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SC Court of Appeals

VOLUME I OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Patrick Cleburne Fant, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MATTHEW TIMOTHY MOON,

APPELLANT

APPELLATE CASE NO. 2025-000139

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INDEX

TRIAL TRANSCRIPT DATED JANUARY 13, 14 and 15, 2025	1
OPENING STATEMENT BY MS. SHUGARS	16
OPENING STATEMENT BY MR. JEREMY CRANE	22
TESTIMONY	
STOREY GILCHRIST	
Direct Examination by Mr. Fretwell	26
Cross Examination by Mr. Jeremy Crane	64
Redirect Examination by Mr. Fretwell	77
Re-Cross Examination by Mr. Jeremy Crane	82
HANNAH STORY	
Direct Examination by Mr. Fretwell	87
Cross Examination by Mr. Jeremy Crane	99
Redirect Examination by Mr. Fretwell	108
MARISA ROBERTS	
Direct Examination by Mr. Fretwell	109
Cross Examination by Mr. Jeremy Crane	153
Voir Dire by Mr. Fretwell (IN CAMERA)	160
Continued Cross Examination by Mr. Jeremy Crane	162
Redirect Examination by Mr. Fretwell	183
Re-Cross Examination by Mr. Jeremy Crane	188
WESLEY BIRD	
Direct Examination by Ms. Shugars	191
Cross Examination by Mr. Jeremy Crane	209
Redirect Examination by Ms. Shugars.....	219
Re-Cross Examination by Mr. Jeremy Crane	220
JEFF NELSON	
Direct Examination by Mr. Fretwell	222
Cross Examination by Mr. Jeremy Crane	278
Redirect Examination by Mr. Fretwell	289
Re-Cross Examination by Mr. Jeremy Crane	293
KRISTIANNA WEPPLER	
Direct Examination by Ms. Shugars	297
Cross Examination by Mr. Jeremy Crane	309
Redirect Examination by Ms. Shugars.....	312
Re-Cross Examination by Mr. Jeremy Crane	314

ANDREW GILCHIRST	
Direct Examination by Mr. Fretwell	315
Cross Examination by Mr. Jeremy Crane	332
MICHAEL LAND	
Direct Examination by Ms. Shugars	339
Cross Examination by Mr. Jeremy Crane	354
Redirect Examination by Ms. Shugars.....	369
Re-Cross Examination by Mr. Jeremy Crane	371
WALTER “GRAY” ROBERTS	
Direct Examination by Mr. Fretwell	372
Cross Examination by Mr. Jeremy Crane	400
Redirect Examination by Mr. Fretwell	415
Re-Cross Examination by Mr. Jeremy Crane	420
MEGAN FLETCHER	
Direct Examination by Ms. Shugars	423
Cross Examination by Mr. Jeremy Crane	440
THE STATE RESTS	445
MOTION FOR DRIECTED VERDICT	445
COURT’S RULING	445
COLLOQUY WITH THE DEFENDANT REGARDING HIS RIGHT TO TESTIFY	448
TESTIMONY	
MATTHEW MOON	
Direct Examination by Mr. Jeremy Crane	460
Cross Examination by Ms. Shugars	492
Redirect Examination by Mr. Jeremy Crane.....	506
Re-Cross Examination by Ms. Shugars	509
Further Redirect Examination by Mr. Jeremy Crane.....	510
CLOSING ARGUMENT BY MR. FRETWELL	522
CLOSING ARGUMENT BY MR. JEREMY CRANE.....	546
REBUTTAL CLOSING ARGUMENT BY MR. FRETWELL	558
CHARGE ON THE LAW	559

JURY QUESTIONS	577
VERDICT	583
SENTENCING	590
INDICTMENTS AND SENTENCE SHEETS.....	593
COURT’S EXHIBIT #2 (STIPULATION).....	604
COURT’S EXHIBIT #3 (STIPULATION).....	605
COURT’S EXHIBIT #4 (STIPULATION).....	606
COURT’S EXHIBIT #7 (STIPULATION).....	608
COURT’S EXHIBIT #9 (JURY QUESTION).....	609
COURT’S EXHIBIT #10 (JURY CHARGES)	610
COURT’S EXHIBIT #11 (JURY NOTE)	630
CERTIFICATE OF COUNSEL	631

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBITS #1 (9-1-1 RECORDING), #22 (VIDEO: MOON BWC/ICV),
#35 (VIDEO: BIRD’S BWC), #36 (AZZARA’S BWC), #75 (AERIAL MAP), and
DEFENDANT’S EXHIBITS #1-3 (PHOTOS)**

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2022-GS-23-05028
COUNTY OF GREENVILLE	)	
	)	
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
MATTHEW TIMOTHY MOON,	)	
DEFENDANT.	)	
	)	

January 13, 14 and 15, 2025
Greenville, South Carolina

B E F O R E:

THE HONORABLE PATRICK CLEBURNE FANT, III, JUDGE

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INDEX

(SW) - Denotes State's Witness
 (DW) - Denotes Defense Witness
 (IC) - Denotes In Camera

PAGE

Monday, January 13, 2025

Pretrial Matters	9
Jury Voir Dire	16
Jury Selection	31

Tuesday, January 14, 2025

Jackson v. Denno Hearing:

(IC) MARISA ROBERTS:

Direct Examination by Mr. Fretwell	44
Cross-Examination by Mr. Jeremy Crane	59
Redirect Examination by Mr. Fretwell	63

(IC) WESLEY BIRD:

Direct Examination by Mr. Jeremy Crane	67
Cross-Examination by Mr. Fretwell	75

(IC) WALTER "GRAY" BOWERS:

Direct Examination by Mr. Jeremy Crane	78

Motion	90
Jury Instructions	94
Opening Statement by Ms. Shugars	102
Opening Statement by Mr. Jeremy Crane	108

(SW) STOREY GILCHRIST:

Direct Examination by Mr. Fretwell	112
Cross-Examination by Mr. Jeremy Crane	150
Redirect Examination by Mr. Fretwell	163
Recross-Examination by Mr. Jeremy Crane	168

(SW) HANNAH STORY:

Direct Examination by Mr. Fretwell	180
Cross-Examination by Mr. Jeremy Crane	192
Redirect Examination by Mr. Fretwell	201

INDEX (Continued)

(SW) - Denotes State's Witness

(DW) - Denotes Defense Witness

(IC) - Denotes In Camera

PAGE

(SW) MARISA ROBERTS:

Direct Examination by Mr. Fretwell 203

Wednesday, January 15, 2025

(SW) MARISA ROBERTS:

Cross-Examination by Mr. Jeremy Crane 246

Voir Dire by Mr. Fretwell 253

Cross-Examination by Mr. Jeremy Crane 255

Continued

Redirect Examination by Mr. Fretwell 276

Recross-Examination by Mr. Jeremy Crane 281

(SW) WESLEY BIRD:

Direct Examination by Ms. Shugars 284

Cross-Examination by Mr. Jeremy Crane 302

Redirect Examination by Ms. Shugars 312

Recross-Examination by Mr. Jeremy Crane 313

(SW) JEFF NELSON:

Direct Examination by Mr. Fretwell 315

Cross-Examination by Mr. Jeremy Crane 371

Redirect Examination by Mr. Fretwell 382

Recross-Examination by Mr. Jeremy Crane 386

(SW) KRISTIANNA WEPPLER:

Direct Examination by Ms. Shugars 390

Cross-Examination by Mr. Jeremy Crane 402

Redirect Examination by Ms. Shugars 405

Recross-Examination by Mr. Jeremy Crane 407

(SW) ANDREW GILCHRIST:

Direct Examination by Mr. Fretwell 408

Cross-Examination by Mr. Jeremy Crane 425

(SW) MICHAEL LAND:

Direct Examination by Ms. Shugars 432

Cross-Examination by Mr. Jeremy Crane 447

Redirect Examination by Ms. Shugars 462

Recross-Examination by Mr. Jeremy Crane 464

INDEX (Continued)

(SW) - Denotes State's Witness
 (DW) - Denotes Defense Witness
 (IC) - Denotes In Camera

PAGE

(SW) WALTER "GRAY" BOWERS:

Direct Examination by Mr. Fretwell 465

Thursday, January 16, 2025

(SW) WALTER "GRAY" BOWERS:

Cross-Examination by Mr. Jeremy Crane 493

Redirect Examination by Mr. Fretwell 508

Recross-Examination by Mr. Jeremy Crane 513

(SW) MEGAN FLETCHER:

Direct Examination by Ms. Shugars 516

Cross-Examination by Mr. Jeremy Crane 533

State Rests 538

Motions 539

Defendant's Advisement of Rights 541

(DW) MATTHEW MOON:

Direct Examination by Mr. Jeremy Crane 553

Cross-Examination by Ms. Shugars 585

Redirect Examination by Mr. Jeremy Crane 599

Recross-Examination by Ms. Shugars 602

Further Redirect Examination by
Mr. Jeremy Crane 603

Defense Rests 605

Motions 605

Closing Argument by Mr. Fretwell 615

Closing Argument by Mr. Jeremy Crane 639

Rebuttal Closing Argument by Mr. Fretwell 651

Charge on the Law 652

Jury Questions 670, 672

Verdict 676

Sentencing 683

Certificate of Reporter 685

1	<u>EXHIBITS</u>			
2	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
3	(State's Exhibits)			
4	1	9-1-1 Recording	43	126
5	2	Map of Breeds Hill Way	43	130
6	3	Photo	43	136
7	4	Photo	43	136
8	5	Photo	43	136
9	6	Photo	43	136
10	7	Photo	43	136
11	8	Photo	43	136
12	9	Photo	43	136
13	10	Photo	43	136
14	11	Photo	43	136
15	12	Photo	43	136
16	13	Photo	43	136
17	14	Photo	43	136
18	15	Photo	43	136
19	16	Photo	43	136
20	17	Photo	43	136
21	18	Photo	43	136
22	19	Photo	43	136
23	20	Photo	43	136
24	21	Photo	43	136
25	22	Video: Moon BWC/ICV Sequencing Compilation	43	233
	23	Folding Knife	210	212
	24	BIC Lighter	210	212
	25	Photo	43	236
	26	Photo	43	236
	27	Photo	43	236
	28	Photo	43	236
	29	Photo	43	236
	30	Photo	43	236

EXHIBITS (Continued)

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
31	Photo	43	236
32	Photo	43	236
33	Photo	43	236
34	Photo	43	236
35	Video: Bird's BWC	43	289
36	Video: Azzara's BWC	43	344
37	Photo	243	354
38	Photo	243	354
39	Photo	243	354
40	Photo	243	354
41	Photo	243	354
42	Photo	243	354
43	Photo	243	354
44	Photo	243	354
45	Photo	243	354
46	Photo	243	354
47	Photo	243	354
48	Photo	243	354
49	Photo	243	354
50	Photo	243	354
51	Photo	243	354
52	Photo	243	354
53	Photo	243	354
54	Photo	243	354
55	Photo	243	354
56	Photo	243	354
57	Photo	243	354
58	Photo	243	354
59	Photo	243	354
60	Photo	243	354
61	Photo	243	354
62	Photo	243	354
63	Photo	243	354

EXHIBITS (Continued)

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
64	Photo	243	354
65	Photo	243	354
66	Photo	243	354
67	Photo	243	354
68	Photo	243	354
69	Photo	243	354
70	Photo	243	354
71	Photo	243	354
72	Photo	243	354
73	Photo	243	354
74	Photo	389	423
75	Aerial Map	389	437
76	Map: Time at Bridge and Law Property	389	437
77	Map: Incident Location and Defendant's Residence	389	437
78	Aerial Map of Incident Location	389	437
79	Aerial Map of Initial Encounter	389	437
80	Video: Overview	389	442
81	Video: Stops at Bridge and Law Property	389	442
82	Video: Real Time	389	442
83	Video: Incident Location Street View	389	442
84	Latent Report	243	**
85	Metal Can w/Left Shoe	527	527
86	Metal Can w/Right Shoe	527	527

(Defendant's Exhibits)

1	Photo	389	449
2	Photo	389	451
3	Photo	389	453

**Reporter's Note: See page 400 to 401

1	<u>EXHIBITS (Continued)</u>			
2	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
3	(Court's Exhibits)			
4	1	Capacity to Stand Trial Report by Dr. Kelly Gothard	9	
5	2	Stipulation	234	
6	3	Stipulation	401	
7	4	Stipulation	436	
8	5	Cell Phone Location Data	389	436
9	6	Chain of Custody Reports	492	
10	7	Stipulation	532	
11	8	Chain of Custody	532	
12	9	Jury Question	672	
13	10	Jury Charges	672	
14	11	Jury Note	673	
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

P R O C E E D I N G S

Monday, January 13, 2025

(WHEREUPON, Court's Exhibit Number 1 is marked for
identification; proceedings commenced at 2:59 PM.)

MR. FRETWELL: The only thing I believe we probably
need to address before they get up here is the Blair
order on the defendant. Obviously, he needs to assist
his attorneys during the jury selection process. I've
already had premarked the evaluation from the Department
of Mental Health indicating that, in their opinion, this
defendant is competent to stand trial. For the record,
Your Honor, that letter from the Department of Mental
Health is dated May 2, 2022.

I also have an order that opposing counsel has
reviewed basically where the Court would find the
defendant is competent to stand trial.

And, Judge, on that Court's Exhibit 1, I just turn
your attention to page 1 of the evaluation, the opinion
there at the middle of the page. It is opined that
Mr. Moon has the capacity to stand trial. I will skip
you to the end of the report. On page 11, the last
paragraph in summary: It is our opinion that Mr. Moon
has a sufficient factual and rational understanding of
his current charges and has the capacity to assist his
defense attorney in the preparation of a defense.

1 Skipping one line: It is our opinion that he can
2 intelligently discuss the evidence for his current
3 charges, therefore, it is our opinion that Mr. Moon has
4 the capacity to stand trial pursuant to State v. Blair
5 and the cites that follow, Judge.

6 And obviously, the Court will probably want to have
7 a conversation with the defendant, but I just wanted to
8 get that in front of you along with that order that we
9 have that in place before we pick the jury, Judge.

10 And just for the record, I have no objections to the
11 four voir dire from the defense in this case.

12 THE COURT: Mr. Crane, do y'all have any issue or
13 dispute this?

14 MR. JEREMY CRANE: We do not, Your Honor. I don't
15 have that with me. I left it on my desk at the office.
16 But I've seen it and I just spoke with Mr. Moon. He has
17 no issue with that report and has no issue with
18 essentially stipulating that it is true and factual.

19 THE COURT: And do you feel like you've been able to
20 intelligently discuss the evidence that's going to be
21 going forward in this case with him?

22 MR. JEREMY CRANE: 100 percent, yes. I don't have
23 any -- any issues about competency at all with Mr. Moon.

24 THE COURT: All right. Are there any additional
25 questions you feel like I need to -- do we need to put

1 him on the stand?

2 MR. FRETWELL: No, Judge. I think it probably would
3 profit you to have some kind of conversation with the
4 defendant just for the Court's satisfaction that the
5 defendant understands the nature of the charges against
6 him and is in a position to assist his attorneys in the
7 trial of his case. That's the only thing that I would
8 say, Judge. But if you're satisfied, that is what's
9 important.

10 THE COURT: Mr. Moon, good afternoon, sir.

11 DEFENDANT MOON: Good afternoon.

12 THE COURT: Could you raise your right hand?

13 (WHEREUPON, MATTHEW TIMOTHY MOON is duly sworn.)

14 THE COURT: All right. Do you understand that
15 you're getting ready to go to trial for threatening the
16 life of a public official, malicious injury to personal
17 property less than \$2,000, burglary in the first degree,
18 arson in the second degree and assault and battery in the
19 third degree? Do you understand those charges?

20 DEFENDANT MOON: Yes, sir.

21 THE COURT: Has your attorney discussed with you the
22 significant amount of time that you could be looking at
23 for each one of those charges?

24 DEFENDANT MOON: Yes, sir.

25 THE COURT: Do you feel like you are in a position

1 to assist your attorneys in the proper defense of this
2 case and proceed with this trial today?

3 DEFENDANT MOON: Yes, sir.

4 THE COURT: Do you feel like you've had enough
5 opportunity to adequately discuss the issues in this case
6 with your attorney?

7 DEFENDANT MOON: Yes, sir.

8 THE COURT: And do you feel like you, I guess, fully
9 understand all these charges that are against you?

10 DEFENDANT MOON: Yes, sir.

11 THE COURT: Okay. I'm going to sign the order
12 finding him competent to stand trial and authorizing us
13 to proceed to trial. And I'll sign that order right now.
14 I'm finding that the defendant is presently competent to
15 stand trial and the solicitor is authorized to proceed
16 with the trial in this matter.

17 Anything from the Cranes?

18 MR. JEREMY CRANE: No, Your Honor.

19 (WHEREUPON, the jury entered the courtroom at 3:12 PM.)

20 THE COURT: Okay. Ladies and gentlemen, first, I
21 want to thank all of you for your patience. Today has
22 been a day filled with a lot of unexpected turns and
23 twists. And I did ask for y'all to come back at two and
24 I know that it's now 3:15. And so I just want to
25 apologize. Some things, just there's legal issues that

1 come up, and the reality is if we don't have you here,
2 then we can't go forward with whatever we're trying to
3 do. So I want to thank you. And, again, thank you for
4 your patience.

5 We are getting ready to begin the trial of the State
6 of South Carolina vs. Matthew Timothy Moon. Mr. Moon has
7 been charged with Count 1, threatening the life of a
8 public official, that Matthew Timothy Moon did in
9 Greenville County, on or about the 17th day of July 2021,
10 knowingly and willfully deliver or convey to Deputy
11 Marisa Bracken a verbal threat to inflict bodily harm
12 upon or take the life of Deputy Marisa Bracken or members
13 of her immediate family, and the threat was directly
14 related to Deputy Marisa Bracken's professional
15 responsibilities in violation of the South Carolina Code
16 of Laws.

17 Count 2, assault and battery in the third degree,
18 that Matthew Timothy Moon did in Greenville County, on or
19 about the 17th day of July 2021, unlawfully injure or
20 offer to injure Deputy Marisa Bracken with the present
21 ability to do so, this in violation of the South Carolina
22 Code of Laws.

23 Count 3, malicious damage to personal property,
24 pursuant to South Carolina Code Annotated Section
25 16-01-57 that Matthew Timothy Moon did in Greenville

1 County, on or about the 17th day of July 2021, willfully
2 and maliciously cut, shoot, maim, wound or otherwise
3 injure or destroy the personal property of Andrew
4 Gilchrist and Storey Gilchrist, to wit, a grill, the
5 damage being a value of less than \$2,000 all in violation
6 of the South Carolina Code of Laws.

7 Count 4, burglary in the first degree, that Matthew
8 Timothy Moon did in Greenville County, on or about the
9 17th day of July 2021, willfully and unlawfully enter the
10 dwelling of Andrew Gilchrist and Storey Gilchrist located
11 at 1 Breeds Hill Way, without consent and with the intent
12 to commit a crime therein and the burglary was
13 accompanied by circumstances of aggravation, to wit, when
14 affecting entry or while in the dwelling or in immediate
15 flight, he was armed with a deadly weapon or explosive
16 and/or caused physical injury to a person who was not a
17 participant in the crime and/or used or threatened the
18 use of a dangerous instrument, all in violation of the
19 South Carolina Code of Laws.

20 Count 5, arson in the second degree, that Matthew
21 Timothy Moon did in Greenville County, on or about the
22 17th day of July 2021, willfully and maliciously caused
23 an explosion and/or set fire to and/or burned or caused
24 to be burned and/or aid, counsel or procure a burning
25 that resulted in damage to a dwelling, house and/or

1 structure designed for human occupancy whether the
2 property belongs to himself or another person in
3 violation of South Carolina Code of Laws.

4 Ladies and gentlemen, this defendant is presumed
5 innocent. These indictments are merely a formal charge.
6 They are not in any way evidence.

7 What we're doing is a process known as voir dire.
8 Each of you has been qualified. None of you have taken
9 an exemption, and overall you're generally qualified.

10 I would remind you that you have taken an oath and
11 you are still under that oath to tell the truth.

12 This process is to determine if, for some reason,
13 you could not render a fair and impartial trial to both
14 the State and the defendant in this particular case.

15 At this time I would like to ask for the respective
16 parties, the State and defense, to stand up, introduce
17 yourselves at this time.

18 MR. FRETWELL: May it please the Court, Your Honor.
19 Good late afternoon, ladies and gentlemen. My name is
20 Allen Fretwell. I'm a prosecutor here in Greenville
21 County. This is Sarah Shugars. She's also a prosecutor
22 here. And Ashley Williams is here, and she's assisting
23 us in the trial of this case. Thank you for being here.

24 MR. JEREMY CRANE: Thank you, Your Honor. May it
25 please the Court. My name is Jeremy Crane with the Crane

1 courtroom together to make your decisions and I will
2 inform you when you can begin deliberating, but not until
3 I inform you to begin.

4 And it's your added duty, Mr. Foreman, to preside in
5 the jury room and be the jury spokesperson here in court.
6 It will also be your duty to write the verdict, but I'll
7 give you further instructions about that at the
8 conclusion of the case.

9 We will now begin the trial. State? Ms. Shugars?

10 MS. SHUGARS: Thank you, Your Honor. May it please
11 the Court.

12 THE COURT: Yes, ma'am.

13 OPENING STATEMENTS

14 MS. SHUGARS: Good morning. Storey Gilchrist and
15 Hannah Price grew up in Anderson, South Carolina, and
16 have been best friend since the first grade. And on July
17 17, 2021, Hannah had driven down from Charlotte and was
18 visiting her friend Storey at her new house in a
19 subdivision called Bunker Hill which is off of Hudson
20 Road in Greer, South Carolina. They were in the kitchen
21 and they were catching up like old friends do when Hannah
22 noticed a man had entered from the outside door into
23 Storey's sunroom which was between the kitchen and the
24 garage.

25 Storey immediately jumped to action and she went and

1 locked the door that would have led from the sunroom to
2 the kitchen just as the man was reaching out to try to
3 open that door. That man was later identified as the
4 defendant in this case, Matthew Moon.

5 He became angry. He started screaming at Storey and
6 started violently kicking the door in an attempt to get
7 into the innermost part of the house.

8 Hannah grabbed her friend Storey, who was about
9 eight months pregnant at the time, and they fled out the
10 front into Hannah's car that was parked out front and
11 they drove deeper into the subdivision to get away to
12 safety.

13 As they drove away, Storey called 9-1-1 and Hannah
14 called Storey's husband, Andrew, who was nearby getting a
15 haircut. He started to race home as Hannah actually
16 turned her car around to go back to the house. They were
17 able to park a safe distance away with a good view of the
18 driveway. They weren't able to see the defendant at this
19 time, but they were able to see his bike parked in the
20 driveway.

21 Storey was still on the phone with 9-1-1 who asked
22 if she had any security cameras. She was able to pull up
23 the feed of the garage camera just in time to see the
24 defendant who overturned their Weber grill.

25 Andrew then arrived shortly thereafter. This is

1 around the time where Hannah started to see smoke coming
2 from the back of the garage area.

3 The family's dog was still inside the house, so
4 Andrew ran inside to rescue the dog. And around the time
5 where he came out, the defendant had emerged from the
6 back as well. He was seated on his bike in the driveway
7 and was smoking a cigarette.

8 Deputies shortly showed up after. As the defendant
9 saw the deputies, he started peddling his bike down the
10 driveway to try to leave.

11 Deputy Bracken approached the defendant, and the
12 defendant tried to distract her and said there's a fire
13 going on back there and there are people that are injured
14 as he continued to try to leave. She was not distracted
15 and she stayed with the defendant.

16 He, in an attempt to continue to try to get away,
17 struck Deputy Bracken in the face. Fortunately, Deputy
18 Bracken and a second officer who had just arrived, Deputy
19 Bird, were able to apprehend the defendant and put him in
20 handcuffs.

21 As he was being handcuffed, he was informed he was
22 going to be going to jail. And he told the officer,
23 "Well, I'm going to get out of jail and I -- and you are
24 going to get F'd up to the point where you do not know
25 what is wrong with you."

1 The defendant was searched, and on his person they
2 found an eight-inch folding knife as well as a big blade.

3 Fire department showed up. They reviewed the scene
4 after they quickly put out the fire. And they determined
5 that a gas can which was found behind Andrew's badly
6 burned Jeep was the cause of the fire.

7 Andrew told the investors ---

8 MR. JEREMY CRANE: Your Honor, I'm sorry. Can we
9 approach?

10 THE COURT: Sure.

11 (WHEREUPON, a bench conference was held off the record.)

12 MS. SHUGARS: Through the testimony of
13 investigators, we intend to prove that the fire was
14 started by a gasoline can that was found behind Andrew's
15 badly burned Jeep. And Andrew will testify that he had
16 left that can in the garage after he left -- or before he
17 left to get his haircut since he had used it to mow his
18 lawn earlier, and it was about a third of the way full
19 when he left it.

20 As a result of his actions, the defendant has been
21 charged with burglary in the first degree, arson in the
22 second degree, assault and battery third degree,
23 malicious damage to personal property and the threatening
24 the life of a public official.

25 Now, in order -- excuse me. At the end of this

1 trial, the judge is going to instruct you all on the law,
2 but I want to give you a little precursor now so you know
3 what to look for and listen for as we present evidence in
4 this case.

5 So for burglary in the first degree, we must prove
6 he unlawfully or without consent entered some part of the
7 dwelling with the intent to commit a crime within and
8 while armed or being armed with a deadly weapon or
9 explosive or with a dangerous instrument. And we intend
10 to prove that the defendant entered the Gilchrist home
11 via the garage and the sunroom with a knife and gasoline.

12 As for malicious damage to personal property, we
13 must prove he willfully and maliciously injured or
14 destroyed or damaged the personal property of another.
15 And we intend to prove that the defendant intentionally
16 damaged the Gilchrist Weber grill when, in anger, he
17 flipped it over causing it to become inoperable.

18 As for second degree arson, we must prove he
19 willfully and maliciously set fire to, burned or caused
20 to be burned a dwelling house or any property designed
21 for human occupancy that resulted in damage to that
22 property. And we intend to prove that the defendant
23 intentionally set fire to the Gilchrist Jeep which caused
24 damage to the residence, specifically the garage.

25 And in order to establish the defendant's guilt for

1 assault and battery third degree, we must prove he
2 injured another person or he attempted to do so with the
3 ability to do so. And we intend to prove that he injured
4 Deputy Bracken when he struck her to her face.

5 And lastly, in order to establish that defendant's
6 guilt for threatening the life of a public official, we
7 must prove he knowingly and willfully conveyed to a
8 public official a verbal threat to inflict upon them
9 bodily harm as a result of the public official's exercise
10 of their professional responsibilities.

11 At the end of the trial, the judge is going to
12 instruct you that, according to South Carolina law, a
13 deputy sheriff is a public official. So we intend to
14 prove that the defendant willfully threatened Deputy
15 Bracken when he said he would get out of jail and "F" her
16 up so bad she wouldn't know what her injuries were.

17 So to put this case simply, the defendant let his
18 frustration and anger get the best of him, and he let his
19 frustration out by setting fire to the house. He struck
20 a deputy in the face, and he threatened to injure her.

21 In this trial, you're going to be asked to deliver a
22 verdict. I believe after you've heard and seen all the
23 evidence and discussed it amongst yourself, you'll find
24 him guilty of all charges.

25 Thank you.

1 THE COURT: Mr. Crane.

2 MR. JEREMY CRANE: Thank you, Your Honor.

3 Ladies and gentlemen of the jury, thank you for
4 being here today. As Judge Fant said yesterday, our
5 justice system doesn't work without you so you're an
6 integral part of the system, and the State and I
7 appreciate you being here today.

8 As I stated yesterday, my name is Jeremy Crane. I
9 have the distinct honor of representing Mr. Matthew Moon.
10 Mr. Moon has been charged, as the State said, with
11 burglary, arson, malicious damage to property, assault
12 and battery and threatening the life of a public
13 official. He's been accused of starting a fire in the
14 garage and then trying to get into the house where the
15 garage was a part of that. These are serious charges,
16 and that's why it's going to be important for all of you
17 to pay close attention to the evidence presented here.

18 The way I see this trial going is that the State is
19 going to parade in a line of law enforcement officers,
20 investigators and other witnesses. Through these
21 witnesses, they're going to come up with -- they're going
22 to try and form a theory on what happened that day. I
23 need for all of you to keep in mind that a theory is just
24 that. It's a theory. Just because a law enforcement
25 officer or investigator takes that stand and gives you

1 their assumption of what occurred that day doesn't make
2 it true. Just because a law enforcement sits on the
3 stand and tells you what they believe happened that day
4 doesn't mean that you have to accept it as fact.

5 I want you to keep in mind that none of the law
6 enforcement officers or investigators that will testify
7 were present when this incident occurred, so none of them
8 actually know what happened. None of them were there
9 when it took place, so all of their thoughts on this case
10 is all based on secondhand accounts.

11 I want you to pay special attention to the evidence
12 as it pertains to the fire in question. You will notice
13 as we go through all the evidence that there is no
14 evidence whatsoever that Mr. Moon actually started this
15 fire. It's all based on conjecture, and speculation and
16 assumptions.

17 As you listen to the evidence about what happened
18 that day and listen to the officers speak about Mr. Moon,
19 I want you to think to yourself why would he do this.
20 Why would Mr. Moon just decide to pick up -- pick this
21 random house and go start a fire in the garage? I'm sure
22 the State is going to tell you that motive is not
23 required to satisfy the elements of these crimes, but
24 it's something that you have to keep in mind for
25 reasonable doubt. I want you to keep thinking to

1 yourself why would Mr. Moon do this.

2 Our justice system might not be perfect, but it's
3 the only one that we have. So two of the greatest
4 protections afforded to Mr. Moon by our justice system is
5 proof beyond a reasonable doubt and the presumption of
6 innocence. Judge Fant just went over those with you.

7 The burden of proof lies solely with the State.
8 Mr. Moon doesn't have to prove anything to you. He
9 doesn't have to prove he didn't start the fire, but the
10 State has to prove that he did. They must prove beyond a
11 reasonable doubt that Mr. Moon started this fire, and at
12 the end of this trial, Judge Fant will again instruct you
13 on the definition of reasonable doubt.

14 Beyond a reasonable doubt means that the State must
15 convince you the jury that there was no other reasonable
16 explanation that could come from the evidence presented
17 at trial. In other words, you the jury must be virtually
18 certain of Mr. Moon's guilt in order to render a guilty
19 verdict.

20 As the judge stated and as I'm going to state,
21 there's also a presumption of innocence. Mr. Moon sits
22 at that table as an innocent man. He's innocent until
23 proven guilty. He has been charged with these crimes,
24 but the charging of a crime in no way negates your
25 presumption of innocence. The presumption of innocence

1 does not end when this trial starts, but it continues up
2 and until the prosecution convinces you otherwise.

3 At the end of this trial, you're going to hear from
4 me again in closing arguments, and I'll recap what we
5 heard and seen throughout the trial. I'll point out the
6 deficiencies in and the fragmented nature of the State's
7 evidence. I'll point out their lack of motive. I'll
8 point out that their entire case is based on
9 circumstantial evidence. I will also point out how they
10 have not met their burden of proof beyond a reasonable
11 doubt. And at the end of all the production of all the
12 evidence from the State and from the defense, I have no
13 doubt that you will find Mr. Matthew Moon not guilty.

14 Thank you.

15 THE COURT: State's first witness.

16 MR. FRETWELL: May it please the Court, Your Honor.
17 The State calls Storey Gilchrist.

18 THE CLERK: Please stop at the end of the bench.
19 Place your left hand on the Bible and raise your right
20 hand.

21 WHEREUPON,

22 STOREY GILCHRIST

23 After having been duly sworn, testified as follows:

24 THE CLERK: Thank you. Please be seated. Please
25 state your name for the record.

1 THE WITNESS: Storey Gilchrist.

2 MR. FRETWELL: May it please the Court, Your Honor.

3 THE COURT: Yes, sir.

4 DIRECT EXAMINATION

5 BY MR. FRETWELL:

6 Q Good morning, Storey.

7 A Good morning.

8 Q How old are you?

9 A I just turned 35.

10 Q And do you live in Greenville County?

11 A We do.

12 Q And are you married?

13 A I am.

14 Q And do you have any children?

15 A Yes. We have one daughter who is 3 1/2 and another
16 on the way.

17 Q Okay. How far did you go in school?

18 A I have a bachelor's degree.

19 Q Okay. In what field?

20 A Communications.

21 Q And, in fact, you got that degree from a school
22 right here in South Carolina.

23 A I did, yeah. I went to the University of South
24 Carolina.

25 Q What kind of work do you do?

1 A I am in medical sales.

2 Q And what territory do you cover?

3 A My current territory with work is Columbia north, so
4 the upper part of the state.

5 Q And how long have you been employed in that
6 capacity?

7 A I started in this current role in August, yeah.

8 Q How about just working for that company?

9 A This particular company, like around six years.

10 Q Okay. And where were you living in July of 2021?

11 A I lived at 1 Breeds Hill Way in Greer, South
12 Carolina.

13 Q Is that location within Greenville County?

14 A Yes, sir.

15 Q You pay your taxes to Greenville County.

16 A We do, yes.

17 Q Let me take you back to approximately 5 p.m., a
18 couple minutes before on Saturday, July 17, 2021. Did
19 you place a call to a 9-1-1 operator around that time?

20 A I did.

21 Q Tell us why.

22 A My best friend Hannah right behind you had come into
23 town to ---

24 Q Right here (indicating)?

25 A Yes, sir. Yeah. To visit us at our new home. We

1 moved in in April of 2021. This was July. Or maybe we
2 moved in in May. Anyway, Hannah and I were catching up
3 in our kitchen, and Hannah noticed a man come up onto our
4 back porch. It's like a sunroom. And Hannah said, "Are
5 you expecting someone? There's someone on your back
6 porch."

7 And I kind of peeked around the corner and said,
8 "No. We're not."

9 So I got up and was able to make it to our back door
10 in time to lock it as he was very apparently on his way
11 in.

12 So I -- Hannah and I had been -- as this man was
13 standing at our back door trying to kick it down to get
14 inside to where we were -- it's a glass pane door, so we
15 were very close, he on the other side, me inside. We
16 then turn and run out the front of our house where her
17 car is in the driveway, and we exit the home obviously
18 very scared.

19 Q Let me take you back just a little bit. So you said
20 Hannah was at your house?

21 A Uh-huh.

22 Q In fact, Hannah had brought someone with her.

23 A Yeah.

24 Q A special friend with her.

25 A Yeah.

1 Q That was the dog?

2 A Yes, yes.

3 Q So her car was in the front of your house; is that
4 correct?

5 A It was on in our front driveway with her miniature
6 bulldog inside, yeah.

7 Q Okay. And so she was in the house with you in the
8 kitchen area. Can you briefly describe for the jury kind
9 of the layout of your kitchen and living room area and
10 that sun porch?

11 A Yeah. So our home is very open and the kitchen
12 island, very big. It overlooks -- there's a window over
13 our kitchen sink that looks out onto this porch which is
14 a part of our home. There's a couch and some chairs out
15 there and a table where we eat dinner almost every night.
16 But yeah. So the back of our house is basically windows
17 that overlook this porch that then is -- leads to our
18 garage and our driveway.

19 Q And you said that you and Hannah were sitting at
20 that kind of bar there in the kitchen.

21 A Uh-huh.

22 Q And Hannah would have been facing towards the sun
23 porch; is that correct?

24 A She would. I had my back towards that area.

25 Q Okay. And tell me with respect to your now

1 3-year-old what -- you were expecting at that time; is
2 that correct?

3 A Yeah, yeah.

4 Q Can you tell us about how far along you were in that
5 pregnancy?

6 A I believe I was 30 -- 30, 31, somewhere around
7 there. Eight months pregnant, yeah, with our first baby.

8 Q All right. And so when Hannah called your attention
9 to the man that was on -- in your porch area, did you
10 turn around and notice him as well?

11 A I did, yes. I noticed that I did not know him. Did
12 not know him.

13 Q Okay. And is that what prompted you to get up?

14 A Yeah. Absolutely. It was -- he -- he was
15 approaching our back door which was unlocked, so I just
16 felt this immense need to get there and lock it,
17 thankfully.

18 Q And did he see you?

19 A Oh, yeah.

20 Q Did it appear that he saw that you were there?

21 A Yeah.

22 Q That he saw that Hannah was there?

23 A Yeah.

24 Q And still kept coming forward.

25 A Yes.

1 Q Describe for the jury what happened when you got to
2 that door and you locked that door from the sun porch
3 into the living room.

4 A Yeah. I locked the door and remember yelling, I
5 think, some sort of expletive for him to get out of our
6 property or, you know, leave our property. He was very
7 angry, very agitated. And I remember he took a step back
8 and kicked that door what appeared to be as hard as he
9 could ---

10 Q Okay.

11 A --- and continued to do so and was screaming at us,
12 you know, screaming, screaming at us expletives like let
13 me in, cuss words. I mean, just aggression that I
14 couldn't wrap my head around given it was our home and I
15 didn't know him.

16 Q Right. And at any point during that encounter, did
17 -- well, let me ask you this. The individual that you
18 saw at that moment that was trying to get in, did you get
19 a good look at this individual?

20 A Yeah. We were face-to-face.

21 Q Would you recognize him again?

22 A I would.

23 Q Is he currently in the courtroom?

24 A He is.

25 Q Can you please identify him for the Court.

1 A Yeah. He's sitting right there (indicating) on the
2 end of that table.

3 MR. FRETWELL: Your Honor, may the record reflect
4 she's identified the defendant, Matthew Moon.

5 THE COURT: So noted.

6 BY MR. FRETWELL: "

7 Q Storey, when you saw Mr. Moon, at any point, was he
8 pointing in any direction or attempting to have any kind
9 of civil discussion with you before attempting to kick
10 that door open?

11 A No.

12 Q Tell us what happened at that point when you told
13 him to go away and he did not. Did he? Did he at that
14 point?

15 A No. He did not, no. He continued to try to get in.
16 And at that point, I think Hannah said, We've got to go.
17 Like we've got to go. So we ran out the front of our
18 home, which he could see. You know, if he were -- if he
19 were paying attention, he would have been able to see us
20 exit the front of our home that's how open it is. And we
21 got into her car, like I said, that was in the driveway.
22 And I just instructed her to drive but stay in the
23 neighborhood because our dog was still in the house. She
24 had just had an ACL surgery and I was eight months
25 pregnant and could not lift her to get her.

1 Q All right. And at that time, what did you do once
2 you got into the car?

3 A We -- I immediately called 9-1-1 and asked Hannah to
4 call Andrew.

5 Q Okay. And during that 9-1-1 call -- you've reviewed
6 that call?

7 A Uh-huh.

8 Q And you, at that time with the memory of that
9 incident fresh in your mind, did you relay the events of
10 what had happened to the 9-1-1 operator?

11 A I did, I did. Yeah.

12 Q So to the extent that that's a better recollection
13 of ---

14 A Yeah.

15 Q --- anything that you're testifying here today.

16 A Yes.

17 Q Okay. And then what about Andrew? Where was
18 Andrew?

19 A Andrew had gone right up the street to get a
20 haircut. We had an engagement party to go to that night,
21 so he was done cutting the grass and doing his, I guess,
22 honey-do list and went to get a haircut. So he was like
23 five minutes away, yeah.

24 Q Okay. And so while you were calling 9-1-1, did you
25 give any instructions to Hannah about what she should do

1 while you called emergency services?

2 A I knew Andrew would be coming home soon, so I just
3 asked her to call him and let him know that this was
4 taking place.

5 Q And did she do that?

6 A She did, yeah.

7 Q Did Andrew arrive sometime while you were on the
8 phone with the 9-1-1 operator?

9 A He did.

10 Q And in your recollection of your 9-1-1 call as
11 you've reviewed it since that point, can we tell at what
12 point Andrew arrives?

13 A Yes.

14 Q Or you narrated that?

15 A It's very clear, yeah.

16 Q Did you inform the operator, to your knowledge, that
17 you were pregnant at the time?

18 A I did.

19 Q And do you recall whether they asked you if you
20 needed any kind of assistance?

21 A She did, yeah.

22 Q Okay. Did you describe the events including giving
23 some kind of description of the intruder and the bike I
24 think that you say that you saw him come on?

25 A I did.

1 Q Okay. At some point in that call, did the operator
2 ask you about any kind of surveillance or security
3 cameras that you might have?

4 A She did, yes, sir.

5 Q Okay. And before you go into that, where were you
6 and Hannah in Hannah's vehicle while -- the most of the
7 time when you were talking to the 9-1-1 operator after
8 you came back towards the house?

9 A Yeah. We stayed in our neighborhood which is just a
10 two-street neighborhood. It's small. So we immediately
11 turned what would be left out of our driveway and just
12 drove up our road, kind of did a circle in the cul-de-sac
13 at the end of the road. And while I was talking to
14 9-1-1, we just slowly went through our neighborhood. We
15 didn't leave the area.

16 Q And, in fact, if you go that way, there's no way to
17 get out of your subdivision; is that correct?

18 A Hu-uh.

19 Q It's a couple of cul-de-sacs; is that fair to say?

20 A That's right, yeah.

21 Q And you're the very first house in that particular
22 subdivision that sits on -- sort of Hudson Road.

23 A That's right.

24 Q All right. And so you were where in that
25 subdivision? And tell us what your viewpoint was of the

1 house while you were talking.

2 A Well, we were driving around. So when we initially
3 called -- when I initially called her, we drove up Breeds
4 Hill, kind of did a circle and then slowly came back
5 down. And then when you come back down our road, you can
6 see down our driveway like leading to the back of our
7 home where we were able to see the suspect, the man
8 hanging out in our driveway with his bicycle still there.
9 Like we could see and you can hear it on the 9-1-1 call
10 me say, "Oh, he's still there, you know, hanging out."

11 We took a left into our neighborhood, in another
12 street in our neighborhood and kind of did another circle
13 and then just stopped and parked at a stop sign that
14 "literally just looks like -- it's got like a bird's eye
15 view of our house.

16 Q Now, you had recently moved into that house.

17 A Yeah.

18 Q And the security camera that you had outside by the
19 garage, was that one that you installed or was that a
20 previously existing security camera?

21 A No. That was -- that was from the previous
22 homeowners, yeah.

23 Q Okay. And so at some point when that question came,
24 were you thinking of that security camera before the
25 dispatcher asked you about it?

1 A I honestly just forgot that it was there and that we
2 had access to it because it was affiliated with our alarm
3 system. And, again, Andrew and I didn't put that alarm
4 system in. It was -- it was from the previous
5 homeowners. But when she said it, I was like, oh, yeah,
6 we do have a camera out there.

7 Q And that camera you could access how?

8 A Via my phone like on the CPI app.

9 Q And did you do that at that point?

10 A I did, yeah.

11 Q And tell the jury what you could see on that app
12 when you opened it up.

13 A Yeah. When I opened -- I put the 9-1-1 operator on
14 speakerphone and was able to open the app and see
15 Mr. Moon in the driveway turn the grill over and just
16 back there, yeah.

17 Q And you said you saw him turn the grill over. Can
18 you describe that, how he did that?

19 A Just angry. I mean, I don't -- it's a -- it's a,
20 what, five-burner grill. So, I mean, just with force and
21 frustration, he pushed it over.

22 Q Did it appear he was looking for anything on or
23 around the grill or that he just pushed it over?

24 A No. Just -- just pushed it over.

25 Q Okay. And was that grill damaged by that action?

1 A Yeah.

2 Q Tell us about that.

3 A I mean, it was a total loss. We -- we had to
4 replace it. It didn't work anymore. It shattered the
5 components of the inside and some of the outside.

6 Q When you say that's a total loss, is that what you
7 were told by the insurance company?

8 A Yes, sir.

9 Q And approximately how much did it cost to replace
10 that particular ---

11 A I think a thousand dollars, yeah.

12 Q Okay. At some point while you were on the phone
13 with 9-1-1 and basically facing down that driveway from
14 that stop sign, did Andrew arrive?

15 A He did, yeah.

16 Q Okay. And what, if anything, did you do once Andrew
17 arrived?

18 A I continued to stay on the phone with 9-1-1. And I
19 think Hannah and I both pleaded for Andrew not to go
20 inside because we just didn't know what was going on,
21 yeah.

22 Q Before that moment that Andrew arrived and including
23 when you initially called 9-1-1, did you see anything,
24 smoke, smell anything that suggested there was any kind
25 of a fire in or around your property?

1 A No.

2 Q Is there a point on the 9-1-1 call where there is
3 reference to seeing something like smoke?

4 A Yes.

5 Q Do you recall if you noticed that first or whether
6 it was Hannah?

7 A I don't. I feel like maybe I said, "Is that a
8 fire?"

9 Q Okay. But it will be on the call.

10 A It is, yes.

11 Q All right. And so Andrew arrived. What, if
12 anything, did you see Andrew do?

13 A Andrew got out of his car and ran into our house to
14 get our dog, Birdie, and brought her back out to the car
15 that he was driving.

16 Q Okay. And, in fact, did you have a conversation in
17 your recollection with the 9-1-1 operator about the dog?

18 A I did, yeah, yeah.

19 MR. FRETWELL: Let me show you at this point -- and,
20 Judge, we will need the operation of the computer.

21 BY MR. FRETWELL:

22 Q Let me show you what has been marked as State's
23 Exhibit 1. And I'll ask if you recognize this particular
24 flash drive.

25 A Hu-uh.

1 MR. FRETWELL: Okay. That's right, Judge. Pursuant
2 to agreement with opposing counsel, this exhibit comes
3 into evidence without objection; is that correct?

4 MR. JEREMY CRANE: That's correct.

5 THE COURT: Exhibit Number 1 from the State comes
6 in.

7 (WHEREUPON, State's Exhibit Number 1 was admitted into
8 evidence.)

9 MR. FRETWELL: Thank you, Judge.

10 BY MR. FRETWELL:

11 Q Storey, did you listen to your 9-1-1 call?

12 A I have.

13 Q And when you listened to that call, did it
14 accurately reflect the conversation that you had with the
15 dispatcher?

16 A Yes.

17 MR. FRETWELL: Okay. All right. Your Honor, at
18 this time, we would like to publish State's Exhibit 1.

19 (WHEREUPON, State's Exhibit Number 1, an audio recording,
20 was played in open court.)

21 BY MR. FRETWELL:

22 Q Storey, you earlier identified that individual as
23 being the defendant. Did he look a little different that
24 day than he does today with respect to his hair or the
25 way he's dressed?

1 A Yeah. The hair's darker today, maybe grown. But in
2 that moment, my focus was not on getting a good
3 description of him. It was of keeping us safe and
4 locking that door so he didn't get in our home. In
5 retrospect I probably would have taken more, you know,
6 attention or time to get a better look. But yeah.

7 Q Or even a picture?

8 A Yeah, yeah. That would have been better.

9 Q Right. So before that moment, had you ever met the
10 defendant before?

11 A No.

12 Q Did you know him at all?

13 A No.

14 Q Did he have any permission whatsoever to be on your
15 property?

16 A No.

17 Q Did he have any permission to be inside your home?

18 A No.

19 Q And the first time you noticed the defendant in that
20 sun porch area, that was called to your attention by your
21 friend; is that correct?

22 A That's right.

23 Q Okay. And how was -- did you immediately get up at
24 that point?

25 A Yeah, yeah.

1 Q And how was he moving from that area of the doorway
2 over to the door that's into the room where you and
3 Hannah were?

4 A Yeah, quickly. What I perceived is with, you know,
5 a sense of urgency which made me have a sense of urgency.

6 That porch, like I said, there's a couch out there.
7 We watch a lot of TV out there. So he luckily had to go
8 around the couch and the chair to get to the door. If
9 that furniture hadn't been there, this might be like a
10 totally different conversation.

11 Q And how soon did you get that door locked before he
12 tried it?

13 A Within a second, yeah. Like I think our hands were
14 on the doorknob at the same time.

15 Q And could you make out specific words that he was
16 telling you?

17 A To let him in, yeah.

18 Q Did he, at any point, try to point towards the
19 garage or gesture in that direction in any way, shape or
20 form?

21 A No.

22 Q Okay. And you indicated in that 9-1-1 call and is
23 it your recollection today that it appeared that he had
24 something in his pocket or that he -- for some reason you
25 believed him to be armed?

1 A I did.

2 Q Were you frightened?

3 A I'm sorry?

4 Q Were you frightened?

5 A There is -- yes. There are no words to describe
6 that, how that lack of control and that's our home, you
7 know. That's the place that you should feel the most
8 safe especially ahead of bringing home your first child.
9 The fear that I felt not just in that moment, for years
10 after that, I wouldn't wish that on my worst enemy.

11 Q Other than Hannah and you and your dog, was anybody
12 else in the house at that ---

13 A No.

14 Q Other than seeing the defendant, did you see anyone
15 else in that area of the sunroom?

16 A No.

17 Q Anywhere else on your property other than the
18 defendant?

19 A No.

20 Q Let me show you what's been marked as State's
21 Exhibit 2. Do you recognize this?

22 A I do.

23 Q Okay. And what is this map of?

24 A This is our street, our neighborhood.

25 Q Okay. And do you recognize where your house is on

1 | that?

2 | A I do.

3 Q And do you see the main Hudson Road?

4 | A I do.

5 Q And you see your street?

6 | A I do.

7 Q Does this basically encompass the entire
8 subdivision?

9 A Yeah. That's it.

10	Q	Does it accurately reflect the place where you live?

11 | A It does.

12 MR. FRETWELL: Your Honor, at this time, the State
13 would move Exhibit 2 into evidence.

14 MR. JEREMY CRANE: "No objection."

15 THE COURT: Without objection, Number 2 comes into
16 evidence.

17 (WHEREUPON, State's Exhibit Number 2 was admitted into
18 evidence.)

19 MR. FRETWELL: May I publish, Your Honor?

20 THE COURT: Yes, sir.

21 BY MR. FRETWELL:

22 Q All right. Storey if you can -- and you can feel
23 free to get down if you want to, but will you point out
24 to the jury where your home is, maybe some of the
25 surrounding streets? And then you describe when you left

1 with Hannah and then maybe even show where Hannah was
2 parked and all of that what you did once you left the
3 house, also including the areas of your house where your
4 garage is and all of that.

5 A Okay. So this is our home here. This is Hudson, so
6 you can see how close we are to Hudson Road. Hannah's
7 car was parked in the circle driveway, and that driveway
8 all the way around the back of our home is where our back
9 porch, sunroom area and the garage are in that entrance.

10 So when Hannah and I got in the car, we drove up
11 Breeds Hill slowly. I can remember being on the phone
12 with 9-1-1 in that cul-de-sac. We came back down Breeds
13 Hill. So we get here. You can see straight down our
14 driveway. And then we turn down Colonel Storrs, did the
15 same thing, circled back around and then parked at this
16 stop sign until Andrew got home -- or got there and the
17 police arrived (indicating throughout).

18 Q From that vantage point of where you were parked for
19 probably most of that call, did you have a pretty good
20 line of sight down your driveway?

21 A Yeah. You can -- you can see.

22 Q Maybe not the garage but the area beside the garage?

23 A Yeah. His bicycle was parked like right at the end
24 of this right here (indicating), and you can see straight
25 down.

1 Q Okay. And I'll put some photographs of in a little
2 bit where you might be able to point that out a little
3 bit better. But I do want to ask you, that big bunch of
4 growth right there between your house and Hudson Road,
5 are those trees?

6 A Yes.

7 Q Is your house pretty well private?

8 A In the summertime it's very private, yeah.

9 Q And this was in July ---

10 A July.

11 Q --- of 2021?

12 A Yeah.

13 Q You get some pretty good privacy that time of year?

14 A We do.

15 Q Okay. All right. You can take your seat.

16 From the time that you contacted 9-1-1, how long did
17 it take for deputies to arrive?

18 A Not long. Like I would say less than five minutes,
19 maybe five minutes. They were nearby.

20 Q Okay. And then what happened when they arrived?

21 A We were parked. I do remember them pulling up. I
22 was still on 9-1-1 -- on with the 9-1-1 operator.
23 Mr. Moon rode his bicycle down our driveway up to like
24 where you could see, you know. We were parked. You
25 could see him in front of the house. And the police

1 officer stopped him for questioning. We saw him assault
2 her, like punch her in the face, and then they were able
3 to apprehend him.

4 Q So you actually saw them take him down to the
5 ground.

6 A We did, yeah.

7 Q And during this time when you're out front -- and
8 let me ask you this. That area where you saw the
9 defendant on his bicycle, is there a fence or anything
10 back there? You have a dog. Did you have a nice fenced
11 backyard back there?

12 A Yeah. We do. We do. The whole thing's fenced in.

13 Q Okay. And so once you go down that driveway, you
14 kind of have to come back out.

15 A You do, yeah.

16 Q That's the way to come back out.

17 Did you see anybody else in or around that house
18 during that time period?

19 A No.

20 Q Okay. You didn't see anybody leave, jump the fence,
21 anybody in your side yard, no one other than the
22 defendant; is that correct?

23 A No one, hu-uh.

24 Q Were you able to determine -- and afterwards you
25 went back and you looked at the garage at some point; is

1 that correct?

2 A That's right.

3 Q Were you able to determine if there was a vehicle
4 that had burned in that fire?

5 A Yeah.

6 Q Okay. What was parked in the garage that day?

7 A My husband's Ford Explorer that we drive every day
8 was parked there and then he had a 1983 CJ-7, like he --
9 it was very special to him. We had just gotten it back
10 from -- we moved back to Greer in April. We had just
11 gotten that Jeep back like maybe not two weeks prior to
12 this. It was a Jeep that he purchased when he graduated
13 high school to celebrate his acceptance into the Naval
14 Academy.

15 Q And that had been sitting somewhere for a number of
16 years; is that correct?

17 A Yeah. We didn't have a place for it when we lived
18 in other homes, and now we did. We had a garage for it.
19 So we were able to have it for -- at least running for
20 that short amount of time.

21 Q And what vehicle was primarily damaged by fire?

22 A The Jeep, yeah. The Jeep.

23 Q Did the fire only affect the Jeep or did it also
24 affect the garage and the surrounding structure?

25 A Oh, I mean, the garage essentially had to be torn

1 down to the studs, and Andrew's Explorer had damage as
2 well.

3 Q Okay. Do you recall approximately with the Jeep and
4 the Explorer and the damage to the house the ballpark of
5 what the damage was to your property?

6 A Yeah. I know. Our insurance claim was around
7 \$80,000, and that's not including the money we spent out
8 of our own pocket to secure our home so that I would feel
9 safe there.

10 Q That's right. That's right.

11 Let me show you a number of exhibits. I believe
12 that they are State's Exhibits 3 through 21. I'll ask
13 you to take just a moment and flip through those and ask
14 if you recognize what is depicted in those photographs.

15 A (Reviews exhibits.)

16 Q And we'll go through them once you've indicated
17 whether you recognize them.

18 A I do, yeah. I recognize them. Yeah. I mean, this
19 is our house, and police there, fire there, our driveway.
20 Yeah. (Reviews exhibits) Yeah.

21 Q Do all of those photographs accurately reflect what
22 they depict on the day in question?

23 A They do.

24 MR. FRETWELL: Your Honor, now the State would seek
25 to admit State's Exhibit 3 through 21 into evidence and

1 publish.

2 MR. JEREMY CRANE: No objection.

3 THE COURT: Without objection, State's Exhibits 3
4 through 21 come into evidence.

5 (WHEREUPON, State's Exhibit Numbers 3 through 21 were
6 admitted into evidence.)

7 BY MR. FRETWELL:

8 Q Storey, I'm going to start off with State's
9 Exhibit 3. If you could -- and at any time if you need
10 to step up and point to illustrate what I'm asking you to
11 do, feel free to do that. But can you orient the jury as
12 to what this picture shows and where it is in your
13 subdivision and possibly any vehicles that you recognize?

14 A Yeah. So this is our next-door neighbor's home,
15 Brian and Vickie. Our house is here. Hannah and I drove
16 up this road, circled back down this road. And that's
17 her black 4Runner parked there. That's where we were
18 (indicating throughout).

19 Q Is that where the vehicle was when -- most of your
20 9-1-1 call, would you say?

21 A Yeah.

22 Q Okay. And that's where it stayed once you got out.

23 A Yeah, yeah.

24 Q Okay. All right. Let me show you State's
25 Exhibit 4. What is that?

1 A That's our house.

2 Q And those trees that I pointed out before that you
3 could see on the map, where are they in this
4 particular ---

5 A Here. So Hudson Road would be here. This is like a
6 heavily wooded area separating our house from Hudson
7 (indicating throughout).

8 Q And I'm going to show you State's Exhibit 5. The
9 front of your home?

10 A It is.

11 Q You said that Hannah was parked out front with the
12 car idling. Do you recall where she was when you came
13 out and got in the car?

14 A Where her car was?

15 Q Where her vehicle, I'm sorry, was.

16 A Yeah. Here (indicating). Like right in front of
17 the front door.

18 Q In your turnaround.

19 A Yes, yeah.

20 Q And State's Exhibit 6, what is that?

21 A This is the side of our home. The woods are here
22 (indicating), and Hudson Road is here (indicating).

23 Q Okay. So that's the west side of your home.

24 A Uh-huh.

25 Q Okay. And then what are we looking at in State's

1 Exhibit 7?

2 A So this is our driveway that leads to the back of
3 our house around -- you kind of curve around, and our
4 driveway curves around. And there's the entrance to our
5 home and our garage.

6 Q And is that the neighbor's house that you pointed
7 out to us just a few minutes ago?

8 A Yeah.

9 Q And State's Exhibit 8?

10 A Yeah. So this is the driveway continued, just a
11 different vantage point. So Hannah was parked here
12 (indicating), and he rode his bicycle down there
13 (indicating).

14 Q Okay. State's Exhibit 9?

15 A Yeah. Driveway just leading to the back of the
16 home.

17 Q And is that the direction of where the garage is?

18 A Yes.

19 Q And your vantage point from across the street, I
20 guess, would have been a little bit better than this
21 particular picture shows, but that is basically what you
22 could see from where you were parked; is that correct?

23 A That's right, yes.

24 Q And to the best that you can if that picture helps
25 you with showing, where was the defendant when you said

1 he was sitting on his bicycle smoking a cigarette?

2 A Cigarette, yeah. So if you could take a step right,
3 like in this picture was taken from here, but here, he
4 was right here (indicating). I park there every day, and
5 I know you can see it from the road. So Mr. Moon was
6 sitting right here (indicating) on his bicycle smoking.

7 Q Do you recall what direction he was facing?

8 A I don't, no. I don't.

9 Q State's Exhibit 10. And that actually might help
10 you a little bit. If you could illustrate what you were
11 just talking about.

12 A So, again, like the curb of that brick wall, the
13 fence is back there (indicating), he was down kind of
14 tucked in this (indicating) corner.

15 Q And is that the fence that basically prevents you
16 from going into the backyard or that area?

17 A That's right. Yeah, yeah.

18 Q And State's Exhibit 11. I guess that's a different
19 vantage point of that same area.

20 A Yes. So there's the garage, and he was here
21 (indicating).

22 Q Okay. And can you show us on that photograph where
23 is the sunroom that you reference, that screened-in porch
24 area that -- on your house?

25 A It's here (indicating). This is the door to get in.

1 Q Okay. And there's a door on the other side as well;
2 is that correct?

3 A Yeah, yeah.

4 Q State's Exhibit 12, what are we seeing in this
5 photo?

6 A This is the entrance to our sunroom that Mr. Moon
7 came in.

8 Q Okay. And if you can see it on that photograph, is
9 there anything in that room that you can kind of orient
10 us to in the further pictures?

11 A Yeah. Sure. So we have -- like I mentioned, we
12 have furniture out there. There's a chair here
13 (indicating) and then a couch. And those windows on the
14 right side of our porch look into our dining room.

15 Q Okay. State's Exhibit 13?

16 A Yeah. This is just the entrance to our sunroom that
17 he came in. And, again, just porch furniture.

18 Q And that wicker area right there (indicating), what
19 does that belong to you?

20 A This is an ottoman that goes with the chair here
21 (indicating).

22 Q And 14, is that another picture of the ottoman?

23 A Yeah. Well, this is actually our coffee table
24 that's out there. There's a fireplace, TV and then
25 behind us is our -- is our entrance to our home.

1 Q And where is -- is there -- what's that door on the
2 far end down there that's kind of on the wall? What does
3 that lead to?

4 A That's the entrance to the garage.

5 Q To the garage.

6 A Yeah.

7 Q And 15?

8 A Yeah. So porch furniture, and then this
9 (indicating) is the door that Mr. Moon tried to get into.

10 Q Okay. Is this basically from the perspective of
11 that door to the sun porch from the outside?

12 A Yeah. There's a window here (indicating). That's
13 the window Hannah saw him out of.

14 Q So where is the furniture that you described earlier
15 that he would have to maneuver around?

16 A Like this chair right here (indicating) you kind of
17 have to step around to get into the door.

18 Q Okay. And State's Exhibit 16?

19 A Yeah. Here's the side of the window (indicating).
20 So we were sitting here (indicating) on the other side of
21 this window at our island. And that door is the one that
22 he tried to get in.

23 Q Okay. And State's 17?

24 A Yeah. This is looking into our house. So dining
25 room here (indicating) on the right and the kitchen is

1 here (indicating). That's where Hannah and I were
2 sitting.

3 Q And you mentioned earlier that your house is kind of
4 open; is that right?

5 A (Nods head affirmatively.)

6 Q That door that you can't see exactly in this
7 photograph that you were able to lock, can you describe
8 that door for us?

9 A Yeah. It's a glass -- I believe double pane glass
10 door. The knob is -- the knob is a handle like this and
11 it's then a deadbolt. And I was able to lock the
12 deadbolt.

13 Q Okay. And from this vantage point, obviously this
14 photograph was taken this way, can you pretty much see
15 into most of your house?

16 A The whole house, yeah. The whole house.

17 Q Including the front door?

18 A You can see the front door, yeah.

19 Q Let me show you State's Exhibit 18.

20 A Yeah. This is our driveway, and the grill obviously
21 turned over, that door where he entered, and then the
22 garage.

23 Q And where was that grill? Where was it kept?

24 A It was up here (indicating) up against the wall on
25 the other side of the trash cans.

1 Q Okay. All right. And Another picture, Number 19.

2 Is that the grill?

3 A It is.

4 Q Okay. 20, same grill?

5 A Yeah. Yes, sir.

6 Q And 21.

7 A Yeah.

8 Q Those are the pieces of the grill?

9 A (Nods head affirmatively.)

10 Q Okay. Storey, let me ask you this question. How
11 did this fire -- we can see some of the damage there in
12 those photographs already. How did this fire affect you
13 and your family in the home where you lived?

14 A I would say that it affected us tremendously. You
15 know, I was eight months pregnant with our first child in
16 a season of life that most couples have all of this joy.
17 I had angst and fear, and I was dealing with, you know,
18 overcoming and understanding how to live in that space
19 again.

20 MR. JEREMY CRANE: Your Honor, I'd like to object to
21 this. This is irrelevant to the incident at hand.

22 THE COURT: Approach.

23 (WHEREUPON, a bench conference was held off the record.)

24 THE COURT: Okay. Mr. Crane, I'm going to overrule
25 the objection, but I've also instructed counsel to narrow

1 it.

2 BY MR. FRETWELL:

3 Q Storey, you briefly touched on this earlier, but
4 with respect to costs that you had that arose out of
5 this, can you just briefly tell us about those costs?

6 A Yeah. Of course. So ---

7 MR. JEREMY CRANE: Your Honor, asked and answered.

8 THE COURT: Asked and answered. I agree.

9 Sustained. I mean, I think you've already covered that
10 as far as the value.

11 MR. FRETWELL: I was talking about any kind of
12 measures that they took after this incident in security
13 for the home.

14 THE COURT: Over and above the actual damages?
15 Because you've already discussed the insurance.

16 MR. FRETWELL: Right. The amount of the damage to
17 the home, yes. But this is actions that were taken place
18 as a result of this incident.

19 THE COURT: Okay. I'll allow that.

20 MR. JEREMY CRANE: And, Your Honor, what's the
21 relevance to what happened, the damages to the home?

22 THE COURT: I'm going to allow it.

23 BY MR. FRETWELL:

24 Q You mentioned just briefly some things that you had
25 to do to feel secure in your room. Can you just tell us

1 about those and what those costs were?

2 A Sure. So Andrew and I had to spend close to \$8,000,
3 you know, a week after this incident to put blinds on all
4 of our windows so that I would feel safe there. We put
5 in a home security system. I went to numerous counseling
6 sessions. I mean, just we spent, I would say, \$15,000
7 out of our own money to -- so we didn't have to move.

8 Q Okay. And so let me ask about that security system.

9 A Yeah.

10 Q After this incident, did you change anything to the
11 security system that you had in the house? And tell us
12 about that.

13 A No. We still have our regular CPI, you know,
14 security system, but we added cameras on like every
15 vantage point on our home, yeah.

16 Q And what about the ability to record from those
17 cameras? Tell us about that.

18 A Yeah.

19 MR. JEREMY CRANE: Your Honor, what's the relevance
20 here of a new system in their house? It doesn't reflect
21 on what had happened on this day. All of this is
22 irrelevant testimony.

23 THE COURT: Y'all come up here, please.

24 (WHEREUPON, a bench conference was held off the record.)

25 THE COURT: Please take the jury out. I will see

1 you all in just a second.

2 (WHEREUPON, the jury exits the courtroom at 12:25 PM.)

3 THE COURT: All right. Thank you.

4 Okay. Mr. Crane, state your objection. I know it's
5 relevance.

6 MR. JEREMY CRANE: Your Honor, I'm objecting to
7 relevance of this. They're going into a new surveillance
8 system and how much money it cost. And I believe that
9 the State is just trying to garner sympathy for the
10 witness here by, you know, trying to go into all these
11 extra things that they've had to do after this incident
12 was over. I don't feel it's relevant. They did have an
13 existing system. Mr. Fretwell can ask him [sic] about
14 their existing system. I don't think we need to know
15 about their new system and how much money it cost because
16 I don't believe it's relevant to the facts that occurred
17 that day.

18 THE COURT: All right. Solicitor?

19 MR. FRETWELL: Your Honor, as the Court instructed,
20 I was very brief on the element of any new costs as a
21 result of this particular incident. I was moving into
22 the area of the difference between the new system and the
23 old system, most importantly that being that their new
24 system actually permits them to record events and retain
25 those for future use which they did not have in place at

1 the time unless it was under certain circumstances. That
2 is the point of what I want to communicate with this
3 witness. And that is, I think, definitely relevant to
4 what I ---

5 THE COURT: And that's why you don't have that to
6 provide.

7 MR. FRETWELL: Correct, Judge.

8 THE COURT: Mr. Crane?

9 MR. JEREMY CRANE: My response would be so what?
10 They have a new system. I don't understand how it's
11 relevant at all to what occurred that day and what she
12 saw on her system at that time. I don't understand why
13 they say, well, now we have a new one and now we'd be
14 able to look at the videos. What does that have to do
15 with anything?

16 THE COURT: From what I understand based on what
17 y'all represented to me was that you're going to try to
18 attack the inadequacy of the system that they had in
19 place; is that correct?

20 MR. JEREMY CRANE: Attacking the inadequacy of the
21 system they had in place does not open the door for him
22 to say, well, don't you have a new shiny one that cost
23 you \$8,000? I don't see how -- again, I don't see how
24 it's relevant if they have a new system. If he wants to
25 ask them about the old system, great. Go ahead. But we

1 don't need to know about this new system that cost this
2 much money in trying to, you know, paint a picture of,
3 oh, now we had to spend more money on this incident. I
4 just don't find it relevant to what we are discussing
5 here. Again, ask him [sic] about the old system. As far
6 as the new system goes, it's relevant.

7 THE COURT: All right. Solicitor?

8 MR. FRETWELL: Judge, certainly, the objection in my
9 opinion was premature because, obviously, if that had
10 been allowed to be developed, the foundation as I was
11 building it with the witness to show that it wasn't
12 really about what any new amount they had spent but the
13 difference in the system now versus at the time only
14 under certain circumstances which would the homeowners be
15 able to record and preserve any kind of video feed which
16 is why we don't have it to show to the jury which, of
17 course, would probably make this a lot simpler.

18 THE COURT: Why don't you just ask her that
19 question?

20 MR. FRETWELL: I believe that was the question that
21 I was getting into when I received the objection.

22 THE COURT: No. Well, you were getting into the new
23 system. So just ask her simply what the old system was
24 and was not able to do.

25 MR. FRETWELL: Okay. I don't know how to do that

1 other than to contrast it with the system she has now.
2 But certainly, Judge.

3 THE COURT: Well, I mean, the whole point here is
4 that there was not the ability to capture certain things
5 on the camera, right?

6 MR. FRETWELL: Right.

7 THE COURT: Or am I missing something?

8 MR. FRETWELL: No. You're right.

9 THE COURT: Okay. Well, I think you just get to it.
10 So I'm going to sustain his objection as far as that
11 and just get to the point.

12 MR. FRETWELL: Yes, sir.

13 MR. JEREMY CRANE: Thank you, Your Honor.

14 THE COURT: You need anything else on the record?

15 MR. JEREMY CRANE: No, sir.

16 THE COURT: Okay. Bring the jury back.

17 (WHEREUPON, the jury entered the courtroom at 12:32 PM.)

18 THE COURT: Okay. Mr. Fretwell, please continue.
19 Thank you.

20 MR. FRETWELL: May it please the Court.

21 BY MR. FRETWELL:

22 Q Storey, with the old system, tell the jury about the
23 recording aspect of it, how you were able to see it on
24 your phone through that app and whether you were able to
25 preserve any of that video for later on.

1 A Okay. Yes. So we were not able to save any of that
2 footage. I didn't know this because, again, we didn't
3 install this camera. But the cameras -- the camera that
4 was in the driveway at the time that I watched Mr. Moon
5 through, it did not record unless the security system was
6 armed, which it was not because we were home, you know,
7 and in and out. So I didn't -- we didn't have any
8 recorded video of this incident because of that.

9 MR. FRETWELL: Cross-examination, Judge.

10 THE COURT: All right. Mr. Crane?

11 MR. JEREMY CRANE: Thank you, Your Honor. May it
12 please the Court.

13 THE COURT: Yes, sir.

14 CROSS EXAMINATION

15 BY MR. JEREMY CRANE:

16 Q Ms. Gilchrist, when was the first time that you saw
17 Mr. Moon that day? Where did you see -- where was the
18 first place you saw Mr. Moon that day?

19 A On our back porch.

20 Q Okay. You didn't see him in the driveway or by the
21 garage prior to that, did you?

22 A When you sit at our -- no, I did not. When you sit
23 at the island, there's no -- like you can't see the
24 driveway from where we were sitting. So no. The first
25 time I saw him was when he was approaching the back

1 door.

2 Q Okay. And you said that you had your back to the
3 back door, correct?

4 A I did, yeah.

5 Q So did you see Mr. Moon first or did Hanna see him
6 first?

7 A Hannah did.

8 Q Okay. Did you give a written statement that day?

9 A I did.

10 Q And did you also sign off on a statement that
11 Investigator Bowers did for you?

12 A I did.

13 MR. JEREMY CRANE: Your Honor, may I approach the
14 witness?

15 THE COURT: Sure.

16 BY MR. JEREMY CRANE:

17 Q Ms. Gilchrist, can you identify that?

18 A Yeah. This is my victim statement.

19 Q Okay. Is that the one that you wrote yourself?

20 A I did.

21 Q Okay. And can you identify that? Is that a victim
22 statement as well?

23 A It is, yeah. I didn't write it, but...

24 Q Was that written by Investigator Bowers?

25 A Yes.

1 Q And did you sign off on that stating it was true and
2 accurate?

3 A I did.

4 Q Okay. Can you read just the first full sentence on
5 that?

6 MR. FRETWELL: Objection, Your Honor. Improper
7 impeachment.

8 BY MR. JEREMY CRANE:

9 Q All right. So this is you ---

10 THE COURT: Just a second, Mr. Crane.

11 Under 613 ---

12 MR. FRETWELL: Yes, Your Honor.

13 THE COURT: --- B?

14 MR. FRETWELL: Yes, Your Honor.

15 THE COURT: Come up here for a second.

16 (WHEREUPON, a bench conference was held off the record.)

17 BY MR. JEREMY CRANE:

18 Q Ms. Gilchrist on the incident report that -- excuse
19 me. On the statement that Detective -- Deputy Bowers
20 wrote, does it state on there that Hannah saw Mr. Moon in
21 the driveway?

22 MR. FRETWELL: Judge, I still object to the nature
23 of that question.

24 THE COURT: And I'm going to sustain it as to that.

25 MR. FRETWELL: Thank you, Judge.

1 BY MR. JEREMY CRANE:

2 Q So you said that you first saw Mr. Moon on the
3 screen porch, correct?

4 A Yeah.

5 Q Okay. So you never saw him in the driveway,
6 correct?

7 A Not until I was looking at the video camera.

8 Q Okay. So while you were sitting in the house, you
9 never saw him in the driveway or by the garage, correct?

10 A No.

11 Q Okay. Do you remember signing a witness statement
12 saying that you did see him in the driveway?

13 A I don't. I mean, I know I signed the witness
14 statement, obviously, but I don't remember those two
15 things being different.

16 Q Again, is this the statement that you signed that
17 Investigator Bowers wrote?

18 A It is.

19 Q Can you look at the first line.

20 A (Reviews document) Yes.

21 Q Does that state that -- does that state that Hannah
22 saw Mr. Moon in the driveway by the garage?

23 A Yeah. It says, "Hannah told me that someone was in
24 the backyard driveway of our property."

25 Q Okay. But that's not correct, correct?

1 A Did Hannah tell me that?

2 Q Did Hannah see anybody in the backyard as far ---

3 MR. FRETWELL: Objection, Your Honor. This is
4 hearsay. This is speculation.

5 THE COURT: I'm going to overrule.

6 MR. FRETWELL: Okay.

7 THE WITNESS: Did Hannah see anybody in the
8 driveway?

9 BY MR. JEREMY CRANE:

10 Q Does this statement -- I'll start over. Does that
11 statement say that Hannah saw someone in the driveway of
12 your house?

13 A It does say that.

14 Q Okay. Is that true?

15 A No. She saw him on the porch.

16 Q Okay. Thank you.

17 You said that Mr. Moon came up on the porch and you
18 essentially were face-to-face with each other; is that
19 correct?

20 A That's right.

21 Q Okay. So when he came up, about how long were you
22 at the door before you turned around and retreated to the
23 front?

24 A I would say maybe three seconds.

25 Q Okay.

1 A Three to five seconds.

2 Q Okay. Did you ever tell anyone whether or not
3 Mr. Moon had anything in his hands while he was on the
4 porch?

5 A In his actual hand, no. I didn't see anything nor
6 do I think I told anybody. I told the 9-1-1 operator
7 that I felt he had a weapon in his pocket because he had
8 his hand in his pocket.

9 Q You felt that he had a weapon in his pocket. Why
10 would you feel that he had a weapon in his pocket without
11 seeing one?

12 A I can't answer that. I don't know.

13 Q Did you ever actually see him with a weapon?

14 A I did not see a weapon, no.

15 Q Did he ever display a weapon to you?

16 A No.

17 Q Do you recall speaking with Deputy Bracken that day?

18 A I do vaguely, yeah.

19 Q Do you recall during your statement to her while she
20 was out front with you, do you remember when she asked
21 you what he was yelling to you through the door?

22 A Do I remember her asking me that?

23 Q Yes.

24 A I don't.

25 Q Okay. Do you remember answering a question of that

1 where you said, "He said nothing that made sense"?

2 A I don't remember that, no.

3 Q In the two reports that -- your two witness
4 statements, anywhere on there did you ever say that he
5 was yelling to let you in -- excuse me -- to let me in?

6 A Did I -- did I write that in -- are you asking did I
7 write that in my victim statement?

8 Q Correct, yes.

9 A I don't know.

10 Q After you told Deputy Bracken that he was yelling
11 nothing that made sense, if Mr. Moon was yelling at you
12 that your garage was on fire, would that make sense?

13 A I would think it would, yes.

14 Q It would make sense if he was yelling that your
15 garage was on fire. Would that be a normal thing to be
16 yelling to someone?

17 A Given the -- I guess the, you know, abruptness of
18 his entry onto the porch and trying to get into our
19 house, I guess if he were yelling that our garage was on
20 fire, that may explain his actions.

21 Q Do you remember anything that he said? You said he
22 was yelling and screaming. You're saying he was saying
23 "let me in." Do you remember anything else that he said?

24 A No.

25 Q Were you flustered when all this was happening?

1 A Very flustered, yeah.

2 Q Is there a chance that you didn't hear everything he
3 was saying when he was on the other side of the door from
4 you?

5 A Yeah, yeah.

6 Q Is there a possibility he could have been banging on
7 the door telling you your garage was on fire?

8 A I guess there's a possibility he could have. But
9 the garage wasn't on fire that I was aware of until, you
10 know, minutes later when we saw it smoking.

11 Q Now, how would you know if the garage was on fire?
12 Were you concentrating on Mr. Moon or were you looking
13 out the back door towards the garage?

14 A You couldn't see it even if you were.

15 Q So therefore, you wouldn't know if your garage was
16 on fire?

17 A Yeah. You're right. Yeah.

18 Q When you encountered Mr. Moon, did you turn around
19 and kind of run to the front of the house?

20 A Yeah.

21 Q Okay. The State asked you if Mr. Moon was gesturing
22 towards the garage or anything. If you're turned around
23 running, how would you have noticed if he was gesturing
24 towards the garage?

25 A Once we decided to run, I wouldn't have noticed that

1 he was gesturing towards the garage.

2 Q Okay. So he could have been gesturing -- so your
3 testimony is he could have been yelling to you that your
4 garage was on fire and he could have been gesturing
5 towards the garage, but you were too flustered and you
6 were running so you wouldn't have known; is that correct?

7 A Yes.

8 Q Okay. You stated that he was kicking the door; is
9 that correct?

10 A Yeah.

11 Q Was he also banging on the door?

12 A Yeah.

13 Q Okay. And he was yelling at the same time?

14 A All at the same time.

15 Q The report states and you've stated that Mr. Moon
16 flipped over your grill; is that correct?

17 A Uh-huh.

18 Q At the time, did your grill have a cover on it?

19 A I don't remember.

20 Q I'm going to direct you to what has been marked as
21 State's Exhibit 18. Is that your grill?

22 A It is.

23 Q Okay. What is this (indicating) right here on the
24 ground?

25 A That's a cover.

1 Q Okay. So there was a cover on your grill?

2 A I'm assuming, yeah, yeah.

3 Q Thank you.

4 And by that picture, it does appear that the grill
5 cover was removed, correct?

6 A Yes.

7 Q Is it possible that Mr. Moon removed that grill
8 cover possibly searching for a fire extinguisher? Is
9 there a possibility?

10 A Yeah.

11 Q Okay. We've already established that you saw
12 Mr. Moon on your surveillance cameras, correct?

13 A Yeah.

14 Q And those cameras did not record.

15 A That's right.

16 Q Did you ever see Mr. Moon on your camera prior to
17 him coming onto the porch?

18 A No.

19 Q Okay. So you don't know if the fire that you saw
20 started prior to Mr. Moon appearing on your porch?

21 A I don't.

22 Q Okay. You said that when you left, you drove out of
23 your house and kind of went up Breeds Hill, correct?

24 A Uh-huh. That's right.

25 Q All right. So your house would have been behind

1 you, correct?

2 A Uh-huh.

3 Q Okay. If your house was on fire at that point,
4 would you have noticed?

5 A I would not have, no.

6 Q Because it would have been behind you, correct?

7 A That's right.

8 Q Ms. Gilchrist, this is a photo previously made
9 State's Exhibit 9. Does that appear to be an accurate
10 depiction of your driveway?

11 A It is.

12 Q Can you see your garage from that driveway?

13 A No.

14 Q If you were across the street from your house
15 staring down your driveway, can you see your garage?

16 A No.

17 Q So then if your garage was on fire when you were
18 standing on the street -- or excuse me -- in the car
19 looking down the street, you wouldn't have been able to
20 see it, would you?

21 A Not the fire of the garage, no. You would see the
22 smoke, I would think.

23 Q You also wouldn't have been able to see the grill,
24 would you, from where you were standing?

25 A No, no.

1 Q Excuse me. Where you were in the car.

2 So, again, earlier they asked -- the State asked you
3 if Mr. Moon looks kind of the same that he did before.
4 And you said that in your description of him you would
5 have paid more attention. Is that what you testified to?

6 A Yeah.

7 Q Okay. So if you couldn't even tell what Mr. Moon
8 actually looked like, were you really going to be able to
9 tell if he was holding a weapon or not?

10 MR. FRETWELL: Argumentative, Judge.

11 THE COURT: Overruled.

12 THE WITNESS: No.

13 BY MR. JEREMY CRANE:

14 Q On your 9-1-1 call, did you tell the 9-1-1 operator
15 that you didn't see a weapon?

16 A I told her I did not see a weapon. That's right.
17 Yes.

18 Q On the 9-1-1 call, you also said you couldn't see
19 Mr. Moon from where you and Hannah were sitting, correct?

20 A Correct.

21 Q So you wouldn't have been -- we've already
22 established you wouldn't be able to see the garage
23 either, correct?

24 A Correct.

25 Q When you were on the 9-1-1 call, you stated that you

1 couldn't see him on the camera; is that correct?

2 A At one point I did say that, yeah, on the 9-1-1
3 call.

4 Q And you said you didn't know where he was, right?

5 A That's right.

6 Q All right. And then at one point didn't you say you
7 saw him standing -- or he was in the driveway?

8 A Uh-huh.

9 Q If someone started a fire in your garage, why would
10 they just be sitting in your driveway?

11 MR. FRETWELL: Objection, Your Honor.

12 THE COURT: Sustained.

13 MR. JEREMY CRANE: One moment, Your Honor.

14 BY MR. JEREMY CRANE:

15 Q Ms. Gilchrist, is that day, is July 17th of '21 the
16 first time you ever met Mr. Moon?

17 A It's the first time I've ever seen him, yes.

18 Q Okay. So he wasn't an ex of any sort?

19 A No.

20 Q Okay. He wasn't an ex-employee, a disgruntled
21 employee, anything like that?

22 A No.

23 MR. FRETWELL: Objection, Your Honor. May we
24 approach?

25 (WHEREUPON, a bench conference was held off the record.)

1 THE COURT: Did you have another question,
2 Mr. Crane?

3 MR. JEREMY CRANE: Just one or two last questions.

4 BY MR. JEREMY CRANE:

5 Q. You do not know -- scratch that. You did not ever
6 know Mr. Moon prior to that day, correct?

7 A No.

8 MR. JEREMY CRANE: No further questions.

9 MR. FRETWELL: Briefly, Your Honor.

10 THE COURT: Any redirect?

11 MR. FRETWELL: Briefly, Your Honor. May it please
12 the Court.

13 THE COURT: Yes, sir.

14 REDIRECT EXAMINATION

15 BY MR. FRETWELL:

16 Q Storey, Mr. Crane was asking you about the doors to
17 the sunroom or the area of the garage out there outside
18 the sun porch. That door that we see in State's
19 Exhibit 14, is that also a door to the sunroom?

20 A It is.

21 Q And what side of the house is that door on?

22 A The west.

23 Q Okay. And is that the door where the yard is ---

24 A Yeah.

25 Q --- that's shown in State's Exhibit 6?

1 A That's right.

2 Q Okay. So the door that you've referred to ---

3 MR. JEREMY CRANE: Your Honor, I don't understand
4 how this is proper redirect. I didn't ask her anything
5 about the doors or where the doors were located, anything
6 like that.

7 MR. FRETWELL: Give me just a minute, Judge. I'll
8 tie it right back up.

9 THE COURT: Overruled.

10 BY MR. FRETWELL:

11 Q So this door in State's Exhibit 12 is on the garage
12 side ---

13 A That's right.

14 Q --- the parking pad side of the sunroom; is that
15 correct?

16 A That's right.

17 Q Okay. And that is the side that Hannah saw him
18 enter; is that correct?

19 A Correct.

20 Q Okay. And that is the area when you got up and
21 noticed him, that you saw him in; is that correct?

22 A Correct.

23 Q Not on the other side.

24 A Yes.

25 Q Not on the yard side.

1 A Right.

2 Q Okay. Mr. Crane asked you about the conversation
3 that you had or your ability to understand what Mr. Moon,
4 the defendant was telling you at that time, something
5 about it being in a report or something that you said to
6 Investigator Bracken. Did you tell the 9-1-1 operator
7 what you understood him to say to you?

8 A I did.

9 Q And what was that?

10 A To let him in.

11 Q Okay. And that's on the tape we just listened to.

12 A It is.

13 Q Okay. Do you recall on the 9-1-1 call initially
14 being asked if you want police, fire or emergency medical
15 assistance? Do you recall that?

16 A I do.

17 MR. JEREMY CRANE: Your Honor, this is not proper
18 redirect. I didn't ask anything about ---

19 MR. FRETWELL: It relates directly to the fire,
20 whether there was some fire going on.

21 THE COURT: I'll allow it. Overruled.

22 BY MR. FRETWELL:

23 Q Do you recall that question being asked of you?

24 A Yes.

25 Q Do you recall specifying to the operator that you

1 only needed police services; is that correct?

2 A That's right. Yes, sir.

3 Q At that point, did you smell a fire?

4 A No.

5 Q Did you see any kind of smoke whatsoever as you
6 looked out there in that back area?

7 A No.

8 Q Okay. With respect to this cover that Mr. Crane
9 showed you on State's Exhibit I think it's 18 -- it's
10 either 15 or 18. With respect to this cover, Storey, do
11 you know whether that cover was over the grill or just
12 lying on the grill?

13 A I don't know.

14 Q But it's certainly not anywhere on it at the time of
15 the photo; is that correct?

16 A That's right.

17 Q When you watched the defendant flip over the grill,
18 did he touch the grill?

19 A Yeah.

20 Q And what did he do with it?

21 A Threw it on the ground.

22 Q Did he look around it? Did you see him looking for
23 anything? Did you see him go around it or beside or
24 anything like that?

25 A No.

1 Q Okay. When you ended up with Hannah in her vehicle
2 at this location right here (indicating) -- and that's
3 Hannah's car you've identified; is that right?

4 A Yes, sir.

5 Q Looking down this driveway right here (indicating)
6 of your property, when you first got there and stopped
7 and talked with 9-1-1, did you see any smoke whatsoever
8 coming from that area of the garage?

9 A No.

10 Q Did you see anything up above the house anywhere
11 that would show any kind of smoke whatsoever coming out
12 of that garage?

13 A No.

14 Q If you had, would you have told the dispatcher that
15 you saw that?

16 A Yes.

17 Q In fact, did you, when you noticed smoke, tell the
18 dispatcher that you think there was a fire?

19 A Yes.

20 Q And with respect to any kind of weapon, did you
21 state to the dispatcher any thoughts that you had with
22 respect to whether the defendant was armed when he was in
23 your house?

24 A Did I state -- yeah, I did.

25 Q And that's on the call.

1 A It is.

2 MR. FRETWELL: No further questions, Judge.

3 THE COURT: Any recross?

4 MR. JEREMY CRANE: Briefly, Your Honor.

5 RECROSS EXAMINATION

6 BY MR. JEREMY CRANE:

7 Q When you said you only needed fire, if you hadn't
8 seen a fire -- excuse me. You said you only needed
9 police. If you had not seen a fire, you wouldn't ask for
10 fire, correct?

11 A Can you say that again?

12 Q Yeah. Sorry. You said that you only asked for
13 police.

14 A Yeah.

15 Q If you couldn't see a fire, you wouldn't have asked
16 for the fire department, correct?

17 A Right.

18 Q So is there a chance that there was a fire but yet
19 you didn't see the smoke from it?

20 A I guess there's a chance.

21 Q Because you couldn't see down your driveway,
22 correct?

23 A Right.

24 Q So is there a chance that, when you were sitting
25 across the street with Hannah looking down the driveway,

1 that there could have been a fire burning but yet you
2 didn't see the smoke until the fire got out of control?

3 A Yeah.

4 Q And where was Mr. Moon when you were looking down
5 the driveway, when you were sitting in Hannah's car
6 looking down the driveway?

7 A In the driveway.

8 Q In the driveway?

9 A Yeah.

10 Q He was not around the back by the garage?

11 A That's what I mean.

12 Q Well, you said he was in the driveway. Was he where
13 you could see him?

14 A Yeah.

15 Q Then he would have to be in the driveway. You can't
16 see the garage from where you were sitting, correct?

17 A I guess I'm confused what you mean, because the
18 driveway is right outside the garage. I can't see the
19 garage but I can still see the driveway.

20 Q If you saw Mr. Moon and he was in the driveway, he
21 could not have been in your garage, correct?

22 A That's right. That's right.

23 Q Mr. Fretwell went into the cover on the grill. Why
24 would the cover not be on the grill?

25 A I guess the wind had blown it off.

1 Q The wind had blown it off?

2 A Maybe.

3 Q Is it a possibility that Mr. Moon ripped it off
4 looking for a fire extinguisher?

5 A I guess, yeah.

6 Q And did you see -- you said you saw Mr. Moon flip
7 the grill over on your video?

8 A When I first turned on my camera, yeah.

9 MR. JEREMY CRANE: Nothing further, Your Honor.

10 THE COURT: Okay.

11 MR. FRETWELL: No questions.

12 THE COURT: Okay. Ma'am, you can step down.

13 Counsel, approach.

14 (WHEREUPON, a bench conference was held off the record.)

15 THE COURT: Okay. Ladies and gentlemen, we're going
16 to break for lunch and then I'm going to ask that you
17 come back at 2:30.

18 I told you yesterday I'm going to be a broken
19 record. You cannot start talking about this case among
20 yourselves. You cannot talk about it to anybody. Do not
21 do any research, investigation. And I'll see y'all back
22 at 2:30, okay? Thank you.

23 (WHEREUPON, the jury exits the courtroom at 1:01 PM.)

24 THE COURT: Okay. I'll see y'all back at 2:30.

25 (WHEREUPON, a recess is taken at 1:01 PM.)

1 THE COURT: Let's go on the record. I had a meeting
2 in chambers with counsel and the solicitor brought to my
3 attention that Investigator Bowers -- is that correct?

4 MR. FRETWELL: That's correct.

5 THE COURT: Okay. From -- you can sit down. Thank
6 you. From like, what was it, 19 years ago?

7 MR. FRETWELL: Correct, Judge.

8 THE COURT: Okay. Sometimes I hear things
9 correctly, sometimes I don't.

10 MR. FRETWELL: It was high school followed by --
11 yes, sir.

12 THE COURT: Yeah. But from all the way back in high
13 school and then the two -- he knew one of the jurors.
14 And they -- I guess they both were in Charleston and they
15 were friends. And he even had dinner. And I'll let
16 y'all, you know, I guess clarify all of that. But I
17 think, you know, properly y'all brought that to my
18 attention I think through Investigator Bowers.

19 And so what we'll do is I'm going to bring the juror
20 out. We do need to identify her. Number 29. I'll bring
21 her out in just a second.

22 You said she's married, too, now, right?

23 MR. FRETWELL: I believe so, Judge. That's the
24 information from Investigator Bowers.

25 THE COURT: And go ahead and just from the State if

1 THE COURT: All right. Madam Clerk?

2 THE CLERK: It says Number 1 which is Mr. Gonzalez,
3 Juror Number 60.

4 THE COURT: All right. So that's Robert Gonzalez,
5 Number 60. Okay.

6 Anything else from the State before we get cranking?

7 MR. FRETWELL: No, Your Honor.

8 THE COURT: Anything from defense?

9 MR. JEREMY CRANE: No, Your Honor.

10 THE COURT: Okay. Bring my jury back in. Thank
11 you.

12 (WHEREUPON, the jury entered the courtroom at 2:56 PM.)

13 THE COURT: Good afternoon. Mr. Gonzalez, you have
14 now been picked to be part of this jury so you can move
15 over to that chair, okay?

16 All right. State?

17 MR. FRETWELL: Thank you, Judge. May it please the
18 Court.

19 THE COURT: Yes, sir.

20 MR. FRETWELL: The State calls Hannah Price Story.

21 THE CLERK: Place your left hand on the Bible and
22 raise your right hand.

23 WHEREUPON,

24 HANNAH STORY

25 After having been duly sworn, testified as follows:

1 THE CLERK: Thank you. Please be seated. Please
2 state your name for the record.

3 THE WITNESS: Hannah Story.

4 DIRECT EXAMINATION

5 BY MR. FRETWELL:

6 Q Good afternoon.

7 A Good afternoon.

8 Q How old are you?

9 A I'm 35.

10 Q And do you live in Greenville County?

11 A I do.

12 Q Are you married?

13 A I am.

14 Q And do you have any children?

15 A I do. I have a 2-year-old and a 6-month-old.

16 Q Okay. And how far did you go in school?

17 A I have my bachelor's degree from Presbyterian
18 College.

19 Q Okay. And what kind of work do you do?

20 A I'm an artist and also I stay with my kids.

21 Q I'm sorry?

22 A I'm an artist out of my house but also stay with my
23 children.

24 Q Okay. And how long have you been working in the
25 capacity of an artist?

1 A Eight years. Eight years now, yes.

2 Q And did you do any other kind of work besides art?

3 A Before -- right after I got out of college I did
4 sales and then did my full-time art career after that.

5 Q And let me take you back to July of 2021. Where
6 were you living at the time?

7 A We were living in Charlotte, North Carolina.

8 Q And do you know Storey Gilchrist?

9 A Yes.

10 Q Tell us how you know Storey.

11 A We've been best friends since we were like 5 years
12 old. Little, yeah.

13 Q And I'm sure, how is your last name Story and her
14 first name?

15 A It's very weird. I somehow met somebody with the
16 last name Story. It's very random, yeah. Spelled
17 different, but yeah.

18 Q Right. So that's not a mistake.

19 A Yeah. I called her after our first date and told
20 her. It was crazy.

21 Q So you said she's your best friend. How long have
22 you known her?

23 A 30 years.

24 Q Since what grade?

25 A First grade, yeah.

1 Q And you and she grew up in an area in South
2 Carolina?

3 A Right. In Anderson, South Carolina.

4 Q Okay. Let me take you to right before 5 p.m. on
5 July 17, 2021. Do you recall where you were and what you
6 were doing around that time?

7 A Yes.

8 Q Can you tell us that?

9 A Yes. I was coming in from Charlotte. One of our
10 friends was having an engagement party in Anderson that
11 evening. Storey and Andrew had just moved into their
12 house about maybe like a month prior. I hadn't seen the
13 new house yet and I had a housewarming gift, so I swung
14 by in Greenville to drop that off and only planned on
15 staying just for a minute. That's why I left my dog out
16 in my car with my car running because with a bulldog in
17 July, he can't sit in a car not running. So yeah. So I
18 stopped by there to do that, and yeah. Do you want me to
19 continue?

20 Q Sure.

21 A Went inside. We sat down at her kitchen island
22 catching up, talking. I was actually about to leave to
23 go to my parents' house in Anderson to get ready for the
24 party that evening. I was facing the window over her
25 kitchen sink, and I saw the screen door of her porch open

1 and then someone start coming through. He didn't make
2 eye contact with me at that time. It was like he was
3 kind of looking around. And I said, "Storey, somebody's
4 on your porch." The second she stood up and thank
5 goodness she immediately had a reaction to go run and
6 lock the door.

7 As she starts moving fast, he bolts towards the door
8 as well. And he then proceeds -- and I'm just kind of
9 standing there in shock. And he is kicking and
10 screaming. I feel like I saw him hit the glass with
11 something in his hand whenever. But yeah. He was
12 kicking and screaming. And all I thought, I knew my car
13 was on. I grabbed her and I just pulled her out of the
14 front door and jumped in my car.

15 Q Okay. So let me take you back for just a little bit
16 if I can. When you got there, was -- you know Andrew, of
17 course.

18 A Right. Yes.

19 Q Was he there?

20 A I did. Yes. He was there. Sorry I spoke over
21 that.

22 Q No. That's totally fine.

23 A Yes. He was there for a little bit, and he actually
24 -- he had just gotten his Jeep back. And he went out and
25 showed me the Jeep in the garage and everything. And

1 then he left to go get his hair cut for the party that
2 night.

3 Q Okay. And then you went inside, and you and Storey
4 were inside talking in the dining/kitchen area of her
5 house.

6 A Yeah. On the barstools of the island.

7 Q Okay. Do you remember how long it had been since
8 Andrew left?

9 A 20, 30 minutes.

10 Q Okay.

11 A 20 minutes. I mean, yeah.

12 Q And did you know instantly it was somebody that you
13 didn't know? Or did you expect Andrew?

14 A I didn't know -- I didn't know if it was some -- a
15 lawn guy or whatever. But I immediately kind of realized
16 -- she went, "Oh, no." And the second she started
17 running, he bolted in an aggressive manner. So I didn't
18 really even have to ask like who that is anymore so --
19 because I knew she didn't know who he was.

20 Q And tell us when she was able to -- when Storey was
21 able to lock the door, what did he do at that moment?

22 A Kicking the door aggressively, screaming and banging
23 on the door.

24 Q Do you recall whether he tried the door?

25 A Yeah. He had the handle. They like grabbed the

1 handle at the same time, yeah, trying to push through it.

2 Q And you said he was screaming. Could you make out
3 what he was screaming?

4 A "Let me in. Let me the 'F' in." Yeah.

5 Q Anything about your garage, a fire, anything like
6 that?

7 A No, sir.

8 Q Did he point in any direction over here, do anything
9 like this (gesturing) to say there's a fire? Anything
10 whatsoever?

11 A I only saw him banging on the glass door to come in.

12 Q And what was his demeanor?

13 A Angry.

14 Q Okay.

15 A Yeah. Very angry.

16 Q And maybe I've jumped over something now. That
17 individual, did you get a good look at him?

18 A I did.

19 Q Okay. And would you recognize him if you saw him?

20 A Yes.

21 Q And is he in this courtroom?

22 A He is.

23 Q Can you identify him for the Court?

24 A Right over there (indicating).

25 MR. FRETWELL: Okay. Your Honor, let the record

1 reflect she identified the defendant, Mr. Moon.

2 THE COURT: So noted on the record.

3 BY MR. FRETWELL:

4 Q You said at some point you grabbed Storey. And your
5 car was out front, right?

6 A Uh-huh.

7 Q And you went that way. Tell us about that.

8 A Yeah. Storey's house is -- it's kind of long so I
9 knew with my car being right outside we could get there
10 without him being able to go around. So I just grabbed
11 her and ran, jumped in my car. I even took my dog out of
12 the front seat, threw him in the backseat, basically, so
13 she could jump in. And we -- I sped out.

14 We took a left out of her driveway and started
15 driving down to the cul-de-sac to the left. That's when
16 Storey started calling 9-1-1.

17 We turned around at the cul-de-sac, drove back down
18 a little slowly, looked trying to see what's going on,
19 turned left, went down the other cul-de-sac to turn
20 around and then parked at the -- at the stop sign.

21 Q And when you're coming back down the street toward
22 Storey and Andrew's house, are you able to see down there
23 toward their garage area from that perspective?

24 A Yes, sir.

25 Q Okay. And what did you see there in the driveway

1 parking area that you were not used to seeing or hadn't
2 seen or didn't know what it was?

3 A Whenever -- so whenever we got back towards this --
4 as we're going down, I saw his bike, yes, yeah, at that
5 time.

6 Q That's what -- okay. You were able to see the
7 garage?

8 A Yes.

9 Q Did you see any fire whatsoever?

10 A No, sir.

11 Q Did you see any smoke whatsoever?

12 A No, sir.

13 Q Okay. But you saw a red bike.

14 A Yeah.

15 Q You said that Storey had called 9-1-1?

16 A Uh-huh.

17 Q And what did you do while she was calling 9-1-1 in
18 addition to driving the vehicle, of course?

19 A I called Andrew, told him to come home.

20 Q Okay. All right.

21 A I told him what was going on at first. I didn't
22 really know if we should tell him to come home yet. But
23 yeah.

24 Q And then when you got back to the house, you saw
25 what you saw, where did you go from there?

1 A We turned around in the other cul-de-sac, came back
2 and then parked at the stop sign to where it's kind of --
3 here's the stop sign. It's kind of in front of her
4 neighbor's house. And Storey's house is sort of diagonal
5 to that.

6 Q Could you see down the driveway?

7 A Yes.

8 Q Could you see the bike?

9 A Yes.

10 Q Do you recall when you first got back to that stop
11 sign whether the defendant was on his bike at that point
12 or not?

13 A He was leaning against his bike.

14 Q Okay. Do you recall him doing anything?

15 A Smoking a cigarette.

16 Q All right. And at some point, did -- could you hear
17 the conversation between the 9-1-1 operator and Storey?

18 A I could. Storey put it on speakerphone when she
19 started looking at her camera.

20 Q That's what I was going to ask you.

21 A I think, yeah, yeah. I think, yeah.

22 Q If you recall, any mention of a security camera or
23 something like that in that conversation?

24 A Right, right.

25 Q Okay. Once she did that, did she pull up the

1 application?

2 A Yes.

3 Q Were you able to see anything on that application?

4 A I was driving, so, I mean, I think I was -- she was
5 saying what was happening and I was sort of glancing. I
6 can't say whether or not I saw -- you know, I wasn't
7 watching it intently, and I was trying to call Andrew at
8 the time. So yeah.

9 Q So in other words -- right. So in other words, that
10 all occurred while you're still driving before you get
11 stopped at the stop sign that she's looking up this
12 application; is that right? Is that about right?

13 A Yes. Uh-huh.

14 Q All right. Do you recall when you came down that
15 road before you went to the second cul-de-sac and you saw
16 the bike if it was just the bike or the defendant was
17 leaning against or on the bike?

18 A It was just the bike.

19 Q Just the bike.

20 A Yeah.

21 Q Okay. At some point after that, were you present
22 and did you observe deputies appear?

23 A Yes.

24 Q They pulled up and you saw that encounter with the
25 defendant as well.

1 A Yes, sir.

2 Q Okay. Do you know this defendant at all?

3 A No, sir.

4 Q Before that day, had you ever met him, ever seen him
5 in your life?

6 A No, sir.

7 Q You testified a few minutes ago that you thought he
8 had something in his hand banging on the glass door
9 there.

10 A Yeah.

11 Q Do you know what that was?

12 A I didn't know if it was a knife, but it was
13 something long in his hand banging like this (gesturing).
14 So that's all I could ---

15 Q But you believed it could be a knife.

16 A Yes.

17 Q Were you frightened?

18 A Absolutely, yes.

19 Q And do you know how long after you left and got
20 stopped there police arrived, deputies arrived?

21 A Five to ten minutes. It was very quick. Luckily
22 they got there real quick.

23 Q Was the person that you saw being arrested by the
24 deputies out front the same person you had seen back
25 there at that door to the sunroom?

1 A Yes, sir.

2 Q At that time, how close were you to him?

3 A When he was in the sunroom?

4 Q When he was in the sunroom.

5 A I was right behind Storey, so, I mean, three, five
6 feet at most and then got closer whenever I was pulling
7 her away, yeah.

8 Q In very close proximity.

9 A Yes.

10 Q Okay. At any time when you were at Storey and
11 Andrew's home, when you got there all the way through to
12 when the police arrived, other than this defendant, did
13 you see anybody else on that property?

14 A No, sir.

15 Q Did you see anybody else in the vicinity of that
16 property?

17 A No, sir.

18 Q Did you see anybody in that sunroom other than this
19 defendant?

20 A No.

21 Q Anybody in that back area near the garage other than
22 this defendant?

23 A No.

24 MR. FRETWELL: Please answer any questions the
25 defense counsel has.

1 THE COURT: Cross-examination.

2 MR. JEREMY CRANE: May it please the Court.

3 THE COURT: Yes, sir.

4 CROSS EXAMINATION

5 BY MR. JEREMY CRANE:

6 Q For the sake of easiness, I'm going to refer to you
7 as Ms. Price if that's okay.

8 A That's fine.

9 Q Ms. Price, when was the first time that you saw
10 Mr. Moon that day?

11 A When he walked through the screen door on the back
12 porch.

13 Q Okay. So you did not see him in the driveway or at
14 the garage prior to that time.

15 A I saw him walk up the steps from the back driveway
16 into the porch.

17 Q Okay.

18 A You can see through the screen. I saw him coming
19 up, open the door and walk through.

20 Q Okay. So to repeat my question did you ever see him
21 in the garage?

22 A No.

23 Q Were you the first one to see Mr. Moon on the porch
24 that day?

25 A Yes.

1 Q And where were you sitting when you saw him?

2 A I was sitting on a barstool at the island facing
3 towards the window above the sink that looks out over the
4 back porch.

5 Q Okay. And from sitting there, is there any way to
6 see the garage from where you were sitting?

7 A No. You can see the door that goes out to the
8 garage but not the actual garage.

9 Q In your statement you said that he started kicking
10 and beating the glass door.

11 A Yes.

12 Q Is that correct?

13 A Yes, sir.

14 Q So it's your contention that he was beating on the
15 glass with his hands?

16 A Hands and feet, yes.

17 Q Okay. Were his hands in his pockets?

18 A I don't remember a hand in a pocket. I remember, I
19 think, like the right hand hitting the glass and somewhat
20 on the doorknob. So...

21 Q So Ms. Gilchrist testified that his hands were in
22 his pocket.

23 MR. FRETWELL: Your Honor, I'm going to object to
24 the pitting of the witnesses.

25 THE COURT: Overruled.

1 THE WITNESS: She's in front of me. I'm saying what
2 I saw, the top hand going up. She was in front of me in
3 front of the door. So it was all so very quick.

4 BY MR. JEREMY CRANE:

5 Q Right. It was very quick. So you don't know if you
6 actually noticed him with anything in his hand, do you?

7 A Oh, I was standing there looking. I was in shock
8 watching it as it was happening. I mean, I remember --
9 that's what I remember.

10 Q Okay. So you're going to tell us today it was too
11 quick for you to remember if his hands were in his
12 pocket, but it wasn't quick enough for you to remember
13 that he had something in his hand.

14 A I think I was looking at the hand that was banging
15 on the glass because it was intimidating.

16 Q Did you ever tell anybody about him having something
17 in his hand before today?

18 A I think I told the officer that was there.

19 Q I have pages and videos ---

20 MR. FRETWELL: Objection, Your Honor.

21 THE COURT: Sustained.

22 BY MR. JEREMY CRANE:

23 Q Did you give a statement to officers that day?

24 A I did, yes.

25 Q On that statement, did you tell them that he had

1 anything in his hand when he was banging on the window?

2 A I'm not sure.

3 Q So you said that -- you said that when he came on
4 the porch, you and Ms. Gilchrist got up and then you also
5 approached the door; is that correct?

6 A Not at first. I was sort of in shock, like I said.
7 And then when she rushed over there and he started
8 getting aggressive, I had that fight-or-flight moment of
9 fleeing and grabbed her and went over to her, got her and
10 we left.

11 Q Did you ever actually see a weapon in Mr. Moon's
12 hand?

13 A I can't say it was a weapon. I saw something in his
14 hand against the door.

15 Q Something that only today you testified to, that
16 today you saw something in his hand.

17 A I'm not sure if I haven't testified before or not.

18 Q Did you say that it was something long that was in
19 his hand? Is that what you just testified to?

20 A Maybe. Yes, yes.

21 Q Tell us, what do you think it was in his hand?

22 A I thought -- I thought it was a knife in his hand
23 against the door.

24 Q A long knife in his hand is what you thought it was?

25 A Sure. Yes. I mean, a knife.

1 Q You said it was long. Was it a long knife or was it
2 a short knife?

3 A I saw something in his hand that came up the top of
4 his hand, so I would say that would be a long, I guess.

5 Q It sounds like you might be confused about what you
6 saw in his hand that day.

7 A Okay.

8 Q You said he was yelling at the back door?

9 A Yes.

10 Q Do you know what he was yelling?

11 A Was saying, "Let me in."

12 Q Okay. When he started yelling and you were there
13 with Ms. Gilchrist, did you both turn around and go
14 towards the front?

15 A Yes.

16 Q Of the house. Excuse me.

17 A Yes.

18 Q Did he continued to yell?

19 A I can't remember.

20 Q Okay. So you can't remember. Could he have been
21 warning you that the garage was on fire?

22 A I didn't hear him say that.

23 Q But you said you couldn't remember what he said.
24 Didn't you just testify you can't remember what he said?

25 A I don't think it was -- I mean, I didn't hear him

1 say that any other time I was hearing him, so -- but, I
2 mean, it could be possible. But that's -- I never heard
3 him say that when we were in front of him.

4 Q You said that he looked angry at the back door.
5 Could anger be confused with frustration or hysteria
6 because the garage was on fire?

7 A I was terrified. It was an extremely aggressive
8 anger.

9 Q Again, could anger be confused with some other
10 emotion such as ---

11 A I wouldn't have reacted that way if I was in his
12 position if that's what he was trying to do.

13 Q So you said you were scared, correct?

14 A Very.

15 Q Okay. Could he have been telling you guys to get
16 out of the house but yet you were too scared to hear what
17 he was saying?

18 A I don't think that's what he was doing, but that
19 could be a possibility.

20 Q All right. So after you two left the house, you got
21 in your car, correct?

22 A Uh-huh.

23 Q And who was driving the car, you or ---

24 A I was.

25 Q Okay. And then you turned left out of the driveway?

1 A Uh-huh.

2 Q And headed up the hill?

3 A Uh-huh.

4 Q Was the house behind you?

5 A Yes.

6 Q So if the house was on fire behind you, would you
7 have seen it?

8 A Not at that time.

9 Q You said that you -- so you went up to the other
10 cul-de-sac, came down to the stop sign. And then is that
11 when you're saying you saw smoke coming from the house?

12 A Yeah. Not until we went through the other
13 cul-de-sac and down to the stop sign. That's when we saw
14 smoke.

15 Q Okay. But by your own admission when you were
16 driving up the street, you didn't see what was going on
17 at the house, did you?

18 A We came back down. So when we take a left out of
19 her driveway, you go down to that cul-de-sac, you turn
20 back around, you have a clear shot. At that point we
21 were looking, I saw the bike and the actual garage
22 because you can see it from there before you take a left
23 and there was no smoke. And then I didn't see --
24 whenever I first saw smoke when we got to the stop sign
25 finally, there was smoke up in the air above the house.

1 Q And so when you were driving back down the street
2 and you say that you -- did you say you saw his bike or
3 you saw Mr. Moon?

4 A I saw the bike.

5 Q Okay.

6 A And -- yeah. But there's a clear shot of that area.
7 And, I mean, there was no smoke at the time.

8 Q Is that something you would have been paying
9 attention to is if there was smoke coming out of the back
10 or would you have been paying attention?

11 A I feel like I would have noticed smoke for sure.

12 Q Would you have been paying attention to Mr. Moon?

13 A I noticed it the second time, so I feel like I would
14 have noticed it at that time, too.

15 Q When you were sitting at the stop sign, you were
16 looking down the driveway, correct?

17 A Uh-huh.

18 Q Can you see the garage from where you were sitting?

19 A I couldn't see the actual garage, garage door. You
20 can see the entire area right in front of the garage.

21 Q So then you still wouldn't have known if it was on
22 fire at that point, correct?

23 A No.

24 Q Is there a chance that something could have been on
25 fire but wasn't producing smoke? Would a smaller fire --

1 would a smaller fire have captured your attention if it
2 wasn't smoking?

3 A I guess not, no.

4 Q I believe you said that Mr. Moon was standing in the
5 driveway; is that correct?

6 A Yes.

7 Q Was he on his bike in the driveway?

8 A Once we got to the stop sign and stopped the car, he
9 was leaning against his bike smoking a cigarette.

10 Q Was he on his bike or was he leaning against his
11 bike?

12 A I feel like I remember him leaning against his bike.
13 I don't know if he was on it yet or not. He was just
14 sort of hanging out down there for a while, what felt
15 like a while.

16 Q Okay. So if someone had just started a fire in the
17 garage, do you think that they would just stick around?

18 MR. FRETWELL: Objection, Your Honor. Speculation.

19 THE COURT: Sustained.

20 BY MR. JEREMY CRANE:

21 Q So Mr. Moon did just stand there until officers
22 arrived?

23 A As officers were arriving, I remember that is at the
24 point where he started riding his bike up the driveway
25 and they met in the front yard.

1 Q Did he look like he was trying to escape the police?

2 A He was riding his bike up the driveway.

3 Q Did he stop when Officer Bracken approached him?

4 A It wasn't pleasant when the officers approached him.

5 Q That's not what I asked. I asked if he stopped when
6 Officer Bracken approached him. Excuse me. Deputy
7 Bracken.

8 A I guess so, yeah, yeah. I guess so.

9 Q Okay. So he didn't try and scoot past her?

10 A I can't remember.

11 MR. JEREMY CRANE: Okay. One moment, Your Honor.

12 No further questions.

13 THE COURT: All right? Any redirect?

14 MR. FRETWELL: Just very briefly, Judge.

15 REDIRECT EXAMINATION

16 BY MR. FRETWELL:

17 Q Hannah, that sunroom, did it have doors -- the
18 sunporch, did it have doors on both sides?

19 A Yes. To go to the outside.

20 Q Okay. And if you were being asked by the
21 investigator which door the defendant came through, that
22 you saw him come through, would you have said the yard
23 side or the garage side?

24 A Garage side.

25 MR. JEREMY CRANE: Your Honor, I'm sorry. I object.

1 I didn't ask any of these questions. I don't know how
2 this is proper redirect.

3 MR. FRETWELL: Judge, he absolutely covered this in
4 his cross-examination.

5 MR. JEREMY CRANE: I did not talk about other doors
6 on the porch.

7 THE COURT: You did ask about the garage. I'm going
8 to overrule it.

9 MR. FRETWELL: No other questions, Judge.

10 BY MR. FRETWELL:

11 Q Let me make sure that they heard the answer to the
12 question. Would you have said the yard side or would you
13 have said the garage side?

14 A The garage side.

15 MR. FRETWELL: No further questions, Judge.

16 THE COURT: Any recross?

17 MR. JEREMY CRANE: No, Your Honor.

18 THE COURT: Okay. You may step down. Thank you.

19 MR. FRETWELL: Your Honor, the State calls
20 Investigator Marisa Roberts, formerly known as Marisa
21 Bracken.

22 WHEREUPON,

23 MARISA ROBERTS

24 After having been duly sworn, testified as follows:

25 THE CLERK: Thank you. Please state your name for

1 the record.

2 THE WITNESS: Marisa Roberts.

3 MR. FRETWELL: May it please the Court, Your Honor.

4 THE COURT: Yes, sir.

5 DIRECT EXAMINATION

6 BY MR. FRETWELL:

7 Q Investigator Bracken, how long have you been
8 employed by the Greenville County Sheriff's Office?

9 A Since January of 2019.

10 Q So a little over six years?

11 A Yes.

12 Q Right at six years. Okay.

13 What are your current duties and responsibilities
14 with the Greenville County Sheriff's Office?

15 A Currently, I'm an investigator with Crimes Against
16 Children.

17 Q And how long have you been in that position?

18 A A little over a year.

19 Q And previously to that position, were you a master
20 deputy?

21 A Yes.

22 Q Okay. And tell us what a master deputy does.

23 A Typical duties of Uniform Patrol plus a training
24 officer, limited supervisor duties.

25 Q So you worked in Uniform Patrol.

1 A Yes.

2 Q In Uniform Patrol, could you tell the jury what
3 would a Uniform Patrol officer do in the Greenville
4 County Sheriff's Office?

5 A Typically, we respond to calls, calls for service.
6 We can be proactive. But typically, our main priority is
7 to respond to calls for service.

8 Q Such as a 9-1-1 call?

9 A Yes.

10 Q Anything like that. Okay.

11 What training have you received in order to perform
12 these duties?

13 A The Criminal -- South Carolina Criminal Justice, and
14 we do quarterly training, several trainings throughout
15 the year.

16 Q And, in fact, you've been a field training officer;
17 is that correct?

18 A Yes.

19 Q And you've also trained under a field training
20 officer; is that also correct?

21 A Yes.

22 Q Okay. Do you have any prior -- you said you've been
23 with the sheriff's office for about six years. Do you
24 have any prior law enforcement?

25 A Yes. I've been in law -- a police officer Class I

1 for ten years.

2 Q Okay. And where did you serve prior to coming to
3 the Greenville County Sheriff's Office?

4 A Mauldin City.

5 Q Do you remember how long you were with Mauldin City?

6 A Since May of 2015 until I came to the sheriff's
7 office.

8 Q Okay. And what were your responsibilities in
9 Mauldin City?

10 A Very similar. Uniform Patrol. I also did code
11 enforcement and helped out with animal control. Several
12 different things.

13 Q Was it animal control?

14 A Yeah.

15 Q Okay. Let me take you to July 17, 2021, a Saturday
16 at approximately 5 p.m. Were you working at that time?

17 A I was.

18 Q Okay. And were you dispatched or did you respond to
19 a call that originated from 1 Breeds Hill Way off of
20 Hudson Road?

21 A Yes.

22 Q Is that location within Greenville County?

23 A It is.

24 Q And for what reason were you dispatched to this
25 location?

1 A In reference to a potential burglary in progress.

2 Q Okay. And did anyone respond with you at that same
3 time?

4 A Deputy Bird.

5 Q Okay. In what capacity -- were you operating in
6 that Uniform Patrol capacity at that time?

7 A Yes.

8 Q Okay. And were you the initial responding officer
9 on scene or was that Deputy Bird?

10 A I believe -- I believe I was. We were nearby each
11 other.

12 Q With what information were you provided prior to
13 arriving on scene?

14 A I don't remember the exact specifics. I know that
15 there was a brief description of the male given, and it
16 was a white male on a red bicycle. And I had previously
17 had a previous call with a white male on a red bicycle
18 not too far away, so I thought that there was a
19 possibility it could be the same subject.

20 Q Okay. And then what happened as you arrived at the
21 incident location?

22 A Once I -- I arrived right before Deputy Bird did.
23 Deputy Bird went to the opposite side of the residence,
24 and I observed Mr. Moon coming from the rear of the
25 house. I saw smoke coming from the back of the house.

1 His -- coming out with his bicycle, matched the
2 description. I stopped him. I -- he tells me that there
3 are people injured back there and there's a fire or smoke
4 going on. I don't remember the exact wording.

5 Q Did that distract you from dealing with him?

6 A No.

7 Q Okay. Let's deal with this as well. Did you get a
8 good opportunity to see him at that time, the individual
9 that came up the driveway?

10 A Yes.

11 Q And you'd recognize him?

12 A Yes.

13 Q And is he present in the courtroom?

14 A Yes.

15 Q Okay. Would you identify him for the Court, please.

16 A (Indicating.)

17 MR. FRETWELL: Please let the record reflect the
18 witness has identified the defendant, Mr. Moon, Your
19 Honor.

20 THE COURT: So noted for the record.

21 BY MR. FRETWELL:

22 Q All right. So when you observed Mr. Moon, the
23 defendant, coming towards you, what happened? I'm sorry.
24 Where we were was did that distract you from dealing with
25 Mr. Moon, what he said?

1 A No.

2 Q Okay. What did you do?

3 A At that time, I instructed him to get off his
4 bicycle. He said -- at that point, he said, "Get the
5 fuck away -- get the fuck away from me," and then he hit
6 me in the face.

7 Q And were you wearing your body-worn camera at that
8 time?

9 A Yes.

10 Q And was it operating?

11 A Yes.

12 Q Have you reviewed the camera footage since?

13 A Yes.

14 Q Do you see Mr. Moon, the defendant, on that camera
15 footage?

16 A Yes.

17 Q And do you actually see him reach out and strike you
18 in the face?

19 A Yes.

20 Q Okay. What did you do at that moment?

21 A I grabbed him and -- off of the bicycle and I
22 squared him to the ground.

23 Q Okay. At this point, was Deputy Bird close to you?

24 A Yeah. At that point by the time I got him on the
25 ground, Deputy Bird was there to help assist with

1 handcuffing him.

2 Q And I imagine quickened his response when he saw
3 that interaction.

4 A Yes.

5 Q Okay. And what were you and Deputy Bird attempting
6 to do with the defendant on the ground?

7 A We were trying to restrain him with handcuffs. He
8 was pulling away.

9 Q When he pulled away, what, if anything, did you say
10 to him?

11 A I told him to stop resisting.

12 Q And what was his response to that?

13 A "Fuck you, bitch."

14 Q Okay. And at some point in that process, did you
15 say anything to Deputy Bird about being struck?

16 A Yeah. I said that he had punched me in the face.

17 Q And do you recall how Deputy Bird responded?

18 A He said, "Yeah. I saw that."

19 Q And did you hear anything from the defendant after
20 you talked with Deputy Bird about the defendant striking
21 you in the face?

22 A Yes. He said something along the lines of I didn't
23 have no problem with that.

24 Q Okay. Then did you -- what is the procedure when
25 you have somebody in that situation? Obviously, what was

1 your intent at that point?

2 A To restrain him.

3 Q Okay. Were you going to place him under arrest?

4 A Yes.

5 Q Where were you planning on taking him?

6 A To my patrol car.

7 Q Before you take him to your patrol car, what are you
8 required to do?

9 A To search.

10 Q And did you search him?

11 A Yes.

12 Q I'm going to call your attention to a couple of
13 items.

14 (WHEREUPON, State's Exhibit Numbers 23 and 24 were marked
15 for identification.)

16 BY MR. FRETWELL:

17 Q I'm going to show you what's been identified as
18 State's 23 and 24. And the way these are labeled is the
19 23 goes with the top label, 24 goes with the bottom
20 label.

21 I don't want you to show this to the jury at this
22 time because it's not in evidence, but if you could look
23 in there and tell me if you recognize those two items.

24 A Yes.

25 Q Okay. What are these two items?

1 A A lighter and a knife.

2 Q A lighter and a?

3 A Knife.

4 Q Okay. What kind of knife?

5 A A pocketknife, a folding pocketknife.

6 Q That opens up like that?

7 A Yeah.

8 Q Okay. And where did this knife and this lighter
9 come from?

10 A From Mr. Moon's person, his pockets.

11 Q And, in fact, you were wearing your body cam when
12 you searched him.

13 A Yes.

14 Q And so those items would be visible on your body
15 cameras as you removed them.

16 A Yes.

17 Q And what did you do with them?

18 A I tossed them on the ground.

19 Q Is that what you're trained to do?

20 A I was tossing them away from him.

21 Q So he couldn't reach?

22 A Due to him resisting, we're trying to hurry, get him
23 into a car.

24 MR. FRETWELL: Okay. Your Honor, at this time, the
25 State would move State's 23 and 24 into evidence.

1 THE COURT: Defense?

2 MR. JEREMY CRANE: No objection.

3 THE COURT: Without objection, 23 and 24 for the
4 State come in.

5 (WHEREUPON, State's Exhibit Numbers 23 and 24 were
6 admitted into evidence.)

7 BY MR. FRETWELL:

8 Q All right. If you want to take those out and just
9 make sure that you inspect them and that those are in
10 fact the two items that you removed ---

11 A Take them out?

12 Q You can take them out.

13 All right. As you're holding them up, the knife
14 being State's Exhibit 23 and the lighter being State's
15 Exhibit 24?

16 A Yes.

17 Q And these are the items you removed from the
18 defendant that day.

19 A Yes.

20 Q Okay. Your Honor, just for the Court and for the
21 record, the court reporter has labeled next to a label.
22 And I'll ask you to say what does this description on
23 this top label indicate?

24 A Knife.

25 Q And the bottom label?

1 A BIC lighter.

2 MR. FRETWELL: And, Your Honor, those are identified
3 by a sticker out to the side, 23 and 24.

4 THE COURT: Thank you.

5 BY MR. FRETWELL:

6 Q All right. Do you recall what other items you
7 removed from the defendant?

8 A He had a flip phone, some cigarettes or cigarette
9 carton, a face mask, the knife, lighter and his wallet
10 with cards and stuff in it.

11 Q In that process of removing items from the defendant
12 and searching him presumably before you put him in his
13 [sic] car, did he say anything at that time that you
14 recall?

15 A When -- after -- while I was searching him?

16 Q Yes, ma'am.

17 A He said a few things.

18 Q First of all, did he say something to you that he
19 basically gave you an instruction or a request? Do you
20 recall that?

21 A I don't remember the context or the order. I know
22 that once after I had told him that he didn't have a
23 problem with -- or he said that he didn't -- I'm sorry.

24 Q That's what I'm asking you about. Did he ask you at
25 some point not to hurt him?

1 A Yes.

2 Q Okay. Now, once he said that, what did you say?

3 A I said something along the lines of you don't want
4 to get hurt, but you punch a woman in the face.

5 And he said, "Yeah. Fuck you. Fuck you, bitch."

6 And then he continued on to say -- I told him that he was
7 on the ground in handcuffs. He was going to be going to
8 the jail. And he said that he would fuck me up so bad I
9 wouldn't know what to be living with, or something along
10 the lines of that.

11 Q Whatever he said, is that on the body cam video that
12 you were wearing on that particular day?

13 A Yes.

14 Q And he said something to the effect of fucking you
15 up so bad you won't know what you're living with.

16 A Yes.

17 Q After that point, was he then placed into your
18 patrol car?

19 A Yes.

20 Q Okay. And when he was placed in your patrol car --
21 let me ask about the weather that day. Was it a warm
22 day? Was it a cool day? This was July.

23 A Yeah. It's July. It's been warm.

24 Q Do you recall whether you turned on the air
25 conditioning in the vehicle?

1 A Yes.

2 Q Okay. How long after you arrived on scene did the
3 fire department arrive; do you recall?

4 A It wasn't very long. I don't remember the exact
5 timeline.

6 Q All right. Let me see if I can -- that information
7 is not reflected on a CAD report?

8 A Yes. It would be.

9 Q What is a CAD report?

10 A It's where our dispatchers, they document everything
11 as far as timelines, phone call, when the call comes in,
12 goes out. Once a deputy arrives on scene or is en route,
13 they record it and it's listed on a document called a CAD
14 report.

15 Q Okay. And that report, is that something that you
16 refer to when you make your incident report and you go
17 back to study a case or review a case?

18 A Yes.

19 Q And have you looked at the CAD report in this
20 particular case?

21 A I've briefly looked at it, yes.

22 Q Okay. I want to show you this CAD report and tell
23 me whether or not you're able to determine from that
24 report when you arrived on scene.

25 A (Reviews document) I believe it says 5:05, 1705.

1 Q Well, let me take you to -- let me ask you this.
2 First of all, the original call was placed at what time
3 according to the report?

4 A It says phone pickup at 4:58.

5 Q So that would be the caller to 9-1-1; is that right?

6 A Yes.

7 Q Okay. And so that was -- you say 4:58 in the
8 report.

9 A 1658.

10 Q But that's military time?

11 A Yeah.

12 Q Okay. That's 4:58.

13 All right. And then are you considered the first
14 unit?

15 A I believe so.

16 Q And then when does it indicate, as you've already
17 testified, you arrived on scene?

18 A I believe it said 5:05. Yeah. It says first unit
19 arrived at 5:05.

20 Q Is that the 1705? That's 5:05 in military time?

21 A Yeah.

22 Q Okay. All right. And then I'll refer you to
23 page 3. Do you see an indication of when the fire
24 department arrived on the scene?

25 A (Reviews document) At 1709 which would be 5:09.

1 Q Okay. And it says on that report FD 1006. What is
2 that -- first of all, what is FD?

3 A So FD is fire department. And 10-6 is our ten codes
4 for staying on scene.

5 Q Okay. So that was -- you arrived at 5:05, fire
6 department was there four minutes later; is that correct?

7 A Yes.

8 Q Okay. All right. Did you speak with the victim
9 homeowners in this particular case?

10 A Yes. Briefly.

11 Q All right. Tell us about that.

12 A When I spoke to -- I believe I spoke to both of them
13 briefly together. The -- Ms. Storey had just informed me
14 he had tried to come into the home, was banging on the
15 door. And then her and her friend ran out the front.
16 She had said that her husband went and got a haircut. He
17 was on the scene by the time I got there.

18 Q And when you say he was trying to come into the
19 home, your understanding was that he was in the sunporch
20 area.

21 A Yes.

22 Q In the home. Okay. So he was trying to come into
23 another door in the home?

24 A Yes.

25 Q Okay. All right. And then did she also tell you

1 that at some point the damage to the garage and the
2 smoke? That was part of what she told you as well?

3 A Yes.

4 Q What about the male homeowner, Mr. Gilchrist? Did
5 he indicate whether he was at home at the time?

6 A He said he wasn't. He was getting a haircut.

7 Q Okay. Did these victim witnesses provide written
8 statements?

9 A They did.

10 Q Okay. And what did you do once the fire department
11 was able to put the fire out?

12 A At some point, I did walk back there and look at the
13 damage.

14 Q After speaking to the victims and walking back there
15 I believe also with your sergeant; was that correct?

16 A I believe so.

17 Q Okay. Did you go back to your vehicle?

18 A Yes.

19 Q Okay. And at some point --- did you reposition your
20 vehicle at some point?

21 A I did. It was ---

22 Q Tell us about that.

23 A I believe it was before the fire department got
24 there or right as the first truck got there. So the fire
25 department, they need a lot of space for their trucks, so

1 obviously, a patrol vehicle blocking the road is going to
2 prohibit them from helping the fire. So I moved my car.
3 I pulled it straight down and did a U-turn so that it was
4 still visible and parked it right there so that all of
5 the fire trucks could get in.

6 Q And that is while you had the defendant in the back
7 seat of that patrol car, right? You had the defendant in
8 the backseat of that patrol car when you moved it.

9 A Yes, yes. He was under arrest at that time.

10 Q All right. So after speaking with those victims and
11 walking back there to see the fire, did you go back to
12 your patrol car for some reason?

13 A Yes.

14 Q Why?

15 A Mr. Moon -- I had another deputy standing with
16 Mr. Moon while he was in my patrol car, and he came and
17 told me that he was trying to kick my windows out.

18 Q Okay. He would have been handcuffed, right?

19 A Yes.

20 Q Okay. And does the sheriff's office have policies
21 that are in effect for what you need to do in certain
22 situations in controlling someone that's in your custody?

23 A Yes. We have tools that are provided through the
24 sheriff's office to assist us with people that are unruly
25 in the back of the car.

1 Q And not only do you have those tools, you also have
2 general orders that tell you what to do in any particular
3 situation.

4 A Yeah.

5 Q And when you have somebody like that that is trying
6 to break out the windows, what are you concerned about as
7 a law enforcement officer?

8 A As far as his safety, banging his head or kicking
9 the window out and then, obviously, escaping as well.

10 Q Okay. And so what do the sheriff's office general
11 orders require you to do in that situation with somebody
12 who is acting that way?

13 A We need to restrain them to keep them from hurting
14 themselves or escaping.

15 Q So tell us how you do that and what that's called.

16 A So we have a tool that's provided. It's called a
17 hobble. It's basically a strap that you can put around
18 the ankles, and you pull it and it will tighten their
19 ankles together. So you put their legs together, you
20 tighten their ankles and then you can -- once they're
21 placed upright and their feet are down, you can slip the
22 remaining of the strap through the door so it's not
23 hanging outside the door but it keeps them secured so
24 they can't move their feet or jump out the window or --
25 and it limits them from banging their head against the

1 windows.

2 Q And as a result of his behavior, did you place the
3 defendant -- you and other officers place the defendant
4 in hobbles that day?

5 A Yes.

6 Q Okay. How did the defendant react to being placed
7 in the hobbles?

8 A He continued to scream and yell and threaten other
9 deputies.

10 Q Did you contact the paramedics or an ambulance to
11 have the defendant checked out because of that situation?

12 A Yes. They were contacted as soon as -- as soon as I
13 got him in handcuffs on the ground.

14 Q Okay. And did -- were you present for the
15 paramedics speaking to the defendant ---

16 A Yes.

17 Q --- at your vehicle?

18 A Yes.

19 Q All right. Did the defendant have any trouble
20 answering their questions?

21 A No.

22 Q Okay. Did he identify himself?

23 A Yes.

24 Q Okay. And how did he identify himself?

25 A At first he said "fucking Jesus," and then he

1 continued and he gave his full name.

2 Q Okay. And that was what?

3 A Matthew Moon.

4 Q All right. At some point, you went back then, I
5 guess, to your investigation, is that correct, once he
6 was in the hobbles?

7 A Yes.

8 Q Okay. Did you have other requirements there on
9 scene that you had to take care of?

10 A Yes.

11 Q Okay. Is there a lot of paperwork involved in this
12 kind of situation?

13 A Yes.

14 Q Okay. At some point, did you return to your car to
15 do that paperwork?

16 A Yes.

17 Q Okay. When you sat in your car to do that
18 paperwork, did the defendant engage you in conversation
19 at that point?

20 A Yes.

21 Q All right. And based on your training as a law
22 enforcement officer, what did you do as a result of the
23 defendant initiating that conversation?

24 A He was talking to me, and I said if you're going to
25 talk to me, I'm going to read you your Miranda warnings,

1 something along the lines of that. But I informed him I
2 was going to read him his Miranda warnings.

3 Q Now, for the very limited segment of the population
4 that might not know what a Miranda warning is, what is a
5 Miranda warning?

6 A It's just an advisement of your rights saying that
7 you -- what you see in the movies. You have the right to
8 remain silent, anything you say can, will be held against
9 you in a court of law. You can have an attorney and that
10 you don't have to talk to me if you don't wish.

11 Q Sure. And those rights that you have, do you have
12 to memorize them or are they provided to you in some way?

13 A Typically, we all have cards and we can get cards.

14 Q And did you provide the defendant with his rights
15 from that card that day?

16 A Yes.

17 Q Do you have -- do you carry that card with you?

18 A Yes.

19 Q An do you have that card currently?

20 A (Gesturing.)

21 Q How did you give him those rights? Did you just
22 read them directly from the card?

23 A Yeah. I like to have the card out for this
24 situation.

25 Q Okay. Can you read the rights from that card as you

1 read them to the defendant on that particular day?

2 A "You have the right to remain silent. You do not
3 have to make any statements or answer any questions. If
4 you give up this right, anything you say may be used
5 against you in a court of law. You have the right to
6 have an attorney present before any questioning if you
7 wish. If you cannot afford an attorney, one will be
8 appointed to represent you before any questioning if you
9 wish. Do you understand these rights I have read to
10 you?"

11 Q Did he indicate -- did the defendant indicate he
12 understood the rights?

13 A I don't remember his exact wording, but he did
14 continue to talk to me.

15 Q Would that be on the camera footage?

16 A Yes, yes.

17 Q Okay. And did he indicate that he wanted -- did you
18 ask him if he wanted to speak with you?

19 A Yes, I did.

20 Q And then what did he do in response; do you recall?

21 A He continued talking.

22 Q In fact, did he immediately ask you a question?

23 A I believe so.

24 Q Okay.

25 A I don't recall the exact wording.

1 Q Okay. And then the two of you had a conversation;
2 is that fair to say?

3 A Yes.

4 Q Did you or anyone say or do anything that might have
5 caused the defendant to believe he was required to speak
6 with you or to answer questions?

7 A No.

8 Q Did you or anyone threaten him or attempt to coerce
9 him into speaking with you or to answer any questions?

10 A No.

11 Q When he asked for it, was the defendant given water?

12 A Yes.

13 Q In fact, that particular day he asked for and
14 received water repeatedly; is that correct?

15 A Yes.

16 Q And right before you came back and read those rights
17 to the defendant, are you aware that he was given water
18 at that point?

19 A Yes.

20 Q Did you or anyone promise the defendant anything or
21 say or do anything to entice him to speak with you or to
22 answer your questions?

23 A No.

24 Q At the time you or the other officers were speaking
25 to him, were you aware that the defendant may have been

1 drinking some alcohol?

2 A Yes.

3 Q And, in fact, what did you find among other things
4 in that backpack of his?

5 A A bottle of clear liquor, alcohol, alcoholic
6 beverage.

7 Q Maybe even more than one?

8 A Yes.

9 Q Okay. And do you recall emptying that -- at least
10 one of those bottles at the scene?

11 A Uh-huh, yes.

12 Q Okay. And other than maybe the odor of alcohol and
13 that, did you have any concern about the defendant's
14 ability to speak with you and understand what you were
15 saying or what he was saying?

16 A No.

17 Q Okay. Did you or any of the other officers that you
18 observed speaking with him including those paramedics
19 appear to have any difficulty communicating with the
20 defendant?

21 A No.

22 Q To the best of your knowledge, did the defendant
23 answer the questions he was asked freely and voluntarily?

24 A Yes.

25 Q Once you went over those rights that you've just

1 read with the defendant, did the defendant again ask for
2 water?

3 A I don't recall. There were several.

4 Q It will be on that video; is that correct?

5 A Yes.

6 Q If he did, was he given water?

7 A Yes.

8 Q Okay. Do you recall what your first question was
9 that you asked him?

10 A I believe it was something do you remember punching
11 me in the face, because at this point he had calmed down
12 and he was not being as aggressive at this point. And he
13 was talking. He was claiming he didn't remember. So I
14 asked him, "Do you remember punching me in the face?"

15 Q Do you recall his response?

16 A He said no. He would never hit a woman or a lady in
17 the face. And then he said he would hit a man in the --
18 hit a man in the face.

19 Q But do you remember his initial reaction to you
20 saying, "Do you remember punching me in the face"?

21 A Yeah. He tried to seem like he was shocked.

22 Q Like saying "what"?

23 A Yeah.

24 Q Okay. Would that also be on that video?

25 A Yes.

1 Q Okay. And, in fact, were his exact words, "No.
2 Hell no. There's no way I'd hit a lady"?

3 A That sounds right.

4 Q Okay. All right. At any point, did you or the
5 other officers or a combination of both loosen the
6 hobbles that were on the defendant?

7 A I don't recall.

8 Q Okay. All right. Did the defendant continue to
9 speak with other deputies after you read him his rights,
10 and were these conversations captured on your in-car
11 camera system or any number of the body-worn cameras
12 including yours that were operating on the scene?

13 A Yes. They would have.

14 MR. FRETWELL: Okay. All right. Judge, if we can
15 approach for just one quick second.

16 (WHEREUPON, a bench conference was held off the record.)

17 THE COURT: All right. This will be our afternoon
18 break, okay? Remember not to discuss the case. Thank
19 you.

20 (WHEREUPON, the jury exits the courtroom at 3:53 PM.)

21 THE COURT: And listen, if you need to step down and
22 go to the bathroom, you can. You cannot discuss this
23 with anybody.

24 THE WITNESS: Okay. You don't have to tell me
25 twice.

1 THE COURT: And after this is when we're going to do
2 the stipulation, right?

3 MR. FRETWELL: Yes, sir.

4 (WHEREUPON, a recess is taken at 3:53 PM.)

5 THE COURT: Mr. Crane, you wanted to bring something
6 to the Court's attention concerning Ms. Bracken -- or
7 Investigator Bracken while we were on the break.

8 MR. JEREMY CRANE: We bring to the Court's attention
9 that Deputy Bracken was admonished not to speak to
10 anybody about this case. While we were in the hallway,
11 she was seen and overheard speaking with the first
12 witness today, Storey Gilchrist. I did not hear what
13 they had to say. I then turned around and said,
14 "Bracken, you know you're not allowed to speak with her."
15 Ms. Shugars also didn't see the conversation, didn't hear
16 it, but she heard me say, "You're not allowed to speak."
17 And when she turned around, she could see that they were
18 walking together. I would just like to have either
19 myself or the Court ask Ms. Bracken and possibly
20 Ms. Gilchrist what the nature of their conversation was.

21 THE COURT: Okay. Before you got down, I told you
22 not to discuss the case with anybody, correct?

23 THE WITNESS: Uh-huh.

24 THE COURT: Okay. I didn't say not to talk to
25 anybody, but I told you not to discuss your case or

1 testimony.

2 THE WITNESS: Correct.

3 THE COURT: Did you understand that?

4 THE WITNESS: Yes.

5 THE COURT: Have you discussed your testimony with
6 anyone?

7 THE WITNESS: No, I did not.

8 THE COURT: All right. You can ask questions
9 Mr. Crane.

10 MR. JEREMY CRANE: What was the nature of your
11 conversation?

12 THE WITNESS: When I walked out of the restroom,
13 Ms. Storey said, "Good job." And I ---

14 MR. JEREMY CRANE: Can I rewind you? You keep
15 saying "Ms. Storey." Who is Ms. Storey? Ms. Gilchrist?

16 THE COURT: We do have several.

17 THE WITNESS: Ms. Gilchrist. I'm sorry.

18 MR. JEREMY CRANE: Okay.

19 THE WITNESS: I'm sorry. I'm horrible with names.

20 But when I walked out of the restroom, she said,
21 "Good job," as far as testimony and stuff.

22 And I said, "It's not over yet."

23 And then you walked by -- and then you walked by and
24 you made a comment earlier about Bracken got me sick. So
25 I was like I haven't got no one sick. And that's when

1 you're like, Bracken. And that's when you said you're
2 not supposed to be talking to -- I'm not talking -- I
3 thought I could talk to people, just not about the case.

4 MR. JEREMY CRANE: Understood. And then ---

5 THE WITNESS: And then I walked in and I thought I
6 could talk to my legal -- or the legal team, and I just
7 wanted to inform them of the interaction between me and
8 you. And so I talked to this lady right here and just
9 told her that you had heard us talking or saw us talking.

10 MR. JEREMY CRANE: So you did speak with the
11 paralegal here and told her that y'all had been ---

12 THE WITNESS: I didn't tell her any of the
13 conversation. Or I don't even remember what I said. I
14 said basically that she had said, "Good job," you heard
15 us, you told me not -- asked me when I was talking. So I
16 wanted to inform them because Allen wasn't in here.

17 MR. JEREMY CRANE: Okay. Nothing further.

18 THE COURT: Okay. Anything from the State?

19 MR. FRETWELL: I don't have any questions of this
20 witness, Judge.

21 THE COURT: Okay. You basically were talking to
22 them to let them know the conversation you had had with
23 Mr. Crane? Is that what I understand?

24 THE WITNESS: Yes. Everybody was witness to that.

25 MR. FRETWELL: And as an officer of the Court,

1 Judge, having been apprised of this by Mr. Crane in the
2 hallway when I walked in, the witness was trying to get
3 my attention. I simply did this (gesturing). I cannot
4 speak with you. I didn't say anything. I just did this
5 (gesturing).

6 THE COURT: And, again, this is just another reason
7 why we just have to always err on the side of being
8 overcautious. I mean, I raise it in my charge.

9 Mr. Crane, you had brought that up. You know, just
10 appearances. And so this is a good time to caution
11 everybody that's going to be in this courtroom not to
12 discuss anything with somebody who is a witness, okay?

13 MR. FRETWELL: Thank you, Judge.

14 MR. JEREMY CRANE: Your Honor, I'd also like to
15 bring up the issue of timing. I believe that
16 Mr. Fretwell said he has a 52 minute video as well as the
17 rest of his direct examination and then I have a
18 cross-examination. That's going to put us ---

19 THE COURT: Maybe till 5:30, 5:45 or a little
20 later?

21 MR. JEREMY CRANE: I mean, his side of the case is
22 going to take us to at least until 5:30 or so. I was
23 just wondering if you wanted to let the jury go because I
24 might be afraid they might be a little tired and won't
25 want to listen to what I have to say at that point.

1 THE COURT: I really don't like to break up
2 testimony, so I think we're just going to push through.

3 MR. JEREMY CRANE: All right.

4 MR. FRETWELL: Judge, I'll move it along as fast as
5 I can.

6 THE COURT: Take your time. We're here to try the
7 case.

8 MR. FRETWELL: Yes, sir.

9 THE COURT: You're not going to say that Judge Fant
10 ever rushed anybody. All right.

11 (WHEREUPON, the jury entered the courtroom at 4:20 PM.)

12 THE COURT: Can y'all come up here real quick?

13 (WHEREUPON, a bench conference was held off the record.)

14 MR. FRETWELL: May it please the Court, Your Honor.
15 The State would seek to admit State's Exhibit 22 into
16 evidence.

17 THE COURT: Counsel?

18 MR. JEREMY CRANE: No objection.

19 THE COURT: Okay. Pursuant to stipulation.

20 (WHEREUPON, State's Exhibit Number 22 was admitted into
21 evidence.)

22 THE COURT: All right. Ladies and gentlemen, the
23 State and the defendant hereby agree the following
24 statements are true and uncontested findings of fact in
25 the trial of this case. One of the things I told y'all

1 is that there may be stipulations, and this is one.
2 "State's Exhibit 22 as compiled by the Greenville County
3 Deputy Quincy Greene is a combination of the body-worn
4 and in-car camera videos of various law enforcement
5 officers during the investigation initiated by homeowner
6 Storey Gilchrist on July 17, 2021, at 1 Breeds Hill Way
7 in Greenville County.

8 "State's Exhibit 35 is body/dash worn camera footage
9 of Deputy Wesley Bird during the investigation initiated
10 by homeowner Storey Gilchrist on July 17, 2021, at
11 1 Breeds Hill Way in Greenville County.

12 "State's Exhibit 36 is body-worn camera footage of
13 Master Deputy Kevin Azzara during the investigation
14 initiated by homeowner Storey Gilchrist on July 17, 2021,
15 at 1 Breeds Hill Way in Greenville County."

16 And I'll be marking this as Court Exhibit Number 2.

17 (WHEREUPON, Court's Exhibit Number 2 was marked for
18 identification.)

19 MR. FRETWELL: Yes, sir. Thank you, Judge.

20 Your Honor, at this time, we'd ask for permission to
21 publish this exhibit.

22 THE COURT: Okay. Permission granted.

23 MR. FRETWELL: And, Judge, just for purposes of
24 everybody knowing, I believe the exhibit is about
25 50 minutes long.

1 (WHEREUPON, State's Exhibit Number 22, a video, was
2 played in open court.)

3 MR. FRETWELL: May it please the Court, Your Honor.

4 BY MR. FRETWELL:

5 Q Investigator Bracken, were you injured during your
6 encounter with the defendant at the scene?

7 A Yes.

8 Q Okay. And how were you injured?

9 A A scuff on my elbow ---

10 Q On your elbow?

11 A --- from the collision with the concrete.

12 Q Okay. And then also he struck you in the face; is
13 that correct?

14 A Yeah.

15 Q Okay. Let me show you a couple of photographs here,
16 State's Exhibit 25 and 26. Are these photos of you?

17 A Yes.

18 Q And 26, is that a photo of your injury?

19 A Yes.

20 MR. FRETWELL: Okay. Your Honor, the State would
21 move 25 and 26 into evidence at this time.

22 THE COURT: Counsel?

23 MR. JEREMY CRANE: No objection.

24 THE COURT: 25 and 26 ---

25 MR. FRETWELL: 25 and 26.

1 THE COURT: --- come into evidence.

2 (WHEREUPON, State's Exhibit Numbers 25 and 26 were
3 admitted into evidence.)

4 BY MR. FRETWELL:

5 Q All right. Let me also show you what has been
6 marked as State's 27 through 34. I'd ask that you go
7 through each of those and make sure that you recognize
8 what is depicted in those particular photos.

9 A (Reviews exhibits.)

10 Q Do you recognize those?

11 A Yes.

12 Q What are they?

13 A The shoes and clothing that Mr. Moon was wearing.

14 Q And also bags that you put them in?

15 A Yes.

16 MR. FRETWELL: Okay. Your Honor, the State would
17 move State's 27 through 34 into evidence.

18 THE COURT: Counsel?

19 MR. JEREMY CRANE: No objection.

20 THE COURT: Without objection, 27 through 34,
21 State's exhibits come into evidence.

22 (WHEREUPON, State's Exhibit Numbers 27 through 34 were
23 admitted into evidence.)

24 MR. FRETWELL: Permission to publish, Your Honor.

25 THE COURT: Yes, sir.

1 BY MR. FRETWELL:

2 Q First of all, 27, what are these?

3 A Those are the bags that we placed the clothing in.

4 Q Separate bags?

5 A Yes.

6 Q Was that the instruction of the investigator?

7 A Yes.

8 Q So you're an investigator, but at the time you were
9 a Uniform Patrol supervisor; is that right?

10 A At the time I was just a uniform deputy.

11 Q All right. And then let me show you State's
12 Exhibit 28. Are those the shoes that you took from the
13 defendant?

14 A Yes, sir.

15 Q Okay. And another angle of the shoes.

16 A Yes.

17 Q And the bottom of the shoes. And are these the
18 shoes, one of them being in a can?

19 A Yes.

20 Q Who placed them in the can?

21 A I'm not sure.

22 Q Would that be the investigator's responsibility?

23 A Either the investigator or he instructed one of the
24 other two deputies to do it.

25 Q But that would be something he could answer?

1 A Yes.

2 Q And then the shirt that was removed from him, was
3 that a dark colored shirt?

4 A Yes.

5 Q And that's consistent with State's Exhibit 32?

6 A Yes.

7 Q And then the pants, the jeans that he was wearing
8 and the belt, is that consistent with State's Exhibit 33?

9 A Yes.

10 Q And finally, State's Exhibit 34, white socks?

11 A Yes.

12 Q Okay. Who else responded to the crime scene,
13 Investigator Bracken?

14 A A lot of people. It was myself, Deputy Bird, Master
15 Deputy Azzara is who you saw in the video, and at the
16 time his trainee was Deputy Gray, the tall guy. There's
17 also a Deputy Arzma [phonetic] that you saw. It was
18 another female. She was at the car. That was about all
19 she did.

20 Q And we talked about the paramedics. We saw those on
21 the video.

22 A Uh-huh.

23 Q Did y'all have a supervisor on the scene?

24 A Yes. My sergeant, Billy Mann.

25 Q And he's actually speaking in one of the parts of

1 that clip, is that right ---

2 A Yes.

3 Q --- dealing with the defendant?

4 What about the investigator, Investigator Bowers,
5 did he appear on scene?

6 A Yes.

7 Q Okay. And then anybody from forensics?

8 A Yes.

9 Q Do you recall who?

10 A I don't remember her name. It should be notated.

11 Q But a female forensic officer?

12 A Yes.

13 Q Okay. At some point, did you transport, and we've
14 seen that on your video, the defendant to the detention
15 center?

16 A Yes.

17 Q And you collected his clothing at the investigator's
18 request, right?

19 A Yes.

20 Q And do you recall how the clothing got back from the
21 detention center to the investigator?

22 A I believe Master Deputy Azzara and Deputy Gray, I
23 believe they took it and placed it into Property and
24 Evidence.

25 Q Okay. And apart from any warrants that Investigator

1 Bowers obtained against Mr. Moon, did you obtain warrants
2 for the defendant's arrest?

3 A I did.

4 Q And for what charges, ma'am?

5 A The -- the assault on a law enforcement officer, the
6 threatening a public official and I believe malicious
7 damage for the grill.

8 Q And so the assault on you, the threat against you
9 and the grill that belonged to the Gilchrists.

10 A Yeah. I believe that's correct.

11 Q And aside from his clothing, what was done with his
12 personal property, any kind of personal effects that he
13 would have had on him?

14 A Typically, it goes into the jail. You see where
15 they were searching through his items. They create their
16 own log and put it up.

17 Q That's a secure area in the jail?

18 A I've never worked for the jail, but that's what they
19 say.

20 MR. FRETWELL: Okay. All right. Just one moment.

21 We're ready for cross-examination, Judge.

22 THE COURT: Okay. Will counsel approach?

23 (WHEREUPON, a bench conference was held off the record.)

24 THE COURT: Okay. Ladies and gentlemen, we're going
25 to break for the evening and I'm going to ask that you

1 come back -- can y'all hear me? Is it that good of a
2 system that you couldn't even hear me when I was yelling?

3 We're going to break, and I'm going to ask that you
4 come back at 9:30 in the morning.

5 Again, like I said, I sound like a broken record,
6 but no discussion. Do not start deliberating. Do not
7 talk about this with anybody, okay? There's going to be
8 plenty of time after this trial is over for you to
9 discuss it until your hearts are content. Do not do any
10 kind of researching on the Internet, go by the scene, pay
11 attention to any type of media, social, newspapers. And
12 also, if anybody tries to contact you, please let the
13 bailiff know so they can notify me, okay?

14 I hope y'all have a good evening. Thank you, again,
15 for your service.

16 (WHEREUPON, the jury exits the courtroom at 5:24 PM.)

17 THE COURT: Okay. Investigator Bracken, do not
18 discuss this case with anybody. I know you understand
19 that. But you can talk to people, but not about the
20 case.

21 THE WITNESS: Okay.

22 THE COURT: Anything from the State?

23 MR. FRETWELL: No, sir. You've covered it.

24 THE COURT: Anything from counsel?

25 MR. JEREMY CRANE: No, Your Honor.

1 THE COURT: Okay. I hope y'all have a wonderful
2 evening. I will see y'all back at 9:30.

3 (WHEREUPON, proceedings recessed at 5:24 PM.)
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1 Wednesday, January 15, 2025

2 (WHEREUPON, State's Exhibit Numbers 37 through 73 and 84
3 were marked for identification; proceedings reconvened at
4 9:37 AM.)

5 THE COURT: All right. We're going to get the jury
6 in here.

7 MR. JEREMY CRANE: Your Honor, before you bring them
8 in, there's one thing I'd like to bring to the Court's
9 attention. When the elder Mr. Crane and I were walking
10 into the courthouse today, he was discussing -- we were
11 discussing a couple questions that I might want to ask
12 Deputy Bracken. We were probably ten feet away or so.
13 We come in the door and we turned the corner, one of the
14 jurors was going through the metal detector. I don't
15 know if she heard us. I don't know how she could have.
16 We weren't discussing the case. We were discussing a
17 question. So I don't know if you wanted to just poll the
18 jury before they get in just to make sure that nobody
19 heard anything that we had to say.

20 THE COURT: Y'all are just filled with surprises.

21 MR. JEREMY CRANE: We are.

22 THE COURT: As I said, expect the unexpected.

23 MR. JEREMY CRANE: So we had come through the door
24 and turned the corner and ---

25 THE COURT: I'll hear from the solicitor on that.

1 MR. FRETWELL: I mean, I think that's fine, Judge.
2 I'm not terribly worried about it, but it's always good
3 to make sure that we go, like you said, abundance of
4 caution.

5 THE COURT: Okay. So do you want me to just ask the
6 jury if anyone's heard ---

7 MR. FRETWELL: Just, you know, this is a small
8 courthouse, you know. We don't have a real good system
9 for keeping the jurors always separated from all other
10 parties. We just want to make sure that nobody's heard
11 anything, nobody's discussed anything, just like a
12 standard -- make it very standard like it's routine.

13 MR. JEREMY CRANE: And we were not discussing
14 testimony. We were just discussing two possible
15 questions.

16 MR. FRETWELL: I'm not really worried about it, but
17 I think it's a good idea.

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

19 MR. FRETWELL: Judge, would you like the witness to
20 be called after you talk to the jury or have the witness
21 in the seat?

22 THE COURT: Where is she? Oh, there she is. She
23 can come on up. That's where we left her.

24 MR. FRETWELL: Yes, sir.

25 (WHEREUPON, the jury entered the courtroom at 9:40 AM.)

1 THE COURT: Good morning, ladies and gentlemen of
2 the jury. Welcome back.

3 I did want to go over one thing. As I instructed
4 y'all yesterday, no discussion in the case. But one
5 thing that happens, nobody is -- it's not intentional,
6 but from time to time just because the way the courthouse
7 is, you are going to perhaps encounter attorneys or hear
8 something.

9 So I know that -- I just wanted to ask the jury if
10 any of y'all have heard anything, any discussions from
11 the attorneys outside when you were coming into the
12 courtroom this morning. Anyone? Please raise your hand
13 if you have.

14 Okay. All right. Thank you.

15 Counsel, anything from the State?

16 MR. FRETWELL: Nothing from the State, Judge.

17 MR. JEREMY CRANE: Thank you, Your Honor. May it
18 please the Court.

19 THE COURT: Yes, sir. Okay. Thank you. You can
20 begin with your cross-examination, sir.

21 WHEREUPON,

22 MARISA ROBERTS

23 After having previously been duly sworn, testified as
24 follows:

25 ///

CROSS EXAMINATION

BY MR. JEREMY CRANE:

Q Deputy Bracken, good morning.

A Good morning.

Q So you said that you currently work for Greenville County Sheriff's Office?

A Yes, sir.

Q Were you elected at that position as a deputy? Was there an election to make you a deputy of Greenville County?

A I applied and was selected.

Q So you weren't appointed by anyone. You actually applied to become an officer for Greenville County?

A Yes.

Q So you were hired by the county?

A Yes.

Q So do you consider yourself an employee of Greenville County?

MR. FRETWELL: Judge, may we approach?

THE COURT: Sure.

(WHEREUPON, a bench conference was held off the record.)

THE COURT: Will you please have the jury go out.

(WHEREUPON, the jury exits the courtroom at 9:43 AM.)

THE COURT: First, I'm going to hear arguments because I guess there is potentially a distinction

1 between a public employee and a public official.

2 MR. FRETWELL: There is, Judge.

3 THE COURT: And I think that is provided for in the
4 code.

5 MR. FRETWELL: In the case law, Judge.

6 THE COURT: I will allow you to proffer this
7 evidence. Do y'all want to give me your arguments on it
8 though? Why are you going down this path, Mr. Crane?

9 MR. JEREMY CRANE: My argument is that there is a
10 case out there, and I'll have to pull it. I apologize.
11 I don't have it right now. But it shows that the holding
12 in that case as that highway patrolmen are public
13 officials. It does not say anything about deputy
14 sheriffs in that case. Our argument is that she -- as
15 you stated, the statute says, you know, anyone who is
16 elected, appointed. Neither of those things she has
17 been. Highway patrolmen are appointed by South Carolina
18 Department of Highways. So they are appointed. She has
19 said that -- she's testified on the stand that she wasn't
20 appointed. She wasn't elected. She was hired. So, you
21 know, a public employee is someone who is hired. A
22 public official is someone who is elected or appointed.
23 There's a distinction in the statute, and there's a
24 reason there's a distinction in the statute. And we're
25 arguing that she is not a public official. She is a

1 public employee.

2 THE COURT: Okay. State?

3 MR. FRETWELL: Judge, while there is a distinction
4 in the statute, no question. Everyone would agree I'm a
5 public official. Even I am not sworn. This officer is
6 sworn. She's appointed by the duly elected sheriff of
7 this county. She did not testify she was not appointed.
8 She testified she was not elected.

9 And just like Mr. Crane is trying to find his case
10 which doesn't conflict at all with the State's position,
11 we're finding the case that talks about police officers
12 and sworn law enforcement officers with arrest powers are
13 exercising the duty of the sovereign, therefore, they are
14 public officials.

15 THE COURT: And, I mean, consistently, I mean, I
16 can't tell you how many pleas I've had involving a
17 threatening of a public official that it is law.

18 MR. JEREMY CRANE: And those are pleas which both
19 parties agree on. So we're not agreeing on it.

20 THE COURT: I'm going to let you proffer your
21 questions.

22 MR. FRETWELL: Before we do that, can I give your
23 clerk a cite? It is 203 S.C. ---

24 THE COURT: I'm a Southeastern Second kind of
25 person.

1 MR. FRETWELL: Oh, I'm sorry. I don't see the
2 secondary reporter.

3 THE COURT: I'm -- just ---

4 MR. FRETWELL: Okay, Judge. 203 S.C. 96, Willis vs.
5 Aiken County, specifically the headnote dealing with
6 sheriffs and constables: "Where the right, authority and
7 duty of a deputy sheriff are created by statute. He is
8 invested with some portion of the sovereign functions of
9 the government, to be exercised on behalf of the public."
10 And certainly, we can lay the foundation very easily
11 through this officer. She has the power to arrest. She
12 was appointed by the sheriff of this county. She was
13 sworn in by a Circuit Court judge just like yourself as
14 all of the deputy sheriffs are. "He is a public officer
15 and can make no difference -- and it can make no
16 difference if the appointment is made by the sheriff."

17 MR. JEREMY CRANE: And I have our case as well ---

18 THE COURT: Okay.

19 MR. JEREMY CRANE: --- If your clerk is ready.
20 State v. Bridgers, 329 S.C. 11.

21 MR. FRETWELL: 1943 is the date, Judge.

22 MR. JEREMY CRANE: Your Honor, ours is from 1997 so
23 it's a little bit newer than what Mr. Fretwell is trying
24 to slide by here.

25 MR. FRETWELL: Objection, Judge.

1 THE COURT: Okay. I'm going to take a break and I'm
2 going to digest the cases.

3 MR. FRETWELL: Thank you, Judge.

4 MR. LARRY CRANE: One last thing. In trying to do
5 some research this morning, there's also an ethics
6 opinion from the late 1900s that indicates that she would
7 not be a public official. I'll have to try and find it
8 for you. But all I did was put in there "is a deputy
9 sheriff a public official in South Carolina" and it came
10 up with the ethics opinion.

11 Thank you, Judge.

12 MR. FRETWELL: Judge, I'll just remind the Court if
13 the Court has instructed defense counsel that the person
14 that's doing the examination should make the argument, so
15 I assume at this point Mr. Crane will be continuing the
16 cross-examination?

17 MR. LARRY CRANE: He doesn't need to assume that
18 because that's incorrect. And you have not said that we
19 have to do it that way and I take offense of what he
20 said.

21 THE COURT: I have asked y'all when y'all have been
22 up here to, you know, whoever's leading to be the one to
23 make the arguments.

24 MR. LARRY CRANE: Okay. Well, he shouldn't assume
25 anything about our case, Judge. Thank you, Judge.

1 (WHEREUPON, a recess is taken at 9:49 AM.)

2 THE COURT: I always like to make sure that I take
3 some time, look at case law and do my best to get it
4 right.

5 Okay. I looked at both cases that y'all cited.

6 MR. FRETWELL: May it please the Court, Judge.
7 There's one other case that I have that I wanted to bring
8 to the Court's attention.

9 THE COURT: You can bring it to my attention, but I
10 know how I'm going to rule.

11 MR. FRETWELL: You probably looked at it, but State
12 v. Bailey that talks about the exercise of the power of
13 the sovereign.

14 THE COURT: But I'm going to find as a matter of law
15 that a deputy sheriff is a public official for purposes
16 of the Statute 16-3-1040. And I will -- when I charge,
17 I'll make sure that that's clear.

18 I believe the testimony that you already had is
19 probably sufficient, but if you feel like you need to
20 proffer some more, you can ask her the questions and that
21 you've got your record.

22 And I did look at the cases y'all gave, State vs.
23 Bridgers, 329 S.C. 11 as well as Willis vs. Aiken County.
24 And that's my decision. Okay.

25 MR. JEREMY CRANE: I would like to get ---

1 THE COURT: Or ruling.

2 MR. JEREMY CRANE: If that's your ruling, I would
3 also like to put my objection on the record and state why
4 I object to that.

5 THE COURT: Yeah. Absolutely. I'm all about
6 protecting the record.

7 MR. JEREMY CRANE: One other thing to note is that
8 there's a 1991 State Ethics Commission, it's entitled
9 SECC 92-028. On page 3 of that it states that the State
10 Ethics Commission would advise that sheriff's deputies
11 are considered public employees.

12 I would also like to point out that in Willis v.
13 Aiken that has already been ruled on that their holding
14 there is the position of a deputy sheriff is a public
15 officer. It does not say public official. It says
16 public officer.

17 So I would just like to have that -- have that
18 preserved for the record, please.

19 THE COURT: You're talking about in Bridgers?

20 MR. JEREMY CRANE: I'm talking about in Aiken, in
21 the holding, position of a deputy sheriff is a public
22 officer.

23 THE COURT: Okay. You're protected.

24 I think you did ask her whether she was an
25 employee.

1 MR. JEREMY CRANE: Yes. I just have one more -- I
2 just had one more question for her on that road.

3 THE COURT: Go ahead and proffer it.

4 BY MR. JEREMY CRANE:

5 Q All right. Deputy Bracken, have you ever filed a
6 bond or are you covered by a surety bond in the
7 performance of your duties?

8 A Not that I know of, no.

9 MR. JEREMY CRANE: All right. That's all I had,
10 Your Honor.

11 THE COURT: Okay. Anything from the State?

12 MR. FRETWELL: Yes, Your Honor.

13 VOIR DIRE

14 BY MR. FRETWELL:

15 Q Deputy Bracken, are you familiar with Section
16 23-13-20 of the South Carolina Code of Laws relating to
17 your position as a deputy sheriff in prescribing your
18 bond and oath?

19 A I would have to read it. I'm sorry.

20 Q Do you recall when you were appointed by -- and
21 which sheriff appointed you?

22 A I'm not going to ---

23 Q We've got a Lewis, we've got a prior Lewis and we've
24 got a Johnny Mack Brown.

25 A Johnny Mack Brown.

1 Q Okay. So Sheriff Brown appointed you.

2 When you were appointed, did you have to come to the
3 courthouse and be sworn in as a deputy?

4 A I did.

5 Q With a Circuit Court judge?

6 A I did.

7 Q Okay. And are you familiar with Section 23-13-10
8 for your appointment process as a deputy sheriff which
9 indicates the sheriff may appoint one or more deputies to
10 be approved by the judge of the Circuit Court or any
11 circuit judge presiding therein?

12 A Yes, sir.

13 Q And do you exercise in your capacity as a deputy
14 sheriff under Section 23-13-60 your power of arrest?

15 A Yes.

16 Q And, in fact, in this particular case at bar, you
17 arrested an individual, the defendant sitting over here
18 on the two or three charges that you testified to
19 earlier; is that correct?

20 A Yes.

21 MR. FRETWELL: Judge, with respect to the
22 examination of the witness, I'm through. I just have a
23 couple more things to give to the Court.

24 MR. JEREMY CRANE: I just have one more question.

25 THE COURT: Sure.

1 CROSS EXAMINATION (Continued)

2 BY MR. JEREMY CRANE:

3 Q Deputy Bracken, were you appointed or were you hired
4 by the sheriff?

5 A I'm not -- I'm getting confused about all the
6 wording. I'm sorry. I was hired by the agency.

7 Q You were hired.

8 A And I don't know all the wording. I'm sorry.

9 Q So you applied to be a deputy sheriff, correct?

10 A Correct.

11 Q You weren't asked to be a deputy sheriff, correct?

12 A No.

13 THE COURT: Okay. Do y'all just want to supplement
14 that later?

15 MR. FRETWELL: I just want the Court to be aware of
16 the State v. Bailey decision in 2016. I do have a
17 Southeastern Second cite for you, Judge. It's 785 S.E.2d
18 622, basically giving the Court the factors to consider
19 when the Court is looking at that issue. With respect to
20 this particular statute of threatening the life of a
21 public official, it says: "A Court must look at whether,
22 one, the position was created by the General Assembly."
23 Certainly it was, Your Honor, in Section 23-13-10. "The
24 qualifications for appointment of the position are
25 established by law," which is laid out, Judge, in this

1 same statute in the 23-13 chapter.

2 Judge, "The duties, tenure, salary, bond and oath
3 are prescribed or required by law." And, Judge, as I
4 indicated in my questioning, that was 23-13-20 which
5 talks about the bond and oath of the deputy sheriffs in
6 particular. And "the person occupying the position is a
7 representative of the sovereign.'" And as the cases have
8 discussed that, it's the exercise of that power of the
9 sovereign, Judge, that exercise of that arrest power that
10 this officer even performed in this particular case.

11 And, Judge, just in one brief response to the SEC
12 opinion, of course, the SEC -- or the Ethics Commission
13 being an executive office, not a court, has absolutely no
14 controlling precedent on the Court. We also don't know
15 the context of the public employee. It could be public
16 employee versus a private employee for purposes of the
17 Ethics Commission in that particular case.

18 And, Judge, that's what I wanted to just put on the
19 record.

20 THE COURT: I've made my ruling.

21 MR. FRETWELL: Yes, sir.

22 THE COURT: And I'll charge accordingly.

23 MR. JEREMY CRANE: Your Honor, may I put just one
24 quick thing in response to that?

25 THE COURT: Sure.

1 MR. JEREMY CRANE: I would just like to put that
2 under the law/analysis of the Bailey case, it states:
3 "Bailey argues the Circuit Court erred in finding Cradock
4 was a public official rather than a public employee
5 within the meaning of 16-3-1040, we agree." So the Court
6 actually agreed in that case that the Court did err in
7 finding the deputy as a public official.

8 MR. FRETWELL: That was with respect to a mental
9 health examiner, Judge, not a deputy sheriff.

10 THE COURT: Okay. Thank you. Like I said, I've
11 made my ruling. Y'all know where to take it if it goes
12 down that path.

13 So all right. I'm going to bring the jury back in.

14 (WHEREUPON, the jury entered the courtroom at 10:14 AM.)

15 THE COURT: Okay. Please continue with your
16 cross-examination, Mr. Crane.

17 MR. JEREMY CRANE: Thank you, Your Honor.

18 BY MR. JEREMY CRANE:

19 Q Deputy Bracken, when you arrived at Breeds Hill Way,
20 where did you first encounter Mr. Moon?

21 A He was coming from the driveway. He was in the
22 driveway coming from the side of the house.

23 Q And so he was coming essentially down the driveway
24 towards you?

25 A Yes.

1 Q Did you ever see him in the garage?

2 A No.

3 Q So you didn't witness him doing anything in the
4 garage.

5 A No.

6 Q And then when you approached Mr. Moon, did you order
7 him off his bike?

8 A Yes.

9 Q Okay. Did he stop in front of you?

10 A He had stopped, yeah.

11 Q Okay. But he didn't try to speed past you or
12 anything, did he?

13 A Not until I told him to get off his bike and he hit
14 me in the face.

15 Q Okay. So when he approached you, he stopped in
16 front of you and you told him to get off his bike,
17 correct?

18 A Yes.

19 Q Did he seem surprised that you wanted him off his
20 bike?

21 A He didn't seem surprised to me.

22 Q Did Mr. Moon tell you that there was a fire down in
23 the garage?

24 A Yes.

25 Q Did he also tell you, "I don't know what's

1 happening. There's a fire down there"?

2 A Something along the lines of that.

3 Q Okay. Would someone who has nothing to do with
4 setting a fire who's approached by law enforcement be
5 surprised?

6 MR. FRETWELL: Objection, Your Honor. Speculation.

7 THE COURT: Sustained.

8 BY MR. JEREMY CRANE:

9 Q So Mr. Moon was -- he was right there at the scene
10 in the driveway, correct?

11 A Yes.

12 Q Okay. You're an experienced deputy. In general, do
13 people who commit a crime stick around?

14 MR. FRETWELL: Speculation.

15 MR. JEREMY CRANE: Your Honor ---

16 THE COURT: Overruled.

17 THE WITNESS: Sometimes.

18 BY MR. JEREMY CRANE:

19 Q Sometimes? Most of the time, do people try and flee
20 when they've done something illegal?

21 A I would say so, depending on the situation.

22 Q Generally, if someone's done something illegal, do
23 they want to stop and talk with an officer in front of
24 them?

25 A It depends on the situation.

1 Q Do you recall if the area behind that home was
2 wooded?

3 A Behind the home?

4 Q Behind the home. Were there woods behind the home
5 or do you recall?

6 A I don't recall. I know that there was some kind of
7 barrier.

8 Q Okay. Are there woods to the left of that home
9 between the home and Hudson Road?

10 A Yes.

11 Q This happened in July, correct?

12 A Yes.

13 Q So there were leaves on the trees?

14 A I cannot recall. It was three and a half years ago.

15 Q Are there generally leaves on the trees in July?

16 A Typically.

17 Q So wouldn't that have been a better escape path than
18 coming down the driveway?

19 MR. FRETWELL: Objection, Your Honor.

20 THE COURT: Overruled.

21 THE WITNESS: I'm not -- not sure. If there's a lot
22 of woods and stuff, it would be difficult to be on a
23 bike.

24 BY MR. JEREMY CRANE:

25 Q Would it be easier to hide from the police if you

1 were in the woods?

2 A Potentially, yeah.

3 Q Was he trying to run from you?

4 A Not at first.

5 Q Was he trying to hide from you?

6 A Not at first.

7 Q What do you mean not at first? How was he trying to
8 hide from you at all?

9 A I didn't -- well, he wasn't trying to hide from me.
10 He was leaving as I was approaching him.

11 Q Okay. Explain that. How was he leaving when you
12 were approaching him. You say that he stopped in front
13 of you.

14 A He was coming down the driveway when I approached
15 which would be to the road because he was on a bike.

16 Q But he did stop for you.

17 A He did.

18 Q But, again, you didn't find him hiding in those
19 woods, did you?

20 A No.

21 Q You didn't find him down the road somewhere, did
22 you?

23 A No.

24 Q So that day after you -- did you put Mr. Moon's
25 backpack -- did Mr. Moon have on a backpack?

1 A Yes.

2 Q Did you take that backpack to your car?

3 A Yes.

4 Q Did you happen to pour out two bottles of vodka?

5 A I know that I poured out one on scene.

6 Q Okay. Do you remember if you cracked the cap on
7 that when you opened it?

8 A I believe that bottle was -- had already been
9 opened.

10 Q Okay. How full was it?

11 A I can't recall.

12 Q So you don't remember if it was all the way full or
13 partly empty?

14 A I can't recall.

15 Q So you don't know how much vodka was actually in
16 that bottle when you poured it out?

17 A No.

18 Q Was your interaction with Mr. Moon at Breeds Hill
19 Way the first time that you had interacted with him that
20 day?

21 A No.

22 Q You interacted with him earlier in that day,
23 correct?

24 A Yes.

25 Q Do you know about what time this incident at Breeds

1 Hill Way occurred?

2 A This time, around 5 o'clock-ish.

3 Q Okay. So about what time did you encounter Mr. Moon
4 earlier in the day?

5 A I don't know exact time. Maybe an hour or two
6 before, maybe.

7 Q If you saw the front page of a CAD report, would you
8 be able to tell?

9 A Yes.

10 Q Does that appear to be a CAD report from earlier in
11 the day?

12 A Yes.

13 Q Would that refresh your memory of what time the
14 incident was?

15 A Yes.

16 Q What time was that?

17 A It says the incident date at 3:35, so I'm assuming
18 that's it. I don't see the actual printout part.

19 Q So around 3:30, correct?

20 A Yes.

21 Q Do you know about how long you were out with
22 Mr. Moon?

23 A Totality, 20 minutes, maybe.

24 Q I'm sorry. You said you were with him for about how
25 long?

1 A I can't say for sure, but maybe around 20 minutes
2 waiting for EMS.

3 Q Okay. Around 20 minutes. So if you got there
4 around 3:30, then you would have left around 3:50; does
5 that sound about right?

6 A Possibly. I don't know the exact times.

7 Q Okay. And why did you get out with Mr. Moon?

8 A It came out that there was a suspicious person
9 possibly unconscious on the side of the road.

10 Q Okay. Did Mr. Moon tell you that he had been riding
11 his bike all day?

12 A Yeah.

13 Q Had he told you that he had been riding around
14 downtown all day?

15 A I don't remember specifically.

16 MR. FRETWELL: Judge, I'm going to object to the
17 continuous questions with respect to what the defendant
18 said under the rule against hearsay.

19 MR. JEREMY CRANE: She's the investigating officer.
20 She knows what they said.

21 MR. FRETWELL: Have to argue at the bench, Judge.

22 THE COURT: State v. King works both ways, so I'm
23 going to sustain your objection.

24 BY MR. JEREMY CRANE:

25 Q Was Mr. Moon just simply resting on the side of the

1 road when you approached?

2 A That's what he said, yeah.

3 Q Okay. What was the address -- or what was at that
4 address where he was? Was it a home? Was it a church?
5 Was it a building?

6 A It was just the side of the road.

7 Q What was behind there? Was it a home? a church? a
8 building?

9 A I don't know the exact. I believe -- I can believe
10 that it was just maybe a fence or some woods or
11 something. I don't recall a structure being right there.

12 Q At that time, was Mr. Moon doing anything illegal?

13 A No.

14 Q Was he doing anything suspicious?

15 A Hu-uh.

16 Q Was he belligerent?

17 A No.

18 Q At that point, did he seem intoxicated?

19 A No.

20 Q What was his demeanor like when you were with him?

21 A He was friendly, talkative. He talked -- I remember
22 him talking to EMS about his bicycle.

23 Q Right. And did one of the EMT's actually take his
24 bike for a spin?

25 A Uh-huh.

1 Q Okay. So it was a friendly interaction.

2 A Yes.

3 Q Do you remember stating -- do you remember speaking
4 with deputies at Breeds Hill about your interaction with
5 Mr. Moon?

6 A I had mentioned that I got out with him earlier and
7 he was friendly.

8 Q He was friendly. Do you remember saying that he was
9 the nicest guy ever?

10 A I remember saying he was cool as a cucumber.

11 Q Cool, calm and collected; does that sound ---

12 A Something similar.

13 Q Okay. Was he respectful with you?

14 A On the previous call?

15 Q In the first stop, yes.

16 A Yes.

17 Q Did he seem angry?

18 A No.

19 Q Did he seem agitated?

20 A No.

21 Q Did he seem on edge?

22 A No.

23 Q Was he worked up about anything?

24 A No.

25 Q So he was pretty just chilled out and nice, correct?

1 A Yes.

2 Q Did he seem like -- did he seem like he was going to
3 try and burn someone's house down?

4 A Didn't appear to be at that time.

5 Q Okay. And then, again, this was about, what,
6 50 minutes prior to the incident at Breeds Hill?

7 A I guess, yeah. Around about.

8 Q You stated you left at 3:50.

9 A Yes.

10 Q And then the incident at Breeds Hill was right
11 around 5 o'clock, so an hour -- about an hour and ten
12 minutes; is that correct?

13 A Round about.

14 Q Okay. So he was nice and calm and pleasant when you
15 met him in the earlier -- in the earlier incident,
16 correct?

17 A Yes.

18 Q Okay. Let's go back to Breeds Hill. Did you have
19 any information that any of the victims had actually seen
20 Mr. Moon in the garage?

21 A Not that I recall, no.

22 Q Did any of them say they saw him start a fire?

23 A Actually seen him start it, no.

24 Q I'm sorry?

25 A Actually seen him start it, no.

1 Q Okay. Did you notice if Mr. Moon had any -- let me
2 rewind. What was Mr. Moon wearing that day?

3 A I believe the black T-shirt, tennis shoes and jeans.

4 Q Okay. Was he wearing a long-sleeved shirt or a
5 short-sleeved shirt?

6 A I believe it was a short-sleeved shirt.

7 Q Okay. Was it a black short-sleeved shirt?

8 A I believe so.

9 Q Okay. Did you notice if Mr. Moon had any singed
10 hair on the arm?

11 A I didn't look.

12 Q Did he have any singed hair on his face?

13 A I didn't -- didn't notice any of that. I didn't
14 look.

15 Q Any singed hair on his head?

16 A (No verbal answer.)

17 Q Did he have any burns on his body?

18 A Not that I noticed.

19 Q Did EMS come out and check on Mr. Moon?

20 A They did.

21 Q Did they say that he had any burns on him?

22 A They didn't say that he did.

23 Q You approached Mr. Moon and took him to the ground,
24 correct?

25 A Yes.

1 Q Okay. So you tackled him and you were wrestling
2 around -- you were wrestling around with him right after
3 the fire was discovered, correct?

4 A Yes. After he hit me in the face.

5 Q Right. So after he struck you, you were wrestling
6 on the ground with him in close proximity to him,
7 correct?

8 A Yes.

9 Q Okay. Did he smell like gasoline?

10 A I don't recall.

11 Q Well, you were right next to him. I mean, you were
12 wrestling with him. Do you think if he had smelled like
13 gasoline that you would have smelled something?

14 A I couldn't say for sure. I -- my adrenaline was
15 going. So, I mean, I can't say for sure if I would have
16 smelled -- noticed the smell. Do I recall smelling a
17 strong smell? No. But my adrenaline was going. I
18 wasn't looking for that.

19 Q So that day, did you ever mention anything about him
20 smelling like gasoline?

21 A No.

22 Q Were you told or asked to collect Mr. Moon's
23 clothing at the Law Enforcement Center?

24 A Yes.

25 Q And I believe we've already gone over this, but what

1 all clothing was collected from Mr. Moon?

2 A His socks, tennis shoes and pants and shirt.

3 Q Okay. And why did they want these items collected?

4 A I believe that could be better answered by the arson
5 investigator. I would assume for testing or -- I've
6 never had an arson class so I could not tell you.

7 Q Did the arson investigator show up right before you
8 took Mr. Moon to the Law Enforcement Center?

9 A Yes.

10 Q Did he ask you to collect his -- to collect
11 Mr. Moon's clothing?

12 A I believe he asked my supervisor.

13 Q Okay.

14 A Which was ---

15 Q Did he ask -- sorry.

16 A Sorry. Go ahead.

17 Q Did he ask you to collect his clothing because if
18 you pour gasoline all over a vehicle, it's most likely
19 that gasoline will be on your clothes?

20 MR. FRETWELL: Objection, Your Honor. He's already
21 said that that's a question for the investigator who's
22 here.

23 MR. JEREMY CRANE: Your Honor, I'm not asking about
24 the actual investigation into the clothing. We're asking
25 about a question that --

1 THE COURT: I'm going to allow it.

2 MR. FRETWELL: All right.

3 BY MR. JEREMY CRANE:

4 Q So were you asked to collect his clothing because
5 you were told if he poured gasoline all over a vehicle
6 and set it on fire, that most likely gasoline would be on
7 his clothing?

8 A Did I say that?

9 Q No. Were you told that by the arson investigator as
10 to why he wanted clothing gathered?

11 A I do not recall.

12 Q Do you know if any of Mr. Moon's clothing has been
13 tested to see if there's gasoline on it?

14 A I'm not sure.

15 Q Okay. So you haven't seen any results from those
16 tests?

17 A No.

18 Q So Mr. Moon, we saw on the video yesterday he seemed
19 pretty angry in your car, correct?

20 A Mr. Moon?

21 Q Seemed very angry when he was in the back of your
22 car.

23 A Yes.

24 Q Did he say multiple times that he didn't know what
25 he -- he was asking what did I do? What did you say I

1 did?

2 MR. FRETWELL: Objection, Your Honor.

3 THE COURT: Overruled. They've seen the video.

4 BY MR. JEREMY CRANE:

5 Q I'll ask again. Did he continually ask you, "What
6 have I done"?

7 A He did ask that a few times.

8 Q Did he ask you, "Why am I being arrested"?

9 A I believe so, yeah.

10 Q Did he ask you, "What did I do"?

11 A Yes.

12 Q Did he ever say anything about the fire, the
13 burglary? Did he ever admit anything?

14 A Me personally?

15 Q Yes.

16 A I did not say -- I don't believe I told him I was
17 charging him with that, me personally.

18 Q Didn't he then ask you what he's being charged with?

19 A Yeah. And I believe I told him at one point for the
20 assault on me because I did not charge him for the
21 burglary and the arson.

22 Q Understood.

23 Are people generally happy to be in the back of your
24 police car?

25 A Not -- I wouldn't assume so.

1 Q Do people sometimes get angry when they're in the
2 back of a police car?

3 A Sometimes.

4 Q Do people who have been wrongfully accused get angry
5 in the back of a police car?

6 A Yeah.

7 Q We saw the video down at the jail. He was banging
8 on the door pretty hard, correct?

9 A On the jail door, yeah.

10 Q Yes. Did he say why he was banging on that door?

11 A Not that I recall.

12 Q Do you recall him asking time and time and time
13 again if you all could take the handcuffs off of him?

14 A I don't recall.

15 Q Okay. Do you know about what time you got to the
16 jail with Mr. Moon?

17 A I'm not sure if it's in the CAD report, but I don't
18 remember off the top of my head.

19 Q Okay. If you had to guess, how long between the
20 time he was placed in your car and the time you took him
21 to jail? About how long do you think that was?

22 A I'm not quite sure. I can't even give an estimate.
23 I'm sorry.

24 Q Don't you have the CAD report in front of you?

25 A Yeah. Do you want me to look through it?

1 Q That would be great.

2 A (Reviews document) I believe I was responding at
3 6:41 to the jail. So I started transport around that
4 time, so 6:41. And he was put in my car between 5:08 and
5 5:17, somewhere in there.

6 Q Okay. So you said you started towards the jail at
7 6:41?

8 A That's what the CAD says.

9 Q Does the CAD say when you arrived at the jail?

10 A I just lost my spot. (Reviews document) 6:55 is
11 when it's called out.

12 Q So that's give or take about, what, 15 minutes shy
13 of two hours between the time Mr. Moon was placed in
14 handcuffs and the time he was finally taken out of
15 handcuffs?

16 A (Nods head affirmatively.)

17 Q Actually, that's when you arrived at the jail. It
18 was a little bit longer before he was finally taken out
19 of handcuffs, correct?

20 A Yes. We're not allowed to take them out of
21 handcuffs.

22 Q So he was banging the door asking for you guys to
23 take off the handcuffs. And he had been in handcuffs for
24 around two hours, correct?

25 A Around that time, yeah.

1 Q Have you ever been in handcuffs?

2 A Hu-uh, no. Besides training.

3 Q So you wouldn't know what it feels like to be in
4 handcuffs in the back of a car for two hours, would you?

5 A No.

6 Q Do you think that you might get angry?

7 A Possibly.

8 Q Would you get angry if you were wrongly accused of
9 doing something?

10 A Yeah.

11 Q Other than the injury on your elbow, did you have
12 any other injuries?

13 A Not any physical injury, like obvious physical
14 injuries, no.

15 Q So only a scratch on your elbow, correct?

16 A Uh-huh.

17 Q Any black eyes, bloody lips, anything like that?

18 A Not that I recall, no.

19 Q Any lasting effects from anything that happened that
20 day?

21 A No.

22 MR. JEREMY CRANE: One moment, Your Honor.

23 When -- withdrawn.

24 No further questions, Your Honor.

25 THE COURT: All right. Redirect?

1 MR. FRETWELL: May it please the Court, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. FRETWELL:

4 Q Investigator Bracken, Mr. Crane asked you a question
5 about the defendant trying to speed past you. And
6 although you testified he stopped, did he also tell you
7 something about that area back there behind him? What
8 did he tell you?

9 A He said something along the lines that there's
10 injured people back there and a fire is going.

11 Q Okay. And you're a law enforcement officer.

12 A Yes.

13 Q A first responder.

14 A Yes.

15 Q The average person might believe that would draw
16 your attention away from him. Would it?

17 A Yes.

18 Q But you didn't do that. You're trained not to do
19 that; is that correct.

20 A Yes.

21 Q Your focus was on the defendant.

22 A Yes.

23 Q When it became clear that you weren't going to go
24 back there and check on somebody back there allegedly
25 injured, how did the defendant respond to you?

1 A That's when he told me to get the fuck away from him
2 and struck me in the face.

3 Q And let's talk about that. When he struck you, did
4 he strike at you and you were able to avoid it or did he
5 actually make contact with your face?

6 A Yes. He hit me directly in the nose.

7 MR. JEREMY CRANE: Your Honor, I didn't ask anything
8 about him striking him [sic]. I think it's improper.

9 THE COURT: Overruled. You were asking ---

10 MR. FRETWELL: Thank you, Judge.

11 BY MR. FRETWELL:

12 Q Did he actually come in contact with your face?

13 A Yes.

14 Q Okay. All right. That call came out I think you
15 testified earlier right after five. Do you recall how
16 long it took you to get from the time the call was
17 assigned to you to that location? Can you look on that
18 CAD?

19 A Between five and ten minutes.

20 Q Five and ten or less than five?

21 A (Reviews document) So according to this, it says
22 first unit's on at 5:01.

23 Q And you arrived on scene at what time?

24 A 5:05.

25 Q Okay. So four minutes.

1 A Yes.

2 Q And you testified just a few minutes ago that you
3 had an earlier encounter with the defendant not far away?

4 A Yes.

5 Q So you were in that general area?

6 A Yes.

7 Q Okay. And let's talk about that general area.
8 You're familiar with Hudson Road.

9 A Yes.

10 Q And you're familiar with the area where you came in
11 contact with the defendant earlier.

12 A I don't remember the exact area. I know it was
13 nearby.

14 Q Off of Hudson Road.

15 A Yeah.

16 Q Okay. And that location -- between that location
17 and the Gilchrist residence on Breeds Hill Way, there's a
18 bridge, right?

19 MR. JEREMY CRANE: Your Honor, I object to this
20 again. I asked about the location of the earlier
21 incident. I didn't ask anything else about the road
22 leading there.

23 THE COURT: Overruled. You were asking about the
24 first meeting.

25 MR. FRETWELL: Thank you, Judge.

1 MR. JEREMY CRANE: I'm sorry. Could you repeat your
2 ruling for me? I didn't hear you.

3 THE COURT: I said overrule. You were asking
4 questions about the first encounter.

5 MR. JEREMY CRANE: I wasn't asking questions about
6 the bridge that Mr. Fretwell's going into.

7 THE COURT: It still is tangentially related to all
8 of that.

9 MR. FRETWELL: Thank you, Judge.

10 BY MR. FRETWELL:

11 Q There's a bridge that exists between that other
12 location and Breeds Hill Way. Are you aware of that
13 little bridge area there right on Hudson Road?

14 A Yes.

15 Q The little creek in that general vicinity sometimes
16 if it rains a lot?

17 A Yeah.

18 Q Okay. Mr. Crane asked you some questions about the
19 amount of alcohol you found in the defendant's backpack,
20 obviously, one that went to the jail and one that you
21 poured out at the scene, right? If you were to know or
22 come to understand that the defendant was at that bridge
23 for about 30 minutes before he arrived at Breeds Hill
24 Way, did you go down there and check for alcohol bottles,
25 vodka bottles that may have been down there at the

1 bridge?

2 A No.

3 Q And you don't know how much alcohol he consumed
4 before your original encounter and when you saw him again
5 at the Gilchrist residence.

6 A No.

7 Q The results of the testing of any kind of clothing,
8 anything like that in this case, you're an investigator
9 now, but you weren't then; is that right?

10 A Correct.

11 Q And, in fact, Gray Bowers back here in the gray
12 suit, he was the on-call investigator that day, was he
13 not?

14 A Correct.

15 Q Mr. Crane asked you about some questions with
16 respect to what his client said on that video that you
17 watched a little while and you were present for those
18 conversations. Do you recall asking him whether he
19 struck you in the face or recall -- whether he recalled
20 striking you in the face?

21 A Yes.

22 Q Do you recall what his response was to that?

23 A He acted surprised and said he would never hit a
24 lady or a man in the face.

25 Q And when you were speaking with Deputy Bird about

1 him striking you in the face, his response was what? And
2 I mean the defendant's response.

3 A He said that he would -- he didn't have no problem
4 with that.

5 Q Okay. Mr. Crane asked you about the defendant's
6 behavior on scene, in the patrol car and in handcuffs
7 later on for approximately two hours. Is that a routine
8 amount of time for someone on an investigation to
9 potentially sit in a patrol car and have handcuffs on?

10 A Yes.

11 Q Does everybody react the way that we saw the
12 defendant react in this particular incident?

13 A No.

14 Q And in those instances where you do have some
15 reaction, does alcohol play a part in that?

16 A It does.

17 MR. FRETWELL: Thank you. No further questions.

18 THE COURT: All right. Any recross, Mr. Crane?

19 MR. JEREMY CRANE: Yes, Your Honor.

20 RECROSS EXAMINATION

21 BY MR. JEREMY CRANE:

22 Q Did you ever test Mr. Moon's alcohol content?

23 A No.

24 Q So you don't know if he was drunk or not?

25 A Not through DNA or testing or anything, no.

1 Q And it was your contention that you didn't smell
2 alcohol on him?

3 A Not that I recall.

4 Q I believe you just told Mr. Fretwell that two hours
5 in the back of a car is a normal amount of time. Have
6 you arrested anyone for DUI before?

7 A Yeah.

8 Q Does it take two hours to get them from when it
9 started down to the jail?

10 A That's a different -- different type of case. It
11 just depends.

12 Q Mr. Fretwell asked you does it generally take two
13 hours.

14 A For a DUI?

15 Q For anything.

16 A For any call, yeah.

17 Q So -- well, you just contradicted yourself. So when
18 you arrest someone for a DUI, between the time you arrest
19 them and the time you get them to the jail, is it usually
20 about two hours?

21 A It just depends. Every situation is different.

22 Q How about a domestic violence? Does that usually
23 take two hours?

24 A Sometimes. DUIs maybe not two hours, but a domestic
25 violence could very well take up to two hours depending

1 on the situation.

2 Q Mr. Fretwell asked you about this bridge that was
3 down from the home. Mr. Moon seemed fine and sober when
4 you were with him at about 3:50, correct?

5 A Yeah.

6 Q That was your testimony earlier when you were with
7 him further up Hudson Road, he was fine. He was sober
8 and he was not intoxicated.

9 A Didn't appear to be.

10 Q So then Mr. Fretwell would have us believe that in
11 an hour and ten minutes ---

12 MR. FRETWELL: Objection to the question, Judge.
13 He's characterizing my question and what I ---

14 THE COURT: Sustained.

15 MR. FRETWELL: Thank you.

16 BY MR. JEREMY CRANE:

17 Q Did Mr. Fretwell ask you about Mr. Moon's drinking
18 and about if he could have gotten intoxicated between the
19 two stops?

20 A I believe that was similar to the question, yeah.

21 Q Okay. So are you trying to tell us that you think
22 an hour and ten minutes is long enough to go from
23 completely sober to wanting to burn someone's house down?

24 A I don't know about the mental state, but as far as
25 intoxication, it's very possible.

1 Q How was his mental state when you saw him on down
2 the road?

3 A He was friendly then.

4 MR. JEREMY CRANE: Okay. Thank you. No further
5 questions.

6 MR. FRETWELL: No questions, Judge.

7 THE COURT: No questions. All right. You may step
8 down.

9 Any objection to me releasing her, State?

10 MR. FRETWELL: I don't have an objection, but I -- I
11 don't have one, no. I think she's going to stay. But I
12 don't have any objection.

13 THE COURT: That's fine.

14 THE WITNESS: I'm staying.

15 THE COURT: You're welcome to stay.

16 MS. SHUGARS: May it please the Court. The State
17 calls Deputy Wesley Bird to the stand.

18 WHEREUPON,

19 WESLEY BIRD

20 After having been duly sworn, testified as follows:

21 THE CLERK: Please state your name for the record.

22 THE WITNESS: Deputy Wesley Bird.

23 DIRECT EXAMINATION

24 BY MS. SHUGARS:

25 Q Good morning, Mr. Bird.

1 A Good morning.

2 Q Where do you currently work?

3 A Greenville County Sheriff's Office.

4 Q And how long have you been working there?

5 A About three years.

6 Q Did you work for any prior law enforcement agency?

7 A I did. Charleston Police Department for about seven
8 years.

9 Q And what is your current position with the
10 Greenville County Sheriff's Office?

11 A I'm currently assigned to judicial services which
12 are courthouses.

13 Q Did you have any prior roles at the sheriff's
14 office?

15 A I did. I worked on the road as a road deputy prior
16 to that.

17 Q For about how long did you work as a road deputy?

18 A Six to ten months, somewhere around there.

19 Q What were some of your job responsibilities as a
20 road deputy?

21 A Respond to calls, enforce laws, self-initiated
22 traffic stops, anything spanning ---

23 Q And what training have you received for your role?

24 A Went to the Criminal Justice Academy. I've had
25 specialty training in DUI enforcement, basic instructor

1 courses and then just ongoing training.

2 Q On a yearly basis?

3 A On a yearly basis, yes, ma'am.

4 Q And did you serve in the military?

5 A I did.

6 Q Can you tell us about your military experience?

7 A Sure. I was in the Army Airborne Infantry and
8 served two deployments to Afghanistan.

9 Q Thank you for your service.

10 A Thank you.

11 Q Were you working as a road deputy on July 17, 2021?

12 A I was.

13 Q And were you dispatched to a call at 1 Breeds Hill
14 Way on that day?

15 A I was.

16 Q And what is that address? Is it a residence or a
17 business?

18 A It's a residence.

19 Q Is that residence in Greenville County?

20 A It is.

21 Q And why were you dispatched to that location?

22 A I believe I was dispatched there for a possible
23 burglary and/or a suspicious person.

24 Q Did you write a report for this case?

25 A I did.

1 Q And in your report, did you characterize it as
2 responding to a burglary or a suspicious person?

3 A I might have. I think I did. I might also have put
4 arson in that report.

5 Q Because you write those reports after the whole
6 incident and the whole case and any arrest made is
7 complete, correct?

8 A That's correct. Oftentimes, when we write a report
9 after the fact, we sometimes forget in what order that we
10 obtain knowledge of the event. In this case, I remember
11 clearly that I didn't know about a fire when I was first
12 responded there, although I did write that in my report
13 afterwards.

14 Q But you learned of the fire later.

15 A I did.

16 Q Were you responding as a backup officer?

17 A I was.

18 Q Who were you responding as backup for?

19 A To Deputy Bracken.

20 Q And did you arrive to the house around the same time
21 as Deputy Bracken?

22 A Nearly. Just shortly after she arrived on scene, I
23 was there.

24 Q And can you describe to us which direction you
25 approached the house from?

1 A Sure. I came from Hudson Road, turned left towards
2 the house which is on the end, pulled into their front
3 driveway, a little half-moon shaped driveway thing. And
4 then so basically from the left side of the house facing
5 it going towards the driveway which is on the right side
6 of the house facing it.

7 Q So Hudson Road is on the left side of the house?

8 A Correct.

9 Q That is the direction from which you came?

10 A Yes, ma'am.

11 Q Is that the only direction you can come from
12 considering the subdivision only has no outlet streets?

13 A That's correct.

14 Q And when you arrived, did you see any smoke when you
15 drove up?

16 A I did not. I had no idea that there was smoke or
17 fire or anything of that nature.

18 Q No indication at all that there was a fire.

19 A No sound, sight or viewing or anything, knowledge of
20 it.

21 Q And were you wearing a body camera on that day?

22 A I was.

23 Q Was your body-worn camera active and recording?

24 A It was.

25 MS. SHUGARS: Your Honor, pursuant to the

1 stipulation that was admitted as Court's Exhibit Number 2
2 yesterday, I'm moving what's been premarked as State's
3 Exhibit Number 35 into evidence.

4 THE COURT: Okay.

5 MR. JEREMY CRANE: No objection.

6 THE COURT: Without objection.

7 (WHEREUPON, State's Exhibit Number 35 was admitted into
8 evidence.)

9 THE COURT: Do you need me to read the remainder?

10 MS. SHUGARS: Your Honor, I don't think that's
11 necessary. You read it in full yesterday.

12 THE COURT: I just wanted to be sure.

13 Did we get the other monitor working?

14 MS. SHUGARS: It doesn't appear to be on, but we
15 have turned this one as well.

16 THE COURT: Thank you.

17 MR. JEREMY CRANE: I blame our new clerk.

18 (WHEREUPON, State's Exhibit Number 35, a video recording,
19 was played in open court.)

20 BY MS. SHUGARS:

21 Q In that clip, is that your body-worn camera?

22 A It was.

23 Q And was that you approaching and arriving at the
24 house?

25 A It was.

1 Q And did you see any smoke in that video?

2 A I did not.

3 Q So what happened when you first arrived on scene?

4 A When I first arrived on scene, I got on the radio
5 and let dispatch know we were getting out with the
6 individual, the defendant. And as I was putting that
7 out, I saw Deputy Bracken in front of me approaching the
8 defendant who was on a bicycle. And it looked like he
9 was leaving from the area that the garage is.

10 Q So what part of the house and the front yard was he
11 in?

12 A He was in the driveway that leads to the garage.

13 Q And what direction was he facing?

14 A He was facing away from the house, south.

15 Q And was he in motion?

16 A He was.

17 Q And he was leaving the direction of the house.

18 A He was. He was straddling his bicycle into kind of
19 walking it towards the road.

20 Q And did the suspect, the man that she was
21 approaching, match the description you were given by
22 dispatch?

23 A He did. I recall it being a white male
24 approximately in his sixties, bald, wearing a Jimmy Johns
25 T-shirt, I believe, and on a red bicycle.

1 Q And what did you observe happened next?

2 A So as Deputy Bracken attempted to stop the
3 individual -- the defendant, I saw him punch Deputy
4 Bracken in the face at which point I quickly closed that
5 distance and we both took him to the ground.

6 Q And when you assisted the deputy in arresting the
7 suspect, is that person that you arrested in the
8 courtroom today?

9 A He is, yes.

10 Q Would you please point him out to us.

11 A (Indicating) He's sitting at defense table in the
12 checkered shirt.

13 MS. SHUGARS: Your Honor, please let the record
14 reflect he pointed out the defendant in this case,
15 Matthew Moon.

16 THE COURT: So noted.

17 BY MS. SHUGARS:

18 Q Did you observe anyone else at the house at this
19 time?

20 A At that time, I did not.

21 Q Did you and Deputy Bracken search the defendant
22 after putting him in cuffs?

23 A We did. Yes, ma'am.

24 Q And what did you find on his person?

25 A I found a wallet, cell phone, a lighter and a

1 pocketknife.

2 Q And did he also have a backpack?

3 A Yes, he did.

4 Q And what did you do with the backpack?

5 A Took it off of him -- after we detained him, took it
6 off. I remember actually even taking my time in a sense
7 to take it off so I didn't have to damage his property
8 instead of cutting it off and then inventorying it
9 afterwards.

10 Q And when you inventoried it, what did you find?

11 A Numerous bottles of alcohol in there.

12 Q And what did you do with his belongings after they
13 were inventoried and collected?

14 A I placed them in Deputy Bracken's trunk of her car.

15 Q Is that a secure area?

16 A It is.

17 Q How so?

18 A It can only be accessed by key which is what she has
19 or a fob which she has or a button inside the vehicle.
20 But it's all only accessed by her using her car keys in
21 access to the vehicle.

22 Q While you were arresting the defendant, did he make
23 any statements?

24 A He made a lot of statements.

25 Q Were any of them threatening in nature?

1 A Yes.

2 Q Who were the threats directed towards?

3 A The threats were all directed towards Deputy
4 Bracken, from what I recall.

5 Q Is she a sworn deputy sheriff?

6 A She is.

7 Q And was she threatened while engaged in the
8 performance of her lawful duties ---

9 A She was.

10 Q --- as a deputy sheriff?

11 A Yes, ma'am.

12 Q And what did the defendant say?

13 A Start from the beginning, I suppose. I mean, he
14 said a lot. I'd say as we are taking him down, he -- and
15 I quote, he said, "Fuck you, bitch," was one of the
16 statements he had said. She then told me he had punched
17 her and I said I had seen that. And then he said right
18 after that something along the lines of, "Yeah, I have no
19 problem doing that."

20 Q What was the threat that he made to Deputy Bracken?

21 A So at one point, there's some back-and-forth between
22 her and the defendant. And at one point, she said he'd
23 be in jail. And he responded, "Yeah. And I'll get out,
24 too. And when I do, I'll 'F' you up so bad you'll know
25 what you're living with."

1 Q That she won't know what she's ---

2 A It was hard to say. He kind of was mumbling a
3 little bit of it. I believe it was either, "You'll know
4 what you're living with," which wouldn't make quite as
5 much sense, but it could have also been, "You won't know
6 what you're living with."

7 Q But from you hearing it, it was clear to you it was
8 meant to be a threat.

9 A Absolutely, yes.

10 Q So what did you do with the defendant after securing
11 him in handcuffs?

12 A Searched him incident to arrest.

13 Q Was he put into a patrol vehicle?

14 A He was, which I, again, patted him down shortly
15 right before putting him in the patrol vehicle.

16 Q After he was placed in the patrol car, what did you
17 do next?

18 A I went back towards where all of his belongings were
19 strewn across the driveway to start collecting his items
20 up to secure them so wouldn't lose his personal property
21 as well as secure the knife that was out there.

22 Q And so those were secured in her vehicle. After
23 that, did you talk to any of the homeowners?

24 A So actually, in the process of trying to secure
25 those things before I actually got them in her vehicle, I

1 believe the homeowners showed up. The male homeowner
2 showed up, and he informed me that there was a fire in
3 his garage.

4 Q And still at this point, had you had any indication
5 that there was a fire?

6 A I had not. No indication.

7 Q And you were in the driveway for much of what we've
8 been discussing.

9 A Yes, ma'am.

10 Q And you still, you hadn't yet seen any huge
11 billowing flames ---

12 A I did not see any of that.

13 Q --- or smell the fire.

14 A No, ma'am. As a matter of fact, in law enforcement,
15 we have like a priority matrix of sorts of people and
16 property. So people take precedence over property and
17 then known threats or known issues are addressed before
18 unknown. Had I known there was a fire, that would have
19 taken precedence over collecting items off the ground.

20 Q So you're trained to catch those sorts of known
21 emergencies.

22 A Absolutely.

23 Q So what did you do once you went to the back of the
24 house?

25 A I went back to confirm whether or not there was a

1 fire. And as soon as I rounded the corner which is -- I
2 mean, this is maybe five to ten feet from where all this
3 took place with the defendant, I saw that there sure
4 enough was a fire raging inside the garage.

5 Q And where did the fire seem to be originating from?

6 A From inside the open garage. There's a vehicle in
7 there. I believe it was like a -- it was a Jeep CJ-7
8 model, and it was on fire. I think I recall, whether it
9 be from my report or watching body-cam footage, that
10 there was an overturned gas can in there as well as a
11 grill of some sort in there.

12 Q Do you recall where that gas can was located?

13 A I believe it was behind the Jeep.

14 Q When you went back there, did you see any other
15 people back there?

16 A I didn't see any people, and I was looking for
17 anyone who might be trapped or -- you know, or in that
18 area. And I didn't see anyone.

19 Q Were there any injured people back there?

20 A No. Not that I saw.

21 Q What did you do after finding the fire in the
22 garage?

23 A So immediately I got on the radio to radio for the
24 fire department to respond. And almost miraculously as I
25 was putting that out, they showed up on scene as I'm

1 putting it out or as I'm saying that on the radio.

2 Q So what you just said, you said you put it out.

3 What did you mean by "put it out"?

4 A And that's why I clarified. I said -- I mean saying

5 -- asking for the fire department to respond on the

6 radio, we call that putting it out on the radio. But I

7 didn't mean in relation to ---

8 Q Fighting the fire?

9 A Correct. I was not fighting it. No, ma'am.

10 (WHEREUPON, State's Exhibit Number 35, a video recording,

11 continued to play in open court.)

12 BY MS. SHUGARS:

13 Q Was the fire seen on that body-cam footage the fire

14 you described?

15 A It was.

16 Q Earlier you stated you served in the military?

17 A I did.

18 Q Did you hear the defendant discuss having any prior

19 military service?

20 A I do remember. At one point, he blurted out that he

21 had served in Iraq and Iran and had been shot four times.

22 Q And as someone with military experience, did what

23 the defendant appear to say, did it appear he was being

24 truthful?

25 A It did not due to him saying that he had served in

1 Iran which I have no knowledge of our military ever
2 setting foot in.

3 Q And if someone had been shot while serving this
4 country, let alone four times, would they be eligible
5 for ---

6 MR. JEREMY CRANE: Your Honor, objection. What's
7 the relevance? Objection on relevance.

8 THE COURT: Overruled.

9 MS. SHUGARS: Thank you, Your Honor.

10 BY MS. SHUGARS:

11 Q If someone was shot while serving this country let
12 alone four times, would they be eligible for Veterans
13 Affairs benefits?

14 A Absolutely.

15 Q And what would it indicate to you if the VA had no
16 record of this defendant?

17 A It would seem incredulous that they would not seek
18 whether it be disability or just further care for the
19 injuries that they sustained. I served with a lot of men
20 on deployments who had been shot, and every single one I
21 know is a member of the VA as well as myself.

22 Q Did you have an opportunity to speak with the
23 defendant once he was in the back of Bracken's patrol
24 vehicle?

25 A I did.

1 Q And are you aware he was mirandized at that point?

2 A I'm -- I'm aware -- at the time, I don't recall if I
3 was aware. But, I mean, I know at least after the fact
4 that he had been mirandized prior to me speaking to him.

5 Q It has come to your attention that Deputy Bracken
6 did mirandize him?

7 A Yes.

8 Q Shortly after he was put into the vehicle?

9 A Right.

10 Q Did the defendant ask to be charged?

11 A He did.

12 Q What did he say?

13 A It was something along the lines of go ahead and
14 charge me and take me to jail.

15 Q Take him to jail.

16 And did you tell the defendant about how you
17 witnessed him punching Deputy Bracken in the face?

18 A Yes. Because he kept asking, "What am I here for?
19 What did I do?"

20 And whether it be Deputy Bracken or myself, we
21 responded with, "Well, you punched the deputy in the
22 face." And then I think I might have said, "You also set
23 that house on fire."

24 Q And what was his response when you told him that he
25 punched the deputy in the face?

1 A To that one he had said, "No, I didn't."

2 Q He denied punching her?

3 A Correct.

4 Q And you said you talked to the defendant about the
5 house being on fire?

6 A Yes.

7 Q And what was his response when you told him he was
8 charged with setting a house on fire?

9 A Initially, it was -- he said like, "What?" And then
10 he paused for a little bit, and then he said, "Is that
11 all?"

12 Q And at this point, you hadn't brought up burglary to
13 him yet, right, when he said, "Is that all"?

14 A Yeah. I don't believe I did.

15 Q Did you talk to the defendant about if he had
16 consumed any alcohol?

17 A I did.

18 Q And did he say if he had remembered anything from
19 the incident?

20 A As far as the incident, he said he didn't remember
21 anything. As far as the alcohol, initially, he had said
22 that he had not drank anything, and then he changed it up
23 a little bit later and said, "I may have drank a little
24 bit" -- or "I may have drank a bit much. No. Maybe I
25 didn't." And then he again said -- what was it? -- that

1 he had quit drinking.

2 Q But did you point out the fact that you found
3 alcohol in his possession?

4 A I don't recall if I told him about that. I might
5 have.

6 Q When he was claiming not to have remembered
7 anything, did he eventually admit that he maybe drank too
8 much?

9 A Yes. And it was in that response that he said he
10 may have drank too much, and then, well, maybe I didn't
11 drink too much or and then I quit. So he kind of kept
12 going back and forth about whether or not he had been
13 drinking at all versus too much.

14 Q Did you ask the defendant if he had made any prior
15 stops that day?

16 A I did.

17 Q And what was his response?

18 A He said no. He had not made any stops. He was
19 heading home.

20 Q Did he say he was going straight down Hudson Road
21 heading home?

22 A Yes. I think at one point I asked him if he had any
23 family or relatives nearby.

24 Q What was his response to that?

25 A He said, no, he -- or he shook his head, I believe,

1 is what it was.

2 MS. SHUGARS: Please answer any questions defense
3 may have.

4 THE COURT: All right. Cross-examination,
5 Mr. Crane.

6 MR. JEREMY CRANE: Thank you, Your Honor.

7 CROSS EXAMINATION

8 BY MR. JEREMY CRANE:

9 Q Deputy Bird ---

10 A Yes, sir.

11 Q --- how are you, sir?

12 A I'm good. Thank you.

13 Q When you arrived at Breeds Hill Way, where did you
14 first encounter Mr. Moon?

15 A On the driveway.

16 Q Okay. Did you see him coming up the driveway or was
17 he already with Deputy Bracken?

18 A Oh, I saw him coming up the driveway or down the
19 driveway towards the road.

20 Q All right. Did you ever actually see him in the
21 garage?

22 A No.

23 Q Did you say that you saw Mr. Moon punch Deputy
24 Bracken?

25 A I did.

1 MR. JEREMY CRANE: Your Honor, one moment. I'm
2 trying to get this.

3 THE COURT: That's fine.

4 MR. JEREMY CRANE: This is State's Exhibit 22 that's
5 already been entered into evidence.

6 (WHEREUPON, State's Exhibit Number 22, a video recording,
7 was played in open court.)

8 BY MR. JEREMY CRANE:

9 Q Deputy Bracken, I want you to watch this closely. I
10 want you to watch Mr. Moon's hand. And I would like for
11 you to tell me if it looks like he has a closed fist or
12 if he has an open hand when he shoves Deputy Bracken.

13 (WHEREUPON, State's Exhibit Number 22, a video recording,
14 continued to play in open court.)

15 BY MR. JEREMY CRANE:

16 Q All right. So right there, did that look like
17 Mr. Moon had a closed fist?

18 A From that body cam it looked open.

19 Q It looked open, correct?

20 A It did, yes.

21 Q So it looked more like a shove than a punch, didn't
22 it?

23 A Oh, it was a strike to the face.

24 Q Oh, it wasn't a closed-fist punch like you put in
25 your report, correct?

1 A I might have put, yeah, in my report it was closed.
2 Although from that, it looks like an open-palm strike to
3 the face.

4 Q Did you witness -- I don't think I asked you this.
5 Did you witness Mr. Moon doing anything in the garage?

6 A No, sir.

7 Q Did Mr. Moon attempt to get past Deputy Bracken in
8 the driveway or did he stop in front of her and speak to
9 her?

10 A From what I recall, it looked like he had stopped
11 initially and then -- but she had to put her hand on the
12 bike to keep him from continuing to kind of walk it past
13 her. I recall when I was getting out that it seemed like
14 he didn't want to stop and wait, like he was impatient
15 and wanted to leave.

16 Q When he was with Deputy Bracken, were his feet on
17 the pedals or were they on the ground?

18 A I think they were on the ground.

19 Q Okay. So he was just standing there on his bike.
20 He was not, at that point, attempting to go anywhere
21 other than stand there with Deputy Bracken, correct?

22 A Correct.

23 Q All right. So you saw him open-hand strike Deputy
24 Bracken. And then did you assist in arresting him?

25 A I did.

1 Q Did you wrestle on the ground with Mr. Moon as well?

2 A Didn't really need to wrestle. But yes. I put his
3 hands behind his back and handcuffed him.

4 Q So you put -- you handcuffed Mr. Moon, correct?

5 A Yes.

6 Q So that means that you grabbed each one of his arms,
7 correct?

8 A At least one of them.

9 Q Okay. Did you put him in one handcuff or did you
10 handcuff both of his hands?

11 A No. I mean, Deputy Bracken may have grabbed the
12 other arm.

13 Q But you know you grabbed at least one of his arms.

14 A Absolutely.

15 Q Okay. Did you notice if there was any singed hair
16 on his arm?

17 A I did not notice.

18 Q But you did see his arms, correct? You had a good
19 view of his arms when you were arresting him?

20 A Yes.

21 Q Did he have any singed hair on his face?

22 A Not that I recall.

23 Q Any singed hair on his head?

24 A Not that I recall.

25 Q Do you recall any burns on his body?

1 A I do not.

2 Q As you were wrestling with him, did he smell like
3 gasoline?

4 A Not that I recall.

5 Q Did you ever mention anything in any of your reports
6 or on any of your cameras, on your body cam of him
7 smelling like gasoline?

8 A No, sir.

9 Q Were you the first one to go down -- were you the
10 first law enforcement officer to go down the driveway to
11 see the fire?

12 A I believe so.

13 Q Do you recall seeing the gas can on the ground?

14 A I believe so. I mentioned it in my report.

15 Q Okay. So if you were going to hastily set a fire,
16 would you then take the time to place the gas can back
17 down on the ground or would you leave it where you
18 started the fire?

19 A There's so many variables in that, it's hard to say.

20 Q Okay. Let's say someone's dumping gasoline into the
21 back of a Jeep. Do you think they're then going to take
22 the time to put the gas can down on the ground or do you
23 think they would just dump it into the Jeep as well?

24 A It's hard to say. They could do either. It depends
25 on their mental state, I suppose, or what they're

1 thinking or -- yeah. I wouldn't say there's any protocol
2 for how you would go about doing that.

3 Q But you didn't see Mr. Moon set any fire, did you?

4 A No, sir.

5 Q I believe you eventually went inside the house,
6 correct?

7 A I did.

8 Q Do you recall if you could see -- did you go to the
9 bar where the two ladies were sitting?

10 A Yes, sir.

11 Q Okay. Were you kind of filling out some paperwork
12 on the bar where they were?

13 A We were, yes, sir.

14 Q Do you recall if you could see into the driveway
15 from where you were?

16 A It would probably be hard to see that. I believe
17 the front door is the only see-through area I recall from
18 that vantage point in which case would only show the
19 front half-moon driveway area.

20 Q Okay. So I'm saying if you're sitting at the bar
21 and you're looking out the back, can you actually see the
22 garage or see the driveway?

23 A Oh, out the back.

24 Q Yes. I'm sorry.

25 A I don't recall.

1 Q The vodka bottles that were in Mr. Moon's backpack,
2 do you recall how much vodka was in those bottles?

3 A I recall at least one and maybe two bottles were
4 unopened, and they were full.

5 Q Unopened and full.

6 A Yes. And I think maybe there might have been one
7 more that was partially filled.

8 Q Well, if there was two bottles unopened and full,
9 then Mr. Moon didn't drink from either of those, correct?

10 A That would imply that. Yes, sir.

11 Q How did these victims know Mr. Moon?

12 A From what I recall, they had no idea who he was
13 other than for the fact that he had shown up at their
14 back door and was trying to make entry into their house.

15 Q They didn't know Mr. Moon at all, did they?

16 A Never seen him before.

17 Q Did you find that odd that they didn't know Mr. Moon
18 at all?

19 A I didn't find it odd that they didn't know him. I
20 found it odd that he was there and didn't know them.

21 Q Do you recall on your body cam referring to the
22 incident as the most random crap?

23 A It sounds like something I might say.

24 Q Okay. Does this whole scenario kind of seem random
25 to you? Is that why you said that?

1 A Yes. It didn't make logical sense why their house
2 would be targeted.

3 Q Doesn't make logical sense why their house would be
4 targeted or why Mr. Moon would just go set a fire in
5 their garage? Which one?

6 A Both.

7 Q And you took statements from both Ms. Gilchrist and
8 from Hannah Price as well?

9 A I believe so.

10 Q Their witness statements?

11 A Yes, sir.

12 Q Didn't they both say the first time they saw
13 Mr. Moon was on the back porch?

14 A They might have said that, whether it be verbally or
15 in their statement.

16 Q So they didn't see him start a fire?

17 A Not -- I don't recall if they had said they did or
18 did not.

19 Q Did they ever say if they had any idea when the fire
20 started?

21 A I believe they might have said it was after he had
22 left the back area that they believe he had started the
23 fire.

24 Q But they couldn't have seen Mr. Moon so they
25 wouldn't have any idea if he was there before or after

1 the fire started, correct?

2 A Hard to say.

3 Q The State asked you if Mr. Moon said that he, you
4 know, just wanted to go to jail, correct?

5 A Yes. At one point he did.

6 Q Do you think that he wanted to go to jail because he
7 wanted to get out of that car?

8 A It could either be -- if we're speculating, it could
9 either be that or that he knew he had multiple charges
10 and wanted to just get it over with.

11 Q Right. That's what I'm saying. He didn't really
12 want to go to jail. He just wanted -- he was done with
13 being there, correct?

14 A It's possible, yes, sir.

15 Q Didn't he ask for water?

16 A He did.

17 Q And then you provided him with water?

18 A I did.

19 Q Where was that water that you provided him with?

20 A He mentioned that he had bottled water in his
21 backpack.

22 Q So he had water in his backpack as well, correct?

23 A Yes.

24 Q Was it hot that day?

25 A It was.

1 Q Was he in a hobble that day?

2 A In a hobble? Yes, sir.

3 Q So it's hot, he needs some water, he's in a hobble.
4 Don't you think he'd be ready to just go to jail and get
5 out of the back of that car?

6 A Sure. I know the AC was on in the vehicle and I
7 even rolled down the window at one point for him.

8 Q When you rolled down the window at that point,
9 didn't you say something to the effect of, "Is that
10 better"?

11 A Yes.

12 Q And what did he say?

13 A Yeah. He said yes.

14 Q You said you spoke with Mr. Moon at Deputy Bracken's
15 car?

16 A I'm sorry? Someone's coughing. I couldn't hear
17 you.

18 Q It's not me this time.

19 A No.

20 Q Did you speak with Mr. Moon at Deputy Bracken's car?

21 A Yes.

22 Q Did he say that he really didn't know what happened?

23 A He did say that. He even clarified at one point and
24 said he wasn't sure why he was even there.

25 Q That was going to be my next question. Didn't he

1 say he didn't even know why he was there?

2 A Yes.

3 MR. JEREMY CRANE: One moment, Your Honor.

4 No further questions. Thank you.

5 THE COURT: Any redirect?

6 MS. SHUGARS: Yes, Your Honor. Briefly.

7 REDIRECT EXAMINATION

8 BY MS. SHUGARS:

9 Q You said you don't recall the defendant smelling
10 like gasoline to you, correct?

11 A Correct.

12 Q Did he smell like alcohol?

13 A I did detect some alcohol in him, yes.

14 Q Okay. So there were some questions about whether
15 the defendant's hand, was it a closed fist or an open
16 fist. Did you see the defendant's hand come in contact
17 with Deputy Bracken's face?

18 A I did.

19 Q Direct contact. Are you sure?

20 A Absolutely.

21 Q And based on the defendant's level of agitation that
22 you saw him portray, do you think that level of anger
23 could have contributed to the incident that happened here
24 involving the Jeep being set on fire in the garage?

25 A Yes. I mean, he was extremes of mood swings, of

1 high anger, agitation and then would suddenly calm down.
2 But yes. I could see that he could have been riled up
3 before we even got there.

4 MS. SHUGARS: No further questions, Your Honor.

5 MR. JEREMY CRANE: Your Honor, just one quick.

6 THE COURT: Any recross? Yes, sir.

7 RECROSS EXAMINATION

8 BY MR. JEREMY CRANE:

9 Q Deputy Bird, did you ever say on your body cam or in
10 any of your reports that Mr. Moon smelled like alcohol?

11 A I might not have.

12 Q Today is the first time I've heard you mention that
13 he smelled like alcohol. Do you recall putting it in any
14 of your reports or saying it on your body cam?

15 A I wouldn't have needed to say it out loud on a body
16 cam per se. It was one of those I knew he -- I was
17 trying to figure out most of the time why -- what state
18 he was in, whether it was a mental issue or alcohol or
19 drugs. And I remember saying that it couldn't be just
20 alcohol. And it might have been in my mind.

21 MR. JEREMY CRANE: Your Honor, may we approach?

22 (WHEREUPON, a bench conference was held off the record.)

23 THE COURT: Okay. We're going to take a short
24 break. Y'all can go to the jury room, if you need to use
25 the restroom, get some coffee or whatever, okay?

1 (WHEREUPON, the jury exits the courtroom at 11:23 AM and
2 a recess is taken.)

3 THE COURT: Okay. Counsel, are y'all ready?

4 All right. Mr. Crane, you wanted to put something
5 on the record, sir.

6 MR. JEREMY CRANE: Your Honor, at this time, I'm
7 just going to withdraw my objection.

8 THE COURT: Okay. And you do not have any further
9 questions?

10 MR. JEREMY CRANE: No.

11 THE COURT: Okay. I'm going to let them come back
12 in and you can say "no further questions." Sound good?

13 MR. JEREMY CRANE: Okay. That sounds great.

14 THE COURT: Anything from the State?

15 All right. Bring them back in.

16 MR. FRETWELL: Judge, our next witness is right
17 here.

18 (WHEREUPON, the jury entered the courtroom at 11:37 AM.)

19 THE COURT: All right. Mr. Crane, you can continue
20 cross-examination.

21 MR. JEREMY CRANE: Thank you, Your Honor. I have no
22 further questions for this witness.

23 THE COURT: Okay. All right. Any re-redirect?

24 MS. SHUGARS: Nothing from the State, Your Honor.

25 THE COURT: All right. You may step down. Thank

1 you, sir.

2 MR. FRETWELL: May it please the Court. Your Honor,
3 the State would call Assistant Chief Jeff Nelson.

4 THE CLERK: Please place your left hand on the Bible
5 and raise your right hand.

6 WHEREUPON,

7 JEFF NELSON

8 After having been duly sworn, testified as follows:

9 THE CLERK: Thank you. Please be seated. Please
10 state your name for the record.

11 THE WITNESS: My name is Jeff Nelson.

12 MR. FRETWELL: May it please the Court.

13 THE COURT: Yes, sir.

14 DIRECT EXAMINATION

15 BY MR. FRETWELL:

16 Q Good morning, Chief Nelson.

17 A Good morning.

18 Q Where are you employed, sir?

19 A I am the assistant chief and fire marshal with the
20 Boiling Springs Fire District here in Greenville County.

21 Q And how long have you been employed by the Boiling
22 Springs Fire District, sir?

23 A 35 years.

24 Q You said you're the assistant chief there. Do you
25 have any other titles in that department?

1 A As I said, I'm the fire marshal. I'm also in charge
2 of the code inspection process where I have a number of
3 inspectors that conduct property inspections within the
4 district. And I have another guy that's our community
5 risk reduction specialist that identifies hazards
6 throughout the district and develops mitigation
7 processes.

8 Q Okay. And how long have you held these positions of
9 assistant chief, fire marshal, and I would assume the
10 code enforcement is connected with your fire marshal
11 responsibilities?

12 A Yes, sir. Since 2010.

13 Q Let's talk first about your responsibilities as
14 assistant chief. What do you do in that capacity?
15 What's that role?

16 A Well, as I said, I oversee the inspection process or
17 the inspector's responsible for their actions. And the
18 codes or violations, I'm on the first step in resolving
19 those issues. I'm also responsible for plan reviews, new
20 construction and change of tenants in commercial
21 properties.

22 Q And do me one favor. Would you pull that microphone
23 just a little bit closer to you? You're a little bit
24 soft-spoken and I don't know if it's some kind of air
25 duct.

1 A Sorry. Is that better?

2 Q That's much better. Thank you. Much better.

3 Okay. And let's talk about your responsibilities as
4 fire marshal. Tell us about that.

5 A Okay. As I said, I'm responsible for the code
6 compliance and plan reviews of new construction working
7 with the building code department in Greenville County.
8 Day-to-day plan review is primarily my responsibility.
9 Now, during a fire investigation, I'm the lead
10 investigator for our department. I also have two other
11 investigators that work with me.

12 Q And what kind of training and education have you
13 received to enable you to perform these roles?

14 A Okay. Since 2010, I have received my fire
15 investigation technician through the National Fire
16 Academy and ATF, and throughout the years, I've
17 accumulated over 900 hours of test and training.

18 Q My next question, how many hours have you received
19 of formal instruction in firefighting? And you say over
20 900 hours?

21 A Over 900 in the investigation process. As far as
22 fire service and code compliance and those things,
23 1,800-plus hours.

24 Q And you mentioned the National Fire Academy. You're
25 a graduate of the National Fire Academy.

1 A That's correct.

2 Q And approximately how many -- have you attended any
3 specialized seminars apart from the fire academy?

4 A Well, we have annual conferences in North Carolina
5 and South Carolina, joint conference of the International
6 Association of Arson Investigators.

7 Q And approximately how many hours per year are you
8 required or do you receive at those specialized seminars?

9 A At those conferences, we receive 30 hours a year.
10 And then there are other training classes we take
11 throughout the year from CFITrainer.net which is tested
12 classes.

13 Q Which is what?

14 A Tested class.

15 Q Tested class.

16 A Yes, sir. Sorry.

17 Q All right. And have you received any specific
18 training in origin and cause determination?

19 A Yes, sir. All that is part of the fire
20 investigation technician level. And I've had numerous
21 other basic arson investigation classes that help to
22 identify origin and cause of fires.

23 Q And specifically, those are the National Fire
24 Academy.

25 A Some are and some are at the South Carolina Fire

1 Academy.

2 Q Can you talk for just a minute about the National
3 Fire Academy, what that is and also tell us a little bit
4 about the South Carolina Fire Academy?

5 A Sure. So the National Fire Academy is located in
6 Emmitsburg, Maryland, where you receive specialized
7 training for all departments not only in Maryland, but
8 across the nation. The South Carolina Fire Academy does
9 pretty much the same thing but primarily for the South
10 Carolina firefighters.

11 Q And I asked you about training and origin and cause
12 determination. You've also received training in
13 electrical fire causes?

14 A Yes, sir. That's part of the CFI Trainer and part
15 of the basic fire arson investigation class, the NFA.

16 Q And specialized or specific training in various
17 accidental fire causes?

18 A Yes, sir. It's an all-encompassed training for the
19 various types or cause: accidental, incendiary or
20 natural.

21 Q And that process of identifying accidental fire
22 causes, how is that significant to your role as a fire
23 marshal?

24 A Well, I approach every fire investigation the same
25 way: utilizing the scientific method that's identified

1 in NFPA 921 which is the standard for fire investigators.

2 Q Let me ask you this question. Is it possible to
3 determine the cause of a fire?

4 A It absolutely is in most cases.

5 Q Okay. And have you received any training in what
6 they call pattern recognition?

7 A Yes, sir. Fire pattern. That's part of the data
8 collection process during a fire investigation, reading
9 fire patterns and smoke condensation and collection on
10 various surfaces.

11 Q Okay. What about the study of fire behavior?

12 A Same thing. That's basically the study of how fire
13 grows and how it's impacted by various elements within
14 the structure.

15 Q Do you read any fire service trade magazines?

16 A Fire service. I receive the CFI Trainer from -- it
17 was actually CFITrainer.net, so it's the monthly
18 magazine. We also receive the Firehouse magazine, Fire
19 Engineering magazine at the station. So there's a lot of
20 monthly training and manuals to refer to for this case.

21 Q And that's in addition to your building code
22 responsibilities?

23 A Yes, sir.

24 Q Okay. Do you possess any certifications?

25 A I have a number of certifications. I actually --

1 but as far as the fire investigation level, fire
2 investigation technician.

3 Q That acronym being FIT?

4 A Yes, sir.

5 Q Okay. By whom have you been so certified?

6 A By the National Fire Academy.

7 Q And what does the acronym IAAI stand for?

8 A International Association of Arson Investigators.

9 Q And is that an association that does accreditation?

10 A Yes, sir.

11 Q And are you accredited through that association?

12 A Yes, sir.

13 Q What were the certification requirements of that
14 certification?

15 A So went through a lot of classroom. And I don't
16 remember the number. I was a trainee during that
17 certification process. But at the conclusion of that
18 training, we actually investigated a live burn, burn
19 cells. And we were given no information on it. We had
20 to go and dig through what was left, the ashes and
21 various products from the combustion process and identify
22 the cause or origin of those fires. Upon completion of
23 that, if it was correct, obviously, then we would receive
24 FIT certification.

25 Q Is that the ten-day course at the National Fire

1 Academy?

2 A It is, yes, sir.

3 Q And at the conclusion of that course, you talked
4 about the control of the live burn. Are you also
5 required basically to pass that examination?

6 A Yes, sir.

7 Q Is continuing education a requirement of that
8 particular certification?

9 A It is.

10 Q How long have you been engaged in fire suppression?

11 A I was on the truck for 26 1/2 years prior to taking
12 this position.

13 Q And approximately how many fires have you fought
14 over the course of your career?

15 A Oh, my. I don't have a specific number. A lot.

16 Q Okay. Would it be tens? dozens? hundreds?
17 thousands?

18 A In the thirty-five years, hundreds of fires, yes, of
19 various types.

20 Q And you've indicated before that you became involved
21 in fire investigation in 2010.

22 A Yes, sir.

23 Q As a fire marshal, how many investigations would you
24 estimate or ballpark you've conducted?

25 A I knew that question was going to come up. It's

1 hard to say. I wish I had an exact member. I can tell
2 you since this particular call that we're talking about
3 today, I've investigated 21 additional fires since that
4 date. I have a file cabinet full of investigations.

5 Q So 21 since July of 2021.

6 A Yes, sir.

7 Q And many more before that.

8 A Many more.

9 Q Did these investigations that you were involved in,
10 did they involve digging in fire debris?

11 A All of them do.

12 Q Okay. And what is that process about?

13 A It's basically a process of collecting data and
14 information to determine origin and cause. What -- we
15 start at the least damaged portion of the scene and we
16 document that to be photographed and collected, visual
17 evidence and other evidence that's present at the scene.
18 And we work our way towards the most damaged portion of
19 the property, following the evidence that's presented.
20 Then when we get to that room, the dig-out part you're
21 talking about, we take a photo of what we find, we dig a
22 little bit, take another photo, we sift through the ashes
23 until we ultimately -- to try to determine a point of
24 origin.

25 Q Okay. Have you investigated accidental fires and

1 those classified as incendiary?

2 A Yes, sir.

3 Q And accidental, obviously, is self-explanatory.

4 Tell us what incendiary fire is.

5 A Well, the incendiary fire is -- obviously is a fire
6 that was intentionally set.

7 Q Okay. And you indicated already that you
8 participated in at least a control or a live burn at the
9 National Fire Academy. Have you participated in other
10 controlled or live burns?

11 A At South Carolina Fire Academy, we had a basic fire
12 investigation class there. We did pretty much the same
13 thing through cell burns. Participating with the
14 Greenville County fire investigation team, we have done
15 that as well, develop fire scenes within a controlled
16 area and have a crew go in and try to dig out and
17 determine what caused the fire.

18 Q Is it helpful to you to be trained on live burns
19 where you can actually find out after the fact whether
20 your hypotheses were correct about how the fire started,
21 where it started?

22 A It does. Because you have to approach every fire
23 with an open mind. You don't know what you're going to
24 find when you start digging.

25 Q And so have you confirmed your opinions of origin

1 and cause by interviewing persons not only in those
2 controlled burns who were your instructors, but also
3 individuals in fire investigation cases?

4 A Yes, sir. In many cases, the witness statements,
5 they help a lot. But typically, I have one of my crew
6 members take a witness statement while myself and another
7 crew member begin the investigation, and we don't read
8 that witness statement until we've concluded our portion.
9 That way we have no expectation or bias.

10 Q Of course. And would you say over the course of
11 investigating those fires that most fires are accidental
12 or incendiary?

13 A Most are accidental.

14 Q By far.

15 A Yes, sir.

16 Q Okay. You've participated in test fires, but did
17 those test fires involve various ignition devices?

18 A Yes, sir.

19 Q What are ignition devices?

20 A Well, ignition devices, obviously, you have to have
21 a heat source which comes in many forms: mechanical,
22 electrical or chemical. The investigations that I've
23 done in those controlled areas were electrical in nature.

24 Q Okay. And would also a heat source or an example of
25 a heat source be an open flame?

1 A Absolutely.

2 Q Okay. That's an ignition source as well?

3 A Yes, sir.

4 Q Okay. Have you participated in test fires involving
5 what is called a trailer or other means of spreading the
6 fire?

7 A Many years ago, yes, sir, we did that.

8 Q What is that?

9 A So when someone started a fire in a particular
10 structure, they may lay newspaper in a line so they're
11 not at the -- or pour some type of substance to get the
12 fire going, but they don't want to be close to the
13 proximity once it ignites, so they'll lay newspaper and
14 other combustible product to the exterior of the house
15 and then light that and let that trail much like a fuse.

16 Q Is it common in your investigations that you find
17 that the person who set the fire wants to get away from
18 the fire and to a safe distance?

19 A Absolutely.

20 Q Okay. In those investigations either through
21 admissions by those individuals or by training officers
22 you've talked to, have people set fires and absolutely no
23 burns, no singed hairs on their bodies?

24 A Oh, yes, sir.

25 Q Did your training include the hazards of smoke?

1 A It does, yes.

2 Q What are some of the combustion byproducts of smoke?

3 A Well, carbon dioxide is the most prevalent. Carbon
4 dioxide, carbon monoxide, sulfur dioxide and other
5 poisonous gases.

6 Q So some of these are hazardous.

7 A Absolutely.

8 Q Are they flammable and can they explode?

9 A Maybe not explode, but the smoke particles that are
10 emitted, that's typically carbon monoxide which is
11 incomplete combustion, those particles are combustible
12 and they actually work as a fuel.

13 Q Okay. And what about something like an ignitable
14 liquid? Does that have an explosive element?

15 A It does depending on the ignitable liquid, whether
16 it's combustible or flammable liquid.

17 Q What's the most common example of an ignitable
18 liquid?

19 A Typically, gasoline or diesel fuel.

20 Q And not the diesel fuel, but the gasoline, would you
21 call that an explosive?

22 A It can be, yes, sir. Especially in a confined
23 space?

24 Q Like a jug?

25 A Yes, sir.

1 Q Okay. And you've indicated you participated in
2 fires involving all of these products that you've just
3 discussed over the course of your career.

4 Does the fire department follow any procedures with
5 respect to smoke?

6 A Yes, sir. It's called ventilation, the ventilation
7 process. We use positive pressure ventilation. And what
8 that is is we may open a window or a door and set a high
9 pressure fan on the exterior of the home to pressurize
10 the interior and then ventilate the smoke through a
11 window or other opening.

12 Q If there's not anything like that, is that why we
13 see video above a burning house, the fireman chopping a
14 hole in the roof?

15 A For vertical ventilation.

16 Q So that's not to get people out. That's actually
17 for purposes of ventilation.

18 A To control the fire growth, yes, sir.

19 Q All right. Have you seen similar patterns in
20 various test fires to those you learned about in your
21 training classes?

22 A Oh, yes.

23 Q And as part of fire investigations, do you
24 eliminate, as you've already indicated, accidental
25 causes?

1 A Yes, sir.

2 Q It's like you've had specific training in that.

3 A Yes, sir. Well, the process is not to prove any one
4 cause but to eliminate until you can't eliminate.

5 Q Understood.

6 And you've indicated already you're a member of the
7 professional organization IAAI. What are some of the
8 other professional organizations you're a member of?

9 A I wish I had my curriculum vitae in front of me.
10 But there is a list there.

11 Q Would it help you?

12 A Yes, sir.

13 Q Okay. Is this your curriculum vitae or resume?

14 A It appears to be. Yes, sir.

15 (Reviews document) So the professional societies or
16 organizations: The International Association of Arson
17 Investigators, the South Carolina International
18 Association of Arson Investigators, the South Carolina
19 Fire Marshal Association, South Carolina Fire Chiefs
20 Association, the Greenville County Fire Chiefs
21 Association, Greenville County Fire Prevention Committee,
22 Greenville County Fire Investigation Team, Greenville
23 County Fire Marshals Network Group, member of the
24 National Fire Protection Association, I'm a member of the
25 International Code Council and the South Carolina

1 Firefighters Association.

2 Q And do these organizations that you're a member of
3 publish any material?

4 A Yes, sir. The International Association of Arson
5 Investigators as we've previously described.

6 Q Do you read this material and keep up to date on the
7 materials being put out by that organization?

8 A Yes, sir. And NFPA, National Fire Protection
9 Association, 921 and 1033 as they relate to fire
10 investigations.

11 Q And you've already indicated you attend their
12 seminars; is that correct?

13 A Yes, sir.

14 MR. FRETWELL: Your Honor, at this time based on
15 Chief Nelson's experience, scientific, technical or other
16 specialized knowledge in the area of arson investigation
17 and the determination of fire origin and cause that would
18 assist the trier of fact in understanding the evidence or
19 determining facts at issue, the State would request
20 pursuant to Rule 702 that he be qualified as an expert
21 witness and be permitted to testify in the form of an
22 opinion.

23 THE COURT: So arson investigation and origin and
24 cause?

25 MR. FRETWELL: Yes, sir.

1 THE COURT: Okay. Mr. Crane, any voir dire?

2 MR. JEREMY CRANE: Can you repeat what you're trying
3 to qualify him as an expert?

4 THE COURT: Arson investigation and origin and
5 cause; isn't that correct?

6 MR. FRETWELL: Determination of origin, yes, sir.
7 Exactly that.

8 MR. JEREMY CRANE: Not at this time, Your Honor.
9 Thank you.

10 THE COURT: All right. So you stipulate to him
11 being an expert.

12 MR. JEREMY CRANE: Yes, Your Honor.

13 THE COURT: Okay. Thank you, Mr. Crane.

14 Okay. Ladies and gentlemen of the jury, normally, a
15 person who takes the witness stand cannot give opinion
16 testimony, and when a person testifies, they must testify
17 as to what they either saw, heard or sensed by smell.
18 However, there is an exception when someone's qualified
19 because of education or experience, and they are
20 permitted to give their opinion in certain areas if the
21 Court qualifies them that way.

22 This witness will be qualified by me in the area of
23 arson investigation and determination of origin and
24 cause, and he can give an opinion in that area. However,
25 that does not mean that you must accept the opinion, but

1 it is evidence for you to use in any way you see fit and
2 give the weight and credibility which you believe is
3 appropriate.

4 You may proceed.

5 MR. FRETWELL: Thank you, Judge.

6 BY MR. FRETWELL:

7 Q Chief, let's talk about July 17th of 2021. Did you
8 and your department respond to a structure fire at
9 1 Breeds Hill Way in Greer that day?

10 A Yes, we did.

11 Q And is that location in Greenville County?

12 A It is.

13 Q And I imagine as a fire chief and the fire marshal,
14 you may have come at a little different time than the
15 first truck.

16 A I did, yes, sir.

17 Q But part of your department responded to that fire.

18 A That's correct.

19 Q What time was the structure fire reported?

20 A I don't have that information in front of me.

21 Q Would that be on the ---

22 A The incident report.

23 Q On the fire incident report?

24 A Yes, sir.

25 Q Would looking at that report assist you in answering

1 that question?

2 A It would, yes, sir.

3 Q There you are, sir.

4 A Thank you. (Reviews document) So I'm looking at the
5 CAD report where the initial trucks were dispatched. It
6 shows the alarm -- Engine 12 was the first unit on scene,
7 first unit responding, which they're only a couple
8 hundred yards up the road from this incident. It shows
9 them being dispatched at 1705.

10 And you're going to see a delayed arrival time. And
11 I can explain that. But that's typically a three- to
12 four-minute response time from the time the alarm is
13 initiated. And the reason there's a four-minute response
14 time, and that's a generalized response time, is once the
15 alarm is initiated, depending on the type of call is
16 going to dictate what they have to do to prepare for that
17 call. So in a structure, they have 60 seconds to get all
18 their turn-out gear on and get on the truck. So they do
19 that. Then they have like a three-minute response time.
20 So I'm estimating a three- or four-minute response on
21 that one.

22 Q This location of 1 Breeds Hill Way, like you just
23 testified, is literally right down the street from the
24 fire station.

25 A Yes, sir, it is.

1 Q And is that consistent with prior testimony that the
2 fire department arrived on scene approximately 5:08,
3 5:09?

4 A Yes, sir.

5 Q Okay. And what was involved -- you're the assistant
6 chief of the Boiling Springs Fire Department. What was
7 involved in fighting the fire of that particular
8 structure fire that day?

9 A So once the truck arrived on scene and established
10 that it was a working fire, they proceeded to pull an
11 inch and three-quarter tagline, which is a fire hose,
12 pulled it around to the rear of the structure where the
13 garage area was and began to suppress the fire that
14 appeared to be in a vehicle. I believe it was a Jeep if
15 I remember correctly.

16 Q All right. Let me show you what's in evidence --
17 Your Honor, permission to republish State's Exhibit 35.

18 And, Chief, if I can direct your attention to the
19 screen behind you. Okay. You see it there?

20 A Yes, sir.

21 Q Okay. If you demonstrate anything in the video, if
22 you could please demonstrate it by getting up here and
23 walking over here so the jury can actually see what
24 you're referring to.

25 A Okay.

1 Q All right. And this exhibit of Deputy Bird arriving
2 on scene, have you reviewed this exhibit?

3 A I'm not sure, to be honest with you. Maybe I have.

4 Q I'll play it. And what I'm going to ask you about
5 is any -- the area above the roof of the house as he
6 pulls in, whether or not you observe any smoke or any
7 indication of fire above that area.

8 (WHEREUPON, State's Exhibit Number 35, a video recording,
9 was played in open court.)

10 THE WITNESS: So we're at the front of the structure
11 here which we call the Alpha side of the structure. I
12 don't see anything other than tree line above the roof
13 line there.

14 BY MR. FRETWELL:

15 Q And just in case there's any confusion, what's that
16 white thing up there?

17 A Which white thing are we talking about?

18 Q Is that a cloud?

19 A I think that is.

20 Q Okay. But no smoke above that.

21 A I don't see any smoke. No, sir.

22 Q Okay. And at this point when officers are arriving
23 at approximately 5:05-ish given your call at the same
24 time, if this is an entirely involved or what you call a
25 fully involved structure fire of the whole residence,

1 we'd see a tremendous amount of smoke.

2 A And we would see something -- a different color than
3 that cloud. Typically, you would see a black smoke and
4 that's from the carbon monoxide, the soot production.

5 Q Okay. And I'm going to...

6 (WHEREUPON, State's Exhibit Number 35, a video recording,
7 continued to play in open court.)

8 BY MR. FRETWELL:

9 Q Okay. The same question for you, and in just a
10 moment we'll see when your first unit arrives on scene.
11 But do you see any -- on the left side of the roof line
12 of that gable, do you see anything over there?

13 A Is it okay to ---

14 Q Absolutely. Please do.

15 A So I don't see anything here (indicating), but on
16 this right side, it appears that I'm starting to see
17 smoke around which would be the delta side of the
18 structure near the Charlie side. This (indicating)
19 appears to be some smoke generated from that area.

20 Q And I think -- right. Do you see those timestamps
21 at the top left up there where it says 17 ---

22 A 1708, yes, sir.

23 Q Okay. So obviously, not, the 1705. For people that
24 are not military, what's 17?

25 A I apologize. That's five.

1 Q Five o'clock.

2 A 17 is five.

3 Q Okay. So these are -- obviously, there's been some
4 gap in this video from when the deputy initially pulled
5 up. In fact, you can see the patrol car over there
6 (indicating) than this particular scene right here, is
7 that right, based on the time 5:05 to 5:09?

8 A Yes, sir.

9 Q About four minutes later?

10 A Yes, sir.

11 Q So we're starting to see more smoke -- or some smoke
12 over there that's actually starting to be visible at this
13 point; is that correct?

14 A That's is correct.

15 Q All right.

16 (WHEREUPON, State's Exhibit Number 35, a video recording,
17 continued to play in open court.)

18 BY MR. FRETWELL:

19 Q Anything that you want to comment with respect to
20 that smoke that you see at this point?

21 A Well, obviously -- yes, sir. So you can see the
22 smoke around the corner there. Again, that's going to be
23 near the Charlie/Delta side of the structure.

24 Q Charlie/Delta being side C and side D?

25 A Yeah. I'm sorry.

1 Q A, B, C, D?

2 A That's correct. In a clockwise manner.

3 (WHEREUPON, State's Exhibit Number 35, a video recording,
4 continued to play in open court.)

5 THE WITNESS: If you don't mind -- okay to approach?

6 BY MR. FRETWELL:

7 Q Absolutely. Please do.

8 A So what we're looking at here, you see the smoke is
9 starting to ventilate out the garage area here and you
10 see what appears to be some flame production here in the
11 rear of this vehicle. The reason we see so much smoke
12 here is it's ventilation driven. And as we know, fire
13 and smoke, it grows upward and outward so it's going to
14 look for a way to escape the structure. With this garage
15 door being open, this was its easiest path of direction.

16 Q And how long does that process take?

17 A Honestly, it really depends on the growth of the
18 fire, depending on the product that's burning.

19 Q The product that's burned, that meaning what is
20 burning or what is used potentially to start the fire?

21 A Well, both, actually, yes.

22 Q Tell us about that.

23 A The darker color smoke, that tells me that's a
24 petroleum-based fire. So ---

25 Q Just a second. Petroleum-based, if you're not

1 familiar with that term, tell us what that means.

2 A So petroleum-based could be -- it could be an
3 ignitable liquid. It could also be the interior of that
4 vehicle that's burning. The seats, they're all
5 petroleum-based products.

6 Q Okay. All right. And let me continue just a little
7 bit further.

8 (WHEREUPON, State's Exhibit Number 35, a video recording,
9 continued to play in open court.)

10 BY MR. FRETWELL:

11 Q Anything?

12 A So obviously, you can see the flame production is in
13 the rear of the Jeep. It seems to be contained in that
14 area.

15 Q Is there anything significant about the fact of
16 where it is vertically as opposed to being on the
17 ground?

18 A Based on the location of the fire, obviously, it
19 started in the rear of that vehicle. If it had started
20 below, we would see flame production below the vehicle.

21 Q And what about the other vehicle that you see in
22 that garage?

23 A Relatively unaffected at this point.

24 (WHEREUPON, State's Exhibit Number 35, a video recording,
25 continued to play in open court.)

1 BY MR. FRETWELL:

2 Q Okay. I'm going to ask you about that sound that
3 you just heard.

4 A It sounded like glass breaking.

5 Q So tell us about that. Is that unusual? What does
6 that tell you?

7 A That's not unusual during a structure fire because
8 the glass is going to fail pretty quickly because of the
9 heat.

10 Q Okay. Glass, is there glass on a vehicle?

11 A There is. I don't know if that was the vehicle
12 glass failing or if it was the windows in the garage
13 failing.

14 Q Excellent. So if a garage door has windows across
15 it and it's up in that posture and there's a fire below,
16 tell us about it.

17 A Obviously, you would have an early failure for those
18 glass because they're not ready for that type of heat.

19 Q Do you recall from your inspection of the scene if
20 you saw charred or broken glass in that garage area?

21 A I believe that was identified, yes, sir.

22 (WHEREUPON, State's Exhibit Number 35, a video recording,
23 continued to play in open court.)

24 BY MR. FRETWELL:

25 Q Is that your engine?

1 A Yes.

2 (WHEREUPON, State's Exhibit Number 35, a video recording,
3 continued to play in open court.)

4 BY MR. FRETWELL:

5 Q Do you recognize that particular engine?

6 A Yes, sir. That is Engine 12 from Station 12.
7 They're on Hudson Road.

8 Q And you might want to look at this one, but what
9 timestamp to you have up there?

10 A I think I can see that one there. It looks like
11 1709 or 5:09.

12 Q Okay. So a call comes in at, you testified, 5:05.
13 They're there four minutes later.

14 A Yes.

15 Q Is that basically what you'd expect given your
16 location?

17 A Yes, sir.

18 Q Okay. Is that sort of a pretty quick response time?

19 A We monitor our turnout times and response times.
20 And our crews, we report that to them monthly to make
21 sure we're staying on track.

22 Q Are you pleased with that response time?

23 A Yes, sir.

24 Q Let me talk about the fire investigation that you
25 conducted at 1 Breeds Hill Way, sir. After the fire was

1 successfully extinguished, what did you do?

2 A So I received a call. Obviously, this was on a
3 Saturday if I remember correctly. And I was about an
4 hour and a half away. So the crews, they taped off the
5 area where nobody would enter until the investigation
6 process began. Once I arrived, one of my crew members
7 had already started taking photos around the exterior
8 which is part of that process I described earlier.

9 Once the exterior photos are completed, we started
10 to work from the least damaged area to the most damaged
11 area. We started identifying potential fuel sources.

12 When I say "fuel," let me clarify that. A fuel
13 source is anything that can burn. It could be paper, it
14 could be wood, whatever. That's considered a fuel
15 source. So we started trying to determine what had
16 ignited and what was the heat source that brought that --
17 that caused that fire.

18 Q And before you continue on with that, let me back up
19 just a little bit. Can you explain to the jury what
20 air-quality analysis is, what you do with that and why
21 that's important?

22 A Yes, sir. So that's something that our crews, when
23 we have air-quality monitor, they would go interior and
24 take samplings of air quality to make sure it's safe to
25 enter without respiratory protection.

1 Q That's for the actual firefighters themselves?

2 A Yeah. Once the suppression activities are
3 concluded, that's typically the next step.

4 Q And you were talking about that act of determining
5 origin and cause.

6 A Yes, sir.

7 Q You said the photos were taken on scene. Tell us
8 about how this every fire, every fire is approached by
9 what they call a systematic approach to fire
10 investigation.

11 A Yes, sir. Basically, I described that briefly is
12 approaching it from the least amount of damage to the
13 most damage and following the scientific method as
14 identified in NFPA 921.

15 Q And when you conducted your fire investigation on
16 this particular scene, you didn't have the benefit of
17 knowing or seeing that video we just saw a few minutes
18 ago car fire, did you?

19 A None of that. There was no smoke. There was no
20 flame. There was nothing.

21 Q Everything was put out.

22 A Yes, sir.

23 Q And now you begin your investigation.

24 A That's correct.

25 MR. FRETWELL: Okay. All right. Let me also show

1 you, with respect to that particular points, State's
2 Exhibit 36.

3 Judge, pursuant to the stipulation, I believe, that
4 the Court read into the record ---

5 THE COURT: 36?

6 MR. FRETWELL: Yes, sir. I think it's Court's
7 Exhibit 2, Judge.

8 THE COURT: That's exactly right.

9 MR. FRETWELL: Relating to State's Exhibit 36, I
10 believe that exhibit will come in by consent stipulation.

11 THE COURT: By stipulation.

12 MR. FRETWELL: And we would ask that that be moved
13 into evidence at this time and be permitted to publish.

14 THE COURT: Okay.

15 MR. FRETWELL: Thank you, Judge.

16 THE COURT: Permission granted.

17 (WHEREUPON, State's Exhibit Number 36 was admitted into
18 evidence.)

19 THE COURT: Ladies and gentlemen, this is pertaining
20 to the stipulation that I read to y'all yesterday.

21 (WHEREUPON, State's Exhibit Number 36, a video recording,
22 was played in open court.)

23 BY MR. FRETWELL:

24 Q Thankfully there's no volume in this one.

25 Chief, I just want to call your attention to that

1 area of the garage, the fire scene. And I will stop this
2 and let you talk a little bit about fire suppression
3 efforts, your investigation, anything that relates to
4 that hose that you see on the ground there.

5 A Yes, sir. So that hose is the 1 3/4 tagline that
6 the crews use to suppress the fire. From this view you
7 can see where the smoke collected on the brick surface.
8 We call that smoke condensate. That's where it collected
9 on the surface of that -- the front of the garage there.
10 But also, if you look directly above that, you will
11 notice that the soffit which is typically a vinyl or
12 sometimes wood but in this case I believe it was a vinyl
13 soffit, there was no damage to this. That tells me that
14 there was no flame impingement which would allow the fire
15 to get into the attic. So early suppression efforts is
16 what limited that.

17 Q Let's put "early suppression efforts" into English.
18 What does that mean for a nonfire person?

19 A I've got you. So that means the crew getting to the
20 scene of the fire, extinguishing the fire before it grew
21 any further.

22 Q Does that also tell you as a fire investigator how
23 long that fire may have been burning?

24 A Well, that's kind of hard to say, to be honest with
25 you. It didn't burn long based on the timeline that we

1 saw from the initial call because once the guys arrived
2 on scene, you're only looking at a couple of minutes
3 before they're actually applying water to the fire. And
4 if I remember correctly, it was like a seven-minute
5 timeline from the time they arrived on scene until they
6 announced the fire was out.

7 Q And if this timeline was double that or even longer,
8 would you expect to see a lot more damage to this? And
9 tell us about what -- that damage you expect to see.

10 A Yes, sir. So if there had been no suppression
11 efforts, that fire could have continued to grow outside
12 the containment of the garage area. If it had gotten
13 into that soffit area which would have given it direct
14 access to the attic space, it could have grown from ---

15 MR. JEREMY CRANE: Your Honor, I'm going to object
16 to this testimony. He's talking about what a fire might
17 have done.

18 THE COURT: I'm going to sustain. Move on.

19 BY MR. FRETWELL:

20 Q All right. But you didn't see any of that in this
21 case.

22 A No, sir.

23 Q Okay. So that goes back to your early suppression
24 efforts. Is that what you're talking about?

25 A That's correct, yes.

1 Q All right. Did you note that the area above this
2 garage was connected to the house?

3 A Yes, sir.

4 Q Is that of significance to you?

5 A Well, like I said, if the fire had continued to grow
6 and got into the attic space, it could have gone from one
7 end of the house to the other.

8 Q And it was not.

9 A It was not.

10 Q It was not in this particular case. Okay.

11 (WHEREUPON, State's Exhibit Number 36, a video recording,
12 continued to play in open court.)

13 BY MR. FRETWELL:

14 Q Anything about this initial fire scene?

15 A You can see most of the damage is to the Jeep just
16 to the left of the Ford vehicle there. Very limited --
17 if I recall, there was virtually no damage. There might
18 have been some heat exposure to the driver's side of the
19 white vehicle. But upon further examination, most of the
20 fire damage was in the rear of the Jeep.

21 Q What's drip called? What does that mean, drip?

22 A Well, I'm not sure what drip is called, but I'm
23 looking at the products of that vinyl door, the garage
24 door that's sagging down from the heat exposure.

25 Q Was some of that on that other vehicle?

1 A Yes, sir. Yes, sir.

2 Q Okay. And so that's going to be a byproduct, not
3 a ---

4 A Correct.

5 (WHEREUPON, State's Exhibit Number 36, a video recording,
6 continued to play in open court.)

7 BY MR. FRETWELL:

8 Q And that window up there that you see on the second
9 floor in just a minute when you see the firefighter lift
10 that window, what is that purpose?

11 A That's part of the ventilation process to make sure
12 that the -- any smoke just remaining in the home is
13 ventilated to the exterior.

14 Q Even though that's all on the other side of the
15 house.

16 A We still want to make sure everything's cleared out,
17 yes, sir.

18 (WHEREUPON, State's Exhibit Number 36, a video recording,
19 continued to play in open court.)

20 BY MR. FRETWELL:

21 Q What is significant that you can see on that wall,
22 in the top of that wall over there next to the left side
23 of that Jeep?

24 A Yes, sir. So we call that lines of demarcation.
25 Let me explain that. That's basically the heat line and

1 the fire effects on the surface of the wall and the
2 temperature variations from a cooler surface to a higher
3 temperature surface.

4 Q And what significance does that have?

5 A That tells me that the fire did not start down low,
6 that this heat exposure came from overhead. So it looks
7 like the fire in the back of the Jeep grew into a plume
8 and began to expand horizontally against that wall.

9 Q And you see that fire jug down there on the garage
10 floor.

11 A Yes, sir.

12 Q Does that -- in your investigation, did that appear
13 to be burned?

14 A The gas jug?

15 Q Yes.

16 A Yes, sir. It didn't appear to have any fire damage
17 to it, but it was identified to have a liquid in the
18 container that was identified by the homeowner as
19 gasoline.

20 Q Okay. And is that significant to your investigation
21 as well?

22 A It is. I mean, we look at all avenues of what could
23 have caused the ignition or what supported this ignition
24 of this fire. And, again, the location of it seems to be
25 odd. Why would there be a gasoline jug laying behind a

1 vehicle?

2 So the witness -- the owner testified that he had
3 cut grass earlier that morning and used that very gas jug
4 to put fuel in his lawnmower to cut grass, and he placed
5 it on the opposite side of where you see it. It was
6 actually located at the Charlie/Delta corner of the
7 garage which should be the rear and right side of the
8 garage.

9 Q Would you have to enter that area of the garage to
10 obtain that jug and put that jug away?

11 A Yes, sir.

12 Q Okay. And what about this right here where we see
13 -- this (indicating) jug and this backseat area? Is that
14 -- I mean, I guess this is a pretty good indication, but
15 we have to step into the garage area to get to this area
16 of the Jeep?

17 A Yes, sir.

18 Q Okay. Do you work in combination and did you work
19 that day in combination with the Greenville County
20 Sheriff's Office Arson Unit and their investigators?

21 A Yes, sir.

22 Q Would you briefly explain, I think you have talked
23 about origin, but the idea of points of origin with
24 respect to fire investigation?

25 A Well, obviously, you're trying to identify the

1 reason that this fire, the elements of fire came
2 together. And the elements of fire, if you don't know,
3 are three primary elements: Oxygen, fuel, some type of
4 fuel source and a heat source.

5 So what brought those three elements together? So
6 that's part of that investigation process is oxygen --
7 normal oxygen concentration will support combustion. We
8 know that. So what was the material first ignited and
9 what brought the heat source together?

10 Q And examples of heat source being?

11 A An example of heat source in this situation after
12 the investigation would have to be an open flame.

13 Q An open flame like on a lighter?

14 A A lighter, a match or some other product.

15 Q How can you determine that, in any given case, that
16 fire -- fire's point or points of origin? Is that the
17 fuel package that you described?

18 A Yes, sir.

19 Q Okay. Why is determining the point of origin
20 significant in determining cause of fire?

21 A Well, points of origin really depends on the fire
22 situation. If it's a product failure, obviously, we want
23 to identify that for fire prevention efforts in the
24 future.

25 Q Okay. Did your agency -- you've already testified

1 that your agency took photographs of this particular fire
2 scene. Let me show you what have been marked as State's
3 Exhibit 37 through 73. If you'll quickly flip through
4 those and just make sure that those are the photos that
5 you've reviewed previously prior to your testimony.

6 A (Reviews exhibits) Yes, sir. They appear to be.

7 Q Okay. And do they accurately reflect the fire scene
8 investigation that you conducted on the Gilchrist home on
9 Breeds Hill Way on July 17, 2021?

10 A Yes, sir.

11 Q Have they been materially altered in any way?

12 A They don't appear to be.

13 MR. FRETWELL: Your Honor, at this time, the State
14 would move State's Exhibit 37 through 73 into evidence.

15 MR. JEREMY CRANE: I would object at this time, Your
16 Honor.

17 THE COURT: Without objection?

18 MR. JEREMY CRANE: I would object at this time to
19 those. Nelson did not take these photos. He's not the
20 custodian of them. He doesn't know if it accurately
21 depicts it. He wasn't at the scene until later.

22 THE COURT: Hold on just a second.

23 I'm going to ask you -- we're going to take y'all
24 out. Very short, okay?

25 (WHEREUPON, the jury exits the courtroom at 12:27 PM.)

1 THE COURT: Counsel, he can testify as to whether or
2 not they're fair and accurate and identify them. But go
3 ahead and state your objection for the record.

4 MR. JEREMY CRANE: My objection is that he is not
5 the custodian of these. He did not take them.
6 Apparently, a Lieutenant Comancho [phonetic] took these
7 photos. He can't testify that it accurately depicts
8 anything. He doesn't know -- he wasn't there when they
9 were taken. So I don't know how he can testify to the
10 authenticity of them if he was not the person taking
11 those photos. He doesn't know -- he said they weren't
12 altered. He doesn't know because they weren't in his --
13 he wasn't the one who took them and he doesn't know what
14 they looked like when they were taken.

15 THE COURT: All right. Solicitor?

16 MR. FRETWELL: Your Honor, obviously, they're
17 nonfungible items. The witness has testified that he was
18 the on-scene commander during the investigation. All of
19 these officers were under his instruction and authority,
20 that he's familiar, he investigated this scene and he's
21 reviewed these photographs and they accurately reflect
22 the scene that he investigated and remembered from that
23 particular day and that they have not been altered or
24 damaged in any way.

25 THE COURT: Anything else?

1 MR. JEREMY CRANE: Just, again, he doesn't know if
2 they've been altered or not. He didn't take them. So I
3 don't know how he can testify to that.

4 THE COURT: Your objection is noted on the record.
5 I'm going to overrule it.

6 Bring the jury back.

7 (WHEREUPON, the jury entered the courtroom at 12:30 PM.)

8 THE COURT: Okay. I'm admitting State's Exhibit's
9 Number 37 through 73 into evidence over your objection.

10 (WHEREUPON, State's Exhibit Numbers 37 through 73 were
11 admitted into evidence.)

12 MR. FRETWELL: Permission to publish, Your Honor?

13 THE COURT: Yes, sir.

14 MR. FRETWELL: Thank you.

15 BY MR. FRETWELL:

16 Q All right. Chief, what are we looking at in State's
17 Exhibit 37?

18 A So we're looking at the area of origin where the
19 fire occurred. We're looking at the garage area which is
20 located near the Charlie/Delta corner of the structure.

21 Q Do you see any lines of demarcation on this
22 particular photo?

23 A I see smoke condensate above the garage area just
24 below the eave soffit.

25 Q And is that the soffiting that you described earlier

1 that was undamaged by flame?

2 A Yes, sir.

3 Q Let me show you State's -- let me ask you this.
4 With respect to this grill that you see here, is that
5 something that you considered for a possible ignition
6 source?

7 A We did examine the grill, but there was no damage to
8 it. And ---

9 Q Hold on. What kind of damage? Fire damage?

10 A They had no fire damage. I'm sorry. Yes.

11 Q And tell us why that was significant and what you
12 concluded.

13 A Well, you have to consider all points of origin or
14 potential ignition sources. But like I said, there was
15 no fire damage to that particular appliance.

16 Q And noting that there's no drag marks, why is that
17 significant to you?

18 A No drag marks.

19 Q From the grill.

20 A It looks like it was probably tipped over during
21 suppression.

22 Q And let me show you what is State's Exhibit 38. Is
23 that grill anywhere near the Jeep?

24 A No, sir.

25 Q Okay. So it's to the left of this photo.

1 A That's correct.

2 Q And there's no indications on that driveway that the
3 grill was dragged over there to be used as an ignition
4 source.

5 A No, sir.

6 Q All right. Let me show you 39. Let me just zoom
7 out. State's 39. And I will call your attention -- and
8 I'll ask you, first of all, what does "rollout" mean?
9 And do you see anything about rollout where it stops and
10 how significant that is?

11 A Sure. Rollout is basically what we just described
12 as far as the frame or smoke rolling out the garage
13 opening.

14 Q And you used the term "quick knockdown." What does
15 that mean?

16 A That just means that the suppression team arrived on
17 scene and had a quick suppression or put the fire out
18 quickly.

19 Q Before the fire could burn too long?

20 A Yes.

21 Q Based on -- well, let me show you what's Exhibit 40.
22 Is that a closer-up picture of what you were describing
23 in the video along the top of that left wall?

24 A The lines of demarcation, yes, sir.

25 And you see some hose-stream effects, and that's the

1 blotted area below that where the water particles came in
2 contact with the wall.

3 Q And then underneath that, fairly undamaged?

4 A That's correct, yes.

5 Q What about State's 41, and specifically this area up
6 here (indicating)?

7 A Yes, sir. You can see a failure of the windows due
8 to exposure to heat -- elevated heat.

9 Q And underneath that, is that the Jeep that we've
10 seen in that photo?

11 A That is correct, yes.

12 Q Let me show you State's 42. That vinyl that you
13 described earlier coming down that I thought was called a
14 drip, but do you see that in there?

15 A Yes, sir. That's just where the vinyl began to fail
16 because of the heat exposure.

17 Q But it's not consumed there.

18 A No, sir.

19 Q Okay. So if it's consumed over here (indicating)
20 and not over there (indicating), what does that tell you
21 about ---

22 A It tells me that the fire burned longer on that side
23 of the garage.

24 Q And State's Exhibit 43, just a better picture of the
25 top of that vehicle and the areas over there, I guess

1 even on that door, a little less damage; is that fair to
2 say?

3 A Yes, sir.

4 Q Than on the left side?

5 A Uh-huh.

6 Q All right. 44, that back wall, why are we seeing
7 that back there further down on that wall than we saw on
8 that side wall?

9 A Again, that's just part of fire behavior and that
10 development plume where you see the smoke condensate
11 collection on the walls.

12 Q Okay. And State's 45, that other wall, any
13 significance to the degree of fire damage on that wall
14 versus the other wall?

15 A It doesn't seem to be as intense as what you would
16 see -- what we saw on the other wall. And that's
17 probably because the ventilation of that door being open.

18 Q Exactly. And so if that door had been shut, you
19 would actually see the fire travel down more instead of
20 going out?

21 A Correct. Yes, sir. That's correct.

22 Q Okay. And then this, State's Exhibit 46, what do we
23 see there on the garage floor?

24 A That is the material from the overhead garage door.

25 Q Okay. And 47, more of that same ---

1 A Same thing, yes.

2 Q And these little black pieces, what are these little
3 black shards (indicating)?

4 A That appears to be pieces of glass.

5 Q Okay. And this item right here?.

6 A It looks like a taillight from the Jeep.

7 Q Okay. And State's 49?

8 A Is that more material from the garage door?

9 MR. JEREMY CRANE: Your Honor, is there a question?
10 He's just putting the picture up and then ---

11 MR. FRETWELL: Just asking him to describe what's in
12 the photograph and if it's significant.

13 MR. JEREMY CRANE: You didn't ask him anything. You
14 said "and this."

15 THE COURT: Just ask him the question.

16 BY MR. FRETWELL:

17 Q What is shown in this photograph, Chief?

18 A That's material from the garage door.

19 Q Chief, what is shown in this photograph?

20 A That's the same type of material.

21 Q Chief, what is this blackened object right here
22 (indicating) next to the wall?

23 A From that photo, honestly, it's hard to tell.

24 Q I'll give you 52. Does that help?

25 A Yeah. That's broken glass.

1 Q All right. And the rear, is this the rear of the
2 two vehicles?

3 A Yes, sir.

4 Q From outside?

5 A Yes, sir.

6 Q Would there be a significance, Chief, if an
7 individual, while this fire was either being started or
8 while the fire was progressing, for that individual to be
9 on this (indicating) side of those vehicles or on the
10 other side of the vehicles next to that wall?

11 A What I would say, that they're being -- and this is
12 my opinion that if they had been inside the garage, they
13 may have exposed themselves to some fire.

14 Q I'm talking about all the way on the other side of
15 that wall, what would be between them and the outside?

16 A (Gesturing.)

17 Q Would the fire have been between them and the
18 outside?

19 A Yeah. There would have been no escape. Yes, sir.

20 Q But right here (indicating,) it's basically fresh
21 air?

22 A That's right. Yes, sir.

23 Q Does this photograph accurately reflect the back
24 side of the Jeep?

25 A It does, yes, sir.

1 Q Does this photograph, State's 55, I apologize, what
2 do you see there on this (indicating) area of the Jeep?

3 A Well, that shows a lot of heat exposure for a longer
4 term. I should say longer time. And if you look at
5 those seats, you see the same thing because that
6 pyrolysis -- and if I may explain what pyrolysis is.

7 Q Please.

8 A So pyrolysis is basically a change of state of
9 material. So if you have a combustible material, this
10 wood or paper or anything, I use an example of a match,
11 if you light a match, the flame is above the match,
12 actually, so it's the gases that are produced from that
13 stem that actually burns. Same thing with any material.
14 It changes from a solid or a liquid to a gas before it
15 supports combustion. So what pyrolysis is is a change of
16 the state of that solid material into a gas as it begins
17 to break down.

18 Q And with respect to the systematic approach that you
19 described earlier, how does that relate to this
20 (indicating) side of the vehicle versus inside the
21 vehicle?

22 A Sure. So this (indicating) side of the vehicle, you
23 see that the pyrolysis will break down in material. If
24 you look on the other side of the seats, they're
25 relatively undamaged. So that tells me the fire was on

1 the back side of those seats.

2 Q And is this (indicating) the back side of the seats
3 in State's Exhibit 56?

4 A Yes, sir.

5 Q And before we go to the other side of the seats, let
6 me ask you about State's Exhibit 57.

7 A Okay. So this is the rear seating area. And what
8 you're looking for whatever reason is a chandelier from a
9 home.

10 Q Not something typically in a vehicle.

11 A No, sir.

12 Q Any idea that that was connected in that backseat?

13 A No, sir. I'm not sure why that was there.

14 Q Okay. That would be a question for the homeowner.

15 A That's correct.

16 Q Okay. But what can you tell about that metal bar
17 that you see at the bottom of State's Exhibit 57?

18 A Which is part of the structure of the rear seat if
19 we're talking about the same bar.

20 Q Yes, sir.

21 Is that the bar -- I'll skip ahead in just a second
22 to State's 59. Is that the rear seat?

23 A Yes, sir.

24 Q Okay. And how do you describe the damage of that
25 rear seat versus the other two seats and why is that

1 important?

2 A Well, the rear seat was completely consumed during
3 the combustion process as I said. If you look at those
4 front seats, you can see that the fire was behind those
5 and had an effect -- fire effects on the back of those
6 seats through the pyrolysis process.

7 Q Okay. And what's the degree of damage here on this
8 outside of State's Exhibit 60?

9 A That looks like the heat damage from the interior
10 affecting the paint on the exterior of the vehicle.

11 Q All right. And if we see what's depicted in
12 State's 61, why is that significant?

13 A There's no damage to the front of the vehicle.

14 Q Okay. And then what you were talking about earlier
15 in State's 62, what do you find of note there?

16 A So this is the material that was remaining after the
17 extinguishment. If there had not been a quick
18 extinguishment of the fire, those seats would have also
19 been consumed as the fire continued to grow.

20 Q And does that reflector have any significance on 63
21 to the reflector on the ground, 64?

22 A It appears that the fire had burned longer on that
23 side. More heat exposure for a longer term.

24 Q Now let's talk about what's depicted in State's 65.
25 Tell us about that container there and the black and

1 green object beside it.

2 A So what was odd about this is this is a safety can,
3 and the funnel assembly had been removed from that jug.

4 Q Have you had any experience with those safety ---

5 A I hate those things.

6 Q I was going to ask you, is it difficult to work?

7 A They are, yeah. Most people, if they're going to
8 use them, they're going to take that top off, or at least
9 I do.

10 Q Okay. All right. And then what about this, the
11 nature of how the jug is laying? Is that of any
12 significance?

13 A Well, if you notice the vinyl from the garage door
14 where it melted is on top of the jug, that tells me the
15 jug was there prior to that failure of the garage door.

16 Q Okay. And what is depicted here in 67?

17 A That is the safety funnel from that fuel jug.

18 Q Does there appear to be any damage on that?

19 A Only on maybe some exposure to the end there, but
20 not really.

21 Q What is this picture in 68 showing? Whose hand is
22 that?

23 A That would be mine.

24 Q Okay.

25 A So this was an attempt when we sit the jug back up

1 to illuminate the inside of the jug and try to get a
2 photo of how much liquid was actually left in the
3 container.

4 Q Well, let me ask you here, this section of the photo
5 (indicating), is that part of the jug? Or what is that?

6 A That's -- no. That's my flashlight.

7 Q Okay. So you're actually looking into the jug.

8 A That's correct.

9 Q And that's the determination of how much was in
10 there afterwards.

11 A That was the idea.

12 Q Was there a significant amount of gasoline in the
13 jug when you examined it?

14 A There really wasn't. There wasn't that much left.

15 Q State's 69, in the process of your investigation, do
16 you collect debris sample and why?

17 A Well, in this type situation, if evidence is going
18 to be collected, we don't collect that evidence. We
19 leave that to law enforcement.

20 Q But is that a process of fire investigation?

21 A Yes, sir.

22 Q Were you consulted at this particular time and this
23 particular fire?

24 A Yes, sir.

25 Q All right. And do you know why this light is set up

1 there (indicating) and this can is out right there
2 (indicating)?

3 A Well, that is one of our scene lights that we use to
4 help illuminate the area when we're taking photos and
5 continuing to examine the area of origin.

6 Q All right. And let me take you to State's
7 Exhibit 70. What is of note in this particular
8 photograph?

9 A So this is where we lowered the tailgate on the Jeep
10 and working with the sheriff's office so they can collect
11 samples, potential samples to be examined by a lab.

12 Q And were you consulted on where the samples or the
13 debris should be taken?

14 A Yes, sir.

15 Q And where did you -- if you have to get up and show
16 where on there, where did you suggest and why debris
17 samples be taken?

18 A So typically, when you have a situation like this
19 (indicating), you're going to have a gasket assembly
20 along the tailgate or a door, and combustible or
21 ignitable liquids will typically gather in those
22 locations. So if you collect that, more often than not
23 you'll get a sample that you can examine.

24 Q Do you always get a sample? Not a sample, but do
25 you always get a positive result?

1 A No, sir.

2 Q Even in situations where you know an ignitable
3 liquid was used?

4 A No, sir.

5 Q And why is that?

6 A Honestly, I really don't know the reason for that.
7 I'm not a lab tech.

8 Q That's a question for the lab technician.

9 A Yes, sir.

10 Q Okay. And then on State's 71, where is that? Is
11 that the area that you just described up there?

12 A Yes, sir. So that's this area here (indicating)
13 along the base of this where the tailgate would close.

14 Q Maybe 72 might ---

15 A This product in this area here (indicating).

16 Q Finally, in State's Exhibit 73, what is that in the
17 can?

18 A Well, this is the samples that were collected by the
19 sheriff's office. This is not mine. This is -- they
20 collect those.

21 Q Sure. But you've been involved in the process of
22 collecting debris samples. What's the purpose of that
23 sample?

24 A They put them in safety cans to isolate them from
25 any further contamination to be sent to the lab for

1 examination.

2 Q And the lab's going to be checking for what?

3 A For product -- or combustible or ignitable liquids.

4 Q Okay. All right. Thank you.

5 From your examination of the victim's Jeep and
6 garage area noting the directions of fire travel, in your
7 training and experience, were you able to form an opinion
8 as to the area of origin you believe the fire began?

9 A Yes, sir.

10 Q And what is that opinion?

11 A It is my opinion that an ignitable liquid was
12 introduced into the rear of that Jeep and was ignited by
13 an open flame.

14 Q And in addition to the photographs you've reviewed
15 and the scene that you reviewed, what facts do you base
16 this opinion?

17 A Well, there was no other ignition sources identified
18 throughout the investigation. There has to be a heat
19 source introduced in order -- it didn't matter what the
20 fuel is. It has to be a heat source to create that
21 ignition process.

22 Q And in that investigation, did you take steps to
23 eliminate other possible areas of origin?

24 A Yes, sir, we did.

25 Q And did you take steps to eliminate various possible

1 causes for the fire in the area you believed to be the
2 area of origin?

3 A We did, yes, sir.

4 Q And what steps were those?

5 A Well, we were able to eliminate an accidental cause
6 because of the testimony from the owner that that
7 gasoline was in the jug. There was no ignition sources
8 that would cause the fire to ignite other than a
9 purposely introduced open flame device.

10 Q Any chemical causes?

11 A None were identified.

12 Q Any electrical?

13 A No, sir.

14 Q Any mechanical?

15 A No, sir.

16 Q Any area of the actual engine of that Jeep that was
17 burned or affected by fire or anything?

18 A No damage to the engine area.

19 Q Based on your examination of the scene, the nature
20 of the location of the vehicle that was set on fire, the
21 manner in which it was ignited and the attached nature of
22 the garage to the home, were you able to form an opinion
23 as to whether the fire endangered anyone?

24 A There was a possibility of endangering anyone within
25 that home.

1 Q And those first responders that come from that
2 station, do they have to go through traffic lights?

3 A There were no traffic lights there, but when you
4 consider the danger that they were exposed to, any time
5 you're approaching a garage fire, you may know what's in
6 your garage, but we have no clue what's in there so
7 there's an inherent danger there.

8 Q And those gases that you described earlier?

9 A Yes, sir.

10 Q And why do those firefighters wear those protective
11 suits?

12 A Well, the turnout gear is to protect them from heat
13 and flame, and then they also would wear a self-contained
14 breathing apparatus to protect them from the products of
15 combustion.

16 Q And also, is your department the only department
17 that responded to this particular scene?

18 A No, sir.

19 Q Tell us about that.

20 A So in Greenville County, we utilize an auto aid
21 agreement which our department is dispatched basically
22 from a CAD system, a satellite system that identifies the
23 closest vehicles for the most rapid response or safest
24 response. So our department was there and I think, if I
25 remember correctly, Taylors and possibly Greer. I don't

1 remember all the departments that were there.

2 Q And if those firefighters are there fighting this
3 fire, they can't be elsewhere; is that correct?

4 A That's right.

5 MR. FRETWELL: No further questions, Judge.

6 THE COURT: All right. Cross-examination?

7 MR. JEREMY CRANE: Thank you, Your Honor. May it
8 please the Court.

9 CROSS EXAMINATION

10 BY MR. JEREMY CRANE:

11 Q Chief Nelson, I believe that you have your report
12 from that day, correct?

13 A Yes, sir.

14 Q On the second page of the report, what does it say
15 at the very top there? Does it say "Narrative 2" on it?

16 A Yes, sir.

17 Q Okay. Where is Narrative 1?

18 A That's a good question.

19 Q It is a good question.

20 A We use -- Emergency Reporting is our software or
21 data product for our record management system. Every
22 report we print out it begins with Narrative Number 2.
23 The front page, based on the sales reps from Emergency
24 Reporting, they can consider that as Narrative Number 1.
25 It's just a product of their software.

1 Q Okay. So there's nothing missing from this report.

2 A No, sir.

3 Q Okay. Thank you. That was for my own ---

4 A Understand.

5 Q And I believe the State was curious of that as well.

6 You stated earlier when the State was questioning
7 you that in most cases you can determine the cause of
8 fire; is that correct?

9 A In most cases.

10 Q That kind of makes it sound like you can't always
11 determine the cause, correct?

12 A That's true. Some fires are identified as
13 undetermined.

14 Q I believe you said that most fires are accidental;
15 is that correct?

16 A More often than not, yes, sir.

17 Q Okay. And I'm sure you told us earlier. About how
18 many fires do you think you have investigated?

19 A Again, I don't recall exact number. There have been
20 many throughout the years. I do recall looking through
21 my files as we were preparing to move my office. Since
22 the date of this fire, I've investigated 21 additional
23 fires. So prior to that, it was a lot more.

24 Q Okay. So approximately 100? less than 100?

25 A 100 is a good number. I couldn't give you an exact

1 number.

2 Q All right. Do you know if you've ever been wrong?

3 A I'm sorry?

4 Q Do you know if you've ever been wrong?

5 A I've never testified before.

6 Q Is there a possibility that you've been wrong before
7 in determining the cause of a fire?

8 A It's possible.

9 Q So is it your contention the fire started in the
10 back of the Jeep?

11 A Yes, sir.

12 Q Can you tell us if the floor of the Jeep was burned?

13 A The floor of the Jeep?

14 Q Yes.

15 A Where the carpet area was, yes.

16 Q You said that the homeowner told you that there was
17 considerably less gasoline remaining from earlier; is
18 that correct?

19 A No. Let me back up. Let me look at the report if
20 you don't mind. Because they identified I think how much
21 was in the container prior to the fire. I apologize. I
22 don't have my glasses. I should have brought mine.

23 (Reviews document.)

24 Q About the sixth line from the bottom.

25 A (Reviews document) He stated there was a two gallon

1 fuel safety can for the lawnmower on the floor, C/D
2 corner of the garage. It was approximately one quarter
3 full of gasoline at that time. The same fuel container
4 was identified post-fire by the homeowner as shown in the
5 evidence pictures with considerably less remaining --
6 less gasoline remaining.

7 Q Okay. That's all I needed to know for that
8 question.

9 That gas container was on its side, correct?

10 A That's correct.

11 Q So could gasoline have just been spilling out on the
12 floor?

13 A If it had been sat there and spilled out on the
14 floor, sure. But I would think there would be some
15 ignition -- or there would have been ignition, the vapors
16 met gasoline during the fire.

17 Q You said fire goes up. It doesn't go down, correct?

18 A That's correct.

19 Q All right. So then how would fire go from the Jeep
20 down to the floor?

21 A There was no -- there was no pattern showing that
22 the fire burned down to the floor. But if the container
23 had poured the liquid -- if they poured the liquid from
24 the container into the rear of the Jeep, the fire would
25 have originated there and burned upward and outward.

1 Now, if the vapors had continued to grow because of
2 delayed suppression, you may have seen ignition of that
3 jug.

4 Q Okay. I'll get to that in a little while.

5 A Okay.

6 Q I was going to ask you, in gasoline, does the liquid
7 burn or does the vapor burn?

8 A The vapor burns.

9 Q Okay. And does the vapor rise?

10 A No. It settles. Gasoline vapors settle.

11 Q Okay. But it's not the actual liquid on the bottom
12 that's burning. It's the vapor on top.

13 A The vapor from the liquid.

14 Q All right. I believe you stated that you believe a
15 considerable amount -- those are your words -- of
16 gasoline was poured into a Jeep. If someone poured a
17 considerable amount of gasoline into a Jeep, reach their
18 hand in there and lit it on fire, what are the chance
19 that they're not going to get any hair singed off of
20 their arm?

21 A If they reach their hand into that area and ignite
22 it, there's a real possibility they could get singed.

23 Q Okay. So let's say someone poured gasoline into the
24 back of that Jeep and they're standing next to the Jeep,
25 wouldn't they have to reach into -- all the way down to

1 the floor to ignited that gasoline?

2 A Not necessarily. They could have lit another
3 product and tossed that into the Jeep.

4 Q Did you find another product?

5 A It would have been consumed in the combustion.

6 Q You stated that other potential ignition sources
7 were considered. What other sources are those that were
8 considered?

9 A So we considered an electrical possibility, but
10 there was no electrical activity that we identified in
11 the area. There was no mechanical energy being generated
12 because the vehicle was idle. There was no chemicals
13 that we identified or any other sources of heat.

14 Q You pointed out earlier the dark smoke that was
15 coming out. And you stated that that could have been
16 from the gasoline; is that correct?

17 A That was part of the combustion process. The smoke
18 was from petroleum products. Gasoline was not the only
19 petroleum product involved.

20 Q Okay. So it could have been from the burning of the
21 actual like covers of the seats?

22 A The seats, the vinyl from the door.

23 Q Okay. So about how long would it take from the
24 ignition of, let's say, a gasoline fire and all this
25 petroleum from the time that it was ignited to the time

1 that you actually see that amount of smoke?

2 A That's hard to answer. I mean, obviously, the
3 ignition of the gasoline would take place very quickly.
4 But the growth of that depends on the fuel package or the
5 products that were burned that are available.

6 Q Okay. Well, let's say the fuel package was a
7 considerable amount of gasoline. You're the expert.
8 About how long do you think it would take for smoke to
9 start to appear if a bench is on fire -- a
10 petroleum-based bench is on fire in a Jeep? Any idea
11 about how long it would take between ignition and when
12 you would start seeing smoke?

13 A I couldn't answer that.

14 Q They showed you a video. I believe it was Deputy
15 Bird's car coming in. You said you could not see smoke
16 coming from where that vantage point was on that video?

17 A Correct.

18 Q That's not to say, though, that you wouldn't have
19 been able to see smoke off to the side of the house if
20 you were on Hudson Road?

21 A There's a tree line along Hudson Road in front of
22 the house which I would think that that's a possibility
23 that it would obscure any visual evidence of smoke.

24 Q There's a possibility it would obscure it. But
25 there's also a possibility it wouldn't obscure, correct?

1 A (No verbal answer.)

2 Q Do you know about how long it would take that bench
3 in the Jeep to burn?

4 A I honestly don't know that.

5 Q Is it a slow burn? Is it generally instantaneous?

6 A It depends on the product. Fire spread really
7 depends on the products being consumed.

8 Q You were discussing on the wall the line of
9 demarcation. About how long does a fire need to burn
10 before a line of demarcation forms?

11 A Well, as that fire continues to grow and plume and
12 start to bank down, that's where your heat growth and
13 smoke condensate begins to collect on the walls. It
14 really depends on the size of the compartment and the
15 amount of flame and smoke.

16 Q Okay. Well, let's take for instance what you
17 assumed happened in this case. If that Jeep is lit on
18 fire, how long until the smoke goes up and a line of
19 demarcation appears? Is it a minute? Is it five
20 minutes?

21 A I mean, it's hard to put a timeline on that.

22 Q But you're sitting here testifying as an expert, but
23 yet you can't give me a roundabout guess on how long it
24 would take for a line of demarcation to appear?

25 A Well, again, it depends on the size of the

1 compartment and the amount of products being consumed.

2 Q This is what's been entered as State's Exhibit 56.

3 Can you tell me what these are right here (indicating)

4 where my pen is?

5 A Are you ---

6 Q Do these appear to be wires hanging down?

7 A Yes, sir.

8 Q What about right here? Does this (indicating)

9 appear to be a wire?

10 A Yes, sir.

11 Q Does this (indicating) appear to be a wire right

12 here?

13 A It appears to be, yes, sir.

14 Q Does this (indicating) appear to be a wire here?

15 A It does.

16 Q And, again, this is kind of the same view as this

17 wire here (indicating)?

18 A Yes, sir.

19 Q This light that's on the ground, does it appear that

20 there are wires hanging out the back of it?

21 A It appears to be.

22 Q Do you know if this Jeep, was it a complete Jeep?

23 Did it have walls inside or was it just a shell?

24 A It appeared to be a complete Jeep.

25 Q We were talking about -- we were discussing the cap

1 of the fuel can. Is there a chance that could have blown
2 off during the fire? Is there a chance any way where a
3 gas can heats up enough where it can blow the top off?

4 A I think that is a real possibility, but not in this
5 case because there was no damage to the container.

6 Q Earlier we were discussing this heat damage here
7 (indicating). About how long would it take for that sort
8 of heat damage to occur?

9 A Again, it really depends. That's hard to put a
10 timeline on because of the thickness of the material, the
11 amount of flame impingement that this material was
12 exposed to. Putting a timeline on these things are
13 difficult.

14 Q But it wouldn't occur instantaneously, would it?

15 A No, sir.

16 Q This is a picture of the gas can, correct?

17 A That is correct.

18 Q You stated that there's -- that you believe that it
19 was put there before the fire because there's no debris
20 underneath it; is that correct?

21 A That's correct.

22 Q What is this (indicating) right here? Does this
23 appear to be underneath?

24 A I think there's another photo that further clarifies
25 that that shows that when we stood it up, it exposed that

1 floor area. But that does not appear to be under it. It
2 appears to be alongside it in my opinion.

3 Q Let's go here then. Is this bit of debris
4 underneath or on top of the spout?

5 A It looks like it's both.

6 Q But does it look like it's underneath?

7 A It does there, yes, sir.

8 Q And this picture was taken before anyone picked
9 anything up, correct?

10 A Correct.

11 Q So therefore, it could possibly have been fire
12 debris underneath that spout, correct?

13 A Well, it's possible, but fire suppression efforts
14 could have moved that little piece of plastic to a
15 different location than where it was originally at.

16 MR. JEREMY CRANE: It could have, but it could also
17 be fire debris underneath it.

18 One moment, Your Honor.

19 BY MR. JEREMY CRANE:

20 Q Does this appear to be the key in the ignition of
21 this Jeep?

22 A It's hard to tell from that photo.

23 Q Does it look like something is in ---

24 A I don't recall if there was a key in that, to be
25 honest with you.

1 Q Are you aware of any positive samples taken that
2 contained gasoline from this scene?

3 A I wouldn't have that information.

4 Q Okay. Is there a chance that this fire could have
5 started without a petroleum base?

6 A It would have taken a significant heat source
7 exposed to that material to create that combustion
8 process.

9 Q But it is possible, correct?

10 A Maybe over a prolonged period.

11 MR. JEREMY CRANE: Nothing further.

12 THE COURT: Any redirect?

13 MR. FRETWELL: May it please the Court, Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. FRETWELL:

16 Q Chief, defense counsel asked you and I think one of
17 your responses with respect to some question about
18 reaching a hand in or an arm in to ignite the fuel or the
19 ignitable liquid on that fuel package of that backseat,
20 I'm going to draw your attention to State's Exhibit 55.
21 Let me zoom it back out. What are pour patterns?

22 A Pour patterns, honestly, I don't know that I'm
23 looking at pour patterns here.

24 Q Let's say for a moment is it possible that if some
25 of the ignitable liquid that was spilled on the backseat

1 was spilled on that side of the vehicle, could the fire
2 be ignited from that particular location?

3 A It could be, yes, sir.

4 Q Would that also affect the degree of damage down
5 there and how quickly that damage would occur?

6 A It could through the oxidation process.

7 Q Okay. And if this was the basis where this fuel was
8 lit and that can was tossed after, to your left is wide
9 open space and the backyard; is that correct?

10 A That's correct.

11 Q You're not hemmed in in the back against that wall
12 over there where that window was we saw earlier of that
13 garage.

14 A No, sir.

15 Q What about Mr. Crane asked you about that tree line
16 that you described. Let me show you what's been admitted
17 as State's Exhibit 2. Is this the tree line that you're
18 referring to (indicating) between Hudson Road and Breeds
19 Hill?

20 A Yes, sir.

21 Q Okay. That tree line, as it grows, as it gets
22 taller, your vantage point of anything over that house is
23 going to be affected by how close you are to that tree
24 line; is that correct?

25 A That's correct.

1 Q Okay. So the closer you're to it or the further
2 away, your advantage changes. Okay.

3 These pictures right here, State's Exhibit 4, the
4 area above the house, in that video you watched earlier
5 where I asked you about that area above the house, in
6 that visibility right there above the house where that
7 cloud was, if you can't see it there, is there any way to
8 see it out there on Hudson behind that tree line?

9 MR. JEREMY CRANE: Objection, Your Honor. That
10 calls for speculation.

11 MR. FRETWELL: I'm asking -- he's an expert.

12 THE COURT: Overruled.

13 MR. JEREMY CRANE: He's not an expert of what you
14 could see.

15 BY MR. FRETWELL:

16 Q What was the response?

17 A Obviously, it's hard to answer that question. But I
18 would say that that would be very difficult to see beyond
19 the tree line that's taller than the structure itself.

20 Q And especially with State's Exhibit 6, that side of
21 the house that faces the tree line, how does that impact
22 your ability to see something that -- a fire that's in
23 the garage on the other side?

24 A Yes, sir. It will be obscure.

25 Q Mr. Crane showed you a lot of photos about these

1 wires in this Jeep. Does that relate to something called
2 electrical?

3 A Yes, sir.

4 Q Now, tell us about -- let me see if I can find the
5 photos he showed you. State's Exhibit -- I know he
6 showed you State's Exhibit 56 and he asked you about this
7 wire right here.

8 A Yes, sir.

9 Q Did you find any damage whatsoever with respect to
10 the casing of that wire?

11 A No, sir. We examined all the electrical components
12 or wires that were visible to us, and there was no
13 electrical activity identified.

14 Q Okay. And any spark, damage, fire, anything in the
15 hood area or around the electrical area of the Jeep
16 whatsoever?

17 A No, sir.

18 Q Even if there was a key in there and it was turned
19 on?

20 A We didn't identify any electrical activity anywhere.

21 Q All right. Is this another photo I think he showed
22 you for a different purpose, but does that show that same
23 wire he just pointed out in the other exhibit?

24 A Yes, sir.

25 Q Okay. And what about the wire -- oh, yeah -- right

1 here? Any indication that this was the source of the
2 fire on this Jeep?

3 A No, sir. There was no indication. Again, there was
4 damage to the conductors or the wires, but that's
5 primarily from flame impingement.

6 Q And if that had been the source of this particular
7 fire, would you see the same pattern that we saw in this
8 particular case and you saw in that particular case?

9 A I would not anticipate that, no, sir.

10 Q Okay. And then what about this wire right here
11 (indicating), what you described earlier as a chandelier,
12 did you find any electrical current whatsoever going to
13 that lighting object?

14 A No, sir.

15 MR. FRETWELL: I'm so sorry. Cheryl, that was
16 State's Exhibit 58; 57 was the chandelier; and 62, the
17 wire from the side; 56, the wire that Mr. Crane
18 demonstrated; and 55 for purposes of questions relating
19 to the ignition of the fire.

20 Judge, I have no other questions.

21 THE COURT: Okay. Any recross?

22 MR. JEREMY CRANE: Briefly, Your Honor.

23 RECROSS EXAMINATION

24 BY MR. JEREMY CRANE:

25 Q Does there appear to be kind of a deficiency in the

1 trees right here (indicating)?

2 A There appears to be.

3 Q Okay. Let's say that if you were on your -- let's
4 say that if someone's on a bike and they're over here
5 (indicating) and approaching this direction, would you
6 possibly be able to see smoke coming from this direction
7 of the house?

8 A If someone's on a bike? Depends on the growth of
9 the smoke, I guess, or the amount of smoke being
10 released.

11 Q Are you more apt to smell a fire if you're on a bike
12 as opposed to being in a car?

13 A That's hard -- that's hard to say. I guess it
14 depends on how close proximity you are to the fire.

15 Q You stated that during your investigation there was
16 no electrical activity in those wires, correct?

17 A None that we noted.

18 Q That was at the time of your investigation, correct?

19 A That's correct.

20 Q So you don't know if there was prior to you
21 arriving, do you?

22 A If there had been electrical activity on those
23 conductors, I would expect them to still remain. We
24 didn't identify any.

25 Q But, again, you don't know if there was electrical

1 activity in those wires prior to you arriving. You don't
2 know if they were damaged by the fire and therefore, at
3 that point, there was no electrical activity in those
4 wires.

5 A So upon our examination of those conductors,
6 typically, you would expect to see "beading" of
7 electrical activity which is typically what you find in
8 an electrical short. We didn't see any of that.

9 Q You said typically you would find that, correct?

10 A Yes, sir.

11 Q Not always?

12 A Well, if there's an electrical shortage, you're
13 going to find some type of activity.

14 Q You said typically. You didn't say always.

15 A Okay.

16 MR. JEREMY CRANE: No further questions.

17 MR. FRETWELL: No questions.

18 THE COURT: All right. You may step down once you
19 return my glasses.

20 THE WITNESS: Thank you, sir.

21 THE COURT: Okay. Can I see counsel?

22 Thank you, sir.

23 And he will be released.

24 MR. FRETWELL: Yes, sir. If the Court pleases.

25 MR. JEREMY CRANE: No objection.

1 (WHEREUPON, a bench conference was held off the record.)

2 THE COURT: Ladies and gentlemen, we are going to
3 break until 2:45. And, again, no discussion of the
4 facts. Y'all are excused until 2:45. Again, please do
5 not discuss this case among yourselves. If anybody comes
6 up to you, asks you something, let me know through the
7 bailiff, okay.

8 Y'all have a good little break.

9 (WHEREUPON, the jury exits the courtroom at 1:20 PM.)

10 THE COURT: All right. I'll see y'all back at 2:45.
11 And just know we're working within probably about a two
12 hours, two hour and 15 minute ---

13 MR. FRETWELL: Yes, sir. Thank you, Judge.

14 (WHEREUPON, a recess is taken at 1:20 PM; State's Exhibit
15 Numbers 74 through 83, Defendant's Exhibits 1 through 3
16 and Court's Exhibit Number 5 was marked for
17 identification.)

18 THE COURT: Anything else?

19 MR. FRETWELL: Nothing, Judge.

20 MR. JEREMY CRANE: Nothing.

21 THE COURT: All right. Bring them back.

22 (WHEREUPON, the jury entered the courtroom at 2:49 PM.)

23 THE COURT: All right. State?

24 MS. SHUGARS: May it please the Court. The State
25 calls Kristianna Weppler.

1 THE CLERK: Please place your left hand on the Bible
2 and raise your right hand.

3 WHEREUPON,

4 KRISTIANNA WEPPLER

5 After having been duly sworn, testified as follows:

6 THE CLERK: Thank you. Please be seated. Please
7 state your name for the record.

8 THE WITNESS: Kristianna Weppler.

9 DIRECT EXAMINATION

10 BY MS. SHUGARS:

11 Q Good afternoon, Ms. Weppler. Where do you currently
12 work?

13 A The Greenville County Crime Scene Unit.

14 Q And do you work in forensics?

15 A That's correct.

16 Q And what is your current position?

17 A I'm a field training officer.

18 Q And how long have you been in that position?

19 A About two years now.

20 Q And what are some of the job duties of your role?

21 A I respond to crime scenes, I take photographs,
22 process for fingerprints, collect DNA and other types of
23 evidence, and then I'm also responsible for training
24 other forensic technicians.

25 Q What kind of training have you received to perform

1 the job duties of your position?

2 A I've received training for advanced homicide
3 investigations, shooting reconstruction, arson
4 investigation, buried body recovery.

5 Q And you have training for the collection of latent
6 prints?

7 A That is correct. I do.

8 Q And you continue to receive ongoing training?

9 A That is correct, yes.

10 Q Were you working on July 17, 2021?

11 A I was.

12 Q Did you respond to a call at 1 Breeds Hill Way?

13 A Yes, I did.

14 Q Is that in Greenville County?

15 A It is, yes.

16 Q What was that call in reference to?

17 A It was in reference to an arson investigation.

18 Q Was it also in reference to a burglary?

19 A Yes, it was.

20 Q And who called you out there?

21 A Greenville County Sheriff's Office.

22 Q And what did you first find when you arrived on
23 scene?

24 A I observed several sheriff deputies' vehicles in
25 front of the residence along with a fire truck.

1 Q Typically, when you first arrive on scene, do you
2 start out by speaking to some officers?

3 A That's correct, yes.

4 Q And what is the purpose of you talking to some
5 officers?

6 A To receive information typically on why I was
7 called, information of what happened, details, that sort
8 of thing.

9 THE COURT: Ma'am, can you pull that mic just a
10 little closer?

11 THE WITNESS: Yes. Sorry.

12 THE COURT: That's okay.

13 BY MS. SHUGARS:

14 Q And then you receive that information to help guide
15 what you were able to do next?

16 A Yes, that is correct.

17 Q And did it come to your attention that an officer
18 had been injured?

19 A Yes, it was.

20 Q Do you recall the name of that officer?

21 A I do not.

22 Q Do you recall taking photos of an officer's
23 injuries?

24 A I do, yes.

25 Q Can you briefly describe those injuries?

1 A She had an injury to her elbow. It was an abrasion,
2 just a minor scratch.

3 Q And you said you took photos of that injury?

4 A I did, yes.

5 Q Did you also take photos of the scene?

6 A I did take photos of the scene.

7 Q And you said you have experience in processing for
8 latent prints. Did you process any prints in this
9 incident?

10 A Yes. I processed several areas for latent prints.

11 Q And what information did you receive to do what you
12 did at the scene? What was your understanding of what
13 had happened at this residence?

14 A My understanding was a subject had approached the
15 back of the residence on a bicycle and had set fire to a
16 vehicle in the garage and had attempted to enter the
17 residence through a back door on a porch that had been
18 locked before he had made entry.

19 Q And when you initially arrived, what did you
20 observe? Were there any other responding officers there?
21 fire department?

22 A There were several other responding deputies, and
23 the fire department was also there.

24 Q Did you go to the back of the house where there's
25 the garage area?

1 A Yes, I did.

2 Q And did you observe crime scene tape there?

3 A There was crime scene tape, yes.

4 Q Did you observe a grill?

5 A There was a grill that was overturned back there,
6 yes.

7 Q Overturned. Okay.

8 And what else did you observe about the garage
9 itself?

10 A So the garage door was open and there was melt down
11 from the door onto some vehicles in the garage. And I
12 observed a burnt Jeep in the garage and some -- the
13 inside was wet.

14 Q And what was your understanding of why it was wet?

15 A The fire department had come and responded to put
16 out the fire that had been started.

17 Q You also observed smoke damage on the bricks
18 surrounding the garage?

19 A Yes. So outside the garage door there was
20 discoloration to the brick.

21 Q Did you notice any broken glass in the garage?

22 A Yes. Around the Jeep there was some broken glass on
23 the floor, and there was some broken windows from the
24 garage door above where the Jeep had been located.

25 Q You mentioned a Jeep. Was there also a second

1 vehicle there that you recall?

2 A There was a second vehicle, a white SUV.

3 Q And can you further describe the condition that you
4 saw the Jeep in?

5 A The Jeep didn't have the top attached, but the
6 interior of the Jeep was severely fire damaged. The
7 seats were completely burnt. The foam was exposed and it
8 was melted. And you could see the wire on the bottom
9 where the foam sat on.

10 Q Did you also notice a gas can in the garage area?

11 A Yes. There was a gas can on the floor in the garage
12 behind the Jeep.

13 Q Behind the Jeep?

14 A Yes. So between the garage door, where the garage
15 door would have been and where the Jeep was located
16 inside the garage.

17 Q Let me show you some pictures. I'm showing you
18 what's been admitted as State's Exhibit 25. Do you
19 recall this individual?

20 A Yes. That is the deputy that I photographed on
21 scene.

22 Q Okay. The deputy where you photographed her
23 injuries?

24 A That is correct, yes.

25 Q Showing you State's 26. Is this the injury that you

1 captured?

2 A That is correct, yes.

3 Q And what is that tool that we're looking at?

4 A That's an L scale. It's used to document the size
5 of the injury.

6 Q Is that your hand in the picture?

7 A It is, yes.

8 Q You mentioned seeing an overturned grill. This is
9 State's Exhibit 18 already in evidence. Is this the
10 grill you saw that day?

11 A Yes, it is.

12 Q And how it's turned over, is that the condition
13 which you found it when you arrived?

14 A Yes, it is.

15 Q This is State's Exhibit 20. This is the same grill
16 that we were just looking at, a different picture of,
17 correct?

18 A That is correct, yes.

19 Q So after you finish taking all your pictures, did
20 you begin to process the scene for prints?

21 A I did.

22 Q And have you received training regarding processing
23 crime scenes for latent prints?

24 A I have, yes.

25 Q And how do you identify what to process for prints?

1 A So I examine surfaces. I have to determine if the
2 surface is dry because we use a powder and a fingerprint
3 brush, and if the surface is wet, we aren't able to
4 process with that. So after I determined if it's dry, I
5 determine if it's the texture is suitable. So if it's
6 smooth, that's the most suitable surface for
7 fingerprints, and then I go from there to try for
8 processing for latents.

9 Q What were some of the issues present at this scene
10 for processing latent prints?

11 A A lot of the surfaces present at the scene were wet.

12 Q And your understanding is that it was wet from the
13 fire department putting out the fire?

14 A That is correct, yes.

15 Q And why can't you process an item that is wet?

16 A The powder and the fingerprint brushes we use, it
17 will -- it will destroy our brushes and it won't process
18 any of the fingerprints left behind. So it would destroy
19 the stuff that we use while also not create any usable
20 latent prints as well.

21 Q And so what areas did you look for latent prints at
22 this residence?

23 A I processed the overturned grill and the back door
24 that the subject attempted to enter.

25 Q Were you able to get a print off the back door?

1 A I was not.

2 Q And what was your understanding of why you may not
3 have been able to get a print from the door?

4 A So typical reasons we couldn't -- possibly couldn't
5 get prints is when, you know, you could possibly smudge
6 prints when you grab a door handle and twist, or prints
7 could be smudged when they get left or if the surface
8 wasn't good enough.

9 Q If someone, say, were grabbing a handle
10 aggressively, maybe moving their hand around a lot, would
11 that contribute to smudging of a fingerprint or a palm
12 print?

13 A That is correct, yes.

14 Q And so no prints were obtained from the door.

15 A That is correct.

16 Q Were you able to obtain a print from the grill?

17 A I was able to obtain a print from the grill.

18 Q Can you describe the process for obtaining the
19 print?

20 A So I got my powder and my brush, and I processed the
21 areas of the grill. Some of them were wet so I had to be
22 careful of the areas that I was processing. So I
23 processed the dry areas, and on one of the top -- on the
24 top part of the grill, the door that opens, I was able to
25 obtain a print.

1 Q And you said from the top part of the grill, the
2 part that opens. Do you mean like the lid, the cover of
3 the grill?

4 A That's correct, yes.

5 Q Looking at this photo, can you identify about where
6 on the grill you obtained the print from? If you don't
7 recall, can you point to the top of the grill that you're
8 referring to?

9 A (Indicating) Like this area right here.

10 Q Okay. And that's a smooth surface. You're able to
11 obtain a print from it?

12 A Yes. That's correct.

13 Q And what did you do after you obtained a positive
14 result?

15 A I -- after I viewed it, I got the latent print tape
16 that we use. I placed it on it. And then after I lifted
17 the tape off of the surface, I placed it on a latent
18 print card. I filled out the card, drew a diagram and
19 placed it in the latent print envelope which then got
20 submitted to the Latent Print Division.

21 Q And what was your understanding of what the Latent
22 Print Division was going to do with the print that you
23 obtained? Were they going to perform an analysis and try
24 to make an identification?

25 A Yes. That's correct.

1 MS. SHUGARS: Your Honor, the State has a
2 stipulation that we've agreed to with the defense
3 regarding the identification of the print that Kristianna
4 Weppler obtained. This needs to be admitted as a court's
5 exhibit.

6 THE COURT: Sure. Number 3. Do you wish for me to
7 read it in now?

8 MS. SHUGARS: Yes, Your Honor.

9 THE COURT: Okay. This is a stipulation. "The
10 State and the defendant hereby agree the following
11 statements are true and uncontested findings of fact in
12 the trial of this case. Defendant Matthew Moon's latent
13 palm print (from his right hand) was collected from the
14 top of an overturned grill at 1 Breeds Hill Way in
15 Greenville County by forensic technician Kristianna
16 Weppler on July 17, 2021, during an investigation
17 initiated by Homeowner Storey Gilchrist. State's
18 Exhibit 84 provides the result of the latent print
19 examination by Lieutenant Tyler Bucholtz with the
20 Greenville County forensics which determine the latent
21 print from the grill was made by defendant's right palm.
22 The result is authentic and is admissible during the
23 trial of this matter."

24 MS. SHUGARS: Thank you, Your Honor. I believe I
25 need the court's exhibit label.

1 THE COURT: Number 3.

2 (WHEREUPON, Court's Exhibit Number 3 was marked for
3 identification.)

4 BY MS. SHUGARS:

5 Q I'm going to briefly show you what's been premarked
6 as State's Exhibit 84. Are you familiar with this sort
7 of document?

8 A Yes, I am.

9 Q And what is it?

10 A It's a forensic print analysis report.

11 Q Is it the one from this case from the fingerprint
12 that you obtained?

13 A Yes, it is.

14 Q From 1 Breeds Hill Way from the overturned grill?

15 A Yes, it is.

16 Q Thank you.

17 So can you tell us the result of the identification?

18 A The result was the known prints were identified as
19 those of Matthew Timothy Moon.

20 Q And as part of the identification, did they also
21 specifically identify which hand the print came from?

22 A They're identified as being made by the right palm
23 of the individual.

24 MS. SHUGARS: Please answer any questions defense
25 may have for you.

1 THE COURT: Cross-examination, Mr. Crane?

2 MR. JEREMY CRANE: Thank you, Your Honor. May it
3 please the Court.

4 THE COURT: Yes, sir.

5 CROSS EXAMINATION

6 BY MR. JEREMY CRANE:

7 Q Investigator Weppler, you testified that you can't
8 get prints off of something that's wet, correct?

9 A I testified that we do not have the ability, we
10 don't have the chemicals necessary to process those
11 items.

12 Q Okay. So is that to say that your office can't
13 process prints off of things that are wet or it's just
14 impossible to do?

15 A We do not have the chemicals necessary to do so.

16 Q Okay. Can you get prints off of something that was
17 once wet and has since dried?

18 A Yes, we can.

19 Q You can? Okay.

20 So you said that you didn't get prints off of
21 anything because the Jeep was wet, the can was wet,
22 things like that, correct?

23 A That is correct, yes.

24 Q Okay. So why didn't you wait until everything dried
25 to then possibly get prints off of them?

1 A I was called to the scene when everything was wet,
2 and to my knowledge, we were not requested to come back
3 out after anything had been dried.

4 Q Do you know if that gas can was taken into evidence?

5 A I'm not aware.

6 Q Okay. If it was taken into evidence, wouldn't it
7 have dried?

8 A Yes, it would have.

9 Q And then couldn't prints have been taken off of it?

10 A It is possible that could have happened.

11 Q Same with the Jeep, correct? If they wanted you to
12 come back later to do prints, once it dried, you could
13 have done that, correct?

14 A It's possible, yes.

15 Q So you couldn't take any prints from the Jeep,
16 correct, because it was wet?

17 A That is correct.

18 Q And you couldn't take any prints from the gas can,
19 correct?

20 A Because it was wet, yes. That's correct.

21 Q Earlier we heard Jeff Nelson say that the top was
22 off of the gas can. Would you have been able to, after
23 it dried, taken prints off of the cap of the gas can?

24 A I could have attempted to process the cap, yes.

25 Q All right. And tell me about the back door again.

1 You said that you could not lift prints off of the
2 handle?

3 A I did not obtain any prints off the handle. I did
4 process for fingerprints, but I did not get any from
5 those areas on the door.

6 Q Did you have any partial prints or just no prints at
7 all?

8 A I did not observe any fingerprints on the door.

9 Q Okay. So therefore, it's possible that Mr. Moon
10 never touched that door handle, correct?

11 A That is not correct.

12 Q How is that not correct?

13 A He still could have touched the door without
14 fingerprints being left behind.

15 Q My question was, is it possible that he didn't touch
16 that doorknob if you didn't find fingerprints?

17 A I don't think I can answer that question.

18 Q How about the white SUV? Was it wet?

19 A Yes. Everything in that garage was wet from the
20 fire department.

21 Q What about the other side of the SUV that was
22 further from the Jeep, was it wet as well?

23 A To my knowledge, yes.

24 Q All right. So the only print you found was a right
25 palm print of Mr. Moon, and that was found on top of the

1 grill, correct?

2 A That is correct, yes.

3 Q Okay. And so you saw the picture earlier. Was the
4 cover of the grill on the ground?

5 A The cover on the grill was on the ground.

6 Q So for Mr. Moon to have gotten a print on top of the
7 grill, most likely that cover would have been pulled off,
8 correct?

9 A Correct.

10 Q So if someone was looking for something like a fire
11 extinguisher, they probably would have pulled the cover
12 off of that grill; is that a possibility?

13 A I suppose so.

14 MR. JEREMY CRANE: One moment, Your Honor.

15 Nothing further, Your Honor.

16 THE COURT: All right. Any redirect?

17 MS. SHUGARS: Yes, Your Honor. Briefly.

18 REDIRECT EXAMINATION

19 BY MS. SHUGARS:

20 Q What effect could water have on a print that was
21 left on a surface?

22 A It could degrade a print possibly.

23 Q So even if you had potentially waited till some
24 items had dried, it didn't mean any print that was there
25 previously would still remain.

1 A It's possible, yes.

2 Q What about if the water that was on it was maybe a
3 heavier stream of water such as from a fire hose?

4 A It's possible, yes.

5 Q And the gas can, you mentioned you couldn't obtain a
6 print because it was wet. Was there anything else about
7 the gas can itself that made it not suitable to get a
8 print off of it?

9 A The gas can itself was pretty textured so it wasn't
10 a smooth surface. It wouldn't have been great to
11 retrieve prints from.

12 Q And there was a question about the cover being on
13 the ground and it had to be pulled off. It's also
14 possible it just wasn't on the grill?

15 A It's possible that it just wasn't on the grill.

16 Q Okay. And lastly, is it possible to set fire to a
17 Jeep without having to touch the Jeep?

18 A Yes. The cover ---

19 MR. JEREMY CRANE: Your Honor, objection. She
20 doesn't know the answer to this.

21 MS. SHUGARS: He asked her about the absence of a
22 fingerprint on this Jeep.

23 THE COURT: Overruled.

24 BY MS. SHUGARS:

25 Q Can you answer the question?

1 A The cover wasn't on the Jeep, the top wasn't
2 attached so it could be possible to not touch the Jeep
3 without -- to set fire to it.

4 MS. SHUGARS: No further questions.

5 THE COURT: Any recross?

6 MR. JEREMY CRANE: Just two quick ones.

7 RECROSS EXAMINATION

8 BY MR. JEREMY CRANE:

9 Q Is it still possible to have prints pulled after
10 something has dried?

11 A Yes. It is still possible.

12 Q So it's not impossible?

13 A It is not impossible, no.

14 Q It could have happened if Investigator Bowers had
15 wanted it to happen.

16 A It could have happened, yes. I could have
17 attempted.

18 Q The State alluded to the gas can being textured.
19 Was the top -- was the gas cap textured?

20 A I don't recall.

21 Q You don't recall if it was a smooth gas cap?

22 A I don't recall.

23 MR. JEREMY CRANE: Nothing further.

24 THE COURT: All right. Any re-re ---

25 MS. SHUGARS: No, Your Honor.

1 THE COURT: You may step down. Thank you.

2 MS. SHUGARS: Your Honor, can she be excused from
3 subpoena?

4 THE COURT: She can be excused.

5 MS. SHUGARS: Thank you.

6 THE COURT: You are released.

7 MR. FRETWELL: May it please the Court, Your Honor.
8 The State calls Andrew Gilchrist.

9 WHEREUPON,

10 ANDREW GILCHRIST

11 After having been duly sworn, testified as follows:

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

14 THE WITNESS: Andrew Gilchrist.

15 MR. FRETWELL: May it please the Court, Your Honor.

16 THE COURT: Yes, sir.

17 DIRECT EXAMINATION

18 BY MR. FRETWELL:

19 Q Good afternoon, Mr. Gilchrist.

20 A Hey, good afternoon, Allen.

21 Q Andrew, how old are you?

22 A I'm 39 years old.

23 Q And do you live in Greenville County?

24 A I do.

25 Q Are you married?

1 A I am.

2 Q And is this your wife right back here?

3 A She is.

4 Q And do you have any children?

5 A I do.

6 Q Can you tell us about that?

7 A I have one 3-year-old little girl named Eva and
8 we've got a second on the way due in June.

9 Q Would you please tell us about your educational
10 background.

11 A Sure. I attended the United States Naval Academy
12 for my undergraduate degree. And after that the Navy
13 sent me on to get a master's in applied physics. And
14 then after that I went on to get a master's in business
15 administration from the University of South Carolina.

16 Q And what year was that, sir?

17 A I finished that 2020. So Naval Academy 2008, Naval
18 postgraduate school for master's in physics in 2012, an
19 MBA in 2020-ish.

20 Q Are you currently employed by the Navy?

21 A So I'm a reservist. I did eight years of active
22 duty prior to that.

23 Q And what kind of work did you do for the Navy?

24 A So I was a SWO. So I was involved in counter-drug
25 interdiction and narco terrorism, preventing it, not

1 supporting it. And then after that, after I went on and
2 got my master's I went on to manage the construction of
3 Naval warships on behalf of the Navy.

4 Q Are you still involved in that process?

5 A I am.

6 Q And are you currently still a Naval officer?

7 A I am.

8 Q And what is your rank?

9 A I'm lieutenant commander.

10 Q Do you also work in the private sector?

11 A I do.

12 Q Okay. Tell us about that.

13 A So I'm a program manager for Abbott Laboratories.

14 Q And what do you do at Abbott Labs?

15 A I manage all the operations. I'm the project
16 management standpoint for the central United States, so
17 from east of Nevada to west of the Mississippi River.

18 Q How long have you been employed in that capacity?

19 A I've been doing that for about three -- two years.
20 Two years now. I've been at Abbott for a total of seven.

21 Q Where were you living, Andrew, in July of 2021?

22 A We had just moved to Greer. 1 Breeds Hill Way was
23 our residence.

24 Q And that residence in Greer, is that also within
25 Greenville County?

1 A It is.

2 Q Approximately 5 p.m. or a couple minutes before on
3 Saturday July 17, 2021, do you recall what you were doing
4 around that time period?

5 A Sure. Yeah. I had finished cutting grass. Hannah
6 was over at the house visiting with Storey and we had an
7 engagement shower to go to, a shower for one of her other
8 friends. And Storey had asked me to go get a haircut and
9 go get cleaned up so I would look presentable. And I had
10 just gotten a haircut and I was paying for said haircut
11 when I got a call from Hannah telling me someone was
12 trying to break into their house -- or trying to break
13 into my house, rather. And her and Storey were in the
14 car, essentially.

15 Q So when you received that call, what were your
16 immediate thoughts?

17 A Well, that flabbergasted me, to be completely
18 honest. Not a call I ever really expected to receive
19 especially because I had been at home 20 minutes earlier
20 hanging out with both of them talking about movement,
21 moving back to Greenville. We were talking about how it
22 had been a long time since we'd seen one another, showed
23 her my new Jeep -- or my old Jeep that I had just gotten
24 back, I should say, and just talking about life, baby on
25 the way, excited.

1 Q Is there anything about that call that kind of
2 snapped you back in reality?

3 A Yeah. When I could hear Storey in the background
4 talking to 9-1-1.

5 Q And what did you do as a result?

6 A So I got in my car and I drove to my house as fast
7 as I could.

8 Q Tell us what happened and what you saw when you
9 arrived.

10 A So when I got home, I could see Storey and Hannah
11 parked adjacent -- perpendicular to my home. I talked to
12 them for a brief moment. They let me know Birdie was
13 still inside, so I made entry into the house.

14 Q Who?

15 A Birdie. That's our dog, yes.

16 When I went inside, I picked up Birdie, looked out
17 of the window. I could see Mr. Moon on his bicycle in my
18 driveway, back part of the driveway adjacent to the
19 garage. I got Birdie, our dog, out of the house, put her
20 in the car. And by that time officers had arrived on
21 scene.

22 Q And at that time, could you see smoke coming from
23 anywhere in the area?

24 A When I went to the back of the home, I could see
25 smoke, yes.

1 Q I'll ask you about that. You indicated Mr. Moon.
2 Is this individual who's seated over here, just put a
3 pair of glasses on, is that the individual you saw in the
4 back of your house that date?

5 A It is.

6 Q Do you know that individual?

7 A Not till -- never seen him before until that day and
8 court since then.

9 Q Have any reason to be on your property?

10 A No.

11 Q Any reason to be back in that area?

12 A Absolutely not.

13 Q Was he doing any work for you?

14 A No.

15 Q What physical condition or demeanor was Mr. Moon,
16 the defendant, in when you saw him?

17 A So I saw him walking around the back briefly. He
18 looked pretty agitated. Like I said, I also saw him
19 headed over to his bike, sit on his bike. And by the
20 time I came back outside, you know, the officers had
21 arrived -- had arrived on scene.

22 Q Did you see him doing anything?

23 A I saw him walking around and sitting on his bike
24 smoking a -- smoking a cigarette.

25 Q Smoking. Okay. All right.

1 And then you said the deputies arrived. Were you
2 present for that interaction as well?

3 A I was. I was.

4 Q Is there any specific concern you had when you
5 receive that phone call about your wife?

6 A Yeah. I mean, I was concerned for her. I was
7 concerned for our unborn baby. I was concerned for my
8 house. And Hannah, quite frankly.

9 Q How long did it take you to get from -- first of
10 all, that area on Hudson Road, what's the intersection --
11 the next intersecting road?

12 A Old Spartanburg Road.

13 Q Okay. And there's a shopping center right there.

14 A Correct.

15 Q Is that where you were getting your hair cut?

16 A Yes. Right by the Ace Hardware, yeah. So three --
17 no more than three quarters -- just past the fire
18 department, as a matter of fact, so about three quarters
19 of a mile away.

20 Q You must have beat them there.

21 A Yes. That is true.

22 Q All right. And you were able to get your dog out of
23 the house.

24 A Yes.

25 Q About how long after you emerged from the house with

1 your dog did you see deputies on the scene?

2 A Seconds, no more than a minute.

3 Q Okay. Were you -- later on were you able to go back
4 to your garage and see basically the aftermath of that
5 fire?

6 A I was, yes.

7 Q What did you observe and what did you learn from
8 going back there and looking?

9 A I saw my Jeep on fire, I saw, obviously, my grill
10 had been knocked over and smoke in the garage billowing
11 out into my driveway. So my home was on fire.

12 Q Was the garage door open or closed when you left to
13 go get that haircut?

14 A It was open.

15 Q Any reason you left it open?

16 A I'd been working in the yard all day. It's not --
17 it used to not be uncommon practice for me to leave my
18 garage door open. I learned from that mistake. So now I
19 close it when I leave.

20 Q And you would characterize yourself as maybe
21 military -- fastidious kind of person?

22 A Yes. Very regimented.

23 Q Okay. When you got finished with your lawnmower and
24 your gas can, where did you put them; do you recall?

25 A Back in the right-hand corner as soon as you enter

1 my garage. In fact, if you went in there right now,
2 that's where it would be.

3 Q Okay. And the two vehicles in the garage, are those
4 your vehicles?

5 A They are.

6 Q If you were driving either of those ---

7 A I was not. I was driving my wife's car, yes.

8 Q Which was outside.

9 A Correct.

10 Q That Jeep that was on fire in the garage that you
11 saw before you were ushered back by the deputy, how long
12 had you owned that Jeep?

13 A I graduated high school in 2004, so 20 years now.

14 Q Did it have any particular significance to you?

15 A Yeah, sure.

16 Q Tell us about it.

17 A I got it my junior year going into my senior year of
18 high school when I found out I had gotten accepted to the
19 Naval Academy and had started rebuilding it with a couple
20 of my friends. And I had it. It's been in storage for a
21 while because I've moved every couple of years. And
22 moving into the Greer home was the first time we had had
23 a garage large enough to house more than one vehicle
24 because it's not really a daily driver.

25 Q Understood.

1 All right. Let me show you some photographs that
2 are already in evidence here. First of all, State's
3 Exhibit 54. I'm going to kind of take these two exhibits
4 out of chronological order to ask you about this -- first
5 of all, is this (indicating) your Jeep?

6 A It is.

7 Q And I'm going to ask you about this right here, this
8 gas can. Is this the location -- I've messed with the
9 focus somehow. Can you tell that's a gas can?

10 A Yes.

11 Q Do you recognize that as your gas can?

12 A Yes.

13 Q And is that the location where you left that gas can
14 when you went to get your hair cut?

15 A No.

16 Q Okay. Did you later at some point return outside
17 the crime scene tape? And did you see that gas can in
18 approximately that location later on?

19 A I did, yes.

20 Q Not where you left it.

21 A Correct.

22 Q All right. And then also State's Exhibit 53, and
23 I'm not sure how clear that is on your monitor, but I
24 want to point you to if you can see my pen, do you see a
25 little wheel right here (indicating)?

1 A I don't. It looks like there's a state exhibit tab
2 over it.

3 Q All right. Look above that tab on this picture and
4 tell me if you see the wheel to your lawnmower.

5 A Yes. Yes, I do.

6 Q You can see that in that photo?

7 A Yes, I can.

8 Q How far away from your lawnmower did you leave that
9 gas can?

10 A So as that lawnmower sits there, the gas can is
11 approximately, you know, two to three feet back up
12 against the front entryway of the garage. So where the
13 garage door sits perpendicular or parallel to the front
14 -- the back face of the house, there's a little nook back
15 there that the gas can sits in.

16 Q I imagine it always stays there.

17 A Yes.

18 Q You have to enter, break the plane of that door. If
19 it's up, do you have to enter into the garage to put it
20 away and to get it?

21 A You do.

22 Q Any chance of grabbing it from outside?

23 A No.

24 Q Hands got to break that plane regardless.

25 A Correct.

1 Q Okay. All right. Let me show you what's State's
2 Exhibit 55. Is this your Jeep?

3 A It is.

4 Q This (indicating) area of the back, obviously burned
5 area, was all of this area, all of this back portion of
6 your Jeep in the same condition as the front area, that
7 passenger door?

8 A It was, yeah. It was all -- it actually had been
9 fairly freshly painted. It was all uniform in color.

10 Q And then these seats the back of which are in the
11 condition depicted in that photograph, had those been
12 recovered?

13 A So those have been completely trashed. But those
14 were completely covered, yes. There were some cuts and
15 scratches on them, yes, but certainly not burned.

16 Q And any if this (indicating) damage up here, none of
17 that was pre-existing?

18 A None of that was pre-existing.

19 Q Okay. This -- State's Exhibit 57, what is this?

20 A So that is actually a chandelier. It's a light
21 fixture. So it was sitting back there because Storey had
22 recently asked me to change a fan that was in the room.
23 So I pulled it out, I put it back there and I was
24 planning on taking it to the dump and throwing it away.

25 Q Got you. Any electricity going to that?

1 A Nope.

2 Q The front of your Jeep in 61, is that basically the
3 way the entirety of that Jeep was at the time that you
4 left to go get your hair cut?

5 A Yes.

6 Q And 62, these are the seats you just described a
7 little while ago?

8 A Yep. Correct.

9 Q In this condition. But that backseat, would that be
10 in the same condition as they were on the front?

11 A Correct, yeah, yeah. The seat in the background was
12 certainly not.

13 Q A little closer picture of that gas can and the top.
14 When you left and you stored that gas station, were
15 those two together?

16 A Yes. The -- yes. The nozzle was in the gas can,
17 yes.

18 Q Did you have trouble pouring gas out of that?

19 A I do, yeah. I can't stand it, yeah.

20 Q All right. And then were you asked by investigators
21 on scene in State's Exhibit 68 approximately how much gas
22 was in that canister when you left? Do you recall
23 telling them an approximation of what was in that
24 canister?

25 A Yeah. I think -- I think I said somewhere between

1 one-quarter and one-third full.

2 Q Okay. Did you get an opportunity later on to see
3 the amount with the fire chief of gas left in the
4 container?

5 A I may have seen it. I don't recall. But from the
6 picture I can tell there's -- there's less -- less gas in
7 there than when I had left.

8 Q Do you recall telling the investigators it appeared
9 to be significantly less?

10 A Yes. I do remember that, yeah.

11 Q Were you able to repair the Jeep after the fire?

12 A So it's still -- no. It's not repaired, actually.
13 It's in storage because it's considered a collector's
14 item and I didn't have the proper insurance on it. So we
15 have the privilege of paying \$20- to \$25,000 out of
16 pocket to get it back in running order.

17 Q Not covered by insurance.

18 A Correct.

19 Q You testified that you actually got back there to
20 see the fire when it was going; is that true?

21 A That -- that is correct.

22 Q Okay. Did you approach the fire or the garage at
23 all?

24 A I did, I did.

25 Q Tell us about that.

1 A I did. Yeah. So I -- when I saw the Jeep was on
2 fire, I considered going into the garage and shifting it
3 into neutral to get it out of the garage to save the
4 house. But if you go back and look at those Jeep
5 pictures, the fire is right above the gas tank. the gas
6 tank of the Jeep is in the back. You can actually see
7 where slag was melting over the gas cap. So I decided it
8 would not be in my best interest to try to do that until
9 the fire department arrived.

10 Q Understood.

11 So you did not enter.

12 A I did not enter the garage. That's correct.

13 Q And as you've just indicated, you had the thought to
14 get it out of there. Did, in fact, that fire spread to
15 the structure itself?

16 A It did, yes. We eventually -- so, you know, the
17 fire maintained the boundary of our garage so there's no
18 fire damage to the rest of our house. We did have to
19 tear out all the sheetrock, replace the insulation. We
20 had to throw away a lot of the things in our garage and
21 get some things in the attic, a refrigerator. There were
22 things that were not able to be salvaged and had to be
23 destroyed.

24 Q Let me show you what's State's Exhibit 74. Do you
25 recognize that photo?

1 A I do.

2 Q And where is that photo taken?

3 A From the stairs from our screened-in porch entering
4 the garage.

5 Q Okay.

6 A That's the back of the garage door.

7 Q Is this the condition of the garage after the
8 damaged sheetrock was removed?

9 A Correct. That's correct.

10 Q Is it a true and accurate photograph? In fact, it
11 came from you and your wife.

12 A Yes, yes. That is true and accurate, yes.

13 MR. FRETWELL: Your Honor, the State would enter
14 State's Exhibit 74.

15 THE COURT: 72?

16 MR. FRETWELL: 4, Judge.

17 MR. JEREMY CRANE: No objection.

18 THE COURT: Without objection 74 comes into
19 evidence.

20 (WHEREUPON, State's Exhibit Number 74 was admitted into
21 evidence.)

22 MR. FRETWELL: Request to publish.

23 THE COURT: Yes, sir.

24 BY MR. FRETWELL:

25 Q So this is the condition of your garage after the

1 insurance adjuster came in and the damage was removed; is
2 that correct?

3 A Correct.

4 Q Did you contact your -- at the request of law
5 enforcement, did you contact your security company to try
6 to get a copy of the camera footage over that garage?

7 A We did, yeah. Actually, the day of the incident we
8 did.

9 Q Did you believe at that time you would be able to
10 have access to a video or some kind of saved footage?

11 A We did.

12 Q So tell us about what was the result of that
13 conversation with insurance.

14 A Yeah. So with the security company?

15 Q Yes, sir.

16 A Yeah. So when I called the security company, they
17 essentially told me since the alarm was not armed, we can
18 stream what was going on in the video, but we could not
19 record unless the alarm had been set to -- you know, we
20 were gone or active, essentially. So you could live
21 stream the video but you could not actually record.

22 Q And you didn't put that alarm system in.

23 A Correct. That's correct.

24 Q At that time when you were home or someone was home,
25 were you in the practice of arming that alarm?

1 A Not at the time.

2 Q Do you now?

3 A We do.

4 Q And even at that time, did you typically lock your
5 doors?

6 A Locked doors typically. But, again, normal day at
7 home on Saturday, in and out of the house cutting grass,
8 doing chores, you know, it's not a practice that I
9 commonly -- commonly had in my -- in my own space.

10 Q What about that screen door to the outside?

11 A Yeah.

12 Q Is that still a screened-in area?

13 A That is not a screened-in door. We paid about
14 \$20,000 out of pocket to turn that into a rigid
15 structure.

16 Q Without telling us how, did this fire and this event
17 affect you?

18 A Sure.

19 MR. FRETWELL: Your Honor, no further questions from
20 the State.

21 THE COURT: Cross-examination?

22 MR. JEREMY CRANE: Thank you, Your Honor.

23 CROSS EXAMINATION

24 BY MR. JEREMY CRANE:

25 Q Mr. Gilchrist, the State just asked you if the fire

1 affected you and you responded in the affirmative,
2 correct?

3 A I did.

4 Q Would it have mattered who set this fire or what the
5 circumstances were of this fire? Would it affect you?

6 A Differently, certainly, if I had known it was not
7 malicious. If it had been an accident, something --
8 something differently, absolutely it would change.

9 Q It still would have affected you, correct?

10 A Financially. Probably not mentally.

11 Q You said that the gas can, you knew about how much
12 gas was in it; is that correct?

13 A That's correct.

14 Q All right. You said you were doing random chores,
15 cutting grass, things like that. Why would you -- why
16 would you remember something as trivial as how much gas
17 is in your gas can?

18 A So I know how much is in my gas can right now. I've
19 got one empty one and one that's half full and another
20 one that's completely full. Because I'm very particular
21 about my things and I take care of them. That's how much
22 -- that's why I knew how much gas was in there.

23 Q You said you were doing -- what other chores were
24 you doing that day? You said you were cutting grass and
25 doing other chores.

1 A Weed eating.

2 Q Weed eating?

3 A Yeah. Taking out trash. Picking -- picking weeds.

4 Q Did you need gas for your weed eater?

5 A Yes.

6 Q Is there any possibility that you did not leave the
7 gas can where you think you left it?

8 A No.

9 Q No possibility at all.

10 A No possibility.

11 Q So you're running around, you're doing other kinds
12 of chores, you're weed eating. There's no possibility at
13 all you could have left it ---

14 A Every time I fill up my trash can or every time I
15 fill up my lawnmower or weed eater, I put the gas can
16 back in the exact same place.

17 Q Why do you have three gas cans?

18 A Because I have different kinds of equipment that
19 takes gas. Some of it's oil and gas mixture, some of
20 it's regular gasoline.

21 Q So you weren't there when the fire started, were
22 you?

23 A I was not.

24 Q So you don't know how it started, do you?

25 A No, I don't.

1 Q So the Jeep that was in there, was it essentially a
2 project Jeep at that point?

3 A No. It was a fully driveable functioning Jeep. It
4 had been a project Jeep.

5 Q It had been a project Jeep.

6 A It had been a project Jeep.

7 Q I think at some point you said that the Jeep had
8 been left in a shed or a barn or something and you guys
9 brought it to the house?

10 A Correct.

11 Q How did you get it to the house?

12 A How did I get it to my -- my own home?

13 Q Yes.

14 A I drove it there.

15 Q Okay. So it was in working order?

16 A Yes.

17 Q Battery work?

18 A Yes.

19 Q Lights work?

20 A Yes.

21 Q Everything electrical worked on the car?

22 A Yes.

23 Q So at the time of this fire, there would have been
24 electricity in those wires of your Jeep?

25 A So what's interesting about my Jeep is you have to

1 -- the key assembly had to be pulled out and inserted and
2 twisted to actually get any electrical moving through the
3 Jeep. So unless you fully seated it in there, it
4 wouldn't turn over.

5 Q The key was in the Jeep, correct?

6 A Yeah. But you had to hold it in there to turn and
7 crank it.

8 Q That day that Ms. Price was there, you said that you
9 showed her -- or she said that you showed her your new
10 Jeep, correct?

11 A That's correct.

12 Q Did you crank it up that day?

13 A I did not.

14 Q When you came back from getting your hair cut, did
15 you see smoke coming when you pulled up?

16 A I don't recollect. I can't say for certain I did.
17 I felt like I did, but I don't -- I can't say for
18 certain.

19 Q Okay. So you said you went into the house, you got
20 your dog, you looked out the window and saw Mr. Moon in
21 the driveway. How did you and why did you notice the
22 fire?

23 A Well, because my dog was hunkered down in the
24 corner of the home. When I looked from that vantage
25 point, if you're looking in our front door, it's probably

1 20 feet further towards Hudson Road, I saw a man in my
2 driveway which was pretty unusual as I'm the only man
3 that lives in that house, and I saw smoke coming out of
4 the garage.

5 Q Okay. You said you saw him in the driveway,
6 correct?

7 A In the parking pad adjacent to my garage that also
8 is attached to the driveway, yes.

9 Q Did you see him coming out of the garage?

10 A I did not. I could not see in or out of the
11 garage.

12 Q You said he was yelling, correct?

13 A I did, yes.

14 Q What was he yelling?

15 A I don't know. He was walking around. He looked
16 very agitated.

17 Q Then how do you know he was yelling if you couldn't
18 hear what he was yelling?

19 A Oh, because you can tell. If I was to yell in a
20 closed-in room, you could still see protrusion of veins
21 and you can see an aggravated manner.

22 Q That's what you were paying attention to, his veins?
23 At that point, you weren't worried about your dog getting
24 out?

25 A I was looking to see what he was doing in my yard,

1 yes, in my driveway.

2 Q All right. So to recap, there is no video of
3 Mr. Moon going into your garage or anything like that,
4 correct?

5 A That is correct.

6 Q One last question. Did anyone ever sleep in your
7 garage?

8 A Sleep in my garage?

9 Q I know it sounds like a silly question. Did anyone
10 ever sleep in your garage?

11 A No.

12 Q Was there a bed in there if someone were to chose to
13 sleep in there?

14 A No.

15 MR. JEREMY CRANE: Okay. Nothing further.

16 MR. FRETWELL: No questions, Judge.

17 THE COURT: Okay. You may step down. Thank you,
18 sir.

19 MS. SHUGARS: The State calls Deputy Michael Land.
20 WHEREUPON,

21 MICHAEL LAND

22 After having been duly sworn, testified as follows:

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

25 THE WITNESS: My name is Michael Land.

DIRECT EXAMINATION

BY MS. SHUGARS:

Q Good afternoon, Mr. Land -- Deputy Land. Can you tell us where you currently work?

A I work for the Greenville County Sheriff's Office.

Q And what is your position with the sheriff's office?

A I do intelligence analysis in the Drug Enforcement Unit.

Q And how long have you been in that position?

A A little over two years.

Q What are some of the job responsibilities of your role?

A So I do -- I deal with mostly electronic evidence whether that's collecting or analyzing. That can be anything from cell phones, social media, electronic data in general.

Q When you say "cell phones," it could be like cell phone geolocation records?

A It can. It can be location records, call details, physical phone extractions, things like that.

Q And what sort of training do you have for your position?

A So I've gone to several different trainings from companies such as Penlink, Zenex [phonetic], NRCTA, the FBI CAS program, all dealing with different kinds of

1 gathering and analyzing of the electronic data.

2 Q And do you have any degrees related to your role?

3 A I have a degree in criminal justice and minors in
4 intelligence and Homeland Security and fine arts.

5 Q And you mentioned a program called Penlink?

6 A Yes.

7 Q Can you tell us what that is?

8 A So it's an analytical tool that lets us put in
9 electronic data and they can create different kinds of
10 maps when dealing with location data or charts when we're
11 trying to do link analysis. It's just an analytical
12 tool.

13 Q So can Penlink ingest location data and put certain
14 markers on maps?

15 A Yes, ma'am, it can.

16 Q Okay. And what digital maps can Penlink use?

17 A It can ingest different kinds of maps as far as
18 aerial photography. So it can use -- you can ingest like
19 Google maps, Bing maps, things like that.

20 Q Did you receive any geolocation data of the
21 defendant's movements and locations on July 17, 2021?

22 A I did.

23 Q I'm going to show you what's been premarked as
24 Court's Exhibit 5. Can you take a look at that, please.

25 A (Reviews exhibit.)

1 Q And what is that?

2 A These are the defendant's geolocations for that
3 date, July 17, '21.

4 MS. SHUGARS: Your Honor, the State and the defense
5 have come to an additional stipulation relating to
6 Court's Exhibit 5 and a few other exhibits that will be
7 put in under Deputy Land. May I approach?

8 THE COURT: Yes, ma'am.

9 Can counsel approach real quick?

10 (WHEREUPON, a bench conference was held off the record.)

11 THE COURT: Okay. Ladies and gentlemen, this is
12 another stipulation. "The State and the defendant hereby
13 agree the following statements are true and uncontested
14 findings of fact in the trial of this case. Court's
15 Exhibit 5 truly and accurately reflects defendant Matthew
16 Moon's GPS location data on July 17, 2021. The following
17 maps and videos were created by Greenville County
18 Sheriff's Office investigator Michael Land using
19 defendant Matthew Moon's GPS location data from July 17,
20 2021.

21 "A, State's Exhibit 75 truly and accurately reflects
22 defendant Matthew Moon's locations and movements with
23 timestamps from 4:08 p.m. to 5:10 p.m. on or near Hudson
24 Road and Breeds Hill Way.

25 "B, State's Exhibit 76 truly and accurately reflects

1 defendant Matthew Moon's locations and movements with
2 timestamps from 4:08 p.m. to 4:55 p.m. on or near Hudson
3 Road.

4 "C, State's Exhibit 77 truly and accurately reflects
5 defendant Matthew Moon's locations and movements on or
6 near Hudson Road, Breeds Hill Way and at the Polos
7 Apartments.

8 "D, State's Exhibit 78 truly and accurately reflects
9 defendant Matthew Moon's locations and movements near
10 1 Breeds Hill Way Road.

11 "E, State's Exhibit 79 truly and accurately reflects
12 defendant Matthew Moon's locations and movements with
13 timestamps from 3:08 p.m. to 3:53 p.m. on or near Hudson
14 Road.

15 "F, State's Exhibit 80 truly and accurately reflects
16 defendant Matthew Moon's locations on or near Hudson Road
17 and Breeds Hill Way with timestamps from 3:52 p.m. to
18 5:06 p.m.

19 "G, State's Exhibit 81 truly and accurately reflects
20 defendant Matthew Moon's locations and movements on or
21 near Hudson Road or Breeds Hill Way with timestamps from
22 3:59 p.m. to 4:56 p.m.

23 "H, State's Exhibit 82 truly and accurately reflects
24 defendant Matthew Moon's locations and movements in real
25 time at 1 Breeds Hill Way with timestamps from 4:56 p.m.

1 to 5:05 p.m.

2 "And I, State's Exhibit 83 truly and accurately
3 reflects Hudson Road and Breeds Hill Way in 2021 as
4 captured by Google street view images.

5 "Some maps and videos utilize circular purple marks
6 to indicate the defendant's location. These marks truly
7 and accurately depict the defendant's location within
8 four inches based on the defendant's GPS coordinates.

9 "These exhibits are authentic and admissible at any
10 point during the trial of this matter."

11 MS. SHUGARS: Thank you, Your Honor.

12 THE COURT: This will be Court's Number 4.

13 (WHEREUPON, Court's Exhibit Number 4 was marked for
14 identification.)

15 MS. SHUGARS: And State moves to have Court's
16 Exhibit 5 admitted into the record pursuant to the
17 stipulation.

18 MR. JEREMY CRANE: No objection.

19 THE COURT: Pursuant to stipulation.

20 (WHEREUPON, Court's Exhibit Number 5 was admitted into
21 evidence.)

22 BY MS. SHUGARS:

23 Q I'm approaching with State's Exhibits 75 through 79.
24 Can you please take a look at these items?

25 A (Reviews exhibits) Yes, ma'am. These are all the

1 maps that I've created.

2 Q That you prepared utilizing the defendant's
3 geolocation data?

4 A Yes, ma'am.

5 MS. SHUGARS: Your Honor, per the stipulation, the
6 State moves to have State's Exhibit 75, 76, 77, 78 and 79
7 admitted into evidence.

8 THE COURT: Okay. Pursuant to the stipulation,
9 without objection by counsel or by agreement.

10 (WHEREUPON, State's Exhibit Number 75 through 79 were
11 admitted into evidence.)

12 MS. SHUGARS: Permission to publish.

13 THE COURT: Yes, ma'am.

14 BY MS. SHUGARS:

15 Q Deputy Land, this is -- give me one moment. I think
16 that's the best we're going to get. So this is State's
17 Exhibit 75. Can you describe what we're looking at?

18 A Yes, ma'am. So this is the defendant's geolocation
19 map along Hudson Road. You can see the bottom point with
20 the white box to the right of it, and it says the
21 timestamp of 1608. That's the first one that's mapped on
22 this map; the next one being directly above it with a
23 timestamp of 1633; the next timestamp on this one ---

24 Q You can also -- sorry to interrupt -- stand if you
25 would like if it would be helpful and point at the TV

1 behind you.

2 A So the first one is the 1608 at the bottom. The
3 next timestamp that's labeled is the 1633. After that it
4 goes to the 1650. The next one is 1655 and then 1710.
5 So it shows travel along Hudson Road, back slightly, and
6 then back up Hudson Road eventually to Breeds Hill Way
7 (indicating throughout).

8 Q And how are these data points, these little purple
9 markers placed on this map?

10 A So this takes the geolocations that I had which give
11 a latitude and longitude, and it places them on the map.
12 With the lat. and longs. that were provided, it's got a
13 six digit which tells us that it's accurate within about
14 four inches or 11 centimeters.

15 So these dots, the size doesn't matter. They're all
16 the same size. It doesn't give any kind of accuracy. It
17 just puts a dot on that lat./long. from what we're
18 provided.

19 Q Okay. And we can see like some clusters
20 (indicating). What determines how many dots are present
21 on the map?

22 A So the locations that we have, we got a point for
23 every roughly 60 seconds, about one a minute. So if
24 there's a cluster, it means it's dropping a point for
25 every minute. So the locations are gathered. The

1 person's probably staying in the same area.

2 Q We have State's Exhibit 76. Can you describe what's
3 on this map?

4 A So this is -- obviously, we switched maps. We're
5 now looking at aerial. It just kind of got confusing
6 with all the trees and houses and everything. But this
7 is the same section of Hudson Road. The first dot down
8 here -- can you zoom it out just a little bit?

9 Q I can, yeah.

10 A So the first dot is down here at 1608. As it
11 traveled, we talked about the clustering of dots. So
12 what I did here was I drew a blue box around that first
13 cluster. There's a bridge right there. It doesn't tell
14 me if it's on top of the bridge, below the bridge. It
15 just shows right there. But -- and then I made a note
16 that the dots there indicate that the defendant was there
17 for about 33 minutes and then moved.

18 There's a dwelling right here, a residence. This is
19 the backyard of that residence. And the geolocation
20 showed that it stayed within this red box for about ten
21 minutes. After that he continued up Hudson Road. You
22 can see that timestamp, 1655 (indicating throughout).

23 Q So he started going up Hudson and then he went
24 backwards for a brief period of time?

25 A Yes, ma'am.

1 Q State's Exhibit 77, can you describe this map?

2 A Yes, ma'am. So in the middle here, this cluster of
3 dots it shows you with this label, that's 1 Breeds Hill.
4 That's the incident location. It shows Hudson Road and
5 then it also shows the Polos Apartments with a large
6 cluster of dots. That's where the defendant lived so it
7 just showed the distance.

8 Q And these data points where the defendant lives,
9 it's your understanding -- were those earlier in the day?

10 A Yes, ma'am. I don't remember the exact times, but I
11 believe that was like in the early morning when he was
12 home.

13 Q State's Exhibit 78, can you describe what we're
14 looking at here?

15 A So we're looking at the incident location here.
16 There's a row of houses. The one to the far left is the
17 incident location.

18 We've got location points in the front yard, the
19 backyard and then a large cluster in front of the
20 neighboring house which is where the patrol car was
21 parked.

22 Q After he was arrested?

23 A Correct. Yes, ma'am.

24 Q Looking at these dots around the house, do any
25 appear to be under a roof line?

1 A Yes, ma'am. The two right here (indicating) look
2 like they are.

3 Q And lastly, State's 79, what is this map?

4 A So this is a map of the locations, again, mapped
5 from prior to the incident. So if you look at the
6 timestamps, this is the first one and 1508, the last one
7 at 1553.

8 This cluster, it maps out the first interaction that
9 law enforcement had with the defendant earlier in the
10 day.

11 Q Okay. I'm going to approach with State's
12 Exhibit 80, 81, 82 and 83. Take a look at these and
13 their labels. Are you familiar with these flash drives?

14 A Yes, ma'am.

15 Q Have you reviewed their contents?

16 A I have.

17 Q And what is your understanding of what's on here?

18 A They each contain a different video. I made several
19 videos, again, of mapping out the defendant's geolocation
20 data.

21 MS. SHUGARS: Your Honor, pursuant to the
22 stipulation, the State moves 80, State's Exhibit 81,
23 State's Exhibit 82 and State's 83 into evidence.

24 THE COURT: Pursuant to stipulation between the
25 parties, they come into evidence.

1 (WHEREUPON, State's Exhibit Numbers 80 through 83 were
2 admitted into evidence.)

3 MS. SHUGARS: Permission to publish.

4 THE COURT: Yes, ma'am.

5 MS. SHUGARS: Your Honor, can we switch over to...

6 (WHEREUPON, the following testimony occurred during the
7 playback of State's Exhibit Number 80.)

8 BY MS. SHUGARS:

9 Q This is State's Exhibit 80. What is this video?

10 A So this is a video. It's the geolocations from the
11 ending of that initial contact with the sheriff's office
12 leading up to the incident. It's just a video and it
13 jumps from dot to dot just to kind of show the direction
14 of travel. Each -- again, each dot is about 60 seconds,
15 about a minute. The video jumps a lot faster than 60
16 seconds, but that's just to make it a shorter video.

17 Q You see the overview of all the points that you
18 plotted?

19 A Correct. Yes, ma'am.

20 Q I'm sorry. What time is this first label starting
21 at?

22 A 1552.

23 Q Okay. And is that in military time?

24 A Yes, ma'am.

25 Q Can you convert it for us who ---

1 A 3:52 p.m.

2 Q Thank you.

3 So what does it mean when these labels and these
4 points on there barely move from like a large jump in
5 location?

6 A There's like a bunch of dots that are grouped
7 together. It just means there's not a whole lot of
8 movement going on. All the consecutive location data
9 points are close together.

10 Q So would it mean the defendant stayed in one given
11 location for a longer period of time?

12 A Yes, ma'am.

13 (WHEREUPON, end of video playback of State's Exhibit 80;
14 the following testimony occurred during the playback of
15 State's Exhibit Number 81.)

16 BY MS. SHUGARS:

17 Q I'm showing you what's been admitted as State's
18 Exhibit 81. What is this?

19 A So this is similar to the last one. It's a little
20 bit more zoomed in and switched to the aerial view. And
21 then here, as the video plays, I kind of zoomed in the
22 screen so you can see more of what the aerial view looks
23 like of -- or the area around the bridge and that other
24 residence on Hudson Road which is the same area as that
25 -- where that blue and the red box in that earlier

1 picture.

2 Q Are you familiar with this area?

3 A Yes, ma'am.

4 Q And where is the data point right now?

5 A So it's right -- kind of right at the beginning of
6 the bridge is you're traveling north on Hudson Road.

7 Yeah. Right before the bridge.

8 Q So he's on the bridge, on or under?

9 A Yes, ma'am.

10 Q You said each of these dots represent about one
11 minute?

12 A Yes, ma'am.

13 Q Have we moved away from the bridge?

14 A Yes, ma'am.

15 Q And where is he now?

16 A It looks like in the backyard of a house right
17 there. I'm not sure of the numeric of it, but the house
18 on Hudson Road.

19 Q And you said you plotted points of his actual
20 residence, right?

21 A Yes, ma'am.

22 Q And it was not that house?

23 A Correct.

24 (WHEREUPON, end of video playback of State's Exhibit 81;
25 the following testimony occurred during the playback of

1 State's Exhibit Number 82.)

2 BY MS. SHUGARS:

3 Q This is State's Exhibit 82. Can you describe this
4 video for us?

5 A Yes, ma'am. So this is a handful of locations
6 mapped starting from the first one that shows him at the
7 Breeds Hill address at 1656, and it leads all the way up
8 until when deputies first arrived on scene. And this
9 one's played at real-time, so each dot is about
10 60 seconds. So it kind of gives you an idea of real life
11 how long he was there.

12 Q So this first dot at the residence was at what
13 time?

14 A 1656, 4:56 p.m.

15 Q Thank you.

16 And you said each dot will sit there with a label
17 for about one minute?

18 A Yes, ma'am. I think -- I think the video's close to
19 ten minutes long, nine minutes.

20 Q I just jumped to the 56 second mark. We can see a
21 jump.

22 So does it appear he's still at the residence?

23 A Yes, ma'am.

24 Q And this should be jumping ahead, the last dot. You
25 said the last dot represented the time around when

1 deputies arrived?

2 A Yes, ma'am.

3 Q And what time do you have on here?

4 A 1704. I think there may be one more at the end.

5 Yeah. There it is 1705.

6 (WHEREUPON, end of video playback of State's Exhibit 82;
7 the following testimony occurred during the playback of
8 an unidentified video.)

9 BY MS. SHUGARS:

10 Q What is this video?

11 A So this is just a video using a different source,
12 Google Maps, their street view function, just to give an
13 idea of what the road looked like. These are images
14 coming -- you can see it at the bottom. It says August
15 2021, which was the closest images available to the time
16 of the incident. At one point I think it switches to May
17 2021 for a picture but then it switches back.

18 But this is approaching -- this is the path the
19 defendant took according to the geolocations. So headed
20 north on Hudson Road, coming up on the left will be that
21 residence where that red box was and then up a little bit
22 further is the bridge where that blue box was.

23 Q And here the end of this video would be 1 Breeds
24 Hill Way?

25 A Yes, ma'am. So it didn't turn onto Breeds Hill, but

1 it goes right in front of the neighborhood.

2 Q It would be what you would see if you were driving
3 -- or riding a bike down Hudson.

4 A Yes, ma'am.

5 Q So what street is that to the right?

6 A So that's Breeds Hill Road where it intersects with
7 Hudson.

8 Q From this view, can you see a house?

9 A No, ma'am.

10 Q From this image, can you see a house?

11 A No, ma'am.

12 Q And from here were you able to see any residence
13 when you ---

14 A Not -- not the one on Breeds Hill. No, ma'am.

15 (WHEREUPON, end of video playback.)

16 MS. SHUGARS: Please answer any questions the
17 defense may have.

18 THE COURT: Cross-examination?

19 MR. JEREMY CRANE: Thank you, Your Honor. May it
20 please the Court.

21 THE COURT: Yes, sir.

22 CROSS EXAMINATION

23 BY MR. JEREMY CRANE:

24 Q Deputy Land, did I contact you yesterday and ask you
25 to produce a couple maps for me as well pertaining to

1 this information?

2 A Yes, sir.

3 Q Okay. Do you remember the times that I asked for on
4 those maps?

5 A I don't remember the exact times.

6 Q Okay. Would it sound correct if I asked from 11:09
7 to 11:43 a.m., 12:18 to 12:43 p.m., and then 1:55 to
8 2:33 p.m.? Does that sound about right?

9 A Yes, sir.

10 Q I'll show you what's been labeled as Defendant's
11 Exhibit 1. What is that?

12 A So this is the map of that first timeframe you
13 listed, 11:09. It cut off on the print so I'm not sure
14 what the ending time was.

15 Q The ending time is 11:43.

16 A Okay.

17 Q Is that an accurate representation of the map you
18 produced for me yesterday?

19 A Yes, sir, it is.

20 MR. JEREMY CRANE: Okay. Your Honor, at this time,
21 according to our stipulation, I would like to put this
22 into evidence and I'd like to publish it.

23 MS. SHUGARS: No objection.

24 THE COURT: Defendant's Exhibit Number 1 comes in
25 without objection.

1 (WHEREUPON, Defendant's Exhibit Number 1 was admitted
2 into evidence.)

3 BY MR. JEREMY CRANE:

4 Q I'm sorry mine are black-and-white but it's the best
5 I can do.

6 So this map is between -- I'm sorry. Hang on one
7 second. Okay. So this map shows right here where my
8 finger is (indicating) that this dot is at 11:09 that
9 morning, correct?

10 A Yes, sir.

11 Q And can you tell us what the address is there?

12 A Yes, sir. It's 9 Pelham Road which is the Eagles
13 gas station.

14 Q Okay. And about how long was he there?

15 A I don't recall the last point before he left. I
16 know that 11:43, I think it was, is the last stop which
17 is over to the left.

18 Q You said each one of these dots represent
19 essentially a minute, correct?

20 A Yes, sir.

21 Q So we have one, two, three, four, five, six, seven
22 eight -- at least eight minutes at this location?

23 A Yes, sir.

24 Q Okay. And what did you say was at that location?

25 A It's the Eagles gas station.

1 Q And that's a BP gas station, correct?

2 A I think they are affiliated with BP. The sign said
3 Eagles.

4 Q Does this map show Mr. Moon walking around outside
5 of the gas station?

6 A It appears that he's in the parking lot, yes, sir.

7 Q Is this right here where the gas pumps are
8 (indicating)?

9 A Yes, sir.

10 Q And is this a point where Mr. Moon was at one point?

11 A Correct.

12 Q Is there a possibility if someone's walking around
13 gas pumps that they could get gas on their shoes?

14 A I suppose it's possible.

15 Q I'd like to show you what's been labeled Defendant's
16 Exhibit 2. Can you take a look at that?

17 A Yes, sir.

18 Q Does that look like the map that I asked you to
19 produce from 12:18 to 12:43 p.m. of that day?

20 A Yes, sir.

21 Q Does it look like a fair and accurate representation
22 of that map that you produced for me?

23 A It does.

24 MR. JEREMY CRANE: Your Honor, at this time, I would
25 like to enter Defendant's Exhibit 2 and I'd like to

1 publish it pursuant to our stipulation.

2 MS. SHUGARS: No objection.

3 THE COURT: Without objection, Defendant's Number 2
4 comes in.

5 (WHEREUPON, Defendant's Exhibit Number 2 was admitted
6 into evidence.)

7 BY MR. JEREMY CRANE:

8 Q It has been cut off on this map. I believe it is
9 right here (indicating). But do you recall what time I
10 asked you to start these plots?

11 A I think 12:18.

12 Q Okay. 12:18. So this (indicating) would be the
13 first spot?

14 A Yes, sir.

15 Q Okay. So there are several spots here where
16 Mr. Moon was all in this (indicating) area. There's also
17 some dots in about here (indicating), correct?

18 A Correct.

19 Q What's at this location?

20 A I think the -- it's a parking garage.

21 Q Is that the actual bus station downtown?

22 A I'm not sure. I'm not as familiar with the downtown
23 area.

24 Q Let me show you what's been labeled as Court's
25 Exhibit Number 5. This is a printout of all the points

1 from that day. Can you tell me at approximately 12:21
2 where it says Mr. Moon is?

3 A The address lists 7 Greenlink Terminal, Greenville,
4 South Carolina 29601.

5 Q Okay. So is the Greenlink terminal the bus station
6 downtown?

7 A I'm not as familiar with the area. I know it's the
8 name of the company so I would assume they're on that
9 road, but I don't know.

10 Q And in some of those -- some of these dots here and
11 here and here, if this is a bus station and the buses are
12 down here, parking garage is upstairs, is it a
13 possibility that these dots are actually underneath in
14 the bus station and not up on the parking garage
15 (indicating throughout)?

16 A Yes, sir. I don't -- I don't have an elevation so I
17 don't know first, second, third, fourth floor.

18 Q Okay. Thank you.

19 Let me show you what's been labeled Defendant's
20 Exhibit 3. Can you please tell me what that is a
21 depiction of.

22 A Yes, sir. This was the time frame I believe from
23 1355 to 1433.

24 Q Okay.

25 A 1:55 to 2:33.

1 Q Is that a fair and accurate representation of the
2 map that you produced for me?

3 A Yes, sir.

4 MR. JEREMY CRANE: Your Honor, at this time, I would
5 like to enter what's Defense Exhibit 3 into evidence and
6 have it published.

7 MS. SHUGARS: No objection.

8 THE COURT: No objection. Defendant's Number 3
9 comes in.

10 (WHEREUPON, Defendant's Exhibit Number 3 was admitted
11 into evidence.)

12 BY MR. JEREMY CRANE:

13 Q It's a little small here, but can you read what time
14 this says right here?

15 A Yes, sir. 1355.

16 Q So that's 1:55 in the afternoon, correct?

17 A Correct.

18 Q Does it appear that Mr. Moon is back at the same
19 location at the bus station downtown?

20 A Yes, sir, he is.

21 Q Okay. There's no -- and, again, these dots, there's
22 no way to tell if he's actually in the bus station or up
23 on top at the parking garage, correct?

24 A Correct.

25 Q Thank you.

1 So eventually, Mr. Moon ends up at 1 Breeds Hill
2 Way. Do you recall what time you said on the map that he
3 arrived there?

4 A I believe it was 1656.

5 Q 1656. All right.

6 I believe we saw a photo, but did you plot points
7 for the time that Mr. Moon was at 1 Breeds Hill Way?

8 A I did.

9 Q And you put together a video that showed the same
10 dots in the same locations, correct?

11 A Can you repeat that?

12 Q Yes. Sorry. You put together a map that showed
13 locations on a map. You also -- the State also produced
14 a video that shows Mr. Moon moving around at 1 Breeds
15 Hill Way.

16 A Yes, sir.

17 Q Do those overlap? Is the video or the points on the
18 video the same as the points on the photo?

19 A I believe so, yes, sir.

20 Q I'd like to show you what's been previously entered
21 as State's Exhibit 78. How many points does this show
22 where Mr. Moon is in the backyard? I can bring it up
23 there and have you take a look at it if you can't quite
24 see it from there.

25 A I count nine.

1 Q Nine dots back there?

2 A Yes, sir.

3 Q Okay. So tell me, how many of these points here
4 actually show where Mr. Moon might be at some point
5 inside the residence?

6 A There's two that look like there's a roof right
7 there, and I'm not sure what's under the trees.

8 Q Okay. Let's assume, and we've seen it from photos,
9 that this is the garage here (indicating).

10 A Uh-huh.

11 Q So does that say that seven of those nine points
12 Mr. Moon is actually not inside that house at all?

13 A Yes.

14 Q Not inside the garage at all?

15 A Correct.

16 Q Going back to what's State's Exhibit 79, I asked
17 Deputy Bracken about her first stop with Mr. Moon. She
18 says she couldn't recall what was kind of behind him.
19 Does this appear to be a building of some sort, a church,
20 something like that?

21 A Yes, sir. It's a church.

22 Q It does not appear to be a home, does it?

23 A No, sir. Not that building.

24 Q Okay. So this kind of appears that Mr. Moon was
25 relaxing on the side of the road next to a church.

1 A I don't know what side of the road he was on. I
2 know there's houses on the other side of the road, but I
3 know that building's a church, the one you pointed out.

4 Q All right. We're kind of going to do an overlap
5 here. You said that the points that you have on State's
6 Exhibit 78 that's here in my hand ---

7 A Yes, sir.

8 Q --- these dots back here will match the dots that
9 are on the video that you produced, correct?

10 A So the video stops at I think it's 1705. So
11 anything after that won't be on this video.

12 Q Okay. So I'm only concerned with what's happened
13 between 1656 and 1705. So everything that's on this map
14 corresponds with what's on this video, correct?

15 A Yes, sir.

16 Q All right. So at 1656, does that show Mr. Moon
17 outside of the garage?

18 A I believe so. I believe he's outside, yeah.

19 Q If you had to line it up, would you say that it's
20 this dot right here (indicating)?

21 A Probably. It could be the one above it, but it's in
22 that general area.

23 Q Okay. So it's either -- it's one of these two --
24 unfortunately, we can't pull this up, this and this at
25 the same time. But it is one of the dots outside of the

1 garage, correct?

2 A Yes, sir.

3 Q Now we're at 1657.

4 A Yes, sir.

5 Q Does that appear that Mr. Moon is inside the house
6 or is he still outside?

7 A Still outside.

8 Q Still outside. So he's still not in the garage.

9 Here we're at 1658. Does that appear that Mr. Moon
10 is inside the home?

11 A It does look like that, yes, sir.

12 Q Okay. Would that be essentially corresponding with
13 this dot right here (indicating)?

14 A Yes, sir.

15 Q So it would be this dot right here (indicating) that
16 shows him inside the house.

17 We were told by Deputy Bracken that the first call
18 came in at 1658. That was when the 9-1-1 call was made.
19 Does this correspond with 1658?

20 A That -- that dot is at 1658, yes, sir.

21 Q Okay. So this (indicating) dot shows that at 1658,
22 he was actually on the porch.

23 A I know he's in the back. I don't know if that's a
24 porch or not.

25 Q There was a 9-1-1 call saying he was on their back

1 porch. But nothing shows him going into the garage prior
2 to going onto the porch, correct? Either of the dots
3 that you've seen so far have not shown him going into the
4 garage prior to being on the porch at 1658, correct?

5 A Correct.

6 Q All right. Now we have 1659. Does that appear that
7 he's inside the house or outside the house?

8 A I believe he's back outside.

9 Q Would it be one of these dots somewhere in here
10 (indicating)?

11 A Yes, sir.

12 Q So that would be one of these dots outside of the
13 garage yet again.

14 1700, right at 5 o'clock, are we inside the garage?

15 A It looks still outside.

16 Q It still looks outside. So that's one of these dots
17 outside of the garage, correct?

18 A Yes, sir.

19 Q Now we're at 1701. Essentially same spot as 1700?

20 A Yes, sir.

21 Q Hasn't moved? Still outside the garage?

22 A Correct.

23 Q 1702, now we're even further away from the garage?

24 A Yes, sir.

25 Q Now we go on to 1703. Does that appear that he is

1 in the house?

2 A No, sir.

3 Q Would that be this (indicating) dot back here
4 outside of the home?

5 A Yes, sir.

6 Q So that dot is back here, once again, outside of the
7 garage. Still not in the garage, correct?

8 A He hasn't gone back in, no, sir.

9 Q He hasn't gone into the garage at all so far.

10 A I'm pretty sure we saw one point where he was.

11 Q Because we have one point where he was on the back
12 porch. We know he was on the back porch banging on the
13 door.

14 A Okay.

15 Q All right. So we have 1704. Does that appear that
16 he might be either near or inside the garage?

17 A Yes.

18 Q Okay. I know it's kind of hard to see. We can't
19 really tell where the garage ends, but does it look like
20 he would be either inside or outside of the garage at
21 that point?

22 A It's kind of right on the line.

23 Q Right. So we don't know if he was inside or
24 outside, but he's -- could be one or the other?

25 A Could be, yeah.

1 Q And then last, 1705, maybe. And then 1705, does
2 that show him out in front of the house?

3 A Yes, sir.

4 Q Does that correspond with the time that he was
5 approached by law enforcement and was taken to the
6 ground?

7 A Yes, sir.

8 Q So how many of those points -- again, how many of
9 those points outside -- sorry. Let me rewind. How many
10 of those points out of the nine that are at the house
11 does it show Mr. Moon outside of the home?

12 A Seven outside.

13 Q Seven of nine.

14 Do any of those points show Mr. Moon actually
15 entering the garage prior to going onto the porch?

16 A I don't know where the porch is. I only know what
17 the aerial map shows. So the roof -- I just know there's
18 two points that are on the roof.

19 Q Okay. So in prior testimony, we've learned that at
20 1658 there was a 9-1-1 call where Mr. Moon was on the
21 back porch. And there's also a point here that
22 corresponds to 1658 that appears to be inside the home.
23 Based on that, would your assumption be that that was the
24 time where he was actually on the porch?

25 A Yeah. If there's somebody saying he was on the

1 porch at that time.

2 Q Okay. Thank you.

3 And there's only one point there that actually shows
4 that Mr. Moon might actually be in the garage, and that's
5 at 1704, correct?

6 A Correct.

7 Q And what time was he back out in front of the home
8 being arrested by Deputy Bracken?

9 A 1705.

10 Q One minute later.

11 A Yes, sir.

12 Q So Mr. Moon hasn't been pinged going inside the
13 garage prior to going onto the porch.

14 A Correct.

15 Q And there's only one possible point where Mr. Moon
16 could have gone inside the garage at 1704, correct?

17 A As far as the geolocations, yes, sir.

18 Q Okay. So we think about the scenarios that that
19 gives us, doesn't applying of these points show that if
20 Mr. Moon did roll up on a fire, he didn't go into the
21 garage to set it before he went on the porch, correct?

22 A These points are every 60 seconds so I don't know
23 what he did in between. So there's 59 not accounted for
24 seconds.

25 Q Okay. Well, so does it make sense Mr. Moon would be

1 running in and out of the garage but you just happened to
2 catch him on the one second that he's outside of the
3 garage?

4 A It's possible. It could be that he was in more than
5 that and we only caught him on times when he was running
6 out of the woods. I can't really say.

7 Q Because that leaves us with a second scenario. Does
8 the map show that he was in the garage at 1704 and
9 arrested one minute later?

10 A At least around the garage and arrested one minute
11 later, yes, sir.

12 Q Based on prior testimony, we know that it wasn't one
13 minute between when the fire was set and when Mr. Moon
14 was apprehended. So do we know if that -- does that seem
15 like a logical explanation that a fire would be set one
16 minute and he would be arrested the very next minute?

17 A It's possible.

18 MR. JEREMY CRANE: One moment Your Honor.

19 Nothing further, Your Honor.

20 THE COURT: Any redirect?

21 REDIRECT EXAMINATION

22 BY MS. SHUGARS:

23 Q So the Greenlink buses, are you familiar that they
24 utilize electric vehicles for their fleet?

25 A Yes, ma'am.

1 Q Hence the name Greenlink?

2 A Maybe.

3 Q This is State's Exhibit 78. So there are nine data
4 points around the back of the residence, correct?

5 A Yes, ma'am.

6 Q And that represents about nine minutes that he spent
7 back there?

8 A Correct.

9 Q And the data was only collected about every
10 60 seconds, correct?

11 A Yes, ma'am.

12 Q So there were at least two of them he was caught
13 within the residence.

14 A Correct.

15 Q But this one here (indicating), does that mean he
16 stood here for one full minute?

17 A No ma'am.

18 Q Could he have been going here (indicating), to
19 inside the residence?

20 A He could have, yes, ma'am.

21 Q Could he have been inside the garage, say, for
22 59 seconds but then exited and then his location was
23 tracked for that one specific second he was outside?

24 A Yes, ma'am.

25 MS. SHUGARS: Nothing further.

1 THE COURT: Any recross?

2 RECROSS EXAMINATION

3 BY MR. JEREMY CRANE:

4 Q Do you know if Greyhound buses are green buses? Do
5 you know if they run on gasoline or diesel?

6 A I don't believe they do.

7 Q You don't believe any Greyhound buses run on gas or
8 diesel anymore?

9 A I have no idea.

10 Q Do taxis pick folks up at the bus station?

11 A I'm sure they do.

12 Q Do Ubers?

13 A Probably.

14 Q Okay. You were shown that one dot by the State.
15 She asked does it mean that he wasn't moving back and
16 forth. Does it also mean that he could have been
17 standing there for the entire minute?

18 A It's possible.

19 Q Does it make sense that seven out of those nine just
20 so happened to be outside the garage? Do we think he was
21 doing sprints between the garage and back outside and
22 just happened to be caught outside the garage on seven of
23 those nine dots?

24 A It's possible. I don't -- I don't know.

25 MR. JEREMY CRANE: Thank you.

1 MS. SHUGARS: Nothing further.

2 THE COURT: Okay. You may step down. Thank you,
3 sir.

4 MS. SHUGARS: Your Honor, may he be released?

5 THE COURT: You can be released.

6 MR. JEREMY CRANE: No objection.

7 THE COURT: Counsel, approach.

8 (WHEREUPON, a bench conference was held off the record.)

9 MR. FRETWELL: Your Honor, the State calls
10 Investigator Gray Bowers.

11 WHEREUPON,

12 WALTER "GRAY" BOWERS

13 After having been duly sworn, testified as follows:

14 THE CLERK: Thank you. Please state your name for
15 the record.

16 THE WITNESS: Investigator Walter "Gray" Bowers.

17 MR. FRETWELL: May it please the Court, Your Honor.

18 THE COURT: Yes, sir.

19 DIRECT EXAMINATION

20 BY MR. FRETWELL:

21 Q Investigator Bowers, with defense counsel's
22 permission, I'm going to try to move through your
23 background fairly quickly.

24 You began your employment with the sheriff's office
25 where you currently work in 2000; is that correct?

1 A That is correct.

2 Q And you worked in law enforcement in Charleston City
3 before you came to the sheriff's office from 2006 to
4 2007.

5 A That is correct.

6 Q From 2007 to 2008, you served in the United States
7 Army as a lieutenant and you were deployed to Iraq; is
8 that correct?

9 A That is correct.

10 Q And your MOS or military occupational specialty in
11 Iraq was military police; is that correct?

12 A That is correct.

13 Q And you were in charge of a platoon responsible for
14 training Iraqi police.

15 A Correct.

16 Q As a matter of question, have US forces, to your
17 knowledge as a former military officer, ever served in
18 the country of Iran?

19 A No, sir.

20 Q You came to join the United States military because
21 you, at the University of South Carolina, were involved
22 in reserve officer training Corps or ROTC, correct?

23 A Correct.

24 Q And you were deployed on active duty about one to
25 two years after graduation; is that correct?

1 A Correct.

2 Q And you served the rest of your military commitment
3 and you then came back and joined the Greenville County
4 Sheriff's Office. In that interim, you served as an
5 officer at the South Carolina Army National Guard; is
6 that correct?

7 A Correct.

8 Q And you rose to the rank of captain in 2014 when you
9 completed your service; is that correct?

10 A Correct.

11 Q And then that's approximately 24 to 25 total years
12 in law enforcement.

13 A That is correct.

14 Q And your current duties and responsibilities, you're
15 with the Drug Enforcement Unit with the sheriff's office
16 and you investigate drug overdose and death; is that
17 correct?

18 A Correct.

19 Q Your assigned duties on July 17, 2021, is that you
20 were an on-call investigator for arson and auto theft; is
21 that correct?

22 A That is correct.

23 Q You were on duty that day, and the training and
24 experience you received for that position was training
25 and experience in investigation and scene coordination;

1 is that correct?

2 A That is correct.

3 Q Online courses can certify as a certified fire
4 investigator?

5 A Correct.

6 Q And field training by arson techs including Master
7 Deputy Dan Accord [phonetic] and SLED Special Agent Joel
8 Stewart; is that correct?

9 A That is correct.

10 Q And your role on behalf of Greenville County
11 Sheriff's Office on the day in question was the on-call
12 investigator; is that correct?

13 A That is correct.

14 Q All right. Let's take you to the day of and I'll
15 let you provide the answers. We've sped it up as fast as
16 we can.

17 July 17, 2021, as the on-call investigator, did you
18 respond to 1 Breeds Hill Way in Greer that particular
19 day?

20 A I did.

21 Q Is that location in Greenville County?

22 A It is.

23 Q Did you contact anybody on the way?

24 A I contacted Master Deputy -- I was called by Master
25 Deputy Azzara and Sergeant Billy Mann.

1 Q Was he the on-scene supervisor?

2 A Sergeant Billy Mann was, yes.

3 Q And for what purpose were you summoned to that
4 residence?

5 A They informed me that there had been a suspicious
6 fire and that they believe they had the suspect
7 responsible in custody.

8 Q All right. And then were you provided any
9 information about what that suspect in custody did to a
10 law enforcement officer?

11 A They also informed me that he had physically struck
12 Deputy Bracken.

13 Q Once you arrived on scene, did you note that the
14 defendant that is present in court here today was secured
15 in the back of Deputy Bracken's vehicle?

16 A Correct. The defendant, Mr. Matthew Moon, was the
17 one who was secured in the back of Deputy Bracken's
18 vehicle.

19 Q And did you make arrangements to have his clothing
20 seized for analysis?

21 A I did.

22 Q Why did you decide to seize what he was wearing?

23 A The act of -- because I've been told that on scene
24 that a gas can was in very close proximity to the Jeep,
25 and the Jeep had been burned in the garage on 1 Breeds

1 Hill Way. The act of taking that gas can, potentially
2 pouring it on the Jeep, an ignitable -- the gas which is
3 an ignitable liquid may end up resulting in some of that
4 gas being spilled on the person who's doing it.

5 Q Let's talk about your investigation. How did you go
6 about starting your arson investigation?

7 A So I started first with getting -- talking with the
8 victims, the homeowners, Storey and Andrew Gilchrist, and
9 got them to sign a consent to search for their property
10 so that we can do an investigation there which they
11 agreed to. I then spoke with other folks on scene
12 including Fire Marshal Nelson, Sergeant Billy Mann,
13 Master Deputy Azzara, Deputy Bracken. I then went to the
14 -- kind of the rear area of the property, down the
15 driveway to the rear driveway area where the garage was.
16 I noted that that area had been taped off restricting
17 access to the public. I remember seeing the red gas can
18 kind of directly behind the Jeep. And I noted that the
19 Jeep was very badly burned, the rear of it. And the
20 white SUV that was next to it did not appear to have as
21 much damage as the Jeep did. I noted that the garage
22 that the Jeep and the white SUV were pulled into, the
23 garage had some significant damage and started to
24 investigate from there.

25 Q And on scene you had a member of forensics that's

1 testified, Ms. Weppler; is that correct?

2 A Ms. Weppler was also there.

3 Q And you had on scene as well as you mentioned Chief
4 Nelson from the Boiling Springs Fire Department; is that
5 correct?

6 A Correct.

7 Q So as an investigator on scene, these are your
8 experts; is that correct?

9 A Those are the experts. And my primary function as
10 the investigator is to coordinate the use of my
11 resources, my experts, my knowledgeable people on scene
12 in the collection of evidence.

13 Q You'll agree with me that Chief Nelson has been
14 investigating fires for probably most of your life?

15 A He, in fact, has, yes.

16 Q All right. And are you familiar with the process of
17 determining cause and origin in the context of arson or
18 fire scene investigation?

19 A I am.

20 Q And what does our understanding of that process
21 involve?

22 A My understanding is point of origin is where we
23 believe the fire -- you try to determine where the fire
24 started, and from there you try to determine the cause of
25 the fire, whether it was an electrical issue or some sort

1 of ignitable liquid, any -- any -- as Chief Nelson
2 already talked about during his testimony.

3 Q And as it relates to a determination of the cause
4 and origin, what, if anything, stood out to you regarding
5 the nature of the fire and the damage that it caused?

6 A The -- what really drew my attention was the rear
7 seat of the Jeep. I noted that the rear seat was
8 completely -- the fabric was completely burned away. The
9 only thing that remained was what was already shown on
10 the pictures: the metal support system, the springs. I
11 also noted that the back of the front seat to the Jeep
12 were severely burned whereas the front where you would
13 sit on the front seats was not as burned. It didn't
14 appear to me that the -- like the garage floor was
15 burned. And, again, the white SUV did not have anywhere
16 near as much damage to it as that rear seat area of the
17 Jeep. So to me, that meant most likely that rear seat
18 area was going to be the point of origin.

19 Q In the process of doing your investigation, were you
20 working that investigation with Chief Nelson?

21 A I was coordinating with him since -- because of his
22 experience.

23 Q All right. And as a result of your coordination
24 with Chief Nelson, the fire marshal for Boiling Springs,
25 did you end up taking samples from the area of that Jeep

1 most likely to have an ignitable liquid if one was used?

2 A Yes. Chief Nelson and I discussed that the weather
3 stripping on the rear gate of the Jeep would be the most
4 likely place that would -- if there was a presence of
5 ignitable liquid still left on scene, that would be the
6 place that would probably catch it. So I did use a
7 previously unopened container, unused container, and cut
8 out a sample of the weather stripping, put it into, and
9 that -- that there is the container.

10 Q And that is State's Exhibit 69. Is this the
11 container you're referring to?

12 A Yes, sir.

13 Q And then with respect to this weather stripping that
14 you're mentioning, sorry to try to move you along, but
15 State's Exhibit 70, does that have significance to the
16 area where you obtained that sample?

17 A Yes. This would be the rear gate area. And you can
18 see some of the burned remains of the weather stripping.

19 Q Okay. And 71, is that location along the area of
20 that gate where you're referring to?

21 A Correct.

22 Q And you can see better in 72?

23 A Correct. That's some of the burned weather
24 stripping, too.

25 Q And finally, 73, what is that?

1 A Those are the samples that I cut away from the
2 burned weather stripping from the Jeep and put into that
3 previously unused container.

4 Q And you mentioned the forensic tech, Ms. Weppler.
5 Did she photograph the scene, process for latent prints
6 at your instruction?

7 A She did at my request.

8 Q Okay. And did you make a specific request about
9 that grill?

10 A I did ask her to process it for latent prints.

11 Q And to your understanding, was the defendant's palm
12 print recovered from that grill that particular day?

13 A Later on I got that report and was advised that the
14 defendant's palm print had been found on that -- that
15 grill.

16 Q Were you advised that day that the homeowner had
17 seen the defendant toss that grill?

18 A I believe I was, yes.

19 Q And do you recall whether she described how or his
20 demeanor when he was pushing the grill over?

21 A I believe she described that he was very -- in an
22 agitated state.

23 Q And then you spoke to the homeowners; is that
24 correct?

25 A Correct.

1 Q And all of your conversation with those homeowners
2 is detailed in your report. It's been provided to the
3 defense; is that correct?

4 A Correct.

5 Q And you spoke to Ms. Price at the time, Ms. Hannah
6 Price, and you spoke with her because she was present
7 there as well; is that correct?

8 A Correct.

9 Q Ultimately, did you take possession of the
10 defendant's clothing and other items?

11 A Ultimately I did when Master Deputy Azzara and I
12 think his trainee at the time, Deputy Gray, brought it
13 back.

14 Q Okay. And just briefly, let me show you those in
15 evidence as State's 27 through 34. Are these the bags
16 that you received from Deputy Gray?

17 A I know they're blurry, but yes. Those are the bags.

18 Q All right. And then specifically 28, the shoes the
19 defendant was wearing?

20 A Correct.

21 Q And then there's multiple photos of those shoes, the
22 bottoms of the shoes. Tell us the significance about
23 State's Exhibit 31.

24 A I couldn't fit both of the shoes into the same can,
25 so I -- there we go. Yeah. One shoe in one can and one

1 shoe in another can.

2 Q I'll keep going and show you State's Exhibit 32. Is
3 that the defendant's shirt?

4 A I believe so, yes, sir.

5 Q And 33, the defendant's jeans and belt?

6 A Correct.

7 Q And State's Exhibit 34, his socks.

8 A Correct.

9 Q You submit all of those and the items that are
10 depicted in these photographs for examination to the
11 State Law Enforcement Division for purposes of clothing
12 analysis?

13 A I did.

14 Q And that analysis specifically is called a flammable
15 request analysis; is that correct?

16 A Correct.

17 Q Were you able to secure other items taken from the
18 defendant's person by Deputy Bracken upon arrest?

19 A I was.

20 Q I'll ask you -- these are in evidence, sir. One of
21 them is described as a knife, the other one is a BIC
22 lighter. If you'll open that up. They're in evidence.
23 Make sure that both of those are items that you handled
24 in this case and tell us where you got them and what
25 significance they had to you as an investigator.

1 A I believe I was advised that these were still in his
2 -- his property at the jail, so I went to the jail and
3 obtained those from the jail staff.

4 Q In the course of a burglary and an arson
5 investigation, what significance is that -- and can you
6 open that knife for me please and show us how large that
7 knife is when it's fully open.

8 A (Witness complies.)

9 Q What significance does a knife like that and a
10 lighter like the other item in there, State's Exhibit 23
11 and 24, have for you as an investigator on scene of a
12 burglary in an arson investigation?

13 A These are part of the elements of proving burglary
14 and arson. Burglary in particular, one of the
15 aggravating factors is if you're armed with a deadly
16 weapon. With arson, you would need an ignition source
17 such as a BIC lighter to ignite and start your fire.

18 Q And one other aspect, and I'm trying to find a quick
19 -- here we go -- photograph of it on 65. And with
20 respect to an explosive item, does that have significance
21 to you in a burglary investigation, sir, if somebody's
22 armed with an explosive?

23 A That is also another aggravating factor for burglary
24 first degree if you become armed with a deadly weapon or
25 an explosive.

1 Q Your investigation that day, in speaking with the
2 homeowner, specifically with Andrew Gilchrist, did you
3 learn where that gasoline can was stored when he left to
4 go get his hair cut?

5 A I believe he said that it had been inside the
6 garage.

7 Q And from your understanding, would someone have to
8 enter the garage to pick that up if they wanted to get
9 that gas can?

10 A From my understanding, that would be the only way.

11 Q Is that significant to you in the course of your
12 burglary investigation?

13 A It is because it would show you would have to enter
14 the dwelling which is one of the elements of burglary.

15 Q Would the use of a BIC lighter to light that
16 gasoline on fire be evidence of that individual's use of
17 that gas can as an explosive device?

18 A If they were used in conjunction with one another,
19 yes.

20 Q In addition to any charges made by the initial
21 responding officer or the deputy on scene, what did you
22 charge the defendant with and why?

23 A I charged him with arson second degree and burglary
24 first degree.

25 Burglary first degree, the elements are basically

1 that you're entering into a dwelling unlawfully and with
2 the intent to commit a crime therein, and then there
3 usually has to be an aggravating factor. Those can be a
4 wide range of things from you're armed with a deadly
5 weapon, an explosive, you threatened use of a deadly
6 weapon, you appear to have one, you entered during the
7 nighttime, you have two or more previous convictions for
8 burglary. I can't remember all of them. But -- so
9 that's for burglary first degree.

10 Arson second degree is simply that you burned,
11 caused to burn, aided, counseled, contributed I think to
12 the explosion -- to an explosion of a dwelling or any
13 building that is used for human occupancy.

14 Q All right. And aside from the knife and the gas can
15 we've talked about already, is there also an aggravation
16 on the burglary charge for an injury to a nonparticipant
17 in the ---

18 A Also with burglary first degree, during entry or
19 while remaining inside the dwelling or upon immediate
20 flight from the dwelling, if you injure a person who is
21 not a participant of the burglary, that is also an
22 aggravating factor for burglary first degree.

23 Q Was it significant to you with respect to your
24 interviews of the homeowners and the invited guest that
25 was there at the time that this was -- the defendant was

1 the only person that they saw?

2 A It was extremely significant that Storey, Andrew and
3 Hannah only saw him and no one else in the back in the
4 rear portion of their property as well as Hannah and
5 Storey only saw the defendant inside the screened-in
6 porch/sunroom area which connects the garage to the home.
7 So that was very significant. Also, when Storey and
8 Hannah left the house, got in the car to flee as they
9 were scared, Storey reported to me that she had been able
10 to view on her phone only the defendant in the rear area
11 of her property through the driveway from her security
12 camera.

13 Q And with respect to the 9-1-1 call, is it standard
14 for the operator to ask if you need police, fire or
15 ambulance?

16 A That is standard.

17 Q In fact, that's actually prerecorded, is it not?

18 A (No verbal answer.)

19 Q Okay. And do you recall that the complainant on
20 that call, that Ms. Gilchrist was asked what she needed,
21 and she specifically said I only need police?

22 A Initially she said she only needed police.

23 Q Okay. And did you review that 9-1-1 recording?

24 A Yes.

25 Q And at some point on that recording, is there a

1 realization of when that fire is actually observed by the
2 individuals who were right across the street from the
3 residence?

4 A By the individuals, you mean Hannah and Storey?

5 Q Yes.

6 A Yes. They appeared at some point during that to
7 realize that they also needed the fire department because
8 of the fire.

9 Q And, in fact, you detailed that in your incident
10 report as well, did you not?

11 A Correct.

12 Q And you followed up with the Gilchrists about that
13 security camera footage?

14 A I did. And then they ---

15 Q But none was available?

16 A They informed me none was available.

17 Q At some point last year, so in 2024, did you become
18 aware of GPS or geographical location information related
19 to the defendant's whereabouts earlier in the day on
20 July 17, 2021, that Deputy Land has just testified to?

21 A I was made aware of that.

22 Q Okay. And based on those coordinates, specifically
23 with respect to some points, some data points that were
24 behind a residence on Hudson Road, did you take any
25 action?

1 A I did. It appeared to me that those points were I
2 believe it was 1823 Hudson Road or in the backyard of it.
3 I went out to that location to meet with the family
4 living there. I met with Ms. Debra Law.

5 MR. JEREMY CRANE: Your Honor, I'd like to object to
6 relevance here. I don't know what another -- we're
7 talking about a fire at 1 Breeds Hill Way. I don't know
8 how what happened at a house down the street had anything
9 to do with what we're discussing here.

10 MR. FRETWELL: I'll be happy to provide it, Judge.

11 THE COURT: Come on up.

12 (WHEREUPON, a bench conference was held off the record.)

13 THE COURT: Okay. Mr. Crane, I'm overruling your
14 objection. And I'm going to allow you to put your
15 position on the record once I let the jury go this
16 afternoon.

17 MR. JEREMY CRANE: Thank you, Your Honor.

18 MR. FRETWELL: Thank you, Your Honor.

19 BY MR. FRETWELL:

20 Q Investigator Bowers, I was asking you, based on that
21 information you received that Deputy Land testified to,
22 what did you do with respect to that residence right down
23 the street?

24 A It's because there was GPS location at that
25 residence of 1823 Hudson Road, I went there and met with

1 the family there. They confirmed that they had been
2 living there during the time of this incident, July 17,
3 2021. Debra Law was the mother there. I showed her a
4 picture of the defendant.

5 MR. JEREMY CRANE: Your Honor, I'm going to object
6 on hearsay now.

7 THE COURT: We haven't gotten there yet.

8 MR. JEREMY CRANE: Okay.

9 THE WITNESS: I then asked them if they knew this
10 defendant -- or they knew the defendant, Mr. Matthew
11 Moon, and if there was any reason for him to be in their
12 yard that day, specifically in their backyard, which to
13 me as a property crimes investigator is suspicious.

14 BY MR. FRETWELL:

15 Q Well, and I forgot that question. Why was that
16 significant and why did you make that trip over there to
17 talk to those people?

18 A So you've got GPS location data for Mr. Moon both in
19 the backyard of this house on Hudson Road, 1823 Hudson,
20 and in the backyard of Number 1 Breeds Hill Way. That is
21 not normal behavior in my opinion from my investigative
22 experience. I have seen that that is indicative of
23 someone who is looking to break into and possibly look
24 into steal things.

25 Q Unless he knows somebody at that ---

1 A Unless he knows someone who's there.

2 Q So then you went over there. You discussed that
3 with the homeowner. Did you verify that that homeowner
4 that you talked to in 2024 was also the homeowner in July
5 of 2021?

6 A I did.

7 Q Okay.

8 A And Deborah law and her family then confirmed to me
9 that they did not know ---

10 MR. JEREMY CRANE: Your Honor -- Your Honor ---

11 THE COURT: I am going to object to this as being
12 hearsay.

13 MR. FRETWELL: Your Honor, it relates to his
14 investigation for purposes of what I'm sure is going to
15 be ---

16 THE COURT: State v. King. I'm not going to allow
17 it.

18 BY MR. FRETWELL:

19 Q Let me ask you this. As a result of that
20 conversation that you had with the homeowner and that
21 family, did you believe that there was any lawful reason
22 for the defendant to be in or around that property?

23 A I did not.

24 MR. JEREMY CRANE: Your Honor ---

25 THE COURT: Overrule.

1 MR. FRETWELL: Thank you, Judge. No questions.

2 THE COURT: All right. We are going to break for
3 the evening, ladies and gentlemen. Again, I want to
4 thank you for your service. I want to thank you for your
5 patience when I have to take up issues.

6 And just like I said, I'm a broken record. But do
7 not start discussing this amongst yourselves. Do not
8 discuss this with anyone. Let me know if anyone
9 approaches you in any way about this case, okay?

10 I hope y'all have a wonderful evening, and I'll see
11 y'all at 9:30 in the morning.

12 (WHEREUPON, the jury exits the courtroom at 5:01 PM.)

13 THE COURT: All right. You may step down if you
14 wish.

15 MR. FRETWELL: Judge, I do believe he understands
16 he's still under oath. Can't discuss his testimony.

17 THE COURT: Do not discuss this case with anyone. I
18 think that you've already seen that enough in your
19 observation.

20 THE WITNESS: Understood, Your Honor.

21 THE COURT: Mr. Crane, as I indicated, I wanted you
22 to have an opportunity to put your objection pertaining
23 to relevance on the record, okay, so you're protected.

24 MR. JEREMY CRANE: Thank you, Your Honor.
25 Appreciate it, Your Honor.

1 I was just going to object to the relevance of the
2 testimony of where Mr. Moon was prior to this. There
3 were no charges there. He was not arrested for doing
4 anything there. I think it was just to inflame the jury
5 to show that he was around another house and that's why I
6 thought it was irrelevant, so that's why I was making my
7 objection.

8 THE COURT: All right.

9 MR. FRETWELL: And, Judge, the only thing I'll say
10 in response is I told you at the bench what the officer
11 testified to, and that's exactly what he testified to,
12 that that would be the State's position. Because of the
13 evidence that he testified to, it was significant to his
14 investigation to determine why the defendant was at that
15 location on that day. Certainly significant to the
16 defense's case that they are attempting to suggest
17 through their cross-examination. And it is even to the
18 point where the Court did not let him testify as to what
19 was told to him but that with respect to State vs.
20 Thompson and his investigation, that it was significant.
21 And I'm sure he's going to be cross-examined about that
22 in the morning.

23 THE COURT: All right. I will see y'all at 9:30 in
24 the morning. Is there anything else, though, that needs
25 to be taken up?

1 MR. FRETWELL: Judge, I don't think so. Because of
2 the stipulations, again, we have the remainder of the
3 investigator's cross-examination and whatever else, and
4 we have a fairly short analyst from SLED and then we're
5 done, the State's done.

6 THE COURT: And then we're going to move into
7 closing, charge.

8 MR. JEREMY CRANE: Perhaps one witness.

9 THE COURT: And they're going to deliberate over
10 lunch.

11 MR. JEREMY CRANE: Perhaps one witness on our side.

12 THE COURT: We hope. I'm just kidding. I mean, if
13 we have to do it after lunch, we'll do it. But that
14 seems to be potentially realistic. I like to aim high.

15 MR. FRETWELL: And, Judge, I didn't plan this. I
16 just need to go back and confirm a couple of things about
17 what the State would introduce in the form of impeachment
18 if the defendant decides to testify. Does the Court have
19 any interest in showing up a little bit early where we
20 could be able to tell the Court what we would intend to
21 introduce against the ---

22 THE COURT: Yeah. When do you want me to -- I mean,
23 I know we never really got resolution to that. Do you
24 want to just do it tomorrow?

25 MR. JEREMY CRANE: Well, I need to speak with

1 Mr. Moon on, you know, figuring out what our direction's
2 going to be. I'm going to go chat with him down at the
3 jail after we leave here.

4 THE COURT: Okay. Do you want to just do it
5 tomorrow morning? Do you want to just be here at 9:15?

6 MR. JEREMY CRANE: That's fine.

7 MR. FRETWELL: And, Judge, we'll have the conviction
8 information to tell the Court what we intend to ---

9 THE COURT: Go ahead and provide it to them.

10 MR. FRETWELL: Oh, they have it. I'm just saying
11 I'll synthesize it into exactly the one to fit within the
12 rule.

13 THE COURT: Okay.

14 MR. JEREMY CRANE: Sounds good. 9:15?

15 THE COURT: So we'll just -- yeah. We'll just shoot
16 for 9:15. Sound good?

17 MR. FRETWELL: Thank you, Judge.

18 THE COURT: All right. Thank y'all.

19 (WHEREUPON, proceedings recessed at 5:06 PM.)
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24
25

1 Thursday, January 16, 2025

2 (WHEREUPON, proceedings commenced at 9:22 AM.)

3 THE COURT: I've looked at State v. Massey and I've
4 looked at the statute. And what kind of put me going
5 down that path is when I was creating the charge, I
6 remembered there was a question from them about I think
7 it was do you sleep in your garage. If you look at the
8 State v. Massey case as far -- and that statute is old.
9 It talks about, I mean, something that's even 200 yards
10 away from the house can be considered a pertinent and
11 part of the dwelling house. So it seems like a garage or
12 a sunporch necessarily would be part of the dwelling. So
13 I'm going to look to y'all. I'm also doing a little more
14 research on it.

15 My hesitation, and I just haven't gotten there yet,
16 is I want to be able to charge and say the sunporch in a
17 garage is part of a dwelling, but what I'm wrestling with
18 is, ultimately, is that a question of fact. But when you
19 look at State v. Massey -- I think it's Massey -- it
20 seems like it's potentially a mixed question of law and
21 fact.

22 So I just tell you all that. I am just kind of
23 brainstorming about it. I just wanted to let you know
24 that that's something I'm wrestling with and I'm going to
25 be looking to y'all. I'm also going to be doing some

1 more research. But I've gone ahead and given you the
2 charge as it is, okay? And other than -- and really,
3 that would be in defining dwelling, okay?

4 So y'all just start thinking about these things,
5 okay?

6 Do you want to finish cross-examination and then I
7 will go over Mr. Moon's Fifth Amendment?

8 MR. JEREMY CRANE: I believe they have one more
9 witness after this.

10 THE COURT: I know. But, I mean, just didn't know
11 -- I just wait until the end after they rest?

12 MR. JEREMY CRANE: Whichever way you would like to
13 do it. It doesn't matter to me.

14 THE COURT: Okay. That's how we'll do it. I'm sure
15 you've talked with him.

16 (Pause in proceedings.)

17 THE COURT: Is there anything else that y'all need
18 to address with me before we call them in and begin
19 cross-examination?

20 MS. SHUGARS: Your Honor, pursuant to a stipulation
21 with the defense, we'd like to admit as a court's exhibit
22 the chain of custody reports for the knife, the lighter
23 and the pair of shoes use.

24 THE COURT: Okay. When do you want me to publish
25 that?

1 MS. SHUGARS: It does not need to be published to
2 the jury. It's a court's exhibit.

3 THE COURT: It's already in?

4 MS. SHUGARS: It's not. But this is pursuant to one
5 of our stipulations.

6 MR. JEREMY CRANE: It's a stipulation to evidence
7 that's not in evidence.

8 THE COURT: Okay. I thought you were telling me
9 this was kind of a stipulation pertaining to chain of
10 custody.

11 MS. SHUGARS: We do have a stipulation with the
12 defense. It's just the chain of custody report that
13 needs to be ---

14 THE COURT: You're talking about involving the SLED
15 officer.

16 MS. SHUGARS: It was the prior items already put
17 into evidence, the knife and the lighter which are over
18 there.

19 THE COURT: Yes. Okay. So why are you bringing up
20 chain of custody now?

21 MS. SHUGARS: We have a stipulation regarding chain
22 of custody. This is just for the court's exhibit so that
23 if something goes on appeal, this is part of the record.
24 This does not need to go in front of the jury. There's
25 no need for the jury to see a chain of custody report.

1 THE COURT: In other words, they're just not
2 objecting. You've all agreed to chain of custody.

3 MS. SHUGARS: Yes, Your Honor.

4 THE COURT: Okay. I thought you were just trying to
5 confuse me.

6 MR. JEREMY CRANE: Did she do a good job?

7 (WHEREUPON, Court's Exhibit Number 6 was marked for
8 identification.)

9 THE COURT: Y'all have a lot of stipulations, so --
10 which is a good thing so we're not here until next week.

11 Anything else before I get them back?

12 MR. FRETWELL: Judge, were you interested in hearing
13 anything from the parties on that issue of burglary at
14 this point?

15 THE COURT: Oh, absolutely not. Not at this point.
16 But I just wanted to go ahead and prime the pump, as they
17 say.

18 MR. FRETWELL: Okay. Yes, sir.

19 THE COURT: All right. Bring the jury.

20 (WHEREUPON, the jury entered the courtroom at 9:29 AM.)

21 THE COURT: Good morning, ladies and gentlemen.
22 We're going to continue now with cross-examination of
23 this witness.

24 MR. JEREMY CRANE: Thank you, Your Honor. May it
25 please the Court.

1 THE COURT: Yes, sir.

2 WHEREUPON,

3 WALTER "GRAY" BOWERS

4 After having previously been duly sworn, testified as
5 follows:

6 CROSS EXAMINATION

7 BY MR. JEREMY CRANE:

8 Q Investigator Bowers, welcome back.

9 A Thank you, sir.

10 Q Please tell us, when you arrived at the scene at
11 Breeds Hill Way that day, was Mr. Moon in the back of the
12 patrol car?

13 A He was already in the back of Deputy Bracken's
14 patrol car.

15 Q Okay. Did you stand around speaking with deputies
16 on scene to kind of get an idea of what was going on
17 there?

18 A I did talk to some of the deputies on scene about
19 some of the events that occurred.

20 Q Okay. Did you speak with Deputy Bracken that day?

21 A Briefly, I believe, yes.

22 Q Did you instruct Deputy Bracken or anyone else to
23 collect Mr. Moon's clothing?

24 A I did.

25 Q Okay. Why did you do that?

1 A As I've noted in the report, I observed that the act
2 of potentially taking a gas can -- because I've been told
3 that there was a gas can in close proximity to the Jeep
4 that had been burned, the act of taking it and pouring it
5 down would likely lead to gasoline being put on -- or
6 falling on a person's clothing if they were doing that.

7 Q Okay. Do you remember telling Deputy Bracken that
8 gasoline is very hard to pour and not get it on you?
9 Does that sound like something that you would have said
10 there?

11 A I don't remember if I said those specific words, but
12 it's likely that I said that, yes.

13 Q Is that true? Is it very hard to pour and not get
14 it on you?

15 A Depending on how you're pouring it, yes.

16 Q Okay. Would it be easier to pour gas with a nozzle
17 on or without a nozzle on?

18 A Without a nozzle on.

19 Q So would you be more apt to get gasoline on you with
20 a gas can that does not have a nozzle on it?

21 A I would think so, yes.

22 Q Correct. Does gasoline have certain properties that
23 a liquid such as water doesn't have that would make it
24 easier to tell if it had gotten onto a person?

25 A I think that's outside of my expertise. I know that

1 you'll smell it more than you will smell water.

2 Q Okay. So does gasoline stay in clothing longer as
3 opposed to, say, water or something like that?

4 A Outside of my expertise, but I would think so, yes,
5 sir. .

6 Q So the vehicle that was on fire was a Jeep, correct?

7 A Yes.

8 Q The same Jeep that we've seen in the photos?

9 A Yes.

10 Q Is this a new Jeep or an older model Jeep?

11 A It's my understanding it's an older model that had
12 been refurbished.

13 Q Do you know about what year?

14 A I'm sure that they said it earlier. I don't
15 remember.

16 Q Okay. Do you know if it had a battery?

17 A I don't know specifically if it had a battery. I
18 would only assume that it did as most vehicles would.

19 Q Do you know if prior to the fire if it was in
20 working order?

21 A I believe I remember Andrew testifying earlier that
22 he had driven it there, so it was in working order.

23 Q Okay. Thank you.

24 When you were looking around the Jeep, did you see
25 any exposed wires in the back of the Jeep?

1 A Some, yeah.

2 Q Was there at least one taillight and one brake light
3 out on the ground behind the Jeep?

4 A Yes.

5 Q And so were those wires exposed on the inside of the
6 Jeep as well?

7 A I think we've shown some of the State's exhibits
8 pictures that there were some exposed wires.

9 Q So let's say hypothetically if there was gasoline on
10 the floor of that garage and one of those wires sparks,
11 is there a chance that that could have started a fire?

12 A Possibly.

13 Q When gasoline burns, does liquid burn or do the
14 vapors of the gasoline burn?

15 MR. FRETWELL: Your Honor, at this point I'm going
16 to object to the lack of foundation. He needs to lay a
17 foundation for why the witness would be able to answer
18 that question before he asks the question.

19 THE COURT: I'm going to sustain the objection.

20 BY MR. JEREMY CRANE:

21 Q Investigator Bowers, how many fires have you
22 investigated?

23 A Probably a couple dozen at that time.

24 Q Have you taken training for arson and how fires
25 burn?

1 A Yes, sir.

2 Q In any of that training, have you learned whether or
3 not gasoline burns or the vapors burn?

4 A I believe it's the vapors that burn. Yes, sir.

5 Q And is it the vapors that ignite or is it the liquid
6 that ignites?

7 A That I don't remember.

8 Q As gasoline burns, does it evaporate?

9 A Yes. To my understanding.

10 Q So let's say if there had been gasoline on that
11 garage floor, would it have burned off and evaporated?

12 A If the gasoline on the floor had caught fire, if
13 there had been gasoline on the floor and if it had caught
14 fire, then yes, I would assume it would have evaporated.

15 Q Did you check the garage floor under the Jeep for
16 gasoline?

17 A I don't recall doing that, no.

18 Q Did you or anyone ever look underneath the Jeep to
19 see if there was any damage to the underside of that
20 Jeep?

21 A I don't know about anybody else. I did not.

22 Q So there's no photos or anything of the underside of
23 that Jeep?

24 A No, sir.

25 Q Did you actually find any gasoline in or on that car

1 -- on that Jeep? Excuse me.

2 A No, sir. The controlled sample that was taken in
3 the rear gate area of the Jeep on the weather stripping
4 came back with no evidence of gasoline.

5 Q So there was no evidence of any gasoline being in
6 the back of that Jeep.

7 A There is no evidence of there being gasoline in the
8 back of that Jeep.

9 Q So let's just take another hypothetical. If you
10 poured what Mr. Gilchrist said is a substantial amount of
11 gasoline into a Jeep and you lit it, would there be some
12 sort of kind of a blowback?

13 A Possibly.

14 Q Would it kind of pop when you lit it?

15 A Possibly. I think the fire chief would be better
16 able to answer that than myself.

17 Q Okay. Have you learned whether or not a fire burns
18 upwards or downwards?

19 A I believe it burns upwards.

20 Q Okay. And is upwards where the gas vapors are?

21 A I believe so.

22 Q So then, again, how would you pour gasoline into a
23 Jeep, reach in to light it with what I assume you're
24 claiming is a cigarette lighter without burning yourself
25 or at least singeing the hair on your arms?

1 A So the cigarette lighter is only one possibility. I
2 think it's been brought up before that you can also light
3 something else and throw it in there, a shirt or any
4 other -- a stick, whatever. I mean, there would be other
5 possibilities that you could light it besides just
6 sticking your hand in there and doing the lighter.

7 Q Did you find a stick in the Jeep?

8 A I did not.

9 Q Did you find a shirt in the Jeep?

10 A I did not. But I would say as hot as that fire
11 appeared to me to get, things like that probably would
12 have burned up.

13 Q But you didn't find anything else that would -- you
14 didn't find any other element that would lead you to
15 believe that something was thrown into that Jeep to light
16 that fire.

17 A I did not find anything else that would have shown
18 definitive evidence of something being thrown in there to
19 burn, to help start the -- ignite the fire.

20 Q Let's talk about the sample from the Jeep. Where
21 did you say, again, that you took the sample from?

22 A The weather stripping on the rear gate area of the
23 Jeep.

24 Q And tell us again why that point ---

25 A After -- I'm sorry.

1 Q Please explain to us why that specific point was
2 chosen.

3 A After conferring with Chief Nelson, we both kind of
4 agreed that the weather stripping would have likely
5 caught any substances if there were any substances still
6 left to be caught that had not burned up, not been washed
7 away during the suppression of the fire.

8 Q Okay. So let's say someone pours gasoline in the
9 back of the Jeep. Was that weather stripping below where
10 essentially the floor of the Jeep would be or is it above
11 where the floor of the Jeep would be?

12 A I'd have to look at a picture of the Jeep to
13 remember that. I thought it was in line with the floor.
14 I -- I don't remember at the moment.

15 Q Was there a tailgate on the back of that Jeep?

16 A That's what I'm referring to, the tailgate. Yes,
17 sir.

18 Q So you could pull the tailgate down, correct?

19 A Yes, sir.

20 Q Was there kind of a groove between the door and the
21 actual Jeep?

22 A At this time, I don't remember.

23 Q If there's a hinge on it, there has to be a gap,
24 correct? It's not just one solid piece of metal,
25 correct?

1 A That would make sense. Yes, sir.

2 Q So if gas was poured into this Jeep, wouldn't it
3 naturally roll down into that gap where you found the
4 burned weather stripping?

5 A That would make sense. Yes, sir.

6 Q And you said that fire burns up, correct?

7 A Uh-huh.

8 Q It doesn't burn down.

9 A Correct.

10 Q Well, then if there was weather stripping, it was
11 below where the fire was, it had gasoline on it, would
12 that have burned?

13 A I'm -- I'm not sure. Again, the other issue is that
14 the fire department suppressed the fire with water hoses
15 so that would have moved everything around.

16 Q By spraying that piece of weather stripping with
17 water, would that have washed away any and all evidence
18 of gasoline being on it?

19 A Potentially.

20 Q Potentially. But ---

21 A You're outside of my expertise on that, sir.

22 Q You said in your report that the area where you took
23 the weather stripping from was selected due to the fact
24 that it appeared the victim's own red gas can had been
25 used to douse the rear seats. At that point of your

1 investigations, were you aware that Mr. Gilchrist had cut
2 his grass earlier in the day and he had used that gas
3 can?

4 A I don't -- I don't really remember if I was aware of
5 that at that moment.

6 Q So you were told there was a gas can and there was a
7 fire.

8 A Uh-huh.

9 Q You arrived and you saw a gas can laying on the
10 side. Is that what led you down this path of it being
11 the gasoline fire?

12 A Yes, sir.

13 Q And we said that that gas can was on the ground
14 behind the Jeep, correct?

15 A Correct, sir.

16 Q All right. If you're trying to start a fire and
17 trying to cause as much damage as you can, are you going
18 to pour gasoline in and then turn around, set the gas can
19 on the ground, or are you going to dump the whole thing
20 in there with the gas can to get the most damage
21 possible?

22 A I don't know that I could really speculate on that,
23 what another person would do or not do in that situation.

24 Q While you were there, was the scene processed for
25 prints?

1 A It was. Yes, sir.

2 Q Do you know if Mr. Moon's prints were found
3 anywhere?

4 A They were found on the top of the barbecue.

5 Q I believe we saw a photo of the backseat of the
6 Jeep. Do you recall that photo?

7 A Yes, sir.

8 Q Can you tell me about what the seat looked like?

9 A The rear seat of the Jeep appeared to have been
10 burned all the way down to the metal supports.
11 Obviously, there's the chandelier sitting on it that was
12 obviously very burned as well. I remember the rear
13 portions of the front seats were significantly burned and
14 melted whereas the front part portions of the front seats
15 did not have as much burned damage to them.

16 Q Okay. And do you know -- do you have any idea what
17 would have been covering that seat prior to it being
18 burned?

19 A My assumption was the same vinyl or whatever the
20 material was the front seats were -- were made out of.

21 Q Kind of like the chairs that we're sitting in over
22 here?

23 A Yes, sir.

24 Q Is this a petroleum-based product?

25 A I believe it is.

1 Q Is the material that was on the Jeep seat, is that a
2 petroleum-based product?

3 A It probably uses petroleum somewhere in the
4 construction of it.

5 Q So it would have burned as well, correct?

6 A Yes, sir.

7 Q So let's say if there's a fire in the floor of this
8 Jeep, there would be -- obviously, there would be a fire.
9 Once a fire reached those seats, would it sort of
10 escalate that fire?

11 A I think Chief Nelson would be better off answering
12 that. That's a little bit outside of some of my training
13 and experience.

14 Q Would that seat have given the fire more fuel to
15 burn?

16 A It would have given it more fuel to burn.

17 Q Okay. Let's go back to Mr. Moon's clothing. You
18 asked that those be collected for testing, correct?

19 A Yes, sir.

20 Q Do you remember what all you asked for them to
21 collect from him?

22 A All of his clothing: his shirt, the belt, the
23 socks, pants and then the shoes.

24 Q Okay. And you asked for these -- all of these to be
25 tested to see if they had gasoline on them?

1 A Yes, sir. They were sent, I believe, to SLED for
2 testing.

3 Q Do you know if during the testing for gasoline,
4 would that test be able to decipher between, say, diesel
5 and regular unleaded gasoline?

6 MR. FRETWELL: Lack of foundation, Judge.

7 MR. JEREMY CRANE: Your Honor, I asked him how many
8 fires he's -- how many fires he's investigated. He
9 stated that he's ---

10 THE COURT: Overruled. I'm going to let him ask the
11 question.

12 BY MR. JEREMY CRANE:

13 Q My question again was during the testing of
14 something that has gasoline on it, is the test able to
15 determine the difference between, say, diesel, nonethanol
16 gas, regular gas, or is it just gasoline elements?

17 A I really don't know because this is the first one
18 that I had actually had to send off clothing for for
19 SLED.

20 Q Okay. So do you know the results of those tests?

21 A I do, sir.

22 Q Okay. Let's go through that. Where did they find
23 gasoline?

24 A On the shoes.

25 Q On the shoes? Okay. How about on his socks?

1 A Not on the socks.

2 Q No gasoline on his socks?

3 A No, sir.

4 Q How about his pants?

5 A Not on his pants.

6 Q Not on his pants.

7 How about on his shirt?

8 A Not on his shirt.

9 Q So the only place that you found gasoline on him was
10 on his shoes.

11 A Correct, sir.

12 Q Do you know what part of the shoe? Was it on the
13 top, on the bottom or does it just in general say there
14 was gasoline on this shoe?

15 A I did not note in the SLED report where on the shoe
16 gasoline was found.

17 Q So it could have been on the bottom of his shoes,
18 correct?

19 A Correct, sir.

20 Q And once again, you told Deputy Bracken it's very
21 hard to pour gasoline and not get it on you, correct?

22 A Correct.

23 Q Especially if you are pouring from a gas can that
24 doesn't have a nozzle on it, correct?

25 A Correct.

1 Q Do you have any idea how long gasoline or gasoline
2 properties will stay on a person's shoes?

3 A That I don't know.

4 Q So you don't know whether -- you don't know how long
5 that gasoline had been on Mr. Moon's shoes?

6 A I do not, sir.

7 Q It could have been from that day, it could have been
8 from earlier in the day, it could have been from last
9 week. You just don't really know, correct?

10 A Correct. I do not know how long it would have been
11 on there.

12 Q So can gasoline get on your shoes from, say, walking
13 around a gas station or walking around a bus depot where
14 cars are in and out all day?

15 A I would assume, yes.

16 Q If you know the answer to this, does fire and smoke
17 occur simultaneously? Like, for instance, what I'm
18 asking is as soon as you start a fire, does smoke occur
19 or does it take a minute for elements to begin to burn
20 off to create smoke?

21 A I'll be honest, I've never studied that or
22 encountered that in my training.

23 Q Okay. So just recapping, you went into the garage
24 and you believe that fire was caused by the gasoline,
25 correct?

1 A Yes, sir.

2 Q And you didn't find any gasoline in that Jeep, did
3 you?

4 A We did not find evidence of gasoline.

5 Q And, again, it's hard to pour gasoline without
6 getting it on you, isn't it?

7 MR. FRETWELL: I believe that's the third time he's
8 asked that question, Judge.

9 THE COURT: Asked and answered. Move on.

10 MR. JEREMY CRANE: One moment, Your Honor.

11 BY MR. JEREMY CRANE:

12 Q When you entered the garage, could you smell
13 gasoline?

14 A I do not remember smelling gasoline.

15 MR. JEREMY CRANE: Nothing further. Thank you.

16 THE COURT: Thank you, sir.

17 Redirect?

18 MR. FRETWELL: May it please the Court, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. FRETWELL:

21 Q Investigator Bowers, Mr. Crane asked you about
22 exposed wires in the Jeep that belonged to Andrew
23 Gilchrist. Now, those wires that we saw in those photos,
24 in your investigation, did you see any damage whatsoever
25 to those wires that were sticking out anywhere on the

1 back of the Jeep or in the inside of the Jeep?

2 A No, sir.

3 Q Did you see any of that bubbling that the fire
4 marshal described that would occur if there was a short
5 due to some kind of electrical fire?

6 A No, sir.

7 Q With respect to Mr. Crane's question about damage to
8 the underside of the Jeep, and I'll show you what's been
9 in evidence as State's Exhibit 54 -- actually, that might
10 not be the best photograph. But were you aware in the
11 back portion of the Jeep that there's, as Mr. Gilchrist
12 testified, a gas tank underneath the back of the Jeep?

13 A I remember him testifying to that.

14 Q Did you see any damage whatsoever to that gas tank?

15 A Not that I remember.

16 Q In fact, Mr. Crane, was asking you about the
17 possibility of pouring gasoline in that Jeep and then
18 lighting it on fire, and you mentioned something about an
19 object that might have been thrown in there. And I think
20 Mr. Crane, you suggested maybe a stick or a piece of
21 clothing. What about a cigarette? Could you throw a
22 cigarette in there and stand back far enough so you
23 wouldn't get singed?

24 A A cigarette like the one that the defendant was
25 viewed smoking would have been an item you could have

1 ignited that -- the gasoline with.

2 Q And we've seen that photo of that chandelier sitting
3 in the back of that -- backseat of that Jeep, the cloth
4 completely burned off of that seat. Do you expect to see
5 any remains of that cigarette given the nature of the
6 fire you investigated that day, sir?

7 A I would not expect to see any remains of it.

8 Q Do you also know as you just testified that the
9 defendant was in possession of cigarettes, smoking one
10 and had others in the cigarette pack when he was
11 arrested?

12 A Correct.

13 Q Mr. Crane asked you about he wanted you to speculate
14 in your words on what the defendant would have done or
15 should have done with that gas can if he wanted to set
16 the right kind of fire. And I'll ask you along that same
17 line, would someone who saw a fire and wanted to warn the
18 homeowners go in, try to run to the door, grab that door
19 and when the homeowner locked it, start kicking it and
20 screaming at that individual to let them in? Do you
21 think that's reasonable behavior?

22 A I would not think that that is reasonable behavior
23 for someone who's trying to notify and protect or help
24 the homeowners.

25 Q Do you think it's reasonable behavior then to ---

1 MR. JEREMY CRANE: Your Honor, calls for
2 speculation, what is reasonable behavior.

3 MR. FRETWELL: I don't disagree, Judge, but it's
4 exactly what Mr. Crane was asking the witness to
5 speculate.

6 THE COURT: I'm going to sustain his objection.
7 Move on.

8 BY MR. FRETWELL:

9 Q Would you think it would be reasonable for that
10 individual, if he had a cell phone, to call 9-1-1?

11 A That would be extremely reasonable.

12 Q And did you receive any 9-1-1 phone calls from the
13 defendant that day outside the residence to report that
14 fire?

15 A Not that I'm aware of.

16 Q Any indication he went to a neighbor's house to
17 report that fire?

18 A Not that we're aware of.

19 Q Any indication he ran back out to the front yard to
20 see if anybody was in the neighborhood to report that
21 fire to?

22 MR. JEREMY CRANE: Your Honor, this is improper
23 redirect. I didn't ask any of these questions about
24 where he went ---

25 MR. FRETWELL: Judge, he talked about the

1 reasonableness ---

2 THE COURT: You did.

3 MR. FRETWELL: Thank you, Judge.

4 THE COURT: So overrule.

5 BY MR. FRETWELL:

6 Q Any indication that he did any of those things, sir?

7 A No. No indication.

8 Q The only indication you had is that he stood there
9 or sat on that bike and smoked a cigarette; is that
10 correct?

11 A Correct.

12 Q One of the last questions that Mr. Crane asked you
13 had to do with some gas at a gas station that may have
14 gotten on the shoe. Would the likeliness be if that gas
15 was on the shoe, it would be on the bottom side of that
16 shoe if he stepped in some gas?

17 A I would think so.

18 Q If that's the case and that happened hours or some
19 considerable time period before, what do you know about
20 the defendant's activities from the time that he was
21 there earlier in the day all the way up until he ended up
22 at 1 Breeds Hill Way? Was he standing in one place or
23 was he active, moving on that bike, walking around? What
24 was he doing?

25 A It appears from the GPS history that he was active,

1 moving around the bike and also walking around in
2 someone's backyard.

3 Q And he talks about that. He talks about riding his
4 bike and how exhausting that was and just wanted to get
5 home; is that right?

6 A Correct.

7 Q And would you expect that friction of constantly,
8 constantly walking or pedaling that bike to erode any
9 kind of small trace of gas that might have been picked up
10 anywhere from some gas station or bus station or
11 whatever?

12 A I would.

13 MR. FRETWELL: Thank you.

14 No questions, Judge.

15 THE COURT: Any recross?

16 MR. JEREMY CRANE: Just real quick, Your Honor.

17 RECROSS EXAMINATION

18 BY MR. JEREMY CRANE:

19 Q Mr. Fretwell just said if a small trace of gas. You
20 don't know if it was a small trace or a large trace of
21 gas, do you?

22 A I do not know the quantity of the trace of gas.

23 Q You also don't know what part of -- you testified
24 you don't know what part of the shoe it was on. It could
25 have been on the top, it could have been on the bottom,

1 correct?

2 A Correct.

3 Q It could have been in the grooves of the shoes.

4 A Correct.

5 Q If you're pedaling a bike, are your grooves of your
6 shoes touching the pedals?

7 A Yes.

8 Q Are the grooves of your shoes touching your pedals?

9 A Oh, you're talking like the arch area or ---

10 Q I'm just saying like underneath shoes there's
11 usually a ---

12 A Oh, I -- I don't think so much, no.

13 Q Is there a phone in evidence that was found on
14 Mr. Moon?

15 A Is there what? I'm sorry.

16 Q Is there a phone found on Mr. Moon?

17 A I believe there was.

18 Q It's not in evidence.

19 A Then it would have been with his property at the
20 jail.

21 Q Mr. Fretwell asked you again about the wires. Did
22 you actually inspect the wires in the back of that Jeep
23 or did you just kind of glance at them?

24 A I glanced. I didn't definitively inspect them. I
25 more talked with Chief Nelson about all that.

1 Q Mr. Fretwell asked you if you were looking at --
2 asked about the gas tank underneath. Did you get down on
3 your hands and knees and inspect the gas tank underneath
4 the Jeep?

5 A I did not.

6 Q You said Mr. Moon was smoking a cigarette when he
7 came down the driveway. Does it make sense to light a
8 cigarette, throw it into a Jeep and then light another
9 one to go back down the driveway?

10 MR. FRETWELL: Judge, that's exactly the objection
11 that he made to what I was asking.

12 THE COURT: I'm going to sustain it.

13 MR. FRETWELL: Thank you, Judge.

14 THE COURT: Sustain your objection.

15 MR. JEREMY CRANE: Nothing further, Your Honor.

16 THE COURT: All right.

17 MR. FRETWELL: No questions, Judge.

18 THE COURT: You may step down.

19 THE WITNESS: Thank you.

20 THE COURT: I guess he wants to hang around.

21 MR. FRETWELL: I believe so, Judge.

22 MS. SHUGARS: The State calls Megan Fletcher.

23 WHEREUPON,

24 MEGAN FLETCHER

25 After having been duly sworn, testified as follows:

1 THE CLERK: Thank you. Please state your name for
2 the record.

3 THE WITNESS: It's Megan Fletcher, F-L-E-T-C-H-E-R.

4 DIRECT EXAMINATION

5 BY MS. SHUGARS:

6 Q Good morning.

7 A Good morning.

8 Q Where do you currently work?

9 A I work at the South Carolina Law Enforcement
10 Division in the Forensic Services laboratory in the Trace
11 Evidence Department.

12 Q And what is your position?

13 A I'm a forensic scientist.

14 Q How long have you been in that position?

15 A A little over 17 years.

16 Q And what are some of the duties and responsibilities
17 of a forensic scientist?

18 A So as a forensic scientist in the Trace Evidence
19 Department, my job includes analyzing and interpreting
20 data from various types of evidence including gunshot
21 primer residue, explosives, fibers, paint, glass, tape as
22 well as fire debris.

23 Q And what kind of training and education have you
24 received as a trace examiner in the area of fire and
25 arson debris and the detection of flammables?

1 A So I have my bachelor's degrees from Chatham College
2 in biochemistry and English, I also have my master's
3 degree in forensic science from Marshall University
4 emphasizing in computer forensics and forensic chemistry.
5 Once I obtained employment with SLED when I graduated
6 from Marshall, I began a training program for each one of
7 the disciplines in which I am competent to perform an
8 analysis. For fire debris specifically, I underwent
9 about a seven-to-nine month training program in which I
10 underwent practical, oral and written examinations where
11 I learned about the history of fire debris, the history
12 of ignitable liquids, the history of the instrumentation
13 used and also practical examinations where I had to
14 correctly interpret all of the data that I obtained from
15 various types of samples presented to me.

16 Q Were you required to do any sort of mock competency
17 tests?

18 A I did have to defend a competency test orally.

19 Q And do you receive ongoing education and training?

20 A We receive ongoing training through webinars. And
21 as new literature is published through peer-reviewed
22 paper -- or peer-reviewed journals, we do keep up with
23 those as well.

24 Q Are you a member of any professional organizations?

25 A I am. I'm a member of the American Society for

1 Trace Evidence Examiners.

2 Q And what exactly is trace evidence analysis?

3 A So trace evidence is basically evidence that
4 typically requires sensitive instrumentation or a
5 microscope in order to analyze. In SLED it includes
6 gunshot primer residue, explosives, fibers, paint, tape,
7 physical matches and fire debris analysis as well as a
8 couple other things.

9 Q And does your lab use the best practices in the
10 field of trace evidence analysis?

11 A Yes, we do.

12 Q And do other people in your field of trace evidence
13 analysis conduct testing in the same way as your lab
14 does?

15 A Yes, they do.

16 Q And have these methods been proven to be reliable?

17 A Yes, they have.

18 Q And what accreditation or certifications does your
19 lab have?

20 A The agency as a whole, so as South Carolina Law
21 Enforcement Division, I hold the accreditation under the
22 Commission for Accreditation for Law Enforcement Agencies
23 or CALEA. The laboratory specifically holds
24 accreditation under ANAB which is the American National
25 Standards Institute National Accreditation Board. And

1 what they do is provide us with a set of standards and
2 also provide us with the international standards that
3 they chose to make us not necessarily follow, but there's
4 a set of standards that we have to use in order to create
5 our protocols and create our procedures and follow those
6 so that we -- so that they can ensure that we are
7 performing quality work.

8 Q Does your lab receive audits?

9 A We do receive audits. So we have an audit every
10 single year whether it's on site or a document review.

11 Q And are your results peer reviewed?

12 A Every single one of my reports is peer reviewed.

13 Q And approximately how many items of evidence would
14 you estimate you or your division has analyzed for fire
15 debris trace evidence during your time with SLED?

16 A During my time at SLED, I've analyzed over -- or
17 I've analyzed hundreds of items of evidence. My division
18 has analyzed thousands of items of evidence.

19 Q And have you ever been qualified as an expert before
20 in state court?

21 A Yes, I have.

22 Q In what fields?

23 A I have been qualified in trace evidence, gunshot
24 primer residue, fire debris.

25 Q And approximately how many times have you been

1 qualified as an expert in state court?

2 A Just about 80 times.

3 MR. SHUGARS: Over 80 times.

4 Your Honor, the State offers this witness as an
5 expert in trace evidence examination including fire
6 debris analysis.

7 THE COURT: All right. Defense, any voir dire?

8 MR. JEREMY CRANE: No, sir. No objection.

9 THE COURT: You're stipulating to her as an expert
10 in trace evidence including fire debris analysis.

11 MR. JEREMY CRANE: Yes, Your Honor.

12 THE COURT: Okay. Ladies and gentlemen, as I told
13 you with the other expert, normally, a person cannot give
14 opinion testimony, and when a person testifies, they must
15 testify as to what they either saw or heard or sensed by
16 smell. However, there is an exception when someone is
17 qualified because of education or experience and they are
18 permitted to give their opinion in certain areas if the
19 Court qualifies them that way.

20 This witness will be qualified in the area of trace
21 evidence examination including fire debris analysis to
22 give an opinion testimony in that area. However, that
23 does not mean that you must accept the opinion, but it is
24 evidence for you to use in any way you see fit and give
25 the weight and credibility you believe is appropriate.

1 You can proceed.

2 MS. SHUGARS: Thank you, Your Honor.

3 BY MS. SHUGARS:

4 Q Did you receive evidence in this case relating to an
5 arson?

6 A Yes. Yes, ma'am, I did.

7 Q And what specific analysis were you requested to
8 perform on these items?

9 A The task that was requested was a flammable, so in
10 my protocol, that would be a fire debris analysis.

11 Q And what is a fire debris analysis?

12 A A fire debris analysis means that I'm looking for
13 any ignitable liquids that may be in that item of
14 evidence. So an ignitable liquid is a volatile liquid
15 that can be used to ignite a fire or it can be used as a
16 fuel for machinery such as gasoline. And my job is to
17 just look at the evidence and determine whether there's
18 an ignitable liquid present.

19 Q And what is the fire debris analysis protocol and a
20 brief overview of the process?

21 A So I will retrieve evidence from our Evidence
22 Control Department or a technician from my department
23 will retrieve evidence from them. They will bring it
24 upstairs. We will take it into our physical custody
25 which means that we'll take it into our possession. We

1 will check that evidence to make sure that everything is
2 properly sealed and then we begin an inventory worksheet
3 where we document all of this information. We also will
4 then open up that box or container and check that all the
5 items inside match the submission documentation that's
6 been provided to us by the submitting agency. And if all
7 of that matches, then we continue with our procedures.

8 We will look at all of the items inside of the box
9 and ensure that they are also sealed to their best
10 ability. And if they are sealed, then we continue again.
11 And one item at a time, we will open up that item
12 briefly, document what is inside of that item as best as
13 possible. So typically, that container is a metal paint
14 can. I'll open the lid very briefly just to see what's
15 in there. I don't want any of the ignitable liquid or
16 vapors or any evidence that's inside of that to escape.
17 So I'll open it very briefly, I'll look inside and I will
18 put what is known as a carbon charcoal strip inside of
19 it, and that's going to capture any vapors that may be
20 present in that item of evidence.

21 I will then seal that lid down on that can with a
22 hammer, and I will place it aside, write down my
23 inventory on my worksheet and continue with any other
24 item of evidence that may be present.

25 I will then -- I will then heat all of the items in

1 an oven overnight for 60 degrees Celsius. And what that
2 does is it heats up the evidence and it creates all that
3 evidence, and any vapors that may be present or any
4 volatiles that may be present will escape that evidence.
5 They'll adhere to the charcoal strip much like odors in
6 your fridge might adhere to a piece of charcoal or a
7 baking soda that you put in your fridge.

8 The next day I will come into work, I will take that
9 charcoal strip out of each item one at a time. Only one
10 item is open at a time. I'll take that charcoal strip
11 out. I'll place it in a glass tube. I'll put a solvent
12 in it and extract anything that's on that charcoal strip.
13 And then I use sensitive instrumentation known as a gas
14 chromatograph-mass spectrometer in order to interpret my
15 data.

16 Q Thank you.

17 And can -- you said you put these items in the oven.
18 can more than one item go in the oven at the same time?

19 A Yes, ma'am, they can.

20 Q How do you ensure that there's no
21 cross-contamination?

22 A So as all of these items are sealed very tightly, as
23 I said I seal them with a hammer, but I also use an oven
24 blank. And it is another can, another paint can. And I
25 put a charcoal strip in there the same way that I process

1 my evidence. And it's run at the exact same time as all
2 of my evidence and I check it the exact same way using
3 the gas chromatograph-mass spectrometer.

4 Q And so you are using that control can to make sure
5 that you have accurate results with the other pieces of
6 evidence?

7 A Yes, ma'am.

8 Q And do you recall how the items were given to you?

9 A I do.

10 Q What did it look like when it arrived?

11 A These were in various sized metal paint cans that
12 were sealed with pieces of red evidence tape.

13 Q Did they come all together in a box?

14 A Yes, they did.

15 Q Can you look at this box for me?

16 A (Reviews exhibit) Yes, ma'am.

17 Q Does this box contain the items that you received
18 for analysis?

19 A This box is considered Container A from the SLED
20 laboratory number that is on those yellow barcode of
21 L21-12227 which is the lab number associated with this
22 case today. And it is still in the exact sealed state
23 from which I returned it to the submitting agency.

24 Q Would you unseal the box? And don't take out any of
25 the cans inside. Just look in them briefly.

1 A Yes, ma'am. (Witness complies) Okay.

2 Q Are those the cans that you received for this case
3 for analysis?

4 A Can I look at the barcodes of each one?

5 Q Yes, you can. Please do. Please try to keep them
6 in the can.

7 A Yeah. (Reviews exhibit) Yes, ma'am, they are.

8 Q And what were each of the individual pieces of items
9 that you received?

10 A May I refer to my notes, please.

11 Q Yes. You may if that will help you refresh your
12 recollection.

13 A It will. (Reviews document) Do you want me to
14 describe how they were submitted to me and then as I
15 found it as well?

16 Q If you could, please.

17 A Yeah. Item 1 was submitted as a pair of blue/gray
18 shoes, two cans. I found those to be two one-gallon cans
19 containing one Sketchers tennis shoe in each one of them.
20 One quart can containing black fabric that was submitted
21 as black shirts, one gallon can containing blue jean
22 fabric and brown leather belt with metal buckle submitted
23 as blue jeans/belt, one quart can containing white fabric
24 submitted as pair of white socks, and one gallon can
25 containing a small amount of fire debris.

1 MS. SHUGARS: Your Honor, the State has a
2 stipulation that we've come to an agreement to with the
3 defense regarding items put into evidence.

4 THE COURT: Thank you. So this will be Court's
5 Exhibit Number 5.

6 MS. SHUGARS: I think we're at 7.

7 THE COURT: Correct. 7. I'm glad y'all are keeping
8 track.

9 All right. This will be Court's Exhibit Number 7.
10 "The State and the defendant hereby agree the following
11 statements are true and uncontested findings of fact in
12 the trial of this case. The following items were
13 collected on July 17, '21, from defendant's person at
14 either 1 Breeds Hill Way or 4 McGee Street in Greenville
15 County and were on his person or in his possession at the
16 time of the incident: A, State's Exhibit 23 is defendant
17 Matthew Moon's folding knife approximately eight inches
18 when unfolded; B, State's Exhibit 24 is defendant Matthew
19 Moon's BIC lighter; and C, State's Exhibit 85 and State's
20 Exhibit 86 are metal cans containing defendant Matthew
21 Moon's shoes.

22 "All items are in substantially the same condition
23 as when they were collected with the exception of any
24 changes due to analysis as part of the forensic
25 examination process. These exhibits are authentic and

1 admissible at any point during the trial of this matter."

2 MS. SHUGARS: Thank you, Your Honor. And pursuant
3 to the stipulation, we'd like to move the metal cans
4 containing the defendant's shoes into evidence. It
5 should be Exhibits 85 and 86.

6 THE COURT: 85 and 86 come in pursuant to
7 stipulation ---

8 MR. JEREMY CRANE: Correct, Your Honor. No
9 objection.

10 THE COURT: --- and are admitted in as State's
11 evidence.

12 (WHEREUPON, State's Exhibit Numbers 85 and 86 were was
13 marked for identification and admitted into evidence.)

14 BY MS. SHUGARS:

15 Q Do you still have those scissors on you?

16 A I do.

17 Q Would you be able to open this can?

18 A I actually have something that will work better than
19 scissors.

20 Q I believe that's State's Exhibit 85.

21 A This is State's Exhibit 85, SLED L21-12227,
22 Item 1.2.

23 Q And what is inside that can?

24 A It is one blue and gray tennis shoe.

25 Q Can you show the jury?

1 A Do you have gloves?

2 Q You can lean it over.

3 A It's a Sketchers brand tennis shoe.

4 Q Is that a shoe you analyzed in this case?

5 A Yes, it is.

6 Q Can you open this can as well? It's State's
7 Exhibit 86.

8 A Sure.

9 Q Please tell us your lab number and item number you
10 have on that can.

11 A State's Exhibit 86 is SLED Lab L21-12227, Item
12 Number 1.1. It's also a tennis shoe. It's blue and
13 gray, Sketchers brand tennis shoe.

14 Q And for your analysis, you said you put charcoal
15 strips inside the paint can with each of the shoes?

16 A Yes, ma'am, I did.

17 Q And that charcoal strip is supposed to absorb any
18 volatiles that may be present on the shoes?

19 A Correct. That charcoal strip, when it's heated up
20 in that oven overnight, any volatiles present will come
21 up out of that shoe and it will adhere to that charcoal
22 strip, carbon strip.

23 Q What was the results of your analysis of these
24 items?

25 A Item 1.1, one-gallon can containing one Sketchers

1 tennis shoe, gasoline found. This includes any brand or
2 octane as well as any alcohol-blended gasoline.

3 Item 1.2, one-gallon can containing one Sketchers
4 tennis shoe, gasoline found. This includes any brand or
5 octane as well as any alcohol-blended gasoline.

6 Q Would your analysis be able to observe the
7 difference between gasoline and diesel fuel?

8 A Yes, ma'am. Gasoline is its own independent
9 classification of an ignitable liquid. Diesel would be
10 considered an entirely different classification known as
11 a heavy petroleum distillate.

12 Q And speaking of petroleum, would your analysis be
13 able to distinguish between gasoline on the shoes versus
14 any petroleum-based product of the shoes?

15 A Yes. I am familiar based on my experience and my
16 education and my training within fire debris with what is
17 considered -- I'm sorry -- within tennis shoes naturally
18 what you expect to find in tennis shoes. And you don't
19 expect to find the components of gasoline in the ratios
20 that I found them in tennis shoes. Gasoline is
21 individual -- is a specific grouping of components in
22 specific ratios.

23 Q And what were the results of your analysis for the
24 remaining pieces of clothing?

25 A The remaining pieces of clothing including the black

1 fabric, the blue jean fabric with the brown leather belt
2 and the white fabric, the results were no ignitable
3 liquids of evidentiary value found. The volatile
4 components found are consistent with the products
5 produced when natural or synthetic materials are subject
6 to heating or burning.

7 Q Does the absence of any finding of ignitable fluids
8 prevent the possibility that at one point these did have
9 an ignitable on them such as gasoline?

10 A It just means that at the time of that I analyzed it
11 and the state that they were in, I did not detect any
12 ignitable liquids.

13 Q And why might an item have had, say, gasoline on it
14 at one point and then not have it by the time it made it
15 to your location?

16 A Ignitable liquids are very volatile because of their
17 nature. And that -- because of that they evaporate very
18 readily. They won't stay on an object for very long.
19 They burn off. They evaporate off. And they just
20 dissipated into the air very quickly.

21 Q Could environmental factors contribute to the
22 dissipating of gasoline off of certain pieces of
23 evidence?

24 A It could.

25 Q Such as maybe walking around or riding a bicycle?

1 A It could.

2 Q Did you also analyze a piece of fire debris in this
3 case?

4 A Yes, I did.

5 Q . And what was the result of that analysis?

6 A Item Number 5, one-gallon can containing a small
7 amount of fire debris, no ignitable liquids of
8 evidentiary value found. The volatile components found
9 are consistent with products produced when natural or
10 synthetic materials are subjected to heating or burning.

11 Q I'm going to show you what's been admitted as
12 State's Exhibit 73. Would these be items that you
13 tested?

14 A They would appear to be so, yes.

15 Q Looking at the condition, is it likely that fire
16 consumed any ignitable that was previously on this
17 substance?

18 A That is one possibility. I can't tell you exactly
19 all of the possibilities. I can just tell you that when
20 I analyzed it, nothing was present.

21 Q Okay. I'm approaching. Please review this
22 document.

23 A (Reviews document) Yes, ma'am.

24 Q What is that document?

25 A It appears to be a copy of nine of ten pages of the

1 chain of custody that is maintained by our Laboratory
2 Information Management System which is an electronic
3 record of the chain of possessions between individuals
4 within our laboratory or locations within our laboratory.

5 MS. SHUGARS: Beg the Court's indulgence.

6 THE COURT: Yes, ma'am.

7 BY MS. SHUGARS:

8 Q Is page 10 of 10 of this missing?

9 A Yes, ma'am.

10 Q Would you review this document?

11 A (Reviews document) This page does appear to be the
12 tenth page of this document to complete it.

13 Q So is this the complete chain of custody for items
14 that you received in this case?

15 A It is, yes.

16 MS. SHUGARS: Your Honor, pursuant to a stipulation
17 that was Exhibit 7, Court's Exhibit 7, we move the chain
18 of custody evidence into evidence as Court's Exhibit 8.
19 It's not in evidence. It's Court's Exhibit 8.

20 MR. JEREMY CRANE: I believe to our stipulation it's
21 already in. But ---

22 THE COURT: Court's Exhibit Number 8. I think she's
23 just documenting the record.

24 (WHEREUPON, Court's Exhibit Numbers 7 and 8 were marked
25 for identification.)

1 MS. SHUGARS: Please answer any questions defense
2 may have.

3 THE WITNESS: Yes, ma'am.

4 THE COURT: Cross-examination, Mr. Crane?

5 MR..JEREMY CRANE: Thank you, Your Honor. May it
6 please the Court.

7 THE COURT: Yes, sir.

8 CROSS EXAMINATION

9 BY MR. JEREMY CRANE:

10 Q All right. Ms. Fletcher, the State was just talking
11 about the weather stripping on the back of the car -- on
12 the back of the Jeep. There was no gasoline found on
13 that, correct?

14 A I'm sorry. I'm not familiar with the weather
15 stripping.

16 Q Did you test some weather stripping from this -- the
17 fire debris? Excuse me. The fire debris.

18 A I tested fire debris, yes. I'm not familiar with
19 where that was located.

20 Q My apologies.

21 So did that fire debris have any gasoline on it?

22 A It did not, no, sir.

23 Q Okay. So the State asked you is there a possibility
24 that that gasoline burned off, and you said there's a
25 possibility it could have burned off, correct?

1 A That's correct.

2 Q Is there also a substantial possibility there was
3 never gasoline on it from the beginning?

4 A That is very possible, yes.

5 Q You said that you did test the socks, the shirt and
6 the pants as well, correct?

7 A That's correct.

8 Q You stated that during your examination that you --
9 when the cans come to you, you pop a lid real quick and
10 throw in a charcoal strip, correct?

11 A Correct.

12 Q When you popped any of these cans, did you smell any
13 gasoline coming out of them?

14 A None of these cans had a fuel odor, no, sir.

15 Q So you didn't smell any gasoline vapor or anything
16 when you opened any of those cans, correct?

17 A Correct.

18 Q So the only way that you really know if gasoline
19 exists in any of these cans is by the results from the
20 charcoal strip, correct?

21 A Correct. Using the gas chromatograph-mass
22 spectrometer.

23 Q So essentially, you're testing the strips. You're
24 not testing the actual evidence, correct?

25 A I'm testing the vapors that are emitted off of the

1 evidence when it's heated. It's called a passive
2 absorption process. So when it's heated, any vapors that
3 come off of the evidence are adhering to the charcoal
4 strip, and then that charcoal strip is extracted with a
5 solvent. And then that solvent is placed on the
6 instrument, and I'm interpreting the data off of that.

7 Q Okay. So, again, you're not actually -- you're not
8 actually looking at the actual shoes. You're looking at
9 the strip, correct?

10 A Yes and no. It's the evidence that came off of the
11 shoes and adhered to the charcoal strip.

12 Q Okay. Did you actually take a shoe out to examine
13 the actual shoe?

14 A I did not examine the actual shoe physically, no.

15 Q Okay. So you wouldn't have been able to see
16 gasoline on it or stains from gasoline on the shoes?

17 A I -- no. That's not a process that we do.

18 Q Okay. All right. So explain to me, you stated that
19 you test the charcoal strips. So if you're just testing
20 the strip and you have a shoe in one can, a shoe in the
21 other can, do you have any idea what part of the shoe the
22 gasoline came off of?

23 A No, sir. It came off of some component of that
24 evidence in the can.

25 Q It could have come off the top of the shoe. It

1 could have come off the bottom of the shoe. You don't
2 have any idea -- or no way to tell us which one, correct?

3 A That's correct.

4 Q I believe the State asked you if the gasoline can
5 evaporate off of these items and then therefore have it
6 come up with a negative test; is that correct?

7 A That's correct.

8 Q Okay. Does for some reason gasoline evaporate
9 faster off of clothing than it would off a pair of shoes?

10 A Not necessarily.

11 Q So if all five of these cans that had the clothing
12 on it were collected at the same time, sealed shut at the
13 same time, is there any reason why one or any of them,
14 the gasoline would evaporate faster than any of the other
15 ones?

16 A If gasoline was present on all five items to begin
17 with, then it may depend on how much was present on any
18 one of those single items to begin with. But the only
19 thing I can say is that gasoline was found once I
20 analyzed these shoes. I can't say what was on any of
21 them to begin with.

22 Q Okay. And you stated that all five of these were
23 collected at the same time, correct?

24 A I don't know when they were collected.

25 Q Were they all environmentally protected the same

1 way?

2 A They were all in sealed paint cans which is the
3 appropriate evidence container for this type of evidence.

4 Q So would it be out of the ordinary if there's five
5 paint cans and three of them. All of the vapors
6 evaporate except for two of them? Does that make any
7 sense?

8 A I'm not sure what the question is.

9 Q I'm sorry. I'll try and explain again. If we have
10 five cans that have clothing in them, they were all
11 sealed at the same time, all environmentally protected at
12 the same time, is there any reason why only two of them
13 would have vapors in them and the other three would not?

14 A Once the can is sealed, any vapors that might have
15 been on that evidence should be protected from the
16 environment.

17 MR. JEREMY CRANE: No further questions. Thank you.

18 THE WITNESS: Yes, sir.

19 THE COURT: Any redirect?

20 MS. SHUGARS: Nothing, Your Honor.

21 THE COURT: Okay. You may step down. Thank you.

22 THE WITNESS: Thank you.

23 MS. SHUGARS: Your Honor, may she be excused?

24 THE COURT: You may be excused.

25 Any objection from defense?

1 MR. JEREMY CRANE: No, Your Honor.

2 THE COURT: Okay. Safe travels back.

3 THE WITNESS: Thank you.

4 MR. FRETWELL: Judge, do you mind if the witness
5 puts the lids back on those cans?

6 THE COURT: That's perfectly fine.

7 MR. FRETWELL: Thank you, ma'am.

8 THE COURT: Anything else from the State?

9 MR. FRETWELL: No, Your Honor. The State rests.

10 THE COURT: Okay. The State rests.

11 All right. Ladies and gentlemen, at this time, I'm
12 going to ask you to go back to the jury room. I've got
13 some legal issues that I have to take up with the
14 attorneys and then I will be back in touch with you.
15 Remember not to discuss the case until I tell you to.

16 (WHEREUPON, the jury exits the courtroom at 10:31 AM.)

17 THE COURT: Okay. Any motion from defense? Well,
18 actually, I'll ask the State first.

19 MR. FRETWELL: Any motions, Judge? I don't have any
20 motions at this time.

21 THE COURT: Okay. Any motions from defense?

22 MR. JEREMY CRANE: Your Honor, at this time, I'd
23 like to renew all of my directions and I would move for a
24 directed verdict.

25 THE COURT: Okay. And your directed verdict motion

1 is denied. And I stand by all the objections, but you
2 are protected on the record.

3 MR. JEREMY CRANE: Thank you, Your Honor.

4 THE COURT: Okay. Does the State wish to say
5 anything?

6 MR. FRETWELL: No, Your Honor. I'm not going to
7 challenge your ruling.

8 THE COURT: Okay. All right. I will -- have y'all
9 had an opportunity to talk with your client?

10 MR. JEREMY CRANE: We have. We would just ask that
11 before the jury is brought back in we have just a couple
12 moments in private to discuss ---

13 THE COURT: Sure. And then I need to discuss that
14 with Mr. Moon. I'll do that in just a second.

15 I do need to know about what 609 ---

16 MR. FRETWELL: Yes, sir.

17 THE COURT: --- prior convictions which you said
18 that you've already provided.

19 MR. FRETWELL: Yes, sir.

20 THE COURT: Okay. You just need to provide them to
21 me.

22 MR. FRETWELL: Judge, let me just a moment address
23 that. The defendant was convicted in 2016 for the crimes
24 of CSC with a minor third and dissemination of obscene
25 material to a person under the age of 18.

1 Judge, we are proposing, pursuant to the spirit of
2 Rule 609, to identify those convictions so that there's
3 the least amount of potential prejudice against the
4 defendant. And obviously, the purpose of these
5 convictions are for the credibility of a testifying
6 witness, not the character of that individual in pointing
7 out through the cross-examination the defendant was
8 convicted of two crimes punishable by more than a year in
9 2016. Judge, I believe that that approach will balance
10 the Culf factors in the favor of admission of those items
11 against the defendant. And I'm happy to go into any
12 sentences that were imposed on those convictions.

13 THE COURT: It was CSC with a minor third and what
14 was the other?

15 MR. FRETWELL: Dissemination of obscene material to
16 a person under the age of 18.

17 For the Court's information, with respect to the
18 Culf factor relating to the point in time of the
19 conviction and the witness's subsequent history, I'll
20 point out, Judge, that in 2019, the defendant was
21 violated for his probation and received a sentence of 18
22 months of that time, Judge.

23 THE COURT: Okay. Mr. Crane, your response to these
24 two? And hold on just a second.

25 Exactly how were you planning on -- I know you were

1 trying to explain that, but how exactly were you planning
2 on -- if he takes the stand, then how were you going to
3 elicit that from him?

4 MR. FRETWELL: We were going to reference the actual
5 language of Rule 609 specifically by asking if he was
6 twice convicted or convicted of two crimes in the year
7 2016 that are punishable by more than a year.

8 THE COURT: As opposed to specifically saying CSC.
9 Because it takes away any kind of potential 403 or it
10 minimizes any 403.

11 MR. FRETWELL: Yes, sir.

12 THE COURT: I'll hear from y'all.

13 MR. JEREMY CRANE: Your Honor, I believe that's
14 surprisingly generous of them and we're fine with that.

15 THE COURT: I figured that you would be. But -- so
16 okay.

17 Madam Clerk, can you please swear the defendant.

18 THE CLERK: Please raise your right hand.

19 (WHEREUPON, MATTHEW TIMOTHY MOON is duly sworn.)

20 THE COURT: Okay. You are Matthew Timothy Moon?

21 DEFENDANT MOON: Yes, sir.

22 THE COURT: Okay. Sir, you can sit down.

23 At this time, I'm going to explain to you certain
24 rights that you have, and if you do not understand
25 anything that I say, please let me know. And if you want

1 me to explain anything in more detail, please let me
2 know. Do you understand?

3 DEFENDANT MOON: Yes, sir.

4 THE COURT: We have now reached the state of the
5 trial where you may present your defense. You have the
6 right to claim the protections given to you by the Fifth
7 Amendment to the Constitution of the United States. And
8 this amendment states in part that no person shall be
9 compelled in any criminal case to be a witness against
10 himself. This means that you cannot be required to
11 testify in this case. You have the right to testify on
12 your own behalf; however, no one can make you testify.
13 This is a personal right and no one can waive this right
14 except you.

15 If you decide to testify, you will be subject to the
16 same rules that govern other witnesses and you may be
17 examined and cross-examined on any relevant issue in this
18 case. In addition, if you have any convictions involving
19 dishonesty or false statement or for crimes punishable by
20 imprisonment for more than one year and this court
21 determines that the probative value of admitting this
22 evidence outweighs its prejudicial effect to you, the
23 solicitor will be able to introduce your record to attack
24 your credibility.

25 As you've just heard and your counsel agreed to, the

1 State will bring out under Rule 609 that you have twice
2 been convicted of crimes that are punishable by more than
3 one year. They would not be allowed to bring out the
4 fact that you have been convicted of CSC, which is
5 criminal sexual conduct with a minor third, and
6 disseminating of obscene material to someone -- what did
7 you say? Under ---

8 MR. FRETWELL: Under the age of 18.

9 THE COURT: Under the age of 18.

10 So that is the criminal history that they would
11 bring out on cross-examination of you.

12 If you decide to testify, this decision on your part
13 must be freely, voluntarily and intelligently made with
14 knowledge of the protections given to you by the Fifth
15 Amendment and the consequences of your decision to
16 testify.

17 If you decide not to testify, I will instruct the
18 jurors that they cannot give the fact that you did not
19 testify any consideration whatsoever and that there is to
20 be absolutely no prejudice to you because you did not
21 testify.

22 It is left entirely up to you whether or not you
23 testify. You may talk with your attorney, your family,
24 your friends or anyone else, but the final decision will
25 be left entirely up to you.

1 Do you understand what I've explained to you?

2 DEFENDANT MOON: Yes, sir, I do.

3 THE COURT: Do you have any questions about what
4 I've explained to you?

5 DEFENDANT MOON: No, sir.

6 THE COURT: Okay. Would you like an opportunity to
7 discuss this further with your lawyer before you make a
8 decision on whether you will take the stand and testify?

9 DEFENDANT MOON: Yes, sir. I would like that.

10 THE COURT: Okay. All right. I'll give -- well,
11 tell me, we're looking at -- let's see. We're going to
12 take a break now regardless, but I'm just trying to think
13 logistics. I guess we'll need to find out whether or not
14 he's going to testify. But ---

15 MR. FRETWELL: Judge, I have had an opportunity to
16 review your charge, and I just wanted to call one thing
17 to your attention before you ---

18 THE COURT: It's a draft.

19 MR. FRETWELL: I know, Judge. But, actually, I
20 think it's fantastic with the one exception. The
21 voluntary intoxication charge, we've received no notice
22 of a defense of insanity whatsoever, Judge, and there's
23 been no allegation of insanity in this case. So I would
24 ask on page 18 of your charge ---

25 THE COURT: Just delete that?

1 MR. FRETWELL: --- that the -- yes, sir. That the
2 voluntary intoxication language end at, "While
3 intoxicated as when the person is not intoxicated,
4 period," and that the Court would remove the last two
5 sentences of that particular charge.

6 THE COURT: So the last sentence?

7 MR. FRETWELL: I believe it's the last ---

8 THE COURT: "However, when voluntary intoxication
9 does not produce permanent insanity, it's not a defense"?

10 MR. FRETWELL: And the sentence before that.

11 THE COURT: Oh. "However, insanity caused by the
12 use of drugs or alcohol may be a defense."

13 MR. FRETWELL: Those two sentences, Judge. With
14 that exception, the State has absolutely no objection to
15 the composition or nature of ---

16 THE COURT: So basically, the last two sentences.

17 MR. FRETWELL: Yes, sir.

18 THE COURT: Okay.

19 MR. JEREMY CRANE: Your Honor, if we're going down
20 that path, we would like a couple minutes to read this
21 over. But as far as ---

22 THE COURT: Oh, listen. I'm going to give y'all
23 time, okay? I also -- we've been researching on this,
24 and I do think that a sunporch or a garage is -- I mean,
25 it's part of the dwelling. But I'm still going to read

1 on a few other things, then I'll get back to y'all after
2 I break.

3 MR. FRETWELL: And maybe I didn't see it, but I
4 didn't see any language like that in your charge.

5 THE COURT: I haven't. That's why I was telling
6 y'all this is a draft and that's what I was wrestling
7 with, especially in light of what he had asked. But I
8 thought I knew where I was going, but I wanted y'all to
9 understand what I was -- I'm not wrestling with it as
10 much now, but I do want anything that you have to support
11 me basically charging that a garage or a sunporch is part
12 of the dwelling.

13 MR. FRETWELL: I'll be honest, Judge. Your language
14 with respect to a dwelling or any portion thereof I think
15 covers it. I mean, I think it's a correct statement of
16 the law as it is, and I don't think you need to add
17 anything to it, personally.

18 THE COURT: Okay.

19 MR. JEREMY CRANE: Your Honor, as far as the
20 voluntary intoxication, I'm going to object to that
21 entire charge. There's no evidence that he was
22 intoxicated. They didn't do blood alcohol samples. Both
23 of the arresting officers said they did not smell alcohol
24 on him. All there is is him saying that he had a couple
25 drinks. I believe if you tell this jury, hey, if he's

1 drunk, that's not an excuse to do this, well then they're
2 going to say, well, maybe he was drunk and maybe that's
3 not an excuse.

4 THE COURT: There's testimony as to alcohol. So I'm
5 going to do that but with the --- .

6 MR. JEREMY CRANE: There's testimony to alcohol, but
7 there's no testimony as to him being intoxicated. This
8 says "voluntary intoxication." There's no ---

9 THE COURT: There was questions whether or not
10 alcohol was on his breath, I believe. Do I remember that
11 correctly?

12 MR. FRETWELL: That's correct, Judge. And not only
13 that, the admissions by the defendant that he had been
14 drinking, that those submissions, when --- .

15 THE COURT: Bottles.

16 MR. FRETWELL: --- asked specifically about his
17 conduct as a reason to excuse his conduct, Judge, tied in
18 correlation and conjunction with claims of not being able
19 to remember anything. Judge, it's all the way through
20 the defendant's conversations with law enforcement and
21 other individuals that day that the Court was aware in
22 State's Exhibit 22.

23 MR. JEREMY CRANE: Again, Your Honor, there was no
24 evidence that he was intoxicated. Drinking alcohol and
25 being intoxicated are two different things. And if you

1 tell this jury, hey, if he was drunk, that's not an
2 excuse, it's not a defense of this, but then they're
3 going to put it in their mind, well, he must have been
4 drunk if the judge is telling us that if he's drunk,
5 that's not a defense. I think it's improper for them to
6 even hear that because there's no evidence that he was
7 intoxicated. There was evidence that there was alcohol
8 on his breath. It doesn't mean he's intoxicated.

9 MR. FRETWELL: And, Judge, that is a jury question
10 as the Court's already ruled that there is testimony in
11 the evidence just like there's testimony in the evidence
12 from which the jury can determine there's a lesser
13 included of burglary second. And that is a question for
14 the jury.

15 They do, however, and are entitled to instruction
16 from the Court on the law relating to voluntary
17 intoxication, and in my reading of the Court's charge,
18 it's a correct and accurate statement of the law.

19 THE COURT: Your objection is noted on the record,
20 Mr. Crane. I am going to charge on voluntary
21 intoxication.

22 MR. JEREMY CRANE: Your Honor, you're trying to
23 discuss timing. Most likely Mr. Moon is going to take
24 the stand so I don't know if that helps you in ---

25 THE COURT: No. I mean, that helps a lot. But I'm

1 going to give you an opportunity. Let's just -- I guess
2 we'll come back at 11. Am I reading that right?

3 MR. JEREMY CRANE: Yes, sir. 10:45.

4 THE COURT: Okay. And that will give y'all an
5 opportunity. And that certainly will change things.
6 We'll just be charging this afternoon.

7 MR. FRETWELL: Before we get off ---

8 THE COURT: Oh, wait. Hold on. I'm sorry, y'all.
9 Get him back out here.

10 MR. FRETWELL: Thank goodness for highly intelligent
11 co-counsel and very ---

12 THE COURT: I have high intelligence up here myself.
13 We hire clerks that are smarter than ourselves.

14 MR. FRETWELL: It's not necessarily an issue because
15 there's been no allegations in this case, but I think to
16 remove it is better. The language of voluntary
17 intoxication says "or use of drugs." There's absolutely
18 no evidence of use of drugs in this case, and I think
19 that striking through "or use of drugs" would be a better
20 approach to that, Judge, because there's been absolutely
21 no evidence or allegations of use of drugs.

22 THE COURT: Okay. I know y'all object to the
23 charge, but I'm sure you -- you know.

24 Okay. And as far as dwelling, I mean, you're
25 perfectly fine with the way that it's been ---

1 MR. FRETWELL: In your charge, yes, sir. I believe
2 it's an accurate statement of the law.

3 THE COURT: Okay.

4 MR. JEREMY CRANE: And I would just ask for a little
5 bit of time to read it over. I haven't had a chance to
6 read it over yet.

7 THE COURT: That's fine. That's fine. Just be
8 prepared. They're going to be trying to argue that
9 garage is ---

10 MR. FRETWELL: I'm aware, Judge.

11 THE COURT: Or attempt to argue that. Okay.

12 MR. FRETWELL: And, Judge, I'll look at it, too, and
13 maybe I'll change my mind. But the way I looked at it, I
14 understand why the Court phrased it the way you have and
15 judges that I've appeared before.

16 THE COURT: Well, I mean, there's a case on point
17 about porches. It's State v. Stone.

18 MR. FRETWELL: Let me think about that and I may
19 have to ---

20 THE COURT: Okay. Do y'all have the verdict form?

21 MR. FRETWELL: Yes, sir. And I don't believe I have
22 any -- I don't believe I have any objections to the
23 composition. I mean, you're not charging any lesser
24 included on arson; is that correct?

25 THE COURT: I think y'all -- I mean, y'all charged

1 him with arson second.

2 MR. FRETWELL: We did. I just want to make sure
3 that that's ---

4 THE COURT: I mean, there's not been any request
5 to.

6 MR. FRETWELL: And the facts of the case as we've
7 presented them is not that there wasn't any damage to the
8 structure. I'm really not sure how it would be
9 appropriate to charge that.

10 THE COURT: I'm just charging arson second. That's
11 what's in there.

12 All right. I'll see y'all back at 11:00, or maybe a
13 hair after that.

14 (WHEREUPON, a recess is taken at 10:48 AM.)

15 THE COURT: Anything from the State? Have y'all had
16 an opportunity look at the charge any further?

17 MR. FRETWELL: Judge, we have. And I think I'll
18 save my position on those specific issues the Court
19 inquired about with the screened-in porch and the garage
20 to determine what exactly may be addressed by defense
21 counsel in his closing.

22 THE COURT: Well, okay. What I think I'm probably
23 going to do is even though this is -- I think the statute
24 is from 1866 originally. It was changed in like '62.
25 But I'm going to probably rephrase the statute. I just

1 want to get it right. But I'll get more input from y'all
2 after -- if we hear testimony.

3 Mr. Crane has, your client made a decision?

4 MR. JEREMY CRANE: He has, Your Honor.

5 THE COURT: Okay. Mr. Moon, sir, do you wish to
6 testify?

7 DEFENDANT MOON: Yes, sir.

8 THE COURT: Okay. And you've had an opportunity to
9 discuss this with your counsel?

10 DEFENDANT MOON: Yes, sir.

11 THE COURT: Okay. All right. You may sit down,
12 sir.

13 Everybody ready?

14 MS. SHUGARS: Yes, Your Honor.

15 MR. JEREMY CRANE: Yes, Your Honor.

16 THE COURT: Okay. Bring the jury in.

17 (WHEREUPON, the jury entered the courtroom at 11:11 AM.)

18 THE COURT: Mr. Crane?

19 MR. JEREMY CRANE: Thank you, Your Honor. At this
20 time, the defense would call Matthew Moon to the stand.

21 Your Honor, is it okay if Mr. Moon takes his water
22 up to the stand with him?

23 THE COURT: Sure.

24 THE CLERK: Please place your left hand on the Bible
25 and raise your right hand.

1 WHEREUPON,

2 MATTHEW TIMOTHY MOON

3 After having been duly sworn, testified as follows:

4 THE CLERK: Thank you. Please be seated. Please
5 state your name for the record.

6 THE WITNESS: Matthew Timothy Moon.

7 MR. JEREMY CRANE: May it please the Court, Your
8 Honor.

9 THE COURT: Yes, sir.

10 MR. JEREMY CRANE: Thank you.

11 DIRECT EXAMINATION

12 BY MR. JEREMY CRANE:

13 Q Mr. Moon, how are you today?

14 A Fine.

15 Q Mr. Moon, how old are you today?

16 A 53.

17 Q 53. And how old were you when this incident
18 happened?

19 A 49 years old.

20 Q Okay. At the time of this incident, did you have a
21 job?

22 A Yes.

23 Q Okay. And what was that job?

24 A Transfer truck heavy equipment mechanic.

25 Q Okay. The day of this incident, were you living

1 here in Greenville County?

2 A Yes, sir.

3 Q Where specifically were you living?

4 A The Polos at Hudson.

5 Q Okay. And this is near Hudson Road and East North
6 Street?

7 A Yes, sir. It's at Hudson corners, really. It's at
8 East North Street and Hudson.

9 Q Okay. Mr. Moon, do you know the Gilchrists?

10 A No, sir.

11 Q Have you ever met them before?

12 A No, sir.

13 Q All right. So let's go through your day that day.
14 So how did you start your day on July 17, 2021?

15 A It was a day -- it was beautiful outside. And I
16 said this would be a great day to go do a little mountain
17 biking.

18 Q Do you remember what day of the week it was?

19 A Saturday. Well, July 17th, Saturday morning,
20 probably -- I started out probably around 9:30, 10:00. I
21 don't know.

22 Q Okay. Was the first thing you did was go to the
23 grocery store that morning?

24 A Yes, sir.

25 Q And any idea about what time that was?

1 A Probably around -- probably around ten. I mean, in
2 that range between 9:30 to 10:30. You know, it's been a
3 minute ago.

4 Q And when you were at the store, did you get some
5 water?

6 A Yes, sir.

7 Q Why did you need water that day?

8 A Well, I -- I have a -- I freeze Gatorades in my
9 freezer and so I wanted a couple bottles of water
10 because, you know, I had something that wasn't frozen to
11 drink, you know. And then I had a water bottle, you
12 know, to fill up.

13 Q So it was a beautiful day. And your plan was just
14 to, what, go riding on your mountain bike?

15 A Yes, sir.

16 MS. SHUGARS: Objection, Your Honor. He's leading.

17 THE COURT: Stay away from leading.

18 BY MR. JEREMY CRANE:

19 Q Was your plan to go riding on your mountain bike
20 that day?

21 THE COURT: Sustained.

22 THE WITNESS: I'm sorry. Can you repeat that again?

23 BY MR. JEREMY CRANE:

24 Q Was it your plan to go riding on your bike that day?

25 A Yes, sir. Yes, sir.

1 Q When you left, did you have any idea how long of a
2 bike ride you wanted to go on?

3 A It was undetermined at that moment. As a matter of
4 fact, I remember thinking of where I wanted to go that
5 day. I was -- I was riding around in the parking lot at
6 that time by Bi-Lo and thinking about, I guess, my travel
7 plans.

8 Q Do you ride bikes a lot?

9 A Yes, sir.

10 Q Do you have more than one bike?

11 A Yes, sir.

12 Q How many bikes do you have?

13 A I have three.

14 Q Are specific bikes used for one for road, one for
15 trail riding?

16 A Absolutely. I have a GT that is -- it's an older
17 bike. It was probably one of my older ones. I've had
18 many, many mountain bikes over the years, Schwinn's,
19 Hardrocks. But this GT was old. So I had a new -- a
20 Pioneer and it -- it had trail tires for it. It was real
21 -- for heavy off-road riding. And then I had a newer
22 bike. It was an RTX Giant, and it's -- it's a very big,
23 fast bike. And it has street -- trail tires on it, so
24 it's a -- it's a mixture of off-road/on-road.

25 So each had its purpose if that answers your

1 question.

2 Q And which one were you riding that day?

3 A The RTX Giant, the big -- big one.

4 Q So let's start to draw a map of where you were. Did
5 you say you were at the grocery store?

6 A Yes, sir.

7 Q Okay. And then is that grocery store located up --
8 kind of up there on Hudson Road near the Polos?

9 A Yes, sir. Yes, sir.

10 Q After you left the store, you said you were in the
11 parking lot for a couple minutes. Where did you head?
12 Did you head towards downtown?

13 A I made a decision to head towards the downtown area.

14 Q Okay. And did you hop on East North Street to head
15 in that direction?

16 A Yes, sir.

17 Q When you were heading down East North Street, did
18 you eventually stop at a gas station kind at the split of
19 where East North Street and Pelham Road are?

20 A Yes, sir.

21 Q Do you have any idea about how long you were there?

22 A Well, I kind of -- I'll stop and kind of ride around
23 and take a break. Because from where I was at that
24 grocery store to that point, it was a one-way trip and
25 fast. I was going down to there. So I stopped and

1 regrouped, continued planning of what my next moves were.

2 So I don't know. Maybe ten, 15 minutes, maybe.

3 Q Were you walking around outside the gas station as
4 well?

5 A I guess. I also got off my bike and walked for a
6 moment.

7 Q So do you know about what time you were at that gas
8 station? If you left -- let's say you -- I believe you
9 said you were at the grocery store about 10:30. About
10 what time do you think you arrived at the gas station?

11 A Probably around 11, somewhere around that
12 neighborhood. It's hard to ---

13 Q Right. A long time ago, correct?

14 A A long time ago.

15 Q All right. So did you eventually leave the gas
16 station?

17 A Yes, sir.

18 Q And did you start making your way downtown?

19 A Yes, sir.

20 MS. SHUGARS: Objection, Your Honor. He's still
21 leading.

22 BY MR. JEREMY CRANE:

23 Q Where did you go that day?

24 THE COURT: Sustained.

25 THE WITNESS: Okay. I was heading downtown.

1 BY MR. JEREMY CRANE:

2 Q Did you ride around downtown a good bit?

3 A Yes.

4 Q Did you ever stop at the bus station downtown?

5 A Yes, sir.

6 Q Any idea when you arrived down there?

7 A It was around -- it was lunchtime, a little earlier.
8 Probably about 11:45, maybe, somewhere in that
9 neighborhood. Because I'm just trying to guess from
10 riding one point to the next.

11 Q All right. Did you chat with people while you were
12 at the gas station?

13 A Yes, sir.

14 Q And then after you left there, did you ride around
15 downtown more?

16 A Yes, sir. Yes, sir.

17 Q Do you know where you went in downtown?

18 A Sure. I went down -- I went down to Falls Park. I
19 rode -- and back up through -- I went all the way down
20 Washington Street, down past the mission, down past --
21 down that area and then back up. Just all kinds of
22 spots. There's all kinds of things you can do. So I was
23 -- I don't know. I was just riding around.

24 Q Did you eventually end up back at the bus station?

25 A Yes, sir.

1 Q Okay. So you stated that you had been riding around
2 downtown. Any idea what time you got back to the bus
3 station the second time?

4 A I don't know. It might have been maybe -- probably
5 about one maybe by then.

6 Q Okay. 1 o'clock or so.

7 So about how long had you been riding your bike for
8 at that point?

9 A Probably about four hours, I guess.

10 Q Okay.

11 A Maybe somewhere in that neighborhood.

12 Q After you left the bus station, did you ride down
13 Washington Street?

14 A Yes, sir.

15 Q Is the mission down there on Washington Street?

16 A Yes, sir.

17 Q Did you ride by there?

18 A Yes.

19 Q Did you stop there?

20 A I believe briefly.

21 Q Okay. Are you familiar with the mission?

22 A Yes, sir.

23 Q Can you tell us why?

24 A Sure. I did work for the mission. I've cooked for
25 the mission. I've done various things. And also for the

1 Miracle Hill with the mission, I volunteered there doing
2 mechanical work on bicycles, things of that nature.

3 Q Have you ever had to stay at the mission?

4 A Yes, sir.

5 Q Okay. So do you have -- do you feel that you kind
6 of have a connection with the folks who live at the
7 mission?

8 A Absolutely.

9 Q Is that also why you talked with people at the bus
10 station?

11 A Yeah.

12 And also another reason, the bus station, that's a
13 meeting point for mountain bikers. There's a bike store
14 there to the -- right beside the bus station. And this
15 is the old bus station.

16 Q Right. Is there kind of a bike repair shop right
17 across from there?

18 A Yes, sir. It's right -- it's right beside the bus
19 station. You can rent bicycles there. We have repairs
20 done there. And we all meet up on that corner there
21 because there's an airfield station and Greenville County
22 has -- I mean Greenville City has like a spot there where
23 everybody meets. And they have tools to work on bikes
24 hanging there. All kinds of things the city offers.

25 Q Okay. So at some point, did you leave the bus

1 station?

2 A Yes, sir.

3 Q And did you start heading back home?

4 A Yes, sir.

5 MS. SHUGARS: Your Honor, he just keeps leading the
6 witness.

7 THE COURT: Sustained. Just rephrase your question,
8 Counsel, okay?

9 BY MR. JEREMY CRANE:

10 Q What time did you head home?

11 A I guess I must have left out of there after two.
12 It's just hard to recall. It's been so long ago. After
13 2 o'clock, maybe toward three, 3 o'clock. I might have
14 been on the road out of there by 3 o'clock -- before
15 that. I was -- I was out of there before that.

16 Q So what artery did you take out of downtown to get
17 back towards home?

18 A Back on East North Street.

19 Q Okay. And is East North Street kind of a straight
20 shot back home?

21 A Yes, sir.

22 Q Did you decide to continue down East North Street
23 back all the way to your house?

24 A No. I had a change of mind.

25 Q Okay. So did you head down Pelham Road?

1 A Yes, sir.

2 Q Do you remember taking any breaks while you were on
3 Pelham Road?

4 A Yes. I took one at -- I guess it's Patewood where
5 the ladies -- women's -- St. Francis women's hospital is,
6 and there's some medical offices there, and then Hudson
7 Road. It's at where Patewood, Hudson Road to Pelham meet
8 if that draws a picture.

9 Q Okay. Do you know what time you were there?

10 A After three. Not much after three. Right around a
11 little before three right there in that neighborhood.

12 Q So at that point, how long had you been out mountain
13 biking?

14 A I wasn't -- oh, four and a half, four -- heading up
15 to five hours. It's been a -- I mean, that was a pretty
16 good days done gone by. And also, I wasn't there long.
17 I remember I lingered there and kind of got my mind
18 bright for the next part of my trek.

19 Q Were you starting to lose a little bit of steam at
20 that point?

21 A Yes, sir. I was -- I was feeling it, but I was
22 feeling great. I was happy. I was proud of myself. And
23 plus, I was going to be able to explore -- I've been
24 wanting to ride Hudson for a long time.

25 Q Okay. Had you ever ridden down Hudson Road before?

1 A No, sir. Not on a -- not on a mountain bike. And
2 not on this mountain bike either.

3 Q All right. So did you start riding down Hudson
4 Road?

5 A Yes, sir.

6 Q All right. And once again, did you need to take a
7 break at some point?

8 A Yes, sir.

9 Q And is this when you first encountered Deputy
10 Bracken?

11 A Yes. I was taking a break. There was a church
12 there. There's a -- and I guess there's some
13 residentials. There's a church there. I was taking a
14 break, just chilling. I actually kind of got a little
15 too hot, and so I kind of catching my breath and taking a
16 break. I'm losing steam.

17 Does that answer the question?

18 Q Yes. Thank you.

19 About how long were you with Deputy Bracken?

20 A Oh, yes. And then she -- she come approaching me
21 and -- and asked me if I was all right. And I said I'm
22 fine. And I'm sorry. I guess I lingered off the
23 question. What was the question again? I'm sorry.

24 Q How long were you with Deputy Bracken?

25 A With her?

1 Q Yes. How long was she -- how long was she ---

2 A Probably 35, 45 minutes she was there. She wanted
3 to call an ambulance and have me checked out.

4 Q Okay. Do you know about what time it was when she
5 left?

6 A Maybe around close to four.

7 Q Deputy Bracken testified that she ended her call
8 with you around 3:50. Does that sound ---

9 A Yeah. That's about -- about four.

10 Q All right. So Deputy Bracken left you at 3:50. Now
11 how long have you been out on your mountain bike?

12 A I guess I'm heading up to -- maybe heading six
13 hours.

14 Q Is that a normal -- I'm sorry. Go ahead.

15 A I mean, then I -- I've kind of -- for what I had
16 exerted that day, that was -- I was really pushing it. I
17 was really pushing it at that point. That's a little
18 more -- well, I didn't ride as hard as sometimes I do,
19 but as far as long endurance, that's been a long ride
20 that day. That day was -- that day was shot.

21 Q Is a five-plus hour bike ride a normal ride for you
22 or is this kind of an outlier?

23 A No. That's not really a normal ride for me.

24 Because like I said -- and this bike is new and it's --
25 I'm not riding through the elements as much because the

1 elements really knock the steam out of you. But this has
2 been more of a relaxing -- it's hard to explain unless
3 you mountain bike a lot or do various -- if you're not
4 used to the exercise. I don't know. It's hard to
5 explain.

6 Q Did you head -- did you continue to head down Hudson
7 Road to the bridge that we saw in the video yesterday?

8 A Yes, sir.

9 Q So you know which bridge I'm referring to?

10 A Yes, sir. The one that floods all the time.

11 Q Do you know about when you arrived at that bridge?

12 A It must have been around 4:30, maybe a little
13 before. Because -- because Bracken left me at, what'd we
14 say -- no, no. She left me about, I don't know. It --
15 it was -- no, it was -- it had to be after four. It was
16 -- because she was there. By the time I got over there,
17 it was after four sometime.

18 Q Do you know about how long you were on that bridge?

19 A A pretty good minute. I was on that bridge, and I
20 was steamed at that point. I mean, I -- because I was
21 focusing on the last bit of my trek home. I had -- the
22 Polos was right up the road. The trip is pretty much
23 over. It's an hour -- I mean, not an hour, a mile left
24 maybe, maybe a mile and a half.

25 Q About how long was that going to take you, do you

1 think?

2 A Oh, I didn't know because I was worn out.

3 And another thing, the traffic was picking up. I
4 don't usually -- this was a good day to ride because the
5 traffic wasn't bad that day. And traffic was picking up,
6 so I was kind of looking for a spot to fall back in the
7 flow and get my breath. And plus, I was doing some
8 exploring around while I was around that area.

9 Q Okay. Did you get a phone call while you were on
10 that bridge?

11 A Yes, sir.

12 Q Where do you keep your phone?

13 A Usually in my pocket, backpack. On the side I've
14 got like a little area in that area.

15 Q That day was it in your backpack?

16 A I really can't recall. It probably was because I
17 don't like things in my pocket.

18 Q If you're riding a bike and you have something in
19 your pocket, is there a good chance it could fall out?

20 A It is. It's just -- it's just uncomfortable, too,
21 sitting there. Riding a bike, it's...

22 Q So did you get a phone call?

23 A Yes, sir, I did.

24 Q And who was that phone call from?

25 A It was my mom.

1 Q Okay. And what did she want?

2 A She wanted me -- was wanting to know if me and her
3 were going to have dinner together.

4 Q Is that something that you and your mom did often?

5 A Yes, yeah. Frequently, actually.

6 Q Okay. So you're at the bridge. You start to head
7 back up Hudson Road coming up on Breeds Hill Way. At
8 this point, how long have you been on your bike now?

9 A A good six hours in. I've been -- I've been on the
10 bike for -- I've been on the bike all day. Well, the
11 majority of the day.

12 Q So probably well over six hours?

13 A I was ready to get home.

14 Q Were you pretty wiped out at that point?

15 A Yeah. I was ready to go home.

16 Q Okay. So you're approaching Breeds Hill. What
17 caught your attention at Breeds Hill?

18 A Well, first thing, I noticed an odor, like an
19 electrical odor. And I recognized it because I worked --
20 I mean, it had lights and stuff on heavy equipment and I
21 know the smell of burned electrical. And I was like,
22 okay, something -- I said that's just odd because this is
23 a residential area. There's no garages around. I mean,
24 and there's just a -- the smell made me curious.

25 Q Okay. Did you then turn up Breeds Hill?

1 A Yes, sir.

2 Q And what did you see when you got to Breeds Hill?

3 A Well, upon going up Breeds Hill Road -- and I've
4 never -- I've never been on that road before, but I went
5 up --- I made the right up there and I glanced around.
6 And I thought I saw there was a house there to my left,
7 and I thought I saw kind of like a dense fog kind of.
8 Maybe not really dense, but a light fog, or maybe it
9 could be something, maybe a -- I don't know, a little --
10 I don't want to say dark smoke, but like a light fog.
11 And the smell was getting stronger.

12 Q Did you see that behind the house?

13 A It was behind the house or to the side of the house.
14 I'd say more to the side of the house.

15 Q At that time, did you drive down the driveway to
16 kind of see what was going on?

17 A Yes, sir.

18 Q Do you make a habit of driving down people's ---

19 A No, sir.

20 Q Why not?

21 A Because that's -- that's -- that's a personal --
22 that's -- that's really getting too personal with
23 somebody. I mean, I don't mind cutting through --
24 there's trails I cut through people's yards and stuff
25 like that, things of that nature. But going down

1 somebody's driveway is not a usual habit of mine unless
2 -- that's another thing I do while I'm out mountain
3 biking. I enjoy going to garage sales and tag sales.
4 But usually, it's advertised or I can see stuff for sale
5 out there, you know. But in general, I do not go down
6 private driveways.

7 Q According to Deputy Land who testified yesterday,
8 you arrived at the home at 4:56. What did you see when
9 you arrived at the home?

10 A Well, once I went down -- I went all the way up. I
11 didn't never go -- because this house was a pretty big
12 house and it had a couple of driveways. And I went down
13 the side driveway, and I -- as soon as I hit the corner,
14 I saw a garage and there was a Jeep or there was a
15 vehicle on fire at this time in the garage.

16 Q Did you ever enter the garage at that time?

17 A No.

18 Q According to Deputy Land's testimony from yesterday,
19 it showed that at that time you were outside the garage.
20 Is it your testimony that you were outside the garage?

21 A Yes, sir.

22 Q All right. So after you saw the fire, did you go
23 onto the porch?

24 A Well, first thing I did is I -- everything happened
25 so fast at this point. It's just the first thing I

1 thought was something's wrong. I mean, of course there's
2 a fire in the back of a vehicle. And I couldn't -- I
3 don't guess I could tell whether it was a pickup truck or
4 exactly what it was at the time. But my first thought
5 was as being a mechanic, I looked down and I started
6 yelling. I said, "Is anybody in there? Anybody -- is
7 there anybody in there?" And I kind of went down. I
8 don't want to call it crab crawl, really, but I was
9 stooping down and looking to see if I seen anybody.

10 And I'm sorry. I got a little off the question.
11 What was the question?

12 Q I said at that point then did you go on the porch?

13 A Yes, sir. Then I went -- I -- I glanced around just
14 at the surroundings, and I immediately went towards the
15 porch because that was the only -- I mean, I was trying
16 to make contact with somebody at this point.

17 Q That would be the quickest way into the house,
18 correct?

19 A Oh, absolutely.

20 Q So you're not denying going onto that porch.

21 A Oh, no, sir.

22 Q So what did you do on that porch?

23 A I went around. I went on the porch, and then I went
24 to -- there's a door there on the porch. And I went up
25 there and started beating on the door and -- and

1 hollering.

2 Q So you were banging on the door, correct?

3 A Yes, sir.

4 Q All right. You're not denying you were banging on
5 the door.

6 A No. Hu-uh.

7 Q Did you have a weapon in your hand?

8 A No.

9 Q All right. We watched some videos on Tuesday that
10 showed you down at the jail kicking your door. Do you
11 remember that video?

12 A Yes. Unfortunately, I do.

13 Q Do you remember how hard you were kicking those
14 doors?

15 A Pretty hard.

16 Q Okay. Do you think if you had wanted to -- sorry.
17 Rewind. What was that door made out of that was on the
18 porch there that led into the house?

19 A It was -- was like a wood -- it was a wooden glass
20 door. Like I don't want to say a French door, really.
21 It was a regular -- just a door, like just a glass -- I
22 mean, I didn't really go admire the door.

23 Q But you do remember it was a wooden and glass ---

24 A It had -- it was glass. It was just an average
25 door.

1 Q Do you believe that if you had kicked that door as
2 hard as you kicked the door at the jail, you probably
3 would have popped it open?

4 A I'd have knocked it off its hinges.

5 Q But you didn't do that, did you?

6 A No, no, no, no.

7 Q Did you see the two ladies run out the front door?

8 A Yes. I seen some -- when I was looking, I seen some
9 people come into view, and they were staring at me but
10 they were heading out the -- I mean heading out the
11 front. They kind of went out of my sight as they were --
12 and then I seen -- it looked -- I mean, they looked like
13 they were hauling -- hauling out. They were gone.

14 Q What were you yelling at them?

15 A I was going, you know, "Get out," and everything
16 exactly. I was like -- I was like, "Fire. Get out."

17 Q And you were banging on the door while you're
18 yelling this, correct?

19 A Right. I was yelling -- I don't remember exactly
20 what all I was yelling, but I was -- I was -- I was
21 letting whoever in there know that -- you know.

22 Q At that time, did you know if anyone else was still
23 in the home?

24 A Hu-uh.

25 Q Were those two ladies the only two people you had

1 seen while you were at the door?

2 A Yes.

3 Q All right. So did you then run back out of the
4 porch down to the garage area again? Not in the garage
5 but in the driveway area?

6 A Yes, sir.

7 Q All right. Tell me, did you turn over that grill?

8 A Yes, sir.

9 Q All right. So your palm print was found on that
10 grill. You're not denying that's your palm print, are
11 you?

12 A No. Probably not.

13 Q All right. You're not denying flipping over that
14 grill, are you?

15 A No.

16 Q Can you tell us why you flipped that grill over?

17 A Because at this point, everything, it kind of hit me
18 in sections. Once I was on that porch, it was like I was
19 at the garage. There was nothing I could do. I shoot up
20 on the porch. The people are notified. Job's finished.

21 Next thing that come to my mind as going back to
22 being a mechanic is fire extinguisher. I keep --
23 everywhere I work on a piece of equipment, I keep a fire
24 extinguisher there because of welding and electrical and
25 also and around my grill. I live in an apartment. Not

1 really supposed to have a grill, but I keep a fire
2 extinguisher on my grill under the hood.

3 So I'm sorry. Repeat the question again? I'm
4 sorry.

5 Q I'm just asking why did you flip it over. So were
6 you looking for a fire extinguisher?

7 A Oh, yes, sir.

8 Q Did you find a fire extinguisher?

9 A No, sir.

10 Q Okay. So why didn't you go into the garage looking
11 for a fire extinguisher?

12 A Well, there was -- the garage was -- well, it was on
13 fire.

14 Q All right. So at this point, were you looking
15 around trying to kind of figure out what else to do?

16 A Oh, yes. I was -- my mind was -- at this point, my
17 mind was racing. I was -- I was going through a lot of
18 emotions at this time. I guess you could say I was
19 freaking out, I mean, because -- and I still was looking
20 -- tried to look for a fire extinguisher in the vicinity,
21 but I just -- I ran out of options. I was like -- and
22 then -- that answer your question?

23 Q Yes, sir.

24 Did you happen to look around for a hose or
25 anything?

1 A The thought came to mind, but I didn't -- I don't
2 recollect seeing a hose.

3 Q Do you think a hose would have -- a regular garden
4 hose would have done much good on a ---

5 A At this point, I was scared for my safety. I was
6 starting -- I mean, there was a fire going on and I could
7 feel the heat coming off of it. I was scared. I mean,
8 going through my mind is this thing can explode. I said
9 -- and, you know, and it was like it's time -- it's time
10 to go.

11 Q So were you just in the driveway kind of watching
12 the fire?

13 A No. Not really. I -- I was getting out of the way
14 of -- if it did explode, I didn't want to be standing in
15 the area. So -- but I may have looked back at it, but I
16 was pretty much -- I done did all I could at that point.

17 Q Were you standing back just kind of watching it, see
18 if it spread or anything like that?

19 MS. SHUGARS: Objection, Your Honor. He's leading
20 the witness.

21 THE COURT: Sustained. Rephrase your question.

22 BY MR. JEREMY CRANE:

23 Q What did you do next?

24 A Well, by this time the police are pulling up.

25 Q Let's rewind.

1 A Okay.

2 Q So at the time where we just were ---

3 A Okay. Okay. I'm sorry.

4 Q All right. So at that point, did you think that the
5 people had been warned and were out of the house?

6 MS. SHUGARS: Objection, Your Honor. He's leading.

7 THE COURT: Sustained. Rephrase the question.

8 BY MR. JEREMY CRANE:

9 Q At that time, did you think the people in the house
10 were out of the house?

11 A I believed they were out of the house. Or put it
12 this way. I knew they -- they knew that something was
13 happening and they were aware there was a matter
14 happening, if that makes any sense.

15 Q Did you ever go into that garage?

16 A No.

17 But to answer kind of like when I was leaving out of
18 the area, once I got out of the -- I was trying to calm
19 down and just regroup and was thinking, and so I was --
20 if you had the layout of it, I could show you maybe where
21 I was at that point. But I was -- I was far enough away
22 so if that thing -- something blew up, I wouldn't be hit
23 by it, or I hope not.

24 Q Yesterday you saw Deputy Land's points map, correct?

25 A Yes, sir.

1 Q Did any of those points show you in the garage?

2 A No. They couldn't have.

3 Q All right. Deputy Land testified yesterday one of
4 those points was at 5:04, one minute before you were
5 arrested. At that time -- at that time, I believe the --
6 do you know if -- strike that. Sorry.

7 So at 5:04 the points map points you outside of the
8 garage. And you say you never went into that garage.

9 A Say that again, please.

10 Q At 5:04 -- the points map yesterday showed at 5:04
11 you were not in that garage; is that correct?

12 A Yes, sir.

13 Q All right. And I believe at that time the
14 homeowners had seen smoke coming from the home. So
15 doesn't that necessarily mean that at 5:04 was the fire
16 already burning?

17 A Oh, yeah. I'm sure that fire had been burning for a
18 while before I even got there.

19 Q Were you going to go into a burning garage?

20 A No. Hu-uh.

21 Q Okay. So you said you were standing outside the
22 garage. Could you kind of see down the driveway?

23 A Once I fled from the -- I mean moved away from the
24 fire I could see down the driveway.

25 Q Okay. Could you see when Deputy Bracken arrived at

1 the scene?

2 A Yes, sir.

3 Q Is that why you started riding your bike towards
4 her?

5 A Yes, sir.

6 Q So were you in the back watching the fire and then
7 when you saw her you started moving towards her?

8 A No. I was more or less at that corner by that time.
9 Like I said, this is -- this was fluid movement.

10 Everything kind of -- it just kind of went like one -- I
11 mean, it's just like the timeline didn't -- the timeline
12 never stopped. It was just one fluid thing, and then
13 here she comes. It seems like everything happened -- it
14 happened so fast. I mean, it ---

15 Q Were you surprised when Deputy Bracken ordered you
16 off your bike?

17 A Yes.

18 Q Why were you surprised?

19 A Because I'm trying to explain to her what's going
20 on, and she's more worried about me, you know, straddling
21 a bike. And plus -- well, does that answer your
22 question?

23 Q Yes.

24 A Okay.

25 Q Were you surprised when you ended up on the ground?

1 A Yes. I was very surprised.

2 Q All right. Have you had run-ins with the law
3 before?

4 A Yes, sir.

5 Q Were they pleasant experiences?

6 A Some -- some yes, some no.

7 Q Okay. Is it true that in 2016 you were convicted of
8 two crimes that carry more than one year in jail?

9 A Yes, sir.

10 Q So you have had run-ins and you've had -- you've
11 been involved with police before, correct?

12 A Yes, sir.

13 Q Do you trust law enforcement?

14 A I want to.

15 Q Is it correct that you were arrested for the
16 incident with Deputy Bracken initially and then the
17 burglary and the arson were added later?

18 A Can you please ---

19 Q Is it correct that you were -- that you had learned
20 that you were arrested for the incident with Deputy
21 Bracken and then were the arson and burglary charges put
22 on you later?

23 MS. SHUGARS: Objection, Your Honor. Leading again.

24 THE COURT: I'm going to overrule and let him ask
25 this question.

1 MR. JEREMY CRANE: I'll try and rephrase it, Your
2 Honor.

3 BY MR. JEREMY CRANE:

4 Q When were you arrested for -- when do you think you
5 were arrested for the incident with Deputy Bracken? Was
6 it when you were in the back of the car? Did she inform
7 you that you were being arrested for assaulting her?

8 A Yes, sir.

9 Q And then was it then or was it later when they
10 informed you that you were being arrested for the arson
11 and the burglary?

12 A That was later.

13 Q When you were in the back of that police car, did
14 you want to speak with law enforcement that day about the
15 incident?

16 A No. Well, at first. But then no, from the way I
17 was being treated.

18 Q So in your previous run-ins with law enforcement,
19 have you ever used "I don't remember" before?

20 A Yes.

21 Q What does that mean? What does "I don't remember"
22 mean?

23 A It just means that I've done more or less told you I
24 don't want to talk to you no more and apparently you're
25 not listening, so I just don't remember. I don't

1 remember nothing. I don't know about nothing, I don't
2 remember nothing, you know. Leave me the hell alone.

3 Q Is that a way to keep them from misconstruing your
4 words or to get them to stop asking you questions?

5 A That's point-blank to me.

6 Q Why were you so angry when you were in the back of
7 Bracken's car?

8 A Because for one, I'd been thrown off of my very,
9 very expensive mountain bike. I done been put in
10 handcuffs that are squeezing on the back. I was totally
11 -- I was in a position in pain. And then, plus, my face
12 and shoulder was hurting because I had had an incident
13 with my shoulder being -- a mountain bike accident where
14 I just -- my rotator cuff was healing. And now I've been
15 thrown on the ground and yanked around by handcuffs. I
16 was in a lot of bad pain, and I was extremely frustrated.
17 Very extremely frustrated.

18 Q Did you think you were doing a good deed that day by
19 going down there and warning people of that fire?

20 A I didn't -- that wasn't a thought on my mind at this
21 point.

22 Q I'm just saying you thought you had done a good deed
23 and then all of a sudden you were in the back of a police
24 car?

25 A It wasn't really a matter of a good deed. It was a

1 matter of I took care of business. I mean, something was
2 wrong and it had to be rectified. And now -- and then
3 once -- and now I'm in the back of the police car, and so
4 I'm -- I'm mad. I'm talking about what -- I mean, what
5 is -- what is going on here? This don't -- and I tried
6 to justify it. I'm like, well, okay, they're just trying
7 to -- I -- I -- I don't know. I was -- I was very
8 extremely frustrated at this point. I mean...

9 Q Did you feel that they were treating you unfairly?

10 A Yes.

11 Q What feelings did you have that day when you were in
12 the back of that car?

13 A I had a lot of feelings that day. It went from
14 being going and having a great day to being extremely
15 scared and frightened to probably the most angriest I've
16 ever been in my life.

17 Q How has this whole incident actually affected you?

18 A What now?

19 Q Yes, sir.

20 A Oh...

21 Q Do you have the same joys that you used to have?

22 A No. It's affected me. I really don't want to fool
23 with people no more. I don't want to ride my bike no
24 more.

25 Q So this kind of hit you hard, huh?

1 A Yeah.

2 Q Has your health gotten worse?

3 A Yeah. My diabetes is just -- it's uncontrollable
4 now.

5 Q Okay.

6 A My anxiety is crazy. I can't focus on my work.

7 It's just ---

8 Q Have you gained weight?

9 A Yes, sir.

10 It's just -- it's been difficult because I've had a
11 pretty good life and, you know, I've made some mistakes.
12 But -- but it's just now I'm nervous, I have anxiety, I
13 -- I don't -- I really don't want to be bothered.

14 Q So if today you were out riding your bike and you
15 saw a fire, do you think you'd do the same thing?

16 A I would.

17 Q Still want to help people?

18 A I probably would think it through a little more. I
19 mean, I would -- because I think if that matter would
20 happen, I would -- I'd be like, well, I better think
21 about this, or I might -- I mean, I guess the word
22 hindsight 20 -- you know, I mean, it's just like, okay.
23 But I don't know. I think I'd like stop and look around
24 and say is someone seeing what's going -- I don't -- I
25 would -- I don't know. I don't even want to think about

1 it if I were to see something like this again, because --
2 I mean, but if I've seen somebody -- if I see the car
3 burning or something, I mean, I would go try to pull
4 somebody out, but what are they going to do later?
5 They're going to say I broke their neck. Now they're
6 going to sue me and put me in jail for injuring them? I
7 mean, I'm scared to make a move or to trust my own
8 judgment, if that makes any kind of sense at all.

9 Q Yes, sir.

10 So, Mr. Moon, did you start the fire in question
11 here?

12 A No.

13 Q Why would you start a fire?

14 A Why would I start a fire?

15 Q Yes.

16 A Yeah. I mean, it's -- I mean, why would I? I
17 mean...

18 MR. JEREMY CRANE: No further questions at this
19 time, Your Honor.

20 THE COURT: All right. Cross-examination from the
21 State.

22 CROSS EXAMINATION

23 BY MS. SHUGARS:

24 Q So you admit you were at the Gilchrist residence of
25 1 Breeds Hill Way on July 17, 2021, around shortly before

1 5 p.m.?

2 A Yes, ma'am.

3 Q And you went there on your red bike?

4 A Uh-huh.

5 Q You were wearing your Jimmy John's shirt?

6 A Yeah.

7 Q And you had a BIC lighter with you?

8 A Yes, ma'am.

9 Q And you had a folding knife that if unfolded was
10 about eight inches long?

11 A Yes, ma'am.

12 Q And you also had several bottles of alcohol?

13 A Yes, ma'am.

14 Q And you had been drinking that day?

15 A I'm sorry? I couldn't hear you. You need to speak
16 up a little. I'm sorry. My hearing is bad enough.

17 Q You had bottles of alcohol on you?

18 A Yes, ma'am.

19 Q And you had been drinking that day?

20 A Yes. Not from those bottles, though.

21 Q From other bottles?

22 A No, no. I had -- I had drank a can of beer, and
23 that was all I had. The bottles were for later, the
24 weekend, possibly.

25 Q You also had some cigarettes on you?

1 A No, ma'am. I had -- I smoke cigars sometimes.

2 Q And you also have a cell phone, correct?

3 A Yes, ma'am.

4 Q And you admit that you rode your bike down the

5 Gilchrist driveway to the back of their house.

6 A Yes, ma'am.

7 Q And you went back there because you supposedly

8 smelled an electrical odor?

9 A A strong electrical smell.

10 Q Strong odor, an odor that no one else that day ever

11 observed.

12 A I -- I can't say what other people observed.

13 Q But you saw the testimony in this case. Deputy

14 Bracken never observed an odor. And Deputy Bird, you

15 never heard him observe an odor.

16 A I -- I don't remember nobody even asking him about

17 it. I mean, I guess not. I don't -- I really don't

18 know.

19 Q Did you hear them say there was no indication that

20 there was a fire?

21 A Yeah. I heard them say that.

22 Q That you supposedly are the only one to be able to

23 smell this strong electrical odor?

24 A Uh-huh. But I'm the only one on a bike, too, you

25 know what I mean? I'm out there in the fresh air. So I

1 think things are a lot more noticeable to me than others.

2 But ---

3 Q You think it's a lot more noticeable to you than
4 maybe some trained police officers?

5 A I don't know.

6 MR. JEREMY CRANE: Your Honor, objection. Calls for
7 speculation.

8 THE COURT: Overruled.

9 BY MS. SHUGARS:

10 Q So you admit you went into the screened porch area?

11 A Yes, ma'am.

12 Q And when you went in there, you went in there
13 yelling?

14 A Yes, ma'am.

15 Q And you went in, you were banging on the door.

16 A Yes, ma'am.

17 Q You admit you were banging on the door with your
18 fist.

19 A Yes, ma'am.

20 Q You also admit you were kicking the door?

21 A Yeah.

22 Q You were kicking the door aggressively?

23 A Well, I'm like banging and kicking and going, "Hey,
24 hey," you know.

25 Q You're saying, "Hey, hey"?

1 A "Hey, hey," you know. Or I'm yelling. I'm yelling,
2 "Hey, is anybody there? There's a fire." And I was -- I
3 was yelling a lot of things, you know, to alert people
4 that they had a -- there was a situation going on.

5 Q And were you also yelling at them aggressively to
6 let you in?

7 A No, no.

8 Q But you were banging on the door?

9 A Yes.

10 Q Did you ever point in the direction of the garage
11 area to them?

12 A Not that I can recall.

13 Q So the only way you're trying to alert of the fire
14 is by aggressively banging on the door and saying "hey,
15 hey"?

16 A Yeah. "Hey, hey, there's a fire. Get out." I
17 wasn't trying to get in. I was trying to get them, you
18 know. I mean...

19 Q Did you touch the door handle trying to get in?

20 A I don't recall that. I may -- now, I may have. As
21 I was banging on the door, I may have grabbed the handle
22 to turn it. And, you know, because if I were to have it
23 open, I would have been going, "Hey, hey," you know,
24 yelling. But...

25 Q And you saw the two women that were inside?

1 A Yes. After a few seconds, I noticed there were
2 people staring at me.

3 Q From the glass door?

4 A Uh-huh. Yes.

5 Q They were right in front of you?

6 A They were standing there, yes.

7 Q Okay. And did they look to be in fear of you?

8 A Well, they sure weren't -- weren't waving and, you
9 know, offering me -- I mean -- I mean, they weren't like,
10 hey, you know. They were like shocked. But then at the
11 same -- it all just has to happen in an instant. And
12 then they done turned. They're -- they're gone. And
13 then at that point, I was done. I mean, I know they knew
14 -- I know they knew that...

15 Q That you were back there?

16 A Right, right. They knew -- they knew I was right --
17 I was there. And they definitely knew I was there at
18 this time. And they were -- I assume they -- they had
19 heard -- heard what was going on and were making their
20 preparations to flee or ---

21 Q To flee from you in the back porch?

22 A Yes.

23 Q So after -- about how long were you in the back
24 porch?

25 A Seconds.

1 Q Just seconds?

2 A Yeah. It seems like -- seems like just -- I mean,
3 ten seconds at the most, maybe. Maybe -- I really wasn't
4 timing it, you know.

5 Q Did you go back to the garage area?

6 A Yeah.

7 Q And in this area, you said you did some sort of like
8 crab walk?

9 A That was before when I first arrived.

10 Q Okay. When you were out there, did you observe a
11 gas can?

12 A I never did observe it.

13 Q You never saw a gas can at all?

14 A No. Not to my memory. I don't remember seeing a
15 gas can.

16 Q Did you see the photos presented in this case ---

17 A Yes, ma'am.

18 Q --- where there's a gas can ---

19 A Yes, ma'am.

20 Q --- that was directly behind the Jeep that was on
21 fire?

22 A Yes, ma'am.

23 Q So you saw this Jeep that was on fire.

24 A Yes, ma'am.

25 Q But you did not observe at all the gas can that was

1 just a few feet behind it?

2 A No, ma'am.

3 Q So are you just standing there at this time just
4 staring at the fire?

5 A I would say the fire was -- it wanted to hold my
6 attention because it's something you don't see every day.
7 It's kind of like you can't take -- you're staring at the
8 sun. You can't take your eyes away.

9 Can you repeat the question again? I'm sorry.

10 Q I'll move on.

11 So you said you went looking for a fire
12 extinguisher, correct?

13 A Yes, ma'am.

14 Q You did not find one in the grill area?

15 A No, ma'am.

16 Q But you didn't look for one anywhere else?

17 A Or the porch area. I glanced around the porch. For
18 a second I looked, and then I -- I'm sorry.

19 Q You said you ran out of options at that point.

20 A At what point?

21 Q After you had looked for a fire extinguisher at the
22 grill, you did not find one. You just testified that you
23 ran out of options at that point.

24 A I don't -- I didn't run out of options till -- till
25 I realized that I could not enter the garage to get -- to

1 retrieve any kind of -- well, there was nothing to
2 retrieve. I ran out of options. I mean, I was -- I was
3 looking for a fire extinguisher till that was -- that
4 option was over.

5 Q Did you try and figure out something else to do?
6 Could you not have run to a neighbor's house to try and
7 see if someone else had a fire extinguisher?

8 A It -- it didn't come to my mind.

9 Q But you said you had a cell phone. Did you call
10 9-1-1?

11 A No.

12 Q You didn't think to call the fire department ---

13 A No.

14 Q --- when you're standing there?

15 A No. But by that time -- by the time that I gave up
16 and had gotten my bike and moved out of the way of
17 danger, the police officer had -- was pulled up by then.

18 Q You said you moved out of the way of danger. Did
19 you go farther into the back of the residence?

20 A No. I went -- if you want to consider the back like
21 hidden back towards the woods, no. I was moving back
22 forward up towards the driveway out of the -- if I had a
23 picture I could show you. But the driveway comes down,
24 then it comes off into the garage area. I was out of the
25 way. I was making sure I was out of the way of the blast