DNA labs nationwide use this method at
24 this point.

25 MR. FOWLER: Your Honor, at this time I move

1 to qualify Agent Hefney as an expert in DNA analysis.

2 MR. HAYES: No objection.

3 THE COURT: Ladies and gentlemen, she will be
4 qualified in the specific field of DNA analysis.

5 If the attorneys could approach?

6 (Sidebar conference was held, not
7 reported.)

8 THE COURT: Ladies and gentlemen, we're going
9 to take a short break, we'll have you back out here in
10 three minutes, approximately -- maybe four minutes.

11 (Jury exited.)

12 THE COURT: You advise the witness?

13 MR. FOWLER: Agent Hefney, I don't know if
14 you're even aware of this, but there was a CODIS hit in
15 this case.

16 THE WITNESS: A what, CODIS hit?

17 MR. FOWLER: Yes, ma'am.

18 THE WITNESS: I know I put it in CODIS, I
19 wasn't aware whether there was a hit or not.

20 MR. FOWLER: Yes, the original -- I believe it
21 was Item 28, the swabs from bedroom door did come back
22 to Mr. Cravets in CODIS prior to your analysis.

23 So if you can conform on any mention of CODIS,
24 I don't know if you plan to or not --

25 THE WITNESS: I usually don't mention it.

1 THE COURT: The issue is, we don't -- this a
2 known sample. The original match, he was in CODIS. The
3 jury can't know that because it's so prejudicial.

4 THE WITNESS: I understand.

5 THE COURT: We can't say CODIS or anything
6 about him being in CODIS, anything about him in general
7 except you made a match. If you have to, use the word
8 "database." But if you feel like you're about to use
9 the word CODIS, just stop.

10 THE WITNESS: Okay.

11 THE COURT: And we'll take another short
12 break. But "CODIS" is the phrase, right?

13 MR. POTTS: Yes. And your Honor, I don't even
14 think we need to mention database, right, because you
15 usually compare the actual buccal?

16 THE WITNESS: Exactly. Even if it has a CODIS
17 hit, we would get an actual buccal swab to compare. So
18 I wouldn't have even referenced CODIS.

19 THE COURT: Now that you're thinking about it,
20 you might accidentally say it.

21 THE WITNESS: I know.

22 THE COURT: But if the word "CODIS" is about
23 to come out of your mouth or anything like that, just
24 stop and look at us and we'll take a break.

25 THE WITNESS: I'll pinch myself.

1 THE COURT: Okay. I think that solves that.

2 MR. POTTS: Thank you, your Honor.

3 THE COURT: Let's bring the jury back.

4 THE BAILIFF: The jury is seated, Judge.

5 THE COURT: Thank you, ma'am.

6 The State may continue.

7 MR. FOWLER: Thank you, your Honor.

8 Q. (By Mr. Fowler) Ms. Hefney, as you were just
9 qualified as an expert in DNA analysis, would you mind
10 educating us a little on what DNA is as a concept?

11 A. Sure.

12 So DNA stands for deoxyribonucleic acid and
13 what that means is a genetic material that each of us
14 contain within the cells of our body, it's genetic
15 information that makes us who we are. We get half of it
16 from our mom and the other half of it from our dad. So
17 that means no two people, with the exception of
18 identical twins, will have the same DNA. And that is
19 what we use, the basis of what we use in forensics,
20 makings those comparisons that way.

21 Q. What are the different types of DNA evidence
22 you might receive?

23 A. We have blood, semen, saliva, -- these are the
24 things that we can get DNA from: Blood, semen, saliva,
25 skin, sweat, bones, teeth and most of those come in the

1 substrain of either being swabbed or cut from an item.

2 Q. What is touch DNA?

3 A. Touch DNA is, in theory, if I was to touch
4 this banister here and you come right behind me and swab
5 where I touch, you may expect to get skin cells from me
6 from this banister. That usually doesn't happen from
7 just simply touching an item.

8 If I'm handling this banister and rubbing my
9 hands for some period of time and my hands are dry and
10 flaky, and they're shedding off skin cells and you come
11 and swab it, you would expect it to get more of a DNA
12 profile from it.

13 Q. I guess my question is, then, are you more
14 likely to develop a better DNA profile from like a
15 source of blood then you would be from touch DNA?

16 A. Yes.

17 Q. I guess turning to what you did in this case.
18 I'm going to show you what's been marked as State's 35,
19 36 and 38. I'm going to ask you if you recognize these
20 items.

21 A. Uh-huh.

22 Q. 35 and 36 have already been admitted.

23 A. This is State's Exhibit 35, and I do
24 recognized that as my initials and the date are right
25 here on this label.

1 Q. And that would have come to you sealed?

2 A. Yes.

3 Q. And it would be have been sealed when it got
4 to you?

5 A. Yes, sir. It would have been sealed when it
6 got to me and I would open the seal. Then when I seal
7 it back, I date and initial it.

8 Item 36 I also recognize. This is my initials
9 and date up here in this corner. And I'm sorry, these
10 are evidence items, State's Exhibit 35. This is a known
11 standard or buccal swab collection kit from Christopher
12 Cravets and is State's Exhibit 36.

13 And State's Exhibit 38 appears to be more
14 evidence. It's a known standard. I'm sorry. I can't
15 see what's inside. These are evidence, my DNA
16 extraction in here as well in these tubes and I
17 recognize it with my initials and the date on the seal.

18 Q. And so you would have created these DNA
19 extracts in State's 38?

20 A. Yes.

21 MR. FOWLER: Your Honor, I'd move to have
22 State's 38 admitted into evidence.

23 MR. HAYES: Subject to my previous objections.

24 THE COURT: Objection noted for the record.

25 Overruled. So admitted.

1 (State's Exhibit 38, Report, was entered
2 into evidence.)

3 Q. (By Mr. Fowler) Now, turning to your report.
4 Do you have that in front of you?

5 A. Uh-huh.

6 Q. SLED Item 28, which I believe is delineated on
7 this container here. Is that SLED Item 28?

8 A. Yes. I marked it Item 28 and my initials and
9 date are here when I had last dated it.

10 Q. That is the swab from bedroom door Number 3.
11 What would you have done with that swab?

12 A. First, I would open it up and I will -- if
13 there's some staining there, I'm going to do a
14 presumptive test for blood which is just a chemical
15 test. When certain proteins are found and blood is
16 present, it will give me a bright pink color. That
17 would be positive for the presumptive test for blood.

18 Then I'll go straight on to DNA from there,
19 extract the DNA from the swabs and develop a DNA
20 profile. Then once that's done, later I'll compare
21 those to the DNA profiles I've developed from the person
22 involved in this case, the known standards.

23 Q. So what's been marked as State's 38, DNA
24 extracts, those are developed from State's 35, SLED 28?

25 A. Correct. Once we have done our DNA analysis,

1 we will package up the extracts and just put them back
2 in the envelope and send them back to the submitting
3 agency for safekeeping.

4 Q. And I believe in State's 35, SLED 28, there's
5 two swabs in there.

6 A. Correct. There's two swabs in this swab
7 carton. And I'll take a snip of them both when I'm
8 doing my DNA analysis.

9 Q. And do you do that same general process with
10 the buccal swabs, the known standards that come in?

11 A. I do. I'll take a little smaller cutting
12 because we know things that -- known standards may be
13 more intense or have more DNA concentration of DNA than
14 an evidence item but I still take a snipping of each
15 swab.

16 Q. And that would have been from State's 36?

17 A. That's correct.

18 Q. Just so we're all clear, that's SLED Item 30?

19 A. Yes. SLED items 30 is described as buccal
20 swabs from Christopher Cravets.

21 Q. I believe you developed a mixture from those
22 swabs, from the swabs from the bedroom door; is that
23 correct?

24 A. I did.

25 Q. Would you explain what a mixture is?

1 A. A mixture is just, again, more than one person
2 contributing to this DNA profile. So say if you have
3 touch DNA on this banister and then somebody comes and
4 drops a drop of blood on there, if you come through and
5 you swab that, potentially you're going to get a little
6 touch DNA and you're also going to get whoever dropped
7 that blood on top of there.

8 Q. And with regards to SLED 28, swabs from the
9 door and Item 30, the buccal swab from Christopher
10 Cravets, what did your analyst conclude?

11 A. Sure. I will read directly from my report.
12 So there was presumptive testing for blood
13 that was positive and DNA profile suitable for
14 comparison was developed. And I used likelihood ratios
15 for this profile calculating -- using STRmix which is
16 that computer program that I explained earlier. And
17 each time we have -- and I'll explain, I'm going to say
18 something like a proposition set.

19 What that simply means is each time we have a
20 known standard to compare, it generates a proposition
21 set. So each standard, each time we compare a standard,
22 that's proposition set.

23 In this case, proposition set 1 was where I
24 compared Delon Summerset to this DNA profile.
25 Proposition set 2 would be where I compared Christopher

1 Cravets to the same DNA profile.

2 Q. And that would be the DNA profile developed
3 from the swabs of the bedroom?

4 A. That is correct. From Item 28. So I'll start
5 reading now.

6 Proposition set 1, the DNA profile was
7 interpreted as mixture of originating from two
8 individuals. So again, remember those competing --

9 MR. HAYES: Judge, I would object.

10 THE COURT: Yes, sir?

11 MR. HAYES: I object to the witness reading
12 straight from the report. I guess if the report meets
13 -- if it refreshes her memory but to have her just be
14 reading straight from the report... I don't know that is
15 the appropriate thing to do and that's my objection.

16 THE COURT: Sustained. Ask the question about
17 -- and if she needs to refresh her memory to get the
18 answer, she may use that.

19 Q. (By Mr. Fowler) Would you, to the best of your
20 ability, explain what your conclusion was?

21 A. Sure.

22 I compared Delon Summerset to this DNA profile
23 that was developed from the swab and the result is the
24 DNA profile is approximately six times more likely if
25 the Delon Summerset and an unidentified, unrelated

1 individual contributed to the mixture than if two
2 unidentified, unrelated individuals contributed to the
3 mixture.

4 So the next one, I compared the other standard
5 that I received from Christopher Cravets to the same DNA
6 mixture or DNA profile developed from Item 28, swabs
7 from the bedroom door.

8 In this case, the DNA profile was
9 approximately 65 octillion and that is a 6.5 followed by
10 27 zeros, six followed by 28 zeros times more likely
11 than if Christopher Cravets and an unidentified,
12 unrelated individual contributed to the mixture than if
13 two unidentified, unrelated individuals contributed tot
14 the mixture.

15 The next one, both of those were probably
16 inclusionary LRs, which means they were positive. I had
17 six from Delon Summerset and I had a 65 octillion from
18 Christopher Cravets. You compare the two, to see the
19 two together could be part of this mixture, since I had
20 a mixture of two people so that generated proposition
21 set 3.

22 I compared Delon Summerset and Christopher
23 Cravets versus at where there were just two
24 unidentified, unrelated individuals.

25 In that one, the DNA profile is approximately

1 1.89 million, which is one followed by 30 or 1.8
2 followed by 29 zeros times more likely if Delon
3 Summerset and Christopher Cravets contributed to the
4 mixture than if two unidentified, unrelated individuals
5 contributed to the mixture.

6 And as a caveat to that, we also add to the
7 report, when you have one that specific, six times more
8 likely having contributed and one that is octillion 6.5
9 -- 65 octillion times more likely, you want to put --
10 when you're comparing Delon Summerset, you want to put
11 more weight on that six than that 1.89 million. So we
12 add that whole caveat to the report.

13 Q. How many zeros did you say came after 65?

14 A. 65 octillion. It's 6.5 followed by 27 more
15 zeros.

16 Q. Just again with STRmix, this is a comparison
17 of two possible scenarios?

18 A. That is correct.

19 Q. Like in your cookie example, which child was
20 more likely to have taken the cookies off the counter?

21 A. Uh-huh. And if you add a third person, you
22 could have this unidentified, unrelated individual,
23 somebody who just came in off the street and came in and
24 ate the cookies. That also could be the scenario.

25 Q. So Item 28, you developed two DNA profiles off

1 of it?

2 A. Correct. I developed one DNA profile with a
3 mixture of two people in that profile.

4 Q. And mixture of two contributors to the DNA;
5 correct?

6 A. Correct.

7 Q. And specifically with regards to proposition
8 set 2, you compared the scenario of two unidentified,
9 unrelated individuals contributing to the mixture; is
10 that correct?

11 A. Versus?

12 Q. Versus if Christopher Cravets and one
13 unidentified, unrelated individual?

14 A. That's correct.

15 Q. And it was what again?

16 A. 65 octillion times more likely if Christopher
17 Cravets and an unidentified individual contributed from
18 these two unidentified unknown people.

19 Q. You don't use the word "match" do you?

20 A. We do not anymore.

21 Q. You have at some point in your career used the
22 word match as it relates to the DNA analysis program?

23 A. That is correct. That is the way we used to
24 do things in SLED when we were using something called
25 Random Act Probability versus likelihood ratios. And

1 not just SLED, but the nation as whole as far as DNA
2 labs moved to this method of likelihood ratios as a
3 better way to explain the evidence versus just a
4 probability of a random match.

5 Q. Are you any less confident in the results when
6 not using the word "match"?

7 A. No.

8 Q. STRmix, the program you used does use a verbal
9 scale, doesn't it?

10 A. It does.

11 Q. Could you explain that verbal scale to us.

12 A. I touched on this earlier. We include the
13 scale in the back of our report so when we have a
14 likelihood ratio, if that likelihood ration was like a
15 one, that would be uninformative. Anywhere from 2 to 99
16 would be weak support. Anywhere from 100 to 9,999 would
17 be considered moderate support. From 10,000 to 999,999
18 would be strong. And then over a million, that's very
19 strong support. That's just the word scale that we use
20 to classify with this.

21 Q. With this propositional set, this would be
22 what on the purple scale?

23 A. Very strong support.

24 Q. And that is the highest --

25 A. For the verbal scale.

1 Q. -- on the verbal scale?

2 A. Verbal wording.

3 Q. And just to wrap up here, this wasn't the only
4 item you analyzed as part of your report, is it?

5 A. No. I analyzed other items as well.

6 Q. But the swab from bedroom 3 is the only one
7 that came back with Christopher Cravets' DNA profile?

8 A. That is correct. Item 28.

9 Q. And Item 28 is very strong support that is it
10 Christopher Cravets' DNA?

11 A. Yes. The likelihood ratio is 65 octillion
12 more likely Christopher Cravets than an unidentified,
13 unrelated individual.

14 MR. FOWLER: No further questions at this time
15 your Honor.

16 THE COURT: Cross-examination?

17 MR. HAYES: Beg the Court's indulgence?

18

19 **CROSS-EXAMINATION**

20 **BY MR. HAYES:**

21 Q. Ms. Hefney, during your testimony, you were
22 reading from your report. Do you have a copy of it with
23 you?

24 A. Yes, sir. I do.

25 Q. May I see it, please?

1 A. (Handing.)

2 Q. Thank you.

3 A. Uh-huh.

4 Q. I think on direct examination, Ms. Hefney, you
5 testified that you calculated this number that
6 Mr. Fowler put up on this board as 6.5 octillion; is
7 that right?

8 A. Item 28 was 65 octillion and I didn't
9 calculate it; it was calculated by that program STRmix.

10 Q. By the program?

11 A. Yes, sir.

12 Q. So could you do the math to develop this
13 number?

14 A. That would take long time. I could. We have
15 done it by hand but that's not something that we do when
16 we have computer program that can do it.

17 Q. So you're totally relying on this computer to
18 develop the information?

19 A. That's incorrect. We also do a visual match.
20 When I say, we do a visual match, then we will apply a
21 statistical weight to it.

22 Q. So as a part of your report, do you include
23 the visual match?

24 A. The visual match when we do that comparison,
25 we do that first and then we make comparisons to the

1 standards that put in through STRmix to develop a
2 statistical weight.

3 Q. But as far as the visual comparison goes, do
4 you actually turn that over to the agencies who are
5 asking you to test these things? I mean, is it
6 available for us to review?

7 A. Absolutely. We have people that request our
8 documents all the time and that if you do a FOIA, what
9 we call FOIA Freedom of Information Act request you ask
10 to have all the things that are in our case file.

11 Q. So it's subject to FOIA. You would agree with
12 me it would be relevant information in a criminal
13 proceeding; right?

14 A. Yes. And I have it here in --

15 Q. Such as this --

16 A. -- my case file where the matches have
17 occurred and where we confirmed compared. There's a
18 chart that we use --

19 Q. Have you ever provided that to the State in
20 this case to this point?

21 A. If they asked. It has to come through a
22 Freedom of Information Act request.

23 MR. HAYES: Your Honor, I have a matter for
24 the Court.

25 THE COURT: All right. Let's take a short

1 We have the witness who has testified
2 essentially to what her analysis was based on her expert
3 opinion. If appropriate, I think exploitation charge
4 might be the best result for this. But other than that,
5 I believe it's all -- I'm going to deny your motion.

6 MR. HAYES: Yes, sir.

7 MR. POTTS: Thank you, your Honor.

8 THE COURT: Before we bring the jury back, is
9 the defense ready to continue with its
10 cross-examination?

11 MR. HAYES: Yes, sir.

12 THE COURT: Let's bring the jury.

13 THE BAILIFF: The jury is seated, Judge.

14 THE COURT: Thank you, sir.

15 Thank you ladies and gentlemen.

16 The defense may continue with their
17 cross-examination.

18 MR. HAYES: Thank you, Judge.

19

20 CROSS-EXAMINATION (Cont'd)

21 BY MR. HAYES:

22 Q. Ms. Hefney, you don't calculate this number
23 yourself, right, this is generated by a machine?

24 A. By a computer program. Yes, sir.

25 Q. So we're relying on that machine to develop

1 that number or tell us what it is?

2 A. It gives a statistical weight, the likelihood
3 ratios.

4 Q. You would agree with me that there's some
5 information available from that machine that you didn't
6 provide the State; right?

7 A. The information from the instrument or
8 computer software program is included on our report and
9 that is where we say how many contributors. And we do
10 that by looking at the DNA profile.

11 So there are two contributors contributing to
12 this. That information is put into our STRmix program.
13 It does the comparisons and it comes back with a
14 likelihood ratio or statistic.

15 Q. You would agree with me that your report here
16 is eight-pages long; is that right, in this case?

17 A. That is correct.

18 Q. And you say the information I'm talking about
19 that got printed out from the machine is included in
20 this. But you'd agree with me that there's independent
21 printouts to be reviewed?

22 A. There are independent printouts in our case
23 file. The reports are a summary of our case file.

24 Q. So there are individual printouts in the case
25 file that sort of tell us what the DNA profile looks;

1 right?

2 A. That is correct. What we do is we printout
3 the DNA profile that's developed. We also make a chart
4 for that DNA profile where all the numbers from the DNA
5 profile that are listed in a chart along with all of the
6 DNA profile from the known standards.

7 So you have a chart that you can make that
8 method of comparison to. And we also print out, as far
9 as the STRmix program, we print out the first page where
10 we do the comparison, the mixture deconvolution, the
11 comparison to the standards. I'll have a page for
12 Mr. Summerset's comparison, as well as a page for
13 Mr. Cravets' comparison all contained within the case
14 file.

15 Q. So that's all in there, but you'd agree with
16 me that you didn't provide that to the prosecutor in
17 this case, did you?

18 A. Again, that's done on discovery. There's a
19 legal part of --

20 Q. I'm asking you to answer the question. I'm
21 not trying to give you a hard time. But did you provide
22 them to the prosecutor or not?

23 A. Not that I'm aware. But I don't provide it.
24 Our document coordinate will provide that type of stuff
25 when they request it.

1 Q. And you can't say that it was ever provided,
2 can you?

3 A. I cannot. I can look back in our records or
4 narratives and see if she provided it.

5 Q. Sitting here today, you don't believe it was
6 provided to the government, do you?

7 A. They would know that more so than I would.

8 MR. HAYES: Beg the Court's indulgence?

9 No further questions.

10 THE COURT: Any redirect?

11

12 **REDIRECT EXAMINATION**

13 **BY MR. FOWLER:**

14 Q. Your report as well as your case file that
15 Mr. Hayes referenced several times, both of those
16 reflected that Christopher Cravets is 65 octillion times
17 more likely to be a contributor to the mixture on that
18 DNA swab?

19 A. Than two unidentified, unrelated individuals,
20 that's correct.

21 Q. That is 65 followed by 27 zeros?

22 A. That's six point -- yes. That's 6.5 e+28. So
23 that's 6.5 followed by 27 zeros.

24 Q. And that is reflected in both your report and
25 your case file?

1 A. That is correct.

2 MR. FOWLER: No further questions, your Honor.

3 THE COURT: Any recross?

4

5 **RECROSS-EXAMINATION**

6 **BY MR. HAYES:**

7 Q. And that likelihood ratio is developed by a
8 computer program?

9 A. Yes, sir. That is our statistics --

10 MR. HAYES: Thank you.

11 THE COURT: Thank you, ma'am. You may step
12 down.

13 The State may call its next witness.

14 MR. POTTS: The State calls Amy Durso.

15 MR. FOWLER: Your Honor, may she be excused?

16 THE COURT: No objection to that?

17 MR. HAYES: No objection, Judge.

18

19 A M Y D U R S O, the Witness herein, having been
20 sworn by the Clerk of Court, was examined and testified
21 as follows:

22

23 THE COURT: State your full name for the
24 record and spell your last name.

25 THE WITNESS: I am Amy Durso, D-U-R-S-O.

DIRECT EXAMINATION**BY MR. POTTS:**

Q. Dr. Durso, where are you currently employed?

A. I'm currently employed at Professional Pathology Services as a forensic pathologist.

Q. What do you do as a forensic pathologist?

A. So we're medical doctors that subspecialize in pathology. Basically, our role is to examine bodies after death. So we've become experts in pattern of injury, disease. We determine cause of death, manner of death primarily by doing what we call an autopsy, which is by looking at the outside and inside of the body after death and writing up whole reports and determining patterns of injury and causes of death.

Q. Dr. Durso, what kind of training have you had to become a pathologist?

A. So I did four years of undergrad in psychology at Emory University. Then I went to medical school at University of North Carolina Chapel Hill where I got my medical degree, my M.D. I then went to do four years of generalized pathology training at Wake Forest University for a residency program. Then I stayed out there for an additional year, a fifth year to do a fellowship in forensic pathology specifically.

1 Q. How long have you been working as a forensic
2 pathologist?

3 A. I've been down here for about 14 years, almost
4 exactly 14 years practicing primarily as a forensic
5 pathologist.

6 MR. POTTS: At this time, your Honor, I would
7 like to offer Dr. Amy Durso as an expert in forensic
8 pathology.

9 MR. HAYES: No objection.

10 THE COURT: So moved. You're qualified in
11 that specific field.

12 MR. POTTS: Thank you.

13 Q. (By Mr. Potts) Doctor, did you have an
14 opportunity to examine a body in this case?

15 A. Yeah. I examined the body of Mr. Summerset on
16 November 26, 2019, at eight o'clock in the morning.

17 Q. As part of your examination, did you repair a
18 report?

19 A. Yes.

20 Q. As part of that report, did you do a diagram?

21 A. Yes.

22 Q. I'm going to show you what's been marked as
23 State's 29.

24 A. Yes. This is as copy of the diagram I made at
25 the time of autopsy.

1 Q. In fact, you made two diagrams in this case?

2 A. Right. I made one that had all of the
3 external findings because I basically write my report
4 writ while looking at these diagrams so I can't memorize
5 every tiny detail until I get to writing it.

6 Then I make another one just for the gunshot
7 wounds because it's a lot simpler to look at especially
8 when it comes to court.

9 MR. POTTS: At this time I'd like to offer
10 into evidence State's Number 29.

11 MR. HAYES: No objection.

12 THE COURT: So moved.

13 (State's Exhibit 29, Autopsy Diagram, was
14 entered into evidence.)

15 Q. (By Mr. Potts) This is the gunshot wound
16 diagram; correct?

17 A. Yes.

18 Q. Based on your examination, what was the cause
19 of death of Mr. Summerset?

20 A. I think I listed it as multiple gunshot wounds
21 involving the head and body.

22 Q. Would your diagram be of help to you to
23 explain to the jury about gunshot wounds?

24 A. Yes, it would.

25 MR. POTTS: Your Honor, can I ask Dr. Durso to

1 step down.

2 THE COURT: Yes. If you'll just stand on the
3 other side of Mr. Potts and face the court reporter when
4 you speak.

5 Q. (By Mr. Potts) Dr. Durso, I guess, how many
6 gunshot wounds did you observe about Mr. Summerset's
7 body?

8 A. I believe he was shot seven times. And I can
9 go through each at a time.

10 So basically what we do during the initial
11 looking at the body at autopsy is you look at the
12 outside of the body first. Every time I see a gunshot
13 wound, I document on my diagram where it is and just
14 give it the next later of the alphabet. In this case, I
15 believe I went to letter N because I included any
16 projectiles I could feel underneath the skin. I
17 recovered some projectiles in this case.

18 And once we opened up the body we can connect
19 the holes, right, so which is the entrance? They have
20 certain characteristics to indicate those wounds. But
21 we need to follow it through the body because you can't,
22 from looking at the outside, know which entrance goes to
23 which exit. We have projection rods and you actually
24 have to follow the path, like the lung or the skull,
25 depending on where it is in order to match them up.

1 Q. So you can't just go and see a body with holes
2 on each side and say A and B, C and D, E and F. You have
3 to actually take it open --

4 A. Right. I wish it was that easy, but it's not.
5 So we actually opened up the body and followed the path
6 until it ends, that's what we did in this case.

7 Q. As we go through the gunshot wounds in this
8 case, did you put them in any particular order?

9 A. This case, because there were so many, I
10 believe I just started at the top of the head and worked
11 my way down.

12 Q. Is it normal practice to normally do the most
13 severe injury first going to the least severe?

14 A. Sometimes I do it that way if there is only a
15 few, but in this case, there were just several and
16 several severe ones, so I decided it made logical sense
17 to start at the top of head and work my way down.

18 Q. Doctor, what was the first gunshot wound you
19 mentioned in your report?

20 A. This is going to be a gunshot wound to the
21 head. The entrance wound is labeled F on the diagram,
22 just over near the right eye. So this goes in the right
23 eye -- actually, it goes in the right forehead but then
24 it goes through the globe of the right eye. So it
25 really just kind of bust the whole eye out. It then

1 goes back through behind the nose through the airway
2 back there through the sinus here.

3 So under your cheek are some sinus cavities,
4 it then goes into the mouth, it perforates and a few
5 teeth come out and actually exits the left cheek over
6 here just left of the mouth. So it goes in here and out
7 here (indicating).

8 Q. So that's kind of firing in a downward
9 direction?

10 A. Yes, downward right to left and slightly front
11 to back.

12 Q. Would this wound have been fatal?

13 A. Potentially, yeah. There's a lot of bleeding
14 and aspiration of blood and the eyes going to blown out.
15 So potentially fatal, yes.

16 Q. Would the person be unconscious after that
17 wounds?

18 A. Likely. Just because of the temporary wound
19 cavity and the blast to the head. But there's a worse
20 one that we know that would have killed him almost
21 immediately.

22 Q. Is that the next one?

23 A. No.

24 Q. Let's go through the next one, if you don't
25 mind.

1 A. Okay. No problem. This one also had a
2 stippling around the entrance wound which means it was
3 within about two feet.

4 Q. Thank you, Doctor.

5 What are you looking for, as far as, gunshot
6 wounds, entrance area, like stippling, what kinds of
7 things are you looking for?

8 A. What we look for in gunshot wounds extrinsics
9 is soot and stippling. So soot is usually going to be
10 within six inches of the end of the gun because soot is
11 coming out of the head of the gun. It's right there.

12 Stippling is within about usually -- some
13 people say 18 inches. Some people say two feet but 18
14 to 24 inches. And that means the gunpowder that
15 actually comes out of the end of the gun goes and
16 scrapes the skin so it's tiny little abrasions around
17 it. So that means it's closer.

18 Things that stop that, though, are clothing.
19 So like if you have like a thick sweater jacket on, it's
20 going to stop that gunpowder from being able to hit the
21 skin. So if there's something in the way or if it goes
22 through a door or a window first, you're not going to
23 see that which is why, when I don't see it, I call the
24 distance indeterminate because I wasn't there. I didn't
25 go to the scene. I don't know if it went through a door

1 or window.

2 When it is there, I'm able to say, this is
3 what we call intermediate range wound which means it has
4 stippling but not soot. So more than six inches, less
5 than two feet, so in that range.

6 The next gunshot wound I describe is a grazed
7 wound to the right cheek. And this literally just gets
8 the skin. It does not enter the body. It is not being
9 considered a fatal wound but it's next going from top to
10 bottom.

11 The third gunshot wound is on the left upper
12 arm. This is Gunshot Wound D here. And the reason I
13 think I did this one next is because I believe this is
14 actually like reentrance from H.

15 Q. What is a reentrance?

16 A. When the bullet exits the body and goes back
17 in another. So unfortunately, this man is standing like
18 this. People are never standing like that when they're
19 shot, right. So I was told he was on a couch so the
20 left arm was up this way, down this way. So it goes in
21 here, out the left cheek and it goes into the arm and I
22 was able to recover the bullet from the left arm which
23 is the projectile I was able to feel inside of the arm.

24 Q. Now can you say that's definitely what
25 happened?

1 A. No. That's why I have it listed separately,
2 but it make sense logically.

3 Q. Basically on your examination, that's a
4 logical thing, that his arm would have been like this
5 relative to his head?

6 A. Right, because a lot of arms tend to be either
7 entrance, re-exits, or they're all over the place.

8 Q. What about the next one, Doctor?

9 A. The next one is entrance M. This is on the
10 back left of the head. This is in the back of the head.
11 There's no soot or stippling. I don't know how close
12 the gun was. This is the most fatal one I guess because
13 it actually hits the brain. It goes and hits the
14 cerebellum and kind of the base of the skull. And this
15 one actually goes through some of the soft tissues and
16 it's the projectile I get here from the front of the
17 neck.

18 So I was actually able to feel the bullet
19 under the skin here on the left side of the neck. So
20 again, goes in the back of the head, hits the brain and
21 he would have been absolutely immediately unconscious
22 from this one, never waking up again.

23 Q. So this gunshot, I guess the earlier ones you
24 mentioned in the front of the head, this one came from
25 the back?

1 A. Correct. The next gunshot wound is A,
2 entrance A on the right upper chest. And this one is
3 coming downwards. It hits the lung, the right lower
4 lobe of the lung. It then comes down, hits the liver
5 which is kind of underneath your rib cage here. It then
6 hits the aorta which is the largest blood vessel, the
7 largest artery in the body. It's about this big, when
8 you make your hand like this. And it's full of high
9 pressured blood.

10 So it's coming off of your heart, traveling
11 downwards, delivering blood to the entire lower half of
12 your body. So if this is hit, it is nearly always fatal
13 as well, along with the liver. The liver had a very
14 rich blood supply. I recovered a lot of blood
15 associated with a liter of blood. So if you think of a
16 two liter bottle of soda so half that just in the right
17 chest alone. And then more blood in the abdomen from
18 the liver and the aorta. It then hits the vertebrae,
19 the T12, the lower thoracic back vertebrae.

20 Then I was able to get the projectile from the
21 back skin labeled N here by the midline. So this ones
22 kind of like front to back, right to left and downwards.

23 Q. All of the ones downward so far?

24 A. Yes.

25 Q. What would be the next gunshot wound you saw?

1 A. This one is labeled K. This enters on the
2 midline of the upper back. Again, this hits the -- this
3 one goes here. This one actually hits the right lung.
4 So going left to right, then it exits through what's
5 labeled B here in the chest. So this one goes in up
6 here. It's basically going in the back and coming out
7 the chest here. So it hits the lung and a few ribs.

8 Q. Once again, it's a rare entrance wound front
9 to -- did it exit out the front or did it just --

10 A. yes. It exits out the front. B, right here
11 is where it comes out (indicating).

12 Q. What would be the next?

13 A. The next one is the left upper back entrance
14 L, this one here. This one gets the upper vertebrae,
15 T1-T2 vertebral body, so the upper back vertebrae. It
16 hits the left upper lobe of the lung so the opposite
17 side. The left upper lobe of the lung and gets some
18 ribs and I'm able -- and exits the left chest here in
19 what's labeled exit wound C. So L goes to C.

20 Q. Doctor, these two bullets that hit the lungs,
21 would they likely have been fatal?

22 A. Likely with both lungs hit, yes.

23 Q. Are there anymore gunshot wounds?

24 A. Yeah, there's one more. This one is actually
25 to the foot. There was one that enters the right upper

1 part of the foot and comes out the inner part of the
2 foot towards the bottom and hits as bunch of bones in
3 there but it enters and exits and that's -- what I
4 believe was the seventh, possibly the eighth wound.

5 Q. So with these eight wounds you talk about,
6 there's two you thought were probably connected?

7 A. Typically, when they wind up in a straight
8 line like that, almost always it ends up being one
9 wound, in my experience.

10 Q. You're the expert, Doctor.

11 A. Okay.

12 Q. But bullets can sometimes strike bones and go
13 off course but you didn't see any of that in this case?

14 A. No. Typically they keep pretty straight
15 lines, amazingly. But it will break up sometimes but
16 they have a lot of force behind them. The smaller
17 bullets might bounce around, but typically they go
18 straight.

19 Q. Thank you, Doctor. You can take your seat
20 again.

21 Doctor, I'm going to show you what's been
22 marked as State's Exhibit Number 30.

23 Do you recognize that?

24 A. I do.

25 Q. What is State's Number 30?

1 A. This is a photograph taken in the morgue at
2 autopsy and has the four projectiles recovered at
3 autopsy.

4 Q. Just to be clear, while this happened, it was
5 photographed at autopsy, there's no body or anything,
6 it's just the projectiles?

7 A. Correct.

8 MR. POTTS: At this time I would like to offer
9 into evidence State's Number 30.

10 MR HAYES: No objection, Judge.

11 THE COURT: So entered.

12 (State's Exhibit 30, Projectile
13 photograph, was entered into evidence.)

14 Q. (By Mr. Potts) So these four projectiles you
15 found inside the body?

16 A. One was actually was underneath the body in
17 the body bag. So it's one of the exiting gunshot
18 wounds, but I can't tell which one it came from. And
19 the other three we got from within the body, the ones I
20 talked about, we could feel it under the skin.

21 Q. Doctor, based on your examination, did you
22 find any other significant injuries or wound to
23 Mr. Summerset?

24 A. Nothing significant, no.

25 Q. And based on the entirety of your

1 investigation, your examination of the body and all the
2 work you did that day, do you have an opinion as to the
3 cause and manner of death to Mr. Summerset?

4 A. Right, the cause of death is multiple gunshot
5 wounds involving the head and body and this would be
6 considered a homicide.

7 MR. POTTS: Thank you, Doctor. No further
8 questions. Please answer any questions Mr. Hayes has
9 for you.

10 THE COURT: Cross-examination?

11 MR. HAYES: Thank you, Judge.

12

13 **CROSS-EXAMINATION**

14 **BY MR. HAYES:**

15 Q. Good afternoon, Doctor.

16 A. Good afternoon.

17 Q. So you're here to testify this morning that
18 Mr. Summerset was killed because he was shot?

19 A. Yes.

20 Q. And you don't have any evidence this morning
21 that the person that shot Mr. Summerset was my client
22 Mr. Cravets, do you?

23 A. I have no opinion on that. No.

24 Q. You don't have any evidence that suggest that
25 he's the one that fired the bullets that you found in

1 Mr. Summerset, do you?

2 A. No.

3 MR. HAYES: No further questions.

4 THE COURT: Any redirect?

5 MR. POTTS: No, your Honor.

6 THE COURT: Thank you, Dr. Durso.

7 You're free to step down.

8 MR. POTTS: Beg the Court's indulgence for 20
9 second, your Honor?

10 (Pause in proceedings.)

11 MR. POTTS: Your Honor, at this time the State
12 rests.

13 THE COURT: Thank you, Mr. Potts.

14 Ladies and gentlemen, what we're going to do
15 is break for lunch. You have lunch waiting for you back
16 there. It will be a shorter break and then we'll get
17 started. I'm not sure exactly what time. We'll have a
18 bailiff come in and tell you what time when you get
19 started. You will be able to leave if you want to
20 shortly but your lunch will be provide here.

21 While we're on our break, do not discuss the
22 case, do not deliberate, do not do any independent
23 research. Do not do anything at all except enjoy your
24 lunch. We'll give you a little bit more information
25 about when we start back. Until then, we will see you

1 THE BAILIFF: The jury is seated, Judge.

2 THE COURT: Thank you, ma'am.

3 Thank you, ladies and gentleman.

4 Before lunch, the State rested.

5 Is there anything from the defense?

6 MR. HAYES: Nothing from the defense, your
7 Honor. The defense would rest.

8 At this time, the defense would renew all
9 previous motions and objections.

10 THE COURT: It's noted for the record, as well
11 as the previous rulings.

12 MR. HAYES: Thank you.

13 THE COURT: Ladies and gentlemen, at this
14 point, both sides have rested. What we'll do now is go
15 into closing argument which you will hear from the
16 attorneys. And after that, I'm going to instruct you on
17 the law as you are to follow it. I forgot I needed to
18 appoint a foreperson, who I selected previously in the
19 second row, the gentle lady in the white sweatshirt.
20 You hear me? Yes, ma'am.

21 If y'all two could switch seats, the first row
22 and the front seat with this gentleman. I usually tell
23 people beforehand so you don't have to do the switcheroo
24 like this but I appreciate you working with me.

25 So you are the foreperson. It gives you no

1 special powers or privileges or anything like that.

2 I'll explain it to you at the end of jury charge.

3 You'll just be in charge of the verdict form. I

4 appreciate that.

5 With that being said, the State may give their
6 closing argument.

7 MR. POTTS: Thank you, your Honor.

8 May it please the Court, your Honor?

9 THE COURT: Yes, sir.

10
11 **CLOSING ARGUMENTS**

12 * * *

13 MR. POTTS: A dream into a waking nightmare
14 and that's what Angela Homewood experienced that night
15 in November 2019. Asleep in bed with her cats, drifting
16 the night away until she started hearing noise. The
17 glass breaks, the alarm starts going off. She comes
18 outside to an absolute nightmare. She's shot at. Has
19 to cower in fear and hide in the closet. And then the
20 blue lights come. Law enforcement arrives and they
21 rescue her. The damage is already done. Delon
22 Summerset lies dead in his own home. Shot seven times
23 by this defendant and two of his friends over some weed,
24 some marijuana.

25 They wanted to get rich quick and they thought

1 he would be a good target. That's what this case is all
2 about, ladies and gentlemen.

3 Now, you've had to experience over the past
4 day and a half about an hour and a half of video
5 confessions in this case. I'm not going to play them
6 for you today. I'm not going to belabor that point. It
7 will be back with you in the jury room if you want to
8 watch them and you can go through the whole thing
9 yourselves again.

10 I do want to however hit on a few key points
11 and some things that maybe you missed while it was
12 happening and have going on.

13 First, I want to kind of talk to you about the
14 law in this case. The Judge is going to tell you about
15 it.

16 The first charge is murder and murder is very
17 simple. It's probably one of the shortest crimes we
18 have in our state. It's the killing of another person
19 with malice aforethought, either expressed or implied.
20 I know malice is a weird term and the explanation of
21 malice is way, way, more involved than murder itself.

22 Malice is hatred, ill-will or hostility of
23 another person. It need not exist for any particular
24 time before the act is committed.

25 So you don't have to go there thinking, I'm

1 going to hurt this man. I'm going to kill this man.
2 Malice is not that. It's not something you can spend a
3 few days thinking about and mulling over. This decision
4 can be made very quickly. It signifies a general
5 malignant recklessness that aligns with the safety of
6 others or a condition of the mind that shows a heart,
7 regardless of social duty, and fatally bent on mischief.

8 This is a very artful term, the phrase, "the
9 fatally bent on mischief" is what this case is all
10 about. He went that home on Clark Street to do wrong.
11 He went to rob that man. He went to invade his home.
12 He went into that home to disturb their peace. There is
13 maliciousness. There is meanness in that desire and in
14 that action and that is what goes into the heart of
15 malice; that is what goes into what makes this a murder.

16 Now malice has got to be expressed or
17 inferred. Expressed malice is very simple, ladies and
18 gentlemen, "I'm going to kill you," that is expressed
19 malice. It's something you say.

20 But inferred malice is when can you infer it
21 from when someone shows a total disregard for human
22 life. And coming in someone's home at night, armed a
23 weapon, firing, hitting them seven times is disregard
24 for human life. Going in that home, arming himself
25 thinking if that if there was trouble: I have my gun.

1 I can control it. I can do something with it, that is a
2 malice. That is a "heart fatally bent on mischief."

3 Next we have burglary in the first degree and
4 this has two different parts to it. It's when you enter
5 a home without consent with the intent to commit a
6 crime. So if it's raining and you get all wet and
7 someone's shed is open and you duck in the shed to stay
8 out of the rain, that's not a burglary, that's not even
9 a crime.

10 Now when you go there to steal something, you
11 go there to rob someone, that's a crime. For it to be
12 burglary in the first degree, it has to be a dwelling --
13 in this case, a home. No one is arguing that
14 Ms. Homewood and Mr. Summerset didn't live at Clark
15 Street -- while armed with a deadly weapon or during the
16 hours of nighttime or you cause physical injury, to
17 commit this type of crime, like Delon Summerset.

18 You only need to find one of these three
19 things but in this case, we have all of them.

20 Next is attempted armed robbery. It's when
21 you attempt to take something of somebody else of their
22 personal property with the intent to deprive them of it
23 by violence or a threat of violence while armed with a
24 deadly weapon. A stickup. It's using a gun to take
25 something from somebody else. It's when you confront

1 them for their marijuana and point a gun at them.

2 Now, what makes it attempted armed robbery
3 versus an armed robbery is that he didn't get anything.
4 But he tried too. He wanted too. That's what makes it
5 attempted.

6 Finally, conspiracy. And we have to prove
7 this, that combined with one or more people for the
8 purpose of committing an unlawful act.

9 Now, there must be a mutual understanding of
10 agreement with a common plan. And you heard this all
11 over his statement, talking about Ralph Pitts. They
12 drove around and scoped out the house earlier. They
13 drove by the day before, him and his two friends went in
14 that night with a plan of committing the robbery.
15 That's conspiracy. Them working together. Them
16 conspiring together to get this done. That's what make
17 this a conspiracy.

18 Now, Ralph Pitts gets charged. His day in
19 court will be another day. We're focusing on
20 Mr. Cravets today and the two of them engaged in what is
21 conspiracy.

22 Now here's another legal idea. It's called,
23 the "hand of one is the hand of all." A lot of the
24 states don't have this but in South Carolina we do, when
25 two or more people join together to commit an unlawful

1 act, each person involved is criminally responsible for
2 everything the other person does. If two or more people
3 are acting together or assisting each other, the hand of
4 one is the hand of all.

5 So even if you believe his first statements
6 that Two-Times was the shooter, that he was standing
7 behind him and Two-Times just started blasting him.
8 They're still both just as guilty because when they
9 entered into that idea together to rob that house,
10 everything Two-Times did, is something he did.

11 And he knew what was going to happen. They
12 were prepared. He had his own gun. Even if you don't
13 believe anything he says at all in his second statement,
14 he knew, he was prepared. He was ready, just as ready
15 as Two-Times was.

16 The fact of the matter is you don't even need
17 to consider that breathing because he's the one living,
18 he's the one shot that night.

19 Ladies and gentlemen, we have to prove this to
20 you beyond a reasonable doubt. That's the crux of this
21 whole thing. It's my burden to you, prove to you that.
22 And proof beyond a reasonable doubt is proof that leaves
23 you firmly convinced of the defendant's guilt.

24 Now, it's not an absolute certainty. There
25 are very few things that we know with absolute

1 certainty. The fact of the matter is, I don't even know
2 what day I was born with absolute certainty. While I
3 was there, I have no memory of it. But I trust my
4 parents and I trust every doctor that documented that.
5 But if it turned out I was born a few hours earlier and
6 the paperwork is wrong, so be it. You don't need
7 absolute certainty to find someone guilty. You just
8 need to be firmly convinced.

9 In criminal cases, the law does not require
10 proof that overcomes all doubt. If you are firmly
11 convinced he is guilty, you should find him guilty. If,
12 on the other hand, you think it's a real possibility
13 that he didn't do it, you should find him not guilty.
14 That is the burden you have.

15 Now, as you have been sitting here you've been
16 listening to witnesses, you've watched the videos and
17 all of this is kind of just things to keep in mind as
18 you evaluate whether to believe people because that's
19 your job, is to evaluate that. You can take some of
20 what a witnesses says or all of it or none of it.
21 That's your role in this whole process.

22 So some things to consider are: Was the
23 witness straightforward or hesitant in answering
24 questions?

25 Were they consistent or inconsistent?

1 How do they know the facts they're testifying
2 to?

3 Were they present or did they just happen to
4 see it later?

5 Was it strengthened or weakened by their
6 testimony in this case?

7 Is there some reason they would want to lie or
8 give a false statement?

9 These are all things you should evaluate when
10 it comes to this and you can take this to the videos,
11 take this to those statements.

12 Mr. Cravets, even in that first interview,
13 he's giving back good answers to Investigator Duckett.
14 Answers that show he is there in that time and place.
15 The great example to me is he asked about Ralph Pitts'
16 car. And he says it's a gold Hyundai, you know which
17 one I'm talking about. And that's what it is. Not a
18 gold Honda. Not a gold Toyota. Not silver. He knows
19 what Ralph Pitts' car is and that's a completely
20 appropriate answer to the question.

21 It's not someone who's out of his mind, who
22 doesn't know what's going on. That's an objective fact
23 that we can check and say that that is an appropriate
24 answer, that, we know is true. You take that and you
25 can start using that to help you evaluate the rest of

1 that statement. Hope you see how well it rings true.

2 This is the second statement.

3 (Playing video.)

4 MR. POTTS: That is a man who is relaxed.

5 When he says he wanted to clear some of this stuff up
6 and he gives him the finger gun. He is not having,
7 well, if we're born -- he knows what's going on. He's
8 aware of it. That statement's credible. When he tells
9 you he shot that man, he means it.

10 Let's look at the evidence. This is that
11 first Nest cam.

12 (Playing video.)

13 MR. POTTS: So y'all heard the glass breaking.
14 And then by my count, about ten seconds, the gunshots
15 started. It's something that there's no time for much
16 to develop. There's no time for much to happen. Delon
17 caught them right there. And by the time we see all of
18 that, we heard that last gunshot. We'll get back to
19 that last gunshot, but that's the one that went to
20 Ms. Homewood. Totally separate from these first ones.

21 Now y'all heard from Officer Hardesty. She
22 was the first officer on the scene. You saw her video.
23 Homewood was distraught, scared and she went through the
24 whole house to clear it, make sure it was safe.
25 Homewood was afraid to go back inside.

1 Then George Wise came, CSI. Going through
2 each -- you saw those pictures. He walked you through
3 the whole crime scene. Then we had that red stain on
4 the door of bedroom Number 3.

5 Now, this is the picture of that door. There
6 was some talk about whether there were three stains or
7 two stains in the three pictures. If you look at this
8 picture where the doorknob is, that was the next one.
9 This is the same stain as scene on the further back
10 picture. That's stain Number 1, and stain Number 2.

11 Now, stain Number 2, brownish. Don't look
12 like it's anything fresh. Stain Number 1 has that
13 bright red of fresh blood. If y'all ever had bloodstain
14 on a piece of clothing or something that's dries, it
15 doesn't dry that bright red like that. That bright red,
16 as Mr. Duckett told you, mean it's was fresh. Both of
17 them got swabbed by the same swab. It's enough for DNA.

18 You heard from Agent Hefney that the red stain
19 is presumptive for blood. And there is a mixture of
20 DNA. There is two people's DNA in that swab. But she
21 explained to you that 65 octillion to -- she's so much
22 better at this than I am, ladies and gentleman.

23 But Christopher Cravets, an unrelated
24 individual versus two unrelated individuals, that's how
25 much higher the chance is of it being two unrelated

1 people, Chris Cravets and somebody else.

2 And she told you that that result was very
3 strong. Anything over a million they call very strong
4 results. In fact, a million only has six zeros. And
5 this 65 octillion, I think is 27 zeros. It's a
6 significantly stronger result in the very basis of what
7 they call very strong. It is his blood. But how did it
8 get there?

9 Ms. Homewood never seen him before. She
10 couldn't pick him out of a lineup. She said she's a
11 homebody. What happened was he cut himself with the
12 glass when he comes in. And he talks about that in his
13 statement.

14 (Playing video.)

15 MR. POTTS: And again later on.

16 (Playing video.)

17 MR. POTTS: Watch those two videos, the change
18 in his demeanor over the course of their conversation.
19 He starts off kind of drawn, mumbling a lot, not really
20 talking to him too well. But Sergeant Duckett, by the
21 time they've been talking for a while has really kind of
22 got him to open up a little bit. He's more forthright.
23 He's more straightforward. He's saying things without
24 hesitation, he's mumbling less.

25 And I understand, if I was caught in Georgia

1 and told I was going to be arrested for murder in
2 Columbia, South Carolina, I'd be nervous too. I'd be
3 upset. I'd be trying to figure out what's going on. I
4 might not want to talk loud, I might be ashamed of
5 myself. But over the course of that interview, he
6 improves as he opens up and starts to tell in more
7 detail about what happened.

8 Next, you have Dr. Amy Durso. She told you
9 there are eight, eight bullet wounds in both the front
10 and back of Delon's body. He was probably shot, she
11 thinks, seven times. In his head, his lungs, spine, his
12 liver.

13 (Playing video.)

14 MR. POTTS: I count nine, I think. Those
15 shots are going straight into Delon, and that is when he
16 dies. And she told you that one that hit him in the
17 brain, he was done. He was unconscious. Malice, the
18 shooting that many times in less than ten seconds.

19 Now what is significant about these wounds? I
20 didn't have Dr. Durso go over this so I'm going to talk
21 to you a little bit about it. But she testified how the
22 ones in the head are going top down. From the top of
23 the head, down. Now, how does that happen?

24 That's the question we have to ask ourselves.
25 How does it happen that you can be shot above and have

1 it come out lower? She said bullets go in very straight
2 lines, not much stops them. They hit a bone, they keep
3 going. I guess you have to be above the person or
4 they're bending down. They're doing something else,
5 they're ducking to get out of the way. That's how you
6 get that downward trajectory from a bullet in someone's
7 head.

8 Because you're not holding a gun up here like
9 this. You're holding it like this. And that's
10 straightforward shot while Delon's trying to get out of
11 the way. That's why he's shot in the arm because he's
12 bringing his arms up. He's bending down trying to get
13 out. He's shot in both the front and the back.

14 Why is that? Why is he shot in the front and
15 the back? Because he's turning, he's trying to get
16 away. And in that small period of time, where he is
17 shot, he's trying to get away. He poses no threat to
18 anybody. That's why there are shots in the front and
19 that's why there are shots in his back. Only way that
20 happens is if you're facing one way and then facing the
21 other.

22 The fact, it's malice.

23 Finally, you've got a gunshot up here at the
24 head, which she said had stippling and that meant less
25 than two feet away, two feet. He's shot in the head.

1 He never stood a chance.

2 Let's talk about Angela Homewood. She told
3 y'all that she woke up that night to glass shattering.
4 She thought Delon had tripped over a glass bowl. She
5 told law enforcement officer she was confused. And she
6 told y'all that she saw Delon fighting with a man that
7 shot him. Now, she also told you she wasn't wearing
8 glasses. And they were about as far as away as I am
9 from Ms. Homewood right now.

10 If you look at the crime scene diagram
11 provided by Investigator Wise, her bedroom is over here.
12 And the Canary camera is over in this front area and she
13 is in this area right here messing with the alarm.
14 Delon's actually dead up here at this time. The person
15 she see's over here is not Delon, it's the person who's
16 leaving his bloody footprints.

17 Dr. Durso told you when Delon got shot in the
18 head, he was on the ground. Nothing you could do about
19 it. There's not any violent struggle to get someone
20 else. But someone went through here and walked all the
21 way down there. And she saw them only briefly. She's
22 seen in the video.

23 (Playing video.)

24 MR. POTTS: She doesn't know what's going on
25 yet. Goes to the alarm. Maybe a quarter of a second,

1 she's seeing horror, turns around and runs the other
2 way. No time at all. Enough time to make a reasonable
3 mistake that it wasn't the man who lived with her over
4 there but enough time to see a man point a gun at her
5 and quick in stature and height of this defendant. This
6 is vague, vague idea really more than anything else.
7 But this is key.

8 (Playing video.)

9 MR. POTTS: He says he saw her. She saw two
10 individuals. One had his back to her and that's the one
11 she thought was Delon. The one she saw who has his
12 front to her, that's the one that shot at her. Only way
13 he could see her is if he's not the one with his back to
14 her. If he's the one who's looking at her.

15 In that quarter second, she's visible down
16 that hallway. That's when the guy panics. And what
17 happens when the guy panics in the videos? What does he
18 tell you? "He just started shooting." And that's that
19 second, that last and final bullet directed in
20 Ms. Homewood's direction.

21 (Playing video.)

22 MR. POTTS: He ran into the hallway. That's
23 the man who's always the shooter. He did this. He did
24 that. He did this. I followed behind him. He's the
25 shooter. (Indicating.)

1 Everything he does, he says the shooter did it
2 and that's clear. It's all in his own words.

3 (Playing video.)

4 MR. POTTS: "I got impulsive and I panicked
5 and I shot him several times."

6 I submit, ladies and gentlemen, it doesn't
7 matter whether it really was him or it was or another
8 individual with him. The hand of one is the hand of
9 all.

10 The evidence is very clear that it actually
11 was him. He did it. He shot Delon.

12 Ladies and gentlemen, I could go on. I know
13 you have been very patient today, and I appreciate it.
14 The video will be available for you to watch back in the
15 jury room. But I want you to go back and deliberate,
16 consider all the evidence, and once you've done that, I
17 ask you to find Christopher Cravets guilty of
18 conspiracy, guilty of breaking in Delon and Angela's
19 home on Clark Street, guilty of burglary in the first
20 degree, guilty of attempted to rob him, his marijuana
21 and his money and guilty of murder of Delon Summerset.

22 Guilty on all charges is the only verdict that
23 support the facts.

24 When Investigator Duckett meet this defendant
25 for the first time, he was asleep in the interview room

1 in Conyers, Georgia. While Ms. Homewood was living a
2 nightmare, he was fast asleep.

3 Ladies and gentleman, I ask you to wake him
4 up. I ask you to deliver a verdict that wakes him up.
5 I ask you to find him guilty. Thank you.

6 THE COURT: Mr. Hayes?

7 MR. HAYES: Thank you.

8 Ladies and gentlemen, Christopher Cravets is
9 not the shooter in this case. They don't have evidence
10 of that. I appreciate your attention through the trial.
11 And I appreciate you keeping an open mind. That's what
12 we asked you to do at the beginning of the case because
13 I might have reasonable doubt for you at the end, and I
14 still believe that.

15 He's not the shooter. If you listen to his
16 statements and you look at what happened and his DNA
17 being present, ultimately, what he went there for was
18 for the robbery.

19 Even Mr. Duckett knows that.

20 He told him, "You went there for the robbery,
21 didn't you?"

22 You hear it from his own voice. How credible
23 would I be to come up before and say, "oh, we're not
24 guilty"?

25 He was there. He put's himself there. His

1 DNA's there. Now it bothers me how they got the DNA
2 there, because you have a crime scene investigator from
3 the City of Columbia who's trained to take DNA and he
4 walks into the room and goes to a couple different spots
5 with the same swabs, and swabs all up and down. I
6 really don't like that.

7 I don't think you should -- well, let me say,
8 you should question the credibility of that process and
9 whether or not that's the appropriate way to do that.

10 We have law enforcement that are investigating
11 a murder here. And they call the SLED DNA person in and
12 said, we put all this information into a system, a
13 computer program in today's world. No one is checking
14 their common sense at the door. You're bringing that
15 into the courtroom with you. And I'm asking you to do
16 that.

17 We all have real-world experience to draw on.
18 We all deal with computers and computer programs. We
19 all know all kinds of things are happening in that ever
20 environment. Anti-software, all kinds of different
21 things to keep our own personal things safe.

22 Government databases, government processes
23 like this, right? Don't you think that they draw
24 attention from people even outside of the state of South
25 Carolina, outside of the United States of America. It's

1 not enough for SLED to come in and say we threw this
2 swab into this machine and it produced this result and
3 everybody should just adopt it because we're SLED.
4 We're the State of South Carolina and that's what we say
5 and that ought to be good enough with everybody. But
6 that's basically what happened.

7 This is the state of South Carolina. This is
8 all the power that the government in this State has, it
9 sits at this table right here. When you find yourself
10 sitting at a table like this one all by yourself, these
11 are the people that have the burden. We don't have to
12 prove anything.

13 And so I say to you, we're probably guilty of
14 the attempted robbery and we're probably guilty of the
15 conspiracy. And the conspiracy, the unlawful act of the
16 conspiracy is the robbery itself. But everything else
17 that happened, the murder and the burglary, we're not
18 guilty.

19 And there is a reasonable doubt about that and
20 I think the evidence supports it.

21 Ladies and gentlemen, when we're dealing with
22 a circumstance like this and someone is killed in their
23 own home, it's not common sense. Your common sense are
24 life experiences, it might be the domestic partner.
25 Right? I think Mr. Duckett even says such. We needed

1 to bring her down, Ms. Homewood down to the station. We
2 were investigating things and we ultimately wanted to
3 rule her out, right? And they think that they did that.

4 But the reality is, in that first interview, a
5 name comes up in that interview of someone she hasn't
6 seen since 2014. What's that name? Ralph Pitts.

7 Well, guess what? Later, the State decides
8 that Ralph Pitts is the mastermind in this case. And
9 Ralph Pitts is telling these guys how to get in the
10 house and what's going on and what they're supposed to
11 be doing. They're going to go through the back door.
12 But that's not what happened, they broke out the window.

13 And what does Chris Cravets say in his first
14 interview when he's being forthright and forthcoming
15 about what's transpiring with that window? He said,
16 "Two-Times knocked it out with a gun and went in," and
17 he was behind him knocking out the glass behind him.

18 Well, if you watch that video and you listen
19 closely after the initial break, you can hear the
20 sequential breaks behind it. It supports what
21 Christopher Cravets said. That he's back there knocking
22 out the window. He's going in for the robbery. He
23 thinks that's what this is.

24 Ms. Homewood, she was nervous when she
25 testified, but she wasn't emotional. I'd submit to you

1 on the police body cam that Hardesty had on when she
2 goes to clear the house. They encounter Ms. Homewood at
3 the beginning of that video. She's on the porch talking
4 to another officer about what's happening. She's not
5 emotional then either. Not in the way you might expect
6 having just lost her domestic partner in a home. She
7 didn't take the stand and talk about how in love they
8 were and how great their relationship was.

9 When she got taken down to the station, their
10 investigation revealed that she didn't know anything
11 about marijuana stuff that Delon was involved in, which
12 turned out not to be true.

13 She testified later in this court before you
14 that she knew about that but she didn't tell law
15 enforcement that at the time. And what's interesting is
16 that marijuana is in the office that she talked about.
17 That's where it's packaged at. I don't think law
18 enforcement fully believes Ms. Homewood either. You
19 know why? Because if they did, my client would probably
20 be charged with attempted murder. That's not a charge
21 before y'all today, not something that they've asked you
22 to consider.

23 And I don't have the diagram right in front of
24 me -- State's 5, I don't have it up on the big fancy
25 thing. But it's the diagram they like to show, you

1 know, where Ms. Homewood was on this. He's been through
2 it. There's not a projectile over there. Nowhere on
3 this diagram is there a projectile anywhere near where
4 Ms. Homewood was.

5 We have no idea about the status of their
6 relationship was but curiously, Ralph Pitts' name comes
7 up in his first interview.

8 My client says, oh, well, these guys came in,
9 Two-Times and DayDay. And he gives them up in the
10 interview with Mr. Duckett, right?

11 Then he says, I'm worried now. Now I'm
12 scared. I'm scared for my wellbeing.

13 Yeah, because he's called some people's names,
14 right? You call people's names in the streets out here,
15 you become a target. He realizes that. Law enforcement
16 goes and they take -- we're going to check out your
17 communications and we're going to look at your cell
18 phone. We're going to look at Facebook. We're going to
19 do all these things. And all these avenues of
20 communication are going to come back and they're going
21 to reveal the truth.

22 And sure enough, there was some evidence to
23 suggest who these people were. And Mr. Duckett got
24 their names. He knows who they are. And they're still
25 on the street right now.

1 So they want to sit here and say believe all
2 the stuff that Chris Cravets said that was
3 incriminating, but we don't believe anything else.
4 Because you know what? The reality is, if they believe
5 the rest of what he said, there would be other people at
6 this table and you know there were more than Chris.

7 The video shows three. Maybe Two-Times, the
8 one that went in first, went in to kill Delon because
9 Ralph told him to, unbeknownst to Chris. They don't
10 want to catch up with him, Lamar Thomas, "Two-Times,"
11 otherwise, he would be here. He's your shooter.

12 Chris says he went in armed with a .380, the
13 only evidence of that is his own. There's not any
14 forensic evidence at the scene that suggest a .380 was
15 involved in this crime. When asked what kind of gun
16 DayDay or the other guys had, he said he wasn't sure but
17 he thought that Two-Times had a bigger gun, like a nine
18 or he called it something else. Sure enough, it's the
19 9mm that ultimately resulted in Mr. Summerset's death.

20 When they caught up with Mr. Cravets, it
21 appeared like he was under the influence. He cooperated
22 with law enforcement. He was trying to provide -- he
23 was trying to cooperate. He was providing them
24 information. He was giving them answers. If you watch
25 that interview, it's not like he's thinking about the

1 answers. He's not trying to figure out what he's going
2 to say. He's being asked questions and he's delivering
3 answers.

4 What happened?

5 Who told you to do what?

6 How did you go about it?

7 And he's delivering these answers to
8 Mr. Duckett.

9 The second interview comes 30 days later after
10 he's had time to think about it and think about the
11 position he's put himself and his family in by calling
12 these other names. Not wanting to cause jeopardy to the
13 people that -- himself or the people he loves, he
14 decides he's going to talk to law enforcement again and
15 try to take the responsibility off the people that he's
16 put it on.

17 But he has his head down. He's not nearly as
18 engaging. He's not responding. He's had 30 days to
19 think about it and who knows what else has happened in
20 that 30 days because he's been in custody for that
21 period of time.

22 Better take the rap. Better say you did it.

23 The other two fellas are still free. And they
24 just want to leave him sitting in that spot holding the
25 bag for everybody.

1 He told you "boy, it felt like a setup." He
2 said that in the interview, "boy, it felt like a set
3 up."

4 Seems to me like evidence of that is there.
5 Ms. Homewood's in the home. She sees whatever -- she
6 sees these guys taking. They don't go after her. She
7 survived. They don't chase her down the hallway. They
8 don't chase her into the bedroom.

9 Does that make sense? They left her. Why
10 would they do that? They have these bloody footprints
11 through the house. They say Chris cut his hand on the
12 way into the window. Investigator Duckett told you they
13 seized Mr. Pitt's car. If there was any blood evidence
14 in that car that tied him to that crime scene, don't you
15 think they would have introduced it? Don't you think it
16 would be there for you?

17 They say there's footprints through the house
18 where they stepped in the blood. Well, if that were
19 true, don't you think there'd be blood in the car for
20 them to come back and say, hey, we can tie this car into
21 this thing, Ralph Pitts and the house.

22 They didn't do that. Why didn't they? Either
23 didn't want to for some reason or it doesn't exist.

24 It's just awfully curious, your domestic
25 partner is killed and you have a lack of emotion at the

1 time. You go down to police headquarters and you call
2 the name of somebody that say you haven't seen since
3 2024. And that person somehow turns out to be the
4 centerpiece of what's happened. All the knowledge about
5 the drug stuff that was going on at the time, only to
6 later acknowledge it now that they have someone like
7 Mr. Cravets under arrest and charged with this case.

8 I'm sure the two fellas that are running free
9 out there are not the only ones breathing a sigh of
10 relief. I think it's also interesting the things that
11 they went to go get, the things that Chris says that he
12 went to go get were in the house. Law enforcement
13 uncovered them and they're basically in those back
14 bedroom areas, those back offices right where they were
15 told to go in.

16 I think it's also interesting that they said
17 that we are going to use the door. Now, why would that
18 be important? Why would the door be important? Why
19 were they saying go through the door?

20 Ultimately, Two-Times didn't do that. He went
21 through the window. Why would he want to do that?
22 Maybe to make more of a commotion so there would be a
23 confrontation. But why couldn't you use the door?
24 Maybe it's because Ms. Homewood knew they were coming,
25 and they had consent to enter the house. If they had

1 consent to enter the house, it's not a burglary. It's
2 not a burglary.

3 Mr. Potts got up here and showed you all the
4 things and laid them out. They very first one at the
5 top, consent.

6 Well, if Ms. Homewood and Mr. Pitts had a
7 conversation and Mr. Pitts put this into motion and
8 these fellas went in, that's consent, not a burglary.
9 And what happened to Mr. Summerset, not foreseeable to
10 Mr. Cravets. He was there for the robbery. The second
11 one in. He's not the first one in. He's not the
12 shooter. There's no evidence to support that.

13 He says as soon as the shooting happened, it
14 freaked him out. Totally didn't anticipate that. He
15 says it different ways on the video. It speaks for
16 itself. Whatever he said, he got scared.

17 He said, "Man, that wasn't supposed to happen.
18 I just lost it. My only thinking right then was 'get
19 out of here.'"

20 The guy who actually did the shooting, he's on
21 the street somewhere so they did set him up. And they
22 are leaving him holding the bag. And now the
23 authorities, who are capable of holding everyone
24 accountable, have held just Mr. Cravets accountable.
25 And they stand before y'all asking for a guilty plea.

1 The government wants you to believe that this
2 was somehow over weed and marijuana and this
3 get-rich-quick scheme, maybe on the robbery side of it.
4 But I think there's something larger at play here. And
5 I think the evidence supports it, and you can believe it
6 raises it to reasonable doubt.

7 The government is basically cherry-picking
8 evidence. And they want to have it both ways with you.
9 They want to say:

10 We think this part of what they said is
11 credible and we believe that this part is what is
12 credible. And it's not just what they said or what they
13 put into evidence, but what they haven't said and what
14 they haven't put into evidence suggest otherwise.

15 You can't have it even where we believe this
16 and we believe that but don't believe that when they say
17 that. They can't have it both ways.

18 Mr. Cravets didn't enter that home and shoot
19 anybody. Total unanticipated that someone was going to
20 be killed by him.

21 Ladies and gentlemen, we're asking that you
22 return a guilty verdict on the attempted armed robbery
23 and the conspiracy charge. But at the end of the day,
24 we believe there is reasonable doubt about the burglar
25 and there's no question that Mr. Cravets is the shooter,

1 they haven't proven that at all. He's not guilty of
2 murder.

3 Thank you.

4
5 **JURY CHARGE**

6 * * *

7 THE COURT: Ladies and gentlemen, I'm going to
8 instruct you on the law, if you'll pay close attention.
9 You will have a copy of this to take back there with
10 you. So please pay close attention as I go through
11 this.

12 Members of the jury, it is now my duty as the
13 trial judge to instruct you on the law applicable in
14 this case. In that regard, it is your duty as jurors to
15 accept and apply the law as I now state it to you.

16 Furthermore, it is your exclusive duty to
17 decide all the issues of fact in this case and determine
18 the effect, value, weight and truth of the evidence.
19 All the parties have the right to expect that you will
20 carefully consider and evaluate the evidence and apply
21 the law of this case to it so that in the end, all
22 parties will receive a fair and impartial trial.

23 During this trial you and I have separate
24 duties to perform. As the trial judge, it is my
25 responsibility to preside over this trial and to rule

1 upon the admissibility of the evidence offered during
2 the trial.

3 In that regard, you are to consider only the
4 evidence before you. Thus, you are to consider only the
5 testimony which has been presented from the witness
6 stand together with any exhibits admitted into the
7 record of this case.

8 If you have any preconceived idea as what the
9 law is or what you think the law ought to be and does
10 not agree with what I tell you the law is, you are
11 obligated under your oath to abandon these
12 preconceptions because you are sworn to accept to law as
13 I now state it to you.

14 In this trial, you are the sole and exclusive
15 judge of the facts. Do not infer that I have any
16 opinion about the facts of this case from anything I've
17 said or done during the course of this trial. In this
18 regard, the law simply does not permit me to have an
19 opinion about the facts. As jurors, it is your duty
20 alone to determine the effect, the value, weight and
21 truth of the evidence presented during the course of
22 this trial.

23 The evidence from which you are to decide what
24 the facts consist of in this case are the sworn
25 testimony of witnesses both on direct and

1 cross-examination, the exhibits which have been admitted
2 into evidence and any facts to which all the attorneys
3 have agreed and stipulated.

4 The following things are not evidence and you
5 must not consider them as evidence in deciding the facts
6 of this case.

7 The statements and arguments of the attorneys,
8 questions and objections of the attorneys, and testimony
9 that I instruct you to disregard.

10 While argument of counsel is a beneficial part
11 of every trial, you should remember that the statements
12 made by counsel are not evidence. In presenting
13 arguments counsel will often refer to evidence.
14 However, you should base your verdict on the evidence as
15 you remember it; therefore, if there are any conflicts
16 between the recollection of counsel about the evidence
17 and your own recollection, you should rely upon your own
18 understanding of the evidence.

19 The fact that a defendant was arrested,
20 charged and indicted in this case is not evidence and
21 cannot be considered by you as evidence of guilt in this
22 case; nor does it create any presumption or inference of
23 guilt. These documents are simply the formal written
24 instruments which contain the charges made against the
25 defendant.

1 Furthermore, evidence may be direct or
2 circumstantial.

3 Direct evidence is testimony by a witness,
4 about what the witnesses personally saw, heard or did.

5 Circumstance evidence is indirect evidence; in
6 other words, it is proof of one or more facts from which
7 one can find another fact. You may consider both direct
8 and circumstantial evidence equally. Crimes may be
9 proven by circumstantial evidence. The law makes no
10 distinction between the weight or value to be given to
11 either direct or circumstantial evidence.

12 However, to the extent the State relies on
13 circumstantial evidence, all of these circumstances must
14 be consistent with each other and when taken together
15 point conclusively to the guilt of the accused beyond a
16 reasonable doubt.

17 If these circumstances merely portray the
18 defendant's behavior as suspicious, the proof has
19 failed. The State has the burden of proving the
20 defendant guilty beyond a reasonable doubt. This burden
21 rests with the State regardless of whether the State
22 relies on direct evidence or circumstantial evidence or
23 some combination of the two.

24 Furthermore, it is your job as jurors to
25 determine the credibility or believability of the

1 witnesses who have testified in this case. You must
2 evaluate the evidence and determine which evidence
3 convinces you of its truth.

4 In determining the believability of witnesses
5 who have testified in this case, you may believe one
6 witness over many or many over one. You may believe
7 part of the testimony of a witness and reject the
8 remaining part. You may believe the testimony of a
9 witness in its entirety or reject it in full. You may
10 consider whether the witness has an interest in the
11 result of the trial, whether the witness is prejudiced
12 towards either party, the opportunity for the witness to
13 have seen the matters and things about what the witness
14 may testify and the way the witness acts on the witness
15 stand.

16 The rules of evidence ordinarily do not permit
17 witnesses to testify to opinions or conclusions; an
18 exception to this rule exists for witnesses we call
19 "expert" witnesses. A witness, who, by education and
20 experience, has become an expert in some art, science or
21 profession may give an opinion as to the subject the
22 witness claims to be an expert in and may also give the
23 reason for the opinion.

24 You should consider any expert opinion given
25 by a witness and like any other evidence, give it the

1 weight you think it deserves. If you decide an expert
2 witnesses's opinion is not based on sufficient education
3 and experience or if you decide that the reasons given
4 in support of the open are not sound or that the opinion
5 is outweighed by other evidence, you may disregard the
6 opinion entirely.

7 An expert witnesses testimony is to be given
8 to greater weight than that of other witness simply
9 because the witness is an expert. And you do not have
10 to accept an experts opinion even though it is
11 uncontradicted.

12 A video recording has been admitted into
13 evidence. Portions of the recording have been deleted.
14 You may only consider those portions of the recording
15 which have been admitted in evidence and must not
16 speculate as to the contents of the omission or the
17 reason or reasons for the omissions.

18 The defendant has pled not guilty to these
19 indictments and that plea puts the burden on the State
20 to prove the defendant guilty. A person charged with
21 committing a criminal offense in South Carolina is never
22 required to prove his or her innocence. I charge you
23 that it is an important rule of the law that the
24 defendant in a criminal trial, no matter what the
25 seriousness of the charge may be will always be presumed

1 to be innocent of the crime for which the indictment was
2 issued unless guilt has been proven by evidence
3 satisfying you of that guilt beyond a reasonable doubt.

4 This presumption of innocence does not end
5 when you begin your deliberations but it accompanies the
6 defendant throughout the trial unless you reach a
7 verdict of guilt based on evidence satisfying you of
8 that guilt beyond a reasonable doubt.

9 The presumption of innocence is like a robe of
10 righteousness placed about the shoulders of the
11 defendant, which remains with the defendant unless it
12 has been stripped from the defendant by evidence
13 satisfying you of the defendant's guilt beyond a
14 reasonable doubt. The presumption of innocence is not
15 mere legal theory. It is not just a legal phrase. It
16 is a substantial right to which every defendant is
17 entitled unless you, the jury, are satisfied from the
18 evidence of the defendant's guilt beyond a reasonable
19 doubt.

20 The State has the burden of proving the
21 defendant guilty beyond a reasonable doubt. Some of you
22 may have served as jurors in civil cases where you are
23 told it is only necessary to prove that a fact is more
24 likely true than not true such as by the greater weight
25 or preponderance of the evidence.

1 In criminal cases, the State's proof much be
2 more powerful than that. It must be beyond a reasonable
3 doubt as to each element of each offense charged.

4 What is a reasonable doubt in the law? A
5 reasonable doubt is the kind of doubt that would cause a
6 reasonable person to hesitate to act. Proof beyond a
7 reasonable doubt is proof that leaves you firmly
8 convinced of the defendant's guilt. There are very few
9 things in this world that we know with absolute
10 certainty. And in criminal cases, the law does not
11 require proof that overcomes every possible doubt.

12 If, based on your consideration of evidence,
13 you are firmly convinced that the defendant is guilty of
14 the crime charged, you must find the defendant guilty;
15 if, on the other hand, you think there's a real
16 possibility that the defendant is not guilty, you must
17 give the defendant the benefit of the doubt and find him
18 not guilty.

19 Mere suspicion, however strong, is not enough
20 to sustain a conviction. Suspicion implies a belief or
21 opinion as to guilt based on facts or circumstances,
22 which do not amount to proof.

23 There are four indictments in this case
24 alleging four different offenses against the defendant:
25 Murder, burglary first degree, attempted armed robbery

1 and criminal conspiracy. Each charge is a separate and
2 distinct offense. I remind you that the fact that a
3 defendant was arrested, charged and indicted in this
4 case is not evidence and cannot be considered by you as
5 evidence of guilt in this case; nor does it create any
6 presumption or inference of guilt.

7 The indictment is simply the formal written
8 instrument which contains the charges made against the
9 defendant.

10 In order to establish criminal liability,
11 criminal intent is required. The dictionary defines
12 "intent" as the "state of a person's mind that directs
13 his actions towards a specific object."

14 Criminal intent must be proven by the State
15 beyond a reasonable doubt. Criminal intent is a mental
16 state, a conscious wrongdoing. It is up to you to
17 determine what the defendant intended to do based on the
18 circumstances shown to have existed.

19 A specific intent crime requires that the
20 defendant had the intent to cause a particular result or
21 that the defendant had the specific intent in committing
22 the act. A person acts with specific intent when his
23 conscious objective is to cause the specific result
24 prescribed by the statute defining the events.

25 The State is required to prove the element of

1 malice beyond a reasonable doubt for the charge of
2 murder. If you are not satisfied that the State proven
3 the element of malice beyond a reasonable doubt, you
4 must find the defendant not guilty.

5 The defendant is charged with murder. The
6 State must prove beyond a reasonable doubt that the
7 defendant killed another person with malice
8 aforethought. Malice is hatred, ill-will or hostility
9 towards another person. Malice aforethought does not
10 require the malice exist for any particular time before
11 the act is committed but malice must exist in the mind
12 of the defendant just before and at the time the act is
13 committed; therefore, there must be a combination of the
14 previous evil intent and the act.

15 Malice aforethought may be expressed or
16 inferred. These terms "expressed" and "inferred" do not
17 mean different kinds of malice but merely the manner in
18 which malice may be shown to exist. That is either by
19 direct evidence or by inference from the facts and
20 circumstances which are proved.

21 "Expressed" malice is shown when a person
22 speaks words which express hatred or ill-will for
23 another or when the person prepared beforehand to do the
24 act which was later accomplished. Malice may be
25 inferred from conduct showing a total disregard for

1 human life.

2 The defendant is charged with first-degree
3 burglary. The State must first prove beyond a
4 reasonable doubt that the defendant entered a dwelling
5 without consent. A dwelling is any building or portion
6 of a building in which a person ordinarily sleeps. A
7 building constructed as a dwelling that has never be
8 occupied cannot be considered a dwelling for purposes of
9 burglary but a building is a dwelling even if the
10 residents are temporarily absent from the building.

11 In order to prove that the defendant entered
12 the dwelling, the State does not have to show that the
13 defendant's entire body entered the dwelling. The
14 smallest entry is sufficient. It may be any part of the
15 body, such as a hand, or foot or even an instrument such
16 as a hook or other instrument.

17 In addition, the State does not have to prove
18 that force was used to gain entry. If a person enters a
19 building by using deception, artifice, trick or
20 misrepresentation to get consent to enter, this is an
21 entry without consent.

22 Next, the State must prove beyond a reasonable
23 doubt that the defendant intended to commit a crime,
24 either a felony or a misdemeanor at the time of the
25 entry. The mere entry into a dwelling without consent

1 is not burglary. If the intent to commit a crime is
2 formed after the entry, it is not a burglary.

3 On the other hand, if the defendant intended
4 to commit a crime at the time of the entry, it is a
5 burglary even if the intent was abandoned after the
6 entry. It does not matter that the intended crime was
7 not completed.

8 Intent may be shown by acts and conduct of the
9 defendant and other circumstances from which you may
10 naturally and reasonably infer intent.

11 Finally, the State must prove beyond a
12 reasonable doubt one or more of the following: One,
13 when entering, while in the dwelling or when fleeing the
14 defendant or an accomplice was armed with a deadly
15 weapon or explosive. A deadly weapon is any article,
16 instrument or substance which is likely to cause death
17 or great bodily injury harm. Whether an instrument has
18 been used as a deadly weapon is the fact and
19 circumstances of each case.

20 The following are examples of instruments that
21 may be deadly weapons: A pistol, a shotgun, a rifle, a
22 dirk, a dagger, a knife, a slingshot, metal knuckles, a
23 razor, gasoline, a firebomb, Molotov cocktail and
24 lighter fluid. A gun may be a deadly weapon even if it
25 is not operating;

1 And/or two, when entering or while in the
2 dwelling or when fleeing, the defendant or an accomplice
3 caused physical injury to anyone not participating in
4 the crime;

5 And/or three, when entering while in the
6 dwelling or when fleeing, the defendant or an accomplice
7 used or threatened to use a dangerous object;

8 And/or four, when entering while in the
9 dwelling or when fleeing, the defendant or an accomplice
10 displayed what was or appeared to be a knife, pistol,
11 revolver, rifle, shotgun, machine gun or other firearms;

12 And/or five, the defendant entered or remained
13 in the dwelling in the nighttime.

14 Nighttime is the period between sunset and
15 sunrise during which there is not enough daylight to
16 recognize a person's face except by artificial light or
17 moonlight. An attempt is an effort to accomplish a
18 crime which does not succeed.

19 An attempt includes a specific intent to do a
20 particular criminal act along with an act falling short
21 of the act intended.

22 The State must show more than mere preparation
23 and intent. There must be some overt act committed in
24 the effort to commit the crime.

25 Intent means intending the result which

1 actually occurs or could have occurred; not accidentally
2 or involuntary. Intent may be shown by acts and conduct
3 of the defendant and other circumstances from which you
4 may naturally and reasonably infer.

5 The defendant is charged with attempted armed
6 robbery. In order to prove this offense, the State must
7 first prove beyond a reasonable doubt that the defendant
8 attempted to take personal property from the person or
9 presence of another person.

10 Property is in the presence of a person if it
11 is within the person's reach, inspection, observation,
12 or control, so that the person could, if not overcome by
13 violence or prevented by fear, keep possession of the
14 property.

15 The State must also prove beyond a reasonable
16 doubt that the defendant attempted to carry the property
17 away intending to permanently deprive the owner of the
18 property and keep the property for the defendant's own
19 use. The slightest removal of the property or the
20 complete possession of the property, even for an instant
21 by the defendant, is sufficient to show a taking and
22 carrying away of the property. The attempted taking and
23 carrying away of the property must have been done by
24 violence or by putting the own of the property in fear
25 of violence.

1 Finally, the State must prove beyond a
2 reasonable doubt the defendant was armed with a deadly
3 weapon during the attempted armed robbery. A deadly
4 weapon is an article, instrument or substance which is
5 likely to cause death or great bodily harm. Whether an
6 instrument had been used as a deadly weapon depends on
7 the facts and circumstances of each case.

8 The following are examples of instruments
9 which may be deadly weapons: A pistol, a shotgun, a
10 rifle, a dirk, a dagger, a knife, a sling, shotgun,
11 metal knuckles, a razor, gasoline, a firebomb or Molotov
12 cocktail and lighter fluid. A gun may be a deadly
13 weapon even if it is not operating.

14 The defendant is charged with conspiracy. The
15 State must prove beyond a reasonable doubt that the
16 defendant combined with one or more persons for the
17 purpose of committing an unlawful act or of committing a
18 lawful act by unlawful means. There must be a mutual
19 understanding, agreement or common intention and plan.

20 Mere pass of knowledge of or consent to the
21 criminal conduct of another is not enough to make a
22 person a conspirator. There must be guilty knowledge
23 and participation.

24 Similarly, the mere fact that the defendant
25 may have associated with another person or met with

1 another person and discussed common aims and interest,
2 does not necessarily establish proof of the existence of
3 a conspiracy or that the defendant was involved in a
4 conspiracy; on the other hand, it is not necessary that
5 the agreement be a formal one, that it be in writing,
6 that the persons hold a meeting and expressly state the
7 terms of the common plan or that the agreement be stated
8 in words between them.

9 The agreement of a criminal conspiracy may
10 come into being during implied mutual understanding, the
11 willful intentional and knowing enough to where two or
12 more persons of a common plan is sufficient. No overt
13 acts need to be shown to establish a conspiracy. A
14 conspiracy may be shown by circumstantial evidence and
15 conduct of the parties.

16 In order to convict the defendant of
17 conspiracy, the State must prove beyond a reasonable
18 doubt, not only that the defendant knew of the unlawful
19 conduct, but the defendant agreed to combined with the
20 other person for the purpose of accomplishing the
21 unlawful conduct.

22 If a crime is committed by two or more people
23 acting together in committing a crime, the act of one is
24 the act of all. A person who joins with another to
25 commit an unlawful act is criminally responsible for

1 everything done by the other person, which happens as a
2 probable or natural consequence of the acts done and in
3 carrying out the common plan and purpose.

4 For example, two people can be guilty of
5 killing another person when only one of the two had a
6 gun. There was only one bullet and one of the two fired
7 the shot that caused the death. If two or more people
8 are together, acting together, assisting each other in
9 committing the offense, the act of one is the act of
10 all; or as it is sometimes said, the hand of one is the
11 hand of all.

12 Prior knowledge that a crime is going to be
13 committed without more is not sufficient to make a
14 person guilty of that crime. Mere knowledge that
15 another person is going to commit a crime, even if the
16 defendant is present when the crime is committed, is not
17 sufficient to convict the defendant as a principal.
18 Guilt, as a principle, is shown by actual or
19 constructive presence at the scene as a result of prior
20 arrangement; therefore, a finding of a prior arranged plan
21 or common scheme is necessary for a finding of guilt as
22 a principle.

23 The State must prove beyond a reasonable doubt
24 by competent evidence the theory of the hand of one is
25 the hand of all. A principal in a crime is one who

1 either actually commits the crime or is present, aiding
2 and abetting or assisting in committing the crime. When
3 a person does an act in the presence of and with the
4 assistance of another, the act is done by both where two
5 or more acting with a common plan or intent are present
6 at the commission of a crime. It does not matter who
7 actually commits the crime, all are guilty. The hand of
8 one is the hand of all.

9 Present at the commission of a crime needs to
10 be sufficiently near to aid and abet and assist in the
11 commission of the crime. However, mere presence at the
12 scene of a crime is not sufficient to convict one as a
13 principal on the theory of aiding and abetting.

14 Intent is also a necessary element for there
15 must have been a common design or intent to commit the
16 crime and the crime must have been committed pursuant
17 thereto with the person aiding and abetting by some
18 overt act.

19 Intent means intending the result which
20 actually occurs, not accidentally or involuntary.
21 Intent may be shown by acts and conduct of the defendant
22 and other circumstances from which you may naturally and
23 reasonably infer intent. The State must prove these
24 elements beyond a reasonable doubt.

25 Further, the fact that the defendant elected

1 not to testify is not a factor to be considered by you
2 in anyway in your deliberations and in your
3 consideration on the question of whether the defendant
4 is guilty or not guilty. It must not be considered in
5 any manner whatsoever against time. An accused has the
6 constitutional right to remain silent and the assertion
7 of that right cannot be considered by you in your
8 deliberations.

9 Under your oath, you are to reach no inference
10 and draw no conclusion whatsoever from the fact the
11 defendant elected not to testify. His decision not to
12 testify should not even be discussed in the jury room.
13 It is not to enter your minds in making your decisions.
14 The State has the entire burden of proof and the accused
15 has no burden to prove anything at all.

16 A verdict in this case cannot be based upon
17 sympathy, passion, prejudice or emotion or some other
18 consideration not found in the evidence.

19 I charge you that as jurors, you must decide
20 the issues involved in this proceeding based solely upon
21 the evidence which you heard during the course of the
22 trial. Your verdict must be without bias and without
23 prejudice to any party. You cannot allow yourselves to
24 be governed by sympathy, by prejudice, by passion, by
25 public opinion or by some other consideration not found

1 in the evidence.

2 Let me say something about your deliberations.
3 Deliberation is defined as careful consideration
4 weighing up with a view to a decision. The genius of
5 our jury system is that it allows 12 good men and women
6 from 12 different backgrounds, life experiences and
7 prospective to consider the evidence, talk about it and
8 ultimately reach a verdict. We call them deliberations
9 for a reason. You are to considerate the evidence in
10 this case carefully and deliberately and to discuss it
11 in a calm, thorough and courteous manner.

12 Listen to the views of all your fellow jurors.
13 Consider other peoples points and point of view, talk
14 through it and discuss the evidence and remember, if
15 you're doing something deliberately, you're not in a big
16 hurry and you should not be in a hurry here. This case
17 is very important to all the parties and this trial is
18 their only day in court.

19 When you retire to the jury room, you should
20 discuss the case with your fellow jurors to reach an
21 agreement if you can do so. Your verdict must be
22 unanimous. Each of you must decide the case for
23 yourself, but you should do so only after you have
24 impartially considered all the evidence, discussed it
25 fully with the other jurors and listen to the views of

1 your fellow jurors.

2 Do not be afraid to change your opinion if the
3 discussion persuades you that you should. But do not
4 come to a decision simply because other jurors think it
5 is right. It is important that you attempt to reach a
6 unanimous verdict but, of course, only if each of you
7 can do so after having made your own decision.

8 Do not change an honest belief about the
9 weight and effect of the evidence simply to reach a
10 verdict. In other words, do not change your opinion
11 solely for the sake of reaching a unanimous verdict.

12 There are two possible verdicts to which you
13 may find in this case; guilty or not guilty. There is
14 no significance whatsoever in the order in which I state
15 these possible verdicts, it is simply that one must be
16 stated first. Your verdict must be a unanimous one.

17 Madam forelady, you're going get the verdict
18 form which you will see. At the top it has the basic
19 caption information, the name, the indictment, et
20 cetera. And then there are four essential verdicts.

21 Number 1: As to the charge of murder, "we,"
22 the jury, find the defendant guilty or not guilty?

23 You'll make a unanimous decision and check
24 whichever one applies.

25 Question Number 2: As to the charge of

1 burglary in the first degree, "we," the jury, find the
2 defendant guilty or not guilty?

3 Number 3: As to the charge of attempted armed
4 robbery, "we," the jury, find the defendant guilty or
5 not guilty?

6 Number 4: As to the charge of criminal
7 conspiracy, "we," the jury find the defendant guilty or
8 not guilty?

9 Each one of these must be a unanimous verdict.
10 After you reach your verdict, Madam forelady, you will
11 sign it and date it and knock on the door. At this
12 point, you're not going to start deliberating just yet
13 because we're going to send you back there and then we
14 need to get all the evidence to you.

15 You will have all the physical evidence there
16 with you. You will also have a laptop where you can put
17 in this CD or whatever it maybe if you wish to view
18 them. But don't start deliberating until you get the
19 evidence. When you're back there and you get the
20 evidence with the jury charges and the verdict form on
21 top, then send the two alternates back out here. Once
22 the two alternates leave, then you can start your
23 deliberation.

24 So we're going to send you back to the
25 deliberation room but do not start deliberating yet.

1 Thank you.

2 (Jury exited.)

3 THE COURT: Anything from the State as to the
4 jury charges?

5 MR. POTTS: No, your Honor.

6 THE COURT: Anything from the defense?

7 MR. HAYES: Nothing from the defense, Judge.

8 THE COURT: We're going to go off the record
9 in short recess. If counsel will find all the evidence
10 and once y'all confirm it, we'll go back on the
11 record -- to pull the record that is the appropriate
12 stuff to send back.

13 So short recess.

14 (Whereupon, a short recess was taken.)

15 THE COURT: Back on the record.

16 Mr. Fowler, did you have a chance to go over
17 the evidence?

18 MR. FOWLER: I did, your Honor. And all the
19 State's exhibits are accounted for and I was just going
20 to say that there's a clean jury laptop with a charger
21 and CD drive.

22 THE COURT: Mr. Hayes, you reviewed the
23 evidence too?

24 MR. HAYES: Yes, sir.

25 THE COURT: We're not sending back anything

1 that didn't go in?

2 MR. HAYES: I don't believe so. I mean, I
3 didn't really keep that close of a track.

4 THE COURT: Okay. Noted for the record.

5 We'll send in the evidence and the jury
6 verdict form and we'll send the two alternates back out
7 here.

8 (Whereupon, a short recess was taken.)

9 THE COURT: Mr. and Ms. Alternate 1 and 2. It
10 looks like we have a full healthy jury back there.
11 While we don't need you, we do appreciate your service
12 this week. It can't work without y'all as you never
13 know if we're missing a juror or not. So you just being
14 here made this trial go very smoothly. So thank you for
15 your service. You are free to leave. If you need a
16 work excuse anything like that, Pat will take care of
17 you.

18 The attorneys might reach out to you if
19 they've got questions. You can talk to them but you
20 don't have to if you don't want too.

21 With that, thank you for your service.

22 Court is in recess.

23 (Whereupon, a short recess was taken.)

24 (Jury deliberations began at 3:12 p.m.)

25

1 * * *

2 THE BAILIFF: Remain seated and come to order.

3 THE COURT: You may be seated.

4 We have a jury note: Can we get a definition
5 of the hand of one is the hand of many in layman terms,
6 not legal terms?

7 The answer to that will be no. I'll instruct
8 them to use the instructions that they have back there
9 with them.

10 Anything from the State as to that?

11 MR. POTTS: Your Honor, I think you should
12 send a note back there saying we're right and they're
13 wrong too. If you don't mind.

14 MR. HAYES: I object to that, Judge.

15 THE COURT: Noted for the record.

16 MR. POTTS: Your Honor, I think that's totally
17 appropriate, your Honor.

18 THE COURT: Let's bring the jury in.

19 (Court's Exhibit 12, Jury Question 1, was
20 admitted for identification.)

21 THE BAILIFF: The juror is present and seated,
22 your Honor.

23 THE COURT: Thank you, sir.

24 Thank you, Madam Forelady and fellow jurors
25 for your note.

1 You asked for the jury instruction in layman
2 terms, not legal terms.

3 I give legal terms. So, unfortunately, you
4 need to use the instructions that were provided. The
5 definition is in there. I believe it's s couple of
6 pages. So we just ask that you refer to the
7 instructions as to the hand of one hand of all.

8 But thank you for the question. We're going
9 to let you continue your deliberations.

10 Thank you.

11 (Jury exited.)

12 THE COURT: Anything from the State?

13 MR. POTTS: No, your Honor.

14 THE COURT: Defense?

15 MR. HAYES: No, sir.

16 THE COURT: All right. Back in recess.

17 (Whereupon, jury continued
18 deliberations.)

19 * * *

20

21 THE COURT: Come to order. Remain seated.

22 We have a juror note: We cannot come to an
23 agreement on one charge.

24 I'm going to bring them out and read them an
25 *Allen* charge.

1 Anything from the State?

2 MR. HAYES: No, your Honor.

3 THE COURT: Anything from the defense?

4 MR. HAYES: No, sir.

5 (Court's Exhibit 13, Jury Question 2, was
6 marked for identification.)

7 THE BAILIFF: The jury is seated and present,
8 your Honor.

9 THE COURT: Thank you, sir.

10 Thank you, Madam Forelady. I've received your
11 note from you and your fellow jurors stating that you
12 cannot come to an agreement on one charge. I will give
13 further instructions at this point.

14 Ladies and gentlemen of the jury, when any
15 matter is in dispute, it is not always easy even for two
16 people to agree; therefore, I understand when 12 people
17 must agree, it becomes much more difficult.

18 It is important that you attempt to end the
19 case without a single one of you doing violence to your
20 conscience. It is your duty as jurors to consult with
21 one another and to deliberate with a view towards
22 reaching an agreement if you can do so without violence
23 towards your individual judgement.

24 Each of you must decide the case for yourself,
25 but do so only after an impartial consideration of the

1 evidence in the case with your fellow jurors. In the
2 course of your deliberation, do not hesitate to
3 reexamine your own views and change your opinion, if
4 convinced that your opinion is erroneous. No juror is
5 expected to give up his or her opinion based on
6 reasoning satisfactory to yourself merely for the
7 purpose of being in agreement and I want you to
8 understand that. And do not surrender your honest
9 convictions as to the weight or affect of the evidence
10 solely because the opinion of your fellow jurors is
11 contrary to your opinion for the mere purpose of
12 returning a verdict.

13 It has never been intended that the verdict of
14 a jury shall be the verdict of any one person; on the
15 other hand, the verdict of the jury is the collective
16 reasoning of all persons put together. The reason we
17 have a jury is so that we might have the benefit of the
18 collective thought or collective reasoning of the jury.
19 It may help to tell the other jurors how you feel about
20 the case and why you think as you do and I'm sure that
21 you've be doing that.

22 On the other hand, it may help if the other
23 jurors exchange views with you. And I ask that you
24 listen to each other and give to the other's thought
25 such meaning as you think they should have.

1 I'm now going to ask that you again retire to
2 your jury room for further deliberations and see if you
3 can reach a verdict in this case as to that one charge.

4 And let me close by reminding you again that
5 while it was important that you attempt to come to a
6 decision, you should do so without any juror doing
7 violence to his or her own conscious. No juror is
8 expected to give up an opinion based on reasoning
9 satisfactory to himself merely for the purpose of being
10 in agreement.

11 With that, I'm going to ask that you retire
12 back to your jury deliberation room and continue your
13 deliberations. Thank you.

14 (Jury exited.)

15 THE COURT: Anything from the State?

16 MR. POTTS: No, your Honor. That's the *Allen*
17 change? I never heard that one.

18 THE COURT: That's the new and appropriate
19 one.

20 MR. POTTS: I'm sure. I have no doubt it's
21 the appropriate one.

22 MR. HAYES: No objection, Judge.

23 THE COURT: All right. Back in recess.

24 (Whereupon, jury continued
25 deliberations.)

* * *

1

2

3

THE BAILIFF: Remain seated.

4

THE COURT: You may be seated.

5

We got a note from the jury: We are 9 to 3

6

and we cannot come to an agreement.

7

What I'm going to do is bring the forelady out

8

and confirm that it's deadlocked as to one charge and

9

that would be a mistrial. And if we have a verdict on

10

the other three, just confirm the verdict sheet is

11

properly marked and we'll handle that procedurally.

12

Anything from the State before we do that?

13

MR. POTTS: No, your Honor.

14

THE COURT: Anything from the defense?

15

MR. HAYES: No, sir.

16

THE COURT: And for the record, they were

17

Allen charged after that first note. They deliberated

18

for an hour and a half or so. Further, they sent a

19

second note. So I have no option but to declare a

20

mistrial as to that; however, charged with one or more

21

manifest necessity based on the statute and case law.

22

So let's bring out just the forelady.

23

THE BAILIFF: Madam forelady is present your

24

Honor.

25

THE COURT: Madam forelady, we received your

1 note. I wanted to ask you a couple questions. Just
2 "yes" or "no." I don't want you to volunteer any
3 additional information.

4 It's my understanding that the jury cannot
5 come to an agreement for one charge only; is that
6 correct?

7 MADAM FORELADY: Uh-huh.

8 THE COURT: Did the jury -- did you say "yes"?

9 MADAM FORELADY: Yes.

10 THE COURT: Just for the record.

11 Did the jury come to a unanimous verdict as to
12 the other three charges?

13 MADAM FORELADY: Yes.

14 THE COURT: Is the verdict form marked
15 properly for those other three charges?

16 MADAM FORELADY: Yes.

17 THE COURT: We'll send you back and we'll
18 bring out the rest of the jury.

19 MADAM FORELADY: Okay.

20 THE COURT: Anything from the State before I
21 bring the jury out?

22 MR. POTTS: No, your Honor.

23 THE COURT: Anything from the defense?

24 MR. HAYES: No, sir.

25 THE COURT: Before we bring in the jury, when

1 the verdict is read, they'll be no outbursts of any
2 kind. I know this an emotional case, an emotional
3 trial, however, there will be no outburst of any kind.

4 If you feel like you can't be here for it,
5 that's completely understandable but you'll need to
6 leave now before the jury comes. And you'll be able to
7 come back after the verdict is read if you believe you
8 can't handle yourself which is completely
9 understandable.

10 And remain seated when the jury comes back in
11 and remain seated when the verdict is published in case
12 there is an issue and they have to go back out.
13 Everyone remain seated.

14 MR. POTTS: Yes, your Honor.

15 MR. HAYES: Thank you, your Honor.

16 (Court's Exhibit 14, Jury Question 3, was
17 marked for identification.)

18 THE COURT: Let's bring the jury out.

19 THE BAILIFF: The jury is present and seated,
20 your Honor.

21 THE COURT: Thank you, sir.

22 Thank you, Madam Forelady and fellow jurors.

23 Madam Forelady, it's my understanding the jury
24 has reached an unanimous verdict as to three of the
25 charge; is that correct?

1 MADAM FORELADY: Yes.

2 THE COURT: If you will hand the verdict form
3 to the bailiff.

4 The verdict form is in the proper form.

5 Madam Forelady, I'll have you just sign this
6 and date this, okay?

7 MADAM FORELADY: (Complied.)

8 THE COURT: Let the record reflect that the
9 forelady signed the verdict form and dated it.

10 Madam clerk, you may publish the verdict.

11 MADAM CLERK: Yes, sir. Your Honor.

12 Indictment No. 2019-GS-40-01719; Indictment
13 No. 2021-GS-40-01720; Indictment No. 2021-GS-40-01721,
14 The State of South Carolina vs. Christopher Alexander
15 Cravets as to the charge of burglary in the first
16 degree, "we," the jury, find the defendant guilty.

17 As to the charge of attempted armed robbery,
18 "we," the jury find the defendant guilty.

19 As to the charge of criminal conspiracy, "we,"
20 the jury, find the defendant guilty.

21 Signed No. 217, foreperson, August 14, 2024.

22 Madam forelady, are these your verdicts and
23 the verdicts of the entire jury?

24 MADAM FORELADY: Yes.

25 MADAM CLERK: Thank you.

1 MADAM CLERK: No. 216, were these your
2 verdicts?

3 JUROR NO. 216: Yes.

4 MADAM CLERK: Are these still your verdicts?

5 JUROR NO. 216: Yes.

6 MADAM CLERK: No. 177 were these your
7 verdicts?

8 JUROR NO. 177: Yes.

9 MADAM CLERK: Are these still your verdicts?

10 JUROR NO. 177: Yes.

11 MADAM CLERK: No. 34, were these your
12 verdicts?

13 JUROR NO. 34: Yes.

14 MADAM CLERK: Are they still your verdict?

15 JUROR NO. 34: Yes.

16 MADAM CLERK: No. 156 were these your
17 verdicts?

18 JUROR NO. 156: Yes.

19 MADAM CLERK: Are these still your verdict?

20 JUROR NO. 156: Yes.

21 MADAM CLERK: The jury has been polled, your
22 Honor.

23 THE COURT: Thank you, Madam Clerk.

24 Thank you, ladies and gentleman.

25 As to the first charge of murder, that has

1 been declared a mistrial. I want to thank you for your
2 service. I know it hasn't been easy this week,
3 especially working after 5 o'clock. It's not easy to be
4 away from your family and your professional life so I
5 want to thank you for your dedication of your service to
6 your county and your state. I won't belabor the point
7 in thanking you anymore but it is appreciated.

8 At this point, if you need any work excuses or
9 any questions, the bailiff and the clerk will address
10 that. We'll have you go back to the deliberation room
11 to remove your IDs, get all your personal belongings and
12 again, thank you for your service.

13 Sentencing for this will be tomorrow at 9:30
14 a.m. if you wish to join.

15 Thank you.

16 (Jury exited.)

17 THE COURT: Anything else from the State?

18 MR. POTTS: No, your Honor.

19 THE COURT: Anything from the defense?

20 MR. HAYES: Judge, just briefly. I would
21 request ten days to make any kind of post-trial motions
22 pursuant to Rule 29.

23 THE COURT: Granted. Sentencing will be
24 tomorrow at 9:30 a.m.

25 Court is adjourned.

1 (Whereupon, Court was adjourned for the
2 day.)

3 S E N T E N C I N G

4 * * *

5 THE BAILIFF: All rise.

6 THE COURT: You may be seated. Good morning.

7 I had to meet with SLED.

8 All right. Yes, sir.

9 MR. POTTS: Thank you, your Honor. The State
10 calls Christopher Cravets.

11

12 C H R I S T O P H E R C R A V E T S, the Witness
13 herein, having been sworn by the Clerk of Court, was
14 examined and testified as follows:

15

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Yes, sir.

18 MR. POTTS: Your Honor, standing before you is
19 Christopher Cravets. As you are well aware, we had a
20 trial here this week. Last night, at approximately 7
21 o'clock, the jury returned a verdict of guilty on one
22 count of burglary in the first degree, one count
23 attempted armed robbery and one count of criminal
24 conspiracy. We are here this morning for his
25 sentencing, your Honor.

1 mother lived here. He lived in Georgia for a while with
2 his grandmother, who he really doesn't even know her
3 government name. He just called her "granny."

4 His mother suffered from addiction. That was
5 the household that he was raised in. So he really
6 wasn't given much of an opportunity to develop the way
7 that lots of people do. He was in a home that just
8 wasn't a healthy environment. He learned from a young
9 age. He was exposed to things that children probably
10 shouldn't be exposed to and ultimately that impacted the
11 life path that he winded up on.

12 He winded up at Lugoff Elgin High School until
13 the 10th grade when he just fell in with a bad crowd.
14 At 17, he's convicted of these robberies. He was 23 --
15 when this occurrence happened, he was 23. The 25 that
16 we're asking for here today on the topside of that is
17 longer than he'd been alive at the time. It's a
18 significant sentence. It's a significant amount of
19 time. It's longer than he'd been alive from leading up
20 to the moment that lead him here.

21 So we would ask the Court to respectfully
22 consider the 20 to 25.

23 THE COURT: Thank you, Mr. Hayes.

24 MR. HAYES: Thank you.

25 THE COURT: I want to thank the victim for

1 being present throughout this trial. I want to thank
2 both attorneys on both sides for your professionalism
3 seen throughout the trial.

4 This was a difficult case based on the facts,
5 there's no doubt about it. I've taken into
6 consideration not just the facts of the case but the
7 jury's verdicts that were returned and the one that was
8 not and what they found. That's what I can base my
9 decision off of as well as your prior record.

10 In crafting a sentence, I can only seek
11 perfect justice and perfect mercy, and it's hard to find
12 that, however, I do have to impose a sentence.

13 As to the charge of conspiracy, you are hereby
14 committed to the State Department of Corrections for
15 five years.

16 As to the charge of attempted armed robbery,
17 you are hereby committed to the State Department of
18 Corrections for 20 years.

19 As to the charge of burglary in the first
20 degree, you're hereby committed to the State Department
21 of Corrections for the rest of your life.

22 All the charges run consecutive as well.

23 Quiet.

24 Good luck to you, sir.

25 MR. POTTS: Thank you, your Honor.

1 MR. HAYES: Thank you, Judge.

2 THE COURT: This matter has been concluded.

3 (Whereupon, the above-captioned case was
4 conclude.)

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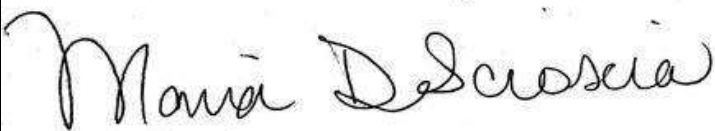
24

25

C E R T I F I C A T E

I, the undersigned Maria DiScioscia, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the record of all the proceedings in the captioned case, in the Circuit Court for Richland, South Carolina, on the 12th day of August, 2024 through the 15th day of August, 2024.

I do further certify that I am not related, either by blood or marriage, to any of the parties in this action; and that I am in no way interested in the outcome of this matter.



Maria DiScioscia
Official Court Reporter



367
Christopher Crave
[redacted] 196

INTERROGATION; ADVICE OF RIGHTS

10th Grady

YOUR RIGHTS

Place: Coyle P.D. in GA
Date: 12/27/19
Time: 1810

- ✓ Before we ask you any questions, you must understand your rights.
- ✓ You have the right to remain silent.
- ✓ Anything you say can be used against you in court.
- ✓ You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.
- ✓ If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
- ✓ If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure of coercion of any kind has been used against me.

Signed Christopher Crave

Witness: [Signature]

Witness: [Signature] 10784

Time: _____



INTERROGATION; ADVICE OF RIGHTS

YOUR RIGHTSPlace: 1 Justice SquareDate: 1/28/20Time: 1909

- ✓ Before we ask you any questions, you must understand your rights.
- ✓ You have the right to remain silent.
- ✓ Anything you say can be used against you in court.
- ✓ You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.
- ✓ If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
- ✓ If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure of coercion of any kind has been used against me.

Signed X Christopher CravetsWitness: [Signature]Witness: [Signature]

Time: _____

WITNESSES

(S) Chauncey B Duckett
- Columbia Police Department

DOCKET NO. 2021GS4001719

The State of South Carolina

County of

Richland

ARREST WARRANT NUMBER

2019A4021604117

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury APR 14 2021
Date:

VERDICT

Foreperson of Petit Jury
Date:

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

COURT OF GENERAL SESSIONS

APRIL TERM 2021

150

THE STATE
vs.

Christopher Alexander Cravets

Indictment for
BURGLARY / BURGLARY (AFTER JUNE
20, 1985) - FIRST DEGREE

SC Code: 16-11-0311
CDR Code: 0079

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on April 13, 2021, the
Grand Jurors of Richland County present upon their oath:

BURGLARY, 1ST DEGREE

That Christopher Alexander Cravets did in Richland County on or about November 25, 2019, enter the dwelling of located at [REDACTED] Clark St, without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, the defendant did enter the dwelling during the hours of nighttime, and/or while armed with a deadly weapon, and/or caused physical injury to a non-participant in the crime, and/or threatened the use of a dangerous instrument, and/or displayed what appeared to be a firearm, all in violation of Section 16-11-0311(A), Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



BYRON E. GIPSON, SOLICITOR

WITNESSES

(S) Chauncey B Duckett
- Columbia Police Department

ARREST WARRANT NUMBER

2019A4021604118

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury *Chauncey B Duckett*
Date: *APR 14 2021*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2021GS4001720

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2021
150

THE STATE
vs.

Christopher Alexander Cravets

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

Indictment for
ROBBERY / ARMED ROBBERY, ROBBERY
WHILE ARMED OR ALLEGEDLY ARMED
WITH A DEADLY WEAPON

SC Code: 16-11-0330(A)
CDR Code: 0139

SCANNED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on April 13, 2021, the
Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That Christopher Alexander Cravets did in Richland County on or about November 25, 2019, commit robbery by feloniously taking from the person or presence of Delon Summerset, by means of force or intimidation, goods or monies of Delon Summerset, such goods or monies being described as marijuana, and/or personal items, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he or she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of §16-11-330(A), SC Code of Laws (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



BYRON E. GIPSON, SOLICITOR

WITNESSES

(S) Chauncey B Duckett
- Columbia Police Department

DOCKET NO. 2021GS4001721

The State of South Carolina

County of

Richland

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead
guilty to the within indictment or to

ARREST WARRANT NUMBER

2019A4021604119

COURT OF GENERAL SESSIONS

APRIL TERM 2021

150

Defendant

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: APR 14 2021

VERDICT

Foreperson of Petit Jury
Date:

Indictment for
CONSPIRACY / CRIMINAL CONSPIRACY,
COMMON LAW CONSPIRACY DEFINED

SC Code: 16-17-0410
CDR Code: 0049

SCANNED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on April 13, 2021, the
Grand Jurors of Richland County present upon their oath:

CRIMINAL CONSPIRACY

That Christopher Alexander Cravets did in Richland County on or about
November 25, 2019, combine with Ralph Pitt, and/or with other persons, for the
purpose of accomplishing a criminal or unlawful object or an object that is neither
criminal nor unlawful through criminal or unlawful means, to wit: Burglary,
and/or Robbery, and/or Murder, in violation of Section 16-17-410, S. C. Code of
Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the
statute in such case made and provided.



BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Richland)
STATE) INDICTMENT/CASE#: 2021GS4001719
VS.)
Christopher Alexander Cravets)
AKA:) A/W#: 2019A4021604117
Date of Offense: 11/25/2019
S.C. Code §:
CDR Code #: 0079
Race: Black Sex: Male Age:)
DOB: /1996 SS#:)
Address:)
City, State, Zip: Columbia, SC 29223)
DL# * SID#)

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
☐ Defendant Pro Se ☒ WAS CONVICTED OF or ☐ PLEADS
In disposition of the above indictment comes now the Defendant who
TO: Burglary / Burglary (After June 20, 1985) - First degree

In violation of § of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)
The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The State's Position is:
☐ None
☐ Negotiated and Agreed Upon Sentence: Years, Months, Probation for Years, Months;
☐ Negotiated and Agreed as to Charges Only
☐ Recommended and Agreed Upon Sentence: Years, Months, Probation for Years, Months;
ATTEST: 76417
Solicitor SC Bar # Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of LIFE Hours/ Days/ Months/ Years ☐ Time Served
☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment
☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility
☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court
☐ Other:
☐ Judicial Review Days/ Months
☐ Youthful Offender Act not to exceed Days/ Months/ Years

provided that upon the service of _____ Hours/ Days/ Months/ Years ☐ Time Served

- ☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment
☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility
☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court
☐ Suspended To Batterer's Treatment
☐ Other: _____

And/ Or a payment of \$ _____ ; plus costs and assessments as applicable*

the balance is suspended with **probation** for _____ Months/ Years

- ☐ Suspended During Probation ☐ Suspended During Drug Court ☐ Suspended During Batterer's Treatment
☐ Other: _____

and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 8/15/24

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40. _____ days/months.

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. Section 922 and §16-25-30 it is unlawful for a person convicted of a violation of Section §16-25-20 or §16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

SPECIAL CONDITIONS:

☐ **PTUP** after _____ Months/ Years ☐ Home Detention Program(HIP)

And Other Terms Listed Below:

- ☐ Conditional Discharge
☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

☐ See Attached Restitution Order

Total \$ plus 20% fee: \$

Payment Terms: ☐ Set by SCDPPPS

Recipient:

*Fine: \$

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ Beginning

§14-1-206 (Assessments 107.5%) \$

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$

§56-5-2995 (DUI Assessment) \$12 \$

§56-1-286 (DUI Breath Test) \$25 \$

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$

§50-21-114 (BUI Breath Test Fee) \$50 \$

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) TBD \$

Other Costs (As Authorized by Cost Code)* \$

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees \$500

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD \$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: *Janette McBride*
Court Reporter: *D. Siaccia*

Presiding Judge: *[Signature]*
Judge Code: *2774*
Sentence Date: *8/15/24*

Specify Other Costs*

Cost Code	Cost Description	Amount
☐		
☐		
☐		
☐		
☐		

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland

STATE

VS.

INDICTMENT/CASE#: 2021GS4001720

Christopher Alexander Cravets

AKA:

Race: Black Sex: Male Age:

DOB: [REDACTED]/1996 SS#:

Address:

City, State, Zip: Columbia, SC 29223

DL# * SID#

A/W#: 2019A4021604118

Date of Offense: 11/25/2019

S.C. Code §: 16-11-330(B)

CDR Code #: 0026

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐☐ Defendant Pro Se☒ WAS CONVICTED OF or ☐ PLEADS

In disposition of the above indictment comes now the Defendant who

TO: Attempted Armed Robbery

In violation of § 16-11-330(B) of the S.C. Code of Laws, bearing CDR Code # 0026

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The State's Position is:

☐ None☐ Negotiated and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months;☐ Negotiated and Agreed as to Charges Only _____☐ Recommended and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months;

ATTEST:

[Signature] 76417
Solicitor SC Bar #[Signature] 75203
Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 20 Hours/ Days/ Months/ Years ☐ Time Served☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court☐ Other: _____☐ Judicial Review _____ Days/ Months☐ Youthful Offender Act not to exceed _____ Days/ Months/ Years

And/ Or to pay a fine of \$ _____ ;

STATE VS. Christopher Alexander Cravets INDICTMENT/CASE#: 2021GS4001720provided that upon the service of _____ Hours/ Days/ Months/ Years ☐ Time Served

- ☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment
- ☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility
- ☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court
- ☐ Suspended To Batterer's Treatment
- ☐ Other: _____

And/ Or a payment of \$ _____ ; plus costs and assessments as applicable*

the balance is suspended with **probation** for _____ Months/ Years

- ☐ Suspended During Probation ☐ Suspended During Drug Court ☐ Suspended During Batterer's Treatment
- ☐ Other: _____

and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or☒ CONSECUTIVE to sentence on:8/15/24☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40. _____ days/months.☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.**Pursuant to 18 U.S.C. Section 922 and §16-25-30 it is unlawful for a person convicted of a violation of Section §16-25-20 or §16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.****Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.****SPECIAL CONDITIONS:**☐ **PTUP** after _____ Months/ Years ☐ Home Detention Program(HIP)**And Other Terms Listed Below:**

- ☐ Conditional Discharge
- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

☐ See Attached Restitution Order

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine: _____ \$ _____

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) TBD \$ _____

Other Costs (As Authorized by Cost Code)* \$ _____

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees \$500

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD \$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: Janette McBride Jr

Court Reporter: Discordia

Presiding Judge: [Signature]

Judge Code: 2774

Sentence Date: 3/15/24

Specify Other Costs*

Cost Code	Cost Description	Amount
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland

STATE

VS.

INDICTMENT/CASE#: 2021GS4001721

Christopher Alexander Cravets

AKA:

Race: Black Sex: Male Age:

DOB: [REDACTED]/1996 SS#: [REDACTED]

Address:

City, State, Zip: Columbia, SC 29223

DL# * SID#

A/W#: 2019A4021604119

Date of Offense: 11/25/2019

S.C. Code &:

CDR Code #: 0049

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

☐ Defendant Pro Se

☒ WAS CONVICTED OF or ☐ PLEADS

In disposition of the above indictment comes now the Defendant who

TO: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

In violation of § _____ of the S.C. Code of Laws, bearing CDR Code # 0049

☒ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The State's Position is:

☐ None☐ Negotiated and Agreed Upon Sentence: Years, Months, Probation for Years, Months;☐ Negotiated and Agreed as to Charges Only

☐ Recommended and Agreed Upon Sentence: Years, Months, Probation for Years, Months;

ATTEST:

76417
Solicitor SC Bar #

Attorney for Defendant SC Bar # 7520

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of 5 Hours/ Days/ Months/ ~~Years~~ ☐ Time Served

☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment

☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility

☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court☐ Other: _____☐ Judicial Review Days/ Months☐ **Youthful Offender Act** not to exceed Days/ Months/ Years

And/ Or to pay a fine of \$ _____;

provided that upon the service of _____ Hours/ Days/ Months/ Years ☐ Time Served

- ☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment
☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility
☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court
☐ Suspended To Batterer's Treatment
☐ Other: _____

And/ Or a payment of \$ _____ ; plus costs and assessments as applicable*

the balance is suspended with **probation** for _____ Months/ Years

- ☐ Suspended During Probation ☐ Suspended During Drug Court ☐ Suspended During Batterer's Treatment
☐ Other: _____

and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 8/15/24

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40. _____ days/months.

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. Section 922 and §16-25-30 it is unlawful for a person convicted of a violation of Section §16-25-20 or §16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

SPECIAL CONDITIONS:

☐ **PTUP** after _____ Months/ Years ☐ Home Detention Program(HIP)

And Other Terms Listed Below:

- ☐ Conditional Discharge
☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

☐ See Attached Restitution Order

Total \$ plus 20% fee: \$

Payment Terms: ☐ Set by SCDPPPS

Recipient:

*Fine: \$

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ Beginning

§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$
Other Costs (As Authorized by Cost Code)*		\$

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

\$500
TBD
TOTAL \$ 3.75
128.75

Clerk of Court/Deputy Clerk: Janeth McBride
Court Reporter: Discioccia

Presiding Judge: [Signature]
Judge Code: 7711
Sentence Date: 8/15/24

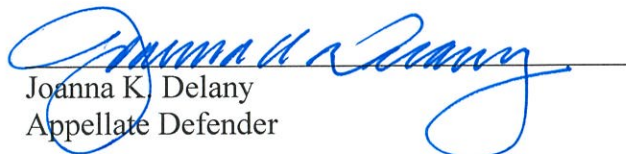
Specify Other Costs*

Cost Code	Cost Description	Amount
☐		
☐		
☐		
☐		
☐		

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED**Oct 20 2025****SC Court of Appeals**
Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 20th day of October, 2025.

RECEIVED

Oct 20 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Daniel McLeod Coble, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

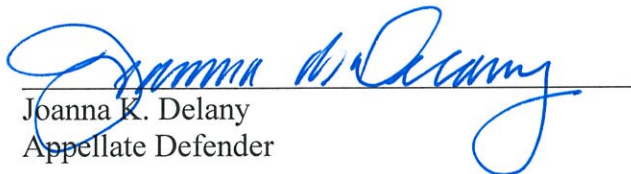
CHRISTOPHER ALEXANDER CRAVETS,

APPELLANT

APPELLATE CASE NO. 2024-001371

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Ambree M. Muller, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 20th day of October, 2025.


Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT